IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

HOBART CORPORATION, et al.,	)	
	)	
Plaintiffs,	)	
	)	
-vs-	)	Case No. 3:10-CV-195
	)	
WASTE MANAGEMENT OF OHIO,	)	
INC., et al.,	)	
	)	
Defendants.	)	

DEPOSITION OF EDWARD GRILLOT taken by me, Susan L. Bickert, a Certified Shorthand Reporter and Notary Public in and for the State of Ohio, at large, pursuant to the Federal Rules of Civil Procedure, as upon Direct Examination, at the offices of Thompson Hine, LLP, Austin Landing I, 10050 Innovation Drive, Suite 400, Dayton, Ohio 45342, on Tuesday, April 24, 2012, commencing at 10:10 o'clock a.m. on behalf of the Plaintiffs.

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EDWARD GRILLOT,

a witness being of lawful age, having been duly cautioned and sworn, did testify upon her oath as follows:

DIRECT EXAMINATION

BY MR. SILVER:

Q Good morning, Ed. Can you state your full name for the record, please?

A Edward Rene, R-E-N-E, Grillot, G-R-I-L-L-O-T.

Q How are you doing this morning, Ed?

A Good.

Q I represent a number of parties in a litigation involving a Superfund. I represent three parties. One of them is NCR Corporation, a second one is Hobart, and a third one is Kelsey-Hayes. Other ladies and gentlemen in the room represent our -- what you might call our opponents in the litigation, defendants in the litigation. They will also get a chance to ask you questions if they so choose.

A Okay.

Q I just want to start off with a few instructions for you. First, we are taking this deposition pursuant to the Federal Rules of Civil

Procedure, and I have requested reading and signing by the witness.

As far as instructions, Ed, I think the first thing I want you to remember is that all your answers should be audible, out loud.

A Okay.

Q Try to avoid nods and shaking your head. The court reporter, Susan, will pick those up, but she probably doesn't want too many of those. It's best if you speak out loud. Also, Marty on the phone is more likely to hear you if you talk out loud. Go ahead.

A I have a hard time hearing, so I might have --

Q I'll speak up.

A Somebody might have to repeat. I'll ask to repeat the question. Is that okay?

Q Yeah. In fact, I was going to say that if you can't hear me, or even if you hear me but don't understand my question because I'm fracturing the language, please just tell me that.

A Okay.

Q And I'll rephrase it or repeat it.

A Okay.

Q So far so good? You can hear me

pretty well?

A Yes.

Q You want me to pick it up a little bit?

A Doing good.

Q All right. So what I'm going to do is ask you a series of questions. Another important instruction is we don't want to act like we're school girls on the school bus and talk over each other. I'm going to ask my question and try to get to the question mark, and then even though you know where it's going, wait till I finish it, and this is also for the court reporter --

A Sure.

Q -- so we don't run over each other. And I'll try to do the same for your answers. I'll try not to jump on the back of your answers.

Of course, you're going to answer every question honestly and to the best of your recall. I point out that a lot of these questions will deal with events 30, 40, even 50 years ago. But let me ask you, how's your memory for -- long-term memory for events that far back?

A That's good. But it's sharpened, I think. I can think more better the past than I can

the future or the present.

Q If you can think of the future, I'm going to ask you a few questions, too. Yeah, we'll focus a little bit on the future, but mostly on the past.

Also, if you need a break for any reason or just getting tired, we'll take a lunch break, but if you need --

A Okay.

Q -- a comfort break or anything else, please speak up.

You also may hear some objections and banter between the attorneys during the course of the questioning. Think of that more like a hockey game that breaks out into a little scuffle.

A Okay.

Q We'll get back to the hockey game pretty quickly, and I'll let you know that.

A Okay.

Q All right. So those are the basic questions. Let's start with your date of birth.

A 11-9-52.

Q And that would make you how old?

A Fifty-nine.

Q And let me ask you about your place of

1 residence. It may be a good way to start it. Are
2 you registered to vote anywhere?
3 A No.
4 Q Do you own any residence or rent any
5 residence?
6 A No.
7 Q What would you consider to be your
8 place of residence?
9 A Right now it would be in North
10 Carolina.
11 Q And you traveled up here for this
12 deposition?
13 A Yes, I did.
14 Q Were you provided some expenses for
15 your travel from North Carolina?
16 A Yes.
17 Q Now, let me ask you about your
18 parents. Are either of your parents still alive?
19 A No.
20 Q And who was your father?
21 A Cyril John Grillot last name.
22 Q Would Cyril be C-Y-R-I-L?
23 A Correct.
24 Q And when did Cyril pass away?
25 A It would have been in September of

1994.

Q And your mother's name?

A Ruby M., for Marie, Grillot.

Q And when did she pass away?

A April of 2010.

Q Just a couple years ago?

A Yeah.

Q Now, let me know about where you grew up.

A I started in -- how far back do you want me to go on my memory?

Q All the way back.

A Our first residence that I remember was on Patterson Boulevard in Kettering, and then we moved to out in Washington Township, and then we moved to Oakwood.

Q Do you remember how old you were when you moved to -- and what was the name of the Township with a W? I didn't catch that.

A Washington Township.

Q Oh, Washington Township.

A That would be today considered Centerville.

Q And how old were you when you moved out to Washington Township?

A I think I was right around seven or eight, something like that.

Q And then the next move was to?

A Oakwood.

Q Oh, yeah. And how old were you when you moved to Oakwood?

A Right around ten.

Q And then after that? You stayed in Oakwood for a while?

A I stayed in Oakwood till I was about 22 years old.

Q And where did you go from there?

A I got married, then moved back there.

Q Back to Oakwood?

A Yeah. So I stayed -- I lived with my folks, me and my wife.

Q Now, I'm going to talk a little bit about your family's business. What did your dad Cyril do for a living?

A He was mostly -- I would call him an investor, entrepreneur. He had various dealings going on, mostly with real estate, commercial real estate. And then he got into coins, and that's about it. But mostly it was commercial real estate.

Q Did he have any involvement in commercial real estate in a dump or landfill business?

A Yes.

Q And describe that for us.

A Well, he had taken and let his brothers -- younger brothers start a landfill on it would have been Broadway Road in Moraine Township at that time.

Q What were his brothers' names that he started the business with?

A Cecil would be the youngest -- or Alcine Grillot would be the youngest. Then there was Cecil Grillot and then -- or, no. Yeah, Kenneth. Kenneth would have been the oldest of those three brothers.

Q And Alcine is A-L-C-I-N-E?

A Yes.

Q And Cecil is C-E-C-I-L?

A Yes.

Q How did the business get started to your knowledge?

A To my knowledge, when Dad had bought -- with a gentleman named Fink went in and bought that area out because it was swamp land. They had

a person named Jones -- I think his name was Casey Jones that started Broadway Sand and Gravel, and they took sand and gravel out of the pit in that area. First they sold off the topsoil, and it was kind of swampy in that area. They sold that off and made a pit, which made a hole, so they decided it had to be filled up, and landfill was the obvious solution at that time.

Q And to your knowledge, when did this sand and gravel operation get started in this area?

A From Dad telling me, I think in the forties somewhere, I think.

(WHEREUPON, Grillot Deposition Exhibit Number 1 was marked for purposes of identification.)

Q Let me put Exhibit 1 in front of you. Now, Ed, I'm going to represent to you that this Exhibit 1 is an aerial photograph that was used in a document involving a remediation, a cleanup. and I just want to ask you if you have any familiarity at all about what's depicted in this aerial photograph?

A Yes.

Q What's your understanding of what

you're looking at?

A Well, I see the layout of -- the formation of the different operations, you know, and sites that we started -- or my father's siblings their operations. I see different areas and points of interest I guess you could say.

Q We'll get into those in a little bit. You mentioned the name Broadway as a location of this --

A Right.

Q -- landfill operation that your father had. Do you see Broadway on this aerial photograph?

A The road?

Q Yes.

A Yes, I do. There's a yellow and orange and then there's a road that goes up and down north and south from there.

Q We'll look at another diagram in a minute, but I just wanted to focus you on what we're looking at.

A Okay.

Q Did the landfill or dump operation that you're referencing have a name that your father used for it?

A The landfill?
Q Yeah.
A Yes. My mind just went blank. South Dayton Dump.
Q That's fine. And let me just ask you, are you familiar -- do you have any past familiarity with aerial photographs of the South Dayton Dump?
A I don't understand the question.
Q Have you seen any other aerial photographs of the South Dayton Dump?
A Yeah, I have one.
Q You have one?
A Yes, I do.
Q What do you have?
A My dad's attorney that was handling my dad's estate had an aerial shot taken, and we all -- my brothers and sisters asked for a copy. So we got a big probably 24-by-36 aerial shot. And I believe that was taken around '95, a little bit after Dad had passed away in '94.
Q And where is that aerial photograph that you were given? Where is that today?
A North Carolina hanging on my wall.
Q North Carolina?

A Yeah.

Q You have it hanging on your wall at your place in North Carolina?

A Yeah.

Q Now, let me show you another. I think we only have a few of those. I'm placing in front of the witness what we're going to mark as Exhibit Number 2.

(WHEREUPON, Grillot Deposition Exhibit Number 2 was marked for purposes of identification.)

Q And I'd like you to -- as long as nobody minds me standing here, this is also a figure from some remediation documents, and I would just like you after having looked at the aerial photograph to let me know if this diagram -- if you recognize the area depicted on this diagram?

A Yes, I -- very familiar.

Q And what is it?

A Well, on the frontage of Broadway Road was built several buildings, real estate -- or commercial buildings that Dad had a contractor come in that him and Mr. Horace Boesch, who was my dad's attorney, had built alongside this road frontage.

And then behind that was the pit -- we called it the pit that the gravel pit was there and then around where it says 5177. And then a gentleman by the name of Doyle Roberson started -- Dad had allowed him to put a car -- a car junk yard in this vicinity right here.

Q Before we got too far into that, I was going to start with sort of a more general question.

A Okay.

Q Generally what are you looking at on this figure, the entire thing? Let me ask it this way --

A It was a dump.

Q Which dump?

A Dayton -- I mean South Dayton Dump.

Q And is this figure something you would work with to locate various features of the dump?

A Correct. Yeah.

Q You believe so?

A Mm-hmm.

Q Well, let's start with some simple ones. Do you have a pen with you?

A Yes.

Q Can you mark on there on the figure

where Broadway Road is and maybe put it flat if you can. Maybe just write in "Broadway Road" where you believe Roadway Road is.

A (So complies.)

Q Let the record reflect that the witness is writing the word "Broadway Road" on figure 2 -- I'm sorry -- on Exhibit 2.

MR. LEWIS: What is Exhibit 2, Larry?

MR. SILVER: Exhibit 2, Marty, is a figure from the Streamlined RI/FS OU1. It's Figure 1.7. It's a parcel map of the site, and it's got some roads on it, and it has some buildings shown and various areas of remediation activity at the site. So if you can pull that up, you'll see it.

BY MR. SILVER (Continuing):

Q All right. So far you've marked where Broadway Road is. Is that road to your knowledge still called Broadway Road?

A Pardon me?

Q Is that road to your knowledge still referred to as Broadway Road?

A No, it changed.

Q And what is it now?

A Dryden Road.

Q Do you know if it had any other names

in the past?

A It was Springboro Pike at one time, and I believe there was another name, but I can't think of it. It changed from Broadway, I think, to Springboro Pike to something else and then Dryden.

Q And do you have any idea why the names changed?

A Huh?

Q Do you have any idea why they kept changing the name of that road?

A I think when the highway came through they had to reroute some roads, and then -- but Dryden Road I don't know why that changed.

Q And do you see a river depicted on the Exhibit 2, the figure?

A Yes. Correct.

Q What river is that?

A The Great Miami River.

Q Can you write that in for me?

A (So complies.) Okay.

Q And you see sort of a big pond or lake in kind of the left bottom -- towards the left bottom corner of the figure in Exhibit 2?

A The quarry or the --

Q Where it says Quarry Pond Parcels.

A Right. Mm-hmm.

Q Do you know anything about that body of water?

A That was another gravel pit that was -- after Broadway Sand and Gravel had made the pit where the landfill is, they started digging over here. And that was going to be a future site. Dad said that once they moved the operation down that way that would be part of the dump also.

Q Can you mark in where the Broadway Sand and Gravel pit was that you referenced?

A (So complies.)

Q Let the record reflect that the witness is marking Broadway Sand and Gravel on Exhibit 2.

And then you mentioned that that area was dug out --

A Yes.

Q -- as a gravel pit?

A Mm-hmm.

Q And what happened then? It became a landfill?

A Well, just became a pit and was waiting to be filled in.

Q Was that the first area filled in by

your father's business? Not your father's business --

A It would be my uncle's business.

Q I apologize. It was your uncle's business?

A Right.

Q Which uncle was that?

A Alcine.

Q Alcine Grillot?

A Right.

Q And your father owned the property; is that right?

A Him and Horace Boesch owned the property.

Q And how is it that your uncle operated a business on the property that was owned by your father and Horace Boesch?

A Dad allowed his brothers to run that as a business. I believe, if I'm not mistaken, they paid Dad a rental fee or, you know, per month for the use of the land.

Q So your Uncle Alcine ran the landfill business?

A Right. And then Kenneth and Cecil sort of ran it for Alcine.

Q Kenneth --

A Alcine had another title or another job that took most of his time, so he was more or less the owner.

Q Of the business?

A Right.

Q And his brothers, Kenneth and Cecil, essentially worked for him?

A Right.

Q Is that it?

A Mm-hmm.

Q Now, you mentioned an auto salvage yard. Have you ever heard the name Doyle Roberson?

A Mm-hmm.

Q Who is Doyle Roberson?

A He came up from the South and started the business of Doyle's Auto Parts.

Q And where was Doyle's Auto Parts located? Tell me verbally, and then I'll ask you to mark it on the exhibit.

A The northern portion of the -- the beginning of the landfill.

Q And do you know when Doyle Roberson came up and started to begin operating the auto salvage yard?

A It was late fifties or early sixties.

Q Can you mark on Exhibit 2 where Doyle Roberson's salvage yard was?

A (So complies.)

Q Let the record reflect he's writing "Doyle's Auto Parts."

All right. Tell me about that operation. What do you know about that operation?

A I spent a summer working for Doyle, and he would take in automobiles from the City of Dayton and general cities in that area, and they would bring them and put them in his salvage yard, and then they would take and sell the parts till they got too old, and then they would discard them and send them off to be recycled.

Q Now, can you remember what year you worked for Doyle or how old you were when you worked for Doyle? That would be a better question.

A He gave me a work permit. I quit school, and I was 16, and that would have been right around 1970, '71, somewhere in that area.

Q And tell me -- you mentioned that he received automobiles from the City of Dayton?

A Right.

Q I assume they didn't give him new

automobiles?

A No, no, no.

Q What was he getting from the City of Dayton?

A He would get the automobiles. That was my job. I would take the registration or the title that they could find or get, and we had little cards that we would send back to the City and somehow he would get -- release the titles or whatever.

Q Were these automobiles that were abandoned or what?

A Right. You know, things that they would tow off the road and things of that nature, you know. Abandoned, yeah.

Q And you mentioned other cities, too, supplied the automobiles?

A I think Kettering, I believe, and West Carrollton I think was the two others.

Q And then tell me what Doyle would do with the automobiles once they came to his yard.

A Well, like I said, they would -- the public would come and pick out what parts they wanted, and once they were parted out then they would take and strip the gas tank and empty the oil

1 out of the casing of the motor and then set the car
2 on fire.
3 Q What about the oil? Where would that
4 go after it was emptied out of the casing?
5 A In the ground. That and the gas was
6 in the ground.
7 Q The oil and gas from these automobiles
8 that came to Doyle's yard were put on the ground?
9 A Right.
10 Q Did you observe that personally?
11 A Oh, yeah.
12 Q That was his regular practice from
13 what you saw?
14 A Right.
15 Q Now, let me ask you about have you
16 ever heard the expression "burning dump," a
17 "burning dump"?
18 A That was what mostly was done to the
19 dump. It was a burning dump. We destroyed
20 burnable materials, and then what was left over was
21 salvaged out of what was burned and they pushed the
22 ashes over.
23 Q To your knowledge from what you
24 experienced with the South Dayton Dump, was the
25 South Dayton Dump a burning dump?

A Yes.

Q Do you know whether -- to your knowledge or the information you received from your family do you know when it started as a burning dump?

A I think it was right -- I remember in the early days -- I was very young, but they would take garbage, and it didn't work out. It didn't burn very well. So they quit taking that, and they went into more perishable household goods and stuff that came from different clients. So I would say probably in the late fifties.

Q It started as a burning dump?

A Yeah.

Q It wasn't a burning dump in the forties?

A It could have been, but I don't remember. But, you know --

Q You don't remember personally?

A Being young I remember seeing, you know, food products, you know, brought in. And that would -- that would be very early in the stage.

Q You mentioned other clients. What sort of stuff was coming in that was burnable?

A Volunteers of America the furniture and stuff would come from them. And Goodwill -- it wasn't Goodwill, but there was three like Salvation Army companies. Volunteers of America was the other. And they would bring most of the stuff that burned real well like furniture and clothing and stuff, you know.

Q Now, just talking a little bit more about the burning, where did the burning take place that you observed at the South Dayton Dump? Why don't you describe it orally, and then we'll see if you can find it on the figure in front of you, Exhibit 2.

A We had two tiers. We had -- close to the bottom of the pit we had one tier, and then the top tier we corded it off and they would alternate burns and allow one to cool off while maybe one-quarter down on the bottom tier would burn. And that would allow for me and whoever might be helping to pick out copper and brass and products out of the cool pile. So then they'd alternate, you know. There was always a burn maybe every week or every couple weeks.

Q Now, two tiers and you mentioned a pit?

A (Nodding in the affirmative.)
Q How is the pit related to the tiers?
A Well, the pit was the lowest area of the dump. That was the bottom of the gravel pit. And it pretty much contained rain water, you know, and whatever would seep up, I think, from the ground. And that was mainly used for emptying the drums out, and then fly ash from DP&L and the different products from DP&L would be put down there.
Q Down in the pit?
A Down in the pit area.
Q We're covering a lot of ground here, so I'm going to try to take it one piece at a time.
A Pardon?
Q We're covering a lot of ground here, so I'm going to try to ask you one question at a time here so we can get it all down. Let me start with the burn area that you referenced in the tiers. Can you show me on the Exhibit 2 in front of you where these two tiers were? And maybe draw them in for us if you can. A nice selection of pens there.
A Yeah.
Q Okay. He's drawing with a green pen

now.

A It was right -- let me get a reference to where -- one tier would be about there and then the other tier.

Q Can you write in "tiers" so we know what you're talking about?

A (So complies.)

Q Let the record reflect on Exhibit 2 the witness has put two green lines and wrote the words "Tier 1" and "Tier 2."

And you mentioned the pit. Where was the pit?

A The pit would be in this area right here. Then we had --

Q Slow down. Slow down.

A Okay.

Q Can you write in the word "pit"?

A (So complies.)

Q Let the record reflect on Exhibit 2 the witness with a green pen has drawn a circular area and wrote the word "pit" in the middle.

Now, then you were about to say something else?

A Yeah. We had another tier that came this way, and this is where most -- okay. This is

Tier 3.

Q All right. On Exhibit 2 the witness has written -- drawn in another tier and called it Tier 3. You were about to say something about that, about Tier 3?

A It was mostly -- liquids would come down in here. The fly ash that came from DP&L, there was like a fine substance and then the heavier fly ash that we took the dozer and pushed, and that's what -- we were trying to make a solid base in this area here. Then the rest of the dump would have came that way.

Q I'm having a little trouble with your directions here. Can you try to describe sort of more in -- without pointing to the figure what you were just telling us about?

A Well, Tier 3 would be heading east to west in the bottom of the pit. Tier 1 and 2 would come from the north. Does that help?

Q That helps. Now, as to Tier 3, let me know what you were talking about with the fly ash coming did you say from DP&L; is that right?

A Yeah.

Q And how was that used and where was that put?

A It was the very softer -- it was almost like flour I would say, but it was black, and that was -- it didn't make very good footing. So then when the harder stuff it looked like -- looked like metals, and it was bigger. It was almost like gravel I would say. And that was put on the top sort of where the dozer and the trucks could drive over it.

Q And how was the -- did the ash, either the softer or the harder stuff, have a particular function in the operation?

A Pardon me?

Q Did the ash you referred to or the gravel that you just referred to have a particular function in the operation of the landfill?

A It was more to cover things up, if that's what you're referring to.

Q Now, you mentioned DP&L being the source of the finer ash.

A Right.

Q And what's your basis of knowledge that it was coming from DP&L?

A There was an electrical facility right down the road called the Tait Station, I believe, and it came from -- it was a coal-burning thing,

and that's where that stuff came from.

Q Did you observe it coming from Tait?

A Yeah, mm-hmm.

Q You saw it yourself?

A Yeah.

Q In DP&L trucks?

A Yeah.

Q How did you know they were DP&L trucks?

A Well, it's been 40, 50 years ago, but I remember the trucks would come in various sizes. The fly ash and stuff like that would come in like dump trucks, but I remember the logo at that time pretty -- it's almost like it was yesterday. That's pretty much --

Q This was a logo -- a DP&L logo?

A Right.

Q Can you describe it for us?

A It had DP&L -- or Dayton Power and Light, and then it had a man. There was a light bulb, and it had an arm come out, and it had a bolt of lightening on it.

Q And the light bulb had like a face of a man on it?

A Yeah, mm-hmm.

Q Is that right?
A Yeah.
Q Had you ever seen that logo other than on these trucks?
A When I was younger I remember it being on TV on channel 7.
Q Seeing the same logo?
A Like they would sponsor something on TV. And then I'm not positive. I thought they were on some of the transformers, too. These things that they brought in had something to do with electrical devices. We called them transformers.
Q Just to clarify, did you observe DP&L bringing electrical devices you called transformers into the South Dayton Dump?
A Right.
Q The answer is?
A Yes.
Q Remember to wait till I get to my question mark before you answer because we're running over a little bit.
A Okay.
Q And what kind of vehicles did the things you called transformers come in?

A Various trucks, but mostly they had either like a boom to take 'em off or they came where a tailgate would go down, and Kenny would have 'em put 'em all in one particular area of the dump.

Q What particular area of the dump did Kenny have the drivers put the things you called the transformers? And he's pulling out a light blue pen and looking at Exhibit 2 and marking an area.

A (So complies.)

Q T-R-A-N-S?

A Mm-hmm.

Q You want to finish that off?

A (So complies.)

Q F-O-R-M-E-R-S. And tell me about the area you just marked "transformers."

A The transformers were put to the very west rim of the dump. There was a dropoff down to the river, and they were put along that side there.

Q Was that on a ridge or on a slope or what?

A Yes, on a ridge.

Q And were they buried?

A No, no. They sat up.

Q And what about did these -- to your knowledge, did these transformers have oil in them? And, if so, what happened to the oil?

A There was a liquid in it, but we never touched 'em. We weren't -- they just was put there to my knowledge.

Q Are you aware -- had you observed the liquids yourself in these transformers?

A Me and my cousin opened one up just to see, yeah. We kind of played on that dump, so, you know.

Q This is when you were a kid?

A Yeah.

Q How old more or less?

A Between ten and 13 maybe, something like that.

Q Do you know whether anyone at the dump attempted to extract any materials from the transformers for resale?

A I don't know.

Q Do you know whether Alcine had any involvement in trying to pull out salvageable materials from the transformers?

A If there was something there worth money, Alcine would have gotten it out. Trust me.

Q I believe you. So then my question is, did you observe any activity by Alcine with the transformers?

A Not personally.

Q Now, a lot of things to talk about. I just wanted to catch up with one more thing you mentioned. You mentioned something about drums coming into the site and the liquids going into did you say a pit?

A Right. The pit that we discussed and I put down in the green --

Q You marked in the pit?

A Right.

Q In green on Exhibit 2.

A So it would be the very west part of the landfill.

Q And it looks like it's right above something called the Large Pond. Do you see that?

A Yes.

Q So let me know -- tell me about -- well, let me ask this question. Do the drums go whole into the pit with the container?

A Well, unfortunately, when they'd dump it whatever -- if they didn't have the lids on them and stuff, they would empty out right away. But we

had to go down and bring 'em up, and so some of 'em would go down there. If they were real heavy and I couldn't get 'em out, then that's where we'd empty 'em out right there.

Q Okay. So just so I have it, it sounds like you're telling me that the drums were emptied -- the content of the drums were emptied into the pit? Did I hear that?

A No. The ones that did not have lids they still had liquid in 'em, but they would spill -- as they dumped the load, they would slide down and then they would spill into the pit area.

Q Okay.

A And then some that did have lids on it they had the cap on it, they would either go directly into the fly ash or some would roll down in the pit. We had to go down there. It was a mess.

Q Why did you go down there? To pull the drums out?

A Yeah, to -- yeah.

Q I'm trying to get this straight. When the drums were -- or the drums and their contents went into the pit, you would try to salvage the drums?

A Right.
Q Ah. So the drums themselves, the containers were generally salvaged and taken --
A Yeah, yeah.
Q And their contents went into the pit?
A Yeah.
Q And then what happened to the drums? What did you do with those?
A We'd drag 'em up. We'd get like 40, 50 at a time, put 'em in the back of a truck and then pick 'em up and I would have to take the lids off or beat -- some of 'em were just formed solid. They didn't have a lid that I could take off. They'd have a cap on 'em. So I'd have to take a hammer and chisel and break the rim, cut and make it a usable drum, and then -- that's what.
Q So basically it sounds like the goal was to get the drum in a condition without a top?
A Right.
Q Okay. And then what did the operation do with the drums that were --
A They were --
Q -- taken the head off of?
A I'm sorry.
Q Yeah. Just tell me what happened to

1 those drums after that.
2 A They were sold.
3 Q Who were they sold -- who sold them
4 and who were they sold to?
5 A Alcine would sell 'em to the Highway
6 Department or a city, you know. And they would
7 take 'em and then paint 'em. Those were the drums
8 like today they have the plastic barrels.
9 Q So Alcine's operation didn't paint
10 them --
11 A No.
12 Q -- himself?
13 A No.
14 Q So he'd sell the drums with basically
15 the tops taken off?
16 A Right.
17 Q And the liquids were already poured
18 out into the pit; is that right?
19 A Mm-hmm.
20 Q And you observed -- you participated
21 in this process?
22 A Yeah. That was part of my job was to
23 take and beat the drum open so it could be used.
24 Q I want to get a little background on
25 your personal involvement. We talked a lot about

what you were involved in and observed. Let's get a little bit of history on your personal involvement with the South Dayton Dump. When did you personally -- I think it's best to talk about your age -- start going to the dump?

A When did I start going?

Q Yeah, visiting the dump. At what age?

A As far as I can remember, I would always go with Dad in the car, and he would observe, drive me around the landfill. And then when I got old enough to --

Q We'll get to that. You say as far as you can remember. How far back can you remember? What age would you say?

A Five to seven maybe.

Q And then you were going to say and you got old enough. What happened when you got old enough?

A They let myself and my cousins work on the dump.

Q And about age -- what age was that?

A From about eight until -- I started out at eight.

Q Okay. And what was the first work you did at the dump?

A I would take apart motors, fans. First they had us go down into the tiers and grab whatever could be taken to use -- get the metals out of 'em, fans, motors.

Q How about nails out of pallets? Ever do that?

A No.

Q Okay. So you pulled fan motors out. Other metal?

A Mm-hmm.

Q Mechanical devices?

A Mm-hmm. TVs. A lot of radios would come in. We'd get the tubes out of 'em and wire, whatever was salvageable. Speakers had cones of -- coil of copper, and we'd take them apart and strip 'em.

