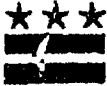


1377



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Health
Environmental Health Administration
2100 Martin Luther King, Jr. Avenue S.E. Suite 203
Washington, D.C. 20020-5732

February 5, 1998

**CERTIFIED MAIL # Z 190 457 035
RETURN RECEIPT REQUESTED**

Edward T. Morgan, et al.
c/o Ralph Kaiser
1749 Old Meadow Road
McClean, Va. 22102

Facility Name: Former Amoco Station
Facility Address: 2337 Champlain Street, N.W.
Facility ID #: 0-000022
LUST Case #: 97004

Dear Mr. Morgan:

The Department of Health, Environmental Health Administration (EHA), Underground Storage Tank (UST) Division regulates the clean-up of soil, surface water and ground water contamination resulting from releases from leaking underground storage tanks pursuant to the requirements of the District of Columbia Underground Storage Tank Management Act of 1990 (UST Act), D.C. Code Section 6-995; the District of Columbia Water Pollution Control Act of 1985, D.C. Code Section 6-901 et seq., (as applicable); and the District of Columbia Underground Storage Tank Regulations, 20 DCMR Chapters 55-68, effective November 12, 1993 (40 DCR 7835).

It is our information that you are the owner of the above-referenced property, which has been identified as a leaking underground storage tank site. Petroleum hydrocarbon contamination was discovered at the site in the course of assessment work initiated on the neighboring property at 2329 Champlain Street, N.W. It appears that contamination may have migrated from the property at 2337 Champlain Street to 2329 Champlain Street, N.W.

The purpose of this letter is to advise you of your rights and responsibilities in relation to this matter.

Through our investigation, this office has learned that your property was previously the site of a gasoline service station and that AMOCO Oil Company installed a 550-gallon waste oil tank and three 3,000 gallon gasoline tanks in the 1950's. Enclosed with this letter, please find a copy of a directive letter which has just been issued to AMOCO Oil Corporation directing AMOCO to perform a comprehensive site assessment on your property.

As the owner of the above-referenced site, you have a right to review our files in relation to this case. You also have a right to comment on any corrective action plan which may be proposed to address the contamination on your property. Although this office generally seeks out the owner or operator of the underground storage tanks and directs them to investigate and clean up any contamination, you should be aware that under the DC UST Management Act, the definition of "responsible party" includes the following:

The owner of real property where an underground storage tank is or was located or where contamination from an underground storage tank is discovered if the owner or operator of the tank as defined in this Chapter cannot be located or is insolvent, or, if the real property owner refuses without good cause to permit the owner or operator of the tank access to the property to investigate or remediate the site.

Therefore, it is important that you cooperate with AMOCO in providing access to your property, so that AMOCO can comply with our directive. Enclosed with this letter is a copy of the provisions of the D.C. UST Regulations defining "responsible party" and addressing access agreements.

Upon receipt of this letter you are directed to contact this office and provide us with the name and phone number of the appropriate contact person for communications with the owner(s) of 2337-2339 Champlain Street, N.W. You can reach me at (202) 645-6080, ext. 3007. You may also contact Ms. Leela Sreenivas, Environmental Engineer, who is the case manager for this case.

Sincerely,


Laura Gisolfi Gilbert, Esq.
Environmental Legislative Analyst



EZA
Case No. 17431
Exhibit No.

















































Exhibit L

Ralph William Tolley

Washington, DC

August 17, 2004

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KING'S CREEK, LLC,

Plaintiff,

vs.

AMOCO MARKETING ENVIRONMENTAL
SERVICES; BP P.L.C.; BP AMERICA,
INC.; BP AMOCO CHEMICAL COMPANY;
BP CORPORATION NORTH AMERICA,
INC.; BP COMPANY NORTH AMERICA,
INC.; BP PRODUCTS NORTH AMERICA,
INC.; STANDARD OIL COMPANY;
SHIRLEY J. MORGAN; JUDITH M.
GODDARD; 1631 KALORAMA
ASSOCIATES, and 2345 CHAMPLAIN,
LLC,

Defendants.

