

(Recd)

IN THE COURT OF COMMON PLEAS
OF THE COUNTY OF CHESTER, PENNSYLVANIA

RICHARD BARDSLEY, et al.	:	
	:	
Plaintiff:	:	
	:	
vs.	:	No. 84-12087
	:	
JOSEPH BLOSENSKI, JR,	:	
et al.,	:	
	:	
Defendant.	:	

The deposition of Joseph Blosenski, Jr., called by the Plaintiff herein, taken before Karen M. Streams, Official Court Reporter Court of Common Pleas, Chester County, Pennsylvania, at the Courthouse Annex, 17 N. Church Street, West Chester, PA 19380, on October 27, 1987, commencing at 10:15 o'clock a.m.

APPEARANCES:

Lorraine Zwolak, Esquire,
Counsel for Plaintiff Bardsley;

Anne E. Perrige, Esquire,
Counsel for the
Department of Environmental Resources;
(Not Appearing)

James A. Cunningham, Esquire,
Counsel for Defendant Joseph Blosenski, Jr.;

Gary Wyncoop, Esquire,
Counsel for Defendant Joseph Blosenski, Jr.;

James Gerlach, Esquire,
Counsel for Defendant Ida Blosenski;

ORIGINAL
(Red)

Jennifer Berke, Esquire,
Counsel for Defendant Budd Company;

Michael Dillon, Esquire,
Counsel for Defendant ICI Americas, Inc.;

Ilene Lipow, Esquire,
Counsel for Defendant LNP Corporation;

Geoffrey Beauchamp, Esquire,
Counsel for Defendants Phillips;

Abbi Cohen, Esquire,
Counsel for Defendant Sartomer Company;

Mark N. Cohen, Esquire,
Counsel for Defendant A. Johnson Company;

Joel Schneider, Esquire,
Counsel for Defendant Inland Pumping;

Stephen Palmer, Esquire,
Counsel for Additional Defendants Hartmetz

Stephen Laqoy, Esquire,
Counsel for Additional Defendants Hartmetz;
(Not Appearing)

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(Rec)

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JOSEPH BLOSENSKI, JR.,

having first been duly sworn,
was examined and testified as follows:

MS. ZWOLAK: Mr. Blosenski, my name is Lorraine Zwolak, and I'm here on behalf of the Bardsleys, who are plaintiffs in this action. Have you ever had your deposition taken before?

MR. COHEN: Excuse me. Can we go around the room, and everyone can identify themselves so we know who is present?

MS. ZWOLAK: Usual stipulations?

MR. WYNCOOP: Usual stipulations, except I would like Joe to read and sign the deposition.

MR. GERLACH: Why don't you introduce yourself?

MR. WYNCOOP: I'm Gary Wynkoop from Blank, Romo, Cominsky & McCauley. I'm representing Joe.

MR. CUNNINGHAM: James Cunningham, representing Joseph Blosenski.

MR. GERLACH: Jim Gerlach from Lamb, Windle & McErlane, representing Ida Blosenski.

MS. COHEN: Abbi Cohen from Montgomery, McCracken, Walker & Rhoads, representing Sartomer

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Industries.

MR. PALMER: Stephen Palmer from Gibbons, Buckley, Smith, Palmer & Proud, representing Harnetz as defendants.

MR. BEAUCHAMP: Geoffrey Beauchamp from Wisler, Pearlstine, Talone, Craig & Garrity, representing Mr. and Mrs. Perry Phillips.

MS. BEPPE: Jennifer Berke from Kelly, Harrington, McLaughlin & Foster, representing the Budd Company.

MS. LIPOW: Ilene Lipow from Rubin & Rubin, representing LNP Corporation.

MR. SCHNEIDER: Joel Schneider, representing Inland Pumping.

MR. COHEN: Mark Cohen from Margolis, Edelstein, Scherlis, Sarowitz and Kraemer, representing A. Johnson & Company.

MR. DILLON: Michael Dillon from Morgan, Lewis & Bockius, representing ICT America's, Inc.

MR. CUNNINGHAM: Do we have the stipulation on the record?

MR. DILLON: Before we proceed, I think you still wanted to come back to the reservations.

MS. COHEN: Can you make the reservation?

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ORIGINAL
(Red)

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MR. DILLION: Because we have been unable to get an agreement to a stipulation on the confidential customer list that has been prepared by Mr. Blosenski and his counsel, we are in a position today where we are not able to question him with regards to that list. And if we are not able to question him with regards to that list, we would have to reserve the right to bring Mr. Blosenski back and complete his deposition when some kind of confidentiality stipulation or Court Order is entered.

MR. WYNKOOP: The reservation is noted. We do not agree to it.

MR. CUNNINGHAM: That's good.

EXAMINATION

BY MS. ZWOLAR:

Q Mr. Blosenski, are you taking any medications today which would in any way hamper your ability to take this deposition?

A No.

Q Also you understand, at a deposition, all of your answers must be oral so that the court reporter can take down your response, and a nod of the head or

ORIGINAL
(Red)

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1 gesture cannot be interpreted by her.

2 We are going to be asking you some questions
3 today. If you need to stop to ask your counsel, that
4 is fine, you can do that. If you don't understand any
5 question, please stop and ask me for clarification.
6 If you answer any of my questions, or any of the other
7 counselors' questions, I will assume you understood
8 the question. Is that clear?

9 A That's clear.

10 Q Could you, please, state your name for the record?

11 A Joseph M. Blossenski, Jr.

12 Q And your current address?

13 A It's Lippitt Road, Honey Brook, RD 1.

14 Q And your age?

15 A 43.

16 Q And your Social Security number?

17 A I don't know.

18 Q Okay. Were you ever in the Army, Mr. Blossenski?

19 A No.

20 Q Okay. Did you go to high school?

21 A One year.

22 Q One year?

23 A Uh-huh.

24 Q Let's talk a little about your employment, to use that

204450

Unrecorded
(Ked)

1 term. How are you currently employed?
2 A I'm employed by a trash company as a manager.
3 Q Manager. What trash company is that?
4 A Eastern Waste Industries.
5 Q Eastern Waste?
6 A Yes.
7 Q okay. How long have you been there?
8 A Nine months.
9 Q And what kind of duties do you have in that job?
10 A I oversee everybody else in the trash business -- in
11 the trash company.
12 Q And where were you before that?
13 A I used to run my own company.
14 Q And what company was that?
15 A Blosenski Disposal.
16 Q And you were owner of that?
17 A Yes, uh-huh.
18 Q And how long were you owner of Blosenski Disposal?
19 A About 25 years.
20 Q Did you ever have any other position with the company?
21 A With what company?
22 Q Other than owner, Blosenski Disposal?
23 A No.
24 Q Were you sole owner?

ORIGINAL
(Red)

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- 1 A Yes.
- 2 Q And what did Blosenski Disposal do?
- 3 A Collected trash.
- 4 Q How many employees did you have with Blosenski
- 5 Disposal, and if it changed over the years, maybe you
- 6 can characterize that.
- 7 A I started out with one, two, employees. I guess when
- 8 I sold out, Blosenski Disposal had twenty.
- 9 Q And did Blosenski Disposal have its own trash trucks?
- 10 A Yes.
- 11 Q How many trucks did it have when you sold it?
- 12 A Blosenski Disposal had eight.
- 13 Q Do you know how many trash trucks it had in the period
- 14 from 1975 to 1980?
- 15 A I would say between two and seven.
- 16 Q And how about from 1970 to 1975?
- 17 A About the same.
- 18 Q And did Blosenski Disposal own those trash trucks?
- 19 A Leased them.
- 20 Q When I say trash trucks, if I am using the correct
- 21 term, is it the kind of trash truck that I see with a
- 22 scoop in the back or a tanker?
- 23 A No. It's a rear-load trash truck.
- 24 Q Did you have any other kind of vehicles in the

204452

ORIGINAL
(Red)

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1 company?

2 A No -- not on the disposal, no.

3 Q And when did you sell the company?

4 A January 31, 1987.

5 Q And who did you sell it to?

6 A Eastern Waste Industries.

7 Q Do you know who the owner of Eastern Waste Industries

8 is?

9 A I know one of the owners is a Mr. Jack Speaks.

10 Q Did Eastern Waste Industries also in any way take over

11 the leases of your trucks?

12 A No. They paid everything off. They bought the trucks

13 outright.

14 Q All right. Eastern Waste Industries have any sort of

15 president or managing partner?

16 A Well --

17 Q Other than --

18 A Mr. Speaks is the president.

19 Q Okay.

20 A And I don't know how it goes down the line.

21 Q Okay. And do you know how long Eastern Waste

22 Industries has been in business?

23 A I do not.

24 Q Do you know if it's longer than one year?

204453

UMC
(red)

1 A I have positively no idea.

2 Q And where is Eastern Waste Industries located?

3 A Annapolis, Maryland.

4 Q Do you work in Maryland?

5 A No, I do not.

6 Q Where do you work?

7 A At Honey Brook.

8 Q Is that one of their offices or locations?

9 A Yes. Uh-huh. Yes.

10 Q Do you know how many locations they have?

11 A I do not.

12 Q Do you know how many employees are under you?

13 A Right now?

14 Q Yes.

15 A 50, 55.

16 Q And did you have any significant employment before

17 Blosenski Disposal?

18 A What do you mean by that?

19 Q What was your job before Blosenski Disposal?

20 A With my father.

21 Q Doing what?

22 A I collected and fed the pigs -- worked on a farm.

23 Q Now, as Blosenski Disposal, you sold it in 1987.

24 correct?

204454

ORIGINAL
(Red)

11.

- 1 A That's correct.
- 2 Q Was it a viable company then? Were you still
3 collecting trash at that time?
- 4 A Yes.
- 5 Q Do you remember any of the names of your employees
6 when you sold it?
- 7 A Yes.
- 8 Q Can you give me some of them?
- 9 A There was a Robert Thompson.
- 10 Q And what did he do?
- 11 A Drove truck.
- 12 Q And how long was he with you?
- 13 A 16, 17 years.
- 14 Q Okay.
- 15 A A Ralph Thompson, about the same time.
- 16 Q Okay. Also drove a truck?
- 17 A Uh-huh.
- 18 Q Okay.
- 19 A Tom Thompson.
- 20 Q Okay. And he, what?
- 21 A Drove truck.
- 22 Q How many years?
- 23 A This time, I guess five or six.
- 24 Q And how about before?

204455

ORIGINAL
(Red)

- 1 A Well, he's been there on and off for 10 years.
- 2 Q I see. Are these people all related, the Thompsons?
- 3 A Yes, uh-huh.
- 4 Q Do you know where they are located?
- 5 A In the Honey Brook area.
- 6 Q Anyone else?
- 7 A Richard Blossenski.
- 8 Q And what did he do?
- 9 A Drove truck.
- 10 Q For how many years?
- 11 A I guess he's been there a year-and-a-half.
- 12 Q Is he related to you?
- 13 A My brother.
- 14 Q And how old is he?
- 15 A 42.
- 16 Q Was he also an on-and-off employee?
- 17 A Well, he worked for me before and went in business for
- 18 himself and came back to me.
- 19 Q How long did he work for you, then, before he went
- 20 into business for himself?
- 21 A Five years. That's an estimate, 'cause I'm not sure.
- 22 Q Sure, I understand.
- 23 A Okay.
- 24 Q And when did he go into business for himself?

204456

ORIGINAL
(filed)

1 A I think '78 or '79. There again. I'm not sure.
2 Q And do you know what kind of business he --
3 A In the trash business.
4 Q Do you know the name of his company?
5 A Suburban Sanitation.
6 Q Do you know if that company still exists?
7 A Yes.
8 Q Is your brother still connected with it?
9 A Yes.
10 Q And what is his position with the company?
11 A Operation's manager.
12 Q Okay. Do you have any other employees that you
13 remember?
14 A Michael Blosenski.
15 Q And what did he do?
16 A Truck driver.
17 Q And how long was he with you?
18 A I guess 8 years, 10 years.
19 Q And was he related to you?
20 A My brother.
21 Q And how old is he, just approximately?
22 A 28, 29.
23 Q And when you say 8 years, do you mean up to 1987, or
24 was it a period before that?

(in)

- 1 A Up to 1987.
- 2 Q Okay. Anyone else?
- 3 A There was a John Hoffman.
- 4 Q And what did he do?
- 5 A John drove truck at one time, and now he works around
6 the yard, around the shop.
- 7 Q For Eastern?
- 8 A Uh-huh.
- 9 Q And how long was he with you at Blosenski Disposal?
- 10 A Oh, I guess 10, 12 years.
- 11 MR. COHEN: Excuse me, sir. How long was that?
- 12 THE WITNESS: 10 to 12 years. That's all
13 estimated because I'm not sure of the years.
- 14 BY MS. EWOLAK:
- 15 Q Was there anyone else that you recall, employees?
- 16 A There was a Ron Taylor.
- 17 Q And do you remember what he did?
- 18 A Truck driver.
- 19 Q For how long?
- 20 A On and off about 12 to 13 years.
- 21 Q Richard and Michael, your brothers, do you know where
22 they are located presently?
- 23 A Yes.
- 24 Q Can you tell me where?

204458

ORIGINAL
(Red)

- 1 A Honey Brook. RD 1.
- 2 Q For both of them?
- 3 A Yes.
- 4 Q And how about for Mr. Hoffman, do you know where he is
5 presently located?
- 6 A I think Coatesville.
- 7 Q And how about for Mr. Taylor?
- 8 A Malvern.
- 9 Q When was the last time you saw Mr. Taylor?
- 10 A This morning -- I'm sorry, yesterday.
- 11 Q Do you know what he is presently doing?
- 12 A Driving truck.
- 13 Q For Eastern?
- 14 A Uh-huh.
- 15 Q And how about Mr. Hoffman, when did you see him last?
- 16 A This morning.
- 17 Q And how about Michael?
- 18 A Yesterday.
- 19 Q Do you know where he is presently employed?
- 20 A Eastern. Everybody that I gave you is presently
21 employed.
- 22 Q Is he a truck driver?
- 23 A Yes.
- 24 Q And how about Richard, is he still a truck driver?

