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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ANNE ANDERSON, et al.

vs

Civil Action
No. 82-1672-S

CRYOVAC, Division of W. R. Grace & Co.;
W. R. GRACE & CO.; JOHN J. RILEY COMPANY,
Division of Beatrice Foods Co.; BEATRICE
FOODS CO.

Continued deposition of THOMAS BARBAS,

taken on behalf of the Plaintiffs, pursuant to the
applicable provisions of the Federal Rules of Civil
Procedure, before Valerie T. Wong, Notary Public within
and for the Commonwealth of Massachusetts, at the
offices of Schlichtmann, Conway & Crowley, 171 Milk
Street, Boston, Massachusetts, commencing at 11:20
o'clock A.M. on Tuesday, July 2, 1985.

1
2 **Appearances:**

3 Kevin P. Conway, Esq.
4 Schlichtmann, Conway & Crowley
5 171 Milk Street
6 Boston, Massachusetts
7 for the Plaintiffs.

8 William J. Cheeseman, Esq.
9 Foley, Hoag & Eliot
10 One Post Office Square
11 Boston, Massachusetts
12 for the Defendant W. R. Grace & Co.

13 Susan G. Winkler, Esq.
14 Hale & Dorr
15 60 State Street
16 Boston, Massachusetts
17 for the Defendant Beatrice Foods Co.

18 Terry P. Segal, Esq.
19 Peter Quinter, Esq.
20 210 Commercial Street
21 Boston, Massachusetts
22 for the Deponent.

23 **Present:**

24 James Gordon
25 _____

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I N D E X

<u>Deposition of:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
Thomas Barbas	4-4	4-63 4-72 4-72	4-73	--

EXHIBITS

<u>Number:</u>		<u>Page:</u>
6	Document headed "spray booths."	4-4
7	Six-page document listing paints, solvents, et cetera.	4-4
6A	Second page from Exhibit No. 6. (Exhibit No. 6 amended)	4-6

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MR. CONWAY: Can I have these marked,
please?

(Two-page document headed
"spray booths," marked
Exhibit No. 6.)

(Six-page document listing
paints, solvents, et cetera,
marked Exhibit No. 7.)

THOMAS BARBAS,

a witness called by the Plaintiffs, first having
been duly sworn, on oath deposes and says as
follows:

Direct Examination (Resumed)

Q (By Mr. Conway) I have a document that has been
marked Barbas Exhibit 6. Do you have a copy of
that?

A Yes.

MR. CONWAY: Does everyone else have a
copy? It says spray booths at the top.

Q Could you tell me what that document is?

A This is a document that I made to tell someone,
whoever it was, an unknown person that would have
to clean the spray booth in my absence if I
wasn't going to be around or something of that

1 nature, if someone had to step in and do my job,
2 this is how they would do the job.

3 Q Do you recall when you made this?

4 A I have no recollection.

5 Q Would it have been several years ago?

6 A Yes.

7 Q My understanding is you were in the service from
8 '68 to '70?

9 A Yes.

10 Q Do you think it would have been prior to that?

11 A It could be. I am not really sure.

12 MR. CHEESEMAN: The second page has
13 dates right up to April of 1982. Perhaps we can
14 ascertain from him whether the second page was a
15 separate document rather than --

16 MR. CONWAY: This is how it came to us.

17 Q Are these separate documents or are they together?

18 A Separate.

19 MR. SEGAL: Do you want to mark them
20 separately?

21 MR. CONWAY: We'll mark it Exhibit 6A.

22 MR. CHEESEMAN: I don't object to it
23 being marked Exhibit 6A, as long as it is clear
24 it has been indicated they are separate documents
25

1
2 and not necessarily associated in any order.

3 (Second page from Exhibit
4 No. 6 removed and marked
5 Exhibit No. 6A.)

6 Q Mr. Barbas, referring to Exhibit 6, could you read
7 the first paragraph to us, please?

8 A Drain tank, vacuum clean dry, recharge differen-
9 tiating clarify -- clarifier, check and clean
10 upper nozzles and upper water trough, remove lower
11 section and steam clean.

12 MR. CHEESEMAN: I wonder if that says
13 "lower screws."

14 THE WITNESS: I think --

15 MR. CHEESEMAN: Or screen.

16 THE WITNESS: It's screen.

17 Q Mr. Barbas, could you describe the vacuum cleaner
18 that would be used?

19 A There is a stainless steel, industrial vacuum
20 cleaner. I can't think of the brand name.

21 Q Approximately how large is it?

22 A Five to seven and half gallons.

23 Q Would you vacuum liquid into that vacuum cleaner?

24 A Yes.

25 Q And what would you do with the contents of the
vacuum cleaner once it was filled?

- 1
- 2 A At one point we used to dump it out in the back.
- 3 Q What point was that?
- 4 A The point before we started barreling the waste
5 solvents and waste paint thinner.
- 6 Q You said that "we would dump it out back." To whom
7 were you referring when you say that?
- 8 A Myself or whoever was helping me.
- 9 Q Would that be Joe Meola?
- 10 A Possibly.
- 11 Q Would he do that on occasion?
- 12 A Yes.
- 13 Q Would you read the second paragraph, please?
- 14 A Looks like it says "remove upper screen;" and SM
15 means sheet metal department is going to make new
16 replacement from stainless steel; also sheet metal
17 department will weld new stainless steel panels to
18 rustic parts on upper booth, et cetera.
- 19 Q It is your handwriting here?
- 20 A It seems to be. It is hard to read.
- 21 Q You believe it is your handwriting?
- 22 A Yes.
- 23 Q Could you read the next paragraph, please?
- 24 A Remove air filter baffles, steam clean and soak
25 in, first, hot water -- in hot tank overnight,

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steam clean.

Q What is the hot tank?

A That was a cleaning -- a degreasing tank.

Q Where was that located?

A In the passivating area.

Q And where is the passivating area in relation to the paint shop?

A Right next to it.

Q What is the approximate size of that degreasing tank?

A The one you just asked about?

Q In the passivating area.

A Approximately four feet by six feet by five feet high, four and half or five feet high.

Q Do you know what was in those tanks?

A Well, there was a degreasing agent, a powder that made a degreasing solution.

Q Would you fill that tank?

A Yes.

Q Would you dispose of liquid in that tank?

A Yes.

Q How would you dispose of that liquid?

A Disposal of that liquid, first consulting with Paul Shalline and adding another liquid to -- I

1 have to think of the word.

2 MR. CHEESEMAN: Neutralize?

3 THE WITNESS: -- neutralize the solution
4 so it wouldn't be strong, very strong, and that it
5 would be acceptable to dispose of.
6

7 Q Do you know what the name of that powder was you
8 used?

9 A No.

10 Q Do you know what the name of the neutralizer was?

11 A I can't think of that.

12 Q Do you know what happened to the contents of the
13 tank when you cleaned it?

14 A It would be opened and allowed to go down the drain.

15 Q Could you read the next paragraph, please?

16 A While inside booth, check vent pipe and motor, et
17 cetera; check outside pump, grease, et cetera;
18 scrape down inside water tank; check and clean
19 water float, et cetera.

20 Q And the next paragraph, please?

21 A Remove all lights, strip paint clean, steam clean
22 and replace.

23 Q What did you use for a paint stripper?

24 A A paint stripper named Epsco, the Number 7.

25 Q Do you know the chemical contents of that?

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A No.

