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Nicholas M. Kouletsis

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Attorney for Third-Party Defendant(s) Revere Smelting & Refining Corporation

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

SUPPLEMENTAL THIRD-PARTY DISCLOSURE OF REVERE SMELTING AND REFINING CORPORATION

Comes now Third-Party Defendant Revere Smelting & Refining Corporation, (“Respondent”) and for its Supplement to Initial Disclosure in accordance with the January 21, 2011 Consent Order (“Consent Order”) (applicable to those Third-Party Joint Defense Group members who have received completed site files as represented by the Drinker Biddle & Reath LLP or Hannafan & Hannafan, Ltd. firms (counsel for Third-

Party Plaintiffs)), provides the following specific information:

Reservations and Comments

1. Respondent reserves the right to object to the production of any documents or other information on any ground, including relevance and undue burden, and to assert any applicable privilege, including the attorney-client privilege, the work product doctrine, the common interest doctrine, confidentiality, trade secret, State and Federal Homeland Security confidentiality and any other applicable protection. These disclosures are not intended to prejudice or waive any privileges or objections Respondent may have with respect to any outstanding or subsequent requests for discovery.

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

3. The time period covered by the allegations in the Plaintiffs' Third Amended Complaints is quite long and encompasses at least six decades. The geographic scope of the Third Amended Complaint is also quite broad, covering the 'Newark Bay Complex,' which spans the 'lower 17 miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill van Kull, and into adjacent waters and sediments.' Third Amended Complaint, ¶ 1. The scope of inquiry required by Plaintiffs and Third-Party Plaintiffs is accordingly quite broad and potentially burdensome. Respondent is therefore engaged in a continuing investigation and reserves the right to

supplement and modify these disclosures.

4. “Documents”, excluding electronic e-mail, shall have the meaning set forth in this Court’s August 11, 2009 Order for Preservation of Documents and Data.

5. “Alleged Discharges” shall have the meaning set forth in the Court’s CMO VIII.

6. “Sites”, per CMO VIII, shall be defined as those site(s) or properties with which a Third-Party Defendant is associated in a Third-Party Complaint.

7. Document Production requirements set forth in CMO XII, paragraph 21 (as amended by the Consent Order) (“Amended Production Requirements”) are read in concert with CMO VIII, paragraph 3 and CMO V, paragraph 8 (“Additional Discharger”) incorporated by reference in CMO XII, paragraph (1). CMO VIII, *inter alia*, called for a listing of those documents to be produced by Third-Party Defendants. The Amended Production Requirements are answered with reference to the Alleged Discharges as defined in CMO VIII. To the extent requirements set forth in Amended Production Requirements are repetitive, burdensome and /or unfairly place a duty of inquiry on Third-Party Defendants as to the Newark Bay Complex locations other than the Sites, disclosures herein are provided with reference to the Amended Production Requirements and CMO XII paragraph 21(c) unless otherwise noted. With respect to Amended Production Requirements as to CMO XII, paragraph 21(b), reference is made to information previously furnished by the JDG in connection with CMO V, paragraph 8 (“Additional Dischargers”).

8. Documents subject to claims of privilege will be detailed in a log to be furnished in accordance with the August 11, 2009 “Agreed Order Regarding Documents Withheld from Production” as appended to CMO VIII, and provided under the Amended Production Requirements.

9. This response to the Consent Order is provided without prejudice to the rights, claims and defenses of the other third party defendants in this case, including those that have not currently subscribed to the Order at this time.

10. Responsive documents will not be produced with these disclosures to the extent that they are either are publicly available or already in the possession of the third party plaintiffs.

Production as to Paragraph 21(c) Requests as Amended by the Amended Production Requirements

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.