204459

ORIGINAL
(Red)

1 A No, he's an operation's manager. I told you that.
2 Q Oh, right. Okay, I'm sorry. Do you remember any
3 other employees?
4 A There was a George Patton.
5 Q Do you know how to spell his last name by any chance?
6 A P-A-T-T-O-N.
7 Q And what did he do?
8 A He was a mechanic.
9 Q And how long was he with you?
10 A About 15 years.
11 Q And do you know where he presently is located?
12 A Eastern -- oh, where he is located? Honey Brook.
13 Q Anyone else?
14 A Harry Thompson.
15 Q Is he one of the --
16 A He's another one.
17 Q Okay. And what did he do?
18 A He's a mechanic.
19 Q For how long?
20 A Well, he's 79 years old. He's been a mechanic since
21 he was about 5 years old. So --
22 Q But how long was he with Blosenski?
23 A 35 years.
24 Q Okay.

204460

ORIGINAL
(Red)

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1 A He worked for my dad before he worked for me.

2 Q All right. Did your father first own Blosenski

3 Disposal?

4 A No.

5 Q You were the first owner?

6 A Yes.

7 Q And anybody else?

8 A That are there now or gone?

9 Q All that you know of.

10 A To think of names right now, I -- you know, there has

11 been so many in this kind of business. I would have

12 to go through paper records to find out. There are so

13 many, okay?

14 Q Okay.

15 A Even the ones I mentioned today, I would have to have

16 their paper records to find.

17 Q Okay. Was Blosenski Disposal located in one place the

18 whole time that it existed?

19 A No, no.

20 Q Can you tell me where it was located and at what

21 times?

22 A Okay. When it first got started --

23 Q Yeah.

24 A -- it was located on the farm, my dad's farm.

204461

ORIGINAL
(Red)

- 1 Q And where was that?
- 2 A In Honey Brook, RD.
- 3 Q Oh, I see. And how long was it there?
- 4 A I would say it was there three years. We parked
- 5 trucks there.
- 6 Q Okay.
- 7 A Approximately, three years.
- 8 Q Okay.
- 9 A And we used to park some trucks in Devon, in a gas
- 10 station.
- 11 Q During that three-year period, or was this next?
- 12 A After that -- well, about the same time. We kept some
- 13 at both places.
- 14 Q Okay. And then after that?
- 15 A We parked them on Lippitt Road.
- 16 Q And is that where it is at today --
- 17 A No.
- 18 Q -- or was at in '87?
- 19 A Yeah, up until January of '87 -- I'm sorry, up until
- 20 April, '87.
- 21 Q Did I ask you where Eastern is located?
- 22 A Yes.
- 23 Q Could you tell me again?
- 24 A Annapolis, Maryland.

204462

ORIGINAL
(Red)

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1 Q That's right. I'm sorry. Okay. The Honey Brook
2 location, is it PD 1 also?

3 A For what, ma'am?

4 Q Eastern?

5 A Yes, uh-huh.

6 Q Now, I assume you are familiar with the site we are
7 calling Blosenski Landfill?

8 A Yes.

9 Q And what was that location, as you remember it?

10 A Wagontown.

11 Q And you purchased that property?

12 A Yes, ma'am.

13 Q Okay. I have marked --

14 MS. ZWOLAK: Will you mark this as Exhibit 1.

15

16 (Document marked for identification as Exhibit

17 No. 1.)

18

19 BY MR. ZWOLAK:

20 Q If you would take a look at that, Mr. Blosenski. Are
21 you familiar with this document?

22 A Yes.

23 Q What is it as far as you know?

24 A It looks like a deed for a piece of property on Route

204463

ORIGINAL
(Red)

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- 1 340 in Wagontown or West Caln Township.
- 2 Q And is the Joseph M. Blosenski noted here on this
- 3 deed, is that you?
- 4 A Yes, ma'am.
- 5 Q This deed, which is dated May 26, 1971, is this the
- 6 deed that transferred to your possession the Blosenski
- 7 landfill? site?
- 8 A I would say it is, yes.
- 9 Q Now, also noted at the top, do you see the names Perry
- 10 Phillips and Jeanne E. Phillips?
- 11 A Yes, ma'am.
- 12 Q These were the parties, I assume, that sold the
- 13 property to you?
- 14 A Yes.
- 15 Q Did you know the Phillips before you purchased the
- 16 landfill?
- 17 A Yes.
- 18 Q How did you know them?
- 19 A He used to have a garage in Honey Brook and was in the
- 20 same business. We knew each other.
- 21 Q How long did you know them?
- 22 A Before I bought the property?
- 23 Q Yes.
- 24 A Five years.

204464

6-1-74
(Ked)

- 1 Q Okay. When you purchased the property, was it already
2 functioning as a landfill?
- 3 A Yes, it was.
- 4 Q Did you know that when you purchased it?
- 5 A Yes, I did.
- 6 Q Did the Phillips tell you what type of landfill they
7 were -- what kind of waste they were depositing in the
8 landfill?
- 9 A Well, I don't feel that he told me everything.
- 10 Q What did he tell you, as best you can remember?
- 11 A He told me they put trash on there. Then, he dumped
12 liquids on there from Smith -- Mrs. Smith's Pie
13 Company.
- 14 Q From who?
- 15 A Mrs. Smith's Pie.
- 16 Q Oh.
- 17 A And that he had ditches dug that he dumped sewage in.
- 18 Q Did you actually see the landfill before you purchased
19 it?
- 20 A Yes.
- 21 Q Did you see evidence of any of this dumping?
- 22 A Yes.
- 23 Q Can you describe what you saw?
- 24 A Well, there was one area he put the trash in. I seen

204465

Review

- 1 the sewage ditches, which was just a ditch dug in the
2 ground, maybe 10 foot deep, maybe 5 foot wide, 20 foot
3 long, say. You know, I'm estimating everything I'm
4 saying.
- 5 Q I understand that.
- 6 A And as far as the water from Mrs. Smith's Pie, from
7 what I understand from Perry Phillips, he just dumped
8 on the ground or in the lagoons, in the sewage
9 ditches.
- 10 Q For these lagoons and ditches, were these naturally
11 occurring surfaces, or did he create them?
- 12 A He created them.
- 13 Q How do you know that?
- 14 A Well, by you -- eyesight.
- 15 Q When you say he dumped liquid from Mrs. Smith's Pies,
16 did you know what that liquid was?
- 17 A No.
- 18 Q Did he know what it was?
- 19 A I can't answer that. I imagine he did.
- 20 Q But did he tell you?
- 21 A No.
- 22 Q For the sewage that he put there, did he tell you he
23 knew where that came from?
- 24 A No.

204466

(ineu)

1 Q Did you ask him?

2 A No.

3 Q If you notice on this deed, it says, "that in the
4 consideration of \$30,000." Did you give Mr. or Mrs.
5 Phillips any other consideration besides the \$30,000
6 for the property?

7 A I did not.

8 Q Okay. What was your contact with the Phillips after
9 you took possession of the property?

10 A I had no personal contact with them at all.

11 Q Did they use the landfill?

12 A No.

13 Q Did they ask to?

14 A No.

15 Q Did they continue in business, do you know?

16 A Yes.

17 Q Have you had any contact with them since purchasing
18 the property?

19 A I've seen him, to say hello to.

20 Q Do you know if they presently are operating a
21 landfill?

22 A I have no idea.

23 Q Do you know if they were operating a landfill at the
24 same time you were operating yours?

204467

1 A I have no idea.

2 Q When you purchased the property from Mr. Phillips, did

3 he tell you that the Chester County Health Department

4 had ordered him to cease operations at that site?

5 A He did not.

6 Q Did he mention any sort of possible violations that he

7 may have committed at the site?

8 A From what I recall, he told me he didn't have any.

9 Q Did you ask him?

10 A Yes.

11 Q Do you remember what you asked him?

12 A Well, just pretty much what you said, if he had any

13 violations or any problems with the site. In other

14 words, I wanted to be able to use it as a landfill.

15 Q Yes.

16 A He told me it was no problem to use it as a landfill.

17 So --

18 Q Did he tell you you would be restricted to the type of

19 waste you could bring there?

20 A He did not.

21 Q All right. After you purchased the property, did you

22 immediately start using it as a landfill?

23 A I would say within a matter of 60 days, 90 days, yes.

24 Q How long -- well, let me -- was Blosenski Disposal.

204468

1 Company in any way connected with the Blosenski
2 Landfill?

3 A No.

4 Q Did it use the Blosenski Landfill?

5 A Yes.

6 Q How long was Blosenski Disposai in business when you
7 bought the Blosenski Landfill?

8 A I don't know.

9 Q Now, in the 60 to 90 days before you began using it as
10 a landfill, did you visit the site?

11 A Yes.

12 Q Did you do anything to prepare it to be used as a
13 landfill?

14 A Yes.

15 Q What did you do?

16 A Well, we bought equipment. We excavated dirt.

17 MS. ZWOLAK: If you would mark this as Exhibit
18 2.

19
20 (Document marked for identification as
21 deposition Exhibit No. 2.)

22

23 MS. ZWOLAK:

24 Q Mr. Blosenski, have you ever seen this picture before,

1 this representation of this site?

2 A No.

3 Q Okay. Now, I understand it's not to scale. But is it
4 clear enough for you to understand where you were with
5 the landfill and where the landfill was by just
6 looking at this picture?

7 A Yes.

8 Q Okay. Could you show me, or could you put an X on
9 here where you first started excavating the landfill,
10 that first initial use of the landfill, where you
11 started excavating? Do you know?

12 Before you answer that, can I ask you to do
13 this: Could you, with that red marker, just put a
14 general line where your property extended at that time
15 by looking at this? If you can't, I have another
16 picture that might be helpful.

17 A What do you mean where it extended? Isn't this the
18 whole property?

19 MF. WYNKOOP: I think what she is asking is:
20 Where were your boundaries?

21 MS. ZWOLAK: Right.

22 MF. WYNKOOP: Was this residence on the side or
23 the boundary line coming here?

24 THE WITNESS: The residence, that's not on my

1 site.

2 BY MS. ZWOLAK:

3 Q That's why I want you to just draw a red line where
4 your site was.

5 A Pretty much comes in this way, down this way.

6 Q Okay. And this was the property you purchased for the
7 \$30,000 from the Phillips?

8 A Yes.

9 Q Okay. Thank you. Now, do you recall where you first
10 started excavating on this property, ignoring these
11 representations that are here now?

12 A Okay. As you are coming in the right-of-way to the
13 far right, which would be this way --

14 Q Okay.

15 A -- the right-of-way coming in, okay, I would say to
16 the far right.

17 Q Do you want to put a one there as to where you first
18 started excavating? Okay. Now, after you -- did your
19 excavations, and you were prepared to start, do you
20 recall who you first started dealing with when you
21 started hauling things to the landfill, or who was
22 hauling things to the landfill at that time?

23 A Just Blosenski.

24 MR. BEAUCHEAMP: Excuse me. That was Stern

1 trucks?

2 THE WITNESS: No, our own trucks -- just
3 Blosenski.

4 BY MS. ZWOLAK:

5 Q Do you know who Blosenski was hauling for at that
6 time?

7 A I don't know offhand, but I know it is on the customer
8 list.

9 MS. ZWOLAK: Is that customer list broken down
10 by year?

11 MR. CUNNINGHAM: No.

12 BY MR. ZWOLAK:

13 Q Do you remember how many people you were hauling for?

14 A No.

15 Q If I read some names to you, do you know whether or
16 not they were your customers at that time?

17 A I would try.

18 Q Okay.

19 MR. WYNKOOP: At that time, we are talking
20 about 1971?

21 MS. ZWOLAK: Yes, when he first purchased the
22 property.

23 BY MS. ZWOLAK:

24 Q Batz Specialty Chemicals?

1 A Betz?

2 Q Yes. Do they have another name? B-E-T-Z. While I'm
3 looking, how about Budd Company?

4 A Yes.

5 Q In 1971?

6 A Yes.

7 Q Do you know what you hauled for them at that time?

8 A Trash, paper trash, wood trash, crating, wooden skids,
9 cardboard.

10 Q Okay. Were they one of your first customers?

11 A I wouldn't say they are one of my first customers, no.

12 Q How about ICI America's?

13 A No.

14 Q Delaware Container?

15 A I hauled some trash for them.

16 Q Have these names jogged lose any other names?

17 A Not yet.

18 Q Were you only hauling trash then, or were you hauling
19 anything else?

20 A Just trash.

21 Q Okay. Sir, I show you what should be marked as
22 Exhibit 3. another drawing of the site.

23
24

(Document marked for identification Deposition

204473

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Exhibit No. 3.)

MR. DILLON: Before you begin to question him on this, can we get a description or identification of what this document is?

MR. WYNKOOP: Not from us.

MS. ZWOLAK: This was appended to a DER interoffice memo. I'm not really concerned with what it says. I just want it for the map, so I can understand --

MR. DILLON: I just want to make sure that we got something that is a representation of the Blosenski site.

MS. ZWOLAK: I'll ask him if it is.

MR. BEAUCHAMP: Why don't you ask him if it is a correct and accurate representation of the property at the time he bought it?

BY MS. ZWOLAK:

Q Mr. Blosenski, are you by any chance familiar with what has been marked as Exhibit No. 3?

A You mean, have I seen it before?

Q Yes.

A No.

Q Would you say that Exhibit No. 3 is an accurate

ORIGINAL
(Red)

- 1 representation of the area of the Blosenski Landfill
2 and some surrounding residences?
- 3 A I don't know. I can't honestly say it is or isn't.
- 4 Q Looking at Exhibit No. 3, if you see the area marked
5 75 --
- 6 A Yes.
- 7 Q -- would you say that is a fair representation of the
8 L-shaped area you drew on Exhibit No. 2?
- 9 A Yes. As far as the L-shape goes, yes.
- 10 Q Look at the area marked No. 80.
- 11 A Yes.
- 12 Q Which is, if you note at the top of the page, it
13 states, "Alex M. Barry and Joseph M. Blosenski, Jr.,
14 trading as Mountain Top Sanitary Landfill."
- 15 A Okay.
- 16 Q The Mountain Top Sanitary Landfill was connected with
17 the Blosenski Landfill?
- 18 A No.
- 19 Q Was that a yes?
- 20 A No.
- 21 Q Why not?
- 22 A Connected in what way?
- 23 Q Physically connected?
- 24 A The ground physically connected?

