

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ALABAMA
3 EASTERN DIVISION

4 JOHN R. SWIFT and
5 BARBARA SWIFT,

6 Plaintiffs,

7 v. CIVIL ACTION NO.: CV-97-AR-2430-E

8 MONSANTO CO., INC., et al.,

9 Defendants.

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12 DEPOSITION OF JO HANSON

13 VOLUME I of II & II

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23 Reported by:

24 Mary Ann Smith. RPR
25 June 15, 1999



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VOLUME I

Mary Ann Smith, RPR

June 15, 1999

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Called by the Plaintiffs:

JO HANSON

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EXHIBITS

(Attached)

Plaintiffs' Exhibit No. One..... 152

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DEPOSITION OF JO HANSON

VOLUME I

PURSUANT TO NOTICE for the taking of the
deposition of JO HANSON, upon oral examination in
the above-styled cause, at the instance of the
Plaintiffs, for the purposes of discovery or use at
trial or both, pursuant to Federal Rules of Civil
Procedure and Alabama Rules of Civil Procedure,
proceedings therefor were held before Mary Ann
Smith, Registered Professional Reporter and Notary
Public in and for the State of Florida at large, at
Sclafani Williams Court Reporters, Inc., SouthTrust
Bank Building, 1800 Second Street, Sarasota,
Florida, on June 15, 1999, commencing at 9:56 a.m.
THEREUPON, the following proceedings were

1 had and taken:

2 MR. STEWART: Do you all want the usual
3 stipulations?

4 MR. COX: That's fine. You may need to
5 tell her what they are. At a break we can
6 tell you what they are.

7 MR. STEWART: There is one other
8 stipulation in addition to the usual
9 stipulations that I want to put on the record,
10 and that is that this deposition, subject to
11 you all's caveat that subject to the stay
12 that's entered by the state supreme court, can
13 be used in the other cases, the Abernathy case
14 and the other cases filed in state court
15 against Monsanto.

16 MR. COX: That's fine.

17 JO HANSON, called as a witness by the
18 Plaintiffs, having been first duly sworn, testified
19 as follows:

20 DIRECT EXAMINATION

21 BY MR. STEWART:

22 Q. Please introduce yourself to the ladies
23 and gentlemen of the jury.

24 MR. COX: State your full name.

25 Q. State your full name.

1 A. I'm Joe Schweikert Hanson.

2 Q. And, Mrs. Hanson, I'm Donald Stewart and
3 I'm one of the attorneys representing the
4 plaintiffs in this case in Anniston against
5 Monsanto. Ellen Malow is also an attorney
6 representing the plaintiffs. Have you ever given a
7 deposition before?

8 A. Yes.

9 Q. Can you tell us when you gave those
10 depositions? How many times have you done that?

11 A. Once.

12 Q. And what case was that involved? Was that
13 involved in this case?

14 A. No.

15 Q. What case was that in, Mrs. Hanson?

16 A. Motco superfund site.

17 Q. It was a superfund site?

18 A. (Witness nodding head.)

19 Q. What was the substance or toxic chemical
20 that was involved in that superfund site?

21 A. Well, that suit was between the contractor
22 and Monsanto over a building incinerator. It had
23 nothing to do with what the chemicals were.

24 Q. What were the chemicals?

25 A. Mostly organic volatiles out of the

1 manufacturing facilities in Texas.

2 Q. Were PCBs involved?

3 A. They were not an issue at that site.

4 Q. When you say Motco, is that the name of
5 the subcontractor?

6 A. No. Motco is the name of the superfund
7 site.

8 Q. Where is the superfund site located in
9 Texas?

10 A. Lamarque, L-A-M-A-R-Q-U-E.

11 Q. When you say the incinerator, what
12 incinerator are you referring to?

13 A. There was an incinerator being built on
14 site to incinerate the material in the ponds.

15 Q. Who was building that incinerator? Who
16 was funding the building of that incinerator?

17 A. Lamarque is the superfund site. It was
18 the first in the nation to get joint funding from
19 EPA and about six or eight PRPs.

20 Q. Was Monsanto one of those?

21 A. Monsanto was one of the PRPs.

22 Q. Who else was involved in funding the site,
23 what other PRP?

24 A. A lot of the petroleum companies down
25 around that area. I can't --

1 Q. Do you remember any of them?

2 A. Not -- no. I can think of some of them,
3 but I'm not sure they were PRPs. I mean, if you
4 have ever been to Galveston, or Texas, they line
5 the coast.

6 Q. Ma'am?

7 A. They line the coast down there. So there
8 is probably --

9 Q. I've been in Houston and I have been in
10 Galveston.

11 A. There is twenty-five or thirty within that
12 area. I'm not sure which ones exactly were the
13 PRPs.

14 Q. What part did Monsanto play in building
15 the incinerator? Did Monsanto contribute to the
16 funding of that incinerator?

17 A. Yes, they were one of the PRPs paying for
18 the remediation.

19 Q. Do you know what part or what portion of
20 the funding was paid for by Monsanto?

21 A. I don't remember.

22 Q. Was it a half or more than a half?

23 A. Oh, it was less than that.

24 Q. Ma'am?

25 A. It was less than that.

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1 Q. A third?

2 A. I think EPA was thirty or forty percent,

3 and the other PRPs all had a piece of it. I don't

4 remember exactly.

5 Q. And what was the basis -- I mean, what was

6 the substance of your testimony in that case?

7 A. I was involved in some of the early

8 characterization at the site.

9 Q. And what else did you -- what did you talk

10 about in connection with that? What did you

11 testify about?

12 A. The materials that were in the pond, what

13 we did in the early days when we were

14 characterizing the site.

15 Q. What materials did you talk about were in

16 the pond and what did you --

17 A. Mostly volatile organics. There were a

18 lot of styrene monomers, all the plastics

19 manufacturing and all the petrochemical stuff down

20 there. I don't remember all the chemicals.

21 Chlorinated solvents.

22 Q. You say you characterize a site or

23 assisted in characterizing the site. What exactly

24 did you do in connection with that site?

25 A. My job was to oversee the consultants that

Page 10

1 were doing the sampling in the ponds.

2 Q. Who did sampling for you there?

3 A. I'm not sure who did all the sampling.

4 When I got involved in the project, Woodward Clyde

5 in Houston was working on the supplemental RFI or

6 SFI, or whatever that document is in superfund

7 terms.

8 Q. Were you a project manager for that site

9 for Monsanto?

10 A. For that piece of the project, yes,

11 managing, getting the documents together.

12 Q. And as project manager, in addition to

13 overseeing the consultant, did you also oversee the

14 construction of this incinerator?

15 A. No, I was not involved in the incinerator

16 at all.

17 Q. Who was from Monsanto?

18 A. Dick Williams and Loretta Anderson and Ken

19 Winkler, I believe, was still down there at that

20 time.

21 Q. Who was that?

22 A. Ken Winkler.

23 Q. And where was Mr. Williams located, where

24 was his offices, Dick Williams?

25 A. I'm not sure where his office was. I

Page 11

1 think he was at the Chocolate Bayou plant.

2 Q. Was he from Saint Louis or is he at some

3 other plant or facility?

4 A. He was originally in the Chocolate Bayou

5 plant in Alvin.

6 Q. In Alvin, Texas?

7 A. Uh-hum.

8 Q. You're saying something. How do you spell

9 that plant, Choco Bayou?

10 A. Chocolate.

11 Q. Chocolate?

12 A. Like a chocolate candy bar.

13 Q. So he was working in that plant and then

14 went over and supervised the construction of the

15 incinerator?

16 A. He was involved. I'm not sure he was the

17 direct supervision of the construction, but he was

18 involved in the project.

19 Q. And then Loretta Anderson, where did she

20 work?

21 A. She also came out of the Chocolate Bayou

22 plant.

23 Q. Are they still working, to your knowledge,

24 for Monsanto?

25 A. I believe Mr. Williams is retired and

Page 12

1 Loretta left ten years ago. I don't know where she

2 is now.

3 Q. What about Ken Winkler?

4 A. He is retired.

5 Q. Where was Mr. Winkler from?

6 A. He was out of Saint Louis.

7 Q. What was his position with the company?

8 A. At that time, I believe he was project

9 manager also.

10 Q. And when was this that you gave the

11 deposition in that case?

12 A. Probably --

13 Q. Do you remember the year?

14 A. Probably '86, '87.

15 Q. What was the nature of the complaint, were

16 you all upset with what the construction company

17 had done as far as building the incinerator, was

18 there some dispute about that?

19 A. Yeah.

20 Q. Do you remember who represented Monsanto

21 at the time, the lawyers who represented Monsanto?

22 A. No. Somebody in downtown Houston.

23 Q. Would it have been Woodard, Hall and Prim?

24 A. I don't think they were representatives in

25 that case. They worked on some of the sites, but I

Page 13

Page 15

1 don't think they were --
 2 Q. They were not involved in that one?
 3 A. I don't think so.
 4 Q. Did you receive a copy, or did Monsanto
 5 receive a copy of your deposition?
 6 MR. COX: Object to the form.
 7 A. I'm sure I did, yeah.
 8 Q. Did you keep a copy of it?
 9 A. No.
 10 Q. And it's your testimony here today that
 11 you have not given a deposition in this case?
 12 A. That's true.
 13 Q. Is this the first case you have been
 14 involved in or situation you have been involved in
 15 where PCBs were involved?
 16 A. It's not the first project I worked on,
 17 no.
 18 Q. What are the projects that you have worked
 19 on where PCBs were involved?
 20 A. I worked on a site in Everett,
 21 Massachusetts.
 22 Q. What was the nature of your involvement
 23 there?
 24 A. I was the project manager on a project to
 25 go in and remove sludge that was contaminated with

1 Q. The construction of what?
 2 A. Well, the actual work taking PCBs out,
 3 demolishing the rest of the building and capping
 4 it.
 5 Q. What regulatory agency were you working
 6 under in Everett Massachusetts?
 7 A. The state. It was a state voluntary
 8 cleanup.
 9 Q. State of Massachusetts?
 10 A. (Witness nodding head.)
 11 Q. What is the environmental protection
 12 agency known as there, do you know, do you
 13 remember?
 14 A. Massachusetts. I don't know if they're
 15 DEP. Do you guys know? I don't remember. I don't
 16 remember. Whatever the state agency is.
 17 Q. What was the year?
 18 A. '91.
 19 Q. Did you do a report on that site?
 20 A. I didn't.
 21 Q. Who did?
 22 A. Well, the consultant who had characterized
 23 the site did a report.
 24 Q. Who was that?
 25 A. GZA. They were --

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Page 16

1 PCBs under a building, and we demolished what was
 2 left of the building and capped the site.
 3 Q. When did this take place?
 4 A. '91, I believe.
 5 Q. And how is it that Monsanto happened to be
 6 involved with the PCBs that were in the sludge?
 7 A. That was the site, the Monsanto
 8 manufacturing facility.
 9 Q. Was it a manufacturing facility that
 10 manufactured PCBs?
 11 A. No, that used PCBs.
 12 Q. For what?
 13 A. I think heat transfer fluids.
 14 Q. What was actually manufactured there, did
 15 they actually make heat transfer fluid at the site?
 16 A. No, they made plasticizers.
 17 Q. How did the PCBs happen to wind up under
 18 the building?
 19 A. I have no idea.
 20 Q. So what you did with that was you went in
 21 and characterized the site, is that what you did
 22 first?
 23 A. No. The plant people had already
 24 characterized the site and I went up there just to
 25 supervise the construction.

1 Q. Go ahead.
 2 A. They did a report that went to the state
 3 after the project was finished.
 4 Q. Who were you reporting to in '91 as the
 5 project manager on that site?
 6 A. My immediate supervisor at that time was
 7 either Jeff Waldbeser or Bruce Yare. I'm not sure.
 8 Q. Jeff?
 9 A. Waldbeser, W-A-L-D-B-E-S-E-R. Or Bruce
 10 Yare.
 11 Q. How do you spell the last name there?
 12 A. Y-A-R-E.
 13 Q. And what position did either Mr. Waldbeser
 14 or Mr. Yare hold, what was their position?
 15 A. They were the managers of the group I was
 16 working in.
 17 Q. Of the group you were -- what was the name
 18 of the group you were working in?
 19 A. Well, at one point, we were environmental
 20 technology and then we became remediation
 21 technology. And I'm not sure of the dates when
 22 that change occurred, but I think in five years we
 23 were about three different names.
 24 Q. Still the same group of people?
 25 A. Yeah.

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1 Q. Just renamed in the company?
 2 A. Yes.
 3 Q. And, of course, that was in Monsanto
 4 company, is that not correct?
 5 A. Yes.
 6 Q. Who did Mr. Waldbeser or Mr. Yare report
 7 to?
 8 A. Stan Proctor was the director of
 9 environmental technology.
 10 Q. And who did he report to?
 11 A. I'm sorry, engineering technology.
 12 Q. Ma'am?
 13 A. Stan was director of engineering
 14 technology.
 15 Q. Who did he report to?
 16 A. Probably Tom Laffery at that time, but I'm
 17 not sure.
 18 Q. What was Mr. Laffery's position?
 19 A. He was one of the vice presidents.
 20 Q. And to whom did he report?
 21 A. I don't remember.
 22 Q. Would he have reported to the president of
 23 the company?
 24 A. I don't think so. I think he reported to
 25 one of the other vice presidents.

Page 18

1 Q. He was a lesser vice president and would
 2 have reported to another vice president?
 3 A. I think so. I don't remember. Monsanto
 4 has changed and reorganized so often in the last
 5 fifteen, twenty years, it's hard to keep up with
 6 who is where.
 7 Q. Who was president of the company at that
 8 time?
 9 A. The president, I'm not sure. CEO was
 10 either -- who was the guy before Shapiro. Whoever
 11 was CEO before Shapiro. I don't remember.
 12 Q. When did Shapiro come in?
 13 A. I don't know. '95, '94. I don't know.
 14 Q. Did these people report to him, Tom
 15 Laffery, and the vice president that Mr. Laffery
 16 reported to report to Mr. Shapiro once Mr. Shapiro
 17 came in?
 18 A. I think Mr. Laffery retired before
 19 Mr. Shapiro came in.
 20 Q. Who replaced him?
 21 A. I don't think he was replaced. I think
 22 that spot was eliminated and everybody got shuffled
 23 around again.
 24 Q. Who did the immediate supervisor that
 25 Mr. Proctor, or his replacement, report to after

Page 19

1 that shuffle was made after Mr. Laffery left?
 2 A. I think somewhere in that shuffle our
 3 group moved from Mr. Proctor to Mr. Foresman.
 4 Q. Michael Foresman?
 5 A. Yes.
 6 Q. Who did Mr. Foresman report to, directly
 7 to Mr. Shapiro?
 8 A. No, originally to Garth.
 9 Q. Originally to --
 10 A. Mr. Fort and then to Mr. -- I don't know
 11 who he reports to now.
 12 Q. Well, who was the person that Mr. Foresman
 13 reported to, to Mr. Shapiro?
 14 A. No.
 15 Q. No one reports to him, he just sort of
 16 sits up there and puts paper clips together during
 17 the day, or do people actually talk to him at a
 18 point from time to time?
 19 A. I'm sure there are people that actually
 20 talk to him, but there is probably three layers in
 21 there between Foresman and Shapiro.
 22 Q. Is there some contact though that is made
 23 with Mr. Shapiro from time to time about major
 24 remediation projects?
 25 A. I'm sure there is.

Page 20

1 Q. Would Anniston be one of those, a major
 2 remediation project, Mrs. Hanson, based on your
 3 experience with that?
 4 MR. COX: Object to the form.
 5 Q. Would it not be? You can answer,
 6 Mrs. Hanson. He has to do that because he has to
 7 justify his trip to Sarasota.
 8 A. I'm sure that Mr. Shapiro was aware of the
 9 Anniston project, yes.
 10 Q. And how would he have been aware of the
 11 Anniston project, Mrs. Hanson?
 12 MR. COX: Object to the form.
 13 A. At some organization through there, some
 14 step up through the organization I'm sure he knew.
 15 Q. A report would have to go across his desk?
 16 A. I would think so.
 17 Q. And who would have prepared that report?
 18 Would that have been a report that you prepared
 19 with some other people?
 20 A. Not likely.
 21 MR. COX: Object to the form.
 22 Q. Would it have been a report that perhaps
 23 Mr. Foresman might have made as a result of the
 24 work that you did and others did?
 25 MR. COX: Object to the form.

Page 21

Page 23

1 Q. You may go ahead and answer,
 2 Mrs. Hanson.
 3 A. I would think that any report that a
 4 consultant that I worked for would not get to
 5 Mr. Shapiro in that detail. I would suspect that
 6 Mr. Foresman or somebody at his level or higher
 7 would have summarized that report to go to
 8 Mr. Shapiro.
 9 Q. For his consideration?
 10 A. Yes.
 11 Q. Now, you were telling us about the PCB
 12 site that you had worked on before the Anniston
 13 site or at the time you were with the company. You
 14 mentioned Everett, Massachusetts. What other site
 15 did you --
 16 A. Saint Louis, Missouri, the Queeny plant.
 17 Q. When did you work on that?
 18 A. Probably '89 and then again in '93, I
 19 believe.
 20 Q. What was the nature of the work that you
 21 did at the Queeny plant in Saint Louis in '89?
 22 A. Well, I was down there twice. We were
 23 doing a RCRA facility investigation. I think we
 24 did some preliminary work in '89 and we went in
 25 again in '93 and did a second phase of the report.

Page 22

1 At one point we were looking for the source of some
 2 PCBs that turned up in their clarifier, floating.
 3 Q. Turned up in what?
 4 A. Their clarifier from their wastewater
 5 discharge.
 6 Q. The wastewater discharge from the Queeny
 7 plant?
 8 A. Yes.
 9 Q. Would that have been in '89?
 10 A. Yes.
 11 Q. Did you prepare or assist in preparing a
 12 report as to what you all found in 1989?
 13 A. I probably assisted in the report, yeah.
 14 Q. Who else was involved in preparing that
 15 report that you all did at the Queeny plant?
 16 A. Bob Boland was the plant environmental
 17 superintendent at the time.
 18 Q. How do you spell that last name?
 19 A. B-O-L-A-N-D.
 20 Q. And what was the substance of the report
 21 that you all prepared?
 22 A. Basically that we had looked through all
 23 the sewers and sampled everywhere we could think to
 24 sample and didn't find any source.
 25 Q. Now, where exactly is the Queeny plant

1 located in relationship to Saint Louis?
 2 A. 1700 South Second Street.
 3 Q. Actually in Saint Louis?
 4 A. Yes.
 5 Q. Were PCBs manufactured at that site?
 6 A. No.
 7 Q. What were PCBs used for at that site, in
 8 the manufacturing process?
 9 A. Well, they were blended and drummed or
 10 canned at that site.
 11 Q. Where had those PCBs that were blended and
 12 drummed and canned been manufactured, if you know,
 13 Mrs. Hanson?
 14 A. I would think one of the two sites where
 15 we made PCBs.
 16 Q. Either Sauget or in Anniston, is that
 17 correct?
 18 A. Yes.
 19 Q. When you put the report together, to whom
 20 did you provide that report in 1989?
 21 A. The plant staff, the plant manager,
 22 probably the manufacturing superintendent. I'm
 23 sure a copy went to general offices somewhere.
 24 Q. A copy went to general office?
 25 A. (Witness nodding head.)

Page 24

1 Q. What type sampling was done? You
 2 mentioned a number of samples were taken.
 3 A. We took soil samples, water samples.
 4 Q. Who did that sampling for you, did you do
 5 it yourself or did you hire somebody to do it?
 6 A. At that time, I believe the plant
 7 technicians did most of the sampling.
 8 Q. Do you remember what regulatory agencies
 9 you provided that information to?
 10 A. I don't think -- I don't remember that
 11 there was any report at that time.
 12 Q. You mentioned, and maybe I misunderstood,
 13 that there was a RCRA?
 14 A. In '93 we were working on the RCRA
 15 facility investigation.
 16 Q. I misunderstood you. I thought you
 17 indicated that happened in '89. But it's actually
 18 in '93?
 19 A. (Witness nodding head.)
 20 Q. Was this an internal investigation that
 21 was conducted in 1989, you didn't have any
 22 regulatory agency involved at that time?
 23 A. No.
 24 Q. Did you report it at all to any regulatory
 25 agency the fact that you all were concerned about

Page 25

1 the fact, the problem with PCBs in '89?
 2 A. I don't know if the plant people reported
 3 to any agency or not.
 4 Q. Based on your experience and knowledge,
 5 were you required to, in '89, report occasions when
 6 you all felt that PCBs might be getting into the
 7 wastewater that would leave the plant site?
 8 A. They were not leaving the plant site. We
 9 sampled the water that left.
 10 Q. Had you found that they were leaving the
 11 plant site, would you not have been required to
 12 report that at that time in '89?
 13 MR. COX: Object to form. Go ahead.
 14 A. Had they been leaving the plant site, yes,
 15 I believe we would have been required to report.
 16 Q. Who would you have been required to report
 17 that to in '89?
 18 A. The city, because the wastewater goes to
 19 the city. And I'm sure EPA and DNR in Missouri.
 20 Q. And what?
 21 A. I believe Missouri is DNR, Department of
 22 Natural Resources.
 23 Q. Would that have been true in '84 or '85?
 24 Would you have been required to report the
 25 off-migration of PCBs from the site to those same

Page 26

1 people if that had occurred at the Queeny plant in
 2 '84 and '85?
 3 A. I don't know.
 4 MR. COX: Same objection.
 5 Q. Ma'am?
 6 A. I don't know. I don't remember dates of
 7 TOSCA and all that exactly, but probably.
 8 Q. What did you all do in '93 in the RCRA,
 9 how did it come about that you all did that
 10 investigation? I believe you called it an
 11 investigation, is that correct?
 12 A. RCRA Facility Investigation, RFI.
 13 Q. And how is it that you all happened to do
 14 that? Were you required to do that by --
 15 A. I believe all manufacturing facilities
 16 eventually have to do RCRA Facility Investigations.
 17 Q. And you all were doing that at Queeny in
 18 '93?
 19 A. Yes.
 20 Q. And when was the legislation enacted that
 21 required you all, or regulation enacted that
 22 required you to do that, if you recall?
 23 MR. COX: Object to the form.
 24 A. I don't know. Sometime in the '70s or
 25 '80s.

Page 27

1 Q. And you all got around to doing the RCRA
 2 investigation. Had you done some previously or
 3 before there on the Queeny plant?
 4 A. I don't know. I hadn't worked at the
 5 Queeny plant before that.
 6 Q. Were you project manager on that
 7 investigation?
 8 A. Yes.
 9 Q. Tell us what you did in your position as
 10 project manager on the RCRA investigation in '93?
 11 A. It was my job to make sure the consultant
 12 got the work done, to coordinate the proper
 13 internal Monsanto specialist that reviewed the work
 14 plans and put the work plans together with the
 15 consultants, reviewed reports when they were done
 16 in a timely manner so that we met all the deadlines
 17 for the agency.
 18 Q. What work? When you're saying work done,
 19 what do you mean? What work was done at the plant
 20 in the RCRA?
 21 A. We sampled most of the old manufacturing
 22 areas.
 23 Q. When you sample, you say you did soil
 24 samples?
 25 A. Soil, groundwater.

Page 28

1 Q. Was a report prepared on the Queeny
 2 plant?
 3 A. Yes.
 4 Q. And who was the author of that report?
 5 Were you involved as one of the people who put that
 6 report together?
 7 A. I was over site to make sure that -- the
 8 consultant actually prepared the report. I made
 9 sure that the correct internal people reviewed the
 10 report.
 11 Q. Who were they?
 12 A. Let's see. At that time, I believe Dale
 13 Wilson was our hydrogeologist.
 14 Q. Was he in Saint Louis?
 15 A. Yes.
 16 Q. When you say internal people, you mean
 17 people at the office in Saint Louis who would
 18 review that?
 19 A. Right.
 20 Q. Dale Wilson was a hydrologist?
 21 A. Hydrogeologist.
 22 Q. Okay. Thought for once I had got some of
 23 those ists right. Who else reviewed it?
 24 A. I think Bruce Yare reviewed it.
 25 Q. Who else?

Page 29

1 A. I'm trying to think who was in the group
 2 at that time. Probably Kimberly Perry.
 3 Q. And what was Ms. Perry? We know what
 4 Mr. Yare was. What was Ms. Perry?
 5 A. Kim's background is environmental science.
 6 Q. What was her position?
 7 A. She would have looked at probably some of
 8 the data quality, some of the sampling techniques.
 9 Q. Do you remember the consultant that did
 10 the work for you?
 11 A. Garety and Miller.
 12 Q. Did they do a good bit of your work at
 13 that time?
 14 MR. COX: Object to the form.
 15 A. On that project they did most of the work,
 16 yeah.
 17 Q. How much work did they do for Monsanto, if
 18 you recall, at that time? At plant sites that you
 19 were involved in, did they ever come in and do the
 20 work?
 21 A. I know they worked at Queeny and on the
 22 Sauget sites. They did odds and ends in a lot of
 23 the sites, but so did a lot of other consultants.
 24 I mean, Monsanto never had a primary consultant.
 25 It depended on the region and where they were.

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1 Q. What was the finding of this group who
 2 worked at Queeny in '93?
 3 A. We reported all the constituents that were
 4 found in the soil samples. Queeny has been there
 5 since 1902. There is a lot of old manufacturing
 6 units. We sampled most of them.
 7 Q. Did you find PCBs there?
 8 A. Yes.
 9 Q. What were the levels?
 10 A. I don't remember.
 11 Q. You don't remember any of the levels that
 12 you found in the soil samples that you took at
 13 Queeny?
 14 A. Not exactly. I mean, they were probably
 15 more than a hundred.
 16 Q. A hundred?
 17 A. Parts per million.
 18 Q. What happened in the soil that had more
 19 than a hundred parts per million in it?
 20 A. As far as I know, nothing.
 21 Q. Nothing?
 22 A. It's in an area --
 23 Q. Was any soil removed from this plant site?
 24 A. No. It's in an area that is mostly paved
 25 now and the rail road tracks. It's not an exposure

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1 concern.
 2 Q. What was done at the site to prevent
 3 exposure in the future?
 4 A. Like I said, most of it is in an area that
 5 is now paved. We submitted the report to the EPA.
 6 And when I left in '97, we had yet to receive a
 7 response from the EPA.
 8 Q. Was there some recommendation made by
 9 either state or federal regulators as to what you
 10 should do?
 11 A. No.
 12 Q. So the report had not been accepted when
 13 you left?
 14 A. I'm not sure accepted is the right term.
 15 We had submitted the report. We were still trying
 16 to get a response from EPA. The Queeny site is not
 17 real high on their list of priorities in that
 18 region. We often submitted things that sat.
 19 Q. What was your recommendation that be done
 20 at the site?
 21 A. The facility investigation does not make
 22 any recommendations, it simply reports what is
 23 there, characterizes the site.
 24 Q. So you made no recommendation as to what
 25 should be done one way or the other?

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1 A. That's not the process.
 2 Q. Did the company ever make a
 3 recommendation, ever say what they felt like should
 4 be done at that site?
 5 A. Not when I left.
 6 Q. So they had no recommendation?
 7 A. Not at that time.
 8 Q. Tell me, if you would, was there some
 9 title for that report, '93 Queeny report, RCRA
 10 report or investigation? If I asked for that
 11 report, how would I?
 12 A. Queeny RCRA Facility Investigation.
 13 Q. Queeny RCRA Facility Investigation. That
 14 would be dated in '93?
 15 A. I think so. It might have been '94 before
 16 we actually submitted the report.
 17 Q. And that was submitted to EPA and also to
 18 the state?
 19 A. I believe the state got a copy of it. EPA
 20 was the primary agency responsible for that site.
 21 Q. Why?
 22 A. You would have to ask the state and the
 23 EPA. They argue back and forth all the time over
 24 who had which sites, but, at that time, EPA was the
 25 primary responsibility we reported to.

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Page 35

1 Q. Is that because the federal government
2 felt like Monsanto, because of its presence in
3 Saint Louis, had too much influence with the state
4 agency?

5 MR. COX: Object to the form.

6 A. I have no idea. At that time, DNR was not
7 geared up to do these sites.

8 Q. What I'm asking though is, did you all
9 have so much influence because of the presence of
10 Monsanto, that being the headquarters and
11 everything, that the federal government felt like
12 it would be best to regulate it themselves?

13 MR. COX: Object to form.

14 A. I don't have any idea what the federal
15 government thought. When I left, there was talk
16 that DNR was going to pick up that site because
17 they had more people and they were getting ready to
18 take over the RCRA program.

19 Q. And that was in when?

20 A. I left in May of '97. So we had --

21 Q. So Missouri had gotten up to speed at that
22 point in time to take over the RCRA site in 1997
23 from the federal government, the State of Missouri?

24 A. We had a meeting early in '97 with both
25 EPA and DNR and there was some discussion at that

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1 point that DNR might pick up responsibility for the
2 site. I left before that was resolved.

3 Q. When you say we had a meeting, who was
4 involved in the we, Mrs. Hanson?

5 A. The plant environmental superintendent, I
6 believe Dale Wilson was at that meeting with me. I
7 was there.

8 Q. Who from the regulatory agencies were
9 there?

10 A. The project manager from EPA.

11 Q. Who was that?

12 A. They had recently changed project
13 managers. I don't remember. Kimberly something.
14 And the state, or the EPA hydrogeologist.

15 Q. Who was that?

16 A. Randy Rordon.

17 Q. Who else was present?

18 A. The guy from DNR.

19 Q. Do you remember what his name is?

20 A. No. That's the first time I had ever seen
21 him.

22 Q. Anybody else present?

23 A. I believe Peter Wright may have been
24 there.

25 Q. Who is Peter Wright?

1 A. He is a Monsanto attorney.

2 Q. Monsanto attorney?

3 A. Yes.

4 Q. And is he from Saint Louis, is he
5 in-house?

6 A. He was.

7 Q. Who else was there that you recall?

8 A. That's all, I think.

9 Q. Who initiated that meeting when you were
10 talking with the state regulators and the federal
11 regulators, do you recall who caused that meeting
12 to take place?

