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ENVIRONMENTAL PROTECTION AGENCY
SUPERFUND SITE

COPY

IN THE MATTER OF:

JOHNNIE WILLIAMS,
AMERICAN DRUM & INC.

ORIGINAL

THE DEPOSITION OF JOHNNIE WILLIAMS

AUGUST 24, 2010

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1 The deposition of JOHNNIE
2 WILLIAMS, taken on behalf of the Environment
3 Protection Agency, pursuant to Subpoena, on
4 August 24, 2010, beginning at approximately
5 9:10 a.m. in the law offices of Parrish &
6 Shaw, 775 Ridge Lake Boulevard, Suit 145,
7 Memphis, TN.

8 This deposition is taken in
9 accordance with the terms and provisions of
10 the Federal Rules of Civil Procedure.

11 The signature of the witness is
12 not waived.

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APPEARANCES

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MS. BRENITA RICHARDSON

Reported by:

MS. MONNA J. MCCORMICK, RPR, CLR, CRR

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1 project manager for American Drum & Pallet
2 Company, Superfund site. Brenita is also
3 with the U.S. EPA, Region 4.

4 Also with me is Steve Spurlin who is
5 the on-scene coordinator with EPA Region 4.
6 Brenita, Steve and I will be asking
7 Mr. Williams questions this morning.

8 Mr. Williams, the reason we requested
9 your presence here today is because we
10 believe that you have information and
11 knowledge pertaining to the American Drum &
12 Pallet Company Superfund site in Memphis,
13 Tennessee, the operations at that site and
14 about companies and individuals who are
15 involved with that site, including customers
16 and clients of the American Drum & Pallet
17 site.

18 This deposition is being conducted
19 solely under our civil authority to
20 investigate and clean up contaminated sites.
21 And I would like to note for the record that
22 you are here present with your counsel,
23 Mr. Larry Parrish, and I understand that
24 Mr. Parrish may be here the whole deposition

1 or may step out from time to time.

2 MR. PARRISH: I might step out
3 from time to time or I might be here for the
4 full deposition. I will reserve the right to
5 do either, but probably will be here for the
6 whole -- I would like to make a statement
7 before questions are asked of Mr. Williams.

8 MR. HARBIN: Very good. And,
9 Mr. Parrish, if you do step out from time to
10 time, you and your client consent to us
11 proceeding with the deposition and asking
12 Mr. Williams questions?

13 MR. PARRISH: At the time I step
14 out, we will clarify that. There may be
15 occasions when I need to step out and I'd ask
16 you to give me an opportunity to come back
17 for a few minutes.

18 MR. HARBIN: Absolutely.

19 MR. PARRISH: But we'll clarify
20 that on the record each time I step out, if I
21 step out.

22 MR. HARBIN: Absolutely.

23 EXAMINATION

24 BY MR. HARBIN:

1 Q. Mr. Williams, during the deposition,
2 if any of my questions are unclear,
3 confusing, don't hesitate to stop me, ask for
4 clarification. I'll be happy to clarify or
5 you can consult with Mr. Parrish, your
6 attorney. Don't hesitate to do that.

7 If you need to take a break at any
8 time, if you want to speak off the record,
9 that is not with the court reporter, just let
10 me know and we will go off the record.

11 You will be entitled to see and
12 review the deposition transcript before -- a
13 couple of weeks after the court reporter has
14 transcribed this deposition. The only
15 corrections you will be able to make will be
16 limited to typographical errors or
17 misunderstandings.

18 If you realize that you remembered
19 something differently than when you were
20 sitting here today, that does not qualify as
21 a correction. Please call me, tell me, but
22 we can't change today's testimony otherwise.

23 Now, do you have any questions before
24 we begin the questioning phase of the

1 deposition, Mr. Williams?

2 A. No questions.

3 MR. PARRISH: I would say for
4 Mr. Williams, we do reserve the right to read
5 and sign and to execute an errata sheet.

6 MR. HARBIN: Absolutely.
7 Absolutely.

8 And for the record, we were supposed
9 to review records yesterday here in
10 Mr. Parrish's office. We were unable to do
11 that. And to review the records, we went out
12 to the American Drum & Pallet Company site.

13 We did spend the day out there
14 reviewing the records of the company.
15 Mr. Williams was there. We had the consent
16 of Mr. Parrish to be out at that site without
17 Mr. Parrish's presence and wanted to make it
18 clear that we were out there under our civil
19 investigation authority.

20 Mr. Parrish, would you like to make a
21 statement? And -- I'm sorry. And we did
22 make a tape-recording of Mr. Parrish talking
23 to Mr. Williams, getting Mr. Williams'
24 consent to review those records at American

1 Drum & Pallet Company site without
2 Mr. Parrish yesterday.

3 MR. PARRISH: And I will affirm
4 that that's a true statement. We are
5 transcribing the tape-recording, and I've
6 informed Mr. Harbin that we will provide him
7 a transcription of that tape-recording and
8 that tape-recording will accurately reflect
9 our conversation with Mr. Williams.

10 Mr. Harbin assured me yesterday that
11 there is a Chinese wall between the civil
12 division and the criminal division and that
13 this is a civil matter only.

14 And Mr. Williams, though he was
15 subpoenaed, as you said earlier, we agreed to
16 come without a subpoena. He's not here under
17 compulsion of a subpoena.

18 The subpoena was served, but we
19 agreed to come before then and would have
20 been here with or without the subpoena, and
21 Mr. Williams is here to cooperate. There is
22 nothing that he intends to withhold.

23 And I think, as I spoke with him this
24 morning, he affirmed to me that he did that

1 yesterday at his site; he told you-all to
2 look and see whatever you wanted to see and
3 that he was as helpful as he could be to you,
4 and he will continue to do that.

5 And that will be true if you need to
6 follow up after today, we're available. And
7 I will probably stay here for the deposition,
8 and if not, Mr. Williams has given me consent
9 after full advice this morning. And,
10 Mr. Williams, I do have your permission to
11 leave.

12 THE WITNESS: Oh, yeah.

13 MR. PARRISH: And you will
14 continue to answer questions whether I'm here
15 or not, if I choose to leave?

16 THE WITNESS: Yeah.

17 MR. PARRISH: All right. Thank
18 you.

19 MR. HARBIN: Thank you,
20 Mr. Parrish.

21 BY MR. HARBIN:

22 Q. Would you please state your name?

23 A. Johnnie J. Williams.

24 Q. And your home address, Mr. Williams?

- 1 A. [REDACTED]
- 2 Q. And your telephone number?
- 3 A. Work number or home number?
- 4 Q. Both, as a matter of fact.
- 5 A. Work number, 948-1576. Home number,
- 6 [REDACTED] Both area code 901.
- 7 Q. And would you state your educational
- 8 background, Mr. Williams?
- 9 A. [REDACTED]
- 10 [REDACTED]
- 11 Q. And where did you go to junior
- 12 college?
- 13 A. [REDACTED]
- 14 Q. Who is your present employer?
- 15 A. American Drum & Pallet. That's what
- 16 you talking about?
- 17 Q. Yes, sir. Are you self-employed?
- 18 A. I'm self-employed, yeah.
- 19 Q. You're self-employed?
- 20 A. Uh-huh.
- 21 Q. And do you have -- under your
- 22 self-employment, is that under your name,
- 23 Johnnie Williams?
- 24 A. Well, American Drum and Inc.

1 Q. So you're employed by American Drum
2 and Inc.?

3 A. Uh-huh.

4 Q. And you're also self-employed?

5 A. Uh-huh.

6 Q. What is your current title with
7 American Drum and Inc.?

8 A. Vice president and sales manager.

9 Q. And do you have a title under your
10 self-employment?

11 A. That's it.

12 Q. So we're combining the two,
13 self-employment and American Drum & Pallet,
14 Inc.?

15 A. Uh-huh.

16 Q. We'll just -- for the sake of this
17 deposition, we'll just call it American
18 Drum & Pallet, Inc.

19 A. Okay.

20 Q. What is your responsibilities with
21 American Drum & Pallet, Inc.?

22 A. Mostly out selling, out selling.

23 Q. And what do you sell?

24 A. Drum, pallet.

1 Q. Are they new, are they used, are they
2 reconditioned?

3 A. Reconditioned.

4 Q. Reconditioned? How long have you
5 been employed with American Drum & Pallet,
6 Inc.?

7 A. Ever since 2'03.

8 Q. Has your title always been the same,
9 vice president and sales?

10 A. As far as I know.

11 Q. Since 2003?

12 A. Uh-huh.

13 Q. And have your responsibilities always
14 been the same since 2003?

15 A. Yes.

16 Q. Mr. Williams, we're talking about two
17 separate companies. I understand that there
18 is a company American Drum & Pallet Company,
19 Inc. -- American Drum & Pallet Company, Inc.?

20 A. That's the same.

21 Q. As American Drum & Pallet, Inc.?

22 A. Uh-huh.

23 Q. One was incorporated in Tennessee,
24 American Drum & Pallet Company, Inc.

1 A. Uh-huh.

2 Q. That was incorporated in Tennessee,
3 correct?

4 A. Well, as far as I know. I didn't do
5 the paperwork. Somebody else did the
6 paperwork. As far as I know, it was. I
7 think incorporated in Tennessee. It probably
8 then went to -- what other place, some other
9 place out of town. Delaware, I believe. I'm
10 not for sure.

11 Q. And that was American Drum & Pallet,
12 Inc. --

13 A. Uh-huh.

14 Q. -- was incorporated in Delaware?

15 A. In Delaware, uh-huh.

16 Q. And so we have American Drum & Pallet
17 Company, Inc. that was incorporated in
18 Tennessee?

19 A. Uh-huh.

20 Q. And then we have American Drum &
21 Pallet, Inc. that was incorporated in
22 Delaware?

23 A. Yeah. I think American Drum, Inc.
24 probably then went to Delaware. I had an

1 attorney, Paul Springer, did it. And he was
2 the -- so, yeah.

3 Q. Under both of those companies, were
4 your -- was your title the same?

5 A. Yeah. As far as I know, uh-huh.

6 Q. And were your responsibilities the
7 same?

8 A. The same.

9 Q. As you identified previously?

10 A. Right, uh-huh.

11 Q. Let's talk about American Drum &
12 Pallet Company, Inc., the Tennessee
13 corporation, the first corporation.

14 A. Okay.

15 Q. Who were the corporate officers of
16 that company?

17 A. Me, my son and my daughter.

18 Q. And who are they? Who is your son?

19 A. Michael Williams and Angela Williams.

20 Q. And Michael Williams -- you -- what
21 was your role? What was your title as
22 corporate officer?

23 A. Sales and vice president.

24 Q. And who -- what was Mr. Williams'

1 title?

2 A. My son's title was --

3 Q. Michael Williams.

4 A. Michael Williams' title was driving a
5 truck and worked in the plant.

6 Q. Under corporate -- the normal
7 corporate structure is president, vice
8 president and treasurer.

9 A. Uh-huh.

10 Q. Do you remember who was the president
11 of American Drum & Pallet Company, Inc.?

12 A. Michael Williams was.

13 Q. And Angela Williams?

14 A. She was a whole officer, officer,
15 like secretary.

16 Q. Was she the treasurer?

17 A. No. Michael was the treasurer and I
18 was the treasurer -- assistant treasurer.

19 Q. Who were the shareholders of American
20 Drum & Pallet Company, Inc.?

21 A. I have to look at the papers. Now,
22 Gray come in, did the paperwork, G. Gray. He
23 did most of our paperwork.

24 Q. What was his name again?

1 A. G. Gray. I think you met him
2 yesterday.

3 Q. G. Gray?

4 A. Uh-huh, Glover Gray.

5 Q. And Mr. Gray would know the
6 shareholders of American Drum & Pallet
7 Company, Inc.?

8 A. Yeah, uh-huh.

9 MR. PARRISH: For the record, if
10 you don't understand, it might be better just
11 to interrupt and get -- I don't understand a
12 lot of what he says myself, and so don't
13 hesitate, it's your deposition.

14 MR. HARBIN: Absolutely.

15 MR. PARRISH: But I would say
16 it's better to get that cleared up now than
17 later.

18 (An off-the-record discussion
19 was held.)

20 BY MR. HARBIN:

21 Q. And I think I am getting this
22 correctly, but you were employed also with
23 American Drum & Pallet, Inc.?

24 A. Yes, sir.

1 Q. And when did you first become
2 employed with American Drum & Pallet, Inc.?

3 A. I believe 2'03.

4 Q. And your title and responsibility
5 were --

6 A. Remained the same.

7 Q. -- the same --

8 A. Right.

9 Q. -- as under American Drum & Pallet
10 Company, Inc.?

11 A. Uh-huh.

12 Q. That's correct?

13 A. Yes, sir.

14 Q. Who were the corporate officers of
15 American Drum & Pallet, Inc., the Delaware
16 corporation?

17 A. Michael and Glover Gray and my
18 daughter.

19 Q. And what position did Glover Gray --

20 A. He's the comptroller and did all the
21 paperwork.

22 Q. And, again, the shareholders of
23 American Drum & Pallet, Inc., the Delaware
24 corporation, can you identify them?

1 A. Myself, Michael and my daughter and
2 Glover Gray.

3 Q. Were the shareholders?

4 A. Shareholders, yes.

5 Q. Do you know the interest, the
6 percentage of interest that each of the
7 shareholders held?

8 A. No, sir, I don't.

9 Q. Were you employed with Drums,
10 Incorporated?

11 A. No.

12 Q. Are you familiar with Drums?

13 A. Yes, sir.

14 Q. How are you so familiar with Drums,
15 Incorporated?

16 A. Because my nephew Roebuck had Drums,
17 Incorporated.

18 Q. Say his name again, please.

19 A. George Stanford Roebuck, like Sears
20 Roebuck.

21 Q. Sears Roebuck?

22 A. Uh-huh.

23 Q. Did Drums, Incorporated operate at
24 the 806 Walnut Street facility?

1 A. I think so. I was gone at the time,
2 but I think they did.

3 Q. Did American Drum & Pallet Company,
4 Inc., the Tennessee corporation, operate a
5 business at 806 Walnut Street in Memphis,
6 Tennessee?

7 A. Yes, sir.

8 Q. Describe that business.

9 A. It was the same as the American Drum
10 and Inc. and it's --

11 (Reporter clarified.)

12 A. It's come together, what happened.
13 The first one we got, we got it -- the
14 charter through Tennessee, then we changed it
15 and got it through Delaware.

16 Q. Yes, sir.

17 A. The same. Uh-huh.

18 Q. Describe the business that was --
19 that American Drum & Pallet Company -- or
20 that American Pallet and -- I'm getting
21 confused -- American Drum & Pallet, Inc.
22 operated at 806 Walnut Street.

23 A. Drum and pallet, the same.

24 Q. What do you mean by drum and pallet?

1 A. That's what we did. We recycled
2 drums and pick up and rebuild pallets.

3 Q. Would you describe the operations?

4 A. Well, we recycle drums and sell them
5 and fix up pallets and sell them.

6 Q. Was it limited to drums? Did it
7 include tanks and other kinds of containers?

8 A. Yeah, uh-huh.

9 Q. Would you --

10 A. Tote tank, T-O-T-E, tote tank. They
11 call it -- a lot of them call it big drum.

12 Q. What kind of containers did you
13 clean?

14 A. Fifty-five-gallon drum.

15 Q. Was it strictly to just 55-gallon
16 drums or were that other containers?

17 A. And tote tank.

18 Q. Were there smaller containers that
19 you cleaned?

20 A. Thirty-gallon drums.

21 Q. Were those metal or plastic?

22 A. Both.

23 Q. Could you identify the dates that
24 American Drum & Pallet, Inc. operated at the

1 location?

2 A. No, I can't. I could get it for you.
3 I can't remember what that is.

4 Q. What were your hours of operations?

5 A. From 8:00 to 4:00, 4:30.

6 Q. How many employees did American
7 Drum & Pallet, Inc. have?

8 A. We mostly was season. We did mostly
9 contract, contract work. But whenever we get
10 audited, we bring somebody in, sometimes we
11 work eight hours, sometimes work four hours,
12 six hours, sometimes work 10 to 12 hours to
13 get the orders out.

14 Q. And how many employees would you
15 have?

16 A. Say six, seven, something like that.

17 Q. And you describe that as seasonal --

18 A. Uh-huh.

19 Q. -- or when you would get a contract?

20 A. Right. Get an order, we called it an
21 order.

22 Q. Would you describe what you mean by
23 seasonal?

24 A. Season meaning, like, this time

1 during the -- anywhere between June, July,
2 August, September when most farmers and
3 things -- you know, people weighs stuff like
4 corn, bean, cotton. That's the season.

5 Q. Say that again, Mr. Williams. What
6 do you mean by seasonal?

7 A. Seasonal mean anywhere from July to
8 September when agriculture like corn and
9 beans, cotton, whatever, people -- you know.

10 Q. And how did that relate to your
11 container-cleaning business?

12 A. I don't know. But that's when most
13 of the people ordered the drums, during the
14 season. They don't order too much in the
15 wintertime.

16 Q. So you operated on a business where
17 drums were ordered?

18 A. Uh-huh.

19 Q. And they would call you?

20 A. Call you -- call me, yeah.

21 Q. And order cleaned or reconditioned
22 drums?

23 A. Right, uh-huh.

24 Q. And that happened mostly, as you

1 described, seasonally --

2 A. Uh-huh.

3 Q. -- during June, July and August,
4 during the agricultural season?

5 A. Mostly, mostly.

6 Q. Were there any other seasons?

7 A. I can't remember. You know, it goes
8 all the time, but most of the people, when it
9 beautiful out -- you know.

10 Q. And you mentioned contracts as well.
11 What did you mean by contracts?

12 A. Well, what I mean, when somebody else
13 get a contract, see, I was -- we just was a
14 small drum operator. They mostly give a
15 contract to the other big -- like Memphis
16 Drum, Tennessee Container, and they only call
17 us when they couldn't fulfill what they want
18 and we did.

19 Q. So who would call you?

20 A. A company like Farrell Calhoun or
21 Dixie Chemical or something like that.

22 Q. Would Memphis Container call you?

23 A. We dealt with Memphis Container.
24 They run the big, big outfit. They real big.

1 Q. And what do you mean by we dealt with
2 them?

3 A. Well, they may call and say they
4 short a drum and I had the drum. They would
5 get them. We do the same thing with them.

6 Q. And you mentioned another drum
7 container company.

8 A. Tennessee Container.

9 Q. Did you deal with them the same way?

10 A. Same way.

11 Q. And they would call you?

12 A. Uh-huh. And we'd pick up drums from
13 Greif Brother, but Greif Brother closed down,
14 though. I'm saying they don't -- came back
15 in town, bought Memphis Drum out now. They
16 came back through about a year or two ago,
17 bought Memphis Drum. They was one of the
18 biggest in the world.

19 Q. Now, would they supply you with the
20 drum or would you supply them with the drum?

21 A. Well, you know, when you in business,
22 you swap out. They may have something I need
23 and I may have something they need.

24 Q. Would you explain that a little

1 further, Mr. Williams?

2 A. Okay. Greif Brother may need 200
3 30-gallon drums. He may not have -- may not
4 have but 150, and he may call me because I
5 have 50 30-gallon, and I tell him yeah.
6 That's how business swaps out here.

7 Q. These container companies, did they
8 ever supply you with drums to be cleaned?

9 A. No.

10 Q. And for American Drum & Pallet
11 Company, Inc., the Tennessee corporation, was
12 the business the same as American Drum &
13 Pallet, Inc.?

14 A. Same.

15 Q. The very same operations?

16 A. Same operation.

17 Q. It operated at the same location?

18 A. Yes, sir.

19 Q. And it operated the same hours --

20 A. Mostly.

21 Q. -- of operation?

22 A. Mostly, yes, sir.

23 Q. Was there a difference in hours that
24 American Drum & Pallet Company, Inc. and

1 American Drum & Pallet, Inc. operated?

2 A. I can't remember.

3 Q. Were the employees the same?

4 A. Yes, sir.

5 Q. And were the number of employees the
6 same?

7 A. Vary. May vary, may use four or five
8 this day and seven, eight the next day, you
9 know, depending on how the order come in.

10 Q. Do you have a list of those
11 employees?

12 A. I could get them for you.

13 Q. Who were your main employees for both
14 companies?

15 A. James Wilkerson.

16 Q. And who is he?

17 A. He's one of the supervisors, did most
18 everything at the plant that needed to be
19 done on the inside.

20 Q. And how long did he work?

21 A. Oh, he's been there a long time.

22 Q. Can you name other employees?

23 A. Leroy Smith.

24 Q. And what was his title?

1 A. Mostly truck driver.

2 Q. Has he been with you a long time?

3 A. Long time.

4 Q. Mr. Wilkerson and Mr. Smith, about
5 how long have they been with you?

6 A. Well, Wilkerson with me -- I guess we
7 been together about 20 years.

8 Q. About 20 years?

9 A. Uh-huh. Leroy Smith with me about
10 eight.

11 Q. Can you name any other employees
12 that's been with you?

13 A. Yeah. Charles Wilkerson. Got that,
14 Charles Wilkerson? Dorothy Williamson,
15 Dorothy Williamson.

16 Q. And how about Mr. Charles Wilkerson,
17 what does he do?

18 A. He was operating a machine.

19 Q. And Ms. Delores?

20 A. Same, operating machine, load truck
21 and load maintenance, you know, maintenance
22 stuff, yeah.

23 Q. Are there any other employees that
24 have been with you a while?

1 A. You know, I mean, all of them is in
2 and out. Sylvester Wilkerson, Sammy Flake.

3 Q. What did those two gentlemen do?

4 A. Same. Manual work, mostly manual,
5 you know.

6 Q. Do you know the current address and
7 telephone number or at least the current
8 address of these employees?

9 A. I could get it.

10 Q. Are you familiar with American
11 Plastic Regrind Company?

12 A. No.

13 Q. Were you affiliated or connected in
14 any way with any other businesses that was
15 located at 806 Walnut Street?

16 A. No. I don't remember, no.

17 Q. So the only two companies that you
18 were affiliated with at 806 Walnut Street is
19 American Drum & Pallet Company, Inc. --

20 A. Uh-huh.

21 Q. -- and American Drum & Pallet, Inc.?

22 A. Uh-huh.

23 Q. Were you at the 806 Walnut Street
24 facility on a day-to-day basis?

1 A. Mostly.

2 Q. And describe that. What do you mean,
3 mostly?

4 A. Well, I come in in the morning,
5 mostly. Then I hit highway --

6 (Reporter clarified.)

7 A. I go out in the street, try to sell
8 drums.

9 Q. We've gone over this, Mr. Williams,
10 but I want to go over this one more time.

11 Who is Michael Williams?

12 A. My son.

13 Q. And what was his involvement with the
14 two companies?

15 A. He was the president.

16 Q. He was involved with Drums,
17 Incorporated?

18 A. He may have been because I was gone
19 when Drums, Incorporated was going.

20 Q. To your knowledge, was he involved
21 with any other companies that operated at 806
22 Walnut Street?

23 A. To my knowledge, he had a T-shirt
24 company there. He did T-shirts. And that's

Exemption 6 Personal Privacy

1 the only one I know.

2 Q. Is he currently involved?

3 A. No. No, he is not there.

4 Q. When did his involvement cease?

5 A. About 2'05, 2'06.

6 Q. 2005, 2006?

7 A. Uh-huh.

8 Q. Is there a reason why his involvement
9 ceased?

10 A. No. He [REDACTED]

11 (Reporter clarified.)

12 A. He's [REDACTED] He works at [REDACTED] He
13 [REDACTED] out there now, another job.

14 Q. Say that again, Mr. Williams.

15 A. He does [REDACTED] work at [REDACTED]

16 MR. PARRISH: Hazardous?

17 THE WITNESS: No. [REDACTED] He

18 [REDACTED]

19 BY MR. HARBIN:

20 Q. [REDACTED] work at [REDACTED]?

21 A. Uh-huh. He's a [REDACTED]

22 Q. [REDACTED] part of the military was he

23 [REDACTED] he involved with

24 A. [REDACTED]

Exemption 6 Personal Privacy

1 Q. [REDACTED]'s his rank?

2 A. I don't -- he out now. [REDACTED] was there
3 [REDACTED] eight year.

4 Q. But he's no longer with the [REDACTED]

5 A. No, uh-uh. [REDACTED] or he
6 didn't retire, but, you know, resigned,
7 whatever.

8 Q. Who is Angela Williams?

9 A. My daughter.

10 Q. And her involvement with the two
11 companies?

12 A. Yeah, she was a secretary.

13 Q. Was she involved with Drums,
14 Incorporated?

15 A. As far I know, I don't know.

16 Q. Was she involved with any other
17 companies that operated at 806 Walnut Street?

18 A. I don't think so.

19 Q. Is she still involved with American
20 Drum?

21 A. No. No.

22 Q. When did her involvement cease?

23 A. Same time my son, about 2'05, 2'06.

24 She was in -- she work [REDACTED]

1 now. She got a good job with them.

2 (Reporter clarified.)

3 A. She with ~~Internal Revenue, IRS.~~ She
4 got a good job with them.

5 Q. We've been talking about two
6 companies, Mr. Williams, American Drum &
7 Pallet Company, Inc. --

8 A. Uh-huh.

9 Q. -- and American Drum & Pallet, Inc.

10 A. Uh-huh.

11 Q. From this point on, when I say
12 American Drum & Pallet, I'll be speaking of
13 both American Drum & Pallet Company, Inc. and
14 American Drum & Pallet, Inc.; do you
15 understand? Is that okay?

16 A. Yes, sir. Yes.

17 Q. And also the phrase 806 Walnut Street
18 includes 0 Heiskell Place. I understand that
19 806 -- there's two parcels to the American
20 Drum & Pallet facility. One is 806 Walnut
21 Street and one is 0 Heiskell Place; is that
22 correct?

23 A. Yes, sir. That's what it say on tax
24 title, yes, sir.

1 Q. So when I talk about 806 Walnut
2 Street, I also mean to include the 0 Heiskell
3 Place parcel as well.

4 A. Yes, sir.

5 Q. Do you understand?

6 A. Yes, sir.

7 Q. We've gone over this. But, again,
8 please list the scope of services provided by
9 the American Drum Company at 806 Walnut
10 Street facility.

11 A. Recycle drum and recycle pallets.

12 Q. Are they wood pallets?

13 A. Yes, sir. And plastic, wood and
14 plastic.

15 Q. Are they a standard size?

16 A. Different size.

17 Q. What is the -- your range of service
18 for the American Drum at the 806 facility?
19 How far out did your operation go?

20 A. We sell them to mostly Mississippi,
21 Tennessee, Arkansas. That's most of the
22 range.

23 Q. Did you have any beyond Mississippi,
24 Arkansas and Tennessee?

1 A. We had some companies that would come
2 in, even from Atlanta, Georgia, some
3 environment people come in and buy drums, you
4 know, need drums. They may come in from Ohio
5 and need 10, 15 drums.

6 Q. You said you reconditioned drums and
7 pallets. Mr. Williams, I'd like for you to
8 take me from start to finish, if you would,
9 on the cleaning process of a drum that was
10 used by American Drum at the 806 Walnut
11 Street facility.

12 A. Okay.

13 Q. And that is loading in, cleaning,
14 drying, drum removal, can you take me from
15 start to finish?

16 A. Yes, sir. Okay. We pick up drums
17 and a lot of times people drop drums off,
18 like drum hustler. People like hustle pallet
19 and paper and so on, you've got drum hustler,
20 too.

21 Q. Did you say drum hustler?

22 A. Yeah. They pick up drum, they bring
23 them there and my guys unload them. And what
24 we do, we clean them, we have the facility

1 there approved by the state and the city.

2 Q. Hold on just a second, Mr. Williams.
3 Could you identify the drum who you would
4 say -- drum hustler, who were those?

5 A. Like Mike, usually call them by first
6 name. [REDACTED] And
7 there are several other people. They would
8 bring a drum in that I could sell, a pallet,
9 sold the drum to me, sold the Memphis Drum to
10 Tennessee Container, sold them to any drum
11 company.

12 Q. Can you get their address and their
13 telephone numbers?

14 A. Yes, I think I can.

15 Q. And that was [REDACTED] and [REDACTED]?

16 A. Uh-huh.

17 Q. Do you remember any others?

18 A. Not precisely because [REDACTED] and [REDACTED]
19 was the drum hustlers, but you had different
20 occasion people bring drum by and they'll
21 sell them, you know.

