

STATE OF ALABAMA
 IN THE CIRCUIT COURT OF ETOWAH COUNTY
 (Transferred from Calhoun County, Alabama)
 SABRINA ABERNATHY, et al.,
 Plaintiffs,
 versus
 CIVIL ACTION NUMBER
 CV-2001-832
 MONSANTO COMPANY, et al.,
 Defendants.

DEPOSITION OF CRAIG R. BRANCHFIELD

The deposition of CRAIG R. BRANCHFIELD was taken before Janet F. Russo, as Commissioner, commencing at 10:00 a.m. on July 24, 2001, by the Plaintiffs, at the offices of Lightfoot, Franklin & White, The Clark Building, 400 North 20th Street, Birmingham, Alabama, pursuant to the stipulations set forth herein.

Regional Reporting Service, Inc.
 755 Walnut Street
 Gadsden, Alabama 35901-0755

A P P E A R A N C E S

For the Plaintiffs:

DONALD W. STEWART, Esq.
 1131 Leighton Avenue
 Anniston, Alabama 36201

CHARLES CUNNINGHAM, Esq.

For the Defendants:

WILLIAM S. COX, III, Esq.
 LIGHTFOOT, FRANKLIN & WHITE, LLC
 The Clark Building
 400 North 20th Street
 Birmingham, Alabama 35203

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Plaintiffs'	Marked	Offered
Exhibit 1	228	
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No other exhibits were marked for identification, offered or attached as exhibits hereto.

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

IT IS STIPULATED AND AGREED, by the parties, that the deposition of CRAIG R. BRANCHFIELD may be taken before Janet F. Russo, as Commissioner and Notary Public, Alabama at Large, at Birmingham, Alabama, on July 24, 2001, commencing at 10:00 a.m.

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

IT IS 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 may make objections and assign grounds at the time of trial or at the time said deposition is offered in evidence or prior thereto.

IT IS STIPULATED AND AGREED that notice of filing by the commissioner is waived.

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1 STATE OF ALABAMA, BIRMINGHAM, JULY 24, 2001

3 CRAIG R. BRANCHFIELD,

4 after having been first duly sworn, was
5 examined and testified as follows:

7 EXAMINATION

8 BY MR. STEWART:

9 Q. You are Craig Branchfield?

10 A. Yes.

11 Q. Can you give me a little bit of an idea
12 of your educational background and your
13 work history?

14 A. Sure. Starting with high school,
15 college?

16 Q. College is fine.

17 A. Well, I attended a school at the United
18 States Naval Academy in Annapolis where
19 I earned a bachelor of science degree in
20 physics. I graduated with merit. I was
21 in the top twenty percent of my class.

22 Q. What in?

23 A. It was a bachelor's degree in physics,

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1 relate to Naval nuclear power. And then
2 I was able to qualify as a nuclear
3 engineer officer in the Navy.

4 After I left the Navy, I continued
5 my education. I attended Washington
6 University in St. Louis. And I received
7 my master's degree in business, where I
8 graduated once again high in my class.

9 I was accepted into the Beta Gamma
10 Sigma Honor's Society. And that's the
11 extent of my education.

12 Q. All right. Can you give me just a brief
13 history of your work, employment?

14 A. Sure.

15 Q. I assumed you served four years in the
16 Navy. Did you leave the Navy?

17 A. Five years in the Navy after I graduated
18 from Annapolis. And I left the Navy
19 back in 1992 and took a position --

20 I apologize. I have got a cough
21 drop in my mouth. I have a sore throat.
22 So if I'm chewing, I'm not trying to be
23 rude.

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1 is what my degree was in.

2 And following my graduation from
3 the Academy, I was commissioned as an
4 officer in the United States Navy.

5 I went into the Navy's nuclear
6 power program. I attended the Navy's
7 nuclear power school in Orlando,
8 Florida, for about six months in
9 postgraduate education. Primarily in
10 really a broad variety of subjects; from
11 engineering to chemistry to physics to
12 obviously reactor and physics types of
13 areas.

14 Following that I attended the
15 Navy's nuclear prototype school, where I
16 received six months of operational
17 experience in Naval nuclear proposal
18 systems.

19 While I was in the Navy I also
20 attended the Navy's nuclear engineer
21 officers school, where I just continued
22 that education in some of the
23 engineering and science subjects as they

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1 Q. That's okay. No problem.

2 A. After I left the Navy I took a position
3 with a company called Coin Acceptors in
4 St. Louis.

5 Q. What?

6 A. The company's name was Coin Acceptors.
7 The position I took was as a test
8 engineer, where I was responsible for
9 developing testing programs for new
10 products.

11 Basically the company -- the
12 products they produced were controllers
13 and dollar bill validators and things
14 like that you see in vending machines.
15 And they come up with new products, and
16 I test them to make sure they meet
17 certain quality criteria.

18 I held that job for about six
19 months. I really lost interest in it,
20 quite honestly. I didn't find it very
21 challenging.

22 So in January of '93 I took a job
23 with Morrison Knudsen and Company.

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1 They were working on a department
2 of engineering product in Weldon
3 Springs, Missouri, which is just outside
4 of St. Louis. I took a job as a
5 construction engineer.

6 I was in charge of the -- I was
7 hired to be in charge of the operation
8 and maintenance of water treatment
9 systems that they had at this facility.

10 This was a facility that was being
11 essentially remediated by the Department
12 of Energy.

13 They used the facility in the past
14 for -- Well, it was used for a time by
15 the Army for basically building
16 munitions; TNT, primarily.

17 Then the Department of Energy
18 subsequently took it over and used it to
19 process broad uranium ore to get the
20 plutonium and highly enriched uranium
21 out of it before they would send it down
22 to Oakridge for use in whatever they use
23 it for down in Oakridge, Tennessee, I

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1 I wasn't too involved in dealing with
2 this. My primary role was in the
3 operation of these water treatment
4 plants.

5 Q. What did they do with that waste?

6 A. With the 24 DNT?

7 Q. Yeah.

8 A. My understanding was that they took the
9 impacted soils, where they found
10 impacted soil -- They would spread it
11 out. And if you exposed this stuff to
12 sunlight and ultraviolet radiation, it
13 would break down naturally, is the way
14 they were trying to manage it.

15 Q. What would they do with the radioactive
16 waste?

17 A. We would run it through, like I said, a
18 water treatment system. And the
19 radioactive particulates would bind --
20 we would run them through a
21 clarification process, basically, where
22 we would add palm or some things like
23 that to it to make the little particles

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1 believe, tied to nuclear weapons in some
2 way, shape, or form.

3 Anyway, they had left behind some
4 -- there was radioactive waste, organic
5 waste, things of that nature that were
6 left behind at this facility.

7 Q. What kind of organic waste?

8 A. It was primarily in the form of -- Well,
9 there is one compound that sticks out in
10 my mind that seemed to be a particular
11 concern. It was a compound called 24
12 DNT. And I can't recall what the DNT
13 stands for. But it was associated with
14 the manufacturer of TNT, was my
15 understanding.

16 The primary contaminants --

17 Q. What's TNT?

18 A. Dynamite.

19 Q. What did they do with that?

20 A. With the --

21 Q. That substance, that organic waste.
22 Take it away?

23 A. No. What we -- The primary means -- And

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1 and the big particles -- they would
2 settle out and form a sludge. And then
3 we took this sludge and stored it.

4 At the time I discontinued my
5 employment there, the plan was to take
6 this sludge, essentially stabilize it
7 with concrete and fly ash and store it
8 in a large disposal cell which they were
9 constructing on site.

10 Q. On site?

11 A. Right.

12 Q. When you left that company, I assume you
13 say you left it at some point in time?

14 A. Right. I worked there for approximately
15 six years, up until 1998, when I took a
16 position with Solutia as a manager of
17 remedial projects. Of course, I have
18 been working with Solutia since.

19 Q. Did you have any training in that time
20 frame that we have just talked about, in
21 '92 to '98, when you went with Solutia,
22 in remediation?

23 A. Well, my job was essentially a remedial

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1 job. I was taking materials that were
2 in the environment that we wanted to
3 remove from the environment and place
4 them in a stable form, such that they
5 could be controlled and managed and they
6 wouldn't be available to the
7 environment. So to that extent, that
8 was my job for remediation.

9 Q. Other than your on-the-job training, did
10 you have any training? I mean, did you
11 go to any seminars --

12 A. Did I attend any specific --

13 Q. Seminars.

14 A. We would get training on the basics of
15 RCRA, TOSCA, things of that nature to
16 understand the -- you know, how you
17 characterize hazardous materials and
18 things of that nature.

19 Q. That's while you worked with this
20 company?

21 A. That's why I work with Solutia?

22 Q. That's while you worked with the
23 company?

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1 background to find out what you know.

2 If I ask a question that you don't
3 understand, you have the perfect right
4 to ask me to rephrase it. If you want
5 to take a break at some time, you have a
6 right to do that.

7 If we can have this commitment:
8 If I ask you a question and you don't
9 ask me to rephrase it or don't say,
10 "Donald, I don't understand it," then
11 I'll assume that the answer you are
12 giving is the correct one to what I'm
13 asking you.

14 Do we have that agreement?

15 A. Sure.

16 Q. And one other thing that might help her.
17 You have to speak out, verbalize what
18 you say so she can take it down.

19 Nodding your head is all right
20 with me. But it's generally not all
21 right with the court reporter.

22 A. I understand. If I go down the wrong
23 path, you guys just stop me and correct

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1 A. While I worked with Morrison and Kanoots
2 I received that type training, that's
3 correct.

4 MR. COX: Make sure y'all don't
5 talk over each other, because
6 that makes Janet's job a lot
7 better.

8 THE WITNESS: I'm sorry.

9 MR. COX: When Donald is guilty, I
10 will talk to him. But right
11 now you are guilty.

12 MR. STEWART: Thank you, Buddy.

13 Q. (By Mr. Stewart) By the way, have you
14 given a deposition before?

15 A. No. This is my first time.

16 Q. The first time in the history of your
17 association with this site?

18 A. Yes.

19 Q. Have you ever given a deposition before?

20 A. No.

21 Q. Of course, I'm here to ask you some
22 questions about your work for
23 particularly Monsanto -- but your

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1 me.

2 Q. We are here to find out what you know,
3 Mr. Branchfield.

4 Tell me, if you would, when you
5 went to work in 1998 where you went to
6 work.

7 A. I went to work with Solutia at their
8 corporate headquarters in St. Louis.

9 Q. Who was your immediate superior?

10 A. Mike Foresman.

11 Q. Is he the one that actually interviewed
12 you and hired you?

13 A. Yes.

14 Q. What was your title when you went to
15 work there?

16 A. Manager of remedial projects.

17 Q. And when you say you worked in the
18 headquarters there at St. Louis, what
19 did you do?

20 A. My primary role was to oversee Solutia's
21 participation in various Superfund
22 related projects that we were involved
23 in. I also oversaw our activities on

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one RCRA facility investigation we were involved in.

Q. First, let me ask you about the Superfund sites that you supervised.

Were they under your immediate supervision, Mr. Branchfield?

A. They were under my supervision from the perspective of Solutia's participation in the project.

Q. What does that mean?

A. That means on a number of Superfund sites there is a number of potentially responsible parties. So Solutia was, on these sites, one of the potentially responsible parties. And we would participate in varying degrees, depending on the --

Q. Can you list those sites for me that you supervised while you worked at the corporate headquarters after you went to work for them in 1998?

A. Yes. I'll list as many as I can recall. There were a fair number of them, which

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Monsanto at the time -- what their relation was to the site.

Q. You were working for Monsanto, or were you working for Solutia?

Oh, that's a spin-off thing from --

A. Right. Monsanto -- I'm sorry. I'm talking over you.

Monsanto was the company that sent material to the site for purposes of being recycled.

Q. What was it they sent there?

A. I don't know specifically, Mr. Stewart.

Q. Do you know what organic compounds they were looking at at the site that was the problem?

A. I don't recall. Like I said, there is a long list of volatile organic compounds. I don't recall specifically.

Q. Had y'all assumed some responsibility for cleanup there?

A. We had agreed to participate in the cleanup of that project.

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I have since turned over to other people since I took the position down here. I will just start naming them.

One was called the Spectron Galaxy Superfund site.

Q. Spectron --

A. Galaxy, G-a-l-a-x-y.

Q. Where was that located?

A. That's located in a town called Elkton, Maryland, E-l-k-t-o-n, which is about an hour outside of Baltimore.

Q. All right. What was the nature of the problem at that site that Solutia was involved in?

A. That was -- that site was -- the main concerns on that site were related to volatile organic compounds that were in groundwater.

Q. What organic compounds?

A. There was a long list of them.

Q. What was Solutia responsible for? What was y'all's problem?

A. I don't recall specifically what

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Q. What were you doing to clean it up?

A. At the time I left the project, we were involved in the remedial investigation, characterizing the nature and extent of the groundwater contamination.

Q. What did y'all anticipate having to do? Did you have any determination at the time that you left?

A. We had completed one activity where there was a creek that ran right through the middle of the site. Groundwater was discharging into this creek. It was in the bottom of really a very high valley.

And we had just -- One project we completed while I was participating on this project was to line the creek with layers of HDPE liner, a real heavy liner material, and restore the creek ecologically.

And we also installed a collection system under the creek to collect the groundwater and treat it.

And we anticipated in areas where

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1 the groundwater was not flowing to the
2 creek that we would also, upon
3 completion of the remedial investigation
4 feasibility study -- a likely
5 alternative was to collect that
6 groundwater and treat it also in the
7 facility that we had already built for
8 that purpose.

9 Q. What was the cost of that to Solutia?

10 A. Solutia's share of the project itself
11 was approximately seven percent.

12 The cost of the -- that particular
13 remedy, as I recall, was on the order of
14 three to four million dollars.

15 That would include construction of
16 the stream liner system itself and the
17 water treatment system.

18 So seven percent of that for that
19 particular piece of work was
20 approximately three hundred thousand
21 dollars, somewhere in that neighborhood.

22 Q. What did y'all anticipate to be the cost
23 of the whole thing?

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1 system?

2 A. The reason for building a water
3 treatment system was because before
4 collecting the groundwater we needed to
5 remove the contaminants from the
6 groundwater.

7 And a typical way to remove
8 organic contaminants from groundwater is
9 through an activated carbon system,
10 where you run the water through carbon
11 granules, and the organic material in
12 the water will adhere to the carbon.
13 That's the type of system we set up. It
14 was a way to -- We had to collect the
15 water and do something with it. And
16 that was an appropriate measure to take.

17 Q. What was the liner put there for?

18 A. The liner was put there to keep the
19 water underneath the creek, the
20 groundwater that was discharging from
21 going up into the creek.

22 We didn't want it to get into the
23 creek and migrate downstream. So we

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1 A. We had done a cost estimate as part of a
2 diminuous, an attempt to reach a
3 settlement with diminuous parties or
4 parties who had contributed very little
5 to the site.

6 The cost estimate that was reached
7 to complete the project, as I recall,
8 was approximately thirty-five million
9 dollars.

10 Q. What kind of area are you talking about
11 cleaning up?

12 A. The size of the project site was -- I
13 don't know the exact size. I'd say,
14 ballpark, twenty acres.

15 Q. How long was the stretch of creek that
16 you lined?

17 A. Approximately a quarter of a mile.

18 Q. And the cost of that was three to four
19 million dollars to do that part of it?

20 A. To do that and to build a water
21 treatment system, which we were using to
22 treat the water that was collected.

23 Q. Why did you build a water treatment

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1 were able to capture it underneath and
2 then treat it and remove those materials
3 before we would then subsequently
4 discharge it to the creek after it was
5 treated.

6 Q. Okay. Did the organic matter or
7 substance come from a landfill that was
8 -- or a plant site?

9 A. No. It was -- my understanding of what
10 the gentleman did who owned the property
11 was he would take organic -- or
12 by-products from manufacturing processes
13 from a variety of different companies;
14 Monsanto, which was one of them. And
15 then he would recycle that -- What he
16 would do -- I don't know if he was
17 trying to recover certain materials or
18 what, honestly.

19 But he would store drums of this
20 material on the site. And some of these
21 drums would leak. They would get into
22 the soils and subsequently migrate into
23 the groundwater water. That was the

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primary source of the contamination at the site.

Q. What did he get from Monsanto?

A. What did the owner of the property get from Monsanto?

Q. Yeah. What kind of things in drums did he get from Monsanto?

A. I don't know specifically.

Q. You don't remember the organics -- It wasn't PCBs, was it?

A. No. There were not PCBs. These were volatile organic compounds. As I recall, there weren't a large number of semi-volatile compounds they were addressing. They were primarily volatile in nature.

Q. Monsanto had given him drums to be recycled.

How is it y'all got involved in that situation if you didn't have anything to do with the recycling?

A. Well, when Monsanto became involved, I was not employed. So I don't know the

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both sides of the creek, as you got away from the creek, maybe a couple of hundred yards from the creek -- it wasn't that far -- on both sides there was big hills.

And of course, when it would rain, the groundwater, just the natural gradings from those hills would flow towards the creek. And as it flowed underneath the site, it would pick up materials as it percolated down through the soils.

Q. So it came through the natural flow of water underground?

A. That's correct.

Q. And ultimately wound up in the creek?

A. Yes.

Q. How did y'all find out that stuff was coming from the site, do dye tests?

A. I don't know if any dye tests were done, Mr. Stewart. To the best of my knowledge they were not done.

Much of this work was done before

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specifics.

In general, when there is a site like this that is designated a Superfund site, the EPA identifies companies who sent materials to the site. And under the CERCLA laws they can --

Q. Y'all got involved under the CERCLA. I understand the CERCLA.

A. Right. That's the process under which Monsanto became involved and subsequently Solutia.

Q. I was asking you if the recycling facility was located above the creek. Topographically --

A. Topographically it was on the border of the creek. It did sit slightly above. There was a grade there. But it was a very slight grade. It was right on the banks of the creek.

Q. How is it that the groundwater got into the creek if that was the case?

A. The creek itself was at the very bottom of a large valley. In other words, on

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I became involved with the project. But my understanding is that testing was done of the surface water, and we were detecting these compounds in the surface water. We would subsequently install monitoring wells to determine what the concentrations were in the groundwater. That's how we were able to determine the source of the materials.

Q. What was the nature of the ground under that recycling facility?

A. There was a certain amount -- I can't recall the exact depth. But overburden soils, just regular soils. And then it was at really a fairly shallow -- at roughly twenty feet or so we started to hit bedrock.

Q. And when you hit the bedrock, is that where the stuff was pooling up and then picked up by the water and taken off?

A. Yeah. I mean, the groundwater -- the bedrock would act as a barrier to keep further vertical migration of the

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1 groundwater from occurring. So the
2 groundwater didn't flow on the surface
3 of the bedrock.

4 There were some fractures in the
5 upper portions of the bedrock which
6 would see some groundwater flow. But it
7 was really small in nature compared to
8 the groundwater flowing through the
9 overburden soils.

10 Q. What was the next site?

11 A. There was two other sites.

12 Q. Before I leave that, you talked about
13 the creek and you talked about the
14 treatment facility.

15 What else did y'all do there to
16 remediate that site?

17 A. At the time I left the site, I believe
18 that was all that had been done.

19 Q. What did you contemplate doing?

20 A. What we were potentially looking at --
21 We had just finished up the remedial
22 investigation and beginning to conduct a
23 feasibility study to determine what the

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1 different remedial alternatives would
2 be.

3 I think some of the technologies
4 we were looking at -- Although until we
5 complete the feasibility study, you
6 can't be sure.

7 But some of the technologies we
8 were looking at were soil vapor
9 extraction. Certainly we were looking
10 at the potential for additional
11 groundwater collection, particularly in
12 that narrow layer of fractured bedrock.
13 It appeared there was some groundwater
14 flow in there that we felt would be
15 prudent to capture. And potentially
16 capping the site with a layer of soil or
17 asphalt or whatever was found to be the
18 most effective cap.

19 Q. Was any soil taken off the site and
20 placed in someplace like Emelle in
21 Alabama?

22 A. To the best of my knowledge, no soil was
23 taken off site.

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1 Q. You had three to four million dollars
2 that y'all put in this creek. You
3 indicated the total thing was going to
4 cost you about thirty-five million
5 dollars.

6 Where were you going to spend that
7 other thirty-one million dollars?
8 That's an awful lot of money for twenty
9 acres. I just wanted to know where you
10 were going to do it.

11 A. The bulk of that cost, Mr. Stewart,
12 would have come from the long-term
13 operation and maintenance for running
14 the groundwater treatment system.

15 For those types of estimates we
16 calculate a thirty-year present value
17 for O and M costs.

18 I can't recall the details from
19 the cost estimate we did. But that's
20 typically the biggest chunk of that
21 portion of the money, is those long-term
22 O and M processes.

23 Q. Operation of the monitoring well?

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1 A. Operation of the groundwater treatment
2 system and continuing, like you pointed
3 out, the monitoring wells, that's
4 correct.

5 Q. Where is the next site that y'all looked
6 at that you were supervising?

7 A. I was supervising our participation in
8 two Superfund sites. One was called
9 Bluff Road. Another was called Dixiana.
10 Those were both located in --

11 Q. Two Superfund sites?

12 A. Yes.

13 Q. I didn't get the names.

14 A. The first one was Bluff Road, B-l-u-f-f.
15 Q. Where is that?

16 A. That was located in the vicinity of
17 Columbia. I can't remember if it was
18 Columbia or Columbus, South Carolina.
19 Whatever the capital of South Carolina
20 is.

