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IN THE CHANCERY COURT OF SEBASTIAN COUNTY, ARKANSAS
GREENWOOD DISTRICT

GOLDIE DUGAN

PLAINTIFF

VS.

CASE NO. E-83-28-G

CLARENCE HOOD and REBA HOOD
husband and wife, JOHNNY BART
and VIOLET HART, husband and wife
and WILLARD NEAL, a single person,
and MR. & MRS. PERRY BENSON, DENNIS E.
and TERESA K. HART, his wife, HENRY R.
IVY and MINNIE P. IVY, his wife, RAYMOND
CHARLES BART, and LORA BART, his wife, and
KENNY D. VAUGHN and JOYCE A. VAUGHN, his wife

DEFENDANTS

Wayland Parker
14 8 11 52 103 103

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JUDGMENT AND ORDER

Now on this 5th day of October, 1984, comes on for hearing the above styled and numbered action, the Plaintiff appearing in person and by and through her attorney, Wayland Parker, and the Defendants, John E. Hart and Violet Hart, husband and wife, Raymond Charles Hart and Lora Hart, husband and wife, Kenny D. Vaughn and Joyce A. Vaughn, husband and wife, Dennis E. Hart and Teresa K. Hart, husband and wife, and Henry R. Ivy and Minnie P. Ivy, husband and wife, appearing by and through their attorney, David L. Rush, and the Defendants, Clarence Hood and Reba Hood, husband and wife, appearing by and through their attorney, Gary Person, and the Defendants, Mr. and Mrs. Perry Henson, appearing by and through their attorney, David Westmoreland, and the Defendant, Willard Neal, appearing not nor through an attorney, but has been personally served with summons and is in default herein, and after the hearing and trial of this matter, statement of counsel, testimony of the parties and witnesses on their behalf, and from the entire file of this matter, the Court finds:

I.

That the Plaintiff's complaint is denied.

II.

That the Defendants', John Hart, Violet Hart, Kenny D. Vaughn, Joyce A. Vaughn, Raymond Charles Hart, Lora Hart, Dennis E. Hart, Teresa K. Hart, Henry R. Ivy and Minnie P. Ivy's, motion

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to join Minnie Clark as a party to this action is granted in part as follows: That the said Minnie Clark is joined as a party to this action and the deed which is attached to the Plaintiff's original petition to quiet and confirm title and remove cloud, as Exhibit A, which deed is recorded in Book 320 at page 160, wherein Minnie Clark was grantor, by and through her attorney-in-fact, Marie Byrd, and Goldie Dugan was grantee, is hereby cancelled, set aside and held for naught, as the said power of attorney executed by Minnie Clark on July 25, 1973, and recorded in Book 246 at page 475 is defective, and invalid. The Court also finds that even if the power of attorney was valid it has been voided, as by statement and testimony of the parties, including Plaintiff. The said Minnie Clark is now incompetent, and was incompetent on the date the aforementioned deed was executed, and therefore, the conveyance was ineffectual to grant the Plaintiff, Goldie Dugan, any interest in and to the property owned by the said Minnie Clark.

III.

That the power of attorney heretofore mentioned is hereby cancelled and declared to be invalid and ineffectual.

IV.

That the Court finds that the said Minnie Clark is an incompetent and a guardian should be appointed for her in an appropriate Court.

V.

That the Court finds that in all the deeds which contemplate the banks of the strip pit as the property line and which are in issue in this case are construed to mean the edge of the strip pit and not the mound of the dirt and material taken from the strip pit. By way of illustration, the boundaries referred to in the deeds are established as the face of the bank, or where the land actually drops into the strip pit itself.

VI.

That the Defendants', Hensons', boundary lines are established by their survey and the fence line in existence on October 5, 1984 and title to said property is confirmed and quieted in them.

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VII.

That the Defendants', John E. Hart and Violet Hart, Dennis E. Hart and Teresa K. Hart, Henry R. Ivy and Minnie P. Ivy, Raymond Charles Hart and Lora Hart, and Kenny D. Vaughn and Joyce A. Vaughn's, property lines are established by their survey and by the fence in existence on October 5, 1984 and title to the said Defendant's respective tracts are confirmed and quieted in them.

VIII.

That the Defendants', Clarence Hood and Reba Hood's, property line is established by their survey and the fence line in existence on October 5, 1984 and title to said property is confirmed and quieted in them.

IX.

That all parties are enjoined from molesting or bothering the other parties to this action in the peaceful enjoyment of the other parties' property as established above.