22 Q. Continue on. We were at bringing the
23 drums in.

24 A. Okay. Yeah, bring them in. We stack

1 them up, and then what we do, we clean them.
2 After we clean them --

3 Q. Did you have an acceptance program
4 for the drums? How did you accept a drum?

5 A. Well, what we do, we just have to
6 make sure that nothing is in them, that they
7 are clean, the weight, that they had to be
8 clean when they come in.

9 Q. And what do you mean by clean?

10 A. Well, they can't have no -- what you
11 call that -- nothing in them, you know. It
12 has to be a clean drum.

13 Q. And who was responsible for accepting
14 the drums?

15 A. James Wilkerson.

16 Q. Would they contain a residue in them?

17 A. No. They shouldn't have. I don't
18 ever watch all of them.

19 Q. Were they inspected for salvage, for
20 resale, for damage?

21 A. I'm sure they were, yes, sir. I'm
22 sure they were.

23 Q. And who was responsible for that?

24 A. James Wilkerson.

1 Q. Do you know where these drums came
2 from?

3 A. Some of them we did, some of them we
4 didn't.

5 Q. And who brought the ones that you
6 didn't know where they came from?

7 A. Mostly hustlers.

8 Q. And that was who you turned -- you
9 say [REDACTED]?

10 A. And [REDACTED], uh-huh.

11 Q. And you will be able to get me their
12 names and addresses?

13 A. Yes, sir.

14 Q. And telephone numbers?

15 A. Uh-huh.

16 Q. Let's continue on, Mr. Williams.
17 We're in the cleaning process now.

18 A. Okay. Then when we clean the drum,
19 what we'll do, we sand the label off --

20 (Reporter clarified.)

21 A. We sand the label off them, whatever,
22 the label on them, clean them, rough them
23 down so we can paint them. And once we paint
24 them, we send them out. Whenever we got an

1 order, we send them out. And, see, we were
2 so small, we only did something like -- if we
3 did 50 drums a day, we were good.

4 We wasn't nothing like Geo Cooper,
5 because, you know, Geo Cooper went out of
6 business. They were the largest, along with
7 Memphis Drum. They did something like 2 or 3
8 thousand drums a day. We small. We did
9 mostly manual.

10 We didn't even have a forklift. We
11 lift, we manual. We wasn't the jewel of the
12 drum company. We work. You know, we work.
13 We wasn't like the big people, you know.

14 Q. And about how often did you do 50
15 drums a day?

16 A. Maybe a couple times a week.

17 Q. And that was throughout the year?

18 A. Yes, sir.

19 Q. What cleaning agents or what cleaning
20 materials did you use to clean the drums?

21 A. We use a soap that we got from Jack
22 Flint. They make the detergent, soap, and we
23 used that.

24 Q. And describe the cleaning process.

1 A. The process was we had a machine
2 that -- what we do, put the drum up there and
3 had to pressure wash, clean them out. Then
4 we had a -- approved by the City of Memphis
5 and the state, a permit, cleaning permit, a
6 sewer permit. We're approved by the state
7 and the city on how we wash the drum.

8 Q. And the only material that you used
9 was a detergent?

10 A. Yes, cleaning solution that we got
11 from Jack Flint.

12 MR. SPURLIN: Mr. Williams, when
13 we were on-site and also in my discussions
14 with the city representative from the fire
15 department, you had a container of gasoline,
16 I believe, inside your facility.

17 And I think -- did you use that? I
18 think you had some rags, and you used maybe
19 the gasoline and rags in assisting in your
20 cleaning process.

21 THE WITNESS: Not cleaning --
22 yeah. I'm sorry, wiping the drum down. See,
23 before you paint the drum, you have to wipe
24 all the exterior off and make sure they were

1 clean. Yeah, you wipe the drum down.

2 MR. SPURLIN: Prep the drum?

3 THE WITNESS: Uh-huh.

4 MR. SPURLIN: Okay. Thank you.

5 BY MR. HARBIN:

6 Q. And the drums were dried?

7 A. Uh-huh.

8 Q. Explain how you went through the
9 drying process. Where was the drying
10 process? What was the drying process?

11 A. Okay. Once you wash the drum -- we
12 had a soak tank. We soak the drum out dry.
13 And then what we do, we had a rag and
14 gasoline, will clean all the grit and stuff
15 off the drum so the paint would take. We had
16 a rag, wipe them off, the drum off.

17 Q. And did you say you had a tank that
18 you dipped the drum in to rinse it off?

19 A. No. We had a machine. We put them
20 on the top of a tank. We had a five-drum --
21 put up there for the pressure washer to wash
22 them out. Then they go in the receptor tank.

23 Q. And what was the receptor tank?

24 A. The same as I told you the city

1 approved -- what you call it -- receptor
2 tank, what you wash the drum go down in -- it
3 was approved by the city. I can't explain
4 that.

5 Q. Did it contain any materials,
6 cleaning agents, anything like that? What
7 did it contain?

8 A. Just the water and then the soap that
9 we used to wash the drum out with.

10 Q. What happened to the water in the
11 receptor tank?

12 A. Go to a filtration system and go back
13 in it, in the sewer.

14 Q. And what happened to the water that
15 you used for the cleaning process?

16 A. That's what I say, go to filtration
17 system and go back in the sewer. It was
18 approved by the city and the state.

19 Q. So the cleaning process and the
20 receptor, they were all connected together --

21 A. Uh-huh.

22 Q. -- to the filtration?

23 A. To the filtration, yes, sir.

24 Q. Was there anything else connected to

1 the filtration system?

2 A. No. No.

3 Q. And now we're at the drying process.

4 A. Uh-huh.

5 Q. How did you dry the drum?

6 A. Well, I will soak them out in a soak
7 tank.

8 Q. Say that again, Mr. Williams.

9 A. We had a soak tank where, you know,
10 like water be on your floor and you get a wet
11 mop, soak the water up? We had a soak tank
12 that sucks the water out the drum.

13 MS. RICHARDSON: Vacuum?

14 THE WITNESS: Yeah, vacuum. Wet
15 vac, whatever you call it.

16 BY MR. HARBIN:

17 Q. A vacuum?

18 A. Yeah, a wet vac.

19 MR. PARRISH: Are you saying
20 suck the water?

21 THE WITNESS: Suck the water.

22 BY MR. HARBIN:

23 Q. And where did that water go?

24 A. We had a big -- what you call -- suck

1 the water out. Then when it get full, we run
2 it down to the filtration system, same way
3 where the other water goes to.

4 Q. So it went to the filtration system
5 as well?

6 A. Yes, sir.

7 Q. And then the containers were painted?

8 A. Uh-huh.

9 Q. Was there anything in between drying
10 and painting?

11 A. No more than wipe them off, you know,
12 with a rag and gas.

13 Q. And that's what Mr. Spurlin was
14 talking about?

15 A. Yes. Uh-huh.

16 Q. Was there any other materials other
17 than gasoline used to wipe the drums off?

18 A. No. It's mostly gas.

19 Q. Mostly gas?

20 A. Yes, sir.

21 Q. Did you use anything else?

22 A. I can't remember nothing else we use.
23 That's the only thing we dry -- dry them.

24 Q. And then the drums were painted?

1 A. Uh-huh.

2 Q. And can you explain the painting
3 process?

4 A. Yeah. We had a paint room, you know,
5 to paint them in. And when they paint them,
6 they set them there to get dry. And we
7 didn't do -- like I said, we didn't too much
8 paint. We did mostly plastic. As you see
9 the picture, plastic, all you do is clean
10 them, wipe them off and that's it.

11 Q. And you said you did about maybe 50
12 to a hundred a day?

13 A. Uh-huh. 50.

14 Q. 50 a day. I don't want to put words
15 in your mouth. 50 a day?

16 A. Uh-huh.

17 Q. Were those drums and containers or
18 containers or which -- help me understand how
19 many drums versus how many containers you did
20 a day.

21 A. Containers, you mean the tote tank?
22 I need you to be very -- because you got
23 drum, then you got -- a lot of people call
24 them tote tank, big drum. Tote tank is

1 250-gallon tote tank in the wire -- drum is
2 55-gallon or 30-gallon drum that's steel or
3 plastic.

4 Q. Help me understand that -- when we
5 speak of drums, we're talking about --

6 A. Fifty-five-gallon, 30-gallon drums.

7 Q. And they could either be plastic --

8 A. Or steel.

9 Q. -- or steel?

10 A. Yes, sir. Or cardboard.

11 Q. Or cardboard?

12 A. Uh-huh.

13 Q. Did you clean the cardboard?

14 A. No.

15 Q. But you did clean --

16 A. Plastic and steel.

17 Q. And steel?

18 A. Yeah.

19 Q. And you cleaned the tote tank?

20 A. Tote tank. They plastic and in a
21 wire cage.

22 Q. And --

23 MR. PARRISH: Wire?

24 THE WITNESS: Wire cage. You

1 see them on -- people haul them down the
2 street with washing cars and trucks and wire
3 cages. That's called a tote tank.

4 MR. SPURLIN: Tote tanks are
5 made out of plastic and they don't, in
6 themselves, have a lot of structural support,
7 so you put them in a reinforced wire cage
8 that will sit on a pallet, and it holds the
9 poly tank securely when it has liquids in it.
10 BY MR. HARBIN:

11 Q. Okay. Now, how -- and you cleaned
12 the tote tanks as well?

13 A. Oh, yeah.

14 Q. About how many tote --

15 MR. PARRISH: Can I interrupt?
16 You heard Mr. Spurlin. Did he accurately --

17 THE WITNESS: He accurately --
18 yes.

19 MR. PARRISH: Okay. Excuse me.

20 THE WITNESS: He was there. He
21 knew what it...

22 BY MR. HARBIN:

23 Q. About how many tote tanks did you
24 clean?

1 A. If we do 10 or 15 a day, two to three
2 days a week, we're good.

3 Q. And that was every week through the
4 year?

5 A. Not every week. Some weeks.

6 Q. And about how many weeks per year
7 would you say?

8 A. I would say something like about 40,
9 45 weeks of the year.

10 Q. And the tote tank was cleaned under
11 the same method?

12 A. Same method, uh-huh.

13 Q. I want to go over this one more time,
14 Mr. Williams. Let's describe the items, the
15 drums, the tanks, that American Drum cleaned
16 at the 806 Walnut Street facility. Let's
17 describe the drums one more time.

18 A. Okay. 55-gallon steel drum,
19 30-gallon steel drum, 55-gallon plastic drum,
20 30-gallon plastic drum and 250-gallon tote
21 tank.

22 Q. And the steel drum and plastic drum,
23 did they have a top to them?

24 A. Open head drum. Tight head, you got

1 a bung -- two-inch bung, two-inch bung.

2 (Reporter clarified.)

3 A. Uh-huh. B-U-N-G, bung. Screw-in.

4 MR. SPURLIN: I think what he's
5 saying is a bung, a B-U-N-G.

6 THE WITNESS: Yeah.

7 MR. SPURLIN: It's the cap.

8 THE WITNESS: Uh-huh. You screw
9 it in.

10 MR. SPURLIN: You screw in a cap
11 to the top of the drum. A bung cap, they
12 call it; is that correct?

13 THE WITNESS: Uh-huh.

14 MR. SPURLIN: And he's referring
15 to what can also be termed closed-top and
16 open-topped drums. A closed top means that
17 the drum is fixed to the body of the drum and
18 does not -- and the only part that comes off
19 for either taking out or putting in materials
20 is the bung cap.

21 And an open top is where you can take
22 the whole lid off the drum and they are used
23 to store different types of materials.

24 THE WITNESS: Right.

1 BY MR. HARBIN:

2 Q. Is that correct, Mr. Williams?

3 A. Yeah.

4 Q. Is that accurate?

5 A. Thank you. That's accurate, yeah.

6 (A recess was taken.)

7 BY MR. HARBIN:

8 Q. Mr. Williams, you took me through the
9 cleaning process and the painting process.

10 A. Uh-huh.

11 Q. Did you also grind drums?

12 A. Yeah.

13 Q. Containers?

14 A. But we crush them. We sold them to a
15 grind place in Jackson. See, a lot of drum
16 that we didn't use -- we couldn't use like
17 steel and plastic. We sell them to the
18 grind -- they grind them up. What the name
19 of that plastic place in Jackson, Tennessee?
20 I forget the name. We sold a lot of plastic
21 to them.

22 And what we do, we had a crusher. We
23 crush drums and sell them to a company like
24 Martin Brother in Mississippi.

1 Q. And did you crush them at the
2 facility?

3 A. I helped.

4 Q. I mean, not you, did American Drum
5 crush the --

6 A. Yeah.

7 Q. You didn't grind them?

8 A. You don't grind steel. You grind
9 plastic. The plastic drum, we took them away
10 and sold them to a plastic company that grind
11 them and sent them over to China or wherever
12 they sell them.

13 Q. And who did you sell the steel drums
14 to?

15 A. Martin Brother.

16 Q. Can you think of any other ones?

17 A. Worley. And another company close up
18 on -- I forget, the big old place. I think
19 you-all closed them up or whatever. I forget
20 the name of the company over on -- the big
21 iron company on Thomas. I forget the name.

22 MR. PARRISH: Pigeon.

23 THE WITNESS: No, not Pigeon.

24 The big scrap yard over on Thomas.

1 BY MR. HARBIN:

2 Q. Let's go over those companies again.

3 You said the first one was --

4 A. Martin Brother.

5 Q. Martin Brothers. And where are they
6 located?

7 A. In Mississippi, Byhalia. We sold
8 scrap and drums over to them. Worley
9 Brothers.

10 Q. And where are they located?

11 MR. PARRISH: Can you spell it?

12 THE WITNESS: I can't spell,
13 Worley, no. They were out on Florida and
14 Crump.

15 BY MR. HARBIN:

16 Q. And those were the steel drums?

17 A. Those were steel drums, uh-huh.

18 Q. What did you -- who did you sell the
19 plastic drums to?

20 A. To a plastic recycler in Jackson,
21 Tennessee. I forget -- I know where it is.
22 I don't have that with me.

23 MR. SPURLIN: Mr. Williams,
24 would that company be Southeastern Recycling?

1 THE WITNESS: No. KMI was out
2 in -- out from Jackson. We sold a lot of
3 them to them.

4 MR. SPURLIN: You mentioned one
5 in Greenfield maybe or somewhere in the
6 Greenfield area.

7 THE WITNESS: In that area.

8 MR. SPURLIN: It's in the site
9 file.

10 MR. PARRISH: S-I-T-E?

11 MR. SPURLIN: Yes. I'm sorry.

12 BY MR. HARBIN:

13 Q. You mentioned gasoline rags.

14 A. Uh-huh.

15 Q. What did you-all do with the gasoline
16 rags?

17 A. Put them in the drum.

18 Q. And what did you do with the drum?

19 A. That's what they haul off.

20 Q. What they -- what EPA hauled off --

21 A. Yeah.

22 Q. -- when you spoke to Mr. Spurlin?

23 A. Yeah.

24 MS. RICHARDSON: I want to ask a

1 question. Before EPA came in and hauled
2 those off, the rags, what did you do with the
3 rags? What would happen with the rags?

4 THE WITNESS: They was in drums,
5 most of them -- the EPA hauled -- see, we
6 just started in 2'03. Most of the drum, you
7 had trash and -- you know.

8 MS. RICHARDSON: So there was no
9 disposal process for those rags with the
10 gasoline on them?

11 THE WITNESS: No, there wasn't.

12 MS. RICHARDSON: Okay.

13 BY MR. HARBIN:

14 Q. And, Mr. Williams, you mentioned a
15 filtration system.

16 A. Uh-huh.

17 Q. Would you describe that filtration
18 system?

19 A. The filtration system when you -- you
20 got a pump that pump the waterline in and go
21 to a tank, go to a filtration system, catch
22 all of the -- whatever you -- catch all
23 the -- everything, that sludge or whatever it
24 catches and hold it within the tank. Then

1 the water will go back into the sewer.

2 Q. And what comprised the filtration
3 system? Describe the filtration system.

4 A. Big old tank with a filter and stuff
5 in them. Then you got a pump, it go to the
6 pump filtration system, and the water go to
7 the tank. And once it's cleaned, it go back
8 in there.

9 Q. Let me take this one step at a time.
10 The water from the --

11 A. Washing the drum.

12 Q. From washing the drums would go into
13 what?

14 A. Go to --

15 Q. Equipment?

16 A. Go to a tank.

17 Q. It would go to a tank?

18 A. Uh-huh. Pump, go to a pump first.
19 Go to the pump. Then from the pump, then the
20 tank to the filtration system; from the
21 filtration system, back in the sewer.

22 Q. It would go to a pump?

23 A. Uh-huh.

24 Q. And the pump would pump it in --

1 would pump it where?

2 A. Into a tank.

3 Q. And what size is the tank?

4 A. Two hundred seventy-five gallon tank.

5 Q. And what would happen to the water
6 then, after it was pumped into the tank?

7 A. It would go to a filtration -- go
8 through the system, then go back in the
9 sewer.

10 Q. Go through the system?

11 A. Uh-huh.

12 Q. What was the system?

13 A. That's what I say, a tank with the --
14 to catch all -- whatever it's catching and go
15 back in the sewer.

16 Q. I'm not understanding. It would go
17 to a tank, a 230 --

18 A. No. Go to a pump first, then go
19 through the -- to the tank.

20 Q. And then it would go through the
21 filtration?

22 A. That is the filtration, the tank.

23 Q. The tank is filtration?

24 A. Uh-huh.

1 Q. How would the tank -- how was the
2 tank a filtration system?

3 A. Well, it catch everything, whatever,
4 you know. If anything in there to catch it,
5 clean it and then go back into the sewer.

6 Q. How would the tank clean?

7 A. It had something in it that, you
8 know -- you know, it's hard -- I'm not a
9 mechanic, you know. It was a -- it was
10 approved by the city and state, so I, you
11 know, I have to get you the method, how we
12 would do it.

13 Q. Who operated the filtration system?

14 A. It operate itself. Once the guy who
15 washed the drum, it does it itself.

16 Q. Did it contain chemicals?

17 A. No, uh-uh. It catch everything that
18 go through there. It will dry whatever it
19 is. When you wash them, that when the water
20 go to the pump, pump it from there, where the
21 washing -- then go to a system, the
22 filtration system. And before it go there,
23 in the sewer, it go to the tank and through
24 the system and go back in the sewer.

1 Q. So it would go through a pump?

2 A. Uh-huh.

3 Q. Into a tank?

4 A. They call it filtration system.

5 Q. Was it just a tank?

6 A. No. It had some -- some like form or
7 something where they catch all the stuff so
8 the --

9 MR. SPURLIN: Would it --

10 MR. HARBIN: Go ahead.

11 MR. SPURLIN: I was just going
12 to say, would you say that it had a screen?

13 THE WITNESS: Something like
14 that, something like a screen, yeah.

15 MR. SPURLIN: To catch solids?

16 THE WITNESS: Solids, uh-huh.

17 MR. SPURLIN: Did you have to
18 periodically clean the screen? And if you
19 did, what did you do with the material you
20 cleaned off the screen?

21 THE WITNESS: Put it in the
22 drum.

23 MR. SPURLIN: Okay. Thank you.

24 BY MR. HARBIN:

1 Q. So you would clean the screen?

2 A. Uh-huh.

3 Q. And you would put that residue in a
4 drum?

5 A. In a drum.

6 Q. What did you do with the drum?

7 A. That's the one they hauled off. It
8 wasn't many, because we didn't do no work. I
9 tell you now, we didn't do nothing much. Out
10 of a hundred percent of our drum come in, we
11 had something like about 40 percent we sold
12 to other people because we didn't have the
13 method of -- you know, we small.

14 Q. Say that again. About 40 percent --

15 A. Will go out to other people like
16 Memphis Drum, Tennessee Container, Geo Cooper
17 before they closed. We sold them to other
18 people. They was using the drum. We didn't
19 have to -- we didn't have the order.

20 Q. Would you clean those drums?

21 A. No, uh-uh. They clean them. We sell
22 them to them, they clean them.

23 Q. They would come to your facility?

24 A. Or we take them to them.

1 Q. You would take them to them for
2 cleaning?

3 A. For cleaning, not for us, now. We
4 sell the drum to them.

5 Q. About how many drums did the
6 filtration -- when you cleaned the screen,
7 about how many drums did you fill with the
8 residue from the screen of the filtration
9 system?

10 A. I say we maybe clean about one a
11 month, less than that.

12 Q. I'm not understanding, Mr. Williams.

13 A. It was one a month.

14 Q. You cleaned about one a month?

15 A. No. The filtration -- the one that
16 come off the filtration system screen, one a
17 month.

18 Q. You filled one a month?

19 A. One a month, uh-huh.

20 Q. Of the residue from the screen out of
21 the filtration system --

22 A. Uh-huh.

23 Q. -- did you ever make any kind of
24 analysis or determination as to what those

1 materials were that you put into that drum?

2 A. Yeah, we got the -- we had a lab to
3 test all that before, uh-huh.

4 Q. And who did that testing?

5 A. We got it in the file somewhere.
6 I'll get it for you, though, L and -- some
7 lab company. A&L Lab, I believe.

8 Q. How often did you do the testing?

9 A. They did -- A&L Lab did testing about
10 once every three months, 90 days.

11 Q. And would you say the name of the
12 company again?

13 A. I'm not for sure, now. Let me give
14 the truth. I think A&L Lab. But I could get
15 it for you, though.

16 Q. L&L?

17 A. A&L.

18 Q. A&L --

19 A. Uh-huh.

20 Q. -- Lab. And you would have them come
21 out and they would test --

22 A. Uh-huh.

23 Q. -- what was in that drum?

24 A. Right.

1 Q. About once --

2 A. Every 90 days.

3 Q. Every 90 days.

4 A. Uh-huh.

5 Q. And when did that company start?

6 A. I wouldn't know. I have to find out.

7 Q. Did you -- did A&L Lab start when
8 American Drum started operating at that
9 facility?

10 A. Yeah, uh-huh.

11 Q. So you employed A&L Lab in
12 approximately 2003?

13 A. 2004. Before we started cleaning
14 drums, we would haul them in, sell them to
15 other drum broker, like the other company.
16 We transfer and sell them to another company.

17 Q. Did those drums go through the
18 acceptance program, the ones that you brought
19 in and sold to other companies?

20 A. What you mean, acceptance?

21 Q. Were they -- did you look at them to
22 see if they were empty?

23 A. Yes, sir.

24 Q. Did they contain anything?

1 A. Yeah.

2 Q. Did they ever contain anything?

3 A. No, nothing.

4 Q. They were always empty?

5 A. Always empty. Because, see, the
6 company that we got them from made sure
7 that -- we wasn't in chemical business; we're
8 in the cleaning business. They were
9 responsible for their own chemical.

10 Q. And who were the companies that you
11 got them from?

12 A. We got them from -- I think I got a
13 list. I can't think of them.

14 Q. We'll go through that later on.

15 A. Okay.

16 Q. So there was -- you say that there
17 was an acceptance program at American Drum
18 for drums that were brought to the facility?

19 A. Uh-huh.

20 Q. And was there a standard applied for
21 the acceptance program? Did you have any
22 kind of procedure for accepting drums and
23 tanks at the American Drum facility?

24 A. Yes, sir. We knew not to accept no

1 drum with nothing in them. Now, we had a
2 company --

3 Q. Go slow, Mr. Williams. Say that
4 again, please.

5 A. They knew that we -- we told them not
6 to accept nothing with nothing in them; all
7 the drum have to be clean. But we had a
8 couple company that bring some drums and drop
9 them off. And they from down -- from
10 Mississippi, and I put them in a truck and
11 asked the company come back, pick up the
12 drum, and nobody came back to pick them up.

13 I think those the ones that Steve see
14 in the trailer there, were from some Flying
15 place in Mississippi, Minnow [sic] City,
16 Mississippi.

17 Q. And those drums were brought by a
18 Flying company from Minnow [sic] City?

19 A. Mississippi.

20 Q. Mississippi?

21 A. Uh-huh.

22 Q. Do you know the name of that company?

23 A. I think it on there, Tiger company, I
24 think.

1 Q. Tiger company?

2 A. Yes, sir.

3 MR. SPURLIN: Would it be Flying
4 Tiger?

5 THE WITNESS: Flying Tiger,
6 that's it. Flying Tiger.

7 MR. PARRISH: Did you say Minnow
8 City or mini city?

9 THE WITNESS: Mini city --
10 Minnow City, Minnow City. M-I-N-E-R,
11 something like --

12 MR. PARRISH: Mineral [sic]
13 City.

14 BY MR. HARBIN:

15 Q. Were there any other containers that
16 were brought onto the American Drum facility
17 that you-all did not accept?

18 A. Yes, sir. Now, I have to get into
19 that. I have to go back and look at the work
20 because we sent a lot of them back.

21 Q. Do you remember the names of the
22 companies that sent those?

23 A. No. One company over there on
24 Chelsea.

1 Q. Say that again.

2 A. I forget -- I have to go by to get
3 the address. It was a company on Chelsea, a
4 concrete place, Chelsea and then -- off
5 Chelsea and Bellevue. They do a lot of
6 concrete. They run a lot of drum back there.
7 They wouldn't come get them. I took them
8 back over there to them.

9 Q. And what did they contain?

10 A. They contained something to clean --
11 they made concrete, brick, whatever they -- I
12 don't know what they were.

13 Q. But it contained a cleaning agent?

14 A. Cleaning agent, uh-huh.

15 Q. And you took those back?

16 A. Took those back, yeah.

17 Q. Do you remember any other drums that
18 you did not accept?

19 A. A lot of them we didn't accept. But
20 I can't remember who, you know.

21 Q. Were the drums inspected for state --
22 compliance with EPA standards or state
23 standards?

24 A. I don't understand what you mean.

1 Explain what you mean. If you mean
2 shipping --

3 Q. Drum acceptance.

4 A. Accepting shipment like 18 gauge, 18
5 gauge, so you can't only gauge -- you can --
6 only drums you could ship is one 18 gauge.
7 You need 18 gauge. The 20 gauge, they come
8 in mostly -- a lot of full grade, you just
9 have them in the house to put water,
10 whatever, in.

11 The only thing that transportation
12 would ship are 18 gauge, and 20 in plastic,
13 certain gauge of plastic.

14 MR. PARRISH: You're saying 18
15 gauge?

16 THE WITNESS: Gauge, the steel.

17 MR. PARRISH: That's the
18 gauge --

19 THE WITNESS: Of the drum.

20 MR. PARRISH: You're describing
21 the kind of steel the drum is made out of.

22 THE WITNESS: Right.

23 MR. PARRISH: 18 gauge.

24 THE WITNESS: 18 gauge.

1 MR. HARBIN: Can we take just a
2 second, please?

3 (An off-the-record discussion
4 was held.)

5 BY MR. HARBIN:

6 Q. I would like to introduce as an
7 exhibit, 1, the response to the Tennessee
8 Department of Environment & Conservation
9 information request by American Drum &
10 Pallet, Inc. And I'd like to introduce that
11 as Exhibit 1.

12 MR. PARRISH: This document has
13 a rubber stamp on it. It says received May
14 23rd, 2007, Memphis field office; is that
15 correct?

16 MR. HARBIN: Correct.

17 MR. PARRISH: And that's the
18 field office of what?

19 MR. HARBIN: Of Tennessee
20 Department of Environment & Conservation.

21 MR. PARRISH: Okay.

22 (Deposition Exhibit 1 was marked
23 for identification.)

24 BY MR. HARBIN:

1 Q. Mr. Williams, in this document,
2 Exhibit 1 --

3 MR. PARRISH: Could you ask him
4 if he can identify it?

5 MR. HARBIN: Absolutely.

6 BY MR. HARBIN:

7 Q. Can you identify that document?

8 A. Yeah, I believe.

9 Q. Did you submit that or did
10 Mr. Johnnie Williams submit that?

11 MS. RICHARDSON: He is Johnnie
12 Williams.

13 BY MR. HARBIN:

14 Q. I mean Michael Williams. I'm sorry.

15 A. I'm familiar -- I'm sure I did.

16 MR. PARRISH: Look through the
17 other pages.

18 THE WITNESS: Okay. And I made
19 a mistake. I think Gray submitted it, Glover
20 Gray. I believe Glover Gray submitted it.

