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ATTORNEY FOR THIRD-PARTY DEFENDANT TRMI-H LLC

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. ESX-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.	:	<b>AMENDED INITIAL DISCLOSURE STATEMENT OF THIRD-PARTY DEFENDANT TRMI-H LLC</b>
MAXUS ENERGY CORPORATION and TIERRA SOLUTIONS, INC.,	:	
Third-Party Plaintiffs,	:	
vs.	:	
TRMI-H, LLC, <i>et al.</i> ,	:	
Third-Party Defendants.	:	

TO: William L. Warren, Esquire  
DRINKER BIDDLE & REATH LLP  
105 College Road East, Suite 300  
Princeton, New Jersey 08542-0627

Third-Party Defendant, TRMI-H, LLC ("TRMI-H"), in accordance with all applicable provisions of Case Management Order VIII and the New Jersey Rules of Court, hereby makes the following Initial Discovery Disclosures. These disclosures are based upon information reasonably available to TRMI-H as of this date and do not purport to identify every witness or document potentially relevant to this case. TRMI-H reserves the right to supplement, amend or revise these disclosures based upon further investigation and/or discovery in this case.

**Reservation of Rights**

TRMI-H does not waive, and specifically reserves, the right to object, on any grounds including relevancy, to the production of any document referred to herein and to assert any privilege including the attorney client privilege and work product doctrine and any other applicable privilege relating to any document referenced herein.

TRMI-H's investigation of the facts relevant to this matter is ongoing and as such, it reserves the right to supplement, revise or amend its response hereto based on information developed through further investigation or discovery.

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**

TRMI-H herein discloses the identity of individuals who may have discoverable information regarding two alleged discharges of minor amounts of petroleum to the Passaic River in 1982 and 1984. By such disclosure, TRMI-H does not admit that petroleum is a Pollutant as defined by the Third-Party Plaintiff's herein. In addition, TRMI-H is providing the identity of persons who, based on the nature of their respective positions at the Newark Terminal, may have information regarding terminal operations and the environmental condition of the Terminal site. TRMI-H also is disclosing the identity of certain individuals that performed consultant work for TRMI-H and may have discoverable, non-privileged information. This disclosure does not, nor is it intended to, waive any applicable privileges that are applicable to any of the work completed or advice provided by any of the individuals or entities with which they are/were affiliated.

NAME	EMPLOYER	POSITION OR APPROXIMATE ROLE	CURRENT ADDRESS	CURRENT PHONE NUMBER	SUBJECT
Clifford R. Wesner	Getty Refining and Marketing Co.	Terminal Supervisor prior to 1985	Address available upon request	Unknown	Facility operations during late 1970s and early 1980s and information regarding minor spill of diesel/gasoline in 1982 and 1984.
E. Rebecca Barnes, M. F. Alles, Charles E. Ortiz, R. R. Albolino, Burnett Maas	United States Coast Guard	Investigation and/or follow-up with respect to sheen next to the Newark Terminal and the removal thereof.	Third Coast Guard Division, Governor's Island, New York, New York 10004	212-668-7179	Investigation and/or follow-up of minor release of diesel in 1982.
Joseph Coco	Getty Refining and Marketing Co.	Maintenance	Unknown	Unknown	Information regarding minor spill (4 gallons) of gasoline in 1984.
Louls M. Santiago, Anthony Ashworth,	United States Coast Guard	Investigate minor gasoline release.	Third Coast Guard Division, Governor's Island, New York	212-668-7849	Investigation of minor release of gasoline (4 gallons) in 1984.

