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HARTOLDMON0006498

PAUL B. HODGES 05/31/94

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF ILLINOIS

3 CERRO COPPER PRODUCTS)
4 COMPANY,)

5 Plaintiff,)

6 vs.)

7 MONSANTO COMPANY,)

8 Defendant.)

Civil Action No.

92-CV-204WDS

Honorable William

Stiehl

9 DEPOSITION OF WITNESS, PAUL B.

10 HODGES, produced, sworn and examined on the 31st

11 day of May, 1994, between the hours of eight

12 o'clock in the forenoon and six o'clock in the

13 afternoon of that day, at the offices of Coburn

14 & Croft, One Mercantile Center, Suite 2900, St.

15 Louis, Missouri 63101, before DEBORAH C. WEAVER, a

16 Notary Public and Shorthand Reporter within and

17 for the State of Illinois, in a certain cause now

18 pending in the United States District Court,

19 Southern District of Illinois, wherein Cerro

20 Copper Products is Plaintiff and Monsanto Company

21 is Defendant.

22 TAYLOR & ASSOCIATES

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A P P E A R A N C E S

For the Plaintiff:

**LOWENSTEIN, SANDLER, KOHL,
FISHER & BOYLAN**
65 Livingston Avenue
Roseland, NJ 07066-1791
by: Mr. Richard F. Ricci

For the Defendant:

COBURN & CROFT
One Mercantile Center
Suite 2900
St. Louis, MO 63101
by: Mr. Kenneth R. Heineman

PAUL B. HODGES 05/31/94

1 IT IS HEREBY STIPULATED AND AGREED,
2 by and between counsel for the Plaintiff
3 and counsel for the Defendant that this deposition
4 may be taken in shorthand by Deborah C. Weaver, a
5 notary public and shorthand reporter, and
6 afterwards transcribed into typewriting; and the
7 signature of the witness is expressly reserved.

8 PAUL B. HODGES,
9 of lawful age, produced, sworn and examined on
10 behalf of the Plaintiff, deposes and says:

EXAMINATION**QUESTIONS BY MR. RICCI:**

13 Q. Could you state your name and
14 address for the record, please?

15 A. Paul B. Hodges.

16 Q. And your address?

17 A. 633 Greenwood Place, Collinsville
18 Illinois, that's 62234.

19 Q. Mr. Hodges, my name is Rich Ricci
20 and I represent Cerro Copper Products Company in a
21 lawsuit that they have brought against Monsanto,
22 and you've been produced by Monsanto to testify at
23 this deposition pursuant to a request by Cerro.

24 Have you ever had your deposition
25 taken before?

1 A. Yes.

2 Q. How many times?

3 A. Once.

4 Q. How long ago was that?

5 A. I think it was last year. It may be
6 two years, one or two years ago.

7 Q. Do you know what kind of case that
8 was?

9 A. Yes.

10 Q. Can you tell me?

11 A. Yes. It was a suit by some gas
12 pumping outfit in the southwest, and I don't
13 remember the name, against Monsanto relative to
14 PCB which apparently got into the gas line.

15 Q. Natural gas?

16 A. I guess. Yes, as far as I know.

17 Q. Have you ever testified in court?

18 A. No.

19 Q. I would just like to go over the
20 ground rules for the deposition we'll be taking
21 here.

22 I am going to be asking you a series
23 of questions, and hopefully you'll be providing me
24 with the answers to the best of your knowledge and
25 ability.

1 If in the course of the deposition I
2 ask you a question that you don't understand,
3 please tell me that you don't understand it and I
4 will try and rephrase it so that you do understand
5 it.

6 If I ask you a question and you
7 answer it, I am going to assume that you
8 understood the question and answered it
9 accordingly.

10 The questions and answers are going
11 to be taken by our court reporter here and
12 ultimately put together in a booklet that we call
13 a transcript, and even though this is an informal
14 setting, you should be aware that you are under
15 oath and that the testimony that you give here
16 today can be used in the trial of this matter as
17 if you were testifying on the witness stand in
18 court.

19 For the sake of our court reporter,
20 it would be helpful if you try to let me finish my
21 questions before you give your answers, and I in
22 turn will try and let you finish your answer
23 before I ask the next question.

24 If you need to take a break at all,
25 please let me know, because I am happy to

1 accommodate you. This is not an endurance contest
2 and we can break as frequently as you would like
3 for any reason.

4 I should tell you that I am not an
5 engineer, I am not a technical person, and I may
6 get into some technical testimony, and if I ask
7 you a question that doesn't make sense from a
8 technical point of view, again you should tell me
9 and I will try to the best of my ability to ask
10 the question in a way that makes sense to you.

11 A. Uh-huh.

12 Q. Do you have any questions before we
13 get rolling here?

14 A. Only one is I assume I will review
15 this testimony?

16 Q. You will.

17 A. When will that be? We're going to
18 be in Europe until mid August, and I don't know if
19 there's any rush before then. That's going to be
20 the earliest I can review this.

21 (Discussion held off the record.)

22 Q. (By Mr. Ricci) Mr. Hodges, did you
23 do anything to prepare for your deposition here
24 today?

25 A. Yes, I met with our attorneys.

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1 Q. Other than your attorneys, did you
2 meet with anyone else, anyone from Monsanto?

3 A. No.

4 Q. Any former Monsanto employees?

5 A. No.

6 Q. Did you talk to any present or
7 former Monsanto employees?

8 A. I went out to dinner but we didn't
9 discuss this.

10 Q. Who was that?

11 A. Pete Lux.

12 Q. Did you review any documents?

13 A. No, purely social.

14 Q. Not related to the preparation for
15 your deposition?

16 A. No.

17 Q. Okay.

18 A. Well, I am sorry. I looked at some
19 of this last Thursday.

20 Q. These were documents provided by
21 your attorneys?

22 A. That's right.

23 Q. Mr. Hodges, how old are you?

24 A. 80.

25 Q. 80?

1 A. Yes.

2 Q. Are you currently under any
3 medication that might effect your ability to
4 testify here today?

5 A. Not as far as I know, no.

6 Q. Can you give me your educational
7 background starting with high school?

8 A. Graduated from high school in Kansas
9 City, Missouri. I got a Bachelor of Technical
10 Engineering Degree from Kansas University in 1939.

11 In the sixties I started slowly
12 picking up matters in sanitary environmental
13 engineering from Washington University. I finally
14 got that in the early seventies.

15 Q. I am sorry. Your initial degree was
16 in chemical engineering?

17 A. Yes, BS in Chemical Engineering.

18 Q. That was 1939?

19 A. Yes.

20 Q. Did you serve in the military?

21 A. Not really. I was a Reserve Officer
22 and did go on active duty in the summer of 1939.
23 However, when I was called up about the outbreak
24 of the war, I failed medically.

25 Q. Did you go directly from high school

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1 to college?

2 A. Yes.

3 Q. Can you trace for me your work
4 history upon graduation from college in 1939?

5 A. Yes. I worked for -- let's see. I
6 went to work about late September of '39 for the
7 Colorado Fuel and Iron Corporation in Pueblo,
8 Colorado. I had a long layoff, five month layoff
9 in 1940. In 1940, I went with Monsanto Company.
10 I think it was October of '40.

11 Q. Where was your first position with
12 Monsanto?

13 A. At the Krummrich Plant.

14 Q. What was that position?

15 A. Laboratory Analyst.

16 Q. Krummrich.

17 Q. How long did you hold that position
18 as Lab Analyst?

19 A. About six months.

20 Q. What were your responsibilities as a
21 Laboratory Analyst?

22 A. Analyzed samples.

23 Q. Samples of what?

24 A. Of chemicals that we manufactured.

25 Q. Product samples?

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1 A. Raw materials, sample any of them.

2 Q. Did that include any waste water
3 sampling?

4 A. No.

5 Q. So basically product samples, raw
6 material samples, intermediate samples?

7 A. Yes.

8 Q. What was the next position that you
9 held at Monsanto after Laboratory Analyst?

10 A. I was -- let's see. I was a
11 Technical Assistant and then sometime became
12 Assistant Supervisor of the Sulfuric Acid Catalyst
13 Department and the Chemically Pure Acids
14 Department.

15 Q. Let me break that down. After Lab
16 Analyst you were Technical Assistant of the
17 Sulfuric Acid and Catalyst Department?

18 A. And Chemically Pure Acid Department.

19 Q. Was that one or two departments?

20 A. That was two departments.

21 Q. Do you know what department numbers
22 those departments had?

23 A. I think -- as I recall, the Sulfuric
24 Acid was 211. I don't remember the number of the
25 other.

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1 Q. As Technical Assistant of those two
2 departments, what were your responsibilities?

3 A. Assistant in production work.

4 Q. How long were you a Technical
5 Assistant?

6 A. I don't remember.

7 Q. After you became Technical
8 Assistant, then were you promoted?

9 A. Yes, Assistant Supervisor. I don't
10 recall when that was.

11 Q. Do you recall the position that you
12 held next after Assistant Supervisor of those
13 departments?

14 A. Vaguely. I was Assistant Night
15 Superintendent of the plant for -- well, as I
16 recall it was three months, but I could be
17 mistaken.

18 Q. That was of the entire plant?

19 A. Yes.

20 Q. Do you recall approximately how long
21 you were in the Sulfuric Acid Catalyst and
22 Chemically Pure Acid Departments?

23 A. Between four and five years.

24 Q. So that you would have been moved on
25 to the Assistant Night Supervisor position?

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1 A. I am sorry, I said that wrong. It
2 was Assistant Night Superintendent.

3 Q. Superintendent?

4 A. Yes.

5 Q. So you would have been moved to the
6 Assistant Night Superintendent position in around
7 '45 or '46; does that sound right?

8 A. Yes.

9 Q. You held that position for three
10 months?

11 A. As I recall, yes.

12 Q. What was the next position that you
13 held after that?

14 A. I was Shift Supervisor of a group of
15 departments.

16 Q. Which departments were those?

17 A. Let's see. Hydrogenation Area.

18 Q. Hydrogenation Area?

19 A. Yes.

20 Q. All right.

21 A. Benzyl Chloride, PCB's and what we
22 called Little Phosphorus.

23 Q. It was '45 or '46 that you took that
24 position?

25 A. Yes.

1 Q. How long did you hold this Shift
2 Supervisor position?

3 A. I don't recall. I think it was
4 about three years.

5 Q. The departments that you were Shift
6 Supervisor for, were they geographically located
7 in the same general area of the plant?

8 A. More or less, yes. They were
9 separate, but they were in the eastern part of the
10 plant.

11 Q. Do you recall if they were east of
12 Falling Springs Road?

13 A. I don't remember exactly where
14 Falling Springs Road was.

15 Q. Let me just show you a map here and
16 maybe that will orientate you a little bit. I
17 don't know how relevant it will be, but why don't
18 we mark this as Hodges 1.

19 (Plaintiff's Exhibit No. 1 was
20 marked for identification at this
21 time)

22 Q. (By Mr. Ricci) For the record, this
23 is the same map that we marked at the Krull
24 deposition, I believe it's Krull 2. It's a map
25 that was produced by Monsanto in this litigation

1 with Bates No. CER 111154.

2 Mr. Hodges, I'll just ask you to
3 take a look at this and see if you can orientate
4 yourself a little bit.

5 A. Where is Route 3?

6 Q. Route 3 is -- actually, I don't
7 think this map goes far west enough to give you
8 Route 3. Here's Monsanto Avenue up here and this
9 is Falling Springs Road right here.

10 A. This was one department and that was
11 another one. I may have had something to do with
12 this, but I don't recall.

13 Q. Okay.

14 A. And then down in this area. Is this
15 an up-to-date map?

16 Q. This map is dated 1964 and that's
17 all I can tell you about it.

18 A. Oh, okay.

19 Q. Although, I should note there are
20 some revisions that's are noted in the key at the
21 bottom that give you some dates.

22 A. I thought the Hydrogenation
23 Department 247 was over here someplace, but anyway
24 that was one of them.

25 Q. Let me see if I can jump in here so

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1 the testimony will be a little bit clearer.

2 A. Anyway, all in this section here.

3 Q. When you say this section, you are
4 referring to the section east of Falling Springs
5 Road?

6 A. What's Falling Springs Road?

7 Q. Here's Falling Springs Road, this
8 road here.

9 A. Went through the middle of the
10 plant.

11 Q. North and south?

12 A. Yes.

13 Q. Now, let me go back. You testified
14 that one of the departments that you were a Shift
15 Supervisor for was Hydrogenation?

16 A. Yes.

17 Q. That was Department 247?

18 A. Yes.

19 Q. Another was Benzyl Chloride?

20 A. I don't remember. I think that was
21 238, but I could be mistaken.

22 Q. Another was PCB's?

23 A. Yes.

24 Q. That was Department 246?

25 A. That's right.

1 Q. And then the other one was Little
2 Phos?

3 A. Uh-huh. I think we knew it
4 principally as 243.

5 Q. There were other department numbers
6 mixed up with that, but that's the way we called
7 it.

8 Q. 243 is depicted on this map in the
9 area in the far east section of the plant?

10 A. That's right.

11 Q. You did not have responsibility for
12 248, though?

13 A. Yes, I did.

14 Q. You did have 248?

15 A. Yes. Products were made
16 intermittently in there.

17 Q. Do you recall what products were
18 made in 248?

19 A. No.

20 Q. Do you recall if it was Cresyl
21 Phosphate?

22 A. What?

23 Q. Cresyl Phosphate?

24 A. Doesn't ring any bell.

25 Q. Doesn't ring a bell?

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1 A. I don't recall.

2 Q. There's a Department 244 depicted on
3 the map next to 243. Was that part of your
4 responsibility as Shift Supervisor?

5 A. Yes.

6 Q. Do you recall what was in 244?

7 A. One of them was Phosphorus
8 Trichloride. One was Phosphorus Oxychloride. I
9 don't remember which.

10 Q. I see there's also a Department 241
11 depicted on this map. Was that part of your
12 responsibility as Shift Supervisor?

13 A. I don't recall.

14 Q. All right.

15 A. I could say it was, but I don't
16 remember it.

17 Q. Now, you indicated that Department
18 247 was Hydrogenation?

19 A. Yes.

20 Q. And this word as located on this map
21 is not necessarily where you remembered it being
22 located?

23 A. I think that's correct.

24 Q. Do you recall Monsanto ever moving
25 the Hydrogenation Department?

1 A. No.

2 Q. Can you tell me what was
3 manufactured in that department?

4 A. Let's see. I can recall one of two
5 of the products. There was a large number of
6 products made there.

7 Cyclohexyl Amine, Dyclohexyl Amine.
8 There were others, but I don't
9 recall their names.

10 Q. What were those products used for?

11 A. I don't remember.

12 Q. Have you been able to locate
13 Department 238 on this map?

14 A. It should be right here. It should
15 be in here.

16 Q. Is that it right here?

17 A. Yes.

18 Q. So Benzyl Chloride, that's in a
19 building with a very small 238 written on it right
20 below a C-H; is that correct?

21 A. I assume so, uh-huh.

22 Q. Do you know what C-H stands for or
23 depicts?

24 A. (Witness nods.)

25 Q. Please try to give me an uh-huh or

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1 uh-huh.

2 A. Yes.

3 Q. Do you recall what the raw materials
4 were in -- let's go back to Department 247 for a
5 second.

6 Do you recall what raw materials
7 were used in that department?

8 A. No, I don't remember frankly.

9 Q. How about in Benzyl Chloride?

10 A. Toluene and Chlorine.

11 Q. Do you recall how long Benzyl
12 Chloride was manufactured at the Krummrich Plant?

13 A. No.

14 Q. You indicated that you held the
15 Shift Supervisor position for approximately three
16 years; is that correct?

17 A. That's right.

18 Q. And we're in the range of '45 or '46
19 to '48 or '49; does that sound about right?

20 A. Yes.

21 Q. Was Benzyl Chloride manufactured
22 during the entire period that you were Shift
23 Supervisor?

24 A. Yes.

25 Q. Do you know if it continued to be

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1 manufactured immediately after you were no longer
2 the Shift Supervisor?

3 A. Yes.

4 Q. You don't know if it's manufactured
5 today?

6 A. No.

7 Q. Or when they stopped manufacturing
8 it or if they stopped --

9 A. No.

10 Q. Again, if you let me finish my
11 question before you give your answers that will be
12 helpful.

13 A. Okay.

14 Q. Do you know if there was any
15 discharge to the sewers in the Benzyl Chloride
16 manufacturing process?

17 A. Yes.

18 Q. Can you describe them for me in
19 terms of how they fit into the production process?

20 A. The HCL that was produced was drown
21 into the sewer.

22 Q. Let me stop you there for a second.
23 HCL is Hydrochloric Acid?

24 A. Yes.

25 Q. That was a by-product in the

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1 manufacture of Benzyl Chloride?

2 A. Yes.

3 Q. What do you mean by drown into the
4 sewer?

5 A. It was mixed with water.

6 Q. And discharged to the sewer?

7 A. That's right.

8 Q. Can you describe for me the point in
9 the manufacturing process where the HCL was
10 formed?

11 A. In the chlorination.

12 Q. That would be the chlorination of
13 Toluene?

14 A. Yes.

15 Q. Does that chlorination occur in a
16 reactor of some sort?

17 A. Yes.

18 Q. Was the HCL that was formed in that
19 reaction in a gaseous state?

20 A. Yes.

21 Q. The gas came off the reactor in some
22 form?

23 A. Yes.

24 Q. And then it was drown to the sewer
25 was what you indicated?

1 A. Yes.

2 Q. Do you know if there were any
3 organics that came off the reactor with the HCL?

4 A. I would say trace amounts.

5 Q. Would Toluene be one of the organics
6 that came off of that reactor with the HCL?

7 A. I don't know.

8 Q. Do you know if it would be Benzyl
9 Chloride?

10 A. Again, I don't know what the
11 composition was.

12 Q. To the extent that -- let me
13 withdraw that.

14 Did Monsanto ever install any
15 mechanisms or equipment to remove organics from
16 the HCL prior to drowing it to the sewer?

17 A. I don't remember.

18 Q. Do you recall if any such mechanisms
19 were installed during the time you were the shift
20 supervisor?

21 A. I don't recall that, either.

22 Q. When you say trace amounts, are you
23 able to quantify any more specifically than that?

24 A. No.

25 Q. Do you recall Monsanto ever taking

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1 any steps to measure the amount of organics, if
2 any, being down to the sewer with the HCL?

3 A. I don't recall any in my time there.

4 Q. Was the Benzyl Chloride Department a
5 department that operated 24 hours a day, seven
6 days a week?

7 A. Yes.

8 Q. Are you able to quantify in any way
9 the amount of HCL that was sewered in that
10 production process, either on a per pound of
11 product or on a daily or weekly basis?

12 A. No.

13 Q. Who was your superior at this time,
14 1945 or 1946 to 1949 or 1949?

15 A. Desmond Hosmer.

16 Q. What was his title?

17 A. I think it was Superintendent,
18 Operating Superintendent.

19 Q. You indicated that another
20 department for which you had responsibility as
21 Shift Supervisor was Little Phosphorus?

22 A. Yes.

23 Q. What was produced in that
24 department?

25 A. Phosphorus Trichloride, Phosphorus

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1 Oxychloride and another one that I don't recall.

2 Q. Were the products produced in Little
3 Phos organic chemicals?

4 A. No.

5 Q. Were there any organics involved in
6 the production process?

7 A. Not that I recall.

8 Q. I may have asked you this before,
9 and if I did I apologize, but do you recall again
10 what products were produced in Department 248 at
11 this time?

