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ATTORNEY FOR THIRD-PARTY DEFENDANTS
PSEG FOSSIL, LLC AND PUBLIC SERVICE ELECTRIC
AND GAS COMPANY

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE COMMISSIONER OF THE NEW JERSEY ENVIRONMENTAL PROTECTION AGENCY, 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.

3M COMPANY, et al

Third-Party Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

DOCKET NO. L-9868-05 (PASR)

CIVIL ACTION

INITIAL DISCLOSURE OF
THIRD-PARTY DEFENDANTS
PSEG FOSSIL LLC and PUBLIC
SERVICE ELECTRIC AND GAS
COMPANY

Third-Party Defendants **PSEG FOSSIL, LLC AND PUBLIC SERVICE ELECTRIC AND GAS COMPANY, Inc.** (“Respondents”), for their Initial Disclosures in accordance with Case Management Orders V and VIII, provide the following information:

Reservations

1. Respondents reserve their rights to object to the production of any documents or other information on any grounds, including relevance and undue burden, and to assert any applicable privilege, including 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 Respondents may have with respect to any outstanding or subsequent requests for discovery.

2. Respondents' investigations in this matter are continuing. Accordingly, they reserve their rights to supplement, clarify, and revise these disclosures to the extent additional information becomes available or is obtained through discovery. Further, Respondents reserve their rights to amend these disclosures to the extent the claims brought by or alleged against Respondents in this litigation are amended.

3. The time period covered by the allegations in the Plaintiff's Second Amended Complaint is quite long and encompasses at least six decades. The time period covered by the Third-Party Defendants' Third-Party Complaint "B" is also quite long and encompasses over 100 years. Accordingly, the time period of the inquiry required by Plaintiffs and Third-Party Defendants is overly broad and burdensome.

4. 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. The scope of the inquiry, accordingly, is broad and potentially burdensome. Respondents are therefore engaged in continuing investigations and reserve their rights 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

Respondents object to the extent that the Initial Disclosure requests information regarding whether specific individuals have "discoverable information" and the subject of that information because the response to that inquiry is unknowable to Respondents. Respondents also object to the Initial Disclosure to the extent that it assumes the existence of a discharge or release of pollutants, contaminants and/or hazardous substances into the Newark Bay Complex from the sites associated with Respondents in the Third-Party Complaint. Any contact made with current or former employees of Respondents must be made through counsel for Respondents. Respondents reserve all rights to identify additional or different individuals and witnesses, and specifically

reserve the right to designate fact, expert and corporate representative witnesses in the future. Subject to the foregoing objections and based on their review of the Third-Party Complaint B and the allegations asserted against Respondents, Respondents provide the following list of individuals who may have discoverable information, their last known address and their position;

City Dock

Name/Address	Position
Rich Blackman, 80Park Plaza, Newark NJ	Project Manager
Russ Furnari, 80 Park Plaza, Newark NJ	Environmental Policy Manager
Nick Arocha, 154 Mohawk Ave, Hawthorne, NJ	Corporate Property Consultant

Coal Street

Name/Address	Position
Rich Blackman, 80Park Plaza, Newark NJ	Project Manager
Russ Furnari, 80 Park Plaza, Newark NJ	Environmental Policy Manager
Nick Arocha, 154 Mohawk Ave, Hawthorne, NJ	Corporate Property Consultant

Essex

Name/Address	Position
Russ Furnari, 80 Park Plaza, Newark NJ	Environmental Policy Manager
Alison Kraus, 80 Park Plaza, Newark NJ	Environmental Compliance Manager
Bruce Petrovski, 80 Park Plaza, Newark NJ	Senior Environmental Engineer
Rich Blackman, 80Park Plaza, Newark NJ	Project Manager
Hewitt Decker, 12 Hornbeam Way, Hamburg NJ	Station Manager
Ray Fernandez, 80 Park Plaza, Newark NJ	Environmental Manager
Michael Cullen, 80 Park Plaza, Newark NJ	Environmental Engineer
Craig Bishop, 80 Park Plaza, Newark NJ	Station Manager
Russ Highton, 247 Brook Valley Road, Kinnelon NJ	Station Manager
Ed Waugh, 7 Morello Court, Farmingdale NJ	Project Engineer Manager
Al Rudge, 1 Camelia Court, Lawrenceville NJ	Station Manager
Ray Mroczek, 101 Madison Green, Pompton Plains NJ	Chief Engineer
Alex Huhman, 871 Diane Court, Woodbridge NJ	Manager Environmental Engineer
William Viola, 80 Park Plaza, Newark NJ	Director-Power Generation
John Vacca, 81 Penns Grant Drive, Easton PA	Senior Operations Supervisor
Ed Konopka, 80 Park Plaza, Newark NJ	Senior Operating Supervisor
John Kenny, 80 Park Plaza, Newark NJ	Maintenance Manager
Dwight Thomas, 80 Park Plaza, Newark NJ	Distribution Supervisor

