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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604-3590

- - -

IN THE MATTER OF:
SOUTH DAYTON DUMP & LANDFILL
1975 DRYDEN ROAD
CITY OF MORAINE
MONTGOMERY COUNTY, OHIO

- - -

DEPOSITION

of HORACE JOHN BOESCH, JUNIOR, taken before me, Lori Jay, a Registered Professional Reporter and Notary Public in and for the State of Ohio at large, pursuant to notice and subpoena, at the United States Federal Courthouse, 200 West Second Street, in the City of Dayton, County of Montgomery, and State of Ohio, on Tuesday, the 28th day of February, 2006, beginning at 10:35 a.m.

- - -

APPEARANCES:

On Behalf of US EPA:

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On Behalf of Horace John Boesch, Junior:
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On Behalf of Dayton Power and Light:
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Also Present:
Margaret Herring, Dan Crago, Ken Brown,
Amy Wright

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HORACE JOHN BOESCH, JUNIOR
a witness of lawful age, being by me first duly cautioned and sworn, testified on his oath as follows:

CROSS EXAMINATION

BY MR. NASH:

Q. Mr. Boesch, thank you for coming here today. I appreciate your cooperating with us and helping us out in this matter. I don't think I've ever deposed an uncooperative witness, and wouldn't know what to do with one.

Your name is Horace Jack Boesch?

A. Yes, that's correct. Actually it's Horace J. Boesch, Junior.

Q. Horace J. Boesch, Junior?

A. Yeah.

Q. And your -- you currently reside at 4710 Brookdale Drive, Kettering, Ohio?

A. 4170 Brookdale Drive. 4170.

Q. 4170?

A. 4170.

Q. I see. We seem to have the address transposed in some of these documents. Maybe that explains something.

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1 Are you currently employed, Mr. Boesch?
2 A. Well, semi. I'm self-employed. I'm a real
3 estate broker. I'm a partner emeritus of a company.
4 Q. But you still work in the real estate business?
5 A. Yes, sir.
6 Q. As much as you want to?
7 A. When I feel like it.
8 Q. That's good. That's good. I aspire to work as
9 often as I feel like it myself, although sometimes I have
10 to work when I don't feel like it.
11 And I understand you're going to be going on
12 vacation soon?
13 A. Yes.
14 Q. Can you tell me when you were born, Mr. Boesch?
15 A. February 2, 1932.
16 Q. And were you born here in Dayton?
17 A. No. Columbus. Franklin County.
18 Q. Columbus. Franklin County. Did your family
19 move to Dayton when you were a boy?
20 A. No. They lived here all the time. I just
21 happened to be born up there.
22 Q. I see. Did you grow up here in the Dayton area?
23 A. Yes, sir.
24 Q. Tell me a little bit about your educational
25 history.

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1 A. Educational history, I attended parochial grade
2 schools, and Chaminade High School here in Dayton until my
3 senior year, and then I went down to Georgia Military
4 College in Milledgeville, Georgia, not of my own choice
5 but my father's, but that's a long story.
6 And then I came back here and attended the
7 University of Dayton, graduated from the University of
8 Dayton in 1954. Went in the Army in 1954 to 1956.
9 1956 to '57 I went to Ohio Northern University
10 at Ada, Ohio, and decided that wasn't my cup of tea. My
11 father and my two uncles were attorneys but I decided that
12 wasn't my line of work.
13 In the meantime while I was in college I clerked
14 for an auctioneer and got a real state license here in the
15 Dayton area, and I came back and went into the real estate
16 business. And I maintained an office, I had a partner,
17 Bill Gilmore, we maintained an office in his home on
18 Dorothy Lane until my father built a wing on a building
19 down in Moraine when he retired, semiretired, in 1960 from
20 downtown. That's when I was down in the south Dayton
21 area. And also I was there when I was in college. I used
22 to work down there on Saturdays.
23 That's briefly my background.
24 Then I got into the real estate business and
25 started a company with some friends of mine, and I've had

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1 it since, oh, '58. Almost fifty years. Forty some years.
2 MR. NASH: Can you all hear Mr. Boesch?
3 BY MR. NASH:
4 Q. Could you speak up a little more. I can hear
5 you across the table here.
6 A. I'll turn this way and face everybody. I got on
7 my granddaughter last night for not speaking up so I guess
8 I should now.
9 Q. All my life people have been telling me you're
10 trailing off again, and I do tend to sort of modulate my
11 voice towards the end of a sentence when I forget what I'm
12 saying. If the court reporter will let us know if she
13 can't hear any one of us.
14 MR. NASH: And at the appropriate time when you
15 want to ask Mr. Boesch questions I'll be happy to exchange
16 seats with you so you can sit closer to him, or maybe
17 Mr. Hoffman will if you want to sit even closer yet. But
18 at this point I just want to make sure that everybody is
19 aware of what's going on.
20 BY MR. NASH:
21 Q. Mr. Boesch, your aware that we're interested in
22 the -- what you can tell us about the South Dayton Dump
23 and Landfill as we refer to the property. I had my civil
24 investigator, Margaret Herring, who you've spoken with
25 before, make some copies of aerial photographs of the

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1 site, and I propose to use those aerial photographs so
2 that you can take a look at it and -- at the photographs
3 and show us where things were.
4 And I'm going to get the first one of those
5 photographs out now. I've got them on a table behind me
6 here.
7 MR. NASH: Lori, do you have identification
8 stickers?
9 THE REPORTER: Yes. How do you want to mark
10 these; as plaintiff's exhibits, or with blank exhibits?
11 MR. NASH: I think complainant is the way we
12 usually do it, but plaintiff will be fine, plaintiff's
13 exhibit 1.
14 THE REPORTER: Okay.
15 MR. NASH: Yeah. We'll just mark this for
16 identification as plaintiff's exhibit 1.
17 MS. VICKI WRIGHT: Mr. Nash, I have to object to
18 the use of the word plaintiff. There's no pending
19 lawsuit. This is an administrative deposition.
20 MR. NASH: Mark it as -- mark it as EPA's
21 exhibit 1.
22 Does that satisfy you?
23 MS. VICKI WRIGHT: That's fine. Thank you.
24 MR. NASH: Now, I want everybody to feel free to
25 object at any time. I think that was instructive, that

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1 little exchange there. I'm not nearly as experienced as
2 most of you are at this sort of thing, and I'm liable to
3 mess it up if I don't get a little guidance and
4 instruction from those around the table who know better
5 than I do, so I welcome any such interjection as that.
6 Ms. Wright is quite correct. We don't have an
7 adversary proceeding at this time. Maybe we never will
8 have. We'll see.
9 (Marked EPA exhibit 1.)
10 BY MR. NASH:
11 Q. At this point EPA's exhibit 1, Mr. Boesch, I'm
12 showing you an aerial photograph which has been marked for
13 identification as EPA exhibit 1. I think that the roads
14 are marked on that photograph.
15 A. Yeah. This was what is now Dryden. What is now
16 Dryden Road was formerly known as South Broadway, and then
17 Springboro Pike, and it's now Dryden Road. It's had three
18 names in the last, oh, fifty years, sixty years. It's
19 changed around.
20 And then here's East River Road, which is --
21 runs southwest off of Dryden Road, which runs north and
22 south.
23 The property that we're talking about, and this
24 is a 1938 photo, this was a farm back here that my father
25 bought at sheriff's sale sometime in the thirties. I

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1 don't know when. In fact, you can see the old farmhouse.
2 And Pop Duncen was the farmer. He raised crops on these
3 fields back in here.
4 This part Mr. Grillot owned up here in the
5 frontage. He had been in the fireworks business, and he
6 had his fireworks stored in little paper shacks, 12 by 12
7 tarpaper shacks, and they were on fifty gallon drums and
8 they'd blow up. And he was out in Drexel, and they got
9 tired of him blowing up out there, and they shipped him
10 out, and he built down here in what was Van Buren
11 Township.
12 Well, when he got down there the county was
13 looking around, they got after him, so dad bought the farm
14 behind him to protect him. He was a client of my father's
15 at one time and became a partner in the thirties. They
16 became partners in real estate investments and things like
17 that.
18 They pretty well stayed the same until 1945 when
19 Mr. Grillot's brother Alcine came back from World War II,
20 and they had a gravel pit. They had started a gravel pit
21 in here during the war. And the intention was, my father
22 and Mr. Grillot, to let him fill this in as a dump, the
23 gravel pits, and then make an industrial park out of it,
24 you know, when it was finished.
25 MR. LUNN: Just, can I just interject here for a

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1 second, Mr. Nash? Could we -- do you have any objection
2 to him writing on the exhibit?
3 MR. NASH: No. None at all.
4 MR. LUNN: If maybe, you know, some of these --
5 MR. NASH: If there are no other objections
6 around the room, it might be useful if -- that's one
7 reason that I had the photos procured was so that
8 Mr. Boesch might be able to show us where things are, and
9 we are trying to preserve things for the record here. It
10 may be useful in further discussions between the parties
11 or there may be other uses for them.
12 MR. LUNN: For example, Mr. Nash, if we could
13 have him, if he would, you know, show the area where
14 the -- this gravel pit was going to be, if he could circle
15 that and maybe mark it with an A or number 1.
16 MR. NASH: I think we have other photos --
17 MR. LUNN: We'll get to that.
18 THE WITNESS: Further along in time they'll show
19 the pits.
20 MR. NASH: -- that will show where the gravel
21 pit actually was.
22 THE WITNESS: This was the first knowledge I had
23 of it, of the property in question, is all I'm trying to
24 explain.
25 MR. LUNN: Right.

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1 THE WITNESS: How this whole thing transpired
2 into being a dump and an EPA site and everything else.
3 MR. LUNN: But in the record you're not -- we're
4 not going to be able to follow any of this if we don't
5 mark things on the map.
6 MR. NASH: I agree with you. It's just that we
7 have a photograph from 1949 that we'll introduce in a
8 minute where you can see where the gravel pits were. I
9 think that's probably going to be as accurate as any
10 attempt to tell by this where the gravel pits were going
11 to be by marking.
12 MR. LUNN: It's not just the gravel pit. He was
13 talking about where the farm was.
14 MR. NASH: We can identify Pop Duncen's farm,
15 for instance, and I think I can ask Mr. Boesch -- let's
16 see here --
17 THE WITNESS: Are you familiar with the site at
18 all?
19 MR. LUNN: I am not. I mean I've seen -- I've
20 seen aerial photos like this, sir.
21 MR. NASH: We've got some labels here that we
22 can use for purposes of identifying the -- where the farm
23 was, for instance.
24 THE WITNESS: Well, you can see in this aerial
25 photo where the house and the barns were. These fields

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were farm fields.
MR. HOFFMAN: Is that a Post-it?
MR. NASH: Tim, do you want to help us out a little bit? There's a couple of sticky label things there. We've got red and blue and other colors that we can designate for the court reporter's transcript what we're using.
MR. HOFFMAN: Just point to the farm.
THE WITNESS: Okay. Yeah. I'm trying to think how he spelled his name. It was Duncen, D-U-N-C-E-N, I think.
MR. HOFFMAN: C-E-N?
THE WITNESS: Yeah. Duncen. I was a kid then. I don't really know how to spell the man's last name, but I just knew him as Pop Duncen. He was a tenant farmer there.
Right there, see, that's that power line, if you looked at those, that DP&L power line that goes on across the river that goes west from Dayton Power and Light over to the river there, East River Road. It's just off the corner of East River Road there, and Dryden Road now.
MR. NASH: Were you able to get all that?
THE REPORTER: Yes.
This was where Mr. Grillot kept his --
MR. NASH: Just a minute.

(An off-the-record discussion was held.)
BY MR. NASH:
Q. I'm sorry, Mr. Boesch.
A. That's okay. No problem.
Q. You were pointing something out about Alcine's --
A. No. That wasn't Alcine. He doesn't come into the picture until after 1945.
Q. Oh, that's right.
A. Cyril was the older brother.
Q. Right. I've got it now.
A. And this is where he had his fireworks stored up in here. And they started to do a little gravel up here at Broadway Sand and Gravel. He let them take some gravel out of the ground right here.
The higher banks up on the north end, there was a prior dump up there that was Charlie Cinn's dump. That was what they called the Cinn dump. And it was there. And it had been there even back turn of the century I think.
MR. NASH: Do you want to mark that with maybe one of these little red -- can we use the little red sticker there for the Cinn dump?
THE WITNESS: Here?
MR. NASH: He'll show you where to put it.

THE WITNESS: Right up there.
BY MR. NASH:
Q. Over here; is that right?
A. Yes. Just about where that building sits where Valley Asphalt is now.
Q. Now, you were saying, Mr. Boesch, that the Cinn dump was already there in the thirties when Mr. Boesch and Mr. Grillot acquired property a little further south?
A. It was filled and closed.
Q. And that was up where?
A. Right next to the bridge. Just south of the bridge on where the entrance to Valley Asphalt is.
Q. The bridge would be the bridge where Springboro -- Springboro Pike, as it was, crossed the Miami River?
A. Right. Dryden Road, the north bridge here. The old Broadway bridge.
Q. All right. And can you tell me anything more about what we see on this photograph? You've identified the farm that Pop Duncen farmed from on property belonging to your father?
A. Uh-huh.
Q. What about these farms, these building here along East River Road?
A. Those were some houses there, and there was old

Jim McKinney had South Broadway Riding Stable over there, and these were some houses here facing Springboro, or Dryden.
Q. South -- now, the riding stable was?
A. On East River Road, and his property ran through to South Broadway.
Q. But it was on the east side of East River Road?
A. Yes. It was on the east side of East River Road. That's correct.
Q. What about this building here on the west side of East River Road?
A. That was a house. I think the house is still standing out there, just a big, old, four-square farmhouse.
Q. Do you know who owned that farmhouse?
A. Not at that time.
Q. Not at that point?
A. The only thing I really knew was about Cyril and Pop Duncen back then. See, Dad used to go down and get produce from him.
Q. Well, I understand this photo was taken it was --
A. 1938.
Q. -- 1938. You were about six years old at that time.

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Well, let's get the next aerial photograph.
A. Okay. Well, and this was -- Snyder owned the farm here, and DP&L bought some of Snyder's farm. The Snyder farmhouse sat right here, right in this grove of trees right here, and I think this land where they put their work was Snyder's farm. I wouldn't swear to it, you might be able to go back and check the records, but that was all farmland.
Q. And with Snyder's farm again you're looking at property that's east of East River Road?
A. Yes. That's correct. Well, it was actually was -- Snyder was -- was east of Springboro, and north of East River Road and south of East River Road.
Q. I see.
A. East River Road runs from southwest to northeast on an angle there.
Q. I see. Right. I was looking at what I guess was the buildings and the actual farm fields, and some other outbuildings were north of East River Road.
A. There was a railroad track.
Q. Uh-huh.
A. And, see, that was the original Dryden Road that came up where the old canal ran.
Q. Uh-huh. I'm going to put another aerial photograph on the table here.

