

Thompson, Matthew A - DNR

From: Skwierawski, M. Andrew <askwierawski@dkattorneys.com>
Sent: Thursday, February 21, 2019 4:14 PM
To: Thompson, Matthew A - DNR
Cc: Warpinski, Ted A.; Frey, Susan J.
Subject: [WARNING: ATTACHMENT(S) MAY CONTAIN MALWARE]RE: Allen and Carrie Betts, et al. v Wauleco 2012 Documents
Attachments: Rob Zastrow Photo Transcript Cover.pdf; 06-28-12 Bob Zastrow_BUNDLE.PDF; Exh 314.pdf; Exh 315.pdf

Matt:

A copy of the deposition transcript and exhibits is attached.

Please let me know if you need anything further.

Andy

M. Skwierawski | Attorney | Tel: 414.225.1485 | Fax: 414.278.3685 | askwierawski@dkattorneys.com

From: Thompson, Matthew A - DNR [mailto:MatthewA.Thompson@wisconsin.gov]
Sent: Wednesday, February 13, 2019 11:01 AM
To: Skwierawski, M. Andrew <askwierawski@dkattorneys.com>
Cc: Warpinski, Ted A. <TWarpinski@dkattorneys.com>
Subject: Allen and Carrie Betts, et al. v Wauleco 2012 Documents

Andy-

I am reaching out to request a copy of a deposition provided by Bob Zastrow in relation to site activities at the former Crestline window manufacturer in Wausau. I've been reviewing a document created by Stantec referred to as "Summary of Opinions" dated July 17, 2012, which refers to a 6/28/12 Zastrow deposition. I would like to include his deposition into the site record for the Wauleco response action site, (DNR BRRTS# 02-37-000006) as it relates to a potential contamination pathway.

Thank you for your assistance with this matter.

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Matt Thompson

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dnr.wi.gov



In The Matter Of:

*ALLEN AND CARRIE BETTS, et al. v.
WAULECO, INC., et al.*

*DEPOSITION OF ROBERT ZASTROW
June 28, 2012*

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TESTIMONY OF:



ROBERT ZASTROW

6/28/2012

BETTS, et al. -VS- WAULECO, et al.



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Min-U-Script® with Word Index

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1 STATE OF WISCONSIN
2 CIRCUIT COURT MARATHON COUNTY
3 -----
4 ALLEN and CARRIE BETTS,
5 Husband and Wife, and
6 COURTNEY L. BETTS, et al.,
7 Plaintiffs,
8 -VS- DEPOSITION OF:
9 ROBERT ZASTROW
10 WAULECO, INC., a Wisconsin
11 corporation, et al.,
12 Defendants.
13 -----
14 Deposition examination of ROBERT
15 ZASTROW, taken at the instance of the Plaintiffs,
16 under and pursuant to Section 804 of the Wisconsin
17 Statutes and the acts amendatory thereof and
18 supplementary thereto, pursuant to Notice upon the
19 parties, before Christine J. Willette, RPR, CRR, CCP,
20 a Notary Public in and for the State of Wisconsin, at
21 the offices of Tlusty, & Kennedy, S.C., 1155 Grand
22 Avenue, Schofield, Wisconsin, on the 28th day of June
23 2011, commencing at 1:00 p.m. and ending at 4:30 p.m.
24
25

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1 A P P E A R A N C E S
2
3 APPEARING ON BEHALF OF THE PLAINTIFFS:
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10 APPEARING ON BEHALF OF THE DEFENDANT WAULECO, INC.:
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12 Hinshaw & Culbertson, LLP
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17 APPEARING ON BEHALF OF THE DEFENDANT SENTRY
18 INSURANCE:
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23 Milwaukee, WI 53202
24
25 ALSO PRESENT: None

The original transcript of the
deposition of ROBERT ZASTROW was filed with Attorney
Warpinski

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1 I N D E X P A G E
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3 E X A M I N A T I O N P A G E
4 ROBERT ZASTROW
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9 E X H I B I T S M A R K E D
10 Exh. 314 December 21, 1982 letter from 95
11 Sentry Insurance to Greg Fabel
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13 Exhibit 2)
14
15 (The originals of the above exhibits
16 were included in the original transcript; copies
17 thereof were included with each transcript copy, as
18 requested. Electronic PDF files of
19 ere also provided to counsel, as requested.)
20
21 -----
22 O B J E C T I O N S P A G E L I N E
23 BY MR. SCHRIMPF 15 16
24 BY MR. REID 15 18
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P R O D U C T I O N R E Q U E S T S
N O N E

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1 P R O C E E D I N G S
2
3 ROBERT ZASTROW, after having been
4 first duly sworn, was examined and testified as
5 follows:
6 THE WITNESS: Yes.
7
8 EXAMINATION BY MR. WARPINSKI:
9 Q. Would you please state your full name for
10 the record, please?
11 A. Robert W. Zastrow.
12 Q. And Mr. Zastrow, have you ever been deposed
13 before, like this kind of a situation?
14 A. Yes.
15 Q. You have?
16 A. Yes.
17 Q. A number of times or --
18 A. Well, twice, I think, so far.
19 Q. Okay. Twice where you've had a court
20 reporter like this taking down testimony, or just
21 being asked questions across the table from different
22 people about what happened at the plant?
23 A. I don't remember if they had a -- if there
24 was a secretary there or not.
25 Q. Okay. What we're doing here today is we are

1 taking a deposition, and the court reporter here is
2 taking down everything you're saying and my questions
3 and your answers. So there's just a couple little
4 ground rules I want to throw out there so we can have
5 a clean record as to what happened.

6 One is we can't talk over each other.
7 So I'll try to ask my question; when I'm finished,
8 then you answer. You have to answer with yeses and
9 nos and not nods of the head. Like right now, you'd
10 be nodding, you'd want to say yes in that situation
11 so she can take down your testimony.

12 If you don't understand my question,
13 just ask me to try to repeat or say I don't
14 understand what you're asking me and I'll try to do
15 my best to make it a question that you understand.

16 If you need to take a little break
17 while we're going through this, just let me know;
18 we'll do that. Otherwise, we'll just get plugging
19 ahead. Okay?

20 A. Okay.

21 Q. We're here today to talk about your work
22 history at the old Crestline plant over on Cleveland
23 Avenue; right?

24 A. Right.

25 Q. And when did you start working there?

1 started? Were you right out of high school?

2 A. No, I was out of the service. I must have
3 been 19, 20, something like that.

4 Q. Okay. So this would have been sometime in
5 the early 1940s; is that fair?

6 A. Somewhere around there, yeah.

7 Q. Okay. And when you were in the service,
8 what -- where did you -- did you serve -- you served
9 during World War II. Were you --

10 A. Two, yeah.

11 Q. Did you serve overseas?

12 A. Germany.

13 Q. Okay. And just to sort of get the end day,
14 when did you retire from the company?

15 A. That, I couldn't tell you, either, the
16 date.

17 Q. Okay. Well, we'll try to work --

18 A. I was there for 42 years. So...

19 Q. Forty-two years, okay. That, we know.

20 Okay. So some -- okay. Got you.

21 A. I never was good at remembering things.

22 Q. Well, we'll see what we can work with.

23 We'll try to work with that. That will be tough
24 today, because that's what we're talking about, it's
25 all memory. Just do the best you can.

1 A. Oh, boy. I couldn't even tell you. I -- as
2 far as remembering things, I can't.

3 Q. Okay.

4 A. My memory is -- is no good, I mean, as far
5 as --

6 Q. Those specifics, things like that, are hard
7 for you to remember?

8 A. Yeah. I can't remember dates.

9 Q. Okay. Do you --

10 A. I got a hard time keeping track of my
11 birthday.

12 Q. Well, what is your birth date? What is your
13 date of birth?

14 A. 5-4-24.

15 Q. 5-4-24, okay.

16 And do you know what the name of the
17 company was when you started working there?

18 A. Silbernagel.

19 Q. Silbernagel. And who -- do you know who --
20 who ran the company back when you started there? Who
21 was the president?

22 A. I think it was one of the Silbernagels.
23 George or -- George Silbernagel or --

24 Q. Okay. That's -- okay. And you don't really
25 recall exactly how -- what age you were when you

1 A. Yeah.

2 Q. There's been a sort of a series of name
3 changes for the business --

4 A. Right.

5 Q. -- since it was Silbernagel. And what I
6 want to do is sort of run through those names and see
7 if you're familiar. The first one after Silbernagel
8 that I'm aware of was called Silcrest.

9 A. Right.

10 Q. Do you know if that name change took place
11 because there was a change in the ownership of the
12 business at that time, around that time?

13 A. I -- I think there was. I -- I can't
14 remember who -- there was some changes there, and
15 I -- I'm not too sure what.

16 Q. Okay. Do you recall, at some point during
17 your early work years, the business was purchased by
18 this Harris family?

19 A. Right.

20 Q. Okay. Out of Chicago?

21 A. Okay.

22 Q. And around that time -- would that have been
23 around the time when this name would have changed
24 from Silbernagel to Silcrest?

25 A. Yeah, it could have been.

1 Q. When that -- when the Harris brothers took
2 over or bought the company, did they bring in
3 somebody else to become the president of the company
4 other than Silbernagel?

5 A. There was quite a few changes. I mean, as
6 the years went along, I mean, the presidency changed,
7 you know.

8 Q. Okay. Was there somebody local who you
9 considered to be the -- who ran the company for most
10 of the period that you worked there?

11 A. Well, I remember Reardon, he was there for a
12 long time.

13 Q. Okay. That would be Larry Reardon?

14 A. Larry Reardon.

15 Q. Okay. The next name I have is just the name
16 Crestline. Is that what you understand to be sort of
17 the next name after Silcrest was Crestline?

18 A. Yeah.

19 Q. Okay. Was there any change in the business
20 during that period? Did what you were making or what
21 you were doing there change?

22 A. Well, it -- they used to make a lot of doors
23 at the -- at the beginning. And after that, they --
24 they cut out the door business altogether and it was
25 just in the sash.

1 Q. Okay. And do you recall -- do you know -- I
2 mean, what's your best recollection as to when that
3 change would have occurred?

4 A. Jeez, I don't know. It must have been just
5 about when Crestline took over, I think.

6 Q. Okay. When you say Crestline, is that the
7 Harris family or the Harris -- or is that what you --
8 is that the same thing?

9 A. Well, after -- when it was -- there was
10 some -- somewhere in there between Crestline and when
11 SNE bought it, somewhere -- somewhere in there.

12 Q. Okay. Okay. Okay. So sometime prior to
13 the time that the Sentry group came in and purchased
14 the company is when they switched, is your
15 understanding, to just making windows?

16 A. Yeah, I think so. Something like that.

17 Q. Okay. Okay. Then you went to the next one,
18 which was SNE was sort of the name change after the
19 Crestline name?

20 A. Right.

21 Q. Okay. Did you have -- did the person that
22 you reported to change over time?

23 A. Yes.

24 Q. Do you recall who it was when you started?

25 A. As far as what department or -- I mean --

1 Q. Well, let's take one step back. When you
2 first started, what was your job?

3 A. I was working in the cutting room cutting
4 material.

5 Q. Okay. And do you know -- do you know how
6 long you performed in that job?

7 A. Well, it was quite a while. I'm not too
8 sure how many years it was, because I -- I kept on
9 going from one job to the other, and I finally came
10 up and I got as far as being a ripper. That was the
11 highest job in the cutting room.

12 Q. Okay. Was that -- was the -- was -- when
13 you started there, was it a union --

14 A. Yes.

15 Q. -- shop?

16 A. Yes.

17 Q. And were you part of the union?

18 A. Yep.

19 Q. Okay. So at -- you made it to the point
20 where you were a ripper in the cutting room, and then
21 you moved on to another position at some point?

22 A. Right.

23 Q. And where did you go from there?

24 A. I went into the molding department.

25 Q. Okay. And what did -- how long were you in

1 the molding department or what positions did you hold
2 there? Did you sort of work your way through that
3 department too?

4 A. Yeah. I ended up as supervisor in the -- in
5 the molding department.

6 Q. Was there a particular person who was in
7 charge of manufacturing when you started there?

8 A. There was so many changes, it -- in there
9 that I -- I can't even remember who was -- because I
10 know Vilas Sonntag, he was -- I mean, he was more --
11 more the head of the rest, you know, in the shop, I
12 mean the whole mill.

13 Q. Okay. Was he there when you started working
14 there?

15 A. Oh, yeah.

16 Q. Okay. So Vilas Sonntag was --

17 A. Well, I don't know. I don't know if he was
18 there when I started, but he was there for a long
19 time.

20 Q. Okay. Okay. Okay. So after you became a
21 supervisor in the molding department, what did you do
22 after that?

23 A. Then I went into maintenance.

24 Q. Okay. And what did you do -- how did you --
25 did you work your way through the maintenance

1 department similar to the -- the same way?
 2 A. Yeah.
 3 **Q. When you went into the maintenance**
 4 **department, how many people would have been in that**
 5 **department?**
 6 A. Oh, there was only, oh, maybe eight,
 7 something like that, total.
 8 **Q. When you started working there, how -- what**
 9 **were the hours of operation of the business?**
 10 A. At that time, it was 12 hours.
 11 **Q. So when you started working there, it would**
 12 **have been 12-hour days of production time?**
 13 A. Correct.
 14 **MR. REID:** Just to clarify, started in
 15 maintenance, or started at the company?
 16 **BY MR. WARPINSKI:**
 17 **Q. Let's go back to the cutting room. When you**
 18 **first started, it was 12 hours?**
 19 A. Yep, when I first started working there.
 20 **Q. Okay. And was that 12 hours five days a**
 21 **week? Was it open Saturdays?**
 22 A. Sometimes Saturdays. Not always.
 23 **Q. And those hours, would they have been, what,**
 24 **6:00 a.m. to 6:00 p.m.? What were they?**
 25 A. Well, I was working nights at that time.

1 When I started there, I worked nights for quite a
 2 while.
 3 **Q. So if it was 12 hours, do you recall what**
 4 **the hours were? I mean, was there a night shift and**
 5 **a day shift?**
 6 A. Right.
 7 **Q. And would it overlap so there would be a**
 8 **period where you'd have -- where you'd have**
 9 **overlapping shifts, or how did it work?**
 10 A. At times, yeah. It was -- it was a kind of
 11 a funny deal. I mean, it was --
 12 **Q. Well, do your best to sort of explain to me**
 13 **how -- what the hours of operation were from when the**
 14 **plant would open in the morning to when it closed at**
 15 **night, if that's even what it did. Or was it open 24**
 16 **hours?**
 17 A. Well, it was open 24 hours, you know, and we
 18 just worked around the clock. I mean, it was -- at
 19 that time, it was a busy, busy time.
 20 **Q. So you would have 12-hour shifts, but the**
 21 **plant would be open 24 hours? Is that what I'm**
 22 **understanding?**
 23 A. Right. Yeah. They worked -- they worked
 24 around the clock.
 25 **Q. You know, what -- well, obviously -- as you**

1 probably know, one of the things we're here to talk
 2 about sort of is this penta usage over the years.
 3 A. Right.
 4 **Q. Right?**
 5 A. Right.
 6 **Q. When you started working there, when you**
 7 **began working there, in the cutting room, was the**
 8 **company already using the penta dipping process?**
 9 A. As far as I know. We never really got into
 10 the -- in that area. So we didn't --
 11 **Q. When you started there in the cutting room,**
 12 **you weren't in the dipping room?**
 13 A. No. No.
 14 **Q. But your -- as far as you know, that**
 15 **operation already existed when you started?**
 16 **MR. SCHRIMPF:** Objection to
 17 foundation.
 18 **MR. REID:** Foundation.
 19 **BY MR. WARPINSKI:**
 20 **Q. Did you -- when you worked in the cutting**
 21 **room, did you have occasions to walk through the**
 22 **other parts of the plant?**
 23 A. Not very often.
 24 **Q. So when you would show up, where would you**
 25 **park your car? How would you get to work in the**

1 **morning when you first started?**
 2 A. Walked.
 3 **Q. Okay. And you would go right into the**
 4 **cutting room?**
 5 A. Right.
 6 **Q. Would there be a separate area to punch in**
 7 **over there?**
 8 A. Right.
 9 **Q. Let me ask you, when did -- at some point,**
 10 **you became aware of the fact that -- that the**
 11 **business was dipping wood in the penta -- in a penta**
 12 **product; correct? At some point, you became aware of**
 13 **that?**
 14 A. Yeah. When I was in the molding department,
 15 then I did.
 16 **Q. Okay. And you don't have any -- so when you**
 17 **were in the molding department, there was already a**
 18 **dipping area --**
 19 A. Correct.
 20 **Q. -- already established?**
 21 A. Right.
 22 **Q. But you don't know when that dipping area**
 23 **started?**
 24 A. No. I must -- it must have been before
 25 that. I don't know.

1 Q. Okay. And the approximate -- do you have a
 2 sense of an approximate time as to how long you were
 3 in the cutting room working your way through? I
 4 mean, was it four years, five years? Do you have a
 5 sense as to how long it was before you moved into the
 6 molding department?
 7 A. Well, it must have been about five years.
 8 Q. And how did you come to know about the
 9 dipping process when you worked in the molding
 10 department?
 11 A. Well, it -- the tank was just right next to
 12 us.
 13 Q. Okay. What I'm going to do is I'm going to
 14 show you a document that we previously marked as
 15 Exhibit 2.
 16 MR. WARPINSKI: You guys want to share
 17 one of that?
 18 BY MR. WARPINSKI:
 19 Q. And this was something that was created
 20 later on, obviously, in time.
 21 A. Right.
 22 Q. So it has a lot more buildings on it than
 23 when you started working there. But do you see --
 24 are you familiar with the general layout of what
 25 you're looking at here?

1 Q. And you're saying that would have been
 2 right, basically, just --
 3 A. Yeah, right here.
 4 Q. Okay.
 5 A. The tank was right here. So we were right
 6 here.
 7 Q. Okay. And what you're doing is you're
 8 pointing -- okay. What I'm going to do is I'm going
 9 to -- I've got a red pen, okay, and I'm just going to
 10 put an X.
 11 A. Right.
 12 Q. Is that about -- where I put the X is where
 13 you said the molding department was?
 14 A. Right. The door going into the cutting room
 15 was right there.
 16 Q. Okay. So I'll put a door going into the
 17 ripping and cutting room. Is that about right?
 18 A. Right.
 19 Q. Okay.
 20 A. These buildings weren't here.
 21 Q. Well, that's what I'm going to sort of go
 22 through. What I'm going to do right now is see if
 23 you can sort of go through and tell me what buildings
 24 were here when you started. Can you do that?
 25 A. Okay. From this line through here, like

1 A. Yeah.
 2 Q. Okay. Up on -- on the upper left-hand
 3 corner for you, there's an area that says ripping and
 4 cutting.
 5 A. Right.
 6 Q. Do you see that?
 7 A. Right.
 8 Q. Now, would that have been the same cutting
 9 area that you would have worked in --
 10 A. Right.
 11 Q. -- when you started working there?
 12 A. And the machine room is right here.
 13 Q. Okay. And is the machine room the same as
 14 the molding department?
 15 A. That's where the molding department was,
 16 right here.
 17 Q. Okay. So you just -- there's a spot here
 18 where it says machining and painting. Do you see
 19 that in the center?
 20 A. Well, at that time, they didn't do any
 21 painting, at first.
 22 Q. Okay. So -- but the area where it says
 23 machining would have been -- would have included the
 24 molding department that you worked in?
 25 A. Right.

