

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

:
WALTER OWENS, ET AL :
:
Plaintiff :
:
vs. : NO. CV-96-P-0440-E
:
MONSANTO COMPANY :
:
Defendant :
:

The deposition of EUGENE "BUNKY" WRIGHT,
called as a witness at the instance of the Plaintiffs
for use in discovery in the above-entitled cause, taken
pursuant to the Tennessee Rules of Civil Procedure, on
the 22nd day of March, 2001, at the law offices of
Campbell & Campbell, 735 Broad Street, Suite 1200,
Chattanooga, Tennessee, before Amye B. Guinn,
Registered Professional Reporter and Notary Public at
Large, pursuant to the stipulation of counsel.

* * * * *

VOLUNTEER REPORTING SERVICE
730 CHERRY STREET, SUITE E
POST OFFICE BOX 447
CHATTANOOGA, TENNESSEE 37401
(423) 756-0221

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1 APPEARANCES:

2 FOR THE PLAINTIFFS:

3 Larry Wright, Esq.
111 Congress Avenue, Suite 1010
4 Austin, Texas 78701

5 FOR THE DEFENDANT:

6 Adam K. Peck, Esq.
Lightfoot, Franklin & White
7 The Clark Building
400 20th Street North
8 Birmingham, Alabama 35203-3200

9 STIPULATIONS

10 It being agreed that Amye B. Guinn,
11 Registered Professional Reporter and Notary Public, may
12 swear the witness, report the deposition in machine
13 shorthand, afterwards reducing the same to typewriting.

14 All objections, except as to the form of
15 the questions, are reserved to on or before the
16 hearing.

17 It being further agreed that all
18 formalities as to notice, caption, certificate,
19 transmission, etc., including the reading of the
20 completed deposition and the signature of the witness,
21 are expressly waived.

22 EUGENE "BUNKY" WRIGHT,
23 called as a witness, being first duly sworn, was
24 examined and deposed as follows:

1 EXAMINATION

2 BY MR. WRIGHT:

3 Q Good morning, Mr. Wright. My name is Larry

4 Wright and I represent a group of people that are suing

5 Monsanto. Do you understand that?

6 A I do.

7 Q Mr. Peck is here. Have you met with

8 Mr. Peck before the deposition?

9 A Yes, I have.

10 Q Okay. When did you first meet with him?

11 A Yesterday.

12 Q About what time?

13 A 9:30 or 10.

14 Q In the morning?

15 A Yes.

16 Q How long did y'all meet?

17 A Until about four, 3:30.

18 Q Had you met with him before?

19 A Yes.

20 Q When before had you met with him?

21 A I don't recall the exact date.

22 Q Was it before the last deposition?

23 A Yes.

24 Q It was?

25 A Yes.

5

1 Q Did that meeting take about the same amount
2 of time?

3 A I believe it did.

4 Q Have you met with either Mr. Peck or any of
5 the other lawyers from Monsanto other than those two
6 times?

7 A I've met with Mike Kelly.

8 (Thereupon, an off-the-record discussion
9 was had.)

10 Q (By Mr. Wright) I had asked you a
11 question just before we took a quick break. Have you
12 met with any other lawyers from Monsanto other than
13 these two meetings with Mr. Peck and you mentioned that
14 you met with Mike Kelly sometime in the past?

15 A That's correct.

16 Q When did you met with Mr. Kelly?

17 A Yesterday and the other time I met with
18 Mr. Peck.

19 Q Okay. So it was Mike Kelly and Adam both
20 times?

21 A Yes.

22 MR. PECK: And there was -- he may not
23 remember this, but a long, long time ago Mike and I

24 also met with you, you know, back probably in '94,
25 something like that, '95.

6

1 A Yeah. Yeah.

2 Q You remember that now?

3 A I don't remember -- no. But yeah, I do
4 recall the meeting, but I don't recall any of the
5 substance of the meeting.

6 Q Are those the only three meetings you've
7 had with Monsanto's lawyers?

8 A Yes.

9 Q The meeting yesterday, what did y'all talk
10 about?

11 MR. PECK: Larry, I'm going to take the
12 position that those meetings are privileged for two
13 reasons; one, is he's being deposed as an employee with
14 responsibility as a -- he's being deposed for the
15 reason that he was an employee with certain
16 responsibilities that are important to this case and I
17 think it's privileged for that reason. It's also
18 privileged because we're serving as his attorney for
19 purposes of this deposition.

20 Q Did you hire Mr. Peck?

21 MR. PECK: I instruct you not to answer his
22 question on the grounds of attorney-client privilege of
23 what we discussed.

24 Q Did you hire Mr. Peck or Mr. Kelly to be
25 your lawyers?

7

1 MR. PECK: The company's paying for that.

2 Q Let him answer, please.

3 A No.

4 Q All right.

5 A The company did.

6 Q And you haven't been an employee for
7 Monsanto for 30 years now; is that correct?

8 A 29.

9 Q All right. Well, my question stands. I'd
10 like to know what y'all talked about yesterday and are
11 you going to continue to instruct him not to answer?

12 MR. PECK: Yes.

13 Q And are you going to follow -- well, are
14 you going to refuse to answer my question?

15 A Yes.

16 Q Did you look at documents yesterday?

17 A Yes.

18 Q What documents did you look at?

19 A Several documents.

20 Q Okay. Tell me.

21 A Primarily --

22 MR. PECK: You can tell him what documents

23 you looked at.

24 A Documents that were reports that I had
25 made, internal and external documents, you know, with

8

1 Monsanto. That's primarily what I looked at.

2 Q All right. Are there any that stick out in
3 your mind, the specific reports that you made that you
4 reviewed?

5 A That stick in my mind, no.

6 Q Yeah, because I've seen a whole bunch.
7 I'll be honest with you, I've seen a whole bunch of
8 reports that were either made by you or to you --

9 A Uh-huh.

10 Q -- back in those days and I could ask you
11 about each and every one of them. I'd rather not if I
12 don't have to so what I'd like to do is narrow it down
13 and if you could tell me the ones that you went over
14 yesterday, that will help me narrow it down to the ones
15 that I need to ask you about so are there any -- even
16 though you may not remember --

17 A There are none that stuck out to me any
18 more than any of the rest of them, no.

19 Q Okay. Well, let's start with the first
20 report that -- I guess we can either start at the
21 beginning or start at the end. Which would be easier
22 for you to recall?

23 (Thereupon, an off-the-record discussion
24 was had.)
25 Q (By Mr. Wright) Okay. I was asking you

9

1 about the reports that you reviewed yesterday and I
2 want to talk about the reports specifically and find
3 out what you remember about them and I can see two ways
4 to do it. One is to start with the last report --
5 well, let me just ask you this question: Did you go
6 through the reports chronologically yesterday?

7 A Yes, I did.

8 Q How did you start yesterday? Did you start
9 at the beginning and go to the end?

10 A Normally chronologically means to me start
11 at the beginning and work toward the end.

12 Q Well, let's do that then. What's the first
13 report that you reviewed yesterday?

14 A I cannot tell you that unless you show me
15 some pieces of paper now.

16 Q What did it have to do with?

17 MR. PECK: Larry, we sent him -- I mean
18 I'll tell you, we basically sent him all the documents
19 with his name on it and let him look those over so I
20 mean he's got -- and that's probably what you have in
21 your folder.

22 MR. WRIGHT: I've probably got a lot of
23 them. I don't know if I've got all of them though.
24 That's what I'm trying to --
25 MR. PECK: I mean there were no documents

10

1 that weren't produced in this litigation that were
2 shown to him. It was just -- I thought since he hadn't
3 done this in 30 --

4 Q 29.

5 MR. PECK: 29 years that it would be
6 helpful to all of us if he just -- if he saw the
7 documents that his name were on so that's what I sent
8 him. He read them and I think -- he said he had read
9 those documents in the last few days so that's why he
10 can't -- you know, the question you're asking him is an
11 impossible one to answer because he's looked at a lot
12 of documents.