CA No.

1:02CV02381-RWR

EXHIBIT L

1:02CV02381-RWR

Washington, D.C.

Tuesday, August 17, 2004

Deposition of RALPH WILLIAM TOLLEY, a
witness herein, called for examination by counsel
for Defendants in the above-entitled matter,
pursuant to notice, the witness being duly sworn by
KAREN YOUNG, a Notary Public in and for the District
of Columbia, taken at the offices of Arnold & Porter
LLP, 555 Twelfth Street, Northwest, Washington,
D.C., at 9:21 a.m. on Tuesday, August 17, 2004, and
the proceedings being taken down by Stenotype by
KAREN YOUNG, and transcribed under her direction.

Certified Copy

Ralph William Tolley

Washington, DC

August 17, 2004

Page 2

1 APPEARANCES:

2 On Behalf of the Plaintiffs:

3 DAVID M. WILLIAMSON, ESQ.
4 Beveridge & Diamond, P.C.
5 1350 Eye Street, Northwest
6 Suite 7900
7 Washington, D.C. 20005-3311
8 (202) 789-6084

9 On Behalf of Amoco Marketing Environmental
10 Services; BP P.L.C.; BP America,
11 Inc.; BP Amoco Chemical Company;
12 BP Corporation North America,
13 Inc.; BP Company North America,
14 Inc.; BP Products North America,
15 Inc.; Standard Oil Company:

16 THOMAS I. ANDERSON, ESQ.
17 Arnold & Porter LLP
18 555 Twelfth Street, N.W.
19 Washington, D.C. 20004-1206
20 (202) 942-5000

21 On Behalf of Shirley J. Morgan; Judith M.
22 Goddard and 1631 Kalorama Associates:

23 JOHN R. BUNKER, ESQ.
24 John R. Bunker, P.C.
25 1101 Fourteenth Street, N.W.
Suite 500
Washington, D.C. 20005
(202) 789-0070

pages omitted

Ralph William Tolley

Washington, DC

August 17, 2004

Page 74

1 level here, ergo, I could not take out the soil
2 there or it would have been a sheer drop-off. I had
3 to keep the soil up, and the elevations changed at
4 this point. This was higher elevation than this was
5 because of the pool.

6 Q. Okay. While we've got Exhibit 4, are
7 there any areas of the property where you would say
8 there was less soil and ground water contamination
9 than the other areas?

10 A. Sure, outside the building.

11 MR. WILLIAMSON: Objection.

12 THE WITNESS: Outside the building.

13 MR. WILLIAMSON: My objection is it's a
14 vague question.

15 THE WITNESS: No, that's where I did not
16 encounter anything, was outside the building
17 perimeter, the footing, the footprint of the
18 building.

19 BY MR. ANDERSON:

20 Q. But you did excavate outside the building
21 perimeter to underpin the walls, correct?

22 A. I excavated just to the building line
23 itself, to the outside edge of the building. I did
24 ~~not go beyond that. I only went to the facade of~~
25 the building.

Ralph William Tolley

Washington, DC

August 17, 2004

Page 75

1 Q. Right. So when you say you did not
2 encounter anything outside the building, do you mean
3 to be including the universe, everything outside the
4 building?

5 A. That is correct, that's the only place I
6 did not encounter the contaminated soil. No,
7 everywhere in here, and the way -- if you look at my
8 drawing here, at the way that it comes down the
9 building here, this may have been a little bit
10 closer to the street side, but as the flow went down
11 there, the stuff was oozing out of the footings of
12 the building. As I underpinned the building, the
13 gasoline was actually oozing through the soil that I
14 was excavating.

15 Q. Where?

16 A. On the whole north side of the building.

17 Q. Can you mark on Exhibit 4, the blank one?

18 A. This one here?

19 Q. The new one, where the gasoline was oozing
20 out of the footings?

21 A. Red or blue?

22 Q. Red. Down the entire perimeter of the
23 north --

24 A. The entire perimeter of the north side.

25 Q. And nowhere else?

Ralph William Tolley

Washington, DC

August 17, 2004

Page 76

1 A. Well, no, it did not ooze there, no, it
2 did not ooze in the front. It only oozed from the
3 north sides heading south.

