

L. HENSON

PLAINTIFFS

VS

CASE NO. CIV-77-51-G

INDUSTRIAL WASTE CONTROL, et al

DEFENDANTS

DEPOSITION OF: WAYNE ELLIOTT

DATE: MARCH 25, 1981

LOCATION: FORT SMITH, ARKANSAS
OFFICE OF MR. WAYNE HARRIS

A P P E A R A N C E S

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It is hereby stipulated and agreed by and between counsel for plaintiffs and counsel for defendants, that the discovery deposition of WAYNE ELLIOTT may be taken before Nancy Q. Ralston, a Notary Public and Court Reporter, at Fort Smith, Arkansas, on March 25, 1981.

All formalities, including notice, filing and signature of the deponent, are hereby waived, except that either party may object to any question at the time of the reading of the deposition, on the grounds of incompetency, irrelevancy and immateriality.

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BC: How old are you Wayne?

WE: 31.

BC: What is your address here?

WE: Route 2, Box 284, Fort Smith, Arkansas. 72916

BC: I'm going to be taking these notes, today is the 31st of March, 1979. We have me and Perry Henson with us. First of all, when did you first go to work or have anything to do as far, when did you first go to work for Industrial Waste Control.

WE: I first went to work for the company, for Truck Equipment.

BC: When was that?

WE: January or February of 1974.

BC: Alright, that is one of the other companies that Grady Shipley owns.

WE: It's all in one, I drove a truck to pick up all of their bodies and stuff on the road and then worked in the shop and done everything in the world including driving for Industrial Waste, where they needed me.

BC: So you worked really even when you were driving a truck for Industrial Waste Company, you are also driving for Truck Equipment.

WE: There at the last I wasn't, but at the first of it, I was just part time, like if one of their guys was off sick, I would get out in it and I would drive for Industrial Waste if I was in and didn't have someplace to go, til about August of 1975 when I went on full time for Industrial Waste.

BC: From then on you just drove the waste trucks for Industrial Waste.

WE: Right.

BC: That was about August of 1975?

WE: Yeah.

BC: What kind of truck did you drive or did you drive different kinds of trucks.

WE: Those white Macks.

BC: What is that? It may not have been 1975, let me think, I believe it was 1976 when I went there. I was about a year behind. It's a white long-nose Mack truck, converted to use those is what it is.

BC: Did it have a bed on it or a tank.

WE: Roll-off. And I drove the tank truck too. They had both.

BC: What kind of tank truck did they have, a vacuum truck.

WE: They had a vacuum truck, too, that they used too, it was an International.

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WAYNE ELLIOTT, having been duly sworn, testifies
as follows:

DIRECT EXAMINATION

BY MR. HARRIS:

Q. State your full name, please.

A. Wayne Lee Elliott.

Q. What is your present residential address, Mr. Elliott?

A. P.O. Box 423, Mountainburg, Arkansas.

Q. And that's your mailing address, now where do you live?

A. Mountainburg.

Q. And where in Mountainburg?

A. On Highway 71 about half way through town.

Q. How long have you lived at that particular residence?

A. About three months.

Q. And where did you live before that?

A. Jenny Lind, Arkansas

Q. And where in Jenny Lind?

A. On the old highway, the cutoff, when they rerouted 71.

Q. And how long had you lived there?

A. About all my life.

Q. Continuous?

A. No, off and on.

Q. Okay, how long did you live there continuous before moving
to Mountainburg three months ago?

A. About three years.

Q. And where did you live before then?

A. Mena.

Q. Do you remember the years you lived in Mena?

A. No sir -- '75, '76, something like that.

Q. How long did you live in Mena?

A. About a year and a half.

Q. Were you employed in Mena?

A. Yes sir.
 Q. By whom?
 A. Farrell Cooper Mining Company.
 Q. How long did you work for Farrell Cooper Mining Company?
 A. A little over a year.
 Q. What type of work did you do?
 A. Truck driver.
 Q. And after you left that job what was your next employment?
 A. Truck Equipment.
 Q. How long did you work at Truck Equipment?
 A. You talking about before or after?
 Q. After, after you left Farrell Cooper.
 A. Oh, I come back to Fort Smith.
 Q. And who was your next employer after Farrell Cooper?
 A. I went to work for Crain Industries.
 Q. Who was your supervisor at Crain Industries?
 A. Dude Crain.
 Q. What did you do for Crain Industries?
 A. Truck driver.
 Q. Over the road?
 A. Uh-huh (yes).
 Q. And after Crain Industries, what was your next employment?
 A. Arkansas Transport.
 Q. Who was your supervisor with Arkansas Transport?
 A. Felton Langford.
 Q. How long have you been employed by them?
 A. A little over two years.
 Q. That's your present employer, I take it?
 A. Yes.
 Q. How long were you employed by Crain Industries?
 A. About six months.

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Q. What is your date of birth?
A. 6-22nd-'47.

Q. What is your education?
A. Twelve, twelfth grade.

Q. Completed the twelfth?
A. Yes.

Q. Where?
A. Greenwood.

Q. Have you had any other education or vocational training?
A. No sir.

Q. Is your employment history, then, been primarily that of
a truck driver?
A. Yes.

Q. Have you had any other types of employment?
A. Not to speak of, just spot jobs here and there, most of
it in the last ten years a truck driver.

Q. Have you ever served in any branch of military service?
A. No sir.

Q. Who are your parents?
A. Earnest Elliott and Geraldine Elliott.

Q. And where do they live?
A. Jenny Lind, Arkansas.

Q. Do you have other brothers and sisters residing in
Sebastian County?
A. I got two brothers.

Q. And what are their names?
A. Gerald Elliott and Darrell Elliott.

Q. How old is Gerald?
A. Twenty-three.

Q. Who's he employed by?
A. Southwest Rebuilders.

Q. And what about Darrell?

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A. He's Schnucks-walgreen. He's 21.

Q. Are you married?

A. Yes sir.

Q. What is your wife's name?

A. Shirley.

Q. What was her maiden name?

A. Ketscke.

Q. Who are her parents?

A. Luke and Edith Yenger, she's from Iowa.

Q. She's from Iowa? She has, I guess, no relatives in Sebastian County?

A. No.

Q. Other than your parents, do you have any other relatives here in Sebastian County either Fort Smith District or Greenwood?

A. Just uncles and aunts.

Q. In the Greenwood District?

A. Some of them.

Q. Do any of them have last names other than Elliott?

A. Yes.

Q. Would you give me their names please.

A. Cheek.

Q. C-h-e-e-k?

A. Yes.

Q. And how many Cheeks do we have, several?

A. Several.

Q. Okay, so if we have any Cheeks down there, it's a pretty good chance they're related to you?

A. You might say that used to, over half the town I was kin to at Jenny Lind.

Q. Okay, any other relatives in the Greenwood District of Sebastian County with the last names other than Elliott and Cheek?

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A. Johnson.

