

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

INTERFAITH COMMUNITY ORGANIZATION,
et al.,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL INC., *et al.*,

Defendants.

JERSEY CITY MUNICIPAL UTILITIES
AUTHORITY,

Plaintiff,

v.

HONEYWELL INTERNATIONAL INC.,

Defendant

JERSEY CITY INCINERATOR
AUTHORITY,

Plaintiff,

v.

HONEYWELL INTERNATIONAL INC.,

Defendant

HACKENSACK RIVERKEEPER, INC., *et al.*,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL INC., *et al.*,

Defendants.

Civil Action No. 95-2097 (JLL)

***In re: Consolidated Special Master
Proceedings***

Civil Action No. 05-5955 (JLL)

Civil Action No. 05-5993 (JLL)
(Consolidated under Civ. No. 05-5955
(JLL))

Civil Action No. 06-0022 (JLL)
(Consolidated under Civ. No. 05-5955
(JLL))

**All Actions Consolidated Under Civ. No.
95-2097 (JLL)**

Document Electronically Filed.

FIRST AMENDED CONSENT ORDER REGARDING THE AMOUNT OF FINANCIAL ASSURANCES

WHEREAS, Honeywell is conducting remediation of hexavalent chromium contamination at Study Area 5, Study Area 6 North, Study Area 6 South, and Study Area 7 pursuant to court orders in *Interfaith Community Organization v. Honeywell*, D.N.J., Civ. No. 95-2097 (DMC)(hereafter “ICO v. *Honeywell*”) and *Hackensack Riverkeeper v. Honeywell International Inc.*, D.N.J., Civ. No. 06-cv-0022, consolidated with *Jersey City Municipal Utilities Authority v. Honeywell International Inc.*, D.N.J., Civ. No. 05-cv-5955, and *Jersey City Incinerator Authority v. Honeywell International Inc.*, Civ. No. 05-cv-5993, which have all been consolidated under Civ. No. 95-2097 (hereafter “the Consolidated Litigation”); and

WHEREAS, Honeywell is required to provide financial assurances for its remedial obligations pursuant to the court orders which are collectively defined in the Second Amended Consent Order Regarding Financial Assurances (ECF No. 1128) as the Consent Decrees; and

WHEREAS, the Court has appointed a Special Master to oversee implementation of the remedies provided in the Final Judgment and certain Consent Decrees as well as the implementation of financial assurances under the Consent Decrees; and

WHEREAS, the Parties have set forth certain agreements as to financial assurances in the Second Amended Consent Order Regarding Financial Assurances; and

WHEREAS, Honeywell has proposed to satisfy its financial assurance obligations as set forth in paragraph 7 of the Second Amended Consent Order Regarding Financial Assurances through the provision of a Letter or Letters of Credit meeting the requirements of the Consent Decrees; and

WHEREAS, in 2010 the Parties agreed and the Special Master approved the amount of financial assurances required to satisfy the financial assurance obligations, as memorialized in the Consent Order Regarding the Amount of Financial Assurances, entered September 21, 2010 (ECF No. 995); and;

WHEREAS, consistent with Paragraph 10 of the Second Amended Consent Order Regarding Financial Assurances, Honeywell has proposed, and the Parties and the Special Master have approved, an adjustment to the amount of financial assurances required to satisfy the financial assurance obligations described in paragraph 7 of the Second Amended Consent Order Regarding Financial Assurances; and

WHEREAS, the parties are revising the Consent Order Regarding the Amount of Financial Assurances to memorialize this adjustment in the amount of financial assurances;

NOW, THEREFORE, it is ORDERED and DECREED as follows:

1. The above recitals are incorporated herein as though fully set forth as operative provisions of this Consent Order.
2. **Definitions.** Terms used in this Consent Order shall have the same definitions as those set forth in Article I of this Court's Second Amended Consent Order Regarding Financial Assurances.
3. **Entry of Order in the Consolidated Litigation.** This Consent Order shall be entered in the Consolidated Litigation.
4. **Amount of Financial Assurances.** To satisfy the financial assurance obligations set forth in paragraph 7 of the Second Amended Consent Order Regarding Financial Assurances, Honeywell shall obtain a Letter or Letters of Credit (hereafter "Letters of Credit") in the total

amount of \$87,507,050. The Letters of Credit shall satisfy all requirements pertaining to letters of credit as set forth in the Second Amended Consent Order Regarding Financial Assurances and the Consent Decrees.

5. **Parties' Right to Seek Adjustments, Reductions or Other Changes in Financial Assurances.** Nothing in this Order shall in any way alter or amend the rights of any Party to seek adjustments, reductions or other changes in the amount, type or combination of financial assurances, as provided for in the Consent Decrees or in the Second Amended Consent Order Regarding Financial Assurances, or as may be provided for in any subsequent order that may be entered in the Consolidated Litigation.

6. **Parties' Substantive Rights and Obligations.** Nothing in this Order shall provide any Party with substantive rights or obligations under Consent Decrees to which it is not a Party.

7. **Signatures.** This Consent Order may be signed simultaneously or in counterparts by the respective signatories, which shall be as fully valid and binding as if a single document was signed by all of the signatories.

Consented to and approved for entry:

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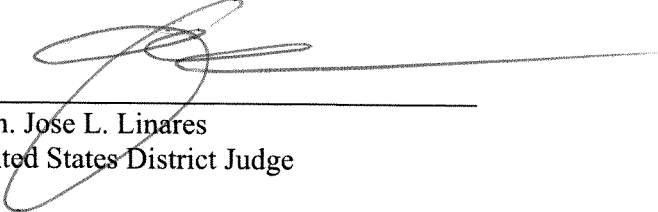
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APPROVED and **ENTERED** as an Order of this Court this 28 day of Jan, 2015.



Hon. Jose L. Linares
United States District Judge