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1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ALABAMA
3 EASTERN DIVISION
4

5 CASE NUMBER: CV-P-440-E

6 WALTER OWENS, et al.,

7 Plaintiffs,

8 vs.

9 MONSANTO COMPANY,

10 Defendant.

11

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

13 IT IS STIPULATED AND AGREED

14 by and between the parties through their

15 respective counsel, that the deposition

16 of JAMES RICHARD WALKER, SR., may be

17 taken before MICKEY TURNER, Commissioner,

18 at the offices of Fite & Miller at 4th

19 Floor SouthTrust Bank Building, Anniston,

20 Alabama, on the 14th day of October,

21 1999.

22 IT IS FURTHER STIPULATED AND

23 AGREED that the signature to and the

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1 reading of the deposition by the witness

2 is waived, the deposition to have the

3 same force and effect as if full
4 compliance had been had with all laws and
5 rules of Court relating to the taking of
6 depositions.

7 IT IS FURTHER STIPULATED AND
8 AGREED that it shall not be necessary for
9 any objections to be made by counsel to
10 any questions except as to form or
11 leading questions, and that counsel for
12 the parties may make objections and
13 assign grounds at the time of the trial,
14 or at the time said deposition is offered
15 in evidence, or prior thereto.

16 IT IS FURTHER STIPULATED AND
17 AGREED that the notice of filing of the
18 deposition by the Commissioner is waived.

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22
23

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3 Mr. Wright 6

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8 vs.

9 MONSANTO COMPANY,

10 Defendant.

11

12 BEFORE:

13 MICKEY TURNER, Commissioner

14 APPEARANCES:

15 MITHOFF & JACKS, L.L.P., by

16 Mr. James L. Wright and Ms. Laura Ruth,

17 111 Congress Avenue, Suite 1010, Austin,

18 Texas 78701, appearing on behalf of the

19 Plaintiffs.

20 LIGHTFOOT, FRANKLIN & WHITE,

21 L.L.C., by Mr. William S. Cox, III, The

22 Clark Building, 400 20th Street North,

23 Birmingham, Alabama 35203, appearing on

0005

1 behalf of the Defendant.

2 SMITH, HELMS, MULLISS &

3 MOORE, by Mr. Michael E. Kelly, 300 North

4 Greene Street, Suite 1400, Greensboro,

5 North Carolina 27401, appearing on behalf

6 of the Defendant.

7 *****

8

9 I, MICKEY TURNER, a Court

10 Reporter of Birmingham, Alabama, acting

11 as Commissioner, certify that on this

12 date, as provided by the Federal Rules of
13 Civil Procedure and the foregoing
14 stipulation of counsel, there came before
15 me at the offices of Fite & Miller, 4th
16 Floor SouthTrust Bank Building,
17 Anniston, Alabama, beginning at 2:00
18 p.m., JAMES RICHARD WALKER, SR., witness
19 in the above cause, for oral examination,
20 whereupon the following proceedings were
21 had:

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23

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1 JAMES RICHARD WALKER, SR.,
2 being first duly sworn, was examined and
3 testified as follows:

4

5 COURT REPORTER: Usual
6 stipulations?

7 MR. WRIGHT: Yes, ma'am.

8

9 EXAMINATION BY MR. WRIGHT:

10 Q. Good afternoon, Mr. Walker.
11 We met just briefly, chatting here before
12 the deposition. Have you ever given a
13 deposition before?

14 A. Yes.

15 Q. How many times?

16 A. One time.

17 MR. COX: And before you get

18 started, we have the same understanding

19 that y'all gave notice to Burr Forman

20 about the deposition and they elected,

21 for whatever reason, not to attend?

22 MR. WRIGHT: Everything is

23 the same. The stipulations and the

0007

1 speeches are the same as before in Mr.

2 Sims' deposition. Okay. What was I

3 asking? Deposition, yeah.

4 Q. Okay. When was that?

5 A. '92 or '93. I'm not real

6 sure which, but it was one of those

7 years.

8 Q. Did you go to Delaware, too?

9 A. Yes.

10 Q. Okay. What was that case

11 about? Mr. Sims wasn't real clear on

12 it. He said he thought you might have a

13 better idea.

14 A. I'm not real sure what it was

15 about either.

16 Q. Okay.

17 A. I just know I went up and

18 they asked questions.

19 Q. I guess Monsanto's lawyers
20 coordinated with you and told you about
21 it and sent you up there?

22 A. Uh-huh (indicating
23 affirmatively).

0008

1 Q. Were they using Alabama
2 lawyers or were they Delaware lawyers?

3 A. I don't know. I don't know
4 where the lawyers were from.

5 Q. You hadn't met them here, I
6 assume?

7 A. No, not here. I didn't meet
8 them until I got there.

9 Q. To Delaware. Okay. Do you
10 know, at least generally, what that case
11 was about?

12 A. I think it was pertaining to
13 landfill and how they handled materials
14 going to the landfill, but --

15 Q. Was that the kind of
16 questions they asked you about mostly?

17 A. Well, how we operated the
18 department, you know, and materials that
19 were sent to the landfill. It was about
20 a day and a half long.

21 Q. Really?

22 A. There was just all kinds of

23 questions.

0009

1 Q. H'mm, okay. Did it have

2 anything to do with insurance coverage,

3 do you know?

4 A. My understanding was it was

5 something about insurance. There was an

6 insurance company involved or something.

7 Q. So Monsanto was on one side,

8 maybe, and the insurance company on the

9 other side?

10 A. I believe that's right.

11 Q. Do you remember any of the

12 names of any of the lawyers or law firms

13 or anything involved?

14 A. No, I don't.

15 Q. All right. Having been

16 through a deposition, you understand

17 that, first of all, that you are under

18 oath?

19 A. (Witness nods head.)

20 Q. And that the testimony that

21 you are going to give today can be used

22 in a trial, under certain circumstances,

23 just like you were sitting in the witness

0010

1 stand in front of a judge and a jury?

2 A. Yes.

3 Q. Basically, I just want to

4 get a background idea of both your career

5 and then, later on, we are going to kind

6 of expand and I am going to try to get a

7 broad understanding of how the plant

8 worked and what your role was. Okay?

9 A. Okay.

10 Q. When did you start with

11 Monsanto?

12 A. The 16th of March of '61.

13 Q. What was your first job?

14 A. I was an operator, relief

15 operator, they called it.

16 Q. In what part of the plant?

17 A. In the Aroclor Department.

18 Q. The Aroclor Department?

19 A. Yes.

20 Q. Was Mr. Sims there in the

21 Aroclor Department?

22 A. No, he wasn't in the Aroclor

23 Department at that time.

0011

1 Q. How long did you stay in that

2 job?

3 A. I was an operator until, I am
4 going to say around '66 or '67.

5 Q. So, a pretty good while, five
6 or six years?

7 A. Uh-huh (indicating
8 affirmatively).

9 Q. And, then, what was your next
10 job?

11 A. It was relief chief operator,
12 or chief operator.

13 Q. Still in the Aroclor
14 Department?

15 A. Uh-huh (indicating
16 affirmatively).

17 MR. COX: You need to answer
18 "yes" or "no," if you can, Dicky, so she
19 can make sure she takes it down.

20 THE WITNESS: Okay.

21 MR. COX: I know it's easier
22 to say "uh-huh," but you need to say
23 "yes" or "no."

0012

1 THE WITNESS: Okay.

2 MR. WRIGHT: I should have
3 reminded you of that. Usually I have to
4 tell everybody there three or four times,
5 because people just don't talk that way

6 in normal conversation.

7 THE WITNESS: Not in

8 Alabama.

9 MR. WRIGHT: Not anywhere.

10 Not in Texas, either.

11 MR. COX: He's from Texas.

12 They are used to it, too.

13 Q. I am sorry. I left off, your

14 job was supervising operator?

15 A. Yes.

16 Q. Chief operator?

17 A. Chief operator. We had

18 operators on the shift that worked with

19 me.

20 Q. All right. How long were you

21 in that job?

22 A. In that job in the Aroclor

23 Department until '72. I think it was

0013

1 April of '72.

2 Q. Let's say '67 to '72, you

3 were the chief operator or a chief

4 operator?

5 A. Yes.

6 Q. After '72, where did you go?

7 A. I went to the Parathion

8 Department.

9 Q. What was your job there?

10 A. Relief chief operator and
11 then chief operator.

12 Q. Until when?

13 A. I believe it was '76.

14 Q. Okay. Then where did you go?

15 A. I went to production foreman
16 in the Parathion Department.

17 Q. Okay.

18 A. In one part of the Parathion
19 Department. It had two parts at that
20 time, what they called the intermediate
21 side and the finished goods side. And I
22 was in the finished goods part of it.

23 Q. Okay. I am going to come

0014

1 back and ask you what your duties were,
2 but go ahead and tell me what your next
3 job description was after that.

4 A. First level supervisor.
5 Well, production foreman, and later they
6 changed that to what they call a first
7 level supervisor. It was the same job,
8 different title.

9 Q. Still there in the same part
10 of the Parathion Department?

11 A. Yes.

12 Q. And then your next job after

13 that?

14 A. It would have been in the

15 shipping department.

16 Q. Okay.

17 A. That was in, I want to say

18 '86, I think, when Parathion shut down,

19 until I retired.

20 Q. When did you retire?

21 A. '95.

22 Q. '95. Okay. So you had

23 thirty-four years?

0015

1 A. Yes.

2 Q. Going back to finished

3 production supervisor, what was that

4 job? What were your day-to-day duties?

5 A. Scheduling production,

6 responsible for safety.

7 Q. In the whole plant?

8 A. No, just for that area,

9 the part that I was responsible for.

10 Q. Okay. I've got you.

11 A. And by safety, I mean safety

12 procedure, safety meetings, monthly

13 safety meetings, making out weekly work

14 schedules, vacation schedules, coordinate

15 work with all the shifts.

16 Q. And then your job in

17 shipping, what were your day-to-day

18 duties in that?

19 A. Responsible for loading

20 finished goods, unloading raw materials,

21 packaging finished goods, either in

22 drums, or if it flaked in bags, you know,

23 if it was in the flaking process, getting

0016

1 shipments out, getting orders, you know,

2 seeing that orders got together and got

3 shipped out.

4 Q. Is this plantwide?

5 A. No, the shipping department

6 was a department by itself.

7 Q. But I mean, you were shipping

8 -- you were dealing with everything that

9 the Anniston plant made?

10 A. Right. Right.

11 Q. I mean, it wasn't just

12 Parathion or biphenyl or --

13 A. At the time I was in

14 shipping, Parathion was out of business.

15 They had closed down. That warehouse

16 wasn't used any more.

17 Q. Did you have anything to do

18 with the landfill?

19 A. No.

20 Q. Mr. Sims told us that
21 shipping dealt with the landfill, but
22 that may have been before '86.

23 A. They did. They did at one

0017

1 time when all those departments were
2 running, but after they shut down, we no
3 longer used that landfill.