4 Q. And there was no contamination coming onto
5 the property from the south wall as far as you could
6 tell?

7 A. No, sir.

8 Q. You were going to say something else?

9 A. Yes. There was another construction
10 project adjacent to this, and they had dug down
11 their level, so I was higher than they, so nothing
12 could have come in from that side.

13 Q. So by the time you started excavating
14 there, the building on the adjacent property to the
15 south had already been excavated well below the
16 point where you were excavating?

17 A. Yes.

18 MR. WILLIAMSON: Objection. There -- do
19 you mean the south wall? It's a vague question.

20 BY MR. ANDERSON:

21 Q. You can answer.

22 A. Yes, I mean the south wall, sir.

23 Q. I thought I said that in my question, but
24

25 A. The south.

Ralph William Tolley

Washington, DC

August 17, 2004

Page 77

1 MR. WILLIAMSON: No, you didn't. You said
2 "there." That's why I needed to clarify.

3 A. Yes, sir, I understand.

4 Q. Did you pour a floor over the portion of
5 stage 2 that you had excavated before you finished
6 the job?

7 A. I actually poured a slab over a portion of
8 that. Would you like me to delineate on the drawing
9 where exactly the slab ended?

10 Q. No, it's all right. Some portion of it
11 though remained uncovered, the excavation area?

12 A. From there forward, okay? I poured the
13 last half of the building. The slab, when it was
14 completed, went from here over to here, and that's
15 what was poured. This was left open when I
16 terminated my employment with Mr. Kostelac.

17 Q. Okay. So there was some portion of the
18 excavation that was not covered by the concrete
19 slab. It was just an open hole, for want of a
20 better word?

21 A. Yes, sir.

22 MR. ANDERSON: I don't have anything
23 further right now, reserving the right to redirect.
24 Thank you very much, Mr. Tolley.

25 THE WITNESS: You're welcome.

pages omitted

Ralph William Tolley

Washington, DC

August 17, 2004

Page 82

1 under the building, it would have been the northwest
2 corner of the building, we encountered a substantial
3 amount of water at that point.

4 Q. And that was water flowing from the
5 neighboring parcel on the northern side of the
6 warehouse?

7 MR. ANDERSON: I object.

8 A. I can't say it was flowing from that, but
9 it was flowing from that direction. I can't say
10 that it was flowing out of that structure.

11 MR. WILLIAMSON: Let's use one of the --
12 in fact, may I borrow one of your copies, Tom? Do
13 you have an extra?

14 MR. ANDERSON: I don't know. Perhaps you
15 may.

16 MR. WILLIAMSON: Well, it's that or I'm
17 going to have him draw over one of yours, so your
18 choice whether you want to keep yours clean or not.
19 Can we mark this please as Exhibit Number 5?

20 (Tolley Exhibit No. 5
21 was marked for
22 identification.)

23 BY MR. WILLIAMSON:

24 Q. The court reporter has presented you with
25 the same diagram that we've been using for Exhibits

Ralph William Tolley

Washington, DC

August 17, 2004

Page 83

1 1 through 4, and we've marked this as Exhibit 5, and
2 would you take your trusty blue pen I guess for
3 ground water and indicate where the ground water was
4 coming through the north perimeter wall? Actually,
5 if you could indicate any areas in which --

6 A. Any location --

7 Q. -- in which you had ground water coming
8 through perimeter walls at the warehouse?

9 A. Is an X acceptable?

10 Q. How about an arrow if you can indicate
11 also the general direction of the floor?

12 A. Then that would be reversed.

13 Q. You can just scratch that arrow out.

14 A. Is that okay?

15 Q. Sure. Can you all see okay? And did you
16 ever notice any -- when you were casting any of the
17 underpinnings, did you ever notice any leaking or
18 bursting through of the ground water from the
19 outside of the perimeter wall to the inside
20 perimeter wall?

