IN THE CIRCUIT COURT FOR ETOWAH COUNTY
STATE OF ALABAMA
(Transferred from Calhoun County Alabama)

SABRINA ABERNATHY, et al.,)
)
Plaintiffs,)
) CIVIL ACTION NO.
VS.) CV-96-269
) (Consolidated)
MONSANTO COMPANY, et al.,)
)
Defendants.)

DEPOSITION OF STEVE SMITH

Taken on behalf of the Plaintiffs

August 8, 2001

KRIEGSHAUSER REPORTING & VIDEO
REGISTERED PROFESSIONAL REPORTER
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Deposition of STEVE SMITH, produced, sworn, and examined on behalf of the Plaintiffs on August 8, 2001, 10:00 a.m., at the offices of Kriegshauser Reporting & Video, 319 North 4th Street, Suite 322, St. Louis, MO 63102, before Sheila L. Ford, a Registered Professional Reporter and Notary Public within and for the State of Missouri.

A P P E A R A N C E S

The Plaintiffs were represented by Ms. Ellen B. Malow of the law firm of Kasowitz, Benson, Torres & Friedman, L.L.P., 700 Louisiana Street, Suite 2200, Houston, Texas 77002.

The Defendants were represented by Mr. William S. Cox, III of the law firm of Lightfoot, Franklin & White, L.L.C., The Clark Building, 400 North 20th Street, Birmingham, Alabama 35203

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S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by the parties, through their respective counsel, that the deposition of STEVE SMITH may be taken before Sheila L. Ford, CSR, RPR, as Commissioner and Notary Public, Missouri at Large, at St. Louis, Missouri, on August 8, 2001, at 10:00 a.m.

IT IS STIPULATED AND AGREED that it shall not be necessary for any objections to be made by counsel to any questions except as to form or leading questions and that counsel may make objections and assign grounds at the time of trial or at the time said deposition is offered in evidence or prior thereto.

IT IS STIPULATED AND AGREED that notice of filing by the Commissioner is waived.

STATE OF MISSOURI, CITY OF ST. LOUIS

[Plaintiffs' Exhibits Numbers One and Two were marked for identification.]

STEVE SMITH,

of lawful age, produced, sworn, and examined on behalf of the Plaintiffs, deposes and says:

DIRECT-EXAMINATION

QUESTIONS BY MS. MALOW:

Q. Mr. Smith, can you explain to the ladies and gentlemen of the jury why thirty years after Dr. Ferguson recommended that Monsanto clean up Snow Creek it still has not been done?

MR. COX: Object to the form.

A. I'm not aware who Dr. Ferguson is or what that claim is about.

Q. (By Ms. Malow) Well, assume with me that Monsanto hired Dr. Denzel Ferguson, who was a biologist, who came down and

did a full study of Snow Creek and Choccolocco Creek in 1967 and recommended to Monsanto at that time that Snow Creek be cleaned up. Can you explain, if that assumption is correct, why is it it hasn't been done?

MR. COX: Object to the form.

A. I don't know, first, whether the assumption is correct or not. Also I don't know what the circumstances were around whether a recommendation was made, if one was made.

Q. (By Ms. Malow) Assume with me it is correct. Do you have any explanation whatsoever as to why it is that Monsanto or Solutia wouldn't follow a recommendation to clean up Snow Creek?

MR. COX: Object to the form.

A. Well, there could be a number of different reasons. I certainly, where I am today, cannot speculate on all the reasons. But there are certainly different formats that you're expected

to follow in doing a cleanup.

Q. (By Ms Malow) Let me show you what I have marked as Exhibit Two, Mr. Smith, and ask you if you have ever seen this before.

A. No.

Q. And just for the record, what I have handed you that is marked as Exhibit Two is what's entitled, "A Final Report, Investigation of Certain Pesticide-Wildlife Relationships in the Choccolocco Creek Drainage."

If you will, look at the third page that is signed by Denzel Ferguson, Principal Investigator. Do you see that?

A. Third page?

Q. Yes.

A. Yes.

Q. And it's your testimony that you have never seen Dr. Ferguson's report, which is the result of a contract between Monsanto Chemical Company and

Mississippi State University, correct?

A. That's correct.

Q. If you'll go to --

MR. COX: You can look at the entire document.

Q. (By Ms. Malow) Sure. I was going to direct you to page 15, whenever you're ready to go there. Are you on page 15?

A. No.

Q. That's fine. Let me know when you're ready.

[Discussion held off the record.]

Q. (By Ms. Malow) Have you taken some time, Mr. Smith, to read Dr. Ferguson's report, which we have marked as Exhibit Two?

A. I scanned through a number of the pages.

Q. And just based on your quick scanning of those pages, have you come up with any reason why Solutia did not follow Dr. Ferguson's recommendation to clean up Snow creek?

MR. COX: Object to the form.
MS. MALOW: That's fine. You have made your objection.
MR. COX: I'll state my objection so maybe you can clarify it, so you can remove my objection. But you're asking him to assume what Dr. Ferguson meant by clean up Snow Creek in a document that's written in 1967. If you want to make some assumptions about what that meant to Dr. Ferguson and tell those to Mr. Smith, maybe he can answer the question.

Q. (By Ms. Malow) Is there anything unclear to you, Mr. Smith, about the phrase "clean up Snow Creek"?

A. Absolutely. It could mean lots of different things to different people. It could mean source reduction within

plants, could mean improvements to the waste water treatment facilities. It also talks about a number of other potential sources.

Q. Do you know if Snow Creek presently still is a continuing source of contamination to the downstream volumes of water?

MR. COX: Object to form.

A. Well, I think that would depend on the definition of contamination. Any plant, any waste water treatment plant would have some permitted levels of materials that are discharged.

Q. (By Ms. Malow) Let's be real specific. Do you think that Snow Creek serves as a continuing source of PCB contamination to Choccolocco Creek and Lake Logan Martin?

MR. COX: Object to the form.

A. Not to my knowledge.

Q. (By Ms. Malow) Have you ever been told by anybody within Solutia about

Dr. Ferguson's findings back in 1967?

A. No.

Q. Do you know why is it is that you, who are in charge of remediation, are not aware of Dr. Ferguson's report?

MR. COX: Object to the form.

A. I first became leader of the mediation group in March of this year.

Q. (By Ms. Malow) That might bring us to a good place to go backwards a little bit. First of all, can you state your name for the jury, please?

A. Steven Douglas Smith.

Q. (By Ms. Malow) Mr. Smith, we met right before the deposition. My name is Ellen Malow. I'm one of the attorneys representing the plaintiffs in a lawsuit that's been filed against Monsanto and Solutia. Do you understand that?

A. Yes.

Q. Have you ever had a deposition -- given a deposition before?

A. Yes.

Q. How many times?

A. I don't recall for sure. Probably around ten.

Q. When is the last time you gave a deposition?

A. It's been several years. I would guess four to six years ago.

Q. What kind of case was that, sir?

A. It was -- I'm sorry. The most recent one was probably about three to four years ago. And it was a case associated with the Brio Superfund site in Houston.

Q. And what was your position at the time that you gave that deposition on the Brio case?

A. I was the project manager for Monsanto.

Q. In St. Louis?

A. Yes. I live in St. Louis.

Q. Were you responsible for overseeing the Brio cleanup?

A. I was project manager for Monsanto. There were a number of other parties that are also working there.

Q. But for Monsanto's part in it, were you responsible? Is that your project?
A. I was project manager, yes.
Q. But you had other remediation projects under your -- that were part of your responsibility as well, correct?
A. Yes.
Q. And do you remember who the lawyer was on the other side that took your deposition in the Brio case?
A. No, I don't.
Q. Do you remember the law firm involved for plaintiffs in that case?
A. No.
Q. Did you only give one deposition regarding the Brio Superfund site?
A. Yes. As I recall, yes.
Q. Is that litigation still pending?
A. My understanding, that particular case was resolved.
Q. Do you know how much Monsanto paid in settlement?
A. No. I don't know what they paid or if

they paid.
Q. Did they settle?
A. There was a settlement.
Q. Were PCBs one of the contaminants at the Brio Superfund site?
A. No.
Q. Have you ever given a deposition on any case other than the one today involving PCBs?
A. I don't believe so, no.
Q. Tell me what other types of cases you have given depositions in other than the Brio one.
A. Most of them were typically referred to as Illinois Scaffolding Act lawsuits.
Q. What kind of cases were those?
A. They are associated with contractors in Illinois. When contactors work on a property owner's property, if they are injured, under certain circumstances they can not only recover workers' comp against their employer, but they can file a lawsuit against the property

owner under this what's generally referred to as the Scaffolding Act.
Q. Like a premises liability case?
A. I don't know what that is.
Q. But most of the cases you have been involved in have been contractors suing Monsanto as the property owner at the site where the contractor worked?
A. This was actually the Village of Sauget that was suing.
Q. Have you during your time at Monsanto or Solutia had oversight for the Sauget facility?
A. Depending on your definition of oversight, probably yes.
Q. We will get into that in more detail. Right now let me stick with the depositions. So the Brio litigation, these Illinois Scaffolding Act cases. What other type cases have you given depositions in?
A. I was deposed in an insurance litigation case that Monsanto had, some insurance

carriers.
Q. What was the nature of that litigation?
A. Questions revolving around environmental liability.
Q. And what was the result of that litigation? Was it settled?
A. That one was settled, yes.
Q. Did your carriers reimburse Monsanto for its expenses on environmental liabilities it had incurred?
A. I don't know what the dollar amount was. There was a settlement.
Q. But that's what Monsanto was seeking, correct?
MR. COX: Object to the form.
Q. (By Ms. Malow) Do you know?
A. My understanding was that they were seeking reimbursement for some environmental cost based upon the previous insurance policies they had with the companies.
Q. Did any of those environmental costs involve PCB remediations?

A. I don't know.
Q. Any other types of cases in which you have been deposed other than the ones you have told me about so far?
A. I was deposed in a lawsuit that the -- either EPA or Illinois EPA brought against the Village of Sauget on a permit matter related to the pre-treatment permit.
Q. What year was that?
A. As I recall, that was between 1985 to 1990 time frame.
Q. What was the specific pre-treatment permit matter in issue in that case? Do you remember?
A. The village was required to put together a pre-treatment program under the Clean Water Act, which is a very lengthy and involved set of ordinances and documents that are put together. And the either state or federal EPA had a disagreement with the specifics of that program.
Q. What was the specific allegation against

Monsanto in that litigation? Do you remember?
A. I don't recall any specific allegation against Monsanto.
Q. Were you being -- Was Monsanto actually a party to that suit? Were they a named defendant?
A. I don't believe so.
Q. Do you know why it is that you were being deposed?
A. Because at that point I was project manager for the American Bottoms regional waste water treatment plant.
Q. For the American what?
A. American Bottoms.
Q. Bottoms?
A. Yes.
Q. Waste water treatment plant?
A. Right.
Q. Is that located in the Village of Sauget?
A. Yes.
Q. Does it have any affiliation with

Monsanto, or this is just prior employment, before you went to work for Monsanto?
A. No. I was still working for Monsanto. I was on loan to the Village of Sauget for start-up of this facility.
Q. What was Monsanto's affiliation with the American Bottoms waste water facility?
A. Monsanto was one of the users of the facility.
Q. Any other depositions that you can recall other than the ones we have talked about?
A. Very early -- Well, early in my career I had a short deposition related to a material spill in Sturgeon, Missouri.
Q. What was the material that was spilled?
A. I believe it was some type of chlorophenol.
Q. Do you remember who the plaintiff's lawyer was in that case?
A. They were from Belleville, Illinois. That's all I remember.

Q. Do you know where the suit was filed?
A. It believe -- It was tried in Belleville.
Q. It actually went to trial?
A. Yes.
Q. Did you actually appear live at trial?
A. No.
Q. Have you ever testified at trial in any case?
A. Yes.
Q. How many?
A. One.
Q. What case was that?
A. It was essentially a paint damage claim made by some employees of a facility next to the Monsanto Krummrich plant.
Q. Where was that suit filed?
A. The trial was in Belleville. I assume it was filed in Belleville.
Q. Do you remember who the plaintiff's firm was in that case?
A. I believe Cook is one of the names, one of the main partners.

Q. Did you also get deposed before trial in that paint damage claim case?
A. No.
Q. Just live at the trial?
A. Yes.
Q. Do you remember how that case came out?
A. The -- I don't remember the exact dollar amount.
Q. There was some finding for the employees?
A. There was some finding, not what they asked but some smaller amount.
Q. And that case with the materials spilled in Sturgeon, Missouri, do you remember the plaintiff's firm in that case?
A. No.
Q. I may have asked you that.
All right. Do you remember the name of the lawyer that took your deposition in that EPA versus Village of Sauget case? You didn't know it was a memory test, did you?
A. No.

Q. How about the insurance litigation coverage? Do you remember who the lawyers were on behalf of the insurance company or carriers?
A. No. There were several of them.
Q. Do you know where that suit was filed?
A. No.
Q. Any other depositions or trials that we have not covered?
A. I only had the one trial appearance.
Q. So that's easy to remember?
A. One more. I was deposed in the lawsuit that the Village of Sauget brought against Zimpro, Z-I-M-P-R-O.
Q. What type of case was that?
A. That was essentially a claim of warranty.
Q. Breach of warranty case?
A. Well, to put it in laymen's terms, the village bought an expensive piece of equipment from Zimpro, and the piece of equipment blew up. And this equipment cost several million dollars, so it

resulted in a warranty type case.
Q. I'm with you.
All right. And do you happen to remember who took your deposition in that case from the other side?
A. No.
Q. What year was that suit?
A. It was probably filed in '89, 1990 time frame.
Q. And was that in Belleville also?
A. I don't know. The deposition was in Chicago.
Q. Did you have a chance to -- I don't want to know what you talked about. But did you have a chance to talk with Mr. Cox to get ready for your deposition today?
A. Yes. I spoke to him yesterday.
Q. Was Mr. Felder in the room during that preparation?
A. No.
Q. Have you had any conversations with Craig Branchfield about the deposition that he gave on July 24?

A. No.
Q. Did you know that he had given a deposition?
A. I was told that he was giving a deposition.
Q. But you haven't discussed that deposition with him?
A. No.
Q. Have you read his deposition?
A. No.
Q. Have you had any conversations with Mike Foresman about the deposition he gave?
A. No.
Q. Is Mr. Foresman still with Solutia?
A. No. He retired.
Q. When did he retire?
A. Approximately the end of February of this year. I'm not sure if it was the end of February or middle of March, in that time frame.
Q. Did you take over Mr. Foresman's position?
A. Parts of his position, yes.

Q. Why don't you tell me what your job title is with Solutia?
A. Leader of the remediation management group.
Q. Why don't we back up, sir. If you could, just give me a thumbnail sketch of your education, please.
A. I have a bachelor's degree in engineering, in mechanical engineering, and a master's degree in civil engineering, although it was essentially the environmental program under the civil program.
Q. And when did you get your bachelor's degree?
A. 1974.
Q. From what institution?
A. University of Missouri-Rolla.
Q. And how about your master's? What year did you obtain that?
A. It's approximately 1985.
Q. And from what institution?
A. Same, University of Missouri-Rolla.

Q. And did you work in between getting your bachelor's and your master's degree?
A. Yes. I got the master's at night, night school.
Q. Give me a thumbnail sketch of your work history after getting your bachelor's degree.
A. I started with Monsanto in 1974 at the W. G. Krummrich plant.
Q. What was your position when you started?
A. I was in the mechanical design group.
Q. At the time that you started in 1974 was the Krummrich plant still manufacturing PCBs?
A. I believe it was.
Q. Did you have any involvement whatsoever with the PCB manufacturing process?
A. No.
Q. How long did you stay at Krummrich?
A. In 1985 I left Krummrich and was -- to take over as the project manager of the American Bottoms facility we talked about previously.

Q. That's when you were on loan?
A. It's on loan to the Village of Sauget.
Q. How long a period of time were you on loan to the Village of Sauget?
A. 1988.
Q. What exactly were you doing as project manager of American Bottom?
A. Bottoms.
Q. Bottoms, okay.
MR. COX: Like a swamp, as opposed to another.
Q. (By Ms. Malow) Let's clarify that.
A. I was assisting the village in starting up a major regional waste water treatment plant, hiring people, working on the billing system.
Q. Were PCBs ever sent to that American Bottoms waste water treatment plant?
A. What do you mean by sent?
Q. Were they ever treated, were PCBs ever treated at the American Bottoms waste water treatment plant in the Village of Sauget?