1 that.
 2 Q. Okay.
 3 A. And this -- this is the lumber shed.
 4 Q. Okay. I'm going to -- I've got an orange
 5 highlighter. What I'm basically going to do is I'm
 6 going to --
 7 A. From here -- oops. Here. Yeah.
 8 Q. Okay.
 9 A. It would come around the boiler.
 10 Q. Okay.
 11 A. Come -- the boiler, and then this way, and
 12 then -- I don't want you -- I don't think, even,
 13 maintenance was there at that time. It was up here,
 14 and then it went across here.
 15 Q. Okay. Across this?
 16 A. Right. Right straight there. And then with
 17 the lumber shed.
 18 Q. Down around this lumber shed?
 19 A. Right.
 20 Q. And then was there -- was there a lumber
 21 shelter on the other side of this?
 22 A. No.
 23 Q. Okay. So it would have come --
 24 A. Right there, yeah.
 25 Q. Okay. And then straight all the way along

1 the back here?
 2 A. Right.
 3 Q. There's a little room here that says dock
 4 shelter. That wasn't there, either? On the upper
 5 right-hand --
 6 A. Might have been just a roof over it.
 7 Q. Okay. Okay. So I have highlighted, in
 8 orange, the space that was basically the footprint of
 9 what you understand the building looked like when you
 10 started working there?
 11 A. Right.
 12 Q. And we had previously put an X where this
 13 molding department was?
 14 A. Right.
 15 Q. When you were in the molding department, was
 16 this also the number of buildings that was present on
 17 the property?
 18 A. Right.
 19 Q. Okay. Now, we didn't put a line outside of
 20 the dip room area. Was that a separate room, or was
 21 that an outside activity when you started?
 22 MR. REID: Objection to form.
 23 THE WITNESS: It was enclosed.
 24 BY MR. WARPINSKI:
 25 Q. Okay. So there would -- so this line would

1 have gone over to --
 2 A. Probably, yeah.
 3 Q. Okay. So this would have at least gone to
 4 here to cover up what is called this dip room here?
 5 A. Right.
 6 Q. Okay. And it sounds like, before, you
 7 weren't quite sure if the maintenance department
 8 buildings were there or not.
 9 A. No. That was all built later. This -- this
 10 building here was put up --
 11 Q. You're pointing at the paint line
 12 building?
 13 A. This paint line was one of the first
 14 buildings that was put up before anything else was
 15 put up.
 16 Q. Okay. I'm going to --
 17 MR. WARPINSKI: This is Exhibit 99 and
 18 it's not as blown up a one as this.
 19 MR. SCHRIMPF: Okay.
 20 MR. WARPINSKI: This one isn't marked,
 21 but I just want to be able to refer to it as the
 22 same. I think the Bates numbers are the same on the
 23 bottom.
 24 MR. SCHRIMPF: Yeah. 399, yeah,
 25 they're the same.

1 MR. WARPINSKI: Okay. All right. What
 2 was that? I called it 99, Exhibit 99?
 3 MR. SCHRIMPF: Yeah, Exhibit 99.
 4 BY MR. WARPINSKI:
 5 Q. Okay. I'm going to show you another diagram
 6 that we -- this is what we had previously marked as
 7 Exhibit 99. I'm just going to put that on here so I
 8 remember. And I think, for orientation purposes,
 9 actually, we would be looking at it something like
 10 this to get the same view. And it doesn't look like
 11 it goes over all the way to one side. But do you --
 12 are you -- can you orient yourself at all on this
 13 particular diagram that I'm showing you --
 14 A. Uh-huh.
 15 Q. -- Exhibit 99?
 16 A. Yeah.
 17 Q. Okay. And if I look at the same sort of
 18 buildings, Exhibit 99 has, up on -- on your left and
 19 my right would be this -- would be the ripped lumber
 20 shed. That would be the same --
 21 A. That would be the lumber shed, yeah.
 22 Q. Okay. And then similar, up in the upper --
 23 A. Cutting room.
 24 Q. It would be the cutting room in that same
 25 corner. And sort of that line that we drew before on

1 the other --
 2 A. Correct. Yep.
 3 Q. Okay. If we were translating that to
 4 Exhibit 2, there would have been no cut stock shed or
 5 no cut stock shed between the ripped lumber shed
 6 and -- or I -- adjacent to the ripped lumber shed;
 7 right? Those buildings wouldn't have existed? It
 8 looks like there's another building here.
 9 A. This could -- could have been there. I'm
 10 not too sure. I never -- I -- at that time, I didn't
 11 really, you know, notice too much about the other
 12 buildings. I mean, we never had any occasion to go
 13 through the mill.
 14 Q. Okay. All right. So you're not -- you're
 15 familiarity with the total plant wouldn't have come
 16 until a little later on?
 17 A. Right.
 18 Q. Okay.
 19 MR. REID: If you can remember, you can
 20 tell us; if you don't remember, just tell us that.
 21 THE WITNESS: Yeah. There's certain
 22 things I can remember; other things, I can't.
 23 BY MR. WARPINSKI:
 24 Q. Well, we're going to try to figure out as
 25 best we can here without spinning our wheels too

1 much.

2 Do you recall what -- this was all sort

3 of an open area --

4 A. Right.

5 Q. -- the area nearest to what I would River

6 Street. You understand that River Street soft of

7 would come out down on the side towards of you on the

8 map?

9 A. Right.

10 Q. And if we're orienting in terms of north,

11 south, east, and west, I believe that north is toward

12 this way.

13 A. Right.

14 Q. Is that right?

15 A. (Nods head).

16 Q. Okay. So I've written north onto the map so

17 we can sort of use that to help us do this.

18 The area to the east of what you -- we

19 had enclosed as sort of the plant, as you understood

20 it to exist when you started, was that -- what sort

21 of a surface was that?

22 A. Blacktop.

23 Q. Blacktop?

24 A. (Nods head).

25 Q. Okay. Was it a -- was it a --

1 A. Well, it -- there was -- it was fenced in.

2 There was a parking lot. Where's that one with the

3 office, the old office in there? You just -- the one

4 that --

5 Q. I'm just trying to find the big one again so

6 I can at least --

7 A. Yeah. See, this area here shows where the

8 fence was.

9 Q. Okay.

10 A. This here was all blacktop in here. And

11 they made -- had this all blacktopped in here too.

12 Q. Okay. Was that the entire time it was

13 blocked topped, that you worked there?

14 A. As far as I know.

15 Q. As far as you --

16 A. Well, when I -- when I first started there,

17 there wasn't much of anything in there. They had

18 this little office in here; that was the main office.

19 And I think the guard shack, this was the guard shack

20 here. I don't know. I think this was a garage for

21 the big shots in there.

22 Q. Okay. Okay. What you're -- what we're

23 looking at now, on what I had previously called

24 Exhibit 99, is on the area towards River Street,

25 which would be to the east of the facility; right?

1 A. Right.

2 Q. There was a -- you pointed out a fence --

3 there was a fence line around the property?

4 A. Yeah. There was a fence here.

5 Q. Okay. And there was a paved parking lot --

6 A. Up to Cleveland.

7 Q. -- near River Street on Cleveland?

8 And your recollection is that the yard

9 area would have been a paved -- a paved area at that

10 time?

11 MR. REID: Form.

12 THE WITNESS: Well, at first, it wasn't

13 paved. I can't remember just when they paved that.

14 I think it was just rotten granite in there.

15 BY MR. WARPINSKI:

16 Q. Okay. But at some point, you recall that it

17 was paved. Is that what I'm understanding?

18 A. Well, yeah. At last, it was -- it was paved

19 at this -- at this time, when the office and that was

20 there; later, it was paved.

21 Q. Okay.

22 A. The date, I couldn't tell you when.

23 Q. All right. We'll --

24 Okay. Going back to your time in the

25 cutting room, you said it was about maybe four or

1 five years you were in the cutting room?

2 A. Yeah, somewhere in there.

3 Q. And about how long do you think you were in

4 the molding department if you had to --

5 A. I don't know. It must have been about the

6 same time.

7 Q. Okay. And then from there, you would have

8 went into the maintenance department?

9 A. Yeah. They pulled me out of there and put

10 me in maintenance. So...

11 Q. Okay. And at some point, I understand you

12 sort of worked your way up to becoming the head of

13 the maintenance department; right?

14 A. Yeah. It was quite a while. I -- I don't

15 remember just when. It was -- Gaylan Schoepke was

16 the foreman in there at that time. And then they got

17 rid of him and then they put me in as foreman.

18 Q. So you're not sure what time that was?

19 A. No.

20 Q. When you -- what duties did you have in the

21 maintenance department when you started?

22 A. Working on machinery, repairing machinery,

23 rebuilding machinery.

24 Q. Did -- who was responsible for sort of

25 cleaning up the plant or doing maintenance? I mean,

1 **doing what -- sort of what I would -- that kind of**
2 **maintenance as opposed to maintenance on machines?**
3 **Was there also facility maintenance in terms of waste**
4 **handling and --**

5 A. As far as cleaning up in the mill, that
6 was -- wasn't in our department at all.

7 **Q. Okay.**

8 A. They had different people that were doing
9 that.

10 **Q. So would each department of the mill sort of**
11 **be responsible for their own maintenance?**

12 A. Yeah.

13 **Q. I mean that sort of maintenance.**

14 A. Yeah. If there was anything that had to be
15 done as far as the mill -- the building or something,
16 well, that, we had to do, but, you know, the floor
17 was bad or something, we had to repair the floors or
18 something like that.

19 **Q. Did you have any involvement in -- with**
20 **respect to the dipping operation? Did you -- did**
21 **you, in your maintenance responsibilities, have any**
22 **involvement in any cleaning of the dip tank ever?**

23 A. Yeah. Well, we had to clean the dip tank,
24 yeah.

25 **Q. How often do you recall that being done?**

1 A. Well, it -- by putting the loads and stuff
2 in there, the sawdust accumulated on the parts. And
3 when they dipped them, it would go -- stay in the
4 tank. Well, when we figured it out that there was
5 enough in the tank, then we'd drain the tank and then
6 we'd have a -- have this -- well, a tanker come in
7 and they would pump -- pump off the stuff on the
8 bottom.

9 **Q. And how often do you recall that being done?**
10 **Was that a --**

11 A. It wasn't very often. I mean, it was --

12 **Q. I mean --**

13 A. -- every couple months or something like
14 that.

15 **Q. Oh, every couple of months kind of a**
16 **thing?**

17 A. Yeah.

18 **Q. And this is something that would have been**
19 **going on the entire time you were in the maintenance**
20 **department?**

21 A. Yeah.

22 **Q. Do you know who the -- who it was that did**
23 **the pumping?**

24 A. It was some -- the ones that pump out septic
25 tanks and stuff like that. I don't know who it

1 was.

2 **Q. Were you ever there when that work was being**
3 **done?**

4 A. Oh, yeah. They'd come in and they would --
5 we would drain it down, as far as down to the sludge,
6 pump it back into the tank, and then they would come
7 and clean out the bottom. They'd suck it out with
8 the -- where they took it, I don't know.

9 **Q. And you're not sure what the name of the**
10 **company was that did it?**

11 A. No, not at that time.

12 **Q. And this is something that you -- that --**
13 **but as far as you know, this is something that would**
14 **have been done every couple months?**

15 A. Well, whenever we figured it was -- it was
16 needed, yeah. Depend upon what -- how the mill was
17 running. I mean, if it had to do a lot of dipping,
18 well, then probably more.

19 **Q. Okay. Who would be -- who would make the**
20 **decision that it's time to have the company come in**
21 **and do the pumping? How would that be determined?**

22 A. Well, actually, it was probably mine.

23 **Q. So would you go into the dip tank area and**
24 **do some checking?**

25 A. Well, we would bring it down and if it

1 looked like there was a lot of sludge in there, then
2 we'd call them.

3 **Q. Okay. When you say a lot of sludge, what do**
4 **you mean?**

5 A. Well, you know, about that much on the
6 bottom of the tank or something like that.

7 **Q. Okay, six, ten inches deep worth of**
8 **sludge?**

9 A. Yeah.

10 **Q. And if I understand this tank --**

11 **MR. REID:** I'm not sure you got an
12 answer. I think you nodded your head. Is that a
13 yes?

14 **MR. WARPINSKI:** I said to six to ten
15 inches of sludge, and then you said -- I think said
16 yes. Is that --

17 **THE WITNESS:** Yeah, somewhere around
18 there.

19 **BY MR. WARPINSKI:**

20 **Q. The tank itself was a fairly big -- I mean,**
21 **we're talking about the dip tank itself was an**
22 **open-top tank; right?**

23 A. Well, yeah. It had the conveyor. It would
24 go down in there.

25 **Q. Okay. And about how deep was that tank?**

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1 A. Oh, it must have been a good eight, nine --
2 eight, nine feet.
3 **Q. Were there -- when you started working in**
4 **the maintenance department and became more familiar,**
5 **it sounds like, with this dipping operation, I**
6 **assume, at that point; is that correct? When you**
7 **started working in the maintenance department.**
8 A. Well, no, I -- when I first started there,
9 no, I didn't get much to do with that.
10 **Q. Okay. When you described it as being you**
11 **who would determine it was time, was that when you**
12 **became the foreman of the maintenance department?**
13 A. Right.
14 **Q. So generally, it would have been whoever was**
15 **the foreman would have been the one responsible for**
16 **deciding --**
17 A. Right.
18 **Q. -- that it was time to clean out the tank?**
19 **All right. Let's go back to Exhibit 2.**
20 **And we sort of have this outline of the footprint of**
21 **the building -- of the plant the way that it was when**
22 **you started working there. And you had previously**
23 **indicated that, I think, that the building that's**
24 **marked as paint line was one of the first ones that**
25 **was added.**

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1 A. Right. Right.
2 **Q. Okay. Do you know about how long after you**
3 **started working there that was added?**
4 A. Couldn't have been too -- too much -- I'm
5 not too sure when it was put up, but I -- I remember
6 it was -- because they had a catwalk across between
7 the -- the two buildings where they bring the stuff
8 across.
9 **Q. Okay. That would be a catwalk over what?**
10 A. Well, the -- the floors were -- this was
11 higher, they were both higher than what the ground
12 level was.
13 **Q. Okay.**
14 A. So they put a catwalk across this so that
15 they could go right straight across, like a bridge.
16 **Q. Okay. So the floors themselves were**
17 **elevated off the ground?**
18 A. Right.
19 **Q. Okay. And if I understand, underneath the**
20 **cutting room, there would have been sort of this wood**
21 **chipper machine; is that right? Is there some sort**
22 **of a -- was there some sort of a machine that would**
23 **be used to collect wood chips and stuff and cut them**
24 **up or make them into sawdust? The hogger sounds like**
25 **the name I remember hearing.**

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1 A. That was --
2 **Q. Or was that in the machine --**
3 A. That was over here someplace.
4 **Q. Okay. But you would -- that was something**
5 **that was underneath the floor of one of these**
6 **buildings?**
7 A. Well, it was a little -- it was a little
8 separate building.
9 **Q. It was in a separate building?**
10 A. Yeah.
11 **Q. Okay. Okay. After the paint line, what do**
12 **you recall being the next building that was added?**
13 A. I think this one was.
14 **Q. Okay. And the one you're pointing to is**
15 **called unit assembly?**
16 A. Right.
17 **Q. Okay. After that, which one do you think**
18 **was next after that?**
19 A. I think they -- they -- I think they put
20 this one in here then.
21 **Q. Well, that's the paint line building you're**
22 **pointing to again now. So that's the same one that**
23 **we just --**
24 A. No, that -- no. This is the one that was
25 put up. This one wasn't here.

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1 **Q. Oh, okay. Okay.**
2 A. That's where the catwalk was. This part
3 was --
4 **Q. Okay. Let's go back for a second, just so**
5 **we make sure that we're clear.**
6 A. Okay.
7 **Q. There's a building called frame assembly --**
8 A. Right.
9 **Q. -- in the middle of the drawing?**
10 A. Right.
11 **Q. And that is the building that you think was**
12 **one of the first ones that --**
13 A. That was -- that was the first one that I
14 remember, yeah.
15 **Q. Okay. That was put up?**
16 A. Right.
17 **Q. And then the next one would have been the**
18 **unit assembly?**
19 A. Right. Right.
20 **Q. And where you had described the catwalk**
21 **before --**
22 A. That was across here.
23 **Q. -- would have gone across from the frame**
24 **assembly towards the machine department?**
25 A. Right.

1 Q. And after the unit assembly building, then
 2 you think they would have put this building in called
 3 the paint line --
 4 A. Right.
 5 Q. -- building in-between the frame assembly
 6 and what's marked here as the maintenance --
 7 A. Right.
 8 Q. -- and new machining; correct?
 9 A. Right.
 10 Q. Okay. And in terms of when those buildings
 11 would have been put up, what's your best recollection
 12 of that?
 13 A. I couldn't tell you.
 14 Q. Was there a little vault here in this area
 15 that was used to store, like, wood shavings?
 16 A. Oh, that was in here.
 17 Q. Okay. So that would have been next to the
 18 area on Exhibit 2 that's called dip and dip loads?
 19 A. Right. They were right outside.
 20 Q. Of that were some vaults that were used --
 21 A. Yeah.
 22 Q. -- to store wood chips?
 23 A. Right.
 24 MR. WARPINSKI: This is the same thing.
 25 I've got sort of a bigger version of the same one.

1 there's this sort of large group of buildings on the
 2 upper right. They're not as detailed on this sheet
 3 as they are on the one that I was showing you before,
 4 Exhibit 2, which is underneath here so you can look
 5 at it. But I just want to sort of orient us as to
 6 where we are on these two different diagrams.
 7 It looks like there are, sort of in the
 8 center of the plant, there are, at this point, three
 9 or four different buildings present?
 10 A. Right.
 11 Q. Okay. And those would match up with what
 12 are called the paint line, frame, and the two stock
 13 sheds; correct?
 14 A. Right.
 15 Q. And then the area that's to the -- what I
 16 guess would be the west of the proposed addition,
 17 this warehouse on Exhibit 98, which is -- that's the
 18 same as the sash assembly on Exhibit 2?
 19 A. Right.
 20 Q. Okay. During the period that -- that this
 21 office building was going on, do you recall what
 22 your -- what your -- what your role was at the
 23 company? Were you already a maintenance foreman at
 24 that point in time?
 25 A. Right.

1 We'll use that one, but it's the same as what I've
 2 got as Exhibit 98. You can see the Bates numbers on
 3 that one.
 4 BY MR. WARPINSKI:
 5 Q. Okay. I'm going to show you another
 6 document that had previously been marked as Exhibit
 7 98. And this looks to be some -- I believe it's a --
 8 plans from around 1966 or so that were to build this
 9 new -- build the new offices, and then there was a
 10 warehouse building.
 11 A. Right.
 12 Q. You recall that happening?
 13 A. Yeah, I remember when they put the office up
 14 here.
 15 Q. Okay. Do you sort of recognize the site
 16 layout looking at this plan, that was previously
 17 marked as Exhibit 98, that I'm showing you?
 18 A. Yeah, pretty much.
 19 Q. Okay. Would -- would -- prior to the time
 20 that -- I mean, there's some shaded areas here you
 21 can see where they have sort of the plans for this
 22 office building and the warehouse. Do you see that
 23 on the right-hand side of the sheet for you?
 24 A. Right.
 25 Q. Okay. It -- aside from that, it looks like

1 Q. Okay. So by -- if this was 1966 when
 2 this -- these plans were being drawn, before this was
 3 put up, you would have already been maintenance
 4 foreman at that point?
 5 A. Right.
 6 Q. Okay. And do you have a sense as to how
 7 long before that you would have assumed that title?
 8 A. Not really.
 9 Q. I mean, it had already been quite some time?
 10 Had you already been doing that for quite some time
 11 already?
 12 A. Well, as far as I know, yeah.
 13 Q. When -- when these -- the paint line
 14 building and the unit assembly building and the stock
 15 sheds were built, was there excavation work that took
 16 place across the plant to build those, or were they
 17 built right on the surface?
 18 A. Well, they had footings in there, they had
 19 foundations.
 20 Q. Okay. None of those had basements, though,
 21 did they?
 22 A. No.
 23 Q. Okay. But they would have had some sort of
 24 foundation work that was done?
 25 A. Oh, right. Right.