Ulysses Rice, 48 Highmount Ave, Warren NJ	Director Delivery Asset Support
James Peach, 1132 Estates Blvd, Hamilton Square NJ	Senior Environmental Engineer

Front Street

Name/Address	Position
Bruce Preston, 80 Park Plaza, Newark NJ	Director Environmental Projects & Permitting
Warren Straubmuller, 408 Champlain Drive, Villas NJ	Project Manager
Stanley LaBruna, 102 Hilltop Ct, Mullica Hill NJ	V.P. Environmental Health and Safety
Russ Furnari, 80 Park Plaza, Newark NJ	Environmental Policy Manager
Craig Veprek, 2431 Dwight Ave, Point Pleasant NJ	Project Manager

Harrison

Name/Address	Position
Gonzalo Mon, 15937 S.W. 85 th St, Miami FL	Environmental Support Manager
Donald Baxter, 2105 Crown Drive, St Augustine FL	Manager, site remediation, project development, gas
Thomas Leimsider, 33 Greenwich Ave, NY	Senior Environmental Health and Safety Compliance Analyst
Warren Straubmuller, 408 Champlain Drive, Villas NJ	Project Manager
Stanley LaBruna, 102 Hilltop Ct, Mullica Hill NJ	V.P. Environmental Health and Safety
Russ Furnari, 80 Park Plaza, Newark NJ	Environmental Policy Manager
Dennis Mahoney, 606 Arlington Ave, Westfield NJ	Resource Recovery Manager
Horace Campbell, 634 Iris Court, Teaneck NJ	Manager Site Remediation
Frank Cielo, 80 Park Plaza, Newark NJ	Director-Projects
Tasweer Syed, 80 Park Plaza, Newark NJ	Licensing Project manager
Werner Max, 567 Jackson Ave, Washington Twp NJ	Project Manager
Mark Valori, 21 Tuttle Ave, Spring Lake NJ	Engineer
Ken Matson, 8480 Wolf Pine Lane, Bartlett TN	General Manager Gas Compliance Programs
David Koury, 80 Park Plaza, Newark NJ	Project Manager
Jack Zerega, 80 Park Plaza, Newark NJ	M&R and Plant Leader
Bruce Preston, 80 Park Plaza, Newark NJ	Director Environmental Projects & Engineering

Hudson

Name/Address	Position
Frank Czigler, 80 Park Plaza, Newark NJ	Permit Specialist
Herbert Marsh, 34 Weeks Ct, Clifton NJ	Senior Operations Supervisor
Vince Minetti, 6 Ellen Road, Lake Hopatcong NJ	Project Engineer
Mike Cromis, 206 Orient Way, Rutherford NJ	Electric Distribution Supervisor
Charles Susino, 951 Gates Ave, Piscataway NJ	Site Manager
John Dunleavey, 7 Carriage Hill Dr, Long Valley NJ	Site Manager
Francis Sullivan, 7 Continental Dr, Sparta NJ	Station Manager
Tasweer Syed, 80 Park Plaza, Newark NJ	Licensing Project Manager
David Pantiliano 80 Park Plaza, Newark NJ	Operations Manager
George Leighow, 80 Park Plaza, Newark NJ	Maintenance Manager
Michael Cullen, 80 Park Plaza, Newark NJ	Environmental Field Service Consultant
James Pfenningwerth, 80 Park Plaza, Newark NJ	Power Plant Manager

