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2 UNITED STATES DISTRICT COURT  
3 FOR THE DISTRICT OF MASSACHUSETTS  
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6 ANNE ANDERSON, et al.

7 vs

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

\* Civil Action  
\* No. 82-1672-S

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15 Deposition of STEVEN PAUL MASLANSKY,  
16 taken on behalf of the Plaintiffs, pursuant to the  
17 applicable provisions of the Federal Rules of Civil  
18 Procedure, before Valerie T. Wong, Notary Public within  
19 and for the Commonwealth of Massachusetts, at the offices  
20 of Foley, Hoag & Eliot, One Post Office Square, Boston,  
21 Massachusetts, commencing at 5:30 o'clock P.M. on  
22 Wednesday, January 22, 1986.  
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25

Appearances:

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for the Defendant Beatrice Foods Co.

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I N D E X

<u>Deposition of:</u>	<u>Direct</u>	<u>Cross</u>
Steven Paul Maslansky	4	--

EXHIBITS

<u>Number:</u>		<u>Pages</u>
1	Professional vitae.	4

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S T I P U L A T I O N S

It was agreed and stipulated by and among counsel for the respective parties that the witness will read the deposition transcript and sign it under the pains and penalties of perjury; and that the notarization, sealing and filing thereof are waived.

It was further agreed and stipulated all objections, except as to the form of the question, and all motions to strike are reserved to the time of trial.

STEVEN PAUL MASLANSKY,

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

Direct Examination

Q (By Mr. Schlichtmann) Would you please state your name?

A Steven Paul Maslansky.

Q I ask you look at that document.

MR. SCHLICHTMANN: Let's have that marked Maslansky Exhibit 1.

(Professional vitae, marked Exhibit No. 1.)

- 1
- 2 Q Do you recognize that?
- 3 A Yes.
- 4 Q Is that your curriculum vitae?
- 5 A Yes, it is.
- 6 Q Mr. Maslansky, when were you retained in this case?
- 7 A August of 1982.
- 8 Q What was the reason you were retained?
- 9 A To review a document prepared by Ecology & Environ-
- 10 ment for the U.S. EPA.
- 11 Q Were you retained by W. R. Grace Corporation?
- 12 A Initial conversation was with W. R. Grace but retained
- 13 by Foley, Hoag & Eliot.
- 14 Q On behalf of W. R. Grace?
- 15 A Correct.
- 16 Q Did you have an understanding you were to undertake
- 17 certain responsibilities?
- 18 A In August of 1982?
- 19 Q Yes.
- 20 A I had certain responsibilities, yes.
- 21 Q What were those?
- 22 A To review documents prepared by Ecology & Environment
- 23 for the U.S. EPA.
- 24 Q What was the purpose of your review of the documents?
- 25 A Look at the data base and to identify how procedures

1  
2 were undertaken in the field, and to comment on those  
3 reports.

4 Q Did you do that?

5 A I reviewed those documents, yes.

6 Q Did you issue a report of your comments?

7 A No, I did not.

8 Q Did you issue an oral report?

9 A Yes.

10 MR. CHEESEMAN: Identify to whom it was  
11 made first.

12 Q Do you know who it was made to?

13 MR. CHEESEMAN: Do you want him to identify  
14 who it --

15 MR. SCHLICHTMANN: Not particularly. Do  
16 you want me to?

17 MR. CHEESEMAN: Yes.

18 Q To whom did you make your oral report?

19 A To members of Foley, Hoag & Eliot and W. R. Grace.

20 Q What was the nature --

21 MR. CHEESEMAN: Wait a second. Just as a  
22 general matter, we have asked the witness not to  
23 testify as to communications which are part of the  
24 attorney-client relationship and with any attorney-  
25 client privilege. I believe he has an understanding

of what conversations he can respond to and which ones he cannot.

MR. SCHLICHTMANN: Okay.

By the way, you need a haircut.

MR. CHEESEMAN: How do you know?

MR. SCHLICHTMANN: I can see it.

Q Can you answer my question?

A Could you repeat the question?

MR. SCHLICHTMANN: We will have it read back.

THE REPORTER: Question: What was the nature --

Q -- of your report?

A My report discussed construction location, sampling procedures for wells in the North Woburn area.

Q What was the purpose of the construction location and sampling of wells in the North Woburn area?

A It was part of the overall study by U.S. EPA and its contractors to evaluate groundwater conditions in that area.

Q Was it your understanding the EPA was attempting to investigate the possible contributors to pollution of wells G and H?

A At that period of time it was my understanding that

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2 they were looking at potential sources of materials  
3 that were found in the area.

4 Q Was it your understanding that you were being  
5 retained by W. R. Grace to investigate the W. R.  
6 Grace site in Woburn to determine whether or not it  
7 was a possible contributor to the pollution of  
8 wells G and H?

9 A Not that period of time.

10 Q Your understanding is you were going to engage in an  
11 investigation of the Grace plant; is that right?

12 A Not in August of 1982.

13 Q At that time it was to place wells in the North  
14 Woburn area?

15 A It was not to place any wells; it was to review  
16 existing data.

17 Q But you did give a report concerning where wells  
18 should be constructed and located?

19 A The report just discussed those that had already  
20 been placed.

21 Q Were you able to conclude, based upon your review of  
22 the data about the placement of those wells and the  
23 sampling results, were you able to conclude anything  
24 about the groundwater situation in East Woburn?

25 A At the time my opinions were that there were data

1  
2 gaps and that additional samples were required to  
3 verify the results of single points.

4 Q What had to be verified?

5 A Those materials found in the groundwater actually  
6 existed.

7 Q You mean to determine if those levels of contamination  
8 existed?

9 A That synthetic organics that had been determined at  
10 one time did, in fact, exist.

11 Q Did you then undertake any work to do that?

12 A No, I did not.

13 Q Did you undertake any work after making your report  
14 about your review of the situation?

15 A For off-site, no.

16 Q Did you do on-site work?

17 A Later, yes.

18 Q So your understanding was that the initial  
19 responsibilities upon being retained were to review  
20 the available data produced by EPA, to determine, in  
21 fact, if the groundwater of East Woburn was  
22 contaminated; is that right?

23 A My initial charge was just to evaluate the existing  
24 data and to see where data gaps may or may not  
25 exist.

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Q In your review of the EPA data that existed in August of 1982, did you conclude that, in fact, the groundwater of East Woburn was contaminated?

A There was evidence to indicate that trace quantities of synthetic organics were present in the groundwater.

Q Did you draw any conclusions in analyzing the data at that time that the W. R. Grace site contributed to that pollution in any way?

A I had no on-site information to draw that conclusion.

Q Would it have been necessary for you to have had -- Had you had on-site information you would have drawn that conclusion?

A Yes.

Q What type of on-site information would you have had to have in order to draw that conclusion?

A In order to determine that materials were existing at the Cryovac site and had left the Cryovac site, I would need physical evidence that the material was present and leaving.

Q Had you received evidence that there were contaminants at the W. R. Grace site and that the contaminants were moving with the groundwater out of the property, would that have been sufficient for

1  
2 you to have concluded that the W. R. Grace site  
3 contributed to the pollution of the groundwater in  
4 East Woburn?