1 **Q. Did you know if some sort of an engineering**
2 **firm came in and did some borings during those**
3 **projects to look for -- to make sure the foundations**
4 **would be suitable?**
5 A. No.
6 **Q. You don't recall?**
7 A. No.
8 **Q. You weren't involved in any of that?**
9 A. No.
10 **Q. So you don't know if it happened or they**
11 **didn't do it? I guess I'm trying to be clear here.**
12 A. No, I don't know.
13 **Q. Okay. You don't know?**
14 A. No, I don't know that.
15 **Q. Okay. But you do recall that there was some**
16 **excavation work done in the construction of those**
17 **buildings?**
18 A. Well, you got to put footings in, you have
19 to.
20 **Q. And do you recall seeing that happen at**
21 **this -- during that time?**
22 A. Well, I probably did.
23 **Q. Okay.**
24 A. I mean, being there, I probably had some...
25 **Q. Okay. Do you know who would have been**

1 **responsible for ordering deliveries of penta when you**
2 **started -- when you first started in the maintenance**
3 **department?**
4 A. No.
5 **Q. Who would -- which department would**
6 **generally have had that responsibility?**
7 A. Well, the cutting room is -- was the one
8 that took care of most of that stuff.
9 **Q. The cutting room took care of what?**
10 A. Well, they knew -- knew when the dip was
11 down and if they had to get some. If they ran out,
12 well, then they -- somebody would order it. I don't
13 know.
14 **Q. So was the dip room underneath the cutting**
15 **room department of the business?**
16 A. Right.
17 **Q. When you were in the cutting room -- but you**
18 **didn't work in the dip room even though you worked in**
19 **the cutting room, though, when you started?**
20 A. Well, yeah, I was in the cutting room,
21 yeah.
22 **Q. Okay. I -- well, when we first were talking**
23 **about your jobs, you -- -- you said you started**
24 **working in the cutting room and sort of worked your**
25 **way up to becoming the ripper.**

1 A. Right.
2 **Q. Which was the highest job in the cutting**
3 **room.**
4 A. Right.
5 **Q. Was the person who ran the dip tank a person**
6 **who worked in the cut -- as a part of the cutting**
7 **room department?**
8 A. No. No, not in the cutting room. It was in
9 the machine room.
10 **Q. Okay. Machine room --**
11 A. The machine room was the one that took
12 care -- because the cutting room, we had nothing to
13 do with the dip.
14 **Q. Okay. Okay.**
15 A. After it was machined, then it was dipped.
16 **Q. Okay. That's -- I think your testimony was**
17 **that it was the cutting room that was responsible.**
18 A. Oh, no. Sorry.
19 **Q. We got -- that's what we're trying to get**
20 **clear here. That's why we ask the questions.**
21 **Okay. So the machining department**
22 **would have been responsible for checking the dip**
23 **level being for -- for the --**
24 A. Right.
25 **Q. -- for the dip levels and making sure there**

1 **was enough product there to meet the needs?**
2 A. Right.
3 **Q. And do you know how they did that, how they**
4 **would make that decision?**
5 A. Well, the one, whoever was dipping, if they
6 figured they was running out, well, then...
7 **Q. Okay. When you first became familiar with**
8 **the dip room operation, were there underground**
9 **storage tanks already in place to handle --**
10 A. Right.
11 **Q. -- the dip?**
12 A. Right.
13 **Q. And as far as you know, those tanks were**
14 **always there?**
15 A. As far as I know, yeah.
16 **Q. Okay. And as I understand it, there were**
17 **two underground tanks that were buried in the area**
18 **adjacent, which would have been to the south of the**
19 **dip room?**
20 A. Somewhere in there, yeah.
21 **Q. Okay. Did you ever -- were you ever**
22 **involved in any inspections of those tanks?**
23 A. Not that I remember.
24 **Q. Okay. And as I understand it, there was --**
25 **the deliveries of product would have come in by**

1 rail?
 2 A. Right.
 3 Q. Okay. And the rail line would have been to
 4 the west of the facility?
 5 A. Right, it was -- the property -- here there
 6 was a pipeline going underneath the floor here.
 7 Q. Okay. So I'm going to -- in my red, can
 8 you -- do you know where that pipeline ran, where
 9 that delivery point would have been on the --
 10 A. Well, it had to been right about here
 11 somewhere.
 12 Q. Okay. So if I was going to put an X, I'm
 13 putting it along the west wall of the machine
 14 building.
 15 A. Right.
 16 Q. Is that about approximately where the
 17 deliveries would have been?
 18 A. Right.
 19 Q. Okay. And there was piping that ran --
 20 A. Under that floor.
 21 Q. -- under the floor. I'll make a red line
 22 going towards where it says tanks.
 23 A. Right.
 24 Q. Okay. On this one. Okay. So there would
 25 have been piping that would have ran underneath the

1 drain it out as you needed it --
 2 A. Right.
 3 Q. -- to fill your tanks?
 4 A. Right.
 5 Q. And then whenever you were done, they would
 6 come back --
 7 A. Right.
 8 Q. -- and pick up the railcar?
 9 A. Right.
 10 Q. Okay. So it could sit there for several
 11 days?
 12 A. Right.
 13 Q. Could it be there as long as a week? How
 14 long?
 15 A. Well, a couple days.
 16 Q. Couple days, okay.
 17 A. It wouldn't be a week.
 18 Q. Okay. During the -- did you -- let me
 19 just -- have you witnessed loads of -- of -- of wood
 20 being dipped in the dip tank?
 21 A. Oh, sure.
 22 Q. Okay. And during that dipping process, when
 23 it would come up, would there be times when the dip
 24 would overflow the tank and get out around the tank
 25 onto the floor of the building?

1 floor of the machine building?
 2 A. Right.
 3 Q. And the machine building was how far -- how
 4 high off the ground?
 5 A. Well, it was about maybe four feet.
 6 Q. Okay. And so some -- so somebody in the
 7 machine department would -- would be responsible for
 8 placing an order, as far as you know, for delivery?
 9 A. Yeah.
 10 Q. Okay. And then the deliveries would come by
 11 rail and they would hook in a tanker truck. Would it
 12 be left there?
 13 A. A railroad car.
 14 Q. A railroad car?
 15 A. Uh-huh.
 16 Q. Okay. Would be dropped off and just left
 17 there?
 18 A. Right.
 19 Q. Okay. And how long would it be left there
 20 for?
 21 A. Depending upon if it was brought in on,
 22 like, a Saturday night or something like that, it
 23 would be a Monday or a Tuesday before it was --
 24 depending if we needed it right away.
 25 Q. Okay. So it would sit there, you would

1 A. Not that I know of.
 2 Q. Okay. Did you ever see any of the -- any of
 3 the penta product spilled onto the floor?
 4 A. Well, there was an area where the dip tank
 5 was; and then beyond the dip tank, there was a
 6 section that was made for the loads to go off and to
 7 drain.
 8 Q. Okay. The drying area?
 9 A. The drying area.
 10 Q. Okay.
 11 A. Before they would take them back out into
 12 the mill. And there was a -- a -- grates in there,
 13 and then there was a -- a metal liner inside that
 14 would taper off and go back into the tank.
 15 Q. Okay. So it was sort of slanted --
 16 A. Slanted.
 17 Q. -- metal pans of some sort --
 18 A. Right.
 19 Q. -- that would supposedly collect the
 20 drippings from the wood?
 21 A. Right.
 22 Q. And were those drip pans already in place
 23 when you started working there?
 24 A. Right.
 25 Q. Or as far as you know, they were already

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1 there when you --
2 A. Yep.
3 **Q. Okay. My understanding is those pans didn't**
4 **extend under the full length of the floor. Do you --**
5 **is that -- do you recall that?**
6 A. Well, it was just in that area.
7 **Q. Okay. But there was areas where wood was**
8 **stacked that was not covered -- -- did not have those**
9 **pans underneath it?**
10 A. Well, sometimes they would take it, if they
11 was in a hurry, that they had to have the pieces,
12 they would drain them and then they would pull them
13 off and then take them out. Well, a lot of times, it
14 would be a little wet yet before they -- when they
15 took them into the mill.
16 **Q. Okay. And as I understand that these loads**
17 **would have all been placed on -- on some sort of**
18 **pallets --**
19 A. Right.
20 **Q. -- that were made by somebody at the**
21 **company; right? Or these were put together by --**
22 A. No. They were metal. They were bought.
23 **Q. Okay. They were metal -- did -- were they**
24 **all metal, or did they have wood components?**
25 A. Well, they were metal, but the deck was

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1 wood; but then they had the steel posts that they
2 would, you know, stick in that would hold the load.
3 **Q. Okay. And the size of those metal pallet**
4 **racks -- I mean, what would -- what did you call**
5 **those?**
6 A. Just pallets.
7 **Q. Pallets, okay. We'll use -- I just want to**
8 **make sure we're using the right word.**
9 A. Yeah.
10 **Q. Okay. Were those the same metal pallets,**
11 **then, that would have been used to wheel them around**
12 **the --**
13 A. Right.
14 **Q. Okay. So the same pallets that would have**
15 **been in the drying room would have been picked up by**
16 **somebody to go haul into some department to be worked**
17 **on?**
18 A. Right.
19 **Q. And sometimes those loads would still be wet**
20 **when they were being moved?**
21 A. Occasionally, yeah.
22 **Q. When you started working there, was the**
23 **company like a piecework operation where the people**
24 **sort of got paid by the amount of work that they got**
25 **done?**

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1 A. I don't think so.
2 **Q. Do you recall that being the case at any**
3 **time?**
4 A. I -- I don't think so, not in our -- any
5 department that I was ever in.
6 **Q. Okay. Do you have any knowledge about the**
7 **amounts of penta that would have been used over the**
8 **different periods of time that the company would have**
9 **been in operation?**
10 A. No.
11 **Q. Do you have any knowledge about what the**
12 **production was of the company over the time that it**
13 **was in operation?**
14 A. No.
15 **Q. How busy you were?**
16 A. Well, we were always busy.
17 **Q. What about number of employees, how did the**
18 **number of employees change from when you started to**
19 **when you retired? Do you have a sense as to --**
20 A. Well, it -- when I retired, it was a lot
21 less than what it -- like, when I was in there at the
22 beginning.
23 **Q. Okay. So it would have been -- when you**
24 **started working there, it was busy?**
25 A. Right.

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1 **Q. Okay. And did it -- did it -- did it**
2 **stay to that relatively same level of activity up**
3 **until some point in time? Do you have any memory as**
4 **to when it would have changed?**
5 A. Yeah. When Shield took over.
6 **Q. Okay. So after it was sold a few times,**
7 **down the road, is what I'm hearing you say. This is**
8 **not until the '80s, or after --**
9 A. Right.
10 **Q. -- that you're describing, if I'm**
11 **understanding you.**
12 A. (Nods head).
13 **Q. There were some periods of time where we had**
14 **some recessionary periods in the country; right?**
15 A. Right.
16 **Q. Okay. So, for example, there were some**
17 **years in the '70s when there was a slowdown in some**
18 **of the housing and so you would have been less busy;**
19 **right?**
20 A. Right.
21 **Q. Do you recall those kinds of things?**
22 A. Oh, right.
23 **Q. But overall, was it a fairly steady**
24 **business?**
25 A. Pretty steady, yeah.

1 Q. These metal pallets, did those -- do those
2 have to be cleaned occasionally?
3 A. (Shrugs shoulders).
4 Q. They get gunked up with any of the drippings
5 and wood shavings, kind of stuff get gunked up in
6 there at all?
7 A. I don't know. I have no idea on that. We
8 had nothing to do with that so I don't know.
9 Q. Do you recall anybody who would have been
10 responsible for, say, hosing off the metal pallets?
11 A. No.
12 Q. Would it have been -- just going back, I
13 want to sort of find out what you all know about how
14 the dip room, again, was operated. But in terms
15 of -- do you understand that there were times when
16 they would -- when somebody would have to sort of
17 rebalance the penta levels in the tank by adding just
18 mineral spirits in or adding just penta in to sort of
19 make sure it was the right mix of -- mix of penta and
20 mineral spirits in the tank before the dipping would
21 occur?
22 A. I guess they did it. I don't -- I didn't --
23 I had nothing to do with that; so I don't know what
24 somebody else did.
25 Q. Okay. You understand something like that

1 happened --
2 A. Yeah. Right.
3 Q. -- but you're not sure of the specifics?
4 A. Right.
5 MR. REID: Objection. Speculation.
6 BY MR. WARPINSKI:
7 Q. Do you recall there being barrels or some
8 sort of containers of just a more purer
9 pentachlorophenol that would have been purchased by
10 the company that would have been used by the company
11 for that purpose?
12 A. It seemed to me that they did have some
13 around. I don't know what -- what it was for or what
14 the -- what they did with it.
15 Q. Was each department sort of responsible for
16 its own waste handling?
17 A. Yeah.
18 Q. Okay. So whatever waste there was from the
19 machining area, whoever was the machining foreman or
20 somebody in that department would be responsible for
21 making sure it got out of there, deposed of?
22 A. Right.
23 Q. Were there dumpsters throughout the
24 facility?
25 A. Right.

1 Q. And so each department would sort of call
2 for a pick-up of their dumpster when it was time, or
3 how did that work?
4 A. As far as I know.
5 Q. Okay. So that wasn't something that the
6 maintenance department took care of?
7 A. No. No.
8 Q. How did -- what -- tell me what -- what the
9 maintenance department all was responsible for.
10 A. Well, we had take care of the buildings,
11 machinery. We took -- we had all of the utilities,
12 electrical and everything else. But it was --
13 maintenance is what it -- what we had to do. It
14 wasn't -- we had nothing to do with the mill is
15 itself.
16 Q. Okay. So maintenance would include
17 replacing worn out parts of the building --
18 A. Right.
19 Q. -- for example?
20 A. Right.
21 Q. Did you ever have to replace the metal pans
22 underneath the drying area --
23 A. No.
24 Q. -- because they had rusted out or anything
25 like that?

1 A. No.
2 Q. Did you ever replace any storage tanks
3 because they had --
4 A. No.
5 Q. -- any problems?
6 Piping?
7 A. No.
8 Q. Okay. Now, after the office building and
9 this -- what's labeled here as the sash assembly
10 building -- these were built in the late '60s; right?
11 It says here '66, '67. Is that about right to you,
12 when those were built?
13 A. Probably.
14 Q. Okay. Shortly after that, there was the
15 1970 building or the new building or the sash line
16 building was built; right?
17 A. Somewhere around there, yeah.
18 Q. Okay. What do you call -- what did you call
19 that building?
20 A. Well, it was mostly assembly in there.
21 Q. Okay. I mean, did it have a name within the
22 plant?
23 A. Not that I know of.
24 Q. Okay. I've heard just people call it the
25 new building or whatever the --

1 A. Well, the new building, yeah.

2 **Q. That's sort of -- okay.**

3 **On Exhibit 2, somebody had wrote in**
4 **1970 inside a big square here that says sash**
5 **processing Cresto glass assembly. Do you see that?**
6 **What I'm looking at here, do you see that?**

7 A. Yeah.

8 **Q. Okay. That was a building that was added by**
9 **the company in around 1970; correct?**

10 A. As far as I know.

11 **Q. Okay. This was a building that had a**
12 **basement in it; right?**

13 A. Right. That -- that was a concrete
14 building.

15 **Q. Okay. And how -- about how deep was that**
16 **basement below grade?**

17 A. Well, it must have been about ten feet --

18 **Q. Okay.**

19 A. -- because it was -- I mean, they used it
20 for working in there.

21 **Q. Okay. And what was down in the basement of**
22 **that building?**

23 A. (No response).

24 **Q. What was done in the basement, at the**
25 **basement level?**

1 A. Well, it was just before this building was
2 put up.

3 **Q. Okay. So before the sash assembly building,**
4 **we'll call it that, was put in in around 1970, you**
5 **would have switched from being maintenance foreman to**
6 **being a machine builder?**

7 A. (Nods head).

8 **Q. And what sort of machines did you build?**

9 A. Machines for the building -- for the --
10 for -- for operating the machine -- the buildings;
11 molders and stuff.

12 **Q. Okay. So it would be -- it would just be --**
13 **would this be both making machines and also sort of**
14 **maintaining them or fixing them? Or would it --**

15 A. Well, if any -- any machine broke down or
16 something, then we would rebuild it, yeah.

17 **Q. Okay. And so that those -- that -- where**
18 **you would have worked out of would have been**
19 **somewhere down in the basement of that new building**
20 **area, or is that a whole new building altogether?**

21 A. Well, that -- that was in this -- this --
22 there was an -- a part off from where the dock was
23 and that, and it was down in a corner. It was down
24 in the basement.

25 **Q. Okay. Okay. Down in the basement of**

1 A. Well, I don't know. Assembly or something.
2 I don't remember what there was, what -- really, what
3 it was in there.

4 **Q. Where was your -- where did you work out of**
5 **when you were there?**

6 A. I was in the -- we were in the machine shop
7 down here, somewhere down here in the corner.

8 **Q. Okay. And you're -- well, by the machining**
9 **over here, there's an area that's called maintenance.**

10 A. Well, that was maintenance. I wasn't in
11 maintenance at that time.

12 **Q. Okay. At -- in -- in 1970, you weren't in**
13 **maintenance anymore?**

14 A. No. I was in -- I was a machine builder.

15 **Q. You were a machine builder?**

16 A. Right.

17 **Q. Okay. So you would -- you no longer**
18 **were --**

19 A. Maintenance.

20 **Q. -- the -- the maintenance foreman or in**
21 **charge of that?**

22 A. No.

23 **Q. Okay. So what sort of -- what -- when did**
24 **you switch from being maintenance foreman to being a**
25 **machine builder?**

1 **that -- of that sash building that was built?**

2 A. Well, this -- this isn't -- this thing --
3 this building -- this isn't that building, is it?

4 **Q. Well, that's what I'm asking you. I mean,**
5 **that's what it says on that photo. I'm trying to**
6 **figure out -- let's go to another one here and see if**
7 **I can get a better...**

8 **I show you one that we had previously**
9 **marked as Exhibit 3, same basic version, but this one**
10 **has -- and I'll sort of cross hash it in red.**

11 A. Oh, okay. This is the -- this is where I
12 was, down here in this basement.

13 **Q. Okay. So you're looking -- you're looking**
14 **at -- on Exhibit 2, there's a building that's**
15 **missing?**

16 A. Yeah.

17 **Q. Okay. And that's --**

18 A. Because it was out even with the office out
19 here.

20 **Q. Okay. And at some point in time, there was**
21 **a building that was built between the lumber shed,**
22 **which here has 1972 on it, and the 1970 sash**
23 **building; right? There was another building that was**
24 **built in-between those two? And that's what's -- if**
25 **I look at Exhibit 3, you'll see -- you can see**

1 there's a shaded area?
 2 A. Right.
 3 Q. Okay. That shows a building between that --
 4 what's the lumber shed on Exhibit 2 and the sash
 5 processing building on Exhibit 2? And you're saying
 6 your office would have been in the basement of that
 7 building?
 8 A. Right.
 9 Q. Okay. Do you understand that sort of to be
 10 that was the buildings that was built sometime after
 11 1978 or so? Does that --
 12 A. Boy, I couldn't tell you.
 13 Q. Okay. Safe to say that when this sash
 14 building was built in around 1970, if it was eight to
 15 ten foot basements, there was a lot of excavation
 16 that was done at that time?
 17 A. Right.
 18 Q. Do you know where that -- how that material
 19 was handled at all that was excavated out of there?
 20 Was it hauled away somewhere? Was it --
 21 A. Yeah. It had to be hauled away, yeah.
 22 Q. Okay. There was no place on site that
 23 was --
 24 A. No.
 25 Q. Okay. And was there some -- was there -- in

1 terms of making those sorts of -- overseeing that
 2 sort of activity at the company, adding new buildings
 3 and overseeing the construction, who would have been
 4 responsible for that?
 5 A. Well, I think Vilas Sonntag, I think, was in
 6 charge of most of the -- as far as the buildings and
 7 stuff.
 8 Q. Okay.
 9 A. I think Wergin is the one that put up the
 10 building.
 11 Q. Wergin, is that a local contractor?
 12 A. Contractor, yeah.
 13 Q. Do you know how to spell that?
 14 A. It was at that time.
 15 Q. It was at that time, yeah. Do you know how
 16 to spell that?
 17 A. No.
 18 Q. Okay. Ragene (ph)?
 19 A. Wergin, yeah.
 20 Q. When the sash building was built, there was
 21 a new penta treatment system that was added to the
 22 operation; correct?
 23 A. I think they had an operation in this -- in
 24 this corner here someplace.
 25 Q. Okay. And Exhibit 2, there's some hand --

1 there's some, it looks like, different handwriting up
 2 on the -- which would be the south side wall of the
 3 building, that has a little writing on it saying K-D
 4 dip line and then oven. Do you see that?
 5 A. Yeah.
 6 Q. Do you recall there being sort of a conveyor
 7 system that was used that was put into this new
 8 building, the 1970 building, for sash pieces to be
 9 run through and to be treated?
 10 A. Well, yeah, it -- that was going right
 11 through the tank, yeah.
 12 Q. Okay.
 13 A. I mean through the -- it would come out the
 14 other side, through the oven.
 15 Q. Okay. Was that one of the machines that you
 16 would have been responsible for maintaining or
 17 working on?
 18 A. No. That -- that was after I was out of
 19 maintenance.
 20 Q. Okay. Now, when you were -- you said you
 21 were building machines, I'm thinking about at that
 22 point. You said you went into making machines, you
 23 were a machine builder.
 24 A. Right.
 25 Q. Was this one of the machines that you would

1 work on that --
 2 A. No. That was the maintenance department.
 3 Q. Okay. So you never would have been involved
 4 in maintenance activities with regards to the sash
 5 line dip system?
 6 A. No.
 7 Q. Do you know who at the -- who in the
 8 maintenance department would have been -- who took
 9 over for you in the maintenance department?
 10 A. Bob Bentz.
 11 Q. Bob Bentz.
 12 And did Bob stay with the company until
 13 you -- after you left.
 14 A. Yeah. He was there for a while, yeah.
 15 Q. I'm going to show you what has been
 16 previously marked as Exhibit 5 in this case, and it's
 17 a letter from the State of Wisconsin addressed to
 18 Vilas Sonntag, vice-president manufacturing, and it's
 19 dated July 1972.
 20 I'm going to ask you a couple questions
 21 about this, but the first -- Vilas -- this is the
 22 Vilas Sonntag -- this is how you spelled his name in
 23 terms of who you were referring to --
 24 A. Right.
 25 Q. -- as being in charge of the buildings and

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1 stuff?
 2 A. (Nods head).
 3 Q. Okay. And would this be somebody that you
 4 would have sort of indirectly or directly reported
 5 to? Or was there somebody else --
 6 A. Right.
 7 Q. -- in-between you and him?
 8 A. Well, at times, they had different people in
 9 there, yeah.
 10 Q. Did you --
 11 A. Roy Hoepfner, and I can't remember what this
 12 other guy's name was.
 13 Q. So Roy Hoepfner would have been in-between,
 14 sort of, you and Mr. Sonntag?
 15 A. Right.
 16 Q. Okay. And there's somebody else that would
 17 have had a similar position to Mr. Hoepfner?
 18 A. Well, they brought somebody in there that
 19 was -- when I was in -- in the maintenance, that
 20 they -- he came -- they came in there and he was
 21 doing some of the stuff and taking care of it.
 22 Q. What kinds of stuff are you talking about?
 23 A. Well, he was more or less ahead -- above me.
 24 So I don't know just what -- what his title was.
 25 Q. Do you remember what his name was?