Kearny

Name/Address	Position
Russ Furnari, 80 Park Plaza, Newark NJ	Environmental Policy Manager
Alison Kraus, 80 Park Plaza, Newark NJ	Environmental Compliance Manager
Bruce Petrovski, 80 Park Plaza, Newark NJ	Senior Environmental Engineer
Rich Blackman, 80 Park Plaza, Newark NJ	Project Manager
Hewitt Decker, 12 Hornbeam Way, Hamburg NJ	Station Manager
Horace Campbell, 634 Iris Court, Teaneck NJ	Remediation Project Manager
Warren Straubmuller, 408 Champlain Drive, Villas NJ	Project Manager
Wayne Wittman, 80 Park Plaza, Newark NJ	Technology Development and transfer
Ray Fernandez, 80 Park Plaza, Newark NJ	Environmental Manager
Michael Cullen, 80 Park Plaza, Newark NJ	Environmental Engineer
Craig Bishop, 80 Park Plaza, Newark NJ	Station Manager
Barbara Beck-Wilcek, 1786 Broomstick Hill Road, Littleton NH	Station Manager
Russ Highton, 247 Brook Valley Road, Kinnelon NJ	Station Manager
Ed Waugh, 7 Morello Court, Farmingdale NJ	Project Engineer Manager

Al Rudge, 1 Camelia Court, Lawrenceville NJ	Station Manager
Ray Mroczek, 101 Madison Green, Pompton Plains NJ	Chief Engineer
Alex Huhman, 871 Diane Court, Woodbridge NJ	Manager Environmental Engineer
William Viola, 80 Park Plaza, Newark NJ	Director-Power Generation
John Vacca, 81 Penns Grant Drive, Easton PA	Senior Operations Supervisor
Ed Konopka, 80 Park Plaza, Newark NJ	Senior Operations Supervisor
John Kenny, 80 Park Plaza, Newark NJ	Maintenance Manager
Dwight Thomas, 80 Park Plaza, Newark NJ	Distribution Supervisor
Ulysses Rice, 48 Highmount Ave, Warren NJ	Director Delivery Asset Support
James Peach, 1132 Estates Blvd, Hamilton Square NJ	Senior Environmental Engineer

Market Street

Name/Address	Position
Bruce Preston, 80 Park Plaza, Newark NJ	Director Environmental Projects & Permitting
Warren Straubmuller, 408 Champlain Drive, Villas NJ	Project Manager
Stanley LaBruna, 102 Hilltop Ct, Mullica Hill NJ	V.P. Environmental Health and Safety
Frank Cielo, 80 Park Plaza, Newark NJ	Director-Projects

West End

Name/Address/Phone	Position
Bruce Preston, 80 Park Plaza, Newark NJ	Director Environmental Projects & Permitting
Stanley LaBruna, 102 Hilltop Ct, Mullica Hill NJ	V.P. Environmental Health and Safety
John Dobi, 80 Park Plaza, Newark NJ	Project Manager
David Koury, 80 Park Plaza, Newark NJ	Project Manager
Craig Veprek, 2431 Dwight Ave, Point Pleasant NJ	Project Manager

Bayonne Barrel and Drum

Upon information and belief, none known.

Borne Chemical

Name/Address/Phone	Position
John Dobi, 80 Park Plaza, Newark NJ	Technical Lead For Cleanup. Project Manager

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

Any contact made with current or former employees of Respondents must be made through counsel for Respondents. Respondents reserve all rights to identify additional or different individuals and witnesses, and specifically reserve the right to designate fact, expert and corporate representative witnesses in the future. Subject to these reservations and the forgoing objections and reservations, Respondents respond as follows:

City Dock

Name	Address
Rich Blackman	80 Park Plaza, Newark NJ
Russ Furnari	80 Park Plaza, Newark NJ
Nick Arocha	154 Mohawk Ave, Hawthorne, NJ

Coal Street

Name	Address
Rich Blackman	80 Park Plaza, Newark NJ
Russ Furnari	80 Park Plaza, Newark NJ
Nick Arocha	154 Mohawk Ave, Hawthorne, NJ

Essex

Name	Address
Russ Furnari	80 Park Plaza, Newark NJ
Alison Kraus	80 Park Plaza, Newark NJ
Bruce Petrovski	80 Park Plaza, Newark NJ
Rich Blackman	80 Park Plaza, Newark NJ
Hewitt Decker	12 Hornbeam Way, Hamburg NJ
Ray Fernandez	80 Park Plaza, Newark NJ
Michael Cullen	80 Park Plaza, Newark NJ
Craig Bishop	80 Park Plaza, Newark NJ
Russ Highton	247 Brook Valley Road, Kinnelon NJ
Ed Waugh	7 Morello Court, Farmingdale NJ
Al Rudge	1 Camelia Court, Lawrenceville NJ
Ray Mroczek	101 Madison Green, Pompton Plains NJ
Alex Huhman	871 Diane Court, Woodbridge NJ
William Viola	80 Park Plaza, Newark NJ
John Vacca	81 Penns Grant Drive, Easton PA
Ed Konopka	80 Park Plaza, Newark NJ
John Kenny	80 Park Plaza, Newark NJ
Dwight Thomas	80 Park Plaza, Newark NJ
Ulysses Rice	48 Highmount Ave, Warren NJ
James Peach	1132 Estates Blvd, Hamilton Square NJ

