

Depo of: WILLIAM PAPAGEORGE Monsanto v Aetna January 13, 1993 CR: 54034.0

Page 1 to Page 177

ACE-FEDERAL REPORTERS, INC.

202-347-3700

CONDENSED TRANSCRIPT & CONCORDANCE
PREPARED BY:

ACE-FEDERAL REPORTERS, INC.
1120 G STREET, NW SUITE 500
WASHINGTON, DC 20005
Phone: 202-347-3700
FAX: 202-737-3638

Page 1

[1] IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
 [2] IN AND FOR NEW CASTLE COUNTY
 [3]
 [4] MONSANTO COMPANY,)
 [5])
 [6] Plaintiff,)
 [7])
 [8] vs.) C.A. No. 38 CJA-118-1-CV
 [9])
 [10] AETNA CASUALTY & SURETY)
 [11] COMPANY, et al.)
 [12])
 [13] Defendants.)
 [14]
 [15] VOLUME I
 [16]

[17] Deposition of WILLIAM B. PAPAGEORGE, taken on
 [18] behalf of Defendants, at the Adams Mark Hotel, in the City
 [19] of St. Louis, State of Missouri, commencing at 10:00 a.m. on
 [20] the 13th day of January, 1993, before J. Bryan Jordan,
 [21] certified shorthand reporter and notary public.
 [22]

Page 2

[1] APPEARANCES:
 [2]
 [3] FOR THE PLAINTIFF MONSANTO COMPANY AND THE
 [4] WITNESS:
 [5] Mr. Steven Sariatti
 [6] Schwalb, Donnenfeld, Bray & Silbert
 [7] A Professional Corporation
 [8] Suite 300
 [9] 1025 Thomas Jefferson Street, N.W.
 [10] Washington, D.C. 20006
 [11] (202) 965-7910
 [12] FOR THE DEFENDANT LIBERTY MUTUAL INSURANCE CO.
 [13] Mr. Mark J. Manta
 [14] Manta & Welge
 [15] One Commerce Square, 37th Floor
 [16] Philadelphia, Pennsylvania 19103
 [17] (215) 851-6600
 [18] FAX (215) 851-6644
 [19]
 [20]
 [21]
 [22]

Page 3

[1] FOR THE DEFENDANT INTERNATIONAL (EIL)
 [2] Mr. James A. Hughes
 [3] Orrick, Herrington, & Sutcliffe
 [4] Old Federal Reserve Bank Building
 [5] 400 Sansome Street
 [6] San Francisco, California 94111
 [7] (415) 773-5529
 [8] FAX (415) 772-5759
 [9]
 [10] FOR THE DEFENDANT TRAVELERS INSURANCE COMPANY:
 [11] Mr. Broderick D. Johnson
 [12] Wiley, Rein & Fielding
 [13] 1776 K Street, N.W.
 [14] Washington, D.C. 20006
 [15] (202) 828-3163
 [16] FAX (202) 429-7049
 [17]
 [18]
 [19]
 [20]
 [21]
 [22]

Page 4

[1] FOR THE LONDON DEFENDANTS (CERTAIN UNDERWRITERS,
 [2] CERTAIN LONDON INSURANCE COMPANIES):
 [3] Ms. Jean M. Scott
 [4] Nussbaum & Wald
 [5] One Thomas Circle

[6] Washington, D.C. 20005
 [7] (202) 383-8900
 [8] FAX (202) 466-5738
 [9]
 [10]
 [11]
 [12]
 [13]
 [14]
 [15]
 [16]
 [17]
 [18]
 [19]
 [20]
 [21]
 [22]

Page 5

[1] INDEX
 [2] PAGE
 [3] EXAMINATION BY MS. SANDBECK 5
 [4]
 [5] EXHIBITS
 [6]
 [7]
 [8] Papageorge Deposition Exhibit 1 39
 [9] Papageorge Deposition Exhibit 2 74
 [10] Papageorge Deposition Exhibit 3 83
 [11] Papageorge Deposition Exhibit 4 92
 [12] Papageorge Deposition Exhibit 5 99
 [13] Papageorge Deposition Exhibit 6 108
 [14] Papageorge Deposition Exhibit 7 126
 [15] Papageorge Deposition Exhibit 8 133
 [16] Papageorge Deposition Exhibit 9 136
 [17] Papageorge Deposition Exhibit 10 138
 [18] Papageorge Deposition Exhibit 11 153
 [19] Papageorge Deposition Exhibit 12 160
 [20] Papageorge Deposition Exhibit 13 171
 [21]
 [22]

Page 6

[1] Whereupon, . . .
 [2] WILLIAM B. PAPAGEORGE,
 [3] of sound mind, having been first duly sworn to tell the
 [4] truth, the whole truth, and nothing but the truth in the
 [5] case aforesaid, testified upon his oath as follows, to-wit:
 [6] EXAMINATION
 [7] QUESTIONS BY MR. MANTA:
 [8] Q. Good morning, Mr. Papageorge.
 [9] A. Good morning.
 [10] Q. My name is Mark Manta. I'm with the firm of
 [11] Manta & Welge, and we represent Liberty Mutual Insurance
 [12] Company in the lawsuit that Monsanto has brought for
 [13] insurance coverage. I would first like to ask when you were
 [14] first contacted by anyone regarding this case.
 [15] A. It was about the middle of December, before the
 [16] holidays, a week or so before.
 [17] Q. Can you tell me who contacted you?
 [18] A. A legal assistant with Monsanto Company,
 [19] contacted me and I believe - I've never met the person.
 [20] Her name, I believe, as I remember, was Joan Turk.
 [21] MR. JOHNSON: Excuse me. I think Joan Perk.
 [22] THE WITNESS: Perk?

Page 7

[1] MR. JOHNSON: Yeah.
 [2] A. (Continuing) Okay, I wrote it down wrong. I
 [3] never met her. She's the one that called me.
 [4] BY MR. MANTA:
 [5] Q. And how long did you speak with Miss Perk or
 [6] Ms. Perk?
 [7] A. I didn't clock it, of course. It was less than
 [8] five minutes.
 [9] Q. Did the conversation revolve around scheduling?
 [10] A. Yes.
 [11] Q. Can you tell me what she said?
 [12] A. I'll try to remember. These are not the exact

[13] words, but in essence, she says, "Mr. David Sniveley asked
[14] me to call you and see if you could set aside the week of
[15] January 11th for the insurance case in Delaware." I believe
[16] that's what she said.

[17] Q. Did you - what did you say to her?
[18] A. I said, "Let me look at my calendar." And I
[19] said, "Well, it's open."
[20] She said, "Would you mind blocking that out?"
[21] And I said, "Okay, when will I hear more
[22] details?"

Page 8

[1] And she says, "Well, an attorney will call you,
[2] and also the travel agent will call you to arrange for
[3] your - whatever is necessary, airline tickets, and hotel,
[4] and so on."

[5] Q. At any time during that conversation, did she ask
[6] you to come to Wilmington?

[7] A. Not in those words. She did mention the trial,
[8] the - yes, I thought I heard "The trial in Wilmington."

[9] Q. Okay.
[10] A. That's the impression I hung up with.

[11] Q. At any time during that conversation, did she
[12] tell you that she would like you to come to Wilmington?

[13] A. She didn't use those words, no.

[14] Q. At any time during the conversation, did she say
[15] that Monsanto would reimburse you for any expenses in
[16] connection with coming to Wilmington?

[17] A. Not in those words, but she had mentioned that
[18] the Maritz Travel Services, which does, makes travel
[19] arrangements for Monsanto, would be contacting me regarding
[20] making the right arrangements.

[21] Q. When was the next contact you had with Monsanto?

[22] A. Oh, I called the Miss Perk on the Monday

Page 9

[1] following the holidays, which was January the 4th, if I
[2] remember correctly.

[3] Q. Okay, and did this conversation also concern
[4] scheduling?

[5] A. Not directly. My call was made to her because I
[6] hadn't heard, I told her, "I haven't heard from anybody.
[7] What's going on?" And she -

[8] Q. Excuse me. Before that time, did you have any
[9] understanding as to where the deposition was going to take
[10] place?

[11] A. Oh, I wasn't aware it was a deposition.

[12] Q. Okay.

[13] A. What is the question, now?

[14] Q. Okay, this January 4th, approximately,
[15] conversation with a paralegal from Monsanto, at any time
[16] during this conversation, did she say that "Monsanto would
[17] like you to come to Wilmington?"

[18] A. I don't recall the exact words. I don't remember
[19] the "Monsanto would like to have you come." The reference
[20] was made to the - to Wilmington, Delaware, and the case,
[21] and I just assumed that whatever was going to take place
[22] would be in Wilmington.

Page 10

[1] Q. Did you have any understanding as to who would
[2] pay for your expenses?

[3] A. Oh, Monsanto.

[4] Q. Did you - did Monsanto - did you indicate to
[5] Monsanto in any way that you didn't want to go to
[6] Wilmington?

[7] MR. SARFATTI: Are you referring to during
[8] that -

[9] MR. MANTA: During the January 4th conversation.

[10] A. No, I didn't have enough information to make any
[11] kind of decision.

[12] BY MR. MANTA:

[13] Q. What do you mean by that?

[14] A. Well, it does make a difference if it's one day
[15] out of that week or the full week.

[16] Q. Okay.

[17] A. And it makes a difference to me, personally, if
[18] it's a trial, that I consider that somewhat different than a
[19] deposition, so with those thoughts in mind, I felt that I

[20] didn't really have enough information to, to comment in any
[21] direction.

[22] Q. As of January 4th, Monsanto hadn't told you that

Page 11

[1] it was a deposition?

[2] A. I did not hear those words, that's right.

[3] Q. Okay, and as of January 4th, you didn't know how
[4] long your schedule would be tied up?

[5] A. That's correct.

[6] Q. The only information, if I can get the gist of
[7] what you are saying, that Monsanto gave you is that they
[8] would like you to hold certain days open?

[9] MR. SARFATTI: Objection; mischaracterizes his
[10] testimony.

[11] A. That was part of the information.

[12] BY MR. MANTA:

[13] Q. Okay, what was the other part of the information?

[14] A. The reference to the insurance case, and the - I
[15] am almost certain that I heard the word "trial." Otherwise,
[16] I wouldn't have come up with that understanding.

[17] Q. Did Ms. Perk at any time during that conversation
[18] say that you didn't have to go to Wilmington?

[19] A. No.

[20] Q. As of January 4th, then, your under - you really
[21] didn't know where whatever it was was going to take place?

[22] MR. SARFATTI: Objection; mischaracterizes his

Page 12

[1] prior testimony, asked and answered.

[2] A. I knew that Delaware, Wilmington, Delaware, was
[3] the, the location.

[4] BY MR. MANTA:

[5] Q. Okay, let me ask this. You had assumed, then,
[6] that it was going to be in Delaware; is that right?

[7] MR. SARFATTI: Same objections.

[8] A. I don't know whether it's an assumption. The
[9] City of Wilmington, Delaware, was mentioned, and the fact
[10] that a travel agency was going to arrange for the necessary
[11] hotel, and airline tickets, and limousine service, and what
[12] have you -

[13] BY MR. MANTA:

[14] Q. You had assumed, though, that it was a trial?

[15] A. Yes, sir.

[16] Q. What was the next contact you had with Monsanto?

[17] A. With Monsanto? That's it.

[18] Q. Okay.

[19] MR. SARFATTI: Are you excluding conversations
[20] with counsel, or are you just keeping it internal to the
[21] company?

[22] MR. MANTA: I'm going to get to that.

Page 13

[1] MR. SARFATTI: Okay.

[2] BY MR. MANTA:

[3] Q. At any time on the - during the conversations of
[4] mid December and January the 4th, did you request that
[5] Monsanto provide you with an attorney?

[6] A. No.

[7] Q. At any time during the conversations in mid
[8] December and January 4th, did Monsanto say they were going
[9] to provide an attorney for you?

[10] A. No.

[11] Q. Following the January 4th conversation, what was
[12] the next contact that you had regarding this case, from
[13] either an attorney or anyone in-house at Monsanto?

[14] A. I got a call from an attorney, and as best as I
[15] recall, it was that January 4th, that afternoon.

[16] Q. Okay, can you tell me who that person was?

[17] A. Mr. Sarfatti.

[18] Q. And at any time during the conversation with Mr.
[19] Sarfatti, did you request that Mr. Sarfatti represent you?

[20] A. I don't know that I'd call it a request. It was
[21] a question whether, in his role that he was going to play,
[22] here, that he would be in a position to represent me. That

Page 14

[1] could be interpreted as a request.

[2] Q. What was the representation - or, the question?

[3] I'm sorry.

[4] A. I forget the exact words, but in essence,
 [5] something to the effect that, "You'll be representing
 [6] Monsanto. Will you also represent me as an individual?"
 [7] And his answer was, "Yes."
 [8] Q. At that time, did Mr. Sarfatti indicate where the
 [9] deposition was going to take place or that it was a
 [10] deposition?
 [11] A. There's two questions, there.
 [12] Q. Okay, did Mr. Sarfatti indicate that it was a
 [13] deposition?
 [14] A. Yes.
 [15] Q. Did Mr. Sarfatti indicate where the deposition
 [16] was to take place?
 [17] A. Yes.
 [18] Q. Did Mr. Sarfatti make any effort to convince you
 [19] to come to Wilmington?
 [20] A. Certainly, yes.
 [21] Q. What did he say?
 [22] MR. SARFATTI: I'm going to let him answer this

Page 15

[1] question because it's such a banal subject, but we have
 [2] established an attorney-client relationship and it would be
 [3] privileged, so I'll let him answer as long as that's not
 [4] interpreted as a waiver to the balance of the conversation,
 [5] which dealt with more substantive issues.
 [6] MR. MANTA: Okay, the - as I'm sure you are
 [7] aware, the scope of this questioning is permitted under the
 [8] case management order, and that's what I'm going to limit it
 [9] to.
 [10] MR. SARFATTI: To these travel scheduling
 [11] details?
 [12] MR. MANTA: To conversations concerning that type
 [13] of information, yes.
 [14] MR. SARFATTI: Okay, that type of information
 [15] being scheduling, traveling-type matters?
 [16] MR. MANTA: Those and the matters permitted under
 [17] the case management order, which I'd prefer, if you have an
 [18] objection when I'm asking the questions, you raise it at
 [19] that time. Okay?
 [20] MR. SARFATTI: Okay, we'll take it question by
 [21] question, then.
 [22] BY MR. MANTA:

Page 16

[1] Q. What did Mr. Sarfatti say to convince you to come
 [2] to Wilmington?
 [3] A. I'm trying to recall the exact words. Of course,
 [4] I can't. Something to the effect that I was expected to be
 [5] there, that the people involved had been scheduled to be
 [6] there. I can't recall any other reasons.
 [7] Q. In essence, he told you that you had been
 [8] scheduled to appear in Wilmington for a deposition and that
 [9] other attorneys had been scheduled to appear in Wilmington
 [10] for the deposition?
 [11] A. I don't know that the word "attorneys" was used,
 [12] but others would be, are involved in this.
 [13] Q. Prior to that, you, prior to the scheduling of
 [14] your deposition, had you been asked whether you would be
 [15] willing to come to Wilmington for a deposition?
 [16] A. No.
 [17] Q. In addition to telling you that the deposition
 [18] had been scheduled to take place in Wilmington and that
 [19] there would be others there, did Mr. Sarfatti tell you
 [20] anything else to convince you to come to Wilmington?
 [21] A. I can recall that he was encouraging me to go to
 [22] Wilmington. In fact, at that point, he went to the trouble

Page 17

[1] of getting a third party on the, on the line, this third
 [2] party being the travel agent representative, and at that
 [3] time, dates of departure from St. Louis and departure from
 [4] Wilmington were mentioned to the travel agent, and the
 [5] nights that I would be staying at a hotel were mentioned. I
 [6] kind of interpret that as an encouragement kind of
 [7] conversation to let's get this on track and let's make it
 [8] happen.
 [9] Q. But you hadn't been asked yet whether you wanted
 [10] to go; is that right?

[11] A. Not in those words, no. I don't recall them.
 [12] Q. And did you tell Mr. Sarfatti that you would not
 [13] be willing to come to Wilmington at that time?
 [14] A. Not at that point, no.
 [15] Q. What - how did the conversation end with, in
 [16] regard to whether you would come to Wilmington or not?
 [17] A. Well, I again don't recall the exact words, but
 [18] in my own mind, I said, "Well, I hear you, but I've got some
 [19] personal things to look at yet." I don't, I don't believe I
 [20] mentioned that to Mr. Sarfatti. He didn't know me
 [21] personally, and I didn't know him, and I didn't want to
 [22] burden him with personal stuff and I said, "Well, okay,

Page 18

[1] let's, let's set up that schedule and we'll see what
 [2] happens" kind of thought run through my mind.
 [3] Q. I guess I'm a little unclear. Did you indicate
 [4] to Mr. Sarfatti that there was some chance that you may not
 [5] want to come to Wilmington? The possibility?
 [6] MR. SARFATTI: You are referring to that
 [7] conversation on January 4th?
 [8] MR. MANTA: Yes.
 [9] A. January 4th, I, I don't know if it was at that
 [10] particular conversation or a subsequent one.
 [11] BY MR. MANTA:
 [12] Q. When was the subsequent conversation?
 [13] A. That Friday of that week.
 [14] Q. Friday, January 8th? Would that be appropriate?
 [15] A. That, that sounds right, yes, sir.
 [16] Q. In your mind, as of January 4th, was it still
 [17] open as to where you were going to be for the deposition?
 [18] A. In my mind, yes, sir.
 [19] Q. Okay. Had Mr. Sarfatti given you any indication
 [20] that the deposition did not have to take place in Wilmington
 [21] at that time?
 [22] A. No. No, that's -

Page 19

[1] Q. On Friday, January 8th, what did you tell Mr.
 [2] Sarfatti with regard to the location of the deposition?
 [3] A. Again, I don't recall the exact words. I'll try
 [4] to remember the gist of it. I called Mr. Sarfatti early in
 [5] the morning to tell him that a whole week out of town was an
 [6] imposition on me personally, because I had problems at home
 [7] that I could not handle long distance over a period of a
 [8] week.
 [9] Q. Was it your understanding that the deposition was
 [10] going to take an entire week?
 [11] A. That's my understanding, yes, sir.
 [12] Q. Did Monsanto advise you at any point that they
 [13] would pay any expenses or time lost from your work at that
 [14] time?
 [15] MR. SARFATTI: Objection. There's been no
 [16] testimony about his employment. Assumes facts not in
 [17] evidence.
 [18] MR. MANTA: Before we get into the substance of
 [19] things, I'd like to just note for the record that I think
 [20] that the Special Discovery Master has noted what objections
 [21] can and cannot be made at a deposition in the case. I think
 [22] that the order - and the order does say that objections

Page 20

[1] other than to the form or privilege are not permitted and
 [2] that will be the game - they will be the ground rules for
 [3] this deposition, as well.
 [4] Could I have my question read back to me?
 [5] THE COURT REPORTER:
 [6] "Q. Did Monsanto advise you at any point that
 [7] they would pay any expenses or time lost from your work at
 [8] that time?"
 [9] MR. SARFATTI: Same objections.
 [10] A. That subject was not raised.
 [11] BY MR. MANTA:
 [12] Q. Did Monsanto at any time ask if they could be of
 [13] assistance with the problems that you had in order to make
 [14] it possible for you to come to Wilmington?
 [15] A. No.
 [16] Q. Do you think they could have been of assistance?
 [17] A. I'm positive they couldn't.

[18] Q. Okay. Mr. Papageorge, prior to the deposition,
[19] you handed out your card, which indicates that your address
[20] is 321 Pebble Valley Drive, St. Louis, Missouri, 63141. Is
[21] that your current address?
[22] A. Yes, sir.

Page 21

[1] Q. How long has that been your address?
[2] A. Since 1970.
[3] Q. And do you foresee that address changing in the
[4] future?
[5] A. No, I don't.
[6] Q. Have you ever been deposed before?
[7] A. Yes, sir.
[8] Q. Can you just give me a thumbnail sketch of the
[9] depositions that you've given before, in terms of number or
[10] subject matter?
[11] A. The subject matter has been predominantly
[12] polychlorinated biphenyls. The number, I have not kept
[13] score, but since 1970, I would suggest that I've had about a
[14] couple of dozen depositions.
[15] Q. Did any of the depositions that you gave prior to
[16] this deposition have anything to do with hazardous wastes or
[17] environmental problems?
[18] A. Would you help me with some of those terms?
[19] Hazardous waste in what context?
[20] Q. Well, why don't you tell me first if there's any
[21] depositions that dealt with anything other than PCBs or PCB
[22] contamination.

Page 22

[1] A. No.
[2] Q. Prior to this deposition, did you review any
[3] documents?
[4] A. I was shown some copies of documents. I do not,
[5] don't think I could call it a review.
[6] Q. Can you tell me what those documents were?
[7] MR. SARFATTI: I'm going to object on the grounds
[8] of the attorney-client work product privileges and instruct
[9] the witness not to answer.
[10] BY MR. MANTA:
[11] Q. Were those documents shown to you before or after
[12] January 4th?
[13] A. After.
[14] Q. When were they shown to you?
[15] A. Yesterday.
[16] Q. Did you have any meetings with Mr. Sarfati
[17] following January 4th?
[18] A. No. Well, yesterday. I'm sorry.
[19] Q. How long did you meet with Mr. Sarfati?
[20] A. It started about 10:00 or so in the morning and
[21] we finished about 5:30 in the evening.
[22] Q. Could you briefly describe your educational

Page 23

[1] background?
[2] A. I attended Washington University, located in St.
[3] Louis, and received two degrees; a Bachelor of Science in
[4] chemical engineering in 1943 and a Master of Science in
[5] chemical engineering in 1947.
[6] Q. What did you do following getting your Master's
[7] from the University of - Washington University of St.
[8] Louis?
[9] A. I worked for the Phillips Petroleum Company in
[10] Oklahoma.
[11] Q. What did you do for the Phillips Petroleum
[12] Company?
[13] A. There were two distinct types of assignments.
[14] Initially, I was involved with research work relating to oil
[15] field drilling and to secondary recovery of oil from
[16] Phillips' exhausted, I'm going to call them, wells, wells
[17] that were not producing under their own energy.
[18] Q. As part of your work at Phillips, did you become
[19] familiar with the geology or hydrogeology of groundwater
[20] and -
[21] A. Not really, no.
[22] Q. Did any of your work at Phillips have anything to

Page 24

[1] do with the disposal of hazardous wastes or materials?

[2] A. Not in the - no. Hmm-mm.
[3] Q. Did you have any other responsibilities other
[4] than the oil field drilling and the other item, secondary
[5] wells, was it?
[6] A. Secondary recovery.
[7] Q. Secondary recovery?
[8] A. I was then assigned to the Engineering Department
[9] of the refining part of Phillips, performing calculations
[10] relating to the type of equipment that would be required to
[11] produce petroleum fractions.
[12] Q. What are petroleum fractions?
[13] A. They are the materials that result when crude
[14] petroleum is processed either under pressure, or heat, or
[15] catalyst, and they are separated from the original crude
[16] petroleum and result in different streams, as desired, that
[17] end up in, for example, gasoline, or as paint thinners or as
[18] starting materials for other chemicals.
[19] Q. How long did you continue in that position?
[20] A. A couple of years.
[21] Q. What was your next position? And if you could,
[22] give me the date of the next.

Page 25

[1] A. I left Phillips Petroleum Company in 1951.
[2] Q. And what did you do next?
[3] A. I joined Monsanto Chemical Company.
[4] Q. Could you describe in summary fashion the
[5] positions you held at Monsanto from 1951 till the present?
[6] A. I'll try.
[7] My initial assignment was at a plant of
[8] Monsanto's located in St. Louis, and I was assigned to the
[9] Plant Engineering Department to design equipment which was
[10] to be installed and used to refine a product that was
[11] produced at the plant.
[12] Q. What plant and what product are we talking about?
[13] A. The plant is the John F. Queeny Plant, and the
[14] product was phthalic, p-h-t-h-a-l-i-c, anhydride,
[15] a-n-h-y-d-r-i-d-e.
[16] Q. Your next position?
[17] A. Following that assignment, I was assigned out in
[18] the plant as an Assistant Supervisor in a department that
[19] made plasticizers, and as best as I recall, that assignment
[20] lasted about a year.
[21] I was then assigned as the super -
[22] Q. If I could interrupt, if you could tell me what

Page 26

[1] your title was.
[2] A. I thought I mentioned; Assistant Supervisor.
[3] Q. Oh, I'm sorry. Okay.
[4] A. I was then assigned as a supervisor of my own
[5] department, of a department that refined a material into its
[6] three parts, and each of these parts was eventually used as
[7] a starting material to make, primarily, rubber additives.
[8] Q. Can you tell me what the chemicals, the chemicals
[9] that you worked with?
[10] A. This was the ortho-, nitro-, and
[11] paranitrochlorobenzene.
[12] Q. You can continue.
[13] A. That assignment, as I remember, lasted a couple
[14] of years, so I'm now, I think, about 1956 or so. I was then
[15] assigned to the Plant Maintenance Department as a supervisor
[16] of a group that was responsible for what we call at the
[17] plant minor or small projects, such as replacing a tank,
[18] replacing a pump, or putting in a new pipeline or a new
[19] instrument.
[20] Q. Did any of the small projects have to do with
[21] waste disposal?
[22] A. No.

Page 27

[1] In about 1958, as best I can recall - these are
[2] not absolute dates, because I have never kept score on
[3] these - I was appointed as the Superintendent of the
[4] Maintenance Department, responsible not only for the, the
[5] small projects group that I originally had, but also the
[6] total maintenance of the plant.
[7] In 1961 or so, about 1961, I was then assigned
[8] back to the Plant Engineering Department, which was at that

[9] time called the Technical Services Department - now, all of
 [10] this is the same plant - as a Superintendent, supervising
 [11] the technical team of anywhere from six to twelve engineers
 [12] and three or so technicians who were responsible for doing
 [13] the engineering work required to respond to the Production
 [14] Department's needs, such as a need for a bigger tank, or a
 [15] bigger pipeline, or better instruments, or maybe an
 [16] additional tank, a bigger pump, whatever their engineering
 [17] needs were, this team would be assigned to study it, and
 [18] make their recommendations and turn it over to the
 [19] maintenance people to install.
 [20] I don't want to give the impression that that
 [21] engineering activity covered the entire plant. It covered
 [22] only roughly a fourth of it. There were about four teams

Page 28

[1] similar to mine.
 [2] In 1964, I was assigned the position of general
 [3] superintendent of - and I don't recall the exact sequence
 [4] of this long title, but it included utilities, services,
 [5] warehousing, distribution. In other words, all of the
 [6] services other than maintenance that the production
 [7] departments required to carry out their, their assignments.
 [8] Q. Excuse me. Did this job have anything to do with
 [9] providing waste disposal services for the production
 [10] departments?
 [11] A. It did.
 [12] Q. Can you tell me what those services were?
 [13] A. We provided the wherewithal for picking up waste
 [14] generated in departments - not all, wherever it was
 [15] generated; we had a pickup service, really. We either did
 [16] it in Monsanto equipment or we hired contract haulers to
 [17] haul the material away from the plant.
 [18] Q. Your deposition today and for the next few days
 [19] is with regard to Texas City. The questions I'm asking you
 [20] now are merely for purposes of background till we get to
 [21] those questions. I don't think the J. F. Queeny Plant is at
 [22] issue. It may be one of the eighty sites, but I'm not

Page 29

[1] certain, but as we get into Krummrich, and so forth, the
 [2] questions I'm going to ask you are going to be in summary
 [3] fashion to get background for the Texas City deposition.
 [4] You may, may not be deposed with regard to the other sites,
 [5] so I just want to make that clear.
 [6] MR. SARFATTI: So you want to move through these
 [7] areas very briefly and in a summary fashion? I think that's
 [8] understood by the witness, since the focus is on Texas City,
 [9] not on St. Louis, or Krummrich, or Anniston, or West
 [10] Virginia, or any of these other sites at this time.
 [11] MR. MANTA: At this time. And to the extent, I
 [12] mean the knowledge gained at these sites is relevant to what
 [13] he did in his later positions, we may go into that later,
 [14] but for right now, I'd like - and I'm not giving - I think
 [15] what you were doing was exactly what I needed, but as we get
 [16] into these other plant areas, I just wanted to be clear to
 [17] Mr. Sariatti that I'm not conducting discovery on the
 [18] Krummrich Plant, I'm just getting some background.
 [19] MR. SARFATTI: Okay. At this point, I agree with
 [20] you, not conducting discovery, we'll see - into these other
 [21] areas. We'll see how the rest of your composition goes, but
 [22] I appreciate that introduction.

Page 30

[1] BY MR. MANTA:
 [2] Q. You can continue. You were telling me that you
 [3] contracted with haulers and pickup services at the Queeny
 [4] Plant.
 [5] A. Some of them, some of them were contracted, yes.
 [6] Q. Were there any on-site disposal areas at the
 [7] Queeny Plant?
 [8] A. No.
 [9] Q. What was your next position?
 [10] A. I was, in 19 - I think I've lost a year or two,
 [11] here. That assignment we just described, the one that
 [12] provided services to the operating departments, I was more
 [13] than likely assigned that either late '62 or early 1963. In
 [14] 1964, I was assigned to the Monsanto plant located in
 [15] Sauget, Illinois, S-a-u-g-e-t, known within Monsanto as the

[16] William Krummrich Plant, K-r-u-m-r-i-c-h.
 [17] I was assigned as a - as one of half a dozen
 [18] general superintendents of manufacturing, with operating
 [19] responsibilities for roughly a sixth of the plant.
 [20] Q. Did you work at the Krummrich Plant?
 [21] A. Yes.
 [22] Q. I mean your office, it wasn't in St. Louis?

Page 31

[1] A. No, I was reporting - my office was located in
 [2] Sauget, Illinois, at the plant. In 1965, I was assigned to
 [3] the Monsanto plant in Anniston, Alabama, as a plant manager,
 [4] and served as plant manager until the end of 1969.
 [5] In 1970, I came back to Monsanto's offices in St.
 [6] Louis - I shouldn't say came back, I was assigned to
 [7] Monsanto's offices in St. Louis with a title of Manager,
 [8] Environmental Control, to address the issue of
 [9] polychlorinated biphenyls in the environment.
 [10] Q. Were you the only Manager of Environmental
 [11] Control?
 [12] A. To my knowledge, yes, sir.
 [13] Q. Did you have responsibilities in addition to the
 [14] issue of PCBs in the environment?
 [15] A. At what point in time?
 [16] Q. In 1970.
 [17] A. No.
 [18] Q. Who else did you work with as Manager of
 [19] Environmental Control in 1970?
 [20] A. You want people in Monsanto or throughout the
 [21] world? I don't know what -
 [22] Q. Oh, in the department. I'm sorry if I

Page 32

[1] misunderstood. I thought it was that you were Manager of
 [2] the Environmental Control Department in St. Louis; is that
 [3] correct?
 [4] A. It was a one-man department. I was it.
 [5] Q. Who did you report to at that time?
 [6] A. I reported to Mr. Howard Bergen, B-e-r-g-e-n, who
 [7] was Director of the Business Group that was responsible for
 [8] the polychlorinated biphenyls.
 [9] Q. And who reported to you, if you recall?
 [10] A. No one at the time, unless you want to include
 [11] the part-time services of a secretary.
 [12] Q. Was this a full-time job?
 [13] A. Yes, sir.
 [14] Q. Did you work with Jack Garrett at all?
 [15] A. At what point in time?
 [16] Q. At this point in 1970.
 [17] A. On occasion, yes.
 [18] Q. What were - did you deal with anything other
 [19] than PCBs in the environment?
 [20] A. At that point in time?
 [21] Q. At that point in time.
 [22] A. No.

Page 33

[1] Q. When did your responsibilities as Manager of
 [2] Environmental Control expand beyond the issues of PCBs in
 [3] the environment?
 [4] A. About 1972, and that's - I may have missed that
 [5] by a year or so, my title was changed to Manager,
 [6] Environmental Protection, still addressing only PCB
 [7] situations. About 1973, I was assigned a group of other
 [8] Monsanto products. I'm trying to recall another date where
 [9] my title was again changed. As best I remember, about 1974,
 [10] my title was changed to Manager, Product Acceptability. I
 [11] retained the PCB issue and I was given a new, not totally
 [12] new, but some new products were added to my list of
 [13] responsibilities.
 [14] Q. If we could go back to 1972, where your title
 [15] changed to Manager of Environmental Protection, did the
 [16] department expand at that point, the Environmental
 [17] Department?
 [18] A. No. No, I was still the person there.
 [19] Q. In 1973, you said you were assigned a group of,
 [20] another group of Monsanto products. Were you still Manager
 [21] of Environmental Protection at that point?
 [22] A. In 1973? As best I remember, yes, sir.

Page 34

[1] Q. Were there - what were the products, the other
[2] products you were assigned to?

[3] A. I can't remember them all. They were, as best I
[4] remember, and the dates are difficult to pinpoint, I was
[5] assigned a group of chemicals referred to in Monsanto as
[6] process chemicals, which included such things as the
[7] phthalic anhydride I had mentioned earlier and a somewhat
[8] related chemical, maleic anhydride, m-a-l-e-i-c, phenol I
[9] remember, pentachlorophenol, sulphuric acid, there was -

[10] Q. Let me ask you a few - I'll give you the names
[11] of a number of chemicals, and I'm going to ask if you can
[12] tell me if they are some of the chemicals that you were
[13] assigned to at or about 1973.

[14] Styrene?

[15] A. No.

[16] Q. Vinyl chloride?

[17] A. No.

[18] Q. Acrylonitrile?

[19] A. No.

[20] Q. Did your responsibilities in 1973 with regard to
[21] the chemicals you had mentioned - well, let me ask this.

[22] What were your responsibilities with regard to these

Page 35

[1] chemicals in or about 1973?

[2] A. It was my responsibility to determine as best I
[3] could whether the materials were meeting the specifications
[4] that were established for them, that they were properly
[5] packaged, they were properly labeled, that the appropriate
[6] information relating to those products was forwarded or made
[7] available to the customer. That about covers it.

[8] Q. I notice your title is "Environmental
[9] Protection," and what you've described doesn't, in my mind,
[10] mean environmental protection. Could you explain what that
[11] means?

[12] A. This is the reason the title was changed to
[13] product acceptability, because the scope of the job was more
[14] than just the environment.

[15] Q. Okay, when you say it was more than just the
[16] environment, what were the environmental responsibilities?

[17] A. Well, it covered such things as informing the
[18] customer what it might - where information was available,
[19] informing him what it might do to the environment if it was
[20] not handled properly. That's, that's primarily the thrust of
[21] it.

[22] Q. Did you have any responsibility with regard to

Page 36

[1] waste disposal other than communications with customers?

[2] A. At that time, no. And I don't want to mislead:
[3] I didn't - I wasn't the only one communicating to
[4] customers.

[5] Q. Could you tell me who had responsibility for VCM,
[6] styrene or AN in that department in or about 1973?

[7] A. I don't know.

[8] Q. Was there anybody?

[9] A. I don't know.

[10] Q. Was there - were there others in the department
[11] at that time in 1973? Environmental Protection Department?

[12] A. There was no such department. I was reporting to
[13] a, a business group that included those products under its
[14] management when the title of Manager of Product
[15] Acceptability was adopted, there were similar positions
[16] established for other business groups, and they were
[17] assigned to other people.

[18] Q. In 1974, when you became Manager of Product
[19] Acceptability, you retained PCB responsibility and you were
[20] given new products. Were any of those products VCM, styrene
[21] or acrylonitrile?

[22] A. No.

Page 37

[1] Q. Did your responsibilities change in any way in
[2] about 1974?

[3] A. No.

[4] Q. When did your responsibilities change next, or
[5] your title?

[6] A. I'm trying to recall the date. I believe it was

[7] about 1976, Monsanto - it was nineteen seventy - 1975,
[8] Monsanto reorganized and formed different operating units.
[9] I retained the title of Manager, Product Acceptability. I
[10] retained the responsibilities for the polychlorinated
[11] biphenyl environmental issue, but was assigned a group of
[12] products, some of which I had previously been involved with.

[13] I just can't recall what new products were added to my list.
[14] Q. Could you tell me whether or not styrene, vinyl
[15] chloride or acrylonitrile were among, were added to your
[16] list?

[17] A. I'm hesitating because I did eventually become
[18] involved with acrylonitrile, but I don't recall the timing.
[19] It might well have been that period, but I don't - I'm not
[20] certain.

[21] Q. What was your next position?

[22] A. In 1977, I was signed as a Director,

Page 38

[1] Environmental Operations, of one of Monsanto's operating
[2] units.

[3] MR. MANTA: I noticed you took a quick look at
[4] your watch. If at any time you want to take a break, you
[5] get tired, let me know. If any personal troubles come up
[6] during the deposition, please let me know and we'll try to
[7] accommodate you. I don't want this to be a grueling
[8] session, by any means, and you know, whenever you would like
[9] to take a break, just let me know. It's been an hour.

[10] THE WITNESS: I appreciate that.

[11] MR. SARFATTI: If you'd like to take a break now,
[12] it's up to you.

[13] A. It all depends on how much longer we go. I was
[14] thinking of going -

[15] MR. SARFATTI: Why don't we shoot for noon, I
[16] think.

[17] MR. MANTA: All right. It doesn't matter to me.

[18] MR. SARFATTI: Why don't you keep going. I'm
[19] assure Bill will speak up.

[20] THE WITNESS: I'll speak up if I have to go to
[21] the restroom.

[22] MR. MANTA: For the time being, we'll go to noon.

Page 39

[1] (Discussion off the record.)

[2] BY MR. MANTA:

[3] Q. Okay, in 1977, you were assigned the position of
[4] Director of Environmental Operations for one of Monsanto's
[5] operating units. Can you tell me what unit that was?

[6] A. It was the Monsanto Chemical Intermediates
[7] Company.

[8] Q. What plants were within Monsanto Chemical
[9] Intermediates? And I'm going to refer to it as MCI, if you
[10] don't mind.

[11] A. Okay, that's the acronym we used.

[12] The John F. Queeny Plant, the William Krummrich
[13] Plant, Texas City Plant, Chocolate Bayou Plant, Columbia,
[14] Tennessee, Plant, Soda Springs, Idaho, Plant. I believe
[15] I've covered them all.

[16] MR. MANTA: This is the first exhibit.

[17] (Papageorge Deposition Exhibit 1 marked for
[18] identification.)

[19] MR. SARFATTI: Can we go off the record a minute?
[20] (Discussion off the record.)

[21] BY MR. MANTA:

[22] Q. Looking at what has been marked for

Page 40

[1] identification as Papageorge 1, it is an August 16, 1977,
[2] bulletin bearing identification number MCA 0057502.

[3] If you would take a moment to look at that and
[4] tell me, does that reflect the position that you had
[5] indicated earlier that you were assigned to in 1977?

[6] A. It does.

[7] Q. Now, the document also references the
[8] establishment of the corporate environmental policy staff.
[9] Could you tell me what that is?

[10] A. This was a group of Monsanto individuals at the
[11] corporate level, headed by vice-president whose overall
[12] assignment for that entire group related to matters
[13] concerning environmental issues and Monsanto's products and

[14] operations.
 [15] Q. Who was this vice-president?
 [16] A. Monte Throdahl, T-h-r-o-d-a-h-l.
 [17] Q. The Director of Environmental Operations from the
 [18] various units, if I understand you correctly, or in charge
 [19] of the various units, reported to Mr. Throdahl?
 [20] A. No.
 [21] Q. Okay, could you explain the hierarchy of the
 [22] policy staff?

Page 41

[1] A. I'll try.
 [2] MR. SARFATTI: We're talking 1977?
 [3] MR. MANTA: Approximately in 1977.
 [4] A. Mr. Throdahl was the, the head person of the
 [5] group assigned to the corporate organization. The Directors
 [6] of Environmental Operations were assigned to the operating
 [7] units. The relationship between the Directors of
 [8] Environmental Operations and Mr. Throdahl's team was what
 [9] we
 [10] in Monsanto called a dotted-line relationship, as
 [11] distinguished from the solid line within the operating
 [12] company, which would indicate the direct supervision of the
 [13] activity.
 [14] BY MR. MANTA:
 [15] Q. Could you give me in practical terms how the
 [16] dotted-line version differs from the solid line?
 [17] A. Well, I'll try and use some lay terms, if I can
 [18] think of them.
 [19] The solid line represents a situation where the
 [20] supervisor makes the assignments, appraises the performance,
 [21] decides whether to reward the person with salary increases,
 [22] and so it's a much more direct supervision of the job,
 [23] whereas the dotted line almost amounts to one of guidance,

Page 42

[1] consulting, making certain that the operating unit, in its
 [2] performance, complies with corporate objectives and policy.
 [3] Q. Would it be consultation on an as-needed basis,
 [4] if you or someone else felt -
 [5] A. That would be one of the - yes, sir, I would
 [6] make appointments to see Mr. Throdahl on matters.
 [7] Q. Was there any formal requirement of contacting
 [8] Mr. Throdahl on certain occasions or if certain issues came
 [9] up, or was it more or less an ad hoc type of relationship?
 [10] A. Well, if I understand your term "ad hoc," it was
 [11] on a perceived need basis. The door was always open. This
 [12] is not to say that Mr. Throdahl and his team did not conduct
 [13] regularly scheduled meetings or special meetings as
 [14] different occasions would arise, and invite individuals like
 [15] the environmental operations directors to attend.
 [16] Q. Were there regularly-scheduled, or regular
 [17] meetings of the corporate environmental policy staff headed
 [18] by Mr. Throdahl?
 [19] A. As I remember, yes, sir, there were.
 [20] Q. How regular were those meetings?
 [21] A. About one a month, depending on whether people
 [22] were traveling or available.