5 A I'm sorry, could you repeat that?

6 THE REPORTER: Question: Had you received  
7 evidence that there were contaminants at the W. R.  
8 Grace site and that the contaminants were moving with  
9 the groundwater out of the property, would that have  
10 been sufficient for you to have concluded that the  
11 W. R. Grace site contributed to the pollution of the  
12 groundwater in East Woburn?

13 MR. CHEESEMAN: I will object to the form  
14 of the question. Go ahead.

15 THE WITNESS: No.

16 Q Why wouldn't that have been sufficient information  
17 for you?

18 A I would have needed to know more about the mechanism  
19 of any off-site movement.

20 Q What would you need to know?

21 A Information between the Cryovac site and wells G and  
22 H.

23 Q What is the type of information you would need to  
24 know about concerning how the groundwater moved  
25 between the site and wells G and H?

1  
2 A The nature of the hydrogeology in between.

3 Q If you had had information about the hydrogeology in  
4 between the Grace site and wells G and H, and if you  
5 had information that there were contaminants at the  
6 Grace site and they were leaving the property and  
7 moving in a southerly direction, that would have  
8 been sufficient information for you to have  
9 concluded the W. R. Grace site was polluting or  
10 contributing to pollution of wells G and H?

11 A I think it would depend on the nature of the  
12 information that was available.

13 Q What type of information would have allowed you to  
14 have made that conclusion?

15 A A sufficient data base, detailed information on soil  
16 and bedrock conditions, water level gradients,  
17 permeability of the material, the nature of the  
18 chemical species that may be present, at what  
19 concentrations they may be present.

20 Q Mr. Maslansky, do you feel you have that information  
21 now to be able to make that conclusion?

22 MR. CHEESEMAN: I will object. You're  
23 asking him to make a conclusion on that subject?

24 MR. SCHLICHTMANN: Right.

25 A I haven't been charged with drawing opinions of

1  
2 off-site situations.

3 Q But what I am asking is: Have you received  
4 sufficient information for you to be able to draw  
5 that conclusion?

6 A I have not --

7 MR. CHEESEMAN: Excuse me. Give me a  
8 minute to state my objection. I object to the form  
9 of the question.

10 Q You can answer.

11 A I have not analyzed any information off-site.

12 Q Has the W. R. Grace Corporation asked you to analyze  
13 information off-site?

14 A No, they have not.

15 Q Do you understand that is not one of your  
16 responsibilities?

17 A That is correct.

18 Q Do you have any indication that that will become one  
19 of your responsibilities?

20 A I have no reason to believe it will be.

21 Q Why do you have no reason to believe that will be  
22 one of your responsibilities?

23 A I haven't been told to do work on it.

24 Q Now, Mr. Maslansky, after you gave your report were  
25 you then asked to undertake further

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responsibilities?

A Yes, sir.

Q What were you asked to do?

A To prepare a site study of the Cryovac site.

Q What was your understanding as to why you were to conduct a site survey of the property?

A To ascertain if any material had been deposited on site.

Q What was your understanding as to why you were to make that investigation?

A I assumed it was in relationship to potential off-site material that had been found.

Q Did you undertake to fulfill those responsibilities?

A Yes.

Q What did you do?

A The first phase consisted of a geophysical survey of the property, monitoring.

Q Okay.

A Test borings and monitoring wells were installed. A review of information that may exist on pre-existing foundation information for the plant was reviewed. Monitoring wells were sampled after installation.

Q Now, were you provided any information by anyone associated with W. R. Grace Corporation or any of

1  
2 their attorneys concerning the historical site  
3 activities at the Grace plant?

4 A I have been given information on material that may  
5 have been deposited at Cryovac, yes.

6 Q What information were you given?

7 A I was told that there may be an area in the back of  
8 the plant which was -- which is an eastern portion  
9 of the site, in which six to eight drums may have  
10 been buried.

11 Q What other information were you given?

12 A That small quantities of material may have been  
13 dumped in similar areas in back of the plant.

14 Q Anything else?

15 A That was all at that time.

16 Q Were you told what kind of quantities of material?

17 A Other than the six to eight drums?

18 Q Yes.

19 A No.

20 Q Were you told the type of material?

21 A I was given some indication that certain solvents had  
22 been used at the facility.

23 Q Which solvents?

24 A At the time I believe it was trichloroethylene and  
25 perhaps toluene.

1  
2 Q Were you told the plant disposed of any other  
3 solvents or may have disposed of any other solvents  
4 in small quantities in the areas you were told about?

5 A I was told there may be degreasers that were  
6 disposed of in small quantities in the rear of the  
7 plant, but the chemical nature of those solvents were  
8 not made known.

9 Q Were you told what was in those six to eight drums  
10 buried out in back?

11 A I was not.

12 Q Were you told that there were any other areas out in  
13 the back where there may be other pits that were dug?

14 A No.

15 Q Were you told what period of time this pit  
16 containing the six to eight drums were buried or  
17 dug?

18 A I was told it was somewhere around 1974 at the time.

19 Q And you were not told about what may have been in  
20 those drums; is that right?

21 A That they may be empty or may have waste solvents.

22 Q Now, the areas where they said small quantities may  
23 have been disposed of, could you be as specific as  
24 you can what those areas were?

25 A I was told that it may be anywhere from what is

1  
2 today known as a non-black topped area of the plant.

3 Q Would that be --

4 A We are talking about the east portion of the  
5 property, and also that which prior to August of  
6 1985 had pea gravel.

7 Q Was it your understanding that the area that you were  
8 informed in which small quantities of material were  
9 deposited, was that the area which formerly had  
10 peastone?

11 A Could you read that back?

12 THE REPORTER: Question: Was it your  
13 understanding that the area that you were informed  
14 in which small quantities of material were deposited,  
15 was that the area which formerly had peastone?

16 MR. CHEESEMAN: Object to the form of the  
17 question. Go ahead.

18 Q You can answer.

19 A The location of where things may have been deposited,  
20 other than the location of where they thought the  
21 drums were, were never mentioned other than behind  
22 the plant.

23 Q You understood that to mean behind the asphalt?

24 A I understood it to mean behind the plant.

25 Our study undertook basically looking

1  
2 everywhere behind the plant, inside the plant --

3 Q Was --

4 A -- and beside the plant.

5 Q Was your understanding you were being asked to  
6 determine what areas of the plant had been used for  
7 waste disposal?

8 A I was asked to identify if there were any other  
9 sources, other than the one in which they thought the  
10 six to eight drums had been deposited, that existed.

11 Q You were not given any indication as to the  
12 quantities other than the fact they were small  
13 quantities disposed of?

14 A Correct.

15 Q Were you told the period of time the quantities were  
16 disposed of on the ground?

17 A No.

18 Q Were you given an explanation or outline of the site's  
19 history as far as construction of the additions?

20 A Yes.

21 Q What was your understanding of the site's history,  
22 construction history?

23 A Built around 1960. The first addition was '66. The  
24 second addition was 1974.

25 Q Were you told when the warehouse was constructed?

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2 A I am sure I was. I don't remember the year.

3 Q Does 1970 sound right to you?

4 A I don't recall the year.

5 Q Were you told how the storm drain system worked?

6 A Yes.

7 Q What were you told about that?

8 A That storm drains -- There were roof gutters and they  
9 fed into the major feeder system, and this feeder  
10 system discharged into what we refer to as the south  
11 ditch.

