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NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION; THE
COMMISSIONER OF THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL
PROTECTION; and THE
ADMINISTRATOR OF THE NEW
JERSEY SPILL COMPENSATION
FUND,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL INC.,
Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - BERGEN COUNTY
DOCKET NO. _____

COMPLAINT AND
JURY TRIAL DEMAND

Plaintiffs the New Jersey Department of Environmental Protection, the Commissioner of the Department of Environmental Protection ("Commissioner"), and the Administrator of the New Jersey Spill Compensation Fund ("Administrator") (collectively "Plaintiffs", "Department" or "State") file this Complaint

against Defendant Honeywell International, Inc. (hereinafter "Honeywell") and allege as follows:

STATEMENT OF THE CASE

1. Plaintiffs bring this civil action against Honeywell pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 to -23.24 ("Spill Act"); the Water Pollution Control Act, N.J.S.A. 58:10A-1 to -20 ("WPCA"), and the common law of New Jersey, for cleanup and removal costs and damages Plaintiffs have incurred, and will incur, for any natural resource of this State that has been, or may be, injured as a result of the discharge of hazardous substances and pollutants at and from property used by Honeywell's predecessors in Edgewater, New Jersey ("Quanta Property"). Hazardous substances and pollutants discharged at the Quanta Property have migrated well outside of the physical property boundaries. The total area those contaminants have migrated to, including adjacent portions of the Hudson River, is referred to hereinafter as the "Quanta Site."

2. In the late 1870s through to the 1970s, the Quanta Property was used by Honeywell's predecessors primarily to process coal tar and produce paving and roofing materials. In connection with these processes, hazardous substances and pollutants were discharged at the Quanta Property as well as the larger historical footprint of the Quanta Property where

discharges also occurred. In addition, these processes resulted in discharges that reached and impacted resources outside the Quanta Property's boundaries.

3. These hazardous substances and pollutants have been and remain present in the environment at levels detrimental to human health through various means, including dermal exposure, ingestion by the consumption of contaminated fish or crab, or direct ingestion during wading activities.

4. The State is seeking natural resource damages for the injuries to the groundwater, surface water, ecological resources, sediments, wetlands, and biota (non-human living resources) resulting from the discharges of hazardous substances and pollutants at the Quanta Property.

5. The costs and damages Plaintiffs seek include the damages the State has incurred, and will incur, for any natural resource of this State that has been, or may be, injured as a result of the discharge of hazardous substances and pollutants at the Quanta Property. Further, Plaintiffs seek an order compelling Defendant to fund the Department's performance of any further assessment, as well as the cost of restoration and replacement, of any natural resource that has been, or may be, injured as a result of the discharge of hazardous substances and pollutants at the Quanta Property, and to compensate the citizens of New Jersey for the lost use or value of any such

injured natural resource. In addition, Plaintiffs seek punitive damages against Honeywell.

THE PARTIES

6. The Department is a principal department within the Executive Branch of the State government, and under the leadership of the Commissioner, is vested with the authority to conserve natural resources, protect the environment, prevent pollution, and protect the public health and safety. N.J.S.A. 13:1D-9; N.J.S.A. 58:10-23.11b; N.J.S.A. 58:10A-3.

7. In addition, the State is the trustee, for the benefit of its citizens, of all natural resources within its jurisdiction. The Department is vested with the authority to protect this public trust and to seek compensation for any injury to the natural resources of New Jersey. N.J.S.A. 58:10-23.11a.

8. The State brings this claim in both its public trustee and parens patriae capacities. The State's authority as parens patriae allows it to pursue redress of its quasi-sovereign interests in the welfare of New Jersey citizens and the integrity of the State's natural resources.

9. Honeywell and its predecessors knowingly, and without justification, discharged hazardous substances and pollutants into natural resources within the public trust at and adjacent to the Quanta Property.

10. The contamination of the groundwater, surface water, sediment, wetlands, and biota at the Quanta Site constitutes a physical invasion of the public trust and an unreasonable and substantial interference with the same. This unreasonable and substantial interference impairs the State's ability to fulfill its duty as trustee to protect, preserve, and replenish the natural resources of the State for the benefit of its citizens.

11. Plaintiff Administrator is the chief executive officer of the New Jersey Spill Compensation Fund ("the Spill Fund"). N.J.S.A. 58:10-23.11j. As chief executive officer of the Spill Fund, Plaintiff Administrator is authorized to approve and pay any cleanup and removal costs the Department incurs, N.J.S.A. 58:10-23.11f.c and d, and to certify the amount of any claim to be paid from the Spill Fund. N.J.S.A. 58:10-23.11j.d.

12. Defendant Honeywell is a corporation organized and existing under the laws of the State of Delaware, with its main place of business located at 300 South Tryon Street, Charlotte, North Carolina, 28202.

13. Honeywell is the successor and surviving corporation to several entities that owned and operated facilities that discharged contaminants at and from the Quanta Property over approximately a century.

14. During the use of and operations at the Quanta Property, "hazardous substances," as defined in N.J.S.A. 58:10-

23.11b, were "discharged" within the meaning of N.J.S.A. 58:10-23.11b.

15. From at least 1876, a large portion of the Quanta Site was used by Barrett Manufacturing Company ("Barrett") to process coal tar and to produce paving and roofing materials. That facility included all of the current Quanta Property, but also extended west to Old River Road in one location, included areas now under (New) River and Gorge Roads, and to the north on portions of the Waterford Towers and City Place developments.

16. By early 1911, the Quanta Property consisted of a substantial chemical works, with tar tanks, tar stills, a tar paper factory, an anhydrous ammonia factory (a byproduct of coal tar processing), pitch cooling operations, pitch tanks, an acid house, a machine shop, and a boiler house. In addition, the waterfront along the Hudson River was fitted to receive barges and ships for delivery of raw materials and shipping of finished products associated with the operations located on the Quanta Property.

17. Barrett became part of Allied Chemical and Dye Corporation ("Allied") in 1920 and continued operations at the Quanta Property.

18. By the early 1930s, Allied was operating a tar processing plant at the Quanta Property.

19. Allied changed its name to Allied Corporation in 1981 and was succeeded in 1987 by AlliedSignal Incorporated ("AlliedSignal").

20. Thereafter in 1999, AlliedSignal changed its name to Honeywell International Inc.

21. As such, Honeywell is the successor to the Barrett/Allied entities that owned the Quanta Property and operated facilities there, resulting in the discharges of which the State complains here.

AFFECTED NATURAL RESOURCES

22. Contamination, including hazardous substances and pollutants such as aluminum, antimony, arsenic, beryllium, cadmium, chloride, polycyclic aromatic hydrocarbons ("PAHs"), Light Non-aqueous Phase Liquid ("LNAPL"), Dense Non-aqueous Phase Liquid ("DNAPL"), benzene, toluene, xylene, polychlorinated biphenyls ("PCBs"), chromium, iron, lead, manganese, mercury, nickel, selenium, sodium, sulfate, thallium, and zinc, has been found in the surface water, groundwater, soils, sediments, wetlands, and other ecological resources at the Quanta Site.

23. The "natural resources" of this State are all land, fish, shellfish, wildlife, biota, air, water, and other such resources owned, managed, held in trust or otherwise controlled by the State. N.J.S.A. 58:10-23.11b.

24. The natural resources of this State include the "waters of the State," which are the ocean and its estuaries, all springs, streams and bodies of surface or groundwater, whether natural or artificial, within the boundaries of this State or subject to its jurisdiction. N.J.S.A. 58:10A-3(t).

Surface Water

25. The surface waters contaminated by Honeywell's conduct are the Hudson River and the Hudson-Raritan Estuary. Approximately 850 million gallons of surface water per day supplies nearly half of New Jersey's population with drinking water.