21 A. That would be delineated or denoted by
22 these arrows that I just drew.

23 Q. At each of those arrows, the pressure of
24 the water outside was such that it actually came
25 through the foundation wall?

Ralph William Tolley

Washington, DC

August 17, 2004

Page 84

1 A. It did.

2 Q. And what was the highest level at which
3 you noticed leakage through the perimeter wall,
4 again, expressed in feet below ground.

5 A. The highest that I encountered it was on
6 the north wall, and that was just five feet below
7 the ground, below the ground level.

8 Q. Five feet below --

9 A. Five feet at that location there. As I
10 was pouring the first set of underpinnings, which
11 were five feet in height, it was a constant stream
12 of water flowing through that perimeter wall.

13 Q. And we're talking about the north wall of
14 the warehouse?

15 A. That's correct.

16 Q. And was it flowing through, as you
17 described it, across the length of the north
18 perimeter wall or in all places?

19 A. I would say from about the line of the
20 second line of columns back, this was --

21 Q. You're indicating sort of the eastern half
22 of the north perimeter?

23 A. That's correct.

24 Q. ~~The north perimeter wall?~~

25 A. It was almost always soaked and even worse

Ralph William Tolley

Washington, DC

August 17, 2004

Page 85

1 when it -- when it rained. It was just -- it just
2 came up and up and up and in and in and in, but even
3 when it wasn't affected by rain or snow, there was a
4 constant ooze underneath that north wall of the
5 building. It was a constant ooze. It was a
6 brownish blackish ooze just seeping through that
7 whole side of the building constantly throughout the
8 whole project.

9 Q. And describe to me the ooze in terms of
10 did it have an odor?

11 A. It was kind of like gasoline.

12 Q. Did it appear to have a sheen?

13 A. A reddish -- it was reddish, it had a
14 sheen. You can see it glisten on the water. When
15 it mixed with water, it was like a scum, you know, a
16 sheen on the water.

17 Q. And you've been in construction for how
18 many years?

19 A. Thirty-eight.

20 Q. And have you on prior projects encountered
21 ground water infiltrating through a perimeter wall?

22 A. Yes, sir.

23 Q. Is there any doubt in your mind that the
24 ooze that you described was coming from the parcels
25 to the north of the warehouse?

Ralph William Tolley

Washington, DC

August 17, 2004

Page 86

1 MR. ANDERSON: I object. It's asked and
2 answered and calls for a conclusion that's not
3 within the scope of this witness' lay knowledge.

4 BY MR. WILLIAMSON:

5 Q. Okay. You may answer the question.

6 A. Well, empirically, I observed the
7 substance coming from the north side of the wall,
8 through the wall, onto the wall, around the wall.

9 Q. Is there anything else in the warehouse
10 that you discovered that could explain the oozing
11 through the north perimeter wall other than the
12 explanation that it was coming from the parcels to
13 the north side?

14 A. No, sir.

15 Q. Did you, in your excavation, to the extent
16 that you excavated the warehouse site, did you
17 encounter any underground storage tanks?

18 A. No underground storage tanks, no, sir,
19 nothing.

20 Q. Any other structures that contained
21 gasoline or petroleum products?

22 A. No, no gasoline tanks, no -- no any kind
23 of tank, nothing -- I mean, nothing was there,
24 ~~nothing was there~~, at least to where I stopped my
25 construction.

pages omitted

Ralph William Tolley

Washington, DC

August 17, 2004

Page 88

1 equal to the level at which you were observing the
2 ooze?

3 A. Yes, sir.

4 MR. ANDERSON: I object to the previous
5 question for reasons that I think are quite obvious
6 to you but just for the sake of the record, this
7 witness has not been offered as an expert. I don't
8 think even if he were, he's a hydrogeologist or a
9 geologist, and you're asking him to reach a
10 conclusion about ground water levels and hydraulic
11 pressures from things that I'm not even sure that he
12 observed, for the record.

