

STATE OF ALABAMA
IN THE CIRCUIT COURT OF CALHOUN COUNTY
MARS HILL MISSIONARY
BAPTIST CHURCH, et al.,
Plaintiffs,
CIVIL ACTION NUMBER
versus
CV-96-243
MONSANTO COMPANY, et al.,
Defendants.

DEPOSITION OF ROBERT CHEEVER
The videographic and stenographic
deposition of ROBERT CHEEVER was taken before
Deborah Salers Garrett, Certified Shorthand
Reporter, Registered Professional Reporter, as
Commissioner, commencing at 10:10 a.m. on May
22, 1998, by the Plaintiffs, at the Ritz
Carlton, St. Louis, Missouri, pursuant to the
stipulations set forth herein.
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Page 6 1 STATE OF MISSOURI, ST. LOUIS, MAY 22, 1998 2 3 ROBERT CHEEVER, 4 after having been first duly sworn, was 5 examined and testified as follows: 6 7 EXAMINATION 8 BY MR. STEWART: 9 Q. Would you state your name for the 10 record? 11 A. Robert Cheever. 12 Q. Mr. Cheever, I'm Donald Stewart. I'm 13 one of the attorneys representing the 14 plaintiffs in this case, and we are here 15 today to take your deposition. I wanted 16 just to say to you that if there is some 17 question that you don't understand -- I 18 sometimes have a habit of asking 19 questions that might have more than one 20 part to it. If you want me to separate 21 them out or want to consult with your 22 attorney or don't understand anything, 23 let me know and I will rephrase it and	Page 8 1 A. I started in Springfield, Massachusetts, 2 in June of 1969. 3 Q. And during the time that you have been 4 with Monsanto, what's been your 5 particular area of endeavor? I mean, 6 what has your work been with them 7 generally? I'll ask you specifically 8 later about your work history. But just 9 generally what are you trained to do, 10 and what have you done with them? 11 A. I started in project engineering and 12 then moved into the environmental 13 engineering arena and then into the 14 environmental safety and health arena, 15 which I'm currently part of. 16 Q. Tell me if you would what your current 17 position is with Solutia. 18 A. I'm the environmental safety and health 19 coordinator for the Queeny plant, which 20 is here in St. Louis. 21 Q. And have you ever had any sort of home 22 office responsibilities, or have you 23 always been at a plant?
Page 7 1 ask it again so that you do understand 2 it. 3 One of the other things that this 4 court reporter asks us to do -- and I 5 have a tendency to break in sometimes -- 6 if we will both try to honor the other's 7 conversations. She can't take but one 8 person at a time. 9 Have you ever given a deposition 10 before? 11 A. Not of this sort, no, sir. 12 Q. Have you ever been involved in a case -- 13 Well, let me ask you who your current 14 employer is. 15 A. I work for Solutia, Incorporated. 16 Q. Before that who did you work for? 17 A. I worked for Monsanto Company. 18 Q. And how long have you worked for them? 19 A. I started work in 1969. 20 Q. And where did you start to work for 21 them? 22 A. Excuse me? 23 Q. Where did you start to work for them?	Page 9 1 A. No. I worked in corporate environmental 2 process design engineering for a 3 four-year stretch. 4 Q. Okay. When did that occur? 5 A. Between 1979 and 1983. 6 Q. And did you have any particular area 7 that you worked in at that time? Was it 8 a given product that you might have 9 dealt with, or were you just a 10 generalist there too? 11 A. I was just in environmental process 12 control design, no particular product 13 association. 14 Q. That was what years, now? 15 A. From April of '79 to February of '83. 16 Q. Where do you presently reside? 17 A. I live in Ellisville, Missouri. 18 Q. Is that a suburb of St. Louis? 19 A. Yes, sir. 20 Q. And have you reviewed any documents in 21 preparation for this deposition here 22 today, for your testimony here today? 23 A. I was given some aerial photographs to

Page 10 1 review to kind of refresh my memory of 2 the time I spent in -- at the Anniston 3 plant. 4 Q. When you say aerial photographs, are you 5 talking about aerial photographs of the 6 Anniston plant? 7 A. Yes, sir. 8 Q. And when did you review those? 9 A. Yesterday morning. 10 Q. And who was present at the time you 11 reviewed those documents? 12 A. Buddy and Mike. 13 Q. Any other documents that you looked at 14 in preparation for the deposition here 15 today? 16 A. There was a couple of others, just to 17 try to help me refresh my memory. 18 Q. What were those, if you recall? 19 A. Specifically I don't recall what they 20 were. It was just -- We looked at a 21 training document. 22 Q. Would that be a waste management 23 training document that you --	Page 12 1 from some sampling activity that was 2 done by Monsanto's environmental 3 sciences center. 4 Q. And do you remember the date or the time 5 frame in which those lab reports were 6 done? 7 A. Time frame, one of them was in the '83 8 time frame as I recall, and one of them 9 was in the '86, '87 time frame as I 10 recall. I don't remember the exact 11 dates. 12 Q. And do you know where the testing was 13 done that was reported in those 14 documents? 15 A. Not specifically. I believe it was 16 Dayton, Ohio. 17 Q. Well, let me rephrase the question then 18 and make it a little clearer. Was the 19 testing that you looked at or the 20 results that you looked at, did that 21 come from tests that were performed in 22 the Anniston area or around the Anniston 23 Monsanto plant?
Page 11 1 A. Yes, sir. 2 Q. -- prepared when you were in Anniston? 3 A. Yes, sir. 4 Q. All right. Did you look at anything 5 else other than that training document, 6 waste management training? 7 A. There were a couple of other documents 8 they showed me that specifically I can't 9 remember exactly what they were. 10 Q. Do you remember what subject matter they 11 dealt with or what they were related to? 12 A. Yes, sir. 13 Q. What subject matter did they deal with? 14 A. Subject matter was PCBs. 15 Q. And when you say PCBs, were they a 16 document that the company generated or 17 someone else generated that had to do 18 with -- 19 A. It was primarily company documentation. 20 Q. Tell me what that document was that was 21 put together by the company that was 22 related to PCBs that you looked at. 23 A. It was a couple of -- It was lab reports	Page 13 1 MR. COX: I think he wants to know 2 where the samples came from. 3 MR. STEWART: Yes. 4 A. Okay. The sampling was done in areas 5 around Anniston, not necessarily the 6 Anniston plant. 7 Q. You are saying samples were taken. 8 Maybe I'm confusing you. The testing or 9 the analytical stuff was performed -- of 10 the samples was performed at Dayton? 11 A. I believe so, yes, sir. 12 Q. And the samples were taken -- You say 13 not around the plant. Were they taken 14 in Snow Creek and taken in Choccolocco 15 Creek? 16 A. Yes, sir. 17 Q. And were some of those samples that you 18 looked at or the documents that you 19 looked at that referred to samples that 20 were done in '83 or '86 -- was that 21 related to a dredging project that was 22 done in Choccolocco Creek or was 23 proposed in Choccolocco Creek? Do you

1 remember --
 2 A. Yes, sir.
 3 Q. -- that?
 4 A. Uh-huh (indicating yes).
 5 Q. Did you see any other documents other
 6 than the test data that related to that
 7 specific matter?
 8 A. Not specifically. There were other
 9 documents there, but I don't remember
 10 reviewing anything specific that comes
 11 to mind.
 12 Q. Okay. Were you there at the time that
 13 was done, or were you -- At any point in
 14 time when you were in Anniston, were you
 15 there when this dredging matter came
 16 up --
 17 A. Yes, sir.
 18 Q. -- at the Monsanto plant in Anniston?
 19 A. Yes, sir, I was.
 20 Q. And were you involved in that?
 21 A. Not directly.
 22 Q. But you knew something about it?
 23 A. Yes, sir.

1 Q. Okay. Now, what documents did you look
 2 at that had to do with testing and
 3 analytical data that was performed in
 4 1986?
 5 A. It was associated with a proposed plan
 6 to test the sediment in Snow Creek and
 7 an unnamed tributary of Snow Creek.
 8 Q. All right. And that is the '86 document
 9 that you looked at?
 10 A. Yes, sir.
 11 Q. Did you look at anything else in
 12 connection with the '86 matter other
 13 than the testing data?
 14 A. I don't remember -- It was the proposed
 15 plan that was put together. I reviewed
 16 that --
 17 Q. Now --
 18 A. -- for familiarity.
 19 Q. You reviewed the plan --
 20 A. Uh-huh (indicating yes).
 21 Q. -- that was put together?
 22 A. Yes, sir.
 23 Q. A follow-up to the testing?

1 A. Preceding the testing.
 2 Q. The plan for the testing, is that what
 3 you are talking about?
 4 A. Yes, sir.
 5 Q. Did you look at any plan or see any
 6 documents that -- other than that, just
 7 the testing documents? Is that all you
 8 saw?
 9 A. That's what I recall seeing, uh-huh
 10 (indicating yes).
 11 Q. Okay. So that would have been in '86.
 12 What toxic chemical was involved,
 13 Mr. Cheever, in 1983, in the '83 tests?
 14 What were the people in Dayton looking
 15 for in the samples that were taken?
 16 A. They were requested to look for PCBs.
 17 Q. All right. Do you remember any other
 18 chemical being involved in those '83
 19 tests other than PCBs?
 20 A. I don't recall any other.
 21 Q. What about 1986?
 22 A. The same.
 23 Q. PCBs?

1 A. Yes, sir.
 2 Q. And that was in Snow Creek and the
 3 tributary leading to Snow Creek?
 4 A. Yes.
 5 Q. Is that what you understand?
 6 A. That's what I understand, yes, sir.
 7 Q. Now, did you see any documents that were
 8 generated by either the federal
 9 government or by the State of Alabama,
 10 either the Alabama Water Improvement
 11 Commission or the folks at ADEM that
 12 related to the 1983 incident?
 13 A. I don't recall seeing documents from
 14 either of those organizations.
 15 Q. Okay. What about in connection with the
 16 1986 incident? Did you see any
 17 documents that were generated either by
 18 the State of Alabama, any regulatory
 19 agency that they operated at that time,
 20 or did you see any that were generated
 21 by the federal government in connection
 22 with the 1986 testing?
 23 A. Not that I can -- not that I recall. If

Page 18 1 there were there, I didn't pay much 2 attention to them. 3 Q. Okay. All right. You have mentioned 4 these test documents, and you say if 5 they were there. Were there other 6 documents that perhaps you just sort of 7 scanned through and might have talked 8 to -- I don't want to know what they 9 said, but I'm just asking you if there 10 were other documents than these test 11 results that you talked about. 12 A. They were primarily the documents that 13 were -- I was given to review and look 14 at during our conversation. 15 Q. Those testing results were primarily the 16 documents? 17 A. Uh-huh (indicating yes). 18 Q. There were other documents? Am I to 19 understand there were other documents? 20 That's just what I'm asking. 21 A. Not that I reviewed. 22 Q. Okay. Did you review any deposition in 23 preparation for your testimony here	Page 20 1 previously testified? I'm not talking 2 about did you see documents or read 3 their testimony, but did you talk to 4 Mr. Benignus or Mr. Levinskas or 5 Mr. Papageorge -- 6 A. No, sir. 7 Q. -- before you came here today? Have you 8 had any conversation with a gentleman 9 named Jerry Brown? 10 A. No, sir. 11 Q. Or Jack Mayausky about your testimony 12 here today? 13 A. No, sir. 14 Q. What about Mr. Faust? 15 A. No, sir. 16 Q. After you left the Anniston plant -- By 17 the way, when did you leave the Anniston 18 plant? 19 A. End of calendar year 1989. 20 Q. Okay. And where did you go after that? 21 A. I came here to the Queeny plant in St. 22 Louis. 23 Q. And you have been here ever since?
Page 19 1 today? 2 A. No, sir. 3 Q. Any statements that had been made by 4 anybody else? 5 A. No, sir. 6 Q. Either employees of Monsanto or 7 employees of -- or members of the 8 plaintiff? 9 A. No, sir. 10 Q. Did you see any depositions from any of 11 them? 12 A. No, sir. 13 Q. Did you, Mr. Cheever, talk to anybody 14 other than your lawyers who were 15 connected -- who might be connected with 16 either Solutia or Monsanto before you 17 came here today in preparation for your 18 deposition? 19 A. My boss knows that I'm here. 20 Q. I'm talking about the subject matter 21 that you would be deposed about. 22 A. No, sir. 23 Q. Did you talk to anybody who has	Page 21 1 A. Yes, sir. 2 Q. Have you had any connection either at 3 the corporate level or any kind of 4 management group that might have been 5 pulled together by either Monsanto or 6 Solutia with PCBs since you left the 7 plant at the end of the calendar year 8 1989? 9 A. No, sir. 10 Q. Did they do any work with PCBs at the 11 Queeny plant? 12 A. Repeat the question. 13 Q. I mean any waste of PCBs -- Do you have 14 any involvement with PCBs in connection 15 with your work at the Queeny plant? 16 A. Yes, sir. 17 Q. All right. I'll ask you about that in a 18 few minutes. I just wanted to know. 19 Now, you have indicated that you 20 have been deposed before. Was that for 21 the company as an employee of Monsanto 22 or Solutia? 23 A. I was an employee of the company. It

Page 22 1 was not for that. I was involved in a 2 project, and some equipment that was 3 shipped for the project came in damaged 4 and the supplier -- 5 Q. No. I'm talking about while you were 6 employed at Monsanto or employed with 7 Solutia. Have you been involved in any 8 deposition during that period of time or 9 given any -- 10 MR. COX: That is what he is 11 telling you about. 12 Q. This is when you were at Monsanto? 13 A. Yes, sir. 14 Q. It didn't -- 15 A. I answered some written -- I responded 16 to some written deposition questions. 17 Q. Interrogatories or questions for the 18 other side -- 19 MR. COX: Just for the record, so 20 it is clear, it was a 21 deposition upon written 22 questions. 23 Q. But it didn't have anything to do with	Page 24 1 A. Yes, sir. 2 Q. In the company itself -- And before I 3 leave it -- And I may have covered it, 4 but I want to make sure. Just to be 5 careful, I will withdraw that question I 6 started to make. 7 Let me just ask you. Are there 8 any other documents that you can think 9 of or any other thing that you have done 10 in preparation for this deposition here 11 today other than what you have told us? 12 A. No, sir. 13 Q. All right. Now, give me some idea, 14 Mr. Cheever, of what your educational 15 background is. What is your training? 16 A. I graduated from the University of 17 Vermont, bachelor of science in 18 mechanical engineering degree. 19 Q. In mechanical engineering? 20 A. Yes, sir. 21 Q. Did you have any postgraduate work, a 22 doctorate in anything? Am I to call you 23 doctor --
Page 23 1 PCBs -- 2 A. No, sir. 3 Q. -- or a chemical or anything? 4 A. Not at all. 5 Q. Have you ever testified before any 6 regulatory agency in any kind of 7 administrative procedure on behalf of 8 Monsanto Chemical Company? 9 A. No, sir. 10 Q. Have you ever testified before any state 11 legislature or testified before congress 12 or any governmental entity about 13 legislation or some quasi-governmental 14 entity that might be involved in 15 something like that, Mr. -- 16 A. No, sir. 17 Q. -- Cheever? So other than the testimony 18 that you have indicated that you have 19 given in connection with this incident 20 about the damaged goods, that's the only 21 time you have ever testified while 22 serving as an employee of Monsanto 23 Chemical Company?	Page 25 1 A. No. I have taken some postgraduate 2 courses in environmental engineering, 3 but I'm not -- never received any degree 4 for it. 5 Q. When did you do that? First, when did 6 you graduate from Vermont? 7 A. 1969. 8 Q. And did you go to work at that point in 9 time -- 10 A. Yes, sir. 11 Q. -- with Monsanto? And where did you 12 first go to work with them? 13 A. It was in Springfield, Massachusetts. 14 Q. What was the plant? 15 A. The plant was Indian Orchard plant, 16 Monsanto's Indian Orchard plant. 17 Q. What particular thing did you do there? 18 A. I was a project engineer in plant 19 engineering. 20 Q. And in that capacity can you just tell 21 us briefly what you did for them? 22 A. Capital and addition projects and 23 started a production area and then moved

Page 26 1 into a utilities and environmental arena 2 when the environmental control, 3 environmental regulations started to 4 become more prevalent in the early '70s. 5 And they moved me in a role there to 6 look at capital projects and maintenance 7 kind of projects to protect the 8 environment. 9 Q. So you started out basically as what you 10 had been trained to do as a mechanical 11 engineer, planning projects. What kind 12 of production were you involved with in 13 planning that project? 14 A. I was assigned to what was known at the 15 Indian Orchard plant as the south plant 16 area, which was in vinyl chloride, 17 polyvinyl chloride paste and polyvinyl 18 chloride resin manufacture. 19 Q. Okay. When you moved in to this 20 position in the '70s as an environmental 21 -- in the environmental side of the 22 company, I assume you took with you the 23 training that you had had both on the	Page 28 1 courses, if you would, Mr. Cheever. 2 A. I took one course -- and I don't recall 3 the name of it -- at Rensselaer 4 Polytechnic, their extension service in 5 Hartford, Connecticut. I took another 6 graduate level course at the University 7 of Massachusetts in Amherst. Frankly I 8 don't remember the name of that course, 9 either one. 10 Q. Do you remember the subject matter of 11 the courses or what they dealt with? 12 A. It dealt with environmental -- 13 environmental engineering, environmental 14 engineering courses. 15 Q. In other words, problems that might 16 arise in industry and how to solve those 17 problems is what you dealt with? Is 18 that basically it? 19 A. Yes, sir. Some of it was around 20 environmental process design for waste 21 water treatment, as I recall one of them 22 being. 23 Q. Waste water treatment?
Page 27 1 job and in school from a mechanical side 2 of it. Is that -- Is that my 3 understanding of it? 4 A. I didn't understand the question. 5 Q. Your training, as I understand it, is a 6 mechanical engineer. So when you 7 approached the environmental side, I 8 assume you did it from that standpoint; 9 is that correct or incorrect? 10 A. Yes, sir. 11 Q. When did you go into that position? 12 A. Late '69 or early '70. I'm not sure 13 exactly when it was. 14 Q. So you apparently hadn't been with 15 Monsanto long before they put you to 16 work in that field? 17 A. That's correct. 18 Q. Is that when you began to do the 19 postgraduate work in the 20 environmental -- 21 A. Yes, sir. 22 Q. -- area? Tell us what kind of courses 23 you took and where you took those	Page 29 1 A. Yes, sir. 2 Q. All right, sir. How long did those 3 courses last, the one at Hartford? 4 A. It was a one-semester course. 5 Q. Okay. And the University of 6 Massachusetts? 7 A. The same. 8 Q. One semester? 9 A. One semester. 10 Q. Any other graduate work that you did in 11 addition to those two courses? 12 A. No, sir. 13 Q. What about seminars and other training 14 that you might have received that was 15 less than that -- I don't mean less 16 than, but not taken at a university, a 17 recognized university? 18 A. Constantly going to seminars and taking 19 training on a routine basis and have 20 ever since. 21 Q. Okay. 22 A. It is an ongoing kind of thing. 23 Q. That has been true since you moved into

Page 30 1 this area in the company in 1969, then? 2 A. Yes, sir. 3 Q. How frequent -- I don't want to ask you 4 about every course, Mr. Cheever, that 5 you have taken. I don't want to beat 6 that horse to death, but I do want to 7 ask you about it to get some general 8 idea for the jury as to what kind of 9 training frequency you have had. 10 A. No less than annual. Two or three 11 courses a year, or seminars. 12 Q. How long are those courses generally 13 for, a couple of days or a week or -- 14 A. They range anywhere from two days to 15 three days or a week. 16 Q. And are those -- 17 A. It is -- 18 Q. Go ahead. 19 A. They vary in lengths. There is no set 20 standard, I guess. 21 Q. Did Monsanto pay -- Does Monsanto pay 22 for those seminars and for that training 23 that you have received over the years?	Page 32 1 time to time by Monsanto to train you in 2 the environmental area, or is it 3 something that trade associations put on 4 and they encourage you to go to? 5 A. It is both. Monsanto has hired or 6 brought in consultants to train us all 7 from across the enterprise, or some 8 consultants just go from city to city 9 offering certain training courses, and 10 you sign up and go when they are in a 11 city that is convenient. 12 Q. Tell us if you would the major subject 13 areas that you have concentrated on at 14 these seminars down through the years. 15 You have indicated you go at least 16 annually and perhaps sometimes two and 17 three times a year. 18 A. Uh-huh (indicating yes). 19 Q. Do you have an area of expertise that 20 you have carved out or areas that you 21 have participated in seminars and 22 received training in? 23 A. There is no one area. I have been
Page 31 1 A. Yes, sir. 2 Q. And what about the two semester courses 3 that you took? 4 A. They paid for that also. 5 Q. All right. And would you give us some 6 idea of the kind of entities that hold 7 the seminars that you attend on a 8 regular basis? Are these industry-type 9 seminars that are held and conducted, 10 governmental or a combination of both or 11 universities? Can you give us some idea 12 of that? 13 A. They are all of those. 14 Q. All of the three that I have mentioned? 15 A. Plus some consultants provide training 16 seminars and training workshops around 17 different subject matters as well. 18 Q. All right. 19 A. It is the whole realm, some of them 20 trade associations -- 21 Q. And are -- 22 A. -- in addition. 23 Q. Are those consultants called in from	Page 33 1 involved in hazardous waste management. 2 I'm involved in air pollution control, 3 and I'm involved in water pollution 4 control. And I've taken sessions in all 5 those subjects matters so that I can 6 maintain some knowledge in the areas. I 7 have done worker's compensation classes 8 because I manage the worker's 9 compensation area at the Queeny plant. 10 Industrial hygiene basic understanding, 11 because I was involved in that. I have 12 been to some occupational health 13 seminars because I have a responsibility 14 around that in my current position as 15 well. So I cover all areas. 16 Q. Now, before you went to the Anniston 17 plant, had you received training in -- 18 You had obviously received the training 19 that you mentioned at the two 20 universities -- 21 A. Uh-huh (indicating yes). 22 Q. -- is that correct? 23 A. That's correct.

Page 34 1 Q. When was it you went -- is it 2 Rensselaer? 3 A. It was RPI of Hartford. It was an 4 extension course that was offered in 5 Hartford, Connecticut. It was RPI out 6 of Rensselaer, New York. 7 Q. When did you complete that, just in your 8 best judgment -- 9 A. I don't recall. It was mid '70s. 10 Q. So it was before you went to Anniston? 11 A. Yes, sir. 12 Q. Is the same true for the course you took 13 at the University of Massachusetts? 14 A. Yes, sir. It might have been the early 15 '70s. I don't recall exactly when. It 16 was in that time frame. 17 Q. Now, you mentioned you had training at 18 seminars in hazardous waste 19 management -- 20 A. Uh-huh (indicating yes). 21 Q. -- whether it was air or water pollution 22 or I assume just the management of the 23 waste facility itself. Did you have any	Page 36 1 courses. There are all different kinds. 2 Q. Now, hazardous waste management, had you 3 had a number of courses in that before 4 you went to the Anniston plant? 5 A. Not a large number. 6 Q. Had you had any at all? 7 A. I don't recall if I had -- I think I had 8 had some before I went down there. 9 Hazardous waste management regulations 10 were in the -- you know, came out in the 11 late '70s. So there wasn't a whole lot 12 of training prior to the regulations 13 being promulgated in the late '70s, '78, 14 '79, '80. 15 Q. But you had had some? 16 A. I had had some, yes, sir. 17 Q. And what about water and -- 18 A. Yes, sir. I had some water pollution 19 control design projects while I was in 20 corporate engineering. 21 Q. Tell me about those. 22 A. I was -- assisted one of our corporate 23 specialists in the design of a waste
Page 35 1 of those courses -- or did you have a 2 large number of those courses before you 3 went to the Anniston plant? 4 A. I don't remember a large number. 5 Q. But had you had some -- 6 A. I had had some, yes, sir. 7 Q. -- before you went there? Can you tell 8 us which of those areas you had 9 concentrated on most before you went to 10 the Anniston plant to assume the 11 position that you assumed there? 12 A. I'm not sure there was one area that I 13 concentrated on any more than another. 14 Maybe air pollution control. If I was 15 going to select one, that might -- When 16 I was in corporate engineering, that was 17 my primary area of focus. 18 Q. So you had taken a number of courses in 19 that before you went to Anniston? 20 A. Yes, sir. 21 Q. Those were the seminars that you are 22 talking about that you took -- 23 A. Seminars and workshops, training	Page 37 1 water treatment facility for a plant 2 expansion in Muscatine, Iowa. 3 Q. When did you do that? 4 A. It was in '80, '81, '82 time frame. I 5 don't remember exact dates. 6 Q. What was the scope of the project that 7 you were involved in at that time, 8 Mr. Cheever? 9 A. It was designing a waste water treatment 10 plant expansion for the Muscatine, Iowa, 11 Monsanto plant. 12 Q. What did they make there? 13 A. They are an agriculture chemical and 14 plastic products producing facility. 15 Q. What kind of plastic products did they 16 make? 17 A. Polystyrene products. 18 Q. Was the waste water treatment facility a 19 biological thing -- 20 A. Yes, sir. 21 Q. -- where you have little bugs in there 22 and they supposedly detoxify the 23 chemical or make it safe?

