

**SAIBER LLC**

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Attorney for Third-Party Defendant EPEC Polymers, Inc.

NEW JERSEY DEPARTMENT OF	:	SUPERIOR COURT OF NEW
ENVIRONMENTAL PROTECTION and	:	JERSEY
THE ADMINISTRATOR OF THE NEW	:	LAW DIVISION: ESSEX
JERSEY SPILL COMPENSATION FUND,	:	COUNTY
	:	
Plaintiffs	:	DOCKET NO. L-9868-05 (PASR)
v.	:	
	:	
OCCIDENTAL CHEMICAL	:	CIVIL ACTION
CORPORATION, TIERRA SOLUTIONS,	:	
INC., MAXUS ENERGY CORPORATION,	:	<b>CMO V THIRD-PARTY INITIAL</b>
REPSOL YPF, S.A., YPF, S.A., YPF	:	<b>DISCLOSURE</b>
HOLDINGS, INC. and CLH HOLDINGS,	:	
INC.,	:	
Defendants.	:	
	:	
MAXUS ENERGY CORPORATION and	:	
TIERRA SOLUTIONS,	:	
INC.,	:	
Third-Party Plaintiffs,	:	
	:	
vs.	:	
	:	
3M COMPANY, <i>et al.</i> ,	:	
	:	
Third-Party Defendants.	:	

Third-Party Defendant EPEC Polymers, Inc., (“Respondent”), for its Initial Disclosure in accordance with Case Management Order V, provides the following specific information:

## **Reservations**

1. Respondent reserves the right to object to the production of any documents or other information on any ground, including relevance and undue burden, and to assert any applicable privilege, including the attorney-client privilege, the work product doctrine, the common interest doctrine, and any other applicable privilege or protection. These disclosures are not intended to prejudice or waive any privileges or objections Respondent may have with respect to any outstanding or subsequent requests for discovery.

2. Respondent's investigation in this matter is continuing. Accordingly, it reserves the right to supplement, clarify, and revise these disclosures to the extent additional information becomes available or is obtained through discovery. Further, Respondent reserves the right to amend these disclosures to the extent the claims brought by or alleged against Respondent in this litigation are amended.

3. The time period covered by the allegations in the Plaintiffs' Second Amended Complaint is quite long and encompasses at least six decades. The geographic scope of the Second Amended Complaint is also quite broad, covering the 'Newark Bay Complex,' which spans the 'lower 17 miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill van Kull, and into adjacent waters and sediments.' Second Amended Complaint, ¶ 1. The scope of inquiry required by Plaintiffs and Third-Party Defendants is accordingly quite broad and potentially burdensome. Respondent is therefore engaged in a continuing investigation and reserves the right to supplement and modify these disclosures.

**Initial Disclosures**

a. The name, address and telephone number, as may be known of each individual likely to have discoverable information, along with the subjects of that information, that relates to any alleged discharge or release of pollutants, contaminants and/or hazardous substances (“Pollutants”) into the Newark Bay Complex (as these terms are defined in the Second Amended Complaint and the Third-Party Complaints) from the site(s) and/or properties with which the disclosing party is associated in the Third-Party Complaint (“Alleged Discharges”);

**Response**

<b>Name/Address/Phone</b>	<b>Subject</b>
Orville E. Meyer  Manager, Engineering El Paso Corporation 1001 Louisiana St. Houston, Texas 77002 Telephone: (713) 420-6464	Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint “D”).
John C. Thomas  Principal Scientist El Paso Corporation 1001 Louisiana St. Houston, Texas 77002 Telephone: (713) 420-4466	Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint “D”).
Brian S. Johnson  Principal Scientist El Paso Corporation 1001 Louisiana St. Houston, Texas 77002 Telephone: (713) 420-3425	Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint “D”).
Bart T. Wilking  Manager, Engineering El Paso Corporation 2 North Nevada Avenue Colorado Springs, Colorado 80944 Telephone: (719) 520-4554	Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint “D”).