21 MR. CUNNINGHAM: Columbia.

22 THE WITNESS: Yeah.

23 Q. And the other one was?

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1 A. Was called Dixiana, D-i-x-i-a-n-a. That
 2 was also located in the vicinity of
 3 Columbia, South Carolina.
 4 Q. Did y'all inherit these sites from
 5 Monsanto?
 6 A. Yes.
 7 Q. And what was your problem at Bluff Road?
 8 A. Bluff Road was a similar problem. I'm
 9 not too familiar with the past at Bluff
 10 Road.
 11 By the time I became involved, the
 12 remediation had been completed at Bluff
 13 Road. We were primarily in an
 14 operations and maintenance phase of the
 15 groundwater treatment system.
 16 Q. What was the problem at Bluff Road?
 17 A. It was once again volatile organic
 18 compounds in groundwater.
 19 Q. Do you know what the compound was?
 20 A. Not specifically, no.
 21 Q. Do you know how it got there?
 22 A. Same, similar to what I described to you
 23 at Spectron Galaxy, where a gentleman

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1 gentleman that owned Bluff Road owned
 2 Dixiana also. The same types of
 3 operations, the same types of materials
 4 we were concerned with.
 5 Q. What was his name?
 6 A. I don't recall his name.
 7 Q. Do you know what the cost was? Was it
 8 complete when you came aboard?
 9 A. It was also complete.
 10 We, once again, just had a
 11 groundwater treatment system that we
 12 were operating. It was in an operations
 13 and maintenance phase.
 14 Q. And what had been contaminated at Bluff
 15 Road?
 16 A. Once again, it was groundwater,
 17 groundwater contamination from
 18 leaking --
 19 Q. Was a creek involved?
 20 A. No. In this particular case there was
 21 no creek involved.
 22 Q. What about Dixiana?
 23 A. No. There was no creek involved at

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1 used to collect --
 2 Q. Another recycling facility?
 3 A. That's correct, yes.
 4 Q. You don't know what Monsanto sent there?
 5 A. Not specifically, no.
 6 Q. What was the cost of that one?
 7 A. Our cost -- Once again, we had
 8 approximately a seven percent share of
 9 the cost at that site. And our cost on
 10 an annual basis was on the order of
 11 twenty-five thousand dollars a year.
 12 Q. What was the initial cost that y'all put
 13 into the site to put in all this stuff?
 14 A. I don't recall, Mr. Stewart. When I
 15 became involved at the site, we had
 16 already -- all that work had been
 17 completed, and I was only looking over
 18 the -- overseeing our participation as
 19 it relates to the O and M of the site.
 20 Q. Y'all had a seven percent interest in
 21 that.
 22 Dixiana, what was that?
 23 A. Once again, similar in nature. The

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1 Dixiana.
 2 Q. Were any residential properties located
 3 in or around any of the three sites
 4 you've already mentioned?
 5 A. Yes. At Spectron Galaxy and Dixiana
 6 there were residential properties in
 7 close proximity.
 8 Q. What did you do with those?
 9 A. At Spectron Galaxy, specifically, a
 10 number of those residents had wells in
 11 their yards that they used to get
 12 drinking water.
 13 And we would sample those wells on
 14 a regular basis. I think it was
 15 quarterly that we sampled those wells.
 16 But all these properties -- Once
 17 again, these were properties that were
 18 kind of up on the hills at Spectron
 19 Galaxy. So they were essentially
 20 upgradient from where the contamination
 21 was; except for -- I think one property
 22 we never found anything. At least to
 23 the point where I was participating in

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the project we never found anything in any of their wells.

Q. What about at Dixiana?

A. At Dixiana I'm not aware of any dealings we had with the nearby residents other than communicating with them, answering questions they had on a regular basis.

Q. They wanted to know what the hell y'all were doing there?

A. Basically, yeah.

Q. What was the cost of Dixiana? You told us the cost of the other one. What was the cost at Dixiana?

A. Our cost at Dixiana -- We were -- Our share at Dixiana was approximately thirty-five percent of the total operating costs.

Q. Y'all were a big producer there, then, weren't you?

A. Right. There were four -- I believe four potentially responsible parties at Dixiana.

Q. What was your cost?

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A. Our cost while I was involved with the project -- we were rather small -- was on the order of ten to fifteen thousand dollars a year.

Q. Was that groundwater monitoring and treatment?

A. Yes.

Q. Do you know what the cost of the project there was?

A. No, I don't. I don't.

Q. What was the next site that you supervised?

A. Let me think. There were several sites. One was called -- And these sites -- I'll begin --

Q. What was that?

A. I'll begin to name these sites too. But we were relatively what I would define as small players on these sites; on the order of one percent.

So we really left the overall

oversight of these projects to the

larger -- the PRPs that had a larger

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responsibility.

Some of the names of them -- There was one called SRSNE, which stood for Solvent Recovery Site of New England. That was located in -- I think it was located in Massachusetts, if I recall correctly. It might have been Connecticut.

Q. What was the problem there?

A. Once again, the problem there was -- the main problem at that particular site was what we call DNAPLs or dense non-aqueous phase liquids. It's essentially oil in a simplistic sort of term.

It had settled down on top of the bedrock. And that was the primary effort there, was somehow managing that DNAPL there; which, of course, impacts groundwater.

Q. Is that a Superfund site?

A. Yes. That's also a Superfund site.

Q. All of these are, that you're mentioning?

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A. All that I am mentioning at this time, that's correct.

Q. Do you recall what your cost was there?

A. It was relatively low.

Once again, we were only about a one percent share at that particular site.

Q. What was it?

A. As I recall, our cost was maybe on the order of ten thousand a year.

Q. Okay. What was the next one?

A. There was a -- let's see -- Another site I recall was called Old Southington Landfill.

Q. Old what?

A. Southington, S-o-u-t-h-i-n-g-t-o-n.

Q. Okay.

A. And on that particular site -- I don't know much that I can share with you.

We were a very small percentage; less than one percent on that particular project.

Q. Where was it located?

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1 A. It was located in the vicinity of the
2 Solvent Recovery Site that I just
3 described to you.

4 As I recall, there was some
5 relation between those two sites. I
6 can't recall specifically what it was.

7 Q. What was the next one?

8 A. As far as --

9 Q. By the way, what was the substance y'all
10 were trying to take care of at the Old
11 Southington Landfill.

12 A. I don't recall.

13 Q. Something Monsanto made or produced or
14 put in that landfill?

15 A. I don't recall. I mean, our
16 participation at Old Southington was so
17 small that whatever Monsanto contributed
18 -- it was minor compared to what some of
19 the larger employers at that particular
20 site would have contributed.

21 Q. What's the next one?

22 A. Let me try to recall. There was -- The
23 other project I was involved on -- There

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1 are a number of real minor ones,
2 Mr. Stewart. They are so minor, if I
3 thought about them once every three
4 months -- We just weren't a large player
5 on those sites and didn't have a reason
6 to participate to any great extent.

7 Q. Were they Superfund sites?

8 A. Yes.

9 Q. Sites where y'all had placed some
10 substance either in the landfill or
11 recycling facility and it had gotten off
12 your manufacturing facility and somehow
13 gotten into the environment?

14 A. That's correct.

15 Q. Do you remember where they were located?

16 A. As I recall, most of the sites were
17 located in the northeast. I don't
18 recall --

19 Q. Excuse me. Go ahead.

20 A. I was just going to say I don't recall
21 having responsibility for any projects
22 that were -- that were anywhere west of
23 St. Louis. They were all primarily in

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1 the east.

2 This was all stuff I looked over
3 almost two years ago. So I'm going
4 through my memory.

5 One other project that I had
6 responsibility for was our Motco site.

7 Q. What?

8 A. It's called Motco, M-o-t-c-o.

9 That was a Superfund site that was
10 located just outside of Texas City,
11 Texas. Kind of in the Houston area.

12 Q. What was the problem there?

13 A. It was similar as I have described to
14 you before. There was a gentleman who
15 back in the '50s and '60s collected
16 materials for manufacturing facilities
17 in the Texas City area.

18 He had placed -- excuse me -- he
19 had placed a number of these materials
20 in a number of -- I'll call them sludge
21 pits. And those sludge pits had
22 subsequently impacted groundwater in the
23 area.

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1 Q. And what had y'all done there to
2 remediate that site?

3 A. There were really three primary
4 activities that were done to remediate
5 that site.

6 The first would be the -- Well, we
7 capped the site. It was one thing we
8 did. We installed a barrier wall around
9 the perimeter of the site, a low
10 permeability barrier wall to essentially
11 control or eliminate to the maximum
12 extent practical any flow of groundwater
13 away from the facility.

14 We installed a series of recovery
15 wells, groundwater recovery wells around
16 the perimeter of the site and recovered
17 groundwater and then subsequently sent
18 that to a water treatment system for
19 treatment.

20 Q. What was the cost to Monsanto for that?

21 A. At the Motco site I believe Monsanto
22 spent approximately -- I want to say
23 close to eighty million dollars

REGIONAL REPORTING SERVICE, INC.

remediating that site, Mr. Stewart.

I'll preface that. I have to clarify something, because I know we had a lawsuit with one of our contractors at that site regarding a project that didn't work the way it was expected.

This was all before my time. This was easily six or eight years before I became involved on the project or was even hired by the company.

But there was a lawsuit. I'm not sure. I know that lawsuit was settled. I'm not sure if that settlement cost is a part of that eighty million dollars or not.

Q. Monsanto had to pay him?

A. Yes. It was a change order which we didn't agree with, and it resulted in a lawsuit from the contractor.

I believe it was -- Well, no. It wasn't settled. I believe it went to a jury. We were found --

Q. Y'all lost?

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Q. What did it cost?

A. I don't know the specific cost of installing the barrier wall.

But there were some challenges with doing that in that we had to cross a number of highways that went around in the vicinity of the facility. We had to work in the vicinity of those, that when you are doing that type of work that can add to the time and expense of the project.

Q. Was that a Superfund site?

A. Yes, it was a Superfund site.

Q. So it is now Solutia's?

A. That's correct. There were -- The Motco site was identified as a Superfund site very early in the -- very soon after the Superfund laws were established.

I believe there were three or four other companies that were named as potentially responsible parties at Motco.

Q. They spent something in addition to the

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A. We lost, yeah.

Q. Tell me, if you would, how big that site was. Do you have an idea? And what was remediated, capped?

A. The site was approximately -- I would guess on the order of sixty to eighty acres. Roughly, it was fairly large, a fairly large site, geographically speaking.

A. And specifically what was capped was an area near the center of the site.

Q. How big was that?

A. The capped area was probably on the order of fifteen acres.

Q. Where did you spend all the money?

A. Well, the money was spent in a -- Well, the money was spent on a number of activities.

One, installing a barrier wall around an eighty-acre perimeter is a fairly -- that's a fairly long distance to install a barrier wall that was about forty feet deep.

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eighty million?

A. No. Those companies -- And I don't know the details of this, other than I know Monsanto allowed them to buy out of the project.

Q. What did they buy out for?

A. I don't know the specific costs.

Q. What were the companies?

A. I believe either Amoco or Exxon might have been one of the companies. I don't recall who the other ones were.

Q. In other words, they paid money to Monsanto, and it still cost eighty million after Amoco or Exxon put money in the kitty?

A. Yes.

Q. Any other sites?

A. There was one site I was involved in in St. Louis. It was our Queeny site. That was a RCRA facility investigation that I was overseeing at our Queeny plant.

Q. What were you looking for there, at

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1 Queeny?

2 A. It was a variety of things. There was
3 some volatile organic compounds. There
4 were some metals that we were looking
5 for. And there was one small area where
6 we were looking for PCBs.

7 Q. Where would the PCBs come from in
8 Queeny?

9 A. At this particular point there was a
10 transformer that had been documented as
11 it had leaked. And the transformer was
12 a fairly large transformer. It had
13 leaked PCBs into the ground.

14 They had been discovered a couple
15 of years earlier when the transformer
16 had been removed and replaced. But not
17 all of them had been cleaned up.

18 So that was one area that we were
19 -- At the point in time where we had
20 submitted a work plan to the EPA for
21 conducting the RCRA facility
22 investigation, that was one area we had
23 identified for further sampling, to

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1 better define the extent of the PCBs
2 from that transformer spill.

3 Q. Is the Queeny plant located in Missouri?

4 A. Yes.

5 Q. Did you deal with the counterpart to
6 ADEM in Missouri on that RCRA site, or
7 did you deal with the EPA?

8 A. We dealt primarily with the EPA.

9 Q. Why?

10 A. At the time the State of Missouri hadn't
11 been given RCRA authority by the EPA.

12 They were in the process -- I believe
13 right about the time we were doing this
14 work the state had just granted RCRA
15 authority to the state. And at the time
16 I left the project they were sort of in
17 a transition phase. But the EPA
18 maintained them, I believe.

19 Q. That was in '98?

20 A. 1998 to late '99 that I was involved in
21 that particular project.

22 Q. Any others?

23 A. Those are the only sites that I can

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1 recall right now.

2 Q. Mr. Branchfield, were there other people
3 who worked under Mr. Foresman similar to
4 you in the corporate headquarters?

5 A. Yes.

6 Q. How many who did work similar to what
7 you did?

8 A. Three or four. Let me think.

9 Q. What are their names?

10 A. Well, my current supervisor, Steve
11 Smith.

12 Q. And did Mr. Smith supervise sites like
13 you did?

14 A. Yes.

15 Q. Were they Superfund sites?

16 A. In some cases, yes.

17 Q. Were they sites that had previously been
18 Monsanto's but then became Solutia's?

19 A. Yes.

20 Q. Do you know how many he had in number?

21 A. No, I don't.

22 Q. Who else?

23 A. There is a gentleman named Jerry

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1 Renaldi.

2 Q. Still there?

3 A. Yes.

4 Q. And did he also supervise Superfund
5 sites?

6 A. Yes.

7 Q. Do you know how many he supervised?

8 A. I don't know the specific number, no.

9 Q. Would the number be comparable that
10 Mr. Smith and Mr. Renaldi supervised to
11 you? Do y'all sort of even it out?

12 A. I believe so, yes.

13 Q. Who else worked there?

14 A. As far as project managers go, there is
15 a gentleman named Mike Light.

16 Q. Mike?

17 A. Light, L-i-g-h-t.

18 Q. Okay. And did he do the same thing you
19 did?

20 A. Yes.

21 Q. Have Superfund sites too?

22 A. I believe so, yes.

23 Q. That had previously been Monsanto's?

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1 A. Yes.
 2 Q. Who else?
 3 A. I believe those are the only ones that
 4 worked out of St. Louis.
 5 Q. Did you have people that worked
 6 elsewhere?
 7 A. Yes.
 8 Q. Sort of project managers like you are?
 9 A. Similar to me, yes, that's correct. Of
 10 course -- Well, yeah, that is correct.
 11 Q. How many did you have of those?
 12 A. There were -- at one point there were
 13 four that I'm aware of that worked
 14 off-site similar to how I'm working at
 15 Anniston.
 16 Q. At big projects?
 17 A. Yes.
 18 Q. Did they have more than one?
 19 MR. COX: More than one project --
 20 MR. STEWART: Yes.
 21 MR. COX: -- or more than one
 22 person?
 23 A. If they had more than one, Mr. Stewart,

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1 they made, Donald.
 2 MR. STEWART: I don't have to
 3 imagine, Buddy.
 4 MR. COX: The nitroglycerin -- I
 5 think that's the facility.
 6 Isn't that right,
 7 Charlie?
 8 MR. CUNNINGHAM: -- (Nods head
 9 affirmatively.)
 10 Q. (By Mr. Stewart) Tell me who else
 11 worked there, Mr. Branchfield.
 12 A. There was a gentleman named Larry Adams.
 13 He had some projects that I believe were
 14 in -- I want to say the San Francisco
 15 area. I know they were in California.
 16 I believe it was the San Francisco area.
 17 Q. Who else?
 18 A. For a period of time there was a
 19 gentleman named Ed Dondzilla.
 20 Q. Ed who?
 21 A. How do you spell it? Dondzilla.
 22 D-o-n-d-z-i-l-l-a.
 23 He has since retired from Solutia.

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1 I don't believe but maybe three or four.
 2 Q. Three or four?
 3 A. They would have one major project they
 4 were working on. They might have a
 5 couple of smaller projects that didn't
 6 require much time.
 7 Q. Who were those people?
 8 A. Well, at the time I was working in St.
 9 Louis there was Alan Faust who worked in
 10 Anniston, my predecessor. There was a
 11 gentleman named Tony Tuck who works at
 12 some projects we have in West Virginia.
 13 Q. Where is that?
 14 A. The name of the facility is called
 15 Nitro. I don't know specifically where
 16 it is in West Virginia.
 17 Q. What's the problem there?
 18 A. I don't know. I'm not familiar with
 19 that project.
 20 MR. CUNNINGHAM: Nitro is actually
 21 the name of the town. It's a
 22 quaint name for a city.
 23 MR. COX: You can imagine what

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1 But he worked at our Brio site, which is
 2 outside of Houston.
 3 Q. I know about that. Now, did these
 4 gentlemen -- Mr. Smith, Renaldi, Light,
 5 Faust, Tuck, Adams, and Dondzilla -- did
 6 those gentlemen work on sites that had
 7 previously been owned by Monsanto but
 8 were transferred over to Solutia?
 9 A. Yes.
 10 Q. And so the responsible party at the
 11 time, either EPA or the state or a
 12 combination of both that said, "Clean it
 13 up," was Monsanto?
 14 A. I believe that would be correct. There
 15 may be some sites that were identified
 16 after -- after we spun off from
 17 Monsanto. And I'm not sure whether
 18 Monsanto would have been named as the
 19 PRP or not at those sites. But
 20 certainly at past sites Monsanto was
 21 named as the PRP.
 22 Q. Tell me, if you would, if you know if
 23 the number got as high as perhaps a

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1 hundred sites that Monsanto transferred
2 over to Solutia.
3 A. I believe that would be an accurate
4 estimate.
5 Q. Is it fair to say that there was no
6 manufacturing going on at any of these
7 facilities; just cleanup or some
8 manufacturing going on at some of these
9 hundreds of sites; or just cleanup maybe
10 of landfills or something like that?
11 A. I believe most of them would have just
12 been cleanups.
13 Obviously there was some work
14 going on at the facilities that were
15 still being operated by Solutia.
16 Obviously you are aware of the
17 work at Anniston that is going on.
18 And there are other plants sites.
19 I was involved at the Queeny plant when
20 there were still manufacturing
21 operations taking place there, for
22 example.
23 Q. I believe you indicated,

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1 charging your company. He
2 does it every once in a while
3 just to keep his hand in.
4 Q. (By Mr. Stewart) If you would,
5 Mr. Branchfield, tell me if during that
6 business course you read or studied
7 about somebody who would buy sites like
8 this from a company.
9 A. I don't recall specifically.
10 Q. You really don't recall any in your
11 studies, do you, Mr. Branchfield?
12 A. Not in my studies. No, not in my
13 studies at Washington University.
14 Q. Well, you had a pretty good course in
15 business there, didn't you?
16 A. That's correct.
17 Q. Well, you talked to somebody there;
18 Mr. Foresman, I assume, when you went
19 and took the job.
20 What benefit did he tell you --
21 what was the reason he told you that he
22 took this -- this company, rather, took
23 this stuff off of Monsanto? What was

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1 Mr. Branchfield, that before you went to
2 work for this first company and then for
3 Monsanto you took some courses at
4 Washington University in business?
5 A. That's correct.
6 Q. During your course of study there, did
7 you ever know of a business transaction
8 in your studies where somebody would buy
9 somebody else's problems; similar to
10 what we have talked about here? Did you
11 ever run across one?
12 MR. COX: Object to the form.
13 You can answer if you
14 understand the question.
15 I'm just making a
16 technical objection for the
17 record. Go ahead and answer.
18 THE WITNESS: Could you repeat the
19 question, please?
20 MR. COX: He was listening to me.
21 I'm sorry.
22 MR. STEWART: He has to do that
23 because of the money he is

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1 the reason they did that; do you know?
2 A. I have no idea.
3 Q. It's our understanding -- And we are
4 trying to figure this out. But it's our
5 understanding that this company was spun
6 off from Monsanto. Is that your
7 understanding?
8 A. Yes. Solutia was spun off as an
9 independently traded company.
10 Q. And that occurred about '97?
11 A. That's correct. September of '97, I
12 believe.
13 Q. With how many of these sites do they
14 have lawsuits pending?
15 A. I don't know.
16 Q. Are there a number of them where there
17 are lawsuits pending out of the hundred?
18 A. The only one I'm familiar with,
19 Mr. Stewart, was Anniston, quite
20 honestly.
21 Q. Has everything been resolved elsewhere?
22 A. I can't say for sure that everything has
23 been resolved elsewhere. I can say the

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1 projects I was involved with, there was
 2 no pending litigation that I'm aware of.
 3 Q. But you don't know about the other
 4 sites?
 5 A. That's correct.
 6 Q. Tell me, if you would, Mr. Branchfield,
 7 if Mr. Smith ever told you why they took
 8 these sites, why Solutia took these
 9 sites.
 10 A. No. I've never had any conversations
 11 with Mr. Smith about that particular
 12 subject.
 13 Q. During the time that you were there
 14 working did Monsanto pay any part that
 15 you know of in the cost of operating any
 16 of these one hundred facilities?
 17 A. Not that I'm aware of.
 18 Q. So Solutia took the whole apple?
 19 A. To the best of my knowledge, yes.
 20 Q. Is there any money to be made to your
 21 knowledge from the sites that you
 22 supervised?
 23 MR. COX: Object to the form.