21 BY MR. HARBIN:

22 Q. But you are familiar with it?

23 A. I remember seeing it. I'm not
24 familiar with it, but I remember. Cowley

1 Container, they bought a lot of drum.
2 C-O-W-L-E-Y. That's in Nashville. I'm from
3 Nashville. Yeah, I remember seeing that --
4 not the greatest mind in the world, but I
5 remember seeing it.

6 Q. But this is a document of American
7 Drum?

8 A. Uh-huh.

9 Q. And it was completed by who?

10 A. Glover Gray.

11 Q. And I'd also like to introduce as
12 Exhibit 2 the information request from the
13 Tennessee Department of Environment &
14 Conservation dated April 5th, 2007.

15 (Deposition Exhibit 2 was marked
16 for identification.)

17 BY MR. HARBIN:

18 Q. Now, are you familiar with that
19 document, Mr. Williams?

20 A. Yes, I'm sure I've seen it. I'm
21 clearly not the best, but like I say -- yeah.

22 Q. And I'm not sure if I asked this
23 question or not, but let's go back to the
24 filtration system one last time before we

1 move on to Exhibit 1 and Exhibit 2.

2 A. Uh-huh.

3 Q. The material that you collected from
4 the screens that went into the drums --

5 A. Yes, sir.

6 Q. -- how were they disposed of?

7 A. The EPA disposed of them.

8 Q. Where were they stored?

9 A. They were stored inside on the
10 concrete floor.

11 Q. And what were they stored in?

12 A. 55-gallon steel drum, a 17 gauge.
13 That's the heavy one that you put it in.

14 Q. Now, we're back to talking about the
15 acceptance program. And in Exhibit 1, it
16 says that drums for pickup or drop-off are
17 inspected for compliance with EPA standards.

18 A. Uh-huh.

19 Q. What standards were they inspected
20 for?

21 A. They inspect to see if they have any
22 kind of residue in them.

23 Q. So that's what was termed EPA
24 standards?

1 A. I'm sure, yeah. I guess so, yes,
2 sir.

3 Q. And who was responsible for
4 conducting that inspection?

5 A. James Wilkerson.

6 Q. We've gone over this before. But did
7 the drums contain any residue materials that
8 were brought to American Drum?

9 A. It wasn't never brought to my
10 attention. I didn't check them. He checked
11 them. But he knew we're not supposed to put
12 it -- take anything with any residue in them.

13 Q. Would any have been cleaned that did
14 contain residue?

15 A. I couldn't say, but it shouldn't have
16 been. I couldn't say now, but it shouldn't
17 have been.

18 MR. PARRISH: Did you say
19 shouldn't or should?

20 THE WITNESS: No, shouldn't have
21 been. It shouldn't have been.

22 BY MR. HARBIN:

23 Q. But you weren't there checking to see
24 whether --

1 A. No.

2 Q. -- or not they contained any residue
3 or not?

4 A. No, I wasn't. I was mostly out in
5 the field.

6 Q. Did Mr. Wilkerson ever perform what
7 was termed a hazardous waste determination on
8 any barrels that contained residue that came
9 into the facility?

10 A. Well, I know he turned some down; is
11 that what you mean?

12 Q. There is a term called hazardous
13 waste determination to see if a material is
14 or is not a hazardous waste. Did you-all
15 ever do that at that facility?

16 A. No. Well, you see, you can't
17 determine what a hazardous waste is without
18 any -- if you don't have anything to test it
19 with, you know. What I'm saying, you got to
20 have the waste in your house, Clorox. You
21 can't determine that. You have to go to a
22 lab to determine what's hazardous, what ain't
23 hazardous. That's how it's determined.

24 Q. But do you know whether a hazardous

1 waste determination was done by Mr. Wilkerson
2 on any drums that --

3 A. No, I don't. No, I don't.

4 Q. Who owned the drums that were brought
5 to the -- or let me rephrase that.

6 Who owned the drums that were cleaned
7 at the 806 Walnut facility?

8 A. We owned them till we sold them, the
9 ones that we accept.

10 Q. When did you-all become the owner?
11 When did American Drum become the owner?

12 A. Of the drum?

13 Q. Yes.

14 A. Whenever we accept them.

15 Q. And how did the drums come to the
16 facility?

17 A. By truck, a drum hustler, uh-huh.

18 Q. And American Drum did not become the
19 owner of them until you-all -- until American
20 Drum accepted them?

21 A. Accept them.

22 Q. So when you-all went out and picked
23 them up -- and when I use the term "you-all,"
24 I'm saying American Drum -- when American

1 Drum went out and picked them up and --
2 American Drum had a person that would go out
3 and pick drums up?

4 A. Uh-huh.

5 Q. Is that correct?

6 A. Yes, sir, that's correct.

7 Q. Did American Drum own the drums at
8 the time they picked them up?

9 A. No.

10 Q. It was only after acceptance?

11 A. Acceptance. Because we have to pick
12 up drum and took them back.

13 Q. Do you know who you took them back
14 to?

15 A. A glue company over in North Memphis.
16 They closed down since then. And another --
17 I think I give you the name yesterday. Last
18 name Omaha.

19 Q. Say that again, Mr. Williams.

20 A. Fuller, F-U --

21 THE WITNESS: How do you spell
22 Fuller?

23 MS. RICHARDSON: F-U-L-L-E-R,
24 Glue.

1 THE WITNESS: We took some back
2 to them, and we took back some back to some
3 other company.

4 BY MR. HARBIN:

5 Q. Can you remember who you took them
6 back to?

7 A. Not exactly. I could try come to get
8 it.

9 Q. If you would do that and you would
10 provide that to Mr. Parrish, we would
11 appreciate that.

12 A. Yes, sir, I will.

13 Q. You will try to do that?

14 A. Yes, sir, I sure will. Yes, sir.

15 Q. Can you identify the chemicals that
16 were used by American Drum in its process at
17 the 806 Walnut Street facility?

18 A. For cleaning drums?

19 Q. All of the chemicals that was used.

20 A. In cleaning drum?

21 Q. Yes, sir.

22 A. I can find out and let you know. I
23 don't know. It was a detergent/soap. The
24 kind of soap -- a soap, it wasn't supposed to

1 have any kind of -- just for washing, yeah.
2 So it's kind of like dishwashing soap that go
3 down -- when you wash dishes, go down the
4 drain.

5 Q. So detergent/soap?

6 A. Something like detergent/soap,
7 uh-huh.

8 Q. That was the only chemical that
9 you --

10 A. The only one I can remember. We got
11 it from Jack Flint and one other company, got
12 some from Cougar Chemical. But they knew
13 what kind of soap I needed, what kind I used
14 to wash the drums, yeah.

15 Q. Did you use any other chemicals?

16 A. I can't remember. Except -- I'm
17 sorry.

18 Q. No, go ahead.

19 A. Except paint, when we paint the drum
20 with that chemical.

21 Q. And used gasoline in the rags?

22 A. On the rags, uh-huh.

23 Q. So I'm understanding you to say you
24 used three chemicals?

1 A. Uh-huh.

2 Q. Which would have been the
3 detergent/soap?

4 A. Uh-huh.

5 Q. The gasoline?

6 A. Uh-huh.

7 Q. And the paint?

8 A. Paint. Now, use diesel, too. The
9 machine was diesel.

10 Q. And --

11 A. You call that --

12 Q. How would you use the diesel?

13 A. The machine run off diesel.

14 Q. Diesel gasoline?

15 A. Yes, sir. Diesel, not diesel
16 gasoline. Diesel, what you put in big
17 trucks. Mr. Steve know what I'm talking
18 about.

19 MR. SPURLIN: He's talking about
20 fuel for his equipment.

21 MR. HARBIN: I see.

22 MR. SPURLIN: None of that is
23 used for cleaning his equipment.

24 MR. PARRISH: And diesel is not

1 gasoline.

2 MR. SPURLIN: Correct.

3 MR. PARRISH: That's totally
4 separate.

5 BY MR. HARBIN:

6 Q. What was the quantity of detergents
7 that you-all used, approximately?

8 A. If we washing 50 drum, like I said,
9 about a gallon.

10 Q. And how did you manage the chemical?
11 How was -- who -- who managed -- what
12 employee managed that chemical detergent?

13 A. (Indecipherable) Williams wanted to
14 wash the drum. And Charles Wilkerson.

15 Q. And how about the gasoline?

16 A. Mostly Charles or somebody, James
17 Wilkerson, whoever wiping the drum down.

18 Q. And the paint?

19 A. Charles Wilkerson. He's the one that
20 did the painting.

21 Q. How were they stored?

22 A. We got a storage facility, a little
23 room we put them in. And we just didn't have
24 that much stored, and we going to paint about

1 50 drums, two and a half, three gallons --
2 gallon bucket, that's something -- you know,
3 we small, like I say. We were so small you
4 wouldn't believe it, big facility but small
5 operation.

6 Q. So I'm understanding you to say,
7 Mr. Williams, that you used -- let me say
8 this one more time to make sure that I'm
9 understanding this correctly -- that you used
10 the chemical detergent?

11 A. Uh-huh.

12 Q. The soap/detergent for the cleaning
13 process?

14 A. Uh-huh.

15 Q. You used gasoline --

16 A. Uh-huh.

17 Q. -- for the drum --

18 A. For cleaning.

19 Q. -- preparation, cleaning process?

20 A. Uh-huh.

21 Q. And then you used paint?

22 A. Uh-huh.

23 Q. And those are the only three
24 chemicals that you used?

1 A. That I could -- yes, sir, I can
2 remember that we used.

3 MR. PARRISH: And diesel.

4 MR. HARBIN: And diesel.

5 THE WITNESS: Diesel.

6 BY MR. HARBIN:

7 Q. Not gasoline, but the fuel to run
8 your equipment?

9 A. Equipment, yeah.

10 Q. Did American Drum ever use what's
11 called TCE at its facility?

12 A. Uh-uh. What is -- I don't know what
13 TCE is.

14 MR. HARBIN: Mr. Spurlin, would
15 you identify what TCE is?

16 MR. SPURLIN: It's generally
17 trichloroethylene. It's often used as a
18 solvent material.

19 THE WITNESS: No.

20 BY MR. HARBIN:

21 Q. Did you ever use trichloroethylene
22 at --

23 A. I don't remember.

24 MR. SPURLIN: Mr. Williams, the

1 paint that you used for the drums, did you
2 buy -- did you purchase that as a new
3 product, or did you purchase it like as maybe
4 an off-spec or a used paint to paint your
5 drums with, or did you buy it new?

6 THE WITNESS: We buy it knew
7 from Farrell Calhoun, new, brand-new, bucket.

8 MR. PARRISH: Did you say the
9 name of the company, Farrell --

10 THE WITNESS: Farrell Calhoun,
11 paint.

12 MR. PARRISH: Farrell Calhoun.

13 BY MR. HARBIN:

14 Q. About how many gallons of paint would
15 you go through with the 50 drums?

16 A. About two and a half gallon.

17 Q. And who was the employee responsible
18 for the paint?

19 A. Charles Wilkerson.

20 Q. Do you ever remember having
21 trichloroethylene, TCE, on the 806 Walnut
22 facility?

23 A. I don't remember. Maybe have. I
24 don't remember.

1 Q. You say maybe have. Explain what you
2 mean by that.

3 A. Well, what I mean, when Steve and
4 them cleaned it up, it was a lot of chemical
5 there. I didn't know where -- that's why
6 they came, because I didn't know what it was.
7 It was there when we got the facility.

8 Q. So the trichloroethylene you're
9 saying would have been there prior to --

10 A. It may have been there.

11 Q. May have been there --

12 A. Yeah.

13 Q. -- prior to you-all purchasing --

14 A. Yes, sir.

15 Q. If it was there, it was there prior
16 to you-all purchasing the facility?

17 A. Right.

18 Q. Do you know where that -- who owned
19 that trichloroethylene?

20 A. No, sir, I don't. I don't even know
21 who makes it.

22 Q. Do you know why it was there at your
23 facility?

24 A. No, I don't.

1 Q. Do you know who brought it to -- why
2 it was left at your facility?

3 A. No, I don't.

4 Q. Do you know who left it at your
5 facility?

6 A. No, sir, I don't know. Because when
7 we bought it, who owned -- it was -- it was a
8 cabinet company there before we got there,
9 Pioneer Cabinet, and they did a lot of
10 chemicals.

11 Q. When did you first discover those
12 chemicals there when you moved -- after you
13 moved into the facility?

14 A. I discovered a lot of drum. I didn't
15 discover none of it. They -- I think,
16 Mr. Harbin, and the (indecipherable) guy
17 discovered a lot of it. Only time we knew
18 they had a lot of drum, like I showed, we had
19 a lot of drum there. And we never -- in
20 fact, nobody knew what it was because nobody
21 never test it.

22 Q. When you moved into the facility, did
23 you look around the facility to see if
24 anything was there?

1 A. A lot -- there was a lot of junk
2 there, a lot of stuff there.

3 Q. A lot of drums or a lot of things
4 there when you --

5 A. A lot of drums, a lot of pallets, a
6 lot of debris, a lot of stuff was there.

7 Q. Where were the drums located in the
8 facility?

9 A. They was -- they was out in the back,
10 in the back, back there, and then we had out
11 on Alston -- the little -- you know, the shed
12 full of them, the yard was full and the alley
13 back there was full. So they were
14 everywhere.

15 Q. And that's the drums that you're
16 saying -- they were there before you-all
17 moved into the facility?

18 A. I didn't discover them. They
19 discovered them.

20 Q. Who is they?

21 A. EPA discovered them.

22 Q. But you -- did you ever inspect the
23 facility or walk around the facility prior to
24 EPA discovering the drums?

1 A. Yes, sir, we did.

2 Q. Did you ever see those drums that EPA
3 discovered?

4 A. I seen most of the drums, but I
5 didn't know what was in them. They didn't
6 have no label on them, I don't think. They
7 just, you know --

8 Q. Did you ever think about inspecting
9 them to see what was in them?

10 A. No, sir, I didn't.

11 Q. Did American Drum ever have methyl
12 parathion or use methyl parathion?

13 A. No, sir, we never used that.

14 Q. Was it ever on the site?

15 A. I think Steven showed me in the
16 trailer they were. It went to the people
17 that brung the stuff down from Flying Tiger;
18 and when I seen that had the skull on it,
19 that's when I put them in the trailer. And
20 when Mr. Steven came in, I showed him in the
21 trailer where they were, out on the front
22 dock, because it had a skull on it, I think.
23 I showed him.

24 Q. Okay. Let's go through this.

1 A. Okay.

2 Q. There were containers on the American
3 Drum facility that contained methyl
4 parathion?

5 A. Okay.

6 Q. Is that correct?

7 A. Well, I don't know what was -- I know
8 it had a skull on it, and I seen I think on
9 the reports that it had residue in it.

10 Q. Residue?

11 A. Uh-huh.

12 Q. And who brought those containers in?

13 A. The company dropped them off from
14 Minnow City. I think Flying Tiger.

15 Q. Do you have records of that?

16 A. No. I could -- you know, I know
17 where they -- I know where they at. I can
18 get the address. I know where they at. They
19 in Minnow City, Mississippi, down below my
20 hometown.

21 Q. And would you get that for
22 Mr. Parrish and have Mr. Parrish supply that
23 to me?

24 A. I sure will, yes, sir.

1 Q. Now, did American Drum go down and
2 pick those containers up, or did the company
3 bring them to --

4 A. The company brought them to me.

5 Q. The company brought them to you?

6 A. Yes, sir.

7 Q. Were they in a trailer or what were
8 they in? How did the company bring them to
9 you?

10 A. In a Bob truck.

11 Q. In a Bob truck?

12 A. Uh-huh.

13 Q. And what is a Bob truck?

14 A. Anything beyond a 24 -- 20 foot, 24,
15 26 Bob truck. It is a Bob truck.

16 Q. Is it a fully contained covered --

17 A. Covered, right, uh-huh.

18 Q. And when did they bring those to you?

19 A. I have to try to find -- work to find
20 out when. I don't know exactly when.

21 Q. Take me through the process of --
22 they brought that Bob truck. Was there one
23 Bob truck or two Bob trucks or three Bob
24 trucks?

1 A. Well, I wasn't there. But I think
2 one Bob truck.

3 Q. One Bob truck?

4 A. Uh-huh.

5 Q. And what happened after they came to
6 the facility?

7 A. After then, they left them on the
8 dock. See, you know, when you -- when you --
9 you was over there yesterday. When people
10 got something they want to get rid of or got
11 something they think -- a used drum like
12 that, they drop them off, hoping that you'll
13 use them, that you need them. They never
14 hardly come back and pick them up.

15 Q. Say that again.

16 A. They never hardly come and pick
17 them -- they will drop them off. I
18 remember -- I'm not there while people drop
19 off stuff at.

20 Q. And so people would drop off drums?

21 A. Uh-huh.

22 Q. What did you do with those drums they
23 would drop off?

24 A. If they dropped off, it's a clean

1 drum, we use it. And if they had anything in
2 them, I made sure that they come back and get
3 them if I knew who dropped them off.

4 Q. You did know who dropped them off?

5 A. I know who dropped those off.

6 MR. PARRISH: I think he said if
7 he knew who dropped them off.

8 BY MR. HARBIN:

9 Q. And you knew who dropped off the
10 containers that had the residue in them that
11 we're talking about that's in the Bob truck?

12 A. Right, uh-huh.

13 Q. After you found out -- after they
14 dropped them off, what happened after that?

15 A. Then I got my guy to store them in
16 the trailer.

17 Q. Did you move them from the Bob truck?

18 A. No. I moved them from the dock.
19 They dropped them off at the dock. I moved
20 them from the dock. After they didn't come
21 back and pick them up after a couple days,
22 because I see the skull on them, I move them,
23 secure them in a trailer and put them behind
24 to make sure nothing would get out.

1 Q. Did you call them to tell them to
2 come and pick them back up?

3 A. Uh-huh, sure did.

4 Q. And do you remember who you talked
5 to?

6 A. No. But I asked Dorothy Williams to
7 go help the guy and she did.

8 Q. She did? Dorothy called the --
9 Mrs. Williams called?

10 A. Uh-huh.

11 Q. Would Ms. Williams be able to tell
12 me -- to tell us who she talked to?

13 A. I can ask and see.

14 Q. Would you find that out for --

15 A. I find out.

16 Q. -- for us and get that information to
17 your attorney, Mr. Parrish?

18 A. Yes, sir. Uh-huh.

19 Q. Did you make more than one attempt to
20 call them and --

21 A. Several attempt.

22 Q. After you moved them from the loading
23 dock, you -- I'm not understanding,

24 Mr. Williams. You found them at the loading

1 dock.

2 A. Uh-huh.

3 Q. What happened to them after that?

4 A. I put them in the -- I had my guy put
5 them in the trailer, secure them.

6 Q. And was the trailer -- again, was the
7 trailer owned by you?

8 A. Yes, the trailer owned by me.

9 Q. And the company never came to pick
10 the --

11 A. No, they didn't.

12 Q. -- bottles -- the drums back up?

13 A. No, sir, they didn't.

14 Q. And where they -- the trailer that
15 you moved them to is the trailer that
16 Mr. Spurlin discovered them in?

17 A. Uh-huh. He didn't discover them. I
18 told him. When Mr. Spurlin came -- let's put
19 this on record. When he came there, I took
20 him around -- 100 percent I showed him where
21 everything was and that I didn't know and he
22 had to test and he told me what to do.
23 Everything he told me to do I was doing it.

24 Q. Okay.

1 A. Okay.

2 MR. PARRISH: You're talking
3 about Mr. Spurlin?

4 THE WITNESS: Mr. Spurlin.

5 BY MR. HARBIN:

6 Q. During your operations at the 806
7 Walnut Street facility, the cleaning of the
8 drums, the rinsing, the drying, was there any
9 waste generated from the operations? Did you
10 process waste generated from the operations
11 there?

12 A. Talking about cleaning the -- what
13 you call it -- the screen off?

14 Q. Any waste.

15 A. Yeah. We put them in the drum,
16 55-gallon drum, 17 gauge.

17 Q. So we're talking about the waste that
18 was generated from the filtration system; is
19 that what you're speaking of?

20 A. Uh-huh, right.

21 Q. And the rags?

22 A. Uh-huh.

23 Q. Again, were those the only --

24 A. Only one that I could remember.

1 Q. Tell me one more time. How did
2 you-all manage the waste that was -- came
3 from the filtration system?

4 A. We take out of the tank, screen and
5 put into a 55-gallon drum, put tops on it.

6 Q. And where were they stored?

7 A. Set them inside the building on
8 concrete, right down from there, wash it.

9 Q. And the gasoline rags?

10 A. Yes, sir, put them in a 55-gallon
11 drum.

12 Q. And they were stored --

13 A. Inside, too.

14 Q. Was there ever a hazardous waste
15 determination made on any of those waste --
16 the waste from the filtration system and the
17 rags?

18 A. We -- no more than what they gave us,
19 you know, EPA with the -- you know.

20 Q. Was there a Great Dane Trailer on the
21 property?

22 A. Uh-huh. Well, it wasn't a Great Dane
23 Trailer. It was a plain Hoover trailer, I
24 believe, had some Great Dane drums in them.

1 Q. Explain that to me, Mr. Williams.

2 A. Okay. There was a Hoover -- old
3 Hoover trailer there, had some Great Dane
4 drums in there. See, Great Dane closed down
5 about, what, 2000 or '99, something like
6 that.

7 So drums -- everybody -- Great Dane
8 did drum paint, they'll paint -- like they
9 make the -- paint the trailer with. That's
10 what they got, the -- they got paint, you
11 know, whoever got the paint from, they either
12 got it from United Paint, whoever made the
13 paint. And they had the name on the drum,
14 Great Dane drum. And it was from them.

15 Q. Did Great Dane operate at the 806
16 Walnut facility?

17 A. No.

18 Q. Where do you think those Great Dane
19 drums came from?

20 A. Came from Great Dane.

21 Q. How did they get to the facility?

22 A. I'm not for sure. Probably drum
23 hustler.

24 Q. Were they -- when did they come to

1 the facility?

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

3 Q. Were you -- was American Drum
4 operating when the drums came to the
5 facility?

6 A. No, sir. They was already there.

7 Q. And they were in the Hoover trailer?

8 A. Hoover trailer, uh-huh.

9 Q. Did you make any attempt to find out
10 who owned the Great Dane drums or who owned
11 the Hoover trailer?

12 A. No, sir.

13 Q. Tell me again about Great Dane. What
14 is Great Dane?

15 A. Great Dane is a trailer facility.
16 They make trailer, pull behind a tractor, you
17 know, 18-wheeler. They make trailer, flatbed
18 and boxed-in.

19 Q. Are they still operating?

20 A. They closed the Memphis plant but
21 they operating, though.

22 Q. And they had a Memphis plant?

23 A. On President Island.

24 Q. Say that again, please.

1 A. On President Island.

2 Q. When did they close that facility?

3 A. I think they closed about 2000, right
4 after 2000, 2001, something like that. But
5 now, they do have another facility, I think,
6 on Mallory Street. I'm not for sure. But I
7 don't think they do no paint --

8 (Reporter interrupted.)

9 A. Mallory.

10 MR. PARRISH: M-A-L-L-O-R-Y.

11 THE WITNESS: And I said I don't
12 think they do no paint there. I think they
13 just make trailer. I'm not for sure.

14 BY MR. HARBIN:

15 Q. But the drums were marked Great Dane?

16 A. Yes, sir.

17 Q. About how many drums were there?

18 A. I don't know. You may have to ask
19 Mr. Steven. Quite -- may have been quite a
20 few, but I don't...

21 Q. Was Pioneer Cabinet -- you've
22 mentioned Pioneer Cabinet operating there
23 before American Drum.

24 A. Uh-huh.

1 Q. Was Pioneer Cabinet responsible for
2 any materials or waste that was left on the
3 site?

4 A. I don't know.

5 MR. PARRISH: When you're asking
6 responsible, that's sort of a legal question.
7 If you could maybe rephrase it.

8 BY MR. HARBIN:

9 Q. To your understanding -- do you know
10 whether Pioneer Cabinet Company left any
11 materials or waste on the site?

12 A. I don't know. They made cabinets for
13 Holiday Inn. I know that. And when you make
14 cabinets, you got paint, you got lacquer, and
15 you got all kinds of stuff.

16 MR. HARBIN: Can we take a
17 break?

18 (A recess taken.)

19 BY MR. HARBIN:

20 Q. Mr. Williams, could you identify the
21 customers of American Drum, when it was both
22 American Drum & Pallet Company, Inc. and
23 American Drum & Pallet, Inc.?

24 A. The same, I think, same customers.

1 Q. Okay. And the -- I'm not looking --
2 we're not looking for the ones that you sold
3 clean drums to.

4 A. Uh-huh.

5 Q. We're looking for the customers who
6 supplied you drums --

7 A. Uh-huh.

8 Q. -- who you would pick up drums from
9 or who supplied you drums. Who were those
10 people or companies?

11 A. Told you all that, yeah. The ones I
12 told you. Now, I may have a few, I gave
13 Ms. Brenita one yesterday. I may have a
14 couple -- as I go through my work, when I
15 find something, I always try to call my
16 attorney and let him know that I come up with
17 something new.

18 Q. Well, you gave me a sheet of paper
19 yesterday that I didn't ask for, but you
20 provided this to me --

21 A. I provided that it you.

22 Q. -- yesterday. And I would like to
23 introduce this as Exhibit 3.

24 MR. HARBIN: Do you have any

1 objection?

2 MR. PARRISH: No.

3 THE WITNESS: I gave it to him.
4 Now, I may have some to add on, I told her.

5 BY MR. HARBIN:

6 Q. And I want to be clear, Mr. Williams.
7 You gave this to me and to Ms. Richardson
8 yesterday. We did not ask for this. You
9 gave this to us voluntarily yesterday --

10 A. Sure did.

11 Q. -- without us asking for this?

12 A. Sure did.

13 MS. RICHARDSON: I want to get
14 on the record the company you mentioned
15 yesterday. Was that the Marianna Company?

16 THE WITNESS: Yeah. Marianna.

17 MS. RICHARDSON: Of Omaha,
18 Nebraska?

19 THE WITNESS: Yeah, that --
20 Omaha. They closed the Memphis plant. They
21 had a big plant in Memphis, and I got a
22 couple more. But I just can't think in my
23 mind. One of them, I know -- Bunia, I
24 believe. Bon -- I have to go out and see,

1 you know --

2 BY MR. HARBIN:

3 Q. Would you think about that and
4 provide that to Mr. Parrish as well?

5 A. Yes.

6 (Deposition Exhibit 3 was marked
7 for identification.)

8 BY MR. HARBIN:

9 Q. Mr. Williams, you've identified that
10 as the paper you gave to me --

11 A. Yesterday.

12 Q. -- yesterday.

13 A. Uh-huh.

14 Q. And I'm going to going through these
15 one at a time.

16 A. Okay, sir.

17 Q. If that's okay.

18 A. Yes, sir.

19 Q. Rich Foods?

20 A. Uh-huh.

21 Q. What do they supply to you?

22 A. Plastic and steel drum and tote tank.

23 Q. And what were they -- what was the
24 nature of their business?

1 A. I think ice cream. I'm not for sure,
2 but they made food.

3 Q. Was there a written contract?

4 A. No, sir, no.

5 Q. And the -- about how many containers,
6 would they -- did they supply containers to
7 you?

8 A. I guess in a month's time I'd say
9 about 75 to 100.

10 Q. Was that through each and every
11 year --

12 A. Yes, sir, uh-huh.

13 Q. -- that you were operating --

14 A. Uh-huh.

15 Q. -- there?

16 A. Uh-huh.

17 Q. That's how many containers they would
18 supply?

19 A. Uh-huh.

20 Q. What would they supply again?

21 A. Plastic, steel and tote tank.

22 Q. Was there material in those drums?

23 A. No. They were clean.

24 Q. They were clean. How were they

1 delivered to the facility?

2 A. We picked them up.

3 Q. And again who owned the drums? Did
4 you -- who owned those drums? Did you own
5 them when you picked them up, did you own
6 them when you got them to the facility? Who
7 owned those drums?

8 A. When we got them to the facility, we
9 would use all of them.

10 Q. Is there a contact person for Rich
11 Foods?

12 A. I could get the name.

13 Q. Smucker's Jelly?

14 A. Uh-huh.

15 Q. And did they provide the drums or did
16 you go and pick them up?

17 A. Went out and picked them up.

18 Q. Was there a written contract?

19 A. No.

20 Q. Was there a written contract with any
21 of these companies?

22 A. No, uh-uh, no.

23 Q. And again with any of these
24 companies, do you ever remember there being

1 any material in the drums that you would pick
2 up?