A. I don't know how to answer that question. My guess is that if there were PCBs they would be below the limit of detection.
Q. I guess what I'm trying to figure out is what would be the source of waste water that American Bottoms was treating? Where did it come from?
A. They treated waste water from the Village of Sauget industries, East St. Louis, of course the village of Sauget residents, and Cahokia, just another city, and also an area called the common fields of Cahokia.
Q. Was there any plant effluent from the Monsanto Sauget facility that was treated at American Bottoms?
A. Yes.
Q. And in that plant effluent was there any PCB waste, regardless of the level?
A. Well, Monsanto actually discharges to the Sauget physical chemical plant initially --

Q. Then where does it go?
A. -- where its treated, and then from there it goes into the secondary portion of the American Bottoms regional waste water treatment facility.
Q. Do you know how many pounds of PCBs -- do you call it Krummrick or Krummrich?
A. Krummrich.
Q. How many pounds of PCBs was the Krummrich facility sending into this treatment facility in let's say 1974? Do you know?
A. No.
Q. Do you know how many pounds of PCBs were manufactured at the Krummrich facility in 1974?
A. No.
Q. Do you have any idea of the number of pounds that were manufactured at the Krummrich facility during the entire time PCBs were manufactured there?
A. No.
Q. Do you know the years that PCBs were

manufactured at Krummrich?
A. No.
Q. All right. So let me make sure I understand. From '74 up until you went on loan to American Bottoms in '85 you were at Krummrich, correct?
A. Right.
Q. And during that entire time did you stay in the mechanical design group, or did you change positions from '74 to '85?
A. I changed position.
Q. What other positions did you hold during that '74 to '85 time frame?
A. Environmental engineer.
Q. What were your duties and responsibilities as an environmental engineer at Krummrich?
A. My primary responsibility was with the waste water program, working with the Sauget physical chemical plant.
Q. Are you aware of PCBs that went into the atmosphere from the Krummrich facility?
MR. COX: Object to the form.

A. No.
Q. (By Ms. Malow) Do you have knowledge of PCBs that were buried in landfills at the Krummrich facility?
MR. COX: Same objection.
A. There are PCBs in the landfill, Krummrich landfill.
Q. (By Ms. Malow) Okay. How many landfills are there at the Krummrich site?
A. The Krummrich landfill was the primary landfill Monsanto used.
Q. How big is that landfill?
A. Approximately twenty-two acres.
Q. Do you know what year it began?
A. In the late '50s.
Q. Do you know how many pounds of PCBs have been disposed of in that Krummrich landfill?
A. No.
Q. But there are PCBs there?
A. Yes.
Q. Is that landfill capped?

A. It has between two to eight feet of clay cover.
Q. Is there any high density polyurethane cap on that?
A. No.
Q. Have any PCBs that have been placed in that landfill during its existence ever been excavated and removed to a hazardous waste site?
A. Not to my knowledge.
Q. Are there PCBs that have ever been disposed of in other places at the Krummrich facility other than the landfill?
A. Not to my knowledge.
Q. What years were you the environmental engineer at Krummrich? Do you remember, approximately?
A. From 1978 until the end of 1984.
Q. Then you stayed at American -- Well, were there any other positions besides mechanical design or environmental engineering between the '74 to '85 time

frame that you held?
A. My title changed a few times.
Q. But basically doing the same type of thing?
A. Yes.
Q. In the mechanical design group, which specific area of the plant or processes were you working with, if that's even a question that makes sense?
A. Over the years it changed. They had different zones. Most of my projects were in the sulfuric acid department, para-dichlorobenzene, PDCB.
Q. She has got to get you verbatim. Once you give a big word, you have got to stick with it.
So after the project manager position at American Bottoms, what did you do next, which brings us to I guess 1988?
A. In 1988 I returned to the Krummrich plant.
Q. And what position?

A. Environmental supervisor -- I'm sorry. Environmental superintendent.
Q. And what responsibility did you have as the environmental superintendent in '88?
A. I was managing the environmental program at the plant.
Q. Was there any portion of that environmental program that dealt with PCBs?
A. By that time, of course --
Q. They had stopped making --
A. -- the para-dichloro department had been stopped.
Q. How about dealing with the impact of the PCBs on the environment in the Sauget area?
MR. COX: Object to the form.
Q. (By Ms. Malow) Did you have any responsibilities, for example, for doing any sort of fish studies or sediment sampling or anything of that nature dealing with PCBs?
A. No.

Q. Are you aware of any PCB-related projects that would have been under your responsibility as environmental superintendent?
A. I'm not aware of any PCB projects.
Q. Okay. How long did you remain environmental superintendent?
A. Until 1991.
Q. Then what did you do?
A. I relocated to the general office, again working in the remedial projects group.
Q. Is that the same group that you're in today?
A. Yes.
Q. And was that the first time that you had a position in St. Louis?
A. Yes.
Q. What was your initial position in the remedial projects group in '91?
A. Manager.
Q. And how long did you remain a manager?
A. Up until March of this year.
Q. Did you have promotions along the way

from '91 up until March of this year?
A. No.
Q. Who did you report to from '91 up until March of this year?
A. Mike Foresman.
Q. And who do you report to now?
A. Jeff Felder.
Q. So did Jeff Felder assume Mr. Foresman's position?
A. No.
Q. Or was it divided up?
A. It was divided up differently and reorganized.
Q. Tell me how it's organized presently. What exactly is your role, and what is Mr. Felder's role?
A. Mr. Felder is Director of Environmental Safety and Health.
Q. And you told me before, but give it to me again.
A. Leader of remediation management group.
Q. Okay. So is he actually in -- Is Mr. Felder in a different group?

A. No.
Q. So the Director of Environmental Safety and Health is part of the remediation management group?
A. Wrong way around. The remediation management group is part of Environmental Safety and Health.
Q. Got it. And who does Mr. Felder report to?
A. Jerry Hayden.
Q. What is Mr. Hayden's position?
A. Vice president of operations.
Q. How many people do you oversee as the leader of the remediation management group?
A. I have seven direct reports.
Q. Did Jo Hanson used to work -- previously work in the remedial projects or remediation management group? Do you know Jo Hanson?
A. Yes.
Q. Was she in your group previously?
A. She was not in my group.

Q. Where were you -- Strike that.
So Mr. Foresman retired, and you told me earlier you did assume some of Mr. Foresman's responsibilities, correct?
A. Yes.
Q. What specific responsibilities of Mr. Foresman's do you now have?
A. The remediation management.
Q. Why don't you tell the jury what remediation management means?
A. We have a number of remediation projects throughout the country and the world. We have six remedial managers, seven including myself, who manage these projects for Solutia. And also some of the plant sites manage their own remediation projects.
Q. Who are the six? I thought you said there were seven direct reports to you?
A. Administrative assistant.
Q. Who are the six remediation managers that report to you presently?

A. Tony Tuck, Larry Adams, Craig Branchfield, Jerry Rinaldi, Mike House, Mike Light.
Q. Is that it?
A. That's right. That's it.
Q. You got them. All right. And Mr. Branchfield would be the remediation manager for Anniston, correct?
A. Yes.
Q. And prior to Mr. Branchfield it was Alan Faust?
A. Yes.
Q. And why is it that Mr. Branchfield was placed in that role? What happened to Mr. Faust?
A. Mr. Faust relocated to the Krummrich plant.
Q. So he's no longer considered part of the remediation management team?
A. Correct.
Q. And Mr. Branchfield, why was he selected for Anniston?
A. I was not a part of that selection.

Q. So you don't know?
A. I assume they considered him the best candidate for the job.
Q. But you don't have any personal knowledge?
A. Correct.
Q. Now, what are your specific duties and responsibilities as the leader of the remediation management group?
A. I still have project responsibilities at the Brio site, the Motco site, M-O-T-C-O, also Skinner landfill. Then I performed coordination functions for the group, for the remediation group.
Q. So you have specific projects that you're still managing, but then you also oversee or supervise the management by your six other managers; is that accurate?
A. Yes.
Q. Of those three that you mentioned that you're still having project management responsibilities, Brio, Motco, and

Skinner, are any of those sites where PCBs are involved?
A. Not to my knowledge.
Q. Can you tell me how many PCB sites Solutia is managing presently?
A. I don't know. How do you define PCB site?
Q. Let's do it this way. We know that Anniston has PCBs as a contaminant, correct?
A. Yes.
Q. I want to know any other site in the country that Solutia is involved in, whether it's exclusively or as one of many PRPs, in which PCBs are a contaminant that are being cleaned up or being looked at to be cleaned up.
A. Well, certainly in Sauget there are. Let me back up. In Sauget there are two different areas that are being looked at under the Superfund law where PCBs are present, and then the plant site is being looked at under RCRA.

Q. And I want to get a list, and them I'm going to go into some major detail on each of them. Where else besides Sauget and Anniston?
A. First of all, I'm not familiar with all the sites.
Q. Why not? Isn't that your job?
A. Well, I got the job in March of this year.
Q. So you are not up to speed yet on all of them?
A. That's certainly true, yes.
Q. But ultimately isn't it going to be your responsibility, once you, you know, get more entrenched in this new position, to know what each of the sites are that Solutia is involved in in terms of cleanup?
MR. COX: Object to the form.
A. Certainly not the specifics. Each project manager is expected to manage their own sites and know the day-to-day issues.

Q. (By Ms. Malow) Let's back up. Before you got this new position, were you only responsible for Brio, Motco, and Skinner, or did you have other sites within your areas of responsibility?
A. I also had Bob's Home Service, a small site. I believe that was all of them, yes.
Q. So in fairness to you, you really haven't had direct responsibility for PCB sites being cleaned up until now, right?
A. Correct.
Q. But now you are definitely managing Craig Branchfield, who is involved in the Anniston situation, right?
A. Well, as of August 1 of this year Craig will be reporting functionally to Jeff Felder and administratively to me.
Q. Why is that?
A. Primarily a workload issue.
Q. Did you ask for that, or did somebody else?

A. No. I asked for some way to reduce the number of hours.
Q. Because you have got more than you can handle, right?
A. Yes.
Q. How about the Sauget site? We touched on that briefly. Who would be the project manager with direct responsibility for the Sauget cleanup?
A. The Sauget area one sites as defined by EPA is being managed by Mike Light. The plant efforts are being managed by Alan Faust. And then I manage the area two Sauget sites.
Q. Let's go ahead and get into a little more detail on that one. Then I'll come back to some more general questions. You said area one as defined by EPA. What exactly does area one consist of at Sauget?
A. It consists of several former landfill sites as well as a creek.
Q. Is that Dead Creek?

A. Yes.
Q. And the former landfill sites, does that encompass that major Krummrich landfill that you had mentioned to me earlier?
A. No.
Q. Which area does that fall on?
A. Two.
Q. And that's your responsibility?
A. Yes.
Q. Well, let me get a little more detail from you. What prompted this cleanup of Sauget?
MR. COX: Object to the form.
Q. (By Ms. Malow) How did that come about?
MR. COX: Same objection.
Q. (By Ms. Malow) You can answer.
A. The RCRA program, when it was promulgated, required land sites do a number of activities. If you handle specific chemicals, you have to file different part A and part B type of documents, which Monsanto did. And that's basically how Monsanto got under

the RCRA program at the plant. The landfills probably came to light from -- Well, I don't know how they came to light originally or who to.
Q. What do you mean by "came to light"?
A. I guess I'm struggling with what your question is about.
Q. I mean something has prompted EPA to, you know, require that Monsanto or Solutia clean up its landfills.
MR. COX: Object to the form.
Q. (By Ms. Malow) What was that?
MR. COX: What she's asking, I think, if I can help, is what triggered the investigation of area one and area two.
MS. MALOW: That's a better question. Thanks, Buddy.
A. The Illinois EPA initiated a study by a consultant of area one back in the 1980s. And these consultants took a number of samples of these former landfills. And in fact, the consultants

were the ones that came up with the letter numeration for each landfill. They also looked at the area two landfill. And the stated the objective in the report was to try to get enough points, if you will, to get these sites listed on the Superfund list according to Illinois EPA.
Q. (By Ms. Malow) And was the site actually ranked as Superfund?
A. The Sauget area one was proposed. Area two has not been proposed.
Q. Okay. Is that still under investigation, area two?
A. Yes.
Q. What were the findings of these consultants of Illinois EPA in general?
A. They generated about an eight- to ten-inch thick document which listed the brief history of each landfill operation and also the chemical analysis of each test that they did.
Q. Did they determine that PCBs had

migrated from the landfills into the -- or off site?
A. As I recall, the report was not trying to determine where anything particularly came from or went to. It was basically a characterization report.
Q. Well, is the Sauget -- Is Sauget -- It is Sauget, Illinois, right, and that's where the Krummrich facility is located?
A. Correct.
Q. Do you sometimes call it the Sauget plant as well as the Krummrich plant?
A. Yes.
Q. Are they synonymous?
A. Within Solutia.
Q. If I say Sauget or Krummrich, it's the same thing?
A. Correct.
Q. Okay.
A. That's the facilities in Sauget.
Q. But right now I want to deal with Monsanto's or Solutia's facility, which is the Krummrich plant, but you guys

also call it Sauget?
A. Right.
Q. Is that Solutia facility in a neighborhood?
MR. COX: Object to the form.
Q. (By Ms. Malow) Residential neighborhood?
A. It's nearby.
Q. How close is the nearest resident from the Krummrich plant?
A. I would estimate maybe two city blocks in distance.
Q. Has there been any off-site migration from the Krummrich facility into the residential neighborhood of Sauget?
MR. COX: Object to the form.
A. I'm not aware of off-site migration from Krummrich going into the neighborhood.
Q. (By Ms. Malow) Is there any off-site migration of PCBs from Krummrich into any water bodies?
MR. COX: Object to the form.
A. I can't make an assumption where the

PCBs come from, but there are PCBs in Dead Creek.
Q. (By Ms. Malow) And has Monsanto or Solutia been identified as a PRP for the PCBs in Dead Creek?
A. Yes.
Q. How much money has Monsanto and Solutia spent to date for the cleanup of the Krummrich facility?
MR. COX: Object to the form.
Q. (By Ms. Malow) Has Monsanto expended any monies for cleanup or remediation at the Sauget facility?
A. That's such a broad question I really cannot answer it. I mean, you say Sauget facility. Where are you talking, area one or area two or --
Q. I'm talking the whole thing, anything that Monsanto or Solutia owns.
A. That we own?
Q. Okay. Is area one -- Area one I thought you had defined as former landfill sites of Monsanto.