13 MR. WRIGHT: Well, it's really not
14 impossible. It might be hard, but it's not impossible,
15 but that's all right.

16 A It's impossible for me to answer because I
17 didn't -- you know, I didn't memorize those documents
18 in chronological order. My mind's not that --

19 Q (By Mr. Wright) I guess it just seems to
20 me that if I had looked at a bunch of documents there
21 would be at least one of them that I could remember

22 enough to describe even generally and I'm just
23 wondering --
24 A Well, there are reports in there to my
25 bosses at Monsanto. There are reports in there to --

11

1 monthly reports to the state of Alabama. There are
2 some R&D documents in there of studies that were being
3 conducted. There are memos that I generated with
4 explanations with regard to Aroclor losses. That type
5 of thing is generally what's in there. Now, what date
6 did I start with? I don't recall that date.

7 Q Okay.

8 A Sometime in the late '60s.

9 Q When did you start working for Monsanto?

10 A In August of 1960.

11 Q When did you move into a job that had any
12 environmental responsibilities?

13 A I can't tell you that exact date. That's a
14 very verifiable date. It was after the death of Gene
15 Coley.

16 Q I think that was in '67. Does that sound
17 about right?

18 A That sounds about right, yes.

19 Q So how long after the death of Mr. Coley
20 was it that you moved into that job?

21 A Maybe a month, maybe two months.
22 Q What was your job before -- did you take
23 Mr. Coley's job?
24 A Yes, I did.
25 Q What was your job before you moved into

12

1 Mr. Coley's job?
2 A Before I moved into Mr. Coley's job?
3 Q Yes, sir.
4 A I worked in the R&D group.
5 Q Doing what?
6 A Doing various studies on processes,
7 assisting the process engineers with improvement
8 projects, trying to improve the quality of our
9 products, trying to increase yields, this type of
10 thing.
11 Q Did that include Aroclors?
12 A That did include some work for the Aroclor
13 department, yes, it did.
14 Q You did not focus on Aroclors, you were
15 trying to help improve quality and yield on all of the
16 Anniston products I assume?
17 A Yes.
18 Q Okay.
19 A It was whatever job we happened to be
20 assigned to.

21 Q When you took Mr. Coley's position what was

22 the job title?

23 A Pollution control engineer.

24 Q And what were your initial duties as

25 pollution control engineer?

13

1 A Was to maintain contacts with the state,

2 was to do some of the environmental sampling, to follow

3 up on complaints, to try to keep up with the

4 regulations which were pretty sparse in those days, but

5 that type thing.

6 Q All right. And did you receive any

7 training or education in pollution control before you

8 assumed the job?

9 A I did not.

10 Q After you -- go ahead.

11 A After I assumed the job I did go to a

12 course at the old Water Pollution Control Federation

13 laboratories in Cincinnati.

14 Q When was that course?

15 A That would have been probably late '67.

16 Q And how long did that course last?

17 A I believe that was a four-week course if I

18 remember correctly, but I mean I can't swear to that.

19 It was two to four weeks.

20 Q Two to four weeks. And I guess what did
21 they teach you up there?

22 A The name of the course was the biological
23 treatment of waste water and sludges.

24 Q Is that what the course dealt with?

25 A That's correct.

14

1 Q The biological treatment was for the
2 parathion waste --

3 A That's correct.

4 Q -- in Anniston?

5 A That's right.

6 Q Did you have any other education relating
7 to pollution control?

8 A No.

9 Q Now, as I understand it, when you took over
10 there was a lawsuit pending against Monsanto for
11 pollution downstream from the Monsanto plant. Do you
12 recall that?

13 MR. PECK: Object to the form of the
14 question. It assumes incorrect facts. Go ahead.

15 A There was a lawsuit pending? I'm sorry,
16 no.

17 Q Okay. The reason I ask that is because I
18 got the technical service bulletins from 1967.

19 A Okay.

20 Q And 1968 and one of the passages -- and I
21 don't remember which one -- indicates that the lawsuit
22 against the Anniston plant had been dropped and so that
23 tells me that there was a lawsuit against the Anniston
24 plant.
25 A Yeah.

15

1 Q Does that ring a bell?
2 A No.
3 Q All right.
4 A No, it does not.
5 Q There were some -- at the time you took
6 over for Mr. Coley, Mr. Coley had been coordinating a
7 study of fish downstream from the Anniston plant. Does
8 that ring any bells with a Dr. Denzel Ferguson from
9 Mississippi State?
10 A That -- I'm not aware of that, no.
11 Q All right. Did you have any role in a
12 study of fish downstream from the Anniston plant?
13 A Yes, I did later.
14 Q Tell me when that started and how it
15 started.
16 A That started with Doctors Gunning and
17 Sutkus after the PCB investigations and everything were
18 undertaken.

19 Q How did the PCB investigation start?
20 A It started because of some articles that
21 were in some papers I believe by a Dr. Risenbroegh or
22 Risenbroegh [different pronunciation] or something and
23 I believe Rachel Carson's Silent Spring, I believe.
24 Q Did you read those articles?
25 A I read the article that Dr. Risenbroegh

16

1 wrote sometime later.
2 Q Do you not remember the FDA investigation
3 of fish downstream from the Anniston plant?
4 A The FDA investigation?
5 Q Yes, sir. FDA, Food Drug Administration.
6 A During what time frame?
7 Q '67/68?
8 A No.
9 Q What about '69 or '70?
10 A There was an article that came out in the
11 Anniston Star sometime around '70 or '71 that mentioned
12 that, but no, I don't recall the FDA being -- doing
13 that study, no.
14 Q You don't remember them doing any
15 investigation at all?
16 A No, I don't.
17 Q What was your first -- how were you first
18 advised about any concerns about PCBs leaving the

19 Anniston plant?

20 A I am not exactly sure.

21 Q What's your best recollection?

22 A I would suspect that it was probably with a
23 meeting with Mr. Taffee who was my boss at that point
24 in time.

25 Q What was Mr. Taffee's job?

17

1 A Mr. Taffee was the -- I'm not sure what his
2 exact title was, but he was in charge of special
3 projects around the plant. He wasn't assigned to the
4 manufacturing end of the plant. He was assigned to the
5 overall plant, improvement in streets, you know, the
6 infrastructure of the plant, that type of thing.

7 Q Was he in charge of the dump at that time?

8 A I don't know.

9 Q Did you have any responsibility for the
10 dump?

11 A I did not.

12 Q Do you know who did?

13 A No, I don't.

14 Q Did you ever go to the dump?

15 A I did.

16 Q What caused you to go to the dump?

17 A Curiosity, I suppose.

18 Q How many times did you go up there?
19 A Not that many, a couple of times maybe.
20 Q Do you remember what years those would have
21 been?
22 A No, I don't.
23 Q Can you describe what you saw when you went
24 up there?
25 A I saw holes, big holes in the ground, a lot

18

1 of drums stacked in these holes. I saw -- there was an
2 old teepee type burner there where they burned, you
3 know, pallets, drums of steel bottoms like the montar
4 materials. That's what I saw.