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1 A. (Shakes head).
 2 Q. Do you know about when this would have been?
 3 Do you have a recollection as to when this person
 4 would have started?
 5 A. Well, that was just before I went into
 6 machine -- the machine department. So I don't
 7 know.
 8 Q. Okay. I might have a list of names later
 9 on. Maybe we'll come across it.
 10 All right. Was it Roger Holdridge? Do
 11 you know Roger Holdridge?
 12 A. Yeah, he was there. I don't know --
 13 Q. That's not the person you're referring to?
 14 A. No.
 15 Q. Okay. Exhibit 5, the last page, if you turn
 16 to the last page, there's a list of -- up on the
 17 upper inside left there, there's a list of names. Do
 18 you see that?
 19 A. Right.
 20 Q. One of those names is your name?
 21 A. Right.
 22 Q. Do you recognize the names of those -- those
 23 other names that are up there on that list?
 24 A. Rowland.
 25 Q. Who was Rowland?

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1 A. I think he was some kind of an engineer.
 2 Q. Was he someone who worked inside of the
 3 company, or was he an outside engineer?
 4 A. I think he's -- he kind of started as an
 5 outside, but he -- after a while, he was inside.
 6 Q. Okay. That's Bob Rowland; right?
 7 A. Right.
 8 Q. Okay. And the next one is, it looks like,
 9 Gordie Mac.
 10 A. I don't know who he is.
 11 Q. That doesn't ring a bell to you?
 12 A. No.
 13 Q. Okay. The next one is your name, Bob
 14 Zastrow.
 15 A. Right.
 16 Q. And then there's a name, John Warren. Do
 17 you know who that is?
 18 A. Yeah, I remember John Warren.
 19 Q. Who was that? What did he do?
 20 A. He was working in the office. I don't know
 21 just what his title was.
 22 Q. Okay. But he was somebody that worked in
 23 the office?
 24 A. Right.
 25 Q. Okay. Do you recall there being issues over

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1 particulate emissions from the facility around 1972
 2 from the burning of wood waste?
 3 MR. REID: Can you repeat that
 4 question?
 5 (Requested portion of the testimony
 6 read back.)
 7 THE WITNESS: I don't know.
 8 BY MR. WARPINSKI:
 9 Q. Okay. You -- that doesn't ring a bell to
 10 you?
 11 A. No.
 12 Q. Exhibit 5, do you recall ever having -- I
 13 mean, your name's on it, sort of handwritten on as a
 14 cc. on the last page. I'm wondering if you ever
 15 recall this document or receiving this document or --
 16 well, let's start with that first.
 17 A. No.
 18 Q. On page 2 of the document, there's a section
 19 that's entitled Findings of Fact, and number 2 says,
 20 "The aforementioned company," referring to Crestline,
 21 "operates an incinerator boiler which emits
 22 particulates into the ambient air, and that this
 23 boiler is an existing source." Do you see that under
 24 number 2?
 25 A. Well, they had a -- the boiler, yeah, they

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1 burnt sawdust.
 2 **Q. Okay. So you had a boiler that was used to**
 3 **burn sawdust?**
 4 A. Right.
 5 **Q. Okay. And where was that boiler located?**
 6 A. Right next to maintenance.
 7 **Q. Okay. So if we're looking at Exhibit 2,**
 8 **there is an area that says boiler?**
 9 A. Right.
 10 **Q. Okay. Right to the north of the maintenance**
 11 **department?**
 12 A. Right.
 13 **Q. Next to that area is also another area that**
 14 **says dipping. Do you see that?**
 15 A. Dipping?
 16 **Q. Yeah.**
 17 A. I don't remember that.
 18 **Q. Okay. So there would have been a boiler**
 19 **here that would have been used to burn sawdust?**
 20 A. Right.
 21 **Q. Okay. And other, what, wood waste around**
 22 **the plant? Or just sawdust?**
 23 A. No, just sawdust. I mean, it was made --
 24 because they blew it in there. They couldn't --
 25 **Q. Okay. So there were these -- as I**

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1 **understand it, there was sort of this cyclone dust**
 2 **collection system that ran the --**
 3 A. Right. That was over here.
 4 **Q. Okay.**
 5 A. They blew that over and then they had silos
 6 at -- at last, they had silos here.
 7 **Q. Okay. Silos, meaning here -- and here,**
 8 **you're pointing to --**
 9 A. Right -- right in there.
 10 **Q. Okay. So --**
 11 A. This was a walkway through here.
 12 **Q. The area that's --**
 13 A. There was a big silo right here.
 14 **Q. Okay. Where you just pointed, I'm going to**
 15 **put a circle.**
 16 A. Right. That's right.
 17 **Q. Okay. I put a circle to the east of the**
 18 **boiler room. And that would have been where a silo**
 19 **was --**
 20 A. Right.
 21 **Q. -- where sawdust would have been**
 22 **collected --**
 23 A. From here to there.
 24 **Q. Okay. And from here is the cyclones --**
 25 A. We had great big cyclones in there.

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1 **Q. Okay. I'm going to write cyclones next to**
 2 **the area by the dip room.**
 3 A. Right.
 4 **Q. Right?**
 5 A. Right.
 6 **Q. Okay. And those would have been run --**
 7 **there's, like, sort of an overhead --**
 8 A. Right.
 9 **Q. -- feed of the line that ran the --**
 10 A. Right.
 11 **Q. Okay. Ran from the cyclones --**
 12 A. Right.
 13 **Q. -- to the boiler?**
 14 A. Right.
 15 **Q. You got to wait until I finish my question.**
 16 **I'm sorry. You keep saying right, but I haven't**
 17 **finished asking you a question yet. So I appreciate**
 18 **you having to hurry me along, but I have to make sure**
 19 **I get a full question. Let me just make sure I got**
 20 **this right. And wait until I'm done before you**
 21 **answer if you can.**
 22 **There was a cyclone dust collection**
 23 **system that was used to collect the sawdust in -- and**
 24 **the cyclones were located near the dip area; correct?**
 25 A. Some of them were right on top of these

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1 silos -- these -- these vaults here.
 2 **Q. Okay. So the -- and the vaults are right**
 3 **where I wrote cyclones --**
 4 A. Right.
 5 **Q. -- onto Exhibit 2?**
 6 A. And then there was a big one right here.
 7 **Q. Another big silo there or a big --**
 8 A. A big dust collector.
 9 **Q. Okay. That was above ground?**
 10 A. Well, it was on tripods.
 11 **Q. Okay. So in the area that's called**
 12 **courtyard here --**
 13 A. Right.
 14 **Q. -- on Exhibit 2, I'll put another big**
 15 **circle, and there was sort of a big silo in that area**
 16 **or a --**
 17 A. Cyclone.
 18 **Q. -- cyclone.**
 19 A. Right.
 20 **Q. And then those -- that sawdust was then**
 21 **blown over to a silo by the boiler room?**
 22 A. Right.
 23 **Q. Okay. Where they would be fed -- where they**
 24 **could be fed into the boiler for burning?**
 25 A. Right.

1 **Q. And was that an operation that took place,**
2 **as far as you know, during the entire time you worked**
3 **there?**

4 A. Well, at first, it didn't have -- they
5 didn't have the silo there.

6 **Q. Okay. So at first, how did the -- what --**
7 **but the wood waste was -- the sawdust was still being**
8 **burned when you started?**

9 A. I -- I think, when I was in the cutting room
10 and that, before I got into maintenance, I think they
11 would -- the boiler was made that they would feed the
12 boiler by hand. And they would bring the -- the wood
13 waste down and then they would feed it.

14 **Q. Okay. Do you know how long that practice --**
15 **the overall practice of burning the sawdust**
16 **continued, how long that continued until?**

17 A. As far as I know, it was always.

18 **Q. Okay. Until you would have retired, it**
19 **would have been going on?**

20 A. Right.

21 **Q. Okay. And you're not aware -- you weren't**
22 **aware, sitting here today, of there being any**
23 **requirement by the DNR for the company to eliminate**
24 **burning wood waste?**

25 A. No.

1 Anything that would -- because the wood was on the
2 flat.

3 **Q. Okay.**

4 A. So they would -- they would tip it up and it
5 would run off. Well, after most of it run off, well,
6 then they would take it and they'd put it in this
7 other area there to drain whatever was left.

8 **Q. After -- and I guess I'm trying to**
9 **understand, when the penta material itself is sort of**
10 **wet and drips down or whatever, where it collects.**
11 **Would the floor be -- get sort of soaked up a little**
12 **bit with the penta, the floor of the -- of that**
13 **drying area?**

14 A. Well, yeah.

15 **Q. Okay. When the -- and it -- the material**
16 **would sort of -- there was some mineral spirits in**
17 **there so it would sort of volatilize away?**

18 A. Yeah. Right.

19 **Q. There was some volatilization going on?**

20 A. Right.

21 **Q. Was there a residue left over after the**
22 **volatilization process, like a little crystalline-type**
23 **material that was left over, that you recall?**

24 A. Well, I imagine.

25 **Q. You do -- you recall that? I don't want you**

1 **Q. When the sash building in 1970 was built, do**
2 **you recall there being underground storage tanks**
3 **installed in the area to the south of that**
4 **building?**

5 A. Well, I think, when they put this -- the
6 sash line in there, they had a small tank in there.

7 **Q. Okay. Do you know if there was piping that**
8 **ran from a tank outside of the sash building, on the**
9 **south side of the facility, over to the main dip**
10 **area?**

11 A. Not that I know of. Actually, they couldn't
12 have put one through there. I mean, this was down
13 too deep to put a line through there.

14 **Q. Okay. Do you -- okay. In the -- just going**
15 **back to sort of this drying room area where you said**
16 **the loads would be setting up and they would be**
17 **sitting up on the wood pallets that would be**
18 **overlaying this metal plate -- or metal pan; right?**

19 A. Right.

20 **Q. And while they were there, the -- the wood**
21 **that had been dipped would still be sort of wet and**
22 **be dripping down?**

23 A. Well, what they would do in the tank, after
24 they brought the load up, they would put a jack under
25 one -- one side so that it would drip -- run off.

1 **to imagine. I want to know if you remember that or**
2 **not.**

3 A. Well, it -- it was just wet to me. You
4 couldn't really tell if it was crystallized or not.

5 **Q. Okay.**

6 A. After so many years, it was so soaked up
7 that it wasn't --

8 **Q. That wood wasn't going anywhere, it was**
9 **pretty preserved at that point?**

10 A. No. Right.

11 **Q. Okay. Do you recall there being problems**
12 **getting the -- the new sash line dip system to work**
13 **properly?**

14 A. No. I -- I had nothing to do with that. So
15 I don't know.

16 **Q. Okay. Do you recall this blue haze issue**
17 **that people had with that sash line? Does that ring**
18 **a bell to you?**

19 A. No.

20 **Q. Okay. That doesn't mean anything to you?**

21 A. No.

22 **MR. SCHRIMPF:** Try purple haze. No,
23 that's a song. It's a bad song.

24 **BY MR. WARPINSKI:**

25 **Q. So you don't -- you didn't have any**

1 involvement in any, I'll call it, tinkering that was
 2 going on to try to make that sash line penta
 3 application system work better?
 4 A. No.
 5 Q. Are you familiar with the -- with the name
 6 of the -- with the brand of the product that was
 7 being used, the penta product that was being used by
 8 the company during the years you were there?
 9 A. Just called it pentachlorophol (ph) or
 10 something.
 11 Q. Here. I'm going to show you what we've --
 12 A. Oh, Koppers, yeah.
 13 Q. -- previously marked as Exhibit 8.
 14 Actually, two pages here; I'll keep them together.
 15 And let me just get you an unhighlighted one. Hold
 16 on here.
 17 I'm going to put in front of you sort
 18 of a collection of documents. The first one I've got
 19 is marked Exhibit 9; it's a material safety data
 20 sheet. Are you familiar with these documents,
 21 material --
 22 A. No.
 23 Q. You've never seen a material safety data
 24 sheet before?
 25 A. No.

1 Q. Okay. I'm going to turn to the page that's
 2 got Exhibit 8 on it, and there's an -- the name
 3 Koppers across the top. You recognize that name?
 4 A. Right.
 5 Q. Okay. Do you recognize Koppers as being the
 6 company from whom --
 7 A. Well, it was on the tankers.
 8 Q. Okay. So the -- the tankers that would be
 9 left outside the west side of the building would be
 10 Koppers railroad tanker cars?
 11 A. Right.
 12 Q. Okay. And was that the same throughout the
 13 time that those -- that those deliveries were made
 14 that way?
 15 A. Yeah, I think so.
 16 Q. Okay. And you understand it was some sort
 17 of a pentachlorophenol-based solution; correct?
 18 A. Right.
 19 Q. The brand name Woodtox preprime, does that
 20 mean anything to you?
 21 A. I think it was Woodtox. I mean, I think
 22 that was --
 23 Q. Okay. The name Woodtox sounds familiar?
 24 A. Yeah.
 25 Q. Were you -- do you ever recall ever seeing a

1 label document as I'm showing you on Exhibit 8
 2 regarding the Koppers product?
 3 A. Well, they -- you had -- right on the
 4 tanker, they'd always have a slip on there that says
 5 Koppers.
 6 Q. Okay. There was --
 7 A. That it was, you know, Woodtox or
 8 whatever.
 9 Q. Did you -- about what -- about when in
 10 the -- strike that.
 11 Did you have an understanding, when
 12 you started working there or became familiar with the
 13 fact that this dip process was being used, as to why
 14 it was being used, why they were dipping the wood?
 15 A. Well, to preserve the wood, you know.
 16 Q. Okay. Preserve the wood from -- from the
 17 elements?
 18 A. From termites and stuff like that, yeah.
 19 Q. Okay. So you understood it was sort of a
 20 pesticide --
 21 A. Right.
 22 Q. -- type application; correct?
 23 A. Right.
 24 Q. Okay. Did you ever have any involvement in
 25 dealing with any local landfills for disposal of

1 waste from the facility?
 2 A. No.
 3 Q. Are there -- when -- when you were the
 4 maintenance foreman, is there -- was there somebody
 5 at the company who would have been sort of in charge
 6 of, as far as you were concerned, about making sure
 7 the company was complying with any laws that were in
 8 place for the handling of waste materials?
 9 A. I don't know who -- who was in charge of
 10 that; I don't know.
 11 Q. Okay.
 12 MR. WARPINSKI: Let's take a quick
 13 little break here.
 14 MR. SCHRIMPF: Okay. Sure.
 15 (Discussion held off the record.)
 16 BY MR. WARPINSKI:
 17 Q. We had talked, just a while ago, about the
 18 building that was constructed between the sash
 19 building and the lumber shed where you said your
 20 base -- your office ended up being located.
 21 A. Right.
 22 Q. Okay. Do you recall that in -- as a part of
 23 planning for that building, that a company came in
 24 and did some borings in that area for the foundation
 25 of that building?

1 A. No, I don't remember that.
 2 **Q. Okay. Do you recall there being a time when**
 3 **somebody took some soil core samples and there was a**
 4 **concern raised about them having an odor to them?**
 5 A. The only time that I know is when they was
 6 putting in the elevators.
 7 **Q. Putting --**
 8 A. And --
 9 **Q. Putting the elevators in where?**
 10 A. The elevators here.
 11 **Q. Okay. So there was an elevator that**
 12 **went --**
 13 A. Two elevators.
 14 **Q. Two elevators that went from --**
 15 A. The ground floor to the top floor.
 16 **Q. In the sash building?**
 17 A. Right.
 18 **Q. Okay. And you recall that, when they put --**
 19 **when they -- what do you recall about the elevators**
 20 **and the --**
 21 A. Well, Otis, when they were putting in the
 22 elevators, they -- they had to put this hole down in
 23 to put their cylinder in there --
 24 **Q. Okay.**
 25 A. -- for their hydraulic cylinder.