Page 43

[1] Q. And would those meetings address issues raised by
 [2] the environmental operations directors?
 [3] A. Sometimes.
 [4] Q. Okay. Were other issues also discussed?
 [5] A. Yes, sir.
 [6] Q. There were - could you tell me who attended
 [7] these monthly meetings, or approximately monthly meetings?
 [8] MR. SARFATTI: You are just speaking generally
 [9] now, not each and every meeting who attended each and every
 [10] meeting, but types of people, not individuals?
 [11] MR. MANTA: Right.
 [12] A. Of course, members of Mr. Throdahl's staff, the
 [13] Directors of Environmental Operations, sometimes with
 [14] members of their team, on occasion, the Director of the
 [15] Environmental Operations could not attend a meeting, he
 [16] would send an alternate. There were public relations
 [17] individuals that would attend, there were - there was a
 [18] lawyer attending. Members of the corporate Medical
 [19] Department, either the director or his lieutenant, or both,

[20] and as best I can recall, the door was always open to any
 [21] Monsanto vice-president who wanted to attend or could
 [22] attend, time permitting.

Page 44

[1] Q. A vice-president would be someone who would be
 [2] located in St. Louis, I take it?
 [3] MR. SARFATTI: What time frame are we talking
 [4] about, just for the sake of the clarity of the record?
 [5] MR. MANTA: In about '77, when this was began,
 [6] through the late Seventies, I would say.
 [7] A. Yes, I remember all of the vice-presidents of
 [8] Monsanto were located if in St. Louis except the one that
 [9] was, had his offices in Washington, D.C.
 [10] BY MR. MANTA:
 [11] Q. How about, did plant personnel attend these
 [12] meetings?
 [13] A. I don't recall if they did or not. It doesn't
 [14] mean they did or didn't, I just don't remember.
 [15] Q. Now, I'm not sure I understood who was on this
 [16] corporate environmental policy staff. Did you tell me?
 [17] A. In what way? Titles, or -
 [18] Q. Yes.
 [19] A. People's names?
 [20] Q. People's names?
 [21] A. People's names? I'll try to remember.
 [22] MR. SARFATTI: You want to focus, again, on the

Page 45

[1] 1977 name exchange.
 [2] MR. MANTA: 1977.
 [3] A. 1977. All right, there was, I don't know what
 [4] his formal first name is. We called him Wink Corey,
 [5] C-o-r-e-y. I think it was Wintthrop, but I wouldn't bet on
 [6] that. He was one of Mr. Throdahl's staff members.
 [7] BY MR. MANTA:
 [8] Q. What was his title?
 [9] A. Director, and the part I'm not certain of, he had
 [10] something to do with the Toxic Substances Control Act. I
 [11] don't know what his formal title was. Then there was - his
 [12] name escapes me. A Gene Jessee, J-e-s-s double-e, he was
 [13] the individual, director assigned to, at that time, RCRA,
 [14] waste management kinds of problems.
 [15] Mike, M. A. Pierle, P-i-e-r-l-e, he was assigned
 [16] the - he was a director of and assigned to environmental
 [17] issues relating to water, waste water, primarily, and I'm
 [18] having difficulty remembering the other members. I know
 [19] there was an individual assigned to air pollution issues. I
 [20] can't recall his name at the moment.
 [21] Q. Did the corporate environmental policy staff
 [22] always have someone assigned to RCRA throughout the time

Page 46

[1] that you were at Monsanto?
 [2] MR. SARFATTI: Objection; vagueness.
 [3] A. To the best of my knowledge, yes, sir.
 [4] BY MR. MANTA:
 [5] Q. Was it always Mr. Jessee?
 [6] A. No. I had forgotten who his - who replaced him.
 [7] Q. Do you know approximately when he would have been
 [8] replaced?
 [9] A. I just don't recall.
 [10] Q. How about a director assigned to water issues:
 [11] Was it always Mr. Pierle?
 [12] A. No, eventually, Mr. Malloch, M-a-l-l-o-c-h, was
 [13] assigned, as best as I can recall, to water issues. I have
 [14] difficulty remembering what year that was.
 [15] Q. You were not on the corporate environmental
 [16] policy staff, I take it, at no point?
 [17] A. That's correct.
 [18] Q. Could you describe what your responsibilities
 [19] were as Director of Environmental Operations for MCI?
 [20] A. I'll try. I was responsible as a staff member of
 [21] the operating unit to keep informed as to developments
 [22] relating to environmental matters regarding solid wastes,

Page 47

[1] air, water. Also, I was responsible for keeping informed
 [2] regarding the impact that Monsanto's products might or might
 [3] not have on the environment. I was responsible for keeping

[4] informed relating to the employee exposure potential at the
[5] plants who were handling the many materials, both raw
[6] materials, intermediate products and final products. I had
[7] assistance from members of my team to help me in this
[8] matter. I was to share and coordinate information that was
[9] passed on to the plants and also to keep my bosses informed
[10] of developments in this entire area.

[11] Q. Who was on your team?

[12] A. Initially, it consisted of two individuals, Larry
[13] Keating, K-e-a-t-i-n-g, and Mike Pierle, P-i-e-r-l-e.

[14] Q. What was Mr. Keating's title?

[15] A. I believe at the time, it was Manager, Industrial
[16] Hygiene. I know he was a manager and I know he was assigned

[17] industrial hygiene matters. I don't recall if that was his
[18] official title.

[19] Q. How about Mike Pierle?

[20] A. Mr. Pierle was Manager, Environmental Protection.

[21] THE WITNESS: Is this a good place to recess?

[22] MR. SARFATTI: If that's what you say, that's

Page 48

[1] what goes. You want to take a break?

[2] (Recess)

[3] BY MR. MANTA:

[4] Q. Okay, before the break, we were talking about
[5] your position as Director of Environmental Operations, was
[6] that?

[7] A. In 1977.

[8] Q. '77.

[9] A. Yes.

[10] Q. And you were a staff member of the MCI
[11] operational unit and you were to keep informed as to
[12] developments in solid waste, air, water, et cetera. Can you
[13] tell me how you kept informed of environmental issues
[14] relative to the plants within MCI?

[15] A. Would you mind repeating that? Kept -

[16] Q. No problem. You had mentioned that in your
[17] position in and about 1977, you were a staff member of an
[18] operational unit. In other words, you sat on the MCI
[19] operational unit in your position with a number of other
[20] people. Is that right?

[21] A. Yes.

[22] Q. And your responsibility, if I understood you

Page 49

[1] correctly, was to keep informed as to developments,
[2] basically, in the environmental area. Is that right?

[3] MR. SARFATTI: Objection as to form.

[4] A. Well, I don't know what you mean by the use of
[5] the word "basically." It was -

[6] BY MR. MANTA:

[7] Q. Why don't I say this -

[8] A. - environmental as it related to air, water and
[9] solid waste, but just as importantly, product considerations
[10] and employee exposure considerations were, were part of the
[11] responsibility.

[12] Q. Okay, I understand that. What I - my question
[13] is, how did you do the part of your job that dealt with
[14] keeping abreast of environmental developments?

[15] A. It included, of course, an awful lot of reading
[16] of the appropriate journals, governmental documents, reports
[17] of, from many, many sources, university reports, state and
[18] federal documents, attending meetings as appropriate and as
[19] time permitted, attending Monsanto-conducted meetings,
[20] visiting the plants, discussing these matters with my staff,
[21] communicating with the corporate departments within
[22] Monsanto

[22] that had something to contribute. That about covers it.

Page 50

[1] Talking with customers of people and talking with
[2] competitors' representatives.

[3] Q. Did you do anything as an initial matter to get
[4] up to speed or to learn the environmental issues that
[5] related to the various plant sites?

[6] A. I certainly, as time permitted, of course,
[7] arranged for a personal visit to the plants. In the
[8] meantime, I had my staff make the early contacts. They, in

[9] turn, would come back and share with me with their
[10] observations, their, their thoughts, their proposals.

[11] Q. Would that be Mr. Pierle and Mr. Keating?

[12] A. That was the first team, yes, sir, in 1977.

[13] Q. What was the next team?

[14] A. Shortly after this announcement was made with Mr.
[15] Pierle, it wasn't too long that Mr. Pierle transferred over
[16] to the corporate staff. He was replaced by Mr. Weishaar,
[17] W-e-i-s-h double-a-a-r. That was about within six months of
[18] this August '77 date, as best I recall.

[19] Q. Did it, did the team change again?

[20] A. Yes, we had another change in, as best I
[21] remember, I added to the team a Manager of Product
[22] Acceptability. I can't think of his name. It'll come to me

Page 51

[1] later.

[2] Q. That's okay.

[3] A. And then at about mid 1978, we added another
[4] individual, Michael Fortesman, F-o-r-e-s-m-a-n. He was an
[5] Environmental Protection Manager, as distinguished from a
[6] Manager, Environmental Protection.

[7] Q. Did the team change again, other than from
[8] Manager of Environmental Protection to Environmental
[9] Protection Manager?

[10] A. That indicates a lower-level job. He was a
[11] junior member. The position of the word "Manager" means
[12] something to the Personnel Department.

[13] MR. SARFATTI: Have you established a cutoff
[14] point for the witness' frame of reference?

[15] MR. MANTA: Well, I'm going to - I mean, as long
[16] as he's at Monsanto, during the time -

[17] MR. SARFATTI: Up to his retirement?

[18] MR. MANTA: At Monsanto, yeah.

[19] MR. SARFATTI: Do you understand the time frame,
[20] the continuum?

[21] MR. MANTA: I'm just trying to find out who was
[22] on the team throughout the time he was at Monsanto.

Page 52

[1] A. We're up to 1978. The team, the team stayed at
[2] that staffing until Monsanto underwent another
[3] reorganization. I was then assigned as Director,
[4] Environmental Operations of the Monsanto Industrial
[5] Chemicals Company, MIC.

[6] BY MR. MANTA:

[7] Q. Did your plant responsibility change at that
[8] point?

[9] A. Yes.

[10] Q. Can you tell me how? What plants you were
[11] responsible for?

[12] A. I'll try to remember. There were more plants
[13] involved. I retained the John F. Queeny Plant and the
[14] William Krummrich Plant, the Soda Springs Plant in Idaho,
[15] the Columbia, Tennessee, Plant. I picked up the Avon,
[16] California, Plant, Kearny, New Jersey, K-e-a-r-n-y, the
[17] Everett, Massachusetts, Plant, the plant at Bridgeport, New
[18] Jersey, the plant at, I think it's Addyston,
[19] A-d-d-y-s-t-o-n, Ohio, Augusta, Georgia. I believe that was
[20] all. I don't know that I got them all.

[21] Q. Was Texas City in that group?

[22] A. No.

Page 53

[1] Q. What year was this?

[2] A. 1983.

[3] Q. Who would have been Director of Environmental
[4] Operations for the plants - for the Texas City Plant? In
[5] other words, what -

[6] A. In '83?

[7] Q. Yes.

[8] A. As best as my recollection will help me, I
[9] believe it was Clayton Callis, C-a-l-l-i-s.

[10] Q. He assumed your responsibilities, then, in 1983
[11] for the Texas City Plant, among others?

[12] A. Yes.

[13] Q. Did you have any continuing responsibility for
[14] the Texas City Plant after 1983?

[15] A. No.

[16] Q. Were you, nonetheless, informed of things that
[17] were happening at the Texas City Plant in 1983 or following
[18] 1983?

[19] A. I was informed to a degree; not thoroughly, but
[20] Dr. Callis, during our meetings or private conversation,
[21] would, on occasion, discuss matters. I was interested not
[22] as a direct - not having direct responsibilities, but in

Page 54

[1] the event that I could learn something from their
[2] experiences and apply it to the plants that I was
[3] responsible for.

[4] Q. And how long did you continue in that position
[5] as - in the position you took in 1983 as Director of
[6] Environmental Operations of MIC?

[7] A. Until the end of - near the end of 1985.

[8] Q. And what happened in 1985?

[9] A. Another reorganization.

[10] Q. And what happened to you?

[11] A. I was then assigned as manager of - I'm trying
[12] to remember the title. I've forgotten the official title.
[13] It had to do with workplace exposure and employees for the
[14] newly-informed Monsanto Chemical Company.

[15] Q. Did you have any environmental responsibilities?

[16] And when I'm talking about environmental, I'm excluding from
[17] there employee exposure issues.

[18] A. No, my responsibilities were limited to those
[19] situations that affected workplace exposure.

[20] Q. In 1985, did you have any responsibility with
[21] respect to workplace exposure at the Texas City Plant?

[22] A. Yes.

Page 55

[1] Q. Would you tell me what those responsibilities
[2] were?

[3] A. I don't know that I can define them fully.
[4] It's - it was primarily one of making certain that the
[5] plant was addressing those exposure situations that I
[6] believe should have, they should be addressing and that they
[7] were communicating very closely with the industrial
[8] hygienists from Monsanto's Corporate Department.

[9] Q. Now, in your position as Director of
[10] Environmental Operations for MIC - I'm sorry, MCI - you
[11] mentioned that some of the ways that you kept informed of
[12] the environmental issues with regard to plants such as the
[13] Texas City Plant were to visit the plant, get information
[14] from your staff, and conduct meetings with plant personnel?
[15] Is that right?

[16] A. Not only - not limited to plant personnel.

[17] Q. Okay. I understand that, but can you tell me
[18] who, during the time you were Director of Environmental
[19] Operations for MCI, who at the Texas City Plant did you have
[20] dealings with?

[21] A. The plant manager, of course. I'm trying to
[22] remember the first one I dealt with. Hmm. I just can't

Page 56

[1] remember his name. The second one was Gene Tromblee. I
[2] remember him. T-r-o-m-b-l-e-e. I don't recall his
[3] predecessor.

[4] I also worked - I forget his first name -
[5] Himes, H-i-m-e-s.

[6] MR. HUGHES: Fred.

[7] A. (Continuing) Fred. Fred Himes, yes, sir. He
[8] had a group reporting to him.

[9] I remember an Ed Hendricks. I think it's Ray Ann
[10] Reid, she was one of the environmental engineers, and then
[11] there's a McCauley. It might well have been others; I just
[12] can't recall them all.

[13] Q. Would you have had contact with the plant manager
[14] or a plant manager throughout the time that you were
[15] Director of Environmental Operations from - for MCI?

[16] A. Certainly.

[17] Q. And the same as for Mr. Fred Himes?

[18] A. Yes.

[19] Q. And Mr. Ed Hendricks?

[20] A. Well, Ed Hendricks, it seems to me I recall he
[21] retired somewhere in there. I initially worked very closely
[22] with Mr. Hendricks, and eventually - and I forget when he

Page 57

[1] retired, but he was no longer available and I was then
[2] dealing with Miss Reid and Mr. McCauley.

[3] Q. Now, when you say initially, that would be in the
[4] period from nineteen seventy - or, I'm sorry, is that
[5] right? 1977?

[6] A. Correct.

[7] Q. Through '83, I think it was?

[8] A. Yes, sir.

[9] Q. Unless Mr. Hendricks retired before that?

[10] A. As best I recall, he retired before that.

[11] Q. Okay. Now, when you say you worked very closely
[12] with Mr. Hendricks, what do you mean by that? Can you
[13] just -

[14] A. I don't know how to describe it except that there
[15] would be telephone conversations, there might be - and of
[16] course, when I went to the plant, I made it a point to meet
[17] with all of those folks, and Mr. Hendricks was the senior
[18] man with the, all that experience that -

[19] Q. All what experience?

[20] A. His years at the plant. He knew, he knew a lot
[21] of the plant history, so to speak, that the younger
[22] engineers just had not experienced, so I relied a lot on Mr.

Page 58

[1] Hendricks' input.

[2] Q. Was he, I guess, one of the first persons, people
[3] that you met at Texas City or that you contacted?

[4] A. I don't believe he was the first person I met. I
[5] met others on the plant manager's staff before I met Mr.
[6] Hendricks.

[7] Q. Can you give me an approximate date? Would it
[8] have been within a year after you started?

[9] A. Oh, within that year, yes, but initially, my
[10] first visits to the plant were the plant manager and his
[11] staff, at the general superintendent level. It's later,
[12] when I got more knowledgeable about the plant and was
[13] getting down to more specifics, I made it a point to get to
[14] Mr. Himes and his team. That took several weeks or months
[15] to get to that point.

[16] Q. Would it be fair to say that by the end of the
[17] first year or within the year of 1977, you would have
[18] learned about Mr. Hendricks and what he had - his history
[19] at the plant?

[20] A. Very likely, yes.

[21] Q. And can you tell me, if you can, what his history
[22] at the plant was?

Page 59

[1] A. I don't remember. I just recall that he was an
[2] old-timer.

[3] Q. Was he an old-timer that had some special
[4] resource value in the environmental area?

[5] MR. SARFATTI: Objection; vague.

[6] BY MR. MANTA:

[7] Q. I'll tell you what; I'm just trying to find out
[8] why you worked very closely with Mr. Hendricks when you were
[9] Director of Environmental Operations for MCI.

[10] A. Well, I didn't let my position inhibit me from
[11] talking to anybody that I thought might be helpful to me. I
[12] relied quite a bit - in fact, almost totally - on my staff
[13] to do the day-in, day-out kinds of communications, and
[14] participation, and whatever was appropriate, but I also felt
[15] that I would benefit by making a point to sit down with Mr.
[16] Himes' team on a one-on-one basis and have lunch with them,
[17] even, and -

[18] Q. Okay, why don't we go back to - I thought I
[19] could clarify my question, but why don't we go back to the
[20] question that was objected to on the grounds that it was
[21] vague and have it read back.

[22] THE COURT REPORTER:

Page 60

[1] "Q. Was he an old-timer that had some special
[2] resource value in the environmental area?"

[3] MR. SARFATTI: Repeat the same objections.

[4] A. If we are both using the same understanding of
[5] the word "resource," I'd have to say yes, he was.

[6] BY MR. MANTA:

[7] Q. Mr. Hendricks could give you some history on
 [8] environmental issues at the Texas City Plant; is that right?
 [9] A. Yes, he was in a position to give me some
 [10] history. I had no way of knowing how accurate it was or how
 [11] thorough it was, but he was, he was a guy that was there
 [12] before Miss Reid, and Mr. McCauley, and even Mr. Himes.
 [13] Q. Would you ever contact Mr. Hendricks after he
 [14] retired, to find out information?
 [15] A. I never did, no.
 [16] Q. Would your staff also have worked closely with
 [17] Mr. Hendricks?
 [18] A. Oh, certainly.
 [19] Q. Did Mr. Hendricks have a title at the Texas City
 [20] Plant?
 [21] A. Oh, I'm sure he did. I just don't remember it.
 [22] Q. Now, Ms. Reid, you had also mentioned that you

Page 61

[1] worked with Ms. Reid. Can you tell me approximately when
 [2] you would have first began working with Ms. Reid?
 [3] A. Of course, I don't recall the exact date, but it
 [4] seems to me that it happened in the early Eighties. It
 [5] wasn't the Seventies, so it was, the best guess I can, the
 [6] best estimate I can come up with is '80 to '83, somewhere in
 [7] there.
 [8] Q. And did she basically take Ed Hendricks' place?
 [9] A. Oh, I don't know that she could really take his
 [10] place. Assigned to the opening that occurred when Mr.
 [11] Hendricks was no longer available.
 [12] Q. She then, though, became one of the resources for
 [13] you at the Texas City Plant. Would that be correct?
 [14] A. Well, for me and my time, really, not just to me
 [15] alone.
 [16] MR. MANTA: Okay. We can break now.
 [17] (Luncheon recess from 12:10 to 1:25 p.m.)
 [18] AFTERNOON SESSION
 [19] MR. MANTA: Why don't we start by putting on the
 [20] record -
 [21] MR. SARFATTI: The stipulation?
 [22] MR. MANTA: No, what's going on.

Page 62

[1] MR. SARFATTI: Oh, with the documents?
 [2] MR. MANTA: Yeah.
 [3] MR. SARFATTI: Okay. Have you guys discussed and
 [4] decided what you want to -
 [5] MR. MANTA: We have, yes. What we are going to
 [6] do, here, is put on the record, at least, our position.
 [7] MR. HUGHES: Go ahead.
 [8] MR. SARFATTI: Let me state what the issue is. I
 [9] think we had our conversation before the break, off the
 [10] record. The situation is that in lieu of a seven-day list
 [11] for the Papageorge deposition, we received it on Saturday,
 [12] by Federal Express, the documents that were designated on
 [13] the seven-day list. We were later informed Monday afternoon
 [14] that Mr. Manta's office had designated an additional
 [15] document, and we were informed on Friday by Mr. Hughes'
 [16] office that there were a series of additional documents that
 [17] were designated. We were assured that we would receive from
 [18] Mr. Hughes' office the additional documents on Saturday. We
 [19] did not. A letter was sent to Mr. Hughes' office to the
 [20] attention of Mr. Brown, advising him of that fact.
 [21] An attempt was made yesterday to send us those
 [22] documents by telecopy to my hotel. Only a portion of the

Page 63

[1] materials arrived, and apparently they are not yet
 [2] available.
 [3] With regard to Mr. Manta's document, that was
 [4] received yesterday, the day before the deposition. While
 [5] certainly I can understand while from time to time there may
 [6] be a need, after seven days, to designate additional
 [7] documents, in this case we're prepared to try to accommodate
 [8] defense counsel and allow the use of those documents,
 [9] subject to conditions.
 [10] One of them is that we have an opportunity to
 [11] consult with the witness about those documents with the
 [12] permission of defense counsel.
 [13] The second is that in the future, with regard to

[14] a deposition that Monsanto may initiate, if we find that we
 [15] need to supplement one of our own seven-day list
 [16] designations, that we be permitted to do so without
 [17] objection by defense counsel. If those conditions are
 [18] acceptable to Defendants in this case, we'll be prepared to
 [19] allow you to use those documents.
 [20] MR. MANTA: Okay, the first condition is
 [21] acceptable. The second condition is not acceptable, and I'd
 [22] just like to put on the record that these depositions -

Page 64

[1] this has come up before, both Monsanto witnesses and
 [2] insurance company defendant witnesses, and in that
 [3] situation, in the situations where it has come up, it has
 [4] been addressed on a deposition-by-deposition basis, using a
 [5] rule of reason. Mr. Papageorge's witness file was in excess
 [6] of 25 boxes, or approximately 25 boxes. We had
 [7] substantially reduced the volume of material. I don't think
 [8] we sent to Mr. Sarfatti more than two boxes.
 [9] In addition, the document that was sent to Mr.
 [10] Sarfatti on Tuesday, I believe, is less than thirty pages.
 [11] It's most certainly less than fifty pages, I think.
 [12] MR. SARFATTI: It is.
 [13] MR. MANTA: And I had indicated to Mr. Sarfatti
 [14] that I would be willing to identify the pages that I want to
 [15] use and that he could consult with the witness about those
 [16] pages. That offer was rejected. I don't feel that -
 [17] MR. SARFATTI: No, no offer has been rejected,
 [18] I've just stated two conditions. One is that if you make an
 [19] exception to the seven-day requirement of the case
 [20] management order in this case, we expect that there will be
 [21] no objection in the case of any other one deposition where
 [22] we, Monsanto, face a similar situation, and unless you can

Page 65

[1] give me that insurance, I don't see any reason why I would
 [2] should, why we should try to accommodate you.
 [3] MR. MANTA: What I'm saying is, I would not
 [4] accept those two conditions and made a counteroffer.
 [5] MR. SARFATTI: Condition number one.
 [6] MR. MANTA: Accepting condition number one, my
 [7] offer is, I will identify the particular pages within that
 [8] document that I'll use, and if that's satisfactory, we can
 [9] go ahead, we'll use the document.
 [10] MR. SARFATTI: The fact that there may be only
 [11] certain portions of a document which you use is not of
 [12] particular concern or interest to me. What's of concern to
 [13] me is that if Monsanto accommodates Defendants' late
 [14] designation and late production of documents in this
 [15] instance, including a document that has yet to be produced
 [16] to us in its full form, we don't expect to face a similar
 [17] situation where we are required to supplement our
 [18] designation, yet receive objections from Defendants as to
 [19] the use of a handful of documents supplementary designated
 [20] at a deposition that we designate. If that's a problem,
 [21] then we have, you know, then there's a major issue here.
 [22] MR. MANTA: Well, I think so.

Page 66

[1] MR. SARFATTI: And I don't think that we're
 [2] prepared to create an exception unless we have an insurance
 [3] of reciprocity, and we're not asking for more than
 [4] reciprocity.
 [5] MR. MANTA: I think there's been reciprocity, but
 [6] I'll -
 [7] MR. HUGHES: I'd like to say something for the
 [8] record, too, Steve. In our case, I believe it's an issue of
 [9] four documents comprising about twelve pages. It was my
 [10] understanding that that supplemental list of four documents
 [11] was faxed out one day late, and I believe that Monsanto has
 [12] had adequate opportunity to pull those documents, those
 [13] twelve pages.
 [14] MR. SARFATTI: We received it, in fact, two days
 [15] late, I believe.
 [16] MR. HUGHES: It should have been one day late. I
 [17] can check on that fact.
 [18] In any event, I know there was also - I wasn't
 [19] there to take care of it - we did agree to get those
 [20] documents to you, and for whatever reason that that hasn't

[21] occurred, so be it, and I certainly will still attempt to do
[22] that.

Page 67

[1] I'd also like to point out that we have been
[2] accommodating, I believe, the defense group, in this very
[3] deposition. I believe, through no fault of Mr. Papageorge,
[4] I don't believe Monsanto adequately put him on notice as to
[5] where he might be expected to be for this deposition, and
[6] as - and how long he would be expected to be there, based
[7] on his testimony this morning. We have agreed to come when
[8] we were all expecting to be in Wilmington to come to St.
[9] Louis and accommodated Monsanto on a very late change in
[10] schedule when I believe Defendants could have taken the
[11] position that we can't change it on such late notice and
[12] we'll have to reschedule Mr. Papageorge, and Monsanto
[13] doesn't get any credit days as a result, so we have we have
[14] been accommodating.

[15] I don't think you can ask either Mr. Manta, or
[16] myself, or Mr. Johnson, to make any commitments on behalf of
[17] the defense group, as you well know. You are asking for a
[18] stipulation that would go to everything, and that is a
[19] question that would have to be presented to the defense
[20] group steering committee, as I think you know in having
[21] dealt with Defendants in the past. If you are going to take
[22] the position that we can't use the few documents that we

Page 68

[1] have, that's certainly a position you can take, and we'll
[2] have to deal with that in the future. That's my statement
[3] for the record.

[4] (Brief interruption.)

[5] MR. HUGHES: In any event, I think it is
[6] something to be worked out on a case-by-case basis. One
[7] reason I couldn't make any promises is currently, Monsanto
[8] is only planning to take one deposition that we're concerned
[9] with, and I can hardly make an agreement that would be
[10] binding as to all depositions.

[11] MR. SARFATTI: Well, I'm not asking for a
[12] commitment as to all depositions. I'm saying in the event
[13] the situation should arise with regard to a deposition that
[14] Monsanto initiates, if there is a requirement or a situation
[15] where Monsanto needs to supplement its seven-day list
[16] designation with a number of documents roughly equivalent to
[17] the number that you wish to include in your designations in
[18] the Papageorge deposition, that, that we be accommodated,
[19] and if you are not prepared to make that stipulation, I just
[20] don't see why we should vary from the requirements of the
[21] seven-day -

[22] MR. MANTA: I just want to make it clear -

Page 69

[1] MR. SARFATTI: - provision.

[2] MR. MANTA: - that we wouldn't accommodate
[3] Monsanto, we're saying that we are not prepared right now to
[4] enter and we cannot enter a blanket stipulation.

[5] MR. SARFATTI: Okay, you reserve the right -

[6] MR. MANTA: That is rewriting the case management
[7] order, and I think -

[8] MR. SARFATTI: You are reserving the right -
[9] well, we can stipulate to deal with, you know, exigencies
[10] like this that occur from time to time. If you need to
[11] consult with your, your own defense group, then I think you
[12] should make an effort to do that. I just, I just feel that
[13] there is a certain unfairness where you are asking us to
[14] make an accommodation without agreeing to accord us a
[15] reciprocal accommodation if the need should arise.

[16] MR. MANTA: I don't need to consult the defense
[17] group, because we won't agree to that proposed stipulation.

[18] MR. SARFATTI: Very well, let's proceed.

[19] MR. HUGHES: Let's get it clear. Is it going to
[20] be, then, your position we cannot use those documents?

[21] MR. SARFATTI: Yes.

[22] MR. HUGHES: Okay. Well, you should expect the

Page 70

[1] same kind of cooperation back. You ask what's the reason
[2] you should stipulate? Cooperation in getting this very
[3] difficult, very heavily scheduled case completed in a
[4] relatively professional manner; and if you are not - I

[5] would expect Monsanto to want to do this on a
[6] deposition-by-deposition basis, so that there is no abuse by
[7] Defendants where there is some mix-up, and I would think
[8] that you would understand that Defendants, as well, would
[9] want to consider it on a deposition-by-deposition basis.

[10] MR. SARFATTI: Well, I beg to differ. The
[11] premise of my request is to avoid possible abuse by defense
[12] counsel where Monsanto finds itself in a situation where it
[13] has to designate some additional documents, only to appear
[14] at the deposition and find that defense counsel refused to
[15] permit the witness to testify with regard to them. That's,
[16] that's the objective of, of my request, to prevent discovery
[17] abuse, not to lead to it.

[18] MR. MANTA: Okay, can you tell me, do you know of
[19] one situation where that's happened?

[20] MR. SARFATTI: No, I don't know of one situation
[21] they're where it's happened, and I can't tell you a specific
[22] situation where it's been accommodated, and I just, I'm

Page 71

[1] shocked that there's this level of opposition to my request
[2] for reciprocity.

[3] MR. HUGHES: Well, are you saying, then, that
[4] Monsanto is willing to stipulate that in any deposition,
[5] you'll let Defendants use documents that they don't give to
[6] you until the last day?

[7] MR. SARFATTI: No, I'm simply requesting that in
[8] the event it should occur, once in the future, involving a
[9] similar quantity of documents which aren't produced at the
[10] time as part of the seven-day procedure, that we be
[11] accommodated without risk that the Defendants will, for some
[12] reason, arbitrary or not, refuse us to have those documents
[13] marked. I'm not asking for a blanket stipulation, just
[14] reciprocity, which is one instance in the future, if it
[15] should ever arise. I mean again, I'm shocked that I'm
[16] getting this level of opposition.

[17] MR. BRODERICK: Would that be in circumstances,
[18] for example, where there was significant accommodation on
[19] the part of Defendants to come to a location far away from
[20] where it was originally expected?

[21] MR. SARFATTI: No, that's a separate issue, and I
[22] think and as will be brought out, I think, later in the

Page 72

[1] testimony, there is, there was an emergency situation that
[2] necessitated this witness being in the St. Louis area during
[3] this week. The question wasn't asked as to what the
[4] emergency was, but when the opportunity arises, there'll be
[5] further questions on that subject.

[6] MR. MANTA: One last proposal. Could I use the
[7] title page? The first page?

[8] MR. SARFATTI: You know, to be perfectly honest,
[9] I really, I couldn't tell you what the title page is.

[10] During the next break, if you want to point it out to me,
[11] I'll take a look at it.

[12] MR. MANTA: Okay.

[13] MR. MANTA: Well, let's get started.

[14] BY MR. MANTA:

[15] Q. Could you tell me, Mr. Papageorge, what your
[16] involvement was with Monsanto's world-wide environmental
[17] guidelines?

[18] A. I was privileged to see drafts as these
[19] guidelines were being prepared. I was asked to comment.
[20] Today, I don't remember what comments I made, but I was
[21] part
[22] of the group that was asked to critique these thoughts and
help develop the final version.

Page 73

[1] Q. Why did Monsanto come up with these guidelines?

[2] MR. SARFATTI: Objection; no foundation.

[3] A. I can't speak for Monsanto in the way that I
[4] understand you mean. I just don't know whose thought it

was
[5] that such guidelines should be prepared, so I don't know
[6] that - I can't answer it.

[7] BY MR. MANTA:

[8] Q. Was it done in connection with the Environmental
[9] Policy Committee?

[10] A. Well, they were certainly involved. I don't know
 [11] who the editor or author was.
 [12] Q. Who asked you to take a look at drafts?
 [13] A. I, today, don't know, don't remember.
 [14] Q. You don't recall what the purpose of these
 [15] guidelines was?
 [16] A. I think they were self-explanatory. If you read
 [17] the guidelines, I think they, they're pretty
 [18] self-explanatory.
 [19] Q. But you, as the Director of Environmental
 [20] Operations for MCI, don't know exactly why they came up with
 [21] these guidelines?
 [22] A. I can't speak for the person or persons who

Page 74

[1] thought of the idea and promulgated the program and
 [2] guidelines.
 [3] MR. MANTA: We're up to 2.
 [4] (Papageorge Deposition Exhibit 2 marked for
 [5] identification.)
 [6] A. I don't remember this document.
 [7] BY MR. MANTA:
 [8] Q. I'll get to that.
 [9] Exhibit 2, Papageorge Exhibit 2, is an August 30,
 [10] 1977, memorandum. The subject is, "Worldwide Environmental
 [11] Protection Guidelines," and the identification numbers are
 [12] WGK 1202162-WGK 1202164.
 [13] On the right-hand column, there's a "cc" list and
 [14] it has "W. B. Papageorge." Is that referring to you?
 [15] A. Well, that's my name, yes, sir.
 [16] Q. You don't know of any other Papageorge, do you?
 [17] A. Not that I -- not with those initials.
 [18] Q. Is E3NI your mailbox at St. Louis?
 [19] A. Essentially, that is my location, office
 [20] location.
 [21] Q. Now, you had said that you don't recall seeing
 [22] this. Is that right?

Page 75

[1] A. That is correct, yeah. It's been awhile.
 [2] Q. Can you look at the second sentence of the first
 [3] paragraph? Says, "I believe we all agree that
 [4] implementation of these guidelines will require significant
 [5] plant resources over the next five years."
 [6] Can you tell me why implementation of the
 [7] guidelines would require a significant amount of resources?
 [8] A. Well, that's Mr. Pierle's evaluation of the
 [9] situation. I, I don't really know what he had in mind in
 [10] terms of what it took to do what these guidelines refer to.
 [11] Q. Do you have any idea why the guidelines would
 [12] cost a significant or require significant plant resources
 [13] over the next five years?
 [14] A. At this point in time, I am in no position to
 [15] answer because I don't really recall, I honestly don't
 [16] recall what was in place to start with in order to determine
 [17] what else was needed to meet the objective.
 [18] Q. Can you tell me about the, the guideline
 [19] concerning plant assessments or plant-wide environmental
 [20] assessments?
 [21] A. I recall the program. I don't recall the
 [22] details.

Page 76

[1] Q. What do you recall about the program?
 [2] A. As best as I recall, it had to do with an
 [3] evaluation to be made of the plant and its operations in the
 [4] various streams and emissions, to establish a, a data base
 [5] to help the management determine what, if anything, would
 [6] be required to make changes.
 [7] Q. Were these plant assessments something that
 [8] started when you began as Director of Environmental
 [9] Operations with MCI?
 [10] A. The program was instituted shortly after that,
 [11] yes, sir. Mm-hmm.
 [12] Q. Turning to page -- the next page, it looks as if
 [13] it's in the numbered heading "3," "Maintain Plant
 [14] Environmental Assessment Documents." Did you maintain plant
 [15] environmental assessment documents as Director of

[16] Environmental Operations for MCI?
 [17] A. Did I, personally?
 [18] Q. Yes.
 [19] A. No.
 [20] Q. Who did?
 [21] A. Somebody at the plant. It could be anyone the
 [22] plant manager designated.

Page 77

[1] Q. And what manager would that have been? Would it
 [2] have been Mr. Pierle?
 [3] A. No, I said the plant manager.
 [4] Q. Oh, okay. Not your manager.
 [5] A. No.
 [6] Q. The first sentence says, "The guideline requires
 [7] the completion of initial environmental assessment surveys
 [8] by January 1, 1980."
 [9] To your knowledge, were assessment surveys
 [10] completed by January 1, 1980, for the Texas City Plant?
 [11] A. I don't recall if all of them were completed on
 [12] that date, nor do I recall that some were not. I just don't
 [13] remember.
 [14] Q. Do you have any specific recollection about the
 [15] Texas City survey?
 [16] A. No, I don't.
 [17] Q. Can you tell me if these surveys addressed areas
 [18] outside the plant? Waste disposal areas that the plant may
 [19] have used?
 [20] MR. SARFATTI: Objection; no foundation.
 [21] A. Again, I don't recall any reference to outside
 [22] areas. I just don't recall.

Page 78

[1] BY MR. MANTA:
 [2] Q. Did you receive a copy of the plant assessments
 [3] as they were done?
 [4] A. I don't remember actually holding a copy in my
 [5] hand, but that doesn't mean it didn't happen. I just --
 [6] Q. Would it be part of your practice as Director of
 [7] Environmental Operations for MCI to review such documents?
 [8] And by that, I mean the plant environmental impact
 [9] assessments.
 [10] A. Can you help me with "review"? Do you mean
 [11] peruse and become knowledgeable with it or to comment on it?
 [12] I --
 [13] Q. Well, I would, I would think both, but let me ask
 [14] it this way. As part of your responsibilities as Director
 [15] of the Environmental Operations for MCI, one of the
 [16] responsibilities you had was to -- and I'm paraphrasing
 [17] here, and you can tell me if I'm wrong, but basically, learn
 [18] the environmental issues at the plants for which you were
 [19] responsible for and keep up with them. Is that correct?
 [20] A. To a degree, it's correct. I was not expected to
 [21] notice finite details of everything that occurred at that
 [22] plant regarding environmental issues. I was expected to

Page 79

[1] know enough to be able to sense responsible behavior or
 [2] whether cooperation was there or not, and so on. I relied
 [3] primarily on the plant to do its job and I relied on my
 [4] staff to monitor and act in my behalf, so I was really sort
 [5] of almost three steps removed from the actual nitty-gritty
 [6] work that was going on.
 [7] Q. Do you think you would have reviewed an
 [8] environmental impact assessment for the Texas City Plant?
 [9] A. I don't remember, really, the document, but I do
 [10] remember many documents. It's kind of a fuzzy picture at
 [11] the moment.
 [12] It just doesn't stand out in my memory.
 [13] Q. Reading any of them?
 [14] A. I recall reading some. I don't recall which
 [15] ones, I don't recall how many.
 [16] MR. MANTA: For the record, the document that I
 [17] provided to you, Mr. Sarfatti, I believe, is a Texas City
 [18] environmental impact assessment. Whether there's more than
 [19] one or that's it, I don't, I don't know.
 [20] BY MR. MANTA:
 [21] Q. Did you have any understanding as to the purpose
 [22] of the environmental impact assessments?

Page 80

- [1] A. I had an understanding, yes, sir.
 [2] Q. Okay, could you tell me what that was?
 [3] A. It was, in a way, a candid camera shot of where
 [4] the plant stood regarding its environmental affairs at that
 [5] particular time.
 [6] Q. Would you expect that it would identify major
 [7] issues of concern?
 [8] MR. SARFATTI: Objection; opinion, and vague.
 [9] A. If I understand your question, you said "Would
 [10] you expect it to contain -"
 [11] BY MR. MANTA:
 [12] Q. Would you expect the environmental impact
 [13] assessment to identify the environmental issues of concern
 [14] at that time?
 [15] MR. SARFATTI: Same objections.
 [16] A. Well, it would identify the situation. Now,
 [17] whether they were matters of concern or not depends on a
 [18] second thought process on somebody's part back at the plant.
 [19] BY MR. MANTA:
 [20] Q. Okay, would it be back at the plant or would it
 [21] be something that would be relayed to people in St. Louis?
 [22] A. The plant is responsible for its activities, its

Page 81

- [1] operations; it stands on its own. It can use others to help
 [2] it arrive at decisions on what to do, it can use others to
 [3] get resources, but it remains a plant responsibility.
 [4] Q. Would you have been concerned or would you have
 [5] taken any action with regard to major issues identified in a
 [6] impact assessment?
 [7] MR. SARFATTI: Objection; hypothetical.
 [8] A. If my staff members came to me asking for my
 [9] assistance in getting resources or getting the proper
 [10] attention to a matter they thought was important, I would
 [11] then step in and try to help. Unless I received that
 [12] request, I would rely on the people assigned to do these
 [13] things at the plant to do them properly, and my staff would
 [14] monitor that activity, to see that it met the state or
 [15] federal regulations or Monsanto's policies, and so on.
 [16] BY MR. MANTA:
 [17] Q. For specific problem-solving tasks or solving a
 [18] particular environmental problem, is that something that you
 [19] would be involved in?
 [20] MR. SARFATTI: Objection; hypothetical.
 [21] A. If I'm invited to participate, certainly I'd be
 [22] involved. If I am informed that the matter isn't getting

Page 82

- [1] appropriate attention, I would get involved.
 [2] BY MR. MANTA:
 [3] Q. Would you get involved if neither of the two
 [4] things that you just mentioned happened but you had reviewed
 [5] an impact assessment that raised some questions?
 [6] MR. SARFATTI: Objection; hypothetical, and
 [7] vague.
 [8] A. Raised some questions where? In the author's
 [9] mind, or -
 [10] BY MR. MANTA:
 [11] Q. I'm trying - all I'm trying to do is understand
 [12] if - what action you would take, personally, with regard to
 [13] an issue raised in an environmental impact assessment.
 [14] A. I would take no action until I had evidence that
 [15] the situation is not being addressed appropriately. Say a
 [16] long period of time goes by, nothing happens, or I would get
 [17] information from my staff or from the plant directly that
 [18] they had applied for funding and the money hasn't been
 [19] appropriated yet and they couldn't move until they got so:
 [20] Under those conditions, I would step in and try to go to bat
 [21] for them. I would not meddle with the plant's affairs
 [22] directly, because that's the plant manager's responsibility

Page 83

- [1] and they don't like meddling from a home office.
 [2] Q. Was that true with areas other than
 [3] environmental?
 [4] A. That's generally true. Being a plant manager, I
 [5] can vouch for that.
 [6] MR. MANTA: This is Exhibit 3.