Response: Revere Smelting and Refining Corporation (“Revere” or “Respondent”) states that it has no responsive documents, other than any potentially responsive documents provided to the Respondent by Third-Party Plaintiffs Bates labeled TSI-DBR-00227564 to TSI-DBR-00227763, and the publically available Revere response to the Environmental Protection Agency (“EPA”) Section 104(e) Information Request.

ii. the operations, manufacturing and/or production processes, any 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;

Response: Respondent has no documents relating to any sampling that took place on the property or any sampling or testing of the materials, by products or waste products used or generated in connection therewith, other than any potentially responsive documents

provided to the Respondent by Third-Party Plaintiffs Bates labeled TSI-DBR-00227564 to TSI-DBR-00227763, and the publicly available Revere response to the Environmental Protection Agency (“EPA”) Section 104(e) Information Request.

As to documents relating to any allegedly Hazardous Materials stored or utilized on the property, or relating to the operations, manufacturing and/or production processes that took place on the property (other than those provided to the Respondent by Third-Party Plaintiffs), Responsive Documents to this request, to the extent available, subject to the exceptions set forth in CMO VIII enumerated below or as provided under the Amended Production Requirements are as follows: REV000001-2, REV000026-85, REV000086, REV000087, REV000088, REV000089-211, REV000218-219, REV000222, REV000230-231, REV000232, REV000233-265, REV000266, REV000267, REV000268, REV000269, REV000270-274, REV000275-295, REV000296-320, REV000321-323.

Moreover, the following publicly available government reports may contain information responsive to this request, but are excluded from this response pursuant to the Amended Production Requirements:

- (a) Securities and Exchange Commission reports that provide annual figures on production and battery shipments to or from the Revere Newark site;
- (b) RSR Prospectus;
- (c) Briefs, reports and the final opinion in the Federal Trade Commission antitrust action involving RSR Corporation; *see* FTC Decisions, In the Matter of RSR Corporation, Order and Opinion, etc. in regard to violation of Sec. 7 of the Clayton Act, 88 F.T.C. 800, at 887 note 17 and 898-899 (December 1976) and in the related administrative record for this FTC proceeding; and
- (d) Revere’s Response to the EPA Section 104(e) request for information.

Identification or production of documents relating to the shipment of lead batteries to the Revere facility or shipment of lead from the Revere facility is neither an admission that recycled batteries are “industrial waste,” nor an admission that the lead sold is not a commercial product (as opposed to a waste), nor is it a waiver of any legal position concerning the status of recycled batteries or lead sold by Revere.

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

Response: Respondent has no responsive documents, other than any potentially responsive documents provided to the Respondent by Third-Party Plaintiffs Bates labeled TSI-DBR-00227564 to TSI-DBR-00227763.

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

Response: As to documents relating to the period during which Respondent owned and operated the facility (April 1970 to December 1972) and prior to filing of this lawsuit, Respondent has no responsive documents, other than any potentially responsive documents provided to the Respondent by Third-Party Plaintiffs Bates labeled TSI-DBR-00227564 to TSI-DBR-00227763 and Respondent's response to EPA's Section 104(e) response which is publicly available.

As to documents responsive to this request created since the filing of the lawsuit (if any), such documents will be produced pursuant to the requirements of CMO XII, Paragraph 21(c) as to the Alleged Discharge (subject to the exceptions set forth in CMO VIII enumerated below and as to the Alleged Discharges or as provided under the Amended Production Requirements). Furthermore, Third-Party Plaintiff is a member of the Cooperating Parties Group, which has submitted information to EPA and, therefore, Third-Party Plaintiff has these documents.

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 a Third Party Defendant is associated in the Third Party Complaints.

Response: As to any Documents relating to any alleged industrial waste containing Hazardous Materials that was discharged from the location of the former Revere facility, Respondent has no responsive documents, other than any potentially responsive documents provided to the Respondent by Third-Party Plaintiffs Bates labeled TSI-DBR-00227564 to TSI-DBR-00227763.

As to any Documents relating to any alleged industrial waste containing Hazardous Materials that was discharged from any of the sites and/or properties with which a Third Party Defendant is associated in the Third Party Complaints (other than the company that owned and operated a lead battery recycling company at the location of the Revere Newark facility), Respondent has no responsive documents, other than any potentially responsive documents provided to the Respondent by Third-Party Plaintiffs Bates labeled TSI-DBR-00227564 to TSI-DBR-00227763.