13 MR. WILLIAMSON: Well, I guess you have to
14 retract your comment about making speeches, but you
15 now have your objection on the record.

16 THE WITNESS: This is why I didn't become
17 a lawyer.

18 BY MR. WILLIAMSON:

19 Q. When we were talking, or when you were
20 talking with Mr. Anderson about the hydraulic lift
21 or the grease monkey pits that had been excavated,
22 you mentioned that the floor of the pit was not CMU.

23 A. That's correct.

24 Q. Was the floor of the pit cast concrete?

25 A. It was in fact.

Ralph William Tolley

Washington, DC

August 17, 2004

Page 89

1 Q. Can you describe for me -- well, let me
2 back up and lay a foundation, so to speak. In your
3 work at the warehouse, did you have a chance to
4 observe the topography of Champlain Street and the
5 area around the warehouse?

6 A. Yes, sir.

7 Q. Can you describe generally the slope of
8 Champlain Street, if any?

9 A. Champlain Street is on a hill. The top of
10 the hill would be to the north and the warehouse is
11 toward the bottom of the hill.

12 Q. And what is the topography like to the
13 south side of the warehouse?

14 A. It -- the hill goes like this. The
15 warehouse is right here, so the hill comes down, it
16 keeps on going down and the warehouse is on a hill.

17 Q. Can you describe in rough numeric terms
18 what the grade or the slope of the hill is?

19 MR. ANDERSON: I object.

20 A. Six percent, eight percent, maybe more.

21 Q. Is the slope of Champlain Street such that
22 if you were to pour a bucket of water on the street,
23 that that water would flow downhill to the south
24 generally?

25 MR. ANDERSON: I object. This calls for

Ralph William Tolley

Washington, DC

August 17, 2004

Page 90

1 speculation.

2 A. Yes, sir, it would. I mean, I did have
3 occasion where if I encountered uncontaminated
4 water, I could discharge the water to the street, it
5 would discharge to the gutter and run down the hill.

6 Q. So when water was actually discharged to
7 Champlain Street, and that would be to the west --
8 on the west side of the warehouse --

9 A. Correct.

10 Q. The water would run downhill?

11 A. South.

12 Q. To the south?

13 A. Yes.

14 Q. And the water would run at what rate?

15 A. Pretty strong flow.

16 Q. Pretty fast?

17 A. Yes, sir.

18 MR. ANDERSON: I object. It's vague.

19 BY MR. WILLIAMSON:

20 Q. When you were conducting or doing the
21 excavation within the warehouse, did you have to
22 take special measures to do the excavation in stages
23 so that you would cover over one stage or take any
24 ~~measures~~ to reduce the odor?

25 A. Actually, I found myself taking one step

Ralph William Tolley

Washington, DC

August 17, 2004

Page 91

1 forward and two steps back. As I would strip
2 something off, it would -- I would actually take the
3 soil I'd stripped off and cover up another area to
4 minimize the impact of the odor so I could continue
5 that work, and then we'd strip it off again, remove
6 it and then excavate down to the next level. We
7 were doing that constantly back and forth.

8 Q. And the reason you did that was to keep
9 the level of the odor and the fumes down?

10 A. Pretty much, yes.

11 Q. So you were staging soil from one place to
12 another in order to cover contamination areas?

13 A. That and constantly pumping it out. I had
14 to contain the -- any water that I encountered that
15 obviously had the sheen on it, I had to put it in a
16 holding tank and have a company come and pump the
17 tank out. I had to have pumps running 24 hours a
18 day just to keep the water out of the environment.

19 Q. So you had to take special measures to
20 deal with the contaminated ground water?

21 A. Yes, sir.

22 Q. And that entailed instead of pumping the
23 ground water out onto the street, which one could do
24 in a normal construction project without
25 contamination, you had to pump the ground water into

pages omitted

Ralph William Tolley

Washington, DC

August 17, 2004

Page 101

1 directions and then weight restrictions, subject to
2 inspections on the highway by -- well, whatever.
3 You could go on ad nauseam, but that's -- it took a
4 lot more time.