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A. Okay.
Q. And we'll mark this as EPA 2.
MR. NASH: This is marked for identification as EPA number 2.
(Marked EPA exhibit number 2.)
BY MR. NASH:
Q. Get oriented here.
A. Okay. Let's see.
Q. You've got Springboro Pike again there?
A. There it is. Yeah.
MR. LUNN: Do we have a date for that one?
MR. NASH: Yes. This is 1949.
THE WITNESS: 1949.
MR. NASH: These aerial photographs come from Montgomery County; is that right, Margaret?
MS. HERRING: Right. The county engineer.
THE WITNESS: Well, this was the gravel, some of the first gravel, and this was some of the first fill in here. Let's see. Duncen's house was still back here. But this is where they started taking the gravel.
MR. NASH: Well, don't cover it up.
THE WITNESS: It's right there.
MR. NASH: Yeah, well, it's clear plastic so --
THE WITNESS: It started gravel and then they started dumping. It was started before that, but it was

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started probably in about '44, '45, the gravel pit. This was taken in '49. That shows you what they're taken out of there.
BY MR. NASH:
Q. You're telling me that they began mining gravel during the war?
A. Right. During the war.
Q. In the latter part of the war?
A. Right.
Q. And it looks like some really extensive gravel mining had taken place in the five years subsequently when this photograph was taken?
A. Yes.
Q. Now, you were saying something about dumping beginning there. Can you show where that was?
A. Yeah. It started right along in here.
Q. Uh-huh.
A. Right along in here.
MR. NASH: Let the record reflect that the witness is pointing to the northeast edge of the barrow pits.
THE WITNESS: Which would be about where B&G Trucking is now, in the back of it, not in the front part. The front part was solid.
BY MR. NASH:

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Q. Now, this is an access road here, isn't it, this line?
A. That's just a road that they were using for some reason. They might have used that -- I think they were using that to take the overburden and extend this levee down here along the levee part, you know. The Miami Conservancy only ran the levee just to about the turn of the river originally when they built that conservancy levee.
Q. Uh-huh. And you were saying that one extended the levee further south then?
A. Well, my father and Cyril made Bill Jones, who was taking the gravel out of this gravel pit --
Q. Uh-huh.
A. -- take his overburden and dump it over as an extension of this levee.
Q. And can you tell us a little bit how -- about how dumping operations began at the site?
A. Well, Cyril's brother, Alcine Grillot, came back from --
Q. Have a seat if you feel more comfortable.
A. I thought maybe I could enunciate a little louder or something.
Anyway, he came back from World War II, and he had remembered some other dumps around, you know, and he

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1 thought that would be a good place to start it, that
2 gravel pit.
3 Well, he talked to my dad and Cyril, and they
4 said okay, we'll rent you the ground. We don't want to
5 get in the dumping business. We'll just rent you the
6 ground. Alcine was a tenant of my father and Cyril. And
7 so they rented him the ground and he started dumping.
8 And he and Doyle Roberson were partners.
9 Q. Do you know how to spell Roberson?
10 A. Roberson, R-O-B-E-R-S-O-N. He came up from
11 Tennessee after the war, and he and Alcine got together
12 and they started that dumping in there. Then they really
13 started in around '46 but it got a little heavier around
14 '47 and '48 as the gravel went out and they moved in.
15 Now, at the time dad and Cyril would not let
16 them come to the front. They wanted to come more to the
17 front, you know, with the gravel, and they wouldn't let
18 them because that's where they built their first building,
19 see, the old Flemming truck building which is now B&G Body
20 Truck Parts, I don't know, body shop or something, and
21 then the building next to where his wing was. They didn't
22 want them coming in there.
23 So they stayed in the back, and they went on an
24 angle across there. That's about the time that Valley
25 Asphalt rented the ground in the back for their plant, and

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1 John Jurgensen, Senior came to town. Well, Jim's the son.
2 Yeah. John's the father.
3 John came to town, and he said you guys are
4 making money three ways. You take the gravel out, and you
5 put the dump in, and then you use the ground for
6 industrial. He said that's the only time I ever seen
7 anybody make three times off a piece of ground.
8 But, anyway, they leased to Valley Asphalt, and
9 they came in right along the river. That was -- I think
10 that was the late forties. It might have been the early
11 fifties. I wouldn't swear to it. But they kept dumping
12 all this time. And I used to --
13 Q. When you say "they", I'm sorry to interject, but
14 when you say "they" do you mean Alcine and Doyle?
15 A. Alcine and Doyle kept operating the dump.
16 Q. All right.
17 A. They kept the dump operating. The dump operated
18 basically as a burning dump. They used to burn it every
19 night, you know, if they got paper and trash and stuff in
20 there, but the county got an injunction against them in
21 1955 to stop their burning.
22 So from the time on, from that time on, my
23 father and Cyril would only allow them to take solid fill.
24 They didn't want them taking any more trash, household
25 goods, anything like that, because they wanted to use the

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1 ground again. They wanted solid fill in there. And when
2 they couldn't burn, that became a problem, you know.
3 So, anyway, and then let's see. Then about
4 1950, '51, during the Korean War Cyril came up with the
5 idea of separating some old metal that was up in the Cinn
6 dump. There had been some old car bodies and things put
7 in there years ago. Cyril knew them as a boy. He grew up
8 just on the other side of the river off of Cincinnati
9 Street over there, and he knew that there was some old
10 metal in there. So they started mining this metal that
11 was in there, you know.
12 Q. Cyril came up with that idea?
13 A. Yeah.
14 Q. And suggested it to Alcine?
15 A. Yeah. He found it down in Miami, Florida. He
16 saw this operation down in Miami, Florida when he was down
17 in Florida.
18 What it was, it was a gravel hopper built on the
19 side of hill, on a mound like, you know, where the trucks
20 could back up and dump into the hopper.
21 Now, they built it over the right near the dump
22 bank and the underlying -- and that hopper would empty
23 onto a conveyor belt, and then down below there was a
24 concrete bunker with an engine in it that ran the thing,
25 you know, and that would run.

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1 Then they overlapped it with a belt, magnetic
2 belt, that would pick up some of the metal, but it
3 wouldn't pick it all up.
4 And then they used to pick by hand. And that's
5 where I worked when I was in college, was picking brass
6 and stuff off of there that wouldn't pick up. It would
7 pick up the lighter metals but not the heavy.
8 It would go over a bank, and that overlapping
9 conveyor belt would dump into a big truck that would take
10 all the metal that was salvageable, you know, that the
11 conveyor belt would pick up, it would be a shorter belt
12 where the main belt was, and there was a dump truck there
13 that would take the -- they would dump it right back into
14 the hole they were taking it out of in the old Cinn dump.
15 They had an operation going on up and down
16 Broadway there. They ran along the edge of the road
17 there. And that's where I picked scrap iron in the
18 fifties, in the early fifties when I was going to school
19 was over there in that operation.
20 Q. Now, the conveyor belt contraption that you're
21 describing, it worked by magnetism?
22 A. Well, there was a -- there was a lower conveyor
23 belt that this hopper dumped onto. You know, you got a
24 hopper, a gravel hopper like, and it dumps onto a conveyor
25 belt, you know, where they're separating gravel and

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1 changing sizes and stuff, and then overlapping this lower
2 conveyor belt was another conveyor belt. At the top was a
3 magnetic conveyor belt, and it was longer, it went further
4 out. It was built on -- on metal standards like a water
5 tower, you know, that would carry it out.
6 And that would pick up -- that magnetic belt
7 would pick up the lighter metals, you know, like tin and
8 aluminum and some of that, but it wouldn't pick up the
9 heavier ones like brass, and they were all salvageable
10 metals during World War -- during the Korean Conflict. So
11 we'd go over there and pick the stuff off the lower belt
12 that the magnetic belt wouldn't pick. We'd stand
13 alongside it and pick up that brass and stuff that it
14 wouldn't pick up in the metal. And that was what they did
15 that with that during the Korean War.
16 And then --
17 Q. So was that your first employment that you had
18 at the dump?
19 A. Oh, I used to go over there and they used to
20 have me do odds and ends, pick stuff up and move stuff,
21 you know, once in a while. Yeah, my dad would take me
22 over there in the forties, you know, but I was -- I went
23 away to school until '45.
24 Q. Right.
25 A. And then I came back and went to Chaminade. I'd

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1 go over there once in a while but I'd just go over with
2 him. He'd go over and look at things.
3 See, he didn't have an office there and he'd
4 just go over and check to see that they were doing it the
5 way he wanted to do it. He and Cyril used to disagree.
6 Cyril cut corners and my dad wouldn't, and so he went over
7 to check to be sure that Cyril was telling his brothers to
8 do it the way he wanted it to be done, you know, so they
9 could use it afterwards. That was the main thrust of the
10 whole thing.
11 And I'd go over with him, and sometimes I'd work
12 over there if they needed an extra hand to pick up scrap
13 or something, I'd do it, you know. But it was just hand
14 picking and I didn't like that hand picking at a dump. I
15 can tell you, I wasn't happy about that at all. That
16 wasn't my cup of tea.
17 And then we used to go back to Duncen's and get
18 stuff. You know, he raised a lot of produce and fruit and
19 things like that, and we'd go back and get that. That was
20 still in operation back there on the back end at that
21 time.
22 Q. All right.
23 A. In the meantime, about 1950 or '51, Alcine's
24 brother Kenny retired from Huffman Manufacturing, and they
25 wanted to take him into the dump, Alcine did.

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1 Well, Doyle didn't want to take Kenny in because
2 he didn't want to give up any of his share of the fifty
3 percent, and Alcine wanted him to give up, they each take
4 a third, and Doyle said no.
5 So Alcine bought Doyle out from the business.
6 We had nothing to do with that except Doyle went right
7 across the road and built a salvage yard and started
8 salvaging automobile parts and stuff like that, you know,
9 salvage cars, and he operated Doyle's over there for
10 several years. But they still operated the dump up until
11 1955, and I mean as far as the burning part of it was, and
12 when they shut them down then they only took solid fill.
13 Q. So Alcine and Doyle Roberson operated the dump
14 until '50 or '51?
15 A. Right.
16 Q. At which point Alcine bought out Doyle's share
17 and brought Kenny -- his brother Kenny in --
18 A. That's correct.
19 Q. -- as a partner?
20 A. Uh-huh.
21 Q. And Doyle started up Doyle's Auto Salvage?
22 A. Right across the would-be street, which was
23 never dedicated. It was just an entrance.
24 Q. I wondered what you meant by across the road.
25 A. Yeah.

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1 Q. So that Doyle's Auto Salvage is on the same side
2 of Springboro Pike as the dump?
3 A. Yes.
4 Q. Maybe could you mark on the exhibit what you're
5 talking about as the undedicated street.
6 A. It doesn't show on this '49 photo yet because,
7 see, they haven't built those buildings yet.
8 Q. All right. We'll wait for the next photo then.
9 A. Yeah. The next one will show it. That doesn't
10 show it. That's all the preliminary where the gravel pit
11 was starting, and they started dumping right up there, but
12 you can see the white is the gravel there when they start
13 mining.
14 Q. I think the next one we've got here is 1968. I
15 don't -- I think I've got a smaller one in my bag of 1954,
16 but I think we'll continue to use the reproductions that
17 we had made yesterday in Montgomery County.
18 MR. NASH: Would you prepare a sticker for EPA
19 number 3, here.
20 (Marked EPA exhibit number 3.)
21 BY MR. NASH:
22 Q. I believe this was the Miami River here. This
23 is Springboro Pike. This would be East River Road. Can
24 you show us where that undedicated street would be?
25 A. Yeah. Right here.

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Q. Uh.huh.
A. Right here.
Q. Between these two big buildings, there's two smaller ones behind?
A. Yes. Behind.
Q. So the street would run there then?
A. Yeah. Uh-huh. Right across there.
Q. Okay. It's fairly visible on there.
Now, was this undedicated street, did that lead back to the dump itself?
A. That was the dump entrance for some time, and then they moved it further south.
Q. Uh-huh. Do you know for how long a time it was the dump entrance or the main entrance?
A. Probably from about 1945. It was just a gravel road then, and probably from about 1945 to I would say sometime, you know, about in the mid sixties maybe.
See, the first building was built in '55. I was in the service. That was a 10,000 square foot building to the south where that road ran, and then there was another building built south of that. They built south first, and then the last -- then they built the two buildings -- the one building behind. Then they built the GMC truck building. That was a GMC truck dealer down there.
Then they built the building behind them, which

was Doyle's Auto Parts building, which is now occupied by I think it's B&G Trucking, both of those two buildings, which would be on the north side of that undedicated street, that entrance.
Q. Can you mark which of these buildings was Doyle's?
A. Yeah. Here was Doyle's right in the back here, and here was the dump building.
Q. So the 5,000 square foot building that's to the north --
A. North, yeah, was Doyle's.
Q. Okay. Mark that with a D or something.
MR. HOFFMAN: Put a blue sticker on that one.
MR. NASH: Put a blue sticker on it and put a D over the building itself.
THE WITNESS: Okay. Okay.
BY MR. NASH:
Q. And then who was in the building to the south there?
A. That was the dump building. That was where Kenny was.
Q. Okay.
A. With --
MR. NASH: Give me a red sticker, Tim. We'll mark this and just put dump on there.

THE WITNESS: Okay.
MR. NASH: Dump building I guess so we won't confuse people. So X marks the spot here.
THE WITNESS: Okay. Yes. That was Ohio Sealer and Chemical Company was in that 10,000 square foot building.
BY MR. NASH:
Q. Just to the south of the undedicated street?
A. Just to the south of the undedicated street. On the north side was Flemming-Rainey GMC truck dealership.
Q. Thank you.
A. Which became Palmer, and then became Foreman, Bill Foreman, before they closed down.
Okay.
You see, that had all been pretty well filled in by then.
Q. What was it that had already been pretty well filled in by 1968?
A. Well, the dump, the gravel pits behind where Doyle had his auto parts, and then Valley Asphalt came down.
Q. Uh-huh.
A. That was all filled in.
Q. So the land behind Doyle's auto building had already been filled in?

A. Uh-huh.
Q. That had been gavel pits that had been filled in by the dump?
A. Yeah, filled in. Yeah. It ran on an angle up here from where that entrance was, you know. It sort of angled up that way.
Q. Uh-huh.
A. As you can see on this earlier map --
Q. You can switch back to 1949, I think it is, any time you want to.
A. You can see how it ran on an angle up here.
Q. Right.
A. See how the gravel was taken on an angle?
MR. LUNN: We're looking at exhibit 2 now?
MR. NASH: We're back at EPA 2 now.
THE WITNESS: Just trying to -- there's a twenty year gap in these two maps almost.
MR. LUNN: I just want to make sure on the record what we're talking about.
THE WITNESS: We're back on number 2 where it ran from an angle to the northwest, that line where the dump was. It didn't come up to the original Valley Asphalt ground. It was south of that.
Where do you want to go from here?
BY MR. NASH:

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Q. Well, I wanted to see if I can clarify what it sounded to me you were saying there, how the -- how the dumping proceeded. It sounded to me like you were saying that the dumping began, as it were, sort of at the north end and proceeded southward?

A. It really began more -- more in the not the middle of the tract but maybe 60 percent south of the Broadway bridge.

Q. Uh-huh.

A. Which was the north part of DP&L and Valley Asphalt. It began south of there. See, between East River Road and the river it began about -- well, just about halfway.

Q. You've used the term a couple of times the bank, and I took that to mean --

A. The bank that they dump over. They dumped -- in other words, these gravel pits were a hole in the ground, and they started the bank from the solid ground where they stopped mining gravel, you know, and the bank is where they would dump over. These trucks would back up and dump over the dump -- over the bank.

Q. And as they filled the gravel pit then the bank would moved towards the south?

A. It would move south. Yes.

Q. And west?

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A. Yes. It would move southwest.

Q. So they were filling in the gravel pit then starting at the northeast and proceeding towards the southwest?

A. Southwest. Yes. That's correct.

Q. And over the course of twenty years the bank moved a considerable distance to the south and west?

A. Yeah. Actually, this was the main dump south until Romey Sweeterman got ahold of that one dump over on Dorothy Lane where they've got the gas, where Supply 1 is now, and they've got the methane pipes in the ground and all that. This was the only dump really on the south edge of town. And then Snyder's got into it up there by Snyder Brick and Block, and Blaylock got into it up on the hill. They were all old gravel pits was what they were.

Q. So until Snyder, and can you repeat those other names for me?

A. Blaylock.

Q. That would be Blaylock Trucking? I think I've heard that name.

A. Yeah. Yeah. Louie was in the dumping business too.

Q. And you mentioned the dump on Dorothy Lane?

A. Yeah. That was Romey Sweeterman bought, you know, one of the old gravel pits and filled it in right

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near -- the ready-mix company's back in there. I'm trying to think of what it was then.