X.

That the Plaintiff, Goldie Dugan, or Minnie Clark should have their property resurveyed, taking into consideration the surveys of the Defendants and the fence lines established and existing on October 5, 1984.

XI.

That each party shall pay their own costs and attorney's fees, except that the fee of the guardian ad litem, Norman Wilkinson, a duly authorized and practicing attorney in good stead, are to be apportioned one-half to the Plaintiff and one-half as to the remaining Defendants, to be paid by on a pro rata basis. The Court finds a reasonable fee of the Guardian Ad Litem is \$835.00.

IT IS SO ORDERED AND DECREED.


Chancellor

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HENSEN V. INDUSTRIAL WASTE CO.
 SUMMARY OF TYPES AND ESTIMATED QUANTITIES
 OF CHEMICALS IN DUMP SITE:

Parker Solvents Co.
 3619 Wheeler Avenue
 Fort Smith 785-2321

1975-77, 449 50 gal. drums
 of Wash-Off No. 168:
 29% methyl ethyl ketone
 11% acetone
 14% methanol
 3% butyl cellasolve
 43% toluene

Whirlpool Corp.
 500 Jenny Lind Blvd.
 Fort Smith

copy of 2 Lawson tests (attached,
 quantities not divulged in
 Interrog. (41-59 drums/wk in
 letter to AK Pol. Cont. Dept.)
 sludge now to Kansas Ind. Env. Serv.
 Wichita, Kansas,
 paint thinners to Solvents Recovery
 Corp., Tulsa, Okla.

General Electric
 South Zero
 Fort Smith

No analysis available.
 "waste paints and solvents"
 (now using Solvents Recovery
 Corp. of Tulsa and U.S. Pollution
 Control Ctr., Okla. City)
 Quantity: 4/22/75/33
 8/3/76/85
 8/25/76/24
 3/10/77/45
 and so on --

of 55 gal. drums
 Types Now: 3/mo. denatured paints
 (acrylic)
 8/mo. uncured acrylic
 paint and xylol
 and toluol and Isac
 ? degreaser fluid
 w/trichloroethylene,
 grease and oils
 4/mo insulation adhesive,
 syn. rubber/resin
 and pet. distillate
 1/yr wire color dye/
 lead chromate,
 molybdate, sulfate
 and solvents
 2 bis/yr polymer
 coating (solvent
 polymer)
 quantities avg./wk:
 unknown

Baldor Electric Co. Inc.
 Fort Smith

No analysis as of 9/21/79 -
 in process of obtaining.
 Quantity: 106 drums 5/76-4/77
 now using Solvents Recovery Corp.
 of Tulsa. Waste cutting oil
 defendant says "longlife" coolant
 by Certified Laboratories,
 Ft. Worth

Desoto Inc.

Unknown quantities and content -
 (material safety data sheets?)
 Ind. waste tickets? -
 plant not in operation now -
 letter from Ind. waste re 94
 "hazardous" materials 3.17.77

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Crain Industries, Inc.

Urethane foam and paper -
Liquid wastes stored on site 55 gal
drums and shipped to Tulsa for disp.
- objected to disclosure of analysis
Inc. Waste said methylene chloride

Other Co.'s: Solid waste only --
except Ft. Smith Barrel and Drum: solvent base
and waste hydrolicoil

Rheem?

left off Interrog. by mistake
Amt. and types unknown

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IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS
GREENWOOD DISTRICT

PERRY HENSON and
MARTHA L. HENSON

PLAINTIFFS

Vs.

Case No. Civ-77-51

INDUSTRIAL WASTE
CONTROL, INC.

DEFENDANT

ANSWERS TO WRITTEN INTERROGATORIES

Now comes the Defendant, Industrial Waste Control, Inc., by and through Grady Dean Shipley, President, and the said Grady Dean Shipley, after having first been duly sworn and under oath answers the Written Interrogatories filed on behalf of the Plaintiffs herein as follows:

INTERROGATORY NO. 1: State the names and addresses of persons known to Defendant and his attorney who have any knowledge of the facts and matters as alleged and set forth in the Complaint to our answer filed on behalf of the Defendant herein.