5 Q Where were the montar drums?

6 A They would have been in the hole.

7 Q Did you see drums on the side of the holes?

8 A I don't recall seeing them on the side of
9 the holes.

10 Q Did you see the drums with holes shot in
11 them?

12 A No. I can't say that I saw that.

13 Q Did you look close enough to where you
14 could have seen bullet holes do you think?

15 A No. I wasn't looking for bullet holes.

16 Q In 1970 I believe it was, somebody found a
17 dead hog up in the dump area?

18 A That's my understanding.
19 Q You weren't the one that found the hog?
20 A I was not.
21 Q Who found the hog?
22 A I cannot recall who found the hog.
23 Q The reason I'm asking this is because I've
24 seen a memo that Scott Tucker wrote after he
25 analyzed --

19

1 A Yeah. That I knew about it, yeah.
2 Q To ask you about it.
3 A I don't recall who found the hog.
4 Q Do you recall anything about the finding of
5 the hog, anything that you heard?
6 A Only that somebody brought some parts of
7 it, and I don't even remember that, who it was, into
8 our lab and we froze it and sent it to Scott Tucker for
9 analysis.
10 Q Was it your idea to send the hog to
11 Mr. Tucker?
12 A I don't recall making a conscious decision
13 to do that.
14 Q Do you remember anybody else saying --
15 A I don't recall anybody directing me to do
16 that.

17 Q Was that the only hog that was ever found
18 up at the landfill or had there been others that had
19 died up there that didn't get sampled?

20 A That's the only one that I'm aware of.

21 Q Now, my understanding after -- I guess it
22 was after that, that somebody made the decision to buy
23 up the hogs around there. Do you remember that?

24 A I was not involved in that decision.

25 Q Who made that decision?

20

1 A I can't say who made that decision because
2 I don't know.

3 Q How did you hear about it?

4 A After the hogs were bought up.

5 Q So you didn't hear about it on the front
6 end?

7 A Just hearsay.

8 Q You did not hear about the buying of the
9 hogs before it happened?

10 A No.

11 Q What did you hear about it?

12 A Just that they had found -- they had found
13 some people who were raising hogs on Monsanto's
14 property over there and the company thought that it was
15 prudent to stop that and so they bought them. They
16 made the people whole and asked them to understand not

17 to, you know, do that anymore.

18 Q Do you know if the hogs ever went back on
19 Monsanto property after that?

20 A I do not.

21 Q You weren't the hog inspector I guess?

22 A I was not.

23 Q Who did you hear about the hog buying from?

24 A I cannot recall. I don't recall.

25 Q Who do you think would know about it?

21

1 A I would suspect that the plant manager at
2 that time would know about it.

3 Q Well, he claimed -- well, actually, I
4 say -- I take that back. Okay. That may be Mr. Jessee
5 because I asked --

6 A I think Mr. Jessee was the plant manager at
7 that time.

8 Q Did you ever have any communications with
9 any of the residents around the Monsanto plant about
10 PCB pollution coming from the plant?

11 A I did not.

12 Q Did you ever have any conversations with
13 any of the residents around the plant about what PCBs
14 are, what they could do health-wise, what it's alleged
15 that they're doing health-wise or environmentally or

16 anything like that?

17 A I did not because this is 30 years ago.

18 We're accustom to working in an environment where we're

19 dealing with 100 percent material and we didn't suffer

20 any ill health effects and certainly we did not see

21 that apart from a million or two in the water column

22 was a threat to the public health at all.

23 Q I'm going to object as non-responsive

24 because my question just asked whether you did or you

25 didn't and so I'm going to re-ask my question.

22

1 A Okay.

2 Q Did you ever communicate to the residents

3 around the Monsanto Anniston plant about what PCBs are,

4 what they might do health-wise or environmentally, or

5 what some scientists were claiming that they were doing

6 either health-wise or environmentally?

7 A I did not because I didn't know.

8 Q All right. Now, going back to your first

9 days as pollution control engineer, do you remember

10 when you first heard about a concern about PCBs leaving

11 the plant, do you remember when that would have been?

12 A It would have been probably '68/69.

13 Q And how did you hear about it? I mean did

14 you hear about it from a person or was there a memo, do

15 you recall?

16 A I don't recall. I believe I mentioned

17 earlier that I think Mr. Taffee talked to me about it.

18 Q Do you remember there ever being a proposal

19 to concrete or pave the loading area in order to keep

20 PCBs from soaking into the ground?

21 A I'm sorry. You're going to have to explain

22 that one to me, Larry.

23 Q Okay.

24 A Mr. Wright, I'm sorry.

25 Q That's all right. You can call me Larry.

23

1 That's fine. Do you remember there ever being a

2 proposal to pave the loading area or to concrete the

3 loading area?

4 A The rail loading area or the drum loading

5 area?

6 Q Either one. Either one.

7 A The drum loading area I believe was

8 concreted.

9 Q Do you remember when it was concreted?

10 A I think the drum loading was concreted when

11 I went there.

12 Q Okay.

13 A I don't recall a discussion about the rail

14 because the normal practice was to drain the heels out

15 of the cars into drums and then go into the cars. You
16 clean them out with rags and then drum those rags and,
17 of course, the liquid, we would try to rework, put it
18 back into the process. That was our product that we
19 made.

20 Q Is it your testimony that there was never a
21 leak or a drip in the tank loading area?

22 A Absolutely not.

23 Q Absolutely not that's not your testimony?

24 A No, that's not my testimony.

25 Q Those leaks and drips over the years would

24

1 soak into the ground obviously?

2 A Yeah.

3 Q And so you don't remember the tank loading
4 area ever being paved or concreted?

5 A I honestly don't recall that area being
6 concreted.

7 Q All right.

8 A Well, I believe you asked me if there were
9 any plans to do that.

10 Q Yes, sir.

11 A And I don't recall that either.

12 Q All right. Now, one quick question and
13 then we'll go back to your Monsanto days. You've been
14 working for the City of Chattanooga ever since you left

15 Monsanto?

16 A I worked a year for myself and then I've
17 been here since that time.

18 Q Are you still working for the City of
19 Chattanooga?

20 A Yes, I am.

21 Q What's your job for the City of
22 Chattanooga?

23 A I am the director of the waste resources
24 division for the public works department. My
25 responsibilities include the operation and maintenance

25

1 of the waste water -- the regional waste water plant
2 here as well as the sewer collection system. I am also
3 responsible for the storm water pumping stations, the
4 mechanical portions of those, the maintenance of that,
5 responsible for the landfills, both closed and active,
6 the wood recycling facility where we recycle wood
7 products and the household hazardous waste function.

8 Q That's a pretty big job.

9 A (Witness moves head up and down.)

10 Q There's a lot on your plate. All right.

11 Now, going back to the Monsanto days. You may --
12 because of your earlier testimony you may not be the
13 right person to ask this, but do you remember when the

14 sump was put in at the dump site?

15 A When the sump was put in at the dump site?

16 No, I do not recall those dates.

17 Q Do you recall, do you recall that being

18 done?

19 A I do recall that being done, yes, but I

20 don't recall the date.

21 Q Why was the sump put in up at the dump

22 site?

23 A Because there were -- well, the sumps were

24 put in because there were times when there would be

25 globules, G-L-O-B-U-L-E-S, of material that would, you

26

1 know, make its way downhill and this was -- they were

2 put in to capture that, to stop it.

3 Q Was there more than one sump put in up at

4 the landfill?

5 A Not to my knowledge.

6 Q Who was in charge of putting that sump in

7 up by the dump?

8 A I can't answer that because I don't know.

9 Q I might have a memo that might help us date

10 it. Let's mark this as our first exhibit.

11 (Thereupon, marked for

12 identification purposes and

13 attached hereto, Exhibit No. 1.)

14 Q I'm going to hand you a memo dated
15 March 31st, 1970 and it's titled recommendations of
16 task force on plant dump and it looks like you were one
17 of the members of the task force on the plant dump?