Page 38 1 A. Break down organics and water, food, CO, 2 CO2. 3 Q. What was your particular responsibility 4 in that project? 5 A. I was assisting one of our senior 6 engineers in the design of the -- design 7 and the layout and sizing of equipment 8 and the specification of the equipment. 9 Q. Was it a new -- Was it an innovative 10 technique, or was it just an older 11 technique where y'all just expanded the 12 facility they already had in place? 13 A. It was essentially a conventional waste 14 water treatment plant that we were 15 expanding. 16 Q. Any other projects similar to that that 17 you have been involved in both on the 18 environmental side and as a mechanical 19 engineer before you went to Anniston? 20 A. Yes, sir. I was involved in the design 21 and installation of some incinerators at 22 Alvin, Texas, Texas City, Texas, and one 23 for the facility in Sauget, Illinois.	Page 40 1 time. 2 Q. That's all right. We will make a stab 3 at it later. What is that product made 4 from, Mr. -- 5 A. I don't know. 6 Q. -- Cheever? 7 A. It was a material that was purchased by 8 those two sites and brought into the 9 facility or made at those two facilities 10 and shipped out in either barge or rail 11 car. I don't know how it is made. 12 Q. What exactly did y'all design there to 13 take care of -- Was it vapors coming off 14 the product while it sat on barges? Is 15 that what it was or -- 16 A. The material was loaded into dedicated 17 barges or rail cars, and we were to 18 capture the vapors that were coming off, 19 as putting liquid in, vapors are being 20 displaced from either the barge or the 21 rail car, where it would be conveyed 22 into a thermo-oxidizer for treatment. 23 And we designed the delivery system from
Page 39 1 Q. Tell me about the design and 2 installation of the incinerator at the 3 Texas plant. 4 A. Okay. 5 Q. When did you do that? 6 A. That was in that same time frame when I 7 was in corporate engineering between 8 1979 and 1983, when we were installing 9 some vapor incinerators for the 10 treatment of displaced vapors off barges 11 and rail cars. 12 Q. Now, what particular chemical product 13 was involved that y'all -- that you did 14 that? 15 A. Acrylonitrile. 16 Q. Can you spell that for her? 17 A. The chemical is acrylonitrile, AN by 18 acronym. I don't know if I can spell it 19 or not. 20 Q. I'll withdraw the question. After I got 21 it out of my mouth, I saw it might 22 create some problem. 23 A. I can probably spell it given enough	Page 41 1 the barge or the rail car up to the 2 treatment device and then designed the 3 treatment device itself. 4 Q. Okay. And when you did that and put it 5 in place, I assume that the incinerator 6 -- Did it work, what you had put 7 together? 8 A. Yes, sir. 9 Q. And who was it that you worked with on 10 that project? 11 A. Oh, boy, I don't remember anyone. 12 Q. Were you in charges of the project 13 yourself? 14 A. I was a member of a project team. The 15 way the company operated, I was just 16 another member of a team of people 17 working on the project, civil engineers 18 and others. 19 Q. And your part of it was the mechanical 20 side of it? 21 A. My part was essentially purchase -- 22 specification and purchasing of the 23 incinerator, thermo-oxidizers, and being

Page 42 1 there during the installation and 2 training and start-up and initial 3 operation. 4 Q. All right, sir. Now, what was the next 5 project that you just got through 6 telling us that you participated in 7 while you were at the corporate level? 8 I assume you were in the environmental 9 side. 10 A. Yes, sir, I was. I was part of the 11 environmental process design group. 12 Q. And you were at a plant in Illinois? 13 A. I was involved in the design and 14 permitting of what was known as the St. 15 Louis area-wide incinerator, which was 16 to be a rotary kiln, hazardous waste, 17 solid waste incinerator that was 18 proposed to be installed in Sauget, 19 Illinois, at the Krummrich plant and was 20 never -- I mean, we worked the design up 21 to and including permitting, but the 22 decision was made not to put it in. 23 Q. All right. Now, tell me about when you	Page 44 1 you mean by solid waste. 2 A. Solid waste is defined by the Resource 3 Conservation Recovery Act as any waste 4 material that is not -- essentially not 5 a liquid. 6 MR. STEWART: Can we stop? 7 (Discussion held off record.) 8 Q. Mr. Cheever, you were telling us about 9 the incinerator and about solid wastes 10 at the time we left. What kinds of 11 wastes did y'all propose to dispose of 12 in this particular project? 13 A. Manufacturing -- current manufacturing 14 wastes that were non-liquid in nature. 15 Q. From the plant there in Krummrich? 16 A. From many plants in the mid west area. 17 Q. What other plants were you proposing to 18 take wastes from at Krummrich and 19 incinerate? 20 A. I don't remember all of them. There 21 were several plants at that time in the 22 St. Louis area, but I don't recall 23 exactly all the plants that were talked
Page 43 1 first got involved in that. 2 A. Uh-huh (indicating yes). 3 Q. When did you first get -- 4 A. When did I first get involved? There 5 again, it was early -- probably one of 6 the first projects I picked up on when I 7 joined that group in mid '79. 8 Q. So in the mid '79 period you joined a 9 group that was designing an 10 incinerator -- 11 A. Uh-huh (indicating yes). 12 Q. -- for the St. Louis area -- 13 A. Right. 14 Q. -- to dispose of solid waste -- 15 A. That is correct. 16 Q. -- by incineration? 17 A. Uh-huh (indicating yes). 18 Q. And it was to be installed at Krummrich? 19 A. Yes, sir. 20 Q. Now, tell us what you mean by solid 21 waste, Mr. Cheever. Just assume I'm 22 totally ignorant of the chemical 23 manufacturing business and tell us what	Page 45 1 about. 2 Q. Just give me in your best judgment of 3 what they were. 4 A. Well, there were three major 5 manufacturing sites at that point in 6 time here in the St. Louis area, 7 Krummrich, Queeny, and the Carondolet 8 plant. And I believe we were talking 9 about bring waste down from Iowa, the 10 Muscatine, Iowa, plant. I don't 11 remember if there were others or not. 12 Q. How big a project are we talking about? 13 What size incinerator were you talking 14 about, Mr. Cheever? 15 A. I don't recall the size of it. It was a 16 good size, but I don't recall. 17 Q. Do you recall the money that was 18 involved? 19 A. No, sir, I don't. 20 Q. Was it in the millions of dollars? 21 A. Yes, sir, I believe so. 22 Q. Was it in excess of five million 23 dollars?

Page 46 1 A. I don't remember. 2 Q. Do you remember the process -- Can you 3 tell us or explain to us the process 4 that y'all were going to use at that 5 time to operate this incinerator? What 6 kind of process were -- 7 A. It was a rotary kiln followed by a 8 thermo-oxidizer as the treatment train. 9 Q. Can you explain that? Break that down 10 and explain it. Just assume I'm totally 11 ignorant of the mechanical and chemical 12 processes that are involved in this 13 thing. Explain it so that even I and 14 the jury can understand it, Mr. Cheever. 15 A. I'll try. 16 Q. In simpler terms. 17 A. A rotary kiln is a large drum that 18 rotates on a long horizontal axis. It 19 is like a cement mixer type thing, that 20 kind of arrangement. You feed fuel and 21 fire on one end, and you put in the 22 waste product to be treated at the other 23 end. And they kind of commingle. As	Page 48 1 Q. Now, is this project team that was put 2 together -- Did it come out of the 3 environmental group at the corporate 4 level? 5 A. We were part of the team. It wasn't the 6 total team. 7 Q. Where did the other people come from, 8 from the plants that would be served by 9 this or from outside of Monsanto or -- 10 A. There were other engineering disciplines 11 from within the corporate engineering 12 structure, civil engineers, other 13 mechanical engineers, electrical and 14 instrument engineers. 15 Q. All of them from inside corporate but 16 also all of them from Monsanto? 17 A. Yes, sir. 18 Q. Was this something that you all were 19 designing yourself, or is it something 20 you bought off the shelf and modified, 21 or what was the nature of that aspect of 22 this incinerator? 23 A. The incinerator would be purchased
Page 47 1 one moves up the kiln in one direction, 2 waste goes down the kiln in the other 3 direction. At the discharge end you get 4 treated ash. The vapors or the organics 5 that are oxidized off the material in 6 the kiln go through a thermo-oxidizer, 7 which operates at a higher temperature, 8 which is like an incinerator, but it is 9 taking the off-gasses from the kiln and 10 further treating them at a higher 11 temperature and a longer residence time 12 to treat the organics to water vapor and 13 typical combustion products. 14 Q. Now, what kind of temperatures were you 15 talking about in the rotary kiln itself? 16 A. I don't recall exactly, but they are in 17 the eighteen hundred degrees, two 18 thousand degree range. 19 Q. And then was it hotter in the other 20 process that you mentioned? 21 A. Yes, sir. And it goes up into the 22 twenty-five hundred, three thousand 23 degree range as I recall.	Page 49 1 equipment that you would buy from kiln 2 incinerator manufacturers. 3 Q. There were people, then, at that time 4 who were manufacturing these kilns? 5 A. Yes, sir. 6 Q. What amount of waste did y'all 7 anticipate you would be handling at this 8 Krummrich plant at that time? 9 A. I don't recall the exact size or the 10 amounts of waste that were scheduled. 11 Q. You don't have any idea about that? 12 A. Close to twenty years ago, and I -- 13 Q. I understand that. 14 A. -- just don't remember. 15 Q. Okay. Now, who is it that headed up the 16 project, Mr. Cheever? 17 A. I don't recall who the person was. 18 Someone from Monsanto's -- we have a 19 group -- had a group back then of 20 individuals who serve as project 21 managers, and I don't recall who the 22 manager of that project was. 23 Q. Do you recall anybody else that you

Page 50 1 worked with on the project? 2 A. A man from the Krummrich facility by the 3 name of Dick Sinise. 4 Q. Dick what? 5 A. Sinise. 6 Q. How do you spell that last name? Do you 7 know? 8 A. S-i-n-i-s-e. And he and I worked 9 together to obtain the air permits 10 necessary to site the unit in Illinois. 11 Q. Did y'all get those air permits? 12 A. Yes, sir. 13 Q. And did you file with a regulatory 14 agency to get those air permits? 15 A. Yes, sir. 16 Q. And can you tell me the name of the 17 regulatory agency, what it is known as 18 here in Illinois? 19 A. EPA region five and the Illinois EPA 20 were the two controlling agencies. 21 Q. Okay. Illinois -- 22 A. EPA, Environmental Protection Agency. 23 I'm sorry.	Page 52 1 the design, which was the early '80s. 2 Q. Why is it that y'all chose the 3 incinerator -- your group chose the 4 incinerator? Is it something y'all were 5 given the responsibility to come up with 6 -- a problem that you had to come up 7 with a response to, or did someone tell 8 you they wanted you to design an 9 incinerator? How did that happen? 10 A. It was a corporate decision to look at 11 the feasibility and the cost and could 12 it be done to provide in-house corporate 13 incineration as a treatment technology 14 for waste disposal. 15 Q. And you indicated that the corporate 16 decision was to not do that at that 17 time. 18 A. Yes, sir. 19 Q. And do you know why? Were you all told 20 why? 21 A. I believe it was an economic decision, 22 but I'm not -- I don't know for sure, 23 was not part of the decision process.
Page 51 1 Q. So you have an Illinois EPA and then the 2 region five EPA of the federal 3 government. What documents did you 4 file? 5 A. We filed the necessary documentation to 6 obtain a prevention of significant 7 deterioration or PSD permit. 8 Q. What made up that? Did you have an 9 explanation of how this system was going 10 to work and explanation of what kind of 11 waste you were going to be disposing of? 12 A. I believe that was all part of the 13 application package. Yes, sir. 14 Q. Tell me if you would if PCBs were going 15 to be disposed of in this kiln. 16 A. No, sir. I don't believe they were. I 17 don't recall for sure, but I don't 18 believe they were. 19 Q. Why is that? 20 A. It was designed for current 21 manufacturing wastes at that particular 22 point in time and those that were 23 projected into the future at the time of	Page 53 1 Q. That's because -- Are you talking about 2 the costs were too high? 3 A. Yes. 4 Q. Okay. 5 A. As I recall, it was determined that the 6 cost per pound was greater do it 7 ourselves than to continue to rely on 8 commercially available facilities that 9 provided the same treatment technology. 10 Q. Okay. So what you all were doing was 11 building your own, but you had -- In 12 order to get rid of this waste, you had 13 been contracting to have it done by 14 someone else? 15 A. Yes, sir. 16 Q. And with whom were these plants 17 contracting at that time to have the 18 waste incinerated? 19 A. There were several that the corporation 20 used, I'm sure, that provided that. 21 Rawlings Environmental is one that comes 22 to mind. 23 Q. Where were they located?

Page 54 1 A. They have three locations, or they had 2 three locations that I was aware of, 3 Bridgeport, Tennessee -- Bridgeport, New 4 Jersey, I'm sorry; Baton Rouge, 5 Louisiana; and Deerpark, Texas. 6 Q. What type waste was Monsanto shipping to 7 those? 8 MR. STEWART: Off the record. 9 (Discussion held off record.) 10 Q. Mr. Cheever, you were telling me about 11 the incinerators at Bridgeport and Baton 12 Rouge and Deerpark, Texas. Can you tell 13 me what kind of waste Monsanto was 14 shipping to those plants -- I mean, 15 those incinerating facilities at that 16 time? 17 A. No. I really can't because I was not, 18 you know, located at a site. 19 Manufacturing byproducts and the waste 20 off chemical manufacturing, I guess, but 21 I don't know exactly what was being 22 sent. 23 Q. Would it be the still bottoms off some	Page 56 1 given by other witnesses in the case 2 that they -- and in documents it is 3 indicated that they had an incinerator 4 at the Krummrich plant that was 5 established at some period of time -- 6 and it might have been in this same time 7 frame or even earlier in the '70s -- to 8 dispose of liquid PCBs, product that was 9 returned by customers. Are you familiar 10 with that process? 11 A. No, sir, I'm not. 12 Q. Did you know at the time that you were 13 working on this project for the 14 Krummrich plant or become familiar with 15 the fact they had an incinerator 16 facility there to dispose of liquid 17 PCBs? 18 A. No, I'm not. 19 Q. Or PCB -- 20 A. I wasn't aware of that. 21 Q. As a person who has been involved in the 22 environmental aspects of PCBs -- not 23 PCBs, but the company itself for a
Page 55 1 of the processes that might have gone 2 on? Is that what you're talking about, 3 solid waste, residue that is left and 4 remains after you went through a 5 chemical process? Is that what we are 6 talking about? 7 A. Among other things, I'm sure. 8 Q. Do you know if any landfill stuff that 9 had been temporarily placed in a 10 landfill might have been dug up and sent 11 to those incinerating plants during this 12 time frame, in the early '80s? 13 A. I'm not aware of any. 14 Q. Okay. 15 A. I don't know -- I'm not aware of any. 16 Q. Tell me if you would if the Krummrich 17 plant was sending waste matter to those 18 facilities. 19 A. I don't know the answer to that. I was 20 not involved with the day-to-day 21 activities at the Krummrich plant, so I 22 don't know if they were or not. 23 Q. There has been some testimony previously	Page 57 1 number of years, do you know what 2 Monsanto's particular philosophy is in 3 connection with the best method to use 4 to dispose of waste matter? Is there a 5 listing or any document that you have 6 ever seen that indicated the best 7 processes to use, sort of a one, two, 8 three? If we do it this way or -- 9 A. There is a corporate guideline that 10 lists a hierarchy of suggested 11 approaches for the treatment and 12 disposal of wastes from current 13 manufacturing processes. 14 Q. And can you tell me what that guideline 15 would indicate? Are you familiar enough 16 with it to recite it for us today? 17 A. No, I'm not. I know that the first 18 approach is not to generate the waste to 19 begin with if you can do that. 20 Q. Okay. 21 A. And the last approach is to -- last 22 resort approach is to landfill, and 23 everything in between. As I recall -- I

Page 58 1 can't recite it exact, but as I recall, 2 recycle or reuse is high up in the 3 approaches, to try to reuse or recycle 4 the material if you can or to render it 5 recyclable or reusable. Incineration as 6 a treatment technology is kind of maybe 7 in the middle as I recall of the 8 hierarchy of treatment and disposal 9 techniques. And biological treatment is 10 in there somewhere as a method for 11 rendering waste safe or nonhazardous if 12 it is a hazardous waste. 13 But I don't recall exactly what 14 the hierarchy is and the exact wording 15 and the number or lettering of them, but 16 it is kind of like that, you know. You 17 look at land disposal as the -- 18 Q. Last of the -- 19 A. Well, depends on the type material we 20 are talking about. I mean, if it is 21 construction debris or brick and rubble 22 from facilities that are being 23 dismantled or retired and torn down,	Page 60 1 A. It is good management and good 2 engineering practice not to do that, but 3 I don't recall a company prohibition. 4 Q. Tell me when you became aware of the 5 fact it was good management and good 6 engineering practice not to do that, to 7 landfill something so it might adversely 8 affect a stream. Would that have been 9 early on in your time with Monsanto? 10 A. I guess, yes. 11 Q. When you first started in environmental 12 management in '69, '70, '71, '72 period? 13 A. Yes, sir. It just made sense not to do 14 that. 15 Q. Now, let me go back and ask you if you 16 would to tell me, Mr. Cheever, if you 17 would give us just a brief summary of 18 your work history. You have indicated 19 -- And you probably covered this, but if 20 you could just summarize it. 21 A. Surely. 22 Q. And then I want to center on the 23 Anniston situation. But you have
Page 59 1 that's probably -- you know, kind of 2 reverses, turns the hierarchy 3 upside-down. It is the kind of 4 materials that are often landfilled. 5 Q. Can you tell me, Mr. Cheever, when this 6 policy, if you know, became a part of 7 the policy of the company and how you 8 operated in connection with the 9 environment? Did it sort of -- 10 A. In the early '80s. I don't recall 11 exactly when. Early to mid '80s is when 12 I recall seeing it originally, the first 13 issue. 14 Q. Do you remember or recall whether or not 15 there might have been some connection 16 between -- or prohibition that might 17 have existed prior to that about 18 landfilling waste that might have the 19 possibility of affecting a stream, 20 contaminating a stream or water system? 21 A. Prohibition, I'm not aware of any 22 company prohibition. 23 Q. Did it --	Page 61 1 indicated you went to work already in 2 '69 and -- 3 A. Right. I started with Monsanto in 4 Indian Orchard, as I mentioned before, 5 in 1969, June. In April of 1979 I was 6 promoted into a corporate engineering 7 position in the environmental process 8 design group. And I -- In February I 9 guess it was -- I think it was around 10 February of 1983 I moved from that 11 position to a position at the Anniston 12 plant. 13 Q. What was the position at the Anniston 14 plant? 15 A. Environmental specialist, I believe was 16 the title. And I was there from -- I 17 started there in 1980 -- around February 18 of '83, as I recall, and I stayed there 19 until I relocated back here to St. Louis 20 on -- January 2, 1990, is when I 21 officially started work. 22 Q. At the -- 23 A. Queeny plant.

Page 62 1 Q. -- Queeny plant? 2 A. Yes, sir. 3 Q. And your position there? 4 A. I'm now the environmental safety and 5 health coordinator. 6 Q. What did you start out as? 7 A. I was the environmental and health 8 superintendent, and then I was the 9 environmental safety and health general 10 superintendent. And the plant 11 management was disbanded and combined 12 with the Krummrich plant in October of 13 1996, so I became environmental health 14 coordinator for the Queeny site. 15 Q. When you say combined plant, did they -- 16 A. Combined the management. 17 Q. -- combine the management of Queeny and 18 Krummrich? 19 A. I'm sorry. Yes, sir, they did. 20 Q. Now, were you at corporate headquarters 21 here in St. Louis when you worked and 22 were promoted in April of 1979? Did you 23 work here until February of 1983? Were	Page 64 1 1983 did you have any specific 2 relationship with any projects that 3 dealt with PCBs? 4 A. Not that I recall. 5 Q. Were you a part of any task force at any 6 given time during 1979 to 1983 that 7 would have related to PCBs or the -- 8 A. No, sir. 9 Q. Did you have any relationship or 10 conversations with either -- Bill 11 Papageorge during that period of time? 12 Did you know Mr. Papageorge? 13 A. I knew who he was. 14 Q. Did you have any conversation with him 15 about PCBs or PCB problems during that 16 period of time? 17 A. Not that I recall. 18 Q. Who was medical director at that time? 19 Did you know him or have any contact 20 with him in your position? 21 A. I couldn't tell you. I don't have any 22 idea. 23 Q. Okay. Now, how is it that you came to
Page 63 1 you here in St. Louis? 2 A. Yes, sir. 3 Q. Who was your boss? 4 A. My direct supervisor was Pat -- was a 5 gentleman by the name of Pat Brown. The 6 director of our resource center, as we 7 were called -- There were three of them. 8 Originally it was Pete Cunningham and 9 then Chuck Maelik, and ended up with Art 10 Hines, had three directors -- not 11 directors, but managers of that resource 12 center during the time I was there. 13 Q. Who did those gentlemen respond to? 14 A. Excuse me. We had a director and 15 eventually ended up -- I forget how many 16 lawyers of organization there were. We 17 ultimately reported to the vice 18 president of facilities and material for 19 Monsanto. 20 Q. Okay. 21 A. I don't recall how many other layers of 22 organization were in there. 23 Q. Okay. At any point in time from 1979 to	Page 65 1 be moved from -- in February of '93 to 2 the Anniston area? 3 MR. COX: '83. 4 Q. '83, pardon me. 5 A. Corporate engineering was going through 6 a time of downsizing, releasing 7 relatively young engineers, people who 8 had short duration with the company. 9 And I was in this organization. 10 At that same point in time the 11 position or some -- a position had 12 opened up at the Anniston plant, and one 13 of the employees -- one of my co-workers 14 in the group I was in had been down to 15 interview for the job and came back and 16 was talking about the job that was 17 available at Anniston. He was not 18 interested in going to Anniston. 19 I had been in a corporate position 20 for four years, and I wanted to get back 21 into the plant environment because I 22 enjoy that. And so I said, hey, I would 23 be interested maybe, and so I went down

Page 66 1 for an interview and was transferred, 2 hired down there and transferred. 3 Q. Who was your immediate supervisor at 4 that time? 5 A. Jerry Brown. 6 Q. And what exactly did your job entail as 7 an environmental specialist when you 8 went into the plant at the Anniston 9 facility there? 10 A. Was to manage the day-to-day current 11 operations in compliance with the 12 environmental rules and regulations that 13 were in effect both in the State of 14 Alabama and from a federal perspective 15 and corporate -- comply with corporate 16 requirements and so forth. 17 Q. Who did you immediately report to, Jerry 18 Brown -- 19 A. Yes, sir. 20 Q. -- or did you report to the plant 21 manager? 22 A. I reported to Jerry Brown. 23 Q. Who was the plant manager at the time	Page 68 1 Q. Was that toward the tail end of your 2 time there or mid point, or when was 3 that? 4 A. That was towards the -- As I recall, it 5 was towards the end of my term down 6 there. 7 Q. What were your duties and 8 responsibilities in the second position 9 that you mentioned, and could you state 10 that for us again? 11 A. Duties -- There really was no change. 12 Q. No change? 13 A. There was just a recognition -- It was a 14 level increase to recognize years in 15 service and as a recognition of doing a 16 good job. 17 Q. And that was -- 18 A. Typical promotion within a work 19 relationship. 20 Q. Did you report in your second position 21 to Jerry Brown or to the plant manager? 22 A. I believe -- I think I had both. I 23 think -- As I recall, I reported to
Page 67 1 you went down there? 2 A. Ed Jurevic. 3 Q. Was he the plant manager the full time 4 you were there? 5 A. No, sir. 6 Q. Who were the other plant managers during 7 the time you were there? 8 A. Dave Denner was the other plant manager 9 who was there when I was there. 10 Q. And those were the two plant managers? 11 A. Yes, sir. 12 Q. At some point in time were you moved 13 from the environmental specialist 14 position to another position while you 15 were in Anniston? 16 A. I became -- I was promoted from an 17 environmental specialist to the senior 18 environmental specialist while I was 19 there, and I don't recall exactly when. 20 But at one time -- At some point in time 21 I was moved from the technical 22 department to a direct report to the 23 plant manager.	Page 69 1 Jerry for a short period of time and 2 then to the plant manager. 3 Q. And the last position you held, you 4 mentioned it there at Anniston, what is 5 the name you were given or title that 6 you were given at that time? 7 A. Senior environmental specialist. 8 Q. So the senior environmental -- You moved 9 from the environmental specialist to the 10 senior environmental specialist? 11 A. Uh-huh (indicating yes). 12 Q. Did your duties change later at some 13 point in time? 14 A. Not significantly. 15 Q. So you dealt with regulatory agencies 16 while you were there? 17 A. Associated with the ongoing operations, 18 yes, sir. 19 Q. Did you deal with ADEM? 20 A. Yes, sir. 21 Q. They were in place? 22 A. Yes, sir. 23 Q. What about the Alabama Water Improvement

Page 70 1 Commission? 2 A. I don't recall them. I worked with 3 Alabama Department of Environmental 4 Management. But WIC, it was a 5 predecessor organization as I recall, so 6 I think they were gone. 7 Q. Who in particular did you deal with when 8 you were down there, Mr. Cheever? 9 A. Well, some of the names that I remember 10 are Jim Moore from the water side. 11 There was a man -- a man -- his last 12 name was Hardy. I don't remember his 13 first name. That was on the air side, 14 on the air pollution control side. I 15 interacted with Richard Gresnick or 16 Goursnick, however you pronounce his 17 last name. He was on the air side as 18 well. On the hazardous or the solid 19 waste side of the agency I remember 20 dealing with a person by the name of 21 Buddy Cox. 22 Q. Unrelated to the Buddy Cox here today, 23 certainly not the same person?	Page 72 1 responsibility of dealing with the 2 agencies when I first went down there 3 was Jerry Brown, and I went along. And 4 then as I became more comfortable and 5 more familiar, I think I assumed more -- 6 I'd like to think I assumed more of the 7 primary role. 8 Q. And he was the chief chemist there at 9 the plant, so you assumed that role, 10 sort of moved into that position. And 11 he continued to do the work that he did 12 with the process things, and you sort of 13 took the regulators on? Is that 14 basically it or handled their relations 15 with them? 16 A. It was my understanding his job was kind 17 of like the technical superintendent 18 when I went down there. And as a 19 technical superintendent he had the 20 engineering function, the laboratory 21 function, and he had the environmental 22 control function. There might have been 23 some others -- I don't recall at this
Page 71 1 A. It is not the same person, no. 2 Q. Anybody else that you recall? 3 A. I don't know. I can remember meeting -- 4 sitting in meetings with Lee Pigease, 5 who was the head of that organization. 6 I wouldn't go on to say that I knew him. 7 I mean, I was there when -- in meetings 8 when he was there, and I remember -- I 9 remember meet -- being in meetings with 10 whoever preceded him in that job, and I 11 don't remember his name. 12 Q. I don't remember who it was, but I know 13 Lee real well. I used to sit by him in 14 the legislature. I know Lee well. 15 Tell me. Listing those names and 16 going through that regulatory agency 17 where you seemed to be fairly familiar, 18 were you the one at the plant, after you 19 went there in 1983, that was primarily 20 responsible for handling environmental 21 issues? 22 A. Primarily responsible? I had the 23 day-to-day activities. I guess primary	Page 73 1 point in time -- that he had, you know, 2 kind of the managerial responsibility 3 for. 4 Q. In your position, though, you dealt with 5 compliance with regulations? Was that 6 one of your responsibilities? 7 A. Yes, sir. 8 Q. You also dealt, I believe you have 9 indicated, with meeting not only 10 compliance with regulations at the state 11 level but the federal level. Did you 12 deal with EPA and other people in 13 connection with any problem? 14 A. Yes, sir, uh-huh. 15 Q. And I assume any other state agency that 16 might be involved? 17 A. I don't remember dealing with any others 18 than ADEM other than the local waste 19 water treatment people in the City of 20 Anniston. 21 Q. Tell me about that. 22 A. Well, we had -- The Anniston plant has a 23 waste water treatment plant that

Page 74 1 discharges into the City of Anniston 2 waste water publically owned treatment 3 works, and so we had to monitor our 4 waste effluent, waste water effluent 5 into the city and provide the City of 6 Anniston with routine reports. And I 7 don't remember the person I dealt with 8 there, but I remember dealing with them. 9 Q. Do you remember a gentleman named John 10 Borden? 11 A. No, sir. 12 Q. You don't remember John? 13 A. No, sir. 14 Q. Or ever have any dealings with him? 15 A. I may have had. I don't remember. 16 Q. Tell me if you would, Mr. Cheever, if 17 you were responsible for testing at that 18 time of the waste water that came out of 19 the plant and the waste facilities that 20 were located on the plant site. 21 A. There was -- The company, the plant had 22 a permit, and I was responsible for 23 insuring that the permit conditions were	Page 76 1 if any that was done in connection with 2 the operation of those facilities? 3 A. I had the responsibility to insure that 4 the requirements of the permit to 5 operate the facility were carried out 6 and maintained. 7 Q. Okay. When you say permit, you are 8 talking about a permit that y'all had 9 for the discharge of water in the sewage 10 treatment plant, and then in the 11 landfill y'all had a permit to operate 12 those landfills? 13 A. Yes, sir. 14 Q. Were you at that time disposing of waste 15 that -- current waste that the plant was 16 producing in some of those landfills? 17 A. Yes, sir. 18 Q. Did you also have some waste that had 19 been previously buried there that you 20 also had a responsibility to look over 21 and see and manage and make sure it 22 stayed where it was supposed to? 23 A. There were some closed landfill cells
Page 75 1 met, and samplings and analytical 2 determinations of the waste water going 3 into the city's treatment system was a 4 requirement of that permit. And it was 5 my responsibility to assure that was 6 carried out, yes, sir. 7 Q. What about the solid waste units that 8 were located on the plant site itself? 9 Who was responsible for those, you or 10 Mr. Brown? 11 A. Help me understand what you mean by 12 solid waste units. 13 Q. Didn't you have some landfill -- 14 A. Okay. 15 Q. -- solid waste units that were part of 16 the landfill on the site itself? 17 A. Yes, sir. 18 Q. Do you remember that? 19 A. Uh-huh (indicating yes). 20 Q. Who was responsible for management of 21 that? 22 A. I was. 23 Q. And who was responsible for the testing	Page 77 1 that I was responsible to insure that 2 they remained closed, if you will. 3 Q. Okay. 4 A. Maintained the upkeep, cutting of the 5 grass, et cetera. 6 Q. Is that all that you had the 7 responsibilities for in connection with 8 those solid waste units, just to make 9 sure the grass was cut, Mr. Cheever, or 10 was there some more responsibility than 11 that? 12 MR. COX: Object to the form. You 13 are asking about the closed 14 cells. Go ahead. Is there 15 anything else that you did in 16 connection with the landfill? 17 A. No. Well, from a closed -- We operated 18 the active cells in accordance with the 19 permits we had. I was responsible for 20 that, as I mentioned earlier. As to the 21 closed area, it was just to insure that 22 they were maintained adequately. 23 Q. Okay. And you didn't have any testing