The many publicly available responsive documents are as follows:

- (a) the 1992 New York/New Jersey Harbor Discharge Survey;
- (b) New York Harbor Consortium and New York Academy of Sciences reports related to dioxin, PCB, mercury, PAHs, and other chemicals;
- (c) Total Maximum Daily Loads(TMDLs) for copper, mercury, nickel, and lead in NY-NJ harbor;
- (d) Hydroqual reports on pollutant loading to New York/New Jersey Harbor;

- (e) Our Passaic River web site;
- (f) Treatment Plant study Power Point; and
- (g) other governmental and nongovernmental organization documents.

On information and belief, all of these documents are being gathered by consultants for the Cooperating Parties Group and, therefore, Third-Party Plaintiffs have access to all of these public documents.

As to any Documents relating to any alleged industrial waste containing Hazardous Materials that was transported to, processed or treated at the location of the former Revere facility (subject to the exceptions set forth in CMO VIII enumerated below or as provided under the Amended Production Requirements), the only documents potentially relevant are those provided to Respondent from the Third-Party Plaintiff, documents concerning the acquisition of the lead smelting assets in April 1970 (that may incidentally mention prior sales) located on the enclosed disc and Bates labeled REV000324-473, REV000485-616, and any publicly available documents (that may incidentally mention prior sales).

Respondent reiterates that identification or production of documents relating to the shipment of lead batteries to the Revere facility or shipment of lead from the Revere facility is neither an admission that recycled batteries are “industrial waste,” nor an admission that the lead sold is not a commercial product (as opposed to a waste), nor is it a waiver of any legal position concerning the status of recycled batteries or lead sold by Revere.

c. 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.

Response: Respondent has no responsive documents. However, the indemnification agreement between Respondent and the company whose assets were purchased in April 1970 and related documents, to the extent available, are on the enclosed discs Bates labeled REV000324-473, REV000485-616, subject to the exceptions set forth in CMO VIII enumerated below or as provided under the Amended Production Requirements. These documents provide no indemnification for future cleanup liability, if any.

Production as to Paragraph 21(b) Requests as Amended by the Amended Production Requirements

Copies of all non-privileged Documents other than electronic email discovery, that relate to

(i.) the alleged discharge of any hazardous wastes, hazardous substances, pollutants or contaminants (“Hazardous Materials”) to the Newark Bay Complex;

Response – See Paragraph 7, Reservations and Comments, above. See Response to Paragraph 21(c)(1)(i), above.

Notwithstanding the objections in Paragraph 7 of the Reservations and Comments section above, and without waiver of any other objections set forth above, Respondent has no responsive documents concerning any site other than the pre-April 1970 operation of the lead battery recycling facility acquired by Revere in April 1970 (the “Predecessor Facility”) other than those provided to the Respondent by Third-Party Plaintiffs.

As to the Predecessor Facility, Respondent has no documents relating to a discharge, other than those provided to the Respondent by Third-Party Plaintiffs and the Respondent’s reply to EPA Section 104(e) Request.

Respondent has corporate acquisition documents demonstrating that the Predecessor Facility was a legally separate and distinct company from Revere, that Revere is not a successor to the Predecessor Facility, and that the property upon which Revere operated its lead battery recycling facility was owned by the Housing Authority of the City of Newark. See documents on enclosed disc Bates labeled REV000223-229, REV000324-473, and REV000485-616.

(ii.) the potential pathways and methods by which the Hazardous Materials have been released to the Newark Bay Complex, as well as the quantity, nature and toxicity of such Hazardous Materials;

Response – See Paragraph 7 Reservations and Comments, above. See Responses to Paragraphs 21(c)(1)(i)-(iv), above.

(iii.) other actions relating to properties or operations that may have adversely impacted the environmental condition of the Newark Bay Complex

Response – See Paragraph 7, Reservations and Comments, above.

(iv.) the costs and damages costs and damages sought in connection with any alleged discharge of Hazardous Materials.