5 Q. Did the turnaround time for the trucks
6 carrying the contaminated soil impact your
7 construction schedule at all?

8 A. It did.

9 Q. Can you describe that please?

10 A. Well, whereas I might be able to turn
11 seven or eight dumpsters a day out, I might only get
12 three or four because they had to go to Baltimore.

13 Q. Do you have an estimation as to between
14 dealing with the contaminated ground water and
15 dealing with the contaminated soil, how much time
16 the contamination delayed the construction as
17 opposed to if the site had been free of
18 contamination?

19 A. Yeah.

20 Q. Can you give me an estimate in weeks or
21 whatever unit of time you think is appropriate?

22 A. I would venture a guess that had we not
23 encountered this, the entire project could have been
24 completed within the time frame that I worked for
25 Mr. Kostelac.

Ralph William Tolley

Washington, DC

August 17, 2004

Page 102

1 Q. Which was how many months?

2 A. Fourteen months. I mean, if you want a
3 number, I don't think I can arbitrarily place a
4 designation on that, but I can tell you that the
5 extra additional time that it took to deal with the
6 contaminated soil and water, it -- it shot him out
7 of the water. It blew him out of the water. I
8 mean, it just blew him out of the water and we could
9 not finish the project.

10 Q. Based on your experience --

11 A. That's my opinion. Sorry.

12 Q. Based on your experience as the foreman of
13 this project, can you estimate, give me a percentage
14 estimation as to how much extra time dealing with
15 the contamination caused?

16 MR. ANDERSON: Objection. This is asked
17 and answered and calls for speculation given what he
18 said before.

19 A. I would say twice as long, at least twice
20 as long. I'm sorry, but I mean, that's -- I'm going
21 to be honest with you. It just took twice as long.
22 I mean, you can't send a truck to -- across the
23 river into Virginia in the same time that you take a
24 truck to Baltimore and back. You can't do it.

25 Q. And when you say I'm sorry, what you meant

Ralph William Tolley

Washington, DC

August 17, 2004

Page 103

1 -- you were gesturing to Mr. Anderson.

2 A. I know he's frustrated and, you know, I
3 just don't -- I don't lie, okay? I mean, I know
4 it's difficult to place an arbitrary number, you
5 know, assign a value to something, but I'm just
6 giving you my experience, and it took twice as long
7 to complete this project -- and I didn't complete
8 it, to complete the work that I did complete as a
9 result of all the contamination, of all the
10 headaches that were involved in this project from
11 the soil and the water.

12 Q. When you were working on the warehouse,
13 did you have any occasion to see some construction
14 that was being done to the south side of the
15 warehouse?

16 A. Yes, sir, I did.

17 Q. And who was doing the construction down
18 there to the south?

19 A. I believe it was PN Hoffman.

20 Q. And did you ever have any occasion to
21 witness PN Hoffman pumping ground water?

22 A. Yes.

23 Q. Can you tell me a little bit about that?

24 A. They had a -- they had dug a well, dry
25 well, and they pumped -- just totally discharged

pages omitted

Ralph William Tolley

Washington, DC

August 17, 2004

Page 147

1 MR. ANDERSON: I'd like the record to
2 reflect the witness has paused for a considerable
3 period of time before answering this question.

4 A. Well, I'm looking at the picture of the
5 job site and trying to remember if other than using
6 it on the ramp to infill as necessary, which was
7 above the level of contamination to begin with. I
8 mean, I -- other than to take it out of the ground
9 and put it -- dig it out, put it on the ground, the
10 bobcat could pick it up, I just don't see any area
11 where I could have intentionally contaminated what
12 might be construed as an uncontaminated area. The
13 whole building was contaminated.

14 Q. Is that intentionally or unintentionally
15 in your view?

16 A. It would have been unintentional. I mean,
17 it could have been intentional -- I have to
18 intentionally dig out the hole and put it where the
19 bobcat can scoop it up. I mean, I don't know any
20 other way other than if the building had not been
21 there, I could have taken it right out and put it
22 right in a truck, but other than that --

23 Q. So there were no -- there were no spots
24 where you dug a hole, there was clean soil under
25 that hole and then you dumped contaminated soil?