4 Q. So as of '86, y'all weren't
5 putting any new things in the landfill to
6 the best of your recollection?

7 A. Right. I'm not exactly sure
8 which year they quit using it, but it was
9 right around in that time.

10 Q. But in any event, you never,
11 through your thirty-four years, you never
12 had any official involvement with the
13 landfill?

14 A. No.

15 Q. Did you ever go to the
16 landfill for any reason?

17 A. No.

18 Q. How did those Delaware boys
19 spend a day and a half asking you
20 landfill questions?

21 A. It wasn't just landfill

22 questions.

23 Q. I'm teasing. Going back now,

0018

1 to when you started in the Aroclor

2 Department, can you briefly describe what

3 your specific job was as an operator?

4 A. Well, I worked in -- they had

5 different jobs in that area. One was

6 chlorinators. I operated chlorinators.

7 And chlorinators is where you charge them

8 with biphenyl. You introduce chlorine to

9 them under -- you know, you had

10 controlled conditions, temperature and

11 all of that. And then you would sample

12 them and when they were at the right

13 gravity, you would pump them into what we

14 called a blow tank or holding tank.

15 And then there, they were run

16 through what we called the Aroclor

17 still. It was a distillation process

18 where the material was distilled. And

19 then it was put in storage tanks and then

20 either drums or loaded in tank cars or

21 tank trucks.

22 Q. Let's walk back then,

23 starting with the chlorinators. Can you

0019

1 describe the chlorinator for somebody

2 that never saw one?

3 A. Well, it was a round vessel,

4 tall, about three levels tall.

5 Q. By three levels, you mean

6 three stories tall?

7 A. Uh-huh (indicating

8 affirmatively).

9 Q. Okay.

10 A. And a story may not be eight

11 foot like a house, but it was a tall,

12 round piece of equipment.

13 Q. How big around would it be?

14 Or let's talk about diameter, I guess.

15 A. Five foot, four to five foot.

16 Q. If you were to stand up

17 inside it and stretch your arms out,

18 could you touch the sides?

19 A. It would be hard to stand up

20 inside of it, much less stretch your

21 arms.

22 Q. So it would look kind of tall

23 and thin?

0020

1 A. It had a pump at the bottom

2 and you circulate the material out the

3 bottom back up into the top.

4 Q. Was there a pipe on the
5 outside of it going up to the top?

6 A. Come to your pump and out of
7 your pump up to the top, back into the
8 top of it.

9 Q. Okay.

10 A. During the time, there would
11 be certain ladles you would be adding
12 chlorine to it, which that raised the
13 gravity. The longer your chlorination,
14 the higher your gravity became. It
15 depended on what you made, which product
16 as to how long you chlorinated it.

17 Q. How would you decide it was
18 to the right level of chlorination,
19 saying you were making 1260?

20 A. You catch a sample and cool
21 it to a certain temperature and put a
22 hydrometer in it and check your gravity.
23 When you got to a certain gravity, you

0021

1 cut the chlorine off and then you'd pump
2 it to one of the tanks to be distilled.

3 Q. Mr. Sims told us, I think,
4 there were eight chlorinators, is that
5 right?

6 A. We had what we call four
7 batch chlorinators and we had four that
8 was a continuous chlorination system.
9 You'd feed into one, feed some chlorine
10 to that and it overflowed to another one
11 and you feed chlorine to another one, you
12 know, at different stages.

13 Q. That didn't come until later,
14 though, right?

15 A. It was there when I went to
16 work there.

17 Q. The continuous chlorinators?

18 A. Uh-huh (indicating
19 affirmatively).

20 MR. COX: You need to say
21 "yes."

22 A. Yes.

23 Q. Okay. What was the big

0022

1 expansion in '69, then? What was added?

2 A. The best I recall, they
3 added two chlorinators and one more
4 still, Aroclor still.

5 Q. Added two --

6 A. Two chlorinators.

7 Q. -- continuous chlorinators, I
8 assume?

9 A. No, these were batch.

10 Q. They added two batch in '69?

11 A. (Witness nods head.)

12 MR. COX: You need to answer

13 out loud. I know it's a little unusual,

14 but she's trying to take down every word.

15 Q. Were they larger than the old

16 batch chlorinators?

17 A. They were. They were larger.

18 Q. Substantially larger?

19 MR. COX: Object to the form.

20 Q. Were they a whole lot larger?

21 MR. COX: Same objection.

22 A. I don't remember how much

23 larger.

0023

1 Q. Going back to before the

2 expansion, how many operators were there

3 on a shift before the expansion?

4 A. In the Aroclor Department,

5 there was three operators and a chief

6 operator.

7 Q. And then after the expansion

8 when the two new chlorinators were added,

9 how did the shift change?

10 A. I believe they increased it

11 by one operator.

12 Q. So they still had one chief
13 operator and instead of three operators,
14 you now had four operators on duty?

15 A. I believe that's correct.

16 Q. The stills, could you
17 describe the stills, also?

18 A. You had a still that you, or
19 a vessel, a large vessel that you would
20 pump your material into. And then you
21 would put it under vacuum and heat it.
22 And as it heated, it would start
23 distilling. You had a -- your material

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1 circulated through a coil that had a fire
2 box on it. It went inside of a fire box,
3 and you would light your burners, turn
4 your burners on and that's how it heated
5 up.

6 Once it reached a certain
7 temperature, it would distill through a
8 condenser. You had water on a condenser
9 and it would cool it back down and then
10 it would go into a receiver, what we
11 called a receiver. Then once that
12 receiver was full, we would pump it over
13 into another tank.

14 Q. Okay.

15 A. In that tank, we would add
16 what we called earth. It was a
17 powder-like material that we would add to
18 help with filtering it. We would agitate
19 it so long and then we would filter it
20 through a filter to take this earth out
21 of it.

22 Once it was filtered, we
23 would sample and the sample would come

0025

1 back good from the lab on it, we would
2 pump it into the storage tank. And from
3 there, we would load tank cars or tank
4 trucks, or drum it out, whichever, ever
5 how they were going to package it.

6 Q. And the operators were
7 involved in all of those processes?

8 A. Some operators could run what
9 I call all of the jobs. You had a
10 chlorinator operator. You had what we
11 called an acid operator.

12 Q. Acid operator?

13 A. We made muriatic acid.

14 Q. Okay.

15 A. And the HCL that came off the
16 chlorinating process, then water was
17 added to it and we made a muriatic acid,

18 which we sold. Then you had your Aroclor
19 still operator. You know, some of them
20 could run all, most all of them could run
21 all the different jobs.

22 Q. Where did the HCL off-gas
23 come from?

0026

1 A. It come off the chlorinators.

2 Q. Is that what you would mix
3 with the water to make the muriatic acid?

4 A. Right.

5 Q. When you had -- well, was
6 there excess HCL off-gas?

7 MR. COX: Object to the form.

8 A. What I recall is all of it
9 went to what we called a tower. And
10 that's where the water was added to it
11 and put in storage tanks.

12 Q. Okay.

13 A. I don't remember excess.

14 Q. I probably asked it wrong.
15 Was there excess water coming out of
16 that process?

17 MR. COX: Same objection.

18 A. I think so.

19 Q. Where did that water go?

20 A. Into a limestone pit to

21 neutralize it.

22 (Whereupon, a discussion was held
23 off the record.)

0027

1 (Whereupon, a brief recess was
2 taken.)

3

4 (Whereupon, Plaintiff's Exhibits 1-2
5 were marked for identification and
6 same are attached hereto.)

7

8 Q. Mr. Walker, I have got two
9 pictures, here. One of them is a smaller
10 scale to where you can see more land
11 around the plant. And then this one lets
12 you see the plant facilities a little bit
13 better (indicating).

14 MR. COX: Why don't we let
15 him see the original?

16 Q. We'll let you look at the
17 original, so you can get a better
18 resolution. I went through this a little
19 bit with Mr. Sims, so I have kind of got
20 an idea, but since you were there a whole
21 lot longer than he was, I think you will
22 be able to give me a better picture of
23 the Aroclor Department itself.

0028

1 MR. WRIGHT: Let's orient
2 these. Buddy, you are saying this would
3 be north, about like that (indicating)?

4 MR. COX: No, that's north
5 (indicating).

6 MR. WRIGHT: Okay. And here
7 would be --

8 MR. COX: This is south, so
9 north would be here (indicating).

10 MR. WRIGHT: Now I'm
11 confused.

12 MR. COX: This is the same
13 orientation (indicating).

14 MR. WRIGHT: All right.

15 Q. Can you point to the Aroclor
16 Department on Exhibit 1? And Exhibit 1
17 is the larger scale.

18 MR. COX: That's the large
19 warehouse.

20 A. Right, and this was --

21 MR. COX: Building 28.

22 A. Right, and this was the
23 Aroclor Department (indicating).

0029

1 Q. (BY MR. WRIGHT:) That would
2 be right in here?

3 A. Uh-huh (indicating
4 affirmatively).

5 Q. I am going to circle it in
6 red, the Aroclor Department. And, then,
7 Buddy mentioned this building here was
8 called building 28 (indicating)?

9 A. Uh-huh (indicating
10 affirmatively).

11 MR. WRIGHT: Was it called
12 anything else, Buddy?

13 MR. COX: That was the
14 designation.

15 A. Building 28.

16 Q. And then this big white
17 building here was the warehouse?

18 A. That's the warehouse, yes.

19 Q. Was this only the Aroclor
20 warehouse when the Aroclor Department was
21 operating, or did they use it for other
22 things as well?

23 A. It was mostly the Aroclor

0030

1 warehouse. They may have stored some
2 other material in it at one time.

3 Q. And then this building here,
4 this white building to the west of the
5 Aroclor Department, what would that have

6 been?

7 A. That would have been the
8 Chlorine Department.

9 Q. Okay. And then this big
10 white building to the northwest?

11 A. That was the Parathion
12 warehouse.

13 Q. And where was the Parathion
14 production facility?

15 A. Okay. It was right here
16 (indicating).

17 Q. Just south of the warehouse?

18 A. Yes.

19 Q. Where was the biphenyl
20 manufacturing?

21 A. At one time, part of it was
22 in here and then they built a new unit,
23 they called it. We called it a tube unit

0031

1 or a tubular unit.

2 Q. So at first it was part of
3 the Aroclor Department?

4 A. Right, it was the other end
5 of the building.

6 Q. Okay.

7 A. The Aroclor Department was
8 this way and what we referred to as lead

9 pot units or biphenyl stills was in this
10 area (indicating).

11 Q. Okay.

12 A. Then they built a tubular
13 unit up here sometime in the middle
14 sixties and they came back later and
15 built a second unit up there. They had
16 two units at one time.

17 Q. Let me describe this for the
18 record. The original location of the
19 biphenyl or the lead pot area was in the
20 south part of what we have got marked as
21 the Aroclor Department?