Response – See Paragraph 7, Reservations and Comments, above. Third-Party Defendant further notes that all cross-claims and counterclaims and Fourth-Party claims are stayed in the present action and, as such, it has made no such claim against parties in this action at this time.

Production to Fulfill the Ongoing Duty to Supplement

Respondent’s Amended Initial Disclosure document indicated that the investigation for documents was continuing. The Respondent’s Amended Initial Disclosure also provides the name, address and telephone numbers of individuals who may be likely to have

discoverable information. See Third Party Defendant Revere Smelting & Refining Corporation's Amended Initial Disclosures ¶ (b), attached hereto as Exh. A.

Respondent's continuing investigation uncovered the names of Revere Newark employees on checks, not included in the Amended Initial Disclosure. See documents Bates labeled REV000212-217 on the enclosed discs. These documents contain personal identifying information such as social security numbers and financial account numbers. This personal identifying information must be kept confidential pursuant to the Order on Confidentiality existing in this case, and redacted if filed with the Court pursuant to R. 1:38-7 of the New Jersey Court Rules.

Respondent reiterates the objections provided in its Amended Initial Disclosure. Respondent has no reason to believe that these individuals have relevant information. Respondent does not know their location or even whether they are alive. Nonetheless, Respondent provides the following names:

Paul D. Soares
Antonio P. Junior
Rilly JR Cheatom
Ranjit Banerjee
Nathan J. Hunt
Eladio Amarilla
Vernon Fowlkes
Mario G. Delgadillio
Purley D. Barnes
Peter Sack
Manuel S. F. Sousa

August 11, 2009 CMO VIII Excepted Information Categories

Excepted Information includes the following:

“Information, (“Information”), including, but not limited to, environmental, chemical and/or biological testing of groundwater, surface water, soil or sediment (hereinafter “Sampling Information”) contained in the nexus packages produced pursuant to paragraph 8(e) of CMO V”. See, Paragraph 4(a), as well as information produced under CMO XII, paragraph 21(a).

“Information previously produced to any branch, department, agency or

instrumentality of the State of New Jersey including to the New Jersey Department of Environment Protection (“NJDEP”) or Information produced to any other governmental agency or entity whose responsibility it is to oversee environmental compliance in the Newark Bay Complex Area, including, but not limited to, the United States Environmental Protection Agency and the United States Army Corps of Engineers (hereinafter “Governmental Recipients”). We believe information received from such agencies are included within the exception.

“Information produced to any Licensed Site Remediation Professional (hereinafter “LSRP”) who is duly licensed by the State of New Jersey at the time of receipt of such Information where such disclosure of Information is intended to be used in connection with any remedial investigation or remedial action having an assigned case number in the NJDEP’s NJEMS system;” See, Paragraph 4(c).

“Sampling Information compiled with the expectation of being produced to a Governmental Recipient or an LSRP under Paragraphs 4(b) or 4(c) but which Sampling Information has not yet undergone quality assurance/ quality control or similar analysis;” See, Paragraph 4(d).

“Information produced by a third-party defendant to any third-party plaintiff pursuant to the New Jersey Open Records Act or other freedom of information law or regulation;” See, Paragraph 4(e).

“Information previously produced to Defendants” See, Paragraph 4(f).

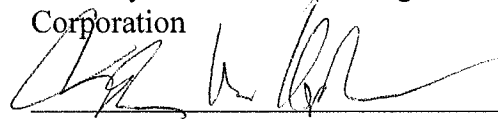
“Information that falls within the attorney-client privilege and/or the attorney

work product privilege.” See, Paragraph 4(g).

Dated: February 14, 2011

Respectfully submitted,

Pepper Hamilton LLP
Attorney for Revere Smelting & Refining
Corporation

A handwritten signature in black ink, appearing to read 'Nick Kouletsis', written over a horizontal line.

Nicholas M. Kouletsis, Esq.