Q And this is stuff that came out of the burn piles?

A Yes, mm-hmm.

Q You waited till the burn piles cooled and then pulled out the metal and other --

A The first part we -- 'cause if you burned them it was hard to get the nuts and bolts off of 'em. So we dragged most of that out before you burned the pile. Then if they had -- if they

1 were bigger where they had a plastic coating on it,
2 then we'd leave 'em in the burn pile and wait for
3 'em to burn.
4 Q Now, you said you were doing that, and
5 you mentioned somebody else with you?
6 A Yes. I had a couple of cousins that
7 was involved in that, too.
8 Q And what were your cousins' names that
9 were working with you on the --
10 A Mike Wendling, W-E-N-D-L-I-N-G, and
11 Tim Wendling, W-E-N-D-L-I-N-G, and then Butch
12 Grillot, G-R-I-L-L-0-T.
13 Q Any of those three still alive?
14 A Mike and Tim Wendling are still alive.
15 Q Now, at the age of nine and ten were
16 you doing -- I'm sorry -- age of eight, nine, ten,
17 that period of your life, were you doing anything
18 else at the landfill other than the salvage work at
19 the burn pile?
20 A We had a gentleman that lived on the
21 dump itself. His name was Bud Young. Bud was an
22 older gentleman, and I would go with him and help
23 him pull out the drums. He was more like -- Bud
24 was kind of like showing me the ropes. Alcine and
25 them thought they were training me I guess would be

the word.

Q Now, when you mentioned pulling out the drums, that was from the pit?

A Yes.

Q And you referred to that earlier?

A Right.

Q Anything else during those earlier years other than what you did at the burn pile and working with Bud Young pulling out the drums?

A General Motors had brought in a lot of brake parts that held brake fluid, and they would dump loads of 'em. And we would take 'em from the ground and take -- there was a plastic cover on 'em. Take the plastic cover off and then throw 'em in a dumpster to be picked up for metal. I did that a lot.

Q Now, as you got older, did you continue to work at the dump, at the South Dayton Dump?

A Right till I was up around 15, and then I started at 16 like I mentioned working for Doyle's Auto Parts.

Q Right at the site?

A Yeah, at the site.

Q Did you ever have any experience with

running magnets along the roads --

A Yeah.

Q -- on the site?

A Yeah.

Q Tell me about that.

A When the trucks would come in they'd drop a lot of nails, and during the end of the day I'd take the magnet and go up and down the lane where all the trucks would come to pick up -- pick up metals, you know, nails and things that would puncture tires. Because that was a big expense for all of us because they'd get nails in their tires.

Q And you did that when you were a little older?

A Yeah, older. Younger and older both.

Q Okay. And you mentioned earlier that you used a hammer and chisel to pop the lids off of drums?

A Right.

Q And what age did you do that, if you already didn't tell me? I kind of forget.

A From about ten to when I quit the dump.

Q When you quit the dump you went to work for Doyle or did you continue to do that?

A Later in age I'm talking about. I would go on weekends. If they got a big order or a lot of drums in, I'd go over there to help 'em out.

Q I see. Help out with the drums in the pit?

A Right.

Q Now, when you were at that younger age in school, did you work -- did you go to the landfill after school?

A Most of it was -- through the wintertime was in the weekends, holidays. And then the summer -- we spent spring, summer and fall there.

Q Summer were you there every day?

A Yeah, yeah.

Q And spring and fall would be school time, so how did you deal with the dump then?

A It was cold and wet.

Q Well, what time -- did you go after school? Did you go on the weekends? What was your --

A It was weekends. And then Alcine made a deal with me. He'd give me 50 cents per barrel to get the lid off of it, so I would make a little bit more money.

Q You got efficient with popping those barrel tops off.

A Yeah.

Q So what about the busy part of the year for the dump? Was it busier one season than another?

A It was pretty constant all year around. The public slowed down in the winter, but the industrial part of it stayed busy pretty much all year round.

Q You refer to public versus industrial. Are you referring to the regular clients versus the general public?

A Probably would be homeowners, home people that bring their house debris or whatever.

Q In a pickup truck or something like that?

A Yeah.

Q How were they charged?

A Whatever -- if they had something really neat on there, we would charge 'em less to get the neat stuff. Otherwise they'd say, "Aw, it's too much," and pull away. But if it wasn't something we wanted, it would be a certain price.

Q How were the industrial customers

1 charged?
2 A Most of 'em were on charge. We'd fill
3 out a -- like a ticket. It was a piece of paper.
4 We'd have one load for whatever the truck was, dump
5 truck or we called 'em -- rollbacks I think is what
6 we called them, but they were ones that were
7 brought up on a truck like a dumpster.
8 Q Now, you said they were on charge.
9 What do you mean by that?
10 A Pardon me?
11 Q You said the industrial customers were
12 mostly on charge.
13 A Right.
14 Q What do you mean by that?
15 A No monies was brought between the
16 driver and whoever was in the office at the time.
17 Q But they didn't dump for free, I take
18 it?
19 A No, no.
20 Q Do you know how they --
21 A Then the tickets would be picked up in
22 the evening by Alcine, and he took 'em, I guess, to
23 his office or home or whatever.
24 Q I'm going to show you another exhibit.
25 I think we're up to Exhibit 3. This is a one-page

exhibit. It's got a few different items on it. It's got a Bates stamp of DP&L, four zeros and then 345. That's for the record.

(WHEREUPON, Grillot Deposition Exhibit Number 3 was marked for purposes of identification.)

Q You have in front of you Exhibit 3, and I see four it looks like photographic copies of dumping receipts, and I wanted you to take a look at those and let me know if you recognize those receipts?

A Oh, yeah.

Q Can you explain what they are?

A Well, that's what we'd give -- what we'd take and put in a box, you know, when someone would bring a load in that was on charge.

Q And who would fill out these dump receipts?

A Mostly -- whoever was in the office, but mostly Kenneth Grillot, my Uncle Kenny.

Q And why was Uncle Kenny the guy who would be filling out these dumping receipts?

A 'Cause he stayed in the trailer all the time and would strip metals. He had like a

work bench, and while he was waiting for loads to come in he would get -- the fans and stuff we'd bring in, he would dismantle the actual motors. Then when a load would come in he would walk out to the road and give a ticket.

Q You mentioned a trailer location. Let's just take a step back. Can you identify -- was there a single location that served as the entry to the South Dayton Dump and Landfill?

A Well, it would vary with years because it started in one spot and then ended up somewhere else as the dump progressed, and then the auto salvage yard would gobble up whatever room that we had made as a top tier.

Q So the auto salvage this is Doyle you were talking about?

A Mm-hmm.

Q That would grow as the --

A Right.

Q -- landfilling operation moved?

A Right.

Q What was the general direction of the movement of the landfill operation?

A From north to south.

Q Going back to figure 2, can you

identify where the various entry locations were into the South Dayton Dump?

A (So complies.) Entrance 1 --

Q Okay. Slow down a second. I just want to let the record reflect that the witness has marked figure 2 by writing in a black pen "Enter 1" towards the top of the exhibit. Can you put a circle around that so it will be a little easier to see?

A (So complies.)

Q And what was Enter 1?

A That was the beginning of the site, the landfill.

Q The operation that Alcine ran?

A Right.

Q And what happened at Entrance 1 or Enter 1?

A What happened?

Q Yeah. I mean, is that where the trucks came in?

A That's where the trucks -- it was gated off and locked. In the morning the gate would be opened, and then the trucks and so on would come in that way.

Q And was there an office location there

near Enter 1?

A Mm-hmm.

Q And what was the office there? Was that a trailer?

A No, it was a building that was -- office. (Indicating)

Q Okay. That looks good. Let me just let the record reflect that the witness has written the word "Office" in just below and left -- he put an "Office 1" just below and left of Entrance 1.

Was that an existing building, Office 1, at the time, I assume; right?

A Pardon me?

Q There was a building there at the time?

A Yeah. This was a brick building. It had a -- my father got an Army building brought to the site, and they put it together. And that's where they stored all of the drums of copper, brass and stuff like that.

Q This is the metal that they had recovered?

A Yes, mm-hmm.

Q And does that building still exist?

A Yes.

1 Q Now, when was the last time you had
2 the opportunity to visit the site?
3 A A gentleman and myself went there
4 Sunday.
5 Q Sunday as in three days ago?
6 A Yes.
7 Q And did you observe that building that
8 you just referenced as Office 1?
9 A Yes.
10 Q So it's still there?
11 A Mm-hmm.
12 Q I'm just curious. When was the last
13 time you visited the site prior to Sunday?
14 A Ten years ago.
15 Q More or less?
16 A Yeah.
17 Q All right. Let's keep going.
18 You've identified the initial entrance to
19 the dump as Enter 1 and nearby Office 1. Before we
20 move on, during -- you know, I may be testing your
21 memory here, but during what period of time at
22 least during your life was Entrance 1, Enter 1 in
23 use?
24 A Like I said, from five to -- five to
25 maybe nine that building was used, I believe.

Q And five to nine would be your age at the time; is that right?

A Right.

Q So if you were born in '52, that would be like '57 to -- 1957 to 1961?

A Right.

Q Then what happened next?

A We moved the office location to another site.

Q To another site?

A Mm-hmm.

Q Or to another location on the site?

A It was moved -- (indicating).

Q Let the record reflect the witness marked on Exhibit 2 "Enter 2" somewhere several inches below Enter 1 along what he had marked as Broadway.

And did -- was Enter 1 associated with -- I'm sorry -- Enter 2 also associated with an office?

A Yes. It was also a brick building.

Q Tell me more.

A The office -- that office also had a back where the metals were stored, and it was gated off again. And a new gate was put in, and that's

where Kenny would take -- have the drivers come through to go back into the landfill.

Q Did Kenny continue to strip metal in the building?

A Yeah, mm-hmm.

Q And does that building still exist where Enter 2 is?

A It was a different building than Enter 1.

Q Right. Is that building still on the site?

A Yes.

Q Is it also on this figure in front of you, Exhibit 2?

A Correct.

Q Can you mark off where the building 2 was, Office 2 was?

A (So complies.)

Q Okay. Let the record reflect that using a light blue pen the witness marked off Office Number 2 adjacent to Enter Number 2.

Okay. And during what period of your life was Enter 2 in use at the --

A From around '61 till about '68, I think.

1 Q So between your ages nine and 16?
2 A Mm-hmm.
3 Q Does that sound right?
4 A That's about right, yeah.
5 Q And then what happened -- was that the
6 end of it? Was that the last entrance?
7 A We moved one more time.
8 Q Kept moving. And the reason for the
9 movement was the movement of the landfill --
10 A Right.
11 Q -- north to south?
12 A Right.
13 Q So what about the third entrance?
14 Let's hear about that.
15 A The third entrance changed a little
16 bit because there were no more buildings actually
17 to -- for Alcine to use. So he picked up a
18 trailer, an old mobile home I guess you'd call it,
19 and run -- ran the office out of that. And then
20 the materials were -- he picked up old Kroger and
21 Liberal Markets trailers, and we set them on the
22 site, and that's where the metals were locked up in
23 those.
24 Q Okay. So why don't you mark for us on
25 Exhibit 2. And he's using a dark blue pen. He's

choosing.

A Well, let's use dark blue.

Q Okay. A dark blue pen on Exhibit 2. He's going to mark "Enter 3"? Is that what you want to do?

A Yes. (So complies.)

Q Which looks like it's a little bit south of Enter 2.

And what about the trailer? Where was that located?

A Trailer was right this area here. (Indicating.)

Q Office trailer location he's marking on Exhibit 2 is Office 3, and he threw in a little rectangle for where the trailer was. Okay. Very good.

And is that trailer still there?

A No.

Q And do you know that because you didn't -- you couldn't find it when you were at the site on Sunday?

A Right, right.

Q That's correct?

A Right. Correct.

Q Do you know what happened to the

trailer?

A No.

Q Could it have been buried?

A I don't think so.

Q Now we're talking about the future instead of the past; right?

All right. So how are you doing? Would you like a little break?

A No, I'm fine.

Q You're doing good. Okay. You're wearing me out.

Now, let's just go back and pick up some of your personal history. When did you become licensed to drive as you were growing up? What age?

A Are you talking legally or illegally?

Q Well, let's start with legally since we have somebody here from the government.

A Sixteen.

Q You might have done a little driving before then?

A On the dump that was one of the --

Q Off road; right?

A That was kind of a neat thing being on the dump. We were allowed to drive as long as we

could reach the pedals.

Q What would you drive before you were 16 when you were reaching the pedals?

A It was the oldest vehicle on the place, and it was -- it was -- I remember it had a starter on the floor. It was an electric starter on the floor. I could barely reach it to get down. We just used it to go around and pick up the -- as we got older, we were allowed to drive. Instead of going down and putting them in a wheelbarrow or five-gallon bucket, we were allowed to go around the dump and pick up fans and motors. Made it a lot easier.

Q So you used that vehicle to get around early on before you were 16 --

A Right.

Q -- to pick up salvaged metals from the burn areas?

A Right.

Q And you continued to do that after you became legally eligible to drive on the highway?

A Yeah.

Q I'm not sure it was illegal to drive on the dump before you're 16. We have to get a legal opinion on that.

A It's neat to go to school and tell the kids you're already driving.

Q Sounds good. At some point did you start driving a bulldozer on the site?

A I had jumped from South Dayton Dump to another landfill that was owned by a friend of Alcine's, and I started driving heavy equipment there.

Q This was -- was this -- have you ever heard of Powell Road Dump?

A Yes. That's where I worked.

Q What age did you go to work at Powell Road?

A That would have been when I was about 17 to 18.

Q About a year?

A Yeah.

Q And after you worked at Powell Road, did you come back to work at South Dayton?

A Yeah. After Alcine had heard that I was out there running the dozer, he asked for me to come over to his house and he offered me more money to come back on the dump.

Q And run a dozer for Alcine?

A Right.

Q Then you did that? Did you run a dozer for Alcine?

A Right.

Q About how long were you doing that for him?

A For about a year, two years.

Q And where did -- now we'll stick with the site. Powell Road we'll wait for another lawsuit.

A Right.

Q Leave that aside. Back to South Dayton. When you were running the bulldozer, driving the bulldozer, what did you do -- what was your function at South Dayton Dump in driving the bulldozer?

A Mostly in the morning I'd have to get the equipment checked out, make sure it had oil and diesel fluid. Alcine had bought an old D7 dozer that had a hydraulic leak. It was so old it had hydraulic leaks. So I had to go find these old drums that appeared to be hydraulic fluid, and we would fill the hydraulic cylinders every morning. And then I would start pushing the fly ash and stuff on Tier 3. And then after they would burn off of Tier 1 or Tier 2, then I'd go over there and

push the ash and stuff over to the side of the bank.

Q And this was -- this was at the burn piles?

A Yeah, burn pile in Tier 3.

Q Right. Because by that point Tier 3 was in use -- or had been in use for quite some time?

A Pardon me?

Q Had Tier 3 been in use for quite some time by the time you were operating the bulldozer?

A I'm still not --

Q Tier 3 --

A Yeah.

Q -- did that go back -- had that been in use for quite some time?

A Right, right, right, right.

Q So by the time you were operating the bulldozer, Tier 3 had been in use for quite some time?

A Right.

Q Did you ever push fly ash when you were running the bulldozer into the liquid pit?

A Yeah.

Q Why would you do that?

A 'Cause it would soak up a lot of the water. There was another brown substance that came from Delphi I think. It was brake drum powder when they would turn drums or make drums. It was either the casting or something. And both of those materials soaked up the water and liquid, whatever we'd take out of the barrels.

Q Now, after you returned to SDD to drive the bulldozer for Alcine, you said that was a year or two?

A (Nodding in the affirmative.)

Q Did you move on to another job at some point?

A Yeah. There was conflict. My other cousin was running the incinerator. We had an incinerator that burned skids at that time, and there was bad blood there. So I -- one of the -- I don't know if I'm getting ahead, but anyway --

Q So you moved on from the dump?

A I moved on.

Q Did you get another job somewhere?

A Yeah.

Q Who did you go to work for?

A I started at Liberal Markets. I worked in the vegetable -- I forget what it's

1 called now. You know, I prepared for lettuce and
2 stuff like that. My mind just went blank. And a
3 bag boy. I was a bag boy there.
4 Q Did you ever go to work for a paint
5 company?
6 A No, I -- I continued when -- I didn't
7 have a very good time -- an hourly schedule at
8 Liberal, so I'd go back to the dump and help Kenny
9 out a little bit. And a driver from one of the
10 construction dumpers I kept asking him for a job
11 for ten years. Then they finally hired me on. So
12 I went to work for them.
13 Q What was the name of that company?
14 A A.E. Fickert and Son.
15 Q Then you got to know that driver
16 because they were hauling stuff to South Dayton
17 Dump?
18 A Yeah. All the drivers would come in
19 and dump off construction debris.
20 Q Now, about what age is it when you
21 were kind of working off and on for Kenny? What
22 age were you at that point?
23 A It would be about from 18 till 27
24 maybe, something like that.
25 Q Maybe nine years?

A Yeah.
Q Off and on?
A Right.
Q Still working at South Dayton Dump?
A Mm-hmm.
Q And then you got the job with Fickert?
A Right.
Q Now, after your employment with Fickert, did you ever do any more work back at the dump?
A Yeah. My father came again and grabbed me, and we started buying HUD houses and fixing 'em up. To get material I'd go down to the dump and pick up stuff that I could use, and I'd help whatever needed to be done there, you know.
Q HUD houses you're talking Housing and Urban Development?
A Yes.
Q About what age were you when you were helping your dad? This would be Cyril; right?
A Yes.
Q You helped your dad with the HUD house work and picked up materials from the dump?
A It was from about -- my age was -- we did that -- I was around 22 till about 27,

somewhere in that area.

Q And then after your 27th birthday, did you have further involvement with the dump?

A No. I started working for myself. I had got enough experience to pick up a hammer and saw and would go out and get side jobs.

Q And that was pretty much it with your work at the dump?

A Yeah. Oh, I started bringing my debris over there. So I still had contact with the dump. You know, till it closed down I pretty much was around somewhere, you know.

Q What age were you when the dump closed down, as you put it?

A I don't really know if it closed down. I would say that the late eighties maybe is when things got really to the point where you could call it closed down, but I still think there was people dumping there.

Q Now, just to catch up on something you said earlier. You mentioned an incinerator for the first time in our discussion here.

A Mm-hmm.

Q Tell me about the incinerator. What was that?

A Alcine Grillot and a gentleman named Larry Brandon got together with I think it was either Container Service or General Refuge (sic), and they all went together and put their money together and built a $150,000 incinerator. They used that, and they made pads.

Q Concrete pads?

A Concrete pads where various companies will come in and dump skids, burnable plywood and stuff like that.

Q Mainly wood?

A Right.

Q Anything else?

A DP&L would have these big, I guess, spindles that came that had wire on it and stuff, and we'd roll them over and throw them in, too. And then it was mostly, you know, card -- not cardboard, but plywood and oak skids and stuff like that.

Q Poles? Any poles go in there?

A Pardon me?

Q Poles?

A No, no.

Q And when -- so this $150,000 incinerator, how old were you when that was placed

-- I assume this was placed at the South Dayton Dump?

A Yes, mm-hmm.

Q How old were you when that happened?

A It was built -- I remember the year more. It was right around '69 to '71, in that area.

Q Okay. And the incinerator looking at the figure in front of you, Exhibit 2, would you be able to tell us where that was?

A Yes. It was on Tier 1, the very west -- it would be right about this area right here.

Q Can you mark that as "incinerator"? That would be a big help.

A Wait. I'm sorry. Quitting school and going to work on the dump, I wasn't very good at reading and writing.

Q So you're writing this from a couple of notes you have for spelling, hmm?

A (So complies.)

Q Okay. Now, let the record reflect that the witness wrote the word "incinerator" near Tier 1. Wrote it vertically and then put a box and an X through it. Is the box with the X through it the location of the incinerator?

A Correct.
Q That's all on Exhibit 2 written in black ink.
A Yes.
Q Okay. Did you ever work the incinerator?
A Not as much 'cause I was mostly on the doze -- on the bulldozer. I would always get up -- when things were slow that was my other assignment to help David out stacking the skids. We'd sort the skids, and then Skid Row -- am I getting ahead?
Q No, you're doing fine.
A Skid Row, which was an operation south of the dump, would come pick them up, or whoever brought them would buy 'em back. We'd repair 'em to some degree. Then that started off a branch of another operation where the skids were being reconditioned.
Q Would that be an operation that you did right at South Dayton Dump?
A No. That was at Skid Row.
Q We'll get to Skid Row in a second. So if I understand you correctly -- and you can tell me if I'm getting this wrong -- your operation tried to salvage what it could --

A Right.
Q -- out of the skids?
A If they weren't that damaged, then they were stacked in a pile, and then General Motors or Inland or Delphi or whatever would come back and pick 'em up to my knowledge. That's what I was told. I never saw who picked 'em up sometimes 'cause I was out on the dozer.
Q You mentioned Skid Row. Was that a commercial establishment?
A It was a gentleman that had a truck -- this was also up by the incinerator. They would bring a dump -- I mean a garbage truck, and they would get cardboard -- they started out by mostly there would be skids that had cardboard around 'em or lots of cardboard in it, and they would recycle the cardboard.
Q And Skid Row was that an entity right on the dump, or were they located off the dump?
A Mostly they would take and load the skids up and then take 'em to the southern part where we called Skid Row.
Q And that would be the southern part of Cyril's property?
A South Dayton Dump, yeah.

Q Show us where Skid Row was. It's a pretty nice name, Skid Row.

A (So complies.)

Q Let the record reflect that on Exhibit 2 the witness wrote "Skid Row" in light blue pen and circled it.

Is that the location of Skid Row?

A Yes.

Q What happened at Skid Row, just so we get a fuller understanding?

A It actually lasted longer than the dump. The gentleman that started that, I assume he's still in business somewhere. He was one of the last persons to leave.

Q When did Skid Row begin at your agewise or yearwise?

A Late seventies. Before it wasn't called -- they just took the skids there, but Skid Row actually got its name around that time.

Q When did they actually start doing the operation in that location?

A Well, when the incinerator started up. So it would be around the early seventies.

Q All right. Now, I just want to catch up on the name of the site. Now, you've referred

to the site as the South Dayton Dump and South Dayton Landfill. Is that what your father, Cyril, called it?

A They called it "the dump."

Q What about Alcine? Did he refer to it --

A South Dayton Dump.

Q That was what Alcine referred to it as?

A Right.

Q Have you heard of the dump being referenced by any other names? Was it known by you to be referenced by other names? Let me try something out. Was it ever called the Grillot Dump or Grillot Landfill?

A It was nicknamed that a lot.

Q Nicknames are good. That's what I meant.

A Yeah.

Q Okay. And what about the Broadway Dump or Landfill?

A That was more known in like the phone book. This Exhibit 3, things like that, you know, when there was telephone numbers they would have a sign out "South Dayton Dump," and they had an arrow

pointing back to it.

Q And how did the name Broadway come into the nickname -- or name?

A Because of it being the road Broadway, you know.

Q Do you know how the drivers referred to it or used it?

A The drivers to my knowledge called it South Dayton Dump.

Q And what about the Dryden Road Dump or Landfill? Was that a nickname ever?

A No, 'cause that came later. Dryden Road came a lot later.

Q And what about Springboro Dump or Springboro Pike Dump?

A Not to my knowledge.

Q Ever hear anyone refer to it as DP&L Landfill or Dump?

A A lot of people kidded because DP&L was right there, a lot of confusion. Across from Broadway was DP&L's operation, so a lot of people thought that they kind of went together. So they'd kid around 'cause -- because of that.

Q So when they kidded around, what did they say?

A Hmm?

Q What did they say about it? Did they refer to is as the DP&L Dump or Landfill when they were kidding around?

A I don't know how to say this, but Dayton Power and Light was in a lot of controversy about the smoke coming from the stacks, and so was Dayton -- South Dayton Dump. Because when we would burn everywhere the wind blew if it went into Dayton everybody hated us. So there was a confusion whose smoke was what, you know. So we got accused and DP&L did also.

Q All right. Any other nicknames for the dump that you are aware of?

A Well, like DP&L because of their initials was called Dayton's Pollution Leader. So was South Dayton Dump. They just nicknamed it the Pollution Leader.

Q All righty. Now, when loads came to the site from someone who wasn't a regular customer, was there any kind of a form filled out as the truck came in?

A Mostly cash sales weren't put on the ticket because the ticket was mostly used for the company that would dump there and then a receipt

for Alcine to mark how many loads came in that month.

Q Was there ever to your knowledge any documents that identified the size of the load coming in?

A Containers had like yardage, a 44-yard container, 60-yard. You know, there were different sizes. So whatever size the container was we would mark that down. But most of the time was one load, and Alcine would know what truck.

Q So occasionally you'd see a yardage would be marked down?

A Mm-hmm.

Q Now, let me ask you about the site hours. When was the dump open?

A We opened from 7:30 till around 4:00.

Q Is that weekday or weekend?

A Weekday.

Q What about weekends?

A Closed Sunday, and we were open like 7:30 till about 2:00, something like that. We'd quit early.

Q That was Saturday?

A Mm-hmm.

Q 7:30 to 2:00? Saturday was 7:30 to

2:00?

A Yeah.

Q And that pretty much -- does that cover the time period you were associated with the dump?

A Right.

Q It didn't really change that much?

A No.

Q And we mentioned three entrances. Each entrance had a gate --

A Right.

Q -- when it was being used; is that right?

A Right.

Q And the gate was locked?

A Yeah, we had a padlock on the gates.

Q And what kind of lock did you have?

A It was a regular keyed Master Lock.

Q Okay. And do you know the key number?

A Yep.

Q You remember the key number?

A Yeah.

Q What was the key number?

A 2246.

Q How is it that you remember that?

A 'Cause that particular key was used at the Powell Road landfill, General Refuse, South Dayton Dump, gas pumps, anything that was locked off. So all the drivers and everybody involved would use that key.

Q So if they were hauling to Powell or hauling there --

A Yeah.

Q -- going to gas pumps --

A Right.

Q -- the drivers would have that common key number?

A Right.

Q And that was just a key with a number on it?

A Yeah.

Q So it was an identical key?

A Right.

Q So you could get into all sorts of good places with that key; right?

A There was a lot of dishonesty going on I think.

Q What do you mean by that?

A We -- when Kenny and I would get there in the morning we'd drive around the dump to make

sure everything was okay. 'Cause a lot of times people come across the river and get metals and -- but the drivers if they weren't knowledgeable where to dump or where they were told to dump in the evenings then Kenny would get real mad.

Q You'd find stuff dumped where it wasn't supposed to be dumped?

A Right.

Q Give me an example.

A A load of skids could be not where the incinerator was. They'd put it down in Pit 3, you know, which made it very inconvenient for me because I had to pick up the skids.

Q Just to jump in, you referred to Pit 3. Was this one of the burn pits?

A Or Tier 3. I'm sorry. Tier 3.

Q Okay. And we talked about liquid pit. Was there more than one liquid pit or just one?

A Just -- well, sometimes if it was a heavy enough liquid we'd dump it up by the office. Behind the office there was a smaller tier that we would let run down because it would help with the road and so on and so forth.

Q Which office are you referring to now?

A Office 3.