204475

ORIGINAL
(Red)

- 1 O Yes.
- 2 A Yes.
- 3 Q Could you get on to Mountain Top from the Blosenski
- 4 Landfill?
- 5 A That was the only way you could get on it.
- 6 Q It had no other access?
- 7 A It was landlocked.
- 8 Q Now, holding on to Exhibit No. 3, if you would look at
- 9 what we will mark as Exhibit No. 4 --
- 10 - - - -
- 11 (Document marked for identification as
- 12 Deposition Exhibit No.4.)
- 13 - - - -
- 14 A Yes.
- 15 Q Okay. Are you familiar with this document?
- 16 A Yes, ma'am.
- 17 Q And what is it, as far as you know?
- 18 A A deed to, approximately, 5 acres of ground.
- 19 Q Okay. Do you notice at the top where it says, "Alex
- 20 M. Barry and Joseph M. Blosenski, Jr., trading as
- 21 Mountain Top Sanitary Landfill?"
- 22 A Yes. I do.
- 23 Q Where is the Mountain Top Sanitary Landfill, or was it
- 24 located at the time of this deed?

204476

1 A It wasn't.

2 Q Excuse me.

3 A It wasn't.

4 Q Could you --

5 A It was just a name.

6 Q Okay. Where was this property located?

7 A Oh, the property?

8 Q Yes.

9 A Was northwest of the piece of ground they are calling

10 the Blosenski Landfill.

11 Q Okay. And if we look back at Exhibit No. 3, would

12 that be what is indicated by No. 80 on this crude

13 drawing?

14 A Yes.

15 Q Okay. Now, on this Mountain Top Landfill, Alex M.

16 Barry, who was this person?

17 A A friend of mine.

18 Q How long did you know him at the time you purchased

19 the property?

20 A All my life.

21 Q Do you know his present location?

22 A I think West Chester.

23 Q Did he purchase this property together with you?

24 A Yes.

204477

ORIGINAL
(Red)

- 1 Q Was he an equal partner?
- 2 A Yes, uh-huh.
- 3 Q Okay. Now, when you say that the Mountain Top
- 4 Sanitary Landfill was just a name when you purchased
- 5 the property, was it just virgin territory? It hadn't
- 6 been used as a landfill before?
- 7 A That's correct -- still is today.
- 8 Q But you intended to use it as a landfill?
- 9 A No.
- 10 Q What did you intend to use it as?
- 11 A Expected to use the dirt from it, the cover.
- 12 Q Did you do that?
- 13 A No.
- 14 Q What did you do?
- 15 A Didn't do anything. It's still there.
- 16 Q Why didn't you follow through with your plans?
- 17 A Didn't need to.
- 18 Q Where did you get your fill dirt from?
- 19 A We got enough on our own property.
- 20 Q On the Blosenski?
- 21 A Yes.
- 22 Q Did you ever apply for a permit for the Mountain Top
- 23 Sanitary Landfill to the DER?
- 24 A No.

204478

- 1 Q To no one?
- 2 A Not to my knowledge.
- 3 Q What was Mr. Barry's connection with the Blosenski
- 4 Landfill?
- 5 A None.
- 6 Q Did he give any contributions to the purchase price?
- 7 A No.
- 8 Q Did he give you any contributions later on?
- 9 A No.
- 10 Q Was he employed by you?
- 11 A No.
- 12 Q Did he ever enter the landfill property itself at
- 13 anytime?
- 14 A Yes.
- 15 Q What would be the purpose of entering the property?
- 16 A I used to rent equipment from him.
- 17 Q What kind of equipment?
- 18 A Earth mover.
- 19 Q Do you still own this property mentioned in Exhibit
- 20 No. 4?
- 21 A Yes, I guess.
- 22 Q Do you see Mr. Barry now?
- 23 A The last I seen Mr. Barry was in August.
- 24 Q Do you still speak with him?

204479

ORIGINAL
(Red)

- 1 A Yes, uh-huh.
- 2 Q Does he use this property in any way?
- 3 A No, no.
- 4 Q Is there anything on this property -- by that, I mean
5 that in Exhibit 4?
- 6 A What do you mean on it?
- 7 Q Any buildings.
- 8 A No.
- 9 Q Did you ever park trailers on it?
- 10 A No.
- 11 Q At anytime?
- 12 A It's woodland. It's all woodland.
- 13 Q All right. So then, if we go back to Exhibit 3, then
14 the Blosenski Landfill ends at that line between 80
15 and 75?
- 16 A That's correct.
- 17 Q And it never went over on to the so-called Mountain
18 Top Sanitary Landfill?
- 19 A Nope.
- 20 Q Did you ever apply for a name for the Mountain Top
21 Sanitary Landfill, a fictitious name?
- 22 A I don't think so.
- 23 Q How about the Blosenski Sanitation Landfill?
- 24 A I don't think.

204480

1 Q Do you know if Mr. Barry ever did?

2 A I don't think so.

3 Q When you bought the so-called Mountain Top Sanitary
4 Landfill, No. 80, did any agency, whether it was
5 Chester County or the DER caution you against using
6 that as a landfill in anyway?

7 A I don't think so.

8 Q Back to your Exhibit 2, and now we are back to talking
9 about the Blosenski Landfill, after you initially
10 started operations and the initial excavation, then
11 did you excavate more, and if you did, do you know
12 where?

13 MR. WYNKOOP: Can I have that question read
14 back, again?

15 MS. ZWOLAK: All right. Before we digressed on
16 to this so-called Mountain Top Sanitary Landfill, we
17 were talking about the Blosenski Landfill, and for the
18 60 to 90 days before he began. And you can correct me
19 if I am mischaracterizing anything, Mr. Blosenski said
20 that he excavated dirt and then began hauling trash
21 for customers such as Budd and Delaware Container.

22 That's back where I am.

23 BY MS. ZWOLAK:

24 Q After that initial excavation, can you tell me where

1 you then excavated or dumped within the landfill,
2 where you moved from there?

3 A Well, looking at the exhibit, we just continued to
4 work northwest on the property.

5 Q Did you just simply move slowly around?

6 A Yes. In other words, if we started -- that is when I
7 bought property. Here is where the trash was.

8 Q Okay. That's where the Phillips' put the trash?

9 A Right. This was virgin ground.

10 MS. BERKE: Excuse me. Can you identify that
11 on the exhibit for us, at least?

12 BY MS. ZWOLAK:

13 Q Can you tell us exactly where we are? We are on
14 Exhibit No. 2, directly above the area marked machine,
15 sort of between where that number three is and the
16 marsh.

17 A We start where the marsh is, okay, and worked
18 northwest on the property.

19 Q Okay. Do you see where it says --

20 MR. DILLON: Can you ask him to describe what
21 he was looking at there, what physically the landfill
22 looked like as he begins this excavation?

23 BY MR. ZWOLAK:

24 Q Can you describe what you saw at that time?

1 A What I saw?

2 Q Yes. Mr. Dillon --

3 A Okay. On Exhibit 2, what was marked marsh, the
4 landfill was started there. And as time went on, it
5 was filled from that corner, northwest on the
6 property.

7 Q Do you know how deep you were digging at that time in
8 order to put the trash or waste in?

9 MS. BERKE: Objection to the form.

10 A We didn't dig very deep.

11 MR. CUNNINGHAM: What was the objection?

12 MS. BERKE: To the form.

13 MR. WYNKOOP: Go ahead. You can answer it.

14 A The way the ground was laid out, it was like a valley.
15 We didn't dig very deep. We more or less filled
16 areas.

17 Q Where it says marsh, was that actually marshy ground,
18 that you could physically see that?

19 A No.

20 Q Did you notice any extremes running throughout
21 property?

22 A There's not there.

23 Q Was there marshy ground anywhere?

24 A No.

1 Q When you say you didn't have to dig very deep, what
2 would that be?
3 A Probably, 5 foot.
4 Q After you would initially dig the 5 foot and put your
5 trash, or whatever, there --
6 A Correct, yes.
7 Q -- then would you ever dig underneath that to go
8 further, or would you just move to the next step
9 onward?
10 A Just move to the next step.
11 Q Did you ever go any deeper than 5 feet?
12 A Not in that area.
13 Q Okay. Could you show me where you started digging
14 deeper?
15 A All right. Where it says empty drums and residential
16 trailer --
17 Q Yes.
18 A -- that area behind there, we dug out about 10 foot
19 for the dirt to cover the trash, and it still dug out
20 10 foot of dirt. There is no trash there.
21 Q Did you ever deposit anything in that spot marked
22 empty drums, ever?
23 A It's possible.
24 Q Would you know what type of thing would have been

1 deposited in that spot?
2 A Household trash.
3 Q Were liquids ever put into that area?
4 A No, I don't think so.
5 Q Back on Exhibit No. 2. to the area you called fill
6 piles --
7 A Yes.
8 Q -- how deep did you dig there, do you know?
9 A No, I don't know.
10 Q Okay. Just so I understand the operation, would you
11 put trash and dirt and trash and dirt and then just
12 pile it up that way?
13 A Exactly. Yes, ma'am.
14 Q Now, with the Blosenski Landfill, you were operator of
15 that landfill?
16 A Yes.
17 Q And sole owner?
18 A Yes, uh-huh.
19 Q Did you have any employees that worked there?
20 A Yes.
21 Q And who were they?
22 A John Hoffman, Sr.
23 Q Is he different from the John Hoffman you mentioned
24 earlier?

ORIGINAL
(Red)

1 A Yes.

2 Q He is his father?

3 A Yes.

4 Q Is he still alive?

5 A Yes.

6 Q Do you know where he is located?

7 A Yes.

8 Q Okay. And where would that be?

9 A In the 340 site. He lives in the trailer there.

10 Q He is still there?

11 A Yes. I wish he wasn't, but he's still there.

12 Q Okay. And what was his position?

13 A He was the operator of the landfill and run the

14 Bulldozer.

15 Q And what other employees did you have?

16 A At the landfill?

17 Q Yes.

18 A That was it.

19 Q Now, were you present at that site?

20 A Very seldom.

21 Q What would cause you to visit the site?

22 A I would go there on a weekend and help prepare dirt

23 and stuff for cover for the following week or work on

24 the equipment.

204486

EX-100
1160

- 1 Q Did you ever go there during the week?
- 2 A Yes, uh-huh.
- 3 Q How often?
- 4 A A couple times a day.
- 5 Q What would be your capacity?
- 6 A I drove a trash truck.
- 7 Q One of the Blosenski trucks?
- 8 A Yes -- no, I drove somebody else's.
- 9 Q I have to ask --
- 10 A Yes.
- 11 Q -- did Mr. Hoffman have any help?
- 12 A No.
- 13 Q Who directed the trash trucks to the spots on the site
- 14 where they could deposit their loads?
- 15 A He did.
- 16 Q And how would he pick those sites, do you know?
- 17 A Well, he had a designated area that he just would work
- 18 each day.
- 19 Q Did you direct him to which areas should be
- 20 designated?
- 21 A Yes.
- 22 Q And how did that work? Why don't you explain that to
- 23 me.
- 24 A I pretty much supervised and told him. "This week, we

204487

1 are going to fill this area. Here is your dirt to
2 cover with." We got ready for the weekend. And when
3 he wasn't pushing trash, he was also preparing dirt
4 that night for cover. But he -- you know, he was
5 never that busy.

6 Q About how many hours a day would you say you were at
7 the landfill altogether?

8 A That I was there?

9 Q Yes.

10 A On any given day, half an hour, an hour -- unless I
11 went there to work a day, then I would spend a day
12 there.

13 Q And how often would that happen?

14 A I would say almost every weekend.

15 Q Other than the weekends.

16 A Not too much during the week.

17 Q Was the landfill open during the weekends?

18 A Just Saturday.

19 Q When you were present, did you see any other tankers
20 or trash trucks using the landfill besides your own?

21 A Yes.

22 Q Do you remember the names any of these companies?

23 A Inland Pumping and Dredging.

24 Q And what kind of truck did they have?

1 A Tractor and trailer.

2 MR. COHEN: Excuse me?

3 THE WITNESS: Tractor and trailer.

4 BY MS. ZWOLAK:

5 Q And when did you see them? By that I mean year or
6 years.

7 A I don't know.

8 Q Right from the start? Would you remember if it was
9 right from the start?

10 A No, no.

11 Q After '75?

12 A I would say '75 through '78.

13 Q Do you know if Inland Pumping used any particular area
14 of the landfill to deposit their load?

15 A Pretty much spread the -- they pretty much put it on
16 the driveway.

17 Q Could you show me where that is?

18 A It's the right-of-way, coming in past the residential
19 trailer, where it says access road.

20 Q Right. Okay. Could you explain to me, what would
21 they do, just deposit it along the road?

22 A Right.

23 Q What kind of loads were they carrying, that you saw?

24 A It was water -- so they would tell me.

ORIGINAL
(REV)

1 Q Did you see it?
2 A Yeah.
3 Q What did it look like?
4 A It looked like water.
5 Q How would they deposit it at the landfill?
6 A They would open a valve on the back of the tank
7 trailer.
8 Q Who told you it was water?
9 A Inland Pumping and Dredging.
10 Q Do you remember the name of the employee?
11 A Dale Yeager.
12 Q And he was a truck driver?
13 A No. He was a manager, owner.
14 Q Did you ask him what the water was?
15 A Yes.
16 Q What made you ask him?
17 A Well, I just wanted to know what it was.
18 Q And what did he tell you?
19 A He told me it was a cleaning water from C & D Battery.
20 Q Did he tell you whether or not if he knew that TCE was
21 present in this fluid?
22 A No.
23 Q Did he tell you if any hazard chemicals were present?
24 A He told me they were nonhazardous.

204490

ORIGINAL
(Red)

1 Q And when did you have this conversation with him?
2 A When we first discussed him bringing the water in
3 there. I don't know exactly when.
4 Q We'll get back to that. But do you remember any other
5 tankers or trucks using the landfill when you were
6 there?
7 A I think Delaware Container came in.
8 Q And do you remember when that was?
9 A No, I don't.
10 Q Do you remember if it was in the beginning, toward
11 1971?
12 A Probably around '73 on.
13 Q And what kind of truck did they have?
14 A Tank wagon.
15 Q Tanker wagon?
16 A Tank truck.
17 Q Do you know what they brought to the landfill?
18 A No. I don't, no.
19 Q Do you know if it was liquid, solid?
20 A Liquid.
21 Q Did you see it?
22 A Yes, sometimes.
23 Q And what did it look like?
24 A It was brown looking or clear looking. I don't know.

