

David B. Farer, Esq.
Farer Fersko, a Professional Association
600 South Avenue
Westfield, New Jersey 07091
Tel: (908) 789-8550
Fax: (908) 789-8660
ATTORNEY FOR THIRD-PARTY DEFENDANT
THE PROCTER & GAMBLE MANUFACTURING COMPANY

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

Comes now Third-Party Defendant The Procter & Gamble Manufacturing Company, ("P&GMC") and for its Initial Disclosure in accordance with Case Management Orders V and VIII provides the following specific information:

Reservations

1. P&GMC 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 P&GMC may have with respect to any outstanding or subsequent requests for discovery.

2. P&GMC'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, P&GMC reserves the right to amend these disclosures to the extent the claims brought by or alleged against P&GMC 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. P&GMC 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

P&GMC objects to the form of the question to the extent that it assumes or concludes there was an “alleged discharge or release of pollutants, contaminants and/or hazardous substances” to the Newark Bay complex from the sites with which P&GMC is associated in Third Party Complaint “B.” Subject to this objection and the Reservations stated above, the individuals listed are likely to have discoverable information pertaining to environmental conditions and operational history at the P&GMC facility:

Name/Address/Phone of Current Employees	Subject
Ann Bailey The Procter & Gamble Company, Legal Department One Procter & Gamble Plaza Cincinnati Ohio 45202 513-983-4154	Port Ivory Environmental Legal Matters
Brian Banke The Procter & Gamble Company One Procter & Gamble Plaza Cincinnati, OH 45202 513-698-6029	Real Estate
Richard Brown Cosmich Simmons & Brown, PLLC 255 E. 5th Street, Suite 1101 Cincinnati, Ohio 45202 513-421-3061	Port Ivory Premises Liability Litigation Documents
Peter Dawson Corporate Health, Safety & Environment Procter & Gamble Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069 513-634-9614	
Steve Dishion Corporate Health, Safety & Environment Procter & Gamble Corporate Engineering	Port Ivory Environmental Document Archives

Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069 513-634-9520	
Kym Gaylo Associate Director, Corporate Health, Safety & Environment Procter & Gamble Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069 513-634-9617	Closure and Sale of Port Ivory Plant
Julie Gibson The Procter & Gamble Company, Legal Department One Procter & Gamble Plaza Cincinnati, Ohio 45202 513-983-6226	P&G Closed Site Health, Safety and Environmental Document Archives
Calvin Green Corporate Health, Safety & Environment F&HC Historic Wing 5299 Spring Grove Ave. Cincinnati, OH 45217 513-627-5245	Wastewater
Names of Former Employees Retiree and former employee contact information will be provided upon request.	Subject
George Brown Retiree (former Port Ivory Plant Environmental Manager)	
Jack Brown Retiree (former Line Management Director)	
Robert E. Dickson Retiree (former Environmental Control Engineer at Port Ivory; Environmental Manager from 1975 to approximately 1990)	Port Ivory Environmental Management Procedures
John Duke Retiree, Corporate Health, Safety and Environment	Environmental Matters
William Ehlers Retiree (former Chief Automatic controls Engineer at Port Ivory)	

Colleen Greaney Former Employee (Environmental Program Manager until the Port Ivory sale)	Closure and Sale of Port Ivory Plant
Frank J. Kern Former Employee (former environmental program contact at Port Ivory Plant for Utilities and Wood Yard)	
Robert M. Tollett Retiree, Corporate Health, Safety & Environment	

P&GMC further states that hundreds of employees worked at the Port Ivory facility (also known as the “Procter & Gamble Site”) throughout the decades during which the site was operated by P&GMC. Any of these individuals could have knowledge of the matters at issue. Inasmuch as this process is ongoing, we reserve the right to supplement this response if more information is located.

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

See Response to Question a., above.

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

Name/Address/Phone	Site Address	Dates at Site: Ownership/Operator/Lease
The Port Authority of New York and New Jersey 225 Park Avenue South New York, NY 10003 212-435-7000	40 Western Avenue, Staten Island, New York	October 18, 2000 - present
The Procter & Gamble Manufacturing Company One Procter & Gamble Plaza Cincinnati, Ohio 45202	40 Western Avenue, Staten Island, New York	1907 – October 18, 2000

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

Name/Address/Phone	Nature of Inability
None known at this time.	