26. Surface water in New Jersey is also used for other commercial and industrial purposes, such as cooling water and electrical generation, boating, fishing, and transportation of goods and services.

27. The tourism and recreation industries, which are vital to the economy of New Jersey, are dependent on clean waters and beaches.

28. Surface waters also provide commercial, recreational, aesthetic, and ecological value, including support to aquatic communities, to the citizens of New Jersey.

29. The Quanta Property is situated on the west bank of the Lower Hudson River, across from Manhattan.

30. That portion of the Hudson River adjacent to the Quanta Site is tidal and capable of supporting a wide variety of saltwater and brackish communities. The Hudson-Raritan Estuary is an estuary of national import with significant ecological potential to the extent it can be restored, protected, and replacement habitat acquired to offset prior natural resource injury and destruction.

31. Contamination discharged at the Quanta Property has migrated both under and off of the Quanta Property through spilling and tidal action and ground and surface water flow, causing adverse impacts to the surface water resources at the Quanta Site.

Groundwater

32. Groundwater is an extremely important natural resource for the people of New Jersey, supplying more than 900 million gallons of water per day, and contributing to more than half of New Jersey's drinking water.

33. Not only does groundwater serve as a source of potable water, it also serves as an integral part of New Jersey's ecosystem. Groundwater provides base flow to streams and influences surface water quality, wetland ecology, and the health of the aquatic ecosystem.

34. Groundwater also provides cycling and nutrient movement, prevents saltwater intrusion, prevents sinkholes, and

provides maintenance of critical water levels in freshwater wetlands.

35. Groundwater, along with other natural resources of New Jersey, are unique resources that support New Jersey's tourism industry, which helps sustain New Jersey's economy.

36. Groundwater at the Quanta Property discharges into the area of the Hudson River adjacent to the Quanta Property.

37. Groundwater sampling conducted at the Quanta Site has shown that over 20 contaminants exceed New Jersey's groundwater quality standards ("GWQS").

38. As a result of these GWQS exceedences, in 2014, DEP proposed a Classification Exception Area ("CEA") for the Quanta Site in accordance with N.J.A.C. 7:9-1.6 and 1.9(b).

39. CEAs are regulatory controls that identify geographically defined areas within which legal limits for specific contaminants have been exceeded. CEAs are established to provide notice that normal designated aquifer uses are suspended for the term of the CEA.

40. The groundwater at and adjacent to the Quanta Site is classified as Class IIA, i.e., as a potential source of drinking water. Because of the contaminant exceedences, the use of the groundwater for drinking water is prohibited indefinitely.

41. DEP formally implemented the CEA for the Quanta Site in 2017. The CEA covers approximately 24 surface acres and

extends approximately 20 vertical feet below the surface. The Quanta Site CEA prohibits the use of the groundwater and restricts the drilling of any new wells, due to the presence of aluminum, antimony, arsenic, beryllium, cadmium, chloride, iron, lead, manganese, mercury, nickel, selenium, sodium, sulfate, thallium, zinc, benzene, ethylbenzene, tetrachloroethene, toluene, and trichloroethene in amounts exceeding the risk-based groundwater quality standards. See Attached Exhibit A. The CEA was implemented for an indefinite period and remains in place to this day.

Sediments

42. New Jersey's land and aquatic resources are also comprised of unique and complex ecosystems.

43. Those portions of the Hudson River immediately adjacent to the Quanta Property and midway between the states of New Jersey and New York that have been impacted by hazardous substances and pollutants from the Quanta Property are water-bottoms to which the State maintains title and ownership.

44. Sediments are a critical example of New Jersey ecological resources.

45. Sediments can sustain a wide diversity of plants and animals that are essential in a healthy food chain. Sediments, particularly in New Jersey's coastal areas, including riverine coastal environments such as those present at the Quanta Site,

are a part of the State's ecosystems that provide a living substrate for submerged and emergent flora and that support diverse invertebrate species, wading birds, and fish and shellfish populations.

46. Sediments near the Quanta Property in the Hudson River contain, among other hazardous substances and pollutants, arsenic, chromium, lead, PAHs, VOCs, and coal tar creosote discharged from the Quanta Property.

Wetlands

47. Wetlands are a critical example of New Jersey's ecological resources, which include land and aquatic resources comprised of unique and complex ecosystems.

48. New Jersey has approximately 730,000 acres of freshwater wetlands and 250,000 acres of coastal wetlands.

49. Wetlands can sustain a wide diversity of plants and animals that are essential in a healthy food chain.

50. Wetlands perform many additional functions, which include the improvement of water quality, sediment trapping, groundwater recharge, shoreline protections, and protecting land from flooding and erosion.

51. The tide-flowed portion of the Lower Hudson River, adjacent to the Quanta Property and described above, supported various forms of wetlands and mudflats and associated flora and fauna prior to discharges by Honeywell and its predecessors.

These natural resources have been and continue to be adversely affected by discharges at and from the Quanta Property.

52. Historical maps confirm that the banks of the Hudson River in the area where the Quanta Property is located were once dominated by tidal marshlands.

53. Tidally influenced mudflats and marsh associated with the Lower Hudson River that currently border the east of the wooden bulkhead and shoreline of the Quanta Property, to the extent those are not already destroyed, continue to be impacted by discharges today.

Biota

54. New Jersey's ecosystems - forests, lakes, rivers, wetlands, agricultural lands, coastal estuaries, pinelands, and grasslands - are among the most complex and diverse in the nation.

55. Biota, including the flora and fauna of the State, are critical natural resources. New Jersey is home to more than 2,000 plant species, which include entire communities of rare flora that cannot be found anywhere else in the world. Approximately 15 percent of the native plant species in New Jersey, however, are now at risk of extinction, with a total of 331 vascular plant species listed as endangered and an additional 32 that have already been extirpated.

56. New Jersey wildlife includes approximately 900 species, including 90 mammal species, 79 reptile and amphibian species, more than 400 fish species, and approximately 325 species of birds. Approximately 1.5 million shorebirds and as many as 80,000 raptors make migratory stopovers here each year.

57. At least 17 percent of New Jersey's native vertebrate species and 24 percent of its native invertebrate species are at risk of extinction. Several threatened and endangered raptor species have difficulty breeding because of the bioaccumulation of toxic compounds identical to some of the contaminants found at the Quanta Site.

58. New Jersey's biodiversity provides a wealth of ecological, social, and economic goods and services that are an integral part of the ecological infrastructure for all cultural and economic activity in New Jersey.






59. New Jersey's ecosystems, however, are vulnerable to pollution, degradation, and destruction from the discharge of hazardous substances and pollutants. Contamination from the discharge of hazardous substances and pollutants is one of the major causes of biodiversity loss.





60. Natural resource injuries to biota in New Jersey negatively impact not only the individual species directly involved, but the capacity of the injured ecosystems to regenerate and sustain such life into the future.

61. Contamination discharged at and from the Quanta Property has caused adverse impacts to biota, such as fish and mammals described above, and hazardous substances as well as pollutants remain at the Quanta Site at levels exceeding ecological and/or human health risk-based criteria.

62. The portion of the Hudson River adjacent to the Quanta Property has been identified by the National Oceanic and Atmospheric Administration (NOAA) as Essential Fish Habitat for 15 species, including the endangered shortnose sturgeon.