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1 Q. Would Mr. Smith be familiar with that?
 2 A. I don't know.
 3 Q. Would Mr. Foresman?
 4 A. I don't know.
 5 Q. Would Mr. Klausen? Do you know who that
 6 is?
 7 A. I know who Mr. Klausen is, yes.
 8 Q. Would he be familiar with why they would
 9 do such a stupid thing like that, take
 10 this liability on?
 11 MR. COX: Object to the form.
 12 A. I don't know. I was not a member of
 13 Solutia at the time of the spin. I
 14 really have no familiarity with any
 15 details related to the spin or what the
 16 individuals' roles were as associated
 17 with the spin from Monsanto.
 18 Q. Are they all older and just don't know
 19 what they're doing? Could you tell us
 20 what the situation is, Mr. Branchfield?
 21 Do you have an idea?
 22 MR. COX: Object to the form.
 23 A. I can't tell you.

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1 A. If I could clarify your question.
 2 Do you mean was there any revenue
 3 being realized by Solutia?
 4 Q. Any revenue generated off those sites
 5 that y'all were operating that were
 6 Superfund sites?
 7 A. Not that I'm aware of.
 8 Q. Dead cost?
 9 A. Yes.
 10 Q. I didn't go to business school. But
 11 would you call that a liability?
 12 A. Certainly these would be -- I would call
 13 these environmental liabilities.
 14 Q. Wouldn't it be fair to say that Solutia
 15 ate those environmental liabilities;
 16 just took it on the chin for Monsanto?
 17 Isn't that right?
 18 MR. COX: Object to the form.
 19 A. Once again, I'm not familiar with the --
 20 Q. The details?
 21 A. -- the bases or the details of why
 22 things were done the way they were done
 23 during the spin from Monsanto.

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1 Q. Are these people who now work for
 2 Solutia people who used to work for
 3 Monsanto?
 4 A. Is there someone specific or in general?
 5 Q. The people who -- Did they just move
 6 down the hall? Is that basically what
 7 they did, the folks that run Solutia?
 8 I mean, it's not a new crop of
 9 fellows. It's some guys that had
 10 previously worked for Monsanto that
 11 said, "They've got a good deal for us.
 12 They have got all these Superfund sites,
 13 and they are going to form a company and
 14 operate them."
 15 A. My understanding is that the leadership
 16 of Solutia worked for Monsanto prior to
 17 the spin.
 18 Q. Prior to the spin-off?
 19 A. That's correct, yes.
 20 Q. Well, who would know, in your best
 21 judgment, best about why this deal was
 22 made?
 23 MR. COX: Object to the form.

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1 A. I really don't know, Mr. Stewart. I'm
2 not familiar with how these transactions
3 take place or what the basis was for the
4 spin. Any answer I gave would be just
5 pure speculation.
6 Q. I understand.
7 Let me ask you who was in
8 management at the time you were there.
9 Was a Mr. Felder there?
10 A. Mr. Felder worked for Solutia when I
11 joined the company, yes.
12 Q. Had he previously worked for Monsanto?
13 A. I believe so, yes.
14 Q. Do you think he might have some
15 knowledge about that?
16 A. Once again, I don't know.
17 Q. What about Mr. Smith?
18 A. I don't know if Mr. Smith would either.
19 Q. Well, Mr. Klausen is the money man,
20 isn't he? He's the guy that handles the
21 cash.
22 A. He's the company's chief financial
23 officer.

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1 than the other two, wouldn't you?
2 MR. COX: Same objection.
3 A. Once again, I don't know what
4 Mr. Klausen's role was during the spin.
5 Any answer I would give you would
6 just be speculation, and there would be
7 no basis for fact.
8 Q. Well, who was it that was the president
9 of the company at the time the spin-off
10 took place?
11 MR. COX: I'm sorry. I don't mean
12 to interrupt.
13 The president of
14 Monsanto or Solutia?
15 MR. STEWART: Well, either one.
16 A. At the time we -- Solutia spun off from
17 Monsanto the chief executive officer --
18 and I believe he also had the title of
19 president -- was Bob Potter.
20 Q. Of Solutia?
21 A. Of Solutia, that's correct.
22 Q. Is Mr. Potter still there today?
23 A. Mr. Potter has retired.

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1 Q. Would you think perhaps, based on your
2 business experience and everything and
3 experience with the company, that he
4 might have some idea about the details
5 of the deal?
6 A. Once again, I don't know who had what
7 role or responsibilities during the
8 process of the spin. I wasn't working
9 for the company at the time.
10 And even in my current position, I
11 would have no knowledge of what the
12 details were of that particular process.
13 Q. Would he be the person who would more
14 than likely have some information about
15 it as opposed to perhaps Mr. Felder or
16 Mr. Smith?
17 MR. COX: Object to the form.
18 A. Once, again, I don't know what
19 Mr. Klausen's role would have been in
20 the spin of the company.
21 Q. As the chief financial officer you would
22 assume he would have more knowledge
23 about the details of the transactions

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1 Q. Who took his place?
2 A. John Hunter is now the chief executive
3 -- John Hunter is the chief executive
4 officer of Solutia.
5 Q. Was he there at the time the company --
6 A. Spun from Monsanto?
7 Q. -- spun from Monsanto?
8 A. Yes.
9 Q. What was his position at that time?
10 A. He was the chief operating officer.
11 Q. Who holds that position today?
12 A. A gentleman by the name of Mike Miller
13 is the chief operating officer of
14 Solutia.
15 Q. What was he before that?
16 A. I don't know.
17 Q. But he did work for Monsanto; and so did
18 Mr. Hunter and so did Mr. Potter at one
19 time?
20 A. I know Mr. Hunter and Mr. Potter did.
21 I'm not familiar with Mr. Miller's past.
22 Q. Now, when you came to Anniston, to this
23 site here, can you tell me what your

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1 supervisor's name was? Who sent you
2 down here?
3 A. Mike Foresman was my supervisor when I
4 was assigned to Anniston.
5 Q. Is that who you directly reported to?
6 A. Yes.
7 Q. And what was his title?
8 A. Director of remediation.
9 Q. And who took his place?
10 A. Since Mr. Foresman retired, Mr. Felder
11 has assumed the role of director of
12 remediation.
13 Q. So if we want to find out about some of
14 these sites in a little more detail,
15 Mr. Felder would be the one who today
16 could probably tell us generally what
17 these projects are all about?
18 A. He's the director of remediation.
19 Q. Would he be familiar in that capacity
20 with what you are doing here in Anniston
21 and what these other guys are doing?
22 A. Yes. Mr. Felder is familiar with what
23 I'm doing in Anniston.

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1 Mr. Foresman you reported -- And
2 Mr. Felder. You report directly to
3 them?
4 A. At this time I report to Mr. Smith. And
5 Mr. Smith reports to Mr. Felder.
6 Q. Well, let's see. What is Mr. Smith's
7 role?
8 A. Mr. Smith is -- I don't know if you
9 could really see it in the title. I
10 believe his title remains manager of
11 remedial projects. But he is
12 responsible for the activities of the
13 other managers for remedial projects
14 within Solutia.
15 Q. So you report to Mr. Smith, and he in
16 turn reports to Felder?
17 A. Yes.
18 Q. Is there anybody on-site,
19 Mr. Branchfield, here in Anniston, who
20 has the same kind of authority,
21 responsibility that you do, as far as
22 the Anniston site is concerned?
23 A. No. I'm the project manager for all

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1 Q. Who did he report to, if you know?
2 A. Mr. Felder?
3 Q. Yes.
4 A. Mr. Felder reports to a gentleman named
5 Jerry Hayden.
6 Q. Jerry who?
7 A. Hayden. H-a-y-d-e-n, I believe, is the
8 spelling.
9 Q. What is his title?
10 A. I believe his title is something to do
11 with corporate services. I don't know
12 whether it's vice president of corporate
13 services or director. I don't know the
14 specific title. But it's corporate
15 services, is the --
16 Q. One of these?
17 A. -- organization he oversees.
18 Q. One of those presidents in waiting or
19 something; an upper level management
20 type person?
21 A. Yes. He's an upper level management
22 type person.
23 Q. There was nobody in between you and

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1 remedial activities related to the
2 Anniston site.
3 Q. So if any remediation goes on or
4 anything is done on that site, then that
5 responsibility falls to you?
6 A. Yes, that's correct.
7 Q. And in that capacity can you tell me
8 what you understood first had been done,
9 if anybody told you, at the site when
10 you first got here?
11 A. When I first arrived at the site -- I
12 would define that, Mr. Stewart, as
13 before I started the turnover process
14 with my predecessor, Mr. Faust.
15 But when I was first offered the
16 opportunity to come to Anniston, I was
17 aware that we had manufactured PCBs at
18 the Anniston facility for approximately
19 fifty years, that there were several
20 landfills adjacent to the facility that
21 we were actively managing, and that we
22 were currently undergoing a RCRA
23 facility investigation to address

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1 potential migration of PCBs from the
 2 facility to off-site areas as well as
 3 looking at other constituents, potential
 4 concerns on the plant site itself.
 5 Q. What were those?
 6 A. At the time --
 7 Q. When you say time, before -- I hate to
 8 interrupt you. But before we go too
 9 much farther, so that this is related in
 10 time to some point, when was that?
 11 A. This was approximately October of '99.
 12 Q. That's when you first came to the site?
 13 A. That's when I first visited the site to
 14 learn a little more about it, yes.
 15 Q. You were telling us other constituents
 16 y'all were looking for that migrated --
 17 that might be migrating off the plant.
 18 Is that fair to say?
 19 A. Constituents we were looking at --
 20 Q. Which might be migrating off the
 21 facility?
 22 A. That had a potential to, that we needed
 23 to investigate to have a better

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1 being collected by groundwater treatment
 2 systems that we had installed on the
 3 plant site itself and were being
 4 collected.
 5 Q. How is it that you sit here today,
 6 Mr. Branchfield -- And you know a lot
 7 more about this stuff than I do. I came
 8 from a little old town in Alabama of
 9 about five hundred and sixty-five
 10 people. I have always been a lawyer.
 11 And I don't understand the chemistry and
 12 the physics and all that kind of stuff,
 13 or the hydrology or anything like that.
 14 Charlie knows all of that. So you
 15 just consider me real dumb.
 16 But how is it y'all know y'all
 17 were collecting all that?
 18 A. Because we had monitoring wells that
 19 were down-gradient or downstream of the
 20 wells that we were collecting
 21 groundwater from. And the data we were
 22 collecting from those wells suggests
 23 that we were capturing that groundwater.

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1 understanding.
 2 I knew that we had had a number of
 3 different manufacturing processes on the
 4 plant site that we had groundwater
 5 collection systems.
 6 Because for most of these
 7 constituents of potential concern that
 8 would have been a potential mode of
 9 transport other than PCBs. PCBs were
 10 primarily transported via surface water.
 11 Q. Who told you that?
 12 A. I can't recall specifically where I
 13 learned that. That was just something I
 14 picked up. I would assume it was when
 15 discussing the site with some of our
 16 consultants to develop a better
 17 understanding of the science and
 18 engineering behind why and what we were
 19 doing.
 20 Q. So the other constituents you were
 21 looking for left by the way of
 22 groundwater?
 23 A. They didn't leave the site. They were

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1 Plus we measured the level of the
 2 groundwater in the vicinity of these
 3 wells. Based on that level we can
 4 determine the direction the groundwater
 5 is flowing to help ensure we are
 6 capturing what we want to capture.
 7 Q. How many wells have y'all got out there?
 8 A. I don't know the specific number. It's
 9 probably on the order of -- around fifty
 10 wells total.
 11 Q. Fifty; or maybe it's a hundred?
 12 A. No. I don't think we are even close to
 13 a hundred, Mr. Stewart. It's definitely
 14 closer to fifty.
 15 Q. Are you sure?
 16 A. Yeah. They serve a variety of different
 17 purposes.
 18 I'm talking about wells in a very
 19 broad term. Some wells collect water;
 20 some wells are just there to monitor
 21 levels of groundwater.
 22 Q. And when you say there, you are talking
 23 about the whole plant site. But it's

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1 your understanding y'all only have about
2 fifty wells?

3 A. That's correct. That's on the plant
4 site itself and on adjacent properties
5 we own.

6 For example, the landfills,
7 properties we have purchased east of the
8 plant and north of the plant.

9 Q. So if someone told me y'all had maybe a
10 hundred, that's not correct?

11 A. I don't know the exact number. My
12 estimate is it's closer to fifty.

13 Q. How many -- Well, I don't want to leave
14 that deal.

15 You were telling me -- And I want
16 you to educate me. I didn't ask the
17 question to be smart-alecky. I just
18 want you to tell me how you know that
19 y'all are collecting everything.

20 A. Because of the way we have this
21 collection system set up.

22 There are wells around the
23 perimeter of the facility that actually

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1 Q. Well, wouldn't you have to know a little
2 bit about that to know where to put your
3 wells?

4 A. Yes, you would.

5 Q. Y'all have done that work to determine
6 where to put them; or had somebody do
7 that?

8 A. Yes. That's correct.

9 Q. Now, is this a reasonable number of
10 wells -- this fifty -- to have around a
11 site this size?

12 A. I believe so, yes.

13 Q. Do you have any other site where you
14 have that many wells around it that
15 you've worked on?

16 A. Our Queeny facility, for example, where
17 I was involved in the RCRA facility
18 investigation. We probably had roughly
19 the same number of wells around the
20 perimeter of that facility.

21 Q. Wouldn't you admit you have a pretty
22 significant problem at Queeny that y'all
23 had to remediate?

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1 collect the groundwater. They collect
2 it and pump it to a treatment system.

3 Then we have wells which I would
4 describe as downgrading. In other
5 words, the groundwater is flowing
6 through the plant site. It reaches the
7 series of collection wells that actually
8 capture the groundwater and send it to a
9 waste treatment facility to be treated.

10 And then we have wells that are
11 farther downstream of that that check
12 the groundwater to ensure that nothing
13 is getting past those collection wells.

14 Q. So it's coming up clean?

15 A. That's correct.

16 Q. Well, maybe I missed it. And I may come
17 back to it later.

18 But do you know anything about the
19 hydrology of this property around the
20 plant site?

21 A. I know something about the hydrology
22 around the plant site. I wouldn't
23 consider myself an expert.

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1 A. I don't believe it's a significant
2 problem, no.

3 Q. Fifty wells is not out of the ordinary?
4 That's what I'm asking, just for
5 curiosity sake.

6 A. The Queeny plant site was roughly the
7 same size geographically as the Anniston
8 plant site.

9 When you are installing monitoring
10 wells, you don't want the spacing to be
11 too wide, because then you are not
12 necessarily developing a good
13 understanding of what may be leaving the
14 plant site.

15 Based on the size of the site and
16 the length of the fence line, I believe
17 it's a similar number of wells.

18 Q. How big is your deepest well there?

19 A. In Anniston?

20 Q. Yeah.

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

22 I'd have to look at the report to
23 be sure, Mr. Stewart. But I believe the

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1 deepest well we have is on the -- the
 2 deepest monitoring well we have is on
 3 the order of forty feet, fifty feet.
 4 I'd have to look at the report to be
 5 sure on that particular issue.
 6 Q. What if something is leaving the
 7 reservation under that well? You just
 8 wouldn't pick it up, would you?
 9 A. Given the geology of the area, it's
 10 pretty solid bedrock under the facility.
 11 So we don't believe there is any
 12 vertical migration down into the bedrock
 13 where we can see migration of
 14 groundwater through the bedrock.
 15 Q. What's the nature of the bedrock? I
 16 don't know anything about it. What's
 17 the nature of it?
 18 A. Our understanding, based on the studies
 19 that have been done on the geology
 20 around the plant site, it's a fairly
 21 solid bedrock.
 22 Q. When you get down to forty to fifty
 23 feet, you are at bedrock?

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1 in the groundwater?
 2 You said you weren't worried about
 3 PCBs in the groundwater. What
 4 constituents were you worried about?
 5 A. Well, I wouldn't say we are not worried
 6 about PCBs in the groundwater. We
 7 monitor for PCBs in the groundwater.
 8 Q. You actually found them in there, didn't
 9 you?
 10 A. We found ground -- We detected PCBs in
 11 samples we have taken from the
 12 monitoring wells.
 13 However, there is data that
 14 suggests that those PCBs are more
 15 associated with solids that are in there
 16 and are not actually in soluble form in
 17 the groundwater.
 18 Q. I want you to explain that to me. When
 19 did you find those last?
 20 A. We detect in one or two of the wells
 21 that we sample on a semiannual basis --
 22 we will regularly detect PCBs in
 23 unfiltered samples of the groundwater in

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1 A. Yes.
 2 Q. Would it be fair to say,
 3 Mr. Branchfield, that if something
 4 slipped through the groundwater that it
 5 might make its way into Snow Creek and
 6 Choccolocco Creek at some point down
 7 through there?
 8 A. I don't believe that's possible through
 9 groundwater, Mr. Stewart. Anything
 10 that's making its way to Snow Creek or
 11 Choccolocco Creek would be through
 12 surface water.
 13 Q. How is it that you arrived at that
 14 conclusion?
 15 A. Well, the fact that Snow Creek itself is
 16 approximately a mile from the facility.
 17 And we have monitoring wells that are
 18 between -- that are between the plant
 19 site and Snow Creek where we collect
 20 data. And we are not finding any
 21 indication that anything is migrating
 22 through groundwater in that direction.
 23 Q. What constituents were you worried about

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1 one or two of the wells around the
 2 facility.
 3 Q. And once you filter it, you don't find
 4 them?
 5 A. In most cases we don't find them after
 6 we filter the PCBs out.
 7 Q. Let's see. Now, maybe I'm missing
 8 something.
 9 Once you filter the PCBs out you
 10 test it and you don't find it?
 11 A. That's correct.
 12 What we do is we will take the
 13 groundwater sample, Mr. Stewart, and
 14 then pump it through a filter.
 15 And if the PCBs are in a soluble
 16 form -- in other words, they are in the
 17 water and not attached to a solid
 18 particle -- they shouldn't get filter
 19 out.
 20 If they are attached to a sediment
 21 particle, which would suggest that
 22 sediments -- Well, what's the easiest
 23 way to describe it?

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1 You don't expect sediments to
2 migrate through dirt. You expect
3 soluble forms of contaminants that are
4 in the water itself to migrate with the
5 water.

6 So when we filter the sample and
7 we find that -- we find that the data
8 suggests that the PCBs are attached to
9 the sediment particle, then that
10 suggests they wouldn't be migrating with
11 groundwater because they are not in a
12 soluble form.

13 Q. So you are telling me you are not
14 finding it in the water once the
15 filtering is done?

16 A. Well, we find -- There are occasions --
17 I would -- If I was to quantify it, I
18 would say maybe five to ten percent of
19 the time when we filter a sample that we
20 still detect PCBs after filtering it.

21 Q. What amount of water are you testing in
22 something like that?

23 I don't know anything about it.

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1 Q. So once you filter the stuff out you are
2 left with, say, a gallon or maybe less,
3 and you test that to see if PCBs --

4 A. That actually get sent to the
5 laboratory, that's correct.

6 Q. Who designed that testing technique?

7 A. This testing is all done in accordance
8 with EPA guidance.

9 Q. And they approve y'all taking just a
10 gallon out to see if it's going through
11 the groundwater?

12 A. Yes. These methods are all plans that
13 have been approved by --

14 The groundwater monitoring
15 program, just to clarify this,
16 Mr. Stewart, is actually overseen by the
17 State of Alabama, by the Alabama
18 Department of Environmental Management.
19 And the EPA doesn't have direct
20 oversight over the groundwater program.

21 Q. Who suggested this groundwater testing
22 program?

23 A. This is a program that's been a part of

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1 But you tell me what you are doing so
2 that I do know.

3 A. Well, with a typical groundwater sample,
4 what we would do is we would first purge
5 the well to -- in an attempt to get a
6 representative sample so we are not
7 detecting something that's just built up
8 there over time. We would purge a
9 certain amount of volume out of the
10 well, allow groundwater to flow into it.
11 We would then pump up a certain amount.

12 It all depends on what we are
13 analyzing as to how much water would
14 actually be in the sample itself.

15 But to give you an order of
16 magnitude, during a complete sampling
17 event from one well, it might be a
18 gallon or two gallons of water.

19 Q. Just a gallon?

20 A. That's how much is required for the
21 laboratory to conduct their analysis;
22 not just of PCBs but the other
23 constituents that we analyze for also.

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1 and approved in our RCRA permit for the
2 facility.

3 Q. Who suggested it; y'all?

4 A. I'm not familiar with who actually made
5 the recommendation.

6 This groundwater program was put
7 in place ten, fifteen years ago. And I
8 wasn't -- I obviously wasn't associated
9 with the facility at that time.

10 Q. So the groundwater program and testing
11 procedures that you are now using
12 predated the determination that y'all
13 had a PCB problem at this site in '93?

14 MR. COX: Object to the form.

15 A. It predated 1993. I don't know that --

16 Q. You are following the same protocol, as
17 I understand it, Mr. Branchfield, that
18 was put in place ten or fifteen years
19 ago?

20 A. I'm sure there have been some minor
21 adjustments to the program in those ten
22 to fifteen years. But I couldn't
23 specifically tell you what they were.

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Obviously, as time has passed, we have learned more and developed a better understanding of the groundwater issues at the facility, and we have made adjustments to better understand and better manage that particular issue.

Q. Would it be fair to say, Mr. Branchfield, that you are more likely to find -- Well, strike that.

Who at ADEM do you deal with about this groundwater testing program?