Q Could you read the next paragraph, please?

A Strip coating on wall in booth and complete ceiling;
have Paul Shalline check into cleaning water
sprinkler for fire alarm or fire sprinkler.

MR. CHEESEMAN: And the ceiling he was
referring to is the kind of ceiling overhead.

Q And the next paragraph?

A Recoat walls with red primer in very rusted areas.

Q And the next paragraph?

A Recoat walls with Peel Filmite, spray on full
strength solvent to clean equipment (toluol,
acetone).

I can't read the next word. I think it
could be strength.

MR. CHEESEMAN: Just what you can read.

THE WITNESS: With high pressure from
air and spray gun.

Q Now, did you use toluol to clean the equipment?

A Occasionally.

Q And this toluol came in five-gallon pails or buckets;
is that correct?

A Also one-gallon pails.

Q Five and one?

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A Yes.

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Q Do you have any memory of how long it would take you to use a gallon of toluol?

4

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A Depends on the work load. I can't be specific about that.

6

7

Q Can you estimate on a weekly basis or monthly basis, Mr. Barbas?

8

9

A I can't estimate that.

10

Q Or yearly basis?

11

A It would be a couple of gallons a year.

12

Q Would you say two gallons a year?

13

A Maybe.

14

Q How about acetone, how much acetone would you use?

15

A I wouldn't use that much of it. They had some in the building for cleaning plastic.

16

17

Q Would you use it to clean the equipment?

18

A Not much.

19

Q Metal equipment?

20

A I think I said to clean the equipment, meaning the spray equipment when it was used with this Filmite stuff.

21

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Q That is not the plastic equipment you referred to just now?

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A The plastic equipment is the equipment they were

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using in the rest of the plant.

Q But you would use some acetone to clean the spray booth equipment?

A Occasionally.

Q And you said you used approximately two gallons of toluol a year. Do you believe you used acetone less than two gallons a year or more?

A Less than two gallons.

Q Could you read the next paragraph, please?

A If enough time left, paint outside walls on --

MR. CHEESEMAN: Spray booth?

THE WITNESS: Could be.

-- navy, grey.

Q And the next paragraph?

MR. SEGAL: If you can't read it, just say so.

A I can't read it.

MR. CHEESEMAN: I think we have a cleaner copy at my office; if so, we will supply either a cleaner copy or the text of that last line.

THE WITNESS: Can I say something?

MR. CHEESEMAN: Sure.

THE WITNESS: I can see some words I recognize.

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MR. SEGAL: Why don't you read the words you recognize?

THE WITNESS: The last paragraph looks like the second or third word is a grease that was used in a monorail system to help lubricate the ball bearings when they go through a baking oven.

Q If I can go back to the third paragraph just briefly, you said that you would pour the contents from the hot tank into a drain; is that correct?

A I would.

Q You would pour it down the drain when you were cleaning the tank or changing the solution?

A Yes.

Q And where is that drain located that you would pour into?

A It is a drain located in the passivating area.

Q Is it a floor drain or wall drain?

A I believe it is a floor drain in the area.

Q In the passivating area?

A Yes.

Q Is that still there?

A Yes.

Q Do you know where the drain went to?

A I don't know where exactly.

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Q Who instructed you to pour that solution down the drain?

A Paul Shalline.

Q Now, this Exhibit 6 appears to be a one-time set of instructions that you gave to someone if you were, for example, going on vacation for a couple of weeks?

A I don't know if it was for when I went on vacation. It was just something to instruct someone on how to clean the spray booth.

Q Exhibit 6A, can you read that at the top?

A I can't read the top words.

Q Does this appear to be in your writing also?

A Yes.

MR. CONWAY: Do you have a cleaner copy of this at the office?

MR. CHEESEMAN: I believe we have.

Q How about the second line, Mr. Barbas?

A It means differentiated clarifier, 12 pounds per 200 gallons.

Q What is this list?

A This is like a maintenance list I made to show when I had cleaned the booth.

Q Did you make that at someone's instruction?

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A No. I did it on my own.

Q To remind yourself when you had cleaned it?

A Yes.

Q When did you first begin making entries on this document?

A 4/30/66.

Q I note the last date at the bottom of the left column is in 1982?

A Yes.

Q Would you have kept this same piece of paper from 1966 to 1982?

A I don't believe so.

Q Do you know where the original of this document is?

A I probably copied this from it and then destroyed it.

Q Did you have a book you kept such documents in or a file?

A I had one.

Q Do you have it now?

A I don't know if I still have it. I am in another job now.

Q I understand that.

When you were in the paint shop,
Mr. Barbas, you had a file?

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A A folder.

Q Where was that folder kept?

A In the paint shop.

Q Would this document have come from that folder?

A Yes.

Q You can't recall whether you made entries from 1966 through 1982 or whether you did this all at one time?

A I believe I copied it from an original piece of paper that I had just to make it look better.

Q And these entries would have been on one piece of paper, just recopied on one sheet?

A I think so.

Q You would have had the other sheet of paper from 1966 to 1982?

A Yes.

Q Could you read the first entry, please?

A Complete cleaning of booth.

Q That indicates on that date you had a complete cleaning of the booth?

A Yes.

Q Until I tell you to stop, could you just read the first few dates and the entries?

A Something, dash 7/66; everything but baffles.

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Q What are the baffles?

A Baffles are a metal filtering device made out of galvanized metal.

MR. CONWAY: Maybe someone will understand that.

Q How about the next entry?

A 5/16/67; booth moved, everything done complete.

Q Now, at that time the painting booth was moved from one location to another?

A It was moved a little bit; yes. It was enlarged and a monorail system was added to it.

Q Describe a monorail system.

A The closest thing I can describe it to, compare it to, something like a rail that goes along the top near the ceiling with rollers that are attached inside the rail.

Q What was that used for?

A Attaching heavy parts that had to be painted.

Q You said that the booth was moved. Did the paint shop stay in the same area?

A Yes.

Q And it was just enlarged?

A Enlarged.

Q And the booth was moved?

1
2 A Yes.

3 Q How about the next entry?

4 A Dash 23/67; lubricate rollers with high temperature
5 grease.

6 MR. CHEESEMAN: I think you skipped one.

7 THE WITNESS: You're right.

8 It looks like it was between the 25th
9 and 28th of a certain month in 1967.

10 Q What does that say?

11 A Addition to spray booth, everything completely done.

12 Q Skipping down to what looks like 2/6/68, walls and
13 tank okay, do you see that one?

14 A Yes.

15 Q What tank are you referring to?

16 A The water trough.

17 Q How would you clean the water trough?

18 A I would open a valve to the end of the water
19 trough and the solution would come out and go down
20 a pipe.

21 Q Where was this pipe located?

22 A In the paint shop.

23 Q Was that on the floor?

24 A It ran along the floor.

25 Q Do you know where this pipe went?

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A I believe it went into the city sewer.

Q Why do you believe that? Were you told it went in the city sewer?

A I don't know if anyone told me. I believe it went in the city sewer.

Q And the next entry is 4/11/68?

A Right.

Q New exit pipe and only recharge tank.

Do you recall a new exit pipe?

A An exit pipe had to do with the top part of the spray booth. There is an entrance and exit pipe.

