

FOSHEE & TURNER COURT REPORTERS

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

WALTER OWENS, et al.,)
Plaintiffs,)
vs.) CIVIL ACTION NO.
CV-P-440-E
MONSANTO COMPANY,)
Defendant.)

DEPOSITION OF: KEN HEIFNER

In accordance with Rule 5 (d) of The
Alabama Rules of Civil Procedure, as Amended,
effective May 15, 1988, I, TAMMY JENNINGS
GREGORY, am hereby delivering to MS. LAURA RUTH
the original transcript of the oral testimony
taken on the 3rd day of November, 1999, along
with exhibits.

Please be advised that this is the same and
not retained by the court reporter, nor filed.

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1 with the Court.

2 The deposition of Ken Heifner was taken
3 before Tammy R. Jennings Gregory, commencing at
4 2:00 P.M. on the 3rd day of November, 1999, by
5 the Plaintiffs, at the law offices of Fite &
6 Miller, Anniston, Alabama pursuant to the
7 stipulations set forth herein.
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Tammy R. Jennings Gregory

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

IT IS STIPULATED AND AGREED by and between the parties through their respective counsel that the deposition of Ken Heifner may be taken before Tammy R. Jennings Gregory, at the law offices of Fite & Miller, Anniston, Alabama on the 3rd day of November, 1999.

IT IS FURTHER STIPULATED AND AGREED that the signature to and the reading of the deposition by the witness is waived, the deposition to have the same force and effect as if full compliance had been had with all laws and rules of court relating to the taking of depositions.

IT IS FURTHER STIPULATED AND AGREED that it shall not be necessary for any objections to be made by counsel to any questions, except as to form or leading questions, and that counsel for

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1 the parties may make objections and assign
2 grounds at the time of trial or at the time said
3 deposition is offered in evidence or prior
4 thereto.

5
6
7 IT IS FURTHER STIPULATED AND AGREED that
8 the notice of filing of the deposition is waived.
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1 STATE OF ALABAMA, CITY OF ANNISTON,

2 NOVEMBER 3, 1999,

3 2:00 P.M.,

4
5 KEN HEIFNER,

6 having been first duly sworn, was examined and
7 testified as follows:

8
9 COURT REPORTER: Usual stipulations
10 okay?

11 MS. RUTH: Fine.

12 MR. KELLY: Fine.

13
14 EXAMINATION BY MS. RUTH:

15 Q. Well, Mr. Heifner, I already introduced
16 myself. I'm Laura Ruth.

17 I think that Mr. Kelly has probably
18 already explained this to you, but when you
19 give an oath in this Court -- or in this
20 deposition, it's the same as giving an oath
21 in a court of law, and you need to tell the
22 truth when we ask questions.

23 A. Yes, ma'am.

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1 Q. Have you ever given a deposition before?

2 A. No, ma'am.

3 Q. Never before?

4 A. (Witness shakes head.)

5 Q. Okay. Now, I've noticed in the past
6 sometimes my ignorance about the way plants
7 work makes my questions less than clear, so
8 if you don't understand something I'm asking,
9 I'll ask you to please let me know, and I'll
10 rephrase it, and hopefully we can work it out
11 together. Okay?

12 A. Okay.

13 Q. Just to let you know how we're going to
14 proceed here, the easiest way seems to be to
15 do an overview of what your history has been
16 -- your work history at Monsanto has been
17 and then pick and choose what areas we might
18 want to look into a little more deeply.

19 Are you still working for Monsanto
20 right now?

21 A. No, ma'am, I retired in April of '96.

22 Q. Retired in April of '96. Have you been
23 working at all since you've retired from

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1 Monsanto? Do you have another job?

2 A. I've been working but not employed. I've
3 been helping my son build a house and my
4 brother build a carport and things like that,
5 but I'm not gainfully employed.

6 Q. Nobody's paying you for it.

7 A. No, I'm not gainfully employed.

8 Q. Other than a dinner every now and again?

9 A. That's about all I get.

10 Q. Okay. Was Monsanto the only place you ever
11 worked? Did you work someplace else?

12 A. I worked at General Electric Company at
13 Oxford.

14 Q. In Oxford?

15 A. And it closed down, but I worked at A&P
16 Grocery Store before that.

17 Q. Uh-huh (indicating yes).

18 A. Couple years.

19 Q. What year did you end up starting with
20 Monsanto?

21 A. In 1962.

22 Q. Do you remember what month or if it was the
23 first half of the year or second half of the

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1 year?

2 A. I believe it was in April. I believe it was
3 April 1962.

4 Q. April 1962. And you were how old at that
5 point?

6 A. Twenty-two.

7 Q. Twenty-two?

8 A. (Witness nods head.)

9 Q. So basically -- did you go to college?

10 A. No, ma'am.

11 Q. Okay. So you -- did you go right to the GE
12 plant from high school?

13 A. Well, I worked in high school at the -- when
14 I was in high school, I worked at the grocery
15 store.

16 Q. Okay.

17 A. Then when I graduated, I went full time with
18 the grocery store and then went to -- I
19 didn't work long before I got a job at GE.

20 Q. GE.

21 A. And I worked there from, like, latter part of
22 '59, I believe it was, until '62.

23 Q. Okay.

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1 A. Off and on. I was laid off several times.
2 They were eventually closing the plant, and
3 they just quit making tubes.

4 And some people that had been there
5 longer than me transferred to other places,
6 but I got on with Monsanto.

7 Q. And we're not going to delve into your work
8 history at all at GE, but just real quick,
9 what did you do at GE?

10 A. Mica sprayer in the parts department.

11 Q. A micro sprayer?

12 A. Mica, m-i-c-a. That was the insulated part
13 of the tube.

14 Q. Okay. That really means very little to me,
15 but since we're not that concerned with GE --

16 A. Transistors took the place of tubes, so
17 that's history anyway. Most of it.

18 Q. When you first started with Monsanto, in what
19 capacity did you start?

20 A. I hired in in the niran department.

21 Q. In the niran department.

22 A. And I was -- basically that job was what they
23 called drumming out. The finished product we

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1 put in the drums.

2 Q. Okay. Were you an operator or laborer?

3 A. Operator at that time.

4 Q. Operator. And how long did you stay there?

5 A. I was in niran until -- I worked, I think,
6 the last day of December of that year and got
7 laid off.

8 I was really hired for summer
9 help. But I lasted that long, and then a guy
10 retired in the aroclor department in
11 February, and I came back in February.

12 Q. So it was just a little two-month lag time?

13 A. Right.

14 Q. So I'm in February --

15 A. I started in February 1963, I guess.

16 Q. And that was in the aroclor department?

17 A. Yes, ma'am.

18 Q. What did you do in the aroclor department?

19 A. I was an operator, operated -- I think they
20 call it the chlorinator job.

21 Q. Chlorinators?

22 A. Uh-huh (indicating yes).

23 Q. Is that the only job you had there, operator?

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1 A. No. There's like four jobs in the aroclor
2 department. One was the chlorinators and the
3 acid. It was sort of combined, but I run
4 both of those jobs.

5 And then I moved up to the aroclor
6 stills and the flaker. That was a two-man
7 job combined. We just helped each other.

8 Q. Anything else?

9 A. That was all.

10 Q. Okay. And how long were you in the aroclor
11 department?

12 A. From there, I'm not sure what year, but I was
13 there until they shut it down.

14 Q. Until they shut it down?

15 A. When they announced the shutdown, I'm not
16 sure if I worked actually the last, say, till
17 the last pound was made because I moved back
18 to niran then.

19 My seniority carried me back over
20 there. And I can't remember, but it was
21 right close to when it shut down.

22 Q. Do you remember what year that was?

23 A. I really don't. Seemed like it was in either

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1 '72 or '74.

2 Q. Does '72 sound reasonable to you?

3 A. '72 is probably when it was.

4 Q. I just say that because that's what the
5 documentation reflects that the plant shut
6 down in 1972.

7 A. I couldn't remember what year it was.

8 Q. Okay. But you're comfortable with that?

9 A. Yeah, that sounds about right.

10 Q. So you were in the aroclor group for, oh,
11 nine years?

12 A. Yes, ma'am.

13 Q. And then you went to -- back to niran?

14 A. Back to niran for a while.

15 Q. What did you do in niran?

16 A. I went back to that drumming. That's the
17 lowest thing you start out is that drummer's
18 job.

19 Q. I guess at that point you were lucky to stay
20 on?

21 A. Yeah, lucky just to hang on.

22 Then they came up -- they had a
23 laborer group out there that they raised the

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1 pay of the laborers to operating pay. And
2 the laborers, they worked from Monday through
3 Friday on day shift, so I bid into there, but
4 I didn't get a shift bonus.

5 I really took a cut, but in a way
6 you didn't. That's the reason I went to the
7 laborer gang, maintenance laborer.

8 Q. Maintenance laborer. And what year did you
9 do that?

10 A. I'm going to say 1975. I think that's -- I'm
11 not sure how long I stayed in niran. It
12 wasn't too long before I did that, and I
13 think I was in the laborer group about,
14 maybe, two or three years. Then I went to
15 maintenance department as a pipe fitter.

16 Let's see. I remember I went to
17 maintenance in 1976.

18 Q. Oh, '76 not '75?

19 A. This is as a pipe fitter in '76. I was in
20 maintenance labor until '76. The reason I
21 remember that is I had gallbladder surgery,
22 and my father died that year. It stands out.

23 Q. Oh, gee.

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1 A. Just happened to remember that. And I was
2 out sick when they called me to tell me that
3 I had a pipe fitter's job.

4 And I stayed in maintenance then
5 until -- except for about a year when they
6 shut niran down -- they was a big cutback in
7 personnel, and I went to waste treatment to
8 operate that for I'm going to say a year then
9 went back to maintenance.

10 Q. Okay. And did you retire from maintenance?

11 A. Uh-huh (indicating yes), yes, ma'am.

12 Q. In the same position as a pipe filter?

13 A. Well, they combined it. It was pipe fitter
14 millwright. All that was combined later.

15 Q. Do you remember what year they combined that?

16 A. It would have been, I think, in middle '80s.
17 1984, 5, somewhere when they combined crafts.
18 I'm thinking that's about right.

19 Q. Okay. Do you remember -- what was the year
20 then you would have gone to niran? It's the
21 final year? You're saying it's the final
22 year of production you went over before it
23 shut down? Or did I understand that right?

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1 A. I think it was around 1985.

2 Q. Okay. So that was just before --

3 A. Yeah, I went back to niran for -- well,
4 really it was the waste treatment. They had
5 a separate control room and all from niran up
6 there. I stayed there about -- I think about
7 a year on that job.

8 Q. Okay.

9 A. And then went back to maintenance.

10 Q. Okay. We've talked to enough -- I think
11 we've talked to enough people about a lot of
12 the process about the aroclor department that
13 I think we can move through it relatively
14 quickly, but I think that's what we're going
15 to end up talking about mostly and maybe some
16 of your time in the maintenance department,
17 those kind of things.

18 You said you worked on a
19 chlorinator; is that right?

20 A. Yes, ma'am.

21 Q. We've heard from a number of people -- and I
22 just want to ask you about this -- that the
23 pump on the chlorinator would leak. Do you

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1 have any recollection of the chlorinator
2 leaking?

3 A. Yes, ma'am. The chlorinator pumps were
4 designed that -- they had a graphite packing,
5 and it had to drip just a little to keep it
6 lubricated or it would just ruin it, you
7 know, would get so hard it wouldn't hold
8 anything. And that was the lubrication.

9 It helped lubricate the pump was to
10 drip just a little. But we had the little --
11 I call them troughs that sat under there that
12 it dripped in. And then where we caught our
13 samples on the chlorinator, there was a peck
14 bucket or so, something like that, pretty
15 good sized bucket, would set there.

16 And we'd always come by if it was
17 leaking a little faster, we'd just empty the
18 things in and tighten the packing nuts. It
19 had two little nuts that make it tighter.

20 Q. Okay.

21 A. We'd just tighten those a round or so to keep
22 it from dripping. But you didn't cut it --
23 you didn't want to -- if you tightened it too

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1 tight, it would start smoking right away --

2 Q. Okay.

3 A. -- and you know you'd tightened it too
4 tight. But it would drip occasionally just
5 to lubricate it.

6 Q. And when it was dripping fast and -- did you
7 ever have a situation where your pan would
8 overflow or your trough as you called it?

9 A. They was -- might have been a few occasions,
10 but usually we caught it before they would
11 run over.

12 Q. Okay.

13 A. And we'd empty them into the bucket, and then
14 the bucket got emptied into a drum, and we
15 called that a trapping drum, and we pumped
16 that back up, pumped it back into a tank that
17 we charged the chlorinators with.

18 Q. So ultimately you'd reuse lost sample?

19 A. Yeah, we kept a drum there and poured the
20 sample things, you know, usually run sample
21 every hour in a little -- it was like a
22 two-inch pipe with a handle welded on it.

23 And you just caught that much and go in and

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1 stir it to a certain temperature, and then
2 you'd drop the hydrometer in it, and that
3 would tell you what grade aroclor you had.