204491

1 I don't remember.

2 Q Now, when you say that you saw an Inland tractor
3 trailer, or you saw a Delaware tractor trailer, was a
4 name on the side of the truck? How did you know it
5 was their trailer?

6 A Their name was on it.

7 Q Did you know the drivers of the trucks?

8 A No.

9 Q Did you speak with any manager, any person at Delaware
10 Container at anytime?

11 A Yeah.

12 Q And who was that?

13 A Jerry Reese.

14 Q Reese?

15 A Reese.

16 Q And what was his position?

17 A Owner.

18 Q And when did you speak with him?

19 A Several different times.

20 Q And what was the subject of those conversations?

21 A It could have been anything.

22 Q Did you ask him what he was bringing to the landfill?

23 A I probably did. I don't recall it, but I probably
24 did.

1 Q Do you recall what he told you?
2 A He told me it was nonhazardous.
3 Q So, both Inland and Delaware told you that their
4 liquids they were depositing at the landfill were
5 nonhazardous?
6 A Yes, exactly.
7 Q At anytime did you learn differently?
8 A No, I haven't.
9 Q Did anyone ever tell you that the liquids they were
10 bringing to the landfill were hazardous in any way?
11 A No.
12 Q Do you remember any other tankers or trucks at the
13 time?
14 A No, I don't.
15 Q Do you how many hours a day Mr. Hoffman was at the
16 landfill?
17 A Eight to ten.
18 Q Can I assume that Mr. Hoffman always lived in that
19 trailer from 1971 onward?
20 A Yes.
21 Q And he ever saw the landfill at night. I guess?
22 A All the time.
23 Q Was the landfill open at night?
24 A No.

1 Q Did you have a gate across or something?

2 A Yes, uh-huh.

3 Q I'm going to show you a series of exhibits, Mr.
4 Blosenski, and ask you some questions about them.
5 They are not in any particular order -- well, they are
6 in a little bit of order, but --

7 MS. ZWOLAK: This, if you will mark as Exhibit
8 No. 5. We can mark mine.

9 - - - - -
10 (Document marked for identification Deposition
11 Exhibit No. 5.)

12 - - - - -
13 MS. BERKE: Excuse me, Lorraine, could you
14 identify that?

15 MS. ZWOLAK: I'm going to. From now on, I'll
16 have to -- since we won't know what it is. So, for
17 the record, Exhibit No. 5 is a Sanitation
18 Establishment Inspection Form from the Commonwealth of
19 Pennsylvania, Department of Health. It's dated
20 2-21-74.

21 BY MS. ZWOLAK:

22 Q Mr. Blosenski, by any chance, have you ever seen this
23 form before?

24 A I can't say that I have or haven't.

ORIGINAL
(Red)

1 Q You don't remember?

2 A No, I don't remember.

3 Q Okay. I would like to focus your attention to the
4 center of the form, where the Department of Health is
5 noting some materials dumped on the site. Do you see
6 where number one says a large number of 55 gallon
7 drums?

8 A Yes, I do.

9 Q I assume this inspection form was written
10 contemporaneous to the date that is in 1974. Would
11 you know where these drums came from in 1974?

12 A No, I do not.

13 MS. BERKE: Objection to the form.

14 MS. ZWOLAK: All right.

15 BY MS. ZWOLAK:

16 Q Do you know what companies you were accepting waste
17 from in 1974?

18 A I do not offhand, no.

19 Q Do you know where this information is located?

20 A No.

21 Q Is there some place where this information is located?

22 A I don't know if there is or not.

23 Q Can you go look up in any books what companies you
24 accepted waste from in 1974?

204495

ORIGINAL
(Red)

- 1 A I don't even know if I still have the records back
2 that far.
- 3 Q Do you have any records?
- 4 A Some.
- 5 Q Do you know what records you have?
- 6 A No.
- 7 Q By that, do you know what years you have of records?
- 8 A Probably the last 4 or 5 years.
- 9 Q Do you know where they are located?
- 10 A Yes.
- 11 Q Where are they located?
- 12 A They're in a building I own on Lippett Road.
- 13 Q Do you know, have those records have ever been
14 produced to anyone?
- 15 A No.
- 16 Q Has anyone ever asked to see them?
- 17 A I don't know if anybody has asked to see them. I
18 showed them. That's all I can tell you.
- 19 Q You say those records cover the last 4 or 5 years?
- 20 A Yes.
- 21 Q What happened to your records from the time period
22 before that?
- 23 A I probably threw them away.
- 24 Q Do you know for sure if you threw them away?

204496

1 A I know for sure I threw some away. What I have. I'm
2 not sure of.

3 Q Did Eastern take over any of your records when you
4 sold the company?

5 A No.

6 Q If you will turn to Page 2 of this DEP inspection
7 report, where it notes at the top a resident of one of
8 the trailers on the property threatened to flatten the
9 tires of the State. something, unless we leave. He
10 stated that this was private property, and that we
11 could not inspect the site. Was that you who made
12 that threat to the State?

13 A I didn't live in that trailer. It wasn't me.

14 Q Do you know who it was?

15 A Well, I don't know who it was.

16 Q Okay.

17 MR. WYNKOOP: If it happened.

18 BY MS. ZWOLAK:

19 Q Did this person ever say to you, "I threatened the
20 State to stay off our property?"

21 A I don't know. I didn't.

22 Q Did any of your employees ever say they prevented the
23 State from entering the property or tried to prevent
24 that?

ORIGINAL
(Red)

1 A They never told me.

2 Q Did you ever direct your employees to prevent the
3 State or any agency from entering the property?

4 A Why would I do that? No. No, ma'am.

5 Q We'll look at the next exhibit, which to save time,
6 I'll identify --

7 MS. ZWOLAK: I'm sorry. Let her make the
8 sticker.

9
10 (Document marked for identification Deposition
11 Exhibit No. 6.)

12
13 MS. ZWOLAK: I'll identify it for the record as
14 a letter from Mark A. Rosenberg, from the Pennsylvania
15 Department of Environmental Resources, which I'll call
16 DEP from now on, to Mr. Blosenski, dated May 3, 1976.

17 MR. GERLACH: This is Exhibit 6?

18 MS. ZWOLAK: Yes.

19 BY MS. ZWOLAK:

20 Q Mr. Blosenski, are you familiar with this document?

21 A No.

22 Q Do you recall receiving it in the mail?

23 A I don't recall, but I imagine I had to receive it
24 certified mail. I don't recall back that far, but --

204498

1 Q All right. Have you read this document as we sit
2 here?

3 A Yes, I did.

4 Q Have you ever, do you recall, the information that is
5 referred to in this, did you hear it before today -
6 before you read it here today?

7 A I don't recall hearing it.

8 Q Do you see on line 1 where it says, "oil drums are
9 being pierced or busted?"

10 A Yes.

11 Q "During recent compacting and covering operations near
12 the north side (rear) of the property." When they are
13 referring to oil drums, do you know what they are
14 referring to here?

15 A I imagine just what they are saying, oil drums.

16 Q Is that a 55 gallon drum?

17 A Yes, it could be.

18 MR. WYNKOOP: Don't guess.

19 BY MS. ZWOLAR:

20 Q When you say they are being pierced or busted during
21 recent compacting, what are they describing?

22 A I guess exactly what they are saying.

23 Q When you deposited drums on the landfill, were they
24 full or empty in 1976?

1 A It's possible to have some full, some empty.

2 Q In your operations, were the drums frequently broken?

3 A No.

4 Q Can you describe for me how you would deposit the

5 drums into the landfill in 1976?

6 A We would -- I really don't know how I did it, 'cause I

7 didn't do it.

8 Q Who did it?

9 A John Hoffman.

10 Q Did you ever watch him?

11 A No.

12 Q Did you ever direct him on how you wanted it to be

13 done?

14 A Yes.

15 Q And what did you tell him?

16 A Take an area, put the drums in, put trash on top so

17 you wouldn't crush them.

18 Q Is there a certain way that you put drums into a

19 landfill?

20 A If you stand them up in there and put the trash on

21 top, that should be okay.

22 Q Was that a standard practice?

23 A Yeah, it was.

24 Q Do you know in 1976 about how many drums you were

204500

1 accepting a day at the landfill?

2 A No.

3 Q Was it less than a hundred?

4 A I have no idea.

5 Q When they say north side rear, if we go back to
6 Exhibit No. 2, which I did show you, if you've lost
7 it, you can show me where that would be on here.

8 A What was the question?

9 Q North side rear, where is that?

10 A I would say that it's past the area where it says fill
11 piles.

12 MS. ZWOLAK: Okay, he is indicating here.

13 BY MS. ZWOLAK:

14 Q Would you have any idea what company sent these drums
15 to the landfill in 1976?

16 A Not offhand, no, sir, unless I would be guessing.

17 Q All right. Can you tell me what companies were still
18 using the landfill for dumping, all the companies at
19 that time?

20 A Delaware Container, Inland, Barney Burnhouse. That's
21 about it.

22 Q Did Blossenski Disposal Company ever pick up drums from
23 companies or from anybody?

24 A We picked some up for Inland yes.

204501

5/15/70
(1/20)

1 Q Did you pick them up from Inland's site?
2 A No.
3 Q Where would you pick them up from?
4 A Different designated areas they sent us to.
5 Q Can you remember any of them?
6 A One was the Philadelphia Navy Yard.
7 Q Can you explain this to me, who was possessor of the
8 drums when you would go pick them up, was it Inland or
9 the Navy Yard?
10 A Navy Yard's.
11 Q Do you remember any other sites?
12 A There was a place up in the Pocono's, but I can't
13 think of the name of it.
14 Q Any other companies?
15 A I can't think of any.
16 Q If you also look at Exhibit No. 6, at end of the first
17 paragraph it says, "The contents of the drums, an oil
18 black substance, is being spread over the area."
19 A That's what it says.
20 Q Okay. Was it a practice at Blosenski landfill to even
21 out this stuff that poured out of the drums?
22 A No, it wasn't.
23 Q Then how would it be spread over the area?
24 A I don't know.

ORIGINAL
(filed)

1 Q Did you ever observe drums being deposited at the
2 landfill at this time?

3 A No.

4 Q Would drums ever be delivered on the weekends?

5 A I don't know.

6 Q When you were there?

7 A No.

8 Q Did you ever see drums delivered on weekends?

9 A No.

10 Q If we look at Exhibit No. 7, I think -- yes, that is
11 seven.

12

13 (Document marked for identification as
14 Deposition Exhibit No. 7.)

15

16 MS. ZWOLAK: Which I will identify for the
17 record as a Notice of Violation from the Pennsylvania
18 DER, addressed to Mr. Blosenski, dated November 23,
19 1977.

20 MR. CUNNINGHAM: That's 7?

21 MS. ZWOLAK: This is No. 7, yes.

22 BY MS. ZWOLAK:

23 Q Mr. Blosenski, do you remember receiving this in the
24 mail?

204503

1 A I don't remember, no.

2 Q Does the information contained in this Notice of
3 Violation, was this information known to you before
4 you read it here today?

5 A It's possible. We are talking eleven years.

6 Q All right. Do you have a memory of getting a notice
7 of violation and being told about your property being
8 saturated with liquid industrial wastes?

9 A I do not have a memory of that, no.

10 Q Okay. If you will notice Line 4, this Notice of
11 Violation does discuss liquid industrial wastes. Do
12 you know what kind of liquid industrial wastes they
13 are referring to?

14 A I do not.

15 Q In 1977, do you know who you were accepting liquid
16 waste from?

17 A No.

18 Q Do you remember the companies that you were accepting
19 waste from in 1977?

20 A No.

21 MS. ZWOLAK: Will those companies be contained
22 on that list that you are going to be producing?

23 MR. CUNNINGHAM: Specified to 1977, there is no
24 way of determining that, companies that were on the

ORIGINAL
filed

1 list that we are producing.

2 BY MS. ZWOLAK:

3 Q What did do you after you received this Notice of
4 Violation, do you remember, Mr. Blosenski?

5 A I imagined that we tried to correct the problem.

6 MR. CUNNINGHAM: Don't imagine.

7 MR. WYNKOOP: Don't imagine. Don't guess.
8 Just what you remember.

9 BY MS. ZWOLAK:

10 Q What types of measures would you take or would your
11 landfill take when faced with such a problem?

12 MR. WYNKOOP: Are you asking hypothetically?

13 MS. ZWOLAK: I'm asking as a result of what
14 existed, which was saturation of industrial waste on
15 your landfill.

16 MR. WYNKOOP: He says that he can't recall
17 receiving that actual letter.

18 BY MS. ZWOLAK:

19 Q Can you recall if you gave directions to Mr. Hoffman
20 on how to handle a situation such as this, which did
21 occur?

22 A I don't recall.

23 Q Do you know if you would take responsibility for
24 reacting to a situation like this, or would you give

1 it to Mr. Hoffman?

2 MR. WYNKOOP: Just for clarification, a
3 situation like this is receipt of, at least, a Notice
4 of Violation?

5 MS. ZWOLAK: Yes.

6 A We would probably have Mr. Hoffman take care of it.

7 Q At this time, did you hire any consultant to give you
8 any advice for responding to such a Notice of
9 Violation from the DER?

10 A Well, that I don't remember, because I don't remember
11 the violation.

12 Q Did you have a consultant in 1977 who gave advice
13 about how to handle the landfill?

14 A I think we did.

15 Q Do you remember who it was?

16 THE WITNESS: Who was that?

17 MR. CUNNINGHAM: I can't --

18 A At one time, we had National Hemsley -- that is the
19 only thing I can remember -- as an engineer.

20 Q And why did you hire them?

21 A To obtain for us a permit for the landfill.

22 Q And who was that permit supposed to come from?

23 A DER.

24 Q And did you ever get the permit?

1 A No.

2 Q Do you know why?

3 A They just denied it.

4 Q Did they tell you why they were denying it?

5 A They probably did in the letter. I don't remember.

6 Q Did you ever reapply for a permit?

7 A No.

8 Q I show what is marked Exhibit No. 8.

9

10 (Document marked for identification as
11 Deposition Exhibit No. 8.)

