

TRAPANESE & TRAPANESE, ESQS.

188 Route 23

Little Falls, New Jersey 07424

(973) 785-3131

Attorneys for Third-Party Defendant, Township of Little Falls

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE COMMISSIONER OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, and THE ADMINISTRATOR OF THE NEW JERSEY SPILL COMPENSATION FUND,

Plaintiffs,

-vs-

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.

-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 RIDGE, BOROUGH OF GLEN ROCK, BOROUGH OF HALEDON, BOROUGH OF HASBROUCK HEIGHTS,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

DOCKET NO.: ESX-L-9868-05

Civil Action

FIRST SUPPLEMENTAL DISCLOSURE
RESPONSE OF THE TOWNSHIP OF
LITTLE FALLS TOWNSHIP

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 ROSELLE, :
BOROUGH OF RUTHERFORD, :
BOROUGH OF TOTOWA, :
BOROUGH OF WALLINGTON, :
BOROUGH OF WEST PATERSON, :
BOROUGH OF WOOD-RIDGE, :
CITY OF BAYONNE, :
CITY OF CLIFTON, :
CITY OF EAST 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 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 LYNDBURST, :
 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 :
 TOWNSHIP OF SPRINGFIELD, :
 TOWNSHIP OF UNION, :
 TOWNSHIP OF WEST ORANGE, :
 TOWNSHIP OF WINFIELD PARK, :
 TOWNSHIP OF WYCKOFF, and :
 VILLAGE OF RIDGEWOOD, :
 :
 Third-Party Defendants. :
 _____ :

In accordance with Case Management Order XII, Paragraph 21, LITTLE FALLS TOWNSHIP 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, Little Falls Township, 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, Little Falls Township, 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, Little Falls Township, 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, Little Falls Township, 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.

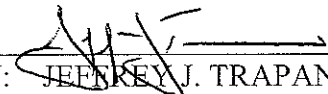
The answering municipality is not in possession of any documents which are responsive to this request.

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.

TRAPANESE & TRAPANESE, ESQS.
Attorneys for Little Falls Township

Dated: September 7th, 2010


BY: JEFFREY J. TRAPANESE, ESQ.

CERTIFICATION OF SERVICE

I certify that the within First Supplemental Disclosure Response of **Little Falls Township** has been served upon all parties via Case Vantage on September 7, 2010.

TRAPANESE & TRAPANESE, ESQS.
Attorneys for Little Falls Township

Dated: September 7th, 2010


BY: JEFFREY J. TRAPANESE, ESQ.