Q. And can you give me the names of any of the Johnsons?
Are any of the Johnsons in business?

A. No sir.

Q. Where do they live?

A. They live down in Jenny Lind. He's dead now. She re-married again but I have a cousin named Johnson, Harold.

Q. Who's the lady that remarried? What's her name now?

A. I know it but I can't think of it.

Q. What's her first name?

A. Bonnie.

Q. Was that her husband that was killed in an oil rig accident?

A. No. Phillips.

Q. Okay, at one point I believe I understood you were going to tell me about Truck Equipment Company at some time.

A. That was before I went to Mena.

Q. Okay, do you remember when you were first employed by Truck Equipment Company?

A. I'm not quite sure but I believe it was, I went to work January of '74, I'm not sure.

Q. And was that for who?

A. That was for --

Q. Truck Equipment?

A. Truck Equipment.

Q. Okay, then how long did you remain employed by Truck Equipment Company?

A. Somewhere around August of that year I went to Industrial Waste which is a sister company.

Q. Okay, and what did you do for Truck Equipment Company?

A. I drove a truck, worked part time in the shop, mostly on the road.

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- Q. Where did you drive the truck?
- A. Just wherever they needed me, bodies picked up, different places you know, picking up stuff that they bought.
- Q. And then you became employed by Industrial Waste in August of '74?
- A. Right around there.
- Q. Who hired you?
- A. Dude.
- Q. Dude who?
- A. Willis.
- Q. Had you ever worked for Mr. Willis before that?
- A. Well just occasionally. Truck Equipment and Industrial Waste, you might as well say, was owned by the same person and when they needed me and I wasn't out on the road, then they used me part time in their truck picking up industrial waste.
- Q. How long did you work for Industrial Waste?
- A. Till, I think, it was April of '75 when I quit.
- Q. Have you worked for Dude Willis at any time after April of 1975?
- A. No sir.
- Q. Now you worked for Mr. Grady Shipley after, anytime after April of '75?
- A. No.
- Q. And have you worked for Truck Equipment after April of '75?
- A. No.
- Q. Have you worked for Industrial Waste Control, Inc. anytime after April of 1975?
- A. No.

MR. CLOAP:

Excuse me for interrupting but now I'm confused about the dates. I'm not doing this to try to confuse

anybody else but to clarify. As I recall, the dates involved were 1977 when they had this overflow thing that Henson brought the suit about.

A. Well, it could have been. My mind is --

MR. CLOAR:

He told me he was working for them at the time.

A. I was there at the time. Now I may have my dates mixed up because I said I'm not sure about my dates. I know I worked for them for a little over a year and I started around January, the first of the year and I quit sometime in April, a little over a year. Now my dates could be wrong but I can't tell you 'cause it's been, we're talking about four or five years ago and I can't -- I slept a lot since then.

Q. Of course, it's really important that we know the dates, Mr. Elliott, and, of course, this is one of my reasons for taking your deposition.

A. Yeah, I understand.

Q. And Mr. Cloar pointed out correctly so.

A. Well I did work for the company a little over a year. I think I went with the company sometime in January of one year and quit the following April of the next year and it was around August and the middle of the fall when I changed from one part of the company to the other part of the company.

Q. Why did you quit Industrial Waste?

A. I had a better job offer.

Q. Where?

A. Down at Hena.

Q. And you've never been back, employed by the Shipleys?

A. No sir.

Q. Well, I think to expedite matters and since you don't have,

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I guess, specific recollections, tell me what you know about the landfill operation that was operated by Dude Willis before Grady Shipley ever became involved?

- A. I don't know. I just -- when I worked for them --
- Q. Okay. Again, not to belabor the point Mr. Elliott, it is my understanding that you didn't know when you worked for them, I was trying to eliminate being too specific in making you call for dates you don't recall. Let me ask you in this way and maybe we can get straight. While you were working for Truck Equipment Company and Industrial Waste Control, Inc., tell me what you know about the operation of the landfill adjacent to Mr. Henson's property?
- A. As far as the operation of it, I was told to take it out there and I dropped it out on the ground, you know, and as far as I know it was up on the ground because they just tell me to take it out there and I take it out and dump it.
- Q. What would you take out and dump?
- A. Well, just different things, whatever we pick up around town, commercial trash and stuff like this. I call it trash but, you know, it's waste from the factories.
- Q. Okay, now Mr. Henson has listed you as a potential witness to testify in his behalf during a trial of a suit that Mr. Cloar has filed on his behalf. Do you know what information that you might have that might be helpful in that suit. What have you told Mr. Henson that you know about the landfill operation?
- A. No more than I tell you right now.
- Q. Okay, and again, I could spend two hours of your time and ask you all sorts of silly questions about your knowledge but I'm trying to save your time and mine. If you know any specifics of what you hauled or any specific places where you picked up, any kind of waste, if you can tell me

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any of that, it would help me. I'd like to know everything that you know or can remember about your job working for Industrial Waste, Mr. Willis and Grady Shipley.

