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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

- - -

UNITED STATES OF AMERICA,

CIVIL ACTION

Plaintiff

vs.

ROBERT BRACE and ROBERT BRACE
FARMS, INC., a Pennsylvania
Corporation,

Defendant

NO. 90-229

- - -

Thursday, March 5, 1992

- - -

Continued oral examination of JAMES
BUTCH, held at the offices of Buchanan Ingersoll,
P.C., 1200 Logan Square, 18th and Arch Streets,
Philadelphia, Pennsylvania 19103 commencing at 1:35
p.m., on the above date, before Mickey Dinter,
Registered Professional Reporter and Commissioner of
Deeds of the Commonwealth of Pennsylvania.

- - -

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EXHIBIT

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CD-FRC0003913

A P P E A R A N C E S :

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- - -

James Butch

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them and you tell me if it is correct.

I will hand you a copy of a letter issued by Region III of the EPA signed by Greene Jones and ask you if that was part of the process to which you just described?

A. Yes, it was.

Q. You say, I believe, that that was a cover letter that accompanied this Findings of Violation and Order for Compliance --

A. Yes.

Q. naming Robert Brace --

A. Yes.

Q. Let me just take a look at that.

(Off the record.)

BY MR. WARD:

Q. Mr. Butch, have you had a chance to review the cover letter that I have given you --

A. Yes.

Q. -- and also the Findings of Violation and Order for Compliance which is dated May 3, 1988?

A. Do you want me to review this, too?

Q. Yes; if that is part of the procedures you followed.

James Butch

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Mr. Butch, I have handed you an Administrative Order, I believe, along with that cover letter and we have since discovered that that Administrative Order is in May 1988.

A. May 3, 1988.

Q. That is the second Administrative Order because if you will just very quickly read paragraph designated nine there --

A. It reads: "On July 15, 1987, pursuant to Section 309 (a) of the act, EPA issued Findings of Violation Order for Compliance, docket number 87-026DW."

Q. For right now, Mr. Greene's letter went out and no EPA person, to your knowledge, had been on the property?

A. Correct.

This is after issuance of the first Administrative, July 15 Administrative Order.

Q. Yes.

A. Let me clarify that.

Representatives of the Army Corps of Engineers had been on-site. They verified federal jurisdiction that information