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STATE OF NORTH CAROLINA  
COUNTY OF ONSLOW

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO: 01-CVS-566

IN RE: ANNIE JOHNSON, )  
HOLLY DENISE WEISS AND )  
JEROME M. ENSMINGER )  
D-E-P-O-S-I-T-I-O-N  
OF  
VICTOR JOHN MELTS

\* \* \* \* \*

APRIL 12, 2001, AT THE LAW OFFICES OF WARLICK, MILSTED, DOTSON  
& CARTER, 320 NEW BRIDGE STREET, JACKSONVILLE, NORTH CAROLINA

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EXAMINATION OF THE WITNESS

BY MR. HOPF: 1 - 42; 68 - 70

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\* \* \* \* \*

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PETITIONERS' EXHIBITS

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RESPONDENTS' EXHIBITS

NONE



1 VICTOR JOHN MELTS, BEING BY ME FIRST DULY SWORN  
2 TO SPEAK THE TRUTH, DEPOSES AND SAYS:

3 ON EXAMINATION CONDUCTED BY JAMES F. HOPF,  
4 ESQUIRE:

5 Q. GOOD MORNING. COULD YOU STATE YOUR FULL NAME,  
6 PLEASE?

7 A. VICTOR JOHN MELTS.

8 MR. KANE: MISTER HOPF, BEFORE WE GET STARTED,  
9 AND BEFORE YOU GOT HERE, WE DISCUSSED STIPULATING ABOUT  
10 OBJECTIONS AND ALL AND THE FORMS DON'T REALLY APPLY TO THIS  
11 PROCEEDING.

12 MR. HOPF: SURE.

13 MR. KANE: BUT TO MAKE A LONG STORY SHORT, IF  
14 IT'S AGREEABLE TO YOU, WHAT I'D LIKE TO DO, OR WHAT MISTER  
15 MELTS WOULD LIKE TO DO IS TO RESERVE OBJECTIONS TO ALL THE  
16 QUESTIONS EXCEPT OBJECTIONS TO THE FORM OF THE QUESTIONS.

17 MR. HOPF: SURE.

18 MR. DUFFUS: WE CAN JUST STIPULATE THAT THE  
19 DEPOSITION OF BOTH MISTER AND MRS. MELTS ARE TAKEN PURSUANT  
20 TO THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, EXCEPT FOR  
21 THE OTHER STIPULATION THAT WE'VE ENTERED INTO, WHICH I THINK  
22 IS INCORPORATED IN THE RULES ANYWAY.

23 MR. HOPF: IS THAT FINE?

24 MR. KANE: YES.

25 MR. HOPF: WHY DON'T WE GO AHEAD NOW?

1 MR. KANE: OKAY.

2 Q. MISTER MELTS, MY NAME, AGAIN, IS JIM HOPF. I'M  
3 AN ATTORNEY IN GREENVILLE, AND WITH ME TODAY IS MISTER DAVID  
4 DUFFUS, WHO IS ALSO AN ATTORNEY IN GREENVILLE. WE HAVE SOME  
5 QUESTIONS THAT WE WANT TO ASK YOU AND WE APPRECIATE YOU BEING  
6 HERE TODAY.

7 THIS IS NOT ANY SORT OF MARATHON CONTEST OR WHAT  
8 HAVE YOU. WE JUST WANT TO ASK YOU SOME THINGS. IF AT ANY  
9 TIME YOU NEED TO TAKE A BREAK, IF YOU'LL INDICATE THAT, WE'LL  
10 BE GLAD TO ACCOMMODATE YOU. AND IF AT ANY TIME MY QUESTIONS  
11 ARE NOT CLEAR OR I'M NOT MAKING SENSE, IF YOU'LL JUST TELL ME  
12 AND ASK ME TO REPHRASE THE QUESTION OR ASK IT AGAIN, I'LL BE  
13 GLAD TO DO SO, IS THAT AGREEABLE?

14 A. YES.

15 Q. HAVE YOU EVER HAD YOUR DEPOSITION TAKEN BEFORE?

16 A. NO.

17 Q. YOU'VE NEVER BEEN IN A PROCEEDING LIKE THIS  
18 BEFORE?

19 A. NO.

20 Q. WHAT IS YOUR HOME ADDRESS?

21 A. 317 COUNTRY CLUB DRIVE.

22 Q. HOW LONG HAVE YOU LIVED AT THAT ADDRESS?

23 A. I THINK THIRTY YEARS, ROUGHLY.

24 Q. ARE YOU FAMILIAR WITH THE A.B.C. ONE HOUR  
25 CLEANERS?

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A. YES.

Q. HOW ARE YOU FAMILIAR WITH THAT?

A. I ORIGINALLY OPENED IT.

Q. IS THAT YOUR BUSINESS?

A. YES.

Q. IS THAT BUSINESS A CORPORATION?

A. YES.

Q. WHO ARE THE CURRENT OFFICERS OF THAT CORPORATION?

A. VICTOR MELTS, PRESIDENT, MARTHA MELTS, I HAD HAD HER AS VICE-PRESIDENT, AND VICTOR MELTS, SECRETARY/TREASURER.

Q. WHO IS MARTHA MELTS?

A. WIDOW OF MY DECEASED BROTHER.

Q. WHAT WAS YOUR BROTHER'S NAME?

A. MILTON.

Q. WHEN DID YOU START THAT COMPANY?

A. LET'S SEE, 1953.

Q. WHAT IS THE STREET ADDRESS FOR THAT BUSINESS TODAY?

A. 2127 LEJEUNE BOULEVARD.

Q. HAS THAT BUSINESS OPERATED IN THAT SAME LOCATION EVER SINCE YOU OPENED IT IN 1953?

A. YES.

Q. HAVE THE OFFICERS OF THAT CORPORATION CHANGED OVER THE YEARS FROM WHAT YOU'VE JUST DESCRIBED FOR ME?

1 A. I REALLY CAN'T SAY FOR SURE.

2 Q. HAVE YOU BEEN INVOLVED IN - DIRECTLY INVOLVED IN  
3 THAT BUSINESS SINCE 1953?

4 A. YES.

5 Q. WHO WOULD YOU CONSIDER TO BE IN CHARGE OF THAT  
6 BUSINESS TODAY?

7 A. VICTOR MELTS.

8 Q. YOU, YOURSELF?

9 A. (NODDING HEAD, INDICATING A "YES" RESPONSE.)

10 Q. HAVE YOU BEEN IN CHARGE, SO TO SPEAK, EVER SINCE  
11 IT OPENED IN 1953?

12 A. YES.

13 Q. WAS YOUR BROTHER DIRECTLY INVOLVED IN THE  
14 BUSINESS PRIOR TO HIS DEATH?

15 A. YES.

16 Q. WHAT ABOUT YOUR WIFE, HAD SHE BEEN INVOLVED IN  
17 THAT BUSINESS DIRECTLY?

18 A. AS AN EMPLOYEE.

19 Q. AND WHAT ABOUT YOUR BROTHER'S WIFE, MARTHA, HAS  
20 SHE BEEN DIRECTLY INVOLVED IN THE BUSINESS OVER THE YEARS?

21 A. MANY YEARS AGO SHE WAS AN EMPLOYEE.

22 Q. WHAT WAS THE NATURE OF YOUR WIFE'S EMPLOYMENT  
23 WITH A.B.C. ONE HOUR CLEANERS?

24 A. COUNTER WORK.

25 Q. I'LL ASK YOU THE SAME QUESTION WITH REGARD TO

1 YOUR BROTHER'S WIFE, WHAT WAS THE NATURE OF HER EMPLOYMENT  
2 WITH THE BUSINESS?

3 A. THE SAME.

4 Q. WHAT DOES COUNTER WORK INVOLVE?

5 A. THE ACCEPTANCE FOR CLOTHES TO BE PROCESSED,  
6 TAGGING. THE COUNTER PERSON ALSO DID THE ASSEMBLY WORK;  
7 AFTER THE CLOTHES WERE PROCESSED, THEY WERE ASSEMBLED BACK  
8 WITH THE MAIN TICKET, BAGGED AND DELIVERED.

9 Q. WAS EITHER YOUR WIFE OR YOUR BROTHER'S WIFE  
10 INVOLVED WITH ANY OF THE EQUIPMENT MAINTENANCE ISSUES?

11 A. NO.

12 Q. OVER THE YEARS, WHO WAS RESPONSIBLE FOR THE  
13 COMPANY FOR PURCHASING SUPPLIES THAT WERE USED IN THE  
14 PROCESSING OF CLOTHES?

15 A. MYSELF, ALSO MY BROTHER, WHEN HE WAS WORKING  
16 THERE.

17 Q. DAY TO DAY, WHAT HAVE BEEN YOUR DUTIES AND  
18 RESPONSIBILITIES WITH A.B.C. ONE HOUR CLEANERS?

19 A. AT THE PRESENT TIME, I REMAIN AT MY HOME, ACCEPT  
20 BILLS, KEEP RECORDS, PAY BILLS.

21 Q. WHAT IS YOUR DATE OF BIRTH?

22 A. DECEMBER 30, 1925.

23 Q. IN YEARS PAST, HAVE YOUR DUTIES AND  
24 RESPONSIBILITIES VARIED FROM WHAT YOU'VE JUST DESCRIBED WITH  
25 REGARD TO THE BUSINESS?



1 A. YES.

2 Q. COULD YOU DESCRIBE FOR ME JUST BRIEFLY FROM 1953  
3 WHAT YOU'VE BEEN INVOLVED IN ON A DAY TO DAY BASIS WITH THE  
4 BUSINESS, WHAT SORTS OF THINGS YOU WOULD DO?

5 A. CLEANING, PRESSING, MINOR REPAIRS.

6 Q. THE CLEANING AND THE PRESSING, WAS THAT ACTUALLY  
7 ON CLOTHES THAT WERE BROUGHT IN TO BE LAUNDERED?

8 A. YES.

9 Q. WHEN YOU SAY "MINOR REPAIRS," WHAT ARE YOU  
10 REFERRING TO?

11 A. A RUBBER DIAPHRAGM ON A DRY-CLEANING PRESS, OR  
12 LAUNDRY PRESS.

13 Q. SO YOU WERE TALKING ABOUT, OR REFERRING TO,  
14 MINOR REPAIRS ON THE DRY-CLEANING EQUIPMENT?

15 A. YES.

16 Q. COULD YOU DESCRIBE FOR US BRIEFLY HOW THAT  
17 EQUIPMENT OPERATES; WHEN SOMEBODY BRINGS A PIECE OF CLOTHES

18 IN, AN ARTICLE OF CLOTHING, HOW IS IT PROCESSED AND HOW IS IT  
19 CLEANED THERE AT YOUR STORE?

20 A. AFTER CHECKING OVER FOR PRESPOTTING, THE CLOTHES  
21 ARE WEIGHED, PUT IN A WHEEL. SOLVENT IS PASSED THROUGH THE  
22 CLOTHES AS THE CLOTHES TURN IN THE WHEEL. THE SOLVENT IS  
23 THEN DRAINED OUT. THE CLOTHES ARE SPUN, OR EXTRACTED.

24 THEN THEY ARE REMOVED TO A RECLAIMER. THE  
25 RECLAIMER, THROUGH CONDENSATION, HEAT AND COLD HEAT, HOT

1 COILS AND COLD COILS, EVAPORATES AND CONVERT THE SOLVENT BACK  
2 TO A LIQUID, AND IT RETURNS TO THE TANK.

3 Q. WHAT SOLVENT ARE YOU REFERRING TO?

4 A. PERCHLOROETHYLENE.

5 Q. IS THAT SOLVENT - IS THAT THE SAME SOLVENT  
6 YOU'VE USED EVER SINCE BEGINNING OPERATIONS IN 1953?

7 A. YES.

8 Q. WHERE DID YOU GET YOUR PERCHLOROETHYLENE THAT  
9 YOU USED IN YOUR STORE?

10 A. FROM A COMPANY CALLED VIRGINIA-CAROLINA.

11 Q. WHERE IS VIRGINIA-CAROLINA LOCATED, IF YOU KNOW?

12 A. RICHMOND, VIRGINIA.

13 Q. AND THE NAME OF THE COMPANY WAS VIRGINIA-  
14 CAROLINA?

15 A. THEY ALSO HAVE A PLACE, I BELIEVE IT WAS IN  
16 RALEIGH, IF I'M NOT MISTAKEN.

17 Q. DURING WHAT PERIOD OF TIME DID YOU OBTAIN YOUR  
18 PERCHLOROETHYLENE FROM VIRGINIA-CAROLINA, OR WAS IT EVER  
19 SINCE 1953?

20 A. I GUESS FOR THE FIRST TEN YEARS, BECAUSE I THINK  
21 THEY WENT OUT OF BUSINESS. AND THE REASON WE BOUGHT FROM  
22 THEM, BEING THAT WE WERE INDEBTED TO THEM, HAVING HAD A PLACE  
23 IN BLACKSTONE, VIRGINIA, WE OWED THEM A PRETTY GOOD DEAL OF  
24 MONEY, AND THEY AGREED TO FURNISH US SUPPLIES, IF WE WOULD  
25 BUY FROM THEM. THEY WOULD SUPPLY US ON CREDIT.

1 Q. DID YOU HAVE ANOTHER DRY CLEANERS IN BLACKSTONE,  
2 VIRGINIA?

3 A. BEFORE THIS.

4 Q. SO THAT WAS BEFORE 1953, YOU HAD ANOTHER  
5 CLEANERS IN THAT LOCATION?

6 A. (NODDING HEAD, INDICATING A "YES" RESPONSE.)

7 Q. AND IN THE OPERATION OF THAT CLEANERS IN  
8 BLACKSTONE, VIRGINIA, YOU OBTAINED SUPPLIES FROM  
9 VIRGINIA-CAROLINA?

10 A. YES.

11 Q. AFTER VIRGINIA-CAROLINA WENT OUT OF BUSINESS,  
12 WHERE DID YOU OBTAIN YOUR PERCHLOROETHYLENE?

13 A. ONE SUPPLIER WAS FULLER SUPPLY.

14 Q. FULLER, F-U-L-L-E-R?

15 A. YES.

16 Q. WHERE WAS FULLER SUPPLY?

17 A. CONCORD, NORTH CAROLINA.

18 Q. DO YOU REMEMBER DURING WHAT PERIOD OF YEARS YOU  
19 OBTAINED IT FROM FULLER SUPPLY?

20 A. OVER THE LAST FIFTEEN, TWENTY YEARS.

21 Q. IS THAT WHERE YOU OBTAIN YOUR PERCHLOROETHYLENE  
22 TODAY?

23 A. (NODDING HEAD, INDICATING A "YES" RESPONSE.)

24 Q. THAT INTERMIN PERIOD BETWEEN VIRGINIA-CAROLINA  
25 AND FULLER SUPPLY, WAS THERE ANOTHER MANUFACTURER OR SUPPLIER

1 WHERE YOU OBTAINED YOUR PERC?

2 A. A SUPPLIER CALLED W.P. BALLARD, BUT THEY'RE  
3 SUPPLYING US COINCIDED WITH THE YEARS WE BOUGHT FROM FULLER.

4 Q. DURING THOSE YEARS, YOU WERE OBTAINING IT FROM  
5 TWO DIFFERENT SUPPLIERS, IS THAT CORRECT?

6 A. YES.

7 Q. ARE THERE ANY OTHER SUPPLIERS THEN THAT YOU CAN  
8 RECALL SITTING HERE TODAY FOR THE PERCHLOROETHYLENE?

9 A. NO.

10 Q. DO YOU KNOW IF THE PERCHLOROETHYLENE WAS  
11 MANUFACTURED BY ANY PARTICULAR COMPANY?

12 A. THROUGH THE YEARS, I HAD ALWAYS KNOWN THAT  
13 VIRGINIA-CAROLINA HAD BOUGHT FROM DOW CHEMICAL COMPANY AND  
14 DUPONT CHEMICAL COMPANY.