12 A. No.

13 Q. You indicated that you also had
14 PCB's?

15 A. That's right.

16 Q. What products were produced in that
17 department?

18 A. PCB's.

19 Q. Do you recall the specific Arochlors
20 that were produced?

21 A. No, but there was a wide range of
22 them.

23 Q. Do you recall any of the specific
24 products that were produced?

25 A. PCB's.

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1 Q. Do you recall or do you know any of
2 the end uses for the PCB's that were produced in
3 Department 246?

4 A. One of them was in transformers and
5 there were other uses as in paints or caulking
6 compounds.

7 Q. Do you recall heat transfer fluids
8 being produced in a time period?

9 A. Oh, yes.

10 Q. How about capacitor fluids?

11 A. That's what I referred to as
12 transformers.

13 Q. You viewed that basically as the
14 same end use or the same type of end use?

15 A. Yes.

16 Q. Do you know if any of the products
17 that were produced in Department 246 included
18 constituents other than PCB's?

19 A. I don't recall.

20 Q. Do you recall the raw materials used
21 in Department 246?

22 A. Diphenyl and Chlorine.

23 Q. Biphenyl?

24 A. Biphenyl or Diphenyl.

25 Q. Same thing?

1 A. Yes, I think so.

2 Q. As Shift Supervisor did you have a
3 familiarity with the production process employed
4 in Department 246?

5 A. Yes.

6 Q. Did you have responsibility for
7 quality control with respect to the Arochlors
8 produced in Department 246?

9 A. I am not sure how to answer that. I
10 was responsible for what happened on the shifts
11 other than the day shift.

12 As far as overall quality control,
13 that was primarily the responsibility of the
14 supervisor.

15 Q. Was the supervisor your boss?

16 A. No.

17 Q. Were you the supervisor's boss?

18 A. No.

19 Q. Your positions were not related in a
20 management sense or --

21 A. They were related in that as
22 Supervisor I had responsibility for carrying out
23 the instructions left by the supervisor.

24 Q. But you did not report to the
25 supervisor?

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1 A. No.

2 Q. Who did you report to?

3 A. Desmond Hosmer, the Operating
4 Superintendent.

5 Q. Who did the supervisor report to?

6 A. Same man.

7 Q. Were you familiar with the chemical
8 make up of the Arochlors that were manufactured in
9 Department 246?

10 A. At that time, yes.

11 Q. The Arochlors were referred to by
12 various numbers; is that correct?

13 A. That's correct.

14 Q. Generally the numbers began with a
15 12; does that sound correct to you?

16 A. I don't recall. I thought there was
17 an 11 something someplace, but I don't recall.

18 Q. Do you have any recollection of how
19 the numbering system was deceived or what the
20 numbering system signified, if anything?

21 A. Not specifically. It had do degree
22 of chlorination.

23 Q. Let's just take an example of
24 Arochlor 1248. Is that an Arochlor that was
25 produced in Department 246?

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1 A. Yes, I recall that.

2 Q. Do you know which parts of that
3 number 1248 related to the degree of chlorination?

4 A. I don't recall.

5 Q. Do you know whether during this time
6 period the production of PCB's involved discharges
7 to the sewers?

8 A. I don't recall.

9 Q. All right.

10 A. Let me restate that. There was
11 discharge of HCL to the sewer, that I know.

12 Q. Do you know where this HCL came
13 from?

14 A. From the manufacturer.

15 Q. From the chlorination of Biphenyl?

16 A. Yes.

17 Q. Did the HCL come directly off the
18 reactors?

19 A. Reconstructing I assume it did yes.

20 Q. Let me just go back. When I refer
21 to reactor, I am talking about the vessel where
22 the Biphenyl was chlorinated. Is that your
23 understanding?

24 A. Yes.

25 Q. And HCL was a by-product of that

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1 reaction?

2 A. That's right.

3 Q. And was the HCL drown to the sewer?

4 A. Yes.

5 Q. Do you know whether during this time
6 period there were any mechanisms in place to treat
7 the HCL before it was drown to the sewer?

8 A. I don't recall.

9 Q. Do you know whether there were any
10 organics that were taken off of the reactor with
11 the HCL?

12 A. I don't recall that, either.

13 Q. You have no recollection of whether
14 organics were taken out of the reactor with the
15 HCL?

16 A. No.

17 Q. Do you know if there were any
18 mechanisms or devices in place to remove entrained
19 organics from HCL off gas prior to drowning it to
20 the sewer during this time period?

21 A. I don't recall.

22 Q. Do you recall any time after 1949
23 where Monsanto installed equipment in Department
24 246 to remove organics from the HCL off gas?

25 A. I don't recall.

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1 Q. Do you recall an effort by Monsanto
2 in the late 1960's or early 1970 to reduce the
3 volume of PCB's discharged to the sewers?

4 A. Repeat that.

5 MR. RICCI: Read back the question.

6 (Testimony was read back.)

7 THE WITNESS: I know there was such
8 an effort. I don't know the specifics of it.

9 Q. (By Mr. Ricci) Do you know whether
10 these efforts included looking at the amount of
11 PCB's that might be coming to the sewer with the
12 HCL off gas?

13 A. They certainly had to.

14 Q. But you don't recall any of the
15 specifics of that?

16 A. No.

17 (Discussion held off the record.)

18 Q. (By Mr. Ricci) Mr. Hodges, do you
19 recall what position you held immediately after
20 you were shift supervisor?

21 A. Yes, I was Supervisor Hydrogenation
22 and Benzyl Chloride.

23 Q. All right.

24 A. I am sorry, let me take that back.

25 I was Supervisor of Little

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1 Phosphorus and PCB's.

2 Q. Let me go back for a second. During
3 the time that you were Shift Supervisor, who was
4 the supervisor for PCB's?

5 A. Wayne Hearne.

6 Q. Wayne Hearne?

7 A. Yes, H-E-A-R-N-E.

8 Q. Do you know where Mr. Hearne is
9 today?

10 A. What's that?

11 Q. Do you know where Mr. Hearne is
12 today?

13 A. No.

14 Q. Do you recall the year that you
15 became Supervisor for Little Phos in PCB's?

16 A. Not specifically. It was in the
17 late forties or early fifties.

18 Q. How long did you hold that position?

19 A. About two to three years.

20 Q. So around '52, '53, in that range?

21 A. Probably until '53.

22 Q. With respect to the PCB Department,
23 how did your responsibilities change from the
24 movement from Shift Supervisor to Supervisor?

25 A. I had responsibilities for handling

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1 the labor situation, for determining the amount of
2 PCB's to be made, responsibility for the yields
3 and for quality and also for maintenance.

4 Q. In your position as Supervisor of
5 PCB, did you have to know the constituents or make
6 up of the various products produced in Department
7 246?

8 A. Yes.

9 Q. Do you know if any of the products
10 produced in Department 246 included unchlorinated
11 Biphenyl?

12 A. No, it did not.

13 Q. So the --

14 A. Chlorinated Biphenyl.

15 (Short break was taken)

16 Q. (By Mr. Ricci) Who was your
17 supervisor at the time that you were Supervisor of
18 Little Phos and PCB's?

19 A. Desmond Hosmer.

20 Q. Who was the Shift Supervisor at the
21 time you became Supervisor?

22 A. I don't recall. In that time period
23 we eliminated the job.

24 Q. Of Shift Supervisor?

25 A. Yes.

1 Q. Now, I had asked you a number of
2 questions about the HCL down to the sewer in
3 Department 246, and rather than go through all
4 that again, I'll ask you do you have any more
5 specific recollection about HCL being down to the
6 sewer during the time period when were you
7 Supervisor than you do during the time period when
8 you were Shift Supervisor?

9 A. I do not.

10 Q. Did you have any foremen working for
11 you during the time you were Supervisor for
12 Department 246?

13 A. Yes.

14 Q. Who were they; do you recall?

15 A. Earl Smith.

16 Q. Just one?

17 A. Yes.

18 Q. Do you know where he is today?

19 A. No.

20 Q. Let me take you back for a moment to
21 the time when you were the shift supervisor. At
22 that time did PCB's operate 24 hours a day, seven
23 days a week?

24 A. Yes.

25 Q. Do you recall, again focusing on the

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1 time when you were the Shift Supervisor, whether
2 any of the by-product HCL was used in any other
3 departments at the Krummrich Facility as a raw
4 material?

5 A. No.

6 Q. No, you don't recall?

7 A. No, I don't recall. I don't think
8 it was.

9 Q. How about during the time period
10 that you were Supervisor for Department 246?

11 A. No.

12 Q. No, you don't believe that the HCL
13 was used in any other departments?

14 A. I believe it was not used in any
15 other place.

16 Q. Do you recall a time when Monsanto
17 began using HCL off gas from Department 246 in
18 other departments?

19 A. No.

20 Q. Do you recall the HCL being used as
21 a raw material in the manufacture of
22 Chlorosulfonic Acid?

23 A. No.

24 Q. Do you recall the off gas HCL being
25 used in the manufacture of Muriatic Acid?

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1 A. No.

2 Q. During the period that you were
3 Supervisor of Department 246, did that department
4 operate 24 hours a day, seven days a week?

5 A. Yes.

6 Q. Do you recall what your production,
7 your annual production was during that time
8 period?

9 A. No.

10 Q. Do you recall if you were
11 manufacturing at capacity or near capacity?

12 A. I don't recall.

13 Q. All right.

14 A. I think we were.

15 Q. You think you were at or near
16 capacity?

17 A. Yes, but I am not positive.

18 Q. Do you recall what the capacity was?

19 A. No.

20 Q. There was only one foreman in
21 Department 246 at the time you were the
22 Supervisor?

23 A. Yes.

24 Q. So there would be times when the
25 plant would be operating without a foreman

1 present?

2 A. Yes.

3 Q. Who was in charge during those
4 times?

5 A. The operators, and in the plant
6 there were superintendents that covered the whole
7 plant. We expected operations to be carried on
8 according to instructions.

9 Q. So in effect the operators were
10 given the responsibility of operating the plant
11 without in-department supervision?

12 A. Yes.

13 Q. During either the time that you were
14 shift supervisor or the time that you were
15 supervisor, do you recall any spills of PCB's?

16 A. No.

17 Q. You indicated you were Supervisor of
18 Little Phos and PCB's until around 1953. Do you
19 recall what position you held immediately
20 thereafter?

21 A. Yes, I was Supervisor of
22 Hydrogenation and Benzyl Chloride.

23 Q. How long did you hold that position?

24 A. Until late 1955 or early 1956.

25 Q. I am sorry, late '59?

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1 A. '55 or early '56.

2 Q. As Supervisor of those departments
3 you were responsible for labor yields, quality
4 control, production and maintenance?

5 A. That's right.

6 Q. Do you recall any changes in the
7 Benzyl Chloride manufacturing process from the
8 time that you were Shift Supervisor to the time
9 you became Supervisor?

10 A. No.

11 Q. The by-product HCL was still being
12 drown to the sewers during the time you were
13 Supervisor of that department?

14 A. As far as I know.

15 Q. What was the position that you next
16 held after Supervisor of Hydrogenation and Benzyl
17 Chloride?

18 A. I think my title was Stream
19 Pollution Engineer in our Technical Services
20 Department.

21 Q. This is at the Krummrich Facility?

22 A. Yes.

23 Q. Was that a new position at the
24 plant?

25 A. Yes.

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1 Q. You were the first one to hold it?

2 A. Yes.

3 Q. Who was your supervisor?

4 A. I don't recall at that time. I knew
5 later it was a fellow we called Red Taffee.

6 Q. All right.

7 A. I don't recall who I worked for
8 immediately.

9 Q. What were your responsibilities as
10 Stream Pollution Engineer?

11 A. Primarily to develop a program for
12 reduction in Phenols to the sewer.

13 Q. Is this a job you had to apply for
14 or bid for?

15 A. No.

16 Q. You were asked to take this
17 position?

18 A. Yes.

19 Q. Do you recall by whom?

20 A. By Jack Graves.

21 Q. What was his position?

22 A. He was Superintendent of the
23 Technical Services Department.

24 Q. He was not your supervisor, though?

25 A. I don't recall. He may have been,

1 but I don't recall.

2 Q. Do you know why you were asked to
3 take that position?

4 A. No.

5 Q. Did you have any particular
6 background or experience in --

7 A. No.

8 Q. Reduction of pollutants?

9 A. No.

10 Q. How long did you hold that position
11 as Stream Pollution Engineer?

12 A. It was -- I don't know. It was
13 later changes to Stream and Air Pollution
14 Engineer, and then it later became Engineering
15 Specialist. I don't remember the dates.

16 Q. So you went from Stream Pollution
17 Engineer to Stream and Air Pollution Engineer to
18 Engineering Specialist?

19 A. As I recall, yes.

20 Q. Those were all positions within the
21 Technical Services Department?

22 A. That's right.

23 Q. Did your responsibilities change as
24 your title changed?

25 A. Yes.

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1 Q. How did they change from going from
2 Stream Pollution Engineer to Stream and Air
3 Pollution Engineer?

4 A. With responsibility for air
5 pollution problems.

6 Q. What was the position that you next
7 held after Engineering Specialist?

8 A. I was Manager of Environmental
9 Control as I recall it at our General Offices for
10 the Organic Division.

11 Q. When did you take that position?

12 A. About 1966.

13 Q. So you worked in the Technical
14 Services Department from '56 until '66?

15 A. That's right.

16 Q. Your initial project or
17 responsibility in the Technical Services
18 Department was to develop a program for reduction
19 of Phenols to the sewers?

20 A. That's right.

21 Q. How long did that project go on?

22 A. Full duration of my time there.

23 Q. Did you have any other programs or
24 projects that you worked on prior to the time that
25 you were given the responsibility for air?

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1 A. I don't believe so.

2 Q. And you don't recall when in that
3 '56 to '66 time period you were given
4 responsibility for air?

5 A. No.

6 Q. Do you recall specific projects that
7 you worked on once you were given responsibility
8 for air?

9 A. I remember one that was emissions
10 from the Chlorophenol Department, also
11 investigation of any accidental discharges from
12 any of the departments.

13 Q. Accidental air discharges?

14 A. Yes.

15 Q. Can you show me where on the map the
16 Chlorophenol Department was on the map we've
17 marked as Hodges 1?

18 A. Falling Springs Road. That was west
19 of Falling Springs Road as I recall.

20 Q. Do you recall a department number?

21 A. It may have been 236.

22 Q. In or around the center of the
23 plant?

24 A. Yes.

25 Q. West of falling Springs Road?

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1 A. As I recall, yes.

2 Q. All right.

3 A. I could be off on it.

4 Q. In the course of investigating
5 accidental discharges, did you become aware of any
6 accidental discharges from the PCB Department?

7 A. No, I don't recall any.

8 Q. During the time that you were Stream
9 and Air Pollution Engineer, do you recall working
10 on any other sewer related problems besides
11 reduction of Phenol discharges?

12 A. I think we started measuring some
13 COD, Chemical Oxygen Demand, from some of the
14 departments. I don't recall the specifics.

15 Q. Are there specific chemicals that
16 contribute to COD?

17 A. Yes.

18 Q. What are those chemicals, at least
19 in so far as they relate -- strike that.

20 What are the chemicals that
21 contribute bet to COD as you became aware at the
22 Krummrich Facility?

23 A. Any organics.

24 Q. Did you focus on specific
25 departments as you started measuring COD?

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1 A. I am sure we did, but I don't recall
2 which departments.

3 Q. Do you recall if PCB's was one of
4 those departments?

5 A. I don't recall.

6 Q. Why did you become interested in
7 COD?

8 A. We were improving waste treatment
9 someplace down the line, and that gave somewhat of
10 a measure of how much waste treatment would be
11 required that was related.

12 Q. When you say waste treatment, you're
13 referring to waste water?

14 A. Yes.

15 Q. Do you recall any other sewer
16 related projects that you worked on while you were
17 Stream and Air Pollution Engineer?

18 A. No. Someplace in the transition to
19 Engineering Specialist, I became involved in the
20 primary waste treatment plant of the Village.

21 Q. When was that?

22 A. In the early sixties.

23 Q. What was your involvement in that?

24 A. I was secretary of the -- of
25 whatever the name of the outfit was, Village of

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1 Sauget Research and Development Association, I
2 think that was it.

3 It consisted of the plant managers
4 of the plant.

5 Q. Do you know if anyone from Cerro
6 served on that association?

7 A. Yes.

8 Q. Who?

9 A. Sandy Silverstein. There may have
10 been another man, a technical man from time to
11 time, but I don't recall his name.

12 Q. And what was this Village
13 association doing?

14 A. They were -- we were faced with
15 waste treatment and they were keeping
16 knowledgeable and advising and so forth on that.

17 Q. Advising the Village?

18 A. Yes.

19 Q. Fair to say you were giving the
20 Village technical guidance on how to meet its
21 requirements?

22 A. Overseeing some of the technical
23 work, yes. We hired engineers for the specific
24 technical work, but from the overall management of
25 it and so forth we were involved.

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1 Q. Were there others from Monsanto who
2 were involved in that effort?

3 A. Plant Manager of Krummrich.

4 Q. Who was the Plant Manager at that
5 time?

6 A. Bob Soden.

7 Q. Did this Village Association
8 continue after 1966?

9 A. As far as I know, yes.

10 Q. Did you continue to serve on it
11 before you became Manager of Environmental
12 Control?

13 A. No.

14 Q. Do you know who took your place on
15 that board?

16 A. Give you the choice of two. It
17 might have been Mike Pierle or Clarrie Buckley,
18 and I don't recall.

19 Q. When issues came up during this time
20 period -- let me withdraw that.

21 You don't recall when it was that
22 you became Engineering Specialist; is that
23 correct?

24 A. No.

25 Q. Did your involvement with the

1 Village of Sauget begin at the time you became
2 Engineering Specialist?

3 A. Not necessarily.

4 Q. Somewhere in this '56 to '66 time
5 period?

6 A. That's right.

7 Q. Is it fair to say that you were the
8 principal liaison between the Village and Monsanto
9 with respect to sewer issues?

10 A. Yes.

11 Q. And that continued until the time
12 you moved into the General Offices?

13 A. That's right.

14 Q. Do you recall any other projects
15 that you worked on during the time that you were
16 in the Technical Services Department relating to
17 discharges to the sewers?

18 A. No, I don't really. I am sure that
19 if there were accidental discharges we
20 investigated them. Our primary interest was in
21 Phenols.

22 Q Were there any accidental discharges
23 that you have any specific recollection of?

24 MR. HEINEMAN: From where?

25 MR. RICCI: From the Krummrich

1 Facility at the time that you were attached to the
2 Technical Services Department.

3 THE WITNESS: No.

4 Q. (By Mr. Ricci) Now, in 1966 you
5 moved out of the Krummrich Facility over to
6 General Offices?

7 A. Yes.

8 Q. What was your title again?

9 A. Manager of Environmental Protection,
10 Organic Division.

11 Q. How long did you hold that position?

12 A. Until 1975.

13 Q. That was a corporate wide position?

14 A. No, the Organic Division.

15 Q. You were -- did your
16 responsibilities include more than one Monsanto
17 plant?

18 A. Yes.

19 Q. Any plant where organics were
20 manufactured?

21 A. Any plants that were in the Organic
22 Division.

23 Q. Was the Krummrich Facility in the
24 Organic Division?

25 A. Yes. There were also nonorganics

1 that were produced at Krummrich.

2 Q. Was the entire plant within your
3 responsibility?

4 A. Yes.

5 Q. Was this a new position that was
6 created by Monsanto?

7 A. Yes.

8 Q. You were the first one to hold it?

9 A. Yes.

10 Q. Who was your supervisor?

11 A. Desmond Hosmer.

12 Q. He was promoted at the same time or
13 prior to?

14 A. Prior.

15 Q. Prior to your being promoted?

16 A. Yes.

17 Q. What was his title at the time he
18 was your Supervisor as Manager of Environmental
19 Protection?

20 A. I am not certain. I think it was
21 Technical Manager of the Organic Division or
22 something like that.

23 Q. Was he your supervisor during the
24 your entire tenure as Manager of Environmental
25 Protection.

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1 Q. What were your responsibilities in
2 this new position?