Q. But until those dumps got started this dump was the main dump in south Dayton?

A. Probably until about -- for about ten years, yes.

Q. For about ten years up until about the mid fifties?

A. Yeah. They got the solid fill, yeah.

Q. It's your understanding that these other dumps on Dorothy Lane, and Blaylock Trucking, and the other one you mentioned, Snyder I think --

A. Yeah, Snyder.

Q. -- it's your impression those started in the mid fifties?

A. Yeah, when they started dumping in there, yeah, because Snyder's was an old drive-in theatre, Skyline Drive-In Theatre back there behind Snyder Brick and Block.

MS. VICKI WRIGHT: Do you have a street address for that?

THE WITNESS: Please?

MS. VICKI WRIGHT: Do you have a street address for that?

THE WITNESS: It would be South Dixie now, probably just north of the old Colony Club. Snyder owns

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all those buildings in there, back in there. Snyder Brick and Block's still back there. Lee Snyder runs that.

See, what happened, the reason they called it Moraine, because there were gravel deposits, moraine gravel deposits from the glaciers, and all these gravel companies came down there and were buying gravel down there, you know. Central Ready-Mix started out on Cincinnati Street. They were down on East River Road. They needed the gravel for their concrete, which Valley did for their asphalt, you know, and these were all gravel pits down in here.

So after the gravel pits were filled up they started using them for dumps. I mean you go both sides, you go the other side of the river over off West River Road up on the hill and -- well, it's not Rumpke's now, it's Danis' mountain, but they were all gravel pits originally.

Old gravel pits were the best dumps in the world, except American Agg did a little bitter. They made lakes out of them.

MR. NASH: All right.

THE WITNESS: That's how these things got started.

BY MR. NASH:

Q. You told us that Doyle Roberson and Alcine

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1 Grillot started the South Dayton Dump here in about 1945,
2 1946?
3 A. Yes, sir.
4 Q. And what sort of wastes were brought to the dump
5 and who brought them?
6 A. Well, all kinds of people brought waste into the
7 dump until 1955. As long as they could burn they took
8 household, things like that, everything, but when they
9 couldn't burn they stopped taking household. And after
10 that, after about 55, it was mostly all industrial
11 companies with solid industrial waste, you know.
12 And, you know, sometimes contractors would bring
13 it in. If they took a street up for some strange reason,
14 they couldn't put the same gravel back down, they had to
15 put new down, and they had to get rid of that gravel so
16 they'd bring it down there. You know, overburden.
17 Well, DP&L, when they'd dig a post hole for a
18 light pole they'd put that on the back of a truck and they
19 would dump that down there.
20 Q. Uh-huh.
21 A. It was several different things brought in, but
22 it was all solid because they filled it up pretty fast, as
23 you can see twenty years there.
24 Q. Uh-huh.
25 A. And then they moved the entrance further south

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1 over here too. That entrance is still there. In fact,
2 the fence -- gate's still back there on this road going
3 back to it. That's when the bank had moved. They squared
4 the bank up too, and they come down here.
5 As you can see on this map here, there's what's
6 left of the old gravel pit, of Broadway Sand and Gravel,
7 and then this was Schon's Gravel Pit down here. Excuse
8 me.
9 My dad and Cyril acquired that other tract of
10 land down there on that south tract, which there was no
11 dumping on during -- in about 1943 or '44. Dutch Davis
12 owned that, and he kept the frontage but he sold that back
13 acreage to him, and that was all gravel operation.
14 Though Alcine did have down here a palletizing,
15 burning thing, that he got some kind of wind shield or
16 whatever he called it.
17 Q. That would be -- would that be what's referred
18 to as the air curtain destructor?
19 A. The air curtain destructor. Yes. I don't know
20 where they ever got that name at. But anyway --
21 Q. It sounds like a funny name to me too.
22 A. Somebody probably told Alcine about it in a bar.
23 But air curtain destructor.
24 Q. I think you told me that you suspected that
25 that's where Doyle and Alcine came up with the idea about

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1 the dump, that Alcine got most of his best ideas in bars?
2 A. Oh, yeah. There was a couple of bars down there
3 in Moraine that were pretty tough, and those guys were
4 always down there drinking beer and coming up with these
5 ideas.
6 But anyway, they -- that's where he used to take
7 a lot of those transistors apart was down there.
8 Q. At the air curtain destructor?
9 A. Yes, at the end, because, see, Kenny died, and
10 then that just left Alcine down there, and he came in that
11 entrance, and he'd come down there and get some of those
12 off of where they had been dumped or whatever, you know,
13 and take them apart. But there was a lot of them stored
14 in the dump building up there, in the old dump building,
15 before dad made them clean it out.
16 Q. And where did they come from?
17 A. They came from DP&L.
18 Q. From DP&L?
19 A. Yeah. Those transformers that sit up on posts.
20 Q. Uh-huh.
21 A. You see them every time the electric goes out,
22 the guys get out there and start them up again or
23 something. I used to watch them. I had one right down at
24 the end of my lane in the country. I know.
25 Q. You say Alcine took them apart?

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1 A. Yeah.
2 Q. What for?
3 A. Well, there was copper in them, and I think
4 there was some silver and some other stuff in them. For
5 scrap metal is what he took them apart for.
6 Q. It sounds like a lot of the things that Alcine
7 was doing at the dump had to do with scrap metal. He was
8 interested in getting the -- at first you say he was
9 interested in getting the scrap metal out of the old Cinn
10 Dump --
11 A. Uh-huh.
12 Q. -- and maybe dug up a bit of the old Cinn Dump
13 to get some of the metal there, and I think you gave me
14 the impression that that was because of metal becoming
15 more valuable at the time of the Korean War?
16 A. That's right. That's why they dug up that Cinn
17 Dump. Yeah.
18 Q. And one of your jobs when you worked at dump
19 was --
20 A. Every Saturday I would go down --
21 Q. -- to pick copper and brass up?
22 A. -- and pick copper and brass off the conveyor
23 belt. You know, where the magnetic conveyor belt wouldn't
24 pick it up, we'd pick it up and put it aside and sell it.
25 Q. And Alcine would disassemble transformers to get

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at the copper that was inside?
A. Alcine would take them apart. Yeah.
Q. Did you see him do that?
A. Oh, yeah. I'd seen him do that. He had a crowbar. He worked good with a crowbar. That was the first thing he wanted was a crowbar.
And none of the rest of us would go near them because there was some kind of an acid or something in there. I don't know. That never bothered Alcine.
Q. A man of his hands?
A. Uh-huh. Yep. He never, never worried about that.
Q. And he'd do that kind of work where the air curtain destructor came to be located later?
A. He did later on, yeah, when he was by himself after his brother died.
Q. After Kenny died?
A. Yeah.
Q. When did Kenny die?
A. That's a good question.
Q. Well, we can get that from available records if you don't recall.
A. Yeah. I'm trying to think. It was probably in the seventies but I don't recall exactly when. It was probably in the seventies I'd say.

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Maybe it was in the sixties. Maybe it was the in late six sixties. I can't -- I can't -- when I really left there in '67 I didn't go back too much, just stopped over to see my father or something, you know, something like that.
Q. Now, you talked about leaving there. You weren't -- you weren't working at the dump in '67?
A. No. No. No. I had -- the only time I ever worked at the dump was during the Korean War when that scrap metal, they were rehabbing that scrap metal. I could go down there on Saturday and make a hundred dollars, and that was pretty good for a college kid in the fifties.
Q. But after you stopped working there doing day labor what occasion did you have to be -- to be out at the dump?
A. On the back there? Well, in the -- when dad built the wing on that one building, his office --
Q. Maybe you should show us.
A. Yeah. He built an office wing on the north side where that road is. He built an office wing for he and Cyril right there.
Q. Uh-huh.
A. Right there. And then he built one for Ohio Sealer and Chemical. They had the 10,000 square foot

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building.
Q. Could you just circle on the plastic that's covering the map there where the wings were, circle each wing.
A. Yeah. There was a wing here and a wing here.
Q. Okay. Those were office wings?
A. See, that office was a hundred by a hundred. And then he put a wing on the north for himself, and the man that owned Ohio Sealer wanted an office wing so he put one on for him too.
Q. Did you have an office in one of those wings?
A. Yes. I did.
Q. Can you show me where your office was?
A. I had the front office. Any time trouble came in the door they wanted me to get it first.
Q. So you had a corner office?
A. I had the front office that faced north and it faced east.
Q. So you were overlooking Dryden Road and the undedicated street?
A. Correct.
Q. You were looking right out at the gate where the trucks were coming in?
A. The gate was in back right here.
Q. I see.

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A. The gate was in back. The trucks would come in the gate, go back here and go back to the dump.
Q. How long did you have an office there?
A. I had an office in from 1960 to 19 -- well, I maintained one. I had a couple of builders that were under my broker's license, and they -- they were there until about '69.
Q. Uh-huh.
A. But the office was always there. Dad and Cyril didn't put anybody in there afterwards. My desk was still there if I wanted to use it, but I didn't. I opened an office Bellbrook in 1967. I lived out in Greene County own a farm. I put an office in down there.
Q. I see. So did you work regularly in that office from 1960 until 1967?
A. Yes, sir.
Q. More or less five days a week?
A. Yes, sir. Sometimes six. Sometimes seven.
Q. I understand that, you know, some jobs you have to be working six or seven days a week? A real estate broker or an attorney sometimes has to work six or seven days a week.
So working in that office you had occasion to see the trucks as they came into the dump there?
A. Yes, sir.

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Q. Whose trucks came into the dump there?
A. Well, the ones that I really seen the most of were the DP&L trucks actually came in almost every day. There was DP&L trucks in there because they had a lot of scrap material. In fact, I used to use some of the bolt twisters on the farm to tighten my fence posts with, my corner fence posts with. Kenny, would get the -- what he thought was good stuff, the bolts and nuts and things, off the truck.
And then they'd set the transformers inside the building, set the transformers inside the building and then take them later.
Q. I got the impression that DP&L had been a long-term customer of the dump for decades?
A. They had. Yes.
Q. It seems to me that you were telling me that they brought -- when they had to cut down brush or poles or things like that that they'd bring a lot of trash. That was back even when it was a burning dump?
A. Yes, when it was a burning dump. But they didn't -- they didn't -- they only took solids after '55.
Q. I understand.
A. But when it was a burning dump they brought everything in.
Q. So after 1955 they couldn't be taking cut-down

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trees or brush or things like that?
A. No. Nothing that --
Q. That wouldn't be sufficiently solid fill?
A. Only solid fill. Only solid fill would they take.
Q. Can you tell me who else's trucks you saw coming through that gate coming into the dump?
A. Well, Inland trucks used to come from out there on Abbey Avenue. Monsanto had a few trucks that came in. They were over on Nicholas Road over there. The GM plant on Wisconsin would come over. Frigidaire would come up.
Walther Foundry, Dayton Steel -- not Dayton Walther's Foundry, Dayton Steel Foundry, they used to bring foundry cores down. NCR would bring some foundry cores down.
And it was scrap that they'd pick up from their manufacturing operations, you know. There was some metal shavings and things like that in it.
Q. Anything that was sufficiently solid to make good fill?
A. Yes, anything, because they would take -- what they would do is they would take some of the overburden from the gravel and put it over the top then to clean it up so it would be a solid.
Q. Okay. I should have mentioned at the beginning

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when we started out, but as usual I'd had too much coffee and was in too much of a hurry to get started because I kind of dillydallied waiting for people to show up and to get all the ducks in a row, but I should have told you at the outset that this is your deposition and I want you to feel free to request a break at any time that you need to take a break. I imagine we'll probably break for lunch at some time in an hour or so anyway, but I've been careening along here without much regard for your convenience. I apologize for that. Do you want to take a break now --
A. No. I'm fine.
Q. -- or are you comfortable going forward?
A. I'm fine.
Q. We'll continue then.
A. I used to sit in court martials for hours.
Q. Pardon me?
A. Nothing.
Q. You mentioned that your father and I think his -- am I correct in referring to Cyril Grillot as your father's partner?
A. Yeah. They were business partners in some transactions. They got together years ago. My father represented the Used Car Dealers Association and Cyril was a used car dealer. In fact, his lot was right out here on Third Street. We might be sitting on it now.

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Q. This was after the fireworks wholesaling?
A. Oh, this was before. This was back in the thirties.
Q. Okay.
A. That's how they got together. And they'd see each other at sheriff's sales, you know, bidding for foreclosed property and stuff.
And it got so that some of the businessmen around town would follow my father around and every time he'd go to bid on something they'd start bidding against him, and so he took Cyril in as a partner, and Cyril in his bib overalls nobody paid any attention. They thought he was just a real bumpkin, you know.
Q. So he'd send Cyril out to bid for him then --
A. Oh, yeah.
Q. -- on things he didn't want the rest of the world knowing that he was interested in?
A. They bought a thirty acre tract over on the west side over on West River Road where the river makes a turn. Every spring when the river would be up the topsoil would all wash in, you know, and then the river would go down and they'd take the topsoil out. The next year it all washed in again. They had a topsoil field until the conservancy took that away from them.
They were always trying to do something

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1 different, you know, something that nobody else wanted,
2 things like that.
3 Q. Well, now, I got the impression that -- from
4 what you were saying earlier that your father and Cyril
5 acquired a tract of property to the south of what they
6 already owned?
7 A. Yeah. That was the second gravel pit, which
8 shows up in this. This is EPA 3, so this is 1968.
9 Q. 1968.
10 A. But they acquired the thing back in the forties.
11 Q. Let's look at 49 then, EPA 2. We going to
12 switch back to EPA 2 here to get a more contemporaneous
13 view of the property at the time they acquired that second
14 tract.
15 A. Okay. There it is back there. Yeah. They
16 acquired that in about 1944.
17 Q. All right.
18 A. The guy that owned it got jailed by the federal
19 government for fake ration stamps, gasoline ration stamps.
20 Dutch Davis, and he was going to the federal prison in
21 Lexington, Kentucky, and he sold dad and Cyril that piece
22 of ground in the back. He kept the front but he sold it
23 where that other gravel pit was in the back.
24 Now, that was never filled on or anything, that
25 20 acres back there where they call the quarry back there

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1 now. That was a gravel pit. That was the Schon Gravel
2 Pit. Bill Schon ran that. And that was never filled back
3 in there.
4 Q. And that's full of water now, isn't it, --
5 A. That's full of water. Yeah. It rises and falls
6 with the river.
7 Q. -- except for a little island in the middle?
8 A. Yeah, because the natural gravel underneath it
9 rises and falls with the river back there.
10 Q. That was Schon Gravel?
11 A. Yeah, Schon, S-C-H-O-N. Bill Schon ran that.
12 It was all leased ground, I mean, and he ran that gravel
13 pit.
14 But that was south of the -- of the line where
15 DP&L's power lines were that ran through there. I don't
16 know if you've ever seen those, if you've been on site.
17 They're right there almost on the corner of East River
18 Road and Dryden Road, and they run west, and that was
19 south of that power line.
20 Q. I've been out there once a few years ago.
21 A. Uh-huh.
22 Q. Are those steel towers?
23 A. Steel towers they were. I don't know. I think
24 there's still steel towers there. In fact, that old road
25 that went back to Pop Duncen's farm still has a gate on it

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1 back there, and that was fifty years ago. Oh, well.
2 Anyway, that part was never -- never filled or
3 anything. It's still a hole in the ground, you know, back
4 there.
5 Q. Now I want to ask you is the name Ottoson
6 Solvents familiar to you?
7 A. Yes. A man by the name of Dean Ottoson rented
8 that building. It was a strand steel building that was up
9 on Vermont Avenue, and when the Interstate 75 came
10 through, the right-of-way, this building belonged to
11 Dayton Automatic Stoker, and Cyril hired Glen Carmichael,
12 my brother and I, to take it down, and they built it back
13 down on the dump. So we took it all apart. You know, you
14 could take a -- like a horse hoof clippers and clip those
15 nail heads off. They were sort of, oh, a light metal. It
16 was easy to clip them off. And you could just take the
17 buildings apart. It was sheets, you know, if you've seen
18 one of those strand steel buildings, and then they've got
19 the steel struts that fits on to.
20 We took that apart and put it back together on
21 the South Broadway Dump, which is now I guess your office
22 building. I don't know. Valley Asphalt down there,
23 that's the front building, the half strand steel building,
24 yeah. Yeah. And we put that back together down there.
25 And then they put a brick office on the front of

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1 it. I think the building might be about 50 foot wide, 40
2 foot wide. They put a brick office front on it.
3 And they leased it to a man named Dean Ottoson,
4 and he had Ottoson Solvents, and what his business was is
5 taking steel drums, used steel drums, cleaning them,
6 reconditioning them, and selling them to people again.
7 And he was in there about, oh, fifteen, twenty years I
8 guess.
9 Q. Now, you said that you were hired to take apart
10 this strand steel building and bring it down to the
11 property on Springboro Pike or Broadway?
12 A. Yeah.
13 Q. Dryden Road, whatever you want to call it.
14 A. Yeah.
15 Q. About the time that they put I-75 through?
16 A. Through north Dayton, yes.
17 Q. That was in the fifties?
18 A. I think it was in the fifties. That would
19 probably be someplace maybe around '57, '58.
20 Q. So that would have after your hitch in the Army
21 then?
22 A. Yeah. Yeah. When I first started in the real
23 estate business I did a lot of things to make a buck, you
24 know. Sometimes you had to resort to manual labor. I
25 even went back to baling hay sometimes.