ANSWER NO. 1:

Grady D. Shipley
2900 Wheeler Avenue
Fort Smith, Arkansas

Nick Cox
2900 Wheeler Avenue
Fort Smith, Arkansas

James H. Willis
2900 Wheeler Avenue
Fort Smith, Arkansas

Stanley Everett Turpen
1118 1/2 North Sixth
Fort Smith, Arkansas

Wayne Elliott
5809 South 28th
Fort Smith, Arkansas 72901

Carl Reames
Department of Pollution Control & Ecology
8001 National Drive
Little Rock, Arkansas

Warren Coleman Jennings
Department of Pollution Control & Ecology
8001 National Drive
Little Rock, Arkansas

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Steven Floyd
Data Testing, Inc.
400 North 15th
Fort Smith, Arkansas

Also, the names and addresses of the individuals listed by Plaintiffs in their Answer to Interrogatory No. 1 filed herein.

INTERROGATORY NO. 2: State the names and addresses of all persons Defendants or its attorney will call to testify on behalf of Defendants during the trial of this cause should it not first be concluded by settlement.

ANSWER NO. 2: See the names and addresses of the individuals listed by Defendant in Answer to Interrogatory No. 1 herein.

INTERROGATORY NO. 3: When did Industrial Waste Control, Inc. commence business?

ANSWER NO. 3: Incorporated in Arkansas in August, 1974, with the name GNJ, Inc. d/b/a Industrial Waste Control. In February, 1976, the name of the business entity was changed to Industrial Waste Control, Inc.

INTERROGATORY NO. 4: When was Industrial Waste Control, Inc. organized if date of organization differs from date of commencing business?

ANSWER NO. 4: Not applicable.

INTERROGATORY NO. 5: Does Industrial Waste Control, Inc. maintain storage areas for industrial wastes?

ANSWER NO. 5: Yes.

INTERROGATORY NO. 6: How many storage areas does it maintain?

ANSWER NO. 6: In March, 1977, one storage area for solid waste was maintained and four containment ponds for the storage of liquid waste were maintained.

INTERROGATORY NO. 7: Where are these storage areas?

ANSWER NO. 7:

STORAGE FOR SOLID WASTE:

A certain strip coal mine pit of approximately 8 acres, more or less, in Section 31, Township 7 North, Range 31 West, Greenwood District of Sebastian County, Arkansas, lying in the North

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part of the tract described as follows:
beginning at a point 1,015 feet West and
600 feet North of the Southeast Corner
of the Southwest Quarter (SW/4) of Section
31, Township 7 North, Range 31 West, thence
West 2,088 feet, thence North 307 feet;
thence Northeasterly 2,132 feet, thence
South 483 feet to the point of beginning.

LIQUID WASTE STORAGE AREAS:

The surface only in and to the West Half
(W/2) of the following described property
lying South of the strip pit, to-wit:
beginning at a point 1,015 feet West and
600 feet North of the Southeast Corner of
the Southwest Quarter (SW/4) of Section 31,
Township 7 North, Range 31 West, thence
2,088 feet, more or less, to the West line
of said Section 31, thence North 307 feet
to a point on the North bank of the strip
pit, thence following the North bank of the
strip in a Northeasterly direction 2,132
feet thence South 483 feet to the place of
beginning, containing 5 and 1/2 acres, more
or less, all in the Greenwood District of
Sebastian County, Arkansas.

INTERROGATORY NO. 8: Define what you mean by storage
areas with reference to question 5, 6 and 7 above.

ANSWER NO. 8: The storage area for solid waste disposal
is a sanitary landfill for the disposal of solid waste or non-
liquid waste obtained by Industrial Waste Control, Inc. in the
Fort Smith, Arkansas, area. The storage areas for the disposal
of liquid waste materials consist of a series of containment
ponds in which is placed the liquid waste materials obtained by
Industrial Waste Control, Inc. from the various industries in
the Fort Smith, Arkansas, area.

INTERROGATORY NO. 9: For what period of time are indus-
trial wastes stored in these areas?

ANSWER NO. 9: Permanently. A considerable portion of
the liquid waste materials evaporate.

INTERROGATORY NO. 10: How long has Defendant maintained
the storage area property adjacent to Plaintiff's property?

ANSWER NO. 10: Only the solid waste disposal area is
adjacent to Plaintiffs' property. This has been maintained
since August, 1974.

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INTERROGATORY NO. 11: Prior to March 27, 1977, where solid industrial wastes stored there?

ANSWER NO. 11: Yes.

INTERROGATORY NO. 12: If the answer to question 11 above is "yes", define what you mean by "solid industrial wastes".

ANSWER NO. 12: Solid industrial wastes consist of items such as wood, paper, cardboard, packing materials, cellophane, steel strapping, plastics, foam rubber, and other like items.