15 Q. HOW DID YOU KNOW THAT?

16 A. THE DRUMS HAD THE NAMES OF THE COMPANIES ON  
17 THEM.

18 Q. DESCRIBE, IF YOU WOULD, HOW YOU WOULD RECEIVE  
19 THIS PERCHLOROETHYLENE; WHAT CONTAINERS . . .

20 A. 55 GALLON DRUMS.

21 Q. AND THE NAMES OF DOW AND DUPONT WERE ON THE  
22 DRUMS, WHICH YOU OBSERVED?

23 A. YES.

24 Q. WHERE WAS W.P. BALLARD LOCATED?

25 A. I BELIEVE RALEIGH, IF I'M NOT MISTAKEN.

1 Q. WAS THERE ANY PARTICULAR CONTACT PERSON THAT YOU  
2 DEALT WITH AT VIRGINIA-CAROLINA?

3 A. PAUL WILKES.

4 Q. DO YOU KNOW WHAT HIS POSITION WAS WITH  
5 VIRGINIA-CAROLINA?

6 A. SALESMAN.

7 Q. DID YOU DEAL WITH HIM THROUGHOUT THE ENTIRE TIME  
8 YOU BOUGHT FROM VIRGINIA-CAROLINA?

9 A. YES.

10 Q. WAS THERE A PARTICULAR INDIVIDUAL YOU DEALT WITH  
11 AT FULLER SUPPLY?

12 A. (PAUSE) - I CAN'T RECALL THE NAMES.

13 Q. WHAT ABOUT WITH W.P. BALLARD, WAS THERE A  
14 PARTICULAR INDIVIDUAL THERE YOU DEALT WITH?

15 A. THE SAME, I DON'T RECALL.

16 Q. YOU CAN'T RECALL?

17 A. (NODDING HEAD, INDICATING A "YES" RESPONSE.)

18 Q. DID YOU OBTAIN ANY OTHER SUPPLIES FROM THESE  
19 SUPPLIERS, OTHER THAN THE PERCHLOROETHYLENE?

20 A. YES.

21 Q. WHAT TYPES OF SUPPLIES?

22 A. SUPPLIES NORMALLY USED IN LAUNDERING AND DRY-  
23 CLEANING, SOAP, PAINT REMOVER, NEUTRAL LUBRICANT.

24 Q. IS THAT IT?

25 A. I COULD PROBABLY THINK UP THIRTY MORE, BUT IT

1 WOULD BE HARD FOR ME TO REMEMBER RIGHT OFF THE CUFF.

2 Q. YOU INDICATED THAT THE CLOTHES ARE TAKEN AND PUT  
3 INTO A WHEEL, AS YOU DESCRIBED IT, AND THEN SOLVENT IS ADDED  
4 INTO THAT WHEEL WITH THE CLOTHES, CORRECT?

5 A. CORRECT.

6 Q. WHEN SOLVENT WAS ADDED, IS THAT PURE  
7 PERCHLOROETHYLENE RIGHT OUT OF THE 55 GALLON DRUM?

8 A. NO. THE SOLVENT WAS PLACED IN A TANK BELOW THE  
9 MACHINE. A PUMP WOULD CIRCULATE THE SOLVENT INTO A FILTER.  
10 THROUGH THE FILTER, IT PROCEEDED TO THE DRUM, TO THE WHEEL.

11 Q. HOW LARGE WAS THE TANK THAT WAS LOCATED BENEATH  
12 THE MACHINE?

13 A. 250 GALLONS, I THINK.

14 Q. IS THAT AN ABOVEGROUND OR BELOWGROUND TANK?

15 A. ABOVEGROUND.

16 Q. SO THAT TANK WAS BASICALLY A PART OF THE  
17 MACHINE?

18 A. CORRECT.

19 Q. AND THE MACHINE THAT YOU'RE REFERRING TO IS  
20 ESSENTIALLY THE DRY-CLEANING MACHINE?

21 A. CORRECT.

22 Q. SO THE TANK WAS BENEATH THE MACHINE, AND THE  
23 PUMP PUMPED IT THROUGH A FILTER AND THEN INTO THE WHEEL, IS  
24 THAT RIGHT?

25 A. THAT'S RIGHT.

1 Q. WHAT WAS THE PURPOSE OF THE FILTER?

2 A. TO FILTER OUT ANY SOLID IMPURITIES, PLUS TO  
3 FILTER OUT ANY, THROUGH THE USE OF FILTER POWDERS, THE  
4 REMOVAL OF FATTY ACIDS AND COLORS, DYES.

5 Q. IS THAT FATTY ACIDS OR DYES THAT WOULD BE IN THE  
6 PERCHLOROETHYLENE?

7 A. FROM THE CLOTHES. AS THE CLOTHES WERE CLEANED,  
8 IT WOULD CIRCULATE INTO THE TANK, UP THROUGH THE FILTER.

9 Q. SO WAS THE FILTER . . .

10 A. NO - EXCUSE ME - IT WOULD COME FROM THE TANK,  
11 INTO THE FILTER, AND THEN IT WOULD GO - IT WOULD COME FROM  
12 THE WHEEL, INTO THE FILTER, THEN IT WOULD GO INTO THE TANK.

13 Q. SO THE FILTER WAS TO FILTER THE PERC AFTER IT  
14 HAD WASHED THE CLOTHES?

15 A. YES.

16 Q. I SEE.

17 A. BEFORE IT WASHED THE CLOTHES, TOO.

18 Q. SO THERE WAS A FILTER BEFORE IT WENT INTO THE  
19 WHEEL AND AFTER IT CAME OUT OF THE WHEEL WITH THE CLOTHES, IS  
20 THAT RIGHT?

21 A. LET ME JUST THINK.

22 Q. OKAY.

23 A. (PAUSE) - THERE WAS AN OUTLET AT THE BOTTOM OF  
24 THE WHEEL. THE SOLVENT WOULD COME OUT OF THE WHEEL, FORCE  
25 THROUGH THE FILTER, THEN INTO THE TANK.

1 Q. THAT WOULD, AT THAT POINT, BE RECLAIMED  
2 PERCHLOROETHYLENE, IS THAT RIGHT?

3 A. YES, LATER.

4 Q. SO IN OTHER WORDS, THAT'S PERCHLOROETHYLENE THAT  
5 HAD BEEN USED TO WASH THE CLOTHES AND THEN HAD BEEN FILTERED  
6 AND RECLAIMED TO BE USED AGAIN?

7 A. YES.

8 Q. WHEN THE PERCHLOROETHYLENE WAS ADDED TO THE  
9 WHEEL FOR CLEANING THE CLOTHES, WAS THAT DILUTED IN ANY WAY?

10 A. NO.

11 Q. YOU GET THE 55 GALLON DRUM FROM YOUR SUPPLIER,  
12 WHICH CONTAINS THE PERCHLOROETHYLENE, CORRECT?

13 A. YES.

14 Q. WAS THAT PURE PERCHLOROETHYLENE, AS FAR AS YOU  
15 KNEW; IN OTHER WORDS, NOT DILUTED, IT WAS 100 PERCENT?

16 A. I THOUGHT IT TO BE 100 PERCENT PURE.

17 Q. AND FROM THE 55 GALLON DRUM THE  
18 PERCHLOROETHYLENE WENT INTO YOUR 250 GALLON HOLDING TANK?

19 A. YES.

20 Q. AND THEN IT WENT STRAIGHT INTO THE WHEEL WITH  
21 THE CLOTHES UNDILUTED?

22 A. YES.

23 Q. WHEN THE PERCHLOROETHYLENE WAS ADDED TO THE  
24 WHEEL EACH TIME TO CLEAN THE CLOTHES, HOW MUCH WAS ADDED; HOW  
25 MUCH WENT INTO THE WHEEL?



1           A.    IT WAS A CONTINUOUS FLOW FOR AS LONG AS YOU  
2 DECIDED TO RUN THE CLOTHES.  IF IT WAS A DARK COLORED RUN, IT  
3 COULD GO LESS; A LIGHT COLORED RUN REQUIRED LONGER.

4           Q.    DO YOU HAVE ANY IDEA HOW MUCH PERCHLOROETHYLENE  
5 WOULD BE USED THEN TO WASH, OR LAUNDER, A LOAD OF CLOTHES?

6           A.    CONSUMPTION WOULD BE NEGLIGIBLE, BECAUSE WE  
7 WOULD DUMP IT INTO A STILL AND DISTILL IT FOR REUSE.

8           Q.    THAT'S THE RECLAIMING PROCESS YOU MENTIONED?

9           A.    PART OF THE RECLAIMING PROCESS.  THE RECLAIMER  
10 ALSO DOES BASICALLY THE SAME THING.  THE RECLAIMER IS WHERE  
11 YOU PUT THE CLOTHES WHICH ARE DAMP AFTER BEING EXTRACTED.

12          Q.    AND HOW DOES THE RECLAIMER THEN RECLAIM  
13 PERCHLOROETHYLENE?

14          A.    A FAN BLOWS, CIRCULATES AIR ACROSS A HOT COIL.  
15 HOT FUMES PASS THROUGH THE CLOTHES.  THEY'RE ROUTED THEN  
16 ACROSS A COLD COIL.  THERE'S A TRAY UNDER THE COLD COIL; THE  
17 CONDENSATE RUNS OFF.  IT'S PART WATER, PART SOLVENT.  IT GOES  
18 INTO A WATER SEPARATOR.  THE WATER IS REMOVED AND THE CLEAN  
19 SOLVENT GOES BACK INTO THE TANK.

20          Q.    ESSENTIALLY THEN THAT'S YOUR DISTILLATION  
21 PROCESS?

22          A.    CORRECT.

23          Q.    THIS STILL THAT YOU MENTIONED, WHICH IS  
24 DIFFERENT FROM THE RECLAIMER, IS THAT BASICALLY A  
25 DISTILLATION PROCESS ALSO?

1 A. THAT'S WHAT IT'S CALLED, A STILL.

2 Q. YOU WERE PERHAPS ANTICIPATING MY QUESTION  
3 CORRECTLY, AND THAT WAS, I WAS TRYING TO GET SOME IDEA OF HOW  
4 MUCH PERCHLOROETHYLENE WENT INTO THE WHEEL TO LAUNDER THE  
5 CLOTHES, AND THEN HOW MUCH WOULD BE RECLAIMED OF WHAT WENT  
6 IN; DOES THAT MAKE SENSE?

7 A. I THINK I KNOW WHAT YOU'RE TALKING ABOUT.  
8 PROBABLY 2 TO 3 GALLONS.

9 Q. WENT INTO THE WHEEL?

10 A. AFTER IT WAS DISTILLED FROM THE CLOTHES, IN THE  
11 RECLAIMER. IN OTHER WORDS, THE CLOTHES ARE EXTRACTED;  
12 THEY'RE SPUN OUT. THEY GO INTO THE RECLAIMER. TWENTY TO  
13 THIRTY MINUTES LATER, THE CLOTHES ARE BASICALLY DRY AND THE  
14 SOLVENT THAT HAS BEEN DISTILLED OUT OF THAT HAS BEEN MAYBE A  
15 GALLON OR TWO.

16 Q. I UNDERSTAND THAT FOR MY NEXT QUESTION THAT THIS  
17 OBVIOUSLY WOULD HAVE TO DO, OR WOULD BE IMPACTED BY THE  
18 QUANTITY OR THE VOLUME OF CLOTHES THAT YOU'RE LAUNDERING, BUT  
19 DO YOU HAVE ANY IDEA HOW MUCH PERCHLOROETHYLENE WOULD BE USED  
20 ON A DAILY BASIS OVER THE YEARS IN LAUNDERING YOUR CLOTHES?

21 MR. KANE: OBJECT TO THE FORM OF THE QUESTION.  
22 AND YOU CAN GO AHEAD AND ANSWER, MISTER MELTS, IF YOU  
23 UNDERSTAND THE QUESTION.

24 Q. AND LET ME TELL YOU, BASICALLY, I'M TRYING TO  
25 GET SOME UNDERSTANDING OF HOW MUCH PERCHLOROETHYLENE WAS USED

1 ON A DAILY BASIS BY THE BUSINESS?

2 A. PROBABLY 3 GALLONS.

3 Q. HOW OFTEN DID YOU PURCHASE A 55 GALLON DRUM OF  
4 PERCHLOROETHYLENE?

5 A. THAT'S WHAT I'M TRYING TO INDICATE BY THE - WE  
6 USED MAYBE BETWEEN 2 TO 3 GALLONS A MONTH. DIVIDE THAT BY  
7 THE NUMBER OF DAYS, AND YOU KNOW THE DAILY CONSUMPTION.

8 Q. WHEN YOU SAY 2 TO 3 GALLONS A MONTH WAS  
9 USED . . .

10 A. TWO TO THREE DRUMS - EXCUSE ME.

11 Q. TWO TO THREE DRUMS A MONTH WAS USED, DOES THAT  
12 MEAN IT WAS CONSUMED IN THE PROCESS, OR WAS USED AND SOME OF  
13 THAT WAS RECLAIMED?

14 A. AFTER RECLAMATION, THERE WAS THAT MUCH LESS, AT  
15 THE END OF THE DAY. IT WAS CONSUMED THROUGH STRANGE METHODS,  
16 WHICH NOBODY KNOWS HOW TO EXPLAIN.

17 Q. SO IF I'M UNDERSTANDING YOU CORRECTLY, OVER A  
18 PERIOD OF A MONTH, YOU WOULD USE APPROXIMATELY TWO TO THREE  
19 DRUMS?

20 A. CORRECT.

21 Q. AND THAT WAS 55 GALLON DRUMS OF  
22 PERCHLOROETHYLENE?

23 A. CORRECT.

24 Q. WHEN YOU WOULD REPROCESS THE PERCHLOROETHYLENE,  
25 WAS THERE A WASTE BY-PRODUCT THAT WAS PRODUCED FROM THAT

1 PROCESS, THAT WAS NOT USED AGAIN; IN OTHER WORDS, IT WAS A  
2 WASTE MATERIAL?

3 A. YES.

4 Q. WHAT WAS THAT WASTE MATERIAL, OR WASTE STREAM?

5 A. IT'S CALLED MUCK. IT'S A COMBINATION OF  
6 DIATOMACEOUS EARTH AND DEACTIVATED CARBON - EXCUSE ME -  
7 ACTIVATED CARBON.

8 Q. WHAT PRODUCED THAT MUCK, OR HOW WAS THAT MUCK  
9 PRODUCED?

10 A. MUCK WAS PRODUCED, HAVING BEEN INSERTED INTO THE  
11 FILTER AS A PRE-COAT. YOU PRE-COAT THE FILTER TO REMOVE THE  
12 COLORS AND FATTY ACIDS.

13 Q. WHAT WAS THE CONSISTENCY OF THIS MUCK THAT YOU  
14 USED TO PRE-COAT THE FILTER?

15 A. A POWDER.

16 Q. WHAT COLOR OF POWDER WAS IT?

17 A. ASH GRAY.

18 Q. DESCRIBE, IF YOU WOULD, HOW YOU WOULD PHYSICALLY  
19 GO ABOUT PRE-COATING THE FILTER WITH THIS MATERIAL?

20 A. THERE IS WHAT IS CALLED A BUTTON TRAP. BEFORE  
21 YOU START WORK IN THE MORNING, YOU WOULD HAVE A BUCKET WITH  
22 THE FILTER POWDER AND A CARTON OF ACTIVATED CARBON. YOU TURN  
23 ON THE PUMP UNTIL THE SOLID RAN THROUGH THE WHEEL, THROUGH  
24 THE BUTTON TRAP, WHICH IS A DOOR WITH A SCREEN IN THERE. YOU  
25 WOULD POUR THE POWDER INTO THAT SCREEN. IT WOULD BE PICKED

1 UP BY THE PUMP, INTO THE FILTER.

2 Q. HOW OFTEN DID YOU PRE-COAT THE FILTER ON A DAILY  
3 MORNING?

4 A. ONCE A MORNING.

5 Q. SO YOU COULD PRE-COAT IT ONE TIME AND IT WOULD  
6 LAST FOR THAT DAY?

7 A. CORRECT.

8 Q. WHERE DID YOU - DID YOU PURCHASE THIS MATERIAL  
9 FROM SOMEWHERE?

10 A. ALL THE SUPPLY HOUSES SOLD IT.

11 Q. SO THIS WAS JUST ANOTHER RAW MATERIAL THAT WENT  
12 INTO YOUR LAUNDERING PROCESS?

13 A. CORRECT.

14 Q. WHAT WASTE STREAMS WERE PRODUCED BY THE  
15 LAUNDERING PROCESS?

16 A. THE LAUNDERING PROCESS, SOAPY WATER, AS WELL AS  
17 CLEAR RINSE WATER.

18 Q. ANYTHING ELSE?

19 A. I THINK THAT SHOULD COVER IT.

20 Q. WHERE DID THE SOAPY WATER GO?

21 A. AN OPEN DRAIN.

22 Q. WHERE WAS THAT OPEN DRAIN LOCATED?

23 A. BEHIND THE WASHING MACHINES. IT WOULD GO OUT TO  
24 A COLLECTION DITCH, INTO WEYERHAUSER SEWAGE SYSTEM.

25 Q. A WEYERHAUSER SEWER . . .

1 A. WEYERHAUSER, THE COMPANY WEYERHAUSER . . .

2 Q. YES?

3 A. . . . THEY HAD A SEWAGE SYSTEM ACROSS THE ROAD  
4 WHERE THEY OWNED PROPERTY.

5 Q. THE COLLECTION DITCH YOU JUST REFERRED TO, WAS  
6 THAT AN OPEN DITCH ON YOUR PROPERTY?

7 A. IT WAS A BIG SQUARE CENTRAL COLLECTION POINT FOR  
8 TWO OR THREE STORES ALONG THE AVENUE THERE.

9 Q. WHEN YOUR SOAPY WATER WENT INTO THE OPEN DRAIN,  
10 WHICH I'M ASSUMING WAS IN YOUR BUILDING, HOW DID IT THEN GET  
11 TO THIS COLLECTION PIPE?