<p>Marcus R. Ferries</p> <p>Director, Environmental Remediation El Paso Corporation 1001 Louisiana St. Houston, Texas 77002 Telephone: (713) 420-3120</p>	<p>Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p>
<p>Roger D. Towe, formerly with El Paso Corporation</p> <p>Contact: Counsel for EPEC Polymers, Inc. Scott J. Miller, Esq. 1001 Louisiana St. Houston, Texas 77002 Telephone: (713) 420-2336</p>	<p>Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p>
<p>Paul I. Lazaar</p> <p>Principal Project Manager Sovereign Consulting, Inc. (and formerly with SECOR International, Inc.) 111-A North Gold Drive Robbinsville, New Jersey 08691 Telephone: (609) 259-8200</p>	<p>Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p>
<p>Jorge Montoy</p> <p>Sovereign Consulting, Inc. 111-A North Gold Drive Robbinsville, New Jersey 08691 Telephone: (609) 259-8200</p>	<p>Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p>
<p>Geraghty &amp; Miller, Inc. Environmental Services</p> <p>Upon information and belief, the former Geraghty &amp; Miller is now part of ARCADIS. We therefore cannot provide current contact information for the former Geraghty &amp; Miller.</p>	<p>Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p>
<p>Bruce C. Amig</p> <p>Director, Global Remediation Services Goodrich Corporation Four Coliseum Centre 2730 West Tyvola Road Charlotte, North Carolina 28217-4578</p>	<p>Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p>

<p>Thomas J. LoBue Formerly, Site General Manager</p> <p>Contact: Counsel for Goodrich Corporation Wolff &amp; Samson One Boland Drive West Orange, New Jersey 07052</p>	<p>Former General Manager at the Goodrich Site (as defined in Third-Party Complaint "D" in the 1960s and continuing through the close of operations in 1994.</p>
<p>Andrew Dillman and/or other representatives of</p> <p>New Jersey Department of Environmental Protection 401 E. State Street, PO Box 432 Trenton, New Jersey 08625 Telephone: (609) 633-1447</p>	<p>Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p>
<p>Representative from City of Garfield City Manager's Office</p>	<p>Knowledge of City of Garfield resolutions passed to permit off-site remedial investigative activities.</p>

Respondent hereby incorporates by reference, as if fully stated herein; each individual listed in Plaintiffs' Initial Disclosures and Defendants' Initial Disclosures. Respondent also reserves the right to identify any individuals disclosed in responses to interrogatories or disclosures by the Plaintiffs, Defendants, or Third-Party Defendants.

b. The name, address and telephone number, as may be known, of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses (unless the use would be solely for impeachment);

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<p>Orville E. Meyer</p> <p>Manager, Engineering El Paso Corporation 1001 Louisiana St. Houston, Texas 77002 Telephone: (713) 420-6464</p>	<p>Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p>
<p>John C. Thomas</p> <p>Principal Scientist El Paso Corporation 1001 Louisiana St. Houston, Texas 77002 Telephone: (713) 420-4466</p>	<p>Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p>

<p>Brian S. Johnson</p> <p>Principal Scientist El Paso Corporation 1001 Louisiana St. Houston, Texas 77002 Telephone: (713) 420-3425</p>	<p>Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p>
<p>Bart T. Wilking</p> <p>Manager, Engineering El Paso Corporation 2 North Nevada Avenue Colorado Springs, Colorado 80944 Telephone: (719) 520-4554</p>	<p>Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p>
<p>Marcus R. Ferries</p> <p>Director, Environmental Remediation El Paso Corporation 1001 Louisiana St. Houston, Texas 77002 Telephone: (713) 420-3120</p>	<p>Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p>
<p>Roger D. Towe, formerly with El Paso Corporation</p> <p>Contact: Counsel for EPEC Polymers, Inc. Scott J. Miller, Esq. 1001 Louisiana St. Houston, Texas 77002 Telephone: (713) 977-5673</p>	<p>Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p>
<p>Paul I. Lazaar</p> <p>Principal Project Manager Sovereign Consulting, Inc. (and formerly with SECOR International, Inc.) 111-A North Gold Drive Robbinsville, New Jersey 08691 Telephone: (609) 259-8200</p>	<p>Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p>
<p>Jorge Montoy</p> <p>Sovereign Consulting, Inc. 111-A North Gold Drive Robbinsville, New Jersey 08691 Telephone: (609) 259-8200</p>	<p>Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p>