EXHIBIT A

Aparna Bala
direct dial: 609-951-4191
balaa@pepperlaw.com

January 4, 2010

Via Electronic Service and Regular Mail

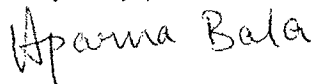
All Counsel of Record Consenting to Electronic Service
All Counsel of Record via regular mail as listed on the Certificate of Service

Re: NJDEP v. Occidental Chemical Corp., et al.
Docket No. L-9868-05 (PASR)

Dear Counsel:

This firm represents Third-Party Defendant Revere Smelting & Refining Corporation ("RSR") in the above-referenced matter. Pursuant to Case Management Order VIII, dated August 11, 2009, enclosed please find our client's Amended Initial Disclosures.

Very truly yours,



Aparna Bala
Paralegal

AB
Enclosures

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*Attorneys for Third-Party Defendant
Revere Smelting & Refining Corporation*

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,

v.

3M COMPANY, *et al.*,

Third-Party Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

DOCKET NO. ESX-L-9868-05 (PASR)

CIVIL ACTION

**THIRD-PARTY DEFENDANT
REVERE SMELTING & REFINING
CORPORATION'S AMENDED INITIAL
DISCLOSURES PURSUANT TO
CASE MANAGEMENT ORDER VIII**

Third-Party Defendant Revere Smelting & Refining Corporation ("Revere")

makes the following Initial Disclosures pursuant to Management Order VIII:

RESERVATIONS

1. Revere reserves the right to object to the production of any documents or other information on any ground, including relevance and undue burden, and to assert any applicable privilege, including the attorney-client privilege, the work product doctrine, the common interest doctrine, and any other applicable privilege or protection. These disclosures are not intended to prejudice or waive any privileges or objections Revere may have with respect to any requests for discovery.

2. Revere's investigation in this matter is continuing and, as such, it reserves the right to supplement, clarify, and revise these disclosures to the extent additional information becomes available or is obtained through discovery. Further, Revere reserves the right to amend these disclosures to the extent the claims brought by or alleged against Revere in this litigation are amended.

3. The time period covered by the allegations in the Plaintiffs' Second Amended Complaint is very long, encompassing at least six (6) decades. Also, the geographic scope of the Second Amended Complaint is very broad, covering the "Newark Bay Complex," which spans the "lower 17 miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill van Kull, and into adjacent waters and sediments." See Second Amended Complaint, ¶ 1. The scope of inquiry required by Plaintiffs and Third-Party Defendants is accordingly very broad and potentially burdensome. Revere therefore is engaged in a continuing investigation and reserves the right to supplement and modify these disclosures.

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: Revere objects to the above Initial Disclosure request on the grounds that the term "associated" is vague and ambiguous and susceptible to various interpretations. Subject to and without waiver of the foregoing objection, the following individual is likely to have discoverable information responsive to this disclosure request:

**John DePaul
2777 Stemmons Freeway
Dallas, TX 75207
214.583.2140**

Albert Lospinoso, who is retired, formerly was employed at the Revere operations in New Jersey. His address and telephone number are: 6101 Sandydale Drive, Dallas, TX 75248, 972.991.3086.

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: Revere responds to the above Initial Disclosure request by stating that the following individual is likely to have discoverable information that Revere may use to support its defenses and/or claims:

**John DePaul
2777 Stemmons Freeway
Dallas, TX 75207
214.583.2140**

Albert Lospinoso formerly was employed at the Revere operations in New Jersey, but at this time, Revere has no intention of relying on any information from Mr. Lospinoso.

Further responding, Revere states that its investigation is ongoing. It reserves the right to retain and employ expert consultants and witnesses, and does not construe this Initial Disclosure request as requiring experts to be identified at this time. As such, Revere reserves the right to supplement or amend its response if such information becomes available to Revere during the litigation.

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: Revere objects to the above Initial Disclosure request on the grounds that the term "associated" is vague and ambiguous and susceptible to various interpretations. Subject to and without waiver of the foregoing objection, upon information and belief, Revere states that the Newark Housing Authority was the owner of the site located at 387 Avenue P, Newark, New Jersey (the "Revere Site") during the time period (April 1970- December 1972) that Revere operated a lead smelting facility at the Revere Site.

