

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

INTERFAITH COMMUNITY
ORGANIZATION, *et al.*,

Plaintiffs,

vs.

HONEYWELL INTERNATIONAL INC., *et al.*,

Defendants.

Civil Action No. 95-2097 (DMC)

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

Plaintiffs,

vs.

HONEYWELL INTERNATIONAL INC., *et al.*,

Defendants.

Civil Action No. 06-0022 Consolidated under
Civil Action No. 05-5955 (DMC-JAD)

Document Electronically Filed.

FIRST AMENDMENT TO
THE DEEP OVERBURDEN AND BEDROCK GROUNDWATER
MASS REMOVAL CONSENT DECREE

Whereas, this Court entered a Final Judgment in *Interfaith Community Organization v. Honeywell International Inc.*, Case No. 95-2097 (“*ICO v. Honeywell*”), on June 30, 2003;

Whereas, Hackensack Riverkeeper, Inc., Lawrence Baker, Winston Clarke, and William Sheehan (collectively “Riverkeeper Plaintiffs”) sued Honeywell in litigation captioned *Hackensack Riverkeeper, Inc. 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-5993) seeking relief, among other things, for chromium contamination in the deep overburden and bedrock groundwater in the vicinity of Study Area 5 and Study Area 6; and

Whereas, on May 18, 2010, this Court entered the Deep Overburden and Bedrock Groundwater Mass Removal Consent Decree (ECF No. 979 in Docket 95-2097, ECF No. 324 in Docket 05-5955)(hereafter “Mass Removal Consent Decree”) requiring Honeywell to implement a reductant injection program for the purpose of reducing hexavalent chromium present in the Deep Overburden Groundwater to trivalent chromium; and

Whereas, the Mass Removal Consent Decree required Honeywell to use one well “located on the eastern side of Route 440” for the injection program;

Whereas, Honeywell has begun implementation of the program; and

Whereas, Honeywell attempted to install a well on the eastern side of Route 440 but discovered that a lack of sufficiently permeable S3 Sands on the eastern side of Route 440 make such a well infeasible, and the Parties concur in this conclusion;

NOW, THEREFORE, it is ORDERED and DECREED AS FOLLOWS:

1. **Definitions.** Terms used in this Amendment shall have the same definitions as those set forth in Article I of this Court’s Deep Overburden and Bedrock Groundwater Remedies Consent Order, entered on September 3, 2008 (ECF No. 898 in Docket 95-2097, ECF No. 222 in Docket 05-2955), and paragraph 1(b) of the Mass Removal Consent Decree.

2. **Entry of Amendment in Both Cases.** This Amendment shall be entered in both *ICO v. Honeywell* and *Riverkeeper v. Honeywell*.

3. Vacation of Requirement to Use Well to the East of Route 440. The portion of paragraph 4.a. of the Mass Removal Consent Decree that requires one of the injection wells to be “located on the eastern side of Route 440” is hereby vacated. All other provisions of the Mass Removal Consent Decree remain in full force and effect.

4. Continued Injection Has No Binding Effect. The parties have agreed that continued injections shall be conducted in the existing injection wells (088-IW-01, 088-IW-02, and 088-IW-03). Any additional injection wells, or injection into other existing wells, may be considered on a case-by-case basis but requires the agreement of both parties. This agreement does not prejudge the position of or bind either party to any particular position following the periodic re-evaluation of the Additional Remedial Activities, required by paragraph 5 of the Mass Removal Consent Decree.

5. 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:

s/ David Sheehan

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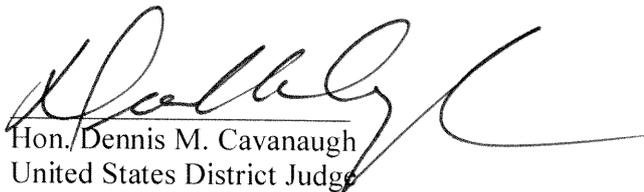
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APPROVED AND ENTERED as an ORDER of this Court on this 4 day of ^{Dec}~~November~~,
2013.


Hon. Dennis M. Cavanaugh
United States District Judge