

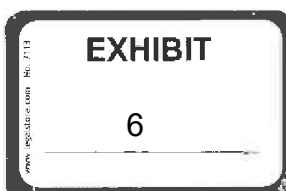
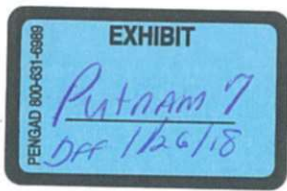
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1 U.S. OF AMERICA, : IN THE U.S. DISTRICT COURT
 2 PLAINTIFF : FOR THE WESTERN DISTRICT
 3 : OF PENNSYLVANIA
 4 :
 5 VS : NO. 1990-229
 6 :
 7 :
 8 ROBERT BRACE AND ROBERT BRACE :
 9 FARMS, INC. A PENNSYLVANIA :
 10 CORPORATION, :
 11 DEFENDANTS :

12 DEPOSITION OF: DAVID J. PUTNAM
 13 TAKEN BY: DEFENDANTS
 14 BEFORE: BETH KRUPA, REPORTER
 15 NOTARY PUBLIC
 16 DATE: APRIL 7, 1992, 11:12 A.M.
 17 PLACE: BEST WESTERN
 18 SOUTH ATHERTON & BRANCH ROAD
 19 STATE COLLEGE, PENNSYLVANIA

20 APPEARANCES :
 21 U.S. DEPARTMENT OF JUSTICE
 22 BY: DAVID A. DANA, ESQUIRE
 23 FOR - PLAINTIFF
 24 BUCHANAN INGERSOLL
 25 BY: JOHN D. WARD, ESQUIRE
 FOR - DEFENDANTS

ALSO PRESENT:
 RHONDA MCATEE
 ROBERT BRACE



1 Q The purport of your letters is that Mr. Brace
2 allegedly violated the Clean Water Act, he affected 200 acres
3 of wetlands period; is that correct?

4 A I don't know if the 200 acre figure is used any
5 place but on that map, but I would say that is a correct
6 statement that the activities that were done could affect up
7 to 200 acres of wetland.

8 Q Fine. Mr. Putnam, I hand you -- and I'm not going
9 to enter this as an exhibit, but simply for reference in your
10 testimony -- findings of violation and order for compliance
11 issued by the EPA to Mr. Brace, and I'm not asking you to
12 testify as to the content of that. However, attached to the
13 order is a map which appears to be a restoration plan, was
14 that prepared by you?

15 A Yes, it was.

16 MR. DANA: If you want to take a look at the entire
17 document, feel free.

18 MR. WARD: Yes.

19 BY MR. WARD:

20 Q Who asked you to prepare that?

21 A I believe it was James Butch of the Environmental
22 Protection Agency.

23 Q He asked you to prepare a restoration map or a
24 plan?

25 A I believe he did.

1 BY MR. WARD:

2 Q Is this to scale of any particular kind, do you
3 recall?

4 A It is not to scale. It's a tracing -- that was
5 made on an acetate overlay that would lay over top of an
6 aerial photograph. It loses much of its utility when it's
7 been xeroxed.

8 Q Can you explain in the legend there the requirement
9 of a plan at least proposed by your office would be to plug
10 the drainage tiles, plug ditches to restore wetlands, and then
11 there's an annotation there of "wetlands drained prior to
12 1984"; is that correct?

13 A Yes.

14 Q Is the design and the intent of that proposed
15 restoration plan to restore all lands that were wet back to
16 1984?

17 MR. DANA: Could you try and restate that?

18 BY MR. WARD:

19 Q It has in there wetlands restored --

20 A Wetlands drained prior to 1984.

21 Q Yes.

22 A The intent was to restore the site to the
23 conditions that existed prior to the violation. The intent
24 was to allow any areas that were drained prior to the
25 violation or drained prior to the need for permits to remain