INTERROGATORY NO. 13: With respect to questions 11 and 12, what kind of solid industrial wastes were stored in Defendant's storage area?

ANSWER NO. 13: See answer to Interrogatory 12 herein.

INTERROGATORY NO. 14: How were these wastes stored?

ANSWER NO. 14: Landfill method. Basically, the wastes were dumped into the storage area and covered.

INTERROGATORY NO. 15: What ground preparation was performed on Defendant's land prior to the storage of said solid wastes?

ANSWER NO. 15: None.

INTERROGATORY NO. 16: Prior to March 27, 1977, were liquid industrial wastes stored or disposed of on Defendant's property adjacent to Plaintiffs' land?

ANSWER NO. 16: No.

INTERROGATORY NO. 17: If the answer to question 16 is "yes", define what you mean by "liquid industrial waste".

ANSWER NO. 17: Not applicable.

INTERROGATORY NO. 18: What kind(s) of "liquid industrial wastes" were stored or disposed of on Defendant's property adjacent to Plaintiffs'?

ANSWER NO. 18: Not applicable.

INTERROGATORY NO. 19: How were these liquid industrial wastes stored or disposed of on Defendant's land?

ANSWER NO. 19: Not applicable.

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INTERROGATORY NO. 20: What ground preparation was performed on Defendant's land prior to the storage or disposal of said liquid wastes?

ANSWER NO. 20: Not applicable.

INTERROGATORY NO. 21: Who supervised the preparation of the Defendant's land for the storage or disposal of liquid industrial wastes?

ANSWER NO. 21: James H. Willis, Carl Reames, and Nick Cox whose addresses are listed in Answer to Interrogatory No. 1 herein.

INTERROGATORY NO. 22: Where was the ground so prepared?

ANSWER NO. 22: A drainage ditch was dug above the container ponds to prevent surface waters from causing overflows of the ponds. Below the ponds on the north side, a safety dike was also built.

INTERROGATORY NO. 23: What outside engineers, surveyors and/or consultants were retained in the preparation of the land for liquid industrial waste disposed? (Please give names, addresses and telephone numbers.)

ANSWER NO. 23:

John N. Rogers, Jr.
5026 Old Greenwood Road
Fort Smith, Arkansas
Telephone Number 646-5528

INTERROGATORY NO. 24: To the extent that "ponds" were used by Defendant prior to March 27, 1977, for the storage of or disposal of liquid industrial wastes, state how many ponds were used by Defendant on its property adjacent to Plaintiffs for liquid industrial waste storage.

ANSWER NO. 24: None.

INTERROGATORY NO. 25: To what depth was each pond excavated. (List each pond as "Pond A - 13.5 feet, Pond B - 12.25", etc.)

ANSWER NO. 25: No ponds adjacent to Plaintiffs' lands were used for liquid industrial waste storage. However, Defendants did use four ponds with average depths of 4 feet each.

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INTERROGATORY NO. 26: At what elevation is the deepest point of each pond listed above in question 25? (If you have a map showing the ponds, simply attach that).

ANSWER NO. 26: At this time, information has not been located from which to answer this Interrogatory.

INTERROGATORY NO. 27: What is the highest and lowest elevation on Defendant's property? (If you have a map of the subject property, simply attach that).

ANSWER NO. 27:

LIQUID WASTE STORAGE AREAS: 570 feet-highest elevation
on South boundary
516 feet-low elevation

SOLID WASTE STORAGE AREA: 528 feet-high elevation
516 feet-low elevation

INTERROGATORY NO. 28: What is the maximum capacity (in gallons) of each storage pond?

ANSWER NO. 28: Approximately 30,000 to 40,000 gallons.

INTERROGATORY NO. 29: What is the "operating capacity" if different from maximum capacity of each storage pond as used by Defendant for storage or disposal of liquid industrial waste? Answer in gallons.

ANSWER NO. 29: Same as answer to 28.

INTERROGATORY NO. 30: What outside engineers, surveyors and/or other consultants have been retained by Defendant to advise it regarding the "operating capacity" of each pond?

ANSWER NO. 30: None.

INTERROGATORY NO. 31: Give the names, addresses, telephone numbers and dates of consultation of each of the engineers, surveyors, and/or other consultants referred to in question 30.

ANSWER NO. 31: Not applicable.

INTERROGATORY NO. 32: Under what official permit(s) does Defendant operate an industrial waste storage and disposal area on the subject property?