A. No.
MR. COX: No.
Q. (By Ms. Malow) I'm sorry. I misunderstand. The main landfill at Krummrich would be area two, correct?
A. It is one of the sites within area two.
Q. What else is encompassed by area two?
A. Area two includes a former landfill operated by Leo Sauget.
Q. Who?
A. Leo Sauget.
Q. Is that an individual?
A. Yes. And his firm.
Q. All right.
A. Also there is another site, designated site, which is the former sludge lagoons associated with the Sauget physical chemical plant.
Q. Monsanto's Sauget physical chemical plant?
A. No.
MR. COX: Uh-uh (indicating no).
Q. (By Ms. Malow) Let me ask it this way:

Out of area two designated areas, which of those areas are areas that Krummrich -- that are part of the Krummrich plant site or responsibility? Let me restate that. That was very poorly phrased.
Solutia or Monsanto, okay, you said that they had used the main landfill which is part of area two, correct?
A. Correct.
Q. Did anyone else, any other company dispose of anything in that main landfill which is part of area two other than Monsanto or Solutia?
A. No. Not for site R, which is the landfill.
Q. Is there any other area or portion of area two other than site R that Solutia or Monsanto used to dispose of its waste?
A. Yes.
Q. What else?
A. Plant waste, plant trash, went to site

Q.
Q. Did any PCB waste go to site Q?
A. Not to my knowledge.
Q. Any other portions of area two where Solutia or Monsanto disposed of any of its waste besides R and Q?
A. Site P was a landfill -- a permit -- Illinois EPA permitted landfill for plant trash, which was used by Monsanto and others.
Q. And others?
A. And others.
Q. Any other portions of area two that Monsanto or Solutia used?
A. Site O is again the lagoons associated with the physical chemical waste water treatment plant, which treated waste water from all the industries --
Q. So it was intermixed?
A. -- which would include Monsanto's waste water along with all the other industries.
Q. Any other areas or portions of area two

that Solutia or Monsanto would have waste in?
A. The only other area site, to my knowledge, we are not associated with the sites.
Q. Let's back up to area one. And you said that that includes former landfill sites. Would any of those landfill sites -- Obviously there might be other industries that sent their waste there, but did Solutia or Monsanto send any of its waste to these landfill sites which are part of area one?
A. There's evidence that Monsanto sent waste to at least two of those sites.
Q. And do you know which type of waste was sent to those two sites?
A. Not specifically.
Q. Do you know if PCBs were sent to either of those landfill sites that are part of area one?
A. Not specifically.
Q. Do you know one way or another if PCBs

went there, Monsanto's PCBs?
A. I don't know. There's PCBs in the landfills. Monsanto used the landfills, as well as other industries.
Q. All right. But Monsanto is the sole manufacturer of PCBs, correct, in the United States?
A. I have heard that.
Q. Do you know that to be true? Do you know that the only two places that they made it were in Sauget, Illinois, the Krummrich plant, and in Anniston, Alabama?
A. I believe it was imported, but, yes.
Q. Okay. Now, these area one sites other than the two where there is some evidence that Monsanto sent waste, is there any other portion of those area one sites that Monsanto sent waste to?
MR. COX: Object to the form.
A. Not to my knowledge.
Q. (By Ms. Malow) What are the two that you are thinking of? What are the

designations of the two in area one that there's evidence that Monsanto sent its waste? You mentioned two.
A. H and I.
Q. And are those off-site landfills?
A. Yes.
Q. How far away from the Krummrich facility is H, landfill H?
A. Maybe a half mile.
Q. About how about I? Where is that?
A. I is right next to it. I is adjacent. H and I are together.
Q. And they are both about half a mile; is that what you said?
A. Roughly.
Q. And do you know from what years Monsanto sent waste to H and I?
A. It would have been prior to the 1958-59 time frame.
Q. And how long did Monsanto send waste to sites P, R, and O from area two?
MR. COX: P, R, and Q are the landfills.

MS. MALOW: Okay.
A. Site R operated from the late '50s, the '58-59 time frame, until the '70s. And it was actually closed as I recall in 1978.
Site Q operated roughly the same time frame as site R, late '50s through the early '70s.
Site P was permitted in the early '70s. I believe it operated to the mid '70s, maybe late '70s.
Q. (By Ms. Malow) Do off-site landfills H and I -- What type of landfills are those? Are they municipal landfills? Are they hazardous waste landfills? What type of waste can be sent there?
MR. COX: Object to the form.
A. Again, they operated in the '40s and '50s.
Q. (By Ms. Malow) So the waste streams were mixed?
A. I would assume so, but I don't have personal knowledge of that.

Q. Were those landfills lined?
A. Not to my knowledge.
Q. How about site R? Is that a lined landfill?
A. No.
Q. How about site P?
A. No.
Q. Site Q?
A. No.
Q. Do you know if hazardous waste streams were mixed with nonhazardous waste streams in sites P, Q, and R?
MR. COX: Object to the form.
A. The definition of hazardous waste came about in 1980 through the RCRA regulations.
Q. (By Ms. Malow) But now?
A. You can't match the terms.
Q. But the bottom line is all those sites had what are now known as hazardous waste mixed with nonhazardous waste, correct?
A. No.

MR. COX: Object to the form.
A. Site R, yes.
Q. (By Ms. Malow) But not P and Q?
A. Again, I don't know the definition of hazardous waste.
Q. I'm using today's definition.
MR. COX: I'm not sure that's fair, Ellen.
MS. MALOW: Well, that's the definition I'm using.
MR. COX: You may not be able to answer the question using that definition.
A. I really can't because hazardous waste by today's definition is either a list of waste or one of the characteristic wastes. I do not know specifically that any of those waste streams went to site Q or to site P. Site P was definitely a plant trash landfill.
Q. (By Ms. Malow) You also mentioned there was a third area that is being looked at. And that's the plant site area

itself, correct?
A. Yes.
Q. Now, tell me what that encompasses. I'm assuming you mean the Krummrich plant site, right?
A. Correct.
Q. What does that encompass?
A. It's been an ongoing RCRA process where groundwater has been sampled. The data has been turned over to Illinois EPA. They have sought permits for various pieces of equipment, working basically at this point with Region V EPA in Chicago.
Q. Okay. And that is the area Alan Faust is handling right now?
A. Yes.
Q. The groundwater, is it contaminated?
MR. COX: Object to the form.
A. It has constituents in it from the Krummrich plant.
Q. (By Ms. Malow) Are there PCBs in that groundwater at Krummrich at any level?

A. Not in the filter samples to my knowledge.
Q. What are the constituents of concern in the groundwater at Krummrich?
A. Benzene, chlorobenzine, nitrochlorobenzene, some of the higher levels.
Q. Now, I want to go back to that question about cost. Now that I kind of have a sense of what is involved, let's go through it one by one.
How much money has Solutia and Monsanto spent to date on any cleanup of the plant site area?
A. I don't have a total number.
Q. Do you have a ball park number, estimate? Are we talking millions, or are we talking hundreds of thousands?
A. Well, the plant site has been there since the early 1900s. A lot of departments have been shut down over the last ten or fifteen years in particular. When departments are shut down typically

there may be some cleanup associated with that, removal of soil if necessary. There are a number of environmental projects that are ongoing, air pollution.
Q. Let me ask it this way: Is there anything in relation to the plant site area that involves PCB cleanup?
A. The -- not other than what occurred when it was dismantled.
Q. And I don't really want to get into that part. Let's skip over to area two, which we know involves some specific landfills where only Monsanto and Solutia disposed of waste including PCBs. Okay? Can you tell me how much money has been spent so far by Monsanto and Solutia to clean up those areas which are part of area two?
MR. COX: Object to the form.
A. As I mentioned, site R, they installed a two- to eight-foot engineered clay cover back in the late '80s. I don't know --

Q. (By Ms. Malow) Do you know how much that cost?
A. My guess would be a million dollars, but I really don't know.
Q. Okay.
A. Or less. The -- in the mid '80s we installed some large rock along the Mississippi River to alleviate an erosion problem. The site is situated on the Mississippi River where it makes a turn, and there was some evidence of some erosion. So we worked with the agencies and got permission to put some rock to keep that water from eroding towards site R.
Q. Do you know how much that cost?
A. I believe that was around a half million dollars.
Q. Has there been any dredging of any of the water bodies by Solutia or Monsanto in Sauget?
A. No, not to my knowledge.
Q. Any other expenditures that relate to

PCB areas that were used by Monsanto or Solutia in area two?
A. Well, what I was talking about was site R.
Q. Okay. Which was that two- to eight-foot engineered --
A. Landfill for the entire facility.
Q. Do you know how much money Solutia or Monsanto has contributed to the cleanup of area one, understanding that there are other PRPs involved in that area, Monsanto's or Solutia's share of that cleanup expense to date?
A. Area one, Monsanto or Solutia has been doing an RIFS under the direction of EPA as well as an EEIA. Total cost --
Q. Again, rough estimate?
A. There's the study work that's going on, which has been several million dollars.
Q. Okay. And then has there been some actual cleanup?
A. We are in the process of building a containment cell immediately adjacent to

Dead Creek.
Q. Okay. What's the purpose of that?
A. The purpose of that would be to move creek sediments from sector B and C, in particular, into that cell.
Q. And explain to me the structure of this containment cell.
A. It is similar to a TOSCA type design, T-O-S-C-A, which has a number of different layers underneath it, like a gravel layer, a high-density polyethylene liner, a sand layer, and then another high-density polyethylene liner engineered by TOSCA landfill type design.
Q. And is there any other company that's contributing to the cost of the containment cell?
A. No, although there is litigation associated with cost recovery.
Q. How much has been budgeted for that containment cell structure, roughly?
A. Roughly, as I recall, 8 million, 10

million, in that ball park.
Q. Have any residential properties been purchased in the Sauget area by Monsanto or Solutia?
A. Yes.
Q. What was the reason for that?
A. Essentially for access to the creek. There's only been one or two property owner's residences purchased immediately adjacent to basically the pond that's immediately adjacent to Dead Creek. And some additional property was purchased to build the cell.
Q. Do you know how many properties in all were purchased?
A. Residential?
Q. Yes.
A. I believe it's two. I'm not positive about that.
Q. Has there been any sort of property purchase program ever offered for residents of Sauget by Monsanto or Solutia similar to the one in Anniston?

A. No.
Q. For area two, what stage is that in now that you're still involved in?
A. Area two, we have a PRP group that has been formed that has signed a consent decree -- I'm sorry. I guess it's an AOC I think with EPA to do the remedial investigation and feasibility study. And we are currently in the process of negotiating the work plan for the sampling.
Q. Who are Solutia's consultants or RIFS for area two?
A. AMEC, A-M-E-C, is one of the consultants that the PRP group is using.
Q. Do you guys have your own separate from AMEC?
A. No.
Q. So all the PRPs contribute to the cost of AMEC?
A. Yes.
Q. How about the consultants that Monsanto or Solutia uses for the plant site

itself? Are there consultants for that area?
A. Yes. They use different consultants for different things.
Q. How about for the groundwater issues?
A. Gary Miller was a consultant that was used for a number of years.
Q. Uh-huh (indicating yes).
A. I don't believe they are currently being used.
Q. How about for area one? Who are the consultants that are doing the RIFS for area one?
A. Roux Associates, R-O-U-X.
Q. Do you know how many monitoring wells there are at the Krummrich facility?
A. No.
Q. Do you know what type of hydrology there is at that site? Do you know anything about the hydrology there?
A. It's primarily sand, essentially fine sand towards the top and coarser as you go down to bedrock. Bedrock is roughly

one hundred -- forty to one hundred feet below ground surface.

MR. COX: Can we take a break?

MS. MALOW: Sure.

[A break was taken.]

Q. (By Ms. Malow) I know you have given a deposition before and you're doing fine so far, but I didn't cover a couple of other basics when we started. You do understand that you're under oath?

A. Yes.

Q. And that the questions you answer are subject to penalties of perjury?

A. Yes.

Q. And you also agree that if you don't understand any of my questions, you'll tell me that?

A. Yes.

Q. Have you been doing that at times when you haven't understood my question so far?

A. I believe so.

Q. Have you answered any question that you

did not understand?

A. I don't believe so.

Q. If at any time you need to take a break, let me know that and we'll do that. Okay?

Did you review any documents in order to get ready for your deposition?

A. No.

Q. Didn't look at a single scrap of paper?

MR. COX: I showed him the deposition notice.

Q. (By Ms. Malow) I'll go ahead for purposes of the record hand you what's been marked as Exhibit One. Is that the document that Buddy has shown you?

MR. COX: That's the renotice.

A. Yes.

Q. (By Ms. Malow) And before we started Mr. Cox told us that you didn't have any documents to bring to your deposition. Is that correct?

A. Yes. I actually gave Mr. Cox what few documents I had.

MR. COX: They were all things that had been produced before.

Q. (By Ms. Malow) What types of documents did you guys have?

A. We didn't give him any. We just looked at them.

Q. What types of documents did you look at?

MR. COX: There was some privileged that we'll provide you a log for. But I didn't have time to do it last night.

Q. (By Ms. Malow) Any nonprivileged stuff?

A. Monthly reports, some budget sheets.

Q. And you didn't review any depositions that had been given in this case?

A. No.

Q. All right. Going back to the Krummrich plant, to your knowledge have PCBs ever been incinerated at Krummrich?

A. Yes.

Q. During what time frame?

A. I don't know the exact time frame.

Q. Do you know how many years?

A. No. I believe it was shut down in the '70s.

Q. Do you know if any PCBs from Anniston were sent to Krummrich for incineration?

A. I don't know.

Q. Do you know the volume of PCBs that were incinerated at Krummrich?

A. No.

Q. Do you know why it is that PCBs were not incinerated at Anniston?

A. No.

MR. COX: Object to the form.

Q. (By Ms. Malow) Do you know if PCBs were ever incinerated at Anniston?

A. I don't know if they were or not.

Q. The PCBs that you know of that were incinerated at Krummrich, were those solid, liquid, or both?

A. My understanding, liquids were incinerated. I don't know about the solids.

Q. Do you know if there is capability to incinerate solid PCBs?
MR. COX: Object to the form.
A. I don't know if there was at that time or not.
Q. (By Ms. Malow) Do you know if presently there's such capability?
MR. COX: Same objection.
A. Are you referring to third-party incinerators?
Q. (By Ms. Malow) By any type of incinerator.
A. Yes, I believe.
Q. Okay. I may have already asked this. If I did I apologize. But do you know the total quantities of PCBs that were disposed of at the Krummrich facility either on site or off site?
A. No.
Q. Who would be the best person to ask that question?
A. I don't know.
Q. Do you know the levels of the PCBs that

were detected in the sediments of Dead Creek?
A. I know some of the levels.
Q. What are some of the levels in the Dead Creek sediments? What's the highest level?
A. Well, I don't know if I can give you the highest of all the data. The highest I remember was about five hundred parts per million at the north end of sector B.
Q. Do you know if there have been any detections of PCBs in the fish in any of the water bodies in the Sauget area?
A. I don't know.
Q. Is there a fish advisory in place near Sauget?
A. I believe there is for chlordane.
Q. Pardon me?
A. For chlordane is my understanding.
Q. Do you know how long that fish advisory has been in place for chlordane?
A. No, I don't.

Q. The excavated soils and sediments from Dead Creek that are being placed in that on-site containment cell, do you know what the volume is that's going to the on-site containment cell?
MS. MALOW: Can you read it back, Sheila?
[Requested portion of record read.]
A. As I recall, the design volume is fifty thousand cubic yards.
Q. And why is it that the sediments and soils from Dead Creek are going into an on-site containment cell rather than being sent to someplace like Emelle?
A. This was an agreement with USEPA and IEPA, under their direction with our cooperation to build the cell to put the sediments in.
Q. Who proposed the on-site containment cell? Was that Solutia?
A. Yes.
Q. Is there going to be any waste from any

location other than Dead Creek that is placed into that on-site containment cell?
A. I don't believe so.
Q. To what level is Dead Creek going to be cleaned up in terms of PCB levels? Is it going to be taken down to non-detect or one ppm? What is it?
MR. COX: Object to the form.
A. That has not been decided.
Q. (By Ms. Malow) What level has Solutia requested it be allowed to clean up Dead Creek to?
A. I don't believe that's been decided yet either.
Q. Have you been involved in any discussions regarding what levels Solutia would like to be set in terms of the Dead Creek area?
A. No.
Q. Do you have any recommendation that you would make as a remediation manager?
A. No. It should be based on risk

assessment.
Q. Are there any air monitoring devices at the Krummrich plant to detect PCBs in the air?
A. No.
Q. Why not?
A. None is expected.
Q. Are you aware that PCBs can volatilize?
MR. COX: Object to the form.
A. I would think they volatilize under certain conditions.
Q. (By Ms. Malow) Do you know what the levels of PCBs are in the air near the Krummrich facility?
A. No.
Q. The on-site containment facility, is that going to be a final measure, or is that an interim measure?
A. That's actually under the CERCLA program. I believe EPA considers it an emergency removal action or maybe a non-time-critical removal action. I don't know exactly the name.

Q. Was mercury used at the Krummrich facility?
A. Yes.
Q. Do you know what quantity of mercury was used at Krummrich during the manufacturing process of PCBs?
MR. COX: Object to the form.
A. No.
Q. (By Ms. Malow) What was the mercury used for at Krummrich?
A. Primarily for the chloralkylide facility.
Q. Was mercury used in the production of chlorine?
A. Yes.
Q. Was any mercury deposited in the landfills at the Krummrich facility in area two?
A. I don't recall offhand what the mercury levels on site are.
Q. But there is some mercury there?
A. I can't testify whether there is or isn't.

