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Attorneys for Third-Party Defendant
Veolia ES Technical Solutions, L.L.C.

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION and
THE ADMINISTRATOR OF 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.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

DOCKET NO. L-9868-05 (PASR)

CIVIL ACTION

**VEOLIA ES TECHNICAL
SOLUTIONS, L.L.C.'S INITIAL
DISCLOSURE STATEMENT**

In accordance with the Court's Case Management Order VIII, entered August 11, 2009 ("CMO VIII"), and the New Jersey Rules of Court, Third-Party Defendant Veolia ES Technical Solutions, L.L.C. ("Veolia"), hereby provides an Initial Disclosure Statement containing the specific information required by CMO VIII, Section 3(a)-(e). Veolia reserves the right to supplement and/or amend same as more information becomes available during the course of continuing investigation and discovery, inasmuch as these disclosures are based on information available to Veolia upon a reasonable investigation as of this date.

Reservations/Limitations.

1. Veolia reserves the right to object to the use of these disclosures, in whole or in part, at any time (including at trial of this or any other action) and for any purpose on the grounds of relevancy, competency, materiality, admissibility, hearsay, privilege, work-product immunity, or for any other reason.

2. Veolia reserves the right to object to the production of any documents or other information on any ground, including undue burden, relevance and to assert any applicable privilege, including the work product, the attorney-client privilege, the work product doctrine, the common interest doctrine, and any other applicable privilege or protection.

3. These disclosures are not intended to prejudice or waive any privileges or objections Veolia may have with respect to any outstanding or subsequent requests for discovery.

4. Veolia's investigation in this matter is on-going. Accordingly, Veolia reserves the right to supplement, amend, clarify, and revise these disclosures to the extent additional information becomes available or is obtained through discovery. Further, Veolia reserves the right to amend these disclosures to the extent the claims brought by or alleged against Veolia in this litigation are amended.

5. All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in CMO VIII.

6. All of the disclosures set forth below are made subject to the above objections and qualifications.

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

Veolia objects to this request to the extent that it concludes that there was any discharge or release of pollutants, contaminants and/or hazardous substances during the time of Veolia's ownership/operation of the 80 Lister Avenue site (the "Site") either at the Site or off-site. Veolia does not consent to or authorize any other party to communicate with Veolia's employees, former employees or individuals with privileged information and does not consent to or authorize any communications otherwise prohibited by all applicable rules of professional conduct. Individuals designated in this disclosure as Veolia employees and/or former employees should be contacted through Veolia's undersigned counsel. Veolia has identified the following individuals who may have discoverable information in relation to the ownership, operation, and conditions at the Site.

<u>Name</u>	<u>Address</u>	<u>Telephone</u>	<u>Subject</u>
Mr. Robert A. Winship Former Employee	391 County Road 523 Whitehouse Station, NJ 08889	908-534-2911	Preparation of the site for use, site operations and conditions.
Mr. James R. Nerger	563 Church Street Bound Brook, NJ 08805	908-202-1309	Site maintenance/clean up, site conditions. EPA/DEP matters.
Mr. Scott Nerger	100 Middlesex Avenue Piscataway, NJ		Laborer, worked at the Site, painting, clean up.
Mr. Robert Czeropski Former Employee	1167 Tanglewood Lane Scotch Plains, NJ 07076 (Last known address)	732-424-2352	Technical Director for Marisol – handled compliance matters.
Peter Nerger	Deceased		Acquisition of site; site operations and site conditions, cleanup of site; EPA/DEP matters; sale of site

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

<u>Name</u>	<u>Address</u>	<u>Phone</u>
Robert Winship	391 County Road 523 Whitehouse Station, NJ 08889	(908) 534-2911
James Nerger	563 Church Street Bound Brook, NJ 08805	(908) 202-1309

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

<u>Name</u>	<u>Site</u>	<u>Dates of Ownership</u>
	<u>Lot 59</u>	
Diamond Alkali Company (title acquired via dissolution of Diamond Alkali Organic Chemicals Division, Inc.)	86 Lister Avenue Newark NJ-Lot 59	December 31, 1954 - March 5, 1971
Chemicaland Corporation	86 Lister Avenue Newark, NJ-Lot 59	March 5, 1971 - July 1978
The City of Newark	86 Lister Avenue Newark, NJ-Lot 59	July 1978 - March 27, 1979
Walter R Ray Holding Co. Inc.	86 Lister Avenue Newark NJ -Lot 59	March 27, 1979 - June 4, 1981
	<u>Lot 58</u>	
Triplex Oil Refining Co.	80 Lister Avenue Newark, NJ- Lot 58	January 2, 1942 - May 21, 1968
Walter R. Ray Holding Co. Inc. (Deed states formerly Triplex Oil Refining Company)	80 Lister Avenue Newark, NJ-Lot 58	May 21 1968 - June 4, 1981

Marisol Incorporated	<u>Lots 58 & 59</u> 80 Lister Avenue Newark NJ-Lots 58 & 59	June 4, 1981 - Jan. 27, 1986
Diamond Shamrock Chemicals	80 Lister Avenue Newark, NJ-Lots 58 & 59	January 27, 1981

**** The foregoing information was obtained from a deed search of the property.**

Marisol, Inc. sold the Lister Avenue Property to Diamond Shamrock Chemicals Company on or about January 27, 1986.