12 A. 4 INCH PIPE, UNDERGROUND.

13 Q. WHERE DID THE CLEAR RINSE WATER GO WHEN IT LEFT  
14 YOUR PROPERTY?

15 A. THE SAME PLACE.

16 Q. WAS THERE ANY SLUDGE OR RESIDUE PRODUCED BY YOUR  
17 CLEANING PROCESSES AS WASTE?

18 A. I'M NOT SURE I UNDERSTAND THAT QUESTION.

19 Q. IN ADDITION TO THE SOAPY WATER AND THE CLEAR  
20 RINSE WATER, WAS THERE ANY SLUDGE TYPE WASTE?

21 A. YOU SAID IN THE CLEANING; YOU MEAN IN THE  
22 LAUNDRY PROCESSING?

23 Q. (NODDING HEAD, INDICATING "YES.")

24 A. NO, NOTHING ELSE.

25 Q. TELL ME THE DISTINCTION BETWEEN LAUNDERING AND

1 CLEANING?

2 A. THE PROCESS USED IN LAUNDERING IS MAINLY WATER,  
3 THE VEHICLE; IN DRY-CLEANING, THE VEHICLE IS SOLVENT.

4 Q. THAT MAY BE MY LACK OF KNOWLEDGE OF THE CLEANING  
5 INDUSTRY. IN THE CLEANING, IN THE DRY-CLEANING PORTION OF  
6 YOUR BUSINESS, WHAT WASTE STREAMS WERE PRODUCED?

7 A. AS WASTE STREAMS, WHAT DO YOU MEAN BY THAT?

8 Q. MATERIALS THAT WERE PRODUCED FROM THE DRY-  
9 CLEANING PROCESS THAT COULD NOT BE RECLAIMED OR REUSED AND  
10 WERE THEREFORE DISCARDED?

11 A. AFTER THE STILL WOULD COOK DOWN, WE HAD A PADDLE  
12 AND WE WOULD REVERSE THE PADDLE IN THE STILL, AND IT WOULD  
13 POUR THE POWDER INTO A BOX, WHICH WAS PUT INTO A DRUM FOR  
14 SAFETY CLEAN.

15 Q. WHAT WAS SAFETY CLEAN?

16 A. THE WASTE DISPOSAL SERVICE.

17 Q. DID SAFETY CLEAN THEN PICK UP THAT WASTE

18 MATERIAL FROM YOUR BUSINESS?

19 A. AS THEY STILL DO.

20 Q. WHEN DID THEY BEGIN THAT?

21 A. I BELIEVE 1982, I'M NOT SURE.

22 Q. PRIOR TO 1982, OR WHENEVER THEY STARTED COMING  
23 AND PICKING THAT MATERIAL UP, HOW WAS THAT MATERIAL DISPOSED  
24 OF?

25 A. IT WAS DISCARDED OUTSIDE THE BUILDING.

1 Q. WHERE WAS IT DISCARDED OUTSIDE THE BUILDING?

2 A. MOST OF THE TIMES, IN THE ALLEYWAY. IT BEING A  
3 DRY POWDER, WE WOULD USE IT TO FILL UP THE POTHOLE.

4 NOW, IN THE VERY BEGINNING, WE HAD A DIFFERENT  
5 TYPE FILTER. AND THAT FILTER, ROUGHLY DID THE SAME THING,  
6 BLOW AIR THROUGH THE FILTER, RETRIEVE THE POWDER AS A DRY  
7 POWDER, TAKE IT OUTSIDE AND DISPOSE OF IT.

8 Q. HOW MUCH DRY POWDER FROM THE STILL WAS PRODUCED  
9 ON A DAILY BASIS OR A MONTHLY BASIS AS A WASTE MATERIAL?

10 MR. KANE: OBJECT TO FORM.

11 A. ARE YOU FAMILIAR WITH A HANGER BOX, A COAT  
12 HANGER BOX?

13 Q. NO, I CAN'T SAY THAT I AM.

14 A. 8 INCH SQUARE BOX, 6 TO 8 INCHES DEEP.

15 Q. OVER WHAT PERIOD OF TIME DID IT TAKE TO FILL UP  
16 A BOX YOU'VE JUST DESCRIBED?

17 A. WE NEVER WAITED FOR THE BOX TO FILL UP; WE WOULD  
18 DISPOSE OF IT.

19 Q. ON A DAILY BASIS?

20 A. WHENEVER WE CLEANED THE FILTER, IF IT WAS DAILY,  
21 OR IT MAY BE EVERY OTHER DAY, WHATEVER.

22 Q. DID YOU HAVE A REGULAR ROUTINE AND SCHEDULE FOR  
23 CLEANING THE FILTER?

24 A. PRIMARY REASON FOR CLEANING THE FILTER WAS THE  
25 PRESSURE WAS HIGH AND CIRCULATION WAS POOR; THAT'S WHEN YOU



1 WOULD CLEAN THE FILTER.

2 Q. I WOULD ASSUME THAT WOULD HAVE SOMETHING TO DO  
3 WITH THE VOLUME OF CLOTHES THAT YOU WERE DRY-CLEANING?

4 A. TRUE.

5 Q. AND HOW MUCH RESIDUE OR WASTE MATERIAL WOULD  
6 BUILD UP, IS THAT RIGHT?

7 A. YES.

8 Q. WOULD YOU SAY THAT ON A DAILY OR EVERY OTHER DAY  
9 BASIS YOU DISCARDED THE MATERIAL IN THIS BOX THAT YOU'VE  
10 DESCRIBED OUT TO THE ALLEY OR SOMEWHERE ON YOUR PROPERTY?

11 A. YES.

12 Q. DID YOU EVER HAVE ANY ANALYSIS MADE OF THAT  
13 WASTE MATERIAL TO KNOW WHAT WAS IN IT THAT YOU WERE  
14 DISCARDING?

15 A. NO.

16 Q. WHEN YOU OBTAINED THE PERCHLOROETHYLENE FROM THE  
17 SUPPLIERS, DID YOU RECEIVE ANY INSTRUCTIONS OR REFERENCE

18 MATERIAL INDICATING ANY PARTICULAR DANGERS OR HAZARDS  
19 ASSOCIATED WITH THAT CHEMICAL?

20 A. NO.

21 Q. DID YOU EVER RECEIVE FROM THE SUPPLIERS ANY  
22 INSTRUCTION OR WRITTEN MATERIAL INDICATING METHODS OR MEANS  
23 OF DISPOSAL FOR CHEMICAL?

24 A. NO.

25 Q. I'M GOING TO ASK YOU ESSENTIALLY THE SAME

1 QUESTIONS WITH REGARD TO ANY INFORMATION THAT YOU RECEIVED  
2 FROM THE MANUFACTURERS OF THE CHEMICALS, DOW OR DUPONT;  
3 DURING YOUR YEARS OF OPERATION, DID YOU RECEIVE ANY MATERIALS  
4 FROM DUPONT OR DOW WITH REGARD TO ANY HAZARDS OR CONCERNS  
5 RELATED TO THE PERCHLOROETHYLENE?

6 A. NO.

7 Q. DID YOU EVER RECEIVE ANY INSTRUCTIONS OR WRITTEN  
8 MATERIALS FROM DOW OR DUPONT WITH REGARD TO PROPER DISPOSAL  
9 METHODS FOR THE PERCHLOROETHYLENE?

10 A. I MIGHT COULD CONDITION THIS ANSWER. IN THE  
11 LAST TEN OR TWELVE YEARS, THEY MAY HAVE ISSUED US WARNINGS  
12 ABOUT THE DANGERS OF THE SOLVENT.

13 Q. DID YOU SAY IN THE LAST TEN OR TWELVE YEARS?

14 A. YES.

15 Q. HOW WERE THOSE WARNINGS ISSUED?

16 A. TRADE PAPERS, CIRCULARS FROM THE COMPANIES  
17 THEMSELVES.

18 Q. FROM THE ACTUAL MANUFACTURERS?

19 A. YES.

20 Q. SUCH AS DOW AND DUPONT?

21 A. YES.

22 Q. AND MY QUESTIONS WERE SPECIFICALLY DIRECTED TO  
23 ANY INSTRUCTIONS OR WRITTEN MATERIALS, WHICH YOU'VE ANSWERED.  
24 JUST FOR COMPLETENESS, I SHOULD ASK YOU WHETHER YOU RECEIVED  
25 ANY VERBAL INSTRUCTIONS ALONG THOSE SAME LINES FROM EITHER

1 THE SUPPLIERS OR THE MANUFACTURERS OF THE CHEMICALS?

2 A. NO.

3 Q. SO ONLY WITHIN THE PAST TEN TO TWELVE YEARS HAVE  
4 YOU RECEIVED ANYTHING FROM THE MANUFACTURERS WITH REGARD TO  
5 THE CHEMICALS THAT WERE USED, IS THAT RIGHT?

6 A. YES.

7 Q. YOU DESCRIBED THE 55 GALLON DRUMS AS HAVING THE  
8 NAMES DUPONT OR DOW ON THEM. I TAKE IT THAT THERE WERE SOME  
9 LABELS OR SOME PLACARDS ON THESE DRUMS?

10 A. NO. AS A MATTER OF FACT, IN THE EARLY YEARS,  
11 THERE WERE NO DIAMONDS WITH THE NUMBERS. WE EVEN HAD ONE  
12 TRUCK, WHICH DELIVERED SOLVENT TO US, WHICH HAD NO DIAMOND,  
13 NO RED DIAMOND INDICATING THE CONTENTS OF THE TRUCK ON IT.

14 Q. YOU SAY "IN THE EARLY YEARS"; YOU'RE TALKING  
15 ABOUT WHAT PERIOD OF TIME?

16 A. THE FIRST TEN TO TWELVE YEARS.

17 Q. FROM WHEN YOU STARTED IN 1953?

18 A. UH-HUH.

19 Q. DESCRIBE, IF YOU WOULD, WHEN YOU RECEIVED ONE OF  
20 THESE 55 GALLON DRUMS, WHAT SORTS OF WRITING THEY HAD ON  
21 THEM; AND THAT MAY HAVE CHANGED OVER A PERIOD OF YEARS, BUT  
22 IF YOU WOULD, JUST GENERALLY DESCRIBE THAT FOR US?

23 A. IT'S A DRUM THAT CAME FROM DOW CHEMICAL COMPANY.  
24 IT HAD PRINTED ON THERE "DOW CHEMICAL COMPANY." AS I RECALL,  
25 THAT WAS ALL THAT WAS ON THE DRUMS.

1 Q. DID IT HAVE THE NAME OF THE CHEMICAL PRINTED ON  
2 THERE?

3 A. I DON'T BELIEVE IT DID; HOWEVER, IT MAY HAVE.

4 Q. WHAT TIME PERIOD ARE YOU REFERRING TO?

5 A. THE FIRST TEN OR TWELVE YEARS.

6 Q. SINCE 1953; SAY 1953 UP TO '63 OR '65, ROUGHLY,  
7 IS THAT RIGHT?

8 A. YES.

9 Q. DID THE WRITING ON THE DRUMS EVER CHANGE DURING  
10 THE TIME THAT YOU'VE BEEN IN THIS BUSINESS, FROM 1953 TO  
11 TODAY?

12 A. I DON'T RECALL.

13 Q. DO YOU STILL OBTAIN - DO YOU STILL USED  
14 PERCHLOROETHYLENE IN YOUR DRY-CLEANING PROCESSES?

15 A. YES.

16 Q. DO YOU STILL RECEIVE THAT IN 55 GALLON DRUMS?

17 A. NOT BEING THERE, I COULD NOT TELL YOU.

18 Q. WHEN WAS THE LAST TIME YOU WERE INVOLVED IN THE  
19 BUSINESS ON A DAY-TO-DAY BASIS?

20 MR. KANE: OBJECT TO FORM.

21 Q. YES, WELL, LET ME REPHRASE THAT. WHEN WAS THE  
22 LAST TIME THAT YOU WERE INVOLVED ON A DAY-TO-DAY BASIS IN THE  
23 BUSINESS AT THE LOCATION OF THE STORE?

24 A. I BELIEVE FIVE YEARS AGO.

25 Q. AT THAT TIME, WERE YOU STILL RECEIVING YOUR

1 PERCHLOROETHYLENE IN 55 GALLON DRUMS?

2 A. (PAUSE) - TO BE TRUTHFUL, I CAN'T RECALL.

3 Q. FROM 1953 UNTIL TODAY, AS BEST YOU KNOW, BASED  
4 ON YOUR INVOLVEMENT WITH THE COMPANY, DO YOU RECALL ANYTHING  
5 BEING ON THOSE PERCHLOROETHYLENE DRUMS, OTHER THAN THE  
6 COMPANY NAME AND PERHAPS THE CHEMICAL NAME?

7 A. NO.

8 Q. YOU REFERENCED A FEW MOMENTS AGO SOME WRITTEN  
9 MATERIALS OR WRITTEN WARNINGS THAT YOU RECEIVED IN THE LAST  
10 TEN TO TWELVE YEARS REGARDING THESE CHEMICALS FROM THE  
11 MANUFACTURERS, AND THAT WAS IN SOME TRADE PUBLICATIONS?

12 A. YES.

13 Q. ARE THOSE - DO YOU HAVE THOSE AS PART OF YOUR  
14 RECORDS WITH THE STORE?

15 A. I BELIEVE THEY'RE HANGING UP IN THE OFFICE UP ON  
16 THE SHELF, A BOOKLET.

17 Q. WHAT TYPE OF RECORDS DO YOU MAINTAIN AT A.B.C.  
18 ONE HOUR CLEANERS?

19 A. AT THE PRESENT TIME, NONE.

20 Q. IS THERE A PLACE WHERE ANY WRITTEN DOCUMENTS OR  
21 RECORDS PERTAINING TO THE A.B.C. ONE HOUR CLEANERS ARE  
22 LOCATED?

23 A. AT MY HOME.

24 Q. WHAT SORT OF RECORDS OR DOCUMENTS DO YOU HAVE  
25 WITH REGARD TO A.B.C. ONE HOUR CLEANERS FROM 1953 TO THE

1 PRESENT?

2 A. RECORDS OF PAID BILLS, UNPAID BILLS, CHECK  
3 STUBS, BANK STATEMENTS.

4 Q. DO YOU HAVE RECORDS REGARDING PURCHASES OF  
5 SUPPLIES OVER THE YEARS FOR THE STORE?

6 A. SOME OF THE YEARS.

7 Q. DO YOU HAVE A PARTICULAR SYSTEM FOR HOW YOU  
8 ORGANIZE OR MAINTAIN THOSE RECORDS?

9 A. AT MY HOME, I HAVE A FILE CABINET.

10 INCIDENTALLY, I MIGHT NOT HAVE MENTIONED, OUR  
11 BUSINESS WAS BROKEN INTO. I'M NOT EXACTLY SURE OF THE DATE.  
12 THE PARTY BROKE OPEN OUR SAFE WITH A SLEDGEHAMMER, PULLED OUT  
13 ALL OUR RECORDS, EVERYTHING OFF THE SHELVES, PULLED OUT,  
14 PROCEEDED TO RELIEVE HIMSELF OF FECES ALL OVER THE FLOOR AND  
15 ALL OVER THE RECORDS. SO MY WIFE CAME AND THREW EVERYTHING  
16 OUT RATHER THAN HANDLE IT.

17 Q. DO YOU KNOW WHEN THAT OCCURRED?

18 A. I'M NOT EXACTLY SURE. MY WIFE, I THINK, SAID  
19 '73, I'M NOT SURE. MAYBE IT WAS LATER.

20 Q. OVER THE YEARS, HAVE YOU ALWAYS MAINTAINED  
21 RECORDS FOR A.B.C. ONE HOUR CLEANERS AT YOUR HOME?

22 A. IN THE BEGINNING, AT THE CLEANERS.

23 Q. AT SOME POINT, DID YOU THEN MOVE THE RECORDS  
24 FROM YOUR STORE LOCATION TO YOUR HOME, OR JUST START  
25 MAINTAINING THE NEW RECORDS AT YOUR HOME?

1           A.    THE RECORDS WERE MAINTAINED AT THE CLEANERS  
2 AFTER THAT BREAK-IN IN A FILING CABINET.  WHEN I HAD TO LEAVE  
3 AND STAY HOME, THEN I STARTING KEEPING RECORDS AT MY HOUSE.

