DONALD F. BURKE, ESQ.
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Attorney for Third-Party Defendant
THE PORT AUTHORITY OF NEW YORK
AND NEW JERSEY

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,

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.

BAYONNE MUNICIPAL UTILLTIES AUTHORITY, et al.,

Third-Party Defendants.

SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ESSEX COUNTY

DOCKET NO.: ESX-L-9868-05 (PASR)

CIVIL ACTION

INITIAL DISCLOSURE OF THIRD-PARTY DEFENDANT THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

To: All parties via electronic platform for service.

Third-party defendant, The Port Authority of New York and New Jersey (hereinafter the "Port Authority"), makes and serves its Initial Disclosure in the within matter, pursuant to the terms articulated in Case Management Orders V and VIII, as

follows. The Port Authority makes theses Disclosures based upon an initial investigation and on information available at the time of their submission.

Reservations

- 1. The Port Authority 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 the Port Authority may have with respect to any outstanding or subsequent requests for discovery.
- 2. The Port Authority'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, the Port Authority reserves the right to amend these disclosures to the extent the claims brought by or alleged against the Port Authority in this litigation are amended.
- 3. The time period covered by the allegations in the Plaintiffs' Second Amended Compliant is quite long and encompasses several decades. The geographic scope of the Second Amended Complaint is very 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, See second amended complaint, paragraph 1. The Port Authority properties identified in the complaint are: Liberty Newark International Airport (EWR), Port Newark and Port Elizabeth, Essex County Resource Recovery Facility and the Peripheral

Ditch, See second amended complaint, pars. 489-495, 919-931, 953-100, 1017-1031. Some of these properties are owned and some are leased or partially leased. The acquisition of property was done over a number of years. The scope of the inquiry required by Plaintiffs and Third Party Defendants is accordingly vast and burdensome. The Port Authority 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

Name/Address/Telephone Number	Subject
Thomas F. Costanzo Manager, Waterways Development Corporation, Port Commerce Department c/o The Port Authority of New York and New Jersey Law Department 225 Park Avenue South New York, New York 10003 212-435-3434	Port Newark (Dredging) Port Elizabeth
James D. Heitman Manager, Airport Facilities and Redevelopment, Aviation Department c/o The Port Authority of New York and New Jersey Law Department 225 Park Avenue South New York, New York 10003 212-435-3434	Newark Airport

James L. Jailer Manager, Essex County Resource Recovery Facility c/o The Port Authority of New York and New Jersey Law Department 225 Park Avenue South New York, NY 10003 212-435-3434	Essex County Resource Recovery Facility
Edward C. Knoesel Manager, Environmental Services, Aviation Department c/o The Port Authority of New York and New Jersey Law Department 225 Park Avenue South New York, New York 10003 212-435-3434	Newark Airport The Peripheral Ditch
Bernice R. Malione Assistant Director of Environmental Compliance, Office of Environmental & Energy Programming c/o The Port Authority of New York and New Jersey Law Department 225 Park Avenue South New York, New York 10003 212-435-3434	Newark Airport (permits) Port Newark Port Elizabeth "
Matthew H. Masters Manager, Waterway Planning & Development, Port Commerce Department c/o The Port Authority of New York and New Jersey Law Department 225 Park Avenue South New York, New York 10003 212-435-3434	Port Newark Port Elizabeth The Peripheral Ditch
Mehry K. Najafi Manager of Environmental Management, Aviation Department c/o The Port Authority of New York and New Jersey Law Department 225 Park Avenue South New York, New York 10003 212-435-3434	Newark Airport

Robert P. Pruno Chief Environmental Engineer, Engineering Department c/o The Port Authority of New York and New Jersey Law Department 225 Park Avenue South New York, New York 10003 212-435-3434	Newark Airport Port Newark Port Elizabeth The Peripheral Ditch
Edward Aldrich Sr. Environmental Analyst c/o Engineering Department c/o The Port Authority of New York and New Jersey Law Department 225 Park Avenue South New York, New York 10003 212-435-3434	Port Newark Port Elizabeth The Peripheral Ditch
Bruce K. Walch Project Engineer, Engineering Department c/o The Port Authority of New York and New Jersey Law Department 225 Park Avenue South New York, New York 10003 212-435-3434	Newark Airport

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 Port Authority refers to the individuals listed in response to (a) above and reserves its right to supplement this list as discovery progresses. The Port Authority also reserves its right to identify experts at the appropriate time.