3 A. Could I look at that?

4 Q. Yes.

5 MR. PARRISH: That is Exhibit 3
6 that you're looking at?

7 THE WITNESS: Uh-huh.

8 MR. HARBIN: Thank you.

9 THE WITNESS: Only company that
10 I remember that we picked up drum that may
11 have some residue in it was CCL because they
12 made cologne, CCL, they made cologne and face
13 stuff like that. I also they -- the Flying
14 Tiger in Minnow City there, yeah, they had
15 them in.

16 BY MR. HARBIN:

17 Q. It says Target Flying. Did you mean
18 that --

19 A. I mean Tiger, should be Tiger Flying.
20 I'm sorry.

21 Q. So out of these, and I'm going to
22 read these off --

23 A. Yeah.

24 Q. -- there was Rich Foods?

- 1 A. Uh-huh.
- 2 Q. Smucker Jelly?
- 3 A. Uh-huh.
- 4 Q. Newlywed Foods?
- 5 A. Now, Newlywed may have -- I'm not for
6 sure because we took -- we had some drum that
7 had some hot sauce and some molasses in them
8 and we took them back, but they clean them
9 out. We took the drum back.
- 10 Q. And they came and got them?
- 11 A. No. We took them back.
- 12 Q. You took them back?
- 13 A. Yeah, they cleaned them out and we
14 got them.
- 15 Q. They cleaned them out?
- 16 A. Yes.
- 17 Q. Newlywed Foods cleaned them out?
- 18 A. Yes.
- 19 Q. And they brought them back to the
20 facility?
- 21 A. No. We picked them up.
- 22 Q. You picked them up?
- 23 A. Uh-huh.
- 24 Q. Pepsi Cola Bottling?

1 A. We got a lot of -- most of them had
2 was Pepsi Cola syrup.

3 Q. You would clean the syrup out?

4 A. Only be just a little, yeah, because
5 Pepsi Cola had so many, they had quite a few.
6 And you see in the pictures Pepsi Cola drum.

7 Q. How many?

8 A. We used to pick Pepsi Cola every two
9 weeks. Yeah, Pepsi Cola drums.

10 MR. HARBIN: I'd like to make
11 this photograph Exhibit 4.

12 (Deposition Exhibit 4 was marked
13 for identification.)

14 BY MR. HARBIN:

15 Q. Mr. Williams, you've identified this
16 photograph Exhibit 4 as the Pepsi Cola?

17 A. Pepsi Cola.

18 Q. And it had -- the Pepsi Cola had
19 syrup residue in some of them?

20 A. Yes, sir.

21 Q. Leonard's Recycling, what was that?

22 A. That was plastic drums that we got
23 from him.

24 Q. Do you know what their business was,

1 Leonard's Recycling?

2 A. No. I think he was picking them up
3 from somewhere else. I'm not for sure. I
4 think he was picking them up from Ideal
5 Chemicals, but they were empty when he
6 brought them.

7 Q. Did they contain any residue?

8 A. I couldn't say.

9 Q. Who would know that?

10 A. James Wilkerson, James Wilkerson
11 would know. I can ask him and get a
12 statement from him through my lawyer.

13 Q. If you could do that, I would
14 appreciate that.

15 A. Yes, sir. And you make a note of
16 what I need to do.

17 Q. We're doing that.

18 A. Okay. I'm sorry. Because I will
19 forget.

20 Q. We're doing that, Mr. Williams, but
21 thank you.

22 Precision Technology, did you pick up
23 barrels for them?

24 A. Yeah, I picked up drums from them,

1 yes, sir.

2 Q. You picked up drums from them. Did
3 they have any residue?

4 A. No.

5 Q. What was Precision Technology, what
6 was their business?

7 A. They were making something like hair
8 spray.

9 Q. What kind of drums did you pick up
10 from them?

11 A. Steel and plastic.

12 Q. Hanco Manufacturing?

13 A. Uh-huh.

14 Q. Did you pick up --

15 A. Picked up steel from them.

16 Q. Steel drums from them?

17 A. Uh-huh.

18 Q. Did they contain any residue?

19 A. No. No.

20 Q. What was their business,
21 Mr. Williams?

22 A. I don't know. I have to find out.

23 Q. I forgot if I asked this, but what
24 drums did you pick up from Hanco?

1 A. Steel.

2 Q. Steel drums?

3 A. Uh-huh.

4 Q. Jack Flint & Son, what did you pick
5 up from them?

6 A. Steel and plastic and tote tank.

7 Q. Did they contain any residue, to your
8 knowledge?

9 A. No, not to my knowledge -- they made
10 soap or we bought soap from them.

11 Q. I see. Jackson Oil Company.

12 A. Uh-huh, picked up empty drums from
13 them. They handle oil. They used to be in
14 Memphis, but they in West Memphis now.

15 Q. What drums did you pick up from them?

16 A. Steel and tote tank, they didn't have
17 plastic. Steel and tote tank.

18 Q. Kenny & Associates?

19 A. He made this air condition oil that
20 he sold to Carrier, Carrier Air Conditioning.
21 He's on Jackson. The drums I pick up from
22 him was empty.

23 Q. What kind of drums did you pick up?

24 A. Open head.

1 Q. Open head?

2 A. Uh-huh, steel.

3 Q. Steel, open-head steel?

4 A. Open-head steel, yes, sir.

5 Q. Chemical Specialty?

6 A. Uh-huh.

7 Q. Did you pick up drums from them?

8 A. All kinds, plastic, steel, uh-huh.

9 Q. Did they contain any residue?

10 A. Not -- no, no, not that I know of, I
11 don't think they did.

12 Q. We've got CCL?

13 A. Now they did contain residue because
14 they had mostly fumes and -- perfume and
15 lotion, they made lotion, perfume, you know,
16 deodorant.

17 Q. And I think you indicated that there
18 were some barrels that had residue from CCL?

19 A. From CCL, yes, sir.

20 Q. And help me here because I forget
21 whether I've asked you this: What did you
22 get from CCL?

23 A. All kinds, steel, plastic, tote tank.

24 Q. And about how many would you get from

1 CCL?

2 A. I would say about close to 100 a
3 month.

4 Q. Was that during all of the operations
5 through the years that you operated --

6 A. Uh-huh.

7 Q. -- at the facility?

8 A. Yes, sir.

9 Q. Farris Calhoun Paints?

10 A. Uh-huh.

11 Q. Did you get drums from them?

12 A. And tote tanks.

13 Q. And the quantity of drums that you
14 would get from them?

15 A. Very few, I guess about 50 every two
16 or three months; we got quite a few tote
17 tank, I'd say 35 tote tank a month.

18 Q. And was that during the whole time
19 that you operated there?

20 A. Mostly. Mostly.

21 Q. And what do you mean by mostly? Help
22 me out.

23 A. Well, a lot of time the company like
24 Cowley Container, Tennessee and Memphis,

1 whoever come first, first-come, first-serve,
2 get the drum.

3 MR. PARRISH: Did you say Kelly?

4 THE WITNESS: Cowley, they

5 own --

6 MR. SPURLIN: C-O-W-L-E-Y.

7 THE WITNESS: Yeah, Cowley, they

8 in Nashville.

9 BY MR. HARBIN:

10 Q. Did you get containers from Cowley
11 Containers?

12 A. No. I sold them containers.

13 Q. Tri-State Agricultural, did you get
14 containers from --

15 A. That is the little white 30 gallon.
16 No, I have to find out. They from over in
17 Arkansas somewhere.

18 Q. Yes, sir. They are listed as being
19 in Arkansas.

20 A. I have to find out. We got 30-gallon
21 drums from them.

22 Q. That was steel and plastic drums?

23 A. No. Just plastic.

24 Q. Just plastic. Did they contain any

1 residue?

2 A. No.

3 Q. And airport is listed here in
4 Clarksdale, Mississippi; is that --

5 A. That's Sweeney Airport, I think
6 W.N.N. Sweeney, right on 49 right outside
7 Clarksdale.

8 MR. PARRISH: Are you saying
9 S-W-I-N-N-E-Y (sic)?

10 THE WITNESS: I believe so,
11 Sweeney.

12 BY MR. HARBIN:

13 Q. What did you get from Sweeney
14 Airport?

15 A. Plastic drums, 55-gallon drum and
16 30-gallon.

17 MR. SPURLIN: Was Sweeney a crop
18 dusting-related facility?

19 THE WITNESS: Yes.

20 MR. SPURLIN: Thank you.

21 BY MR. HARBIN:

22 Q. You have got right below airport, you
23 have Sweeney Flying.

24 A. That's it, Flying. The other

1 airport's in Clarksdale, two different ones,
2 two different ones.

3 Q. I'm sorry. Help me clarify it. We
4 have airport listed in Clarksdale,
5 Mississippi and Sweeney Flying in Clarksdale,
6 Mississippi?

7 A. Sweeney Flying on 49. Airport is on
8 61 before you get in Clarksdale.

9 Q. Let's go back up to airport.

10 A. Okay.

11 Q. What do you mean by airport?

12 A. Well, they handle a lot of drums too.
13 They have crop dusters like Sweeney do. So I
14 get 30 gallon from them and get 30 gallon and
15 55 from Sweeney.

16 Q. And is this the name of the company,
17 just airport?

18 A. No. I have to get that. I'll give
19 it to the attorney. I'll get the name of it.
20 We call it airport because they shorter name.
21 We know about it, you know.

22 Q. But it was a crop dusting facility?

23 A. Yes, sir. Yes, sir.

24 Q. And it was on Highway --

1 A. 61. Right over by the -- the Army
2 Reserve thing; airport, Army Reserve all
3 together.

4 Q. You would pick up drums?

5 A. 30 gallon.

6 Q. 30 gallon?

7 A. Yes, sir.

8 Q. Any 55 gallon?

9 A. No, not from them. Mostly 30 gallon.

10 Q. And how many would they supply to
11 you-all?

12 A. I guess I would say about 100 every
13 two or three months.

14 Q. During the whole time --

15 A. Whole time, yes.

16 Q. American Drum operated?

17 A. Yes, sir.

18 Q. And Sweeney Flying?

19 A. Uh-huh.

20 Q. That's the one that we just talked
21 about?

22 A. Talked about.

23 Q. And, again, about how many did they
24 supply?

1 A. Sweeney, I would say something like
2 about 75 every 90 days or something like
3 that. Now, I got 55 and 30 from Sweeney,
4 combined 75.

5 Q. And that was the whole time that
6 American Drum operated at the 806 facility?

7 A. Right, yes, sir.

8 Q. And then we've got Target Flying, but
9 that was supposed to be Tiger?

10 A. Tiger.

11 Q. Or Flying Tiger?

12 A. Flying Tiger, that's it, in Minnow
13 City, Mississippi.

14 Q. And that is a crop dusting --

15 A. Uh-huh, yes, sir.

16 Q. About how many drums did you get from
17 Flying Tiger?

18 A. I don't know how many, but that's the
19 one that has the skull on it; and we -- yeah.
20 I guess we had about 50, 60. How many was
21 there?

22 MR. SPURLIN: There's a final
23 count on the one we dealt with in the report.
24 I don't remember the number off the top of my

1 head.

2 BY MR. HARBIN:

3 Q. About how many -- did you -- did
4 Flying Tiger supply drums to you-all, to
5 American Drum, the whole time you were in
6 operation there?

7 A. Not the whole time, but sometimes.

8 Q. More than one occasion?

9 A. More than one occasion.

10 Q. About how often?

11 A. I would say about once a year out of
12 about four year. See, they drum -- the other
13 drum we got from them, the 30 gallon, 55, but
14 these last ones that they brought and dropped
15 on the dock was the one that had the skull on
16 it. The one I didn't use -- didn't take from
17 them.

18 MS. RICHARDSON: Let me ask a
19 question about Tiger Flying or Flying Tiger.
20 Is it Flying Tiger of Mississippi or is it --
21 do you have a different name or a specific
22 name?

23 THE WITNESS: No. I could get
24 it for you. I'll get it for you.

1 MS. RICHARDSON: Okay. Then it
2 is a Mississippi --

3 THE WITNESS: Yes, Minnow City,
4 Mississippi.

5 BY MR. HARBIN:

6 Q. Parker Hannisan?

7 A. Uh-huh. Arkansas.

8 Q. What is the -- Truman, Arkansas?

9 A. Okay. Uh-huh.

10 Q. Tell me what drums you got from them.

11 A. Steel, open head and closed head.

12 Q. And you would pick them up?

13 A. I would pick them up.

14 Q. How many would you get?

15 A. About one load every four or five
16 months and a load consisted of about 75 to
17 100 drums.

18 Q. And that was the whole time that
19 American Drum operated?

20 A. Mostly. Not whole time. I would say
21 two or three a year the time that we were
22 there.

23 Q. Lincoln, Incorporated in Jonesboro,
24 Arkansas.

1 A. Picked up there one time.

2 Q. And what did you pick up?

3 A. Steel drum.

4 Q. Did it have any residue in it?

5 A. No. They cleaned and washed them
6 out.

7 Q. Yellow Freight in Memphis, Tennessee.

8 A. Yes, sir.

9 Q. And what did they supply to you?

10 A. We picked up all the empty drums, all
11 the drums; soap drum, oil drum.

12 Q. What size drums?

13 A. 55 gallon.

14 Q. 55 gallon?

15 A. Uh-huh.

16 Q. And how often --

17 A. We got Yellow about once, I would
18 say, about once every four or five months.

19 Q. How many drums would they supply?

20 A. About 30 or 40.

21 Q. Once every three or four months?

22 A. Yes, sir.

23 Q. Was that the whole time that American
24 Drum operated at the facility?

1 A. About four year.

2 Q. Did it have any residues that you
3 remember?

4 A. No. Well, they didn't wash them out.
5 They have had some with oil residue and soap
6 residue.

7 Q. Phoenix Zinc, Incorporated?

8 A. Uh-huh. They -- they out of
9 business. They in Collierville --
10 Millington. You-all spent about 5 or 6
11 million dollars to clean that place up on
12 Church Road out in Millington. We picked up
13 a lot of tanks from them from about 2'04 to
14 about 2'06, but they clean up that place.

15 Q. Did they supply drums?

16 A. Yes, sir.

17 Q. How many would they supply?

18 A. I would say about 40, 50 every 90
19 days to six months.

20 Q. And was there any residue that --
21 they cleaned theirs out?

22 A. They cleaned theirs out.

23 Q. Gromoor Company?

24 A. Yeah, on the island. We picked up

1 plastic from them and they cleaned theirs
2 out. They are part of -- Gromoor part of
3 Drexel Chemical.

4 Q. And how many would you pick up?

5 A. They was open about two year. We
6 pick up -- in the whole total in the two year
7 we picked up over 150 drums.

8 Q. Were they 55?

9 A. 55, plastic.

10 Q. And did they wash theirs out?

11 A. Yes, sir, they washed out.

12 Q. Piper Impack?

13 A. I believe they in Batesville,
14 somewhere in Batesville, Mississippi, I
15 believe.

16 Q. Yes, sir.

17 A. We picked up a lot from them. Steel
18 drums, open head and tight head.

19 Q. And how many would you get from them?

20 A. I would say about a load, about 100
21 every 90 days.

22 Q. Was that during the whole time that
23 American Drum operated?

24 A. Not the whole time. I'd say about

1 three or four years.

2 Q. Was that in the later part of the
3 three or four years or the earlier part?

4 A. Early part.

5 Q. Early part?

6 A. Yes, sir.

7 MR. SPURLIN: Do you know the
8 nature of their business?

9 THE WITNESS: No, I don't. I
10 think they made air conditioning. I'm not
11 for sure. You know they are not CCL anymore.
12 They change their name to KIK, K-I-K,
13 something like that.

14 BY MR. HARBIN:

15 Q. K-I-K?

16 A. Uh-huh.

17 Q. Do you know where they are located?

18 A. On Third Street, 19 -- 1800 block of
19 Third Street and 61.

20 MR. PARRISH: Third and 61 are
21 the same street.

22 THE WITNESS: Yeah, the same
23 street.

24 MS. RICHARDSON: I notice you do

1 a lot of business with crop dusters and you
2 said Flying Tiger is the one that left the
3 drums with the skulls on it?

4 THE WITNESS: Uh-huh.

5 MS. RICHARDSON: Do you have
6 some documentation that they're the ones that
7 left the drums or how do you know they left
8 the drums?

9 THE WITNESS: I called them --
10 Dorothy Williams called them and they said
11 they would pick them up, but they never did.

12 BY MR. HARBIN:

13 Q. Was Monsanto ever a client? Did they
14 ever supply drums to American Drum & Pallet
15 Company?

16 A. No, sir.

17 Q. During the lien meeting, the name
18 Monsanto was mentioned. How was that
19 mentioned, do you remember in what context?
20 You said you had a contract with Monsanto.

21 A. That was the other company I told
22 you, W.R. Drum, a while back, over 10 years
23 ago.

24 Q. And that was W.R. Drum?

1 A. Uh-huh.

2 Q. W.R. Drum ever operated at 806
3 Walnut?

4 A. No, sir.

5 Q. So Monsanto did not supply any drums
6 and never was a client to American Drum &
7 Pallet Company?

8 A. No, sir.

9 Q. Did American Drum do business with
10 Dupont?

11 A. Not at American Drum & Pallet, no,
12 sir.

13 Q. It again was mentioned during the
14 lien meeting that we had. In what context
15 was Dupont mentioned?

16 A. In the old company.

17 Q. That was W.R. Drum?

18 A. Right, uh-huh.

19 Q. So Dupont -- did Dupont ever supply
20 any drums or conduct any business with
21 American Drum at the 806 Walnut facility?

22 A. No, sir.

23 Q. Did American Drum conduct any
24 business with Asplundh?

1 A. I don't remember that name.

2 MS. RICHARDSON: It's Tree
3 Expert, Asplundh Tree Expert Company.

4 THE WITNESS: I don't remember
5 that. What the address? Do you have an
6 address?

7 MS. RICHARDSON: I don't have an
8 address. I believe you told Mr. Spurlin that
9 Asplundh Tree Expert Company used the
10 herbicide to maintain railroad right-of-way.
11 You don't remember that?

12 THE WITNESS: No, I don't.

13 MS. RICHARDSON: Okay.

14 MR. PARRISH: Is that S-P-I-N --

15 MR. HARBIN: That is
16 A-S-P-L-U-N-D-H.

17 MR. PARRISH: Okay.

18 BY MR. HARBIN:

19 Q. But you, Mr. Williams, don't remember --

20 A. I don't remember that.

21 Q. -- using any -- getting any drums
22 from Asplundh?

23 A. I don't even know the company. If I
24 could find out, I will let you know. I'm

1 trying to think now.

2 Q. There were 144 containers that you
3 had indicated came from Asplundh. Do you
4 remember that?

5 A. I don't -- let me go back and think
6 and look. I will do it and I will definitely
7 let you know. Asplundh.

8 MR. PARRISH: Big green trucks,
9 they are all over town. During the ice storm
10 they were taking --

11 MR. HARBIN: We want to take a
12 break for a second. We three are going to
13 caucus outside.

14 MR. PARRISH: We'll go out.

15 (A recess was taken.)

16 BY MR. HARBIN:

17 Q. Mr. Williams, Chemical Specialty is
18 listed here in Memphis, Tennessee, is that a
19 paint-related company? Do you know what its
20 business is?

21 A. No. Made chemical, it make soap,
22 make chemical that you drain chemical, all
23 that.

24 Q. Is Kraft Foods Nabisco --

1 A. Uh-huh.

2 Q. Did American Drum pick up containers
3 for Kraft Foods?

4 A. Sure did. I forgot to put them in
5 there.

6 Q. How many containers --

7 MR. PARRISH: So we're clear,
8 you forget to put them on Exhibit 3?

9 THE WITNESS: Uh-huh.

10 MR. PARRISH: Okay.

11 MR. HARBIN: Thank you for the
12 clarification.

13 MR. PARRISH: Sorry.

14 MR. HARBIN: Absolutely.

15 BY MR. HARBIN:

16 Q. About how many containers did you
17 pick up for Kraft Foods?

18 A. I'll say something like about 10 or
19 15 a month, very few.

20 Q. Was that during the whole time that
21 American Drum operated?

22 A. Uh-huh, yes.

23 Q. What kind of drums did you pick up?

24 A. Open head and tight head.

1 Q. They were 55 gallon?

2 A. Yes, sir.

3 Q. Were they rinsed out?

4 A. Uh-huh, yeah.

5 Q. Did they contain any residue?

6 A. No residue.

7 Q. And Hershey Chocolate, U.S.A.?

8 A. Uh-huh.

9 Q. That was a --

10 A. Hershey, they make candy.

11 Q. Yes, sir.

12 A. And they make -- we picked up very
13 few from them.

14 Q. When you say very few, how many?

15 A. I would say 35 every two or three
16 months.

17 Q. During the whole time that American
18 Drum operated?

19 A. Yeah, about four year, you know, say
20 about four year.

21 Q. The first four years?

22 A. First four years.

23 MR. PARRISH: Are they on

24 Exhibit 3?

1 THE WITNESS: No.

2 MR. PARRISH: But should be?

3 THE WITNESS: Should be, yeah.

4 BY MR. HARBIN:

5 Q. Did the containers from Hershey
6 Chocolate contain any residue?

7 A. No, sir.

8 Q. Did you pick up any drums from
9 American Fireworks?

10 A. No. We sell them drums.

11 Q. Dee's Oil Company, did you pick up
12 any containers from Dee's Oil Company?

13 A. Yes, sir.

14 Q. What did you pick up from Dee's Oil
15 Company?

16 A. Steel drum.

17 Q. And how many did you pick up from
18 Dee's Oil Company?

19 A. We were selling Dee. We pick up 100
20 and sell them 100.

21 MR. PARRISH: Could you spell
22 Dee's?

23 THE WITNESS: D-E-S, I believe.

24 MR. HARBIN: D-E-E, apostrophe S.

1 THE WITNESS: Uh-huh.

2 MR. PARRISH: Are they on

3 Exhibit 3?

4 THE WITNESS: No, they are not.

5 MR. PARRISH: Should they be?

6 THE WITNESS: They should be.

7 BY MR. HARBIN:

8 Q. Drexel Chemical Company, did you pick
9 up any drums from Drexel Chemical Company?

10 A. No, sir. Only sold them drums.

11 Q. Farrell Ocolor, O-C-O-L-O-R?

12 A. Oh, we sold them drums, F-E-R-C-O,
13 whatever.

14 Q. Say that again.

15 A. F-E-R-C-O, Ferco or something like
16 that. We sold them drums.

17 Q. You didn't pick up any drums from
18 them?

19 A. No.

20 Q. Hancock Equipment & Oil Company?

21 A. No. We sell them drums.

22 Q. Sell them drums?

23 A. Uh-huh.

24 Q. You did not pick up any drums from

1 them?

2 A. No.

3 Q. And Chandler Demolition Company?

4 A. We sell them drums. They put --

5 Q. Did you pick up any drums from them?

6 A. No. Demolition company. We didn't
7 pick up any.

8 Q. Did you pick up any drums from
9 Progressive Adhesives?

10 A. No. We sell them drums.

11 Q. Delta Foremost Company?

12 A. We sell them drums. Don't pick up
13 any.

14 Q. Did you pick up any drums from
15 Chemex?

16 A. No. We sell them drums.

17 Q. Did you pick up drums from Ricsan
18 Products?

19 A. No, we sell them drums.

20 Q. Did you pick up any drums from
21 MidSouth Adhesives?

22 A. No. We sell them drums.

23 Q. Did you pick up any drums from Moore
24 Agricultural Products?

1 A. No. We sell them drums.

2 Q. Did you pick up any drums from
3 Evergreen Recycles?

4 A. No. We sell them plastic. That's
5 the guy in Jackson, Evergreen Recycle on
6 Mobile Street, I believe. We sell them all
7 the -- that's who I've been trying to get the
8 name. We sell them all of our scraps and he
9 grinds them up. I couldn't get the name.

10 Q. Very good. Did you sell any drums --
11 did you pick up any drums from Specialty
12 Adhesives?

13 A. No.

14 Q. Did you pick up any drums from Keen
15 Expedition?

16 A. No. We sell them drums.

17 Q. Did you pick up any drums from Dennis
18 Knoll?

19 A. No. We sell them drums.

20 Q. Did American Drum & Pallet Company,
21 Inc. have insurance -- any type of insurance
22 at the facility to cover the facility?

23 A. At one time we did. We don't have it
24 now, we didn't have --

1 Q. Who was the insurance company?

2 A. I believe it was Shelter Insurance.
3 Have to find out who.

4 MR. PARRISH: Shelter?

5 THE WITNESS: Shelter Insurance.

6 BY MR. HARBIN:

7 Q. Shelter?

8 A. Uh-huh, yes. I have to find out for
9 sure.

10 Q. What kind of insurance did it -- did
11 you have there?

12 A. We had comprehensive and liability,
13 both kinds.

14 Q. Do you have any records of the
15 insurance policy?

16 A. I think I can find it, yes, I think I
17 can find it.

18 Q. We would like you to do that --

19 A. Okay.

20 Q. -- Mr. Williams.

21 A. Okay.

22 Q. So you can only remember one
23 insurance company?

24 A. Uh-huh.

1 Q. That -- is that correct?

2 A. Shelter, yes, sir.

3 Q. What's the current operational status
4 of the 806 Walnut Street facility now?

5 A. It's scrapping stuff because the FBI
6 went to all our customers. They won't buy
7 anything from us. We sell scrap, sell a drum
8 here, selling pallet, whatever we sell to
9 make a dollar to keep the lights on.

10 Q. Is it still American Drum?

11 A. Yes, sir.

12 Q. It's still American Drum & Pallet?

13 A. Yes, sir. We lost all of our
14 customers.

15 Q. Is there any hazardous waste that's
16 currently being generated there?

17 A. No, sir.

18 Q. Are there any hazardous waste
19 currently located on the facility?

20 A. Not as I know, there's not.

21 Q. Has hazardous waste been located on
22 the facility within the last 60 days?

23 A. Not as I know. Not as I know.

24 Q. Could there have been and you not

1 know about it?

2 A. Could have been and I didn't know
3 about it, but I don't remember none being on
4 there.

5 Q. Are you aware of any hazardous waste
6 being on the facility within the last 60 days
7 in any way?

8 A. No, sir. I'm not aware.

9 Q. Have you talked to your employees or
10 anyone about hazardous waste being on the
11 facility within the last 60 days?

12 A. No, sir, I haven't.

13 Q. Why are the fiber board containers at
14 the facility presently at the facility?

15 A. At that time -- they all empty.
16 That's what we -- them came from Newlywed
17 Foods. They all empty, so we clean them up
18 and we got -- we cleaned at the facility and
19 put the fiber board up under the shed with
20 lumber and tin and stuff. The Code
21 Enforcement, they told us to get them and
22 stack the wood on -- off the ground and stack
23 the drum up in there.

24 Q. Explain that again. The Code

1 Enforcement did what, Mr. Williams?

2 A. Ask me to stack those drums up neat
3 out at the facility and stack them along with
4 the lumber and the buckets and whatever we
5 stacked up underneath the tins and stuff.

6 Q. The lumber?

7 A. Yes. We got lumber up under there,
8 too, and tin.

9 Q. Are they new fiber board containers?

10 A. No.

11 Q. They are used?

12 A. They are used.

13 Q. And they are clean?

14 A. They're clean.

15 Q. What are you going to use them for
16 now?

17 A. I don't know. I don't know.

18 Q. And do they belong to American Drum?

19 A. Yes, sir.

20 Q. And you said earlier; who brought
21 them to the facility?

22 A. We picked them up from Newlywed Food.

23 MR. HARBIN: Could you give me
24 just a second?

1 (Pause in proceedings.)

2 MR. PARRISH: While you're doing
3 that, we were finding the location of
4 Asplundh. He said if he knew the location,
5 it might relate to him, so let me get that.
6 Be right back.

7 BY MR. HARBIN:

8 Q. Got one last question, Mr. Williams.
9 Through the -- through this deposition you
10 said that American Drum would go out and pick
11 up the containers.