On or about April 14, 1970, Revere acquired certain assets of a secondary lead smelter facility located on Avenue P in Newark from a pre-existing company (called Revere Smelting & Refining Corp. (Smelting), Revere Holding Corp. (Holding), and four individuals who were also shareholders of Smelting and Holding. Smelting operated this secondary lead smelter on Avenue P in Newark prior to April 1970, allegedly as early as 1964. Revere operated the facility until December 1972 at which time it stopped all operations. Revere never owned the property. On April 20, 1970, the property was

transferred from Smelting and Holding to the Housing Authority of the City of Newark and transferred to the Revere Urban Renewal Corporation the following day.

Revere was incorporated in Delaware on March 20, 1970 as Revere Smelting & Refining Corp. The company changed its name to Revere Smelting & Refining Corporation of New Jersey on December 1, 1971 and changed it again to Revere Smelting and Refining Corporation on November 5, 1992. Revere is currently a wholly-owned subsidiary of RSR Corporation, a Delaware Corporation. RSR was incorporated on December 1, 1970, as Revere Industries and its name was changed to Revere Smelting & Refining Corporation on December 1, 1971 and to RSR Corporation on March 20, 1972. RSR provided management services to Revere from April 1970 to December 1972.

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 incompetence within 12 months following the date of the Initial Disclosure;

RESPONSE: Revere responds to the above Initial Disclosure request by stating that Mr. Lospinoso is more than seventy years old and retired; upon information and belief, he is not known to be suffering from any condition, aside from advanced age, making it likely that he will be unavailable to testify one year from now.

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: Because, as described above, Revere operated the Revere Site from April 1970 to December 1972 (when the facility was closed), the few documents related to the site in existence today are in the possession, custody and control of Revere's undersigned counsel.

Revere has no documents evidencing a direct discharge from the location of the former Revere facility into the Passaic River.

The only documents directly relating to discharges from April 1970 to December 1972 to a local drainage ditch at a point one half mile from the Passaic River are:

1. New Jersey Department of Health, Stream or Waste Water Analysis, Laboratory Report at Pg. 3 (December 2, 1971), labeled Part 1 --- Chemistry Copy.
2. An Inspection Report by Mr. T. Harding, the New Jersey Department of Environmental Protection, Bureau of Water Pollution Control at Pg. 2 (typed December 3, 1971).
3. Letter from D. M. Clark, Supervising Environmental Engineer, New Jersey DEP, to Revere (February 14, 1972).

The following documents summarize historic discharges from the Revere site to a local drainage ditch at a point one half mile from the Passaic River:

1. Memorandum from Bruce Venner, New Jersey Department of Environmental Protection to Debbie Pinto, New Jersey Department of Environmental Protection (June 20, 1990).
2. River Study Area, Potentially Responsible Parties Summary for, Revere Smelting and Refining Corp., author unknown (September 1993).

Additionally, Revere created the following summary from the then available documents and the memory of Revere and former Revere personal: Revere

**Response to EPA Request for Information Pursuant to 42 U.S.C. Section 9604 et seq.,
Diamond Alkali Superfund Site Passaic River Study Area at Pg. 1 (April 3, 2003).**

By way of further response, Revere has received from third parties and has in its possession the following documents relating to the release from the Revere Site to a local drainage ditch at a point one half mile from the Passaic River prior to April 1970:

- 1. One page summary by J. McLaughlin, Re: Revere Smelting & Refining Corporation, 383 Avenue P, Newark, N.J., (dated September 16, 1969).**
- 2. Federal Water Pollution Control Administration, Department of Interior, Report on the Quality of the Interstate Waters of the Lower Passaic River and Upper and Lower Bays of New York Harbor (dated November, 1969).**
- 3. Pollution Report by John K. McLaughlin at 1 (dated January 15, 1970).**
- 4. Stream Pollution Report by John K. McLaughlin (dated January 26, 1970).**
- 5. Stream Pollution Report by John K. McLaughlin (dated February 9 to 13, 1970).**
- 6. Passaic Valley Sewerage Commissioners, Department of Sanitary Control (dated February 9 to 13, 1970).**
- 7. Memorandum from Bruce Venner, New Jersey Department of Environmental Protection to Debbie Pinto, New Jersey Department of Environmental Protection (June 20, 1990).**

8. River Study Area, Potentially Responsible Parties Summary for),
Revere Smelting and Refining Corp., author unknown (September, 1993).