Q This is not the same pipe, the same drain we were discussing a minute ago?

A No.

Q How often would you replace the exit pipes?

A I can only remember a couple of times.

Q Why would you have occasion to replace one?

A I believe they were replaced because they were clogged.

Q Could it have been because they were corroded?

A Corrosion, clogging.

Q Skipping down to 6/20/72, does that say "recharge water tank only?"

A Yes.

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Q What does that mean?

2

A It means that the only maintenance we did on the spray booth was that we emptied the water solution in the tank and put new water in it and recharged it with chemicals.

3

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Q Do you recall what chemicals you recharged with on that date?

7

8

A I believe differentiated clarifying.

9

Q Pardon?

10

A I believe it to be differentiated clarifying.

11

Q That is a chemical?

12

A Yeah.

13

Q And the water would be emptied into the drain again?

14

15

A Yes.

16

Q Skipping down to blank 9/78, it says purge and recharge. Does the recharge refer to what you were just talking about?

17

18

19

A Yes.

20

Q Emptying the water?

21

A Yes.

22

Q And putting in new water, putting in chemicals?

23

A Yes.

24

Q What does the purge mean?

25

1 A Purge was a chemical made by the same people that
2 made the differentiating clarifying. It would clean
3 the system.

4 Q Do you know what chemical that was?

5 A Purge.

6 Q Now, the three entries after that have ditto marks.
7 How often would you purge and recharge?

8 A It depended on the work load. Evidently, at this
9 point I was doing a lot of painting.

10 Q Who would make the determination as to when it had
11 to be purged and recharged?

12 A Myself or Paul Shalline.

13 Q Would that be based upon the strength of the
14 chemicals?

15 A Yes.

16 Q Skipping down to blank 29/80, it says "drain and
17 recharge." That is actually draining the water in
18 the tank into the sewer system and then recharging
19 it?

20 A Yes.

21 Q And the last entry there on the page says "drain,
22 purge, vacuum clean and recharge?"

23 A Right.

24 Q That is everything we have been talking about,
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plus a vacuum clean with the type of vacuum cleaner you described to us earlier?

A Yes.

Q This is not a complete list of all the purging, recharging and draining that you did during this period, is it?

A I believe it to be.

Q Because I notice for some years you have no notations, like 1971, 1973 or 1974. Is it possible you wouldn't drain, clean or recharge at all during those years?

A It is possible.

Q Is it likely?

A It is likely.

It is also likely I didn't remember to make the entries.

Q Could you take a minute to look through this and see if it is all one document or separate documents?

(Recess)

Q Okay?

A Yes.

Q Is this all one document?

A Yes.

1
2 Q What is this document, Mr. Barbas?

3 A This is a document Paul Shalline asked me to compile
4 of all the -- that I could remember of present and
5 past paints and solvents we used.

6 Q Do you know approximately when he prepared this
7 list?

8 A I prepared it.

9 Q Do you know when you prepared it?

10 A I don't know.

11 Q I notice there is a date at the bottom of 1/28/82?

12 A Uh-huh.

13 Q Is that your handwriting?

14 A I don't believe that to be my handwriting.

15 Q Is the other writing on that page your handwriting?

16 A Yes.

17 MR. CHEESEMAN: What about the phrase
18 that says "list by T. Barbas, 1/28/82?"

19 THE WITNESS: That is not in my writing.

20 Q How about the writing on Page 2?

21 A That is my writing.

22 Q Page 3?

23 A That is my writing.

24 Q Page 4?

25 A Yes.

1

Q Page 5?

2

A Yes.

3

Q Page 6?

4

A Yes.

5

Q Did you say who asked you to prepare this list?

6

A Say that again.

7

Q Did you say who asked you to prepare this list?

8

A Did I say who?

9

Q Yes.

10

A Yes.

11

Q Who was that?

12

A Paul Shalline.

13

Q Did he ask you to prepare this list in connection with a response by Grace to a request by the EPA?

14

15

A I don't know if it was for that.

16

Q Now, the first writing at the top of the page says "Pittsburgh paint?"

17

18

A Yes.

19

Q Does that indicate that all of the items listed on that page are Pittsburgh paint?

20

21

A Yes.

22

Q There is a series of numbers and letters in the left hand column. Do you know what those numbers and letters refer to?

23

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A The numbers and letters represent the serial numbers or coding numbers that Pittsburgh would call the paints next to those numbers.

3

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5

Q The listing in the right hand column are all names of paints?

6

7

A Yes.

8

Q Page 2 at the top says Sherwin-Williams. Is everything on this page a type of Sherwin-Williams paint?

9

10

A I believe it to be.

11

12

Q And the left hand column of numbers and letters would be Sherwin-Williams' code numbers for that type of paint?

13

14

A Yes.

15

Q Page 3 is Dupont?

16

A Uh-huh.

17

Q With the left hand column being serial numbers?

18

A I would say yes.

19

Q And the right hand column is the type of Dupont paint?

20

21

A Yes.

22

Q The next page is Rust-Oleum. Is that the brand name of a paint?

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A Yes.

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Q And the numbers on the left hand column are serial numbers of Rust-Oleum?

A Yes.

Q And the right hand column is the type of paint it was?

A Yes.

Q I see some other things on here. There is also Damp Proof red primer, the second one down. Do you see that?

A Yes.

Q And red oxide primer?

A Yes.

Q About halfway down the page there is 644, thinning oil?

A Yes.

Q Do you know what the chemical composition of the thinning oil is?

A Do I have any idea?

Q Do you know?

A I don't know exactly.

Q Do you know probably?

A Yes.

Q What was it probably?

A Mineral spirits.

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Q How about 633, which is the next one down?

A I believe that to also be mineral spirits.

Q The next page is solvents. Could you read the first line, please?

A Dupont, Number 3812S, Fast Dry Enamel Reducer.

Q Do you know what the chemical composition of that is?

A No.

Q The next line, please?

A Dupont, Number 3864S, Vari-Temp Enamel Reducer.

Q Do you know what the chemical composition of that was?

A No, sir.

Q What was the enamel reducer used for or what did you use it for?

A Enamel reducer?

Q How did you use it?

A To reduce enamel, to have a consistency in the spray, to reduce the consistency in the spray so you can spray it.

Q The next line down?

A Acetone.

Q Now, you said earlier you used acetone occasionally to spray paint metal parts?

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A I never said that.

Q How did you use acetone?

A I used acetone to clean the spray gun material that we sprayed, which was called Peel Filmite.

Q How would you use the acetone?

A Were you talking about cleaning the spray material?

Q Yes.

A I would pour some inside the spray gun, the reservoir, and swish it around. I would use a paint brush to clean all the material off the sides of the inside of the spray booth, the outside of the spray gun, the spray gun material.

Q How would you dispose of waste from acetone after you finished cleaning the spray gun?

A I would put it in the barrel that I had specifically for waste solvents and paints.

Q Would you read the next line, please?

A VM and P Naptha, Sherwin-Williams, Rlk3.

Q Do you know what the chemical composition of this solvent was?

A No.

Q What did you use it for?

A Thinning paint.

Q And the next line says lacquer thinner?

1

A Yes.

2

Q That was used for thinning paint?

3

A Yes.

4

Q Could you read the next line, please?

5

A Standard BX duplicating fluid, deodorized.

6

Q What was that used for?