3 A. To work with the plants and
4 developing their waste control programs, keep a
5 check on that, working with control agencies
6 around the country.

7 Q. You mean governmental agencies?

8 A. Yes.

9 Q. Anything else?

10 A. That was essentially it.

11 Q. You indicated that you continued to
12 have some responsibility for the Krummrich
13 Facility?

14 A. That's right.

15 Q. In that it was in the Organic
16 Division?

17 A. That's correct.

18 Q. To the extent that you dealt with
19 the Krummrich Facility in this '66 to '75 time
20 frame, did you have a principal contact at the
21 facility?

22 A. Yes, during these periods.

23 Q. Who was or who were they, if there
24 was more than one?

25 A. Early it was Clarrie Buckley or Mike

1 Pierle. I am not sure of the relationship there.

2 Later it was Paul Heisler?

3 A. Do you know when Paul Heisler became
4 your principal contact?

5 A. No.

6 Q. Ballpark in the sixties or
7 seventies?

8 A. Early seventies.

9 Q. Do you know what Mr. Heisler's title
10 was?

11 A. I don't recall, except that I saw it
12 the other day. It was director of something. I
13 forgot what it was.

14 Q. He was in the Technical Services
15 Department at Krummrich?

16 A. I don't think so. I think he was
17 Director of Safety and environmental
18 responsibilities were given to him.

19 Q. So he had a different position than
20 Mr. Buckley or Mr. Pierle?

21 A. That's right.

22 Q. Do you know if he's still with the
23 company, Mr. Heisler that is?

24 A. I don't think so.

25 Q. Do you know if he's retired?

1 A. I don't know. Probably.

2 Q. You indicated that one of your
3 duties or responsibilities in this position as
4 Manager of Environmental Protection was working
5 with the plant in developing waste control; is
6 that a fair summary of your testimony?

7 A. Yes.

8 Q. Can you describe for me more
9 specifically -- let me withdraw that.

10 Do you recall any specific projects
11 that you were involved with during that time
12 period with respect to the Krummrich Plant?

13 A. Would you rephrase that? Did I have
14 specific duties in it?

15 Q. Or --

16 A. I had overall responsibilities.

17 Q. Did you initiate projects or were
18 they initiated at the plant level?

19 A. Plant level, sometimes at my urging.

20 Q. Once a project was initiated what
21 was your involvement?

22 A. To work with the Engineering
23 Department if it was involved and to help expedite
24 it through the approval process of management.

25 Q. Did you have a staff?

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1 A. No.

2 Q. At no time in the '66 to '75 time
3 period did you have a staff?

4 A. No.

5 Q. To the extent that -- let me with
6 that.

7 Do you recall any specific projects
8 undertaken at Krummrich during this '66 to '75
9 time period that you had any involvement in?

10 A. Yes, in PCB's.

11 Q. Any others?

12 A. I don't recall any others.

13 Q. Do you recall a program relating to
14 mercury?

15 A. Now that you mentioned it, yes.

16 Q. Any others?

17 A. I don't recall.

18 Q. Do you recall any specifics with
19 respect to the mercury reduction program?

20 A. No. I do know of cases of general
21 tightening up making certain we had no accidental
22 discharges.

23 Q. All right.

24 A. Also, of course, monitoring for
25 mercury. That was all done by the plant.

1 Q. Was mercury a raw material at
2 Krummrich?

3 A. No, it was used in the manufacture
4 of Chlorine.

5 Q. Was it a catalyst?

6 A. I don't recall.

7 Q. Do you recall what the source of the
8 discharges were?

9 A. It would have been from the
10 chlorinators. It would have been accidental.

11 Q. From the chlorinators?

12 A. Well, we electrolyzed salt and I
13 guess you would call those chlorinators. They may
14 have had a different name, but the vessel in which
15 the electrolysis took place.

16 Q. You were in effect extracting
17 chlorine from salt?

18 A. Yes.

19 Q. And somehow mercury was involved in
20 that process?

21 A. That's right.

22 Q. Do you know how it was involved or
23 how it got in there?

24 A. I don't recall.

25 Q. Do you know where that operation

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1 took place at the plant?

2 A. Department 232. It's in here
3 someplace.

4 Q. West of Falling Springs Road?

5 A. Here it is.

6 Q. East of Falling Springs Road?

7 A. Yes. That was the Chlorination
8 Department right here.

9 Q. Who was your principally liaison at
10 Krummrich with respect to the mercury reduction
11 efforts?

12 A. I don't recall.

13 Q. Probably Clarrie Buckley.

14 Q. Was he --

15 A. It could have been Paul Heisler at
16 that time. I don't know.

17 Q. Do you recall who your principal
18 contact at Krummrich was with respect to the PCB
19 Reduction Program?

20 A. Again, it was either Mike Pierle or
21 Buckley or Paul Heisler.

22 Q. What's the position that you held
23 after you were Manager of Environmental
24 Protection?

25 A. I was Manufacturing Representative

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1 on a waste treatment project in Belgium.

2 Q. Monsanto had a plant there?

3 A. Yes.

4 Q. How long were you the Manufacturing
5 Rep on that project?

6 A. Three and-a-half years.

7 Q. What was the next position you held
8 after that?

9 A. Retirement.

10 Q. You retired in 1979?

11 A. That's correct.

12 Q. After you retired did you do any
13 consulting work for Monsanto?

14 A. No.

15 Q. Have you had any paid
16 responsibilities at all with respect to the
17 company?

18 A. No.

19 Q. Who became the Manager of
20 Environmental Protection after you left the
21 position?

22 A. I believe it was Mike Pierle.

23 Q. Do you know how long he held that
24 position for?

25 A. No.

1 Q. Was Krummrich the largest plant in
2 the Organic Chemical Division?

3 A. Yes, at that time.

4 Q. All right.

5 A. I would like to back off on that. I
6 am not sure how he stood in respect to the Queeny
7 Plant.

8 Q. That was a plant in St. Louis?

9 A. Yes.

10 Q. That was also your responsibility?

11 A. Yes.

12 (Short break was taken)

13 Q. (By Mr. Ricci) Mr. Hodges, I would
14 like to direct your attention to this map we've
15 marked as Hodges 1 and ask you a few questions
16 about it.

17 Now, you'll see on this map that
18 there is what appears to be a 24-inch sewer line
19 that proceeds in an east-west direction north of
20 the Alton and Southern Railroad, and I am
21 referring to this line right here.

22 A. Is this it?

23 Q. Yes, the dotted line.

24 A. Oh, see it. I see the dotted line.

25 Q. Right. Let me go back a second.

1 Have you ever seen this map before
2 today?

3 A. I don't recall. Not this specific
4 map, no.

5 Q. Are you familiar --

6 A. I am sure a map of the plant,
7 though.

8 Q. Are you generally familiar with maps
9 of the sewer system in the plant?

10 A. I don't recall them. I am sure I
11 was, but my memory was very bad on it.

12 I did not recall there was a 20-inch
13 and 24-inch sewer for example.

14 Q. Do you know generally how to read
15 this map we've marked as Hodges 1? Do you
16 understand what this dotted line indicates,
17 depicts?

18 A. More or less.

19 Q. All right.

20 A. I think so. I mean, in looking at
21 it I do have some recollection of it, although I
22 have certainty forgotten it all.

23 Q. Let's see if we can refresh your
24 recollection at all with this map.

25 As I stated before, there's what

1 appears to be a dotted line that runs into an
2 east-west direction with a 24-inch single
3 quotation mark above it.

4 Do you understand that to mean a
5 24-inch sewer line?

6 A. Yes.

7 MR. HEINEMAN: Do you know that or
8 are you just accepting what he tells you?

9 THE WITNESS: Well, in looking at
10 this I can recall.

11 MR. HEINEMAN: Okay.

12 Q. (By Mr. Ricci) That's fair enough.
13 I am not trying to put words in your mouth, but on
14 the other hand, as you look at this things may
15 come to you and that's what I am trying to get at.

16 Do you know whether this 24-inch
17 line as it runs -- well, let me go back.

18 Do you see on this map where Dead
19 Creek is depicted?

20 A. No, show me because I completely
21 forget about that.

22 Q. Again, on the southerly portion,
23 southerly side of the map, there is a half of a
24 oval that reads 36-inch CI overflow to Dead Creek.
25 Do you see that?

1 A. I am not acquainted with that.

2 Q. I want to use that as a point of
3 reference. You see it there on the map?

4 A. Yes.

5 Q. Do you know whether this 24-inch
6 line that runs westward from the dotted line that
7 connects with Dead Creek was a Village sewer or a
8 Monsanto sewer?

9 A. I don't recall.

10 Q. Do you have any recollection as to
11 --

12 A. I think probably it was a Village
13 sewer, but I don't know.

14 Q. Do you have any recollection as to
15 when that 24-inch line was installed?

16 A. No.

17 Q. Do you know if Monsanto discharges
18 tied into that 24-inch line at all?

19 A. Yes.

20 Q. Do you know when Monsanto tied into
21 that line?

22 A. No.

23 Q. Do you know where Monsanto tied into
24 that line?

(25 A. Not specifically. I think it was

1 several places.

2 Q. Now, if you look immediately north
3 of the 24-inch line that we were just discussing
4 you'll see what appears to be a 36-inch line. Do
5 you see that?

6 A. Yes.

7 Q. Runs parallel to the 24-inch line?

8 A. Yes.

9 Q. Do you know whether that was a
10 Monsanto sewer or Village sewer?

11 A. I don't know.

12 Q. Do you recall when that was
13 installed?

14 A. No.

15 Q. Do you know if it was installed
16 before or after the 24-inch line?

17 A. I don't know, but it's reasonable
18 that it was installed afterwards.

19 Q. Why do you say that?

20 A. Because as the capacity of the plant
21 increased.

22 Q. Do you know if the 24-inch line was
23 installed after the 36-inch line?

24 A. I don't think so. I believe not.

25 Q. You have some recollection that the

1 24-inch line was in there first?

2 A. Not personal recollection. I don't
3 think I was even around at that time.

4 Q. You seem to have some feeling that
5 the 24-inch line was installed first. Can you
6 tell me what you base that on?

7 A. If we needed more capacity we
8 wouldn't have put in a small line.

9 Q. When you say we, who are you --

10 A. The Village or Monsanto. I don't
11 know which it was.

12 Q. Do you know if Monsanto tied into
13 that 36-inch line?

14 A. I am sure we did, yes.
15 (Plaintiff's Exhibit Nos. 2 and 3
16 were marked for identification at
17 this time)

18 Q. (By Mr. Ricci) Mr. Hodges, if you
19 trace these 24 and 36-inch lines westward past
20 where Dead Creek is depicted on this map, it
21 appears that the 24-inch line makes a turn due
22 northwest of Falling Springs Road and the 36-inch
23 line makes a turn due northeast of Falling Springs
24 Road. Do you see that? Do you see what I am
25 referring to?

1 MR. HEINEMAN: Did you say as you
2 track them west?

3 MR. RICCI: I may have said that. I
4 should have said as you track them east.

5 THE WITNESS: Okay.

6 (Testimony was read back)

7 MR. RICCI: Let me start all over
8 again.

9 Q. (By Mr. Ricci) If you trace the
10 24-inch line coming east, the 24-inch line appears
11 to break north at an area west of Falling Springs
12 Road. Do you see that?

13 A. I see it, uh-huh.

14 Q. And the 36-inch line appears to
15 extend further to the east and then break north at
16 an area east of Falling Springs Road or perhaps go
17 even on Falling Springs Road. Do you see that?

18 A. That's the way it looks, yes.

19 Q. Do you have any recollection of the
20 configuration of those sewers?

21 A. No.

22 Q. If you look at the point where the
23 24-inch line and the 36-inch line intersect, the
24 map appears to depict some kind of structure. Do
25 you see that?

1 A. Yes.

2 Q. Do you have any recollection of what
3 that structure consisted of?

4 A. No. I assume there was a manhole
5 there.

6 Q. No recollection, though?

7 A. No.

8 Q. Do you recall whether any of the
9 departments that you were responsible for as
10 either Shift Supervisor or Supervisor discharged
11 into the 36-inch line as it came up on or just
12 slightly east of Falling Springs Road?

13 A. I don't recall.

14 Q. Mr. Hodges, I want to show you two
15 documents that have been marked as Hodges 2 and 3.
16 They're not very good copies, and I apologize for
17 that, but they are the best copies that we have.

18 These are documents that were
19 produced to us pursuant to a subpoena, I believe,
20 to the Illinois EPA, I am not sure about that, but
21 I can confirm that with you before the end of the
22 day.

23 A. Illinois EPA?

24 Q. I believe it's the Illinois EPA, but
25 I will confirm that.

1 These documents, Hodges 2 as Bates
2 No. IW 1260 and 1261, and Hodges 3 has a Bates No.
3 IW 1262 through 1271.

4 MR. HEINEMAN: Do we have copies of
5 these or not?

6 MR. RICCI: As I say, these are
7 documents we recently received to pursuant to one
8 of the subpoenas or a Freedom Of Information Act
9 Request.

10 I do have copies of the requests
11 that were served, but I don't think you have
12 copies of those documents.

13 Let me just take a look here for a
14 minute.

15 (Discussion held off the record.)

16 MR. RICCI: First off, I have
17 confirmed these are documents that we received
18 pursuant to a Freedom of Information Act request
19 to the Illinois EPA Water Division, hence the
20 Bates number that we assigned to them.

21 Q. (By Mr. Ricci) Mr. Hodges, let me
22 direct your attention first to Hodges 2. Do you
23 have any recollection or understanding as to what
24 that document is?

25 A. I have no recollection. I have some

1 understanding.

2 Q. What is your understanding?

3 A. Well, wanting information from us.

4 Q. They State of Illinois?

5 A. Yes, the Water Board.

6 Q. What did you under the Sanitary
7 Water Board to be in December of 1956?

8 MR. HEINEMAN: Let's be clear on
9 what you remember and what you don't.

10 The question is what did you
11 understand in 1956. I am trying to figure out
12 what's in evidence here.

13 If your only understanding is what
14 you read from it now, then tell him that, but if
15 you recall something, then tell him that. You've
16 got to be clear. I am saying you have got to be
17 clear whether you're reporting what you've just
18 now read or whether you actually recall something,
19 that's got to be clear in the testimony.

20 THE WITNESS: Okay.

21 Q. (By Mr. Ricci) You've said you have
22 no recollection of Exhibit 2?

23 THE WITNESS: Of his paper. Of the
24 Sanitary Water Board, yes, I do.

25 Q. What do you understand the Sanitary

1 Water Board's responsibilities to have been in
2 1956?

3 A. Control agency for pollution or
4 water pollution.

5 Q. For the State of Illinois?

6 A. Yes.

7 Q. Now, in 1956 had you -- in September
8 of 1956, had you assumed the position of Stream
9 Pollution Engineer?

10 A. That's right.

11 Q. Is that why this letter is directed
12 to you?

13 A. Yes.

14 Q. This letter appears to -- let me
15 withdraw that.

16 Do you recall an individual by the
17 name of William Downer with the Sanitary Water
18 Board?

19 A. No.

20 Q. Do you recall having dealings with
21 the Sanitary Water Board during the time you were
22 Stream Pollution Engineer at Monsanto?

23 A. Yes.

24 Q. Do you have any recollection of the
25 requests for information that is included in

1 Hodges 2?

2 A. Not specifically, no.

3 Q. As you read Hodges 2, does it
4 refresh your recollection at all as to this
5 inquiry?

6 A. Yes, somewhat. We were working with
7 the Sanitary Water Board on our program.

8 Q. And this request for information was
9 part of that program?

10 A. That is right.

11 Q. Is Hodges 3 your response to the
12 request that is set forth in Hodges 2?

13 A. Appears to be, yes.

14 Q. On the second page of Hodges 3,
15 there is what appears to be a signature. Is that
16 your signature as best you can tell?

17 A. Yes.

18 Q. Now, there are some maps that are
19 attached to Hodges 3. Let me withdraw that.

20 Is Hodges 3 a document you prepared
21 while you were employed by Monsanto?

22 A. Appears to be.

23 Q. This is a document that you prepared
24 as part of your duties and responsibilities as
25 Stream Pollution Engineer?

1 A. Appears to be, yes.

2 Q. Now, the signature page indicates
3 that your title was Pollution Control Engineer?

4 A. That's right.

5 Q. Is that -- is it your understanding
6 that that's the equivalent of Stream Pollution
7 Engineer?

8 A. Yes.

9 Q. This letter was written before you
10 assumed responsibility for air?

11 A. I believe so.

12 Q. This letter was written by you in
13 the regular course of your duties and
14 responsibilities as a Monsanto employee?

15 A. Appears to be, yes.

16 Q. Now, there are some maps that are
17 attached to Hodges 3. Do you see those? Have you
18 had a chance to look at those?

19 A. No.

20 Q. Why don't you take a look at them
21 quickly and we'll ask you some questions about the
22 maps?

23 A. Okay.

24 Q. Mr. Hodges, if you would look at the
25 map that has Bates No. IW 1265. Do you see what I

1 am referring to when I say Bates number?

2 A. Yes, but I haven't found the map
3 yet. Okay.

4 Q. On 1265 can you orientate yourself
5 as to what that map depicts, the north end of the
6 plant, southern side of the plant?

7 A. It looks like the western side of
8 the plant.

9 Q. Okay. At the southern or northern
10 end?

11 A. Southern end. I guess that's Cerro
12 Copper. That's what it appears to be.

13 Q. If you look at the two parallel
14 lines that appear to be running sort of through
15 the middle 30 above the top parallel line and then
16 there's a 24 below the bottom of those two
17 parallel lines, do you see that?

18 A. Yes.

19 Q. All right.

20 A. I don't understand it. I thought
21 that was a 36-inch line, but I don't know.

22 Q. Let me just take you back to Hodges
23 1 for a second and see if we can figure this out.
24 If you look --

25 A. It was a larger line.

1 Q. Right. Right. And do you
2 understand those two lines we've just discussed to
3 be the same two lines that we had previously
4 discussed in talking about Hodges 1 as the two
5 sewer lines running on the southern side of the
6 Monsanto Krummrich Plant?

7 A. Yes.

8 Q. Now, these are maps that you
9 forwarded to Mr. Downer in 1956; is that correct?

10 A. I assume so. I don't recall.

11 Q. You've looked at the entire packets
12 of documents that constitutes Hodges 3; have you
13 not?

14 A. Yes.

15 Q. Does it appear to be, viewing those
16 documents all together, that the page that we're
17 talking about right now was included in the
18 materials forwarded to the Sanitary Water Board?

19 A. Give me that again, please.

20 Q. As you look at the whole packet of
21 documents that I have handed to you marked as
22 Hodges 3, can you tell in reviewing those
23 documents whether the map we're discussing now was
24 included in the packets of materials forwarded to
25 the Sanitary Water Board in or around October of

1 1956?

2 A. Appears to be, correct.

3 Q. Do you understand from that then
4 that at least as of 1956 both the smaller of the
5 24-inch line larger 30 or 36-inch line were in
6 place along the southern side of the Krummrich
7 Plant?

8 A. Yes.

9 Q. If you look again at -- I'll
10 withdraw that.

11 If you flip over to 1264, can you
12 tell what this map depicts?

13 A. Pretty well, yes.

14 Q. Can you explain it to me?

15 A. It's the southeastern section of out
16 plant with the -- this was 247, Hydrogenation
17 Department and this was Benzyl Chloride.