1 **Q. Okay.**
 2 A. And the guy that went down in there to clean
 3 out the bottom of the hole, he almost got suffocated
 4 down there because of the dip or penta or whatever it
 5 was in there.
 6 **Q. Okay. Do you know how deep that was that he**
 7 **was going for that?**
 8 A. Well, it must have been about 15 feet --
 9 **Q. Okay.**
 10 A. -- below the -- the -- the basement floor
 11 level.
 12 **Q. Okay. And that would have been during the**
 13 **installation of the elevators --**
 14 A. Elevators.
 15 **Q. -- for the -- for the sash building?**
 16 A. Right.
 17 **Q. Okay.**
 18 **MR. WARPINSKI:** I'll just keep these
 19 all together. You guys can share. I'll keep all
 20 these since they've all been marked already.
 21 **BY MR. WARPINSKI:**
 22 **Q. I've got a series of documents here that are**
 23 **grouped together. The first one is Exhibit -- what's**
 24 **been marked as Exhibit 17, it's a letter of August**
 25 **15, 1978, from a Building Consultants, Inc., to -- it**

1 **says attention Ed Seim, Vilas Sonntag and Pat**
 2 **Wierzba. Do you see that?**
 3 A. Right.
 4 **Q. Who was Ed Seim?**
 5 A. He was in the office. I don't know what
 6 his --
 7 **Q. What his job was?**
 8 A. What his job was.
 9 **Q. Okay. And Vilas Sonntag, we've already**
 10 **talked about; he was sort of the vice-president of**
 11 **manufacturing or in charge of the manufacturing**
 12 **operation --**
 13 A. Right.
 14 **Q. -- right? Right? Vilas.**
 15 A. Right. Right.
 16 **Q. Okay. And then the next name on here is Pat**
 17 **Wierzba. Who was he?**
 18 A. Well, he was below Vilas.
 19 **Q. Okay.**
 20 A. He was --
 21 **Q. Kind of worked for him, you mean?**
 22 A. Well, yeah, I think he -- he was the -- he
 23 was almost the head of anything that had to do with
 24 the mill, inside the mill.
 25 **Q. Okay. In terms of operations, you mean of**

1 **the mill or what?**
 2 A. Yeah.
 3 **Q. Okay. This -- this document says it's the**
 4 **results of a subsurface exploration, proposed**
 5 **facilities expansion, phases 1 or 2. Were you**
 6 **involved in any of this activity?**
 7 A. No. No.
 8 **Q. Do you recall ever seeing a document looking**
 9 **like this before?**
 10 A. No.
 11 **Q. Okay. On page 2 of this document -- and**
 12 **there's some shading here. I'm going to read it just**
 13 **to make it easier. But there's some shading here**
 14 **that says, "In boring 3" -- and it says see attached**
 15 **figure, which I probably don't have, but I'll read**
 16 **through it. It says, "In boring 3, the material**
 17 **encountered at a depth of 25 feet possessed a strong**
 18 **odor and we do not know what chemical it was" -- I**
 19 **can't even read it here, "what chemical was present**
 20 **in the soil which would have caused that condition."**
 21 **Do you ever recall hearing anything about that**
 22 **before?**
 23 A. No. I have no idea what -- they never told
 24 me anything about that stuff.
 25 **Q. Okay. I'm going to show you now what we've**

1 marked Exhibit 19 previously. And this is a memo, it
 2 says to all concerned; subject, soil sample odor.
 3 And this is dated October 5 of 1978, it's from Pat
 4 Wierzba. Do you see that?
 5 A. Right.
 6 Q. Okay. And it says, Results of survey of
 7 soil samples odor." And then it says -- then he's
 8 got a list of names here under the title Odor Was
 9 Analyzed By, and then he's got another column here
 10 saying Initial Response to Odor Content. And he's
 11 got a list of names and your name is on that list.
 12 Do you see that?
 13 A. Right.
 14 Q. Okay. And across from your name, it says
 15 penta. Do you see that?
 16 A. Yeah.
 17 Q. Do you recall Pat Wierzba, at some point in
 18 time, walking around with a soil sample and asking
 19 you to smell it and tell you his -- and tell him what
 20 you think it was?
 21 A. Boy, it could have been. I don't know. I
 22 don't remember.
 23 Q. Okay. You don't remember that episode --
 24 A. No.
 25 Q. -- at all?

1 Q. Okay. And if I understand it, where this
 2 elevator would have been, if we're looking at Exhibit
 3 2, would have been someplace in the general area
 4 outside of where this outcrop area is on Exhibit 2?
 5 A. Well, that must have been -- that must have
 6 been the elevators there.
 7 Q. Okay. So was there -- there were elevators
 8 installed in 1970?
 9 A. I don't know when it was installed.
 10 Q. Were they all --
 11 A. When they were -- when the building was put
 12 up, they were -- they were put in there at the same
 13 time.
 14 Q. Okay. So when the sash building was put in,
 15 the one that has the basement, there was elevators
 16 put in right away?
 17 A. Right.
 18 Q. And during the course of that elevator work,
 19 you recall this incident with Otis elevators and one
 20 of their guys being down in the pit --
 21 A. Right.
 22 Q. -- and being overcome with the fumes or the
 23 odor?
 24 A. Right.
 25 Q. And do you recall any other discussions

1 A. No.
 2 Q. Okay. But you wouldn't -- if -- if Pat
 3 Wierzba says he did that, you wouldn't argue with
 4 him, I assume.
 5 A. No. I wouldn't deny it. I --
 6 Q. Okay. Do you have any -- for purposes of
 7 this, on Exhibit 2, there are spots here where it
 8 says -- you see boring, it says B-1, boring B-2, and
 9 then boring B-3. Do you see that?
 10 A. Yeah.
 11 Q. Okay. And that's generally in the area,
 12 part of it at least, was where that building was
 13 built between the lumber shed and the 1970 building;
 14 right?
 15 A. Right.
 16 Q. Here it -- it says B-3, boring B-3, which
 17 was what I had referenced in that other document as
 18 being where they had this odor. Okay? Are you aware
 19 of any reason why there would have been contaminated
 20 soil in the area around where those borings are
 21 depicted on figure 2?
 22 MR. SCHRIMPF: Objection.
 23 Foundation.
 24 THE WITNESS: No, not really.
 25 BY MR. WARPINSKI:

1 about -- about doing anything about that experience
 2 that you had or what happened?
 3 A. Well, he -- he might have mentioned it to
 4 somebody, you know, in the office or something. I
 5 don't know.
 6 Q. Okay. But -- so whenever that would have
 7 occurred, it would have been sometime around 1970,
 8 when that building was constructed?
 9 A. Right.
 10 Q. Okay. And you don't, sitting here today,
 11 have a recollection of what's referenced on Exhibit
 12 19? And that is Pat Wierzba coming around, in 1978,
 13 with a sample for you to smell.
 14 A. It -- it probably did.
 15 Q. Okay. I mean, you -- all right. Okay.
 16 Is it fair to say, then, that you
 17 wouldn't have had -- you had no involvement in any
 18 efforts, at that point, to try to figure out why
 19 there was an odor in that soil?
 20 A. No.
 21 Q. How did you learn about the incident with
 22 the elevator shaft, excavation work?
 23 A. Well, I had -- I -- I probably was just
 24 around there at the time when he was -- he was doing
 25 it. I don't know.

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1 **Q. Okay. You don't recall there being a --**
 2 **having any conversations with any of the management**
 3 **about that incident yourself?**
 4 A. No.
 5 **Q. Did you have any -- was there any policy or**
 6 **procedures you recall being in place, back at the**
 7 **time when you were maintenance foreman or in the**
 8 **maintenance department, about how to handle any**
 9 **spills or, you know -- of penta material or any other**
 10 **chemicals that were being used in the plant?**
 11 A. Well, they never -- as far as I know, they
 12 never had anything put down on paper or anything
 13 that -- I don't know.
 14 **Q. Was there any sort of an informal policy you**
 15 **were aware of as to -- was there any sort of informal**
 16 **practice that you were aware as to how the company**
 17 **would respond if there was a -- you know, a small**
 18 **spill or something of penta material during usage of**
 19 **the material?**
 20 A. I don't think so.
 21 **Q. Anybody -- any practice of throwing sawdust**
 22 **on it to sort of soak up a spill and then taking that**
 23 **sawdust and doing something with it?**
 24 A. No, not that I know of.
 25 **Q. Any -- do you recall being involved at all**

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1 **in any efforts to have somebody come in and do any**
 2 **tank testing for the company, to test the integrity**
 3 **of the tank systems --**
 4 A. No.
 5 **Q. -- for the storage of penta?**
 6 **Are you familiar with the National**
 7 **Woodwork Manufacturers Association?**
 8 A. No.
 9 **Q. Are you familiar -- do you recall there ever**
 10 **being any worker complaints about being injured at**
 11 **all from using the penta around the plant?**
 12 A. No.
 13 **Q. Nobody ever complained about burning of the**
 14 **skin or anything like that?**
 15 A. Not that I know of.
 16 **Q. Do you know if people who handled the**
 17 **material used any protective equipment?**
 18 A. Well, when we -- when you cleaned out the
 19 tank, we'd put on a respirator, a tank, you
 20 know, a -- it was a self-contained...
 21 **Q. That was throughout the entire time you were**
 22 **doing that, or was that sort of later?**
 23 A. Well, just when we had to go down in the
 24 tank to clean it out.
 25 **Q. Okay. So when -- when the cleaning out**

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1 **would occur, you would drain the tank --**
 2 A. Right.
 3 **Q. -- right?**
 4 A. Right.
 5 **Q. And then -- and then you had to -- the**
 6 **sewage that --**
 7 A. Right, they would pump it out.
 8 **Q. They would pump it out?**
 9 A. Then whatever they couldn't get in, then
 10 we'd have to go down there and clean -- clean the
 11 rest of it out.
 12 **Q. Okay. And what did you do with that**
 13 **material that was cleaned --**
 14 A. That was put in the barrel and then they
 15 would pick it up later.
 16 **Q. The same company, that --**
 17 A. Yes.
 18 **Q. -- septic pumping, whatever, would come back**
 19 **and pick up a barrel of the material?**
 20 A. Right.
 21 **Q. Okay. And during that, you would -- there**
 22 **would be some sort of a respirator that was used?**
 23 A. Right.
 24 **Q. And that would have been something that**
 25 **would have been occurring while you were still**

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1 **maintenance foreman, as far as you can remember?**
 2 A. Right.
 3 **Q. Do you know if the dip operator himself used**
 4 **any protective equipment?**
 5 A. No. No.
 6 **Q. Okay. What about people who would handle**
 7 **the material over on the sash line?**
 8 A. No.
 9 **Q. I'm going to show you first what we've**
 10 **previously marked as Exhibit 27, and it's a**
 11 **handwritten list that looks like it's dated March 2**
 12 **of 1981 that lists, on one side, various materials**
 13 **used by Crestline. In the middle, there's a column**
 14 **called Hazardous Waste, and then there's a column on**
 15 **the right that says Disposal Method. Do you see that**
 16 **layout?**
 17 A. Yeah.
 18 **Q. Okay. You -- do you recognize -- have you**
 19 **ever seen this document before?**
 20 A. No.
 21 **Q. Okay. In 1981, were you -- do you -- were**
 22 **you still with the company in 1981?**
 23 A. I think I was.
 24 **Q. Okay. You -- I guess my -- my reason for**
 25 **asking you, do you recognize at all who would have**

1 prepared it or do you have any idea how would have
 2 prepared this document that's Exhibit 27?
 3 A. No.
 4 Q. Do you recognize the names of the materials
 5 that are listed on Exhibit 27?
 6 A. I don't know. I know Woodtox.
 7 Q. Okay. You recognize the name Woodtox, but
 8 you -- let me ask you this: Are you familiar that
 9 the company used a trichloroethylene-based product?
 10 A. Not that I know of.
 11 Q. Okay. What about a Toluene product?
 12 A. Yeah, they used a Toluene.
 13 Q. What did they use that for?
 14 A. I don't know exactly what they used it
 15 for.
 16 Q. Okay. And do you know which department
 17 would have been using that?
 18 A. No.
 19 Q. All right. The next page -- did I give you
 20 that as one page, or is it two documents? What did I
 21 give you?
 22 Here. I'm going to show you this one
 23 here, Exhibit 27. This one is -- Exhibit 28, I
 24 should say, I gave you, and this one is dated
 25 7-27-1981. And I'm just going to ask you a couple

1 questions about it. I -- first of all, I assume this
 2 is not your handwriting.
 3 A. Not that I know of, no.
 4 Q. Okay. It looks -- across the top, it seems
 5 to say, disposal of Crestline hazardous waste, and
 6 there's a little description of various activities
 7 that are going on. Under the heading -- under this
 8 first -- there's a reference to latex-based paint.
 9 And within that, there's reference to a Ringle dump.
 10 Do you see that? It's about the third or fourth line
 11 down in the middle of that -- I can show you where
 12 I'm talking about. Right -- right here. See where
 13 it -- it says Ringle dump?
 14 A. Right.
 15 Q. Are you familiar with anything called the
 16 Ringle dump?
 17 A. Yeah, I know the Ringle dump.
 18 Q. What's the Ringle dump?
 19 A. Well, it -- there was a dumping -- I don't
 20 know if they still use it or not, but there was a --
 21 a lot of the waste was taken to -- to Ringle, to that
 22 dump.
 23 Q. Okay. Do you know where that dump was
 24 located?
 25 A. In Ringle.

1 Q. Oh, it's -- Ringle is a town of Ringle?
 2 A. Right.
 3 Q. Okay. Not the name of somebody that owned
 4 the property?
 5 A. Right. On Old 29, out that way.
 6 Q. Okay. Do you know if the Ringle dump became
 7 the Marathon County landfill --
 8 A. Right.
 9 Q. -- if that's the same thing?
 10 A. Right.
 11 Q. Okay. As I understand from our questions
 12 before, it was that, generally, the handling or
 13 arranging for the disposal of waste from the facility
 14 would not have been something that you would have
 15 been --
 16 A. No.
 17 Q. -- involved in?
 18 (Exhibit 314 marked for
 19 identification.)
 20 BY MR. WARPINSKI:
 21 Q. I'm going to show you what I've marked as
 22 Exhibit 314. First, if you could just take a -- it's
 23 a couple-page document. If you could, first of all,
 24 just take a look at it and let me know if you recall
 25 ever seeing this before.

1 A. No, I don't.
 2 Q. Do you recall -- you recall that, at some
 3 point, Sentry acquired the stock of -- of the
 4 company, of the Crestline company?
 5 A. Right.
 6 Q. Okay.
 7 MR. REID: Just to -- you know --
 8 MR. WARPINSKI: Some Sentry entity.
 9 MR. REID: Sentry Corporation.
 10 MR. WARPINSKI: Sentry Corporation.
 11 BY MR. WARPINSKI:
 12 Q. Well, do you know who it was that purchased
 13 it? Do you know if it was Sentry Corporation or some
 14 other Sentry entity?
 15 A. Well, it was just Sentry. I don't know.
 16 Q. Okay. So far as -- somebody -- okay. You
 17 don't know which -- you don't know the name of the
 18 entity, but you know somebody affiliated with
 19 Sentry?
 20 A. Right.
 21 Q. Okay. And do you recall there being any
 22 period of time before that purchase took place where
 23 people from Sentry came at all and went through the
 24 facility?
 25 A. Not that I know of.

1 Q. Nobody ever met with you --

2 A. No.

3 Q. -- to ask you about what you did or how
4 things worked?

5 A. No.

6 Q. You don't recall anybody ever conducting an
7 inspection of the facility or anything like that?

8 A. Nope.

9 Q. My understanding is that that purchase
10 occurred sometime in the middle or late 1981. Okay?
11 What I've shown you here in Exhibit 314 is a December
12 of 1982 document. And it -- it purports to forward
13 a -- I guess what I would call an industrial hygiene
14 survey, because that's what's referred to in the
15 first page here.

16 Do you recall there ever being a time
17 when Sentry came in and did an industrial hygiene
18 survey of the plant?

19 A. No.

20 Q. Do you recall if, earlier, when you were
21 maintenance foreman, if there was ever any -- any of
22 the insurers for the company ever coming in and doing
23 any inspections of the facility --

24 A. Nope.

25 Q. -- or any other industrial hygiene sort of

1 understandable question and answer here.

2 There's reference, in Exhibit 334 --

3 Exhibit 314, to employees complaining about an odor.
4 And my question for you is do you recall there being
5 a distinct odor about the operations of the facility
6 while you worked there?

7 A. Well, it was sure different. I mean, it was
8 different than being outside. I mean, it's -- it --

9 Q. Okay. Do you -- did anybody ever tell you,
10 say, when you would go home, that you would have this
11 odor on your clothes?

12 A. No.

13 Q. After the Sentry entity purchased the stock
14 of the company, did you notice any change in the way
15 the company was operated or run?

16 A. Not really.

17 Q. Was there a -- okay. Do you recall being
18 involved in any discussions about switching from
19 penta to using other product?

20 A. No.

21 Q. Do you recognize the name Tom Jirous,
22 J-i-r-o-u-s, a guy affiliated with Sentry?

23 A. It -- the name kind of -- I don't know what
24 he did, but I -- I can remember the name.

25 Q. Okay. Did you ever meet a Kent Foster from

1 assessments being done?

2 A. No.

3 Q. On the first page of this document, there's
4 a statement about employees being bothered by an
5 offensive odor of the material. Do you see that?

6 A. Yeah.

7 Q. Do you recall there being complaints of
8 employees about odor?

9 A. Well, there could have been. I mean, it --

10 Q. Why do you say --

11 A. I mean, usually, any new employees that come
12 in, well, they weren't used to it, I mean, they
13 would...

14 Q. When -- so the people who would be new to it
15 would come in, they would notice sort of a distinct
16 odor?

17 A. Right. Right.

18 Q. So you would agree the penta process had a
19 sort of distinct order to it?

20 MR. SCHRIMPF: Object. Form.
21 Misstates his testimony.

22 THE WITNESS: Yeah.

23 BY MR. WARPINSKI:

24 Q. There was an objection. I want to reask the
25 question because I want to make sure we've got an

1 Sentry?

2 A. Not that I can remember.

3 Q. Do you recall there being a time, in around
4 1984, when the company notified the DNR that there
5 had been penta spilled at the property, contamination
6 associated with penta at the property?

7 A. No.

8 Q. Do you recall a time when you helped Pat
9 Wierzba do some tank level checks to make sure -- see
10 how much penta was being lost during operations
11 or --

12 A. Well, that was in that write-up that you
13 give me, and I -- I can't remember it. It probably
14 happened, but I -- I can't remember it.

15 Q. What do you mean, the write-up that I gave
16 you? What are you --

17 MR. SCHRIMPF: I think he's confused.
18 I sent him the documents, some of the documents.

19 MR. WARPINSKI: Okay. I was going
20 to -- I'll get that -- I'll finish with that at the
21 end, about what you looked at before.

22 MR. SCHRIMPF: Okay.

23 MR. WARPINSKI: So that's fine. Okay.
24 We'll just jump to that.

25 BY MR. WARPINSKI:

1 Q. Okay. So prior to today, you were sent some
2 documents regarding the case?

3 A. Right.

4 Q. Okay. What were -- what documents were you
5 sent?

6 A. Well, it was just on different things on
7 what Wierzba and that said and what we were supposed
8 to have said or whatever.

9 Q. Okay. Was this --

10 MR. WARPINSKI: Off the record for a
11 second.

12 (Discussion held off the record.)

13 BY MR. WARPINSKI:

14 Q. Okay. So going back to my question, I'd
15 asked you whether or not you recall being involved
16 with Pat Wierzba in doing some tank level monitoring
17 of some sort, and you said you saw it -- recall a
18 document saying it, but you don't remember, is
19 that --

20 A. It was probably true, but I don't remember
21 it.

22 Q. Okay. So fair to say you don't know what
23 volume of penta was purchased in any given year?

24 A. No, I have no idea.

25 Q. Or how it would have varied from one year to

1 the facility would have been strongest around the dip
2 tank?

3 A. Right.

4 Q. Did you notice there to be an odor at all
5 associated with the dip usage in the sash building
6 when that line was put in?

7 A. Not that I know of.

8 Q. Okay. And at that time, when the sash line
9 was in, you would have been out of sort of the
10 maintenance foreman job already?

11 A. Right.

12 Q. So cleaning the sash -- that machine --

13 A. Yeah, that --

14 Q. -- or dealing with any improvements to that
15 was not something you were involved in?

16 A. No.

17 Q. Okay. I'm going to first show you what I'm
18 marking as Exhibit 73, and that's referencing the --
19 a meeting that was going to take place involving you,
20 Pat Wierzba, Tom Jirous, and Jim Noonan. Do you see
21 that?

22 A. (Nods head).

23 Q. Do you recall there being a meeting that --
24 like that that took place around May of '86?

25 A. I can't remember it, no.

1 the next?

2 A. No.

3 Q. Do you know how -- if there was some sort of
4 ventilation in the dip room to exhaust the air out of
5 the room?

6 A. Well, there was a ceiling fan, you know, a
7 roof fan.

8 Q. Okay. A roof fan. There was no stack going
9 out? It was just a little surface top sort of --

10 A. Well, there was a little stack. There
11 wasn't much.

12 Q. Like what? I mean, a couple feet kind of a
13 thing?

14 A. Yeah.

15 Q. How high was that roof? Do you know?

16 A. It was real low. It was just...

17 Q. Like a ten-foot kind of a thing?

18 A. Ten foot, yeah.

19 Q. And was that a fan that would have been
20 running all the time? Would it have been turned on
21 by the operator whenever they wanted to vent the
22 room?