- [7] (Papageorge Deposition Exhibit 3 marked for
 [8] identification.)
 [9] BY MR. MANTA:
 [10] Q. Looking at Papageorge Exhibit 3, it is a draft
 [11] dated 6-9-78, bearing Bates number CBY 1303023- CBY 1303049.
 [12] I'd like you to take a moment and look through
 [13] this document, as well as the last few pages, which indicate
 [14] distribution, and tell me if, if you are familiar with this
 [15] document.
 [16] MR. SARFATTI: This is an approximately 25-page
 [17] document. Do you want him to read page after page or just
 [18] skim through it?
 [19] MR. MANTA: I just want to know if he's familiar
 [20] with the document, if he's seen it before.
 [21] MR. SARFATTI: Very well.
 [22] (Witness peruses said document.)

Page 84

- [1] A. I can't place it.
 [2] BY MR. MANTA:
 [3] Q. There's references on the document to slides. It
 [4] appears to have been an outline of some sort of
 [5] presentation. The title of the document appears to be
 [6] "Environmental Operations MCI." Mr. Papageorge, do you
 [7] think if there was a presentation concerning environmental
 [8] operations of MCI, that you, as Director of Environmental
 [9] Operations MCI, would have attended?
 [10] A. That's a good likelihood, yes, sir.
 [11] Q. Now, I'd like to direct your attention to - it's
 [12] page 3 of the document.
 [13] A. The third sheet?
 [14] Q. Mm-hmm.
 [15] A. Yeah, okay, I see it.
 [16] Q. And I'd like you to read the - in the middle
 [17] paragraph, slide 4, there's a statement, last sentence says,
 [18] quote, "Simply stated, the environmental policy staff has
 [19] the responsibility for developing corporate positions and
 [20] actions related to environmental matters through the
 [21] operating company. Environmental operations departments
 [22] insure consistency throughout the corporation."

Page 85

- [1] My question is, is it your understanding that the
 [2] Environmental Operations Department implemented policy
 [3] created by the environmental policy staff?
 [4] A. No, they monitored the implementation at the
 [5] plants, to assure consistency. They were sort of the
 [6] watchdogs.
 [7] Q. Who were the watchdogs?
 [8] A. The environmental operations team monitored
 [9] activities at the plants, to ensure consistency with
 [10] corporate positions and actions.
 [11] Q. Now, was part of that monitoring the plant
 [12] environmental assessments?
 [13] A. I suppose that the plant environmental assessment
 [14] could be a starting point for the monitoring, a "Where do
 [15] you go next" kind of look-see.
 [16] Q. Where does who go next?
 [17] A. Where does the plant go. Here's your, your
 [18] candid camera shot; here's where you are today; where do you
 [19] want to be, what does it take to get there so that you
 [20] comply with the corporate policies and actions.
 [21] Q. Would you review the plant environmental
 [22] assessments to insure compliance with Monsanto's corporate

Page 86

- [1] policies?
 [2] A. Someone in my - on my team would review it, for
 [3] sure. I may, on occasion, see some of these assessments or
 [4] parts of assessments.
 [5] Q. Okay, I'd like to turn to page - and I'm going
 [6] to refer to the microfilm number on the right-hand side, CBY
 [7] 091626.
 [8] A. I have it.
 [9] Q. Does that refresh your recollection as to the
 [10] plant environmental assessments?
 [11] A. The, the statement about establishing and
 [12] maintaining assessments, I was tuned in on that one all
 [13] right, but the date, I see it, there, January 1, 1980, but I

[14] really don't remember it.

[15] Q. Now, you said you wouldn't maintain the
[16] environmental assessments; is that right?

[17] A. I wouldn't maintain it.

[18] Q. You wouldn't keep a copy of the plans
[19] environmental -

[20] A. My staff would. The team would, in its files,
[21] yes.

[22] Q. And this is part of Monsanto's Worldwide

Page 87

[1] Environmental Protection Guidelines, right? These plant
[2] environmental assessments be conducted and maintained? Is
[3] that right?

[4] A. That's, that's the stated word here, yes, sir.

[5] Q. But that doesn't refresh your recollection as to
[6] these, these assessments or documents?

[7] A. I didn't say that. I know that there were
[8] assessments made, I know that there was a policy relating to
[9] those assessments. What I didn't - what I can't recall is
[10] that January 1, 1980, date.

[11] Q. Would you be in charge of seeing to it that the
[12] assessments were completed?

[13] A. No, that responsibility rested with the General
[14] Manager of Manufacturing, to whom the plants reported.

[15] Q. And who would that be at that - at, say, between
[16] 1977 and 1983?

[17] A. That would have been Earl Brasfield.

[18] Q. Are you familiar with hydrogeological evaluations
[19] that were separate and apart from the environmental
[20] assessments?

[21] A. Where?

[22] Q. In your position as Director of Environmental

Page 88

[1] Operations for MCI, that various plants, in addition to
[2] having environmental impact assessments, had
[3] hydrogeological -

[4] A. You keep using the word "environmental impact
[5] assessments." These assessments are not environmental
[6] impact assessments. They are plant environmental
[7] assessments. No attempt was made to determine the impact

on
[8] the environment.

[9] Q. Okay. I'm sorry, I misspoke.

[10] A. And, and I'm trying to remember your question,
[11] now, regarding the -

[12] Q. Hydrogeological surveys. Do you recall those
[13] documents?

[14] A. With reference to hydrogeological surveys, I do
[15] know that such surveys were made at several Monsanto sites
[16] at different times, through, over a decade that I was
[17] involved. The execution of those surveys was a decision of
[18] the plant, based on their assessment of the situation that
[19] existed at each plant. If the management of the plant
[20] decided that they needed such a survey, they would go ahead
[21] and arrange for it.

[22] Q. Do you recall such a survey for the Texas City

Page 89

[1] Plant?

[2] A. I do not, but that doesn't mean it happened or
[3] didn't happen. I just don't recall that.

[4] Q. Now, from what you said, I understand that not
[5] all plants had this type of survey done and that it was up
[6] to the plant if they wanted to have one done?

[7] A. No, no, it's up to the plant to decide whether
[8] one was required, based on the conditions that existed at
[9] each plant.

[10] A plant that spins nylon fiber, for example, may
[11] not perceive a need for a hydrogeological survey because
[12] it's - their operation is such that it happens in a dry
[13] room, and the wheels are spinning and the fiber is made.
[14] Why do a hydrogeological survey? So it really is based on
[15] the conditions that exist at the site.

[16] Q. Do you know approximately when these
[17] hydrogeological evaluations were completed?

[18] A. No, I don't know this that they were - that one
[19] can say they were ever completed. The conditions are

[20] monitored every day of the work week and some day, some
[21] someone may come up and say, "I need a study."

[22] Q. Can you tell me what conditions would warrant a

Page 90

[1] hydrogeological survey?

[2] MR. SARFATTI: Objection; lack of foundation, and
[3] opinion.

[4] A. Not being a hydrogeologist, I find myself in a
[5] position where I really can't give you a good answer on
[6] that, a meaningful answer.

[7] BY MR. MANTA:

[8] Q. You could tell me what conditions didn't warrant
[9] a hydrogeological survey.

[10] MR. SARFATTI: Same objections.

[11] BY MR. MANTA:

[12] Q. And you were Director of Environmental Operations
[13] for, among other plants, the Texas City Plant, and I would
[14] take it that you are familiar with the operations at the
[15] Texas City Plant. Is that right, generally?

[16] A. Generally familiar, yes.

[17] Q. Let me ask the question this way, then. What
[18] about the Texas City Plant would warrant a hydrogeological
[19] evaluation?

[20] MR. SARFATTI: Same objections. Lack of
[21] foundation, and opinion.

[22] A. Well, again, I, not being a hydrogeologist, I

Page 91

[1] don't know what conditions must exist underneath that plan
[2] to require special attention being given to those substrata
[3] formations.

[4] MR. MANTA: I'm going to have to object to the
[5] objections that are made by Counsel for Monsanto on the
[6] grounds that I believe that they are improper coaching
[7] objections, prohibited by the Special Discovery Master's
[8] order in this case, and I think that those objections are in
[9] violation of that order, and if it continues, I think we're
[10] going to have to talk to the Special Discovery Master,
[11] because I don't think that objections on the ground of
[12] opinion, or foundation, or what have you are permitted, and
[13] I think they are coaching objections.

[14] MR. SARFATTI: Well, we disagree with you, and we
[15] are prepared to state our objections and a brief ground for
[16] them without getting involved in any colloquy.

[17] MR. MANTA: I don't think colloquy was the issue,
[18] but -

[19] BY MR. MANTA:

[20] Q. Mr. Papageorge, do you have any opinion as to why
[21] a hydrogeological evaluation of the Texas City Plant would
[22] be warranted?

Page 92

[1] MR. SARFATTI: Same objections.

[2] A. I don't know that I have a personal opinion. I
[3] would suggest that if the plant decided to have one, I would
[4] have supported it. That's the position I was in at the
[5] time.

[6] BY MR. MANTA:

[7] Q. Would you ever suggest that a plant have such an
[8] evaluation, based upon your knowledge of the plant's
[9] operations?

[10] A. Oh, I wouldn't have enough knowledge to make such
[11] a suggestion.

[12] (Papageorge Deposition Exhibit 4 marked for
[13] identification.)

[14] BY MR. MANTA:

[15] Q. Mr. Papageorge, you've been shown what's been
[16] marked for identification as Papageorge Exhibit 4. It's a
[17] July 28, 1978, memorandum. Subject is "Known Current
[18] Monsanto Environmental Issues." The Bates number is WHP
[19] 0267022 - WHP 0267039.

[20] I'd ask you to take a look at this document, just
[21] flip through it, and tell me if you've ever seen it before.

[22] (Witness peruses said document.)

Page 93

[1] A. I don't recall it. I may or may not have seen
[2] it.

[3] Q. Did you -

[4] A. I just don't recall it.
 [5] Q. I'm sorry for interrupting.
 [6] Do you think it would have been likely that you
 [7] would receive such a document as Director of Environmental
 [8] Operations for MCI?
 [9] A. It's possible, but I just, again, I don't know if
 [10] Mr. Jessee ever issued this, frankly. It might have been a
 [11] work product that he gave to his boss, and I just don't
 [12] know.
 [13] Q. Turning to page 5 of the attachment, there's a
 [14] heading, Roman numeral II, "Product Plant Emissions." Do
 [15] you have that?
 [16] A. What page was that, again?
 [17] Q. Page 5 of the attachment.
 [18] A. I see it. I have it.
 [19] Q. It says, "Compliance with Resource Conservation &
 [20] Recovery Act," and across from that, "Issue Coordinator," it
 [21] says, "Sayers." Can you tell me who Mr. Sayers is,
 [22] S-a-y-e-r-s?

Page 94

[1] A. Richard Sayers was the individual I couldn't
 [2] recall earlier today, a member of Mr. Throdahl's
 [3] environmental policy staff.
 [4] Q. And DEO's, who do they - who does that refer to?
 [5] A. That refers to the Directors of Environmental
 [6] Operations.
 [7] Q. Would that include you?
 [8] A. Yes.
 [9] Q. Okay, that's under the heading of "Prime
 [10] Responsibility."
 [11] A. Yes, as perceived by the author.
 [12] Q. Do you dispute the indication that DEO's had
 [13] prime responsibility for certain of the items listed here
 [14] under, under the Roman numeral II?
 [15] A. I'd have to read it more thoroughly than I am at
 [16] the moment.
 [17] Q. Why don't I ask you this. Item B says,
 [18] "Implement Environmental Practice Guideline 2. Establish
 [19] Monsanto monitored and/or controlled disposition of all
 [20] wastes."
 [21] Would you agree that the DEO's had prime
 [22] responsibility for that?

Page 95

[1] A. Well, first I'd have to refresh my memory on what
 [2] Guideline Number 2 was.
 [3] Q. Why don't we look back on, I believe it's the
 [4] exhibit that's the overhead or the outline of the
 [5] presentation. I think it's in there.
 [6] It's on the microfilm number 1624.
 [7] (Witness peruses said document.)
 [8] A. In my opinion, the prime responsibility for
 [9] implementing Guideline Number 2 was the plant manager at
 [10] the appropriate sites.
 [11] BY MR. MANTA:
 [12] Q. Why do you think Mr. Jessee would identify the
 [13] DEO's as having prime responsibility for that?
 [14] A. You are asking me to step in Mr. Jessee's shoes.
 [15] Q. No, I'm not asking to you step in his shoes. I
 [16] think my question is just based upon your being a Director
 [17] of Environmental Operations and working with Mr. Jessee, why
 [18] he would identify DEO's as having prime responsibility for
 [19] Environmental Practice Guideline Number 2.
 [20] A. I don't know what he's thinking there. I do know
 [21] that DEO's - it was impossible for a DEO to do that. He
 [22] didn't have the resources. He didn't have the people, he

Page 96

[1] didn't have the shovels or whatever it took, the buckets to
 [2] put it in. He's sitting there in St. Louis, 800 miles away.
 [3] That's, that is not a realistic assignment of
 [4] responsibility.
 [5] Q. How about for establishing Monsanto-monitored
 [6] and/or controlled disposition of all wastes?
 [7] A. Well, that's what the Guideline Number 2 is all
 [8] about.
 [9] Q. Okay. So that would, that would be the plant

[10] manager?
 [11] A. It would have to be. He's got the resources to
 [12] do it.
 [13] Q. How about ultimate responsibility, and not prime
 [14] responsibility?
 [15] MR. SARFATTI: Objection; vague.
 [16] BY MR. MANTA:
 [17] Q. Would you agree that DEO's had ultimate
 [18] responsibility?
 [19] MR. SARFATTI: Objection; vague.
 [20] A. I have a problem with the word "ultimate." I
 [21] don't know what that means. If it doesn't get done, he gets
 [22] hung, or -

Page 97

[1] BY MR. MANTA:
 [2] Q. Basically, yes.
 [3] MR. SARFATTI: That's the first good question
 [4] you've asked all day.
 [5] MR. HUGHES: But not literally.
 [6] A. I did not understand the system was working that
 [7] way when I was involved.
 [8] The ultimate responsibility of all activity in
 [9] Monsanto plants rests with the plant manager.
 [10] BY MR. MANTA:
 [11] Q. I'm trying to understand what you did as a
 [12] Director of Environmental Operations for MCI?
 [13] MR. SARFATTI: Is that a question?
 [14] MR. MANTA: Yes.
 [15] MR. SARFATTI: It's a statement.
 [16] BY MR. MANTA:
 [17] Q. If you weren't ultimately or primarily
 [18] responsible for at least the activities that are identified
 [19] there, did you have any responsibility with respect to those
 [20] activities?
 [21] MR. SARFATTI: Objection; vague.
 [22] A. My responsibility was primarily one of

Page 98

[1] communications up and down the organization.
 [2] The position of the Director of Environmental
 [3] Operations was perceived to be one that could be removed
 [4] from the daily pressures of the plant, concentrate on
 [5] environmental matters, and serve as a help to the plants
 [6] when they requested it and we could open some doors for
 [7] them, if necessary, go to bat for them with the upper
 [8] bosses, to give them support. That's the kind of role we
 [9] played, here.
 [10] BY MR. MANTA:
 [11] Q. Okay, let's turn to page 8 and down to number 9,
 [12] Worldwide Environmental Protection Guideline Number 2.
 [13] Issue coordinator is Carpenter. Can you tell me who Mr.
 [14] Carpenter is?
 [15] A. Mr. Carpenter was the Director of Environmental
 [16] Operations for the Monsanto Agricultural Chemical Company.
 [17] Q. That did not include the Texas City Plant, I take
 [18] it?
 [19] A. No.
 [20] Q. Looking down at D beneath 9, it says, "As
 [21] required, monitor the containment of on-site buried wastes
 [22] and take corrective action." And prime responsibility,

Page 99

[1] again, is identified as DEO's.
 [2] Is it your understanding that the DEO's had prime
 [3] responsibility for item D?
 [4] A. No, my understanding is that Mr. Jessee thought
 [5] it ought to be ours.
 [6] Q. And what's your understanding of who had prime
 [7] responsibility of item D?
 [8] A. The plant managers.
 [9] Q. Can you tell me if item D refers to only existing
 [10] waste disposal sites for buried waste, or does it also refer
 [11] to past waste disposal sites?
 [12] A. It refers to any waste buried on plant property
 [13] within the plant fence.
 [14] Q. And that would include past disposal at the
 [15] plant?
 [16] A. Any buried waste.

(17) (Papageorge Deposition Exhibit 5 marked for
(18) identification.)
(19) BY MR. MANTA:
(20) Q. Looking at Exhibit 5, it is a September 26, 1978,
(21) memorandum with Bates number CBY 2822759 - CBY 2822770.
(22) I'd like to direct your attention to the bottom

Page 100

(1) of the page and ask you to tell me if that's your signature.
(2) A. That is my signature.
(3) Q. Do you have any reason to believe that you did
(4) not prepare this document?
(5) A. No, there's no reason to believe so.
(6) Q. Do you recall preparing this document?
(7) A. No, I don't, really.
(8) Q. I'd like you to take a moment and read the first
(9) two paragraphs and let me know if that refreshes your
(10) recollection as to your involvement with the Worldwide
(11) Environmental Protection Guidelines.
(12) A. I, I don't know that I said I was never involved
(13) with them. I was involved with them.
(14) Q. Oh, I'm sorry, I didn't mean to say, I don't
(15) think I said that you were never involved.
(16) A. You said to refresh my memory regarding
(17) involvement with the guidelines. Well, I know I was
(18) involved.
(19) Q. Can you tell me what your involvement was?
(20) A. Well, I was certainly involved as, as I mentioned
(21) earlier, I believe, that I was given the opportunity to
(22) review drafts as they were being developed, I was aware they

Page 101

(1) were being developed -
(2) Q. Does it refresh your recollection at all as to
(3) being involved in the implementation of the guidelines?
(4) A. Well, I certainly was involved in making certain
(5) that the information was shared with the plants. I do -
(6) Q. Was it your responsibility that - to see to it
(7) that the guidelines were implemented by the plants?
(8) A. My true responsibility was making certain the
(9) plants were aware of these guidelines, they were aware of
(10) what was expected in terms of progress toward fulfilling all
(11) the requirements of the guidelines. The actual
(12) implementation, as I had said earlier, was a responsibility
(13) of the site managers.
(14) Q. Site managers, you mean the plant managers?
(15) A. Plant or site, yes, sir.
(16) Q. In the second paragraph, the second-to-last
(17) sentence reads, quote, "It is important that we integrate
(18) the guideline compliance program into the development of the
(19) JRA's and goals for 1979 and subsequent years."
(20) Why was it important to integrate the Worldwide
(21) Environmental Protection Guidelines into JRA's and goals for
(22) 1979 and subsequent years?

Page 102

(1) A. Well, the reference to JRA's and goals refers to
(2) Monsanto's program in place at the time for establishing
(3) yearly objectives on the part of each employee and measuring
(4) progress toward achieving those objectives, and since these
(5) guidelines were perceived, first of all, to be new, a new
(6) idea, it was important that people preparing their JRA's and
(7) goals for the coming year to include these new thoughts in
(8) their goals.
(9) Q. And these new thoughts are the Worldwide
(10) Environmental Protection Guidelines?
(11) A. Yes, that's what we're talking about.
(12) Q. Okay, just so I understand it, so that the
(13) guidelines could be carried out, it was necessary to have a
(14) mechanism to do that.
(15) A. Well, that's one purposes of JRA's. The other is
(16) to make certain that this new program becomes really a way
(17) of life within Monsanto, just as other expectations are.
(18) Q. Would the JRA's and goals have been formulated at
(19) the plant level? For the individuals, I'm speaking.
(20) A. For plant people, it would be at the plant level.
(21) Everybody in Monsanto has, or had them.
(22) Q. But this, this was a way to get the plant to

Page 103

(1) incorporate some corporate guidelines and goals; is that
(2) right?
(3) A. That was the intent.
(4) Q. Do you have or did you have JRA's when you were
(5) at Monsanto?

(6) A. Certainly.

(7) MR. MANTA: We have asked, Mr. Sarfatti, for Mr.
(8) Papageorge's JRA's and goals and have not yet received it
(9) from Monsanto. I designated it, but we don't have it.
(10) Obviously, we can't use it if we don't have it.

(11) MR. SARFATTI: We saw your request, which came in
(12) by letter last week, and we forwarded it out to Monsanto to
(13) inquire into what the status of the production of, of those
(14) documents was, and I was advised today that those documents,
(15) along with similar documents for a number of other former
(16) Monsanto employees, cannot be located. The search is
(17) continuing, but I don't think you can expect that those
(18) documents are going to be produced in the near term, if they
(19) still exist.

(20) BY MR. MANTA:

(21) Q. Mr. Papageorge, do you, in your personal
(22) possession, have your JRA's from your employment at

Page 104

(1) Monsanto?

(2) A. I do not.

(3) Q. How about your results reviews?

(4) A. I don't have any of that.

(5) Q. Is it your understanding that ultimately, the
(6) JRA's were used in that regard?

(7) MR. SARFATTI: Objection; no foundation.

(8) A. I can't speak for how extensively and effectively
(9) that recommendation was implemented.

(10) BY MR. MANTA:

(11) Q. Are you aware that it was rejected?

(12) MR. SARFATTI: Same objection.

(13) A. There again, I'm not aware of acceptance or
(14) rejection.

(15) BY MR. MANTA:

(16) Q. You can't say -

(17) A. It was not in my position to go over people's
(18) JRA's to monitor that.

(19) Q. Okay. Do you have any reason to believe that it
(20) was rejected?

(21) MR. SARFATTI: Same objection.

(22) A. No more than a reason that it was accepted. I

Page 105

(1) just have no reading at all.

(2) BY MR. MANTA:

(3) Q. Do you know whether your JRA included information
(4) on implementation of Monsanto worldwide guidelines?

(5) A. I remember that, yes, there was, yeah.

(6) Q. Your JRA did include that?

(7) A. It had reference to the guidelines. I forget the
(8) specific goal that I had picked regarding that guideline.

(9) Q. Can you tell me what environmental problems you
(10) were aware of at the Texas City Plant in and about 1977?

(11) A. In 1977? I was not aware of any in 1977.

(12) Q. How about 1978?

(13) A. '78, first, I have a problem with the word
(14) "environmental problems." Can you help me with that? Does
(15) this mean a regulatory agency was giving them formal
(16) documents, or was someone knocking at their door for some
(17) purpose? What, what does that cover?

(18) Q. Why don't you tell me what you mean by
(19) environmental problems.

(20) A. It's a situation where a material is causing some
(21) undesirable effect by its presence.

(22) Q. Okay, putting aside questions of employee

Page 106

(1) exposure, using your definition of environmental problems,
(2) can you tell me what environmental problems you were aware
(3) of at the Texas City Plant in about 1978?

(4) A. Based on my definition I just gave you, I would
(5) say none.

(6) MR. HUGHES: Excuse me. Could I hear Mr.
(7) Papageorge's definition back? I'm sorry.

[8] MR. MANTA: Sure.
 [9] THE COURT REPORTER:
 [10] "A. It's a situation where a material is causing
 [11] some undesirable effect by its presence."
 [12] MR. HUGHES: Thank you.
 [13] BY MR. MANTA:
 [14] Q. How about are you aware of any governmental
 [15] agency or regulatory compliance issue with respect to the
 [16] Texas City Plant in about 1977 or '78?
 [17] A. I was aware of some interest on the part of the
 [18] state regulatory authorities regarding something to do with
 [19] existing disposal sites on plant property. I have
 [20] difficulty remembering just what year it was that I was made
 [21] aware of this, and frankly, I've forgotten all the details
 [22] of what the issue was all about. It had something to do

Page 107

[1] with a material present in water. That's as good as my
 [2] memory can help me.
 [3] Q. Do you know if that is the - referring to the
 [4] North 80 site?
 [5] A. I'm not certain. It's either North 80 or South
 [6] 20, somewhere in that part of the plant.
 [7] BY MR. MANTA:
 [8] Q. Do you know if the material was present in
 [9] surface water or groundwater?
 [10] A. I do not associate this particular issue with
 [11] groundwater. Surface water is what I as best recall.
 [12] Q. Do you recall if the Texas City environmental
 [13] impact assessment addressed regulatory compliance problems
 [14] with respect to the North 80?
 [15] A. I'm sorry, I didn't hear the first part. Do I
 [16] recall -
 [17] Q. If the plant, Texas City Plant environmental
 [18] impact assessment addressed problems of regulatory
 [19] compliance at the North 80.
 [20] A. No, I don't recall that.
 [21] Q. Okay. How would you have become aware of issues
 [22] regarding the North 80, or the South 20?

Page 108

[1] A. Well, obviously, somebody told me. I don't know
 [2] who and when.
 [3] Q. Would it be likely that it would be Ed Hendricks
 [4] who would have told you?
 [5] A. No more or no less likely than Mr. Himes, or Mr.
 [6] Weishaar, or Mr. Pierle, or any one of a dozen people within
 [7] Monsanto.
 [8] Q. Do you recall a waste management study was done
 [9] by Monsanto in about 1979?
 [10] A. No, I don't remember an activity by that title.
 [11] Papageorge Deposition Exhibit 6 marked for
 [12] identification.)
 [13] BY MR. MANTA:
 [14] Q. Looking at what has been marked for
 [15] identification as Exhibit 6 is a January 3, 1979, study, or
 [16] waste management - the subject is waste management study,
 [17] and the Bates numbers are ANN 1124464.32 -36.
 [18] Does this refresh your recollection as to a waste
 [19] management study completed - conducted by Monsanto?
 [20] A. No, it doesn't. I just don't recall this
 [21] document at all. No.
 [22] Q. Looking at the first page, there is a reference

Page 109

[1] to two, and one of the names listed there is
 [2] W. B. Papageorge. Is that you?
 [3] A. That's my name, yes, sir.
 [4] Q. Do you have any reason to believe that you didn't
 [5] get a copy of this document?
 [6] A. Well, again, no more than that I did get. That
 [7] just shows that as an addressee. I just don't recall
 [8] receiving it and holding it in my hand, and -
 [9] Q. No. I understand that you don't recall receiving
 [10] it, but my question is just a little different, and that is,
 [11] do you have any reason to believe that you did not receive a
 [12] copy of this document?
 [13] MR. SARFATTI: Objection; asked and answered.
 [14] A. No more than that I did not receive.

[15] BY MR. MANTA:
 [16] Q. Did you - I mean, wouldn't the fact that a
 [17] document is addressed to you, assuming that this is what it
 [18] appears to be, is there any reason to think that you
 [19] wouldn't get documents addressed to you?
 [20] MR. SARFATTI: Objection; asked and answered.
 [21] A. Well, you are asking me to say that the mailing
 [22] system is foolproof and absolutely faultless, and I don't

Page 110

[1] know.
 [2] Q. No, I'm not asking to say whether this particular
 [3] document wound up in your hands in January 3, 1979. I'm
 [4] asking if you have any reason to believe that you didn't get
 [5] a copy of it.
 [6] MR. SARFATTI: Objection; asked and answered
 [7] three prior times.
 [8] A. I thought I answered when I said I have no reason
 [9] to believe I didn't get it anymore than I have reason to
 [10] believe I did get it.
 [11] BY MR. MANTA:
 [12] Q. The fact that it's addressed to you doesn't give
 [13] you indication that you would have gotten it?
 [14] A. Well, there are lots of things addressed to me
 [15] that are never mailed.
 [16] Q. That are what?
 [17] A. That are never mailed out. The decision is made,
 [18] "Don't send it."
 [19] Q. So, then do you have a reason to believe, then,
 [20] that you -
 [21] A. No, not for that document, no, sir.
 [22] Q. Well, you are saying that documents have been

Page 111

[1] addressed to you that were never mailed?
 [2] A. No, I am saying that in the business world that I
 [3] participated in, there have been many situations in which
 [4] documents such as this are prepared but for some reason or
 [5] other are never sent out to those listed as potential
 [6] recipients. I have no way of knowing at this point in time
 [7] whether this document was actually put into the mail system,
 [8] that it actually arrived at my desk or someone else's desk
 [9] and was opened and put in my file for future reading. I
 [10] have no way of knowing that, nor do I know that that didn't
 [11] happen. I would be speculating all the way through, since
 [12] my memory doesn't go back that far.
 [13] Q. Would it be customary and usual for you to
 [14] receive documents that were addressed to you?
 [15] A. Customary and usual: In the majority of cases,
 [16] yes, sir, but that does not account for the exceptions.
 [17] Q. Putting aside situations where documents were
 [18] prepared and never sent, would you, in the normal course of
 [19] business at Monsanto, have expected to have received a
 [20] document that was addressed to you?
 [21] A. I don't know how to measure that. You are asking
 [22] me the probability of a document like this, prepared as it

Page 112

[1] is, to arrive at my mail basket. Is that the essence of
 [2] your question?
 [3] Q. I think my question is pretty clear. You can
 [4] have it read back, if you'd like.
 [5] THE WITNESS: Please.
 [6] THE COURT REPORTER:
 [7] "Q. Putting aside situations where documents
 [8] were prepared and never sent, would you, in the normal
 [9] course of business at Monsanto, have expected to have
 [10] received a document that was addressed to you?"
 [11] A. In the normal course of business, a document of
 [12] this type would likely arrive at my desk, as it indicates.
 [13] Likely. That doesn't mean it happens every time.
 [14] BY MR. MANTA:
 [15] Q. Was there something flawed with Monsanto's
 [16] internal mail system?
 [17] A. I'm in no position to evaluate the mailing
 [18] system. It's a -
 [19] Q. Well, do you recall specific problems with
 [20] Monsanto's mail system where you -
 [21] A. Oh, many times I've had a secretary go looking

[22] for a copy of something that I was supposed to have received

Page 113

[1] from the originator of that document. That, that is not
[2] unusual.
[3] Q. Looking at the handwriting on the page, can you
[4] tell me whose handwriting is that at the bottom?
[5] A. I cannot.
[6] Q. That says "File, Environmental Solids," can you
[7] tell me that?
[8] A. I do not know whose that is.
[9] Q. How about "For your info," looks to be "Jerry B."
[10] Can you tell me whose handwriting that is?
[11] A. I'd be guessing. I don't know.
[12] Q. How about up at the top of the page: Can you
[13] tell me -
[14] A. There again - I'm sorry, what was your question?
[15] Q. I just wanted to know if you could tell me you
[16] recognize any of the handwriting on the top of the page.
[17] A. I do not.
[18] Q. I'd like you to take a look at the third page of
[19] the document and take a look at the first paragraph and read
[20] that to yourself, if you would, please.
[21] A. The third page of the total document? This is
[22] the section marked "Introduction"?

Page 114

[1] Q. Right.
[2] (Witness peruses said document.)
[3] A. I have read it.
[4] Q. Does that refresh your recollection as to a waste
[5] management study conducted by Monsanto in and about December
[6] 1978?
[7] A. Not particularly. Studies were underway
[8] constantly, and I can't differentiate, at this point, one
[9] study from another.
[10] Q. You don't recall a study that the purpose was to
[11] establish the integrity and any potential problems related
[12] to the present and past disposal of wastes from Monsanto's
[13] manufacturing operations?
[14] A. Like I indicated, there were many studies made,
[15] and the objectives, there, that you just stated were present
[16] for all of these studies that I vaguely remember. The
[17] purpose here is not unique just to this study; it's rather
[18] universal for studies of this type.
[19] I have no way of saying this is a study that is
[20] unique or that it actually was made, and I don't see - this
[21] is not a complete report anyway. I don't know, there must
[22] be something missing, here.

Page 115

[1] Q. The second paragraph of the document says, "78
[2] manufacturing sites, 20 animal product centers and three
[3] research laboratories were included in the study. Each
[4] location supplied information for the following active owned
[5] and operated disposed systems, inactive owned systems, waste
[6] disposal property sold, potential toxic contents of
[7] systems," and it goes on.
[8] Would you agree that this is a fairly substantial
[9] study that was done?
[10] MR. SARFATTI: Objection; opinion.
[11] A. I, I - it does cover many ideas, here, that are
[12] listed. I don't know how to compare it with something else
[13] to support the use of the word "substantial." It attempts
[14] to cover the areas as listed. I don't know how else to
[15] answer that. It's intended to be a good study.
[16] BY MR. MANTA:
[17] Q. Would it be the type of study that you, as
[18] Director of Environmental Operations for MCI in December of
[19] 1978, would have been aware of?
[20] A. Certainly.
[21] Q. Would you have participated in it?
[22] A. I may not personally have participated, but my

Page 116

[1] team or a member of my team would have been working with
[2] the plants to respond to the needs of this study.
[3] Q. What would you have done?
[4] A. What would I have done? I would have done

[5] nothing unless I sensed that things were not going well,
[6] that there was a delay, that there was disinterest, so I
[7] would fill in, really, where I felt I might be able to help
[8] out, and otherwise, I would stay out of the way.
[9] Q. You cited two situations; delay and disinterest.
[10] A. Well, that's not intended to be a complete list.
[11] Q. I understand that. Would it be your
[12] responsibility, then, to ensure that the project was
[13] completed on time?
[14] MR. SARFATTI: What project are you referring to?
[15] MR. MANTA: The December 1978 study referred to
[16] in this exhibit.
[17] A. It would not be my responsibility to see that the
[18] project was completed on time.
[19] BY MR. MANTA:
[20] Q. Why would delay be of concern to you?
[21] A. Because I wanted the unit that I represented to
[22] be perceived as a responsible group, doing the job properly.

Page 117

[1] I would somehow be made aware of this, to use the example,
[2] delay. I would then make certain that the people who were
[3] responsible for the actual execution were aware that they
[4] were being perceived to be tardy in their response. I would
[5] ask them either directly or through my staff member do they
[6] need any kind of special help, what was their problem. If I
[7] sensed that they needed more assistance, I would go to the
[8] plant organization; to the top man, if necessary. I
[9] wouldn't go there unless I felt I had to.
[10] Q. You had some ultimate responsibility, then, to
[11] see that the plants within your jurisdiction -
[12] A. I don't know how to -
[13] Q. - did what was necessary to complete the study?
[14] A. No, the ultimate responsibility - I don't know
[15] just exactly what you mean by that, but if the study were
[16] not completed and I had done everything I could to stimulate
[17] interest and get the study done, the ultimate responsibility
[18] as perceived by Monsanto's management would be the plant
[19] manager. My responsibility was to make certain that the
[20] plant manager understood what was required, when it was
[21] required, and to communicate the plant manager's needs to
[22] others in the organization to help this plant manager if he

Page 118

[1] felt he needed the help, like more people, or more time, or
[2] whatever it took.
[3] Q. Would you be in a position to reprimand a plant
[4] manager that had not complied?
[5] A. I guess any of us would be in a position to
[6] reprimand. It wouldn't mean anything. I'm just a staff
[7] man. You can tell me "Adios," but -
[8] Q. It wouldn't be reflected in his evaluations or -
[9] A. Not necessarily, unless I felt that this person
[10] was abusing that position, then I would go to his supervisor
[11] and review it with him and sit down and have an appeal
[12] process, whatever it takes to make it known that the problem
[13] existed.
[14] MR. SARFATTI: Before we go on further with the
[15] examination about this particular document, let me just
[16] raise a question and concern I have about this document.
[17] I'm presuming that the documents that were delivered to me
[18] on Saturday - that is last Saturday - in lieu of a
[19] seven-day list, includes the documents that are on the
[20] listing we received from the Orrick, Herrington firm last
[21] week. Am I correct that those two are synonymous, or are
[22] they independent lists?

Page 119

[1] MR. MANTA: I don't think so.
[2] MR. HUGHES: No, those are independent.
[3] MR. SARFATTI: They're not intended to cross-
[4] reference one another?
[5] MR. HUGHES: No. No. I knew that Mr. Manta had
[6] reached an agreement with you to deliver documents in lieu
[7] of a designation. I was not in a position to see the
[8] documents for various reasons we needn't get into, so my
[9] designation had to be independent. So the absence of a
[10] document that Mr. Manta uses from my list indicates
[11] nothing -

[12] MR. SARFATTI: Okay.
 [13] MR. HUGHES: - other than I didn't designate it.
 [14] MR. SARFATTI: Very well. The reason I raise it
 [15] is because I don't see it, either, on your list, and I don't
 [16] recall it from the materials that we received from your
 [17] office.
 [18] MR. MANTA: I would hope that it would have been
 [19] there, because what I have copies of are copies of what was
 [20] sent to you, so I don't - unless there was some screw-up in
 [21] copying, which I don't - I'm not saying couldn't have
 [22] happened -

Page 120

[1] MR. SARFATTI: I'll accept that. If this is an
 [2] exception, it sounds like it's inadvertent, and we'll see
 [3] from what whatever other documents you use whether there's a
 [4] pattern here. I'm not suggesting that there is; it's just
 [5] that this is not a document that I recall reviewing in the
 [6] two boxes of materials that we received last Saturday from
 [7] your office.
 [8] MR. MANTA: I believe it was in there, but then
 [9] again, I can't, I can't say.
 [10] MR. SARFATTI: I have no objection to you
 [11] proceeding with this particular document.
 [12] BY MR. MANTA:
 [13] Q. Mr. Papageorge, you had noted earlier that this
 [14] document seemed incomplete, and I would agree with you that
 [15] it does not seem complete. It seems to reference a much
 [16] more substantial study than is contained here. If I were to
 [17] want to find the rest of this document, assuming there is
 [18] more to it, where would be the best place to look?
 [19] A. Oh, I don't know about a place to look, but I
 [20] would suggest - I don't know where these things are stored,
 [21] personally, any longer.
 [22] You are asking me where would I go to get

Page 121

[1] something like this? What is your question?
 [2] Q. That's fair. That's fair.
 [3] A. Huh?
 [4] Q. Where would you go to get something like this?
 [5] A. I'd go to Monsanto's Legal Department and see if
 [6] they had copies.
 [7] Q. Why Monsanto's Legal Department?
 [8] A. Well, I guess it's because of my experience with
 [9] PCB issues and all, that's the, that's the place I go for
 [10] documents, and I don't know if that's appropriate for this
 [11] case or not -
 [12] Q. Did you have a -
 [13] MR. SARFATTI: I think the witness may have had a
 [14] little bit more to say, and it's happened for a few times,
 [15] so if you could pause for a few moments -
 [16] MR. MANTA: I'm sorry.
 [17] MR. SARFATTI: - and let the witness complete
 [18] his response, it might be helpful.
 [19] MR. MANTA: I'm sorry, Mr. Papageorge.
 [20] THE WITNESS: I've forgotten, now, what else I
 [21] was going to say.
 [22] MR. MANTA: This may be a good time to take a

Page 122

[1] break. It's twenty after 3:00. We've been going at it for
 [2] a little while.
 [3] MR. SARFATTI: I'm not going to stand in your
 [4] way.
 [5] (Recess from 3:23 to 3:40.)
 [6] BY MR. MANTA:
 [7] Q. Mr. Papageorge, I'd like to continue with Exhibit
 [8] 6 and direct your attention to page 2 of the document, and
 [9] the first sentence -
 [10] A. Numbered page 2?
 [11] Q. Yes, numbered page 2; I'm sorry.
 [12] The first sentence under the "Decisions and
 [13] Actions" heading says, "Shallow, small bore test wells
 [14] strategically located at the periphery of landfills and
 [15] impoundments have been used effectively to monitor for
 [16] leaching."
 [17] My question is, what sites were they used to
 [18] monitor for leaching?

