

Our File No.: 359697A

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NEW JERSEY DEPARTMENT OF : SUPERIOR COURT OF NEW JERSEY
ENVIRONMENTAL PROTECTION, THE : LAW DIVISION: ESSEX COUNTY
COMMISSIONER OF THE NEW JERSEY :
DEPARTMENT OF ENVIRONMENTAL : DOCKET NO. ESX- L-9868-05
PROTECTION and THE ADMINISTRATOR OF : (PASR)
THE NEW JERSEY SPILL COMPENSATION :
FUND, :

Plaintiffs

v.

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

Defendants.

MAXUS ENERGY CORPORATION and TIERRA :
SOLUTIONS, :
INC., :

Third-Party Plaintiffs,

vs.

3M COMPANY, *et al.*,

Third-Party Defendants.

CIVIL ACTION

**THIRD-PARTY DEFENDANT
BOROUGH OF
NEW PROVIDENCE'S
FIRST AMENDED INITIAL
DISCLOSURE PURSUANT TO
CASE MANAGEMENT ORDER
VIII**

TO: All parties via electronic platform for service

The Borough of New Providence ("New Providence"), a municipal corporation of the State of New Jersey with its principal business address at Borough of New Providence Municipal Building, 360 Elkwood Avenue, New Providence, New Jersey 07974

- 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 Complaint) from the site(s) and/or properties with which the disclosing party is associated in the Third-Party Complaint ("Alleged Discharges").

RESPONSE: New Providence is unaware of and denies any discharge or release of pollutants, contaminants and/or hazardous substances into the Newark Bay Complex. Those employees of the Borough that may possess knowledge that would lead to discoverable information regarding such incidents if they were to have occurred include:

Wendi B. Barry
Clerk/Borough Administrator
Borough of New Providence Municipal Building
360 Elkwood Avenue
New Providence, New Jersey 07974
908-665-1400

Anthony Carnevale, Plant Operator
908-665-1077

James Johnston, Public Works Manager (2000-present)
29 Park Place
New Providence, New Jersey 07974
908-665-1076

Vince Cahill, Public Works Manager (1992-1999)
Robert Venezia, Public Works Manager (1988-1991)
Pat Proccacini (deceased), Public Works Manager (1983-1988)

Andrew Hipolit, Borough Engineer
Borough of New Providence Municipal Building
360 Elkwood Avenue, New Providence, New Jersey 07974
908-665-1124

- 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 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: Not applicable to third-party defendant Borough of New Providence, a municipal corporation of the State of New Jersey.

- 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; and

RESPONSE: Not applicable.

- 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 Borough of New Providence is not aware of and denies any discharges of the nature referred to and no documents or electronically stored information are known to exist regarding such alleged discharges.

The Township Clerk's Office located at 360 Elkwood Avenue New Providence, New Jersey 07974 has a file containing the relevant contracts.

The Borough's Waste Water Treatment Plant located at 4 Park Place New Providence, New Jersey 07974 has a file containing water flow information, testing information, statistical information and various reports.

- f. Third-Party Defendant will amend and/or supplement the Initial Disclosure as additional information is obtained through investigation and discovery.

RESPONSE: Third-Party Defendant Borough of New Providence acknowledges its duty to amend and supplement these Initial Disclosures in the event additional information is obtained through investigation and discovery.



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Borough of New Providence

Dated: April 14, 2010