Q. Has there been any mercury found in the sediments of Dead Creek?
A. I believe there was but I don't know.
Q. Do you know the levels?
A. No, I don't.
Q. Have there been -- Well, is mercury part of any of the on-site or off-site investigations being performed by Solutia?
MR. COX: At Krummrich?
MS. MALOW: Yes.
A. The RIFS for both areas include wide scans of all metals, essentially all semi-volatile organics, volatile organics, pesticides, herbicides, mercury. So the study itself isn't looking for --
Q. (By Ms. Malow) A broad range?
A. Just about any chemical you can name.
Q. So lead would be included?
A. Yes.
Q. All right. Let's talk about some of these other sites. Maybe from what you

told me, since you're new to this position, you don't have any knowledge, but I want to go through them anyway and you tell me what you know.
Buddy was nice enough to send us a letter that details out some PCB cleanup sites other than the Sauget site. I want to just go through each of those with you and see what you know.
A. Okay.
Q. The first one is the Delaware River plant in Bridgeport, New Jersey. Are you familiar at all with that site?
A. I have been to the site.
Q. Okay.
MR. COX: I think what she's asking specifically is are you familiar with PCB cleanup associated with that site.
THE WITNESS: No.
Q. (By Ms. Malow) Not at all?
A. No.
Q. Let me ask you this: Do you know if the

Delaware River plant is located near a residential neighborhood?
A. I don't remember residents near the plant. It's been a long time.
Q. When were you there?
A. Probably twenty plus years ago.
Q. What was manufactured at the Delaware -- or what is manufactured at the Delaware River plant?
A. It'll come to me.
Q. Well, you know, let me ask you this, because that's not that important. Do you know why PCBs would have been disposed of at the Delaware River plant?
MR. COX: Object to the form.
A. No, nor do I know that they were.
Q. (By Ms. Malow) Well, assume with me that you know that Mr. Cox has told us that there was a past disposal area that consists of a three point five acre landfill used from '62 to '70 that were areas where various organic materials including PCBs were disposed of. Do you

have any knowledge of that?
A. No.
Q. Do you have any understanding of why PCBs would have been disposed of in a landfill at the Delaware River plant?
A. No.
Q. Who has the most knowledge within Solutia about the Delaware River plant and specifically the disposal of PCBs at that site in your group?
A. I believe Mike House.
Q. Is Mike House presently responsible for the Delaware River plant cleanup that's being addressed under a consent order with the Department of Environmental Protection?
A. I believe the plant site is managing that project.
Q. And who at the plant site would be responsible for that project?
A. I believe Ed Jamro.
Q. Is he the plant manager?
A. No.

Q. What's his position?
A. I don't know the exact title, but he would be involved with environmental.
Q. How do y'all decide within the company whether a cleanup gets handled primarily by your group out of St. Louis or by the plant site itself?
A. Typically the larger plants handle on-site remediation efforts.
Q. Is there oversight, though, by your department even when the plant itself is handling the on-site remediation?
A. It depends on the site. In some cases I'd certainly not call it oversight, more communication.
Q. But they would be in the loop? Your department would be in the loop to some extent on any remediation work, right?
A. On most remediation sites within the United States.
Q. What about this Delaware River plant? Even though it's being handled on site, to what extent if any is your department

involved?
A. I believe the involvement is more providing technical advice.
Q. Speaking of technical advice, I forgot to ask you earlier when we were talking about of your background. Have you had any sort of training in remediation, either on-the-job training or actual seminars or things of that nature, courses?
A. Well, the master's program was essentially all environmental courses.
Q. And since school what type of training or courses have you been involved in for remediation?
A. I have been to a few seminars over the years, mostly seminars discussing like the RCRA program, the Superfund program, discussing various regulations.
Q. Okay. What sort of technical resources does your group provide to the plant sites, for example this Delaware River plant, on the cleanup project? Can you

give me an example?
A. I don't know the specifics.
Q. But Mike House, who is in St. Louis, would have the most knowledge as far as you know about the Delaware River plant cleanup?
A. I believe the environmental lead at the plant site would have the most knowledge.
Q. But out your department the person with the most knowledge would be Mr. House?
A. I believe so.
Q. Then let's go to the next one, which is -- Let me back up. If I ask you questions such as, you know, how many PCBs were deposited in that past disposal area at the Delaware River plant, you can't answer that?
A. No.
Q. All right. Do you know what type of landfill they had there at the Delaware River plant?
A. No.

Q. How about the Trenton plant in Trenton, Michigan? Are you familiar with that plant?
A. I have never been to the plant.
Q. Okay. Are you familiar at all with the fact that there were approximately forty cubic yards of PCB-impacted soil that were disposed of at the chemical waste management facility in Emelle, Alabama?
A. No.
Q. Who within your department in St. Louis would have knowledge about that removal of PCB-contaminated soil at the Trenton plant?
A. First of all, I don't know if anybody within my group knows that.
Q. There's no one earmarked in your group to be involved in that specific project at the Trenton plant that you know of?
A. Certainly not that specific project.
Q. Do you think that specific project is being handled by the Trenton plant itself?

A. Yes.
Q. Do you know who the lead would be on that at the Trenton plant?
A. Possibly Marie VanHock.
Q. What's her position?
A. She's in environmental. She has an environmental position. I don't know her exact title.
Q. At the site?
A. At the Trenton facility.
Q. How big is the Trenton facility? How many people does it employ?
A. I don't know.
Q. How about the Delaware facility? Do you know how many people worked there?
A. No.
Q. Do you know if the Trenton plant is located near a residential neighborhood?
A. I don't know.
Q. Because you have never been there?
A. Never been there.
Q. Fair enough. How about the Pensacola plant in Pensacola, Florida? Have you

been there?
A. No.
Q. Do you have any knowledge about the surface impoundment feed pond that's been closed where PCBs were removed?
A. I know that work is underway.
Q. What is your knowledge of that work?
A. My understanding is that we're creating a containment cell immediately adjacent to that feed pond. The materials in the feed pond are being dried and placed into that cell.
Q. Do you know how those PCBs -- or what the sources of those PCBs that are being removed from the feed pond?
A. No.
Q. Can you describe the containment cell that's being built at that site?
A. It's my understanding it's a similar design as what is being built at Sauget.
Q. Do you know what prompted the investigation of that area in Pensacola?
A. No.

Q. My understanding, based on Buddy's letter, is that it's being done under the direction of EPA and the Florida Department of Environmental Protection. Is that your understanding?
A. Yes.
Q. Do you know how many or what the volume is of PCBs that are going to be moved to that containment cell?
A. My understanding is it's a similar size as the Sauget cell, but I don't know the design volume.
Q. Who has the most knowledge about the that cleanup effort at the Pennsylvania plant?
A. Within my group?
Q. Let's start with that. Is there someone within your group that is overseeing that?
A. Yes. Jerry Rinaldi.
Q. And is the plant site itself, the Pensacola plant itself, also involved in that project?

A. Yes.
Q. Who's the contact or the person in charge of the plant site?
A. Last name's McLeod.
Q. When did this project begin in Pensacola? Do you know?
A. I believe the cell construction began within the last year.
Q. When is it estimated to be completed?
A. By the end of this year.
Q. Do you know the total cost of that project, budgeted cost?
A. I believe it's around the 8 to 10 million dollar range also.
Q. Do you know if the Pensacola plant is located near a residential neighborhood?
A. I don't know.
Q. Do you know what was manufactured at that plant?
A. Mostly nylon.
Q. But you don't know how they got PCBs there?
A. No.

Q. Do you know the levels of PCBs that have been found in the sludge and liner soils at the Pensacola plant?
A. No. In fact I do not know that PCBs have been found.
Q. Again, I'm going off Buddy's information to us.
A. I understand.
Q. All right. But you don't have the specifics about levels or volumes, things of that nature at Pensacola?
A. No.
Q. Do you know why it is that the waste is going to be deposited in this on-site containment cell rather than being sent to a facility such as Emelle?
A. I do not know the history of that decision.
Q. Do you know if there are any other PRPs involved in that cleanup at Pensacola?
A. I don't believe there is.
Q. Do you know if the fish in the area around the Pensacola plant have been

impacted by PCBs?
A. No.
Q. All right. Let's go to one you may have more knowledge about, which is the Queeny plant. Do you have knowledge about the Queeny plant?
A. Some limited knowledge.
Q. Specifically do you know that the Queeny plant disposed of approximately forty cubic yards of PCB-contaminated soils that were generated during the replacement of some railroad tracks? Are you aware of that?
A. No, not specifically.
Q. Who within your group, if anybody, would know about the removal of those PCB-contaminated soils at the Queeny plant?
A. If anyone, Mike House.
Q. Do you know whether the Queeny plant themselves are handling or handled those PCB-contaminated soils?
A. I don't know.

Q. Who would be the best person to answer that question? Do you think Mr. Felder knows?
A. I would doubt it. Mike House may know that question -- may know the answer.
Q. Okay. Have you been to the Queeny plant before?
A. Yes.
Q. Is it located near a residential neighborhood?
A. It's more commercial around the Queeny plant. There are some residents probably --
MR. COX: How far is it from here?
THE WITNESS: It's close to here. There are probably residents eight to ten blocks away, something like that.
Q. (By Ms. Malow) Do you know what is manufactured at the Queeny plant?
A. Well, there's been a number of things --
Q. How about presently?
A. -- over the years. Now I believe they

perform some manufacturing such as Skydrol, I believe.
Q. Do you know how PCB-contaminated soils were generated at the Queeny plant?
A. No.
Q. Do you know anything about this replacement of railroad tracks and how it is that that generated PCB-contaminated soil?
A. No, I do not.
Q. Okay. And you don't know specifics on levels or volumes or things of that nature there either?
A. No.
Q. All right. Well, let's move on to the Everett plant in Everett, Massachusetts. Have you been to that facility?
A. No.
Q. Are you aware of the fact that there are three areas of that facility that have undergone remedial activities associated with PCBs?
A. Not specifically.

Q. Do you know if there's anyone within your group that has responsibility for the remedial activities associated with PCBs that have been undertaken at the Everett plant?
A. Well, at this time Jerry Rinaldi, the manager.
Q. Is there someone at the site itself that's also involved in those projects?
A. Everett I believe shut down.
Q. Do you know what year?
A. No.
Q. Do you know if they have ever manufactured PCBs there?
A. I don't believe they did.
Q. So if I asked you questions about the cost of those projects, you don't have knowledge of that, do you?
A. No.
Q. Do you have any knowledge of the type of caps that were used there?
A. No.
Q. Or any specifics about the cleanup

related to the PCB issues, correct?
A. Correct.
Q. Okay. I want to back up. I forgot to ask you something when I was talking about Sauget. We talked about the fact there were a couple of residential houses that were purchased along the creek so that you guys could build this containment cell. And you had asked me am I asking residential or commercial. Now I'm going to ask you have there been any commercial properties that were purchased at Sauget to do any cleanup work?
A. There were essentially fields purchased for the containment cell that was being built.
Q. Do you know the cost of that?
A. There was -- No. It's not significant.
Q. Six figures or less?
A. Yes.
Q. Any buildings or commercial entities that had been bought out in Sauget?

A. No. I'm not aware of any.
Q. Let's move on to the Kearny plant in Kearny, New Jersey. Have you been there?
A. No.
Q. Do you have any knowledge about the three areas of that plant property that were identified for remedial action for presence of PCBs?
A. No.
Q. Is there anyone within your group that has knowledge of that cleanup work related to PCBs at the Kearny plant?
A. I believe that was done a long time ago.
Q. So you have no specific knowledge of levels of PCBs, quantity of PCBs, types of capping, or anything of that nature at Kearny?
A. No.
Q. All right. I think we have covered Krummrich. I may have to dig some more, but for now we'll move on.
Have you ever been to the Anniston

site?
A. Yes.
Q. How many times?
A. Two or three.
Q. When is the first time you went to Anniston?
A. I was there one time probably like late '93 or early '94 time frame.
Q. What was the purpose of that visit?
A. I was there to look at the west end landfill.
Q. Was that shortly after the time that the Alabama Power Company discovered pure PCBs on the west end landfill?
MR. COX: Object to the form.
A. I don't know that they discovered PCBs.
Q. (By Ms. Malow) Okay. What was your purpose in going to the Anniston site in '93 or '94 to look at the west end landfill?
A. As I recall, we had received the property back from the utility company. I think we were planning some surface

water sampling.
Q. And what is your knowledge of why it is that Solutia took back that property or Monsanto took back that property from Alabama Power Company?
A. I don't know the history.
Q. Well, do you know that Alabama Power Company discovered extremely high levels of PCBs at the west end landfill?
MR. COX: Object to the form.
A. I have heard they discovered PCBs.
Q. (By Ms. Malow) Do you know what the levels were?
A. No.
Q. The surface sampling that was going to be done after you guys received the property back, were you involved in receiving the results of those surface samples or hearing about the results of those surface samples?
MR. COX: Object to the form.
A. Not that I recall.
Q. (By Ms. Malow) Was there some cleanup

work done at the west end landfill by Monsanto or Solutia?
A. I believe there was.
Q. Do you know what the details of that were?
A. No.
Q. So what exactly was your role? You went there and did what?
A. Well, at that point I had a number of projects. This was just one.
Q. Let's limit it to this project. What role did you have if any on the west end landfill project?
A. On April 1, 1994, I took over the Motco and Brio sites from an individual that retired. So essentially in March of '94 my list of sites were handed off to others, and I essentially became full time on the Brio and Motco facilities.
Q. But prior to you taking over the Motco and Brio sites what involvement did you have with respect to the west end landfill in Anniston?

A. The only thing I remember was going there. We received the property back. I think Jo Hanson was putting together a sampling plan. And basically when my new assignment became involved or I got involved in the new assignment, I pretty much lost all contact with anything being done in Anniston.
Q. Okay. Did you actually physically go onto the west end landfill area when you were there in '93 and '94?
A. Yes.
Q. Do you know who else was with you on that trip?
A. I believe we met Robert Jones from the plant. I don't recall who was with me.
Q. Was Jo Hanson with you?
A. May have been.
Q. How about Mr. Foresman?
A. No, he was not.
Q. But he was your boss at that time?
A. Yes.
Q. As we sit here now do you know how much

money changed hands in terms of getting that property back from the Alabama Power Company?
A. As I recall they paid us money. I don't remember the amount.
Q. Do you know why they paid you guys money to take the property off their hands?
A. No.
Q. Did Monsanto share with its neighbors at the time in 1993 what the levels were found at the west end landfill site?
MR. COX: Object to the form.
A. I don't know.
Q. (By Ms. Malow) All right. You said you had been to the Anniston site two or three times, and we have just covered the time in '93 or '94. What are the other times that you have been to Anniston?
A. The next time I was there I believe was February of this year, when I found out the new assignment.
Q. Who all went to Anniston besides

yourself?
A. As I recall, Jeff Felder and I went down, met Craig Branchfield.
Q. How long were you in Anniston?
A. Essentially one day.
Q. Did you actually go onto any of the landfill areas when you were there in February of this year?
A. We drove by the landfill areas.
Q. Did you drive by the southern landfill?
A. Yes.
Q. And the west end landfill?
A. Yes.
Q. But most of the day was spent actually at the plant site itself with Mr. Branchfield?
A. Yes.
Q. What was the purpose of that meeting with Mr. Branchfield and yourself and Mr. Felder?
A. It was basically to educate Jeff and I on various projects that were going on.
Q. And based on that meeting what is your

understanding of the projects going on in Anniston?
A. Well, there's a number of projects going on. RCRA program, also working with EPA on some AOC agreements.
Q. Did you get into any specifics with Mr. Branchfield regarding the contamination of the water bodies such as Snow Creek, Choccolocco Creek, and Lake Logan Martin? Was that part of your discussion?
A. We drove by Snow Creek. It was just education of both us who were brand new to the site and what was going on.
Q. Any other areas that you viewed when you were there in February of 2001? Did you go to any of the residential properties?
A. We just drove by on the main highway there.
Q. 202?
A. Yes, 202. And obviously going down Snow Creek you pass a lot of residential and commercial establishments.

Q. Did you have any meetings with anybody other than Mr. Branchfield when you were there in February of 2001?
A. Primarily Craig. I imagine -- I think Jerry Hopper stopped by and said hi.
Q. Did you have any meetings with any lawyers when you were there in February of 2001? I don't want to know what you talked about. I just want to know if there were any lawyers involved in that trip.
MR. COX: His lawyers were preoccupied at the time.
A. Not that I recall.
Q. (By Ms. Malow) How about EPA? Did you go and visit with any EPA officials during that trip in February?
A. No.
Q. How about anyone with ADEM?
A. No.
Q. Have you ever had any conversations with anybody at EPA about the Anniston site?
A. No.