Q So there was an area near Office 3 --
A Yeah.
Q -- where you'd dump liquids?
A That was where I took the -- and I made -- you know, took the tops off of 'em. It was actually convenient for me to just dump 'em there.
Q Dump the drums there?
A The thinner liquid I wasn't allowed because it made a mess.
Q So some of the thick liquids in the drums you'd dump right near Office 3; is that right?
A Yeah, if it was half a dump they'd refer -- but they were so heavy the only thing I could do is let 'em roll.
Q So just to get it straight, near Office 3 if you had some heavy liquids in a drum for convenience you'd dump 'em pretty near to Office 3?
A Right.
Q Is there a particular spot where this happened that you could show us on Exhibit 2?
A (So complies.) It would have been in this area. Drums. Right there.
Q That's fine. Let the record reflect

that the witness drew on Exhibit 2 in dark blue pen just below the Entrance 3 and circled something that he referred to as "drums."

Okay. And that is the location where occasionally you'd tip some of the heavier drums to pour out the heavier liquids?

A Right.

Q Do you know why operations eventually ceased at the site?

A Pardon me?

Q Do you know why operations eventually ceased at the landfill?

A From my knowledge, things got a little bit too hectic as far as we had people come out from the EPA, especially when they burned -- after we had burned, and then a lot of the other dumping Alcine stopped some of the operation. And then he was actually Mayor of Moraine Township at the time, and when he was booted out of office then he pretty much was on the dump more, and I think he got burned out. And so he allowed pretty much the drivers more or less to take over, and he just would get a lump sum, I guess. Some of it I don't -- I just remember Dad talking about it. So I don't remember.

Q Now, I wanted to get back -- we talked about the Master Lock 2246 on your gate, and it sounds like a number of people had that key because it was usable in various locations around --

A Right.

Q -- the city; right?

A (Nodding in the affirmative.)

Q But did customers in particular have the right to come into the -- come through the gate in the evening or at night and dump their loads?

A The ones that pretty much worked 24 -- you know, had three shifts, the companies that their trash would get too built up they were allowed to come in the evenings, late at night.

Q There wouldn't be any attendant there at the landfill at that point?

A No, no.

Q Can you tell me what customers had that right with the three shifts to come in the evening or at night to open the gate with the key and dump their loads?

A Inland, Delphi, GM, General Motors, and I'm thinking Frigidaire.

Q What about DP&L?

A I'm -- I'm not sure. I don't know. I

1 don't remember.
2 Q Anyone else that comes to mind?
3 A Well, DP&L had another -- where Skid
4 Row is there was another site that wasn't gated
5 off, but Dad only allowed them to put dirt and
6 topsoil there. When they would dig a hole like in
7 the city for gas line or whatever, then they were
8 allowed to dump there.
9 Q And that wasn't gated off you said?
10 A No, hmm-mm.
11 Q Show me that location where your dad
12 allowed DP&L to dump topsoil and whatnot.
13 A (So complies.) I'm going to have to
14 call this Tier 4.
15 Q Okay.
16 A And there was an access road Dad
17 allowed --
18 Q Just a second. We'll get to that.
19 So let the record reflect that on Exhibit 2
20 the witness marked in a green pen what he's calling
21 Tier 4.
22 Now, is that the location you just
23 referenced where your dad allowed DP&L --
24 A Correct.
25 Q -- to dump soil?

Any other materials you're aware of that got dumped there by DP&L?

A Yeah, a lot of -- 'cause I liked it 'cause Dad let me have those. It was cast iron pipes that would come from gas lines, or they would call them sleeves that would go down where they would shut the gas on and off. And so I'd get that -- I was allowed to take the cast iron from those areas. A lot of wood, maybe a lot of wood roots that would be dug up from the holes that they would make. Some skids. But I'd go back there and get most of the wood products. That was going to be the solid top layer. That was going to be the finished product where it would meet up to the northern dump. So they were kind of enclosing the bottom pit in, if that makes sense.

Q And what did you do with the pipes and stuff? Was that resold or --

A Pardon me?

Q You said you were pulling stuff like pipes --

A The cast iron I'd take to Franklin Iron and Metal or Patterson Iron and Metal.

Q And resell?

A Yeah.

1 Q Now, in what period of time was it you
2 were working in that area pulling out your cast
3 iron and whatnot? How old were you?
4 A I remember from about 14. And then,
5 obviously, if I was taking the stuff, 16, 17,
6 something like that 'cause I had my license then.
7 Q Now, you were about to reference an
8 entry point to that area?
9 A Yeah. DP&L had -- Dad allowed them to
10 dump -- or park their equipment along this -- they
11 had poles, electric poles that are still there
12 right now that went back this way somewhere. And
13 he allowed them to put -- sometimes they'd come in
14 with a semi truck that had a trailer that had real
15 long telephone poles on it that had a red tag on
16 it, and they'd put 'em in there because they didn't
17 really have a whole lot of other area over there to
18 park their equipment.
19 Q You did a lot of -- I understood what
20 you were talking about, but I was watching you
21 gesture. We're going to have to help the record
22 and the court reporter.
23 A Okay.
24 Q So why don't we mark the area where
25 you said that DP&L would park their trucks and

poles with the red tags on them?

A (So complies.)

Q Let the record reflect the witness marked with a light blue pen "Truck Parking" kind of below Skid Row. Would that be right?

A Yeah.

Q How far west --

A It went in pretty much as far -- I would say three, 400 feet at least.

Q You want to draw your arrows as to how far it went to the left of where you put "Truck Parking"? Would you draw an arrow in that direction?

A (So complies.)

Q Which the witness just did on Exhibit 2.

And was there any kind of gate or anything getting into that part of the property?

A No.

Q I didn't hear your answer, Ed.

A No.

Q And why would your dad just out of the goodness of his heart let DP&L let the trucks park there?

A Well, he -- because the type of

1 material that was coming in for that tier, you
2 know, was pretty hard to get.
3 Q Tier 4?
4 A Right. And it wasn't, you know,
5 anything but solid material, and so it was real
6 handy. and I think his thought at the time was
7 that would be a good site for another building.
8 They ran out of room to put industrial buildings,
9 so he was trying to -- he had -- okay.
10 Q You mentioned poles coming in on those
11 trucks. I'm just wondering, did you ever observe
12 DP&L sending poles as waste to the site?
13 A Other than if we used them for
14 barriers. You know, if they were real bad poles so
15 vehicles couldn't drive we might use them for a
16 barricade, but not --
17 Q When you went on the site on Sunday,
18 did you see any poles, telephone type poles strewn
19 about?
20 A On Sunday, yes, we did.
21 Q And were those from DP&L?
22 A Yeah.
23 Q Why were there poles on the site when
24 you went around a few days ago from DP&L?
25 A Like I said, we used some for

1 barricades. And they're hard to move, so I think
2 the person who's running the operation north right
3 now probably pushed them there.
4 Q But you accepted them onto the site to
5 use as barricades; is that it?
6 A Right, mm-hmm.
7 Q And they came from DP&L?
8 A Could I add something else?
9 Q You can add anything you want.
10 A Because Moraine Township was trying to
11 be brought into its own city, Kettering -- the
12 annex from Kettering, Alcine, being the Mayor, and
13 my dad having another company called United
14 Fireworks had fireworks displays. Because NCR had
15 an incident, I think, in the thirties or forties
16 where a bunch of people got killed, and they quit
17 having their show. So Alcine would have that show
18 for anyone who wanted to see it. A lot of those
19 telephone poles we used during the show to
20 barricade off so people wouldn't go back in the
21 landfill. It wasn't fenced off, so we didn't have
22 no other way. And they wanted to get as close as
23 they could, so we used them telephone poles to
24 barricade that off. So that's my recollection.
25 Q Of DP&L telephone poles?

A Yeah.

Q All right. I wanted to ask you this before. I forgot. There was an entity called Moraine Recycling. Does that mean anything to you?

A Well, Larry Brandon had several companies. Out of the cardboard and newspaper he started Dayton Fiber, which is an insulation company that was ran on West River Road. So that's --

Q I'm just asking. I've heard that name, and I was wondering if that meant anything to you?

A That's all I can remember.

Q No problem.

We've been going about close to maybe an hour and 50 minutes. I'm trying to think about when we started. Ten after 10:00. How are you feeling? You want to take a break for lunch? Might be a good time. Or you want to press on a little bit?

A The heat's on me. What time is it?

Q It's about six minutes to 12:00.

A We can take a lunch break.

(Whereupon, the deposition recessed for lunch at 11:55 o'clock a.m. and reconvened at 1:14

o'clock p.m.)

Q Ed, I wanted to raise a new subject with you regarding lead ingots.

A Pardon me?

Q Lead bars. Lead bars.

A Okay.

Q Do you know anything about the melting of lead into bars anywhere at the South Dayton Dump and Landfill?

A Yeah. Yes, I do.

Q Great. Tell me what you know.

A Alcine, my Uncle Alcine because some of the lead shrouds and some lead wire connectors there were so many of 'em he decided -- he had this brilliant idea melting 'em down and making lead bars out of 'em. And so we would -- he got an old kettle somewhere, big kettle, and we got these square -- little square four-by-fours that had creosote on 'em that came from DP&L, and he started firing them. We'd throw those underneath there and melt the lead and make the bars out of that. And he had the scoop thing, and he'd scoop it. And they looked like gold bars, but they were made out of lead.

Q Lead bars?

A Yeah.

Q And then I have a lot of questions about that, but let me start with this one. What did he do with the lead bars?

A He would turn 'em into the salvage yard to sell.

Q Do you remember which salvage yard would buy lead bars, just out of curiosity?

A The only two companies we really dealt with was Patterson Iron and Metal and Franklin.

Q Franklin Iron and Metal?

A Mm-hmm.

Q Now, you mentioned the lead came in with wire connectors -- connections for wires. You mentioned a couple of things.

A I don't know if they make 'em out of lead still or if it's aluminum, but where you put two wires together and they had a crimping tool that they would crimp 'em and they'd come in in loads and be dumped to be burned. But because they would burn up and melt a little more than the other like copper and that, we'd get them and put 'em in five-gallon buckets and save them and put them in 55-gallon drums. When we had enough of 'em, then

we'd melt 'em.

Q Now, you mentioned that the lead would be in the connections that were crimped --

A Right.

Q -- in the wires?

A Yeah.

Q Where did these lead connections come from?

A DP&L.

Q And how do you know that?

A Because the loads that would come in we knew what loads that would be on the dump truck they would dump, and then they were put in a certain area because those piles had to be searched down on your hands and knees. 'Cause you might have little copper wires that small, and I'd have to get down there with a rake and rake out -- 'cause it would be in the ash after they were melted.

Q And they came in on dump trucks?

A Right.

Q Did these dump trucks have a DP&L insignia on them?

A That one I was telling you with the lightning rod and --

Q The answer is yes --
A Yes, yes.
Q -- with a DP&L insignia?
A Yes.
Q Wait till I finish my question. I've got to get rolling again here.
A I'm sorry.
Q No problem. Now, did you call it a pot or a kettle or what did you call that where the lead was melted down?
A It looked like one of them things out of a movie like Tarzan where they put the hunters in there and they'd cook 'em. You know, it was that big. It was huge.
Q About how far across would you say was this metal pot radius -- or diameter? Diameter.
A Four to five feet. Four to five feet and about, oh, 18 to two feet deep, something like that.
Q So about four to five feet across --
A Right.
Q -- and eighteen inches to two feet deep?
A Right.

Q And you mentioned these blocks. You said four-by-four. Were they four feet by four feet or --

A No, four inches by four inches.

Q Small blocks?

A And they were maybe eight to ten inches in length.

Q So rectangular?

A Yeah. Right.

Q Four-by-four-by-eight inches?

A Right.

Q And then these blocks came in from DP&L as well?

A Yeah, mm-hmm.

Q You said they were soaked with something?

A It's -- it was either creosote or a tar substance, but I think it was called creosote.

Q And they came in in trucks. Did it come in in trucks?

A Right. Mm-hmm.

Q From DP&L?

A Right.

Q Across the road to your knowledge?

A Pardon me?

Q From the service building across the road to your knowledge?

A I don't know.

Q You don't know where they came in?

A I don't know where they came in.

Q But from DP&L?

A Right.

Q Now, can you tell me where this Tarzan pot was on the site?

A It was behind office number 3.

Q And you're looking at Exhibit 2 now, the figure?

A Yes.

Q And you're going to mark it?

A Yes.

Q And this looks like a light blue pen.

A Right. (Indicating)

Q All right. Let the record reflect that the witness drew a square near to the -- I guess immediately to the northeast of office number 3, put an X in the square and wrote the word "pot" next to it.

Okay. Was this a continuous -- well, we already talked about was this -- withdraw that

1 question.
2 Okay. I want to talk a little bit about
3 the drums that came in that you worked on to take
4 off the lids, the drums coming to the site --
5 A Right.
6 Q -- that you worked on to take off
7 the lids. Do you remember your testimony that the
8 drums with the heavy liquids went to a location
9 near office number 3?
10 A 3, mm-hmm.
11 Q And the drums with the lighter
12 liquids went into the location -- area where there
13 was the -- what you called the pit?
14 A Yeah.
15 Q Is that right?
16 A Mm-hmm.
17 Q I'm trying to -- I guess my first
18 question is, were these drums typically full drums?
19 A Yes. Yeah, the ones that had no
20 lids, like I mentioned earlier, would spill while
21 they're being delivered. And then the ones that
22 had a cap on the drum of the barrel itself, they
23 would be full.
24 Q And were most of them full?
25 A Yeah.

Q And let me ask about your -- your job for at least part of the time you worked at the site was to kind of take off the tops --

A Right.

Q -- by one manner or another?

A Right.

Q And that was pretty difficult work, I assume?

A Yes, very hard.

Q Did you have any tools that you used to take the tops off?

A Started out with a hammer and chisel, cold chisel, and you'd take -- you start it on an angle, and you just keep making notches all the way around it. And then later somewhere Uncle Kenny found a can opener that was really nice, and so I'd take that can opener. And it was a device that I just rolled it around that thing, and it would cut the lid right off.

Q And it had a crank on it?

A Pardon me?

Q The can opener had a crank on it? A crank?

A Yeah, like a crank thing.

Q And you had to use two hands to work

1 the crank?
2 A Yeah.
3 Q So it was a pretty big can opener?
4 A Oh, yeah.
5 Q Do you know where that can opener
6 came from?
7 A No.
8 Q Now, one of the questions for me is
9 where did all these drums full of liquid or nearly
10 full of liquid or the open ones that were spilling
11 out, where did those drums come from?
12 A From talking to a couple of the
13 drivers, they came from another barrel site. It
14 was out in Beavercreek.
15 Q Barrel site in Beavercreek?
16 A Mm-hmm.
17 Q If you heard it being referred to as
18 the Barrel Factory --
19 A Barrel Factory, yeah.
20 Q Is that how you heard it from the
21 drivers?
22 A Right. Plus, when it had a mishap
23 over there in the early seventies, an explosion,
24 and the whole city of Dayton got to see the
25 fireworks display. So it was a pretty big ordeal.

Q This was an ordeal over in Beavercreek?

A Right.

Q So a lot of these drums -- I'm going to let you say, but did a lot of the drums come from Beavercreek to your understanding?

A Right, mm-hmm. But some came from Inland, Delphi, various different other companies, but I think the majority came from there.

Q "From there" being?

A Dayton Drum -- I mean --

Q The Barrel Factory?

A Yeah, Barrel Factory, yeah.

Q Now, you just mentioned Dayton Drum. Did you hear of a company called Dayton Industrial Drum?

A Mm-hmm.

Q Do you know whether that was a source of the drums?

A I know from the Barrel Factory mostly, but I've heard that name several times. So, yeah.

Q You've heard the name Dayton Industrial Drum several times?

A Right, mm-hmm.

Q But your understanding from talking to the drivers is that the drums that were either poured into the pit or into the heavy liquid location was from the Barrel Factory; is that right?

A Right, mm-hmm.

Q You have to answer audibly.

A Yes, yes.

Q Thanks. All right.

Now, that can opener that you used, the mechanical can opener, was that helpful for you?

A Very helpful, yeah.

Q Made your job easier?

A Got more money out of the drums.

Q And why is that?

A Well, I could do a lot more a day, you know.

Q How much were you getting per drum?

A Fifty cents.

Q Fifty cents?

A Mm-hmm.

Q Who paid you?

A Uncle Alcine.

Q I'm going to ask you about kind of the southern end of the site. And we talked about,

you know, the three entrances to the site and the three offices, and now I'm going to focus your attention on the quarry pond.

A Okay.

Q And this is that area on Exhibit 2 that's below the darker line that kind of circumvents the --

A The perimeter.

Q Yeah, the perimeter of sort of the upper part of the site.

A Right.

Q And you see the quarry pond parcels where it says that and you see a big pond?

A Mm-hmm.

Q You see a little island in the middle of the pond?

A Mm-hmm. Yes, yes.

Q Did you know that there was an island there?

A Yeah, I camped on it.

Q You used to camp on the island?

A Yeah.

Q Did you ever swim in the quarry pond?

A Yeah, we'd swim and fish. It was

kind of a playground.

Q Now, what I'm curious about with the quarry pond is with the landfill moving from north to south, did it really ever reach the quarry pond area, the landfill?

A No, hmm-mm.

Q Was there some thinking on the part of your dad or Alcine that it eventually would?

A Oh, that we would go that far?

Q Yeah.

A Yeah, yeah.

Q They were thinking that?

A But it wouldn't -- we would always kid around it wasn't going to be in their lifetime and it probably wouldn't be in mine 'cause being a burning dump it filled up very slowly.

Q So the land filling activities never reached below that --

A No.

Q -- perimeter line we just discussed on Exhibit 2?

A On that perimeter line there was kind of a mound, and then DP&L's power line came through there. Like I said, there was enough road that trucks could be parked there. So they had

their --

Q That was the DP&L truck park?

A That sort of divided the pond with the landfill itself.

Q That was the DP&L truck parking you referred to earlier?

A Yeah.

Q All right. Now, the area around the quarry pond was never fenced or locked; is that correct?

A No.

Q So there could have been a little dumping here or there?

A Yeah.

Q Was there to your knowledge?

A Yeah. Every now and then Dad would get very upset. He didn't want Alcine dumping nothing down there. He blamed him, but somebody would go and dump down there. Eventually I think they finally put -- we finally put a gate on or blocked it off with a telephone pole.

Q Did you have an opportunity on your visit to the site this past Sunday to walk around the quarry pond area?

A We drove it, but we didn't get out.

Q You observed it?
A Yes.
Q Brought back memories?
A Oh, yeah.
Q All right. Did you ever hear about any insulators made of glass or porcelain coming to the site?
A Oh, lots of 'em, yeah.
Q What can you tell me about that?
A They -- we'd take 'em, throw 'em and break 'em because they were made of glass or porcelain. They were from Dayton Power and Light. They were like the caps that set on a pole when they run power lines. I think they had a groove in it that the power lines would sit in 'em. And there were tons of 'em, different sizes and so on and so forth.
Q Did any of them come to the site from Dayton Power and Light?
A Mm-hmm.
Q What's the answer audibly?
A Yes, yes.
Q And they came in Dayton -- DP&L trucks?
A Yes.

Q You observed that?
A Yes.
Q You said there were tons of them?
A Tons of 'em, yeah. I've got one at home. I saved one of 'em.
Q And just a curiosity, back on the discussion of the transformers we had before lunch, did any of 'em come in sort of shall we say a dark shade of black?
A Yeah, some of them were damaged, I think, from lightning strikes or what have you, and so we thought it was interesting, you know. 'Cause a lot of the lightning strikes that hit the dump area they'd hit them big power lines that were there when storms come in, and the drivers will say that's where they got 'em. They were from lightning strikes. We thought that was pretty neat.
Q These are the DP&L drivers would that say that?
A (Nodding in the affirmative.)
Q Is that right?
A Yes.
Q Just sort of a fun question. Do you know where the name "Moraine" comes from?

A Moraine told me that Dad -- or my dad told me that Moraine was the end of a glacier. And that's why so much of his attention was on Sandy Mountain, which is where the cemetery sat, is where the glacier ended, and all that topsoil and sand and gravel got mixed in and pushed down to that area. I thought that was pretty --

Q Sounds good.

A And I might add that that -- the area -- we got to see the photo on Sunday of 1939 showed when Dad had first bought -- him and Mr. Fink had that area that it was all swamp land. And the one area where Dayton Power and Light has their service building there, you could tell it was all swamp land. They eventually drained everything and made it feasible for building and stuff, so --

Q You're talking about the service building over across what's now Dryden Road?

A Right.

Q All right. Just one other question about the liquid pit you identified on Exhibit 2 in front of you. Was fly ash put into the pit to absorb extra liquid at any point?

A Right.

Q Tell me about that.

A Well, because it was so -- like I said this morning, it was so powdery and it would absorb moisture, you know, water. The fly ash and the powder and then the brake -- the brown brake stuff that came from, I think, Delphi or whatever, the Brake Division of GM, it would just absorb all that liquid and stuff that was in there. So the closer we would push it to there, it pushed that pond, if you want to call it, or water over to the edge. So eventually we were trying to force it just to be solid land.

Q You're talking about the liquid pit now; right?

A Right, mm-hmm.

Q And the fly ash came from DP&L that was used there?

A Right, mm-hmm.

Q You have to say audibly.

A Yes. Sorry.

Q No problem.

Just one other feature on the site I wanted to ask you about. Did your dad own a piece of property -- I think it's a triangular piece of property across Dryden Road?

A Yeah. It's 2942.

Q The witness is pointing to Exhibit 2. Can you write something in there so we know what you're talking about?

A (So complies.)

Q You wrote in in light blue "parking lot DP&L" in a triangular piece of property across Dryden Road and across -- inbounded by East River Road; is that right?

A Yes.

Q Tell me about that piece of property. Just I want to complete the story.

A Well, that was where the farmhouse for that -- this area of land, whoever had the farm at that time when Dad had bought it, we lived there for a while. Or actually they did. I wasn't born yet. He told me that's where they lived, and they were close to the dump and stuff. Once the house got torn down, it was an empty lot. And so DP&L needed more parking space. They ran out. So Dad at first let 'em use it. And I don't know if he ended up selling to 'em or what, but that was their -- where they put a lot of their trucks. And they're still there today. It's fenced off now, gravel.

Q Did you see that spot on Sunday?

A Yes, I did.

Q All righty. I think that's all I wanted to say on that line.

A Larry, could I add something on that parking lot? 'Cause I think it would be important. Doesn't matter.

Q I don't think I can say no. Go ahead, Ed.

A Why I know these -- about the parking area is because when we bought the HUD houses Dad let me have one of 'em, and at that time is when they were trying to go from natural gas to all electric, and that was around '71, '72. And I tried to purchase a gas meter, and Dayton Power and Light said they weren't able to do it no more, that you had to convert to electric. And so I called Dad and said, "Dad, we can't get heat here." He said, "What do you mean?" I said, "Well, I talked to DP&L." And he said, "Well, let me take care of it." Two hours later a DP&L truck pulled up. I asked Dad what he did. He said, well, he called whoever -- a friend of his down there and said, "If you don't get my son a meter," he said, "get the trucks off my lot." I mean, it was all kidding around, but I'll never forget that. So --

Q Sounds good. Thanks, Ed.

Now, I'm going to start going through a list of companies, and pretty much in alphabetical order it looks like, and ask you whether or not to your knowledge the particular company sent waste to the site and maybe ask you a little more detail about what you know about their waste and when and how often and that kind of stuff. Are you ready?

A I'm ready.

Q First company's name is A.E. Fickert and Son. Actually, you mentioned that company earlier today.

A I worked for them, yes.

Q Did they send waste to the South Dayton Dump site?

A Yes, they did.

Q What kind of waste?

A Theirs was mostly construction debris, cans of paint, empty paint cans, drywall mud cans, drywall -- actual drywall/plaster products, plastered walls and stuff like that.

Q Did they self-haul, do you know?

A Pardon me?

Q Do you know if they'd self-haul or used somebody else? When I say "self-haul," did

they bring their own stuff in their own trucks?
A Yeah, yeah, yeah.
Q The answer is --
A Yes.
Q -- they did bring their own stuff in their own trucks?
A Right.
Q Okay. And what about how often were they coming in?
A Maybe twice a week.
Q And what about the time period when you were observing them come in?
A When I really noticed 'em was when I was about 15 and 16 'cause I had always asked the drivers -- I wanted to work for 'em 'cause I really liked construction. So -- they ended up hiring me down the road. So --
Q Now, do you know if they're bringing stuff when the site began when you were 15 and 16, or is that when you just first noticed it?
A That's when I really paid attention to it.
Q Okay. Is that about when you started thinking you really wanted to do construction?

A Well, I -- it's another story, but --

Q We'll let that one go.

A Yeah.

Q Now, the next name on my list is Bergstrom Paper. Is that familiar to you?

A Pardon me?

Q Bergstrom Paper, B-E-R-G-S-T-R-O-M.

A (Indicating in the negative.)

Q Not familiar to you?

A No.

Q Now, the next one looks like a trucking company called Blaylock Trucking.

A Blaylock, yeah.

Q What can you tell me about Blaylock in relation to South Dayton Dump?

A Well, they're -- if I'm not mistaken, over on South Dixie they had their landfill and stuff. The stuff they didn't want came over to our landfill. And what we didn't want -- or what we could not take we sent over there like the garbage products and stuff like that. Kenny would always say, "Go down to Dorothy Lane," you know.

Q "Go down to Dorothy Lane" you said?

A Yeah.
Q To go to the Blaylock location?
A Right.
Q What kind of stuff didn't Blaylock like that ended up where you were?
A Lots of cardboard. Since we had the incinerator, a lot of the skids and stuff like burnable stuff.
Q Even before the incinerator --
A Yeah.
Q -- was Blaylock sending stuff?
A Yeah. We'd burn it. And theirs was mostly garbage from grocery store chains and stuff like that.
Q They weren't a burning dump?
A No.
Q And you were?
A Yes.
Q So burnables they moved from their -- they moved over to your dump?
A Right.
Q And does that go back to when you were a little kid?
A I'm pretty sure because over there next to the dump they had a movie theater, a

drive-in movie theater, and Dad when he'd take us he told us stories about that.

Q Did you observe the Blaylock trucks coming in to your site?

A Yeah, mm-hmm.

Q And what about -- in addition to burnables, what about industrial waste? Was that coming in from Blaylock?

A I don't remember from them.

Q Here's one since you got a can right in front of you. What about Coca-Cola?

A Yeah.

Q Yeah, what?

A We got a lot of stuff from them.

Q What kind of stuff?

A Wooden -- you know, wooden Coca-Cola for cases of Coke.

Q Mm-hmm.

A We got a lot of their bottles, you know, ones that used to be --

Q A nickel or a penny?

A Two cents apiece. They would be chipped or something. They were damaged, and they'd come in truckloads. And then sometimes there would be cartons of syrup would come in like

paper boxes, and they'd dump big -- a whole bunch of that off.

Q Anything else that you can think of?

A That's all I can think of at the moment.

Q What about frequency? How often was it coming in from Coke?

A They would come maybe once a month maybe, something like that.

Q What size of loads were they coming in on?

A I don't remember.

Q Their own trucks or were they using --

A Coca-Cola emblem was on 'em, but I don't remember what --

Q Does this go back to when you were a little kid?

A Yeah.

Q All right. And what about their competitor, Pepsi-Cola?

A I don't remember.

Q You don't remember Pepsi coming in?

A No, hmm-mm. They were closer, I think, to Powell Road because they were up north.

So I don't think --

Q You don't have any memory of Pepsi coming to SDD?

A No.

Q Since we're going in alphabetical order, you mentioned earlier today a hauling company named Container Service.

A Right.

Q What was their connection to SDD? Did they bring waste to your site?

A Larry Brandon and another gentleman ran that company before they were bought out by a Chicago-based outfit, and they would mainly dump at Blaylock's because it was mostly garbage and stuff. There was a couple chicken packing places, Valley Farms, I think. All the chicken parts would come in that.

