

ANSWER: No.

INTERROGATORY NO. 17:

Has anyone ever complained to you or otherwise informed you of their belief that leachate from Landfill No. 1 was entering Mud Run Creek? If your answer is in the affirmative, identify each such instance by date, person who made the contact, who was contacted, and the substance of the information conveyed.

ANSWER: Yes.

1. Ohio EPA Preliminary Assessment Narrative, received by Carl Staszak on or about November 5, 1993; substance of the information conveyed is set forth in Appendix A of the GWA Assessment.
2. Greene Environmental Coalition complaint filed on July 20, 1993 against Southdown in this action.

INTERROGATORY NO. 18:

Have you ever engaged in any activity that, in any way, altered or affected the release, flow, or discharge of leachate or any other materials from Landfill No. 1 into Mud Run Creek or any other surface waters?

ANSWER: No.

INTERROGATORY NO. 19:

If your answer to the immediately preceding Interrogatory is yes, please:

- a. Describe the activity;
- b. State the dates when the activities occurred; and
- c. Identify the person(s) who engaged in the activities.

ANSWER: Not applicable.

INTERROGATORY NO. 20:

Have you used any heavy machinery or earth moving equipment within one hundred (100) yards of Landfill No. 1?

ANSWER: Yes.

INTERROGATORY NO. 21:

If your answer to the immediately preceding Interrogatory is **yes**, please:

- a. Describe the activity;
- b. State the dates when the activities occurred; and
- c. Identify the person(s) who engaged in the activities.

ANSWER:

Ten (10) groundwater monitoring wells have been installed in and around Landfill No. 1. The installation of these wells required the use of a drilling rig. The date and persons involved in drilling the wells are set forth in the GWA Assessment previously provided to GEC. In conjunction with the installation of these wells, some areas were graded by a bulldozer to construct a road to allow for the transportation of the drilling rig, but the grading and bulldozing did not affect surface water discharge.

INTERROGATORY NO. 22:

Identify each and every activity that you have engaged in that may have impacted or changed the physical characteristics of the land located between Landfill No. 1 and Mud Run Creek.

ANSWER: See response to Interrogatory No. 21.

INTERROGATORY NO. 23:

Identify each and every substance or material that has been stored or disposed of in Landfill No. 1 and state the dates when each substance or material was stored or disposed of.

ANSWER:

From approximately 1945 to 1975, USX Corporation, US Steel and/or Universal Atlas Cement Company disposed cement kiln dust, kiln brick, scrap metal, tires, trash, oil, grease, and other materials in Landfill No. 1. In the late 1970's, various scrap material associated with the dismantling of one of the cement kilns located at the former Universal Atlas Cement Company plant site (a.k.a. North Annex) was disposed of in Landfill No. 1.

INTERROGATORY NO. 24:

State the name, address, qualifications, and field of expertise for each and every expert witness who you intend to call at any Court proceeding related to the above-captioned action.

ANSWER:

With respect to the portion of the trial relating to GEC's Clean Water Act claim, Southdown intends to call the following witnesses:

1. James H. Kyles, Engineering Science
2. John Goeddertz, Engineering Science
3. Carl Staszak, Southdown, Inc.

Please see resumes for James H. Kyles and John Goeddertz attached hereto as Exhibit C for qualifications and field of expertise. Qualifications and field of expertise for Carl Staszak will be forthcoming. Southdown reserves the right to supplement this list in the event that additional information becomes available during the discovery process.

INTERROGATORY NO. 25:

For each expert witness listed in the immediately preceding Interrogatory, state the substance of the opinion that each expert witness is expected to testify and the facts, in sufficient detail, upon which the expert witness relied in formulating his opinion.

ANSWER:

At this time, Southdown's expert witnesses have not completed their review of the information regarding this portion of the trial, and the response to this interrogatory will be supplemented with the requested information after such review has been completed.

INTERROGATORY NO. 26:

Identify each and every witness not stated in Interrogatory No. 22 above that you intend to call at any Court proceeding relating to the above-captioned action and state the substance of the witness' testimony.

ANSWER:

With respect to the portion of the trial relating to GEC's Clean Water Act claim, Southdown intends to call the following witnesses:

1. Carl Staszak

Mr. Staszak may be called to testify regarding the current conditions at Landfill No. 1.

2. Philip W. Sadowski

Mr. Sadowski may be called to testify regarding the current conditions at Landfill No. 1.

3. Alan Rowley

Mr. Rowley may be called to testify regarding the current conditions at Landfill No. 1.

4. Bradley Phillips

Mr. Phillips may be called to testify regarding the current conditions at Landfill No. 1.