7

A That was used in the office in a duplicating machine. It was kept in the paint shop for --

9

Q Storage?

10

A -- storage and safety reasons.

11

Q And the next line is mineral spirits?

12

A Yes.

13

Q And the next line is toluol?

14

A Yes.

15

Q What did you use toluol for?

16

A Sometimes it had to be used for thinning certain paints.

18

Q Did you use it for cleaning equipment?

19

A Yes.

20

Q And the next line says toluene. Was there a difference between toluol and toluene?

22

A Just on the label.

23

Q Some would say toluol and --

24

A And some said toluene. I don't know if there was

25

1

a difference.

2

3

Q But you would use them for the same purposes?

4

A Yes.

5

Q Interchangeably?

6

A I would say yes.

7

Q There was no difference in your mind?

8

A I couldn't tell the difference.

9

Q And the next line says trichloroethylene?

10

A Yes.

11

Q What did you use trichloroethylene for?

12

A We kept it in the paint shop for people to use for cleaning equipment.

13

14

Q How many different departments did you use the trichloroethylene in?

15

A I believe all the departments.

16

17

Q All of them would have a use for it?

18

A Yes.

19

Q Machine shop?

20

A Yes.

21

Q Passivating?

22

A Trichloroethylene was not used for passivating.

23

Q Sheet metal shop?

24

A Yes.

25

Q What other departments would use it?

1

A Probably assembly department for cleaning.

2

3

Q How would they draw from the trichloroethylene in the paint shop? Would they come in with some sort of container?

4

5

A Yes.

6

7

Q And they would take some from the 55-gallon drum?

8

A Yes.

9

Q Put it in the container and leave?

10

A Yes.

11

Q Did you use the trichloroethylene yourself?

12

A A little bit of it.

13

Q What did you use it for?

14

A Cleaning.

15

Q Metal parts?

16

A Yes.

17

Q Did you use it as a paint thinner?

18

A No.

19

Q Just to clean metal parts?

20

A Yes.

21

Q Did you always keep the trichloroethylene in one particular spot in the paint shop?

22

23

A I can't say for sure. I am not sure about that.

24

Q When they would run out of trichloroethylene, how would they replace it? Would there be a new drum

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or would they fill the old drum?

A There would be a new drum.

Q Approximately how often did they bring in a new drum, if you can estimate?

MR. CHEESEMAN: Of trichloroethylene?

MR. CONWAY: Yes.

A I can't estimate that.

Q On a yearly basis?

A Never used that much in a year.

Q Less than --

MR. SEGAL: That much being a drum?

THE WITNESS: Yes, 55-gallons.

Q You would not use a 55-gallon drum in one year?

A Right.

Q Two years?

A Maybe longer.

Q Longer than two years?

A Uh-huh.

Q What is the word under trichloroethylene?

A I can't read it, but I know what it says. It says
Lynsol Denatured Alcohol.

Q What would you use that for?

A I would not use that. I just had it for safe-keeping.

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Q Who would use that?

A I believe the sheet metal department.

It was used for removing Dye Chem, if you're familiar with that. It was a blue material so you could make scratch marks on it so you could follow a direction. The alcohol was used to remove the Dye Chem.

Q And the line under that?

A I want to add that as far as I remember, okay, that is all they used it for. I am not sure if there was any other use.

Q Okay.

A The next one is ZRC XXX Thinner.

Q What do those initials stand for?

A I don't know.

Q Do you know what the chemical composition of that thinner is?

A I believe it is mineral spirits.

Q And the next line says Sherwin-Williams R7K54 Reducer 54?

A Yes.

Q What is that? What is a reducer?

A What is a reducer or what is it for?

Q What is this particular reducer?

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A This particular reducer is for thinning a special epoxy based paint.

Q Do you know what the chemical content of that is?

A I have no idea.

Q How about the next line?

A Savogran Kwickeze Water Rinsing Brush Cleaner.

Q This was used to clean brushes?

A Yes.

Q Do you know what the chemical composition of that was?

A No.

Q How about the next line?

A Naz-Dar Number 70-180 Thinner.

Q A paint thinner?

A I believe this to be a thinning solution used for silk screening.

Q How about the next one?

A Naz-Dar Number 70-182 Retarder Thinner.

Q What was that used for?

A It was used in silk screening, a process of not allowing the ink to drag as rapidly as, say, the weather conditions. If it was a hot and humid day it would dry rapidly.

Q And the next Naz-Dar was a screen wash?

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A Screen wash.

Q Do you know what the chemical composition of that was?

A No.

Q Was that used to wash a screen?

A Yes.

Q And the next line?

A Martin Senour Number 6383 Klean Easy (similar to Pep Sol).

Q And the next line is Pep Sol?

A Yes.

Q What is that?

A A solvent that is used to wash painted surfaces of decontaminants or contaminated material in such a way that it will not affect the paint; it will not soften the paint but just remove the grease.

Q What do you mean by contaminated material?

A Well, if you have a machine that has grease on it, salt or oil, this material will remove all of the contaminants and leave the painted surface for you to work on.

Q Do you know what the chemical composition is of that solvent?

A No.

1

Q How about Klean Easy, similar to Pep Sol?

2

A Yes.

3

Q Do you know what the chemical composition is of that?

4

5

A No.

6

Q It would be used for the same thing?

7

A Yes.

8

Q The next line is Grey Mills Agitene?

9

A Yes.

10

Q What was that used for?

11

A That material was used in the machine shop as a -- in an agitene machine. It was a solvent.

12

13

Q You said it was used in the machine shop?

14

A In a degreasing tank. It would be a machine that moved parts up and down to degrease them.

15

16

Q Do you know what the chemical composition of Grey Mills Agitene is?

17

18

A No.

19

Q You would use that?

20

A No.

21

Q You would store it?

22

A Yes.

23

Q How about the next line?

24

A See Ulf; McGean Northwest CEE BEE (-105 HF

25

1

methyl chloride), chlorothene N.U.

2

3

Q That is all one thing?

4

A Yes.

5

Q What did you use that for?

6

A I don't know what it was used for.

7

Q You stored it?

8

A I stored it.

9

Q You don't know how it was used?

10

A I don't know. All I know is it was brought to the paint shop.

11

12

Q But it was your understanding it was a solvent?

13

A I don't know what it was.

14

Q You put it on the solvents list?

15

A Yes.

16

I believed it to be a solvent at that

17

time.

18

Q Next page says M-I-S-C?

19

A Yes.

20

Q Is that miscellaneous?

21

A Yes.

22

Q What type of things did you intend to put on that page?

23

24

A Things I forgot to put on the other page.

25

Q Could you go down the list and indicate which are

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solvents and which are paints?

MR. CHEESEMAN: Or whatever other material
it might be.

MR. CONWAY: Thank you.

Q I notice some of them have identifying numbers in
the left hand column. We will dispense with those
for the moment and go down the list on the right
hand side.

What is the first line?

A Paint.

Q Next line?

A Paint.

Q Brunning Zinc?

A Paint.

Q Brunning blue?

A Paint.

Q Nylene white?

A That is also paint.

Q Martin Senour?

A Paint.

Q Maas and Waldstein?

A Paint.

Q Chem-Lac?

A Paint.

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Q The next one is a primer?

A Primer.

MR. CHEESEMAN: A Chem-Lac.