Page 78 1 responsibilities in connection with the 2 closed cells? 3 A. As part of our operating permit we 4 tested ground water that -- from wells 5 that were circumferential to the 6 landfill area, and I had the 7 responsibility to insure that those 8 samples were withdrawn and analyzed in 9 accordance with the program that we -- 10 that had been established for that. 11 Yes, sir. 12 Q. Now, tell me, Mr. Cheever, what did you 13 know at the time that you went to the 14 plant in 1983 about the current 15 production at that plant? What was 16 going on then and what was being 17 produced at that plant at the time you 18 went there. 19 A. Well, when I went down I didn't know a 20 whole lot about the plant. After I -- 21 When I went down for an interview, I 22 reviewed the site. It was explained to 23 me what was being manufactured at each	Page 80 1 were several different products in the 2 biphenyl, Therminol area, Therminol 50 3 and 55 and 60 and 66, different blends 4 and different manufacturing. But they 5 were all essentially similar types of 6 materials, just different blends or 7 whatever. 8 Q. Who told you in specific or specifically 9 about the processes? Who briefed you on 10 that? 11 A. Several people. Jerry Brown took the 12 lead role as my direct supervisor and 13 the person who had the technical role 14 with the -- you know, head -- chief 15 technical role at the site. 16 Q. Okay. And what were they doing? Was 17 there waste -- a waste product from the 18 parathion production? 19 A. Yes, sir. 20 Q. And what was being done with the waste 21 product that was produced? What was it, 22 first? 23 A. It was waste waters from the parathion
Page 79 1 of the manufacturing units, what the 2 materials -- what the raw materials 3 were, what the finished goods were, what 4 they were used for, something about, you 5 know, what kinds of opportunities there 6 were in the current environmental arena 7 at that time and what -- you know, 8 reviewed what my job responsibilities 9 would and wouldn't be. So I got to 10 understand, you know, what the plant was 11 manufacturing, what the plant was 12 manufacturing currently. 13 Q. What were they manufacturing in 1983 14 when you first went down there? 15 A. We made phosphorus pentasulphide. We 16 made parathion and parathion 17 intermediates, both ethyl and methyl 18 with them. And we made 19 para-nitrophenol, which was a was 20 material used in the parathion business. 21 We made biphenyls, Therminols. 22 Q. Anything else? 23 A. I'm trying to think. As I recall, there	Page 81 1 process that were being biologic -- they 2 were being neutralized and then 3 biologically treated to break down the 4 organics into water and other -- CO, 5 CO2, other natural constituents prior to 6 being discharged to the City of Anniston 7 waste water treatment plant. And then 8 there was a residue off the process that 9 was being reclaimed, reused. 10 I'm trying to think. There was a 11 residue recycle process in there where 12 we tried to break down the sulfur and 13 the phosphorus and recycle them back 14 into the intermediates process. That 15 was an operation that was ongoing. Then 16 we had materials that were being 17 landfilled in the landfill that was 18 there on site. 19 Q. That was operated by Monsanto on your 20 property? 21 A. Yes, sir. 22 Q. What about Therminol? Was there any 23 waste product from that, the production

Page 82 1 of those? 2 A. At I recall, about the only waste 3 products would be off-spec raw materials 4 that were stored in drum containers and 5 manifested and treated off site for 6 disposal -- treated and disposed of off 7 site. 8 Q. So those were not treated on site? 9 A. No, sir. 10 Q. Where were they shipped? Do you 11 remember? 12 A. No, I don't remember. I know we shipped 13 them for incineration, but I don't 14 recall where it was. 15 Q. So they were incinerated? 16 A. Yes. Any -- What I'm saying is anything 17 that was chemically contaminated was 18 primarily treated by incineration. 19 Q. Okay. Now, can you recall at this point 20 in time if there was ever any effort 21 made to use those or the Therminols that 22 perhaps were off spec for any other 23 purpose at the plant?	Page 84 1 Q. Now, Mr. Cheever, how did you transport 2 the waste from the production area, the 3 parathion waste from the production area 4 to the landfill? 5 A. There were dumpster containers that were 6 located in production areas to collect 7 trash materials for the landfill. We 8 had a truck come along. When the 9 dumpster was full, they were notified 10 and pick up the container and transport 11 it directly across from the plant site, 12 across Highway 202 to the landfill and 13 deposit in the cell and return to the 14 plant in the same way. 15 Q. Okay. So it wasn't drummed up. It was 16 just taken in the back of a pickup? 17 A. No, it was not a pickup. 18 Q. It was a dump truck? 19 A. No. It wasn't a dump truck. It was a 20 dumpster. 21 Q. A dumpster there? 22 A. There were separate containers that were 23 sitting in it, like -- Dumpster is the
Page 83 1 A. I don't know of any other use for them. 2 Q. Okay. Now, you mentioned another 3 product that was perhaps an intermediate 4 or relative of the parathion family that 5 y'all made there. Can you tell us what 6 that product was, PNP I believe? 7 A. Para-nitrophenol. 8 Q. What was that? 9 A. Para-nitrophenol is a raw material that 10 was used in -- 11 Q. Production of parathion? 12 A. Yes, sir. That is one of its uses and 13 acetaminophen, Tylenol. 14 Q. Was there any residue from that 15 manufacturing process that y'all 16 landfilled during the time you were 17 there in the environmental area? 18 A. There were production wastes, yes. 19 There were wastes from that production 20 area that were landfilled. 21 Q. Did y'all landfill them on site there at 22 the plant? 23 A. Yes, sir.	Page 85 1 trade name. I don't know how else to 2 explain it. It was a very large trash 3 container and a special truck that 4 picked it up on the back with, like, 5 hook arms, if you will, and picked the 6 container up and carried it up and 7 dumped it and returned that same 8 container in that identical location and 9 replaced it. 10 Q. There was after 202 was constructed? 11 A. Yeah. 202 was there when I got there. 12 Q. Do you know or did anybody tell you at 13 any point in time what happened to any 14 cell that contained parathion at the 15 time that 202 was constructed? Did 16 anybody give you a history of that? 17 A. Yes, sir. 18 Q. Who did? 19 A. Jerry Brown. 20 Q. What did he tell you? 21 A. I don't remember. I remember hearing 22 about it, the fact that when they built 23 the highway there was a cell that was

Page 86 1 located there that had to be relocated. 2 Q. On site? 3 A. Yes, sir. It was moved on site, which 4 was kind of one of the cells that was 5 operating at that point in time when I 6 got there, really started based on the 7 relocation of a cell that was in the way 8 of highway 202 or the proposed location 9 of highway 202. 10 Q. And that had to do with parathion? 11 A. Yes, sir, to my recollection. 12 Q. Now, do you recall if Mr. Brown or 13 anybody ever said it had to do with any 14 other chemical or toxic chemical waste 15 that y'all had buried out there? 16 A. No, sir. My recollection was it was 17 just parathion and parathion waste. 18 Q. During the time that you were there from 19 '83 until '89 you've mentioned the 20 people that you worked with at ADEM. 21 How often would they come to your plant 22 or your facility and work with you on 23 site?	Page 88 1 ADEM that would come there? 2 A. Yes, sir. 3 Q. How long would they stay there? 4 A. Most of those inspections lasted -- at 5 least on the solid waste end of it, 6 lasted a day, when the water inspections 7 might go a couple of days or two or 8 three days depending on if they set up a 9 sampler, took routine samples. 10 Q. What about air? 11 A. Air was usually a day or less. 12 Q. Okay. Now, let's take the solid waste 13 management thing. What did the ADEM 14 representative do when either he or she 15 came to your facility for that one day 16 every two years as far as solid waste? 17 A. As I recall, they had a check list, 18 multiple page list. And it was kind of 19 start at the top and show me, you know, 20 prove -- answer these questions, you 21 know, yes, no, and non-applicable. And 22 if the yesses -- they would be tested to 23 prove you do it. Here is the proof. If
Page 87 1 A. My recollection was that we had an 2 annual water inspection where they would 3 come in and take samples. And it seems 4 like, at I recall, we had an annual air 5 inspection as well. And my recollection 6 was -- is that the hazardous waste 7 inspections were done routinely, but it 8 wasn't annually. It was kind of 9 unannounced, but I don't recall what the 10 frequency is, but they came from time to 11 time to review records and do a 12 compliance check against the permit. 13 Q. When you say hazardous waste are you 14 talking about the solid waste units in 15 the landfill? 16 A. I'm sorry. Yes, sir. 17 Q. How often would they come, every two 18 years? 19 A. I don't recall there being a set 20 frequency. It seems like it was about 21 that kind of frequency. I don't really 22 remember. 23 Q. That would be the solid waste branch of	Page 89 1 you don't do it, why don't you do it? 2 You know, verify why the answer is no. 3 And that was -- My recollection, that is 4 kind of the way it worked. 5 Q. Now, what about the sample? Did they 6 take any samples at any point in time? 7 A. I don't remember that they did. 8 Q. Did they ever take any soil samples or 9 water samples at any point in time in 10 and around the landfill or in and around 11 the plant during those two years that 12 these people came, every two years that 13 they came while you were there? 14 A. I don't recall them taking any samples. 15 Q. What about air? Any air samples taken 16 by the arm of ADEM that might control 17 that particular part? 18 A. I don't recall them taking any air 19 samples. We did some boiler stack 20 testing at one point in time, and they 21 came and observed that activity. But I 22 don't recall them taking any samples. 23 Q. That's the only thing you recall them

Page 90 1 doing during the time you were there? 2 A. Yes, sir. 3 Q. And what chemical did that have to do 4 with? 5 A. It was involved with the permitting of a 6 steam generator, a boiler to generate 7 steam. So it would be the off gasses of 8 the combustion of fossil fuel. 9 Q. What about the water sampling? 10 A. Water samples, they would set up a 11 sampler at discharge 001 and take a 12 series of twenty-four-hour composites. 13 And I believe it was, like, two or three 14 days. That is what my recollection was. 15 And then they would also set up a 16 sampler at the discharge of our waste 17 water treatment facility and do the same 18 thing, take a multiple daily -- multiple 19 composites. 20 Q. How often was that done by ADEM when you 21 were there? 22 A. I recall it yearly. It might be been 23 less than that, but it seems like it was	Page 92 1 Q. Tell me, Mr. Cheever. Did y'all ever 2 check either the air, water, or the 3 ground water samples or any soil samples 4 for PCBs during the time you were there 5 at the plant, in those routine tests you 6 are talking about? 7 A. No. I don't recall looking for PCBs in 8 the routine testing that we did. 9 Q. So from '83 to '89 any of the routine 10 testing y'all did, whether it was air, 11 soil, or water, you don't remember 12 checking any of those -- checking for 13 PCBs in any of those tests? 14 A. We may have. But I don't remember it 15 specifically. 16 MR. STEWART: Mark that, if you 17 would. 18 (Plaintiffs' Exhibit Number 19 One was marked for 20 identification.) 21 Q. Now, before you went to Anniston and 22 assumed your responsibility, what did 23 you know about the history of the plant
Page 91 1 that frequency. 2 Q. What kind of testing did Monsanto do 3 while you were there of those things we 4 have just mentioned, soil, air, water? 5 A. I don't recall doing any air monitoring 6 or sampling. 7 Q. During the whole time you were there? 8 A. Other than that stack, that boiler stack 9 that I mentioned, and that around a fuel 10 switch, as I recall. 11 On the waste water end, as I 12 mentioned before, we took -- We had a 13 discharge permit for direct discharge at 14 point 001, and we had an indirect 15 discharge into the waste water treatment 16 plant for the City of Anniston. And we 17 had permits around both, and there was 18 routine testing and monitoring by permit 19 for those two areas. 20 And then there was ground water 21 monitoring around the landfill in 22 accordance with the solid waste 23 management permit that the site had.	Page 93 1 and did you learn about the history of 2 the plant? 3 A. Before I went I knew very little about 4 it. 5 Q. When you got there what were you briefed 6 on about the history of that plant? 7 A. I was given pretty much a history of the 8 whole site from the time when it was 9 started and known as Swan Chemical and 10 up to the time it was purchased by 11 Monsanto and the fact it was the 12 inorganic division headquarters at one 13 point in time and told about all the 14 products that were made -- had been made 15 there or researched at that site. So 16 pretty much about the whole story about 17 the site. 18 Q. Mr. Cheever, who told you about the 19 history of the products that were made 20 there? 21 A. I guess it was Jerry Brown, as far as I 22 remember. I mean, he is one individual 23 that I had the most interaction with

1 when I first got there, being my boss.
 2 Q. Okay. And what did you know or learn
 3 from him -- not know, but learn from
 4 Mr. Brown about the wastes that had been
 5 previously generated at the plant and
 6 were still on site?
 7 A. The waste that had been previously
 8 generated, is that what you said?
 9 Q. Yes, sir, and were still on site.
 10 A. Discussion about wastes and wastes that
 11 were on site would have been geared
 12 primarily, as I recall, toward the
 13 existing manufacturing facilities. And
 14 here is what is being manufactured, and
 15 here are the waste products, and here is
 16 how we handle them.
 17 Q. So if it was a historical product and a
 18 product that was not being currently
 19 manufactured, you weren't told about
 20 it --
 21 A. I don't recall --
 22 Q. -- if there was waste generated?
 23 A. Excuse me. I don't recall spending any

1 time discussing waste management
 2 practices of historical products.
 3 Q. Did anybody at corporate headquarters in
 4 St. Louis ever talk to you about what
 5 might have been previously manufactured
 6 at the Anniston plant and where waste
 7 was generated that might still be
 8 located on the plant site?
 9 A. Could you ask that one again, please?
 10 Q. Well, it may be a little convoluted, may
 11 be --
 12 A. It seems like there was more than one
 13 part to it. I'm sorry.
 14 Q. I told you I would do at that. I wanted
 15 to keep my word, Mr. Cheever.
 16 Did anybody ever tell you -- And
 17 I'm not trying to be cute with you. I
 18 will break it down. It is sort of
 19 difficult to understand.
 20 Did anybody ever tell you from
 21 corporate headquarters at any point in
 22 time before you went to Anniston what
 23 had historically been manufactured

1 there, what product where waste was
 2 generated and still remained, waste from
 3 that product still remained on the plant
 4 site?
 5 A. No. I don't recall anybody from
 6 corporate telling me about that.
 7 Q. Did you ever have any conversation with
 8 anybody in the environmental section
 9 that you came out of about what might
 10 still be there at that plant site?
 11 A. No, sir.
 12 Q. Let me show you what's been marked as
 13 Plaintiffs' Exhibit One to your
 14 deposition, which I provided your lawyer
 15 a copy of. I want you to take a look at
 16 that. These are supposedly the --
 17 purport to be the cells that are located
 18 south of 202, some of which I believe
 19 you previously testified were active at
 20 the time you were there.
 21 A. Yes, sir.
 22 Q. Do you recognize the map as being a map
 23 of those cells?

1 A. Yes, sir.
 2 Q. Are you familiar enough with it to know
 3 that is what it purports to --
 4 A. Yes, sir.
 5 Q. Can you tell me, Mr. Cheever, what you
 6 understood -- and I don't want to know
 7 what you understand today, but what I'm
 8 asking for is what you understood when
 9 you took your job and worked there at
 10 the Anniston plant. If you can recall
 11 it in that fashion, I would like for you
 12 to tell me --
 13 A. Sure.
 14 Q. -- what was buried over there in those
 15 cells at the time you went there in
 16 1983.
 17 A. As best as I remember, cells -- cells on
 18 this west side, 2-W, 2-W-A and 3-W by
 19 mark here, as I recall, were the --
 20 parathion and parathion intermediate
 21 contaminated process wastes were buried
 22 there, as I recall.
 23 Q. Can you mark those cells, if you would

Page 98 1 give him a pen, Mr. Cox. 2 MR. COX: He has one. 3 Q. Can you mark those cells where you 4 understood the parathion was? 5 A. Sure. My recollection was that cell 4-W 6 back here on the side was a nonhazardous 7 waste landfill cell. That is my 8 recollection. 9 Q. Do you know what was buried there? Did 10 anyone tell you what was buried there? 11 A. My recollection was it was similar to 12 the nonhazardous material that was being 13 buried over here on the active side, 14 just that cell 4-W had reached a point 15 where it was deemed to be full and was 16 closed out and moved over here 17 (indicating). 18 Q. Okay. So cell 4-W was nonhazardous 19 material? 20 A. That's my recollection, yes, sir. 21 Q. Now, did the parathion -- to go back to 22 that, did the parathion cells include 23 cell 1-W?	Page 100 1 A. This right here (indicating). 2 Q. Can you identify it just by spelling the 3 word out so that if one looked at this 4 exhibit, Plaintiffs' Exhibit One to your 5 deposition, they would know what you are 6 talking about? 7 A. Sure, sure. 8 Q. Would you put a W out where the west 9 would be so that we can further identify 10 it, on the edge of the map over there. 11 A. Surely. 12 Q. All right. Tell me now if you would, 13 Mr. Cheever, what would be in the other 14 cells that would be to the east of these 15 parathion and nonhazardous waste cells. 16 A. My recollection was that the cells on 17 the back side was -- One is labeled 18 active nonhazardous waste, and then we 19 put -- And we put in -- the cells to the 20 north of that were hazardous -- 21 hazardous waste as defined at that time 22 that were put in cell -- 23 Q. Hazardous waste?
Page 99 1 A. I don't remember. 2 Q. Okay. So you are saying 2-W, 2-W-A and 3 3-W were the parathion; is that your 4 recollection of it? 5 A. That's my recollection. I don't 6 remember what 1-W had been. It 7 seemed -- I don't remember. I can 8 speculate, but that's -- 9 Q. All right, sir. Now, what about the 10 other cells? You said the western side 11 of this landfill. Are you talking about 12 the parathion cells and the nonhazardous 13 cells and 1-W all being on the western 14 side, what y'all consider to be the 15 western side of that landfill? 16 A. Yes, sir. 17 Q. And this is located, as I understand it, 18 south of 202? 19 A. Yes. The roadway kind of separated east 20 and west. 21 Q. And the road -- Would you just mark 22 the road so that one, if they looked at 23 it --	Page 101 1 A. -- 5-E, I guess the number is. 2 Q. 4-E and -- 3 A. 4-E and 5-E. 4 Q. Do you know what it was? 5 A. It was the parathion wastes and the 6 parathion intermediate wastes from the 7 generation of those products in the 8 plant site. 9 Q. So I'm to understand from your 10 understanding of what it was that cell 11 2-W, 2-W-A, 3-W, and 4-E and 5-E were 12 all parathion? 13 A. That's my understanding. 14 Q. And cell 3-E, what -- 15 A. I don't recall. I really don't 16 remember. 17 Q. You don't remember what it was? 18 A. I don't remember what it was. 19 Q. And what about cell 2-E and 1-E? 20 A. Well, I'm sorry. You said 3-E first? I 21 was looking at these other two. 3-E is 22 where the nonhazardous materials 23 generated at the site went. 1-E and

Page 102 1 2-E, I -- I may have been told, but I 2 don't recall what they were used for. 3 Q. Were you made aware in your 4 conversations with Mr. -- Well, I will 5 withdraw that question. 6 So you don't recall what else was 7 buried in this landfill? 8 A. No, sir. 9 Q. And nobody told you? 10 A. Well, they may have, but it has been a 11 while. 12 Q. Okay. Was it not your responsibility, 13 Mr. Cheever, to supervise the operation 14 of this landfill? 15 A. Yes, sir. 16 Q. Both the closed and the active cells? 17 A. Yes, sir. 18 Q. Would it not have been important for 19 you, Mr. Cheever, to know what was in 20 those cells, all of them? 21 A. I don't know if -- Not to my knowledge. 22 To me it wasn't. It was important to 23 know what was going into the active	Page 104 1 or west? 2 A. Initially it came down the side of the 3 mountain, which is kind of flowing to 4 the north until it got to 202, as I 5 recall. And then there was drainage 6 ditches along 202. It seems to me, my 7 recollection, the best I can recall, 8 there was a culvert under the road back 9 to the west side that kind of went to 10 the north side of 202, and then it kind 11 of flowed east and north kind of into 12 this junction here between 202 and Tenth 13 Street or whatever this road is that 14 comes off that way (indicating). 15 MR. COX: I think that is 16 Clydesdale, for the record. 17 Q. For the record, it would be Clydesdale. 18 A. Okay. That's my recollection, that the 19 water flowed down this mountainside to 20 this drainage ditch. And as I recall, 21 there was a culvert under here that came 22 out and kind of went down that way 23 (indicating). That is my recollection.
Page 103 1 cells, and it was important to make sure 2 that the closed cells, irregardless of 3 what was in them, was maintained, the 4 integrity of them was maintained. That 5 was my -- 6 Q. That is what you understood your 7 responsibility was? 8 A. Yes, sir. 9 Q. Tell me, Mr. Cheever, if you were told 10 at any point in time before you took the 11 job or after you took the job about 12 testing that was done in the '70s of 13 sediment in Snow Creek, Choccolocco 14 Creek, or down around the sewage 15 treatment plant. 16 A. In the '70s? 17 Q. Absolutely. 18 A. I was not told anything about the '70s, 19 as I recall. 20 Q. Where did the water, the surface water, 21 go that came off this landfill, 22 Mr. Cheever, off the southern landfill? 23 Did it go to the north or south or east	Page 105 1 Q. Did you ever know or were you ever told 2 how much parathion was buried over 3 there? 4 A. We kept records from the time that I was 5 there as to the amount that was going on 6 in accordance with the permit, but 7 previous to that, no, I wasn't. I 8 wouldn't have any idea. I may have been 9 told, but I don't recall. 10 Q. Were you ever told what form it took, 11 what kind of form it was in, that 12 parathion waste consisted of? 13 A. I'm sure I was, but I don't recall. My 14 judgment was it was not a whole lot 15 different than the form we were 16 disposing of currently. 17 Q. Which was what? 18 A. Well, it would be bags and pallets, just 19 general manufacturing debris that might 20 have been contaminated based on the fact 21 that it came -- was generated within the 22 production battery limits. 23 Q. Tell me now, Mr. Cheever. Were you

Page 106 1 familiar with the area that was east of 2 and north of this landfill? Can you 3 remember and recall enough about it to 4 tell us whether or not there were people 5 that lived there? 6 A. Yeah. There was a community, homes, 7 businesses, churches in that area. 8 Q. Were you ever told at any point in time 9 by either Mr. Brown or anybody at the 10 plant about any testing that might have 11 been done in the continuation of the 12 ditch where the surface water ran off 13 from the southern landfill on into that 14 eastern section over there? Were you 15 ever told about any testing that had 16 taken place before you came there? 17 A. Not that I can recall. 18 Q. Okay. Can you track us that ditch on 19 that Plaintiffs' Exhibit One and just 20 show us where it goes into the culvert? 21 A. I don't recall exactly where. That is 22 just my recollection that it is 23 somewhere --	Page 108 1 section of land into which that ditch 2 runs that you marked on Plaintiffs' 3 Exhibit One. Do you recall or did you 4 know or do you know from your experience 5 where that ditch ran into this eastern 6 section that would be east of the plant, 7 across Clydesdale from the Monsanto 8 plant? 9 A. I don't recall. I know -- I don't 10 recall any water running across in front 11 of the site. It has been a long time 12 since I've been there, and I really 13 don't remember. 14 Q. Do you remember a tributary into which 15 the surface water ultimately ran? 16 A. Yes, sir. 17 Q. And what was that called? 18 A. I don't remember. I just remember it 19 being an unnamed tributary to Snow 20 Creek. 21 Q. So it was an unnamed tributary to Snow 22 Creek? 23 A. That's what I recall.
Page 107 1 Q. I'm not asking you be an artist or a map 2 drawer or do anything specific. 3 A. I'm trying to remember my own self. As 4 I recall, it was somewheres over here 5 and went in that direction. That's my 6 recollection. 7 Q. Can you put the word by it of "ditch" so 8 we know what you are talking about? 9 A. Yes, sir. (Executed by the witness.) 10 MR. STEWART: Thank you, sir. 11 Now, let me have this marked, 12 if you would. 13 (Plaintiffs' Exhibit Number 14 Two was marked for 15 identification.) 16 Q. Let me show you Plaintiffs' Exhibit Two. 17 That purports to be a map of -- The 18 plant is located to the west on that 19 map, and then there is a portion of this 20 southern landfill that is reflected in 21 the lower portion of this map. And the 22 part that is outlined about mid part of 23 the map purports to be the eastern	Page 109 1 Q. Can you mark with a pen on Plaintiffs' 2 Exhibit Two where that unnamed 3 tributary -- 4 A. Might have gone? 5 Q. -- might have gone on Plaintiffs' 6 Exhibit Two? 7 A. You are taxing my memory now. As I 8 recall, it came across and kind of came 9 down this direction (indicating). 10 Q. Do you want to mark it a little larger 11 as you did on the other thing and put 12 "ditch" by it or "tributary"? Want to 13 put "tributary" on that one? 14 A. I can spell ditch. I'm not sure I can 15 spell tributary. 16 Q. Just put t-r-i-b, and we'll all agree 17 that's tributary. 18 A. I'm an engineer, not a speller. 19 Q. Were you ever told, Mr. Cheever, that 20 there was some actual testing done 21 before you came to the Anniston area for 22 PCBs along that tributary, by either 23 Mr. Brown or anybody in the

Page 110 1 environmental section in St. Louis or 2 anybody else at the Anniston plant? 3 A. I don't recall being told about any of 4 that. 5 Q. Would it be important, Mr. Cheever, for 6 you to know that if you were going to be 7 responsible for compliance with 8 maintenance of this landfill up there 9 south of 202 if you combined that fact 10 with the fact that there were PCBs 11 buried over there? 12 MR. COX: Object to the form. You 13 can answer it. 14 Q. Well, let me ask it this way, 15 Mr. Cheever: If PCBs were buried in the 16 landfill over there and there had been 17 some testing and some levels of PCBs 18 were found in the ditch, would it be 19 important for you to know that as the 20 environmental person at Monsanto 21 Chemical plant? 22 MR. COX: Object to the form. 23 Q. You can go ahead and answer,	Page 112 1 manufactured at Anniston, and it was a 2 material that was used in dielectric 3 fluids for electrical equipment, 4 transformers, capacitors, et cetera; 5 that manufacturing had stopped in the 6 late '60s or early '70s at both Anniston 7 and the other locations that Monsanto 8 manufactured PCBs at the time. I had 9 been told that everybody in the company 10 was aware of why we got out of the 11 business, the fact it was a concern that 12 it was a material that -- I guess what 13 made it good made it bad, if you will, 14 from the aspect of certain individuals 15 -- that it was persistent in the 16 environment. 17 Q. Did you know anything at all about any 18 studies that had been done, after you 19 took this position in 1983, by the 20 company, by Monsanto Chemical Company 21 itself about PCBs? Did anybody tell you 22 about any testing that had been done on 23 chickens, rats, monkeys?
Page 111 1 Mr. Cheever. 2 MR. COX: You can go ahead and 3 answer. 4 A. I wouldn't necessarily be -- I was 5 involved and responsible for active 6 kinds of things and not those things 7 that had been going on in the past. I 8 don't view that it would be necessary 9 for me to know that particularly. 10 Q. You wouldn't think it would be important 11 for you know the history of this 12 particular area? 13 A. No. 14 Q. Okay. Did anyone tell you about it? 15 A. They may have. I don't recall specific 16 conversations around the history of the 17 area. 18 Q. Tell me if you would, Mr. Cheever, what 19 you knew about PCBs at the time that you 20 took this position. 21 MR. COX: Talking about 1983? 22 MR. STEWART: Yes. 23 A. Well, I knew that they had been	Page 113 1 A. I wasn't aware of any specific tests. 2 Q. No one said anything -- 3 A. I don't remember them. I may have been 4 told about them, but I certainly don't 5 remember it. 6 Q. Do you remember anybody telling you 7 anything about a study that was done by 8 a gentleman named Drinkard at any point 9 in time in the '50s about? 10 A. What was the name, again? 11 Q. Drinkard. 12 A. I never heard that name. 13 Q. Did you ever see any documents that had 14 been prepared by a Dr. Emmett Kelly or 15 Mr. Emmett Kelly or Elmer Wheeler, who 16 are employees of Monsanto -- 17 A. No. 18 Q. -- about PCBs? 19 A. No, sir. 20 Q. Did you ever see any documents while you 21 were there that indicated the result of 22 testing that might have been done in the 23 '70s by Monsanto itself right around the