12

13 MS. ZWOLAK:

14 Q I'll identify No. 8 for the record as what appears to
15 be an interoffice memorandum produced by the DEK in
16 response to an FIOA request, in reference to the
17 Blosenski Landfill, dated November 4, 1977, addressed
18 to Bruce D. Beitler.

19 MR. WYNKOOP: Can I have that description of
20 Exhibit 8 read back?

21

22 (The court reporter read back.)

23

24 MR. WYNKOOP: It appears to be on examination

204507

10-11-64
(10/11/64)

1 to "file" from Beitler, copies to Messrs. Welk, Snyder
2 and Lynn.

3 BY MR. ZWOLAK:

4 Q Okay. Mr. Blosenski, by any chance have you ever seen
5 this memorandum before?

6 A I don't recall.

7 Q Do you know where the Newlin property is located?

8 A No.

9 Q All right. If you will notice on Line 5, at the end
10 of the line it starts, "a large volume of red
11 malodorous industrial waste had been recently
12 deposited on the Blosenski property." Do you recall
13 this type of waste being deposited on the property?

14 A No.

15 Q Do you recall who produced this type of waste?

16 A No.

17 Q You will notice, then, about seven more lines down,
18 "Ponds of the same red liquid were also observed at
19 the top of the landfill slope as was evidence of
20 recent dumping of a milky white waste liquid." Do you
21 recall seeing a milky white waste liquid at the
22 landfill?

23 A No.

24 MR. DILLON: I didn't hear that.

204508

1 THE WITNESS: No.

2 MR. DILLON: Thank you.

3 BY MS. ZWOLAK:

4 Q Do you by any chance recall which company produced a
5 milky white waste liquid?

6 A No.

7 Q Do you know if Blossenski trucks, your company, hauled
8 either one of these liquids?

9 A They didn't. They couldn't.

10 Q Because?

11 A You can't haul liquid in a trash truck.

12 Q Did you at anytime ever lease tankers for yourself?

13 A No, never.

14 Q Did you ever haul any kind of liquid waste not in
15 drums?

16 A Yeah.

17 MS. BERKE: Objection to the form.

18 BY MS. ZWOLAK:

19 Q When was that?

20 MR. CUNNINGHAM: I wonder if we could use the
21 term material or matter, rather than waste.

22 MS. ZWOLAK: Sure.

23 A When was it?

24 Q Yes.

204509

ORIGINAL
(Red)

1 A I don't know exactly when it was.
2 Q Do you know if it was close to 1971, when the landfill
3 first started?
4 A It was not, definitely not.
5 Q How was it that you would haul this material?
6 A We had trucks leased to Inland Pumping and Dredging.
7 Q What kind of trucks?
8 A Tractors.
9 Q Leased to Inland?
10 A Yes.
11 Q How did that work?
12 A We had a lease deal with them, where we had a truck
13 and a driver working for Inland Pumping and Dredging.
14 Q Who would choose where the material, liquid material
15 would come from?
16 A Inland Pumping and Dredging.
17 Q Did you have any input at all in what companies would
18 be using those tankers?
19 MR. COHEN: Objection to the form.
20 MR. WYNKOOP: Yes. He said he leased tractors
21 and drivers.
22 MP DILLON: Can I request we go back, because
23 I am unclear as to what kind of equipment is being
24 discussed here.

ORIGINAL
(Red)

1 MR. WYNKOOP: Certainly.

2 MS. ZWOLAK: I'll just ask some clarifying
3 questions.

4 MR. DILLON: Okay.

5 BY MS. ZWOLAK:

6 Q What kind of trucks did Blosenski Disposal own and
7 what types?

8 A Trash trucks in the beginning.

9 Q Okay. What did you own later on or lease later on?

10 A I owned a tractor which pulls a trailer, which makes
11 it a tractor trailer -- 18-wheeler's, whatever they
12 are called.

13 Q What can you put inside of a tractor trailer?

14 A It depends on what kind of trailer you have.

15 Q Was the trailer yours?

16 A No.

17 Q Who did the trailers belong?

18 A To Inland.

19 Q And how many tractor trailers did you lease at that
20 time?

21 A One.

22 Q And it belonged to Inland?

23 A No.

24 Q Why don't you explain it.

204511

ORIGINAL
(Red)

1 A I did.

2 MR. CUNNINGHAM: His tractor was leased to
3 Inland. They used their trailers. The combination is
4 the tractor and trailer.

5 BY MS. ZWOLAK:

6 Q All right. How about tankers?

7 A The same thing.

8 Q Could you explain it?

9 A What do you want me to explain?

10 Q The tanker body belonged to --

11 MR. WYNKOOP: Could the trailer used with your
12 tractor on occasion be a tank trailer?

13 THE WITNESS: Yes.

14 BY MS. ZWOLAK:

15 Q Now, back to my original question: Did you have any
16 input to Inland on what companies would fill up these
17 trailers?

18 A No.

19 Q Did Inland ever supply you with a list of companies
20 that were filling up the trailers?

21 A No.

22 Q Did they ever orally tell you who was filling up the
23 trailers?

24 A My driver was dispatched to go to Inland's yard. Once

204512

ORIGINAL
(Red)

- 1 he got to Inland's yard, they instructed him where to
2 go, what to do for the day, for the week, for the
3 month. I had no control over that driver. He was
4 working, at that point, for Inland.
- 5 Q For instance, he would go to, say, the Philadelphia
6 Naval Yard?
- 7 A Exactly. We would rent the truck and our driver to
8 Inland on an hourly basis.
- 9 Q Did your driver keep any kind of a log where he was
10 going?
- 11 A He had a ticket -- what we call a ticket receipt book
12 for each day. He would do a receipt or ticket for
13 Inland -- for Blosenski to Inland for the number of
14 hours he worked for them.
- 15 Q Would the book indicate where he went?
- 16 A I don't know if it would or not.
- 17 Q And which driver was this that you leased to Inland?
- 18 A Oh, boy. At that time, it was a gentleman by the name
19 of Earl Wright.
- 20 Q And do you know where Mr. Wright is now?
- 21 A I have no idea.
- 22 Q Was he your employee?
- 23 A At that time, yes.
- 24 Q And what time was that?

204513

ORIGINAL
(Red)

- 1 A Whenever we had the truck leased to Inland, and the
2 exact date on that, I do not know.
- 3 Q Did he have any other job besides driving for Inland?
- 4 A No, I don't think.
- 5 Q Was he the only employee that did this?
- 6 A Well, he was the only employee that would have drove a
7 tractor for Inland, yes.
- 8 Q Why was that?
- 9 A Because it was his job.
- 10 Q Do you remember for how many years this deal went on?
- 11 MR. WYNKOOP: Inland, leasing the tractor?
- 12 A No. I do not, no.
- 13 Q Was it from 1971, around that time?
- 14 A I don't think it was quite that early.
- 15 Q Did it last until 1987?
- 16 A To 1987?
- 17 Q When you sold Blosenski Disposal.
- 18 A No. No, no.
- 19 Q Did it last until 1978 and '79?
- 20 A That is possible.
- 21 Q Do you know where Earl Wright is located right now?
- 22 A I have no idea.
- 23 Q When was the last time you saw him?
- 24 A Seven years.

204514

ORIGINAL
(Red)

- 1 Q And where was he located then?
- 2 A Around Honey Brook.
- 3 Q Do you know how old he was, about?
- 4 A No idea.
- 5 Q Was he an older gentleman?
- 6 A No, not really. I would say -- I don't know how old
- 7 he was. I didn't know.
- 8 Q Now, this arrangement that you had with Inland did
- 9 you approach them about that, or did they approach
- 10 you.
- 11 MP. SCHNEIDER: Objection to the form.
- 12 A I don't recall what happened there, how it got
- 13 started.
- 14 Q Did you have a written contract with them?
- 15 A No. I don't think so.
- 16 Q Can you explain to me how it would work? Would they
- 17 call you up as needed, or would Earl go out everyday?
- 18 A They pretty much would schedule you for the week.
- 19 Q Would that be five days for the week or six?
- 20 A Six.
- 21 Q For the whole day?
- 22 A Well, it depends on what they had to do. It could be
- 23 a 4-hour trip. It could be a 14-hour trip.
- 24 Q Do you know how many trailers full or tank loads they

204515

ORIGINAL
(Red)

- 1 would deposit at the landfill each day or each week?
- 2 A Let's get one thing clear first, okay?
- 3 Q Okay.
- 4 A Earl Wright never delivered to my landfill for Inland.
- 5 That's first thing, okay? Secondly, the answer to
- 6 your question for per day, I would say maybe three a
- 7 week.
- 8 Q When you say Earl Wright never delivered to your
- 9 landfill for Inland, what do you mean?
- 10 A That wasn't his job with Inland.
- 11 Q Do you know where he was taking the tank loads?
- 12 A Yes.
- 13 Q Where?
- 14 A Some of them --
- 15 Q Okay.
- 16 A -- I know, I think, went to Nickenbocker.
- 17 Q So, anything that Earl Wright picked up for Inland,
- 18 his loads never came to you?
- 19 A Not that I know of.
- 20 Q The three loads that you talked about, they were from
- 21 Inland trucks?
- 22 A Yes -- or from other trucks that might have been
- 23 leased to Inland, the same as our company was leased
- 24 to Inland.

204516

ORIGINAL
(Red)

1 Q If you look at the next exhibit.

2

3

4

(Document marked for identification as
Deposition Exhibit No. 9.)

5

6

7

8

9

10

11

12

13

14

15

16

BY MS. ZWOLAK:

17

18

19

20

21

22

23

24

Q Only referring to the top page now, Mr. Blosenski, by any chance have you ever seen this document before?

A Well, I'm sure I have. I just don't recall it.

Q Did you read this document just now?

A Yes.

Q Okay. Do you see the incident that they are referring to, that on August 21, 1978, the DER visited the landfill?

204517

ORIGINAL
(Red)

- 1 A Uh-huh.
- 2 Q It says that a resident of the trailer attempted to
3 contact you at that time. Do you recall that?
- 4 A No.
- 5 Q Do you recall being told afterwards that the DER had
6 come out to inspect the property?
- 7 A I don't recall.
- 8 Q Did Mr. Hoffman ever tell you in the years that the
9 property was operating that the DER ever came out to
10 inspect the property?
- 11 A Yes.
- 12 Q Do you recall when that was?
- 13 A No.
- 14 Q If you will notice at the end of paragraph number two,
15 it says, "Deposited along with the bulk waste are some
16 100 to 200 fifty-five gallon drums, while most drums
17 are empty, an estimated 40 or 50 do contain liquids or
18 sludges. Of these some 20 to 30 are leaking wastes on
19 to the ground." Do you by any chance remember the
20 company which sent these drums to the landfill?
- 21 A No.
- 22 Q Do you remember in 1978, who was sending drums to the
23 landfill?
- 24 A No.

204518

ORIGINAL
(Red)

1 Q All right. If you will refer now to Page 2, did you
2 have a chance to read this?

3 A A little bit, uh-huh.

4 Q You can see that it is a representation of the L-shape
5 of the landfill?

6 A Yes.

7 Q With different sites marked out?

8 A Yes.

9 MS. BERKE: Objection to counsel's
10 characterization.

11 BY MS. ZWOLAK:

12 Q Now, cut off on the side, written above it is an A.
13 Do you see that, up on top here?

14 A Okay, yeah.

15 MR. DILLON: Just one moment, a clarification.
16 Has Mr. Blosenski stated that he can identify this
17 drawing and what it represents?.

18 MS. ZWOLAK: No.

19 BY MS. ZWOLAK:

20 Q Can you identify this drawing, Mr. Blosenski, or ever
21 you ever seen it before?

22 A Identified as what?

23 Q Have you ever seen this before?

24 A No.

204519

ORIGINAL
(Fred)

1 Q Can you identify this drawing as being a
2 representation of your landfill?

3 A No.

4 Q All right. Let me just ask you a question that would
5 help clarify my understanding of Page 2 of this
6 exhibit. If you notice at A, it states, "some 15
7 five-gallon cans from ICI United States, Inc."

8 A Yes.

9 Q And I assume you are saying that it's located at
10 number A. Then B is, it says, "some 30 fifty-five
11 gallon drums from Budd Company, trailer division." Do
12 you see where it says that?

13 A Yes.

14 Q Then down C, it says, "three leaking drums, 55 gallon
15 drums from Grocery Store Products Company."

16 A Yes.

17 Q And then do you see D where it says, "partially
18 covered, empty 55 gallon drums from A. Johnson
19 Company?"

20 A Yes.

21 Q Okay. How would the DER have been able to identify
22 these companies as owners of those drums?

23 MR. DILLION: Objection to the form.

24 MS. ZWOLAK: All right.

204520

1 MS. ZWOLAK:

2 Q Let me ask you this: Did the drums have stickers on
3 them that you recall?

4 MR. DILLON: Objection.

5 MS. ZWOLAK: That he saw.

6 MR. DILLON: Excuse me. As far as I
7 understand, Mr. Blosenski has stated that this may not
8 even be a representation of the landfill, and there is
9 absolutely no foundation that he even has xx anything
10 that you read off this exhibit.

11 BY MS. ZWOLAK:

12 Q Mr. Blosenski, did you ever see drums at the landfill
13 in 1978, more or less corresponding with the date of
14 this exhibit? I'm not asking if the exhibit
15 demonstrates anything, just whether or not you saw
16 drums there.

17 A I might have seen a couple drums.

18 Q Okay. Do you recall if the drums had flames on the
19 side of them?

20 A No.

21 Q Do you recall where you saw them?

22 A No.

23 MR. DILLON: As a point of clarification, could
24 I find out what Mr. Blosenski means by drums?

1 MR. WYNKOOP: When you use the terms drums.
2 Joe, what do you mean?

3 THE WITNESS: A 55 gallon steel container.

4 MR. DILLON: Thank you.

5 BY MS. ZWOLAK:

6 Q Okay. The next exhibit, which will be --

7 A Before you get another exhibit, I would like to try to
8 finish this thing up by 1, 1:30. I do have other
9 appointments today.