63. The contamination present in the Lower Hudson River has adversely affected recreational and commercial fishing opportunities. The area of the Hudson River impacted by the Quanta Site is subject to a number of fish consumption advisories due to the extent of contamination present:

HUDSON RIVER			
From the NY - NJ borderline (near Alpine, NJ) downstream to the NY-NJ borderline on the Upper New York Bay (at Bayonne, NJ)			
SPECIES		GENERAL POPULATION EAT NO MORE THAN: (2,3)	HIGH-RISK INDIVIDUAL (1) EAT NO MORE THAN: (2, 3)
	Striped Bass*	Four meals per year	Do not eat
	American Eel*	One meal per year	Do not eat
	White Perch	One meal per year	Do not eat
	Winter Flounder	One meal per month	One meal per month
	White Catfish	Do not eat	Do not eat

	Atlantic Needlefish (6)	One meal per month	Do not eat
	Rainbow Smelt (6)	One meal per month	Do not eat
	Gizzard Shad (6)	Do not eat	Do not eat
	Blue Crab	One meal of 7 crabs per week Do not eat green gland (hepatopancreas); Discard cooking liquid	One meal of 7 crabs per week Do not eat green gland (hepatopancreas); Discard cooking liquid

- (1) High-risk individuals include infants, children, pregnant women, nursing mothers and women of childbearing age.
- (2) One meal is defined as an eight-ounce serving.
- (3) Eat only the fillet portions of the fish. Use proper trimming techniques to remove fat, and cooking methods that allow juices to drain from the fish (e.g., baking, broiling, frying, grilling, and steaming). See text for full description.
- (4) Sunfish includes bluegill, pumpkinseed, and redbreast sunfish.
- (5) No harvest means no taking or attempting to take any blue crabs from these waters.
- (6) Based on New York advisories.

* Selling any of these species from designated water bodies is prohibited in New Jersey.

<https://www.nj.gov/dep/dsr/fishadvisories/marine.htm> 2019
Statewide Estuarine & Marine Waters (last visited November 5, 2020).

64. The State has also identified the Hudson River as “impaired” in accordance with Section 303(d) of the Federal Clean Water Act (“CWA”). Impaired waters are those that cannot achieve or maintain applicable water quality standards with the currently implemented pollution control technology in the relevant area. See 33 U.S.C. 1314 (1) (1) (a).

GENERAL ALLEGATIONS

65. The Quanta Property consists of approximately 15 acres of real property located at 163 River Road in Edgewater, Bergen County, New Jersey. This area is designated as Block 93, Lots

1, 2, and 3 on the Tax Map of Edgewater. The Quanta Property is bounded to the east by the Hudson River and situated on the riverbank approximately opposite of West 93rd Street in Manhattan. Old River Road bounds the Quanta Property to the west. The former Celotex Industrial Park is located to the north, and the Quanta Property is bounded on the south by the former Spencer-Kellogg Industrial Park (located at 115 River Road). See Attached Exhibit A (at p. 5).

66. The Quanta Site includes, collectively, the Quanta Property as well as all other areas where any hazardous substance or pollutant discharged at and from the Quanta Property has become located. Plaintiff DEP has designated the Quanta Site as Site Remediation Program Interest No. 003945.

67. Following the ownership and operations at the Quanta Property by Honeywell and its predecessors as described above, additional operations continued for approximately six years before all operations at the Property were halted.

68. In 1974, Allied, a Honeywell predecessor, sold the property to Mr. James Frola and Mr. Albert Von Dohln.

69. In 1977, Mr. Frola and Mr. Von Dohln leased the Quanta Property to E.R.P. Corporation for the storage and recycling of oil. Shortly thereafter, E.R.P. assigned its lease to Edgewater Terminals Incorporated.

70. The Quanta Resources Corporation ("Quanta Resources") obtained a transfer of the lease from Edgewater Terminals in or around 1980 and operated a waste oil facility at the Quanta Property for a little more than one year.

71. During that time, and on or about August 6, 1980, Quanta Resources entered into an Administrative Consent Order ("ACO") with the Department. The ACO required Quanta Resources to perform environmental cleanup activities at the Quanta Site and to operate thereafter only in conformance with certain State laws and regulations. Thereafter, the Department entered a superseding order on May 29, 1981, further refining the guidelines for continued operations.

72. In 1981, after discovering extensive amounts of oil contaminated with PCBs and other hazardous substances at the Quanta Site in violation of the ACO's terms, the Department required that operations cease at the Quanta Property. Neither the 1980 ACO nor the 1981 ACO preclude the Department from proceeding in this matter.

73. Soon thereafter, on October 5, 1981, Quanta Resources filed for bankruptcy.

74. Following the bankruptcy of Quanta Resources, conditions at the Quanta Site continued to deteriorate, resulting in discharges from Above Ground Storage Tanks

("ASTs"), Underground Storage Tanks ("USTs"), transfer lines, and drainage systems at the Quanta Property.

75. These additional discharges consisted primarily of PCBs, benzene, cyanide, ethyl benzene, phenol, toluene, and trichloroethane.

76. Environmental investigations formally began in 1992, when the United States Environmental Protection Agency ("EPA") conducted an initial Site Assessment at the Quanta Property. Investigations continue to this day.

77. Sampling and analysis conducted at the Quanta Site on Honeywell's behalf reveal that hazardous substances, including but not limited to, anthracene, arsenic, asbestos, benzene, chromium, lead, phenanthrene, pyrene, PCBs, total petroleum hydrocarbons ("TPH"), and other volatile organic compounds, have been found in the groundwater, soils, wetlands, sediments, surface water, and other ecological resources at the Quanta Site.

78. In 1998, AlliedSignal Inc., a predecessor to Honeywell, entered into an Administrative Order on Consent ("1998 AOC") with the EPA requiring it to perform a Removal Site Investigation ("RSI") and Engineering Cost Analysis. U.S. EPA Indx. II-CERCLA-98-0112. The State of New Jersey is not a party to the 1998 AOC.

79. The 1998 AOC concluded, in part, that "[f]urther investigation of the Quanta Site is warranted because daily releases from the Site into the Hudson River continue to occur." Administrative Order on Consent U.S. EPA Indx. II-CERCLA-98-0112, para 14, p. 6.

80. In January 2001, EPA proposed the addition of the Quanta Site to the National Priorities List ("NPL"). The NPL is a public list compiled by the EPA under the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), which is primarily intended to help prioritize and guide EPA in determining which hazardous waste sites warrant further investigation by the Agency in light of health and environmental risk.

81. Thereafter, in September 2002, the EPA formally added the Quanta Site to the NPL as NJD000606442.

82. The Quanta Site is currently owned by Hudson River Associates, LLC, and Metropolitan Consom, LLC., and certain portions have been redeveloped consistent with the Brownfield and Contaminated Site Remediation Act, which allows for development in certain designated areas despite the continued presence of contamination. N.J.S.A. 58:10B-1 to -31. Portions of the Quanta Site have been redeveloped as mixed commercial/residential use and a segment of the new River Road was constructed over a portion of the Quanta Site.

83. Studies performed pursuant to oversight agreements with the EPA confirm that contamination remains in the groundwater, surface water, sediments, and soil at, and adjacent to, the Quanta Property.

84. Site documents show observed and continued releases of heavy end coal tar product (consisting of hard, solid coal tar pitch, sticky coal tar roofing pitch, and viscous, oil-like coal tar) on the Quanta Property and into the Hudson River.

85. Groundwater, soil, and sediments at the Quanta Site have been found to contain arsenic, chromium, lead, PAHs, and other compounds.

86. The Quanta Site contains at least an estimated 150,000 cubic yards of contaminated soil.

87. A plume of coal tar creosote, which the United States Agency for Toxic Substances and Disease Registry has designated as a probable human carcinogen, exists beneath the Quanta Property as well as several adjacent properties and extends into the Hudson River and its sediments.

88. Coal tar constituents are toxic to ecological receptors and humans through direct contact, incidental ingestion, and inhalation.

89. Honeywell was in a unique position to know the true toxic nature of the hazardous substances and other materials it discarded into the environment at the Quanta Property.

90. Even with this knowledge, Honeywell proceeded for almost a century to dispose of tens of thousands of tons of contaminated materials into the environment without any controls or safeguards to protect human health and the environment in wanton and willful disregard of persons who foreseeably might be harmed.