13 A. I believe EPA called us, said they wanted
14 to talk since they had the report for a long time.

15 Q. And they wanted to talk?

16 A. Because they were talking about picking it
17 up and doing something with it and that DNR was
18 interested in taking over the site.

19 Q. Now, tell me, had there been some
20 complaints about the Quceny plant site by residents
21 who live in and around that site?

22 A. No.

23 Q. Are there people who live in and around
24 that plant site, Mrs. Hanson?

25 A. Not on any of the immediate boundaries,

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1 no.

2 Q. How far are residences located from that
3 plant site, if you know?

4 A. Probably six blocks.

5 Q. Did you all find in your report that there
6 had been an off-migration of PCBs from that plant
7 site?

8 A. PCBs, no, I don't think so.

9 Q. Did you do any soil sampling on any of the
10 areas that were contiguous to the plant, but that
11 were not owned by Monsanto?

12 A. We wanted to do some sampling in the rail
13 yard in the east and the railroad wouldn't let us.

14 Q. Why is it that you wanted to do some
15 sampling in the rail yard to the east of the plant?

16 A. Groundwater flows toward the river.

17 Q. What river is that that the groundwater
18 flowed to?

19 A. The Mississippi.

20 Q. So there was some concern on Monsanto's
21 part that they might have contaminated the ground
22 and contaminated the Mississippi River?

23 MR. COX: Object to the form.

24 A. We were trying to characterize the site
25 and determine the extent. That's part of the

1 requirement.

2 Q. So there was some concern on Monsanto's
3 part that there might have been some contamination
4 that had left the plant site and perhaps
5 contaminated the river?

6 MR. COX: Object to the form.

7 A. Part of the requirement of completing a
8 RCRA facility investigation is to characterize the
9 extent of any materials that had moved. We had
10 wells along the plant boundary. There was
11 materials in them. We wanted to sample to the east
12 on the rail yard and the railroad refused to give
13 us permission to sample.

14 Q. What materials were there?

15 A. Chlorobenzene, benzene, a lot of
16 chlorinated solvents, volatiles.

17 Q. What are volatiles? You keep saying
18 volatiles.

19 A. Volatile organic chemicals.

20 Q. Are PCBs considered a --

21 A. PCBs are not volatile.

22 Q. Are they considered to be a semi-volatile
23 organic chemical?

24 A. PCBs don't volatilize.

25 Q. They do not volatilize. Who told you

1 that?

2 A. I'm not sure I could name a specific
3 person that told me that.

4 Q. One wouldn't find them in the air?

5 A. Not as PCBs.

6 Q. Ma'am?

7 A. No.

8 Q. That's your understanding of it?

9 A. Yes.

10 Q. And did you acquire that from somebody
11 that was connected with Monsanto, that knowledge?

12 A. Again, I can't tell you. I mean, that's
13 been years. I can't tell you specifically who. I
14 have a degree in chemistry. I understand the
15 chemistry. They're heavy organic chemicals. They
16 typically don't -- they don't volatilize. They're
17 too heavy.

18 Q. And if Monsanto's air samples had
19 indicated that there was a presence of PCBs in the
20 air that people were breathing around the Anniston
21 plant, you wouldn't have any idea where that came
22 from?

23 MR. COX: Object to the form.

24 A. I don't think we found any PCBs in any air
25 samples.

1 Q. How did you know that?

2 A. When we were working on projects at
3 Anniston we did air sampling.

4 Q. When did they do air sampling?

5 A. On the west-end landfill, on the east side
6 when we were doing the pond.

7 Q. When was that, what year was that?

8 A. The west-end landfill we did fall of '95,
9 spring of '96. The pond on the east side was '96.

10 Q. Who did that air sampling?

11 A. The contractor.

12 Q. Do you remember the contractor's name?

13 A. Westinghouse Remediation Services.

14 Q. Was that at the request of Monsanto?

15 A. It was part of the health and safety plan
16 for the project.

17 Q. And who were those results given to?

18 A. ADEM.

19 Q. ADEM has that. And did you all keep a
20 copy of it?

21 A. Yes.

22 Q. And for what period of time did you all --
23 you say the fall of '95. How many months did you
24 all take samples of that?

25 A. I think we actually started

1 construction -- I think Westinghouse came to the
2 site in late September and it rained until about
3 the middle of November.

4 Q. Late September of 1995?

5 A. I think so.

6 Q. That's on the west-end landfill?

7 A. Yes.

8 Q. And you took air samples then?

9 A. Well, like I said, it rained until
10 probably the middle of November, so we didn't do
11 much of anything until it quit raining.

12 Q. And in the middle of November of '95 you
13 took air samples?

14 A. Whenever we started construction we
15 routinely took air samples, yes.

16 Q. And did you continue that until you
17 completed that?

18 A. Yes.

19 Q. In '95. Well, when did you complete
20 that?

21 A. Sometime early mid '96.

22 Q. And what about the -- you mentioned the
23 work that was done elsewhere other than the
24 west-end landfill. What was the time frame for
25 that work, about the same time frame for the

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1 testing that you did, the air testing that you did?
 2 A. The pond on the east side I started
 3 sometime in '96 after we finished the landfill.
 4 I'm not sure of exact dates.
 5 Q. Maybe mid '96?
 6 A. Sometime in there, yeah.
 7 Q. And you took air sampling beginning then?
 8 A. Throughout that construction, yes.
 9 Q. Until you completed that construction?
 10 A. Yes.
 11 Q. Do you remember when that was? Just your
 12 best judgment, Mrs. Hanson.
 13 A. Late '96.
 14 Q. And those air samples as well were
 15 provided to ADEM?
 16 A. Yes.
 17 Q. Anybody else?
 18 A. At that time, I suspect ADPH got copies.
 19 I don't know if EPA got copies or not.
 20 Q. You're talking about the Alabama
 21 Department of Public Health?
 22 A. Yes.
 23 Q. Anybody else?
 24 A. All the internal people.
 25 Q. Went back up to central?

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1 A. Yeah.
 2 Q. You were talking about the RCRA
 3 investigation at the Queeny facility and we were on
 4 these PCB projects that you had been involved in.
 5 Was there another one that you had some involvement
 6 in?
 7 A. The Sauget landfill.
 8 Q. Tell me about that. What involvement did
 9 you have with the Sauget landfill?
 10 A. In the summer of '92 I was project manager
 11 on site for the characterization of that for the
 12 Illinois EPA.
 13 Q. And did you all prepare a report?
 14 A. Yes.
 15 Q. Now, can you tell me what you were looking
 16 for at the Sauget landfill? That was another
 17 facility at which Monsanto manufactured PCBs, was
 18 it not?
 19 A. Yes.
 20 Q. Were you looking for PCBs in the
 21 landfill?
 22 A. The focus was not PCBs. We were
 23 characterizing what was in the landfill.
 24 Q. Well, did you find any PCBs in the
 25 landfill?

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1 A. There were PCBs in the landfill, yes.
 2 Q. Can you give me some idea of the size of
 3 the landfill that you were looking at?
 4 A. Twenty-three acres, I believe. Something
 5 like that.
 6 Q. And do you have any idea as to how many,
 7 the amount of PCBs that were buried in that
 8 landfill? Did you all ever make a determination
 9 to --
 10 A. No.
 11 MR. COX: Make sure you let him finish
 12 his questions.
 13 Q. Do you know how many cells were contained
 14 or in those landfills?
 15 A. No.
 16 Q. What did you all do in order to
 17 characterize that? Just tell me what you did in
 18 order to characterize that site.
 19 A. The landfill had been capped in 1989 or
 20 '90 with three to six feet of clay. The Illinois
 21 EPA wanted us to characterize what was in there so
 22 we drilled, I believe, sixteen borings down the
 23 middle two rows down the middle of the landfill,
 24 took samples. We had wells along the perimeter of
 25 the landfill, the groundwater samples.

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1 Q. Was there off-migration of PCBs from that
 2 landfill?
 3 A. There is no PCBs in the groundwater, no.
 4 Q. Was there at the time you started the
 5 project?
 6 A. No.
 7 Q. Did you find PCBs in the landfill?
 8 A. Yes.
 9 Q. What kind of levels?
 10 A. I don't remember specific levels. Every
 11 boring was different. Some of them were pretty
 12 high. Some of them had none.
 13 Q. What do you mean by pretty high?
 14 A. A thousand parts per million.
 15 Q. Did you find any that were a percentage of
 16 the soil where they were, you know, actually off
 17 the Richter scale?
 18 A. We don't measure PCBs on the Richter
 19 scale.
 20 Q. I understand that. That's just a figure
 21 of speech, Mrs. Hanson.
 22 A. I don't remember --
 23 Q. Finding it that high?
 24 A. -- finding any that -- there may have
 25 been. I don't remember.

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1 Q. Do you remember whether you all found any
2 off-migration, at any point in time, with PCBs off
3 that site?
4 A. There were none in the soil samples we
5 took to the west of the site. There were no PCBs
6 in the groundwater.
7 Q. Now, Sauget, were you told anything about
8 the history of that site or how it had been
9 regulated, Mrs. Hanson, at the time that you became
10 project manager for that site?
11 A. We included a fairly, not a very specific
12 history in the report that went to the EPA. There
13 were estimates of how much stuff had been hauled
14 over there over the years, but it was estimates
15 from plant people. There are no specific numbers.
16 Q. Where did you get those estimates?
17 A. From the plant.
18 Q. From the plant people, the people who
19 worked at the plant?
20 A. (Witness nodding head.)
21 Q. And were there --
22 A. Can we take a break, please?
23 MR. COX: Sure.
24 MR. STEWART: Certainly. Any time you
25 want to.

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1 (Recess.)
2 Q. Before the break you were telling us about
3 some soil sampling you did. I think it was west of
4 the landfill at Sauget. Did you take any sample of
5 north, south or east of the landfill?
6 A. Yes.
7 Q. What did you find?
8 A. A lot of coal.
9 Q. Did you find any PCBs in the samples?
10 A. I think there may have been some very low
11 levels. I don't remember.
12 Q. What were low levels?
13 A. Part per million or less.
14 Q. Who did that soil sampling for you east
15 and north and south of that landfill?
16 A. Garety and Miller did that investigation.
17 Q. How was that sampling investigation or
18 work that was done by Garety and Miller
19 identified?
20 MR. COX: Are you talking about reports?
21 MR. STEWART: I assume that's what I'm
22 talking about, but yeah.
23 Q. Whatever the sampling -- what form did it
24 take?
25 A. I'm not sure exactly. Illinois EPA was

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1 the regulatory agency. I forget what superfund
2 calls it, site investigation or site
3 characterization.
4 Q. Was this a superfund site?
5 A. No, but Illinois EPA uses the same format
6 for their reporting site investigations.
7 Q. Did they entitle it a superfund site under
8 the state regulatory activity?
9 A. I don't remember for sure.
10 Q. Do they have such a thing under state
11 regulatory activity in Illinois as a superfund site
12 and a --
13 A. I don't remember what Illinois calls those
14 sites. They have a group that looks at old sites,
15 but I'm not sure the exact nomenclature that they
16 use.
17 Q. You have indicated that the site was
18 capped in 1989. Why was it capped in '89?
19 A. It was no longer being used.
20 Q. Was it being used before '89, say in '86,
21 '87?
22 A. I don't think so.
23 Q. When had the use of that site stopped?
24 A. I don't remember.
25 Q. Was it in the '80s?

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1 A. I think it was before that. I don't
2 remember.
3 Q. The '70s?
4 A. I don't remember.
5 Q. Why was it capped? Who required that it
6 be capped?
7 A. I don't know that anybody required that it
8 be capped.
9 Q. Monsanto capped it without going through
10 any regulatory process?
11 MR. COX: Object to the form.
12 A. I don't know. That was before I got
13 involved. I don't know if the plant handled that.
14 I don't know the process.
15 Q. Tell me, if you would, Mrs. Hanson, when
16 you went to a site, did you just go there and not
17 care what happened historically at the site, or did
18 you find out what was the history of the site?
19 A. What happened -- the history of the site
20 generally isn't that important. You're going there
21 to characterize what's there now.
22 Q. So you don't care what was manufactured
23 there?
24 A. I'm not sure I don't care is the correct
25 term. That is generally not an important piece of

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1 you from time to time that there is a way to
2 calculate the amount of waste that one would find
3 coming off a certain level of production?

4 A. There are ways to estimate those amounts.

5 Q. So if one had the historical records then
6 one would have some idea of the amount of waste
7 that would come off of PCB production, is that not
8 correct?

9 MR. COX: Object to the form.

10 A. If you had specific production data you
11 could estimate the amounts of waste.

12 Q. Now, tell me, if you would, if you know,
13 what happened, just based on the history of the
14 Saugnet plant, what happened to the PCB waste that
15 left that plant or came off that plant, the
16 production of PCBs? Was it all buried on the plant
17 site or did some of it go somewhere else?

18 A. I don't know.

19 Q. To your knowledge, Mrs. Hanson, do you
20 know, historically, if any of that -- strike that.

21 Do you know or recall if anybody ever told
22 you that they had an incinerating facility located
23 at that plant site at some point in time?

24 A. At Saugnet?

25 Q. Yes, ma'am.

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1 A. I don't remember. I don't think so.

2 Q. Were there any PCBs ever incinerated by
3 Monsanto?

4 A. I believe we have sent some waste to
5 incinerators at waste disposal facilities.

6 Q. Where?

7 A. I don't know all the specifics.

8 Q. Give me the best knowledge that you have,
9 Mrs. Hanson, about where that was sent to, where
10 PCB waste was sent to incinerating facilities?

11 A. I don't remember any of the specifics.

12 Q. Were there some in Texas?

13 A. I don't think we had a lot of PCB waste
14 out of Texas.

15 Q. Were there some sent from Saugnet to Texas?

16 A. I don't know.

17 Q. What about Louisiana?

18 A. What about Louisiana?

19 Q. Were there some sent from Saugnet or other
20 plants to Louisiana to be incinerated?

21 A. I don't know.

22 Q. What about Massachusetts, were there some
23 PCB waste sent to Massachusetts for incineration at
24 some point in time?

25 A. I don't know.

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1 Q. Well, what is it you know? You indicated
2 in a previous response --

3 A. You asked me if Monsanto had ever burned
4 any PCBs.

5 Q. Yes, ma'am.

6 A. I don't know specifics about where they
7 were burned.

8 Q. Tell me what you know about their
9 burning? Let me ask it that way.

10 A. What I know -- I don't know anything.

11 Q. Did anyone ever tell you that,
12 historically, PCBs were burned by Monsanto,
13 incinerated? They did, didn't they?

14 A. I believe there was a facility in
15 Massachusetts.

16 Q. And do you know when that happened?

17 A. No.

18 Q. And do you know where the PCB waste came
19 from? Was that not Saugnet?

20 A. I don't know.

21 Q. Well, who exactly told you or informed you
22 about that, Mr. Papageorge, Bill Papageorge?

23 A. About what?

24 Q. About the incineration of PCBs.

25 A. I know that there was an incinerator at

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1 Everett because the project I worked on at Everett
2 was near the site where they had capped the old
3 incinerator.

4 Q. And when exactly did they cap the old
5 incinerator in Everett?

6 A. I don't know. Before I got there in '91.
7 I have no idea.

8 Q. Could it have been sometime in, say the
9 '80s?

10 A. I don't know.

11 Q. Do you know who capped it?

12 A. No.

13 Q. Do you know who required it to be capped?

14 A. No.

15 Q. Do you have any idea as to when that
16 incinerator was -- was it used just in connection
17 with the Everett, Massachusetts plant, or was it
18 used in connection with PCBs from other plants?

19 A. I don't know.

20 Q. Who would, if you know, Mrs. Hanson, have
21 knowledge about the incinerator that was set up
22 by -- was it by Monsanto?

23 A. At Everett?

24 Q. Yes.

25 A. I don't know. It was on the Monsanto

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1 the investigation. The agencies usually want to
2 know some history of what was manufactured at the
3 site, but we don't go into details about day-to-day
4 activities or waste disposal practices.

5 Q. You're not concerned about the amount of
6 waste that is buried there?

7 A. We're more concerned about the extent of
8 it, is it moving off site, and groundwater.

9 Q. So, and I want to be clear about this so
10 that I understand it, Monsanto's procedure is to
11 send you in as project manager totally ignorant of
12 what the plant previously did?

13 MR. COX: Object to the form.

14 A. I know what the plant previously did. I
15 don't know details of manufacturing procedures. I
16 know generally what they made. You have to know
17 some history to know what type of chemicals to look
18 for, but it's not important that you know details
19 of the manufacturing history.

20 Q. Who exactly indicated that to you when you
21 began to work for Monsanto, I assume you picked
22 that up from the time that you worked for Monsanto
23 as a project manager who was asked to go in and
24 characterize the site, it really didn't matter that
25 you knew the details of the manufacturing process

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1 or the amount of waste that was buried on site?

2 MR. COX: Object to the form.

3 Q. Who told you that when you first went to
4 work with them that that was a procedure that you
5 all followed as project manager?

6 A. I don't know that anybody ever
7 specifically told me that.

8 Q. Where did you pick it up, Mrs. Hanson?
9 You've indicated to me that was --

10 A. You generally follow the requirements that
11 the agency asks you for. If the agency asks for
12 what the plant manufactured, you tell them. The
13 agency doesn't ask for a day-to-day detailed
14 history of the plant.

15 Q. All right. Did Monsanto have any kind of
16 policy in place as to what you, as a company, or
17 Monsanto as a company, wanted to make sure of about
18 protection of the health and the environment, the
19 health of people near the plant and the
20 environment?

21 A. I'm not sure I understand the question.

22 Q. Did you all have a pledge that you all
23 instituted at some point in time during the time
24 you worked with the company?

25 A. That's fairly common knowledge that there

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1 is a Monsanto pledge out there, yes.

2 Q. What did that have to do with it, if you
3 recall? And I'm not asking you to recite it
4 verbatim. I'm just asking you, what was the
5 general substance of that pledge?

6 A. Generally, that we do the right thing.

7 Q. Would doing the right thing require you,
8 at some point in time, Mrs. Hanson, to have some
9 general idea of the history of the manufacturing
10 process that went on at a given plant where you
11 were project manager?

12 A. Yes, we usually had some general idea of
13 what went on at the plants.

14 Q. And would you not also want to know what
15 amount of waste and the type of waste that might be
16 buried in and around that plant, not under a
17 regulatory authority, under the pledge that you all
18 took to make sure that you protected your
19 neighbors? Wouldn't you want to know that?

20 A. We generally knew what types of waste were
21 there.

22 Q. Well, you knew what kind of production
23 went on at the plant historically, didn't you, the
24 amount of product that was produced? You all have
25 archives that have that information, do you not?

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1 A. I generally didn't know specific volumes
2 and production quantities.

3 Q. That's not what I asked. I'm asking you
4 if you know for a fact that Monsanto has those kind
5 of archives, whether they knew what kind of
6 production went on at plants like Sauget or
7 Queeny. They did, didn't they?

8 MR. COX: If you know.

9 Q. They had that historical data, didn't
10 they, Mrs. Hanson?

11 A. I myself have never seen such documents.

12 Q. I'm not asking you, Mrs. Hanson, if you
13 have seen such documents. I'm asking you if you
14 know for a fact that they do have such documents.

15 A. I don't know that for a fact.

16 Q. So you're sitting here today telling me
17 that you don't know that there is historical
18 production records for plants like Queeny and
19 Sauget?

20 A. I don't know for a fact that there are
21 detailed historical production records. The plants
22 have been there for years.

23 Q. And is it not a fact that -- let me ask
24 you this. Is it not a fact, Mrs. Hanson, that
25 there are people in Monsanto who have indicated to

1 plant site.
 2 Q. So there was an incinerator on the
 3 Monsanto plant site at Everett. What is the name
 4 of that plant?
 5 A. Everett.
 6 Q. Everett, that's what they call it, the
 7 Everett plant?
 8 A. (Witness nodding head.)
 9 Q. To your knowledge, was there ever a PCB
 10 incinerator located at the Sauget plant?
 11 A. I don't know.
 12 Q. Did anyone ever tell you that they had
 13 capped an incinerator there?
 14 A. No.
 15 Q. Who told you that in your investigation of
 16 the plant site in Everett that they had an
 17 incinerator that they had capped there?
 18 A. I did not do an investigation at the
 19 Everett site.
 20 Q. Who told you that though? You became
 21 aware of it through some means, Mrs. Hanson.
 22 A. The people at the plant.
 23 Q. Who were the people at the plant who told
 24 you that?
 25 A. I believe Eric Brimer was the

1 superintendent, environmental superintendent at the
 2 time.
 3 Q. Eric Brimer?
 4 A. Uh-hum.
 5 MR. COX: You need to say yes or no.
 6 THE WITNESS: Yes.
 7 Q. I think she generally gets it. Who else?
 8 A. I don't remember who else was at the plant
 9 at that time. Eric was the primary contact.
 10 Q. Do you know if he is still with Monsanto?
 11 A. He is not.
 12 Q. Do you know where he is?
 13 A. I have no idea.
 14 Q. In connection with this site at Sauget,
 15 you all drilled, I think you said sixteen borings,
 16 is that right?
 17 A. I think so.
 18 Q. And you found no PCBs. You made that
 19 report --
 20 A. No, I said we found PCBs.
 21 Q. Yeah, I'm sorry. In some of them and some
 22 you did not?
 23 A. Right.
 24 Q. You made that report to the EPA?
 25 A. Illinois EPA.

1 Q. Illinois EPA. And what did they require
 2 you to do, the Illinois EPA?
 3 A. When I left we had not had a response from
 4 the Illinois EPA on that report.
 5 Q. What did you all indicate -- what did
 6 Monsanto indicate to the Illinois EPA that should
 7 be done with that plant site?
 8 A. The site characterization does not make
 9 recommendations.
 10 Q. Are you aware of any recommendation that
 11 was in the offering that Monsanto -- what position
 12 did Monsanto take?
 13 A. I worked on the characterization of the
 14 site and we turned that report in to Illinois EPA.
 15 When I left, we had not gotten any response from
 16 Illinois EPA. I went on and did other things. I
 17 don't sit and follow them up. I mean --
 18 Q. Whose position or whose job was it in the
 19 company to make a decision about what to do about a
 20 particular site after you all characterized it?
 21 A. Depends on the site.
 22 Q. Sauget?
 23 A. I don't know who has responsibility for
 24 the Sauget site.
 25 Q. Queeny?

1 A. I don't know.
 2 Q. Is there a level of funding that people
 3 have a capability to say yes or no about?
 4 A. I'm sorry. Say that again.
 5 Q. Let me clarify my question to you.
 6 A. Okay.
 7 Q. If it costs a million dollars to remediate
 8 a plant site, can Jo Hanson go in and say, spend
 9 the million dollars?
 10 A. No.
 11 Q. Who has to say grace over that? Do you
 12 understand my term say grace over?
 13 A. Yes. I'm not sure what the approval
 14 levels are. Certainly it was above my level.
 15 Q. Would it be above Mr. Foresman's level?
 16 A. A million dollars, I don't know.
 17 Q. Well, what if you bump it up to 32
 18 million, who has to say grace over
 19 that, Mrs. Hanson?
 20 A. I don't know. That is certainly above
 21 Foresman's level.
 22 Q. Would it be above Mr. Proctor's level?
 23 A. Mr. Proctor was never in that chain.
 24 Q. Who else would be in that chain?
 25 A. Mr. Pierle.

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1 Q. Mr. Pierle?
 2 A. (Witness nodding head.)
 3 Q. Certainly it was above Mr. Pierle's level,
 4 wasn't it?
 5 A. I don't know.
 6 Q. You mean he could spend 32 million dollars
 7 of Monsanto's money and not have to go talk to
 8 anybody about it?
 9 A. I don't know. This is three or four
 10 levels above me. I turned in my report, I went on
 11 to the next site. I was not in the decision making
 12 chain.
 13 Q. How much was spent at Sauget?
 14 A. On the site investigation?
 15 Q. Yes.
 16 A. I would say between half a million and a
 17 million.
 18 Q. Ma'am?
 19 A. Between half a million and a million.
 20 Q. How far up the chain did that go,
 21 Mrs. Hanson, to your knowledge?
 22 A. I don't know.
 23 Q. Well, isn't it a fact that there had to be
 24 some sign-off at the chairman of the board level on
 25 that kind of money?

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1 A. On what, a million?
 2 Q. Yes.
 3 A. I don't think it went -- I don't know. I
 4 don't think it went that far, but I have no idea.
 5 Q. So you're telling me that Mr. Foresman or
 6 Mr. Pierle can spend a million?
 7 A. I don't know.
 8 Q. I'm just asking for your best judgment and
 9 your experience. And based on your experience --
 10 let's go back to the Anniston site. Who did you
 11 send that report to?
 12 MR. COX: What report are you talking
 13 about?
 14 A. Yeah, which report?
 15 Q. Didn't you characterize the site and come
 16 up with a remediation plan? I mean, Mr. Faust and
 17 Mr. Mayausky have said you did that. I just want
 18 to know if you did it.
 19 A. When I went to Anniston, the site
 20 characterization for the west-end landfill had been
 21 completed and it was my responsibility to oversee
 22 the actual construction.
 23 Q. Remediation work?
 24 A. Remediation work.
 25 Q. How far up the line did that project have

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1 to go?
 2 A. I don't know. It was approved when I got
 3 there.
 4 Q. What about the pond, how far up the line
 5 did that have to go?
 6 A. I don't know.
 7 Q. Give me your best judgment. Did you get
 8 an okay from Mr. Pierle?
 9 A. I think Pierle, yes.
 10 Q. And did Mr. Pierle say that he had talked
 11 to his superiors and they okayed that?
 12 A. Mr. Pierle did not talk much. I never
 13 heard him say that.
 14 Q. He talks a little more than you think,
 15 but --
 16 A. Not to me.
 17 Q. Maybe that's depending on who is he
 18 talking to and what he is talking about,
 19 Mrs. Hanson?
 20 A. I wasn't on a daily speaking basis with
 21 Mr. Pierle.
 22 Q. Who would he have reported to,
 23 Mr. Shapiro?
 24 A. I don't know.
 25 Q. Based on what I've read, he is a pretty

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1 hands-on kind of guy, Mr. Shapiro. Do you think
 2 maybe he might have known something about the
 3 Anniston project?
 4 MR. COX: Object to the form. You're
 5 asking her to speculate about what Mr. Shapiro
 6 knew.
 7 MR. STEWART: Is that an objection?
 8 MR. COX: That was an objection. Sorry.
 9 THE WITNESS: I don't know what
 10 Mr. Shapiro knew.
 11 BY MR. STEWART:
 12 Q. Would it be your assessment of the
 13 situation there, based on the amount of money that
 14 was spent in Anniston, that he more than likely had
 15 knowledge of the Anniston problem, Mrs. Hanson?
 16 MR. COX: Object to the form.
 17 A. I don't know. I think I saw Mr. Shapiro
 18 twice in my life across the room. I don't know
 19 what Bob knew. I was not a friend of Bob.
 20 Q. You didn't like him?
 21 A. I didn't like him or dislike him.
 22 Q. You just weren't socially acquainted?
 23 A. That's it.
 24 Q. What was the other project, what were the
 25 other projects that you worked on?

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1 MR. COX: Other PCB projects? Or do you
2 want --
3 MR. STEWART: Well, we're going to start
4 with PCB projects and that's where we were and
5 we will continue with that.
6 Q. If there were more -- if it's that big a
7 problem, if there were more, please tell us.
8 MR. COX: I just want to make sure she
9 understood which projects you were talking
10 about.
11 MR. STEWART: All right. Just trying to
12 follow up on what she had directed me to do.
13 THE WITNESS: I don't think I can
14 remember all the projects I worked on in
15 twenty-one years at Monsanto.
16 BY MR. STEWART:
17 Q. I'm not asking you to do that. I'm asking
18 you about PCB projects.
19 A. I think those were the primary PCB sites.
20 Q. Were there any others of the size or
21 magnitude of, say Anniston?
22 A. No.
23 Q. Sauget wasn't even that size, was it?
24 MR. COX: Object to the form.
25 A. I don't know what Sauget's cost.

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1 Q. Do you have any estimation as to what has
2 been spent at Sauget by Monsanto since you did that
3 report?
4 A. No.
5 Q. Do you have any estimation as to what was
6 spent on your report? I believe you told us a half
7 million to a million dollars?
8 A. Somewhere in that neighborhood.
9 Q. Do you know how that compares with the
10 Monsanto site in Anniston?
11 A. No.
12 Q. Do you have any idea as to how much it
13 cost to remediate the west-end landfill in
14 Anniston?
15 A. I think we spent a million seven or
16 something like that.
17 Q. A million what?
18 A. A million and seven hundred thousand.
19 Q. Do you know what it costs to build a
20 retention pond?
21 A. I don't remember. Less than that.
22 Q. Less than a million-seven?
23 A. Yeah.
24 Q. And what about the capping of the
25 south-end landfill, were you involved in that?

1 A. I have no idea.
2 Q. Were you involved in that at all?
3 A. When I left we had done some settling
4 tests up there, we had done the surface sampling,
5 but I was not involved in any of the design or
6 remediation of it.
7 Q. So you were involved in follow-up on the
8 remediation work that was done on the west-end
9 side, west-end landfill? You indicated earlier you
10 followed up on that, is that correct?
11 A. I'm sorry. I don't know what you mean by
12 follow-up. I went down there to do --
13 Q. Supervise the construction?
14 A. To supervise the construction.
15 Q. And then you also planned, did you not, or
16 assisted in planning the project of the pond and
17 that part?
18 A. Again, I was the over-site to make sure
19 the consultant who was designing the pond and the
20 proper Monsanto internal people were together, got
21 the right people involved at the right time.
22 Q. And you oversaw that like you did the
23 west-end thing?
24 A. Right.
25 Q. You say that was less than a million. So

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1 how much was it?
2 A. I don't remember.
3 Q. If someone said that they spent 32 million
4 dollars on those sites for remediation there on the
5 Anniston plant site, is that a figure that is
6 something that you would agree with or disagree
7 with, Mrs. Hanson? Could somebody be actually
8 telling someone something that is not correct, or
9 would that be correct?
10 A. I have no idea what's correct. I was not
11 involved in the south side. I don't think that --
12 I don't know.
13 Q. Well, you said you don't think. You think
14 that number is a little high?
15 A. No.
16 Q. Maybe low?
17 A. I have no idea.
18 Q. What other major sites have you been
19 involved in as the project manager that involves
20 something other than PCBs, Mrs. Hanson, while you
21 were involved with Monsanto?
22 A. Major sites other than the ones we have
23 talked about, really the only major site other than
24 that would be Brio.
25 Q. What is that?