Q. Have you ever had any conversations with anyone with ADEM about the Anniston site?
A. No.
Q. Have you ever had any conversations with anybody who worked for the Alabama Department of Public Health about the Anniston site?
A. No.
Q. Have you read any of the health consultations prepared regarding the Anniston site?
A. No.
Q. Have you seen any of the fish data regarding the Anniston site by ADEM?
A. No.
Q. Have you seen any fish data whatsoever about the Anniston site?
A. I have seen some fish data that was put together by our consultant.
Q. Do you know what year that was done? Was that by BBL?
A. I believe it was.

Q. That was two questions. So BBL data is what you looked at on the fish?
A. I'll take that back. I'm not exactly sure who did fish data.
Q. Do you know what year it was done?
A. As I recall it was from several years.
Q. Are we talking about the '70s or the '90s or more recent?
A. The only thing I remember is basically a chart showing fish data by the years showing concentration decreasing.
Q. Okay.
A. I don't recall what the concentrations were.
Q. Where were you when you saw that chart?
A. At Anniston.
Q. Was that in this February visit?
A. No.
Q. That was at a visit we haven't gotten to yet?
A. Yes.
Q. We'll get to that in a minute. Okay. Have you seen any of the sediment data

for the Anniston site?
A. Not that I recall.
Q. Have you seen any of the air monitoring data for the Anniston site?
A. I saw a report that Bob Kaley submitted to ADEM. I did not look at it. I saw the report.
Q. What was the reason that that would have been something you saw?
A. It was just circulated.
Q. And you were just on the distribution list?
A. (Witness nods head affirmatively.)
Q. Correct?
A. Yes.
MR. COX: You do need to answer out loud. That's the first time you did it.
Q. (By Ms. Malow) Did you get the sense when you left this meeting -- Strike that.
After this meeting with Mr. Branchfield in February of 2001 did

you feel like you had an understanding of what the extent is of the contamination at the Anniston plant?

MR. COX: Object to the form.

A. No. I think it was just an initial look at the broad picture.

Q. (By Ms. Malow) Well, what was your sense after you got this initial look at the broad picture of the extent of the contamination in Anniston?

MR. COX: Object to the form.

A. What do you mean, what was my sense?

Q. (By Ms. Malow) What did you conclude based on your meeting with Mr. Branchfield about the extent of contamination in Anniston?

MR. COX: Object to the form.

A. I guess I concluded that we were working with the state and federal regulators on a program to do sampling to determine the extent of any PCBs in Snow Creek.

Q. (By Ms. Malow) Did you have any conversations with Mr. Branchfield in

that February meeting about mercury?

A. No.

Q. Any conversations about lead?

A. Not that I remember.

Q. Okay. You said there was a third trip to Anniston. I guess that would have been after February 2001?

A. Yes.

Q. When was that, approximately?

A. March or April of this year.

Q. Who went on that visit? Did Mr. Felder go again?

A. Yes.

Q. Anyone else?

A. Not from St. Louis.

Q. Who was there from Anniston?

A. Craig Branchfield.

Q. Anyone else?

A. A number of consultants were there.

Q. From which firms?

A. I believe Golder and BBL.

Q. Were any lawyers present for that meeting?

A. Yes.

Q. Who?

A. Some with --

Q. Some colleague of Mr. Cox?

A. Yes.

Q. Was it Adam Peck? Does that ring a bell?

MR. COX: I think it was Adam.

A. I believe so.

Q. (By Ms. Malow) Was it just one lawyer with really dark hair?

A. I believe so.

Q. What was the purpose of this trip in March or April of this year?

A. It was a status review of the project, various pieces of the project.

Q. When you say the project, what project are you referring to?

A. Anniston project.

Q. Specifically are you dealing with air, soil, fish, all of the above? I'm trying to get a sense of what project you're talking about. There's a lot of

different projects.

A. Well, it was basically an overview of all the major pieces of work that's going on, the status.

Q. And what was the status at that time? At what stage are things in or were in in April of this year?

A. Again, there were a number of projects. Oxford Park was one of them that I believe was either planned or had been just initiated.

Q. Do you have any specific knowledge about the Oxford Park cleanup, levels detected, things of that nature, what remediation consisted of?

A. Just a very general knowledge of some excavation. I believe it was three or four ball fields, some excavation of topsoil and then fill in off site. I think there's a plan for a parking lot in another area of Oxford Park.

Q. Do you know what the levels were that were found on the ball fields?

A. No.
Q. Do you know if any of the excavated PCB-contaminated soils were taken to Emelle?
A. Craig Branchfield would know that. I don't know.
Q. What other projects were talked about other than the Oxford ball park at that meeting in April of this year? Was the Quintard Mall discussed at all?
A. That was one of the subjects.
Q. Was there any discussion whatsoever about any cleanup of Snow Creek or Choccolocco Creek?
A. The discussion I remember was -- I don't remember the specifics but basically having to do with the various fish data, again showing --
Q. That's when the chart was shown?
A. Right.
Q. Do you think that chart was prepared by one of these consultants?
A. As I recall it had data from a number of

different sources, individual entities.
Q. But who prepared the actual chart? Do you know?
A. One of the consultants.
Q. Do you know who it was from BBL? Was it Mark Brown or somebody else?
A. I believe it was Alan Fowler, one of the consultants.
Q. And how about from Golder and Associates? Do you know who their representative was at that meeting?
A. Not offhand.
Q. Do you know what the FDA acceptable limit is for PCBs in fish presently?
A. No.
MR. COX: Object to the form.
Q. (By Ms. Malow) Do you know if the fish levels are still in excess of FDA limits in the bodies of water near the Anniston plant?
MR. COX: Object to the form.
A. My understanding is there's a fish advisory.

Q. (By Ms. Malow) Is that fish advisory still in place to your knowledge?
A. I believe it is.
Q. Do you know if the levels in the fish still exceed FDA acceptable limits?
MR. COX: Object to the form.
A. I don't specifically know the answer to that.
Q. (By Ms. Malow) But you would assume they do, which is why the fish advisory is still in place?
MR. COX: Object to the form.
Q. (By Ms. Malow) You can answer.
A. Well, as I recall, there was some discussion based upon new data of appealing to get that fish advisory lifted because of new data.
Q. Has that been done or initiated?
A. I don't know. Not to my knowledge.
Q. Is that something that you as leader of the remediation group recommend, that that be appealed?
MR. COX: Object to the form.

A. I did not recommend that.
Q. (By Ms. Malow) Well, sitting here now as the leader of the remedial group for Solutia, do you recommend that Solutia try to get that fish advisory lifted?
MR. COX: Object to the form.
A. Well, I recommend that we continue to monitor to see if this favorable trend continues, and if it does, I think we should in fact try to appeal that decision.
Q. (By Ms. Malow) Right now, given the levels that you have seen in that chart, do you think that the fish advisory should be lifted?
MR. COX: Object to the form.
A. As I recall, the decision was to take some more data before pursuing that.
Q. (By Ms. Malow) Is that ongoing, collecting more data?
A. I believe it either is or is being planned.
Q. Was there any discussion in that meeting

in April of this year about the conservation corridor program?
A. Yes.
Q. What do you recall being discussed about that project?
A. Just a general discussion of who might -- which entities might be interested in participating in setting up the corridor.
Q. Do you know what stage that project is in right now?
A. It is still basically in the planning stage.
Q. Have any easements been obtained?
A. Not to my knowledge.
Q. What is the purpose of this conservation corridor program?
A. It would actually work to set up a corridor along Choccolocco Creek which would not be developed, would be essentially a nature reserve.
Q. What benefit if any does that provide to Solutia?

A. Well, this obviously would be a benefit to the community. It would be a benefit to Solutia, I think, to the environment, by setting up the corridor. Then you would not have third parties excavating or building immediately adjacent to that part of Choccolocco to the river.
Q. Anything else that you can recall being discussed during this April 2001 meeting, any other projects? We talked about Oxford, Quintard, fish levels, conservation corridor.
A. There is a Highway 30 -- is that right -- one of the highways, working with the Department of Transportation.
Q. To do what?
A. If as I understand, there was some PCB material found where they were wanting to widen this highway. And I believe the agreement -- It is being negotiated with them to pay the differential cost of that work.
Q. Do you know what the cost is going to be?

A. Not offhand.
Q. Anything else you can recall discussed in terms of projects at this meeting in April of this year?
A. No.
Q. During this April time frame -- Strike that.
During April of 2001 did you do any off-site drive-by inspections, or was this all conducted at the plant site?
A. I don't recall a specific inspection. I mean, obviously when you drive in, you see the plant.
Q. It wasn't like your February orientation meeting?
A. Right.
Q. Because you had already seen those areas?
A. From the highway.
Q. All right. Was this just a one-day trip, this one in April and March of this year?

A. When you say one day, because of the flight schedule, you have to go up --
Q. The night before?
A. Essentially the morning and then meet in the afternoon and then fly back the next morning.
Q. Did you actually spend the night in Anniston?
A. No.
Q. Where did you stay?
A. Birmingham. Well, outside of Birmingham, close to the airport.
Q. Would the same have been true back when you went the first time in February?
A. Yes.
Q. You have never spent the night in Anniston?
A. First, I don't remember where I stayed back in '93 or '94. The last two trips, definitely not.
Q. All right.
A. Because it is more convenient because

you have a very early flight out of Birmingham.
Q. Right. Okay. I want to switch gears for a minute and cover other -- Well, have you had responsibility -- You mentioned Motco, Brio, and there's another one.
A. Skinner landfill.
Q. Are all three of those Superfund sites?
A. Yes.
Q. I want to just get a brief explanation from you as to Solutia's participation in each of those three sites. Let's start with Brio.
MR. COX: Can we take a break?
MS. MALOW: Yes, we can.
[A break was taken.]
Q. (By Ms. Malow) Mr. Smith, let's talk about the Brio site. I understand that Solutia is just one of several PRPs involved in that site, correct?
A. Yes.
Q. And I think you told me earlier that

PCBs were not a constituent at that site; is that correct? Or were they?
A. Yes.
Q. And how is it that Solutia was asked to be involved in the cleanup of the Brio site? How did that come about?
A. The Texas City plant used the Brio recycling facility for primarily styrene tars.
Q. Do you know how much has been expended so far by Monsanto or Solutia in the cleanup of the Brio site, rough estimate?
A. Roughly 40 to 45 million dollars.
Q. Is that the largest amount spent by any PRP, or is there another PRP that has spent more?
A. At the Brio site?
Q. Yes.
A. That's the largest spent.
Q. Okay. Did the Texas City plant come forward and disclose that it had used the Brio site, or did that come about

some other way?
A. I don't know the history of it.
Q. Was it self-reported by Monsanto, that they had used the Brio site?
A. I would assume so, but I don't know that for a fact.
Q. Okay. Are you responsible for supervising Solutia's role in the Superfund cleanup sites where Solutia is a PRP?
A. Would you rephrase that question?
Q. Do you have responsibility for supervising the cleanup of sites, Superfund sites, where Solutia is a PRP, on behalf of Solutia?
A. For specific sites.
Q. Just the Motco, Brio, and Skinner and then the ones you oversee that your other managers are working on?
A. Correct. Bob's Home Service is probably still on my list, although it has little or no activity.
Q. Let's go to that one now. Where is that

site?
A. It was located near St. Louis.
Q. And what is Solutia's involvement at that site?
A. It was a RCRA permitted hazardous waste landfill.
Q. And what was deposited there by Solutia or Monsanto? Were PCBs?
A. I don't recall. I don't remember PCBs specifically, but I don't recall specifically what chemicals were.
Q. Were there a number of different chemicals?
A. It seems like there were a couple of potential waste streams, but this was really related to a possible transfer from another site also.
Q. From another Solutia or Monsanto site?
A. No, another landfill facility.
Q. Well, where were the waste streams coming from that were Solutia or Monsanto waste streams that went to Bob's Home Service?

A. I believe, if I recall, the Queeny plant and/or the Krummrich plant.
Q. And during what time frame did the Queeny plant and/or the Krummrich plant dispose of waste streams at Bob's Home Service?
A. I don't know the specifics, but it would be early '80s. That would be what I would assume.
Q. Do you know the volume of waste that was deposited from the Queeny and Krummrich facilities?
A. No.
Q. How much money has been spent so far by Solutia or Monsanto to clean up the Bob's Home Service site?
A. Less than $100,000.
Q. Is that cleanup still under way?
A. Yes. Actually it is an ongoing pump and treat of leachate. The owner/operator did some remediation and capping before they left the site.
Q. All right. Then let's go to the Motco

facility. Where is that located?
A. In Lamar, Texas.
Q. Lots of good Texas sites. What waste streams did Solutia or Monsanto dispose of at the Motco facility?
A. It was, again, primarily styrene tars.
Q. From the Texas City plant?
A. Yes.
Q. And during what time frame did Monsanto or Solutia dispose of styrene tars at the Motco facility?
A. I believe the '60s or '70s. I don't know specifically.
Q. How much money has been expended so far by Solutia and Monsanto for the cleanup of the Motco facility, approximately?
A. Approximately eighty to 100 million dollars.
Q. Has any other PRP expended that much money at the Motco site?
A. No.
Q. Do you know the total volume of styrene tars deposited there?

A. No.
Q. Were any PCBs deposited there by Monsanto?
A. Not to my knowledge.
Q. Do you know how it is that Monsanto or Solutia got involved as a PRP at the Motco facility?
A. No.
Q. I mean the determination.
A. That happened probably in the late '70s or early '80s.
Q. Okay. Do you know how Monsanto or Solutia got involved as a PRP at Bob's Home Service site?
A. Bob's Home Service is actually not a Superfund site.
Q. How many other entities are involved in the cleanup of Bob's Home Service site other than Monsanto or Solutia?
A. Approximately eight to twelve are participating in the funding of it.
Q. And then let's talk about the Skinner landfill. Where is that located?

A. Just outside of Cincinnati, Ohio.
Q. Is that a hazardous waste facility?
A. That is a Superfund site.
Q. What waste streams did Solutia or Monsanto send to the Skinner landfill?
A. To our knowledge only actually two shipments of ABS material.
Q. ABF?
A. ABS material.
Q. Which is?
A. It is used in the manufacture of plastics.
Q. And from which facility was that ABS generated?
A. Monsanto had a Cincinnati plastics facility.
Q. How much money has been expended by Monsanto or Solutia for the cleanup of the Skinner landfill?
A. Less than 200,000.
Q. Is that project still ongoing, cleanup on Skinner?
A. Yes.

Q. What stage is that in?
A. As I recall, they are currently either putting on the cap or it will be put on very shortly. I believe they are installing some wells for a pump and treat system.
Q. Any other Superfund sites that you have been involved in from the remediation group standpoint that we haven't talked about? I know you have got other project managers that report to you about other ones, correct?
A. Correct.
Q. Why don't you give me the ongoing ones that are reporting to you, what Superfund sites?
A. The ones I'm currently managing now are the ones we talked about.
Q. But then there are others that you have other project managers that report to you about, correct?
A. Well, the other project managers each have a list of projects which they are

managing.
Q. And then do you have some knowledge about the work that's being done for those other Superfund sites?
A. In general on some of them.
Q. Let me ask you this: Are there any Superfund projects that your project managers are handling in which PCBs were disposed of as a waste stream that you know of?
A. I don't know specifically.
Q. You know the Motco one is, so far that we have talked about, seems to be the most expensive one in terms of cost to the company. Is there one that one of your project managers is handling that's even greater in cost than Motco, or is that the largest?
A. I believe that's the largest.
Q. Do you know the total number of sites where Monsanto was a PRP that were transferred to Solutia by Monsanto when Solutia was spun off?

A. You want the total number?
Q. Uh-huh (indicating yes).
A. No.
Q. Do you have any rough estimate as to how many Solutia assumed when it was spun off?
A. It is hard to answer because there are what we call active sites and then there's sites that were settled long ago. You don't expect them to --
Q. How many active sites are there today that Solutia assumed from Monsanto when it was spun off?
A. I don't know the specific number.
Q. Do you think it is more than ten?
A. Yes.
Q. Do you think it is more than twenty?
A. I would estimate sixty to eighty type number. Again, it is a little hard --
Q. Are those all Superfund?
A. -- to say because if you spend a thousand dollars every five years, is that an active site or not?