91. Honeywell's disposal of hazardous substances and pollutants at the Quanta Property was designed to avoid discovery and the costs associated with proper disposal requirements.

92. Because of the complexity and extent of contamination at the Quanta Site, the focus of environmental investigations was divided by the EPA into two Operable Units ("OUs") for purposes of study and remedy selection.

93. Operable Unit 1 ("OU1") focuses on soils at the Quanta Property contaminated with high concentrations of NAPL and arsenic that EPA found constitute a principal threat at the Quanta Site. OU1 also addresses soil and additional groundwater contamination attributable to the Quanta Site.

94. Contamination attributable to prior and ongoing discharges at and from the Quanta Property that has been found in the Hudson River is being studied as a different Operable Unit. These river sediments, marsh, and surface water comprise Operable Unit 2 ("OU2").

95. In September of 2003, Honeywell, along with a number of additional entities that had sent materials to the waste oil recycling operations there, entered into two administrative orders on consent ("AOCs") requiring that they fund the performance of Remedial Investigations and Feasibility Studies for Operable Unit 1 (U.S. EPA Indx. No. II-CERCLA-2003-2013) and Operable Unit 2 (U.S. EPA Indx. No. II-CERCLA-2003-2013). New Jersey was not a party to either AOC.

96. In connection with OU1, the EPA concluded in part that the tidal flat in the Hudson River adjacent to the Quanta Property is impacted by contamination from the Quanta Property, and that the survival, growth and reproduction of organisms that inhabit or utilize the tidal flat are at risk from contaminants present in the sediment. Administrative Order on Consent, U.S. EPA Indx. No. II-CERCLA-2003-2013, Para 21, p. 7.

97. Honeywell has performed several studies under EPA oversight for OU2 including a Remedial Investigation ("RI") (CH2MHill 2007); a Supplemental RI (CH2MHill 2009), and Final Quanta OU2 Remedial Investigation (which includes as Appx. O, a Baseline Ecological Risk Assessment) (Environ, CH2MHill 2014).

98. An additional study related to the NAPL plumes that extend into the Hudson River was undertaken by Honeywell under EPA oversight in 2018. Supplemental NAPL Investigation Report (Ramboll 2018). Further remedial investigation and feasibility

studies for OU2 are ongoing and a remedy has not yet been selected by EPA.

99. In September 2011, the EPA issued a Record of Decision ("ROD") outlining the studies conducted at the Quanta Site to date and potential remedial measures for OU1 that were identified in the Feasibility Studies performed under the 2003 AOC.

100. The remedy selected by the EPA for OU1, consistent with the federal agency's guidelines, involves on-site solidification/stabilization of an estimated 150,000 cubic yards of contaminated soil containing arsenic and NAPL, primarily by in-situ solidification/stabilization. The solidification is intended to stem the ongoing discharge of these contaminants at their source. Solidification of the contaminated soil is achieved through the use of cement.

101. To limit continued discharge of hazardous substances and pollutants into the Hudson River, the ROD requires the installation of a subaqueous reactive barrier ("SRB") in Hudson River sediments to be coordinated with a future Hudson River remedy for OU2. As such, the SRB has not yet been installed.

102. In addition, the ROD for OU1 calls for installation of a vapor mitigation system and basement sealing of the building at 115 River Road; upon that building's demolition, OU1 requires the construction of a temporary barrier wall at 115 River Road

along the shoreline to preclude further discharge of untreated free-phase NAPL into the Hudson River and sediments. The ROD also contemplates groundwater use restrictions consistent with the State-implemented CEA.

103. On November 16, 2012, Honeywell and 23 additional corporations entered into a Proposed Consent Decree with the EPA in connection with the AOC for OU1. United States of America v. Honeywell International, Inc., et al. Civ. No. 2:12-CV-7091, U.S.D.C. for the District of New Jersey. The Consent Decree settles the coverage of EPA's costs of investigation and oversight in association with OU1. The Consent Decree was formally entered on March 7, 2013. The State was not a party to the Consent Decree and did not release any claims in connection therewith.

104. Implementation of the risk-based remedies associated with OU1 began in 2016 and is ongoing.

105. These remedies do not and will not restore the Quanta Site to pre-discharge conditions. Nor will they compensate the public trust for the loss of use and value occasioned by such injured or destroyed resources.

106. Plaintiffs do not seek to impose a remedy inconsistent with the ROD issued by the EPA for OU1 or with the cleanup and remedial obligations of Honeywell once the remedy has been

selected for OU2. The State does not challenge those decisions here.

107. To date, Honeywell has not characterized nor addressed its liability for natural resource damages associated with the discharges at the Quanta Site.

108. Completion of the risk-based process underway with EPA oversight does not and will not characterize or address Honeywell's liability to the State for natural resource damages.

FIRST COUNT

Spill Compensation and Control Act

109. Plaintiffs repeat each allegation of Paragraphs 1 through 108 above as though fully set forth in its entirety herein.

110. Honeywell is a "person" within the meaning of N.J.S.A. 58:10-23.11b.

111. The Department and the Administrator have incurred, and will continue to incur, cleanup and removal costs and damages, including lost use or value and reasonable assessment costs, for any natural resource of this State that has been, or may be, injured by the discharges at the Quanta Property.

112. The costs and damages the Department and the Administrator have incurred, and will incur, in connection with the Quanta Site are "cleanup and removal costs" within the meaning of N.J.S.A. 58:10-23.11b.

113. Honeywell, as the discharger of hazardous substances at and from the Quanta Property, is liable, without regard to fault, for all cleanup and removal costs and damages, including lost use or value and reasonable assessment costs, that the Department and Administrator have incurred, and will incur, to assess, mitigate, restore, and replace any natural resource of this State that has been, or may be, injured by the discharges of hazardous substances at the Quanta Property. N.J.S.A. 58:10-23.11g.c(1).

114. Honeywell, as owner and operator of the Quanta Property at the time hazardous substances were discharged there, is responsible for the discharged hazardous substances, and is liable, without regard to fault, for all cleanup and removal costs and damages, including lost use or value and reasonable assessment costs, that the Department and the Administrator have incurred, and will incur, to assess, mitigate, restore, and replace any natural resource of this State that has been, or may be, injured by the discharges of hazardous substances at the Quanta Property. N.J.S.A. 58:10-23.11g.c(1).

115. Pursuant to N.J.S.A. 58:10-23.11u.a.(1)(a) and N.J.S.A. 58:10-23.11u.b., the Department may bring an action in the Superior Court for injunctive relief, N.J.S.A. 58:10-23.11u.b(1); for its unreimbursed investigation, cleanup, and removal costs, including the reasonable costs of preparing and

successfully litigating the action, N.J.S.A. 58:10-23.11u.b(2); natural resource restoration and replacement costs, N.J.S.A. 58:10-23.11u.b(4); and for any other unreimbursed costs or damages the Department incurs under the Spill Act, N.J.S.A. 58:10-23.11u.b(5).

116. Pursuant to N.J.S.A. 58:10-23.11g, the Administrator is authorized to bring an action in the Superior Court for any unreimbursed costs or damages paid from the Spill Fund.