12 Q That is the ditch along the warehouse?

13 A That is the ditch between the warehouse and the back  
14 of the property.

15 Q Is it your understanding that the storm drain system  
16 emptied into that southern ditch throughout the  
17 plant's existence?

18 A Repeat the question.

19 MR. SCHLICHTMANN: We'll have the  
20 stenographer read it back.

21 THE REPORTER: Question: Is it your  
22 understanding that the storm drain system emptied  
23 into that southern ditch throughout the plant's  
24 existence?

25 THE WITNESS: My understanding is all roof

1  
2 drainage for all three portions of the building,  
3 they all discharged out to the southern ditch.

4 Q Between the years 1960 and 1966 prior to construction  
5 of the first addition, the storm drain system would  
6 empty out into the southern ditch as it then  
7 appeared behind the main building?

8 A The position of the outfall from the storm drainage  
9 shifted over the years.

10 Q How did it shift?

11 A It had been moved eastward as the plant expanded.

12 Q Is it your understanding the southern ditch actually  
13 existed underneath the areas which are now the first  
14 and second addition?

15 A Yes.

16 Q Is it your understanding that the main building, the  
17 storm drainage system would empty out into that  
18 southern ditch?

19 A Yes.

20 Q In the same configuration that appears now?

21 A Yes.

22 Q Now, were you informed prior to your entering the  
23 site for your investigation that the storm drainage  
24 system was used for the disposal of industrial  
25 wastes at the plant?

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A Which investigation?

Q The on-site investigation.

A The original?

Q Yes.

A No.

Q Prior to your on-site investigation were you informed that the plant disposed of their industrial wastes by pouring that industrial waste on the ground behind the main plant where the area of the first addition is?

A Would you read that back, please?

THE REPORTER: Prior to your on-site investigation were you informed that the plant disposed of their industrial wastes by pouring that industrial waste on the ground behind the main plant where the area of the first addition is?

MR. CHEESEMAN: Objection to the form.

THE WITNESS: I was never given information during the initial site investigation any practices of disposal of any material.

Q At some --

A Other than the drums.

Q At some point you were?

A Yes.

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Q What time did you receive additional information?

A Subsequent to the July of 1985 excavations, information that there may be other sources of contaminants.

Q What information was brought to your attention?

A Not that information was brought to my attention. It was just as a result of additional test pit excavation studies that new data came to light.

Q Based upon the data produced by the July of 1985 excavation, you learned that there were other waste disposal activities that took place at the plant you had not been aware of?

A That is partially correct.

Q What part is correct?

A Well, there was information as a result of a second round of monitoring wells and test borings that went in October of 1984 that the area in which the drums had been disposed of was probably not a source of material.

Q And based upon the results of the October of 1984 well sampling, you determined that there might be or must be other sources on the site other than that area where the drums were discovered or excavated?

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2 A Yes.

3 Q What did the test results indicate to you were the  
4 other possible sources of contaminants at the site?

5 A As a result of the October of 1984 test data and  
6 subsequent reruns of the monitoring wells, at that  
7 point in time there are no other sources of  
8 materials located.

9 Q In other words, on analysis of data you didn't  
10 determine there were other sources of contamination;  
11 is that right?

12 A Based upon the analysis of data, additional sources  
13 of material had not been found.

14 Q It was not until after July of 1985, the excavation  
15 at that time, that you, in analyzing the data,  
16 formed the opinion there were other sources of  
17 contamination on the site; is that right?

18 A That is correct.

19 Q What is the data that was revealed in the July of  
20 1985 excavation that led you to form that opinion?

21 A The test pits identified two sources of materials  
22 on site; one in the vicinity of the terminus of the  
23 first addition drainage pipe, as well as an area  
24 immediately north of the 1983 test pit excavation  
25 that uncovered the drums.

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Q What did the test pit of the northern area reveal?

A In July of 1985?

Q Yes.

A That small quantities of synthetic organics were disposed.

Q In a pit?

A It appeared there was a depression.

Q Did it appear from your excavation that the area was previously excavated?

A The depression was not a natural depression. When it had been excavated, I couldn't tell you.

Q But from your knowledge of geology and your knowledge of the site, Mr. Maslansky, the area where these quantities of solvents were found was found in an area that had previously been excavated; is that right?

A It may just have been pushing some overburden into one area leaving a depression.

Q Well, in July of 1985 when you did the test pit, how far down did you have to dig before you came in contact with contaminated soils?

A There was one area that indicated that based on the small quantities of dried paint residue, that material had been deposited perhaps two to three

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feet beneath the present rate ground surface.

Q You excavated that area?

A That area was excavated, yes.

Q Did you encounter contaminated soils?

A In that vicinity the levels were higher, yes.

Q How high were the levels that were found?

A In July of 1985?

Q Yes.

A The soil samples that were tested showed very low levels of material. Subsequent monitoring wells in the area indicate slightly elevated levels above background concentration on the site.

Q What were those levels?

A I don't have the data off the top of my head.

Q Were those levels in the thousands per billion?

A They were probably on the order of a thousand to a few thousand parts per billion.

Q Were they --

A And that is of total organics, volatile organics.

Q Did you have field instruments when you were excavating that area in the northern part?

A We had some real-time, air monitoring instrumentation.

Q Did the field instruments indicate volatilization of volatiles from the soils of very high concentrations

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or not?

A The instrumentation indicated that materials were capable of being ionized and detected by the field instrumentation. But one cannot assign a high or a low value unless one knows exactly what one is looking for with those instruments.

Q Did it ever go to a level which you considered to be dangerous or pose a health hazard to people present at the excavation?

A There were levels that existed as unknowns at the time.

Q How high are those levels?

A There were concentrations that went off the instrument, which read in the low parts per million range for calibration gas equivalent at low sensitivity.

Q The terminus of the drain pipe of the first addition, what did your excavation reveal about that area?

A That materials may have small -- That material may have small quantities of materials which may have been disposed of on the surface of the then existing south ditch, or that materials may have emanated through the storm sewer.

Q Did you actually come in contact with the storm drain?

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A Yes.

Q Did you test it?

A Samples were taken and analyzed.

Q Did you do field testing of the head space of the drain?

A Some real-time and air monitoring was done, yes.

Q Did that reveal the presence of organic solvents in the head space?

A Revealed something could be detected on those instruments.

Q Which was?

A There is a number of gases, both man-made and natural, that are detected on those instruments.

Q Did your field test reveal that the head space had trichloroethylene or transdichloroethylene, or both of those?

A The employment of some colometric tubes indicated a strong probability that a chlorinated hydrocarbon was present.

Q Did you sample the sludge in the drain?

A Yes.

Q Did that show evidence of chlorinated hydrocarbons?

A Yes.

Q Did you sample the water in the drain?

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A Yes.

Q Did it show off hydrologically?

A Yes.

Q Now, based upon your excavation and those test results, have you formed the opinion that the storm drain system of the W. R. Grace plant was used in the past for the disposal of waste solvents?

A It is a working hypothesis that the storm drain at Cryovac may have been a conduit for material into the south ditch or the material in the south ditch had backed up in the storm drain.

Q Did you test the present storm drain system?

A Yes.

Q Have you taken samples of the water in the present storm drain system?

A Yes.

Q Have you sampled the manhole where the storm drain system comes out of the building?

A Yes.

MR. CHEESEMAN: Can we specify what period of time?

MR. SCHLICHTMANN: Now.