Geraghty & Miller, Inc. Environmental Services  Upon information and belief, the former Geraghty & Miller is now part of ARCADIS. We therefore cannot provide current contact information for the former Geraghty & Miller.	Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").
Bruce C. Amig  Director, Global Remediation Services Goodrich Corporation Four Coliseum Centre 2730 West Tyvola Road Charlotte, North Carolina 28217-4578	Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").
Thomas J. LoBue Formerly, Site General Manager  Contact: Counsel for Goodrich Corporation Wolff & Samson One Boleland Drive West Orange, New Jersey 07052	Former General Manager at the Goodrich Site (as defined in Third-Party Complaint "D" in the 1960s and continuing through the close of operations in 1994.
Andrew Dillman and/or other representatives of  New Jersey Department of Environmental Protection 401 E. State Street, PO Box 432 Trenton, New Jersey 08625 Telephone: (609) 633-1447	Environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").
Representative from City of Garfield City Manager's Office	Knowledge of City of Garfield resolutions passed to permit off-site remedial investigative activities.

Respondent hereby incorporates by reference, as if fully stated herein; each individual listed in Plaintiffs' Initial Disclosures and Defendants' Initial Disclosures. Respondent also reserves the right to identify any individuals disclosed in responses to interrogatories or disclosures by the Plaintiffs, Defendants, or Third-Party Defendants.

c. The name, address and telephone number, as may be known, of any and all past or present owners, lessees or operators at the site(s) and/or properties with which it is associated in the Third-Party Complaint and the dates of such ownership, lease or operation, as may be known;

**Response**

<b>Name/Address/Phone</b>	<b>Site Address</b>	<b>Dates at Site: Ownership/Operator/Lease</b>
U.S. Government – seized the property from German owner Heyden Chemical Chemical Company, during WWI and redistributed to a non-German owned entity.	290 River Drive Garfield, Bergen County, New Jersey	1919
Heyden Newport Chemical Corporation	290 River Drive Garfield, Bergen County, New Jersey	Acquired ownership some time prior to 1963
Tenneco Chemicals, Inc. (dissolved)	290 River Drive Garfield, Bergen County, New Jersey	1963 to December 1, 1982
Kalama Chemical Incorporated	290 River Drive Garfield, Bergen County, New Jersey	1982 - 1994
Freedom Chemical Corporation	290 River Drive Garfield, Bergen County, New Jersey	1994 - 1998
The B.F. Goodrich Company (n/k/a Goodrich Corporation)	290 River Drive Garfield, Bergen County, New Jersey	1998 - 2001
Kalama Specialty Chemicals, Inc.	290 River Drive Garfield, Bergen County, New Jersey	2001 - present

d. With respect to any individual identified pursuant to paragraph (a), (b) or (c) above, (or any other individual known to have material knowledge of an alleged discharge or release of a Pollutant at or from a site and/or property, or into the Newark Bay Complex), any known inability to testify due to age, infirmity, or incompetency within 12 months following the date of the Initial Disclosure;

**Response**

<b>Name/Address/Phone</b>	<b>Nature of Inability</b>
None	



e. A description by category and location (or copy at the discretion of the Third-Party Defendant) of all documents or electronically stored information that the disclosing party has in its possession, custody, or control with respect to Alleged Discharges including disclosure of the extent to which such documents or electronically stored information may fall within the Excepted Information.