Page 114 1 plant and in this area that is reflected 2 in the outlined area of Plaintiffs' 3 Exhibit Two that I have introduced here 4 today? 5 A. I may have seen them, but I don't 6 remember seeing them. It is not 7 something that stands out in my memory. 8 Q. Would it be fair to say, then, 9 Mr. Cheever, your information and 10 knowledge you had about PCBs were based 11 on just the general knowledge that you 12 had from being an employee of Monsanto? 13 A. Primarily, yes, sir, uh-huh. 14 Q. Did you know, sir, that the product had 15 been banned by EPA, by the government? 16 A. Yes, sir. 17 Q. And did you know why at the time you 18 took this job? 19 A. Yes, sir. 20 Q. Did you know they had indicated it was a 21 potential carcinogen at time you took 22 the job, Mr. Cheever? 23 A. Yes, sir.	Page 116 1 anything in that area, because, you 2 know, that would be hard for me to even 3 conceptualize, you know, livestock in a 4 residential arena, residential area. 5 Q. Have you ever heard the term 6 bio-magnification, Mr. -- 7 A. Bio-magnification, yes, sir, I have. 8 Q. Do you understand what it means? 9 A. Yes, sir. 10 Q. Can you tell us what your understanding 11 of that is? 12 A. I understand that -- materials get into 13 the system, and they are never expunged 14 from the system, and they kind of 15 accumulate or continue to accumulate is 16 my understanding. 17 Q. Do you understand what propensities PCBs 18 have for doing that, say, in animals? 19 A. Technically, no. I've heard it, but I 20 don't know what -- I'm not familiar or 21 not -- with the technical aspects of it. 22 Q. Did anybody ever tell you that Monsanto 23 had purchased hogs from somebody that
Page 115 1 Q. And did you know anything at all or did 2 anybody tell you about the purchasing of 3 livestock in this area that is reflected 4 on Plaintiffs' Exhibit Two from a 5 resident there because of the 6 possibility that that livestock was 7 contaminated by PCBs in the '70s? 8 A. No. 9 Q. Did you know anything about that? 10 A. I never heard anything about that. 11 Q. Would you consider that something, sir, 12 to be important or not for you to know 13 as a person who was responsible for 14 managing the landfill south of 202? 15 A. I guess I'm -- You know -- 16 Q. It wouldn't be important to you? 17 A. I'm trying to -- I'm wrestling with 18 that. I'm not sure how -- I'm trying to 19 understand the question totally. I 20 don't remember ever seeing any livestock 21 in that community area, so I guess I 22 would be hard pressed to understand how 23 livestock could become contaminated with	Page 117 1 raised them in that area? 2 A. No, sir, not that I can recall. 3 Q. Okay. And I believe you have indicated 4 that the person who briefed you was 5 Mr. Brown, Jerry Brown? 6 A. Yes, sir. 7 Q. Okay. Do you recall him ever telling 8 you about that? 9 A. He may have, but I certainly don't 10 recall it. 11 Q. Do you ever recall being told by 12 anybody, Mr. Cheever, about tests that 13 were done on fish that were found in 14 Choccolocco Creek? 15 A. I remember reading about it or hearing 16 about it, but I don't remember anybody 17 telling me about it as such. 18 Q. When I say telling you about it, let me 19 make sure that I -- I probably framed 20 the question poorly. Mr. Cheever, do 21 you ever remember Mr. Brown or anybody 22 at the plant ever telling you about PCBs 23 being found in fish in Choccolocco Creek

Page 118 1 down stream from Snow Creek in the '70s? 2 A. Specifically I don't remember Mr. Brown 3 telling me anything about that. He may 4 have, but you know -- 5 Q. Would it have been important for you to 6 know that kind of information, 7 Mr. Cheever, in your position as the 8 environmental specialist at the Monsanto 9 Chemical plant in Anniston? 10 A. I don't think so. I was involved, as I 11 said before, in the management of the 12 current production and current 13 facilities. And PCBs had been gone for 14 a long time -- manufacture of PCBs had 15 been stopped from that location a long 16 time before I got there, so I guess at 17 that point in time I might have. But as 18 far as it being important to what I was 19 doing, I wouldn't consider that to be 20 necessary. 21 Q. Mr. Cheever, tell me, when you say gone, 22 did you understand that there were no 23 PCBs in the southern landfill or on the	Page 120 1 A. Yes, sir. 2 MR. STEWART: Y'all want to take a 3 break? 4 (A break was taken from 12:05 5 p.m. to 1:10 p.m.) 6 (Mr. Mike Kelly left the 7 deposition proceedings.) 8 Q. (By Mr. Stewart) Mr. Cheever, you were 9 going to show us, I believe, before we 10 left -- if it wasn't, I want to pick up 11 here anyway -- where that tributary was, 12 if you know. If you will take a look at 13 Plaintiffs' Exhibit Number Two. 14 MR. COX: Something other than the 15 one he has already marked on 16 here? 17 Q. Well, where it enters Snow Creek, are 18 you familiar with that? 19 A. Yeah. I thought I was. Somewhere 20 around the -- Somewhere around the 21 railroad tracks that are on the north 22 side of Tenth Street. 23 Q. And -- Go ahead. Can you mark it there?
Page 119 1 plant site down there at the time you 2 got there? 3 A. When I got there, there was electrical 4 equipment that was on site being used 5 that had PCBs in it. I knew that. That 6 was part of the management 7 responsibility I had. 8 Q. Other than that, though, is that your 9 understanding of all the PCBs that were 10 there in 1983? 11 A. Yeah. Current facilities that were 12 being operated is what I was aware of. 13 I may have been told about prior 14 disposing practices, but I don't recall 15 specifically ever being told that. 16 Q. What other landfills, if you know, did 17 y'all operate on this site? 18 A. The only ones I was involved with the 19 operation are those that are shown on 20 that other exhibit that we looked at. 21 Q. Plaintiffs' Exhibit -- 22 A. Yes, sir. 23 Q. -- One?	Page 121 1 A. Well, I marked it as best I could. 2 MR. COX: I'm not sure the map 3 shows where Snow Creek joins 4 the tributary on this map. 5 A. I tried to do it the best I recall. 6 Q. Let me just ask you specifically if in 7 fact the tributary you are talking about 8 joined Snow Creek. 9 A. Yes, it did. 10 Q. And did you know where Snow Creek went 11 to after that at the time you took that 12 position down there in 1983? 13 A. Did I know somewhere Snow Creek went? 14 Yes, sir. 15 Q. And where did it go? 16 A. It flows down through -- winds its way 17 down through the City of Anniston, 18 Oxford, and eventually ends up in 19 Choccolocco Creek. 20 Q. And then do you know where that 21 ultimately goes? 22 A. Choccolocco Creek kind of follows 23 Interstate 20 and ends up in one of the

Page 122 1 lakes or Coosa River down around Lake 2 Logan Martin or wherever, down that way. 3 Q. Was there any significance as far as you 4 are concerned to knowing that perhaps 5 some PCB contamination had gotten into 6 the creek, Choccolocco Creek, Snow Creek 7 and Choccolocco Creek through this 8 tributary? Would that have been of some 9 significance for you to know at the time 10 you took your position? 11 A. I don't think so. My job was to worry 12 about -- not worry about, but to manage 13 the current operations and the current 14 practices. I don't know what happened 15 in the past. 16 Q. Well, how were you permitted there at 17 those landfills? Was it not -- Wasn't 18 it a RCRA permit? 19 A. Yes, it was. 20 Q. And supervised by the state as opposed 21 to the federal government, or a 22 combination of both? 23 A. I believe it was a combination of both.	Page 124 1 southern landfill? 2 A. None to my recollection while I was 3 there operating it. No, sir. 4 Q. Do you recall as you sit here today ever 5 being told about the landfill west of 6 the plant? 7 A. Told about? I was told about an area 8 that had been used for disposal on the 9 western side of the existing 10 manufacturing location. Yes. 11 Q. What were you told about it? 12 A. That it was there, about where it was, 13 approximately where it was located. 14 Q. Did Monsanto have any responsibility for 15 that particular area while you were 16 there? 17 A. My recollection is part of the -- part 18 of the disposal area was inside an 19 existing plant perimeter fence, so we 20 would have been responsible for 21 maintaining that area just like any 22 other area within the plant confines. 23 Q. Where did the surface water go that came
Page 123 1 We filed an application with both 2 agencies, to my recollection. It is my 3 recollection that it was -- the permit 4 was issued by EPA, but it might have 5 been ADEM or both. 6 Q. So you were subject to federal 7 regulations too? 8 A. That is correct. 9 Q. And did you report directly to them 10 about your findings, if you had any, 11 about, let's say, something escaped from 12 the landfill? Would you be required to 13 report that to ADEM or the EPA, or what 14 did you do? 15 A. I don't recall we ever had anything 16 escaping from the landfill on the permit 17 that I was aware of. I don't recall how 18 the permit was written of who was to be 19 notified in the event that occurred. 20 Q. So you are telling me sitting here today 21 that you don't recall while you were 22 there operating in that facility that 23 y'all had any kind of problem out of the	Page 125 1 off that landfill? 2 A. I believe it flowed west into a piece of 3 land that was owned by Alabama Power 4 Company. 5 Q. And where did it ultimately wind up? 6 A. Oh, I don't know for sure. I could 7 speculate, but I don't know for sure. 8 Q. Did any of that to your knowledge, 9 Mr. Cheever, ever wind up in Snow Creek? 10 A. Drainage patterns from all of west 11 Anniston I think ended up pretty much in 12 Snow Creek. Snow Creek is the drainage 13 ditch for surface water runoff in pretty 14 much all of that area, residential, 15 commercial, industrial. 16 Q. Then would it be fair to say, 17 Mr. Cheever, that you knew at that time 18 that the surface water that came off 19 that landfill went into Snow Creek? 20 A. Did I know that? Is that what you 21 asked? 22 Q. Yes, sir, in '83. 23 A. Yes.

Page 126 1 Q. Did you test or check around that 2 landfill while you were there from '83 3 to '89? 4 A. No, sir. 5 Q. Why not? 6 A. I don't know. It -- Just it wasn't 7 considered part of the active facility 8 that I was involved with, and it was 9 just -- We didn't really consider it a 10 landfill as such. It was a prior 11 disposal area that was used sometime in 12 the past. That's all I knew about it. 13 Q. Let me show you Plaintiffs' Exhibit 14 Three, if you will mark that. 15 (Plaintiffs' Exhibit Number 16 Three was marked for 17 identification.) 18 Q. This is Plaintiffs' Exhibit Three 19 showing the plant and what purports to 20 be the western landfill. Do you know 21 anything at all about what was buried in 22 the landfill that is depicted on 23 Plaintiffs' Exhibit Three?	Page 128 1 recollection was it wasn't even our 2 property, Monsanto's property. It 3 belonged to Alabama Power, part of 4 Alabama Power Company, I thought. 5 Q. Well, are you telling us that at one 6 point in time, that if y'all put waste 7 in there, that once you sold it to 8 somebody else, it became their 9 responsibility, or do you have a 10 continuing responsibility for what you 11 buried there, under the regulations as 12 you understood them? 13 MR. COX: Object to the form. 14 A. Would you repeat -- I'm not sure I -- 15 Q. Did you understand that once you sold a 16 piece of property that you had disposed 17 of some toxic waste or toxic substance 18 in -- if you sold that piece of 19 property, do you understand y'all no 20 longer had any responsibility for 21 monitoring that? 22 A. I wasn't aware we sold any land that was 23 a toxic waste disposal area.
Page 127 1 A. I don't recall. I don't recall being 2 told what was in it. When I was there, 3 that was not referred to as a landfill 4 is my recollection. 5 Q. Well, was it covered in any way? 6 A. I'm sorry? 7 Q. Was it covered in any way? 8 A. I'm struggling with what you mean by the 9 word "covered." It was a grass area, 10 grassy area as I recall. 11 Q. Were contaminants exposed? Was there 12 something on top of them, or did you 13 have any idea, Mr. Cheever -- As you sit 14 here today can you tell us if you had 15 any idea from '83 to '89 what that 16 landfill was covered with? 17 A. My recollection, it was just a grassed 18 -- grassy -- grassed knoll area that was 19 outside the perimeter fence. We had a 20 chert lot inside, if you will, or a 21 gravel area inside which was inside our 22 plant fence. And my recollection was 23 that was just a grass area. And my	Page 129 1 Q. But if you had, would y'all have some 2 responsibility for maintaining at least 3 some kind of monitoring of that 4 particular area? 5 A. I guess my understanding of the current 6 requirements is we wouldn't sell a piece 7 of property that we had known -- had 8 disposed of -- 9 Q. And if you sold it and didn't know it, 10 you would probably take it back, 11 wouldn't you, Mr. Cheever? 12 A. I don't know what the company would do 13 today. 14 Q. Let me ask you this, Mr. Cheever: Did 15 y'all ever monitor the surface water 16 runoff in that area west of the plant? 17 A. Not to my recollection. 18 Q. Did you ever monitor any ground water 19 over there? 20 A. I don't recall us having any ground 21 water monitoring in that area. We may 22 have, but I'm not aware -- I can't 23 recall any.

Page 130 1 Q. Did you ever do any testing at all of 2 any soil samples or anything while you 3 were there? 4 A. Not to my recollection. 5 Q. Would it be basically fair to say that 6 you have no idea of what was buried 7 there? 8 A. I might have been told, but certainly if 9 I was, I don't recall it. 10 Q. Are you telling me that you don't recall 11 anybody telling you what was buried out 12 there, or are you telling me that you 13 may have been but you just don't recall 14 being told? 15 A. I may have been, but I don't recall 16 being told. 17 Q. Would you think that that would be 18 something that would be important for 19 you to know as the environmental person 20 at the Anniston plant, what was buried 21 in that western landfill? 22 A. No. 23 Q. It just wouldn't be important at all?	Page 132 1 These are wells that are in the upper 2 six or eight or ten, twelve feet of the 3 upper soils. 4 Q. So you are talking about ground water 5 that might be below surface that y'all 6 were checking to see if it had some 7 contaminants in it? 8 A. Yes, sir. 9 Q. What did you know about what these -- 10 this area south of 202 had been 11 previously used for? 12 A. As I mentioned earlier, it was a 13 parathion and parathion waste disposal 14 area. 15 Q. Even before y'all used it as a parathion 16 waste disposal area, what did you 17 understand that some of this area south 18 of 202 that y'all now were using for 19 solid waste units or disposal units -- 20 what had that been used for? Did you 21 have any idea about what that -- 22 A. You mean previous to being used as a 23 landfill?
Page 131 1 A. No. I don't think it would be important 2 to the job of what I was down there to 3 do. No, sir. 4 Q. Tell me, Mr. Cheever, if you know 5 anything about the hydrology of the 6 landfill that's -- let's look back at 7 Plaintiffs' Exhibit One, I believe -- 8 the landfill that is south of 202? 9 A. Uh-huh (indicating yes). 10 Q. Did anybody ever tell you anything about 11 what that landfill potentially might 12 affect as far as ground water, not 13 surface water, but ground water? 14 A. I was -- I understood that the upper 15 surface ground water was flowing in a 16 north or northwesterly direction, and 17 that's why there are interceptor wells 18 and observation wells and containment 19 area was to capture that so it could be 20 extracted. 21 Q. Are you talking about surface water 22 or -- 23 A. I'm not talking about surface water.	Page 133 1 Q. Absolutely. 2 A. No. All I know is it was a mountain. 3 Q. Wouldn't you have a need to know, 4 Mr. Cheever, as to whether or not this 5 had been previously used as a pit -- 6 limestone pit of some kind? Would that 7 have been helpful to you as an 8 environmental person? 9 A. I don't know as it would have been 10 helpful to know what the previous -- 11 based on -- previous use of the site 12 was. What I was led to understand was 13 the fact that it was a waste disposal 14 area that had been closed and had to be 15 monitored. 16 Q. Did you have any idea as to whether or 17 not that particular landfill might have 18 affected ground water wells in the area? 19 A. Again, please, the first part of that 20 question? 21 Q. Wells, that were -- Not city water. I'm 22 not talking about city water. I'm 23 talking about a well that someone might

Page 134 1 have at their home. 2 A. Uh-huh (indicating yes). 3 Q. Would it not be important for you to 4 know that there is a possibly that the 5 contaminants that were put in that 6 landfill might affect that well or a 7 well that a person had in the area? 8 A. I wasn't aware of anybody having any 9 wells in the area, but if there were, it 10 would have been important to know that. 11 Yes, sir. 12 Q. And if the hydrology of that landfill 13 was such that it might have affected 14 what they call the discharge area that 15 fed into -- coming down from 16 Jacksonville -- Do you know where 17 Jacksonville, Alabama is? 18 A. Yes, sir. 19 Q. And the discharge area that comes down 20 from Jacksonville, Alabama, and feeds 21 Coldwater Springs, would it not have 22 been important for you to know that? 23 A. It is my understanding that water is	Page 136 1 recall that during the time you were 2 there? 3 A. No. 4 Q. Do you know a gentleman named Cheatwood, 5 Jerry Cheatwood, who worked for ADEM at 6 the time you were the environmental -- 7 A. Jerry Cheatwood, the name doesn't sound 8 familiar to me, sir. 9 Q. Do you ever remember him doing a study 10 or any kind of sampling or testing in 11 that area during that time frame -- 12 A. No, sir. 13 Q. -- while you were there? 14 A. I don't remember. 15 Q. Are you familiar, Mr. Cheever, with the 16 hydrology of the western landfill? You 17 have indicated earlier you just knew it 18 was a former disposal site. Did anybody 19 ever tell you about the hydrology of 20 that particular site? 21 A. No, sir. 22 Q. Did anybody ever tell you how the site 23 was lined at the bottom?
Page 135 1 several hundred feet in the ground. And 2 we are talking here -- We were looking 3 here in the upper twenty or thirty feet 4 of the ground. And I wasn't aware of 5 any connection between the two. 6 Q. Are there liners under those parathion 7 pits that would have prevented the 8 parathion cells that are depicted in 9 Plaintiffs' Exhibit One -- that would 10 have prevented the parathion -- 11 A. Just natural clay, natural compacted 12 clay. 13 Q. Who told you that? 14 A. Jerry Brown based on when I started in 15 there and on how these cells were built, 16 and in discussions with Garrity and 17 Miller, who were the consultants that 18 were retained by Monsanto to work with 19 us on this part of the process. 20 Q. Did you or did ADEM ever suggest at any 21 point in time that the landfill south of 22 202 might have affected the ground water 23 and wells in that area? Do you ever	Page 137 1 A. No, sir. 2 Q. Did anybody ever give you any indication 3 of what was placed on the top of that 4 landfill? 5 A. No, sir. 6 Q. And is it your statement here today that 7 that was not a part of your 8 responsibility? Nobody told you that 9 was part your responsibility while you 10 were there? 11 A. No, sir. Would you -- 12 Q. Did anybody ever tell you that was not a 13 part of your responsibility while you 14 were there? 15 A. Nobody ever told me that I was 16 responsible for this particular area, if 17 that is the question. 18 Q. Nobody ever told you that? 19 A. It was a part of inside the fence. It 20 was an idle manufacturing area that had 21 once been used for disposal of 22 materials. That's all I knew. I had no 23 responsibility to do anything with it,

Page 138 1 if that is the question you are asking. 2 Q. Who would have, if you didn't? 3 A. I'm not sure I understand the question. 4 Q. Who would have had the responsibility 5 for monitoring that particular disposal 6 area and making sure it didn't affect 7 the neighbors? There were neighbors to 8 the west of that site, were there not? 9 A. Quite a bit west, uh-huh (indicating 10 yes). 11 Q. Okay. 12 A. I guess I would have been involved were 13 there any indication that there was a 14 concern with that area, but we had 15 nothing I was aware of, so I wasn't 16 involved with it. 17 Q. Okay. Are you familiar with the 18 Monsanto Pledge? 19 A. Yes, sir. 20 MR. STEWART: Okay. Mark that. 21 (Plaintiffs' Exhibit Number 22 Four was marked for 23 identification.)	Page 140 1 Q. Was that not y'all's goal before the 2 pledge was put into effect? Isn't that 3 what y'all worked toward before the time 4 this pledge was put into effect, 5 Mr. Cheever? 6 A. I'm safe to assume that, I guess. 7 Uh-huh (indicating yes). 8 Q. Would the reduction -- Or to reduce all 9 toxic and hazardous releases and 10 emissions, would that also be not only 11 from current productions but also from a 12 landfill that was operated on your plant 13 site there? 14 A. My understanding was this was primarily 15 from operating manufacturing units as 16 opposed to past practice. 17 Q. Well, let me see if I can understand 18 what you're saying, Mr. Cheever, because 19 I certainly want to. I want to be 20 careful that I do understand what you 21 are saying. Are you telling me that 22 once you bury it in the ground, even if 23 it is on your property, you have no
Page 139 1 Q. All right. Do you want to take a look 2 at that. 3 A. Uh-huh (indicating yes). 4 Q. Are you familiar enough with it that you 5 don't need time to look at it and I can 6 go ahead and ask you questions about it? 7 A. Go ahead. Ask me questions. Yes, sir, 8 I'm familiar enough with it. 9 Q. The first part of this pledge indicates 10 that it is Monsanto's response -- This 11 one is signed by Mr. Richard J. Mahoney, 12 and he was chairman and chief executive 13 officer of Monsanto at the time this 14 pledge was put in place; is that 15 correct? 16 A. That's correct. 17 Q. It says it was the pledge of Monsanto to 18 reduce all toxic and hazardous releases 19 and emissions, working towards an 20 ultimate goal of zero effect. This 21 pledge was put in place, it indicates 22 here, on January of 1990. 23 A. Uh-huh (indicating yes).	Page 141 1 responsibility to make sure that it 2 doesn't emit some toxic substance into 3 the environment after you bury it? 4 A. That's not what I said. 5 Q. What did you say? 6 A. This was not an active facility at the 7 time, and there was no indication -- we 8 had no indication that I was aware of 9 that there was anything leaving the 10 place it was put. I don't know that we 11 had enough information or any 12 information to indicate that there was a 13 concern or anything leaving that area. 14 If there was, then we would have done 15 something about it. 16 Q. All right. Now, let me ask you about 17 that. If you had known that BASS, the 18 fish organization, had sued the company 19 over PCB contamination in the '70s, that 20 would be important to you, wouldn't it, 21 Mr. Cheever? 22 A. I'm not sure. 23 MR. COX: Object to the form.

Page 142 1 Q. If they had sued the company over 2 contamination of that area, would that 3 not have been important to you? 4 A. This area here (indicating)? 5 Q. Yes, sir. Not the western landfill, but 6 take a look at Plaintiffs' Exhibit Two. 7 If there was some concern by BASS that 8 the southern landfill -- PCBs had 9 spilled out of the southern landfill 10 down through Snow Creek and into 11 Choccolocco Creek, that would have been 12 important for you to know, wouldn't it? 13 MR. COX: Object to the form. Go 14 ahead. You can answer it. 15 A. I thought we were still talking about 16 the western, this piece right here 17 (indicating). 18 Q. I'm talking about the plant itself that 19 you worked at, and I'm trying to relate 20 it to this goal here in the pledge, 21 number one, that you say was a goal even 22 before the pledge was put in place. 23 A. It was something everybody worked	Page 144 1 wasn't it? It had been something you 2 had been directly involved in, hadn't 3 you -- 4 A. Exactly -- 5 Q. -- in '85? 6 A. I'm sorry? Again? 7 Q. You had been involved in some kind of 8 problem in 1985, had you not, where 9 there was some concern expressed again 10 by a regulatory agency, I believe the 11 Attorney General's Office at some point 12 in time in 1985? Y'all had a problem 13 then, hadn't you? 14 A. They had taken some samples that 15 indicated there was potential 16 contamination in some sediments in that 17 ditch and in that unnamed tributary to 18 Snow Creek and along Snow Creek. Yes. 19 Q. And what was the contaminant we are 20 talking about that they had found in 21 1985, Mr. Cheever? 22 A. It was PCBs. 23 Q. So there had been -- You didn't know
Page 143 1 toward, yeah. 2 Q. Well, wouldn't it have been important 3 for you to know that you had had a 4 previous problem there so severe that it 5 affected perhaps the fishing in 6 Choccolocco Creek or Logan Martin Lake? 7 That would have been important for you 8 to know, wouldn't it, Mr. Cheever? 9 A. From the 1970s? 10 Q. Yes, sir. 11 A. Is that what you're talking about? 12 Q. Yes, sir. 13 A. I'm not sure. Like I said, in the past 14 -- We looked at these things mostly from 15 what was going on at the time and the 16 operating things at the time. In the 17 landfill at the time there was no 18 evidence of anything coming out at that 19 point in time that hadn't been taken 20 care of, you know, wasn't being 21 addressed in some fashion. 22 Q. Well, there certainly was at the time 23 when this came out in January of 1990,	Page 145 1 about any problems in the '70s, but in 2 '85, before this pledge was put into 3 effect -- I guess formally put into 4 effect, y'all had had a problem while 5 you were there with PCBs, the very thing 6 we were talking about earlier; isn't 7 that correct, Mr. Cheever? 8 A. The very thing we were talking about 9 earlier? 10 Q. The contamination of the tributary and 11 Snow Creek and Choccolocco Creek and 12 ultimately Logan Martin Lake by PCBs. 13 You had had a problem with that five 14 years before this pledge was put into 15 effect? 16 A. I'm confused, I guess. 17 Q. Well, I certainly don't want to confuse 18 you. But I thought you -- Hadn't the 19 Attorney General raised some question 20 about high levels of PCB found in the 21 sediment of Snow Creek? 22 A. There was -- Yes. There were some 23 questions about levels of PCBs.