MR. CHEESEMAN: Currently?

MR. SCHLICHTMANN: Currently.

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Q Did sampling of the water in the manhole where the present storm drain system is, did it reveal the presence of chlorinated hydrocarbons?

A It revealed minute trace quantities of a few chlorinated hydrocarbons.

Q Was the sludge on the bottom of that manhole sampled?

A No sludge was found in the bottom of the manhole.

Q Was earth or soils?

A Well, there was a tar liner that was sampled, and then earth beneath the soil samples beneath the liner.

Q Did the soil beneath the tar liner reveal the presence of solvents?

A I don't believe they did.

Q Did your sampling of that present storm drain system lead you to conclude that the present storm drain has been used in the past for the disposal of waste solvents?

A No.

Q You still have not formed that opinion?

A The data does not indicate the present storm drainage system has been used for the disposal of solvents.

Q Now, after the July of 1985 excavation, did you receive information from W. R. Grace Corporation

1  
2 concerning previous waste disposal activities at  
3 the site which was new information to you or  
4 information you had not received previously?

5 A Nothing from W. R. Grace, no.

6 Q Had you received information from the attorneys for  
7 W. R. Grace?

8 A Yes.

9 Q What information did you receive?

10 A Some Material Safety Data Sheets.

11 Q What else?

12 A One letter on one particular product that had been  
13 utilized at the plant.

14 Q What was that?

15 A Super Solvent.

16 Q What was the letter?

17 A It was a letter from, I believe, the distributor  
18 saying how much had been purchased.

19 Q How much Super Solvent had been purchased?

20 A I believe it was 27 drums.

21 Q What was the solvent in the Super Solvent?

22 A I believe 12 percent of 1,1,1-trichloroethane and 88  
23 percent stoddard solvent.

24 Q What is the constituents of stoddard solvent?

25 A Mineral spirits.

1

Q When did you receive that letter ?

2

A I don't know the exact date.

3

4

Q When was it given to you?

5

A I am not sure of the exact date. It was within the last three months.

6

7

Q When did you receive the Safety Data Sheets?

8

A Same time.

9

Q Was it recently ?

10

A Within the last three months.

11

Q Was it the last couple of weeks?

12

A No.

13

Q The last three months?

14

A Yes.

15

Q Other than receiving the Material Safety Data Sheets and the letter concerning the purchase of 27 drums of Super Solvent, what other information were you given either orally or in written form concerning past waste disposal practices or activities at the Grace site?

16

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21

A No specific data, just certain assumptions.

22

Q What assumptions were you given?

23

A Various scenarios of quantities that may have been used.

24

25

Q What were they?

1  
2 A That trichloroethylene may have been used; that  
3 toluene may have been used; that two other products  
4 that had been identified on the Material Safety Data  
5 Sheets had been used.

6 Q What were those?

7 A I believe one was called Solvent 1219.

8 Q Okay.

9 A And I believe Solvent 12, although I could be mistaken  
10 by the number.

11 Q What was your understanding of what those solvents  
12 were?

13 A They were degreasers.

14 Q Do you know what kind of solvents?

15 A I know based on the Material Safety Data Sheets,  
16 which is what the manufacturer says.

17 Q What is that?

18 A They run somewhere between 60 and 70 percent mineral  
19 spirits, trace quantities of tetrachloroethylene,  
20 and the remainder methylene chloride.

21 Q And this information was given to you within the  
22 last three months?

23 A Correct.

24 Q The assumption you were given is that these solvents  
25 were used in the past; is that right?

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A Yes.

Q And prior to that you had not been given those assumptions?

A I had been told that toluene and trichloroethylene had been used at the site; and that materials other than that were probably used at the site but never given chemical information on.

Q You didn't receive chemical information until three months ago?

A Correct, within the last three months.

Q Now, what information were you given as to the quantities of trichloroethylene used at the site?

A I was never given a quantity that had been used at the site.

Q Have you still not been provided the quantity the site used of trichloroethylene?

A I have been provided with various scenarios of material that may have been used.

Q These various scenarios were provided within the last three months?

A Yes.

Q What are those scenarios?

A That based -- Basically, there is a number of them.

Q Okay.

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A But that on the order of perhaps four to five drums of trichloroethylene were used over a ten-year period.

Q What else?

A Perhaps same amount of toluene.

Q Okay.

A And larger amounts of the other solvents.

Q Tetrachloroethylene and the methylene chloride?

A Stoddard solvent degreasers.

Q Is it your understanding mineral spirits do not contain solvents?

A Mineral spirits is a solvent.

Q You can't further define it as a chemical other than mineral spirits?

A It has impurities of other materials that one could consider chlorinated or other types of solvent.

Q What are those impurities?

A Xylenes, toluene present at times.

Q Yeah.

A Tri and diethyl benzenes.

Q Triethyl benzene?

A Tri and di.

Q Any other solvents?

A I believe that is normally the trace components.

1  
2 Q Now, were you told the plant may have used more than  
3 four or five drums of trichloroethylene over a ten-  
4 year period?

5 A One scenario is that perhaps one drum a year over a  
6 ten-year period.

7 Q What ten-year period?

8 A I don't remember the exact years. I would say  
9 probably 1964 through 1973.

10 Q Is that one drum over ten years of trichloroethylene?

11 A I was never told specifically. These were just  
12 scenarios.

13 Q Okay.

14 A They were assumptions to look at the data and see if  
15 it makes sense.

16 Q You were asked --

17 A I have never been given any specific information of  
18 how much, when and where.

19 Q You were asked to examine one possibility, which is  
20 the plant used one drum a year of trichloroethylene  
21 for ten years; is that right?

22 A No. I was asked to assume should quantities of  
23 material on that order have been used, does the data  
24 fit a working hypothesis of some of that material  
25 that had been disposed of.

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Q Any other scenario concerning trichloroethylene?

A I believe that is it.

Q Do you know if it was trichloroethylene that you were asked to assume that was used prior to 1964?

A I don't recall.

Q What was the assumption as to toluene?

A Don't remember a specific scenario for toluene.

Q Were you asked to assume trichloroethylene may have been used after 1973?

A No.

Q Were you asked to make any other assumptions or consider any other possibilities?

A After 1973?

Q Yes.

A No.

Q Were you asked to make any other assumptions or asked to consider any other possibilities concerning chemical use at the plant?

A No.

Q Were you provided any information as of today, have you been provided any additional information which you have not testified to?

A No.

Q Have you been provided any information concerning

1  
2 whether or not the W. R. Grace plant used the storm  
3 drain system for the disposal of their waste  
4 solvents?

5 A Could you repeat the question?

6 THE REPORTER: Question: Have you been  
7 provided any information concerning whether or not  
8 the W. R. Grace plant used the storm drain system for  
9 the disposal of their waste solvents?

10 THE WITNESS: I don't fully understand the  
11 question.

12 Q Have you been provided any information from anyone  
13 associated with W. R. Grace or the attorneys for  
14 W. R. Grace that, in fact, the storm drain system  
15 was used in the past for the disposal of waste  
16 solvents or have you been provided no such  
17 information?

18 MR. CHEESEMAN: I object to the form of  
19 the question.

20 A I have not been provided specific information that  
21 storm drains were ever used.

22 Q Were you provided non-specific information?

23 A Information only from the standpoint of data inside  
24 and outside the plant.

25 Q What data is that?

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A The fact that trace quantities of material had been found associated with a drain.

