IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his capacity as ATTORNEY GENERAL OF THE STATE OF OKLAHOMA and OKLAHOMA SECRETARY OF THE ENVIRONMENT C. MILES TOLBERT, in his capacity as the TRUSTEE FOR NATURAL RESOURCES FOR THE STATE OF OKLAHOMA,

Plaintiff,

vs. 4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al,

Defendants.

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THE DEPOSITION OF MICHAEL TRAYLOR, produced as a witness on behalf of the Plaintiff in the above styled and numbered cause, taken on the 27th day of November, 2007, in the City of Fayetteville, County of Washington, State of Arkansas, before me, Lisa A. Steinmeyer, a Certified Shorthand Reporter, duly certified under and by virtue of the laws of the State of Oklahoma.

(Whereupon, the deposition began at 9:02 a.m.)

MICHAEL TRAYLOR

having first been duly sworn to testify the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY MR. GARREN:

Q Please tell the court your full name.

A Charles Michael Traylor. 09:02AM

Q Where do you currently reside?

A Two and a half miles west of Prairie Grove.

Q Is there an address there?

A 16670 Stonewall Road.

Q Okay. Is that also where you conduct your 09:02AM business as Traylor Spreading Service?

A Yes, sir.

Q Okay. You've given a deposition in the past I understand?

A Yes. 09:03AM

Q Just some little helpful hints in going through it this morning that may facilitate how we get this thing done, and that is, if you let me finish my question and I'll let you finish your answer before each of us speaks, that way the court 09:03AM

at your handwriting, your wife's handwriting, your secretary's handwriting?

A It won't be mine. But I was there.

Q So it would be one of the others?

A It would be my wife or my secretary, one. 09:09AM

Q And they use your book that you normally carry around to --

A I translate it for them.

Q Okay. So you tell them what to put on the form? 09:10AM

A Right.

Q All right. The books that you told me about that you keep and have kept for years, do they record where applications occurred in Arkansas also?

A I've got more Arkansas than I do Oklahoma. 09:10AM

Q All right. When you clean out a barn and then go and spread the waste, the owner of the land on which the application occurs, do they provide you a waste management plan that they have for their farm?

A Yes. We have to have soil tests done before we can spread it. 09:10AM

Q Okay. Let me make sure I understand. I understand about the soil test. That's a report that shows the nitrogen, phosphorus levels in the soil; correct? 09:11AM

A Yes.
Q Are you familiar with a waste management plan like you have for your farm; do you receive a similar copy from the farm that you spread on?
A All we get is the soil test. 09:11AM
Q Do you also receive a waste analysis of the waste that came out of the barn?
A Yes.
Q And you use that in conjunction with soil tests where you apply it; is that correct? 09:11AM
A Yes.
Q To your knowledge when you take the poultry waste out of the barn, it contains basically the feces, the urine and the bedding material, does it not? 09:11AM
A Yes, sir.
Q Are there occasions where there will be chicken bodies decomposed or portions of them?
A There's always dead chickens in it because you can't see them all. 09:12AM
Q When those -- do they get spread on the land also when you are spreading?
A Yes.
Q When that material is removed from the barn, is any part of it used by the grower for growing 09:12AM