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1 A. Brio, B-R-I-O.
 2 Q. Is that a superfund site?
 3 A. Yes.
 4 Q. What was the problem there?
 5 A. It was a "recycler" that had accepted
 6 waste from a variety of industry, and Monsanto
 7 happened to be one of those industries that it sent
 8 waste for recycling to Brio.
 9 Q. Where was that located?
 10 A. South of Houston.
 11 Q. What did you do on the Brio site?
 12 A. I managed a project where we had a
 13 consultant go in and characterize the DNAPLS on the
 14 site.
 15 Q. The what?
 16 A. Dense nonaqueous phased liquids, DNAPLS,
 17 D-N-A-P-L-S.
 18 Q. What else did you do on that site?
 19 A. That's basically it.
 20 Q. Any other large size site other than
 21 Brio? You've indicated not.
 22 A. Brio, Motco, Queeny, Sauget.
 23 Q. Give me some idea of your educational
 24 background.
 25 A. I have a bachelor's degree in chemistry

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1 from Vanderbilt. I worked a couple years around
 2 the hospital and then I went back and I got a
 3 master's degree in environmental engineering also
 4 from Vanderbilt.
 5 Q. When did you get your master's at
 6 Vanderbilt?
 7 A. Finished up in March of '76.
 8 Q. And what did you do around the hospital?
 9 A. For a year I worked on a research project
 10 analyzing placentas for heavy metals, and for a
 11 year I worked in the endocrinology lab.
 12 Q. You got a bachelor's in chemistry. What
 13 did you specialize in with your master's, what did
 14 you emphasize in that?
 15 A. I'm not sure that -- I mean, environmental
 16 engineering is pretty much, there is not much
 17 specialization in that. I didn't do a lot of air.
 18 It was mostly water.
 19 Q. Water and soil?
 20 A. Yeah. And I also have my master's in
 21 business administration that I got after I went to
 22 work for Monsanto. SIUA Edwardsville, Southern
 23 Illinois University at Edwardsville.
 24 Q. When did you get that, Mrs. Hanson?
 25 A. I think I finished in '81.

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1 Q. Give me just a brief summary of your work
 2 history. When did you go to work for Monsanto?
 3 A. March of '76.
 4 Q. As soon as you got your master's you went
 5 to work for them?
 6 A. (Witness nodding head.)
 7 Q. Where did you go to work for them?
 8 A. Saint Louis.
 9 Q. And what did you sign on, what did you
 10 begin work there as? What was your position?
 11 A. In the environmental engineering group.
 12 Q. Went there right off the bat into that
 13 group?
 14 A. Yeah.
 15 Q. How long did you stay at -- I assume you
 16 worked your way up. How long did you stay at that
 17 initial position you went to work for?
 18 A. I worked in that group for about two
 19 and-a-half years. Then I moved into the
 20 construction, corporate engineering at the time,
 21 corporate engineering construction department. I
 22 worked on a project at Saint Peters, Missouri, and
 23 a project, two projects at the Queeny plant.
 24 Q. What were those projects at the Queeny
 25 plant related to, just some part of the

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1 manufacturing process?
 2 A. The first one was a 9000 horsepower
 3 compressor for the maleic anhydride department.
 4 Q. I mean, were they connected with the
 5 manufacturing process and not waste disposal?
 6 A. Right. Well, the second one was an
 7 electrostatic precipitator for the coal-fired
 8 boiler.
 9 Q. Use of some waste product in the boiler
 10 itself, is that what you were talking about?
 11 A. No. It's an electrostatic precipitator
 12 that takes the particulates out of the --
 13 Q. Out of the -- okay. Shows how much
 14 chemistry I had. What did you do next?
 15 A. I moved to Muscatine, Iowa, where I
 16 supervised the process engineering group for a
 17 year.
 18 Q. At a plant there that was run by Monsanto?
 19 A. Yeah.
 20 Q. What was it, just Muscatine plant?
 21 A. Yeah.
 22 Q. What did they make there?
 23 A. Herbicides.
 24 Q. And then where did you go?
 25 A. The second year I supervised the project

1 engineering group at Muscatine.
 2 Q. Is that involved in the manufacturing
 3 process primarily?
 4 A. Yeah.
 5 Q. Where did you go from there?
 6 A. I moved back to Saint Louis in the --
 7 again, that was still corporate engineering in the
 8 project management group.
 9 Q. Again, was that in the manufacturing side
 10 as opposed to waste disposal, or there was a
 11 combination of both?
 12 A. The main thing I worked on in that group
 13 was replacing all of the electrical substations and
 14 wiring and transformers at the Sauget plant.
 15 Q. When was that done?
 16 A. Let's see. I came back from Muscatine in
 17 '84, so '84 and '85. And we put Provox (phonetic)
 18 automated controls on the plant's boiler. That's
 19 the two main projects I worked on.
 20 Q. Why were you all replacing all the
 21 electrical wiring and transformers in '84 and '85?
 22 A. Because most of them were forty or fifty
 23 years old and they were falling apart and they just
 24 upgraded the whole electrical system.
 25 Q. Didn't have anything to do with PCBs that

1 were used in the transformers?
 2 A. I think by that time most of the PCBs had
 3 been taken out.
 4 Q. When exactly do you recall that that had
 5 been done? Was it before you got there to the
 6 plant?
 7 A. I think so, because I don't think we had
 8 any PCB disposal problem.
 9 Q. So that had taken place before '84 or '85
 10 at Sauget, is that correct?
 11 A. I think so.
 12 Q. Do you have any idea when that was done?
 13 A. No.
 14 Q. Was that something that Monsanto did, if
 15 you know, voluntarily, they just did it without any
 16 regulatory activity taking place?
 17 MR. COX: Object to the form.
 18 A. All the plants had done it. I don't know
 19 the driving force.
 20 Q. So at the time you went to Sauget in what,
 21 '84 --
 22 A. (Witness nodding head.)
 23 Q. -- all the plants that you knew of in
 24 Monsanto had taken those transformers out that had
 25 PCBs in them?

1 MR. COX: Object to the form.
 2 A. I know there was a program to get the PCBs
 3 out of all the transformers. I don't know the
 4 specific dates that each plant did that.
 5 Q. But you do know that it had been done at
 6 Sauget? And you mentioned plants and the reason I
 7 ask plants, you mentioned plants, plural, it was
 8 your knowledge that that had been done, based on
 9 what your understanding was, at all the plants?
 10 A. There was a program at all the plants to
 11 do that. I don't know the timing at all the
 12 plants. At Sauget, I don't remember that we had
 13 any PCB disposal issues when we took out the
 14 switchgear.
 15 Q. So you're saying that it had been done
 16 before you got there?
 17 A. (Witness nodding head.)
 18 Q. Where did you go after that?
 19 A. In late '85, early '86, Monsanto disbanded
 20 the corporate engineering department, split it up
 21 between ag. and chemicals. Because I had -- I did
 22 not have enough seniority to stay in the project
 23 management group, they cut by seniority, but I did
 24 have seniority to go back to the environmental
 25 group, so I moved back into that group that I was

1 in until I left.
 2 Q. So you went to the environmental group in
 3 '86?
 4 A. (Witness nodding head.)
 5 Q. What was your position with that group,
 6 were you a project manager at that time?
 7 A. That was not my title. I mean, I had been
 8 doing project management work. Most of what I did
 9 after I got back into that group was that type of
 10 work, different sites, different projects.
 11 Q. When you began in '86?
 12 A. (Witness nodding head.)
 13 Q. During the time that you were in corporate
 14 engineering, did you ever know a gentleman named
 15 Robert Cheiver or Bob Cheiver?
 16 A. Yes.
 17 Q. What was your relationship with
 18 Mr. Cheiver?
 19 A. He usually was in the plant. I didn't
 20 work with him on a day-to-day basis.
 21 Q. Did you ever work with him at any point in
 22 time in '84 or '85, that time frame, on a project
 23 where Monsanto talked about building an
 24 incinerator?
 25 A. No.

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1 Q. But he was at corporate headquarters at
2 that time?
3 A. Cheiver, I don't think so.
4 Q. Do you remember him ever being in
5 corporate engineering in the time frame we're
6 talking about? That is not a trick question. I'm
7 just asking you if you remember seeing him.
8 A. I'm just trying to think. He was never in
9 that group when I was in that group.
10 Q. And you were in that group when now?
11 A. '76 to '78, and then again from '86 to
12 '97.
13 Q. So he could have been in that group, but
14 not during those times?
15 A. Not while I was there.
16 Q. All right. You left Monsanto in what
17 year?
18 A. May of '97.
19 Q. Why?
20 A. That's when they were splitting off the
21 chemical group. They down-sized. They selected
22 people for the different companies and I was not
23 selected.
24 Q. So you are now retired, you don't work for
25 Monsanto any longer?

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1 A. No.
2 Q. Did you receive some kind of severance
3 package or do you do consulting work for them now?
4 A. Everybody who got down-sized in that
5 reorganization got some kind of a package.
6 Q. Do you do any consulting work for Monsanto
7 now?
8 A. No.
9 Q. So you're not an employee now at all?
10 A. No.
11 Q. What was the package that you received in
12 the down-size?
13 A. I think I got ten months salary.
14 Q. Anything else?
15 A. No. I --
16 Q. Go ahead.
17 A. I was just going to say, I wasn't old
18 enough to get some of the pension benefits.
19 Q. Did you have any pension benefits built up
20 with them at that time? Do you have an IRA or I
21 mean not an IRA, but 401K or anything built up with
22 Monsanto?
23 A. Yes.
24 Q. Are you able to draw on that now or do you
25 have to wait until --

1 A. Not until I'm fifty-nine and-a-half.
2 Q. I won't ask you when that will be.
3 A. That's twelve years. Eleven years, I
4 guess.
5 Q. Were there any terms of your severance
6 agreement from Monsanto that had to do with your
7 willingness to cooperate in litigation?
8 A. I don't think so.
9 Q. Did you sign an agreement when you left
10 the company?
11 A. Yes.
12 Q. Do the terms of that agreement say
13 anything about what you could and could not
14 disclose about activities that you had been
15 involved in, was there any confidentiality part of
16 that agreement?
17 A. Honestly, I don't remember. It was the
18 standard agreement that everybody that left at that
19 time signed.
20 Q. Everybody that left signed an agreement.
21 Do you have a copy of that agreement?
22 A. I'm sure somewhere in a box in our closet
23 there is a copy of that.
24 Q. How long was it, one page, two pages,
25 three pages?

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1 A. I think the whole document was several
2 pages, but it laid out all the terms of the
3 package, said we couldn't sue them for
4 discrimination for laying us off at the time. I
5 don't remember all of it.
6 Q. I was going to give you my card.
7 A. I have no reason to sue them.
8 Q. I'm just kidding. That was an aside that
9 I shouldn't even have said. But it laid out the
10 terms of your severance?
11 A. Uh-hum.
12 Q. Can you remember just the bare-bone
13 details of that thing? I mean, you say it told you
14 what pay package you were going to get?
15 A. Right.
16 Q. And you couldn't sue them for
17 discrimination?
18 A. (Witness nodding head.)
19 Q. Did it say anything at all about the kind
20 of work you did and what your responsibilities were
21 to the company in connection with what I mentioned
22 a minute ago, confidentiality or cooperating with
23 them in any kind of litigation that might be
24 ongoing?
25 A. Nothing specific to environmental stuff,

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1 no.
 2 Q. Was it specific to anything else?
 3 A. I don't think so.
 4 Q. Can you remember anything else that was in
 5 that agreement, as you sit here today, other than
 6 what you have already told me?
 7 A. No.
 8 Q. Who signed the agreement on behalf of the
 9 company?
 10 A. Some woman over in personnel. Excuse me,
 11 HR. They're not personnel anymore. They're human
 12 resources.
 13 Q. Are you working anywhere now?
 14 A. No. Cleaning the boat.
 15 Q. You got a copy of the deposition notice,
 16 did you not?
 17 A. He showed it me yesterday.
 18 Q. Is that the first time you had seen it,
 19 yesterday?
 20 A. Yes.
 21 Q. Did you have any records that you took
 22 from Monsanto with you that would have been
 23 responsive other than the picture that Buddy showed
 24 me earlier that would have been --
 25 (Telephone interruption.)

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1 MR. STEWART: Let's take a short break.
 2 (Recess.)
 3 Q. I asked you if you had any records that
 4 were responsive to the notice that you had taken
 5 away from Monsanto. Mr. Cox had showed me a
 6 picture. Is that basically all you had?
 7 A. I didn't take any files.
 8 Q. Did you review any records before you came
 9 here to be deposed today?
 10 A. No.
 11 Q. Did you see any documents at all, did
 12 Mr. Cox or Mr. Kelly show you any documents before
 13 you came here today?
 14 A. Your notice of the deposition.
 15 Q. Other than the notice of deposition?
 16 A. No.
 17 Q. Did you all have a conversation? Did you
 18 have a conversation with Mr. Buddy Cox, who is
 19 seated to your left, or Mr. Mike Kelly before you
 20 came to the deposition?
 21 A. Yes.
 22 Q. When did that take place?
 23 A. Mike called on the phone a couple times to
 24 set it up and they came down yesterday.
 25 Q. You say Mike called on the phone --

1 A. Mr. Kelly.
 2 Q. Mr. Kelly. Have you dealt with him before
 3 this proceeding?
 4 A. Yes.
 5 Q. When did you first deal with him, with
 6 Mr. Kelly?
 7 A. Sometime in '95.
 8 Q. And what was that in relation to?
 9 A. The Anniston site.
 10 Q. Was that when you were an employee of
 11 Monsanto?
 12 A. Yes.
 13 Q. I don't want to know what was said, but
 14 what was the nature of Mr. Kelly's involvement at
 15 that time, Mrs. Hanson?
 16 A. There was litigation going on at that
 17 time.
 18 Q. Someone had filed suit against Monsanto at
 19 that time?
 20 A. Yes.
 21 MR. COX: For the record, the Dyer case
 22 was pending at that time, D-Y-E-R.
 23 Q. Now, yesterday, I mean rather, in the
 24 conversations with Mr. Kelly, because you said he
 25 called to set it up, what was the nature of that

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1 conversation, just to set up the deposition?
 2 A. Called and told me how lucky I was that
 3 you were coming and talked about dates that I might
 4 be available.
 5 Q. What a wonderful personality you were
 6 going to get to meet?
 7 A. Yes.
 8 Q. Other than that, did you talk about
 9 anything else?
 10 MR. COX: Well, we don't want to get into
 11 the substance of the conversations with either
 12 Mike or me. That would be considered attorney
 13 client privilege since she is a former
 14 employee of Monsanto and we are representing
 15 her for purposes of the deposition.
 16 MR. STEWART: Well, of course, I would
 17 respectfully --
 18 Q. You're not represented by either Mr. Kelly
 19 or Mr. Cox at this time, are you?
 20 A. I would think for this I am.
 21 Q. How is that now that you are represented
 22 by them, as a former employee?
 23 A. Employee.
 24 Q. Other than that, you haven't hired them to
 25 represent you here today, have you?

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1 A. No.

2 Q. What documents did you review, if any --
3 did you talk about any depositions that anybody
4 else had given yesterday?

5 MR. COX: Don't answer that. You're not
6 entitled to get into what we talked about with
7 her, Don.

8 Q. Did they talk to you about any documents
9 that were reviewed?

10 A. The only document I saw yesterday was your
11 notice of this deposition, and I called here to
12 find out how to get here.

13 Q. How long did the conversation take place
14 yesterday?

15 A. I think they were on the phone most of the
16 time.

17 Q. You're talking about with you?

18 A. No, with whoever else.

19 Q. Did you go over what you might be asked?

20 A. How much of this do we --

21 MR. COX: You can't talk about anything
22 that we talked about. You can talk about how
23 long we met. That's about it.

24 MR. STEWART: There is no privilege that
25 applies to her in this position.

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1 MR. COX: It is. She is a former
2 employee. She is somebody that was working on
3 this project and whatever we talked about with
4 her is privileged.

5 MR. STEWART: I'm not talking about what
6 Mr. Kelly might have talked about with her, I
7 didn't ask questions about that, for the
8 record, Buddy, in '95. I'm talking about
9 what -- it's my understanding that she is
10 not -- let me put this on the record. It's my
11 understanding that she is not represented by
12 you and that she left the company in May of
13 '97, no longer an employee, and you're not
14 representing her today other than you're
15 representing the company, and I understand
16 that.

17 MR. COX: No. We are representing her
18 today for purposes of this deposition and that
19 is what she said. That is what she testified
20 to. And so the conversations we had with her
21 substantively are covered by the attorney
22 client privilege.

23 Q. Let me just ask you, Mrs. Hanson, are you
24 paying Mr. Cox or are you paying Mr. Kelly today to
25 represent you in any way? Have you offered them or

1 have you entered into any kind of fee arrangement
2 with them about representing you?

3 A. No.

4 MR. STEWART: I suggest we go on with this
5 part of the deposition. I mean, I will go on
6 to something else, but we're going to call
7 John and get some kind of ruling on that.

8 MR. COX: That's fine. I'm just telling
9 you what we talked about with her is
10 privileged. And if we have to, we can take
11 that up. She is retired and we can talk to
12 her.

13 MR. STEWART: I understand all that,
14 Buddy. We will call John and get a ruling on
15 that after we get through with the rest of
16 what I'm going to ask her about.

17 MR. COX: That's fine.

18 BY MR. STEWART:

19 Q. When did you first become involved with
20 the Anniston plant? What was the first time that
21 you became involved with the Anniston plant?

22 A. Probably 1976 or seven when I worked on
23 the waste treatment facility.

24 Q. And who was your supervisor then?

25 A. At that time it was Dick Joslin. Richard

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1 Joslin, J-O-S-L-I-N.

2 Q. And what were you doing on the waste
3 treatment plant at the Anniston facility in 1976?

4 A. I was one of the engineers that worked
5 with a consultant on the design.

6 Q. Is that the biological treatment facility
7 for wastewater?

8 A. For the expansion of the biological
9 treatment system.

10 Q. Who was the plant manager at that time, if
11 you recall?

12 A. Gene Jessie, I believe.

13 Q. Did you all do any work there in
14 connection with regulatory agencies while you were
15 on that wastewater treatment facility?

16 A. I don't remember any contact with the
17 agency. I wouldn't have been in that position to
18 do that. The plant would have done that.

19 Q. Do you remember whether or not the plant
20 manager, Gene Jessie, or anybody who was located
21 there -- well, strike that.

22 Was there an environmental person located
23 at the plant or facility at that time?

24 A. Yes.

25 Q. Do you remember a Jerry Brown?

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1 A. Yes.
 2 Q. Did he fill that position at that time?
 3 A. He was in charge of the waste treatment
 4 facility.
 5 Q. Do you remember any contact that Mr. Brown
 6 or Mr. Jessie, as plant manager, might have made
 7 with the Alabama Water Improvement Commission?
 8 A. I remember that there was some talk about
 9 the water improvement commission.
 10 Q. Do you remember if there were any meetings
 11 with anybody with the Alabama Water Improvement
 12 Commission at that time?
 13 A. I was not involved in any meetings.
 14 Q. What was the reason that you went down to
 15 expand the wastewater treatment facility, if you
 16 know, Mrs. Hanson, at that time?
 17 A. That was right after I started, so I'm not
 18 sure. They were already into the project. I just
 19 got assigned to work with one of the senior
 20 engineers on that project.
 21 Q. Were there any regulatory requirements,
 22 either federal or state, that required you all to
 23 do some kind of examination to the wastewater
 24 facility and expand those facilities that were
 25 there?

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1 A. I don't know that.
 2 Q. Do you know what the nature of the contact
 3 was with the Alabama Water Improvement Commission?
 4 A. No.
 5 Q. For what period of time did you work on
 6 that project?
 7 A. Probably shortly after I started in '76
 8 until late '77 or early '78.
 9 Q. Did you have any contact while you were
 10 there with anybody from the City of Anniston?
 11 A. I don't think so.
 12 Q. Did you have any contact with anybody from
 13 the water board or the sewer folks that ran the
 14 sewer system?
 15 A. Not that I remember.
 16 Q. Where did the wastewater go that left that
 17 facility, where did you learn that it went at that
 18 time?
 19 A. It went to the city at that time.
 20 Q. It went to the city. How did it get into
 21 the city sewer system, was it just dumped in the
 22 sewer system on the plant site, or did it go off
 23 the plant site?
 24 A. There is a line that comes out of the
 25 plant.

1 Q. There is a water discharge, I mean a line
 2 that came out of the plant?
 3 A. Pipeline.
 4 Q. And the wastewater or the waste that came
 5 off the plant site went into that line from what
 6 now?
 7 A. As I remember, this is twenty some odd
 8 years ago --
 9 Q. Certainly. You're younger than I am
 10 though, Mrs. Hanson, so you should be able to
 11 remember.
 12 A. -- we put in aeration tanks, clarifiers,
 13 new blowers so the discharge from the clarifiers,
 14 the final step in the biological system went to the
 15 city.
 16 Q. Directly into the sewer system?
 17 A. I think so.
 18 Q. To your knowledge, was there any waste
 19 treated that came off the PCB manufacturing process
 20 that went through that wastewater treatment
 21 facility at that time? Was that in place in '76 or
 22 had it been dismantled?
 23 A. At the time I was down there in '76 and
 24 '77, I don't think I had any idea what PCBs were.
 25 Q. So you had no idea whether or not it came

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1 off there or not?
 2 A. No.
 3 Q. Do you know of any agreements that
 4 Mr. Jessie or either Jerry Brown told you about
 5 that Monsanto had with the water board or sewer
 6 folks in the City of Anniston at that time?
 7 A. I have no knowledge of those.
 8 Q. Anything else that you did during that
 9 time frame other than what you have already told us
 10 about, Mrs. Hanson?
 11 A. At Anniston?
 12 Q. Yes, ma'am.
 13 A. No.
 14 Q. And I'm talking specifically now about the
 15 Anniston plant.
 16 A. No. I was a young engineer right out of
 17 school, I was the only woman in the group, and more
 18 than anything I was probably scared to death.
 19 Q. Of Mr. Jessie or Mr. Johnson or Mr. Brown,
 20 or just scared to death to be there just to work
 21 with those people?
 22 A. No, just in general doing what I was doing
 23 at that time.
 24 Q. I know Gene Jessie and I know Jerry Brown
 25 and they're perfect gentlemen.

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1 A. No, not them in particular. Just being
 2 there and doing what I was doing.
 3 Q. When did you become involved or have any
 4 involvement with the Anniston plant next, when did
 5 you next become involved?
 6 A. 1995 when I came back.
 7 Q. 1995 is when you went back to the plant?
 8 A. (Witness nodding head.)
 9 Q. Who is it that selected you to go back to
 10 the plant?
 11 A. I checked my voice mail one day and I had
 12 a message from Bruce Yare, who was my immediate
 13 supervisor, that there was this opportunity and
 14 could I be in Anniston on Monday morning.
 15 Q. He said there is an opportunity and could
 16 you be in Anniston on Monday morning and you told
 17 him, I assume, yes?
 18 A. Yes.
 19 Q. Did you have a conversation with Mr. Yare
 20 after you got that telephone message? I assume you
 21 called him back and talked to him?
 22 A. Yeah.
 23 Q. Did you have a conversation with him?
 24 A. I'm sure I did.
 25 Q. Do you recall what the nature of that

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1 conversation was, what did he tell you that you
 2 were going to be doing?
 3 A. Initially, they were characterizing some
 4 of the property on the east side of the plant and
 5 Golder was finishing up the design on the west-end
 6 landfill so I would be involved in those two.
 7 Q. So east end or east side of the plant
 8 characterization and --
 9 A. The west-end landfill.
 10 Q. West-end landfill. Now, what did he tell
 11 you, what did Mr. Yare tell you the nature of the
 12 problem was at the Anniston plant when you had that
 13 conversation with him before you came down?
 14 A. I don't remember the specific
 15 conversation.
 16 Q. I'm not asking you to say word for word.
 17 Do you remember the substance of what he told you
 18 the problem was at Anniston?
 19 A. Basically, that they had found some PCBs
 20 in the ditch over on the east side and we needed to
 21 characterize those.
 22 Q. Now, when you said in the ditch on the
 23 east side, is that east of the plant?
 24 A. Yes.
 25 Q. Was it off Monsanto property?

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1 A. Parts of the ditch are off Monsanto
 2 property, parts of it are on Monsanto property.
 3 Q. And how did Mr. Yare tell you this had
 4 been discovered?
 5 A. I don't remember.
 6 Q. Did you later learn from someone else how
 7 it had been discovered?
 8 A. I don't remember if I did. It was there,
 9 we dealt with it.
 10 Q. When you say it was there and we dealt
 11 with it, is it your understanding that it came off
 12 of the west-end landfill and wound up east of the
 13 plant?
 14 A. No.
 15 Q. What did you understand was the problem
 16 with the west-end landfill?
 17 A. The west -- there was a plan in place to
 18 cap the west-end landfill.
 19 Q. A plan in place to cap the west-end
 20 landfill. Why was that?
 21 A. That was decided before I got there.
 22 Q. Mrs. Hanson, are you telling me that --
 23 what was the contaminant or what was the toxic
 24 chemical that was the problem on the west-end
 25 landfill?

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1 MR. COX: Object to form.
 2 Q. Were you told?
 3 A. I was told there were PCBs in the west-end
 4 landfill.
 5 Q. And what happened in the PCBs on the
 6 west-end landfill that had created the problem?
 7 A. I don't know specifically what prompted
 8 the decision to cap the landfill.
 9 Q. No one told you what the history of the
 10 discovery was or when it had taken place?
 11 A. Generally knew the history of the, learned
 12 the history of the site, but I don't know the
 13 specific, what specifically triggered the decision
 14 to cap it.
 15 Q. Well, now when you got there -- when
 16 exactly was that that you got to the west-end
 17 landfill?
 18 A. Sometime in spring or summer of '95.
 19 Q. Spring of 1995?
 20 A. Or that summer. I don't remember.
 21 Q. And when you got there, is it your
 22 testimony here today that they were already capping
 23 the west-end landfill or they were getting planned
 24 ready to cap the west-end landfill?
 25 A. The first meeting that I remember

1 discussing the west-end landfill was when Golder
 2 presented their design.
 3 Q. Who did they present that to?
 4 A. There was a meeting at the plant. I don't
 5 remember everybody that was there. I believe
 6 Mr. Foresman was there, Robert Jones. I think the
 7 plant manager may have sat in on part of it.
 8 Q. Who was that?
 9 A. Jack Mayausky. I believe Larry Adams was
 10 there.
 11 Q. Who is Larry Adams?
 12 A. Larry Adams is in Mr. Foresman's group.
 13 Q. What was Mr. Foresman's group?
 14 A. The site managers.
 15 Q. Who else was there?
 16 A. I was there. I think there were two
 17 Golder engineers.
 18 Q. Who else?
 19 A. That's all I remember.
 20 Q. Now, this was in the spring of '95?
 21 A. I first went back to Anniston in March. I
 22 think the first few months, I don't know, early on
 23 we worked on the ditch on the east side. I'm not
 24 sure exactly when I started working on the west-end
 25 landfill, but it would have been that spring or

1 summer.
 2 Q. So in the March period of 1995, you were
 3 working on the ditch on the east side. What was
 4 happening over there?
 5 A. We were doing some sampling in the ditch.
 6 Q. What else?
 7 A. And we went in and put a temporary cap
 8 over the spot that had some particularly high
 9 concentrations of PCBs.
 10 Q. Who made the decision to do the sampling
 11 on the east side?
 12 A. Specifically, I don't know. I mean, that
 13 was what I was told I was going to go do, is
 14 supervise the sampling.
 15 Q. Who told you that you were going to
 16 supervise the sampling?
 17 A. Mr. Yare, my boss.
 18 Q. And who did the sampling?
 19 A. Garety and Miller.
 20 Q. And was the sampling done all on
 21 Monsanto's property?
 22 A. No. I think we took some samples in the
 23 ditch further down stream.
 24 Q. Was that on Monsanto's property?
 25 A. No.

1 Q. How did you acquire the right to take the
 2 samples in that ditch?
 3 A. At that time, I think Jack Mayausky was
 4 going out and getting all those releases.
 5 Q. From whom?
 6 A. The property owners in that area.
 7 Q. Was any contact made with the city?
 8 A. I don't remember.
 9 Q. Do you remember a gentleman, Mrs. Hanson,
 10 named Dale Garrett?
 11 A. Yes.
 12 Q. Did you meet with Mr. Garrett in
 13 connection with the sampling that was done on the
 14 east side of --
 15 A. No, I didn't.
 16 Q. Do you know whether or not Mr. Mayausky
 17 did?
 18 A. I don't know.
 19 Q. What about Mr. Charles Johnson?
 20 A. I knew Charlie.
 21 Q. How did you know Charlie, did you meet him
 22 in '76 or did you meet him when you went to the
 23 site in March of 1995?
 24 A. I don't think I met either -- I don't
 25 think I met Charlie until we started doing some of

1 the work on the west side. I think Dale I met
 2 later when we started putting up the fence on the
 3 east.
 4 Q. Why is it that you had contact with
 5 Charlie when you were doing some work on the west
 6 side?
 7 A. We were doing some excavation and we had
 8 ran into one of the city water lines. And I think
 9 I ended up talking to Charlie to get their drawings
 10 to make sure we didn't -- actually, I think we did
 11 break the water line over there and ended up
 12 shutting off the water to the people on the west
 13 side for an afternoon until they got out there and
 14 fixed it.
 15 Q. Did you ever meet with Mr. Johnson about
 16 anything other than the water line?
 17 A. Later on when we talked about zoning and
 18 vacating the streets on the east side.
 19 Q. And when would that have been?
 20 A. '96.
 21 Q. And you talked to Charlie Johnson about
 22 zoning. What did you talk to Charlie about
 23 zoning?
 24 A. Vacating the streets.
 25 Q. What streets were vacated, if you recall,

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1 on the east side of the plant?