Q. All of those, though, are Superfund sites?
A. No.
Q. Do you know how many Superfund sites actively -- Do you know how many active Superfund sites Solutia is involved in that they assumed from Monsanto?
A. No.
Q. Do you know why Solutia bought Monsanto's environmental liabilities?
MR. COX: Object to the form.
A. I don't believe Solutia bought any of their liabilities. I believe it was a spin, as I understand it.
Q. (By Ms. Malow) Was there any revenue generated for Solutia from acquiring these sites?
A. Any revenue?
Q. Yes.
A. If there is, it is very little.
Q. I want to go back to the Anniston site. Are you familiar with the geology in the area around the Anniston site?

A. No.
Q. Do you know of any dye test that has ever been performed by Monsanto or Solutia before the monitoring wells were installed in the Anniston area?
A. No.
Q. You just don't know one way or the other?
A. I don't know one way or the other.
Q. Are you familiar with a pipe located adjacent to the Solutia Anniston facility where there is lead, arsenic, and mercury being discovered?
A. No.
Q. Do you know if mercury was used at the Anniston facility?
A. It was my understanding they had a chloralkylide facility in the past.
Q. Do you know in what years it was in operation?
A. No.
Q. Do you know if -- Strike that.
Are you familiar with the

hydrology at the Anniston site?
A. No.
Q. Who do you think would have the most knowledge about the hydrology at the site that's a Monsanto or Solutia employee, not a consultant?
A. Craig Branchfield.
Q. Would the same be true with respect to the geology?
A. I believe so.
Q. Do you agree that it is important to know the hydrology of a particular site before you decide where to place monitoring wells?
MR. COX: Object to the form.
A. I think it depends on the circumstances, why you're putting wells in and time frame.
Q. (By Ms. Malow) Do you know what impact it would have if wells, monitoring wells, were installed in an area where there is coarse terrain?
A. Not specifically.

Q. Do you know the depth of the monitoring wells at the Solutia facility in Anniston?
A. No.
Q. Do you know the total number of monitoring wells you have at that site?
A. No.
Q. Do you know that Solutia monitors for PCBs in the groundwater at Anniston?
A. I don't know if they do or not.
Q. Do you know when the groundwater monitoring program began at the Anniston site?
A. I believe it was some time ago, but I don't know specifically.
Q. Do you know who designed the protocol for the groundwater monitoring program?
A. No.
Q. Can you tell me why it is that you don't know the answer to those questions about the groundwater monitoring program since you are the leader of the remedial group?

MR. COX: Object to the form.
A. Number one, I haven't been involved until March of this year. Those details typically would be known by the project manager and consultants working for the manager.
Q. (By Ms. Malow) Okay. So you would expect Mr. Branchfield to know that stuff?
A. Or the consultants that are working for him.
Q. Do you know how often the groundwater is sampled in Anniston?
A. No, I don't.
Q. Do you know if PCBs have been detected in the groundwater from the monitoring wells at the Solutia facility?
A. My understanding is they had not been detected in filtered samples, but I don't know for a fact.
Q. Do you know how PCBs got into the groundwater?
MR. COX: Object to the form.

A. No.
Q. (By Ms. Malow) Do you know the source of the PCBs found in the unfiltered samples?
MR. COX: Object to the form.
A. No.
Q. (By Ms. Malow) Do you know if PCBs have been found in two of the deep wells that are not part of the on-site groundwater action systems?
MR. COX: Object to the form.
A. I don't know if that is true or not.
Q. (By Ms. Malow) Is it a conventional technique to filter groundwater samples for PCB analysis?
MR. COX: Object to the form.
A. I'm not a laboratory expert, but I would think yes.
Q. (By Ms. Malow) Is it a conventional technique to filter the groundwater twice with a point one and a point four five micron size filter?
A. I don't know the specifics.

Q. Do you know if ADEM accepts results from filtered groundwater samples?
A. I don't specifically know the answer to that question.
Q. Assume with me that PCBs have been detected in off-site monitoring wells. Does that demonstrate that the groundwater containing PCBs have migrated off site?
MR. COX: Object to the form.
Q. (By Ms. Malow) You can answer.
A. I think just detection of PCBs nearby does not necessarily mean it comes from any one particular source.
Q. Have you done any investigation in terms of identifying any sources other than Monsanto or Solutia of PCBs in the Anniston area?
A. No.
Q. Hasn't EPA determined that the corrective action system -- that Solutia's corrective action system may not be completely capturing the

groundwater leaving the Solutia property?
MR. COX: Object to the form.
A. I don't know that to be true or false.
Q. (By Ms. Malow) Do you know if there's a relationship between groundwater flowing from the Solutia property and Jacksonville Fault?
A. I don't know.
Q. Do you know if EPA has expressed concern about a relationship between groundwater flow from the Solutia property and the Jacksonville Fault?
A. I don't know.
MR. COX: Object to the form.
Q. (By Ms. Malow) Do you know if Jacksonville Fault -- Strike that.
Are the monitoring wells that Solutia has at the Anniston site in the correct position to effectively monitor the groundwater quality of the west end landfill?
MR. COX: Object to the form.

A. I would assume that would certainly be our intent, but I don't know where or how many wells they have.
Q. (By Ms. Malow) Has EPA said they are not in position to effectively monitor the groundwater quality of the west end landfill?
A. Not to my knowledge.
Q. Let's switch gears again and talk about surface water regarding the Anniston facility. Has Solutia ever tested any water in Snow Creek or tributaries leading into Snow Creek?
A. I believe it has.
Q. Has Solutia found PCBs in the surface water at Snow Creek?
A. I believe they found PCBs in the sediments.
Q. Do you know the source of those PCBs in the sediments of Snow Creek?
A. Not specifically.
Q. Are you denying that Solutia is the source of those sediments,

PCB-containing sediments in Snow Creek?
MR. COX: Object to the form.
A. I'm not denying that nor affirming that.
Q. (By Ms. Malow) Do you think that Solutia is a likely source for the PCB-contaminated sediments of Snow Creek based on the fact that they manufactured PCBs in Anniston?
MR. COX: Object to the form.
A. It is probably true.
Q. (By Ms. Malow) Is Snow Creek a source of PCB contamination of fish in Choccolocco Creek and Lake Logan Martin?
MR. COX: Object to the form.
A. It potentially could be, but of course there are other potential sources of PCBs in the area as well.
Q. (By Ms. Malow) Sitting here now, Mr. Smith, has Solutia come up with any plan to treat Snow Creek for PCB contamination?
MR. COX: Object to the form.
A. My understanding is Solutia is working

with both ADEM and USEPA through various agreements to do sampling in and around Snow Creek.
Q. (By Ms. Malow) And then what's the next step?
A. It is my understanding that the AOC has requirements where if you find a certain level of PCBs, certain actions would be taken as far as eliminating the surface soils and replacing that soil.
Q. Have you seen any of the recommendations made by the plaintiffs' experts in this case as to what should be done with Snow Creek?
A. No.
Q. Do you know of any aqueous phase PCB testing that has been performed by Solutia of Snow Creek?
A. I don't know if that's been done or not.
Q. Do you think aqueous phase testing should be done?
MR. COX: Object to the form.
A. I think the primary concern would be

sediments since PCBs tie up very firmly in sediments.
Q. (By Ms. Malow) Is it possible for PCBs to become soluble?
MR. COX: Object to the form.
A. I'm certainly not an expert in that field. My understanding is they are extremely insoluble.
Q. (By Ms. Malow) Do you know if there was a time that PCBs were visible with the naked eye in Snow Creek?
A. I have never heard that.
Q. Were you aware that the attorney general of the State of Alabama had looked at Snow Creek contamination back in the '80s?
A. No.
Q. Are you familiar with a guy named Joe Crockett with the Alabama Water Improvement Commission?
A. No.
Q. Have you ever -- Strike that.
Have the in-plant sewer systems at

the Anniston facility been tested and analyzed to your knowledge?
A. I don't know.
Q. Have you had any conversations with Bob Kaley regarding any Anniston remediation issues?
A. Nothing specific.
Q. How about something general?
A. Well, I mean Bob's office is a hundred feet away from mine, so -- I mean, we certainly see each other.
Q. But have y'all talked at all about the PCB contamination issues or remediation issues at the Anniston facility?
A. Not specifically about health effects or any of those type of issues.
Q. Well, that was going to be my next question, whether or not you had ever talked with him about PCB toxicity issues.
A. No.
Q. How about plans in terms of what sort of remediation work is ongoing for the

Anniston facility? Has that been discussed with Dr. Kaley?
A. No.
Q. Have you ever had any conversations with Mark Brown of BBL about any remediation or investigation of the Anniston facility?
A. Mark Brown may have been at that last meeting.
Q. In April?
A. The March, April time frame.
Q. Have you ever had any one-on-one conversations with Mr. Brown about the Anniston site?
A. No.
Q. How about Mr. Price of Genesis? Have you ever talked to him?
A. No. I do not believe so.
MS. MALOW: Let's take a break.
[A break was taken.]
Q. (By Ms. Malow) Can PCBs be moved through the air?
A. I believe PCBs can be volatilize to some

extent.
Q. Do you know of any EPA region that has established an acceptable risk-based concentration for PCBs in the ambient air?
MR. COX: Object to the form.
A. Not that I recall.
Q. (By Ms. Malow) Do you know how the level of PCBs in the Anniston air compares with acceptable levels?
A. No.
Q. Have you seen any of the tree bark data around the Anniston area?
A. Not that I can recall.
Q. Has Solutia's own monitoring detected PCBs around the plant site at Anniston?
A. I don't know.
Q. Does Mr. Branchfield have the authority to make decisions about what remediation work should be performed for the Anniston site without getting approval from anybody else?
A. As project manager he would be -- put

together budgets, forecasts, estimates of the work. Those budgets or forecasts are reviewed.
Q. By whom?
A. Typically -- Well, in the past, Mike Foresman, currently myself.
Q. Have you in fact reviewed any budgets or forecasts or estimates of work for the Anniston facility?
A. I have seen the budgets that Craig put together and discussed those at the two meetings.
Q. Were there any things in his budget or forecast that you did not approve?
A. No.
Q. As far as the type of remediation work to be performed at a site such as Anniston, would that be within Mr. Branchfield's authority, to make those determinations? For example, if he said, "I think we should excavate Snow Creek," does he have the authority to do that, to start that project?

MR. COX: Object to the form.
A. I don't think he would make that decision on his own.
Q. (By Ms. Malow) Who else would he have to confer with before he could select a particular type of remediation technique or plan?
A. Are you still talking about money approval?
Q. Well, I guess maybe there's two components to it. Let's talk about -- just forget how much it costs. Let's just say does Craig Branchfield have the authority to determine what type of remediation things would be appropriate at Anniston, for example, with respect to the waterways?
A. Well, the appropriateness would be determined based upon the remedial investigation, studies, various consultants, those type of sources.
Q. Does he have a certain amount of monetary authority that he can expend

without having to confer with you or anybody else?
A. He has authority I would say to spend budgeted money, forecasted money, on those type of activities.
Q. Since he's already shared with you at the meetings that you attended in Anniston his forecasts and budgets and it has been approved, he can at his discretion spend funds within those budgets and forecasts to do the work necessary in Anniston, correct?
A. Yes.
Q. Do you know of any testing that Monsanto ever did in the past on Snow Creek for example in the 1980s?
A. Not to my knowledge.
Q. Do you know of any testing that Monsanto did of Snow Creek in the 1960s?
A. No.
Q. And I showed you earlier Exhibit Two, which was work done on Choccolocco Creek by a consultant hired by Monsanto. And

you haven't seen that before, correct?
A. Correct.
MR. COX: Object to the form.
Q. (By Ms. Malow) Are you familiar with hog testing or hog analyses performed by Monsanto?
A. No.
Q. Do you know what sorts of levels have ever been found in the hogs in the Anniston area, PCBs?
A. No.
Q. I can't remember if we covered this or not. But do you know what levels were found at the Oxford ball field of PCBs?
MR. COX: Objection, asked and answered.
Q. (By Ms. Malow) I guess I did ask. What was your answer?
MR. COX: You can go ahead and answer.
A. No, not specifically.
Q. (By Ms. Malow) Do you know how much PCB-contaminated material was removed

from the ball field?
A. No.
Q. Do you know how much PCB-contaminated material was transported to Emelle?
A. No.
Q. Do you know how it was determined which material to take to Emelle and which to leave on site?
A. No.
Q. My understanding is that some of the contaminated material was placed under a parking lot that Solutia is building.
Is that your understanding?
A. Yes.
Q. Is there any other site other than the Oxford ball field where Monsanto or Solutia has used that same remediation technique that you know of?
MR. COX: For PCBs or anything?
Q. (By Ms. Malow) Let's start with PCBs.
A. Not that I recall at this point.
Q. Have you -- Are you familiar with Monsanto or Solutia using the technique

of placing contaminants under a parking lot for any type of contaminant, not just limited to PCBs?
A. Yes.
Q. Tell me about that.
A. At the Krummrich plant they found some low levels of dioxin that was paved over as a parking lot.
Q. What area were the dioxins found in the Krummrich plant?
A. The north side of the plant.
Q. Do you know what the levels were?
A. I don't recall offhand.
Q. And do you know when those were buried under the parking lot, what year?
A. Sometime during the '80s, 1980s.
Q. Do you know how much waste, dioxin waste, was buried?
A. I don't know that it was waste. It was just soil that --
Q. How much contaminated soil was buried?
A. No, I don't know.
Q. Do you know of any other contaminant

that's been buried under a parking lot as a remediation technique at a Solutia or Monsanto facility?
A. Not that I recall at this point.
Q. Do you know if the PCBs found at the Oxford ball field were in the flood plain?
A. It was a relatively low area. I don't recall whether it was a five hundred year flood plain or a hundred year flood plain.
Q. Do you know how Solutia characterized the ball field -- what technique it used to characterize it?
A. Other than surface soil sampling, I don't know the specific technique.
Q. Do you know if it was gridded off or if composite sampling was used?
A. I don't know.
Q. Do you know the difference between the two types?
MR. COX: Object to the form.
A. Yes.

Q. (By Ms. Malow) Does the composite sampling approach work well for understanding what corrective measures to take?
MR. COX: Object to the form.
A. Depends on the circumstances, the project.
Q. (By Ms. Malow) Well, under what circumstances would it be appropriate to use a composite sampling approach?
A. Well, composite samples are frequently used in remediation where you want to test the wide area without testing numerous samples. You can get a composite sample that will give you an idea basically of the average over the larger area.
Q. Did Monsanto pay for the cleanup of PCBs found at the Oxford ball field, or Solutia?
A. Solutia, yes.
Q. How much was spent to clean up the Oxford ball fields?

A. I don't know.
Q. Do you know why EPA was overseeing that cleanup at the Oxford ball fields rather than ADEM?
A. Not specifically.
Q. What's your general understanding?
A. My general understanding is that EPA is becoming more involved with the off-plant, off-site issues, whereas ADEM is more concentrated on the in-plant RCRA issues.
Q. Do you have any knowledge about the community's perception of ADEM in Anniston?
MR. COX: Object to the form.
A. No.
Q. (By Ms. Malow) Was there any other company involved in the cleanup of the Oxford ball park other than Solutia?
A. You mean in financing?
Q. Correct.
A. No.
Q. I want to talk with you now about the

Quintard Mall PCB cleanup. Do you know how much PCB-contaminated material was removed from the Quintard Mall?
A. No.
Q. Do you know to what level the Quintard Mall was cleaned up?
MR. COX: Object to the form.
A. No.
Q. (By Ms. Malow) Do you know how much PCB-contaminated material was transported to Emelle?
A. No.
Q. Do you know how much Solutia paid to clean up the PCBs found at the mall?
A. No.
Q. Do you know if anyone else participated financially in the cleanup of Quintard Mall other than Solutia?
A. I don't know the answer to that one.
Q. Okay. Do you know why Solutia agreed to clean up PCBs at Quintard Mall?
MR. COX: Object to the form.
A. No.