18 Q. Can you tell if IW 1264 picks up
19 where IW 1265 leaves off?

20 A. They overlap.

21 Q. Okay. That's right. And again, if
22 you trace the 24 and what I'll refer to as the
23 36-inch line, although I understand there may be
24 some question as to whether this is a 24 or 36, if
25 you trace those two lines again eastward, does it

1 appear to you that the 24-inch line veers north in
2 an area west of Falling Springs Road?

3 A. Yes.

4 Q. And the 36-inch line breaks north
5 from what appears to be on Falling Springs Road?

6 A. Yes.

7 Q. Can you tell from this map where the
8 Benzyl Chloride Department discharges to?

9 A. It appears to discharge into the
10 36-inch line.

11 Q. Does the depiction of the 24 and
12 36-inch lines as they appear on this map appear to
13 be consistent with the depiction on the map we've
14 marked as Hodges 1?

15 A. I don't know. This shows some cross
16 connections here. I don't know if this map shows
17 cross connections or not. I can't tell much about
18 this. This thing is more detailed than this.

19 Q. All right.

20 A. This shows interconnections. I am
21 not sure from there.

22 Q. Okay. Let's talk about those
23 interconnections for a second.

24 Focusing on 1264, can you just
25 describe for me where you see the interconnection

1 or interconnections between the 24 and 36-inch
2 lines?

3 A. Appears to be one here.

4 Q. When you say here, you're talking
5 about south of what's called the power house?

6 A. West of the power house.

7 Q. West of the power house?

8 A. Yes.

9 Q. All right.

10 A. Appears to be a connection there and
11 there even appears to be something here, but I
12 don't know if those existed or not.

13 Q. If you look on Hodges 1, there
14 appear to be two interconnections that I can see,
15 but anyhow, there appears to be this 15-inch line
16 that runs from the area just west of the building
17 or the block that's marked A-233. Do you see
18 that?

19 A. Yes.

20 Q. And then there appears to be a
21 15-inch line running north of that in the area of
22 3rd Street?

23 A. I don't know where 3rd Street was.

24 Q. Do you see the line I am referring
25 to on Hodges 1 now?

1 A. Yes, appears to be a connection that
2 may be this.

3 Q. When you say this, that's the one in
4 the vicinity of the power house?

5 A. Yes.

6 Q. Looks like there's one here and one
7 there.

8 Q. When you say one here and one there,
9 you're referring to on I264?

10 A. Yes.

11 Q. Can you tell me whether the map that
12 you forwarded to the Sanitary Water Board in
13 October of 1956 accurately depicted the sewers as
14 they existed at that time?

15 A. As far as I know at that time, yes.

16 Q. They did?

17 A. Yes.

18 Q. Can you flip over to the map that's
19 identified as IW 1226?

20 A. Okay.

21 Q. Can you tell me what area of the
22 plant this map depicts?

23 A. This is roughly the northern central
24 section of the plant. No, I am sorry. This is
25 the -- I see, okay.

1 This includes the north area or
2 so-called north area over here, and this general
3 section here includes the north area and some of
4 the north central portion of the main plant.

5 Q. The north central portion of the
6 main plant, the main plant being the plant south
7 of Monsanto Avenue?

8 A. Yes.

9 Q. Do you see Chlorinated Biphenyl
10 depicted on this map?

11 A. Yes.

12 Q. Is that Department 246?

13 A. Yes.

14 Q. And next to Department 246 is there
15 a label Nitrophenol and Triphenol Phosphate?

16 A. Yes.

17 Q. Are you familiar with that
18 department?

19 A. Not really.

20 Q. Do you recall a facility in the
21 vicinity of Department 246 manufacturing those
22 products?

23 A. There was a department there. I
24 didn't recall what they made.

25 Q. Can you tell from this map where the

1 sewer line from Department 246 leads to?

2 A. I can't tell.

3 Q. Wait a minute here. Yes. It heads
4 west and then it heads south.

5 Q. Now, on this map there's a road
6 that's labeled Lower Cahokia Road. Do you see
7 that?

8 A. Yes.

9 Q. Do you know if that's the same as
10 Falling Springs Road?

11 A. It could be. I don't know.

12 Q. Does it appear --

13 A. It appears like it is what we were
14 calling Falling Springs Road.

15 Q. How can you tell that?

16 A. This right here in front of the
17 office buildings, that was the main road down
18 there.

19 Q. And that's depicted on Hodges 1?

20 A. As Falling Springs Road.

21 Q. Okay. Does it appear that Department
22 246 is discharging into the 36-inch line east of
23 Falling Springs Road?

24 A. Looks like it.

25 Q. And again, IW 1266 accurately

1 depicts the sewer system as it existed in Monsanto
2 as of October of 1956?

3 MR. HEINEMAN: If you know.

4 THE WITNESS: As far as I know.

5 Q. (By Mr. Ricci) Do you have any
6 reason to believe that this map does not
7 accurately depict the sewer system as it existed
8 at the plant?

9 A. No.

10 Q. Okay.

11 A. No reason.

12 Q. Mr. Hodges, let me direct your
13 attention back to Hodges 1 for a second, if I
14 could.

15 We had talked earlier about Dead
16 Creek being depicted on this map, and I believe
17 you testified you did not have a recollection of
18 Dead Creek; is that correct?

19 A. That's correct.

20 Q. As you sit here today?

21 A. I knew something existed called Dead
22 Creek. I had no recollection of it.

23 Q. Do you recall having any dealings
24 with respect to Dead Creek during the time that
25 you were working at the Krummrich Facility in the

1 Technical Services Department?

2 A. No.

3 Q. On this map, Hodges 1, the northern
4 terminus of Dead Creek appears to be just south of
5 the Alton and Southern Railroad. Do you see that?

6 A. Yes.

7 Q. Do you know whether Dead Creek ever
8 extended north of the Alton and Southern Railroad
9 on the Monsanto Plant?

10 A. I have no recollection of anything
11 like that.

12 Q. Do you have any knowledge other than
13 personnel recollection, anybody ever talk to you
14 about it or --

15 A. No.

16 Q. Ever hear about it?

17 A. No.

18 Q. Do you know whether Monsanto ever
19 conducted any filling activities with respect to
20 Dead Creek?

21 A. No.

22 Q. Do you know where Dead Creek went
23 south of where it's depicted on this map?

24 A. No. I knew vaguely it went down
25 someplace and then headed for the river.

1 Q. For the Mississippi River?

2 A. Yes.

3 Q. Do you know if it was ever blocked
4 off south of where it's depicted on this map?

5 A. I have no knowledge of that.

6 (Plaintiff's Exhibit No. 4 was
7 marked for identification at this
8 time)

9 Q. (By Mr. Ricci) Mr. Hodges, let me
10 show you a map we've marked as Hodges 4 for
11 identification. This is a document produced by
12 Monsanto in this litigation with Bates No. CER
13 110759. I would ask you to take a look at it.

14 MR. HEINEMAN: This is the same as
15 --

16 MR. RICCI: This is one of the maps
17 that we marked at the Nelson deposition. I am not
18 sure of the deposition number, exhibit number.

19 MR. HEINEMAN: Okay. This is the
20 sewer map that Mr. Nelson actually prepared?

21 MR. RICCI: Yes.

22 MR. HEINEMAN: Okay.

23 Q. (By Mr. Ricci) Are you familiar
24 with this map at all, Mr. Hodges?

25 A. No.

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1 Q. Have you ever seen it before today?

2 A. No.

3 Q. Did you have any involvement in its
4 preparation or checking it or anything like that?

5 A. No.

6 Q. In 1971 you were working at the
7 general offices?

8 A. That's right.

9 Q. As you sit here looking at it today
10 can you identify what this map is?

11 A. Not really. I don't know what these
12 lines are.

13 Q. You mean the thick lines that appear
14 to --

15 A. I don't know what it's trying to
16 show.

17 Q. Can you tell whether this is a map
18 of the Krummrich Plant?

19 A. Looks like a general configuration
20 of the Krummrich Plant.

21 Q. Can you tell whether that is a
22 depiction of the sewer system of the Krummrich
23 Plant?

24 MR. HEINEMAN: Let me object to that
25 as calling for speculation on the part of the

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1 witness. He says he's not familiar with it, never
2 saw it before today and doesn't know what the
3 lines are on it. He doesn't know what it's trying
4 to show. It would be speculation for him to
5 answer.

6 Q. (By Mr. Ricci) Mr. Hodges, let me
7 ask you another question.

8 In the course of your duties and
9 responsibilities at Monsanto, did you have
10 occasion to read maps from time to time?

11 A. I don't recall any.

12 Q. You never -- you don't recall ever
13 looking at maps?

14 A. I don't think so.

15 Q. We know you sent some maps to the
16 Sanitary Water Board in 1956; right?

17 A. I am sorry, rephrase that question.
18 What time are you talking about?

19 Q. I am talking about any time during
20 your employment with Monsanto?

21 A. Oh, of course, yes.

22 Q. And in the course of your employment
23 with Monsanto, did you gain some skill or ability
24 in being able to read maps?

25 A. Yes.

1 Q. Applying that skill or ability to
2 the map that we've marked as Hodges No. 4, can you
3 look at that map and tell me whether that is a map
4 of the sewer system of the Monsanto Krummrich
5 Facility?

6 MR. HEINEMAN: Objection --

7 THE WITNESS: I don't know.

8 MR. HEINEMAN: Let me make my
9 objection.

10 I object to the question as calling
11 for speculation on the part of the witness based
12 upon the testimony he's already given you about
13 this exhibit.

14 Q. (By Mr. Ricci) Let me ask you
15 another question, Mr. Hodges.

16 There is some printed material in
17 the lower right-hand side of the map. Do you see
18 that?

19 A. Yes.

20 Q. Is there a name for that block, is
21 there a key or title?

22 A. I have no idea. Just information
23 concerning the map.

24 Q. Right below the Monsanto there is
25 printed WG Krummrich Plant. Do you see that?

1 A. Yes.

2 Q. Do you know whether Monsanto had
3 occasion to put that WG Krummrich on something
4 other than the Krummrich Plant?

5 A. I am afraid I don't understand the
6 question.

7 Q. Do you understand from the fact that
8 this map is labeled WG Krummrich Plant that that
9 is in fact from the WG Krummrich Plant?

10 A. Yes.

11 Q. And the plant is labeled Plant Sewer
12 Map. Do you see that?

13 A. Yes.

14 Q. Do you understand based upon that
15 label that this is map of the plant sewers for the
16 WG Krummrich Plant?

17 A. Yes.

18 Q. Can you testify to that without
19 speculating?

20 MR. HEINEMAN: Wait a minute.

21 You're asking him to say whether just because it
22 says it's a plant sewer map, that that's what on
23 here? Obviously it says the plant sewer map on
24 here, but the point is you've had testimony of the
25 guy who drew the map.

1 This man has said he doesn't know
2 anything about it. I object to having him
3 speculate about what the map shows.

4 MR. RICCI: I am just asking whether
5 he is speculating.

6 THE WITNESS: From closer inspection
7 it looks like sewer lines 1450.

8 Q. (By Mr. Ricci) Of the Krummrich
9 Plant?

10 A. Yes.

11 Q. Now, if you look at the map it
12 appears to depict the 24-inch line and 36-inch
13 line we've been discussing here today. Do you see
14 that?

15 A. Yes.

16 Q. And it depicts the 24-inch line
17 breaking northwest of Falling Springs Road. Do
18 you see that?

19 A. That's right.

20 MR. HEINEMAN: Wait a minute. I am
21 going to object to this.

22 Mr. Hodges, I am asking you, sir,
23 you're interpreting a document that he's directing
24 you attention to?

25 THE WITNESS: Yes.

1 MR. HEINEMAN: And he's asking you
2 to say what that documents shows. You can look at
3 it and you can suppose what it shows, but what I
4 am saying is don't.

5 The purpose of this deposition is
6 for you to tell the truth about what you know. If
7 you know, then tell him. If you don't know, then
8 don't do that.

9 MR. RICCI: I want to put a response
10 on the record.

11 You can object to the form of the
12 question, you can instruct him not to answer if
13 you feel that's appropriate, but I have to object
14 to your coaching this witness as to how he should
15 answer the question.

16 If you object to the form of the
17 question, you can do so, but you can't sit here
18 and coach him how to answer.

19 MR. HEINEMAN: I am coaching him to
20 tell the truth.

21 MR. RICCI: And if he can't testify
22 to a question, he can certainly say so. He is
23 perfectly able to say that.

24 MR. HEINEMAN: You're trying to put
25 words in his mouth by asking him doesn't that look

1 like the 24-inch line and doesn't that look like
2 the 36-inch line, whether it does or not.

3 You've had the testimony of the guy
4 that drew the map, he told you exactly what it
5 means. This gentleman said I don't know anything
6 about it, I am not familiar with it. You're
7 asking him to create testimony, and what I am
8 saying is he should not do that.

9 (Testimony was read back).

10 Q. (By Mr. Ricci) Mr. Hodges, this map
11 that we've marked as Hodges 4 also depicts the
12 36-inch line that we've been discussing; does it
13 not?

14 MR. HEINEMAN: Let me have a
15 continuing objection based upon what the witness'
16 testimony has been.

17 That testimony, for the record, has
18 been that he is not familiar with the map, he's
19 never seen it before today, he doesn't know what
20 the dark black lines on it are, he doesn't know
21 what the map is trying to show.

22 Based upon that testimony, I am
23 going to instruct the witness not to answer
24 questions about what the map shows because he's
25 already testified that he doesn't know that.

1 Q. (By Mr. Ricci) Mr. Hodges, as you
2 sit here today, can you tell me what that map
3 shows?

4 MR. HEINEMAN: You can answer that.

5 THE WITNESS: If you look at it
6 closely there's sewer lines.

7 Q. (By Mr. Ricci) Those sewer lines on
8 the Krummrich Plant?

9 A. Yes.

10 Q. You can tell that as you sit here
11 today?

12 A. Well, after studying it, yes.
13 Originally it didn't look like anything to me
14 because I haven't the foggiest notion what these
15 things are.

16 Q. I haven't asked you about those
17 things, but for the record, those things being the
18 dark black lines and the numbers?

19 A. Uh-huh, yes. Well, I am familiar
20 with these sewer lines here and I assume it's a
21 sewer map of the plant in 1971.

22 Q. Now, the map depicts the 36-inch
23 line proceeding eastward and then breaking north
24 in an area east of Falling Springs Road. Do you
25 see that?

1 A. Yes.

2 Q. And it shows the cross connections
3 that we had discussed earlier, and there's a
4 15-inch line that appears to connect the 24-inch
5 and 36-inch line transversing Falling Springs
6 Road. Do you see that?

7 MR. HEINEMAN: Let me --

8 THE WITNESS: Yes.

9 MR. HEINEMAN: Sir, let me make my
10 objection. Please let me make my objection.

11 I am going to object to the form of
12 the question as asking him to assume that those
13 are the same things that he saw on the other map
14 and you're not showing him the two together.

15 I am asking the witness not to
16 speculate. If you know, tell him what you know.
17 If you know they're the same thing, then that's
18 fine, tell that to him.

19 MR. RICCI: Let me just make a
20 statement here.

21 Mr. Hodges, have I in any way
22 prevented you from looking at these other maps?

23 THE WITNESS: No.

24 MR. RICCI: And I want to say to
25 feel free to look at these maps if you need to to

1 answer my questions.

2 And also, I am going to continue to
3 assert that these instructive objections are
4 improper and I don't feel they should continue.

5 MR. HEINEMAN: And I am objecting
6 because you're trying to put words in the witness'
7 mouth.

8 MR. RICCI: The record will reflect
9 what I am doing and not doing.

10 Q. (By Mr. Ricci) Mr. Hodges, can you
11 tell whether these two, 15-inch lines that appear
12 on Hodges 4 as connecting the 24 and 36-inch lines
13 are the same as those depicted on the map that
14 we've marked as Hodges 1?

15 A. I would have to look at that map.

16 Q. Go ahead and why don't you do that.

17 A. They appear to be the same.

18 Q. Now, on the map that we've marked
19 Hodges 4, if you look at the more southern 15-inch
20 cross connecting line there appears to be a
21 indication plug. Do you see that?

22 A. That's what it says uh-huh.

23 Q. Do you know what that?

24 A. I don't know anything about it.

25 Q. You don't know anything about that?

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1 A. I see there's a plug here.

2 Q. On the more northern of the 15-inch
3 lines, too?

4 A. Yes.

5 Q. Do you know if that means those
6 lines from some point are plugged?

7 A. Apparently.

8 Q. Do you know when that --

9 A. I don't know. I have no knowledge
10 of that at all.

11 Q. You don't know when they were
12 plugged, if they were plugged?

13 A. No.

14 Q. Nor why they unplugged?

15 A. No.

16 Q. Mr. Hodges, on the map that's marked
17 as Hodges 1 there appear to be triangular arrows
18 that appear from time to time on the dotted lines
19 that depict the sewer lines. Do you see that for
20 instance here?

21 A. I don't see them.

22 Q. For instance, if you look at the
23 24-inch line as it proceeds west from the area
24 just north of Dead Creek right there?

25 A. Yes.

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1 Q. Do you see what I am talking about?

2 A. Yes.

3 Q. Do you know what those depict or
4 what these indicate on this map?

5 A. I can assume that's the direction of
6 flow.

7 Q. Why don't you assume for purposes of
8 my questions that those arrows do depict the
9 direction of the flow.

10 If you look at what appears to be a
11 sewer line that runs from the 24-inch line on the
12 southern side of the plant due south to what's
13 depicted on the map as Dead Creek. Do you see
14 that?

15 A. Yes.

16 Q. Now, that line appears to have these
17 triangular arrows in both directions. Do you see
18 that?

19 A. I see that, yes.

20 Q. Do you know what that means?

21 MR. HEINEMAN: He asked do you know
22 what it means?

23 MR. RICCI: I think it was pretty
24 clear what I asked, Ken.

25 MR. HEINEMAN: But the last time you

1 said --

2 MR. RICCI: I move to strike this,
3 this continued instruction of the witness as
4 improper.

5 I will move to strike at the
6 appropriate time.

7 MR. HEINEMAN: Fine.

8 THE WITNESS: Yes, I see an arrow
9 here and it looks like another arrow going the
10 other way.

11 Q. (By Mr. Ricci) Do you know what
12 that means?

13 A. That could have been flow either
14 way.

15 Q. Flow either way?

16 A. Yes.

17 Q. All right.

18 A. Possible.

19 Q. Are you familiar with this line that
20 leads from the 24-inch line to Dead Creek?

21 A. No.

22 Q. Not familiar at all with that line?

23 A. No.

24 Q. Never knew about it prior to today?

25 A. I may have, but I have no

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1 familiarity today. I didn't even know what the
2 connection was. I was trying to remember what the
3 connection was. I had no idea. Frankly, I
4 thought it was out here somewhere.

5 Q. You were trying to remember where
6 the connection was?

7 A. To Dead Creek, yes.

8 Q. The connection between Dead Creek
9 and what?

10 A. And the Village sewer system.

11 Q. And you thought it was where?

12 A. I didn't know. I thought it was out
13 here someplace.

14 Q. And when you say out here, what do
15 you --

16 A. West.

17 Q. You thought it was west of where
18 it's depicted on this map?

19 A. Yes.

20 Q. Did you think that Dead Creek was
21 west of where it's depicted on the map or --

22 A. I didn't know where Dead Creek was.

23 (Discussion held off the record.)

24 (Lunch break was taken.)

25 Q. (By Mr. Ricci) Mr. Hodges, you

1 testified that when you initially became the
2 Stream Pollution Engineer the first project that
3 you worked on was reduction in Phenol discharges
4 to the sewers?