22 A. That's correct.

23 Q. And then, later on, they

0032

1 moved it a little bit to the southeast of
2 the Aroclor, what we have got marked as
3 the Aroclor Department and built a
4 tubular unit there?

5 A. Yes.

6 Q. Since this picture was taken
7 in '69, is that probably what we are
8 looking at right here (indicating)?

9 A. That would be the tubular
10 unit, yes.

11 MR. COX: That's due south of

12 building 28.

13 Q. Okay. Due south of building

14 28 is the new biphenyl production

15 facilities. When did they build those?

16 A. One of them was built in the

17 middle sixties, and I'm not sure of the

18 exact year. '65, '66.

19 Q. Okay.

20 A. It may have been '64, but in

21 the middle sixties.

22 Q. Okay.

23 A. I'm not sure when the second

0033

1 unit was put in.

2 Q. What are these tanks down

3 here to the south of the Aroclor

4 facility?

5 MR. COX: These, the larger

6 ones?

7 Q. The big ones, but also those

8 smaller ones there between the big ones

9 and the Aroclor Department.

10 A. We had some acid storage

11 tanks right in this area here, muriatic

12 acid storage tanks. And we had biphenyl

13 storage tanks behind those and when they

14 built the new tubular units of the big

15 tanks up here, one of them was a biphenyl
16 storage tank. The small tanks just to
17 the north of those, one or two of them
18 were benzene storage tanks where we would
19 unload benzene cars. I don't remember
20 what the others may have been.

21 Q. All right. Where were the
22 limestone pits that you talked about?

23 A. One of the limestone pits I

0034

1 remember before the tubular units were
2 built set in this area. Then, when they
3 built this unit, I believe they moved
4 them down, as best I recall, down in this
5 area.

6 Q. That kind of gully-looking
7 area where you have got your pen right
8 now?

9 A. Right.

10 Q. Mr. Sims thought that was
11 what y'all called Clegorn Lake. Does
12 that ring a bell?

13 A. That's not what I recall
14 being Clegorn Lake.

15 Q. What do you recall being
16 Clegorn Lake?

17 A. This area right here

18 (indicating).

19 Q. Okay. I was going to ask you
20 what that area is.

21 A. That was Clegorn Lake, what
22 that was referred to (indicating).

23 Q. Okay. Let's mark these

0035

1 then. I am going to circle this area and
2 call it limestone pits or limestone pit.

3 A. Okay.

4 Q. And then I am going to circle
5 this area and call it Clegorn Lake. That
6 makes more sense, then. Mr. Sims was
7 kind of unsure. Okay. What was Clegorn
8 Lake?

9 A. It was a pit where we would
10 pump bottoms off of our Santowax still
11 and bottoms off of the biphenyl still or
12 the biphenyl distillation process. The
13 line from the Santowax process went
14 across and tied into this line that came
15 from the biphenyl still up here.

16 Q. Okay.

17 A. I believe on the Santowax
18 still they would run about three batches,
19 distill three batches, which was a batch
20 charge still. You would pump to a

21 certain level in there, then you'd
22 distill that out. Then you'd charge back
23 to a certain level. Once you had done

0036

1 that three times --

2 Q. You had to clean it out?

3 A. -- the impurities that come
4 out of the distillation were pumped over
5 to this lake (indicating).

6 Q. Is this what later became
7 known as the west end landfill, or is
8 that a separate area?

9 A. No, that was never a
10 landfill.

11 Q. Where was what is now called
12 the west end landfill, if you know?

13 A. I'm not familiar with --

14 Q. With that term?

15 A. -- anything referred to as a
16 west end landfill.

17 Q. Okay.

18 A. The only landfill I'm
19 familiar with was the one across Highway
20 202.

21 Q. What is this area, all of
22 these little humps here (indicating)? It
23 looks like something is dumped there, but

0037

1 I can't tell what it might have been.

2 A. I don't recall anything being

3 there, other than just open area, you

4 know, open field.

5 Q. Doesn't it look like some

6 dirt work has been done there to you, if

7 you look up close?

8 A. It's difficult for me to tell

9 looking down on it.

10 Q. Yeah.

11 A. And I'm not familiar with

12 anything being in that area.

13 Q. What happened to Clegorn

14 Lake? I mean, it's not there any more,

15 right?

16 A. I don't know.

17 Q. That's a bad question. You

18 don't know whether it's still there?

19 A. I thought when I left they

20 were still using it to pump some bottoms

21 in, but I don't know that. I have been

22 away from that area for so long, I'm not

23 sure if they were still using that or

0038

1 not.

2 Q. Is this the Alabama Power

3 substation over here (indicating)?

4 A. Yes, this is the substation.

5 Q. Where did the still bottoms

6 from the Aroclor stills go?

7 A. The best I recall, we drew

8 them out in drums. Then they were left

9 to set until they become hard, and they

10 were solid and they carried them to the

11 landfill up here and disposed of them

12 (indicating).

13 Q. Did you ever have to clean

14 out the stills or wash them out?

15 A. Do what we call draw bottoms.

16 Q. Just drained them?

17 A. Drain the impurities. Where

18 they pumped them to Clegorn's Lake, these

19 were dropped into drums. We had areas

20 under the stills where you could drain

21 them into drums. After they set and

22 cooled off, they got hard. Some of them

23 got -- I think one of them they crushed

0039

1 or ground up and packaged and shipped to

2 somebody. I don't know what they used it

3 for.

4 Q. Okay.

5 A. That would have been the ones

6 off the, what we called solid Aroclors.

7 Then the ones off the liquid Aroclors,

8 you put them in a drum and then they get

9 cold and stiff and hard, you know.

10 Again, depending on what the gravity of

11 the material was that you made.

12 Q. Where did they grind them up?

13 A. They had a place in one of

14 the old lead pot areas. What they would

15 do, they'd dump them out on the floor and

16 just bust them up with a little ol'

17 hammer. They used like the air hammer

18 type things or piece of flat plate on the

19 bottom of a rod or something, you know,

20 and just break them up in small pieces.

21 And then they would shovel them through a

22 screen.

23 Q. By hand, you mean? They

0040

1 would pound them up by hand?

2 A. By hand.

3 Q. Who did that?

4 A. People in the labor group.

5 We had a group they called Aroclor labor,

6 which done a lot of that type of work.

7 Q. Were they the ones that

8 primarily did the cleaning up when there

9 were spills and leaks and things?

10 A. Well, no, they primarily
11 done the cleaning of tank cars. They
12 would help operators draw bottoms on the
13 stills when we would draw them. I
14 mentioned flaking. They done some of the
15 flaking.

16 Q. Does flaking differ from what
17 you were just describing, the pounding
18 up?

19 A. Yes, the flaking. When we
20 flaked, we flaked a biphenyl, and this
21 was Aroclor before it was chlorinated.
22 They would flake the biphenyl and then we
23 flaked a material we called Santowax.

0041

1 They'd flake it and then we'd flake a
2 solid Aroclor, one of the solid Aroclors.
3 I want to say it was a 5460, they flaked
4 it. It was put in bags. All of those
5 were bagged.

6 Q. Where was that done, the
7 flaking operation?

8 A. It was done on the bottom
9 floor in the Aroclor department, what we
10 called the bottom floor, ground floor.

11 Q. Okay.

12 A. And the stills and all were
13 set out on the next level. So they were
14 able to drum out downstairs, what we
15 called downstairs, and do the flaking
16 down there, too.

17 Q. How did they actually flake
18 it? Did they have a machine like a
19 grinder or something?

20 A. No, you had like a big round
21 drum that turned.

22 Q. They heated it?

23 A. You had a pan in the bottom.

0042

1 You would feed that material into that
2 pan. As that drum would turn, it would
3 flake that material. And on the Aroclor
4 flaking, it went into a hopper. And they
5 would bag out of that hopper.

6 On the Santowax, they would
7 put a bag under a small chute off of that
8 flake and it would flake into that chute
9 and into the bag. And they would put it
10 in the bag and weigh it and tie it up and
11 stack it.

12 Q. Where did it go to get
13 shipped out?

14 A. Some of it went, the best I

15 remember it went to this warehouse here

16 (indicating).

17 Q. Okay.

18 A. They did carry some to this

19 warehouse and store it. It would be

20 stored and possibly shipped out from down

21 there. I wasn't involved in any of the

22 shipping part of it at that time. I

23 didn't go into the shipping department.

0043

1 Q. What is this here, these

2 tanks next to the big warehouse

3 (indicating)?

4 A. Okay, in one of the

5 expansions, we had a -- I'm not sure how

6 many tanks, two or three storage tanks

7 here (indicating). When we added, when

8 we had the expansion and increased

9 Aroclor production, we built a new tank

10 farm here (indicating) and they would

11 pump material into this tank farm and

12 then from here, it would go to this

13 warehouse and be drummed out. The

14 different Aroclors, of course, you had

15 different storage tanks for.

16 Q. Okay.

17 A. But that was the storage.

18 That was just an additional tank farm to
19 the small tank farm we had on this side
20 of the road at one time.

21 Q. Now, you were there in the
22 lead pot days some, weren't you?

23 A. A little while.

0044

1 Q. Describe that process for me,
2 if you would.

3 A. Ooh.

4 Q. To the best of your ability.

5 A. You would pump benzene.

6 Benzene would be fed into them and you
7 had lead in there. I'm not real sure how
8 the system worked, but you had lead in
9 the lead pot unit.

10 Q. Molten lead, right?

11 A. It was sort of a distillation
12 process in itself, but it was an old
13 system. I don't know how long it had
14 been in. But you had a furnace where you
15 would heat it, like most of your
16 distillation process. It had a
17 condenser, you know. You would take the
18 impurities out. You would make the
19 biphenyl and it would be put into -- it
20 would go to a catch tank. And then once

21 it was to a certain level, it would be
22 pumped to a storage tank. And I'm not
23 sure exactly the internal works of it or

0045

1 none of that. In itself, it was just an
2 old type distillation process.

3 Q. Where was it vented, or how
4 was it vented?

5 A. I don't know.

6 A. That's been so long, I don't
7 remember how that system was.

8 Q. Okay.

9 A. Because it was only there for
10 a few years and then they built the new
11 furnace and all those were tore out and
12 taken out.

13 Q. How was the Aroclor, the
14 chlorinators, how were they vented?

15 A. They were vented to the acid
16 plant. They went to the acid plant.
17 That's where we made our muriatic acid.

18 Q. That's the HCL off-gas we
19 were talking about?

20 A. Right, HCL.

21 Q. And, then, that's how we
22 started this whole thing. The water --

23 A. The HCL gas went up to a

0046

1 tower.

2 Q. Can you point that tower

3 out? Can you see it?

4 A. I can't see it on there.

5 Q. Was it inside the building?

6 A. No, it was outside, around in

7 this area (indicating).

8 Q. You are pointing just --

9 let's see. Let me get oriented. You are

10 pointing just to the south of the Aroclor

11 facility?

