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*Attorney for Third-Party Defendant  
Hess Corporation*

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

Plaintiffs,

vs.

OCCIDENTAL CHEMICAL CORPORATION,  
TIERRA SOLUTIONS, INC., MAXUS ENERGY  
CORPORATION, REPSOL YPF, S.A., YPF, S.A.,  
YPF HOLDINGS, INC. and CLH HOLDINGS,

Defendants,

MAXUS ENERGY CORPORATION and  
TIERRA SOLUTIONS, INC.,

Third-Party Plaintiffs,

vs.

3M COMPANY, et al.,

Third-Party Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY

DOCKET NO. L-9868-05 (PASR)

CIVIL ACTION

**INITIAL DISCLOSURE OF  
THIRD-PARTY DEFENDANT  
HESS CORPORATION**

**INITIAL DISCLOSURE OF THIRD-PARTY DEFENDANT HESS CORPORATION**

Third-Party Defendant Hess Corporation (“Hess”) hereby submits its Initial Disclosure Statement in accordance with Case Management Orders V and VIII.

## **RESERVATIONS**

1. Hess 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 Hess may have with respect to any outstanding or subsequent requests for discovery.

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

3. The time period covered by the allegations in the Plaintiffs' Second Amended Complaint is extremely long and encompasses at least six decades. The geographic scope of the Second Amended Complaint also is 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." 2d Am. Compl. ¶ 1. The scope of inquiry required by Plaintiffs and Third-Party Defendants is accordingly very broad and potentially burdensome. Hess therefore is 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:**

Hess objects to this request to the extent it concludes that there was any discharge or release of pollutants, contaminants and/or hazardous substances from the Hess site. Hess has identified the following individuals as potentially having discoverable information regarding the topics listed below.

<b>Name, Address &amp; Telephone</b>	<b>Subject of Information</b>
<p>Dawn Coughlin Hess Corporation</p> <p>Contact: Counsel for Hess Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700</p>	<p>Oversees environmental remediation</p>
<p>Alan Bodak Hess Corporation</p> <p>Contact: Counsel for Hess Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700</p>	<p>Oversees terminal operations</p>
<p>Peter Haid Hess Corporation</p> <p>Contact: Counsel for Hess Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700</p>	<p>Oversees environmental compliance and permitting</p>
<p>Frank Sanclementi Hess Corporation</p> <p>Contact: Counsel for Hess Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700</p>	<p>Environmental remediation for the site from approximately 2002-2004</p>

<p>Donald Bull Hess Corporation</p> <p>Contact: Counsel for Hess Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700</p>	<p>Environmental remediation for the site from approximately 2004-2009</p>
<p>Steven Freeman Hess Corporation</p> <p>Contact: Counsel for Hess Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700</p>	<p>Environmental remediation for the site from 2009 - present</p>
<p>Howard Goldman Hess Corporation</p> <p>Contact: Counsel for Hess Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700</p>	<p>Environmental compliance and permitting</p>
<p>ARCADIS (f/k/a Geraghty &amp; Miller, Inc.) 3000 Cabot Boulevard, West Suite 3004 Langhorne, PA 19047</p>	<p>Prior environmental consultant involved in remediation</p>
<p>Delta Environmental Consultants 130 Gaither Drive Suite 110 Mount Laurel, NJ 08054</p>	<p>Prior environmental consultant involved in remediation</p>
<p>NewFields Princeton, LLC 103 Carnegie Center Suite 109 Princeton, NJ 08540</p>	<p>Prior environmental consultant involved in remediation</p>
<p>EnviroTrac Environmental Services 1208A Columbus Road Burlington, NJ 08016</p>	<p>Current environmental consultant involved in remediation</p>
<p>State of New Jersey Department of Environmental Protection P.O. Box 432 Trenton, NJ 08625</p>	<p>Site permitting and remediation</p>

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);

**Response:**

The following individuals may have discoverable information that Hess may use to support its claims or defenses:

Name or Entity	Address & Telephone
Dawn Coughlin Hess Corporation	Contact: Counsel for Hess Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700
Alan Bodak Hess Corporation	Contact: Counsel for Hess Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700
Peter Haid Hess Corporation	Contact: Counsel for Hess Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700
Frank Sanclementi Hess Corporation	Contact: Counsel for Hess Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700
Donald Bull Hess Corporation	Contact: Counsel for Hess Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700
Steven Freeman Hess Corporation	Contact: Counsel for Hess Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700
Howard Goldman Hess Corporation	Contact: Counsel for Hess Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700