Ralph William Tolley

Washington, DC

August 17, 2004

Page 148

1 A. No, sir, no.

2 Q. Nothing like that?

3 A. No, all the clean soil was gone.

4 Q. Because that had been above --

5 A. I had reached that level, that's correct.

6 Q. You described the soil that came out of
7 the excavation near the north perimeter wall as
8 mucky sludge?

9 A. Yes, sir.

10 Q. That's an accurate description?

11 A. That's the best as I can come to it.

12 Q. And does that description -- does that
13 intend to convey that that sludge was a petroleum-
14 based sludge?

15 A. It was blackish, brownish, reddish and it
16 stank.

17 Q. You don't mean it was just wet. You mean
18 it was saturated?

19 A. Yeah, like muck, like mud, contaminated
20 mud, but not like mud you'd play in a mudhole. It
21 was like clay mud.

22 Q. And were you finding the muckity muck --

23 A. Good word. I like that.

24 Q. Mucky sludge, I'm sorry. Not muckity
25 muck. Were you finding the mucky -- let me start

Ralph William Tolley

August 17, 2004

Washington, DC

Page 149

1 over. I've tied my tongue up.

2 A. It's the northwest corner. Shall we just
3 say that?

4 Q. You were finding the mucky sludge in the
5 northwest corner --

6 A. That's correct.

7 Q. -- of the warehouse property?

8 A. Uh-huh.

9 Q. How close to the north perimeter wall in
10 that corner?

11 A. Right at the wall, all the way across to
12 about the second column line.

13 Q. So that's from the -- on the north
14 perimeter wall from the western boundary --

15 A. Yes.

16 Q. -- along the north perimeter wall to just
17 about the position of a well that's marked LSI-SB3?

18 A. If that's in fact what it is.

19 Q. There's a circle, a dot on the diagram.

20 A. Uh-huh.

21 Q. You don't have to accept that it's a well,
22 but --

23 A. I know that that's a well. I mean, you
24 know -- I'm sorry, right there.

25 Q. It's probably more accurate soil boring,

Ralph William Tolley

Washington, DC

August 17, 2004

Page 150

1 but --

2 A. It probably is.

3 Q. But the mucky sludge extended all the way
4 from the western boundary along the north perimeter
5 to the spot that is marked LSI-SB3?

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

7 MR. WILLIAMSON: Okay.

8 FURTHER EXAMINATION BY COUNSEL FOR

9 THE B.P. DEFENDANTS

10 BY MR. ANDERSON:

11 Q. If all the clean soil was -- oh, I'm
12 sorry. It's my turn first.

13 MR. BUNKER: Okay.

14 BY MR. ANDERSON:

15 Q. If all the clean soil was gone, what did
16 you cover up the contaminated areas with?

17 A. I told you, I dug the soil out, and if it
18 was too intense, I pushed it back into the hole, and
19 then the ramp, because it had not been excavated, I
20 took some of the soil off of that and covered over
21 it to try and capture the soil.

22 Q. So you were gradually eating up the ramp
23 in order to cover places up as the project
24 progressed?

25 A. I had to because as the ramp -- we got

pages omitted

1 UNITED STATES OF AMERICA)

2 ss:

3 DISTRICT OF COLUMBIA)

4 I, KAREN C. YOUNG, a Notary Public within
5 and for the District of Columbia, do hereby certify
6 that the witness whose deposition is hereinbefore set
7 forth was duly sworn and that the within transcript is
8 a true record of the testimony given by such witness.

9 I further certify that I am not related to
10 any of the parties to this action by blood or marriage
11 and that I am in no way interested in the outcome of
12 this matter.

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand this _____ day of _____, 200__.

15

16

17

18 My Commission Expires:

19 July 31, 2009

20

21

22

23

24

25