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Q. I understand. I baled hay myself.
A. No, we took that apart. Yes, sir. Glen Carmichael, my younger brother Joseph and myself, took it apart. They bought it at auction up there on Vermont Avenue. When the state acquired the right of way they'd buy those buildings and then they'd sell anything that was salvageable at auction, you know. So it was at auction that my dad and Cyril were there, and they bought that building and we took it apart and moved it down there.
Q. Let's see now. I'm sorry to have to keep flipping back and forth from page to page but I think we're going to do better with 1968 for something that was put on the property in 1957 or thereabouts.
A. This should be the Ottoson Solvent right there.
Q. O for Ottoson. And that's right up there near the river, just about as close to the river as you can get?
A. Right.
Q. Is this a trail that the conservancy has maintained or something?
A. Yeah. That was a trail, and there was a street in there that went back to Valley Asphalt.
Q. Almost on the edge of the river?
MR. LUNN: For the record, Tom, how did he mark that?

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MR. NASH: He put a sort of an O, like a doughnut, right around and on the building.
MR. LUNN: Thank you.
MR. NASH: And it's directly on the map itself, not on the sticker. You're welcome to come around and look to see.
MR. LUNN: No. I just wanted to make sure that got on the record.
MR. NASH: Thank you. I want to make sure things get on the record too.
BY MR. NASH:
Q. And Mr. Dean Ottoson ran this Ottoson Solvent you said for about fifteen years?
A. Yes.
Q. So that would be right up until the early seventies?
A. Right.
Q. And, again, sorry to take you back over it again but I was not listening as closely as I should have. How did he run the operation? What did he do?
A. He bought steel drums, used drums, you know, that from different factories and stuff, and he'd take them and he'd empty them out. A lot of times there's a little residue left in them. He'd empty them out and clean the drums and recondition them, and sell them then

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as reconditioned drums to other users for plastics, for solvent, you know, what have you, oil, you know.
Q. I'm intrigued by the name. I work on another Superfund site, one that was run by a solvent reclaiming operation. Did Mr. Ottoson reclaim solvent or do anything with the solvent?
A. No. He -- when he got the drums they were empty unless there was a little residue left in them where they didn't get completely cleaned out, and he would just dump it in -- he had a couple of old drums out back and he would dump whatever he had in them, and when he got a drum full he'd put a cap on it and bury them. That's the ones you guys ran across.
Q. So he would bury the drums that he filled with the residues from the empties --
A. Uh-huh.
Q. -- that came to him, but his main business was reconditioning, refurbishing used metal drums, then reselling?
A. That's correct.
Q. All right. And I'm not sure that I'm clear on the relationship topographically that is between Ottoson Solvents and Valley Asphalt.
A. Yes, sir.
Q. Were they both operating at the same time more

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or less next door to each other?
A. Yes. Valley Asphalt was further back, was further west, and Ottoson Solvent was up closer to the road, Dryden Road, or Springboro, whatever.
Q. Okay. And Valley Asphalt then would have been further back here?
A. Right about --
Q. There's no need to mark it.
A. Right in there, yes. That was their operation. Yes, sir.
Q. So they're pretty far to the north there. Let's see.
A. See, this was Valley Asphalt's operation and this was Ottoson.
Q. Did Valley Asphalt have buildings back here?
A. They built one small building. It's right next to that Ottoson Solvent building. It was a metal building there. That was their office.
Q. Okay. I'm wondering how they got access to the property back there too?
A. There was a road right along the levee here, right south of the conservancy.
Q. That is a road then?
A. Yeah. That was a -- a lot of trucks came in and out of there.

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Q. It's nice and clear the way it shows up here, not paved I assume but --
A. I think it is now.
Q. It may be now but this doesn't look like it.
A. It wasn't paved then but it was gravel when it first started out.
Q. Now, was the South Dayton Dump property fenced?
A. Well, I understand it is now. There was a farm fence around a little bit of it, but on the river side, there wasn't anything back there. No. There was a farm fence along, which would run parallel to Dryden Road -- well, there was a cyclone fence up there because there's a guy that sells used plumbing material, used fixtures, up there, and there was a used car dealer there at one time, and the B&G Body Shop parks semis up there, so there is a fence in that part of it. That part of it was fenced, yes, but not the river side.
And then as you got further down there was just an old farm fence. In fact, it's still hanging back there, some of it, behind these buildings, you know, that faced -- mostly faced Dryden Road.
Q. But as far as access to the dump was concerned, the only access for trucks would have been that undedicated street?
A. Those undedicated streets, yeah. Part of the

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gates are still there.
Q. More than one undedicated street?
A. No. There was just one, the one undedicated street, and the other one was just a lane back into the dump when they moved it south.
And both of those, part of the -- well, there's three gates still there, honestly, from the entrances that were used over the years. The one was between -- the furthest north was the one between the two buildings, and then the -- where my office was, and then the other one south here is the south building that dad and Cyril owned together, Grillot, and that's still in there. And the gate's still down there where the old Duncen farm entrance was. And there's a gate on that undedicated street but it was just a farm fence. They strung a farm fence down there between the dump, and the only way the trucks could get in was between those gates, except for the Valley Asphalt. They had their own entrance up there, but they couldn't come around Valley and get down to the dump without --
Q. I understand.
A. It just, they couldn't drive. Well, Doyle's wrecking yard was in there and they couldn't get through that. They had a couple of thousand cars in there at one time.

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Q. So the only entrance or entrances for the -- for trucks to enter and get access to the dump to dump their loads would be through a set of gates on Dryden Road?
A. That's correct.
Q. Were those gates kept locked?
A. Yes. They were locked.
Q. Who had keys to those gates?
A. Alcine. Doyle I think. Doyle I think might have had a set of keys when they were partners, but Alcine mostly had the keys. Alcine had the keys to those. I think Kenny Grillot might have had a set too because he'd get up pretty early in the morning.
Q. Would any of the dump's customers have keys?
A. They did. I know that in the evening sometimes, I said I had two builders over at the office there that worked under my broker's license there on Dryden Road, and we would be over there. They used to buy scatter lots out in Drexel and build houses, you know, and we'd be over there looking at lots, what was coming up for foreclosure or something like that, and there would be trucks going in and out, and that could be seven, eight o'clock in the evening. They had to have a key because the gate was locked at six o'clock. They had to have a key.
Q. Alcine didn't stay there that late then?
A. Oh, no.

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Q. He would be home or in a bar?
A. No. No. It was five o'clock and he was out of there.
Q. A man after my own heart.
Do you know whose trucks would come to the dump after hours?
A. Well, some of the foundry cores would come after hours.
Q. Was there a reason for that?
A. I guess until it cooled down. When they were in their operation, you know, until they cooled down. They didn't dump them until they cooled down.
They had a -- they had a special truck for those things too. There was a dump bed but they had a lift on them that could lift the foundry core up evidently. It was a short bed, and it's slanted. And I used to see them come in and out of there.
Walther's. And I was trying to think of the fellow that ran Walther's at the time. He was a son-in-law. Well, George was there, but I was trying to think of what the son-in-law's name was. We used to see him at Sacksteder's, which was a restaurant up there across the river.
Q. You mentioned a company called Ohio Sealer and Chemical that owned, if I'm remembering correctly, one of

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1 the two large buildings on Dryden Road?
2 A. The one that we had -- the one that we had, they
3 leased 10,000 square feet from my father and Mr. Grillot,
4 and my father had the one and put the office on the north
5 end.
6 Q. I see.
7 A. That was their building.
8 Q. So your office then was a wing added on to the
9 Ohio Sealer and Chemical building?
10 A. Yes.
11 Q. I see.
12 A. And when we put that wing on the owners of Ohio
13 Sealer and Chemical wanted a wing for them for an office.
14 They were in part of the plant and they wanted to enlarge
15 the plant inside there. They were a plastic extrusion
16 company. They made resins, they did drip boards and
17 things like that.
18 And an offshoot of Ohio Sealer and Chemical was
19 Dayton Flexible Products, which was plastic surgical
20 gloves, NDM, New Dimensions in Medicine, which was a lot
21 of syringes and things like that, out on East River Road.
22 They were way down there.
23 Q. Do you know when Ohio Sealer and Chemical
24 started leasing that building?
25 A. 1955. They leased 5,000 square feet.

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1 Q. Half the building?
2 A. Half the building. Dues and Duebner had Reo
3 trucks. They had the other half when the building was
4 first built.
5 I was in the service but when I came back I used
6 to help my dad do his taxes and of course he'd go through
7 all the rents that came in, you know. That's how I knew
8 the tenants.
9 Q. I see. I think you mentioned something about
10 your -- not in this deposition but when I was talking to
11 you a few weeks ago -- about your father's day books or
12 rent books?
13 A. Yes. But they -- I looked at them. My
14 stepmother had some of them. But the only files she had
15 were a couple of old metal file cabinets and they were
16 mostly his legal cases and some of his rent, from the
17 rent, of who paid him rent, you know, in the buildings,
18 but that was nothing to do with the dump really except
19 that he received a rental check from Alcine Grillot every
20 month.
21 Q. Right. I understand the connection between your
22 father's business and the dump was essentially through
23 Alcine.
24 A. Alcine.
25 Q. Alcine leased the, or operated -- leased and

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1 operated the dump property?
2 A. He and Doyle Roberson was the original, leased
3 the grounds from my father and Cyril, and then Alcine and
4 Kenny did, and then in the end Alcine did.
5 Q. You did say earlier today though your father to
6 a certain extent exercised a certain amount of oversight
7 over the dump operation?
8 A. He told them how he wanted them to use his
9 ground. That's what happened.
10 Q. Don't do this and don't do that?
11 A. He just, in other words, if they -- if they were
12 getting too far out, you know, he wanted to do it on -- he
13 was a very precise German. He wanted them to do it this
14 way in this order, by the numbers, you know. You fill it
15 up, and then you put the overburden on it, you clear the
16 ground off, and then you move the bank forward. Then you
17 clear the ground off and fill it over. And that's -- and
18 when they would get little sloppy, you know, he would get
19 on them. But that's about the only thing he ever did, how
20 the ground was used, not what it was used for but how it
21 was used.
22 Q. I was asking you about Ohio Sealer and Chemical,
23 and one thing I don't want to neglect and forget to ask
24 you is, do you know if Ohio Sealer and Chemical ever made
25 use of the dump for disposal of their own wastes?

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1 A. They had a -- they had a storage building in
2 back of their building. There was a block storage
3 building back there that's maybe 20 by 20, and I don't
4 know what they disposed of or how they disposed of it. I
5 never dealt with them.
6 Q. All right.
7 A. I mean I never -- they didn't have a truck, I'll
8 put it that way, so I never seen if they did or not. They
9 might have taken stuff back there, or Alcine might have
10 picked stuff up from them. I don't know. But that, I've
11 never seen. I have never seen any of their trucks go in
12 random over the bank. They didn't have any trucks.
13 Q. That block storage building you mentioned that's
14 halfway between the 10,000 square foot building they
15 occupied and the 5,000 square foot building behind it?
16 A. The dump occupied, right.
17 Q. Which was the dump building that Kenny and
18 Alcine ran the operation from?
19 A. The dump building.
20 Q. Uh-huh.
21 A. Yeah. You had to go past Kenny and pay him the
22 money and be sure he checked you off for bringing a load
23 in, you know. And then Kenny would look and see if there
24 was anything salvageable on those loads.
25 Q. All right. You mentioned among companies that

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1 brought things to the dump, you mentioned NCR?
2 A. Yes, sir.
3 Q. And I believe you specified foundry cores?
4 A. They brought foundry cores down. Yes, sir.
5 Q. Anything else you're aware of?
6 A. Well, they brought probably shavings from the
7 factory floors and things like that. You know, I didn't
8 look in their truck, I'll be honest with you, but I knew
9 they had some foundry cores. I just really sat there and
10 watched the trucks go in. I mean when I was younger I'd
11 see them dump over the bank but, you know, I never went
12 out and looked at them or anything.
13 Q. I understand. You mentioned Frigidaire?
14 A. Frigidaire. Yes. Uh-huh.
15 Q. I've seen where NCR's operation is located,
16 these days anyway, but where's Frigidaire? Where was
17 Frigidaire located at the time?
18 A. Frigidaire was located on Springboro Pike on
19 the -- it would be on the west side. Their manufacturing
20 was on the west side. And then south of Stroop Road was
21 their sales office for the appliances, the builders'
22 appliances and things like that. Theirs sales office was
23 on the south of Stroop and would be on the east side of
24 Springboro down there.
25 Q. Do you know how long Frigidaire was a customer

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1 of the dump?
2 A. (No response.)
3 Q. Do you know how early they began dumping there?
4 A. Well, I'll tell you what. When the City of
5 Moraine was formed they were active in that because
6 Charlie Pfarrer came to dad and Cyril and helped them
7 start the City of Moraine when it all became Kettering.
8 They detached from Kettering. They were part of Van Buren
9 Township.
10 And they were dumping there then, so I was
11 trying to think -- probably I guess that was in the
12 fifties. I was trying to think when Kettering became a
13 city, because they detached right away and went --
14 reverted to a township. They got a vote for detachment
15 and went to Moraine Township and then later became the
16 City of Moraine. But Frigidaire did not want to be in
17 Kettering.
18 Q. You were suggesting then that they were a
19 customer of the dump at that time?
20 A. Yes, sir. I know they were at that time.
21 Q. And continued to be a customer for some time
22 thereafter?
23 A. Right.
24 Q. And at the time that you had offices in that
25 building did you see the Frigidaire trucks come in at that

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1 time?
2 A. Yes.
3 Q. So they were still a customer at that time?
4 A. At that time.
5 Q. Do you have any knowledge of whether they
6 continued to be a customer going forward?
7 A. No. After I left I didn't pay any attention. I
8 assumed they were but I couldn't -- I didn't see it. I
9 couldn't say it.
10 Q. Further deponent sayeth not.
11 A. Right.
12 Q. What about NCR? Were they a long-term customer
13 at the dump?
14 A. NCR was a fairly long-term customer. I knew one
15 of their truck drivers. When I was in college I tended
16 bar up at Kramer's on Linden Avenue, and John Kelly came
17 in there all the time and I use to see him driving their
18 truck. In fact, he'd stick his head in the office and
19 want to get a cup of coffee.
20 Q. Do you know if he's still alive?
21 A. John? No, John's dead. Yeah, he ended up as a
22 chaufer at NCR. In fact, the old foundry building ended
23 up as the garage for the automobiles I guess.
24 Q. So NCR was then a customer from at least the
25 fifties?