23 A. Well, yeah. Whenever the dip tank was used,
24 then the fan was on.

25 Q. Is it fair to say that sort of the odor in

1 Q. When we started today, I had asked you if
2 you had -- if you had been involved in a process like
3 we're having today before, and you had mentioned a
4 couple other times you had done this.

5 A. Right.

6 Q. You don't recall if one of those times was
7 this meeting that's referenced on this document,
8 Exhibit 73?

9 A. I couldn't tell you. I don't know.

10 Q. Okay. Do you know who Jim Noonan was?

11 A. No.

12 Q. You don't recall going down to Sentry and
13 having a meeting there with two people along with Pat
14 Wierzba?

15 A. I can't remember that, either.

16 Q. Okay.

17 MR. WARPINSKI: Off the record.

18 (Discussion held off the record.)

19 BY MR. WARPINSKI:

20 Q. Okay. I'm going to show you, also, what's
21 been marked Exhibit 74. And first of all, I -- look
22 at that and tell me if that's your handwriting, by
23 any chance.

24 A. No.

25 Q. Okay. I'm not going to ask you to try to

1 read it all, but you certainly are welcome to try to
 2 read it if you want to.
 3 A. Can't even read it.
 4 Q. Well, you recognize -- you recognize, sir,
 5 your name up on the top left?
 6 A. Yeah.
 7 Q. You see a Bob Zastrow written there?
 8 A. Right.
 9 Q. And you see a Pat Wierzba underneath your
 10 name?
 11 A. Right.
 12 Q. Okay. But you yourself don't recognize this
 13 document and, before today, have never seen it as far
 14 as you know?
 15 A. No.
 16 Q. This wasn't one of the documents that was
 17 sent to you?
 18 A. Not that I know of.
 19 Q. Okay. In this document, there appears to be
 20 a reference to sort of describing -- and it seems to
 21 say about possible sources of penta spillage. Okay.
 22 Do you recall ever having a discussion with anybody
 23 at Sentry about possible sources of spillage?
 24 A. No, I can't remember.
 25 Q. I'm going to try to sort of recreate what I

1 A. No. Just to -- just to get it in line with
 2 our pipe if they didn't bring it in in just the right
 3 place.
 4 Q. Okay. So you recall there being some times
 5 where it would have to be moved slightly just to get
 6 it lined up to unload?
 7 A. A little bit, yeah.
 8 Q. So when they would bring it in, it was just
 9 sort of left there, they didn't -- before -- it was
 10 already dropped off and disconnected from the line,
 11 from the railcars, before anybody would make any
 12 attempt to load or do any loading?
 13 A. Right.
 14 Q. Okay. And it looks like it says that inside
 15 the railroad tanker is a valve that keeps penta from
 16 getting into the outlet pipe.
 17 A. Right.
 18 Q. Okay. Can you -- and I -- can you just try
 19 to describe and give me a better description of that?
 20 Where was this valve in -- on the railroad tanker?
 21 A. Well, on top of the tank, there's a --
 22 Q. Okay. And on -- on this document, Exhibit
 23 74, there's a little picture.
 24 A. Right.
 25 Q. Okay. And I don't -- is that what you're --

1 think is some of the -- ask you some questions to see
 2 if what I think this is saying, you recall any of
 3 that. Okay?
 4 There looks to be a part that talks
 5 about Chicago Northwestern Railroad. And that would
 6 have been the railroad line that ran behind the
 7 building --
 8 A. Right.
 9 Q. -- to the west; correct?
 10 A. Right.
 11 Q. And it looks like it says that they would
 12 bring a railroad car in and just leave it there.
 13 A. Right.
 14 Q. Okay. And that would be Koppers; right? Or
 15 whoever the railroad would be, would bring and leave
 16 a Koppers car and drop it off and leave it on the
 17 rail line behind the building?
 18 A. Right.
 19 Q. Okay. It looks like it says SNE could move
 20 it around. Was that a railcar that you guys could
 21 move it if you needed to?
 22 A. Well, the only way we had to move it was a
 23 car jack.
 24 Q. Okay. So you could, but it's not something
 25 you recall doing?

1 is that --
 2 A. Right. There's an extension up above,
 3 that's where the valve is.
 4 Q. Okay.
 5 A. In the tank.
 6 Q. Okay. So --
 7 A. And there's a cover on it with a -- it had a
 8 seal on it. And you had to break the seal to get
 9 into the valve.
 10 Q. Okay. Okay. So when -- when the tanker was
 11 dropped off, it would have this valve cover of some
 12 sort over the top that had a seal on it?
 13 A. Right.
 14 Q. And then you guys would have to break the
 15 seal --
 16 A. Right.
 17 Q. -- to then make a connection from that valve
 18 to your piping?
 19 A. Right.
 20 Q. And would you have your own hoses that you
 21 would run that you would --
 22 A. Right. We'd have a hose that goes from our
 23 pipe to the tank.
 24 Q. Okay. That was a flexible, like --
 25 A. Right.

1 Q. -- like a garden hose-type thing or what?
 2 A. Well, it was a big -- about a four-inch.
 3 Q. Okay. And was that sort of the -- was there
 4 a four-inch pipe coming out of the building too?
 5 A. Right.
 6 Q. Was that how big that piping was?
 7 A. Right.
 8 Q. And that is a flush -- sort of a
 9 flush-mounted assembly piece where the hose would be
 10 mounted to the wall of the building or to the piping
 11 underneath the building?
 12 A. Well, there was a coupling on there that --
 13 a coupling, like on a fire hose.
 14 Q. Yeah, okay. And the same way when it would
 15 hook into the valve on the top of the tanker?
 16 A. On the bottom of the tank.
 17 Q. Okay. So -- well -- well, the picture that
 18 we're looking at, this valve that you're -- that's
 19 being described here, it seemed to say that the
 20 tanker has a valve that keeps penta from getting into
 21 the outlet pipe. So where would the outlet pipe
 22 be?
 23 A. The outlet is on the bottom.
 24 Q. Okay. So outlet is on the bottom?
 25 A. The valve is on the top, but there's a stem

1 circumstances -- was that a regular occurrence?
 2 A. No, not always. No.
 3 Q. Okay. And who -- who would be the people
 4 that would be out there doing this work?
 5 A. Well, usually it would be some of the
 6 maintenance men who would hook it up.
 7 Q. Okay. So when -- the time when you were
 8 working in maintenance until you went into the
 9 machine building area, you would have been involved,
 10 or people working under you, would have been involved
 11 in this --
 12 A. Right.
 13 Q. -- process?
 14 But you wouldn't be responsible for
 15 having the orders called in? It's just that once
 16 they would get there, would somebody notify you that
 17 the tanker is --
 18 A. Right. They would notify us that a car was
 19 coming in.
 20 Q. Okay. Usually, would there be somebody out
 21 there waiting for it to come in?
 22 A. No.
 23 Q. Okay. It would just be there?
 24 A. You never know when it was going to come
 25 in.

1 that goes down to the --
 2 Q. Oh, okay. Got you. So you could -- you
 3 could open the valve from the top, basically --
 4 A. Right.
 5 Q. Once you'd hook onto the bottom --
 6 A. Then you would --
 7 Q. -- you'd hook it on, then you'd go up to the
 8 top and --
 9 A. Right.
 10 Q. -- you'd undo the valve?
 11 A. Right.
 12 Q. Got you. Okay. And it looks like it says
 13 here that, if there is a leak in the valve, you would
 14 lose maybe five gallons in hooking up the hose. Do
 15 you recall that ever happening?
 16 A. Right.
 17 Q. Okay. So you recall there being times when,
 18 in the process of sort of doing this connection,
 19 there was -- there would be material that would get
 20 out of the tank before the hose would be
 21 completely --
 22 A. Right.
 23 Q. -- sealed?
 24 A. Right.
 25 Q. Okay. And that -- and in those

1 Q. Okay.
 2 A. Usually, it would come in at night or
 3 sometime or...
 4 Q. Okay. All right. Then it looks like it
 5 says railroad cars belong to Koppers. Okay. We've
 6 already talked about that.
 7 A. Right.
 8 Q. Okay. And it looks like it says that some
 9 cars were leaking when brought in and product would
 10 drip and spill overnight.
 11 A. Right.
 12 Q. What -- tell me about that. When they would
 13 drop these -- how could they be leaking already when
 14 they got there?
 15 A. Well, the cap on the bottom of the valve
 16 would be partly open or something, and it wouldn't be
 17 quite tight. And if the valve wasn't exactly closed,
 18 it would -- it would run, and it would run all along
 19 the tracks. Sometimes it -- sometimes the -- we
 20 don't know how much was missing.
 21 Q. I mean, so you could -- you could get a load
 22 that was supposed -- you wouldn't -- how -- would you
 23 measure how much was being pumped from the tank into
 24 your -- from the tanker into your tanks?
 25 A. Well, we just took the railroad's word for

1 it -- or the -- Koppers saying that there was that
2 much dip in there. We had no way of gauging it.

3 **Q. Okay. But you do recall there being some**
4 **times where it was already -- it would be evident to**
5 **you, after you got there, that drips had already**
6 **occurred?**

7 A. Right.

8 **Q. Okay. Because you would see some sort of a**
9 **puddling collecting?**

10 A. Well, we'd come in in the morning or
11 something and there would be a puddle on the ground,
12 yeah.

13 **Q. Was there any response taken to those sorts**
14 **of puddles by your maintenance staff?**

15 A. Well, we told -- we told the office that,
16 you know, it had been dripping.

17 **Q. But nobody would throw -- would -- at that**
18 **point, you know, would throw some sawdust on top of**
19 **the puddle?**

20 A. Well, it wouldn't do any good to put sawdust
21 on there when it was already run into the ground.

22 **Q. Okay. And what sort of surface was this**
23 **delivered to? Was it a railroad track? Was it still**
24 **on a track here, or would they --**

25 A. Right.

1 tank.

2 **So where -- the 3,000 -- there were --**
3 **if I understand it, there was a 3,000-gallon tank and**
4 **a 4,000-gallon tank, both over here by the dip room.**
5 **Is that -- buried tanks.**

6 A. Yeah, the tanks were buried in there,
7 yeah.

8 **Q. Okay. It says -- so would a person have to**
9 **go in and open a vent pipe on one of the tanks before**
10 **you would hook -- before you would hook into the**
11 **pipng system?**

12 A. I don't remember that.

13 **Q. Okay. It says -- it looks like it says the**
14 **vent on a 4,000-gallon was always -- the tank was**
15 **always open. Do you recall anything about that?**

16 A. No.

17 **Q. Then it looks to say that if more penta than**
18 **the tank capacity would run from the railroad cars,**
19 **it would come out the vent pipe located right under**
20 **the floor next to the dip room. Do you ever recall**
21 **that happening?**

22 A. Not that I remember.

23 **Q. Okay. And then, in terms of filling the dip**
24 **tank, which I think is sort of on the next page,**
25 **there's a section that looks like it says filling dip**

1 **Q. Okay. It looks like it says on there, this**
2 **says blacktopped last 10 to 15 years.**

3 A. Yeah.

4 **Q. That area -- so this is the loading area,**
5 **now, in the west. It says it had been blacktopped**
6 **for the last 10 to 15 years. If this was -- if this**
7 **conversation occurred, you know, in 1986, the same**
8 **time as Exhibit 73 says, that you had this meeting,**
9 **that would place that blacktopping at around 1970.**
10 **Would that --**

11 A. Probably, yeah. I don't know. I couldn't
12 tell you exactly.

13 **Q. Okay. Then it looks like it says, under**
14 **that, penta would still seep into ground and was not**
15 **cleaned up. Even when the blacktop was there, it**
16 **would still seep into the blacktop, is it a --**

17 A. Yeah, well, right along the track. I mean,
18 that was the rail. There was no blacktop there. So
19 it --

20 **Q. Okay.**

21 A. It would run in.

22 **Q. Okay. Okay. And then it looks like, going**
23 **on to the next section, I think it says something to**
24 **the effect of our guy would fill tanks as follows:**
25 **He would open up a vent pipe on the 3,000-gallon**

1 tank. Or it looks to say that the operator of the
2 dip process would turn on a switch to start pumping
3 penta into the dip tank to keep level at about a foot
4 below the top of the tank. Is that -- does that
5 sound right to you?

6 A. Well, yeah. That was the -- the one that
7 was dipping, he -- he took care of that.

8 **Q. Okay. Do you have any idea how often he**
9 **needed to add -- how often the dip operator needed to**
10 **add -- sort of switch on that pump to pump more in?**

11 A. Well, depending on how much material that
12 they had to dip.

13 **Q. It looks like it says below that if the**
14 **tanks -- if the tank were to overflow, the dip would**
15 **overflow a steel tank and overflow into a surrounding**
16 **concrete vault, which may have been cracked and**
17 **porous. Do you know anything about that?**

18 A. Well, there was a little tank there.

19 **Q. Was it a concrete -- basically, a**
20 **concrete --**

21 A. It was concrete.

22 **Q. -- enclosure that the other tank was in?**

23 A. Yeah.

24 **Q. So this -- the dip tank was a metal tank?**

25 A. Right.

1 Q. It was an open top, --
 2 A. Right.
 3 Q. -- basically, vat of some sort; right?
 4 A. (Nods head).
 5 Q. And that's set inside a concrete vault?
 6 A. I think it was.
 7 Q. The cleaning that you described earlier
 8 taking place, that would be cleaning just the -- the
 9 metal tank, I'm assuming, the metal dip tank
 10 itself?
 11 A. Yeah. The dip tank and then that -- the --
 12 that drainoff too. We'd have to break -- take up the
 13 grates and then clean that out once in a while.
 14 Q. Okay. You're talking about the grates --
 15 sort of the floor drip pans underneath the floor
 16 where the dripping would -- where the drip was
 17 supposed to --
 18 A. Right.
 19 Q. -- flow back into the tank?
 20 A. Right.
 21 Q. You would take up the floor grates and clean
 22 those when --
 23 A. Yeah. Just clean it out if there was
 24 anything in there.
 25 Q. Okay. How would you -- how would those be

1 Q. And it looks like it says here it was
 2 probably common to overflow, I think it says. Do you
 3 know -- you don't know if that was the case or not?
 4 A. No.
 5 Q. There's a spot here where it looks like it
 6 says Pat thinks the dipping and the drying of the
 7 loads and the associated -- can't read that very
 8 well -- and the associated overflow filling of the
 9 dip tank were the main causes of spills. Do you
 10 agree with that statement?
 11 A. What was that again?
 12 Q. Well, that's -- let me ask you this: It
 13 looks like it says to me, it says, Pat thinks that
 14 the dipping and the drying of the tanks and the
 15 accidental overflow filling of the dip tank were the
 16 main causes of spills. Do you -- if that's what Pat
 17 thinks, would you agree that that would be the main
 18 cause?
 19 A. I suppose, yeah.
 20 Q. Do you have any other thing that you think
 21 would be the main cause of spills around the plant,
 22 other than those and the unloading of the tanker?
 23 A. No, not really.
 24 Q. And under that -- in that -- on that same
 25 exhibit, Exhibit 74, it looks like the next paragraph

1 cleaned out? Would somebody get down there and scrub
 2 them clean or would they be hosed down? How would
 3 that work?
 4 A. No. You had -- you'd have to just shovel it
 5 out.
 6 Q. Whatever sort of gunk that was built up
 7 there, there would be gunk on those sort of metal
 8 plates from sort of sawdust and the soaking material
 9 getting in there?
 10 A. Yeah.
 11 Q. Okay. Do you recall ever cleaning out this
 12 sort of concrete enclosure that the dip tank was
 13 in?
 14 A. No.
 15 Q. And it looks like it goes on to say that if
 16 the tank were too high, the dip process could cause
 17 overflow because of displacement. So it sounds like
 18 he's saying that, when somebody would drop the load
 19 in, if there was too much dip in the tank, and while
 20 the load was going in, because of the amount of
 21 displacement that would occur, some of the dip would
 22 come over the sides of the dip tank?
 23 A. I imagine it could.
 24 Q. Did you ever see that happen?
 25 A. No.

1 underneath that, filling dip tank, it seems to say
 2 there was also at least one time that a heavy rain
 3 caused water to enter the dip room and flow into the
 4 dip tank; this probably caused overflowing. Do you
 5 recall that ever happening?
 6 A. I remember something about that.
 7 Q. And it looks to say, after that, this would
 8 have been -- this would have been around -- but of
 9 course, I can't make out around when. So I'm curious
 10 if you have any recollection as to when that may have
 11 occurred?
 12 A. Gee, no, I couldn't.
 13 Q. Do you know if you were -- when that -- do
 14 you recall that something like that occurred?
 15 A. I remember that they had a heavy rain that
 16 time and it -- the ground outside the -- the dip room
 17 tank was pretty level at that time. Before that, it
 18 had been down further. But then, when they put the
 19 tank and the -- the big cyclone in and that, they --
 20 they filled that all in.
 21 Q. Was the big --
 22 A. So it was actually almost level with the
 23 floor.
 24 Q. Was the big cyclone added sort of after that
 25 little courtyard became enclosed, or before?

1 A. It had to have been after that.
 2 **Q. Okay. So after they added -- so when they**
 3 **added that bigger --**
 4 A. Because we had to -- we had to put that big
 5 cyclone up in pieces.
 6 **Q. Oh, because you couldn't get it in**
 7 **otherwise?**
 8 A. Yeah.
 9 **Q. Okay. And so at that time, there would --**
 10 **there would have been some, what, fill added on top**
 11 **of that as a foundation of some sort for that**
 12 **cyclone?**
 13 A. Well, that whole -- that whole area in
 14 there, in that --
 15 **Q. Look at Exhibit 2 where I drew sort of the**
 16 **circle.**
 17 A. Right. This whole thing in here had to be
 18 filled in because when they put these buildings in,
 19 then that left that down in a hole. So they brought
 20 that up to the same level as these buildings.
 21 **Q. Okay. So there's a lot of this's, so let me**
 22 **just try to clarify what we're talking about here.**
 23 **In -- on Exhibit 2, there's an area in**
 24 **the center, and it's where I happen to have a red**
 25 **circle from where one of the red cyclones is, but**

1 **some sort of a floor drain --**
 2 A. Right.
 3 **Q. -- in the area where that sash building**
 4 **was?**
 5 A. Right.
 6 **Q. Okay. Do you know -- but you don't -- do**
 7 **you know where those drain to?**
 8 A. Well, there was a sewer -- the sewer went
 9 out into -- it went out into the sewer.
 10 **Q. Okay. Into the sanitary -- city sanitary**
 11 **sewer?**
 12 A. Yeah. Right. It was a water basin, you
 13 know.
 14 **Q. Okay. All right. Any other ones that you**
 15 **recall being present other than the one that used to**
 16 **be in the center?**
 17 A. Oh, there probably were some around, but I
 18 can't remember.
 19 **Q. Okay. So when this courtyard, when the --**
 20 **when the courtyard was sort of created because of the**
 21 **building enclosures, at that point, some more fill**
 22 **was brought in on top to level that area off to make**
 23 **it --**
 24 A. Well, when they put up this building here --
 25 **Q. The sash building?**

1 **that was sort of an interior courtyard; right?**
 2 A. Right.
 3 **Q. Once all of the buildings had been**
 4 **constructed?**
 5 A. Right.
 6 **Q. Okay. Prior to that time, it was an open --**
 7 **it was part of the open yard?**
 8 A. Right. And this is all the same level at
 9 that time.
 10 **Q. Okay. And all the -- I mean, the -- the**
 11 **grades of the yard was basically level?**
 12 A. Right.
 13 **Q. Okay. And do you know if it generally -- if**
 14 **it sort of generally sloped down towards the river?**
 15 A. Yes, it did slope down towards the --
 16 **Q. Towards Cleveland Avenue?**
 17 A. Cleveland Avenue.
 18 **Q. Okay. Do you recall there being some, like,**
 19 **storm drains throughout the property of any sort?**
 20 A. Yeah, there were some.
 21 **Q. Do you know where they were located?**
 22 A. Seems to me, before this building was up,
 23 there was one in here someplace.
 24 **Q. Okay. So before the -- the sash building**
 25 **went up, there was -- there -- you recall there being**

1 A. -- they took some of it and put it in
 2 there.
 3 **Q. Okay. So some of the excavation material**
 4 **from the sash building would have been used to raise**
 5 **the grade of the courtyard?**
 6 A. Right.
 7 **Q. The next section of the exhibit that you**
 8 **have, 74, it looks like it says floor drain system.**
 9 **I -- that's what it looks like it says to me. And it**
 10 **looks like what the description says is that pans**
 11 **went under only one half of the floor. Is that --**
 12 **does that make sense to you? And I believe that**
 13 **they're describing sort of this floor plan, these**
 14 **pans underneath the floor in the drying area.**
 15 A. Well, it was -- I think it only went up from
 16 the tank, halfway up. And then there was a -- a flat
 17 spot where there was a door going outside.
 18 **Q. Okay. So if we sort of go back to where**
 19 **this, are -- on Deposition Exhibit 2, where this**
 20 **courtyard is, there's a spot where it says dip, and**
 21 **I'm -- and -- and there's a little corner here. I --**
 22 **that conveyor or the dip area was actually sort of**
 23 **close to the machining room; right? It was back**
 24 **that --**
 25 A. Right. That's that little square here.