A. That's changed quite a bit in the last year.

But right now my primary point of contact is a gentleman named Jeff Anderson.

Q. Jeff Anderson?

A. Yes.

Q. Who did you first deal with?

A. My first point of contact, when I began working at the Anniston facility, was Jim Grossiano.

Q. Where is Jim now?

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A. I believe he has taken another position within ADEM. I'm not familiar with what that position is.

Q. Was he the first person you dealt with on this, and then he was replaced by Mr. Anderson or somebody else you worked on the project with before Grossiano?

A. No. Mr. Grossiano was my primary point of contact when I began working at the Anniston facility.

Q. What did you actually do with Mr. Grossiano and what did you do with Mr. Anderson about these tests that you performed? What basis -- How often would you do the groundwork?

A. Semiannually.

Q. Semiannually?

A. Twice a year, yes.

Q. I assume those are the same people that you talked to about the dye test?

A. I'm not aware of any dye testing that we have done at the facility.

Q. You haven't done any dye tests?

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A. Not that I'm aware of. If it was done, it was done before I became associated with the facility.

Q. Have y'all ever tested any water in Snow Creek or tributaries that lead to Snow Creek?

A. Yes.

Q. You did that test. Is it what's called an aqueous phase test or something like that? Are you familiar with that term?

A. No. I'm not familiar with that term.

Q. When you test the water, how much do you get out of Snow Creek, a gallon, when y'all do those tests, a teacup, gallon?

A. Whatever is required for the laboratory to run their analyses, which --

Q. What do they say is required?

A. I don't know the specific quantity. But it's on the order of -- it's less than a gallon.

Q. Less than a gallon?

A. Yes.

Q. And you are looking for PCBs?

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A. Yes.

Q. You are actually looking for soluble -- PCBs that are a part -- just for the guy who isn't a chemist -- not attached to -- not attached to a particle. It's actually a part of the water.

A. Well, it's important to draw a distinction between what we look for in groundwater and what we look for in surface water.

In surface water we look for both forms, soluble and non-soluble forms of PCBs; just as we do in groundwater.

But how you interpret that data in surface water would be different than how you would interpret it in groundwater.

Q. I thought we were talking about water out of Snow Creek.

Are you talking about surface water that comes off the plant site?

A. That's what I'm -- Water that reaches Snow Creek would be surface water that

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1 comes -- or potentially came from the
2 plant site.
3 Q. Such that if PCBs are in Snow Creek, it
4 came from y'all?
5 A. I don't believe that's necessarily true
6 in all cases. But there is a potential
7 for that, certainly.
8 Q. A potential for it?
9 A. Yeah.
10 Q. What cases would that not be true?
11 A. Well, we have done a number of -- We
12 have taken a number of samples really
13 all over in Anniston and Oxford where we
14 have seen indications of PCBs and their
15 association with different foundry sands
16 and things of that nature.
17 Q. Foundry sands?
18 A. Yes. That's the term we use to call it,
19 at any rate.
20 Q. How is it that you determine -- where
21 you take a particle that's filtered out
22 of this water sample -- Is there
23 somebody in your operation or in your

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1 samples you can't do it. What about the
2 PCBs found in fish? Can you tell
3 whether they came from the foundry or
4 not?
5 A. No.
6 Q. And as you sit here today, what hard
7 evidence do you have that PCBs were used
8 in any manufacturing process at
9 foundries?
10 A. The only evidence I have is that we have
11 conducted sampling at several locations
12 in the Anniston and Oxford area where we
13 have found PCBs in materials that aren't
14 representative of floodplain deposits.
15 They are more representative of a fill
16 material. It's a black, sandy, gritty
17 material; not a sediment deposit like
18 you would expect to find in a
19 floodplain.
20 Q. So am I to understand that your evidence
21 as you sit here today -- and that would
22 be Solutia's evidence -- for the fact
23 that the PCBs you found in sediment off

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1 analysis processes that can say that's
2 foundry sand?
3 A. When we are doing water samples, no, we
4 can't differentiate between foundry sand
5 or any other particular source of PCBs.
6 All we know is there is a PCB in the
7 water itself.
8 When we get into soil samples,
9 that's when we draw a distinction
10 typically.
11 Q. Does that have to do with the sediment
12 sample that y'all make in the creek? Is
13 that how y'all make those kind of
14 distinctions about the sediment in the
15 creek, that it is a foundry sand?
16 A. For the sediment samples in the creek, I
17 don't believe it's too easy to make a
18 distinction between foundry sand and
19 other potential sources. It's primarily
20 in the soils outside the banks of the
21 creek.
22 Q. So you are telling me in these water
23 samples you can't do it; in the sediment

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1 your plant site came from foundries as a
2 black, gritty material?
3 MR. COX: Object to the form.
4 A. I'm not sure if I really understand your
5 question, Mr. Stewart.
6 Allow me to clarify where my
7 misunderstanding is.
8 You are talking about sediments or
9 soils?
10 Q. I'm talking about sediments. I thought
11 you said you couldn't tell in sediments
12 and you couldn't tell in water samples
13 out of the creek and you couldn't tell
14 it in fish; it was soil samples that you
15 took elsewhere where you had arrived at
16 the conclusion that it came from the
17 foundry, the PCBs.
18 A. In the fish, there is no way that I'm
19 aware of that we can draw a distinction
20 between where the PCBs came from other
21 than the location of where the fish were
22 at.
23 For example, if it was four miles

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1 upstream of Snow Creek, that would not
 2 suggest that it came from Solutia, for
 3 example.
 4 Q. How is that?
 5 A. Because water doesn't flow upstream.
 6 The PCBs move with the surface water.
 7 Q. PCBs move otherwise, don't they?
 8 A. There is two primary means that a PCB
 9 can move. Either the move is attached
 10 to a dirt particle and it gets
 11 transported by the surface water or
 12 somebody picks it up and moves it
 13 physically.
 14 Q. It could be moved by air, couldn't it?
 15 A. There is that potential, yes. If it's
 16 attached to a dirt particle and the wind
 17 blows it off the soil, it could be moved
 18 by air, yes.
 19 Q. And also it volatilizes, doesn't it?
 20 A. It's a semi-volatile compound.
 21 Volatilization of PCBs is
 22 extremely low. It's not something you
 23 would typically expect to see in any

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1 A. As far as who makes that determination
 2 -- I don't want to call it a hard and
 3 fast conclusion, Mr. Stewart. But it's
 4 based on the knowledge of the various
 5 consultants and people we have working
 6 on this project.
 7 The information that I'm given and
 8 their conclusions are that the material
 9 is not associated with the floodplain
 10 deposits, that it's more associated with
 11 foundry sands.
 12 Q. Who is the consultant that tells you
 13 that?
 14 A. I get -- To be honest, most of that
 15 feedback and most of that information
 16 comes from Dr. Kaley, who has given me a
 17 little bit of information about that; as
 18 well as an organization called Genesis
 19 Project, who does a lot of field
 20 sampling and is familiar with the
 21 different types of soils that they
 22 sample.
 23 Q. Mike Price?

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1 significant quantity.
 2 Q. Haven't y'all found that in your air
 3 monitoring process that there are high
 4 levels of PCBs in the air at the plant
 5 site?
 6 MR. COX: Object to the form.
 7 A. We conducted air monitoring around the
 8 plant site and have detected PCBs. We
 9 haven't differentiated as to whether
 10 they are in a dust form, a solid form,
 11 or a vapor phase form.
 12 Q. Let's go back to this evidence that you
 13 all have. And I want to be sure about
 14 this.
 15 You are telling me so far, as I
 16 understand it, in these soil samples
 17 that you have got that you find a black,
 18 sandy, gritty material?
 19 A. That's correct.
 20 Q. Is that correct?
 21 A. In sample cases.
 22 Q. Who made the determination that that
 23 came from the foundry?

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1 A. Yeah. Mike Price is the principal at
 2 Genesis Project that we work with.
 3 Q. Is he the one that has told you, or told
 4 Mr. Kaley and Mr. Kaley in turn told
 5 you, that the foundry sand is this
 6 black, sandy, gritty material that's
 7 found?
 8 A. That it appears to be consistent with
 9 what we have described as foundry sands,
 10 yes.
 11 Q. What scientific basis, if you understand
 12 it, does Mr. Price have for making that
 13 particular determination in telling you
 14 that?
 15 A. It's based on the fact that it's --
 16 excuse me -- we know for a fact that
 17 it's not representative of what you
 18 would find to be associated with a
 19 floodplain deposit. It's not a
 20 sedimentary deposit.
 21 There is indications in the
 22 material that it's -- not only is it
 23 just the black, sandy type of stuff; but

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1 there is evidence of other garbage in
2 it.
3 Q. What?
4 A. We'll find plastics. We find glass. We
5 find concrete bunkers, for example. We
6 find just a wide variety of stuff to
7 suggest that it clearly shows that it's
8 not from a floodplain deposit.
9 You don't expect concrete bunkers
10 to deposit due to flooding, for example,
11 or glass or any things of that nature
12 you found in the soils, big sheets of
13 plastic.
14 Q. That comes from the foundry?
15 A. It comes from a source certainly not
16 associated with the floodplain
17 deposition.
18 Q. You are saying that PCBs attach to the
19 material -- in which those sheets of
20 plastic mean it comes from a foundry --
21 I'm just trying to understand what your
22 position is.
23 A. All I'm saying is that is evidence that

REGIONAL REPORTING SERVICE, INC.

1 A. It's the only explanation we can come up
2 with.
3 Q. Is that the only one y'all can come up
4 with?
5 Is there a possibility that
6 foundry sand might have been deposited
7 in Snow Creek and Choccolocco Creek as a
8 result of flooding at those facilities?
9 A. I think if we are seeing foundry sand in
10 -- What's the best way to put this?
11 If we were seeing foundry sand
12 consistently for the whole length of the
13 creek and the whole length of the -- of
14 Choccolocco Creek and we are finding it
15 consistently in the bottom sediment
16 deposits of the creek, then you could
17 say the foundry sands were transported
18 via flooding.
19 But the fact that we find it and
20 it is very spotty, that it occurs in --
21 When I say spotty, I mean we find it in
22 a specific geographic area.
23 For example, we saw indications of

REGIONAL REPORTING SERVICE, INC.

1 supports a conclusion that it's not
2 associated with floodplain deposits.
3 Did it come from the same source?
4 Your guess is as good as mine.
5 But there is indications that
6 based on evidence that it's -- The stuff
7 we see in the soils, that we can
8 visually see in the soils -- Once again,
9 it is not indicative of a floodplain
10 deposit, a sedimentation process. It's
11 indicative of somebody picking it up
12 from a location outside the floodplain
13 and moving it to the floodplain.
14 Q. Is it your position here -- and
15 Solutia's and Monsanto's position --
16 there is never any foundry sand that has
17 left those facilities other than
18 somebody picking it up and taking it
19 somewhere?
20 A. The indications of what we see in the
21 field would suggest that's what's
22 occurred, yes.
23 Q. How do you know that?

REGIONAL REPORTING SERVICE, INC.

1 it at Quintard Mall when we were doing
2 work there. We saw indications of it at
3 Highway 21.
4 But in areas adjacent to those
5 properties, we did not see indications
6 of foundry sand.
7 So that clearly suggests if it was
8 due to flooding you would expect to see
9 some sort of grading or even
10 distribution of it. And we are not
11 seeing that.
12 Q. Mr. Branchfield, have you ever been down
13 a creek on a bright summer day, when you
14 are just walking like a little ol' kid,
15 like Snow Creek or something like that,
16 and see a sandbar sort of appear and
17 water pool up around it; and the bottom
18 of the creek would just be old muddy
19 stuff, and then all the sudden you see a
20 bunch of sand there? Have you ever done
21 that?
22 A. Sure, yes.
23 Q. Wouldn't it be logical to assume that if

REGIONAL REPORTING SERVICE, INC.

1 you see that kind of stuff in Snow Creek
2 and Choccolocco Creek that that might
3 have been deposited there by some kind
4 of flooding deal?

5 Are you saying to me and
6 Mr. Cunningham here, as we are sitting
7 here representing these plaintiffs, that
8 that sand might have made its way to
9 Quintard Mall from the foundry as a
10 result of somebody picking it up and
11 moving it there?

12 A. Yes. That's what I'm saying. And I
13 don't believe that that's an
14 unreasonable idea, simply because when
15 people want to build something close to
16 a creek it's not unusual for one to want
17 to raise the elevation to get it out of
18 the floodplain or minimize the
19 possibility of it flooding.

20 Q. So you are saying that the soil that's
21 down there at the Quintard Mall that had
22 the PCBs in it came from the foundry?

23 A. I'm saying there are indications that

REGIONAL REPORTING SERVICE, INC.

1 manufacturing process?

2 A. I'm not aware of any specific evidence;
3 other than I know that PCBs were used in
4 the types of fluids that would -- excuse
5 me -- were used in types of fluids that
6 foundries might use, hydraulic fluids,
7 heat transfer fluids, things of that
8 nature.

9 Q. Well, what specific spills from
10 hydraulic equipment or transformers that
11 you have any evidence of that occurred
12 at foundries that resulted in the PCBs
13 being deposited in and around, let's
14 say, Quintard Mall?

15 A. Myself personally, I have no specific
16 evidence; other than what we observed in
17 the field of Quintard Mall.

18 Q. What evidence, other than what you
19 already told us, does Monsanto have of
20 that; or Solutia?

21 A. None that I'm aware of.

22 Q. So the fact of the matter is that there
23 is no hard evidence that you all have in

REGIONAL REPORTING SERVICE, INC.

1 some of the soils were not a result of
2 floodplain deposits, yes.

3 Q. Which one?

4 A. Which one?

5 Q. Foundry.

6 A. I don't know specifically which foundry.

7 Q. Why is it that you don't know which
8 foundry, Mr. Branchfield?

9 A. Well, there is no -- I guess the easiest
10 way to answer that question,

11 Mr. Stewart, is there is no signature
12 that I'm aware of that you can use to
13 isolate a particular foundry that it may
14 have come from.

15 They are on the order of -- I
16 don't know the specific number. My
17 understanding is there were quite a
18 number of foundries in the Anniston area
19 until the 1970s. On the order of twenty
20 maybe. I may be off on that number
21 slightly.

22 Q. What evidence do you have that any of
23 those twenty foundries use PCBs in their

REGIONAL REPORTING SERVICE, INC.

1 your possession that would indicate
2 which foundry this stuff came from; if
3 it in fact did come from a foundry?

4 MR. COX: Object to the form.

5 A. We have -- the evidence we used to draw
6 that conclusion, Mr. Stewart, is the
7 nature of what we are finding in the
8 floodplains, the physical
9 characteristics of the soil.

10 And I don't know much about this.
11 So I don't claim to be an expert on it.

12 But my understanding is we had
13 some documentation or evidence that the
14 soil -- that the -- that the foundry
15 sands we found in the vicinity of the
16 Highway 21 bridge, where it crosses from
17 Choccolocco Creek -- I believe there was
18 some documentation or some literature
19 that we came upon that identified the
20 foundry that it may have come from.

21 But I'm not -- Me personally, I
22 have not seen that documentation; other
23 than having heard about it from

REGIONAL REPORTING SERVICE, INC.

1 colleagues that I'm working with.
 2 Q. Who?
 3 A. Buddy Cox, for one, and Dr. Kaley.
 4 Q. Buddy Cox told you that y'all had
 5 documents that indicated that the
 6 foundry -- that was the source of the
 7 PCBs at Highway 21?
 8 A. I can't recall exactly what Buddy told
 9 me.
 10 MR. COX: Well, don't tell him
 11 what I told you. You are
 12 getting -- you are going too
 13 far afield on what I told
 14 you. You can tell him what
 15 Dr. Kaley told you.
 16 Q. (By Mr. Stewart) What did Bob Kaley
 17 tell you about the evidence y'all had
 18 that would tie that to Highway 21?
 19 A. I can't recall specifically any direct
 20 evidence or any specific --
 21 Q. Written documents?
 22 A. I don't recall any specific written
 23 documents that he would have told me

REGIONAL REPORTING SERVICE, INC.

1 certainly determining the
 2 characteristics of the soil is not a
 3 process that is just made up in the
 4 field. There is a science behind
 5 understanding the characteristics of
 6 soil; whether it's a sediment deposit;
 7 whether it's a clay; whether it's a
 8 silt; whether it's a sand.
 9 There is a science to that
 10 process; looking at the soil and
 11 determining its potential source.
 12 So to the extent you ask for
 13 scientific evidence, looking at the
 14 physical characteristics of the material
 15 is a scientific test.
 16 Q. Okay. Can you tell me what steps
 17 Mr. Price went through to make those
 18 determinations so I understand them
 19 clearly?
 20 A. I wouldn't know specifically; other than
 21 visual observation of the material. I
 22 don't know --
 23 Q. Eyeballing it?

REGIONAL REPORTING SERVICE, INC.

1 about.
 2 Q. I asked you earlier, and I don't think I
 3 got an answer to it.
 4 I asked you about scientific tests
 5 that y'all had performed through Mike
 6 Price or Genesis Project or anybody
 7 else.
 8 Is there any scientific test that
 9 y'all performed on this particular soil
 10 sample or sediment sample that you took
 11 from around the mall -- It was a
 12 sediment sample, wasn't it, or was it a
 13 soil sample?
 14 A. Well, it was soil samples. And the fact
 15 that they were outside the banks of the
 16 creek.
 17 Q. Outside the banks of the creek?
 18 A. That's correct.
 19 Q. You took a soil sample.
 20 Any test that was performed on
 21 there that says, "This comes from a
 22 foundry?"
 23 A. When you ask for a scientific test,

REGIONAL REPORTING SERVICE, INC.

1 A. If that's how you determine the
 2 characteristics of the soil, is by
 3 visually looking at it.
 4 Q. And you compare it to what? You have to
 5 compare it to something, don't you?
 6 A. Well, you compare it -- as someone who
 7 is certainly with Mr. Price's experience
 8 in taking soil samples -- He has
 9 knowledge of the different types of
 10 soils and materials just from the
 11 process of testing them.
 12 You can differentiate between a
 13 sedimentation deposit, between a clay,
 14 between a sandy material.
 15 Q. Tell me what you mean by a sedimentation
 16 deposit.
 17 A. Sediments are typically very
 18 fine-grained in nature; whereas, sands
 19 are very course in nature. You can make
 20 differentiations along those lines.
 21 Q. You are saying if you find it in soil
 22 samples of course, grainy materials,
 23 that is foundry samples?

REGIONAL REPORTING SERVICE, INC.

1 A. That is an indication. If you find a
2 course, sandy material, it's an
3 indication of foundry sand.
4 Q. And let me ask you --
5 MR. COX: Can we take five? I had
6 too much coffee this morning.
7 I'm sorry.
8 I was trying to wait
9 until you finished a line of
10 questioning; but you keep
11 going and going and going.
12 MR. STEWART: I'm not going to be
13 too long. You can just
14 leave, and I will ask the
15 questions.
16 MR. COX: I have got to earn that
17 fee you keep talking about.
18 MR. STEWART: I want to ask him
19 what you told him that got
20 Mr. Kaley -- And I just
21 wanted to know if you were
22 like ol' Bob and a true
23 believer and would be telling

REGIONAL REPORTING SERVICE, INC.

1 of evidence -- that black, sandy type of
2 material -- evidence of trash in the
3 soil itself.
4 We were also told by a gentleman
5 who is now the city engineer for
6 Anniston. At the time the parks were
7 built he was associated in some way with
8 the City of Oxford and the construction
9 of parks. He told us that the foundry
10 had previously placed material at the
11 park.
12 Q. Who is that fellow?
13 A. His name is Dale Garrett.
14 Q. Good Ol' Dale?
15 A. Good Ol' Dale.
16 Q. Which foundry did he say that came from?
17 A. I don't recall.
18 Q. Well, now, do you know whether or not at
19 some point in time PCBs were visible to
20 the naked eye in Snow Creek?
21 A. I'm not aware of any time when they were
22 visible to the naked eye. Certainly not
23 since I have been associated with the

REGIONAL REPORTING SERVICE, INC.

1 poor ol' Mr. Branchfield
2 that.
3 We can take a break.
4 (A break was taken.)
5 Q. (By Mr. Stewart) You were telling me
6 about the evidence you had. Is that all
7 y'all have got that you know of?
8 A. As it relates to foundry sand or Highway
9 21?
10 Q. Foundry sand or Highway 21. Have I got
11 everything y'all have got by way of
12 information that it is coming from the
13 foundry?
14 A. The only other piece of information I
15 could provide to you, Mr. Stewart, is we
16 saw indications of fill material during
17 the work we did down at Oxford Park. I
18 mentioned to you the concrete bunker.
19 That's where we found the concrete
20 bunker.
21 Q. That's the ball field?
22 A. That's correct, yes.
23 Once again, we saw similar types

REGIONAL REPORTING SERVICE, INC.

1 project.
2 Q. Oh, I don't mean since you have been
3 associated with the project. I mean
4 during that fifty-year period of time.
5 Has anybody ever told you that
6 PCBs were visible to the naked eye?
7 A. No.
8 Q. If in fact you knew that PCBs were
9 visible to the naked eye as you just
10 stood there and watched it go down the
11 creek, would that give you some cause in
12 what you have already said about finding
13 PCBs in this material down there?
14 MR. COX: Object to the form.
15 A. No.
16 Q. Was the stuff on the ball field in a
17 floodplain?
18 A. Yes, it was in a floodplain.
19 Q. Is it possible that PCBs came out of the
20 creek and out of the sediment and
21 deposited along there?
22 A. That is possible, yes.
23 Q. And it also could have been deposited in

REGIONAL REPORTING SERVICE, INC.