Q And the next line is Chem-Lac Zinc Chromate primer?

A Also a primer.

Q Do you know what the chemical composition is of
the primers?

A No.

Q Horn Floor Sealer, W. R. Grace?

A Floor sealer.

Q Tennant 440?

A Floor sealer.

Q Tennant 300?

A A tile and terrazzo sealer.

Q Kelley Light Gray?

A Paint.

Q Zinser B.I.N.?

A Primer.

Q Fuller O'Brien?

A Primer.

Q And the same with the next one?

A Yes.

Q Childers CP50A?

A I don't know what that is. It is not a paint. It

1
2 was just brought to the paint shop for storage. I
3 believe that was used in the electrical department.

4 Q Melrose Paint?

5 A That's polyurethane.

6 Q How about the red alkyd?

7 A That is a red primer.

8 Q Could you read the next line?

9 A Ox Linc Poly Cure, Ox Linc Floor Sealer.

10 And the next one is Baker 1.2
11 dichloroethane.

12 MR. SEGAL: Spell that.

13 THE WITNESS: D-I-C-H-L-O-R-O-E-T-H-A-N-E.

14 Q Did you use 1,2-dichloroethane?

15 A No.

16 Q You stored it in the paint shop?

17 A Yes.

18 Q Do you know who used it?

19 A No, I don't.

20 Q Do you know how much was stored there?

21 A I would say a container of less than half a pint.

22 Q Less than half a pint?

23 A Yes.

24 Q You don't know who used it?

25 A No.

1

2 Q Mr. Barbas, are you familiar with a manhole to the
3 rear of the plant at W. R. Grace?

3

4 A A manhole?

4

5 Q A manhole.

5

6 A No, I'm not.

6

7 Q Have you ever seen a manhole to the rear of the
8 plant at W. R. Grace?

8

9 A I don't believe I have.

9

10 Q Prior to the first addition?

10

11 A No.

11

12 Q Prior to the second addition?

12

13 A No.

13

14 Q You're unaware there has ever been a manhole out-
15 side the building to the rear of the plant at
16 W. R. Grace?

16

17 A I'm not aware of any.

17

18 Q No one has ever told you about a manhole?

18

19 A No.

19

20 Q Needless to say, you never saw anyone putting
21 anything into the manhole?

21

22 A I never saw anything put in a manhole.

22

23 Q To the rear of the plant at W. R. Grace?

23

24 A To the rear of the plant at W. R. Grace.

24

25 Q How many drains are you aware of inside the

25

1 building at W. R. Grace?
2

3 A The drain in the passivating area, the drain from
4 the paint booth and also the drain on the outside
5 of the area near the passivating area.

6 Q Are you aware of a drain in the machine shop?

7 A No.

8 Q Do you have any knowledge of a drain ever having
9 been in the machine shop?

10 A No knowledge.

11 Q The drain that you mentioned, I believe you said
12 you would put things into the drain in the paint
13 shop?

14 A Yes.

15 Q Did anyone ever put anything in the drain in the
16 paint shop besides yourself?

17 A I can't remember that.

18 (Interruption)

19 THE WITNESS: Could you repeat that,
20 please?

21 THE REPORTER: Question: Did anyone
22 ever put anything in the drain in the paint shop
23 besides yourself?

24 THE WITNESS: They could have. I don't
25 remember.

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Q You don't ever remember seeing anyone putting in the drain any substance in the paint shop?

A I can't say I remember.

Q How about the same question in the passivating area?

A Did I see anyone put anything in there?

Q Did you?

A Did I?

Q Did you put anything in that drain?

A Yes.

Q I believe you said that you would put the contents from the tank in the passivating area, into that drain?

A Yes.

Q Did you ever see anyone else putting anything in the drain in the passivating area?

A It is used all the time.

Q By whom was it used?

A People that work in that area.

Q What did they use it for?

A Steam cleaning, stainless steel parts, passivating sheet metal parts, cleaning parts, things of that nature.

Q It is your understanding that drain is used for

1 waste material in the passivating process?

2
3 A Yes.

4 Q I believe you said earlier in your deposition today,
5 Mr. Barbas, or some other day, maybe some many days,
6 that at one time you observed paint chips inside the
7 ditch to the rear of the plant?

8 A Paint chips?

9 Q I'm sorry; metal chips.

10 A Yes.

11 Q Approximately when did you observe those metal chips?

12 A I can't be sure on a date. I don't remember the
13 time.

14 Q Would it have been prior to the time that you poured
15 the drums into a pit?

16 A Could have been. I am not sure.

17 Q It could have been after?

18 A Yes.

19 Q Could you describe the size of these metal chips?

20 A They would be similar to metal shavings.

21 Q Approximately what size?

22 A I can't be approximate on that.

23 Q Were they small? Could you fit several of them in
24 your hand, for example?

25 A Yes.

1
2 Q Do you know who put those metal shavings into the
3 pit?

4 A Yes.

5 Q Who put them in the pit?

6 A Joe Meola.

7 Q Do you know where they came from?

8 MR. SEGAL: We're on the pit or the
9 ditch? I think we should clear that up. We were
10 on the ditch for a while. Can we stick with --

11 MR. CONWAY: I am referring to the
12 drainage ditch.

13 MR. SEGAL: Which one?

14 MR. CHEESEMAN: The one alongside the
15 warehouse?

16 MR. CONWAY: Correct.

17 MR. SEGAL: Why don't we keep it as a
18 ditch and everyone will be on the same wave-
19 length?

20 Q Is that where you saw them?

21 A Yes.

22 MR. SEGAL: You're talking about the
23 drainage ditch alongside the warehouse?

24 THE WITNESS: Yes.

25 Q Did you see Joe Meola put metal shavings into the

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drainage ditch?

A No.

Q Did you observe them in the ditch?

A Yes.

Q You can't recall when?

A Right.

Q Are these the same type of metal shavings that would be saved and put in a 55-gallon drum to the rear of the plant for salvage value?

A Yes.

MR. CONWAY: Let's take a minute.

(Recess)

Q Mr. Barbas, when you needed new chemicals for the paint shop for your own use, how would you order those?

A For my own use?

Q Yes.

A For the paint shop?

Q Yes.

A See Paul Shalline.

Q You would ask him to order chemicals for you?

A Yes.

Q He would take care of it?

A Yes.

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Q Who would deliver a chemical to you that you had ordered through Paul Shalline?

A Who would deliver it to me?

Q Who would bring it to the paint shop?

A The receiver, the move man.

Q Do you recall the name of the move man or move men while you were in the paint shop?

A I just want to make sure I have the question correct. Am I familiar with the job of the move man?

Q Who were the people that served as move men when you were in the paint shop?

MR. SEGAL: If you can recall.

A Tom Houpes, H-O-U-P-E-S.

Q When was he the move man?

A (Pause).

Q Is he still the move man?

A He is not.

Q Is he still employed by Grace?

A Yes.

Q Do you recall approximately when he was a move man for the paint shop?

A It is a couple of years back. I can't be specific on that.

1

Q Within the last few years?

2

A Yes.

3

Q Mr. Barbas, you have testified that you would accumulate waste material and at some point you began to put it in 55-gallon drums?

4

5

6

A Yes.

7

Q You testified when a drum was full you would take that to the rear of the building?

8

9

A Yes.