12 A. Right. That's correct.

13 Q. Okay.

14 A. You see these tank cars here

15 at the end of this?

16 Q. Yes.

17 A. This is where the acid was

18 loaded in the tank cars.

19 Q. Okay.

20 A. It sat right across. The

21 storage area for it and all sat right

22 across the road from the loading area.

23 Q. Muriatic acid. Okay. And

0047

1 that tower was where?

2 A. It was located, it would have

3 been south of the Aroclor/Biphenyl

4 Department.

5 Q. Just south of where these

6 tank cars are?

7 A. Right.

8 Q. Okay.

9 A. It was in the area where

10 those biphenyl storage tanks were. They

11 were all right in there together.

12 Q. Okay. And, then, the water

13 coming off of that was routed underground

14 over here to the limestone pits?

15 A. That's correct.

16 Q. And, then, from the limestone

17 pits, it went into this drainage -- it

18 went under the road?

19 A. That's correct.

20 Q. Off the plant property and

21 into this drainage ditch down here

22 (indicating)?

23 A. Right.

0048

1 Q. And then on down into Snow

2 Creek?

3 A. I guess that's where it went.

4 Q. Can you tell where Snow Creek

5 hits? Is it on that picture?

6 A. I don't know where Snow Creek
7 starts.

8 Q. Okay.

9 A. I'm not sure where they
10 designated the starting point.

11 Q. Okay.

12 A. But I know it drained out of
13 the plant, left out of the plant and went
14 under the road.

15 Q. Now, is that the same place
16 where the storm water was routed? The
17 storm water runoff, I mean.

18 A. The only storm water sewer
19 that I'm familiar with was over in this
20 area that went down somewhere
21 (indicating).

22 Q. You are pointing from the
23 chlorine area, from around the chlorine

0049

1 area?

2 A. Well, they had run-off water
3 here (indicating), and I'm not sure, I
4 know it run in -- in other words, they
5 had sewers in the roadway where water
6 could run in.

7 Q. Right, right.

8 A. But I'm not sure how the

9 sewers ran underground and to what point
10 they went out of the plant. I do
11 remember we had one in this area
12 (indicating), a storm sewer that went
13 down, if I can find it on here, and
14 exited the plant somewhere down in here
15 (indicating).

16 Q. To the -- let's see which
17 direction that would be.

18 A. Well, it would have been
19 north of the plant.

20 Q. To the north of the plant?

21 A. Right.

22 Q. Okay. Now the Aroclor
23 Department had sewers or drains, right?

0050

1 A. Right.

2 Q. Were those drains from the
3 Aroclor plant routed to this limestone
4 tank?

5 A. The best I remember, they
6 were routed through this limestone pit.

7 Q. Do you know if it was the
8 same pipes as the HCL water?

9 A. I don't know.

10 Q. But to the best of your
11 understanding, they both ended up in the

12 same place?

13 A. That's correct.

14 Q. Now, who was responsible for
15 cleaning up the spills and the leaks and
16 the things like that?

17 A. If you had a spill or a
18 leak, the operator on the job was
19 responsible for it.

20 Q. Okay.

21 A. Now, other operators would
22 help him.

23 Q. I was going to ask if they

0051
1 helped.

2 A. The other operators, right,
3 they would join in and help, you know, to
4 get it cleaned up.

5 Q. Where did most of the leaks
6 and the spills come from, if you can
7 quantify it?

8 MR. COX: Object to the form.

9 A. All of your equipment had
10 pumps on it and had what we called a
11 packing gland. In other words, you would
12 put packing in there.

13 Q. Could you describe that? Mr.
14 Sims tried to describe it, and to be

15 honest, I just didn't quite get it.

16 Maybe you can describe it better since

17 you were there longer.

18 A. A packing gland you mean?

19 Q. Yeah, the pump and how the

20 packing gland fit in.

21 A. You had a motor. Your motor

22 sat at the back of the pump.

23 Q. Can you draw it. Would you

0052

1 mind drawing it?

2 A. I can try to draw it. I'm

3 not an artist.

4 Q. Why don't you just try it.

5 Nobody is going to grade you on it.

6

7 (Whereupon, a discussion was held

8 off the record.)

9

10 (Whereupon, Plaintiff's Exhibit 3

11 was marked for identification and

12 same is attached hereto.)

13

14 MR. WRIGHT: Let's go back

15 on.

16 A. If this were your pump, you

17 would have material that would come into

18 what we call the front of the pump.

19 Q. Okay.

20 A. You had a volute in there

21 that had veins on it and as that pump

22 turned -- the material would come in the

23 center and as that pump turned, it would

0053

1 force it out wherever it discharged,

2 whether it be the top or the side or

3 whatever.

4 Q. Right.

5 A. You had your motor that sat

6 here and you had a shaft that went into

7 your pump to turn that --

8 Q. Turn the impeller?

9 A. Turn the impeller.

10 Q. Okay.

11 A. Here you had a packing gland.

12 And what it was, it was just a piece of

13 metal that would be shaped -- again, this

14 might not be exactly right, but your

15 shaft would be in the center of that.

16 You would have what I call a stud that

17 went, you know, here with nuts on it.

18 Q. Right, that bolted on?

19 A. You could loosen those, slide

20 that packing gland out, and you had, of

21 course, different pumps that carried
22 different size packing, but it was just a
23 fiber-type material. Whatever pieces you

0054

1 needed to go around that shaft, you would
2 put them in.

3 Q. And it was a fabric or fiber?

4 A. Fiber/fabric of type
5 material. It may have had some graphite
6 mixed in with it. We just called it
7 packing.

8 Q. Okay.

9 A. Whatever size packing, you
10 might put what we call four or five rings
11 of packing you could put in there, but
12 where it made a ring and come together,
13 you would alternate where your joints
14 were, you know. You just put packing in
15 there and you would tighten these up.

16 Over a period of time, your
17 packing would wear out. You might
18 develop a little leak. We had catch pans
19 under these pumps to catch leaks. And
20 you was always going out into the
21 department around catching samples and
22 you would always check for leaks to see
23 if your packing leaked, and if it was,

0055

1 you tightened it up a little bit.

2 And if the packing got bad,

3 you could add a ring of packing, or you

4 may have to shut it down until

5 maintenance come the next day and let

6 them take all the old packing out and put

7 new packing in.

8 Q. So maintenance was

9 responsible for that?

10 A. Maintenance and operators

11 both. On the off shifts or on the

12 weekend when maintenance wasn't there,

13 operators could add what we called a ring

14 of packing. We could add a ring of

15 packing.

16 Q. But you wouldn't do a

17 complete job?

18 A. You wouldn't do a complete

19 packing job on it, because they had

20 special tools to reach up and pull the

21 old packing out with and put new packing

22 in.

23 But those catch pans, if it

0056

1 had a drip, it would drip in that catch

2 pans. We would empty those into one of

3 the buckets where we sampled or either
4 over to the rework drum that we would
5 have, you know, where we could pour the
6 material back in.

7 But, you know, you could have
8 leaks there. You may have a sample valve
9 that might leak sometime. But, again,
10 there was a bucket placed under it. We
11 had a lot of pumps back then that carried
12 packing. And they were bad to leak at
13 times.

14 Q. How often would they have to
15 be completely reworked? I mean, monthly
16 or --

17 A. I don't know. A lot of it
18 depended on what kind of shape the shaft
19 was in. If a shaft was bent, it might
20 wear the packing out, or if it was rough,
21 you know, had rough edges or something,
22 it could. But, normally, it would run
23 several days without having to even add

0057

1 any or tighten up on it. But over a
2 period of time, you would just have to
3 replace it.

4 Q. What did maintenance do with
5 the old packing?

6 A. They put it in trash drums.
7 Q. Okay.
8 A. Or carry it back to the shop,
9 maybe throw it in trash drums there.
10 They had some responsibility for cleaning
11 up wherever they worked, too, and they
12 would pick it up and carry it back with
13 them. Gaskets, things like that, they
14 would carry them back to their shop.

15 Q. Okay. Now, that's the
16 pumps. Where else would you get the
17 leaks from? You mentioned your sample
18 valves.

19 A. Sample valves? You could get
20 -- you know, one of them could leak a
21 little. Of course, you could have a line
22 rupture, you know. Or you could have a
23 gasket, maybe a gasket blow out.

0058

1 Q. I was going to ask you where
2 the gaskets were.

3 A. They were in flanges where
4 the pipes joined together. It wasn't
5 solid welded pipe, you know.

6 Q. You had joints?

7 A. They had joints.

8 Q. And the gaskets at the joints

9 would sometimes go bad?

10 A. It could.

11 Q. Now, who replaced them?

12 A. Maintenance.

13 Q. Maintenance again?

14 A. Maintenance replaced them.

15 Q. I assume the same thing with

16 the gaskets, they would do the same thing

17 with them that they did with the old

18 packing?

19 A. Right.

20 Q. How many drains were there in

21 the floor of the Aroclor Department? Do

22 you have any idea?

23 A. I have no idea.

0059

1 Q. Were there a lot of them?

2 A. No.

3 Q. Is there any way you can try

4 to describe it? I mean, you were there

5 and I wasn't. Was there a drain every

6 six feet or every ten feet or --

7 A. The only drain I recall being

8 on the floor in the Aroclor Department,

9 and I say in the floor, I am talking

10 about the bottom floor.

11 Q. That's what I'm talking

12 about.

13 A. It was probably where a sewer
14 passed under the floor, but it wasn't a
15 grated drain. It had a solid metal plate
16 over it. It wasn't a drain like we think
17 of a drain having a grate or just a grill
18 or something. It was a solid metal plate
19 that laid over it. That's the only one I
20 remember being in the bottom floor of
21 this building.

22 Q. I assume you would wash down
23 the floor or equipment even from time to

0060

1 time?

2 A. We washed down the floor out
3 in this area, and the chlorinator area.
4 We didn't in the still room, what I call
5 the still room, where they done the
6 flaking and all of that. We would sweep
7 up, and sometimes if material built up on
8 the floor, we might scrape it up, take a
9 scraper and scrape it up. But it wasn't
10 a liquid material.

11 Q. You never steam cleaned it in
12 there?

13 A. I don't recall ever steam
14 cleaning it.

15 Q. Okay. In the chlorinator
16 area, how many drains were there?

17 A. There was -- I will see if I
18 can kind of draw this.

19 Q. Okay.

20 A. You had a drain with grating
21 over it all the way across here
22 (indicating). And then you had -- I'm
23 thinking you had a little drainage --

0061

1 Q. All the way around?

2 A. -- all the way around this
3 part of it. I'm not sure where it went
4 out. This pad in this area sat up off
5 the floor six inches, eight inches,
6 something like that, with this drainage
7 ditch below it with grating over it. And
8 in the middle of it, you had an indentation
9 or a drainage like that went to either
10 side with grating over it. And then when
11 you would wash down, it would wash into
12 this part of it.