1 that same fashion as this gritty
2 material that you found on the ball
3 field, couldn't it?
4 A. It's possible, certainly, yes.
5 Q. Now, what about PCBs in the air? You
6 mentioned that earlier.
7 Is it not a fact that some of the
8 foundries are located within the -- the
9 way the air flows off that plant site?
10 A. I'm not familiar with all of the
11 foundries were located -- I'm sorry --
12 where all the foundries were located.
13 Q. If they were, couldn't some of the PCBs
14 that you're talking about that you found
15 in the foundry sand have been deposited
16 on those foundry sites similar to what
17 it is otherwise?
18 A. I don't believe we could see that in the
19 concentrations we found, no.
20 Q. What were the concentrations that you
21 found?
22 A. We found concentrations in hundreds of
23 parts per million in some of these

REGIONAL REPORTING SERVICE, INC.

1 concern that was covered under our RCRA
2 permit, we felt it was a responsibility
3 to work with the mall to continue with
4 their construction.
5 Q. Was that sort of a good corporate
6 citizen mode?
7 A. I think you could define it as a good
8 corporate citizen. We try to meet our
9 responsibilities for dealing with the
10 potential for PCB releases from that
11 facility, yes.
12 Q. What about the ballpark?
13 A. I think you can place it in that same
14 category, Mr. Stewart.
15 Where we find PCBs and where we
16 think some corrective measures are
17 necessary, we try to work with the
18 regulatory agencies and the community
19 and address those.
20 Q. Where you feel some responsibility?
21 A. Yes. Where we feel there is a
22 responsibility.
23 Q. For the PCBs being there?

REGIONAL REPORTING SERVICE, INC.

1 foundry sands.
2 Q. Where?
3 A. Quintard Mall is one example. Oxford
4 Park is another example.
5 Q. You mean you found PCBs at a hundred
6 parts per million?
7 A. In some areas of the park and Quintard
8 Mall and at Highway 21, yes.
9 Q. Well, now, I may be mistaken. I'm going
10 to ask you more about this later.
11 But is it not a fact that Monsanto
12 removed the soil from the Quintard Mall?
13 A. Some of the soils were removed from the
14 Quintard Mall, yes.
15 Q. Which foundry was involved with y'all in
16 doing that?
17 A. There were no foundries involved.
18 Q. Why?
19 A. We determined that it was the
20 responsible thing to do, was to work
21 with the mall and not stand in the way
22 of that development. And given that
23 these PCBs were found in an area of

REGIONAL REPORTING SERVICE, INC.

1 A. For managing the PCBs that are there.
2 We don't believe necessarily that all
3 the PCBs there are the result of our
4 operations, no.
5 Q. How much did y'all spend down there at
6 the mall?
7 A. At the mall to date, we have probably
8 spent on the order of a million dollars.
9 Q. Already? What do you have projected to
10 spend down there?
11 A. I think we are pretty much done with the
12 mall. There may be another fifty or
13 seventy-five thousand dollars in writing
14 final reports and things of that nature.
15 But the bulk of the money has been spent
16 down at the mall.
17 Q. How much of that stuff did you put in
18 Emelle?
19 A. I don't know the specific quantity,
20 Mr. Stewart. That was done before I was
21 associated with the project.
22 Q. How much of the million was spent taking
23 the stuff to Emelle?

REGIONAL REPORTING SERVICE, INC.

1 A. I don't know specifically how much.
 2 Q. How much was taken out of there?
 3 A. Taken out of the mall site?
 4 Q. Right.
 5 A. It would have been the same quantity
 6 that was sent to Emelle.
 7 Q. All of it was sent to Emelle?
 8 A. Any material that was removed from the
 9 mall site was sent to Emelle; with the
 10 exception of a small quantity of
 11 material which one of the mall's
 12 contractors removed from the site prior
 13 to our involvement.
 14 Q. And put on properties down there in
 15 Oxford?
 16 A. Some properties in Oxford. And I
 17 believe there were some in Anniston
 18 also.
 19 Q. Y'all removed those, didn't you?
 20 A. Yes.
 21 Q. How many properties did y'all remove
 22 that soil from that the contractor had
 23 moved?

REGIONAL REPORTING SERVICE, INC.

1 Q. What did you do with that soil?
 2 A. We sent that to a disposal facility up
 3 near Piedmont.
 4 Q. What's the name of that facility?
 5 A. It's called -- I believe the name of it
 6 is Three Corners Landfill. I don't know
 7 the exact name of it. I think it's
 8 Three Corners something.
 9 Q. Who regulates that?
 10 A. Who regulates it; as in which
 11 governmental entity oversees the
 12 operation?
 13 Q. Yeah.
 14 A. I don't know. I would assume the State
 15 of Alabama.
 16 Q. It's not like a municipal entity, is it?
 17 It's regulated. It's certified to take
 18 that kind of --
 19 A. That's correct. It's a Subtitle D
 20 facility, which is qualified to receive
 21 this type of material.
 22 Q. Do you know what the tipping fee is?
 23 A. I don't know the fees off the top of my

REGIONAL REPORTING SERVICE, INC.

1 A. There were approximately ten properties.
 2 Q. What was that cost?
 3 A. The cost for that work was -- has been
 4 on the order of a hundred and fifty to
 5 two hundred thousand dollars.
 6 Q. Roughly twenty thousand, fifteen to
 7 twenty thousand dollars per property?
 8 A. If you were to average it like that
 9 that.
 10 The costs were used for a variety
 11 of things. There was initial
 12 investigation. We had to place
 13 advertisements in the paper. We had to,
 14 of course, do sampling on additional
 15 properties.
 16 We sampled approximately twenty to
 17 twenty-five properties and only found
 18 PCBs on around ten of them.
 19 Q. What were the levels that you would
 20 find?
 21 A. Typically less than ten parts per
 22 million. More often on the order of two
 23 to three parts per million.

REGIONAL REPORTING SERVICE, INC.

1 head, no.
 2 Q. How did y'all transport it up there?
 3 A. Via truck. We put the material in
 4 roll-off containers and rolled them onto
 5 a truck and had them transported.
 6 Q. Do you remember, as you sit here today,
 7 on those properties, that you took all
 8 the soil that was contaminated off those
 9 properties to this site in Piedmont,
 10 this landfill? You did, didn't you?
 11 A. I can't say it all went to this specific
 12 landfill. There is another landfill.
 13 Q. In Atlanta?
 14 A. It was in the Georgia area. I can't
 15 recall the name of it.
 16 Q. Live Oak?
 17 A. I believe that's it, yes. Some material
 18 may have gone to that landfill in the
 19 early stages of the project.
 20 Q. So you took some to Atlanta.
 21 But for all intents and purposes,
 22 that soil that was contaminated on these
 23 properties in Oxford you took to one of

REGIONAL REPORTING SERVICE, INC.

1 these regulated landfills?

2 A. Yes.

3 Q. Who hauled it for you?

4 A. I don't know the name of the specific

5 hauler. We use several different

6 companies to haul the material.

7 One of my employees really

8 oversees that particular part of the

9 project.

10 Q. Who?

11 A. His name is Jerry Hopper.

12 Q. Mr. Hopper?

13 A. Yes.

14 Q. Does Bruce Espey work for you, by the

15 way?

16 A. Not directly for me, no.

17 Q. Who does he work for?

18 A. He works for Dr. Kaley.

19 Q. What kind of doctor is he? Is he a

20 Ph.D. or a medical doctor?

21 A. He has a Ph.D. in chemistry.

22 Q. I just wondered.

23 Now, on the ball field, what kind

REGIONAL REPORTING SERVICE, INC.

1 levels you were finding on the creek

2 bank and the levels that you were

3 finding in the creek?

4 MR. COX: At the ball fields?

5 MR. STEWART: At the ball field.

6 A. At the ball fields, we did find a level

7 that -- We had a sample in the sediments

8 within the banks of the creek that had a

9 result of approximately forty parts per

10 million.

11 Q. That's a heck of a lot of sediment;

12 isn't it?

13 A. In that vicinity it's probably about the

14 average value we find in sediments down

15 there where Snow Creek and Choccolocco

16 Creek intersect.

17 Q. Forty parts per million?

18 A. Yeah.

19 Q. Again, let me ask you. Isn't that a

20 pretty high sediment level?

21 MR. COX: Object to the form.

22 A. High is a relative term.

23 I don't consider it high. I

REGIONAL REPORTING SERVICE, INC.

1 of soil evidence did y'all find?

2 A. It varied with distance from the creek.

3 In the areas closest to Snow Creek, we

4 were finding levels -- It also varied

5 with the depth of the soil.

6 But in general, the areas closest

7 to the creek had higher levels of PCBs.

8 And the areas farthest from the creek --

9 Although as we moved farther from the

10 creek, it became more difficult to

11 identify what I would call a nice, even

12 gradient. Because we started getting

13 into some of the fill material as we

14 moved farther away from the creek, and

15 the concentrations became very spotty.

16 There was very -- a lot of discontinuity

17 in the sample results.

18 Q. That ball field is in sort of a flood

19 area. Doesn't it flood quite often?

20 A. Yes. It is in the floodplain. That's

21 why we initially began investigating it,

22 conducting an investigation.

23 Q. Tell me, if you would, what were the

REGIONAL REPORTING SERVICE, INC.

1 consider it moderate compared to what we

2 are finding in some areas.

3 Q. So in some areas it's higher?

4 A. Yes.

5 Q. Where?

6 A. Well, for example, along the -- excuse

7 me -- along the banks of the creek, in

8 the floodplain immediately adjacent to

9 Snow Creek. This is just one example.

10 But in the floodplain immediately

11 adjacent to Snow Creek we were finding

12 levels of PCBs between a hundred and two

13 hundred parts per million in some of the

14 deeper soils.

15 Q. How deep?

16 A. I believe we tested down to a depth of

17 six feet in the area between the

18 softball fields and the creek.

19 Q. Do you know if these are the first

20 sediment tests that have been performed

21 by Monsanto where those kind of findings

22 were made in Snow Creek?

23 A. With respect to the levels of PCBs?

REGIONAL REPORTING SERVICE, INC.

1 Q. Yes.

2 A. I'm aware that testing had been done in

3 the past. I don't know specifically

4 what was found or what levels were

5 found.

6 Q. On the order of this magnitude of number

7 of tests in the past?

8 Has Monsanto ever done the number

9 of tests it's now doing at Snow Creek in

10 the past?

11 A. As I said, I'm aware that some testing

12 had been done in the past. I'm not

13 aware of the size or scope of those

14 investigations.

15 Q. In this number?

16 A. Could you define number? Number of

17 samples?

18 Q. However many samples y'all have taken

19 today.

20 Have they done it before? I'm

21 just asking if to your knowledge has

22 Good Ol' Bob told you that they have

23 done it before?

REGIONAL REPORTING SERVICE, INC.

1 leave the facility. And that directs

2 our investigation what to look at.

3 We are interested in past

4 investigations to the extent that they

5 can help supplement our understanding of

6 those transport mechanisms. But things

7 that were addressed fifteen years ago --

8 you know, whatever remediation or

9 investigation was done, you know, it --

10 What's there today is what's there

11 today. And that's what I'm trying to

12 manage.

13 Q. Wouldn't that give you what you were

14 talking about a minute ago; some kind of

15 understanding of historically what had

16 gone on as far as the handling of the

17 PCBs; how they happen to be in the

18 creek?

19 A. If there is historical data that we can

20 use and that can help us better define

21 the transport mechanisms of PCBs, then

22 that information is useful, sure.

23 Q. Did Bob give you any idea about any

REGIONAL REPORTING SERVICE, INC.

1 A. As I said, I know that some

2 investigations had been done in Snow

3 Creek I believe in the 1980s. But I'm

4 not familiar with the size or nature of

5 those investigations.

6 Q. You were told that just occurred in the

7 1980s?

8 A. I believe that -- I believe that's when

9 some of those investigations occurred,

10 yes.

11 Q. That's the only time you were told that

12 they tested the sediment in Snow Creek?

13 A. As I said, I'm not familiar with the

14 size or nature or number of

15 investigations that were done back in

16 that time frame.

17 Q. Well, as a person who is involved in

18 remediation, would you not consider that

19 to be something historical in nature and

20 something you would want to know?

21 A. Historically what I'm interested in is

22 what was manufactured at the facility,

23 what are the methods by which it can

REGIONAL REPORTING SERVICE, INC.

1 testing that was done in the creek,

2 sediment, the water, anything in the

3 '60s?

4 A. I'm not aware or familiar with any

5 investigations that occurred back in the

6 1960s.

7 Q. So the answer to that is no?

8 A. Yes. Well, the answer to the -- If your

9 question is, "Were there any

10 investigations," the answer is, "I don't

11 know."

12 If the question is, "Am I familiar

13 with them," then the answer is, "No."

14 Q. Did Mr. Kaley tell you about them?

15 A. Not to my knowledge, no.

16 Q. Did anybody with Monsanto tell you about

17 them; or with Solutia?

18 A. No.

19 Q. What about the '70s?

20 A. Once again, I'm not familiar with any

21 investigations that might have occurred

22 in the '70s.

23 Q. What about fish tests?

REGIONAL REPORTING SERVICE, INC.

1 A. I'm not aware of any testing that
2 Monsanto did on fish in the 1970s.
3 Q. Or '60s?
4 A. Or '60s. Which isn't to say it didn't
5 occur; just that I'm not familiar with
6 it if it did occur.
7 Q. Wouldn't it help you in making your
8 determination as to what to do on the
9 creek?
10 MR. COX: Object to the form.
11 A. The simple answer to your question,
12 Mr. Stewart, is no.
13 Q. Why would it not be important for you to
14 know how much stuff got out and when it
15 got off the reservation?
16 A. What's important to me is where it might
17 have gone and how it might have gotten
18 there. Then I go to those areas and
19 sample. That tells me what is there
20 today.
21 Q. Wouldn't volume give you some idea?
22 A. It doesn't necessarily change where or
23 what we would sample for. It just

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1 Q. As you moved into the ball field, what
2 did you find?
3 A. They fell off fairly rapidly.
4 As we moved towards the ball
5 field, the levels dropped -- dropped
6 off, down into the -- they gradually
7 dropped off to levels of ten to twenty
8 parts per million once we got to the
9 ball fields.
10 I told you in the vicinity of the
11 ball fields then the data got very high.
12 All the sudden we were finding -- we
13 would take one sample at one location
14 and find non-detect. We would go
15 twenty-five feet away and we'd find
16 thirty parts per million. We'd go
17 another twenty-five feet away and we'd
18 find five parts per million. It got to
19 be very spotty and very discontinuous in
20 its nature.
21 Q. Well, I assume y'all scooped all that
22 dirt off and took it to Emelle.
23 A. Some of the soil we removed went to

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1 changes what we would find when we
2 collected the sample.
3 Q. But it certainly would tell you there
4 was a heck of a lot of it that might be
5 in the creek.
6 A. Once again, it wouldn't change the
7 nature of our investigation today.
8 Q. All right. I'm back to the ball field.
9 What did y'all find beyond the
10 creek bank?
11 Well, you said this was a sediment
12 sample of forty parts per million.
13 You got on the creek bank. What
14 did you find?
15 A. We did collect some samples close to the
16 creek bank. We found levels of PCBs on
17 the order -- you know, basically real
18 close to the creek bank. I will define
19 that within fifty yards of the creek
20 bank.
21 We were finding levels of PCBs on
22 the order of twenty-five to a hundred
23 parts per million.

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1 Emelle.
2 Most of the material was
3 stockpiled and is currently being placed
4 under a parking lot that we are building
5 at the park.
6 Q. Now, let's see. You all have found PCBs
7 in soil contaminated to the level of
8 thirty parts per million, forty parts
9 per million, and twenty parts per
10 million.
11 What portion of that or what part
12 of that did y'all -- at this ball field
13 -- leave there and are going to bury up
14 under that parking lot?
15 A. Approximately, I'd say, between eighty
16 and ninety percent of the material
17 removed from the ball fields was left
18 on-site to be incorporated under the
19 parking lot; with the remainder going to
20 Emelle.
21 Q. What were the levels?
22 A. Typically between fifty and a hundred
23 parts per million is what went to

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1 Emelle.

2 The stuff that remained to go
3 under the parking lot was all less than
4 fifty parts per million.

5 Q. So the cut-off point was fifty parts per
6 million?

7 A. That's correct, yes.

8 Q. So if it was thirty parts per million or
9 twenty parts per million or forty parts
10 per million or forty-nine parts per
11 million, it stayed there?

12 A. Typically anything that was above forty
13 parts per million we would err on the
14 side of conservatism and go ahead and
15 send it to Emelle just because there is
16 some -- there can be some uncertainty in
17 the analysis of PCBs; forty can be fifty
18 or it can be thirty. So we take the
19 conservative approach and go ahead and
20 send anything above forty to Emelle.

21 Q. Who gave y'all permission to bury this
22 under the concrete?

23 A. To bury it under the parking lot? The

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1 A. It's a soil material.

2 Q. Yeah.

3 A. Could you be more specific when you ask
4 for the nature?

5 Q. Well, I mean, is it clay? What is it?

6 A. It's a -- in that particular area it's
7 primarily floodplain deposits, with some
8 indication --

9 Q. Floodplain deposits?

10 A. In that particular area where the
11 parking lot is going.

12 Q. How deep are y'all going to bury this
13 stuff?

14 A. It's not going below ground. It's an
15 above-ground parking lot.

16 Q. Above-ground parking lot?

17 A. Yeah. Everything is being built up. We
18 are not going down.

19 Q. What is going to be below this PCB
20 material?

21 A. The original material that was there.

22 Q. Dirt?

23 A. Yes, dirt.

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1 material less than fifty -- or less than
2 forty that were buried under the parking
3 lot -- all that activity has been
4 overseen by the EPA.

5 Q. The EPA?

6 A. Environmental Protection Agency.

7 Q. Who at EPA said y'all could bury it
8 under the parking lot?

9 A. We submitted a work plan to Steve
10 Spurling at the Environmental Protection
11 Agency.

12 He reviewed and gave us the verbal
13 authority, at any rate, to proceed with
14 the project.

15 Q. Verbal authority?

16 A. That's correct. We haven't received
17 written authority from the EPA yet.

18 Q. Tell me, if you would, under what -- Do
19 you have anybody above Mr. Spurling that
20 got involved in that?

21 A. Not that I'm aware of.

22 Q. What's the nature of the ground
23 underneath this parking lot?

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1 Q. And then you just put the parking lot
2 over it?

3 A. That's correct.

4 Q. What is going to be to the side of it?

5 A. Clean soil; as well as a geo-fabric
6 material that we are using to -- that we
7 overlay over all of the impacted
8 material.

9 Q. Is that a synthetic geo-membrane type
10 thing, or is it a porous permeable type
11 stuff that y'all put out there on the
12 fifty-five acres?

13 MR. COX: Object to the form.

14 A. I'm not familiar with the fifty-five
15 acres you're talking about.

16 Q. You can spit through it?

17 A. You couldn't spit through it, but it is
18 permeable to water.

19 Q. Isn't that really -- that kind of
20 material really used to tell somebody
21 that digs into it that they are getting
22 into a waste site? That's not the
23 container thing --

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1 A. That's the primary purpose of the
2 material for the parking lot.
3 It also serves as a base upon
4 which to set the gravel that will
5 provide the base for the parking lot.
6 It provides some structural stability.
7 Q. So you put that over it, and then you
8 put the gravel --
9 A. The gravel and the asphalt, yes.
10 Q. And Ol' Steve told you that's all right?
11 A. That's correct.
12 Q. Where else have y'all done that with
13 PCBs?
14 A. Well, we have done similar measures at
15 the Quintard Mall; although that was a
16 situation --
17 Q. I'm talking about other than Anniston.
18 I know they let you do anything you want
19 to do in Anniston, Mr. Branchfield. I'm
20 asking what they let you do somewhere
21 else.
22 MR. COX: Object to the form.
23 A. Outside the Anniston area, on other

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1 We also made several presentations
2 to the Oxford City Council, which was
3 published in newspapers so the community
4 -- there was ample opportunity for the
5 community to be aware and to comment on
6 what we were doing.
7 Q. How many people showed up that you met
8 with?
9 A. At the public availability session?
10 Q. Right.
11 A. I would guess on the order of between
12 twenty and twenty-five; maybe thirty
13 people.
14 Q. How many times did you run the ad?
15 A. It was in The Anniston Star, I believe,
16 for three days.
17 Q. Three days?
18 A. Yes.
19 Q. Tell me, if you would, when y'all made
20 your presentation to the city council,
21 is that the time y'all gave your check
22 to the school?
23 A. If you are -- Any money that Solutia

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1 projects across the country? Is that
2 what you're interested in?
3 Q. Yeah. I'm trying to find out what they
4 let you do elsewhere.
5 A. I'm not aware of any projects that
6 Solutia has been associated with where
7 we have had to address PCBs in this
8 manner.
9 Q. Where you were able to address PCBs in
10 this manner or where you had to address
11 PCBs in this manner?
12 A. We address PCBs in this manner under the
13 oversight of the EPA. We don't just go
14 out and do this and hope that everybody
15 will say it's okay.
16 Q. When were y'all going to allow the
17 public to comment about y'all burying
18 this wad of PCBs down there?
19 A. We held a public availability session at
20 the Oxford Civic Center and gave the
21 public an opportunity to express any
22 thoughts or concerns about this
23 particular approach.

