Exhibit 7

** TRANSCRIPT IS MARKED , **

STATE OF NEW YORK
SUPREME COURT COUNTY OF RENSSELAER

JAY BURDICK, CONNIE, PLOUFFE, EDWARD PLOUFFE, FRANK SEYMOUR, EMILY MARPE, as parent and natural guardian of E. B., and infant, and G.Y., an infant, JACQUELINE MONETTE, WILLIAM SHARPE, EDWARD PERROTTI-SOUSIS, MARK DENUE, and MEGAN DUNN, individually and on behalf of all similarly situated,

Plaintiffs,

- Against -

Index No: 00253835

TONOGA, INC. (d/b/a TACONIC),

Defendants.

VIDEOTAPED DEPOSITION OF: MALCOLM GREEN

DATE: Friday, September 21, 2018
TIME: 10:04 a.m. - 3:55 p.m.

HELD: Bond, Schoeneck & King, PLLC
22 Corporate Woods Boulevard
Albany, New York 12211

Job No. 3013482

BEFORE: Tara M. Drake, RPR
Registered Professional Reporter and Notary Public in and for the State of New York
Corrine Gates, videographer

gentleman's name was Rich Carzekus or something like that.

Q Thank you.

Now, Mr. Green, when did you first learn that PTFE dispersions contained the chemical APFO?

A I don't recall.

Q Do you recall whether it was in the time period between '93 and '99?

A Yes. I believe it's listed as a trace element on a dat- -- MSDS sheets.

Q Okay. Other than being listed as a trace element, though, did you, during that time period from '93 to '99, become familiar with what its role was in PTFE dispersions and also what its potential hazardous nature was?

MS. DUFFY: Object to form.

Q You can answer. She's just preserving objection.

A Oh, okay. Restate the question, please.

Q Sure. It wasn't a very good question. Let me -- let me break it down to two.

In the -- in the period of '93 to '99, did you understand what the purpose of APFO was in a PTFE solution?

and these were -- this design process -- or this design exercise was for the first of, I think it was, three coating towers that were added into that building.

Q Okay. So the new building would be six; is that correct?

A I don't remember the building -- I don't know the building nomenclature.

Q But it is the building on Coon Brook Road, on the north side of Coon Brook Road? Is that where Building 6 is?

A It's -- so the building that has the electrostatic precipitator Smog-Hog in it, it -- this building I'm referring to was the one that was built behind that, where the first Fume Eliminator was added.

Q Okay. And just -- we're going to get to this later, but the device that you're referring to as the electrostatic precipitator or the Smog-Hog, that's a -- a device that's intended to -- to remove particulate matter from emissions?

A I guess, yes, that's a good -- good way of clarifying it.

Q In other words, that -- that's a process

where it goes through charged grates and -- and the charges on particular particles are attracted to the opposite charges, and that takes it out of the effluent? Is that the concept behind electrostatic precipitators?

A As I understand it, yes.