Page 146 1 Q. They were actionable levels under the 2 rules y'all were abiding by, weren't 3 they? 4 A. I don't recall what the levels were, but 5 it very well could have been. 6 Q. It exceeded fifty parts per million, 7 didn't it? 8 MR. COX: If you recall. 9 A. I don't recall the exact values that 10 were there. It very well could have. 11 Q. And y'all actually removed some sediment 12 from Snow Creek, didn't you, a portion 13 of Snow Creek? 14 A. I believe we did. 15 Q. And removed it and sent it to Emelle. 16 You didn't bury it in your landfill. 17 You sent it to Emelle, didn't you? 18 A. That is correct, I guess. 19 Q. Where, Mr. Cheever, sitting here today, 20 can you tell us in your judgment as a 21 person who was the environmental 22 specialist and engaged in managing that 23 landfill from that standpoint from '83	Page 148 1 informally in place before 1990 -- 2 wouldn't this pledge require you, 3 Mr. Cheever, this policy that y'all 4 followed even before Mr. Mahoney 5 enunciated it in January of 1990, 6 require you to do that? 7 A. I'm not sure it would have required us 8 to do it. No, sir. 9 Q. So you don't see any obligation or 10 responsibility to find out the source of 11 this release or emission? Are you 12 saying here today that you don't think 13 it came from the Monsanto property? 14 A. No, sir, that's not what I said. 15 Q. Well, wouldn't you think it would be 16 important and incumbent on you at that 17 time to locate the source? 18 A. PCBs were widely used in industry and 19 all kinds of areas, electrical 20 transforming equipment and other kinds 21 of things. Monsanto might have been 22 only one of many sources from which it 23 could have come.
Page 147 1 to '86, where did that come from? Where 2 did the PCBs come from? 3 A. I don't know, because we weren't 4 handling PCBs or disposing of PCBs 5 during the '83 to '89 time frame. So I 6 wouldn't know. It had to potentially 7 come from the time it was being 8 manufactured at the site I would 9 imagine. 10 Q. Well, did you do any testing to make any 11 determination to find out where that 12 came from at that time, Mr. Cheever? 13 A. Did I personally? No. 14 Q. Did you ask any questions of anybody who 15 had been historically involved in the 16 production of PCBs and the disposing of 17 wastes at that particular point in time, 18 Mr. Cheever, to find out exactly where 19 that came from? 20 A. I don't recall making any specific 21 inquiries. I may have, but I don't 22 recall specifically. 23 Q. Wasn't this pledge that you say was	Page 149 1 Q. Tell me if you would what plant is 2 located along that tributary there other 3 than the Monsanto Chemical plant. 4 A. There is an Alabama Power electrical 5 substation. 6 Q. That is west of y'all's plant, isn't it? 7 A. Yes, it is. 8 Q. So the plant is in between this location 9 on Snow Creek where you found this 10 stuff, isn't it? 11 A. Yes, it is. 12 Q. But you did not go back toward the 13 southern landfill and make any 14 determination at any point in time then 15 as to what the source of the PCBs were? 16 A. Not that I recall, no, sir. 17 Q. Okay. Now, next part, would you read 18 the next part, Mr. Cheever, of this 19 oath? 20 A. "Ensure no Monsanto operation poses any 21 undue risk to our employees and our 22 communities." 23 Q. Well, would not the community that would

Page 150 1 be affected by any kind of release from 2 your plant, whether it is PCBs or 3 whatever it would be, wouldn't that be 4 that community that was located east of 5 your plant, across the street, across 6 Clydesdale? 7 A. That certainly would be defined as part 8 of the community, yes, sir. 9 Q. What community meetings did you hold at 10 the time the discovery was made of the 11 PCBs in the tributary and portion of 12 Snow Creek in 1985, Mr. Cheever? 13 A. I don't recall holding any, but I wasn't 14 involved in that other than from an 15 informational basis. 16 Q. Well, what information did you provide 17 at that particular period of time? 18 A. Did I provide? 19 Q. Yes. 20 A. I don't recall I provided any. I was -- 21 My job was to manage the ongoing, active 22 portion of the facility and the plant. 23 And I wasn't involved directly in past	Page 152 1 A. PCBs are regulated under 40 CFR, Part 2 761. 3 MR. STEWART: Let's take a short 4 break. 5 (A break was taken.) 6 Q. Mr. Cheever, we were -- I was asking you 7 don't you think it would be important -- 8 to put it another way -- for you to know 9 the source of that leaching out of those 10 PCBs at that time in '85? 11 MR. COX: Object to the form. 12 There is no evidence that the 13 south landfill is the source 14 of those PCBs. 15 Q. Well, did you have any idea what the 16 source of the PCBs were? 17 A. No, sir. 18 Q. Now, read down there about the fifth 19 paragraph where it says -- the fourth 20 paragraph. 21 A. "Ensure ground water safety," is that 22 the one? 23 Q. Yes. Were y'all monitoring the southern
Page 151 1 practice activities at the site. 2 Q. Well, if Mr. Brown says that he was not 3 in charge of it and you say you were not 4 in charge of it, exactly who is 5 responsible for that particular area on 6 the plant -- or at the plant site in 7 Anniston at the time, between '83 and 8 '89? Who is responsible for that? 9 MR. COX: I'm sorry, Donald. I 10 don't mean to interrupt. 11 What area of the plant? 12 MR. STEWART: The southern 13 landfill. 14 A. It was my responsibility to maintain and 15 operate this landfill that is depicted 16 in Exhibit Number One according to the 17 requirements of the permit which was 18 issued for the operation of that site. 19 Q. Well, are you saying that if you have a 20 leaching out from that landfill of a 21 regulated toxic substance -- PCBs was a 22 regulated toxic substance, wasn't it, 23 Mr. Cheever?	Page 153 1 landfill for any PCBs during the time we 2 are talking about, '83 to '89? You were 3 not, were you? 4 MR. COX: In ground water? 5 A. No. PCBs are not mobile enough to be in 6 ground water. 7 Q. Who told you that? 8 A. I don't remember who it was. 9 Q. Do you know how far away Choccolocco 10 Creek is from the plant site? 11 A. Yeah. I wouldn't -- It is probably ten 12 miles or so. I'm not sure what the 13 mileage is. 14 Q. Were you aware of the fact that PCBs had 15 migrated from the tributary to Snow 16 Creek to Choccolocco Creek from your 17 plant at the time we are talking about? 18 A. I was not aware of that. 19 Q. That is a pretty good migration, isn't 20 it, if that had happened, isn't it, 21 Mr. Cheever? 22 A. If in fact it happened, I guess it would 23 be.

Page 154 1 Q. Is it your statement here today that it 2 didn't? 3 A. I don't have any information or 4 knowledge that would lead me to believe 5 that it did happen. 6 Q. Well, no one even told you they had done 7 any testing there before, so you 8 wouldn't have any way of knowing one way 9 or the other, would you, Mr. Cheever? 10 A. I was involved in a test in 1983 that 11 you asked about earlier. I remember 12 seeing it, wasn't involved in it, but I 13 remember hearing about it. 14 Q. Was that a test of the sediment in 15 Choccolocco Creek that you participated 16 in in connection with the Conservation 17 Department, Monsanto did? 18 A. Yes, sir. 19 Q. Well, didn't that have to do with PCBs 20 in the sediment at Choccolocco Creek? 21 A. Yes, sir. 22 Q. And is it your statement here today, as 23 you sit here today, that that didn't	Page 156 1 landfill, and I don't know how -- I 2 don't have any information that would 3 directly connect the two events. 4 Q. You don't know that there is some ten 5 million pounds of PCBs buried in the 6 southern landfill? 7 A. I wasn't aware of that. 8 Q. And perhaps also in the western 9 landfill? You are not aware of that? 10 A. No, sir. 11 Q. Do you know of any other place as you 12 sit here today, Mr. Cheever, where that 13 much PCB is buried in one landfill? 14 A. No, I -- No, I sure don't. 15 Q. Can you name me one landfill in the 16 United States where they have that much 17 PCB buried? 18 A. Chemical Waste Management's Emelle, 19 Alabama, landfill might have that much. 20 I don't know. They are one location 21 that I know has in the past accepted 22 materials potentially contaminated with 23 PCBs.
Page 155 1 come from your plant? 2 A. I don't have any information that would 3 lead me to believe that it did. 4 Q. You don't have any information to lead 5 you to believe that it did? 6 A. No, sir. 7 Q. Well, where are you suggesting that it 8 came from, Mr. Cheever? 9 A. I don't know where it came from. It 10 could have come from anywhere, I guess. 11 As we mentioned earlier, PCBs were 12 widely used for a long period of time as 13 a dielectric fluid in electrical 14 equipment and other things, so it could 15 have come from anywhere. 16 Q. So it is your statement here today that 17 there is no direct correlation between 18 the PCBs that y'all have located in the 19 landfill that is south of 202 and other 20 areas on your plant site up there and 21 the PCBs that were found in Choccolocco 22 Creek in 1983? 23 A. I'm not aware of any PCBs in the	Page 157 1 Q. They have in fact accepted some of the 2 PCBs that y'all took out of the creek at 3 the time y'all did the remediation work 4 in 1988, didn't they? 5 A. It's my understanding, yes, sir. 6 Q. Let me show you, Mr. Cheever what we 7 will mark as Plaintiffs' Exhibit Five. 8 (Plaintiffs' Exhibit Number 9 Five was marked for 10 identification.) 11 Q. All right. Are you familiar with this 12 guideline? 13 A. Yes, sir. 14 Q. And were you obligated to operate under 15 this guideline when it was put in place? 16 A. The guideline is a suggested approach. 17 It is not a mandatory thing. 18 Q. Well, it reads "Monsanto Guideline, 19 Effluent and Emission Control." 20 A. Uh-huh (indicating yes). 21 Q. And right under that it reads "Control 22 pollutant discharges from Monsanto 23 operations so as not to endanger health

Page 158 1 and the environment." 2 Can you tell us the date this was 3 put into place? It is down in the 4 right-hand corner there. 5 A. February 18, 1983. 6 Q. So you were at the plant at that time, 7 were you not? 8 A. I had barely joined the staff, yes, sir. 9 Q. And you were given a copy of this? 10 A. I might have been. I don't recall. 11 Q. Okay. When do you recall first being 12 made aware of it? 13 A. I don't know. I don't remember. They 14 have been around. I don't remember 15 exactly when I first became aware of it. 16 Q. Did this deal with start-up or current 17 operations, or does it also deal with 18 what you are required to do with the 19 management of this landfill that is on 20 the site there at Anniston? 21 A. Both. 22 Q. Both? 23 A. The management of the landfill was a	Page 160 1 attention by the Attorney General, was 2 it not? 3 A. Brought to Monsanto's attention by the 4 Attorney General, yes, sir. 5 Q. Would it not be a part of your 6 responsibility under four and "A" under 7 four to find out where that stuff came 8 from, where the PCBs came from? 9 A. No, sir. I don't think it would have 10 been. 11 Q. Well, I'm struck by your answer to that 12 question, Mr. Cheever, because you have 13 just indicated to us that y'all took 14 some remedial action in connection, 15 let's just say, with the Snow Creek 16 matter. Did you not? 17 A. Yes, we did. 18 Q. You removed some of the soil or sediment 19 from Snow Creek and from that tributary, 20 placed it on the landfill and analyzed 21 it and sent it to Emelle, didn't you? 22 A. I believe that is what was done, yes, 23 sir.
Page 159 1 current operation. 2 Q. So if there was something coming off the 3 landfill south of 202, this governed 4 what your responsibilities were to that? 5 A. It was a guideline we were to use along 6 with other -- you know, other available 7 information to manage our jobs. 8 Q. Look at four. 9 A. Uh-huh (indicating yes). 10 Q. Could you read that for us, please? 11 A. "Determine effluent and emission waste 12 loads from specific processes when 13 required for, a, solution of current or 14 prospective problems." 15 Q. Let's stop there please, Mr. Cheever, if 16 we can. Once you learned about PCBs in 17 the sediment in Choccolocco Creek and 18 PCBs in Snow Creek -- The Choccolocco 19 Creek thing would have been in '83, 20 would it not? 21 A. I believe that is when it was, yes, sir. 22 Q. And '85 would have been the problem in 23 Snow Creek that was brought to your	Page 161 1 Q. Because you couldn't landfill it, could 2 you? 3 A. Our landfill was closed at that point in 4 time, sir. 5 Q. Mr. Cheever, why if you're saying -- And 6 maybe I'm misunderstanding you. If I 7 understand you to say that that was not 8 your PCBs, why did y'all move it to 9 Emelle? 10 MR. COX: Object to the form. 11 Q. Why did Monsanto take that 12 responsibility? 13 A. Why did we take the responsibility? 14 Q. Yes, sir. 15 A. We were presented with some data from 16 the Attorney General that indicated it 17 was a concern, and Monsanto was willing 18 to make an effort to resolve the concern 19 the Attorney General had. 20 Q. Which was the release of PCBs from your 21 property into Snow Creek; isn't that 22 correct? 23 A. No. It was -- My understanding, it was

Page 162 1 a resolution of some sediment samples 2 that were found in Snow Creek and that 3 unnamed tributary. 4 Q. So it is your understanding that the 5 Attorney General never indicated it was 6 your responsibility, Monsanto's 7 responsibility? 8 A. I'm not aware that that was an 9 indication from the Attorney General, 10 no, sir. 11 Q. So you are telling us here today that 12 the Attorney General asked y'all just 13 out of the goodness of your heart to 14 remove it, that he didn't think it came 15 from your plant or your facility in 16 Anniston? 17 A. To my understanding, he presented the 18 data and asked what we were going to do, 19 and we presented a plan and executed the 20 plan. 21 Q. Because y'all assumed the responsibility 22 for the PCBs because it came off your 23 property, didn't it?	Page 164 1 Attorney General Graddick was talking 2 about in this letter of January 26, 3 1985, by removing the sediment we have 4 previously talked about, analyzing it, 5 and sending it -- 6 A. It was in response to this letter, yes, 7 sir. 8 Q. Okay. Now, you also received a letter 9 from Mr. Broadwater, Director of the 10 Alabama Department of Environmental 11 Management, did you not, or Greg Kneisel 12 to Mr. Broadwater. Pardon me. Let me 13 show you Plaintiffs' Exhibit Seven. Do 14 you want to read over that letter? 15 (Plaintiffs' Exhibit Number 16 Seven was marked for 17 identification.) 18 Q. You've had an opportunity to review this 19 letter of February 26, 1985, from 20 Mr. Greg Kneisel to Mr. Joe Broadwater. 21 Does that refresh your recollection at 22 all as to what was happening in 1985 in 23 connection with this sediment sampling
Page 163 1 A. I don't believe we assumed the 2 responsibility for anything, my 3 understanding. 4 MR. STEWART: Okay. This will be 5 Plaintiffs' Exhibit Six. 6 (Plaintiffs' Exhibit Number 7 Six was marked for 8 identification.) 9 Q. Do you remember seeing this letter? 10 This is a letter dated January 22nd, 11 1985, Plaintiffs' Exhibit Six is, to 12 Mr. Richard J. Mahoney, President of 13 Monsanto Chemical Company. And it 14 refers to investigators from the 15 Attorney General's Office finding PCBs 16 in the Snow Creek area. Do you recall 17 seeing this letter? 18 A. I don't recall seeing it, but it looks 19 familiar. 20 Q. Is this not the problem that we're 21 talking about? When he talks about 22 removing sediment, didn't y'all 23 ultimately resolve this problem that	Page 165 1 of Snow Creek and the PCBs in Snow 2 Creek? 3 A. I wasn't aware that that letter existed, 4 but -- 5 Q. Well, did you know that Mr. Joe 6 Broadwater was the director of the 7 Alabama Department of Environmental 8 Management at that time? 9 A. The name sounds familiar. I remember 10 the name now that the name comes up, 11 yes, sir. 12 Q. And you see from reading the letter that 13 there was potential litigation 14 apparently planned by the Attorney 15 General's Office against Monsanto, I 16 assume. 17 A. I can read that, yes, sir. 18 Q. Okay. And was that not related to the 19 high level of PCBs that were found in 20 the sediment? 21 A. That's what it says. 22 Q. And it says one and a half miles from 23 the plant?

Page 166 1 A. Uh-huh (indicating yes). 2 Q. Isn't that correct? 3 A. That's what it says, yes, sir. 4 Q. The levels are certainly above fifty 5 parts per million, are they not? 6 A. That's what it says, yes, sir. 7 Q. Y'all did some sampling, Mr. Cheever, 8 did you not -- 9 A. Monsanto undertook a sampling plan, yes, 10 sir. I believe so. 11 Q. And weren't the levels that y'all found 12 in certain portions of the creek higher 13 -- or the sediment of the creek higher 14 than what the Attorney General -- 15 A. I don't recall what those values were. 16 It could have well been. 17 Q. And that is exactly why y'all did what 18 you did, isn't it, Mr. Cheever, why 19 y'all took the steps that you took to 20 rectify the problem, because -- 21 A. It is my understanding that we made a 22 proposal and provided it to the Attorney 23 General for his consideration, and	Page 168 1 was of this particular project, Mr. -- 2 A. No, sir, I sure don't. 3 Q. Okay. This talks about the dredge 4 materials on page -- on the second page 5 of the proposal transported to a 6 temporary storage site at the Monsanto 7 Company landfill site. Y'all sampled 8 it, and after that you sent it to 9 Emelle. Is that where you sent it to? 10 A. That's my understanding, yes, sir. 11 Q. In the next paragraph it says that -- in 12 the second sentence of the next 13 paragraph, the fourth paragraph from the 14 top of the page, the sampling to be 15 carried out in accordance with the 16 scheme published in the United States 17 Environmental Protection Agency 18 document, EPA-560/5-85-026, verification 19 of PCB spill cleanup by sampling and 20 analysis. Was the EPA involved in this, 21 Mr. Cheever? 22 A. I don't recall them being, but they 23 could have been.
Page 167 1 ultimately did the job. Yes, sir. 2 (Plaintiffs' Exhibit Number 3 Eight was marked for 4 identification.) 5 Q. Let me show you Plaintiffs' Exhibit 6 Eight, which is a letter dated May 15, 7 1986, from Mr. Brown, who was your 8 supervisor for part of the time -- 9 A. Uh-huh (indicating yes). 10 Q. -- that you worked there. 11 A. Uh-huh (indicating yes). 12 Q. And ask you to take a look at that whole 13 exhibit, and I want to ask you some 14 questions about it. 15 A. Okay. 16 Q. Have you familiarized yourself with 17 this -- 18 A. I skimmed through it. 19 Q. And this proposal was sent to Mr. Moore 20 by Mr. Brown. Is that the proposal you 21 are talking about that y'all developed? 22 A. It appears to be, yes. 23 Q. Now, do you have any idea what the cost	Page 169 1 Q. Okay. Do you remember having any 2 conversations with anybody at the plant 3 who said they had talked to anyone from 4 the EPA? 5 A. I don't recall. The EPA very well could 6 have been involved, but I don't recall 7 whether or not they were. 8 Q. Okay. Now, on the next page, the second 9 paragraph, it says what y'all were going 10 to do with the material, which you have 11 ultimately indicated it happened; is 12 that correct? 13 A. I believe so. 14 Q. Do y'all have a habit, Mr. Cheever, of 15 doing this kind of thing just as good 16 neighbors, or do you do it generally, 17 Mr. Cheever, when y'all are responsible 18 for the problem that exists? 19 MR. COX: Object to the form. You 20 can answer it if you can. 21 A. I don't know if I know the answer to 22 what Monsanto does as a policy. I know 23 we have been involved here doing things

Page 170 1 over and above what was required as the 2 right thing to do. It is my 3 recollection that we weren't given 4 approval to do this. We just went 5 ahead and did it without the okay. I 6 may be wrong on that, but that is my 7 recollection. 8 Q. When did y'all decide to do that? When 9 did you actually do the work? 10 A. I believe it was in the '88, '89 time 11 frame, but it was being done about the 12 time I left, as I recall. I was not 13 involved in this work directly. 14 Q. Well, you were involved in working out 15 the deal with Attorney General 16 Siegelman, weren't you? 17 A. No, sir. I wasn't involved directly 18 with that. 19 Q. You never met with Attorney General 20 Siegelman -- 21 A. I may have, but I don't recall. 22 Q. -- or talked with him at any point in 23 time?	Page 172 1 A. Yes, sir. 2 Q. Was there any money that was available 3 for political candidates, Mr. Cheever, 4 at that particular time? Did y'all give 5 money to candidates in state races at 6 that time? 7 A. We could have. I'm not aware -- I'm 8 sure we did, but I don't know. We may 9 have. 10 MR. COX: Don't speculate. If you 11 know, you know. If you 12 don't, you don't. 13 A. I don't know, but we very well could 14 have. 15 Q. Well, do you know whether or not some 16 money was given to Don Siegelman's 17 campaign -- 18 A. I haven't the foggiest idea. 19 MR. COX: Let him finish his 20 questions. You are cutting 21 him off. 22 Q. Do you know or were y'all a part of the 23 Alabama Chemical Association at that
Page 171 1 A. I may have, but I don't recall it. 2 Q. Were you a part of the government 3 relations group from Monsanto that met 4 with him on March 29th of 1998 -- 5 A. No, sir, I wasn't. 6 Q. -- or 1988? 7 A. No, sir. 8 Q. Do you know of anybody who might have 9 been involved from the Anniston plant 10 with the government relations group from 11 Monsanto who might have met with him? 12 A. The plant manager was normally the 13 person at the -- at a site who is 14 involved in government relations work. 15 Plus we had a public relations -- or 16 government relations department working 17 out of the public relations group within 18 the corporate structure that handles and 19 meets with plants and communities and 20 state agencies around public relations 21 kinds of activities. 22 Q. Would that have been David Denner in 23 '88?	Page 173 1 time, in 1988? 2 A. I believe we were, yes, sir. 3 Q. What is that, Mr. Cheever? 4 A. It is a trade association of chemical 5 companies within the states that are 6 subgroups within the Chemical 7 Manufacturers Association as a whole. 8 Q. Did those people from time to time seek 9 to influence public policy by talking to 10 politicians and talking to people who 11 hold public office? 12 A. I'm not aware of what the associations 13 do. They very well could, but I don't 14 know. 15 Q. You were aware of what assistance 16 Mr. Denner provided Mr. Siegelman in 17 getting him to speak to that group or at 18 least talking to him when he spoke to 19 that group in 1988, weren't you, Mr. -- 20 A. Not that I recall. 21 Q. -- Cheever? Weren't you told about that 22 by Mr. Denner? 23 A. I may have been. I don't recall.

Page 174 1 Q. And wasn't there something done at that 2 particular time as a result of 3 Mr. Siegelman meeting with the 4 government relations group from Monsanto 5 and addressing the Alabama Chemical 6 Association about this proposal that 7 Mr. Brown had put together? 8 A. It could have been. I don't recall. 9 Q. Wasn't it subsequent to those meetings 10 that that happened and took place? 11 A. I'm sorry. Again, please? 12 Q. Wasn't it at those meetings that y'all 13 finally put your protocol or program in 14 place to remove the sediment from Snow 15 Creek? 16 A. As I recall this proposal was put 17 together in '86. 18 Q. And y'all put the plan in motion in '89, 19 didn't you? You finally finished it up 20 in '89? 21 A. I believe that's correct. 22 Q. So it would have certainly been after 23 any kind of dinner meeting that	Page 176 1 any political contributions that were 2 made in the State of Alabama? 3 A. I don't know the answer to that 4 question. I have no idea of what they 5 are allowed to do or not to do. 6 Q. It also refers to the meeting on 7 addressing the Alabama Chemical 8 Association, is that right, and having 9 dinner with them on March 23rd, in the 10 first sentence? 11 A. Uh-huh (indicating yes). 12 Q. You got a copy of this letter, didn't 13 you, Mr. Cheever? 14 A. Yes, I did, based on what the letter 15 shows. 16 Q. And then after those sentences talking 17 about the dinners with both the Chemical 18 Association and y'all's government 19 relations group, Mr. Denner talks about 20 tackling the drug problem in the state, 21 Don Siegelman's efforts to tackle that 22 problem. 23 A. Uh-huh (indicating yes).
Page 175 1 Mr. Denner or Danner -- Denner -- might 2 have had Attorney General Siegelman? 3 A. It may have been. I'm not aware. 4 Q. Let me show you Plaintiffs' Exhibit 5 Eight -- Nine and ask you to take a look 6 at it. 7 (Plaintiffs' Exhibit Number 8 Nine was marked for 9 identification.) 10 Q. This letter refers to a meeting that was 11 held -- dinner meeting was held with the 12 Attorney General of the State of 13 Alabama, who at this time was 14 Mr. Siegelman instead of Mr. Graddick. 15 And the second sentence on the first 16 page, a letter from Mr. Denner to Don 17 Siegelman, "It was also a pleasure to 18 see you again March 29th at dinner with 19 our government relations group from 20 Monsanto." That's the plant managers 21 you are talking about? 22 A. Yes, sir. 23 Q. Didn't they control the purse strings on	Page 177 1 MR. COX: Answer out. 2 A. Yes. I'm sorry. 3 Q. And then he wanted -- 4 A. I thought you were telling me what it 5 said, not asking me. 6 Q. And Don Siegelman had indicated later -- 7 or Mr. Denner indicated that he was 8 appreciative of Mr. Siegelman's 9 statements about working with the 10 Attorney General's Office to resolve 11 environmental issues. 12 A. Uh-huh (indicating yes). 13 Q. And it is at this point in time that 14 proposal was put -- That is what the 15 next four paragraphs or five paragraphs 16 refer to; is that not correct? 17 A. That's correct. 18 Q. That proposal that is Plaintiffs' 19 Exhibit Eight that Mr. Brown put 20 together; isn't that correct? 21 A. Yes, sir. 22 Q. In this letter Mr. Denner says Attorney 23 General Siegelman can contact Mr. Brown

Page 178 1 or you about implementing this proposal. 2 Who did he contact, or who did his 3 office contact? 4 A. Mr. Denner gives -- says he can contact 5 Mr. Brown or myself if there are any 6 questions that need to be addressed, 7 yes. 8 Q. Who was contacted? 9 A. I'm sorry? 10 Q. Who was contacted? 11 A. I don't recall. I don't ever recall 12 being contacted by the Attorney 13 General's Office with any questions from 14 this letter. 15 Q. Well, what happened in between the 16 letter and the implementation of 17 Mr. Brown's proposal in 1989? 18 A. I don't recall what happened. 19 Q. Are you telling me that you don't know 20 whether or not the Attorney General 21 approved or disapproved of what y'all 22 did? 23 A. I don't know for sure. It is my	Page 180 1 distance some two -- twenty-one hundred 2 feet from some point -- fifteen hundred 3 feet beyond the confluence of Snow Creek 4 and the tracks at Eleventh Street, 5 Southern Railway tracks at Eleventh 6 Street. So that is quite a ways from 7 the plant as I recall. 8 Q. Well, let me ask you. It is just fifty 9 feet down Snow Creek is what you y'all 10 up, wasn't it? 11 A. It says fifteen hundred here. 12 Q. Is that down Snow Creek or the tributary 13 to Snow Creek? 14 A. It says here from where the ditch passes 15 under the tracks to the confluence of 16 the ditch at Snow Creek. The distance 17 is fifteen hundred feet. 18 Q. The confluence of Snow Creek would be 19 where the tributary that you have 20 previously spoken about would pour into 21 Snow Creek? 22 A. Uh-huh (indicating yes). 23 Q. You do not dispute what Mr. Brown has
Page 179 1 understanding that he never provided 2 written approval to do the work. 3 Q. Well, I was struck by something in the 4 proposal. It is my understanding, 5 Mr. Cheever, y'all went fifty feet down 6 Snow Creek to take sediment out. In 7 Mr. Kneisel's letter, Greg Kneisel, he 8 talks about sediment having PCBs in it 9 one and one half miles away from where 10 the tributary goes into Snow Creek or 11 from the plant. Yet y'all just went 12 fifty feet; is that correct? 13 A. I have no idea. 14 Q. Well, let's go back and look at 15 Mr. Kneisel's letter. I believe he says 16 to Mr. Broadwater that it was one and 17 one half miles. Is that correct or 18 incorrect? 19 A. That's correct. 20 Q. That's what the letter says. 21 A. That's what the letter says. I guess -- 22 Q. The proposal? 23 A. The proposal indicates that to go down a	Page 181 1 previously testified about when he said 2 they just took fifty feet of Snow Creek 3 sediment? 4 A. It says approximately a hundred feet. 5 Q. A hundred feet? 6 A. I'm sorry. It is two sections. And 7 I'm -- 8 Q. Which would be cheaper, Mr. Cheever, for 9 me to take a mile and a half of sediment 10 up or take sediment that had PCBs in it 11 for a mile and a half and test and it 12 send it to Emelle, or fifty feet? 13 A. Fifty feet, I guess. 14 Q. Would be cheaper? 15 A. Would be cheaper. 16 Q. And that's what y'all did, isn't it? 17 A. I have no idea what was done, sir. 18 (Plaintiffs' Exhibit Number 19 Ten was marked for 20 identification.) 21 Q. Let me show you Plaintiffs' Exhibit Ten, 22 and I want to ask you some questions 23 about that. Before you review that, I

Page 182 1 just want to ask you some general 2 questions. 3 A. Sure. 4 Q. Y'all had some problems -- Monsanto had 5 some problems with the EPA about this 6 matter, did they not? 7 A. Might have. I'm not aware of it. I 8 wasn't aware, but they could have. 9 Q. Well, how about reading this letter, if 10 you would, and then I want to ask you 11 some questions about it. 12 A. Surely. 13 Q. This is a letter dated August 15, 1985, 14 a certified mail, return receipt 15 requested, from a Mr. Thomas W. Devine, 16 Director of Waste Management Division. 17 A copy was sent to Mr. Daniel Cooper 18 with the Alabama Department of 19 Environmental Management. It say Mr. Ed 20 -- Is it Jurevic -- 21 A. Yes, sir. 22 Q. -- is the plant manager? Do you know 23 what this refers to, Mr. Cheever? Does	Page 184 1 Q. Is it not a fact, Mr. Cheever, that the 2 EPA was involved at some stage of the 3 proceeding of this event that took place 4 on the Snow Creek area? 5 A. They may have been. I don't recall. 6 Q. And they were at least involved in 7 meetings when Graddick was Attorney 8 General, with you all and with ADEM and 9 the Attorney General's Office, weren't 10 they? 11 A. They may have been. I don't recall 12 whether they were involved or not. 13 Q. Why is it that the EPA would have been 14 involved, Mr. Cheever, with this PCB 15 incident in 1985? 16 MR. COX: Object to the form. 17 A. I don't know the answer to that, sir. 18 Q. Is it still your contention, 19 Mr. Cheever, after the presentation of 20 all this information here that you have 21 previously made, that Monsanto was not 22 responsible or the source of the PCBs in 23 Snow Creek that y'all cleaned up?
Page 183 1 this not refer to the same problem we 2 have been talking about about the PCB 3 spill? 4 A. I don't believe so. 5 Q. What does it refer to? 6 A. It is referencing the RCRA hazardous 7 waste permit that was issued to the 8 site. At least based on the reference 9 given on the letter, it is EPA ID 10 number, and they provide the number, 11 which was the -- had something to do 12 with the permit for the existing active 13 facility. But I'm at a -- I don't 14 recall the exact details of it. 15 Q. There were some violations y'all were 16 involved in? 17 A. Apparently based on this letter, that 18 was the contention of the EPA at this 19 point in time, yes, sir. But I don't 20 recall the details. 21 Q. You don't know what it was about? 22 A. I don't remember. It was thirteen years 23 ago or fourteen.	Page 185 1 A. I don't know as I made that -- I don't 2 know if we were or we were not. I don't 3 have enough information or knowledge to 4 know that for sure. 5 Q. What would you need to have? 6 A. I would have had to have been there back 7 during the time earlier, if it had been. 8 Q. Well, if you had had some knowledge that 9 there has been a previous concern 10 expressed by people like Mr. Papageorge 11 and others who had been involved with 12 the management of the plant, would that 13 not have strengthened your conclusion 14 that you might have been responsible? 15 A. I don't know as I -- Might have. I 16 don't know. 17 Q. Didn't you prepare a document in -- or 18 devise a document that was located at 19 the plant in 1984 entitled "Monsanto 20 Agricultural Products Company, Anniston 21 Plant, Hazardous Waste Management"? 22 Didn't you prepare or devise a document 23 there?