18 A Uh-huh.

19 Q Is that true, you were one of the members
20 on the task force on the plant dump?

21 A Yes, it shows that here.

22 Q Do you have any recollections about the
23 task force on the plant dump?

24 A I think I was so busy doing other things
25 that I didn't participate in this too much, but what do

27

1 you want to ask me?

2 Q Well, that doesn't mention a sump, but it
3 does mention I think -- can I have it back?

4 A Sure.

5 Q I think it may mention -- well, one thing
6 it mentions is repairing the incinerator.

7 A The teepee burner.

8 Q The teepee burner. Do you remember when
9 that broke down?

10 A If I remember correctly, the prime things
11 that needed to be repaired about it was the screen and
12 the screens are sacrificial in those things. They're

13 to try to keep the particular matter knocked down so
14 that it burns so that you don't have a lot of ash, a
15 lot of chance for fire. I happen to know because we
16 have a burner ourselves and that's a sacrificial type
17 thing. I believe that was all that was wrong with that
18 incinerator. It had to do with the open burning of
19 waste, stopping that.

20 Q While the incinerator was broke they had
21 been burning waste in a hole?

22 A That's the way this reads. I would say
23 that's probably so because these were wood waste now
24 because that's all this thing is for.

25 Q Well, wood and rags and paper; right?

28

1 A I don't know about rags and paper.

2 Q You don't think they burned rags and paper?

3 A I don't think they did. I think all they
4 burned was pallets and stuff like that in there, I
5 think.

6 Q Well, were you responsible for that?

7 A I was not.

8 Q Let me hand you No. 2 and this might help
9 us date when the sump was put in.

10 (Thereupon, marked for
11 identification purposes and
12 attached hereto, Exhibit No. 2.)

13 Q This is a memo that you wrote?

14 MR. PECK: October 29th, 1970.

15 Q Where you outline what the findings were in
16 the samples that had been taken from the trench leading
17 up to the sump?

18 A (Witness moves head up and down.)

19 Q It's called the new sump in that memo?

20 A It was probably put in sometime between
21 this and this.

22 Q Between the March memo and the October
23 memo?

24 A Yeah. That's as close as I'm going to be
25 able to date it for you.

29

1 Q You can't get any closer to October than
2 that?

3 A No.

4 Q All right. Does that say that's the first
5 samples?

6 A It says it's a new sump.

7 Q Yeah.

8 A I'm sorry.

9 Q My question is based on the context of this
10 would you assume that the sump had been placed not too
11 long before the end of October 1970?

12 A Based upon that memo, yes, I would think it
13 was a very old installation at that point in time.

14 Q And these samples taken in October, do you
15 know if any other samples were ever taken from the
16 ditches where the sump around the landfill?

17 A No.

18 Q Did you ever -- well, was there ever a
19 sampling program instituted for the run-off from the
20 landfill?

21 A Not a routine. I believe we spelled it out
22 right there. Now, I don't know what happened, you
23 know, after I left.

24 Q After you left, right. So before you left
25 Exhibit No. 2 would be the only samples that you are

30

1 aware of?

2 A As far as I know, yes. Yes.

3 Q Now, what was Mr. Landwehr's position back
4 in those days?

5 A Mr. Landwehr was the superintendent of the
6 technical services department. He was Mr. Taffee's
7 boss two levels up from me.

8 Q At some point y'all went and met with
9 Mr. Crockett regarding PCBs, do you remember that?

10 A I do.

11 Q Do you remember that meeting?

12 A I do.

13 Q Whose idea was it to go meet with him?

14 A I'm not sure whose idea it was. Probably
15 the plant manager's idea or Joe Landwehr.

16 Q When you met with him -- let's see. I
17 believe this is the memo here. Let's mark that as our
18 next exhibit.

19 (Thereupon, marked for
20 identification purposes and
21 attached hereto, Exhibit No. 3.)

22 Q I'm marking as Exhibit No. 3 a memo from
23 Mr. Miller. By the way, what was Mr. Miller's job in
24 those days?

25 MR. PECK: The memo is May 7th, 1970.

31

1 Q Yeah, May 7th, 1970 memo.

2 A Mr. Miller must have been the chief chemist
3 at this point in time.

4 Q Why was he --

5 A Although I'm not positive.

6 Q Why was he involved in pollution matters?

7 A You would have to direct that question
8 toward Mr. Jessee or somebody. I don't know other than
9 he was involved with me in trying to set up some of the
10 laboratories and that kind of stuff that we had to set

11 up.

12 Q Do you remember -- other than what's
13 written in that memo, do you remember anything else
14 that was said at that meeting by anybody?

15 A No.

16 Q No?

17 A No, not other than what's in this memo.

18 Q All right. Do you remember any documents
19 that y'all took over there with you, if any, to meet
20 with Mr. Crockett?

21 A I believe we took some MS -- what we call
22 nowadays MSDS sheets.

23 Q That described what?

24 A That described Aroclors and that type of
25 thing.

32

1 Q Anything else you remember, any other
2 documents that y'all took over there with you?

3 A I don't recall any others.

4 Q Now, after that meeting at some point y'all
5 began to send --

6 A I believe we did furnish at that time maybe
7 a flowchart of the process.

8 Q There's another memo later where y'all sent
9 a flowchart.

10 A All right. Okay.

11 Q Let me see if I can find that.

12 A That's okay. I was just trying to answer
13 your question.

14 Q You remember at some time sending a
15 flowchart of the process to Mr. Crockett?

16 A I don't know if I sent it or if -- I don't
17 know who transmitted it to him, but one did go to him.

18 Q Other than that, you don't remember any
19 documents being provided to Mr. Crockett?

20 A I do not.

21 MR. PECK: At the May 6th meeting or ever?

22 Q Well, let's focus on the May 6th meeting.
23 Then here's a letter that was sent after the May 6th
24 meeting that contains a flowchart and it contains some
25 descriptions of PCBs and the process for making them

33

1 from a book, and then -- well, let's see. I think
2 that's all. Let me hand that to you. We'll mark that
3 as Exhibit No. 4.

4 (Thereupon, marked for
5 identification purposes and
6 attached hereto, Exhibit No. 4.)

7 MR. PECK: What's the date?

8 Q May 19th. It's got you as a recipient of a
9 copy.

10 A Okay. Maybe nothing went with this letter.
11 This is I believe the -- what I call the MSDS sheets.
12 Q So maybe y'all didn't take any documents --
13 A Yeah.
14 Q -- to the first meeting and then later on
15 you mailed or Mr. Miller mailed what we've marked as
16 Exhibit No. 4 which is what you were thinking of as the
17 MSDS and the flowchart?
18 A Yeah, the health and safety factors and
19 that type of thing, yeah.
20 Q By the way, were you involved in pulling
21 the material to put in that package?
22 A No.
23 Q The other material that I know got sent to
24 Mr. Crockett were the testing of the plant effluent for
25 Aroclors 1242 and 1254 and that was mailed to

34

1 Mr. Crockett on a monthly basis?
2 A Yes.
3 Q Other than that, was any other material
4 provided to Mr. Crockett that you're aware of? This
5 material that we've talked about already plus the
6 monthly summaries of the plant effluent.
7 A It doesn't come to mind that there were
8 other things supplied to him, no.
9 Q All right. And the monthly effluent

10 reports, you're the one that sent most of those I

11 think?

12 A Yes. At least while I was there, yeah.

13 Q Who decided to only send him the 1242 and

14 1254 numbers?

15 A I believe during this discussion at this

16 meeting it was --

17 Q In the May meeting?

18 A Yeah. It was decided that we would report

19 the 1242 and the 1254 because those were the things

20 that concerned us the most. The lower boiling stuff --

21 (Thereupon, an off-the-record discussion

22 was had.)