4           Q.    HOW MANY RECORDS, OR DOCUMENTS, DO YOU HAVE  
5 REGARDING YOUR BUSINESS AT YOUR HOME, AND IF YOU COULD  
6 DESCRIBE FOR US, IS IT ONE FILING CABINET AND IT'S FULL, OR  
7 IT'S A HALF A FILING CABINET, OR IF IT'S THREE FILING  
8 CABINETS; CAN YOU GIVE US SOME IDEA OF WHAT YOU HAVE?

9           A.    I WOULD SAY ONE FILING CABINET FULL.

10          Q.    ONE TALL FILING CABINET?

11          A.    TWO DRAWER.

12          Q.    THE TWO DRAWER FILING CABINET?

13          A.    (NODDING HEAD, INDICATING A "YES" RESPONSE.)

14          Q.    ARE THERE RECORDS FOR THE STORE MAINTAINED AT  
15 ANY OTHER LOCATION BESIDES THAT FILING CABINET AT YOUR HOME?

16          A.    NO.

17          Q.    DO YOU KNOW IF THERE ARE ANY OLD RECORDS OR

18 BOXES OF RECORDS SOMEWHERE AT THE STORE, IN THE BACK OF THE  
19 STORE, OR IN ANY OFFICE IN THE STORE?

20          A.    IN THE PAST, THERE HAD BEEN.  WE HAD A ROOF BLOW  
21 IN AND RAIN DESTROYED EVERYTHING BACK THERE.

22          Q.    DID YOU THEN DISCARD THOSE RECORDS?

23          A.    YES.

24          Q.    DO YOU KNOW WHEN THAT OCCURRED?

25          A.    WHEN IS THE BIGGEST HURRICANE WE HAD?  SIX OR

1 SEVEN YEARS AGO.

2 Q. SO WITHIN THE PAST TEN YEARS?

3 A. YES.

4 Q. AS PART OF YOUR BUSINESS OVER THE YEARS, DID YOU  
5 RECEIVE ANY ONGOING INSTRUCTION OR TRAINING WITH REGARD TO  
6 THE DRY-CLEANING BUSINESS?

7 A. NO.

8 Q. DO YOU HAVE ANY SORT OF TRADE ASSOCIATION FOR  
9 DRY CLEANERS?

10 A. YES.

11 Q. HAVE YOU IN YOUR BUSINESS BEEN A PART OF A TRADE  
12 ASSOCIATION OVER THE YEARS?

13 A. FOR THE FIRST TWENTY-FIVE YEARS, YES.

14 Q. AS PART OF THAT TRADE ASSOCIATION, DID YOU EVER  
15 ATTEND ANY CONVENTIONS, OR CONVENTIONS OR SEMINARS, RELATED  
16 TO THE DRY-CLEANING INDUSTRY, CHANGES IN THE DRY-CLEANING  
17 INDUSTRY?

18 A. BEING TIED DOWN, NO.

19 Q. WHAT DO YOU MEAN, "BEING TIED DOWN"?

20 A. WORKING.

21 Q. OKAY. YOU WERE WORKING TOO HARD TO GO ATTEND  
22 THINGS?

23 A. (NODDING HEAD, INDICATING A "YES" RESPONSE.)

24 Q. HOW ABOUT ANYBODY ELSE ASSOCIATED WITH YOUR  
25 BUSINESS?



1 A. NO.

2 Q. HOW LONG HAVE YOU BEEN RECEIVING THE  
3 PUBLICATIONS FROM THE TRADE INDUSTRY THAT YOU REFERRED TO A  
4 FEW MOMENTS AGO?

5 A. PROBABLY THREE TIMES A YEAR FOR THE LAST FIVE  
6 YEARS.

7 Q. PRIOR TO THE PAST FIVE YEARS, DID YOU EVER  
8 RECEIVE ANY SORT OF TRADE PUBLICATIONS OR MATERIALS?

9 A. NO.

10 Q. PRIOR TO THE PAST TEN TO TWELVE YEARS, WHEN YOU  
11 INDICATED YOU HAD RECEIVED SOME OF THE WARNINGS FROM THE  
12 MANUFACTURERS REGARDING PERCHLOROETHYLENE THAT WERE IN THE  
13 TRADE PUBLICATIONS, HAD YOU EVER RECEIVED ANY NOTICE OR ANY  
14 MATERIALS REGARDING HAZARDS OR WARNINGS ASSOCIATED WITH  
15 PERCHLOROETHYLENE?

16 MR. KANE: OBJECT TO THE FORM.

17 A. NO.

18 Q. SITTING HERE TODAY, WITH REGARD TO THE RECORDS  
19 THAT YOU HAVE AT YOUR HOME FOR THE BUSINESS, DO YOU KNOW IF  
20 YOU HAVE DOCUMENTS PERTAINING TO YOUR PURCHASES OF  
21 PERCHLOROETHYLENE OVER THE YEARS?

22 A. YES, QUITE A FEW.

23 Q. WHAT WOULD THOSE RECORDS CONSIST OF; WHAT TYPES  
24 OF RECORDS?

25 A. INVOICES THAT ARE PAID, CHECKS THAT CLEARED THE

1 BANK.

2 Q. YOU'VE DESCRIBED A MUCK MATERIAL THAT WAS  
3 ASSOCIATED WITH THE LAUNDERING SIDE OF THE BUSINESS, IS THAT  
4 RIGHT?

5 A. DRY-CLEANING.

6 Q. OKAY. THE MUCK WAS THE - WAS THAT THE MATERIAL  
7 THAT CAME OUT OF THE STILL?

8 A. (NODDING HEAD, INDICATING A "YES" RESPONSE.)

9 Q. WERE THERE ANY OTHER WASTE STREAMS OR WASTE BY-  
10 PRODUCTS THAT WERE PRODUCED FROM THE DRY-CLEANING PROCESS,  
11 OTHER THAN THE MUCK?

12 A. NO.

13 Q. THE MUCK YOU DESCRIBED WAS A DRY POWDER,  
14 CORRECT?

15 A. CORRECT.

16 Q. WERE THERE ANY LIQUID WASTES PRODUCED BY THE  
17 DRY-CLEANING PROCESS?

18 A. NO.

19 Q. DID YOU HAVE A SEPTIC SYSTEM AT THE LOCATION OF  
20 A.B.C. ONE HOUR CLEANERS?

21 A. YES.

22 Q. WERE THERE WASTE MATERIALS THAT WENT INTO THAT  
23 SEPTIC SYSTEM FROM EITHER THE DRY-CLEANING PROCESS OR THE  
24 LAUNDERING PROCESS?

25 A. NO.

1 Q. DID YOU HAVE A SOIL ABSORPTION SYSTEM AT THE  
2 LOCATION OF THE A.B.C. ONE HOUR CLEANERS?

3 A. I'M NOT FAMILIAR WITH IT, IF I DID.

4 Q. WHEN DID YOU FIRST BECOME AWARE OF AN ISSUE  
5 REGARDING CONTAMINATION IN THE AREA OF A.B.C. ONE HOUR  
6 CLEANERS?

7 A. WHEN CAMP LEJEUNE WAS HAVING PROBLEMS AND  
8 REQUESTED THAT WE BE CHECKED FOR POLLUTION OVER AT CAMP  
9 LEJEUNE.

10 Q. DO YOU RECALL WHEN THAT WAS?

11 A. NO.

12 Q. DO YOU RECALL HOW YOU WERE NOTIFIED OF THAT?

13 A. NOT EXACTLY.

14 Q. HAS YOUR BUSINESS AT THAT LOCATION OPERATED  
15 UNDER ANY OTHER NAMES BESIDES A.B.C. ONE HOUR CLEANERS,  
16 INCORPORATED?

17 A. NO.

18 Q. DO YOU RECALL THE DATE OF INCORPORATION FOR THAT  
19 ENTITY?

20 A. 1958.

21 Q. PRIOR TO 1958, HOW WAS THE BUSINESS OPERATED AS;  
22 WHAT NAME?

23 A. A.B.C. ONE HOUR CLEANERS.

24 Q. THE SAME NAME?

25 A. (NODDING HEAD, INDICATING A "YES" RESPONSE.)

1 Q. OKAY. DOES A.B.C. ONE HOUR CLEANERS CARRY ANY  
2 INSURANCE THAT COVERS THE ENVIRONMENTAL CONTAMINATION THAT  
3 YOU'VE BEEN NOTIFIED OF WITH REGARD TO YOUR BUSINESS?

4 A. QUESTIONABLE; WE HAVE INSURANCE, WE DO NOT KNOW  
5 WHETHER THEY WILL COVER BECAUSE OF SOME STIPULATIONS IN THEIR  
6 POLICY.

7 Q. WHO IS THE INSURANCE COMPANY THAT YOU'RE DEALING  
8 WITH?

9 A. PENNSYLVANIA NATIONAL.

10 Q. HAVE YOU PUT THEM ON NOTICE OF THESE  
11 ENVIRONMENTAL CONTAMINATION CLAIMS?

12 A. MANY TIMES.

13 Q. ARE YOU DEALING WITH ANY PARTICULAR INDIVIDUAL  
14 AT THAT COMPANY?

15 A. NO.

16 Q. DO YOU KNOW WHAT KIND OF POLICY A.B.C. ONE HOUR  
17 CLEANERS HAS WITH PENN NATIONAL?

18 A. I BELIEVE PUBLIC LIABILITY.

19 Q. HOW LONG HAVE YOU CARRIED THAT POLICY, IF YOU  
20 KNOW?

21 A. PROBABLY THIRTY-FIVE YEARS.

22 Q. HAS IT ALWAYS BEEN WITH PENN NATIONAL?

23 A. YES.

24 Q. DO YOU KNOW THE AMOUNTS OR LIMITS OF COVERAGE  
25 THAT YOU HAVE WITH THAT POLICY WITH PENN NATIONAL?

1 A. I'M NOT POSITIVE, SIR.

2 Q. YOU'VE GENERALLY DESCRIBED A FEW DIFFERENT WASTE  
3 STREAMS THAT COME FROM YOUR PROCESSES; WE'VE TALKED ABOUT THE  
4 SOAPY WATER AND THE CLEAR RINSE WATER FROM THE LAUNDERING  
5 SIDE, AND THEN WE TALKED ABOUT THE DRY POWDER, OR THE MUCK,  
6 FROM THE STILL IN THE RECLAIMING PROCESS. ARE THERE ANY  
7 OTHER WASTE STREAMS THAT ARE GENERATED, OR HAVE BEEN  
8 GENERATED FROM YOUR CLEANING AND LAUNDERING BUSINESS AT THAT  
9 LOCATION OVER THE YEARS?

10 A. I THINK NOT.

11 Q. THE FILTERS THAT ARE LOCATED ON THE DRY-CLEANING  
12 MACHINE AND FILTER THE PERCHLOROETHYLENE, DO THEY - HOW ARE  
13 THEY CLEANED?

14 A. I THOUGHT WE DISCUSSED THAT, DID WE NOT?

15 Q. IS THAT THE DRY POWDER THAT YOU'VE ALREADY  
16 REFERRED TO?

17 A. YES.

18 Q. SO WHEN YOU REFERRED - AND I MAY HAVE  
19 MISUNDERSTOOD YOU, BUT WHEN YOU REFERRED TO THE STILL AND THE  
20 MATERIAL PRODUCED OUT OF THE STILL BEING THE DRY POWDER, WERE  
21 YOU REFERRING TO THE FILTERS THAT ARE A PART OF THE STILL?

22 A. THE FILTERS ARE MOUNTED ABOVE THE STILL. YOU  
23 NEVER TAKE THEM APART.

24 Q. THOSE ARE THE FILTERS, OR THE DEVICES THAT ARE  
25 PRE-COATED?

1           A.    YES.  THOSE FILTERS HAVE AN AIR CYLINDER AND A  
2 PLUNGER.  BETWEEN EACH CYCLE OF CLEANING, AIR IS SENT TO THE  
3 TOP AND IT JOLTS IT.  ON JOLTING SIX OR EIGHT TIMES, THE  
4 FILTER POWDER IS KNOCKED TO THE BOTTOM.  THEN ACCORDING TO  
5 THE MANUFACTURER, WHEN YOU START THE PUMP AGAIN, THE POWDER  
6 IN THERE, WHICH IS NOT USED UP, IS REAPPLIED TO THE SCREENS  
7 IN A DIFFERENT LAYER.

8                   MR. HOPF:  WHY DON'T WE TAKE A SHORT BREAK?

9                   MR. KANE:  CERTAINLY.

10                   (A BRIEF RECESS WAS TAKEN.)

11                   EXAMINATION BY MISTER HOPF CONTINUES:

12           Q.    WE'VE TALKED ABOUT PERCHLOROETHYLENE USED AT  
13 YOUR BUSINESS.  ARE YOU AWARE OF ANY TRICHLOROETHYLENE THAT  
14 HAS BEEN USED AS PART OF YOUR BUSINESS PROCESSES OVER THE  
15 YEARS?

16           A.    TO MY KNOWLEDGE, NO.

17           Q.    ARE YOU AWARE OF ANY MATERIAL CONTAINING  
18 DICHLOROETHYLENE THAT HAS BEEN USED IN YOUR PROCESSES?

19           A.    I DON'T KNOW OF IT.

20           Q.    OTHER THAN THE PERCHLOROETHYLENE, WERE THERE ANY  
21 OTHER CHEMICALS USED OVER THE YEARS IN YOUR BUSINESS OR AS  
22 PART OF YOUR BUSINESS?

23           A.    NO.

24           Q.    YOU REFERENCED A PAINT REMOVER AS ONE OF THE  
25 MATERIALS YOU PURCHASED FROM SUPPLIERS; WHAT WAS THAT PAINT

1 REMOVER?

2 A. IT'S REFERRED TO AS AN OILY TYPE PAINT REMOVER,  
3 AND IT'S USED ONE OR TWO DROPS AT A TIME. IF YOU HAPPEN TO  
4 FIND A DROP OF PAINT, YOU WORK IT OUT WITH YOUR FINGERS.

5 Q. WAS THAT PAINT REMOVER THAN WHAT WAS ACTUALLY  
6 USED ON ARTICLES OF CLOTHING THAT WERE BROUGHT TO BE  
7 LAUNDERED OR DRY-CLEANED?

8 A. YES. IT'S A TRADE PRODUCT. ANY DRY CLEANERS  
9 USE IT. I BELIEVE IT SAYS IT HAS PETROLEUMDISTOLATES.  
10 ANYTHING ELSE, I COULDN'T TELL YOU.

11 Q. AS I UNDERSTAND IT, ONE OF THE CONTAMINANT THAT  
12 HAVE BEEN FOUND IN THE WELLS ON YOUR PROPERTY AT THE A.B.C.  
13 ONE HOUR CLEANERS INCLUDED BENZINE. ARE YOU FAMILIAR WITH  
14 BENZINE, OR DO YOU KNOW WHAT IT IS?

15 A. I'M NOT POSITIVE. IS IT KEROSENE, BY USING THE  
16 HEATER?

17 Q. WELL, MY NEXT QUESTION WAS GOING TO BE, DO YOU  
18 HAVE ANY IDEA OF SOURCES FOR BENZINE ASSOCIATED WITH YOUR  
19 BUSINESS AT THAT LOCATION?

20 A. I'M NOT EVEN SURE WHAT IT IS.

21 Q. DID YOU HAVE ANY UNDERGROUND STORAGE TANK FOR  
22 PETROLEUM PRODUCTS OR FUELS AT THAT LOCATION?

23 A. NO.

24 Q. NEVER AT ANY TIME DURING YOUR OPERATION OR  
25 OWNERSHIP OF THE PROPERTY?

1           A.    ABOVEGROUND.  WE HAD A PETROLEUM - WE HAD AN  
2 OIL-BURNING - WELL, WE STILL HAVE OIL WHICH WE BURN IN OUR  
3 BOILER.  WHAT IS THAT, DIESEL OIL?  I BELIEVE THAT'S WHAT IT  
4 IS, NUMBER TWO FUEL OIL.

5           Q.    IS THAT A BOILER THAT'S USED IN THE LAUNDERING  
6 PROCESS?

7           A.    YES; LAUNDRY AND DRY-CLEANING, YES.

8           Q.    WHERE IS THE NUMBER TWO FUEL OIL STORED?

9           A.    IN A TANK OUTSIDE THE BUILDING.

10          Q.    AN ABOVEGROUND TANK?

11          A.    YES.

12          Q.    DO YOU KNOW THE SIZE OF THE ABOVEGROUND TANK?

13          A.    550.

14          Q.    550 GALLONS?

15          A.    YES.

16          Q.    HOW LONG HAVE YOU BEEN USING THAT 550 GALLON  
17 ABOVEGROUND STORAGE TANK?

18          A.    WE'LL BE USING 550 GALLON TANKS - THEY HAVE  
19 CORRODED AT TIMES, BUT WE'VE REPLACED THOSE, BUT WE'VE BEEN  
20 USING THOSE 550 GALLON TANKS SINCE WE STARTED.