5 A. That's correct.

6 Q. What was the genesis of that program
7 to reduce the Phenol discharges?

8 A. Pressures from the State Control
9 Agency.

10 Q. Was that the Sanitary Water Board?

11 A. Yes.

12 Q. All right.

13 A. Let me paraphrase that a little bit.
14 I think our management saw it coming. Now, I am
15 not sure that the pressures had already begun, but
16 those were the early days of environmental control
17 and we knew it was going to come.

18 Q. Do you know why the focus was
19 specifically on Phenols as opposed to other things
20 that may have discharged to the sewers?

21 A. That was one of the things they
22 could measure in those days. Phenols can be very
23 objectionable in drinking water from a taste stand
24 point.

25 Q. Were there specific complaints

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1 regarding Phenol contamination of drinking water
2 or --

3 A. Not that I was aware of.

4 Q. Were you aware of any complaints
5 regarding Phenol contamination to fish from the
6 Mississippi River?

7 A. No, not that I was aware of.

8 Q. Do you know where within the company
9 the decision to reduce Phenol discharges
10 originated?

11 A. No.

12 Q. Where did you get your orders from?

13 A. My boss.

14 Q. Which was Mr --

15 A. At that time it was -- let's see. I
16 think Jack Graves, but I am not sure.

17 Q. What were the source or sources of
18 Phenol discharging to the sewer at the Krummrich
19 Plant?

20 A. There were numerous ones, primarily
21 it was the Phenol producing departments, and there
22 were a number of Phenol using departments.

23 Q. Do you recall where the Phenol
24 producing department was located?

25 A. If I can find it. Approximately

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1 here, I think this is it. I believe this is it.

2 Q. Okay. When you say this, you're
3 referring to an area --

4 A. 223.

5 Q. Department 223?

6 A. Yes. As I recall, that was the
7 number of the Phenol Department.

8 Q. What were the raw materials in the
9 production of Phenol?

10 A. I just don't remember.

11 Q. Do you recall what steps were taken
12 in the Phenol Department to reduce sewer
13 discharges?

14 A. Well, there were quite a number.
15 First of all, a measuring of the losses and then a
16 general tightening up.

17 Q. When you say general tightening up?

18 A. Oh, for example, the pumps have
19 packing glands and the packing glands can leak.
20 Depending on how alert the supervision is in
21 taking take of it, there can be a loss or no loss
22 and cleaning out of the vessel.

23 Q. How did that entail sewer
24 discharges?

25 A. Well, if you had to wash a tank out

1 there would be some loss.

2 Q. And you recommended procedures to
3 reduce those losses?

4 A. Yes. One thing we instituted was a
5 policy of what we call sloping bottom tanks, where
6 instead of a tank that discharged out the side,
7 which was the normal practice, this was a sloping
8 bottom discharge so that when you drained the tank
9 everything went out of it.

10 There was a lot of things like that.
11 It was a general tightening up by supervision.
12 There were a few process changes, but I think they
13 were minor. I don't remember what they were, but
14 they accomplished a rather drastic reduction in
15 Phenols.

16 Q. Do you recall the extent of the
17 reduction?

18 A. About 90 percent.

19 Q. 90 percent reduction of what went
20 into the sewers?

21 A. Yes, and that was achieved over
22 about ten years. A lot of work.

23 Q. That's a ten year period '56 to '66?

24 A. Uh-huh.

25 Q. Yes?

1 A. Yes.

2 Q. Do you recall in terms of volume or
3 poundage what the discharges were and what they
4 became with the reductions?

5 A. Yes. We started out with an average
6 discharge of about 10,000 pounds a day and we set
7 a goal for ourselves and the Sanitary Water Board
8 of 1000.

9 Q. Did you achieve that goal?

10 A. Essentially, yes.

11 Q. That was over that ten year period?

12 A. Yes.

13 Q. Do you recall any of the Phenol
14 using departments?

15 A. Not in detail, no.

16 Q. Do you recall any of them?

17 A. Yes, there's a Chlorophenol
18 Department.

19 Q. Any others?

20 A. As I recall, there was the
21 Nitrophenol Department, but I am not certain as to
22 whether Phenol was a raw material in that or dealt
23 with the Nitro.

24 Q. Do you recall that being a source of
25 Phenol loss to sewer?

1 A. I don't remember.

2 Q. I am trying to focus your attention
3 now on the Phenol using departments that you have
4 a recollection were sources or potential sources
5 of Phenol discharges to the sewers?

6 A. What was the question now?

7 Q. Do you recall any other using
8 departments that were sources of Phenol discharge
9 to the sewer?

10 A. Not for certain. In our north area
11 there was something called 2-4 Dichlorophenyl. I
12 am not certain if they used that or if they used a
13 chlorinated Phenol derivative.

14 Q. All right.

15 A. But anyplace where the discharges
16 showed up in the standard Phenol tests, that
17 included Phenol and the substitute Phenols.

18 Q. What is a substituted Phenol?

19 A. Like Chlorophenol.

20 Q. Do you recall if there were any
21 Phenol using departments in the South Plant or
22 Main Plant east of Falling Springs Road?

23 A. I don't think so. I don't know.

24 (Plaintiff's Exhibit No. 5 was
25 marked for identification at this

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1 time)

2 Q. (By Mr. Ricci) Mr. Hodges, let me
3 show you a document that's been marked as Hodges 5
4 for identification purposes.

5 Mr. Hodges, Hodges 5 is a letter
6 with Bates No. IW 0881 through 883. This, too, is
7 a document that was produced to us from the
8 Illinois EPA Water Division, and it appears to be
9 a letter from yourself to J. W. Goldenberg.

10 My first question is directing your
11 attention to the second page, is that your
12 signature?

13 A. Yes.

14 Q. And is this a letter that you sent
15 to Mr. Goldenberg?

16 A. I don't recall. It appears to be.

17 Q. Who was Mr. Goldenberg?

18 A. Village engineer.

19 Q. For the Village of Sauget?

20 A. Yes.

21 MR. HEINEMAN: Then it was called
22 Monsanto.

23 MR. RICCI: Village of Monsanto,
24 right.

25 Q. (By Mr. Ricci) According to this

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1 letter, Mr. Goldenberg's title is City Engineer of
2 the Village of Monsanto. Do you see that?

3 A. That's what it says.

4 Q. Do you recall Mr. Goldenberg as
5 being an employee of the Village?

6 A. Yes.

7 Q. Do you know what positions, if any,
8 he held prior to becoming City Engineer for the
9 Village?

10 A. No.

11 Q. Do you know if he subsequently went
12 out on his own or became a consultant to the
13 Village?

14 A. I don't know.

15 Q. Do you have any idea where Mr.
16 Goldenberg is today?

17 A. No.

18 Q. On the second page of this letter
19 there's a discussion of COD. Do you see that?

20 A. Yes.

21 Q. And COD does stand for?

22 A. Chemical Oxygen Demand.

23 Q. The letter discusses reduction in
24 COD, again on the second page at the top. Do you
25 know whether reducing Phenol discharges to the

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1 sewer also reduced COD?

2 A. Oh, yes.

3 Q. According to the letter the total
4 COD discharge to the sewer was reduced from an of
5 223,000s pound a day to about 80,000 pounds a day?

6 A. Yes.

7 Q. Do you know if that reduction was
8 exclusively as a result of the reduction in Phenol
9 discharges or whether there were other reductions
10 that contributed to the overall reduction in COD?

11 A. Sure, there were other reductions
12 besides Phenol.

13 Q. Do you recall any as you sit here
14 today?

15 A. I don't remember any.

16 Q. If you look toward the bottom of the
17 second page of the letter there's a discussion of
18 the constituents of the COD discharge?

19 A. Uh-huh.

20 Q. If we just go down the list there's
21 an inorganic category reference to what appears to
22 be SO2. What is SO2?

23 A. Sulfur Dioxide.

24 Q. And NA?

25 A. Sodium Sulfite.

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1 Q. Do you recall any programs to reduce
2 either of those two chemicals discharged to the
3 sewers at Monsanto during this time period?

4 A. Not specifically. As I recall, they
5 tried to recover the Sodium Sulfide and sell it to
6 a better degree than previously.

7 Q. Was that a program that was
8 implemented for the express purpose of reducing
9 discharges to the sewer?

10 A. Not necessarily.

11 Q. Did you participate in the
12 development of that practice?

13 A. I am sure I pushed for it. I did
14 not work out the technical details.

15 Q. The next chemical that's listed is
16 H2S?

17 A. Yes.

18 Q. What is that?

19 A. Hydrogen Sulfide.

20 Q. Do you recall any efforts during
21 this time period to reduce Hydrogen Sulfide to the
22 sewer, discharges to the sewer?

23 A. I don't recall at all.

24 Q. Do you recall whether Hydrogen
25 Sulfide was used or produced at the Krummrich

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1 Plant?

2 A. I don't remember.

3 Q. The next chemicals listed are
4 Chlorides (such as are not corrected for in the
5 COD analytical procedure). Do you see that?

6 A. Yes.

7 Q. Do you know what the parenthetical
8 refers to?

9 A. No.

10 Q. All right.

11 A. Obviously something in the
12 analytical procedure, and I don't remember what it
13 was.

14 Q. Do you recall any efforts at the
15 Krummrich Plant to reduce Chloride discharges to
16 the sewer?

17 A. No.

18 Q. Do you recall if Chlorides were used
19 or produced at the Krummrich Facility?

20 A. Chlorides were used, like Sodium
21 Chloride in the manufacture of Chlorine.

22 Q. Moving down the list on Hodges 5,
23 the next item references domestic wastes from
24 Village inhabitants, workers, plant cafeteria.
25 How would those discharge contribute to COD?

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1 A. Because they're oxidized in the
2 analytical process.

3 Q. The next entry is Acetic and
4 Glycolic Acids, Cyanuric Acid. Do you see that?

5 A. Yes.

6 Q. Are those materials that were used
7 or produced at the Krummrich Facility?

8 A. I don't recall.

9 Q. I take it you don't recall whether
10 there were any programs at the Krummrich Facility
11 to reduce their discharge to the sewers?

12 A. I don't have any recollection of it
13 now.

14 Q. How about rubber solids from the
15 rubber reclaiming operation?

16 A. That was Midwest Rubber Company.

17 Q. So that entry does not relate to
18 Monsanto?

19 A. That's right.

20 Q. The next one is aromatic organic
21 materials. Do you see that?

22 A. Yes.

23 Q. Were there aromatic organic
24 materials used or produced at the Krummrich
25 Facility?

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1 A. Yes.

2 Q. Now, in the paragraph relating to
3 aromatic organic materials there's a reference to
4 phenolics?

5 A. Yes.

6 Q. Is a phenolic the same as Phenol?

7 A. Well, a phenolic would be a
8 substituted Phenol.

9 Q. You mentioned a couple substituted
10 Phenols, you talked about Chlorophenol and
11 Nitrophenol?

12 A. Yes.

13 Q. Do you recall any other substituted
14 Phenols that may have been used or produced at the
15 Krummrich Facility?

16 A. No. Let's see. I think there was
17 some Nitrophenol someplace.

18 Q. How about Methylphenol?

19 A. Doesn't mean a thing to me.

20 Q. There's a reference to a small
21 amount of a wide variety of substituted benzene
22 material such as Chlorobenzenes. See do you see
23 that?

24 A. Yes.

25 Q. Does that refer -- were

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1 Chlorobenzenes used or produced at the Monsanto
2 Krummrich Facility?

3 A. Yes.

4 Q. Do you recall in what department or
5 departments?

6 A. 233, I believe.

7 Q. What was produced there?

8 A. Chlorobenzenes.

9 Q. Do you recall which Chlorobenzene
10 compounds?

11 A. Several of them.

12 Q. Do you recall which of the several?

13 A. Orthene, Dichlor, maybe even
14 Monochlor. I don't know. They made a range of
15 materials.

16 Q. Do you recall any efforts by
17 Monsanto during this time period to reduce the
18 discharge of Chlorinated Benzenes to the sewers?

19 A. Yes. I don't recall the details,
20 but we were putting pressure on all the
21 departments.

22 Q. Was the pressure the kind of
23 tightening up activities that you testified to
24 with respect to Phenol?

25 A. Yes.

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1 Q. Do you recall any process changes in
2 the Chlorobenzene Department to reduce discharges
3 to the sewer?

4 A. I don't recall. There may have
5 been.

6 Q. Do you recall whether the Krummrich
7 Facility used or produced Trichlorobenzene or
8 Tetrachlorobenzene?

9 A. I don't recall.

10 Q. Do you recall if either of those
11 chemicals were used in the production of PCB
12 products?

13 A. No.

14 Q. No, you don't recall?

15 A. I mean no, they were not.

16 Q. Do you know if they were ingredients
17 in any die electric or transformer fluids?

18 A. Not to my knowledge.

19 Q. There's a reference here to Aniline
20 and substituted Aniline?

21 A. Yes.

22 Q. Do you see that?

23 A. Yes.

24 Q. Are those materials that were used
25 or produced at the Krummrich Facility?

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1 A. Yes.

2 Q. Where were they so used or produced?

3 A. I am sorry, I don't remember.

4 Q. Do you recall any programs to reduce

5 discharges of Analines or substituted Analines to

6 the sewers?

7 A. Same general tightening up.

8 Q. How about Alkyl Benzenes?

9 A. That was our -- I think we called it

10 the Santomer Department.

11 Q. Where was that department located?

12 A. Out in the west section.

13 Q. West section?

14 A. Uh-huh. I am sorry, I can't tell

15 you specifically, but it's out in here, in here

16 someplace.

17 Q. You're referring generally to the

18 west side of the main plant?

19 A. Yes.

20 Q. What were -- what are Alkyl

21 Benzenes? Is there a product that includes Alkyl

22 Benzenes or is it a raw material?

23 A. I don't know whether -- I don't know

24 if we bought Alkyl Benzene or if we made it. I

25 don't know.

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1 Q. Do you know what you used it for?

2 A. Production of Santomers.

3 Q. What were Santomers?

4 A. A detergent.

5 Q. The last reference under organics is

6 mineral oils and oils used in machine shops, plus

7 oils contained in refinery effluent?

8 A. Yes.

9 Q. I take it there was no refining of

10 oils going on at the Krummrich Facility?

11 A. No.

12 Q. Were there oils used in machine

13 shops at the Krummrich Facility?

14 A. Oh, yes.

15 Q. Do you recall any efforts to reduce

16 discharges of those oils to the sewers?

17 A. No, I don't.

18 Q. Do you know whether there were any

19 solvents that were used in machine shops at the

20 Krummrich Facility?

21 A. Not specifically.

22 Q. Do you have any general knowledge

23 along those lines?

24 A. No.

25 (Plaintiff's Exhibit No. 6 was

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1 marked for identification at this
2 time)

3 Q. (By Mr. Ricci) Mr. Hodges, let me
4 show you a document that's been marked as Hodges 6
5 for identification. This is a document with Bates
6 No. IW 1282 through 1294. I would ask you to take
7 a look at it.

8 This, too, is a document that was
9 produced to us by the Illinois EPA Water Division
10 pursuant to a request under the Freedom of
11 Information Act.

12 Mr. Hodges, feel free to read the
13 whole document. My questions are going to focus
14 on the discussion of the waste reduction program
15 which begins on 1290 and continues over to 1293.

16 A. That's typical of the work we did.

17 Q. Can you tell me what Hodges 6 is?

18 A. It's a speech I gave.

19 Q. First page of it appears to be a
20 letter. Is that your signature at the bottom of
21 the first page?

22 A. Yes.

23 Q. Do you recall writing a letter to
24 Mr. Groce at the Illinois Sanitary Water Board?

25 A. No.

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1 Q. Do you recall Mr. Groce at all?

2 A. No.

3 Q. The attachment to this letter
4 appears to be a speech?

5 A. That's right.

6 Q. According to the cover letter it's a
7 speech that you gave at the Industrial Waste
8 Conference in Kansas City, Missouri. Do you have
9 any recollection of that conference?

10 A. No.

11 Q. Did you periodically give speeches
12 regarding waste control efforts during this time
13 period?

14 A. Yes.

15 Q. As you look at the speech, does it
16 appear to be a speech that you very well could
17 have given during this time period?

18 A. Yes.

19 Q. I would like to focus your attention
20 as I indicated previously on the discussion that
21 begins on page 1291 of waste reduction projects
22 that Monsanto was working on at that time.

23 First there's a reference to a
24 department which flakes a quite objectionable
25 organic material. Do you see that?

1 A. Yes.

2 Q. Do you recall what department it was
3 that you're referring to in this paragraph of the
4 speech?

5 A. No.

6 Q. Do you recall a waste reduction
7 program along the lines discussed in that
8 paragraph and the next paragraph?

9 A. I don't recall that specific
10 instance. It's typically of the work we did.

11 Q. But you don't recall what department
12 or departments that's referring to?

13 A. No.

14 Q. A little further down you talk about
15 in the same department a project relating to a
16 Schneible tower?

17 A. Yes.

18 Q. Does that discussion refresh your
19 recollection at all as to what department we're
20 talking about here?

21 A. No.

22 Q. Do you recall this project relating
23 to the Schneible tower?

24 A. No.

25 Q. Last paragraph on this page there's

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1 a discussion of by-product Hydrochloric Acid in
2 this same department. And again, does that
3 discussion refresh your recollection at all as to
4 what department we're talking about here?

5 A. Not really, no.

6 Q. Do you recall the process discussed
7 here of purifying hydrochloric Acid by scrubbing
8 with Sulfuric Acid?

9 A. No.

10 Q. Doesn't ring a bell at all?

11 A. No. I don't question it, but I
12 don't remember it, either.

13 Q. On the next page there's a
14 discussion of another department where an organic
15 intermediate reacted with chlorine on a batchwise
16 basis. Do you know what department that is
17 referring to?

18 A. No.

19 Q. Do you know if the department
20 discussed in that first paragraph is Arochlors?

21 A. I don't know.

22 Q. Do you recall a system along the
23 lines discussed in that paragraph being installed
24 in the Arochlor Department?

25 A. No.

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1 Q. Next paragraph talks about a job you
2 were working on relating to oily sludge residue
3 from a reaction that was sewered in small amounts.
4 Do you see that?

5 A. Yes.

6 Q. Do you recall what department is
7 being discussed there?

8 A. No, I don't.

9 Q. Next paragraph there's another
10 discussion of the formation of useless by-products
11 being quite large and working on a manner to
12 influence the formation of the by-products. Do
13 you see that?

14 A. Yes.

15 Q. Do you know what department you're
16 talking about there?

17 A. No.

18 Q. Flip over to page 1293, third full
19 paragraph, the largest paragraph on that page.
20 There's a discussion of additional activities in
21 yet another department having to do with sampling?

22 A. Right.

23 Q. Do you recall what departments are
24 being discussed here?

25 A. That was the Phenol Department.

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1 Q. And the effort outlined there were
2 part of the Phenol Reduction Program?

3 A. That's right.

4 Q. You talk about showing the results
5 of the sampling graphically in the department
6 supervisor's office on a large chart. Do you see
7 that?

8 A. That's typical of the efforts.

9 Q. All right.

10 A. Trying to get the support of the
11 people.

12 Q. Do you know whether any of those
13 charts were prepared for any departments other
14 than Phenol?

15 A. I don't recall.

16 Q. Do you know if such a chart was
17 prepared for the Arochlor Department?

18 A. No, I don't think there was. I
19 don't know, but I don't recall any such thing.

20 Q. Primary emphasis was Phenol
21 reduction at that point in time?

22 A. Yes.

23 Q. Did anybody work with you on any of
24 the reduction programs that are outlined in Hodges
25 6?

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1 A. Yes.