23 Q (By Mr. Wright) I'm sorry. I asked a

24 question why or who decided to only send the 1242 and

25 1254 numbers?

35

1 A I believe that Mr. Landwehr explained that

2 in a letter to Mr. Crockett sometime following this.

3 Q You think you've seen a letter that

4 explains it?

5 A I think I have.

6 Q Because I've never seen that. Adam, are

7 you aware of any such letter?

8 MR. PECK: It is -- the letter I think he's

9 thinking of was the -- I think the letter he's thinking
10 was the very first transmittal was not sent by Bunky.
11 It was sent by somebody else and that discusses the
12 fact that 1242 and 1254 only are being provided. It's
13 before Bunky's letter of December or November, but he
14 is not -- it's Landwehr who signed it. I can't
15 remember who signed it. I just know that Bunky Wright
16 did not sign that letter, but that's the letter I think
17 he's thinking of.

18 MR. WRIGHT: Do you have it handy?

19 MR. PECK: I don't have it with me. I'm
20 sorry.

21 MR. WRIGHT: All right.

22 MR. PECK: And it has been produced and I
23 can get it for you.

24 MR. WRIGHT: I don't remember the
25 discussion of 1252 and 1254.

36

1 MR. PECK: 1242.

2 MR. WRIGHT: 1242 and 1254. Maybe I missed
3 it.

4 In any event, you were not involved with
5 that decision I assume?

6 A No.

7 Q (By Mr. Wright) You were just told --

8 A That's what we report.

9 Q That's what we report is 1242 and 1254.

10 Who would have told you that?

11 A Mr. Taffee would have told me that. He was
12 my boss.

13 Q Do you remember -- well, were you involved
14 at all in the decision to shut down Aroclor production
15 at Anniston?

16 A Was I involved in that decision?

17 Q Yes, sir.

18 A No.

19 Q Did you hear about it even being a
20 possibility before it was announced that Aroclor
21 production was going to be shut down in Anniston?

22 A I'm sure I heard rumors, but I don't -- did
23 not hear anything official, no. I mean this is why I
24 don't work there anymore.

25 Q I understand. But at some point there was

37

1 an announcement and I was just wondering if you heard
2 anything before the announcement and you're testimony
3 is you might have, but you don't remember anything?

4 A I heard nothing official before any
5 announcement, no.

6 Q Were there any of the memos that you saw
7 yesterday in your review that you disagreed with that

8 you thought were wrong or mistakes or inaccurate?

9 A No.

10 Q Aside from the memos, do you have any clear

11 recollections of what you did or what you heard in '68,

12 '69, '70, '71?

13 MR. PECK: About anything?

14 Q Let's focus it on PCBs because there may

15 have been some -- you know, there may have been some --

16 you might have got married or had a child or something

17 and you might remember that?

18 A Well, I did happen to have a son just about

19 a month after this.

20 Q All right. In June of '70?

21 A Yeah.

22 Q All right.

23 A Or I adopted a son in June of '70.

24 Q No. I'm focusing on PCBs -- aside from the

25 memos, and I know it may be kind of hard to set aside

38

1 the memos now, but aside from the memos do you have any

2 recollections of anything that surrounded the PCB issue

3 back in those days?

4 MR. PECK: I think what he's asking is do

5 you have an independent recollection of what you were

6 doing back then or did everything you know come from

7 the memos?

8 Q Yeah, kind of. I mean it has been 29 years
9 and what I'm trying to find is do you have any
10 recollections in your mind about, you know, I
11 remember -- I remember me and Mr. Miller were, you
12 know, walking on the side of Snow Creek and we were
13 talking about, you know, such and such. I'm just
14 wondering if you have any recollections in your mind --

15 A Yeah. I mean the recollections that I
16 have -- now, you've got to remember this is 1970.

17 Q Yes, sir. I understand.

18 A We weren't afraid of the material. It
19 really wasn't something that we were afraid of. We
20 were accustom to dealing with it. We ran a pretty
21 doggone clean shop in my opinion and we were looking
22 for things down in the part per million and even later,
23 part per billion range and we thought we were doing --
24 we were doing good. We were seeing steady declines. I
25 was -- I was pleased with the work that we did. I

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1 guess that's the only thing that comes to me.

2 You know, nowadays I can go buy a sampler
3 that will do anything I want to by punching a few
4 buttons on it. Back in those days we had to build our
5 own. They weren't even available. I think we found
6 out that the material was absorbed in the limestone

7 pits. We found out that -- we developed analytical
8 methodology eventually that was pretty reproducible.
9 Those things come back to me as being I think pretty
10 good accomplishments for 30 years ago.

11 Q Okay. I appreciate your answer. I'm going
12 to object as non-responsive.

13 MR. PECK: I think it was totally
14 responsive, but you can object.

15 Q I'm sure you do, but I need to object
16 anyway. No offense to you.

17 A I understand.

18 Q Because you included more than just
19 recollections. You included some opinions and things
20 that I thought were extra.

21 A Okay.

22 Q But I appreciate you letting me know. Let
23 me just ask you do you -- is everything that y'all did
24 you believe documented by the memos and the letters and
25 by everything you did, I mean everything you did in an

40

1 attempt to deal with the PCB problem, is it all
2 documented by the letters and the memos that you
3 reviewed yesterday or is there something that you think
4 is not documented in those writings?

5 A I know of nothing that is not documented in
6 that stuff. I mean we were learning and so we were

7 writing it down. I'm not aware that there's anything
8 that was done that's not documented there. Now, there
9 may be other documents that I've never seen.

10 Q All right. The globules that you
11 mentioned, did you ever see those?

12 A Did I ever see globules?

13 Q Yes.

14 A Yes.

15 Q Where did you see them?

16 A Primarily inside the plant itself.

17 Q All right. Where else besides inside the
18 plant itself?

19 A I did an inspection of what I have always
20 called Snow. Actually, it's a tributary of Snow's
21 Creek.

22 Q The drainage ditch that flows from the --

23 A Yeah, the drainage ditch that flows there
24 and I noticed some globules, maybe a block on the other
25 side of Highway 202. That's as far --

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1 Q What's now Clydesdale?

2 MR. PECK: Yeah. Let me make sure you knew
3 that.

4 A I'm sorry?

5 MR. PECK: 202 is now different.

6 Q When you were there 202 -- it was 202.

7 Now, it's called Clydesdale.

8 A Yeah.

9 Q And so --

10 A Well, it's in a different place now.

11 Q 202 is in a different place?

12 A Yeah. Yeah. I saw some, I don't know, a
13 block or so downstream from the neutralization basins I
14 saw some globules, but that's as far as downstream as I
15 ever saw any two phases.

16 MR. PECK: Can I take a short bathroom
17 break?

18 (Thereupon, a brief recess was had.)

19 (Thereupon, marked for
20 identification purposes and
21 attached hereto, Exhibit No. 5.)

22 (Thereupon, marked for
23 identification purposes and
24 attached hereto, Exhibit No. 6.)

25 Q (By Mr. Wright) Did you ever have any

42

1 contact with anybody from the EPA?

2 A No.

3 Q Did you ever furnish the EPA any
4 information, any test results or sample results or
5 anything like that?

6 MR. PECK: Now you mean him; right?

7 Q Yes.

8 A No. The EPA didn't exist then.

9 Q That's what I was wondering. Did you ever
10 supply the federal government, any agency of the
11 federal government any test results or samples or
12 anything like that?

13 A No.

14 Q Well, then let's focus on the state. And I
15 believe you already answered this, but I just want to
16 make sure. To the best of your recollection you never
17 furnished the state with any of the sediment results;
18 correct?