10

Q Did you ever put any such drums in the warehouse?

11

A In the warehouse?

12

Q Inside the warehouse.

13

A Yes.

14

Q Approximately how many times would you put such drums in the warehouse?

15

16

A Approximately three or four times.

17

Q Do you recall when that might have been?

18

A I have no recollection of time.

19

Q Would it have been in the past five years?

20

A Yes.

21

Q If I could show you Barbas Exhibit 2, which is a photograph dated March 15, 1974, would you look at that?

22

23

24

A Okay.

25

1
2 Q Could you indicate with Susan Winkler's blue pen
3 approximately where in the warehouse you put those
4 drums?

5 MR. CHEESEMAN: I will object to the use
6 of an aerial photograph to indicate where on the
7 floor plan of that warehouse the drums might have
8 been stored. You can go ahead and ask but I will
9 object because these photographs are very
10 misleading.

11 MR. CONWAY: Fine.

12 Q Mr. Barbas, would you be able to indicate from that
13 photograph approximately where in the warehouse you
14 placed those drums?

15 A (Pause).

16 Q Were they, for example, along the wall?

17 A Yes.

18 Q Could you indicate with the blue pen which wall
19 they were along?

20 A (Witness complies).

21 MR. CHEESEMAN: That is the roof. You
22 have to keep your perspective in mind when you do
23 this.

24 MR. SEGAL: I think it is tough to do
25 on an aerial photograph.

1 Q Let me ask you a few more questions.

2 As you face the warehouse, there is a
3 sliding door which electronically comes up?
4

5 MR. CHEESEMAN: There are two doors,
6 two such doors.

7 Q As you stand in the back of the building, the main
8 building, facing the warehouse --

9 MR. CHEESEMAN: You're asking about the
10 north wall of the warehouse?

11 MR. CONWAY: Yes; facing the north wall
12 of the warehouse.

13 MR. CHEESEMAN: Okay.

14 Q Facing the north wall of the warehouse, there is a
15 sliding door which would allow vehicles to enter;
16 is that correct?

17 A Yes.

18 Q And just to the left of that, as you face it, there
19 is a door for people who come in and go out of the
20 warehouse?

21 A Right.

22 Q Would you take the drums in that door?

23 A Yes.

24 Q Would you take a left or right after you went in
25 that door?

(Pause)

1
2
3 A When I went --

4 MR. SEGAL: Keep your voice up.

5 THE WITNESS: I am trying to clear it.

6 When I went through either the large
7 door or the small door, I would either put the
8 drums along the inside wall to the left or take a
9 right and go across to an area where we kept the
10 drums.

11 Q So that would be the northwest corner of the
12 building, the area where you kept drums?

13 A Yes.

14 Q And you said you, yourself, brought drums to this
15 area on three or four occasions?

16 A Yes.

17 Q Were there other drums there also?

18 A Yes.

19 Q What would be the most drums you have ever seen
20 there?

21 A Five or six.

22 Q Do you know where the drums came from that you did
23 not put there?

24 A Yes.

25 Q Who put them there?

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A Bill Richards.

Q Who is Bill Richards?

A He is the maintenance man.

Q Is he presently the maintenance man?

A Yes.

Q Is this where drums are presently brought for storage?

A I don't know.

Q If I could get some general idea of the time frame that you brought drums there yourself, it was while you were still working in the paint shop?

A Yes.

Q Prior to the time you took your new job?

A Yes.

Q Could it have been as far back as '75?

A It could have been. I am not sure.

Q Why would you put a drum there rather than to the rear of the parking -- rather than to the rear of the building? Were you given instructions to do that?

(Pause)

A I was just told to put them there.

Q By whom were you told?

A Paul Shalline.

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Q Do you know where Mr. Richards would get the drums that he would put there?

A I want to make sure I'm clear about one thing. We are talking about the past so many years or -- Mr. Richards has only been with the company for about five years or so. Sometimes you go back to 1975. There is a big time span there and I just want to get -- I don't want to get confused with the questions.

Q Could drums have been put in that area in the warehouse prior to the time Mr. Richards came there by some other person?

MR. CHEESEMAN: You're asking him if they were?

Q Do you know if they were?

A I don't know that.

Q You don't know either way, whether they were or weren't?

A Right. I can't be sure.

Q Do you know where Mr. Richards got the drums that he put there in the last five years?

A Waste coolant.

Q From the machine shop?

A Yes.

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Q From any other department?

A Waste water, boiler treatment. I don't want to say the wrong thing. I think it was water water treatment solution.

Q Where would that come from?

A Boilers.

Q In the main building?

A Yes.

Q Do you know what would happen to these drums that you put in the warehouse?

A Yes.

Q What would happen to them?

A They would be sent out on a manifest to Axton and Cross, a disposal firm in Hopkington, Mass.

Q To your knowledge, all the drums were sent to Axton and Cross?

A To the best of my knowledge.

Q You never saw anything else done with those drums?

A No.

Q Mr. Barbas, there was a floor drain in the warehouse; is that correct?

A Yes.

Q Is that drain still there?

A Yes.

1

2

Q Now, did that drain clog occasionally while you were the supervisor of the paint shop?

3

4

A Yes.

5

Q How would you get it cleaned when it did clog?

6

A I want to specify that you call it a floor drain. It was not a floor drain per se. It was attached to a piping system from the paint shop.

7

8

9

Q Well --

10

A It is not an open floor drain in the paint shop.

11

Q At what level is the opening to the drain that you would pour things into? Is that aboveground?

12

13

A At the floor level.

14

Q At the floor level?

15

A Yes.

16

Q But it is not part of the floor or not in the floor?

17

18

A It is part of the floor. It is covered.

19

Q Covered by what?

20

A Metal cover, a cover they use for floor drains.

21

Q When you wish to put something in the drain you would remove the cover?

22

23

A No. Before there used to be a pipe leading into there.

24

25

Q Where was that pipe from?

1 A From the paint booth.

2 Q When you say before, what do you mean?

3 A Which was when we were dumping this solution or the
4 material from the paint booth, it would go down that
5 drain. When we stopped doing that, we put a cover
6 over it, a metal cover.

7 Q And it has not been used since that time?

8 A To my knowledge, it has not been used since that
9 time.

10 Q Approximately when was that cover put on?

11 A I don't know.

12 Q Now, you say a pipe came from the spray booth?

13 A Yes.

14 Q And went in the drain?

15 A Yes.

16 Q Do you know who would clean it when it was clogged?

17 A I would clean it.

18 Q You would do that yourself?

19 A Yes.

20 Q How would you do that?

21 A By running a snake wire from the paint booth outlet.

22 Q A snake wire?

23 A Right; until it was unclogged.

24 Q Which direction did that go when you put it in?

25

1 MR. CHEESEMAN: I don't understand your
2 question. Which direction did what go?

3 MR. CONWAY: I am trying to determine
4 which way the pipe would go, which way the liquid
5 would go, which way the snake would go.

6 MR. CHEESEMAN: He is assuming the pipe
7 can only go in one direction. He wants to know if
8 you know the layout of the pipe.