12 A. Uh-huh.

13 Q. Did companies ever bring -- did
14 you -- did American Drum always go out and
15 pick up the containers?

16 A. No. People bring them to me, like,
17 drum hustlers, I tell you.

18 Q. Okay. And that was -- I think we
19 mentioned one, [REDACTED] and [REDACTED]

20 A. Yeah, and some others, too, I got to
21 get the name.

22 Q. You're going to get those names for
23 us?

24 A. Yes, sir, uh-huh.

1 Q. And the concrete company that you
2 mentioned that was on Chelsea and Bellevue?

3 A. Yes, sir. I get that name for you.

4 Q. You'll get that name as well.

5 A. Yes, sir.

6 Q. Can you remember what chemicals --
7 what materials that you were dealing with in
8 that -- with that company?

9 A. Which one now?

10 Q. The concrete company.

11 A. I think -- I don't know. I think it
12 was brick cleaning because what I did, I took
13 the drum back to them. I didn't, you know --

14 Q. You didn't clean their drums?

15 A. No, sir. No, sir.

16 MR. SPURLIN: I have one
17 follow-up question. Toward the end of EPA's
18 cleanup activities out on the facility, we
19 came in and inside the warehouse there were,
20 I would say, hundreds -- a significant number
21 of the poly totes with agricultural type
22 labels on them. They looked -- they were
23 kind of in a reinforced tote.

24 THE WITNESS: Uh-huh.

1 MR. SPURLIN: So the label said
2 paraquat, it was green in color, maybe some
3 red, but they dye the material so the farmers
4 can see where they apply the material.

5 But do you remember where you
6 obtained those containers?

7 THE WITNESS: I think -- I'm not
8 sure. I think they came from Mississippi,
9 from airport and Clarksdale. I think that's
10 where they came from.

11 MR. SPURLIN: Okay.

12 THE WITNESS: Now, this
13 Asplundh, they are not on Summer. They in
14 Olive Branch, Olive Branch.

15 BY MR. HARBIN:

16 Q. Did you deal with that company?

17 A. Yeah, yes.

18 Q. And --

19 A. Have to get the address. That's
20 Asplundh.

21 Q. Okay. But you did deal with them?

22 A. I did.

23 Q. And you picked up?

24 A. Picked up a lot of drums and they

1 brought drums to me, but the drums, they was
2 so picky about their drums.

3 Q. Explain that to me, Mr. Williams.

4 A. They have two men on the truck and
5 they check and make sure that nothing wrong.
6 When we go load them up, they do the same
7 thing.

8 Q. I'm not understanding you.

9 A. They were picked up and they made
10 sure their drums were clean. Everybody had
11 sued them before. They don't let nothing
12 leave their facility unless they are clean.

13 Q. So all their drums that you
14 received -- that American Drum received at
15 the facility, they were clean?

16 A. Clean. They don't let nothing leave.
17 They got EPA guy there.

18 MR. PARRISH: Asplundh should be
19 on Exhibit 3?

20 THE WITNESS: Asplundh, not
21 Plundh (sic) but Asplundh, they in Olive
22 Branch, not in Memphis; Olive Branch,
23 Mississippi.

24 BY MR. HARBIN:

1 Q. That should be on Exhibit 3 as well?

2 A. Right, uh-huh.

3 (An off-the-record discussion
4 was held.)

5 BY MR. HARBIN:

6 Q. I pronounced it Asplundh. You
7 pronounce it Asplundh.

8 A. Asplundh.

9 Q. Was that the same company we were
10 talking about earlier, Asplundh and Asplundh?

11 A. Uh-huh.

12 Q. And they were a customer or client of
13 American Drum?

14 A. Right, yes, sir, uh-huh.

15 Q. About how many drums would you pick
16 up or would they supply American Drum?

17 A. I guess in a year's time, we're
18 talking about 3 or 400 drums.

19 Q. Was that during the overall whole
20 operation of American Drum?

21 A. Yeah, uh-huh.

22 Q. Did they bring them to the facility
23 or did you pick them up?

24 A. Both.

1 Q. Was there a written contract?

2 A. No.

3 Q. Did they contain any materials?

4 A. No, sir. They very particular, they
5 particular.

6 Q. What drums -- what size drums?

7 A. 30 gallon, plastic, 30-gallon
8 plastic.

9 MS. RICHARDSON: I'm done.

10 MR. HARBIN: This is the
11 conclusion --

12 MR. PARRISH: Whoa. I want to
13 follow-up.

14 MR. HARBIN: Very good.

15 EXAMINATION

16 BY MR. PARRISH:

17 Q. I have questions. I'm just going to
18 be skipping around the points of
19 clarification. I'm not starting a new thing.

20 Did you say fiber board from Newlywed
21 Foods?

22 A. Fiber drum, yes, sir.

23 Q. Fiber drums?

24 A. Yes, sir.

1 Q. And what is a fiber drum?

2 A. Made out of cardboard.

3 Q. So does it look like a 55-gallon
4 drum?

5 A. It is a 55-gallon drum made out of
6 cardboard, not made out of steel or plastic,
7 but made out of cardboard.

8 Q. And you recycle those?

9 A. No.

10 Q. So what did you do with them when you
11 picked them up?

12 A. Well, people buy them to put concrete
13 cleaner, they buy them for concrete cleaner.
14 They buy them and put sawdust in them. A lot
15 of people pack clothes in them because that
16 fiber cardboard, you put something in them;
17 you got a bag in them, all you got to do is
18 pull the bag out.

19 Q. You don't store fluids in them?

20 A. Oh, no.

21 Q. And so you would pick those up?

22 A. Uh-huh.

23 Q. Would you pay for those?

24 A. No, sir.

1 Q. So you would get those into your
2 facility, would you sell them?

3 A. Uh-huh, we sell them 2 or \$3 a piece,
4 but a lot of people put dog food in them, put
5 clothes in them, put in flour, what you call,
6 flour.

7 Q. As far as what is on your facility on
8 Walnut right now --

9 A. We got drum --

10 Q. Let me ask a preliminary question.

11 Since the EPA was there and took all
12 of what they took off of the facility, from
13 that time -- do you remember that time, when
14 that happened?

15 A. Yes, sir.

16 Q. You said you lost all your customers.
17 Now, since when did you lose all of your
18 customers?

19 A. When the EPA started investigating
20 me, they went to all my customers and told
21 them they were investigating me and my
22 customers told me they couldn't deal with me
23 no more.

24 Q. Was that before EPA cleaned off the

1 facility or after?

2 A. During the same thing.

3 Q. And that was 2007?

4 A. Uh-huh.

5 Q. And so you are still running a
6 business?

7 A. Uh-huh.

8 Q. I presume then you have customers of
9 some kind?

10 A. Yeah, uh-huh.

11 Q. What do you -- do you sell and buy;
12 buy and sell?

13 A. What we do, we mostly pick up drums,
14 crush them for steel and sell drum for
15 grinding up with plastic, you know, like
16 right now what all's in the warehouse is
17 plastic and then the guy's going to pick it
18 up and take it to Jackson and we get
19 something off that.

20 Q. You go to facilities that have drums?

21 A. Uh-huh.

22 Q. And you pick up drums?

23 A. Uh-huh.

24 Q. The drums that you pick up from

1 facilities since what happened in 2007, do
2 they have any residue in them?

3 A. No.

4 Q. Are those cleaned drums?

5 A. Clean drums.

6 Q. And you bring them back to your
7 facility?

8 A. Uh-huh.

9 Q. Crush them?

10 A. Uh-huh.

11 Q. And sell them as you have just
12 stated?

13 A. Uh-huh.

14 Q. Do you pay for them when you pick
15 them up?

16 A. No.

17 Q. What causes you to go to a place to
18 pick up the drum?

19 A. Need work.

20 Q. Now you can talk to both of us at the
21 same time. So what -- do the facilities that
22 have drums call you and ask you to come to
23 them?

24 A. Uh-huh.

1 Q. Is that how you get there?

2 A. Yes, sir, that's how I get there.

3 Q. You're not just going from door to
4 door?

5 A. No, sir, I'm not.

6 Q. So some facility will say, I've got
7 some drums, you come and I'll give them to
8 you?

9 A. Right.

10 Q. And when do you check to see if they
11 are clean?

12 A. I ask them -- I say, Make sure that
13 they've been cleaned, I can't pick up a drum
14 with anything in it. And then when my guy
15 get there before they -- see, my guy will
16 lift and put it on the truck and they make
17 sure they are clean before they put them on
18 the truck.

19 Q. Now, that's part of your business.

20 A. Uh-huh.

21 Q. So you're selling them for scrap?

22 A. Scrap mostly.

23 Q. How much do you get for them?

24 A. We may get 3, \$400 for a truckload of

1 scrap. Also we got some plastic, we sell
2 them to people who put clothes in them and we
3 get 7, \$8 a drum.

4 Q. You pick up plastic?

5 A. Uh-huh.

6 Q. It's cleaned?

7 A. They clean.

8 Q. Same as you said for the others?

9 A. Uh-huh.

10 Q. And then you'll sell that one to
11 people who need it to store things?

12 A. To store stuff, whatever they want to
13 throw in it.

14 Q. That might just be citizens?

15 A. Dog food, clothes, whatever they
16 want.

17 Q. And then what are you doing with
18 pallets?

19 A. Okay. Pallet, we sell pallet for
20 people to put stuff on. We got a lot of
21 plastic pallet, we sell them for people to
22 grind up, this place in Jackson, we sell them
23 a lot to grind up.

24 Q. Where do you get the pallets?

1 A. Different companies.

2 Q. Do they call you?

3 A. They call me.

4 Q. They call you?

5 A. Uh-huh.

6 Q. How much do you pay for those

7 pallets?

8 A. Nothing.

9 Q. So you're just getting them off their

10 hands?

11 A. Yes.

12 Q. Bringing them back?

13 A. Bringing them back.

14 Q. Some of them you sell as containers?

15 A. Right. And some I sell for the

16 people to use to put bags or whatever they

17 going to put in them.

18 Q. All right. That's pallets. That's

19 drums. What else do you have there?

20 A. Tote tank.

21 Q. Tote tank?

22 A. Uh-huh.

23 Q. Same situation?

24 A. Yeah, uh-huh.

1 Q. Is that the entirety of your business
2 right now?

3 A. That's the entirety of my business.

4 Q. And has been since 2007?

5 A. Since 2007, sure has.

6 Q. So how would any residue -- how would
7 any containers with residue get on to your
8 facility?

9 A. I don't know, unless somebody dropped
10 them off.

11 Q. Do you know of any that have been
12 dropped off at your place?

13 A. No. May have, but I don't know. I
14 haven't found none, I'll put it that like
15 that.

16 Q. None of your employees have told you
17 that they were dropped off?

18 A. No, sir. No, sir.

19 Q. You were asked -- you were asked a
20 question that had in it that you had done a
21 lot of business with crop dusters.

22 A. Uh-huh.

23 Q. Have you done any business with crop
24 dusters, other than what you have related in

1 your testimony today?

2 A. No, sir, I haven't.

3 Q. So if that's a lot, that's how much
4 you've done?

5 A. Yeah, that's all I done.

6 Q. You said about residue and CCL drums.

7 A. Uh-huh.

8 Q. If a CCL drum had residue in it, what
9 would you do?

10 A. I wouldn't take it.

11 Q. You wouldn't take it?

12 A. No.

13 Q. So when you referred to residue and
14 CCL drums, you were describing drums that you
15 did not take ownership of?

16 A. Right, uh-huh. And then we haven't
17 took any since the -- in fact, I lost all my
18 customers. I don't have CCL.

19 Q. Let's go back now, I'm talking about
20 CCL before 2007.

21 A. Yeah, uh-huh.

22 Q. If a CCL drum had residue in it --

23 A. If I knew it, I wouldn't take it.

24 Q. Did you pick up the CCL drums?

1 A. Yes, sir, before.

2 Q. Now, just use CCL as an example, did
3 you pay CCL for drums you picked up from
4 them?

5 A. No, sir.

6 Q. So as far as all of these drums
7 you've spoken of that you picked up, at any
8 time since 2003, have you paid for drums?

9 A. Yes, sir, I pay Smucker for some,
10 Rich Foods.

11 Q. Rich Foods?

12 A. Uh-huh. Farrell Calhoun.

13 Q. Farrell Calhoun.

14 A. That be the only -- and the other
15 company.

16 Q. Asplundh?

17 A. No, we don't pay them for nothing.
18 (Indecipherable), you had them down.

19 MR. HARBIN: Say that again.

20 THE WITNESS: Kraft

21 (indecipherable).

22 BY MR. HARBIN:

23 Q. Nabisco Kraft?

24 A. Nabisco, yeah.

1 Q. You paid them for drums?

2 A. Right.

3 Q. How much would you pay them for their
4 drums?

5 A. Two dollars a drum.

6 Q. What would be the difference in
7 whether you would pay somebody for their
8 drums or you didn't pay somebody for their
9 drums?

10 A. Well, when you didn't pay for drums,
11 they mostly big company that want to move
12 them to keep the place clean. When you pay
13 somebody for a drum, most of the guys keep
14 them, they want to get money out and they
15 want to keep the place clean, so they stack
16 up; and what they do, the guy's who working
17 there will look out for you and make sure
18 that you pay him to get the drum.

19 Q. So would you pay if they asked to be
20 paid?

21 A. Uh-huh.

22 Q. And if they --

23 A. If they didn't, I didn't pay them.

24 Q. But you paid \$2?

1 A. Two dollar per drum.

2 Q. And would you sell the drums that you
3 picked up for the same amount, whether you
4 paid for them or not?

5 A. No.

6 Q. What determined what you sold the
7 drums for?

8 A. Depends on the shape of the drum.

9 Q. What shape demanded what price or
10 what do you mean by that?

11 A. Well, if a drum not bent or anything,
12 we could sell a drum anywhere from \$8 to \$9.
13 Same way with tote tank. But if a drum bent,
14 a lot of time people don't want them and we
15 let them go for \$5; and if it too bad,
16 crushing, it goes for scrap.

17 Q. There are three things you would do
18 with drums that you would pick up.

19 A. Uh-huh.

20 Q. One is you would sell it for \$8 to
21 \$9?

22 A. Uh-huh.

23 Q. You would sell it for \$5?

24 A. Uh-huh.

1 Q. Or you would crush it?

2 A. Right.

3 Q. And sell it for scrap?

4 A. Scrap.

5 Q. And the thing that determined whether
6 you got 8 to \$9 or \$5 or you crushed it was
7 whether it was dented or not?

8 A. The shape of the drum, yes, sir.

9 Q. Quantity-wise, if you can relate to
10 that, what percentage of your drums would you
11 sell for 8 to \$9?

12 A. Say about 80 percent of them.

13 Q. And then there's 20 percent left.
14 From that 20 percent, how many would you
15 crush and how many would you sell for \$5?

16 A. I would say we crushed about 10
17 percent of them, the rest.

18 Q. 50-50 of the remaining 20 percent?

19 A. (Witness nodded head up and down.)

20 Q. Do you have any recollection of what
21 the total revenue your company took in in
22 2006?

23 A. I got it somewhere on paper because I
24 file the tax. So I get it for you if you

1 need it.

2 Q. Yes, I would need it. Do you have
3 any way of estimating right now, do you know --

4 A. 2006, we did pretty good; I would say
5 about 200 and some thousand.

6 Q. So that's the range --

7 A. That's the range, uh-huh.

8 Q. -- in which you were operating.

9 Last year, what were your revenues?

10 A. Nothing. We lost -- we lost all our
11 saving. We lost everything.

12 Q. The Great Dane drums that you
13 referred to, I want to be sure I understood,
14 those were on the premises when you bought
15 the premises?

16 A. Yes, sir.

17 Q. Did you handle those drums at all?

18 A. No.

19 Q. From the time you purchased the
20 premises, what was the interaction you had
21 with those drums at all?

22 A. I don't remember none at all. We may
23 have moved them around, you know, but I don't
24 remember any at all.

1 Q. Were they sitting out?

2 A. Sitting out up on the shed and on the
3 trailer.

4 Q. And the gasoline -- let me rephrase
5 that.

6 The rags you used to clean the drums
7 with gasoline, how many times were those rags
8 used?

9 A. One time.

10 Q. And what kind of rags were they?

11 A. Just a towel, a towel.

12 Q. Were they scrap or did you buy rags?

13 A. We bought rags from the rag place,
14 the rag man, Blockman (phonetic) Rag Company.

15 Q. You use them one time?

16 A. Uh-huh.

17 Q. And then put them in a barrel?

18 A. Uh-huh.

19 Q. That's what you call disposing of
20 them?

21 A. Right.

22 Q. You put them in a barrel?

23 A. Uh-huh.

24 Q. And was this an open-end barrel?

1 A. Where you pull the top and lock it
2 down.

3 Q. So you would put the rags in there.

4 A. Uh-huh.

5 Q. And lock down the barrel?

6 A. Yes, sir.

7 Q. And then when you put more rags in
8 there, did you --

9 A. Lock it off.

10 Q. Did you take the top off and put the
11 rag in there and lock it down?

12 A. Uh-huh.

13 Q. How many rags would it take to fill
14 up a barrel?

15 A. Quite a few. We buy them in 25-pound
16 box, so I would say anywhere between five to
17 six boxes to fill it up.

18 Q. Why did you dispose of them in that
19 way rather than some other way?

20 A. Well, I didn't want them all over the
21 place and I wanted them in one container, one
22 place, you know, that we know where it was,
23 what it was and disposed of.

24 Q. And how many barrels of used rags did

1 you have in 2007?

2 A. I don't know.

3 Q. How long would it take you to
4 accumulate a barreland of rags?

5 A. I would say anywhere from three to
6 four months.

7 Q. How many rags did you use to wipe
8 down a barrel?

9 A. Two or three rags, they be -- cut up
10 in pieces, you know, like little small towel.

11 Q. So every barrel that came in there
12 and you painted the barrel, you used two to
13 three rags?

14 A. Uh-huh, to wipe it down.

15 Q. And every time you wiped a barrel
16 down, you put those rags in your disposal
17 barrel?

18 A. In the drum, yes, sir.

19 Q. You used the word discover at one
20 point, you said you did not discover them,
21 and I think you were referring to drums that
22 were left on the premises?

23 A. Yes, sir.

24 Q. Is it your testimony that those were

1 on your premises and you did not even know
2 they were on your premises?

3 A. Well, the one that was on the
4 premises, I didn't know what was in them.

5 Q. But you knew physically those drums
6 were on that premises?

7 A. They was on the premises.

8 Q. So there weren't any drums that were
9 hidden somewhere?

10 A. Oh, no, no.

11 Q. And so what did you mean when you say
12 discovered? Did you mean discovered the
13 contents?

14 A. Yeah. What I mean, I didn't discover
15 until the Memphis City Code Enforcement and
16 Ms. Harding from the EPA came around.

17 Q. And then you discovered the content?

18 A. Right. That's when we started taking
19 action. Once we discovered, we started
20 taking actions.

21 Q. You were asked about a chemical that
22 was referred to as TEC (sic). Do you even
23 know what TEC (sic) is?

24 A. No.

1 Q. Do you know what TEC (sic) is used
2 for?

3 A. No, sir, I don't.

4 Q. And until Mr. Spurlin said what the T
5 and E and C stood for --

6 A. I didn't know.

7 MS. RICHARDSON: Larry, it's
8 TCE.

9 BY MR. PARRISH:

10 Q. All right. TCE, everything I just
11 said, TCE.

12 So when did you discover that there
13 was TCE on the premises?

14 A. Today.

15 Q. Today?

16 A. Uh-huh.

17 Q. So you don't really know whether it
18 was there or not?

19 A. No.

20 Q. If it was there, was it there before
21 you purchased the premises?

22 A. It had to be, because I didn't know.

23 Q. You were talking about when you owned
24 the drums and when you did not own the drums.

1 A. Uh-huh.

2 Q. You just said when you picked the
3 drums up -- let me start this whole thing
4 over again.

5 When did you pay the \$2 for drums
6 that you paid \$2 for?

7 A. When we found out the drums was
8 exceptionally clean, we'd use them.

9 Q. So would you go to the facility and
10 bring them back to your facility --

11 A. Uh-huh.

12 Q. -- and inspect them?

13 A. Yes, sir.

14 Q. And if the drums were not clean, you
15 would not pay the \$2?

16 A. I wouldn't pay. I would give them
17 back to the people.

18 Q. You would physically take them back?

19 A. Yeah.

20 Q. Once you paid your \$2, you had
21 inspected them --

22 A. Right.

23 Q. -- and known them to be clean?

24 A. Right, yes, sir.

1 Q. You were asked about your,
2 quote-unquote, acceptance program.

3 A. Uh-huh.

4 Q. Did you have anything that you would
5 call a, quote-unquote, program for
6 acceptance?

7 A. No more than before accept them, make
8 sure that the drum was clean, the employees.

9 Q. You know what you did before you
10 accepted a drum and became its owner?

11 A. Uh-huh.

12 Q. Right?

13 A. Yes, sir.

14 Q. As far as that being a program, was
15 that ever written out and approved by
16 anybody?

17 A. No, sir, it wasn't.

18 Q. And you were asked whether your
19 acceptance program met EPA standards. Did
20 you even know there were EPA standards for
21 acceptance?

22 A. No, no more than I know EPA standard
23 was that all the drums that what you get in
24 supposed to be cleaned, I knew that, that's

1 the only thing I knew.

2 Q. All you knew about standards was, for
3 you to accept a drum, it had to be clean?

4 A. Clean, yeah.

5 Q. But you didn't take a written program
6 to EPA --

7 A. No.

8 Q. -- and ask if that is acceptable --

9 A. No.

10 Q. -- or approved?

11 A. No.

12 Q. Did any -- whether it was EPA or code
13 enforcement or the fire department or anybody
14 else, did anybody else approve a written plan
15 of acceptance?

16 A. The city and the state water
17 pollution, what is it, water permit, they the
18 only one that came in and told what to do,
19 how to do and told and sat there with him, we
20 had a guy come in from Nashville. EPA -- we
21 asked them what to do. They didn't know.

22 Q. When was that?

23 A. That was back about 2000, the guy
24 name was Gay -- I got a card -- we going

1 to -- we asked him -- now, the city led us
2 hand by hand, told us what to do, what not to
3 do. When we got to the EPA, they told us
4 they didn't know.

5 Q. This was Mr. Who?

6 A. Mr. Gay, I believe. I got a card.

7 Q. G-A-Y?

8 A. G-A-Y.

9 Q. G-A-Y?

10 A. I got a card.

11 Q. And he was from Nashville?

12 A. Uh-huh.

13 Q. And he came because you asked him to
14 come?

15 A. We asked him to come lead us what to
16 do.

17 Q. Now, the water people that you had
18 referenced to, that's city, you said?

19 A. City and county.

20 Q. City of Memphis, Memphis, Shelby
21 County?

22 A. Yeah, same.

23 Q. Health department?

24 A. Uh-huh.

1 Q. Maybe?

2 A. Uh-huh.

3 Q. Now, you say they walked through it
4 with you step by step?

5 A. Step by step.

6 Q. Did that include what you're to do
7 before you accept?

8 A. Right.

9 Q. Okay. So this process of you looking
10 at the drums and making sure they are clean
11 before you took them in, the water pollution
12 people knew that's what you did?

13 A. What we did.

14 Q. And did they tell you that is
15 appropriate?

16 A. Appropriate -- way to do it.

17 Q. And then you said they walked you
18 through step by step?

19 A. Step by step.

20 Q. So everything you have said today in
21 answer to Mr. Harbin's questions about how
22 you operated step by step, the water
23 pollution people instructed you --

24 A. Right.

1 Q. -- that that's how you were to do it?

2 A. Right.

3 Q. Did you follow their instructions?

4 A. Yes, sir.

5 Q. Did they ever come back to check?

6 A. Sure did. Sure did.

7 Q. So how often did they come back?

8 A. About once every 90 days.

9 Q. And they would come back to check to
10 be sure that you were doing --

11 A. Doing what we said we would do.

12 Q. -- as they instructed?

13 A. Right.

14 Q. Now, this filtration system or
15 process that you described --

16 A. Uh-huh.

17 Q. -- did the water pollution people
18 know what you did by way of filtration?

19 A. Yes, sir.

20 Q. Did they inform you that the filter
21 or filtration process you were using was
22 acceptable?

23 A. Yes, sir.

24 Q. And did they tell you that the water

1 that was filtered in that process was clean
2 to go back into the sewer system?

3 A. Yes, sir.

4 Q. Was that their main problem?

5 A. Uh-huh. If they didn't, they
6 wouldn't okay the permit. We got an okay
7 permit.

8 Q. That's a sewer permit?

9 A. Sewer permit.

10 Q. And did the water pollution people
11 know what kind of filters you had that were
12 filtering out the solids?

13 A. Yes, sir, uh-huh.

14 Q. And did they tell you those were
15 acceptable filters?

16 A. Acceptable.

17 Q. And did the water pollution people
18 tell you what to do with the solids that were
19 filtered out?

20 A. Yes, sir.

21 Q. And did they tell you to put those
22 solids in a drum?

23 A. Drum, sure did.

24 Q. And when they came back to inspect,

1 did they know that you were putting those
2 solids in the drum?

3 A. Yes, sir.

4 Q. Did you have multiple drums that
5 contained this filtered material?

6 A. No, sir.

7 Q. How many drums did you have?

8 A. We get one drum about every six
9 months, four or five months. Like I say,
10 we're a small operation. We wasn't doing a
11 lot.

12 Q. And what would you do with those
13 drums when you filled them up?

14 A. We had them capped and set over in
15 the corner.

16 Q. Did the water pollution people ever
17 inform you that you had some obligation to do
18 something with those drums at any point,
19 other than sit them in the corner?

20 A. Oh, no. They told me I needed to get
21 a -- what you call it, the disposal,
22 whatever, like, I think at that time we
23 talking about, what the big -- I forget the
24 name of the company, BFI, somebody like them.

1 Q. I didn't understand what you did.

2 A. They told me I need to get a
3 reputable company to come in and test, like
4 BFI.

5 Q. B --

6 A. BFI.

7 Q. BFI, that's the waste disposal
8 company?

9 A. Uh-huh.

10 Q. And you needed to get them to come in
11 and do what?

12 A. Test the drum so they'd know what to
13 do with it.

14 Q. Test the drum into which you were
15 putting the solids that were filtered out of
16 the water?

17 A. Uh-huh.

18 Q. And did they do that or --

19 A. No.

20 Q. You did not do that?

21 A. No, because they were sitting in the
22 corner and then when the EPA came in and they
23 moved all that themselves.

24 Q. So the EPA took those drums?

1 A. Uh-huh, they took all of them.

2 Q. And for how long before the EPA took
3 those drums had you been told to get BFI or
4 some company to come in and tell you what to
5 do with those drums?

6 A. I guess about two or three year
7 because we didn't accumulate that much.

8 Q. Okay. And did the water pollution
9 people know that you were disposing of these
10 rags that you had used to wipe gasoline on;
11 did they know what you were doing with those
12 rags?

13 A. No, they never did. The only thing
14 they were concerned about is the sewer
15 system. They weren't concerned about nothing
16 else.

17 Q. As far as the decision to dispose of
18 those rags in the way that you were disposing
19 of them was concerned, who made that
20 decision?

21 A. I think the guy that came down from
22 Nashville.

23 Q. Mr. Gay?

24 A. I believe Mr. Gay. I have to get the

1 card and ask Gray to make sure.

2 Q. Well, did somebody tell you that that
3 was an adequate way to dispose of those rags?

4 A. Yes, sir.

5 Q. When I say somebody, I mean somebody
6 in official --

7 A. Knew what they were doing, official
8 position, yes, sir.

9 Q. Were you told that at some point you
10 would have to move the rags that had been
11 disposed of in those drums?

12 A. Yes, sir.

13 Q. And what were you told about that?

14 A. Told that I needed to get a reputable
15 person to move them and see where they needed
16 to go.

17 Q. A reputable person?

18 A. Like BFI.

19 Q. Like BFI?

20 A. Uh-huh.

21 Q. Did you ever ask BFI to come in and
22 take the drums?

23 A. We did. BFI never came -- I think it
24 may have been AllStar. They had several

1 companies that do it. We asked them, but we
2 got -- in fact, I think we got quotes on
3 them.