Q They would go to Blaylock, the chicken parts --

A Yeah.

Q -- or to you?

A Yeah.

Q Okay.

A But that was General Refuse and Container Service. Container Service was more the

service of the containers. They'd bring 'em in -- when I worked for Larry that's -- they would bring 'em in, and we would reweld 'em if they got bent up and paint 'em. But General Refuse was the actual hauling company.

Q General Refuse in your mind was connected somehow to Container Service; right?

A Yeah.

Q Same owners in your mind?

A Yeah, mm-hmm. There was one -- a third party in the Container Service, and I don't remember -- Ed -- Ed something.

Q Okay. And you said that you believed that Container Service was bought out by a Chicago outfit?

A Yeah, mm-hmm.

Q Do you happen to remember the name of it?

A IWD I think was the name of it.

Q All right. Now, how about Danis?

A B.G. Danis, yeah. We got a lot of construction material from like building projects. They did mostly commercial work, and so we got a lot of their construction debris.

Q And when you say "commercial work,"

can you remember any -- who their commercial customers were?

A Like I think when Rike's Kettering was being built, you know, big projects. Dorothy Lane -- or Hills and Dales Shopping Center when they would remodel. Places -- big outfits like that.

Q Big development work?

A Big development work, yeah.

Q What about frequency of Danis coming to SDD?

A At least once or twice a week.

Q And what did their trucks look like? Do you remember what they looked like?

A Well, it said "B.G. Danis" on 'em. I think they were red trucks, I believe.

Q But they said "B.G. Danis"?

A Yeah.

Q And "B.G." were the initials?

A B.G., yeah.

Q Do you know what "B.G." stood for?

A Huh?

Q Do you know what "B.G." stood for?

A Hmm-mm.

Q Me either.

Just on the subject of General Refuse, which you said in your mind was connected to Container Service, do you know who their customers were?

A Like I said, Valley Farms. I know that. Liberal Markets, Kroger's. Later on Liberal turned to Metro Markets. Just about any businesses. Now, when the Dayton Mall came into play a lot of them -- their trash came to -- if it's cardboard or stuff like that, it came to the dump.

Q To your dump; right?

A Yeah.

A And then like I mentioned that Blaylock got all the garbage.

Q Right. All right. I'm going to move on now to a company called D-A-P, DAP. DAP Products perhaps?

A Yeah, they were up by Wright-Patterson. They had a lot of caulking, silicone products, came in tubes, construction stuff.

Q Were they a customer of the South Dayton Dump?

A Yeah, mm-hmm.

Q And you saw their trucks come in?
A I don't think they had a truck.
Q How did they get their stuff to your site?
A I don't know.
Q Maybe used another hauler?
A Probably, yeah.
Q So how do you know they were coming into your site if you didn't see the trucks?
A Because I saw the tubes.
Q And did it say DAP on it?
A Yeah, mm-hmm.
Q Oh, it said "DAP" right on the tubes?
A Right on the tubes, yeah.
Q Okay. Any other stuff coming in from them that had their name on it?
A They had cans of window glazing that would come in.
Q It said "DAP" on those, too?
A Mm-hmm.
Q Did they have an emblem of any kind that you remember?
A I don't remember.
Q You want to think about that one?

A Yeah.

Q Okay. Here's another one for you. Everyone's favorite, Dayton Daily News.

A (Nodding in the affirmative.)

Q You're shaking your head. What do you know about them?

A Mostly paper or cardboard.

Q Were they a customer of SDD, South Dayton Dump?

A Not as much. They would go to Blaylock because it was mostly -- their paper and stuff had -- couldn't be recycled at the time, and they would bury it until Larry Brandon came up with the idea to make insulation out of it, and I think he got the bulk of their business.

Q Container Service got the bulk of their business?

A Mm-hmm.

Q And did that material come to SDD?

A No, just when -- it was called Dayton Fiber. That was Larry Brandon. That's what the newspaper --

Q I got you.

A It was over on -- I think I mentioned on West River Road, and they would shred

the newspaper up and then put a chemical with it and made insulation that you would pour in your attic.

Q Got you. Now, what about ink or waste ink from Dayton Daily News? Did that come to your site?

A Yes, it would.

Q And tell me about that. What do you remember about that?

A Well, when I stepped in it, it got all over my shoes. I wasn't very happy. It was a blue color. It was between McCall's and Dayton Daily News that a lot of -- and Journal Herald at the time, which was part of Dayton Daily. It was the morning --

Q Morning edition?

A -- Journal.

Q Morning paper?

A Right.

Q That was called the Journal Herald?

A Journal Herald, yeah.

Q It goes back a long way.

So how did Dayton Daily News get its ink waste, as well as Journal Herald, how did they get their ink waste to SDD?

A Trucks. But I don't remember -- yes, they did have Dayton Daily -- "Journal Herald" on the side of 'em. That's it. They were big white like box trucks.

Q Right.

A And they would come in that.

Q And what kind of containers was the ink in?

A Ink was in like tubes. That's what I say, if you didn't watch where you walked, you'd step on that tube and that ink would fly everywhere, and it was very annoying to us on the dump.

Q I can imagine. How frequently did you see these Journal Herald -- white Journal Herald trucks come in with the ink tubes?

A They had loads come in twice a week, something like that.

Q For what period of time?

A Oh, what period of time?

Q When you were a little kid?

A I remember it as a teenager mostly.

Q Okay. So that -- and you also you just mentioned McCall's. I'll jump ahead. That's really an M, but since you mentioned them let's

talk about McCall's.

Were they connected to Dayton Daily News, or is that a separate entity?

A I don't know. I believe it was a separate entity.

Q And a magazine, McCall's?

A Hmm?

Q They were a magazine, weren't they?

A They made magazines, yeah.

Q And did they also bring in ink waste?

A Ink waste. Some of their barrels -- big barrels came from their -- I don't know, some kind of solvents or something, and then --

Q So they actually brought drums in?

A Yeah, mm-hmm.

Q All right. And what kind of a load of drums would come? Well, let me ask what kind of truck? Did they have -- it say "McCall's" on the truck?

A Yeah.

Q What sort of truck was it, if you remember?

A Panel truck.

Q And full of drums?

A No, just maybe a couple, you know. And then sometimes if there weren't a lot of magazines we were allowed to take it. But, in general, we didn't -- it was sent, I think, to Blaylock.

Q What was sent to Blaylock?

A The magazines. But every now and then we'd get 'em. I remember we'd sit there and read 'em sitting on a couch or chair eating our lunch.

Q Reading McCall's?

A Yeah.

Q Tell me about the drums. How -- how many drums would McCall's bring, say, in a month?

A Maybe 50, something like that.

Q Okay.

Q And how often would you see a McCall's truck coming into the dump?

A Once a week.

Q Okay. I just had a thought here. Oh, and where did the ink go? Did it go to the pit, or did it go to the heavy --

A The ink are you asking?

Q Yeah, the drums.

A Oh, the drums would be dumped down

at the pit.

Q Not at the other location near building 3, the heavier?

A Like I said, it all depends if they were full and we could catch 'em, you know, so --

Q It could have been in either location?

A I think McCall's came at night.

Q Oh, really?

A Yeah.

Q Did they have a key?

A I think so. Well, they had to have, you know. But they -- I don't know.

Q You did observe their trucks on occasion?

A Huh?

Q You did observe their trucks on occasion?

A When -- sometimes through like on the weekends, stuff like that, if I worked Saturday they might have came on a Saturday. So that's -- but through the week I don't remember recalling the emblem or, you know, McCall's. But the evidence was there because you got the magazine that said "McCall's" on it.

Q And do you remember what their emblem looked like?

A No.

Q Let me throw out Miami Valley Hospital. Well, no, no, no. I'll get to that later. I just jumped ahead to McCall's. Let me jump back, back to D.

Dayton Industrial Drum we already spoke about. Anything more on them that you recall?

A Hmm-mm.

Q How about Dayton Mental Hospital? Were they a customer of SDD, South Dayton Dump?

A No. But my dad from history told me that from their -- they found like a suitcase, a leg with a boot on it, and he said that came from the state hospital. So whether or not they were a constant -- but that put the fear in my cousins and I. We didn't want to find something like that. So we didn't open up suitcases. That was what I was told.

Q We'll keep that one in mind. What about the Dayton -- City of Dayton School Board? Were they a customer?

A Yes. We got desks. A lot of desks.

Q Anything else?

A Desks, some books. But we got a lot of like wooden cabinets and stuff like that.

Q Was that burnable stuff?

A Yeah, mm-hmm.

Q Gum under the desk?

A Pardon me?

Q Gum under the desk?

A Well, no.

Q All right. What about Dayton Tire and Rubber Company?

A Pardon me?

Q Dayton Tire and Rubber Company.

A What about 'em?

Q Yeah. Were they a customer of the South Dayton Dump and Landfill?

A Yes.

Q What can you tell me about Dayton Tire and Rubber Company as a customer?

A They brought like -- I remember a lot of inner tubes 'cause we'd take the tubes up and fix 'em and take 'em over to the pond and float on 'em. They brought tubes, and there was a rubber -- a rubber I'll call it a shroud that would come. Some tires. It wasn't a whole lot that I remember. Now, I think Doyle got a lot, 'cause if I'm not

mistaken Doyle told me -- the recapping came into play at that time, so Doyle would get a lot of the recap or the tires off the cars that were pretty worn and stuff like that. I don't remember if they'd go in to Dayton Tire or how -- where they were recapped at. But I remember the big trucks would come in, and they'd load all these tires up and send 'em somewhere.

Q Now, the Dayton Tire and Rubber the stuff that came from them to your operation, to the landfill operation, what kind of -- did it come in -- whose trucks did it come in?

A I remember 'em coming in in their trucks.

Q Dayton Tire and Rubber had their own trucks?

A Right, mm-hmm.

Q Hauled their own waste?

A Pardon me?

Q Hauled their own waste to South Dayton Dump?

A Yes.

Q Can you describe what their trucks looked like?

A All I remember is they had a horse

on 'em inside of -- they had looked like a ring and then there was a horse.

Q Okay. This will be Exhibit Number 4. That's the colored version. We'll pass out the black and white version.

(WHEREUPON, Grillot Deposition Exhibit Number 4 was marked for purposes of identification.)

Q All right. I'm putting in front of you Exhibit 4.

A The horse right there.

Q Can you repeat that?

A I said I see the horse.

Q Is that the same horse you were just referring to?

A Yeah.

Q And that's a horse in the middle of that emblem?

A Yeah. I think someone -- either the driver or Uncle Kenny or Alcine told me that they made pony tires or something like that or pony something. And that's what I remember from them coming in.

Q Now, the Dayton Tire and Rubber

trucks that you saw -- well, let me withdraw that.

Do you ever remember any trucks that had cages on them?

A Yeah.

Q Whose trucks were those?

A I don't know.

Q Do you remember if Dayton Tire and Rubber had cages on their trucks?

MR. MOSS: Objection, leading.

THE WITNESS: I don't know.

BY MR. SILVER (Continuing):

Q And what about frequency of the Dayton Tire and Rubber trucks coming into the South Dayton Dump?

A I'd say once a week maybe.

Q And what period of time do you remember those trucks?

A Through the day.

Q Excuse me?

A Through the day.

Q Through the day?

A Yeah.

Q And what about when you were young when you first started working at repairing the landfill, did you see them then?

MR. MOSS: Objection, leading.

THE WITNESS: Like I said, I just remember the pony.

BY MR. SILVER (Continuing):

Q How about at what age were you when you started seeing them?

A Maybe ten or 12, something like that.

Q And do you remember anything else that came from Dayton Tire and Rubber other than what you already discussed in those trucks?

A That was it.

MR. HARBECK: I'm sorry. I didn't hear.

THE WITNESS: Is he talking to me?

BY MR. SILVER (Continuing):

Q Yeah, they couldn't hear your answer to that question.

A Oh, he didn't hear. Yes. Or what was the question?

(Whereupon, the answer was read back by the court reporter.)

Q I just want to throw out Wright-Patterson Air Force Base. Did you ever hear of that location?

A Wright-Pat?

Q Yeah. Do you know about Wright-Pat?
A Yeah.
Q Was Wright-Pat ever a customer of South Dayton Dump and Landfill?
A I don't think -- I think they had their own dumping facility.
Q You don't remember anything coming from them?
A No.
Q What about a company called Duriron?
A Duriron, yes.
Q Yes, what?
A I remember them.
Q Were they a -- was Duriron a customer of South Dayton Dump?
A Yes.
Q Okay. Would you characterize -- how would you characterize them in terms of size of customer?
A Size of what?
Q Customer, you know, importance.
A They were a good customer.
Q And describe to me what came in from Duriron to SDD.
A Why I remember so vaguely -- or not

1 vaguely, but why I remember is because the device
2 that they brought in looked like the Apollo space
3 craft. It was a big cone that had steel shooting
4 out of it that was hot. It would come in -- we
5 called it a hot load. And when it came in we had
6 to take it down to the bottom pit to dump it 'cause
7 it was so heavy and hot that it would lay in the
8 fly ash and the liquid, and sometimes it would
9 catch the liquid -- because the liquid would be
10 sometimes a little toxic. It would catch that on
11 fire.
12 Q And what was in these capsules?
13 A I was told from Kenny that when they
14 melted steel that it was the sludge off the junk
15 that came off the top of it, and they would push it
16 into some device that looked like a bowl, and then
17 they would dump it in the back of the truck. It
18 was the by-product, I think, of melting something.
19 Q You just described what Kenny told
20 you. What did you actually observe about what was
21 coming in from Duriron? Did you actually see --
22 tell me what you observed personally.
23 A Yes, it would come in with a truck
24 that had a container that was on two chains 'cause
25 it was so hot. And it would be swinging, and it

would be smoldering. And, like I said, you could see steel rods and angle irons sticking out of it. It was a pretty cool sight.

Q The trucks that hauled these capsules, did they have a Duriron name or emblem on them?

A Yeah, "Duriron."

Q You saw "Duriron" on the trucks?

A On the doors, yeah.

Q What kind of frequency did you see Duriron come in to the site?

A We'd have at least one or two capsules a day coming in there. There's a lot of 'em underneath that ground.

Q What did you do with the capsules?

A I said we took them down to the pit because we were afraid if we got 'em too close to the surface the dozer or whatever would hit the metal, and they were so hot.

Q What would hit the metal? You said something might hit the metal if they were close to the surface?

A With the rods and stuff that stuck out of the bottom -- say the capsule or the cone, the bottom part of the cone had stuff sticking out

of it that, I guess, didn't get melted or whatever. I don't know the process. But a lot of times that would be visible. And then when they'd dump it, it depends on if they got it upside down or if they had it up. But then when you tried burying 'em you just can't move 'em. They're so heavy. They'd go right into the fly ash.

Q So did the operation dump them into the liquid pit?

A Yeah, mm-hmm.

Q That was the -- that was the practice of the South Dayton Dump and Landfill to dump them in the liquid pit?

A Right, mm-hmm.

Q And you observed this?

A Yes.

Q And tell me when you first started observing, if you can recall, Duriron's trucks coming in with these capsules?

A Nine or ten. Pretty early in life.

Q And what about continuous until when? Was it continuous?

A Till I left, you know.

Q And you left again in -- at what age that you're referring to as far as Duriron's

concerned?

A Well, I was 15, 16 the first time I left or, you know, when I worked for Doyle.

Q And when you came back, did you continue to see the Duriron trucks with the capsules?

A I saw capsules, but you seen one you seen 'em all at that time, so whether they were still bringing them in I --

Q You remember seeing the Duriron trucks after you returned from Doyle?

A Yes, I did. Yes. But, you know, the trucks come and go. You see 'em on the road, so --

Q What about the Duriron trucks coming in to SDD after you returned from Doyle?

A Yes.

Q All right. Now we're moving on to another company named Durel Paint, D-U-R-E-L.

A Durel.

Q Sorry, Durel.

A Durel Paint.

Q What can you tell me about Durel Paint?

A One-gallon paint cans -- quart cans,

one-gallon paint cans and five-gallon metal buckets. 'Cause I'd use them buckets to put the metal in to haul it up to the office. We'd empty out the paint and stuff and let it dry. They made good buckets for --

Q So Durel Paint was a customer of South Dayton Dump and Landfill?

A Right.

Q And how did they bring their paint -- how about paint thinners? Did any paint thinners come from them?

A They had different solvents, yeah.

Q And you know that because why? How do you know that?

A 'Cause we'd use some of the solvents, you know, for different things on the dump.

Q How did you use the solvents?

A Well, like some buckets would have something in there that was oil-based paint. This is when latex started coming in. And oil-based paint we could pour it in there and keep dumping out in different buckets, get most of that paint deposit out.

Q Use solvents to get the oil-based

1 paint out?
2 A Some of the solvents we used to get
3 the bolts off of things that we tried to take apart
4 'cause it would eat the rust off of it until Uncle
5 Kenny said we should start using Coca-Cola, and
6 that was the best.
7 Q So before that you were using Durel
8 paint solvents to get those bolts off?
9 A We'd get bikes in a lot, and we'd
10 put new tires on and stuff. And to get the bolts
11 off, to lubricate the chains, we'd use different
12 material that would come in.
13 Q And Durel Paint did they come in in
14 their own trucks?
15 A Yeah, they had -- it was like a
16 paint van almost, a white van.
17 Q And did it say "Durel" on it?
18 A Yeah, mm-hmm.
19 Q Do you remember any kind of emblem
20 that they had?
21 A No.
22 Q And what about frequency? How often
23 were you seeing their trucks come to the land --
24 A I'm sorry. I remember Day Ton.
25 They had a paint I think called Day Ton.

Q Mm-hmm.
A And I remember seeing their cans. I remember that.
Q All right.
A It was D-A-Y and then below it said T-O-N, Day Ton. It was like a cheaper paint, you know.
Q Sounds like a play on words on Dayton.
A Yeah.
Q All right. So how frequently did you see the Durel Paint truck come in?
A Maybe once a month, maybe every couple months. They didn't come in that often.
Q Starting when you were a youngster?
A Yeah, mm-hmm. Their plant was over on the east side and close to -- we had a company come called Hewitt Soap Company, and I remember 'cause I would go over there and I wanted to see -- you know, when your stuff comes in, you want to know where it comes from. I'd go look at the factory. I was hoping I'd get a better job some day out of one of these companies.
Q Did you typically go check out the factory of the companies that brought waste to the

site?

A Pardon me?

Q Did you often check out the factory of the companies that brought waste to the site?

A Yeah, to see where -- it was curiosity mostly.

Q What other companies did you go check out?

A When I worked for Larry Brandon we -- one of the jobs I got during the wintertime was I worked at McCall's.

Q What about that?

A Well, since General Refuse had a container there that squished paper and cardboard in it, I got to talk to that -- those operators. But my job was to clean -- keep snow off of the driveways and salt 'em down and stuff like that, clean the -- I had a Jeep where I cleaned the parking lots of the snow.

Q This is at McCall's?

A Yeah, mm-hmm.

Q What other customers did you visit in terms of checking out their manufacturing plant or factory?

A Well, I had -- I went up to Inland

1 'cause they made -- they had a lot -- made a lot of
2 steering wheels. Then they had baskets that they'd
3 put the steering wheels in, I guess, to have 'em
4 coated with a certain rubber type of thing.
5 Q Which one of the Inland plants did
6 you take a look at?
7 A That was up off of -- on the west
8 side. It was --
9 Q West side of Dayton; right?
10 A Yeah. McCall Street -- well, McCall
11 Street and -- I don't remember the other street.
12 There was a big plant.
13 Q Any other customers' plants that you
14 visited?
15 A We went out to DAP 'cause Dad told
16 me that DAP had -- they had displays of windows
17 that they would glaze to see how long their product
18 would last, and I wanted to see that. So I
19 remember going up there.
20 Q That was up near you said
21 Wright-Pat?
22 A Right.
23 Q Any other companies that their
24 plants you visited?
25 A Frigidaire. Got to go down to

Frigidaire. That's about it. That's all I can remember right now. I'm sorry. I'm getting kind of a little bit of a headache.

Q All right. You want to take a little break?

A No, no.

Q All right. We're going to keep moving along here.

A Okay.

Q I only have about four or five pages of companies to get through.

A Okay.

Q Earl Scheib of Ohio.

A Yeah. Yes.

Q What can you tell me about Earl Scheib?

A Well, I knew their paint jobs were 19.95. But they'd bring paint -- empty paint drums and stuff like that, paint cans, solvent cans, a lot of like masking tape and plastic, stuff like that.

Q And they brought it to the South Dayton Dump and Landfill?

A Right.

Q Is that right?

A Yes.
Q And you observed it?
A Yes.
Q And what kind of vehicle were they coming in?
A I don't remember them.
Q How do you know it was Earl Scheib? What made you think it was Earl Scheib?
A 'Cause I wanted to see -- I asked one of the drivers one time how they can do it for 19.95, and I remember talking to him. I said, "Where you guys from?" He said, "We're over off of Oakwood." I said, "Well, that's where I live." So I remember the conversation with the guy.
Q And he told you they were from Earl Scheib?
A Yeah, mm-hmm.
Q Did you understand it to be an Earl Scheib truck or some hauler?
A I don't know.
Q You just know from talking to the driver?
A From talking to the guy, yeah. Sometimes there would be receipts would come with the stuff, receipts and stuff like that.

Q You might see the name on a receipt?
A Yeah, mm-hmm.
Q What about frequency? Do you have any sense of how often Earl Scheib brought waste to the site?
A Not very often.
Q Mm-hmm.
A Once every couple months maybe.
Q Once every couple of months you said?
A Yeah.
Q All right. We'll keep moving. How about Franklin Iron and Metal? That name came up earlier today. Were they a customer of the site bringing waste to South Dayton Dump and Landfill?
A Franklin Iron and Metal I remember them coming, but I don't -- I have seen -- the trucks were pretty similar to the cones that came in, so I don't remember --
Q Similar to the Duriron cones?
A Yeah, mm-hmm.
Q Like space capsules?
A No, not that I remember.
Q You don't remember the space capsules?

A No, I don't remember them coming from Franklin.

Q So you remember them from Duriron, but you don't necessarily remember them from Franklin Iron and Metal?

A Right.

Q Let me come back to that one. Give that one some more thought. Okay?

A Okay.

Q You already mentioned Goodwill and the Salvation Army.

A Yes, yes.

Q They were a customer of South Dayton Dump and Landfill?

A Yeah.

Q And whose trucks did Goodwill bring? Did they have their own trucks?

A Like I said earlier, I don't remember Goodwill actually, but I remember Volunteers of America and Salvation Army.

Q Okay. And did the Volunteers of America have their own trucks?

A Yes.

Q And how about Salvation Army? Same?

A Yes.

Q And what would they -- what would each of them bring?

A Furniture products. Like I said, TVs, radios, household items.

Q Clothing?

A Yeah, a lot of clothing.

Q Do you remember the name Harris Seybold, S-E-Y-B-O-L-D?

A Harris?

Q Seybold, S-E-Y-B-O-L-D.

A Hmm-mm.

Q And we just talked about Hewitt Soap?

A Right.

Q Were they a customer of your dump?

A Yes.

Q What did they bring in?

A A lot of shampoo, soap -- things of soap. We'd take 'em home and use 'em. Dad got free soap. There would be jars of pink soap I think that went to like restaurants and stores like that.

Q You took it all home, or did you leave some at the landfill?

A That's what we used to wash up with.

Q So you left some at the landfill?
A And then there would be a lot of boxes of powdered soap.
Q And what did you do with that?
A Used it.
Q Used every bit of it?
A (Nodding in the affirmative.)
Q What about the shampoo?
A Pardon me?
Q What about the shampoo?
A Yeah.
Q You used it all, or did you leave any in the landfill?
A A lot. And then some of the stuff that -- I guess the fragrance stuff would come in in bottles, you know.
Q Let me ask this. Did anything come in from Hewitt Soap that was left at the landfill to be landfilled?
A Yeah.
Q How often did you see Hewitt Soap -- well, let me ask, did Hewitt Soap have their own trucks?
A I don't remember.
Q Do you remember their stuff, though?

You remember their waste?

A Yeah.

Q And what percentage of the Hewitt Soap stuff coming in was dumped in the landfill, if you know?

A Well, like big -- like they were big -- these weren't quite 55-gallon drums. They were smaller drums.

Q They were in drums?

A Yeah. And so then they would get down -- taken down to the pit and dumped down there, stuff that we didn't -- we didn't recognize it as being something usable, so, you know.

Q I see. And what size drums? You said smaller than 55-gallon?

A They were about that wide and maybe about that high. (Indicating)

Q Give me some dimensions so that we'll have something on the record.

A 13 to 14 inches round and about two feet high.

Q Circumference or diameter 13 to 14 inches?

A Thirteen to 14 inches --

Q Across or around?

A Across. And then about two feet high.

Q And how often did you see these drums coming in from Hewitt Soap?

A Hewitt wasn't that often either. Maybe once every six months. I don't know.

Q Now I'm going to throw out another name, Johnson Controls. Is that familiar to you?

A No.

Q You don't believe that they were a customer of SDD?

A I don't recall them, no.

Q Here's one, Kimberly Clark.

A Yes.

Q They were a customer of SDD?

A Yes.

Q What can you tell me about Kimberly Clark as a customer?

A I remember the name, but I can't recall what they brought.

Q Do you know what kind of business Kimberly Clark was in?

A No.

Q And where is the name coming from you as a customer? What's your memory of the name?

A I just remember the name. I thought it was a neat name for one thing. I liked the name. So I don't really remember.

Q Do you remember whether they had their own trucks?

A I don't remember.

Q If you think of anything more about Kimberly Clark --

A Okay.

Q -- let me know. We talked about McCall's.

Miami Valley Hospital. Is that a familiar name as a customer?

A We got a lot of dental and veterinarian stuff, but Miami Valley I don't know if --

Q Do you remember who sent the dental stuff?

A I remember St. E's bringing some loads in, but not --

Q Not Miami Valley?

A No.

Q Let's talk about St. E's. That was a hospital?

A Yeah.

Q Where were they located?
A On East -- what is the name of that road? I think it's called Edwin C. Moses Drive now. I forget what it used to be called.
Q And what sort of materials came to the dump from St. E's?
A Burnable like skids, stuff like that. Wood products.
Q And what kind of frequency were you seeing stuff from them?
A It was very -- I'd say once every six months.
Q Do you remember what sort of vehicle they came in?
A No.
Q Do you remember whether they had their own truck?
A No.
Q All right. What about Ohio Bell Telephone Company?
A Yeah, they came in.
Q To the dump?
A Yes.
Q They were a customer?
A Yes.

Q Frequent or not?
A Not so often.
Q What did they bring?
A Mostly old telephones, a lot of wire. A lot of those like DP&L, the bigger ones, things the wire came on. They were empty. Spools I guess you call them.
Q Spools?
A Yeah.
Q Any kind of plastic?
A Fittings, a lot of fittings.
Q Any plastic material?
A A lot of plastic. Covers off of phones without the guts and stuff like that.
Q Mm-hmm.
A 'Cause we would take whatever we got and put -- that was salvageable in the dumpster, and then with part of DP&L's metal to be taken off of salvage to a recycling center.
Q And what about metals? Did many metals come in from Ohio Bell?
A Well, the inner parts was metal.
Q Inner parts of the phones?
A Right, mm-hmm.
Q Inner parts of anything else?