4 Q. I think I've talked to somebody else about
5 that. Can you just quickly -- was it -- I
6 think I understood it was a glass beaker; is
7 that right? Is that what -- what would you
8 use to put the sample in?

9 A. Now, some of the upper grade aroclor, I'll
10 say this, the solid aroclor they called it,
11 we did put -- we caught a little sample in a
12 -- looked like a stopper with a wire around
13 on it, and it'd just catch that much.

14 And we'd drop it in this little
15 ring, and we had it in a beaker of something
16 and you heat it and --

17 Q. Do you think you can draw it?

18 A. -- and a ball bearing would drop through it,
19 and that would tell you when it was -- let's
20 see. I can't think of -- glycerin. It was a
21 beaker of glycerin that we put that in.

22 Q. Can you just draw me a picture of the stopper
23 thing you're talking about or how all that

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1 worked?

2 A. The sampler?

3 Q. Yeah, how all that worked. You're talking
4 about solid aroclor?

5 A. Uh-huh (indicating yes).

6 Q. Okay.

7 A. Well, on the chlorinators it was 5060, and
8 then it changed to 5460 on the stills.

9 Q. Right.

10 A. But both of us had to run -- they called it a
11 softening point.

12 Q. A softening point.

13 A. And that's what you judged how much, you
14 know, when it was finished.

15 But the little stopper was I'm
16 going to say -- it had a ring on the end.
17 This is a wire that's wound maybe two or
18 three windings.

19 Q. Winding like on the top of a --

20 A. Just to make it stiff enough. And this here
21 was like --

22 Q. Like on the top of a hanger? Like if you had
23 a wire hanger?

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1 A. Right, but it was a little smaller than that.
2 But the stopper was maybe something like on a
3 two liter Coke bottle, but it was metal. And
4 that would be right here.

5 Q. Okay.

6 A. And you just caught that --

7 Q. Is it hollow, or is it -- it's hollow like
8 you'd screw on top of a Coke bottle? Is that
9 what you mean?

10 A. Yeah, and it just held, like, an ounce.

11 Q. Like bigger than a thimble, but --

12 A. Yeah, bigger than a thimble, but not much.
13 Maybe three times as big as a thimble.

14 Q. Not quite as big as a shot glass?

15 A. No, it's not hardly that big.

16 Q. All right.

17 A. Anyway, the other thing, say you had the
18 beaker was like --

19 Q. I'm sorry. What was the first end?

20 A. This is just a hollow ring.

21 Q. A hollow ring that you would --

22 A. It's really the wire when they wound it up.
23 I think what they did was put one end in a

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1 vice and just twisted it.

2 Q. Okay.

3 A. And that made wire stiff enough so that it
4 wouldn't bend when you were catching your
5 sample.

6 Q. Did you hold on from the --

7 A. Uh-huh (indicating yes), that was the handle
8 here.

9 Q. Hold on to the ring and hold this little --

10 A. Well, you'd just more or less hold to this
11 right here and catch it in that
12 (indicating). And then we had some little --

13 Q. Catch it in the -- I'm sorry. We kind of --
14 instead of saying, "that," because when she
15 types "that" and we go back later --

16 A. Oh. Well, catch it in the --

17 Q. -- stopper?

18 A. Stopper or handle.

19 Q. What looked like the Coke bottle?

20 A. Yeah, sample stopper.

21 Q. Okay.

22 A. And then the beaker had a -- it was filled,
23 say, to here with glycerine.

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1 Q. How far is to here? Is that two-thirds?

2 A. About three quarters.

3 Q. Three quarters?

4 A. Three quarters full, two-thirds.

5 Q. Full of glycerin?

6 A. Yeah, and it was made with a little -- it had
7 a stem came down --

8 Q. The beaker had a stem?

9 A. No, the holder that the thing sat in.

10 Q. So the beaker sat in a holder?

11 A. No, the beaker is separate, and then there
12 was a holder that held the samples.

13 Q. Okay.

14 A. And it was made with a --

15 Q. It's separate from -- is this -- so you catch
16 your sample --

17 A. Catch your sample in that. Okay. Let me
18 back up here a minute. And there was another
19 ring that was about, say, this size, and you
20 poured your sample into this ring.

21 Q. How long that was? How deep was that second
22 ring?

23 A. This ring was -- it was about a quarter of an

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1 inch deep, but it had a little ledge around
2 the edge of it. In other words, it was like
3 two rings, one being smaller.

4 Q. Okay.

5 A. Then it had a holder that -- where you run
6 the samples, it had a -- the little holder
7 was made to fit on the top of the beaker
8 here. And it had -- it was, say, a half inch
9 wide, came down, and then a hole in the
10 center and had a thermometer in the center
11 that went into the glycerin close to, say,
12 quarter inch off of the bottom or so like
13 that.

14 Q. So is your beaker an open topped beaker?

15 A. Uh-huh (indicating yes).

16 Q. So what is securing this holder in the
17 beaker? Is it --

18 A. It was just setting on -- it was long enough
19 to set across the edge so it wouldn't fall
20 in.

21 Q. So it's cross shaped?

22 A. Uh-huh (indicating yes).

23 Q. It's cross shaped so that there's a strip

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1 across the middle that's longer than the
2 width of beaker that holds it steady?

3 A. Uh-huh (indicating yes).

4 Q. Okay.

5 A. Then it had another little metal thing that
6 stuck out that didn't touch the sides down
7 here.

8 Q. Further down actually inside the beaker?

9 A. Yeah, about halfway down in the beaker. And
10 they had a hollow place end that this little
11 ring sat on.

12 Q. Okay.

13 A. And you sat the ring on there with a ball
14 bearing, like just a little metal ball
15 bearing sat on it.

16 Q. Would it hold it in place?

17 A. No, it was -- it was what you call the
18 softening point. When you heated this then,
19 you put a burner under here and heated the
20 glycerine, and then when the ball bearing
21 fell through, then you read the temperature
22 on the thermometer.

23 Q. Okay.

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1 A. That's what they called the softening point.
2 That's how you determined the aroclor was
3 ready. I think we finished on the
4 chlorinators, like, a hundred degrees,
5 hundred and five, something like that. And
6 the stills would be close to that.

7 They had to run sample like that
8 too, and when it got to that point, sometimes
9 you'd run them and it would be ninety.

10 Q. Uh-huh (indicating yes).

11 A. We could usually guess, you know, how long it
12 would take until it got to maybe ninety. And
13 we'd catch the first sample, and it may run
14 ninety. Well, we knew we had an hour or so
15 of more chlorinating before it got to a
16 hundred, and then we would cut it off and
17 catch a sample. And if it ran --

18 Q. Now, we're only talking about solid aroclors?

19 A. Uh-huh (indicating yes), this is all solid is
20 the way that was run.

21 Q. Okay.

22 A. And that little BB -- well, it's bigger than
23 a BB shot -- little ball bearing about like

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1 the end of that pencil.

2 Q. Tip of a pen?

3 A. Uh-huh (indicating yes). And you just laid
4 it on here, and when that heated up, it would
5 fall down. When it did --

6 Q. -- at that point, it would be appropriate to
7 read the temperature?

8 A. You read the temperature on the thermometer,
9 and that's what they call the softening
10 point.

11 Q. Okay. So I'm just going to run through it
12 once so we've got it in a synopsis, and you
13 tell me if I understand you right. Would
14 that work?

15 A. Okay.

16 Q. You've got this wire handled with a little
17 scoop thing --

18 A. Right.

19 Q. -- that scoop or stopper at the end of it?

20 A. Right.

21 Q. You put that -- is there a valve that you
22 turn on or off on the chlorinator that you
23 get the --

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1 A. (Witness nods head.)

2 Q. Okay. So presumably, you have to turn it on
3 and off quickly?

4 A. Right.

5 Q. Otherwise, it's gonna -- since you've got
6 such a small catcher --

7 A. Well --

8 Q. Or does it move slowly out the --

9 A. Well, we had a valve and maybe a six-inch
10 nipple and a ninety degree "L" turned it down
11 and another nipple, and you'd just open it a
12 little and catch your sample as it run out
13 that -- you'd let some run in the bucket so
14 you could get a good sample, you know. Run,
15 say, maybe a quart out in the bucket and get
16 a sample of that --

17 Q. Okay.

18 A. -- in that little stopper.

19 Q. Okay. And the stuff you ran out into the
20 bucket would ultimately go back into the
21 process?

22 A. Yes, ma'am. We emptied those. At the end of
23 your shift that was a requirement. You empty

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1 your pans and buckets and things back into
2 the drum to be recycled.

3 Q. So then you have this little sample now in
4 your handheld wire -- I don't know what to
5 call this thing.

6 A. We called it -- we just called it a sampler,
7 I think.

8 Q. And then pour it into another small ring
9 holder that's about -- did you say two
10 centimeter's deep or two inches deep?

11 A. About a quarter of an inch deep.

12 Q. About a quarter of an inch deep --

13 A. Yeah.

14 Q. -- that has a lip on it.

15 A. Uh-huh (indicating yes).

16 Q. The lip sets in a cross shaped holder that
17 sets in a beaker about three quarters full of
18 glycerin?

19 A. Uh-huh (indicating yes).

20 Q. You put the ring in the holder and put --
21 what do you call it -- a little ball of --

22 A. Ball bearing.

23 Q. Ball bearing. What's the ball bearing made

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1 out of, steel?

2 A. It was steel.

3 Q. Steel. You heat it under -- what kind of
4 burner -- what kind of heat source are you
5 using.

6 A. It was just a little --

7 Q. Like a Bunsen burner?

8 A. Like a Bunsen burner. Just had the little
9 gas valve and came off on a rubber hose and
10 it had the little burner. And we just kept
11 it on -- we had a hood on there with a sink
12 and shelf and all.

13 Q. Is there something that sets over the burner
14 that you set the beaker on, or do you hold
15 the beaker or --

16 A. Yeah, there was a little metal stand that the
17 beaker sat on.

18 Q. Uh-huh (indicating yes).

19 A. In fact, I believe the little holder maybe
20 fit around the edge of the beaker. I'm not
21 sure how that -- but anyway, you had the
22 separate burner that sat about this high
23 (indicating), and you could just set it under

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1 there. You'd be on the bottom of the glass.

2 Q. Okay.

3 A. And I believe it was like a heavy wire holder
4 that held the beaker up.

5 Q. Okay. And did you -- was the --

6 A. And we just left the glycerin up there all
7 the time.

8 Q. Reused the same glycerin?

9 A. Used it over and over.

10 Q. Was your sampling station located near the
11 chlorinator, or was it in a separate room?

12 A. It was what they call the control room.

13 Q. The control room?

14 A. (Witness nods head.)

15 Q. Okay. And how did you take your samples then
16 for the liquid aroclor?

17 A. The liquid was in a beaker. I'll say it's --

18 Q. And these beakers are glass; is that right?

19 A. Yeah, these beakers are glass. Now, for the
20 liquid samples, we had a special made -- I'm
21 going to say special made, but I think it was
22 made out of aluminum. But it looked like
23 about, say, a foot long piece of two-inch

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1 aluminum pipe, and then it had a little piece
2 welded on it --

3 Q. You want to --

4 A. -- that came out and made a --

5 Q. Actually, let's first label this so we know
6 what it is. This is solid aroclor sampler;
7 right?

8 A. (Witness drawing.)

9 Q. This is the sampler.

10 A. (Witness drawing.)

11 Q. This is the ring with the lip.

12 A. (Witness drawing.)

13 Q. This is the beaker.

14 A. (Witness drawing.)

15 Q. This is our holder; right?

16 A. Yeah. This would be a holder. (Witness
17 drawing.)

18 Q. And then maybe we want to draw an arrow with
19 the ring in the lip here so we know what that
20 is.

21 A. (Witness drawing.)

22 Q. And then a little ball bearing some place. I
23 don't know where you want to put it.

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1 A. I'll just draw that and say ball bearing.

2 Q. Okay. That way we can match up our
3 conversation later with our drawing. Now,
4 were these --

5 A. This is a thermometer.

6 Q. That's a thermometer.

7 A. I'll just abbreviate that.

8 Q. Okay. That will work. And now I guess we
9 can fit it on the same page if you don't mind
10 using the same piece of paper for our
11 exhibit. Why don't we put the sampler --

12 A. -- for the liquid?

13 Q. For the liquid, yeah.

14 A. I'm not much of an artist, but I'm going to
15 say this is a two-inch cylinder like a piece
16 of pipe.

17 Q. Is it clear? Is it out of glass like a test
18 tube?

19 A. No, it's aluminum.

20 Q. It's out of aluminum.

21 A. And it had a little flat -- well, a little
22 flat place on the bottom so when you set it
23 down it wouldn't fall over, you know. It was

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1 welded on.