10 Q All right. Then, we'll move it along.

11 A I appreciate it.

12 MR. DILLION: Can we go off the record for one
13 second?

14 MR. WYNKOOP: Sure.

15 - - - -

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

18 - - - -

19 (Whereupon, a recess was had.)

20 - - - -

21 BY MS. ZWOLAK:

22 Q Okay. Mr. Blossenski, earlier you stated that you've
23 been deposed before. You had gone through a
24 deposition before?

ORIGINAL
(Red)

1 A Yes, ma'am.

2 Q When was that?

3 A I did one a couple weeks ago.

4 Q And --

5 THE WITNESS: Do you know the date?

6 MR. WYNKOOP: I don't remember that.

7 BY MS. ZWOLAK:

8 Q Do you remember the name of the case?

9 A It was with the EPA.

10 Q Do you remember who took your deposition?

11 A Eleanor Trepitsky.

12 MR. CUNNINGHAM: We do intend -- copies were
13 just received. And as soon as Mr. Blosenski
14 authenticates it, we intend to produce it.

15 MR. DILLON: Thank you so much for your
16 cooperation.

17 BY MS. ZWOLAK:

18 Q I think we were going to look at Exhibit No. 9 when we
19 broke.

20 MR. WYNKOOP: 10.

21 MS. COHEN: Does somebody have Exhibit 9 on the
22 table?

23 MR. COHEN: Yes, I have 9. Are we finished
24 with 9?

204523

ORIGINAL
(Red)

1 MS. ZWOLAK: I'm finished with 9.

2 MR. COHEN: You're finished with 9.

3 BY MS. ZWOLAK:

4 Q Exhibit No. 10, which I will identify for the record
5 as a letter from Wayne Lynn of the DER to ICI United
6 States, Inc., dated September 1, 1978.

7 Mr. Blosenski, by any chance have you ever seen this?

8 MS. COHEN: We haven't received a copy. Did
9 you?

10 MR. DILLION: Can we take a look at that before
11 you start questioning on that?

12 MS. ZWOLAK: Yes.

13 MR. SCHNEIDER: Off the record.

14

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

17

18 BY MS. ZWOLAK:

19 Q Mr. Blosenski, have you ever seen this document
20 before?

21 A No

22 Q I call your attention to the bottom of the document.
23 the handwriting which is dated 9-6-78, and I will read
24 it.

204524

ORIGINAL
(1/20/78)

1 MR. DILLON: Before you do that, do we have any
 2 way of knowing whose or what handwriting this is? I
 3 mean, it's not part of the letter, obviously. It
 4 bears a different date from the letter. It's
 5 effectively a different document than the letter.

6 BY MS. ZWOLAK:

7 Q There is handwriting on the bottom of it. Do you
 8 recognize this handwriting, Mr. Blosenski?

9 A I do not.

10 Q Of unknown origin?

11 A I did not.

12 Q And I will read into the record what this footnote
 13 says, "9-6-78, I spoke with George Bingham. Blosenski
 14 hauled their 5 gallon buckets about 100 to 150 over
 15 past" -- something, it's illegible -- "containing PTFE
 16 (powered tetrafluroethylene), used for coating fry
 17 pans, will emit toxic gases if burned 600 to 700
 18 degrees Fahrenheit... They paid a dollar" -- something
 19 illegible -- "for disposal. He will call Blosenski
 20 for receipts for" -- something illegible --
 21 "disposal."

22 Mr. Blosenski, do you remember being telephoned
 23 about these 5 gallon buckets?

24 MR. DILLON: Objection. There is nothing here

ORIGINAL
(Red)

1 that says he is being telephoned.

2 MS. ZWOLAK: Mr. Blosenski.

3 MR. DILLON: We don't even know what is going
4 on here.

5 BY MS. ZWOLAK:

6 Q Mr. Blosenski, do you recall being telephoned with
7 reference to these 5 gallon buckets?

8 A I do not.

9 Q Do you know who George Bingham is?

10 A I do not.

11 Q Do you know what these 5 gallon buckets are that this
12 footnote refers to?

13 A I do not.

14 Q Do you know what PTFE is?

15 A No, I do not.

16 Q Did you ever haul for ICI United States, Inc.?

17 A I don't know if I did or not.

18 Q Exhibit No. 11 --

19 MS. ZWOLAK: If you would mark that as Exhibit
20 No. 11.

21

22 (Document marked for identification as

23 Deposition Exhibit No. 11.)

24

204526

ORIGINAL
(Red)

* * * *
KAREN M. STREAMS
Court Reporter's Office
20 N. Church Street
West Chester, PA 19380
(215) 692-8242
November 11, 1987
* * * *

Ms. Ilene Lipow, Esquire
Rubin & Rubin
MCS Building
10 South Leopard Road
Suite 202
Paoli, PA 19103

IN RE: Payment for professional services rendered on
October 27, 1987, at the deposition of Joseph
Blosenski, Jr., 123 pages @ \$1.25, plus photocopying
of exhibits and Federal Express mailing.

TOTAL: \$169.50

THANK YOU.

POST SCRIPT: I have sent the original Witness' Signature
Page to Mr. Cunningham in order to obtain
signature from the witness. I have requested
of Mr. Cunningham that copy of such be
forwarded to you.

204527

ORIGINAL
(Red)

1 MS. ZWOLAK: I will identify this for the
2 record as a letter from A. Ambrosch, Division Manager
3 of Manufacturing and Engineering for the Budd Company,
4 and is addressed to Mr. Wayne Lynn of the DER. It is
5 dated September 6, 1978.

6 BY MS. ZWOLAK:

7 Q Mr. Blosenski, by any chance, have you ever seen this
8 document, physically seen this letter before today?

9 A No.

10 Q Are you familiar with the information contained inside
11 the letter?

12 A Some of it, yes.

13 Q All right. Why don't we take this paragraph by
14 paragraph. "Dear Sir, this is to confirm our telephone
15 conversation on this date concerning your letter
16 regarding the dumping of waste material by J.M.
17 Blosenski." Are you referred to as J.M. Blosenski?

18 MS. BERKE: Objection. How does he know what
19 was in the mind of the DER?

20 MR. WYNKOOP: Ask him about the incident.

21 MS. ZWOLAK: Excuse me.

22 MR. WYNKOOP: If he recalls the incident.

23 BY MS. ZWOLAK:

24 Q Do you contest that you were the Mr. Blosenski

204528

ORIGINAL
(F.R.D.)

1 mentioned in this letter?

2 MP. WYNKOOP: How can he possibly know, know
3 what somebody else wrote?

4 MS. ZWOLAK: Fine, I'll move on.

5 BY MS. ZWOLAK:

6 Q It says, "We have also, since our conversation, taken
7 the time to discuss the matter with Mr. Blosenski and
8 have visited the dumping site mentioned in your
9 letter." Do you remember having a discussion with the
10 Budd Company in 1978?

11 A Vaguely, yeah.

12 Q Can you vaguely give us what the content of the
13 conversation was?

14 A Well, pretty much what it says in the letter. I did
15 visit the site. And I showed them where I was storing
16 their empty drums, and whether I hauled them out of
17 the Budd Company. They were empty drums.

18 Q Do you remember where in the site you were putting
19 their drums?

20 A No.

21 Q Do you remember the visit?

22 A Yes.

23 Q If you will look to Paragraph 5, "According to
24 Mr. Blosenski, the barrels or containers that contain

204529

ORIGINAL
(Red)

1 paint or undercoat are taken from the plant to a place
2 in West Chester, where they are pumped out and
3 disposed of elsewhere. He will supply us with the
4 name of the place. He then takes the empty containers
5 or barrels and stores them at the site we visited."

6 When you picked up drums from the Budd Company,
7 were they empty, or were they full?

8 MS. BERKE: Objection to form.

9 MR. WYNKOOP: You can answer.

10 A Empty.

11 Q All right. You spoke to them here. You say that some
12 of these drums are pumped out and disposed of
13 elsewhere.

14 MS. BERKE: Objection.

15 MS. ZWOLAK: I didn't ask a question, yet.

16 MS. BERKE: I'm objecting to what you just
17 said. I don't think it characterizes what the letter
18 states.

19 MS. ZWOLAK: All right. It says "According to
20 Mr. Blosenski, the barrels or containers that contain
21 paint or undercoat are taken from a plant to a place
22 in West Chester, where they are pumped out and
23 disposed of elsewhere."

24 MR. WYNKOOP: Are you asking him if he said

204530

ORIGINAL
(Red)

1 that?

2 MS. ZWOLAK: No. I'm merely saying this is
3 what it said, when it refers here now to these barrels
4 that are pumped out.

5 MR. CUNNINGHAM: So, are you asking him if that
6 is what the letter says?

7 BY MS. ZWOLAK:

8 Q Did you say this, Mr. Blosenski? Do you recall saying
9 it?

10 A I don't recall.

11 Q All right. Do you know what drums they are talking
12 about, or barrels they are talking about?

13 A No.

14 Q Do you remember where you would, not necessarily these
15 drums, but any drums? Do you remember what site you
16 would take these drums to to pump them out, if you had
17 full drums?

18 MS. BERKE: Objection to form.

19 MR. WYNKOOP: Go ahead.

20 A Well, if I had full drums to be pumped out, I would
21 have took them to Delaware Container in West Chester.

22 Q And was that a sanitary landfill?

23 A No. It was a transfer site.

24 Q And where would the material that got pumped out go?

204531

ORIGINAL
(Red)

- 1 A I don't know where they took it.
- 2 Q I mean, did it go into other drums or into a big
3 container, or do you know?
- 4 A I've never seen them do it. So, I don't know.
- 5 Q Do you know what companies supplied you with full
6 drums that you went and took to Delaware Container to
7 have them pumped out?
- 8 A No.
- 9 Q You don't remember?
- 10 A No.
- 11 Q Would there be records of that anywhere?
- 12 A I doubt it.
- 13 Q Was there a guideline for which drums would be taken
14 to Delawsre Container to be pumped out?
- 15 A I don't think so.
- 16 Q Did any supplier of drums ever tell you not to deposit
17 whatever was in the drum in a landfill, to have it
18 pumped out separately?
- 19 A I don't remember.
- 20 Q Why would you do it, then?
- 21 A Well, this was prior to -- this was after 1978, after
22 the closing of the landfill. I didn't take -- once it
23 was closed, it was closed. So --
- 24 Q Did you ever take drums and pump them out before the

204532

1 landfill was closed?

2 A Probably did.

3 Q And why would you have done it then?

4 A Well, it was a way to dispose of it at the time --
5 depending what the material was, I would imagine.

6 Q How would you know what was inside the drum?

7 A I imagine a customer would have told us.

8 MR. CUNNINGHAM: Joe, don't imagine. If you
9 know, you know.

10 MR. DILLON: I want to object to the whole line
11 of questioning, because it seems to me that the
12 witness has been speculating for the last 5 minutes,
13 for what he imagined might have occurred.

14 THE WITNESS: I am speculating.

15 BY MS. ZWOLAK:

16 Q Were you the person who would speak to these companies
17 in the depositing of the drums, or would it be the
18 drivers who would speak to the companies about what
19 was inside the drums?

20 MS. BERKE: Objection to the form of the
21 question.

22 MR. CUNNINGHAM: Would it be? When?

23 MS. ZWOLAK: All right. Let's take firms for
24 around 1978, after the dump was closed

ORIGINAL
(Rec'd)

1 MR. CUNNINGHAM: For this particular --

2 MS. ZWOLAK: No, any company.

3 A I don't know.

4 Q Do you ever recall speaking to companies personally?

5 A You are talking 10 years ago. I don't recall, no.

6 Q All right. How about when you first opened the
7 landfill, did anyone give you any instructions to
8 empty drums before they deposited them in the
9 landfill?

10 A I just don't remember. I don't know.

11 Q On Page 2, the letter states, "When we have barrels
12 containing old paint or the normal empty barrels,
13 these are segregated and hauled away as a separate
14 contract for which we pay a premium." It was a
15 contract with Blosenski Disposal?

16 A I don't think it was.

17 Q Do you by any chance know who that contract was with?

18 A No idea.

19 Q It states that you will -- it says, "In the future,
20 Mr. Blosenski will provide us with certification
21 stating that the material has been disposed of as
22 prescribed by law." Did you ever provide Budd with
23 that sort of certification?

24 A I don't know if I did or not.

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Q Would you by any chance delegate that responsibility to somebody else?

A I don't think so.

Q Moving on to Exhibit 12.

MS. COHEN: 13.

MS. ZWOLAK: 13, thank you.

THE WITNESS: 12.

MS. COHEN: It is?

MR. WYNKOOP: Yes.

- - - - -

(Document marked for identification Deposition Exhibit No. 12.)

- - - - -

MS. ZWOLAK: I will describe No. 12 for the record as a letter from David A. Jackson, Director of Division of Environmental Health Services of the Chester County Health Department to Mr. Blosenski, dated November 27, 1979, with a certified mail number, 624694.

MR. WYNKOOP: This doesn't have anything to do with the landfill, and I'm going to object to any questions on it.

BY MS. ZWOLAK:

Q Mr. Blosenski, do you see in the second paragraph the

1 name of the driver of the truck was referred to as
2 Danny. Do you remember --

3 MR. CUNNINGHAM: Don't answer.

4 MR. WYNKOOP: I'm going to object to the
5 question and instruct the witness not to answer.

6 MS. ZWOLAK: Fine. We will go to No. 13.

7 - - - -

8 (Document marked for identification as
9 Deposition Exhibit No. 13.)

10 - - - -

11 MS. ZWOLAK: Which I will describe for the
12 record as a letter from Joseph M. Blosenski, Jr.,
13 addressed to Budd Trailer Division, dated April 13,
14 1984.

15 BY MS. ZWOLAK:

16 Q Mr. Blosenski, do you recognize this document?

17 A Yes.

18 Q And is that your signature at the bottom?

19 A Yes.

20 Q This letter states that you, in the third paragraph,
21 "We offer this letter to state that our records show
22 the first contact with you was November, 1979." Was
23 that correct? Was your first contact with Budd
24 Company in November, 1979?