PRAYER FOR RELIEF

WHEREFORE, the Department and the Administrator request that this Court:

- a. Order Honeywell to reimburse the Department and Administrator, without regard to fault, for all cleanup and removal costs and damages that the Department and Administrator have incurred, including lost use or value and reasonable assessment costs, for any natural resource of this State injured by the discharges of hazardous substances at the Quanta Property, with applicable interest;
- b. Enter declaratory judgment against Honeywell, without regard to fault, for all cleanup and removal costs and damages the Department and Administrator will incur, including lost use or value and reasonable assessment costs, for any natural resource of this State injured

by the discharges of hazardous substances at the Quanta Property;

- c. Enter judgment against Honeywell compelling it to fund the Department's performance of any further restoration and replacement of natural resources injured at the Quanta Site, and the assessment of any natural resource that has been or may be, injured by the discharge of hazardous substances at the Quanta Property, and compelling Honeywell to compensate the citizens of New Jersey for the lost use or value of any injured natural resource;
- d. Award the Department and Administrator their costs and fees in this action; and
- e. Award the Department and Administrator such other relief as this Court deems appropriate.

SECOND COUNT

Water Pollution Control Act

117. Plaintiffs repeat each allegation of Paragraphs 1 through 116 above as though fully set forth in its entirety herein.

118. Honeywell is a "person" within the meaning of N.J.S.A. 58:10A-3.

119. Except as otherwise exempted pursuant to N.J.S.A. 58:10A-6d. and p., which are not applicable here, it is unlawful

for any person to discharge any pollutant except to the extent the discharge conforms with a valid New Jersey Pollutant Discharge Elimination System permit issued by the Commissioner pursuant to the WPCA, or pursuant to a valid National Pollutant Discharge Elimination System permit issued pursuant to the federal Water Pollution Control Act, 33 U.S.C.A. §§ 1251 to 1387. N.J.S.A. 58:10A-6a.

120. The unauthorized discharge of pollutants is a violation of the WPCA for which any person who is the discharger is strictly liable, without regard to fault. N.J.S.A. 58:10A-6a.

121. The Department has incurred, or may incur, costs as a result of the discharge of pollutants at the Quanta Property.

122. The Department has also incurred, and will continue to incur, costs and damages, including compensatory damages and any other actual damages for any natural resource of this State that has been, or may be, lost or destroyed as a result of the discharge of pollutants at the Quanta Property.

123. The costs and damages the Department has incurred, and will incur as a result of discharges at the Quanta Property are recoverable within the meaning of N.J.S.A. 58:10A-10c(2)-(4).

124. Honeywell discharged pollutants at the Quanta Property, which discharges were neither permitted pursuant to N.J.S.A. 58:10A-6a., nor exempted pursuant to N.J.S.A. 58:10A-6d. or N.J.S.A. 58:10A-6p., and is liable, without regard to

fault, for all costs and damages, including compensatory damages and any other actual damages for any natural resource of this State that has been, or may be, injured, lost, or destroyed as a result of the discharge of pollutants at the Quanta Property. N.J.S.A. 58:10A-6af.

125. The Commissioner, pursuant to N.J.S.A 58:10A-10c., has authority to bring this action for: 1) the reasonable costs of any investigation, inspection, or monitoring survey that led to the establishment of the violation, including the costs of preparing and litigating the case; 2) any reasonable cost incurred by the Department, Commissioner, or Administrator in removing, correcting, or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants for which action under this section may be brought; 3) compensatory damages and any other actual damages for any natural resource of this State that has been, or may be, lost or destroyed as a result of the unauthorized discharge of pollutants; and 4) the actual amount of any economic benefits accruing to the violator from any violation, including savings realized from avoided capital or noncapital costs resulting from the violation, the return it has or that may be earned on the amount of avoided costs, any benefits accruing as a result of a competitive market advantage enjoyed by reason of the violation,

or any other benefit resulting from the violation. N.J.S.A. 58:10A-10c(5).

PRAYER FOR RELIEF

WHEREFORE, the Commissioner of the Department prays that this Court:

- a. Enter an order assessing against Honeywell, without regard to fault, the reasonable costs for any investigation, inspection, or monitoring survey leading to the establishment of the violation, including the costs of preparing and litigating the case;
- b. Enter declaratory judgment against Honeywell, without regard to fault, assessing all reasonable costs that will be incurred for any investigation, inspection, or monitoring survey leading to establishment of the violation, including the costs of preparing and litigating the case;
- c. Enter an order assessing against Honeywell, without regard to fault, all reasonable costs incurred for removing, correcting, or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants at the Quanta Property;

- d. Enter declaratory judgment against Honeywell, without regard to fault, assessing all reasonable costs that will be incurred for removing, correcting, or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants at the Quanta Property;
- e. Enter an order assessing against Honeywell, without regard to fault, all compensatory damages and other actual damages incurred for any natural resource of the State that has been, or may be, injured, lost, or destroyed as a result of the unauthorized discharge of pollutants at the Quanta Property;
- f. Enter declaratory judgment against Honeywell, without regard to fault, assessing all compensatory damages and other actual damages for any natural resource of this State that will be lost or destroyed as a result of the unauthorized discharge of pollutants at the Quanta Property;
- g. Enter an order assessing against Honeywell, without regard to fault, the actual amount of any economic benefits it has accrued, including any savings realized from avoided capital or noncapital costs, the return it has earned of the amount of avoided costs, and benefits Honeywell has enjoyed as a result of a

competitive market advantage, or any other benefit it has received as a result of having violated the WPCA;

- h. Enter declaratory judgment against Honeywell, without regard to fault, assessing the actual amount of any economic benefits it will accrue, including any savings to be realized from avoided capital or noncapital costs, the return to be earned on the amount of avoided costs, and benefits that will accrue as a result of a competitive market advantage it has enjoyed, or any other benefit that will accrue to it as a result of having violated the WPCA;
- i. Award the Commissioner her costs and fees in this action; and
- j. Award the Commissioner such other relief as the Court deems appropriate.

THIRD COUNT

Public Nuisance

126. Plaintiffs repeat each allegation of Paragraphs 1 through 125 above as though fully set forth in its entirety herein.

127. Groundwater, surface water, sediment, wetlands, and biota are natural resources of the State held in trust by the State.

128. The use, enjoyment, and existence of uncontaminated natural resources is a right common to the general public. Further, these natural resources have intrinsic (i.e., inherent existence) values. The current and future residents of New Jersey have a substantial interest in a clean environment.

129. The contamination of the groundwater, surface water, sediment, wetlands, and biota at the Quanta Site constitutes a physical invasion of the resource and an unreasonable and substantial interference, both actual and potential, with the exercise of the public's common right to these natural resources.

130. As long as the groundwater, surface water, sediment, wetlands, and biota at the Quanta Site remain contaminated due to Honeywell's conduct, the public nuisance continues.

131. As long as the groundwater, surface water, sediments, wetlands, and biota remain contaminated and the public trust has not been replenished, Honeywell is liable for the creation, and continued maintenance, of a public nuisance in contravention of the public's common right to uncontaminated natural resources.

PRAYER FOR RELIEF

WHEREFORE, the Department and the Administrator request that this Court:

- a. Order Honeywell to reimburse the Department and Administrator, without regard to fault, for all

cleanup and removal costs and damages, lost use or value, and reasonable assessment costs that the Department and Administrator have incurred for any natural resource of this State injured by the discharges of hazardous substances and pollutants at the Quanta Property, with applicable interest;

- b. Enter declaratory judgment against Honeywell, for all cleanup and removal costs and damages, including lost use or value and reasonable assessment costs, the Department and Administrator will incur for any natural resource of this State injured by the discharges of hazardous substances and pollutants at the Quanta Property;
- c. Enter judgment compelling Honeywell to fund the Department's performance of any further assessment and compensatory restoration of any natural resource injured by the discharge of hazardous substances and pollutants at the Quanta Property;
- d. Award the Department and Administrator their costs and fees in this action; and
- e. Award the Department and Administrator such other relief as this Court deems appropriate.

FOURTH COUNT

Trespass

132. Plaintiffs repeat each allegation of Paragraphs 1 through 131 as if fully set forth in their entirety herein.

133. Groundwater, surface water, sediment, wetlands, and biota are natural resources of the State held in trust by the State for the benefit of the public consistent with its parens patriae authority.