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1 provides to area schools is managed
2 through the Solutia -- I don't know what
3 they call it -- the Solutia Education
4 Fund, which is managed by our plant
5 manager. I have no association with
6 that or --
7 Q. Are you sure?
8 A. I'm sure that I'm not familiar with --
9 Q. Didn't it come out of the remediation
10 fund?
11 A. No, it didn't come out of the
12 remediation fund.
13 Q. If I saw something that indicated that
14 y'all paid ten thousand dollars to the
15 school in one of these documents that I
16 have down here, it would be something
17 that would not be related to the
18 remediation?
19 A. That's correct. There is a certain
20 amount of money that Solutia sets aside
21 for funding educational activities in
22 the State of Alabama. But I have no
23 association with that.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. Well, my question to you was did y'all
2 give the check about the same time frame
3 to the school that y'all were having
4 these public meetings?
- 5 A. I don't know when the check was given to
6 the school.
- 7 Q. Was it within the past six months?
- 8 A. I don't know. To be honest,
9 Mr. Stewart, I didn't even know we had
10 given a check to the City of Oxford
11 schools.
- 12 Q. You didn't know that?
- 13 A. No.
- 14 Q. Who would have some knowledge about
15 that?
- 16 A. Our plant manager, who administers those
17 funds for the Anniston facility.
- 18 Q. David Cain?
- 19 A. That's correct.
- 20 Q. Was Mr. Cain in on the meeting with the
21 city folks down there?
- 22 A. No.
- 23 Q. Who all went down there for that?

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- 1 removed materials down to one -- below
2 one part per million.
- 3 Q. What?
- 4 A. Yes. That's correct.
- 5 Q. Y'all moved it down below one part per
6 million?
- 7 A. We removed it from the areas where
8 construction was occurring. And the
9 material that was above one part per
10 million but less than fifty parts per
11 million we essentially buried on the
12 mall site, under the parking lots.
- 13 The material greater than fifty
14 parts per million went to Emelle.
- 15 Q. So you buried it under the parking lot
16 there?
- 17 A. Under the parking lots, yes.
- 18 Q. What did you clean up down to the part
19 per million? I'm trying to understand
20 that.
- 21 A. Why did we clean up to --
- 22 MR. COX: No, no. He is asking
23 where was that.

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- 1 A. For the city council meetings it was
2 myself.
- 3 Q. You?
- 4 A. Yes. Sometimes there were one or two
5 meetings where Dr. Kaley attended with
6 me, but --
- 7 Q. Bob came?
- 8 A. Bob Kaley, yes.
- 9 Q. Did he and David Cain ever meet with the
10 mayor and the city council with you not
11 being present?
- 12 A. No.
- 13 Q. Was Mr. Spurling there?
- 14 A. At the -- Mr. Spurling attended one city
15 council meeting that I attended.
- 16 There were several city council
17 meetings that I attended where
18 Mr. Spurling did not attend.
- 19 Q. What was the clean-up level that y'all
20 got to in that dirt at the mall?
- 21 A. We removed materials -- When I say
22 removed, I mean removed them from areas
23 that required construction. But we

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- 1 Q. What did you clean up? Where was that?
- 2 A. Along the banks of the creek. In the
3 vicinity -- in areas where the mall
4 needed to disturb soil essentially in
5 order to complete their expansion of the
6 mall site.
- 7 Q. Didn't y'all have some negotiations with
8 the people that owned the mall?
- 9 A. There were some negotiations over
10 responsibility. Those took place before
11 I was associated with the project.
- 12 Q. Were there not some negotiations about
13 what y'all were going to clean down
14 there?
- 15 A. I'm not aware of any negotiations with
16 the mall. They may have occurred. If
17 they did, it was before I became
18 involved in the project.
- 19 Q. Who would those negotiations have been
20 with, the EPA?
- 21 A. Alan Faust would have been the Solutia
22 project manager at the time. If those
23 negotiations took place -- There were

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1 some work plans submitted to the Alabama
2 Department of Environmental Management
3 for addressing those soils.
4 Q. Was there ever a level that was less or
5 more than a part per million, and was
6 that changed?
7 A. A level that we were cleaning up to that
8 was more than a part per million?
9 Q. Yeah.
10 A. No. Anywhere we removed material -- we
11 removed it from the area -- If there was
12 material there that was greater than one
13 part per million and the mall needed
14 that material removed to complete their
15 construction, that material was removed
16 from that work area.
17 Q. What if they didn't need it removed?
18 A. Then it stayed in place.
19 Q. With contamination in it that would
20 exceed one part per million?
21 A. If there was not a need to disturb the
22 soils, then they weren't removed;
23 regardless of the concentration.

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1 And it may be an unfair question to ask
2 of you. I may need to ask somebody
3 else.
4 Didn't y'all have another site
5 y'all were remediating when you were up
6 there in '98 at the corporate
7 headquarters here in this country?
8 A. Another site in the St. Louis area?
9 Q. Well, yeah.
10 A. Well, there is the Krummrich facility
11 that's across the river in Illinois.
12 Q. What was that about?
13 A. I had very little involvement in that
14 particular site, Mr. Stewart.
15 Q. What was the contaminant?
16 A. There is -- I don't know specifically
17 the contaminants.
18 Q. Could it be PCB?
19 A. Well, we did have a PCB manufacturing
20 facility up there. I'm sure that was
21 part of the investigation.
22 But I had no role in developing
23 the investigation that was done up there

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1 Q. Where was that located? Was that on the
2 creek bank?
3 A. On the creek banks. There was some
4 areas in the floodplain where they were
5 installing utility corridors.
6 MR. STEWART: I have to make a
7 phone call and need to eat
8 lunch. Is that okay with
9 you?
10 MR. COX: You need to eat?
11 MR. STEWART: I'm not going to eat
12 much.
13 (A break was taken.)
14 Q. (By Mr. Stewart) Mr. Branchfield, we
15 were talking about -- I think when we
16 quit -- about some of this stuff that
17 y'all were doing to remediate some of
18 these sites down there.
19 And it brought to mind something
20 -- And maybe it just slipped your mind.
21 And in listening to the sites that
22 you mentioned -- and you may not have
23 had any responsibility for it, but --

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1 and really had no familiarity with what
2 work has been done or hasn't been done.
3 Q. Wasn't there a creek involved?
4 A. I'm sorry?
5 Q. Wasn't there a creek involved?
6 A. Yes. There is a creek.
7 Q. What are they doing to that creek?
8 A. To the best of my knowledge they are
9 removing some sediments within the banks
10 of that creek and putting them in a
11 disposal facility.
12 Q. They are dredging a part of the creek?
13 A. I don't know if they are dredging or
14 removing it with heavy equipment. But I
15 do know they are removing some quantity
16 of sediments from the creek.
17 Q. What distance?
18 A. I'm sorry?
19 Q. What distance?
20 A. Distance from --
21 MR. COX: How far in the creek --
22 Q. How long and what length of the creek?
23 A. I don't know.

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1 Q. Who is involved up there and regulating
2 that?

3 A. The EPA. The U.S. EPA and the Illinois
4 state organization. I think they are
5 called Illinois EPA. But I'm not sure.
6 I know the United States is involved.

7 Q. Is it not a fact that Monsanto is
8 responsible for the dredging?

9 A. Solutia is involved.

10 Q. Oh, is it Solutia?

11 A. Right, yes.

12 Q. They passed that on off to y'all too?

13 A. It's a --

14 MR. COX: Object to the form.

15 A. It's a site that Solutia is currently
16 remediating and is taking responsibility
17 for.

18 Q. Y'all took that?

19 A. Yes.

20 Q. Did y'all take the Krummrich plant too?

21 A. The Krummrich plant is a part of
22 Solutia, yes.

23 Q. So y'all are making some money there at

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1 were specifically held for that purpose.

2 I talk with Alan Faust
3 periodically, my predecessor. I define
4 periodically as once every several
5 months. But it's usually more on a
6 social basis, "What's going on with you;
7 what's going on with me," that type of
8 nature.

9 We haven't had any one-on-one
10 meetings, Mr. Stewart, or even group
11 meetings to specifically compare notes
12 about what we are doing at the Krummrich
13 facility and what we are doing at the
14 Anniston facility.

15 Q. Why would Mr. Faust be in a position to
16 know what they are doing at the
17 Krummrich facility?

18 A. Mr. Faust currently works at the
19 Krummrich facility.

20 Q. When you say he works there, does he
21 work in remediation at the Krummrich
22 facility?

23 A. He has a role in the remediation. I

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1 that site in addition to spending money
2 for remediation?

3 A. It's an operating facility. I'm not
4 familiar with the finances of the
5 facility.

6 Q. And you don't know whether or not PCBs
7 are being -- are a constituent, as you
8 call it, of one of the contaminants they
9 are attempting to do the remediation to
10 remove from the creek?

11 A. I don't know it for a fact, no.

12 Q. Am I to understand -- Well, let me lay a
13 little predicate.

14 Do you understand where they make
15 PCBs in this country, Monsanto?

16 A. Yes. They made them here and at the
17 Krummrich plant.

18 Q. Is it my understanding, then, that you
19 have not talked to the people who are
20 remediating that site to find out what
21 they are doing in conjunction with your
22 work here?

23 A. I haven't held any conversations that

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1 don't know specifically what that role
2 is. But his job is -- he's the
3 environmental safety and health lead for
4 the Krummrich plant.

5 Q. So he has some responsibility for the
6 remediation?

7 A. He has some involvement, certainly. I
8 don't know what level of responsibility
9 he has.

10 Q. Who is the person who is in charge of
11 that project?

12 A. Mike Light is the project manager.

13 Q. Mike who?

14 A. Mike Light.

15 Q. Is that L-i-g-h-t?

16 A. Yes.

17 Q. And what person would Mr. Light -- Who
18 would he respond to?

19 A. He would report to Mr. Smith, Steve
20 Smith.

21 Q. And would that be true also for
22 Mr. Faust?

23 A. No. Mr. Faust would report to the

REGIONAL REPORTING SERVICE, INC.

1 Krummrich plant manager.
 2 Q. If he did some work -- If Mr. Faust did
 3 some work on the remediation of that
 4 plant site, would he have to do it under
 5 the leadership of Mike Light or Smith or
 6 who?
 7 A. Anything that's done -- I don't know
 8 specifically the organization up there,
 9 Mr. Stewart.
 10 I do know that Mr. Faust and
 11 Mr. Light work together on the
 12 remediation. But I don't know if there
 13 is any type of reporting.
 14 Q. How much money have they spent there?
 15 A. I don't know.
 16 Q. Would it be over a hundred million?
 17 A. I don't know.
 18 Q. Who would?
 19 A. Mr. Light would know.
 20 Q. Would Mr. Smith know?
 21 A. Mr. Smith should know also, yes.
 22 Q. And how far along are they on their
 23 remediation efforts up there?

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1 A. I don't know the specific location;
 2 other than I believe it's located --
 3 it's located very close to the plant.
 4 It's within a mile or two of the plant.
 5 Q. By here, I mean Anniston.
 6 A. Oh, I'm sorry.
 7 The location of this disposal cell
 8 in relation to Anniston? Is that the
 9 question? Could you rephrase it,
 10 please? Perhaps I misunderstood.
 11 Q. Maybe it was poorly worded.
 12 I assumed, from the fact that PCBs
 13 are made up there at Krummrich and here
 14 at Anniston, that there is remediation
 15 going on at both sites. And that's
 16 under RCRA up there, in Krummrich?
 17 A. I believe some agreements have been
 18 negotiated and reached with the EPA. I
 19 don't know whether that's being overseen
 20 under the RCRA process or the CERCLA
 21 process.
 22 Q. You mean that's a CERCLA process?
 23 A. I don't know which process it is.

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1 A. To the best of my knowledge,
 2 Mr. Stewart, they have begun removing
 3 some of the sediments from Dead Creek.
 4 I don't know how much progress they have
 5 made.
 6 I also know that they are in the
 7 process of getting approval -- I know
 8 they are also going to be building a
 9 disposal cell to put these sediments in.
 10 I don't know what stage of approval and
 11 construction that disposal cell is in
 12 right now, however.
 13 Q. What is a disposal cell?
 14 A. It's a facility that is constructed in
 15 accordance with guidelines that are
 16 defined under the Resource Conservation
 17 Recovery Act.
 18 We call it a RCRA cell. That is
 19 designed to hold materials of the type
 20 that are being removed from the creek up
 21 there near the Krummrich facility.
 22 Q. Where is that type cell on this property
 23 here?

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1 Q. Well, you call it a RCRA cell. But are
 2 you just saying that as sort of a common
 3 term?
 4 A. It's a common term, yes. I don't know
 5 if --
 6 Q. Where is the RCRA cell here in Anniston
 7 located?
 8 A. Well, we have one cell on the plant site
 9 that was closed out in accordance with
 10 the Resource Conservation and Recovery
 11 Act.
 12 Q. Where is that?
 13 A. It's one of the cells on the south
 14 landfill.
 15 Q. Which one?
 16 A. The cells which are on the eastern
 17 portion of the landfill.
 18 Q. While we are talking about that, didn't
 19 y'all put that synthetic membrane over
 20 the western portion?
 21 A. Yes.
 22 Q. Well, if you were handling PCBs,
 23 Mr. Branchfield, why did you do that?

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1 A. I can give you a -- I'll start off by
 2 saying I wasn't the project manager back
 3 then. I don't know that --
 4 Q. Did Bob tell y'all why they did that?
 5 A. No. This was part of what would have
 6 been turned over with me, my discussions
 7 with Alan Faust as I was preparing to
 8 assume responsibility for the Anniston
 9 projects.
 10 Q. What did Alan tell you?
 11 A. That when we were doing the -- when we
 12 were characterizing the area to
 13 determine where PCBs were, in the
 14 vicinity of the plant we found that
 15 there were some PCBs in the surface
 16 soils on the western portion of the
 17 south landfill. There were no PCBs
 18 found on the eastern portion of the
 19 south landfill. And therefore, the
 20 western portion was selected for the
 21 inner measures that we performed, which
 22 were installing the various layers of
 23 HDP liner and the soil covering.

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1 Q. That's what Alan Faust told you?
 2 A. Yes. And that's what I have seen from
 3 the data I have looked at.
 4 Q. And the data you have looked at in
 5 connection with that particular
 6 synthetic membrane that was put over
 7 those cells on the eastern side was
 8 what?
 9 A. Well, perhaps I misunderstood your
 10 question.
 11 We didn't install any synthetic
 12 membranes on the eastern cell, on the
 13 eastern cells of the west landfill.
 14 Those were installed on the western
 15 portions.
 16 Q. Western. I'm sorry.
 17 What data did you look at to
 18 confirm the fact that that's why you did
 19 it?
 20 A. There would have been data -- I couldn't
 21 name the specific report, Mr. Stewart.
 22 There were inner measure reports
 23 that were submitted to the Alabama

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1 Department of Environmental Management
 2 and the EPA describing what we were
 3 doing and presenting the data that we
 4 were using to support the course of
 5 action we were -- we were submitting to
 6 do, basically.
 7 Q. So am I to understand that in that plan,
 8 that interim plan that was presented to
 9 the folks at ADEM, y'all told them that
 10 -- Monsanto told them -- and then later
 11 Solutia I guess assumed the
 12 responsibility of whatever they did -- I
 13 assume it was Monsanto when that was
 14 done. Is that right?
 15 A. I believe this was around the 1996, '97
 16 time frame.
 17 Q. And that's before the spin-off?
 18 A. Well, the spin was, what, September of
 19 '97, I believe? So right about the same
 20 time.
 21 Q. But the plan indicated that the problem
 22 that existed on the western side of the
 23 southern landfill was PCBs?

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1 A. The PCBs were detected in the surface
 2 soils on the western portions of the
 3 south landfill. That's correct.
 4 Q. And that's why those cells in that
 5 landfill were covered with that
 6 synthetic membrane?
 7 A. That's correct.
 8 The objective would have been to
 9 isolate the PCBs on the surface soils
 10 from surface water running down Cold
 11 Water Mountain and prevent them from
 12 being mobilized away from the landfill.
 13 Q. Now, when you say mobilized away from
 14 the landfill, what you are talking about
 15 is leaving the reservation. Is that
 16 what you mean?
 17 A. That's correct.
 18 Q. Coming off that landfill and going onto
 19 some neighbor's property?
 20 MR. COX: Object to the form.
 21 A. Going -- Yeah. Wherever the water takes
 22 it. I don't know specifically it would
 23 go on the neighbor's property. It

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1 depends on the drainage pathway of the
2 facility.
3 Q. Well, it went onto somebody's property,
4 didn't it?
5 A. There were some PCBs detected in areas
6 where there was residential property,
7 yes.
8 Q. That came from the southern landfill?
9 MR. COX: Object to the form.
10 A. I'm not aware that conclusions were ever
11 reached that it came from the southern
12 landfill.
13 Certainly the drainage from the
14 southern landfill went through a ditch
15 that went through these residential
16 properties.
17 Q. Now, since y'all started the foundry,
18 there was not a foundry located in
19 between those residential properties on
20 the southern landfill, was there?
21 A. No. Not that I'm aware of.
22 Q. There wasn't another manufacturing
23 facility located between the southern

REGIONAL REPORTING SERVICE, INC.

1 Q. Well, I mean, that's why you remediated
2 the west side of the southern landfill.
3 A. Because of -- to prevent the potential
4 for PCBs from migrating from that
5 landfill. That's correct.
6 Q. Have you told me all that Alan has told
7 you about the work that was done over
8 there and why it was done?
9 A. I have told you everything that I can
10 recall, yes.
11 Q. That he told you?
12 A. Yes.
13 Q. Did anybody ever tell you anything about
14 parathion?
15 A. I'm aware that we manufactured parathion
16 at the Anniston facility.
17 Q. Did anybody ever tell you where it was
18 buried?
19 A. No.
20 Q. Did anybody ever tell you that it might
21 have been buried on the south landfill?
22 A. I don't recall having any discussions
23 with anyone along those lines.

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1 landfill and those residential
2 properties?
3 A. No. Not that I'm aware of.
4 Q. So the logical conclusion would be --
5 and that's the conclusion y'all came to,
6 was it not -- because of the fact that
7 you found them on there, on the
8 residential properties that were north
9 of the southern landfill?
10 A. Certainly the data we collected showed
11 that the PCBs followed a path from the
12 vicinity of the south landfill down a
13 drainage ditch through some residential
14 neighborhoods.
15 Now, I'm not aware of whether
16 there is any other data that might
17 suggest those PCBs might have come from
18 another source. But that didn't change
19 our approach, our desire to remediate
20 that area.
21 Q. Because of PCBs?
22 A. Yeah. There were PCBs in the area that
23 needed to be remediated.

REGIONAL REPORTING SERVICE, INC.

1 Q. Did Alan Faust ever tell you that the
2 parathion was found in groundwater and
3 that's why they put the synthetic
4 membrane over the landfill?
5 A. I was never told that was the reason for
6 placing the synthetic membrane over the
7 landfill.
8 I was aware that we were detecting
9 parathion in groundwater at some of our
10 groundwater wells.
11 Q. Do you know Jerry Brown?
12 A. I'm familiar with the name, yes.
13 Q. Have you ever talked to Mr. Brown about
14 why they put that membrane over that?
15 A. No.
16 Q. Why they did the work on the western
17 side of the southern landfill?
18 A. No. I never talked to Mr. Brown about
19 that.
20 Q. Well, if in fact that's why y'all did
21 it, because of parathion as opposed to
22 PCBs, then what Mr. Faust told you -- Is
23 it safe to say for a hypothetical that's

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1 why you did it or why Mr. Brown said you
2 did it?

3 MR. COX: Objection.

4 Q. Wouldn't what Mr. Faust told you be a
5 story?

6 MR. COX: Object to the form.

7 A. My understanding, based on my
8 recollection, of the conversations with
9 Mr. Faust and from what I have read in
10 the reports that were prepared and
11 submitted to the regulatory agencies was
12 that the cap and the synthetic membranes
13 were placed on top of the eastern -- I'm
14 sorry -- the western portion of the
15 south landfill to prevent migration of
16 PCBs.

17 I'm not aware if parathion was a
18 factor in that decision. I'm not aware.

19 Q. No one told you that?

20 A. No one ever told me; nor do I recall
21 reading that in any of the reports that
22 were prepared.

23 Q. Where are y'all doing your air samples

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1 A. Potentially. I mean, the winds in that
2 area -- like I said, because it's a
3 valley, they are going to -- it's very
4 hard to predict at all times because of
5 the way they come out.

6 But the primary reason for
7 sticking it at the location it's at,
8 Mr. Stewart, is because it's at the
9 fence line. And that's what we are
10 interested in knowing, where the fence
11 line -- the concentrations of PCBs in
12 the air that may be leaving the
13 facility.

14 Q. Are you also trying to check that
15 synthetic membrane to see if it's
16 holding those PCBs in?

17 A. I don't think with just one air sampler
18 at one location you could draw any
19 conclusions.

20 Q. You couldn't do that?

21 A. I don't believe so.

22 Q. Where are you doing your vapor flux test
23 as far as the south landfill is

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1 on that -- While we are on the south
2 landfill, where are you doing the air
3 sampling; on that synthetic membrane?

4 A. There are two air samplers located in
5 the vicinity of the south landfill. One
6 is up on top of the hill, above the
7 south landfill. That's essentially
8 intended to give us an idea of
9 background concentrations.

10 It's located where we would
11 consider -- hopefully it would be
12 upwind; although winds in the valley
13 tend to move around a lot.

