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Attorneys for Third Party Defendant
Borough of New Providence

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION, et al.

Plaintiff,

v.

OCCIDENTAL CHEMICAL
CORPORATION, et al.,

Defendants,

MAXUS ENERGY CORPORATION AND
TIERRA SOLUTIONS, INC.,

Third-Party Plaintiffs,

v.

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 STATEMENT OF
THIRD PARTY DEFENDANT
BOROUGH OF NEW PROVIDENCE**

TO: All Parties Via Electronic Platform for Service and Counsel of Record Appearing on the
Attached Service List:

Third Party Defendant Borough of New Providence (“New Providence”), having municipal offices located at 360 Elkwood Avenue, New Providence, New Jersey, submits its Initial Disclosure Statement in accordance with Case Management Order VIII. New Providence hereby reserves the right to amend this Initial Disclosure Statement throughout the course of discovery.

INITIAL DISCLOSURE STATEMENT

a. The name, address and telephone number, as may be known, of each individual likely to have discoverable 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: New Providence denies that it discharged hazardous substances or pollutants. Any information concerning the administration of public services provided by New Providence within New Providence is under the possession and control of:

Douglas R. Marvin
Borough Administrator
Borough of New Providence
360 Elkwood Avenue
New Providence, NJ 07974

Wendi B. Barry
Borough Clerk
Borough of New Providence
360 Elkwood Avenue
New Providence, NJ 07974

b. The name, address and telephone number, as may be know, of each individual likely to have discoverable information that the disclosable party may use to support its claims or defenses (unless the use would be solely for impeachment):

RESPONSE:

Douglas R. Marvin
Borough Administrator
Borough of New Providence
360 Elkwood Avenue
New Providence, NJ 07974

Wendi B. Barry
Borough Clerk
Borough of New Providence
360 Elkwood Avenue
New Providence, NJ 07974

Anthony Carnevale, Jr.
Plant Operator
Borough of New Providence Wastewater Treatment Plant
Borough of New Providence
360 Elkwood Avenue
New Providence, NJ 07974

Andrew R. Hipolit
Borough Engineer
Borough of New Providence
360 Elkwood Avenue
New Providence, NJ 07974

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: None known at this time.

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 twelve (12) months following the date of the Initial Disclosure:

RESPONSE: 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.

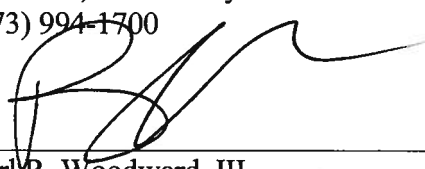
RESPONSE: New Providence denies it is responsible for any discharge in this matter. To the extent any relevant documents or information is available it is in the custody and control of the Borough Clerk and Borough Engineer for the Borough of New Providence.

New Providence reserves the right to supplement this Initial Disclosure Statement as additional information is obtained through investigation and discovery.

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February 2, 2010

By:



Carl R. Woodward, III
Brian H. Fenlon
Attorneys for Third Party Defendant
Borough of New Providence

FILING CERTIFICATION

I, Brian H. Fenlon, certify that an original and one (1) copy of the within Initial Disclosure Statement has been sent via Federal Express for filing to the Clerk of the Superior Court of New Jersey, Law Division, Essex County, Veteran's Courthouse, 50 W. Market Street, Newark, New Jersey 07102. A copy of same has been sent via regular mail to Third-Party Plaintiffs' attorneys as follows:

William L. Warren, Esq.
Drinker, Biddle & Reath, LLP
105 College Road East, Suite 300
Princeton, New Jersey 08542-0627

Thomas E. Starnes, Esq.
Andrews Kurth, LLP
1350 I Street, NW, Suite 1100
Washington, D.C. 20005

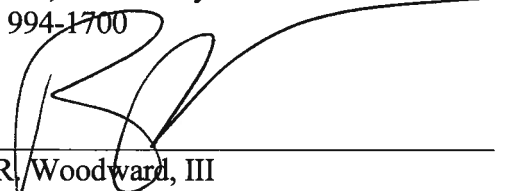
On the date listed below, I caused a copy of same to be served by first class mail on counsel of record listed on the attached service list.

I further certify that a copy of said documents has been placed on the electronic platform provided by Defendants (<http://njdepvocc.sfile.com>).

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February 2, 2010

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Brian H. Fenlon
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Borough of New Providence

#385503

Third-Party Defendants for Regular Service as of January 5, 2010

NAMED THIRD-PARTY DEFENDANT	THIRD-PARTY COMPLAINT	NOTICE OF APPEARANCE: COUNSEL OF RECORD
City of Clifton	A	Thomas M. Egan, Esq. Assistant Municipal Attorney City of Clifton Law Department 900 Clifton Avenue Clifton, NJ 07013 973.470.5817 973.470.5254 - fax tegan@cliftonnj.org
City of Orange	A	John P. McGovern Assistant City Attorney City of Orange Township 29 North Day St. Orange, NJ 07050 973.266.4197 973.674.2021 - fax jmcgovern@ci.orange.nj.us
Clean Earth of North Jersey, Inc.	B	Eric S. Aronson Greenberg Traurig, LLP 200 Park Avenue Florham Park, NJ 07932 973.360.7900 973.301.8410 - fax aronsone@gtlaw.com
Passaic Pioneers Properties Company	B	John A. Daniels Daniels & Daniels LLC 6812 Park Ave. Guttenberg, NJ 07093 202.868.1868 201.868.2122 - fax jad1903@gmail.com
Roman Asphalt Corporation	B	Michael V. Calabro Law Offices of Michael V. Calabro 466 Bloomfield Ave., Suite 200 Newark, NJ 07107 973.482.1085 973.482.7930 - fax michaelvcalabro@verizon.net
Township of Irvington	A	Gustavo Garcia Municipal Attorney Township of Irvington Irvington Municipal Building Civic Square Irvington, NJ 07111 973.399.6637 973.399.6723 - fax