Q Which drain?

A Storm drain.

Q Where was that storm drain?

A In the manhole.

Q The storm drain in the manhole?

A The present storm drain.

Q And trace quantities were found there?

A Trace quantities.

In addition, there was analysis of a drain inside the plant.

Q What did that show?

A That the drain itself had lost its integrity.

Q And?

A Trace quantities of similar materials were found in material below the invert of the drainage pipe.

Q Where was this drain in the plant?

A In an area known as the passivating area.

Q And chlorinated hydrocarbons were found in that area?

A Trace quantities, yes.

Q What kind of solvents?

A I don't remember the exact analysis.

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Q Was one of them trichloroethylene?

A I believe there were trace quantities found.

Q Do you know the values?

A No, I do not.

Q When were these determined?

A Samples were taken this past summer.

Q Do you want to take a break? Are you all right?

A Fine.

MR. CHEESEMAN: It is hot in here.

(Discussion off the record)

(Recess)

MR. CHEESEMAN: The witness has one statement to make.

THE WITNESS: I gave you the wrong name for a material.

Q What was that?

A I called it Super Solvent; it is Syn-Electric Cleaner.

Q I know it well.

Mr. Maslansky, you have been responsible for placing wells around the perimeter of the building?

A Yes.

Q You have sampled those wells?

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A Yes.

Q Based upon your sampling of those wells, have you been given any information up until today that at some time in the past there was disposal of industrial wastes, including industrial solvents, any place underneath the first or second additions?

A No.

Q Have you been told up until today that in the past W. R. Grace -- that there was any pit used for the disposal of waste solvents which is underneath the first addition?

A I have never been told of any disposal of any material underneath any structure on the site.

Q Now, based upon your results of the sampling of the wells around the perimeter of the building, have you made any conclusions or formed any working hypothesis as to whether or not there are any sources of contamination underneath the building?

A I have seen no evidence to conclude there is --

Q Seen no evidence?

A -- a point of origin of material underneath any structure.

Q Are the results of the test well, the chemical results of the wells around the building, do they

1  
2 lead you to believe there are other sources of  
3 contamination under the building?

4 A There is data to suggest that an area in which small  
5 quantities of organic solvents may be, may have been  
6 disposed of elsewhere.

7 Q Where?

8 A The northern part of the facility in the vicinity of  
9 cluster wells 19 and 20.

10 Q Under the parking lot or under the building?

11 A It is probably underneath the asphalt area.

12 Q How would you describe that asphalt area, the  
13 dimensions of it?

14 MR. CHEESEMAN: Do you want the dimensions  
15 of the parking lot?

16 MR. SCHLICHTMANN: The area that is  
17 contaminated, the source of contamination.

18 A Probably in the vicinity of 50-foot radius, or I  
19 should say a half circle using the diameter of the  
20 north wall, perhaps 50 feet from well 19.

21 Q 50 feet from where?

22 A From the edge of the building. The source of  
23 contamination is probably within that 50-foot  
24 radius.

25 Q Under the asphalt?

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A Under the asphalt.

Q Do you have any reason to believe based on your analysis of the data there is any material buried there?

A No reason to believe the soil underneath the asphalt is contaminated, no indication that there is high concentrations of residual material inside, no.

Q But the indication is that area is a source of contamination?

A A source of contamination?

Q Yes.

A The data indicates there is an area in which material may have been deposited.

Q Deposited on the ground or in a hole?

A I have no information to give me the method of disposal.

Q Have you been provided any information from W. R. Grace Corporation or from the attorneys for W. R. Grace indicating what the site activities were in that area concerning the disposal of waste solvents?

A I have been told throughout the study that it is highly likely that small quantities of material could have been deposited out any door on the ground.

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Q Outside any of the doors of the plant?

A Correct.

Q When was that information first given to you?

A That was always the working hypothesis, that small quantities may have been deposited out any door.

Q Out any rear door?

A Any door of the plant.

Q Would that be any rear door of any previous existing building?

A I worked on that assumption that that could be possible.

Q So that if the main building had a door to the rear of the building prior to the building of the first addition, your assumption would have been small quantities of waste solvent may have been disposed of in that area outside the rear door to the main building?

A It is possible.

Q And that was always your working hypothesis?

A That small quantities could be disposed anywhere on the property, yes.

Q Including out doors to buildings as they previously existed prior to construction of the additions?

A Correct .

1  
2 Q No indication was made as to the quantities, is that  
3 right, other than they were small?

4 A Quantities from the standpoint as it may be a little  
5 bit in a can.

6 Q When you say a little bit, a cup?

7 A A cup.

8 Q A quart?

9 A A cup.

10 Q Was it indicating to you that was done on a weekly  
11 basis, daily basis?

12 A There was no schedule of quantity or activity ever  
13 indicated to me.

14 Q Was there any indication that it was any container  
15 larger than a cup?

16 A No container was ever specified.

17 Q Now, other than the area to the north where wells 19  
18 and 20 are, do you have any reason to believe there  
19 are other sources of contamination around the  
20 building?

21 MR. CHEESEMAN: You're asking for source  
22 areas?

23 MR. SCHLICHTMANN: Yes.

24 A I believe there is a source area in the vicinity of  
25 well cluster 15 and 25, which I believe I already

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discussed.

Q Well 15 is located in the concrete pad next to the second addition?

A That is correct.

Q And the levels of contamination from well 15 indicate to you that is another source of contamination?

A Yes.

Q What about those levels makes you draw that conclusion?

A They're relatively high compared to other concentrations found on the site.

Q And those levels are high in comparison to the wells that were put in subsequent to the trench activities this past July near the concrete pad; is that right?

A I'm sorry, I don't understand.

Q They are comparatively higher than the levels of contamination found in the groundwater near the terminus of the first addition's drainage trench; is that right?

A There is high concentrations found in one of the wells associated with the terminus of the drainage trench and well 25.

Q Well 15 is comparatively higher than well 25?

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A Based upon the data to date, yes.

Q Now, have --

A Of course, most of the soil has been excavated in the vicinity of well 25.

Q Do you have any reason to believe that under the concrete pad or in that vicinity there is any materials buried there?

A No.

Q Do you have any reason to believe where exactly the location for that source of contamination is?

A I have a working hypothesis where that contamination comes from.

Q What is that?

A Materials that were disposed of that may be associated with the first addition drain or deposited in the south ditch as it existed.

Q Prior to the construction of the second addition?

A Correct.

Q Now, have you noted that there are levels of vinyl chloride in that area?

A Yes.

Q Do you have any explanation as to the source of the vinyl chloride?

A I believe it is a transformation product.

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Q Of what chemicals?

A More than likely the trichloroethylene.

Q Why do you believe that?

A There are two reasons.

Q Okay.

A It is common knowledge that trichloroethylene degrades into one of the daughter products, vinyl chloride. There is no indication to me that that material should ever have been used at a facility such as that.

Q You also have noted the presence of transdichloroethylene on the site?

A Yes.

Q Do you have an opinion of the source of 1,2-transdichloroethylene?

A I think also a transformation product.

Q Of what chemical?

A Trichloroethylene.

Q Do you have any explanation as to why the trichloroethylene broke down into vinyl chloride or transdichloroethylene other than it is a daughter product? Do you have any other historical reason to think it is a breakdown product?

