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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
v.	:	
	:	
OCCIDENTAL CHEMICAL	:	CIVIL ACTION
CORPORATION, TIERRA SOLUTIONS,	:	
INC., MAXUS ENERGY CORPORATION,	:	CMO V THIRD-PARTY INITIAL
REPSOL YPF, S.A., YPF, S.A., YPF	:	DISCLOSURE
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.	:	

Comes now Third-Party Defendant Three County Volkswagen, (“Respondent”)
and 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: Three County Volkswagen objects to the form of the question to the extent that it assumes there was an "alleged discharge or release of pollutants, contaminants and/or hazardous substances" to the Newark Bay Complex from the Three County Volkswagen property. Upon information and belief, the below identified individual does not have personal knowledge of any alleged release of hazardous substances. Subject to and without waiving the foregoing objections and the reservations stated above, the individual listed below is likely to have operational information for the Three County Volkswagen site.

Name/Address/Phone	Subject
Robert A. Senior – 701 Riverside Avenue Lyndhurst, NJ 07071 (201) 933-8383	Operations

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

Name	Address	Phone Number
Robert A. Senior	701 Riverside Avenue Lyndhurst, NJ 07071	(201) 933-8383

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
Three County Volkswagen 701 Riverside Avenue Lyndhurst, NJ 07071	701 Riverside Avenue Lyndhurst, NJ 07071	1965 - 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: Three County Volkswagen objects to the form of the question to the extent it assumes and concludes there was an alleged discharge or release at or from its property. Subject to and without waiving the foregoing objections and the reservations stated above, Three County Volkswagen responds that it has no knowledge of any physical and/or mental condition of the individual identified above.

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: Three County Volkswagen objects to the form of this question to the extent the question assumes and concludes there was an alleged discharge or release at or from its property. Subject to and without waiving the foregoing objections and the Reservations stated above, Three County Volkswagen responds that it has no documents in its possession, custody or control that relate to alleged discharges to the Newark Bay Complex. The following documents relate to environmental conditions at the Three County Volkswagen property.

Documents by Category	Location	Applicable Exception¹
EPA CERCLA 104(e) Request	Three County Volkswagen 701 Riverside Avenue Lyndhurst, NJ 07071-3099	b
EPA CERCLA 104(e) Response by Three County Volkswagen	Three County Volkswagen 701 Riverside Avenue Lyndhurst, NJ 07071-3099	b
Excerpt from Passaic Valley Sewerage Commissioner's Monthly Report – April 1972	Three County Volkswagen 701 Riverside Avenue Lyndhurst, NJ 07071-3099	a
No Further Action Letter From NJDEP Bureau of Underground Storage Tanks	Three County Volkswagen 701 Riverside Avenue Lyndhurst, NJ 07071-3099	b
Correspondence with NJDEP Bureau of Underground Storage Tanks	Three County Volkswagen 701 Riverside Avenue Lyndhurst, NJ 07071-3099	b
Analytical Data Report Package for NJDEP prepared by Townley Laboratories	Three County Volkswagen 701 Riverside Avenue Lyndhurst, NJ 07071-3099	a,b

¹ 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.


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: January 15, 2010

Respectfully submitted,

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Three County Volkswagen Corporation**


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