2 A. On the city's plat there were streets that

3 were laid out. Many of them had never been paved.

4 They were surrounded by Monsanto property or later

5 property that we bought in the property purchase

6 program. And once we had all the property on

7 either side, we vacated the streets.

8 Q. How did you go about vacating those

9 streets, did you go through the city counsel

10 process?

11 A. Standard process, whatever the city and

12 the county commission because a couple of the

13 streets were in the county.

14 Q. Why is it that you talked to Mr. Johnson

15 with public works? Wasn't he head of the public

16 works department for the City of Anniston?

17 A. I think all of the engineering, I think he

18 was the one, the initial contact to find out what

19 the process was to vacate the streets.

20 Q. Was he favorable towards vacating the

21 streets?

22 A. I don't know what his feelings were. We

23 got the -- we went through the standard process. I

24 believe it went to city counsel.

25 Q. Did Mr. Johnson indicate to you that he

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1 would recommend that the streets be vacated,

2 Mrs. Hanson?

3 A. In most cases in the city there were no

4 streets there. It was just a line on the map that

5 we vacated. Yes.

6 Q. He did, he indicated he was agreeable to

7 doing that?

8 A. Yes.

9 Q. Were you allowed to do any work in those

10 streets before they were vacated? You were, were

11 you not?

12 A. I mean, the streets, the lines on the map

13 that were out in the middle of that big open field,

14 I don't think we distinguished where they were

15 before we went out there and sampled.

16 Q. My question to you was, you did some work,

17 remediation work on those streets before they were

18 vacated, did you not, in where the streets were

19 before they were vacated?

20 A. I don't think we did any remediation. We

21 sampled in there.

22 Q. Did you do any remediation on the east

23 side?

24 A. We put in the pond.

25 Q. When did you do all of that?

1 A. Late '96.

2 Q. When did you vacate the street?

3 A. Mid '96, that summer.

4 Q. You mentioned that you were doing

5 excavating on the west-end landfill on the west

6 side. What excavating were you doing over there?

7 A. We put in a temporary detention pond.

8 Q. Were you not involved in excavating a

9 portion of the landfill itself?

10 A. Only where the drainage from the south

11 side came around the toe of the landfill. We had

12 to take out some old concrete and reshape that to

13 accommodate the cap.

14 Q. Well, what happened to that soil that you

15 all excavated, what did you do with it?

16 A. Some of it was sent to Emelle.

17 Q. Why?

18 A. Because of the PCB concentrations in it.

19 Q. What level did you make the determination

20 it needed to be sent to Emelle?

21 A. I believe TOSCA is fifty parts per

22 million.

23 Q. Anything above fifty parts per million was

24 sent to Emelle, is that correct?

25 A. If we excavated, we started out that way.

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1 Q. You started out that way?

2 A. Right.

3 Q. And then, at some point in time, you

4 changed because you and Mr. Mayausky and others

5 went down to ADEM and got them to let you change,

6 correct?

7 A. I didn't go to ADEM.

8 Q. Did you talk to the people at ADEM and ask

9 them to let you change, Mrs. Hanson?

10 A. I didn't.

11 Q. Who did?

12 A. Probably Robert Jones.

13 Q. And did Mayausky go?

14 A. I don't know.

15 Q. Why was it that you all decided to make

16 that change, Mrs. Hanson?

17 A. Basically, we screwed up when we did the

18 design and nobody calculated how much dirt was

19 going to have to come out of there to get that

20 ditch in. And when we did the design and the

21 estimate we just blew it. So we realized how much

22 dirt there was and didn't see any sense in hauling

23 all that stuff and exposing people to it when it

24 was, we could put it on top of the cap, under the

25 cap.

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1 Q. And so they gave you permission, once you
2 found out the cost was going to be prohibitive, to
3 put it on top of the cap, is that correct?
4 MR. COX: Object to form.
5 A. Cost was part of the decision, but had we
6 known beforehand how much we were going to
7 excavate, we would have planned to put it under the
8 cap to begin with.
9 Q. You excavated as much as 400,000 pounds,
10 didn't you?
11 A. I don't remember the number.
12 Q. It cost you about a million dollars,
13 didn't it?
14 A. Not quite that much.
15 Q. How much, 900,000?
16 A. Seven-fifty or eight.
17 Q. Okay. Who at Saint Louis hit the ceiling
18 when they got that bill?
19 A. Well, you put your finger on that one.
20 Mike Foresman.
21 Q. And he said you all better get something
22 straightened out on this?
23 A. That is probably a polite way of putting
24 what he said, yes.
25 Q. Who did you talk to at ADEM that allowed

1 A. I don't remember.
2 Q. Did you ever see anything in writing from
3 ADEM?
4 A. On that specific subject?
5 Q. Yes, ma'am.
6 A. I don't remember.
7 Q. You don't remember seeing anything in
8 writing?
9 A. No.
10 Q. What were you all travelling under to do
11 the work that you were doing on it, did you have
12 some kind of consent decree or consent order at the
13 time you were excavating?
14 A. There was some kind of an order or decree
15 from ADEM, yes.
16 Q. How was that arrived at?
17 A. I don't know.
18 Q. Did you have another meeting where you all
19 sat down -- did you have a meeting where you all
20 sat down and worked that out?
21 A. That was all in place before I went to
22 Anniston.
23 Q. Well, after Mr. Jones -- that certainly
24 was in place before you all recognized this
25 problem, wasn't it?

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1 you to do what you did?
2 A. I didn't talk to anybody at ADEM.
3 Q. Who did Mr. Jones talk to?
4 A. I don't know. Whoever was in TOSCA at
5 ADEM. Mr. Jones was very jealous of his
6 relationship with the state. He did not let us
7 talk to the state very much.
8 Q. Mr. Jones handled that?
9 A. Yes.
10 MR. STEWART: Let me take a phone call and
11 I will be right back.
12 (Recess.)
13 Q. Who did Mr. Jones talk to at ADEM, do you
14 know?
15 A. I don't know.
16 Q. Do you remember a John Poole or Jerald
17 Hardee?
18 A. I remember those names.
19 Q. Do you remember what he said when he came
20 back from talking to ADEM, that they had given him
21 permission to do that?
22 A. Basically, yeah.
23 Q. Well, how was that done? Was that done in
24 writing or they just said, no, go ahead and put it
25 under the cap?

1 A. I'm sorry. You lost me here.
2 Q. The problem about excavating the stuff and
3 taking it to Emelle, the \$800,000 problem, that was
4 before that, the consent order was entered before
5 that, wasn't it, that you were working under?
6 A. There was an order, a consent decree or
7 whatever, I don't know the terminology, in place to
8 do the west-end landfill cap before I went to
9 Anniston.
10 Q. And you all began to excavate and take it
11 down to Emelle and when you all got permission to
12 put that particular substance or that dirt that you
13 all were excavating on top of the landfill and cap
14 it too, was there any kind of meeting with ADEM
15 where a modification of that consent order was
16 entered?
17 A. I don't know the exact mechanism. I know
18 Robert met with ADEM and we got permission to do
19 that.
20 Q. But you don't remember whether or not it
21 was in writing?
22 A. I think it was, but I don't remember
23 specific documents.
24 Q. Was there any kind of public, opportunity
25 for the public to comment about it at that point in

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1 time? Do you remember a public hearing about that?
 2 A. On that specific issue?
 3 Q. Well, first on the capping of the landfill
 4 and then on the first --
 5 A. Again, I don't know. The capping of the
 6 landfill, the consent decree or whatever was in
 7 place when I got there, I don't know if they had
 8 public meetings before that or not.
 9 Q. On that particular issue do you remember
 10 having a public meeting? Do you remember going to
 11 the meeting center there in Anniston or the city
 12 auditorium and saying, here is what we're going to
 13 do, we're going to cap this thing?
 14 A. I didn't.
 15 Q. Do you remember whether Monsanto did that
 16 or not?
 17 A. I don't remember.
 18 Q. How early, if you recall, Mrs. Hanson, did
 19 you all realize that you had an off-migration of
 20 PCBs off this other landfill and off the west-end
 21 landfill off Monsanto's property? How early on in
 22 the process do you understand that knowledge was
 23 acquired by Monsanto?
 24 MR. COX: Object to form.
 25 Q. The year will do to begin with.

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1 A. I'm not sure I understand your question,
 2 but there was work -- I think there had been work
 3 before I got there. Obviously, somebody got to the
 4 point of deciding to cap the landfill.
 5 Q. Well, that took a long time to put that
 6 project together, didn't it? Didn't it take
 7 months?
 8 A. I would think it took Golder months to
 9 finish the design, yeah.
 10 Q. So that would have been certainly before
 11 the spring of, March of 1995 when you went down
 12 there, wasn't it?
 13 A. Yes.
 14 Q. So it would have been sometime in '94 or
 15 better, is that correct?
 16 A. I guess so.
 17 Q. So would it be fair to say then, as far as
 18 your knowledge -- I'm asking you what your
 19 knowledge of the situation was concerning that.
 20 Sometime in '94, certainly, and maybe even before
 21 then Monsanto knew there was an off-migration of
 22 PCBs from the southern landfill and from the
 23 west-end landfill?
 24 MR. COX: Object to form.
 25 Q. Off the plant site.

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1 A. From the time I left Anniston in '77 or
 2 '78, until I went back in March of '95, I had no
 3 contact with Anniston, I had nothing to do with
 4 Anniston. I was working on other projects. I
 5 don't know what happened between then and before
 6 '95.
 7 MR. STEWART: We'll take a short break
 8 now, if we can. It's a good place for us to
 9 break.
 10 (Luncheon recess.)
 11 MR. STEWART: Before we get started back
 12 with Mrs. Hanson, I wanted to go over this
 13 problem and I would like to avoid calling
 14 Judge Ott. It's my understanding that, based
 15 on the facts as we understand them from
 16 Mrs. Hanson, that she has not hired you all to
 17 represent her and you don't represent her and
 18 paid you a fee for that purpose. She is no
 19 longer working for Monsanto. And this
 20 wouldn't be the first time that I was wrong
 21 about something, but privilege, I don't think,
 22 extends to conversations that you have with
 23 former employees in preparing them for some
 24 kind of deposition. She does not do any
 25 consulting work.

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1 If you want us to call Judge Ott, we'll
 2 do it. We're here to take her deposition. If
 3 you want to preserve your objection we can go
 4 ahead and ask, but it's my understanding, and
 5 I hate to pull an Eddie Newsom (phonetic) on
 6 you, but it's my understanding that you are
 7 instructing the witness, and I want to get
 8 that on the record, not to answer at this
 9 point in time. And maybe we can take it up
 10 with the judge, but if we do, we can't get him
 11 and we do, then what we're going to ask for is
 12 for you all to pay for whatever trip we have
 13 to take to Sarasota to get that taken care of.
 14 MR. COX: Let me clarify a couple
 15 things. One, when we were -- either I will
 16 put this on the record or if you want to ask
 17 Mrs. Hanson about it, you can. When Mr. Kelly
 18 contacted Mrs. Hanson, told her that Solutia
 19 would provide her counsel to assist her in
 20 preparation for the deposition --
 21 MR. STEWART: That's not what she said,
 22 Buddy. You can put that on the record, but
 23 that is something that is contrary to what has
 24 been said here.
 25 MR. COX: I don't think it's contrary.

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1 I'm just telling you more of the details. And
2 that she accepted that and, as a consequence
3 of that, we met with her yesterday. We didn't
4 show her any documents, as she said. We are
5 going to assert the attorney client privilege
6 both on that ground and on the basis that she
7 is a former employer and that we could meet
8 with her and talk to her and that those
9 conversations are covered by the attorney
10 client privilege.

11 MR. KELLY: That conversation was
12 reiterated yesterday, Donald, before the
13 session by Mr. Cox. We're just telling you
14 the facts as they are.

15 MR. STEWART: Let me see if I understand
16 it. You all are taking the position that you
17 have, Solutia is providing her counsel, is
18 that what we're saying?

19 MR. KELLY: No. We asked -- and, Donald,
20 we do this and Buddy reiterated it again
21 yesterday. When I called Mrs. Hanson we told
22 her that her deposition had been asked for and
23 that we needed to see if we could find some
24 convenient dates. We certainly were aware
25 that we can either cooperate or you could

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1 subpoena, and none of us has used that
2 process, whatever could be avoided.

3 I asked -- when I talked with Mrs. Hanson
4 it was, Solutia can provide you counsel, do
5 you want counsel, do you want to be provided
6 counsel, that and she answered in the
7 affirmative. Do you want us to represent you
8 at the deposition. We do that when we talk to
9 the former employees. If you want it.
10 They're free to say no if they don't want us
11 present.

12 My recollection, and Buddy can speak to
13 this, is that that conversation was reiterated
14 by Buddy before we had the meeting yesterday,
15 do you want us to represent you at this
16 deposition.

17 MR. STEWART: Well, apparently, she had a
18 lapse of memory about that.

19 THE WITNESS: No. I said that -- I
20 answered that, yes, they said they were
21 representing, I want them to represent me, but
22 I'm not paying them out of my pocket.

23 MR. KELLY: And that's a distinction.
24 The fact that Solutia is going to pay for that
25 does not mean there is not an attorney

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1 client --

2 MR. STEWART: Well, I want to take it up
3 with the court at this time.

4 MR. COX: Let me just tell you this,
5 Donald. We can call Judge -- we can take this
6 off the record.

7 (Discussion off the record.)

8 (Telephone call with Judge Ott.)

9 MR. STEWART: This is Donald Stewart.
10 Buddy Cox and Mike Kelly are here and Ellen
11 Malow is here. We're involved in a deposition
12 of a woman named Jo Hanson, who is a former
13 employee of Monsanto. And we started asking
14 her about conversations she had had with Mike
15 Kelly and Buddy Cox and they asserted the
16 attorney client privilege, first on the basis
17 that she is a former employee and, second, we
18 understand now from what Mike and Buddy have
19 put on the record, is that in situations like
20 this with former employees they ask them if
21 they want Solutia to provide them with an
22 attorney.

23 Mrs. Hanson has indicated that, at one
24 point in time during the course of our
25 examination of her, that she did not pay them

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1 a fee or hire them to represent her, but then
2 she has indicated in response to their saying
3 that they had that conversation with them that
4 she told them she wanted them to represent her
5 in the deposition.

6 Our position is that she is a former
7 employee, she hasn't engaged them to do
8 anything, and that the privilege doesn't
9 apply. And we want to get at least some kind
10 of a ruling that would be applicable to that
11 from the court and then Buddy can speak to
12 that.

13 MR. COX: And, Judge, our position is
14 that what we met with her about had to do with
15 the substance of her employment with
16 Monsanto. Well, she was a Monsanto employee.
17 She was never a Solutia employee, but Monsanto
18 is the defendant. That she did have --

19 She had responsibilities at the site.
20 She was a project manager for the project.
21 She had a lot of responsibility at the site
22 and that as a former employee, one, we can
23 talk to her and a privilege covers those and
24 also the fact that when we did meet with her
25 twice, both over the phone while we were

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1 arranging her deposition and also yesterday,
2 that she did want us to provide her counsel
3 and assist her at Solutia's, Monsanto's
4 expense to represent her during the course of
5 the deposition.

6 And, you know, Donald has asked as he is
7 entitled to ask, did we meet, and she has
8 answered that. He has asked if we showed her
9 any documents and she has answered that
10 question. And he has asked -- but then as far
11 as the substance of the communications between
12 myself and Mr. Kelly and Jo Hanson, that's
13 where we have objected.

14 And there is an Alabama Supreme Court
15 Case that we submit would be on point. It's
16 Expart Time Insurance Company. It's 646 So.2d
17 583. It deals with the attorney client
18 privilege in the context of preparation for
19 depositions of an investigator for an
20 insurance company.

21 MR. STEWART: Judge, I would submit to
22 the court that that is totally different than
23 a former employee. I want the court to also
24 know, for the record, that this woman was, she
25 got severance pay and left Monsanto's employ

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1 and has not worked for them since that time
2 and that was in May of 1997. And the only
3 conversation that we asked her about was a
4 conversation that she had with the lawyers to
5 prepare her for this deposition. And I would
6 submit to the court that we're entitled to ask
7 that. That is my point.

8 I would say that since the investigator,
9 who is not a former employee, and Ellen can
10 speak to it, she has read this case, but it's
11 my understanding that that would be at least
12 distinguishable on those facts.

13 THE COURT: Well, it seems like to me
14 from what I'm hearing from you all, the issue
15 is whether or not she had invoked the attorney
16 client relationship at the time they had the
17 conversation. It really isn't quite as
18 important as to whether or not she was an
19 employee or former employee at the time they
20 had the conversation as to whether or not she
21 had invoked it. Do you not agree, Donald?

22 MR. STEWART: I would agree.

23 THE COURT: And from what I'm hearing
24 from what they're saying and, apparently, what
25 you have gotten already through the deposition

1 is that prior to this conversation, or at
2 least part of their conversation preparing for
3 the deposition, she indicated that she wanted
4 someone to represent her from Monsanto.

5 THE WITNESS: That's true.

6 MR. STEWART: From Solutia.

7 THE COURT: Well, I don't understand the
8 difference between Solutia and Monsanto.

9 MR. STEWART: Solutia is a spin-off. I
10 mean, I'm just quoting Mr. Kelly verbatim. He
11 has indicated to me that Solutia made the
12 offer. Now, if he wants to change that now,
13 that's fine.

14 THE COURT: Well, the point is, as far as
15 the individual, this woman is concerned, from
16 what I'm hearing, I think she had reason to
17 believe that her conversations would have been
18 protected by the attorney client privilege in
19 light of the fact that she, in the
20 conversation, asked for counsel. Therefor, I
21 think those conversations are privileged.

22 MR. STEWART: Okay.

23 THE COURT: However, I think you can go
24 into the areas you already have. I think that
25 was definitely appropriate, but any

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1 conversation between her and the attorney,
2 whichever one it was, related to her
3 preparation for this deposition, I think is
4 privileged.

5 MR. STEWART: All right, Judge. Thank
6 you.

7 THE COURT: Do you all need anything
8 else? If not, I was going to head out for
9 about an hour.

10 MR. COX: I think we're fine now.

11 THE COURT: Thank you. Bye-bye.

12 MR. COX: Thank you, Judge.

13 (Telephone call with Judge Ott concluded.)

14 MR. STEWART: I will say this much
15 though, we will travel down the road
16 together. We will have those same kind of
17 conversations with every witness we've got
18 from now on.

19 MR. COX: That's fine.

20 BY MR. STEWART:

21 Q. Mrs. Hanson, let me ask you this. It's my
22 understanding now, from having a conversation with
23 your attorneys, that -- and I assume Mr. Cox and
24 them are now your attorneys, contrary to what you
25 previously told us?

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1 A. I don't think I said that previously.
 2 Q. What did you say previous, just so I'm
 3 sure about that?
 4 A. Mr. Kelly, when he initially called me and
 5 said you wanted to depose me, said that if I wanted
 6 they would represent me at Solutia's cost. And I
 7 said, yes, I'm not coming down here to talk to you
 8 alone. And yesterday when they got here Mr. Cox
 9 asked again did I want them to represent me.
 10 Q. So it was at Mr. Kelly's suggestion that
 11 you chose to have them represent you in this case,
 12 he is the first one who broached that subject, is
 13 that not correct?
 14 A. When he called initially to say you wanted
 15 to depose me, yes.
 16 Q. And that was what he indicated to you
 17 before you agreed to come and testify in this
 18 case?
 19 A. I'm not sure I had any choice.
 20 Q. Ma'am?
 21 A. I'm not sure I had any choice whether I
 22 talked to you or not. My understanding was that
 23 you were going to talk to me this way or you would
 24 subpoena me. I'm not coming down here to talk to
 25 you by myself. It was always my understanding that

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1 anybody that left Monsanto or Solutia, if they got
 2 called later for a deposition, would be represented
 3 by Solutia's attorneys.
 4 Q. How is it that you came to that
 5 understanding?
 6 A. I don't know. That's kind of the general
 7 understanding throughout the group I was in, I
 8 guess. I don't remember specifically, but other
 9 people who have retired and been called later to be
 10 deposed have been represented by Monsanto's or
 11 Solutia's attorneys.
 12 Q. So you're talking about the environmental
 13 group that you were a part of?
 14 A. Yes.
 15 Q. And what other employees were treated in
 16 this same fashion that gave you your understanding
 17 that that's the way Monsanto treated the employees
 18 that were part of this group?
 19 A. I don't know of anybody specifically right
 20 now, but that's --
 21 Q. Well, who told you that that's what would
 22 happen, if you were called in an environmental case
 23 then Solutia or Monsanto would provide you with an
 24 attorney to represent you?
 25 A. I don't know specifically who told me

1 that.
 2 Q. But you did learn that from an employee of
 3 Monsanto who is perhaps a superior to you or
 4 someone who worked with you in the environmental
 5 group?
 6 A. Somewhere I picked that up, yes.
 7 Q. Was it just in the environmental area that
 8 that was involved, Mrs. Hanson?
 9 A. I don't know.
 10 Q. What is it that is unique about the
 11 environmental area that caused you people who were
 12 involved there for years to be concerned about
 13 coming before Ms. Malow and me today to testify
 14 about the facts that you knew about the Anniston
 15 plant site?
 16 MR. COX: Object to the form.
 17 A. I don't know that it's unique among the
 18 environmental group.
 19 Q. What is it that you made you fearful about
 20 coming here to us and want and desire to respond in
 21 the affirmative to Mr. Kelly and Mr. Cox's offer
 22 for you to have them represent you?
 23 MR. COX: Object to the form.
 24 A. I'm not sure I'm afraid of you, Donald.
 25 Q. We're not suggesting that you are. You

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1 just indicated that you were --
 2 A. You just asked me what made me fearful.
 3 I'm not fearful of you.
 4 Q. Well, what exactly were you fearful of in
 5 coming down here as a witness in a case?
 6 MR. COX: You're asking her the reasons
 7 why she agreed to have Mike and --
 8 MR. STEWART: No, sir, I'm not asking her
 9 that. And if you're going to make an
 10 objection, you make one. If you're not, you
 11 stick to the rules and don't be making
 12 speaking objections.
 13 MR. COX: I'm just trying to understand,
 14 Donald.
 15 MR. STEWART: I'm asking Mrs. Hanson the
 16 question and I think she understood it. And
 17 all I'm asking her to do is to respond.
 18 BY MR. STEWART:
 19 Q. What were you fearful of? Is there
 20 something you were afraid you might disclose --
 21 A. No.
 22 Q. -- that would create some problems for
 23 your former employer?
 24 A. No.
 25 Q. Do you have some kind of agreement with

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1 them that you cannot say things in a setting like
 2 this unless they have their attorneys talk to you
 3 first?
 4 A. No.
 5 Q. Is there something in the agreement that
 6 you signed with Monsanto when you left them in May
 7 of 1997 wherein you agreed that if you came to this
 8 particular type setting in connection with lawsuits
 9 that were pending against Monsanto that you
 10 couldn't say anything in a negative way about them?
 11 A. No.
 12 Q. Then what is it that you were concerned
 13 about that you felt that you had to talk to Mr. Cox
 14 and Mr. Kelly about in the course of the
 15 conversation you had with them yesterday and the
 16 conversation you had with Mr. Kelly by phone? What
 17 is it that you were afraid that you might tell
 18 Ms. Malow and me about the situations that you were
 19 involved in at Monsanto and particularly at the
 20 Anniston plant site?
 21 MR. COX: Object to the form.
 22 A. I never said I was afraid.
 23 Q. Well, maybe I misunderstood you. Maybe we
 24 can have the court reporter read it back.
 25 A. I just said I was not going to come down

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1 here by myself and talk to you, but I didn't say I
 2 was afraid of you or anything else.
 3 Q. You just felt like you needed to have a
 4 lawyer because of your involvement in the Anniston
 5 plant site, is that what you were concerned about?
 6 A. I don't know how to answer your question.
 7 Q. Did you personally make some decisions at
 8 the Anniston plant site that might have caused you
 9 some concern about your own personal liability,
 10 Mrs. Hanson?
 11 A. No.
 12 Q. Did you help make the decision about what
 13 to do with the west-end landfill?
 14 A. No.
 15 Q. Did you make any decisions about where to
 16 bury or to dispose of contaminated substances on
 17 that site?
 18 A. No.
 19 Q. Did you tell any contractor to bury
 20 things outside of a regulated landfill,
 21 Mrs. Hanson?
 22 A. No.
 23 Q. Well, you know if you did something like
 24 that that would be wrong, don't you, Mrs. Hanson?
 25 A. I didn't tell any contractor to bury

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1 anything.
 2 Q. That wasn't my question. You know if you
 3 told someone to bury something outside a regulated
 4 landfill, that would be wrong, don't you,
 5 Mrs. Hanson?
 6 MR. COX: Object to the form.
 7 A. Yes.
 8 Q. And, to your knowledge, was anything like
 9 that done, Mrs. Hanson, on this particular site?
 10 MR. COX: Object to the form.
 11 A. We had permission from ADEM to move the
 12 soil. We didn't bury anything.
 13 Q. To move soil. To move soil from where to
 14 where, Mrs. Hanson? Where did ADEM give you
 15 permission to move soil?
 16 A. Within the limits of the west-end
 17 landfill.
 18 Q. What about outside of the limits of the
 19 west-end landfill?
 20 A. I don't think we moved any soil outside
 21 the limits of the west-end landfill.
 22 Q. Is it your testimony that there was no
 23 soil which contained PCBs that were moved on that
 24 site outside of the west-end landfill and buried in
 25 other than a regulated landfill?

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1 MR. COX: Object to the form.
 2 A. Other than within the limits of the west
 3 end landfill, I don't remember that we moved any
 4 soil. We did pick up some soil outside the plant,
 5 but it went to Emelle.
 6 Q. Where did you pick up the soil outside the
 7 plant that went to Emelle?
 8 A. I don't remember.
 9 Q. Well, was it east of the plant, south of
 10 the plant, west of the plant?
 11 A. I'm just trying to think, Donald. I
 12 really don't remember.
 13 Q. Is it not true, Mrs. Hanson, that other
 14 than what you all took off the toe of that landfill
 15 on the west-end landfill, you all did not have the
 16 permission of ADEM to put anything that you found
 17 anywhere else off those regulated landfills or
 18 cells? You didn't have any permission to put
 19 something --
 20 Let's say you found something on the east
 21 side. You couldn't put it on the south landfill,
 22 could you? There was no provision for that in
 23 anything you had by way of a consent order or
 24 consent decree from ADEM? They didn't allow you to
 25 do that, did they.

1 MR. COX: Object to the form.

2 Q. Did they, Mrs. Hanson? You can answer the
3 question. He is just objecting because he is down
4 here to do that.

5 A. We didn't do that.

6 Q. You did not do that. Is it not a fact,
7 Mrs. Hanson, that you all took soil from around the
8 Bethel Church and buried it somewhere other than at
9 one of those landfills like Emelle?

10 A. Not to my knowledge.

11 Q. Who would have knowledge of that,
12 Mrs. Hanson?

13 A. I don't know.

14 Q. If that was done, that would be a
15 violation of the law, wouldn't it, Mrs. Hanson?

16 MR. COX: Object to the form.

17 A. If that was done -- I have no knowledge
18 that that was done.

19 Q. If it was done, Mrs. Hanson, it would be a
20 violation of the law, wouldn't it?

21 MR. COX: Object to the form.

22 A. It depends on the circumstances.

23 Q. Well, tell me about the circumstances that
24 would allow you to take a soil that was highly
25 contaminated with PCBs and put it somewhere other

1 permit that was in place at the time you went to
2 this plant site in March of 1995 covered, is that
3 correct?

4 A. I believe there was some groundwater
5 monitoring requirements in it. It was not my job
6 to understand the RCRA permit. I was sent there to
7 do the construction.

8 Q. Mrs. Hanson, is it not a fact that the
9 RCRA permit that you all had in place on that plant
10 site did not cover the west-end landfill?

11 A. I don't know. I don't know, Donald. I
12 went down there to do the construction on the
13 west-end landfill.

14 Q. Were you involved at all in any
15 conversations with anybody at ADEM about the
16 west-end landfill and the modification of the RCRA
17 permit to cover that?

18 A. No.

19 Q. So if Mr. Mayausky or Alan Faust said that
20 you were involved in that, they're incorrect, is
21 that true?

22 A. I don't remember being involved in any
23 discussions with ADEM.

24 Q. So you did not have any discussions with
25 ADEM at any point in time that you were down there?

1 than a regulated landfill if you didn't find it in
2 the south landfill or the west landfill?

3 MR. COX: Object to the form.

4 Q. What gave you the right to do that?

5 A. To my knowledge, we didn't do that.

6 Q. Well, what did your RCRA permit cover when
7 you went down there? It didn't cover that west-end
8 landfill, did it, Mrs. Hanson?

9 A. I'm not familiar with the plant's RCRA
10 permit.

11 Q. Now, let's see, Mrs. Hanson. I'm trying
12 to understand what your job really is. And I'm not
13 being a smart aleck here, I'm just trying to figure
14 all this out. And not having the opportunity to
15 talk to you yesterday, this is our first time to
16 me.

17 You go down there to do this project down
18 there and it's my understanding, from what you have
19 told me earlier, that you don't know anything about
20 the history of the plant or what is buried out
21 there, is that right?

22 A. I know a lot of hearsay about it. I have
23 no direct knowledge of the history of the plant or
24 what is buried out there.