13 Q. Let me label some of these
14 things before we forget them. This is
15 the pump (indicating). This is the motor
16 of the pump (indicating).

17 A. Yes.

18 Q. This is the shaft

19 (indicating). This is the --

20 A. That's what I call the pump,

21 the pump housing.

22 Q. The pump housing?

23 A. You've got the impeller

0062

1 inside of it.

2 Q. Well, no, I'm talking about

3 this right here (indicating). This is

4 where the packing was?

5 A. That would be where the

6 packing was, your packing box, I guess

7 they would call it.

8 Q. Or sleeve?

9 A. Packing gland.

10 Q. Packing gland is what you

11 called it to begin with. So let's --

12 A. Okay. Packing gland.

13 Q. And this is a blow-up of

14 that, an expansion?

15 A. That's what I would call it,

16 yes.

17 Q. And this is the chlorinator

18 area (indicating)?

19 A. That's correct.

20 Q. I assume these eight things

21 are the chlorinators (indicating)?

22 A. Eight chlorinators

23 (indicating).

0063

1 Q. And, then, I guess we'll just

2 call this a drain (indicating)?

3 A. That's what it was. It was

4 just a drain off of this area.

5 Q. Okay. I will cross hatch the

6 drain areas. Was it around this side as

7 well (indicating)?

8 A. No, it was a walkway that

9 went this way (indicating).

10 Q. So, it was around three sides

11 and then down the middle?

12 A. That's right.

13 Q. But you don't know where

14 those drains emptied? Was it into the

15 sewer system?

16 A. My understanding, it was in

17 the sewer system somehow that went to the

18 limestone pit.

19 Q. The same place we were

20 talking about earlier?

21 A. Correct. I don't know the

22 exact pattern that it followed to get

23 there.

0064

1 Q. I've got you. Was this area
2 washed down every day (indicating), the
3 chlorinator area?

4 A. Supposedly every shift.

5 Q. So three times a day?

6 A. Every operator would wash
7 down at the end of his shift.

8 Q. Okay.

9 A. Clean up his area, be sure
10 all of his drip pans and sample buckets
11 were emptied, then wash the area down.

12 Q. And that's the way it was
13 from '61 to '72, the whole time?

14 A. The best I remember, that's
15 how it was.

16 Q. Now, Mr. Sims mentioned that
17 at some point y'all got new pumps. Do
18 you remember that? Or he thought you got
19 new pumps.

20 A. I don't remember. I don't
21 recall.

22 Q. The best of your recollection
23 -- well, you don't remember getting new

0065

1 pumps during that period?

2 A. I don't, no.

3 Q. Were there different kind of
4 pumps on the '69 expansion?

5 A. I don't recall.

6 Q. Okay.

7 A. And the reason I don't
8 recall is I didn't operate the pumps
9 after I went to chief operator. The
10 operators operated the pumps, and I
11 wasn't as closely involved, you know.

12 Q. After you went to chief?

13 A. After I went to chief.

14 Q. Now, let me just ask you
15 this and then we'll take a little break.
16 How did you get word that the Aroclor
17 Department was going to be shut down?

18 A. I believe it was through a
19 plantwide meeting. Of course, we had
20 known for a while that sales were down.
21 And we had really changed our mode of
22 operation there toward the end before it
23 completely shut down, where we did run

0066

1 seven days a week, three shifts a day.

2 Toward the end before it shut
3 down, we would only run like ten days
4 straight and then we would shut it down
5 for four days. The operators would be

6 off for four days and then they would
7 come back and start the department back
8 up and we would run for ten days and shut
9 down for four days. And we got word that
10 the department would shut down, we
11 wouldn't be making Aroclor any longer.

12 Q. Do you remember the meeting
13 or are you just thinking that's what
14 happened?

15 A. No, I don't remember
16 specifically.

17 Q. Do you remember who made the
18 announcement, what person made the
19 announcement?

20 A. No, I don't.

21 Q. Do you remember what they
22 said when they made the announcement?

23 A. No, I think I was more

0067

1 concerned about where I was going or if I
2 was going to have a job. I don't
3 remember exactly the time they told us or
4 how it was told, or even who told us.

5 Q. All right. What was the
6 reason given that they told you they were
7 shutting it down?

8 A. I don't remember exactly the

9 reason, if it was for business reasons.

10 I'm not positive.

11 Q. Was it for environmental

12 reasons or pollution reasons?

13 A. I don't recall them saying

14 that was the reason.

15 Q. Was that what y'all

16 understood around the plant?

17 A. I didn't understand that it

18 was environmental reasons, strictly

19 environmental reasons.

20 Q. What did you think was the

21 reason?

22 A. I really thought business

23 reasons. I know they had made it for

0068

1 many years there and I know how they find

2 other things or other products, you know,

3 to take the place. And I can't, I can't

4 say that I know for sure exactly what I

5 understood it to be. But in my mind, I

6 want to think I understood it to be

7 business reasons. And that is that the

8 material wasn't selling like it did.

9 Q. You may not know this or may

10 not even have an inkling, but why do you

11 think they shut down Anniston and kept

12 Krummrich going?

13 MR. COX: Object to the form.

14 A. I don't know.

15 Q. Do you remember there being
16 any discussion about why don't we shut
17 Aroclor in Krummrich down and keep
18 Anniston going?

19 A. I don't know.

20 Q. Was there any discussion
21 about the fact that they had just spent,
22 I believe it was a million dollars or
23 something, some substantial amount of

0069

1 money expanding the facilities in
2 Anniston, and then within a short period
3 of time shut the plant down? Was there
4 any discussion about that aspect of it?

5 MR. COX: Object to the form.

6 A. I guess the discussions we
7 made, we -- among some of the operators,
8 maybe. I'm not saying we were told this,
9 but when the expansion was put in, you
10 know, and they spent money like that, you
11 begin to think, well, you know, we are
12 going to be here a long, long time. We
13 think it makes our job secure. And then
14 all of a sudden, you know, you hear they

15 are shutting the department down. There
16 was some, you know, questions in our own
17 mind about, you know, they just spent on
18 this expansion and now they shut it down,
19 but I still don't recall that I knew the
20 exact reasons.

21 Q. What did you and the other
22 operators think the reasons to be?

23 A. I don't recall us discussing

0070

1 it that much.

2 Q. Don't you think you must have
3 discussed it? I mean, like we were just
4 saying, you know, here they had put a lot
5 of money into the plant. They have
6 geared up, expanded and then all of a
7 sudden they are shutting it down. Don't
8 you think that y'all talked about it and
9 wondered about it and tried to figure out
10 what was going on?

11 MR. COX: Object to the form.

12 A. I'm sure we wondered about
13 it, but I don't recall any specific
14 conversations with any specific person on
15 it.

16 Q. Do you recall any general
17 conversations about it?

18 A. Nothing other than they are
19 shutting down and I'm going over to this
20 department and I felt better knowing that
21 I had a job, and was going to another
22 department.

23 Q. I'm sure about that.

0071

1 A. You know, we had had
2 different problems in different parts of
3 the plant with production shutting down.
4 You know, you would maybe have good
5 production runs and then you would cut
6 back or make less batches. The Parathion
7 Department, there had been times when,
8 you know, business was slow for it and it
9 would shut down and they would cut people
10 back and do other type work for several
11 months and then start back up. You know,
12 we had seen that happen.

13 Like I say, I assume it was
14 for business reasons, that it just wasn't
15 selling. But as far as the particular
16 reasons, say, we shut it down because of
17 this, I don't recall exactly what for.

18 Q. Well, were environmental and
19 pollution problems one of the reasons?

20 MR. COX: Object to the form.

21 Q. Even though that may not have
22 been the only reason?

23 A. It could have been, but I

0072

1 didn't have access to all of that

2 knowledge, the real reasons.

3 MR. WRIGHT: Okay. Why don't

4 we take a break?

5

6 (Whereupon, a brief recess was

7 taken.)

8

9 Q. What was Mr. McCarty's job

10 in the sixties and early seventies?

11 A. I'm not really sure.

12 Q. Did you know him or know who

13 he was?

14 A. I didn't have any -- I think

15 I knew who he was. I want to say he

16 worked in the technical services part or

17 something. I was not acquainted with him

18 in Aroclor, the years I worked in the

19 Aroclor Department.

20 Q. Did you ever get involved --

21 well, let me ask it this way: When did

22 you become aware of a pollution problem

23 relating to Aroclor?

0073

1 MR. COX: Object to the form.

2 A. I don't recall.

3 Q. All right. Can you give me a

4 best estimate?

5 A. Probably around late '72,

6 '73, when I really began to hear a lot

7 about PCBs.

8 Q. Now, by that time -- well,

9 when did the Aroclor production stop?

10 A. I believe late March or early

11 April of '72, because the best I recall,

12 I went to Parathion in April of '72.

13 Q. So was it about when the

14 plant shut down is when you became aware

15 of pollution concerns?

16 A. I may have heard some

17 discussion on it at that time.

18 Q. Did you hear discussion after

19 that time, or was it just kind of a

20 little blip and then it was gone?

21 A. Of course, I heard more about

22 it after that time, but I did hear some

23 discussion on it along in there, you

0074

1 know, that they -- it would be in -- one

2 of the things I think that I recall first

3 hearing is it had effect on bird eggs or
4 something.

5 Q. Where did you hear that from?

6 A. At the plant, I guess, is the
7 only place I would have heard it, in some
8 kind of discussion there or something.

9 Q. Do you think that was before
10 or after they announced the shutdown of
11 the --

12 A. I'm not sure. It could have
13 been before.

14 MR. COX: Make sure he
15 finishes his question before you jump in
16 to answer.

17 MR. WRIGHT: That's all
18 right. I was through.

19 Q. If it was before, is it your
20 impression that it was fairly shortly
21 before?

22 MR. COX: Object to the form.

23 A. Yes.

0075

1 Q. And then what's the next
2 thing you remember hearing, to the best
3 of your recollection?

4 A. The only thing that stands
5 out, it seems like I heard sometime after

6 that that they had a type waste treatment
7 that they could treat PCB waste with. I
8 know we discussed, well, that come too
9 late if that's the case. But, you know,
10 nothing, no technical information, just
11 talk around the plant.

12 Q. So you don't know what kind
13 of treatment it might have been?

14 A. No, I have no idea.

15 Q. What next do you remember?

16 A. I heard that it may cause
17 cancer.

18 Q. Who did you hear that from?

19 A. I don't recall who I heard it
20 from. I don't know if that was in part
21 of a report on it or some discussion, you
22 know, among workers there at the plant.

23 Q. You mentioned a report. Did

0076

1 you ever get a report?

2 A. No, I didn't get a report.

3 Q. Was there ever any official
4 announcement about PCBs by the people at
5 the plant or the people in St. Louis, or
6 anything to the employees there?

7 A. I don't recall. There could
8 have been, but I don't recall it.

9 Q. What's the next thing you
10 remember hearing about PCBs after the
11 could cause cancer?

12 A. I don't recall hearing
13 anything else, other than that same kind
14 of discussion. And then for years, you
15 know, not hearing anything about it.