2 Q. Okay.

3 A. Of course I guess that's what stopped the end
4 of it up too.

5 Q. Yeah.

6 A. On one side of it -- I'll draw it on this
7 side -- it had a piece of metal. I'm not
8 sure if it was flat or round. But anyway, it
9 came down like that (indicating) and made
10 like a handle on the side --

11 Q. Was it hollow?

12 A. -- that's what you carried it by.

13 Q. Oh, that's what you carried it by?

14 A. Uh-huh (indicating yes). No, it wasn't
15 hollow. It was --

16 Q. It was a handle?

17 A. This was open -- yeah, that was just a
18 handle.

19 Q. Okay.

20 A. This -- the chlorinator had a pipe come out
21 the bottom, and it had a valve. And then,
22 say, another two or three inch nipple --

23 Q. Can you draw just the sampler?

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1 A. Draw like -- say this is the bottom of the
2 chlorinator.

3 Q. Okay.

4 A. And this is the pipe coming out. And that
5 went to -- I'll say that's a pump right
6 there.

7 Q. Okay.

8 A. It's not very good. But right along in here,
9 we'd have -- now, this came here, and this
10 went back into the top of the chlorinator and
11 circulated the material.

12 Q. Okay.

13 A. This came out, and we had a valve here. I'm
14 going to draw an "X" as a valve.

15 Q. Okay.

16 A. And then you had a little nipple and then
17 ninety degree down.

18 Q. I'm sorry. What do you mean by "nipple"? Is
19 it a rubber --

20 A. It's a pipe nipple.

21 Q. Okay.

22 A. Just, say, I think this was maybe half-inch
23 or three-quarter-inch pipe here. Probably

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1 half-inch pipe.

2 Q. Okay.

3 A. It was welded into the line here, and then it
4 had a valve screwed on it on a threaded pipe.

5 And then it had another little
6 short -- we call them nipples, the pipe, just
7 threaded on each end was screwed into the
8 valve, and then a ninety degree "L" was
9 screwed in that and then maybe another
10 two-inch nipple in that.

11 Q. Okay.

12 A. And then we had a --

13 Q. So by "nipple," you basically just -- do you
14 mean a shorter piece of pipe?

15 A. Uh-huh (indicating yes), just a shorter piece
16 of pipe.

17 Q. Is there anything other than that that's
18 separating, I mean, one piece of pipe from
19 the other? Are they screwed together?

20 A. They're just -- I believe these out here past
21 the -- now, the valve might have been welded
22 on, and it might have been welded here, but I
23 think this was screwed on.

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1 Q. Okay.

2 A. Because sometimes on some of the thicker
3 ones, this out here would have a little
4 residue in it, and it wouldn't flow good or
5 something. We might have to clean that out.

6 We'd just screw it out and run a
7 little rod or something up in there to clean
8 it out.

9 Q. Okay.

10 A. But this had a bucket then setting under it.
11 I'll draw a bucket. Doesn't look much like a
12 bucket.

13 Q. It's a beautiful bucket.

14 A. But anyway, when you turned your -- the valve
15 had a handle I'm going to say a foot long or
16 so, and you just barely opened the valve
17 until you started getting liquid out. And
18 you let it run in the bucket just a little
19 bit so you'd get a good sample.

20 And then you'd stick --

21 Q. Would it be about a quart that you would let
22 run or not quite as much?

23 A. Maybe not -- sometimes you didn't have to let

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1 -- sometimes we just put the beaker inside
2 the bucket and run it in there.

3 Or sometimes we'd maybe get half a
4 beaker full and then dump it just to make
5 sure we got a representative sample.

6 Q. Okay.

7 A. And then we'd -- like I say, we'd fill this
8 up to maybe an inch or so at the top.

9 Q. Okay.

10 A. And then you carried it back into the control
11 room and you run water on it. You just took
12 your thermometer and started stirring --

13 Q. You run water over the top of the aroclor
14 sample?

15 A. Just on the outside.

16 Q. On the outside.

17 A. On the outside.

18 Q. Was it to cool down the sample?

19 A. To cool down the sample.

20 And you got it to a certain
21 temperature like, say, ninety degrees. You
22 cool it down to about ninety degrees "C", and
23 then you'd drop -- we had the hydrometers

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1 setting there.

2 And whichever aroclor you was
3 running, you'd know about which one to drop
4 in there, and that would tell you what stage
5 and how far along you were in the process.

6 Q. Okay.

7 A. When you got to -- I think we -- seemed like
8 we had about three hydrometers -- well, let's
9 see. We made 1121 and 1148, 1154, I believe.
10 Maybe we had three or four hydrometers for
11 different -- you know, it went to a different
12 reading on there.

13 Q. Okay.

14 A. But then you would cool this down to that --
15 I believe it was ninety degrees, and then you
16 dropped your hydrometer in and read what it
17 said. And if it was the specks -- I don't
18 really remember what it would read, but you'd
19 know when to pump it out if you were on a
20 batch.

21 Then we had four chlorinators that
22 were continuously chlorinating, and we only
23 caught a sample every hour on the fourth one.

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1 Q. Okay.

2 A. If it was right -- we just more or less kept
3 check -- and if it was right, it all run over
4 into another tank, and then we circulated
5 that tank and checked it, and if it was
6 right, we pumped it out too.

7 Q. Okay. I don't think I understand that one.

8 First of all, let's label this one
9 and then maybe you can --

10 A. Okay. This is --

11 Q. -- the sampler for the --

12 A. No. Chlorinator sampler.

13 Q. For liquid.

14 A. (Witness drawing.)

15 Q. And then you can identify your --

16 A. I'll just put chlorinator there, and this is
17 a pump, and this is the --

18 Q. You're going for the easy stuff to label
19 first.

20 A. Yeah, and this is the valve.

21 Q. Okay. And then a sampling something?

22 Sampling pipe? The sample is coming out here
23 at the end; is that right?

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1 A. Yeah, the sample came out right here. It
2 would come through -- I don't know why, but I
3 drew something -- oh, that was the handle
4 of the valve I drew on down.

5 Q. Yeah. Will you just say that's the -- I
6 don't know. Call it something. I'll let you
7 name it.

8 A. This right here pipe nipple or --

9 Q. Okay. Now, if there's some way to just
10 distinguish on here -- this is my own
11 silliness because I left it on one piece of
12 paper -- but we can draw a line, something so
13 we know these are two different processes
14 we're talking about.

15 A. (Witness drawing).

16 Q. Okay. That will work. Now, we may need
17 another sheet of paper for what you're
18 talking about.

19 I think I understand a lot of how
20 this process works, but you may just be using
21 different terminology than what I'm thinking
22 of. But you said you've got four continuous
23 -- how many chlorinators do you have total?

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1 A. Well, when I first started, we had eight.

2 Q. For liquid?

3 A. Yeah.

4 Q. Okay.

5 A. And then we added a ninth.

6 Q. Yeah.

7 A. I think they finally added ten, but they were
8 solid chlorinators.

9 Q. So nine and ten were for solid?

10 A. Yeah.

11 Q. And you kept the one through eight for
12 liquid?

13 A. And the one through eight was liquid.

14 Q. Okay.

15 A. And four of them was continuous. We made --
16 we sold -- they sold more 11 or 1242 aroclor
17 than any other kind, so we left four of
18 those.

19 They were in a line, and they had a
20 pipe up close to the top at certain places
21 that they would just -- when it filled up to
22 that top up there, it would run on over into
23 the next one, and then so on down the line.

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1 And it fed out of --

2 Q. So can I ask you a question? Are four
3 continuous chlorinators then connected? I
4 mean, is that what you're saying?

5 A. Yeah. You could separate them, but they ran
6 continuously most of the time.

7 Q. Okay. All right.

8 A. And they fed out of the -- of course, it's
9 all derived from biphenyl, and we had --
10 let's see. What did we call that tank?

11 Anyway, the biphenyl tank was
12 pumped down from the biphenyl department.

13 Q. Right.

14 A. Or the material. And we would call them, and
15 they would start a pump. We'd open our
16 valves, and we'd fill our tank up and then
17 close it off. And then the pump --

18 Q. So you had a tank -- you had a tank near your
19 chlorinator?

20 A. Right.

21 Q. Is that right?

22 A. Uh-huh (indicating yes).

23 Q. And did that tank hold --

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1 A. It held something like a thousand gallon,
2 maybe two thousand gallons.

3 Q. Of biphenyl?

4 A. Uh-huh (indicating yes). And it had a pump
5 that just -- it fed it over to the first
6 chlorinator, and then it run over into the
7 next one and so on down the line.

8 Q. I understand.

9 A. And you added chlorine to all of them. And
10 the one on the end --

11 Q. Did the chlorine work the same way? Did the
12 chlorine work the same way where it would get
13 first pumped into one and then continuous
14 like that or --

15 A. Well, the chlorine was through a pipe, and
16 you just opened a valve, and it came in.

17 We had little regulators like.
18 They were like pressure regulators, and you
19 could set them.

20 You'd just crack a valve to a
21 certain amount, and you got, say, we used to
22 set them on seven, but I don't know if that
23 was seven cubic feet a minute or whatever

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1 that was. But we had a setting on there that
2 we put that much chlorine in that one. We'd
3 just feed it in all of them.

4 Q. Okay.

5 A. And the last one -- on the fourth one, when
6 it came out, it was the finished product.

7 These others were like, say, when
8 you put a hydrometer in the first one, it
9 would just hit the bottom quick. It wasn't
10 much in it, wasn't chlorine. It'd done
11 overflowed.

12 And the next one was a little
13 higher and the next one little higher, and
14 the fourth one was the finished product.

15 Q. Okay. But when you were piping -- just real
16 quick, and this isn't critical. This is for
17 my own visualizing -- you set up the -- how
18 much the pressure -- what do you call it?

19 A. It was like a pressure regulator.

20 Q. Pressure regulator. And you would set that,
21 you said, to seven because that's how much
22 chlorine -- it was related to how much
23 chlorine --

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1 A. It was showing how much flow you had going
2 through.

3 Q. Did the chlorine go directly into each
4 chlorinator separately?

5 A. Uh-huh (indicating yes).

6 Q. So it didn't work the same way as the
7 biphenyl which started out in the first one,
8 and then when that one was full it went to
9 the second one?

10 A. Well, the chlorine was going into it, and the
11 biphenyl was coming in at another place in
12 another pipe. And as the biphenyl built up,
13 it flowed over into the other one. The
14 chlorine was just being absorbed by the
15 biphenyl.

16 Q. So it would get sent to each chlorinator
17 separately?

18 A. But you had a different chlorine line into
19 each one of them.

20 Q. That's what I'm asking.

21 A. Yeah, they was four lines going into them.

22 Q. Okay.

23 A. That's what would make it, you know, build on

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1 up to a higher specific gravity.

2 Q. You were talking before about the buckets and
3 the pans that were underneath your
4 chlorinator.

5 A. Uh-huh (indicating yes).

6 Q. The buckets catching, I guess --

7 A. The buckets mostly caught the sample.

8 Q. Mostly caught the sample?

9 A. Well, you emptied the drip pans into it too.

10 Q. And you emptied the drip pans?

11 A. Uh-huh (indicating yes). And when the bucket
12 got full enough, we'd just empty into the
13 drum to be pumped back up.

14 Q. Did you ever get buildup of aroclor product
15 in your drip pan or in your bucket?

16 MR. KELLY: Object to the form.
17 What do you mean by buildup?

18 Q. (By Ms. Ruth) What I'm asking is if there
19 was any residue that would build up, you
20 know, you'd dump -- you said you would dump
21 your drip pan into your bucket?

22 A. Uh-huh (indicating yes).

23 Q. And I'm just thinking like -- I'm thinking of

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1 it like syrup in my head, and maybe I'm
2 wrong. So if I've got syrup on a plate --
3 I've had pancakes for breakfast and I go to
4 dump the remainder of my pancakes -- because
5 I didn't finish them -- into my garbage can,
6 I usually still have some syrup, right, left
7 on my plate until I go wash it out under the
8 sink.

9 And so I'm just asking you: Was
10 there that kind of a leftover amount of
11 aroclor on your drip pan when you dump most
12 of it into the bucket?

13 A. We didn't have that much of a problem on the
14 liquids.

15 Q. Okay.

16 A. Now, the solids would. The solids would set
17 up a little bit, you know. Sometimes it
18 would be a little hard.

19 We'd just have to heat the bucket
20 to -- turn it up on the drum and heat it, and
21 it would fall in there.

22 Q. Okay. So you would -- you'd take your --
23 you'd take a bucket, and would you put it

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1 over, like, the same burner you used to check
2 the sample? Or how would you heat up the
3 bucket?

4 A. With steam. We had the steam. They had
5 steam everywhere, you know.

6 We had a hose that was like a
7 strong garden hose and just hooked it to
8 steam and just hold it up close and work it
9 around, and it'd melted it up enough to dump
10 it out.

11 Q. Okay.

12 A. Usually you didn't have a problem with that
13 except maybe in the winter or if you was, you
14 know, in a hurry.

15 Most everybody knew it would set
16 up, and they'd go ahead and dump it while it
17 was liquid, you know. They'd go ahead and
18 dump it out.