A Not that I can recall.
Q And did Ohio Bell bring in -- have their own truck?
A Yes.
Q And how do you know that?
A 'Cause their emblem.
Q What was their emblem?
A Ohio Bell.
Q Okay.
A Before they was AT&T.
Q Mm-hmm. And what kind of frequency were you seeing their trucks?
A Hmm?
Q How frequently were you seeing their trucks?
A Maybe once a week.
Q And let me ask you, what kind of -- do you remember what the trucks looked like, what size truck?
A Mostly came in vans that have the ladder thing on top of it.
Q You observed these yourself?
A Yeah, mm-hmm.
Q And what age did you start seeing Ohio Bell?

A You get a lot of phone -- no, that was something else. A lot of phone books would come in.

Q Where did the phone books come from?

A L.M. Berry Company.

Q L.M.?

A Berry. And they're on South Dixie.

Q How frequently did you see their phone books coming in?

A It would be after their -- after the new books came out. February -- end of January, February that all of the old phone books would come and they'd dump 'em off. I think Larry Brandon started taking them to recycle for insulation.

Q Okay. And that was the L.M. Berry Company?

A Mm-hmm.

Q B-E-R-R-Y?

A Yes.

Q Back to Ohio Bell. Did you see Ohio Bell when you first started hanging out at the landfill when you were a kid?

A It was later in life. They changed names so many times. It was like Ma Bell or something. Then there was South Bell and Northern

Bell, you know. I don't really remember. When they became Ohio Bell I remember them, you know.

Q You remember them as Ohio Bell coming in?

A Right, mm-hmm.

Q All right. The Ohio Highway Department we mentioned them as getting some of your dump. Did they also bring waste to South Dayton Dump?

A Well, their waste would come in from the barrels that we would sell them that would be run in by trucks and cars that were so bent up they couldn't bend 'em back. And then they'd throw all their highway debris, tires or, you know, like pieces of semi tires, two-by-fours.

Q Stuff they picked up off the side of the road?

A Right, yeah.

Q Put them back in those drums?

A Yeah, and then bring 'em back and dump 'em off.

Q When you got 'em back, what did you do with 'em?

A Put 'em down in the pit.

Q This was the -- not the liquid pit;

is that right?

A Yeah, the liquid pit, but it would be Tier Number 2, but they were rolled down into the pit. So, you know --

Q Okay. So Tier 2. They'd come in to Tier 2?

A Right.

Q That's where you put them at least?

A Right.

Q So how frequently did all the Ohio Highway Department send you back drums, beat up drums?

A Mostly be late spring or early summer when, you know, we'd always hear on the news, well, the barrels are out again when they were working on roads and stuff. And that's when people would run into 'em and damage 'em and stuff like that. Through the winter and stuff I think that they would stock up on 'em and paint 'em orange and get 'em ready. And then when they had a road project B.G. Danis or -- I just mentioned their name the other day. There was two other road companies or contractors, and they would divide 'em up with them and use them.

Q Okay. So what kind of frequency

would you get waste from the Ohio Department of -- Highway Department?

A In late spring and summer we'd probably get a load a day.

Q And these drums would have waste in 'em; right?

A Right.

Q What did they do with stuff they picked up on the side of the road the rest of the year?

A I don't know. And then over on Tier 4 -- did I mention Tier 4?

Q You did.

A A lot of road, you know, debris would be put over there.

Q Where did that stuff come from?

A The Highway Department.

Q And what sort of debris were you talking about for Tier 4?

A Concrete, blacktop, gravel, stuff like that.

Q Was that a year-round thing?

A Pretty much, yeah.

Q From the Highway Department?

A Right.

Q All right. And let me ask you, do you know of a company named Ohio Seal and Chemical? Does that sound familiar to you?

A No.

Q And just to make sure, Ottoson Solvents, O-T-T-O-S-O-N, Solvents, is that a familiar name to you?

A (Indicating in the negative.)

Q You've got to say out loud.

A No. I'm sorry. No.

Q How about Patterson Iron and Metal?

A We just mentioned that.

Q Yeah. How about them as somebody that brought waste to the site?

A See, they would come pick most of our containers up that we loaded metal in. So I'm confused on what they would bring back. So I don't know -- and I think they did have a steel -- a melting process also, but it's not -- I don't have it in my head right now.

Q We may come back to them if we get a chance.

A Okay.

Q Let's keep going here.

What about a hauler named Peerless or

Peerless Transportation?

A Peerless Mill?

Q Peerless.

A Peerless. I remember that name.

Q Maybe we'll come back to that one as well.

Here's another company. We're getting down to the end of the list, and we'll probably take a break as soon as I finish the list 'cause I know you're getting a little tired.

Sherwin-Williams?

A Yeah, they were like Durel paint. Matter of fact, a lot of the paint that we used on the buildings came from Sherwin-Williams.

Q Really?

A Yeah. We'd take gallon buckets, five-gallon buckets and put it in 55-gallon drums and mix it up. Whatever color -- we had pink buildings one year, olive color next year.

Q Let me ask this. They were a customer of the South Dayton Dump and Landfill?

A Mm-hmm.

Q Answer the question. Your answer is yes?

A Yes.

Q And they'd bring drums?
A Yeah, mm-hmm.
Q And you observed that?
A Huh?
Q Did you observe them coming in with drums?
A Yes.
Q And did they use their own trucks?
A Yes.
Q And what did their trucks look like?
A They were white with "Sherwin-Williams" written on the side of it. Most of those came from the old BHA building on Patterson Road. That was their industrial part. And then they moved back in the early eighties to over close to the dump.
Q And let me see. What kind of -- what sort of truck was it you described? What was on the side?
A Like a panel truck that had that lift. Lift on the back of it. That's what they'd come.
Q Do you know what a box truck is? What would you call a box truck?
A It would be a Chevy, GM or Ford,

like a two-ton truck, three-ton that would have a box on the back of it.

Q Is that --

A Closed in where they could lower the door down like a moving -- U-Haul truck.

Q Is that the same as a panel truck, or is that something different?

A I would call a panel truck like the three-quarter ton, regular van or like a van.

Q And what -- Sherwin-Williams came in what?

A The box truck.

Q Sherwin-Williams had a box truck?

A Yeah.

Q Before I think you said panel truck, and I wanted to make sure we're on the same page.

A I'm really getting confused right now. I'm getting tired. I apologize. Now it's all getting a little --

Q We'll give you a break now and come back and finish off the list and then turn it over to my friends and colleagues.

A Okay.

MR. SILVER: All right. So let's take a quick break.

(Whereupon, a recess was taken.)

Q Ed, we were going through lists of companies, and I was asking you whether they were customers of South Dayton Dump. I've got a few more. I kind of missed one in the alphabetical order, so I'll have to jump back for that one.

Do you know the name Monsanto?

A Yes.

Q Do you know whether Monsanto was a customer at any time of the South Dayton Dump and Landfill?

A Yes.

Q Yes, they were?

A Yes.

Q Okay. Tell me about Monsanto as a customer.

A Well, we got products across the river. They had a plant or some kind of thing over there, and then Miamisburg somewhere they had something else. They call it The Mound. I think we got some stuff off of them. Skids, stuff like that to my recollection, paper barrels with stuff in it. I don't really know what was in it. Powder stuff.

Q Powder stuff in the paper barrels?

A They were in paper barrels, yeah.
Q And you mentioned a Monsanto facility across the river --
A Right.
Q -- from the South Dayton Dump?
A Yeah. It would be -- which I'm calling Edwin C. Moses, and then East River Road would come together. They were back in that little plat back in there.
Q Are you familiar with a road called Nicholas Road?
A Nicholas, yeah, that's it.
Q Is Nicholas Road related in any way to Edwin C. Moses?
A Yeah, I think Nicholas comes down from up the hill. And I think Nicholas was the one where they -- where Broadway comes into Nicholas is where they change it to -- down by the Arena change it to Edwin C. Moses.
Q And did you recognize trucks coming in from Monsanto?
A Vaguely.
Q What's your vague recollection?
A "The Mound," I think, something like that. I see red letters, but I don't know -- the

only thing that I can tell you that I remember is one of the drivers. And we were talking about where he was coming from, and I told him that my dad took me down there and showed me where there's five points of transportation. Back a long time ago they had the railroad, trolley, the Erie canal boats, and we talked about that. And then where 725 -- or Dixie was old 25 Highway, and he said he came from the Miamisburg plant. So that's what I remember from Monsanto.

Q Do you remember -- do you have any sense of what kind of frequency Monsanto hauled to the site?

A No. I'm not -- I would say maybe once a month maybe, something like that.

Q Okay. Let me just throw out a couple more names for you. How about the name Lau, L-A-U, Fan or Lau Blower? L-A-U. Is that a familiar name to you?

A Hmm-mm. L-A-U. Hmm-mm.

Q And what about --

A No, no, no.

Q That's all right.

What about Monarch Marking, M-A-R-K-I-N-G? Monarch, like the butterfly,

Marking?

A I know the name, but I don't recollect anything. No activity from the dump.

Q And we left off with Peerless Transportation. Peerless. Nothing coming back to you on that?

A The only thing I'm remembering is that they had -- on South Dixie they had a moving -- it was like a moving company, and they transported heavy machinery and stuff like that is what I remember.

Q You don't remember them being a customer of the dump?

A I believe they were, but, you know -- 'cause I'm confused. 'Cause I think we got more activity up at Powell Road, I think, than we did there.

Q Okay. How about the University of Dayton? Were they a customer of yours at the South Dayton Dump?

A They were like the Dayton School Board. We'd get like desks and stuff every now and then. But it wasn't -- towards the latter part when Dad got the -- after him and Mr. Horace Boesch had donated the Arena that they started bringing

stuff in. But then they got their own landfill next to the Arena, so they pretty much had their own dump.

Q You remember some stuff coming in from them, but later on?

A Yeah.

Q Maybe desks and the like?

A Pardon me?

Q Desks?

A Desks. We got a lot of light fixtures, fluorescent, you know, ceiling tile, stuff like that.

Q What sort of containers did they come in? What sort of trucks did the University of Dayton send their materials in?

A I don't know.

Q Okay. What about Van Dyne-Crotty?

A Could you spell that, Larry?

Q Sure. V-A-N D-Y-N-E dash C-R-O-T-T-Y. Van Dyne-Crotty.

A I think we got, if I'm not mistaken, a lot of towels, dispensers -- they were like those towel things you keep pulling down.

Q In the old bathrooms?

A Yeah, like the old bathroom stuff.

Heaters. Remember the old where you push the thing and the heat? But a lot of towels because we used their towels with Hewitt Soap Company's soap.

Q You had everything you needed, huh?

A It was all there, you know, so --

Q What about cleaning materials? Any cleaning materials from Van Dyne-Crotty?

A It was mostly -- no, I don't. No.

Q What about the kind of vehicles their stuff came in?

A I don't remember either.

Q How about frequency of --

A It would be also once a month maybe.

Q Now we're on a company called -- I'll just spell it 'cause I'm not sure. W-E-I-M-E-R. Weimer or Weimer Corporation?

A No.

Q Don't remember anything about Weimer Corporation?

A I know the name, but I don't remember them dumping there.

Q Did anyone bring acetylene tanks --

A Yeah.

Q -- to the site?

A Maybe that was Weimer. They were

down on Sellers Road and -- yes, I do remember.

Q Do you have any memory of any tanks that might take off like rockets during the burns?

A Yeah, when we'd burn the piles, if any of their tanks was in there, even if it had anything in it, boy, this thing would take off like a rocket. Yeah, I do remember that.

Q And do you have any recall --

A They'd sit there and the lid would bust or whatever. Shooooo. But I don't know if it was oxygen tanks, acetylene tanks or what. They looked like torpedoes they'd put in the old submarines. That's what they looked like to me.

Q Okay. Your own fireworks display, hmm?

A Yeah.

Q Now, tell me about Weimer. Do you have any information about what sort of vehicle their waste came in?

A Yeah, they came in on a flatbed truck that was, I think, green. And they would be all chained together with chains, and then they'd come and throw 'em off. They had a lift on it, too.

Q Chained together. That would be the

tanks chained together?

A Mm-hmm. Yeah.

Q What about frequency of their materials coming to the site?

A I don't know. When you saw the rockets that's -- you know, it was kind of scary. It was dangerous, you know, with the piles.

Q Let me run through a couple more companies for you. A.E. Fink?

A Yeah. Fink was the other highway -- they did highway roads for the counties.

Q For the counties did you say? The counties?

A Yeah. And then the city was mostly done by -- I just remembered five minutes ago.

Q That's all right. We may get to it.

A Okay.

Q Let's stick with Fink. They were a customer of SDD, of South Dayton Dump?

A Yes, mm-hmm.

Q What kind of frequency did you see Fink coming in, A.E. Fink?

A Fink in the peak of the season brought quite a bit of debris into Tier 4, and then their construction debris, you know, like road --

forms and stuff for concrete.

Q Metal?

A Metal.

Q Z-bar maybe?

A Rebar.

Q Rebar. Okay.

A What's that called? Mesh, wire mesh. A lot of it looked to me like expansion joints, expansion things, rubber. A lot of rubber expansion things.

Q Did they have their own trucks A.E. Fink?

A Mm-hmm, yeah.

Q Do you remember anything about --

A As I said, I don't remember what their emblem looked like.

Q Okay. What about a company called Zeigler, Z-E maybe I-G-L-E-R?

A Right. He did blacktopping. And it's Zeiler. I'm pretty sure it's Zeiler.

Q You spell it for me. Maybe I shouldn't ask.

A (Indicating in the affirmative.) Z-E-I-L-E-R? I'm not sure.

Q All right. And tell me a little bit

-- what can you tell me about Zeiler? You said blacktop?

A Zeiler would get a lot of his stuff from Valley Asphalt or, you know, pick up blacktop and stuff. But he did a lot of road work, parking lots, anything that would have to do -- I think he did a few driveways. But him and his brother I think was in business together. And then the latter part they rented my dad's office that he had on Springboro Pike.

Q Now back to A.E. Fink. You said that they -- you saw waste from them during the peak season?

A Yeah.

Q What was the peak season?

A From about end of March till November, in that area.

Q And how about Creigler?

A Creiger. That's it.

Q Creiger?

A Creiger.

Q Okay.

A And he was on Patterson Road in Oakwood, and he did most of the City of Dayton, Kettering and stuff like that. He did the cities.

Q Okay. And he was also a construction company?

A Right.

Q And was he a customer of South Dayton Dump?

A Yes.

Q And did he go to Tier 4?

A Pardon me?

Q Did he --

A Mostly Tier 4. Mostly it would be the same as B.G. Danis. It would be, you know, forms, concrete forms and stuff like that.

Q How frequent did you see Creiger?

A Creiger would come in about once a week.

Q And what about Zeiler?

A Once a month.

Q And did I ask you about Fink's frequency?

A I'd say once a month.

Q All right. I think we're done with the list. And I want to show you sort of a series of photographs --

MR. NASH: What was Creiger's first name?

THE WITNESS: Creiger? I don't remember.

(Whereupon, a discussion was held off the record.)

(WHEREUPON, Grillot Deposition Exhibit Numbers 5 through 23 were marked for purposes of identification.)

Q I'm putting a series of photographs in front of you.

A Okay.

Q And I'm going to ask you really one after the other pretty much to tell me what you're looking at and how it relates to that diagram in front of you, which is Exhibit 2.

A This is the building from Office Number 1. It's the site furthest north from South Dayton Dump.

Q And what you're looking at is marked as Exhibit 5; correct?

A Yes.

Q Okay. All right. Let's go to the next one, Exhibit 6. What do you see there?

MR. MOSS: Larry, excuse me. So I don't have to interrupt, may I have a continuing objection as to lack of foundation as to these

photographs?

MR. SILVER: Okay. I have no problem with that.

BY MR. SILVER (Continuing):

Q Just to help out, what's depicted in Exhibit 5, Ed, did you have an opportunity to look at this scene recently?

A Yes.

Q When was that?

A Sunday.

Q Okay. Let's keep going to Exhibit 6.

A Exhibit 6 would be the entrance from Office Number 2, and it would be where those two trucks are to the upper left-hand side.

Q Now, were the trucks there on the entrance to Office Number 2 or where the gate was?

A That was where the office was.

Q Where the two trucks are?

A Right.

Q And is it the building to the left of the office, the left of the truck?

A Mm-hmm.

Q Now, same question as Exhibit 5. Did you have the opportunity to observe this scene

recently?

A Correct. On Sunday.

Q All right. And this would be Office Number 2 as shown on the diagram in front of you, which is Exhibit 2?

A Yes, it is.

Q Let's go to Exhibit 7, and tell me if you can identify this scene.

A Again, this is Office Number 2 on Exhibit Number 7.

Q Same trucks as the previous photo?

A Yes, it is.

Q All right. And, again, you observed this --

A On Sunday.

Q Thank you. Exhibit 8?

A This would be -- on Exhibit 8 would be the building that Doyle's Auto Parts ran his operation out of.

Q And can you identify the location of Doyle's Auto Parts on the figure in front of you, Exhibit 2?

A Yes.

Q And you observed this on Sunday?

A Yes, I did.

Q And let's move on to Exhibit 9.
A Exhibit 9 is the entrance to Office Number 3.
Q Looking from which direction, Ed?
A This would be looking east to west.
Q From east to west?
A East to west.
Q Okay. And was the gate to entrance number 3 somewhere in this photo?
A Yes. I recognize from Sunday being at the location that that rusty pole coming out of the ground was our original gate post.
Q And that's a rusty pole almost right in the center or little above center of the picture?
A Correct.
Q Again, you saw this view on Sunday --
A Yes.
Q -- when the picture was taken?
A Yes.
Q That was Exhibit 9. Let's move on to Exhibit 10.
A It is the same photograph, just taken back a little further.

Q All right. What's that building on the right?

A That was a fabricating -- Buckeye Fabricating Company.

Q Was the office building at the entrance 3 visible in this photo?

A No.

Q Let's move on to Exhibit 11. What are you looking at in Exhibit 11?

A This would be the entrance to Office Number 3 also looking west to east.

Q Okay. The entrance to the office or entrance to -- where is the office? Can you see the office area?

A The office would be to the back side of this photo.

Q Oh, okay. And you're looking west to east here or east to west?

A West to east.

Q And, again, this is a view you saw on Sunday?

A Yes.

Q Let's go to Exhibit 12.

A And you can -- I'm sorry.

Q Go ahead.

A Also on the exhibit you can see some of the transformers. That's what they looked like.

Q The ones up on the poles?

A Yeah, mm-hmm.

Q All right. Okay. And Exhibit 12?

A 12 did you say?

Q 12, yeah.

A Exhibit 12 from walking the grounds on Sunday I found that to be the site of Office Number 3.

Q And was Office Number 3 a trailer?

A Yes.

Q And this is where the trailer was?

A Yes.

Q And anything else you want to observe on Exhibit 12?

A Well, I found where I had dug a trench from Office Number 2, a water line -- well pipe that was still sticking out of the ground that I buried. It was still there.

Q You don't see it in this picture, though, do you?

A No.

Q But you saw that pipe?

A Yes.

Q When you were out there on Sunday; is that it?

A Correct.

Q You're doing great. Let's move on to Exhibit 13.

A Exhibit 13 was down in the pit area, I believe. Yeah.

Q And this is what you marked on Exhibit 2 as the pit?

A Yes.

Q This is the liquid pit?

A It would be almost -- we couldn't quite get to it because of the growth that had -- this is where most of the fly ash and the powder that was dumped there.

Q Would have been in the location of Exhibit 13?

A Yes.

Q And this you observed on Sunday as well?

A Yes.

Q And let's keep moving. Exhibit 14?

A 14 is the pit, just a different angle of the pit.

Q Same as Exhibit 13, but a different

angle?

A Yes.

Q Also observed on Sunday?

A Yes.

Q All right. Let's go on to 15.

A This is standing on Tier Number 4, Exhibit 15, looking down on the pit.

Q Which direction are you looking at on this photo?

A It would be southeast looking to northwest.

Q And again observed on Sunday?

A Yes.

Q All right. Anything else you want to say about 15?

A No.

Q All right. Let's move on to 16.

A Picture on 16 shows, I guess, one of EPA's well things. And at the end of this grassy area to where the brush is to the upper-hand of the picture is where the pit -- the actual water would be sitting of the pit.

Q And what direction are we looking at here?

A East to west.

Q Anything else you want to say about 16?

A No.

Q You saw that on the scene on Sunday as well?

A Yes.

Q All right. Let's move to 17.

A 17 is the road that Dad allowed DP&L to park the trucks and stuff looking over to their station, their service area.

Q And what road is right in the middle of this picture?

A Dryden. Dryden Road.

Q And you saw this scene on Sunday?

A Yes.

Q You want to say anything else about this photo?

A No.

Q All right. Let's keep going.

A Exhibit 18 is when they were trying -- I was trying to get my bearings as to where we were in reference to the landfill. And at the very bottom left-hand side you can see something appears like a rock, and that was a corner of the incinerator.

Q And is the incinerator marked on the diagram you have in front of you as Exhibit 2?

A Yes, yes.

Q Same incinerator; right?

A Yes.

Q And you observed this on Sunday?

A Yes, I did.

Q Let's keep going.

A This is a more widened picture of the incinerator. Behind these trees is the four foot wall of the incinerator.

Q Also observed on Sunday?

A Yes.

Q All right. This was Exhibit 19 you just referenced; right?

A Yes.

Q Let's move on.

A Okay. Same photograph of the incinerator that we saw on Sunday, but it was more in the corner. It goes to the left of us and then back. It's the corner part of the incinerator.

Q Understood. Okay. That was 20. Let's move on to 21.

A This picture 21 was taken looking southeast to northwest position, and where the tree

1 -- the bigger trees is where the area where the
2 transformers were stationed in that area on the
3 side of this fence.
4 Q And this is a photograph looking
5 southeast to northwest you said. Did I catch that?
6 A Right, mm-hmm.
7 Q And you observed this scene on
8 Sunday?
9 A Yes.
10 Q Anything more on that one?
11 A No.
12 Q Go to the next one.
13 A This was the pad --
14 Q Exhibit 22 you're looking at. Sorry
15 to interrupt.
16 A Exhibit 22 is the concrete pad. To
17 the very right of the picture is where the
18 incinerator's position would be. And this is the
19 slab where we would -- the skids would be dumped
20 on, and we would stack them as quickly as possible,
21 burn the ones that needed to be burned, and take
22 the others to another location to be recycled.
23 Q I see what looks like some telephone
24 poles on here?
25 A That's one of the telephone poles

from Dayton Power and Light.

Q Did anyone else send telephone poles to the site?

A No.

Q And this is Exhibit 22. You observed this scene on Sunday?

A Correct.

Q All right. I think we got the last photo here.

A As you can see to the -- on Exhibit 23 there's some skids still left over to the very left of the picture, and then the tires and debris there the only thing I can -- they either came from where Valley Asphalt is from Doyle's Auto Parts or they could be loads that came in to be dumped.

Q Just a question. Is the scene in 23 related to the scene in Exhibit 22?

A Correct.

Q Okay. It's nearby. Is that what we're talking about?

A Yeah, they're actually on the same slab on the other side of that pile that you see on 22.

Q And as far as 23 is concerned, did you observe this scene on Sunday as well?

A Yes.

Q We're done with that. Let me just have a couple more pictures to show you.

(WHEREUPON, Grillot Deposition Exhibit Numbers 24 through 29 were marked for purposes of identification.)

Q This won't take too long, Ed. I just wanted to run through these for you.

A Okay.

Q Starting with Exhibit 24, which seems to be a front-end -- at least it's marked as a front-end loader with a group of pictures. Do you recognize any of the photos on this list on this page?

A Yeah, the one to the top right I recognize that as a General Refuse truck, and it was changed I think to IWD. It turned into IWD, I believe, when it was bought.

Q You recognize it as a General Refuse type truck?

A Dump truck, yeah.

Q A type of a truck or the actual truck?

A The actual truck.
Q So you think this is actually a General Refuse truck or just the type of truck they used?
A I remember the colors.
Q Oh, you remember the colors. Okay.
A I pressured washed a lot of 'em for Larry Brandon and painted some of 'em.
Q All right. And this is Exhibit 24. You're looking at the top right photograph?
A Correct.
Q Okay. And let's go on to Exhibit 25. Recognize any of the trucks on here? Does it bring to mind anything?
A No.
Q Nothing at all?
A All right. We can keep on moving.
What about Exhibit 26?
A The containers are pretty -- on Exhibit 26 are pretty similar to the ones that General Refuse -- or Container Service built and General Refuse used.
Q Any other thing on 26 you want to mention?
A No.

Q All right. What about 27, Exhibit 27?

A The bottom truck, the green one, and the white also were used with several of the companies that dumped there.

Q Any in particular that you can remember?

A Inland, Delphi, General Motors. That's all I can remember at this moment.

Q Let's go on to the next one, Exhibit 28. Do any of these pictures bring to mind anything?

A The one at the top was a type of truck that was used from when those cones were brought in, the Apollo things.

Q The ones from Duriron?

A Duriron, yes. And then Patterson Iron and Metal and Franklin Iron and Metal they both had -- they had trucks like that.

Q They had trucks like that?

A Yeah.

Q What substances did Patterson bring?

A Pardon me?

Q What did Patterson bring onto the site in these kinds of trucks?

A Well, that's where I'm kind of confused as far as -- they picked things up, like I said.

Q You don't remember whether Patterson brought anything to the site?

A Right.

Q Same for Franklin?

A Yes.

Q Do you remember Franklin bringing anything to the site as opposed to --

A I do, but I don't remember.

Q You don't remember what?

A I don't remember what.

Q All right. And then let's go to Number 29 to see if that calls your mind to anything.

A No. But on DP&L's big truck they had something similar to lift those telephone poles off that I remember, but it wasn't like this truck.

Q Are you referencing the top picture or the bottom picture or both?

A Both. 'Cause the way the -- the thing that's round up there, the way they'd go down and pick up that's something -- I only remember that. We had some tree companies come in that had

those booms, you know, and I think Dayton Power and Light trucks had the booms and Ohio Bell.

Q Okay. One other question and then I'm going to take just a break to see if I have anymore. I'm not sure I do.

But we talked about drums coming in from the Barrel Factory.

A Mm-hmm.

Q What sort of trucks did you see coming in from the Barrel Factory?

A Well, I mentioned before it was a big -- I don't know my trucks, I mean, by the tonnage, but they were big -- if we go back to -- it would look similar to Exhibit 27, the bottom truck, the green one. But it wasn't a -- it was caged in, and that's where they would bring some in that and take 'em in that. And then like this dumpster is what -- they would bring some in. When I told you they would spill and stuff like that, they were more like dump trucks.

Q So some of them looked like these roll-off trucks in the bottom picture?

A Right.

Q And others more like dump trucks?

A Right.

Q All right. I think I'm going to take a quick break to huddle and see if I have anymore questions. I don't think so. Just a quick break.

(Whereupon, a recess was taken.)

MR. SILVER: We pass the witness. We're done. And it's up to whoever wants to go first. Marty, you can go first.

MR. LEWIS: Actually, since I'm on the phone why don't people in the room go first. That might be the best thing.

MR. SILVER: No problem. Any volunteers?

CROSS EXAMINATION

BY MR. MERRILL:

Q Good afternoon, Mr. Grillot. My name is Frank Merrill. I'm an attorney with the law firm of Bricker and Eckler, and I'm here representing one of the defendants, the Dayton Power and Light Company, DP&L.

A Okay.

Q So I've got some questions and follow-up questions to ask you regarding --

A What kind of questions?

Q Some follow-up questions.

A Oh, follow-up. Okay.

Q Regarding your testimony this morning --

A Okay.

Q -- and this afternoon.

Same instructions. If you don't understand my question, please ask me to repeat it.

A Okay.

Q And I'll make sure that you do understand it.

You indicated that you're currently residing in North Carolina; is that correct?

A Mm-hmm.

Q What's the mailing address for your current residence?