16 Q. Now, let me ask you this kind
17 of parenthetically. I have seen in the
18 documents, there's some discussion about
19 a fish kill in Snow Creek or Chocclocca
20 Creek in, I think it was '68 or '69,
21 somewhere along in there, and they
22 related to it Parathion. What do you
23 remember about that?

0077

1 A. The only thing I remember
2 about it was it being in the paper. They
3 said they had a fish kill. I was not in
4 that department. I didn't work in that
5 department. I didn't have anything to do
6 with the waste treatment facility at that
7 time. Other than a lot of what I saw in
8 the newspaper and they were talking
9 about, you know, they had fish kill
10 caused from Parathion, that was all I
11 knew about it.

12 Q. Was there just one or was

13 there more than one?

14 A. That one is the one I recall.

15 Q. Were you ever involved, once

16 a PCB problem was raised, were you ever

17 involved in trying to remedy it somehow?

18 MR. COX: Object to the form.

19 A. No.

20 Q. Did you know any of the

21 people that were trying to figure out how

22 to eliminate or minimize PCB pollution?

23 MR. COX: Object to the form.

0078

1 A. No, I don't.

2 Q. Did management, or anybody in

3 management, ever come down and call the

4 operators together or the chief operators

5 and say, "Boys, we have got to stop

6 putting these PCBs out in the effluent or

7 minimize PCB losses," or anything like

8 that?

9 MR. COX: Object to the form.

10 A. I don't recall a meeting per

11 se for that particular purpose, but we

12 always tried to minimize any kind of

13 leaks or spills we had. We tried to

14 contain or catch or minimize that as part

15 of our day-to-day operation.

16 Q. But you don't ever remember
17 there being a special focus on it at any
18 time?

19 A. No, I don't.

20 Q. You don't ever remember them
21 really emphasizing it or calling your
22 attention to it, or anything like that?

23 MR. COX: Object to the form.

0079

1 A. Not saying they didn't do
2 it. You have to understand, this is many
3 years ago. I don't recall a particular
4 meeting for that.

5 Q. Well --

6 A. Or --

7 Q. Now, I'm not talking about
8 just a particular meeting. I'm talking
9 about a particular program or a
10 particular emphasis of them coming down
11 and saying, "This is our new way of doing
12 business. We are going to make these
13 changes," or anything like that.

14 A. I don't recall that.

15 Q. All right. Were you ever
16 involved in the caustic chlorine unit?

17 A. No, I never worked in that

18 department.

19 Q. Were you ever aware of a
20 mercury concern?

21 MR. COX: Object to the form.

22 A. I knew they had mercury in
23 that department and used it. I wasn't

0080

1 really aware of the effects of mercury on
2 human health.

3 Q. Did you hear about a mercury
4 pollution concern because of the use of
5 mercury there?

6 MR. COX: Object to the
7 form.

8 A. I don't remember hearing a
9 lot about it, other than, you know, they
10 had mercury and, of course, they tried to
11 contain it and keep it where it was
12 supposed to be.

13 Q. What do you remember hearing
14 about it?

15 A. Well, hearing it was
16 hazardous to your health or your system
17 could build up levels of mercury. Not
18 working in that department, you know, I
19 wasn't involved that much in it. Just
20 hearing talk around.

21 Q. Did you hear talk about
22 concerns about it being found outside the
23 plant?

0081

1 A. No, I didn't hear any
2 discussion on that.

3 MR. WRIGHT: I have got a
4 memo here from '69 from E.G. Wright. Let
5 me read the number. Actually, I think I
6 have got a clean copy of this one. Yeah,
7 here we go. We can go ahead and mark
8 this.

9

10 (Whereupon, Plaintiff's Exhibit 4
11 was marked for identification
12 and same is attached hereto.)

13

14 Q. Let me hand you this. Your
15 name is not on there, so I don't imagine
16 that you saw it, but I want to ask you
17 some questions about some things that are
18 in it. First of all, do you remember
19 seeing that memo or anything like it?

20 A. I don't remember seeing it.

21 Q. I wouldn't have expected you
22 to. I want to ask you about the people
23 up here at the top and see if you can

0082

1 tell me who they were and what their jobs
2 were back in those days, to the best of
3 your ability. And we can just start at
4 the top. J.N. Carpenter.

5 MR. COX: He's over here
6 (indicating).

7 A. All right. I've probably
8 heard of him. I can't say that I know
9 him that well.

10 Q. All right. You don't know
11 what his job was?

12 A. No.

13 Q. What about C.K. Eastman?

14 A. I remember him being there,
15 but I'm not -- there again, I don't
16 recall what his particular job was.

17 Q. L.L. Faulkner?

18 A. I know him. He, the best I
19 recall, was in the Engineering
20 Department.

21 Q. Is he still alive?

22 A. I don't know.

23 Q. R.A. Haydel.

0083

1 A. Haydel?

2 Q. Haydel?

3 A. He worked in the Aroclor
4 Department for a while. I think he
5 transferred to Louisiana. I don't know
6 about him.

7 Q. Do you know what his job was
8 in the Aroclor Department?

9 A. I would say supervisor.

10 Q. Who was your boss?

11 A. B.O. Severson was, I guess he
12 would be the department supervisor, as
13 they call it.

14 Q. Well, we'll come to him,
15 then, here in a minute. V.R. Haupt?

16 A. He was in the Engineering
17 Department.

18 Q. L.C. Lahman.

19 A. The best I recall, he was in
20 the Parathion Department or in that
21 area. I don't remember him working in
22 the Aroclor area.

23 Q. J.C. Landwehr?

0084

1 A. I remember Joe Landwehr, but
2 I don't remember -- I just remember him
3 being -- the best I recall they had a
4 Tech Service Department, Technical
5 Service Department, and a lot of these

6 worked out of those departments in
7 different parts of the engineering and
8 all.

9 Q. We talked about McCarty?

10 A. Right.

11 Q. G.W. Miller, do you remember
12 him?

13 A. I do remember him. I think
14 he worked in the lab at one time, or over
15 the lab.

16 Q. Papageorge, what was he?

17 A. He was the plant manager.

18 Q. B.O. Severson?

19 A. Okay, he was supervisor or
20 superintendent, I don't remember the
21 exact title, but over the Aroclor/
22 Biphenyl Department when I went to work
23 there in '61.

0085

1 Q. Did he stay in that position
2 until you left, or did he move somewhere?

3 A. The best I remember, he was
4 in that position and, of course, Aroclor
5 shut down, but he still had the biphenyl
6 part of it until he retired, the best I
7 remember.

8 Q. It would have been when, do

9 you think?

10 A. I'm not sure what year he

11 retired.

12 Q. Is he still alive?

13 A. No, I think he died a couple

14 of years ago.

15 Q. W.S. --

16 A. Taffee? Bill Taffee, William

17 Taffee. He worked in the technical

18 service part, in the drafting and

19 engineering part.

20 Q. H.L. Williams?

21 A. I believe he was production

22 superintendent at one time, the best I

23 remember. That was his job.

0086

1 Q. Is he still alive? Do you

2 know?

3 A. I have no idea. A lot of

4 these left and went to other plants, and

5 I don't know what happened to them.

6 Q. I assume you didn't know any

7 of the people up in St. Louis, is that

8 true?

9 A. I knew names, but I didn't

10 know faces.

11 Q. Bunky Wright, did you know

12 him?

13 A. Bunky Wright, yes.

14 Q. He mentions a couple of

15 things I want to ask you about. He talks

16 about Aroclor losses. And he says the

17 new warehouse drumming and flaking area.

18 Is that what you were describing earlier,

19 the flaking process?

20 A. Right.

21 Q. Drumming, is that the same as

22 flaking, or is he talking about something

23 else there?

0087

1 A. Drumming is where we put

2 material in 55-gallon drums.

3 Q. I thought you did that,

4 though, at the -- well, maybe I didn't

5 understand it. Where did you actually do

6 the drumming?

7 A. We used to drum on the bottom

8 floor of the old Aroclor building.

9 Q. That's the north side of the

10 Aroclor building?

11 A. Right, on the north end.

12 Q. Yeah.

13 A. And when they expanded, they

14 put in a drumming system down here.

15 Q. So that must be what he's
16 talking about, the new facility. He
17 talks about the new warehouse drumming
18 and flaking unit.

19 A. Okay, that would be what he
20 would be referring to.

21 Q. And then the remainder of
22 these organic losses comes from the
23 Aroclor still room sewer. Now, you

0088

1 mentioned that you didn't remember there
2 being a drain in the still room, or did I
3 misunderstand you?

4 A. Aroclor still room, he may be
5 talking the bottom floor, see.

6 Q. Right.

7 A. Because you had at least two
8 floors.

9 Q. Right.

10 A. I told you I recall a plate
11 over a sewer.

12 Q. Right.

13 A. But I don't recall it having
14 grating over it.

15 Q. Well, he seems to be implying
16 that something is going down the still
17 room sewer.

18 MR. COX: Object to the form.

19 Q. Can you think of where he
20 might be saying it's going? I guess let
21 me just ask it this way: Is it possible
22 there is a drain in there that you are
23 not remembering?

0089

1 MR. COX: Object to the form.

2 A. It's possible.

3 Q. The chlorinator sewer, I
4 think that's what we talked about over
5 here on our Walker Number 3?

6 A. Okay.

7 Q. And then the HCL Department,
8 we may have already talked about it, but
9 what do you believe that refers to?

10 A. I would think it was talking
11 about the line that went to the
12 limestone.

13 Q. Okay. The line we talked
14 about earlier?

15 A. Right.

16 Q. All right. Now, he mentioned
17 that somebody, I don't think he says
18 exactly who, went and looked in what he
19 is calling Snow Creek, a block from the
20 plant, and saw, I guess, Aroclor floating

21 in the water. Do you see where he's
22 talking about that next paragraph?
23 A. Right here (indicating).

0090

1 Q. Were you ever involved in
2 making that kind of survey?

3 A. No.

4 Q. Did you ever hear anybody
5 talking about making that kind of a
6 survey?

7 A. No.

8 Q. You don't know who might have
9 done it, or who did it, I guess I should
10 ask?

11 A. No, I don't know if it was
12 tech service people, or who may have done
13 it. I was not involved in doing any of
14 it.

15 Q. All right. At some point,
16 there was a carbon adsorption, I guess
17 you would call it a filter test project
18 run to see if they could filter Aroclor
19 out of the effluent. Were you ever aware
20 of that or involved in that in any way?

21 A. No.

22 Q. Let me ask you now some
23 questions I asked Mr. Sims. And I am not

0091

1 going to need to go in as great a detail

2 with you. I understand from him that all

3 of the employees had to have a yearly

4 physical?

5 A. Right.

6 Q. Do you remember that? Do you

7 remember the physicals?

8 A. I remember going for the

9 physical.

