

DONALD F. BURKE, ESQ.
One PATH Plaza
Jersey City, New Jersey 07306
(201)-216-6370 – (212) 435-3426
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 UTILITIES
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 these 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 Complaint 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

<i>Name/Address/Telephone Number</i>	<i>Subject</i>
<i>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</i>	<i>Port Newark (Dredging) Port Elizabeth</i>
<i>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</i>	<i>Newark Airport</i>

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

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

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

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.

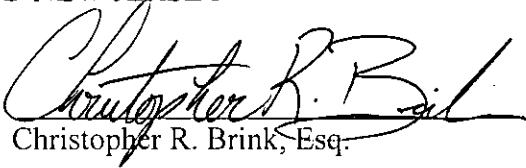
f. The Port Authority will amend and/or supplement the Initial Disclosure as additional information is obtained through investigation and discovery.

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

By: 
Christopher R. Brink, Esq.

Dated: March 5, 2010

CERTIFICATION OF SERVICE

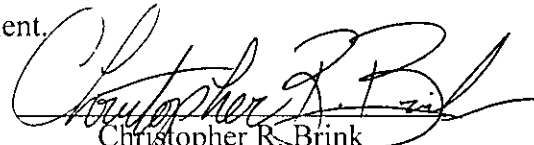
I, Christopher R. Brink, am an attorney-at-law of the State of New Jersey do hereby certify under penalty of perjury:

1. 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 first-class, 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 465 South Street Morristown, New Jersey 07960 973-539-4500 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 Company	John A. Daniels Daniels & Daniels LLC 6812 Park Avenue Guttenberg, 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
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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.


Christopher R. Brink

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 Richard J. Dewland
Coffey & Associates
465 South Street
Morristown, New Jersey 07960
973-539-4500
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
Company John A. Daniels
Daniels & Daniels LLC
6812 Park Avenue
Guttenberg, 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

By: 
Kathleen Cronin

March 5, 2010