Front Street

Name	Address
Bruce Preston	80 Park Plaza, Newark NJ
Warren Straubmuller	408 Champlain Drive, Villas NJ
Stanley LaBruna	102 Hilltop Ct, Mullica Hill NJ
Craig Veprek	2431 Dwight Ave, Point Pleasant NJ
Russ Furnari	80 Park Plaza, Newark NJ

Harrison

Name	Address
Gonzalo Mon	15937 S.W. 85 th St, Miami FL
Donald Baxter	2105 Crown Drive, St Augustine FL
Thomas Leimsider	33 Greenwich Ave, NY
Warren Straubmuller	408 Champlain Drive, Villas NJ
Stanley LaBruna	102 Hilltop Ct, Mullica Hill NJ
Russ Furnari	80 Park Plaza, Newark NJ
Dennis Mahoney	606 Arlington Ave, Westfield NJ
Horace Campbell	634 Iris Court, Teaneck NJ
Frank Cielo	80 Park Plaza, Newark NJ
Tasweer Syed	80 Park Plaza, Newark NJ
Werner Max	567 Jackson Ave, Washington Twp NJ
Mark Valori	21 Tuttle Ave, Spring Lake NJ
Ken Matson	8480 Wolf Pine Lane, Batlett TN
Jack Zerega	80 Park Plaza, Newark NJ
David Koury	80 Park Plaza, Newark NJ
Bruce Preston	80 Park Plaza, Newark NJ

Hudson

Name	Address
Frank Czigler	80 Park Plaza, Newark NJ
Herbert Marsh	34 Weeks Ct, Clifton NJ
Vince Minetti	6 Ellen Road, Lake Hopatcong NJ
Mike Cromis	206 Orient Way, Rutherford NJ
Charles Susino	951 Gates Ave, Piscataway NJ
John Dunleavy	7 Carriage Hill Dr, Long Valley NJ
Francis Sullivan	7 Continental Dr, Sparta NJ
Tasweer Syed	80 Park Plaza, Newark NJ
David Pantiliano	80 Park Plaza, Newark NJ
George Leighow	80 Park Plaza, Newark NJ
Michael Cullen	80 Park Plaza, Newark NJ
James Pfenningwerth	80 Park Plaza, Newark NJ

Kearny

Name	Address
Russ Furnari	80 Park Plaza, Newark NJ
Alison Kraus	80 Park Plaza, Newark NJ
Bruce Petrovski	80 Park Plaza, Newark NJ
Rich Blackman	80 Park Plaza, Newark NJ
Hewitt Decker	12 Hornbeam Way, Hamburg NJ
Horace Campbell	634 Iris Court, Teaneck NJ
Warren Straubmuller	408 Champlain Drive, Villas NJ
Wayne Wittman	80 Park Plaza, Newark NJ
Ray Fernandez	80 Park Plaza, Newark NJ
Michael Cullen	80 Park Plaza, Newark NJ
Craig Bishop	80 Park Plaza, Newark NJ
Barbara Beck-Wilcek	1786 Broomstick Hill Road, Littleton NH
Russ Highton	247 Brook Valley Road, Kinnelon NJ
Ed Waugh	7 Morello Court, Farmingdale NJ
Al Rudge	1 Camelia Court, Lawrenceville NJ
Ray Mroczek	101 Madison Green, Pompton Plains NJ
Alex Huhman,	871 Diane Court, Woodbridge NJ
William Viola	80 Park Plaza, Newark NJ
John Vacca	81 Penns Grant Drive, Easton PA
Ed Konopka	80 Park Plaza, Newark NJ
John Kenny	80 Park Plaza, Newark NJ
Dwight Thomas	80 Park Plaza, Newark NJ
Ulysses Rice	48 Highmount Ave, Warren NJ
James Peach	1132 Estates Blvd, Hamilton Square NJ