SCA Chemical Services Company (prior to its acquisition by Chemical Waste Management, upon information and belief) leased a portion of the Site (a warehouse) from Marisol (n/k/a Veolia), a warehouse, from approximately 1981-1983. Veolia does not have any contact information for this entity in its possession, but, upon information and belief, Chemical Waste Management appears to be a third party defendant listed in Third Party Complaint D in this litigation in connection with a site at 253 River Road, Passaic, 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

Response

Veolia has no knowledge of any inability of any of the individuals named above to testify.

(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

Veolia objects to this request to the extent that it concludes there was any discharge or release of pollutants, contaminants, and/or hazardous substances during the time period Veolia owned and/or operated the Site, either at the site or off-site.

Types of Documents

Location

ACOs, Consent Orders*

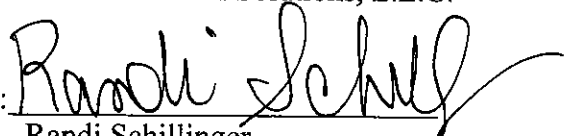
Counsel to Veolia/
Saiber LLC

Settlement Agreement and Release
Between Marisol, Incorporated and
Diamond Shamrock Chemical
Company

18 Columbia Turnpike
Florham Park, NJ

*Some or all of these documents may consist of information that falls within the definition of Excepted Information as such term is defined in CMO VIII.

Respectfully submitted,
Saiber LLC,
Attorneys for Third Party Defendant
Veolia ES Technical Solutions, L.L.C.

By: 
Randi Schillinger

Dated: February 2, 2010

Randi Schillinger, Esq.
SAIBER LLC
 18 Columbia Turnpike, Suite 200
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 Attorneys for Third-Party Defendant
 Veolia ES Technical Solutions, L.L.C.

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
	:	
	:	DOCKET NO. L-9868-05 (PASR)
	:	
Plaintiffs	:	
v.	:	CIVIL ACTION
	:	
OCCIDENTAL CHEMICAL CORPORATION, TIERRA SOLUTIONS, INC., MAXUS ENERGY CORPORATION, REPSOL YPF, S.A., YPF, S.A., YPF HOLDINGS, INC. and CLH HOLDINGS, INC.,	:	
Defendants.	:	<u>CERTIFICATION OF SERVICE</u>
	:	
MAXUS ENERGY CORPORATION and TIERRA SOLUTIONS, INC.,	:	
Third-Party Plaintiffs,	:	
	:	
vs.	:	
	:	
3M COMPANY, <i>et al.</i> ,	:	
Third-Party Defendants.	:	

Katherine A. Escanlar, in lieu of oath or affidavit, certifies that:

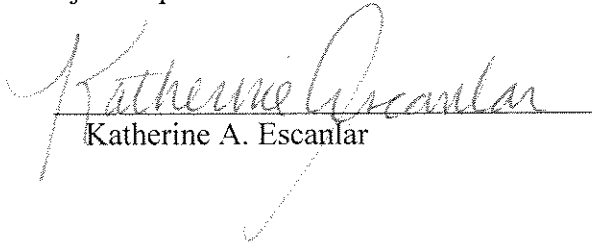
1. I am an attorney-at-law in the State of New Jersey and am an associate of the law firm of Saiber LLC, attorneys for Third-Party Defendant Veolia ES Technical Solutions, L.L.C. (“Veolia”) in the above captioned matter.

2. On February 2, 2010, I filed Veolia’s Initial Disclosures via the Sfile

website, which will be distributed to all counsel who have consented to such service.

5. On February 2, 2010, I also mailed a copy, via regular mail, to all counsel who have not consented to service by electronic posting.

I certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.


Katherine A. Escanlar

Date: February 2, 2010

Third-Party Defendants for Regular Service as of February 2, 2010

NAMED THIRD-PARTY DEFENDANT	THIRD-PARTY COMPLAINT	NOTICE OF APPEARANCE: COUNSEL OF RECORD
Borough of Hasbrouck Heights	A	Richard J. Dewland Coffey & Associates 465 South Street Morristown, NJ 07960 973.539.4500 rjd@coffeylaw.com
City of Orange	A	John P. McGovern, Esq. 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
Passaic Pioneers Properties Company	B	John A. Daniels, Esq. Daniels & Daniels LLC 6812 Park Ave. Guttenberg, NJ 07093 202.868.1868 201.868.2122 – fax Jad1903@gmail.com
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 audreyjackson30@hotmail.com