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
Port Ivory Health, Safety and Environment Incident Reports from 1977 - 1996	Beckett Ridge/Blue Ash Server (located at the Sharon Woods Innovation Center, 11520 Reed Hartman Hwy, Cincinnati, Ohio 45241), Share Drive (includes network-based systems: Sharepoint Team Spaces, Novell Share Drives, TeamCenter, Microsoft Exchange Server (RISS)) P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
Port Ivory Plant History, Maps and Photos	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
Port Ivory Environmental Site Assessments conducted by Dames & Moore, McLaren Hart and Recon (includes Tax Blocks 1338S, 1338 N, 1400, 1309)	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	

1997 Port Ivory Landfill Closure Construction Certification Report	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1989 Blasland & Bouck Investigation of Calcium Deposits	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
Phase I & II Environmental Site Assessment by Killam Associates	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1994 Recon Landfill Closure Plan	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
Index of Port Ivory Plant Health, Safety and Environment (HSE) documents retained in P&G HSE archives after closure of the Port Ivory plant	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
Letters to agencies related to State Pollutant Discharge Elimination System Discharge Permit (SPDES) Port Ivory shut-down and sale.	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1986 SPDES Permit and Fact Sheet	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
Port Ivory Tier II Report Documents	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
December 2000 Letters regarding the June 2000 Site Phase I Assessment conducted by Killam.	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
Oil Lens Investigation Report and Memorandum of Understanding with NYS DEC.	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	

Recon Aboveground Tank Closure and Site Assessment Report.	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
Groundwater Treatment Studies	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
Assessment of Composition of Calcium Carbonate Fill Material	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
Site Study on Toluene Underground Storage Tank Area/Related Correspondence with NYS DEC re: release	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1993 Recon Systems Inc. Landfill Closure Port Ivory Site Investigation Report	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1990 Code Environmental Services, Inc. Site Investigation re: Toluene Underground Storage Tank Area	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1991 Dames & Moore Environmental Investigation Report	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1992 Recon Systems, Inc. Groundwater Treatment Feasibility Study for Petroleum Hydrocarbons and High pH.	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1993 Recon Systems, Inc. Treatability and Phase II Feasibility Study Results Report for pH, Petroleum Hydrocarbon and Toluene in Groundwater.	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1993 Recon Systems, Inc. Analytical Data for Area "K" Wells	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	

1993 Recon Systems, Inc. Landfill Closure Site Investigation Report	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1993 Recon Systems, Inc. Site Assessment, Soils Delineation and Impact to Groundwater in Area K at the Port Ivory Facility	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1992 NPDES Storm Water Permit Application for Port Ivory	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
Late 1980s – early 1990s memos providing updates on Port Ivory site conditions to prepare site for sale.	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1989 letter to NYSDEC regarding soil assessments and toluene	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1994 DRAFT Recon Environmental Site Assessment for Tax Block 1400	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
Various MSDS sheets from Port Ivory	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1992 DRAFT Recon Hydrogeologic sections of feasibility report.	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1991 Dames & Moore Phase II Environmental Investigation Report	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1991 Dames & Moore Project Work Plan Environmental Investigation	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1989 Port Ivory Environmental Site Assessment	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	

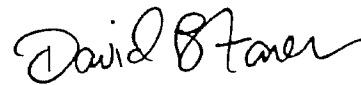
1990 Dames & Moore Environmental Assessment	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1991 Recon DRAFT Landfill Closure Site Investigation	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1992 Recon Results for Sampling of Toluene and Metals	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1993 Titration Study for the incorporation of high pH groundwater into an existing equalizer system	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1993 Recon Report on the recommended treatment system for groundwater contaminated with NAPL, Toluene and high pH	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
1994 Landfill Closure Plan and Supplemental Closure Site Investigation Results	P&G Corporate Engineering Technologies Lab 8256 Union Centre Blvd. Cincinnati, Ohio 45069	
Port Ivory Spill Prevention, Control and Counter Measures Plan Documents and Plant maps.	Cosmich Simmons & Brown, PLLC 255 E. 5th Street, Suite 1101 Cincinnati, Ohio 45202	
Port Ivory Real Estate Transaction Files	One Procter & Gamble Plaza Cincinnati, Ohio 45202	

P&GMC'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: May 7, 2010

Respectfully submitted,

Farer Fersko
A Professional Association
Attorneys for Third-Party Defendant
The Procter & Gamble Manufacturing Company
By:

A handwritten signature in black ink that reads "David B. Farer". The signature is written in a cursive style with a large, stylized initial "D".

David B. Farer, Esq.