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1 A. Probably earlier than that because their foundry
2 was over there on South Main Street. They probably came
3 when they first started I would say but I wouldn't --
4 Q. So you think --
5 A. I can't testify to that. I can only testify as
6 to the time I was there.
7 Q. I understand that.
8 You did mention that NCR's trucks did come in
9 through the gate while you had your offices in that
10 building?
11 A. Lou Silvery and Pat Maloney and I would be down
12 there checking lots and we'd see the trucks coming out
13 after six o'clock, and we knew they had keys to it because
14 they couldn't get through the gate. It was locked.
15 Q. Right. I'm following you there.
16 Now, you mentioned the Inland Division. Was
17 that Inland Division of General Motors?
18 A. Yes. That's out on Abbey Avenue.
19 Q. Abbey Avenue. Were they a long-term customer of
20 the dump?
21 A. Yeah, they dumped. They had metal shavings and
22 things. I think Alcine used to try to pick some of those
23 up magnetically.
24 Q. Uh-huh.
25 A. Then they went -- they made -- well, they made

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ice trays for Frigidaire out there.
Q. Okay.
A. They made the carbine out there during World War II. I've still got one.
Q. Carbine? Bang, bang?
A. Yeah, the Army. Military. A friend of mine's father was vice president out there and he got us a couple of carbines while we were in high school.
Q. A perk.
A. Yeah. Well, that's one thing about going to a central school downtown. You learn from people all over town, you know.
Q. What about Monsanto?
A. Monsanto had a plant over on Nicholas Road, I think it was an R&D, which is now Edwin Moses Boulevard. That would be north of what is now Dryden Road. I don't know if they call it South Broadway in Dayton or not anymore because as soon as you cross the bridge you get into the City of Dayton. But it was up there towards -- it was on the west side of the road, and it wasn't up as far as -- well, the Human Society's up there, or was at one time. And then Madden Park Golf Course is further out. It was just north of South Broadway there, or Dryden Road, only on the north side of the river. And they had a truck they'd send in. I'd see them every once in a while,

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you know. Not as heavy as some of the others.
Q. When you saw the Monsanto trucks coming into the gate there were they coming from the north?
A. Yes. They were always coming from the north. It wasn't from the Mound. It wasn't south. It wasn't the Mound.
Q. It wasn't from what?
A. It wasn't from the south, the Mound. Mound Laboratories down in Miamisburg. That was Monsanto.
Q. Oh. But the trucks you saw were coming in from the north?
A. Coming from the north. I would say it was just probably just hauling trash.
Q. From Nicholas Road?
A. Just, you know, little -- I don't know what they were hauling in there.
Q. Well, you didn't know what was in the trucks themselves, did you?
A. No.
Q. You didn't investigate?
A. No. I had no desire to check those trucks out.
Q. Okay. Let me see. Ohio Sealer and Chemical.
MR. NASH: Sorry. I'm going to take a little break here. Why don't we all take a little break here while I take this phone call.

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(A brief recess was taken.)
BY MR. NASH:
Q. Mr. Boesch, I was asking you about some of the companies that dumped at the site. I wanted to ask you about a few more. I don't know if I've heard you mention these companies today or not. I think I have maybe in a couple of cases. Dayton Walther?
A. Dayton Walther. Yes, sir.
Q. Did they send their trucks to the dump?
A. Yes, they did.
Q. And did you see their trucks coming in through the gate there?
A. Yeah. Dayton Walther had foundry cores.
Q. Foundry cores. And do you know what plant the Dayton Walther trucks came from?
A. They came from the plant up on North Broadway. The wheel plant was on Old Dryden Road down there just northeast of Springboro.
Q. Uh-huh.
A. But the foundry was up on -- off of North Broadway, Westwood, up there.
Q. Would this be north of the river?
A. North of the river. Yes.
Q. And was Dayton Walther a long-time customer of the dump?

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A. Yes, sir.
Q. Do you know approximately when they started sending foundry cores or other waste to the dump?
A. Dayton Walter probably started right after the dump started.
Q. And they were still sending trucks there at the time that you were in those offices?
A. Yes, sir.
Q. What we've talked a little about are a couple of the GM plants I think. What about Delco, Delco Moraine?
A. Yeah. That was the Wisconsin Boulevard plant.
Q. That's the Wisconsin Boulevard plant?
A. That's where it's located, Cincinnati Street and Wisconsin Boulevard.
Q. And were they a long-term customer of the dump?
A. Yes, sir.
Q. Began sending waste early to the dump?
A. They were coming in in the late forties, yes, early fifties.
Q. Beginning in the late forties. And were they still sending trucks to the dump when you had your offices in the building on Dryden Road?
A. Yes, sir.
Q. And do you have any idea what sort of waste they sent to the dump?

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A. No. I really didn't. I imagine it was shavings, things like that. We used to get a lot of shavings.
Q. I imagine. But no personal knowledge?
A. No personal knowledge.
Q. I understand.
I think when we talked earlier you mentioned a company, is it Harris-SeBold?
A. Harris-SeBold, yes, sir.
Q. Is that Harris and SeBold or Harris-SeBold?
A. It was Harris-SeBold.
Q. Harris-SeBold. And what did Harris-SeBold do?
A. They were in the foundry business too. They were sending their foundry cores to a fellow over on West River Road, and I think they switched to the dump probably in the late fifties.
Q. Late fifties you think they began sending to the South Dayton Dump, as we know it?
A. Yes.
Q. And were they still sending trash to the dump in the late fifties when you still had offices on Dryden Road?
A. Yes, they were.
Q. And what about Hobart Corporation?
A. Hobart sent some trucks but I don't know what

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they were. I would see they were Hobart. They were of course mostly up in Troy and that area north of town, but they -- I think they had a place out on Springfield Street.
Q. On Springfield Street?
A. In Dayton, out on the east side of Dayton out towards The Field out there.
Q. And you mentioned another location further away?
A. Well, they were up in Troy.
Q. Troy?
A. Well, there was two Hobarts.
Q. I don't know this area very well.
A. There was Hobart Brothers and there was Hobart Manufacturing. They were two different entities. I don't know how they were split up really, to be honest with you.
Q. Do you know if they were both customers of the dump?
A. Not -- I just know there was a truck with Hobart on it.
Q. Okay. Do you have any idea how long-term a customer they were at the dump?
A. Not for sure. Not for sure on that one.
Q. And do you have any idea of what they were sending to the dump?
A. No.

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Q. Did you ever hear anybody else talk about what they were sending to the dump?
A. Kenny said they had scrap sometimes. That's all I know, because he used to check the trucks out, but he just told me that.
I didn't. The only one I got scrap out of was DP&L. Their bolts and nuts and turn nuts I used to get.
Q. Were Kenny and Alcine always in agreement about what was received at the dump?
A. Well, except for those transformers. Kenny didn't like those transformers at all.
Q. Did your father ever take an interest in what was being sent into the dump?
A. No.
Q. Didn't set any rules or guidelines for Kenny or Alcine about what they could take and what they couldn't take?
A. No.
Q. Okay. I thought I'd ask.
A. No. He just had a landlord/tenant relationship with them.
Q. I understand.
A. Except when they wouldn't line it up the way he wanted the ground to be finished as.
Q. I understand.

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MR. NASH: All right then. I think that concludes all I've got for direct-examination here. No further questions occur to me at this time at any rate. I'd like at this point to turn it over to the rest of you to ask your own questions of Mr. Boesch. Who would like to begin, open the ball?
MR. LUNN: I would suggest we have some lunch.
MR. NASH: Take a quick break?
MR. LUNN: Yeah.
MR. NASH: That's fine with me.
MR. HOFFMAN: Is an hour enough?
MR. NASH: We'll take a break for lunch, all come back at 1:30. Does that suit you, start at 1:30?
MR. LUNN: Fine.
MR. NASH: We'll start again at 1:30.
(A luncheon recess was taken at 12:22 p.m.)
- - -

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1 AFTERNOON SESSION
2 CONTINUED DIRECT EXAMINATION
3 BY MR. NASH:
4 Q. Mr. Nash again, finishing direct here right
5 after lunch, Mr. Boesch.
6 Did you remember whether Johnson Controls ever
7 brought anything to the site?
8 A. Not to my knowledge. I know where they were.
9 What was the address on that?
10 Q. 2271 Springboro Pike.
11 A. 2271? They were down beyond East River Road
12 there. Not to my knowledge they never brought anything.
13 MR. NASH: Okay. I just thought I'd ask. And
14 I'm going to turn the questions over now to Robin Lunn.
15 MR. LUNN: Mr. Boesch, my name is Robin Lunn. I
16 represent Hobart, and I have just really a couple of
17 questions for you.
18 - - -
19 CROSS EXAMINATION
20 BY MR. LUNN:
21 Q. I'd like to have you take a look at what was
22 previously marked as EPA exhibit number 1, and I believe
23 you located the Zinn Dump on this, this exhibit; is that
24 correct, sir?
25 A. Yes. That's correct.

1 Q. I'd like if you would to actually take this red
2 pen and do the circumference of what you thought the area
3 of the dump was. Would you just put a Z on top of that
4 for identification. Actually, how is Zinn spelled?
5 A. As far as I knew it was C-I-N-N, but I think it
6 was short for a longer name.
7 Q. Okay. Well, I guess the Z will have to do.
8 Now, to your knowledge, Mr. Boesch, when was
9 that area used as a dump?
10 A. Well, it was prior to my knowledge, which would
11 be the probably -- I don't know. I was about five, six
12 years old when I used to go there with my dad, and it was
13 filled then.
14 Q. Okay.
15 A. That would be about 1938.
16 Q. And that's the area you testified about the
17 reclaiming of the metal from that area?
18 A. No. That was 1950 --
19 Q. I mean geographically.
20 A. That area was where they reclaimed the metal
21 from. Yes. Alcine Grillot operated the South Dayton
22 Dump, and he heard there was a lot of car bodies dumped in
23 there so he decided to go up and find out, so he took a
24 shovel from Broadway Sand and Gravel and the dump trucks
25 and they started digging a trench.

1 Well, they did run across some scrap metal, and
2 that's when they loaded it onto the dump trucks, took it
3 down to the dump, and put it in that hopper and reclaimed
4 the metal that had been laying in the ground.
5 Q. Then did they refill that area?
6 A. They refilled it. They took -- what didn't go
7 out as metal on that first conveyor belt went -- dropped
8 down into a regular dump truck and took it right back up
9 the road. They had about four dump trucks going around
10 those two sites.
11 Q. Okay. I believe you testified in response to
12 some questions from Mr. Nash regarding an operation called
13 Ottoson Solvent?
14 A. Ottoson Solvent.
15 Q. Ottoson. And you testified that this gentleman
16 was a drum reconditioner?
17 A. Yes, sir.
18 Q. Do you know where he got the drums from?
19 A. I don't know where he got the drums from. No.
20 He got them from different manufacturers of used drums,
21 and after they were empty they, you know, they would be
22 beat up or something, and they would give them to him.
23 There was another drum plant way out on
24 Patterson Road on the east of town too. Those guys both
25 reclaimed drums. Ottoson was down there. I imagine

1 they'd buy them from different manufacturers that had
2 things shipped in in drums, you know.
3 Q. I believe, sir, you testified that this
4 gentleman would collect residue from the drums and when
5 those -- and the drums that he collected the residue, when
6 those were full he would bury them. Do you recall that,
7 sir?
8 A. Yes, sir.
9 Q. Did you see this yourself? What is your
10 knowledge of this?
11 A. My knowledge of that is I did see him one day
12 with a backhoe out there digging a hole and dropping a
13 drum into it.
14 Q. Okay.
15 A. Now, it wasn't a very frequent operation. Maybe
16 he'd only fill up a drum once a year, you know.
17 Q. I don't recall that you -- that you put on any
18 of the exhibits where that --
19 A. Where that spot was?
20 Q. -- burial would have been.
21 A. Let's see. That would have been on one of the
22 newer maps. Which one is this one?
23 MR. HOFFMAN: That's 2.
24 THE WITNESS: 1945, he isn't there yet. I guess
25 it has to be on that one.

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MR. HOFFMAN: Is that 1980 map any better?
THE WITNESS: This is -- that's Ottoson right there. That's what we --
BY MR. LUNN:
Q. You marked it with an O?
A. Yeah, put a circle. Well, an O like a doughnut.
Q. Right.
A. And it was probably buried right back south of his building. If -- we put a water line in there years ago, and it was a PVC line, and they -- he claimed he wasn't getting any pressure. He ran out of steam, one of those steam cleaners, you know.
And I went up there to check to see when they hooked it into the building whether it was right or not. My dad asked me to go up and look at it as part of the real estate.
And Ottoson, I was looking for him, and he was out back with a backhoe burying a drum.
Q. So if you could mark where those drums were buried. I would use this blue marker so we can see it.
A. Right about in that area.
Q. Let the --
A. Maybe a little further over. It was south. It was right -- well, Valley Asphalt got part of the land that the drums were buried on.

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Q. Okay.
MR. LUNN: Let the record reflect that the witness has marked the area where the drums were buried with a blue marker.
MR. WATERMAN: Which exhibit is that?
MR. LUNN: I'm sorry. That's exhibit number 3.
THE WITNESS: EPA 3.
MR. LUNN: That's all I have.
MS. VICKI WRIGHT: Okay. Well --
MR. NASH: Vicki, as I said this morning, if you want to come up closer, feel free.
MS. VICKI WRIGHT: I'm fine, as long as you can hear me, sir.
THE WITNESS: I can hear you.
MS. VICKI WRIGHT: If you can't tell me.
I'm Vicki Wright, and I represent Monsanto Company and Pharmacia Corporation, and I think I have a few questions for you. I do need to do a lawyer thing, which I apologize for. Then we can get to my questions.
This deposition was noticed under Section 122 of CERCLA, and not under the Federal Rules of Civil Procedure, so the admissibility of some of the testimony today may be questionable, but that's a lawyer problem, we'll all sort it out later, but I did want to make it clear on the record that the extent of the testimony here

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today is questionable in terms of what we can use going forward.
- - -
CROSS EXAMINATION
BY MS. VICKI WRIGHT:
Q. Having said all of that, I want to ask you a preliminary question that I don't think Mr. Nash asked this morning. Are you on any medications or do you have any health problems that would affect your ability to testify today or in the future?
A. No. I have a new aortic valve that's about two years old, but other than that I'm fine. I don't take Coumadin. I take a vitamin in the morning, because I have a cataract growing that my doctor doesn't think is ready to take off yet, but other than that I don't take anything.
Q. Very good. I always ask.
A. That's fine.
Q. It has nothing to do with age. Trust me, it doesn't.
You testified earlier this morning that you observed a truck that you said came from Monsanto's Dayton lab on occasion, and you thought it had trash and other stuff in it but you didn't know what was in the truck; is that correct?

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A. That's correct.
Q. Can you describe that truck?
A. Can I describe that truck? It wasn't a dump truck. It was more like a -- a flatbed truck with sides on it. It wasn't a real big truck.
Q. When you say "sides" do you mean like the truck --
A. The built-up sides like a grain truck you would see, you know, cattle truck.
Q. Like the slats of wood across the sides?
A. Yes. Uh-huh.
Q. Is that what you're describing?
A. You couldn't see in the truck. It had the sections that you lift out of the truck. It was about a one ton stake-bed.
Q. Were there any marks on this truck?
A. They had Monsanto on it.
Q. The word?
A. The word Monsanto.
Q. And what time era are you thinking you saw this truck?
A. I would see that truck probably in the sixties.
Q. Okay.
A. Early sixties, late fifties. In fact, I played tennis with one of the guys that worked at that place over

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there on Nicholas Road, but I never asked him what he had in it. He didn't drive the truck.
Q. That was my next question you anticipated.
A. I never asked him. The dump was the furthest thing from my mind really, except I had an office there and I saw it. I quit working on it and everything.
Q. I'm going to hand you a document, I don't know what we'll call it --
MR. NASH: Anything you like.
MS. VICKI WRIGHT: I don't think I'll be the only one using it.
MR. NASH: Don't call it EPA.
MS. VICKI WRIGHT: We'll call it PRP exhibit 1. Let's have you take a look at it, and then maybe we'll mark it. Maybe he doesn't recall it. If he doesn't, we won't mark it.
THE WITNESS: Yes.
MS. VICKI WRIGHT: Then go ahead and mark it. Thank you.
BY MS. VICKI WRIGHT:
Q. I want to ask you about this affidavit, Mr. Boesch. Can you describe the circumstances under which this affidavit was executed by you?
A. Yes. It was executed in the law office of Coolidge, Wall.