134. The hazardous substances and pollutants in the groundwater, surface water, sediment, wetlands, and biota at the Quanta Site constitute a physical invasion of public property without permission or license.

135. Honeywell is liable for trespass, and continued trespass, because the hazardous substances and pollutants in the groundwater, surface water, sediment, wetlands, and biota at the Quanta Site resulted from discharges of hazardous substances and pollutants at the Quanta Property.

136. As long as the natural resources at the Quanta Site remain contaminated as a result of Honeywell's conduct, the trespass continues.

137. The State also maintains title to that portion of the waterbottoms that fall within its jurisdiction, such as the New Jersey side of the Hudson River. These rights cannot be alienated.

138. Until the impacted natural resources are restored to their pre-discharge quality or the State is compensated for the loss of use and value of these resources, Honeywell is liable for trespass, and continuing trespass, upon public property.

PRAYER FOR RELIEF

WHEREFORE, the Department and the Administrator request that this Court:

- a. Order Honeywell to reimburse the Department and Administrator, without regard to fault, for all cleanup and removal costs and damages that the Department and Administrator have incurred, including the lost use or value, and reasonable assessment costs for any natural resource of this State injured by the discharge of hazardous substances and pollutants at the Quanta Property, with applicable interest;
- b. Enter declaratory judgment against Honeywell, without regard to fault, for all cleanup and removal costs and damages that the Department and Administrator will incur, including the lost use or value, and reasonable assessment costs for any natural resource of this State injured by the discharge of hazardous substances and pollutants at the Quanta Property;
- c. Enter judgment against Honeywell, without regard to fault, compelling it to fund the Department's

performance of any further assessment and restoration of any natural resource that has been, or may be, injured as a result of the discharge of hazardous substances and pollutants at the Quanta Property, and compelling Honeywell to compensate the citizens of New Jersey for the lost use or value of any injured natural resource;

- d. Award the Department punitive damages pursuant to N.J.S.A. 2A:15-5.12(a);
- e. Award the Department and Administrator their costs and fees in this action; and
- f. Award the Department and Administrator such other relief as this Court deems appropriate.

FIFTH COUNT

Strict Liability

139. Plaintiffs repeat each allegation of Paragraphs 1 through 138 above as though fully set forth in its entirety herein.

140. During the period of time that Honeywell and its predecessors owned, and operated at, the Quanta Property, hazardous substances and pollutants were handled, stored at, and discharged from the Quanta Property into numerous natural resources of the State, including, but not limited to, surface

waters, groundwater, and wetlands, thereby causing damage to and destruction of natural resources.

141. Hundreds of gallons of oil stored at the Quanta Property was found to be contaminated with PCBs in deteriorating storage tanks when operations were ordered to be discontinued at the Quanta Property.

142. By the ineffective storage and handling resulting in discharges hazardous substances at the Quanta Property and into the State's natural resources in such manner as to cause said damage and destruction, Honeywell engaged in an abnormally dangerous activity for which it is strictly liable.

143. In addition to compensatory and punitive damages, Plaintiffs also seek the recovery of any economic damages sustained, including delayed development due to the presence of contamination, and associated lost tax revenue suffered by the State.

PRAYER FOR RELIEF

WHEREFORE, the Department and the Administrator request that this Court:

- a. Order Honeywell to reimburse the Department and Administrator, without regard to fault, for all cleanup and removal costs and damages, including loss of use or value, economic losses, and reasonable assessment costs, that the Plaintiffs have incurred

for any natural resource of this State injured by the discharges of hazardous substances and pollutants at the Quanta Property, with applicable interest;

- b. Enter declaratory judgment against Honeywell, without regard to fault, for all cleanup and removal costs and damages, including loss of use or value, economic losses, and reasonable assessment costs the Department and the Administrator will incur for any natural resource of this State injured by the discharges of hazardous substances and pollutants at the Quanta Property;
- c. Enter judgment against Honeywell, without regard to fault, compelling it to compensate the citizens of New Jersey for the damages to, or loss of, their natural resources as a result of the discharges of hazardous substances and pollutants at the Quanta Property, by funding the Department's performance of any further assessment, restoration, and replacement of any natural resource injured by the discharge of hazardous substances and pollutants at the Quanta Property;
- d. Award the Department punitive damages pursuant to N.J.S.A. 2A:15-5.12(a);
- e. Award the Department and the Administrator their costs and fees in this action; and

f. Award the Department and the Administrator such other relief as this Court deems appropriate.

Gurbir S. Grewal
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Richard F. Engel
Richard F. Engel,
Deputy Attorney General

Allan Kanner, Esq.
KANNER & WHITELEY, L.L.C.

Special Counsel to the Attorney General

By: /s/ Allan Kanner
Allan Kanner, Esq.
ATTORNEYS FOR PLAINTIFFS

Dated: November 10, 2020.

DEMAND FOR TRIAL BY JURY

Plaintiffs hereby demand a trial by jury on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, the Court is advised that Allan Kanner, Special Counsel to the Attorney General, is hereby designated as trial counsel for Plaintiffs in this action.

CERTIFICATION REGARDING OTHER PROCEEDINGS AND PARTIES

Undersigned counsel hereby certifies, in accordance with R. 4:5-1(b)(2), that the matters in controversy in this action are

not the subject of any other pending or contemplated action in any court or arbitration proceeding known to Plaintiffs at this time, nor is there any non-party known to Plaintiffs at this time who should be joined in this action pursuant to R. 4:28, or who is subject to joinder pursuant to R. 4:29-1. If, however, any such non-party later becomes known to Plaintiffs, an amended certification shall be filed and served on all other parties and with this Court in accordance with R. 4:5-1(b) (2).

Gurbir S. Grewal
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Richard F. Engel
Richard F. Engel,
Deputy Attorney General

Allan Kanner, Esq.
KANNER & WHITELEY, L.L.C.
Special Counsel to the Attorney General

By: /s/ Allan Kanner
Allan Kanner, Esq.

ATTORNEYS FOR PLAINTIFFS

Dated: November 10, 2020.

Classification Exception Area/Well Restriction Area

Case Information

<u>Subject Item</u>	<u>Designation</u>
CEA100122317	003945RPC040002

Case ID: 003945 - RPC090001
Case Number: Quanta:feasibility study 12-09
Preferred Id: 003945
Case: Quanta Resources Corp
Address: 163 River Rd
 145 River Rd
City: Edgewater Boro
County: Bergen

Lot and Block of the Case

<u>Block</u>	<u>Lot</u>
95	1

Site Location Map: Refer to Exhibit A – Site Location Map

Lot and Block of the CEA

<u>Subject Item</u>	<u>Block</u>	<u>Lot</u>	<u>Municipality</u>
CEA100122317	91	1	Edgewater Boro
CEA100122317	92.01	1.01	Edgewater Boro
CEA100122317	92.01	1.02	Edgewater Boro
CEA100122317	92.01	1.03	Edgewater Boro
CEA100122317	92.01	2	Edgewater Boro
CEA100122317	93	1	Edgewater Boro
CEA100122317	93	1.01	Edgewater Boro
CEA100122317	93	1.02	Edgewater Boro
CEA100122317	93	2.01	Edgewater Boro
CEA100122317	93	2.02	Edgewater Boro
CEA100122317	93	3	Edgewater Boro
CEA100122317	93	3.03	Edgewater Boro
CEA100122317	93	3.04	Edgewater Boro
CEA100122317	93	4	Edgewater Boro
CEA100122317	94	1	Edgewater Boro
CEA100122317	95	1	Edgewater Boro
CEA100122317	96	3.02	Edgewater Boro
CEA100122317	96	3.03	Edgewater Boro
CEA100122317	96	3.04	Edgewater Boro
CEA100122317	99	1	Edgewater Boro

CEA100122317	99	1.04	Edgewater Boro
CEA100122317	99	1.12	Edgewater Boro

Facility Contact(s)

Responsible Party(s): Steven Coladonato
 Honeywell International Inc.
 6100 Philadelphia Pike
 Claymont, Delaware 19703

NJDEP Contact: Bureau of Case Management
 (609) 633-1455

CEA Information

<u>Subject Item</u>	<u>Description</u>
CEA100122317	CEA encompasses entire property boundary and extends offsite across River Road to the west and to the Hudson River to the east. Boundaries have been specified to cover limits of Operable Unit 1.