10 Q. Did they draw blood at the

11 physicals?

12 A. The best I remember, they

13 drew blood every time I went for a

14 physical. In the Parathion Department,

15 you went more often for a blood test than

16 just an annual physical. You went at

17 other times strictly for a blood test.

18 Q. Right.

19 A. But I remember, or the best I

20 remember, at every physical they took

21 blood, they drew blood.

22 Q. Before you went to the

23 Parathion Department?

0092

1 A. Every physical I had each

2 year when I worked there.

3 Q. Did they ever give you the
4 results of the blood tests?

5 A. I don't recall them giving
6 them to you at first. The first -- and I
7 don't recall how many years, but I do
8 remember in later years getting a notice
9 on them, getting results back on blood
10 tests, because as a first level
11 supervisor, I would get them and hand
12 them out to the employees.

13 Q. Okay.

14 A. Or they would put them in my
15 mailbox to go to them.

16 Q. Was that still while you were
17 still in the Aroclor Department or after
18 you had already left?

19 A. No, that was after I had left
20 there.

21 Q. Okay.

22 A. I don't recall them -- unless
23 there was a problem, I don't recall them

0093

1 ever saying anything about it.

2 Q. Okay.

3 A. Routinely giving you the
4 information.

5 Q. Did they test for PCBs in

6 your blood?

7 A. I don't recall what they

8 tested for.

9 Q. Did they ever, to your

10 knowledge, ever tell any of the guys that

11 they had PCBs in their blood or too much

12 PCBs in their blood or a lot of PCBs in

13 their blood or anything like that?

14 MR. COX: Object to the form.

15 A. I don't recall that.

16 Q. You don't remember them ever

17 telling anybody anything about PCBs in

18 the blood?

19 A. No.

20 Q. Did they ever tell anybody

21 about any liver results from the blood

22 tests?

23 MR. COX: Object to the form.

0094

1 A. I don't know about them

2 telling anybody else. They never told me

3 that I did.

4 Q. Okay.

5 A. I don't know what they may

6 have told others.

7 Q. I figured that, but I thought

8 I would just ask because maybe somebody,

9 maybe they talked about it.

10 A. I don't remember it being
11 talked about.

12 Q. Okay. Did anybody ever sit
13 you down and go through a health
14 questionnaire with you, either before or
15 after you retired?

16 A. Not after I retired, but we
17 had forms that we would fill out for our
18 annual physical that asked health
19 questions.

20 Q. Other than that, though,
21 nobody ever took you aside and asked you
22 a bunch of questions about your health or
23 anything like that?

0095

1 A. No. No.

2 Q. I am going to ask you to do a
3 memory feat now. I would like for you to
4 tell me as many people as you remember
5 that worked in the Aroclor Department at
6 any level, any of their, any of the jobs.
7 And for each person, if you could, I
8 would like for you to tell me two
9 things. One, what his position was, to
10 the best of your recollection, and
11 secondly, if he's still alive or not and

12 still in the area, if you know.

13 A. William Kinnerly. And he's

14 dead. He got killed in a car wreck.

15 Q. What was his job?

16 A. He was a -- he operated the

17 acid plant and chlorinators.

18 Q. Okay.

19 A. William Key, and he operated

20 the still. He was the Aroclor still

21 operator. He's dead.

22 Early Smith, who was chief

23 operator. He's dead.

0096

1 Q. If you know how they died, go

2 ahead and tell me how they died.

3 A. Lord, I'm not sure how they

4 died. They were just old people. These

5 are old people I mean, retired just a few

6 years after I went there.

7 Q. I'm just saying if you know.

8 A. If I know? Okay. Joe Webb,

9 he ran the chlorinators and Aroclor

10 stills and he's still working at the

11 plant.

12 Doug Rich operated in the

13 Aroclor Department. He ran the

14 chlorinators, stills. He ran the acids

15 some. He's still working.

16 Bill Lloyd ran chlorinators

17 in the acid plant and he's retired, but

18 he's still living.

19 Q. In this area?

20 A. He lives in Oxford.

21 Q. Okay.

22 A. I can't think of his first

23 name, but it was a Lackey boy. Anyway,

0097

1 he retired. He's still living.

2 Q. His last name was Lackey?

3 A. Lackey.

4 MS. RUTH: Is that Fred?

5 A. No. I'm thinking it's Fred's

6 nephew. I will think of his name in a

7 little bit, but right off, I can't recall

8 his first name.

9 Q. Would Fred be one, though?

10 That might be one Mr. Sims gave use.

11 A. Fred was a relief chief

12 operator in the Aroclor/Biphenyl at the

13 time I went there. He's retired, but

14 he's still living.

15 Bill Hughes worked in the

16 Aroclor Department. He ran chlorinators

17 and he ran the acid and he just retired a

18 few months ago. He lives in Alexandria.

19 Bill Cameron worked in

20 Aroclor. He ran the stills and

21 chlorinators and the acid. And he

22 retired just here recently and he lives

23 here in Anniston.

0098

1 There was a man we referred

2 to as Dutch Amos. His last name was

3 Amos. He ran the chlorinators in the PCL

4 or the acid plant. He died, but I don't

5 know for what reason.

6 Morris Robertson worked in

7 there. He ran the chlorinators and acid.

8 Q. Robertson?

9 A. Robertson,

10 R-O-B-E-R-T-S-O-N. He retired just a

11 few months before I did and he lives in

12 Alexandria.

13 Ed Mason, he worked in the

14 Aroclor and he ran chlorinators and acid

15 and he just retired a year or two after I

16 did. He lives over close to Gadsden.

17 Southside, I think, is the area he lives

18 in.

19 Q. Southside is the name of the

20 town or --

21 A. Well, it's a community or
22 area outside of Gadsden.

23 Q. You are beating the heck out

0099

1 of Mr. Sims, I want you to know.

2 A. Willie Frances Byrd, W.F.

3 Byrd, he worked in the Aroclor and he ran

4 chlorinators, and I think the acid

5 plant. And he retired, I was going to

6 say this year, but he lives in

7 Jacksonville.

8 Q. Jacksonville, Alabama?

9 A. Uh-huh (indicating

10 affirmatively).

11 Q. Okay.

12 A. Hamlin Martin. He ran the

13 chlorinators and acid and he retired, I

14 think, in December of '94. And he lives

15 up toward Alexandria, what they call

16 Peaks Hill community, but around

17 Alexandria and Ohatchee.

18 Tom Townsend was a chief

19 operator in that department. He was

20 operator on the Aroclor stills when I

21 went out there and then he went to chief

22 operator. He retired, and the best I

23 recall he's dead now. I don't know how

0100

1 he died.

2 Red Haynes, Lavon Haynes.

3 Q. What was his first name?

4 A. Lavon. We always called him

5 Red, but it was Lavon Haynes. He was a

6 chief operator in the Aroclor Department

7 some. And he retired and then moved to

8 South Alabama around Foley. He has died

9 since then with heart problems. He had

10 some heart problems.

11 Neil Steen. Neil Steen

12 worked in the Aroclor department some.

13 Q. S-T-E-E-N?

14 A. S-T-E-E-N. He trained me on

15 the chlorinators. And he's died since

16 then. I believe he had cancer. I

17 believe he died of cancer. I've about

18 run out of names. There was a Don

19 Robertson that worked there for a while.

20 Q. Robertson?

21 A. R-O-B-E-R-T-S-O-N. His was

22 spelled the same way as the other one

23 was. I'm not sure exactly which one of

0101

1 the jobs he ran, but he still works

2 there. But I remember him running the

3 flaker in that area at one time. I don't
4 know how much he ran one of the jobs,
5 but I remember he did work in that
6 department.

7 Q. Okay.

8 A. Tom Burkhardt. He ran the
9 chlorinators, stills, acid plant. He
10 retired and he's still living.

11 Sam Caffey worked in that
12 department for a while. He got laid
13 off. And it may have -- I'm not sure if
14 it was when that department shut down,
15 but as far as I know, he's still living.

16 Q. Can you spell his last name?

17 A. C-A-F-F-E-Y, Caffey, I
18 believe is the way you spell it.

19 Q. Did he live in Anniston?

20 A. Uh-huh (indicating
21 affirmatively). That's about all I can
22 remember.

23 Q. That's pretty good. Let me

0102

1 ask you a couple of other names. I don't
2 think these guys worked in Aroclor. I
3 think I know where they worked, but let
4 me just get your take on it. J.T. Bell,
5 B-E-L-L?

6 A. What's the name?

7 Q. J.T., I don't know what his
8 first name was?

9 A. Thomas Bell. Okay.

10 Q. And J.L. Brown.

11 A. I think that's Jerry Brown.

12 Q. Jerry Brown?

13 A. Yeah, he's still there. He
14 still works there. He works in the lab,
15 or is over the lab, I think.

16 Q. Was he always in the lab?

17 A. I don't remember him working
18 out in the plant as an operator or
19 anything.

20 Q. Okay.

21 A. As long as I knew him or had
22 any dealings with him, he was in the lab.

23 Q. Was Bell in the lab, too?

0103

1 A. No, Bell was an operator.

2 Now, he may have worked in the Aroclor
3 Department some.

4 Q. Do you think that's a
5 different Bell?

6 MR. COX: Toby Bell is the
7 J.T Bell. Do you remember Toby?

8 THE WITNESS: I remember

9 Toby.

10 MR. COX: That's JT.

11 THE WITNESS: Okay. We had

12 a Bell, Thomas Bell. His initial may

13 have been T.H.

14 Q. (BY MR. WRIGHT:) Did he work

15 in the Aroclor Department?

16 A. I mostly remember him working

17 in the Biphenyl Department, what we

18 called the Biphenyl Department.

19 Q. J.L. Corder?

20 A. J.C. Corder. Yes, if I

21 remember, he was production

22 superintendent for awhile.

23 Q. Would he have been over the

0104

1 Aroclor Department?

2 A. He would have been over the

3 production for that, yeah, for that part

4 of the plant, the Aroclor/Biphenyl

5 Department.

6 Q. Is he dead now?

7 A. I don't know. He transferred

8 to another plant. I don't know.

9 Q. G.W. Miller?

10 A. What's the name?

11 Q. G.W. Miller.

12 MR. COX: That's the same guy

13 you talked about on Exhibit 4.

14 MR. WRIGHT: Yeah, it is.

15 MR. COX: That's Gerald

16 Miller.

17 MR. WRIGHT: You are right.

18 Is he still alive?

19 MR. COX: Yes.

20 A. Now, that's Gerald Miller,

21 but he give a different initial, didn't

22 he?

23 Q. G.

0105

1 A. Oh, G.W. I thought you said

2 T. W. Gerald Miller, yeah, okay. I

3 don't know. I think he left Monsanto.

4 Q. The other guys I know about.

5 MR. WRIGHT: Let's take a

6 few minutes break.