19 A I believe that's correct.

20 Q And you never supplied the state with the
21 hog or the fish sample results?

22 A I believe that's correct also.

23 Q Did you ever supply the state with any air
24 test results?

25 A No.

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1 Q So the only results that you're aware of
2 that were sent to the state were the effluent water
3 results that were sent to Mr. Crockett on a regular
4 basis?

5 A That's correct.

6 Q Now, what were -- obviously, there were
7 leaks and spills of Aroclors around the plant from time
8 to time. Is that fair?

9 A That's a fair statement.

10 Q What leaks and spills do you remember and
11 I'm not talking about a specific leak or a spill on,
12 you know, March 3rd, 1969, but what kinds of leaks and
13 spills did you observe?

14 A There might be a drip from a pump. Once
15 there was a line, a major line rupture that I recall.
16 There may be a slight spill in the drumming area or
17 something like that.

18 Q What about sample spills?

19 A Sample spills?

20 Q The Aroclors were sampled during their --

21 A Yeah.

22 Q -- cooking; right?

23 A During the process they would have been
24 sampled, yes.

25 Q I would assume over the years samples would

44

1 have been spilled from time to time?

2 A Well, I'm sure there probably were small
3 quantities.

4 Q What about --

5 A I don't know of any large quantities.

6 Q What about hose -- when you disconnected
7 hoses or reconnected hoses on transfer lines, does that
8 ring a bell?

9 A The only hoses that I recall might -- well,
10 I'm not positive about that -- is when you're loading a
11 tank car I believe there was a flexible hose that went
12 into the tank car, but I think it was a steel type
13 thing. I don't really remember any rubber hoses or
14 neoprene or anything like that anywhere in the process
15 frankly.

16 Q Spillage at the drumming station?

17 A There could have been spillage at the
18 drumming station, yes. It would have been minor.

19 Q Spills and drips at the montar drum-out
20 stations?

21 A It's possible, yeah. But now montar is a
22 solid material. It's not going -- it's not going to go
23 anywhere. It solidifies once it cools. It's
24 solidified pretty quickly and those were cleaned up.
25 The guys kept a pretty clean ship.

45

1 Q Is it your understanding that Aroclors
2 1248, 1260, 1262, 1268 were more biodegradable than
3 1242?

4 MR. PECK: Now, what did you say?

5 Q Is it your understanding that Aroclors

6 1248, 1260, 1262, and 1268 were more biodegradable than

7 Aroclor 1242?

8 A I'm not an expert by any means on

9 biodegradation of the Aroclors, but my gut instinct

10 tells me that they're not simply because they have more

11 chlorine on them.

12 Q Were you aware when Mr. Crockett retired?

13 Were you still at Monsanto when Mr. Crockett retired?

14 A No. Mr. Crockett was still there when I

15 left.

16 Q Do you know when he retired?

17 A I do not.

18 Q How old a fellow was Mr. Crockett when you

19 were dealing with him in 1970?

20 A I'm only guessing.

21 Q Just from what you saw.

22 A To a 30-year-old guy he was an old man, but

23 I guess Mr. Crockett might have been in his 60s.

24 That's purely guessing.

25 Q It seems pretty young now?

46

1 A Yeah.

2 Q Let me -- I'm just going to ask you about a

3 couple of these and then I'll save most of my stuff

4 until we get to Birmingham. What's Exhibit No. 5?

5 A This is just an expenditure report of

6 some --

7 MR. PECK: The date is February 4, 1970.

8 A Stuff was cheap then.

9 Q Let me just tell you what it looks to be to

10 me, and then you can tell me if you agree or not. It

11 looks to me to be a summary of the pollution control

12 expenses for it's either the whole year of 1969 or the

13 last half of 1969. I can't remember. Does that appear

14 to be what that is?

15 A I would say that this is for the -- would

16 have been for the calendar year of 1969.

17 Q What expenditures does it show relating to

18 PCBs?

19 A The EIMCO filter unit was installed at the

20 waste water treatment plant in the parathion process.

21 I frankly don't recall what the drain pad around 216

22 tank at the paranitrophenyl department is, but that

23 would not be related to Aroclors I don't believe. Some

24 of these research engineering and lab costs --

25 Q That would be for the sampling and testing

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1 that y'all were doing?

2 A Testing and stuff like that, yeah.

3 Manpower equipment and plant treatment I would say some
4 of those, some of those, you know, costs were
5 associated with the PCB clean-up. I would assume
6 probably changing out the neutralization basin and
7 limestone and that type thing. Landfill trucking, that
8 would probably include some drumming and hauling of
9 material, you know, out of the equalization basin.

10 Q Okay. That's all you can think of?

11 A Yeah, that's all I can think of.

12 Q Did y'all ever -- were there ever
13 inspections by public officials? I say inspections,
14 walk-throughs by public officials like elected
15 representatives or regulatory folks that came and
16 looked at the plant?

17 A I don't recall any, no. About the only
18 regulatory folks were Mr. Crockett.

19 Q All right. If somebody was coming, if
20 government officials were coming to walk through the
21 plant, would it be appropriate to make the plant appear
22 cleaner than it normally does in order to give them the
23 impression that the plant's cleaner than it really is
24 in a normal day-to-day basis?

25 MR. PECK: Let me object to the form of the

1 question. You can answer.

2 Q You can answer.

3 A I'm sorry?

4 MR. PECK: I objected to the form of the
5 question, but you can answer.

6 A Yeah. Obviously, you'd want to clean up.
7 You always want to put your best foot forward. You
8 clean your house before people visit you even though
9 your house is probably clean all the time. There would
10 be some extra effort, yeah, but back in those days
11 Monsanto had, you know, annual housekeeping and
12 maintenance inspections and we did that for our own
13 people before they came in. It's just a little extra
14 sprucing up, yeah.

15 Q All right.

16 A And I --

17 Q Go ahead.

18 A Go ahead.

19 Q No. You were going to say something.

20 A That reminds me, I believe Mr. Crockett did
21 come at one time.

22 Q All right. And when Mr. Crockett or other
23 government representatives came to inspect the plant
24 one of the purposes might have been to try to see how
25 effective Monsanto is at housekeeping in their normal

1 operations; correct?

2 MR. PECK: Object to the form of the
3 question.

4 A I don't know what their purpose was, but
5 that would certainly make sense.

6 Q I mean that would be common sense?

7 A Yeah.

8 Q And if special pains are taken before they
9 get there, how are they going to accurately assess
10 Monsanto's housekeeping in normal day-to-day
11 operations?

12 A Well, I don't know that there would be any
13 particular special pains taken. I mean there might
14 have been a little extra clean-up or something like
15 that, but the plant, the guys kept the plant pretty
16 clean all the time. This is not a material that you
17 can slop around. This is an electrical grade material.
18 It has to be clean.

19 Q Well, let me object as non-responsive.

20 But I think you indicated that special
21 measures would not have been taken before a government
22 walk-through?

23 MR. PECK: I object to the question as
24 mischaracterizing what he said. I think I objected to
25 the specific language you used in your question and I

1 think his answer was totally responsive to your

2 question. Go ahead.

3 A Well, if you're speaking of doing some
4 steam cleaning and stuff like that, yeah, there
5 probably was some of that done, but that was done all
6 the -- you know, that was done routinely.

7 Q Well, and that's my question. Would
8 Monsanto have done things that were not in the routine
9 in order to make the plant especially clean when
10 governmental representatives came through to view the
11 plant or would Monsanto have just done the routine
12 housekeeping things that they always did so that the
13 government representatives would get a fair picture?