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Q. And did you draft this affidavit or did Tim do that for you?
A. Somebody drafted it for me. I talked to him, just like I'm talking to you, and they drafted it.
Q. So they wrote down what you had said?
A. Yes.
Q. And you confirmed that it was accurate?
A. Uh-huh.
Q. In this affidavit on the second page you mention Monsanto, and it's a little inconsistent with what your recollection today was, and I just want to understand clearly that you were not aware of what was inside the Monsanto truck that you described?
A. Not directly. I didn't look in the truck, no.
(Marked PRP Exhibit 1.)
BY MS. VICKI WRIGHT:
Q. So would it be fair to say that the reference to plastic residue in this affidavit is not accurate?
A. It's -- I would say you could call it hearsay probably.
Q. I'll be happy to call it hearsay.
A. That's what somebody told me on that one.
Q. Okay.
A. Kenny used to talk to me all the time. Kenny Grillot, he worked back at the dump, and there's a lot of

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involvement here. I would go back and get parts from scrap that I'd use on the farm. In fact, I got a beautiful night light one time.
Anyway, he was -- I said what did they dump one time, and he said some plastics, and that's it.
Q. Okay.
A. And that's just what he told me. It was never a dump truck. It was a flatbed truck.
Q. Right. And you described that truck a little while ago, correct?
A. Yes. It was just one truck, to the best of my knowledge. They might have had several but it looked like the same truck.
MS. VICKI WRIGHT: All right. That's all I have.
MR. BLACKHURST: Mr. Boesch, my name is Scott Blackhurst. I'm an attorney for TRW Automotive, which is the parent corporation of the Kelsey-Hayes Company, which is a successor to Dayton Walther, so my questions are in regard to Dayton Walter.
- - -
CROSS EXAMINATION
BY MR. BLACKHURST:
Q. And let me just direct your attention to PRP exhibit number 1, paragraph 5-A. If you would take a look

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at 5-A for me.
A. Yes, sir.
Q. My question for you is, is the reference in paragraph 5-A to Dayton Steel Foundry, in your mind is that the same as the reference you were making earlier today to the Dayton Walther Foundry on North Broadway?
A. Yes. That is.
Q. Okay. And can you describe for me where relative to the landfill the Dayton Steel Foundry was located?
A. It was located on North Broadway, probably about a mile up and on the east side of North Broadway.
Q. All right. Can you describe for me what a foundry core looks like?
A. A foundry core looks -- well, it's a core, just like they say. It's sort of like an inverted core. And it's poured in. They pour the metal inside. After they form whatever they're forming they bring the cores out and leave them cool off, and get rid of them. They don't reuse them usually.
Q. Did you personally see foundry cores from the Dayton Steel Foundry being disposed of in the landfill?
A. Yeah. They had the -- they had one of those dump trucks that handle foundry cores. It's a different type of dump truck. It's deeper, and comes down sort of

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flat in front, and a wedge in back, and they have a lift that they lift them on sometimes.
Q. And how many cores would fit on this truck you just described for any given load?
A. Usually about one or two would be about all they would hold.
Q. Okay. Again directing your attention to paragraph 5-A-iii there, at the time you signed this affidavit it was your recollection that those items were disposed of from approximately 1960 to at least 1967?
A. Yes.
Q. Is that consistent with your recollect today?
A. That's to the best of my knowledge.
MR. BLACKHURST: Thanks. I have no further questions.
MS. LLOYD: Good afternoon, Mr. Boesch. My names is Katheryn Lloyd, and I'm here for General Motors today. I have a few questions.
- - -
CROSS EXAMINATION
BY MS. LLOYD:
Q. I think I will start with PRP 1 as well, your affidavit.
A. Okay.
Q. I'm looking at paragraph 1, which talks about

the time period from 1948 to 1954. Is that the time period you testified you were working on a part-time basis sorting materials?
A. Yeah. I would work from -- well, I went down in there in 1948 and did odd jobs. I built half of that farm fence that's still standing behind those buildings down there, and I'd just do odd jobs when Cyril would have something for me to do down there. And it mostly had to do with -- in the period until about 1951 it had mostly to do with just maintenance around the buildings and things like that, a gutter would get knocked off or something on that order, and Cyril would hire another fellow and myself to go down there and fix them. We were high school and college kids.
Q. And that same paragraph of your affidavit mentions that during that time you were on the site approximately one day per week. Was it the same day each week? Would it be a Saturday?
A. It was usually Saturdays. It was almost always Saturday.
Q. So for this time period 1948 to 1954 would you have any knowledge of activities that were going on the other six days a week?
A. In the summer I'd be down there sometimes. I would stop on my way home from work. I worked for the

Montgomery County Engineers, and they were out off of West Third Street off Abbey Avenue, and I'd stop down there sometimes and see if there was some parts I could use on the farm or something, you know.
Q. Turning to the second paragraph of your affidavit, which references the time period from 1960 to 1967, did you have any personal firsthand knowledge of the site in that intervening period between 1954 and 1960?
A. 1954 and 1960?
Q. Uh-huh.
A. No. I was in the service from '54 to '56, and I was gone away to school in '57, and I came back in the summer of '57. To '60 I was down there some, yes.
Q. You described for us earlier a little bit about your real estate office but I was away from the map and I was a little unclear. Can you describe approximately what the distance was between your office building, or your wing of the office, and the entrance the trucks were using to get to the dump facility?
A. About ten feet. They came in about ten feet from my office. They came in and out about ten feet from my north window.
Q. And what did your north window look out on? Would that be Dryden Road?
A. No. It looked -- my north window looked out on

the next building to the north, which was the GMC truck building. My east window looked out on Dryden Road and DP&L's across the street.
Q. And which way did your desk face?
A. My desk faced -- my desk faced looking east -- or I mean not east, but, I'm sorry, looking north, because I would walk in and walk around. The door was on one side. I'd walk in and walk right around to my desk. The desk faced north and the window to the east was right here on my right.
Q. Okay. So your desk faced north, the window faced east, and then --
A. The window faced north and a window faced east. I had two windows.
Q. And then tell me in relation where the driveway entrance was to the dump. Was that south or was that also --
A. It was north of my office.
Q. Okay. That's what I was having trouble visualizing before.
A. Yeah. It's on the north side of my office.
Q. Thank you.
In paragraph 3 of your affidavit you talk about the time period from 1967 to 1972.
A. Uh-huh.

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Q. It says I visited the site approximately every other week.
A. Yes.
Q. What were the purposes of those visits?
A. Well, I had two builders working for me and I'd have to go over and meet with them once in a while. And then my father and Mr. Grillot still maintained an office over there. I'd stop in and see my father.
Q. Turning to the fourth paragraph of your affidavit, it says during the time I was on the site I would regularly observe people coming in to dispose of materials at the site. Did I read that correctly?
A. That's correct.
Q. Does that paragraph reference the time periods we've just discussed in paragraphs 1, 2 and 3, that is from 1948 to 1954, 1960 to 1967, and 1967 to 1972?
A. Two and three primarily. The building wasn't built until 1960 where my office was.
Q. Turning to paragraph 5, you have a listing of several companies, and it says the following companies regularly dumped industrial materials at the site. Again, does that relate to all of the different time periods that you've set forth or does it kind of vary by company?
A. It pretty well refers to the time periods I discussed, 1960 to 1967, because there wasn't a lot of

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dumping on Saturdays down there prior to that.
Now, in 1955 I would see some. You know, it's just like you're going in and out of someplace and you see people there and you talk to them and you don't say anything, you just go on, and you see them passing by, you know they're there, you recognize who they are, but that was about it. I mean I -- 1960 and '67 is where I could say I observed probably regularly people coming in and out.
Q. And did you have firsthand knowledge in that time period, 1960 to 1967, of Frigidaire trucks coming into the facility?
A. Yes.
Q. Could you say yes or no for the record?
A. Yes. Yes. Yes.
Q. Thank you.
How did you identify those trucks?
A. How? They had signs on them.
Q. Can you describe generally what they would have looked like or what the signage might have looked like?
A. They had different kinds of trucks, different sizes and shapes. They had a dealer right next door that handled GMC trucks, and they had different-sized dumps, and some stake-beds, and some three-and-a-quarter, you know, different type of trucks that would dump things. I

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guess it was different divisions.
Q. Did you know any of the drivers during that time period?
A. I didn't know any of the drivers personally. The only one I knew of was the one from NCR.
Q. Do you have any knowledge as to whether there were companies who were acting as sort of independent contractors for other business in town who might collect for a few different companies and make a single run?
A. This was prior to independent contractors hauling for a lot of those companies. I mean Blaylock and Brandon and Cisco, a lot of those trucking companies weren't in business. There weren't any really independent trucking companies around generally at that time.
Q. Would you have any personal firsthand knowledge of what was contained on the Frigidaire trucks?
A. The only thing, once in a while I'd say to Kenny where did that metal come from, the shavings.
He said that came from Frigidaire.
Q. But in terms of actually physically going out and seeing the trucks --
A. Did I look in the trucks? No, I didn't look in the trucks.
Q. In that same paragraph 5 of your affidavit, still on Frigidaire, it says some of the Frigidaire

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material would be burned prior to 1955. What is the basis for that statement in your affidavit?
A. Well, they used to come in and dump over the banks, you know, when I was working on reclaiming scrap metal down there, you know. And then I would be down there different times and go collect a check, you know, from Alcine from picking scrap metal, you know, and I'd see the trucks there.
Q. Was that time period where you were picking scrap metal, was that the only time period in which you were employed in some way by the dump facility?
A. Well, we weren't employed. We were independent contractors. We were scrap pickers and they just give us a check for how much when they weighed, it they took it up to Patterson Iron and Metal or Enge's up here on Washington Street or whatever, and when they weighed it in they just paid us for how much we picked. We put it in a pile and they'd take it up and collect for it and then write us a check.
Q. Were there any other times periods where you were doing any kind of work at the site for which you were being paid?
A. Well, one summer we were setting the steel bar joists for the dump building with a crane from Broadway Sand and Gravel, Glen Carmichael and I were setting them,

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1 and we'd see them come in there.
2 Q. Turning again to part B of paragraph 5 of your
3 affidavit which is marked as exhibit PRP number 1, the
4 last portion says residue remained at the site. Can you
5 tell me what you mean by that?
6 A. It was mostly shavings, like I told you. There
7 was a lot of steel shavings that we used. Evidently when
8 they were milling things or something, you know, trimming
9 them up, there was steel shavings on them, and you would
10 walk along where the dump was and if they didn't get all
11 dumped over the side they would be laying there, because
12 they couldn't burn them anymore. They had to wait for the
13 bulldozer to come along and push them over.
14 Q. Do you have any knowledge of what direction
15 these Frigidaire trucks would have been coming from?
16 A. Frigidaire trucks would come from the south.
17 That was the only Frigidaire plant. The other one was
18 downtown on Taylor Street.
19 Q. Do you know roughly what the street address
20 would have been for the Frigidaire facility where you
21 think the trucks were coming from?
22 A. Either Springboro Pike or Dryden Road.
23 Springboro Pike, they fronted -- you go down Springboro
24 Pike where the truck plant is now, on the right was the
25 old Frigidaire plant. They've tore a lot of that down.

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1 On the left was the sales plant and the office building.
2 There was about two stories. Frank Ireland was president
3 at the time, and Russ Polen was vice president, and I used
4 to haul cattle for them on the side. Is there anything
5 else I can tell you?
6 Q. I was a little confused earlier in terms of the
7 geography of it. I think you testified that Dryden Road
8 had had a number of different names over the years?
9 A. Yes.
10 Q. Are Springboro Pike and Dryden Road one and the
11 same?
12 A. Yes. It started out it was South Broadway,
13 okay, and I think some of it's still South Broadway in the
14 City of Dayton on the north side of the river over the
15 bridge. Then you come south and they call it South
16 Broadway all the way down. And then they changed the name
17 to Springboro Pike when Moraine became a city. Springboro
18 Pike used to come up through there and then now -- then
19 they called it Springboro Pike for years.
20 Then the City of Moraine here about eight, ten
21 years ago changed the name to Dryden Road. It's all the
22 same stretch of road from the river south to East River
23 Road there.
24 So they took Springboro Pike, and when they put
25 the overhead over the railroad tracks, because there used

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1 to be two bad crossings down there, Dorothy Lane and
2 Springboro, that when they were switching trains and cars
3 and things you couldn't get through, it was a switch yard
4 down there for the railroad, still there.
5 But anyway, they put an overhead down below so
6 you could get over the railroad, and closed Dorothy Lane
7 off and dead-ended it. That's when they named Springboro
8 Pike.
9 That road that they call Springboro Pike now
10 which comes up past the old Frigidaire plant, which was a
11 GMC truck plant or whatever it is, I don't know, SUVs or
12 whatever they made down there where the old Frigidaire
13 plant was, comes right up straight and runs along the
14 railroad track and then comes up to I-75.
15 North of Dorothy Lane and south -- that wasn't
16 any road south of Dorothy Lane. North of Dorothy Lane it
17 was just an old gravel road that went to some gravel pits,
18 Jackson Sand and Gravel, Shorty Wetzel's tire plant, and
19 that's it. And then they changed the name to Springboro
20 Pike.
21 So Dryden Road has been Dryden -- well, they
22 call part of it, part of old Springboro they call West
23 Springboro now. I mean they can't make up their minds
24 what the name is. They might call it Daisy Lane next. I
25 don't know.

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1 Anyway, that's the history of that road.
2 Q. Thank you. That helps, I think.
3 You have testified a bit about the gravel pits
4 that were on the property when were those gravel pits
5 started?
6 A. The one was started, the Broadway Sand and
7 Gravel Pit, was started sometime in -- during World War II
8 in about '43 or '44.
9 Q. And then I apologize if you've already testified
10 to this but I may have missed it. What was the year your
11 father purchased the property?
12 A. He purchased the Duncen farm in the -- back in
13 the thirties sometimes. He had it when I was old enough
14 to remember much of anything. On the first map of '38 I
15 can show you the farmhouse. He owned it at that time, but
16 I don't know if it was '37, '36 or what.
17 Q. Does your family still have an ownership
18 interest in the property?
19 A. My stepmother has a 40 percent ownership in the
20 property.
21 Q. So has there been some ownership on the part of
22 your family during this entire time period we've discussed
23 from the 1930's through the present?
24 A. Yes.
25 Q. We touched on it briefly, but can you give me

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1 any specific details in terms of what types of trucks or
2 what they actually looked like that were Frigidaire
3 trucks?
4 A. Well, Frigidaire had some different sized
5 trucks. They had some dump trucks, they had some big
6 trucks, and they had some pickup trucks. You know, they
7 had different trucks.
8 Q. You testified at one point that you helped your
9 father with tax preparation and other matters, and you
10 became aware of his tenants through that process. Did you
11 do any sort of tax preparation or bookkeeping work for
12 Mr. Grillot?
13 A. Well, Cyril Grillot, who was my father's
14 partner, I worked on the tax returns, you know, when they
15 divided them up with the tenants from the rent receipts.
16 I'd help him with the rent receipts. He'd go through his
17 list of tenants, and he kept a ledger, and he'd ask me did
18 they pay this month, did they pay this month, did they pay
19 this month, you know.
20 And some of the properties he owned with
21 Mr. Grillot and some he owned himself, and he had them
22 separated out, and we would do just the rough -- they took
23 them down and they -- Ed Hence was our accountant for
24 years. My dad would do his own tax returns and then take
25 them down to his accountant. Cyril did the same thing.