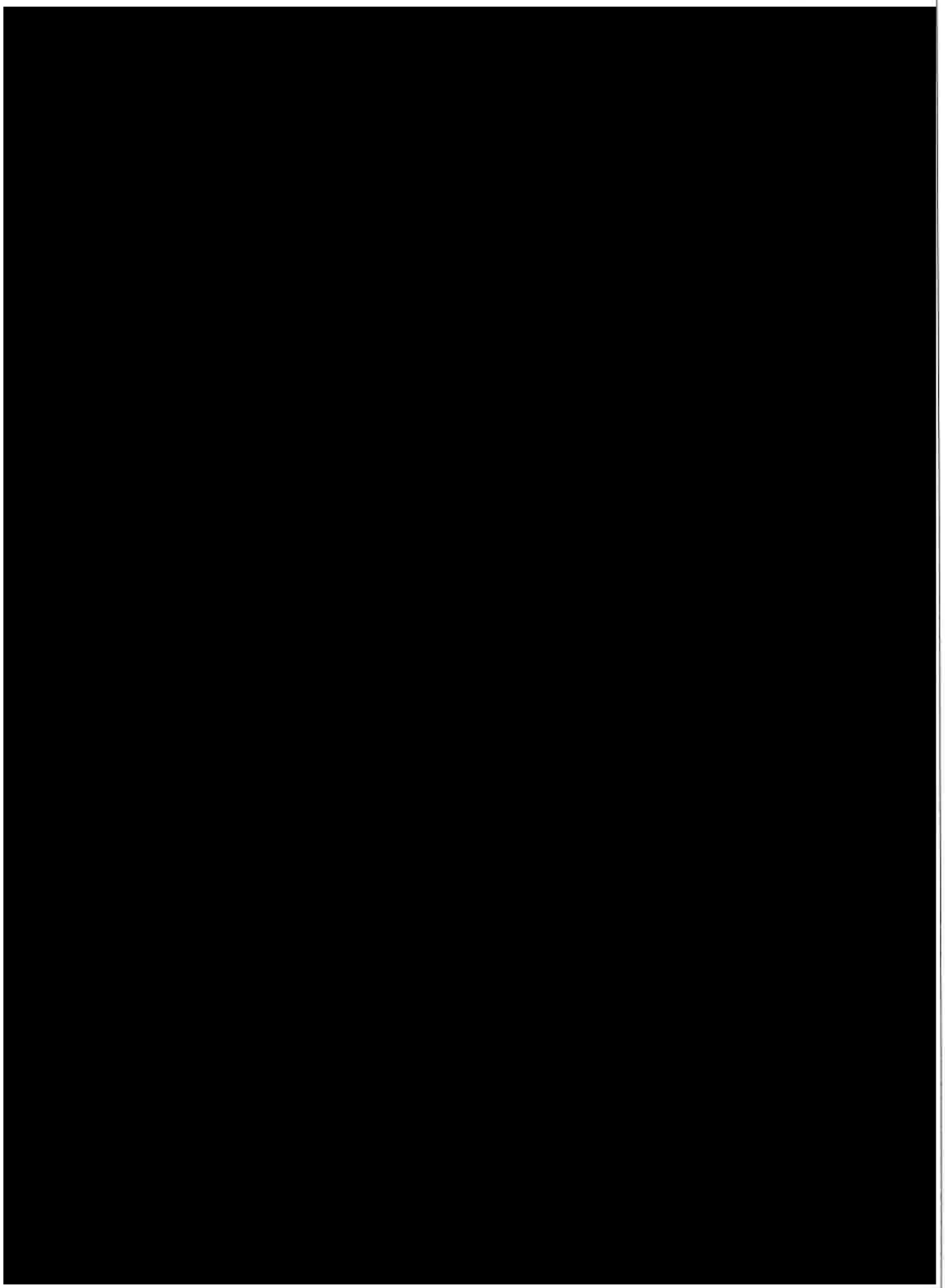
Q And at the time you started, was that the only air pollution control mechanism that was being used at Taconic?

A I believe so, yes.

Q Okay. So the -- the -- there were ovens in preexisting buildings that were there when you got there that used this Smog-Hog or electrostatic precipitator as its -- its emissions control device, correct?

A Yes.

[redacted]



[redacted]

Q Okay. And as you sit here today, what's your understanding of what that device was?

A Okay. So as I understand it -- again, going back over 20 years -- the device would take the rinse water and there was a series of steps. One involved a -- I forget. There's a floatation or a chemical -- chemical treating to try to remove some solids out of the wastewater stream or waste stream. And then there was an evaporation step to evaporate the water from the unit.

Q And during the evaporation step, where did the -- the water vapor and whatever else evaporated go?

A I believe it went to a stack. It just was a -- went to a stack.

Q So it didn't go through any particular pollution control device that you're aware of?

A Not that I'm aware of.

[redacted]

[redacted]

Q In other words, any -- any remnants of the dispersion that was first applied had to be removed from the equipment so it doesn't mix in with the new dispersion that's going to be applied on the second or third or eighth coat or whatever?

A Correct.

Q And the process of doing all that cleaning and cleaning the pans that held the dispersion generated this wastewater that is being discussed here?

A Yes.

Q And so that wastewater would contain remnants of the PTFE dispersion that had been cleaned off the equipment?

A Yes.

Q And prior to this date, the time that you were going to implement this evaporator unit, you say, "Currently this waste [sic] water" -- or, "the water is going into our septic system, which undergoes periodic testing for contaminant [sic] level," correct?

A That's what it states.