2 Q. Do you recall any of the individuals
3 who were involved in those efforts?

4 A. I can recall some of them. There
5 was a Julio Munoz.

6 Q. What department did he work in?

7 A. Technical Services, he worked for
8 me.

9 Q. Do you know if he still works for
10 the company?

11 A. I don't know.

12 Q. Any others?

13 A. A young fellow worked with me during
14 this period when I took a break in there to go
15 start up a plant in Italy. He was collecting
16 samples during that period when I was gone, but I
17 can't recall his name. It was Jack something. I
18 think Julio replaced him.

19 Q. Any others?

20 A. I don't recall. I think there were
21 several fellows that were hired in and were
22 assigned to me to give them experience, but they
23 probably didn't stay very long helping with the
24 work.

25 Now, you're talking about this

1 period now?

2 Q. Right. This period being?

3 A. That was 1957.

4 Q. Right.

5 A. That would be Julio Munoz or this
6 other young man.

7 Q. Jack somebody, whose name you can't
8 recall?

9 A. Uh-huh.

10 Q. Were there other people who worked
11 with you at any time from '56 to '66 on any waste
12 reduction programs?

13 A. Yes.

14 Q. Who were some of those individuals
15 or who all of them that you can remember?

16 A. Joe somebody. There was Mike
17 Pierle, Clarrie Buckley.

18 Q. They both worked with you or under
19 you?

20 A. Yes.

21 Q. At that time you were basically in
22 charge of environmental control at Krummrich?

23 A. That's right.

24 Q. All right.

25 A. I think there were some others whose

1 names I can't recall.

2 Q. Do you recall Ed Stewart?

3 A. Yes, but I didn't remember Ed
4 working for me. I don't know if he came into it
5 later. I don't know his timing there.

6 (Plaintiff's Exhibit No. 7 was
7 marked for identification at this
8 time)

9 Q. (By Mr. Ricci) Mr. Hodges, do you
10 know if PCB's contribute to COD in the Monsanto
11 effluent?

12 A. I don't know. I would guess not.

13 Q. Why is that?

14 A. Because they have been chlorinated,
15 and that's an oxidizing process.

16 Q. Now, you indicated in one of the
17 documents that we looked at that Chlorinated
18 Benzenes did contribute to COD?

19 A. I don't know. I would doubt it.

20 Q. Let me refer you back to Hodges 5,
21 which is letter that you wrote in December of
22 1963, under paragraph four, discussion of
23 aromatics?

24 A. Yes. Incompletely chlorinated
25 benzenes would contribute to COD. Benzene itself

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1 certainly would. As you chlorinate it, the COD
2 moves right on down.

3 Q. Would the same thing hold true for
4 PCB's, if it wasn't a completely chlorinated PCB,
5 then it could contribute to COD?

6 A. I believe not because they're very
7 stable. I doubt it would show up in the COD
8 analytical process.

9 Q. Do you recall ever doing any kind of
10 tests or analyses to determine whether PCB's were
11 contributing to COD?

12 A. No. I don't remember.

13 Q. Do you recall anybody at Monsanto --
14 do you recall seeing any kind of study or analysis
15 at any time?

16 A. No, I don't recall.

17 Q. Do you know whether Biphenyl
18 contributed to COD at the Krummrich Facility?

19 A. I don't know whether it did. It
20 could.

21 Q. If it was in the effluent would that
22 contribute to COD?

23 A. If there was Biphenyls in the
24 materials it would contribute, yes.

25 Q. That's because it's not chlorinated?

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1 A. That is right.

2 Q. Would Trichlorobenzene contribute to
3 COD?

4 A. I don't know, but I doubt very much.

5 Q. Same hold true for
6 Tetrachlorobenzene?

7 A. Same thing.

8 Q. Mr. Hodges, in 1960 were you the
9 Krummrich Facility liaison in the Village with
10 respect to issues relating to the Village sewer
11 system?

12 A. With respect to what?

13 Q. With respect to issues relating to
14 the Village sewer system?

15 A. No. I think relative to the waste
16 treatment, which came in -- well, it started about
17 that time or a little bit later, yes, I was.

18 As far as the Village sewer system,
19 that was not my bailiwick at all.

20 Q. Were there other individuals at the
21 Krummrich Facility who interfaced regarding the
22 sewer system other the waste treatment plant?

23 A. I would say in the Maintenance
24 Department.

25 MR. RICCI: Okay. Let me show you a

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1 document that we've marked as Hodges 7, and this
2 is another one you may want to get a copy of, Ken.

3 This is a document that we received
4 from the Village of Monsanto or the Village of
5 Sauget pursuant to the Freedom of Information Act
6 Request.

7 It does not have a Bates number on
8 it, but it is an attachment to a cover letter with
9 Bates No. VS 0537 that I have written in my own
10 handwriting just so we have some frame of
11 reference here, but we did not number that
12 document page by page, just included in the
13 attachment to the cover letter, which I then did
14 not bring to this deposition unintentionally.

15 MR. HEINEMAN: Okay.

16 Q. (By Mr. Ricci) Mr. Hodges, I am not
17 going to ask you to look at this document page by
18 page, although you're certainly welcome to if you
19 wish.

20 The first question I have is whether
21 you've ever seen this document or if you have some
22 familiarity with it?

23 A. I don't recall. I believe I
24 probably saw it, but I don't remember it.

25 Q. The document appears to have been

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1 prepared by a firm by the name of Metcalf & Eddy?

2 A. Yes.

3 Q. Are you familiar with Metcalf &
4 Eddy?

5 A. Yes.

6 Q. What is your familiarity with that
7 company?

8 A. They were retained by the Village to
9 come up with our waste treatment needs from
10 especially the primary treatment.

11 MR. RICCI: Read that answer back,
12 please.

13 (Testimony was read back)

14 Q. (By Mr. Ricci) Do you recall
15 whether in November of 1960 the Village had
16 primary treatment?

17 A. It did not.

18 Q. What happened to the effluent that
19 Monsanto discharged to the Village sewer system?

20 A. Flowed to the river.

21 Q. Directly to the river?

22 A. Yes.

23 Q. Without any treatment at all?

24 A. Yes.

25 Q. Do you know whether this report that

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1 we've marked as Hodges 7 was prepared relative to
2 the institution of primary treatment?

3 A. I would have to look at it, but I
4 believe it was.

5 Q. Okay. You can --

6 A. Because I don't believe we were
7 considering biological treatment.

8 Q. Biological treatment would be
9 secondary treatment?

10 A. That's right.

11 Q. Did you work at all with Metcalf &
12 Eddy in their efforts to advise the city with
13 respect to waste water treatment?

14 A. Yes.

15 Q. Who was your contact at Metcalf &
16 Eddy?

17 A. Let's see. Edgerly, Claire Sawyer.
18 Let me see. Rick Wrightman, and one other man,
19 whose name escapes me right now.

20 Q. What were the nature of your
21 contacts with Metcalf & Eddy?

22 A. Relative to sampling. As I recall,
23 they used our samplers which we had devised, and I
24 don't remember about the flow measurement data. I
25 suspect they may have worked with us on measuring

1 flows.

2 Q. Fair to say that you cooperated with
3 Metcalf & Eddy in giving them information that
4 they felt was necessary to do their job?

5 A. That's correct.

6 Q. Were there other individuals at
7 Krummrich besides yourself who had contact with
8 Metcalf & Eddy?

9 A. I don't believe so.

10 Q. All right.

11 A. Out of the Central Engineering
12 Department there was a man, Cliff Stutz, but he
13 was not from the Krummrich Plant.

14 Q. He was out of the General Offices?

15 A. Central Engineering Department.

16 Q. Central Engineering is in the
17 General Offices?

18 A. Yes.

19 Q. That's Cliff Stutz?

20 A. Yes.

21 Q. Turn, if you would, to Pages 9 and
22 10 of the report. The page numbers are in the
23 upper right-hand corner.

24 A. I see that John Bethel's name is
25 there.

1 Q. That's another individual?

2 A. Yes.

3 Q. At Metcalf & Eddy?

4 A. Yes.

5 Q. Looking at Pages 9 and 10?

6 A. Yes.

7 Q. There's a discussion there of the
8 Monsanto Chemical Plant that begins on Page 9 and
9 carries over on to Page 10. I would just ask you
10 to read down to the bottom of the last full
11 paragraph on Page 10. I am sorry, just read over
12 to the paragraph that's completed at the top of
13 Page 12.

14 A. Completed on 12?

15 Q. Basically 9 over to the top of Page
16 12 okay. Now, if you feel the need to look at
17 anything further in the report to answer any
18 questions, feel free to do so.

19 A. I was looking for Page 10 and I
20 don't see -- oh, here it is. You say Page 12?

21 Q. I am talking about if you could look
22 at the discussion of the Monsanto Chemical Company
23 which begins on Page 9 through Page 10 and through
24 Page 11 and over to the top of Page 12.

25 A. Okay.

1 Q. Mr. Hodges, have you had a chance to
2 review those pages of Hodges 7 that I just pointed
3 out to you?

4 A. Yes.

5 Q. At the bottom of Page 9 carrying
6 over on to Page 10 there's a discussion of the
7 sewer system servicing the plant south of Monsanto
8 Avenue. Do you see that?

9 A. Yes.

10 Q. Did you provide the information
11 contained in that paragraph to Metcalf & Eddy?

12 A. I don't know. It was available from
13 many other sources.

14 Q. Are you familiar with the conditions
15 described in the paragraph that begins at the
16 bottom of Page 9 and carries over to Page 10 with
17 respect to the sewers?

18 A. Yes, after reading it.

19 Q. Let me follow-up on that answer. Is
20 the paragraph that I just described consistent
21 with your recollection of the configuration of the
22 sewers?

23 A. Yes.

24 Q. Now, in the next paragraph there's a
25 discussion of the connection between the 24-inch

1 line and Dead Creek through a 36-inch line. Do
2 you see that?

3 A. Yes.

4 Q. Did you provide that information or
5 the information contained in that paragraph to
6 Metcalf & Eddy?

7 A. I don't think so.

8 Q. Are the conditions described in that
9 paragraph consistent with your knowledge of the
10 connection between the Village sewer system and
11 Dead Creek?

12 A. I don't how to answer that. I
13 didn't know where the connection was. We've seen
14 enough stuff here today that --

15 MR. HEINEMAN: He's talking about
16 then; aren't you?

17 MR. RICCI: Well, I am talking about
18 your knowledge then and then we'll get to your
19 knowledge now. Let me ask --

20 THE WITNESS: I don't know what my
21 knowledge then was, frankly. I was very cold on
22 where Dead Creek was.

23 Q. (By Mr. Ricci) You mean now?

24 A. I don't know that I ever had
25 anything to do with Dead Creek at any time.

1 Q. Do you know of other sources besides
2 yourself where Metcalf & Eddy might have gotten
3 the information that's contained in this paragraph
4 on Page 10 of Hodges 7 that talks about the Dead
5 Creek connection?

6 A. Joe Goldenberg, for example, and
7 from the drawings of the sewer system.

8 Q. Does the discussion that's contained
9 in the paragraph that I have just described
10 refresh your recollection at all with respect to
11 the connection between the 24-inch line and Dead
12 Creek?

13 A. No, I have absolutely no
14 recollection of that.

15 Q. If the information contained in this
16 paragraph was inaccurate, would it have been part
17 of your responsibility to point out that
18 inaccuracy to somebody?

19 A. Not necessarily.

20 Q. Why is that?

21 A. I think I had very unclear
22 responsibilities toward this report. I worked
23 with them, but I don't know that I ever read all
24 the report. I worked quite closely with them on
25 like these flow measurements and that sort of

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1 thing, sampling. I think they used our sampler,
2 the chloride method.

3 So in speaking of that, yes, I
4 worked with them. As far as taking this report
5 and seeing if it was accurate, I doubt if I ever
6 read it all.

7 Q. All right.

8 A. But that's pretty lengthy.

9 Q. You were familiar, though, with the
10 sampling information that was in this report, at
11 least with respect to the Monsanto Facility; is
12 that correct?

13 A. Give me that again.

14 (Testimony was read back)

15 THE WITNESS: I don't quite know how
16 to answer that. I don't recall whether they used
17 our sampling results or whether this was
18 independent using our equipment or whatever. I
19 don't know.

20 Q. (By Mr. Ricci) On Page 11 there are
21 some flow measurements that were taken. Do you
22 see that at the top?

23 A. Yes.

24 Q. Did you have any involvement with
25 Metcalf & Eddy in developing those flow

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1 measurements?

2 A. Gave them the method. I don't
3 recall having personally participated in the
4 measurements, the actual sampling measurements.

5 Q. Do you know where the sampling
6 points are that discussed in the paragraph that
7 begins on Page 10 and carries over to page 11?

8 A. This is the one down at the bottom
9 of the page?

10 Q. Right, bottom of Page 10?

11 A. I don't recall anything about that.
12 I may very well have worked with them on it.

13 Q. On Page 10 in the paragraph that
14 begins, "The 24-inch sewer also received waste
15 water." Do you see that?

16 A. Yes.

17 Q. There's a statement in there that
18 the latter, I think it's referring to the 36-inch
19 line, to Dead Creek serves as an overflow device
20 at times when the Village sewer system is
21 surcharged. Do you see that?

22 A. Yes.

23 Q. Do you know what that means as you
24 sit here today?

25 A. Yes. It's saying that water runs

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1 down into Dead Creek and this says that it stays
2 there.

3 Q. But you don't have any recollection
4 of that condition as you sit here today?

5 A. No, not at all.

6 Q. On Page 11 there's a discussion of
7 the 24-inch sewer serving the main area. Do you
8 see that?

9 A. Yes.

10 Q. Do you recall assisting Metcalf &
11 Eddy in that regard?

12 A. No, I don't recall.

13 Q. Do you understand the term bubbler
14 gage reading?

15 A. Yes.

16 Q. What is that?

17 A. That you have an air -- small stream
18 of air going through a bubbler and you measure it.
19 It goes out to the bubbler and that gives you an
20 indication of how high the water level is above
21 it.

22 Q. So that you use that to measure the
23 extent of the water in the sewer?

24 A. That's right.

25 Q. Now, according to this the bubbler

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1 gage reading showed the 24-inch sewer to be
2 slightly surcharged most over the time. Do you
3 see that?

4 A. Yes.

5 Q. Do you know if you had any
6 involvement in taking those bubbler gage readings?

7 A. I don't recall.

8 Q. Do you have any knowledge with
9 respect to whether the 24-inch sewer serving the
10 Monsanto Krummrich Facility Main Plant was
11 slightly surcharged most over the time as
12 indicated here?

13 A. I don't remember.

14 Q. Is there anybody else at the
15 Krummrich Plant who worked with you during this
16 time who might have more knowledge about this
17 report other than yourself?

18 A. I don't think so.

19 Q. Top of Page 11 there's a discussion
20 of the level measured in the 30-inch sewer,
21 reference to the 30-inch actually on Page 10. Did
22 you have any involvement in taking those
23 measurements or assisting Metcalf & Eddy in taking
24 those measurements?

25 A. I don't remember. I could have.

1 They used my method, but I don't recall
2 participating in it.

3 (Short break was taken)

4 (Plaintiff's Exhibit Nos. 8 and 9
5 were marked for identification at
6 this time)

7 Q. (By Mr. Ricci) Mr. Hodges,
8 referring back to Hodges 7, and if you could flip
9 over to Page 11, there is a discussion of the top
10 of the measurements that's conducted in the
11 30-inch sewer and the conclusion that the sewer
12 was flowing nearly full at all times and the
13 variation in water depth was never greater than
14 6.4 inches. Do you see that?

15 A. Yes.

16 Q. Do you have any knowledge or
17 understanding as to whether that's a correct
18 statement of the flow conditions in the 30-inch
19 sewer?

20 A. No, I have no knowledge.

21 Q. Do you have any reason to believe
22 that that is an inaccurate statement of the flow
23 conditions?

24 A. No.

25 Q. Similarly, with respect to the

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1 discussion of the flow conditions in the 24-inch
2 sewer in the next paragraph where it states -- the
3 report states that the sewer is slightly
4 surcharged most of the time, do you have any
5 reason to believe that is an inaccurate statement
6 of the flow conditions in that sewer?

7 A. I don't know.

8 Q. You don't know?

9 A. I don't remember.

10 Q. My question is do you have any
11 reason to believe that's inaccurate, and your
12 answer is you don't know if you have any reason to
13 believe it's inaccurate?

14 A. No.

15 Q. Let's flip over to Hodges 8. For
16 identification purposes, it is a document that was
17 produced to us pursuant to a Freedom of
18 Information Act request of the Village of Sauget,
19 Bates No. VS 0533, and I do not have an extra copy
20 of it at the moment.

21 Mr. Hodges has already had a chance
22 to look at, so Ken, if you want to take a moment
23 to look at it, please feel free to do so.

24 MR. HEINEMAN: Go ahead.

25 Q. (By Mr. Ricci) Mr. Hodges, are you

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1 familiar with the document that we've marked as
2 Hodges 8?

3 A. No.

4 Q. Do you know if you've ever seen this
5 document before?

6 A. Not to my knowledge.

7 Q. This document is dated March 15,
8 1962 and appears to have been prepared by Joseph
9 W. Goldenberg, Consulting Engineer East St. Louis,
10 Illinois.

11 Can you tell me again for the record
12 who Mr. Goldenberg was?

13 A. I knew him as City Engineer of the
14 Monsanto Village.

15 Q. You were not aware of Mr.
16 Goldenberg acting as an independent consulting
17 engineer?

18 A. Yes. I mean he was the Village
19 Engineer. That was not a full time job.

20 Q. Did you have any contact with Mr.
21 Goldenberg during the time that you were either a
22 Stream Pollution Engineer or a Stream Pollution
23 Engineer or Specialty Engineer at Krummrich?

24 A. Yes.

25 Q. Did you have any contact with him

1 relating to the Village sewer system?

2 A. I don't recall. I am sure I did,
3 but I don't remember any specifics.

4 Q. Now, you have had a chance to look
5 at this document we've marked as Hodges 8; have
6 you not?

7 A. Yes.

8 Q. Did you have any contact with Mr.
9 Goldenberg relating to any of the issues discussed
10 in this report?

11 A. No, I am completely cold on it.

12 Q. Do you know if there's anybody else
13 at the Krummrich Plant who may have provided
14 information to Mr. Goldenberg to be incorporated
15 into this report?

16 A. I don't know who it would be.

17 Q. Do you know if there would be
18 anybody at the General Offices who might have had
19 information to provide to Mr. Goldenberg relative
20 to this report?

21 A. I have no knowledge on that at all.

22 Q. Is it fair to say that it was
23 Monsanto's practice to cooperate with Mr.
24 Goldenberg during this time period with respect to
25 his work on the Village sewer system?

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1 A. I'm sure it was, yes. I was not
2 personally involved in that.

3 Q. If you look at the -- if you turn
4 over to the fourth page in this report, it's Page
5 No. ii, Conclusion and Recommendations. Do you
6 see that?

7 A. Yes.

8 Q. At the bottom of the page, last two
9 sentences, it contains a discussion of the flow of
10 the Village sewer system. Do you see that?

11 A. Yes.

12 Q. This can be observed by comparing
13 the tables containing dry weather flows with those
14 containing dry weather flows plus storm water
15 runoff.

16 A. Yes.

17 Q. Do you have any knowledge as to the
18 conditions described in those two sentences?

19 A. I knew of some dry weather flows. I
20 don't recall ever doing any measurements during
21 storm runoff.

22 Q. Do you recall that during periods of
23 rainfall the sewer system in the Village would
24 become surcharged?

25 A. Only in generalities. I have no

1 specifics on it at all.