21          Q.    SINCE YOU STARTED IN 1953, DO YOU KNOW HOW MANY  
22 ABOVEGROUND STORAGE TANKS YOU'VE HAD AT THAT LOCATION?

23          A.    YOU MEAN, ONE TO REPLACE THE OTHER ONE?

24          Q.    YES, SIR.

25          A.    PROBABLY FOUR OR FIVE.



1 Q. WHERE IS THAT ABOVEGROUND STORAGE TANK CURRENTLY  
2 LOCATED, AS BEST YOU KNOW?

3 A. LET'S SEE. FACING STRAIGHT OUT IN FRONT OF OUR  
4 BUILDING IS THAT SOUTH?

5 MR. KANE: (CONFERS INAUDIBLY WITH THE WITNESS.)

6 A. THAT WOULD BE THE WEST SIDE.

7 Q. ALONG THE WEST SIDE OF THE BUILDING?

8 A. YES. IT DEPENDS. WHAT DIRECTION IS THE FRONT  
9 OF THE BUILDING; CAN YOU TELL ME THE DIRECTION?

10 Q. WELL, LET ME HAND YOU A DRAWING THAT'S PART OF  
11 A . . .

12 A. THAT'S RIGHT. I SEE NORTH.

13 Q. THIS IS PART OF A GOVERNMENT REPORT THAT I  
14 BELIEVE SHOWS THE AREA OF YOUR STORE?

15 A. DO YOU SEE THE BLACK DOT THERE?

16 Q. YES, SIR?

17 A. THERE'S A DOUBLE DOOR THERE AND IT'S ON THE  
18 OUTSIDE OF THE DOUBLE DOOR.

19 Q. SO THE BLACK DOT YOU'RE REFERRING TO, WHICH IS  
20 DRAWN INSIDE THE RECTANGLE, WHICH APPEARS TO BE THE A.B.C.  
21 ONE HOUR DRY CLEANERS?

22 A. YES. AND IS THAT THE - AND I BELIEVE - IS THAT  
23 THE DRY-CLEANING MACHINE, "SEPTIC TANK SOIL ABSORPTION  
24 SYSTEM"? OH, THAT'S THE SEPTIC TANK IN THERE, SO -  
25 (INDICATING) . . .

1 Q. IF YOU COULD PUT A LITTLE MARK OR A NUMBER  
2 "1" . . .

3 A. THAT'S MARKED.

4 Q. ALL RIGHT. AND THAT'S THE WEST SIDE OF THE  
5 BUILDING, AND THAT'S THE APPROXIMATE LOCATION OF THAT 550  
6 GALLON ABOVEGROUND TANK?

7 A. (NODDING HEAD, INDICATING A "YES" RESPONSE.)

8 Q. AND WE'LL MARK THIS.

9 (PETITIONER'S EXHIBIT [1] MARKED.)

10 A. MANY MANY YEARS AGO, THERE WAS ANOTHER ONE IN  
11 THE BACK AT THE BACK OF THE BUILDING.

12 Q. DRAW MAYBE AN "X" AT THE APPROXIMATE LOCATION?

13 A. (SO INDICATES ON EXHIBIT.)

14 Q. WHAT WAS THAT TANK USED FOR?

15 A. WE HAD A - LET'S SEE - A 100 HORSEPOWER BOILER.  
16 WE'RE NOW USING A 30. WE HAD A BIGGER BOILER BACK HERE -  
17 (INDICATING) - WHERE WE HAD THE BIGGER BOILER.

18 Q. WHERE YOU POINTED WAS WHERE YOU HAD THE BIGGER  
19 BOILER AT THE BACK OF THE BUILDING . . .

20 A. YES.

21 Q. . . . THAT'S INDICATED ON THIS DRAWING?

22 A. YES.

23 Q. AND THE TANK THAT YOU'VE INDICATED WITH AN "X,"  
24 WHAT SIZE TANK WAS THAT?

25 A. IT WAS PROBABLY 1,000 GALLON, BUT I'M NOT SURE.

1 Q. WAS THAT AN ABOVEGROUND TANK ALSO?  
2 A. YES.  
3 Q. WHAT DID IT CONTAIN?  
4 A. DIESEL OIL.  
5 Q. THE NUMBER TWO . . .  
6 A. NUMBER TWO FUEL.  
7 Q. . . . FUEL OIL YOU'VE DESCRIBED?  
8 A. THAT'S ALL WE EVER USED IN THEM BOILERS.  
9 Q. SO YOU FIRED THE TWO DIFFERENT BOILERS WITH THE  
10 SAME OIL?  
11 A. NOT AT THE SAME TIME; WE DIDN'T OWN THEM AT THE  
12 SAME TIME.  
13 Q. I UNDERSTAND. DO YOU REMEMBER DURING WHAT YEARS  
14 YOU HAD THAT LARGER BOILER AND THE LARGER ABOVEGROUND TANK?  
15 A. THE LARGER BOILER WAS PROBABLY IN USE FROM '56  
16 UP TO '70, SOMETHING LIKE THAT.  
17 Q. WHAT HAPPENED TO THAT ABOVEGROUND TANK WHEN YOU  
18 STOPPED USING THAT BOILER?  
19 A. IT'S STILL SITTING THERE EMPTY.  
20 MR. HOPF: IF IT'S ALL RIGHT, WE'LL JUST MAKE A  
21 COPY OF THIS AND ATTACH IT AS EXHIBIT [1] . . .  
22 MR. KANE: OKAY.  
23 MR. HOPF: . . . AFTER THE DEPOSITION. AND JUST  
24 FOR THE RECORD, WHAT WE'LL BE REFERRING TO, AND WHAT WILL BE  
25 ATTACHED TO THE - OR EXHIBIT [1], FIGURE "1," WHICH IS PART

1 OF THE "AGENCY FOR TOXIC SUBSTANCES DISEASE REGISTRY  
2 PRELIMINARY PUBLIC HEALTH ASSESSMENT FOR THE A.B.C. ONE HOUR  
3 CLEANERS," DATED AUGUST 4TH, 1990.

4 Q. DESCRIBE, IF YOU WILL . . .

5 MR. KANE: JUST SO I UNDERSTAND THOUGH, THE  
6 EXHIBIT IS JUST THIS ONE PAGE?

7 MR. HOPF: YES, SIR; JUST THAT FIGURE "1" OUT OF  
8 THAT REPORT.

9 Q. DESCRIBE FOR ME, IF YOU WILL, THE EQUIPMENT THAT  
10 HAS BEEN USED AT THE A.B.C. ONE HOUR CLEANERS SITE FROM 1953  
11 TO THE PRESENT FOR DRY-CLEANING?

12 A. DRY-CLEANING MACHINE, RECLAIMER, DRY-CLEANING  
13 PANTS PRESS - AIR OPERATED - THREE AIR OPERATED UTILITY  
14 PRESSES FOR DRY-CLEANING, ONE COAT FORM -IT'S A MANUAL.

15 Q. HAS THAT REMAINED CONSISTENT FROM 1953 TO THE  
16 PRESENT?

17 A. YES.

18 Q. HAVE YOU UPDATED OR CHANGED THE MACHINERY AT ALL  
19 DURING THIS PERIOD OF YEARS?

20 A. AS NEEDED.

21 Q. HAS THE METHOD OF DRY-CLEANING CHANGED OVER THE  
22 YEARS SINCE 1953?

23 A. BASICALLY, NO.

24 Q. SO BASICALLY, IT'S THE SAME METHOD WITH THE SAME  
25 TYPE OF MACHINERY THROUGHOUT THAT PERIOD OF TIME TO THE

1 PRESENT?

2 A. YES.

3 Q. AND THE CHEMICALS USED IN THE PROCESS AND THE  
4 WAY THOSE CHEMICALS HAVE BEEN USED AND DISPOSED OF HAS  
5 REMAINED CONSISTENT THROUGHOUT THE PERIOD OF TIME FROM 1953  
6 TO TODAY?

7 A. YES.

8 MR. HOPF: MISTER MELTS, I THINK THAT'S ALL THE  
9 QUESTIONS I HAVE RIGHT NOW. MISTER DUFFUS MAY HAVE A FEW  
10 QUESTIONS FOR YOU.

11 MR. KANE: (TO THE WITNESS) - MISTER MELTS, THIS  
12 IS A LITTLE UNUSUAL, BUT I'VE AGREED, IF IT'S OKAY WITH YOU,  
13 IF WE LET MISTER DUFFUS ASK ANY ADDITIONAL QUESTIONS?

14 THE WITNESS: CERTAINLY.

15 ON EXAMINATION CONDUCTED BY J. DAVID DUFFUS,  
16 JUNIOR, ESQUIRE:

17 Q. HI, MISTER MELTS. HOW ARE YOU DOING TODAY?

18 A. FINE.

19 Q. I'VE JUST GOT A FEW QUESTIONS. I'M NOT GOING TO  
20 TRY TO KEEP YOU LONG, JUST A COUPLE THINGS I WANT TO ASK YOU.

21 MISTER HOPF BROUGHT UP AND YOU INDICATED THAT  
22 YOUR INITIAL SUPPLIER OF DRY-CLEANING MATERIALS WERE SUPPLIED  
23 BY VIRGINIA-CAROLINA, IS THAT CORRECT?

24 A. CORRECT.

25 Q. AND THAT WAS UP UNTIL 1963?

1 A. YES, SIR, ABOUT THAT.

2 Q. ABOUT THAT TIME?

3 A. ABOUT THAT TIME, AS I RECALL.

4 Q. UNTIL THEY WENT OUT OF BUSINESS?

5 A. YES.

6 Q. THEN YOU IDENTIFIED TWO OTHER SUPPLIERS, FULLER

7 SUPPLY, IS THAT CORRECT?

8 A. YES.

9 Q. AND THEY'RE FROM CONCORD, NORTH CAROLINA?

10 A. YES.

11 Q. DO THEY STILL SUPPLY YOUR BUSINESS?

12 A. YES.

13 Q. AND W.T. BALLARD, IS THAT CORRECT?

14 A. YES. W. - I BELIEVE IT'S W.P. BALLARD.

15 Q. W.P., OKAY, I'M SORRY.

16 AND DID YOU SAY THAT THEY WERE FROM RALEIGH OR

17 SOMETHING?

---

18 A. I BELIEVE THEY'RE FROM RALEIGH.

19 Q. DO THEY STILL SUPPLY YOUR BUSINESS WITH DRY-

20 CLEANING MATERIALS?

21 A. YES.

22 Q. AND THE MATERIALS THAT WE'RE TALKING ABOUT IS

23 THE PERC, CORRECT?

24 A. PERC, AND OTHER SUPPLIES . . .

25 Q. AND OTHER SUPPLIES?

1 A. . . . THAT DRY CLEANERS WOULD USE.

2 Q. OKAY. WHICH YOU SAY COULD INCLUDE UP TO THIRTY  
3 DIFFERENT THINGS, IS THAT RIGHT?

4 A. IT WOULD INCLUDE BAGS, HANGERS, SOAPS, BROOMS,  
5 MOPS, ANYTHING USED IN THE BUSINESS.

6 Q. BUT IT WOULDN'T INCLUDE ANY OTHER CHEMICALS  
7 OTHER THAN PERC?

8 A. ANY SPOTTING CHEMICALS, ANY SOAPS, ANY LAUNDRY  
9 SOAPS, ANY SOURS, WHICH IS LIKE TO KILL ALKALINE IN THE SOAPS  
10 TO KEEP THE SHIRTS FROM TURNING YELLOW; YOU USE A SOUR.

11 Q. WHEN DID YOU START DOING BUSINESS WITH FULLER,  
12 DO YOU HAVE ANY IDEA?

13 A. IT'S HARD TO RECALL AN EXACT DATE, BUT IT WAS  
14 BACK IN THE 70'S, I IMAGINE.

15 Q. AND HOW ABOUT BALLARD, WHEN DID YOU START . . .

16 A. THE SAME.

17 Q. . . . THE SAME THING. AND YOU INDICATED THAT

18 YOU HAD SOME RECORDS AT HOME, BUT BECAUSE OF TWO OCCURRENCES  
19 THAT HAPPENED AT YOUR BUILDING, THAT IS, THE HURRICANE AND  
20 ALSO A BREAK-IN, YOU LOST SOME OF YOUR RECORDS, IS THAT  
21 RIGHT?

22 A. YES.

23 Q. WHAT PERIOD OF TIME DO YOUR RECORDS AT YOUR HOME  
24 COVER THAT ARE IN THE FILING CABINET THAT YOU HAD IDENTIFIED?

25 A. THE LAST FIVE YEARS.

1 Q. THE LAST FIVE YEARS, SO YOU WOULDN'T HAVE  
2 ANYTHING BEFORE THAT, IS THAT RIGHT?

3 A. RIGHT.

4 Q. NOW, GOING BACK TO THE DRUMS THAT YOU SAY HAD  
5 BEEN DELIVERED BY THESE COMPANIES, WERE THOSE DRUMS DELIVERED  
6 BY VIRGINIA-CAROLINA, FULLER AND ALSO BALLARD WITH THE PERC  
7 IN IT OVER A PERIOD OF TIME?

8 A. YES.

9 Q. DO THEY STILL CONTINUE TO DELIVER 55 GALLON  
10 DRUMS TO YOUR BUSINESS TODAY, THAT IS, EITHER FULLER OR  
11 BALLARD?

12 A. YOU KNOW, I BELIEVE THEY DO. I THINK - OF  
13 COURSE, THERE HAVE BEEN CHANGES MADE AND I'M NOT OUT THERE.

14 Q. YES, SIR.

15 A. BUT I BELIEVE THEY HAVE A MAN WHO COMES IN WITH  
16 A - THEY EVEN HAVE A NAME OF IT - CLOSED LOOP OR SOMETHING,  
17 WHERE THEY CAP IT, KEEP IT CAPPED, RIGHT UP TO THE MACHINE,  
18 UNCAP IT. IN OTHER WORDS, IT'S . . .

19 Q. WELL, I WAS KIND OF GETTING TO THAT. YOU WERE  
20 THERE UP UNTIL ABOUT FIVE YEARS AGO, IS THAT CORRECT?

21 A. YES.

22 Q. AND WHILE YOU WERE WORKING THERE, DID YOU  
23 OBSERVE EITHER OF THESE COMPANIES COME IN WITH THE 55 GALLON  
24 DRUM AND HOOK IT UP TO YOUR EQUIPMENT AND POUR THE PERC INTO  
25 YOUR MACHINES?



1 A. USUALLY THEY HAD POWER PUMPS, ELECTRIC PUMPS.

2 Q. I SEE.

3 A. THEY WOULD SET THE DRUM THERE. THEY WOULD PUT  
4 THE END OF THE HOSE IN THE TANK, PLUG THE PUMP IN - IT HAD AN  
5 ELECTRIC MOTOR - AND IT WOULD PUMP IT OVER.

6 Q. AND WOULD THEY STORE, OR LEAVE ANY OF THE DRUMS  
7 ON YOUR PROPERTY AFTER THEY DID THAT?

8 A. NO. THAT WAS THEIR PROPERTY.

9 Q. SO IT WAS A METHOD OF SELLING PERC TO YOU,  
10 PROVIDING YOU WITH PERC BY DELIVERING DRUMS TO YOUR PREMISES,  
11 THE SALESPeOPLE OR EMPLOYEES OF THESE TWO COMPANIES WOULD  
12 PUMP THE PERC INTO YOUR MACHINES, THEN SEAL THE DRUM AND  
13 REMOVE THE DRUM FROM YOUR PROPERTY, IS THAT RIGHT?

14 A. YES.

15 Q. SO IT'S YOUR RECOLLECTION THAT ANYTIME YOU SAW  
16 THESE DRUMS UP UNTIL A CERTAIN PERIOD OF TIME, THAT THEY  
17 DIDN'T REALLY CONTAIN ANY WARNINGS OR LABELS TO INDICATE  
18 THERE WAS ANY SAFETY CONCERN WITH PERC, OR ANY INSTRUCTIONS

19 AS FAR AS ITS DISPOSAL WAS CONCERNED, IS THAT RIGHT?

20 A. YES.

21 Q. NOW, WHEN DID YOU START SEEING WARNINGS ABOUT  
22 HOW YOU, YOU KNOW, THE SAFE WAY TO DISPOSE OF PERC?

23 A. WHEN I GOT THESE PAPERS, THESE TRADE PAPERS.

24 Q. THE TRADE PAPERS?

25 A. YES.

1 Q. SO WHEN YOU SAY YOU GOT THE TRADE PAPERS, THOSE  
2 PAPERS CAME FROM YOUR TRADE ASSOCIATION, IS THAT RIGHT?

3 A. YES, OR - WELL, COMPANIES WOULD PRINT PAPERS.  
4 THE ADVERTISERS WOULD PRINT A WHOLE NEWSPAPER.

5 Q. DID YOU EVER RECEIVE ANY INFORMATION FROM EITHER  
6 OF THE TWO SUPPLIERS, WHO WERE SUPPLYING YOU WITH PERC?

7 A. UH-UH.

8 Q. DID YOU EVER RECEIVE ANY INSTRUCTIONS FROM  
9 EITHER OF THOSE TWO COMPANIES AS TO HOW THE RESIDUE FROM THE  
10 PERC SHOULD BE DISPOSED OF?