25 Q. And you have no idea of what the RCRA

1 A. No. I was in meetings that ADEM attended.

2 Q. Where was that?

3 A. Golder presented the design of the
4 landfill to ADEM at the plant.

5 Q. Well, when did that happen?

6 A. Sometime before we started construction.

7 Q. Would that have been in '95?

8 A. Since I didn't go down there until March
9 of '95, I guess it was.

10 Q. I thought you had indicated earlier -- and
11 please forgive me if I'm wrong. I certainly have
12 been incorrect so far today on some things, but I
13 don't think I'm incorrect about this. I thought I
14 understood you to say that they completed that
15 project before the end of '95, the west-end
16 landfill?

17 MR. COX: Object to the form.

18 Q. Did they?

19 A. I don't think we finished the west-end
20 landfill until sometime in '96.

21 Q. Well, you started in '95, didn't you?

22 A. We started late '95 and it rained for two
23 months.

24 Q. That would have been the November you were
25 talking about?

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1 A. (Witness nodding head.)
 2 Q. But you indicated that you had a meeting
 3 with ADEM and that took place in '95, did it not?
 4 A. Yes.
 5 Q. And what did the plan consist of that you
 6 all put in place or presented to ADEM? What did
 7 you all propose to do?
 8 A. To cap the west-end landfill.
 9 Q. To cap the west-end landfill. Which is a
 10 little different than what you were originally
 11 doing, and we have gone through all that. When was
 12 that plan made, presented? When exactly, in
 13 relation to when you started in November, did you
 14 all present that to ADEM?
 15 MR. COX: Object to the form.
 16 A. I can't tell you an exact date. It was
 17 sometime --
 18 Q. You went there in March and the project
 19 started in November. When in between March and
 20 November did you present that?
 21 A. It was sometime between March when I first
 22 went down there and September because that's when
 23 the contractor came on site.
 24 Q. So the contractor came on site in
 25 September. Would it be more towards September or

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1 more towards March that you all made these plans
 2 available to ADEM?
 3 A. I don't know. It was probably more toward
 4 March. We had --
 5 Q. Where did you meet?
 6 A. At the plant.
 7 Q. So ADEM came up to the plant and met with
 8 you all, is that correct?
 9 A. Yes.
 10 Q. And who came from ADEM up there to meet
 11 with you all?
 12 A. I don't remember their names.
 13 Q. Well, do you remember John Poole?
 14 A. I know that name.
 15 Q. Was Mr. Poole there?
 16 A. I don't remember.
 17 Q. Do you remember a Gerald Hardee?
 18 A. I know that name.
 19 Q. Was he there?
 20 A. I don't know.
 21 Q. Was anybody else there from ADEM?
 22 A. I don't know that those two were there.
 23 Q. Well, do you know anybody that was there?
 24 A. There were two or three people from ADEM.
 25 And I believe --

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1 Q. Men or women?
 2 A. I think one or two of each.
 3 Q. Was there one woman, one man or perhaps
 4 two women and two men from ADEM?
 5 A. That's generally how you get three people.
 6 Q. Did you know whether or not they were from
 7 the land or the air or the water division?
 8 A. I don't remember.
 9 Q. Who was there from Monsanto?
 10 A. Robert Jones.
 11 Q. Who else?
 12 A. Probably Larry Adams, at that time.
 13 Q. Is Mr. Adams a project manager too, did he
 14 do the same kind of work you did at that time?
 15 A. No.
 16 Q. What was his position?
 17 A. He -- I guess they're titled remediation
 18 managers.
 19 Q. Did he work under you?
 20 A. No.
 21 Q. Over you?
 22 A. Not directly.
 23 Q. Well, in the chain of command, was he
 24 above you or below you?
 25 A. I was not in the same chain. I reported

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1 to Bruce Yare who reported to Mike Foresman.
 2 Q. Who did Mr. Adams report to?
 3 A. Mr. Adams reported directly to
 4 Mr. Foresman.
 5 Q. Who else was there?
 6 A. Two or three people from Golder.
 7 Q. Is Mr. Adams still with the company?
 8 A. I don't know.
 9 Q. Was he connected with Anniston before you
 10 became connected with Anniston?
 11 A. Yes.
 12 Q. Did he manage that facility much like you
 13 managed this particular project before you came
 14 aboard?
 15 A. No.
 16 Q. What was he responsible for, what was he
 17 there to do, if you know?
 18 A. I don't know how long Larry had been there
 19 or what he was doing. He worked for Foresman. He
 20 was there when I started and left shortly
 21 thereafter.
 22 Q. Did he report directly to Foresman, didn't
 23 have to report to the plant manager?
 24 A. Yes.
 25 Q. Did you report directly to Mr. Yare?

1 A. Yes.

2 Q. Did you all act sort of independently of
3 the local plant manager or did you act in
4 conjunction with him?

5 A. When the group out of Saint Louis went
6 into a plant facility, we worked with the plant.
7 Generally, the plants maintained the relationship
8 with the agency. We worked with them. We didn't
9 report to them. Totally different reporting
10 structure.

11 Q. Who made the final call on, say what kind
12 of remediation to do, you all?

13 A. Generally, that decision was made within
14 Foresman's organization.

15 Q. And that decision was generally made in
16 Saint Louis as opposed to Anniston or Sauget or
17 wherever you all were?

18 A. Right.

19 Q. So the plant manager basically maintained
20 relations with the people who were in the
21 regulatory agencies and the environmental people
22 who were at the plant?

23 A. Yeah, the environmental people at the
24 plant.

25 Q. You were telling us who else was there at

1 this meeting and I think you said it was closer to
2 March when you all presented the plans. Who else
3 was there?

4 A. I don't remember. Robert, Larry Adams,
5 two or three people from ADEM. I believe there was
6 a guy from region four in Atlanta.

7 Q. Russ McLain?

8 A. That name is familiar, but I don't know
9 that he was the one that was there.

10 Q. Could it have been someone out of the RCRA
11 outfit?

12 A. I don't know.

13 Q. RCRA division of -- do you know what
14 division Mr. McLain is out of?

15 A. No.

16 Q. Now, how was this particular west-end
17 landfill or this particular plant site permitted at
18 the time?

19 MR. COX: Object to the form.

20 A. I don't know what their permit status was.

21 Q. Well, who took the lead in the meeting?
22 By the way, was Mr. Mayausky there?

23 A. I don't remember. There is no reason he
24 would have been at that meeting.

25 Q. Who took the lead in the meeting?

1 A. Robert Jones introduced the people and the
2 Golder design engineer made the presentation.

3 Q. And what was the basic substance of the
4 presentation they made to them? What did they tell
5 them you all were going to do with that west-end
6 landfill?

7 A. They showed them the detailed design
8 drawings.

9 Q. Which?

10 A. Of the landfill, of the cap, cover.

11 Q. Well, now when, if you recall, in relation
12 to when they presented this to ADEM, did you all go
13 back to ADEM and tell them you wanted to cap some
14 of that soil you were taking off the toe of the
15 landfill on the west-end landfill? When was that
16 modification made?

17 A. After we started digging and realized that
18 we missed that quantity and decided that we were
19 going to put it up there instead of hauling it all
20 to Emelle.

21 Q. So that was a part of this detailed design
22 that Golder presented to ADEM?

23 A. Yeah.

24 Q. And what was said in that plan
25 specifically about what you all were going to do

1 about excavating soil off the west-end landfill and
2 taking it to Emelle?

3 A. I don't know what specifically was said.
4 We talked about there would have to be some
5 excavation around the toe of the landfill to
6 contour to allow the drainage to accommodate the
7 cap.

8 Q. Allow the drainage to accommodate the
9 cap?

10 A. The water comes off the south side of the
11 highway and down around the west-end landfill.
12 That drainage path had to be maintained. There was
13 a ditch there. We had to move it to accommodate
14 space for the landfill for the cap.

15 Q. Tell me, if you would, if that is actually
16 what was said to those people? I want to be sure
17 about that, Mrs. Hanson. I'm trying to be as
18 careful as I can in asking these questions so that
19 we get the facts as they were related to ADEM. So
20 that's what you all told them at the time?

21 A. I don't know the specific words.

22 Q. But that's the reason you told them you
23 had to excavate?

24 A. That was part of the design. The ditch
25 had to move because if you put four feet of stuff

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1 on top of a slope you're going to move that ditch
 2 out further.
 3 Q. And there was no other statement that was
 4 made in your presence by either the engineers or by
 5 anyone from Monsanto to ADEM about why you all had
 6 to do that? That's your best recollection and
 7 judgment, is that correct?
 8 A. I don't think so.
 9 Q. Ma'am, I'm asking you if, in fact, that's
 10 exactly what was said to ADEM?
 11 A. I can't tell you exactly what was said to
 12 ADEM. We presented the design. The design
 13 included moving that ditch.
 14 Q. What I'm saying is, that's the only reason
 15 you recall being given by Monsanto employees and
 16 the engineers that you had hired, Golder And
 17 Associates, for excavating on that particular
 18 site?
 19 A. I'm not sure I understand where you're
 20 going.
 21 MR. COX: Don't worry about where he is
 22 going. Just answer his questions.
 23 Q. I'm not trying to trick you. I'm just
 24 trying to find out if that is all that was said,
 25 Mrs. Hanson.

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1 A. We presented the design. That was the
 2 point of the meeting.
 3 Q. Was that the only reason that was
 4 contained in the design for the excavation on the
 5 toe of the landfill?
 6 A. As far as I remember, yes.
 7 Q. It was later that you all went back and
 8 got this modification. You've indicated that
 9 Robert Jones handled that. But was there any
 10 meeting in which he handled that similar to the one
 11 that you all went through when Golder presented the
 12 plan?
 13 A. I don't remember if Robert went to
 14 Montgomery or if he talked to them on the phone.
 15 Q. You mean he just called them on the phone?
 16 A. I don't remember how Robert communicated
 17 with the agency.
 18 Q. Would you consider that to be a
 19 significant or an insignificant modification in
 20 this plan, Mrs. Hanson?
 21 A. I don't think it was significant.
 22 Q. You do not think it was significant?
 23 A. No.
 24 Q. Do you have any estimation as to how much
 25 more soil you all were going to have to remove from

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1 the toe of that landfill when you all got that
 2 modification, did you all make some kind of
 3 estimate?
 4 A. I don't remember specifically.
 5 Q. You did, didn't you, Mrs. Hanson?
 6 A. I don't remember that we specifically made
 7 an estimate. We knew there was more. I don't
 8 remember that we estimated how much more.
 9 Q. Well, how did you know there was more if
 10 you didn't make some kind of estimate of it,
 11 Mrs. Hanson? I mean, come on now. You're an
 12 engineer or you're a project manager of a project
 13 of this type. You're telling me that you didn't
 14 make any effort to make some kind of estimation
 15 when you talked to Mr. Foresman about how much more
 16 stuff you all got to take off?
 17 A. I don't remember that. Logic would say we
 18 probably did. I, specifically, don't remember
 19 sitting down and estimating an amount to give to
 20 Foresman.
 21 Q. Who, Mrs. Hanson, would have been involved
 22 in that other than yourself?
 23 A. Well, at that time, my boss and --
 24 Q. Bruce Yare?
 25 A. Yes. And the Golder people. And I think

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1 Mr. Faust was involved early at that stage.
 2 Q. Alan Faust?
 3 A. I don't remember if he was involved in
 4 that or not.
 5 Q. Well, he was a part of your team that
 6 handled that project down there, wasn't he?
 7 A. At that time, Alan was in a different
 8 job. He was one of the hydrogeologists in our
 9 group. He worked for Mr. Yare. Anniston was one
 10 of the plants he was assigned to.
 11 Q. Did Golder give you a report estimating
 12 how much that would be, did you all ask him to give
 13 them some kind of estimation?
 14 A. There were a couple meetings with Golder.
 15 Q. Where did those take place?
 16 A. I think there was one in Saint Louis.
 17 Q. With Mr. Foresman?
 18 A. I don't think Mr. Foresman was in that
 19 meeting.
 20 Q. Who was there, Mr. Yare?
 21 A. Mr. Yare.
 22 Q. Who else?
 23 A. Some of the Golder people.
 24 Q. Who else? You, of course?
 25 A. I'm not even sure I was in that one.

1 Q. Who else was there? Was there anybody
2 else there?
3 A. I don't remember.
4 Q. And the purpose of that meeting is to make
5 some kind of determination as to what to do about
6 this excavating and taking to Emelle, is that
7 correct?
8 A. Actually, I think it was more of a witch
9 hunt to find out who had screwed up when they
10 didn't estimate it the first time.
11 Q. But, in any event, that was the purpose of
12 the meeting in Saint Louis, is that correct?
13 A. What was the purpose?
14 Q. To discuss what to do about the excavation
15 of that property out there on the toe of the
16 landfill, that soil on the toe of the landfill?
17 A. I'm not sure that that was in the sequence
18 of timing. I think that meeting may have been
19 after we already decided it was going up on the
20 top.
21 Q. And who had called that meeting,
22 Mr. Foresman?
23 A. I believe Mr. Yare.
24 Q. And who was it, who's tail did they pin
25 the old donkey's tail on, Mrs. Hanson, who did they

1 blame for doing that?
2 A. I think somewhere between mine and
3 Mr. Adams and Golder.
4 Q. So they got you tagged a little bit with
5 that, Mrs. Hanson?
6 A. Oh, yes.
7 Q. And were there any repercussions for that,
8 Mrs. Hanson?
9 A. Not directly that I'm aware of.
10 Q. Did that have anything to do with your not
11 being picked, Mrs. Hanson, later on for, in that
12 group?
13 A. I have no idea why I wasn't picked.
14 Q. Do you think it might have?
15 A. I would not hazard to guess as to how
16 Mr. Foresman thinks.
17 Q. But was he the one who made the decision?
18 A. On my not being selected?
19 Q. Yes, ma'am.
20 A. I don't know who made that decision. I'm
21 sure Mr. Foresman was part of that.
22 Q. Was Mr. Foresman the one who was asking
23 Mr. Yare to give him an answer as to who made the
24 mistake on the estimate, Mrs. Hanson?
25 A. Yes, sir.

1 Q. So it's you and Golder, and who else was
2 involved in -- Mr. Adams?
3 A. Yes.
4 Q. Do you know if Mr. Adams was let go about
5 the same time that you were?
6 A. I don't know if Mr. Adams is still alive.
7 He was not a healthy person. I don't know if he
8 was let go. He may still be working for Solutia.
9 Q. Who at Golder was involved in making the
10 estimates as to much how needed to be taken off
11 that toe to begin with?
12 A. The design engineers that I worked with, I
13 guess. I was not involved when they did the early
14 stages of the detailed design.
15 Q. What were their names?
16 A. Wilston -- I don't remember Wilston's last
17 name.
18 Q. Who else? Was anybody else?
19 A. There was a woman named Claudia. They
20 were the two primary engineers that I dealt with.
21 Q. You don't remember her last name?
22 A. No.
23 Q. Both of them engineers with Golder?
24 A. (Witness nodding head.)
25 Q. Are they the ones that made the estimates

1 as to what additional soil you might have to remove
2 and came up with sort of the reasons why you all
3 might have to get this modification?
4 A. If there was an estimate made, they would
5 have been the ones to do it.
6 Q. You mentioned a second meeting and that
7 took place elsewhere other than Saint Louis. Where
8 did that meeting take place?
9 A. I don't know. I know there was one
10 meeting in Saint Louis. There may --
11 Q. You mentioned there were two.
12 A. There may have been another meeting. I
13 was not involved.
14 Q. Did one take place perhaps at the plant
15 site?
16 A. I don't know.
17 Q. The reason I ask about a second meeting,
18 you said there were two. And sometimes I look like
19 I don't remember things and sometimes I don't, but
20 I sort of remember that and maybe I misunderstood
21 you.
22 A. I specifically remember the meeting in
23 Saint Louis. I don't specifically remember any
24 other meeting. There were meetings going on all
25 the time. So I don't know what --

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1 Q. Now, you indicated that you all met with
2 ADEM and you presented this plan. And back to what
3 I was asking you about that plan, what was the
4 basic substance of that plan or the reason why you
5 all chose that plan? Let me ask that. For the
6 west-end landfill I'm talking about.

7 A. I don't know the history behind the
8 decision to do that.

9 Q. That had been done before you got there?

10 A. Yes, sir.

11 Q. Do you know what interim measures mean in
12 a remediation of a site, is that a term of art to
13 you or a term that is used from time to time by
14 regulators?

15 A. I've heard of the term.

16 Q. Is it your understanding that what was
17 done on the west-end landfill was an interim
18 measure?

19 A. No.

20 Q. Tell me what your understanding of that
21 was.

22 A. As far as I know, it was there
23 permanently.

24 Q. How did you acquire that understanding?

25 Did you talk to people at ADEM, did you all have

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1 that understanding with the people at ADEM?

2 A. I didn't meet with the people at ADEM to
3 discuss that.

4 Q. With whom did you discuss that particular
5 matter that I just raised?

6 A. I don't remember that I discussed it with
7 anybody specifically.

8 Q. How did you arrive at the understanding
9 that what you all did to the west-end landfill was
10 a permanent type remedy for that situation?

11 A. Based on my experience in remediation
12 projects, generally, when you spend that much money
13 and put on a cap like that that meets RCRA's, that
14 meets standards, that's a permanent solution.

15 Q. Ma'am?

16 A. That's generally a permanent solution.

17 Q. Did Mr. Faust have that same
18 understanding, Alan Faust?

19 A. I don't know.

20 Q. To your knowledge, did Mr. Adams or
21 Mr. Yare have that same understanding, that this
22 was a permanent solution?

23 A. I don't know.

24 Q. Why is the language in the consent order
25 or decree that this is an interim measure then,

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1 Mrs. Hanson? You have seen those, have you not?

2 A. I don't specifically -- I know there was
3 some kind of a document. I don't remember, if I
4 read it, what's in it.

5 Q. Indicates, I would state for the record,
6 that this is an interim measure or an emergency
7 measure, and that's what the testimony has been of
8 Mr. Poole and Mr. Cobb, who are ADEM employees. Is
9 it your understanding that that is, in fact, not
10 true, that this is a permanent measure, that's the
11 way the company views it?

12 A. I can't speak for --

13 MR. COX: Object to the form.

14 THE WITNESS: -- the company, whoever
15 that is.

16 Q. What if Mr. Foresman said that the capping
17 was an interim measure?

18 A. Then, apparently, Mr. Foresman believed it
19 was an interim measure.

20 Q. He would have a better understanding of
21 it? You would defer to his characterization of it?

22 A. Yes.

23 Q. What part did you play in the eastern
24 remediation?

25 A. I was over site for the consultant that

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1 was doing the sampling for what we call area A and
2 then there was an expanded area A.

3 Q. Okay. And who was the consultant?

4 A. Initially, it was Garety and Miller.

5 Q. Who did it after that?

6 A. Well, it was the same two guys, but Garety
7 and Miller closed their Atlanta office so these two
8 guys opened their own business, but they are the
9 same two that continued to do the sampling.

10 Q. Is that Genesis -- is that Mike Price and
11 his partner?

12 A. Yes.

13 Q. So they continued to do the sampling in
14 that area?

15 A. Yes.

16 MR. STEWART: Mark this Exhibit One.

17 (Plaintiffs' Exhibit No. One was marked
18 for identification.)

19 Q. Let me show you Plaintiffs' Exhibit One
20 and ask you to take a look at it. This is one of
21 the maps that you all had provided to us in other
22 depositions. And can you locate for me the -- it
23 shows a portion of the southern landfill at the top
24 of the map or the bottom, whichever you have it,
25 work done by Golder and Associates. It's something

1 we put in in Alan Faust's deposition.
 2 Can you sort of draw for me what you
 3 consider to be the eastern area that you all looked
 4 at for remediation.
 5 MR. COX: The area A in expanded area A
 6 that she just talked about?
 7 MR. STEWART: Yeah.
 8 MR. COX: Can you do that from that map?
 9 THE WITNESS: Roughly, I guess. Came in
 10 that corner of the plant.
 11 MR. COX: Just draw it and then you can
 12 explain what it is.
 13 BY MR. STEWART:
 14 Q. Do you want to take a red pen and mark it
 15 off, because that is black and that might be easier
 16 to see.
 17 A. I'm not sure exactly where -- Montrose is
 18 up on the hill. And that --
 19 MR. COX: This is Montrose.
 20 A. That was about A and then expanded came up
 21 to there.
 22 MR. COX: Why don't you write in this
 23 area, area A, and then that area expanded
 24 area A.
 25 Q. All right. You have marked for us on

1 Plaintiffs' Exhibit One area A and then an expanded
 2 area A. And is it my understanding that that's
 3 what you worked on the east, the property east of
 4 the plant as far as a remediation or a sampling
 5 plant?
 6 A. Yes, roughly. I don't remember exactly.
 7 Q. I understand that it's a rough. Who
 8 picked out area A? One would think that that was
 9 the first site you all looked at. Who picked that
 10 out?
 11 A. I don't know.
 12 Q. Did Monsanto?
 13 A. I don't remember who selected it.
 14 Q. Well, you don't know -- it's my
 15 understanding, and maybe I'm wrong -- and let me
 16 just ask you a few predicate questions. It's my
 17 understanding that you were involved in the east
 18 remediation situation from the beginning, is that
 19 correct or incorrect?
 20 A. From the beginning of what?
 21 Q. From the beginning of the time that the
 22 plan was put together to remediate it. And if I
 23 misunderstood you, I'm sorry.
 24 A. The first thing I did was the
 25 characterization of the ditch, the drainage ditch

1 down through there.
 2 Q. Was that not the first thing that was done
 3 on the eastern side to make a determination as to
 4 what you all needed to do?
 5 A. Apparently, something had been done before
 6 I got there or they wouldn't have known there was
 7 anything up there.
 8 Q. Some sampling perhaps?
 9 A. (Witness nods head.)
 10 Q. Had there been any remediation work though
 11 done on that eastern side before you got there?
 12 A. Not that I know of.
 13 Q. So I would, in fact, be correct that you
 14 were involved in the planning of and then the
 15 implementation of a part of that remediation?
 16 A. I was there, did the sampling and the
 17 report. I was --
 18 Q. When you say sampling and report. Report
 19 of the sampling results?
 20 A. Of the sampling results.
 21 Q. And what about the planning of what to do
 22 on that site, you were involved in that, were you
 23 not?
 24 A. I was generally in the meetings, yes.
 25 Q. Well, you were involved in putting the

1 plan together, weren't you, Mrs. Hanson?
 2 A. I didn't make any decisions.
 3 Q. Well, you were aware of what was going on,
 4 were you not?
 5 A. Uh-hum.
 6 MR. COX: You need to answer out loud.
 7 THE WITNESS: Yes.
 8 Q. So you would know or have some knowledge
 9 of who picked area A and why?
 10 A. It came out at some of the meetings. I
 11 believe ADEM was involved in the area we looked
 12 at. I think why is because everything else was up
 13 hill and nobody expected there to be anything up
 14 hill. That was kind of the drainage basin.
 15 Q. So nobody expected some PCBs contamination
 16 to be up hill, you all just went down hill from
 17 there. And, I assume, the source of what you all
 18 expected to find and what you did find came from
 19 the south landfill, did it not?
 20 A. Not necessarily.
 21 Q. Where did it come from?
 22 A. I have no idea.
 23 Q. What plant or facility other than Monsanto
 24 is located contiguous to or near area A? Is there
 25 another plant or facility? I don't see one marked

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1 on the map and certainly that doesn't mean there is
2 not one present. Do you know of a manufacturing
3 facility that is located in area A or expanded area
4 A?

5 A. Not today, or not in 1997 when I left.

6 Q. Do you know of one that historically
7 existed in that area?

8 A. I believe at one point there was a foundry
9 out there somewhere, but I don't know where it was.

10 Q. On expanded area A or area A, is that your
11 testimony here today, Mrs. Hanson?

12 A. I don't know where it was.

13 Q. And tell me, if you would, who owned the
14 landfill that was south of 202?

15 A. Monsanto.

16 Q. And tell me if it was a natural drainage
17 off of that landfill into area A and expanded area
18 A?

19 MR. COX: Object to the form.

20 A. I don't know what the natural drainage was
21 from that area.

22 Q. So you had to engineer this thing, but you
23 don't have any idea as to whether or not there was
24 any drainage off the south landfill into those
25 areas?

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1 A. I don't know what the natural drainage was
2 before the highway went in. I mean, obviously, it
3 goes down hill.

4 Q. The highway diverted it some, is that
5 correct?

6 A. I don't know.

7 Q. You just don't know?

8 A. It's all before my time.

9 Q. Tell me, if you would, if Monsanto did
10 not, in fact, own some land in area A and expanded
11 area A?

12 A. Yes.

13 Q. Did you all find any high levels of PCBs
14 near the Morris Hill Church, behind the Morris Hill
15 Church on your own property or in a ditch adjacent
16 to?

17 A. There was one area in the ditch behind
18 Morris Hill Church on Monsanto property that had
19 some fairly high concentrations.

20 Q. Now, tell me, and I don't know this so you
21 perhaps know it from being out there and working
22 with Monsanto on it, is that a landfill, was that a
23 landfill at the time you walked on it?

24 A. I don't think so.

25 Q. Do you remember the levels of PCB

1 contamination you found in there?

2 A. I think there was were some in the
3 thousands parts per million.

4 Q. Well, what happened to that? I mean, you
5 have indicated earlier that you all took that other
6 stuff that was above fifty parts per million which
7 you found outside one of these landfills to
8 Emelle. I assume you all took all that to Emelle?

9 A. No.

10 Q. Well, what did you do with that?

11 A. As far as I know, it's still right where
12 it was.

13 Q. Well, what happened to it?

14 A. We covered it.

15 Q. You covered it. What with?

16 A. Temporarily, it was covered with an HDPE
17 liner in the ditch.

18 Q. What is HDPE?

19 A. High density polyethylene. A thick
20 plastic.

21 Q. And then what happened to it after that?

22 A. When I left, it was still there.

23 Q. The liner was still there?

24 A. Yes.

25 Q. But that, I assume from the way you

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1 answered that, was a temporary measure, is that
2 correct?

3 A. Until further remediation was done in that
4 area.

5 Q. What did you all find in your sampling out
6 there? Was there PCBs just all over the place out
7 there?

8 A. No.

9 Q. Where were the hot spots, can you mark
10 those for us with this red pen?

11 A. I don't --

12 Q. And by the way, before you do that, it was
13 an expanded area A. Who decided to expand it, you
14 all, Monsanto?

15 A. I guess.

16 Q. Why is it that you all decided to expand
17 it?

18 A. Because there were still low levels when
19 we got to the end of area A.

20 Q. Low levels. Tell me what those low levels
21 were?

22 A. Most of them were less than one part per
23 million.

24 Q. So you all wanted that area to remediate
25 it, is that correct?

1 MR. COX: Object.
 2 A. Basically.
 3 Q. And that's what drove that decision, is
 4 that correct?
 5 A. Which decision?
 6 Q. To expand area A to expanded area A for
 7 remediation?
 8 A. To continue the sampling until we defined
 9 the extent.
 10 Q. Of the contamination?
 11 A. Yes.
 12 Q. Now, before we get to your drawing where
 13 you all found those levels of PCBs and giving me
 14 some idea of where they were, you indicated earlier
 15 that you all, you didn't know what the source of
 16 the PCBs were. Are you saying you all don't know
 17 what the source is of the PCBs that all you found
 18 on the eastern area, where they came from?
 19 A. Not specifically.
 20 Q. Are you all in the habit -- what did you
 21 all spend over there?
 22 A. When?
 23 Q. On the remediation of the eastern area.
 24 A. I don't know.
 25 Q. Didn't they have a proposal before you

1 left?
 2 A. I was not involved in any of the east side
 3 remediation.
 4 Q. Didn't you hear a proposal or a figure
 5 before you left?
 6 A. No.
 7 Q. Would it be in excess of what you spent of
 8 the other way? You mentioned earlier and of
 9 course, again, pardon me if I remember something
 10 that you didn't say because I tax my memory every
 11 once in a while just to make sure that I can still
 12 work and operate, but it's my understanding that it
 13 was a little less than the western landfill,
 14 Mrs. Hanson, the cost of capping the west-end
 15 landfill because you built a retention pond over
 16 there, didn't you?
 17 A. The retention pond was less.
 18 Q. But the remediation may have been more?
 19 A. Yes.
 20 Q. What did the retention pond cost?
 21 A. Something less than a million dollars. I
 22 don't remember the exact number.
 23 Q. Something less than a million dollars
 24 could be a hundred bucks, but --
 25 A. I think it was a little more than a

1 hundred dollars, Donald.
 2 Q. Was it in excess of half a million
 3 dollars?
 4 A. I think so. I think it was six or seven.
 5 Q. Six or \$700,000?
 6 A. (Witness nodding head.)
 7 Q. Are you all in the habit of spending that
 8 kind of money, Mrs. Hanson, as a company when you
 9 do not feel like you're the source of the
 10 contamination on the property in question?
 11 MR. COX: Object to the form.
 12 Q. Do you all generally go out and make an
 13 expenditure of \$700,000 when you don't think it's
 14 your stuff?
 15 MR. COX: Same objection.
 16 A. If we owned the property and there is a
 17 problem, we generally did what was right to fix
 18 it --
 19 Q. Mrs. Hanson --
 20 A. -- wherever it came from.
 21 Q. -- you all did not own all the property in
 22 area A, did you?
 23 A. No, not originally.
 24 Q. Didn't you actually participate in
 25 negotiating the deal with the Bethel Baptist

1 Church, which was located in that area?
 2 A. I had one or two meetings with Bethel
 3 Baptist Church before there was litigation and I
 4 never talked to them again.
 5 Q. But you did discuss with them and you know
 6 for a fact that a deal was made with them, do you
 7 not?
 8 MR. COX: Bethel. You're thinking of
 9 Morris Hill.
 10 A. Bethel. Oh, yeah.
 11 Q. Bethel Missionary Baptist Church?
 12 A. Yeah.
 13 Q. You negotiated that deal with them, didn't
 14 you?
 15 A. I was involved in some of the early
 16 meetings before Mr. Faust came to Anniston.
 17 Q. And you all built a church for them, did
 18 you not?
 19 A. Yes.
 20 Q. And that's because their property was
 21 contaminated with PCBs, is that not correct,
 22 Mrs. Hanson?
 23 A. There were PCBs on their property.
 24 Q. Now, you were going to tell me about the
 25 levels you all found over there. Tell me about

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1 that.
 2 A. I don't remember exact levels. Most
 3 places were nondetect or less than ten parts per
 4 million.
 5 Q. Can you show me the hot spots?
 6 A. The only hot spot, as you call it, that I
 7 remember was in the ditch up here behind Bethel
 8 somewhere.
 9 MR. COX: That's Morris Hill.
 10 A. Behind Morris Hill. I'm sorry.
 11 MR. COX: She was pointing to it and
 12 saying Bethel. I just wanted to clarify the
 13 record. I'm not trying to testify, but she
 14 was pointing to the church and calling it
 15 Bethel and I just wanted to make sure the
 16 record was clear.
 17 THE WITNESS: I got them backwards.
 18 MR. STEWART: If you want to consult with
 19 your client, you may go right ahead.
 20 BY MR. STEWART:
 21 Q. Now, was there anything found around
 22 Bethel, Mrs. Hanson?
 23 A. Bethel is this one. There was some.
 24 Q. Some pretty high levels found around
 25 there, wasn't it, Mrs. Hanson?