1 Q. Okay. So little square here, which I'm
2 actually going to shade in in dark, I'm just going to
3 do this in dark. So on this -- on Exhibit 2 -- I'm
4 going to mark this as a new number when we get done,
5 just so we keep clear. I've shaded in the area in
6 the dip room that -- where the actual dip tank was.
7 A. Right.
8 Q. Okay. And there's a spot next to it where
9 it says dip loads. Was that a separate room?
10 A. Right.
11 Q. Okay. So that's sort of a separate room
12 where dip loads would get moved into?
13 A. Right.
14 Q. But then, if I understand what you're
15 saying, is that going towards the courtyard area --
16 A. Right.
17 Q. -- half of that area would have been --
18 A. Right.
19 Q. -- would have had these pans underneath the
20 floor?
21 A. Right. Going back that way.
22 Q. Running back towards the --
23 A. Right.
24 Q. -- machine area?
25 A. Yeah. Right. Going back to the tank.

1 and leaking. Do you know what that's referring to?
2 A. No.
3 Q. And was there some sort of a way for -- for
4 material that was collected back into these tanks to
5 again get put back into the storage tanks? Was there
6 piping that ran back?
7 A. Piping, right. You know, a valve there that
8 you could pump it either -- either way.
9 Q. Okay. So you could pump it either way? So
10 you could pump out of the dip tank back into the
11 collection tank or vice versa?
12 A. Right.
13 Q. Got you.
14 Were you involved at all in helping Pat
15 Wierzba run sort of an air emissions test for the
16 sash line to see what sort of penta emissions were
17 coming off of the sash line?
18 A. Not that I recollect.
19 MR. WARPINSKI: I'm just going to show
20 him this. I have one for you so you know what it
21 looks like too.
22 BY MR. WARPINSKI:
23 Q. I'm going to show you what I've -- what's
24 been marked before as Exhibit 78. And just take a
25 look at that and -- and I'm interested in whether or

1 Q. Okay. And it goes on to say that these pans
2 were put in when the dip tank was originally
3 constructed, and it says probably around 1942. Does
4 that --
5 A. I have no idea.
6 Q. Okay. You wouldn't -- I mean, if -- if this
7 was a meeting between you and Tom Jirous and Jim
8 Noonan and Pat Wierzba, do you have any idea who
9 would have been the source of that information?
10 A. No.
11 Q. Is it -- is it -- well, strike that.
12 Okay. Then it looks like it says that
13 the pans would empty into a collection tank. Does
14 that make sense to you, that those pans would sort of
15 drain back into a collection tank?
16 A. Well, it just went back into the dip tank.
17 Q. Okay. So the collection -- the collection
18 tank it's talking about is the dip tank itself?
19 A. Yeah.
20 Q. Okay. So the drippings would go right back
21 into where the load had just come out of?
22 A. Right.
23 Q. Okay. It looks like it says this was
24 replaced around -- and there's nothing there next to
25 that "around" -- because the old one was rusting out

1 not you've seen any parts of that exhibit before.
2 A. (Witness complies).
3 Q. Does that -- any of that ring a bell to you
4 on Exhibit 78?
5 A. I remember they -- they -- they did
6 something. I don't -- I don't know what it was. I
7 mean, they -- most of that stuff, they never really
8 con -- talked to me about.
9 Q. Okay. Within Exhibit 78, and it's towards
10 the back, there's a -- and I won't ask you to go
11 through the whole thing, but it looks like what Pat
12 Wierzba was doing was he was trying to estimate how
13 much emissions there were from this penta operation.
14 Okay? And he goes through and describes a test
15 procedure that was used here.
16 And one of my questions -- it looks
17 like there were some people actually involved in that
18 test. I'm just wondering if you recall being one of
19 them that might have helped him do that.
20 A. I might have. I can't -- I -- he did a lot
21 of testings and stuff, and I -- I don't know half the
22 stuff that he did.
23 Q. Okay. All right. Fair enough.
24 I'm going to show you now what I --
25 we've previously marked as Exhibit 79 and have you

1 turn to the second page. It's -- there's a document
2 there entitled Industrial Hygiene Report, and there's
3 several pages thereafter.

4 Question is, again, have you ever seen
5 this document before, if you can recall?

6 A. No.

7 Q. Do you recall, at some point in time, the
8 company discontinued use of the dip tank?

9 A. I -- I didn't -- I can't remember when
10 they -- when they discontinued it.

11 Q. Do you know if that's around -- if you would
12 have still been employed there, or if that's around
13 the time when you would have retired? Does --

14 A. Well, I think that's -- that was about the
15 time that I -- they were building a new building.
16 And I --

17 Q. So let me --

18 A. In Mosinee.

19 Q. So let me ask you this: Did you retire
20 after the company was sold again in around 1987 to
21 the -- I think it was Ply Gem or the next -- the
22 entity -- I'm sorry. After Sentry had purchased it,
23 they sold the building or sold some of the assets of
24 the operation?

25 A. It was just about that time when they --

1 drums that would be accumulated in their area,
2 55-gallon drums or other containers of chemicals that
3 would be stored in their locations?

4 A. Probably glue and stuff like that, but I
5 don't --

6 Q. Okay. You -- do you know if there was any
7 established methodology or procedures at all for
8 handling drummed materials?

9 A. I had nothing to do with that. So I don't
10 know.

11 Q. Okay. Do you recall there being a time when
12 somebody from Sentry came through and sort of did a
13 survey of all the operations, sort of like what's
14 described in the exhibit that I've got in front of
15 you, Exhibit 79?

16 A. I have no idea.

17 Q. You don't -- you don't have any idea if
18 anybody did that, or you haven't seen this before? I
19 guess I'm not sure if my question was clear.

20 So do you -- this document seems to
21 indicate that, on June 25, an inspection was done, a
22 survey was being undertaken regarding certain
23 operations for industrial hygiene purposes. Okay?
24 My question is if you recall that happening or that
25 ever happened that -- something like that ever

1 because after the new building was put up --

2 Q. So the building in Mosinee was already put
3 up before you retired?

4 A. Right.

5 Q. But had they moved there yet?

6 A. Yeah.

7 Q. Okay. So the operations had already moved
8 as well?

9 A. Right.

10 Q. Okay. So -- so if you -- and about how --
11 so it would have been shortly after that move that
12 you would have retired?

13 A. Well, there was -- must have been about four
14 years of -- three, four years after that, I think it
15 was.

16 Q. Okay. And at the conclusion of all that,
17 you would have had 44 years in from the start to that
18 point in time? Is that what I understood you to say,
19 you had 44 years in?

20 A. Forty-two.

21 Q. Forty-two.

22 Were there certain departments, when
23 you were -- say, back when you were maintenance
24 foreman, let's talk about that period when you were
25 doing that, where certain departments would have

1 happening while you were working there?

2 A. I don't know. No, I couldn't tell you,
3 no.

4 Q. Okay. Do you remember there being a time
5 when employees or neighbors would be allowed to take
6 scrap wood from the facility?

7 A. I used to.

8 Q. You used to?

9 A. Yeah.

10 Q. Okay. Was there some sort of a procedure
11 that was in place for that where people would get a
12 pass to take the wood?

13 A. Well, I didn't -- I didn't work there at
14 that time.

15 Q. Okay.

16 A. I was just a kid.

17 Q. Okay. So even before -- okay. So before
18 you worked there, you took scrap wood?

19 A. Right.

20 Q. Okay. And when you worked there, did you
21 take scrap wood?

22 A. No.

23 Q. Okay. But you -- did you understand there
24 was -- people were allowed to sometimes take scrap
25 wood?

1 A. Yeah. I think so, yeah.
 2 **Q. Okay. Do you recall there being a time when**
 3 **that practice was stopped?**
 4 A. Well, actually, no. Years ago, when they
 5 first -- when it was still Crestline, Silcrest, and
 6 Silbernagel, this whole area in here was piled up
 7 with -- with bales of rippings that would come off
 8 from the rip saw.
 9 **Q. Okay.**
 10 A. And they -- instead of burning them, they
 11 would just put them out on the -- in the yard. Well,
 12 a lot of times, they'd let us -- the kids go in there
 13 and -- and pick the stuff up.
 14 **Q. Okay. Did you --**
 15 A. As far as milled machine stuff, that, they
 16 didn't.
 17 **Q. But in other words, whatever was sort of**
 18 **left over from that, from the ripping or cutting**
 19 **process?**
 20 A. Ripping process, yeah.
 21 **Q. Okay. And you recall that from back when**
 22 **you were a kid?**
 23 A. Right.
 24 **Q. Okay. And did that continue after you**
 25 **started working there?**

1 A. Yeah.
 2 **Q. He was one of the bosses?**
 3 A. Right.
 4 **Q. Seymour Kroll?**
 5 A. Yeah, he was one of the bigger...
 6 **Q. He was one of the bigger guys and you**
 7 **understand he was one of the guys that came in after**
 8 **Sentry purchased it?**
 9 A. Yeah.
 10 **Q. Dave Berghammer, do you know who that was?**
 11 A. He was in the office with these others.
 12 **Q. Terry Yonash?**
 13 A. He was kind of a safety director or
 14 something.
 15 **Q. Okay.**
 16 A. When you come up with all these guys...
 17 **Q. Well, it's --**
 18 A. I can never remember their names.
 19 **MR. WARPINSKI:** This one isn't marked,
 20 but I'm going to show him. It's the same as Exhibit
 21 83.
 22 **BY MR. WARPINSKI:**
 23 **Q. I'm going to show you what's previously been**
 24 **marked as Exhibit 83. And if I -- let me just see**
 25 **that one more second to make sure I give you the**

1 A. Well, they didn't -- they didn't have that
 2 stuff anymore. That -- that was all hogged up. I
 3 mean --
 4 **Q. Okay. So the hogger would chip all that**
 5 **stuff into sawdust --**
 6 A. Right.
 7 **Q. -- and then they would ship it over to be**
 8 **burned in the boiler?**
 9 A. Right. Right.
 10 **Q. Okay. Who is Clancy Felch? Do you remember**
 11 **that name?**
 12 A. Yeah. He was in the office, just a -- I
 13 don't know just what his --
 14 **Q. He was an office guy?**
 15 A. Yeah. He was just in the office.
 16 **Q. Greg Fabel?**
 17 A. Yeah, him too.
 18 **Q. Who was he, an office guy?**
 19 A. Yeah.
 20 **Q. And George Flynn?**
 21 A. Well, he -- George Flynn, that was -- he was
 22 one of the bosses.
 23 **Q. He was one of the bosses?**
 24 A. (Nods head).
 25 **Q. Okay. Howard Dolce or --**

1 **right document.**
 2 A. (Witness complies).
 3 **Q. Okay. All right. That's the one that says,**
 4 **across the top, under subject, dispensing of scrap**
 5 **lumber for personal use. Can you read this over and**
 6 **tell me if you've ever seen this before? Or, now**
 7 **that I've given it to you, if you recall that this**
 8 **happened?**
 9 A. I hadn't -- I don't -- I don't recall. But
 10 most of this stuff like this here, they just put up
 11 on a bulletin board so that the employees could see
 12 it.
 13 **Q. Okay. Do you know if there was -- well,**
 14 **with respect to there being scrap lumber, where would**
 15 **scrap lumber be kept at the facility prior to**
 16 **disposition?**
 17 A. Well, usually, it was put on a pallet, one
 18 of these pallets. I think they'd take it over to
 19 shipping, someplace in shipping. Yeah, that was way
 20 back in here, in this area here.
 21 **Q. Okay. So you referred to Exhibit 2, sort of**
 22 **in the northwest area --**
 23 A. Right.
 24 **Q. -- of the facility --**
 25 A. Right.

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1 Q. -- is where the scrap lumber would --
 2 A. Right. And they would pick it up on the
 3 dock out here.
 4 Q. Okay. So if somebody wanted scrap lumber,
 5 they would come and get it on the dock --
 6 A. Right.
 7 Q. -- over on the northwest corner?
 8 A. Right.
 9 Q. Does this at all refresh -- Exhibit 83
 10 refresh your memory at all as to there being a time
 11 when the company stopped allowing passes for taking
 12 scrap lumber?
 13 A. I don't -- I don't remember it. I...
 14 Q. Are you aware of there ever being times when
 15 any of the penta would have been used or any of the
 16 penta product in any way would have been used to
 17 settle dust on the parking lots?
 18 A. Not that I know of.
 19 Q. All right. I'm going to show you now what's
 20 previously been marked as Exhibit 90. I'd like you
 21 to read that statement and -- and let me know when
 22 you're done.
 23 A. (Witness complies).
 24 Q. Have you had a chance to read over the
 25 statement in Exhibit 90?

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1 A. Yeah.
 2 Q. In that statement, Mr. Wierzba states that
 3 it -- to the best of his knowledge, the
 4 pentachlorophenol waste generated at both the Stevens
 5 Point and Wausau facilities was the result of
 6 accidental process releases that occurred over 40
 7 years of wood preservation operations. My question
 8 is would you agree with that statement?
 9 MR. SCHRIMPF: Objection. Foundation.
 10 You can go ahead and answer.
 11 THE WITNESS: Well, as far as I know.
 12 BY MR. WARPINSKI:
 13 Q. Okay. I show you now what has been marked
 14 previously as Exhibit 94, which looks to be a memo of
 15 sorts created by Curt Nelson on October 10 of 1991.
 16 And the subject is called Wauleco penta meetings. In
 17 the first paragraph of Exhibit 94, Mr. Nelson states
 18 that later that day, that day being Monday, November
 19 7 of '91, he met -- that he had met with you, Bob
 20 Zastrow, a retired maintenance worker who had been at
 21 the plant for 37 years. Do you recall having a
 22 meeting with a Curt Nelson?
 23 A. No, I can't remember it.
 24 Q. Do you know who Curt Nelson is?
 25 A. No.

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1 Q. Do you know who Ron Cornwell is?
 2 A. No.
 3 Q. Do you recall meeting with somebody at the
 4 Wauleco facility after it had -- after the operations
 5 had moved to Mosinee and walking through and showing
 6 them various things at the old site?
 7 A. I don't -- I don't remember, no.
 8 Q. Do you remember somebody asking you about
 9 the old Wausau Motor Parts business?
 10 A. I remember that, yeah.
 11 Q. Okay. What do you remember about that?
 12 A. Well, they -- they usually took their
 13 material, all their shavings and stuff, their metal
 14 shavings from their operation, and just put them out
 15 on a pile next to the railroad tracks.
 16 Q. Okay. Well, my question was do you recall
 17 somebody, in around '91 or so, asking you about what
 18 you -- asking -- interviewing you and asking you
 19 questions about what you might remember about that?
 20 A. Well, I remember somebody saying something
 21 about it, yeah.
 22 MR. REID: Off the record.
 23 (Discussion held off the record.)
 24 BY MR. WARPINSKI:
 25 Q. Okay. The next -- I didn't give it to you

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1 yet. Here, let me show you what I've marked Exhibit
 2 95 previously. Take a look at that document and tell
 3 me if you recognize that.
 4 A. I think this here stuff was all done after I
 5 was out of there, out of maintenance.
 6 Q. Okay. So -- out of maintenance, or having
 7 retired from the company altogether?
 8 A. Well, I already been retired by that time.
 9 Q. Okay. So Exhibit 95, you recognize the
 10 first page of -- that contains your signature;
 11 correct?
 12 A. Yeah.
 13 Q. Okay. That's you writing a letter to a
 14 James Clawson at Sentry Insurance on December 23 of
 15 1991?
 16 A. I must have.
 17 Q. Okay. You don't recall --
 18 A. No.
 19 Q. -- sitting here today, this -- that
 20 occurring?
 21 A. No.
 22 Q. Do you recall going over -- at some point, a
 23 meeting with somebody from Sentry and talking about
 24 what you remember about the operations?
 25 A. No.

1 Q. Okay. I go back to when we sort of -- when
2 we first sat down here today. I asked you if you had
3 ever been deposed before, and you said I -- well,
4 yeah, a couple of times. What were you thinking
5 about? What were you thinking about when I asked you
6 that, about the couple of times that you said -- if
7 you remember what I'm -- do you remember that?
8 A. Yeah, I remember it.
9 Q. Okay. What were you thinking about, the
10 other times when you were asked questions? What --
11 what times were you recalling when you gave me that
12 answer earlier today?
13 A. Well, I -- I don't know what dates or
14 anything like that. It was just --
15 Q. Do you know where those conversations
16 occurred?
17 A. No.
18 Q. With who? Anybody who was involved?
19 A. No.
20 Q. Do you recall any --
21 A. I can't remember a name, no.
22 Q. Okay. Do you understand them to have been
23 about the handling of penta at the facility?
24 A. Right.
25 Q. Okay. They were about the same kind of

1 been handled either way?
2 A. No, I have no idea.
3 Q. Is it fair to say that, sitting here today,
4 that if -- well, do you have any -- turn to the last
5 page or the second last page of the document.
6 A. (Witness complies).
7 Q. There's, again, a spot where there's your
8 signature. Do you recognize that as being your
9 signature --
10 A. Right.
11 Q. -- on the bottom there?
12 A. Right.
13 Q. Okay. And above that, it says, I reviewed
14 this letter and have had the opportunity to make
15 revisions. I feel the letter accurately describes my
16 December 16 discussion with Jim Clawson. I feel this
17 letter accurately describes the penta process at the
18 Wausau plant. Do you see that?
19 A. Right.
20 Q. And you signed that. Do you have any reason
21 to think that, sitting here today, to think that you
22 didn't agree with that statement when you signed this
23 in 1991?
24 A. I must have.
25 Q. Okay. Do you recall having any meetings

1 things we're talking about here today?
2 A. Right.
3 Q. There's a reference in this document, in the
4 letter that's attached to it, from Mr. Clawson to
5 you. Basically, I understand what happened here was
6 you met, talked to Mr. Clawson, he then wrote up a
7 letter that described your conversation, and then you
8 wrote him back with a couple of corrections. Does
9 that look like what this document is, Exhibit 95?
10 A. I couldn't tell you.
11 Q. Okay. Do you recall, in -- in the letter
12 from Mr. Clawson to you, there's a reference to a
13 phrase called kickback. Do you know what that
14 means?
15 A. No.
16 Q. He seems to be asking you if there was any
17 problem with kickback in the drying area. That
18 doesn't ring a bell to you at all?
19 A. No.
20 Q. Do you have a sense as to, when you were
21 working at the -- at the plant on Cleveland, as to
22 how much of the wood -- and this is sort of after the
23 sash line was built -- how much of the wood would
24 have been treated with the sash line versus how much
25 would have been dipped, what percentage would have

1 since that time, more recently, with anybody from
2 Sentry or Wauleco or anybody else to discuss the
3 penta processes at the plant?
4 A. Since when? Since this?
5 Q. Well, what's the last time, before today,
6 that you remember there being -- having a
7 conversation with somebody about this?
8 A. That was a couple years ago. I don't know.
9 Just -- I couldn't tell you when.
10 Q. Okay. Can you tell me anybody who might
11 have been involved in that conversation? Do you
12 recall who contacted you?
13 A. No.
14 Q. Do you know if you ever signed anything,
15 signed a statement of any sort in connection with
16 that conversation?
17 A. I don't think so.
18 Q. Are you familiar with the Holtz and Krause
19 landfill?
20 A. I -- yeah. Well, I heard about it. I knew
21 where it was, yeah.
22 Q. Did you know if the company ever sent any
23 waste to the Holtz-Krause landfill?
24 A. I don't know. I couldn't tell you.
25 Q. As far as you, you didn't?