D. S. Delapp			York, New York 10004		
William C. Gorman	Texaco Refining and Marketing Inc.	Project Manager	Address available upon request	Unknown	Texaco PM for a portion of the Texaco site investigation circa 1991 through 1996
L. J. Walrath	Tidewater Associated Oil Company	Terminal Manager Tidewater - mid 1950s	Unknown	Unknown	Facilities operational activities in mid-late 1950s.
E. R. Kendrigan	Tidewater Associated Oil Company	Operations Manager Tidewater in mid to late 1950s	Address available upon request	Unknown	Facilities expansion and construction activities in mid 1950s. Facility operations
T. E. Pugh	Getty Oil Company	Terminal Supervisor	Unknown	Unknown	Terminal operations in mid-late 1960s
Clarence Stultz	Tidewater Associated/Getty Oil Company	Engineering Supervisor unspecified	Unknown	Unknown	Engineering activities in late 50's and 60's
Anthony Leone	Getty Oil Company	Construction Mgmt	Unknown	Unknown	Construction operations mid to late 60s
Leslie Lakle	Texaco EHS Division	Environmental Project Manager	Address available upon request	Unknown	Site Investigation Early 1990's
Jon Baldwin	Texaco EHS Division – Currently employed by Chevron	Environmental Project Manager	Please contact through counsel.	Please contact through counsel	Site Investigation covering the period circa 1997 through 2003
Mark Stella	Chevron Environmental Management Company	Environmental Project Manager	Please contact through counsel.	Please contact through counsel	Environmental Investigation covering the period circa 2004 through 2006
Caryl Weekly	Chevron Environmental Management Company	Project Manager Environmental	Please contact through counsel	Please contact through counsel	Environmental Investigation covering the period circa 2007 to present

Rich Snyder	Conestoga Rovers Associates	Environmental Consultant	Please contact through counsel	Please contact through counsel	Environmental consulting work in 2006.
Ken Swlder	Formerly of Quest Environmental	Environmental Consultant Former Project Manager for IT and Quest completing site investigation fieldwork	Please contact through counsel	Please contact through counsel	Environmental Investigation fieldwork in 1990s
Darin Vogel	Formerly of Quest Environmental	Environmental Consultant Former project manager for IT and Quest completing site investigation fieldwork	Unknown	Unknown	Environmental Investigation fieldwork in 1990s

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**

SAME AS 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**

The 86 Doremus Avenue facility consists of multiple land parcels that were acquired at various times. These include the West Yard and East Yard (Essex County Block 5010 Lot 7 and Block 5011 Lot 8), respectively. Another parcel is Area A, which consists of approximately 2.5 acres and was part of former Block 5010 Lot 18.

TRMI-H's response to subparagraph (c) is based on its review of historic records.

Block 5010 Lot 7 and Block 5011 Lot 8		
Name	Address	Phone Number
Atlantic Refining Company  Owner from 1933 to July 1951	Publicly available.	Publicly available.
Tidewater Associated Oil Company, Tidewater Oil Company  Owner from July 1951 to approximately April 1972	NONE	NONE
Getty Oil Company, Inc., successor by merger to Tidewater Oil Co. Some time after 1972, title was held in the name of Getty Refining and Marketing, Inc. which had its name changed to Texaco Refining and Marketing Inc. following Texaco Inc.'s acquisition of Getty Oil Company in 1984.  Owner from approximately April 1972 to February 1, 1985.		
Power Test Realty Company Limited Partnership, Getty Properties Corp. Getty Realty Company, Lukoil  Owner from January 1, 1985 to present	Publicly available.	Publicly available.

Block 5010 Lot 18 (former)		
Name	Address	Phone Number
Essex & Hudson Land Information Company  Owner from approximately April 1889 to November		

1946.	Unknown	Unknown
William Yeskel, et ux  Owner from approximately November 1946 to approximately June 1949	Unknown	Unknown
Peter Holding Company  Owner from approximately June 1949 to May 1951.	Unknown	Unknown
Kelsey Holding Company  Owner from approximately May 1951 to June 1951.	Unknown	Unknown
New Jersey Turnpike Authority  Owner from approximately June 1951 to unknown date prior to 1972.	Publicly available.	Publicly available.
Tidewater Associated Oil Company  Owner from an unknown date prior to 1972.	NONE	NONE
Getty Oil Company, Inc, successor by merger to Tidewater Oil Co. Sometime after 1972, title was held in the name of Getty Refining and Marketing, Inc. which had its name changed to Texaco Refining and Marketing Inc. following Texaco Inc.'s acquisition of Getty Oil Company in 1984.  Owner from approximately April 1972 to February 1, 1985		
Power Test Realty Company Limited		

Partnership, Getty Properties Corp. Getty Realty Company, Lukoil		
Owner from February 1, 1985 to present	Publicly available.	Publicly available.

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**

Except with respect to current employees of TRMI-H's affiliates, TRMI-H is unable to respond to this question. Specifically, TRMI-H is unaware of the health or competency of the former employees of its affiliates. With respect to current employees of affiliates, TRMI-H is unaware of any infirmity or incompetency that would render those individuals unable to give testimony during the 12 months following the date of this initial disclosure.