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1 A. I don't recall they were that high.
 2 Q. Well, do you recall if there was anything
 3 other than some contamination of the soil with
 4 PCBs? Do you recall finding anything else there?
 5 A. I don't remember that we looked for
 6 anything.
 7 Q. What happened to the soil that you all
 8 excavated from the Bethel site, what did you all do
 9 with that?
 10 A. I'm not aware that we excavated any soil
 11 from the Bethel.
 12 Q. Oh, you're not? You don't know of
 13 anything that happened to any of that soil -- is it
 14 your testimony here today that all you all did was
 15 just cover that property?
 16 A. When I left in 1997 the Bethel Baptist
 17 Church was still standing.
 18 Q. No soil had been excavated down there?
 19 A. None.
 20 Q. Do you know if the plan called for the
 21 excavation of any soil on that site?
 22 A. I was not involved in any of the
 23 discussions on the east side remediation.
 24 Q. Was a report sent by and did Golder And
 25 Associates also put together the plan for the

1 remediation of the eastern site?
 2 A. That was after -- no, I don't think it was
 3 Golder.
 4 Q. Who was it?
 5 A. I believe it was O'Brien and Gere.
 6 Q. Brian?
 7 MR. COX: O'Brien.
 8 Q. And?
 9 A. Gere, G-E-R-E.
 10 Q. And they're the ones that put the plan
 11 together for the remediation of the eastern side?
 12 A. When I left in '97 they had started some
 13 of the early design work.
 14 Q. What was the purpose or what was the aim,
 15 what were you all aiming to do with that
 16 remediation on the eastern side, Mrs. Hanson?
 17 A. Since I wasn't involved in any of that
 18 discussion --
 19 Q. Let me ask you this. Was there any effort
 20 made, if you know, Mrs. Hanson, to control surface
 21 runoff from the south-end landfill?
 22 A. Yeah.
 23 Q. You believe that's what they were trying
 24 to do?
 25 A. That's what the pond was for.

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1 Q. When did you decide to put the pond in?
 2 Was that a part of that remediation effort?
 3 A. I didn't decide to put the pond in.
 4 Q. When was the decision made to put the pond
 5 in?
 6 A. The decision was made sometime in '96, I
 7 believe.
 8 Q. And who was involved in that decision,
 9 Mr. Foresman?
 10 A. Mr. Foresman, Mr. Faust, Mr. Yare.
 11 Q. And the engineers?
 12 A. Golder, yeah.
 13 Q. You indicated it was O'Brien and Gere, but
 14 was it Golder that actually --
 15 A. Golder did the pond.
 16 Q. Golder did the pond. What did you
 17 understand the purpose of that pond was?
 18 A. Storm water retention.
 19 Q. Storm water retention. Why?
 20 A. To control anything that was leaving that
 21 area.
 22 Q. Leaving?
 23 A. The area that drained into the pond.
 24 Q. And how exactly was that going to work?
 25 How did you understand that was going to work?

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1 A. When it rained, water ran into the pond.
 2 It settled and then it ran out the top.
 3 Q. What was the purpose of the settling?
 4 A. To take out any sediment, dust, dirt that
 5 came down.
 6 Q. Because of what, it might have PCB
 7 contamination in it?
 8 A. Possibly.
 9 Q. What testing, to your knowledge, was set
 10 up to be done in the retention pond?
 11 A. In the pond itself, I'm not sure. The
 12 storm water effluent from the pond was tested.
 13 Q. Well, you tested the storm water effluent
 14 to make sure that it did not contain PCBs?
 15 A. Right.
 16 Q. I'm stuck by something earlier and it's on
 17 a little bit different subject, but you indicated
 18 that PCBs were not a volatile or a semivolatile
 19 substance. Why were you all taking air samples?
 20 A. We took sediment or dust particulate
 21 samples.
 22 Q. Oh, particulate samples. You all were
 23 just trying to see if it was in the dust and not in
 24 the air?
 25 A. Right.

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1 Q. When did that idea change that it perhaps
 2 might have been in the air, was that before or
 3 after you all got the plans put together to put
 4 this eastern remediation in?
 5 A. I'm not aware that -- I mean, I'm not sure
 6 what change you're talking about.
 7 Q. Were there ever any conversations between
 8 you and Mr. Faust and Mr. Foresman about, hey, we
 9 better start checking that air around there? When
 10 did you all have those conversations, if you did?
 11 A. I'm not aware of those conversations.
 12 Q. So it's your testimony here today that
 13 nobody, at any point in time from the time you
 14 started working on that project in March of 1995,
 15 ever suggested you all ought to do air sampling to
 16 find out if there were PCB contamination in the
 17 air?
 18 A. I can't say that nobody ever talked about
 19 that. I don't remember that I was ever a party to
 20 a discussion to sample anything other than
 21 particulates.
 22 Q. So you understand there's a difference in
 23 the air sampling device that would make a
 24 determination as to where the facility there was
 25 off-gassing and whether or not you would find it in

1 the particulate? Are you saying there is a
 2 distinction or a difference in that?
 3 A. In whether or not you're sampling gas or a
 4 particulate, yes, there is a distinction.
 5 Q. So there was no discussion, to your
 6 knowledge, during the time that you were there, and
 7 when exactly did you leave, about that, doing that
 8 air sampling?
 9 A. I left Monsanto at the end of May '97. I
 10 don't think I made any trips to Anniston after
 11 February or March. Maybe one in April.
 12 Q. Mrs. --
 13 A. Hanson.
 14 Q. -- Hanson, tell me, if you would, what the
 15 property purchase program had to do with
 16 remediation on the eastern area remediation site?
 17 You were involved in the property purchase program,
 18 weren't you?
 19 A. I was around when it was there. I was
 20 involved in the accounting.
 21 Q. Ma'am?
 22 A. I was involved in the accounting and
 23 reporting side of it. I wasn't involved in talking
 24 to the people.
 25 Q. Talking to people about it?

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1 A. I was not involved in talking to people.
 2 Q. That was Mr. Mayausky that went and talked
 3 to those people, didn't he, Mrs. Hanson?
 4 A. Early on, and then the Prudential people.
 5 Q. What did that property purchase program
 6 have to do with the remediation site on the
 7 eastern --
 8 A. My understanding was it was because we
 9 needed the property to do the remediation.
 10 Q. And it had nothing whatsoever to do with
 11 any other purpose, as far as you understood?
 12 A. (Witness nodding head.)
 13 MR. COX: Do you want to take five?
 14 THE WITNESS: Please.
 15 MR. COX: Can we take a short break?
 16 MR. STEWART: Sure.
 17 (Recess.)
 18
 19
 20 (End of Volume I. The deposition continues in
 21 Volume II, page 173.)
 22
 23
 24
 25

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

JOHN R. SWIFT and
BARBARA SWIFT,

Plaintiffs,

v. CIVIL ACTION NO.: CV-97-AR-2430-E

MONSANTO CO., INC., et al.,

Defendants.

DEPOSITION OF JO HANSON

VOLUME II of II

Reported by:

Mary Ann Smith, RPR
June 15, 1999



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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

EASTERN DIVISION

JOHN R. SWIFT and
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Plaintiffs,

v. CIVIL ACTION NO.: CV-97-AR-2430-B

MONSANTO CO., INC., et al.,

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DEPOSITION OF JO HANSON

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MONSANTO CO., INC., et al.,

Defendants.

DEPOSITION OF JO HANSON

VOLUME II

PURSUANT TO NOTICE for the taking of the

deposition of JO HANSON, upon oral examination in

the above-styled cause, at the instance of the

Plaintiffs, for the purposes of discovery or use at

trial or both, pursuant to Federal Rules of Civil

Procedure and Alabama Rules of Civil Procedure,

proceedings therefor were held before Mary Ann

Smith, Registered Professional Reporter and Notary

Public in and for the State of Florida at large, at

Sclafani Williams Court Reporters, Inc., SouthTrust

Bank Building, 1800 Second Street, Sarasota,

Florida, on June 15, 1999, commencing at 9:56 a.m.

WHEREUPON, the following proceedings were

had and taken:

MR. STEWART: Mark that as Two.

(Plaintiffs' Exhibit No. Two was marked for identification.)

BY MR. STEWART:

Q. Let me show you Defendants' Exhibit Two and ask you to take a look -- I mean Plaintiffs' Exhibit Two, and ask you to take a look at that, if you would.

A. Okay.

Q. Look at page five of that exhibit. Tell me, Mrs. Hanson, if that does not, the area depicted on that map, page five of Exhibit Two to your deposition, does that not follow fairly closely to what you had drawn out as area A and expanded area A on Plaintiffs' Exhibit One?

A. Yes.

Q. This ties in with what you previously told us that Monsanto was attempting to do with the property purchase program, which was to acquire the property for remediation purposes in this area A and expanded area A?

A. Right.

Q. Now, who did you get, Mrs. Hanson, to approve this plan? Did you all have to go to any

A. Okay.

Q. What indirect part did you have to play in putting this program together, Mrs. Hanson?

A. I didn't have much role at all in putting this program together.

Q. I asked what part, if any?

A. I sat in on some of the meetings. I had very little input. That's not my bailiwick.

Q. Who was at those meetings that you sat in, Mr. Foresman and Mr. Pierle?

A. Mr. Pierle, the Prudential people.

Q. Prudential? Who was it from Prudential that you all had involved?

A. Mamie.

Q. Who?

A. Mamie. What was Mamie's last name. I don't remember. And John --

Q. Mamie and John?

A. They were out of their Atlanta office. I can't remember their last names.

Q. They were in the real estate division of Prudential?

A. No, the relocation division or whatever they call them.

Q. Relocation. And what is it exactly that

regulatory agency to get them to approve it?

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

Q. So you didn't have to get this approved by ADEM or by the Alabama Department Of Public Health, did you?

A. As far as I remember, we didn't.

Q. And this was something that Monsanto came up with, am I to understand, internally, that you all made the determination that you all wanted to do it internally?

A. Yes.

Q. And who was involved in making that decision, if you recall?

A. Mr. Foresman. Mr. Pierle was in on that one. It's P-I-E-R-L-E.

Q. That's what I have.

A. She doesn't know. It's kind of an odd spelling. I think they were probably the main two.

Q. And did you have a part in shaping this plan?

A. Not directly.

Q. Take a look at page six. Just read over that. I'm going to ask you some questions about it.

the relocation division of Prudential does for large-size companies like Monsanto?

MR. COX: Object to the form.

A. I don't know what all they do.

Q. Moderate-size companies like Monsanto.

MR. COX: Same objection.

Q. What do they do? You don't know?

A. I think they do when the company moves -- like I think Sherry Wartel, who worked on this site, went to one where she moved five hundred people for a company that moved from Fort Lauderdale to Dallas.

Q. So they relocate people who are employees of companies and they were assisting you all in putting this together? Was this a specialized group that came in to help you all do this?

A. I don't know what else Mamie and John do besides this. They do out other buyout programs like this.

Q. For companies who are remediating areas, they do that too?

A. For whatever reason companies want to buy properties.

Q. How many meetings did you all have before you went and talked to the people who lived in this

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Page 183

1 area?
 2 A. I don't know.
 3 Q. Internally I'm talking about.
 4 A. I don't know.
 5 Q. How long did it take you to come up with a
 6 program?
 7 A. Several months, I guess. I don't remember
 8 for sure.
 9 Q. When did you finally put the finishing
 10 touches on it and put it together?
 11 A. What is the date on this?
 12 Q. I've looked. That's why I'm asking.
 13 A. I think sometime in the fall we rolled it
 14 out. Seems like October sticks in my mind.
 15 Q. Of?
 16 A. '95.
 17 Q. '95?
 18 A. Or '96. I don't remember. They had
 19 until --
 20 Q. If you look at page five --
 21 A. It says they had until February 2nd '96,
 22 so it must have been October of '95.
 23 Q. October of '95?
 24 A. In fact, I just saw October 21st here on
 25 this. Well, here is October 6th '95 was a

1 to the meeting and introduced them and they made
 2 the presentation.
 3 Q. Where was the meeting?
 4 A. I don't remember.
 5 Q. Was it at Monsanto headquarters or the
 6 meeting center in Anniston or one of the churches?
 7 A. I really don't remember.
 8 Q. Did you attend the meeting?
 9 A. No.
 10 Q. How did the people know to come to this
 11 meeting, were they sent a letter or a proposal?
 12 A. I really don't remember.
 13 Q. Take a look again at page six, and it's
 14 indicated as of October 2, 1995 if you own property
 15 either a vacant lot or residential property you're
 16 eligible -- who decided on that date?
 17 A. I don't know.
 18 Q. Did you all in your meeting decide?
 19 A. I don't remember.
 20 Q. And there is a date where they sign up for
 21 the program up to February 2nd of 1996. Who picked
 22 that date?
 23 A. I don't remember.
 24 Q. Could that have been Mr. Foresman and
 25 Mr. Pierle, the ones who picked that?

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1 meeting. October 6th is when they had the
 2 meeting. After October 21st the representative --
 3 so it was October of '95.
 4 Q. So October of '95. How long had you all
 5 worked on the program, Mrs. Hanson, before you put
 6 it together? Did it take a couple months to put it
 7 together?
 8 A. I think so.
 9 Q. And you all had a couple meetings. And
 10 what did Mr. Foresman say the purpose of this thing
 11 was, what you had said earlier, to make sure you
 12 all got the property that you needed?
 13 A. The property needed to do the remediation.
 14 Q. And that was the only reason you heard him
 15 make this statement?
 16 A. Yes.
 17 Q. Now, how was it decided that you all would
 18 approach the people in the area and ask them to
 19 sell their property to Monsanto? What was the
 20 contact going to be initially to get them to sell
 21 their property to Monsanto?
 22 A. I believe there was a meeting.
 23 Q. Who had that meeting?
 24 A. I believe the Prudential representatives
 25 made the presentation. I think Jack Mayausky went

1 A. I don't know. It could have been. They
 2 were in the meetings, but I think basically they
 3 deferred to the Prudential people because they had
 4 experience in doing these kind of things and the
 5 timing was based on their experience.
 6 Q. Now, was the February 2nd date or February
 7 2nd of '96 date, Mrs. Hanson, important for the
 8 time you all were going to be in remediation of the
 9 eastern area? Were you all planning on starting
 10 that at some point in time? And I think you
 11 indicated that you all started it in perhaps
 12 September and November of '96. It was raining and
 13 everything.
 14 A. No, that was '95 when we did the landfill.
 15 Q. Maybe I misunderstood. When did you all
 16 start the remediation here?
 17 A. The pond on the east side I think we
 18 started late summer of '96.
 19 Q. Late summer of '96?
 20 A. (Witness nodding head.)
 21 Q. Would it be fair to say that you all were
 22 shooting for acquiring the property before you
 23 began all your remediation work, would that be
 24 correct?
 25 A. That's fair to say, yeah.

1 Q. Could that have something to do with these
2 dates, these sign-up dates?
3 A. It could have.
4 Q. There is a date in the next sentence, two
5 sentences down in the second paragraph on page six
6 of Plaintiffs' Exhibit Two. It says, if you sign
7 up for an appraisal by December 1st and you decide
8 to accept an offer, you will also be eligible to
9 receive an early appraisal sign-up bonus. Whose
10 decision was it to put that in there?
11 A. I don't remember specifically. Again, I
12 think a lot of this came out of Prudential because
13 they have done these programs before, and based on
14 their experience they kind of knew how long it took
15 people to get around to signing up and what it took
16 to get them moving.
17 Q. So that was put in there to provide an
18 impetus to people to sell to Monsanto as quickly as
19 possible, is that correct, Mrs. Hanson?
20 A. So we would know, yeah, what property we
21 were going to be able to get.
22 Q. Now, there is a note on page six, you must
23 sell all property you own in the program area to be
24 eligible for the program benefits. Is that, again,
25 a part and parcel of what Prudential recommended

1 that you put in there?
2 A. I don't remember how that specific clause
3 got in there.
4 Q. How is it that you all got the health
5 department in this situation?
6 A. I'm sorry?
7 Q. How is it that you all got the Alabama
8 Health Department involved in this situation,
9 Mrs. Hanson?
10 A. I don't know how or who got them involved.
11 Q. Do you know Dr. Brian Hughes?
12 A. I know he was the toxicologist for the
13 state. I don't remember that I ever met him.
14 Q. How do you know that he was a toxicologist
15 for the state?
16 A. There was plenty of talk -- I mean, there
17 was meetings and we talked about ADPH. He was in
18 the newspaper. I do read the Anniston Star when I
19 was in town. That's fairly common knowledge who he
20 was.
21 Q. There were meetings between Monsanto and
22 Mr. Hughes and the state health department
23 officials?
24 A. Not that I attended.
25 Q. Well, did other people attend meetings

1 with Dr. Hughes?
2 A. I have no firsthand knowledge of that.
3 Q. Well, your secondhand knowledge will do in
4 this discovery proceeding, Mrs. Hanson. What is
5 your secondhand knowledge of what he, of the
6 meetings that he attended with people from
7 Monsanto?
8 A. I believe it was Dr. Mayausky attended
9 some meetings with him.
10 Q. When was that?
11 A. Sometime in '95 or '96.
12 Q. Where did those meetings take place?
13 A. I don't know.
14 Q. Were some of them in Montgomery?
15 A. Might have been.
16 Q. Were some of them in Anniston?
17 A. I don't know.
18 Q. What was the purpose, if you understand,
19 and it really doesn't matter if it's third-hand,
20 what was the purpose of Mr. Mayausky meeting,
21 Mrs. Hanson, with Dr. Hughes?
22 MR. COX: Object to the form.
23 A. I don't know the purpose of the meetings.
24 Q. What did you understand was discussed?
25 A. Obviously, PCBs in the Anniston area.

1 Q. So there were discussions between
2 Mr. Mayausky and Dr. Hughes about PCBs that you all
3 were finding on your property and the property that
4 was adjacent to your property in the Anniston area,
5 is that one of the subjects you understood they
6 discussed?
7 A. Yes.
8 Q. Who else from Monsanto met with
9 Dr. Hughes?
10 A. I don't know.
11 Q. Do you know a Dr. Kaley?
12 A. Yes.
13 Q. What do you understand his position is
14 with Monsanto?
15 A. Bob does a lot of PCB type work with all
16 the plants.
17 Q. Do you know whether or not he met with
18 Dr. Hughes?
19 A. I think he did.
20 Q. And do you know Dr. Renee Kimbrough?
21 A. I've heard that name.
22 Q. Did she not also meet with Dr. Hughes with
23 Dr. Kaley?
24 A. I don't know.
25 Q. When do you understand Dr. Kaley met with

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1 Dr. Hughes?

2 A. I don't remember. I was not involved. It

3 was just a peripheral knowledge that there was

4 meetings going on.

5 Q. Would it have been in '95 or '96?

6 A. One of those.

7 Q. Certainly before the program that you're

8 talking about here, the property purchase program

9 was put in place, was it not?

10 A. I don't know that.

11 Q. You don't know. Mr. Mayausky met with him

12 before the program was put in place, didn't he?

13 A. I don't know.

14 Q. Did Prudential have a 1-800 number that

15 people could call if they were interested in

16 getting involved in this program?

17 A. If you look at page three of your exhibit,

18 it says you may call this 1-800 number.

19 Q. Who did you all give that to, that 1-800

20 number, besides these participants? I assume this

21 letter and these packages were sent to

22 participants. Who did you all give that number to

23 besides these people who owned property?

24 And maybe I'm wrong. You look puzzled and

25 so I want to be sure about it. Did you all give

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1 these packages to people outside of area A and

2 expanded area A, or what's covered in the map on

3 page five?

4 A. I don't think so.

5 Q. And tell me who else, if you know, you all

6 gave this 1-800 number to?

7 A. I have no idea.

8 Q. Other than Dr. Kaley, and I think it may

9 even be Dr. Mayausky, do you know of anybody else

10 from Monsanto who had the pleasure of making the

11 acquaintance of Dr. Brian Hughes? And he may not

12 be a doctor. I may be misspeaking. Do you know of

13 anybody else who had the pleasure of making his

14 acquaintance?

15 A. I believe Dr. Hughes and Dr. Mayausky both

16 have Ph.D.s I don't know who else met with

17 Dr. Hughes.

18 Q. Gosh, I didn't want to slight Dr. Hughes.

19 Do you know of anybody else? Did Alan Faust ever

20 meet with him?

21 A. I don't know.

22 Q. Tell me, if you would, when was the first

23 time you know of that Monsanto's people met with

24 residents who lived in area A or expanded area A

25 about the property purchase program?

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1 A. Sometime during early '95 I believe

2 Dr. Mayausky met with some of the residents.

3 Q. And do you know where that meeting took

4 place?

5 A. I believe he met with some of them in

6 their homes. I don't know for sure.

7 Q. Were you involved in putting together the

8 things that he would say to those people when he

9 went --

10 A. No.

11 Q. -- from home to home?

12 A. No.

13 Q. Do you know what he had decided to tell

14 those people when he went from home to home?

15 A. No.

16 Q. What knowledge did you all have about the

17 extent of the contamination in area A and expanded

18 area A at that time, had you done all your testing?

19 A. I don't know when Dr. Mayausky started

20 meeting with those people.

21 Q. Had you done all your testing though at

22 that point in time?

23 A. We didn't start the expanded area A until

24 summer of '95. I don't know that he had not

25 already met with some of them. I don't know when

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1 he started meeting with them.

2 Q. Would it be fair to say that when he

3 actually went door to door it was after you got

4 this program put together and talked to them about

5 purchasing their property, did he do that?

6 A. I'm not aware that he went door to door to

7 talk about the purchase program.

8 Q. Well, how did this get to those people?

9 Did you mail it to them?

10 A. I don't remember.

11 Q. Just in your best judgement. Were they

12 called to meetings, say at Morris Hill Baptist

13 Church that's located in this area or at Bethel?

14 How exactly did this information get to them after

15 you all put it together in October of '95?

16 A. I don't remember. I was not involved in

17 that. I know they had meetings.

18 Q. Other than Dr. Mayausky, was anybody else

19 from Monsanto involved in presenting this to the

20 people in that area?

21 A. I don't think anybody other than

22 Dr. Mayausky went to the meeting that I'm aware of.

23 Q. So the meeting you're referring to is a

24 meeting that would have taken place after you all

25 put this package together with residents who lived

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1 in expanded area A, and by package I'm talking
 2 about what is reflected in Plaintiffs' Exhibit
 3 Two?
 4 A. I know there was at least one and maybe
 5 two different meetings that were held with the
 6 Prudential people to roll out this package.
 7 Q. What I'm talking about is meetings that
 8 Mr. Mayausky, or Dr. Mayausky, had with people who
 9 were in the area, area A and expanded area A, it
 10 was property you all wanted to purchase.
 11 MR. COX: I think he is talking about the
 12 door to door contact or individually.
 13 Q. Door to door, meetings, however it was
 14 done, it was my understanding that those meetings
 15 took place after this package was put together.
 16 A. As I remember, Dr. Mayausky had talked to
 17 some of the residents before this package. I don't
 18 know dates. I was not involved.
 19 Q. Exactly what did he tell them, if you
 20 know?
 21 A. I have no idea.
 22 Q. No one but Dr. Mayausky went though, and
 23 you don't know what he told them?
 24 A. I was not in any of the meetings.
 25 Q. But, at that time, had you all made the

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1 decision -- and I believe you indicated that might
 2 have been in early '95. Had you all made the
 3 decision you were going to have to have this
 4 property to do the remediation on the east side of
 5 the plant?
 6 A. I don't know when he started talking to
 7 the people and I'm not sure when the decision was
 8 made that we needed that property. I don't know.
 9 Q. What exactly was it, if you have any idea,
 10 that he would have been discussing when he went to
 11 see those people?
 12 A. I have no idea what Jack said to those
 13 people.
 14 Q. And it's your testimony here today that
 15 you don't know how this offer, these offers got to
 16 the people who lived in that area?
 17 A. I don't remember how, physically, these
 18 pieces of paper got in the hands of those people,
 19 no, I don't know.
 20 Q. Well, didn't you participate, to some
 21 extent, in negotiating with the people at Bethel
 22 and negotiating with the people at Morris Hill
 23 about acquiring their properties, Mrs. Hanson?
 24 A. With the churches I talked at some of the
 25 earlier meetings, yes.

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1 Q. And who did you talk to at Bethel?
 2 A. Bethel is that one. Reverend Fields and
 3 their committee. I don't know what they called
 4 it. The building committee.
 5 Q. Reverend Fields and the building
 6 committee?
 7 A. (Witness nodding head.)
 8 Q. What is it you offered Bethel?
 9 A. I don't remember exactly. Basically, that
 10 we would build them a new church somewhere or buy
 11 their property. I don't remember the exact details
 12 of what we offered them initially.
 13 Q. Did you close the deal with them?
 14 A. No.
 15 Q. To your knowledge, was there any amount of
 16 money mentioned early on?
 17 A. No.
 18 Q. What exactly did you tell them you were
 19 doing that for? Why would you go to Bethel
 20 Missionary Baptist Church as a representative of
 21 Monsanto and offer to build them a church,
 22 Mrs. Hanson?
 23 A. For the same reason that we were offering
 24 to buy the property so we could acquire that
 25 property for remediation.

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1 Q. And because their property was
 2 contaminated with PCBs?
 3 MR. COX: Object to the form.
 4 A. That's not necessarily why we needed the
 5 property.
 6 Q. Was their property contaminated with PCBs?
 7 A. I believe there were some low levels in
 8 their property.
 9 Q. What would you call low levels on their
 10 property, Mrs. Hanson?
 11 A. As I remember, most of the stuff down in
 12 that area was less than ten parts per million.
 13 Q. What had Monsanto been asked to do by ADEM
 14 at the time you all started this program with
 15 property that had ten parts per million on it?
 16 A. I don't remember.
 17 Q. Were you asked by ADEM to clean up any
 18 portion of that if it was outside one of these
 19 cells?
 20 A. I don't believe so.
 21 Q. Ma'am?
 22 A. I don't believe so.
 23 Q. What were you all asked to do with
 24 property that you found that had twenty-five parts
 25 per million on it?

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1 A. I don't think we were asked to do
2 anything.

3 Q. By ADEM?

4 A. By ADEM.

5 Q. What if it had fifty parts per million on
6 it?

7 A. I don't remember that ADEM asked us to do
8 anything with any of the property.

9 Q. Well, how often did you see, at the time
10 you were there, an ADEM representative come to the
11 property, let's say for instance, during the time
12 that you all were involved in the work on the
13 west-end landfill, or Westinghouse was, how often
14 did you see an ADEM person?

15 A. I was not there on a day-to-day basis. I
16 don't know how often they were there.

17 Q. Well, one would assume with a site like
18 this that they had a motel room and came every
19 day. Do you know if they did that?

20 A. I'm sure they did not do that.

21 Q. One would assume that they drove up from
22 Montgomery at least once a week. Did they do that?

23 A. I don't remember that they were there that
24 often.

25 Q. One would assume then if they didn't do

1 going, just check by phone from time to time?

2 A. I believe Robert had fairly regular
3 contact with the ADEM people. I don't know what
4 their discussions were.

5 Q. Was that by phone though?

6 A. I would think so.

7 Q. Now, how did you check to see if people
8 were doing things on the site, Mrs. Hanson? Did
9 you actually physically go down and eyeball what
10 these folks were doing?

11 A. Yes, sir, I did.

12 Q. So you went to the site?

13 A. Yes.

14 Q. To make sure that the contractors were
15 working?

16 A. Yes.

17 Q. And is that sort of standard procedure in
18 your industry?

19 A. Yes.

20 Q. What were your negotiations with Morris
21 Hill, did you negotiate with them?

22 A. I believe Joe Whittington and I had one
23 meeting with the preacher and two of the deacons.

24 Q. Who was present at that meeting besides
25 you and Mr. Whittington? You had Reverend

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1 that, that they would come up at least once a
2 month. Did they do that?

3 MR. COX: Object to the form.

4 A. Again, I was not at the site on a
5 day-to-day basis. I can't tell you every time they
6 showed up, but I would think once a month is a
7 reasonable estimate of when they were there.

8 Q. So like a kid at school, the rest of the
9 time we just call home, is that sort of the way it
10 happened? They'd just call up and say,
11 Mrs. Hanson, is everything going all right? And
12 you would say, I would assume for the sake of this
13 hypothetical, why certainly, Mr. Cobb, everything
14 is going okay. Is that what happened during the
15 project?

