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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
THE TOWN OF OYSTER BAY,

Plaintiff, C.A. No.

-against- 94 Civ. 0694 (FB)

OCCIDENTAL CHEMICAL CORPORATION, MARMON
GROUP, INC., THE ROCKBESTOS COMPANY, CERRO
CONDUIT COMPANY, CERRO WIRE & CABLE CORP.,
COLUMBIA CORRUGATED CONTAINER CORPORATION,
GREAT AMERICAN INDUSTRIES, INC., a wholly
owned subsidiary of PUBLIC LOAN COMPANY,
INC., a wholly owned subsidiary of PLC
ENTERPRISES, INC., G.A. CORRUGATED
CORPORATION, GREAT AMERICAN CORRUGATED
CONTAINER CORPORATION, LIN PAC, INC., LIN
PAC CONTAINERS INTERNATIONAL, LTD.,
a wholly owned subsidiary of LIN PAC GROUP
LTD., LIN PAC CORRUGATED CONTAINERS
CORPORATION, LIN PAC CONTAINERS LIMITED,
GRUMMAN CORPORATION, GRUMMAN AEROSPACE
CORPORATION, JAKOBSON SHIPYARD, INC.,
LONG ISLAND LIGHTING COMPANY, KONICA
IMAGING U.S.A., INC., KOLLMORGEN
CORPORATION and PHOTOCIRCUITS CORPORATION,

Defendants.

-----x
October 5, 1995.

10:10 a.m.

Deposition of ROBERT JASINKONIS, held

at the offices of Northrop Grumman, 1111
Stewart Avenue, Bethpage, New York, pursuant
to Federal Rules of Civil Procedure, before
Lisa Gropper, RPR, a Notary Public of the
State of New York.

TOB 00001782

Jasinkonis

1

2 Q. Next?

2

3 A. Foreman.

3

4 Q. What was your next position?

4

5 A. Superintendent.

5

6 Q. Next?

6

7 A. That's it.

7

8 Q. You retired as a superintendent?

8

9 A. Well, let's go a little further.

9

10 Foreman.

10

11 Q. You went back to being a foreman?

11

12 A. Yes. Reduction.

12

13 Q. And you retired as a foreman?

13

14 A. Yes.

14

15 Q. Now, I'm going to go through each of

15

16 those jobs again to try to get an idea of what

16

17 you did in those positions, and I'm going to

17

18 start from beginning and go through to the end.

18

19 Let's start with the first

19

20 one, laborer.

20

21 What type of work did you do as a

21

22 laborer?

22

23 A. It was mostly sewage at that

23

24 particular time: Maintaining sewage lines, any

24

25 connection with sewage in the Bathpage area, from

25

TOB 00001789

Jasinkonis

1 Q. Let me start with the 1950s, the
2 period that you worked there in the 1950s.

3 Could you describe to me, to the best
4 you can recall, how the treatment plant
5 operated.
6

7 A. How it operated?

8 Q. Correct.

9 A. Waste was either piped in or trucked
10 into the industrial waste treatment plant, put
11 into or flowed into an 11,000-gallon wooden vat
12 tank and from there it was treated, treated out,
13 decantered off, and what remained was sludge.

14 Q. What happened to the sludge in
15 the '50s?

16 A. It was put into an outside holding
17 tank, and from there trucked to Plant 3 or a
18 piece of property east of Plant 3.

19 THE WITNESS: Could you tell me what I
20 just said?

21 MR. KARMEI: Could you read back the
22 answer, please.

23 (Record read.)

24 THE WITNESS: Okay.

25 Q. How did the process change, if at all,

TOB 00001820

1 Jasinkonis

2 A. Water level would be where it would be
3 square with the water.

4 Q. How did the sludge get from the sludge
5 drying bed to one of these dump trucks?

6 A. I believe it was a backhoe.

7 Q. What was this other area of the
8 Grumman plant you told me about where this sludge
9 went to after the sludge drying bed?

10 A. What was it?

11 Q. Yes. Did it have a name?

12 A. Back in those days, no. I believe it
13 was probably part of Plant 3 property.

14 Q. Was it outside?

15 A. Outside?

16 Q. This area where the sludge was
17 placed.

18 A. Was in the -- within the complex, as
19 we discussed before. You did not go outside the
20 grounds of Grumman, across any roads or
21 anything.

22 MR. FREILICH: I think the question
23 was was it inside or outside, though.

24 Q. Was it in a building or outside a
25 building?

TOB 00001841

Jasinkonis, Robert 10/05/95 v1

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BETPARK00535

Jasinkonis

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THE WITNESS: Oh. Thank you.