14 There is another air sampler
15 located near the base of the south
16 landfill; near Highway 202?

17 Q. Why would you put it there?

18 A. The prevailing winds in that area would
19 blow across the landfill. I mean,
20 it's --

21 Q. Off that west side of that landfill?

22 A. I'm sorry?

23 Q. Off the west side of the south landfill?

REGIONAL REPORTING SERVICE, INC.

1 concerned; on that synthetic membrane?

2 A. That particular work plan hasn't been
3 approved yet. So the final locations
4 for placing the flux chambers hasn't
5 been finalized.

6 Q. Have y'all not done any vapor flux
7 tests?

8 A. That's correct. We haven't done a vapor
9 flux test yet.

10 Q. All the air sampling that y'all have
11 done has been done on the conditional
12 basis?

13 A. The ambient air monitors, yes.

14 Q. Those two little ambient air monitors
15 are all you have got over there?

16 A. All we have at the south landfill, yes.

17 Q. How many more do you need in order to
18 make a determination whether there is
19 really a problem?

20 A. I couldn't answer that question for you.
21 That's not an area I consider myself an
22 expert in.

23 Q. Certainly you would need more than two,

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1 wouldn't you?

2 A. I believe so, yes.

3 Q. You certainly need more than five?

4 A. It depends on what you were trying to

5 learn.

6 I mean, once again, I don't know

7 -- I can't give you a good answer. I

8 don't have the expertise to give you a

9 good answer. That's why we hire

10 consultants to provide me that type of

11 information.

12 Q. Well, it would be good too if you put it

13 on the side of the landfill where the

14 PCBs were buried, wouldn't it?

15 A. It depends on what we are trying to

16 learn.

17 Q. Well, if PCBs are off-gas, that's really

18 what you are trying to learn, isn't it?

19 A. There is -- As I said earlier, it

20 depends on what you are looking for.

21 If you are looking for PCBs in a

22 vapor phase, you might look at one

23 place. If you look for them in a

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1 particular other phase, you might look

2 for them in another place.

3 Q. What are y'all looking for?

4 A. The current program we have wouldn't

5 detect PCBs in a particular phase.

6 Q. So you're not even looking for whether

7 or not PCB off-gas is off the facility?

8 A. If there is -- First of all, PCBs being

9 a semi-volatile compound -- they are

10 just not readily off-gas. If they did

11 -- It's just not in their chemical

12 nature to volatilize in the air. The

13 primary mode of transport for PCBs in

14 air is through a particular pathway.

15 Q. I know what the parting line is,

16 Mr. Branchfield. I have heard that

17 before.

18 But what I'm asking you is what

19 you're looking for in the air samplers.

20 And you have told me that you are

21 looking for PCBs in particulate matter?

22 A. My understanding is that the air

23 monitors we have on the plant site right

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1 now are detecting PCBs that would be in

2 a particulate matter, yes.

3 Q. Has that been approved by the folks over

4 at EPA in Region Four?

5 A. We have submitted a work plan describing

6 the ambient air monitoring program. We

7 have to ADEM and to EPA. But we have

8 not received any formal approval of that

9 work plan.

10 Q. What does a work plan consist of?

11 A. It outlines the program that we

12 currently have in place, which is

13 setting up ambient air samplers of, I

14 believe, six locations around the plant

15 site and collecting that data and

16 submitting it on a bimonthly basis to

17 ADEM. And we copy EPA on that data.

18 Q. But they haven't given you approval?

19 A. We have never received formal written

20 approval for the program, no.

21 Q. All right. I want to ask you some more

22 about that in just a minute.

23 But before I leave this other

REGIONAL REPORTING SERVICE, INC.

1 subject we were on before I left, I

2 wanted to ask you -- In connection with

3 the PCBs that were remediated at the

4 Queeny plant, how much did y'all leave

5 behind on the Queeny plant property;

6 nothing?

7 A. Based on the data that I had seen before

8 I turned the project over to somebody

9 else, it was a very isolated area where

10 we had found PCBs.

11 I will call an isolated area -- I

12 believe the area we were going to do the

13 sampling on was on the order of maybe

14 twenty-five to fifty square yards. It

15 was a result of a transformer spill, so

16 it was fairly --

17 Q. How much PCB did you leave behind when

18 you remediated the Queeny plant?

19 A. Well, the complete remediation had not

20 been completed, the remediation -- I'm

21 sorry -- at the Queeny plant.

22 Q. What did you propose to leave behind; do

23 you know?

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1 A. We had no data. We hadn't done any
 2 evaluation regarding the potential or
 3 the need for corrective measures. We
 4 just hadn't reached that stage of the
 5 process where we were determining what
 6 if anything could or could not be left
 7 behind.
 8 Q. Didn't you determine that you were going
 9 to clean down to non-detect there?
 10 A. No. We had not reached the stage of our
 11 investigation where that determination
 12 had been made.
 13 Q. Did you get to any level?
 14 A. We did have data that showed that we did
 15 have PCBs in the soils in the vicinity
 16 of those transformers.
 17 Q. Did you have any clean-up level that you
 18 had in the plan at the time you were
 19 working on it?
 20 A. To the best of my knowledge one had not
 21 been established.
 22 Q. You mentioned this earlier. And these
 23 are just some questions about the

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1 they are in the water that you bring up
 2 in the sediment that you filter out?
 3 A. We are detecting PCBs in the groundwater
 4 samples.
 5 Q. What levels?
 6 A. Well, on the order of one to three parts
 7 per billion, maybe, at the most. Most
 8 of the samples are one part per billion.
 9 Q. That's in the water?
 10 A. The groundwater. I should say those are
 11 samples that are not filtered.
 12 When we filter the samples, we see
 13 those levels consistently fall below one
 14 part per billion; if not non-detect.
 15 Q. The non-detect would be dependent on
 16 your ability and the sensitivity of the
 17 detection devices?
 18 A. That's correct.
 19 Q. If I wanted to define nothing, then what
 20 I would do is I would filter out
 21 sediment and then check the water and
 22 set my detection level high enough; and
 23 you never would find it, would you?

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1 cleanup, and then we get on to something
 2 else.
 3 How is the sediment with the
 4 entrain of PCBs getting into the
 5 monitoring wells?
 6 A. Well, when you install a monitoring
 7 well, particularly using some of the
 8 older techniques -- And I'm afraid I
 9 couldn't differentiate between the older
 10 techniques and the newer techniques.
 11 But there is potential to drag
 12 down surface soils along the casing of
 13 the monitoring well as you are
 14 installing it.
 15 So if we installed a monitoring
 16 well and there were PCBs in the surface
 17 soils or even the soils at depth, for
 18 that matter, within which that well was
 19 being installed, they could get dragged
 20 down to the bottom of the well and be in
 21 very fine-grained sediments. They could
 22 be very difficult to get out.
 23 Q. But you are still getting results where

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1 MR. COX: Object to the form.
 2 A. We are conducting the analyses of these
 3 groundwater samples in accordance with
 4 standard methods established by the EPA.
 5 Q. I know what the parting line is.
 6 But I'm asking you if you set the
 7 detection levels high enough, you never
 8 would find it?
 9 MR. COX: Object to the form.
 10 A. You can always set your detection levels
 11 at any level you want. But we set our
 12 detection levels at levels that are
 13 consistent with EPA guidance.
 14 Q. If you had somebody who was not very
 15 knowledgeable about PCBs to deal with to
 16 begin with at the state regulatory
 17 agency, you could sort of pull the wool
 18 over his eyes, couldn't you?
 19 MR. COX: Object to the form.
 20 A. One individual person in a regulatory
 21 agency would not approve or disapprove
 22 of a detection level. It would be done
 23 in accordance with standard operating

REGIONAL REPORTING SERVICE, INC.

procedures.

Q. Steve Spurling, you told us earlier this morning, from the EPA, gave y'all verbal approval; a guy out there in the field, to bury a bunch of PCBs under a parking lot.

And I believe you told me, Mr. Branchfield -- you correct me if I'm wrong -- But didn't you tell me you didn't know of a place where that had been done before?

MR. COX: Object to the form.

Q. Isn't that right? Didn't you tell me that?

A. It's correct that Mr. Spurling gave us verbal approval for placing material under the parking lot.

That is different than giving us detection limits for an analytical method which is already defined by the EPA standard operating procedures.

Q. What have been the results of your testings in the water in Snow Creek?

REGIONAL REPORTING SERVICE, INC.

A. In the surface water?

Q. Uh-huh (indicating yes).

MR. COX: You are talking about tests in the creek itself as opposed to the out-fall that's leaving the plant, Donald?

I just want to make sure I understand your question.

MR. STEWART: Yeah.

A. Surface water in Snow Creek? Is that the question? Okay.

I believe we have detected PCBs in surface water as part of your off-site RFI report, phase one report we submitted to ADEM about a year, a year and a couple of months ago.

I can't recall specifically what the levels were without referring back to the report, however.

Q. And I would assume that's how it's getting into the fish's bio? It accumulates in the fish?

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MR. COX: Object to the form.

A. That is a way that they could get in the fish, by eating and ingesting sediments that have been impacted by PCBs.

Q. Now, why is EPA taking the lead in Oxford down there rather than ADEM?

A. I couldn't answer that question. I don't know.

Q. Well, would it be fair to say that you all -- when you got to the ball field down there -- as y'all characterize that site --

A. Yes. We do characterize the softball field.

Q. Isn't that a normal procedure that you would do in a site that you feel like PCBs are located on?

A. Yes. If we believe there is an area where there may be PCBs, we will go out and characterize that area.

Q. Don't you do that by a series of tests that you performed and the soil -- you test the soil?

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A. Yes, that's correct.

Q. On a gridded basis?

A. Sometimes it's a gridded basis. Sometimes the regulatory prefer you use composite samples from different points on the grid. But in general, that's correct.

Q. But if you want to characterize it and do it properly, you would do it in the fashion that I mentioned; where you would grid it and find out where the PCBs were?

MR. COX: Object to the form.

A. That's one way of characterizing an area, yes.

Q. One of the reasons you do that is what you told us earlier, isn't it, Mr. Branchfield? Because in one spot you would find non-detect and in the other spots you would find thirty parts per million, I believe you said?

A. Some cases, yes.

Q. Well, that's what you found on the ball

REGIONAL REPORTING SERVICE, INC.

1 field.

2 A. Yes, that's correct.

3 Q. So if you were fair to somebody's

4 property that you put PCBs on, that

5 would be the best approach to take,

6 wouldn't it?

7 A. I'm sorry. Could you repeat the

8 question, please?

9 Q. If you were fair to somebody that you

10 had caused to have PCBs on their

11 property, then it would be -- the best

12 approach would be to characterize it the

13 way you did the ball field?

14 MR. COX: Object to the form.

15 A. The point you have to consider -- it

16 depends really on what you are trying to

17 accomplish.

18 Q. To get the PCBs off somebody's property,

19 is what you were trying to do on the

20 ball field, wasn't it?

21 MR. COX: Object to the form.

22 A. What we were trying to accomplish on the

23 ball field was try to determine what the

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1 Q. Who does that under that consent order;

2 you?

3 A. Solutia does. We hire contractors to do

4 that work for us in the field.

5 Q. That's before you do any remediation at

6 all on the property?

7 A. I'm sorry?

8 Q. That's before you do any remediation at

9 all on that property?

10 A. That's correct.

11 Q. Y'all pick the spot?

12 A. We pick the locations, yes, with the --

13 But the EPA is in the field overseeing

14 those activities.

15 Q. Sort of like Mr. Spurling was when he

16 called y'all up and told you you could

17 bury that stuff under there, which had

18 never been done anywhere else?

19 MR. COX: Object to the form.

20 A. I wouldn't say it's never been done

21 anywhere else.

22 Q. You couldn't tell me anyplace?

23 A. That doesn't mean it hasn't been done

REGIONAL REPORTING SERVICE, INC.

1 levels of PCBs were in the soils and

2 subsequently what -- you know, that

3 would help us define what if any

4 corrective measures were necessary.

5 That's obviously what you would

6 try to do if you were characterizing,

7 for example, a residential property.

8 However, residential property in

9 general in West Anniston -- I'm speaking

10 in general terms. But in West Anniston,

11 with residential property, a person's

12 yard is much smaller than three softball

13 fields.

14 So you may -- gridding may not be

15 the best method. What may be a more

16 appropriate method -- and what's been

17 specified in the administrative order on

18 consent that we signed with the EPA --

19 is that we take a composite sample where

20 you pick five points within a yard, and

21 then we composite those five points into

22 one sample and send that to a laboratory

23 for analysis.

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1 anywhere else.

2 Q. I was just wondering if it was the same

3 kind of supervision that you had there.

4 A. I guess I don't really understand what

5 your question is.

6 Q. Well, I will go on to something else, if

7 you don't understand that.

8 Mr. Branchfield, let me ask you

9 this.

10 A. Sure.

11 Q. You indicated earlier that one method of

12 characterizing it would be to take soil

13 samples on a gridded basis?

14 A. That's correct, yes.

15 Q. Isn't that what Monsanto did on its own

16 property?

17 A. I do not believe that on our own

18 property we sampled on a grid

19 methodology. I'd have to go back and

20 look at the reports to be certain on

21 that.

22 But the folks who did the

23 investigation at that particular time in

REGIONAL REPORTING SERVICE, INC.

1 the vicinity of our property were to
2 sample within the drainage pathways from
3 our property that we found PCBs. And
4 then we began to work our way out.

5 Q. Would it be fair to say,
6 Mr. Branchfield, that's what was done on
7 the Miller property that y'all purchased
8 and were going to lease to the city?

9 A. I'm not aware of the method we used to
10 characterize the Miller property.

11 I'm also not aware of any plans to
12 turn that property over to the city.

13 Q. Was there another piece of property that
14 was adjacent to it that y'all were going
15 to lease to the city for parking
16 vehicles that you gridded off?

17 A. Not that I'm aware of.

18 If there was, that was done before
19 I became the project manager.

20 Q. If I told you, in fact, that one of your
21 predecessors, Mr. Faust, indicated that
22 y'all did grid that property, what would
23 that consist of? How would you grid a

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1 yes.

2 Q. And if in fact they did that on the
3 Miller property, that would be a better
4 method of actually characterizing the
5 property than the composite sampling
6 that you talked about earlier? It would
7 give you a better idea of what's on the
8 property, wouldn't it?

9 MR. COX: Object to the form.

10 A. I don't really think there is really any
11 clear advantages or disadvantages of one
12 method or another, Mr. Stewart.

13 The whole goal is to determine
14 really what the -- If you are looking
15 for -- Once again, it gets back to the
16 purpose.

17 If you are looking for average
18 concentrations for the purposes of
19 understanding what potential corrective
20 measures might be needed, a composite
21 may be more appropriate.

22 If you are looking at actually
23 implementing the corrective measure in

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1 piece of property?

2 A. For example, the Miller property or any
3 property similar in size?

4 Q. Any property.

5 A. You would essentially pick a distance.
6 Typically you can do anything --
7 depending on the size, perhaps -- of
8 twenty-five up to a hundred foot. You
9 know, once again, this varies based on
10 the size of the property.

11 And you grid it. And at those
12 points you can collect a sample.

13 Like I said, there is a variety of
14 ways you can do it. But that's the
15 basics.

16 Q. So when you find a hot spot, you test
17 out from it until you get into a cold
18 spot?

19 A. If you find an area that you need to
20 characterize more thoroughly to
21 understand what the best and most
22 effective way to manage that particular
23 soil would be, that's what you would do,

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1 characterizing the soil -- For example,
2 if you had to send it to a disposal
3 facility, like Emelle or Three Corners,
4 for example, you would need -- a
5 composite sample wouldn't necessarily be
6 the best way to characterize that
7 material appropriately.

8 There is a point at which some
9 material has to go to Emelle and a point
10 at which the material goes to Three
11 Corners. And a composite sample may
12 cloud that picture a little bit.

13 Q. Isn't it a fact that what you're trying
14 to do in both instances is to make a
15 determination as to what corrective
16 measure needs to be taken in order to
17 protect future tenants, occupants,
18 users, whatever you want to call it of
19 that particular piece of property from
20 exposure; in both instances?

21 A. I think that's a fair description, yes.

22 Q. And if your company chose the gridding
23 method for the Miller property or the

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1 property that was to be leased to the
2 city, wouldn't that be their ultimate
3 goal, to determine what corrective
4 measures needed to be taken on that
5 property to protect other people from
6 being exposed?

7 MR. COX: Object to the form.

8 A. Given the particular land use, yeah, you
9 would want to know what the levels of
10 PCBs were in the soils before you --

11 Q. Leased it to somebody else?

12 A. If you had reason to believe there were
13 PCBs there, I would think so, yes.

14 Q. And would you say that you would want to
15 certainly with residential property be
16 even more careful than you would on a
17 piece of commercial property where
18 people would just merely be putting
19 gravel over a parking lot to park their
20 cars?

21 MR. COX: Object to the form.

22 A. I wouldn't characterize it as being more
23 careful. There is different land use

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1 the day or the night?

2 MR. COX: Object to the form.

3 A. Generally speaking, residential
4 properties would have a lower clean-up
5 level than industrial types or
6 commercial types of facilities.

7 Q. Now, while we are talking about this
8 creek -- I've sort of cleaned up those
9 things that I wanted to ask you about
10 earlier that we perhaps didn't and I
11 wanted to get some kind of response to.

12 Y'all don't have any intentions at
13 all of cleaning up that creek, do you?

14 MR. COX: Which creek? I'm sorry.

15 Q. Choccolocco, Snow.

16 A. We have every intention of completing
17 our investigations. And if corrective
18 measures are necessary, we have every
19 intention of carrying out those
20 corrective measures.

21 I think it's premature to define
22 just what cleanup might be.

23 Q. Tell me what you mean by what you just

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1 there, so you have different concerns.

2 Q. What are those that would be different?

3 A. Time spent on the property.

4 For example, on a residential
5 property the resident is there
6 potentially twelve, sixteen, twenty-four
7 hours a day; whereas a commercial
8 property -- once again, depending on
9 what the property is being used for --
10 that person may only be there one or two
11 hours a day.

12 In the process of determining
13 levels which to define your corrective
14 measures, you --

15 Q. What you clean up to and what would be
16 safe?

17 A. Essentially, yeah.

18 Q. And you would admit that residential
19 properties would certainly have a lower
20 clean-up level than a piece of property
21 for which -- or which was going to be
22 used for parking their vehicle; somebody
23 would come in, park it, and leave it for

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1 got through telling me. I'm having
2 trouble understanding that.

3 A. All I'm saying is that we have to
4 complete our investigations,
5 characterizing the creek, characterizing
6 the floodplains, and understanding
7 what's there before we can begin an
8 evaluation of what, if any, corrective
9 measures may be necessary.

10 Q. Y'all don't intend -- Mr. Faust earlier
11 I deposed. And he told me that y'all
12 really don't intend to ever clean up
13 that creek.

14 MR. COX: Object to the form.

15 Q. Because you didn't feel like it was
16 necessary.

17 Is that your feeling,

18 Mr. Branchfield?

19 MR. COX: Object to the form.

20 A. I can't speak as to what Mr. Faust may
21 or may not have said.

22 What I can tell you is in my role
23 as project manager we will carry out the

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1 investigations we have been tasked to
2 carry out and submit the required
3 reports, and we will go through the
4 required process.

5 And if corrective measures are
6 required, we will implement those
7 corrective measures.

8 Q. What is your opinion now, as we sit here
9 today?

10 I mean, you have got some sediment
11 samples already that you've told us
12 about that appear to me, just as a
13 novice, to be pretty high?

14 MR. COX: Object to the form.

15 A. Any opinions I gave you right now would
16 be premature simply because we don't
17 have a complete set of data to draw any
18 conclusions.

19 My opinions don't matter compared
20 to what we are going to end up doing.

21 What matters is what somebody
22 tells us --

23 Q. You are telling me as you sit here

REGIONAL REPORTING SERVICE, INC.

1 regarding community input and what the
2 regulations require and so on and so
3 forth. The data has to guide the
4 investigation.

5 Q. And there is a fish advisory still in
6 place; isn't there?

7 A. On Choccolocco Creek, that's correct.

8 Q. And that's because of PCBs that have
9 been found in the fish?

10 A. That's correct, yes.

11 Q. And did y'all find those same kind of
12 levels on down the creek that y'all
13 found at this area where Snow Creek, I
14 believe, enters Choccolocco Creek? Did
15 y'all find the same kind of levels on
16 down the creek?

17 MR. COX: Are you talking sediment
18 or fish, Donald?

19 MR. STEWART: Sediment.

20 A. What we found was that within the banks
21 of the creek -- And I will speak
22 generally.

23 Generally the higher

REGIONAL REPORTING SERVICE, INC.

1 today, Mr. Branchfield, that what y'all
2 plan to do -- Solutia -- And is it
3 Solutia that plans to do it?

4 A. Solutia is the company that is carrying
5 out the investigation.

6 Q. What you all plan to do is you all plan
7 to, I assume, remove sediment from Snow
8 Creek certainly that is above forty
9 parts per million?

10 A. What we plan to do is complete our
11 investigation and determine if
12 corrective measures are required.

13 It's premature to determine what
14 corrective measures might be required,
15 Mr. Stewart.

16 I can't tell you what we will or
17 will not do. I just don't have the data
18 and haven't gone through the process to
19 draw any conclusions in that regard.

20 Q. Does it really have to do with data?

21 A. In my opinion it has as much to do with
22 data as everything else.

23 Certainly there are considerations

REGIONAL REPORTING SERVICE, INC.

1 concentrations of PCBs were in the area
2 where Snow Creek and Choccolocco Creek
3 intersected. And it gradually decreased
4 as you moved down the creek to --

5 MR. STEWART: Hold on just a
6 minute.

7 MR. COX: We will be right back.

8 (A break was taken.)