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 Port Authority's records were largely destroyed on September 11, 2001 but based upon available maps, the following are believed to be owners at the sites with which the Port Authority was associated in the third-party complaint as follows:

Name/Address/Telephone Number	Property	Dates
Central Jersey Industries, Inc. 100 East 50th Street New York, NY 10022 (212) 751-0062)	Port Elizabeth	Through March 4, 1980
Central Railroad of New Jersey (Absorbed into Conrail 1717 Arch Street Suite 3210 Philadelphia, Pennsylvania 19103 (215) 209-2000)	Port Elizabeth	Through June 22, 1978
City of Newark 920 Broad Street Newark, New Jersey 07102 (973) 733-6400	Newark Airport Port Newark	Through the present
City of Elizabeth 50 West Winfield Scott Plaza Elizabeth, New Jersey 07201 (908) 820-4000	Newark Airport	Through April 17, 1950
City of Elizabeth 50 West Winfield Scott Plaza Elizabeth, New Jersey 07201 (908) 820-4000	Newark Airport	Through June 27, 1951
Charles Danzig No contact information presently available	Port Elizabeth	Through May 15, 1991
Consolidated Rail Corporation 1717 Arch Street Suite 3210 Philadelphia, Pennsylvania 19103 (215) 209-2000	Port Elizabeth	Through June 30, 1987
Elizabeth P.A. Piers No contact information presently available	Port Elizabeth	Through March 14, 1958
Milton Corporation No contact information presently available	Port Elizabeth	Through November 29, 1971

Newark Housing Authority 500 Broad Street Newark, New Jersey 07102	Essex County Resource Recovery Facility	Through December 10, 1987
(973) 430-2430T		
United States of America United States Army Corps of Engineers 441 G Street Northwest Washington, D.C. 20314 (202) 761-0008	Elizabeth Channel	From December 13, 1966
Unknown Owner No contact information presently available	Port Elizabeth	Through February 10, 1967

The Port Authority reserves its right to amend or supplement the above-stated list.

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

The Port Authority is not aware of any such individuals at present.

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

The Port Authority believes any such documents are exempt under the terms of Paragraph "4" of Case Management Order VIII.

- f. The Port Authority will amend and/or supplement the Initial Disclosure as additional information is obtained through investigation and discovery.
- g. The Port Authority's Initial Disclosures are made without prejudice to its right to change or supplement these responses, its right to assert privileges or objection 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.

Respectfully submitted,

DONALD F. BURKE, ESQ. Attorney for Third-party Defendant THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Christopher R. Brink Ese

Dated: March 5, 2010

CERTIFICATION OF SERVICE

- I, Christopher R. Brink, am an attorney-at-law of the State of New Jersey do hereby certify under penalty of perjury:
 - I am a member in good standing of the New Jersey Bar and am associated with the Office of Donald F. Burke, Esq., attorney of record for The Port Authority of New York and New Jersey.
 - 2. On this date, The Port Authority's Initial Disclosures were electronically served on all parties who have consented to service by electronic posting to the following website: http://njdepvocc.sfile.com.
 - 3. On this date, the Port Authority's Initial Disclosures were served by firstclass, regular mail upon counsel for all parties who have not consented to service by electronic posting.

Borough of Hasbrouck Heights	Richard J. Dewland
	Coffey & Associates
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	Morristown, New Jersey 07960
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	rjd@coffeylaw.com
City of Orange	John P. McGovern
	Assistant City Attorney
	City of Orange Township
	29 North Day Street
	Orange, New Jersey 07050
Passaic Pioneers Properties	John A. Daniels
Company	Daniels & Daniels LLC
	6812 Park Avenue
	Gutenberg, New Jersey 07093
Township of Hillside	Christine M. Burgess
	Township Attorney
	Hillside Township
	Municipal Building
	1409 Liberty Avenue
	Hillside, New Jersey 07205

Township of Irvington	Gustavo Garcia
	Municipal Attorney
	Township of Irvington
	Irvington Municipal Building
	Civic Square
	Irvington, New Jersey 07111

4. 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 willfully false, I am subject to punishment.

Dated: March 5, 2010

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Initial Disclosure of Third-Party Defendant The Port Authority of New York and New Jersey, incorporated herein, was served via Federal Express on March 5, 2010 on the below listed attorneys:

Borough of Hasbrouck Heights

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City of Orange

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By: Laura Come Kathleen Cronin