4 Q. And did they ever take any of those
5 drums with those rags in them?

6 A. No, sir.

7 Q. And why not?

8 A. We didn't finalize the deal.

9 Q. So you had people like BFI and
10 AllStar and maybe others come in and quote
11 you a price?

12 A. Right.

13 Q. And before the EPA took those drums,
14 you had not made any deal?

15 A. No deal at all.

16 Q. Do you know how many of those drums
17 there were?

18 A. No, I don't. Not sure.

19 Q. You said something about A&L Labs?

20 A. They were testing the sewer water,
21 A&L Lab.

22 Q. They weren't having anything to do
23 with the rags?

24 A. Oh, no.

1 Q. What's the difference, if any, in
2 recycling and reconditioning? You've used
3 both of those terms.

4 A. Okay. Recycling and recondition the
5 same thing. You recycle drum. You condition
6 pallets.

7 Q. So that would be a distinction,
8 though?

9 A. Uh-huh.

10 Q. Now, you were doing pallet work all
11 during the same time?

12 A. Same time doing drum work.

13 Q. And the pallets, how would you
14 recondition a pallet?

15 A. You bring in -- bring in 2, 300
16 pallets, a board broken there, a board broken
17 there, you just take -- pull the broken board
18 off and put a new board on it, is how you do.

19 Q. This is hammer and nail stuff?

20 A. Hammer and nail.

21 Q. And how much would you sell a pallet
22 for?

23 A. Anywhere between 4 and \$5.

24 Q. And did you ever pay anybody for

1 pallets?

2 A. Very few. A dollar to a hustler
3 bringing a pallet, a dollar, dollar and a
4 half. And a lot of people -- a lot of
5 companies will pick up pallets just to move
6 them off the premises.

7 Q. And you would recondition them as
8 you've stated?

9 A. Uh-huh.

10 Q. And then to whom would you sell them?

11 A. Oh, a lot of people. Different
12 people like chemical companies, soap
13 companies, glue company, paint company, you
14 know.

15 Q. But those pallets, there was nothing
16 chemical about the reconditioning?

17 A. No, no.

18 Q. I think you referred to order in the
19 sense of getting an order; do you recall
20 that?

21 A. Uh-huh.

22 Q. What is "getting an order"?

23 A. I mean when somebody need 50 drums,
24 they may call us and say they have 50 drums

1 and I have to get the order together. I may
2 need 100 pallets, like the firecracker place
3 on 61 called and they want 25 pallets and I
4 got to go in and get 25 pallets and we'll
5 take them in.

6 Q. So these are customers that would
7 call you?

8 A. Uh-huh.

9 Q. And what they would give you is an
10 order for --

11 A. To be filled.

12 Q. And then what you would do is fill
13 that order?

14 A. Yes, sir.

15 Q. And sometimes you would have it on
16 the premises?

17 A. Uh-huh.

18 Q. And you would fill it?

19 A. Right.

20 Q. Sometimes you'd have go back --

21 A. Right, right, go out and get it.

22 Q. Somebody might want 100 pallets?

23 A. Uh-huh.

24 Q. And you had 50?

1 A. I had to go out and find another 50.

2 Q. You also referred to a contract and
3 get a contract. How is that different from
4 an order?

5 A. Well, a small company like me -- they
6 only deal with big company with a contract.
7 When you sign a contract, you tell a guy you
8 going to give him 500 pallet a week, well, he
9 can hold you accountable if you don't give
10 him 500. If he lying down and you can't
11 produce, he can hold your contract, but when
12 you fill orders and they tell you they need
13 50 drums or 50 pallets, you take them
14 whenever you have an order complete.

15 Q. Did you ever have any contracts?

16 A. Never had any contracts. Too small
17 for contracts.

18 Q. You answered questions at the
19 beginning that you were, quote-unquote,
20 self-employed.

21 A. Right.

22 Q. You think of yourself as
23 self-employed, do you not?

24 A. Yes, sir.

1 Q. But you've never operated as a sole
2 proprietor?

3 A. No.

4 Q. You've always operated as an employee
5 of a corporation that you own?

6 A. Right, small business.

7 Q. So in your mind, that's being
8 self-employed?

9 A. Self-employed, me it is, I do more
10 work than anybody.

11 Q. But you're no more self-employed than
12 I am self-employed; I'm employed by Larry E.
13 Parrish, PC.

14 A. Uh-huh.

15 Q. [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 A. [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

Exemption 6 Personal Privacy

1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

Q. [REDACTED]

8

[REDACTED]

9

A. [REDACTED]

10

Q. [REDACTED]

11

[REDACTED]

12

A. [REDACTED]

13

Q. [REDACTED]

14

A. [REDACTED]

15

[REDACTED]

16

[REDACTED]

17

[REDACTED]

18

[REDACTED]

19

Q. [REDACTED]

20

A. [REDACTED]

21

Q. [REDACTED]

22

[REDACTED]

23

A. [REDACTED]

24

[REDACTED]

Exemption 6 Personal Privacy

Exemption 6 Personal Privacy

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24

[REDACTED]

Q. [REDACTED]

A. [REDACTED]

[REDACTED]

Q. [REDACTED]

[REDACTED]

But that was your educational background?

A. Educational background.

Q. [REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED] the house that was

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

A. [REDACTED]

Q. [REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

Exemption 6 Personal Privacy

Exemption 6 Personal Privacy

1 [REDACTED]
2 A. [REDACTED]
3 Q. [REDACTED]
4 A. [REDACTED]
5 Q. [REDACTED]
6 A. [REDACTED]
7 Q. [REDACTED]
8 [REDACTED]
9 A. [REDACTED]
10 Q. [REDACTED]
11 A. [REDACTED]
12 Q. [REDACTED]
13 A. [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 Q. [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 A. [REDACTED]
21 Q. [REDACTED]
22 A. [REDACTED]
23 [REDACTED]
24 Q. [REDACTED]

Exemption 6 Personal Privacy

Exemption 6 Personal Privacy

1 A. [REDACTED]

2 Q. [REDACTED]

3 A. [REDACTED]

4 Q. [REDACTED]

5 A. [REDACTED]

6 Q. To be in the businesses you have been
7 in, you've had to have somebody nearby, like
8 a Glover Gray?

9 A. Right.

10 Q. Without a person like that --

11 A. I couldn't make it.

12 Q. -- you can't do it?

13 A. No.

14 Q. [REDACTED]

15 [REDACTED]

16 A. [REDACTED]

17 Q. [REDACTED]

18 [REDACTED]

19 A. [REDACTED]

20 Q. [REDACTED]

21 [REDACTED]

22 A. [REDACTED]

23 Q. [REDACTED]

24 A. [REDACTED]

Exemption 6 Personal Privacy

Exemption 6 Personal Privacy

1

Q.

[REDACTED]

2

A.

[REDACTED]

3

Q.

[REDACTED]

4

A.

[REDACTED]

5

[REDACTED]

6

Q.

[REDACTED]

7

A.

[REDACTED]

8

Q.

[REDACTED]

9

[REDACTED]

Exemption 6 Personal Privacy

10

A.

[REDACTED]

11

Q.

[REDACTED]

12

A.

[REDACTED]

13

Q.

[REDACTED]

14

[REDACTED]

15

[REDACTED]

16

A.

[REDACTED]

17

[REDACTED]

18

[REDACTED]

19

[REDACTED]

20

[REDACTED]

21

[REDACTED]

22

[REDACTED]

Exemption 6 Personal Privacy

23

Q.

[REDACTED]

24

A.

[REDACTED]

Exemption 6 Personal Privacy

1

Q.

2

A.

3

Q.

4

5

6

A.

7

Q.

8

9

A.

10

MR. PARRISH: I have no further questions.

11

12

MR. HARBIN: I have just a few more questions, Mr. Williams.

13

14

EXAMINATION

15

BY MR. HARBIN:

16

Q. I want to get back to American Drum at 806 Walnut Street. Exhibit 1, just for clarification, Exhibit 1, I think you said, was completed by Mr. Gray?

17

18

19

20

A. Uh-huh.

21

22

Q. It says that drums for pickup or drop off are inspected for compliance with EPA standards.

23

24

A. Uh-huh.

Exemption 6 Personal Privacy

1 Q. And just for clarification, do you
2 know what those standards are?

3 A. No. He knows.

4 Q. We've talked about empty drums
5 throughout this deposition. What constitutes
6 an empty drum?

7 A. I guess nothing in it, just, you
8 know, the way I see it.

9 Q. Would it have -- could it have been
10 wet with material or have material on the
11 wall of it or material in the bottom of it
12 and still constitute an empty drum?

13 A. Not to your-all's spec, I wouldn't.

14 Q. To your spec, would that constitute
15 an empty drum?

16 A. To my spec it would.

17 Q. So it could have material on the side
18 wall and in the bottom of it, but it would
19 still be an empty drum?

20 A. To my spec, it would be; you know
21 that's my knowledge.

22 Q. And your inspector was Mr. Wilkerson?

23 A. Uh-huh, James Wilkerson.

24 Q. So you would have accepted a drum

1 that could have had material on the side wall
2 and in the bottom of it as an empty drum?

3 A. I wouldn't, but I don't know what he
4 did.

5 Q. And just for clarification, we may
6 have asked this earlier, I'm not certain, but
7 A&L Labs -- we talked about A&L Labs. Did
8 A&L Labs test the filtration residue?

9 A. Uh-huh, as far as I know, yes, sir.
10 We got some quote on them, you know, what
11 they found, but I have to go through Gray to
12 get that.

13 Q. We talked about hazardous waste at
14 the facility. Do you know if any hazardous
15 waste determination called a RCRA, R-C-R-A,
16 RCRA hazardous waste determination was ever
17 done on any of the materials that came into
18 the American Drum facility?

19 A. No, sir, I don't know.

20 Q. You talked about Mr. Gay. Was
21 that -- was Mr. Gay a state of Tennessee
22 employee or --

23 A. I think so. I'm not for sure. Have
24 to find the card, but he's the one got them

1 down from Nashville.

2 Q. He would not have been an EPA
3 employee, he would have been a state
4 employee?

5 A. State, yeah.

6 Q. I'm still trying to understand about
7 the Great Dane and the Hoover trailer. The
8 material in the trailer, correct me if I'm
9 wrong, but that came from -- that was Great
10 Dane material that was on the property, you
11 say, was on the property before you-all
12 purchased the property?

13 A. Yeah. Well, Great Dane drums, put it
14 like that, Great Dane drums, had the name on
15 it, I'll put it like that.

16 Q. And it was inside a trailer?

17 A. Yes, sir.

18 Q. That was marked Hoover on the side of
19 it?

20 A. Uh-huh.

21 Q. Is that correct?

22 A. Yes, sir.

23 Q. And I understood you to tell

24 Mr. Parrish that you-all moved that around

1 the facility a couple --

2 A. I said may have moved. I didn't know
3 for sure. I didn't know what was in them,
4 you know.

5 Q. Did you ever look in the trailer to
6 see what was in there?

7 A. Yeah, the trailer, but the top was on
8 the drum, I didn't know, you know, what was
9 in them.

10 Q. Did you ever move them out of the
11 trailer?

12 A. No, sir. I only moved mine when Mr.
13 Steve told us what to do, and how to do it,
14 we moved it then.

15 MS. RICHARDSON: The corporation
16 now at 806 Walnut Street, who is the
17 president?

18 THE WITNESS: My son quit. I
19 guess I am now. You know, they left -- my
20 daughter and him both left in 2'05 or 2'06,
21 they all left. I'm the only one there now.
22 They pursued better -- other job, I guess.

23 MR. PARRISH: President by
24 default.

1 MR. SPURLIN: Just to clarify,
2 currently, the operations you have do not
3 include the refurbishing, hence the washing
4 and painting and cleaning of the drums that
5 you were previously doing?

6 THE WITNESS: No.

7 MR. SPURLIN: And --

8 THE WITNESS: We rinse out drum
9 that come in from like Smucker Jelly, Rich
10 Foods, they come in, we wipe them out, but
11 they always be clean. We rinse them out.

12 MR. SPURLIN: So your discharge
13 to the city sewer will continue and hence the
14 requirements for the testing put upon you
15 that I think A&L is probably doing for you.

16 THE WITNESS: Yes, sir.

17 MR. SPURLIN: Thank you.

18 BY MR. HARBIN:

19 Q. You understand, Mr. Williams, there's
20 some items in this deposition, some
21 information, some further information that
22 you have indicated you would get to
23 Mr. Parrish.

24 A. Yes, sir.

1 MR. PARRISH: I don't know if it
2 would be possible for the court reporter to
3 scan through there and give me a list of
4 those or we just have to wait for the
5 transcript, but as soon as we get that -- I
6 haven't been making notes myself.

7 MR. HARBIN: And I have not
8 either.

9 THE COURT REPORTER: Order?

10 MS. RICHARDSON: Original and
11 one.

12 (An off-the-record discussion
13 was held.)

14 MR. HARBIN: This is the
15 conclusion of Johnnie Williams' deposition
16 with the right -- EPA reserves the right to
17 call him to testify again.

18 (The deposition concluded at
19 1:30 p.m.)
20
21
22
23
24

COURT REPORTER'S CERTIFICATE

STATE OF TENNESSEE:

COUNTY OF SHELBY:

I, MONNA J. MCCORMICK, RPR, CLR, CRR, Reporter and Notary Public, Shelby County, Tennessee, CERTIFY:

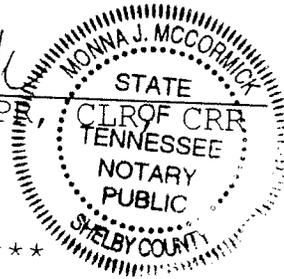
1. The foregoing deposition was taken before me at the time and place stated in the foregoing styled cause with the appearances as noted;

2. Being a Court Reporter, I then reported the deposition in Stenotype to the best of my skill and ability, and the foregoing pages contain a full, true and correct transcript of my said Stenotype notes then and there taken;

3. I am not in the employ of and am not related to any of the parties or their counsel, and I have no interest in the matter involved.

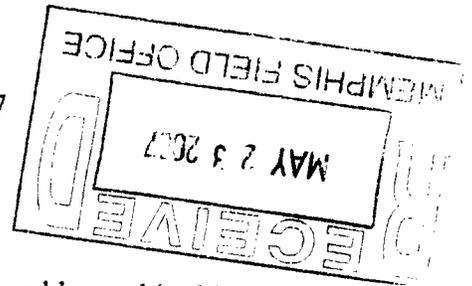
WITNESS MY SIGNATURE, this, 31st day of August, 2010.

Monna McCormick
MONNA J. MCCORMICK, RPR,
Court Reporter
Notary Public
for the State of
Tennessee at Large
License No.: 161



My commission expires:
November 2, 2013

AMERICAN DRUM & PALLET INC.
806 WALNUT ST.
MEMPHIS, TN. 38126
PHONE 901.948.1576 , FAX 901.948.1577



Ms. Angela Horton,

In reference to your letter dated April 5, 2007. The Information Request is addressed in this correspondence. Information is noted and numbered in accordance with your instructions.

Number 1

American Drum & Pallet Inc. (ADPC) is a industrial drum reconditioning. ADPC Accepts empty 30gallon to 250gallon steel and plastic drums/tanks. We clean and Repair the drums for wholesale.

Number 2

ADPC begin operations at the current location 2003

Number 3

Procedures are:

Drums for pick up or drop off are inspected for compliance with EPA standards.

Containers not meeting the standards are rejected.

Drum / tanks are picked up / drop off from food grade / non-hazardous vendors

Containers are delivered to facility and inspected for salvage or resale.

Containers identified for salvage are cleaned and crushed for scrape.

Containers identified for resale are cleaned and warehoused

Cleaning procedures

Containers are triple (3) pressured washed with steam and resinsed.

Containers are air dried and warehoused for delivery

Cleaning solution is a mild dish soap solution

Container Painting

Per customer request drums are spray painted in a designated area.

Attachments

Number 4

ADPC is a duly recognized Corporation of the state of Delaware
Organizational Chart:

Michael Williams, President

1863 S. WELLINGTON, MEMPHIS, TN. 38106

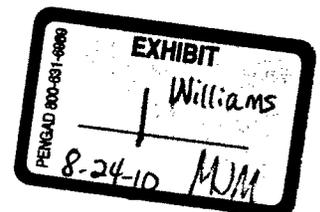
Johnnie Williams, Vice President

1863 S. WELLINGTON, MEMPHIS, TN. 38106

Angela Williams, Secretary / Treasury

1863 S. WELLINGTON, MEMPHIS, TN. 38106

Attachments



Number 5

Drums Incorporated of Memphis does not conduct any business at 806 Walnut.

Number 6

Names of record are: Johnnie Williams / American Drum & Pallet Inc.

Attachments:

Number 7

MSDS, Material Safety Data Sheets are attached

Number 8

Waste generated by ADPC painting operations consist of minimal residue from empty 1 gallon paint cans

A: Average waste consist of residue from containers (4-6 ounces)

Number 9

A. Rags are used to dry some of the wet containers after wash cycle

Rags are used with a mild solvent to clean containers

B. Approximately 50 rags are generated per month.

C. 80% (40) are rinsed, dried and reused, 20% (10) are disposed off

D. Rags are not sent off site

Number 10

A. Ongoing inventory of containers and debris piles from testing facilities

B. Ongoing determination from testing facilities

C. ADPC does not know the origination or approximate date of unknowns came to facility

Number 11

The Great Dane Trailer is an outdated and unused trailer that was at the facility the time ADPC assumed operations. ADPC does not know why the containers were abandoned at the facility.

Number 12

All waste (solid and / or hazardous) will be segregated and contracted to a licensed removal Service.

Attachment:

Number 13

ADPC has not removed any waste (solid and / or hazardous) from the facility. Only trash Debris (leaves, paper, etc.) have been removed from the facility.

Number 14

Names, Address, and Phone number of person / entity picked up by ADPC.

Number 15

Names, Address, and Phone number of person, entity receiving from ADPC.

AMERICAN DRUM & PALLET INC.
806 WALNUT ST.
MEMPHIS, TN. 38126
PHONE 901.948.1576 , FAX 901.948.1577

NUMBER 3

INDUSTRIAL WASTEWATER DISCHARGE AGREEMENT, CITY OF MEMPHIS

ATTACHMENT 1

AREA A – Located inside a building along the Northern wall at the 0 Heiskell property. **62 containers** of unknowns were inventoried (Photos A-B). Most of the containers were 55-gallon metal and fiberboard containers that appeared to be full. These containers were placed onto pallets stacked two high. Some these drums were marked “Pigmented Extender.” Outside the western entrance of the building were **four containers**; three were full and one was half full of unknowns.

TRAILER – Located on the 0 Heiskell property next to Suzette Street. During the site visit, DSWM personnel noted containers inside and requested an inventory of containers holding material from facility personnel (Photo D). Labels were visible on two containers in the back of the trailer – “Solid Acrylic” and “UCAR Emulsion Systems.” On March 22, 2007, Mr. Williams stated that **14 containers** within the trailer were full. Mr. Williams was uncertain of the contents of these containers, but stated that some of the containers might contain paint from Great Dane Trailers.

PLANT OPERATION AREA – Located inside the building located on the 806 Walnut Street property. At this area, DSWM personnel inventoried **nine 55-gallon drums** containing unknowns stored along a wall under a window (Photo E). In addition, **three 8-gallon buckets** were observed holding used cloth rags and a can of dried paint (Photo F), **one 55-gallon drum** was observed 75% full of rags, floor sweepings and paint cans, and **one 55-gallon drum** was half full of floor sweeping and “grindings.”

AREA B - Located inside the building at the 806 Walnut Street property. This area is adjacent to the Northern doorway leading to the Wash Pit. At this area were **12 55-gallon metal and 45-gallon fiberboard containers** holding various materials (Photos G-I). DSWM personnel observed rags in some of these drums.

AREA C – Located inside the Building at the 806 Walnut Street property. This area is at the Southern doorway south of the Wash Pit DSWM personnel inventoried **six 55-gallon blue metal drums** full of unknowns.

DEBRIS PILE 1 – Located on the 0 Heiskell Place property near the Northeastern corner of Lucas and Heiskell. This debris pile appeared to contain pallets, 55-gallon metal drums, rags, and trash (Photo K). Some drums contained unknowns. DSWM personnel observed one 55-gallon drum on its sides containing debris. A green substance was observed on the ground near this container. (Photo L). A solvent odor was noted in this location.

DEBRIS PILE 2 Located on the 0 Heiskell Place property along Lucas Street south of a small building containing furniture. Numerous plastic drums and fiberboard containers, and various debris were observed at this area (Photo M-N). DSWM personnel detected an odor at this location.

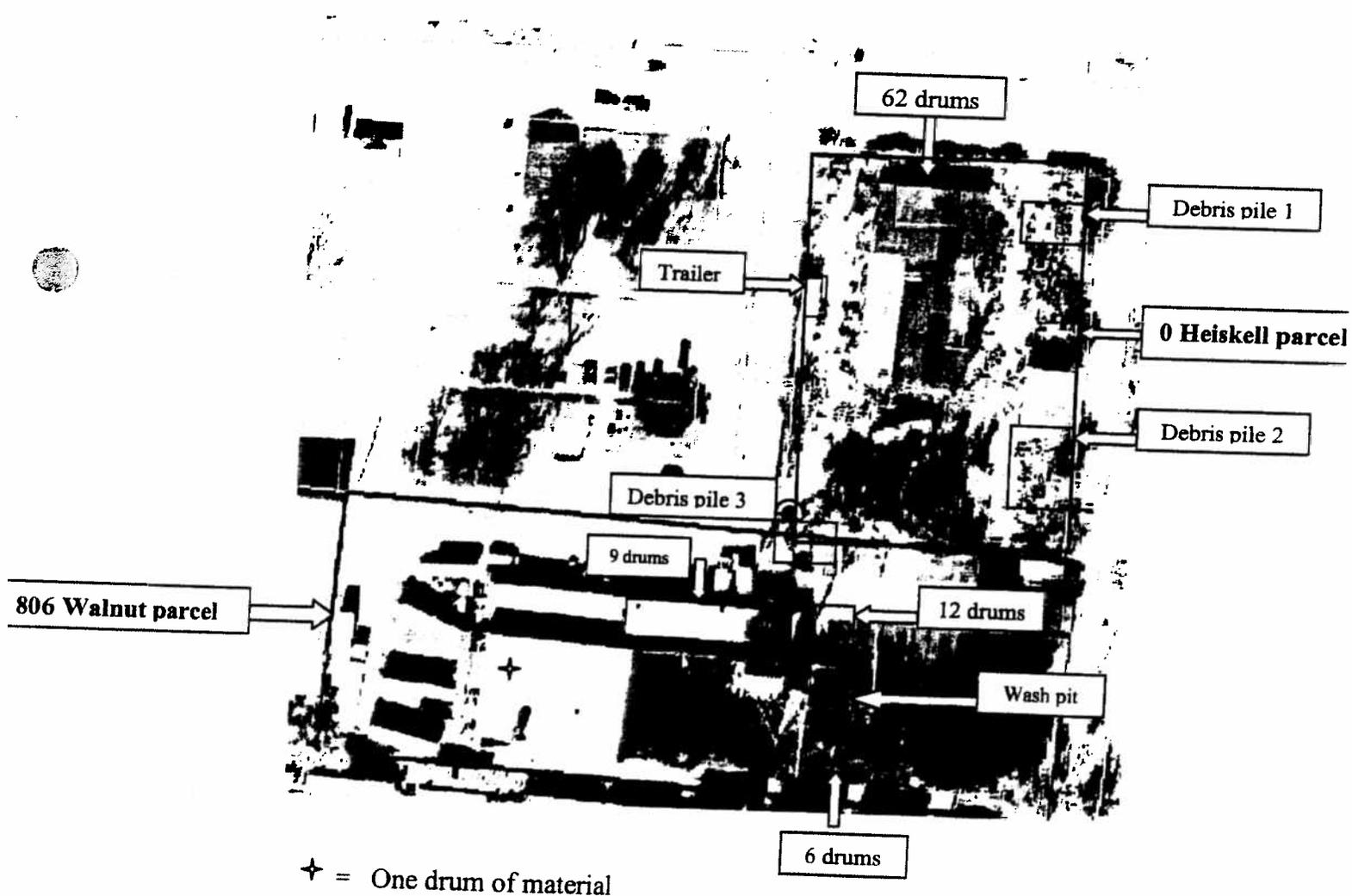
DEBRIS PILE 3 – Located on the 0 Heiskell Place property at the Southwest corner next to the entrance gate. At this area, DSWM observed crushed fiberboard containers and metal drums in this pile (Photo O). Heavy staining on the ground was apparent at this location.

ADDITIONAL LOCATIONS – **Three 55-gallon metal drums** full of unknowns were observed at the 0 Heiskell Place property south of Debris Pile 1. All three of the containers had DOT labels for “Corrosive – 8” and “poison” hazards (Photo P).
One 55-gallon container full of an unknown was observed next to the Floor Sump connected to the Wash Pit in the 806 Walnut building (Photo Q).
One 55-gallon red, metal drum approximately 25% full of an unknown was observed adjacent to plastic 250 gallon totes near the south wall of 806 Walnut building (Photo R).
One 55-gallon red, open-top metal drum approximately 25% full of an unknown was observed at the Shipping and Receiving area in the 806 Walnut building (Photo S). This container was labeled “Mobil.”

ATTACHMENT 2

American Drum and Pallet Company, Inc.

806 Walnut Street and 0 Heiskell Place



ATTACHMENT 3

American Drum and Pallet Company, Inc.
Photos taken by DSWM on March 19, 2007

AREA A



Photo A



Photo B



Photo C

American Drum and Pallet Company, Inc.
Photos taken by DSWM on March 19, 2007

TRAILER

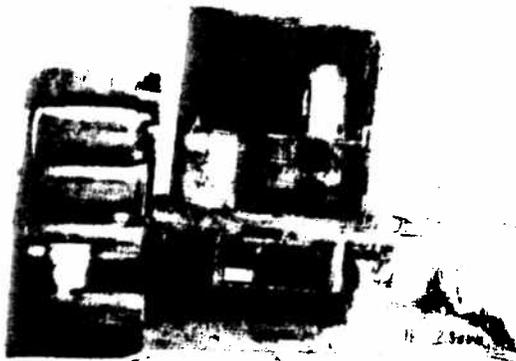


Photo D

PAINT OPERATION AREA



Photo E



Photo F

American Drum and Pallet Company, Inc.
Photos taken by DSWM on March 19, 2007

AREA B



Photo G



Photo H



Photo I

American Drum and Pallet Company, Inc.
Photos taken by DSWM on March 19, 2007

AREA C



Photo J

DEBRIS PILE 1



Photo K



Photo L

American Drum and Pallet Company, Inc.
Photos taken by DSWM on March 19, 2007

DEBRIS PILE 2

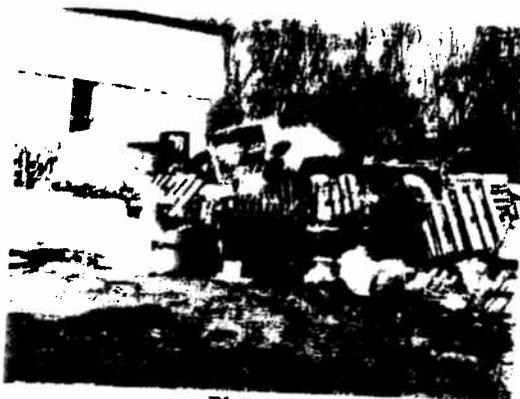


Photo M



Photo N

DEBRIS PILE 3



Photo O

American Drum and Pallet Company, Inc.
Photos taken by DSWM on March 19, 2007



Photo P

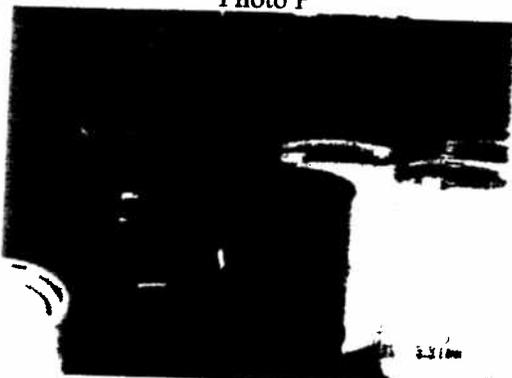


Photo Q (rusted top)

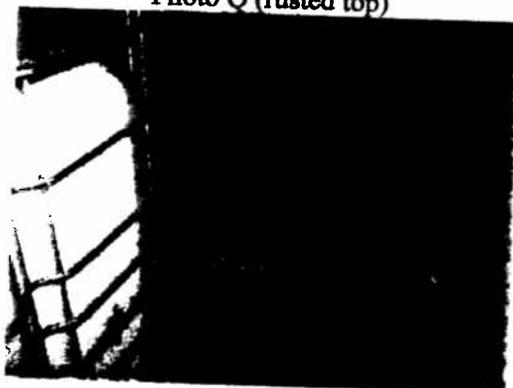


Photo R



Photo S

ORIGINAL

N-FS3-144

AMERICAN DRUM



Division of Public Works

**Industrial Wastewater Discharge
Agreement**

**made by and between the
City of Memphis**

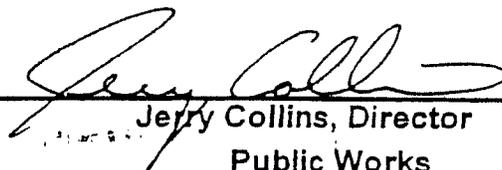
and

American Drum & Pallet Company, Inc.

on

May 01, 2003

Approved by:


Jerry Collins, Director
Public Works



*City Of Memphis
Industrial Wastewater Discharge
Agreement*

N-FS3-144
AMERICAN DRUM

» » » Intent and Purpose « « «

The City of Memphis in enacting the revised Sewer Use Ordinance deemed it necessary to identify certain significant contributors to the municipal sewer system and regulate the significant contributors on the discharge quantity and characteristics which would be permitted to be discharged into the municipal wastewater system. The basis for the values shown in the following sections are primarily to comply with the State of Tennessee and the Environmental Protection Agency regulations and to preserve the integrity of the publicly owned treatment works.

