

FILED

JUN 21 2013

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Attorney for Plaintiffs New Jersey
Department of Environmental Protection
and the Administrator of the New
Jersey Spill Compensation Fund

By: Richard F. Engel
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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION and THE ADMINISTRATOR OF THE NEW JERSEY SPILL COMPENSATION FUND,	:	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION - HUDSON COUNTY
	:	DOCKET NO. HUD-C-77-05
	:	<u>Civil Action</u>
Plaintiffs,	:	
v.	:	CONSENT ORDER MODIFYING THE JUNE 26, 2009, PARTIAL CONSENT JUDGMENT AND FEBRUARY 19, 2013 ORDER
HONEYWELL INTERNATIONAL INC., OCCIDENTAL CHEMICAL CORPORATION, and PPG INDUSTRIES, INC.,	:	
Defendants,	:	
v.	:	
CITY OF JERSEY CITY, JERSEY CITY MUNICIPAL UTILITIES AUTHORITY, JERSEY CITY INCINERATOR AUTHORITY, and NEW JERSEY TURNPIKE AUTHORITY,	:	
Third Party Defendants.	:	

This matter having been opened to the Court by John J. Hoffman, Acting Attorney General of New Jersey, Richard F. Engel, Deputy Attorney General appearing, attorney for

Plaintiffs New Jersey Department of Environmental Protection and the Administrator of the New Jersey Spill Compensation Fund, the City of Jersey City, W. Michael McCabe, Site Administrator and PPG Industries, Inc., seeking modification of the June 26, 2009, Partial Consent Judgment ("the "JCO") in order to modify the judicially enforceable Master Schedule, and with respect to the Garfield Avenue Sites, as amended and approved by the Court by Order dated February 19, 2013 (the "Master Schedule"); and the parties herein having agreed to the revised Master Schedule for the PPG Sites as defined in the JCO and attached hereto and having agreed to the form and entry of the within Order.

Having considered the submissions of the parties find that there is good reason to modify the Partial Consent Judgment of June 26, 2009 and the February 19, 2013, Order of this Court.

IT IS HEREBY ORDERED, ON THIS 2/8 DAY OF, June 2013, AS FOLLOWS:

1. The Master Schedule be and is hereby superceded by the schedules (the "Schedules") attached hereto as Exhibits 1 and 2, and they are incorporated into the JCO and supercede the schedules attached to the February 19, 2013, Order. Unless all parties, acting in good faith, agree to a modification of the Schedules, all work at the sites set out in the Schedules must conform to the Schedules. The good faith reasons for modification of the Schedules are not limited to those set forth

in the force majeure provisions contained in paragraph 63 of the JCO.

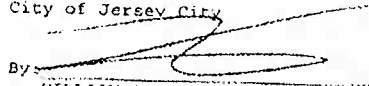
2. If any of the parties wish to change, modify or amend the Schedules and cannot secure the agreement of all of the parties, the party seeking the change, modification or amendment must make an application to the Court by way of a motion.

3. If any of the parties wish to enforce the Schedules, they must do so by way of a motion to the Court, Unless otherwise specifically modified in this Order, the provisions of the ACO and the JCO remain in full force and effect.

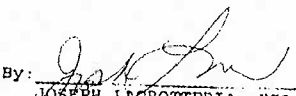
4. A copy of this Order shall be served on all parties by the plaintiffs' attorney within five days of that attorney's receipt of this Order.

We hereby consent to the form and entry of the within order:

City of Jersey City

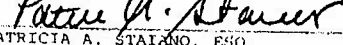
By: 
WILLIAM C. MATSIKOURIS, ESQ.
Corporation Counsel

PPG Industries, Inc.

By: 
JOSEPH LAGROTTERIA, ESQ.
LeClair Ryan, Attorneys for
PPG Industries, Inc.

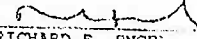

Hector R. Velazquez, P.J.Ch.

W. Michael McCabe, Site Administrator

By: 
PATRICIA A. STAINO, ESQ.
Helling Lindeman Goldstein &
Siegal LLP, Attorneys for the Site
Administrator

New Jersey Department of Environmental
Protection and the Administrator of the
New Jersey Spill Compensation Fund

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL

By: 
RICHARD F. ENGEL
Deputy Attorney General