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Attorneys for the Third Party Defendant  
Town of Kearny

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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE COMMISSIONER OF 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,

*Defendants.*

MAXUS ENERGY CORPORATION and TIERRA SOLUTIONS, INC.,

*Third-Party Plaintiffs,*

BAYONNE MUNICIPAL UTILITIES AUTHORITY, et al.,

*Third-Party Defendants*

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - ESSEX COUNTY

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

Civil Action

**SUPPLEMENTAL DISCLOSURE  
STATEMENT OF THE TOWN OF  
KEARNY**

Third-Party Defendant, Town of Kearny, by way of Supplementing its Initial Disclosure of December 7, 2009 states as follows:

- (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 hazards 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”).

***Supplemental Response:***

1. The following individuals may have knowledge as to the existence, location and content of all the documents, including but not limited to correspondence, contracts, permits, etc. in which the Town of Kearny was involved in reference to the alleged discharges of Third Party Complaint “A”:

Joseph D’Arco  
Town Administrator (present)  
402 Kearny Avenue  
Kearny, New Jersey 07032  
201-955-7400

Robert M Czech  
306 Philadelphia Ave  
Sea Girt New Jersey 08750  
Town Administrator: 7/17/1995 to 01/05/1998

Joseph Rompala  
61 Harrison ST  
Little Falls, New Jersey 07424  
Town Administrator: 6/15/1998 to 7/27/2000

2. The following individuals may have knowledge in reference to the North and South Kearny Sewer System as specified in Third Party complaint “A”:

Joseph Skelly  
Executive Director of the Kearny Municipal Utility Authority (KMUA)  
39 Central Ave.  
Kearny, New Jersey 07032  
1988-present

The Kearny Municipal Utility Authority operates a wastewater collection system which collects and pumps wastewater generated from the

Meadowlands and South Kearny Districts of the Town of Kearny to the Passaic Valley Sewerage Commission for treatment and disposal.

Water Superintendant  
Richard Ferraioli  
570 Elm Street  
Kearny, NJ 07032  
201- 955-7406

Joa Gerhardt  
577 Kearny Ave.  
Kearny, New Jersey 07032  
(Predecessor to Neglia Engineering; Present Township  
Engineer)

Excel Environmental Resources, Inc.  
111 North Center Drive  
North Brunswick, New Jersey 08902  
(Environmental Engineers employed by the Town of Kearny)

Elson T. Killam Associates, Inc.  
27 Bleeker Street  
Millburn, New Jersey 07041  
(Environmental Engineers employed by the Town of Kearny)

Hatch Mott MacDonald  
27 Bleeker Street  
Millburn, New Jersey 07041  
(Environmental Engineers employed by the Town of Kearny)

ANS Consultants, Inc.  
4405 South Clinton Ave.  
South Plainfield, New Jersey 07080  
(Environmental Engineers employed by the Town of Kearny)

(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 impeachment).

***Supplemental Response:***

*See supplemental response to (a) above.*

- (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 know.

***No Supplemental Response***

- (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 or 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 incompetency within 12 months following the date of the Initial Disclosure.

***No Supplemental Response***

- (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 documents or electronically stored information may fall within the Excepted Information.

***Supplemental Response:***

As of September 17, 2009, the Town of Kearny received Certification from the State Records Committee for LargeDoc Solutions, the vendor who is handling the indexing and scanning of the historical files for the Town of Kearny. Files from 2000-2009 have been inventoried. The documents predating 2000 are in hard copy in storage to be reviewed contingent on funding and compliance with the Department of Archive Retention Management guidelines. The storage locations vary and the Town of Kearny will advise of all relevant locations as the information becomes available.

The Town of Kearny acknowledges its duty to supplement its Disclosure Statements as additional information is obtained through investigation and discovery.

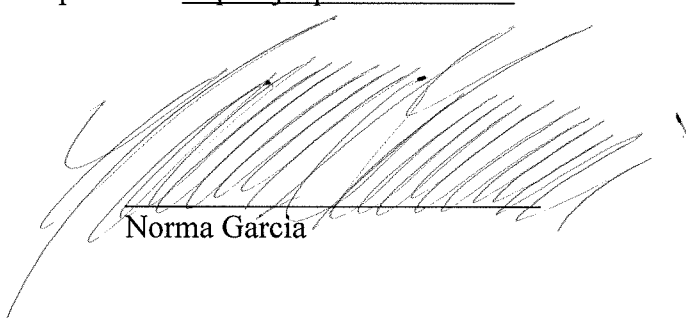
**CASTANO QUIGLEY LLC**  
Attorneys for Third-Party Defendant  
Town of Kearny

Dated: February 22, 2010

BY:   
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Norma Garcia

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Supplemental Disclosure was filed with the Court and posted to <http://njdepvocc.sfile.com> on this 22<sup>nd</sup> day of February, 2010.

  
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Norma Garcia