19 Q. I guess what my ultimate question was going
20 to be: Was there any housekeeping in terms
21 of keeping your drip pans or your buckets
22 clean?

23 And was there ever a -- I guess the

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1 follow-up to that is: Is there ever a time
2 where it's time to get rid of an old drip pan
3 and bring in a new one?

4 A. Not unless something happened to it, you
5 know. Sometimes -- I remember one time we
6 had one that busted at the weld and we had to
7 replace it.

8 Q. The drip pan busted at the weld?

9 A. Yeah. That was just like, you know, we used
10 to pick them up, best I remember, with a pair
11 of channel locks. We'd just grab the edge of
12 it with the pliers.

13 Q. Cause would it be hot? Would it be hot?

14 A. Sometimes it would. Sometimes it might be
15 hot or have the liquid, and we didn't want to
16 touch the liquid, so we'd just pick it up and
17 dump it in the bucket and -- if the weld was
18 coming loose.

19 But I don't really -- I don't
20 remember having a problem with those. They
21 were pretty sturdy.

22 Q. Okay.

23 A. Best I remember they were aluminum too, but

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1 it was a thick aluminum.

2 Q. What was your bucket made out of?

3 A. It was a galvanized bucket.

4 Q. Galvanized. One of the other things we
5 talked about was occasionally you would have
6 a residue buildup in your pipe nipple from
7 when you were -- from the area you'd take
8 your spout, for lack of a better word, you
9 take your sample from. And periodically,
10 you'd have to take that apart and clean it;
11 is that right?

12 A. Yeah.

13 Q. Was there a procedure for that or just if you
14 happened to see --

15 A. There wasn't -- I don't know if there was a
16 written procedure. Later on there probably
17 was, but I can remember taking a pair of
18 channel locks and holding the nipple and --
19 now, we did have a pipe burn gas out in the,
20 say, the chlorinator area.

21 Q. Uh-huh (indicating yes).

22 A. And sometimes we put the bucket -- when it
23 would be real hard stuff in there -- we'd put

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1 the bucket up on the drum and prop it and
2 stick that fire to it and heat it up so it
3 would slide in there.

4 And we've held a nipple up to that
5 fire and let it get it hot enough to shake it
6 out. Most of the time it wasn't any problem
7 much.

8 It might be a little -- say if
9 you'd had a clothes hanger or something
10 digging in there, it would take a little more
11 time. You could problem guide it clear that
12 way, but it was a little faster to go over to
13 the torch, we called it, and just heat it,
14 and then it would just slide out like butter.

15 Q. What would -- and what would you -- what
16 would you do with what slid out?

17 A. We'd hold it over the drum while we were
18 doing that.

19 Q. Over the drum?

20 A. Uh-huh (indicating yes).

21 Q. Okay.

22 MR. KELLY: Over the drum, or over
23 the bucket?

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1 THE WITNESS: Sir?

2 MR. KELLY: Over the drum, or over
3 the bucket?

4 THE WITNESS: Most of the time, it
5 was closer to the drum.

6 MR. KELLY: Sorry. I was
7 confused.

8 THE WITNESS: And part of the
9 housekeeping was to spread sand around under
10 the solid aroclors. If we got some drip, if
11 it dripped on the concrete or something -- it
12 was bare concrete. It was hard to scrape up,
13 and you could put sand down and get it real
14 easy with a shovel or something.

15 Q. (By Ms. Ruth) Was the sand down all the
16 time, or the sand went down if there was a
17 drip?

18 A. Most of the time we only ran two chlorinators
19 there with -- well, when I first started
20 before we got the big solid chlorinators, we
21 had two that we run solid on. And we usually
22 kept sand spread down there for those.

23 Q. Did they have a tendency to leak?

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1 A. They didn't leak as much as the -- they would
2 drip a little bit, and -- but if you had the
3 sand on there, you could just run a shovel,
4 you know. The sand just separated it from
5 the concrete. That's what we kept it there
6 for.

7 Q. What would you do with the sand you couldn't
8 shovel up?

9 A. I believe we -- we shoveled the sand in a
10 separate -- I believe we had a sandbox out
11 there that we put that in.

12 Q. A sandbox?

13 A. Yeah. They kept sand, you know, like a sand
14 pile or something there. You just go get a
15 shovel full and sort of shovel it and spread
16 it under the chlorinator there.

17 Q. Okay. And then --

18 A. When you cleaned up -- at the end of the
19 shift, you'd clean up. You'd just shovel all
20 that up clean.

21 Q. Uh-huh (indicating yes).

22 A. And then dump it in a barrel, like a
23 fifty-five gallon drum, you know, open top.

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1 Q. Uh-huh (indicating yes). And what would you
2 do with the stuff you -- the sand you
3 couldn't get on your shovel, you know? You
4 can't shovel everything; right? Or can you?

5 A. I don't -- probably couldn't get it all. I
6 don't really remember what we did with that.

7 Now, we washed down some under the
8 liquid ones every now and then.

9 Q. Under the liquid? Not under the solid ones?

10 A. I'm not sure if we did. We tried not to get
11 it in the sand, the water, you know. We
12 didn't want to wash the sand, but I can't
13 remember whether we washed -- we could have
14 washed some of the sand away too because it
15 wouldn't be much.

16 Q. Uh-huh (indicating yes).

17 A. I just really don't remember how we did that.
18 I remember the sand being down there. I'm
19 just not -- can't remember it right now.

20 Q. Did you say that you would hose down -- did
21 you say hose down or wash down the liquid?

22 A. Around the liquid chlorinators.

23 Q. Around the liquid chlorinators. How would

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1 you do that?

2 A. That was -- we had a steam station with water
3 -- had water and steam mixed. And you'd
4 just get real hot water, and we'd just --
5 when we emptied our buckets up at the end of
6 the shift, we'd empty the pans and buckets.

7 And you'd hang the bucket on the
8 pump handle there just, you know, it'd be
9 empty. You'd just hang it up, and then we'd
10 just come along with the water hose and sort
11 of just clean it up if there was maybe a spot
12 or two or something around there.

13 Q. And where did that water go?

14 A. They had a -- there was a little drain, say,
15 a foot wide all the way around the
16 chlorinator pad. They had it -- chlorinators
17 were setting, say, this high, and there was
18 -- and it just went -- that water went in
19 the drain.

20 Q. And then do you know where it went from
21 there?

22 A. It went -- I'm thinking it went to a
23 limestone bed.

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1 Q. Okay. I think that's what we've heard too.

2 A. I'm pretty sure it did. I never did -- I
3 know it didn't go to waste treatment because
4 it was on the other side of the plant.

5 Q. Okay.

6 A. So it must have went to the limestone pit.

7 Q. Do you ever remember using soap as part of
8 your -- or was it just water and steam, do
9 you remember?

10 A. I don't remember using any soap. I remember
11 after I got in maintenance and aroclor was
12 gone, the HB40 had a -- they come out with a
13 new -- some kind of -- it had a fifty-five
14 gallon drum, and it was like a wand, sort of
15 like these high pressure pressure washers,
16 and they had soap then, but I don't believe
17 we had it over in aroclor. I don't remember
18 any.

19 Q. Okay. Well, why don't we move over to -- you
20 said you also worked in the -- with the
21 muriatic acid part; is that right?

22 A. Yes, ma'am.

23 Q. The way I've heard it, and correct me if I'm

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1 wrong, there were two operators in the
2 chlorinator part, liquid chlorinator part; is
3 that right?

4 A. Well, yeah, it was -- the acid operator
5 helped the chlorinator --

6 Q. That's what I was going to ask you.

7 A. That was like a two-man --

8 Q. One person who worked between both worlds,
9 and then one person who was --

10 A. Yeah, we had a chlorinator man, what you call
11 a chlorinator job, and the acid man would
12 help him when he got -- if he wasn't real
13 tied up on the acid, you know, like loading a
14 car or something like that, he would help the
15 chlorinator man in his spare time. Because
16 the acid didn't require much operations to
17 it.

18 Q. So which were you officially? Were you
19 actually --

20 A. For a while, I was chlorinator operator, and
21 then I was acid operator, and then another
22 man run the chlorinators. And then --

23 Q. And when you were in acid, you would help the

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1 gentleman in --

2 A. When he would get one finished, sometimes I'd
3 been getting the charge of biphenyl, you
4 know, watching that tank or getting some
5 santowax. We charged solids with santowax.

6 One of us would have to get that
7 charge for the chlorinator because you pumped
8 each -- when it finished, you pumped each
9 chlorinator empty, and then you'd get another
10 batch of biphenyl aro -- santowax and charge
11 it back.

12 And you'd help him do that because
13 that would have took -- he might finish two
14 or three real close together. We'd have to
15 help him do that, pump them out and charge
16 them back and get them put back on line, you
17 know.

18 He would do most of the sampling.
19 Sometimes we'd run the -- I'd come down and
20 run the softening points for him while he was
21 running the other. Because softening points
22 took longer. You had to heat that stuff up,
23 you know.

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1 We just worked together on it,
2 whatever he needed or --

3 Q. Who did you work with mostly at that time?

4 A. Bill Loyd mostly was on the chlorinators when
5 I was on the acid.

6 Q. Okay. And who was your supervisor at that
7 time?

8 A. Mark Williams.

9 Q. Mark Williams?

10 A. (Witness nods head.)

11 Q. Did you ever have to clean out the
12 chlorinators?

13 A. No, I don't -- we -- I don't remember us ever
14 cleaning them out. You just pumped it out,
15 and it was empty, you know.

16 Q. They didn't run anything through it to flush
17 it even?

18 A. No.

19 Q. In the blow tanks, did anybody ever clean the
20 blow tanks?

21 A. I don't remember -- I don't remember them
22 ever cleaning the blow tanks either.

23 If they did, they did it while I

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1 was on another shift or something. We was
2 off four days between midnight shifts, you
3 know, but I don't remember them ever cleaning
4 those.

5 Q. Did you -- so you said you ran -- you were an
6 operator for the acid group for a while?

7 A. Uh-huh (indicating yes).

8 Q. Can you just -- and I've been through this so
9 we can -- you can -- you don't have to -- I
10 don't think we need to do it in painstaking
11 details, but what did that mean? What did
12 you do?

13 A. On the acid?

14 Q. Yeah.

15 A. We just kept a check. We had a certain place
16 we caught samples, and we kept the baume¹ they
17 called it. It's like the hydrometer.

18 You had a hydrometer to check the
19 baume¹ of the acid to make -- we made twenty
20 degree at certain times, and then we made a
21 stronger twenty-two degree they called it.
22 It was just a stronger acid.

23 And if you were making twenty

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1 degree, you just made sure it was making
2 that. You could -- basically what you did
3 was adjust the water.

4 Q. Uh-huh (indicating yes).

5 A. The chlorinators put off the HCL gas, and it
6 came up there and mixed it with water. We
7 just caught a sample just like every so
8 often, hour or so, whatever, and kept a check
9 on it.

10 Then when you get a storage tank
11 full of it, you'd circulate the tank and then
12 you'd get a sample and make sure it was in
13 spec.

14 Q. Did you ever get a bad batch? I know it's
15 not a batch process, but did you ever get a
16 bad product that came out off spec?

17 A. Sometimes you'd have maybe a low baume' or
18 have a few rust specks or something in it.

19 Q. What would you do with it?

20 A. You'd just run it in another tank and make it
21 -- run some higher into it. If it was low,
22 you'd just run higher into it, and it'd just
23 mix up and bring it up.

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1 Q. Do you ever remember sewerage any of it?

2 A. Yeah, now, we did sewer -- like if our
3 storage tanks were full and we didn't have a
4 car to load or a truck or something, we just
5 turned the water valve wide open, and it
6 drowned out the HCL and all. It just went
7 down the ditch, I guess.

8 Q. The -- that whatever you had of that batch --
9 I don't know what else to call -- that group
10 -- it's not a batch. It's not a batch
11 process, is it?

12 A. I guess you would call it a scrubber where
13 the HCL came through and the water fell down
14 through that --

15 Q. I think we have a little drawing here from --
16 and I always have to qualify it because Mr.
17 Rich did it, and he wanted everyone to know
18 that he did not pretend to be an artist. So
19 I try to stay true to him on that.

20 MR. KELLY: We've had a couple
21 later ones that verified he wasn't good.

22 THE WITNESS: I hope he don't see
23 mine.

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1 Q. (By Ms. Ruth) This is sort of what he and I
2 worked out a little bit last night, and that
3 was HCL is being pumped primarily from your
4 chlorinator and a little more from your blow
5 tank into -- and he called this a column.

6 A. Okay. Yeah. I'll agree with that. That's
7 better than a scrubber. That's -- column
8 would be better.

9 Q. And then he said it went through a filter?

10 A. Uh-huh (indicating yes).

11 Q. And from the filter to storage tanks?

12 A. Right.

13 Q. And where did you sample? Before we go past
14 that, is that how you remember the process?

15 A. Yeah.

16 Q. Would you describe it differently in any way?

17 A. No. I'm not any better artist than he is,
18 but that's basically the way it is.

19 It just came up and came through
20 the column. And basically it had -- I don't
21 know if I ever saw it or not, but I was told
22 it had a bunch of little holes that broke the
23 water up so that it would flow over the

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1 gases, you know, absorb the gases so that
2 when it came down, you would have acid
3 instead of just pure water.