A. Well, we picked up DeSoto, Rheems, Whirlpool, picked up the different areas, and we picked up some hazardous waste and liquids and take out there in a tank truck.

Q. Okay, now who used the term hazardous waste and liquids?

A. Well I'm determining because they were scrap paint, stuff like this here from these different factories. Now I don't know what was all in it but they just said it was scrap paint.

Q. And it was your, you labeled it hazardous?

A. Yes sir.

Q. Let's do this if we can. We do need to be specific as we can and I don't want to belabor this unduly but you've given me the names of DeSoto, Rheem and Whirlpool. Where else did you pick up anything for Industrial Waste, Grady Shipley or Mr. Willis?

A. Warwick Electronics. That was in Forrest City.

Q. What did you pick up there?

A. We picked up scrap material in 55 gallon barrels.

Q. What was that material?

A. They called it paint residue.

Q. What was in that, do you know?

A. I don't know.

Q. Do you have any information other than the general scrap paint residue?

A. Well that's what they told me. I asked the guy up there when they was loading it what it was and he said it was scrap paint and stuff.

Q. Okay. How many times did you go over there in Forrest City?

A. Several, five or six.

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Q. Five or six, between five and ten?

A. Yes sir.

Q. Would that help you a little bit, give you a little bit more leeway. You know you went at least five?

A. Yes sir.

Q. And you know you didn't go as many as ten?

A. Right.

MR. CLOAR:

He said five or six. Let's just ask the question, Wayne. You don't have to get upset.

MR. HARRIS:

I'll take the deposition, Mr. Cloar, unless you want to leave and get the Court's direction.

MR. CLOAR:

Just ask the questions. I told him to answer, tell the truth. If you ask the questions --

MR. HARRIS:

I was trying to be fair with the gentleman. He's told me he's slept in the five years and I don't want to unnecessarily --

MR. CLOAR:

You asked him and he said five or six and --

MR. HARRIS:

And he looked at me with a facial expression that that might be a little off and so I was being fair with him in letting him have a little bit more on top of it.

MR. CLOAR:

Well if you want to give him more, then that's your words, not his. Now don't put words in his mouth.

MR. HARRIS:

It's Mr. Elliott's words.

MR. CLOAR:

I think the records will show that the Judge can

determine --

MR. HARRIS:

Do you want to take the deposition, Mr. Cloar, or do you want me to take it?

MR. CLOAR:

No, I just want you to exercise common decency.

MR. HARRIS:

You can just shut up and be quiet or take the deposition. I'm not going to put up with this harassment.

MR. CLOAR:

I resent you telling me to shut up, Wayne, and I want that on the record for the Judge and if he ever wants to review how you're behaving, that's all right with me.

Q. Mr. Elliott, was I being too generous to you in phrasing your question? Did you not give me kind of a glance that you could have been a little bit off?

A. Well, I give you a glance that I didn't know for sure. It was either five or six and in that neighborhood.

Q. Did it offend you that I gave you more than that?

A. Not really.

Q. Okay. I'm sorry. I don't mean to be unfair. What other customers did you pick up any type of waste while you were working for Industrial Waste or Truck Equipment or Dude Willis or Grady Shipley?

A. We picked up -- like I say, most of them was Rheems and Whirlpool, DeSoto, sometimes at Baldor and then Warwick Electronics. That's about the most of their big accounts. Sometimes we'd have a spot account of just a one time deal or something like that but most of it was to their steady accounts.

Q. Can you tell me the one time deals?

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A. Oh, we had, when they was building the Sparks Hospital out here, well they had a trash bin out here.