14 A I think they would have taken the normal
15 steps that they would have taken. Now, they might have
16 taken them the day before the people came, but they
17 would have taken the normal steps that were taken.

18 Q Okay. Now, let me hand you document No. 6
19 and I think that's a document that you either authored
20 or had some hand in authoring; correct?

21 A That is correct.

22 Q And that indicates that PCB losses are down
23 to how many pounds a day is it currently?

24 A Approximately 16.

25 Q 16?

1 A Right.

2 Q And what's that date?

3 A This is July 21 of 1970.

4 Q All right. And it indicates that losses

5 are down quite a bit from 250 pounds a day the year

6 before; correct?

7 A I've got to read it. That's what this

8 says, that losses are greater than 250 pounds per day,

9 but those were estimates.

10 Q Well, those are revised estimates based on

11 accurate information; aren't they? Isn't that what

12 that indicates, that memo?

13 A I'm not exactly sure. The point that I'm

14 trying to make is that most of the data prior to about

15 this time were estimates.

16 Q But I thought this memo indicated that that

17 information was based on a re-analysis using new

18 technology?

19 A Let me finish reading it.

20 Q Okay.

21 A Now, say it again. I'm sorry.

22 Q It appears to me that the -- it says

23 specifically, I guess you said specifically that

24 greater than 250 pounds a day is used for the 1969

25 figure because improved analytical methods and actual

1 measurement of the material from the catch tank and
2 coalescer have shown that the losses were approximately
3 ten times as high as was reported in 1969. Was that
4 statement accurate when you wrote it to the best of
5 your knowledge?

6 A To my opinion, yes. To the best of my
7 knowledge it was accurate.

8 Q To the best of your knowledge is it still
9 accurate?

10 A To what I know, yes.

11 Q All right. Now, y'all were -- I assume you
12 were cleaner in the summer of '69 than you were in the
13 summer of '68. Is that fair to say?

14 A I don't know. It varied. It jumped
15 around.

16 Q You weren't getting better as time went on?

17 A We were getting better analytical results
18 as time went on, but we were also finding, you know,
19 that there would be peaks and things that we'd have to
20 try to explain.

21 Q Well, what about -- I mean in terms of --

22 A I would think basically we were probably
23 improving, yes.

24 Q Now, this only counted losses through the
25 plant effluent; correct?

1 A Yes.

2 Q That didn't count any losses from the
3 landfill up the mountain; correct?

4 A That's correct. That sample point there is
5 at the neutralization basin or taken at the
6 neutralization basin.

7 Q Did y'all ever try to quantify the losses
8 of PCBs from the landfill other than that one sample
9 set that we saw?

10 A Other than one sample, I don't -- no, I
11 don't think so.

12 Q Did you ever try to figure out --

13 A Because there wasn't a continuous flow.

14 Q Well, every time it rained it flowed;
15 right?

16 A Every time it rained it would flow. Not
17 every time, but most of the time.

18 Q And there were several I'm going to call
19 them creeks, but water passages of one size or another
20 coming from the landfill area down the mountain;
21 correct?

22 MR. PECK: Characterizing more than one?

23 Q Yeah. There were some water courses --

24 A There might have been. I'm only aware of
25 one.

1 Q Which is the one that you're aware of
2 coming off of the mountain there?

3 A I can't delineate. I only know one and
4 that --

5 Q Where was that one that you remember?

6 A Maybe halfway between the road and the
7 little church over there, somewhere in that general
8 area.

9 Q Where did it run to?

10 A Where did it run to?

11 Q If you know.

12 A It ran to that tributary of Snow's Creek.

13 Q It ran on down to the drainage ditch?

14 A Yeah. To the drainage ditch, yeah.

15 Q Now, does that -- is that the waterway
16 let's call it, because I don't know if it was big
17 enough to be called a creek, but is that the waterway
18 that the sump was eventually placed in?

19 A Yes, it was.

20 Q Did y'all ever sample down that waterway to
21 find out where those PCBs had gone that had come off of
22 the mountain in years past?

23 A Did we ever sample? Yes, we sampled the
24 plant all the way to the confluence of the Choccolocco
25 Creek.

1 Q Well, I think you misunderstood my
2 question. I'm not asking from the plant effluent
3 point. I'm asking from the landfill or the dump site
4 down the mountain. Did you ever sample in that
5 waterway or those waterways that came down the mountain
6 to find out where these PCBs had gone after they came
7 off of the mountain?

8 A They would have gone into that tributary.

9 Q Well, I mean there was --

10 A I'm sorry. I must not be understanding
11 your question.

12 Q Between the landfill and the tributary
13 there was what, a half of mile or a quarter of a mile
14 at least?

15 A Probably. Maybe a quarter of a mile, maybe
16 a half mile, I don't know.

17 Q And you never sampled in that half of mile
18 space; correct?

19 A No, I did not.

20 Q You're not aware of anybody sampling in
21 that half of mile space; are you?

22 A No, I'm not.

23 (Thereupon, marked for
24 identification purposes and
25 attached hereto, Exhibit No. 7.)

1 Q All right. Now, let me hand you No. 7.

2 Did you author that or were you one of the authors?

3 A Yeah. I would have been one of the
4 authors.

5 Q Would you have been the one that marked it
6 read and destroy?

7 A This?

8 Q Yes, sir.

9 A I don't remember writing this kind of stuff
10 on it, but, you know, I can't say I didn't.

11 Q You mean the read and destroy kind of
12 stuff?

13 A Yeah.

14 MR. PECK: You said you don't remember
15 writing that stuff?

16 A I don't remember, but I can't say that I
17 didn't.

18 Q All right. That was -- it's fair to say
19 that would have been unusual back in those days to put
20 read and destroy on a document? That wasn't something
21 that y'all normally did?

22 A No.

23 (Thereupon, marked for
24 identification purposes and
25 attached hereto, Exhibit No. 8.)

1 Q You've had a chance to read it?

2 A Yeah.

3 Q Does that bring back any memories?

4 A Yeah. It says I was wrong awhile ago about
5 the EPA. I didn't realize the EPA was in existence
6 until 1972.

7 Q And that's the reference over here on the
8 second page to two individuals from the EPA joined --

9 A That was their labs in Athens, Georgia.

10 Q Yeah. And they joined --

11 A Mr. Crockett.

12 Q -- Mr. Crockett on a visit to the plant?

13 A That's correct.

14 Q Did you ever get information -- it
15 indicates that you expect to get some information back
16 from them after they run their samples. Did you ever
17 get that information back?

18 A If I did I don't recall it.

19 Q All right.

20 A When was that?

21 Q This was in, let's see, August of '71.

22 When did you leave?

23 A I left in March of '72.

24 Q All right.

25 A If I got anything back I don't recall it.

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1 Q It indicates that a composite sample was
2 furnished to them and it says plant effluent on August
3 18th, PCB was 196 parts per billion from the plant
4 effluent. Would that have been a sample that y'all
5 ran?

6 A That would have been a sample that we would
7 have run ourselves, yes.

8 Q One other thing, this also mentions five
9 air pollution complaints received during August. Did
10 y'all get air pollution complaints periodically?

11 A Periodically, yes.

12 Q What would that have been complaints by?

13 A The vast majority of the air pollution
14 complaints that we got were from SO₂, you know, that we
15 were able to, you know, identify.

16 Q You also mentioned that the Alabama
17 legislature had just passed an air pollution bill in
18 '71 and that the governor's about to sign it and the
19 three objectionable points from an industry point of
20 view were, number one, no industry representation on
21 the commission. Prior to that time had industry had
22 representation on the Alabama Water Improvement
23 Commission?