[19] A. I have absolutely no idea.
 [20] Q. Could you turn to the first page and tell me,
 [21] based upon your experience as Director of Environmental
 [22] Operations for MCI, who on this page would likely know,

Page 123

[1] other than, of course, Mr. Jesse, the answer to my
 [2] question?
 [3] A. Reading that sentence that you included in your
 [4] question, I have no way of knowing whether that sentence
 [5] applies to Monsanto activity or to the, to the practices
 [6] being followed by others and the success they may have had
 [7] with that approach, so I have no way of knowing which of
 [8] these Monsanto people would be the ones to contact regarding
 [9] that particular sentence.
 [10] Q. So you are not sure if it refers to only
 [11] Monsanto -
 [12] A. In general, I have no way of knowing. That
 [13] sentence, there, is a conclusion of the author, but I don't
 [14] know what it refers to.
 [15] Q. If we turn to the title page of the document -
 [16] of the report, which is actually the second page of the
 [17] document -
 [18] A. All right.
 [19] Q. - it says, "Monsanto Waste Management Study,"
 [20] dated December 1978. Would it seem reasonable to you that
 [21] the reference to the test wells to monitor leaching was for
 [22] Monsanto locations?

Page 124

[1] A. I find that I would be speculating, frankly. I
 [2] just - there's nothing in that paragraph to tell me that
 [3] this approach had actually been used. It sounds like a, an
 [4] opinion of the author which might fit into such a program.
 [5] I don't know -
 [6] Q. Why don't - maybe the third sentence will help
 [7] us out, here. The third sentence on Page 2 reads, quote,
 [8] "Site assessment programs being conducted as part of the
 [9] Worldwide Environmental Protection Guidelines will dictate
 [10] additional needs for monitoring, upgrading, or closure of
 [11] disposal systems."
 [12] Now, does that indicate to you that the reference
 [13] in the first sentence to monitoring wells for - to monitor
 [14] leaching from landfills and impoundments was for Monsanto
 [15] locations?
 [16] MR. SARFATTI: Objection; opinion, no foundation.
 [17] A. I honestly don't know.
 [18] Those two sentences can stand alone. The site
 [19] assessments called for additional needs. Those needs could
 [20] include the first sentence, small test boring.
 [21] BY MR. MANTA:
 [22] Q. Can you tell me what it means that site

Page 125

[1] assessments will dictate additional needs for monitoring?
 [2] MR. SARFATTI: Same objections.
 [3] A. I don't quite know how to respond. This sentence
 [4] seems to me to explain itself. The author concluded that
 [5] these programs are going to result in these needs. I don't
 [6] know how else to describe that.
 [7] BY MR. MANTA:
 [8] Q. Could it - My reading of this paragraph is that
 [9] wells had been installed to monitor leaching and that the
 [10] site assessments were going to dictate the needs for
 [11] additional monitoring. Is that a reasonable interpretation
 [12] of those sentences?
 [13] MR. SARFATTI: Same objections.
 [14] A. Well, I find myself interpreting that
 [15] differently.
 [16] BY MR. MANTA:
 [17] Q. Do you know if the site assessments would have
 [18] included the North 80 or the South 20?
 [19] A. The intent was to include them.
 [20] Q. How do you know that?
 [21] A. Well, just from knowing the program, there were
 [22] no exceptions permitted.

Page 126

[1] Q. And by the program, you are referring to what?
 [2] A. The guideline program we've been discussing

[3] today.
 [4] Q. Why would the intent of the program, the
 [5] Worldwide Protection Guideline program, include the North 80
 [6] and the South 20?
 [7] A. Well, those are on Monsanto property, they were
 [8] Monsanto owned and operated, and the program did not
 provide
 [9] for any exclusions; therefore, they would have been
 [10] included.
 [11] Q. Would it include non-Monsanto property?
 [12] A. I'm not aware of any non-Monsanto property that
 [13] was evaluated under this program.
 [14] Q. And by "this program," you are again referring to
 [15] the Worldwide Environmental Protection Guidelines?
 [16] A. Correct.
 [17] Q. You are not referring to this Monsanto Company
 [18] waste management study?
 [19] A. That is correct.
 [20] (Papageorge Deposition Exhibit 7 marked for
 [21] identification.)
 [22] (Ms. Scott enters the deposition room.)

Page 127

[1] BY MR. MANTA:
 [2] Q. Looking at what has been marked for
 [3] identification as Exhibit, Papageorge Exhibit 7, it is a
 [4] March 27th, 1979, document, the subject of which is site
 [5] assessments, the Bates numbers are CBY 2707267 - CBY
 [6] 2707283.
 [7] The "cc" identification, there, has a reference
 [8] to a Mr. W. B. Papageorge. Would that be you, sir?
 [9] A. That's my name, yes, sir.
 [10] Q. The third paragraph of the document says, in the
 [11] first sentence, "We should continue with our programs to
 [12] complete the first document by the end of 1980 or earlier,
 [13] per your JRA's."
 [14] Does that indicate to you that your proposal or
 [15] recommendation that Monsanto's Worldwide Environmental
 [16] Protection Guidelines be incorporated into JRA's was
 [17] adopted?
 [18] MR. SARFATTI: Objection; opinion.
 [19] A. I can't speak for Mr. Pierle. There is an
 [20] implication, there, but again, Mr. Pierle is the best one to
 [21] ask that kind of question. He can for sure tell you where
 [22] he got that idea.

Page 128

[1] BY MR. MANTA:
 [2] Q. You would agree that the implication is that the
 [3] JRA's were then used as part of it?
 [4] A. That's what this indicates. I have no way of
 [5] knowing how accurate it is.
 [6] Q. Can you tell me how often site assessments were
 [7] to be updated?
 [8] A. No, I don't remember it.
 [9] Q. Do you know if they were done more than once?
 [10] A. Again, I don't remember.
 [11] Q. As Director of the Environmental Operations for
 [12] MCI and including the Texas City Plant, would you expect
 [13] that they would be completed more than once?
 [14] A. Not necessarily. There's some of these
 [15] assessments were ongoing, constantly. You never finish, so
 [16] I can't say they're completed and redone or that they were
 [17] ever completed.
 [18] Q. Can you tell me whether the assessments were
 [19] designed to identify environmental issues solely related to
 [20] Monsanto's worldwide guidelines or whether they were broader
 [21] and would incorporate regulatory issues, regulatory
 [22] environmental issues?

Page 129

[1] MR. SARFATTI: Objection; vague.
 [2] A. I can tell you that when the guidelines were
 [3] first developed, to the best of my recollection, there were
 [4] no regulatory standards to be incorporated in those
 [5] guidelines. These were not available. I can also say that
 [6] whenever regulatory agencies, whether they be state or
 [7] federal, did promulgate some regulations, they were, of
 [8] course, incorporated in the thinking and planning of each

[9] plant as it affected them.
 [10] BY MR. MANTA:
 [11] Q. And would those regulations and environmental
 [12] issues be incorporated into the assessment?
 [13] MR. SARFATTI: Same objection; vagueness.
 [14] A. I don't know what you mean, "incorporated." It
 [15] would certainly be a factor in sitting down and making an
 [16] assessment of where do we stand today, what needs to be
 [17] done, if anything. It does become a factor.
 [18] BY MR. MANTA:
 [19] Q. Would the assessments also incorporate issues of
 [20] groundwater contamination?
 [21] A. If it's appropriate, yes.
 [22] Q. When would it be appropriate?

Page 130

[1] A. When there was information that leads the
 [2] managers of the plant to suspect that groundwater may be
 [3] present, that the groundwater may be affected, or that new
 [4] regulations have evolved over a period of time that calls
 [5] for certain requirements.
 [6] Q. Was this just a public relations thing, the
 [7] environmental guidelines? I mean, or was it something
 [8] Monsanto really wanted to find out if there were
 [9] environmental issues as a result of the assessments?
 [10] MR. SARFATTI: Objection; argumentative.
 [11] A. I personally never sensed a public relations
 [12] feature in this. They were not - the public relations
 [13] representatives were not that influential. The true intent
 [14] was to do what's right.
 [15] BY MR. MANTA:
 [16] Q. Before what got unmanageable?
 [17] A. Whatever issues may arise if you keep operating
 [18] in ignorance, so you make your assessment, find out where do
 [19] you stand.
 [20] Q. Would you consider the thing the right thing to
 [21] do to identify areas of potential groundwater contamination?
 [22] A. Well, of course, you not only - that's an

Page 131

[1] example. You not only determine is the water contaminated
 [2] or what, what is it contaminated with, to what degree, and
 [3] where is this groundwater going, what happens on its way to
 [4] that final destination, what effect, if any, is it having,
 [5] so it's very complex. It isn't just a matter of grabbing a
 [6] water sample and finding something.
 [7] Q. But it was a, a true goal of this program to
 [8] identify situations where there may be groundwater
 [9] contamination? Is that correct?
 [10] MR. SARFATTI: Objection; vague.
 [11] A. If the information available indicated that that
 [12] was the responsible way to go, that would be done, yes.
 [13] BY MR. MANTA:
 [14] Q. So if there were indications that at a plant, for
 [15] instance, that there was potential for groundwater
 [16] contamination or indeed, that it was likely that as part of
 [17] this program, Monsanto would want to address that issue?
 [18] MR. SARFATTI: Objection; hypothetical, vague.
 [19] A. It's, it's really based on the information
 [20] available to those responsible for the plant. I don't know
 [21] how else to describe it. It's, it's no different than
 [22] having something come out of the stack and you can see it or

Page 132

[1] you can measure it, and you find that you don't want that to
 [2] happen, you turn a valve or you put a scrubber in, well, the
 [3] same thing goes with the groundwater bit. You don't just go
 [4] out grabbing water samples just for the heck of it. You
 [5] have to have a, a reasonable expectation that that
 [6] groundwater is going to be affected or could be affected.
 [7] BY MR. MANTA:
 [8] Q. And what could you tell me about the expectation
 [9] that the groundwater at the Texas City Plant would be
 [10] affected?
 [11] MR. SARFATTI: Objection; no foundation.
 [12] A. Oh, I - that would take a hydrogeologist to
 [13] arrive at any decision regarding that kind of a, a.
 [14] Q. Can you tell me -
 [15] A. - effect.

[16] Q. I'm sorry, can you tell me what you know about
 [17] the hydrogeology of the Texas City Plant area?
 [18] A. I know nothing about it.
 [19] Q. You don't know whether there's a high water table
 [20] or a low water table?
 [21] A. No, I can only speculate. That's not, that's not
 [22] professional enough. I'm not qualified.

Page 133

[1] Q. You didn't consider, then, that part of your job
 [2] as Director of Environmental Operations for MCI to be
 [3] familiar with the hydrogeology of a particular plant area?
 [4] A. Oh, no more than I want to be a toxicologist
 [5] regarding the effect of chemicals on rats.
 [6] MR. MANTA: Off the record for a second.
 [7] (Papageorge Deposition Exhibit 8 marked for
 [8] identification.)
 [9] BY MR. MANTA:
 [10] Q. Looking at what has been marked for
 [11] identification as Papageorge Exhibit 7 (sic), it is a
 [12] February 7, 1983, memorandum. The subject is "Groundwater
 [13] Reviews."
 [14] MR. SARFATTI: I think we're talking about Number
 [15] 8.
 [16] MR. MANTA: I'm sorry, did I say 7? I meant 8.
 [17] I'm sorry.
 [18] BY MR. MANTA:
 [19] Q. Have you seen this document before, Mr.
 [20] Papageorge?
 [21] A. I don't recall it, sir.
 [22] Q. I didn't read the Bates number into the record.

Page 134

[1] It is MCO 6308185. There's a list of people who the
 [2] memorandum was presumably sent to. At the bottom of the
 [3] list, there is W. B. Papageorge.
 [4] Mr. Papageorge, is it your practice to make a
 [5] sort of a line through your name after you've reviewed
 [6] something?
 [7] A. No, sir.
 [8] Q. Would it be your secretary's practice to -
 [9] A. No, I don't recall any of the secretaries doing
 [10] that.
 [11] Q. Do you know why your name would have a little
 [12] jiggly line through it?
 [13] A. I do not. I don't know who did that.
 [14] Q. Do you recognize the handwriting on the
 [15] right-hand portion of the page?
 [16] A. I do not.
 [17] Q. Okay. I'd like you to take a moment to read
 [18] through this, and then I'm going to ask you some questions.
 [19] (Witness peruses said document.)
 [20] A. I've read it.
 [21] BY MR. MANTA:
 [22] Q. Do you recall the groundwater reviews that

Page 135

[1] were - that are referenced in this memorandum?
 [2] A. Well, as best as I recall, there were several
 [3] reviews. I don't particularly recall the one that appears
 [4] to be referred to here.
 [5] Q. Do you recall the questions that were raised
 [6] about the selection of certain pollutants with respect to
 [7] the groundwater monitoring program at Texas City?
 [8] A. I do not.
 [9] Q. Do you recall any criticism of the selection of
 [10] pollutants that were incorporated into the groundwater
 [11] monitoring program for Texas City?
 [12] A. I do not.
 [13] Q. Do you recall the groundwater - who the
 [14] groundwater review was presented by for the Texas City
 [15] Plant?
 [16] A. I do not.
 [17] Q. Can you give me some likely suspects?
 [18] A. No, that would be sheer guesswork on my part. It
 [19] could be any one of a dozen people.
 [20] Q. Would it be someone from the Texas City Plant, do
 [21] you believe?
 [22] A. It need not be. They could have delegated to

Page 136

[1] others.
 [2] Q. Who could they have delegated it to outside the
 [3] plant?
 [4] A. There again, you are asking me to guess through a
 [5] long list of names. I would be guessing.
 [6] Q. Would it likely be people within the
 [7] Environmental Department at Texas City?
 [8] A. Not necessarily.
 [9] Q. Other than people in the Environmental
 [10] Department, who would likely have made such a presentation?
 [11] A. You used the word "likely." Again, that's
 [12] guessing. The plant manager, any of his superintendents, a
 [13] consultant they hired, a member from Monsanto's Engineering
 [14] Department, one of my guys could have been asked to do this
 [15] for them. Many people can do it.
 [16] (Papageorge Deposition Exhibit 9 marked for
 [17] identification.)
 [18] BY MR. MANTA:
 [19] Q. Mr. Papageorge, looking at what has been marked
 [20] for identification as Exhibit 9, it is a document bearing
 [21] Bates number MCO 0085452 through MCO 0085493.
 [22] I'd like you to take a look at this document and

Page 137

[1] tell me if you've ever seen it before.
 [2] A. I don't recognize this document at all. To the
 [3] best of my recollection, I have never seen it.
 [4] Q. Turning to the second page, there's a heading,
 [5] "Major MCI plants." Were these the plants that were within
 [6] your jurisdiction as the Director of Environmental
 [7] Operations for MCI?
 [8] A. For MCI; yes.
 [9] Q. Now, this appears, to me, at least, to be an
 [10] outline of something, and possibly a presentation of some
 [11] kind.
 [12] The page with microfilm number MST 010375
 [13] references groundwater, and there's a number of sites
 [14] located. Does this refresh your recollection at all as to
 [15] the - as to groundwater presentations?
 [16] A. No, it doesn't. I don't know what that has
 [17] reference to.
 [18] Q. Does it reference the fact, can you tell me if it
 [19] references the fact that there were groundwater issues or
 [20] concerns relative to the Texas City Plant?
 [21] A. I don't know.
 [22] (Papageorge Deposition Exhibit 10 marked for

Page 138

[1] identification.)
 [2] BY MR. MANTA:
 [3] Q. Looking at what has been marked for
 [4] identification as Exhibit 10, a July 1983 report entitled
 [5] "Task Force Study, Leaking Sewers," I'd like you to again
 [6] take a moment and look for the document and tell me if
 [7] you've ever seen it before.
 [8] (Witness peruses said document.)
 [9] A. I do not recall ever seeing this document.
 [10] Q. Would it normally come to your attention, a study
 [11] such as this, in your position at - as Director of
 [12] Environmental Operations?
 [13] A. Well, I have some difficulty, here, because I
 [14] find references to different pages, here. I don't know if
 [15] they are part of the original document or whether they are
 [16] mistakenly included here. I see a 1982 memo and a 1981 -
 [17] Q. Why don't we go to -
 [18] A. - and so on.
 [19] Q. Why don't we go to the 1982 memorandum, and for
 [20] the record, I want to note, on the table or the index page
 [21] of this document, there's a reference to, under Roman
 [22] numeral X, Appendix I, sub A is "Groundwater Program,

Page 139

[1] M. A. Pierle, July 13, 1982."
 [2] Now, the title of this attachment or appendix is
 [3] "Groundwater Program," and I'd like to ask if you've ever
 [4] seen this document before, this memorandum.
 [5] A. I am having difficulty finding that. Is that
 [6] 1982, July 30?

[7] Q. July 13th. I'm sorry.
 [8] A. 13? I haven't found it yet.
 [9] MR. SARFATTI: Could you give us a page
 [10] reference, Mark?
 [11] MR. MANTA: Let me use the microfilm. It's
 [12] easier. WGK 890455.
 [13] A. I found it.
 [14] BY MR. MANTA:
 [15] Q. Can you tell me if you've ever seen this document
 [16] before?
 [17] A. I do not recognize this document at all.
 [18] Q. Looking at the first paragraph, the last sentence
 [19] reads, "Clean up costs and/or adverse public attention have
 [20] already occurred at the Muscaine, Texas City, Delaware
 [21] River, Santa Clara and Krummrich plants."
 [22] Can you tell me what cleanup costs and/or adverse

Page 140

[1] public attention had occurred at Texas City as of July 1982?
 [2] A. I don't recall the specifics as of that date at
 [3] all. I just don't know. I don't recall.
 [4] Q. How about if we take the date out of it, out of
 [5] the question and say, can you tell me where cleanup costs
 [6] and/or adverse public opinion occurred with respect to Texas
 [7] City?
 [8] A. Texas City?
 [9] MR. SARFATTI: And you are asking at any time?
 [10] MR. MANTA: Yes.
 [11] A. I recall some activity regarding the the, either
 [12] the North 80 or South 20, or both. I seem to recall that
 [13] outside contractors or consultants were involved, but I
 [14] don't remember the details as to what was done, and where it
 [15] was done, and how it was done. That's as best as I can
 [16] remember.
 [17] BY MR. MANTA:
 [18] Q. Can you give me an approximate time period?
 [19] A. It's going to be a best estimate, as best as I
 [20] can come up with. I would suggest it happened sometime
 [21] between 1980 and 1983.
 [22] Q. That would have been during the time that you

Page 141

[1] were Director of Environmental Operations for MCI?
 [2] A. For MCI, yes, sir.
 [3] Q. Now, the reference, here, is to plants in this
 [4] document. Do you recall cleanup costs or adverse public
 [5] attention directed at the Texas City Plant, itself,
 [6] regarding groundwater contamination?
 [7] A. I'm puzzled by the question. I thought that's
 [8] what we were talking about.
 [9] Q. I'm speaking of the plant, itself, aside from
 [10] North 80 and South 20 -
 [11] A. Oh.
 [12] Q. - which are, I guess, not at the plant address
 [13] and where the manufacturing takes place.
 [14] A. In our, Monsanto's designation as a plant, those
 [15] were perceived to be part of the plant.
 [16] Q. I'm asking you to put aside your, the traditional
 [17] designation, and my question is regarding the manufacturing
 [18] facility, itself, and if you'd like me to ask the question
 [19] again, I'd be glad to.
 [20] A. I think we have a problem in that my definition
 [21] of a manufacturing facility is everything inside the plant
 [22] fence. Although a corner of it may be the active area and

Page 142

[1] the rest is storage area, or idle, it's still the plant.
 [2] Q. Do you know if North 80 or South 20 are within
 [3] the fence, plant fence of the manufacturing area?
 [4] A. I don't recall a fence, but I'm under an
 [5] understanding that it's Monsanto property.
 [6] Q. But you don't know whether it's adjacent to the
 [7] manufacturing facility, itself?
 [8] A. Well, there's an area between the sites we're
 [9] talking about and the active producing area that is
 [10] unoccupied with any structures, to my recollection, that is
 [11] still considered part of the plant, in Monsanto terminology.
 [12] MR. SARFATTI: Could I make a suggestion?
 [13] MR. MANTA: Sure.

[14] MR. SARFATTI: Why don't we use a map.
 [15] MR. MANTA: Off the record.
 [16] (Discussion off the record.)
 [17] BY MR. MANTA:
 [18] Q. Why don't we go back on and I'll ask the question
 [19] this way. Aside from North 80 and South 20, are you aware
 [20] of cleanup costs or adverse public attention with respect to
 [21] any other area at Texas City?
 [22] MR. SARFATTI: Again, at any time?

Page 143

[1] MR. MANTA: At any time.
 [2] A. No.
 [3] BY MR. MANTA:
 [4] Q. Okay, let's turn the page, and I'd like to go to
 [5] the bottom of that page, and the last sentence reads,
 [6] "Operational practices which result in spills can
 [7] contaminate the upper layers of soil and eventually with
 [8] rainfall, can contaminate the lower groundwater aquifers."
 [9] Is it your understanding?
 [10] MR. SARFATTI: I don't know how many pages you've
 [11] turned, but we've all turned one page and don't see what you
 [12] are talking about.
 [13] MR. MANTA: I'm sorry, it must be two pages. I'm
 [14] sorry, to the next - this page has "Groundwater" at the top
 [15] of the page.
 [16] MR. SARFATTI: A different document from the
 [17] Pierle memorandum we were talking about before?
 [18] MR. MANTA: I think these are all part of the
 [19] same general document, and I think they are appendices to
 [20] this sewer report tacked on, task force study on leaking
 [21] sewers.
 [22] The microfilm number is WGK 890457.

Page 144

[1] BY MR. MANTA:
 [2] Q. And my question about that sentence is that is it
 [3] your understanding that the operational practices that
 [4] result in spills existed at Texas City?
 [5] MR. SARFATTI: Objection; lack of foundation.
 [6] A. I have no personal information to reach that
 [7] understanding.
 [8] Q. Turning the page, it says, "Additionally, earthen
 [9] basins used to contain contaminated wastewater and other
 [10] materials will eventually leak and liquid will move into the
 [11] groundwater."
 [12] Would you agree with that statement?
 [13] MR. SARFATTI: Same objections, and opinion.
 [14] A. I'd have to know a lot more than what's given
 [15] here regarding that conclusion. I would attribute that to
 [16] the author's understanding of whatever he's writing about,
 [17] here.
 [18] BY MR. MANTA:
 [19] Q. The next sentence reads, "Thus, Monsanto has a
 [20] substantial number of sources existing at virtually every
 [21] manufacturing site which can contaminate the ground." Would
 [22] you agree with that statement?

Page 145

[1] MR. SARFATTI: Same objections.
 [2] A. Well, this, again, he's the author.
 [3] BY MR. MANTA:
 [4] Q. But you, as Director of Environmental Operations
 [5] for MCI, which would include the Texas City Plant, can't say
 [6] whether or not you agree or disagree with this statement?
 [7] A. I would have to know a lot more about the
 [8] material involved, the kind of ground that's under
 [9] consideration, and many, many other things before I can
 [10] support that conclusion.
 [11] Q. I'm asking with a much broader view than each
 [12] specific plant area. Does that help you?
 [13] A. Not really, because I don't have enough
 [14] information, first of all, to support the use of the word
 [15] "substantial," and I can't support the word "virtually," and
 [16] then there's the word, "which can contaminate," I don't know
 [17] how one arrives at that without having much more information
 [18] than I have at my disposal at this point. I really cannot
 [19] support that statement without having a lot more information
 [20] and expertise that I personally lack.

- [21] Q. Okay, would you agree that that statement
[22] addresses a corporate-level concern?

Page 146

- [1] A. No, I can't do that.
[2] Q. Okay.
[3] A. That's the author's concern, whoever the author
[4] is of this particular document.
[5] Q. The next sentence says, "In addition, past
[6] disposal practices" - and it says, parentheses, "(the use
[7] of dumps and landfills)," close parentheses - "can also be
[8] prime sources of groundwater contamination." Do you agree
[9] with that statement?
[10] MR. SARFATTI: Same objections.
[11] A. Again, the comments I made to the previous
[12] sentence applies to this one, in that it reflects one
[13] person's conclusions. I personally need more information
[14] and more expertise than I possess to be able to agree with
[15] that statement. I can't do it with what I now recall and
[16] know.
[17] BY MR. MANTA:
[18] Q. Would you, at the time that you were Director of
[19] Environmental Operations for MCI, have had the information
[20] to agree with the statements contained in sentences 1 and 2?
[21] A. No, sir. As an example, I'm not a
[22] hydrogeologist.

Page 147

- [1] Q. Would you think that it would take a
[2] hydrogeologist to, to make these statements?
[3] A. Certainly. You are talking here about
[4] groundwater contamination, and you have to have an
[5] understanding of hydrogeology to be able to come up with
[6] this type of conclusion.
[7] Q. Why?
[8] A. Why? Because as I understand, what little I know
[9] about it, that the type of strata that exist underneath the
[10] operating units, the flow of waters through it, the kinds of
[11] waters, where these waters go, what kind of materials are
[12] being investigated and how they might find their way into
[13] this water and to what degree are they soluble, what
[14] concentrations can they reach, what volume of water flows,
[15] and at - how many different kinds of waters are there
[16] underneath the surface.
[17] Q. The next sentence, third sentence reads, "Our
[18] experience at several Monsanto plants confirms this." Can
[19] you tell me what that experience was?
[20] A. I don't know.
[21] Q. Can you tell me any experience you had as
[22] Director of Environmental Operations for MCI where you

Page 148

- [1] acquired any knowledge of the potential for groundwater
[2] contamination at any Monsanto location in the country?
[3] MR. SARFATTI: Objection; lack of foundation.
[4] A. The answer to your question is that I am not
[5] aware at this point in time of any groundwater contamination
[6] at Monsanto's sites under the management of MCI back in that
[7] period of time -
[8] Q. And by: That period of time -
[9] A. - which were '77 through '83, in which materials
[10] which could be traced back to Monsanto activities were found
[11] in groundwater. I just don't remember any.
[12] Q. The last sentence reads, "Among the plants which
[13] are currently investigating situations are W. G. Krummrich,
[14] Delaware River, Santa Clara, Texas City, Avon, and
[15] Springfield." Each of those plants are plants that were
[16] within your jurisdiction as Director of Environmental
[17] Operations for MCI; is that correct?
[18] A. That is not correct.
[19] Q. Okay, which plants were not?
[20] A. The Delaware plant was not. The Santa Clara
[21] plant was not. Springfield was not.
[22] Q. Okay. The W. G. Krummrich, Texas City and Avon

Page 149

- [1] plants were the plants that were within your jurisdiction,
[2] is that right?
[3] A. Correct. Correct.
[4] Q. Can you tell me if Mr. Pierle was a

- [5] hydrogeologist?
[6] A. No, Mr. Pierle was a graduate environmental
[7] engineer.
[8] Q. What was his degree in?
[9] A. Environmental engineering from Purdue University.
[10] Q. Do you think a person with a, an environmental
[11] engineering degree could make the statements set forth in
[12] the paragraph that we've been referring to?
[13] MR. SARFATTI: Objection; hypothetical.
[14] A. I don't know what courses Mr. Pierle studied.
[15] BY MR. MANTA:
[16] Q. I'd like to turn to the next page, under
[17] subheading A, "Plant Investigations."
[18] "At the present time, virtually every Monsanto
[19] location is examining the question of groundwater
[20] contamination."
[21] Could you tell me what, what that program
[22] entailed?

Page 150

- [1] A. Not in detail, of course, but all plants were
[2] informed of the interest in keeping groundwaters from being
[3] contaminated, and they were encouraged very strongly to look
[4] at their own situation and see if such a potential existed
[5] at their plant sites.
[6] Q. Was this examination a voluntary program that
[7] Monsanto embarked on?
[8] MR. SARFATTI: Objection; vague. Undefined term.
[9] A. If, by "voluntary," you mean there was no
[10] regulatory activity requiring it, I would say yes. In the
[11] vast majority of the plants, there was not even a hint of
[12] such pending regulatory activity. There were a few were, at
[13] least the state agencies were interested, so there was this,
[14] I'm going to call it pressure felt by the plants that they
[15] better know more about their plant than the State people
[16] did.
[17] BY MR. MANTA:
[18] Q. Was Texas City among those plants that was
[19] feeling regulatory pressure?
[20] A. I would - yes, at some point in time, that
[21] became a, a factor, yes.
[22] Q. How do you know that?

Page 151

- [1] A. I was informed by the plant personnel that the
[2] Texas regulatory people had approached them with some
[3] information regarding groundwater.
[4] Again, I just do not recall the specifics in
[5] terms of exactly where and what material was determined to
[6] be present in what quantities, and when all this happened.
[7] That's just not clear in my mind.
[8] Q. What was your role in this groundwater program,
[9] this corporate groundwater program?
[10] A. It was no different than all other programs. I
[11] monitored activities, I served as a, a rod where necessary,
[12] or as an assistance where necessary. I communicated down
[13] through the organization and up the organization as
[14] appropriate regarding where I felt my comments would be of
[15] some help.
[16] Q. Were consultants used in connection with this
[17] program?
[18] A. In some instances, yes.
[19] Q. And were monitoring wells drilled, in some
[20] instances?
[21] A. I recall monitoring wells being required in some
[22] instances, yes.

Page 152

- [1] Q. Sampling was done?
[2] A. Naturally. That's why you have a monitoring
[3] well, mm-hmm.
[4] Q. And determinations made as to the nature and
[5] extent of contamination?
[6] A. Yes.
[7] Q. And all of those activities, Monsanto, at least
[8] on your level, had decided to do on its own without
[9] compunction from regulatory agencies? Is that right?
[10] MR. SARFATTI: Objection; lack of foundation.
[11] A. All of the individuals in Monsanto that were

[12] knowledgeable about these kinds of matters had arrived at a
 [13] consensus that was the responsible way to go, and really,
 [14] the most effective way in many respects, in efficiency, and
 [15] costs, and goodwill and what have you, all these factors
 [16] were considered in arriving at the decision to let's do it
 [17] before we are forced to.

[18] BY MR. MANTA:

[19] Q. And what was "it" that you were -

[20] A. The study.

[21] Q. Corporate-wide groundwater study? Is that right?

[22] A. Correct.

Page 153

[1] (Papageorge Deposition Exhibit 11 marked for
 [2] identification.)

[3] (Witness peruses said document.)

[4] BY MR. MANTA:

[5] Q. Looking at what has been marked for

[6] identification as Exhibit 11, which is a January 25, 1984,
 [7] waste cleanup fact sheet bearing Bates number MCO 6194993 -

[8] MCO 6194997, and the memorandum states that - well, first,

[9] Mr. Papageorge, is your name referenced on this document?

[10] A. I am shown on the cover memorandum as a, as an
 [11] addressee.

[12] Q. Okay, can you tell me what "B3NA" means?

[13] A. That is my office location.

[14] Q. Specifically, what does "B3NA" mean?

[15] A. Building B, third floor, north wing, mail zone A.

[16] Q. The memo says, "Attached is the final version of

[17] the fact sheet on Monsanto's voluntary waste site cleanup

[18] program."

[19] Is this part of the same voluntary groundwater

[20] program that you had mentioned earlier?

[21] MR. SARFATTI: Objection; vague. Undefined term.

[22] A. The groundwater program was designed to provide

Page 154

[1] information to Monsanto. I don't recall this particular

[2] document, but in briefly looking at it, it appears that

[3] it's - we're talking about corrective action relating to a

[4] few sites, some of them on plant property, and at least one

[5] that I see here is off of plant property.

[6] BY MR. MANTA:

[7] Q. Again going back to the first page, can you tell

[8] me what that squiggly line through your name means?

[9] A. To me, that says that this copy goes to

[10] Papageorge. And the next name would have been sciggled to

[11] go to Mr. Park, and following, Mr. Pickard, and so on. This

[12] is the author's way or his secretary's way of designating

[13] whose copy it was. That's my understanding.

[14] Q. Can you tell me who your secretary was at this

[15] time?

[16] A. 1984, Jane Audrain, A-u-d-r-a-i-n.

[17] Q. Was she always your secretary?

[18] A. No.

[19] Q. Who was your first secretary?

[20] MR. SARFATTI: Are we going back to 1951?

[21] BY MR. MANTA:

[22] Q. I'm sorry, as Director of Environmental

Page 155

[1] Operations starting in 1977.

[2] A. Oh.

[3] MR. SARFATTI: That sounds like a trivia
 [4] question.

[5] A. Jane Audrain.

[6] MR. MANTA: "This Is Your Life."

[7] BY MR. MANTA:

[8] Q. - Jane Audrain continued up through -

[9] A. From '76 through '85.

[10] Q. Do you know if Ms. Audrain is still around?

[11] A. She's still around. I don't know what you mean.

[12] Is she still working? I don't know if she's still working

[13] for Monsanto or has retired. I don't -

[14] Q. She's still living, to your knowledge?

[15] A. Yes.

[16] Q. Turning to the second page, the last paragraph,

[17] there, it's actually the third page of the document, second

[18] page of the notice, it says, "Similarly, the Texas City

[19] Plant spent about \$100,000 to remove waste from a small,
 [20] abandoned pit called the 'Anders Lane' site." Can you tell
 [21] me what the Anders Lane site is?

[22] A. I don't remember.

Page 156

[1] Q. Do you know if there was a groundwater

[2] contamination at the Anders Lane site?

[3] A. I just don't know anything about that. I don't

[4] remember anything about it.

[5] Q. You had said that the, Monsanto's environmental

[6] guidelines - well, let me strike that and ask this. Was

[7] the idea behind Monsanto's groundwater assessment program,

[8] the corporate program, was to, as the name suggests, assess

[9] the condition of the groundwater at various locations; is

[10] that right?

[11] A. At various Monsanto locations, yes.

[12] Q. And to determine if there was contamination of

[13] the groundwater at those Monsanto locations; is that right?

[14] A. That's one of the objectives, yes.

[15] Q. Do you know what they made at the Texas City

[16] Plant?

[17] A. Not in total. I do know a few of - I remember a
 [18] few of the products.

[19] Q. Can you tell me what they were?

[20] A. Styrene, for one. I can't remember others.

[21] There are more there, yes.

[22] Q. Would you agree with me that the Texas City Plant

Page 157

[1] is an organic chemical plant?

[2] A. Well, I need a little help on the definition

[3] "organic," so you and I both have the same definition.

[4] Q. Well, I understand organic as containing carbon.

[5] Is that your understanding?

[6] A. All right. All right, I can agree to that. I

[7] feel more comfortable personally calling it a petrochemical

[8] plant.

[9] Q. Okay, petrochemical plant; contained, for the

[10] most part, organic chemicals?

[11] A. That is correct. Yes.

[12] Q. If you were to assess or want to assess the

[13] condition of the groundwater at a petrochemical plant, what

[14] types of chemicals would you test for?

[15] MR. SARFATTI: Objection; lack of foundation.

[16] A. Oh, God, I'd have the know all of the processes,

[17] all the materials involved, the starting materials, the

[18] intermediate materials produced, the end products, the

[19] residues created, the catalyst used, the cleanup compounds

[20] used, and so on. I'd need to know an awful lot more than

[21] just petrochemicals.

[22] Q. Would you agree that you would test for organic

Page 158

[1] chemicals?

[2] MR. SARFATTI: Same objection.

[3] A. If the information I had at my disposal led me to

[4] suspect that organic chemicals could be in groundwater, I

[5] would look for them. I don't know how else to explain that.

[6] I might be looking for other materials, too, water-soluble

[7] chemicals, and so on.

[8] Q. What other types of chemicals at a petrochemical

[9] plant would you look for?

[10] MR. SARFATTI: Same objection.

[11] A. I don't pose to know them all, but there are

[12] materials used to assist processes. Some of these materials

[13] are not hydrocarbons. I'm trying to think of good examples.

[14] I'm going to give as an example, suppose there was a need at

[15] a plant for some phosphorus-containing material, or some

[16] metal-containing material to assist in the process or take

[17] part in it. Depending on how it was used, how carefully it

[18] can be controlled from escape and all, I would - I can see

[19] a somewhere where I might say I better look for this

[20] material because of the conditions under which it was used,

[21] it may or may not have gotten away from us, let's go look to

[22] see if it is in that groundwater.

Page 159

[1] Q. Are you saying you would look for those in

[2] addition to organic chemicals?

[3] A. Certainly. If I, again, if I didn't suspect
 [4] organic chemicals were there because they are highly
 [5] volatile, they evaporate easily, I wouldn't expect them to
 [6] end up going down into the ground, I would expect them to

go

[7] up into the air, I wouldn't look for those, that kind of
 [8] hydrocarbon, so I'd have to know an awful lot about the
 [9] characteristics of the materials to be able to come up with
 [10] a presumption on my part that they may be in that water.
 [11] therefore, I better go look for them.

[12] Q. And you don't know those facts with regard to the
 [13] Texas City Plant. Is that right?

[14] A. I personally don't know, no.

[15] Q. And you didn't know them at the time that you
 [16] were Director of Environmental Operations?

[17] A. That is correct.

[18] MR. MANTA: Okay, it's 5:00. You want to stop?

[19] MR. SARFATTI: If the witness is up to it, I'd
 [20] say let's go to 5:30, just to ensure that we all get back
 [21] sometime on Friday.

[22] MR. MANTA: That's fine with me. The case

Page 160

[1] management order says 5:00, and it's up to you guys, and
 [2] I'll go with it.

[3] MR. SARFATTI: Unless I'm misjudging the progress
 [4] you've made.

[5] MR. MANTA: Well, there are a number of other
 [6] locations.

[7] MR. SARFATTI: And other documents.

[8] MR. HUGHES: Let's go to 5:30.

[9] (Papageorge Deposition Exhibit 12 marked for
 [10] identification.)

[11] (Witness peruses said document.)

[12] BY MR. MANTA:

[13] Q. Mr. Papageorge, looking at what has been marked
 [14] as Exhibit 12, it is a document dated October 25, 1984,
 [15] entitled "Groundwater Assessment Summary" and bears Bates
 [16] number STG 1658243 - STG 1658260.

[17] A. I don't recall this document at all. This is the
 [18] first time I've seen it.

[19] Q. Well, you beat my question.

[20] MR. HUGHES: He's trying to speed this up.

[21] THE WITNESS: Oh, I'm sorry, I -

[22] BY MR. MANTA:

Page 161

[1] Q. Can you tell me if this is a reflection of the
 [2] corporate groundwater assessment program that you had
 [3] mentioned earlier?

[4] MR. SARFATTI: Objection; lack of foundation.

[5] A. Gee, I, I don't know that I'd define it as
 [6] corporate. I would suggest that it looks to me like
 [7] someone's summary of that groundwater assessment program,
 [8] and they seem to be dated for different months, so it was
 [9] not all done at one time. I don't know who the author is.

[10] That's all I can really say except read what's already
 [11] there, and others can read as well as I can.

[12] BY MR. MANTA:

[13] Q. Can you tell me why it would be stamped "Company
 [14] Confidential" and "Do not duplicate or copy"?

[15] A. I have no idea.

[16] Q. Was groundwater contamination information
 [17] considered something that was, I don't know, very
 [18] problematic for Monsanto in or about 1984?

[19] MR. SARFATTI: Objection; vague.

[20] A. I can't speak for everyone in Monsanto. I can
 [21] only speak for myself, and it was not problematic in the
 [22] sense that I think you are implying here.

Page 162

[1] Q. Why don't we turn to page 12.

[2] A. Page 12. I have it.

[3] Q. The last sentence of the paragraph under "Site
 [4] History" reads, "Many process spills, tank leaks,
 [5] underground line and sewer leaks, impoundment, and
 [6] wastewater ditch seepage concerns on plant site."

[7] Were you aware of those concerns in 1984?

[8] A. I was aware of the type of leakage that one would

[9] normally associate with an active plant. I do not know who
 [10] the author of this document is, so I don't know what he's
 [11] referring to in terms of the magnitude of the leaks and
 [12] spills he describes here.

[13] Q. What leakage would you normally associate with an
 [14] operating plant?

[15] A. Oh, there are many -

[16] MR. SARFATTI: Objection; hypothetical.

[17] A. (Continuing) Well, there are leaks that are

[18] generated because of failure, say, in a weld of a pipeline.

[19] Now, that leak can be just a drip every half hour, but it's
 [20] still considered a leak.

[21] There are leaks that are associated with

[22] operating pumps where the seal is worn, as a shaft goes

Page 163

[1] through the seal, some material could come out of that.

[2] It's an awful lot, in many cases, like the drip of oil from
 [3] your automobile on your garage floor. There are many of
 [4] those that take place, so when they talk about leaks, it

[5] isn't a deluge or a 10,000-gallon tank rupturing and
 [6] spilling all over the place. Those are wear, the big leaks
 [7] that would have to be a catastrophic failure or a fire or
 [8] some such incident.

[9] Every attempt was made in Monsanto to shoot, to
 [10] target for zero material leaving the system, and as far as
 [11] the technology would permit it, that's what was the
 [12] objective.

[13] Q. That was the objective when you were director?

[14] A. It was the objective from day one with Monsanto
 [15] and during the time I was director, yes.

[16] MR. MANTA: Could I have my question read back to
 [17] me, please?

[18] THE COURT REPORTER:

[19] "Q. What leakage would you normally associate

[20] with an operating plant?"

[21] BY MR. MANTA:

[22] Q. Would you include sewer leakage as leakage that

Page 164

[1] would normally be associated with an operating plant?