4 But it went through some kind of
5 chamber up there or column, I guess you would
6 call it. And they had a sampling station
7 down there too that was more or less same
8 principle as the aroclor, but it was just
9 acid.

10 Q. Was it before or after the filter that you
11 did your sampling?

12 A. To check the baume¹ and all, I believe was
13 before the -- you got it right before you
14 sent it through the filter.

15 Q. Okay.

16 A. Usually, we -- if I remember correctly, I
17 think we got, like, a tank. If we were going
18 to load a car, we'd get enough to load --
19 seemed like a car was eight thousand gallons,
20 ten thousand gallons.

21 Anyway, whatever it was, we'd get
22 that much in the tank and circulate it and
23 make sure the baume¹ was correct on it, and

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1 then we'd send it through the filter.

2 Q. Okay.

3 A. And the filter would clean it up. Some of it
4 was water white or food grade. They called
5 it food grade.

6 Q. Uh-huh (indicating yes).

7 A. And I don't know what the -- I heard it was
8 in pickling, but I didn't know what they used
9 that for.

10 Q. Okay. At what point -- this is a tiny little
11 drawing -- but at what point would you sewer
12 it if you had no place to send it? Where in
13 this process? Would you sewer it before it
14 went through the filter?

15 A. Yeah, before it went to the filter. Just as
16 it come down the column they had it fixed to
17 where it would -- you just open that valve
18 there and turn the water on all the way.

19 Just open the water valve wide open
20 and all that -- it would just drowned out the
21 HCL, and it'd be a very very very weak acid,
22 if you could even tell it.

23 You could handle it with your

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1 hands, and you wouldn't feel it.

2 Q. Where was the drain?

3 A. The drain was --

4 Q. I should ask you how did it drain? That's
5 probably a better question.

6 A. It had a -- it had like an opening with a
7 grate over it, and the pipe was in the -- the
8 grate was around the pipe.

9 You actually didn't see it up there
10 as best I remember. I think it just went
11 down through the hole, and then I think that
12 drain went to the limestone bed, and the
13 limestone neutralized what acid was in it.

14 Q. Okay. What did you do with the H -- was this
15 HCL being pumped over to this tower
16 continuously?

17 A. Yeah, when the chlorinator --

18 Q. Column. I guess we're calling it column.

19 A. When the chlorinators were running, the HCL
20 was going up there.

21 Q. And so in an instant like we're talking about
22 now where you had no place to put your
23 muriatic acid so you sewered it --

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1 A. Uh-huh (indicating yes).

2 Q. -- what would you do with the HCL that was
3 coming off the chlorinators and the blow
4 tanks?

5 A. It was just going into that column and being
6 drowned by the water. And we had a -- we had
7 a scrubber -- I'll call this a scrubber.
8 That's basically what it was -- right before
9 it got to the acid plant that was -- it took
10 the liquids out of the HCL.

11 In other words you just got the gas
12 to it. It was a big column, say, four foot
13 around or something like that, fifteen or
14 twenty feet high or so.

15 Q. Will you add that to this drawing? We'll do
16 it in green so we know it's -- Mr. Heifner is
17 adding his changes to Plaintiff's Exhibit 24
18 in green.

19 A. I'm going to say it's right down in this area
20 because there was an embankment there and
21 some steps you go up. There's a railroad
22 track here where we load cars.

23 Q. Uh-huh (indicating yes).

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1 A. And that scrubber was --

2 Q. I'm sorry. Did I lie? Did I think I had a
3 green pen?

4 A. You just thought you did.

5 Q. Okay. Mr. Heifner is going to make his
6 changes in a blue pen.

7 A. And let's see. That was more or less just a
8 round cylinder. Like, I'd say it was at
9 least three foot across the best I remember.

10 Q. Uh-huh (indicating yes).

11 A. And the HCL -- I'm going to reroute this HCL
12 up to where it went in.

13 Q. And will you identify what that is?

14 A. Okay. I've got that wrong already. But let
15 me draw it a little bigger.

16 I believe HCL came in -- well, I
17 may have had it right. Anyway, it went in
18 there, and the liquid, it had something in
19 there that -- a baffle they call it -- that
20 the liquid fell out.

21 Q. What was it called?

22 A. Baffle.

23 Q. A baffle?

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1 A. Baffles. Like, say, the pressure come
2 against this, and then it was cut off here,
3 and it may come up this way and go over and
4 come back down.

5 In other words, anything heavier
6 than the gas would fall out.

7 Q. Okay.

8 A. And the bottom had a -- the tank went on--
9 I'll just draw this back going to the acid
10 there.

11 Q. What was this called?

12 A. This was called HCL scrubber.

13 Q. Now, was that always there? Did you always
14 have a scrubber as long as you --

15 A. I don't remember when they put that in. I
16 ran the chlorinators for a while, and then I
17 went to the acid and ran the -- I was on acid
18 mostly.

19 And then went to the -- I ran the
20 aroclor stills more. I was on them longer,
21 more years, but the scrubber was there before
22 I left the acid plant.

23 Q. Before. Was it there the whole time you were

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1 at the acid plant?

2 A. I think it was. But I think they had -- I
3 think they upgraded it and made it a better
4 one. The one I'm thinking of did a better
5 job, I believe, than the first one. Or the
6 first one got deteriorated or something with
7 all the acid going through it.

8 I remember this one you drained the
9 liquid, what liquid would come out, into a --
10 either a drum or a skip that they had built
11 there so they could move it, you know.

12 Q. Uh-huh (indicating yes).

13 A. I remember draining it a couple times, and
14 you'd get maybe a gallon or two. If you
15 drained it every shift, you'd get maybe a
16 gallon out of it. I don't believe we even
17 drained it every shift.

18 Q. Okay. Let me see here.

19 A. But that caught a lot of the, you know,
20 droplets and things that was in the HCL right
21 there.

22 Q. Would you read -- this is from Plaintiff's
23 Exhibit 21. And there's a section on page

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1 three of it called HCL Department Audit.

2 And it talks about a time when it
3 appears as though the HCL or the muriatic
4 acid group in the HCL department was sewerer
5 a lot of product.

6 And I'm wondering if perhaps what
7 they're talking about there may coincide in
8 your mind with an upgrade of the HCL
9 scrubber.

10 A. Well --

11 Q. If any of that rings a bell to you.

12 A. Well, where it says, "this gas passes through
13 a falling film type absorber" --

14 Q. Uh-huh (indicating yes).

15 A. I think that's the column we were talking
16 about up on the acid. I remember now they
17 called it an absorber.

18 Q. Okay.

19 A. Because it did let the water absorb the HCL.
20 And I'm not sure -- let's see. I haven't
21 read far enough to see --

22 Q. Take your time.

23 A. Well, maybe they -- I didn't read far enough,

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1 but I think the absorber was called the
2 scrubber. I shouldn't have said anything
3 before I read that.

4 But the way they've got this --

5 Q. Well, this doesn't make your recollection
6 wrong. One thing I've learned is sometimes
7 the same thing is called different things,
8 and so --

9 A. Yeah, I'd forgot about this coalescer too.
10 I'd never thought of that word.

11 Q. Sometimes they use fancy words too.

12 A. Now, that -- since I've read this, this
13 absorber would be the scrubber, what I
14 identified as a scrubber.

15 Q. And that's what you drew?

16 A. That was what was drummed out.

17 Q. Okay. And so the absorber was not what was
18 at the top of the column?

19 A. Well, it -- let me read this again just to
20 make sure.

21 Q. Okay.

22 MR. PECK: Do you want to take a
23 break?

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1 (Short recess.)

2 Q. (By Ms. Ruth) I'll mark this drawing as the
3 drawing of the solid aroclor sampler and the
4 liquid chlorinator sampler, and it's
5 Plaintiff's Exhibit 28.

6

7 (Plaintiff's Exhibit Number 28 was
8 marked for identification and
9 copy of same is attached
10 hereto.)

11 (Short recess.)

12 Q. Let me -- actually, let me remind myself.

13 A. Now --

14 Q. Okay.

15 A. This absorber they're talking about, it --
16 according to this, this is up at the acid
17 tank. That's what absorbed the HCL.

18 Q. That's what you were talking about earlier
19 being --

20 A. -- being a column. I called it a column, but
21 it was really an absorber.

22 Q. Okay.

23 A. And right down here it says in mid '69, a

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1 catch tank and a membrane type coalescer were
2 installed to trap and remove the organics.

3 That's the scrubber. I called it a scrubber.

4 Q. That's this thing you drew, the blue?

5 A. Right.

6 Q. Do you remember a time when that wasn't
7 there? I mean, when you read that, does that
8 remind you of them putting -- of this being
9 put in, or do you still only remember working
10 on it or knowing a time when --

11 A. I remember it being there, but I don't -- I
12 can't remember it not being there. It could
13 have not been there, but I don't remember if
14 it was or not.

15 Q. Okay. So you don't remember this instance is
16 -- is it 1969? They're saying mid 1969 --

17 A. Yeah.

18 Q. -- this was installed. But did you work in
19 this area before mid 1969?

20 A. I'm thinking I did.

21 Q. Do you --

22 A. Now, I might have been on the chlorinators
23 that long. I was on the chlorinators a good

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1 long while.

2 Well, no. Well, I was on
3 chlorinators longer than I was on the acid.

4 Q. Uh-huh (indicating yes).

5 A. I was on aroclor stills longer than either
6 one of them.

7 Q. Uh-huh (indicating yes). Do you remember --

8 A. But I don't remember the scrubber not being
9 there.

10 Q. Okay.

11 A. It might have been a small scrubber or
12 something. Seems like I remember a smaller
13 one being up there.

14 Q. Do you remember this 1968 problem where they
15 -- where the memo talks about approximately
16 one-third of the production of muriatic acid
17 is being sewerred? Do you remember a time
18 when you were having production problems and
19 being forced to sewer a bunch of products?

20 A. Yeah, it seems like we went a while --

21 MR. KELLY: Object to the form.

22 THE WITNESS: -- there just wasn't
23 any sales of the acid, and they just -- that

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1 was all you could do with the HCL was sewer
2 it.

3 Q. (By Ms. Ruth) So the HCL would continue to
4 be piped over here?

5 A. Uh-huh (indicating yes).

6 Q. As though you were going to make muriatic
7 acid; right?

8 A. But you just wet it down so much it weakened
9 it. Really, you was making it, but you was
10 making it so weak that it was just nearly
11 water when it came out.

12 Q. Okay. Was it weak enough you'd want to drink
13 it?

14 A. I don't believe I would have drank it. I've
15 had it on my hands a lot, and it wouldn't
16 burn.

17 Q. Yeah.

18 A. It wasn't much to it.

19 Q. Okay. Now, we want to move out of the --
20 your life in the chlorinators and acid and
21 into your life with the stills.

22 A. Okay.

23 Q. Okay. About what -- I guess my question

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1 probably should be better framed. Is there a
2 -- is there a natural boundary or natural
3 period in time which you stopped working with
4 chlorinators and acid and moved into working
5 with stills, or is this something that you
6 switched back and forth throughout your
7 career in aroclor?

8 A. I'm thinking when they -- I don't remember
9 the exact time I went over, but there would
10 be occasions where I would go back on the
11 chlorinators for, like, a shift if they were
12 -- say, I was working day shift and the
13 second shift man was sick or something and
14 didn't come in.

15 Q. Uh-huh (indicating yes).

16 A. And if I was low on overtime, they would
17 offer me a shift of work on the chlorinators
18 because I knew how to run them and same way
19 on acid. And I have worked some shifts that
20 way, you know, back and forth.

21 But most of the time, I would be --
22 after I moved to aroclor stills, I was
23 usually on them most of the time.

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1 Q. And how long was that?

2 A. I'm not sure the year I started on them, but
3 that's what I finished up on.

4 Q. You think it was two years, three years?

5 A. I'd say it was more -- it was probably at
6 least three years.

7 Q. At least three?

8 A. (Witness nods head.)

9 Q. Okay. And did you work the liquid aroclor
10 stills and the solid aroclor stills or just
11 one or the other?

12 A. They were all together there. We just -- it
13 was a process, you know. We had three liquid
14 aroclor stills and one solid aroclor still.
15 It was a big one.

16 And as we just -- you know, in a
17 control room, you just watched everyone of
18 them, and as your level come up in a receiver
19 on liquid, you'd pump it out into a blend
20 tank. And the other one, we would pump it
21 out down to the warehouse where they had the
22 flaker.

23 Well, they had the flaker up in --

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1 when I first started -- up in the old
2 building there. Had a little small flaker.

3 Q. But then the flaker was moved?

4 A. It was moved to the warehouse. I'd forgot
5 about the little flaker, but that's what we
6 used for years.

7 There was a big tank above it, and
8 when you finished that still, you just pumped
9 that material up in that tank, and then it
10 came out on the flaker, and they bagged it
11 out on the bottom floor.