Q. (By Ms. Malow) Do you agree that as a company you have a responsibility to clean up any areas that are contaminated by your waste streams?
MR. COX: Object to the form.
A. I believe we have a responsibility to comply with laws and regulations.
Q. (By Ms. Malow) Do you have any sort of moral responsibility to your neighbors regardless of regulations not to pollute their properties and their bodies?
MR. COX: Object to the form.
A. Well, you're making an assumption that we have polluted property or polluted their bodies and that's had some negative impact. I think that's yet to be determined.
Q. (By Ms. Malow) Well, assume with me that it is proven that the PCBs in the bodies of Anniston residents came from Monsanto. Do you think that Monsanto has a responsibility to those neighbors?
MR. COX: Object to the form.

A. You're assuming that there's PCBs that is a health hazard?
Q. (By Ms. Malow) I'm assuming that there are PCBs in the bodies -- well, I don't have to assume it. There's serum data that shows that there are levels, PCB levels in the Anniston residents. If we are able to prove that those PCBs came from Monsanto, do you think Monsanto has a responsibility to those neighbors?
MR. COX: Object to the form.
A. I think there's a serious question as to whether or not trace levels of PCBs in one's body causes a health hazard.
Q. (By Ms. Malow) Well, we got to all this, Mr. Smith, because we were talking about what responsibilities Solutia or Monsanto has as a company in terms of handling their waste streams, right?
A. Uh-huh (indicating yes).
Q. And you said their responsibility is to comply with laws and regulations. I'm asking you whether or not you think you

have any responsibility that goes beyond just what the laws and the regulations state.
MR. COX: Object to the form.
A. I think there's probably circumstances where they do.
Q. (By Ms. Malow) If, for example, Monsanto, when it was manufacturing PCBs, had PCBs that discharged onto the neighbor's property and caused harm to the property, would there be a responsibility for Monsanto to clean that up?
MR. COX: Object to the form.
A. I don't know what harm you would be talking about or if there are regulations at that time that would prevent one from doing that.
Q. (By Ms. Malow) So if the regulations don't say you can't discharge something onto your neighbor's property, then it is okay to do so? Is that what you're telling the jury?

A. No.
MR. COX: Object to the form.
Q. (By Ms. Malow) Doesn't Monsanto have a pledge that it is supposed to follow to protect the community, including its neighbors?
MR. COX: Object to the form.
A. Monsanto had a pledge at one point that was published by the CEO.
Q. (By Ms. Malow) Did it have anything in there about protecting the community?
A. As I recall I think it did.
Q. Didn't it in fact state that it was Monsanto's pledge to ensure that no Monsanto operation poses any undue risk to its employees and communities?
MR. COX: Object to the form.
A. I assume you're reading that. That sounds correct.
Q. (By Ms. Malow) Okay. Have you signed the Monsanto Pledge before, Mr. Smith?
A. Yes.
Q. Does Solutia have a similar pledge to

prevent undue risk from its operations to its own employees and its neighbors?
A. I believe it does.
Q. All right. I want to talk with you about some Oxford residences that have been cleaned up. Are you familiar with how much money has been spent by Solutia to clean up properties in Oxford?
A. No.
Q. Do you know what levels of PCBs were found on any of the Oxford properties?
A. No.
Q. Do you know what was done with the contaminated soil removed from the Oxford properties, residential properties?
A. No, not specifically.
Q. Do you know if it was taken to a particular disposal facility?
A. My understanding is some of the material was going to the Emelle landfill.
Q. Do you know of any that's going to the Three Corners landfill?

A. I'm not familiar with that.
Q. Do you know what type of landfill the Three Corners landfill is?
A. No.
Q. Have you heard of Live Oak in Georgia?
A. No.
Q. I take it that decisions as to which facility -- Well, let me ask you. Whose decision is it as to which facility contaminated PCB waste should be taken?
A. Well, the EPA regulates the facilities which can take PCB-contaminated materials.
Q. Do you know how much money Solutia has budgeted for the cleanup of residential properties in the Anniston area?
A. No.
Q. Has Solutia budgeted any money for cleanup of residential properties in Anniston?
A. There's money budgeted or forecasted for the RIFS work and for the AOC work sampling.

Q. But you don't know the amount as we sit here now?
A. Not as we sit here.
Q. Okay. Do you know how high the levels of PCBs were that were found in the flood plain adjacent to Smith Creek?
MR. COX: Where?
MS. MALOW: Anywhere.
A. No.
MR. COX: Object to form.
Q. (By Ms. Malow) We talked earlier about a conservation corridor. Would it be cheaper to have the conservation corridor in place rather than to remove sediments and dredge Choccolocco Creek?
MR. COX: Object to the form.
A. Well, the EPA and/or ADEM will make the decision ultimately on what happens with the sediments in Choccolocco Creek.
Q. (By Ms. Malow) That really wasn't my question. My question is whether it is cheaper to have a conservation corridor than to dredge just as a general

remediation technique.
A. In general probably, yes.
Q. Has Solutia proposed any removal of sediment from Choccolocco Creek?
A. I believe there's a sampling plan proposed. I don't know if there is any removal triggers in that right offhand.
Q. Do you know if there's any dredging plans or proposals for Choccolocco Creek or Snow Creek?
A. Not that I'm aware of.
Q. Back to Snow Creek. Based on Solutia's recent evaluation of Snow Creek, was it determined corrective measures are necessary for Snow Creek?
MR. COX: Object to the form.
A. I don't know.
Q. (By Ms. Malow) Do you know if Solutia found high levels of PCBs in the upper third of Snow Creek and the lower portions of the creek -- the sediments of Snow creek?
A. I have been told there's PCBs in the

sediments of Snow Creek.
Q. Who told you that?
A. Probably Craig Branchfield.
Q. Have you had that conversation with anyone else other than a lawyer and Mr. Branchfield?
MR. COX: Object to the form.
A. Would you repeat the question?
Q. (By Ms. Malow) Have you had any conversations or -- Strike that.
Have you been told by anyone other than Mr. Branchfield or one of the attorneys representing Solutia that PCBs have been found in the sediment of Snow Creek?
MR. COX: Same objection.
A. That may well have been discussed by one or more consultants in the one meeting in March or April. I don't know exactly when.
Q. (By Ms. Malow) All right. Are you familiar with the remedial measure of using a concrete liner for Snow Creek?

A. Just the fact that that would certainly be something to be considered.
Q. That's something you're in favor of?
A. I have not formed an opinion one way or the other.
Q. Do you know if that is probably the remedial measure that will be recommended or proposed by Solutia for Snow Creek?
A. I don't know whether it is or not.
Q. Do you know how much it would cost to have a concrete liner in Snow Creek?
A. No.
Q. What would happen to the creek if a concrete liner was used on it? Would it no longer be a creek?
MR. COX: Assuming it is a creek now?
MS. MALOW: Right. That is a big assumption.
MR. COX: Part of it is already lined.
Q. (By Ms. Malow) Would it basically just

become a concrete culvert if it was lined?
A. I would think so.
Q. Is removal of sediment from Snow Creek a potential remedial option?
A. I would think so, but I don't know specific options being looked at.
Q. Was Snow Creek discussed in any of the meetings you attended in Anniston?
A. I'm sure it was.
Q. And you don't remember specifically anything other than the mention of a concrete liner?
A. Well, as I mentioned, we drove by various places of Snow Creek just to get an understanding of how large it is. There was also discussion of the AOC work that's being done and sampling in residents' yards where we were given access.
Q. If sediments -- contaminated sediments aren't removed, can they be redistributed in the water column?

MR. COX: Object to the form.
A. I would think if, for example, you used a concrete liner, you would prevent PCBs from being reinjected into Snow Creek, for example.
Q. (By Ms. Malow) Would not prevent it?
A. It would.
Q. You would prevent it?
A. Uh-huh (indicating yes).
Q. Are you aware that EPA recently came out with a decision requiring General Electric to dredge the Hudson River?
A. I read a headline in the paper to that effect.
Q. Do you know how the PCB levels in the fish and in the sediments in the areas around Anniston compare to the Hudson River levels?
A. No.
Q. Assuming that the levels are comparable, do you think that the residents in Anniston should be entitled to the same remediation as the Hudson River

residents?
MR. COX: Object to the form.
A. I think each site has to be looked at individually, risk assessment, and the situation be considered on a case-by-case basis, as does EPA, their policies.
Q. (By Ms. Malow) Has Solutia ever considered diverting the water from Snow Creek to a treatment facility?
A. I don't know.
Q. Are you familiar with a study performed of the southern landfill in the early 1970s by ADEM that found that the landfill was not in a suitable location?
MR. COX: Object to the form.
A. I'm not aware of any such study.
Q. (By Ms. Malow) Do you think that the siting of a landfill is important?
A. Yes.
Q. Are there certain places that, based on geology or hydrology or other aspects of the site, would not be appropriate for a

landfill?
A. The siting of landfills have evolved over the decades. In the '50s and '60s it was very common for landfills to be located even right next to a river, for example; whereas today of course there are extensive regulations governing where you locate a landfill, getting permits, and the actual construction of a landfill. So the whole siting issue and design of landfills has really evolved over the last few decades.
Q. Do you know why the western portion of the south landfill was covered with a synthetic membrane?
A. No, not specifically.
Q. What's your general understanding of why the western portion of the south landfill was covered with a synthetic membrane covering?
A. I assume someone looked at the surface water runoff and made that decision. I have no personal knowledge of that.

Q. Do you know whether or not the synthetic membrane cover is permeable?
MR. COX: Object to the form.
A. I don't know.
Q. (By Ms. Malow) What was the philosophy behind the property purchase program in the Anniston area?
MR. COX: Object to the form.
A. I was not involved with any of the discussions related to property purchase decisions.
Q. (By Ms. Malow) In general is it Monsanto and Solutia philosophy that if you have a waste stream that you dispose of on site, you are better able to control it?
MR. COX: Object to the form.
A. Would you rephrase the question? I don't understand the question.
Q. (By Ms. Malow) Well, Monsanto and Solutia through their manufacturing processes generate waste streams, correct?

A. Yes.
Q. Is it Monsanto's and Solutia's preference to dispose of those waste streams on site rather than off site?
MR. COX: Object to the form.
A. I don't think you can make a generalized philosophy statement on Monsanto practices over seventy-five years.
Q. (By Ms. Malow) Well, as a remediation leader for Solutia, if you have the option to dispose of a waste stream on site or off site, which would you select?
A. When you're referring to waste stream on site, are you talking landfilling material on site?
Q. Sure, rather than sending it off site.
A. I'm trying to think if we even have an on-site landfill that's currently operating.
Q. Well, we know there was one at the Krummrich facility for years.
A. Sure.

Q. Why was that done rather than sending all that waste to an off-site facility?
MR. COX: Object to the form.
A. Well, back in the '50s and '60s it was a very common practice to have your own landfill for any industry.
Q. (By Ms. Malow) What was the reason for that? Why did all the industries do that?
A. Well, it was less expensive, and you could control it yourself.
Q. All right. Do you know if it would be -- if it was cheaper for Solutia to buy up the properties in the property purchase program than to clean up the properties?
A. I don't know.
Q. What would you expect?
MR. COX: Object to the form.
A. I don't know if the property was purchased because the seller wanted to buy it or whether Solutia wanted to buy it.

Q. (By Ms. Malow) Isn't it the case that Solutia actually approached the residents to see if they would sell their properties rather than the other way around?
A. I don't know that for a fact.
Q. Have you had any role in the agreement with EPA on the emergency cleanup level for the Anniston area?
A. No.
Q. Do you have any understanding of how the level stated in the AOC was determined?
A. No.
Q. Do you know if Solutia's paying for the EPA office that's set up in Anniston in terms of the rent, fax machine, copy machine?
A. I don't know.
Q. Would that be unusual?
MR. COX: Object to the form.
Q. (By Ms. Malow) Are you aware of other sites where Solutia or Monsanto has done that when EPA has had to come into an

area, where they paid the salaries and the cost to the contractors to do the sampling work under CERCLA?
MR. COX: Object to the form.
A. I'm sorry. I think that was a different question than what you asked before.
MR. COX: Very different.
MS. MALOW: Want to read that back?
[Requested portion of record read.]
A. I'm sorry. I don't understand the question. Could you rephrase it?
Q. (By Ms. Malow) I'll try. Are there certain costs that are recoverable against Solutia under CERCLA at a particular site, for example the cost of the contractors who do the sampling work?
A. Yes.
Q. Are you familiar with the sites where Solutia has agreed to pay for those costs rather than having EPA come back

later to recover those costs against them, pay for it on the front end rather than coming back later to recover those costs?
MR. COX: Object to the form.
A. Certainly we have agreed to pay costs in various AOC documents where we will receive a bill from the EPA usually once a year. And then we reimburse EPA for those costs.
Q. (By Ms. Malow) Are you familiar at all with what's going on with respect to Anniston in terms of those costs?
A. I believe under AOC we have agreed to pay those costs.
Q. Were you involved in the preparation of the EPA Section 104-E letter in connection with the Anniston site?
A. No.
Q. Do you know how many pounds of PCBs were buried in the west end landfill --
A. No.
Q. -- at the Anniston site? How about in

the southern landfill?
A. No.
Q. Do you know how much PCB, how many PCBs -- pounds of PCBs went into Snow Creek?
A. No.
Q. How about Choccolocco Creek?
A. No.
Q. Lake Logan Martin?
A. No.
Q. Have you asked any of your consultants for their best estimates as to the amount of PCBs in those various areas I listed?
A. No.
Q. Are you familiar with the nature of the PCBs that were put into the various landfills, that is, whether they were solid or liquid?
A. I don't know.
Q. Do you know how big the cells are at any of the landfills in Anniston?
A. No.
Q. Are you familiar with the recent

Anniston Star article on mercury?
A. I saw the headline.
Q. You saw the headline?
A. Yes.
Q. Did you actually read the article?
A. I scanned the first couple of paragraphs.
Q. When is the first time that you became aware that the Solutia facility discharged mercury into Snow Creek?
MR. COX: Object to the form.
A. Probably when I saw the headline in the Anniston Star.
Q. (By Ms. Malow) Do you have any reason to believe that the Solutia facility did not discharge mercury into Snow Creek?
MR. COX: Object to the form.
A. I don't have information one way or the other.
Q. (By Ms. Malow) Have you spoken with Mr. Kaley about that?
A. No.
Q. Are you aware that chlorine was

manufactured at the Anniston plant?
A. I have been advised that, yes.
Q. Do you know what years it was manufactured there?
A. No.
Q. Do you know that Monsanto had a mercury cell on site that was part of the chlorine manufacturing process?
A. That's what I have been told.
Q. And who told you that?
A. Probably Buddy.
Q. You're not supposed to tell me that.
Have you had any conversation with Mr. Branchfield about mercury production at the Anniston plant?
A. In one phone call we briefly discussed the Anniston -- I mean, the Anniston Star press article.
Q. Was anyone else on the call other than you and Mr. Branchfield?
A. No.
Q. When was that call?
A. Within the last few weeks.

Q. Tell me as best you can recall what was said during that conversation with Mr. Branchfield about the mercury issue.
A. As I recall the conversation, he advised me that they really had not found mercury downstream in Snow Creek, that it has not been an issue in the sampling results.
Q. Anything else you can recall from the conversation?
A. No.
Q. Do you know that mercury is used to make chlorine and biphenyl, which were both used in the PCB manufacturing process in Anniston?
A. My understanding of the chloralkylide facility, it definitely uses mercury.
Q. Just because mercury is used in a closed process doesn't mean it won't be released, does it?
A. No. You would expect trace amounts to be released.
Q. Do you know at what capacity the

chlorine plant was operating in the mid to late 1960s in Anniston?
A. No.
Q. Do you know how many tons of liquid mercury went into the waste stream during the years of operation?
A. No.
Q. Do Monsanto's own records show a discharge of mercury into the waste stream?
MR. COX: Object to the form.
A. I don't know.
Q. (By Ms. Malow) Could mercury have gone into the storm sewer through drainage pathways from the plant site?
MR. COX: Object to the form.
A. I don't know.
Q. (By Ms. Malow) Was Monsanto trying to find a viable way to cycle mercury back into the manufacturing process because of lost money from lost mercury?
MR. COX: Object to the form.
A. I don't know.