[2] MR. SARFATTI: Same objection; hypothetical, lack
 [3] of foundation.

[4] MR. MANTA: I'm going to state again on the
 [5] record that I think you are going beyond the Special
 [6] Discovery Master's order with respect to coaching the
 [7] witness. I think we've had repeated objections on lack of
 [8] foundation, hypothetical, and a number of other grounds that
 [9] I think are only made as coaching attempts, and I think that
 [10] they, they are a violation of the order.

[11] MR. SARFATTI: We've given our position on your
 [12] view before. I'm not going to repeat it now.

[13] BY MR. MANTA:

[14] Q. Now, my question was about sewer leaks.

[15] A. Sewers?

[16] MR. SARFATTI: Same objections.

[17] A. Again, they are like pipelines only they're
 [18] underground, generally, so the technology is not perfected
 [19] to the point where on occasion, a sewer will fail, and
 [20] material that's intended to stay within the sewer system
 [21] does leak out of the system. The objective to reduce that
 [22] to zero still applies.

Page 165

[1] BY MR. MANTA:

[2] Q. But they were known to occur, and they would have
 [3] been known to occur throughout the operating history of the
 [4] plant; is that right?

[5] MR. SARFATTI: Same objections.

[6] A. They were known to occur. It's now a matter of
 [7] frequency and amount of material that leaves the system.

[8] BY MR. MANTA:

[9] Q. And the pump leaks that you had referenced
 [10] before, and tank leaks, and other underground lines would
 [11] also be leaks or releases that would occur during the usual
 [12] course of Monsanto's business. Is that right?

[13] MR. SARFATTI: Same objections.

[14] A. Well, that, to me, is the real world. It is not
 [15] a dairy, it isn't a sterile kitchen, it's a manufacturing

[16] site, and every attempt is made to reduce all that, and the
 [17] day has not arrived yet where it can be zero.
 [18] BY MR. MANTA:
 [19] *Q. And those type of releases would have occurred*
 [20] *throughout the operation of the plant; is that right? I*
 [21] *mean from the beginning of operation until a plant shut*
 [22] *down.*

Page 166

[1] MR. SARFATTI: Same objections.
 [2] A. Yes, sir.
 [3] BY MR. MANTA:
 [4] *Q. And that the conditions that the environment at*
 [5] *the plant was exposed to as a result of the leaks, and the*
 [6] *spills, and the potential leaks in the sewer lines, would*
 [7] *continue from the time the plant started operating through*
 [8] *the time that it stopped; is that correct?*
 [9] MR. SARFATTI: Same objections.
 [10] A. You make it sound like it's a continual drippage,
 [11] and leakage and oozing. All spills don't end up in the
 [12] environment. Many are contained. Many are mopped up,
 [13] swept up.

[14] BY MR. MANTA:
 [15] *Q. I'm not saying whether or not they enter any*
 [16] *other environment other than the plant environment.*
 [17] A. If you get an oily spot on the plant floor and
 [18] it's quickly picked up with sawdust or whatever, sand, and
 [19] that sand is properly disposed of, you don't really have an
 [20] environmental problem. You've got a dark spot on the
 [21] concrete floor.
 [22] *Q. What I'm asking, really, is the type of things*

Page 167

[1] *that are referenced in this sentence. Spills, tank leaks,*
 [2] *underground line and sewer leaks were the type of things*
 [3] *that happened in the real world at a plant, throughout its*
 [4] *operation, operating history; is that right?*
 [5] MR. SARFATTI: Same objections.
 [6] A. Yes, and I was trying to distinguish between the
 [7] major failure and the occasional stain.
 [8] BY MR. MANTA:
 [9] *Q. In fact, some level of sewer leakage was accepted*
 [10] *in the Fifties, Sixties and Seventies; isn't that true?*
 [11] MR. SARFATTI: Objection; lack of foundation,
 [12] hypothetical.
 [13] A. I don't know that the word "accepted" is
 [14] appropriate. Where it was known that such a condition
 [15] occurred, the effect on the environment would, of course, be
 [16] noted. If you had a fish kill or something, you certainly
 [17] would be concerned, but if no effect was noted, based on the
 [18] technology of the day, whether in the Thirties, Forties,
 [19] Fifties, that really influenced the corrective action that's
 [20] taken. If no effect is noted, you repair the situation and
 [21] continue. If an effect is noted, you take whatever is
 [22] appropriate to prevent it happening again.

Page 168

[1] BY MR. MANTA:
 [2] *Q. My question has to do, to go to the real world*
 [3] *operation of a petrochemical plant such as Texas City.*
 [4] A. That's what I'm talking about.
 [5] *Q. And in that real world operation, it was known*
 [6] *that the sewers were not impervious all the time; is that*
 [7] *right?*
 [8] MR. SARFATTI: Objection; lack of foundation.
 [9] A. The implication in your question is that it was
 [10] known that these sewers leaked like sieves. That is not the
 [11] understanding. There are occasional failures that, when
 [12] discovered, are corrected, and the corrective action is
 [13] based on the results of that failure that are unacceptable,
 [14] like the fish kill I mentioned as an example.
 [15] BY MR. MANTA:
 [16] *Q. Could you tell me how a fish kill could result*
 [17] *from a sewer failure?*
 [18] MR. SARFATTI: Same objection.
 [19] A. Well, I'll have to draw a hypothetical situation
 [20] where the sewer fails, the contaminated water, instead of
 [21] going to the proper treating plant, finds its way into a

[22] body of water which contains fish. The next thing you know,

Page 169

[1] there are fish floating on the surface. This has happened;
 [2] not for Monsanto, but in other places. If that -
 [3] BY MR. MANTA:
 [4] *Q. Are you referring to your experience at Anniston?*
 [5] A. My experience in Anniston?
 [6] *Q. Your experience with fish kills at Anniston.*
 [7] A. I have never witnessed a fish kill at Anniston.
 [8] MR. SARFATTI: I think the witness was in the
 [9] middle of a response when you started asking him about
 [10] another -
 [11] A. (Continuing) To continue with my example of that
 [12] fish kill, if the situation is perceived by the responsible
 [13] managers to be one that is difficult to prevent, then the
 [14] need is placed on their shoulders to come up with a way that
 [15] will reduce the effect of such a spill by putting in a catch
 [16] basin or some trap to keep that undesirable material from
 [17] getting out there where the fish are.
 [18] So what I'm trying to point out is that the
 [19] corrective action is, calls for a judgment decision on the
 [20] manager's part as to how to repair that leak and prevent
 [21] future problems, if called for.
 [22] BY MR. MANTA:

Page 170

[1] *Q. My question is, aside from sewer failures, wasn't*
 [2] *it known that sewers leaked and that some leakage was known*
 [3] *to occur, but that it was not practical nor feasible to*
 [4] *repair every leak in every sewer that took place?*
 [5] MR. SARFATTI: Same objections, and compound
 [6] question.
 [7] A. Oh, I - gee, I don't know that that is a fact.
 [8] That is speculation as to the frequency and irreparability,
 [9] and the costliness, and all those things you mentioned.
 [10] MR. MANTA: Could I have my question read back?
 [11] THE COURT REPORTER:
 [12] "Q. My question is, aside from sewer failures,
 [13] wasn't it known that sewers leaked and that some leakage was
 [14] known to occur, but that it was not practical nor feasible
 [15] to repair every leak in every sewer that took place?"
 [16] A. I don't know that it's impractical or unfeasible
 [17] to repair every sewer, every leak. I don't know that.
 [18] BY MR. MANTA:
 [19] *Q. Okay, you can't say whether that's true or not;*
 [20] *is that right?*
 [21] A. That's true.
 [22] (Papageorge Deposition Exhibit 13 marked for

Page 171

[1] identification.)
 [2] BY MR. MANTA:
 [3] *Q. Now looking at what has been marked for*
 [4] *identification as Papageorge Exhibit 13, it is a March 19,*
 [5] *1979, document with Bates number WGK 1450815 - WGK 1450816.*
 [6] *Have you ever seen this document before, Mr. Papageorge?*
 [7] A. I, I don't recall it.
 [8] *Q. Is that your name in the upper right-hand column?*
 [9] A. It is.
 [10] *Q. Can you tell me where G4WA is?*
 [11] A. It's my office in St. Louis. G Building, fourth
 [12] floor, west wing, mail zone A.
 [13] *Q. Can you tell me why - why don't I direct your*
 [14] *attention to the fourth dot beneath the first paragraph and*
 [15] *ask you to read that to yourself, please.*
 [16] (Witness peruses said document.)
 [17] A. I have read it.
 [18] *Q. Can you tell me why some inactive facilities,*
 [19] *Monsanto believed some inactive facilities should be closed*
 [20] *prior to RCRA promulgation?*
 [21] MR. SARFATTI: Objection; lack of foundation.
 [22] A. I'd have to read the RCRA regulations to help me

Page 172

[1] there. I don't remember what portion of the regulations
 [2] referred to procedures required to close facilities.
 [3] *Q. Well, this says prior to RCRA promulgation.*
 [4] A. It does.
 [5] *Q. Right. Now, can you tell me why you would want*

[6] to close something prior to - or close inactive facilities
 [7] prior to RCRA being enacted?
 [8] MR. SARFATTI: Same objection.
 [9] A. I'd have to see the regulation to determine what
 [10] paper work would be involved, if RCRA were involved, what
 [11] specifications must be met -
 [12] BY MR. MANTA:
 [13] Q. Would you agree - I'm sorry.
 [14] A. No, all these requirements are listed under RCRA
 [15] that if the facility is closed after promulgation, it must
 [16] be met. If it's closed before that, then it's
 [17] grandfathered.
 [18] Q. Would you agree with me, then, that the purpose
 [19] of closing inactive facilities would be to avoid having to
 [20] comply with the RCRA requirements?
 [21] MR. SARFATTI: Same objection.
 [22] A. That is certainly a consideration, but the, the

Page 173

[1] true intent is to close it responsibly without the excessive
 [2] costs that were perceived to be associated with RCRA
 [3] requirements.
 [4] BY MR. MANTA:
 [5] Q. Then it was to avoid having to engage in the
 [6] requirements of RCRA because of the excessive costs
 [7] associated with RCRA: is that right?
 [8] A. The costs that were perceived to be unnecessary;
 [9] really, politically motivated, rather than scientifically
 [10] driven.
 [11] Q. Turning the page, the second-to-last paragraph,
 [12] just one sentence says, "For some locations, this program
 [13] will require a major effort, but it is one which must be
 [14] expended in order to protect the continuous uninterrupted
 [15] manufacturing ability of this site."
 [16] Can you tell me how the continuous uninterrupted
 [17] manufacturing ability of the site would be affected?
 [18] MR. SARFATTI: Same objections.
 [19] A. I'm rather surprised at the question, because if
 [20] you'll note the listing there, you'll see references to the
 [21] proper disposal under RCRA and the need for the plant to do
 [22] that, and you can't continue operating unless you can

Page 174

[1] properly dispose of the material. They have reference to
 [2] permitted facilities, there's reference to identification of
 [3] wastes, upgrading of facilities, and so on.
 [4] BY MR. MANTA:
 [5] Q. So Monsanto's efforts at closing some facilities
 [6] prior to the promulgation of RCRA was an effort to protect
 [7] the continuous uninterrupted manufacturing ability of the
 [8] site; is that right?
 [9] A. No, no, that's a misunderstanding. That is only
 [10] one dot of many on this page.
 [11] Q. I understand that.
 [12] A. And that has nothing to do with continued
 [13] operations. You note it refers to inactive facilities.
 [14] Closing those facilities before RCRA promulgation has
 [15] nothing to do with the sentence you referred to about
 [16] uninterrupted manufacturing capability. The two are not
 [17] related. It's the other items that must be properly met to
 [18] satisfy RCRA early enough so that manufacturing can
 [19] continue.
 [20] Q. Let me - let's look at this. The sentence
 [21] beneath the dots reads, "Based on the above and EPA schedule
 [22] for promulgation of regulations requiring" - and then

Page 175

[1] there's subsentences A, B and C - "Each plant must now
 [2] immediately evaluate its situation and develop action plans
 [3] to meet the following goals."
 [4] Under dot 1, first dot, there, "Close all
 [5] inactive facilities prior to 12/79."
 [6] Doesn't that indicate to you that closure of
 [7] these inactive facilities are something that could affect or
 [8] if they weren't closed prior to the enactment of RCRA, that
 [9] could affect the continuous, uninterrupted operation of the
 [10] plant?
 [11] MR. SARFATTI: Same objections. Objection as to
 [12] form.

[13] A. The closing of these inactive sites is, of
 [14] course, mentioned here, but there are other statements,
 [15] here, that more directly affect the ability to continue
 [16] manufacturing. For example, I see a statement, there, on
 [17] Page 2, the second and third buttons from the top or dots
 [18] from the top, "Qualify by performance testing disposal
 [19] facilities that do not meet design requirements." In other
 [20] words, upgrade them where necessary.
 [21] "Assure its location of a hazardous waste
 [22] disposal plant after promulgation of the RCRA regulations."

Page 176

[1] There's a button at the bottom of Page 1 where it says,
 [2] "Declassify the nonhazardous category," and so on.
 [3] Q. Would you consider the program that is referenced
 [4] here that will require a major effort to be something that
 [5] Monsanto would engage in in the normal operations of its
 [6] business?
 [7] MR. SARFATTI: Same objections. Hypothetical.
 [8] A. Certainly, if the conditions require a major
 [9] effort, it's, it's done, but you'll note that that reference
 [10] to requiring major effort is limited by the phrase, "for
 [11] some locations." It's not every location.
 [12] BY MR. MANTA:
 [13] Q. Would it be something that you would seek
 [14] insurance coverage for?
 [15] MR. SARFATTI: Objection to lack of foundation.
 [16] A. I know nothing about insurance coverage.
 [17] BY MR. MANTA:
 [18] Q. But I mean as Director of Environmental
 [19] Operations.
 [20] A. What's that got to do with insurance?
 [21] Q. Well, would you consider seeking insurance
 [22] coverage?

Page 177

[1] MR. SARFATTI: Same objection.
 [2] A. That's not my bailiwick. I - that's someone
 [3] else's responsibility.
 [4] BY MR. MANTA:
 [5] Q. Did you, at the time of this memorandum in 1979,
 [6] consider whether you could get insurance coverage to cover
 [7] the efforts associated with this?
 [8] A. Again, that's, that's not my responsibility at
 [9] all.
 [10] Q. You can't tell me whether or not you considered
 [11] insurance coverage?
 [12] A. It didn't even enter my mind.
 [13] MR. MANTA: That's all I have for today. It's
 [14] 5:30.
 [15] THE WITNESS: Thank you.
 [16] (Discussion off the record.)
 [17] (Whereupon, at 5:35 p.m., the deposition was
 [18] recessed to the following day.)
 [19]
 [20]
 [21]
 [22]

Look-See Concordance
Report

2,417 UNIQUE WORDS
386 NOISE WORDS
28,823 TOTAL WORDS

SINGLE FILE
CONCORDANCE

CASE SENSITIVE

WORD RANGES @
BOTTOM OF PAGE

- \$ -

\$100,000 [1] 155:19

- 0 -

0057502 [1] 40:2
0085452 [1] 136:21
0085493 [1] 136:21
010375 [1] 137:12
0267022 [1] 92:19
0267039 [1] 92:19
091626 [1] 86:7

- 1 -

1 [10] 5:8; 39:17; 40:1;
77:8, 10; 86:13; 87:10;
146:20; 175:4; 176:1
10 [3] 5:17; 137:22; 138:4
10,000-gallon [1] 163:5
1025 [1] 2:8
108 [1] 5:13
10:00 [2] 1:19; 22:20
11 [3] 5:18; 153:1, 6
1124464.32 [1] 108:17
11th [1] 7:15
12 [5] 5:19; 160:9, 14;
162:1, 2
12/79 [1] 175:5
1202162-WGK [1] 74:12
1202164 [1] 74:12
126 [1] 5:14
12:10 [1] 61:17
13 [5] 5:20; 139:1, 8;
170:22; 171:4
1303023 [1] 83:11
1303049 [1] 83:11
133 [1] 5:15
136 [1] 5:16
138 [1] 5:17
13th [2] 1:20; 139:7
1450815 [1] 171:5
1450816 [1] 171:5
153 [1] 5:18
16 [1] 40:1
160 [1] 5:19
1624 [1] 95:6
1658243 [1] 160:16
1658260 [1] 160:16
171 [1] 5:20
1776 [1] 3:13
19 [2] 30:10; 171:4
19103 [1] 2:16
1943 [1] 23:4
1947 [1] 23:5
1951 [3] 25:1, 5; 154:20
1956 [1] 26:14
1958 [1] 27:1
1961 [2] 27:7
1963 [1] 30:13
1964 [2] 28:2; 30:14
1965 [1] 31:2
1969 [1] 31:4
1970 [6] 21:2, 13; 31:5,
16, 19; 32:16

1972 [2] 33:4, 14
1973 [8] 33:7, 19, 22;
34:13, 20; 35:1; 36:6, 11
1974 [3] 33:9; 36:18; 37:2
1975 [1] 37:7
1976 [1] 37:7
1977 [21] 37:22; 39:3;
40:1, 5; 41:2, 3; 45:1, 2,
3; 48:7, 17; 50:12; 57:5;
58:17; 74:10; 87:16;
105:10, 11; 106:16; 155:1
1978 [10] 51:3; 52:1;
92:17; 99:20; 105:12;
106:3; 114:6; 115:19;
116:15; 123:20
1979 [8] 101:19, 22;
108:9, 15; 110:3; 127:4;
171:5; 177:5
1980 [6] 77:8, 10; 86:13;
87:10; 127:12; 140:21
1981 [1] 138:16
1982 [5] 138:16, 19;
139:1, 6; 140:1
1983 [10] 53:2, 10, 14,
17, 18; 54:5; 87:16;
133:12; 138:4; 140:21
1984 [5] 153:6; 154:16;
160:14; 161:18; 162:7
1985 [3] 54:7, 8, 20
1993 [1] 1:20
1:25 [1] 61:17

- 2 -

2 [17] 5:9; 74:3, 4, 9;
94:18; 95:2, 9, 19; 96:7;
98:12; 122:8, 10, 11;
124:7; 146:20; 175:17
20 [9] 107:6, 22; 115:2;
125:18; 126:6; 140:12;
141:10; 142:2, 19
20005 [1] 4:6
20006 [2] 2:9; 3:14
202 [5] 2:10; 3:15, 16;
4:7, 8
215 [2] 2:17, 18
25 [4] 64:6; 153:6; 160:14
25-page [1] 83:16
26 [1] 99:20
2707267 [1] 127:5
2707283 [1] 127:6
27th [1] 127:4
28 [1] 92:17
2822759 [1] 99:21
2822770 [1] 99:21

- 3 -

3 [8] 5:10; 76:13; 83:6, 7,
10; 84:12; 108:15; 110:3
30 [2] 74:9; 139:6
300 [1] 2:7
321 [1] 20:20
36 [1] 108:17
37th [1] 2:15
383-8900 [1] 4:7
39 [1] 5:8
3:00 [1] 122:1
3:23 [1] 122:5
3:40 [1] 122:5

- 4 -

4 [4] 5:11; 84:17; 92:12,
16
400 [1] 3:5
415 [2] 3:7, 8
429-7049 [1] 3:16
466-5738 [1] 4:8
4th [15] 9:1, 14; 10:9,
22; 11:3, 20; 13:4, 8, 11,
15; 18:7, 9, 16; 22:12, 17

- 5 -

5 [6] 5:3, 12; 93:13, 17;
99:17, 20
5:00 [2] 159:18; 160:1
5:30 [4] 22:21; 159:20;
160:8; 177:14
5:35 [1] 177:17

- 6 -

6 [4] 5:13; 108:11, 15;
122:8
6-9-78 [1] 83:11
6194993 [1] 153:7
6194997 [1] 153:8
62 [1] 30:13
6308185 [1] 134:1
63141 [1] 20:20

- 7 -

7 [6] 5:14; 126:20; 127:3;
133:11, 12, 16
74 [1] 5:9
76 [1] 155:9
77 [4] 44:5; 48:8; 50:18;
148:9
772-5759 [1] 3:8
773-5529 [1] 3:7
78 [3] 105:13; 106:16;
115:1

- 8 -

8 [5] 5:15; 98:11; 133:7,
15, 16
80 [12] 61:6; 107:4, 5,
14, 19, 22; 125:18; 126:5;
140:12; 141:10; 142:2, 19
800 [1] 96:2
828-3163 [1] 3:15
83 [5] 5:10; 53:6; 57:7;
61:6; 148:9
85 [1] 155:9
851-6600 [1] 2:17
851-6644 [1] 2:18
88 [1] 1:8
890455 [1] 139:12
890457 [1] 143:22
8th [2] 18:14; 19:1

- 9 -

9 [5] 5:16; 98:11, 20;
136:16, 20
92 [1] 5:11
94111 [1] 3:6
965-7910 [1] 2:10
99 [1] 5:12

- A -

A-d-d-y-s-t-o-n [1] 52:19
a-n-h-y-d-r-i-d-e [1]
25:15
A-u-d-r-a-i-n [1] 154:16
a.m. [1] 1:19
abandoned [1] 155:20
ability [4] 173:15, 17;
174:7; 175:15
able [5] 79:1; 116:7;
146:14; 147:5; 159:9
abreast [1] 49:14
absence [1] 119:9
absolute [1] 27:2
absolutely [2] 109:22;
122:19
abuse [3] 70:6, 11, 17
abusing [1] 118:10
accept [2] 65:4; 120:1
Acceptability [5] 33:10;
36:15, 19; 37:9; 50:22
acceptability [1] 35:13

acceptable [3] 63:18, 21
acceptance [1] 104:13
accepted [3] 104:22;
167:9, 13
Accepting [1] 65:6
accommodate [4] 38:7;
63:7; 65:2; 69:2
accommodated [3]
68:18; 70:22; 71:11
accommodated [1] 67:9
accommodates [1] 65:13
accommodating [2] 67:2,
14
accommodation [3]
69:14, 15; 71:18
accord [1] 69:14
account [1] 111:16
accurate [2] 60:10; 128:5
achieving [1] 102:4
acid [1] 34:9
acquired [1] 148:1
acronym [1] 39:11
Acrylonitrile [1] 34:18
acrylonitrile [3] 36:21;
37:15, 18
Act [2] 45:10; 93:20
act [1] 79:4
action [9] 81:5; 82:12,
14; 98:22; 154:3; 167:19;
168:12; 169:19; 175:2
Actions [1] 122:13
actions [3] 84:20; 85:10,
20
active [4] 115:4; 141:22;
142:9; 162:9
activities [7] 80:22; 85:9;
97:18, 20; 148:10; 151:11;
152:7
activity [9] 27:21; 41:12;
81:14; 97:8; 108:10;
123:5; 140:11; 150:10, 12
actual [3] 79:5; 101:11;
117:3
ad [2] 42:9, 10
Adams [1] 1:18
added [5] 33:12; 37:13,
15; 50:21; 51:3
addition [6] 16:17; 31:13;
64:9; 88:1; 146:5; 159:2
additional [10] 27:16;
62:14, 16, 18; 63:6;
70:13; 124:10, 19; 125:1,
11
Additionally [1] 144:8
additives [1] 26:7
address [8] 20:19, 21;
21:1, 3; 31:8; 43:1;
131:17; 141:12
addressed [13] 64:4;
77:17; 82:15; 107:13, 18;
109:17, 19; 110:12, 14;
111:1, 14, 20; 112:10
addressee [2] 109:7;
153:11
addresses [1] 145:22
addressing [3] 33:6;
55:5, 6
Addyston [1] 52:18
adequate [1] 66:12
adequately [1] 67:4
Adios [1] 118:7
adjacent [1] 142:6
adopted [2] 36:15;
127:17
adverse [5] 139:19, 22;
140:6; 141:4; 142:20
advise [2] 19:12; 20:6
advised [1] 103:14
advising [1] 62:20
AETNA [1] 1:10

affairs [2] 80:4; 82:21
affect [3] 175:7, 9, 15
affected [7] 54:19; 129:9;
130:3; 132:6, 10; 173:17
aforesaid [1] 6:5
AFTERNOON [1] 61:18
afternoon [2] 13:15;
62:13
agencies [3] 129:6;
150:13; 152:9
agency [3] 12:10; 105:15;
106:15
agent [3] 8:2; 17:2, 4
agree [21] 29:19; 66:19;
69:17; 75:3; 94:21; 96:17;
115:8; 120:14; 128:2;
144:12, 22; 145:6, 21;
146:8, 14, 20; 156:22;
157:6, 22; 172:13, 18
agreed [1] 67:7
agreeing [1] 69:14
agreement [2] 68:9;
119:6
Agricultural [1] 98:16
air [5] 45:19; 47:1; 48:12;
49:8; 159:7
airline [2] 8:3; 12:11
al [1] 1:11
Alabama [1] 31:3
allow [2] 63:8, 19
alone [2] 61:15; 124:18
alternate [1] 43:16
amount [2] 75:7; 165:7
amounts [1] 41:22
Anders [3] 155:20, 21;
156:2
anhydride [3] 25:14;
34:7, 8
animal [1] 115:2
ANN [1] 108:17
Ann [1] 56:9
Anniston [6] 29:9; 31:3;
169:4, 5, 6, 7
announcement [1] 50:14
answer [11] 14:7, 22;
15:3; 22:9; 73:6; 75:15;
90:5, 6; 115:15; 123:1;
148:4
answered [5] 12:1;
109:13, 20; 110:6, 8
anybody [3] 9:6; 36:8;
59:11
anymore [1] 110:9
anyway [1] 114:21
anywhere [1] 27:11
apart [1] 87:19
apparently [1] 63:1
appeal [1] 118:11
appear [3] 16:8, 9; 70:13
APPEARANCES [1] 2:1
appears [6] 84:4, 5;
109:18; 135:3; 137:9;
154:2
appendices [1] 143:19
Appendix [1] 138:22
appendix [1] 139:2
applied [1] 82:18
applies [3] 123:5; 146:12;
164:22
apply [1] 54:2
appointed [1] 27:3
appointments [1] 42:6
appraises [1] 41:19
appreciate [2] 29:22;
38:10
approach [2] 123:7;
124:3
approached [1] 151:2
appropriate [13] 18:14;
35:5; 49:16, 18; 59:14;

82:1; 95:10; 121:10;
129:21, 22; 151:14;
167:14, 22
appropriated [1] 82:19
appropriately [1] 82:15
approximate [2] 58:7;
140:18
Approximately [1] 41:3
approximately [7] 9:14;
43:7; 46:7; 61:1; 64:6;
83:16; 89:16
aquifers [1] 143:8
arbitrary [1] 71:12
area [14] 47:10; 49:2;
59:4; 60:2; 72:2; 132:17;
133:3; 141:22; 142:1, 3,
8, 9, 21; 145:12
areas [10] 29:7, 16, 21;
30:6; 77:17, 18, 22; 83:2;
115:14; 130:21
aren't [1] 71:9
argumentative [1] 130:10
arise [5] 42:14; 68:13;
69:15; 71:15; 130:17
arises [1] 72:4
arrange [3] 8:2; 12:10;
88:21
arranged [1] 50:7
arrangements [2] 8:19,
20
arrive [4] 81:2; 112:1, 12;
132:13
arrived [4] 63:1; 111:8;
152:12; 165:17
arrives [1] 145:17
arriving [1] 152:16
as-needed [1] 42:3
Aside [1] 142:19
aside [8] 7:14; 105:22;
111:17; 112:7; 141:9, 16;
170:1, 12
asking [21] 15:18; 28:19;
66:3; 67:17; 68:11; 69:13;
71:13; 81:8; 95:14, 15;
109:21; 110:2, 4; 111:21;
120:22; 136:4; 140:9;
141:16; 145:11; 166:22;
169:9
assess [3] 156:8; 157:12
Assessment [2] 76:14;
160:15
assessment [20] 76:15;
77:7, 9; 79:8, 18; 80:13;
81:6; 82:5, 13; 85:13;
88:18; 107:13, 18; 124:8;
129:12, 16; 130:18; 156:7;
161:2, 7
assessments [34] 75:19,
20; 76:7; 78:2, 9; 79:22;
85:12, 22; 86:3, 4, 10,
12, 16; 87:2, 6, 8, 9, 12,
20; 88:2, 5, 6, 7; 124:19;
125:1, 10, 17; 127:5;
128:6, 15, 18; 129:19;
130:9
Assigned [1] 61:10
assigned [36] 24:8; 25:8,
17, 21; 26:4, 15; 27:7;
17; 28:2; 30:13, 14, 17;
31:2, 6; 33:7, 19; 34:2, 5,
13; 36:17; 37:11; 39:3;
40:5; 41:5, 6; 45:13, 15,
16, 19, 22; 46:10, 13;
47:16; 52:3; 54:11; 81:12
assignment [7] 25:7, 17,
19; 26:13; 30:11; 40:12;
96:3
assignments [3] 23:13;
28:7; 41:19
assist [2] 158:12, 16

assistance [6] 20:13, 16;
47:7; 81:9; 117:7; 151:12
Assistant [2] 25:18; 26:2
assistant [1] 6:18
associate [4] 107:10;
162:9, 13; 163:19
associated [5] 162:21;
164:1; 173:2, 7; 177:7
assumed [4] 9:21; 12:5,
14; 53:10
Assumes [1] 19:16
assuming [2] 109:17;
120:17
assumption [1] 12:8
Assure [1] 175:21
assure [2] 38:19; 85:5
assured [1] 62:17
Attached [1] 153:16
attachment [3] 93:13,
17; 139:2
attempt [5] 62:21; 66:21;
88:7; 163:9; 165:16
attempts [2] 115:13;
164:9
attend [6] 42:15; 43:15,
17, 21, 22; 44:11
attended [4] 23:2; 43:6,
9; 84:9
attending [3] 43:18;
49:18, 19
attention [13] 62:20;
81:10; 82:1; 84:11; 91:2;
99:22; 122:8; 138:10;
139:19; 140:1; 141:5;
142:20; 171:14
attorney [5] 8:1; 13:5, 9,
13, 14
attorney-client [2] 15:2;
22:8
attorneys [2] 16:9, 11
attribute [1] 144:15
Audrain [4] 154:16;
155:5, 8, 10
August [3] 40:1; 50:18;
74:9
Augusta [1] 52:19
author [13] 73:11; 82:8;
94:11; 123:13; 124:4;
125:4; 144:16; 145:2;
146:3; 154:12; 161:9;
162:10
authorities [1] 106:18
automobile [1] 163:3
available [9] 35:7, 18;
42:22; 57:1; 61:11; 63:2;
129:5; 131:11, 20
avoid [3] 70:11; 172:19;
173:5
Avon [3] 52:15; 148:14,
22
aware [22] 9:11; 15:7;
100:22; 101:9; 104:11, 13;
105:10, 11; 106:2, 14, 17,
21; 107:21; 115:19; 117:1,
3; 126:12; 142:19; 148:5;
162:7, 8
awful [4] 49:15; 157:20;
159:8; 163:2
awhile [1] 75:1

- B -

B-e-r-g-e-n [1] 32:6
B3NA [2] 153:12, 14
Bachelor [1] 23:3
background [4] 23:1;
28:20; 29:3, 18
bailiwick [1] 177:2
balance [1] 15:4
banal [1] 15:1
Bank [1] 3:4

base [1] 76:4
Based [2] 106:4; 174:21
based [10] 67:6; 88:18;
89:8, 14; 92:8; 95:16;
122:21; 131:19; 167:17;
168:13
Basically [1] 97:2
basically [4] 49:2, 5;
61:8; 78:17
basin [1] 169:16
basins [1] 144:9
basis [7] 42:3, 11; 59:16;
64:4; 68:6; 70:6, 9
basket [1] 112:1
bat [2] 82:20; 98:7
Bates [10] 83:11; 92:18;
99:21; 108:17; 127:5;
133:22; 136:21; 153:7;
160:15; 171:5
Bayou [1] 39:13
bearing [4] 40:2; 83:11;
136:20; 153:7
bears [1] 160:15
beat [1] 160:19
becomes [1] 102:16
beg [1] 70:10
behalf [3] 1:18; 67:16;
79:4
behavior [1] 79:1
behind [1] 156:7
believe [35] 6:19, 20;
7:15; 17:19; 37:6; 39:14;
47:15; 52:19; 53:9; 55:6;
58:4; 64:10; 66:8, 11, 15;
67:2, 3, 4, 10; 75:3;
79:17; 91:6; 95:3; 100:3,
5, 21; 104:19; 109:4, 11;
110:4, 9, 10, 19; 120:8;
135:21
believed [1] 171:19
beneath [3] 98:20;
171:14; 174:21
benefit [1] 59:15
Bergen [1] 32:6
bet [1] 45:5
bigger [3] 27:14, 15, 16
Bill [1] 38:19
binding [1] 68:10
biphenyl [1] 37:11
biphenyls [3] 21:12;
31:9; 32:8
bit [3] 59:12; 121:14;
132:3
blanket [2] 69:4; 71:13
blocking [1] 7:20
body [1] 168:22
bore [1] 122:13
boring [1] 124:20
boss [1] 93:11
bosses [2] 47:9; 98:8
boxes [4] 64:6, 8; 120:6
Brasfield [1] 87:17
Bray [1] 2:5
break [9] 38:4, 9, 11;
48:1, 4; 61:16; 62:9;
72:10; 122:1
Bridgeport [1] 52:17
Brief [1] 68:4
brief [1] 91:15
briefly [3] 22:22; 29:7;
154:2
broader [2] 128:20;
145:11
BRODERICK [1] 71:17
Broderick [1] 3:11
Brown [1] 62:20
Bryan [1] 1:20
buckets [1] 96:1
Building [3] 3:4; 153:15;
171:11

bulletin [1] 40:2
burden [1] 17:22
buried [4] 98:21; 99:10,
12, 16
Business [1] 32:7
business [8] 36:13, 16;
111:2, 19; 112:9, 11;
165:12; 176:6
button [1] 176:1
buttons [1] 175:17

- C -
C-a-l-l-i-s [1] 53:9
C-o-r-e-y [1] 45:5
C.A. [1] 1:8
calculations [1] 24:9
calendar [1] 7:18
California [2] 3:6; 52:16
call [10] 7:14; 8:1, 2; 9:5;
13:14, 20; 22:5; 23:16;
26:16; 150:14
calling [1] 157:7
Callis [2] 53:9, 20
calls [2] 130:4; 169:19
camera [2] 80:3; 85:18
candid [2] 80:3; 85:18
capability [1] 174:16
carbon [1] 157:4
card [1] 20:19
care [1] 66:19
carefully [1] 158:17
Carpenter [3] 98:13, 14,
15
carried [1] 102:13
carry [1] 28:7
case [20] 6:5, 14; 7:15;
9:20; 11:14; 13:12; 15:8,
17; 19:21; 63:7, 18;
64:19, 20, 21; 66:8; 69:6;
70:3; 91:8; 121:11; 159:22
case-by-case [1] 68:6
cases [2] 111:15; 163:2
CASTLE [1] 1:2
CASUALTY [1] 1:10
catalyst [2] 24:15; 157:19
catastrophic [1] 163:7
catch [1] 169:15
binding [1] 68:10
category [1] 176:2
CBY [7] 83:11; 86:6;
99:21; 127:5
cc [2] 74:13; 127:7
centers [1] 115:2
certified [1] 1:21
cetera [1] 48:12
chance [1] 18:4
change [8] 37:1, 4;
50:19, 20; 51:7; 52:7;
67:9, 11
changed [5] 33:5, 9, 10,
15; 35:12
changes [1] 76:6
changing [1] 21:3
characteristics [1] 159:9
charge [2] 40:18; 87:11
check [1] 66:17
Chemical [5] 25:3; 39:6,
8; 54:14; 98:16
chemical [4] 23:4, 5;
34:8; 157:1
Chemicals [1] 52:5
chemicals [18] 24:18;
26:8; 34:5, 6, 11, 12, 21;
35:1; 133:5; 157:10, 14;
158:1, 4, 7, 8; 159:2, 4
chloride [2] 34:16; 37:15
Chocolate [1] 39:13
Circle [1] 4:5
circumstances [1] 71:17
cited [1] 116:9
City [58] 1:18; 12:9;

28:19; 29:3, 8; 39:13;
52:21; 53:4, 11, 14, 17;
54:21; 55:13, 19; 58:3;
60:8, 19; 61:13; 77:10,
15; 79:8, 17; 88:22;
90:13, 15, 18; 91:21;
98:17; 105:10; 106:3, 16;
107:12, 17; 128:12; 132:9,
17; 135:7, 11, 14, 20;
136:7;
137:20; 139:20; 140:1, 7,
8; 141:5; 142:21; 144:4;
145:5; 148:14, 22; 150:18;
155:18; 156:15, 22;
159:13; 168:3
CJA-118-1-CV [1] 1:8
Clara [3] 139:21; 148:14,
20
clarify [1] 59:19
clarity [1] 44:4
Clayton [1] 53:9
Clean [1] 139:19
cleanup [7] 139:22;
140:5; 141:4; 142:20;
153:7, 17; 157:19
clear [6] 29:5, 16; 68:22;
69:19; 112:3; 151:7
clock [1] 7:7
closed [4] 171:19;
172:15, 16; 175:8
Closing [1] 174:14
closing [3] 172:19; 174:5;
175:13
closure [2] 124:10; 175:6
CO [1] 2:12
coaching [4] 91:6, 13;
164:6, 9
colloquy [2] 91:16, 17
Columbia [2] 39:13;
52:15
column [2] 74:13; 171:8
comfortable [1] 157:7
coming [2] 8:16; 102:7
commencing [1] 1:19
comment [3] 10:20;
72:19; 78:11
comments [3] 72:20;
146:11; 151:14
Commerce [1] 2:15
commitment [1] 68:12
commitments [1] 67:16
Committee [1] 73:9
committee [1] 67:20
communicate [1] 117:21
communicated [1]
151:12
communicating [3] 36:3;
49:21; 55:7
communications [3]
36:1; 59:13; 98:1
COMPANIES [1] 4:2
COMPANY [4] 1:4, 11;
2:3; 3:10
Company [12] 6:12, 18;
23:9, 12; 25:1, 3; 39:7;
52:5; 54:14; 98:16;
126:17; 161:13
company [4] 12:21;
41:11; 64:2; 84:21
compare [1] 115:12
competitors [1] 50:2
complete [6] 114:21;
116:10; 117:13; 120:15;
121:17; 127:12
completed [13] 70:3;
77:10, 11; 87:12; 89:17,
19; 108:19; 116:13, 18;
117:16; 128:13, 16, 17
completion [1] 77:7
complex [1] 131:5

