

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

INTERFAITH COMMUNITY ORGANIZATION, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Case No. 95-2097 (BRM)
)	
HONEYWELL INTERNATIONAL INC., <i>et al.</i>)	
)	
Defendants.)	
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HACKENSACK RIVERKEEPER, INC., <i>et al.</i>)	
)	
Plaintiffs,)	Civ. No. 06-22 (BRM)
)	(Consolidated under
v.)	(Civ. No. 05-5955 (BRM))
)	
HONEYWELL INTERNATIONAL INC., <i>et al.</i>)	All Actions Consolidated Under
)	Civ. No. 95-2097 (BRM)
)	
Defendants.)	
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**CONSENT ORDER REGARDING THE TERMINATION OF DEED NOTICE 7 AND
MODIFICATION OF DEED NOTICE 5 FOR STUDY AREA 6 NORTH**

WHEREAS, the Second Amended Consent Decree for the Remediation and Redevelopment of Study Area 6 North (“Study Area 6 North Consent Decree,” entered at ECF 1690) requires that certain areas of Study Area 6 North that do not attain the New Jersey Department of Environmental Protection (“NJDEP”) chromium criteria for soils of 20 parts per million be subject to institutional controls, including deed notices; and

WHEREAS, pursuant to the Study Area 6 North Consent Decree, multiple deed notices addressing chromium in soils for Study Area 6 North were recorded, and entered by this Court with the consent of the parties on April 12, 2018 (ECF 1570);

WHEREAS, the parties agreed that a 0.18 acre portion of Study Area 6 North that lies outside of the AOC 1 Open Space Area (further described in Exhibit A-1 to Deed Notice 5, ECF 1658-2, and referred to herein as the “AOC 1 Roadway Area Property”), where soils could not be

remediated to the NJDEP chromium criterion of 20 parts per million, would be subject to a remedy for chromium in soils consisting of the future Stegman Boulevard and its sidewalks, 12 feet of clean soil, a deed notice, a conservation restriction, and limits on the future transfer of this property. *See* Deed Notice 5, paragraph 3 (ECF 1568-2 at page 3-4); and Deed Notice 7, paragraph 3 (ECF 1568-4 at pages 88-89); and

WHEREAS, Deed Notice 5 (ECF 1568-2 and ECF 1568-3) includes both the AOC 1 Open Space Area and a portion of the AOC 1 Roadway Area Property; and

WHEREAS, Deed Notice 7 (ECF 1568-4 and ECF 1568-5) includes both a portion of the AOC 1 Roadway Area Property and includes an additional area north of the AOC 1 Roadway Area Property; and

WHEREAS, with respect to Deed Notice 7, the soils containing chromium contamination above 20 ppm in that part of Deed Notice 7 that lies outside of the AOC 1 Roadway Area Property have been excavated, and thus the conditions which triggered the need for a deed notice in this area of the property are no longer applicable; and

WHEREAS, on January 14, 2019, the AOC 1 Roadway Area Property was transferred from Bayfront LLC to the City of Jersey City; and

WHEREAS, the parties wish to expand the area subject to Deed Notice 5 to encompass the entirety of the AOC 1 Roadway Area Property and to terminate Deed Notice 7; and

WHEREAS, the parties have also agreed that certain other modifications to the text of Deed Notice 5 are necessary to reflect the current status of the Property, to reflect the change in ownership of the Property, and to make certain other revisions to the text of Deed Notice 5; and

WHEREAS, a revised form of Deed Notice 5 and a redline showing the intended modifications to Deed Notice 5 have been filed with the Court at ECF 1696-1 and 1696-2, respectively; and

WHEREAS, these changes to Deed Notice 5 and the termination of Deed Notice 7 will not affect the chromium remedy for the AOC 1 Roadway Area Property since the AOC 1 Roadway Area Property continues to be subject to a deed notice and these changes will not affect any other element of the Chromium Remedy for the AOC 1 Roadway Area Property; and

WHEREAS, pursuant to paragraph 13 of Deed Notice 5 and Deed Notice 7, any termination or modification of Deed Notice 5 or Deed Notice 7 must be approved by this Court;

THEREFORE, IT IS SO ORDERED THAT:

1. In accordance with paragraph 13 of Deed Notice 7, Honeywell may terminate Deed Notice 7 once Honeywell has taken the required actions with the New Jersey Department of Environmental Protection (NJDEP) and the modified Deed Notice 5, filed at ECF 1696-1, is immediately recorded with the Hudson County Register of Deeds.

2. In accordance with paragraph 13 of Deed Notice 5, Honeywell may modify Deed Notice 5 once Honeywell has taken the required actions with the NJDEP and the modified Deed Notice 5, filed at ECF 1696-1, is immediately recorded with the Hudson County Register of Deeds.

3. Once the modified Deed Notice 5 has been recorded with the Hudson County Register of Deeds, Honeywell shall promptly move this Court to enter in the record the modified Deed Notice 5 as recorded which shall replace the previously entered Deed Notices 5 and 7 which were filed at ECF Nos. 1568-2 and 1568-3 (Deed Notice 5) and ECF Nos. 1568-4 and 1568-5 (Deed Notice 7) and to modify partially the Consent Order Entering Final Recorded Study Area 6 North Deed Notices, April 12, 2018, ECF No. 1570, by replacing prior references to Deed Notices 5 and 7 with a reference to the modified Deed Notice 5 as recorded.

Consented to By:

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*Counsel for the Jersey City Redevelopment
Agency*

SO ORDERED:

Date: December 27, 2021



The Hon. Brian R. Martinotti
United States District Court Judge