16 A. I was not the contact with ADEM. The
17 plant people maintained the contact with the local
18 agency.

19 Q. So they would just call Mr. Jones and say,
20 what did you have for breakfast, how did your day
21 go?

22 A. That would take all day if they asked
23 Mr. Jones what he had for breakfast.

24 Q. I would assume so, but did they ask him,
25 at that point in time, you know, how are things

1 Weatherly?

2 A. Weatherly, yes.

3 Q. Do you remember Zeb Freeman and --

4 A. Zeb Freeman and Mr. Buie.

5 Q. What was that offer that you made to those
6 folks?

7 A. Same offer that we made to Bethel.

8 Q. Do you recall or ever mention a figure of
9 \$125,000?

10 A. I don't think so.

11 Q. Did you ever make any kind of offer to
12 purchase any land on 202, ask them to look for
13 another site, an alternative site?

14 A. I don't remember that we got that far in
15 the discussion. I remember that Mr. Whittington
16 went with us because he was a real estate lawyer
17 and he was familiar with the area and was available
18 to help them find properties. I don't remember
19 that we talked about any specific sites at that
20 time.

21 Q. He was actually employed by Monsanto?

22 A. We paid him a fee, yes.

23 Q. Do you remember when those meetings took
24 place?

25 A. Sometime in the summer, fall of '95. I

Δ't tell you an exact date.

Q. The fall of '95?

A. Late summer or fall.

4 Q. Tell me, if you would, Mrs. Hanson, what
5 exactly you gave by way of a reason that you all
6 wanted to purchase this property when you met with
7 Zeb Freeman and Reverend Weatherly about the Morris
8 Hill Church?

9 A. And Mr. Buie.

10 Q. And Mr. Buie. Why did you tell those
11 gentlemen that you wanted to purchase the church?

12 A. Because we needed the area to do the
13 remediation.

14 Q. Remediation because of what, Mrs. Hanson,
15 did you tell them?

16 A. Mainly for storm water control.

17 Q. Is that it?

18 A. (Witness nodding head.)

19 Q. So you told these men on that occasion in
20 the summer or the fall of 1995 that you all wanted
21 their property for storm water control?

22 A. For the remediation, just like we told the
23 people in the Burgess area, the residents.

24 Q. Take a look at page three, the first
25 paragraph of Exhibit Two.

1 that?

2 A. I don't remember specifically what we told
3 them.

4 Q. Were you aware at the time that you talked
5 to these gentlemen in the fall of '95 or the late
6 summer of '95, to those three men I mentioned who
7 were connected with Morris Hill Church, Reverend
8 Weatherly and the two deacons, were you aware of
9 the properties of PCBs?

10 A. Meaning physical?

11 Q. The toxicity of, concerns that were
12 expressed by regulatory agencies about PCBs?

13 A. Yes.

14 Q. Did you tell them about it?

15 A. Again, I believe Dr. Mayausky had met with
16 the church people before that.

17 Q. I'm asking did you?

18 A. I don't think I did. That's not -- I'm
19 the engineer there to do the remediation. I'm not
20 a toxicologist.

21 Q. Take a look at page ten of Plaintiffs'
22 Exhibit Two. Take a look at paragraph four. Read
23 that, and I want to ask you some questions about
24 that.

25 A. The early appraisal sign-up bonus?

1 A. Yes.

2 Q. Tell me, if you would, if you all told, if
3 you said anything similar to what Mr. Mayausky said
4 in the fall of '95 to Reverend Weatherly or Dick
5 and Buie and Dick and Freeman about the
6 contamination of the property?

7 A. I don't remember specifics of the
8 conversation. I think they had results of any
9 sampling that had been done along there. I'm sure
10 we would have told them something similar to what
11 we were telling all the residents in that area.

12 Q. Which is, we have some found some
13 polychlorinated biphenyls on our property and on
14 some adjacent areas; PCBs are chemicals which were
15 manufactured at the plant from the 1930's until
16 1971, is that basically what you told, you and
17 Mr. Whittington told Dick and Freeman and Buie,
18 Dickens, Freeman, and Buie and Reverend Weatherly?

19 A. I'm not sure we went into the history. I
20 think Dr. Mayausky had talked with them
21 previously. I'm sure he had told them that. We
22 talked about offer to purchase.

23 Q. So you didn't talk about that you all had
24 found PCBs and that PCBs were chemicals which were
25 manufactured at the plant, you all didn't tell them

1 Q. Yeah. Who came up with that figure? Is
2 that another figure that Prudential came up with?

3 A. I don't remember specifically who.
4 Prudential was certainly in on that decision, yes.

5 Q. What did you understand the purpose of
6 that was?

7 A. I think in Prudential's experience, it
8 helped to get people started to sign up for the
9 buyout programs.

10 Q. Now, it's my understanding that the work
11 had gotten underway on the sampling at the time
12 that you all presented this program in October of
13 1995. What sampling were you involved in that was
14 done off the site?

15 A. Area A, extended area A.

16 Q. Anything else?

17 A. Basically any of the sampling that was
18 done that year I was involved in.

19 Q. I mean, did you all do any other sampling
20 off of your site other than area A or expanded area
21 A?

22 A. At some point, we did some sampling over
23 on the north side of the plant.

24 Q. On the north side of the plant?

25 A. I don't remember when that was.

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1 Q. Was that at some point in time before you
2 left Monsanto?
3 A. Yes.
4 Q. Was it after the fall of '95?
5 A. I don't remember. Mike Price and Mark
6 were out there off and on the entire two years I
7 was there. I can't tell you specifically when we
8 did what sampling.
9 Q. So you were there from March of '95 to
10 March of '97?
11 A. Basically.
12 Q. Why was a decision made to do some testing
13 on the north side of the plant?
14 A. I believe because there was a concern that
15 PCBs migrated into the ditch on the north side.
16 Q. So they had migrated off the plant site?
17 A. Yeah.
18 Q. And did you all, in fact, find that PCBs
19 had gotten into that particular area over there?
20 A. Yes.
21 Q. Did you decide to do some remediation work
22 over there?
23 A. I don't think we decided at that time,
24 no.
25 Q. Do you know how much was budgeted for the

1 of parathion.
2 Q. Where was that located primarily, if you
3 recall?
4 A. The wells all around the south landfill
5 throughout the plant.
6 Q. Was there a concern expressed by either
7 Mr. Brown or others who were involved, Gary Brown
8 or others, about the presence of parathion in the
9 groundwater around the south landfill and in the
10 plant?
11 A. Basically, if I remember, the wells around
12 the south landfill were pretty clean.
13 Q. Were clean?
14 A. (Witness nodding head.)
15 Q. And it's your testimony and understanding
16 that there was not a concern about parathion or the
17 off-migration of parathion?
18 A. No, it was not a concern.
19 Q. At the south landfill?
20 A. Right.
21 Q. What about on the plant site?
22 A. I don't think there was a concern there.
23 Q. Did you participate in any meetings at
24 all, Mrs. Hanson, in Anniston about sometime in '96
25 where a decision was made to make this site that

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1 entire project there in Anniston?
2 A. No.
3 Q. Do you have any guesstimation as to what
4 that budget would be?
5 A. Well, you've mentioned 32 million
6 dollars. That doesn't sound unreasonable to me.
7 Q. Does that not sound unreasonable to you
8 because you understood that was a figure that was
9 actually involved, or does that not sound
10 unreasonable to you because just looking at the
11 size and the scope of the project based on your
12 experience that's what it might be?
13 A. Based on what I know that we did the two
14 years I was there and what I think was the
15 remaining work, that sounds pretty reasonable.
16 Q. Were PCBs the only concern you all had at
17 this site at the time you all went down there?
18 Were there some other concerns that were expressed
19 or that you all had about these sites?
20 A. I went down specifically for the PCBs.
21 There were certainly other chemicals in the plant
22 that were monitored in the groundwater, but that
23 was not really something I was involved in.
24 Q. What were they?
25 A. Parathion, some of the breakdown products

1 would be governed by a state regulatory agency, by
2 ADEM?
3 A. We were in Alabama. Who else would have?
4 Q. Well, if it had been a CERCLA site, who
5 did you understand would do in it Alabama?
6 A. If it had been a CERCLA site?
7 Q. Yes, ma'am.
8 A. I don't remember. I don't think ADEM had
9 CERCLA authority.
10 Q. So it would have been the EPA?
11 A. If it had been a CERCLA site.
12 Q. Do you remember being in any meetings
13 where a discussion was had with anybody from ADEM
14 about whether it was going to be a RCRA site, the
15 sites you all were remediating, or whether or not
16 it was going to be a CERCLA site?
17 A. I don't remember any meeting.
18 Q. Do you remember any discussions with
19 Mr. Faust or Mr. Mayausky or anybody at the plant
20 about that, or Mr. Foresman?
21 A. There were some discussions. I was not an
22 active party in those.
23 Q. When did they take place?
24 A. I don't remember. Sometime in that
25 two-year period.

In '95 or '96?

A. Yes.

Q. And with whom were those discussions held from Monsanto, who were the participants from Monsanto?

A. I don't remember any specific meetings. I don't know who would have been at --

Q. You have indicated that there were some meetings where that was discussed, what I just mentioned, whether it would be a RCRA site or a CERCLA site. Do you remember who was involved from ADEM?

A. I don't remember any meetings with ADEM about that.

Q. So you're just talking about meetings that had taken place inside the company about that?

A. (Witness nodding head.)

Q. Would Mr. Foresman have been involved, would he have been involved in those meetings?

A. I don't remember any meetings where that was the topic of discussion. In a company that size, there is discussion that goes on all the time and you pick up bits and pieces of a lot of discussions. I don't remember any specific meetings or discussions.

A. Dr. Hughes was not ATSDR. I believe ATSDR was at the site. I don't remember any specific testing they did.

Q. Do you remember a health consultation that was done by Dr. Hughes?

A. I vaguely remember there was such a thing.

Q. Did you ever see it?

A. No.

Q. Were you ever concerned with what that contained?

A. The health consultation?

Q. Yes.

A. Not -- I mean, not about that particular one, no.

Q. And why is that?

A. I dealt with PCBs in the past. I understand their properties. Not a concern.

Q. Is that information you have developed over the time that you have been with this company, with Monsanto?

A. Yeah.

Q. Would it be fair to say that some testing had been done, Mrs. Hanson, before you got to the site, some characterization of both the west

Q. About whether or not --

A. About whether or not it would be a state or federal site.

Q. Which, if you understand, which do you understand the company preferred in this setting, RCRA or CERCLA?

A. I don't know that there was a preference.

Q. Ma'am?

A. I don't know that there was a preference.

Q. There was never a preference expressed by the people that you talked to as to whether or not they would be regulated by the state or regulated by the federal government?

A. I think, generally, RCRA is easier to deal with than CERCLA, on this site or any site.

Q. CERCLA is more difficult to deal with so it would be your best impression that RCRA is what you all preferred?

A. The lawyers don't make as much money off RCRA as they do off CERCLA.

Q. You're talking about these lawyers over here for Monsanto?

A. Whatever. All the lawyers.

Q. Are you familiar with some testing that was done by ATSDR at the site and Dr. Hughes?

landfill and the south landfill?

A. Certainly the west-end landfill because Golder finished the design before I got there.

Q. And there had been some testing, I believe you previously said, before you got there in March of 1995 on the east area over there?

A. Somebody had to have taken some samples to know there was a concern that I got the opportunity to go to Anniston.

Q. So that would have occurred at least sometime in '93 or '94?

A. Could have been March of '95. I don't know.

Q. And the first meeting that you had with any residents who were contiguous to the plant would have been in the fall of '95, late summer or fall of '95?

A. I don't think I ever met with any of the residents.

Q. I mean the people who were in the church would be considered neighbors of you all?

A. I met with the churches in '95, yes.

Q. That's the first meeting you had?

A. (Witness nodding head.)

MR. COX: You need to answer out loud.

1 Q. And the first meeting that Mr. Mayausky
2 had in the neighborhood would have been sometime
3 after you all put this property purchase program
4 together and you all figured out what you wanted to
5 do on the east side, is that correct?

6 A. I think Dr. Mayausky had been meeting with
7 the neighbors long before this property purchase
8 program.

9 Q. Well, just tell me how long before you
10 understand he had done that?

11 A. I don't know. I mean, I think he had
12 before I got down there in March, but I don't know
13 how soon before.

14 Q. Had met with them before March of 1995?
15 Exactly which neighbors did you understand he had
16 met with before March of 1995?

17 A. I don't know.

18 Q. Who told you he had met with anybody?

19 A. I can't tell you specifically who told me
20 he had met with them. I think that was just the
21 general impression.

22 Q. Where is it that you obtained this general
23 impression is what I'm asking you?

24 A. Osmosis, Don. There is no specific
25 meeting. I can't tell you on such and such a date

1 so and so told me. That's --

2 Q. Now, you have mentioned earlier that when
3 you got to the plant site -- and maybe you didn't.
4 Who briefed you when you got to that plant site in
5 March of '95?

6 A. I think Robert Jones and Larry Adams.

7 Q. What did they tell you about the history
8 of regulatory activity at that plant?

9 A. I don't remember that being part of the
10 discussion.

11 Q. You didn't have any discussion about what
12 regulatory activity had taken place at the plant
13 site?

14 A. No.

15 Q. Did you discuss anything with Mr. Pierle
16 or Mr. Foresman before you went down there?

17 A. No, I don't think so.

18 Q. Did you talk about anything that happened
19 at the plant site by way of testing or activity in
20 the '80s?

21 A. No.

22 Q. Do you know, sitting here today,
23 Mrs. Hanson, what took place at that plant site in
24 connection with PCB and off-migration of PCBs in
25 the '80s?

1 A. No.

2 Q. Do you know of any regulatory activity
3 that took place as it relates to that plant site,
4 either by state or federal officials, that took
5 place in the '80s?

6 A. No.

7 Q. Were you told about any activities in
8 connection with this plant site by the attorney
9 general of the State of Alabama in the '80s?

10 A. I don't remember that.

11 Q. You were not told that?

12 A. I don't remember being told that.

13 Q. Were you told about any tests that were
14 made in what was known as Snow Creek in either the
15 '80s or the '70s?

16 A. I was aware that there had been some
17 testing in Snow Creek before, yes.

18 Q. How were you made aware of the fact that
19 there had been some testing in Snow Creek?

20 A. I think that was included in the
21 historical, the background section of the sampling
22 report that we did.

23 Q. Who did you understand did the testing and
24 when was that done, if you recall?

25 A. I don't remember. I think the plant

1 people themselves did the testing or did the
2 sampling. I don't know who did the analysis.

3 Q. What about in Choccolocco Creek?

4 A. I don't know.

5 Q. Did anybody ever tell you about any
6 testing that was done on fish in Choccolocco Creek
7 or sediment in Choccolocco Creek?

8 A. Not directly, I don't think. I mean,
9 there was litigation going on so there was,
10 obviously something had been done.

11 Q. Did anybody tell you anything about the
12 effect that that had on Logan Martin Lake, the PCBs
13 out on Logan Martin Lake?

14 A. I was aware that they had found PCBs in
15 the fish in Logan Martin Lake.

16 Q. Was there any question in your mind, based
17 on your conversation and testing the company had
18 done, that those PCBs had come from Monsanto?

19 MR. COX: Object to the form.

20 A. There were other potential sources.

21 Q. Tell me about those.

22 A. What is the guy's name with the blue
23 building down there under the bridge?

24 Q. You're talking about little old Tull
25 Landing (phonetic)?

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1 A. Yeah, little old Tull was a potential
2 source.
3 Q. Anybody else?
4 A. There were certainly foundries in the area
5 that used PCBs.
6 Q. Tell me what you know about that.
7 A. Vaguely, that there were foundries -- I
8 mean, in '77 when I was there, there were still a
9 lot of foundries operating. And I knew they were
10 there. I had seen them. I think there was a
11 process where they used casting, sand castings that
12 had PCBs in the wax that made up the casting.
13 Q. So casting the molds that were made for
14 pipe and that type stuff you understood were, had
15 some PCBs in that process?
16 A. At some point in time, yes.
17 MR. COX: Make sure you answer out loud,
18 Jo.
19 Q. And where exactly did you understand or
20 get this information from? Who told you about
21 that?
22 A. I don't remember specifically who told me
23 that.
24 Q. Mrs. Hanson, when before yesterday did you
25 have someone tell you that PCBs were used in

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1 processes in the foundries down there?
2 MR. COX: Object to the form.
3 MR. STEWART: Oh, I think she can answer
4 that, Buddy.
5 THE WITNESS: Sometime between '95 and '97
6 when I was down at the plant.
7 Q. Who exactly told you about PCBs being used
8 in processes at these foundries, Mrs. Hanson?
9 A. I don't remember specifically.
10 Q. So you don't remember who told you. And
11 are you sitting here telling me today in this
12 deposition, Mrs. Hanson, that that would not be
13 important?
14 A. I didn't say it wasn't important. I don't
15 remember specifically who told me that was a
16 process.
17 Q. What factual basis did you understand the
18 person who made that statement had for making the
19 statement that there were PCBs used in the foundry
20 process?
21 A. Since I don't remember who told me, I
22 don't know what factual basis they had.
23 Q. Is it your statement here today that the
24 source of PCBs in this eastern area and the
25 expanded, A and expanded area A came from

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1 foundries?
2 A. I didn't say that.
3 Q. Okay. So you're not saying that?
4 A. We were talking about Choccolocco Creek
5 and Lake Logan Martin, and I was talking about
6 other potential sources for the PCBs.
7 Q. All right. What foundries did they
8 mention by name?
9 A. I don't remember any specific names.
10 Q. Let me just ask you, did Alan Faust ever
11 say anything to you about a foundry between 1995
12 when you went down there and 1997 when you left?
13 A. I don't know.
14 Q. Did Mr. Mayausky ever say anything to you
15 about it?
16 A. I doubt it.
17 Q. Did Robert Jones ever say anything to you
18 about it?
19 A. Robert's probably the source.
20 Q. Robert Jones. Now, Mrs. Hanson, let's
21 just take us out of this Anniston situation and
22 let's just assume that you are being regulated by
23 EPA and they come in and say you contaminated
24 Mr. Jones' property near your plant. Can you pin
25 the tail on somebody else's donkey, Mrs. Hanson, if

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1 you consider them to be the source? Can you tag
2 them with it if you prove that to the EPA?
3 A. In some cases.
4 Q. Well, what efforts have been made by
5 Monsanto Chemical Company or Solutia in the
6 Anniston area to state either to ADEM or to the EPA
7 or to any other regulatory agency that there is
8 another source for the PCBs that are found in the
9 Anniston area?
10 A. I don't know that there has been any
11 effort.
12 Q. What suits have been filed against other
13 entities by Monsanto to force them to pay for any
14 portion of the cleanup that is going on on the
15 west-end landfill, the south landfill, or the
16 eastern area or the northern area? What moneys
17 have you all sought from someone else to force them
18 to pay for that?
19 A. I'm not aware of any suits.
20 Q. Are you aware of situations or have you
21 been the project manager -- you mentioned Brio.
22 Are you aware of situations where you have been the
23 project manager where you all insisted, as a
24 company, on other people paying a part of the
25 freight of the cleanup?

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1 A. Certainly at Brio Monsanto didn't own the
2 property. It was an old recycler that had taken
3 materials from a lot of industries and a lot of
4 industries were PRPs in it.

5 Q. And you asked for some other people to
6 participate in that cleanup?

7 A. I believe the EPA found those other
8 people.

9 Q. Well, Monsanto certainly didn't discourage
10 them, they didn't run in there and say, we'll pay
11 it all, did they, Mrs. Hanson?

12 A. No.

13 Q. They wanted the other people to
14 contribute?

15 A. Yes.

16 Q. Have you ever said anything to the state
17 health department about someone else being the
18 source?

19 A. I don't think I've ever talked to the
20 state health department.

21 Q. When exactly was this theory arrived at?
22 I mean, you've indicated Mr. Jones had this
23 theory. When exactly did he tell you that?

24 A. I don't know that it was Mr. Jones.

25 Q. So now you don't know whether it was

1 correct?

2 A. I'm sorry?

3 Q. Anybody but us?

4 A. Anybody but us what?

5 Q. Is the source. Is that sort of what
6 you're looking for in that litany that you just
7 went you through?

8 A. No, they were uses.

9 Q. Uses.

10 A. I believe Monsanto was the only
11 manufacturer.

12 Q. Thank you, ma'am.

13 MR. STEWART: Let me talk to her a minute.

14 MR. COX: We'll step outside.

15 (Recess.)

16 Q. You indicated earlier in response to some
17 of our questions that the Queeny plant was not high
18 on the list of priorities for EPA. Do you know a
19 plant site that was high on the list where PCB
20 contamination was involved, a Monsanto plant that
21 was high on EPA's list of priorities?

22 A. No.

23 Q. You might have told me this, but where is
24 Bruce Yare today?

25 A. As far as I know, he is still in

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1 Mr. Jones who was the source of that?

2 A. I said he was likely a source. I can't
3 tell you for sure that it was him.

4 Q. Did you talk to him yourself and he say
5 that to you?

6 A. I talked to Robert many days for many
7 months. I can't tell you what exactly Robert said
8 to me on any occasion other than one day he was
9 sick in my car, but that had nothing to do with the
10 plant site. I remember those words very clearly.

11 MR. STEWART: Off the record.

12 (Discussion off the record.)

13 Q. Other than Mr. Jones, did anybody else,
14 did you have any conversations with anybody else
15 where you think someone might have mentioned that?

16 A. I think around the plant a lot of people
17 talked about the uses. Other sites we have gone
18 into history and talked about the multiple uses of
19 PCBs. I can't tell you specifically who discussed
20 it at Anniston.

21 Q. You're talking about use in say maybe
22 hydraulic equipment?

23 A. Hydraulic equipment, pumps, heat transfer
24 fluids, foundries, NCR, Inc.

25 Q. Sort of anybody but us, would that be

1 Saint Louis.

2 Q. Working for Monsanto?

3 A. Solutia. It's Yare.

4 Q. Yare. What position does he hold with
5 Solutia?

6 A. He was manager of remediation technology
7 with Monsanto. I don't know what his title is
8 after the separation.

9 Q. Manager of remediation technology?

10 A. Remediation or remedial technology. I'm
11 not sure.

12 Q. Who was his immediate supervisor?

13 A. Mike Foresman.

14 Q. Would that be true today?

15 A. I have no idea. I think so, but I don't
16 know.

17 Q. How much did you make a year when you
18 worked for Monsanto?

19 A. When I finished, about seventy thousand.

20 Q. A year?

21 A. Yeah.

22 Q. Any perks or privileges that you had in
23 addition just to pay?

24 A. I think in '96 we got some shared success
25 stock options, which I exercised.

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1 Q. What about in '97, was that a part of the
2 severance package?

3 A. I didn't get any stock options.

4 Q. Are you being paid for your time here
5 today?

6 A. No. Well, Buddy bought my lunch.

7 Q. Other than that?

8 A. No.

9 Q. Can you provide a copy of the agreement
10 between you and Monsanto to Mr. Cox, your severance
11 agreement?

12 MR. COX: Let us try to get a copy of it
13 from Monsanto first. It might be easier than
14 her rummaging through the boxes. Or the
15 general --

16 THE WITNESS: Mine was just like
17 everybody else's.

18 MS. MALOW: As far as you know.

19 THE WITNESS: Well, as far as I know.

20 MR. STEWART: We would like to actually
21 get the one that she's got.

22 MR. COX: I will try to do that. That
23 will be easier than Joe having to rummage
24 through the boxes that are still not
25 unpacked.

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1 THE WITNESS: They may never be unpacked.

2 BY MR. STEWART:

3 Q. By the way, what does your husband do,
4 Mrs. Hanson?

5 A. He is retired.

6 Q. Where did he retire from?

7 A. Brown Shoe.

8 Q. Is that a company that is located in
9 Saint Louis?

10 A. Saint Louis. As in Buster Brown,
11 Naturalizer, Lifestride, Connie.

12 Q. What did he do with them?

13 A. Electrical engineer. Made electric
14 shoes.

15 Q. The volumes of PCBs in the landfill at
16 Sauget, do you know or have any idea how much would
17 be there?

18 A. No.

19 Q. Would it be comparable to the Anniston
20 plant or would there be less?

21 A. I have no idea.

22 Q. Who would know that?

23 A. I don't know if there is anybody that
24 would know that number.

25 Q. Who would have an idea about it better

1 than you, Mrs. Hanson, out of the company?

2 A. Bob Kaley.

3 Q. Now, you had indicated in connection with
4 Mr. Kaley, while we're on him, that he did PCB type
5 work for all of the plants. What work did he do
6 for all the plants in PCBs?

7 A. I know one of the guys that worked in his
8 group was the coordinator for the PCB reporting
9 program. Even after the plants got rid of all
10 their PCB transformers and stuff they had to
11 continue reporting annually. Bob's group was
12 responsible for that.

13 Q. So even after a plant would be cleaned of
14 PCBs, they had a requirement within Monsanto
15 internally to report --

16 A. No, I believe it's a TOSCA requirement.

17 Q. It's a TOSCA requirement?

18 A. It's an annual TOSCA report.

19 Q. About PCBs? In wastewater discharge or
20 off the plant or what?

21 A. Since I never worked directly in a plant,
22 I don't know for sure. I know on some of the
23 smaller sites I was involved with we had to report
24 every year that, A, we have any, we had none, if we
25 had found any what we have done with them.

1 Q. How would you make a determination as to
2 whether you had some or didn't have any, would you
3 do tests on an annual basis. soil samples, things
4 like that?

5 A. There was no requirement to test for
6 them. If a plant found some somewhere during the
7 year for some reason they had to report it, or if
8 they had a transformer that had been in service
9 that they took out of service, they had to report
10 that that was gone and what they did with the oil
11 to dispose it.

12 Q. Do you remember when that started, when
13 the TOSCA requirements were in place?

14 A. No.

15 Q. Is that when they began to regulate PCBs?
16 Is that when TOSCA was put in place?

17 A. I believe TOSCA is the PCB --

18 Q. Would that have been in place before '84
19 or '85?

20 A. I think TOSCA was '84 or '85. Wasn't it?

21 Q. Anything else that he did with the plants
22 in connection with PCBs that you know of?

23 A. In my experience, Bob's kind of the expert
24 on a lot of that PCB background history.

25 Q. So he serves as an expert within the

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1 company for that kind of information?
 2 A. (Witness nodding head.)
 3 Q. Were you involved in the Woburn plant
 4 site, in any of the remediation work there?
 5 A. No.
 6 Q. Never have been involved there?
 7 A. No.
 8 Q. You mentioned that there was some PCBs
 9 found in a ditch that was to the rear of the Morris
 10 Hill Church. Do you remember -- I don't recall
 11 whether you gave me the levels of that or not.
 12 A. I believe we said there were some in the
 13 thousands of parts per million.
 14 Q. Would there be some in the hundreds of
 15 thousands of parts per million?
 16 A. I don't remember. I don't think there
 17 were any that high.
 18 Q. You picked up -- you indicated that there
 19 was some soil that was picked up that went to
 20 Emelle that was outside of that west-end landfill
 21 so it was capped on top. Is that because it was
 22 contaminated with PCBs?
 23 A. Seems like there were one or two piles off
 24 the site that we picked up that went to Emelle,
 25 yes.

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1 Q. Where?
 2 A. I don't remember. There were --
 3 Q. When?
 4 A. It was a pretty minor part of two years I
 5 would think.
 6 Q. When, during that two-year period?
 7 A. Sometime.
 8 Q. And how much was it, if you recall?
 9 A. I think a couple drums. I don't remember
 10 for sure.
 11 Q. And you don't remember where it was taken
 12 from off site?
 13 A. (Witness nodding head.)
 14 Q. Who was the manager of the Anniston
 15 facility before, project manager of the Anniston
 16 facility or had that area of responsibility before
 17 you took over in '95?
 18 A. Larry Adams had been going to the site for
 19 a while.
 20 Q. For what period of time?
 21 A. I don't know.
 22 Q. Who preceded him?
 23 A. I don't think anybody -- I mean, Robert
 24 Jones was there all along. I don't think anybody
 25 out of Foresman's group was assigned to that site.

1 Q. So it would be Larry Adams or Robert
 2 Jones?
 3 A. I believe Mr. Faust had done some of the
 4 groundwater work down there earlier when he was the
 5 hydrogeologist.
 6 Q. When did Faust do the groundwater work?
 7 A. I believe he was involved with the
 8 groundwater program for a couple years. I don't
 9 know when he picked up that site.
 10 Q. Was it ever placed onto somebody other
 11 than Foresman to do?
 12 A. You mean the remediation part of it?
 13 Q. No, the plant site.
 14 A. The plant site itself does not report to
 15 Foresman. The plant reports up through the
 16 manufacturing organization.
 17 Q. So there is no requirement that they have
 18 somebody like Larry Adams to oversee that thing
 19 down there?
 20 A. No.
 21 Q. What are the names of the members of
 22 Foresman's team?
 23 A. The ones I remember, Larry, Jerry Rinaldi,
 24 Steve Smith, Jim Kilby. Faust joined the group in
 25 '94 or '95. That's the only ones I can think of

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1 right now. Dick Williams, at one time, reported to
 2 Foresman.
 3 Q. You indicated you weren't concerned about
 4 the health consultation study that Brian Hughes
 5 did. Tell me, if you would -- you said you weren't
 6 concern about that particular study. Is there a
 7 study that you were concerned about in connection
 8 with PCBs?
 9 A. Health effects of PCBs?
 10 Q. Right.
 11 A. Personally, no, I'm not concerned about
 12 the health effects of PCBs.
 13 Q. Are you familiar with any studies other
 14 than this health consultation that was done by
 15 Dr. Hughes?
 16 A. On PCBs in general or Anniston
 17 specifically?
 18 Q. PCBs in general.
 19 A. There is, I think, a lot of health studies
 20 on former Monsanto, Westinghouse, G.E. employees
 21 that worked in those departments.
 22 Q. Is that what you had reference to when
 23 you're talking about you're not concerned about
 24 them?
 25 A. They found no health effects in those

people.

