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Attorneys for Third-Party Defendant
LYNDHURST BOROUGH

New Jersey Department of Environmental
Protection, *et al*,

Plaintiffs,

v.

Occidental Chemical Corporation, *et al*,

Defendants,

Maxus Energy Corporation

v.

3M Company, *et al.*,

Third-Party Defendants.

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SUPERIOR COURT OF NEW JERSEY
:
LAW DIVISION - ESSEX COUNTY
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DOCKET NO. ESX-L-9868-05
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Civil Action
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:
FIRST SUPPLEMENTAL
:
DISCLOSURE RESPONSE OF
:
LYNDHURST BOROUGH
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X

In accordance with Case Management Order XII, Paragraph 21, LYNDHURST BOROUGH hereby supplements its Disclosures.

21.c.(1). A copy of all Documents relating to the following information for the site(s), properties and/or operations with which the Third Party Defendant is associated in the Third-Party Complaints:

- i. the release or discharge of Hazardous Materials from or at that Third Party Defendant's properties or operations,

The allegations in this matter against the answering municipality, Lyndhurst Borough relate to the alleged discharge of sewage waste which was treated and/ or handled by the Passaic Valley Sewage Authority. As sewage waste is specifically excepted from the definition of "hazardous substance" under the New Jersey Spill Act, N.J.S.A.58:10-23.11b, the answering municipality has no responsive documents. Furthermore the answering municipality has no additional information beyond any "excepted material" identified by Case Management Order VIII, Paragraph 4.

- ii. the operations, manufacturing and/or production processes, and Hazardous Materials stored or utilized on the property, and any sampling that took place on the property and any sampling or testing of the materials, by products or waste products used in connection therewith;

The allegations in this matter against the answering municipality Lyndhurst Borough, relate to the alleged discharge of sewage waste which was treated and/or handled by the Passaic Valley Sewage Authority. There are no operations, manufacturing and/or production processes, or hazardous materials stored or utilized, nor was there any sampling that took place of the sewage waste by the municipality.

- iii. sampling results from environmental, chemical, or biological testing conducted at that Third Party Defendant's properties; and

The allegations in this matter against the answering municipality, Lyndhurst Borough, relate to the alleged discharge of sewage waste which was treated and/ or handled by the Passaic Valley Sewage Authority. There are no operations, manufacturing and/or production processes, or hazardous materials stored or utilized, nor was there any sampling that took place of the sewage waste by the municipality.

- iv. any communications involving that Third-Party Defendant and any branch, department, agency or instrumentality of municipal, State or federal government relating to any discharge or release of Hazardous Materials or this litigation.

The allegations in this matter against the answering municipality, Lyndhurst Borough, relate to the alleged discharge of sewage waste which was treated and/ or handled by the Passaic Valley Sewage Authority. As sewage waste is specifically excepted from the definition of "hazardous substance" under the New Jersey Spill Act, N.J.S.A.58:10-23.11b, the answering municipality has no responsive documents.

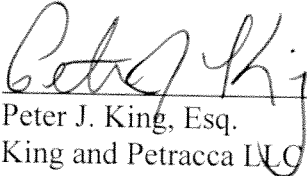
21.c.(2) Any Documents relating to any industrial waste containing Hazardous Materials that was transported to, processed or treated at, or discharged from any of the sites and/or properties with which the Third Party Defendant is associated in the Third Party Complaints.

The answering municipality is not in possession of any documents which are responsive to this request.

21.c.(3) Any insurance or indemnity agreement under which another person or entity may be liable to satisfy all or part of a possible judgment in this action or to indemnify or reimburse for payments made to satisfy said judgment.

The answering municipality is continuing to endeavor to locate and confirm insurance coverage. Copies of any insurance policies which may be responsive will be produced once they are confirmed.

Date: August 30, 2010


Peter J. King, Esq.
King and Petraceca LLC

CERTIFICATION OF SERVICE

I certify that a copy of the First Supplemental Disclosure Response of the *Lyndhurst Borough* has been served via Case Vantage and sent by mail to:

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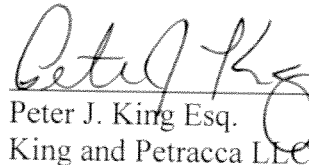
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Date: August 30, 2010


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