Compliance [1] 93:19
 compliance [5] 85:22; 101:18; 106:15; 107:13, 19
 complied [1] 118:4
 complies [1] 42:2
 comply [2] 85:20; 172:20
 composition [1] 29:21
 compound [1] 170:5
 compounds [1] 157:19
 comprising [1] 66:9
 compunction [1] 152:9
 concentrate [1] 98:4
 concentrations [1] 147:14
 concern [10] 9:3; 65:12; 80:7, 13, 17; 116:20; 118:16; 145:22; 146:3
 concerned [3] 68:8; 81:4; 167:17
 concerning [4] 15:12; 40:13; 75:19; 84:7
 concerns [3] 137:20; 162:6, 7
 concluded [1] 125:4
 conclusion [4] 123:13; 144:15; 145:10; 147:6
 conclusions [1] 146:13
 concrete [1] 166:21
 Condition [1] 65:5
 condition [6] 63:20, 21; 65:6; 156:9; 157:13; 167:14
 conditions [14] 63:9, 17; 64:18; 65:4; 82:20; 89:8, 15, 19, 22; 90:8; 91:1; 158:20; 166:4; 176:8
 conduct [2] 42:12; 55:14
 conducted [4] 87:2; 108:19; 114:5; 124:8
 conducting [2] 29:17, 20
 Confidential [1] 161:14
 confirms [1] 147:18
 connection [3] 8:16; 73:8; 151:16
 consensus [1] 152:13
 Conservation [1] 93:19
 consider [7] 10:18; 70:9; 130:20; 133:1; 176:3, 21; 177:6
 consideration [2] 145:9; 172:22
 considerations [2] 49:9, 10
 considered [5] 142:11; 152:16; 161:17; 162:20; 177:10
 consisted [1] 47:12
 consistency [3] 84:22; 85:5, 9
 constantly [2] 114:8; 128:15
 consult [4] 63:11; 64:15; 69:11, 16
 consultant [1] 136:13
 consultants [2] 140:13; 151:16
 consultation [1] 42:3
 consulting [1] 42:1
 contact [6] 8:21; 12:16; 13:12; 56:13; 60:13; 123:8
 contacted [4] 6:14, 17, 19; 58:3
 contacting [2] 8:19; 42:7
 contacts [1] 50:8
 contain [2] 80:10; 144:9
 contained [4] 120:16; 146:20; 157:9; 166:12
 containing [1] 157:4
 containment [1] 98:21

contains [1] 168:22
 contaminate [4] 143:7, 8; 144:21; 145:16
 contaminated [5] 131:1, 2; 144:9; 150:3; 168:20
 contamination [15] 21:22; 129:20; 130:21; 131:9, 16; 141:6; 146:8; 147:4; 148:2, 5; 149:20; 152:5; 156:2, 12; 161:16
 contents [1] 115:6
 context [1] 21:19
 continual [1] 166:10
 continue [12] 24:19; 26:12; 30:2; 54:4; 122:7; 127:11; 166:7; 167:21; 169:11; 173:22; 174:19; 175:15
 continued [2] 155:8; 174:12
 continues [1] 91:9
 Continuing [4] 7:2; 56:7; 162:17; 169:11
 continuing [2] 53:13; 103:17
 continuous [4] 173:14, 16; 174:7; 175:9
 continuum [1] 51:20
 contract [1] 28:16
 contracted [2] 30:3, 5
 contractors [1] 140:13
 contribute [1] 49:22
 Control [6] 31:8, 11, 19; 32:2; 33:2; 45:10
 controlled [3] 94:19; 96:6; 158:18
 conversation [19] 7:9; 8:5, 11, 14; 9:3, 15, 16; 10:9; 11:17; 13:11, 18; 15:4; 17:7, 15; 18:7, 10, 12; 53:20; 62:9
 conversations [5] 12:19; 13:3, 7; 15:12; 57:15
 convince [3] 14:18; 16:1, 20
 Cooperation [1] 70:2
 cooperation [2] 70:1; 79:2
 coordinate [1] 47:8
 Coordinator [1] 93:20
 coordinator [1] 98:13
 copies [4] 22:4; 119:19; 121:6
 copy [10] 78:2, 4; 86:18; 109:5, 12; 110:5; 112:22; 154:9, 13; 161:14
 copying [1] 119:21
 Corey [1] 45:4
 corner [1] 141:22
 Corporate [1] 55:8
 corporate [20] 40:8, 11; 41:5; 42:2, 17; 43:18; 44:16; 45:21; 46:15; 49:21; 50:16; 84:19; 85:10, 20, 22; 103:1; 151:9; 156:8; 161:2, 6
 corporate-level [1] 145:22
 Corporate-wide [1] 152:21
 Corporation [1] 2:6
 corporation [1] 84:22
 corrected [1] 168:12
 corrective [5] 98:22; 154:3; 167:19; 168:12; 169:19
 correctly [3] 9:2; 40:18; 49:1
 cost [1] 75:12
 costliness [1] 170:9

costs [9] 139:19, 22; 140:5; 141:4; 142:20; 152:15; 173:2, 6, 8
 Counsel [1] 91:5
 counsel [6] 12:20; 63:8, 12, 17; 70:12, 14
 counteroffer [1] 65:4
 country [1] 148:2
 COUNTY [1] 1:2
 couple [3] 21:14; 24:20; 26:13
 course [18] 7:7; 16:3; 43:12; 49:15; 50:6; 55:21; 57:16; 61:3; 111:18; 112:9, 11; 123:1; 129:8; 130:22; 150:1; 165:12; 167:15; 175:14
 courses [1] 149:14
 COURT [7] 1:1; 20:5; 59:22; 106:9; 112:6; 163:18; 170:11
 cover [5] 105:17; 115:11, 14; 153:10; 177:6
 coverage [6] 6:13; 176:14, 16, 22; 177:6, 11
 covered [4] 27:21; 35:17; 39:15
 covers [2] 35:7; 49:22
 create [1] 66:2
 created [2] 85:3; 157:19
 credit [1] 67:13
 criticism [1] 135:9
 critique [1] 72:21
 cross-reference [1] 119:3
 crude [2] 24:13, 15
 Current [1] 92:17
 current [1] 20:21
 currently [2] 68:7; 148:13
 Customary [1] 111:15
 customary [1] 111:13
 customer [2] 35:7, 18
 customers [3] 36:1, 4; 50:1
 cutoff [1] 51:13

- D -

D.C. [4] 2:9; 3:14; 4:6; 44:9
 daily [1] 98:4
 dairy [1] 165:15
 dark [1] 166:20
 data [1] 76:4
 date [11] 24:22; 33:8; 37:6; 50:18; 58:7; 61:3; 77:12; 86:13; 87:10; 140:2, 4
 dated [4] 83:11; 123:20; 160:14; 161:8
 dates [3] 17:3; 27:2; 34:4
 David [1] 7:13
 day [13] 1:20; 10:14; 63:4; 66:11, 16; 71:6; 89:20; 97:4; 163:14; 165:17; 167:18; 177:18
 day-in [1] 59:13
 day-out [1] 59:13
 days [5] 11:8; 28:18; 63:6; 66:14; 67:13
 deal [3] 32:18; 68:2; 69:9
 dealing [1] 57:2
 dealings [1] 55:20
 dealt [5] 15:5; 21:21; 49:13; 55:22; 67:21
 decade [1] 88:16
 December [7] 6:15; 13:4, 8; 114:5; 115:18; 116:15; 123:20
 decide [1] 89:7
 decided [4] 62:4; 88:20; 92:3; 152:8

decides [1] 41:20
 decision [6] 10:11; 88:17; 110:17; 132:13; 152:16; 169:19
 Decisions [1] 122:12
 decisions [1] 81:2
 Declassify [1] 176:2
 DEFENDANT [3] 2:12; 3:1, 10
 defendant [1] 64:2
 DEFENDANTS [1] 4:1
 Defendants [12] 1:13, 18; 63:18; 65:13, 18; 67:10, 21; 70:7, 8; 71:5, 11, 19
 defense [10] 63:8, 12, 17; 67:2, 17, 19; 69:11, 16; 70:11, 14
 define [2] 55:3; 161:5
 definition [6] 106:1, 4, 7; 141:20; 157:2, 3
 degree [6] 53:19; 78:20; 131:2; 147:13; 149:8, 11
 degrees [1] 23:3
 DELAWARE [1] 1:1
 Delaware [9] 7:15; 9:20; 12:2, 6, 9; 139:20; 148:14, 20
 delay [4] 116:6, 9, 20; 117:2
 delegated [2] 135:22; 136:2
 deliver [1] 119:6
 delivered [1] 118:17
 deluge [1] 163:5
 DEO [10] 94:4, 12, 21; 95:13, 18, 21; 96:17; 99:1, 2
 Department [19] 24:8; 25:9; 26:15; 27:4, 8, 9, 14; 32:2; 33:17; 36:11; 43:19; 51:12; 55:8; 85:2; 121:5, 7; 136:7, 10, 14
 department [9] 25:18; 26:5; 31:22; 32:4; 33:16; 36:6, 10, 12
 departments [6] 28:7, 10, 14; 30:12; 49:21; 84:21
 departure [2] 17:3
 Depending [1] 158:17
 depending [1] 42:21
 depends [2] 38:13; 80:17
 deposed [2] 21:6; 29:4
 Deposition [27] 1:17; 5:8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20; 39:17; 74:4; 83:7; 92:12; 99:17; 108:11; 126:20; 133:7; 136:16; 137:22; 153:1; 160:9; 170:22
 deposition [39] 9:9, 11; 10:19; 11:1; 14:9, 10, 13, 15; 16:8, 10, 14, 15, 17; 18:17, 20; 19:2, 9, 21; 20:3, 18; 21:16; 22:2; 28:18; 29:3; 38:6; 62:11; 63:4, 14; 64:21; 65:20; 67:3, 5; 68:8, 13, 18; 70:14; 71:4; 126:22; 177:17
 deposition-by-deposition [3] 64:4; 70:6, 9
 depositions [7] 21:9, 14, 15, 21; 63:22; 68:10, 12
 describe [6] 22:22; 25:4; 46:18; 57:14; 125:6; 131:21
 described [2] 30:11; 35:9

describes [1] 162:12
 design [2] 25:9; 175:19
 designate [4] 63:6; 65:20; 70:13; 119:13
 designated [6] 62:12, 14, 17; 65:19; 76:22; 103:9
 designating [1] 154:12
 designation [7] 65:14, 18; 68:16; 119:7, 9; 141:14, 17
 designations [2] 63:16; 68:17
 designed [2] 128:19; 153:22
 desired [1] 24:16
 desk [3] 111:8; 112:12
 destination [1] 131:4
 detail [1] 150:1
 details [6] 7:22; 15:11; 75:22; 78:21; 106:21; 140:14
 determinations [1] 152:4
 determine [7] 35:2; 75:16; 76:5; 88:7; 131:1; 156:12; 172:9
 determined [1] 151:5
 develop [2] 72:22; 175:2
 developed [3] 100:22; 101:1; 129:3
 developing [1] 84:19
 development [1] 101:18
 developments [5] 46:21; 47:10; 48:12; 49:1, 14
 dictate [3] 124:9; 125:1, 10
 differ [1] 70:10
 difference [2] 10:14, 17
 differentiate [1] 114:8
 differently [1] 125:15
 differs [1] 41:15
 difficult [3] 34:4; 70:3; 169:13
 difficulty [5] 45:18; 46:14; 106:20; 138:13; 139:5
 direct [8] 41:11, 21; 53:22; 84:11; 99:22; 122:8; 171:13
 directed [1] 141:5
 direction [1] 10:21
 Director [42] 32:7; 37:22; 39:4; 40:17; 43:14; 45:9; 46:19; 48:5; 52:3; 53:3; 54:5; 55:9, 18; 56:15; 59:9; 73:19; 76:8, 15; 78:6, 14; 84:8; 87:22; 90:12; 93:7; 95:16; 97:12; 98:2, 15; 115:18; 122:21; 128:11; 133:2; 137:6; 138:11; 141:1; 145:4; 146:18; 147:22; 148:16; 154:22; 159:16; 176:18
 director [6] 43:19; 45:13, 16; 46:10; 163:13, 15
 Directors [4] 41:5, 7; 43:13; 94:5
 directors [2] 42:15; 43:2
 disagree [2] 91:14; 145:6
 discovered [1] 168:12
 Discovery [4] 19:20; 91:7, 10; 164:6
 discovery [3] 29:17, 20; 70:16
 discuss [1] 53:21
 discussed [2] 43:4; 62:3
 discussing [2] 49:20; 126:2
 Discussion [4] 39:1, 20; 142:16; 177:16
 disinterest [2] 116:6, 9

disposal [19] 24:1; 26:21;
28:9; 30:6; 36:1; 77:18;
99:10, 11, 14; 106:19;
114:12; 115:6; 124:11;
145:18; 146:6; 158:3;
173:21; 175:18, 22
dispose [1] 174:1
disposed [2] 115:5;
166:19
disposition [2] 94:19;
96:6
dispute [1] 94:12
distance [1] 19:7
distinct [1] 23:13
distinguish [1] 167:6
distinguished [2] 41:10;
51:5
distribution [2] 28:5;
83:14
ditch [1] 162:6
document [82] 40:7;
62:15; 63:3; 64:9; 65:8, 9,
11, 15; 74:6; 79:9, 16;
83:13, 15, 17, 20, 22;
84:3, 5, 12; 92:20, 22;
93:7; 95:7; 100:4, 6;
108:21; 109:5, 12, 17;
110:3, 21; 111:7, 20, 22;
112:10, 11; 113:1, 19, 21;
114:2; 115:1; 118:15,
16; 119:10; 120:5, 11, 14,
17; 122:8; 123:15, 17;
127:4, 10, 12; 133:19;
134:19; 136:20, 22; 137:2;
138:6, 8, 9, 15, 21;
139:4, 15, 17; 141:4;
143:16, 19; 146:4; 153:3,
9; 154:2; 155:17; 160:11,
14, 17; 162:10; 171:5, 6,
16
Documents [1] 76:14
documents [51] 22:3, 4,
6, 11; 49:16, 18; 62:1,
12, 16, 18, 22; 63:7, 8,
11, 19; 65:14, 19; 66:9,
10, 12, 20; 67:22; 68:16;
69:20; 70:13; 71:5, 9, 12;
76:15; 78:7; 79:10; 87:6;
88:13; 103:14, 15, 18;
105:16; 109:19; 110:22;
111:4, 14, 17;
112:7; 118:17, 19; 119:6,
8; 120:3; 121:10; 160:7
Doesn't [1] 175:6
doesn't [14] 35:9; 38:17;
44:13; 67:13; 78:5; 79:12;
87:5; 89:2; 96:21; 108:20;
110:12; 111:12; 112:13;
137:16
Donnenfeld [1] 2:5
door [3] 42:11; 43:20;
105:16
doors [1] 98:6
dot [4] 171:14; 174:10;
175:4
dots [2] 174:21; 175:17
dotted [1] 41:22
dotted-line [2] 41:9, 15
double-a-a-r [1] 50:17
double-e [1] 45:12
dozen [4] 21:14; 30:17;
108:6; 135:19
Dr [1] 53:20
draft [1] 83:10
drafts [3] 72:18; 73:12;
100:22
draw [1] 168:19
drilled [1] 151:19
drilling [2] 23:15; 24:4
drip [2] 162:19; 163:2

dripping [1] 166:10
Drive [1] 20:20
driven [1] 173:10
dry [1] 89:12
duly [1] 6:3
dumps [1] 146:7
duplicate [1] 161:14

- E -

E3NJ [1] 74:18
Earl [1] 87:17
early [5] 19:4; 30:13;
50:8; 61:4; 174:18
earthen [1] 144:8
easier [1] 139:12
easily [1] 159:5
Ed [5] 56:9, 19, 20; 61:8;
108:3
editor [1] 73:11
educational [1] 22:22
effect [12] 14:5; 16:4;
105:21; 106:11; 131:4;
132:15; 133:5; 167:15, 17,
20, 21; 169:15
effective [1] 152:14
effectively [2] 104:8;
122:15
efficiency [1] 152:14
effort [7] 14:18; 69:12;
173:13; 174:6; 176:4, 9,
10
efforts [2] 174:5; 177:7
Eighties [1] 61:4
eighty [1] 28:22
EIL [1] 3:1
embarked [1] 150:7
emergency [2] 72:1, 4
Emissions [1] 93:14
emissions [1] 76:4
employee [5] 47:4;
49:10; 54:17; 102:3;
105:22
employees [2] 54:13;
103:16
employment [2] 19:16;
103:22
enacted [1] 172:7
enactment [1] 175:8
encouraged [1] 150:3
encouragement [1] 17:6
encouraging [1] 16:21
end [10] 17:15; 24:17;
31:4; 54:7; 58:16; 127:12;
157:18; 159:6; 166:11
energy [1] 23:17
engage [2] 173:5; 176:5
engineer [1] 149:7
Engineering [4] 24:8;
25:9; 27:8; 136:13
engineering [7] 23:4, 5;
27:13, 16, 21; 149:9, 11
engineers [3] 27:11;
56:10; 57:22
ensure [3] 85:9; 116:12;
159:20
entailed [1] 149:22
enter [4] 69:4; 166:15;
177:12
enters [1] 126:22
entitled [2] 138:4; 160:15
environment [14] 31:9,
14; 32:19; 33:3; 35:14,
16, 19; 47:3; 88:8; 166:4,
12, 16; 167:15
Environmental [81]
31:8, 10, 19; 32:2; 33:2,
6, 15, 16, 21; 35:8;
36:11; 38:1; 39:4; 40:17;
41:6, 8; 43:13, 15; 46:19;
47:20; 48:5; 51:5, 6, 8;

52:4; 53:3; 54:6; 55:10,
18; 56:15; 59:9; 73:8, 19;
74:10; 76:8, 14, 16; 78:7,
15; 84:6, 8, 21;
85:2; 87:1, 22; 90:12;
92:18; 93:7; 94:5, 18;
95:17, 19; 97:12; 98:2,
12, 15; 100:11; 101:21;
102:10; 113:6; 115:18;
122:21; 124:9; 126:15;
127:15; 128:11; 133:2;
136:7, 9; 137:6; 138:12;
141:1; 145:4; 146:19;
147:22; 148:16; 149:9;
154:22; 159:16; 176:18
environmental [77]
21:17; 35:10, 16; 37:11;
40:8, 13; 42:15, 17; 43:2;
44:16; 45:16, 21; 46:15,
22; 48:13; 49:2, 8, 14;
50:4; 54:15, 16; 55:12;
56:10; 59:4; 60:2, 8;
72:16; 75:19; 76:15; 77:7;
78:8, 18, 22; 79:8, 18,
22; 80:4, 12, 13; 81:18;
82:13; 83:3; 84:7, 18, 20;
85:3, 8, 12, 13, 21;
86:10, 16, 19; 87:2, 19;
88:2, 4, 5, 6; 94:3; 98:5;
105:9, 14, 19; 106:1, 2;
107:12, 17; 128:19, 22;
129:11; 130:7, 9; 149:6,
10; 156:5; 166:20
EPA [1] 174:21
equipment [3] 24:10;
25:9; 28:16
equivalent [1] 68:16
escape [1] 158:18
escapes [1] 45:12
essence [4] 7:13; 14:4;
16:7; 112:1
Essentially [1] 74:19
Establish [1] 94:18
establish [2] 76:4; 114:11
established [4] 15:2;
35:4; 36:16; 51:13
establishing [3] 86:11;
96:5; 102:2
establishment [1] 40:8
estimate [2] 61:6; 140:19
et [2] 1:11; 48:12
evaluate [2] 112:17;
175:2
evaluated [1] 126:13
evaluation [5] 75:8; 76:3;
90:19; 91:21; 92:8
evaluations [3] 87:18;
89:17; 118:8
evaporate [1] 159:5
evening [1] 22:21
event [5] 54:1; 66:18;
68:5, 12; 71:8
eventually [6] 26:6;
37:17; 46:12; 56:22;
143:7; 144:10
Everett [1] 52:17
Everybody [1] 102:21
evidence [2] 19:17; 82:14
evolved [1] 130:4
exact [8] 7:12; 9:18; 14:4;
16:3; 17:17; 19:3; 28:3;
61:3
exactly [4] 29:15; 73:20;
117:15; 151:5
EXAMINATION [2] 5:3;
6:6
examination [2] 118:15;
150:6
examining [1] 149:19
example [10] 24:17;

71:18; 89:10; 117:1;
131:1; 146:21; 158:14;
168:14; 169:11; 175:16
examples [1] 158:13
except [3] 44:8; 57:14;
161:10
exception [3] 64:19;
66:2; 120:2
exceptions [2] 111:16;
125:22
excess [1] 64:5
excessive [2] 173:1, 6
exchange [1] 45:1
excluding [2] 12:19;
54:16
exclusions [1] 126:9
Excuse [4] 6:21; 9:8;
28:8; 106:6
execution [2] 88:17;
117:3
exhausted [1] 23:16
Exhibit [42] 5:8, 9, 10,
11, 12, 13, 14, 15, 16,
17, 18, 19, 20; 39:17;
74:4, 9; 83:6, 7, 10;
92:12, 16; 99:17, 20;
108:11, 15; 122:7; 126:20;
127:3; 133:7, 11; 136:16,
20; 137:22; 138:4; 153:1,
6; 160:9, 14; 170:22;
171:4
exhibit [3] 39:16; 95:4;
116:16
EXHIBITS [1] 5:6
exigencies [1] 69:9
exist [4] 89:15; 91:1;
103:19; 147:9
existed [5] 88:19; 89:8;
118:13; 144:4; 150:4
existing [3] 99:9; 106:19;
144:20
expand [2] 33:2, 16
expect [11] 64:20; 65:16;
69:22; 70:5; 80:6, 10, 12;
103:17; 128:12; 159:5, 6
expectation [2] 132:5, 8
expectations [1] 102:17
expected [9] 16:4; 67:5,
6; 71:20; 78:20, 22;
101:10; 111:19; 112:9
expecting [1] 67:8
expended [1] 173:14
expenses [4] 8:15; 10:2;
19:13; 20:7
experience [10] 57:18,
19; 121:8; 122:21; 147:18,
19, 21; 169:4, 5, 6
experienced [1] 57:22
experiences [1] 54:2
expertise [2] 145:20;
146:14
explain [4] 35:10; 40:21;
125:4; 158:5
exposed [1] 166:5
exposure [8] 47:4; 49:10;
54:13, 17, 19, 21; 55:5;
106:1
Express [1] 62:12
extensively [1] 104:8
extent [2] 29:11; 152:5

- F -

F-o-r-e-s-m-a-n [1] 51:4
face [2] 64:22; 65:16
facilities [13] 171:18, 19;
172:2, 6, 19; 174:2, 3, 5,
13, 14; 175:5, 7, 19
facility [4] 141:18, 21;
142:7; 172:15
fact [15] 12:9; 16:22;

59:12; 62:20; 65:10;
66:14, 17; 109:16; 110:12;
137:18, 19; 153:7, 17;
167:9; 170:7
factor [3] 129:15, 17;
150:21
factors [1] 152:15
facts [2] 19:16; 159:12
fail [1] 164:19
fails [1] 168:20
failure [5] 162:18; 163:7;
167:7; 168:13, 17
failures [3] 168:11;
170:1, 12
fair [3] 58:16; 121:2
fairly [1] 115:8
familiar [7] 23:19; 83:14,
19; 87:18; 90:14, 16;
133:3
fashion [3] 25:4; 29:3, 7
fault [1] 67:3
faultless [1] 109:22
FAX [4] 2:18; 3:8, 16;
4:8
faxed [1] 66:11
feasible [2] 170:3, 14
feature [1] 130:12
February [1] 133:12
Federal [2] 3:4; 62:12
federal [3] 49:18; 81:15;
129:7
feel [3] 64:16; 69:12;
157:7
feeling [1] 150:19
felt [9] 10:19; 42:4;
59:14; 116:7; 117:9;
118:1, 9; 150:14; 151:14
fence [5] 99:13; 141:22;
142:3, 4
fiber [2] 89:10, 13
field [2] 23:15; 24:4
Fielding [1] 3:12
Fifties [2] 167:10, 19
fifty [1] 64:11
File [1] 113:6
file [2] 64:5; 111:9
files [1] 86:20
fill [1] 116:7
final [4] 47:6; 72:22;
131:4; 153:16
find [14] 51:21; 59:7;
60:14; 63:14; 70:14; 90:4;
120:17; 124:1; 125:14;
130:8, 18; 132:1; 138:14;
147:12
finding [2] 131:6; 139:5
finds [2] 70:12; 168:21
fine [1] 159:22
finish [1] 128:15
finished [1] 22:21
finite [1] 78:21
fire [1] 163:7
firm [2] 6:10; 118:20
first [42] 6:3, 13, 14;
21:20; 39:16; 45:4; 50:12;
55:22; 56:4; 58:2, 4, 10,
17; 61:2; 63:20; 72:7;
75:2; 77:6; 95:1; 97:3;
100:8; 102:5; 105:13;
107:15; 108:22; 113:19;
122:9, 12, 20; 124:13, 20;
127:11, 12; 129:3; 139:18;
145:14; 153:8;
154:7, 19; 160:18; 171:14;
175:4
fish [9] 167:16; 168:14,
16, 22; 169:1, 6, 7, 12,
17
fit [1] 124:4
five [3] 7:8; 75:5, 13

flawed [1] 112:15 flip [1] 92:21 floating [1] 169:1 floor [1] 2:15 floor [5] 153:15; 163:3; 166:17, 21; 171:12 flow [1] 147:10 flows [1] 147:14 focus [2] 29:8; 44:22 folks [1] 57:17 followed [1] 123:6 Following [2] 13:11; 25:17 following [8] 9:1; 22:17; 23:6; 53:17; 115:4; 154:11; 175:3; 177:18 follows [1] 6:5 foolproof [1] 109:22 Force [1] 138:5 force [1] 143:20 forced [1] 152:17 foresee [1] 21:3 Foresman [1] 51:4 forget [4] 14:4; 56:4, 22; 105:7 forgotten [4] 46:6; 54:12; 106:21; 121:20 form [4] 20:1; 49:3; 65:16; 175:12 formal [4] 42:7; 45:4, 11; 105:15 formations [1] 91:3 formed [1] 37:8 former [1] 103:15 formulated [1] 102:18 forth [2] 29:1; 149:11 Forties [1] 167:18 forwarded [2] 35:6; 103:12 found [3] 139:8, 13; 148:10 foundation [19] 73:2; 77:20; 90:2, 21; 91:12; 104:7; 124:16; 132:11; 144:5; 148:3; 152:10; 157:15; 161:4; 164:3, 8; 167:11; 168:8; 171:21; 176:15 four [3] 27:22; 66:9, 10 fourth [3] 27:22; 171:11, 14 fractions [2] 24:11, 12 frame [3] 44:3; 51:14, 19 Francisco [1] 3:6 frankly [3] 93:10; 106:21; 124:1 Fred [4] 56:6, 7, 17 frequency [2] 165:7; 170:8 Friday [5] 18:13, 14; 19:1; 62:15; 159:21 fulfilling [1] 101:10 full [2] 10:15; 65:16 full-time [1] 32:12 fully [1] 55:3 funding [1] 82:18 future [7] 21:4; 63:13; 68:2; 71:8, 14; 111:9; 169:21 fuzzy [1] 79:10	Gee [1] 161:5 gee [1] 170:7 Gene [2] 45:12; 56:1 generated [3] 28:14, 15; 162:18 geology [1] 23:19 Georgia [1] 52:19 gets [1] 96:21 gist [2] 11:6; 19:4 give [17] 21:8; 24:22; 27:20; 34:10; 41:14; 58:7; 60:7, 9; 65:1; 71:5; 90:5; 98:8; 110:12; 135:17; 139:9; 140:18; 158:14 given [8] 18:19; 21:9; 33:11; 36:20; 91:2; 100:21; 144:14; 164:11 giving [2] 29:14; 105:15 glad [1] 141:19 goal [2] 105:8; 131:7 goals [9] 101:19, 21; 102:1, 7, 8, 18; 103:1, 8; 175:3 God [1] 157:16 goes [7] 29:21; 48:1; 82:16; 115:7; 132:3; 154:9; 162:22 goodwill [1] 152:15 gotten [2] 110:13; 158:21 governmental [2] 49:16; 106:14 grabbing [2] 131:5; 132:4 graduate [1] 149:6 grandfathered [1] 172:17 ground [6] 20:2; 91:11, 15; 144:21; 145:8; 159:6 grounds [4] 22:7; 59:20; 91:6; 164:8 Groundwater [5] 133:12; 138:22; 139:3; 143:14; 160:15 groundwater [46] 23:19; 107:9, 11; 129:20; 130:2, 3, 21; 131:3, 8, 15; 132:3, 6, 9; 134:22; 135:7, 10, 13, 14; 137:13, 15, 19; 141:6; 143:8; 144:11; 146:8; 147:4; 148:1, 5, 11; 149:19; 151:3, 8, 9; 152:21; 153:19, 22; 156:1, 7, 9, 13; 157:13; 158:4, 22; 161:2, 7, 16 groundwaters [1] 150:2 Group [1] 32:7 group [20] 26:16; 27:5; 33:7, 19, 20; 34:5; 36:13; 37:11; 40:10, 12; 41:5; 52:21; 56:8; 67:2, 17, 20; 69:11, 17; 72:21; 116:22 groups [1] 36:16 grueling [1] 38:7 guess [7] 18:3; 58:2; 61:5; 118:5; 121:8; 136:4; 141:12 guessing [3] 113:11; 136:5, 12 guesswork [1] 135:18 guidance [1] 41:22 Guideline [7] 94:18; 95:2, 9, 19; 96:7; 98:12; 126:5 guideline [5] 75:18; 77:6; 101:18; 105:8; 126:2 Guidelines [8] 74:11; 87:1; 100:11; 101:21; 102:10; 124:9; 126:15; 127:16 guidelines [27] 72:17, 19; 73:1, 5, 15, 17, 21; 74:2; 75:4, 7, 10, 11; 100:17; 101:3, 7, 9, 11; 102:5, 13; 103:1; 105:4, 7; 128:20; 129:2, 5; 130:7; 156:6 guy [1] 60:11 guys [3] 62:3; 136:14; 160:1	124:17 hope [1] 119:18 Hotel [1] 1:18 hotel [4] 8:3; 12:11; 17:5; 62:22 hour [2] 38:9; 162:19 Howard [1] 32:6 HUGHES [16] 56:6; 62:7; 66:7, 16; 68:5; 69:19, 22; 71:3; 97:5; 106:6, 12; 119:2, 5, 13; 160:8, 20 Hughes [4] 3:2; 62:15, 18, 19 Huh [1] 121:3 hung [2] 8:10; 96:22 hydrocarbon [1] 159:8 hydrocarbons [1] 158:13 Hydrogeological [1] 88:12 hydrogeological [10] 87:18; 88:3, 14; 89:11, 14, 17; 90:1, 9, 18; 91:21 hydrogeologist [6] 90:4, 22; 132:12; 146:22; 147:2; 149:5 hydrogeology [4] 23:19; 132:17; 133:3; 147:5 Hygiene [1] 47:16 hygiene [1] 47:17 hygienists [1] 55:8 Hypothetical [1] 176:7 hypothetical [10] 81:7, 20; 82:6; 131:18; 149:13; 162:16; 164:2, 8; 167:12; 168:19	Implement [1] 94:18 implementation [6] 75:4, 6; 85:4; 101:3, 12; 105:4 implemented [3] 85:2; 101:7; 104:9 implementing [1] 95:9 implication [3] 127:20; 128:2; 168:9 implying [1] 161:22 important [4] 81:10; 101:17, 20; 102:6 importantly [1] 49:9 imposition [1] 19:6 impossible [1] 95:21 impoundment [1] 162:5 impoundments [2] 122:15; 124:14 impractical [1] 170:16 impression [2] 8:10; 27:20 improper [1] 91:6 in-house [1] 13:13 inactive [9] 115:5; 171:18, 19; 172:6, 19; 174:13; 175:5, 7, 13 inadvertent [1] 120:2 incident [1] 163:8 include [13] 32:10; 68:17; 94:7; 98:17; 99:14; 102:7; 105:6; 124:20; 125:19; 126:5, 11; 145:5; 163:22 included [10] 28:4; 34:6; 36:13; 49:15; 105:3; 115:3; 123:3; 125:18; 126:10; 138:16 includes [1] 118:19 incomplete [1] 120:14 incorporate [3] 103:1; 128:21; 129:19 incorporated [6] 127:16; 129:4, 8, 12, 14; 135:10 increases [1] 41:20 independent [3] 118:22; 119:2, 9 INDEX [1] 5:1 index [1] 138:20 indicate [10] 10:4; 14:8, 12, 15; 18:3; 41:11; 83:13; 124:12; 127:14; 175:6 indicated [4] 40:5; 64:13; 114:14; 131:11 indicates [5] 20:19; 51:10; 112:12; 119:10; 128:4 indication [3] 18:19; 94:12; 110:13 indications [1] 131:14 individual [5] 14:6; 45:13, 19; 51:4; 94:1 individuals [7] 40:10; 42:14; 43:10, 17; 47:12; 102:19; 152:11 Industrial [2] 47:15; 52:4 industrial [2] 47:17; 55:7 influenced [1] 167:19 influential [1] 130:13 Info [1] 113:9 information [29] 10:10, 20; 11:6, 11, 13; 15:13, 14; 35:6, 18; 47:8; 55:13; 60:14; 82:17; 101:5; 105:3; 115:4; 130:1; 131:11, 19; 144:6; 145:14, 17, 19; 146:13, 19; 151:3; 154:1; 158:3; 161:16 informed [15] 46:21; 47:1, 4, 9; 48:11, 13; 49:1; 53:16, 19; 55:11;
---	--	--	---

- G -

G4WA [1] 171:10
 gained [1] 29:12
 game [1] 20:2
 garage [1] 163:3
 Garrett [1] 32:14
 gasoline [1] 24:17
 gave [4] 11:7; 21:15;
 93:11; 106:4

Gee [1] 161:5
 gee [1] 170:7
 Gene [2] 45:12; 56:1
 generated [3] 28:14, 15;
 162:18
 geology [1] 23:19
 Georgia [1] 52:19
 gets [1] 96:21
 gist [2] 11:6; 19:4
 give [17] 21:8; 24:22;
 27:20; 34:10; 41:14; 58:7;
 60:7, 9; 65:1; 71:5; 90:5;
 98:8; 110:12; 135:17;
 139:9; 140:18; 158:14
 given [8] 18:19; 21:9;
 33:11; 36:20; 91:2;
 100:21; 144:14; 164:11
 giving [2] 29:14; 105:15
 glad [1] 141:19
 goal [2] 105:8; 131:7
 goals [9] 101:19, 21;
 102:1, 7, 8, 18; 103:1, 8;
 175:3
 God [1] 157:16
 goes [7] 29:21; 48:1;
 82:16; 115:7; 132:3;
 154:9; 162:22
 goodwill [1] 152:15
 gotten [2] 110:13; 158:21
 governmental [2] 49:16;
 106:14
 grabbing [2] 131:5; 132:4
 graduate [1] 149:6
 grandfathered [1] 172:17
 ground [6] 20:2; 91:11,
 15; 144:21; 145:8; 159:6
 grounds [4] 22:7; 59:20;
 91:6; 164:8
 Groundwater [5] 133:12;
 138:22; 139:3; 143:14;
 160:15
 groundwater [46] 23:19;
 107:9, 11; 129:20; 130:2,
 3, 21; 131:3, 8, 15;
 132:3, 6, 9; 134:22;
 135:7, 10, 13, 14; 137:13,
 15, 19; 141:6; 143:8;
 144:11; 146:8; 147:4;
 148:1, 5, 11; 149:19;
 151:3, 8, 9; 152:21;
 153:19, 22; 156:1, 7, 9,
 13; 157:13;
 158:4, 22; 161:2, 7, 16
 groundwaters [1] 150:2
 Group [1] 32:7
 group [20] 26:16; 27:5;
 33:7, 19, 20; 34:5; 36:13;
 37:11; 40:10, 12; 41:5;
 52:21; 56:8; 67:2, 17, 20;
 69:11, 17; 72:21; 116:22
 groups [1] 36:16
 grueling [1] 38:7
 guess [7] 18:3; 58:2;
 61:5; 118:5; 121:8; 136:4;
 141:12
 guessing [3] 113:11;
 136:5, 12
 guesswork [1] 135:18
 guidance [1] 41:22
 Guideline [7] 94:18;
 95:2, 9, 19; 96:7; 98:12;
 126:5
 guideline [5] 75:18; 77:6;
 101:18; 105:8; 126:2
 Guidelines [8] 74:11;
 87:1; 100:11; 101:21;
 102:10; 124:9; 126:15;
 127:16
 guidelines [27] 72:17,
 19; 73:1, 5, 15, 17, 21;
 74:2; 75:4, 7, 10, 11;
 100:17; 101:3, 7, 9, 11;
 102:5, 13; 103:1; 105:4,
 7; 128:20; 129:2, 5;
 130:7; 156:6
 guy [1] 60:11
 guys [3] 62:3; 136:14;
 160:1

- H -

H-i-m-e-s [1] 56:5
 hadn't [3] 9:6; 10:22;
 17:9
 half [2] 30:17; 162:19
 hand [2] 78:5; 109:8
 handed [1] 20:19
 handful [1] 65:19
 handle [1] 19:7
 handled [1] 35:20
 handling [1] 47:5
 hands [1] 110:3
 handwriting [5] 113:3,
 4, 10, 16; 134:14
 happening [2] 53:17;
 167:22
 happens [5] 18:2; 82:16;
 89:12; 112:13; 131:3
 hardly [1] 68:9
 hasn't [2] 66:20; 82:18
 haul [1] 28:17
 haulers [2] 28:16; 30:3
 haven't [2] 9:6; 139:8
 Hazardous [1] 21:19
 hazardous [3] 21:16;
 24:1; 175:21
 head [1] 41:4
 headed [2] 40:11; 42:17
 heading [5] 76:13; 93:14;
 94:9; 122:13; 137:4
 hear [5] 7:21; 11:2;
 17:18; 106:6; 107:15
 heard [4] 8:8; 9:6; 11:15
 heat [1] 24:14
 heavily [1] 70:3
 heck [1] 132:4
 held [1] 25:5
 help [20] 21:18; 47:7;
 53:8; 72:22; 76:5; 78:10;
 81:1, 11; 98:5; 105:14;
 107:2; 116:7; 117:6, 22;
 118:1; 124:6; 145:12;
 151:15; 157:2; 171:22
 helpful [2] 59:11; 121:18
 Hendricks [18] 56:9, 19,
 20, 22; 57:9, 12, 17;
 58:1, 6, 18; 59:8; 60:7,
 13, 17, 19; 61:8, 11;
 108:3
 Herrington [2] 3:3;
 118:20
 hesitating [1] 37:17
 hierarchy [1] 40:21
 high [1] 132:19
 highly [1] 159:4
 Himes [7] 56:5, 7, 17;
 58:14; 59:16; 60:12; 108:5
 hint [1] 150:11
 hired [2] 28:16; 136:13
 History [1] 162:4
 history [7] 57:21; 58:18,
 21; 60:7, 10; 165:3; 167:4
 Hmm [1] 55:22
 Hmm-mm [1] 24:2
 hoc [2] 42:9, 10
 hold [1] 11:8
 holding [2] 78:4; 109:8
 holidays [2] 6:16; 9:1
 home [2] 19:6; 83:1
 honest [1] 72:8
 honestly [2] 75:15;

- I -

I'd [37] 13:20; 15:17;
 19:19; 29:14; 60:5; 63:21;
 66:7; 67:1; 81:21; 83:12;
 84:11, 16; 86:5; 92:20;
 94:15; 95:1; 99:22; 100:8;
 113:11, 18; 121:5; 122:7;
 134:17; 136:22; 138:5;
 139:3; 141:19; 143:4;
 144:14; 149:16; 157:16,
 20; 159:8, 19; 161:5;
 171:22; 172:9
 I've [12] 6:19; 17:18;
 21:13; 30:10; 39:15;
 54:12; 64:18; 106:21;
 112:21; 121:20; 134:20;
 160:18
 Idaho [2] 39:14; 52:14
 idea [7] 74:1; 75:11;
 102:6; 122:19; 127:22;
 156:7; 161:15
 ideas [1] 115:11
 identification [26] 39:18;
 40:1, 2; 74:5, 11; 83:8;
 92:13, 16; 99:18; 108:12,
 15; 126:21; 127:3, 7;
 133:8, 11; 136:17, 20;
 138:1, 4; 153:2, 6;
 160:10; 171:1, 4; 174:2
 identified [3] 81:5;
 97:18; 99:1
 identify [10] 64:14; 65:7;
 80:6, 13, 16; 95:12, 18;
 128:19; 130:21; 131:8
 idle [1] 142:1
 ignorance [1] 130:18
 II [2] 93:14; 94:14
 Illinois [2] 30:15; 31:2
 immediately [1] 175:2
 impact [15] 47:2; 78:8;
 79:8, 18, 22; 80:12; 81:6;
 82:5, 13; 88:2, 4, 6, 7;
 107:13, 18
 impervious [1] 168:6

62:13, 15; 81:22; 150:2;
151:1
informing [2] 35:17, 19
inhibit [1] 59:10
initial [3] 25:7; 50:3; 77:7
Initially [2] 23:14; 47:12
initially [3] 56:21; 57:3;
58:9
initials [1] 74:17
initiate [1] 63:14
initiates [1] 68:14
input [1] 58:1
inquire [1] 103:13
inside [1] 141:21
install [1] 27:19
installed [2] 25:10; 125:9
instance [3] 65:15; 71:14;
131:15
instances [3] 151:18, 20,
22
instituted [1] 76:10
instruct [1] 22:8
instrument [1] 26:19
instruments [1] 27:15
INSURANCE [3] 2:12;
3:10; 4:2
Insurance [1] 6:11
insurance [12] 6:13;
7:15; 11:14; 64:2; 65:1;
66:2; 176:14, 16, 20, 21;
177:6, 11
insure [2] 84:22; 85:22
integrate [2] 101:17, 20
integrity [1] 114:11
intended [4] 115:15;
116:10; 119:3; 164:20
intent [5] 103:3; 125:19;
126:4; 130:13; 173:1
interest [4] 65:12;
106:17; 117:17; 150:2
interested [2] 53:21;
150:13
intermediate [2] 47:6;
157:18
Intermediates [2] 39:6, 9
internal [2] 12:20; 112:16
INTERNATIONAL [1]
3:1
interpret [1] 17:6
interpretation [1] 125:11
interpreted [2] 14:1; 15:4
interpreting [1] 125:14
interrupt [1] 25:22
interrupting [1] 93:5
interruption [1] 68:4
Introduction [1] 113:22
introduction [1] 29:22
investigated [1] 147:12
investigating [1] 148:13
Investigations [1] 149:17
invite [1] 42:14
invited [1] 81:21
involved [26] 16:5, 12;
23:14; 37:12, 18; 52:13;
73:10; 81:19, 22; 82:1, 3;
88:17; 91:16; 97:7;
100:12, 13, 15, 18, 20;
101:3, 4; 140:13; 145:8;
157:17; 172:10
involvement [4] 72:16;
100:10, 17, 19
involving [1] 71:8
irreparability [1] 170:8
Issue [2] 93:20; 98:13
issue [15] 28:22; 31:8,
14; 33:11; 37:11; 62:8;
65:21; 66:8; 71:21; 82:13;
91:17; 106:15, 22; 107:10;
131:17
issued [1] 93:10