7 THE WITNESS: Okay.

8 MR. WRIGHT: And, then, I'm

9 pretty close to being done, although I

10 will probably think of a couple more

11 questions while I'm out in the hallway.

12 Oh, okay. Just before we go on the

13 break, there is an area that I want to

14 ask you about.

15 Q. Now, none of those guys that
16 you mentioned were what you would call
17 Aroclor laborers, right?

18 A. Don Robertson may have worked
19 in Aroclor as a cut back operator from
20 another department for a while.

21 Q. Okay.

22 A. He may have worked in that
23 department as a cutback laborer.

0106

1 Q. Okay.

2 A. None of the others that I
3 named were what I call in the laborer
4 group.

5 Q. Do you remember any of the
6 people that were in the Aroclor labor
7 group?

8 A. There was a Jesse Seay.

9 Q. Okay.

10 A. I believe he spelled it
11 S-E-A-Y. He was laborer. As far as I
12 know, he's dead now. Bill Twyman, I
13 believe was his name. He's dead. There
14 was a Fred Turner. I'm not sure if he's
15 dead or not.

16 There's some more that I can
17 see their faces, but I can't call their

18 names. Arthur Lanier.

19 Q. Arthur Lanier?

20 A. Arthur Lanier was a laborer.

21 Q. Do you know where he is?

22 A. He went on and worked in the

23 electrical group a while and retired. I

0107

1 don't know where he's at now. I think

2 he's still living.

3 Q. Was he in the Anniston area?

4 Did he live in the Anniston area?

5 A. He did, yes. Those are the

6 ones that I -- there was a Doyle Walker.

7 Q. Doyle?

8 A. Doyle.

9 Q. Okay.

10 A. And he worked in the labor

11 group. I believe he died from a heart

12 attack. And I'm not sure if he had

13 retired at that time. I think he had,

14 but I'm not positive. I couldn't be sure

15 about that. George Ware.

16 Q. Do you know how the last name

17 might have been spelled?

18 A. W-A-R-E. He retired and I'm

19 not sure if he's still living. Some of

20 these I see at the Quarter Century Club

21 and know they are able to be there. Some
22 of them may not come for some reason.
23 Not getting the local paper like I used

0108

1 to, I don't hear about a lot of the
2 deaths sometimes.

3 Q. What's the Quarter Century
4 Club?

5 A. That's for people that worked
6 there twenty-five years or more. They
7 have a meeting every December, all
8 retirees or active employees, whatever.
9 You have to be there twenty-five years to
10 be a full-time member to get to go every
11 year. But, now, if you are receiving a
12 ten year, fifteen year, twenty year
13 award, if that's your year to receive an
14 award, you get to go, but you go every
15 year once you have been there for
16 twenty-five years. It's for retired
17 people.

18 Q. Is it a social function?

19 A. It is, uh-huh.

20 Q. Can you think of any more of
21 the labor group?

22 A. The labor group? Not right
23 off, no.

0109

1 Q. How many of them would there
2 be at any one time in the labor group?

3 A. The best I recall on the off
4 shift, by that, I mean, second shift,
5 third shift, weekends, we usually had, I
6 believe it was two per shift.

7 Q. And then on the daytime
8 shift?

9 A. Well, you might have had an
10 extra one there that could have possibly
11 been a vacation relief. Nobody was on
12 vacation. He may have been. But I
13 mostly remember usually having two per
14 shift.

15 Q. So there would be six with
16 some fill-ins at any one time?

17 A. Right. Right.

18 Q. Okay.

19 A. There could have been eight,
20 maybe.

21 Q. Who was in charge of them?
22 Did they have a specific supervisor or
23 did they answer to the operators?

0110

1 A. Well, the chief operator made
2 their work assignments, whatever he

3 wanted them to do on that shift. They
4 were assigned to a shift like an
5 operator, but they were just classified
6 as a labor group or in the labor group.

7 MR. WRIGHT: All right. Now
8 we can take a break. Thank you.

9
10 (Whereupon, a brief recess was
11 taken.)

12
13 Q. When the Aroclor plant shut
14 down, what happened to the plant
15 facilities, all of the equipment and the
16 pipes and all of that stuff?

17 A. They dismantled it, but I
18 wasn't in that department and I don't
19 know what they did with it other than I
20 would just see them dismantling it and
21 taking it down. I was out of that area
22 and wasn't involved in any of that.

23 Q. Was this area outside of the

0111

1 Aroclor building here, just to the north
2 of the Aroclor building and over here
3 near this tank farm? Was that concreted?

4 A. Yeah, this area is concreted
5 with a wall around it.

6 Q. When was it concreted?

7 A. When it was built.

8 Q. And that was '69?

9 A. Yes, the year they put it in.

10 Q. So that's the way they built

11 it when they put it in?

12 A. Right.

13 Q. Okay.

14 A. And it had a drainage ditch

15 and all, but it had a valve. You only

16 drained it when you got ready to drain

17 it, so if you had any kind of spill, it

18 was contained. It didn't -- I mean, you

19 held it there until you could clean it up

20 or whatever.

21 Q. Now, the old tank farm, was

22 it concreted the same way?

23 A. I don't recall it being

0112

1 concreted the same way. And I don't

2 recall if those tanks just sat on

3 concrete piers.

4 Q. Okay. The loading and

5 unloading facilities. Was that

6 concreted?

7 A. No, those areas, the loading

8 -- the old loading facility was not

9 concreted. The new loading facility that
10 they put in when they built this
11 warehouse, they had some loading docks
12 there, they were not concreted.

13 Q. Going back to the cleaning
14 up spills and leaks and things like that,
15 how did they, or I say they, how did
16 y'all go about cleaning up spills and
17 leaks, for example, let's say in the
18 Aroclor still area?

19 A. If we had a spill, we would
20 put sand down, sort of dam it up with
21 sand. That was sprinkled on there until
22 we absorbed it.

23 Q. Sprinkle sand on there?

0113

1 A. Put sand on it and then
2 shovel it up and put it in drums.

3 Q. What about the part that you
4 couldn't shovel up? I mean, you know, I
5 assume it's like oil, isn't it?

6 A. Well, it was liquid, yeah.

7 Q. Like oil, though, oily-kind
8 of liquid?

9 A. You shovel it up and put more
10 sand or stuff on there to absorb it until
11 you had it dried up like, you know.

12 Q. I guess I was just, I am just
13 relating it to my own experience cleaning
14 up oil spills and things like that. You
15 don't ever get it all unless you use
16 that, I guess if you use that --

17 A. Oil dry?

18 Q. That oil dry, you can scrape
19 it in there and --

20 A. We put some of that on, but
21 usually we would scatter sand on it,
22 because we had sand in different areas,
23 you know, for leaks or spills or

0114

1 something that we could put it on. And,
2 you know, out around the chlorinator area
3 you had hot water, you would wash that
4 area down with hot water.

5 Q. Okay.

6 A. Some of the areas you could
7 wash down with hot water, you know.

8 Q. What areas could you wash
9 down?

10 A. You could wash down around
11 this chlorinator area.

12 Q. Right.

13 A. You could pull hoses into
14 this, what we call the still room. You

15 could -- we had steam hoses and stuff. A
16 lot of times, one of the ways that we may
17 clean the floor in there is we would lay
18 a gas torch down. We had a long hose
19 with a piece of pipe on it. Take an old
20 drum lid and lay it on the floor with
21 that flame under that drum lid, kind of
22 heat it up and then you could take a
23 scraper and you could scrape it up.

0115

1 Q. Could you explain that
2 again? I kind of lost you on that one,
3 the heating thing.

4 A. We had a gas hose, a piece of
5 pipe.

6 Q. By gas, you're talking about
7 natural gas?

8 A. Natural gas. You would just
9 turn the gas on light and you'd have a
10 little flame coming out then. You would
11 take an old metal drum lid and lay over
12 it and it would spread the flame out and
13 hold it next to the floor. And you could
14 warm that up a little and then you could
15 scrape it up.

16 Q. The Aroclor?

17 A. The solid-type Aroclor.

18 Again, we put sand and stuff on it and it

19 would absorb it.

20 Q. So you put flame on it and

21 when it got hot enough --

22 A. It wouldn't take much heat

23 and you could scrape it up and we'd

0116

1 shovel that up and put it in drums. The

2 heat just helped it turn loose from the

3 floor.

4 Q. How often would you do that?

5 A. Once a month, or depending on

6 what kind of shape it got in.

7 Q. Did y'all have an

8 incinerator anywhere around the plant?

9 A. You mean to burn waste and

10 stuff in?

11 Q. Any kind of incinerator.

12 A. They had some type

13 incinerator at one time in Parathion.

14 Q. Over here (indicating)?

15 Yeah, I read about that. What burned in

16 that incinerator?

17 A. I don't recall. That was not

18 a part of my area of responsibility and I

19 didn't have any dealings with it. I just

20 remember them having an incinerator

21 there.

22 Q. Were you aware of any other
23 incinerators?

0117

1 A. No, that was the only one
2 that I --

3 Q. Or burning pits, for that
4 matter, just where they burned trash or
5 anything?

6 A. Uh-uh, I don't recall, other
7 than that one (indicating). That was a
8 residue or something off of one of the
9 products they made.

10 Q. Where did the hydrogen
11 sulfide come from?

12 A. It come from the manufacture
13 of thio acid. When they would make the
14 thio acid, it would give off hydrogen
15 sulfide.

16 Q. Do you ever remember there
17 being a concern about too much hydrogen
18 sulfide in the atmosphere?

19 A. I remember they would, they
20 monitored around the areas. They had
21 some monitoring trailers, I guess you
22 would call it, set up in the community
23 and they would monitor the air.

0118

1 Q. Do you remember when that
2 was?

3 A. It was in the seventies and
4 eighties. I say eighties. I mean
5 seventies. It may have been late
6 seventies, early eighties. I'm not sure
7 when they put them out.

8 Q. I have read about air
9 monitoring for PCBs around the Aroclor
10 Department in the seventies. Do you
11 remember that?

12 A. I don't remember it, no.

13 Q. Do you ever remember them
14 checking the air for PCBs?

15 A. No, I don't, but the
16 monitoring would have been done by the
17 lab department, you know. It could have
18 been outside the plant and I wasn't aware
19 of them doing that or being there.

20 MR. WRIGHT: I think that's
21 all I have, Mr. Walker. I appreciate
22 your time.

23 FURTHER DEPONENT SAITH NOT

0119

1 CERTIFICATE

2

3 STATE OF ALABAMA

4 JEFFERSON COUNTY

5

6 I hereby certify that the
7 above and foregoing hearing was taken
8 down by me in stenotype and the colloquy
9 thereto were transcribed by means of
10 computer-aided transcription, and that
11 the foregoing represents a true and
12 correct transcript of the testimony given
13 by said witness upon said hearing.

14 I further certify that I am
15 neither of counsel, nor of kin to the
16 parties to the action, nor am I in
17 anywise interested in the result of said
18 cause.

19

20

21 MICKEY TURNER

22

23