ARCADIS (f/k/a Geraghty & Miller, Inc.)	3000 Cabot Boulevard, West Suite 3004 Langhorne, PA 19047
Delta Environmental Consultants	130 Gaither Drive Suite 110 Mount Laurel, NJ 08054
NewFields Princeton, LLC	103 Carnegie Center Suite 109 Princeton, NJ 08540
EnviroTrac Environmental Services	1208A Columbus Road Burlington, NJ 08016
State of New Jersey Department of Environmental Protection	P.O. Box 432 Trenton, NJ 08625

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:**

The following list includes past or present owners, lessees or operators of the Hess site currently known to Hess:

<b>Name Address &amp; Telephone</b>	<b>Dates of Ownership/ Lease/Operation</b>
Atlantic Richfield Company n/k/a BP America Inc. 501 Westlake Park Boulevard Houston, TX 77079 (281) 366-2000	Owned 1948 -1990
Hess Corporation (f/k/a Amerada Hess Corporation) 1185 Avenue of the Americas New York, NY 10036 (212) 536-8940	Owned and operated 1991 - present
Total Distribution Services, Inc. 550 Water Street Jacksonville, FL 32202 (843) 886-8881	Leased (partial) 2000
eTrans Depots, LLC Last known address: 200 Plaza Drive Secaucus, NJ 07096	Leased (partial) 2001-2002

Ironbound Intermodal Industries 65 Jabez Street Newark, NJ 07105 (973) 491-5151	Leased (partial) 2002-present
Taylor Oil Company 77 Second Street P.O. Box 974 Somerville, NJ 08876 (908) 725-7737	Leased (partial) 2002-2005

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:**

Hess is currently unaware of any inability to testify due to age, infirmity, or incompetency with respect to the individuals identified pursuant to the preceding paragraphs.

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:**

Hess objects to this request to the extent it concludes that there was any discharge or release of pollutants, contaminants and/or hazardous substances from the Hess site. Without waiving any objections, the following list includes a description of all non-privileged documents and electronically stored information currently known to Hess to be in its possession, custody or control that relate to environmental compliance, investigation and remediation at the Hess site.

Further, some or all of the documents identified with the categories that are labeled with an asterisk (\*) may consist of information that falls within the category of Excepted Information.<sup>1</sup>

Documents by Category	Location
Environmental reports, sampling data, and related documents*	Hess Corporation One Hess Plaza Woodbridge, NJ 07095 (732) 750-6000
Correspondence with governmental agencies and regulators*	Hess Corporation One Hess Plaza Woodbridge, NJ 07095 (732) 750-6000

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<sup>1</sup> Pursuant to CMO VIII, the term Excepted Information shall include the following documents or electronically stored information:

- 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.

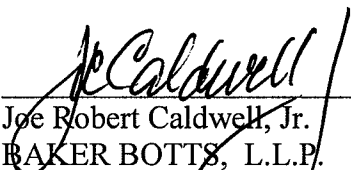


Correspondence with environmental consultants	Hess Corporation One Hess Plaza Woodbridge, NJ 07095 (732) 750-6000
Environmental permits and related documents*	Hess Corporation One Hess Plaza Woodbridge, NJ 07095 (732) 750-6000
Internal correspondence	Hess Corporation One Hess Plaza Woodbridge, NJ 07095 (732) 750-6000
Terminal operations and checklists	Delancy Street Terminal 921-981 Delancy Street Newark , NJ 07105

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

Dated: December 29, 2009

Respectfully submitted,

  
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*Attorney for Third-Party Defendant Hess Corporation*

**CERTIFICATE OF SERVICE**

I, Joe Robert Caldwell, Jr., an attorney-of-law of the State of New Jersey, do hereby state upon my oath that I have served the forgoing Initial Disclosure of Third-Party Defendant Hess Corporation electronically via posting on Sfile upon all parties which have consented to service by posting, and upon the attached list of counsel of record by depositing the same with the United States Postal Service.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willingly false, I am subject to punishment.

Joe Robert Caldwell, Jr.

Attorney for Third-Party Defendant Hess  
Corporation

By: \_\_\_\_\_

  
Joe Robert Caldwell, Jr.

Dated: December 29, 2009

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