A What do you mean by historical?

Q Do you have any reason to believe based on the

1  
2 presence of transdichloroethylene or vinyl chloride  
3 in particular areas of the site as to why that is a  
4 breakdown product, in all probability, of  
5 trichloroethylene.

6 A I think it is a transformation product. I am trying  
7 to determine for those materials that have been  
8 found on site what is their origina. I have no data  
9 to indicate that those materials were used as those  
10 components, and they were either impurities of the  
11 material received or since broken down since the  
12 material had been disposed of.

13 Q Mr. Maslansky, other than the areas that you have  
14 identified, the area near wells 19 and 20, the area  
15 near well 15, the area near well 25 and the area in  
16 the rear which I guess would be called the 6A, B and  
17 C area, do you have any other reason to believe or  
18 any other working hypothesis of other probable  
19 sources of contamination on the site of the W. R.  
20 Grace Corporation?

21 MR. CHEESEMAN: Object to the form.

22 MR. SCHLICHTMANN: Okay.

23 MR. CHEESEMAN: I object in this context  
24 relating to the word "source."

25 MR. SCHLICHTMANN: All right.

1  
2 MR. CHEESEMAN: I think he has testified  
3 to material out at one of those sites.

4 MR. SCHLICHTMANN: Okay.

5 A I believe that -- Could you repeat the question,  
6 please?

7 THE REPORTER: Question: Mr. Maslansky,  
8 other than the areas that you have identified, the  
9 area near wells 19 and 20, the area near well 15, the  
10 area near well 25 and the area in the rear which I  
11 guess would be called the 6A, B and C area, do you  
12 have any other reason to believe or any other  
13 working hypothesis of other probable sources of  
14 contamination on the site of the W. R. Grace  
15 Corporation?

16 THE WITNESS: I believe that there were  
17 two discrete sources on the site, both of which have  
18 not moved. One is related to the area around 6A, B  
19 and C. The other area is where the drums had been  
20 disposed of.

21 Q Other than those two areas, 6A, B and C and where the  
22 drums were disposed of, the area where wells 19 and  
23 20, well 15 and well 25, do you have any reason to  
24 believe that there are any other probable sources  
25 of contamination on the site?

1  
2 A There is a possible source related to the vicinity  
3 of well cluster 14, which is due west of well  
4 cluster 15. At this point I don't know that is  
5 related to material at 15 and 25 or whether it is a  
6 separate source.

7 Q Well 14 is between the first addition and the second  
8 addition?

9 A Correct.

10 Q Based on your knowledge of the site, do you believe  
11 well 14 is near the end of the terminus of the  
12 southern ditch as it existed when the main building  
13 was there?

14 A Yes, I do.

15 Q Is it probable that that well 14 is possibly picking  
16 up contamination from waste solvents disposed of in  
17 the storm drain to the main building?

18 MR. CHEESEMAN: I don't think I heard the  
19 first part of the question. Could I have it read  
20 back?

21 THE REPORTER: Question: Is it probable  
22 that that well 14 is possibly picking up  
23 contamination from waste solvents disposed of in the  
24 storm drain to the main building?

25 A Which storm drain?

1  
2 Q The original storm drain prior to construction of  
3 the first addition.

4 A That is possible.

5 Q Do you think it is probable based upon what you know?

6 A There is neither evidence to suggest that it is or is  
7 not.

8 Q Could it be another area where material was disposed  
9 of on the ground?

10 A That is possible also.

11 Q Or it could be disposal of waste solvents into the  
12 ditch also?

13 A That is correct.

14 Q Any other areas?

15 A I believe that is all.

16 Q Do you have any reason to believe there are any  
17 sources of contamination around or underneath the  
18 warehouse?

19 A No, I do not.

20 Q Do you have an explanation for the source of  
21 contamination on the southern wall of the warehouse?

22 A At well cluster 24?

23 Q Yes.

24 A I believe it is related to contamination as I have  
25 seen in the vicinity of well 24.

1  
2 Q Mr. Maslansky, based upon your site investigation and  
3 all the information that you have been provided, do  
4 you have an opinion as to the historical waste  
5 disposal activities which took place at the Grace  
6 site?

7 A I have a working hypothesis, yes.

8 Q Would you tell me what that is, please?

9 A That materials were deposited at the rear of the  
10 plant in the vicinity of well 6 in the form of  
11 drums; that those drums probably only contained  
12 residue; that materials not in the form of drums,  
13 but poured materials, was deposited in the vicinity  
14 of well cluster 6A, B and C, or what we refer to as  
15 trench 30; that material may have been deposited in  
16 small quantities in the vicinity of well cluster 19  
17 and 20; that materials in small quantities may have  
18 been deposited in the southern ditch and/or via the  
19 pre-existing storm drains coming from the main  
20 building.

21 Q Any other working hypotheses?

22 A As far as sources?

23 Q Yes.

24 A No.

25 Q Or waste disposal activity?

1  
2 A No.

3 Q Mr. Maslansky, are you still working for W. R. Grace  
4 Corporation?

5 MR. CHEESEMAN: For Foley, Hoag & Eliot.

6 Q Or for Foley, Hoag & Eliot?

7 A I am still working for Foley, Hoag & Eliot.

8 Q Do you intend to do any well drilling inside the  
9 plant?

10 A Not at this time.

11 Q Do you intend to do any well drilling in the future  
12 to determine if there are any sources under the  
13 building?

14 A Not at this time.

15 Q You have no intention to do that?

16 A Not at the present.

17 Q Do you have any intention to excavate the asphalt  
18 area in the vicinity of wells 19 and 20 to discover  
19 the source of contamination there?

20 A No, I do not.

21 Q What is the highest level of trichloroethylene that  
22 you have sampled at the area of wells 19 and 20?

23 A Probably on the order of 8 parts per million.

24 Q Did you ever detect any level of trichloroethylene  
25 as high as 67 parts per billion?

1  
2 A On one split.

3 Q That was a reading you got?

4 A It was a reading, but based upon quality control of  
5 that sample the sample had been rerun and the  
6 subsequent reading did not show 67,000 parts per  
7 billion.

8 Q What did it show?

9 A On the order of a few parts per million.

10 Q That would be as high as 8000 parts per million?

11 A I think as high as 8000 parts per billion.

12 Q Now, Mr. Maslansky, based upon your observations,  
13 your on-site investigation, the results of your on-  
14 site investigation, in your opinion, did the waste  
15 disposal activities of the W. R. Grace site, as you  
16 understood them to have taken place, contribute to  
17 the contamination of the groundwater at the W. R.  
18 Grace site?

19 MR. CHEESEMAN: Objection.

20 A There is quantities of synthetic, organic chemicals  
21 that are found in the groundwater at the Cryovac site  
22 and that, I believe, have a point of origin at the  
23 Cryovac site.

24 Q Therefore, is it your opinion, Mr. Maslansky, based  
25 upon your understanding of the past waste disposal

1  
2 activities that took place at the site and based upon  
3 your on-site investigation, those past waste  
4 disposal activities resulted in the contamination of  
5 the groundwater of the W. R. Grace site?

6 MR. CHEESEMAN: Objection.

7 A I believe that material had been deposited at the  
8 Cryovac site and found its way into the groundwater  
9 underlying the Cryovac site.