5. Scott Lamb

Mr. Lamb may be called to testify regarding historical uses and activities at Landfill No. 1.

6. Clifford Smith

Mr. Smith may be called to testify regarding historical uses and activities at Landfill No. 1.

7. Robert F. Bauer

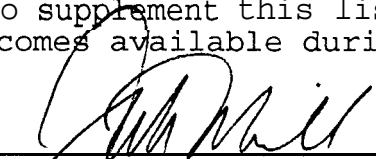
Mr. Bauer may be called to testify regarding historical uses and activities at Landfill No. 1.

8. William H. Strautman

Mr. Strautman may be called to testify regarding historical uses and activities at Landfill No. 1.

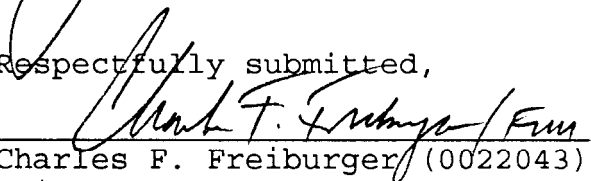
Southdown reserves the right to supplement this list in the event that additional information becomes available during the discovery process.

As to all objections.



Frank L. Merrill (0039381)

Respectfully submitted,



Charles F. Freiburger (0022043)

Trial Attorney

BRICKER & ECKLER

100 South Third Street

Columbus, Ohio 43215-4291

(614) 227-2300

Counsel for Defendant and Third-Party Plaintiff Southdown, Inc.

Of Counsel:

Frank L. Merrill (0039381)

Quintin F. Lindsmith (0018327)

Martha E. Horvitz (0018484)

BRICKER & ECKLER

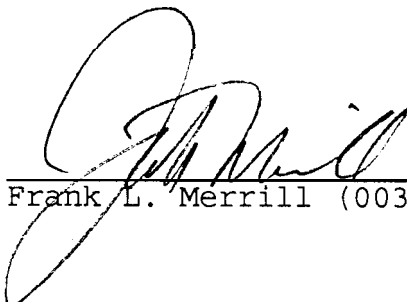
100 South Third Street

Columbus, Ohio 43215-4291

(614) 227-2300

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Southdown's Response to Greene Environmental Coalition's First Set of Interrogatories has been served upon Robert J. Shostak, Sowash, Carson & Shostak, 39 North College Street, P. O. Box 2629, Athens, Ohio 45701 and C. Craig Woods, Esq., Squire, Sanders & Dempsey, 1300 Huntington Center, 41 South High Street Columbus, Ohio 43215 by regular U.S. mail, postage prepaid this 12 day of August, 1994.



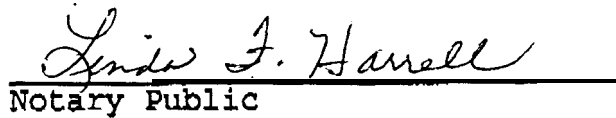
Frank L. Merrill (0039381)

AFFIDAVIT

The undersigned, being first duly cautioned and sworn, deposes and states that the foregoing answers to the interrogatories of Green Environmental Coalition, Inc., are true and correct to the best; of her knowledge,



Sworn to before me and subscribed in my presence this 11th day of August, 1994.



Notary Public



EXHIBIT A

The following individuals are identified in Southdown's responses to GEC's First Set of Interrogatories. Pursuant to the instructions, information relating to (a) the person's name; (b) present or last known business address; and (c) job title is provided below.

1. a. Carl Staszak
 b. Southdown, Inc.
 1200 Smith Street, Suite 2400
 Houston, Texas 77002-4455
 c. Manager, Environmental Engineering

2. a. Leslie Cook
 b. Southdown, Inc.
 1200 Smith Street, Suite 2400
 Houston, Texas 77002-4455
 c. Environmental Analyst

3. a. Jeff Schick
 b. Ground Water Associates, Inc.
 771 Brooksedge Plaza Drive
 Westerville, Ohio 43081
 c. Consultant

4. a. Brad F. Gamble
 b. Ground Water Associates, Inc.
 771 Brooksedge Plaza Drive
 Westerville, Ohio 43081
 c. Consultant

5. a. Timothy G. Holdeman
 b. Panterra
 4752 Fishburg Road
 Dayton, Ohio 45424
 c. Consultant

6. a. Matthew Reed
 b. Panterra
 4752 Fishburg Road
 Dayton, Ohio 45424
 c. Consultant

7. a. Ronald G. Schmidt
 b. Panterra
 4752 Fishburg Road
 Dayton, Ohio 45424
 c. Consultant