Q. (By Ms. Malow) Are you familiar with a recommendation to build a sump to temporarily place the mercury?
MR. COX: Same objection.
A. I'm not aware of a sump.
Q. (By Ms. Malow) Do you know what happened to the mercury that was discharged after the operations were dismantled?
MR. COX: Object to the form.
A. No.
Q. (By Ms. Malow) And the article in the Star says that that mercury was -- some of that mercury was sent back to St. Louis. Are you familiar with that?
A. No.
Q. Do you know what happened to the mercury that went into the ground in the Anniston area?
MR. COX: Object to the form.
A. I'm not aware of mercury going into the ground in the Anniston area.
Q. (By Ms. Malow) Hasn't Dr. Kaley

admitted that there were mercury discharges?
MR. COX: Object to the form.
A. I don't know.
Q. (By Ms. Malow) Did Monsanto keep track of mercury emissions from the Anniston plant?
A. I'm not familiar with the Anniston plant operations.
Q. Do you know what the maximum of the mercury waste stream for the Anniston plant was shortly before the chlorine plant was closed in '69?
A. No.
Q. Has mercury been a constituent of concern that Solutia has been looking at as part of the on-site and off-site investigations?
A. I believe to some extent, although I don't specifically know.
Q. Are you familiar with ADEM's request that Monsanto investigate further mercury?

A. Not that I recall.
[Plaintiffs' Exhibit Number Three was marked for identification.]
[A break was taken.]
MR. COX: Just for the record, Exhibit Three consists of a two -- or two pages of a longer document from ADEM and one page of a response to that document by Solutia to ADEM. And neither document is complete. To the extent it is not complete, then of course we object to the witness having to talk about it. But that's okay. You can ask him questions about it.
Q. (By Ms. Malow) Have you had a chance to look at that incomplete document, Exhibit Three, or are you still reading?
A. I'm looking at it.

MR. COX: Off the record.
[Discussion held off the record.]

Q. (By Ms. Malow) As your lawyer has pointed out, the document I gave you is incomplete. All I have is what I gave you. Have you ever seen, though, before any of those pages which we marked as Exhibit Three?

A. No.

Q. My understanding is there's actually a request from ADEM, that is what begins on the first page, dated January 4, 1999, to Mr. Faust where they ask for a brief description regarding the mercury -- historical information of mercury, which goes on to page 2. Then apparently Monsanto or Solutia provided a twenty-six-page response to that question, but we only have the first page of that response.

MR. COX: For the record, the twenty-six pages was in

response to the entire document. There were several comments in ADEM's document, and the response goes to each of those comments.

Q. (By Ms. Malow) All right. And really all I want to know from you, Mr. Smith, is whether or not you have ever seen the full response that Solutia made to this ADEM request about mercury.

A. No, not that I recall.

Q. Do you know who worked with BBL in formulating this response?

A. No, I don't know.

Q. Do you know who within -- Well, was anyone in your group responsible for preparing this response to the question about mercury? Do you know?

A. Well, the response I would assume would come from either Alan Faust or Craig Branchfield, depending on the timing.

Q. Right. And since this was '99, it is Mr. Faust. But would there have been

anybody within your department that would have had input or supervision of this response?

A. You mean other than Alan and Craig?

Q. Correct.

A. No. Within my group it would be Alan or Craig.

Q. So you don't know where BBL got their information on mercury, do you?

A. No.

Q. You don't know what access or what documents BBL was given access to?

A. No.

Q. Do you know who BBL interviewed to prepare the reply to ADEM about the mercury?

A. No.

Q. Do you know where the mercury documents for the Anniston plant would be located?

A. No.

Q. Do you know if there are any documents about the mercury production in the St. Louis offices of Solutia or Monsanto?

A. I don't know.

Q. Do you know Gene Coley, the plant's former environmental manager?

A. No.

Q. Have you seen any memos that he's authored regarding mercury emissions at Anniston?

A. Not that I recall.

Q. Are you aware of memo from Mr. Coley, C-O-L-E-Y, in January of '67 in which he says that work has begun immediately to put into effect a plan to investigate mercury concentrations in Snow Creek at its confluence with Choccolocco Creek?

MR. COX: Object to the form.

A. No.

Q. (By Ms. Malow) Do you know why Solutia told ADEM in 1999 or 2000, when asked to account for historic mercury and lead emissions, that there were likely none?

MR. COX: Object to the form.

A. I don't see that statement in this letter. Maybe I'm missing it.

Q. (By Ms. Malow) Well, was the information that Solutia gave ADEM about its mercury discharges complete and accurate?
MR. COX: Object to the form.
A. I have no knowledge to base an answer on to that question.
Q. (By Ms. Malow) When did the chemical industry first become aware of the dangers of mercury?
MR. COX: Object to the form.
A. I don't know a specific year.
Q. (By Ms. Malow) When did you personally become aware of the dangers with mercury?
A. Mercury was a regulated substance in waste water in Sauget when I worked in Sauget.
Q. How long ago was that, in the '80s?
A. Yes.
Q. So you have known at least since the '80s that mercury was a regulated substance?

A. In Illinois, yes.
Q. Are you aware that when mercury is discharged into water it can convert to a highly toxic compound called methyl mercury?
MR. COX: Object to the form.
A. I believe it can convert to methyl mercury. I'm not really familiar with the toxicity of that compound.
Q. (By Ms. Malow) Are you familiar with any of the toxicity studies on PCBs?
A. No.
Q. Have you read any epidemiological studies on PCBs?
A. No.
Q. Have you read any animal studies on PCBs?
A. No.
Q. Have you had any conversations with any of the experts -- Well, let me come at that another way. Other than BBL and Golder and Associates, have you had any discussions with any consultants

regarding the Anniston facility on PCB-related issues?
A. Not that I recall.
MS. MALOW: Off the record.
[Discussion held off the record.]
Q. (By Ms. Malow) When mercury gets into the aquatic environment, does it continue to circulate?
MR. COX: Object to the form.
Q. (By Ms. Malow) Do you know?
A. I don't know the specifics of that question.
Q. Is mercury a persistent chemical like PCBs?
MR. COX: Object to the form.
A. I would think.
MR. COX: Mercury is not a chemical. It is a metal. It is an element.
Q. (By Ms. Malow) Is mercury persistent in the environment?
A. I would think it would be persistent.

Q. Are you aware that ADEM's predecessor, which was the Alabama Water Improvement Commission, found high levels of mercury in sediment and fish near the Anniston plant site?
MR. COX: Object to the form.
A. No.
Q. (By Ms. Malow) Are you familiar with the ADEM report that shows that as recently as 1993 some creek fish downstream of Snow Creek exceeded Alabama's one part per million advisory for mercury?
A. No.
Q. Do you know the status of any mercury testing that's presently being performed by Solutia at the Anniston -- in the Anniston area?
A. No.
Q. Are there plans for testing mercury in the Anniston area that have been developed by Solutia?
A. I believe there are plans or else they

may well have already been done. I'm just not familiar with who.
Q. Do you know who is doing the testing for mercury?
A. What lab?
Q. Is it consultants? Has Solutia hired some consultants to do that testing?
A. I believe it was being tested as part of an ongoing program, but I cannot swear to you that I know that for a fact or do I know exactly what program.
Q. Do you think that more testing needs to be done for mercury?
MR. COX: Object to the form.
A. Based upon a comment that Craig made to me, I would say I have no reason to think more testing should be done.
Q. (By Ms. Malow) Did Solutia's own consultants, BBL, state to ADEM that Solutia was taking mercury in its sampling -- soil sampling locations on Choccolocco Creek near Boiling Springs Road?

MR. COX: For your information, that's upstream Snow Creek.
A. I don't know.
Q. (By Ms. Malow) Did Solutia detect mercury in twenty-four of the twenty-seven sediment samples from Snow Creek?
A. I don't know.
Q. Do you know what happened to core or deep sediment samples collected in Choccolocco downstream of Snow Creek that were scrapped?
MR. COX: Object to the form.
A. No.
Q. (By Ms. Malow) Do you know what happened to the eight sediment samples collected from Snow Creek that were rejected by the lab?
A. No.
Q. I can't remember if I asked this specifically. If I did, I'm sure Buddy will object. But do you know how much mercury was disposed of in the Anniston

landfills?
A. No.
Q. Do you know into which SWMUs, or however you guys say it, the mercury was disposed?
A. No.
Q. Do you know how much mercury was ever disposed of in the sewage of the Anniston site?
A. No.
Q. How much mercury was disposed of in the drainage ditches at the Anniston site?
A. No.
Q. Do you know how much mercury was discharged from the Anniston site into the Anniston environment?
A. No.
Q. Has Solutia done tests to determine the amount of mercury discharged from its facility into the Anniston environment to your knowledge?
MR. COX: Object to the form.
A. Not to my knowledge.

Q. (By Ms. Malow) Do you know if Solutia has ever reported any release of mercury from the Anniston site to any governmental agency?
A. I don't know.
Q. Do you know under what permit order or direction of any regulatory body Solutia disposed of mercury from its Anniston facility?
A. I don't know.
Q. Has Solutia ever told the Anniston neighbors that it discharged mercury into landfills on its property or that mercury went into the Anniston environment?
MR. COX: Object to the form.
A. I don't know.
Q. (By Ms. Malow) Has Solutia ever told Anniston residents the potential health and environmental effects of mercury?
A. I don't know.
Q. Do you know if Solutia or Monsanto has ever commissioned any studies regarding

mercury health effects?
MR. COX: Object to the form.
A. I don't know.
Q. (By Ms. Malow) Has Solutia ever or Monsanto ever commissioned any studies regarding PCB health effects to your knowledge?
MR. COX: Object to the form.
A. I don't recall any.
Q. (By Ms. Malow) Was lead used by Monsanto to produce the raw materials to manufacture PCBs at Anniston in the '50s and '60s?
A. Not to my knowledge.
Q. Would pots of molten lead be needed to make biphenyl?
A. I don't know.
Q. Do you know of any processes at the Anniston plant that used lead?
A. No. I'm not familiar with the Anniston plant processes.
Q. In your few trips to Anniston did you ever cover any sort of historical

information about the PCB manufacturing process at Anniston? Was that a topic?
A. Not that I recall.
Q. Who do you think would have the most knowledge regarding lead that may have been used at the Anniston plant in your group, Mr. Branchfield?
A. Yes.
Q. Do you know how much lead was disposed of in the landfills at the Anniston site?
A. No.
Q. Do you know in which SWMUs lead was disposed?
A. No.
Q. Do you know why lead emissions are not tracked?
MR. COX: Object to the form.
A. No. Nor do I know that there were any lead emissions.
Q. (By Ms. Malow) Do you know how much lead was disposed of in the sewers at the Anniston site?

MR. COX: Object to form.
A. No.
Q. (By Ms. Malow) How about in the drainage ditches?
MR. COX: Same objection.
A. No.
Q. (By Ms. Malow) How about into the Anniston environment?
A. No.
Q. Do you have any tests that Solutia has conducted to determine the amount of lead discharged from its facility into the Anniston environment?
A. No.
Q. Are you aware of whether Solutia has ever reported any release of lead from the Anniston site to any regulatory body?
MR. COX: Object to the form.
A. I don't know whether they have or haven't.
Q. (By Ms. Malow) Has Solutia ever told Anniston residents about potential

health and environmental effects of lead?
MR. COX: Object to the form.
A. I don't know.
Q. (By Ms. Malow) Has Solutia ever commissioned any study regarding lead health effects?
MR. COX: Object to the form.
A. Not that I'm aware of.
Q. (By Ms. Malow) Did Monsanto ever manufacture Seran in Anniston?
A. I don't know.
Q. Did Monsanto ever use Seran in its Anniston facility?
MR. COX: I hope not.
A. I don't know.
Q. (By Ms. Malow) Do you know whether or not PCBs at the Anniston Water Works site came from Solutia?
A. No.
Q. Has Solutia been characterizing the Anniston Water Works site?
A. My understanding is Solutia is working

with the waste treatment plant, providing them information.
Q. What kind of information?
A. I believe they have suggested a sampling plan perhaps. I'm not familiar with --
Q. Suggested a what?
A. Sampling plan.
Q. Okay. When was it first known to the chemical industry that dumping toxic chemicals in the neighboring streams could be harmful to the environment?
MR. COX: Object to the form.
A. I don't know the answer to that question.
Q. (By Ms. Malow) Have you seen EPA Region IV's environmental response team's May 2001 report?
A. No, not that I recall.
Q. Do you know what the tiger team is? Have you heard that?
A. No.
Q. Have you heard of some people from Cincinnati that have been asked to come

look at the Anniston site --
A. No.
Q. -- by EPA? You're not familiar with that?
A. I'm not.
MR. COX: I think they're from New Jersey, but I may be mixed up.
Q. (By Ms. Malow) Do you know anyone from New Jersey that's come down to look at the Anniston site?
A. Not that I recall.
Q. Has Monsanto or Solutia ever been cited or fined for any violations of any state or federal regulatory body in connection with discharge of PCBs?
A. Not that I recall.
Q. Are you aware of any citation or fine to Monsanto or Solutia for discharges of mercury?
A. Not that I recall.
Q. Same question for lead, dioxin, or furans?

A. No, not that I recall.
Q. Do you know if Monsanto or Solutia has ever been cited, fined, investigated, or charged by any regulatory body for underreporting, misreporting, falsifying, or otherwise misrepresenting the chemical nature, characteristics, health effects, environmental effects, carcinogenecity, mutagenicity teratogenecity, and/or environmental persistence of mercury, lead, or PCBs?
MR. COX: Object to the form.
A. I don't know that I can answer such a broad question. But I can state I'm not aware of fines or citations having to do with PCBs or dioxins or furans.
Q. (By Ms. Malow) Would that be something that would be brought to your attention in your remediation group if there was such fine or violation?
A. Not necessarily.
Q. Who would that generally be handled by?
A. Typically the plant environmental and

plant manager.
Q. Do you know any reason why houses in an up-scale neighborhood of San Antonio, Texas, should be remediated to background levels for PCB contamination but not in Anniston, Alabama?
MR. COX: Object to the form.
A. I'm not aware of that circumstance.
Q. (By Ms. Malow) Could you think of a possible reason why houses in a San Antonio neighborhood should be remediated to lower levels than houses in Anniston, Alabama?
MR. COX: Object to the form.
A. The remediation levels are set by regulatory bodies, usually EPA or state agencies. They are not necessarily consistent from state to state. Certainly each site has a number of unique characteristics which have to go into considering any remedial action levels.
MS. MALOW: Let's take a break. I

want to look at my notes and maybe wrap it up here.

[A break was taken.]

MS. MALOW: All right. Thank you, Mr. Smith. I'll pass the witness.

MR. COX: I don't have any questions.

(AND FURTHER DEPONENT SAITH NOT.)

August 13, 2001
Mr. Steve Smith
C/O William S. Cox, III, Esq.
Lightfoot, Franklin & White, L.L.C.
The Clark Building
400 North 20th Street
Birmingham, AL 35203
Dear Mr. Smith:
This page is incorporated as page 206 of your deposition. Your deposition transcript has been completed and, as per requested, is ready for you to read over. Please do not write on the transcript but make any changes you wish on the errata sheet provided. If there are no corrections, write across the page "no corrections." Please sign the signature page before a notary, and then return the errata and signature pages.
Under the Rules of Civil Procedure you have thirty days to read and sign your deposition transcript.
If you have any questions, please feel free to call me at (314) 729-0575 and I'll be glad to help in any way I can.
Sincerely,
Sheila L. Ford, RPR, CSR
KRIEGSHAUSER REPORTING & VIDEO
cc: Ellen B. Malow, Esq.

SIGNATURE PAGE

_____

STEVE SMITH

Subscribed and sworn before me on this

_____ day of _____, 2001

_____

[NOTARY PUBLIC]

My commission expires:_____.

NOTARIAL CERTIFICATE

I, SHEILA L. FORD, a Registered Professional Reporter and duly commissioned Notary Public within and for the State of Missouri, do hereby certify that there came before me at offices of Kriegshauser Reporting, 319 N. 4th Street, Suite 322, St. Louis, MO 63102,

STEVE SMITH,

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 the signature of the witness was not waived by agreement of witness and all parties, 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 the 13th day of August 2001.

My commission expires: March 13, 2002

_____
Sheila L. Ford
Notary Public

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