Issues [1] 92:18
issues [30] 15:5; 33:2;
40:13; 42:8; 43:1, 4;
45:17, 19; 46:10, 13;
48:13; 50:4; 54:17; 55:12;
60:8; 78:18, 22; 80:7, 13;
81:5; 107:21; 121:9;
128:19, 21, 22; 129:12,
19; 130:9, 17; 137:19
It'll [1] 50:22
Item [1] 94:17
item [4] 24:4; 99:3, 7, 9
items [2] 94:13; 174:17

- J -

J-e-s-s [1] 45:12
Jack [1] 32:14
James [1] 3:2
Jane [3] 154:16; 155:5, 8
January [26] 1:20; 7:15;
9:1, 14; 10:9, 22; 11:3,
20; 13:4, 8, 11, 15; 18:7,
9, 14, 16; 19:1; 22:12,
17; 77:8, 10; 86:13;
87:10; 108:15; 110:3;
153:6
Jean [1] 4:3
Jefferson [1] 2:8
Jerry [1] 113:9
Jersey [2] 52:16, 18
Jessee [8] 45:12; 46:5;
93:10; 95:12, 14, 17;
99:4; 123:1
jiggly [1] 134:12
Joan [2] 6:20, 21
job [9] 28:8; 32:12;
35:13; 41:21; 49:13;
51:10; 79:3; 116:22; 133:1
John [3] 25:13; 39:12;
52:13
JOHNSON [2] 6:21; 7:1
Johnson [2] 3:11; 67:16
joined [1] 25:3
Jordan [1] 1:20
journals [1] 49:16
JRA [16] 101:19, 21;
102:1, 6, 15, 18; 103:4,
8, 22; 104:6, 18; 105:3,
6; 127:13, 16; 128:3
judgment [1] 169:19
July [6] 92:17; 138:4;
139:1, 6, 7; 140:1
junior [1] 51:11
jurisdiction [4] 117:11;
137:6; 148:16; 149:1

- K -

K-e-a-r-n-y [1] 52:16
K-e-a-t-i-n-g [1] 47:13
K-r-u-m-m-r-i-c-h [1]
30:16
Kearny [1] 52:16
Keating [3] 47:13, 14;
50:11
keep [10] 38:18; 46:21;
47:9; 48:11; 49:1; 78:19;
86:18; 88:4; 130:17;
169:16
keeping [5] 12:20; 47:1,
3; 49:14; 150:2
Kept [1] 48:15
kept [4] 21:12; 27:2;
48:13; 55:11
kill [5] 167:16; 168:14,
16; 169:7, 12
kills [1] 169:6
kinds [5] 45:14; 59:13;
147:10, 15; 152:12
kitchen [1] 165:15
knocking [1] 105:16

knowing [8] 60:10;
115:6, 10; 123:4, 7, 12;
125:12; 128:5
knowledge [8] 29:12;
31:12; 46:3; 77:9; 92:8,
10; 148:1; 155:14
knowledgeable [3]
58:12; 78:11; 152:12
Krummrich [10] 29:1, 9,
18; 30:16, 20; 39:12;
52:14; 139:21; 148:13, 22

- L -

labeled [1] 35:5
laboratories [1] 115:3
Lack [1] 90:20
lack [13] 90:2; 144:5;
145:20; 148:3; 152:10;
157:15; 161:4; 164:2, 7;
167:11; 168:8; 171:21;
176:15
landfills [3] 122:14;
124:14; 146:7
Lane [3] 155:20, 21;
156:2
Larry [1] 47:12
last [13] 71:6; 72:6;
83:13; 84:17; 103:12;
118:18, 20; 120:6; 139:18;
143:5; 148:12; 155:16;
162:3
lasted [2] 25:20; 26:13
late [9] 30:13; 44:6;
65:13, 14; 66:11, 15, 16;
67:9, 11
lawsuit [1] 6:12
lawyer [1] 43:18
lay [1] 41:16
layers [1] 143:7
leaching [5] 122:16, 18;
123:21; 124:14; 125:9
lead [1] 70:17
leads [1] 130:1
leak [8] 144:10; 162:19,
20; 164:21; 169:20; 170:4,
15, 17
leakage [9] 162:8, 13;
163:19, 22; 166:11; 167:9;
170:2, 13
leaked [3] 168:10; 170:2,
13
Leaking [1] 138:5
leaking [1] 143:20
leaks [15] 162:4, 5, 11,
17, 21; 163:4, 6; 164:14;
165:9, 10, 11; 166:5, 6;
167:1, 2
learn [3] 50:4; 54:1;
78:17
learned [1] 58:18
leaves [1] 165:7
leaving [1] 163:10
Legal [2] 121:5, 7
legal [1] 6:18
letter [2] 62:19; 103:12
level [8] 40:11; 58:11;
71:1, 16; 102:19, 20;
152:8; 167:9
LIBERTY [1] 2:12
Liberty [1] 6:11
lieu [3] 62:10; 118:18;
119:6
lieutenant [1] 43:19
Life [1] 155:6
life [1] 102:17
likelihood [1] 84:10
limit [1] 15:8
limited [3] 54:18; 55:16;
176:10
limousine [1] 12:11

line [10] 17:1; 41:10, 15,
18, 22; 134:5, 12; 154:8;
162:5; 167:2
lines [2] 165:10; 166:6
liquid [1] 144:10
list [16] 33:12; 37:13, 16;
62:10, 13; 63:15; 66:10;
68:15; 74:13; 116:10;
118:19; 119:10, 15; 134:1,
3; 136:5
listed [6] 94:13; 109:1;
111:5; 115:12, 14; 172:14
listing [2] 118:20; 173:20
lists [1] 118:22
literally [1] 97:5
living [1] 155:14
located [9] 23:2; 25:8;
30:14; 31:1; 44:2, 8;
103:16; 122:14; 137:14
location [11] 12:3; 19:2;
71:19; 74:19, 20; 115:4;
148:2; 149:19; 153:13;
175:21; 176:11
locations [8] 123:22;
124:15; 156:9, 11, 13;
160:6; 173:12; 176:11
LONDON [2] 4:1, 2
look-see [1] 85:15
looks [3] 76:12; 113:9;
161:6
lost [3] 19:13; 20:7; 30:10
lot [9] 49:15; 57:20, 22;
144:14; 145:7, 19; 157:20;
159:8; 163:2
lots [1] 110:14
Louis [19] 1:19; 17:3;
20:20; 23:3, 8; 25:8; 29:9;
30:22; 31:6, 7; 32:2; 44:2,
8; 67:9; 72:2; 74:18;
80:21; 96:2; 171:11
low [1] 132:20
lower [1] 143:8
lower-level [1] 51:10
lunch [1] 59:16
Luncheon [1] 61:17

- M -

m-a-l-e-i-c [1] 34:8
M-a-l-l-o-c-h [1] 46:12
magnitude [1] 162:11
mail [6] 111:7; 112:1, 16,
20; 153:15; 171:12
mailbox [1] 74:18
mailed [3] 110:15, 17;
111:1
mailing [2] 109:21;
112:17
Maintain [1] 76:13
maintain [3] 76:14;
86:15, 17
maintained [1] 87:2
maintaining [1] 86:12
Maintenance [2] 26:15;
27:4
maintenance [3] 27:6,
19; 28:6
Major [1] 137:5
major [8] 65:21; 80:6;
81:5; 167:7; 173:13;
176:4, 8, 10
majority [2] 111:15;
150:11
maleic [1] 34:8
Malloch [1] 46:12
man [3] 57:18; 117:8;
118:7
Management [1] 123:19
management [17] 15:8,
17; 36:14; 45:14; 64:20;
69:6; 76:5; 88:19; 108:8,

16, 19; 114:5; 117:18;
126:18; 148:6; 160:1
Manager [21] 31:7, 10,
18; 32:1; 33:1, 5, 10, 15,
20; 36:14, 18; 37:9;
47:15, 20; 50:21; 51:5, 6,
8, 9, 11; 87:14
manager [25] 31:3, 4;
47:16; 54:11; 55:21;
56:13, 14; 58:5, 10;
76:22; 77:1, 3, 4; 82:22;
83:4; 95:9; 96:10; 97:9;
117:19, 20, 21, 22; 118:4;
136:12; 169:20
managers [6] 99:8;
101:13, 14; 130:2; 169:13
manner [1] 70:4
MANTA [185] 6:7; 7:4;
10:9, 12; 11:12; 12:4, 13,
22; 13:2; 15:6, 12, 16,
22; 18:8, 11; 19:18;
20:11; 22:10; 29:11; 30:1;
38:3, 17, 22; 39:2, 16,
21; 41:3, 13; 43:11; 44:5,
10; 45:2, 7; 46:4; 48:3;
49:6; 51:15, 18, 21; 52:6;
59:6; 60:6; 61:16,
19, 22; 62:2, 5; 63:20;
64:13; 65:3, 6, 22; 66:5;
68:22; 69:2, 6, 16; 70:18;
72:6, 12, 13, 14; 73:7;
74:3, 7, 18:1; 79:16, 20;
80:11, 19; 81:16; 82:2,
10; 83:6, 9, 19; 84:2;
90:7, 11; 91:4, 17, 19;
92:6, 14; 95:11; 96:16;
97:1, 10, 14, 16; 98:10;
99:19; 103:7,
20; 104:10, 15; 105:2;
106:8, 13; 107:7; 108:13;
109:15; 110:11; 112:14;
115:16; 116:15, 19; 119:1,
18; 120:8, 12; 121:16, 19,
22; 122:6; 124:21; 125:7,
16; 127:1; 128:1; 129:10,
18; 130:15; 131:13; 132:7;
133:6, 9, 16, 18; 134:21;
136:18; 138:2; 139:11, 14;
140:10, 17; 142:13, 15,
17; 143:1, 3, 13, 18;
144:1, 18; 145:3; 146:17;
149:15; 150:17; 152:18;
153:4; 154:6, 21; 155:6,
7; 159:18, 22; 160:5, 12,
22; 161:12; 163:16, 21;
164:4, 13; 165:1, 8, 18;
166:3, 14; 167:8; 168:1,
15; 169:3, 22; 170:10, 18;
171:2; 172:12;
173:4; 174:4; 176:12, 17;
177:4, 13
Manta [9] 2:13, 14; 6:10,
11; 62:14; 63:3; 67:15;
119:5, 10
Manufacturing [1] 87:14
manufacturing [16]
30:18; 114:13; 115:2;
141:13, 17, 21; 142:3, 7;
144:21; 165:15; 173:15,
17; 174:7, 16, 18; 175:16
map [1] 142:14
March [2] 127:4; 171:4
Maritz [1] 8:18
Mark [4] 1:18; 2:13; 6:10;
139:10
marked [25] 39:17, 22;
71:13; 74:4; 83:7; 92:12,
16; 99:17; 108:11, 14;
113:22; 126:20; 127:2;
133:7, 10; 136:16, 19;

137:22; 138:3; 153:1, 5;
160:9, 13; 170:22; 171:3
Massachusetts [1] 52:17
Master [6] 19:20; 23:4, 6;
91:7, 10; 164:6
material [19] 26:5, 7;
28:17; 64:7; 105:20;
106:10; 107:1, 8; 145:8;
151:5; 158:15, 16, 20;
163:1, 10; 164:20; 165:7;
169:16; 174:1
materials [19] 24:1, 13,
18; 35:3; 47:5, 6; 63:1;
119:16; 120:6; 144:10;
147:11; 148:9; 157:17, 18;
158:6, 12; 159:9
matter [9] 21:10, 11;
38:17; 47:8; 50:3; 81:10,
22; 131:5; 165:6
matters [12] 15:15, 16;
40:12; 42:6; 46:22; 47:17;
49:20; 53:21; 80:17;
84:20; 98:5; 152:12
MCA [1] 40:2
McCauley [3] 56:11;
57:2; 60:12
MCI [34] 39:9; 46:19;
48:10, 14, 18; 55:10, 19;
56:15; 59:9; 73:20; 76:9,
16; 78:7, 15; 84:6, 8, 9;
88:1; 93:8; 97:12; 115:18;
122:22; 128:12; 133:2;
137:5, 7, 8; 141:1, 2;
145:5; 146:19; 147:22;
148:6, 17
MCO [5] 134:1; 136:21;
153:7, 8
mean [29] 10:13; 29:12;
30:22; 35:10; 44:14; 49:4;
51:15; 57:12; 71:15; 73:4;
78:5, 8, 10; 89:2; 100:14;
101:14; 105:15, 18;
109:16; 112:13; 117:15;
118:6; 129:14; 130:7;
150:9; 153:14; 155:11;
165:21; 176:18
meaningful [1] 90:6
means [7] 35:11; 38:8;
51:11; 96:21; 124:22;
153:12; 154:8
meant [1] 133:16
meantime [1] 50:8
measure [2] 111:21;
132:1
measuring [1] 102:3
mechanism [1] 102:14
meddle [1] 82:21
meddling [1] 83:1
Medical [1] 43:18
meet [5] 22:19; 57:16;
75:17; 175:3, 19
meeting [4] 35:3; 43:9,
10, 15
meetings [13] 22:16;
42:13, 17, 20; 43:1, 7;
44:12; 49:18, 19; 53:20;
55:14
member [8] 46:20; 48:10,
17; 51:11; 94:2; 116:1;
117:5; 136:13
Members [1] 43:18
members [6] 43:12, 14;
45:6, 18; 47:7; 81:8
memo [2] 138:16; 153:16
memorandum [12]
74:10; 92:17; 99:21;
133:12; 134:2; 135:1;
138:19; 139:4; 143:17;
153:8, 10; 177:5
memory [5] 79:12; 95:1;

100:16; 107:2; 111:12
mention [1] 8:7
mentioned [18] 8:17;
12:9; 17:4, 5, 20; 26:2;
34:7, 21; 48:16; 55:11;
60:22; 82:4; 100:20;
153:20; 161:3; 168:14;
170:9; 175:14
metal-containing [1]
158:16
MIC [3] 52:5; 54:6; 55:10
Michael [1] 51:4
microfilm [5] 86:6; 95:6;
137:12; 139:11; 143:22
mid [3] 13:4, 7; 51:3
middle [3] 6:15; 84:16;
169:9
Mike [3] 45:15; 47:13, 19
miles [1] 96:2
mind [14] 6:3; 7:20;
10:19; 17:18; 18:2, 16,
18; 35:9; 39:10; 48:15;
75:9; 82:9; 151:7; 177:12
mine [1] 28:1
minor [1] 26:17
minute [1] 39:19
minutes [1] 7:8
mischaracterizes [2]
11:9, 22
misjudging [1] 160:3
mislead [1] 36:2
Miss [4] 7:5; 8:22; 57:2;
60:12
missed [1] 33:4
missing [1] 114:22
Missouri [2] 1:19; 20:20
misspoke [1] 88:9
mistakenly [1] 138:16
misunderstanding [1]
174:9
misunderstood [1] 32:1
mix-up [1] 70:7
Mm-hmm [2] 76:11;
84:14
mm-hmm [1] 152:3
moment [8] 40:3; 45:20;
79:11; 83:12; 94:16;
100:8; 134:17; 138:6
moments [1] 121:15
Monday [2] 8:22; 62:13
money [1] 82:18
monitor [9] 79:4; 81:14;
98:21; 104:18; 122:15, 18;
123:21; 124:13; 125:9
monitored [5] 85:4, 8;
89:20; 94:19; 151:11
monitoring [11] 85:11,
14; 124:10, 13; 125:1, 11;
135:7, 11; 151:19, 21;
152:2
MONSANTO [2] 1:4;
2:3
Monsanto [146] 6:12, 18;
8:15, 19, 21; 9:15, 16,
19; 10:3, 4, 5, 22; 11:7;
12:16, 17; 13:5, 8, 13;
14:6; 19:12; 20:6, 12;
25:3, 5, 8; 28:16; 30:14,
15; 31:3, 5, 7, 20; 33:8,
20; 34:5; 37:7, 8; 38:1;
39:4, 6, 8; 40:10, 13;
41:9; 43:21; 44:8;
46:1; 47:2; 49:21; 51:16,
18, 22; 52:2, 4; 54:14;
55:8; 63:14; 64:1, 22;
65:13; 66:11; 67:4, 9, 12;
68:7, 14, 15; 69:3; 70:5,
12; 71:4; 72:16; 73:1, 3;
81:15; 85:22; 86:22;
88:15; 91:5; 92:18; 94:19;

97:9; 98:16; 102:2, 17,
21; 103:5, 9, 12, 16;
104:1; 105:4;
108:7, 9, 19; 111:19;
112:9, 15, 20; 114:5, 12;
117:18; 121:5, 7; 123:5,
8, 11, 19, 22; 124:14;
126:7, 8, 17; 127:15;
128:20; 130:8; 131:17;
136:13; 141:14; 142:5, 11;
144:19; 147:18; 148:2, 6,
10; 149:18; 150:7; 152:7,
11; 153:17; 154:1; 155:13;
156:5, 7,
11, 13; 161:18, 20; 163:9,
14; 165:12; 169:2; 171:19;
174:5; 176:5
Monsanto-conducted [1]
49:19
Monsanto-monitored [1]
96:5
Monte [1] 40:16
month [1] 42:21
monthly [2] 43:7
months [3] 50:17; 58:14;
161:8
mopped [1] 166:12
morning [5] 6:8, 9; 19:5;
22:20; 67:7
motivated [1] 173:9
move [3] 29:6; 82:19;
144:10
MS [1] 5:3
Ms [8] 4:3; 7:6; 11:17;
60:22; 61:1, 2; 126:22;
155:10
MST [1] 137:12
Muscatine [1] 139:20
MUTUAL [1] 2:12
Mutual [1] 6:11
myself [4] 67:16; 90:4;
125:14; 161:21

- N -

N.W. [2] 2:8; 3:13
name [19] 6:10, 20; 45:1,
4, 12, 20; 50:22; 56:1, 4;
74:15; 109:3; 127:9;
134:5, 11; 153:9; 154:8,
10; 156:8; 171:8
names [6] 34:10; 44:19,
20, 21; 109:1; 136:5
Naturally [1] 152:2
nature [1] 152:4
necessitated [1] 72:2
needn't [1] 119:8
needs [12] 27:14, 17;
68:15; 116:2; 117:21;
124:10, 19; 125:1, 5, 10;
129:16
newly-informed [1]
54:14
nights [1] 17:5
nineteen [2] 37:7; 57:4
nitro [1] 26:10
nitty-gritty [1] 79:5
non-Monsanto [2]
126:11, 12
nonetheless [1] 53:16
nonhazardous [1] 176:2
noon [2] 38:15, 22
normal [4] 111:18; 112:8,
11; 176:5
normally [5] 138:10;
162:9, 13; 163:19; 164:1
North [11] 107:4, 5, 14,
19, 22; 125:18; 126:5;
140:12; 141:10; 142:2, 19
north [1] 153:15
notary [1] 1:21

note [5] 19:19; 138:20;
173:20; 174:13; 176:9
noted [6] 19:20; 120:13;
167:16, 17, 20, 21
notice [5] 35:8; 67:4, 11;
78:21; 155:18
notified [1] 38:3
Number [6] 95:2, 9, 19;
96:7; 98:12; 133:14
number [27] 21:9, 12;
34:11; 40:2; 48:19; 65:5,
6; 68:16, 17; 83:11; 86:6;
92:18; 95:6; 98:11; 99:21;
103:15; 133:22; 136:21;
137:12, 13; 143:22;
144:20; 153:7; 160:5, 16;
164:8; 171:5
Numbered [1] 122:10
numbered [2] 76:13;
122:11
numbers [3] 74:11;
108:17; 127:5
numeral [3] 93:14; 94:14;
138:22
Nussbaum [1] 4:4
nylon [1] 89:10

- O -

oath [1] 6:5
object [2] 22:7; 91:4
objected [1] 59:20
Objection [43] 11:9, 22;
19:15; 46:2; 49:3; 59:5;
73:2; 77:20; 80:8; 81:7,
20; 82:6; 90:2; 96:15, 19;
97:21; 104:7; 109:13, 20;
110:6; 115:10; 124:16;
127:18; 129:1; 130:10;
131:10, 18; 132:11; 144:5;
148:3; 149:13; 150:8;
152:10; 153:21;
157:15; 161:4, 19; 162:16;
167:11; 168:8; 171:21;
175:11; 176:15
objection [14] 15:18;
63:17; 64:21; 104:12, 21;
120:10; 129:13; 158:2, 10;
164:2; 168:18; 172:8, 21;
177:1
objections [32] 12:7;
19:20, 22; 20:9; 60:3;
65:18; 80:15; 90:10, 20;
91:5, 7, 8, 11, 13, 15;
92:1; 125:2, 13; 144:13;
145:1; 146:10; 164:7, 16;
165:5, 13; 166:1, 9;
167:5; 170:5; 173:18;
175:11; 176:7
objective [6] 70:16;
75:17; 163:12, 13, 14;
164:21
objectives [5] 42:2;
102:3, 4; 114:15; 156:14
observations [1] 50:10
Obviously [1] 103:10
obviously [1] 108:1
occasion [5] 32:17; 43:14;
53:21; 86:3; 164:19
occasional [2] 167:7;
168:11
occasions [2] 42:8, 14
occur [8] 69:10; 71:8;
165:2, 3, 6, 11; 170:3, 14
occurred [8] 61:10;
66:21; 78:21; 139:20;
140:1, 6; 165:19; 167:15
October [1] 160:14
offer [3] 64:16, 17; 65:7
office [12] 30:22; 31:1;
62:14, 16, 18, 19; 74:19;

83:1; 119:17; 120:7;
153:13; 171:11
offices [3] 31:5, 7; 44:9
official [2] 47:18; 54:12
Oh [23] 8:22; 9:11; 10:3;
26:3; 31:22; 58:9; 60:18,
21; 61:9; 62:1; 77:4;
92:10; 100:14; 112:21;
120:19; 132:12; 133:4;
141:11; 155:2; 157:16;
160:21; 162:15; 170:7
Ohio [1] 52:19
oil [4] 23:14, 15; 24:4;
163:2
oily [1] 166:17
Okay [61] 7:2, 21; 8:9;
9:3, 12, 14; 10:16; 11:3,
13; 12:5, 18; 13:1, 16;
14:12; 15:6, 14, 19, 20;
18:19; 20:18; 26:3; 29:19;
35:15; 39:3, 11; 40:21;
43:4; 48:4; 49:12; 55:17;
57:11; 59:18; 61:16; 62:3;
63:20; 69:5, 22; 70:18;
72:12; 80:2;
20; 86:5; 88:9; 94:9; 96:9;
98:11; 102:12; 104:19;
105:22; 107:21; 119:12;
134:17; 143:4; 145:21;
146:2; 148:19, 22; 153:12;
157:9; 159:18; 170:19
okay [4] 17:22; 51:2;
77:4; 84:15
Oklahoma [1] 23:10
Old [1] 3:4
old-timer [3] 59:2, 3;
60:1
on-site [2] 30:6; 98:21
one-man [1] 32:4
one-on-one [1] 59:16
ones [2] 79:15; 123:8
ongoing [1] 128:15
oozing [1] 166:11
open [6] 7:19; 11:8;
18:17; 42:11; 43:20; 98:6
opened [1] 111:9
opening [1] 61:10
operated [2] 115:5; 126:8
operating [20] 30:12, 18;
37:8; 38:1; 39:5; 41:6, 10;
42:1; 46:21; 84:21;
130:17; 147:10; 162:14,
22; 163:20; 164:1; 165:3;
166:7; 167:4; 173:22
operation [7] 89:12;
165:20, 21; 167:4; 168:3,
5; 175:9
Operational [1] 143:6
operational [4] 48:11,
18, 19; 144:3
Operations [46] 38:1;
39:4; 40:17; 41:6, 8;
43:13, 15; 46:19; 48:5;
52:4; 53:4; 54:6; 55:10,
19; 56:15; 59:9; 73:20;
76:9, 16; 78:7, 15; 84:6,
9; 85:2; 88:1; 90:12; 93:8;
94:6; 95:17; 97:12; 98:3,
16; 115:18; 122:22;
128:11; 133:2; 137:7;
138:12; 141:1; 145:4;
146:19; 147:22; 148:17;
155:1; 159:16; 176:19
operations [13] 40:14;
42:15; 43:2; 76:3; 81:1;
84:8, 21; 85:8; 90:14;
92:9; 114:13; 174:13;
176:5
opinion [13] 80:8; 90:3,
21; 91:12, 20; 92:2; 95:8;

115:10; 124:4, 16; 127:18;
140:6; 144:13
opportunity [4] 63:10;
66:12; 72:4; 100:21
opposition [2] 71:1, 16
order [14] 15:8, 17;
19:22; 20:13; 64:20; 69:7;
75:16; 91:8, 9; 160:1;
164:6, 10; 173:14
organic [8] 157:1, 3, 4,
10, 22; 158:4; 159:2, 4
organization [6] 41:5;
98:1; 117:8, 22; 151:13
original [2] 24:15; 138:15
originally [2] 27:5; 71:20
originator [1] 113:1
Orrick [2] 3:3; 118:20
ortho [1] 26:10
ought [1] 99:5
ours [1] 99:5
outline [3] 84:4; 95:4;
137:10
outside [4] 77:18, 21;
136:2; 140:13
overall [1] 40:11
overhead [1] 95:4
owned [3] 115:4, 5;
126:8

- P -

p-h-t-h-a-l-i-c [1] 25:14
P-i-e-r-l-e [2] 45:15;
47:13
p.m. [2] 61:17; 177:17
packaged [1] 35:5
PAGE [1] 5:2
Page [5] 93:17; 124:7;
162:2; 175:17; 176:1
page [45] 72:7, 9; 76:12;
83:17; 84:12; 86:5; 93:13;
16; 98:11; 100:1; 108:22;
113:3, 12, 16, 18, 21;
122:8, 10, 11, 20, 22;
123:15, 16; 134:15; 137:4,
12; 138:20; 139:9; 143:4,
5, 11, 14, 15; 144:8;
149:16; 154:7; 155:16, 17,
18; 162:1; 173:11;
174:10
pages [11] 64:10, 11, 14,
16; 65:7; 66:9, 13; 83:13;
138:14; 143:10, 13
paint [1] 24:17
PAPAGEORGE [2] 1:17;
6:2
Papageorge [62] 5:8, 9,
10, 11, 12, 13, 14, 15,
16, 17, 18, 19, 20; 6:8;
20:18; 39:17; 40:1; 62:11;
64:5; 67:3, 12; 68:18;
72:15; 74:4, 9, 14, 16;
83:7, 10; 84:6; 91:20;
92:12, 15, 16; 99:17;
103:8, 21; 106:7; 108:11;
109:2; 120:13; 121:19;
122:7; 126:20; 127:3, 8;
133:7, 11, 20; 134:3, 4;
136:16, 19; 137:22; 153:1,
9; 154:10; 160:9, 13;
170:22; 171:4, 6
paper [1] 172:10
paragraph [14] 75:3;
84:17; 101:16; 113:19;
115:1; 124:2; 125:8;
127:10; 139:18; 149:12;
155:16; 162:3; 171:14;
173:11
paragraphs [1] 100:9
paralegal [1] 9:15
paranitrochlorobenzene

[1] 26:11
paraphrasing [1] 78:16
parentheses [2] 146:6, 7
Park [1] 154:11
part [33] 11:11, 13;
23:18; 24:9; 45:9; 49:10,
13; 71:10, 19; 72:20;
78:6, 14; 80:18; 85:11;
86:22; 102:3; 106:17;
107:6, 15; 124:8; 128:3;
131:16; 133:1; 135:18;
138:15; 141:15; 142:11;
143:18; 153:19; 157:10;
158:17; 159:10; 169:20
part-time [1] 32:11
participate [1] 81:21
participated [3] 111:3;
115:21, 22
participation [1] 59:14
parts [3] 26:6; 86:4
party [2] 17:1, 2
passed [1] 47:9
pattern [1] 120:4
pause [1] 121:15
pay [3] 10:2; 19:13; 20:7
PCB [5] 21:21; 33:6, 11;
36:19; 121:9
PCBs [4] 21:21; 31:14;
32:19; 33:2
Pebble [1] 20:20
pending [1] 150:12
Pennsylvania [1] 2:16
pentachlorophenol [1]
34:9
People [3] 44:19, 20, 21
people [26] 16:5; 27:19;
31:20; 36:17; 42:21;
43:10; 48:20; 50:1; 58:2;
80:21; 81:12; 95:22;
102:6, 20; 104:17; 108:6;
117:2; 118:1; 123:8;
134:1; 135:19; 136:6, 9,
15; 150:15; 151:2
perceive [1] 89:11
perceived [1] 42:11;
94:11; 98:3; 102:5;
116:22; 117:4, 18; 141:15;
169:12; 173:2, 8
perfected [1] 164:18
perfectly [1] 72:8
performance [3] 41:19;
42:2; 175:18
performing [1] 24:9
period [8] 19:7; 37:19;
57:4; 82:16; 130:4;
140:18; 148:7, 8
periphery [1] 122:14
Perk [6] 6:21, 22; 7:5, 6;
8:22; 11:17
permission [1] 63:12
permit [2] 70:15; 163:11
permitted [9] 15:7, 16;
20:1; 49:19; 50:6; 63:16;
91:12; 125:22; 174:2
permitting [1] 43:22
person [10] 6:19; 13:16;
33:18; 41:4, 20; 58:4;
73:22; 118:9; 146:13;
149:10
personal [7] 17:19, 22;
38:5; 50:7; 92:2; 103:21;
144:6
personally [12] 10:17;
17:21; 19:6; 76:17; 82:12;
115:22; 120:21; 130:11;
145:20; 146:13; 157:7;
159:14
Personnel [1] 51:12
personnel [4] 44:11;
55:14, 16; 151:1

persons [2] 58:2; 73:22
peruse [1] 78:11
peruses [9] 83:22; 92:22;
95:7; 114:2; 134:19;
138:8; 153:3; 160:11;
171:16
petrochemical [5] 157:7,
9, 13; 158:8; 168:3
petrochemicals [1]
157:21
Petroleum [3] 23:9, 11;
25:1
petroleum [4] 24:11, 12,
14, 16
phenol [1] 34:8
Philadelphia [1] 2:16
Phillips [7] 23:9, 11, 16,
18, 22; 24:9; 25:1
phosphorus-containing
[1] 158:15
phrase [1] 176:10
phthalic [2] 25:14; 34:7
Pickard [1] 154:11
picked [3] 52:15; 105:8;
166:18
picking [1] 28:13
pickup [2] 28:15; 30:3
picture [1] 79:10
Pierle [18] 45:15; 46:11;
47:13, 19, 20; 50:11, 15;
75:8; 77:2; 108:6; 127:19,
20; 139:1; 143:17; 149:4,
6, 14
pinpoint [1] 34:4
pipeline [3] 26:18; 27:15;
162:18
pipelines [1] 164:17
pit [1] 155:20
place [21] 9:10, 21;
11:21; 14:9, 16; 16:18;
18:20; 47:21; 61:8, 10;
75:16; 84:1; 102:2;
120:18, 19; 121:9; 141:13;
163:4, 6; 170:4, 15
placed [1] 169:14
places [1] 169:2
PLAINTIFF [1] 2:3
Plaintiff [1] 1:6
plan [1] 91:1
planning [2] 68:8; 129:8
plans [1] 175:2
Plant [60] 25:9, 13;
26:15; 27:8; 28:21; 29:18;
30:4, 7, 16, 20; 39:12,
13, 14; 52:13, 14, 15, 16,
17; 53:4, 11, 14, 17;
54:21; 55:13, 19; 60:8,
20; 61:13; 76:13; 77:10;
79:8; 89:1; 90:13, 15, 18;
91:21; 93:14; 98:17;
101:15; 105:10; 106:3,
16; 107:17; 128:12; 132:9,
17; 135:15, 20; 137:20;
141:5; 145:5; 149:17;
155:19; 156:16, 22;
159:13
plant [151] 25:7, 11, 12,
13, 18; 26:17; 27:6, 10,
21; 28:17; 29:16; 30:14,
19; 31:2, 3, 4; 44:11;
50:5; 52:7, 17, 18; 55:5,
13, 14, 16, 21; 56:13, 14;
57:16, 20, 21; 58:5, 10,
12, 19, 22; 75:5, 12, 19;
76:3, 7, 14, 21, 22; 77:3,
18; 78:2;
8, 22; 79:3; 80:4, 18, 20,
22; 81:3, 13; 82:17, 21,
22; 83:4; 85:11, 13, 17,
21; 86:10, 18; 87:1; 88:6,

18, 19; 89:6, 7, 9, 10;
92:3, 7, 8; 95:9; 96:9;
97:9; 98:4; 99:8, 12, 13,
15; 101:14; 102:19, 20,
22; 106:19; 107:6, 17;
117:8, 18, 20, 21, 22;
118:3; 129:9;
130:2; 131:14, 20; 133:3;
136:3, 12; 141:9, 12, 14,
15, 21; 142:1, 3, 11;
145:12; 148:20, 21; 150:5,
15; 151:1; 154:4, 5;
157:1, 8, 9, 13; 158:9,
15; 162:6, 9, 14; 163:20;
164:1; 165:4, 20, 21;
166:5, 7, 16, 17; 167:3;
168:3, 21; 173:21; 175:1,
10, 22
plant-wide [1] 75:19
plants [40] 39:8; 47:5, 9;
48:14; 49:20; 50:7; 52:10,
12; 53:4; 54:2; 55:12;
78:18; 85:5, 9; 87:14;
88:1; 89:5; 90:13; 97:9;
98:5; 101:5, 7, 9; 116:2;
117:11; 137:5; 139:21;
141:3; 147:18; 148:12, 15,
19; 149:1; 150:1, 11, 14,
18
plasticizers [1] 25:19
play [1] 13:21
played [1] 98:9
Please [1] 112:5
please [4] 38:6; 113:20;
163:17; 171:15
point [30] 16:22; 17:14;
19:12; 20:6; 29:19; 31:15;
32:15, 16, 20, 21; 33:16,
21; 46:16; 51:14; 52:8;
57:16; 58:13, 15; 59:15;
67:1; 72:10; 75:14; 85:14;
111:6; 114:8; 145:18;
148:5; 150:20; 164:19;
169:18
policies [3] 81:15; 85:20;
86:1
Policy [1] 73:9
policy [12] 40:8, 22;
42:2, 17; 44:16; 45:21;
46:16; 84:18; 85:2, 3;
87:8; 94:3
politically [1] 173:9
pollutants [2] 135:6, 10
pollution [1] 45:19
polychlorinated [4]
21:12; 31:9; 32:8; 37:10
portion [3] 62:22;
134:15; 172:1
portions [1] 65:11
pose [1] 158:11
position [36] 13:22;
24:19, 21; 25:16; 28:2;
30:9; 37:21; 39:3; 40:4;
48:5, 17, 19; 51:11; 54:4,
5; 55:9; 59:10; 60:9; 62:6;
67:11, 22; 68:1; 69:20;
75:14; 87:22; 90:5; 92:4;
98:2; 104:17; 112:17;
118:3, 5, 10; 119:7;
138:11; 164:11
positions [5] 25:5; 29:13;
36:15; 84:19; 85:10
positive [1] 20:17
possess [1] 146:14
possession [1] 103:22
possibility [1] 18:5
potential [9] 47:4; 111:5;
114:11; 115:6; 130:21;
131:15; 148:1; 150:4;
166:6

practical [3] 41:14;
170:3, 14
Practice [2] 94:18; 95:19
practice [3] 78:6; 134:4,
8
practices [4] 123:5;
143:6; 144:3; 146:6
predecessor [1] 56:3
predominantly [1] 21:11
prefer [1] 15:17
premise [1] 70:11
prepare [1] 100:4
prepared [12] 63:7, 18;
66:2; 68:19; 69:3; 72:19;
73:5; 91:15; 111:4, 18,
22; 112:8
preparing [2] 100:6;
102:6
presence [2] 105:21;
106:11
present [8] 25:5; 107:1,
8; 114:12, 15; 130:3;
149:18; 151:6
presentation [5] 84:5, 7;
95:5; 136:10; 137:10
presentations [1] 137:15
presented [2] 67:19;
135:14
pressure [3] 24:14;
150:14, 19
pressures [1] 98:4
presumably [1] 134:2
presuming [1] 118:17
presumption [1] 159:10
pretty [2] 73:17; 112:3
prevent [4] 70:16;
167:22; 169:13, 20
previous [1] 146:11
previously [1] 37:12
primarily [7] 26:7; 35:20;
45:17; 55:4; 79:3; 97:17,
22
Prime [1] 94:9
prim [10] 94:13, 21;
95:8, 13, 18; 96:13;
98:22; 99:2, 6; 146:8
Prior [2] 16:13; 22:2
prior [12] 12:1; 16:13;
20:18; 21:15; 110:7;
171:20; 172:3, 6, 7;
174:6; 175:5, 8
private [1] 53:20
privilege [1] 20:1
privileged [2] 15:3; 72:18
privileges [1] 22:8
probability [1] 111:22
problem [9] 48:16; 65:20;
81:18; 96:20; 105:13;
117:6; 118:12; 141:20;
166:20
problem-solving [1]
81:17
problematic [2] 161:18,
21
problems [14] 19:6;
20:13; 21:17; 45:14;
105:9, 14, 19; 106:1, 2;
107:13, 18; 112:19;
114:11; 169:21
procedure [1] 71:10
procedures [1] 172:2
proceed [1] 69:18
proceeding [1] 120:11
process [5] 34:6; 80:18;
118:12; 158:16; 162:4
processed [1] 24:14
processes [2] 157:16;
158:12
produce [1] 24:11
produced [5] 25:11;

65:15; 71:9; 103:18;
157:18
producing [2] 23:17;
142:9
Product [6] 33:10; 36:14,
18; 37:9; 50:21; 93:14
product [8] 22:8; 25:10,
12, 14; 35:13; 49:9;
93:11; 115:2
Production [1] 27:13
production [4] 28:6, 9;
65:14; 103:13
products [17] 33:8, 12,
20; 34:1, 2; 35:6; 36:13,
20; 37:12, 13; 40:13;
47:2, 6; 156:18; 157:18
Professional [1] 2:6
professional [2] 70:4;
132:22
Program [2] 138:22;
139:3
program [34] 74:1;
75:21; 76:1, 10; 101:18;
102:2, 16; 124:4; 125:21;
126:1, 2, 4, 5, 8, 13, 14;
131:7, 17; 135:7, 11;
149:21; 150:6; 151:8, 9,
17; 153:18, 20, 22; 156:7,
8; 161:2, 7; 173:12; 176:3
programs [4] 124:8;
125:5; 127:11; 151:10
progress [3] 101:10;
102:4; 160:3
prohibited [1] 91:7
project [3] 116:12, 14, 18
projects [3] 26:17, 20;
27:5
promises [1] 68:7
promulgate [1] 129:7
promulgated [1] 74:1
promulgation [7] 171:20;
172:3, 15; 174:6, 14, 22;
175:22
proper [3] 81:9; 168:21;
173:21
properly [8] 35:4, 5, 20;
81:13; 116:22; 166:19;
174:1, 17
property [9] 99:12;
106:19; 115:6; 126:7, 11,
12; 142:5; 154:4, 5
proposal [2] 72:6; 127:14
proposals [1] 50:10
proposed [1] 69:17
protect [2] 173:14; 174:6
Protection [20] 33:6, 15,
21; 35:9; 36:11; 47:20;
51:5, 6, 8, 9; 74:11; 87:1;
98:12; 100:11; 101:21;
102:10; 124:9; 126:5, 15;
127:16
protection [1] 35:10
provide [4] 13:5, 9;
126:8; 153:22
provided [3] 28:13;
30:12; 79:17
providing [1] 28:9
provision [1] 69:1
public [10] 1:21; 43:16;
130:6, 11, 12; 139:19;
140:1, 6; 141:4; 142:20
pull [1] 66:12
pump [3] 26:18; 27:16;
165:9
pumps [1] 162:22
Purdue [1] 149:9
purpose [6] 73:14; 79:21;
105:17; 114:10, 17;
172:18
purposes [2] 28:20;

102:15
Putting [2] 111:17; 112:7
putting [4] 26:18; 61:19;
105:22; 169:15
puzzled [1] 141:7

- Q -

qualified [1] 132:22
Qualify [1] 175:18
quantities [1] 151:6
quantity [1] 71:9
Queenly [6] 25:13; 28:21;
30:3, 7; 39:12; 52:13
question [48] 9:13;
13:21; 14:2; 15:1, 20, 21;
20:4; 49:12; 59:19, 20;
67:19; 72:3; 80:9; 85:1;
88:10; 90:17; 95:16; 97:3,
13; 109:10; 112:2, 3;
113:14; 118:16; 121:1;
122:17; 123:2, 4; 127:21;
140:5; 141:7, 17, 18;
142:18; 144:2; 148:4;
149:19;
155:4; 160:19; 163:16;
164:14; 168:2, 9; 170:1,
6, 10, 12; 173:19
questioning [1] 15:7
QUESTIONS [1] 6:7
questions [11] 14:11;
15:18; 28:19, 21; 29:2;
72:5; 82:5, 8; 105:22;
134:18; 135:5
quick [1] 38:3
quickly [1] 166:18
quote [3] 84:18; 101:17;
124:7