Page 186 1 A. Yes, I believe I did, based on -- 2 Q. Let me show you that. I want to have it 3 marked, if we could, as Plaintiffs' 4 Exhibit Eleven, and I want to ask you 5 about a particular area, if you will 6 just take a look at the document. 7 MR. COX: I'm just going to note 8 an objection to completeness. 9 It appears only the odd 10 numbered pages are copied. I 11 don't mind you asking 12 questions about it, but it is 13 not a complete document. 14 MR. STEWART: The way the document 15 was put together, it is my 16 understanding that only the 17 odd number -- I think it is 18 -- I will ask him some 19 questions about that. 20 (Plaintiffs' Exhibit Number 21 Eleven was marked for 22 identification.) 23 Q. Are you familiar enough with it for me	Page 188 1 insure that the inactive portion 2 remained intact and was properly -- from 3 any breach of the covers and caps that 4 had been placed by others. 5 Q. Well, do you know of any place other 6 than those landfills where PCBs were 7 buried on Monsanto property? 8 A. No, sir, I do not. 9 Q. Is it your understanding now as we sit 10 here today that that is where they were 11 buried, whether it was in the western 12 landfill or the southern landfill, that 13 PCBs were buried? I'm not talking about 14 '83 to '89. Obviously you didn't know 15 that then. But is it your understanding 16 today that PCB waste was buried in the 17 landfill itself, those cells we talked 18 about? 19 A. I'm not aware any more today of what was 20 buried there than I was back then. 21 Q. Okay. But wouldn't this document here 22 that you revised state that one of the 23 responsibilities was that y'all had at
Page 187 1 to go ahead and start asking you some 2 questions? 3 A. Yes. 4 Q. Hazardous waste management is covered on 5 page five. 6 A. Yes. 7 Q. And let me ask you, if you would, if you 8 can tell us if that wouldn't in fact 9 cover the landfill that we are talking 10 about. 11 A. There are portions of this that would 12 cover the landfill, active portions of 13 the landfill, yes, sir. 14 Q. Well, let's get to that. Is it your 15 statement here today, and is that the 16 reason you are saying what you are about 17 the PCBs in Snow Creek, that it just 18 wasn't your responsibility or Monsanto's 19 responsibility to cover or to manage the 20 inactive areas of the landfill? 21 A. That's not what I said. My personal 22 responsibility was to insure proper 23 management of the active portion and to	Page 189 1 that time to manage and make sure there 2 wasn't any leaking out of the landfill 3 or anyplace on the site of PCBs or any 4 other toxic waste in the environment, 5 the air, the ground, the water of your 6 neighbors? Wasn't that part your 7 responsibility, Mr. Cheever? 8 A. I guess -- You are going to have to 9 repeat the question. I missed it. I'm 10 sorry. 11 Q. Wasn't a part of your responsibility and 12 Monsanto's responsibility as a plant to 13 make sure that none of this stuff 14 leached out of the inactive landfills 15 where y'all had put waste? 16 A. Yes. That is part of the 17 responsibility, was to insure there was 18 no visible evidence or no evidence of 19 materials escaping from landfills. That 20 is why we managed to make sure that the 21 caps were intact, the grass was cut, and 22 the bushes and brush was down and there 23 wasn't any slumping or sliding of

Page 190 1 material being washed away or whatever. 2 And if there was any evidence of that, 3 we took proper repairs and repaired it. 4 Q. What repairs did you make to the 5 landfill in 1985 after you found the 6 PCBs down the creek? 7 MR. COX: Object to the form. 8 There is no evidence 9 connecting those two, Donald. 10 Go ahead and answer. 11 A. I don't recall we made any particular 12 corrections or modifications or repairs 13 to the landfill in '85 as a result of 14 any effort -- any information we became 15 aware of during Snow Creek. 16 Q. Wouldn't common sense tell you that if 17 there were ten million pounds of PCBs 18 buried, a good portion of it in the 19 southern landfill, that that might be a 20 source, Mr. Cheever? 21 MR. COX: Object the form, no 22 foundation. 23 A. I wasn't aware there was that much	Page 192 1 St. Louis or Anniston, say to you, "Mr. 2 Cheever, or Robert, we have a problem 3 here, and let us tell you the history of 4 that site, because we have tested and we 5 found the very same thing you are 6 finding now in the '70s and we have ten 7 million pounds buried up there"? 8 A. No. 9 Q. Nobody told you that? 10 A. Not that I can recall, sir. No, sir. 11 Q. How does that square with the pledge 12 that people who worked for Monsanto at 13 that time took informally before 1990 -- 14 You said it was in place. How does that 15 square with the pledge? Aren't they 16 required to tell you that under that 17 pledge? 18 A. I'm not sure. I suppose that could be 19 interpreted, but I'm not sure they are 20 required to. 21 Q. Well, didn't you have contact on a 22 fairly frequent basis with people in the 23 environmental section in the St. Louis
Page 191 1 material buried in the landfill. 2 Q. If there was that much material, if you 3 were aware of it, wouldn't you be 4 curious as to whether or not it might 5 have come from there, Mr. Cheever? 6 A. I might have been curious. 7 Q. And you might have made some tests both 8 on the landfill itself and then in 9 drainage ditches that led from the 10 landfill, wouldn't you, Mr. Cheever, if 11 you had known that? 12 A. It might have, yes. I don't know. I 13 might have. 14 Q. And if you had of and found out that was 15 the source, then you would have made an 16 effort to remedy it, wouldn't you? 17 A. I'm sure I would have, yes, sir. 18 Q. Did anybody in Monsanto Chemical Company 19 tell you at the time that y'all had 20 these problems with the Attorney 21 General's Office and EPA and you had to 22 remove this sediment in the mid '80s -- 23 did anybody in Monsanto, whether it be	Page 193 1 office in your job, in your capacity? 2 A. Not frequent contact, no, sir. 3 Q. You had contact, didn't you, 4 Mr. Cheever? 5 A. From time to time we had contact with 6 the environmental manager in St. Louis, 7 yes, sir. 8 Q. And you had contact with people here in 9 St. Louis at the time the problem 10 cropped up in 1985, didn't you? 11 A. Yes, sir. 12 Q. Who were they? 13 A. I'm trying to remember who the 14 environmental managers were. One of 15 them is Mike Foresman. His name is on 16 the letter which you showed me earlier. 17 Dennis Redington I believe was one of 18 the other environmental managers that we 19 had. There might have been one or two 20 others. Those two names are people that 21 I remember. 22 Q. Don't y'all keep archives and historical 23 records on your plant and facilities?

Page 194 1 A. Monsanto has a records retention 2 guideline that we follow, yes. 3 Q. Don't you have archives of records of 4 tests -- Let's just say Monsanto 5 performed tests in the '70s and did it 6 on PCBs and fish in Choccolocco Creek 7 and in Snow Creek. That information 8 would have been readily available to 9 those project managers, wouldn't it, 10 Mr. Cheever, in 1985? 11 MR. COX: Object to the form. You 12 are asking him to speculate 13 on what some other manager 14 had access to. 15 Q. Didn't you work in the environmental 16 management area before you went to 17 Anniston? 18 A. No, sir. I was in the environmental 19 process design area. 20 Q. You knew what the archives were as a 21 result of your working there, didn't 22 you? 23 A. I'm sorry. Again?	Page 196 1 on file in St. Louis? 2 A. I'm not sure what the records retention 3 policy is. I can't quote it. I would 4 have to go back and look. 5 Q. Did those two gentlemen you have 6 mentioned ever say to you, "We did tests 7 on fish and found -- in Choccolocco 8 Creek, and PCBs at fairly high levels 9 were found in 1970"? Did either one of 10 those people ever say that to you 11 A. They could have. I don't recall. 12 Q. Did anyone of those ever say to you that 13 we have already found, in the '70s and 14 even all the way down to Choccolocco 15 where Snow Creek spills into Choccolocco 16 Creek, high levels of PCBs in the system 17 there? 18 A. They could have. I don't recall. 19 Q. Did they or did they not, Mr. Cheever, 20 as you sit here today? Did they tell 21 you that? 22 A. Not that I can recall. They might have. 23 (Plaintiffs' Exhibit Number
Page 195 1 Q. You knew what the archives were and what 2 information retention policy y'all had, 3 as a result of working at the corporate 4 level before you went to Anniston, 5 didn't you? 6 A. I was in two different -- totally 7 different areas. 8 Q. Are you telling me that you were not 9 aware of the fact that you could have 10 gone back historically and found out 11 what had been manufactured there and 12 what was stored there and -- 13 A. I was -- 14 Q. -- what problems might have existed 15 there in the past? 16 A. I was told what was manufactured 17 historically. But, yeah, I guess if I 18 needed to go I could have gone back and 19 found records if they were still kept in 20 accordance with the requirements. 21 Q. Well, weren't they required -- If 22 testing had been done in the '70s, 23 weren't they supposed to be maintained	Page 197 1 Twelve was marked for 2 identification.) 3 Q. Let me show you Plaintiffs' Exhibit 4 Twelve and ask you to take a look at 5 that if you would, and then I want to 6 ask you some questions about it. 7 A. All right. 8 Q. Who is -- Plaintiffs' Exhibit Twelve is 9 a letter from Mr. M. A. P-i-e-r-l-e. Is 10 that Pearl? 11 A. Pierle. 12 Q. Pierle? 13 A. Uh-huh (indicating yes). 14 Q. Addressed to Mr. R. G. Potter. Who is 15 Mr. Potter? 16 A. Currently he is the chairman and chief 17 executive officer of Solutia, 18 Incorporated. 19 Q. Are you familiar with this proposal in 20 here where they are talking in terms of 21 RCRA closures and cleanup of the sites, 22 a cleanup program for the Anniston 23 plant?

Page 198 1 A. I think I know what it was done in 2 regards to, but I wasn't party to any of 3 the activity. But I think I understand 4 what it was done for, yes, sir. 5 Q. Well, it talks about ongoing monitoring, 6 in the second paragraph, and remedial 7 actions associated with the old 8 parathion plant and the landfill are 9 estimated at 300,000 to 400,000 per 10 year; is that correct? 11 A. That's what it says, yes, sir. 12 Q. It says MAC, which I understand is 13 Monsanto Agricultural Corporation. Is 14 that what that stands company? 15 A. Yes, it is. Company, not corporation. 16 Q. Monsanto Agricultural Company has 17 budgeted funds for 1987 to cover those 18 costs, and apparently they were going to 19 cover them in future years. Is that 20 what was used to manage the landfills? 21 A. Yes, sir, I believe that's correct. 22 Q. Okay. It goes on to say that -- In the 23 next paragraph, if you will read that, I	Page 200 1 And the allocation of costs they 2 are talking about were between Monsanto 3 Chemical Company and Monsanto 4 Agricultural Company; is that not 5 correct? 6 A. I believe that's correct, yes. 7 Q. The sites that they are talking about, 8 the idle sites they are talking about, 9 are those closed cells, are they not, 10 where there is contaminated soil? 11 A. I'm not sure what they mean by idle 12 sites. That might be one. 13 MR. COX: Don't speculate. 14 A. I don't know for sure what it means. 15 Q. Well, if you removed and disposed of 16 contaminated soil, wouldn't it be in the 17 landfill, Mr. -- 18 MR. COX: Objection. You are 19 asking him to speculate about 20 what Mr. Pierle was talking 21 about here. I don't know 22 that he can do that. 23 MR. STEWART: Well, that is not an
Page 199 1 want to ask you some questions about it. 2 A. I've read it. Do you want me to read it 3 out loud? Is that what you are asking? 4 Q. No. I just want to make sure you have 5 read it. 6 A. Yes, sir, I have. 7 Q. It says in the first sentence that there 8 were no monies reserved for a major site 9 cleanup program. Was there not a need 10 for a major site cleanup program in 11 1987, February 26th, 1987? 12 A. There might have been. I wasn't aware 13 of any. 14 Q. Okay. In the third sentence in that 15 same paragraph it says a requirement for 16 removal and disposal of contaminated 17 soil or to deal with significant changes 18 in current regulations on idle sites 19 would require major undefined 20 expenditures. And it goes on to say 21 should such a major need develop the 22 corporation would need to address proper 23 allocation of costs.	Page 201 1 objection that we reserved. 2 If you want to tell him what 3 to say -- I want to ask him 4 questions about the document. 5 If you want to object to me 6 doing it, I assume you can. 7 But all I want to ask him 8 about is the document itself 9 and his -- 10 Q. Let me just ask you this: Weren't you 11 familiar with what idle sites would be 12 present at the plant site? Where would 13 they be? 14 A. Idle sites could be idle manufacturing 15 sites. 16 Q. What idle manufacturing sites did y'all 17 have in 1987? 18 A. There were a fair amount of sites that 19 had been idled across the whole Anniston 20 plant. I couldn't tell you exactly. 21 But there had been several products 22 manufactured at the location prior to 23 1987 that were no longer being

Page 202 1 manufactured in 1987, and that might be 2 considered what an idle site would be as 3 well. 4 Q. What were they that had been 5 discontinued? 6 A. Well, I don't -- I'm trying to remember. 7 Obviously PCB manufacturing was one. 8 Q. Wasn't that all in the landfill? 9 A. Excuse me? 10 Q. Was that not all in the landfill? 11 A. I don't know the answer to that 12 question. P2S5 I believe had been shut 13 down and was an idle facility at that 14 point in time. Phosphorus 15 pentasulphide, I'm sorry. 16 Q. Does at mention that in here? 17 A. Not that I know of. You are talking 18 about my understanding of idle sites. 19 Okay. I don't know. You know, I don't 20 recall all of the products that had once 21 been manufactured at Anniston, at this 22 point in my career. But -- 23 Q. Well, it says ongoing monitoring. Just	Page 204 1 than leaving it in place, wouldn't it? 2 A. It is likely to do that, yes. I don't 3 know for sure, but it would seem 4 reasonable to expect it to cost more. 5 Q. Well, in fact it could cost considerably 6 more, couldn't it, Mr. Cheever, based on 7 your knowledge of what those kinds of 8 things could entail by way of expense? 9 A. Yes, sir. 10 Q. But you have indicated earlier that with 11 these kinds of products, parathion, and 12 even the parathion manufacturing process 13 or contaminated residue of one of these 14 toxic wastes that contaminated soil, the 15 better thing to do is to take it to a 16 regulated landfill, isn't it? 17 A. I'm not sure if that is the better way 18 to do it. 19 Q. Is it best to leave it in place? You 20 have previously told us that was the 21 worst solution for these kinds of 22 wastes. 23 A. I don't remember saying that.
Page 203 1 read that third paragraph. Ongoing 2 monitoring and remedial action 3 associated with the old parathion plant 4 and the landfill are estimated at 5 300,000 to 400,000 per year. 6 A. That's exactly what it says. 7 Q. Are they not talking about -- in this 8 letter Mr. Pierle is talking about idle 9 sites being the old parathion plant and 10 the landfill? 11 A. I don't know. It could have been. I'm 12 not sure what he means by that. I was 13 trying to clarify what I would 14 understand idle sides to be. But I 15 don't know what his understanding of 16 idle sites is. 17 Q. Wouldn't it be fair to say, Mr. Cheever, 18 that if one went about to clean up the 19 idle sites -- 20 A. Uh-huh (indicating yes). 21 Q. -- remove the parathion apparatus and 22 dig up contaminated soil and take it to 23 Emelle, that would cost a lot more money	Page 205 1 Q. Well, landfilling it on site I believe 2 you indicated earlier was not -- was at 3 the lower end of the totum pole when you 4 talk about residue -- chemical waste 5 residue that is toxic. 6 A. I'm not sure parathion would be 7 considered toxic. 8 Q. You don't think parathion was a 9 regulated item and wouldn't be 10 considered toxic? 11 A. I don't recall the listing requirements 12 for parathion. Parathion waste -- 13 Parathion was a product that was spread 14 across the land to control -- pesticides 15 in cotton fields among other things. 16 And sometimes moving it from site to 17 site is worse than leaving it in place 18 if it is properly contained in a 19 location that is already there. 20 Q. But that would assume it was properly 21 contained? 22 A. Yes, sir. 23 Q. And when you talk about spread over the

Page 206 1 countryside, you are talking about in a 2 rather diluted form, aren't you, 3 Mr. Cheever? It is not as it comes out 4 of the plant site there. It is pretty 5 -- Y'all make parathion in the pure 6 form, and then it is diluted down for 7 the product that is actually put on the 8 crops, isn't it? 9 A. And any residues that are left in the 10 ground as I recall were pretty much very 11 little concentrations. 12 Q. How do you know that? 13 A. From monitoring ground waters and soils 14 around the landfills and other regulated 15 areas associated with the activities 16 that were ongoing at the time I was 17 there. 18 Q. What would happen if one were to come in 19 contact with some fairly pure form of 20 parathion? What would happen to a human 21 being, Mr. Cheever? 22 A. Parathion? 23 Q. Yes.	Page 208 1 one of these cells or located in the 2 southern landfill, wouldn't that be a 3 violation of y'all's permit and the 4 regulations that govern those landfills, 5 Mr. Cheever? 6 A. I'm sorry. I lost that question. 7 Q. If it was in pure form, fairly high 8 concentrated form and buried outside 9 these landfills, those cells that are 10 located south of 202 and you knew about 11 it and didn't do anything about it, that 12 would be a violation of your permit, 13 wouldn't it, Mr. Cheever? 14 A. The permit was for the active cells. If 15 the stuff was outside the cells, I'm not 16 sure it was a violation of the permit, 17 but it very well could have been. 18 (Plaintiffs' Exhibit Number 19 Thirteen was marked for 20 identification.) 21 Q. Let me show you Plaintiffs' Exhibit 22 Thirteen. Put this one around it if you 23 would. That is a better paper clip.
Page 207 1 A. It is a poison. 2 Q. Were it to get on your skin, your arm, 3 what would happen to that particular 4 person? What effect would happen to 5 them if it was in a fairly concentrated 6 form, Mr. Cheever? 7 A. I don't recall all of the -- all of the 8 things that could go wrong. I know one 9 of the things a person could suffer 10 would be death. 11 Q. Wouldn't it shut their breathing down? 12 A. I don't remember what the -- I'd have to 13 refresh my memory by looking at a 14 material safety data sheet on it I guess 15 to be able to determine exactly what all 16 the target organs and the routes and 17 causes of overexposure or causes of 18 exposure would be. But I remember one 19 of them, being a class B poison, 20 parathion can, if not handled correctly 21 and on a person, can cause death. 22 Q. Okay. And if it was in pure form and 23 buried in such a way that it was outside	Page 209 1 Take a look at that. Are you familiar 2 with this document that is dated 3 February 26, 1987? And it deals with 4 the environmental status of the Anniston 5 plant. 6 A. I am now, yes. 7 Q. Did you see it at the time you worked at 8 the Anniston plant? 9 A. I might have. I can't recall. 10 Q. Do you know who Mr. Hal Corbett is? 11 A. Yes, I know who he is. 12 Q. What was his position with the company 13 at that time? 14 A. I don't recall exactly. I believe he 15 was the -- he kind of had the overall -- 16 He may have been a vice president. I'm 17 searching for a title. He may have been 18 vice president of the environmental for 19 Monsanto Corporation. I'm not sure 20 exactly what his title was. 21 Q. Is he still with the company? 22 A. No, sir. He is retired. 23 Q. Does he live here in St. Louis?

Page 210 1 A. I don't know the answer to that 2 question. 3 Q. What about R. L. Fields? 4 A. Mr. Fields was the director of 5 manufacturing for Monsanto Agricultural 6 Company. 7 Q. R. L. Harness? 8 A. Mr. Harness was the environmental -- 9 vice president of environmental affairs 10 for Monsanto Agricultural Company. 11 Q. Is he still with the company? 12 A. I don't know the answer to that 13 question, sir. He very well may be with 14 Monsanto. I'm not sure. 15 Q. What about V. T. -- Is it Martocci? 16 A. Mattaucci, he was the director of 17 manufacturing for Monsanto Chemical 18 Company, whatever the division was that 19 ultimately assumed management 20 responsibility for the Anniston site. 21 Q. And is he still with the company? 22 A. No, sir. He is retired. 23 Q. Does he live here in St. Louis?	Page 212 1 of the environmental managers of the 2 chemical company. The chemical company 3 had two or three or four environmental 4 managers at that time. He was one of 5 them. 6 Q. Now, based on my reading of this thing 7 -- And you correct me if I'm wrong. But 8 this report had to do with the status of 9 the environmental programs and the 10 issues that might crop up at Anniston 11 because there was going to be a transfer 12 of the management responsibility of the 13 plant from the agricultural company to 14 the chemical company; is that not 15 correct? 16 A. That is correct. 17 Q. And they looked at the consolidation, 18 which our previous documents had 19 referred to, of the -- apparently in the 20 second paragraph they talk about the 21 demise of the parathion manufacturing at 22 the plant. So they apparently were 23 going to do some consolidating at the
Page 211 1 A. I believe he does, but I'm not sure. 2 Q. Who is D. D. Mickelson? 3 A. Dan Mickelson was the director of 4 manufacturing for Monsanto Agricultural 5 Company. 6 Q. Who is Mr. R. G. Potter and Mr. N. L. 7 Reding? 8 A. Mr. Potter, like I mentioned before, is 9 now the chairman and chief executive 10 officer of Solutia, Incorporated. At 11 the time of this he was the president, I 12 guess, of Monsanto Chemical Company. 13 Q. What about Mr. N. L. Reding? 14 A. Nick Reding was the president or 15 whatever he was of Monsanto Agricultural 16 Company. 17 Q. Mr. Redington, what was his position 18 with the company? 19 A. He was the environmental manager for ag, 20 Monsanto Agricultural Company. 21 Q. And was Mr. Pierle his counterpart in 22 the chemical company? 23 A. Yes, sir. He was one of -- He was one	Page 213 1 plant as a result of that. 2 A. They were shutting the parathion 3 manufacturing process down, yes, sir. 4 Q. Now, in the last paragraph they talk 5 about there were a number of future 6 potential environmental issues that they 7 identified in this study apparently that 8 they did of the Anniston plant in '87. 9 Is that not correct? 10 A. That's what it says, yes, sir. 11 Q. Now, if you will look on page two -- 12 really apparently the third page over -- 13 MR. COX: What's the Bate's 14 number? 15 Q. -- fourth page over, Bate's number 16 119462, has page two at the top, has 17 RCRA remedial action. 18 A. Yes, sir. 19 Q. Under that it says old landfill cells. 20 Do you know or have any idea as the 21 person who was in charge of 22 environmental control at the plant at 23 that time what that meant?

Page 214 1 A. That was the leachate collection and 2 monitoring around the cells that are 3 referred to as the western cells of the 4 landfill itself on 202. 5 Q. That is what, now? 6 MR. COX: Repeat your answer. He 7 didn't understand you. 8 A. It is the leachate collection and ground 9 monitoring associated with the western 10 landfill cells of the southern -- of the 11 landfill that is south of Highway 202. 12 Q. Have to do with putting some monitoring 13 wells down? 14 A. Those that were shown on the exhibit 15 that you showed me earlier this morning, 16 yes, sir. 17 Q. They were added after this report -- 18 A. No. They were part of -- This was the 19 cost of an going operation and 20 monitoring of that system. It is the 21 annual cost of keeping the system up and 22 going and doing the analytical 23 determinations of ground water samples	Page 216 1 find out for sure whether it did or not. 2 Q. Had some test that had before performed 3 by some regulatory agency, Mr. Cheever, 4 caused y'all to be concerned about the 5 fact that the water system in Anniston 6 might be affected by PCBs? 7 A. No, sir. 8 Q. Do you know sitting here today as a 9 former employee of Monsanto and the 10 person who might have been as familiar I 11 guess as anybody with the plant site -- 12 do you know of any indication that 13 Monsanto has had that PCBs perhaps 14 contaminated the water supply in 15 Anniston? 16 A. No, sir. I have no indication of that 17 at all. 18 Q. Do you know of any test results by 19 either Monsanto or a contractor with 20 Monsanto or with any of the regulatory 21 agencies that have indicated that, 22 Mr. Cheever? 23 A. No, sir. I'm not aware of anything.
Page 215 1 collected in that area. 2 Q. It also refers in paragraph four to 3 adding monitoring wells? 4 A. Uh-huh (indicating yes). 5 Q. It says three RCRA deep, do you 6 understand that what means? 7 A. Yes, sir. We put some wells in the 8 plant site that were down into the eight 9 hundred to nine hundred foot level, down 10 to that water course that you were 11 talking about earlier that might 12 potentially feed Coldwater Spring. 13 Q. Why did you do that? 14 A. To confirm that the site -- the Anniston 15 site was not having any impact on that 16 water body. 17 Q. What prompted you to become concerned 18 that it was going to have some or might 19 be having some effect on the water body? 20 A. It was a manufacturing site that had 21 been there since the early 1900s, and it 22 was an unknown. We were concerned it 23 might have some impact, and we wanted to	Page 217 1 Q. What did the wells produce as far as any 2 results that would have indicated to you 3 that that wasn't happening? 4 A. I don't recall what the -- My 5 recollection was that there was no 6 indication of any contamination of the 7 wells, but I don't recall exactly what 8 the data showed. 9 Q. All right. Let's go to -- 10 A. At this point in time -- I'd like to add 11 -- That's okay. 12 MR. COX: Go ahead. 13 Q. Go ahead. 14 A. The plant was going through a 15 determination to either sell it or shut 16 it down. And it was looking more and 17 more and more like they were going to 18 shut the plant down and close it and 19 level it to the ground. And one of the 20 concerns was, you know, is there a 21 potential for having any impact. That 22 is what these three wells were put in 23 for.