Q Okay. So prior to the use of this evaporator unit, which was about to come online in January of 1996, the wastewater containing the remnants of the PTFE dispersion was put into the septic system in the ground, correct?

A The wastewater was -- was handled in accordance with the SPDES permit.

Q I'm sorry. My question was: The wastewater that had PTFE dispersion in it was deposited in a septic system in the ground, correct?

A So the wastewater was handled in accordance with our SPDES permit.

Q Are you having trouble understanding my question?

A No. I -- the sentence that was left out of here was that -- I mean, this -- the document states that "currently the water is going into our septic system, which undergoes periodic testing for contaminant [sic] level." Looking back on it now, should have had a sentence in there that states "in accordance with our SPDES permit."

Q All right. Did the SPDES permit -- withdraw that question.

This is a yes-or-no question. Was the PTFE dispersion remnants in the wastewater deposited in a septic system in the ground, yes or no?

A Well, I can read what it says here:

"Currently the water is going into our septic system, which undergoes periodic testing for contaminant [sic] level."

Q Okay. And the septic system was in the ground?

A I would believe so.

Q All right. Do you have knowledge of it -- of a septic system that's not in the ground that was used somewhere at Taconic?

A No.

Q Okay. And this process, of disposing of the wastewater with the remnants of the PTFE dispersions into the septic system in the ground at the facility, had been going on from the time the manufacturing started in the '60s until this period of time in 1996, when a change was being made. Is that a fair statement?

MS. DUFFY: Objection. Lacks foundation.

A So I can only reply to what I knew when

I was there or what I recall when I was there.

Q And what do you recall when you were there?

A That much as this -- this -- this document states -- you know, I can read it again.

"Currently the water is going into our septic system, which undergoes periodic testing for contaminant [sic] level."

And, again, that was in accordance with the SPDES permit.

Q Okay. But my question is: Did you have any knowledge of Taconic disposing of the wastewater that contained the -- the remnants of the PTFE dispersion in any other way other than it was currently being done, of putting it into the septic system, before you got this evaporator unit?

A I can't speak to what took place before I was at Taconic.

Q Well, you can speak to it if you knew about it, but you're saying that you didn't -- you didn't have any knowledge of there being any other process other than the septic system up to the time that the -- the evaporator unit was

placed?

A Again, I don't -- I don't know what existed there before I started there.

Q Okay. And when you say that "undergoes periodic testing for contaminant [sic] level," what contaminants were you referring to there?

A I don't recall.

Q What is a "contaminant" in your lexicon?

A I don't know. I mean, sawdust can be a contaminant. I mean, it's a -- a compound or material.

Q A compound or material that -- that shouldn't otherwise be there?

A Not necessarily. I mean, it's just something that -- that may be there. Again, even in this situation, the -- there was a -- obviously a permit that allowed us -- that allowed a -- a -- a -- allowed the handling of the wastewater stream.

Q Okay. I'm just wondering what -- what -- what contaminants do you believe were being periodically tested for at that point?

A I don't remember.

Q Do you believe APFO was one of those contaminants?

A Likely not.

Q Okay. Did you have an understanding of whether APFO was -- was a chemical that was soluble in water?

A I don't recall.

Q At the bottom of this note, you -- you sent by fax to Mr. Carroll, the last sentence -- or, the last two sentences, excuse me, says that:

"Future uses of the unit may be to condense excess water obtained in our Fume Eliminator, the replacement machine for the electrostatic precipitator, 'smog hog'."

Do you see that?

A I see that.

Q Okay. So the Fume Eliminator you mentioned previously was the replacement technology for the Smog-Hog or the electrostatic precipitator device, correct?

A Eventually, yes. For a while, both machines existed. I don't -- I don't recall exactly when the Smog-Hog was taken off line.

Q What do you understand to be the -- the type of pollution control device that the Fume Eliminator was?

A So, essentially, it had two main -- again, I'm going back on my recollection of -- of the equipment. Two mains -- two main methods of scrubbing or cleaning the -- the air stream.

One, I believe, the air went -- would initially pass through a bubbler tray or a water tray or water mist or some sort of water process. The air stream then went into a large, basically, drum filter and would pass through this drum filter media material.

There was a pressure drop indicator -- some sort of pressure sensor that would measure the pressure drop across that filter and then index the filter media. That filter media would be replaced every so often.