2 Q. When you say in generalities, what
3 do you mean?

4 A. Well, there could have been flows to
5 Dead Creek during storm runoff, but I have no
6 knowledge of that.

7 Q. If you could flip over to Page 11,
8 the section that deals with Monsanto Chemical
9 Company, the first sentence makes reference to
10 substantial revisions to separate treatable from
11 clear waste within the plant. Do you see that?

12 A. Yes.

13 Q. Do you have an understanding of the
14 term clear waste or treatable waste?

15 A. Well, clear waste was storm water.
16 Treatable waste was the rest of it, process
17 waters.

18 Q. Well, if you look further down in
19 that same paragraph, fifth sentence of that
20 paragraph that begins with most of the sewer
21 outlets?

22 A. Yes.

23 Q. That sentence appears to distinguish
24 between storm water, clear waste and treatable
25 waste. Do you see that?

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1 A. That's what it says, yes.

2 Q. So I'll reask the question as to
3 whether you have any understanding of the
4 distinction between storm water and clear waste
5 and treatable waste?

6 A. No. I possibly could think of
7 something, but I have no knowledge of what they
8 meant here.

9 I was assuming that the clear waste
10 was the storm water. Now, it could have been some
11 of the well water cooling that had no way of
12 becoming contaminated.

13 Q. But you don't know what Mr.
14 Goldenberg was referring to here?

15 A. No.

16 Q. Would you have been responsible or
17 had any responsibility for projects to separate
18 various waste water streams at the Krummrich
19 Facility in 1962?

20 A. Not in any manner.

21 Q. Who would have had responsibility
22 for that?

23 A. Apparently someone from the Central
24 Engineering Department.

25 Q. And that answer refers to a document

1 that I have showed you and we haven't discussed
2 yet?

3 A. Yes.

4 Q. That we'll get to in a minute?

5 A. Yes. I am completely unfamiliar
6 with this document, and to the best of my
7 knowledge I never saw it.

8 I don't think anything we
9 recommended was ever done as far as I know, any of
10 these things.

11 Q. And the separation of these various
12 waste streams did not fall within your
13 jurisdiction as a Treatment Pollution Engineer?

14 A. That's correct.

15 Q. You were never consulted on any of
16 these issues?

17 A. I don't think so.

18 Q. Can you flip over then to Hodges 9.
19 For the record, this is a document that was
20 produced by Monsanto in this litigation, Bates No.
21 CER 113174.

22 Mr. Hodges, I would first like to
23 direct your attention to the distribution list at
24 the top of this document?

25 A. Yes.

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1 Q. Can you tell whether -- can you tell
2 from this distribution list whether you received a
3 copy of this document in 1962?

4 A. It's so indicated that I did.

5 Q. Do you have any recollection of this
6 document?

7 A. No.

8 Q. They're a number of individuals
9 below your name that appear to have received
10 copies of this document, and I would like to
11 review that list with you for a second.

12 G. Hippe. Do you know who that is?

13 A. He was my boss at that time in
14 Technical Services.

15 Q. What his title? Was he a
16 Superintendent?

17 A. I don't think so. I don't know what
18 it was.

19 Q. How about R. E. Snowden?

20 A. I think he was a group leader.

21 Q. Mr. Hippe was a group leader?

22 A. Yes. There may have been some other
23 title, but I don't know.

24 Q. How about R. E. Snowden?

25 A. Plant Manager of Krummrich.

1 Q. And J. Nemeth?

2 A. He had a job something similar to
3 mine at the Queeney Plant.

4 Q. G. Roberts?

5 A. I think he might have been Joe
6 Nemeth's boss.

7 Q. L. Sprandel.

8 Q. He was in our Maintenance
9 Department.

10 Q. At Krummrich?

11 A. Yes.

12 Q. J. E. Smith?

13 A. I am not sure what his function was.

14 Q. Do you know if he was at Krummrich
15 or someplace else?

16 A. Yes. I think we had somebody like
17 that, but I don't recall him.

18 Q. Then there's a name written that
19 appears to be L. H. Davis?

20 A. I don't know who that is.

21 Q. Do you know if Mr. Hippe is still
22 with the company?

23 A. I have no idea.

24 Q. No idea where he might be found
25 right now?

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1 A. No.

2 Q. How about Mr. Snowden?

3 A. Same thing, I have no knowledge.

4 Q. How about Mr. Sprandel?

5 A. I don't know about him.

6 Q. Mr. Smith?

7 A. Nor him.

8 Q. Can you tell from the face of this

9 report who the author or authors are?

10 A. Primarily John Caskey. His boss was

11 Stutz.

12 Q. What the name R. E. Howard?

13 A. He was a group leader in Central

14 Engineering.

15 Q. And Mr. Caskey was also in Central

16 Engineering?

17 A. Yes.

18 Q. What was his title?

19 A. I don't know.

20 Q. How about Stutz?

21 A. I don't know.

22 Q. He was also in Central Engineering?

23 A. Yes.

24 Q. Do you know whether those

25 individuals are still with the company?

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1 A. I don't know. I doubt it. I know
2 Mr. Stutz is not.

3 Q. Is he retired?

4 A. Well, he was let go.

5 Q. Do you know when that was?

6 A. I am guessing about 1964 or '65. It
7 might be a little later.

8 Q. Do you know how old Mr. Stutz was?

9 A. Pretty old. He was older than I.

10 Q. He was older than you?

11 A. Yes. That would make him pretty old
12 if he's still alive.

13 Q. You have no knowledge with respect
14 to Mr. Caskey?

15 A. No.

16 Q. Did you know him in 1962?

17 A. Caskey?

18 Q. Yes.

19 A. Yes.

20 Q. Do you know why you were copied on
21 this document?

22 A. Oh, because I was the connection
23 with stream pollution.

24 Q. There's some handwriting on the
25 front page of this document. Do you recognize

1 that handwriting?

2 A. No.

3 Q. I forget to ask you a question about
4 Hodges 7, this big one, if you could flip over for
5 a second over to Page 11 again?

6 A. Yes.

7 Q. There is a discussion in the bottom
8 paragraph on Page 11 of "N" values. Do you see
9 that?

10 A. Yes.

11 Q. Do you know what that refers to?

12 A. I don't remember any more. I
13 probably knew at one time.

14 Q. Going back to Hodges 9, which is
15 what we were just looking at, do you know why this
16 report was prepared?

17 A. I don't really know. I don't know
18 why it was. Mr. Stutz was pushing very hard to
19 get the plant waste treatment. He wanted to leave
20 a monument behind him. My objective was just
21 exactly the opposite, to hold off waste treatment
22 until we were ready for it and had to do it.

23 I think this was some maneuvering on
24 his part to move us faster.

25 Q. What in your view had to happen in

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1 order for you to be ready for waste treatment?

2 A. To get the waste down to an absolute
3 minimum, to study the affects of the biological
4 waste treatment.

5 Q. So it was your view that before you
6 could consider waste treatment you should do
7 whatever you can to eliminate the discharge
8 itself?

9 A. Yes. That was the whole focus of my
10 work both at the plant and out at General Offices.

11 Q. On what do you base your conclusion
12 that the document we've marked as Hodges 9 was
13 part of Mr. Stutz's efforts to move the company to
14 waste treatment?

15 A. Purely guess.

16 Q. Is there anything in the document
17 that suggest to you that's what he was trying to
18 do?

19 A. No. Best of my knowledge nothing
20 came of the document.

21 Q. All right.

22 A. Same as with Mr. Goldenberg.

23 Q. When you say nothing came of the
24 document, what do you mean?

25 A. Best of my knowledge none of these

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1 things were ever done. I am not sure of that, but
2 to the best of my knowledge they were not done.

3 Q. The first conclusion on the summary
4 page is that the present system is adequate for
5 runoff rates up to 1.0 CFS per acre. Do you know
6 what CFS is?

7 A. Cubic feet per second per acre.

8 Q. So he's not recommending any change
9 in that paragraph; correct?

10 A. Correct apparently.

11 Q. And in the second paragraph on the
12 summary he's also not recommending elimination of
13 the Dead Creek and 19th Street Pond Facility. Do
14 you see that?

15 A. Yes.

16 Q. Now, we've talked a little bit about
17 the Dead Creek pond, and still my question is at
18 this point does this document refresh your
19 recollection at all with respect to sewer
20 discharges to Dead Creek?

21 A. Not really.

22 Q. Were you familiar with the 19th
23 Street Pond Facility?

24 A. No.

25 Q. All right.

1 A. At least not under that name.

2 Q. Were you familiar with the pond
3 facility in the vicinity of Mobil?

4 A. No.

5 Q. Or any surcharge basin or area in
6 the vicinity of the Mobil Plant?

7 A. No.

8 Q. On the next page he talks about
9 eliminating the 19th Street pond by draining to
10 Dead Creek. Is that one of the recommendations
11 that you don't think was ever carried forth?

12 A. I don't know. I doubt it.

13 Q. There's discussion in Paragraph 5
14 that if Dead Creek is used to its full surge pond
15 capacity Lewin Mathes' sewers to Dead Creek will
16 require pumping to prevent flooding. Do you have
17 any knowledge of that statement?

18 A. No.

19 Q. Do you know whether that pumping was
20 ever implemented?

21 A. No.

22 Q. There's discussion of installing a
23 48-inch overflow sewer from Manhole No. 26 to Dead
24 Creek. Do you know what that refers to?

25 A. No.

1 Q. Do you know if that was ever
2 implemented?

3 A. I don't know. I doubt it.

4 Q. Why do you doubt it?

5 A. I just don't think it was. I don't
6 thing it was ever done. Later on the plant
7 diminished in size and I think this would have
8 affected the flows.

9 Q. How much later one on?

10 A. Through the years.

11 Q. Can you be more specific?

12 A. No, I don't know but it's a small
13 part of what it used to be today.

14 Q. Do you know whether the flows
15 decreased from 1962 to 1966 when you moved into
16 General Offices?

17 A. I don't know.

18 Q. Do you know if --

19 A. I doubt it.

20 Q. Were there any significant
21 operations that were eliminated during that time
22 period?

23 A. I don't recall.

24 Q. Why do you doubt the flows decreased
25 during that time period?

1 A. Well, gradually they decreased.
2 They shut down some of the operations from time to
3 time, and that would have been -- at least should
4 have caused a decrease in the flows.

5 Q. Right. But I asked you whether you
6 knew if the flows decreased in 1962 to 1966 and
7 you said I doubt it?

8 A. Yes.

9 Q. And my question is why do you doubt
10 it?

11 A. Well, because I don't recall any at
12 that time.

13 Q. That's a different answer that I
14 doubt it. Are you changing your answer or --

15 A. Okay. I don't recall.

16 Q. On Page 3 of the report that we've
17 marked as Hodges 9, Mr. Caskey writes that Dead
18 Creek is also used by other south sewer system
19 contributors during time of storm for temporary
20 storage. Do you see that?

21 A. I see.

22 Q. Last full paragraph at the bottom?

23 A. Yes.

24 Q. Does that refresh your recollection
25 as to the manner in which Dead Creek was employed

1 in the Village sewer system?

2 A. Not really.

3 Q. During the time that you were with
4 Technical Services at the Krummrich Facility, did
5 that facility have any means of separating
6 operating storm water discharges to the sewer from
7 process water discharges to the sewer?

8 A. No.

9 Q. So that the storm water and the
10 process water were combined in the sewer system?

11 A. That's right.

12 Q. In this report Mr. Caskey does
13 various analyses of flow conditions under various
14 rainfall events. Did you have a chance to look at
15 that?

16 A. I glanced at it, yes.

17 Q. Do you have any understanding of the
18 calculations that are required to do that
19 analysis?

20 A. Only vaguely.

21 Q. Do you know what kind of engineer
22 Mr. Caskey was?

23 A. Probably mechanical.

24 Q. How about Mr. Stutz?

25 A. He was probably the civil.

1 Q. On Page 4 of the report at the very
2 last sentence there's a statement that the Dead
3 Creek channel is sealed off at Judith Lane to
4 prevent drainage to the south, so it acts as a
5 surge pond. Do you have any knowledge of Dead
6 Creek being sealed off at Judith Lane?

7 A. I thought it flowed to the
8 Mississippi River.

9 Q. Or does that refresh your
10 recollection?

11 A. No, I thought it flowed to the
12 Mississippi River.

13 Q. If you flip over to Page 5 under the
14 heading Present Sewer Conditions, there is an
15 analysis that is headed CI=0.5 cfs per acre 180
16 minute duration.

17 A. Where is that?

18 Q. Right in the middle of Page 5.

19 A. Oh, okay. Uh-huh.

20 Q. Could you just take a minute to read
21 the three paragraphs under that heading?

22 A. Yes.

23 Q. Do you have any understanding of the
24 analysis that Mr. Caskey is making in those
25 paragraphs?

1 A. No, I don't really. I assume
2 they're the results of some hydraulic calculation
3 he made.

4 Q. But you don't have any knowledge of
5 how or why he was making those calculations?

6 A. No.

7 Q. He concludes that under the
8 conditions that he's listed Dead Creek would
9 receive a flow of 17 cfs from the south area. Do
10 you see that?

11 A. Yes.

12 Q. Do you have any reason to doubt the
13 conclusion Mr. Caskey reached in that regard?

14 A. No reason to doubt it.

15 Q. Do you know whether the flow that
16 he's talking about as moving into Dead Creek would
17 include discharges from the Krummrich Facility?

18 A. I don't know.

19 Q. Mr. Caskey goes on to do a couple of
20 other analyses using different variables on Page 5
21 and continuing over to Page 6.

22 A. Yes.

23 Q. And with each calculation he makes a
24 conclusion with respect to the discharge to Dead
25 Creek under those variables. Do you see with

1 respect to analysis using $CI=.75$?

2 A. I see it.

3 Q. My question again is do you know
4 whether in any of those calculations of the volume
5 of flow into Dead Creek that flow included flow
6 from the Krummrich Facility?

7 A. I don't know.

8 Q. Do you have any reason to doubt the
9 conclusions that Mr. Caskey has come to with
10 respect to those two different sets of variables?

11 A. No.

12 Q. Did you ever evaluate the
13 advisability of using Dead Creek as a surge pond?

14 A. No.

15 Q. Did you ever look at that issue at
16 all from an environmental perspective?

17 A. No.

18 Q. Do you know if anybody at Monsanto
19 ever looked at the advisability of using Dead
20 Creek as a surge pond?

21 A. Not to my knowledge.

22 Q. Do you recall ever hearing about any
23 complaints from Cerro or Cerro officials regarding
24 the use of Dead Creek as a surge pond?

25 A. No.

1 Q. Mr. Hodges, on Page 10 of Hodges 9,
2 Mr. Caskey does an analysis with --

3 A. Page 6?

4 Q. I am sorry, Page 6 of Hodges 9. Mr.
5 Caskey does an analysis of flow into the sewer
6 system using a variable of CI at one cfs per acre
7 for a 45 minute duration. Do you see that?

8 A. Yes.

9 Q. And he concludes using those
10 variables that there is a discharge of 54 cfs to
11 Dead Creek. Do you see that?

12 A. Yes.

13 Q. I would like to refer you over to a
14 map that's included in Hodges 9 and ask you to
15 take a look at it and see if you can orientate
16 yourself a little bit and I want to ask you a
17 couple questions about it.

18 A. This looks like our plant.

19 MR. HEINEMAN: There's no question
20 pending so don't say anything, just read it.

21 Q. (By Mr. Ricci) Based upon your
22 review of this map, can you tell where the 24 and
23 36-inch lines that we've been discussing in the
24 course of your deposition are depicted on this
25 map, if anywhere?

1 A. It's pretty unclear. I don't know
2 if that's a plant boundary or if those or sewer
3 lines. I don't know.

4 Q. Okay. Do you see there's a key or
5 legend down at the bottom that provides some help
6 in interpreting the map, specifically it gives the
7 key for the manhole number. Do you see that?

8 A. Yes.

9 Q. Does reference to that key assist
10 you at all in determining whether you can locate
11 those 24 and 36-inch lines we discussed earlier?

12 A. Not really because I don't remember
13 the number of the manholes at all.

14 Q. And in all fairness, I don't think
15 they're depicted on the map we looked at earlier.

16 A. Right.

17 Q. Let me direct you back to Hodges 1
18 for a second, which is the first map we looked at.

19 Now, just to orientate yourself Dead
20 Creek is over here?

21 A. Right.

22 Q. Now, there does appear to -- this
23 map does appear to depict a sewer line that runs
24 from Dead Creek to a 24-inch sewer line. Do you
25 see that?

1 A. I guess so. Is this an extension of
2 that line?

3 Q. Well, I am not allowed to answer
4 your questions here. I am only asking your
5 understanding of what you see on the map here.

6 A. Well, that's what it looks like.

7 Q. Do you understand that this little
8 box that is at the intersection of the line from
9 Dead Creek, 24-inch line, to be some sort of
10 structure or manhole?

11 MR. HEINEMAN: Objection, asked and
12 answered.

13 THE WITNESS: It could have been. I
14 don't know.

15 Q. (By Mr. Ricci) Do you know whether
16 Monsanto process water or storm water flowed
17 through the line that runs that -- let me start
18 over with that one.

19 Do you know whether Monsanto process
20 water flowed through the 24-inch line at the point
21 where it intersected with the line leading to Dead
22 Creek?

23 A. Yes, there was Monsanto flow there,
24 sure.

25 Q. Would that flow include process

1 water and storm water?

2 A. Yes.

3 (Plaintiff's Exhibit No. 10 was
4 marked for identification at this
5 time)

6 Q. (By Mr. Ricci) Mr. Hodges, let me
7 show you a document that's marked as Hodges 10 for
8 identification. This is a document with Bates No.
9 CER 113159. Have you ever seen this document
10 before?

11 A. I don't recall, but I am on the
12 distribution.

13 Q. Do you understand from the
14 distribution list you did receive a copy in
15 November of 1963?

16 A. I assume I did, yes.

17 Q. You don't have any recollection of
18 it, though?

19 A. No.

20 Q. If you could take a moment to look
21 at the conclusion on the first page of that
22 document? Do you have any knowledge of the
23 conclusions or recommendations made in this
24 report?

25 A. I don't recall them.

1 Q. Do you have any recollection?

2 A. As far as I know, none of that was
3 ever done.

4 Q. Did you have any involvement in the
5 development of these issues or the development of
6 this report?

7 A. No.

8 Q. Do you know if anybody at the
9 Krummrich Facility did?

10 A. Not that I'm aware of.

11 Q. Now, Mr. Caskey and Mr. Stutz were
12 with Central Engineering; is that right?

13 A. Yes.

14 Q. Did Central Engineering have a
15 particular point of contact with the Krummrich
16 Facility? Did they have to go through the Plant
17 Manager or Technical Services or anything like
18 that?

19 A. I don't know. On some things they
20 came through me, and I assume on some things they
21 came through the Technical Department.

22 Q. All right.

23 A. I don't think they necessarily
24 worked through the Plant Manager.

25 Q. Who was in charge of the Mechanical

1 Department in 1963 at the Krummrich Facility?

2 A. I don't remember. I think it might
3 have been -- well, I don't remember.

4 Q. Is it anybody on this distribution
5 list on Hodges 10?

6 A. Sprandel was in the Mechanical
7 Department, but he didn't head it. I don't know
8 who Prastka is.

9 Q. How about Spuering?

10 A. I don't know why he received a
11 report. He was in the Technical Services
12 Department to the best of my knowledge, but I
13 don't know why he got a copy.