A. Outside.

Q. So it was near the Plant 3 building
but outside of that building?

A. Yes.

MR. FREILICH: Off the record.

(Discussion held off the record.)

(Short recess taken.)

CONTINUED EXAMINATION

BY MR. KARMEL:

Q. This area near the Plant 3 building
where the sludge was placed, what did it look
like?

A. I guess you can call it like a field,
no trees.

Q. How big was the area?

A. I don't know.

Q. Was it about the size of a football
field, or was it smaller than that?

A. Oh, much larger than that.

Q. Much larger?

A. Yes.

Q. That sludge which was dumped in this
field you've just told me about, what happened to

TOB 00001842

Jasinkonis, Robert 10/05/95 v1

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BETPARK00536

1 Jasinkonis

2 A. I don't know if pit is the right word,
3 but we can say open pits, like or similar to a
4 recharge basin, and they're approximately five
5 feet deep, on the bottom 30 by 30. That's
6 approximate.

7 Q. When you say "30 by 30," you mean 30
8 feet by 30 feet?

9 A. 30 feet by 30 feet. It could be a
10 little larger; I don't remember.

11 Q. The material that went into these four
12 sludge drying beds, was this the material from
13 those two holding tanks you told me about at the
14 industrial waste treatment plant?

15 A. Yes, trucked to the facilities,
16 trucked to, hauled to.

17 Q. And it was trucked to these drying
18 beds using the 1,500-gallon truck?

19 A. Exactly.

20 Q. And it's your recollection it was the
21 sludge from these four drying beds that went to
22 the Syosset landfill?

23 A. Yes.

24 Q. How did it make its way to the Syosset
25 landfill?

TOB 00001847

Jasinkonis, Robert 10/05/95 v1

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BETPARK00541

TOWN OF OYSTER BAY -V- NORTHROP

JEAN-PIERRE COFMAN – 2/1/2007

CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY:

REALTIME REPORTING, INC.

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Hicksville, New York 11801

Phone: (516) 938-4000

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185

1 Cofman

2 It was never clear exactly where the fire

3 training area was.

4 Q. How do you know that?

5 A. Well, let me rephrase that. It

6 was never clear to me or anybody I spoke to

7 exactly where the fire training area was.

8 Q. Did you relate that to the

9 consultants?

10 A. Yes.

11 Q. Did the consultants, to your

12 understanding, perform an investigation at or

13 around the area of the fire training area?

14 A. In the area where we thought it

15 might be, yes.

16 Q. Did they report results to you?

17 A. Yes.

18 Q. What were your responsibilities

19 with respect to the consultants' investigation

20 of the fire training area?

21 A. I would review the documents and

22 reports that they would prepare and discuss

23 their findings periodically.

24 Q. What was your responsibility with

25 respect to reviewing those reports?

186

1 Cofman

2 A. I and a team of others would

3 determine whether or not they were

4 satisfactory or not.

5 Q. Was part of that responsibility

6 to make a recommendation as to remediation if

7 necessary?

8 A. We never got to the point of

9 recommendations and remediations. We were

10 still in a mode of investigation. I mean,

11 there was some conceptual ideas, like maybe if

12 it's like this or like that, these are

13 possible avenues of exploring in terms of

14 remediation, but that was not the thrust of

15 the effort.

16 Q. Did you have any discussions with

17 the DEC about the fire training area?

18 A. I don't recall.

19 Q. Do you know whether Mr. Leskovjan

20 did?

21 A. I don't know.

22 Q. Do you know whether the

23 information that Mr. Jasinkonis disclosed at

24 the meeting with Mr. Amoroso was transmitted

25 to the DEC?

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1 Cofman

2 A. No, I don't know.

3 Q. Was the Navy involved in any

4 waste disposal practices on the Navy site?

5 A. Yes.

6 Q. What was the extent of the Navy's

7 involvement?

8 A. Well, they had inspections

9 carried on on a periodic basis, that would

10 include an inspection of all their facilities,

11 and I think even facilities that were not

12 theirs but were used for contracts to support

13 them. Their involvement was in funding the

14 construction and operation of waste disposal

15 facilities or anything that was in support of

16 waste disposal facilities on their property.

17 I think that's basically it.

18 Q. Did Grumman obtain approval or

19 authorization of the Navy for any waste

20 disposal practices on the Navy site?

21 A. Yes, I think so.

22 Q. Tell me how that process worked.

23 A. Well, as an example, the drum

24 marshalling area was really central to our

25 waste disposal procedures, and that would have

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1 Cofman

2 been proposed to the Navy as a construction

3 project for that purpose. The Navy would have

4 approved the funding and would have had

5 somebody supervise construction to some

6 degree.