<u>Subject Item</u>	<u>Affected Aquifer</u>	<u>Vertical Depth</u>
CEA100122317	Fill	10 feet
CEA100122317	Quaternary Age Alluvial Deposits	10 feet

<u>Subject Item</u>	<u>Classification</u>
CEA100122317	II-A

Contaminant

This CEA/WRA applies only to the contaminants listed in the table below, The ground water quality criteria / primary drinking water standards for these contaminants are listed in either micrograms per liter (ug/L) or milligrams per liter (mg/L). All constituent standards (N.J.A.C. 7:9C-1.6) apply at the designated boundary.

<u>Subject Item</u>	<u>Contaminant</u>	<u>Concentration (1)</u>	<u>GWQS (2)</u>
CEA100122317	Aluminum	65900 Micrograms Per Liter	200 Micrograms Per Liter
CEA100122317	Antimony	59.7 Micrograms Per Liter	6 Micrograms Per Liter
CEA100122317	Arsenic	1510 milligrams per liter	3 milligrams per liter
CEA100122317	Benzene	3630 Micrograms Per Liter	1 Micrograms Per Liter
CEA100122317	Benzo(a)anthracene	3.92 Micrograms Per Liter	.1 Micrograms Per Liter
CEA100122317	Benzo(a)pyrene	3.53 Micrograms Per Liter	.1 Micrograms Per Liter
CEA100122317	Benzo(b)fluoranthene	4.23 Micrograms Per Liter	.2 Micrograms Per Liter

CEA100122317	Benzo(k)fluoranthene	1.93 Micrograms Per Liter	.5 Micrograms Per Liter
CEA100122317	Beryllium	14.9 Micrograms Per Liter	1 Micrograms Per Liter
CEA100122317	Cadmium	16300 Micrograms Per Liter	4 Micrograms Per Liter
CEA100122317	Chloride	7080 Milligrams Per Liter	250 Milligrams Per Liter
CEA100122317	Dibenzo(a,h)anthracene	.848 Micrograms Per Liter	.3 Micrograms Per Liter
CEA100122317	Ethylbenzene	813 Micrograms Per Liter	700 Micrograms Per Liter
CEA100122317	Indeno(1,2,3-cd)pyrene	2.24 Micrograms Per Liter	.2 Micrograms Per Liter
CEA100122317	Iron	2370 Milligrams Per Liter	.3 Milligrams Per Liter
CEA100122317	Lead	117 Micrograms Per Liter	5 Micrograms Per Liter
CEA100122317	Manganese	79700 Micrograms Per Liter	50 Micrograms Per Liter
CEA100122317	Mercury	10.1 Micrograms Per Liter	2 Micrograms Per Liter
CEA100122317	Naphthalene	13500 Micrograms Per Liter	300 Micrograms Per Liter
CEA100122317	Nickel	319 Micrograms Per Liter	100 Micrograms Per Liter
CEA100122317	Selenium	1500 Micrograms Per Liter	40 Micrograms Per Liter
CEA100122317	Sodium	3920 Milligrams Per Liter	50 Milligrams Per Liter
CEA100122317	Sulfate	12100 Milligrams Per Liter	250 Milligrams Per Liter
CEA100122317	Tetrachloroethylene	10.5 Micrograms Per Liter	1 Micrograms Per Liter
CEA100122317	Thallium	163 Micrograms Per Liter	2 Micrograms Per Liter
CEA100122317	Toluene	2870 Micrograms Per Liter	600 Micrograms Per Liter
CEA100122317	Trichloroethylene	103 Micrograms Per Liter	1 Micrograms Per Liter
CEA100122317	Vinyl chloride	1.1 Micrograms Per Liter	1 Micrograms Per Liter
CEA100122317	Xylenes (total)	2290 Micrograms Per Liter	1000 Micrograms Per Liter
CEA100122317	Zinc	4280 Micrograms Per Liter	2000 Micrograms Per Liter

Note: (1) Maximum concentration detected at the time of CEA establishment
(2) Ground Water Quality Standards

CEA Boundary: Refer to Exhibit B - CEA Boundary Map

Projected Term of CEA:

Subject Item
CEA100122317

Date Established
2/23/2017

Subject Item
CEA100122317

Duration in Years
Indeterminate

Note Since groundwater quality data indicates exceedance of contaminants above the Primary Drinking Water Standards, and the designated uses of Class II-A aquifers include potable use, the CEA established for this site is also a Well Restriction Area. The extent of Well Restriction shall coincide with the boundaries of the CEA.

Well Restrictions set within the boundaries of the CEA

<i>Subject Item</i>	<i>Restriction</i>
CEA100122317	Double Case Wells: With the exception of monitoring wells installed into the first water bearing zone, any proposed well to be installed within the CEA/WRA boundary shall be double cased to an appropriate depth in order to prevent any vertical contaminant migration pathways. This depth is either into a confining layer or 50 feet below the vertical extent of the CEA.
CEA100122317	Evaluate Production Wells: Any proposed high capacity production wells in the immediate vicinity of the CEA/WRA should be pre-evaluated to determine if pumping from these wells would draw a portion of the contaminant plume into the cone of capture of the production wells or alter the configuration of the contaminant plume.
CEA100122317	Sample Potable Wells: Any potable well to be installed within the footprint of the CEA/WRA shall be sampled annually for the parameters of concern. The first sample shall be collected prior to using the well. If contamination is detected, contact your local Health Department. If the contamination is above the Safe Drinking Water Standards, then the NJDEP Hot Line should be called. Treatment is required for any well that has contamination above the Safe Drinking Water Standards.