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**

In addition to documents relevant to alleged releases identified in response to item a above, Third-Party Defendant TRMI-H also identifies documents relevant to the operation and environmental condition of the Newark Terminal. Relevant files for the categories listed below are stored in one of the locations listed below:

Documents by Category	Location	Applicable Exception
<p>Documents containing information relating to the environmental conditions at 86 Doremus Avenue or related areas.</p> <p>This category of documents may include, but is not limited to, analytical data, reports, correspondence, notes, articles, data sheets, corporate documents, court papers and filings, administrative agency documents, Coast Guard Reports or materials, news articles, academic literature, memoranda, invoices, financial data, and other types of materials.</p>	<p>Chevron EMC File Room 6111 Bollinger Canyon Rd. San Ramon, CA 94583</p> <p>Tulsa Records Center 7001 E 38th Street Unit 7063 Tulsa, OK 74145</p> <p>Houston Records Center 10001 Fannin, Suite 800 Houston, TX 77045</p> <p>Also, duplicate copies of certain documents are likely to be present in more than one location and/or in the possession of one or more of the consulting firms identified in response to question (a) above and at the offices of Buchanan, Ingersoll &amp; Rooney.</p>	<p>One or more of the documents identified in this category fall under one or more of the following Exceptions.</p> <p>a,b,e,g</p>
<p>Documents containing information relating to the past operations at 86 Doremus Avenue.</p> <p>This category of documents may include, but is not limited to, reports, correspondence, notes, articles, data sheets, corporate documents, news articles, memoranda, invoices, financial data, and other types of materials.</p>	<p>Chevron EMC File Room 6111 Bollinger Canyon Rd. San Ramon, CA 94583</p> <p>Tulsa Records Center 7001 E 38th Street Unit 7063 Tulsa, OK 74145</p> <p>Houston Records Center 10001 Fannin, Suite 800 Houston, TX 77045</p> <p>Also, duplicate copies of certain documents are likely to be present in more than one location and/or in the possession of one or more of the consulting firms identified in response to question (a) above.</p>	<p>One or more of the documents identified in this category fall under one or more of the following Exceptions.</p> <p>a,b,e,g</p>
<p>Documents containing information relating to defense of allegations in Plaintiffs Second Amended Complaint regarding alleged discharges from the 86 Doremus Avenue facility.</p> <p>This category of documents may include, but is not limited to, analytical data, reports, correspondence, notes, articles, data sheets, corporate documents, court papers and filings, administrative agency documents, Coast Guard Reports or materials, news articles, academic</p>	<p>Chevron EMC File Room 6111 Bollinger Canyon Rd. San Ramon, CA 94583</p> <p>Tulsa Records Center 7001 E 38th Street Unit 7063 Tulsa, OK 74145</p> <p>Houston Records Center 10001 Fannin, Suite 800 Houston, TX 77045</p> <p>Also, duplicate copies of certain</p>	<p>One or more of the documents identified in this category fall under one or more of the following Exceptions.</p> <p>a,b,e,g</p>

literature, memoranda, invoices, financial data, and other types of materials.	documents are likely to be present in more than one location and/or in the possession of one or more of the consulting firms identified above. Also, duplicate copies of certain documents are likely to be in the possession of one or more of the consulting firms identified in response to question (a) above and at the offices of Buchanan, Ingersoll & Rooney.	
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<sup>1</sup> 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.

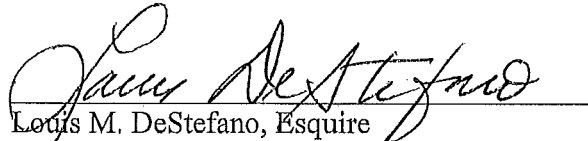
f. Information previously produced to Defendants; and

g. Information that falls within the attorney-client privilege and/or the attorney work product privilege.

Dated: 3 / 19, 2010

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY, P.C.  
Attorney for Third-Party Defendant(s)  
TRMI-H, LLC

  
Louis M. DeStefano, Esquire

**CERTIFICATE OF SERVICE**

I, Anne E. Kozul, an attorney at law of the State of New Jersey, do hereby certify that TRMI-H LLC's Amended Initial Disclosure Statement was served electronically on March 19, 2010 on all parties which have consented to electronic service by posting on the following website, <http://njdepvocc.sfile.com>. All other Counsel of Record were served on March 19, 2010 via first class, regular mail.

  
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Anne E. Kozul, Esquire

Dated: March 19, 2010