9 Q Do you know which direction the pipe went in?

10 MR. CHEESEMAN: You're asking about the
11 portion of the piping from the paint booth to the
12 drain?

13 MR. CONWAY: Yes.

14 A I don't understand. I don't know the direction.
15 That is kind of hard to say.

16 Q When you put the snake in, which direction did the
17 snake go?

18 A It would follow the route of the pipe.

19 Q I understand that.

20 What was the route of the pipe for the
21 length of the snake?

22 MR. CHEESEMAN: If you know.

23 A I don't know.

24 Q You don't know?
25

1
2 A No.

3 MR. CHEESEMAN: I have two problems with
4 the way you ask the question, Kevin. If you ever
5 used one of those snakes in a pipe that has
6 branches in it, you can't possibly know which way
7 it went once you are inside the pipe because you
8 can't see. If it is in the piping system without
9 branches, then one can assume it has not coiled up
10 at some point in the pipe. You can't know what
11 direction it is unless you saw it externally.
12 You're asking --

13 Q Could you see the pipe externally?

14 A Externally?

15 Q When you would put the liquid into the drain prior
16 to the time it was capped, could you see the pipe
17 externally?

18 A Yes.

19 Q Could you see the direction that it went in?

20 A Yes.

21 Q Could you tell us which direction it went in?

22 MR. CHEESEMAN: As I now understand it,
23 he is now asking from the outlet of the paint
24 booth to the point where the pipe entered the
25 floor drain, he would like you to describe the

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configuration.

Q Do you know?

A The direction?

Q Do you know where the piping went after it entered the floor drain?

A After it entered the floor drain?

Q Those were underground pipes?

A Right.

Q Just a few more questions.

Are there any floor drains at Grace other than the one you just talked about which is not a floor drain?

MR. CHEESEMAN: I object to the form because I understood he was just talking about a floor drain in the last series of questions and also a piping system that ran into the floor drain. Did I misunderstand your question?

Q Are you familiar with floor drains at W. R. Grace that are not in the paint shop?

A Yes.

Q Where are those located?

A I think I spoke of one in the passivating area.

Q To your knowledge, the one in the passivating area covered up, has been covered up?

1

A Not that I know of.

2

Q Is that still being used?

3

A I don't know that. I don't work near there.

4

Q I understand.

5

A I don't know that.

6

Q How about other drains?

7

A I don't know if they're being used.

8

Q Are you aware of any drains other than the one in the passivating area and the one in the paint shop?

9

10

11

A Those are the only two I can think of.

12

Q Was there a drain in the old paint shop that was moved when they moved the old paint shop, a floor drain?

13

14

15

A I don't remember that.

16

Q When you got the toluol in the five-gallon containers, were those plastic containers?

17

18

A I don't remember that.

19

Q You don't recall if either the one-gallon or five-gallon container was plastic?

20

21

A They were not plastic.

22

Q Were they metal?

23

A Yes.

24

Q YOU mentioned in your deposition the last time you

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were here that on occasion you saw Joe Meola empty the contents of the degreasing tank in the machine shop out to the back of the main building?

A Yes.

Q Could you give us the approximate dimensions of that degreasing tank?

A Approximately two and half feet by four feet, approximately two and half feet tall.

Q So it would be two and half feet deep?

A Yes.

Q You also testified earlier that you would from time to time put paint sludge to the rear of the plant; is that right?

A Yes.

Q Did you ever put paint sludge in the drainage ditch that runs along the side of the warehouse?

A I don't remember.

Q Did you ever see anyone other than yourself put paint sludge in the drainage ditch that runs alongside the warehouse?

MR. SEGAL: That presupposes he put the paint sludge in the drainage ditch. He said he doesn't remember. The question should be: Did you see anyone put paint sludge in the drainage

1 ditch that was behind the warehouse or beside the
2 warehouse?

3 Q Did you ever put any paint sludge into the drainage
4 ditch that runs alongside the warehouse?

5 A I don't remember.

6 Q To your knowledge, did anyone ever put paing sludge
7 in the drainage ditch that runs alongside the
8 warehouse other than yourself?

9 A I have no idea of that.

10 Q You said you saw Mr. Forte at a dinner earlier in
11 the year and you had a conversation with him?

12 A Yes.

13 Q I believe you also said this was a company dinner?

14 A Yes.

15 Q Could you tell us where this dinner was?

16 A At the Kernwood in Lynnfield.

17 Q Was this an annual event for company employees?

18 A I have to clear something up. This is the first
19 one I went to. It was like a managers' meeting.

20 Q Approximately when was that dinner?

21 A A couple of months back.

22 Q It is your understanding it was a managers'
23 meeting?

24 A Yes.
25

1
2 Q Mr. Barbas, I asked if you ever put any paint
3 sludge in the drainage ditch alongside the ware-
4 house and you said no?

5 MR. SEGAL: He said he can't recall.

6 Q I asked if, to your knowledge, anyone else put
7 paint sludge in that drainage ditch and you said
8 you could not recall?

9 A Right.

10 Q Do you ever recall seeing paint sludge in that
11 ditch?

12 A I don't recall that.

13 MR. CONWAY: No more questions.

14 Cross Examination

15
16 Q (By Mr. Cheeseman) Mr. Barbas, at the last day of
17 your deposition you referred to a pit at the rear
18 of the plant into which you helped to pour
19 contents of some drums. Do you recall that
20 testimony?

21 A Yes.

22 Q And I believe you said that when you saw that pit
23 there was piles of dirt along both sides of the
24 pit. Do you recall that?

25 A Yes.

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Q Were those piles of dirt piled up along the long dimension of the two sides of the pit or the short dimension?

A I believe the long dimensions.

Q So that two pits were running in a west direction, one on the north side of the pit and one on the south side of the pit?

A To the best of my knowledge, yes.

Q Do you recall, as you observed the pit and those piles of dirt, whether the piles of dirt ran along the full length of that pit?

A I can't be sure but I believe they did.

Q Do you recall how high those piles of dirt were?

A I don't recall.

Q Could you see over the tops of them when you stood beside them?

A Yes.

Q How tall are you?

A 5'10".

Q When you looked over the tops of them were you able to see the ground at some point beyond them?

A Yes.

Q Do you recall about how wide those piles of dirt were?

1

2 A How wide?

2

3

Q At the base of the piles of dirt on each side of
4 the pit, about how wide were those piles?

4

5

A I don't remember that.

5

6

Q Did they slope to a peak?

6

7

A I don't remember that.

7

8

Q Was either of the piles of dirt, that is the pile
9 on one side or the other, as wide as the base, as
10 the pit itself was wide?

10

11

A I don't remember that. I can't be exact on that.

11

12

Q Is it your memory these two piles of dirt were
13 longer than they were wide, that is they extended
14 in a long direction further than they did in the
15 side direction?

13

14

15

16

A No.

16

17

Q You don't recall that?

17

18

A I don't recall that.

18

19

MR. CHEESEMAN: Do you have Barbas

19

20

Exhibit 3?

20

21

Q Let me show you Barbas Exhibit 3. I want to draw
22 your attention to a roughly square area that
23 appears to be bare dirt at the far northeast
24 corner of the back of the property. Do you see
25 the area I am referring to?

22

23

24

25

1

A Yes.

2

Q At anytime have you ever walked out in the general vicinity of that square area?

3

4

A Yes.

5

Q Did you do so at anytime about ten years ago?

6

A I could have.

7

Q You don't remember doing that?

8

A No.

9

Q Do you have any idea when that square area was cleared of brush?