14 Q. At Krummrich?

15 A. Yes.

16 Q. Is he still with the company?

17 A. I don't know.

18 (Short break was taken)

19 (Plaintiff's Exhibit No. 11 was
20 marked for identification at this
21 time)

22 Q. (By Mr. Ricci) Mr. Hodges, let me
23 show you a document that's been marked as Hodges
24 11 for identification purpose. This was a
25 document produced with Bates VS 0534 through the

1 Village of Sauget request.

2 I will ask you to take a look at it.

3 Mr. Hodges, have you ever seen this document
4 before?

5 A. I don't know.

6 Q. Are you familiar the firm by the
7 name of Horner and Shifrin?

8 A. Yes.

9 Q. What is the extent of your knowledge
10 with respect to Horner and Shifrin?

11 A. Well, they're engineers, civil
12 engineers I think primarily.

13 Q. Are you aware they had any
14 involvement with respect to the Village of Sauget,
15 Village of Monsanto sewer system?

16 A. I don't recall anything like that.

17 Q. Is this a document that you looked
18 at in preparation for your deposition here today?

19 A. No.

20 Q. Were either Hodges 9 or Hodges 10
21 documents that you looked at in preparation for
22 your deposition here today?

23 A. No.

24 Q. If you could just take a moment to
25 review the summary of conclusions and

1 recommendations on the first couple pages of the
2 report and then I'll ask you some questions that
3 will determine whether you need to look at
4 anything else in this report or not.

5 A. Okay.

6 Q. The first numbered paragraph on the
7 summary of conclusions and recommendations talks
8 about the Village making use of two surge ponds.
9 Do you see that?

10 A. Yes.

11 Q. As you sit here today, do you have
12 any recollection of those surge ponds other than
13 what may have been provided to you from other
14 documents that you've looked at?

15 A. Not really.

16 Q. In paragraph number three, there's a
17 discussion of the presence of polluted waste
18 waters in the surge pond. Do you see that?

19 A. Yes.

20 Q. Do you have any recollection of the
21 consideration of the issue of polluted waste
22 waters in the surge pond in or around 1965?

23 A. No, I didn't have anything to do
24 with anything like that.

25 Q. Do you know if anyone else at the

1 Krummrich Facility had any involvement with the
2 consideration of that issue?

3 A. I don't know who it would be.
4 Perhaps the Mechanical Department, but that's a
5 sure guess.

6 Q. If you flip over to Page 27 of the
7 report, Paragraph 8, interceptor sewer along Dead
8 Creek. Do you see that?

9 A. Yes.

10 Q. Could you just take a minute to read
11 actually those two paragraphs?

12 A. I have read it.

13 Q. Are you familiar with the
14 interceptor sewer that's discussed in this
15 paragraph?

16 A. No.

17 Q. Do you have any recollection of any
18 involvement with the design or construction of
19 that interceptor sewer?

20 A. No. I have no knowledge it was ever
21 done.

22 Q. In preparation for your deposition,
23 did you look at any documents that would suggest
24 any involvement by you in the design or
25 implementation of that interceptor sewer?

1 A. No.

2 (Plaintiff's Exhibit Nos. 12 and 13
3 were marked for identification at
4 this time)

5 Q. (By Mr. Ricci) Mr. Hodges, I have
6 just handed you a document that has been marked
7 Hodges 12. For the record, this is a document
8 that was produced to us by the Village of Sauget
9 that we've Bates numbered VS 0563. I would just
10 ask you to take a look at that.

11 A. I have read it.

12 Q. You've read it?

13 A. Yes.

14 Q. Mr. Hodges, do you have any
15 recollection of attending a meeting with Mr.
16 Stutz as suggested by the document that we've
17 marked as Hodges 12?

18 A. I don't remember it.

19 Q. Did you serve on the Village
20 Industrial Committee?

21 A. Yes, I was the secretary. It was
22 the research and something committee, I think.

23 Q. Well --

24 A. I forget what they called it. It
25 was about the -- we had meetings with the Plant

1 Managers. I am not sure what the name of the
2 group was.

3 Q. All right.

4 A. This was primarily in relation to
5 the start up, the progress of the start up of the
6 primary waste treatment plant that was built.

7 Q. The document that we've marked as
8 Hodges 12 does not deal with the start up of the
9 waste treatment plant; does it?

10 A. Uh-uh.

11 Q. Does or does not?

12 A. Does not.

13 Q. Looking at the attendance list for
14 this meeting discussed here, just looking at that
15 list can you tell if that was a meeting of Plant
16 Managers?

17 A. I don't know. I don't think so.
18 Sandy wasn't the Plant Manager for Cerro. I don't
19 know. It doesn't look like it.

20 Q. Was the Plant Manger of the
21 Krummrich Facility in attendance at this meeting
22 according to the list here?

23 A. No.

24 Q. Who was the Plant Manager at that
25 time?

1 A. I think it was still Bob Snowden or
2 might have been John McClain, I am not certain.
3 That was about the time I transferred out of the
4 plant.

5 Q. There's a discussion in the first
6 paragraph of this memo under the heading
7 Background of proposed construction of a 18-inch
8 sewer pumping station on Dead Creek to serve the
9 Cerro Plant. Do you see that?

10 A. Yes.

11 Q. Do you recall having any involvement
12 in evaluating that proposal?

13 A. No, I don't recall it.

14 Q. There's a statement that Hodges
15 objected to the Village proposed sewer program in
16 a letter to the Village, May 25, 1965. Do you see
17 that?

18 A. Yes.

19 Q. Do you recall writing any such
20 letter?

21 A. No.

22 Q. Do you recall voicing any objection
23 to the Village on the proposed sewer program as
24 this memo indicates?

25 A. No.

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1 Q. There's a reference to a meeting
2 among yourself, Mr. Stutz and Mr. Goldenberg on
3 May 26th, 1965. Do you recall that meeting?

4 A. No.

5 Q. On Page 2 there's a discussion of an
6 organic engineering study of the Monsanto Village
7 sewers. Do you see that?

8 A. Yes.

9 Q. Do you know if that organic
10 engineering study is either of the document that's
11 we've identified as Hodges 9 or Hodges 10?

12 A. I don't know. It would appear to
13 be, but I don't know.

14 Q. And based upon your review of Hodges
15 9 and Hodges 10, can you tell if those reports
16 were prepared by Organic Engineering?

17 A. Yes.

18 Q. And were they?

19 A. I peg you pardon?

20 Q. Were they prepared by Organic
21 Engineering?

22 A. Yes.

23 Q. Did you have any involvement in the
24 conclusion recounted here that the present system
25 of surge ponds for storing storm water was the

1 most economical method?

2 A. I don't recall.

3 Q. Do you know Mr. Wisley from Horner
4 and Shifrin?

5 A. Yes, I know him.

6 Q. How do you know him?

7 A. I was trying to reconstruct that. I
8 think he might have worked for Monsanto at one
9 time in the Engineering Department.

10 Q. Before or after?

11 A. I think before.

12 Q. June of 1965?

13 A. I think he left there to go with
14 Horner and Shifrin.

15 Q. Do you recall dealing with Mr.
16 Wisely with respect to the construction of the
17 interceptor sewer along Dead Creek?

18 A. No.

19 Q. Do you recall Mr. Wisely being
20 involved on behalf of Horner and Shifrin in the
21 evaluation of the Village sewer system?

22 A. Not really.

23 Q. There's a list of positions taken
24 during discussion at the meeting that's the
25 subject of this report, and under Cerro

1 Corporation it states that they would like to have
2 Dead Creek used only as a clean water channel. Do
3 you see that?

4 A. Yes.

5 Q. Do you have any recollection of
6 Cerro taking that position as against either the
7 Village or Monsanto?

8 A. No, I don't. I don't remember this
9 meeting at all.

10 Q. Flip over to the last page. These
11 minutes appear to be have prepared by Mr. C. N.
12 Stutz. Do you see that?

13 A. Yes.

14 Q. That's Cliff Stutz?

15 A. Yes.

16 Q. He's the one you said was fired?

17 A. Let go.

18 Q. Is there a difference between fired
19 and let go?

20 A. I guess not.

21 Q. Do you know if he was let go before
22 or after this document was prepared?

23 A. I don't know when he was released.

24 Q. Do you recognize Mr. Stutz's
25 signature?

1 A. No.

2 Q. You don't know if this is his
3 signature or not?

4 A. No.

5 Q. Let me show you a document that's
6 marked Hodges 13 for identification purposes.
7 This is a document that was produced by the
8 Village of Sauget. Bates No. VS0563 was assigned
9 to this document.

10 MR. HEINEMAN: Same as the other one?

11 MR. RICCI: Yes. The reason for that
12 is that these documents -- there was a packet of
13 minutes and we Bates numbered the cover page and
14 we did not Bates number each particular page of
15 the minutes.

16 So the Bates number really refers to
17 all of the minutes of which we've taken these out.
18 To just further identify it, it's dated June 14th,
19 1965.

20 MR. HEINEMAN: All right.

21 Q. (By Mr. Ricci) If you could take a
22 minute to review these minutes?

23 A. Okay.

24 Q. You've read it?

25 A. Yes.

1 Q. Mr. Hodges, is that your signature
2 on the last page of this document?

3 A. Looks like it, yes.

4 Q. And are these minutes of a meeting
5 of the Monsanto Village Plant Managers that you
6 prepared?

7 A. Apparently.

8 Q. Do you have any recollection of this
9 meeting?

10 A. No.

11 Q. Who was John McClain?

12 A. He was our Plant Manager at that
13 time. He succeeded Bob Snowden.

14 Q. Who was Homer Carter?

15 A. He was a superintendent in the
16 plant. I don't know why he was there.

17 Q. Do you know who George Sawaser was?

18 A. Yes, I knew George. George was with
19 Horner and Shifrin.

20 Q. How did you know him?

21 A. I am not sure it. It may have been
22 from studies at Washington University or when he
23 was working around the plant, their surveys.

24 Q. It appears from the minutes that you
25 prepared that you played a relatively active role

1 in this meeting, but you don't have any
2 recollection of it?

3 A. That's right. That was 30 years
4 ago.

5 Q. On the first page in paragraph two
6 you discuss a problem with respect to Cerro's
7 discharges into Dead Creek. Do you have any
8 recollection of that problem?

9 A. No.

10 Q. Any recollection of your involvement
11 or consideration of that problem?

12 A. No. I assume this was information
13 we got from Cerro.

14 Q. Under paragraph three there's a
15 discussion of inadequate discharges to Dead Creek
16 from Village sewers at the south end of the
17 Monsanto Plant. Do you see that?

18 A. Yes.

19 Q. Do I understand from that statement
20 that the Village sewers at the south end of the
21 Monsanto plant were discharging into Dead Creek?

22 A. That's what it says, yes.

23 Q. There's an indication that this
24 inadequate discharge caused occasional flooding
25 problems at the end of the sewer lines at the

1 north end of the Monsanto Plant. Do you see that?

2 A. Yes.

3 Q. Do you recall where these flooding
4 problems occurred?

5 A. No.

6 Q. Do you recall having any involvement
7 with respect to these flooding problems?

8 A. Not really, no.

9 Q. Do you have any recollection of this
10 being part of your duties or responsibilities at
11 this time?

12 A. Let me say it was a very minor part.
13 My job was in plant reduction, and this was
14 something else.

15 Q. Do you have any recollection --

16 A. I was happy to do it as I recall. I
17 don't remember much about it.

18 Q. You just don't recall being involved
19 in this issue?

20 A. Not in this particular issue. I
21 recall very well being involved with the start-up
22 with the waste treatment plant.

23 Q. Under the discussion of other
24 related problems not critical at this time, you
25 talk about the capacity of Dead Creek being

1 outside the Village and the question of the right
2 to continue to use this as a polluted surge pond.
3 Do you see that?

4 A. Yes.

5 Q. Does that refresh your recollection
6 as to the manner in which Dead Creek was being
7 used at this time?

8 A. Some refreshment, yes, but I still
9 don't remember much about it.

10 Q. Do you feel that the information
11 that you included in this memo now was accurate at
12 the time that you wrote it?

13 MR. HEINEMAN: Excuse me. Let me
14 object to the form of that question as calling for
15 speculation on the part of the witness, who says
16 he doesn't remember the meeting.

17 Q. (By Mr. Ricci) Let me rephrase the
18 question.

19 Mr. Hodges, in June of 1965, was it
20 your practice to make documents as accurate as
21 possible when you were preparing the documents?

22 A. That's correct.

23 Q. As you sit here today, do you feel
24 that the information recounted in Hodges 12 is
25 accurate?

1 MR. HEINEMAN: Again, let me state
2 my objection the for record.

3 I still object to the question as
4 calling for speculation on the part of the
5 witness, who says he doesn't remember anything
6 that happened at the meeting.

7 Q. (By Mr. Ricci) You can answer the
8 question.

9 A. I see what I read here, but I don't
10 remember the meeting.

11 Q. This is a document that you prepared
12 and signed; correct?

13 A. That's right.

14 Q. Was it your practice to prepare and
15 sign documents in 1965 that were inaccurate?

16 A. No.

17 Q. Now, this document talks about a
18 Horner and Shifrin recommendation to separate
19 clean storm and dry weather flows from polluted
20 waste, and that's on the second page of the
21 document, middle paragraph?

22 A. Yes.

23 Q. Do you have any recollection of the
24 Horner and Shifrin recommendation in that regard?

25 A. I don't recall any.

1 Q. Was it possible in 1965 for Monsanto
2 at the Krummrich Facility to separate its polluted
3 waste water from its clean waste water and clean
4 storm water?

5 A. I don't know.

6 Q. I think you indicated previously
7 that at least as of an earlier time, I think we
8 were talking about 1962, at that time Monsanto's
9 sewer discharges included a combination of process
10 water and storm water?

11 A. Yes.

12 Q. Do you know if that was the case in
13 1965?

14 A. As far as I know.

15 Q. Were you involved in any effort to
16 evaluate whether it was possible for Monsanto to
17 separate its process discharges from its storm
18 discharges?

19 A. I don't think I was personally
20 involved in it.

21 Q. If you look at Page 2 of Hodges 13,
22 Paragraph 3, there's a discussion of the inability
23 to separate Monsanto waste. Do you see that?

24 A. Uh-huh.

25 Q. Do you know if that's a reference to

1 storm water versus process water?

2 MR. HEINEMAN: Let me object to the
3 question as calling for speculation on the part of
4 the witness.

5 THE WITNESS: I don't remember.

6 Q. (By Mr. Ricci) On Page 3 of the
7 memo there's an indication that you apparently
8 outlined a proposal by Monsanto to break the
9 deadlock. Do you have any recollection of that
10 proposal?

11 A. Not at all.

12 Q. Under Paragraph 5 of your proposal
13 there's a statement persuading Wagner to cease
14 dumping chemicals in Dead Creek. Do you see that?

15 A. Yes.

16 Q. Who is Wagner?

17 A. I don't remember.

18 Q. Do you know if Wagner --

19 A. I can speculate.

20 Q. Do you know if they were another
21 industry in the Village?

22 A. I don't think so.

23 Q. Do you have any recollection of who
24 Wagner was?

25 A. No. I could guess that he was a

1 trucker.

2 Q. You don't really know that, though?

3 A. No.

4 Q. On Page 4 of the memo there's a
5 discussion of Cerro's position as stated by Mr.
6 Silverstein. Do you see that?

7 A. Yes.

8 Q. Take a second to review that.

9 A. I read it.

10 Q. Do you have any recollection of
11 Cerro taking that position with respect to the use
12 of Dead Creek for the ponding of polluted waste?

13 A. No, I have no recollection of that.

14 MR. RICCI: We can break for today.
15 That's all I have for today.

16 (Deposition adjourned)

17 (Exhibits attached to original

18 transcript and retained by counsel)
19
20
21
22
23
24
25

PAUL B. HODGES 05/31/94

1
2 STATE OF MISSOURI)
3 COUNTY OF ST. LOUIS)
4

5 I, PAUL B. HODGES, do hereby certify:

6 That I have read the foregoing deposition;

7 That I have made such changes in form
8 and/or substance to the within deposition as might
9 be necessary to render the same true and correct;

10 That having made such changes thereon, I
11 hereby subscribe my name to the deposition.

12 I declare under penalty of perjury that the
13 foregoing is true and correct.
14

15 Executed this _____ day of

16 _____ 1994,

17 at _____

18 My Commission Expires: _____

19 Notary Public: _____
20

21 _____
22 PAUL B. HODGES
23 Volume I
24
25

TAYLOR & ASSOCIATES
(314) 621-3777 * TOLL FREE (800) 280-DEPO

HARTOLDMON0006678

PAUL B. HODGES 05/31/94

NOTARIAL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF MADISON)

I, DEBORAH C. WEAVER, a shorthand reporter and a duly commissioned Notary Public within and for the State of Illinois, do hereby certify that there came before me at the offices of Coburn & Croft, One Mercantile Center, Suite 2900, St. Louis, Missouri, 63101

PAUL B. HODGES,

who was by me first duly sworn to testify to the truth and nothing but the truth of all knowledge touching and concerning the matters in controversy in this cause; that the witness was thereupon carefully examined under oath and said examination was reduced to writing by me; and that this deposition is a true and correct record of the testimony given by the witness.

I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this deposition is taken; further that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20th day of July, 1994.

My commission expires January 17th, 1995.

(Notary Public)

TAYLOR & ASSOCIATES

(314) 621-3777 * TOLL FREE (800) 280-DEPO

HARTOLDMON0006679

STATE OF MISSOURI)
COUNTY OF ST. LOUIS)

COPY

I, PAUL B. HODGES, do hereby certify:

That I have read the foregoing deposition;

That I have made such changes in form

and/or substance to the within deposition as might
be necessary to render the same true and correct;

That having made such changes thereon, I
hereby subscribe my name to the deposition.

I declare under penalty of perjury that the
foregoing is true and correct.

Executed this 2ND day of

SEPTEMBER 1994,

at Collinsville, Illinois

My Commission Expires: MARCH 26, 1997

Notary Public Georgine L. Hays



Paul B. Hodges

PAUL B. HODGES
Volume I

ORIGINAL

DEPOSITION CORRECTION SHEET

NAME OF

WITNESS: Paul B. Hodges

IN RE: Deposition 5/31/94

Upon reading the deposition and before subscribing thereto, the deponent indicated the following changes should be made:

Page 9 Line 12 Should read picking up a Masters in Sanitary & Environmental
Reason assigned for change: Error

Page 17 Line 5 Should read A. There were other - - -
Reason assigned for change: Error

Page 29 Line 14 Should read From the manufacture
Reason assigned for change: Error

Page 40 Line 13 Should read later changed to - - -
Reason assigned for change: Error

Page 44 Line 8 Should read We were expecting waste treatment
Reason assigned for change: error

Page 46 Line 13 Should read Yes
Reason assigned for change: Question was stated incorrectly

Page 57 Line 6 Should read am not sure how we - - -
Reason assigned for change: Error

Page 66 Line 23 Should read Of this paper - - -
Reason assigned for change: Error

Page 104 Line 5 Should read tried to recover the sodium sulfite
Reason assigned for change: error

Page 110 Line 10 Should read the Santomerse Department
Reason assigned for change: error

Page 125 Line 18 Should read Let me see, Rick Ryckman - - -
Reason assigned for change: error

SIGNATURE OF DEPONENT:

Paul B. Hodges

DEPOSITION CORRECTION SHEET

NAME OF
WITNESS: Paul B. Hodges

IN RE: Deposition 5/31/94

Upon reading the deposition and before subscribing thereto,
the deponent indicated the following changes should be made:

Page 143 Line 19 Should read How about RE Soden
Reason assigned for change: error

Page 165 Line 5 Should read pure guess
Reason assigned for change: error

Page _____ Line _____ Should read
Reason assigned for change:

Page _____ Line _____ Should read
Reason assigned for change:

Page _____ Line _____ Should read
Reason assigned for change:

Page _____ Line _____ Should read
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SIGNATURE OF DEPONENT: Paul B. Hodges