Exhibit A – Site Location Map

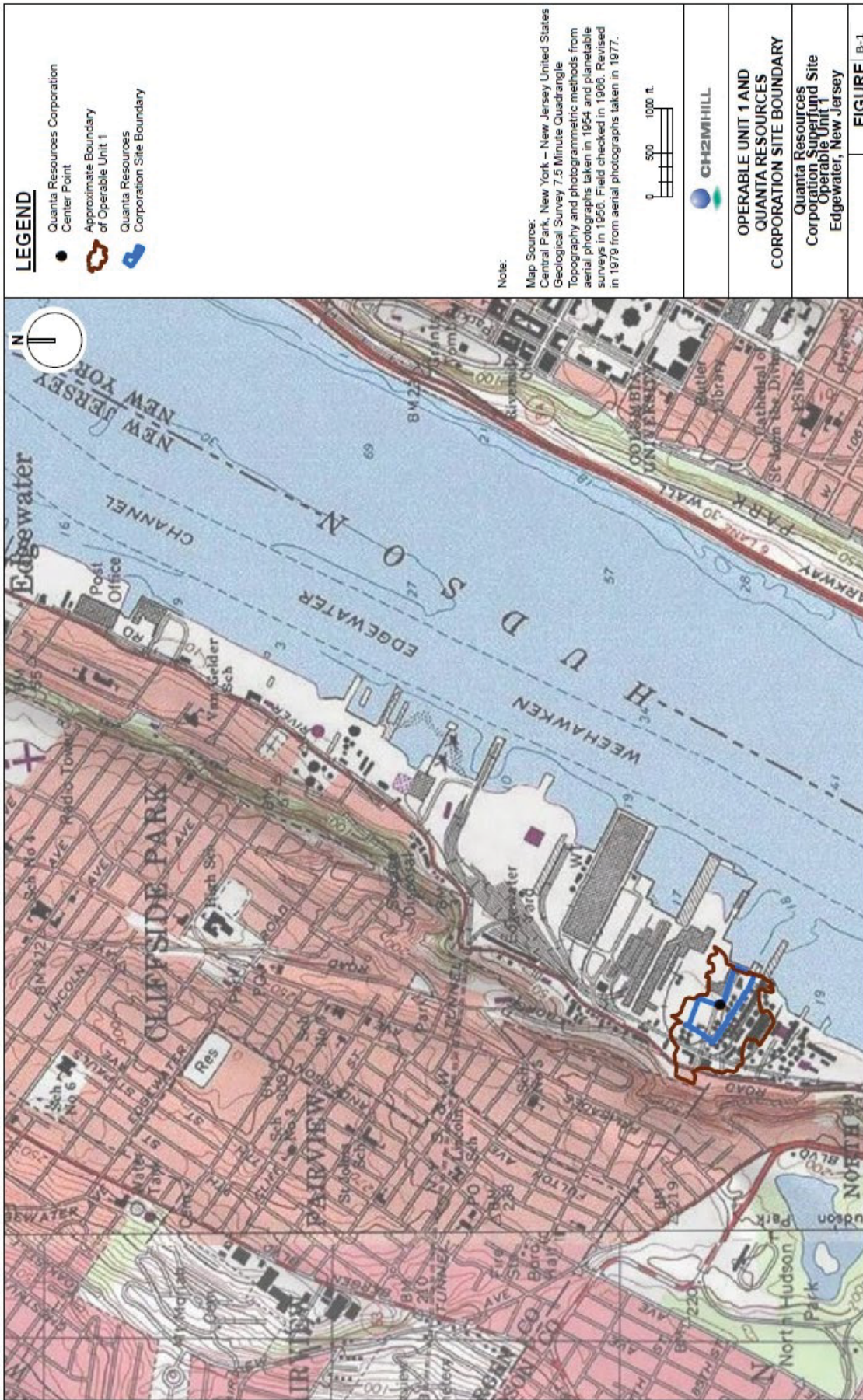
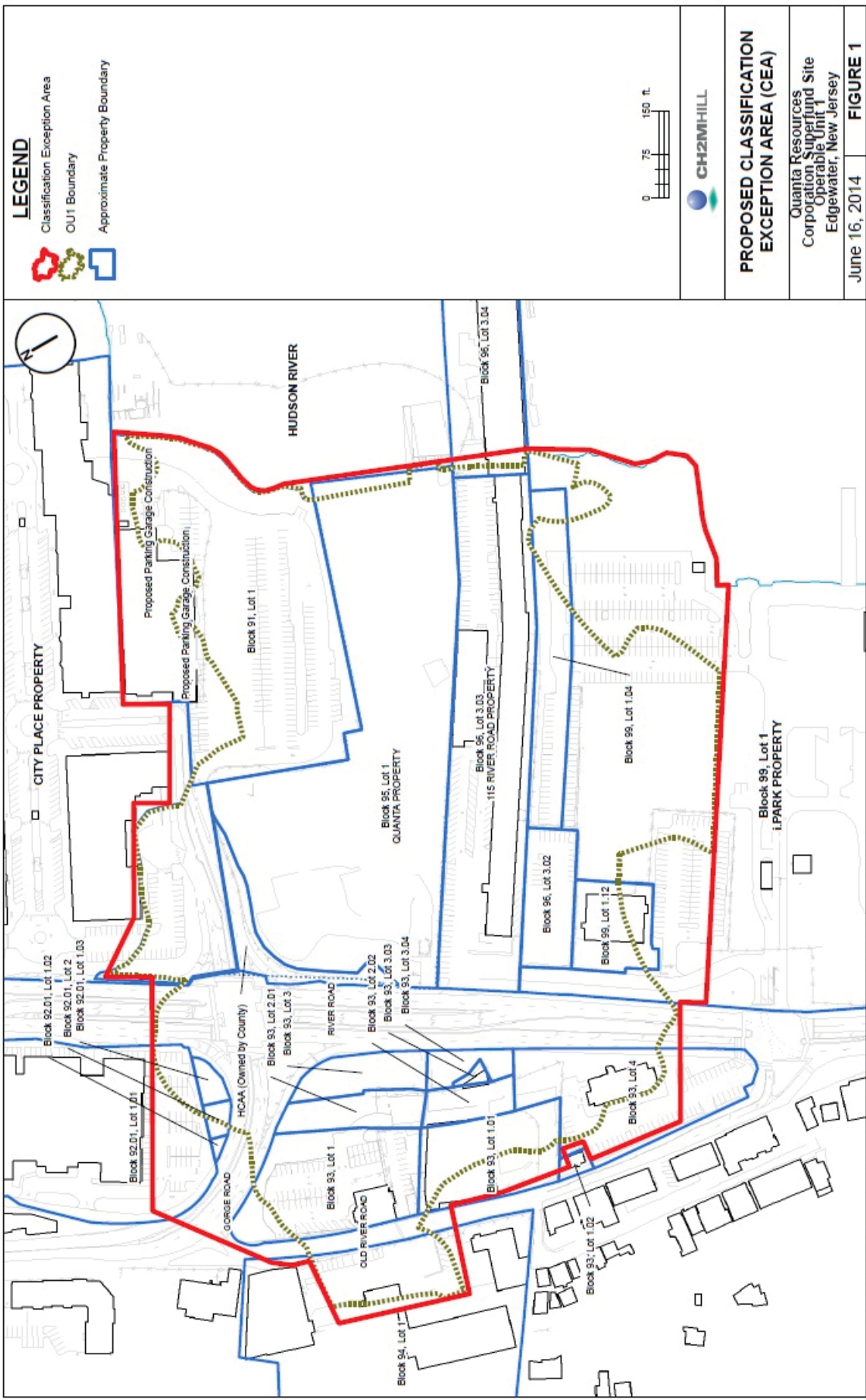


Exhibit B – CEA Boundary Map



LEGEND
 Classification Exception Area
 CU1 Boundary
 Approximate Property Boundary



PROPOSED CLASSIFICATION EXCEPTION AREA (CEA)

Quanta Resources
 Corporate Sustainable Site
 Edgewater, New Jersey

June 16, 2014 **FIGURE 1**

Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-006867-20

Case Caption: ATTORNEY GENERAL OF NEW JERSE
VS HONEYWELL INTE

Case Initiation Date: 11/10/2020

Attorney Name: ALLAN KANNER

Firm Name: KANNER & WHITELEY, LLC

Address: 701 CAMP ST

NEW ORLEANS LA 70130

Phone: 5045245777

Name of Party: PLAINTIFF : Attorney General of New
Jersey

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: ENVIRONMENTAL/ENVIRONMENTAL COVERAGE
LITIGATION

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

**Do you anticipate adding any parties (arising out of same
transaction or occurrence)?** NO

**Are sexual abuse claims alleged by: Attorney General of New
Jersey?** NO

Are sexual abuse claims alleged by: NJDEP? NO

Are sexual abuse claims alleged by: Commissioner of the NJDEP?
NO

Are sexual abuse claims alleged by: Admin NJ Spill Comp Fund?
NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Other(explain) Regulatory Agency

Does the statute governing this case provide for payment of fees by the losing party? YES

**Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:**

Environmental natural resource damage claims on behalf of the State of New Jersey through the Department
of Environmental Protection due to discharges of hazardous substances and pollutants.

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

11/10/2020

Dated

/s/ ALLAN KANNER

Signed