Q. What did you pick up there?

A. Just the scrap, construction scrap.

Q. Solid waste?

A. Yes sir. It was brick or pieces of sheetrock or boards or something like that.

Q. Okay, where else?

A. They had containers set around for these roofing companies and stuff like this every once in awhile. It was just scrap roofing, what they'd take off. That was just --

Q. Any place else?

A. Not that I can recall.

Q. What did you pick up at Whirlpool?

A. Well, it was a sludge from the water purification plant.

Q. What was in it?

A. It just looked like a brown looking stuff. That's all I can tell you.

Q. You don't know any specifics?

A. No sir.

Q. What did you pick up from Rheem?

A. Well we pick up, sometimes, some scrap paint from Whirlpool.

Q. Anything else from Whirlpool?

A. Not that I can think of.

Q. What did you pick up from Rheem?

A. We had regular trash bins there, plus then we picked up every so often, like I say, some more scrap paint from them or scrap material.

Q. Okay, the regular trash bins, would that have been solid waste?

A. Right.

inside of them and see what was in them?

A. Not really, unless the top was open or something.

Q. Would you just depend entirely, then, on what the customers told you?

A. Yes sir.

Q. Do you know what was in any of the barrels that you dumped?

A. No sir.

Q. Do you know whether it was sludge as opposed to liquid waste or do you consider sludge a liquid waste?

A. When we went to Warwick Electronics sometimes we first went down there with a pump truck and there was sludge in the bottom of it and then there was liquid and we'd pump it out what we could and then they started hauling it in barrels.

Q. Okay. You drove then, I understand, both the vacuum trucks and the other trucks?

A. Right.

Q. Do you know of any of the types of liquids that you actually carried in the vacuum trucks other than what you told me?

A. No sir.

Q. Do you have any knowledge of any other type of liquid waste other than what you've told me that was dumped into the landfill site adjacent to Mr. Henson's property?

A. No sir.

Q. Do you know of any other individuals, businesses, who were dumping liquid waste in that landfill other than Industrial Waste?

A. No sir.

Q. Would you describe the landfill site while you worked there with regard to where you were dumping the liquid waste and how you went, or would do it?

A. The liquid waste was in three ponds and you just back up to one pond and throw the hose over and blow it off into the pond.

Q. And that was all, just emptying --

A. The barrels had their own pit that they went into.

Q. Now okay, where was that located?

A. I guess you could say behind it, or south of the pits.

Q. South of the ponds?

A. Ponds.

Q. And then would the solid waste be disposed in a pit that would be south of the ponds too?

A. No sir, it would be, I guess you could say, well the ponds was up on one end of it and kinda south of the deal. The rest of the area was for the solid waste.

Q. Okay, so the barrels were dumped in an area close to where the ponds were then?

A. Yes sir.

Q. Essentially?

A. Yes sir.

Q. Were there ever more than three ponds there while you worked?

A. No sir.

Q. Do you have any personal familiarity with the landfill site during any period of time other than while you were working for Industrial Waste, Truck Equipment, Mr. Shipley or Mr. Willis?

A. No sir.

Q. Do you know anything else about the landfill site at all other than what you've told me?

A. No sir.

Q. Do you know anything about what else is dumped there or ever has been dumped there other than what you told me?

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A. No sir.

Q. Do you know anything about the underground waterflows or geology or streams or water supplies in that area?

A. I just know it used to be an old strip pit, that's all I know.

Q. What used to be an old strip pit?

A. Where the dump is located itself. It's an old strip pit.

Q. What about Mr. Henson's property? When was the first time you were ever acquainted with it or how long have you been acquainted with it, I should say?

A. Well, I've lived around that area all my life.

Q. Have you ever observed the Henson property being in any different condition than it is now?

A. I haven't really been out by it in the last year or so. I couldn't tell you.

Q. Do you know anyway that Mr. Henson has been damaged as a result of the landfill being located adjacent to his property?

MR. CLOAR:

I object unless you can explain to him what damage means as a legal term.