ANSWER NO. 32: Arkansas Department of Pollution Control and Ecology.

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INTERROGATORY NO. 33: Please attach a copy(ies) of the permit(s) under which you operate. Plaintiffs ask that this be done in order to avoid a formal motion for production of documents.

ANSWER NO. 33: See a copy of Permit No. 1629-S attached. The number has been changed to S-0052.

INTERROGATORY NO. 34: What federal official(s) have personally inspected Defendant's facility adjacent to Plaintiff's land? Give the names, addresses, and dates of inspection.

ANSWER NO. 34: None, to the best of the undersigned's knowledge and belief.

INTERROGATORY NO. 35: What tests were run on Defendant's facility adjacent to Plaintiffs' land by the federal official(s)?

ANSWER NO. 35: Not applicable.

INTERROGATORY NO. 36: Attach to the Answer of these Interrogatories any test results, reports, letters, warning, violations, issued by federal official(s) regarding the operation of Defendant's facility adjacent to Plaintiffs' property. Plaintiffs ask that this be done in order to avoid a formal motion for production of documents.

ANSWER NO. 36: Not applicable.

INTERROGATORY NO. 37: Have federal official(s) made any tests, reports, warnings or other written findings about Defendant its business of industrial waste control?

ANSWER NO. 37: Not applicable.

INTERROGATORY NO. 38: What were these tests, reports, warnings or other written findings?

ANSWER NO. 38: Not applicable.

INTERROGATORY NO. 39: Where were these tests, reports, warnings or other written findings made?

ANSWER NO. 39: Not applicable.

INTERROGATORY NO. 40: To whom were they made?

ANSWER NO. 40: Not applicable.

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INTERROGATORY NO. 41: What state official(s) have personally inspected Defendant's facility adjacent to Plaintiffs' land? (Include Oklahoma official(s) if an inspection has been made by officer(s) of that State).

ANSWER NO. 41: Carl Reames, Water Division of the Arkansas Department of Pollution Control and Ecology; Warren Jennings, Solid Waste, of the Arkansas Department of Pollution Control and Ecology; Jack Smitherman, Jr., former Solid Waste Inspector, Arkansas Department of Pollution Control and Ecology. Also, inspections have been made by other individuals whose names and positions are unknown. Oklahoma officials are not involved.

INTERROGATORY NO. 42: Give the names and addresses of each official who has inspected Defendant's facility.

ANSWER NO. 42: See answer to 41 herein. The addresses for Carl Reames and Warren Jennings are listed in Answer to Interrogatory No. 1 herein. It is believed that Jack Smitherman, Jr. resides in Prairie Grove, Arkansas at the present time.

INTERROGATORY NO. 43: Or what date(s) were these inspections made?

ANSWER NO. 43: Unknown.

INTERROGATORY NO. 44: What tests were run on Defendant's facility adjacent to Plaintiffs' land by the State officials?

ANSWER NO. 44: Unknown.

INTERROGATORY NO. 45: Attach to the Answer of these Interrogatories any test results, reports, letters, warnings, violations or other written findings issued or made by any State official regarding the operation of Defendant's facility adjacent to Plaintiffs' property. Plaintiffs that this be done in order to avoid a formal motion for production of documents.

ANSWER NO. 45: See attached to Defendant's Answers to these written Interrogatories copies of the inspection reports received by Defendant prior to March 28, 1977 for inspection dates on August 4, 1976; September 1, 1976; September 30, 1976;

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October 22, 1976; November 23, 1976; and December 21, 1976.

INTERROGATORY NO. 46: Have State officials made any tests, reports, warnings or other written findings about Defendant and its business of industrial waste control?

ANSWER NO. 46: See reports attached.

INTERROGATORY NO. 47: What tests, reports, warnings or other written findings were made?

ANSWER NO. 47: See reports attached.

INTERROGATORY NO. 48: When were these tests, reports, warnings or other written findings made?

ANSWER NO. 48: See reports attached.

INTERROGATORY NO. 49: To whom were they made?

ANSWER NO. 49: Industrial Waste Control, Inc.

INTERROGATORY NO. 50: Give the names and addresses of the businesses or manufacturing concerns using Defendant's waste control service on or before March 27, 1977.