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1 Q. In terms of bookkeeping for the dump would you
2 ever have had occasion to see a list of customers, for
3 example, written out on paper or other paperwork that
4 would reflect who was using the dump during any of these
5 time periods?
6 A. No. Alcine kept a book out there, it was just
7 an old ledger book, back there. I never touched it. I
8 never looked in it or anything.
9 Q. Do you have any personal knowledge of how many
10 different customers there may have been over a given time
11 span; for example, the 1960 to 1967 time span?
12 A. Oh, I don't know. There was contractors that
13 dumped solid fill in there sometimes, you know. There was
14 probably someplace in the neighborhood of about thirty,
15 forty a year.
16 Q. In terms of identifying specific companies in
17 your affidavit, how did you choose these specific
18 companies to list?
19 A. Those with the ones I would see most of the time
20 come in, and the others, there was a lot of unmarked
21 trucks came in. I didn't chase them back to the dump to
22 see what they were doing, you know. I would just sit
23 there. Usually I would be on the phone listening to some
24 idiot, figuring out how to get rid of him, and then watch
25 these trucks go by.

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1 Q. Would you have any personal knowledge that would
2 let you know or give you a sense of what proportion of the
3 dump's business would have been represented by these
4 particular companies?
5 A. (Witness shaking head.)
6 Q. Would you say yes or no for the record?
7 A. No. That was all Alcine. See, my father and
8 Cyril Grillot, they were just landowners. Like I said
9 before, the only thing my father said about the dump was
10 if they didn't develop it the way he wanted it developed
11 then he told them to, the way they dumped it.
12 Q. You also testified earlier that certain drivers
13 of certain companies may have had keys to get to the
14 facility after hours. Do you recall that testimony?
15 A. Yes.
16 Q. Do you have firsthand knowledge that that was
17 the case, they had keys, or is that an assumption you're
18 making based on the fact they were able to use the
19 facility after hours?
20 A. Well, I'll tell you what. I parked on -- behind
21 the building by that little office. There was about
22 twenty feet there, and it ran back about sixty feet, where
23 we used to park back there. And I would be in the office
24 in the evening, and I'd have a couple of builders with me,
25 and we'd be looking at scatter lots and what kind of house

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1 you could put on them and where what jurisdiction was
2 there, things like. That would be sometimes, you know,
3 eight, nine o'clock at night before we'd leave, and we'd
4 see trucks go by. Now, there was a gate back there where
5 that farm fence was, and it was locked at six o'clock at
6 night, and they didn't drive through the gate without it
7 being unlocked, so I think it's a fair assumption that
8 they had a key.
9 Now, Cyril told me that Alcine had given certain
10 companies keys, but I saw them actually go through. In
11 fact, you know, they'd get out and come out and they'd get
12 out and lock the gate again, you know.
13 Q. Just checking to see if I have anything
14 additional. I think I may be about done.
15 Did you review any particular documents in
16 preparing your affidavit?
17 A. No. There's no records.
18 Q. Is it fair to say that after 1972 your personal
19 knowledge or sort of personal visits to the site ended for
20 the most part?
21 A. Oh, I'd go over there once in a while. My
22 father died in 1980, and I'd go over there once in a
23 while -- or 1979 -- and I'd go over there and see him,
24 stop in and see him when he was down there, because my
25 mother had died and he'd remarried in '73 and he lived

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1 north of town there and I didn't get to see him as much,
2 and I'd stop in during the day if I was downtown or
3 something like that.
4 Q. More of a background question, but during that
5 time period of 1948 to 1954 perhaps when you were young,
6 where did you grow up in relation to the site? Did you
7 live very far away?
8 A. No. We lived off Dorothy Lane near Far Hills
9 right on the edge of Hills and Dales. We lived on a
10 street called Fairmont Avenue that runs north and south
11 off of Dorothy Lane. And we lived on the block -- it was
12 a half street. The rich people lived on Ridgeway and the
13 poor people lived on Fairmont. But it was only a half
14 street. They never developed the whole street. One block
15 was just houses on one side, and the other houses faced
16 Ridgeway.
17 In fact, they were the tracts of land that John
18 Patterson had given to some of his employees there when he
19 gave the park to the City of Dayton. And there's a lot of
20 old NCR executives that live, they're deceased now, but
21 they lived along Ridgeway Road there.
22 Q. How about the time period from 1960 to 1967,
23 where did you live in relation to the site we've been
24 discussing today?
25 A. Well, from 1965 -- well, it was earlier than

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1 that. In '62 I lived on a farm in Greene County. I
2 bought a farm out there.
3 Q. So approximately what distance would you travel
4 then to get from your home to work each day?
5 A. It's according to which office I was going to.
6 I had two offices. I had an office in Bellbrook in Greene
7 County, and I had an office in Moraine. And the Moraine
8 office I had -- I started out in the commercial,
9 industrial end of the real estate business, and I had two
10 people there that worked with me there and plus two
11 builders there, and then I had the residential office down
12 in Bellbrook. Then in 1974 I merged with Heritage
13 Realtors, Coldwell Banker-Heritage.
14 Q. During the time periods in which you were
15 maintaining two offices, approximately what portion of
16 your time was that office --
17 A. I would spend probably -- when I had the
18 Bellbrook office, when I started that, I'd spend about
19 70 percent of the time there, and usually the time spent
20 over at the Moraine office was later on in the afternoon
21 and evening because I'd go through with builders and
22 things like that.
23 Q. Did that decrease the number of days per week in
24 which you were at the Moraine office?
25 A. Well, sometimes I wouldn't get there every day

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1 but I would get there a couple, three times a week after
2 six and seven, yeah, and then sometimes later. It just
3 varied. Whatever the need was. If they needed me and
4 they couldn't decide over the phone, we had to look at a
5 map or something, a plot plan or whatever, I would go over
6 and look at it. Nothing to do with the dump. I rented an
7 office from my father and Cyril.
8 MS. LLOYD: I don't think I have anything
9 further. Thank you very much.
10 THE WITNESS: You're welcome.
11 MR. CRAGO: I don't have any questions.
12 MR. HUNT: Mr. Boesch, can you hear me all
13 right?
14 THE WITNESS: Yeah. Fine.
15 MR. HUNT: My name's Nathan Hunt, and I
16 represent NCR and the Miami Conservancy District, and I
17 only have three questions for you.
18 - - -
19 CROSS EXAMINATION
20 BY MR. HUNT:
21 Q. My first question is earlier today you stated
22 that NCR brought foundry cores and metal shavings to the
23 site. What is the basis for your knowledge?
24 A. The basis of my knowledge is that they used to
25 come down and dump down there, and after they closed down

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1 their dump over there on South Main Street.
2 Q. And you directly observed these materials or you
3 were told that these materials were being processed?
4 A. No. I'd see the foundry cores. The foundry
5 cores would come up all the time because, well,
6 representing the conservancy district, the foundry cores
7 over on West River Road, a guy tried to build a dam out
8 there one time and change the river, if you want to go
9 back in the history. I think the conservancy can tell you
10 that. And that's where I think a lot of the foundry cores
11 were going for a long time. And then they had to pay to
12 dump them because the conservancy stopped him and took
13 over his property. They took one away from my dad and
14 Cyril too down there. But anyway --
15 Q. But you saw NCR foundry cores?
16 A. Yeah. They had one of those trucks like that
17 that hauled cores, you know. They were a different type
18 of truck.
19 Q. You also mentioned that you had a relationship,
20 you were friends or you knew one of the NCR drivers, and I
21 believe you said that individual's first name was John?
22 A. Yeah. It's John Kelly.
23 Q. Kelly?
24 A. Yeah. I tended bar with him up at Kramer's when
25 I was in college.

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Q. And how was that spelled?
A. I think it was K-E-L-L-Y. I don't know.
Q. Okay. My next question, I'm going to ask you to turn your attention to what has previously been marked as exhibit EPA 2, and earlier today I believe you marked -- you placed a tab on this map that states 1944; is that correct?
A. That's correct.
Q. And what does that tab represent?
A. That represents the time that my father and Cyril Grillot acquired that. I think there was about 40 acres, 30 acres in that tract from Albert Davis, Dutch Davis. That was where the second gravel pit came in. That's now where the quarry is they call it.
Q. And I also believe that while you were testifying concerning the Dutch Davis property you indicated that the boundry between the Dutch Davis property and the site ran along where the DP&L power lines are located; is that correct?
A. Right. Right here is the old road running back here. There's the Duncen farm still there.
Q. Would you using this blue pen --
A. Uh-huh.
Q. -- would you mark what you believe to be the boundaries of the Dutch Davis property on EPA exhibit 2.

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A. Yeah. Let me see here.
MR. HOFFMAN: Go this way.
THE WITNESS: Okay. Let's see. You had the Sohio station on the corner, which is now torn down. Roughly that. I think it's about 20 or 30 acres. That was the ground that we traded for the conservancy -- for the UD ground.
MR. HUNT: That is what I thought.
Let the record reflect that --
THE WITNESS: Then they bought it back. Cyril bought it back.
MR. HUNT: -- that Mr. Boesch has outlined on EPA 2 what he believes to be the boundry of the Dutch Davis property.
BY MR. HUNT:
Q. One last question. Earlier today you also indicated that no dumping of waste materials occurred on the Dutch Davis property; is that correct?
A. To the best of my knowledge.
Q. To the best of your knowledge?
A. I was gone when Alcine had his -- well, he built that air curtain handler back there or something. That to my knowledge was right on the edge of the Davis property, but it was right back in here.
Q. You also indicated earlier today, and I did say

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only one last question but I lied.
A. Okay.
Q. The -- you indicated that that operation I believe was the Shane Gravel --
A. Schon.
Q. Schon Gravel Pit?
A. Bill Schon. Yes.
Q. Was there any relation between that operation and the South Dayton Dump operation?
A. No.
MR. HUNT: I have no further questions.
THE WITNESS: No. Bill Schon was just a ground owner.
MR. HUNT: Thank you.
MR. HESTER: Mr. Boesch, my name is Mark Hester, and I represent Delphi Corporation, and I just have a couple of quick questions.

- - -

CROSS EXAMINATION

BY MR. HESTER:
Q. Today you made reference to an Inland facility on Abbey Avenue.
A. Yes.
Q. And you mentioned that that facility brought or someone on behalf of that facility brought metal shavings

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to the site?
A. Yes.
Q. I'd like to refer you, as other folks have done, to PRP exhibit 1, and it looks like at section 5-C you make reference to that same facility, and the words that are attributed to you there reflect that materials, but unspecified materials, were brought to that location. I guess my question is are you sure that it was in fact metal shavings that was brought from that facility to the site?
A. Well, almost all of those trucks that came from a lot of those manufacturing plants mostly all had little metal shavings, because they were precision work that was done, you know. Like I know Inland made the ice trays for Frigidaire and things like that. If they weren't precision they'd trim them up and they'd bring the stuff down there and dump it. And a lot of times they brought it in in these cardboard drums like, and they'd dump it over the side and that would be it, and it was all solid.
Q. But I have to ask you not to speculate.
A. Huh?
Q. I have to ask you not to speculate for the purpose of this discussion here today.
A. I never saw it dumped out of the truck. Okay? I saw it on the ground afterwards when I'd walk along

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there because I used to go out and check that thing for my dad every once in a while to be sure they weren't getting anything in there after Montgomery County got the injunction against him, you know, and that's all I can say. I never saw them dump them directly out of the truck, but they were on the ground after they left.

Q. And you believe the material that was on the ground that you were referring to actually came from the truck that you're attributing to Inland that you saw come in?

A. I think so. Yes.

Q. Did those trucks have any Inland-related markings of some kind on them, or GM?

A. Yes. They were sort of a dark green truck and had Inland on the side.

Q. Okay. Also in your statements today you referred to a facility at I think it's Wisconsin and Cincinnati Streets?

A. Yes, sir.

Q. And you said you had no personal knowledge of what was brought to the site from that plant but that you imagined it was shavings?

A. Well, it was another General Motors plant, Delco Moraine, which I don't even want to call them a first cousin of Inland or Frigidaire or what. I know Charlie

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Wilson said what's good for General Motors is good for the country when he was Secretary of State. Secretary of Defense. But I assumed I guess that Wisconsin brought them, but I didn't see what they brought from the Wisconsin plant, which was a Delco Moraine plant.

Q. So you're not really sure about that one?

A. (Witness shaking head.)

Q. Can you just verbalize that?

A. No. I'm not sure what Delco Moraine brought to the -- brought to the dump.

MR. HESTER: Thank you very much. That's all I have.

THE WITNESS: Thank you.

MR. WATERMAN: Mr. Boesch, I'm Chuck Waterman.

THE WITNESS: Yes, sir.

MR. WATERMAN: And I'm here on behalf of Dayton Power and Light Company.

- - -

CROSS EXAMINATION

BY MR. WATERMAN:

Q. Everybody here may already know this, but just to clarify some things in the family tree, you are the son of one of the owners of the South Dayton Dump; is that correct?

A. Yes. That's correct.

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Q. You mentioned Katherine Boesch, and she is your stepmother?

A. Stepmother. That's correct.

Q. And she owns a 40 percent interest --

A. Yes.

Q. -- in the property today?

A. Right. Today.

How did that happen? Okay. When my father died he left half to his widow, and he left half to his four children. I had no desire to have anything to do with it. Okay? In fact, if you want to get into it a little further, I was going through a really nasty divorce. I had a company to protect and a farm to protect. So Mr. Grillot, Cyril Grillot, came to me and offered me more than Katherine was going to pay so I sold to him. That's how his family got the undivided one-eighth that I had, which would give them, what is it, eight-sixteenths.

MR. HOFFMAN: Nine.

THE WITNESS: Nine-sixteenths and five-sixteenths.

MR. HOFFMAN: Seven.

THE WITNESS: Or seven. Nine and seven. So that's how Grillots got the nine and the Boeschs have the seven, because I sold out to Mr. Grillot.

BY MR. WATERMAN:

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Q. Did you do that -- and what period of time did you do that, sell your interest?

A. Well, I sold that just about a year-and-a-half after my father died. I got divorced in 1980.

Q. So that would have been sometime in 1980 that you sold your interest?

A. Yes.

Q. After acquiring it in 1979?

A. Right.

Q. Was the dump still operating in the 1979, 1980 time frame?

A. Not to my knowledge. I -- I didn't see a whole lot of it. Katherine kept the books. I got out of it and washed my hands of it and went on to build my real estate company.

Q. But was the company operating as she was keeping the books for the company at that point?

A. Well, she was keeping books for the partnership, and the dump was paying rent to her, but other than that, you know, I can't say.

Q. Uh-huh.

A. I don't know what went on then. Kenny was dead by then, Alcine's brother, and Doyle was gone, he had moved down the road, that was Doyle's Auto Parts, and I never had any great love for Alcine so I didn't even

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bother to stop around, you know.
Q. But he was still out there as far as you know?
A. Yeah. He was still out there someplace.
Q. Somewhere out there on the dump?
A. He was way down at the end. I -- they had a -- I think he was using that second road they put -- well, it's a path, whatever you want to call it. Entrance. I don't know. It was never dedicated. But, in fact, you can go out there and see, the gates are still there.
Q. Why is it you didn't want your interest in the dump or in this land?
A. I had no desire. No. I had a farm over in Greene County and I wanted to buy another farm, and then my wife walked out and said she didn't want to be with us anymore, so I had to pay her and I had to do everything, you know. I can only do about two things at once.
Q. That's one more than me.
You may not know this, but do you expect, do you think that you may at some point in the future acquire another interest in this property?
A. I'm a little worried about it to be quite frank with you. I don't want any part of it.
Q. Okay. But that is a possibility?
A. That is a possibility in fact, but I don't --
Q. Okay.