204536

ORIGINAL
FILED

1 MS. BERKE: Objection, counsel. I think you
2 have to read to him the whole sentence.

3 BY MS. ZWOLAR:

4 Q "Which was on or about the time the use of the 340
5 site was discontinued, and we did not haul any liquids
6 for you at any time."

7 MS. BERKE: I'm just going to have to object.

8 BY MS. ZWOLAR:

9 Q My question originally was: Was your first contact
10 with Budd Company November, 1979?

11 A If that's what the letter says, I imagine it was.

12 Q What does your memory tell you?

13 A It doesn't.

14 Q Do you remember doing business with Budd Company?

15 A Do I remember doing business with Budd Company?

16 Q Yes.

17 A Yes.

18 Q What did you do for them?

19 A Hauled their trash.

20 Q Do you remember about when you started hauling their
21 trash?

22 A I do not.

23 Q Do you remember if it was in 1971, when you first
24 opened the landfill?

204537

ORIGINAL
(Red)

- 1 A I don't think it was.
- 2 Q Do you remember if it was --
- 3 A I'm almost positive it wasn't.
- 4 Q Do you remember if it was before the Bicentennial --
- 5 1976?
- 6 A I don't know. I honestly don't know.
- 7 Q Do you remember, with the Budd Company, did you go to
- 8 them to solicit business, or did they contact you?
- 9 A That, I do not remember.
- 10 Q Do you remember if you had a contract with them?
- 11 A I imagine -- I -- you know --
- 12 MF. WYNKOOP: Don't imagine.
- 13 A I don't know.
- 14 Q Do you know if you were the only disposal company they
- 15 used?
- 16 MS. BERKE: Objection to the form of the
- 17 question.
- 18 A I'm sure I'm not the only disposal company they used.
- 19 Q Did you see other trucks there?
- 20 A No.
- 21 Q Do you know how many times per week you would visit
- 22 Budd to pick up materials?
- 23 MS. BERKE: Objection to the form of the
- 24 question.

204538

ORIGINAL
(Red)

1 THE WITNESS: Can I answer?

2 MR. WYNKOOP: Yes.

3 MR. CUNNINGHAM: Answer.

4 A I would say twice a day, on a daily basis.

5 Q And you don't recall about when that was -- what years
6 that was?

7 A That, I don't know.

8 Q Did you know what these loads consisted of just -- go
9 ahead.

10 MR. WYNKOOP: Do you know what these loads
11 consisted of?

12 A Yes. Plywood, wooden crates, paper trash, office
13 trash, sweepings off the floor from their plant.

14 Q Did you physically see this and know that is what it
15 was, or did you physically see it and know that is
16 what it was?

17 A I physically seen it.

18 Q Would you see any drums, or anything of that type, say
19 5 gallons and up?

20 A There would be empty drums with the top open, which
21 were used to put trash in it. And when the guy came
22 out with it, rather than dump it out, he threw the
23 drum away, trash and all.

24 Q Mixed in with the trash Was there ever any kind of

204539

1 liquid waste that you saw?
2 A No.
3 MS. BERKE: Objection.
4 BY MS. ZWOLAK:
5 Q Was the company name printed on the side of the drums?
6 A I don't think.
7 Q Do you remember if the drums were old and rusted?
8 A Some were.
9 Q Was there a particular area in the landfill where Budd
10 trash was put?
11 A No.
12 Q Just anywhere that they happen to be digging that day.
13 Mr. Hoffman would just direct them to wherever?
14 A According to his letter, it couldn't have went to the
15 landfill. This letter was 1979. Are you saying that
16 I started in 1979? The landfill was closed in 1979.
17 Q You stated to me that you didn't know when you started
18 with them.
19 A Right. The letter says '79.
20 Q I'm asking at anytime you dealt with Budd.
21 A If it went there, it just went there. There was no
22 designated place.
23 Q Do you remember speaking with any of the people at
24 Budd?

1 A Yes. Uh-huh.

2 Q And who was that?

3 A I think there was a Mr. Trego. And I don't know who
4 the other guy was. I can't think of his first name
5 offhand.

6 Q Do you know what position they had with the company?

7 A No.

8 Q Do you know if they were truckers as opposed to
9 managerial?

10 A I don't think they were truckers.

11 Q And do you remember the substance of the
12 conversations?

13 A No.

14 Q Did Budd ever recommend a certain disposal method for
15 their waste or materials?

16 MS. BERKE: Objection to the form of the
17 question.

18 MR. CUNNINGHAM: Yes. Why can't we just use
19 matter or material?

20 MS. ZWOLAK: I'm trying to remember to do that.

21 BY MS. ZWOLAK:

22 Q If we could look at our next exhibit, which would be
23 No. 14, I think.

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(Document marked for identification as
Deposition Exhibit No. 14.)

- - - -

MS. ZWOLAK: I will describe No. 14 for the
record as a letter from Joseph M. Blosenski, addressed
to Liquid Nitrogen Processing Company in Malvern,
Pennsylvania, dated April 13, 1984.

BY MS. ZWOLAK:

Q Mr. Blosenski, have you ever seen this letter before?

A I can't say that I did.

Q Is this the letterhead of Blosenski Disposal Company?

A Yes.

Q All right. It states in this letter in the beginning
of Paragraph 5, "We offer this letter to state that
our records show that the first contract with you was
November, 1979, which was on or about the time the use
of the 340 site was discontinued, and we did not haul
any liquids for you at anytime." Do you recall what
date you first started working with Liquid Nitrogen
Processing Company?

A I do not.

Q Do you remember if it was around 1971, when you first
opened the landfill?

A I don't remember.

ORIGINAL
(Red)

- 1 Q Do you remember the type of materials you would haul
2 for Liquid Nitrogen, Inc.?
- 3 A Trash, cardboard containers, skids, pallets.
- 4 Q Would you take those to the Blosenski Landfill?
- 5 A That is possible that we did, yes.
- 6 Q Did you ever use any other landfill?
- 7 A Nickenbocker.
- 8 Q Did you have a contract with Liquid Nitrogen
9 Processing Company?
- 10 A It's possible that we did. I don't recall a contract
11 with them.
- 12 Q Do you know if you were the only disposal company they
13 used?
- 14 A I don't think I am.
- 15 Q Did you ever see any other trucks on their property
16 when you were going to pick up stuff?
- 17 A Not at this location.
- 18 Q At what location did you see other trucks?
- 19 A I've never seen any other trucks or their locations.
20 But I know I'm not only trash collector they have.
- 21 Q How do you know that?
- 22 A Because I know what their locations are, and I don't
23 pick up all their locations. I didn't pick up all of
24 their locations.

204543

1 Q Did you have contact with any employees of Liquid
2 Nitrogen Processing Company?

3 A I'm sure we did. Who they were, I don't know. Again,
4 I don't know.

5 Q Did you personally have any conversations with any of
6 their employees or people?

7 A On the telephone, I did, yeah.

8 Q Do you remember what the substance of the conversation
9 was?

10 A To arrange for different dumpsters here and there.

11 Q Did they ever direct you in any way to dispose of
12 their materials in a certain way?

13 A No.

14 Q Did they ever tell you what was contained in their
15 trash?

16 A No.

17 Q When you answered the question earlier, was that
18 because you physically saw the trash?

19 A Yes.

20 Q Okay. Exhibit No. 15.

21

22 (Document marked for identification Deposition
23 Exhibit No. 15.)

24

204544

ORIGINAL
(Red)

1 MS. ZWOLAK: I identify this for the record as
2 a letter from Joseph M. Blosenski, Jr., to Sartomer
3 Company, dated April 13, 1984.

4 BY MS. ZWOLAK:

5 Q Mr. Blosenski, do you by any chance recognize this
6 document?

7 A I signed it. I recognize my signature on it.

8 Q Do you remember the contents of what is inside the
9 letter?

10 A From reading it today -- I mean, I see what it says.

11 Q Do you recall writing this letter?

12 A No.

13 Q Okay. Do you know when you first had a contract with
14 the Sartomer Company?

15 MS. COHEN: Objection to form.

16 MR. WYNKOOP: You can answer.

17 A I don't recall the first date, no.

18 Q Do you recall if it was close to 1971 when you first
19 opened the landfill?

20 A I don't think it was that far back.

21 Q Do you know if it was before the Bicentennial in 1976?

22 A No, I don't.

23 Q Do you recall the type of materials you picked up from
24 Sartomer?

204545

ORIGINAL
(Red)

1 MS. COHEN: Objection to form.

2 BY MS. ZWOLAK:

3 Q Your company picked up?

4 A There again, just general trash. It was, like, a
5 paper bag we picked up for them and cardboard
6 containers, pallets, skids.

7 Q Okay. Did you ever pick up any drums from them?

8 A No, not steel drums.

9 Q Is that you personally, or would that be all of your
10 employees?

11 A My employees. I've done the account personally.

12 Q Did they ever tell you if hazardous wastes were
13 present in their materials that you picked up?

14 A No.

15 Q Did they ever use drums as trash cans?

16 MS. COHEN: Objection.

17 MS. ZWOLAK: All right. I withdraw the
18 question.

19 BY MS. ZWOLAK:

20 Q Exhibit No. 16.

21

22 (Document marked for identification Deposition
23 Exhibit No. 16.)

24

204546

ORIGINAL
(Red)

1 MS. ZWOLAK: I will identify No. 16 for the
2 record as a letter ostensibly from Joseph M.
3 Blosenski, Jr., to A. Johnson & Company.

4 BY MS. ZWOLAK:

5 Q Mr. Blosenski, do you remember ever seeing this letter
6 before?

7 A I don't remember seeing it, no.

8 Q If you note at the bottom, there are large initials,
9 JMB, colon, small initials psi. Who is psi?

10 A I have no idea.

11 Q Do you have a secretary?

12 A (Inaudible answer.)

13 MR. COHEN: Excuse me. I didn't hear the
14 answer.

15 A Yes, we have secretaries in the office.

16 Q Do you remember any of them whose name would begin
17 with a P, middle name S, last name L?

18 A No.

19 Q Can you remember the names of any of your secretaries
20 in 1984?

21 A '84, no, I can't.

22 Q This letter is written to A. Johnson & Company. Did
23 you provide hauling services for A. Johnson?

24 A Yes.

204547

ORIGINAL
(Red)

1 Q Do you know when you started providing those services?

2 A The exact date, I'm not sure when we started.

3 Q Now, I don't want the exact date. Do you know the
4 general area?

5 A '79, '80, '81.

6 Q Do you know what you hauled for them?

7 A Trash.

8 Q When you say trash, what does that mean?

9 A Again, cardboard, wooden pallets. They use what they
10 call a "gay board" (phonetically) box which was a four
11 by four cardboard box, a lot of them and skids and
12 rags, and there were some steel drums, which would
13 contain trash.

14 Q Were the drums open or shut?

15 A They were open drums which contained trash or just
16 open empty steel drums.

17 Q Did it have Johnson's name on the side of the drum?

18 A Not that I recall.

19 Q Do you remember if the drums were painted?

20 A Not that I recall.

21 Q Did you have a contract with Johnson?

22 MR. COHEN: Objection to the form.

23 BY MS. SWOLAK:

24 Q Did you have a contract with Johnson to haul their

204548

ORIGINAL
(Red)

1 trash or haul their materials?

2 MR. COHEN: Objection to the form.

3 MR. WYNKOOP: You can answer the question.

4 A I don't know if we had a contract with them or not.

5 Q Do you know if you were the only disposal company they
6 used?

7 MR. COHEN: Objection to the form.

8 MR. WYNKOOP: Answer.

9 A I don't know.

10 Q Do you know how often you picked up loads from Johnson
11 & Company?

12 A No.

13 MR. COHEN: Objection to the form.

14 A I do not know.

15 Q Did you physically see the trash when you described it
16 to me earlier, or is that because that is what they
17 told you it was?

18 A I have physically seen the trash. I have physically
19 hauled their trash.

20 Q Okay. Do you know if there were ever any liquids
21 contained in their materials that you picked up?

22 A To my recollection, we never hauled any liquids for
23 A. Johnson & Company.

24 Q Do you know if you hauled any hazardous wastes for

ORIGINAL
(Red)

1 them?

2 A Not that I know of.

3 MR. COHEN: Objection to the form.

4 BY MS. ZWOLAK:

5 Q Do you know if you hauled any hazardous wastes for
6 Budd Company?

7 MS. BERKE: Objection to the form of the
8 question.

9 MR. COHEN: Can I have the answer read back to
10 what I objected to before?

11 MR. CUNNINGHAM: He said not that I know of.

12 BY MS. ZWOLAK:

13 Q Do you know if you hauled any hazardous wastes for
14 Budd Company?

15 A Not that I know of.

16 Q Do you know if you hauled any hazardous wastes for
17 Sartomer?

18 MS. COHEN: Objection to the form.

19 MR. WYNKOOP: Answer.

20 A Not that I know of.

21 Q Do you know if you hauled any for Liquid Nitrogen
22 Processing Company?

23 A Not that I know of.

24 Q These four companies that I just mentioned: Johnson,

204550

ORIGINAL
(Red)

1 Sartomer, Liquid Nitrogen Processing and Budd, when
2 you picked up materials from these sites, was the
3 Blosenski Landfill one of the sites you took their
4 materials --

5 MS. BERKE: Objection to the form of the
6 question.

7 BY MS. ZWOLAK:

8 Q And if you have to separate them out, you can.

9 A If it was prior to closing, it's possible we did, yes.

10 Q For ICI America's. Do you remember when you first
11 started doing business with them?

12 A No, I do not.

13 Q Do you remember if you had a contract to haul for
14 them?

15 MR. DILLON: Objection.

16 MR. WYNKOOP: You can answer.

17 A I don't know if we had a contract, or it was a verbal
18 agreement.

19 Q Do you remember speaking to any of the men at ICI
20 Company?

21 A I do not.

22 Q Do you know what the ICI Techalloy Division is?

23 A I do not.

24 Q Do you know if you were the only disposal company ICI

204551

ORIGINAL
(Red)

1 used?