ANSWER NO. 50: Baldor Electric Company, Crain Industries, Dale Crampton Company, DeSoto, Inc., Fort Smith Barrel and Drum, General Electric Company, General Tire and Rubber Company, Georgia Pacific Corporation, Gould Battery, Inc., Champ Hinton Pontiac, Inc., Industrial Roofing & Sheet Metal, Manhattan Construction Company, Motive Parts Warehouse, Parker Solvents, Inc., Plastic Research & Development Corporation, Rheem Manufacturing Company, St. Edward Mercy Medical Center, Southwest Rebuilders, Inc., Southwestern Glass Company, Whirlpool Corporation and Ball Plastics.

INTERROGATORY NO. 51: What is the chemical name of the wastes taken from each of the businesses or manufacturing concerns listed in question 50 above by the Defendant?

ANSWER NO. 51: The Department of Pollution Control and Ecology would have the best records concerning this information. However, the waste obtained from each of the industries contain the following materials as known to this Defendant:

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Baldor Electric Company

- (a) Waste cutting oil

Crain Industries

- (a) Methvlene Chloride
- (b) Solid waste

Dale Crampton Company

- (a) Solid waste only

DeSoto, Inc.

- (a) Paint and lacquer thinner
- (b) Solid waste

Fort Smith Barrel and Drum

- (a) Solvent base and water base ink
- (b) Waste hvdraulic oil
- (c) Sodium hydroxide

General Electric Company

- (a) Kerosene
- (b) Acetone
- (c) Water soluble oil
- (d) Hydraulic fluid
- (e) Solid waste

General Tire and Rubber Company

- (a) Solid waste only

Georgia Pacific Corporation

- (a) Solid waste only

Gould Battery, Inc.

- (a) Solid waste only

Champ Hinton Pontiac, Inc.

- (a) Paint thinner

Industrial Roofing & Sheet Metal

- (a) Solid waste only

Manhattan Construction Company

- (a) Solid waste only

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Motive Parts Warehouse

(a) Solid waste only

Parker Solvents, Inc.

(a) Paint and lacquer thinner

Plastic Research & Development Corporation

(a) Solid waste only

Rheem Manufacturing Company

(a) Phosphate sludge

(b) Solid waste

St. Edward Mercy Medical Center

(a) Solid waste only

Southwest Rebuilders, Inc.

(a) Solid waste only

Southwestern Glass Company

(a) Solid waste only

Whirlpool Corporation

(a) Porcelain filter sludge

(b) Porcelain frit

(c) Paint

(d) Alkaline flotation agents

(e) Paint thinner

(f) Phosphate sludge

(g) Hydraulic oil

(h) Methvlene chloride

(i) Solid waste

Ball Plastics

(a) Solid waste only

INTERROGATORY NO. 52: Which of these wastes, if any, are dangerous to plant or animal life?

ANSWER NO. 52: Depending upon volume and concentration, almost all solids and liquid waste could be dangerous to plant or animal life.

INTERROGATORY NO. 53: Does Defendant run any tests on the wastes taken by it from client businesses or manufacturing concerns?

ANSWER NO. 53: No, advice from the Arkansas Department of Pollution Control and Ecology is relied upon.

INTERROGATORY NO. 54: What kind of tests are run?

ANSWER NO. 54: Not applicable.

INTERROGATORY NO. 55: Please attach to your Answer to these Interrogatories any results of tests run by Defendant on the ^swates taken by it from client businesses or manufacturing concerns. Plaintiffs ask that this be done to avoid a formal Motion to Produce Documents.

ANSWER NO. 55: Not applicable.

INTERROGATORY NO. 56: Has Defendant ever carried poisons such as cyanide, arsenic and amonia from a business within a 90 mile radius of Fort Smith, Arkansas, onto its storage area next to Plaintiffs' land?

ANSWER NO. 56: Not to Defendant's knowledge.

INTERROGATORY NO. 57: If so, what are the names and addresses of those businesses?

ANSWER NO. 57: Not applicable.

INTERROGATORY NO. 58: On how many occasions was this done?

ANSWER NO. 58: Not applicable.

INTERROGATORY NO. 59: Does the Defendant mix waste from one user with the waste from another user in a single storage pond?

ANSWER NO. 59: Yes.

INTERROGATORY NO. 60: If the answer to the previous interrogatory is yes, please describe which waste are mixed with each other.

ANSWER NO. 60: Varies from time to time.

INTERROGATORY NO. 61: Are the industrial wastes which Defendant disposes on the property adjacent to Plaintiffs' capable of being legally discharged into the sewers, streams, or other water sources of Arkansas in the United States?

ANSWER NO. 61: No.

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