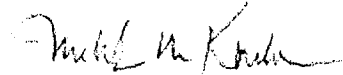
Additionally, Revere has a copy of Revere Response to EPA Request for
Information Pursuant to 42 U.S.C. Section 9604 et seq., Diamond Alkali Superfund Site
Passaic River Study Area at Pg. 1 (April 3, 2003), which may have information concerning
this period.

Note that Revere neither owned nor operated the facility prior to April 1970, nor is Revere
a corporate successor to the prior lead battery recycling facility operated at this location.

All of these documents are currently in the Nexus file for the Revere plant
location.

CONCLUSION

Revere's Initial Disclosures are made without prejudice to its right to change or
supplement its responses and its right to assert privileges or objections with respect to any
subsequent requests for discovery. The Initial Disclosures made herein are made based upon the
information reasonably available to Revere at the time of its response. Accordingly, Revere
reserves the right under paragraph 3(f) of Case Management Order VIII to supplement its
disclosures as further information is developed through investigation and/or discovery.



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*Attorneys for Third-Party Defendant
Revere Smelting & Refining Corporation*

Dated: January 4, 2010


CERTIFICATE OF SERVICE

I hereby certify that the foregoing CMO VIII Third-Party Initial Disclosures Of Third-Party Defendant Revere Smelting & Refining Corporation were served electronically on all parties which have consented to service by posting on www.sfile.com/njdepvoce on January 4, 2010. I further certify that counsel of record identified on the below Service List were served on January 4, 2010.

**THIRD-PARTY DEFENDANTS FOR REGULAR SERVICE
AS OF JANUARY 10, 2010**

NAMED THIRD-PARTY DEFENDANT	THIRD-PARTY COMPLAINT	NOTICE OF APPEARANCE: COUNSEL OF RECORD
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NAMED THIRD-PARTY DEFENDANT	THIRD-PARTY COMPLAINT	NOTICE OF APPEARANCE: COUNSEL OF RECORD
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Dated: January 4, 2010

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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)

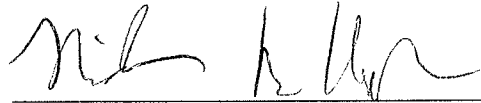
CIVIL ACTION

**CERTIFICATION OF
COMPLETENESS OF THIRD-
PARTY DEFENDANT REVERE
SMELTING AND REFINING
CORPORATION'S
SUPPLEMENTAL THIRD-PARTY
DISCLOSURE PURSUANT TO N.J.
L. CIV. R. 4:18-1(b)(2)**

I hereby certify that I have reviewed the document production request and that I have caused to be made a good faith search for documents responsive to the request. I further certify that as of this date, to the best of my knowledge and information, the production is complete and accurate based on information provided by others. I acknowledge my continuing obligation to

make a good faith effort to identify additional documents that are responsive to the request and to promptly serve a supplemental written response and production of such documents, as appropriate, as I become aware of them. The following is a list of the identity and source of knowledge of those who provided information to me:

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Dated: February 14, 2011

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Supplemental Third Party Disclosure (“Disclosure”) of Third-Party Defendant Revere Smelting & Refining Corporation and compact disc containing documents referred to in the Disclosure were served upon the following liaison and original party counsel on Monday, February 14, 2011 via Federal Express:

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For Tierra/Maxus Complaint B Parties

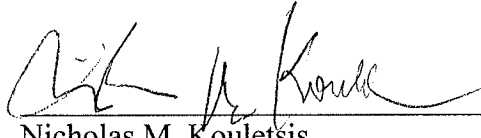
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