Q. Do you know what damage means, Mr. Elliott?

A. I guess you're referring to the spill on his property?

Q. Right.

A. Like I said, I haven't been by and seen Mr. Henson's property in several years. I wouldn't know. You'd have to go off the road and I don't even travel on it. Like I say, I couldn't tell you.

Q. Okay, maybe we can back into it this way. You're familiar with when the spills occurred?

A. Yes sir.

Q. Did you ever go out there after the spills occurred?

A. Yes sir.
 Q. And what did you observe?
 A. I seen greasy looking liquid on top of the water which I took the vacuum truck out and me and Dude helped pump up what we could.
 Q. Out of what?
 A. Out of the road ditch and as far as we could reach with the hose.
 Q. And did you enter upon Mr. Henson's property?
 A. Other than just through the fence with the hose, but not with the truck I didn't.
 Q. Did you pump out his ponds, farm ponds?
 A. No sir I didn't. Somebody else did.
 Q. Do you have knowledge of that?
 A. Well I hear -- I did not see 'em but I think the truck got stuck out there. That's just hearsay.
 Q. How many times would you say you have been near enough to Henson property since the overflow to observe the Henson property?
 A. I can't remember the last time I was down there, down that road.
 Q. Okay, how many times after the overflow were you back in the area, the Henson property, to have an opportunity to observe it?
 A. Just right after it happened.
 Q. Could you give me a specific, say within 30 days?
 A. Yes sir.
 Q. Have you seen it at any time, say longer than 30 days afterwards?
 A. Other than just a casual drive by and not paying any attention to his property.

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- Q. You haven't observed the condition of his property since the overflows after you pumped the ditches?
- A. No sir.
- Q. So if his grass has been discolored you don't know anything about it?
- A. I paid no attention.
- Q. Did you observe any cattle, when you were down there, being sick or dead on the Henson property?
- A. No sir.
- Q. Did you observe any fish being dead?
- A. Yes sir.
- Q. Where?
- A. In the pond.
- Q. And could you give me a description of what you observed with regard to quantity of fish and type?
- A. Well it was just regular fish afloatin out there?
- Q. You don't know what they were?
- A. No sir. I didn't pay that much attention to it.
- Q. How many ponds did Mr. Henson have at that time?
- A. Just the one right close the road that I know of.
- Q. Farm pond?
- A. Right.
- Q. Other than pump the ditches and run the hose, I believe you said, through Mr. Henson's property, the fence, what was purpose of that?
- A. Trying to suck up the skin of the oily look or liquid that was on top of the water.
- Q. In the farm pond?
- A. Well it was on the farm pond and down by the road ditch and down by the -- the pond's by the road.
- Q. With respect to when the overflow occurred, how long after it was it when you were doing that?

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A. I couldn't tell you. It was one evening when I was coming in from work.

Q. Was it the day after the overflow, or the week after?

A. I think it was that day or that evening after the overflow or something like that. It was pretty soon 'cause the fish was just starting to come up and start dying on the pond.

Q. Did you do anything else upon the Henson property after this overflow?

A. Not that I can remember.

Q. And how long did you continue working for Industrial Waste or Truck Equipment or Grady Shipley or Mr. Willis after this overflow, approximately, just to your best judgment?

A. I don't know. It wasn't -- I couldn't tell you because there at the last I was involved with the deal over in Crawford County and I wasn't even on this side of working, you know.

Q. Do you know anything about the sale of Mr. Henson's cattle?

A. No sir.

Q. Do you know why he sold them?

A. No sir.

Q. Are you familiar with the fact that at that time that Mr. Henson had Fort Smith city water available to the residence there?

A. No.

Q. Were you acquainted with the Newmans that lived on the Henson property at that time?

A. Just a mere casual acquaintance, just knew 'em when you saw 'em.

Q. Have you had discussions with Mr. Henson about this lawsuit?

A. He's come by and asked. I guess you'd say he's asked me you know, what, you know, some questions and I give him a deposition.

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Q. Okay. Do you have any other knowledge or remember any information that you all have discussed other than what I've asked you here today?