A I can give it to you. I don't have it memorized all the way. Please excuse me. I'm sorry. Here it is. It is 4360 Highway 903 South, Snow Hill, North Carolina, 28580 is the Zip.

Q How long have you lived at that address?

A Almost two years now.

Q You gave us a summary of your employment up till I believe about when you were 27 years old. Can you go from that point in time when you were about 27 years old and bring us up-to-date

with respect to your employment history, what you've been doing since you were 27?

A I started selling firewood off of Sandy Mountain, which is above DP&L's and the South Dayton Dump's area up there. We cleared that land off for -- to get Broadway Sand and Gravel that they could excavate it and then refill it with different debris. That would have been '79, I think, to '81 maybe. Then I went to business for myself after that and installed fireplaces. Stone masonry is my heritage, so I put stone fronts on 'em and stuff like that. From there I went to --

Q Let me stop you right there. You started doing that around 1981 installing fireplaces?

A Yeah, mm-hmm.

Q And then you're about ready to move to a different vocation or different job?

A Yes, mm-hmm.

Q And what's the approximate time period?

A Of the fireplaces?

Q Yeah.

A I would say '81 till about '83, something like that.

Q Okay.

A Then I worked for several different construction companies, which would be similar to A.E. Fickert. We did fire alteration. It's called Angler Construction. And then I worked for another -- I can't remember the name of the other company. Don't remember.

Q Okay. So that's 1983 until what period of time were you in the construction business?

A Till present.

Q Till present?

A Yeah, mm-hmm.

Q Are you currently in the construction business?

A Semi.

Q What do you do for a living?

A Right now I'm semi-retired, I guess you'd say.

Q Well, if you're semi-retired that means probably half the time you're not retired. So what do you do the other half of the time?

A I met -- where I'm staying at in North Carolina the gentleman has an old tobacco barn, and I converted one into a hunting lodge for

him. It took me the two years to do that. But my health is deteriorating pretty quickly, so I'm having a hard time doing it. So I went to the hospital, and they told me to try to get on disability because of my ailment that I have.

Q Are you on disability now, sir?

A Not yet, no. We are on appeal right now.

Q You indicated that you're having some health problems?

A Yeah.

Q Are you currently under any medication?

A Yes, mm-hmm.

Q What medication are you taking currently?

A Trazodone for sleep, 100 milligram.

Q Anything else?

A And Celexa. It's a mood stabilizer. And then I take a mild blood pressure medicine.

Q Are you currently taking those?

A Yes, mm-hmm.

Q Do you know the dosage of your -- of those medications currently?

A Yes. Trazodone is 100 milligram.

Q And that's a day?
A Pardon me?
Q A hundred milligram a day?
A A hundred milligram a day. And then Celexa is three times a day, 20 milligram.
Q And the blood pressure medicine?
A Yes. I don't know the -- I don't take it that much.
Q Okay. The mood stabilizer you're taking three times a day?
A Yes, 20 milligram, three times a day.
Q And you're currently -- you've ingested some of that today?
A Yes.
Q When you moved -- strike that.
Why did you move to North Carolina?
A I had met a lady line dancing in Miamisburg, and we got to be friends. And she was a nurse, and we got to be -- our friendship grew. We decided we wanted -- we asked each other what we wanted to do the rest of our life. I said I'd like to travel. I've been stuck in Dayton all of my life. So she found out that she could travel nurse, and so I picked up my tools, and she got the

1 opportunity. We flew out to Hawaii first, and that
2 was our first assignment was out in Hawaii for 11
3 months. And we bought a -- up in Chicago we bought
4 a fifth wheel and a truck so when we came back we
5 could travel the western part of the United States,
6 and so we did. One of the last assignments she had
7 was North Carolina, and that's where I met this
8 gentleman helping someone else put a driveway in.
9 He saw my talent, and we moved to Michigan after
10 that. Then he kept -- Johnny down in North
11 Carolina kept asking me to come back, and that's
12 where I'm at now.
13 Q Have you ever given a deposition
14 before, Mr. Grillot?
15 A Not that I can recall, no.
16 Q Ever been convicted of any crimes,
17 crimes other than transportation-related?
18 A Yes.
19 Q And what crimes are those?
20 A When I was a teenager I was accused
21 of holding marijuana, so I got held holding the
22 bag. But that was a felony back then no matter
23 what you had. So that was the first mark on my
24 record.
25 Q Other than the marijuana possession?

A Are you leading to -- I don't know. I'm trying to think what word I could use. Chemical dependency? Is that what you're asking or --

Q No. I'm just asking a question whether you've been convicted of any crimes?

A Okay.

Q And you indicated that you had. I just wanted you to list the ones that you have been convicted of.

A Yeah, the marijuana conviction was a felony. I had another felony back in '03, and it was for domestic violence.

Q Anything else?

A No.

Q When did you first learn of this lawsuit relating to the South Dayton Dump?

A This particular or when my dad passed away?

Q No, this particular lawsuit. I mean, do you understand that you're here because there's a lawsuit that's been filed?

A Probably a month ago.

Q And how did you learn about that?

A My girlfriend that I traveled with

1 called me. She lives up here in Dayton and said
2 there was a gentleman at her door asking questions
3 about me, trying to find me.
4 Q And who was that gentleman?
5 A Bill Walsh.
6 Q Do you know Bill Walsh?
7 A No. Not personally, no.
8 Q Do you know how Bill Walsh got your
9 name?
10 A Apparently he had some time finding
11 me, but I think he got it from my girlfriend's --
12 well, how he got my name I'm not sure, but how he
13 got to find Donna that found -- that knew how to
14 get ahold of me was he went up to an old house that
15 Donna had owned when I met her, and her daughter
16 was living there. And I think her daughter's
17 boyfriend was there and gave her -- or gave Bill
18 information on where I was at, and that's how the
19 contact was made.
20 Q Who contacted you?
21 A Donna called me first 'cause Bill --
22 like I said, Bill was there and so on and so
23 forth.
24 Q Who contacted you after that?
25 A After that?

Q About this lawsuit.
A No one.
Q No one? So you've talked to no one about this lawsuit since you talked to Donna?
A Oh, oh. Well, Bill came to talk to me about why he was there.
Q Bill came to North Carolina to see you?
A Yeah, mm-hmm. Yeah.
Q Can you tell me about that conversation?
A Well, I really wasn't quite sure what was happening at the time. I didn't know if it was a continuation of my dad's EPA and with attorneys that my dad had at that time. But once he arrived he explained that he was representing some other companies that was in a EPA type of thing and they wanted information, so I gave him information.
Q Do you know who Bill Walsh worked for?
A Not till later on.
Q And who does he work for?
A Larry.
Q Larry. Mr. Silver?

A Yes.

Q So after you had this conversation with Mr. Walsh, did you have any other conversations with anyone about this lawsuit?

A I got a few phone calls that Bill said Larry would like to talk to me. So Bill and Larry also came down to see me in North Carolina.

Q What did you talk about?

A Their -- they wanted to know my knowledge who dumped there. Actually it started out what did I do on the landfill, what did I recollect the operation did, and who was involved, you know, my other cousins and stuff like that I mentioned this morning. Talked about the different companies that I remembered had dumped there.

Q Did you talk about some companies that you didn't mention this morning or today during your deposition?

A No, not that I can recall.

Q Not that you can recall. Okay.

After your meetings with Mr. Walsh and Mr. Silver in North Carolina, did you have any other discussions with anyone regarding this lawsuit?

A I had called my brother. He was a

1 younger brother. He was appointed executor to my
2 father's estate after my Uncle Alcine had passed
3 away, and I asked him if he knew what was going on
4 because I thought they would contact him. And sure
5 enough, he told me that they had been trying to get
6 a-hold of me through him and that he didn't think
7 that I wanted to know, which made me pretty mad
8 because I did want to know.
9 Q What's your brother's name?
10 A John Robert Grillot.
11 Q And apparently John is still alive?
12 A Yes.
13 Q Does John live here in the Dayton
14 area?
15 A Yes.
16 Q Besides John, did you talk with
17 anyone else?
18 A Just my girlfriend, Donna.
19 Q So you made arrangements to come up
20 here for this deposition today through Mr. Silver;
21 is that correct?
22 A Yes, mm-hmm.
23 Q When did you arrive in the Dayton
24 area for this deposition?
25 A It would have been Saturday

1 afternoon on the -- I think the 10th.
2 Q Did you meet with Mr. Silver or
3 anyone associated with Mr. Silver on Saturday?
4 A No. I got in pretty late.
5 Q Did you meet with Mr. Silver or
6 anyone associated with Mr. Silver on Sunday?
7 A No, not that Sunday. The following
8 Sunday we did.
9 Q Oh, so you've been here for --
10 A A week.
11 Q A week?
12 A Yeah.
13 Q You met with Mr. Silver this past
14 Sunday; is that correct?
15 A Yes -- no, not Mr. Silver. Bill.
16 Q Mr. Walsh?
17 A Yeah.
18 Q You met with Mr. Walsh on Sunday?
19 A Correct.
20 Q Was Mr. Walsh the one who took the
21 photos that have been identified as Grillot
22 Exhibits 5 through 23?
23 A Yes.
24 Q Did you meet with anyone else other
25 than Mr. Walsh this past weekend?

A Yes. I guess we either had to get permission or walk with someone that was involved with the cleanup effort. I don't know if it was the EPA or another company. I think from my understanding the guy was from Cincinnati. So -- but he drove us around in his truck where we could get, and then we got out and walked. And I don't remember the man's name.

Q And this was Sunday --

A Sunday, yeah.

Q -- when you went and visited the landfill and walked around?

A Right.

Q It was with someone from Cincinnati?

A Right.

Q But you don't remember the man's name?

A No.

Q Was he with U.S. EPA?

A I don't know if it was that or independent contractor. I don't know. But they have an office there, a trailer.

Q At South Dayton Dump they have a trailer?

A Correct.

Q Was it someone with Conestoga-
Rovers, CRA?
A I saw something on the side of the
truck started with a C.
Q You indicated then you met with Mr.
Walsh on Sunday?
A Yes.
Q What did you talk about?
A At the beginning before we got there
he was just explaining to me that we would probably
have to wear a hard hat and that we might have to
sign a paper in order to get in, and he wanted
directions. So we left my residence and drove down
there, and then we met up with that guy that had
the truck. So -- and then that's -- we couldn't
find him at first. So that's when we decided to
take the pictures, take the photographs. And then
we finally figured out what entrance. They had
another entrance, and that's where we went to and
he was there.
Q So the time that you've been here in
Dayton recently for this deposition, have you been
staying at a hotel?
A No. I stayed a couple nights with
Donna, and then I came up -- I had a camper. I got

a camper, and I'm staying up in Medway in the back yard of her daughter's house in the camper. I got a couple of dogs, and they don't really like the dogs. Little feisty.

Q But the -- I understand the Plaintiffs are paying your expenses while you're here; is that correct?

A Just -- it was just to get up here, and then I got a two-meal ticket and then one night at a motel.

Q Are you being paid for your time to sit at this deposition?

A No.

Q You had indicated in your testimony earlier that you saw this 1939 aerial photo of the site?

A Right.

Q Where did you see that?

A The gentleman that showed us the site on Sunday he had those aerial -- or the aerial shots.

Q He has a 1939 aerial shot?

A He had several of them. '39, '52, '54, '60-something and then '05.

Q And where did you actually view

them? Were you in the trailer at the site?

A Actually when we was over by the incinerator he showed 'em to us then. Or, no, it was before we got to the incinerator because I couldn't get my bearings 'cause everything was so built up I couldn't tell. So he said, "Well, here. Look at this. Maybe it will help you." Then we got around to the incinerator. That's where I got -- where I was, and then I pretty much led them down to the pit and then to where the trailer used to sit at the landfill.

Q Did you view any other documents?

A No.

Q Have you been given any documents to review in preparation for this deposition?

A No. But I think I mentioned this morning I have an aerial shot of the dump. And several times before I left Dayton to travel I noticed that Valley Asphalt had ate up a lot of the land with the blacktop on top of it. So that's my knowledge. But I never was inside the site to really -- and I didn't have the understanding that they fenced it off and they had contractors there observing the site. I didn't have no other knowledge of that.

Q You indicated this morning that your father Cyril and I believe your Uncle Horace Boesch --

A No, it would be his partner.

Q His partner?

A Yeah.

Q Cyril's partner Horace Boesch --

A Correct.

Q -- owned the facility at one time?

A They owned the land, not the business.

Q Owned the land?

A Right.

Q Do you know who currently owns the land?

A I asked that question to I think Larry or Bill, and they think -- or to their knowledge my stepmom and Horace Boesch's widow owns the portion that the dump sits on. Valley Asphalt bought where Doyle's Auto Parts would have had his auto parts operation.

Q What's your stepmom's name?

A Margaret Grillot, G-R-I-L-L-O-T.

Q And Margaret is still alive?

A Yes, mm-hmm.

Q Is there a Kathryn Grillot? Kathryn Grillot?

A No, Kathryn Boesch.

Q Kathryn Boesch?

A She's the widow of Horace Boesch.

Q Are you aware of any arrangements or agreement with your stepmom regarding this facility?

A I believe that I heard -- the knowledge that I got from all the chaos was that Kathryn and --

Q Kathryn?

A -- Boesch and Margaret Grillot received mostly buildings and land from the estate, and then the siblings would get mostly cash.

Q But you're not aware of any type of agreement with U.S. EPA or others --

A Oh, yeah.

Q -- related to the South Dayton Dump?

A Yes, I was.

Q Can you tell me what you know about that?

A At that time there was a law firm that we had to pay, Coolidge. They used to be EPA people, but they were attorneys representing my

father's estate. And they had agreed with EPA -- we had a big meeting that they would set a fund aside of a million dollars to clean up the dump, which Kathryn and -- Kathryn Boesch and Margaret Grillot would pick up most of it, and then the siblings would pick up the rest. Which my share was right around 125 or close to 200,000 each one of my siblings.

Q So have you personally contributed $200,000 into this fund?

A Yes, mm-hmm.

Q And did you receive any type of settlement or sign an agreement with U.S. EPA?

A Well, we couldn't get our inheritance until we did.

Q So you did sign?

A Right. It was sort of, I guess, my understanding our goodwill or our faith that here is this. That we'll clean it up, and if there's anything left you might get it. That's what I assumed happened. Like I said, my frustration was going down there and seeing Valley Asphalt keep putting -- who's going to clean up what? Are they just burying the dump with blacktop?

Q So you put in $200,000 into this

fund --

A Yes.

Q -- to get your inheritance; is that correct?

A Right.

Q And how much did you get back?

A 140,000.

Q So you put in 200 to get 140 back?

A Right. Now, like I said, the amount could have been 125 to 200. I don't remember. I think I still actually have the documents.

Q Are you aware of any type of agreement or arrangement with the plaintiffs in this case, NCR, Hobart, Dayton Walther and the other owners of the property related to this site?

A I don't understand the question.

Q Fair enough. Are you aware of any type of agreement with your family members and the plaintiffs in this lawsuit, namely, NCR and Hobart and Dayton Walther?

A No. Because I was surprised to hear because one of my initial meetings with my dad's attorney and Coolidge and those guys was, "Why don't we get everybody else involved that dumped on this site to help with the cleanup?" They said,

"No, we can't do that." So when this all came about I was surprised.

Q You testified earlier today, Mr. Grillot, that DP&L trucks came to the site; is that correct?

A Mm-hmm.

Q Can you tell us what color those trucks were?

A They were either yellow or white, but I'm pretty sure they were white.

A I just remember especially being younger the emblem because, like I said, I remember seeing it on TV. And in talking to drivers. We all -- when they'd get out and do whatever they had to do, you know, we'd talk, and I was --

Q So this is early 1960s?

A Yeah.

Q Would you say 1960 to 1965 time frame?

A That would be close enough, yeah.

Q And you recall seeing DP&L trucks at the South Dayton Dump?

A Yes. Now, my recollection of seeing -- when I was younger working in those piles, you know, like I said, we would go home and see Channel

7 have their program and that's what I remember. But later on I don't remember when they changed their logo on the trucks to DP&L from where it was on like a circle Dayton Power and Light. But I remember the different trucks, like the boom trucks and then the ones that had the long telephone poles on 'em and stuff like that. Like I said a minute ago, the drivers -- I said, "How do you make a long turn like that?" So I knew they worked for DP&L out of word of mouth.

Q And your recollection is that the trucks were either white or yellow?

A Right.

Q Let's talk about your testimony regarding transformers at the South Dayton Dump. You testified that you recall seeing transformers at the dump; is that correct?

A Yes, mm-hmm.

Q And do you know where those transformers came from?

A Where they came from?

Q Correct.

A DP&L.

Q And what's the basis of your testimony that they came from DP&L?

A What was my testimony?
Q Why do you believe they came from DP&L?
A Well, one, I saw 'em bring them. Second, I don't think there was any other power company there at the time other than CG&E, and that was further south that I know of. And Uncle Alcine and Kenny told me and Bud, Bud Young.
Q How many transformers did you receive at one time?
A Anywhere from half a dozen to a couple dozen.
Q All just -- not more than 20, 30?
A Something like that, yes.
Q And all the transformers you saw you believe they came from DP&L because you either saw them come in or was told that's where they came from?
A Right. Right.
Q Do you ever recall any markings on the transformers that indicated that they came from DP&L?
A They were stamped with some kind of tag, and then I thought I saw the emblem of the light bulb on the thing, but I'm not a hundred

1 percent sure on that. Just like the telephone
2 poles, they'd have a metal plate on 'em. The
3 telephone poles they had at the end of 'em stamped
4 in the wood.
5 Q So you recall seeing a metal tag on
6 those transformers?
7 A Mm-hmm.
8 Q And that metal tag designated DP&L
9 as the --
10 A I don't remember that, but I know
11 they had like a lot of numbers on it like "Pole
12 something or other." And there we came from Uncle
13 Alcine or Kenny, you know. We had a hard time
14 moving 'em with the dozer. That's all I remember
15 at this time.
16 Q But do you remember any markings on
17 the transformer that said it came from DP&L?
18 A No, other than the tags. I mean, if
19 the tags -- I don't remember seeing DP&L, no. At
20 this point, no.
21 Q But your testimony is the tag does
22 not say DP&L; is that correct?
23 A At this point, I don't know.
24 Q Do you recall whether the
25 transformers still contained the bushings and the

inner workings inside the transformer casing?

A They were intact like I saw on the picture, yeah.

Q You recall looking inside them?

A One of them that was broke and we saw some kind of liquid. The burnt one we could look at pretty good 'cause we were trying to see how that much power, but other than that, no. I don't know what was done with them after they were on the site. That wasn't, you know, my job. So I don't know even what was in 'em to recycle or, like we said, Uncle Kenny or Alcine if he thought there was some use for it. But I thought my knowledge they were just being stored there at that particular location, so they had no monetary value that I knew of.

Q So your testimony is that you don't know exactly what was in the transformers?

A No. I didn't learn that till after the lawsuit -- or the EPA came in because of their drilling and stuff. They noticed the ingredients inside the transformers they found in the soil, and they said it came from transformers. And, oh, I know where that -- that was the only thing when we were at Coolidge law firm that I said and it

clicked in my mind where we had 'em. So I don't know where they drilled at. I don't know where they -- as a matter of fact, the fence that's up there is on the opposite side. The transformers aren't even in the initial what would you call it? The hot spot. It's on the other side of that. And that's what one of the exhibits in the picture shows.

Q Let me just clarify so I understand. You don't know what was inside the transformers that you saw at the South Dayton Dump; is that correct?

A To be honest with you, no, as a kid I didn't know.

Q And you don't know whether those transformers were actually disposed of in the South Dayton Dump; is that correct?

A Correct.

Q You don't know what happened to those transformers?

A No.

Q That is correct?

A Correct.

Q Is it possible that some of the transformers came in from General Motors or Inland

or Delphi or some of the other facilities when they were changing out their transformers?

MR. SILVER: Objection. Calls for speculation.

BY MR. MERRILL (Continuing):

Q You can go ahead and answer.

A Not to my knowledge, no. I don't know that.

Q In your testimony earlier you discussed this lead smelting type of operation that your Uncle Kenny --

A Right.

Q -- had there. And I believe it was your testimony that you and your cousins would gather electrical parts and store 'em, and then would you melt off the lead pieces?

A Well, they would be put into that kettle to be melted down into the bars, yes.

Q And where would these metal pieces come from?

A Like I said this morning, I would pick them up from the dump site where DP&L -- we almost had like a specific spot like I mentioned this morning where DP&L -- because I'd have to get down and really nitpick to get every copper wire

that was burned off, but we'd go there before to get those couplings because Uncle Alcine wanted to melt them down.

Q How do you know they came from DP&L?

A 'Cause it was DP&L's pile.

Q Oh, there was a DP&L pile?

A Yeah. Like I just mentioned, that we -- you know, we had -- that that had a lot of small parts, connectors, lightning rod things, and just that was their pile, you know. And from what my uncle said, a lot of it -- their service area over there they did a lot of, I guess, work or emptied out the trucks or whatever, and it would all be thrown in and be brought over to be dumped. But as far as, you know, knowing exactly, there was no label on it, but we knew that that was DP&L. I would see 'em come dump the trucks and see stuff like that fall out, especially, you know, connectors and stuff like that. Some of 'em we took we didn't have to let 'em go through a fire. They could be sold that way. But if they had any type of an insulating material on 'em, they had to be burnt first.

Q Did anyone else dump on the DP&L pile?

A As I mentioned before, sometimes when people would dump in the evening there could be a pile there, yeah.

Q There wasn't a sign that said "DP&L Pile Only"?

A No, no, no.

Q There wasn't an understanding that no one can dump there but DP&L?

A Between us it was. When we were there during the day we didn't want nobody else dumping there. Because the other debris went and put ashes -- after we'd burn it it would be harder -- you know, with furniture and stuff like that the stuff there would make it harder to go through.

Q When you assembled all these metal pieces to melt down for the lead content, did you also get pieces from places other than the DP&L pile?

A Yes. Tier Number 4 when I mentioned I found cast iron shrouds that were to protect the gas lines and stuff like that, there would be lead shroud that would go -- I don't know if it was from water pipe or gas pipe, but they were lead shrouds. And I questioned somebody. I don't remember who it was. No, no, it wasn't till later in my life that

I found out that all the water pipes in the City of Dayton had lead shrouds holding the residential pipes into these pipes. And I told the city guy, I said, "You guys get so mad because we're contractors and we scrape paint off of houses and it drops down on the floor, and here you got lead." Some of those went into the piles, too, that I would find on Tier Number 4.

Q But with respect to waste from other companies, like I believe you testified Ohio Bell dumped waste at this site, and their waste stream had some material that you would recover or use to recover the lead from?

A (Nodding in the affirmative.)

Q So there's other waste streams at the site that you would salvage the lead for your Uncle Kenny for this?

A Some of the copper like lightning rod -- where the wire would go into lightning rods, those connectors could have came from Ohio Bell, yeah.

Q You mentioned that this ingot type of apparatus that Uncle Kenny constructed was made of creosote four-by-fours?

A Uncle Alcine. Uncle Alcine made.

Q Uncle Alcine. I'm sorry. Was constructed of four-by-four --

A Right.

Q -- creosotes?

A It was either creosote or some kind of rubber like maybe tar off of something, but I was told it was creosote.

Q And I believe in your earlier testimony you indicated it was from DP&L?

A Right.

Q And how do you know that?

A 'Cause I asked my uncles, you know, "What is this for?" And they said, "Well, this comes from DP&L and we're burning 'em." They would put off so much smoke into the regular dump pile, and they found a use for 'em to melt the stuff in that pot. It would be useful, so we put 'em off to the side. As a matter of fact, that red building in one of these -- that's where we stored 'em. And when we were on the site Sunday we found still a pile sitting there still with the creosote on 'em. But that was a known fact through the whole dump. Everybody probably knew that, I think.

Q Did you ever see someone from DP&L disposing of these four-by-four creosote poles?

A Yeah. They come in with the trucks -- they come in a lot of times on skids that would have wooden like a crate, and then some will come in the back of a truck.

Q But you don't know whether it's creosote; is that correct?

A No, no.

Q You indicated also that you observed DP&L dumping fly ash at the South Dayton Dump; is that correct?

A Yeah, mm-hmm.

Q Do you know where the fly ash came from?

A Uncle Alcine said it was from the Tait Station. That's all I remember. And I don't know about the black -- the black powder stuff where that came from. It was to my knowledge DP&L's.

Q Did you see DP&L dump the black powder stuff also?

A Oh, yeah. Well, I -- I don't know on the black powder. The fly ash I knew for sure, but the black powder I'm not a hundred percent sure.

Q Just so that I understand your

1 testimony, you did witness DP&L dumping fly ash at
2 South Dayton Dump; is that correct?
3 A Right.
4 Q But you're not sure with respect to
5 the black powder stuff; is that correct?
6 A Right, yeah.
7 Q How do you know it was from DP&L?
8 A 'Cause the fly ash came in DP&L
9 trucks.
10 Q 'Cause it was in a DP&L truck?
11 A Yeah, mm-hmm.
12 Q Did it ever come in a truck other
13 than a DP&L truck?
14 A I don't know.
15 Q You testified earlier, Mr. Grillot,
16 of drums being dumped in the pit area and liquids.
17 Where did the drums come from?
18 A Most of 'em I had -- was told and
19 seen was from the Barrel Factory out in
20 Beavercreek.
21 Q Did they have any names on the
22 barrels, any logos?
23 A Oh, there was plenty of -- there
24 would be tags on 'em and stuff like that. Paper
25 tags that were like in a rubber type of thing. But

I don't remember -- I might have looked at them, but I don't remember like where they came from and so on and so forth.

Q Do you recall any of the contents based on those tags?

A Well, I know one of the contents it would work in a dozer, so I assume it was hydraulic fluid. Because I had done a little bit of mechanical work on my own car, I know what brake fluid looks like. It kind of has a smell to it. It was the same smell that I mentioned this morning that brake things would come in from General Motors. We would have to take the cap off, and some of 'em would have that same liquid in it. I do remember that.

Q Do you recall any waste coming to the site from NCR?

A No, because I was told that they had their own landfill. Now, I believe -- I don't know.

Q So your testimony is you don't know whether NCR took any waste to the South Dayton Dump?

A I'm having -- I'm a little tired. I'm trying to think. But, no, I don't remember.

I'm half-and-half on it right now, so I don't know.

Q Half-and-half on what?

A That I don't remember recalling seeing anything with NCR's logo on it or anything like that.

Q And the other half you do recall seeing an NCR logo?

A I think I remember seeing -- but I've been in Dayton all my life. I've seen trucks. Right now I'm confused of what I saw through my lifetime and what I remember right now to see 'em on the dump. This is a lot of information. If you want an honest answer, I don't remember right now at this particular --

Q I want an honest answer. And if that's your honest answer, I understand.

Same question with respect to Hobart waste. Do you recall Hobart waste ever being dumped at the South Dayton Dump?

A I was really surprised about Hobart.

Q What were you surprised about?

A Huh?

Q What where you surprised about Hobart?

A That they would dump something all

the way from Troy. But then when I remembered that some of -- there was facilities over in East Dayton that, I guess, was like a subsidiary or a tool and die shop, I guess, is the only thing I recall. I don't know whether they dumped these particular products. And we had a lot of shavings off -- later that came from various -- that would be real oily and stuff. And I believe that they would -- would have came from that. 'Cause a lot of stuff did come from East Dayton. East Dayton Tool and Die, Apex Tool and Die. There was one on Keowee Street. I had a friend he worked there, and he said that they delivered shavings. So I did not see any -- I -- what's the word I want to use? I think of Hobart as being kitchen, industrial appliances, you know. So I did not see any of that stuff. So when I say surprised, I don't remember seeing 'em bring trucks from Troy that had those type of things.