**Response**

Documents by Category	Location	Applicable Exception <sup>1</sup>
<p>Documents containing information relating to the environmental conditions and response actions at the Goodrich Site (as defined in Third-Party Complaint "D").</p> <p>This category of documents may include, but is not limited to, analytical data, reports, correspondence, notes, articles, data sheets, corporate documents,</p>	<p>EPEC Polymers, Inc. (and offsite archives) 1001 Louisiana St. Houston, Texas 77002</p> <p>Also, certain documents are in the possession of the consulting firm whose employees are identified in Item 1.</p>	<p>a, b, d, and g</p>

<sup>1</sup> Applicable Exception Codes are as follows:

a. Information, ("Information"), including, but not limited to, environmental, chemical and/or biological testing of groundwater, surface water, soil or sediment (hereinafter "Sampling Information") contained in the nexus packages produced pursuant to paragraph 8 (e) of CMO V; and

b. Information previously produced to any branch, department, agency or instrumentality of the State of New Jersey including to the New Jersey Department of Environmental Protection ("NJDEP") or Information produced to any other governmental agency or entity whose responsibility it is to oversee environmental compliance in the Newark Bay Complex Area, including, but not limited to, the United States Environmental Protection Agency and the United States Army Corps of Engineers (hereinafter "Governmental Recipients");

c. Information produced to any Licensed Site Remediation Professional (hereinafter "LSRP") who is duly licensed by the State of New Jersey at the time of receipt of such Information where such disclosure of Information is intended to be used in connection with any remedial investigation or remedial action having an assigned case number in the NJDEP's NJEMS data system;

d. Sampling Information compiled with the expectation of being produced to a Governmental Recipient or an LSRP under Paragraphs 4(b) or 4(c) but which Sampling Information has not yet undergone quality assurance/ quality control or similar analysis;

e. Information produced by a third-party defendant to any third-party plaintiff pursuant to the New Jersey Open Public Records Act or other freedom of information law or regulation;

f. Information previously produced to Defendants and

g. Information that falls within the attorney-client privilege and/or the attorney work product privilege.

<p>agreements, administrative agency documents or materials, news articles, memoranda, invoices, financial data, and other types of materials.</p>		
<p>Documents containing information relating to the environmental conditions in the Passaic River and related areas by the Lower Passaic River Study Area Cooperating Parties Group.</p> <p>This category of documents may include, but is not limited to, analytical data, reports, correspondence, notes, articles, data sheets, corporate documents, agreements, administrative agency documents or materials, news articles, memoranda, invoices, financial data, and other types of materials.</p>	<p>EPEC Polymers, Inc. (and offsite archives) 1001 Louisiana St. Houston, Texas 77002</p> <p>Also, certain documents are in the possession of the consulting firm whose employees are identified in Item 1.</p>	<p>a, b, d, and g</p>
<p>Documents regarding corporate history, organization, and transactions involving EPEC Polymers, Inc.</p>	<p>EPEC Polymers, Inc. (and offsite archives) 1001 Louisiana St. Houston, Texas 77002</p> <p>Also, certain documents are in the possession of the consulting firm whose employees are identified in Item 1.</p>	<p>b and g</p>
<p>Electronic data and files related to the above-listed categories.</p>	<p>EPEC Polymers, Inc. (and offsite archives) 1001 Louisiana St. Houston, Texas 77002</p> <p>Also, certain documents are in the possession of the consulting firm whose employees are identified in Item 1.</p>	<p>a, b, d, and g</p>

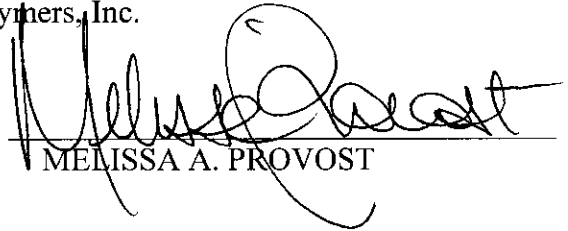
Respondent's Initial Disclosures are made without prejudice to their right to change or supplement their responses, their right to assert privileges or objections with respect to any subsequent requests for discovery, and their right to introduce at trial additional evidence and documents as warranted by the development of the facts underlying this litigation.

Dated: December 22, 2009

Respectfully submitted,

SAIBER LLC  
Attorneys for Third-Party Defendant EPEC  
Polymers, Inc.

By:



MELISSA A. PROVOST