12 Q. Did you ever do any bagging?

13 A. No. We had -- there was what they call
14 aroclor laborers that bagged it out.

15 Q. Did you supervise the aroclor labors who did
16 the bagging?

17 A. No. Each shift had a chief operator, and he
18 was more or less the off shift boss, you
19 know. He knew -- well, we knew what we had
20 to do and he did too, and he more or less
21 seen that it was done.

22 And we never -- unless something
23 happened, you know, down there, we didn't

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1 bother them. If it wasn't doing good, they'd
2 come tell you, or they'd knock on the hand
3 rail, and you'd know something was wrong.
4 Usually they --

5 Q. What kind of things would go wrong?

6 A. Every once in a while -- we had little
7 fingers that broke the aroclor up, and maybe
8 they would gum up or something and he wasn't
9 getting the stuff to his bag, so he'd just
10 knock on it to -- he'd let you know.

11 Q. And then would you just -- what would you do?

12 A. Just have to go -- usually it would kick a
13 breaker. You'd just free it up. You'd have
14 to job a pipe or something down in there.

15 And that stuff it was brittle like
16 -- more or less if you can imagine like
17 peanut brittle, and it would break loose, but
18 if it got hot, it would gum up, you know, be
19 gummy and stick to that thing and wouldn't
20 turn.

21 You'd just break those cool -- let
22 them break it off, you know, and start back.

23 Q. Did you say you would stick a pipe down there

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1 to break it off?

2 A. Yeah, it was metal. Yeah, something -- I
3 guess it was a pipe, yeah, maybe flattened on
4 the end or something to get down between the
5 fingers a little bit.

6 Q. When they moved the flaker, did they -- how
7 did you get the product from the still to the
8 -- was it the warehouse? Is that where you
9 said the new --

10 A. Uh-huh (indicating yes). They had what they
11 called a flaking hold tank down there, and
12 you -- we had --

13 Q. The flaking hole tank was at the warehouse or
14 outside your building, the aroclor building?

15 A. Well, we had one outside our building that
16 was, I guess, would be called the hold tank,
17 and then we pumped that hold tank into the
18 flaking tank, and then it would --

19 Q. Was the flaking tank over by the warehouse,
20 or where was the flaking tank?

21 A. It was in the warehouse.

22 Q. It was in the warehouse?

23 A. Uh-huh (indicating yes).

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1 Q. Did you ever work over in the warehouse?

2 A. I don't believe I did.

3 Q. Uh-huh (indicating yes).

4 A. We'd go down -- when we'd pump into that
5 tank, we'd go down to see, you know, we had a
6 site glass, and you could see it filling up
7 when we pumped into it. We'd go down and
8 check it to make sure we didn't run it over
9 or something.

10 Q. Now, did you ever run it over?

11 A. I don't remember it if I did.

12 Q. Blocked it out?

13 A. Yeah.

14 MR. KELLY: Object to the form.

15 THE WITNESS: One tank, I believe
16 it was the holding tank -- I came in one
17 shift -- there was some of that that had
18 either run over or -- anyway, I remember it
19 being on the ground, and it was just solid.

20 Q. Is this outside or inside?

21 A. This was on the outside of the tank. And we
22 just shoveled it up and put it in drums and
23 remelted it. But it didn't get out of the

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1 area there, you know.

2 Q. Uh-huh (indicating yes). Okay. Do you
3 remember a fifth still at all being put in
4 for the solid aroclors, or do you not
5 remember that?

6 I want to say because Mr. Rich
7 remembered one, but if that's not part of
8 your memory, then it's not.

9 A. I remember a fourth one, but I don't remember
10 a fifth one.

11 Q. Okay.

12 A. I'm still trying to draw on that memory. I
13 know we had the fourth one, and we had nine
14 chlorinators, and then they made a tenth and
15 eleventh one.

16 The ninth one -- we had eight for
17 years, and then they made a ninth one, and
18 then they made a ten and eleven, which was
19 bigger, and seemed like they made the solid
20 aroclor on those.

21 Q. I'm sorry. You said a ten, eleven. Does
22 that mean -- were ten and eleven one
23 chlorinator or two?

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1 A. They was a ten and eleven.

2 Q. So you had a total of eleven chlorinators?

3 A. Eleven chlorinators.

4 Q. How many of those were dedicated to solid
5 aroclor, if any?

6 A. Just nine and ten and eleven.

7 Q. So three of the eleven were dedicated to
8 solid?

9 A. (Witness nods head.) Seemed like they didn't
10 use the number nine if they were using the
11 ten and eleven.

12 Q. Okay. Were those continuous or batch?

13 A. They were batch, and they were -- they were
14 just real new, the ten and eleven, before we
15 shut it down, before it closed down.

16 And there might have been -- I'm
17 trying to think if there was a fifth still.
18 I don't remember it right now, but when you
19 said that, I thought, well, there might be
20 one. But I just don't remember it.

21 Q. If we can, I'd just like to -- I think I'd be
22 wrapping up aroclor discussion if we can just
23 talk about some of your housekeeping

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1 responsibilities when you were working on the
2 stills.

3 What kinds of things did you do to
4 maintain your area? What were some of the
5 concerns?

6 A. Mainly just on the stills, we had a filter up
7 there that we had to clean the filter every
8 now and then, and had cardboard pieces that
9 was in it. You just had to break it down and
10 put that in the drum and take it down on the
11 ramp, I call it, where the shipping come and
12 got it I guess.

13 Q. The cardboard filters?

14 A. Yeah. It would have the earth in there.
15 They filtered it through what they called
16 earth, and that stuff would be in between
17 metal filters, metal plates in there that
18 were hollow like and that filtered through
19 there.

20 Q. Uh-huh (indicating yes).

21 A. Seemed like we had -- occasionally, we had to
22 sweep up some sand down there, but I don't
23 remember if we -- I don't believe on the

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1 stills we put that down. I know we didn't do
2 any washing down on the stills.

3 Q. Okay. Where were your bigger sources for
4 leaks?

5 A. On the aroclor stills?

6 Q. Uh-huh (indicating yes).

7 A. Probably -- probably that filter leaked some.

8 Q. Uh-huh (indicating yes).

9 A. And it had a big pan under it, and then it
10 had a pipe that run to the bottom floor and
11 had a drum, and we'd just drain it if that
12 pan got full.

13 All it filtered was liquid. There
14 was no solids through it, so it would drain.
15 You drained that pan when it got some in it
16 into a drum on the bottom floor.

17 Q. Uh-huh (indicating yes).

18 A. But the stills didn't have that much liquid
19 -- I mean leaking -- because they had a
20 vacuum, and it tended to, you know, pull air
21 back through, and you didn't have anything
22 leaking to the outside that much.

23 Q. What about the receivers?

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1 A. The receivers, they had vacuum on them. The
2 receivers had a pump. They would have had --
3 in the early years there, they would have had
4 packing in them, but I think they changed
5 them to a mechanical seal, and they didn't
6 drip.

7 But they wasn't much -- receivers
8 had vacuum on them too, and that would tend
9 to suck air in to keep them from dripping.
10 But they would drip, you know, over course of
11 years, you know, if the packing would wear
12 out. When you'd be pumping one out, you
13 might see a drip.

14 Q. Uh-huh (indicating yes).

15 A. We kept a bucket there and a drip pan too,
16 but I don't remember emptying those very
17 much. I don't -- really don't even remember
18 even emptying those things.

19 Q. Okay.

20 A. May have, I could have, but I don't remember
21 it if I did.

22 Q. Now, did you take samples at that point? Did
23 you take samples from the still or receiver

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1 or some place?

2 A. We took the samples -- let's see. Where did
3 we take the sample? I don't remember where
4 we took the sample, if we did.

5 Q. Okay.

6 A. It was already in spec most of the time. We
7 would take a sample to the lab though after
8 we pumped it to the storage tanks. We would
9 circulate the storage tanks and then take a
10 sample to the lab to have it okayed for,
11 like, a car, loading a car or something like
12 that.

13 Q. That is after -- is -- where is the --

14 A. We did run a sample on those chlorinators
15 because we had to -- on the solid ones, we
16 caught a sample because we had to run that
17 little softening point on those.

18 Q. We talked about sampling from the
19 chlorinator.

20 A. Uh-huh (indicating yes).

21 Q. But was there -- and you said that you
22 sampled at the storage tank. Is that the
23 final resting place before it goes off to

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1 market, so to speak?

2 A. Yeah, it would be in the storage tank, and
3 then you'd get it, sample it, and take it to
4 the lab. And the process they run on it,
5 well, they either turned it down or okayed it
6 to be loaded into a tank car.

7 Q. Okay.

8 A. And when it was in the tank car, they caught
9 what they called the final sample out of the
10 car itself, and it would have to be approved
11 by the lab before they would let it go.

12 Q. Okay. What would you do -- say a product got
13 all the way to the storage tank and you've
14 sampled it along the way because you sampled
15 it certainly at the chlorinator, at least,
16 and you're not sure but maybe you sampled it
17 at the still --

18 A. Yeah, I believe we sampled them at the still.
19 I believe on the liquid ones we might have
20 sampled it when it went through that filter,
21 but I'm -- on the solid ones, I know we had
22 to get one off each batch because that's the
23 way we told when it was finished.

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1 Q. Uh-huh (indicating yes).

2 A. I can't remember the liquid chlorinators
3 unless we sampled them at the filter. I
4 can't remember where we sampled them.

5 Q. What would you do if it got all the way to
6 the storage tank and you took your sample and
7 you sent it to the lab and the lab said no
8 go? This stuff is bad. What would you do?

9 A. We pumped it back to the still or to the
10 chlorinators.

11 Q. How would you pump it back?

12 A. We had a pipe. We'd just have to reroute the
13 valves, you know, set the valves up and pump
14 it back.

15 We had to do that. One time a guy
16 dropped his hard hat in one of the tanks and
17 we had to drop -- pump it back and then
18 refilter it, but that was the only thing. It
19 just had to be refiltered.

20 But most of the time when we got it
21 to the storage tank, you could usually, if
22 you didn't have too much of it -- we had four
23 storage tanks, and if you had it, say, a

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1 little bit low -- I'm saying, say, 1248 is
2 lower than 1254 --

3 Q. Uh-huh (indicating yes).

4 A. -- and if the 1248 wasn't hardly up to
5 specifications, you could pump some 1254 into
6 that tank and recirculate it and bring it up
7 to lab specs that way.

8 Q. Was there ever a time that you had to -- I
9 don't know -- sewer or dispose of a bad or
10 off spec batch?

11 A. I don't remember one. I remember the time --
12 I wasn't on the shift where they pumped that
13 one back through the filters. They had to
14 shut down production because, see, that
15 stopped everything going that way, and I
16 heard them talking about that.

17 Q. Uh-huh (indicating yes).

18 A. I don't remember having pumped a bad batch
19 back. We have -- I was fixing to say we
20 pumped one back from the still back to the
21 chlorinators. We did that one time.

22 I think what we done, we was
23 running a sample, and we went ahead and

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1 pumped it, and then the sample wasn't high
2 enough so we had to pump it back and re --
3 add a little chlorine to it to bring it up
4 and then pump it back. But I don't remember
5 anything getting to a storage tank that we
6 had to pump back.

7 I remember -- well, one time a guy
8 turned the wrong valves and pumped one
9 storage tank into another and messed that up,
10 but they redid that off the still. They
11 pumped it back and redistilled it and got it
12 in that way.

13 But that's the only time I remember
14 that happening.

15 Q. How about did you ever hear of something
16 getting as far as the tank car getting ready
17 to be -- literally getting ready to be driven
18 off the lot and getting a reject slip from
19 the lab saying can't send this out? Did you
20 ever hear of anything like that happening?

21 A. I don't remember that on aroclor. Could have
22 happened, I guess, but I don't remember one.

23 Q. How about do you ever remember a customer

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1 getting the stuff and deciding huh-uh
2 (indicating no), this isn't what I wanted and
3 sending it back? Did that ever happen?

4 I don't know how to call it other
5 than a return policy.

6 A. I don't recall that. That sounds faintly
7 familiar, but I don't really remember it. It
8 might have happened on another shift to some
9 or something but --

10 Q. Which shift did you mostly work?

11 A. We worked a -- what we called a swing shift,
12 split shift. We worked -- started off, say,
13 like Monday on day shift, and you was off
14 Tuesday and Wednesday; worked Thursday and
15 Friday seconds, and then Saturday, Sunday,
16 Monday, Tuesday third shift.

17 And then you was off Wednesday and
18 Thursday; worked Friday day shift, and then
19 Saturday and Sunday to second, and then you
20 started two weeks of second.

21 And then you'd start a straight
22 shift of thirds. You'd work two week of
23 seconds, be off Saturday and Sunday, and then

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1 you'd work --

2 Q. Seems very -- like you'd need a degree in
3 calculous to figure out your schedule.

4 A. You did. It kept you mixed up sleep wise and
5 all. And I believe it's messed my memory up
6 too.

7 See, a lot of times we'd be between
8 -- what we called midnight shift, the third
9 shift, we'd be off four days there.