11 A. NO, BECAUSE I THOUGHT THAT THEY KNEW THAT WE  
12 WERE ON SAFETY CLEAN.

13 Q. DID YOU HAVE SALESMEN FROM EITHER OF THOSE  
14 COMPANIES CALL ON YOU FROM TIME TO TIME TO SEE WHAT SUPPLIES  
15 YOU NEEDED?

16 A. YES.

17 Q. AND CAN YOU IDENTIFY THE SALESMAN OR SALESMEN  
18 FROM EITHER OF THOSE TWO COMPANIES?

19 A. NO. I HAVEN'T BEEN OUT THERE IN SO LONG.

20 Q. WHILE YOU WERE WORKING THERE, DID THE  
21 SALESPERSON WHO CALLED ON YOU ABOUT YOUR SUPPLIES ALSO  
22 DELIVER THE PERC TO YOUR BUSINESS; WAS IT THE SAME PERSON?

23 A. SAY THAT AGAIN?

24 Q. WAS THE SALESPERSON WHO CALLED ON YOU TO  
25 IDENTIFY WHAT YOUR NEEDS WERE FOR YOUR BUSINESS, FROM THE

1 STANDPOINT OF CLEANING SUPPLIES, THE SAME PERSON WHO  
2 DELIVERED THE PERC TO YOU?

3 A. NO, NEVER. THE SALESMAN WAS DIFFERENT. SOME OF  
4 THE SOLVENT WAS DELIVERED BY A TANK TRUCK THAT THEY HAD. AND  
5 THEY HAD A HOSE, AND WOULD PUMP IT THAT WAY, THE SAME AS IF  
6 THEY WOULD PUMP IT OUT OF A DRUM.

7 Q. WHY DID YOU HAVE, OR WHY DID YOU USE TWO  
8 SUPPLIERS DURING THE SAME PERIOD OF TIME?

9 A. JUST FRIENDS. IF YOU CAME IN THERE, I'D BUY  
10 FROM YOU, IF YOU CAME IN AND ASKED ME.

11 Q. SO . . . .

12 A. I LIKED TO GIVE EVERYBODY A BREAK.

13 Q. SO IS IT MY UNDERSTANDING FROM YOU THAT AFTER  
14 VIRGINIA-CAROLINA WENT OUT OF BUSINESS, YOU'VE USED BOTH OF  
15 THESE TWO SUPPLIERS, PROBABLY STARTING SOMETIME IN 1963?

16 A. YES, SIR.

17 Q. AND THOSE COMPANIES HAVE SUPPLIED YOU WITH PERC  
18 UP UNTIL THE PRESENT TIME?

19 A. YES, SIR.

20 Q. AND IT'S ALSO MY UNDERSTANDING FROM YOUR  
21 TESTIMONY THAT THE PERC WAS EITHER SUPPLIED TO YOU BY TANK  
22 TRUCK OR IN A 55 GALLON DRUM?

23 A. YES.

24 Q. AND THAT THEY PUMPED IT INTO YOUR MACHINES?

25 A. CORRECT.

1 Q. AND BOTH OF THOSE COMPANIES WOULD HAVE DONE  
2 THAT, IS THAT CORRECT?

3 A. YES, SIR.

4 Q. WHEN YOU RECEIVED THE INFORMATION FROM THE TRADE  
5 ASSOCIATION A NUMBER OF YEARS AGO, WHAT DID THEY TELL YOU  
6 ABOUT PROPER DISPOSAL, IF THEY TOLD YOU ANYTHING, REGARDING  
7 RESIDUE FROM PERC?

8 MR. KANE: OBJECT TO THE FORM OF THE QUESTION.

9 A. I DON'T RECALL THEM EVER SAYING ANYTHING ABOUT  
10 DISPOSAL.

11 Q. WHAT DID THEY TELL YOU ABOUT ANY QUALITIES OF  
12 PERC?

13 A. YOU MEAN, AS TO DANGERS OF IT?

14 Q. YES, SIR.

15 A. NOTHING.

16 Q. WAS THERE A TIME THAT YOU BECAME AWARE OF THE  
17 FACT THAT PERC HAD SOME HAZARDOUS QUALITIES?

18 A. YES, BUT I KNEW THAT.

19 Q. OKAY. HOW DID YOU KNOW THAT?

20 A. IF YOU SMELL IT LONG ENOUGH, YOU GET DRUNK.

21 Q. WHEN DID YOU FIND THAT OUT?

22 A. EARLY.

23 Q. WERE THERE ANY OTHER THINGS THAT YOU WERE AWARE  
24 OF ABOUT PERC?

25 A. OH, YES. IF YOU GOT IT ON YOUR SKIN, IT WOULD

1 ROUGHEN THE SKIN; IT WOULD REMOVE ALL THE OIL FROM YOUR SKIN.  
2 SO AFTER YOU'D FINISH WORK, YOU'D WASH YOUR HANDS AND USE  
3 LOTION.

4 Q. WERE THERE ANY OTHER HAZARDS THAT YOU WERE AWARE  
5 OF ABOUT PERC?

6 A. NOT THAT I KNOW OF. IF YOU INGESTED IT, I THINK  
7 IT WOULD DO SOME DAMAGE, BUT I NEVER . . .

8 Q. YOU NEVER TRIED THAT?

9 A. I NEVER TRIED THAT.

10 Q. WHAT INFORMATION DID YOU GET FROM THE TRADE  
11 ASSOCIATION A NUMBER OF YEARS AGO ABOUT PERC; WHAT DO YOU  
12 RECALL?

13 A. NOTHING.

14 Q. WELL, YOU SAID YOU DID GET SOMETHING FROM THE  
15 TRADE ASSOCIATION ABOUT PERC, IS THAT RIGHT; SOME TYPE OF  
16 WARNING, IS THAT CORRECT?

17 A. THAT WAS USUALLY FROM DOW AND DUPONT.

18 Q. OH, YOU GOT WARNINGS FROM DOW AND DUPONT?

19 A. AND NOT EXACTLY WARNINGS, JUST PAPERS.

20 Q. INFORMATION?

21 A. YES.

22 Q. HOW WOULD THAT INFORMATION COME INTO YOUR HANDS?

23 A. THROUGH THE MAIL.

24 Q. HOW LONG WERE YOU ON DOW AND DUPONT'S MAILING  
25 LIST, DO YOU KNOW?

1           A.     PROBABLY SINCE I FIRST STARTED USING THEIR  
2 SOLVENT.

3           Q.     SO CAN WE ASSUME THEN FROM 1958 YOU RECEIVED  
4 MAILINGS FROM BOTH OF THOSE COMPANIES?

5           A.     I DON'T KNOW. I CAN'T RECALL IF IT STARTED  
6 RIGHT THEN AT THE BEGINNING, THE MAILINGS.

7           Q.     AND HOW WERE THOSE MAILINGS ADDRESSED TO YOU,  
8 FROM ANY OF THOSE COMPANIES?

9           A.     A.B.C. ONE HOUR CLEANERS.

10          Q.     AND WHERE WOULD YOU RECEIVE THEM?

11          A.     AT THE CLEANERS.

12          Q.     FOR WHAT REASON WOULD YOU RECEIVE THEM?

13          A.     JUST INFORMATION, I GUESS.

14          Q.     WHAT WAS THAT INFORMATION ABOUT?

15          A.     ABOUT THE SOLVENT, HOW IT WAS MADE, WHERE YOU  
16 SHOULD KEEP IT.

17          Q.     AND YOU DON'T RECALL WHEN YOU STARTED GETTING  
18 THAT INFORMATION, IS THAT CORRECT?

19          A.     NOT EXACTLY.

20          Q.     HAVE YOU RETAINED ANY OF THOSE MAILINGS THAT  
21 THEY SENT YOU?

22          A.     I THINK SO.

23          Q.     WHERE WOULD YOU HAVE THOSE?

24          A.     AT THE CLEANERS, HANGING ON A NAIL.

25          Q.     HANGING ON A NAIL AT THE CLEANERS; DO YOU KNOW

1 HOW LONG THEY'VE BEEN HANGING ON THAT NAIL?

2 A. A LONG TIME.

3 Q. HOW OFTEN WOULD YOU GET THE MAILINGS, OR THE  
4 INFORMATION?

5 A. TWICE, THREE TIMES A YEAR.

6 Q. DO YOU RECALL RECEIVING ANY INFORMATION FROM  
7 EITHER OF THOSE COMPANIES THAT WOULD ADDRESS DISPOSAL OF THE  
8 RESIDUE FROM PERCHLOROETHYLENE?

9 MR. KANE: OBJECT TO FORM.

10 A. I DON'T BELIEVE SO.

11 Q. LET'S TALK ABOUT YOUR EQUIPMENT. I THINK YOU  
12 SAID YOU'VE BASICALLY USED DRY-CLEANING EQUIPMENT IN YOUR  
13 BUSINESS SINCE 1953, IS THAT RIGHT?

14 A. YES.

15 Q. AND OVER TIME, IT'S CHANGED SOMEWHAT BECAUSE OF  
16 REPAIRS AND MAINTENANCE, IS THAT RIGHT?

17 A. (NODDING HEAD, INDICATING A "YES" RESPONSE.)

18 ~~Q. IS ANY OF THE EQUIPMENT THAT YOU BOUGHT WHEN YOU~~  
19 STARTED THE BUSINESS BACK IN THE 1950'S STILL AT YOUR PLACE  
20 OF BUSINESS ON LEJEUNE BOULEVARD AT A.B.C. ONE HOUR CLEANERS?

21 A. IF IT HASN'T BEEN PHYSICALLY MOVED OUT, IT MIGHT  
22 BE SITTING THERE IDLE.

23 Q. HOW MANY DRY-CLEANING MACHINES DO YOU HAVE  
24 THERE?

25 A. ONE.

1 Q. HOW LONG HAS THAT BEEN IN USE?

2 A. I WOULD SAY SIX YEARS.

3 Q. WHAT DID YOU USE BEFORE THAT MACHINE?

4 A. THE ONE THAT IS SITTING IDLE.

5 Q. AND THAT'S STILL LOCATED ON THE PREMISES?

6 A. YES, IF IT HASN'T BEEN REMOVED. I DON'T KNOW IF  
7 IT'S BEEN REMOVED OR NOT.

8 Q. FOR WHAT PERIOD OF TIME DID YOU USE THAT  
9 MACHINE?

10 A. FROM THE TIME WE OPENED UNTIL THE TIME WE QUIT  
11 USING IT.

12 Q. SO DID YOU - WELL, STRIKE THAT. IT'S MY  
13 UNDERSTANDING THEN FROM YOUR TESTIMONY THAT YOU USED THAT  
14 EQUIPMENT, THAT PARTICULAR PIECE OF DRY-CLEANING EQUIPMENT,  
15 FOR ABOUT FORTY YEARS?

16 A. CLOSE TO IT.

17 Q. AND DO YOU KNOW WHO MANUFACTURED THAT EQUIPMENT?

18 A. ~~VIC CLEANING MACHINE COMPANY.~~

19 Q. AND WHERE IS VIC FROM?

20 A. I BELIEVE MINNEAPOLIS.

21 Q. WAS IT YOUR UNDERSTANDING, BASED UPON THE  
22 NUMEROUS YEARS OR NUMBER OF YEARS THAT YOU WERE IN THE  
23 DRY-CLEANING BUSINESS, THAT THERE WAS PERC RESIDUE CONTAINED  
24 IN THIS WHITE POWDER YOU WOULD TAKE OUT OF THE DISTILLER, OR  
25 THE STILL?



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A. YES.

Q. AND DO YOU KNOW HOW MUCH OF THE WHITE POWDER CONSISTED OF PERC VERSUS OTHER INGREDIENTS?

A. WHEN IT CAME OUT OF THE STILL, IT FELT DRY. YOU COULD PICK IT UP LIKE THAT - (INDICATING). YOU WOULDN'T FEEL ANY MOISTURE OR DAMPNES. AND IF YOU LIFTED IT THROUGH YOUR HANDS LIKE THAT - (INDICATING) - IT WOULD DUST UP THIS ROOM; IT WOULD BE DUSTY.

Q. WHAT WAS YOUR UNDERSTANDING OF THE NATURE, OR THE CHEMICAL QUALITIES OF THAT WHITE POWDER?

A. IT WAS, AS I USED TO SAY, ASHES TO ASHES, AND DUST TO DUST. IT WAS DIATOMACEOUS EARTH, WHICH IS GROUND UP SEA LIFE, SEASHELLS, AND ACTIVATED CARBON, WHICH IS MADE FROM COAL, I THINK. SO BOTH OF THEM ARE FROM THE GROUND.

Q. NOW, BEFORE YOU STARTED HAVING SAFETY CLEAN PICK UP BOXES OF THE RESIDUE, WAS IT MY UNDERSTANDING FROM YOUR TESTIMONY THAT YOU WOULD JUST TAKE THIS POWDER OUT AND DUMP IT IN YOUR PARKING LOT TO FILL UP POTHOLES?

A. YES, SIR.

Q. AND FOR HOW LONG DID THAT GO ON?

A. PROBABLY THE FIRST SIX YEARS.

Q. THE FIRST SIX YEARS, SO THAT WOULD HAVE BEEN FROM 1953 TO WHAT, 1959?

A. SOMETHING IN THAT ORDER.

Q. WHAT DID YOU DO WITH IT AFTER THAT?

1           A.   WHENEVER SAFETY CLEAN - IT MIGHT HAVE BEEN UP TO  
2 THE TIME SAFETY CLEAN STARTED.

3           Q.   WHEN . . .

4           A.   WHEN SAFETY CLEAN STARTED THIS SERVICE - WHICH I  
5 CANNOT TELL YOU WHEN WE STARTED TO USE THEIR DISPOSAL  
6 SERVICE - THREE OR FOUR YEARS AFTER WE STARTED TO USE THEIR  
7 DISPOSAL SERVICE IS WHEN WE WOULD THROW - WE WERE REQUIRED TO  
8 USE A DISPOSAL SERVICE. SO WE WERE ALREADY USING A DISPOSAL  
9 SERVICE AT THE TIME THIS CAME UP.

10          Q.   AND WOULD YOU SAY, WHEN THIS CAME UP, WAS  
11 PROBABLY BACK IN 1982 OR 1985?

12          A.   I BELIEVE SO.

13          Q.   AND IS IT MY UNDERSTANDING FROM YOUR TESTIMONY  
14 THAT THE MARINE CORPS NOTIFIED YOU THAT THERE MIGHT BE A  
15 PROBLEM WITH THE WAY YOU WERE DISPOSING OF PERC RESIDUE ON  
16 YOUR PROPERTY?

17          A.   THEY NOTIFIED SOMEBODY. SOMEBODY GOT AHOLD - I  
18 DON'T KNOW IF IT WAS THE NORTH CAROLINA DEPARTMENT OF WATER  
19 THERE, I DON'T KNOW.

20          Q.   AND WAS IT THE NORTH CAROLINA DEPARTMENT OF  
21 WHATEVER THAT CAME TO YOU AND TOLD YOU ABOUT THE PROBLEM?

22          A.   YES, SIR, I THINK SO.

23          Q.   AND DID YOU SPEAK PERSONALLY WITH THEM?

24          A.   I BELIEVE SO.

25          Q.   AND WHAT DID THEY TELL YOU, IF ANYTHING?

1           A.    THEY TOLD US TO ATTEND A HEARING DOWN AT  
2           WRIGHTSVILLE BEACH, AT WHICH TIME THEY SAID THEIR WELLS ON  
3           CAMP LEJEUNE, WHICH THEY THINK ARE POLLUTED BY YOU, AND THAT  
4           THERE IS A PLUME AROUND YOUR AREAS THERE THAT GOES OVER TO  
5           THE WELLS ACROSS THE STREET THERE, OR CLOSE, IN THAT  
6           DIRECTION.