The agreement serves as a firm understanding between the user and the City for a specified period of time not to exceed five (5) years. The parameters which have been identified in this document reflect the best estimate of the user as to the characteristics of his discharge and will remain in effect until modified by amendments to the discharge agreement. The allowable levels for each parameter are determined by limitations imposed by the Sewer Use Ordinance and for compounds, not specifically limited by the Sewer Use Ordinance or EPA Categorical limitations, the best professional judgement of the City staff engineers and chemists. Primary in the determination is the protection of the integrity of the publicly owned treatment works. Accordingly, tables of guidance for criteria influent levels for specific incompatible wastes have been developed and are part of the Sewer Use Ordinance.

Willful failure of an industrial user to report significant changes in operations which affect wastewater constituents and characteristics can result in the revoking of his discharge agreement. If a public sewer becomes obstructed or damaged because of any substances improperly discharged into it, American Drum & Pallet Company, Inc. if responsible for such discharge shall be billed and shall pay for all the expenses incurred by the City in cleaning out, repairing, or rebuilding the sewer.

According to Section 33-173 of the Sewer Use Ordinance, violations of the Discharge Agreement and the Sewer Use Ordinance requirements may result in civil penalties up to ten thousand dollars (\$10,000) for each day during which the acts or omission continues or occurs.

Each industrial user discharging compounds regulated by the pretreatment program or other programs identified by the Environmental Protection Agency (EPA) must also pretreat to the point as required by the EPA. In addition to this, the State of Tennessee has identified certain allowable levels for incompatibles entering a publicly owned treatment works. The pretreatment values set by the City are listed in Table 1 and Table 2, Section 33-104 of the Sewer Use Ordinance.

Wastewater discharge agreements are issued to a specific user for a specific operation. A wastewater discharge agreement shall not be reassigned or transferred or sold to a new owner, new user different premises, or a new or changed operation which will significantly affect wastewater characteristics, Section 33-85 of the Sewer Use Ordinance.

The industrial user shall comply with the record-keeping requirements outlined in the general pretreatment Standards in part 403.12 (o) of the Federal Regulations and Section 33-83(f) of the Sewer Use ordinance.



City Of Memphis
Industrial Wastewater Discharge
Agreement

N-FS3-144
AMERICAN DRUM

» » » Intent and Purpose « « «

According to Section 33-110 of the Sewer Use Ordinance, the Industrial User shall notify the Control Authority immediately in the event of spill, bypass, upset and slug or accidental discharges, including any discharges that would violate a prohibition under Section 33-103, with procedures for the follow-up written notification within five days. The Control Authority will evaluate the Industrial User every two years or as needed for slug discharge control plan, if not required then, the Industrial User shall submit a signed statement stating that there is no potential nor any need for developing such a plan. However, if required then the Control Authority will attach a copy of the plan to this Agreement.

Whereas, Chapter 33 of the Code of Ordinances of the City of Memphis requires that "dischargers to the municipal wastewater treatment facilities designated by the approving authority as requiring agreements shall not discharge to the system without said agreement"; and

Whereas, American Drum & Pallet Company, Inc. located at 806 Walnut Street desires to discharge to the Memphis sewer system; and

Whereas, American Drum & Pallet Company, Inc. agrees to comply with all requirements specified in Chapter 33 of the Code of Ordinances and any revision thereof.

Now therefore, American Drum & Pallet Company, Inc. is granted the right to discharge the wastewater of such characteristics and volume as described in this wastewater discharge permit into the City of Memphis sewer system from May 01, 2003 to April 30, 2008.

Signed by:

Authorized Industrial User Representative:

Arnett D. Montague 4/24/03

[Signature] 4/24/03

[Signature]
City of Memphis

American Drum & Pallet Company, Inc.



**City Of Memphis
Industrial Wastewater Discharge
Agreement**

N	F	S	3	144
AMERICAN DRUM				

Start Date

May 01, 2003

Expiration Date

April 30, 2008

A.1 Corporate Name American Drum & Pallet Company, Inc.
 Corporate Address 806 Walnut Street
Memphis TN 38126

A.2 Company Name American Drum & Pallet Company, Inc.
 Mailing Address 806 Walnut Street
Memphis TN 38126

A.3 Facility Name American Drum & Pallet Company, Inc.
 Facility Address 806 Walnut Street
Memphis TN 38126

A.4 Contact Official Dr. Arnett G. Montague, Sr.
 Title Quality Control Supervisor
 Phone (901)-948-1576

A.5 Signing Official Dr. Arnett G. Montague, Sr.
 Title Quality Control Supervisor
 Signee Address 501 Shofner Avenue
Memphis TN 38109

A.6 I certify that the information contained in this industrial wastewater discharge agreement consisting of twenty two pages (and any appendices) is familiar to me and to the best of my knowledge and belief, such information is true, complete and correct.

Arnett G. Montague 4/24/03
Alvina H 4/24/03

Authorized Industrial User Representative: Signature/Date

AMERICAN DRUM & PALLET INC.
806 WALNUT ST.
MEMPHIS, TN. 38126
PHONE 901.948.1576 , FAX 901.948.1577

NUMBER 3

FLOW DIAGRAM ATTACHMENT

AMERICAN DRUM & PALLET INC.
806 WALNUT ST.
MEMPHIS, TN. 38126
PHONE 901.948.1576 , FAX 901.948.1577

NUMBER 3

ENVIRONMENTAL SITE ASSESSMENT

REPORT OF FINDINGS OF
A PHASE I
ENVIRONMENTAL SITE ASSESSMENT
FOR
AMERICAN DRUM AND PALLET COMPANY
INCORPORATED

November 7, 2003
CLEF Environmental

CLEF ENVIRONMENTAL

6687 Greenbark Drive
Memphis, TN 38115
(901) 360-9027

We can handle all of your Environmental Services
Phase I, Site Assessments and Consulting Services

November 7, 2003

Mr. Johnnie J. Williams
American Drum & Pallet
806 Walnut Street
Memphis, TN 38126

Subject: Report of Findings for a Phase I Environmental Site Assessment conducted at American Drum and Pallet Company, 806 Walnut Street, Shelby County, Memphis, TN (CO3000-01).

Dear Mr. Williams:

In accordance with our Work Authorization, CLEF Environmental is pleased to submit this letter and report, which presents the findings of a Phase I Environmental Site Assessment conducted at the subject property during November 2003. The methods of investigation are presented in the following subsection.

Methods of Investigation

The elements of the Phase I Environmental Site Assessment conducted at the subject property included the following:

1. Review of pertinent background information on the subject property, which included, but not limited to, topographic maps, tax maps, city directories, or any other information or correspondence relevant to the property which was available to CLEF, or provided to CLEF.
2. A physical survey of the subject -property to identify the following:
 - a. Any transformers, which may contain polychlorinated biphenyls. (PCBs).
 - b. Any underground storage tanks on the property.
 - c. All "hazardous materials" on the subject property.

Mr. Johnnie Williams
November 7, 2003
Page 2

3. Contacting the local office of the Tennessee Environmental Protective Agency (TEPA), Tennessee Office Bureau of Underground Storage Tank Regulations), to collect information related to the past or present regulatory compliance status of the subject property and the registration and insurance status of any underground storage tanks on-site.
4. A review of United States Environmental Protection Agency (USEPA) and TEPA And so called "contaminated sites list" compiled under the Compensation Environmental Response, Compensation, and Liability Act (CERCLA) and hazardous waste generators list compiled under the Resource Conservation and Recovery Act (RCRA) to determine whether the subject property or properties located within a one-mile radius of the subject property are included on these lists.
6. Contacting Memphis Light Gas & Water (MLGW) to request confirmation Of PCB-content of any ground-or-pole mounted transformers on the property.
7. Evaluating land use within a one-quarter mile radius to identify high-risk properties.

Executive Summary of Findings

An executive summary of findings resulting from the Phase I Environmental Site Assessment is presented below:

- Four (4) pole-mounted electrical transformers located on the subject property are assumed to be "non-PCB contaminated".
- No visible evidence of the presence of underground storage tanks were observed on the subject property.
- During the physical site inspection, hazardous materials regulated by the USEPA (EPA) and the United States Department of Transportation (USDOT) were observed in use and/or stored on the subject property. These materials consisted of points used in the building on-site.
- Three (3) facilities located within a one-mile radius of the subject property are registered with the Tennessee Division of Underground Storage Tanks as having underground storage tanks on-site.
- Two (2) facilities located within a one-mile radius of the subject property are included on the TEPA's list of hazardous waste generators.

Mr. Johnnie J. Williams

November 7, 2003

Page 3

- No facilities located within a one-mile radius of the subject property are included on the TEPA/USEPA so called "contaminated" site lists compiled under CERCLA.
- No "high-risk neighboring property associated with the subject property, as determined by the absence of any hazardous waste generator sites, registered underground storage tank sites, and so-called contaminated sites within one-quarter mile radius of the subject property.

Recommendations

Based on the findings of the Phase I Environmental Site Assessment, the following recommendations are presented for consideration at the subject property:

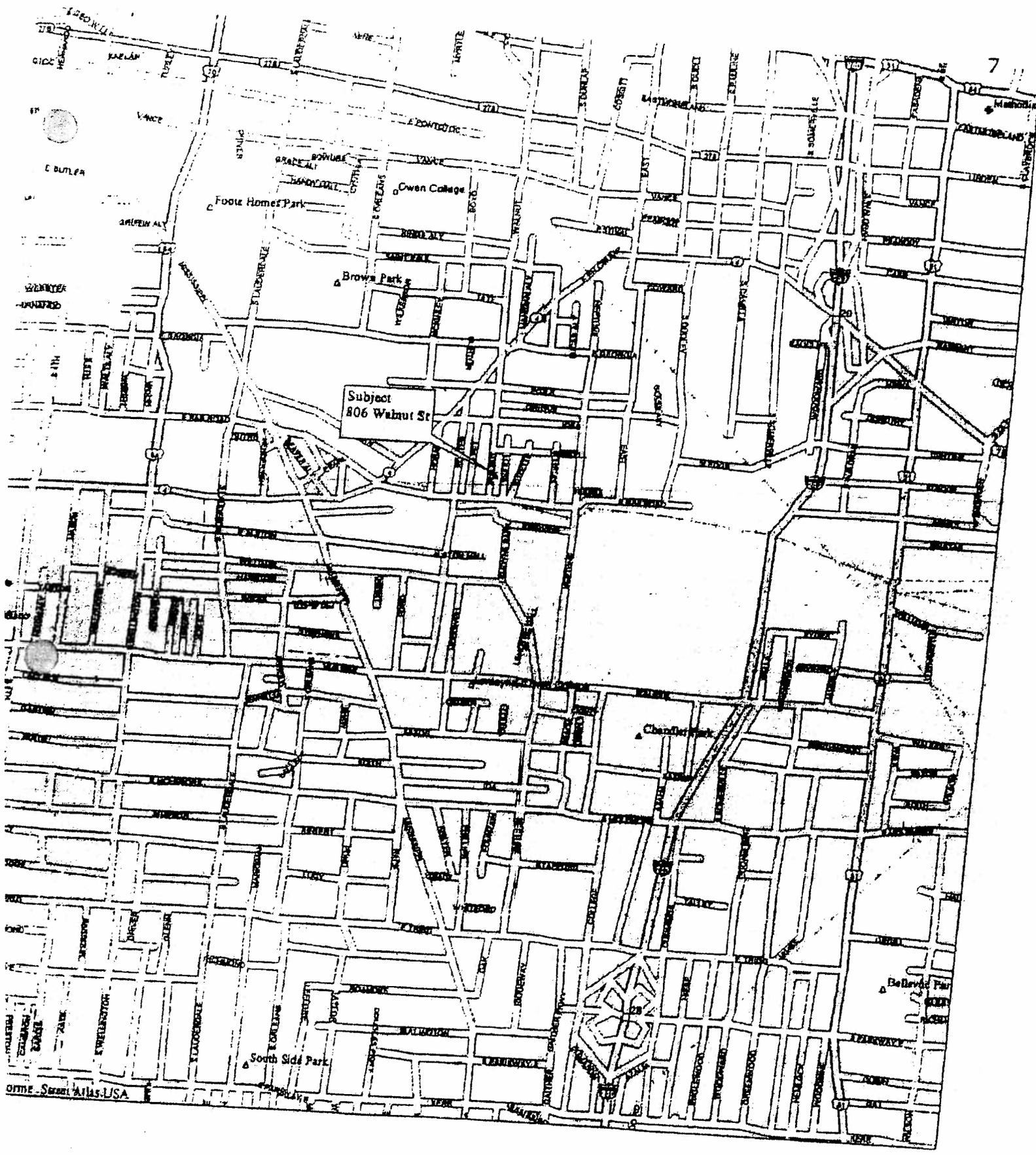
1. Contact Memphis Light Gas & Water (MLGW) should any of the electrical transformers located on the subject property develop any leaks or spills.
2. Properly store all paints in an appropriate flammable storage area/cabinets.
3. Collect soil samples of the surface standing on the eastern portion of the subject property near stored drums, to determine the extent of the subsurface stains.

Site Description

The subject property, located at 806 Walnut Street, Memphis, TN encompasses approximately 2.1 acres. The subject property is developed and contains a 1 story building and two storage sheds. The building is used for warehousing, cleaning drums, cutting drums, storage and other drum and pallet activities. The building is approximately 45,124 square feet in size and constructed of concrete block walls, reinforced concrete floors in the warehouse, steel beams, roof composed metal on top of metal framing, flat. Approximately 1,000 square feet of the building is used for office space. The office area has concrete tile floors, lobby, restrooms, breakroom, and a kitchen. The storage sheds, located on the eastern portion of the property, are aluminum and are used for drum refurbishing and storage.

Historical Land Use

Historical city directories for the subject property list 806 Walnut Street as being vacant from at least 1950-1955. Harbin Mill and Lumber Company is listed at this address from 1956-1962.



Location Map

CLEF Environmental Services

Mr. Johnnie J. Williams
November 7, 2003
Page 4

The address was vacant from 1963-1964. Memphis Manufacturers Molding Incorporated was listed at this address from 1965-1975. Memphis Molding Inc. and Color Craft Prefinished Molding Company was listed from 1975-1980. Pioneer Cabinets was listed at this address from 1981-1993. The address was vacant in 1994. First Southern Construction Company is listed from 1995-1996. W & A Janitorial Services was listed at this address in 1997. The address was vacant from 1998-1999. The current occupants, American Drum and Pallet Company, Inc are listed from 2000 to present.

Tax Maps

According to the Shelby County Tennessee Tax Assessors records, the subject property was owned by Southern Millwork and Lumber Company from June 5th, 1958 until 12/23/02. American Drum and Pallet Company Inc. has owned the subject property since 12/23/02. No other owners were listed for the subject property. Attachment 1 is included for review.

Adjacent Land Use

The land use in the vicinity of the subject property is primarily light industrial, residential and commercial. The subject property is bordered to the north by residential, and to the west by Spencer Tile Company Inc., and to the east by a service street and undeveloped parcels and to the south by railroad tracks.

As part of the Phase I Environmental Site Assessment, CLEF reviewed the TEPA's list of hazardous waste generators compiled under RCRA. A total of (2) facilities are located within a one-mile radius of the subject property were identified on this list. The facilities identified included large quantity generators (LQGs), small quantity generators (SQGs), conditionally exempt small quantity generators (CESQs), and transformers (TRNS) of hazardous waste. As defined by 40 CFR 262, an LQG generates more than 1,000 kilograms per month (kg/mo) of hazardous waste; an SQG generates more than 100 kg/mo, but less than 1,000 kg/mo of non acutely hazardous waste; a CESQ generates less than 100 kg/mo of non-acutely hazardous waste; and a TRNS is an operation engaged in the off-site transportation of hazardous waste by air, rail, highway, or water. A list of these facilities and their approximate radial distance from the subject property is included as Attachment 2. There is no obvious evidence of any migration of hazardous waste onto the subject property from any of the facilities listed in Attachment 2.

Mr. Johnnie J. Williams
November 7, 2003
Page 5

General Physiography

The topography in the vicinity of the subject property is rolling to flat. The subject property is located approximately 3 miles east of the Mississippi River.

Findings

An executive summary of findings resulting from the Phase I Environmental Site Assessment was presented earlier in this letter report and is restated in greater detail below:

1. A total of four (4) pole mounted electrical transformers are located on the subject property. Three (3) of the transformers are located on the eastern portion of the subject property near drum storage area. One (1) transformer is located on the northern portion of the subject property on the front side of the building. The transformers are owned and maintained by Memphis Light Gas and Water (MLGW). According to a MLGW representative, all transformers on-site are non PCB contaminated. The transformers contain mineral oil.
2. No visible evidence of the presence of Underground Storage Tank were observed on the subject property.
3. During the physical site inspection, hazardous materials regulated by the USEPA and USDOT were observed in use and/or stored on the subject property. These materials consist of various paints located in the pallet storage and cutting areas.
4. Three facilities are located within a one-mile radius of the subject property and registered as having underground storage tanks on-site. A list of these facilities and their approximate distance from the subject property (rounded to the nearest one-quarter mile) is included as Attachment 3.
5. Two facilities located within a one-mile radius are included on the TEPA's list of being generators of hazardous waste. These facilities were further discussed in the adjacent land use section of this report.
6. No "high-risk" neighboring properties associated with the subject property as determined by the absence of any hazardous waste generator sites, registered underground storage tank sites and so called contaminated sites within one-quarter mile radius of the subject property.

Mr. Johnnie J. Williams
November 7, 2003
Page 6

Recommendations

As previously stated, the following recommendations are presented for consideration at the subject property:

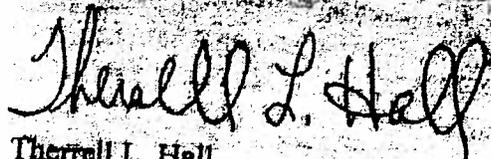
Based on the findings of the Phase I Environmental Site Assessment, the following recommendations are presented for consideration at the subject property:

4. Contact Memphis Light Gas & Water (MLGW) should any of the electrical transformers located on the subject property develop any leaks or spills.
5. Properly store all paints in an appropriate flammable storage area/cabinets.
6. Collect soil samples of the surface staining on the eastern portion of the subject property near stored drums, to determine the extent of the subsurface stains.

As always, CLEF appreciates the opportunity you have given us to provide professional services to American Drum and Barrel. Should you have any questions regarding this letter report, please feel free to contact me.

Sincerely,

CLEF ENVIRONMENTAL SERVICES

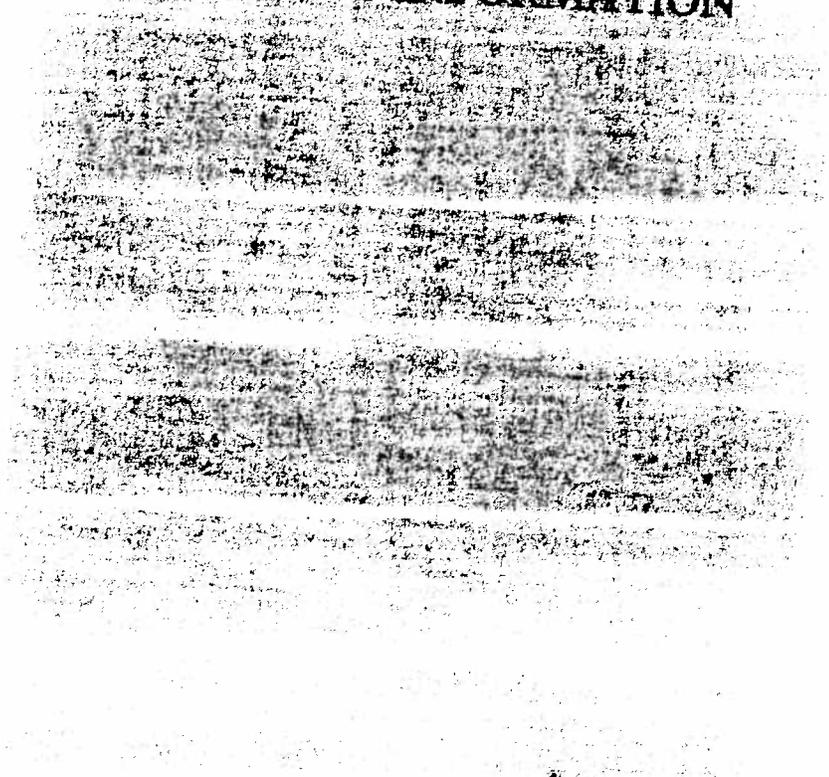


Therrall L. Hall
Environmental Specialist/Manager

Ac\CO3000.01)

ATTACHMENT 1

**SHELBY COUNTY TAX ASSESSORS
PROPERTY INFORMATION**



SHELBY COUNTY ASSESSOR OF PROPERTY

MITA CLARK

Property Location and Owner Information

2003 Appraisal and Assessment Information

Parcel ID: 03201200022
 Property Address: 806 WALNUT ST
 Plat Book and Page: 24-356
 Municipal Jurisdiction: MEMPHIS
 Neighborhood No.: 00708E66
 Land Sq. Ft.: 76839.84
 Acres: 1.76
 Lot Dimensions: 76852 SF 448 X 172
 Subdivision Name: H W MILLS SUB
 Subdivision Lot No.: 29-30
 No. of Improvements: 1

Current Class: INDUSTRIAL
 Land Appraisal: \$48,400
 Building Appraisal: \$40,600
 Total Appraisal: \$89,000
 Total Assessment: \$35,600
 Greenbelt Land: \$0
 Homesite Land: \$0
 Homesite Building: \$0
 Greenbelt Appraisal: \$0
 Greenbelt Assessment: \$0

Owner Name: AMERICAN DRUM & PALLET COMPANY INC
 Owner Address: 806 WALNUT ST
 City/State: MEMPHIS TN 38126 4238

[Click here for 2002 values](#)

Dwelling Construction Information

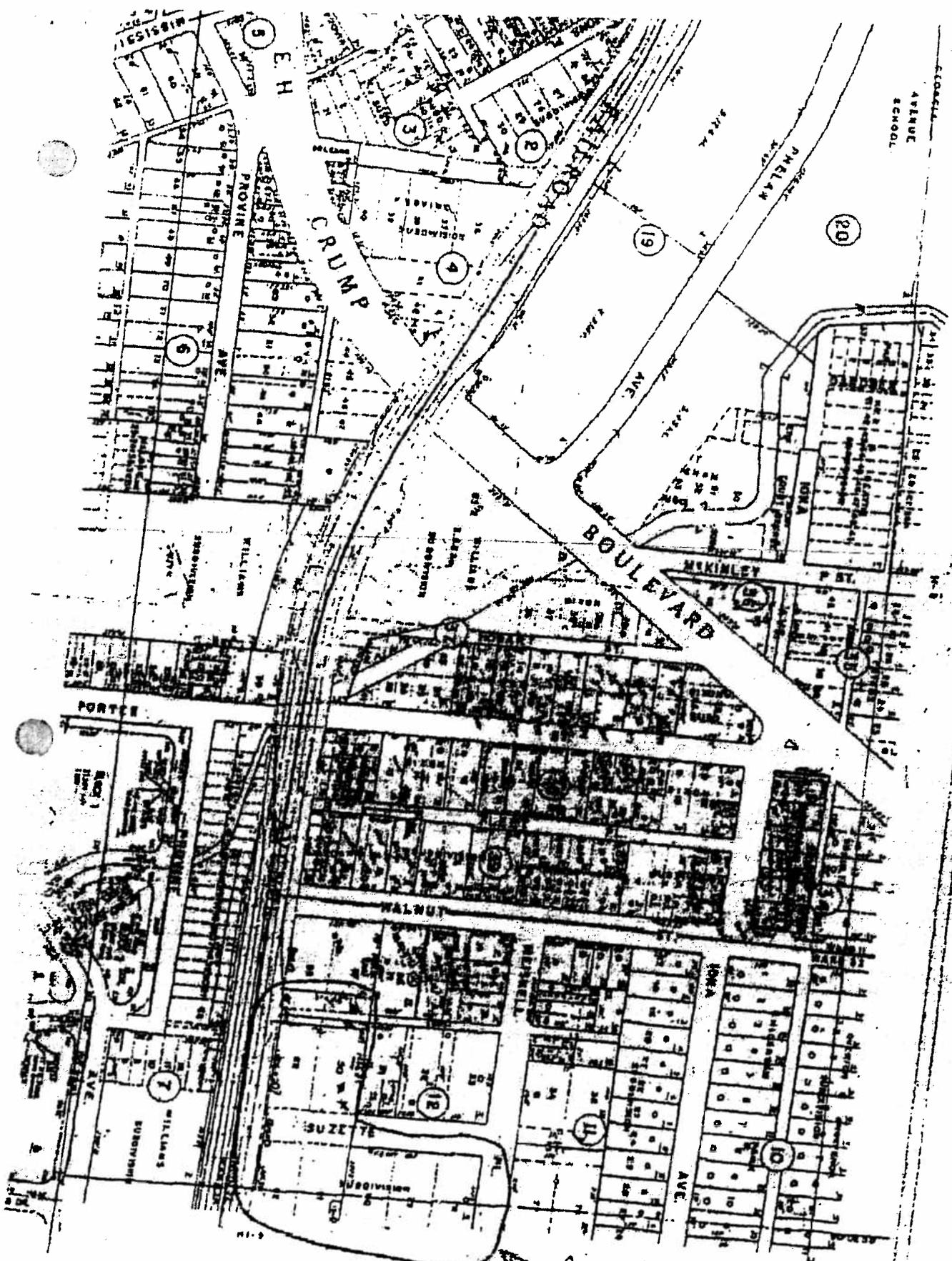
Stories:
 Exterior Walls:
 Land Use: MANUFACT MILL
 Year Built:
 Total Rooms:
 Bedrooms:
 Bathrooms:
 Half Baths:
 Basement Type:

Heat:
 Fuel:
 Heating System:
 Fireplace Masonry:
 Fireplace Pre-Fab:
 Ground Floor Area:
 Total Living Area:
 Car Parking:



See Other Building on Site for this Property
 See Permits Filed for this Property
 See Sales Data for this Property

Disclaimer: The information presented on this web site is based on the inventory of real property found within the jurisdiction of the county of Shelby in the state of Tennessee. Shelby County assumes no legal responsibility for the information contained within this web site. This is not a bill and does not serve as a notice or invoice for payment of taxes nor does it replace scheduled notices mailed to property owners.



