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 Attorneys for Third-Party Defendant Borough of Totowa

NEW JERSEY DEPARTMENT OF :
 ENVIRONMENTAL PROTECTION, THE :
 COMMISSIONER OF THE NEW JERSEY : SUPERIOR COURT OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL : LAW DIVISION: ESSEX COUNTY
 PROTECTION AND THE ADMINISTRATOR :
 OF THE NEW JERSEY SPILL : DOCKET NO.: ESX-L-9868-05
 COMPENSATION FUND, :

Plaintiffs,

vs.

OCCIDENTAL CHEMICAL CORPORATION, : **FIRST SUPPLEMENTAL**
 TIERRA SOLUTIONS, INC., MAXUS : **DISCLOSURE RESPONSE OF**
 ENERGY SOLUTIONS, RESPOL YPF, : **THE BOROUGH OF TOTOWA**
 S.A., YPF HOLDINGS, INC., AND :
 CLH HOLDINGS, :

Defendants.

MAXUS ENERGY CORPORATION and
 TIERRA SOLUTIONS, INC.

Third-Party Plaintiffs,

vs.

BAYONNE MUNICIPAL UTILITIES
 AUTHORITY,
 BOROUGH OF CARTERET,
 BOROUGH OF EAST NEWARK,
 BOROUGH OF EAST RUTHERFORD,
 BOROUGH OF ELMWOOD PARK,
 BOROUGH OF FAIR LAWN,
 BOROUGH OF FANWOOD,
 BOROUGH OF FRANKLIN LAKES,
 BOROUGH OF GARWOOD,
 BOROUGH OF GLEN ROCK,

BOROUGH OF HALEDON, :
BOROUGH OF HASBROUCK HEIGHTS, :
BOROUGH OF HAWTHORNE, :
BOROUGH OF KENILWORTH, :
BOROUGH OF LODI, :
BOROUGH OF MOUNTAINSIDE, :
BOROUGH OF NEW PROVIDENCE, :
BOROUGH OF NORTH ARLINGTON, :
BOROUGH OF NORTH CALDWELL, :
BOROUGH OF NORTH HALEDON, :
BOROUGH OF PROSPECT PARK, :
BOROUGH OF ROSELLE PARK, :
BOROUGH OF RUTHERFORD, :
BOROUGH OF TOTOWA, :
BOROUGH OF WALLINGTON, :
BOROUGH OF WEST PATERSON, :
BOROUGH OF WOOD-RIDGE, :
CITY OF PATERSON, :
CITY OF EAST ORANGE, :
CITY OF ELIZABETH, :
CITY OF GARFIELD, :
CITY OF CLIFTON, :
CITY OF GARFIELD, :
CITY OF ORANGE, :
CITY OF ELIZABETH, :
CITY OF GARFIELD, :
CITY OF HACKENSACK, :
CITY OF JERSEY CITY, :
CITY OF LINDEN, :
CITY OF NEWARK, :
CITY OF ORANGE, :
CITY OF PASSAIC, :
CITY OF PATERSON, :
CITY OF RAHWAY, :
CITY OF SUMMIT, :
CITY OF UNION CITY, :
HOUSING AUTHORITY OF THE CITY OF :
NEWARK, :
JERSEY CITY MUNICIPAL UTILITIES :
AUTHORITY, :
JOINT MEETING OF ESSEX AND UNION :
COUNTIES, :
LINDEN ROSELLE SEWERAGE :
AUTHORITY, :
PASSAIC VALLEY SEWERAGE :
COMMISSIONERS, :

PORT AUTHORITY OF NEW YORK AND :
NEW JERSEY, :
RAHWAY VALLEY SEWERAGE :
AUTHORITY, :
THE NEW JERSEY DEPARTMENT OF :
OF AGRICULTURE, :
THE NEW JERSEY DEPARTMENT OF :
TRANSPORTATION, :
THE STATE OF NEW JERSEY, :
TOWN OF BELLEVILLE, :
TOWN OF HARRISON, :
TOWN OF KEARNY, :
TOWN OF NUTLEY, :
TOWN OF WESTFIELD, :
TOWN OF WOODBRIDGE, :
TOWNSHIP OF BERKELEY HEIGHTS, :
TOWNSHIP OF BLOOMFIELD, :
TOWNSHIP OF CEDAR GROVE, :
TOWNSHIP OF CLARK, :
TOWNSHIP OF CRANFORD :
TOWNSHIP OF HILLSIDE, :
TOWNSHIP OF IRVINGTON, :
TOWNSHIP OF LITTLE FALLS, :
TOWNSHIP OF LIVINGSTON, :
TOWNSHIP OF LYNDHURST, :
TOWNSHIP OF MAPLEWOOD, :
TOWNSHIP OF MILLBURN, :
TOWNSHIP OF MONTCLAIR, :
TOWNSHIP OF ORANGE, :
TOWNSHIP OF SADDLE BROOK, :
TOWNSHIP OF SCOTCH PLAINS, :
TOWNSHIP OF SOUTH HACKENSACK, :
TOWNSHIP OF SOUTH ORANGE VILLAGE, :
TOWNSHIP OF SPRINGFIELD, :
TOWNSHIP OF UNION, :
TOWNSHIP OF WEST ORANGE, :
TOWNSHIP OF WINFIELD PARK, :
TOWNSHIP OF WYCKOFF, :
VILLAGE OF RIDGEWOOD, :
:
:
Third-Party Defendants. :

In accordance with Case Management Order XII, Paragraph 21, BOROUGH OF TOTOWA 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, Borough of Totowa 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, Borough of Totowa, 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, Borough of Totowa, 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, Borough of Totowa, 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.

Corrado & Corrado, Esqs.
Attorneys for Borough of Totowa

Date: September 9, 2010

By: Robert E. Corrado /s/
Robert E. Corrado, Esq.

CERTIFICATION OF SERVICE

I certify that the within First Supplemental Disclosure Response of Borough of Totowa has been served upon all parties via Case Vantage on September 9, 2010.

Corrado & Corrado, Esqs.
Attorneys for Borough of Totowa

Date: September 9, 2010

By: Robert E. Corrado /s/
Robert E. Corrado, Esq.