- R -

rainfall [1] 143:8
raise [3] 15:18; 118:16;
119:14
Raised [1] 82:8
raised [5] 20:10; 43:1;
82:5, 13; 135:5
rats [1] 133:5
raw [1] 47:5
Ray [1] 56:9
RCRA [18] 45:13, 22;
171:20, 22; 172:3, 7, 10,
14, 20; 173:2, 6, 7, 21;
174:6, 14, 18; 175:8, 22
reach [2] 144:6; 147:14
read [20] 20:4; 59:21;
73:16; 83:17; 84:16;
94:15; 100:8; 112:4;
113:19; 114:3; 133:22;
134:17, 20; 161:10, 11;
163:16; 170:10; 171:15,
17, 22
Reading [2] 79:13; 123:3
reading [5] 49:15; 79:14;
105:1; 111:9; 125:8
reads [9] 101:17; 124:7;
139:19; 143:5; 144:19;
147:17; 148:12; 162:4;
174:21
real [4] 165:14; 167:3;
168:2, 5
realistic [1] 96:3
reason [20] 35:12; 64:5;
65:1; 66:20; 68:7; 70:1;
71:12; 100:3, 5; 104:19;
22; 109:4, 11, 18; 110:4,
8, 9, 19; 111:4; 119:14
reasonable [3] 123:20;
125:11; 132:5
reasons [2] 16:6; 119:8
recall [85] 9:18; 13:15;
16:3, 6, 21; 17:11, 17;

19:3; 25:19; 27:1; 28:3;
32:9; 33:8; 37:6, 13, 18;
43:20; 44:13; 45:20; 46:9,
13; 47:17; 50:18; 56:2,
12, 20; 57:10; 59:1; 61:3;
73:14; 74:21; 75:15, 16,
21; 76:1, 2; 77:11, 12,
21, 22; 79:14,
15; 87:9; 88:12, 22; 89:3;
93:1, 4; 94:2; 100:6;
107:11, 12, 16, 20; 108:8,
20; 109:7, 9; 112:19;
114:10; 119:16; 120:5;
133:21; 134:9, 22; 135:2,
3, 5, 9, 13; 138:9; 140:2,
3, 11, 12; 141:4; 142:4;
146:15; 151:4, 21; 154:1;
160:17; 171:7
receive [7] 62:17; 65:18;
78:2; 93:7; 109:11, 14;
111:14
received [12] 23:3; 62:11;
63:4; 66:14; 81:11; 103:8;
111:19; 112:10, 22;
118:20; 119:16; 120:6
receiving [2] 109:8, 9
Recess [2] 48:2; 122:5
recess [2] 47:21; 61:17
recessed [1] 177:18
recipients [1] 111:6
reciprocal [1] 69:15
reciprocity [5] 66:3, 4, 5;
71:2, 14
recognize [4] 113:16;
134:14; 137:2; 139:17
recollection [12] 53:8;
77:14; 86:9; 87:5; 100:10;
101:2; 108:18; 114:4;
129:3; 137:3, 14; 142:10
recommendation [2]
104:9; 127:15
recommendations [1]
27:18
record [19] 19:19; 39:1,
19, 20; 44:4; 61:20; 62:6,
10; 63:22; 66:8; 68:3;
79:16; 133:6, 22; 138:20;
142:15, 16; 164:5; 177:16
Recovery [1] 93:20
recovery [3] 23:15; 24:6,
7
redone [1] 128:16
reduce [3] 164:21;
165:16; 169:15
reduced [1] 64:7
refer [5] 39:9; 75:10;
86:6; 94:4; 99:10
reference [20] 9:19;
11:14; 51:14; 77:21;
88:14; 102:1; 105:7;
108:22; 120:15; 123:21;
124:12; 127:7; 137:17, 18;
138:21; 139:10; 141:3;
174:1, 2; 176:9
referenced [5] 135:1;
153:9; 165:9; 167:1; 176:3
references [6] 40:7; 84:3;
137:13, 19; 138:14;
173:20
referred [5] 34:5; 116:15;
135:4; 172:2; 174:15
referring [11] 10:7; 18:6;
74:14; 107:3; 116:14;
126:1, 14, 17; 149:12;
162:11; 169:4
refers [7] 94:5; 99:9, 12;
102:1; 123:10, 14; 174:13
refine [1] 25:10
refined [1] 26:5
refining [1] 24:9

reflect [1] 40:4
reflected [1] 118:8
reflection [1] 161:1
reflects [1] 146:12
refresh [8] 86:9; 87:5;
95:1; 100:16; 101:2;
108:18; 114:4; 137:14
refreshes [1] 100:9
refuse [1] 71:12
refused [1] 70:14
regard [16] 17:16; 19:2;
28:19; 29:4; 34:20, 22;
35:22; 55:12; 63:3, 13;
68:13; 70:15; 81:5; 82:12;
104:6; 159:12
regarding [2] 6:14;
8:19; 13:12; 46:22; 47:2;
78:22; 80:4; 88:11;
100:16; 105:8; 106:18;
107:22; 123:8; 132:13;
133:5; 140:11; 141:6, 17;
144:15; 151:3, 14
regular [2] 42:16, 20
regularly [1] 42:13
regularly-scheduled [1]
42:16
regulation [1] 172:9
regulations [8] 81:15;
129:7, 11; 130:4; 171:22;
172:1; 174:22; 175:22
regulatory [14] 105:15;
106:15, 18; 107:13, 18;
128:21; 129:4, 6; 150:10,
12, 19; 151:2; 152:9
Reid [6] 56:10; 57:2;
60:12, 22; 61:1, 2
reimburse [1] 8:15
Rein [1] 3:12
rejected [4] 64:16, 17;
104:11, 20
rejection [1] 104:14
related [8] 34:8; 40:12;
49:8; 50:5; 84:20; 114:11;
128:19; 174:17
relating [8] 23:14; 24:10;
35:6; 45:17; 46:22; 47:4;
87:8; 154:3
relations [4] 43:16;
130:6, 11, 12
relationship [4] 15:2;
41:7, 9; 42:9
relative [2] 48:14; 137:20
relatively [1] 70:4
relayed [1] 80:21
releases [2] 165:11, 19
relevant [1] 29:12
relied [4] 57:22; 59:12;
79:2, 3
rely [1] 81:12
remains [1] 81:3
remember [46] 6:20;
7:12; 9:2, 18; 19:4; 26:13;
33:9, 22; 34:3, 4, 9;
42:19; 44:7, 14, 21;
50:21; 52:12; 54:12;
55:22; 56:1, 2, 9; 59:1;
60:21; 72:20; 73:13; 74:6;
77:13; 78:4; 79:9, 10;
86:14; 88:10; 105:5;
108:10; 114:16; 128:8, 10;
140:14,
16; 148:11; 155:22; 156:4,
17, 20; 172:1
remembering [3] 45:18;
46:14; 106:20
remove [1] 155:19
removed [2] 79:5; 98:3
reorganization [2] 52:3;
54:9
reorganized [1] 37:8

repair [5] 167:20; 169:20;
170:4, 15, 17
Repeat [1] 60:3
repeat [1] 164:12
repeated [1] 164:7
repeating [1] 48:15
replaced [3] 46:6, 8;
50:16
replacing [2] 26:17, 18
report [5] 32:5; 114:21;
123:16; 138:4; 143:20
reported [4] 32:6, 9;
40:19; 87:14
REPORTER [6] 20:5;
59:22; 106:9; 112:6;
163:18; 170:11
reporter [1] 1:21
reporting [3] 31:1; 36:12;
56:8
reports [2] 49:16, 17
represent [4] 6:11; 13:19,
22; 14:6
representation [1] 14:2
representative [1] 17:2
representatives [2] 50:2;
130:13
represented [1] 116:21
representing [1] 14:5
represents [1] 41:18
reprisand [2] 118:3, 6
request [9] 13:4, 19, 20;
14:1; 70:11, 16; 71:1;
81:12; 103:11
requested [1] 98:6
requesting [1] 71:7
require [7] 75:4, 7, 12;
91:2; 173:13; 176:4, 8
required [11] 24:10;
27:13; 28:7; 65:17; 76:6;
89:8; 98:21; 117:20, 21;
151:21; 172:2
requirement [3] 42:7;
64:19; 68:14
requirements [8] 68:20;
101:11; 130:5; 172:14, 20;
173:3, 6; 175:19
requires [1] 77:6
requiring [3] 150:10;
174:22; 176:10
reschedule [1] 67:12
research [2] 23:14; 115:3
Reserve [1] 3:4
reserve [1] 69:5
reserving [1] 69:8
residues [1] 157:19
Resource [1] 93:19
resource [3] 59:4; 60:2, 5
resources [8] 61:12; 75:5,
7, 12; 81:3, 9; 95:22;
96:11
respect [8] 54:21; 97:19;
106:15; 107:14; 135:6;
140:6; 142:20; 164:6
respects [1] 152:14
respond [3] 27:13; 116:2;
125:3
response [3] 117:4;
121:18; 169:9
responsibilities [19]
24:3; 30:19; 31:13; 33:1,
13; 34:20, 22; 35:16;
37:1, 4, 10; 46:18; 53:10,
22; 54:15, 18; 55:1;
78:14, 16
Responsibility [1] 94:10
responsibility [39] 35:2,
22; 36:5, 19; 48:22;
49:11; 52:7; 53:13; 54:20;
81:3; 82:22; 84:19; 87:13;
94:13, 22; 95:8, 13, 18;

96:4, 13, 14, 18; 97:8, 19, 22; 98:22; 99:3, 7; 101:6, 8, 12; 116:12, 17; 117:10, 14, 17, 19; 177:3, 8
 responsible [19] 26:16; 27:4, 12; 32:7; 46:20; 47:1, 3; 52:11; 54:3; 78:19; 79:1; 80:22; 97:18; 116:22; 117:3; 131:12, 20; 152:13; 169:12
 responsibly [1] 173:1
 rest [3] 29:21; 120:17; 142:1
 rested [1] 87:13
 restroom [1] 38:21
 rests [1] 97:9
 result [9] 24:13, 16; 67:13; 125:5; 130:9; 143:6; 144:4; 166:5; 168:16
 results [2] 104:3; 168:13
 retained [5] 33:11; 36:19; 37:9, 10; 52:13
 retired [6] 56:21; 57:1, 9, 10; 60:14; 155:13
 retirement [1] 51:17
 review [9] 22:2, 5; 78:7, 10; 85:21; 86:2; 100:22; 118:11; 135:14
 reviewed [3] 79:7; 82:4; 134:5
 reviewing [1] 120:5
 Reviews [1] 133:13
 reviews [3] 104:3; 134:22; 135:3
 revolve [1] 7:9
 reward [1] 41:20
 rewriting [1] 69:6
 Richard [1] 94:1
 Right [3] 43:11; 114:1; 172:5
 right [42] 8:20; 11:2; 12:6; 17:10; 18:15; 29:14; 38:17; 45:3; 48:20; 49:2; 55:15; 57:5; 60:8; 69:3, 5, 8; 74:22; 86:13, 16; 87:1, 3; 90:15; 103:2; 123:18; 130:14, 20; 149:2; 152:9, 21; 156:10, 13; 157:6; 159:13; 165:4, 12, 20; 167:4; 168:7; 170:20; 173:7; 174:8
 right-hand [4] 74:13; 86:6; 134:15; 171:8
 risk [1] 71:11
 River [2] 139:21; 148:14
 rod [1] 151:11
 role [3] 13:21; 98:8; 151:8
 Roman [3] 93:14; 94:14; 138:21
 room [2] 89:13; 126:22
 roughly [3] 27:22; 30:19; 68:16
 rubber [1] 26:7
 rule [1] 64:5
 rules [1] 20:2
 run [1] 18:2
 rupturing [1] 163:5

- S -

S-a-u-g-e-t [1] 30:15
 S-a-y-e-r-s [1] 93:22
 sake [1] 44:4
 salary [1] 41:20
 sample [1] 131:6
 samples [1] 132:4
 Sampling [1] 152:1
 San [1] 3:6

sand [2] 166:18, 19
 SANDBECK [1] 5:3
 Sansome [1] 3:5
 Santa [3] 139:21; 148:14, 20
 SARFATTI [150] 10:7; 11:9, 22; 12:7, 19; 13:1; 14:22; 15:10, 14, 20; 18:6; 19:15; 20:9; 22:7; 29:6, 19; 38:11, 15, 18; 39:19; 41:2; 43:8; 44:3, 22; 46:2; 47:22; 49:3; 51:13, 17, 19; 59:5; 60:3; 61:21; 62:1, 3, 8; 64:12, 17; 65:5, 10; 66:1, 14; 68:11; 69:1, 5, 8, 18, 21; 70:10, 20; 71:7, 21; 72:8; 73:2; 77:20; 80:8, 15; 81:7, 20; 82:6; 83:16, 21; 90:2, 10, 20; 91:14; 92:1; 96:15, 19; 97:3, 13, 15, 21; 103:11; 104:7, 12, 21; 109:13, 20; 110:6; 115:10; 116:14; 118:14; 119:3, 12, 14; 120:1, 10; 121:13, 17; 122:3; 124:16; 125:2, 13; 127:18; 129:1, 13; 130:10; 131:10, 18; 132:11; 133:14; 139:9; 140:9; 142:12, 14, 22; 143:10, 16; 144:5, 13; 145:1; 146:10; 148:3; 149:13; 150:8; 152:10; 153:21; 154:20; 155:3; 157:15; 158:2, 10; 159:19; 160:3, 7; 161:4, 19; 162:16; 164:2, 11, 16; 165:5, 13; 166:1, 9; 167:5, 11; 168:8, 18; 169:8; 170:5; 171:21; 172:8, 21; 173:18; 175:11; 176:7, 15; 177:1
 Sarfatti [24] 2:4; 13:17, 19; 14:8, 12, 15, 18; 16:1, 19; 17:12, 20; 18:4, 19; 19:2, 4; 22:16, 19; 29:17; 64:8, 10, 13; 79:17; 103:7
 sat [1] 48:18
 satisfactory [1] 65:8
 satisfy [1] 174:18
 Saturday [5] 62:11, 18; 118:18; 120:6
 Sauter [2] 30:15; 31:2
 sawdust [1] 166:18
 Sayers [3] 93:21; 94:1
 saying [11] 11:7; 65:3; 68:12; 69:3; 71:3; 110:22; 111:2; 114:19; 119:21; 159:1; 166:15
 schedule [4] 11:4; 18:1; 67:10; 174:21
 scheduled [6] 16:5, 8, 9, 18; 42:13; 70:3
 scheduling [5] 7:9; 9:4; 15:10, 15; 16:13
 Schwalb [1] 2:5
 Science [2] 23:3, 4
 scientifically [1] 173:9
 scope [2] 15:7; 35:13
 score [2] 21:13; 27:2
 Scott [2] 4:3; 126:22
 screw-up [1] 119:20
 scriggled [1] 154:10
 scrubber [1] 132:2
 seal [2] 162:22; 163:1
 search [1] 103:16
 second [13] 56:1; 63:13, 21; 75:2; 80:18; 101:16; 115:1; 123:16; 133:6;

137:4; 155:16, 17; 175:17
 second-to-last [2]
 101:16; 173:11
 Secondary [2] 24:6, 7
 secondary [2] 23:15; 24:4
 secretaries [1] 134:9
 secretary [7] 32:11; 112:21; 134:8; 154:12, 14, 17, 19
 section [1] 113:22
 seek [1] 176:13
 seeking [1] 176:21
 seepage [1] 162:6
 selection [2] 135:6, 9
 self-explanatory [2]
 73:16, 18
 send [3] 43:16; 62:21; 110:18
 senior [1] 57:17
 sense [2] 79:1; 161:22
 sensed [3] 116:5; 117:7; 130:11
 sentence [30] 75:2; 77:6; 84:17; 101:17; 122:9, 12; 123:3, 4, 9, 13; 124:6, 7, 13, 20; 125:3; 127:11; 139:18; 143:5; 144:2, 19; 146:5, 12; 147:17; 148:12; 162:3; 167:1; 173:12; 174:15, 20
 sentences [3] 124:18; 125:12; 146:20
 separate [2] 71:21; 87:19
 separated [1] 24:15
 September [1] 99:20
 sequence [1] 28:3
 series [1] 62:16
 serve [1] 98:5
 served [2] 31:4; 151:11
 service [2] 12:11; 28:15
 Services [2] 8:18; 27:9
 services [7] 28:4, 6, 9, 12; 30:3, 12; 32:11
 SESSION [1] 61:18
 session [1] 38:8
 seven [1] 63:6
 seven-day [8] 62:10, 13; 63:15; 64:19; 68:15, 21; 71:10; 118:19
 Seventies [3] 44:6; 61:5; 167:10
 seventy [2] 37:7; 57:4
 sewer [16] 143:20; 162:5; 163:22; 164:14, 19, 20; 166:6; 167:2, 9; 168:17, 20; 170:1, 4, 12, 15, 17
 Sewers [2] 138:5; 164:15
 sewers [5] 143:21; 168:6, 10; 170:2, 13
 shaft [1] 162:22
 Shallow [1] 122:13
 share [2] 47:8; 50:9
 shared [1] 101:5
 sheer [1] 135:18
 sheet [3] 84:13; 153:7, 17
 shocked [2] 71:1, 15
 shoes [2] 95:14, 15
 shoot [2] 38:15; 163:9
 shorthand [1] 1:21
 shot [2] 80:3; 85:18
 shoulders [1] 169:14
 shovels [1] 96:1
 shows [1] 109:7
 shut [1] 165:21
 sic [1] 133:11
 sieves [1] 168:10
 signature [2] 100:1, 2
 signed [1] 37:22
 significant [5] 71:18; 75:4, 7, 12

Silbert [1] 2:5
 sir [32] 12:15; 18:15, 18; 19:11; 20:22; 21:7; 31:12; 32:13; 33:22; 42:5, 19; 43:5; 46:3; 50:12; 56:7; 57:8; 74:15; 76:11; 80:1; 84:10; 87:4; 101:15; 109:3; 110:21; 111:16; 127:8, 9; 133:21; 134:7; 141:2; 146:21; 166:2
 sit [2] 59:15; 118:11
 Site [3] 101:14; 124:8; 162:3
 site [20] 89:15; 101:13, 15; 107:4; 124:18, 22; 125:10, 17; 127:4; 128:6; 144:21; 153:17; 155:20, 21; 156:2; 162:6; 165:16; 173:15, 17; 174:8
 sites [18] 28:22; 29:4, 10, 12; 50:5; 88:15; 95:10; 99:10, 11; 106:19; 115:2; 122:17; 137:13; 142:8; 148:6; 150:5; 154:4; 175:13
 sitting [2] 96:2; 129:15
 situation [23] 41:18; 62:10; 64:3, 22; 65:17; 68:13, 14; 70:12, 19, 20, 22; 72:1; 75:9; 80:16; 82:15; 88:18; 105:20; 106:10; 150:4; 167:20; 168:19; 169:12; 175:2
 situations [10] 33:7; 54:19; 55:5; 64:3; 111:3, 17; 112:7; 116:9; 131:8; 148:13
 six [2] 27:11; 50:17
 sixth [1] 30:19
 Sixties [1] 167:10
 sketch [1] 21:8
 skim [1] 83:18
 slide [1] 84:17
 slides [1] 84:3
 Sniveley [1] 7:13
 Soda [2] 39:14; 52:14
 soil [1] 143:7
 sold [1] 115:6
 solely [1] 128:19
 solid [6] 41:10, 15, 18; 46:22; 48:12; 49:9
 Solids [1] 113:6
 soluble [1] 147:13
 solving [1] 81:17
 Somebody [1] 76:21
 somebody [2] 80:18; 108:1
 somehow [1] 117:1
 Someone [1] 86:2
 someone [9] 42:4; 44:1; 45:22; 89:21; 105:16; 111:8; 135:20; 161:7; 177:2
 somewhat [2] 10:18; 34:7
 somewhere [4] 56:21; 61:6; 107:6; 158:19
 sorry [24] 14:3; 22:18; 26:3; 31:22; 55:10; 57:4; 88:9; 93:5; 100:14; 106:7; 107:15; 113:14; 121:16, 19; 122:11; 132:16; 133:16, 17; 139:7; 143:13, 14; 154:22; 160:21; 172:13
 sort [4] 79:4; 84:4; 85:5; 134:5
 sound [2] 6:3; 166:10
 sounds [4] 18:15; 120:2; 124:3; 155:3

sources [3] 49:17; 144:20; 146:8
 South [8] 107:5, 22; 125:18; 126:6; 140:12; 141:10; 142:2, 19
 speak [10] 7:5; 38:19, 20; 57:21; 73:3, 22; 104:8; 127:19; 161:20, 21
 speaking [3] 43:8; 102:19; 141:9
 Special [4] 19:20; 91:7, 10; 164:5
 special [5] 42:13; 59:3; 60:1; 91:2; 117:6
 specific [6] 70:21; 77:14; 81:17; 105:8; 112:19; 145:12
 Specifically [1] 153:14
 specifications [2] 35:3; 172:11
 specifics [3] 58:13; 140:2; 151:4
 speculate [1] 132:21
 speculating [2] 111:11; 124:1
 speculation [1] 170:8
 speed [2] 50:4; 160:20
 spent [1] 155:19
 spill [1] 169:15
 spilling [1] 163:6
 Spills [1] 167:1
 spills [6] 143:6; 144:4; 162:4, 12; 166:6, 11
 spinning [1] 89:13
 spins [1] 89:10
 spot [2] 166:17, 20
 Springfield [2] 148:15, 21
 Springs [2] 39:14; 52:14
 Square [1] 2:15
 squiggly [1] 154:8
 St [19] 1:19; 17:3; 20:20; 23:2, 7; 25:8; 29:9; 30:22; 31:5, 7; 32:2; 44:2, 8; 67:8; 72:2; 74:18; 80:21; 96:2; 171:11
 stack [1] 131:22
 staff [29] 40:8, 22; 42:17; 43:12; 44:16; 45:6, 21; 46:16, 20; 48:10, 17; 49:20; 50:8, 16; 55:14; 58:5, 11; 59:12; 60:16; 79:4; 81:8, 13; 82:17; 84:18; 85:3; 86:20; 94:3; 117:5; 118:6
 staffing [1] 52:2
 stain [1] 167:7
 stamped [1] 161:13
 stand [5] 79:12; 122:3; 124:18; 129:16; 130:19
 standards [1] 129:4
 stands [1] 81:1
 start [2] 61:19; 75:16
 started [6] 22:20; 58:8; 72:13; 76:8; 166:7; 169:9
 starting [5] 24:18; 26:7; 85:14; 155:1; 157:17
 STATE [1] 1:1
 State [2] 1:19; 150:15
 state [8] 49:17; 62:8; 81:14; 91:15; 106:18; 129:6; 150:13; 164:4
 stated [4] 64:18; 84:18; 87:4; 114:15
 statement [12] 68:2; 84:17; 86:11; 97:15; 144:12, 22; 145:6, 19, 21; 146:9, 15; 175:16
 statements [4] 146:20; 147:2; 149:11; 175:14

states [1] 153:8
 status [1] 103:13
 stay [2] 116:8; 164:20
 stayed [1] 52:1
 staying [1] 17:5
 steering [1] 67:20
 step [4] 81:11; 82:20; 95:14, 15
 steps [1] 79:5
 sterile [1] 165:15
 Steve [1] 66:8
 Steven [1] 2:4
 STG [2] 160:16
 stimulate [1] 117:16
 stipulate [3] 69:9; 70:2; 71:4
 stipulation [6] 61:21; 67:18; 68:19; 69:4, 17; 71:13
 stop [1] 159:18
 stopped [1] 166:8
 storage [1] 142:1
 stored [1] 120:20
 strata [1] 147:9
 strategically [1] 122:14
 streams [2] 24:16; 76:4
 Street [3] 2:8; 3:5, 13
 strike [1] 156:6
 strongly [1] 150:3
 structures [1] 142:10
 studied [1] 149:14
 Studies [1] 114:7
 studies [3] 114:14, 16, 18
 Study [2] 123:19; 138:5
 study [26] 27:17; 89:21; 108:8, 15, 16, 19; 114:5, 9, 10, 17, 19; 115:3, 9, 15, 17; 116:2, 15; 117:13, 15, 17; 120:16; 126:18; 138:10; 143:20; 152:20, 21
 stuff [1] 17:22
 Styrene [2] 34:14; 156:20
 styrene [3] 36:6, 20; 37:14
 sub [1] 138:22
 subheading [1] 149:17
 Subject [1] 92:17
 subject [10] 15:1; 20:10; 21:10, 11; 63:9; 72:5; 74:10; 108:16; 127:4; 133:12
 subsentences [1] 175:1
 subsequent [4] 18:10, 12; 101:19, 22
 substance [1] 19:18
 Substances [1] 45:10
 substantial [5] 115:8, 13; 120:16; 144:20; 145:15
 substantially [1] 64:7
 substantive [1] 15:5
 substrata [1] 91:2
 success [1] 123:6
 suggest [6] 21:13; 92:3, 7; 120:20; 140:20; 161:6
 suggesting [1] 120:4
 suggestion [2] 92:11; 142:12
 suggests [1] 156:8
 Suite [1] 2:7
 sulphuric [1] 34:9
 Summary [1] 160:15
 summary [4] 25:4; 29:2, 7; 161:7
 super [1] 25:21
 Superintendent [2] 27:3, 10
 superintendent [2] 28:3; 58:11

superintendents [2] 30:18; 136:12
 SUPERIOR [1] 1:1
 supervising [1] 27:10
 supervision [2] 41:11, 21
 Supervisor [2] 25:18; 26:2
 supervisor [4] 26:4, 15; 41:19; 118:10
 supplement [3] 63:15; 65:17; 68:15
 supplemental [1] 66:10
 supplementary [1] 65:19
 supplied [1] 115:4
 support [6] 98:8; 115:13; 145:10, 14, 15, 19
 supported [1] 92:4
 suppose [2] 85:13; 158:14
 supposed [1] 112:22
 SURETY [1] 1:10
 Surface [1] 107:11
 surface [3] 107:9; 147:16; 169:1
 surprised [1] 173:19
 survey [8] 77:15; 88:20, 22; 89:5, 11, 14; 90:1, 9
 surveys [7] 77:7, 9, 17; 88:12, 14, 15, 17
 suspect [3] 130:2; 158:4; 159:3
 suspects [1] 135:17
 Sutcliffe [1] 3:3
 swept [1] 166:12
 sworn [1] 6:3
 synonymous [1] 118:21
 system [10] 97:6; 109:22; 111:7; 112:16, 18, 20; 163:10; 164:20, 21; 165:7
 systems [4] 115:5, 7; 124:11

- T -

T-h-r-o-d-a-h-l [1] 40:16
 T-r-o-m-b-l-e-e [1] 56:2
 table [3] 132:19, 20; 138:20
 tacked [1] 143:20
 takes [2] 118:12; 141:13
 talk [2] 91:10; 163:4
 Talking [1] 50:1
 talking [16] 25:12; 41:2; 44:3; 48:4; 50:1; 54:16; 59:11; 102:11; 133:14; 141:8; 142:9; 143:12, 17; 147:3; 154:3; 168:4
 tank [7] 26:17; 27:14, 16; 162:4; 163:5; 165:10; 167:1
 tardy [1] 117:4
 target [1] 163:10
 Task [1] 138:5
 task [1] 143:20
 tasks [1] 81:17
 team [22] 27:11, 17; 41:8; 42:12; 43:14; 47:7, 11; 50:12, 13, 19, 21; 51:7, 22; 52:1; 58:14; 59:16; 85:8; 86:2, 20; 116:1
 teams [1] 27:22
 Technical [1] 27:9
 technical [1] 27:11
 technicians [1] 27:12
 technology [3] 163:11; 164:18; 167:18
 telecopy [1] 62:22
 telephone [1] 57:15
 telling [2] 16:17; 30:2
 tells [1] 124:2

Tennessee [2] 39:14; 52:15
 term [4] 42:10; 103:18; 150:8; 153:21
 terminology [1] 142:11
 terms [8] 21:9, 18; 41:14, 16; 75:10; 101:10; 151:5; 162:11
 test [5] 122:13; 123:21; 124:20; 157:14, 22
 testified [1] 6:5
 testify [1] 70:15
 testimony [5] 11:10; 12:1; 19:16; 67:7; 72:1
 testing [1] 175:18
 Texas [57] 28:19; 29:3, 8; 39:13; 52:21; 53:4, 11, 14, 17; 54:21; 55:13, 19; 58:3; 60:8, 19; 61:13; 77:10, 15; 79:8, 17; 88:22; 90:13, 15, 18; 91:21; 98:17; 105:10; 106:3, 16; 107:12, 17; 128:12; 132:9, 17; 135:7, 11, 14, 20; 136:7; 137:20; 139:20; 140:1, 6, 8; 141:5; 142:21; 144:4; 145:5; 148:14, 22; 150:18; 151:2; 155:18; 156:15, 22; 159:13; 168:3
 Thank [2] 106:12; 177:15
 there'll [1] 72:4
 They're [1] 119:3
 they're [4] 70:21; 73:17; 128:16; 164:17
 thinking [3] 38:14; 95:20; 129:8
 thinners [1] 24:17
 third [12] 17:1; 84:13; 113:18, 21; 124:6, 7; 127:10; 147:17; 153:15; 155:17; 175:17
 Thirties [1] 167:18
 thirty [1] 64:10
 Thomas [2] 2:8; 4:5
 thorough [1] 60:11
 thoroughly [2] 53:19; 94:15
 thoughts [5] 10:19; 50:10; 72:21; 102:7, 9
 three [5] 26:6; 27:12; 79:5; 110:7; 115:2
 Throdahl [11] 40:16, 19; 41:4, 8; 42:6, 8, 12, 18; 43:12; 45:6; 94:2
 thrust [1] 35:20
 thumbnail [1] 21:8
 tickets [2] 8:3; 12:11
 tied [1] 11:4
 till [2] 25:5; 28:20
 times [4] 88:16; 110:7; 112:21; 121:14
 timing [1] 37:18
 tired [1] 38:5
 title [25] 26:1; 28:4; 31:7; 33:5, 9, 10, 14; 35:8, 12; 36:14; 37:5, 9; 45:8, 11; 47:14, 18; 54:12; 60:19; 72:7, 9; 84:5; 108:10; 123:15; 139:2
 Titles [1] 44:17
 to-wit [1] 6:5
 total [3] 27:6; 113:21; 156:17
 totally [2] 33:11; 59:12
 town [1] 19:5
 Toxic [1] 45:10
 toxic [1] 115:6
 toxicologist [1] 133:4
 traced [1] 148:10

track [1] 17:7
 traditional [1] 141:16
 transferred [1] 50:15
 trap [1] 169:16
 Travel [1] 8:18
 travel [6] 8:2, 18; 12:10; 15:10; 17:2, 4
 TRAVELERS [1] 3:10
 traveling [1] 42:22
 traveling-type [1] 15:15
 treating [1] 168:21
 trial [5] 8:7, 8; 10:18; 11:15; 12:14
 trivia [1] 155:3
 Tromblee [1] 56:1
 trouble [1] 16:22
 troubles [1] 38:5
 true [9] 83:2, 4; 101:8; 130:13; 131:7; 167:10; 170:19, 21; 173:1
 truth [3] 6:4
 Tuesday [1] 64:10
 tuned [1] 86:12
 Turk [1] 6:20
 Turning [6] 76:12; 93:13; 137:4; 144:8; 155:16; 173:11
 twelve [3] 27:11; 66:9, 13
 twenty [1] 122:1
 type [14] 15:12, 14; 24:10; 42:9; 89:5; 112:12; 114:18; 115:17; 147:6, 9; 162:8; 165:19; 166:22; 167:2
 types [4] 23:13; 43:10; 157:14; 158:8

- U -

ultimate [7] 96:13, 17, 20; 97:8; 117:10, 14, 17
 ultimately [2] 97:17; 104:5
 unacceptable [1] 168:13
 unclear [1] 18:3
 Undefined [2] 150:8; 153:21
 underground [4] 162:5; 164:18; 165:10; 167:2
 underneath [3] 91:1; 147:9, 16
 understand [19] 40:18; 42:10; 49:12; 51:19; 55:17; 63:5; 70:8; 73:4; 80:9; 82:11; 89:4; 97:6, 11; 102:12; 109:9; 116:11; 147:8; 157:4; 174:11
 understanding [23] 9:9; 10:1; 11:16; 19:9, 11; 60:4; 66:10; 79:21; 80:1; 85:1; 99:2, 4, 6; 104:5; 142:5; 143:9; 144:3, 7, 16; 147:5; 154:13; 157:5; 168:11
 understood [4] 29:8; 44:15; 48:22; 117:20
 underway [1] 114:7
 underwent [1] 52:2
 UNDERWRITERS [1] 4:1
 undesirable [3] 105:21; 106:11; 169:16
 unfairness [1] 69:13
 unfeasible [1] 170:16
 uninterrupted [5] 173:14, 16; 174:7, 16; 175:9
 unique [2] 114:17, 20
 unit [7] 39:5; 42:1; 46:21; 48:11, 18, 19; 116:21

units [7] 37:8; 38:2; 39:5; 40:18, 19; 41:7; 147:10
 universal [1] 114:18
 University [4] 23:2, 7; 149:9
 university [1] 49:17
 unmanageable [1] 130:16
 unnecessary [1] 173:8
 unoccupied [1] 142:10
 unusual [1] 113:2
 updated [1] 128:7
 upgrade [1] 175:20
 upgrading [2] 124:10; 174:3
 upper [3] 98:7; 143:7; 171:8
 uses [1] 119:10
 usual [3] 111:13, 15; 165:11
 utilities [1] 28:4

- V -

vague [13] 59:5, 21; 80:8; 82:7; 96:15, 19; 97:21; 129:1; 131:10, 18; 150:8; 153:21; 161:19
 vaguely [1] 114:16
 vagueness [2] 46:2; 129:13
 Valley [1] 20:20
 value [2] 59:4; 60:2
 valve [1] 132:2
 vary [1] 68:20
 vast [1] 150:11
 VCM [2] 36:5, 20
 version [3] 41:15; 72:22; 153:16
 vice-president [4] 40:11, 15; 43:21; 44:1
 vice-presidents [1] 44:7
 view [2] 145:11; 164:12
 Vinyl [1] 34:16
 vinyl [1] 37:14
 violation [2] 91:9; 164:10
 Virginia [1] 29:10
 virtually [3] 144:20; 145:15; 149:18
 visit [2] 50:7; 55:13
 visiting [1] 49:20
 visits [1] 58:10
 volatile [1] 159:5
 VOLUME [1] 1:15
 volume [2] 64:7; 147:14
 voluntary [4] 150:6, 9; 153:17, 19
 vouch [1] 83:5
 vs [1] 1:8

- W -

W-e-i-s-h [1] 50:17
 waiver [1] 15:4
 Wald [1] 4:4
 wanted [7] 17:9; 29:16; 43:21; 89:6; 113:15; 116:21; 130:8
 warehousing [1] 28:5
 warrant [3] 89:22; 90:8, 18
 warranted [1] 91:22
 Washington [6] 2:9; 3:14; 4:6; 23:2, 7; 44:9
 Waste [2] 77:18; 123:19
 waste [25] 21:19; 26:21; 28:9, 13; 36:1; 45:14, 17; 48:12; 49:9; 99:10, 11, 12, 16; 108:8, 16, 18; 114:4; 115:5; 126:18; 153:7, 17; 155:19; 175:21
 wastes [8] 21:16; 24:1;

46:22; 94:20; 96:6; 98:21;
114:12; 174:3
wastewater [2] 144:9;
162:6
watch [1] 38:4
watchdogs [2] 85:6, 7
water [20] 45:17; 46:10,
13; 47:1; 48:12; 49:8;
107:1, 9, 11; 131:1, 6;
132:4, 19, 20; 147:13, 14;
159:10; 168:20, 22
water-soluble [1] 158:6
waters [4] 147:10, 11, 15
ways [1] 55:11
We'll [1] 29:21
we'll [10] 15:20; 18:1;
29:20; 38:6, 22; 63:18;
65:9; 67:12; 68:1; 120:2
We're [3] 41:2; 52:1; 74:3
we're [10] 63:7; 66:1, 3;
68:8; 69:3; 91:9; 102:11;
133:14; 142:8; 154:3
We've [2] 122:1; 164:11
we've [4] 126:2; 143:11;
149:12; 164:7
wear [1] 163:6
week [12] 6:16; 7:14;
10:15; 18:13; 19:5, 8, 10;
72:3; 89:20; 103:12;
118:21
weeks [1] 58:14
Weishaar [2] 50:16;
108:6
weld [1] 162:18
Welge [2] 2:14; 6:11
wells [9] 23:16; 24:5;
122:13; 123:21; 124:13;
125:9; 151:19, 21
weren't [2] 97:17; 175:8
West [1] 29:9
west [1] 171:12
WGK [5] 74:12; 139:12;
143:22; 171:5
wheels [1] 89:13
whenever [2] 38:8; 129:6
whereas [1] 41:22
Whereupon [2] 6:1;
177:17
wherever [1] 28:14
wherewithal [1] 28:13
whoever [1] 146:3
WHP [2] 92:18, 19
Wiley [1] 3:12
WILLIAM [2] 1:17; 6:2
William [3] 30:16; 39:12;
52:14
willing [4] 16:15; 17:13;
64:14; 71:4
Wilmington [26] 8:6, 8,
12, 16; 9:17, 20, 22;
10:6; 11:18; 12:2, 9;
14:19; 16:2, 8, 9, 15, 18,
20, 22; 17:4, 13, 16;
18:5, 20; 20:14; 67:8
wing [2] 153:15; 171:12
Wink [1] 45:4
Wintthrop [1] 45:5
wish [1] 68:17
WITNESS [9] 2:3; 6:22;
38:10, 20; 47:21; 112:5;
121:20; 160:21; 177:15
Witness [9] 83:22; 92:22;
95:7; 114:2; 134:19;
138:8; 153:3; 160:11;
171:16
witness [13] 22:9; 29:8;
51:14; 63:11; 64:5, 15;
70:15; 72:2; 121:13, 17;
159:19; 164:7; 169:8
witnessed [1] 169:7

witnesses [2] 64:1, 2
won't [1] 69:17
word [15] 11:15; 16:11;
49:5; 51:11; 60:5; 87:4;
88:4; 96:20; 105:13;
115:13; 136:11; 145:14,
15, 16; 167:13
words [15] 7:13; 8:7, 13,
17; 9:18; 11:2; 14:4; 16:3;
17:11, 17; 19:3; 28:5;
48:18; 53:5; 175:20
work [14] 19:13; 20:7;
22:8; 23:14, 18, 22;
27:13; 30:20; 31:18;
32:14; 79:6; 89:20; 93:11;
172:10
worked [9] 23:9; 26:9;
56:4, 21; 57:11; 59:8;
60:16; 61:1; 68:6
working [6] 61:2; 95:17;
97:6; 116:1; 155:12
workplace [3] 54:13, 19,
21
world [6] 31:21; 111:2;
165:14; 167:3; 168:2, 5
world-wide [1] 72:16
Worldwide [10] 74:10;
86:22; 98:12; 100:10;
101:20; 102:9; 124:9;
126:5, 15; 127:15
worldwide [2] 105:4;
128:20
worn [1] 162:22
wouldn't [14] 11:16;
45:5; 69:2; 86:15, 17, 18;
92:10; 109:16, 19; 117:9;
118:6, 8; 159:5, 7
wound [1] 110:3
writing [1] 144:16
wrong [2] 7:2; 78:17
wrote [1] 7:2

- Y -

Yeah [3] 7:1; 62:2; 84:15
yeah [3] 51:18; 75:1;
105:5
year [11] 25:20; 30:10;
33:5; 46:14; 53:1; 58:8, 9,
17; 102:7; 106:20
yearly [1] 102:3
years [7] 24:20; 26:14;
57:20; 75:5, 13; 101:19,
22
Yesterday [1] 22:15
yesterday [3] 22:18;
62:21; 63:4
you'd [3] 38:11; 112:4;
141:18
You'll [1] 14:5
you'll [4] 71:5; 173:20;
176:9
You've [1] 166:20
you've [12] 21:9; 35:9;
92:15, 21; 97:4; 134:5;
137:1; 138:7; 139:3, 15;
143:10; 160:4
younger [1] 57:21
yourself [2] 113:20;
171:15

- Z -

zero [3] 163:10; 164:22;
165:17
zone [2] 153:15; 171:12

Page	Line	Correction:
47	12	Initially it consisted of two individuals, Harry
50	1	Talking with customers' people and talking with
61	14	Well, for me and my team, really, not to me
91	1	don't know what conditions must exist underneath that plant
151	11	monitored activities, I served as a prod where necessary
154	10	Papageorge. And the next name would have been squiggled to
158	19	a situation where I might say I better look for this
163	6	spilling all over the place. These were not the big spills
163	7	that would be the result of a catastrophic failure or a fire or
241	13	old site; there are wastes under its surface; it was
277	13	You used the word 'aware'. I do not recall any
319	22	information base on questionable
328	12	Your question is -- What does he do? He worries
346	2	well be the North 80 is the proper designation
370	9	but either one of those would have been a likely source of
444	18	That's what I understood, yes, sir.
476	15	suffers from -- and I hope I say this, pronounce it
476	16	correctly -- blepharospasms, b-L-E-P-H-A-R-O-S-P-A-S-M-S. Thi
477	11	trips of an emergency nature, unpredictable, and she's got