Then the airflow stream went into a second vertical standpipe of filter media that was replaced on a much longer time period. The thought being that the initial filter media catches, you know, most of what's there and is replaced more frequently. The second stand pipes would be replaced -- I don't know if was every 6 months to 18 months or something like that.

Q And what were the -- the media that were

used in the filtration in those two different zones?

A I don't remember exactly. I mean, I recall it looked like fiberglass filtration, but I don't remember exactly what the -- what the makeup was. I'd have to look at it.

Q So the -- is it a fair statement that the -- the purpose of -- of this device was as a scrubber to remove particulate matter?

A Sure.

Q And the two different filtration systems were to -- designed to remove different -- different sizes of particulate matter?

A I'm not sure that's exactly correct. One was more of a prefilter and the second one was just a secondary catch filter.

Q Now, the -- the liquid portion of this process, the bubbler that you mentioned, that liquid was contained in the unit; it was a closed system for that, correct?

A That's my understanding.

Q And that liquid had to be changed out on a periodic basis?

A I believe so, yes.

Q Was it your understanding that the Fume

Eliminator would remove any APFO that was in the -- the dispersion?

A I don't recall.

Q Now, on the second page of Exhibit 287 is a memo that you wrote a few weeks prior to the -- 13 days prior to your contact with Mr. Carroll, correct?

A Yes.

Q And I should have asked you this before, but do you recall Mr. Carroll and what his role was at DEC?

A I -- I vaguely remember the name having gone through some of these documents, but he was our contact person there. I don't know what his -- you know, what level he was at.

Q Was he your contact person for all -- all purposes at DEC or for air --

A I don't recall.

Q -- issues?

Okay. So going back, then, to the second page, which I started you on and asked you questions about the first again. I apologize. This appears to be a memo that you wrote to Mr. Quintus, correct?

A Yes.

A I can only read -- I recall from what's -- what's written on the memo here.

Q It was?

A Okay.

Q Yes?

A It says this is due to excess -- well, inferring from this memo that, yes, it would go into that, into underground tank.

Q And from that tank, it would then go into the evaporator?

A That would be my guess, yes.

Q Okay. So what you're saying in this memo is the volume of the -- the ditch wastewater and the volume of the water that was -- the -- the -- contained water in the Fume Eliminator was too great for the evaporator?

A Well, in addition to this, what she refers to as the groundwater seeping into the underground storage tank.

Q Okay. So let's get to that. So the -- the volume of liquid for the ditch water was being increased because groundwater was seeping into the underground tank, according to this memo?

A That's what it states.

in -- at Taconic, Building 4 had four coating towers: 7, 8, 9 and 10. 11 and 12, I believe, were under construction. Building 5 did not exist when I first started. And that was added -- Phil Steinhauser added that, and then CA, CB, and CC were the first three newer towers that we put in rel- -- and they relate to the design document that I put out regarding the heat input requirements.

Q Great. Thank you. That's very helpful.

(Exhibit 296 is marked for identification.)

BY MR. SCHWARZ:

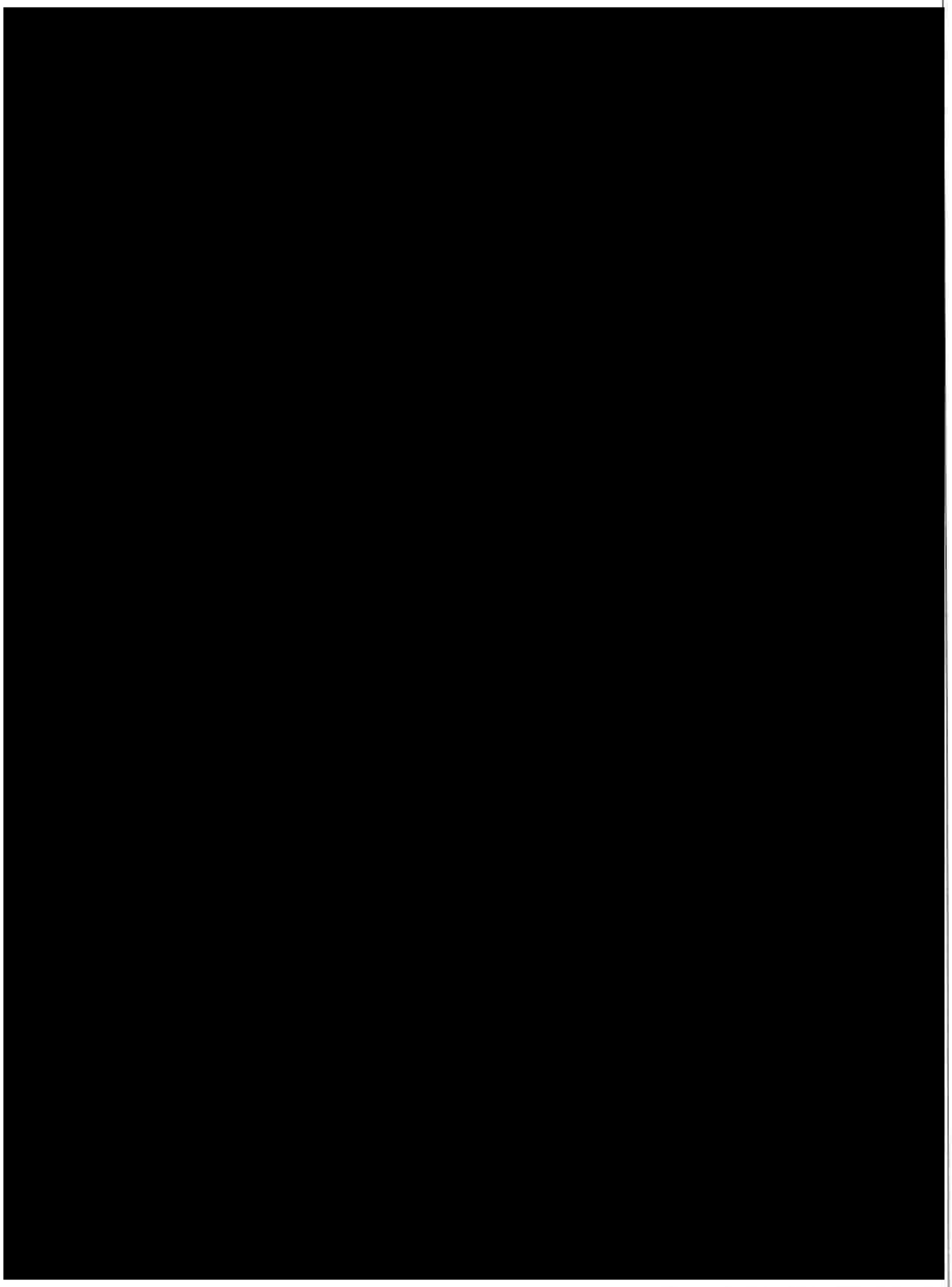
Q All right. This will be Exhibit 296. And this is a memo dated June 26th, 1998, and it is from, again, Ms. Burzesi to you -- to Mr. Russell, copied to you and a number of others, and appears to reflect the Fume Eliminator testing. Why don't you take a look at that.