10 You'd work Monday through Friday on
11 third and then you'd be off Saturday, Sunday,
12 Monday, and Tuesday and come back Wednesday
13 night and work through Sunday night. And
14 you'd be off Monday, which wasn't much of an
15 off day. And Tuesday you'd be on day shift.

16 And something like that could have
17 happened, you know, while I was off and some
18 of the others, you know -- you had, I believe
19 it was four shifts working.

20 You had a day shift -- well, the
21 ones that was working days and the ones that
22 were off and then the ones working second and
23 ones working third. Had four different

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1 crews.

2 Q. Uh-huh (indicating yes). So you sort of
3 remember that that -- maybe that happened,
4 but really you don't remember anything in
5 particular?

6 MR. KELLY: Object to the form.

7 THE WITNESS: Sir?

8 MR. KELLY: I just objected to the
9 form.

10 Q. (By Ms. Ruth) Doesn't mean you can't
11 answer.

12 A. I just don't remember right now.

13 Q. Okay. I think I'm through in aroclor for
14 right now. Of course, I'm going to need to
15 check with my partner in crime to see if
16 there's something else I need to ask you, but
17 we'll come back to that.

18 Before we take a break, why don't
19 we talk a little bit about your time in
20 maintenance? I think I have written here --
21 let's see. You were maintenance laborer for
22 the years 1975 and '76 approximately as best
23 you can remember?

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1 A. Somewhere along in there. I know I went into
2 the maintenance department in -- I believe
3 it was October of '76 because that's when my
4 dad died. And I was out with a gallbladder
5 surgery then at the time when he died, so I
6 know it was in October.

7 And they called me and told me --
8 asked me did I want to go to the maintenance
9 department. And I told them yes. And they
10 said well, I could either have my choice,
11 pipe fitter or millwright, and I took pipe
12 fitter.

13 That's the way that I remember that
14 is by my dad dying while I was out sick.

15 Q. Okay.

16 A. And that was in '76.

17 Q. '76.

18 A. Uh-huh (indicating yes).

19 Q. So --

20 A. I was in maintenance labor that, say, two
21 years.

22 Q. Prior to that?

23 A. Uh-huh (indicating yes).

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1 Q. What was your job as a -- in maintenance
2 labor?

3 A. Well, we -- I called it custodial engineer.
4 We cleaned bathrooms and the shower house,
5 and we cut grass.

6 Q. Uh-huh (indicating yes).

7 A. Just -- and we picked up, you know, around
8 the plant when maintenance would have a big
9 job going on or something. We would pick
10 that material up or whatever. Clean up
11 mostly.

12 Q. Uh-huh (indicating yes).

13 A. And we -- they had the maintenance laborers,
14 of course, they had two older guys that did
15 most of it, but they cleaned the office
16 buildings. And they had seniority, so they
17 did that most of the time.

18 And we -- I say, "we." There was
19 four or five others in there.

20 Q. Who else was -- what are some of the other
21 names of people?

22 A. There was Bill Johnson, Hoot Gibson, Bill
23 Cambron.

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1 Q. Hoot? Like hoot and a holler?

2 A. Yeah. Everybody that's last name's Gibson is
3 a hoot.

4 Everybody -- there was a car
5 salesman here named Hoot Gibson. This guy
6 when he was in service married a girl from
7 here and stayed here, and everybody named --
8 his last name was Gibson, so he was Hoot.

9 Let's see. Bill Cambron was in the
10 laborer, Elmer Horn. And I can't remember
11 the two guys that worked that cleaned the
12 offices over there. They worked second shift
13 to do that.

14 Q. Uh-huh (indicating yes). You don't remember
15 their names?

16 A. They were two older black guys, and I took
17 one -- Clinton Allen was one of them because
18 I took his place.

19 He was old enough that he had six
20 weeks vacation, and when he took that, I was
21 the low man, and I had to do that. So I went
22 and took that job for six weeks.

23 Q. What was his last name?

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1 A. Clinton Allen.

2 Q. Clinton Allen?

3 Q. Do you know if he's still alive?

4 A. I don't know. I don't think so, but he could
5 be. I'm not sure. And the other one was
6 Norville Bush.

7 Q. Okay. Is Mr. Bush still alive, do you know?

8 A. Not sure about that either. They were both,
9 like, had forty years working out here at
10 that time, you know. They were older.

11 Q. And that was in the 70s?

12 A. Yeah. I saw them at -- they had plant
13 picnics and things, and for a while, you
14 know, we would see them, but I haven't heard
15 anything from them lately.

16 I haven't seen them at the Quarter
17 Century Club. I know they wasn't there last
18 year.

19 Q. Yeah. Okay.

20 A. But I can't remember whether they're passed
21 on or not.

22 Q. Did you ever go up to the landfill as part of
23 your job?

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1 A. I've been up there maybe two or three times
2 when I was a laborer.

3 Q. What did you do when you went up there?

4 A. We hauled -- we carried a trailer -- we had a
5 tractor and pulled a trailer, and it had --
6 best I remember it was loaded with pipe and
7 stuff like that, you know, and we just hauled
8 it up there and threw it in there.

9 Q. Pipes and drums or just pipes?

10 A. No, there wasn't any drums. It would have
11 been like grating and things where
12 maintenance had, like, a lot of big jobs.

13 In the niran department, they shut
14 down for what they called "turn around."
15 They made a winter product and a summer
16 product. Methyl and ethyl parathion.

17 Methyl, I believe, was the summer.
18 But anyway, they made it from, like, April
19 until September, or maybe it was October.
20 Then they shut down for -- sometimes it would
21 be anywhere from three to six weeks,
22 according to how much maintenance work had to
23 be done in that department.

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1 And if they -- usually in a hurry
2 to get it back on line. And maintenance
3 people would just pile all the pipe they took
4 out, you know, that they were replacing or
5 whatever, and the laborers would come by and
6 load it on the wagon and take it up there to
7 the dump.

8 And sometimes it would be grate or
9 maybe some insulation or something. But I
10 know we didn't haul any drums at all.
11 Shipping hauled all the drums.

12 Q. So by the mid '70s, shipping was taking drums
13 up to the landfill?

14 A. Well, I don't know if they did or not, but
15 they removed them off our dock.

16 Q. Okay.

17 A. I don't know where they put them.

18 Q. You don't know where they put them?

19 A. I don't really know. I'm going to say I
20 don't think they went to the landfill up
21 there, but I'm not sure. I just don't really
22 know. I wouldn't say.

23 Q. What did the landfill look like?

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1 A. It was just -- then, it was like a wooded
2 trail, just a dirt road and a big pit there
3 that they scooped out with a bulldozer.

4 Q. Was it just one pit?

5 A. At that time, I think it was.

6 Q. Did it later become more pits?

7 A. I'm thinking they made another one, but I
8 didn't go up there. I'm not sure.

9 Q. Okay.

10 A. But you could tell from the road it looked
11 like -- I don't know what they were doing.
12 They planted grass on part of it up there,
13 but I didn't see -- I just figured that was a
14 bank, but it may not have been. I don't
15 know.

16 Q. Was there a fence around it?

17 A. Uh-huh (indicating yes), there was a fence
18 and a gate. But the gate was always kept
19 locked there, you know.

20 Of course our supervisor gave us a
21 key to get in to -- and we locked it when we
22 came back out.

23 Q. Uh-huh (indicating yes). Did you ever -- did

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1 you ever see it get flood, or did you ever
2 see it filled with water?

3 A. Huh-uh (indicating no).

4 Q. No?

5 A. I believe -- to the best of my knowledge, it
6 was dry when I saw it.

7 Q. Did you ever see any dead animals or anything
8 like that around it?

9 A. No, ma'am.

10 Q. Okay. Let's see. I've got a few more
11 questions, and then I'm going to want to
12 break real quick to visit with Drew and see
13 if he can think of anything.

14 So I think all total, we should
15 certainly have you out of here in the next
16 twenty minutes.

17 A. That's fine.

18 Q. Have you ever been blood tested for PCBs?

19 A. I asked -- now, I didn't at the plant. I
20 don't think they ever tested me out there,
21 but after I retired, I heard that they were
22 doing some testing, and I asked my family
23 doctor, which is the company doctor too, and

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1 asked him about doing a blood test on me.

2 And when I went back for my blood
3 work, he was telling me my blood sugar was
4 way up and my triglycerides and all that.
5 And I asked him about the PCBs, and he looked
6 on his sheet, and he said, "I don't believe
7 they run it." But he said, "I'll get them
8 to."

9 And I went back down to the lab,
10 and they took a blood sample. But I never
11 heard -- it was like, when I went back to
12 him, my sugar and all -- we was so concerned
13 that I forgot to ask him what it was.

14 He's probably got it, but I don't
15 know the results.

16 Q. Okay.

17 A. If they did run it. I guess they did because
18 I give them a sample. I don't know the
19 results.

20 Q. Do you remember hearing about a decision to
21 shut down the aroclor plant or department?

22 A. Probably heard it, but I don't remember much
23 about that. Seemed like we come in on a

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1 shift one day or might have been already out
2 there when we got news that said St. Louis
3 said we were going to close it down.

4 Q. Do you remember how you got the news?

5 A. No. I don't recall just exactly. I remember
6 us talking about it in there because none of
7 us wanted to believe it, you know, because we
8 were going to have to go to a different job.

9 Some was going to lose a job or
10 whatever, but I don't really remember where
11 they just came out and told us or we read
12 it.

13 I'm pretty sure probably our
14 supervisor come down and told us about it.
15 I'm not sure.

16 Q. Do you remember what your sense of why they
17 were shutting it down might have been?

18 MR. KELLY: Object to the form.

19 MS. RUTH: Why are you objecting to
20 the form?

21 MR. KELLY: Very vague and
22 ambiguous.

23 Q. (By Ms. Ruth) Do you remember having some

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1 sense or reason, some feeling, as to why they
2 might be shutting the plant down?

3 MR. KELLY: Object to the form.

4 Q. (By Ms. Ruth) I'm going to stick with that
5 vague question. I'm going to let you answer
6 it.

7 A. Seemed like I'm sure they said something
8 about the PCBs, but I don't remember. But
9 the most I remember was all of us talking
10 about we couldn't believe they would shut it
11 down after they just had a big expansion.

12 Q. Yeah.

13 A. All the tank farm was new, and we just got
14 the upgrade on the lines, what we called
15 jacket lines, where we'd had steam traced and
16 we had a lot of trouble, you know, with
17 things.

18 And everything was just working so
19 smooth then, and we just couldn't believe
20 they were going to shut it down.

21 I'm sure PCBs was probably -- they
22 told us that's probably the reason, but I
23 don't remember what was said about it.

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1 Q. I was going to say what about PCBs would be
2 the reason do you think?

3 MR. KELLY: Object to the form.

4 Q. (By Ms. Ruth) What did you hear about PCBs
5 that would make PCBs the cause?

6 A. I don't remember what was said then, but I
7 later found out they suspected it may be
8 cancer causing.

9 But we're not, you know, we worked
10 in it, and, you know, we wasn't sure it
11 would, you know. We'd never been told that
12 before or anything.

13 Q. Did anyone from the plant tell you it might
14 cause cancer, or did you learn that from
15 reading it from another source?

16 A. I don't remember. We probably were
17 discussing it among us, but I don't remember.

18 Q. How long ago do you think that was that you
19 first heard that?

20 A. Let's see. That would have been -- they shut
21 it down pretty quick after we found out that
22 they were going to, you know. It was just a
23 pretty quick thing. I'm going to say within

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1 just months, you know.

2 Q. Uh-huh (indicating yes).

3 A. Pretty rapid. Just quit. Said they wasn't
4 going to have anything else to do with it.

5 Q. Is it right around that time that you
6 remember hearing or reading or whatever -- I
7 know you're not sure of how you came upon
8 this information, but is that around the time
9 you became aware that PCBs might cause
10 cancer, or is it much later --

11 MR. KELLY: Object to the form.

12 Q. (By Ms. Ruth) -- that you became aware that
13 PCB might cause cancer?

14 MR. KELLY: Object to the form.

15 THE WITNESS: I really can't
16 remember.

17 Q. (By Ms. Ruth) You can't remember if it was
18 then or much later?

19 A. It was -- I'm not sure.

20 Q. You're not sure if it was five years ago or
21 twenty-five years ago?

22 A. Well, it probably -- it would have probably
23 been along about that time.

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1 Q. Right in there?

2 A. I'm not sure.

3 Q. Give or take a year or two?

4 A. Probably. I just really don't remember that.

5 Q. Now, have you ever heard about there being
6 contamination in the area, the residential
7 area, around the plant?

8 A. Well, I didn't hear that until after I
9 retired.

10 Q. Okay.

11 A. Then I, you know, reading the newspaper
12 report, "Anniston Star."

13 Q. And you retired in 1996?

14 A. Uh-huh (indicating yes).

15 Q. So you didn't hear about contamination in the
16 residential area around the plant until
17 sometime around 1996 or 1997; is that right?