Q So you don't recall any Hobart waste being dumped at the South Dayton Dump; is that correct?

A Correct.

Q And the metal shavings that you recall being dumped there, where did they come

from?

A I just mentioned it would be Apex Tool and Die. I just mentioned one other one.

Q East Dayton Tool and Die?

A Yeah, East Dayton Tool and Die. Most of the tool and die shops there.

Q Do you recall any waste coming from Dayton Walther being dumped at the South Dayton Dump?

A Yes.

Q And what did they dump?

A A lot of metal -- metal products. I'm thinking wheels, wheel stuff. But I think it was metal products.

Q Do you recall them dumping any drums?

A No.

Q Do you recall any of them dumping any liquid waste?

A No.

Q Did they transport their waste in their own trucks?

A I don't know.

Q How often did they come there?

A Not very often. Probably once a

month.

Q You indicated that at one time you were in the business of rehabbing HUD housing or in construction of HUD housing; is that correct?

A Dad had -- when I was working at A.E. Fickert he came and got me one day and said he was going to buy some houses he wanted me to remodel, and he bought our first batch -- HUD houses were coming three at a time, so he bought three to start out with to see what I could do with them. So we bought the first batch, and I got to fix one up for myself, and then the other two we flipped.

Q And so when you bought 'em, did you have to go in and rehab 'em and fix 'em up a little bit?

A Yeah, yeah.

Q And so you generated some construction and demolition debris waste; is that correct?

A Waste?

Q Yeah.

A Mm-hmm.

Q These were older homes?

A Yeah, mm-hmm.

Q Was there any asbestos in the material?

A Not -- yes, yes, tile. Some tile.

Q Ceiling tile?

A No, floor tile.

Q Floor tile?

A Yeah, bathroom floor tile, little bit of kitchen floor tile.

Q And then some insulation here and there, pipe insulation?

A Wall insulation, not pipe.

Q Any painted surfaces?

A Huh?

Q Any painted surfaces you'd have to take off a piece of wood to paint it or --

A Oh, yeah, yeah.

Q Might have some lead-based paint 'cause it's an old house?

A Yeah, mm-hmm.

Q And you took all that waste to South Dayton Dump?

A The city had bulk pickup in Dayton, so I put a lot of it out for bulk pickup, and the rest I'd take down to the dump. Dad didn't really want me to dump in the area where everybody else

was, so I dumped over -- when I could on the weekends and stuff, I'd sneak it down there and dump over there in tract 4.

Q Is that what's also --

A -- or Tier 4.

Q Tier 4?

A Yeah.

Q That's where you dumped your waste?

A Yeah.

Q And that was old construction demolition debris for these houses?

A Yeah.

Q Could have contained some asbestos and lead-based paint?

A Well, I don't know actually what's in tile, the old tile. I thought there was asbestos in it. So --

Q You had testified earlier about this lock that everyone knew the number to.

A Yeah, 2246.

Q 2246. Is that an actual key, or was that a padlock with the number 2246?

A That was the actual key.

Q That was the actual key. So everyone actually had to have that key?

A Right.
Q But, well, there was a lot of people that had that key?
A A lot of people had that key.
Q You indicated that you worked for Larry Brandon?
A Yes.
Q What did you do for Larry?
A I started working for him at General Refuse on I think it's Dryden Road painting the -- well, actually I built some offices for him first, and then after I built the offices then they hired -- Container Service hired me to paint -- sand and paint the new containers, spray paint 'em. And then from there he wanted to try me out at the Powell Road landfill, so I went out to Powell Road.
Q So you worked for Container Services for some time?
A Yes.
Q Did you ever see the company Kelsey-Hayes dump any waste at the South Dayton Dump?
A Kelsey-Hayes?
Q (Nodding in the affirmative.)
A No.

Q What about a company named TRW? Do you recall them ever dumping waste out at the South Dayton Dump?

A CRW?

Q No, TRW.

A TRW. I want to -- I see that -- I see TRW. I remember that, but I don't know why.

Q Do you recall if a company named Dayton Steel Foundry ever dumped waste at the South Dayton Dump?

A Yes.

Q What type of waste did they dump there?

A I think they had like big metal bands that came in trucks. Say the name again, please?

Q Dayton Steel Foundry.

A Yes, I do, but right now I'm not -- I remember bands coming from somewhere.

MR. MERRILL: If I could go off the record and take a quick break. I just want to -- I think I'm done with you, Mr. Grillot.

THE WITNESS: Thank you.

(Whereupon, a recess was taken.)

MR. MERRILL: Back on the record.

Mr. Grillot --

THE WITNESS: Yes.

MR. MERRILL: -- I have no further questions. I want to thank you for sitting here this afternoon.

THE WITNESS: Thank you very much.

CROSS EXAMINATION

BY MR. HARBECK:

Q Good late afternoon, Mr. Grillot.

A Yes.

Q Am I pronouncing it the right way?

A Grillot.

Q No T. Okay. Silent T.

My name is Bill Harbeck. I represent Waste Management of Ohio. I have some questions for you. Not many.

A Okay.

Q I'm not going to tread over old ground. I'll do my best not to. Again, if you don't understand one of my questions, please let me know and I'll try to rephrase it.

A Okay.

Q And if you can't hear me, let me know, too, because you said you're a little hard of hearing. So let me know.

A Yeah.
Q Can you tell me what you did to prepare for this deposition today?
A What did I do?
Q Yes. Did you have a meeting with anybody to sit down? Did they talk to you about the deposition process, what was going to happen today, things like that?
A Kind of sort of, yeah.
Q When did you do that?
A Yesterday.
Q With whom did you do that?
A With Larry. I'm sorry. His secretary.
MR. SILVER: Legal assistant.
THE WITNESS: Legal assistant and Bill.
BY MR. HARBECK (Continuing):
Q Bill Walsh?
A Yes.
Q Okay. And the legal assistant is Kaitlyn Harantschuk. Is that who you met with also?
A Yes, yes.
Q Hope I didn't butcher your pronunciation too much.

How long did that meeting last?

A About an hour.

Q Okay. Did you go over any documents during that meeting?

A I was shown the one Exhibit 2 I think it was and --

Q That's the exhibit with the parcels on it?

A Right. And some pens, some markers.

Q Some markers. Okay. Did they tell you they're going to go through that exhibit and have you mark various places?

A He wanted to know if I had a problem with marking where I would recall different things on that map.

Q Okay. During that meeting did they tell you they were going to ask you the names of various companies and ask you whether or not you recognized them in terms of whether they dumped at the South Dayton Dump?

A Whether or not that was mentioned yesterday or the two times that I seen them in North Carolina, I don't remember. I don't recall if it was yesterday or not.

Q The list -- Mr. Silver had a list he

was reading names off of. Did you go over that list at any time prior to your deposition?

A No.

Q Other than that one meeting which you said lasted about an hour, is there anything else that you did to prepare for this deposition?

A No, other than we talked about times and when -- when it would start and so on and so forth.

Q Did you talk to any of your relatives about the fact that you were being deposed?

A I called my stepmom to inform her I was -- to inform her I was in town and that I'd like to see her when I was up here. That's about it.

Q I know you did this a little bit. I'm a little fuzzy in terms of the -- your site history, your personal involvement at the South Dayton Dump. I just want to do this real quickly if I can and have you tell me if I'm going wrong and maybe fill in a couple of blanks.

A Okay.

Q You were born in 1952; correct?

A Correct.

Q And you said the first time you ever started going to the South Dayton Dump was somewhere when you were maybe five to seven years old?

A Right.

Q So that would have been somewhere around 1957 to 1959 when you first started going; correct?

A Right. That I remember it being a youngster.

Q That you remember, correct.

And then you said you started working on a spot basis at the South Dayton Dump you thought it was around -- when you were around eight years old?

A Right.

Q So that would have been around 1960?

A Yes.

Q And then you said -- I think you said you worked at the dump until you were about 15 years old; is that right?

A Yeah, before I worked for Doyle Roberson at the Auto Parts.

Q And you started working for Doyle when you turned 15 or when you turned 16?

A When I turned 16.

Q So you worked -- you were working at the South Dayton Dump until about 1967 or so? Did I do the math right?

A Yeah, mm-hmm.

Q Okay. And then -- and during that time frame you were in school the entire time; is that right?

A Only up till 16. 'Cause you had -- in order to get out of school you had to be a certain age and you had to get a work permit from a company. So since Doyle's Auto Parts was a friend of my dad, they decided I could do that. I wasn't doing very well in school, so I just decided --

Q Did you drop out of school at the age of 16?

A Yeah, mm-hmm.

Q So how much education did you end up getting through into high school? Through what grade?

A Seventh grade in English and ninth grade the other things.

Q So you kind of completed the ninth grade?

A That's when I quit.
Q That's when you quit. You were in the middle of ninth grade?
A Yeah, I think so. Actually, I think it was in the spring of that year that I went down to work for Doyle.
Q Okay. And during that period of time up until you -- you know, into your 15th year, you were there during the summers and then during the school year sometimes on weekends?
A Right.
Q Is that generally when you were at the South Dayton Dump?
A Right.
Q Now, then when did you come back, if ever, and start working again or doing stuff at the South Dayton Dump?
A I was between I think 17 and 18 is when I was driving the dozer for Powell Road landfill and then for Uncle Alcine. So it would be in that time frame.
Q And how long did you drive the dozer for Uncle Alcine?
A A year, maybe two years at the most.
Q Okay. So you would have been around

17, 18, 19, somewhere in that time frame?

A Yeah, mm-hmm.

Q So again adding it on in terms of when you were born, it would have been 1969, 1970, '71, somewhere in that time frame?

A 'Cause I got married in '71, I think, '70 or '71.

Q When you got married -- at the point when you got married is that when you stopped driving the dozer?

A Pretty much. That's when I started working at Liberal Markets I think in that time frame.

Q From that point forward, had you pretty much stopped working at the South Dayton Dump?

A I think I mentioned before I used to go down and help -- help out different various times for Uncle Kenny if they had something to do. David was still working the skids, burning the skids. I'd go down and help him out sometimes, too, just to look around, get a feel for the dump again.

Q Okay. And this was after you got married?

A Yes, mm-hmm.

Q So when would you have been doing that occasionally going back to the dump and helping out on a spot basis and looking around? What time frame are we?

A From '72 into the '80s. Yeah, somewhere around '82 to '84, I think.

Q Okay. So from the early 1970s until 1982 or '84 you would go to the dump on occasion and do odd jobs?

A Right. Or get stuff off of the dump to fix up or whatever.

Q Okay. You know, during that time frame can you tell me how frequently you would go to the South Dayton Dump? And this is for that ten, 12 years or so when you were doing it on a spot basis.

A Well, as I was running my own different businesses after -- in the early -- or late '70s, early '80s and working for different contractors through the '80s, I'd go down there and dump stuff. I'm trying to think what else I did. We used to mushroom hunt a lot back there and go fishing in the pond. So I'm getting a little confused on how much was actual work and how much

was --

Q Yeah. Putting aside whether you were working or mushroom hunting or fishing --

A I was down there quite a bit.

Q When you say "quite a bit," I just don't have a sense. How often --

A At least three times a week.

Q Okay. Even for that ten, 12-year period, you would go back to the South Dayton Dump at least three times a week?

A (Nodding in the affirmative.) I was real close to Uncle Kenny, and Bud was still around. I was pretty much friends with them.

Q Okay. You nodded your head to my last question. Was the last answer yes?

A Yes, yes.

Q Okay. So now we're in the '82 to '84 time frame. From that point forward did something happen that changed the frequency with which you went to the South Dayton Dump?

A I think I mentioned this afternoon that's when a lot of the heat would come down from the EPA. And Alcine was no longer Mayor, and at that point Alcine was not very likable. He was kind of grumpy because of all the problems that was

coming down on his life. So I stayed pretty much away during parts of the day that I knew he would be down there. Then I'd go later on when Uncle Kenny was by himself or on Saturday. Nobody else was there but Bud and Uncle Kenny on the weekends.

Q So you would still continue to go down there?

A Yeah.

Q At what point did you stop going to the South Dayton Dump? Was it when you moved out of the area or some other time? I'm trying to get sort of an ending point at which you no longer started -- no longer were going to the South Dayton Dump.

A '89, '90 maybe.

Q What happened in '89 or '90 that made you stop going to the dump?

A There wasn't very much activity that I remember going on. I had just finished my last house, and I was working for another construction outfit at that time, and so the dumping was done in West Carrollton.

Q Okay. When did you move to North Carolina?

A It would have been -- well, first

time I was there in '08 for eleven months, and then I moved back November of '10, 2010.

Q You said that you -- during this ten, 12-year period of time when you were doing other jobs I think maybe even into the '80s you had various construction-related jobs?

A Mm-hmm.

Q Besides the HUD projects that you've already testified to --

A Right.

Q -- there were other construction-related projects or employment that you had?

A Yeah.

Q And you said I think just a couple of minutes ago you'd take construction debris from those jobs also? You'd take that to the South Dayton Dump?

A On various occasions, yeah.

Q And, again, what kind of construction debris would this be?

A Construction material. Drywall, two-by-fours, concrete, stuff like that.

Q Would it be houses that you were tearing down?

A Well, through -- through being a relative to the dump that was sort of some of the freebie things you got. So I always wanted to be Mr. Bigshot, "Oh, I'll take it down to my uncle's dump." Everybody got real -- I kept my job, I guess, that way. So, you know, it was just one of those things, and I got to see Uncle Kenny.

Q Right.

A "Uncle Kenny, can I drop this off here?" But sometimes I'd go around to Tier 4 on the weekends and stuff if I was doing home projects and stuff. Then I'd catch heck later on from my dad, "What did you dump?"

Q So if you're tearing down a piece of the house to do a renovation, or were there some times when you'd be tearing down a complete house and putting something new in? I mean, I'm trying to get an idea of scope.

A Sometimes we had a house.

Q Okay. And were all the guts of the house -- would all the guts of the house you'd take it all back to the South Dayton Dump?

A Sometimes, yes.

Q How many -- and maybe this is hard. If you can't do it, let me know.

How many times would you -- did you go back to the South Dayton Dump yourself and dump off this type of construction debris?

A For myself?

Q Yeah, just you yourself. Not your own stuff, but just how many times did you do it, you know, taking it for somebody else, taking it on projects you were working for, whatever the situation.

A It would pretty much vary. Time frame maybe sometimes it would be twice a week, sometimes maybe just once a month, you know. Some year it might have been every day, you know.

Q Okay. And this would have been -- during what time frame were you doing this? In the '70s through the '80s?

A Well, when I worked for Fickert that short period of time till around '81, '82, when I had the house over in Kettering would be about that time frame.

Q So up until -- Fickert through '81, '82?

A Mm-hmm.

Q Tell me again when did you start with Fickert roughly?

A Roughly '72, '73, in that area. I worked at Liberal Markets, too, I think, at that time.

Q The place where you're currently living, is that a home?

A The man that I met, Johnny, he's got an old pack house. It was a slave house for when they picked cotton and stuff like that. He renovated it some time ago, and he's letting me live there.

Q Okay. Mr. Merrill asked you about a couple companies in terms of whether or not you remembered their waste being taken to the dump.

A Who?

Q Mr. Merrill, the lawyer that just asked you questions right before me. He asked you about a couple of companies, asked you whether or not you remembered whether their waste was taken to the South Dayton Dump.

A Right.

Q One of them was NCR. And I think your testimony was you didn't have any specific recall of them. Did you ever hear from anybody that NCR was taking waste to the South Dayton Dump while you were at the South Dayton Dump during the

1 time frame you were working there, visiting there?
2 A See, my half brother, my dad's other
3 son by marriage, he worked there for a lot of
4 years.
5 Q Worked at NCR?
6 A Right. And when I'd go over and
7 talk to him, stuff like that, we'd talk about NCR.
8 He'd tell me. My confusion with what I remember
9 from -- and my grandfather worked there for 50-some
10 years. So what I remember from NCR, they had a --
11 like I mentioned this morning, they had a fireworks
12 disaster. The confusion with NCR and what I
13 remember would come down to the dump, I don't
14 recall right now, if that helps.
15 Q It sort of does. I'm just wondering
16 if while you were there at the dump during this --
17 you were there for quite a long period of time from
18 late '50s into I think you said the late '80s. Did
19 anyone ever tell you --
20 A Wait, wait.
21 Q Go ahead.
22 A I do remember NCR cash register
23 stuff and another cash register called National
24 Cash Register was over on the west side of Dayton.
25 I do now remember a couple -- seeing cash registers

and stuff, yeah.

Q At the South Dayton Dump?

A Right.

Q And do you remember seeing them come into the South Dayton Dump?

A No. I saw the cash registers and stuff, the parts. I remember that.

Q In what area of the dump did you see those?

A That would have been on Tier 1 or Tier 2.

Q Do you remember roughly when you first saw cash register parts?

A It would be early '60s. '62, maybe '64, somewhere in that area.

Q And did these cash register parts have National Cash Register names or logos or brands on them? How did you know they were from --

A NCR. They were written NCR and then the other one. It was either called Standard Register or International. It might have been Standard Register. But I was confused because I thought they were the same company, but I was told they weren't, they were two different companies.

Q So you saw both Standard Register --

A Right.
Q -- and National Cash Register --
A Right.
Q -- cash register parts?
A Right.
Q Did you see any other sort of mechanical equipment from National Cash Register at the South Dayton Dump besides cash register parts?
A No, those are the only two things. No.
Q How long as far as you know, based upon your seeing these National Cash Register parts, did National Cash Register or NCR dump at the South Dayton Dump?
A Well, they were -- how long?
Q Yeah. Over what period of time? You said early '60s --
A Yeah.
Q -- until when?
A I think they stopped their operations around that time. I think -- whether or not that was the remnants of it, I don't remember. I think NCR pulled out or was in the process of pulling out from that type -- that operation.
Q Okay. So you think that they were

dumping that sort of stuff there until they sort of transitioned out of the cash register business?

MR. SILVER: Objection, foundation. He didn't say anything about who sent the stuff to the site.

BY MR. HARBECK (Continuing):

Q Go ahead.

A I don't understand what happened. What just happened?

Q Yeah. He objected, but doesn't mean you can't answer the question if you can remember it.

A What was the question?

Q It was, is it your recollection that you saw National Cash Register parts being dumped at the South Dayton Dump up until around the time National Cash Register sort of transitioned out of that business?

A Yeah, I think so. Yes.

Q Okay. And how about -- let's just go back to Kelsey-Hayes. You said no recall. Did you ever hear anybody talk about whether or not any waste from Kelsey-Hayes was dumped at the South Dayton Dump?

A No, because I don't know that firm,

or I don't know -- if they were called something else at one time I'd remember.

Q What about Hobart? Did you ever hear anybody talk about Hobart using the South Dayton Dump back during your South Dayton Dump days?

A Not Hobart specifically. Like I said, a lot of -- I was told later on a lot of the tool and dies had different companies that would hire them for different things. Sometimes there would be a lot of small parts would come in that they tooled and died and would mess up. But the most I remember was the shavings, the metal shavings with the oil on it.

Q And you had already described where those came from; right?

A Right.

Q Did you ever see any foundry cores dumped at the South Dayton Dump?

A Huh?

Q Foundry cores?

A What we would call the cores was the Apollo thing. It looked like Apollo space craft thing. But I remember seeing a lot sometimes come in wooden -- things that looked like they were

1 forms, but I don't remember who brought them in.
2 Q Okay. Last question. I'm sorry to
3 have to ask you this, but it's important to know.
4 You said you're seeking disability right now?
5 A Yes, mm-hmm.
6 Q What's your disability from your
7 perspective? What disability do you have?
8 A Degenerative -- I think it's called
9 degenerative arthritis and bipolar.
10 MR. HARBECK: Thank you very much.
11 That's all I have.
12 THE WITNESS: You're welcome.
13 CROSS EXAMINATION
14 BY MR. MOSS:
15 Q Good afternoon, Mr. Grillot.
16 A Hi. How are you?
17 Q I'm well. Thank you.
18 My name is Dave Moss. I'm a lawyer who
19 represents Dayton Tire and Rubber. We've been here
20 a long time today, and I appreciate your sticking
21 with this.
22 I need to ask you, is there anything that
23 would prevent you from answering my questions
24 completely and truthfully now since we've been
25 going at it so long?

A My memory is getting a little cloudy, so I don't -- to honestly answer you, I don't know.

Q Well, the reason I'm asking that is because Mr. Silver had several hours of questions for you this morning.

A Right.

Q And I want to make sure that I'm getting the same quality of testimony from you --

A Sure.

Q -- that Mr. Silver got. So I need your honest answer. If you think that your memory is fading or not as good as it should be, then I think I need to know that, and I think we may need to make some decisions here.

A I honestly would have to say yes.

Q Yes what?

A That I'm having problems remembering right now.

Q Okay. And you think that would potentially impair your ability to give truthful testimony?

A Well, I -- you know, I could forget -- you know, like I said, it's all -- there's so many questions I'm being bombarded with, so I don't

1 know. I would do my best. That's all I can say at
2 this point.
3 Q Well, you've never met me before.
4 We've never spoken; true?
5 A No.
6 Q I just want to ask you this, and
7 then maybe we'll have to have a discussion. But
8 before -- when you met with Mr. Silver, did he go
9 over the list of companies that you've testified
10 about today before you gave testimony about those
11 companies?
12 A No. Actually, they asked me what I
13 remembered. And when Bill came down we sat, and he
14 said -- and then he had a potential list of
15 possible companies in the area at that time.
16 'Cause I asked him, I said, "Well, let's go get a
17 phone book," because I don't remember back in the
18 '60s what company was who. A lot of companies
19 changed names and stuff like that.
20 Q Well, what order did that occur in?
21 A The list?
22 Q Did you give them the name first or
23 did they give you the name first?
24 A I gave them the name first.
25 Q What names did you give them?

A Several, but your company was mentioned.

Q What names did you give them?

A It would have been General Motors, Inland, Delphi, Frigidaire, Monsanto, Dayton Tire and Rubber, McCall's, Sherwin-Williams, Durel Paint, Franklin Iron and Metal, Patterson Iron and Metal, Duriron, A.E. Fickert and Son, Dayton Walther. That's pretty much the list I can remember.

Q As you sit here today, do you know if that's the exact list that you gave Mr. Silver when you met with him?

A Yes.

Q That is the exact list?

A Maybe not in that order, but it's pretty close.

Q Did you refer to any notes at any time or anything that you had written down to generate this list?

A That's pretty much my memory.

Q My question, though, is did you ever write a list down or did you refer to any --

A I started --

Q Let me finish my question. And I

1 know you're tired, and I'm tired.
2 Did you ever generate any kind of a list
3 that helped you put this list together that you've
4 just given me?
5 A No.
6 Q Have you ever written a list
7 anywhere?
8 A No.
9 Q You started to tell me something in
10 response to my question a moment ago.
11 A I had started a list, but I was
12 getting pretty -- what's the word? I thought I'd
13 wait till he got there because my writing's not
14 very good. So I was embarrassed for him to see my
15 writing on the list. I really asked him if he
16 would write it down for me. I didn't want him to
17 know I couldn't spell.
18 Q Do you still have that list that you
19 started?
20 A I don't think so, no.
21 Q The testimony that you offered
22 earlier today in response to Mr. Silver's questions
23 with respect to Dayton Tire and Rubber, was that
24 the sum total of the recollection that you have
25 regarding Dayton Tire and Rubber sending product to

the site?

A I don't quite understand the question.

Q You gave some testimony earlier today --

A Right.

Q -- about your recollection of Dayton Tire and Rubber sending material to the site.

A Right.

Q My question for you now, is that all you recall about Dayton Tire and Rubber sending product -- material to the site?

A Well, what I recall is, as I think I mentioned earlier, that I remember getting inner tubes from the dump site and taking -- all of my cousins and I would take them over there and play on the lake.

Q What I'm asking you -- and I appreciate your asking for clarification. What I'm asking is what you've already testified to relative to Dayton Tire and Rubber, the inner tubes, I think you mentioned rubber shrouds and maybe some tires. Is that all you recall about Dayton Tire?

A At this time, yes.

Q Mr. Silver asked you about the

period of time when you recall seeing Dayton Tire and Rubber trucks bringing material to the site, and I think you said it was when you were about ten or 12 years old?

A Right.

Q Is that accurate?

A Yeah.

Q Was there any period of time after when you were ten or 12 years old that you remember Dayton Tire and Rubber bringing material to the site?

A I think I mentioned -- I'm not a hundred percent sure at this point, but I think I said when I was younger I remember the horse on the emblem. That stuck with me.

Q So is that when you were ten or 12 or --

A I think I was younger than that.

Q How old were you when you remember seeing the horse with the emblem?

A Maybe eight or nine when I started getting into the dump itself.

Q So if I understand your testimony then, the period of time during which you recall seeing trucks which you believe were Dayton Tire

and Rubber trucks because you remember the horse emblem --

A Right.

Q -- was from the time you were about eight until the time you were about 12; is that fair?

A Yeah.

Q Is that the sum total of the period of time that you recall seeing these trucks that you associate with Dayton Tire and Rubber at the facility?

A I associated tires with the particular trucks that came in. And so when I worked for Doyle's Auto Parts I don't remember whose truck would dump and whose truck would haul off. Like I mentioned before, that was I think around when recapping came in. So there would be big trucks that were encaged that had -- so I don't know.

Q So you may -- what you're saying is, you may be confusing trucks coming in to unload material with trucks that were actually taking tires off the site from Doyle's? Is that what you're telling me?

A Well, I could see 'em take 'em off.

1 That's obvious. But as far as how many would end
2 up, you know, on our side of the fence -- and what
3 I mean, Doyle's Auto Parts at that time he had
4 plenty of tires, too. So the operation could get
5 real confusing. You know, I'm working. I'm not
6 really -- I would just observe real quick what was
7 going on.
8 Q But as we sit here today, to the
9 best of your recollection the time period during
10 which you recall trucks you associated with Dayton
11 Tire and Rubber coming onto the site to dispose of
12 materials was this period of time from when you
13 were about eight to when you were about 12; is that
14 fair?
15 A Mm-hmm. They built a big building
16 over by the dump along I-75.
17 Q Who is "they"?
18 A Dayton Tire I think it was. And I
19 remember skids coming in from there.
20 Q When was this?
21 A I think that was in -- between '75
22 and '79 maybe.
23 Q These were wooden skids?
24 A Yeah.
25 Q How large would they be?

A They were 42-by-42. I remember the size.

Q And what was done with those skids?

A They were reconditioned or sent to Skid Row.

Q So were they -- were any of them actually disposed of on the site?

A Yes.

Q They would be burned?

A They would be burned, yes.

Q So if they weren't reconditioned and sent off site, then they were burned in the incinerator?

A Right.

Q None of them were buried in the landfill?

A No.

Q Do you have any knowledge as to the volume or number of those skids that would have been sent to the site during that time frame '75 to '79?

A A truckload maybe a week.

Q And give me an idea of the size of the truck or the --

A I think they were 60-yard containers

maybe.

Q Describe the truck.

A It was what they call a roll-back truck.

Q Can you give me a color, model?

A I don't remember. And I don't remember emblems on. That was an earlier day.

Q Right. You were shown this Exhibit 4 by Mr. Silver during your Direct testimony. When is the first time you saw this document?

A Yesterday.

Q And who showed it to you?

A Larry.

Q Do you know where he got this?

A No.

Q Did he tell you where he got it?

A No.

Q So did he show this to you and ask you if you remembered this logo?