Q. Did you read those studies? Were you familiar enough with those studies to have read them?

A. Some of them.

Q. Can you tell me which ones there were that you read?

A. No.

Q. What was reason for the plant being put in place at the west-end landfill?

A. I don't know. That was before I got involved.

Q. You're not aware of the reason that that became a problem?

A. No.

Q. You mentioned rumors that you had heard secondhand, thirdhand, about PCBs and the Anniston plant. What are those? Can you tell me what you understood either before or after you went down there, what rumors you had reference to? I'm asking you specifically about what rumors you were talking about.

A. I mean, obviously, the plant manufactured PCBs.

Q. What else?

A. The certainly put PCB waste in the landfills.

Q. What else?

A. I don't know what else. Do you --

Q. What I'm asking about is what else had you heard rumor wise about Anniston and the PCB problem in Anniston, either before you went down there or after you became involved?

A. I think most of that is fairly common knowledge. There is litigation. There is PCBs in Lake Logan Martin fish.

Q. Now, you had mentioned that Jones, Mr. Jones was fairly jealous about his relationship with ADEM. What did you mean by that?

A. Generally, when anybody in Foresman's group went into any of the plant sites where there was an ongoing manufacturing, it remained the plant's responsibility to maintain the relationship with the agencies, any of the plant sites.

Q. But what you were --

A. That was true at Anniston as well. Robert took that responsibility very seriously, generally did not invite anybody out of Foresman's group to participate in his meetings with ADEM.

Q. Why is it that you think he chose not to,

1 I mean, were you involved with other regulators at other sites?

A. In some cases.

Q. Why is it that you understood or did you arrive at some kind of conclusion that Mr. Jones didn't want, was it you in particular or just anybody from Foresman's group?

A. It may have been me in particular, but I think it may have been anybody in Foresman's group.

Q. Why did he have that feeling do you think?

A. I have no idea.

Q. Had Mr. Jones done some testing at the southern landfill site at some point in time before you got down there, did he ever tell you about that?

A. Not that I'm aware of.

Q. Do you know how the final, do you have an understanding as to how the final decision was made to make this a RCRA site as opposed to a CERCLA site?

A. No.

Q. You don't have any understanding as to how that occurred or what took place?

A. (Witness nodding head.)

Q. Did you go to any city council meetings or

1 to any county commission meetings in connection with this particular site?

A. Yes.

Q. What was the purpose of those meetings?

First the county commission, why did you go to the county commission?

A. The county commission was to vacate. I believe there were two small pieces of street that were in the county.

Q. And was the city commission meeting the same?

A. Yes, as I remember.

Q. Were you ever involved, Mrs. Hanson, in any informational kind of meetings with those officials, any of those officials, either city or county?

A. I'm sorry. I'm not sure what you mean by informational meetings.

Q. Where you all shared with those people out there what you all were doing.

A. I wasn't.

Q. Did you have any contact with the media in connection with the PCB problem?

A. One day when Elizabeth Pasula was coming to the plant to meet with Alan, I road with them

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1 when he took her on a tour of the site.
 2 Q. When was that?
 3 A. Sometime in '96, I believe.
 4 Q. How was that arranged?
 5 A. I was -- I don't know how the arrangement
 6 was set up. I was sitting in my office in the
 7 trailer and Alan walked by and said, come on, Jo,
 8 go for a ride. And when I got out to the lobby
 9 with him, Elizabeth was there and we road around
 10 and he showed her the site and I sat in the back
 11 seat.
 12 Q. What was discussed during that
 13 conversation, if anything, do you remember?
 14 A. Generally, we looked at the site. We
 15 drove up on the south landfill out on the RCRA cell
 16 where you had a good view of the pond. I believe
 17 the work on the pond was going on. You could see
 18 the plant. And just kind of explaining to her
 19 where things were.
 20 Q. Was anything said about PCBs or anything
 21 about --
 22 A. I don't remember that specifically.
 23 Q. Do you remember anything about any future
 24 project?
 25 A. I don't remember that.

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1 Q. Did you all talk about anything else other
 2 than what you have just mentioned to us?
 3 A. The weather and lunch probably.
 4 Q. How long did the meeting last?
 5 A. I think I was in the car with them twenty
 6 minutes.
 7 Q. Is that how long it lasted or did --
 8 A. I think that was the length of the tour
 9 and then I think Elizabeth and Alan continued to
 10 talk after they let me out. They went in his
 11 office.
 12 Q. Anybody else involved in the conversation
 13 between Elizabeth and Alan?
 14 A. Not that I'm aware of.
 15 Q. Any other media contact that you had other
 16 than that one?
 17 A. No.
 18 Q. Do you know anything about the Alabama
 19 Power Company land swap with Monsanto?
 20 A. I know that at one time Alabama Power
 21 owned that piece of property.
 22 Q. What piece of property?
 23 A. Where the west-end landfill is where their
 24 big substation is.
 25 Q. Do you know anything at all about how that

1 property happened to wind up with Monsanto?
 2 A. No. That was all done before I got there.
 3 Q. Did anybody ever say anything to you about
 4 how that happened?
 5 A. Not directly, no.
 6 Q. Do you know whether or not Alabama Power
 7 Company contributed to anything toward the
 8 remediation of the west-end landfill site?
 9 A. No.
 10 Q. You say you don't know directly. Do you
 11 know indirectly?
 12 A. Basically, my understanding was that
 13 because Monsanto was going to have to remediate
 14 that site, cap the landfill, somehow Foresman and,
 15 what is his name, Ronnie Smith or whatever at
 16 Alabama Power worked out that arrangement. I don't
 17 know the details of the arrangement.
 18 Q. Worked out the deal?
 19 A. The arrangement to, Monsanto reacquired
 20 the property.
 21 Q. Is that all you understand about it from
 22 indirectly, indirect conversation?
 23 A. (Witness nodding head.)
 24 Q. Who, when you were down there and you were
 25 working, out of those two entities, had the

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1 responsibility for fielding questions about what
 2 was going on, was it Alabama Power Company or
 3 Monsanto?
 4 A. I think generally Monsanto.
 5 Q. And how was that worked out? When you got
 6 there you all were the ones responsible for
 7 responding to the questions like from Mrs. Pasula
 8 or from the general public?
 9 A. Yes.
 10 Q. Was that an agreement that Mr. Foresman
 11 had worked out with Mr. Smith that you all would do
 12 that?
 13 A. I don't know.
 14 Q. But that was what your understanding was?
 15 A. We owned the property. We were doing the
 16 project. We answered the questions.
 17 Q. Did you all have someone from Birmingham
 18 assisting you at that time in responding to
 19 questions that might be asked of people who were
 20 contractors on the project, I mean working on the
 21 west-end landfill?
 22 A. I'm sorry. From Birmingham?
 23 Q. Yes, ma'am.
 24 A. I don't know of any. The lawyers were
 25 around.

Q. Were the contractors involved in, did they have the same responsibility as, say that Alabama Power did to defer all questions that might be asked about that site to someone other than their employees?

A. Yes.

Q. And why was that set up?

A. That's generally the way we run our sites. If it's a Monsanto site and we're responsible for the work, we should be the ones that answer any questions.

Q. So you instructed them specifically that they were not to answer any questions, either about what they were doing or about the kind of problem that you faced there at the site?

A. That's fairly common industry practice. Most of the contractors don't like to talk about whatever they're doing on their site.

Q. But that is certainly what Monsanto required at this site?

A. I don't know if that was a Monsanto requirement or Westinghouse procedure, but that's the way it was at this site.

Q. Well, was that true even for Westinghouse, that they had to defer any questions that might be

1 SIGNATURE PAGE
2 I, JO HANSON, have read the foregoing
3 deposition given by me on June 15, 1999, in
4 Sarasota, Florida, and the following corrections,
5 if any, should be made in the transcript:
6 PAGE LINE CORRECTION AND REASON THEREFOR

18 Subject to the above corrections, if any,
19 my testimony reads as given by me in the foregoing
20 deposition.

21 SIGNED at _____, Florida, this
22 _____ day of _____, 19____

25 JO HANSON

1 asked to --

A. That's a Westinghouse policy.

Q. Maybe I misunderstood, Mrs. Hanson. I'm not trying to fuss with you here at the end of day, but you indicated that was also a Monsanto policy that you all had that you followed at every site that you had.

A. That's generally the way Monsanto ran its sites. It is a Westinghouse policy that their employees not talk to anybody other than the client.

Q. So if someone had a question about what was going on, about the nature of the problem, had to refer it to you all if it was directed to Westinghouse or even a subcontractor?

A. Yes.

MR. STEWART: All right. That's all we've got.

THEREUPON, the deposition of JO HANSON was concluded at 4:04 p.m.

NOTE: The original and one copy of the foregoing deposition will be held by Mr. Stewart; copies to Mr. Cox.

1 CERTIFICATE OF REPORTER OATH

4 STATE OF FLORIDA
5 COUNTY OF SARASOTA

8 I, the undersigned authority,
9 hereby certify that the witness named herein
10 personally appeared before me and was duly
11 sworn.

12 WITNESS my hand and official seal this
13 30th day of June, 1999.

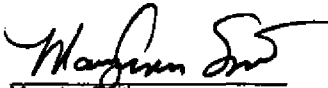


MARY ANN SMITH
MY COMMISSION # CC 536553
EXPIRES: May 17, 2000
Bonded Thru Notary Public Underwriters

Mary Ann Smith

Mary Ann Smith, RPR
Notary Public - State of Florida
My Commission No. CC 536553
Expires: 5-17-00

1 REPORTER'S DEPOSITION CERTIFICATE

2
3 STATE OF FLORIDA
4 COUNTY OF SARASOTA5 I, MARY ANN SMITH, Registered Professional
6 Reporter and Notary Public in and for the State of
7 Florida at large, hereby certify that the witness
8 appeared before me for the taking of the foregoing
9 deposition, and that I was authorized to and did
10 stenographically and electronically report the
11 deposition; and that a review of the transcript was
12 requested; and that the transcript is a true and
13 complete record of my stenographic notes and
14 recordings thereof.15
16 I FURTHER CERTIFY that I am neither an
17 attorney nor counsel for the parties to this cause
18 nor a relative or employee of any attorney or party
19 connected with this litigation, nor am I
20 financially interested in the outcome of this
21 action.22 DATED THIS June 30, 1999, at Sarasota,
23 Sarasota, County, Florida.
24
2526 Mary Ann Smith
27 My Commission No. CC 536553
28 Expires: 5-17-00
29 Transcript ordered: 6/15/99

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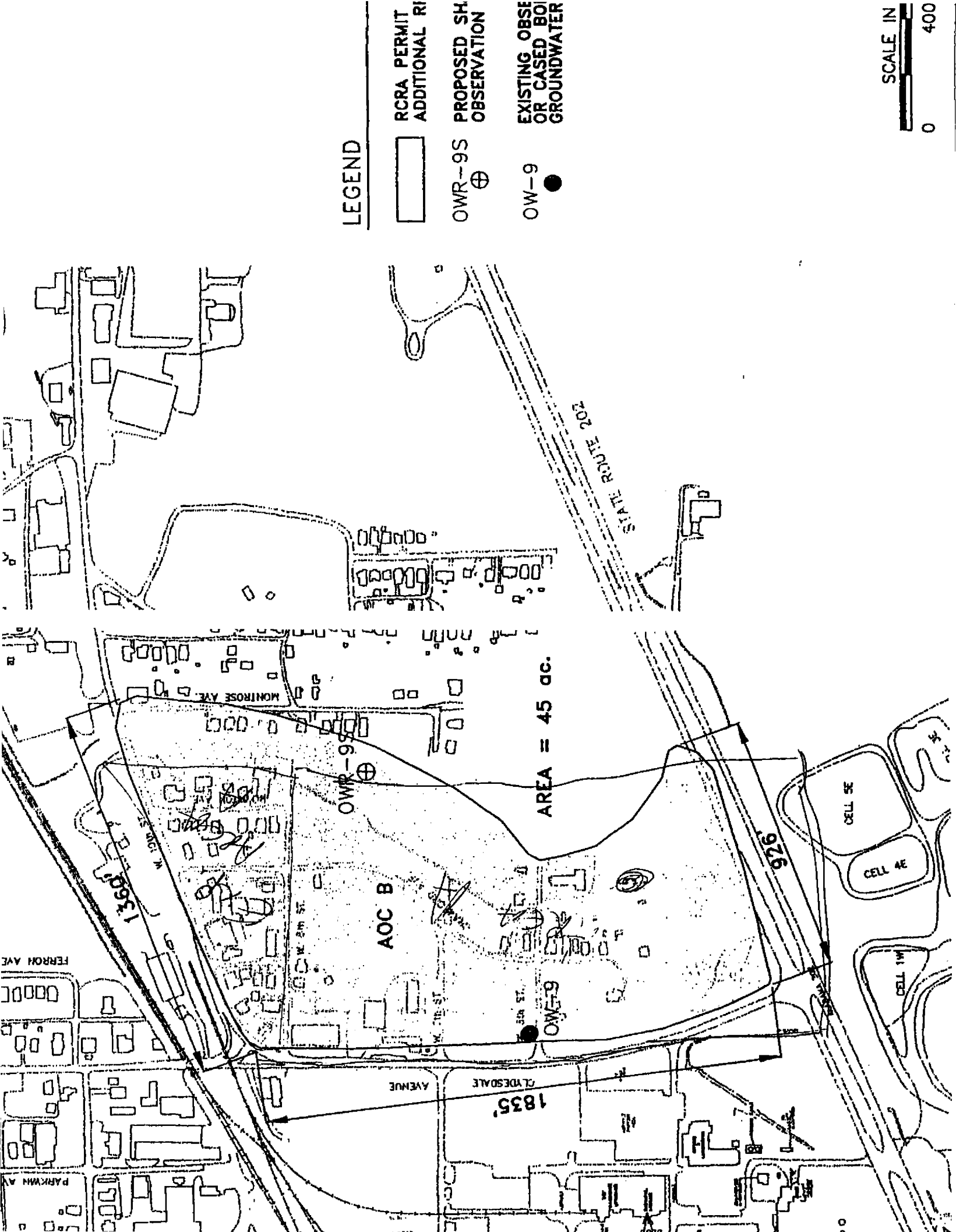
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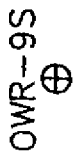
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LEGEND



RCRA PERMIT
ADDITIONAL RI

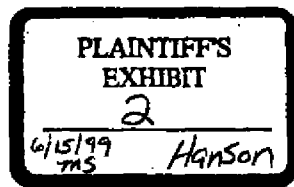


OWR-9S
PROPOSED SH
OBSERVATION



OWR-9
EXISTING OBS
OR CASED BO
GROUNDWATER





**MONSANTO
PROPERTY
PURCHASE
PROGRAM**

Monsanto Company

Anniston, Alabama

OSW 040124

HARTOLDMON0044535

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The information contained in this booklet provides a description of the Monsanto Property Purchase Program. It is not an offer to buy property.

DSW 040125

Monsanto Property Purchase Program

Page 2

HARTOLDMON0044536

Letter from Monsanto

Dear Neighbor,

As you may be aware, Monsanto has recently been sampling soils in the area. We have found some polychlorinated biphenyls (PCBs) on our property and on some adjacent areas. PCBs are chemicals which were manufactured at the plant from the 1930s until 1971. We are currently working with the Alabama Department of Environmental Management to develop a plan to manage the situation.

In anticipation of those plans, there are certain residential properties and privately owned vacant lots we would like to purchase, near or adjacent to our property. Monsanto is offering to purchase these properties within the "program area," as shown on the map on page 5. The details of the purchase offer, plus a range of relocation assistance features, are explained fully in the enclosed program handbook.

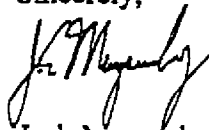
As you look through the program handbook, please note the eligibility requirements for both property owners and renters who choose to participate in the program and relocate outside the "program area."

The details of the program include:

- a purchase offer for your property
- bonuses, available in certain cases
- assistance for current renters
- miscellaneous expense allowances, and
- relocation services available to you through the new Information Center

We realize that relocating is a difficult decision, and you will want to take time to consider the advantages of the program being offered. Either way, the decision whether or not to participate is yours. To help provide you with any information you may need, we have opened an Information Center with representatives available to review the entire program with you at your convenience. In addition, you may contact our "Answer Line" at 1-800-544-2932 ext. 2711, or contact us at Monsanto at 231-8501.

Sincerely,



Jack Mayatsky
Plant Manager

DSW 040126

Introduction

The Monsanto Property Purchase Program (Program) is a program provided by Monsanto to enable you to sell your property and relocate, if you so choose. The details of the Program are contained in this booklet.

Easy access to the Program is provided through our Information Center, staffed by Prudential Residential Services, located in the trailer set up in the Monsanto parking lot. The Information Center will be staffed by a representative who is available to meet with you privately to go over all of the features of the Program and will assist you in understanding Program options available to you.

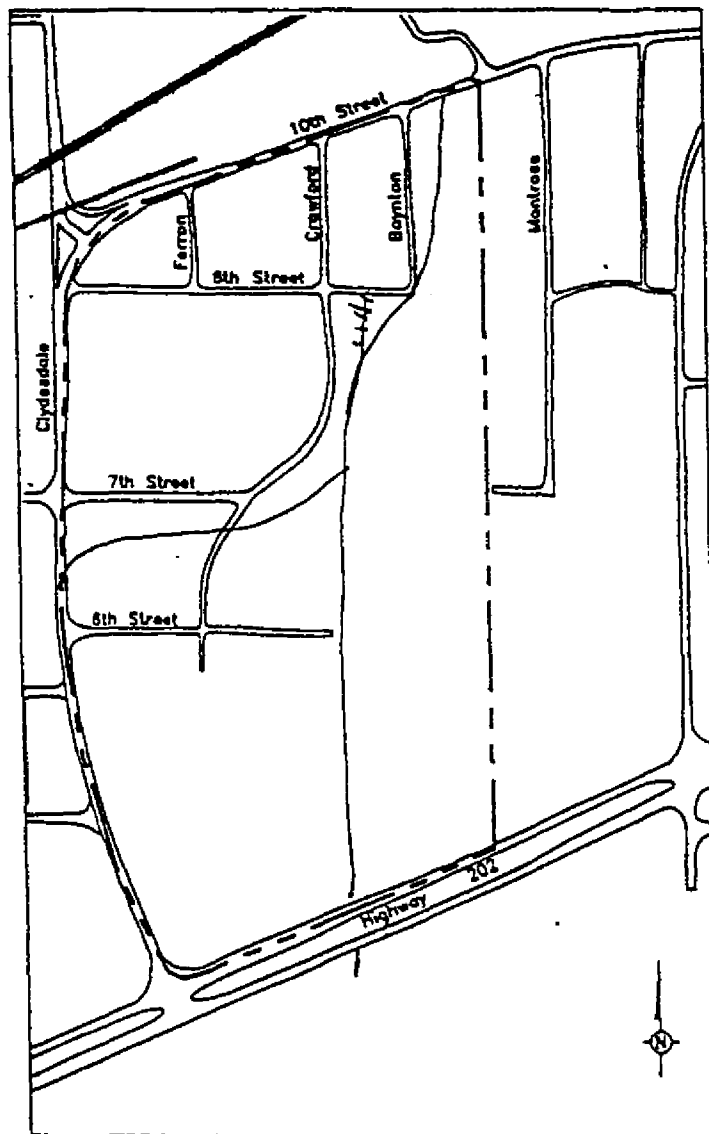
The Information Center will also provide you with information about homes for rent or purchase in the area. A representative can put you in touch with local real estate professionals who can help you identify your housing options.

A representative will be at the Information Center starting October 6, 1995. Through October 21, the Center will be open Monday through Friday from 8:30am to 5:00pm and evenings and weekends by appointment. Please feel free to contact the Information Center at (205) 231-8508. After October 21, a representative will be available at the Center one day each week and by telephone at other times via the Center number.

DSW 040127

Program Area

The Program applies only to the residential properties and privately owned vacant lots located within the program area. The program area, defined in the map below, is that area generally to the north of Rt. 202; to the east of Clydesdale Road; to the south of 10th Street; and, to the west of the property line depicted on the map below:



DSW 040128

Who is Eligible?

Property owners

You are eligible for the Program if you own residential property (see pages 8-11) or vacant lots (see pages 12-13) in the Program Area (shown on the previous page), as of October 2, 1995.

If you are a property owner, you may sign up for the program until February 2, 1996. To sign up, just contact the Information Center and ask to arrange for an independent appraisal on your property. If you sign up for an appraisal by December 1, and you decide to accept an offer, you will also be eligible to receive an early appraisal sign-up bonus.

Requesting an appraisal *does not commit you to sell your property*. Having an appraisal completed simply allows the Information Center to present you with an offer for your property. Once you have received your offer, you can choose whether or not to accept it.

Note: You must sell all property you own in the Program Area to be eligible for Program benefits.

Renters

Renters may be eligible to receive a miscellaneous expense allowance under the Program (see page 14).

OSW 040129

Summary of Program Benefits

Home Owners and Rental Property Owners

- Appraised value for your property
- Premium payment (an amount in addition to the appraised value)
- Miscellaneous expense allowance
- Early appraisal sign-up bonus
- Legal assistance and tax advisor allowance
- Full payment of normal and reasonable closing costs
- An option to remove some property improvements
- Equity advance assistance
- Relocation services

Vacant Lot Owners

- Appraised value for your vacant lot(s)
- Premium payment (an amount in addition to the appraised value)
- Early appraisal sign-up bonus
- Legal assistance and tax advisor allowance
- Full payment of normal and reasonable closing costs

Renters

- Miscellaneous expense allowance
- Relocation services

DSW 040130

Offer for Home Owners & Rental Property Owners

The Offer

The offer applies to home owners living in the program area and landlords owning habitable rental property in the program area. Unoccupied, habitable residences will be treated as rental property. The offer consists of four payments and one potential bonus:

payments

- the appraised value
- the premium over appraised value
 - . 75% of the appraised value for owner-occupied home owners
 - . 50% of the appraised value for rental property owners
- the miscellaneous expense allowance
 - . \$4,000 for owner-occupied home owners
 - . \$1,000 for rental property owners
- the legal assistance and tax advisor allowance, \$150

potential bonuses

- the early appraisal sign-up bonus, \$3,500

Appraised Value

If you are a home owner or landlord, the first part of your offer is an "appraised value" for your property and the improvements on it (such as a home, garage, outbuilding, etc.). The appraisals are done by local independent appraisers and are arranged by the Information Center. The list of approved appraisers includes local, actively practicing appraisers who are certified by the Alabama State Real Estate Commission.

The first step is for you to meet with a representative at the Information Center so you can select two appraisers from the approved list. The Information Center will then contact the appraisers and have them visit your property. Each appraiser will independently develop a value for your property using a standard format (URAR 1004 6/93).

When the two appraisal amounts are calculated, your appraised value will equal the average of the two appraisals -- provided the lower appraisal is within 10% of the higher appraisal. If the difference is greater, the Information Center will arrange for a third appraisal. Then, the two highest appraisals will be averaged to make the appraised value offer.

DSW 040131

Offer for Home Owners & Rental Property Owners

Appraisal Process - Examples

In the chart below you can see how sample appraisal calculations are made.

In example #1, the higher appraisal is \$16,000. This means that the lower appraisal must be within 10% or \$1,600. Since the two appraisals are only \$1,000 apart, a third appraisal is not required. The two appraisals are averaged to make the appraised value offer of \$15,500.

In example #2, the higher appraisal is \$20,000. This means that the lower appraisal must be within 10% or \$2,000. But the appraisals are \$4,000 apart. This means a third appraisal must be done. Now, out of the three appraisals, the two highest are averaged to make the appraised value offer.

	Appraisal #1	Appraisal #2	Appraisal #3	Appraised Value Offer
Example #1	\$15,000	\$16,000	not required	\$15,500
<i>Average of \$15,000 and \$16,000</i>				
Example #2	\$16,000	\$20,000	\$18,000	\$19,000
<i>Average of \$20,000 and \$18,000</i>				

Minimum Appraised Value

In order to make the program attractive and practical for all eligible owner-occupied home owners, a minimum appraised value has been set at \$10,000. The minimum value applies to any owner-occupied home occupied as of October 2, 1995.

Offer Period

Once the appraised value is calculated, you are presented with a written offer to purchase your property including a premium payment, miscellaneous expense allowance and any applicable early appraisal sign-up bonus. Once you receive an offer, you have 45 calendar days to accept. The offer contains conditions normal and customary to local real estate transactions, including a requirement that you, the seller, have valid title to the property. Only *written* offers are valid under the Program. You are encouraged to review the offer with your family and friends, and to obtain advice from any others you wish. A *legal assistance allowance* of up to \$150 is available to you for attorney and tax advisor fees to review program documents.

DSW 040132

Offer for Home Owners & Rental Property Owners

Premium Payment

The premium payment is made at the closing of the sale and is intended to enable you to purchase property elsewhere. The premium payment equals 75% of the appraised value for owner-occupied home owners, and 50% for rental property owners.

Miscellaneous Expense Allowance

A miscellaneous expense allowance of \$4,000 is provided to you at the closing of the sale if you are an owner-occupied home owner living in the Program Area as of October 2, 1995. The miscellaneous expense allowance is intended to cover moving and personal relocation costs for those who own and live on their own properties. In cases of multiple ownership, this payment will be made to the owner who occupies the home.

If you are a landlord, a miscellaneous expense allowance of \$1,000 will be paid to you at the closing of the sale. This payment will be made whether the property is vacant or tenant-occupied. (See page 14 for the Miscellaneous Expense Allowance for Renters.)

Early Appraisal Sign-Up Bonus

If you request an appraisal on your property on or before December 1, 1995, you will receive an Early Appraisal Sign-Up Bonus of \$3,500 at the closing of the sale.

Obtaining an Equity Advance

The Program will provide assistance in obtaining an advance on the equity in your property when you present a documented need to:

- make a down payment on another property
- close a sale on a new home
- pay moving expenses or other related costs

The Information Center representatives will assist you in obtaining an equity advance in such circumstances. This amount will then be deducted from your final payment upon closing.

OSW 040133

Offer for Home Owners & Rental Property Owners

Closing and Vacating

The Program pays for all normal and reasonable closing costs on the sale of your home. Real estate broker commissions and the cost to correct title problems are not covered.

Closing should be scheduled within four (4) months after you accept the offer. However, by prior agreement, and on a case-by-case basis, you may delay closing. The Information Center staff will arrange a mutually acceptable closing date once you have accepted the offer. You are required to vacate the property prior to closing, removing all possessions and leaving the property "broom clean" and in a neat and safe condition.

Calculating Your Total Offer

Example calculations are provided below for home owners and for owners of rental property.

Home Owner Sample Offer

Appraised Value	\$15,000
75% Premium Payment	11,250
Misc. Expense Allowance	4,000
Early Appraisal Sign-Up Bonus	<u>3,500</u>
Total Offer	\$33,750

Rental Property Owner Sample Offer

Appraised Value	\$15,000
50% Premium Payment	7,500
Misc. Expense Allowance	1,000
Early Appraisal Sign-Up Bonus	<u>3,500</u>
Total Offer	\$27,000

DSW 040134

Offer for Vacant Lot Owners

The Offer

This offer applies to private owners of a vacant lot or a group of contiguous vacant lots (parcel) in the program area. Condemned residences will be treated as vacant lots. The offer consists of three payments and one potential bonus:

payments

- the appraised value
- the premium over appraised value -- 50%
- the legal assistance and tax advisor allowance

potential bonus

- the early appraisal sign-up bonus, \$500 per lot or parcel

Appraised Value of Vacant Lot or Parcel

If you own a vacant lot or parcel, the first part of your offer is an "appraised value" for the vacant land. The appraisals are done by local independent appraisers and are arranged by the Information Center. The list of approved appraisers includes local, actively practicing appraisers who are certified by the Alabama State Real Estate Commission.

The first step is for you to meet with a representative at the Information Center so you can select two appraisers from the approved list. The Information Center will then contact the appraisers and have them visit your property. Each appraiser will independently develop a value for your property using a standard format (URAR 1004 6/93).

When the two appraisal amounts are calculated, your appraised value will equal the average of the two appraisals -- provided the lower appraisal is within 10% of the higher appraisal. If the difference is greater, the Information Center will arrange for a third appraisal. Then, the two highest appraisals will be averaged to make the appraised value offer.

DSW 040135

Offer for Vacant Lot Owners

Appraisal Process - Examples

In the chart below you can see how sample appraisal calculations are made.

In example #1, the higher appraisal is \$2,100. This means that the lower appraisal must be within 10% or \$210. Since the two appraisals are only \$100 apart, a third appraisal is not required. The two appraisals are averaged to make the appraised value offer of \$2,050.

In example #2, the higher appraisal is \$2,500. This means that the lower appraisal must be within 10% or \$250. But the appraisals are \$500 apart. This means a third appraisal must be done. Now, out of the three appraisals, the two highest are averaged to make the appraised value offer.

	Appraisal #1	Appraisal #2	Appraisal #3	Appraised Value Offer
Example #1	\$2,000	\$2,100	not required	\$2,050
				<i>Average of \$2,000 and \$2,100</i>
Example #2	\$2,000	\$2,500	\$2,300	\$2,400
				<i>Average of \$2,500 and \$2,300</i>

Premium Payment

The premium payment is made at closing and is intended to help you to purchase property elsewhere. The premium payment equals 50% of the appraised value.

Early Appraisal Sign-Up Bonus

If you request an appraisal on your property on or before December 1, 1995, you are eligible to receive at the closing of the sale an Early Appraisal Sign-Up Bonus equaling \$500 per lot or parcel.

Vacant Lot Owner Sample Offer

Appraised Value	\$2,400
50% Appraisal Premium Payment	1,200
Early Appraisal Sign-Up Bonus	500
Total Offer	\$4,100

OSW 040136

Offer for Renters

Miscellaneous Expense Allowance

A miscellaneous expense allowance of \$3,000 per property is payable to the tenant whose landlord has accepted a program offer. Only tenants of the rental unit as of October 2, 1995 are eligible for this miscellaneous expense allowance. The miscellaneous expense allowance is paid to the tenant within two weeks of the landlord's acceptance of the offer.

Renter Sample Offer

Miscellaneous Expense Allowance per Property \$3,000

DSW 040137