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 Attorneys for Third-Party Defendant Town of Nutley

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New Jersey Department of Environmental Protection, <i>et al</i> ,	: SUPERIOR COURT OF NEW JERSEY
	: LAW DIVISION - ESSEX COUNTY
	:
Plaintiffs,	: DOCKET NO. ESX-L-9868-05
	:
v.	: <u>Civil Action</u>
	:
Occidental Chemical Corporation, <i>et al</i> ,	: FIRST SUPPLEMENTAL
	: DISCLOSURE RESPONSE OF TOWN
Defendants,	: OF NUTLEY
	:
Maxus Energy Corporation	:
	:
v.	:
	:
3M Company, <i>et al</i> ,	:
	:
Third-Party Defendants.	:
	:
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In accordance with Case Management Order XII, Paragraph 21, Town of Nutley, 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 Town of Nutley 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 Town

of Nutley 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 Town of Nutley 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 Town of Nutley relate to the alleged discharge of sewage waste which was treated and/ or handled by 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 Town of Nutley 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 Town of Nutley has no responsive documents.

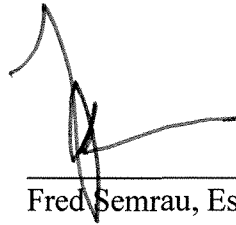
21.c.(2) Any Documents relating to any industrial waste containing Hazardous Materials that was transported to, processed or treated at, or discharged from any of the sites and/or properties with which the Third Party Defendant is associated in the Third Party Complaints.

The Town of Nutley 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 Town of Nutley 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: September 1, 2010



A handwritten signature in black ink, appearing to read 'Fred Semrau', is written over a horizontal line. The signature is stylized and somewhat cursive.

Fred Semrau, Esq.

CERTIFICATION OF SERVICE

I certify that the First Supplemental Disclosure Response of Town of Nutley has been sent by regular mail to:

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Date: September 1, 2010



Fred Semrau, Esq.