7 Q. Tell me if I understand this

8 correctly. When we talked about the drum

9 marshalling area earlier, you stated that

10 there were drums that were placed on the drum

11 marshalling area, correct?

12 A. Yes.

13 Q. That you saw.

14 A. Yes.

15 Q. And is it your understanding that

16 the Navy authorized the placement of those

17 drums in the drum marshalling area?

18 A. Yes. As a matter of fact, they

19 were co-owners with the permit that was given

20 by the State to operate that facility.

21 Q. To operate what facility?

22 A. The drum marshalling area.

23 Q. Do you have an understanding as

24 to whether the Navy knew of the contents of

25 the barrels in the drum marshalling area?

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191

1 Cofman
 2 A. I don't know the answer to that.
 3 Q. Do you know whether the Navy paid
 4 for any part of the waste disposal on the Navy
 5 site?
 6 A. I think they paid for all of it,
 7 but I think it was through indirect funds,
 8 overhead funds.
 9 Q. Through?
 10 A. Overhead funds. It wasn't --
 11 that function, waste disposal, was not
 12 directly connected to individual programs. It
 13 was part of an overhead function for operation
 14 of the total facility, and the Navy would have
 15 funded those costs.
 16 Q. Was it built into Grumman's
 17 contracts with the Navy?
 18 A. I think so, yes.
 19 Q. Was it a separate line item?
 20 A. I don't know about that.
 21 Q. Is it your understanding that the
 22 Navy had responsibilities with respect to
 23 waste disposal practices before you were
 24 employed by Grumman?
 A. As far as I know, the contractual

1 Cofman
 2 the scrapings from that basin?
 3 A. I really have no information
 4 regarding that.
 5 Q. We talked earlier about
 6 sludge-drying beds being constructed on the
 7 Navy site after the Town of Oyster Bay took
 8 title to the Park. Do you recall that, sir?
 9 A. Yes.
 10 Q. Is it your understanding that the
 11 Navy would have had to approve the
 12 construction of those sludge-drying beds?
 13 A. Yes.
 14 (Cofman Exhibit 6, Document Bates
 15 stamped NGSC-TOB 18949 through NGSC-TOB
 16 18958, marked for identification.)
 17 Q. Mr. Cofman, do you recall
 18 receiving Exhibit 6?
 19 A. Yes.
 20 Q. It is a report to you from D&B
 21 regarding certain soil samplings taken at the
 22 Park property?
 23 A. Yes.
 24 Q. Were you the point person with
 25 D&B with respect to this sampling?

190

192

1 Cofman
 2 relations between Grumman and the Navy were
 3 pretty much the same before I was -- in terms
 4 of funding and approval of funding and
 5 reviewing drawings and signing off on
 6 drawings, that kind of thing, was not new to
 7 my starting at the company.
 8 Q. How did you come to that
 9 understanding?
 10 A. Based on documents I'd seen in
 11 the file, the facilities engineering
 12 department files. Any construction effort
 13 that was Navy related there would be -- or
 14 even non-Navy related, but there would be
 15 plans and specs on file. I'd have to review
 16 those periodically if I was going to make an
 17 adjustment or change to something, and those
 18 are all signed off by the Navy.
 19 Q. It's your understanding that the
 20 Navy would have approved the scraping
 21 operations that took place in the recharge
 22 basin by Plant 3?
 23 A. That's my understanding, yes.
 24 Q. And that the Navy would have had
 25 responsibility in authorizing the disposal of

1 Cofman
 2 A. Yes.
 3 Q. Look at the top of page 2,
 4 please. The first sentence on page 2 says,
 5 "Based on NYS DEC's and NYS DOH's review of
 6 the analytical data and subsequent site
 7 visits, NGC, Northrop Grumman, received a
 8 letter from the NYS DEC dated May 7, 2002 in
 9 which the NYS DEC and NYS DOH requested
 10 additional soil sampling be performed in the
 11 Park." Do you see that, sir?
 12 A. Yes.
 13 Q. Did you have discussions with
 14 anyone from the DEC or the DOH regarding these
 15 additional soil samplings?
 16 A. Not that I recall.
 17 Q. Do you know who did?
 18 A. No.
 19 Q. The next sentence talks about a
 20 request that additional soil samples be
 21 collected in the bocce court area. Do you see
 22 that?
 23 A. Yes.
 24 Q. Do you know why soil samples were
 25 requested to be collected in the bocce court