10 Q Is it your opinion based on your analysis of --

11 (Interruption)

12 MR. CHEESEMAN: Excuse me.

13 (Pause)

14 MR. CHEESEMAN: Go ahead.

15 Q Mr. Maslansky, based on your site investigation,  
16 based on your understanding of the past, historical  
17 waste disposal activities that took place at the  
18 site, and based upon your analysis of the data  
19 produced and revealed by testing by the EPA of the  
20 aquifer of East Woburn, do you have an opinion as  
21 to whether the contaminants of the Grace site moved  
22 with the groundwater south of the property?

23 MR. CHEESEMAN: Objection.

24 A I have not analyzed data off-site, other than two  
25 EPA wells and one off-site cluster that I put in for

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Cryovac.

Q You have analyzed wells 21 and 22?

A Yes.

Q And Grace off-site well?

A Yes.

Q You are aware of chemical data there?

A Yes, I am.

Q You are aware of the geohydrology between those wells and the Grace site?

A Yes.

Q In your opinion, based upon what you know and the results of your on-site investigation, is it your opinion that the contamination from the Grace site moved with the groundwater at least as far as the Grace off-site well?

A No.

Q Is it your opinion they moved at least as far as well 21?

A I think that is possible.

Q Is it probable?

A It is probable.

Q Now, based upon your opinion that it is probable that the contaminants from the W. R. Grace site moved with the groundwater to well 21, is it also

1  
2 your opinion based upon what you know about the  
3 aquifer between well 21 and wells G and H that the  
4 probabilities are that the contamination from the  
5 Grace site moved with the groundwater to wells G and  
6 H.

7 MR. CHEESEMAN: Objection.

8 A I don't have adequate data to draw that conclusion.

9 Q What would you need to know?

10 MR. CHEESEMAN: Objection.

11 A More information of materials in between those two  
12 points.

13 Q What information would lead you to believe that the  
14 contamination got from well 21 from the Grace site  
15 to wells G and H?

16 MR. CHEESEMAN: Object to the form.

17 A I would have to analyze data on the formations  
18 involved, rate of movement, and any contamination  
19 that may be found off-site.

20 Q Well, if the geohydrology is the same between well 21  
21 and well G as it is between the Grace site and well  
22 21, would you then conclude that, in all probability,  
23 the contamination from the Grace site moved from the  
24 Grace site to well G?

25 MR. CHEESEMAN: Objection.

1  
2 A I would want to look at data before drawing any  
3 conclusion.

4 Q I am asking you to assume that is so. Would you be  
5 able to draw any conclusion assuming that to be  
6 true?

7 MR. CHEESEMAN: Objection.

8 A I would want to see data before drawing any  
9 conclusion.

10 Q I can understand you wanting to. But I am asking you  
11 to assume the data, after you have examined it,  
12 showed that the geohydrology is the same between  
13 well 21 and well G as it is between well 21 and the  
14 Grace site, would you be able to conclude that in  
15 all probability the contaminants from the Grace  
16 site moved with the groundwater to wells G and H,  
17 or you are unable to do that?

18 MR. CHEESEMAN: Objection.

19 A I would need to know the quality of the data and  
20 a number of data points and other parameters.

21 Q If the quality of the data was good and there were  
22 numerous data points between well 21 and well G,  
23 would you be able to make that conclusion, in all  
24 probability?

25 MR. CHEESEMAN: Objection.

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A One might be able to draw a conclusion that it did or did not based upon the information available.

Q Which do you think is more likely - that it did move to well G or did not move to well G?

MR. CHEESEMAN: Objection.

A I have not given that consideration.

Q Have you been asked to by the W. R. Grace Corporation?

A I have not.

Q Have you been asked by the attorneys for W. R. Grace to do that?

A I have not.

Q Were you prepared to do that at some time?

MR. CHEESEMAN: Objection.

A Will I be prepared?

Q Were you at some point prepared to give an opinion if asked?

MR. CHEESEMAN: Objection to that

question.

MR. SCHLICHTMANN: All right.

MR. CHEESEMAN: If asked, would he be willing to investigate that subject?

MR. SCHLICHTMANN: Yes.

A If asked, I would be willing, yes.

Q You were never asked?

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A That is correct.

Q At any time in the past were you prepared to give an opinion in that area?

MR. CHEESEMAN: In the same sense?

MR. SCHLICHTMANN: Yes.

A In my initial study in the fall of 1982, certain scenarios based upon the existing data base at that time were looked at.

Q What were those scenarios?

A Whether or not something may move from the vicinity of Cryovac to wells G and H.

Q Was it looked at?

A It was looked at.

Q What was the conclusion?

A The conclusion was it was insufficient data base to draw any conclusion.

Q Were you present during the pump test?

A No, I was not.

Q Did your organization have anything to do with the monitoring wells in the Grace site during the pump test?

A No.

Q Have you looked at any of the data produced during the pump test?

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2 A I looked at static water levels for some of the on-  
3 site wells.

4 Q Do you have any reason to believe based upon your  
5 review, Mr. Maslansky, while wells G and H were  
6 pumping they affected the wells at the Grace site?

7 A I have not really analyzed it.

8 Q What data indicates they affected the groundwater at  
9 the Grace site?

10 A I would have to look at the entire data base and the  
11 water level records.

12 Q Mr. Maslansky, have you formed any opinions on this  
13 case?

14 A With reference to what?

15 Q Other than the ones you just went over with me, have  
16 you formed any other opinions in this case?

17 MR. CHEESEMAN: You mean any other working  
18 hypotheses?

19 A Could you be more specific?

20 Q Is it your intention or have you been requested to  
21 act as an expert witness in this case?

22 A Yes.

23 Q In what areas have you been asked to be an expert  
24 witness?

25 A To determine or to comment on points of origin of

1  
2 material that may be found at the Cryovac site in  
3 relationship to the complaint chemicals; to discuss  
4 possible methods of deposition of those materials;  
5 and fate of those materials.

6 Q Are you prepared to give opinions in those areas?

7 A Yes.

8 Q What would be your opinions in those areas?

9 A I believe I gave them to you.

10 Q Would they be any different than what we have gone  
11 over?

12 A No.

13 MR. CHEESEMAN: You mean as to subject  
14 matter? You know he is still waiting for some  
15 additional data.

16 MR. SCHLICHTMANN: I understand.

17 Q When additional data comes in your opinion may --

18 A Right now the working hypotheses are working  
19 hypotheses. We are waiting for verification of test  
20 results that were taken recently.

21 Q Are those additional well test data?

22 A These are additional sampling of the existing wells.

23 Q Other than the areas we discussed, are you prepared  
24 to give opinions in other areas? I want to make  
25 sure I have covered everything.

1  
2 A I believe we have covered those areas that I have  
3 been asked to form opinions on.

4 Q Mr. Maslansky, based on your examination of the  
5 aquifer data and your knowledge of the area, do you  
6 have any opinions as to whether Beatrice Foods  
7 contributed to the pollution of wells G and H?

8 MR. CHEESEMAN: I'm sorry, I was asleep.

9 THE REPORTER: Question: Mr. Maslansky,  
10 based on your examination of the aquifer data and  
11 your knowledge of the area, do you have any opinions  
12 as to whether Beatrice Foods contributed to the  
13 pollution of wells G and H?