7           Q.    AND WHAT DID YOU SAY, IF ANYTHING, IN REFERENCE  
8           TO WHAT THEY TOLD YOU?

9           A.    "IT SEEMS STRANGE TO ME." ALL I EVER HEARD OF A  
10          PLUME, A PLUME IS A PEN THAT YOU DIP IN INK AND WRITE WITH.  
11          I SAID, "YOU'RE TALKING ABOUT SOMETHING I DON'T EVEN KNOW."

12          Q.    WELL, DID THE STATE AGENCY START, OR INITIATE AN  
13          INVESTIGATION OF WHETHER OR NOT THAT PLUME ORIGINATED FROM  
14          YOUR PREMISES?

15          A.    I THINK THEY DID.

16          Q.    ARE YOU FAMILIAR WITH THAT INVESTIGATION AT ALL?

17          A.    I THINK SO.

18          Q.    DO YOU KNOW WHAT THEIR FINDINGS WERE?

19          A.    THEY FOUND SOME TRACES. THEY HAD A LAW  
20          ENGINEERING TESTING COMPANY THAT CAME UP AND DRILLED THE  
21          WELL.

22          Q.    WHERE DID THEY DRILL THE WELL?

23          A.    OUTSIDE THE EAST SIDE OF THE BUILDING, I  
24          BELIEVE.

25          Q.    ALL RIGHT.

1           A.    THEY BLEW SOME WATER OUT OF THE WELL.  THE MAN  
2 TOLD ME, "WE'RE GOING TO BLOW SOME WATER.  WE'LL LET YOU KNOW  
3 IF THERE IS ANY POLLUTION OF THE WATER."

4                   HE CALLED ME AT MY HOUSE LATER THAT AFTERNOON  
5 AND SAID, "MISTER MELTS, I'M HAPPY TO TELL YOU, THERE IS NO  
6 SIGN OF ANY SOLVENT IN YOUR WATER."

7           Q.    IN YOUR WATER SYSTEM?

8           A.    RIGHT.

9           Q.    NOW . . .

10          A.    NO, IN THE WELL.

11          Q.    OH, IN THE WELL?

12          A.    AND HE SAID, "WE'LL LET YOU KNOW TOMORROW WHEN  
13 WE PUMP IT OUT."

14                   AND THE NEXT DAY, HE PUMPED IT OUT AND SAID,  
15 "MISTER MELTS, YOU KNOW SOLVENT IS VERY VOLATILE AND WE BLEW  
16 IT OUT WITH AIR THE FIRST DAY AND FOUND NOTHING.  NOW WE'RE  
17 PUMPING IT OUT WITHOUT USING AIR, WE DO FIND A TRACE."

18          Q.    SO DID YOU HAVE A WELL ON YOUR PREMISES?

19          A.    THEY PUT THE WELL THERE.

20          Q.    THEY PUT THE WELL THERE?

21          A.    THE STATE PUT THE WELL THERE.

22          Q.    HOW DID YOU GET YOUR WATER SUPPLY DURING THE  
23 TIME THAT YOU WERE IN BUSINESS?

24          A.    WE HAD A WELL, OUR OWN WELL.

25          Q.    YOU HAD YOUR OWN WELL?

1 A. YES.

2 Q. WHERE WAS THAT LOCATED?

3 A. ON THE NEXT DOOR NEIGHBOR'S PROPERTY.

4 Q. IS THAT ON THE RIGHT OR LEFT OF YOUR BUILDING?

5 A. FACING LEJEUNE BOULEVARD, IT'S ON THE LEFT,

6 MAJOR'S FURNITURE STORE.

7 Q. AND IS THAT STORE STILL IN BUSINESS TODAY?

8 A. YES, BUT THAT WELL'S BEEN CLOSED OVER; WE'RE ON

9 CITY WATER.

10 Q. WHEN WAS THE WELL CLOSED OVER?

11 A. PROBABLY TWENTY YEARS AGO. 2/1980

12 Q. LET ME HAVE YOU LOOK AT THIS EXHIBIT THAT WAS

13 IDENTIFIED AS EXHIBIT NUMBER [1] FOR YOUR DEPOSITION. AND OF

14 COURSE, IT SHOWS YOUR BUSINESS LOCATION, IS THAT CORRECT?

15 A. YES.

16 Q. AND THEN DOWN THE STREET THERE'S GLAM-O-RAMA

17 DRY-CLEANERS. HOW LONG HAS GLAM-O-RAMA BEEN AT THAT

18 LOCATION?

19 A. YOU MEAN NOW, HOW LONG HAS IT BEEN THERE NOW?

20 Q. YES, SIR?

21 A. PROBABLY THIRTY YEARS.

22 Q. DO YOU KNOW THE FOLKS THAT OWN GLAMARAMA?

23 A. YES.

24 Q. AND WHO ARE THEY?

25 A. THE JOHNSON FAMILY.

1 Q. AND AFTER THE MARINE CORPS CAME TO YOU AND TOLD  
2 YOU ABOUT THIS POTENTIAL PROBLEM, DID YOU EVER SPEAK TO THEM  
3 ABOUT HOW THEY DISPOSED OF THEIR PERC RESIDUE?

4 MR. KANE: OBJECT TO FORM.

5 A. I SPOKE TO THE STATE.

6 Q. YOU SPOKE TO THE STATE; YOU NEVER SPOKE TO THE  
7 JOHNSON FAMILY?

8 A. NO.

9 Q. ARE YOU PERSONAL FRIENDS OF THEIRS?

10 A. NO, I DON'T KNOW THEM. I KNOW THEM JUST WELL  
11 ENOUGH TO SPEAK TO THEM.

12 Q. AND WHAT, IF ANYTHING, DID YOU SAY TO THE STATE?

13 A. I SAID, "I BELIEVE THEY'RE JUST AS GUILTY AS I  
14 AM, BECAUSE THEY'RE CLOSER TO THE WELL THAT'S BEING  
15 POLLUTED."

16 Q. AND DID THE STATE TELL YOU WHETHER OR NOT THEY  
17 WERE GOING TO INVESTIGATION GLAM-O-RAMA?

18 A. THEY REALLY DID NOT. THEY SAID THAT THEY DUG  
19 JUST AT THE SURFACE LEVEL AND THEY WERE NOT POLLUTING, AS  
20 NEAR AS THEY COULD TELL. AND I SAID, "WELL, THEY WOULDN'T BE  
21 POLLUTING UP AT THE TOP; THEY'D BE POLLUTING DOWN BELOW."

22 Q. DO YOU KNOW IF THE STATE EVER DUG A WELL NEXT TO  
23 THEIR BUILDING?

24 A. NO. THEY TOLD ME IF I WANTED TO DO THAT MYSELF,  
25 I COULD AT MY EXPENSE.

1 Q. DID YOU EVER TALK TO ANYBODY AT GLAM-O-RAMA  
2 ABOUT HOW THEY DISPOSED OF THEIR PERC RESIDUE?

3 MR. KANE: OBJECT TO FORM.

4 A. NO.

5 Q. WERE THERE ANY OTHER BUSINESSES, THAT IS,  
6 DRY CLEANERS, OTHER THAN GLAM-O-RAMA, NEAR YOU?

7 A. NO.

8 Q. WERE THERE ANY BUSINESSES SUCH AS AUTOMOBILE  
9 GARAGES, CAR GARAGES, OR GAS STATIONS NEAR YOUR BUSINESS?

10 A. UP AND DOWN THE LINE.

11 Q. UP AND DOWN THE LINE?

12 A. IF YOU'VE NEVER BEEN DOWN LEJEUNE BOULEVARD, YOU  
13 OUGHT TO GO NOW AND SEE IT.

14 Q. WHAT BUSINESSES EXISTED BACK IN THE 70'S AND  
15 80'S NEXT TO YOUR BUSINESS ON EITHER SIDE OF YOUR BUILDING?

16 A. BESIDE MY BUILDING WAS A CAFETERIA ON ONE SIDE  
17 AND THE FURNITURE STORE ON THE OTHER SIDE.

18 Q. LET'S GO BACK TO SAFETY CLEAN. ACCORDING TO  
19 YOUR TESTIMONY, THEY WERE PICKING UP YOUR SOLID WASTE FROM  
20 YOUR BUSINESS?

21 A. YES, SIR.

22 Q. AND THAT WAS INITIATED AT SOME POINT IN TIME,  
23 BUT YOU DON'T RECALL WHEN, IS THAT CORRECT?

24 A. RIGHT.

25 Q. AND THAT SOME TWO OR THREE YEARS AFTER YOU HIRED

1 THEM, YOU WERE TOLD THAT YOU HAD TO USE SOMEONE FOR WASTE  
2 DISPOSAL, IS THAT CORRECT?

3 A. YES.

4 Q. OTHER THAN PICKING UP THE PERC RESIDUE, IS THERE  
5 ANYTHING THAT THEY PICK UP FOR YOU?

6 MR. KANE: OBJECT TO FORM.

7 A. NO.

8 Q. DO YOU KNOW WHAT THEY DO WITH IT?

9 A. THROUGH HEARSAY, I KNOW THEY TAKE IT OUT AND  
10 INCINERATE IT.

11 Q. ARE YOU PAYING THEM TO DISPOSE OF THE PERC  
12 RESIDUE FOR YOU?

13 MR. KANE: OBJECT TO FORM.

14 A. OF COURSE. WHEN WE FIRST HIRED THEM, WE WERE  
15 TOLD IT WOULD COST US \$150.00 A YEAR; NOW, IT COSTS \$3,000 A  
16 YEAR.

17 Q. WHY DID YOU HIRE THEM TO BEGIN WITH?

18 A. BECAUSE THEY OFFERED THE SERVICE. IT'S A LOT  
19 EASIER TO DO THAT THAN TO HANDLE IT OURSELVES.

20 Q. I GUESS YOU LEARNED, CERTAINLY FROM THE MARINE  
21 CORPS OR FROM THE STATE AGENCY, THAT THERE WAS AN ISSUE ABOUT  
22 WHETHER OR NOT CONTAMINANTS WERE LEECHING FROM YOUR PROPERTY  
23 INTO THE WATER SYSTEM AT TARAWA TERRACE AND KNOX TRAILER  
24 PARK, IS THAT CORRECT?

25 A. SAY AGAIN?



1 Q. AT SOME POINT IN TIME, YOU FOUND OUT THERE WAS  
2 AN ISSUE ABOUT YOUR BUSINESS LEECHING CHEMICALS INTO THE  
3 WATER SYSTEM AT CAMP LEJEUNE, IS THAT RIGHT?

4 A. YES.

5 Q. AND DID ANYONE EVER COME BACK AND TELL YOU THAT  
6 THEY FOUND EVIDENCE OF P.C.E. IN WELLS AT EITHER TARAWA  
7 TERRACE OR KNOX TRAILER PARK ON CAMP LEJEUNE?

8 A. SPECIFICALLY, I DON'T RECALL THEM MENTIONING  
9 KNOX TRAILER PARK.

10 Q. OKAY. HOW ABOUT TARAWA TERRACE?

11 A. I BELIEVE SO.

12 Q. DID YOU FORM ANY CONCLUSIONS OR OPINIONS ABOUT  
13 HOW ANY CONTAMINATION FROM YOUR DRY CLEANER FOUND ITS WAY  
14 OVER TO . . .

15 MR. KANE: OBJECT TO FORM.

16 Q. . . . TARAWA TERRACE?

17 A. I ALWAYS FELT THAT IT DID NOT.

18 Q. HAS THAT BEEN YOUR POSITION, THAT IT NEVER DID,  
19 OR IT DID NOT?

20 A. IT ALWAYS HAS BEEN MY POSITION.

21 Q. WHY HAS THAT BEEN YOUR POSITION?

22 A. I FEEL LIKE THE WATER TABLE IS DOWN BELOW THE  
23 RIVER COULD COME OVER MY WAY AS WELL AS IT COULD THAT WAY.

24 Q. YOU HAD MENTIONED SOME WEYERHAEUSER, OR A  
25 WEYERHAEUSER SEWAGE SYSTEM THAT WAS LOCATED ACROSS THE ROAD

1 FROM A.B.C. ONE HOUR CLEANERS, IS THAT CORRECT?

2 A. IN THE REAR, YES.

3 Q. OH, IN THE REAR?

4 A. WEYERHAEUSER PROPERTIES.

5 Q. SO . . .

6 A. DO YOU KNOW WHO THEY ARE, WEYERHAEUSER  
7 PROPERTIES?

8 Q. YES, SIR.

9 A. WOOD PEOPLE?

10 Q. YES, SIR, I KNOW WHO THEY ARE.

11 SO THEY OWN PROPERTY BEHIND YOUR BUILDING, IS  
12 THAT RIGHT?

13 A. ON DOWN THE ROAD, LEJEUNE BOULEVARD.

14 Q. OKAY. HERE'S LEJEUNE BOULEVARD AND THERE'S YOUR  
15 BUSINESS. SO WHERE WOULD THEIR PROPERTY BE?

16 A. ALL BACK IN HERE - (INDICATING).

17 Q. DID YOU HAVE AN AGREEMENT WITH THEM TO USE THEIR  
18 SEWER SYSTEM?

19 A. NO, I DON'T THINK SO. I RECKON IT JUST WENT  
20 THAT WAY. MAYBE SO, I DON'T HAVE ANY IDEA.

21 Q. LET ME GO BACK TO SOMETHING ELSE, MISTER MELTS.  
22 I THINK I'M JUST ABOUT FINISHED, BUT WHEN THE  
23 PERCHLOROETHYLENE WAS DELIVERED IN A TANKER TRUCK, DID THE  
24 TANKER TRUCK HAVE A NAME ON THE SIDE OF IT?

25 A. ONE DID NOT, DID NOT HAVE THE NAME OF THE

1 COMPANY, DID NOT HAVE THE CONTENTS AND DID NOT HAVE THE RED  
2 DIAMOND.

3 Q. WHY DO YOU RECALL THAT?

4 A. BECAUSE I USED TO WONDER WHY. BECAUSE WE WERE  
5 ALREADY BEING CHARGED WITH THIS MESS AND I WONDERED WHY THIS  
6 GUY COULD DELIVER IT AND NOT EVEN HAVE HIS NAME ON THE TRUCK.

7 Q. SO WOULD THIS HAVE BEEN AFTER 1982 OR 1985 WHEN  
8 YOU FOUND OUT ABOUT THE PLUME?

9 A. I THINK IT PROBABLY WAS; YES.

10 Q. AND DO YOU KNOW WHAT COMPANY SENT THAT TRUCK TO  
11 YOUR PREMISES TO DELIVER PERC?

12 A. YES, BUT I WOULD HATE TO SAY SO. I WOULDN'T  
13 WANT TO TELL IT.

14 Q. YOU WOULDN'T WANT TO TELL US; WHY WOULDN'T YOU  
15 WANT TO TELL US?

16 A. I DON'T LIKE TO - WHY MAKE TROUBLE FOR SOMEBODY.

17 Q. WELL . . .

18 MR. KANE: COULD WE TAKE A SHORT RECESS?

19 MR. DUFFUS: SURE.

20 MR. KANE: I'LL JUST TALK TO HIM.

21 (A BRIEF RECESS WAS TAKEN.)

22 EXAMINATION BY MISTER DUFFUS CONTINUES:

23 Q. I HAD ASKED YOU WHETHER OR NOT YOU COULD  
24 IDENTIFY THE PEOPLE THAT DELIVERED THE PERC TO YOUR BUSINESS  
25 IN AN UNMARKED TRUCK, AND YOU HAD SOME DIFFICULTY WITH THAT?

1           A.    THE NAME OF THE COMPANY WAS FULLER SUPPLY.  THE  
2 DRIVER TOLD ME THAT HE HAD A DELIVERY TO MAKE IN SOUTH  
3 CAROLINA.  SO A HIGHWAY PATROLMAN PULLED HIM OVER BESIDE THE  
4 ROAD.  HE WAS JUST CHECKING LICENSES, DRIVERS LICENSES.  HE  
5 SAID, "WHAT YOU CARRYING IN THERE?"  THE MAN SAYS,  
6 "PERCHLOROETHYLENE."  HE SAID, "WHAT'S THAT?"  HE SAYS, "HOW  
7 DO YOU SPELL IT?"  HE SAYS, "I DON'T KNOW.  I DON'T EVEN KNOW  
8 WHAT IT IS."

9           SO THEY DOUBLE-CHECKED; HE CALLED IN AND FOUND  
10 OUT WHAT IT WAS.  HE SAYS, "SIR, YOU'RE GOING TO HAVE TO GO  
11 BACK TO NORTH CAROLINA, GET A TAG IDENTIFYING WHAT YOU'RE  
12 CARRYING BEFORE YOU CAN BRING IT TO SOUTH CAROLINA AND  
13 DELIVER IT."

14           Q.   DO YOU KNOW WHEN THAT OCCURRED, WHEN YOU  
15 DISCOVERED THAT?

16           A.   PROBABLY TWENTY-FIVE YEARS.

17           Q.   SO GOING BACK TO THE UNMARKED TRUCK COMING TO  
18 YOUR BUSINESS FROM FULLER SUPPLY, THAT WENT ON EVEN AFTER  
19 1985, IS THAT CORRECT?