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A. And hopefully she's got enough friends and other relatives that she doesn't need to leave anything to me.
MS. AMY WRIGHT: Tell her to will it to the state.
THE WITNESS: Yeah.
BY MR. WATERMAN:
Q. During your testimony earlier you talked about -- I think you talked about the three different sets of gates for access to the dump itself?
A. Uh-huh.
Q. Is that correct?
A. That's correct.
Q. Could we look at EPA --
A. At different times. Right.
Q. Right.
A. They were at different times. They weren't all the same time.
Q. Could we look at EPA exhibit 3, please?
A. Yes, sir.
Q. And could you show me where those gates were and at what -- approximately what period of time that was the functioning gate for the South Dayton Dump?
A. Here was the first gate, or first entrance, to my knowledge before any of these buildings were ever built.

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Q. Okay.
A. Right here within this line is.
Q. And can you, in words, approximate where that is in relation to other landmarks on here?
A. Well, I'll tell you, it was right across from Dayton Power and Light's service building here. There was a -- there was a whole building here, right across, about midway down. See, here's -- here's East River Road, and here's North Broadway, and this is just about midway.
Q. About midway?
A. Yeah.
Q. All right.
A. Might be about 40 percent. Way down, just roughly.
Q. And approximately when would that have been the gate for South Dayton Dump?
A. That would have been the entrance from when they started it in 1945 to approximately, I don't know, in the seventies sometime. I don't know.
Q. Sometime in the seventies?
A. Sometime in the seventies. Yes, sir.
Q. Okay. And then when was the second -- where was the second gate?
A. Here was the second one, right here. You can still see it. There's a gate still back here and there's

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a gate still back here.
Q. Okay. When was that the gate?
A. That was the gate after they closed this one up in the seventies, and that was the gate down there then.
Q. Okay.
A. Right in between there, went straight back that way. And they gave up this building here.
Q. So what is that would you say; a quarter mile, a half mile, south of the original gate?
A. I would say approximately. About a quarter of a mile.
Q. About a quarter mile?
A. Yeah.
Q. Okay.
A. There's two -- three buildings on there.
Q. And then the third gate?
A. The third gate was down here. Right here.
Q. Uh-huh.
A. That was the third one right down in here.
Now, that's behind the palletizing place because that came through Cyril's ground, Mr. Grillot's ground. He came in through there. See, he kept this part down in here. Below this gate and down in here was Cyril's.
Q. I see. So he owned that land?
A. He owned that land separately. Yes.

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Q. I see. Okay.
And when would that have been the operating gate for the dump?
A. Oh, that was probably sometime maybe in the, I don't know, the last three or four years that Alcine was running the thing. Probably in the -- that's all speculation on my part. I can't go much further than that.
Q. Okay. But then where was your office building when you --
A. See right here?
Q. Yeah.
A. Right here.
Q. And then you look north at this entrance?
A. Yes.
Q. Okay.
A. That was the Flemming-Rainey building, the GMC truck building.
Q. Okay. Thanks.
A. DP&L was our best customer.
Q. That clears it up. Okay.
Well, you've mentioned DP&L a couple of times.
A. Yes, sir.
Q. And before we get to our favorite customer, you worked out there on and off you said 1948 to 1952, odd

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jobs, etcetera?
A. Yeah, just sometimes just cleaning up things in general, you know. Paper would blow up against the fences and everything else.
Q. Did any of the other owners have children?
A. Yes.
Q. Did any of those children work at the site?
A. They weren't old enough. I was the oldest.
Q. Were there ever any other employees at the site?
A. At the site?
Q. Yes.
A. Well, there was a guy that picked scrap iron for years, his name was Hayduck, but I don't know what ever happened to him. I couldn't have sworn to it.
Q. What was his name?
A. Hayduck, H-A-Y-D-U-C-K, or D-U-C-T. He was just a metal scrap man and stuff like that.
Q. Was he one of these independent contractors?
A. Yeah.
Q. Okay.
A. But nobody got any social security or any Medicare or anything, or any health benefits from that operation.
Q. Anybody else work at the dump that you recall?
A. There was some itinerate cardboard pickers and

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stuff like that before they stopped the burning, before '55.
Q. Uh-huh.
A. They were salvage people, you know.
Q. Yeah.
A. But they were itinerate. Gosh, a couple of them lived in big boxes back there sometimes.
Q. Okay. Anyone else?
A. Not that I know of. Well, Doyle was a partner but he went across the road.
Q. Right. Okay. Now, you mentioned that you were able to identify dumpers sometimes by their trucks; is that correct?
A. Yes, sir.
Q. And during that period 1960 to 1967 you could see the trucks proceeding through the gate north of your office window when you were at your office?
A. Yes, sir.
Q. Is that correct?
A. Yes, sir.
Q. You said actually in your testimony earlier, you talked about DP&L. How did you know it was DP&L dumping, first of all?
A. Well, I'll tell you what, if you've seen one of their line trucks once you can't miss it the second time.

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They all looked alike, and they all parked at night right across the street from our office, backed up to the big service building there with the dock, you know. It's all torn down now. They all parked over there and, Christ, I couldn't miss them. I'd see them ten times a day, you know.
Q. Okay. So they were in the neighborhood, you knew what they looked like?
A. Yeah. Then the line trucks would go out, and my understanding from Frank Matson, who was a foreman over there years ago, lived out in Greene County where I lived, who ended up as a township trustee, that, you know, I asked him how's come those trucks came in every night.
He said they cannot -- they have to dump, like if they plant a pole, you know, and they did it out, auger it out, you know, they put it on the back of the truck, they have to go dump it that night. They can't put it back in the hole. They have to get fresh material in the hole.
Q. Now, you say that these were line trucks. What do you mean when you say a line truck?
A. Well, the guys that go out and work on the lines, the telephone poles, and replace them. Well, they get right down to it, the transformers, stuff like that. They were the linemen. They all worked on the trucks.

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Q. What did the line trucks look like?
A. Oh, the lines trucks were mostly GMC trucks. They had -- their line trucks then were sort of a gray, light color, light color, maybe a light gray or dark white, and they had sides built up on them where they carried material, you know. And they had a path down the center of them. They weren't really -- some of them were solid but most the line trucks weren't, and they had rigs on them that they could lift stuff up with and things like that, small winches and things.
Q. So they weren't dump trucks; these were specialized trucks?
A. Not normally they weren't, no.
Q. So you've mentioned the soil from utility operations was some of the material they dumped at the South Dayton Dump; is that correct?
A. Yes, sir. That's correct.
Q. And you also mentioned scrap metal and bolts, etcetera?
A. Bolts and nuts, and those turn bolts they used. They use a guy wire, you know, and they wanted to draw the guy wire tight, and they had these turn bolts and you just stick a spud bar in them and turn them and they'd tighten. They had bolts connected to each end with the screws in the side, you know, and they'd turn them.

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Q. Uh-huh.
A. I used to use them to build line fences. They were great.
Q. How was the soil transported to the South Dayton Dump?
A. They usually, most of them, they just put it on the back of the platform of the truck, you know, in between.
Q. No.
A. Well, their trucks were -- they were trucks with the center was open.
Q. Uh-huh.
A. They had cabinets on each side, or bins like, but they were taller than the regular plumber's truck you would see or something like that, they were taller because inside they had compartments where they carried parts.
Q. Uh-huh.
A. And they would usually put them right on the back of the truck there. It was a -- it was a metal deck and they put them right on there and then she just shoveled them off.
Q. So when they dumped soil at the South Dayton Dump, these weren't dump trucks, they had to physically shovel the soil off of it?
A. Once in a while they were dump trucks, it was

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just according to what kind of job they were doing, but usually it was the line trucks that came in.
Q. And so this was not a large quantify of soil, just a small quantity that they shoveled?
A. Well, you know. I don't know. A fifty gallon drum maybe, you know --
Q. Okay.
A. -- that they would hand shovel off the holes -- or they had post hole diggers too. And then they would bring a big truck out with the poles on it and they would hook them up.
Q. You also said there was scrap metal, bolts, etcetera?
A. Yes.
Q. How did that material arrive at the South Dayton Dump?
A. It would arrive on the -- in the trucks. And they had canvas bags the lineman used, you know, when they were working up someplace and transferring something, they would throw it in a canvas bag like, and they would throw those on the back of a truck and just go out and dump them. Usually they wouldn't get that far. Kenny would get them. He wanted the scrap metal.
Q. Again, this arrived on a line truck?
A. Yes.

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Q. This scrap bolts and metal?
A. Yes.
Q. Now, the transformers, what kind of trucks did the transformers arrive on?
A. They came on line trucks too.
Q. On line trucks?
A. Yes.
Q. Can you describe for me what the transformers looked like?
A. Well, the transformers were steel gray, and they were cylinder in shape, and they were probably, I don't know circumference there, so I don't know. They were probably -- I don't know what the circumference was, but they were probably about two and a half feet, three feet high, maybe four feet high. I never measured one or anything. You see them sitting on top of poles every day.
Q. And they were cylinders you said?
A. Yeah.
Q. Okay.
A. They were cylinders. Yeah.
Q. Any other features on these cylinders that you recall?
A. Well, they had some clips on them where you could pop the lid, you know, some of those clips that clip down on the side. I don't know. Like --

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Q. Any other features that you recall?
A. Nothing spectacular about them.
Q. They came in on the line trucks as well?
A. Yeah. The line trucks would go out and replace the bad ones and bring the old ones in and dump them.
Q. And when did you observe transformers being dumped at the South Dayton Dump by DP&L, what years or when?
A. Well, I saw them between '60 and '67, that's for sure, when I had my office over there.
Q. So you actually saw DP&L trucks with transformer on them?
A. A lot of times I would be back there looking for parts that I could use on the farm, you know. Okay? I would be back in the dump office and a truck would come in and have a transformer or two transformers. And Kenny Grillot would not touch them. He didn't have any faith in touching the things. They were Alcine's things. So, anyway, Kenny just a lot of times he would have the driver set them off right next to the building. He would say Alcine will just pick them up there, you know.
Q. Set them off next to which building?
A. The dump building in that first entrance. Remember where I showed you where that was?
Q. Uh-huh.

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A. The second building. Not the building facing Dryden Road but the next building back immediately behind it, there's a storage building in there, but then there's about a 5,000 square foot building, which was the dump-off, and they stored scrap and stuff inside, and that's where Kenny would have them set them off at the side there for Alcine because Kenny didn't want to touch them.
Q. How were they moved; do you recall?
A. How were they moved?
Q. Yes.
A. They would lift them off the back, maybe two of them, maybe one of them would lift them, according to how strong they were.
Q. One man would just lift a transformer?
A. Pretty close to it. Yeah. They hang up on the poles.
Q. Okay. Did you ever know any of the names of the DP&L employees or drivers? You mentioned that one fellow.
A. Not -- that one. I knew Frank Matson because he was a foreman over there. He was a township trustee over in Sugarcreek Township where I lived.
Q. What period of time did you know Frank?
A. Well, I knew Frank probably from about '64, '65 to about 1970, 1972, 1973. He lived south of Bellbrook

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down there.
Q. And his last name is M-A-T-S-O-N?
A. M-A-T-S-O-N, yes. He lived on Sears Road.
Q. Any other DP&L employees that you were acquainted with, or truck drivers?
A. I knew a couple of presidents.
Q. They probably didn't work across the street from the South Dayton Dump?
A. No. They were down in the gas and electric building.
Q. Yeah.
A. What's that one they named the plant after down on the river down there down near Manchester?
MS. WRIGHT: Bob Killen.
THE WITNESS: Yeah, Killen, and there's a couple of plants named down there by presidents.
BY MR. WATERMAN:
Q. So the men would unload the transformers by the building?
A. Uh-huh.
Q. And leave them there for Alcine?
A. Uh-huh.
Q. What happened to the transformers, if you know?
A. Well, to the best of my knowledge, Alcine would take them someplace and take them apart.

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Q. What is your knowledge based on?
A. My knowledge is based on seeing Alcine put them on a pickup truck and go down one of the roads along by the gravel pits.
Q. So Alcine took them deeper into the South Dayton Dump?
A. Uh-huh.
Q. But you don't know where he took them?
A. No. Well, I've got an idea where he took them but I couldn't swear to it because he was down by that where he had that wind curtain built. This was after, you know, everything was pretty well shut down out in there.
Q. Where he had the wind curtain. Oh, the incinerator?
A. Yeah. Whatever they want to call it. Yeah.
Q. So you believe he took them there but you don't know that for certain?
A. Well, I know he took them there because one day I went down there and there was a bunch of them sitting taken apart down there.
Q. So you actually know that then, that he took them to the incinerator site?
A. Yeah.
Q. Where in relation to the incinerator were those transformers taken?

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A. That was down beyond the third entrance down there just north of the Davis property on the back there, that wood curtain burner or whatever.
Q. Does that incinerator show up on any of these maps to your knowledge?
A. Not to my knowledge. Let's see. This is '68. I don't know whether he had built it then or not. It had to be down in here.
MR. HOFFMAN: Down in here someplace?
THE WITNESS: Yeah, someplace. I don't know. I don't think he had it built. He would just go in the back and take it apart, you know, when they stopped dumping. After 1979, '80, they didn't dump too much, just some solid fill that Alcine had contracts for.
BY MR. WATERMAN:
Q. Well, with respect to the discussion we just had --
A. Yeah.
Q. -- are we talking about the 1960 to 1967 time period?
A. No. No.
Well, there was some in there. Now, he would take them apart, and I don't know where he took them apart at, but later on he took them down in there. I know Cyril sent me down there one time to see if I could find him on

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signing some papers.
Q. So between 1960 and 1967 you observed DP&L trucks but you don't know if there were transformers on them?
A. Yeah, I do, because I'd go back here to get parts from Kenny and I'd see the transformers sitting on the ground.
Q. Okay. And then thereafter you believed there were transformers --
A. There were transformers because I came in this entrance one time, and it was after my father died, and Alcine had to sign a paper for something, and I can't remember what it was, and Cyril asked me if I'd go get Alcine to sign it.
I said okay.
I came in this entrance here, I drove back through here and went back to where he had his wind burner, and I saw some old transformers sitting there.
Q. So you don't know when those transformers had arrived?
A. I couldn't swear to it. No, sir.
Q. So they may have in fact come earlier?
A. They might have been the first ones. They might have been later on. I know he was taking them apart in the seventies because he loved that metal that was in

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there.
Q. So he was disassembling transformers through the seventies you believe?
A. I believe so. Yes, sir.
Q. And even after 1980 when you went down to sign the paper --
A. Yes, sir.
Q. -- you think so but you're not certain?
A. I think so. I wouldn't swear to it. There was some transformers there but I couldn't tell if they were brand new, old or --
Q. Do you know what happened to the transformers what Alcine was done with them?
A. No. I really don't. I'd see some sitting around but I didn't know what happened. He probably sold them for scrap, I'm sure, to scrap dealers. He had a running account up at Enge's up there at Washington and Perry Streets.
Q. Do you know whether Alcine bought these transformers?
A. Bought them?
Q. Yes.
A. I don't think he would buy them when they were just getting rid of them.
Q. Did Alcine ever buy scrap?

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A. No. No. He was always salvaging scrap.
Q. He didn't buy scrap?
A. No. He didn't buy it. No. He wasn't a dealer. He just, he was always trying to find something to sell a dealer.
Q. Uh-huh. Okay. You also said that there was acid in them. Can you tell me more about that?
A. I never saw the acid myself.
Q. Uh-huh.
A. Kenny said I won't touch them because there's acid in them. That's why Kenny Grillot would not touch them.
It was my understanding there was acid in them. I never reached inside one. I never saw one turned upside down. I just knew that Alcine took them apart and dumped the stuff out on the ground. That's all I know.
Q. And the time period -- your testimony is the time period this was occurring was 1960 through the seventies; is that correct?
A. Yes.
Q. Any other time periods?
A. I don't know. To my knowledge I don't know after that.
Well, DP&L tore that -- what year did they tear that building down over there?

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