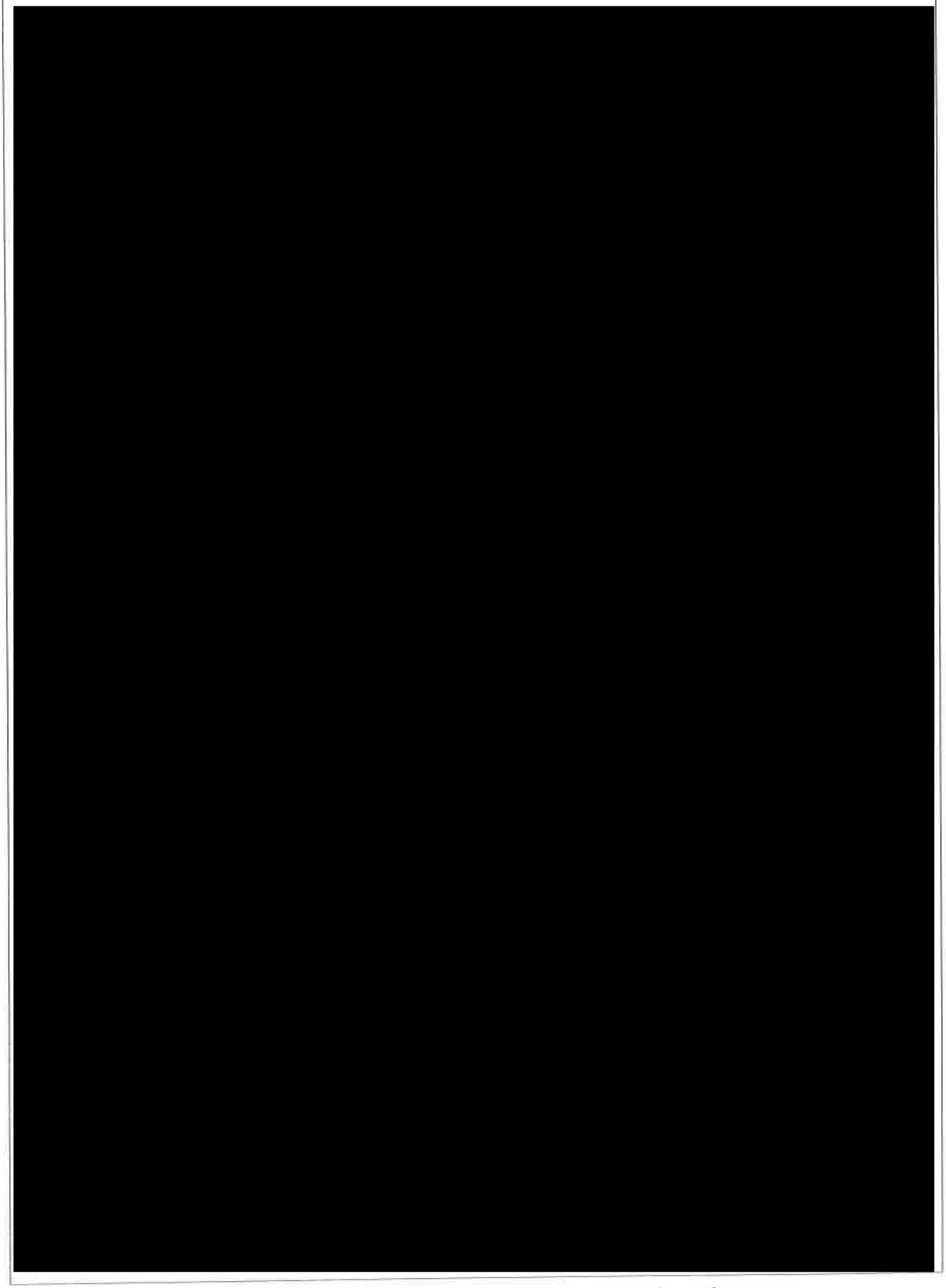
A Okay.

Q So do you have any recollection of testing being done on the Fume Eliminator wastewater for various constituents?

A Not per se.

Q There's a reference here to running





Q Okay. So if you look at the Exhibit 315 results, which are the last page, I think --

A Okay.

Q -- they have readings for hydrogen fluoride, ammonia, and ammonium perfluorooctanoate, and the -- the unit that they appear to test to is in pounds per hour.

A I see that. There's also a column for THC.

Q And what do you believe that --

A I think that's total hydrocarbons, but I'm guessing at that.

Q Okay. But that's also in pounds per hour?

A They're all pounds per hour, yes.

Q Right.

So if ammonium perfluorooctanoate was only a small quantity of the PTFE dispersion, would you expect that measuring it in pounds per hour would be an effective way to determine the concentrations that were existing?

A I don't know.

Q Did anybody question that with regard to the test method of having a -- it seems like the -- the -- the less than would indicate that that

would be the -- the detection limit.

Is that how you interpret it?

A That's the way I would interpret it; so the less than .0002 for both the ammonia and ammonium perfluorooctanoate would indicate that the -- the -- the testing did not detect any or couldn't -- that's the level -- the lowest level it would detect it.

Q Right.

And so the -- the question is whether that provided any level of comfort or certainty as to how much ammonium perfluorooctanoate was being released into the air, if that was the detection limit.

Was there any discussion about that?

A I don't recall what discussion took place after this.

Q Do you remember DEC ever discussing again the -- the results of your testing with you, after you sent it to them in December of 1997?

A Not that I recall, no.

Q And you remained at Taconic for another two years, right?

A Roughly, yes.