24 A I don't know.

25 Q All right. Do you remember the newspaper

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1 articles that are referenced there? If you don't
2 remember the specific article, do you remember that
3 during that period of time there were getting to be a
4 fair amount of publicity about PCBs?

5 A Yeah, they were starting to -- there was
6 starting to be some attention to PCBs at this point in
7 time. The chicken fed incident I remember a little bit
8 about that. That was a leak into the -- a therminol
9 leak I believe into some mixing equipment. Maybe one
10 of the Washington papers might have had something that
11 Risenbroegh had written. I don't recall.

12 Q Let me hand you No. 8 and let you look at
13 that. Why don't we go off the record for just a
14 second?

15 (Thereupon, an off-the-record discussion
16 was had.)

17 MR. PECK: Just so the record's complete,
18 the August -- I mean Defendant's Exhibit 7 is actually
19 part of a larger document which is a Monsanto Anniston
20 plant technical services department monthly report
21 dated August 1971. It's DSW No. 013382 through DSW
22 013388, and the only other reason I point that out is
23 if you have the whole document it's not -- I don't know

24 that Mr. Wright would have actually authored the
25 document because it's clear from the whole document

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1 that it's part of this technical services.

2 MR. WRIGHT: Right. I asked him if he was
3 one of the authors.

4 MR. PECK: And I don't know that he would
5 have been any author of it.

6 MR. WRIGHT: Well, are you going to change
7 his testimony retroactively?

8 MR. PECK: He was looking at the pollution
9 control summary.

10 MR. WRIGHT: Right.

11 MR. PECK: The fact that he was part of
12 that, he's obviously a distribution receiver of the
13 document itself. Anyway, that's all.

14 Q (By Mr. Wright) You would have had input
15 into the pollution control portion of the document;
16 wouldn't you?

17 A Yes.

18 Q All right.

19 A But I didn't write the cover page.

20 Q Okay. You didn't have anything to do with
21 that read and destroy business?

22 A I don't think so. I don't remember that.

23 Q All right. Are you done looking at No. 8?

24 A Yeah. I've looked at it, yeah.

25 Q What is No. 8 generally?

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1 A It's a report. It may be a draft report.

2 I'm not sure. Normally they didn't look like this. To
3 reduce PCB and muriatic acid effluent was the subject.
4 It's written by Johnny Etheredge who was one of the
5 engineers at that time.

6 Q When is it dated?

7 A 10-14 of '70.

8 Q Of '70?

9 A Uh-huh.

10 Q Prior to that time muriatic acid containing
11 PCBs had been sewerred periodically; correct?

12 A That's correct.

13 Q And y'all were trying to figure out a way
14 to minimize the PCBs that went down the sewer with the
15 muriatic acid; correct?

16 A That is correct.

17 Q What was his proposal there?

18 A Was to collect spent carbon from the HCL
19 carbon towers that would have been saturated, that
20 would have been in muriatic acid and it could have been
21 saturated with Aroclors because that's what they
22 were -- the carbon was there to absorb.

23 Q When were those filters put in at the HCL
24 department, do you recall?

25 A When were these put in?

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1 Q Yeah, the ones where the carbon's going
2 down the drain.

3 A I think that probably has been a -- I think
4 that was a part of the manufacturing process when I
5 went to work there.

6 Q And up until that time --

7 A You did not want the Aroclor in the
8 hydrochloric acid that you made to sell so I think it
9 was a part of the manufacturing process. This was just
10 a way to make it more official.

11 Q All right. And what he's saying is up
12 until his proposal, when they cleaned out the carbon
13 that had filtered the Aroclor they just let it go on
14 down into the sewer and wash out with everything else?

15 A That's what this appears to say to me.

16 Q Do you know if y'all implemented his
17 proposal or not?

18 A No, I don't.

19 Q I believe -- let me just ask this one
20 clean-up question and then I think I'll pretty much be
21 done. Do you remember anything else about any contacts
22 with either state or federal regulatory authorities

23 other than what we've already talked about today? Take
24 your time and think about it for a minute just in case
25 something else comes to mind.

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1 A No.

2 Q And during that period of time --

3 A The vast majority of our contacts were with
4 Mr. Crockett.

5 Q Right. Have we talked about all that you
6 remember?

7 A He was the regulator as far as we were
8 concerned with regard to this problem.

9 Q Have we talked about and I just want to
10 make sure I know all that there is to know. Have we
11 talked now about all that you can recall about any
12 communications with Mr. Crockett?

13 A Yes. We've talked about the meetings. We
14 talked about supplying him with the data. We've talked
15 about his visit, yes.

16 Q And you don't remember anything else that
17 y'all said to him or that he said to you other than --

18 A Other than what's right there.

19 Q Other than what's recorded in the
20 documents?

21 A What you have, yeah.

22 Q Or what we've already talked about?

23 A I do not, no. Well, now, there's a

24 parathion process --

25 Q Right.

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1 A -- that we reported to him.

2 Q Do you remember specifics about the

3 parathion process and discussions that you had with him

4 about the parathion process?

5 A No. No, but we were required to report

6 that data to him on a monthly basis.

7 Q Okay. So you -- that's stuff that you

8 would have reported to him, but you don't have any

9 recollections about it other than what those --

10 A The majority of the time it was non-detect

11 because it went through our biological process and then

12 it went through the City of Anniston's biological

13 process.

14 Q Let me ask you this, though that does

15 remind me of something that I wanted to ask you about.

16 Do you remember there being a concern about Mercury

17 escaping the plant?

18 A Do I remember -- I remember when we first

19 started doing this we did run some Mercury samples

20 because the Mercury -- we had a Mercury sale house

21 there, but that was shut down pretty early. I don't

22 remember when that thing was shut down, but we didn't
23 find Mercury.
24 Q Why was it shut down?
25 A Cheaper to buy chlorine than it was to make

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1 it.
2 Q Were you involved in that decision?
3 A I was not.
4 Q Who would have been involved in that
5 decision?
6 A Somebody much higher up the ladder than
7 myself. I would think that was something that would
8 have been done or made at the corporate level, yes.
9 I'm guessing now.
10 Q Do you ever remember any investigation of
11 Mercury in either fish or sediment or water downstream
12 from the Anniston plant?
13 A There were some Mercury samples run on
14 that -- on that effluent at this same place, but they
15 were discontinued because we never found anything.
16 Q Well, do you remember what you found or
17 what you didn't find?
18 A No, I do not. Mercury was a pretty
19 valuable commodity. The bottom of that wholesale house
20 was diked and Mercury wasn't thrown around.

21 MR. WRIGHT: Okay. I think I'll reserve
22 the rest of my questions until the time of trial.
23 Thank you, sir, for your time.
24 FURTHER THIS DEPONENT SAITH NOT.
25 (Signature waived.)

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1 REPORTER'S CERTIFICATE
2 STATE OF TENNESSEE:
: ss.
3 COUNTY OF HAMILTON:
4 I, Amye B. Guinn, Registered Professional
5 Reporter and Notary Public at Large, do hereby certify
6 that I reported in machine shorthand the deposition of
7 EUGENE "BUNKY" WRIGHT, called as a witness in the
8 above-entitled cause; that the said witness was duly
9 sworn by me; that the foregoing pages, numbered from 1
10 to 67, inclusive, were typed under my personal
11 supervision and constitute a true record of said
12 deposition.
13 I further certify that I am not an attorney
14 or counsel of any of the parties, nor a relative or
15 employee of any attorney or counsel connected with the
16 action, nor financially interested in the outcome of
17 the action.
18 Witness my hand and seal this the 26th day
19 of March, 2001.
20

21

22

23

24

Amye B. Guinn, Registered Professional
Reporter and Notary Public at Large.

25 My Commission expires April 4, 2001.