Property American Dev

Tax Plat

CLEF Enviro ntal Services

ATTACHMENT 2

**FACILITIES INCLUDED ON THE
TEPA'S HAZARDOUS WASTE
GENERATORS LIST**

Distance in Miles

<0.50

<0.50

1. ACC Rebuilders Incorporated
853 E.H. Crump Blvd
Memphis, TN 38107
TND#981922461
(SQG)

2. River City Engine Rebuilders, Inc.
558 Sussette Street
Memphis, TN 38102
(CESQG) Out of Business
TND#987787835

MEMPHIS AND SHELBY COUNTY TENNESSEE
BUSINESS TAX RECEIPT

3C

MUST BE POSTED IN A CONSPICUOUS PLACE

THIS LICENSE EXPIRES 07/01/04

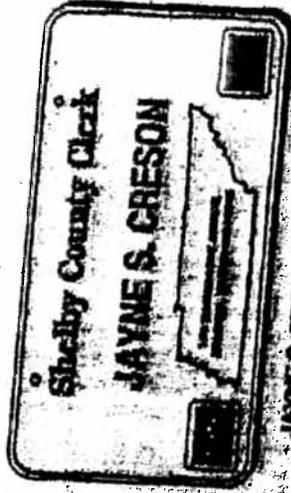
AMERICAN DRUM AND PALLET CO
INC
806 WALNUT ST
MEMPHIS

FOR

TN 38126

TAXPAYER'S COPY

License/Receipt: 030818030 RL
Account Number: 020-05795-5



JAYNE S. CRESON, COUNTY CLERK

Jayne S. Creson

BY: JEFF JACOBS

AMERICAN DRUM & PALLET INC.
806 WALNUT ST.
MEMPHIS, TN. 38126
PHONE 901.948.1576 , FAX 901.948.1577

NUMBER 4
COPY OF INCORPORATION

CERTIFICATE OF INCORPORATION
OF

AMERICAN DRUM & PALLET, INC.
(A CLOSE CORPORATION)

FIRST. The name of this Corporation is:

AMERICAN DRUM & PALLET, INC.

SECOND. Its registered office in the State of Delaware is to be located at 2711 Centerville Road, Suite 400, in the City of Wilmington, County of New Castle and its registered agent at such address is THE COMPANY CORPORATION.

THIRD. The purpose or purposes of the corporation shall be: To engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.

FOURTH. The amount of the total authorized capital stock of this corporation is:

One Thousand Five Hundred (1,500) shares with no par value.

FIFTH. The name and mailing address of the incorporator is:

NAME	MAILING ADDRESS
Denise Robinson	The Company Corporation 2711 Centerville Road, Suite 400 Wilmington, DE 19808

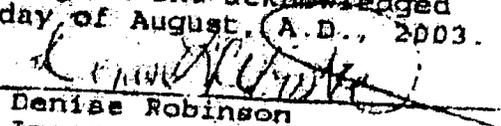
SIXTH. The Board of Directors shall have the power to adopt, amend or repeal the by-laws.

SEVENTH. All of the corporation's issued stock, exclusive of treasury shares, shall be held of record by not more than thirty persons.

EIGHTH. All of the issued stock of all classes shall be subject to one or more of the restrictions on transfer permitted by Section 202 of the General Corporation Law.

NINTH. The corporation shall make no offering of any of its stock of any class which would constitute a "public offering" within the meaning of the United States Securities Act of 1933, as it may be amended from time to time.

IN WITNESS WHEREOF, the undersigned, being the incorporator hereinbefore named, has executed, signed and acknowledged this certificate this thirteenth day of August, A.D., 2003.


Denise Robinson
Incorporator

AMERICAN DRUM & PALLET, INC.

Corporate Summary

As of

08/13/2003

1. STATE OF INCORPORATION

DELAWARE

SRV 030529675 - 3692281 FILE

2. DATE OF INCORPORATION

08/13/2003

3. ADDRESS OF PRINCIPAL EXECUTIVE OFFICES

806 WALNUT ST., MEMPHIS, TN. 38126

4. NAME (S) OF INCUMBENT DIRECTOR (S)

JOHNNIE WILLIAMS

MICHAEL WILLIAMS

ANGELA WILLIAMS

5. NAME (S) OF INCUMBENT OFFICER (S)

President: Johnnie Williams

Vice-President: Michael Williams

Secretary: Angela Williams

6. NAME OF BANK

AMSOUTH BANK, MEMPHIS, TN

7. NAME (S) OF AUTHORIZED CHECK SIGNER (S)

JOHNNIE WILLIAMS

AMERICAN DRUM & PALLET INC.
806 WALNUT ST.
MEMPHIS, TN. 38126
PHONE 901.948.1576 , FAX 901.948.1577

NUMBER 6

ASSESSOR OF PROPERTY OWNERSHIP

Rita Clark
Assessor of Property

Property Location and Owner Information	2006 Appraisal and Assessment Information
Parcel ID: 032012 00022	Class: INDUSTRIAL
Property Address: 806 WALNUT ST	Land Appraisal: \$ 137,200
Municipal MEMPHIS	Building Appraisal: \$ 98,600
Jurisdiction:	Total Appraisal: \$ 235,800
Neighborhood 00708E66	Total Assessment: \$ 94,320
Number:	Greenbelt Land: \$ 0
Land Square 76839	Homesite Land: \$ 0
Footage:	Homesite Building: \$ 0
Acres: 1.7640	Greenbelt Appraisal: \$ 0
Lot Dimensions: 76852 SF 448 X 172	Greenbelt Assessment: \$ 0
Subdivision Name: H W HILLS SUB	View: GIS PARCEL MAP
Subdivision Lot 29-30	
Number:	
Plat Book and 24-356	
Page:	
Number of 1	
Improvements:	
Owner Name: WILLIAMS JOHNNIE/ AMERICAN DRUM & PALLET INC	
In Care Of:	
Owner Address: 806 WALNUT ST	
Owner MEMPHIS, TN38126	
City/State/Zip:	

Commercial Structure Information	
Land Use:	- MANUFCT MILL
Total Living Units:	0
Structure Type:	MFG/PROCESSING
Year Built:	1952
Investment Grade:	
Building Square Footage:	43664

Other Buildings on Site for this Property
 See Permits Filed for this Property
 See Sales Data for this Property

Disclaimer: The information presented on this web site is based on the inventory of real property found within the jurisdiction of the county of Shelby in the State of Tennessee. Shelby County assumes no legal responsibility for the information contained within this web site. This is not a bill and does not serve as a notice or invoice for payment of taxes nor does it replace scheduled notices mailed to property owners.

711

American Drum and Pallet Company Environmental Inspection Report

Barrels off of Great Dane Trailer No. 1-14

1. Barrel #7 Oil on top solid bottom paint products
2. Barrel #14 Shelac
3. Barrel #17 Couldn't see inside
4. Barrel #42 Solid hard paint
5. Barrel #58 Paint products
6. Barrel #59 Solid paint products
7. Barrel #60 Paint products oil on top solid bottom
8. Barrel #62 Liquids labeled as consisting of invisible carpet protection
9. Barrel #65 Paint thinner (10)
10. Barrel #67 Couldn't see inside
11. Barrel #72 Oil on top solid on bottom paint
12. Barrel #75 Oil paint products
13. Barrel #77 Empty
14. Barrel #78 Label Airplane Deicers Empty

AMERICAN DRUM & PALLET INC.
806 WALNUT ST.
MEMPHIS, TN. 38126
PHONE 901.948.1576 , FAX 901.948.1577

NUMBER 12

LIST OF WASTE REMOVAL SERVICES COMPANY

AMERICAN DRUM & PALLET INC.
806 WALNUT ST.
MEMPHIS, TN. 38126
PHONE 901.948.1576 , FAX 901.948.1577

LIST OF WASTE REMOVAL SERVICES

LIQUIDS

ALLEY E. ROBERTS & ASSOCIATES
1721 DANCY BLVD. HORN LAKE , MS
662.393.1433

SOLIDS

BFI-MEMPHIS
3640 HOMEWOOD MEMPHIS, TN
901.794.3800

EXCELL TSD OF TN INC
552 N RIVERGAE RD, MEMPHIS, TN
901774.8146

SOUTHERN DISPOSAL
621 E BROOKS RD, MEMPHIS, TN. 901.396.5400

WASTE MANAGEMENT
3750 HATCHER CIR, MEMPHIS, TN
901.367.9577

AMERICAN DRUM & PALLET INC.
806 WALNUT ST.
MEMPHIS, TN. 38126
PHONE 901.948.1576 , FAX 901.948.1577

NUMBER 14
ATTACHMENT

AMERICAN DRUM & PALLET INC.
806 WALNUT ST.
MEMPHIS, TN. 38126
PHONE 901.948.1576 , FAX 901.948.1577

NUMBER 14

LIST OF COMPANIES ADPC PICK UP CONTAINERS FROM:

NEWLYWED FOODS
5980 HURT RD
HORN LAKE, MS
662.393.3610

RICH PRODUCTS
5885 JETWAY
ARLINGTON, TN
901.867.2903

KRAFT FOODS NABISCO
5812 DISTRIBUTION
MEMPHIS, TN
901.362.8575

HERSHEY CHOCOLATE USA
975 KANSAS ST
MEMPHIS, TN
901.775.2960

CCL CUSTOM MANUFACTURING
1725 S. THIRD
MEMPHIS, TN
901.947.5400

AMERICAN DRUM & PALLET INC.
806 WALNUT ST.
MEMPHIS, TN. 38126
PHONE 901.948.1576 , FAX 901.948.1577

NUMBER 15
LIST OF COMPANIES ADPC DELIVER CONTAINERS TO:

AMERICAN DRUM & PALLET INC.
806 WALNUT ST.
MEMPHIS, TN. 38126
PHONE 901.948.1576 , FAX 901.948.1577

NUMBER 15
LIST OF COMPANIES ADPC DELIVER CONTAINERS TO:

AMERICAN DIREWORKS
9035 HIGHWAY 62 S
WALLS MS
662-781.2280

COWLEY CONTAINER
1715 PECAN ST
MT. PLEASANT TN
615.242.9127

CHANNDLER DEMOLITION
4094 OAK RD
BARTLETT TN

DEE'S OIL COMPANY
NEW ALBANY, MS
662.534.6314

DREXEL CHEMICALS
1700 CHANNEL
MEMPHIS, TN 38113

ENVIRONMENTAL SERVICES
1807 C. BARTLETT RD
BARTLETT, TN
901.266.5360

ENVIROCHEM INC
219 SCOTT
MEMPHIS , TN.
901.458.2310

FERCO OCOLOR
4500 ATLANTIC WAY
MEMPHIS, TN
901.363.3368

HANCOCK EQUIPMENT

HYW 45 S
BROOKSVILLE , MS
662.726.4556

JACK FLINT & SON
219 SCOTT ST
MEMPHIS TN.
901.458.2310

KEEN EXPLORATION
7066 STATE ROUTE 45 S
MAYFIELD, KY 42066
270.376.2581

DENNIS NOELL'S
1711 PARKER RD
JONESBORO, AR



Herb Nichols
APR 12 2007
MEMPHIS FIELD OFFICE

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Solid Waste Management
Fifth Floor, L & C Tower
401 Church Street
Nashville, Tennessee 37243 - 1535

EXHIBIT
2 Williams
8-24-10 MCM

April 5, 2007

CERTIFIED MAIL #7002 2030 0004 2435 4460
RETURN RECEIPT REQUESTED

Johnnie J. Williams
American Drum and Pallet Company, Inc.
806 Walnut Street
Memphis, TN 38126

**RE: Information Request
American Drum and Pallet Company, Inc.
806 Walnut Street
Memphis, TN 38126
TND 00 702 9200**

Dear Mr. Williams:

On Monday, March 19, 2007, personnel from the Memphis Environmental Field Office, Division of Solid Waste Management (DSWM) conducted an unannounced inspection regarding a complaint concerning the storage of unidentified materials at the above-referenced site. The term "site" or "facility" shall refer to both the 1.76 acre property located at 806 Walnut Street, and the 1.01 acre property located at 0 Heiskell Place.

During the site visit, DSWM personnel observed 118 containers holding unknown materials and three debris piles of various materials at the site. Facility personnel indicated that some of these materials were destined for disposal.

In order to evaluate the facility's compliance with applicable requirements of the rules and regulations promulgated pursuant to the *Hazardous Waste Management Act, Tennessee Code Annotated* (T.C.A.) 68-212-101 *et seq.*, and the provisions of T.C.A. §68-212-107, §68-212-105(4), §68-212-106, §68-212-206, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42U.S.C.6927, you are hereby requested to respond to the enclosed Information Request.

Failure to respond fully and truthfully to each and every request within **thirty (30) calendar days** of the receipt of this letter, or to adequately justify such failure to respond, may result in enforcement action by the Tennessee Department of Environment and Conservation, Division of Solid Waste Management or the U.S. Environmental Protection Agency. T.C.A. §68-212-114 allows the State to seek the imposition of civil penalties of up to fifty thousand dollars (\$50,000.00) for each day of noncompliance. Furthermore, please be

advised that provision of false, fictitious or fraudulent statements or representation may subject you to criminal penalties pursuant to T.C.A. §68-212-114, T.C.A. §68-212-213, and 18 U.S.C. §1001.

Your response to this Information Request should be mailed to :

Philip Davis, Manager
Memphis Environmental Field Office
Division of Solid Waste Management
Tennessee Department of Environment and Conservation
2510 Mount Moriah Road
STE 645, Building E
Memphis, TN 38115-1520

Please be advised that no wastes should be shipped off-site until documentation has been provided to the Division that the wastes have been properly identified and the Division concurs that an adequate hazardous waste determination has been made. A copy of all manifests for hazardous wastes shipped must be submitted to the Division.

Should you have any questions concerning this letter, please contact Herb Nicholson at (901) 368-7952. Thank you for your cooperation.

Sincerely,


Mike Apple
Director

Enclosure

Information Request

Attachments: (1)

Descriptions of storage areas of unknowns and debris piles observed by DSWM personnel on March 19, 2007

(2) Map outlining areas of the site, as created from an aerial photo obtained from the Shelby County Register of Deed Map Program

(3) Photos A-S of the site as taken by TDEC-DSWM personnel on March 19, 2007

c: Central File, DSWM-Nashville
Inspection File, DSWM-Memphis
Philip Davis, DSWM-Memphis
Inspection File, DSWM-Memphis
Herb Nicholson, DSWM-Memphis
Angela Horton, DSWM-Memphis

ENCLOSURE
INFORMATION REQUEST

INSTRUCTIONS

1. Identify all persons who answer, provide information contained in these answers, or are consulted in the preparation of answers to this Information Request, and describe in detail their respective relationship to American Drum and Pallet Company. If more than one person answers, provides information contained in the answers, or is consulted in preparation of the answers, identify the person(s) answering, providing the information supplied in, or who were consulted concerning the answer to each of the questions contained in the Information Request.
2. A separate response must be made to each of the questions contained in the Information Request.
3. Precede each answer with the number of the question contained in the Information Request to which it corresponds.
4. In answering each Information Request, identify all documents and persons consulted, examined or referred to in the preparation of each response and provide true and accurate copies of all such documents.
5. If information is not known or not available to you as of the date of the submission of a response to this Information Request but should later become known or available to you, you must supplement your response to the Division of Solid Waste Management. Moreover, should you find, at any time after the submission of the response, that any portion of the submitted information is false or misrepresents the truth, you must notify the Division thereof as soon as possible.
6. For each document produced in response to this Information Request, indicate on the document, or in some reasonable manner, the number of the question to which it corresponds.
7. Where specific information has not been memorialized in a document, but is nonetheless responsive to a question, you must respond to the question with a written response.
8. If information responsive to the Information Request is not in your possession, custody or control, you must identify the person from whom such information may be obtained.

9. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained in the Information Request or who may be able to provide additional responsive documents, identify such person and the additional information and/or documents that they may have.
10. Package all pages containing Proprietary and/or Confidential Business Information separately from other answers to this Information Request. This means that your answers would consist of two packages: (A) the answers without Proprietary and/or Confidential Business Information, and (B) the portion of your answers that has been claimed as Proprietary or Confidential Business Information.
11. State clearly in your transmittal letter that Proprietary and/or Confidential Business Information is included in your response to this Information Request.

ENCLOSURE
INFORMATION REQUEST

DEFINITIONS

The following definitions shall apply to the following words as they appear in this Information Request.

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The terms "document" or "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostatic or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc park; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
3. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
4. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
5. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order

number), the identity of the author, addressee and/or recipient, and the substance or the subject matter.

6. The term "you" shall mean American Drum and Pallet Company, Inc., the addressee of this letter, the addressee's officer, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

ENCLOSURE

INFORMATION REQUEST

1. Please describe in detail the nature of the business carried on by American Drum and Pallet Company, Inc. (ADPC).
2. When did ADPC begin operating at the 806 Walnut Street location?
3. Please provide a written, detailed description of all operational activities conducted at the facility, particularly a description of your container acceptance procedures, container storage, cleaning operations, and drum-painting operations.
 - a. Include a process flow diagram.
 - b. Include copies of all of the facility's operating and/or environmental permits.
4. Please provide a detailed description of the corporate structure of ADPC, include an organizational chart identifying each position in the organization and the name, address and title of each person in the organization. Include the name, address, and title of all officers and directors of the organization.
5. Please provide the name(s) of any person(s), named in response to question 4, who were officers, directors, shareholders, owners, or employees of Drums Incorporated of Memphis. Describe in detail the nature of the business carried on by Drums Incorporated of Memphis.
6. Please provide the name(s) of the owner(s) of record of 806 Walnut Street and 0 Heiskell Place properties.
7. Please provide Material Safety Data Sheets for all materials (including paints and solvents) that are currently being used or have been used in the facility's container cleaning operations, painting operations or other operations occurring at the facility.
8. Identify all wastes that that have been generated in the past and/or those that are currently being generated at the facility's drum painting operations.
 - a. Describe the average amount of waste that is generated in a calendar month, how the wastes are managed, and the methods of disposal of these wastes.
 - b. Provide the name and address of the person(s) or facility(ies) receiving these wastes for disposal.
9. During the March 19, 2007 site visit, DSWM personnel observed the generation of used rags at the drum painting operation. Please describe:
 - a. how the used rags are generated,

- b. the average amount of used rags generated in a calendar month,
 - c. how the used rags are managed and the methods of disposal of the used rags.
 - d. the name and address of the person(s) or facility(ies) receiving these used rags for disposal.
10. During the same site visit, DSWM personnel discovered at least 118 drums containing unknown materials/wastes. The drums were determined not to be "RCRA-empty" as defined in Division Rule 1200-1-11-.02(1)(g) and CFR 261.7(a)(1). Facility personnel indicated that some of these containers were abandoned by previous operating entities and that some of the wastes were destined for disposal. Additionally, three debris piles of various types of wastes were also discovered at the facility. A description of these containers and the debris piles. Attachment 2 depicts the locations of these containers and the debris piles. Attachment 3 contains photographs taken by DSWM personnel that correspond with the areas outlined in Attachment 2. Please provide the following:
- a. an inventory of all unknowns and other wastes located on the 806 Walnut Street and 0 Heiskell Street properties, including the 118 containers and debris piles described in Attachment 1.
 - b. documentation that identifies the types of wastes (an itemized listing with a hazardous waste determination for each container and the three debris piles) and the amounts of wastes stored on the properties. Include copies of any analytical data or other method of documentation that substantiates the hazardous waste determination of these unknowns.
 - c. Describe the origination of these unknowns and the approximate date these unknowns came to the facility.
11. Describe the types and amounts of materials located on-site, originating from Great Dane Trailers. Please explain why this material was brought to ADPC.
12. Please provide a description of how all wastes (solid and/or hazardous) currently located at the facility will be managed and disposed. Include the name, address and phone number of the intended receiving facility(ies).
13. Please provide copies of any shipping papers, bills of lading, hazardous waste shipping manifests, or any other documentation that accompanied any shipment of waste from ADPC since it began operation.
14. Please provide the name, address and phone number of each person or entity who is currently shipping containers to your facility for reconditioning/recycling.
15. Please provide the name, address, and phone number of each person or entity who receives your reconditioned containers.

AMERICAN DRUM & PALLET INC.
806 WALNUT STREET
MEMPHIS, TN. 38126
PHONE 901.948.1576, FAX 901.948.1577

August 17, 2010

Parrish & Shaw, P.C.
775 Ridge Lake Blvd, Suite 145
Memphis, TN. 38120
901.766.4388, fax 901.766.4389
Attn: Lela Canter

Ms. Canter,

I Johnnie Williams have listed the companies that I have received drums from. I will continue to search my records.

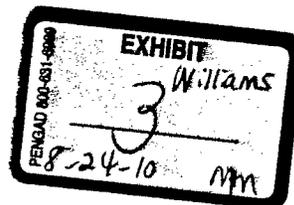
Rich Foods	Arlington, Tn
Smuckers Jelly	Memphis, TN\
Newlywed Foods	Southaven, Ms
Pepsi Cola Bottling	Collierville, Tn
Leonard's Recycling	Memphis, Tn
Precision Technology	Memphis, Tn
Hanco Mfg.	Memphis, Tn
Jack Flint & Son	Memphis, Tn
Jackson Oil	West Memphis, Ar
Kenny & Associates	Memphis, Tn
Chemical Specialty	Memphis, TN
CCL	Memphis, TN
Farris Calhoun Paints	Memphis, TN
Tri State Agriculture	Arkansas
Air Port	Clarksdale, Ms
Sweeny Flying	Clarksdale, Ms
Target Flying,	Minnow City, Ms

PARKER HANNISAN TRUMAN, ARK
LINCOLN, INC JONESBORO, ARK
YELLOW FREIGHT MEMPHIS, TN.
PHOENIX ZINC, INC. MILLINGTON, TN.
GROOMOR COMPANY MEMPHIS, TN.
PIPER IMPACK BATESVILLE, MS

Sincerely,

Johnnie Williams

File:



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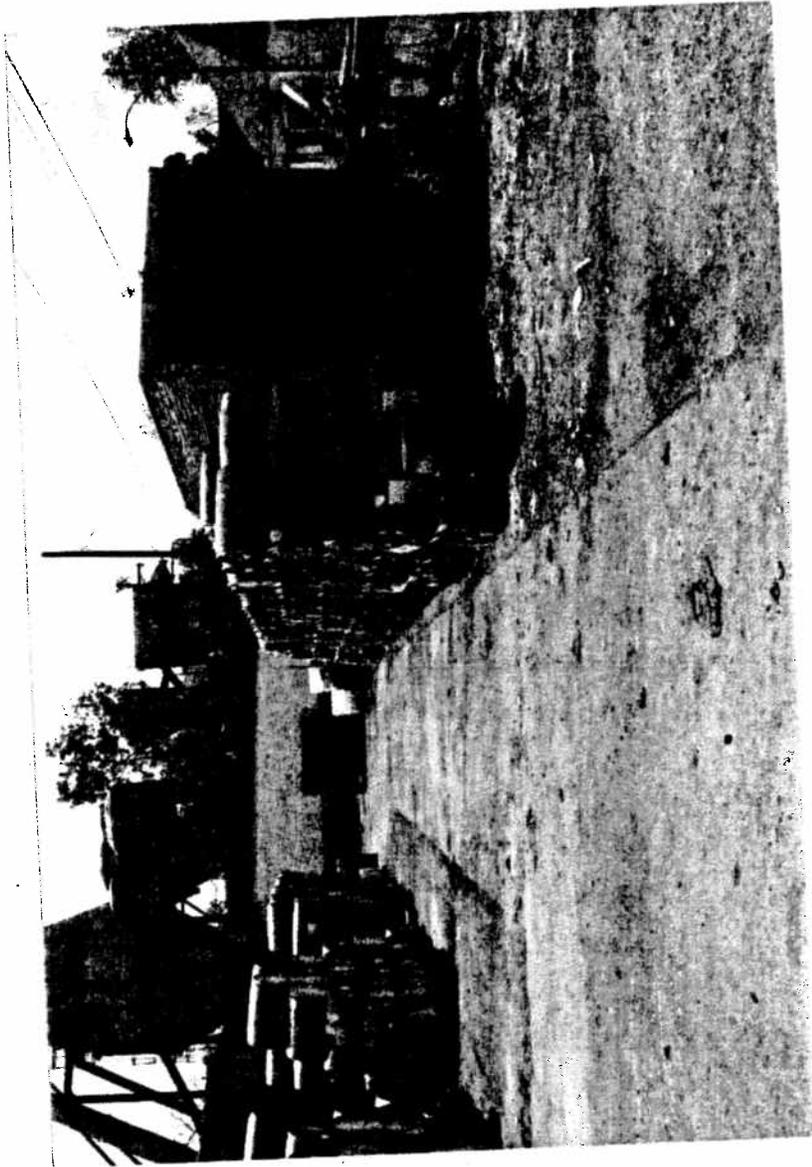
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Sincerely,

Johnnie Williams

File:



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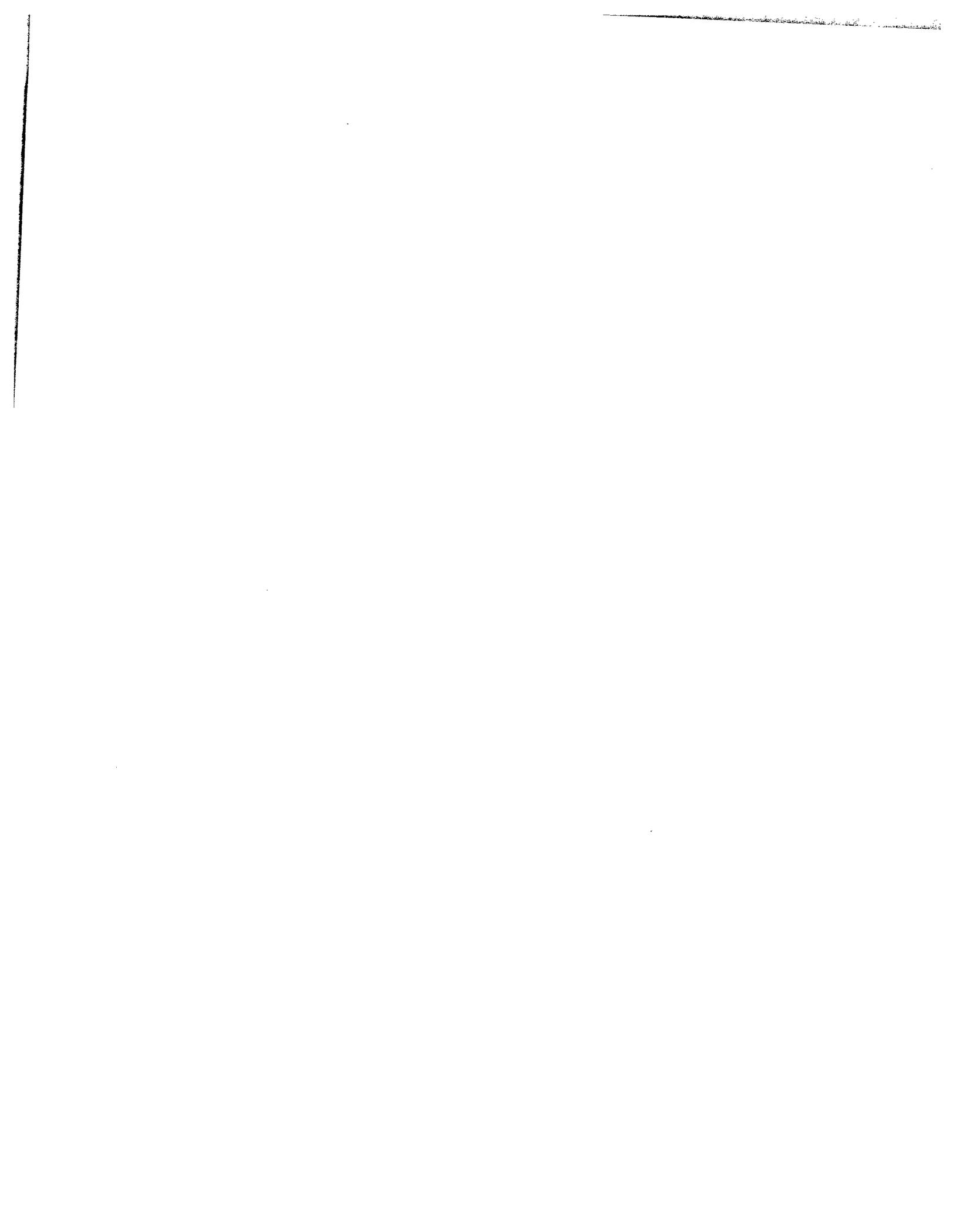
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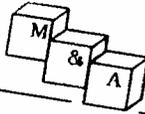
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Re: Deposition of Johnnie Williams

Dear Mr. Harbin:

Please find enclosed the completed errata sheet to the deposition of Johnnie Williams,
which was taken on August 24, 2010.

If you have any questions, please do not hesitate to call.

Best Regards

MORROW & ASSOCIATES

Dot Phillips
Dot Phillips
Production Manager
MM

Enclosure

cc: File