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1 A. No.

2 **Q. Did you ever arrange for any waste to go to**
3 **the Holtz-Krause landfill?**

4 A. No. No.

5 **Q. Okay. Ever have any fires at the plant?**

6 A. In the silo, every once in a while, they'd
7 have a fire, in those concrete silos.

8 **Q. In the silos by the boiler room, or the**
9 **silos over by the cyclones, the courtyard?**

10 A. These concrete ones.

11 **Q. Oh, in sort of those vaults?**

12 A. The vaults, yeah.

13 **Q. Okay.**

14 A. Piece of metal or something would get in.

15 **Q. So a hot piece of metal?**

16 A. Hot piece of metal from the hog and --

17 **Q. Oh, because those would be connected right**
18 **from -- would the hogs have a conveyor of some sort**
19 **where it would shoot them into that, or the hog was**
20 **in that --**

21 A. No. It was a blower.

22 **Q. Okay.**

23 A. A bolt or something got in the hog and then
24 it -- it would be hot and it would go in, blow into
25 the silo.

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1 **Q. Do you recall there being some areas of the**
2 **plant where people would do hand-dipping of penta in**
3 **some of the other areas, where they might have a**
4 **small bucket just to do some touch-up dipping?**

5 A. Not that I know of.

6 **Q. Did you ever see anybody with rashes on**
7 **their skin from exposure to penta?**

8 A. No.

9 **MR. WARPINSKI:** I'm just going to take
10 a few seconds and see if I've missed anything and
11 then I'll be done.

12 **MR. SCHRIMPF:** Okay. Okay.
13 (Discussion held off the record.)

14 **BY MR. WARPINSKI:**

15 **Q. All right. Let's just -- you can keep a**
16 **copy of that if you like, if you want to have one for**
17 **your personal memoirs.**

18 **I'm going to go back to Exhibit 2, and**
19 **what I want to do is just have you on -- since this**
20 **is what we've made most of our notes on, I want to go**
21 **through again what we've added to Exhibit 2 before I**
22 **mark it as another exhibit.**

23 **MR. WARPINSKI:** Actually, mark it
24 first.
25 (Exhibit 315 marked for

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1 identification.)

2 **BY MR. WARPINSKI:**

3 **Q. Okay. I'm going to show you now what we've**
4 **just marked as Exhibit 315, which is the Exhibit 2**
5 **that we've been using today that has some added**
6 **coloring to it; correct?**

7 A. All right.

8 **Q. Okay. First thing we've got is we've got**
9 **sort of the orange highlighted outlined area, which**
10 **is your recollection of the facility configuration at**
11 **the time that you started working there?**

12 A. Right.

13 **Q. Okay. Then we've got a circle outside of**
14 **the boiler room in the center of the figure, and that**
15 **would have represented the silo where the sawdust**
16 **would have been collected prior to being fed into the**
17 **boiler -- the incinerator boiler --**

18 A. Right.

19 **Q. -- for burning?**

20 **Then we've got an X along the west**
21 **wall, which would have represented the approximate**
22 **location of the fill port for the railroad tankers**
23 **when the -- for the penta to be placed into the**
24 **tanks?**

25 A. Right.

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1 **Q. Okay. And then there's some -- a red line**
2 **that goes across. Basically, that would be**
3 **underneath the machine room, towards the tank area?**

4 A. Right.

5 **Q. Okay. I've got an -- there's an X in the**
6 **machining room, and that -- that represented where**
7 **you would have worked in the molding department?**

8 A. Right.

9 **Q. Okay. I've got a big circle in the center**
10 **of what's labeled the courtyard, which is just**
11 **outside the dip room, and that would have represented**
12 **basically the big silo that was constructed in the**
13 **courtyard --**

14 A. The cyclone.

15 **Q. The cyclone that was constructed in the**
16 **courtyard, and that would have -- that construction**
17 **would have occurred after the courtyard was fully**
18 **enclosed?**

19 A. Right.

20 **Q. Okay. And then there was some material from**
21 **the excavation in 1970 that was used to raise the**
22 **grade on that courtyard?**

23 A. Right.

24 **Q. Okay. I've also written on -- and it's**
25 **upside down for you, but I wrote the word "cyclone"**

1 in that area, and that sort of represents that there
2 was the cyclone there?

3 A. Right.

4 Q. The other thing I want to identify is, on
5 here, where those -- where that elevator location
6 would have been that you referred to.

7 A. It was right here.

8 Q. Okay. So there's a -- I'm going to -- I'm
9 going to put a circle around an area that's to the
10 east side of the 1970 sash building.

11 A. Right.

12 Q. And that would have been the location of the
13 elevator shaft that we talked about earlier, about
14 where somebody from Otis elevator had some odor
15 issues --

16 A. Right.

17 Q. -- when that was done?

18 A. Right.

19 MR. WARPINSKI: Okay. All right. I --
20 well, I think that's all I've got for you. I
21 appreciate your time.

22 Anybody else got questions? They might
23 ask you a few, maybe they won't. We'll see.

24 MR. REID: I do.

25

1 when the war in Japan ended that you were in
2 France?

3 A. (No response).

4 Q. Well, let me ask another question: Do you
5 remember your discharge date? Was it '45, or '46?

6 A. I think it was '45. I -- wait a minute.

7 '46, I think it was.

8 Q. Right. Then you came home to the States?

9 A. Right.

10 Q. Was --

11 A. We were stationed down at Camp -- Camp
12 Swift, Texas.

13 Q. And when did you get back to Wisconsin?
14 Later in '46?

15 A. Well, we were down there -- we spent --
16 well, down there quite a while down there, before we
17 got discharged.

18 Q. Okay. When you returned to Wisconsin, was
19 Silbernagel your first job?

20 A. No. Well, wait awhile. No, it wasn't. I
21 worked for my uncle.

22 Q. For how long?

23 A. For about three years before I --

24 Q. All right. Do you think it might have been
25 as late as 1948, '49 before you started working at

1 EXAMINATION BY MR. REID:

2 Q. Mr. Zastrow, the first thing I wanted to do
3 is try to pin down some dates a little bit better.
4 You were in the service?

5 A. Right.

6 Q. What branch were you in?

7 A. Engineers.

8 Q. And you served during World War II?

9 A. Right.

10 Q. Do you recall where you were at the end of
11 World War II? Were you still in the service in May
12 of '45 on V-day, or had you been discharged by
13 then?

14 A. We were in France when they --

15 Q. The Germans surrendered?

16 A. When they ended the war.

17 Q. All right.

18 A. We were ready to go to Japan.

19 Q. All right. Did you get discharged before
20 being sent to Japan?

21 A. Right, uh-huh. Well, we got -- after --
22 when it was down in Marseilles, France, that's when
23 we got -- we were ready to be shipped out, and then
24 we got word that the war had ended.

25 Q. And is that the -- was that August of '45

1 Silbernagel?

2 A. Probably around there someplace.

3 Q. All right. Now, one of the exhibits we
4 looked at, and I'm happy to show it to you if you
5 want, but it -- this is an October 10, '91, memo,
6 where somebody is reporting that they spoke with you
7 and they characterized you as a retired maintenance
8 worker from SNE. Had you retired by October '91?

9 A. It must have been around there someplace.

10 Q. Yeah. Do you recall the year of your
11 retirement?

12 A. No.

13 Q. You're 88 today; right?

14 A. Right.

15 Q. All right. Do you recall how long you've
16 been retired? Has it been in excess of 20 years or
17 25 years?

18 A. (No response).

19 Q. And if you don't remember, just let me know.

20 A. I -- I don't -- I couldn't tell you. Had to
21 be at least 15 years ago.

22 Q. You told us that first you worked in the
23 cutting room, then the molding department, then you
24 were in the maintenance department and became the
25 supervisor or foreman in maintenance.

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1 A. Right.
2 **Q. Do you remember how many years you were in**
3 **maintenance? Five years or ten years or some other**
4 **number of years?**
5 A. Well, it was quite a while.
6 **Q. What was your title -- I'm sorry. I didn't**
7 **mean to interrupt.**
8 A. No.
9 **Q. What was your title when you retired?**
10 A. Chief tool engineer.
11 **Q. Okay. I think you talked about building**
12 **machines at some point.**
13 A. Right.
14 **Q. Was that title part of the --**
15 A. Right.
16 **Q. -- operation of building machines?**
17 A. Right.
18 **Q. Just wanted to ask you a quick one or two**
19 **questions about the railroad cars.**
20 **They came onto the property on railroad**
21 **tracks?**
22 A. Right.
23 **Q. Were those the typical railroad tracks you**
24 **see with the two metal tracks?**
25 A. Right.

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1 **Q. Railroad ties underneath?**
2 A. Right.
3 **Q. All laying on top of crushed gravel?**
4 A. Right.
5 **Q. And those pieces of gravel would be**
6 **golf-ball sized pieces of gravel?**
7 A. Well, yeah.
8 **Q. Roughly.**
9 A. Right.
10 **Q. This Otis elevator matter, is that something**
11 **you observed personally with your own eyes and ears,**
12 **or did you hear about it from somebody else?**
13 A. No. I -- I was around there at the time
14 that he -- he was down in there digging it.
15 **Q. All right. And he sensed a strong odor --**
16 A. Right.
17 **Q. -- and got out of the hole?**
18 A. Right.
19 **Q. And then did the work just continue and**
20 **they --**
21 A. Right.
22 **Q. Was it a piling of some sort?**
23 A. A piling?
24 **Q. That hole, was it to put a shaft in or**
25 **something of that nature?**

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1 A. Well, yeah. He did -- because they had to
2 put this hydraulic cylinder down there because the
3 elevator was weight operated with a hydraulic
4 cylinder.
5 **Q. Got you. You were asked some questions**
6 **about whether there were inspections by the**
7 **prospective purchasers in 1981, and I think you**
8 **didn't recall anything.**
9 A. No, I don't.
10 **Q. You just don't know? You're not telling us**
11 **it didn't happen --**
12 A. No. No. I --
13 **Q. -- right?**
14 A. No. It could have happened.
15 **Q. Okay.**
16 A. I -- because I -- I had nothing to do with,
17 you know -- with things like that. So...
18 **Q. All right. Same for 1987, in terms of when**
19 **it was sold then, you're not denying there might have**
20 **been inspections at that point?**
21 A. I -- I imagine there probably was. I mean,
22 there was so many people going around there all the
23 time that I...
24 **Q. You went about your business --**
25 A. Right.

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1 **Q. -- and didn't always inquire what they were**
2 **doing?**
3 A. Right.
4 **Q. You talked about wood being available for**
5 **people with passes. So let me ask you this:**
6 **Generally speaking, the process was wood would come**
7 **into the plant --**
8 A. Right.
9 **Q. -- correct?**
10 A. Right. All lumber.
11 **Q. And this would be milled?**
12 A. Right.
13 **Q. And then it would be dipped?**
14 A. Right. After it was machined, then it was
15 dipped.
16 **Q. All right. So that scrap wood that was**
17 **available, that was a byproduct of the milling**
18 **process?**
19 A. Well, the dip -- stuff that was dipped,
20 yeah, that was -- a lot of it was dipped when they
21 put it on the pallets or something; you know, if it
22 was rejects or something like that.
23 **Q. Right. But much of that scrap wood had**
24 **never been dipped, I presume.**
25 A. Yeah.

1 **MR. REID:** All right. That might be
2 it. I thought I had one other question. I'm just
3 looking for a document.

4 Well, I think that's all I have for
5 you, sir. Appreciate your time.

6
7 **EXAMINATION BY MR. SCHRIMPF:**

8 **Q. Just one or two questions.**

9 A. Okay.

10 **Q. Do you recall how old you were when you**
11 **retired?**

12 A. That, I couldn't tell you, either.

13 **Q. You can't tell me that, either. Okay. I**
14 **thought that was -- a lot of people retire at age 65.**

15 A. Yeah. Oh, no. I -- I was -- I think I was
16 74.

17 **Q. Okay.**

18 A. They wanted to -- me even to stay longer.

19 **MR. SCHRIMPF:** Okay. That's all I
20 have. Thank you.

21 **MR. WARPINSKI:** All right. I'm good.

22 (Deposition concluded at 4:30 p.m.)

23 * * * * *

24

25

1 **CERTIFICATION PAGE**

2

3 I, CHRISTINE J. WILLETTE, RDR, CRR,
4 CCP, Notary Public in and for the State of Wisconsin,
do hereby certify:

5 That prior to being examined, the
6 witness named in the foregoing deposition, ROBERT
7 ZASTROW, was by me duly sworn to testify the truth,
the whole truth, and nothing but the truth.

8 That said deposition was taken before
9 me at the time, date, and place set forth; and I
10 hereby certify the foregoing is a full, true, and
correct transcript of my shorthand notes so taken and
thereafter reduced to computerized transcription
under my direction and supervision.

11 I further certify that I am neither
12 counsel for nor related to any party to said action,
nor in any way interested in the outcome thereof; and
13 that I have no contract with the parties, attorneys,
or persons with an interest in the action that
14 affects or has a substantial tendency to affect
impartiality, or that requires me to provide any
15 service not made available to all parties to the
action.

16 IN WITNESS WHEREOF, I have hereunto
17 subscribed my name this 6th day of July 2012.

18 

19
20 Christine J. Willette, RDR, CRR, CCP
Notary Public - State of Wisconsin

21
22 My Commission Expires August 25, 2013

23

24

25

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Sentry Insurance

Sentry Insurance
A Mutual Company
1800 North Point Drive
Stevens Point, WI 54481
715 346-6000

December 21, 1982

Greg Fabel
Safety Director
Harris Crestline Co.
910 Cleveland Avenue
Wausau, Wisconsin 54401

Dear Greg:

I would like to thank you and your company for the hospitality and time extended to me during my industrial hygiene survey of December 14, 1982.

As you can tell by the report, no overexposures were found and no recommendations have been made, however, if employees continue to be bothered by the offensive odor of the material, you may be required to take steps to prevent this.

If you have any questions regarding this industrial hygiene report, please feel free to call me at 1/346-6406.

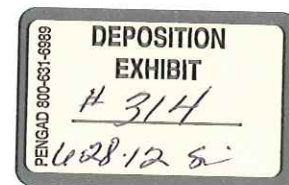
Sincerely,

Dave Bryer

Dave Bryer
Industrial Hygiene Consultant

DB11

Encl.



WAULECO_064623



Industrial Hygiene CONSULTATION

TECHNICAL REPORT

FOR

HARRIS CRESTLINE COMPANY

Wausau, Wisconsin

Date of Service Dec. 14, 1982

Date of Report Dec. 21, 1982

Prepared By Dave Bryer

Project No. 82-20-39

This report is provided as an advisory service. Its purpose is to assist you in the establishment and maintenance of your own loss control program. By providing this report, and the services from which it results, Sentry Insurance does not assume responsibility for discovering or eliminating hazards likely to cause accidents or illness or for determining whether you are in compliance with the requirements of the Occupational Safety and Health Act of 1970 or any other laws or regulations; neither you nor your employees should rely upon this report for any such purpose.

1800 NORTH POINT DRIVE • STEVENS POINT, WISCONSIN 54481 • PHONE: (715) 346-7868

AIR SAMPLING RESULTS

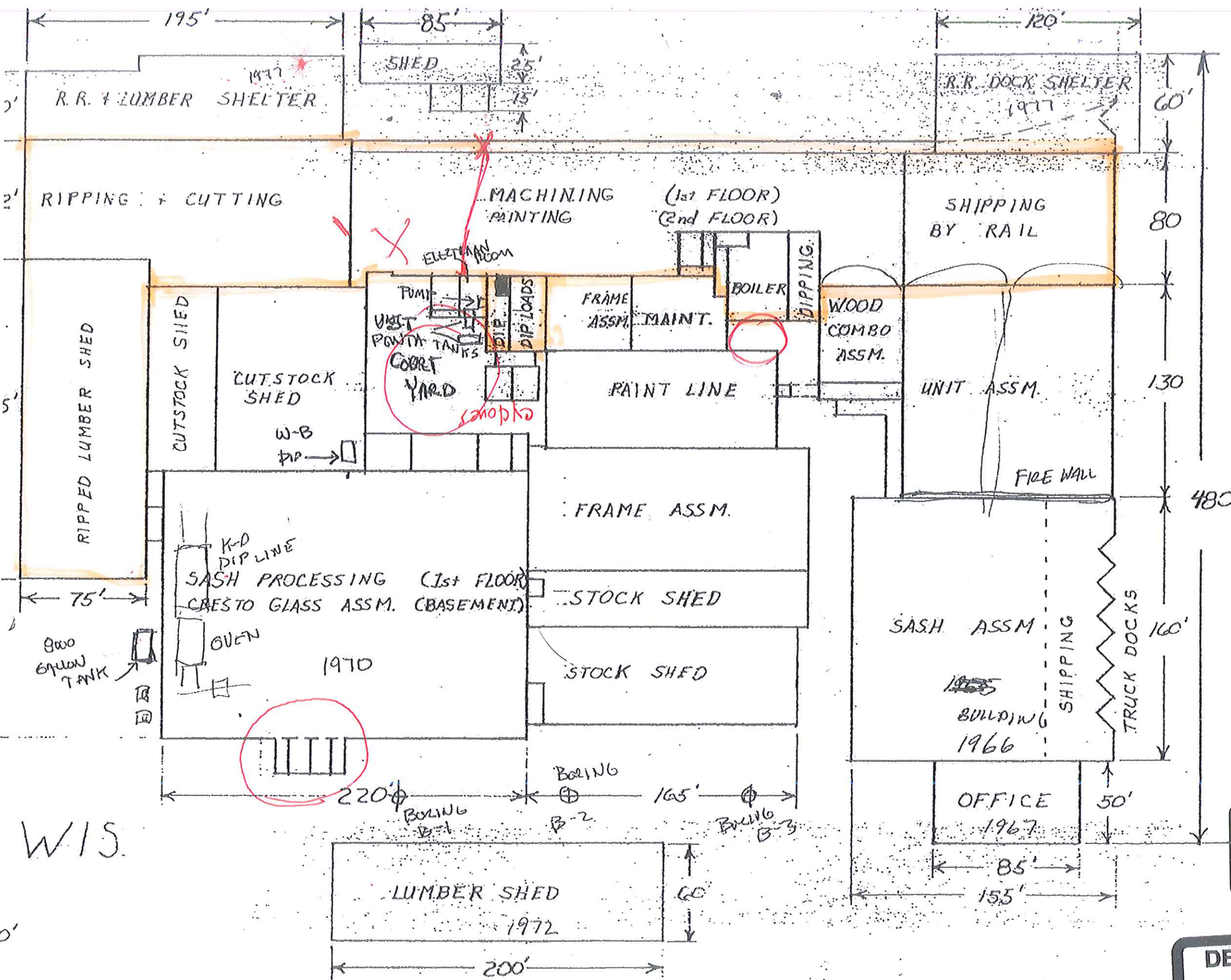
December 14, 1982

<u>Name</u>	<u>Contaminant and Air Concentration</u>	<u>TLV*¹</u>
Norbdort Nowacki	Tetrahydrofuran 6.73 ppm*	200 ppm
Loriena Nikolai	Tetrahydrofuran 1.21 ppm	200 ppm
Tom Shidell	Tetrahydrofuran < 0.007 ppm	200 ppm
James Smith	Tetrahydrofuran 6.07 ppm	200 ppm
Bill Danner	Mineral Spirits* ³ 26.75 ppm Pentachlorophenol N.D.	100 ppm 0.5 ppm

*1 Threshold Limit Values

*2 Parts per million

*3 As Stoddard solvent



WIS.

DEPOSITION
 EXHIBIT
 #315
 10/28/12

DEPOSITION
 EXHIBIT
 #2