2 A There again, I do not know.

3 Q Do you know how often you picked up loads from ICI?

4 MR. DILLON: Objection to the form.

5 A No.

6 Q Do you have any records of the types of materials that
7 you would pick up from ICI?

8 A There would be no records on what kind of material it
9 was.

10 Q Do you know if you ever picked up drums from ICI?

11 MR. DILLON: Objection to the form.

12 Q By you, I mean you or your employees.

13 A I don't think we ever picked up any drums from ICI.

14 Q If I asked this, I'm sorry. Do you remember speaking
15 to any of the employees or managers at ICI?

16 A No.

17 Q Do you recall if any person you ever picked up
18 materials for ever told you that hazardous wastes were
19 present in the materials you were picking up?

20 A No.

21 Q Do you recall if any company you ever hauled for ever
22 told you -- gave specific directions of how to dispose
23 of their materials?

24 A No.

1 Q Do you recall if any company you ever hauled for ever
2 told you if TCE was present in their materials?

3 A No.

4 Q Can you tell me, Mr. Blosenski, what is the present
5 state of the Blosenski Landfill? Is it in the process
6 of being cleaned up, or is it stagnant? Is anything
7 going on out there?

8 A It's stagnant.

9 Q Has any clean up been anticipated for the site?

10 A The site is clean.

11 Q Is the waste still in situ?

12 A Yes.

13 Q Have they put a cap over it?

14 MR. DILLION: Objection to the form. Who is
15 they?

16 BY MS. ZWOLAK:

17 Q Have you directed to have a cap put over it in any
18 way?

19 A When I closed the landfill, I put two foot of soil on
20 it and seedling. And it has vegetation on it right
21 now.

22 Q Do you know if the DER or EPA have done anything on
23 the site?

24 A Not yet they haven't.

ORIGINAL
(Red)

- 1 Q Do you know if they are going to?
- 2 A Yes.
- 3 Q Do you know what they plan to do?
- 4 A No idea.
- 5 Q Did they consult you in anyway?
- 6 A Not yet.
- 7 Q Did they consult your consultant?
- 8 A Did they consult?
- 9 MR. CUNNINGHAM: If you can answer. If you
- 10 don't know -- you just say what you know.
- 11 A I don't know.
- 12 Q Do you know who your consultant presently is?
- 13 A I don't think at the present time we have one.
- 14 Q Do you know who your last consultant was that you
- 15 used?
- 16 A I don't know the name of it.
- 17 Q When did you last have contact with them?
- 18 A About three years.
- 19 Q Why are they no longer your consultants?
- 20 A Well, I guess they are if I want them to be. We just
- 21 are not doing anything right now, because we were told
- 22 more or less not to do anything right now.
- 23 Q Who told you that?
- 24 A Well, we presented a plan to DFR that was one of the

204554

ORIGINAL
(Red)

1 best plans in the world, and DER rejected it. And at
2 this point, we are at a standstill.

3 Q Do you recall how many times the DER visited the site
4 while it was open?

5 A No.

6 Q Less than 10?

7 A Less than 10? No.

8 Q Were you present at anytime when these inspections
9 were conducted?

10 A Yes.

11 Q Do you remember how many times you were present at the
12 inspections?

13 A No.

14 Q Do you remember what the DER said to you at these
15 inspections?

16 A Yes, sometimes.

17 Q Can you tell us what they said?.

18 A Well, when I first bought the property, DER would come
19 in. And at that time, we had made application for a
20 permit. So, by making application for a permit, they
21 let us operate. And they would come in and say they
22 would like this done and this done before they would
23 come back the next time. And we would try and do what
24 they wanted done, until they came back the next time.

204555

ORIGINAL
(Red)

1 Q Can you give any example of the types of things you
2 would have done?

3 A For instance, they would want more dirt in this area.
4 One time they told us to make it 20 foot wide.
5 I came back the next week and told us 24 wide. So, we
6 would try to do it to get the permit.

7 Q Do you recall any names?

8 A Bruce Beitler.

9 Q What?

10 A Bruce Beitler. I think it's the guy in the letter.

11 Q We have been mispronouncing it all along.

12 A I think it is bite-ler.

13 Q When did you first find out that the area drinking
14 water was contaminated?

15 MR. DILLON: Objection to the form, no
16 foundation.

17 BY MS. ZWOLAK:

18 Q Did you ever find out that the drinking water was
19 contaminated for the residents near your landfill?

20 A It's not.

21 Q Why do you say that?

22 A Because I drink it.

23 Q Have you ever had any tests done?

24 A Yes.

ORIGINAL
(Red)

1 Q What did it show?

2 A I had the mobile home tested, and they tell me it's
3 okay.

4 Q You mean the residential trailer?

5 A Yeah.

6 Q Have you, by any chance, ever offered water to the
7 residents in the area, drinking water?

8 A No.

9 Q Were you ever asked to offer it?

10 A I was never asked, no.

11 Q Did your consultant recommend that you offer it?

12 A No.

13 Q What kind of recommendations did your consultant make
14 to you as a result of their contact with you -- to
15 whoever at the landfill? Did they direct you to do
16 anything?

17 A Just -- the only thing I remember them doing was
18 coming up with a plan for DER to cap it, and that was
19 it.

20 MS. ZWOLAK: I don't have any other questions.

21 Thank you very much, Mr. Blosenski.

22 THE WITNESS: Yes, ma'am.

23 MR. WYNKOOP: Next.

24 MR. BEAUCHAMP: Are we going to continue the

204557

ORIGINAL
(Red)

1 deposition? I have some questions.

2 MS. BERKE: I think everyone is probably going
3 to have some questions.

4 MR. CUNNINGHAM: What is your pleasure?

5 MR. DILLON: I don't care.

6 MR. GERLACH: What time is it?

7 MR. CUNNINGHAM: Five after one.

8 MR. PALMER: What is his scheduling?

9 THE WITNESS: Let's go for it.

10 MR. DILLON: Keeping in mind, on the record, we
11 pointed out that if we are not free to ask questions
12 on the customer list, we are still going to have to
13 bring Mr. Blosenski back and be able to ask questions
14 about that list. Given that fact, is it better to set
15 a firm date to continue now or to continue for a while
16 further this afternoon? Do you want to take a break
17 while that is discussed?

18 MS. COHEN: Can we take a two-minute break?

19 MR. CUNNINGHAM: Yes.

20

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

23

24

(Whereupon, there was a recess had.)

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MR. DILLON: I think we are going to try and continue it.

MS. ZWOLAK: That is a good idea.

MR. DILLON: And take a look at the transcript from today and take a look at the EPA transcript and decide where we will go.

MR. CUNNINGHAM: Anybody have a calendar?

MR. WYNKOOP: Are we on the record? Does anyone have any questions that don't relate to the customer list?

(Whereupon, there was a general response of yes from all of counsel.)

MR. WYNKOOP: Can we try to get those out of the way now, and then we will set up a time to come back, bring Joe back and do anything else you may have after you've seen the customer list and the EPA deposition.

MR. GERLACH: The same question is: Of those who do have questions that don't relate to the customer list, how long are you going to be, each of you? And if each of you are going to be over two

ORIGINAL
(Red)

1 minutes, then I request a lunch break.

2 MR. CUNNINGHAM: Let's do part A first: Who
3 has questions that don't relate to the customer list
4 or the EPA deposition concerning the customer list?

5 MR. DILLON: I have a substantial number of
6 questions.

7 MR. CUNNINGHAM: Okay. How long do you think
8 you will be?

9 MR. DILLON: I think it could be a couple of
10 hours.

11 MR. CUNNINGHAM: A couple hours.

12 MR. DILLON: And I'm not certain that many of
13 those questions might not be eliminated if I had the
14 time to read the deposition transcript that was taken
15 at the EPA. And it makes no sense to be proceeding
16 now without a lunch break, trying to rush this, if we
17 are missing two vital documents.

18 MS. BERKE: I'm having the same problem. I
19 don't know what the EPA covered. You are telling me
20 that they covered the customer list, and I'm not sure
21 what that encompasses.

22 MR. WYNKOOP: I'm not trying to be an
23 obstructionist, nor am I trying to limit your
24 questioning at all --

204560

ORIGINAL
(Red)

1 MS. BERKE: I understand.

2 MR. WYNKOOP: -- as long as Joe is here. I
3 don't want this just to go on and on and on. But
4 insomuch as we can get cleared away now, since he has
5 cancelled his appointment that he had, I would like to
6 do it, push on. What can't be covered, can't be
7 covered, obviously, and we'll bring him back for that.

8 MS. COHEN: I don't think we are in a position
9 to make an educated opinion or render an educated
10 opinion or guess or what may --

11 MR. WYNKOOP: Suppose we set a date now for
12 four weeks: we don't have the Order; you don't have
13 the deposition; you don't have the customer list; and
14 then, we are back to square one again.

15 THE WITNESS: Four weeks is bad for me. You
16 are in the Thanksgiving and hunting season. I don't
17 go personally, but I have a driver problem.

18 MS. BERKE: Do you anticipate any problem with
19 getting the transcript within the next couple weeks?

20 MR. WYNKOOP: Well, the transcript itself
21 contains the information that is in the customer list.

22 MR. CUNNINGHAM: It does?

23 MR. WYNKOOP: Basically, that's --

24 MR. CUNNINGHAM: We need the Order or --

204561

ORIGINAL
(Red)

1 MS. BERKE: Why don't we contact Judge Wood --

2 MR. CUNNINGHAM: -- and see if he will give the
3 Order? Why don't we do that?

4 MR. PALMER: Put on the record that Hertzmetz
5 has questions outside the customer list.

6 MR. BEAUCHAMP: As does Harry Phillips.

7 MR. COHEN: As would A. Johnson & Company.

8 MS. LIPOW: And INP.

9 MS. COHEN: And Sartomer.

10 MR. GERLACH: Ida Blosenski has questions, but
11 they won't take very long, I hope.

12 MR. COHEN: Do I take it now that the EPA
13 transcript has been transcribed, and it just awaits
14 review and signature?

15 MR. CUNNINGHAM: It has been transcribed and
16 been sent to us and awaits review. I think there are
17 some corrections that have to be made. It will delay
18 the process slightly.

19 MR. PALMER: Wouldn't it make sense to see
20 Judge Wood now, or as soon as we can, as a group, and
21 push this thing to a conclusion?

22 MR. OILLOW: Well, the Judge's concern, when I
23 sent the last unopposed request to him, was that he
24 wanted to see something in writing from each and every

204562

ORIGINAL
(Red)

1 party, which is why we prepared the stipulation, or he
2 wanted those people in front of him. And most of
3 those who have not signed, aren't here today to be in
4 front of Judge Wood.

5 So that, I think the appropriate way to do this
6 is to send either another motion, or to call the
7 Judge's law clerk and ask him to put on his calendar
8 an argument on his list. The only people that need it
9 are the ones that didn't sign. Schedule it
10 immediately and see if we don't have it resolved
11 within the week. And I'm willing to take on
12 contacting the Court to do that.

13 MR. WYNKOOP: Okay.

14 MR. DILLON: Thank you.

15 MR. BEAUCHAMP: So, we now reached an agreement
16 to postpone the deposition to a date certain that we
17 can set today.

18 MR. COHEN: Assuming that those materials will
19 be within our hands within the next two weeks.

20 MR. BEAUCHAMP: For the record, on behalf of
21 Perry Phillips, we have no objection to signing the
22 Order: unless, of course, we are permitted - do you
23 know Mr. Phillips, as it is worded, he is not
24 permitted to see the list. We will be willing to

204563

ORIGINAL
(Red)

1 agree that he not see the list, nor use any
2 information on that list.

3 However, we will not agree that Mr. Phillips
4 won't compete with whoever is on the list. Because,
5 obviously, he may very well compete for these
6 businesses, for these accounts without seeing the
7 list.

8 MR. CUNNINGHAM: Unknowingly, of course.

9 MR. BEAUCHAMP: I will agree not to show him
10 the list; however, I resolve not to. And the way the
11 Order is worded now, I'm now prohibited.

12 MR. CUNNINGHAM: I'll review --

13 MR. BEAUCHAMP: -- and I will get the list.

14 MR. CUNNINGHAM: It sounds like it might be
15 okay.

16 MR. PALMER: Who is left who hasn't signed it?

17 MR. CUNNINGHAM: Hertzmetz and the DEP --

18 MR. PALMER: -- as a plaintiff.

19 MR. CUNNINGHAM: I'm sorry, as a plaintiff.

20 MR. BEAUCHAMP: DEP hasn't.

21 MR. CUNNINGHAM: DEP hasn't.

22 MR. BEAUCHAMP: What could possibly be their
23 objection? EPA has it.

24 MR. COHEN: Probably an oversight.

204564

ORIGINAL
(Red)

1 MR. BEAUCHAMP: Administrative.

2 MR. PALMER: Off the record.

3

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

6

7 MR. DILLON: Is it possible to talk about a
8 date now?

9 MS. ZWOLAK: Fine with me.

10 MR. DILLON: Mr. Blosenski, when would the
11 hunting season be over that would be convenient for
12 you?

13 THE WITNESS: Deer season starts the Monday
14 after Thanksgiving, and those two weekends are pretty
15 rough for me on drivers. I would like to stick
16 around.

17 MR. DILLION: So, before Thanksgiving would be
18 better?

19 THE WITNESS: That would be fine -- if you guys
20 are ready.

21 MR. CUNNINGHAM: Will we have it.

22 MR. WYNKOOP: That is what, Thursday?

23 MR. CUNNINGHAM: Yes.

24 MR. WYNKOOP: How about Monday or Tuesday?

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ORIGINAL
(Red)

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MR. DILLON: Monday or Tuesday before the week
before Thanksgiving.

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

(Whereupon, the deposition was concluded at
1:35 o'clock p.m.)

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S I G N A T U R E P A G E

I have read the foregoing transcript of the questions asked of me and the answers given by me at my deposition on October 27, 1987, and I find this to be an accurate record thereof, except for the list of changes, if any, on the separate sheet attached hereto.

Joseph Blosenski, Jr.

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C E R T I F I C A T E

I, Karen M. Streams, an Official Court Reporter for the Court of Common Pleas, Chester County, Pennsylvania, do hereby certify that the proceedings, evidence, and rulings are contained fully and accurately in the notes taken by me on the hearing of the above cause, and that this transcript is a correct transcript of the same.


Karen M. Streams