20           MR. KANE:  OBJECT TO FORM.

21           A.   THEY PROBABLY PUT THE NAME ON IT BY THEN.

22           Q.   NOW, TELL ME, AND THIS IS SOMETHING WE DIDN'T  
23 ASK YOU, WHAT YEARS DID YOU ACTUALLY WORK AT A.B.C. ONE HOUR  
24 CLEANERS?

25           A.   FROM 1954 TO '56, '57.  MY BROTHER WORKED IT

1 MAINLY WHILE I MOVED DOWN TO NEW BRIDGE STREET. THEN I HAD A  
2 PLACE OUT AT CAMP GEIGER ON HIGHWAY 17 SOUTH.

3 Q. SO WHEN YOU SAY YOU HAD A PLACE, WAS THAT A  
4 CLEANING BUSINESS OUT THERE?

5 A. YES.

6 Q. DID YOU OPERATE THAT?

7 A. YES.

8 Q. WAS THAT ALSO KNOWN AS A.B.C. ONE HOUR CLEANERS?

9 A. YES.

10 Q. DID YOU USE PERCHLOROETHYLENE IN THAT BUSINESS?

11 A. YES.

12 Q. AND DID YOU DISPOSE OF IT IN THE SAME WAY THAT  
13 YOU DISPOSED OF IT IN . . .

14 A. EVERYTHING THE SAME.

15 Q. UP UNTIL SAFETY CLEAN CAME AND PICKED IT UP?

16 A. YES.

17 Q. NOW, HOW LONG DID YOU OPERATE THE BUSINESS OUT  
18 BY CAMP GEIGER?

19 A. WHEN THE TRUCKS WERE - SEE, WE OPERATED TRUCKS  
20 ABOARD THE BASE. THE GOVERNMENT GAVE DIFFERENT COMPANIES  
21 PERMISSION TO OPERATE TRUCKS, PICK UP CLOTHES FOR THE  
22 MARINES, BRING THEM OUT AND CLEAN THEM AND RETURN THEM.

23 AT SOME DATE, AND I'M NOT SURE OF THE YEAR, ALL  
24 OF THE BUSINESS WAS GIVEN TO TOMMY JOHNSON AT SOUTHERN  
25 CLEANERS, AND ALL THE OTHER CLEANERS WERE TOLD THEY HAD TO

1 LEAVE THE BASE.

2 Q. DO YOU KNOW WHEN THAT OCCURRED?

3 A. MY WIFE SAYS SHE THINKS '73; I'M NOT SURE.

4 Q. NOW, WAS YOUR PLACE OF BUSINESS, THAT IS THE  
5 OTHER DRY CLEANER, ACTUALLY SITUATED ON CAMP GEIGER?

6 A. NO. ACROSS THE HIGHWAY.

7 Q. ACROSS THE HIGHWAY?

8 A. YES. BUT ONCE YOU CLOSE AND DON'T DO BUSINESS  
9 ON THE BASE, THERE'S NO BUSINESS SITTING ON THE HIGHWAY OUT  
10 THERE.

11 Q. SO AT THAT TIME, DID YOU CLOSE THE DRY-CLEANING  
12 BUSINESS ACROSS FROM CAMP GEIGER?

13 A. YES, SIR.

14 Q. AND DID YOU COME OVER HERE AND WORK WITH YOUR  
15 BROTHER AT A.B.C. ONE HOUR?

16 A. YES.

17 Q. BUT YOU DON'T RECALL WHEN THAT OCCURRED?

18 A. AGAIN, I'M NOT SURE.

19 MR. KANE: WE'VE BEEN REAL GOOD ABOUT LETTING  
20 MULTIPLE LAWYERS ASK QUESTIONS, BUT WE'RE GETTING REAL CLOSE  
21 TO THE TWO HOURS WE TALKED ABOUT. I'M A LITTLE CONCERNED  
22 THAT HE'S GOING TO RUN OUT OF OXYGEN.

23 MR. DUFFUS: SURE. I'M JUST ABOUT FINISHED.

24 MR. HOPF: LET ME ASK YOU, I COULD EITHER GIVE A  
25 FEW FOLLOW-UPS TO DAVID OR . . .

1 MR. DUFFUS: I'M FINISHED.

2 MR. HOPF: . . . I CAN ASK HIM TO TRY TO JUST  
3 TRY TO SPEED THINGS UP?

4 MR. KANE: WHY DON'T YOU GO AHEAD.

5 ON REEXAMINATION CONDUCTED BY JAMES F. HOPF,  
6 ESQUIRE:

7 Q. MISTER MELTS, REAL QUICK. YOU REFERENCED A NAIL  
8 ON THE WALL WHERE SOME OF THE NOTICES ARE AT THE STORE; WHERE  
9 IS THAT PHYSICALLY LOCATED IN THE STORE?

10 A. IN THE OFFICE. IF YOU WALK IN AND SIT DOWN AT  
11 THE DESK, THERE ARE SHELVES HERE, HERE AND HERE -  
12 (INDICATING) - WITH INSTRUCTION BOOKS, PARTS. THEN THERE'S  
13 ANOTHER SHELF RIGHT ABOVE IT AND ANOTHER SHELF ABOVE IT, AND  
14 STRAIGHT AHEAD ON THE SHELF THAT - ONE, TWO, THREE - THE  
15 THIRD SHELF UP, THERE'S A NAIL. THE INSTRUCTION BOOK FOR MY  
16 ICE MAKER SITS THERE AND MY BOOKLET FROM THE PERC PEOPLE SITS  
17 THERE.

18 Q. YOU MENTIONED A WATER SEPARATOR THAT WAS USED  
19 WITH THE PERCHLOROETHYLENE AFTER IT HAD BEEN USED IN THE  
20 CLEANING PROCESS?

21 A. YES.

22 Q. AND THAT SEPARATED OUT RECLAIMED PERC FROM  
23 WASTEWATER?

24 A. YES.

25 Q. CORRECT?

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A. UH-HUH.

Q. WHERE DID THAT WASTEWATER GO?

A. WASTEWATER WENT OUT INTO THE DITCH. NOWADAYS, YOU DON'T DO IT. NOWADAYS YOU MUST BOIL IT AWAY.

Q. AT ANY TIME DURING THE OPERATION OF THE STORE, DID THAT WASTEWATER FROM THE WATER SEPARATOR GO INTO A SEPTIC SYSTEM OF SOME TYPE?

A. IT COULD POSSIBLY HAVE.

Q. DO YOU KNOW IF IN THAT WASTEWATER FROM THE WATER SEPARATOR IF THERE WERE RESIDUAL AMOUNTS OF PERCHLOROETHYLENE?

A. IT'S VERY POSSIBLE.

Q. AND THOSE WOULD HAVE BEEN DISPOSED WITH THAT WASTEWATER?

A. IT'S VERY POSSIBLE.

Q. SO IF TESTING HAS SHOWN THAT THERE IS PERCHLOROETHYLENE IN THE SEPTIC TANK WATER AND SLUDGE ON YOUR PROPERTY, WOULD YOU SUSPECT OR WOULD YOU HAVE ANY REASON TO KNOW IF THAT CAME FROM THE WASTEWATER PRODUCED BY THE WATER SEPARATOR?

A. I THINK IT PROBABLY WOULD.

Q. AND THAT WOULD END UP IN THAT SEPTIC TANK?

A. YES.

Q. ON EXHIBIT NUMBER [1], THERE IS A REFERENCE, AND I THINK YOU NOTED IT EARLIER, TO A SEPTIC TANK SOIL



1 ABSORPTION SYSTEM?

2 A. YES.

3 Q. DO YOU KNOW WHAT THAT REFERS TO?

4 A. I GUESS A SEPTIC TANK; THAT'S WHAT IT SAYS. BUT  
5 WHEN YOU SAY, "SOIL ABSORPTION SYSTEM," I'VE NEVER HEARD A  
6 SEPTIC TANK CALLED A SOIL ABSORPTION SYSTEM.

7 Q. SO OTHER THAN PERHAPS JUST A SEPTIC TANK OR A  
8 SEPTIC TANK SYSTEM, YOU DON'T KNOW SPECIFICALLY WHAT THAT  
9 REFERS TO ON EXHIBIT [1]?

10 A. RIGHT.

11 MR. HOPF: THAT'S ALL I HAVE.

12 MR. DUFFUS: I DON'T HAVE ANYTHING ELSE FOR HIM.

13 MR. KANE: I JUST HAVE A COUPLE AND IT WON'T  
14 TAKE BUT A MOMENT. I WOULD JUST LIKE TO MAKE ONE THING  
15 CLEAR.

16 ON EXAMINATION CONDUCTED BY TERRY RICHARD KANE,  
17 ESQUIRE:

18 Q. MISTER MELTS, DURING THE TIME THAT YOU WERE  
19 WORKING AT THE STORE OPERATED AS A.B.C. ONE HOUR CLEANERS,  
20 INCORPORATED, DID YOU EVER POUR ANY PERCHLOROETHYLENE OUT ON  
21 THE GROUND?

22 A. I WOULD HAVE BEEN A FOOL TO DO SO.

23 Q. WHY WOULD THAT BE, SIR?

24 A. BECAUSE OF THE COST. BACK THEN, IT WAS \$3.00 A  
25 GALLON, AND ANYBODY WHO WOULD TAKE \$3.00 AND THROW IT DOWN A

1 DRAIN OR A SEWER HAS GOT TO BE NUTS. NOWADAYS, IT'S LIKE  
2 \$15.00 PER GALLON, \$7.00 - \$7.95, I THINK THE STATE HAS A  
3 CLEANUP TAX AND SOMETHING, WHATEVER, AND IT'S REALLY ROUGH.

4 Q. I'VE GOT JUST A COUPLE MORE QUESTIONS. DO YOU  
5 KNOW WHAT SOMETHING CALLED JP-5 IS, MISTER MELTS?

6 A. I'VE NEVER HEARD OF IT, UNLESS IT'S JACKSONVILLE  
7 POLICE.

8 Q. NO. IF I WAS TO REPRESENT TO YOU THAT'S IT'S A  
9 FUEL USED IN MILITARY AIRPLANES AND HELICOPTERS - AND I WOULD  
10 ASK YOU THIS, YOU NEVER USED JP-5 IN YOUR PROCESSES AT A.B.C.  
11 ONE HOUR CLEANERS, INCORPORATED, DID YOU?

12 A. NO.

13 Q. SO IF JP-5 WERE FOUND IN SOME OF THE WELLS IN  
14 THE MATTER, THEY WOULD NOT HAVE COME FROM . . .

15 A. THEY COULD NOT POSSIBLY HAVE COME FROM THERE.

16 MR. KANE: THAT'S IT FOR ME.

17 MR. DUFFUS: WE DON'T HAVE ANY FURTHER  
18 QUESTIONS. THANK YOU.

19 MR. HOPF: THANK YOU.

20 \* \* \* \* \*

21 END OF DEPOSITION

22  
23  
24  
25

STATE OF NORTH CAROLINA  
COUNTY OF ONSLOW

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO: 01-CVS-566

IN RE: ANNIE JOHNSON,  
HOLLY DENISE WEISS AND  
JEROME M. ENSMINGER

) D-E-P-O-S-I-T-I-O-N  
) OF  
) VICTOR JOHN MELTS

\* \* \* \* \*

I, VICTOR MELTS, HEREBY CERTIFY THAT I WAS FIRST DULY  
SWORN PRIOR TO THE COMMENCEMENT OF MY DEPOSITION, WHICH WAS  
GIVEN BEFORE DEBORAH BISHOP, ON APRIL 12, 2001, IN  
JACKSONVILLE, NORTH CAROLINA; REVIEW, EXAMINATION AND SIGNING  
OF THE DEPOSITION WAS NOT WAIVED. THE FOREGOING CONSTITUTES  
A TRUE AND ACCURATE TRANSCRIPT OF SAID DEPOSITION;

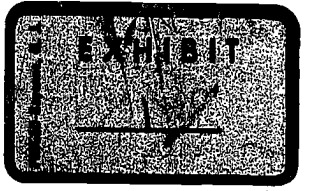
(A) AND NO CHANGES ARE NECESSARY.

(B) HOWEVER, I DESIRE THAT CHANGES ATTACHED HERETO,  
DESCRIBED ON THE "ERRATA SHEET TO DEPOSITION OF VICTOR  
MELTS," BE INCORPORATED INTO SAID DEPOSITION.

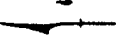
WITNESS, MY HAND AND SEAL, ON THIS, THE \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2001.

\_\_\_\_\_  
(SEAL)

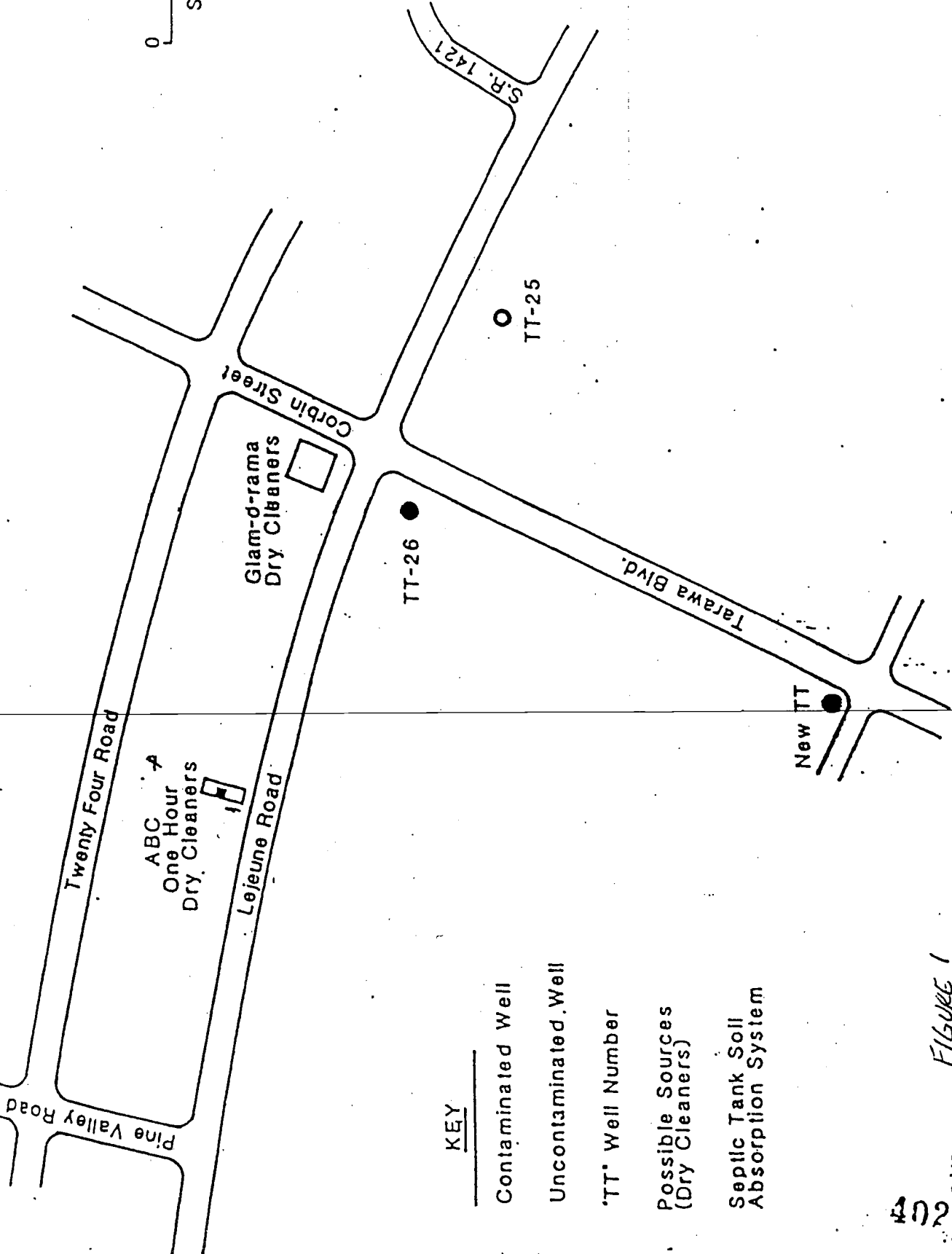
VICTOR MELTS



NORTH



0 200' 400'  
SCALE



KEY

- Contaminated Well
- Uncontaminated Well
- 'TT' Well Number
- Possible Sources (Dry Cleaners)
- Septic Tank Soil Absorption System

FIGURE 1

Map That Shows Location Of Possible Sources To Contaminated Wells.

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