Market Street

Name	Address
Bruce Preston	80 Park Plaza, Newark NJ
Warren Straubmuller	408 Champlain Drive, Villas NJ
Stanley LaBruna	102 Hilltop Ct, Mullica Hill NJ
Frank Cielo	80 Park Plaza, Newark NJ

West End

Name	Address
Bruce Preston	80 Park Plaza, Newark NJ
Stanley LaBruna	102 Hilltop Ct, Mullica Hill NJ
John Dobi	80 Park Plaza, Newark NJ
David Koury	80 Park Plaza, Newark, NJ
Craig Veprek	2431 Dwight Ave, Point Pleasant NJ

Bayonne Barrel and Drum
Upon information and belief, none known.

Borne Chemical

Name	Address
John Dobi	80 Park Plaza, Newark NJ

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

City Dock Street Site

The Newark Electric Light & Power Company by Deed from New Jersey Superheated Water Company dated May 15, 1890
Matrix/Newark City Dock, LLC by Deed from Public Service Electric and Gas Company dated December 30, 2002
NEDC Riverfront Corp. by Easement from Public Service Electric and Gas Company dated December 30, 2002

Coal Street Site

Public Service Electric and Gas Company by Deed from Public Service Corporation of New Jersey dated March 12, 1935
Public Service Electric and Gas Company by Deed from Public Service Coordinated Transport dated June 29, 1967
Matrix/Newark City Dock, LLC by Deed from Public Service Electric and Gas Company dated December 30, 2002
NEDC Riverfront Corp. by Easement from Public Service Electric and Gas Company dated December 30, 2002

Essex Site

Public Service Electric and Gas Company Easement from PSEG Power, LLC dated August 21, 2000
PSEG Fossil, LLC Lease from PSEG Power, LLC dated August 21, 2000
PSEG Power, LLC from State of New Jersey Department of Environmental Protection Riparian License dated March 28, 2006

Front Street Site

Public Service Electric and Gas Company by Deed from B & L Humboldt Associates dated June 19, 1941
Public Service Electric and Gas Company by Deed from Harold Ponisi dated March 31, 1980
Public Service Electric and Gas Company by Deed from Mary Katherine Black Baum dated June 23, 1980

Public Service Electric and Gas Company Deed to State of New Jersey Department of Transportation dated November 8, 2002

Harrison Site

Newark Consolidated Gas Company by Deed from The United New Jersey Railroad & Canal Company dated August 9, 1937
The United New Jersey Railroad & Canal Company by Deed from Newark Consolidated Gas Company dated September 27, 1937
Public Service Electric and Gas Company by Deed from The United New Jersey Railroad & Canal Company dated April 5, 1943
Public Service Electric and Gas Company by Deed from The United New Jersey Railroad & Canal Company dated December 28, 1948
Transcontinental Gas Pipe Line Corporation by Agreement from Public Service Electric and Gas Company dated November 24, 1950
Texas Eastern Transmission Corporation by Agreement from Public Service Electric and Gas Company dated November 25, 1951
Port Authority Trans-Hudson Corporation by Deed from Public Service Electric and Gas Company dated May 24, 1971
State of New Jersey Department of Transportation by Deed from Public Service Electric and Gas Company dated November 17, 1987
Public Service Electric and Gas Company by Riparian License from State of New Jersey Department of Environmental Protection dated February 1, 1978
Public Service Electric and Gas Company Riparian License from State of New Jersey Department of Environmental Protection dated June 3, 1991
Town of Harrison License from Public Service Electric and Gas Company dated December 1, 2009

Hudson Site

City of Jersey City by Deed from Public Service Electric and Gas Company dated October 26, 1920
Public Service Electric and Gas Company by Deed from The Holland Company dated October 21, 1924
Public Service Electric and Gas Company by Deed from Public Service Coordinated Transport dated December 31, 1930
Public Service Electric and Gas Company by Deed from Standard Oil Company of New Jersey dated June 6, 1940
Public Service Electric and Gas Company by Deed from The Morris and Essex Railroad Company, et al dated February 27, 1942
Public Service Electric and Gas Company by Deed from the City of Jersey City dated February 26, 1954
Public Service Electric and Gas Company by Deed from Erie Railroad Company and Erie Land & Improvement Company dated March 29, 1954
Transco Gas Pipeline Corporation by License Agreement from Public Service Electric and Gas Company dated October 14, 1969
PSEG Power, LLC by Deed from Public Service Electric and Gas Company dated August 21, 2000
PSEG Fossil, LLC by Lease from PSEG Power, LLC dated August 21, 2000
PSEG Fossil, LLC by Lease from Consolidated Rail Corporation dated May 28, 2005
New Jersey Turnpike Authority by Deed from PSEG Power, LLC dated April 29, 2008