Page 218 1 Q. Okay. Are those wells still there? 2 A. To the best of my knowledge, but I don't 3 know for sure. They were there when I 4 left, but that was eight and a half 5 years ago. 6 Q. Were they monitored on a regular basis? 7 A. They were monitored on some routine 8 basis, but I don't recall what it was. 9 Q. There is PCB removal mentioned for Snow 10 Creek. 11 A. Yes. 12 Q. What does ERAP mean? 13 A. It is an environmental remedial action 14 project. 15 Q. Is that the project that you previously 16 referred to in the document that was 17 prepared by Mr. Brown? 18 A. ERAP is a financial tool for 19 appropriating funds to conduct work that 20 is not associated with active 21 manufacturing facilities. And Monsanto 22 -- if there was a remedial -- an 23 environmental correction, environmental	Page 220 1 manufacturing of PCBs? 2 A. It was a way to appropriate the funds to 3 execute that work plan that we reviewed 4 earlier without penalizing the plant 5 financially. 6 Q. Just an accounting procedure? 7 A. Yes, sir. 8 Q. Excess WTP operation to facilitate 9 shutdown, what is that? 10 A. Monsanto has a waste water treatment 11 plant on site that were -- six 12 one-million gallon activated sludge 13 waste treatment basins that were built 14 that were operating -- excuse me -- that 15 were operating to run the facility when 16 parathion and all was there. And with 17 parathion going away, we didn't need six 18 basins. We could get by with two. So 19 there was an excess. We had to shut 20 down and dismantle the excess capacity. 21 There was no need to keep it above 22 grade. 23 Q. What was the cost associated with that?
Page 219 1 remedial action undertaken associated 2 with an ongoing active product, the 3 funds came out of that particular 4 product. If there was a concern that 5 the activities, environmental 6 remediation activities, might have been 7 as a result of manufacturing processes 8 historic that had been shut down, as 9 opposed to penalizing the operating 10 group at the time, you filed what was -- 11 was affectionately known as an ERAP. 12 And it appropriated funds out of a 13 corporate-wide budget that didn't 14 penalize any particular operating 15 department or operating group. 16 Q. This may be a dumb question, 17 Mr. Cheever, and if it is, I apologize. 18 But doesn't this indicate that PCB 19 removal of Snow Creek was assumed as a 20 responsibility of Monsanto Chemical 21 Company as a whole -- 22 A. No. 23 Q. -- as a result of the historical	Page 221 1 A. Just the physical cost of dismantling 2 and removal. 3 Q. Which would have been what, a million 4 three seventy? 5 A. That's correct. 6 Q. Now, it says expected -- On the next 7 page, Bate stamped 119463, it says -- 8 A. Uh-huh (indicating yes). 9 Q. Talks about landfill post-closure 10 monitoring. 11 A. Right. 12 Q. Is that the landfills that we are 13 talking about that are active -- 14 A. Yes, sir. 15 Q. -- or landfills that they were talking 16 about that are inactive? 17 A. That is post-closure care of the active 18 landfill cells. Post-closure care is a 19 requirement under the permit that was 20 issued by -- and permit application 21 process under RCRA. And that was the 22 cost associated with the care of the 23 closed landfill. Actually it would have

Page 222 1 been both, but it was primarily around 2 the existing active cells. But it is 3 pretty hard to differentiate closure 4 care of one from the other. 5 Q. Now, in this Bate stamped DSW 9464, the 6 next page, is entitled Anniston -- of 7 this exhibit, is Anniston environmental 8 future potential problems. And this of 9 course was dated -- put out in March of 10 1987. It says chlorinated hydrocarbons 11 in ground water. Isn't that a 12 conclusion they have come to as a 13 potential problem in the future? 14 A. I'm not sure who put this together or 15 what their thinking was when they did 16 it, so I'm not sure what -- I guess we 17 could all draw different conclusions 18 from the statement. 19 Q. What conclusion do you draw from that, 20 Mr. Cheever? 21 A. My conclusion is the fact that whoever 22 put this together was looking at what 23 our potential problems might be, and	Page 224 1 Q. Well, after -- Had the wells to your 2 knowledge been dug as of February 26, 3 1987, and the monitoring gone on for 4 some period of time? 5 A. No, sir, I don't believe it had. They 6 may have. I don't recall exactly. 7 Q. Who did that for you? 8 A. Who put the wells in? 9 Q. Uh-huh (indicating yes). 10 A. I don't recall. 11 Q. It talks about potential -- in paragraph 12 four it talks about potential future 13 mobilization of soil contaminants. At 14 the top of the list it mentions PCBs. 15 A. Uh-huh (indicating yes). 16 Q. Now, again, Mr. Cheever, this document 17 was put together by D. B. Redington and 18 Mr. Pierle, who were environmental 19 people at the corporate level; is that 20 not correct? 21 A. That's correct. At the time they were, 22 yes, sir. 23 Q. Based on your responses to my questions,
Page 223 1 that was -- in the brainstorming list, 2 that came up. 3 Q. What are chlorinated hydrocarbons in 4 ground water? What are chlorinated 5 hydrocarbons? 6 A. PCE, TCE, pentachlorethylene, 7 tetrachlorethylene. 8 Q. Is PCB a chlorinated hydrocarbon? 9 A. I'm not sure if it is classified as a 10 chlorinated hydrocarbon by the person 11 who put this together or not. 12 Q. There is some potential for chlorinated 13 hydrocarbons in ground water. We are 14 not talking about surface water there, 15 are we, Mr. Cheever? 16 A. No, we are not. 17 Q. Then it says deep ground water. What do 18 you understand that means? 19 A. We talked about that earlier. I would 20 guess that that's, you knows, the 21 recharged -- the area that you suggested 22 may be coming from the Jacksonville 23 fault that feeds the Coldwater Spring.	Page 225 1 you appear to be fairly knowledgeable 2 about both the document itself and the 3 reason for the document and some things 4 that were done after the document was 5 put together. Are you telling me today 6 and telling the ladies and gentlemen of 7 the jury that you didn't know in 1987, 8 when these wells were being drilled and 9 all these things were happening there at 10 the plant site in Anniston that there 11 was a potential for the migration of the 12 PCBs off site? 13 A. This -- I don't know who generated this 14 list, but that is their brainstormed 15 idea or list of future problems. I 16 don't know where that came from. These 17 other areas I was familiar with because 18 they were part of what I was responsible 19 for. 20 Q. Well, didn't you see that? 21 A. I'm sorry? 22 Q. Didn't you see that? 23 A. When I was reading -- when you handed

Page 226 1 this to me and I was reading it, yes, 2 sir. 3 Q. Are you telling me you did not see it in 4 '87? 5 A. I don't recall seeing that in '87. I 6 might have, but I don't recall. 7 Q. Weren't you involved fairly actively in 8 some of the responses to the needs that 9 these gentlemen raised about the 10 activities of the plant from '87 on? 11 A. Associated with the activity, yeah, the 12 current -- the operating activities at 13 the site, yes, sir. But I wasn't 14 involved in putting this letter 15 together. 16 Q. You were involved, were you not, 17 Mr. Cheever, in the well project, were 18 you not? 19 A. Yes, sir, I was. 20 Q. You were involved in the dismantling of 21 the parathion facility, were you not? 22 A. No, sir. Well, only from the aspect of 23 helping dispose of residual materials.	Page 228 1 DSW 119461, if you would, Mr. -- 2 A. Sure. 3 Q. And it says dismantlement 12-87 four PCB 4 transformers. 5 A. Uh-huh (indicating yes). 6 Q. What are you talking about here, four 7 PCB transformers, are you not? 8 A. Right. 9 Q. So in fact -- 10 A. I provided the data I guess to somebody 11 -- whoever puts this slide together for 12 this presentation. 13 Q. Well, the memo says, does it not, 14 Mr. Cheever, that basically you were 15 responding to what they had asked you to 16 do in this dismantlement on that 17 Thirteen, on Plaintiffs' Exhibit 18 Thirteen, which is the Anniston 19 environmental review? This is a 20 specific response -- This is the one 21 memo we had that is a specific response 22 to what you did -- 23 A. Yeah.
Page 227 1 But other than that I wasn't involved in 2 the dismantlement of it. 3 Q. And you responded, did you not, to these 4 people, to one of their efforts or one 5 of their requests, did you not? 6 (Plaintiffs' Exhibit Number 7 Fourteen was marked for 8 identification.) 9 A. I may have. 10 Q. Let me show you and ask you about 11 Plaintiffs' Exhibit Fourteen. 12 A. Uh-huh (indicating yes). 13 Q. It is a letter dated May 14th, 1987. 14 This is memo from you, is it not, to -- 15 in response to this document that we've 16 just been looking at? 17 A. I don't recall that they are connected 18 in any way, shape. 19 Q. Let's take a look. 20 A. Maybe it is. I don't know. 21 Q. Let's take a look. 22 A. Uh-huh (indicating yes). 23 Q. Take a look at Thirteen and look back on	Page 229 1 Q. -- in connection with that? 2 A. I was -- Whoever -- Mr. Pierle or 3 Mr. Redington are the two who put this 4 environmental review together for 5 Mr. Potter and Mr. Redington. And here 6 is the list of things that are being 7 done and hope to be done by December of 8 1987, and here is a list of ongoing 9 kinds of things. And this was the -- 10 this was the plan to become -- to 11 adequately remove and properly dispose 12 of four PCB contaminated electrical 13 transformers that were in service at the 14 time the plant was looking at shutting 15 down. 16 Q. Because you wanted to make sure that 17 those PCB contaminated transformers 18 didn't harm somebody in the future, 19 didn't you? 20 A. We were disposing of them in accordance 21 with the regulations that were in 22 existence in 1987. 23 Q. Which were established so that human

Page 230 1 beings wouldn't be affected adversely if 2 this things were to explode or this 3 thing were to burn up; is that correct, 4 Mr. Cheever? 5 MR. COX: Object to the form. 6 Q. Isn't that why you were doing it? Isn't 7 that why the regulations were in place? 8 A. I don't know why the regulations were -- 9 I can't -- I don't know why the 10 regulations were formed. But what I was 11 doing here was disposing of some 12 electrical equipment in accordance with 13 the rules and regulations that were in 14 effect in 1987. 15 Q. Who put them in effect, Mr. Cheever? 16 A. I'm sorry? 17 Q. Who put them in effect? 18 A. They were passed by the Environmental -- 19 United States Environmental Protection 20 Agency as part of the Toxic Substance 21 Control Act, whenever that was passed. 22 Q. And that was the purpose of protecting 23 the environment and subsequently people	Page 232 1 recall it. 2 Q. Sir? 3 A. I'm not exactly certain, but I think I 4 can recall what it is, what it -- 5 Q. Well, that has to do with discharge of 6 parathion from a drain pipe; is that not 7 correct? 8 A. That is correct. 9 Q. An underground pipe? 10 A. No. It says under drain pipe. 11 Q. Do you know where this occurred? Was 12 that on the plant site? 13 A. Yes, sir. I believe it was the -- As I 14 mentioned, we have -- actually there are 15 eight one-million gallon waste water 16 treatment basins on the site, all of 17 them built above grade. Six were in 18 use, and two were inactive. Two were 19 kind of like idle -- spare idle basins. 20 And each one of those basins had some 21 drain pipe underneath them to -- because 22 they were in fact built on grade. And I 23 believe that's what this was. Although,
Page 231 1 who might have to come in contact with 2 this? 3 A. I would guess. I'm not sure why -- what 4 was the thought process behind TOSCA -- 5 MR. COX: Don't speculate on what 6 EPA was thinking. 7 A. -- with our federal legislature. 8 Q. Now, Mr. Cheever, at some point in time 9 y'all had a problem with one of these 10 things that was mentioned that you later 11 reported to the government, did you not, 12 mentioned in Plaintiffs' Exhibit 13 Thirteen, this environmental review, and 14 you reported it to Mr. John Poole or 15 Bill Lott? Bill Lott, do you remember 16 reporting -- 17 A. No, sir, I don't remember reporting it. 18 But I likely did, I guess. 19 (Plaintiffs' Exhibit Number 20 Fifteen was marked for 21 identification.) 22 A. I think I do. I don't know exactly what 23 the incident was, but I think I can	Page 233 1 here again, it is eleven years ago, and 2 so my memory is a little fuzzy. But I 3 believe that is what was occurring at 4 the time. 5 Q. Okay. And this concentration of 6 parathion appeared in a ditch that was 7 north of the plant -- on the northern 8 edge of the plant site? 9 A. I believe so. 10 Q. Near the railroad track? 11 A. Yes, sir. 12 Q. Aren't there people who live just across 13 those railroad tracks from the plant? 14 A. Not that I recall. 15 Q. Nobody lives over there? 16 A. Not that I recall. 17 Q. Okay. 18 A. There may have been, but as I recall, it 19 was just an open space that belonged to 20 the company. 21 Q. Let me ask you, Mr. Cheever. Did y'all 22 talk -- Monsanto, you, these gentlemen 23 who put this environmental status

Page 234 1 together, ever talk to anybody in an 2 official capacity with the state about 3 y'all's concerns about potential 4 problems in the future for the movement 5 of PCBs off the site -- 6 A. I don't recall whether -- 7 Q. -- in 1987? Did you talk to ADEM about 8 it and say, "Hey, fellows, look, we 9 think we may have a problem here in the 10 future"? 11 A. I didn't. I don't know if anybody else 12 did. They could have, but I don't know 13 of it. 14 Q. Do you know of any official reports that 15 were sent to them, or was this just an 16 internal thing that y'all put together 17 in anticipation of perhaps closing the 18 plant? 19 A. There may have been -- there may have 20 been some official communication. I'm 21 not sure. I'm not aware of any. There 22 may have been. 23 Q. Weren't you the individual at the	Page 236 1 A. I don't recall specifically. I'm pretty 2 sure. I think that we -- We, Monsanto, 3 had conversations with the city 4 officials regarding the future of the 5 site and the fact that it might shut 6 down because we were contributing to the 7 city through waste treatment funds and 8 purchase of water and other kinds of 9 activities. 10 Q. Tell me about that. 11 A. Well, we were just a corporate citizen 12 like all corporate citizens in the City 13 of Anniston. We bought water from the 14 city and paid the waste water treatment 15 charges to the city, and pretty healthy 16 sums of both. And if it goes away, it 17 is a shock to the City of Anniston. 18 Anniston had already been through losing 19 many foundries over the last twenty 20 years prior to that. 21 Q. Well, as a part of telling them that you 22 might close down, did you also tell them 23 that you may have created some problems
Page 235 1 Anniston plant that was most closely 2 associated with the people in solid 3 waste management and air and water 4 problems at ADEM? 5 A. Regarding day-to-day activities, yes, 6 sir. But I was not involved in shutdown 7 planning and potential future kinds of 8 activities associated with a shutdown 9 site or the site as a whole. 10 Q. Well, wouldn't you have been involved at 11 least from the environmental aspects of 12 that? 13 A. Only to provide data if they requested 14 so. 15 Q. Did y'all talk to anybody at the city 16 about this problem? 17 A. We may have. I'm not sure. I don't 18 recall. 19 Q. Do you remember ever talking to people 20 at the sewage plant or the water 21 treatment plant or anything like that 22 about any of the concerns that were 23 expressed in this report at that time?	Page 237 1 for you environmentally by burying some 2 stuff over here in the southern landfill 3 that might leach out at some point in 4 time? Did you ever tell them that? 5 A. I never did. I don't know if it was 6 told to them or not. It might have 7 been. But I wasn't party to it. 8 Q. Weren't y'all concerned about it 9 yourself? 10 A. We were concerned about the potential 11 future. That is why we built some 12 reserves to handle it, yes, sir. 13 Q. Okay. But to your knowledge you didn't 14 let those people know? 15 A. Not to my knowledge, but we could have. 16 Q. What about your neighbors, people who 17 lived around those churches that were 18 east of the plant? Did you tell them? 19 A. We could have. I wasn't a party to it 20 if we did it. 21 Q. Did you have a community meeting and 22 say, "We may close this facility down, 23 and here is what we think could happen

Page 238 1 in the future. Your ground water might 2 be contaminated by parathion or PCBs. 3 Your soil might be contaminated in the 4 future"? You didn't do that, did you, 5 Mr. Cheever, with the people who lived 6 and were your neighbors, some of whom 7 had relatives who worked at the plant? 8 You didn't tell them that, did you, 9 Mr. Cheever? 10 A. Not to my recollection, no, sir. 11 Q. Tell me, Mr. Cheever, if that would have 12 not been your responsibility as you 13 understood it under this policy that was 14 enunciated, which you said was an 15 informal policy that had previously been 16 carried on by Mr. -- or previously 17 carried on by y'all as a company but was 18 formally enunciated by Mr. Mahoney? 19 Wasn't that something that you should 20 have done? 21 A. Possibly. 22 Q. But it wasn't done, was it? 23 A. Not to my knowledge.	Page 240 1 is -- It might be just coincidental. 2 But it refers to -- Actually it is a 3 geologist with the ground water section 4 apparently of ADEM. But it refers to a 5 concern that this particular geologist 6 has about the recharge area of Coldwater 7 Spring. 8 A. Uh-huh (indicating yes). 9 Q. The paragraph, the last paragraph on the 10 first page of this document says, "As 11 you know, the Monsanto SWMUs are not 12 included in ADEM's hazardous waste 13 permit." What are they referring to 14 there, Mr. Cheever? 15 A. Solid waste management units, SWMUs, are 16 inactive disposal areas that are 17 regulated under the Hazardous and Solid 18 Waste Act amendments of 1984. And at 19 the time that this was done, apparently, 20 the Alabama Department of Environmental 21 Management did not have the authority 22 from EPA to regulate solid waste 23 management units, only active management
Page 239 1 Q. Now, let me show you Plaintiffs' Exhibit 2 Sixteen and ask you if you could to tell 3 me if you are familiar with that. 4 (Plaintiffs' Exhibit Number 5 Sixteen was marked for 6 identification.) 7 Q. Mr. Cheever, I show you what has been 8 marked been as Plaintiffs' Exhibit 9 Sixteen. Are you familiar with this 10 document dated October the 19th of 1997. 11 It is from a geologist to Mr. Bernard 12 Cox. 13 A. I don't recall seeing it before, but I 14 very well may have. 15 Q. What does it have to do -- Is this the 16 geologist's report that is related to 17 the deep water wells you were talking 18 about that were done, or is it just the 19 monitoring wells? 20 A. I have know idea. You would have to 21 talk to Mr. Mason, I guess, to find out 22 what he was doing. 23 Q. Well, the reason I asked you about this	Page 241 1 units with their hazardous waste permit. 2 I guess that is how I would read that. 3 Q. So you are saying -- When you said 4 earlier that they came by the plant 5 site, the people from ADEM, and 6 monitored the plant site, all they would 7 be looking for in the early part of the 8 time you were there is the active cells? 9 A. That was my recollection, yes, sir. 10 Q. The closed cells were not being 11 monitored at that time? 12 A. The closed cells were under the auspices 13 of the EPA and not under ADEM, 14 apparently from this. I had forgotten 15 that. 16 Q. Was EPA monitoring those closed cells? 17 A. I don't recall EPA coming by. They may 18 have, but I don't recall for sure. 19 Q. Were the PCBs buried in closed cells? 20 A. If PCBs were buried, it would have to 21 have been in closed cells because we 22 didn't do anything while I was there 23 between '83 and '89.

Page 242 1 Q. So it would be fair to say they just 2 fell through the crack then, wouldn't 3 it? 4 MR. COX: Object to the form. 5 Q. Would it? You can go ahead and answer 6 it. 7 A. I'm not sure I know how to answer that. 8 Q. Was anybody monitoring from a regulatory 9 agency, the EPA -- if EPA wasn't coming 10 by and they weren't under your permit, 11 then nobody was monitoring them during 12 that period of time, were they, Mr. -- 13 A. They could have been. I don't recall. 14 Q. Now, this gentleman indicates there is 15 some concern because the areas are in 16 the recharge area for Coldwater Spring? 17 Is that not correct? 18 A. That is what he says, yes, sir. 19 Q. And that is the spring that provides the 20 water supply for the Anniston area, 21 doesn't it? 22 A. I believe that's correct, yes, sir. 23 Q. And he wants ADEM in this particular	Page 244 1 Q. Do you remember settling his concerns 2 about the potential contamination of the 3 Coldwater Spring? 4 A. I don't recall being aware of a 5 potential problem that he had or concern 6 he had with a potential problem with 7 Coldwater Spring until this -- until 8 seeing this. 9 Q. Until you saw this? 10 A. Uh-huh (indicating yes). 11 Q. So you don't remember either Mr. Mason 12 or Mr. Cox ever saying anything to you 13 about the plant, "We are sort of 14 concerned about the fact that there 15 might be a problem with those closed 16 impoundments or solid waste management 17 units"? 18 A. I'm sorry. Again? 19 Q. You don't remember ever talking to 20 Mr. Mason about his concern about the 21 solid waste -- closed solid waste 22 managements units -- 23 A. I don't recall it.
Page 243 1 document, Plaintiffs' Exhibit Sixteen, 2 to press for further evaluation using 3 the Alabama Water Pollution Control Act 4 to require additional ground water 5 assessment activities or possibly modify 6 the state hazardous waste permit. Did 7 either one of those things take place to 8 your knowledge, Mr. Cheever? 9 A. I don't recall either one of those 10 happening. It could have, but I don't 11 recall it. 12 Q. Did you deal with Mr. Cox, who was the 13 chief of the hazardous waste branch, 14 about this at any point in time while 15 you were there? 16 A. I don't recall ever doing anything with 17 this. I had contact with Mr. Cox from 18 time to time, but I don't recall this. 19 Q. Do you remember ever talking with 20 Mr. Fred Mason, who was a geologist? 21 A. Mr. Mason came, was oftentimes one of 22 the individuals who came on site to do 23 the RCRA inspections.	Page 245 1 Q. -- perhaps affecting the Coldwater 2 Spring, the discharge area? 3 A. I don't remember it. 4 Q. Look on page twenty. There is a 5 recommendation. ADEM recommends that 6 Monsanto initiate the following tasks. 7 There are four tasks that are set out 8 there. Initiate assessment of the 9 closed impoundment solid waste 10 management units as soon as possible. 11 It is on page twenty. 12 A. Yes, sir. 13 Q. Was that done? 14 A. Could have been. I don't recall whether 15 it was or not. 16 Q. Did you participate in doing it? 17 A. I don't remember doing so. I may have. 18 Q. Well, wouldn't you be the one who would 19 be in charge of it at the Anniston plant 20 at this time in '87? 21 A. We did -- Yeah. I was there in '87. 22 And we may have done something. I don't 23 recall.

Page 246 1 Q. And then it says initiate additional 2 studies of the effectiveness of the 3 interceptor well system. Did you do 4 anything about that? 5 A. We may have. I don't recall 6 specifically. 7 Q. Evaluate -- Evaluate the depressed 8 ground water gradient areas for 9 verification of water levels and 10 significance of these features. Did you 11 do anything about that? 12 A. We were taking ground water elevations 13 on a routine basis all the time. So to 14 specifically address this 15 recommendation, I don't recall that 16 being a driver. 17 Q. Conduct a geological and hydrogeological 18 evaluation of three deep wells required 19 by EPA's permits, was any of that done? 20 A. I don't know the answer. That could be. 21 I don't recall. 22 Q. Now, above there it has conclusions, and 23 the evaluations that were made -- It	Page 248 1 ground water and collect it. And then 2 it was pumped to the Anniston plant, 3 waste water treatment facility for 4 biological treatment. 5 Q. So y'all got everything out of the 6 ground water then? That was y'all's 7 position at that time? 8 A. That was the reasoning or the -- the 9 reason for the interceptor wells was to 10 intercept any potentially contaminated 11 ground water, bring it up to the 12 surface, pump it to waste treatment, and 13 treat it so that it would not provide -- 14 Q. Wouldn't reach the public and create a 15 problem? 16 A. Yeah. 17 Q. Were y'all testing those wells at that 18 time in 1987 for PCBs contamination? 19 A. No, sir, not that I recall. 20 Q. Wouldn't it have been important for 21 y'all to do that if you were going to -- 22 A. PCB -- 23 Q. -- locate any?
Page 247 1 appears there was some contamination in 2 some instances of either the interceptor 3 wells -- Were you familiar with that? 4 A. Interceptor wells were there to 5 intercept contaminant -- potentially 6 contaminated ground water. That was 7 their purpose. 8 Q. Are you familiar with what contaminants 9 were found in those things, Mr. -- 10 A. Parathion, para-nitrophenol primarily. 11 Q. And those were the things that you were 12 talking about previously that -- one of 13 those, the parathion could cause the 14 death of a person if they were to come 15 in contact with it? 16 A. In certain concentrations, yes, sir. 17 Q. What was done to remedy that situation, 18 if you know? 19 A. Remedy which situations, sir? 20 Q. The finding of contaminants in the 21 interceptor wells. 22 A. The interceptor wells were there to 23 intercept potentially contaminated	Page 249 1 A. PCBs are not soluble in water, so we 2 probably wouldn't have found it if we 3 even sampled for it -- analyzed for it. 4 I'm sorry. 5 Q. They are not what, now? 6 A. Not soluble in water. They are not 7 readily soluble in water, I guess. 8 Q. Okay. Let me go next to a series of 9 things in Seventeen. We are back to the 10 1983 incident. 11 (Plaintiffs' Exhibit Number 12 Seventeen was marked for 13 identification.) 14 A. Uh-huh (indicating yes). 15 Q. Let me ask you if you had anything to do 16 with the preparedness statement that is 17 referred to -- or that is Plaintiffs' 18 Exhibit Seventeen. 19 A. I may have. I don't remember. 20 Q. Okay. What is a preparedness statement, 21 Mr. Cheever, based on your experience in 22 the company? 23 A. This is a press release.