A. No sir.

Q. Have you told them anything else other than what I've asked you.

MR. CLOAR:

Wayne, again you're asking some very general questions that could cover a lot of territory and I'm not sure that are fair to the witness, so many things that could be covered and you've asked the questions about his facts and what he saw, heard or knows, fine, but such a general statement like that is almost impossible to answer.

Q. Mr. Elliott, let us assume that when we talk about damage, we mean, at least for the purpose of my question, that someone, such as Mr. Henson, is going to have to spend money to correct a situation that has been thrust upon him.

A. Uh-huh (yes).

Q. Do you know anything about the type of money that Mr. Henson would have to spend as a result of the overflows on March 31, 1977?

A. No.

Q. Have you observed any photographs taken of the Henson property after the overflows?

A. No sir.

Q. Have you taken any?

A. No sir.

Q. Other than talk with Mr. Henson and his attorney, have you taken any other action or, in connection with viewing the Henson property or the landfill site?

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- A. No sir.
- Q. Have you viewed the landfill site in the last two or three years?
- A. No sir.
- Q. How long since you've been back to the Henson property or the landfill site?
- A. Several years.
- Q. Since you quit Industrial Waste or Truck Equipment or Duda Willis or Grady Shipley, have you been back to that area?
- A. To the landfill site?
- Q. Landfill site or Henson property.
- A. No sir.
- Q. Other than what you told me about using the truck and pumping the whatever you pumped out of the ditch and off of the Henson property, did you do anything else after the landfill, either to make any changes to the landfill site or to do anything on the Henson property?
- A. No sir.
- Q. Do you know anything about the chemicals or the type of liquid that flowed across the Henson property as a result of the heavy rains on March 31, 1977?
- A. No sir, other than just an oily looking residue on top of the water.
- Q. You don't know what it was?
- A. No sir.
- Q. Did you observe his field and grass at that time?
- A. No.
- Q. At the time that you were there on the Henson property, the last time, did you observe any livestock, cattle, or other animals?
- A. No, I didn't pay no attention to them.

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- Q. Do you know how long Mr. Henson's owned that property?
- A. No sir.
- Q. Do you know how long the landfill had been in operation before you became employed for Truck Equipment Company?
- A. Exactly no, but it -- two, three, four years, something like that.
- Q. Before you became employed?
- A. Right.
- Q. How would you describe the appearance of the landfill the first time that you observed it?
- A. Oh about half, maybe two-thirds full.
- Q. Of what?
- A. It was already compacted down into the -- in other words, it was just a long pit and I figured two-thirds full.
- Q. Were there any liquid ponds?
- A. The three.
- Q. And were there any barrels being dumped before you became employed for Truck Equipment?
- A. I can't answer that because I can't remember if there was. I'm sure there was, probably was but I'm not gonna say.
- Q. Have you observed any photographs that were taken of the landfill operation itself?
- A. No sir.
- Q. Have you been interviewed at any time by any representative of the Arkansas Department of Pollution and Control and Ecology?
- A. No sir.
- Q. Other than giving a statement to Mr. Henson and his attorney, have you given any other individuals a statement?
- A. No sir.
- Q. THAT'S ALL?

I don't have anything else.

C E R T I F I C A T E

STATE OF ARKANSAS)
COUNTY OF FRANKLIN) ss

I, Nancy Q. Ralston, a Notary Public and Court Reporter,
in and for the State and County aforesaid, acting as the
Court Reporter for the purpose of this deposition, do hereby
certify that the above and foregoing typewritten matter is a
true and correct transcription of the questions propounded
and the answers given, in the foregoing testimony of WAYNE
ELLIOTT, as shown by my record.

IN WITNESS WHEREOF, I hereunto set my hand and seal, this
28th day of MARCH, 1981.

Nancy Q. Ralston
Nancy Q. Ralston
Notary Public-Court Reporter

MY COMMISSION EXPIRES AUGUST 22, 1984