10

11

A I have no idea of that.

12

Q Do you know why it was cleared?

13

A No.

14

Q Do you have any knowledge of any use that was ever made of that square area by Cryovac?

15

16

A No.

17

Q By anyone else?

18

A The employees used to go -- We had archery. Guys would hit golf balls.

19

20

Q Even back in this square area by the swamp?

21

A I don't know if they went that far back. I used to shoot archery in that direction.

22

23

Q Where did you stand when you did that?

24

A Could have been here (Indication).

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Q Well, I want to be sure I understand your answer correctly. There is an area in back that is up near the pavement. Do you see that?

A Yes.

Q Is that the area you referred to that you stood for archery?

A No. I would come back a little.

Q Did you ever go as far back as the stream in the swamp?

A Yes.

Q Did you ever see anyone dispose of any material in that area way back by the swamp?

A Never.

Q Did you ever do so?

A No.

Q Did you ever see any material on the ground that far back on the property that had apparently been disposed of?

A No.

Q I believe you testified at the last day of your deposition that the keystone beside the warehouse was put down on the ground in connection with a cleanup of the whole back area. Do you recall that?

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A Yes.

Q You indicated that was in 1979, if I heard you correctly; is that right?

A Approximately '79.

Q Is it possible it was 1974, 1975?

A Putting down the keystone?

Q Yes.

A It wasn't that early.

Q It was not?

A No.

Q You testified at the last day of your deposition you did not believe any barrels were put into what you referred to as your pit, that is the pit in which some contents of barrels were poured. Do you recall that?

A Yes.

Q You didn't personally keep an eye on that pit 24 hours a day during the time when it was dug until it was filled in; is that correct?

A Yes.

Q Did you see the pit when it was being filled in?

A No.

Q About how long after you last saw the pit did you understand it was filled in?

1

A I can't be specific. I can't give you an exact time.

2

3

4

Q There was a period during which you were not directly observing that pit, that other things may have been put in by the people; is that correct?

5

6

7

A Possibly.

8

Q Such as barrels?

9

A What?

10

Q Such as barrels?

11

A It is possible.

12

Q Now, you were present in watching a portion of the operation a couple of years ago when empty drums were pulled out of a pit out in back; is that right?

13

14

15

A Yes.

16

17

Q Do you have in mind now the approximate area where that operation of removing the barrels took place?

18

19

A Yes.

20

Q Was the pit into which you, yourself, participated in pouring contents of drums in the same location as the area where you saw drums being pulled out of the pit a couple of years ago?

21

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A I would say it is about the same. It looks to be pretty close. I can't be specific.

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Q Can you say within how many feet?

A I can't be exact.

Q But within the same approximate location; is that right?

A Yes.

Q As you remember the pouring of material from drums into a pit and as you remember the project a couple of years ago when drums were pulled out of a pit, is it possible that those two locations are, in fact, identical locations?

A It is possible.

Q You testified a little earlier today that you emptied material from the vacuum cleaner outside in back, and I believe you used the phrase "prior to the time when the wastes were barreled." Do you recall that?

A Yes.

Q Can you tell me approximately when that was, when the material began being barreled instead?

A I suppose 1974. That is what everyone seems to be saying when they started.

Q In 1974?

A Yes.

MR. SEGAL: Does that comport with your

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memory?

THE WITNESS: No, it doesn't.

Q Let me ask you that a different way.

You indicated earlier today material from the vacuum cleaner was emptied on the ground outside prior to barreling waste. I am just asking you to pinpoint that to a year as best you can, when the material stopped being dumped from the vacuum on the ground.

A I can't be specific.

Q Sometime in the '70s?

A Yes.

Q Exhibit 6, which was discussed earlier today, has the words "drain tank" near the top of that?

A Right.

Q Do you see it?

A Yes.

Q What tank does that refer to?

A The water tank in the spray booth.

MR. CHEESEMAN: I don't have any other questions.

MR. SEGAL: May I just have a moment?

(Pause)

1
2 Cross Examination

3
4 Q (By Mr. Segal) Tom, you testified about pouring
5 some contents of barrels into a pit around 1974,
6 and you also testified that you saw some barrels
7 being excavated in 1982?

8 MR. CHEESEMAN: 1983.

9 Q Is that about right?

10 A Yes.

11 Q Those two events, the pouring of the contents into
12 the pit and the excavation, did they take place in
13 the same general location?

14 A I would say that it seemed to be the same general
15 area.

16 Q In fact, could it have been the same exact spot?

17 A Could have been.

18 MR. SEGAL: I have no further questions.

19 Further Cross Examination

20
21 Q (By Mr. Cheeseman) Let me follow that up a little
22 bit.

23 When you say "could have been" the same
24 exact spot, I gather you're expressing some
25 uncertainty as to the precise location; is that

1
2 right?

3 MR. CONWAY: Of which?

4 MR. CHEESEMAN: Of the location of the
5 two pits that we have heard about.

6 A It seemed to be the same general area. I can't be
7 more specific than that.

8 Q Would you say that you're pretty certain they were
9 within five or ten feet of one another?

10 A I can't say that.

11 MR. CHEESEMAN: That's all.

12 Redirect Examination

13
14 Q (By Mr. Conway) This is Barbas Exhibit 5, which is
15 a photograph after the second addition, April 11,
16 1975. Do you recall drawing in red and labeling
17 as "pit" an area on this exhibit the last time you
18 were here?

19 A Yes.

20 Q And today, Mr. Barbas, is that your best recollec-
21 tion as to where that pit is located?

22 MR. CHEESEMAN: Let me state my
23 objection. I objected to the use of these photo-
24 graphs for the purpose of identifying precise
25 locations because of the difficulty of the layman

1
2 interpreting an aerial photograph taken from high
3 altitudes at an odd angle.

4 MR. SEGAL: Let me have the question
5 again.

6 Q Mr. Barbas, at your deposition you were asked to
7 draw in red pen where the pit, to the best of your
8 recollection, into which you emptied barrels is
9 located; is that correct?

10 A Yes.

11 Q You made that drawing in red that is labeled "pit;"
12 is that correct?

13 A Yes.

14 Q And that is your drawing?

15 A Yes.

16 Q The letters in the word "pit," that is your
17 writing?

18 A Yes.

19 Q And the arrow pointing to it is yours?

20 A The arrows, yes.

21 Q Mr. Barbas, is it possible that that pit could have
22 been closer to the main building?

23 MR. CHEESEMAN: Objection. I am objecting
24 for the reasons already stated.

25 MR. SEGAL: I think anything is possible.

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A I can't be more specific.

Q Is that your best memory as to the location?

MR. CHEESEMAN: Objection.

A Yes.

MR. CONWAY: Thank you.

MR. CHEESEMAN: I have nothing more.

(Whereupon the deposition was
adjourned at 1:20.)

J U R A T

I, THOMAS BARBAS, have read the foregoing transcript of testimony and the same contains a true and accurate recording of my answers given to the questions therein set forth.

Signed under the pains and penalties of perjury this

_____ day of _____,

1985.

THOMAS BARBAS

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I, THOMAS BARBAS, have read the
foregoing transcript of
testimony and the same contains
a true and accurate recording
of my answers given to the
questions therein set forth.

Signed under the pains and
penalties of perjury this

_____ day of

1985.

THOMAS BARBAS