Kearny Site

Public Service Electric and Gas Company by Deed from The Holland Company dated October 21, 1924
Public Service Electric Power Company by Deed from Newark Factory Sites, Inc. dated July 18, 1923
Public Service Electric Power Company by Deed from State of New Jersey dated September 17, 1923
Public Service Electric and Gas Company by Deed from The Holland Company dated September 4, 1940
Public Service Electric and Gas Company by Deed from United New Jersey Railroad & Canal Company dated March 8, 1945
Public Service Electric and Gas Company by Agreement from Pennsylvania Tunnel & Terminal Railroad Company, et al dated January 14, 1947
Public Service Electric and Gas Company by Deed from United New Jersey Railroad & Canal Company dated August 31, 1959
PSEG Power, LLC by Deed from Public Service Electric and Gas Company dated August 21, 2000
PSEG Fossil, LLC by Lease from PSEG Power, LLC dated August 21, 2000

Market Street Site

Public Service Gas Company by Deed from The Holland Company dated October 24, 1921
Public Service Electric and Gas Company by Deed from Public Service Corporation of New Jersey dated October 21, 1924
City of Newark by Deed from Public Service Electric and Gas Company dated November 15, 1972

West End Site

Public Service Electric and Gas Company by Deed from The Holland Copm October 21, 1924
Public Service Electric and Gas Company by Deed from Public Service Corporation of New Jersey dated October 21, 1924
Public Service Electric and Gas Company by Deed from The Holland Company dated November 29, 1930
The State of New Jersey by Deed from Public Service Electric and Gas Company dated April 12, 1937
Public Service Electric and Gas Company by Deed from The Delaware, Lackawanna & Western Railroad Company dated January 4, 1952
Humble Oil & Refining Company by Deed from Public Service Electric and Gas Company dated January 30, 1967
Public Service Electric and Gas Company by Deed from Mary Watson, widow, dated October 19, 1973
Public Service Electric and Gas Company Deed Notice dated May 7, 2008

d. With respect to individuals identified pursuant to paragraph (a, b or c) (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 incompetence within 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

Respondents have in their possession, custody or control, documents relating to environmental conditions at their sites or offices. Those categories of documents labeled with an asterisk (*) may consist of documents that fall within the Exceptional Information because they are (a) information contained in the nexus packages produced pursuant to paragraph 8(e) of CMO V; (b) information previously produced to Governmental Recipients; (c) information produced to a Licensed Site Remediation Professional (“LSRP”); (d) sampling information that has not yet undergone quality assurance/quality control or similar analysis; (e) information produced by a third-party defendant to a third party plaintiff pursuant to the New Jersey Public Records Act or other Freedom of Information law or regulation; (f) information previously produced to Defendants; or (g) information that falls within the attorney-client privilege and/or other attorney work product privilege.

The following categories of Documents can currently be found at Respondents offices at 80 Park Plaza, Newark, 40 Mulberry Street, Newark NJ 07102, Iron Mountain, Jersey City, New Jersey and at various Sites.

NJ Site remediation program, including ISRA documents*
Purchase order terms and conditions*
Inter-office memorandums*
ECRA documents*
Correspondence between Respondents and NJDEP*
Correspondence between NJDEP and third-parties*
Correspondence between Respondents and their consultants and other agents*
Correspondence between Respondents and Passaic Valley Sewerage Commission*
Court documents in the matter of NJDEP v. Occidental Chemical Corporation, et al.
Docket No. ESX-L-9868-05 (PASR) *
Other Correspondence, reports, plans, investigations, and assessments, etc*
Correspondence between Respondents and municipalities*
PSEG purchase orders*
Notice(s) of Violation*

Response to 104(e) Request for Information Passaic River Study Area*

* Applicable Exception Codes are more fully described as follows:

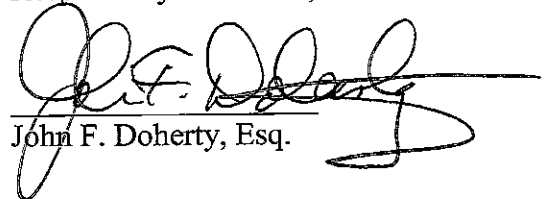
- a. Information, ("Information"), including, but not limited to, environmental, chemical and/or biological testing of groundwater, surface water, soil or sediment (hereinafter "Sampling Information") contained in the nexus packages produced pursuant to paragraph 8 (e) of CMO V; and
- b. Information 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.