Page 250 1 Q. Press release? 2 A. Yes, sir. 3 Q. Was this put together for y'all with the 4 public relations side of the Monsanto -- 5 A. Normally that is the way it is done. I 6 presume this one was done that way. 7 Q. So this is just to assist y'all in 8 dealing with that incident there at the 9 Monsanto Chemical plant in Anniston when 10 the dredging took place or the Soil 11 Conservation Service proposed to dredge 12 Choccolocco Creek? 13 A. That is what it appears, yes, sir. 14 Q. And is it your position here today that 15 you might have contributed some to the 16 facts in here? 17 A. I might have, but I don't recall doing 18 so. 19 Q. Do you remember who was dealing with 20 y'all from the public relations 21 department at that time, Mr. Cheever? 22 A. I sure don't remember. 23 Q. Okay.	Page 252 1 pounds? 2 A. Yes, it is. 3 Q. Was that stored -- the 3,499,050 pounds, 4 was that stored on site or recovered or 5 whatever? 6 A. The number again, sir? 7 Q. Just go across the line there on the 8 front page. It says sulfur contaminated 9 with organophosphates, 4,200,000 and 10 some-odd figure. And then there is a 11 3,499,000 pound figure, and it talks 12 about the fact that it is either stored, 13 treated, or disposed of. Do you know 14 what happened to those? 15 A. Well, D80 is a code, handling code that 16 means it is disposed of in a landfill. 17 Q. That's -- 18 A. That is the on site landfill disposal. 19 Q. R01 is -- 20 A. R01 is recycled or reclaimed or 21 recovered. 22 Q. Okay. In the manufacturing process? 23 A. Yes, sir.
Page 251 1 A. Could I take a break? 2 (A break was taken.) 3 (Plaintiffs' Exhibits Numbers 4 Eighteen and Nineteen were 5 marked for identification.) 6 Q. Here is Eighteen, and I'm going to show 7 you Nineteen, too. These are two 8 documents dated '83 and '84 and have 9 your name on them. Plaintiffs' Exhibit 10 Eighteen is hazardous wastes generator 11 and on site TSD facility annual report. 12 Can you tell us who you made this report 13 to? Was it to the EPA? 14 A. I don't recall. It was either EPA or 15 ADEM or both. 16 Q. It says installation EPA ID number, but 17 that's -- 18 A. You know, I believe we made them to both 19 agencies, but I don't recall for sure. 20 Q. All right. It says sulfur contaminated 21 with organophosphates. 22 A. Yes, sir. 23 Q. It talks about 4,204,483 -- Is that	Page 253 1 Q. Was that a regulated waste material? 2 A. No, sir. 3 Q. Okay. Have any toxic -- 4 A. No, sir. It was a chemical contaminated 5 waste, but it was not regulated under 6 the solid -- you know, under title 7 whatever, the hazardous waste portion of 8 the solid waste disposal requirements. 9 Q. If that got in the water system or 10 ground water, would that create problems 11 for -- 12 A. I don't know the answer to that 13 question. Could have. 14 Q. And when you say could have, you don't 15 know? 16 A. I have no reason to know one way or the 17 other. 18 Q. The next one is acetone. 19 A. Yes, sir. 20 Q. What is that? 21 A. Acetone is a solvent that was used 22 across the site. 23 Q. What is T02?

Page 254 1 A. It is a treatment technology. 02 is 2 incineration, I believe. I don't recall 3 exactly. 4 Q. Now, do you know where that was 5 incinerated? 6 A. It would have been off site. I'm not 7 sure where, wherever we would have 8 manifested it. 9 Q. P-nitrophenol and contaminated debris? 10 A. Uh-huh (indicating yes). 11 Q. Was that also incinerated? 12 A. The T02 is 02 treatment technology, 13 which is -- I don't know whether that is 14 incineration or whether that's the 15 treatment, you know, using the treatment 16 facility that is on site, the waste 17 water treatment. That may be the waste 18 water treatment plant that was on site, 19 the company-owned treatment plant, the 20 way that was written, and the acetone 21 the same way. Acetone is a very light 22 organic, very easily biodegradable. And 23 that was probably generated and treated	Page 256 1 that was buried on site? 2 A. That is correct. 3 Q. And in fairness, it says methyl 4 parathion and contaminated debris. 5 A. That is correct. 6 Q. That is 142,000 that were buried on site 7 and 60,000 pounds that were shipped off 8 site? 9 A. Uh-huh (indicating yes). 10 Q. Methyl chloride and sulfur, do you know 11 what happened to that? That was 12 buried -- disposed of off site? 13 A. That is correct. 14 Q. Are those regulated chemicals, 15 parathion, methyl parathion, and 16 methylene chloride, chemicals that have 17 to be buried in places like Emelle and 18 regulated landfills? 19 A. They have to be handled in accordance 20 with the requirements of the Resource 21 Conservation Recovery Act, yes, sir. 22 MR. STEWART: We offer that. 23 (Plaintiffs' Exhibit Number
Page 255 1 within the Anniston plant waste water 2 treatment plant as opposed to being off 3 site incinerated. I'm going to correct 4 myself on what T02 means based on 5 looking at that. 6 (Discussion held off record.) 7 Q. Tell us what parathion contaminated 8 debris -- it indicates that was stored, 9 85,000 pounds of it was stored in the 10 landfill; is that correct? Am I reading 11 that right? 12 A. 85,000 pounds would have been disposed 13 of in the on site landfill. 14 Q. And 60,000 pounds were shipped off? 15 A. That is correct. 16 Q. Would that have been to a regulated 17 landfill somewhere or for incineration, 18 or do you know? 19 A. It would have been to a regulated 20 landfill based on the facility ID number 21 that is listed there. 22 Q. And then methyl parathion, it has the 23 same designation for a portion of it	Page 257 1 Eighteen was offered and 2 attached as an exhibit 3 hereto.) 4 Q. And then the next document, which is 5 Plaintiffs' Exhibit Nineteen, we are 6 talking about, again, methyl parathion 7 on the third line there? 8 A. Uh-huh (indicating yes). 9 Q. Stored 62,000 pounds and also says 10 contaminated debris. 11 A. Uh-huh (indicating yes). 12 Q. And then you disposed of 75,000 pounds. 13 Why would you make the distinction or 14 difference in those? You put this 15 together. It is dated in 1984. Do you 16 remember? 17 A. I sure don't remember the reasoning we 18 made the distinction between the two, 19 why we sent some off site, why we 20 didn't. 21 Q. Were your landfills that you had active 22 at that time in 1984 capable of taking 23 something like methyl parathion or

Page 258 1 parathion? 2 A. Yes, sir, it was permitted to do that. 3 Q. Okay. Do you know what site this is 4 where you sent that stuff? 5 A. I do not know. I'd have to speculate, 6 and I choose not to do that. I'm not 7 sure. It can be matched up with the 8 identification number. 9 Q. Okay. 10 A. Someplace in Alabama. 11 Q. Okay. Let me show you -- This would be 12 Twenty. 13 (Plaintiffs' Exhibit Number 14 Twenty was marked for 15 identification.) 16 Q. It is I my understanding, Mr. Cheever, 17 that you left the facility at the end of 18 the calendar year '89. And there is a 19 document here that refers to a -- that 20 was filed with the probate judge's 21 office, a duplicate original of the 22 affidavit made by Mr. Denner, and it 23 talks about the -- prepared by Brenda	Page 260 1 Q. And was that parathion buried in the 2 landfill? 3 A. Yes, sir. 4 Q. In one of the cells? 5 A. Either cell 4-E or 5-E that is described 6 here. 7 Q. Okay. And can I assume from these 8 documents that comprise Plaintiffs' 9 Exhibit Twenty that when you closed 10 these cells that is where the parathion 11 waste that y'all maintained on site was 12 buried? 13 A. Parathion that was generated on site 14 that was buried on site was buried in 15 those cells, yes, sir. 16 Q. Let me ask it another way. To your 17 knowledge, based on your experience 18 there and your responsibilities for the 19 disposing of that waste, there is none 20 that is buried outside the cells 21 themselves? 22 A. Not to my knowledge. 23 Q. Well, wouldn't you have to say if it
Page 259 1 Stedham and sent to Sue Robertson, Chief 2 of Land Division of the Alabama 3 Department of Environmental Management. 4 What it talks about is the burying 5 of approximately 120,750 tons of 6 non-liquid hazardous waste potentially 7 contaminated with 4-nitrophenol and 8 parathion. Are you familiar with what 9 was done at that time? Can you describe 10 for us based on looking at these 11 documents what happened on that 12 occasion? 13 A. I can try to, sir. This is the closure 14 documentation when we closed the active 15 portion of the landfill on the south 16 side of Highway 202. The regulations 17 and our permits require that a notice -- 18 that this kind of a notice be prepared 19 and filed that would indicate where 20 hazardous waste has been disposed of in 21 a closed facility. 22 Q. Okay. 23 A. That is what this was about.	Page 261 1 was? 2 A. I'm sorry? 3 Q. Wouldn't Monsanto have to tell the 4 general public if it was? 5 A. I'm not sure what the requirements are. 6 Q. Does your permit allow you -- Let me ask 7 it this way, Mr. Cheever: To bury 8 parathion in any place or dispose of 9 parathion in any place on Monsanto's 10 property located in Calhoun County at 11 the Anniston plant other than in one of 12 those solid waste management cells -- 13 A. The permit was for the cell 4-E and 5-E 14 that were closed here, and that was for 15 parathion and PNP contaminated wastes. 16 Q. And you couldn't bury it any other 17 place, could you, on the property -- 18 A. That is correct. 19 Q. -- or you would be in violation of your 20 permit? 21 A. I believe that's correct, yes, sir. 22 Q. Now, if you discovered -- Let's say you, 23 Robert Cheever, discovered that outside

Page 262 1 those cells, what would be your 2 responsibility, Mr. Cheever, as the 3 environmental officer of Monsanto 4 Chemical Company? 5 A. Notification would have to be made and a 6 newly discovered solid waste management 7 unit as defined by the hazardous and 8 solid waste amendments of 1984. That is 9 what the SWMU -- That is the distinction 10 between an SWMU and an active hazardous 11 waste management facility. An SWMU is 12 materials placed in or on the ground 13 prior to 1980 or 1984. 14 Q. So -- 15 A. If you became aware of it -- 16 Q. If you became aware of it you would have 17 to do what? 18 A. Some permits -- And I have forgot 19 exactly what the permit requirements for 20 Anniston were. Some are written such 21 that if you become aware of materials 22 that may have been placed in or on the 23 ground, then you have to make a	Page 264 1 there without reporting them? 2 A. I don't recall how -- how the permit was 3 written in 1984 for Anniston. I can go 4 with my experience of what I'm working 5 on now. If we discover a solid waste 6 management unit that has not been 7 previously identified, we submit a 8 written notification to the agency 9 involved, and then that usually begins a 10 dialogue as to how are you going to 11 address the remediation, what is the -- 12 You begin a facility investigation 13 around that newly identified solid waste 14 management unit. 15 Q. What if you find it and don't report it? 16 A. Then you are in violation of your 17 permit. 18 Q. And what are the ramifications of that? 19 A. I'm not sure what the ramifications are. 20 I'm sure there is some consequence the 21 agency is going to impose on somebody 22 who violates their permit. 23 Q. Civil or criminal?
Page 263 1 notification. 2 Q. What happens after you make a 3 notification, Mr. Cheever? 4 A. Most of the time I believe that is all 5 the permit says, is you make a 6 notification, and then the agencies 7 normally respond, and you begin a 8 dialogue at that point in time. 9 Q. Okay. Would you have to place those at 10 some time in one of these cells? Can 11 you just leave it out? 12 A. Normally it becomes the subject of a 13 facility investigation in a different 14 regulatory -- set of regulations that 15 are prepared for the remediation of 16 solid waste management units outside of 17 hazardous -- active hazardous waste 18 management units. 19 Q. Well, I guess what I'm saying is -- I 20 guess what I'm asking is what takes 21 place once you notify those people. The 22 regulations that apply, do they make it 23 an unlawful activity to have those out	Page 265 1 A. I believe it is both. It can be both. 2 Q. Who is the person responsible under 3 those circumstances at, say, the 4 Krummrich plant or the Anniston plant? 5 I mean, who is the person that is the 6 signator on those documents that are 7 related to that? 8 A. The plant manager is normally the 9 designated individual to sign those 10 documents. 11 Q. So he is the person that is ultimately 12 responsible for making sure that if 13 there is something discovered like that, 14 the proper agency is notified? 15 A. Yes, sir. 16 Q. And who would be the proper agency? 17 A. It would depend on whether it is a state 18 permit or a federal permit. It could be 19 one or the other or both. 20 Q. It appeared in the documents we 21 previously looked at that you signed 22 your name to that dealt with parathion 23 and the debris that was contaminated

Page 266 1 that you referred -- when you referred 2 to those you indicated that -- And those 3 were Plaintiffs' Exhibit Seventeen and 4 Eighteen, I believe. You indicated that 5 you reported in both those case to the 6 EPA and to ADEM. 7 A. I don't recall where they went to for 8 sure. This one on Exhibit Nineteen says 9 the Alabama Department of Environmental 10 Management across the top, land program. 11 I don't remember whether that was sent 12 to anybody other than ADEM or not. 13 Q. Okay. So it could just be sent to ADEM? 14 A. It could have been. I'm not sure. 15 Q. If you didn't report it if you found it 16 outside the area where it was supposed 17 to be, parathion or whatever it is, a 18 regulated chemical compound, and you 19 just had to report to ADEM, would the 20 ramifications that you mentioned a 21 minute ago, civil and criminal 22 penalties, be the same? 23 A. I'm not sure what the Alabama Department	Page 268 1 ask you questions about. 2 A. Uh-huh (indicating yes). 3 Q. Apparently it says, "The data used to 4 rank this site was obtained from 5 information collected at the active 6 interim status hazardous waste 7 management facility. Are we going to 8 rank all such ground water contamination 9 which has been detected at active 10 sites?" Do you know what ground water 11 contamination Mr. Cox is talking about 12 or the EPA is talking about? 13 A. I do not know. Have to ask them. 14 Q. You don't know what -- 15 A. No, I sure don't. 16 (Plaintiffs' Exhibit Number 17 Twenty-two was marked for 18 identification.) 19 Q. Then there is a -- This would be 20 Twenty-two. It is a letter dated July 21 1st -- Plaintiffs' Twenty-two is a 22 letter dated July 1st of 1983 to 23 Mr. Jerry Brown from Mr. Bernard Cox.
Page 267 1 of Environmental Management penalty -- 2 civil and criminal penalties are the 3 same as federal EPA's or not. 4 Q. You just are not familiar with that part 5 of it? 6 A. Not now, no. 7 (Plaintiffs' Exhibit Number 8 Twenty-one was marked for 9 identification.) 10 Q. Okay. Let me show you Plaintiffs' 11 Exhibit Twenty-One. I'll ask you to 12 take a look at that and see if you are 13 familiar with that. What I have 14 particular reference to -- These were 15 some rankings that were apparently done 16 in '82 and '83 by the Environmental 17 Protection Agency. There is a letter 18 written by Mr. Cox back to the 19 Environmental Protection Agency about 20 his disagreement with those rankings. 21 And the Anniston plant is referred to on 22 the last page of the document, a little 23 note there. That is what I wanted to	Page 269 1 You were with the company at that time; 2 is that correct? 3 A. Yes, I was. 4 Q. And this letter refers a study that EPA 5 had released that was conducted in 1980 6 of companies that would be potential 7 producers of dioxins. Apparently 8 Monsanto Chemical Company's plant in 9 Anniston had been identified as one of 10 the four Alabama facilities which 11 produce products or have processes that 12 had been previously linked to dioxins. 13 Mr. Cox refers to parathion in his 14 letter, in the second paragraph. Have 15 you seen that? 16 A. Uh-huh (indicating yes). 17 Q. What response, if you know of any, 18 Mr. Cheever, did y'all make to this 19 letter dated July the 1st, 1983, with 20 regard to dioxins? 21 A. I'm not aware. I don't know what if any 22 response was made to this or not. 23 Q. Were you involved in any kind of

Page 270 1 response? 2 A. I might have been, but I sure don't 3 recall it. 4 Q. Mr. Cox says that he wanted information 5 on the processes which substantiates or 6 refutes possibility of either direct or 7 indirect dioxin production, apparently 8 wants to refute what they are saying. 9 Is this the normal procedure that you go 10 through with ADEM and EPA, if they say 11 dioxins are being produced at the 12 Anniston plant site? That is a banned 13 chemical, isn't it, a toxic chemical 14 that -- 15 A. I'm not sure what the status is. I 16 believe it has been. But as far as your 17 question, is this a common practice, 18 yeah. It is not uncommon to be -- to 19 prove that your processes are not the 20 generator of certain waste materials. 21 Q. Okay. Did y'all send him any sampling 22 to your knowledge of the land, air, or 23 water that indicated that dioxin was	Page 272 1 results, sampling of land, air, or water 2 to send to him at this time in July of 3 1983? 4 MR. COX: Object to the form. 5 A. We may have, but I wasn't aware of any. 6 Q. You weren't aware of any? 7 A. No. 8 Q. Were you aware of anything that you did 9 or any testing that you did after this 10 letter was received for dioxins and the 11 parathion production? 12 A. I'm not aware of any. Me way have. 13 (Plaintiffs' Exhibit Number 14 Twenty-three was marked for 15 identification.) 16 Q. Let me show you Twenty-three. This 17 refers to a Therminol trade-in program. 18 I want to ask you about that, 19 Mr. Cheever. Do you want to read it and 20 look at it? 21 A. Go right ahead. 22 Q. What was the Therminol trade-in program? 23 A. Therminol is a heat transfer fluid that
Page 271 1 present at the plant site? 2 A. I presume we answered the letter because 3 we normally did, but what the answer 4 looked like, I wouldn't have the 5 foggiest idea what it was. 6 Q. Okay. Did you -- Were you aware of the 7 fact at the time that you went to 8 Anniston and became the environmental 9 specialist and then later were 10 responsible for environmental affairs 11 there -- were you aware of the fact that 12 parathion production had as a byproduct 13 potentially dioxin. 14 A. I might have been, but I don't recall 15 for sure. That is fifteen years ago, a 16 of water gone on before. 17 Q. I understand. Did you do any testing at 18 that time for it to your knowledge, for 19 dioxins? 20 A. We may have, but I don't recall doing 21 any. 22 Q. So would it be fair to say that you 23 wouldn't have had any tests -- test	Page 273 1 Monsanto sells, a trademark material. 2 Q. Is it a substitute for PCBs? 3 A. No, sir. 4 Q. What was it used in? In what kind of 5 end product would this wind up, 6 Therminol? 7 A. It goes into solar heat panels where 8 they take sunlight shining on 9 metallicized panels and put Therminol 10 behind it. That is one of the uses. It 11 is used in heat transfer and other 12 chemical process reactions because it is 13 a medium you can heat to higher 14 temperatures under low pressure than you 15 can water, as an example. 16 Q. Y'all were taking this stuff back and 17 burning it at the plant? Is that what 18 you proposed to do? 19 A. The proposal was to take spent fluids, 20 fluids that had exceeded their capacity 21 as a heat transfer medium, turn them in, 22 give the purchaser credit, and we'd take 23 the return materials and use it as

Page 274 1 boiler fuel. 2 Q. Okay. Is there any byproduct from 3 that? 4 A. The normal products of combustion, CO, 5 CO2. 6 Q. And that's it? 7 A. Yeah. There is no sulfur or no nitrogen 8 in the product. 9 Q. In the Therminol trade-in program, in 10 the back, it talks about PCBs, says no, 11 on the third page. 12 A. Uh-huh (indicating yes). 13 Q. Do you know what that has reference to, 14 Mr. Cheever? 15 A. I believe this is a specification that 16 is given to potential customers that if 17 you are going to participate in our 18 trade-in program, your material has to 19 meet this specification. 20 Q. Can't have any PCBs in it? 21 A. That is correct. That is what that 22 means. 23 Q. So y'all were not taking back PCBs at	Page 276 1 and employee health data in the MEHI 2 database." 3 A. Uh-huh (indicating yes). 4 Q. Do you know whether or not this was 5 done -- 6 A. Sure was. 7 Q. -- at the Anniston plant? 8 A. Yes, it was. 9 Q. Was it done with regard to all of the 10 employees there? Did they have to go to 11 the doctor and be examined on a regular 12 basis? 13 A. Yes, sir. 14 Q. Was that the plant physician? 15 A. Yes, sir. 16 Q. And then was that information sent to 17 some central location? 18 A. Yes, sir. 19 Q. Where was that? 20 A. Corporate medical, Monsanto corporate 21 medical. 22 Q. And what studies if you know were you -- 23 were made of that particular data,
Page 275 1 that time in connection with the 2 Therminol trade-in program? 3 A. That is correct. 4 (Plaintiffs' Exhibit Number 5 Twenty-four was marked for 6 identification.) 7 Q. All right. Let's me show you 8 Plaintiffs' Exhibit Twenty-four. This 9 is another guideline put out, I assume, 10 by Monsanto; is that correct? 11 A. That is correct. 12 Q. What it refers to is the monitoring 13 apparently of employee health by 14 examination programs that were located 15 in the Anniston plant. And paragraph 16 four is what I'm interested in, and 17 paragraph five. 18 A. Uh-huh (indicating yes). 19 Q. Could you read over those and let me ask 20 you some questions? 21 A. Go right ahead. 22 Q. It says, "Collect and enter workplace 23 materials, worker exposure, work history	Page 277 1 Mr. Cheever? 2 A. I don't know if any particular studies 3 were used with that data, if any. 4 Q. Okay. So you're not familiar with any 5 studies that were done with the data 6 that was collected at corporate medical? 7 A. There may have been some. But I'm not 8 aware of any specifics that were done 9 with corporate medical from Anniston. 10 Q. Who would know about that? 11 A. Whoever is in charge of the medical 12 process at the site at this point in 13 time, whoever that is. 14 Q. At what site? 15 A. At Anniston if you are looking for 16 Anniston data in specific. 17 Q. Okay. Were there any tests that were 18 done company-wide or studies done 19 company-wide? 20 A. There may have been. I'm not aware of 21 any. 22 Q. Okay. Now, it says in the next 23 paragraph, "Continue surveillance of

Page 278 1 workplaces to identify potential health 2 risks, evaluate those risks based on 3 current toxicological knowledge and 4 initiate appropriate safeguards to 5 protect the health of employees." 6 A. Uh-huh (indicating yes). 7 Q. How long has this particular policy been 8 in place? Do you know? 9 A. This guideline was written in 1987, 10 based on the date in the back. But we 11 have been doing industrial hygiene 12 sampling and monitoring as long as I 13 have been employed with the company. 14 Q. And are those particular documents 15 maintained in St. Louis, in the 16 corporate medical database? 17 A. Yes. 18 Q. Do you know how far back they go or what 19 the retention policy is with regard to 20 that? 21 A. No, sir. I don't know what it is. It 22 is part of our records retention 23 guidelines, I'm sure. But I don't know	Page 280 1 Q. Okay. 2 A. What else? 3 Q. Did you serve in any particular capacity 4 in any civic organizations? 5 A. Civic organization? 6 Q. Or church organization? 7 A. Well, church work and served on 8 committees, various committees. 9 Q. At Jacksonville, at First Methodist in 10 Jacksonville? 11 A. Yes, sir. 12 Q. Okay. Can you tell me, if you 13 socialized with some people on a regular 14 basis, were they primarily from 15 Jacksonville? 16 A. Jacksonville, Weaver. 17 Q. Who were your good friends who perhaps 18 still live there, Mr. Cheever, and would 19 be over the age of nineteen and able to 20 serve on a jury? 21 A. Let me see. I don't know if I can name 22 them all. But Louie McDonald was a good 23 friend of ours and still is I would
Page 279 1 what the timing is. 2 MR. STEWART: I believe that's all 3 I have. 4 (Discussion held off record.) 5 Q. (By Mr. Stewart) When you lived in 6 Anniston, where did you live? 7 A. Lived in Jacksonville. 8 Q. Okay. And what social clubs or civic 9 organizations did you belong to while 10 you lived there? 11 A. Kitty Stone Elementary Parent-Teacher 12 Association and Jacksonville High School 13 Parent-Teacher Association. I was a 14 member of Jacksonville First United 15 Methodist Church and in their men's club 16 and friendship Sunday school class. I 17 coached a little league baseball team 18 with a gentleman by the last name of 19 Isom. 20 Q. Ed Isom? 21 A. No. 22 Q. Billy Isom? 23 A. Billy Isom, yeah.	Page 281 1 hope, and his wife Orpha Sue; John and 2 Margaret VanCleave. 3 Q. Who pastors the church I go to. 4 A. I'm sorry? 5 Q. Who pastors the church I go to, which is 6 in Glenaddie, where the Mars Hill 7 Missionary Baptist Church goes. 8 A. Grant and Carolyn Paris are good friends 9 of ours. Ralph Drake is a good friend 10 of mine, my financial adviser. We 11 belonged to a square dance club down 12 there. All these folks did at that same 13 time. That is why it is -- It was kind 14 of a church and beyond. And there are 15 others whose names -- Wayne Dempsey, G. 16 Wayne or J. Wayne, whatever it is -- I 17 guess J. Wayne Dempsey is an associate 18 of mine, friend of mine. 19 Q. Did you serve at the Chamber -- in the 20 Chamber of Commerce in any capacity? 21 A. No. 22 Q. Were you a member of that? 23 A. No, sir.

Page 282 1 Q. Member of the Anniston Y -- 2 A. No, sir. 3 Q. -- or participate in that at all? 4 A. No, sir. 5 Q. Other than your church work and the work 6 you have talked about, did you belong to 7 a fork and knife club -- 8 A. No, sir. 9 Q. -- like Rotary or Civitan or anything 10 like that? 11 A. No, sir. 12 Q. Other than the work with the high 13 school, did you work with the scouts, 14 Boy Scouts? 15 A. Yes, I did. 16 Q. What did you -- 17 A. Well, I had two sons who both were 18 scouts. So I participated, you know, 19 helped them. But I didn't serve in any 20 official capacity with the scouts. 21 Q. Did you do any for or participate at the 22 council level at -- 23 A. No.	Page 284 1 Q. Did she ever hold any positions in any 2 of those things? 3 A. No, not of the sort that you asked me 4 about. 5 Q. What is her name? 6 A. Her name? 7 Q. Yes. 8 A. Mary Jane, two words. 9 Q. And what about the children? Did they 10 hold any positions at all in any clubs 11 or organizations? 12 A. My oldest daughter played in the high 13 school band. 14 Q. What was her name? 15 A. Her name is Leigh Ann, L-e-i-g-h. And 16 she also graduated from the University 17 of Alabama. 18 Q. How old is she today? 19 A. I'm sorry. Again? 20 Q. How old is she today? 21 A. Twenty-nine. 22 Q. So she still has friends there in the 23 Anniston area? I don't want you to name
Page 283 1 Q. -- all? Didn't serve at council level 2 at all? 3 A. No, sir. 4 Q. Were you active in any political 5 organizations, republicans or democrats? 6 A. No, sir. Glen Browder was a friend of 7 mine, as well. 8 Q. Okay. 9 A. Now whether they remember me, having 10 been gone for eight and a half years, 11 is -- Jan and Gene Rhodes is another 12 couple who live in Jacksonville who were 13 very good friends of ours. 14 Q. Do you have any relatives who live in 15 the Anniston area by chance? 16 A. No, sir. 17 Q. What about your wife? Did she have any 18 relatives who lived there? 19 A. No, sir. 20 Q. Was she active in any club or social 21 organizations? 22 A. Only church kinds of groups and school 23 kinds of groups.	Page 285 1 those. 2 A. I don't know whether she does or not. 3 Q. But she graduated from the University of 4 Alabama? 5 A. Yes, she did. 6 Q. When did she graduated there? 7 A. I believe it was '91, but it might have 8 been '92, somewheres in that time frame. 9 I don't recall exactly when. 10 Q. Is your other child a girl or boy? 11 A. I have three other children. I have two 12 boys and two girls total. My son Scott, 13 who is now twenty-six, you know, went to 14 school there. But he didn't graduated 15 from high school. He graduated here in 16 St. Louis. And the other two kids are 17 still in school here in the Rockwood 18 school district. 19 MR. STEWART: That's all I have. 20 (The deposition concluded at 21 4:35 p.m.) 22 23

1 I do hereby certify that the witness
2 whose attached deposition was taken before me
3 was by me first duly cautioned and sworn to
4 tell nothing but the truth in the cause
5 aforesaid; that the testimony contained herein
6 was by me reduced to writing in the presence
7 of said witnesses by means of stenography and
8 afterwards transcribed by means of computer
9 aided transcription. The foregoing is a true
10 and accurate transcript of the whole of the
11 testimony given by said witness, as aforesaid.

12 I do further certify that I am not
13 connected by blood or marriage with any of the
14 parties or their attorneys or agents and that
15 I am not an employee of any of them, nor
16 interested in the matter of controversy.

17 IN WITNESS WHEREOF, I have hereunto set
18 my hand and affixed my notarial seal at
19 Gadsden, Alabama, County of Etowah, this 1st
20 day of June 1998.

21 _____
22 Deborah Salers Garrett
23 Certified Shorthand Reporter
Registered Professional Reporter
Notary Public, Alabama-at-Large
My Commission expires: 3-7-2001

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