18 A. Huh-uh (indicating no).

19 MR. KELLY: Laura, I assume you're
20 referring to PCB contamination?

21 MS. RUTH: PCB contamination.

22 Q. Is that right?

23 A. I don't remember it before that.

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1 Q. Okay. Right around the time they were doing
2 what you called the big expansion back in --
3 when was that? When was the expansion about?

4 A. It was probably -- it wasn't too long before
5 they shut it down they had the big expansion.

6 They'd added some storage tanks and
7 some aluminum lines that aroclor -- I don't
8 know what it was, but aluminum was -- it was
9 better for it to flow through aluminum piping
10 than it was the other. I don't know why
11 but --

12 Q. What was the other kind of pipe it used to
13 flow through?

14 A. Probably just -- well, it might have been
15 stainless steel or regular iron. I'm not
16 sure.

17 Q. Uh-huh (indicating yes).

18 A. But aluminum -- all the storage tanks were
19 made out of the aluminum, and we were all
20 commenting on how expensive it was, you know,
21 and all. And we said we can't believe
22 they're shutting it down.

23 They told, I think, about how much

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1 one of those tanks cost. And all the tubing
2 -- instead of running copper tubing, they
3 put aluminum tubing out there, and that was a
4 lot more expensive.

5 Q. What other things did they do during that
6 expansion?

7 A. They added storage tanks, and they added --
8 they added a big dike around the storage
9 tanks and concreted the floor.

10 Q. Prior to that, the area around the storage
11 tanks was not concreted; is that right, or
12 was there no storage tanks at all?

13 A. Seems like there might have been two or three
14 storage tanks out there. And I'm not sure if
15 they had concrete, but they didn't have the
16 big wall, the dike, what I call the wall
17 around it back then I don't think.

18 It may have had a small dike, but I
19 really can't remember that, whether they did
20 or not. Seems like --

21 Q. Did they add anything else in the expansion?

22 A. In the expansion, I believe that's when they
23 added the big flake -- the solid aroclor

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1 tank.

2 Q. Uh-huh (indicating yes).

3 A. It was out by the road at the department, the
4 one we pumped it to the warehouse, and I
5 think the expansion probably included the
6 flaker and all at the warehouse.

7 Q. So was everything -- was the flaking
8 operation moved to the warehouse as part of
9 the expansion, or did it happen before the
10 expansion or after the expansion?

11 A. I think that was part of the expansion, but
12 -- best I remember.

13 Q. Do you remember any other policies or
14 procedures that went into place that would
15 have coincided with or maybe immediately
16 proceeded or -- the expansion right around
17 that time?

18 MR. KELLY: Object to the form.

19 Vague.

20 Q. (By Ms. Ruth) In terms of your production,
21 procedures or cleanup procedures or anything
22 like that change?

23 A. I don't remember anything --

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1 Q. -- changing?

2 A. Changing.

3 Q. Do you remember any new filtering or safety
4 equipment coming in as part of the expansion
5 where --

6 A. The flaker system down there I think got a
7 new filtering system down there off of that.

8 Q. In the warehouse?

9 A. Uh-huh (indicating yes), in the warehouse,
10 but see, the warehouse personnel run that,
11 and we didn't -- I didn't go down there very
12 often.

13 I don't really remember how much
14 that involved, but they all time coming up
15 with new safety procedures, you know, and
16 things like that. It seemed like they come
17 out with a newest whatever they had, you
18 know. They would always provide that.

19 I don't remember any specific
20 things right off.

21 Q. Nothing specific to aroclor production?

22 A. I can't think of anything.

23 Q. Okay. Do you remember there being one or two

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1 limestone pits? You mentioned before that,
2 like, the muriatic acid was sewered to a
3 limestone pit. Do you remember if there was
4 one limestone pit or two?

5 A. I believe there were two.

6 Q. Two. Were there always two?

7 A. I'm not sure. I believe they done -- now,
8 they did -- maybe that expansion they built a
9 new limestone pit and maybe a holding pit
10 down there that was brick lined and all that.

11 I remember that now. I think that
12 was about the time they did the expansion.

13 Q. Okay. I'm just going ask you because I've
14 been trying to pin it down. Do you remember
15 a West End Landfill?

16 A. A West End Landfill?

17 Q. Uh-huh (indicating yes).

18 A. No.

19 Q. Not ringing a bell.

20 Okay. I think if I can just check
21 with Drew and see if he has anything else
22 that he'd like for me to cover with you,
23 we'll touch base, and if not -- I imagine

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1 he'll have one or two things, but in all
2 likelihood, we'll get ready to wrap up.

3 (Short recess.)

4 Q. (By Ms. Ruth) And I think the answer to this
5 one is self-evident just because -- we're
6 back on the record -- just because you said
7 that you got blood tested on your own with
8 your own doctor but after you'd retired?

9 A. Uh-huh (indicating yes).

10 Q. So the question is: Did you ever attend any
11 PCB related health meetings at Monsanto?
12 Were you were invited to attend any, or did
13 you attend any?

14 A. No.

15 Q. Okay. And the only other question I have is
16 going to seem strange, but when you left in
17 1996, did you have e-mail?

18 A. Did I have what?

19 Q. An e-mail address at the plant?

20 A. Yeah, but --

21 Q. Am I on key you didn't use it very often?

22 A. I didn't use it.

23 Q. Do you know how long you'd had it when --

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1 A. The e-mail?

2 Q. Yeah. Do you have any idea about when it --

3 A. Probably about a year maybe.

4 Q. Maybe a year. So maybe you got it about
5 1995ish?

6 A. Something like that.

7 Q. Okay. And that was when it became universal
8 that everybody at the time --

9 A. Yeah, everybody at the plant had an e-mail,
10 and we had a code to get it, but I forgot
11 what mine was. I never did get any e-mail
12 anyway.

13 Q. That's what I was going to ask you.

14 A. Every once in -- well, you would get
15 announcements from the plant manager, like,
16 so many days -- say, if you worked and things
17 like that, but somebody else would tell me.

18 MS. RUTH: Off the record for just
19 a second.

20 (Discussion off the record.)

21 Q. (By Ms. Ruth) Back on the record. My final
22 question, or it may end up being a
23 two-parter. But what was the security -- the

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1 way I've understood it is that there was a
2 single computer to a department and everybody
3 in that department -- all the operators in
4 that department would check their e-mail?

5 A. Well, see I was in the maintenance department
6 at that time, and maintenance had -- we had
7 two computers in one little room to speed up
8 things, like when we were -- mostly what we
9 used it for was checking parts out of the
10 storeroom --

11 Q. Uh-huh (indicating yes).

12 A. -- and keeping our time.

13 Q. Okay.

14 A. And we did that. At the end of the day, we
15 would have to put our time in the computer,
16 and I just -- I didn't --

17 Q. Did you have an individual --

18 A. The e-mail was on the telephone. You can
19 dial it on the telephone and get into it.

20 Q. Did you have a password or pass number?

21 A. Yeah, you had some kind of password, but I
22 can't remember what it was.

23 Q. Did you pick it, or did somebody else --

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1 A. I think I picked it. It was supposed to be
2 a --

3 Q. Did it work on the phone and on the computer?

4 A. It may have, but I don't remember ever
5 looking at it on the computer.

6 Q. Okay.

7 A. I didn't really get that far. I didn't know
8 that much about computers, and I could check
9 parts out of the storeroom and do my time.

10 Q. Did you need a pass code to do those things?

11 A. Yeah, you had to use one to get into your
12 computer. And each person had a different
13 way to get into it, I mean, a different code
14 or password to get in the computer.

15 Q. Do you remember if that was a code you would
16 have used on the phone?

17 A. I don't think it was the same. I think when
18 you dialed the phone, maybe you dialed maybe
19 like four numbers or something on the phone
20 and then it would go in your main -- well,
21 that was a phone mailbox I'm talking about.
22 It wasn't e-mail.

23 Q. Voice mail?

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1 A. Voice mail, yeah, that's what that was. I
2 didn't check my voice mail very often. I
3 know I missed a dental appointment one time
4 because a girl called in and left it in
5 there, and about a month or two later, I
6 called up and dialed it and missed that
7 appointment.

8 I don't remember having -- I
9 believe we could have had e-mail on the
10 computer, but I don't think I used it.

11 Q. Never participated in it?

12 A. No, ma'am.

13 Q. Okay. I think that's it. I think that's all
14 we needed.

15 A. Okay.

16
17 (Deposition concluded at 4:15 p.m.)

18 FURTHER THE DEPONENT SAITH NOT.
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C E R T I F I C A T E

STATE OF ALABAMA)

CALHOUN COUNTY)

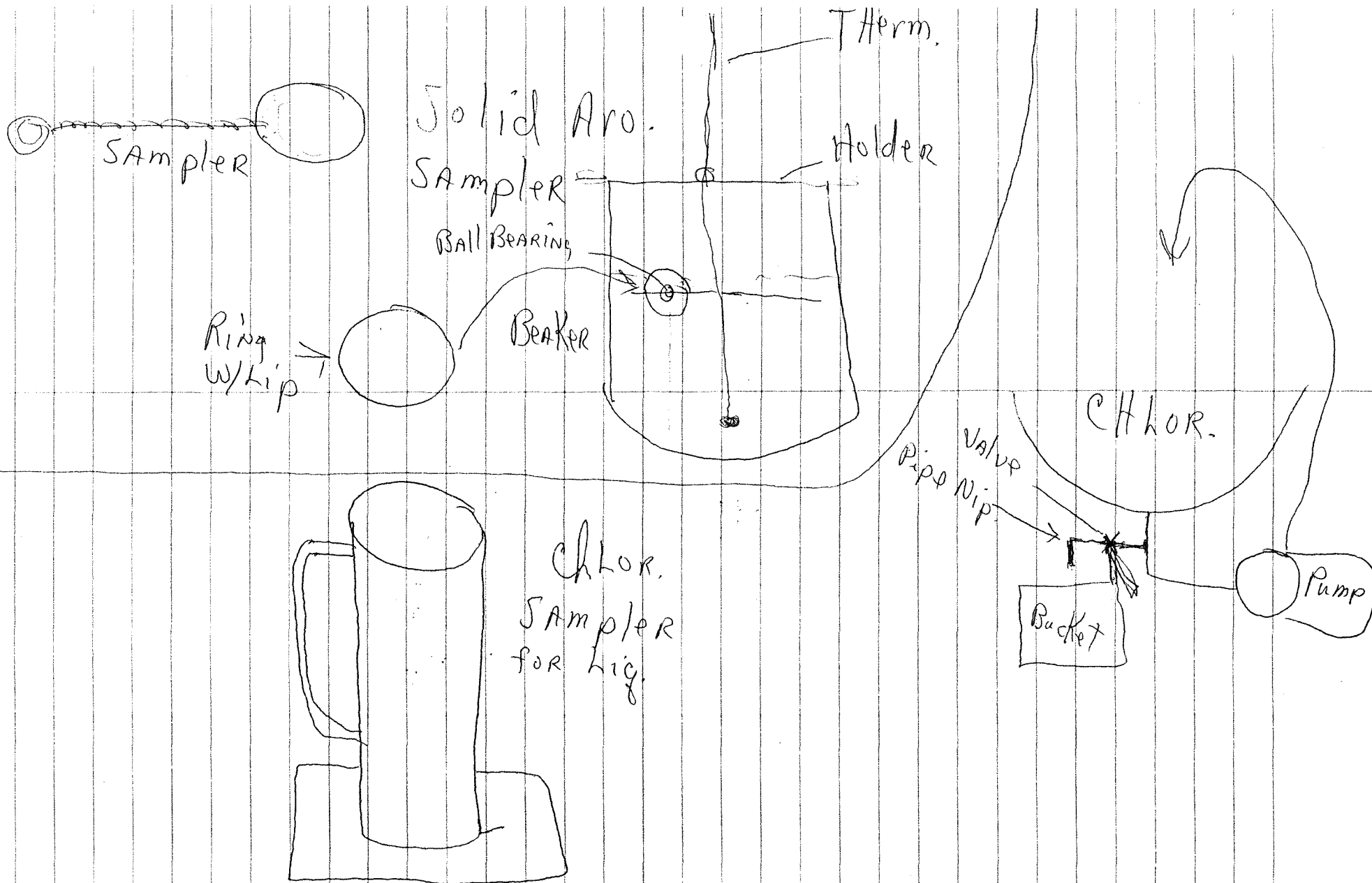
I HEREBY CERTIFY that the above and foregoing transcript was taken down by me in stenotype, and the questions and answers thereto were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the testimony given by said witness.

I FURTHER CERTIFY that I am neither of counsel, nor of any relation to the parties to the action, nor am I anyway interested in the result of said cause.


TAMMY R. JENNINGS GREGORY
Notary Public, State of Alabama
MY COMMISSION EXPIRES: 9-12-2001

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PLAINTIFF'S
EXHIBIT

28 Hefner