A I'm sorry. No. Bill showed it to me on Sunday. And -- no, it was before we got to meet with Larry. And he showed me two photos, one of something else and then that one. And he said, "Do you remember these?" And for a quick few seconds, no. And then I looked down, and I saw

that horse on the triangle. I said, "I remember that," and that's all that --

Q Do you know why he was showing this to you?

A Do I know why?

Q Yeah. Did he say why he was showing this to you?

A He wanted to know if I remembered where it came in from.

Q Did he tell you that you were going to be asked some questions about it at the deposition?

A Yes. Yeah.

Q What did he say?

A He just said that -- you know, that -- asked if I would remember this and if I could recall what I saw. I said, "Well, I remember the horse. That's all."

Q Okay. Fair to say, though, that this -- being shown this Exhibit 4 with the logo refreshed your recollection as to what the logo was?

A Only the horse.

Q Only the horse?

A Right. But, I mean, you take in

perspective the whole sign and it said Dayton Tire and Rubber.

Q Well, in fairness, you were asked this morning if you recalled what the logo of the Dayton Tire and Rubber Company was. Do you recall being asked that question?

A Yes.

Q And you said it was a horse -- you thought it was a horse with a ring; correct?

A Circle. In a circle, yes.

Q All right. But you had already been shown this document, so you knew what it was because you had already had your recollection refreshed.

A I wasn't asked that. I was asked do I remember anything, so --

Q But you --

A -- I wouldn't have --

Q Go ahead. I'm sorry.

A It sounds like I was prompted to remember. No, 'cause the first couple seconds I don't remember, but then I had to sit and look at it for a while and remember that horse, and then it came back to me what was there.

Q But before you gave sworn testimony

in your deposition this morning about what the logo of the Dayton Tire and Rubber Company was, you were shown this logo --

A Yes.

Q -- by Mr. Walsh?

A Yes.

Q So it's fair, is it not, that your testimony that you provided with respect to the logo this morning was based at least in part on having your recollection refreshed by being shown this document a couple of days ago?

A Correct. Yes. Correct.

Q Do you have any estimate that you can give us as to the volume of inner tubes, shrouds or tires that you say were sent to the dump by Dayton Tire and Rubber?

A I mentioned maybe a truckload a week. And then again because of the smoke factor, we tried to keep tires, anything -- 'cause we were being told not to burn. So we were trying to keep the smoke down as much as possible. So I remember having to pull 'em out of piles, and then that's where I -- as kids we said we'll use 'em for inner tubes. So the ones that were patchable, we'd patch 'em up.

Q So just to try to get to my answer, the answer to my question, what size truck? And can you give us an estimate as to any volume other than what you've already told us?

A A 60-yard truck once a week.

Q I thought that related to the skids you were talking about.

A Pardon me? Well, a lot of times they would be intertwined with wooden skids and stuff like that.

Q I'm confused now, and it's probably my fault, but we talked about the tires coming during the period of time from when you were eight years old to 12 years old.

A Right.

Q So now we're talking about 1960 to about 1964.

A You're still going to have the wood products and the rubber products --

Q Okay.

A -- whether it came from the west side or it came from Moraine. Like I said, I don't remember exactly when that -- I think Moraine was just like a storage facility. It was more a shipping type of thing, so --

Q But the period of time during which the rubber products, which you've identified as tubes, some rubber shrouds and tires, the period of time we've already established was from when you were age eight to age 12?

A Right.

Q Then from the period of time that you said was around '75 to '79, you recall skids only coming from the warehouse; correct?

A On the -- yeah, the 42 -- the 60-yard container, yeah. And in the earlier days I don't know what they came in. I don't think they had roll-backs back then. I remember the trucks that had the big cage to it, so -- does that make sense?

Q Well, I'm not sure.

A Okay.

Q Do you remember Dayton Tire bringing materials to the site with a cage truck?

A Cage truck, yeah. They would be emptied off of that particular thing. Like I said, sometimes they'd have skids. They might have a couple barrels on it. But then from the other side it was the 60-yard roll-back things that came. Those had the skids.

Q Now you mentioned barrels. I haven't heard any talk about barrels before now. What do you recall about barrels?

A They would be them cardboard barrels. We'd use them to put copper and stuff in 'em.

Q So these were empty barrels?

A More or less, yeah.

Q Is there anything else -- and I have to make sure you understand. This is the only chance I get to question you before trial.

A Correct.

Q You understand that?

A Correct.

Q I just want to make sure that when we get to trial I'm not going to hear something extra or different about what you recall about Dayton Tire and Rubber. So have we exhausted your memory of what materials Dayton Tire and Rubber may have brought to the South Dayton Dump?

A Today you have, yes.

Q Well, if you remember anything else, will you let Mr. Silver know?

A I will do that, yeah.

Q Just a couple of other follow-ups

1 and then I'm done.
2 What's your girlfriend's full name?
3 A Donna Moeller, M-O-E-L-L-E-R.
4 Q Spell the last name again.
5 A M-O-E-L-L-E-R.
6 Q And what's her address?
7 A I don't have -- her old address
8 would be 11540 Wilts Lane, Medway, Ohio. I don't
9 know the Zip.
10 Q And where does she currently live?
11 What city?
12 A She's living in Kettering right now.
13 Q And the gentleman that you're -- are
14 you renting from him or is he just allowing you to
15 live in the house?
16 A Yeah.
17 Q He's just allowing you to live
18 there?
19 A Yes, mm-hmm.
20 Q What's his full name?
21 A John Turnidge.
22 Q And how did you meet Mr. Turnidge?
23 A Through traveling with Donna. That
24 was one of her job locations.
25 Q And what did Donna do for a living?

A He inherited a farm. He has a farm, big farm down there. Excuse me. He was a school principal most of his life.

Q My question was, what did Donna do for a living?

A Oh, Donna. I'm sorry. Donna she's a nurse.

Q And you said -- I believe you said that what took you to North Carolina to live with Mr. Turnidge had to do with some work that you had done and he had seen or something. What was that about?

A At the campground that we stayed at I met one of the persons that took care of the property, and he wanted me to help him pour some cement. So I went over to Mr. Turnidge's house and poured the cement. He saw my talent. He wanted to use me. So he used me for the eleven months that we were there. Then we went to Michigan for our next assignment, and he kept in contact with me and wanted me to come back because he had a lot of things to do.

Q And you've been down there now for about two years you said?

A Yeah.

Q Have you given any recorded statements in this case?

A No.

Q Have you ever been married?

A Yes.

Q And is your wife still living -- are you currently married?

A I have a deceased wife that I married in '70 -- 1970.

Q What was her name?

A Patricia Ann Grillot.

Q And when did Miss Grillot pass away?

A Last year.

Q And were you still married at the time?

A No.

Q When -- I assume you were divorced from her?

A Yes, mm-hmm.

Q When were you divorced?

A 1975.

Q And where was that divorce?

A Montgomery County.

Q Have you been married any other times?

A Yes, to Christine Agnes Grillot.
Q What was her maiden name?
A Lockvis. Christine Lockvis.
Q Can you spell that?
A L-O-C-K-V-I-S, I believe.
Q And when were you married to Christine?
A We got married in '77.
Q And did that marriage end in divorce?
A Yeah, divorced in '89.
Q Where was your divorce?
A Montgomery County.
Q Any other marriages?
A Yeah. Lisa A. Grillot.
Q Maiden name?
A Huh?
Q What was her maiden name?
A Rowe.
Q R-O-E?
A Yeah. R-O-W-E, I think it was.
Q And when were you married to her?
A '95, divorced in '04. Clark County.
Q Any other marriages?
A No.

Q Do you have any children?
A Yes.
Q Can you just give me their names and ages?
A Chantal Marie Grillot, G-R-I-L-L-O-T. Edward R. --
Q How old is Chantal, if you can give me a birth date or an approximation?
A She was born in '71. Edward Rene, Jr. Eddie was -- he was born '84, I think. Yeah, '84. And then Sean Edward Grillot.
Q When was he born?
A No, he was '84. Eddie would have been -- Eddie was born in '75.
Q Any other children?
A No.
Q You said that you were convicted of domestic violence in 2003?
A Mm-hmm.
Q Who was the complainant?
A My son, Eddie.
Q And how did that charge -- did you plead to that?
A I pled guilty to it.
Q Pled guilty?

A Yeah.
Q What county was that?
A Greene County.
Q And that was a felony?
A Yes.
Q Did you serve any time in jail?
A Thirty days.
Q Have you had any felony convictions since 2003?
A No.
Q Have you ever been treated for the abuse of alcohol or drugs?
A Yes.
Q Tell me about that.
A I was having some issues and later -- I thought they were mental issues, and so I put myself into East Dayton -- it was called Eastway Mental Health Center, and they had told me that their conclusion was that I was an alcoholic.
Q When was this?
A That would have been 19 -- I was going to Eastway from about '76 till -- no, '75 to '76, and then I entered a -- they just opened up an alcohol ward in Miami Valley Hospital, and I put myself in there.

1 Q In about '76?
2 A That was 1977.
3 Q Any other treatment for alcoholism
4 or drug abuse since then?
5 A Yeah, several.
6 Q When was the last?
7 A The last was when I was in North
8 Carolina. It would have been November 14th, '08.
9 Q And what was that treatment? Was it
10 for alcohol or drugs or both?
11 A More mental issues, but the alcohol
12 was involved in it also.
13 Q And I'm not asking this to pry, but
14 was alcohol aggravating your underlying bipolar
15 disorder? Is that kind of how you understood it?
16 A My understanding is I inherited a
17 lot of it from my folks and that the melatonin and
18 serotonin in my brain had -- when I was born was
19 pretty much depleted, and my younger drinking as
20 high school and stuff like that added to it to the
21 point where it was hard for me to sleep. So I used
22 alcohol as a sedative. I'd drink a six-pack a
23 night and then go straight to bed. And 2001 I went
24 to another treatment program, and they told me
25 about Trazodone. They said it was very effective

with chemical dependent people, and so I used the Trazodone, and I still to this day. It's a miracle drug for me to sleep. But I had some relapses over the course since '01 that I still have issues, and I didn't realize what they were. In '08 when I went to the facility there they told me that I was bipolar, and so I got it straightened up there.

Q Have you used alcohol since November of 2008?

A No.

Q You've been sober since 2008?

A Yeah.

Q Congratulations.

A Thank you.

Q All I would ask, as I said before, is if you recall anything else about Dayton Tire I would ask that you advise Mr. Silver.

A Okay.

Q All right?

A I'll do that.

MR. MOSS: Thanks very much. Thanks for your time.

MR. SILVER: I think the last one is coming, Ed.

(Whereupon, a discussion was held off the

record.)

CROSS EXAMINATION

BY MS. WRIGHT:

Q Sir, I know you're tired. We're all tired, and you have to be a hundred times more exhausted than we are. So I will try to be brief.

My name is Vicki Wright, and I represent Pharmacia Corporation, which used to be known as Monsanto Company.

A Yeah.

Q And that's why I'm here.

A What was the name of the company now?

Q Pharmacia.

A Pharmacia, okay.

Q When you testified about Monsanto Company, I had the understanding that you said that the Mound facility in Miamisburg sent skids and paper barrels with a white powdery substance to the South Dayton Dump; is that correct?

A The powder I thought came from across the river, yeah.

Q Okay. That would be from the research lab?

A Yeah.

Q Okay. And the skids you believe came from Miamisburg?

A Right.

Q Okay. You testified that this was about once a month. Let's break it down. On Miamisburg, the Mound lab, how frequently did you see trucks coming from there?

A Well, one time that I was -- it would have been once a month because I don't remember the trucks. Okay.

Q Okay.

A I can't tell you. And, too, I don't know if they had a key to get in in the evening or what. And I knew that I had spoke to one of the drivers before is what I told Larry.

Q And then he is the one who identified that he was coming from Miamisburg?

A Right.

Q During that one month time period, what ages are we talking about for you? Was this when you were how old to how old or what years, whichever is easier?

A I would say time frame would have been about early '70s, '75 maybe, something like that.

Q Okay. And for the Dayton lab across the river, do you recall the time period for that facility?

A That I think was pretty much more frequent.

Q Can you help me narrow that down to how many times a year?

A Maybe ten to 12 times a year.

Q Okay. And during what years do you think that would have been?

A From about maybe '67 to early '70s, you know.

Q Okay. All right. Do you recall any other times?

A No.

Q Okay. You testified about the truck from Miamisburg because it had the red M on it; correct?

A Correct.

Q How did you know trucks were coming from the Dayton lab?

A The Dayton lab?

Q Yes.

A 'Cause some of those barrels, the cardboard barrels had indication where they came

from.

Q How were they marked?

A Like I said earlier, I thought it said "lab" or "Mound" or something like that. So -- but and I think a lot of -- and like I said, sometimes it would spill out, but it was a white -- like a white powder type of thing.

Q Do you know what that white powder was?

A No, hmm-mm.

Q Where did you dispose of that white powder?

A That got -- 'cause we saved the barrels, the little barrel. They came pretty handy to put copper and stuff in. We dumped it over the edge like Tier 1 or Tier 2. It pretty much got buried.

Q Do you recall the types of vehicles that were being used from Dayton lab to transport to South Dayton Dump?

A No.

Q Do you have an idea on the Dayton lab how many drums would be transported at any given time?

A Couple dozen. Maybe a dozen.

Q Was that pretty consistent or did it vary?

A It varied. We would like to have had more because they were real handy, like I said, to store stuff in.

Q So if it varied, can you give me a sense per year on how many drums we're talking about from the Dayton lab?

A A hundred maybe. Somewhere in that --

Q And switching to Miamisburg to the Mound lab, do you have a sense of how many skids or truckloads we're talking about?

A No, because my remembering was that one time with the guy that drove, and he said -- and why I remember, we talked I think earlier about the five things of transportation that was through Miamisburg, and we also talked about a wagon where you could get hamburgers down in Miamisburg that were really good. Then we talked about South Dixie. I think I talked about earlier how that was old 25. But the other times being dumped, I was just speculating how many times I saw skids. Whether or not they were yours or not from Monsanto, you know -- but that would be the only

time that I really remember.

Q Fair enough. Consistent with what's been asked of you already, knowing that we're all tired and you are especially tired, I'm sure, if you have any other recollections as to Monsanto, please let Mr. Silver know --

A Okay.

Q -- so that we can address those.

A Sure.

Q I only have one other question for you, and it may be kind of a hard one to answer. You've talked about spending time with Mr. Walsh prior to your deposition. Do you have an idea of how many hours total you've talked with him?

A First time two hours -- about two hours. Maybe ten hours, 15 at the most.

MS. WRIGHT: Okay. Fair enough. That's all I have. I'll turn it over to Mr. Lewis who's on the phone.

THE WITNESS: Thank you.

CROSS EXAMINATION

BY MR. LEWIS:

Q Hello, sir. Can you hear me okay?

A Yes, I can.

Q Oh, good. My name is Marty Lewis,

and I only have a couple of questions. You okay to go forward?

A Yes, Marty. Go ahead.

MR. SILVER: Marty, you're really loud and clear, so you can even turn it down just a little bit and everybody will be able to hear you really well.

(Whereupon, a brief discussion was held off the record.)

BY MR. LEWIS (Continuing):

Q Sir, I represent Valley Asphalt. I just have a couple of questions.

A Sure.

Q To your knowledge, is Valley Asphalt a neighbor of the South Dayton Dump?

A Yes.

Q Are they directly adjacent to the dump; is that correct?

A What's "adjacent" mean?

Q I'm sorry. Do they abut it? Are they right next to it?

A Yes, they're actually -- yeah.

Q What direction if you know?

A The very northwest corner.

Q Okay. Northwest corner. To your

knowledge, was Valley Asphalt ever a customer of South Dayton Dump?

A I think your products came in, but it was through other companies like Zeiler, Mr. Zeiler, all I can remember at this time.

Q Do you know that for a fact?

A For a fact?

Q I mean, do you know that Mr. Zeiler brought in any products from Valley Asphalt?

A Yes.

Q Okay. And how do you know that?

A 'Cause Mr. -- I knew Mr. Zeiler personally.

Q Is he still alive do you know?

A I'm -- I would say no, but --

Q And is Zeiler, Z-E-I-L-E-R?

A Mm-hmm.

Q And what did Mr. Zeiler tell you about Valley Asphalt?

A Tom Zeiler was his name. I think he's got a brother that was in business with him.

Q And what did he tell you about Valley Asphalt?

A Just that it was a known fact he got blacktop from you guys, and when they would get

done they'd have leftover blacktop and stuff like that. A big load I remember got dumped behind the office, and I remember Dad being so mad 'cause it got hard there, and it could still be there today.

Q Okay. So just so I understand, and tell me if I'm incorrect. I'm just trying to understand your testimony.

A Okay.

Q That Mr. Zeiler told you that he brought some blacktop from Valley Asphalt to South Dayton Dump?

A Correct.

Q Do you know what year this was?

A I remember the shuttle coming down because I was over at his house doing some work for him. Whenever the shuttle went down. It was that year.

MR. SILVER: It was 1986.

BY MR. LEWIS (Continuing):

Q And was that the only load that you know of from Valley Asphalt that was ever brought there to South Dayton Dump?

A No, because I'm sure there was a lot more. 'Cause he parked all of his equipment back there between Doyle's Auto Parts, which would be

Office Number 2. So --

Q When you said "he parked his equipment," who is "he"?

A Mr. Zeiler, Tom. The machine that shifts the blacktop to be put on the roads, so it dropped from that machine onto the ground there. Like I said, one of the guys dropped a load, a pickup truckload of that back there. So --

Q Where was Mr. Zeiler's company located?

A I don't know in the beginning, but he ended up -- I think I said earlier he moved into my father's offices there at 2011 Springboro Pike.

Q Okay. And how far is that from South Dayton Dump?

A It's on the dump.

Q Okay. So Mr. Zeiler ran his operations from the dump?

A Yes. In that time frame when the shuttle went down, yes.

Q And what was his business, Mr. Zeiler's business?

A Blacktop. Blacktop resurfacing.

Q Okay. Blacktop resurfacing. And he did business, if I understand your testimony, from

Valley -- with Valley Asphalt?

A Correct.

Q Okay. I understand. Now, this blacktop that was taken or that you saw Mr. Zeiler or you were told Mr. Zeiler came from Valley Asphalt --

A Yes.

Q -- do you know if this blacktop was on Mr. Zeiler's property, Valley Asphalt's property, or South Dayton Dump's property?

A Well, it would be on South Dayton Dump's property.

Q And how do you know that?

A 'Cause I just mentioned the load being behind the office and his trucks being parked in front of Office Number 2 and Doyle's Auto Parts.

Q Okay. And just so I'm oriented, 'cause I don't have the maps in front of me --

A Sure.

Q -- how far is the office from Valley Asphalt?

A Well, you're right up against 'em right now with the blacktop, but the office -- or where your mixer or foundry or whatever you want to call it probably a couple thousand feet maybe, a

thousand.

Q Do you know exactly where the property lines are?

A At this point, no. I could only tell you what's fenced off at this time. I saw the pile of old asphalt up to Doyle's Auto Parts and Office Number 2 and then from the south rim up to Tier Number 1.

Q Right. But my question is, do you know the blacktop you're referring to whose property that is on now?

A After the sale I think it would be Valley Asphalt.

Q Okay. And whose property was it on previously if you know?

A South Dayton Dump.

Q And how do you know that?

A Again, it was knowledgeable that on Tier 4 some of the solid waste would go there and that I saw personally a load come and be dumped behind the office like I said.

Q Okay. Other than -- that one load that you saw being dumped by Mr. Zeiler; is that correct?

A Yes.

Q Okay. Other than that one load you saw being dumped by Mr. Zeiler, are you aware of any other materials from Valley Asphalt being placed or stored on the South Dayton Dump property?

A On Tier Number 4.

Q Okay. Where is Tier Number 4?

A It would be the furthest south rim close to -- between the pit and the lake, the gravel lake.

Q Between the pit and the gravel lake?

A Yes.

Q And when did that occur?

A Early '80s. Now, whether he was dumping there previous, I didn't know because I didn't get personally to know that it came from Zeiler because I didn't -- I wasn't introduced to Zeiler until, like I said, around the early '80s.

Q Right. But this was from Mr. Zeiler?

A Yes, mm-hmm.

Q Okay. So any -- your testimony, if I understand it, is any blacktop that was placed in South Dayton Dump's property to your knowledge would be dumped by Mr. Zeiler; is that correct?

A Well, since you mention it -- and I

can only go by what I was told -- but a lot of loads that came from various companies that did patch work or resurfacing work from almost every company that ever dumped there could have came from your foundry because I believe the south part of Dayton you were the only supplier of blacktop at the time. I'm not a hundred percent sure, but --

Q And who told you that?

A Uncle Kenny.

Q Okay. But you don't have personal knowledge of that. Your only personal knowledge is what Mr. Zeiler told you or you observed; is that correct?

A Correct.

Q Okay. And the load that you saw Mr. Zeiler dump, that was around the time the shuttle went down; is that correct?

A Yeah, mm-hmm.

Q And what was the volume, if you know?

A Half a pickup truckload, or could have been a bed. Four by four by 18 inches high.

Q Now, other than what we've testified today, and I know we're all really tired, do you have a personal knowledge -- not what someone might

have told you, but do you have personal knowledge of any other materials from South -- I'm sorry -- from Valley Asphalt being stored or disposed on the South Dayton Dump other than what you've already told me?

A No.

MR. LEWIS: Okay. That's all the questions I have, sir. Thank you for your time and your patience.

THE WITNESS: Thank you.

MR. SILVER: Thanks, Marty.

I don't have any further questions. I think we're ready to shut down here. Thank goodness. All right, Ed. Thanks so much.

(The taking of the deposition concluded at 5:55 o'clock p.m.)

I, EDWARD GRILLOT, do hereby certify that the foregoing is a true and accurate transcript of my testimony.

_____

EDWARD GRILLOT

STATE OF OHIO)
) SS:
COUNTY OF _____)

Sworn to before me and subscribed in my presence by the same EDWARD GRILLOT, this ____ day of _____, 2012.

_____

NOTARY PUBLIC

My Commission expires: _____

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SIGNATURE:_____DATE:_____

STATE OF OHIO)
) SS: C-E-R-T-I-F-I-C-A-T-E
COUNTY OF MIAMI)

I, SUSAN L. BICKERT, a Certified Shorthand Reporter and Notary Public in and for the State of Ohio at large, duly commissioned and qualified,

DO HEREBY CERTIFY that the above-named EDWARD GRILLOT was by me first sworn to testify to the truth, the whole truth, and nothing but the truth; that his testimony was reduced to writing by me stenographically in the presence of the witness and thereafter reduced to typewriting; that the signature of the witness to the deposition was expressly not waived, and was taken at the time and place hereinafter set forth, pursuant to Notice and Agreement of Counsel.

I FURTHER CERTIFY that I am not a relative nor attorney for either party herein, nor in any manner interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this 4th day of May, 2012.

_____

SUSAN L. BICKERT
Notary Public, State of Ohio
My Commission expires: 8-23-13

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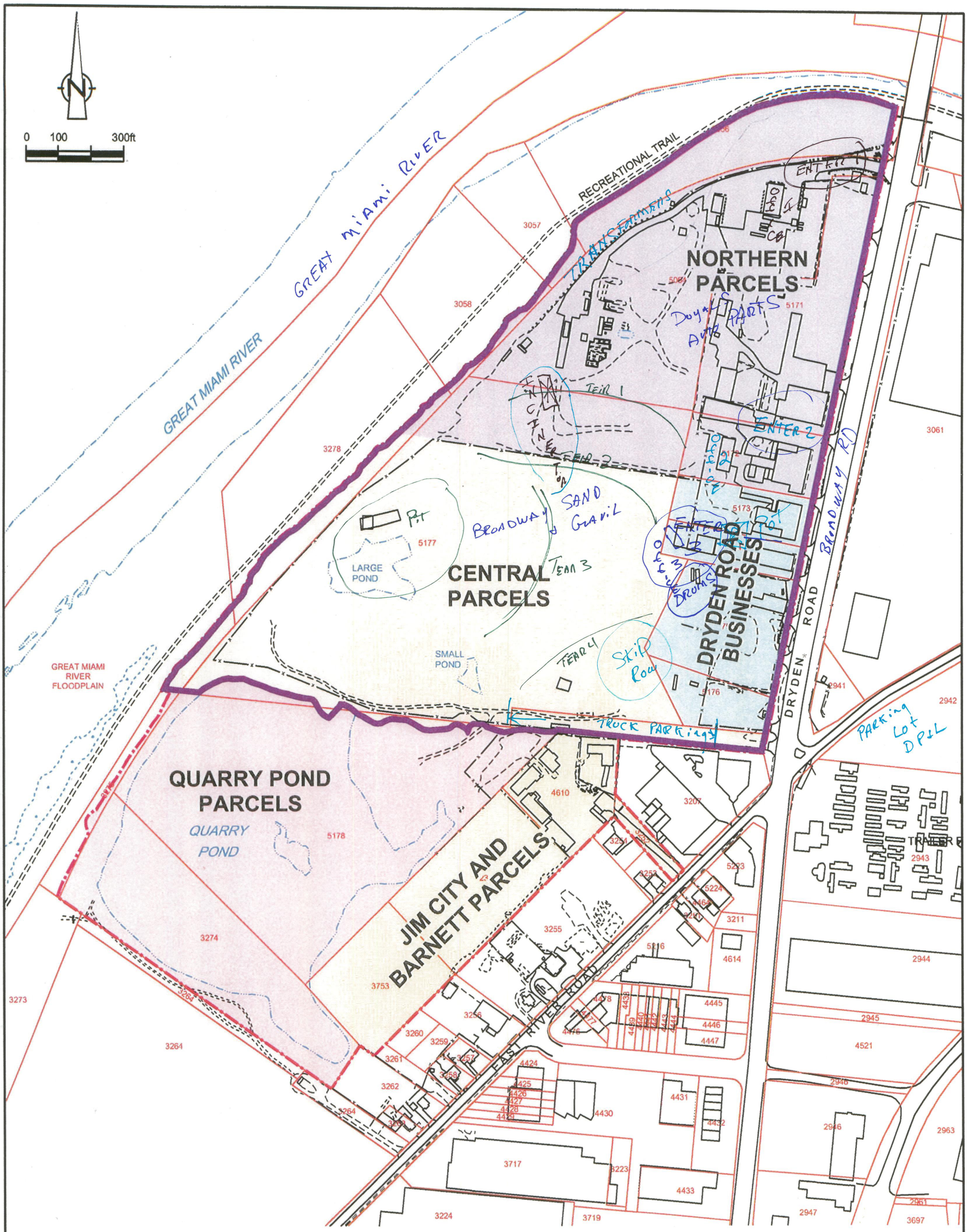

LEGEND

- APPROXIMATE SITE BOUNDARY
- EDGE OF WATER
- PARCEL BOUNDARY
- 3696 PARCEL NUMBER
- PRESUMPTIVE REMEDY AREA - OPERABLE UNIT ONE (OU1)

DEPOSITION EXHIBIT
Grillot 2

figure 1.7

PARCEL GROUPINGS
STREAMLINED RI/FS FOR OU1
SOUTH DAYTON DUMP AND LANDFILL SITE
Moraine, Ohio

SOURCES:
THE PAYNE FIRM, INC., PROJECT 0279.44.05, FIGURE 1, DATED 9/12/05;
TETRA TECH EM INC., PROJECT L0312006-SOUTH DAYTON DUMP, FIGURE 2, SITE LAYOUT, 05/25/2004;
CITY OF MORAINE.
ABRAMS AERIAL SURVEY INC. PROJECT 38443, AASI 29610, 04/02/2008

38443-88(012)GN-WA025 JUN 09/2011