14 MR. STEWART: Objection.

15 A I have no opinion.

16 Q Do you know where the Beatrice site is?

17 A Yes.

18 Q Do you know the characteristics of the aquifer?

19 MR. STEWART: Objection.

20 MR. CHEESEMAN: I will object to that one,  
21 too.

22 A I have seen some preliminary data from when Ecology &  
23 Environment had conducted some studies in the area.

24 Q Have you looked at any of the pump test data  
25 concerning the Beatrice site?

1  
2 A No, I have not.

3 Q Do you have any reason to believe the Beatrice site  
4 contributed to the pollution of wells G and H?

5 MR. STEWART: Objection.

6 A I have no opinion.

7 Q Will you be asked to form an opinion as to whether  
8 the Beatrice site contributed to the pollution of  
9 wells G and H, or is it your understanding you will  
10 not be asked to do that?

11 MR. CHEESEMAN: Objection to the form.

12 A It is my understanding I will not be asked.

13 Q Is it your opinion you will be asked to determine the  
14 sources of pollution of wells G and H, or you will  
15 not be asked?

16 MR. CHEESEMAN: Objection.

17 A It is my opinion I will not be asked to.

18 Q To determine the --

19 A Source of pollution.

20 Q Or other sources of pollution?

21 A Correct.

22 MR. SCHLICHTMANN: Let's take a little  
23 break.

24 (Recess)

25 Q Mr. Maslansky, have you provided any information to

1  
2 the EPA concerning your investigation of the Grace  
3 site?

4 A Yes.

5 Q Have you provided any information to the U.S.  
6 Attorney's office concerning your on-site  
7 investigation of the Grace site?

8 A I am not aware of -- I have never -- I guess the  
9 answer is no.

10 Q The information that you provided the EPA, is that  
11 the technical data that you produced during your  
12 on-site investigation?

13 A Yes.

14 Q Mr. Maslansky, the results of the July of 1985  
15 excavation which you have related, did the results  
16 of that excavation surprise you?

17 MR. CHEESEMAN: Objection.

18 Q Or were you expecting to uncover information  
19 indicating that the storm drain system had been used  
20 for the disposal of waste solvents, and there was  
21 another pit out back that had been used for the  
22 disposal of waste solvents?

23 MR. CHEESEMAN: Objection.

24 A Well, there are two separate areas. Trench pit 30  
25 came as a surprise. The presence of material

1  
2 associated with the south ditch did not come as a  
3 surprise. The possibility of the plant's storm  
4 drains used, being used had not been anticipated at  
5 the time.

6 Q Did the results or did the data reveal wells 19 and  
7 20 are sources of contamination, and well 15, 14 as  
8 sources of contamination, were those results  
9 expected prior to the placement of the wells there  
10 or was that a surprise to you?

11 MR. CHEESEMAN: I will object to the form  
12 of the question, your use of the word "source."

13 MR. SCHLICHTMANN: How about point of  
14 contamination?

15 MR. CHEESEMAN: Point of contamination.

16 MR. SCHLICHTMANN: I will try it again for  
17 you.

18 A The presence of material at 14 and 15 was anticipated  
19 as a result of the July of 1985 excavation. The  
20 presence of material in the vicinity of wells 19 and  
21 20 was not.

22 Q When you say you will be offering opinions on the  
23 fate of chemicals at the site, what do you mean by  
24 that?

25 A As far as method of deposition, assisting other

1  
2 experts in relating on-site quantities and travel  
3 time.

4 Q Travel time from the site?

5 A On the site.

6 Q What are the highest levels of permeability that you  
7 have determined from your on-site investigation?

8 A In which formation?

9 Q Anywhere on the Grace site.

10 A Either bedrock or overburden, probably on the order of  
11 10 to -3 centimeters per second.

12 Q How much is that a day?

13 A It works out to -- without a calculation --

14 MR. CHEESEMAN: Don't guess.

15 Q You can go ahead and do that.

16 MR. CHEESEMAN: You can't make calculations  
17 during the deposition.

18 MR. SCHLICHTMANN: I will have to figure  
19 it out myself.

20 Q You don't know what that works out to per day?

21 MR. CHEESEMAN: Don't guess.

22 Q Yes, don't guess.

23 A I would say that based on some home measurements  
24 where we basically put the wells in the most  
25 productive zones so they're good monitoring wells,

1  
2 that we may see orders on the -- I will say a few  
3 feet per day in some discreet zones.

4 Q Based upon the data you have seen, you can't make  
5 any conclusions as to whether the pumping of wells G  
6 and H had affected the hydrology of the Grace site?

7 A I have not looked.

8 Q Can you determine whether it affected the hydrology  
9 of well 22?

10 A I did not look at any data for the pump test other  
11 than a particular day for on-site wells to plug into  
12 the map.

13 Q Based upon your analysis of the results of your  
14 investigation, Mr. Maslansky, do you have any reason  
15 to believe that the use of trichloroethylene was  
16 greater than one drum a year for ten years?

17 MR. CHEESEMAN: Objection to the question.

18 A Could you read that back, please?

19 THE REPORTER: Question: Based upon your  
20 analysis of the results of your investigation,  
21 Mr. Maslansky, do you have any reason to believe  
22 that the use of trichloroethylene was greater than  
23 one drum a year for ten years?

24 THE WITNESS: I have no information to  
25 tell me how much was used at the plant.

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Q Do you believe that you are going to be able to form an opinion based upon your review and analysis of the site investigation data as to what the probabilities were for usage of chemicals?

A No.

Q So you don't feel that you are going to be able to give opinions as to how many drums of trichloroethylene the plant used in all probability based upon the results of your site investigation?

A No. I believe I will be able to give opinions on how much of certain material made it into the ground.

Q Have you been able to make an opinion, to form an opinion as to how much material made its way into the ground?

A At certain locations, yes.

Q How much is that?

A Depends on the location.

Q Could you review those for me and tell me the amounts?

A Based on the data to date, subject of some more testing or results of testing that have been taken in the vicinity of 19 and 20, that material in the

1  
2 ground now or had been disposed of is in the order  
3 of 1 to 10 gallons of pure solvent; that else-  
4 where on the site, other than the vicinity of 19  
5 and 20, on the order of 5 to 100 gallons.

6 Q Where is the 5 to 100 gallons?

7 A Everywhere else other than the northern part of the  
8 site.

9 Q 5 to 100 at each of those areas that you identified?

10 A Total.

11 Q Total?

12 A Total.

13 That is which still exists.

14 Q So between 5 and 100 gallons of solvent, of  
15 material was disposed of?

16 A No, exists.

17 Q Okay.

18 And 1 to 10 gallons of pure solvent exists  
19 at wells 19 and 20 in all probability; is that  
20 right?

21 A That 1 to 10 accounts for the level of material that  
22 is found in those wells, yes.

23 Q And that all the other contaminants found on the  
24 site probably equal about 5 to 100 gallons?

25 A That have been detected, although I think the site

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has had some pretty good coverage.

Q Is that 5 to 100 gallons of all solvent?

A Total.

Q Of --

A Of synthetic organics still present on the site.

MR. SCHLICHTMANN: Very good. Thank you  
very much.

(Whereupon, the deposition was  
adjourned at 7:00 P.M.)

---

J U R A T

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

Signed under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

\_\_\_\_\_  
STEVEN PAUL MASLANSKY

(OPTIONAL)

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

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