Respondents' Initial Disclosure are made without prejudice to their rights to change or supplement their responses, their rights to assert privileges or objections with respect to any subsequent requests for discovery, and their rights to introduce at trial additional evidence and documents as warranted by the development of the facts underlying this litigation.

Dated:

8/11/10

Respectfully submitted,



John F. Doherty, Esq.

CERTIFICATION OF SERVICE

I, John F. Doherty, an attorney-at-law of the State of New Jersey, do hereby state upon my oath as follows:

1. I am an attorney with the Law Offices of William E. Frese, 80 Park Plaza, Newark, New Jersey 07102, which represents Third-Party Defendants, PSEG Fossil, LLC and Public Service Electric and Gas Company in the above captioned matter.

2. I hereby certify that the Initial Disclosure of PSEG Fossil, LLC and Public Service Electric and Gas Company was served upon the Clerk of the Court, Superior Court of New Jersey, Essex County, 50 West Market Street, Newark, New Jersey 07102, via overnight mail on August 11, 2010.

3. I hereby certify that the Initial Disclosure of PSEG Fossil, LLC and Public Service Electric and Gas Company was served electronically on August 11, 2010 on all parties which have consented to service by posting on the following website, <http://njdepvocc.sfile.com>.

4. The following Counsel of Record were served on August 11, 2010 via first class, regular mail:

John P. McGovern, Esq.
Assistant City Attorney
City of Orange

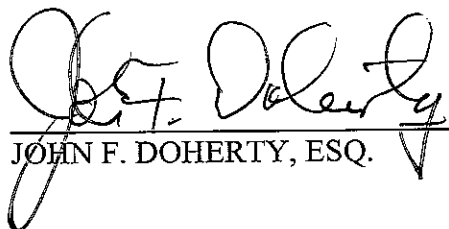
29 North Day Street
Orange, NJ 07050
Counsel for Third-Party
Defendant, City of Orange

Richard J. Dewland, Esq.
Coffey & Associates
465 South Street

Morristown, NJ 07960
Counsel for Third-Party Defendant,
Borough of Hasbrouck Heights

Twp of Winfield Park
Steven A. Weiner
O'Toole Fernandez

Van Lieu
60 Pompton Avenue
Verona, NJ 07044


JOHN F. DOHERTY, ESQ.

Dated: 8/11/10

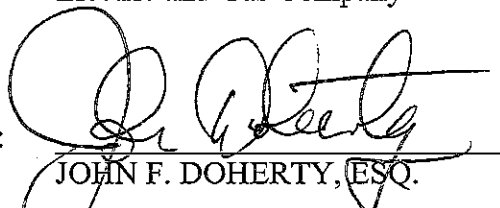
Certification Pursuant to R.4:5-1(b) (2)

Pursuant to R.4:5-1(b)(2), the undersigned hereby certifies that:

- (a) The matter in controversy is not the subject of any other action pending in any court or a pending arbitration proceeding and no action or arbitration proceeding is contemplated by the undersigned; and
- (b) Since it is the legal position of the undersigned that the potential liability, if any, of a third party defendant for the claims set forth in the Third-Party Complaint is several, only, there are no non-parties which should be joined in the action pursuant to R.4:28; but that
- (c) In the event the Court shall determine that the potential liability of a third-party defendant, if any, for the claims set forth in the Third-Party Complaint is in any respect joint and several (which is denied), then the undersigned states that there are other non-parties that may have discharged hazardous substances into the Newark Bay Complex contributing to the harm alleged by the Third-Party Plaintiffs. O'Melveny and Meyers has filed with the Special Master, a list of over 1,000 non-parties who, according to the New Jersey Department of Environmental Protection, discharged hazardous substances into the Newark Bay Complex. Subsequent investigation/discovery will determine which, if any of those non-parties or others not yet identified should be joined in this case.

Law Offices of William E. Frese
Attorney for Third-Party Defendants,
PSEG Fossil, LLC and Public
Electric and Gas Company

By:


JOHN F. DOHERTY, ESQ.