

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

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Attorneys for Third-Party Defendant, Township of Cedar Grove

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,

v.

OCCIDENTAL CHEMICAL
CORPORATION, TIERRA SOLUTIONS,
INC., MAXUS ENERGY CORPORATION,
RESPOL YPF, S.A., YPF, 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.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY
DOCKET NO.: ESX-L-9868-05

Civil Action

**INITIAL DISCLOSURE STATEMENT OF
THIRD-PARTY DEFENDANT
TOWNSHIP OF CEDAR GROVE**

In accordance with Case Management Order VIII, the Township of Cedar Grove hereby provides its Initial Disclosure Statement.

a. The name, address and telephone number, as many 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 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: Third-Party Defendant Township of Cedar Grove denies it discharged hazardous substances or pollutants. Any information concerning the administration of public services provided by the Township of Cedar Grove within the Township of Cedar Grove is under the possession and control of:

Thomas Tucci
Township Manager
525 Pompton Avenue
Cedar Grove, New Jersey 07009
Phone (973) 239-1410

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:

Thomas Tucci
Township Manager
525 Pompton Avenue
Cedar Grove, New Jersey 07009
Phone (973) 239-1410

Kathleen Stutz
Township Clerk
525 Pompton Avenue
Cedar Grove, New Jersey 07009
Phone (973) 239-1410

Alex Palumbo
Director of Public Works, Municipal Engineer, Zoning Review Officer
525 Pompton Avenue
Cedar Grove, New Jersey 07009
Phone (973) 239-1410

Michael Borsch
Waste Water Treatment Plant Foreman
525 Pompton Avenue
Cedar Grove, New Jersey 07009
Phone (973) 239-1410

Michael Goosman
Parks Department Foreman, Superintendent of Public Works
525 Pompton Avenue
Cedar Grove, New Jersey 07009
Phone (973) 239-1410

John D'Ascensio
Director of Community Development, Construction Official
525 Pompton Avenue
Cedar Grove, New Jersey 07009
Phone (973) 239-1410

Cerenzio & Panaro, P.C.
Outside Consultant Engineers for Wastewater Treatment Plans
115 Demarest Road, Suite A
Sparta, New Jersey 07871
Phone (973) 300-9003

c. The name, addresses 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: None known at this time

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 ability to testify due to age, infirmity, or incompetency within 12 months following the date of the Initial Disclosure.

RESPONSE: None known at this time.

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: Third-Party Defendant Township of Cedar Grove denies it has discharged or is a discharger in this matter. To the extent any relevant documents or information is available, it is in the custody and control of the Municipal Clerk or the Municipal Engineer for the Township of Cedar Grove.

Third-Party Defendant Township of Cedar Grove reserves the right to supplement this Initial Disclosure Statement as additional information is obtained through investigation and discovery.

McELROY, DEUTSCH, MULVANEY &
CARPENTER, LLP
Attorneys for Third-Party Defendant,
Township of Cedar Grove

By:



Thomas P. Scrivo

Dated: December 16, 2009