9 Q. (By Mr. Stewart) Mr. Branchfield, I was
10 asking you earlier -- And I may misspeak
11 when I quote Mr. Faust, because Mr. Cox
12 has said I did when I asked the question
13 about what Mr. Faust said.

14 But my reading of what he said in
15 a prior deposition is y'all have no
16 intentions of ever doing anything on
17 Snow Creek or Choccolocco Creek like
18 y'all are doing on Krummrich. Isn't
19 that correct?

20 MR. COX: Object to the form.

21 A. Once again, I think there are two parts
22 to that answer, Mr. Stewart.

23 One is I don't feel we are at a

REGIONAL REPORTING SERVICE, INC.

1 point yet where we can determine what,
2 if any, corrective measures are required
3 on Snow Creek or Choccolocco Creek.

4 While I am the project manager and
5 the data suggests that corrective
6 measures are required, we will propose
7 those corrective measures to the
8 agencies and implement them as they are
9 approved.

10 Now, why they did what they are
11 doing up at Krummrich, I don't know.

12 Q. Well, really it would be fair to say
13 that -- and I may be parcelling words a
14 little bit here -- but you are probably
15 not going to do on Choccolocco Creek
16 anything at all; as opposed to Snow
17 Creek?

18 MR. COX: Object to the form.

19 A. Once again, you know, until we have a
20 complete set of data that allows us to
21 draw those conclusions, I just believe
22 it's premature to make any -- to draw
23 any conclusions regarding the potential

REGIONAL REPORTING SERVICE, INC.

1 mean to you?

2 A. Conservation corridor is a project that
3 we are involved in to establish a row of
4 conservation easements along Choccolocco
5 Creek.

6 Q. Who are y'all involved with on that?
7 Who are you working with?

8 A. Well, there have been several different
9 organizations that we have been involved
10 with.

11 Q. Give me those, please, sir.

12 A. The first organization that we worked
13 with was an organization called the
14 Conservation Fund.

15 Q. What is the Conservation Fund?

16 A. They are a nonprofit organization whose
17 mission it is to essentially conserve,
18 quote, unquote, green space.

19 Q. Green space?

20 A. Yes.

21 Q. What in the world do they have to do
22 with this conservation corridor?

23 A. At the time they were working with us to

REGIONAL REPORTING SERVICE, INC.

1 corrective measures.

2 Q. You have been the person in charge of
3 this site since when?

4 A. Approximately January of 2000.

5 Q. January of 2000?

6 A. Yes.

7 Q. So the monthly report that I have in
8 January of 2000 should reflect what you
9 were planning on doing?

10 A. It would reflect the status of the
11 project at the time I submitted the
12 report, yes.

13 Q. I guess what I'm saying is if I looked
14 at a monthly report -- say for instance
15 for August of 2000 -- then I might find
16 something that would sort of tell me
17 what y'all were doing on Choccolocco
18 Creek?

19 A. It should give you the current status on
20 activities we are currently involved in
21 on Choccolocco Creek as of that date,
22 yes.

23 Q. Well, what does a conservation corridor

REGIONAL REPORTING SERVICE, INC.

1 essentially put a program in place, to
2 develop the corridor along Choccolocco
3 Creek.

4 Q. Along Choccolocco Creek?

5 A. Yes.

6 Q. Well, did y'all give them any money?

7 A. Yes. We did pay some money for their
8 assistance.

9 Q. What did you pay them?

10 A. I believe it was on the order of sixty
11 to seventy thousand dollars; in that
12 range.

13 Q. That's a lot of assistance. How did
14 they assist you?

15 A. They assisted us in helping to really
16 understand what a conservation corridor
17 would be.

18 A big part of developing a
19 conservation corridor was depending --
20 was reaching out to the community and
21 sharing this idea with the community and
22 getting feedback.

23 Since this corridor would in fact

REGIONAL REPORTING SERVICE, INC.

1 be on private property, we would be
2 asking property owners to donate or else
3 in fact get paid for releasing their
4 development rights on the property.

5 And they basically just helped us
6 define what it would take to implement a
7 project like this.

8 Q. Is that sixty cents on the dollar?

9 A. When we were talking to them about the
10 potential cost for doing a conservation
11 corridor, they told us on an average you
12 could expect to spend about sixty cents
13 on the dollar for the appraised value of
14 the property.

15 That was based on the idea that
16 some property owners may realize tax
17 benefits out of donating the easement as
18 opposed to getting paid for the
19 easement.

20 That was just an estimate they
21 gave us to better help frame just what
22 that alternative would mean.

23 Q. Is that a 501C3 organization?

REGIONAL REPORTING SERVICE, INC.

1 A. I believe the Conservation Fund is, yes.

2 Q. Did y'all get a tax break for the sixty
3 to seventy thousand dollars you
4 contributed?

5 A. I don't believe we did. It came out of
6 my remediation account. And I don't
7 believe -- To the best of my knowledge,
8 that would not have been deducted for
9 the company's tax purposes.

10 Q. Who are the people you talked to?

11 A. At the Conservation Fund?

12 Q. Yeah.

13 A. A gentleman by the name of Larry Selzer
14 was my primary point of contact.

15 Q. Who else?

16 A. I also worked with a gentleman named Ed
17 McMahan; just like the TV show host or
18 the Tonight Show guy.

19 Another gentleman named Ray -- I
20 can't remember his last name. He worked
21 out of their Atlanta office, though.

22 Q. Now, how is this organization funded?

23 A. Primarily through private donations.

REGIONAL REPORTING SERVICE, INC.

1 Q. From large size landowners?

2 A. I don't know. I'm not familiar with the
3 details of their funding or revenue
4 strengths.

5 Q. Tell me now, if you would, who else you
6 worked with on this conservation
7 corridor.

8 A. We reached a point in the project where
9 the Conservation Fund had fulfilled
10 their role.

11 Q. Which was what; to tell you how to do
12 it?

13 A. Give us an idea on the types of things
14 that would have to be done. Just really
15 how to put a project like this together.

16 It's not the type of thing I had
17 any familiarity with. And I just needed
18 somebody to help guide me a little bit.

19 We then subsequently went out and
20 talked to another nonprofit organization
21 in Alabama called the Alabama Forest
22 Resources Center.

23 Q. Is that an offshoot of the forestry

REGIONAL REPORTING SERVICE, INC.

1 commission?

2 A. I don't believe so, Mr. Stewart. I
3 believe they are their own independent
4 nonprofit organization.

5 Q. Who is it that you talked to there?

6 A. Their executive director was a gentleman
7 named Dan DuMont.

8 Q. Where is he located?

9 A. I believe his offices are down in the
10 Mobile area. I don't know specifically
11 where.

12 Q. What was it that you sought from the
13 Alabama Forest Resources Center?

14 A. Basically we were looking for a
15 nonprofit organization who would be
16 willing to implement this conservation
17 corridor program and hold the
18 conservation easements.

19 Q. Did they agree to do it?

20 A. They agreed to help us continue the
21 process of putting the program together,
22 to better define what the project should
23 be, in what light.

REGIONAL REPORTING SERVICE, INC.

1 We have not reached an agreement
2 with them yet to hold the conservation
3 easements. We are currently evaluating
4 proposals from two different nonprofits
5 who are interested in holding the two
6 easements.

7 Q. Who are the other nonprofits?

8 A. It's an organization called the
9 Chattowah Land Trust.

10 Q. The what?

11 A. Chattowah, C-h-a-t-t-o-w-a-h, Land
12 Trust.

13 They are also -- I believe they
14 are based out of Alabama, somewhere in
15 Northeast Alabama; although I don't know
16 the specific location.

17 Q. Who are the principals in that land
18 trust?

19 A. The primary point of contact is their
20 executive director. Her name is
21 Katheryn Eddins.

22 Q. Katheryn who?

23 A. Eddins, E-d-d-i-n-s.

REGIONAL REPORTING SERVICE, INC.

1 with some minor exceptions -- forestry.

2 So it seemed as ideal a location
3 for this type of program, for a
4 conservation corridor --

5 Q. So the conservation corridor would mean
6 that Monsanto would basically, through
7 the easements or this entity that you
8 donated the easements to, control what
9 happened?

10 A. We would only control what happened to
11 the extent that development would be
12 limited on the property.

13 We would not specifically tell a
14 person, "You can't do this on your
15 property or you can't do that."

16 The goal is to prevent, you know,
17 any massive development of the property,
18 to preserve the green space.

19 Q. Why?

20 A. Well, there are several reasons.

21 One, quite honestly, is that it
22 could be an effective institutional
23 control over the floodplain of

REGIONAL REPORTING SERVICE, INC.

1 Q. So as I understand what you all propose
2 to do is you plan to buy these easements
3 along the Choccolocco Creek?

4 A. (Witness nods head affirmatively.)

5 Q. And then you would in turn control
6 development within the easement along
7 the creek?

8 A. That would be the basic concept.

9 Not so much control development;
10 but the goal is to --

11 Q. What could the landowner do?

12 A. I'm sorry?

13 Q. What could the landowner do once he gave
14 you the easement?

15 A. They could continue to use the property
16 for, you know, grazing their cattle or
17 other -- you know, a variety of
18 purposes, really.

19 Most of the property along

20 Choccolocco Creek is used for
21 agricultural purposes; primarily for
22 cattle grazing.

23 The other remain as primarily --

REGIONAL REPORTING SERVICE, INC.

1 Choccolocco Creek to help eliminate the
2 potential to mobilize PCBs where they
3 may be located now.

4 This whole program was being done
5 prior to our conducting the floodplain
6 investigation. So we don't have very
7 good knowledge on where the PCBs are.

8 That is clearly one -- that is why
9 we became interested at first.

10 But as we began reaching out to
11 the community and understanding and
12 researching this program, we found out
13 that there is a great deal of concern
14 among the community -- and these include
15 property owners right alongside the
16 creek -- about the potential -- about
17 the development pressure that's
18 occurring between that Birmingham and
19 Atlanta corridor. There is a lot of
20 interest in maintaining Choccolocco
21 Creek; as it is a very healthy
22 ecosystem.

23 And there was concern about losing

REGIONAL REPORTING SERVICE, INC.

1 that health from development pressure.
 2 Q. Mr. Branchfield, isn't there is a fish
 3 advisory on that creek?
 4 A. Yes.
 5 Q. You can't eat the fish?
 6 A. The fish exceed the FDA limits for PCB
 7 concentrations in fish. They recommend
 8 they not being consumed. That's
 9 correct.
 10 Q. You call that a healthy ecological
 11 system?
 12 A. I think the health of an ecological
 13 system goes beyond PCB concentrations in
 14 fish.
 15 I mean, we have conducted an
 16 ecological assessment within the banks
 17 of the creek. And that's presented in
 18 our ROS report that was submitted to
 19 ADEM and EPA back in April of 2000.
 20 And the conclusion was that within
 21 the banks there is a fairly healthy
 22 ecosystem.
 23 Q. You just can't eat it?

REGIONAL REPORTING SERVICE, INC.

1 Q. Don't you estimate that it's going to
 2 cost you somewhere in the neighborhood
 3 of, what, a couple of million dollars to
 4 buy that corridor?
 5 A. Yeah. It would -- That's an approximate
 6 estimate.
 7 It's based on the sixty cents an
 8 acre -- or sixty cents on the dollar
 9 value that the conservation -- I'm sorry
 10 -- the Conservation Fund provided us and
 11 some very broad assumptions.
 12 Until that appraisal is done, it's
 13 really -- you know, that's a rough order
 14 of magnitude estimate at best.
 15 Q. Who else have you talked to about it?
 16 A. We have presented the concept, as I
 17 said, to a number of property owners
 18 along the creek.
 19 I couldn't tell you their names
 20 off the top of my head.
 21 Primarily they were members of an
 22 organization called the Choccolocco
 23 Creek Conservancy District.

REGIONAL REPORTING SERVICE, INC.

1 A. You shouldn't eat the fish. That's
 2 correct.
 3 Q. Let me ask you something. Who else is
 4 involved in this process?
 5 A. In the conservation corridor process?
 6 Q. Right.
 7 A. Right now -- Well, I have -- there are
 8 some consultants that I have working for
 9 me that kind of oversee the day-the-day.
 10 They work with Golder and Associates.
 11 Q. Who?
 12 A. Golder and Associates out of Atlanta.
 13 Q. Who are the appraisers you have got that
 14 are appraising the property along the
 15 creek?
 16 A. The Alabama Forest Resources Center did
 17 hire a company to appraise the value of
 18 the corridor.
 19 And the name of the company is
 20 slipping my mind right now. It may come
 21 to me. If it does, I will tell you.
 22 But I don't recall the name at this
 23 moment.

REGIONAL REPORTING SERVICE, INC.

1 Q. Who put them together?
 2 A. I don't know who organized that group,
 3 Mr. Stewart.
 4 We've also presented the concept
 5 to the Natural Resource and Conservation
 6 Service that's in the Calhoun County
 7 area.
 8 Q. Who was that that you presented that to?
 9 A. A gentleman named Randall -- I want to
 10 say Randall Wilson, I think is his name.
 11 Q. Mr. Wilson?
 12 A. Yes.
 13 Q. And who else?
 14 A. We have talked to -- we have spoken to
 15 the -- Well, we were talking to various
 16 government officials. We have spoken to
 17 members of the -- or a member of the
 18 Calhoun County Commission.
 19 Q. Who?
 20 A. Robert Downing.
 21 I spoke to the Talladega County
 22 Commission about the concept in one of
 23 their public county commission meetings.

REGIONAL REPORTING SERVICE, INC.

1 I presented the concept to them there.
 2 We have spoken to -- Well, a
 3 gentleman named Pete Conroy at
 4 Jacksonville State.
 5 Q. I be darn. Ol' Pete. Just a big ol'
 6 environmentalist; isn't he?
 7 A. Pete has an interest in conservation.
 8 That is a fact.
 9 Q. That's right. How much did y'all
 10 promise Jacksonville if Pete would
 11 support you?
 12 A. How much did we promise --
 13 Q. Jacksonville State University if he
 14 would support you?
 15 A. We haven't promised them any -- Are you
 16 talking about in terms of money or
 17 resources? To the best of my
 18 knowledge --
 19 Q. Whatever.
 20 A. I haven't promised them anything.
 21 Q. Has the company promised him anything?
 22 A. Not to my knowledge.
 23 Q. Who was Pete speaking for when he was

REGIONAL REPORTING SERVICE, INC.

1 A. Yes. Working group.
 2 Q. Working group.
 3 Is that an official organization
 4 that's incorporated?
 5 A. No, it's not.
 6 Q. Who all is in that one?
 7 A. A number of the people I have just
 8 mentioned to you.
 9 Q. Mr. Wilson is there?
 10 A. He attends the meetings that we have,
 11 yes.
 12 Q. Mr. Conroy?
 13 A. Yes. He attends.
 14 Q. Mr. Ghee comes every once in a while?
 15 A. No. Mr. Ghee hasn't attended any of
 16 these meetings.
 17 Although I have met with Mr. Ghee
 18 once and just presented the concept to
 19 him.
 20 Q. And he liked it?
 21 A. He thought it was -- He thought it was a
 22 worthwhile project, I believe, yes.
 23 Q. Did Mr. Ghee and Mr. Conroy say they

REGIONAL REPORTING SERVICE, INC.

1 talking to y'all --
 2 A. I don't know.
 3 Q. -- about this conservation corridor?
 4 A. I don't believe he was speaking for
 5 anybody other than Pete and wanting to
 6 volunteer his time and services to help
 7 the project be successful.
 8 Q. Pete wanted to help you out?
 9 A. He wanted to participate in the process,
 10 yes.
 11 Q. Does he participate now actively in it?
 12 A. Only to the extent that we have
 13 developed what we call a Choccolocco
 14 Creek conservation corridor working
 15 group.
 16 Q. Choccolocco Creek -- Let me get this
 17 down; because, Lord, I've got a lot of
 18 people that use Choccolocco Creek that
 19 may want to become members and may want
 20 to know where to go.
 21 So it's a Choccolocco Creek what?
 22 A. Conservation corridor.
 23 Q. Conservation corridor?

REGIONAL REPORTING SERVICE, INC.

1 would help you talk to the Governor
 2 about it, or did y'all just do that
 3 directly?
 4 A. I'm not aware of any conversations that
 5 have been held with the Governor about
 6 this project.
 7 Q. Do you know David Roberson?
 8 A. Yes. I do know David Roberson.
 9 Q. Have you talked to David about it?
 10 A. I believe David is aware of this
 11 project.
 12 Q. David is aware of this conservation
 13 corridor.
 14 Has he made this concept known to
 15 ADEM?
 16 A. I have made the concept known to ADEM.
 17 I don't know if David has.
 18 Q. Who at ADEM have you talked to about it?
 19 A. I talked to people we work with in the
 20 land division. Steve Cobb.
 21 Q. Is Steve on board with it?
 22 A. ADEM really hasn't taken -- I'd should
 23 say the land division really hasn't

REGIONAL REPORTING SERVICE, INC.

1 taken a position as to whether they are
2 for or against it.

3 I mean, they are going to have to
4 -- There is a potential that we may
5 present this as a remedial alternative.
6 Q. Goodness gracious. I was going to come
7 to that, but you sort of leapt to that
8 before me.

9 So this would be an alternative
10 for remediating the creek?

11 A. It would be an alternative that could be
12 considered, certainly.

13 Q. How is it that this would affect, if you
14 know, the bottom line for Monsanto?

15 A. It's difficult to predict. What would
16 we compare it to?

17 Q. Well, if you had to dredge Choccolocco
18 Creek to clean up all that PCB in the
19 sediment that y'all put there, what
20 would that cost be? Have y'all made an
21 estimate of that?

22 MR. COX: Object to the form.

23 A. I'm not aware of the cost estimate

REGIONAL REPORTING SERVICE, INC.

1 alternative that can be evaluated as
2 part of the corrective measure of study
3 process, I'm certainly not at a point
4 where I'm willing to say that it's the
5 final answer for Choccolocco Creek.

6 Q. What happens to the people who have to
7 use Choccolocco and want to use
8 Choccolocco Creek to fish in?

9 I assume, based on what you're
10 talking about, y'all plan to do no
11 dredging and to leave the stuff on the
12 bank over there in the floodplain if you
13 get this conservation corridor idea
14 sold. Isn't that correct?

15 MR. COX: Object to the form.

16 A. No. I wouldn't characterize that as
17 correct, Mr. Stewart.

18 Q. What do you plan to do with it?

19 A. Once again, we haven't completed
20 collecting all the data from Choccolocco
21 Creek.

22 We completed a phase one
23 investigation within the banks.

REGIONAL REPORTING SERVICE, INC.

1 that's been done to determine the cost
2 of dredging it, no.

3 Q. You have been working how long on this
4 conservation thing?

5 A. The project more or less got off the
6 ground about the time I came over and
7 assumed responsibility. Alan Faust was
8 the one --

9 Q. That dreamed it up?

10 A. He initiated contact with the
11 Conservation Fund. Then I subsequently
12 took it over from him.

13 Q. Well, I guess I may be right and Buddy
14 is wrong. Because Ol' Alan was thinking
15 about this at the time that I took his
16 deposition and he just didn't tell me
17 why he didn't think y'all were going to
18 have to clean it up. Is that right?

19 MR. COX: Object to the form.

20 A. Once again, what Mr. Faust thought or
21 what he said, I can't speak for.

22 What I can tell you is that I'm
23 not -- while I see this as an

REGIONAL REPORTING SERVICE, INC.

1 We have a phase two investigation
2 we need to do on the floodplain and we
3 recommended in our phase one report.

4 A phase three investigation to
5 better understand -- to better
6 understand the distribution of PCBs in
7 areas around the confluents of Snow
8 Creek and Choccolocco Creek.

9 And until we've collected that
10 data and had a chance to evaluate it, it
11 remains premature to determine what the
12 final answer is for Choccolocco Creek.

13 Q. Have you recommended any dredging in
14 Choccolocco Creek?

15 A. Have I recommended any dredging?

16 Q. Uh-huh (indicating yes).

17 A. No. I never recommended that we dredge
18 Choccolocco Creek.

19 Q. Has Solutia ever recommended any removal
20 of sediment in Choccolocco Creek that
21 has levels of PCBs in it?

22 A. Not that I'm aware of, no. But it's --

23 Q. Do you know of anything that's on the

REGIONAL REPORTING SERVICE, INC.

1 board right now that would compete with
2 this conservation corridor idea?
3 A. Until we complete our investigation, no.
4 I mean --
5 Q. Who else is involved in that
6 organization besides Mr. Conroy?
7 A. In the working group organization?
8 Q. Yeah. I want to know that.
9 Because the people in Calhoun
10 County are real interested in it. It's
11 the first I have ever heard about it
12 until I got these documents.
13 I have lived there since '48. I
14 haven't seen anything about it yet.
15 A. Other members of the organization
16 include -- Well, we have had -- We have
17 presented the idea to the members of the
18 Logan Martin Lake Protective
19 Association.
20 Q. Who is that? Is that that group that
21 settled that deal down there on the lake
22 or part of that?
23 A. I'm not familiar with that particular

REGIONAL REPORTING SERVICE, INC.

1 Q. Do you know what she does in Birmingham?
2 A. Not beyond her participation in the role
3 with the Region 20-20 organization.
4 Q. Anybody else?
5 A. As I said, we have held a -- excuse me
6 -- we have held two meetings with --
7 with members of the community; actual
8 property owners along the creek.
9 We had an attendance of
10 approximately -- I guess maybe
11 twenty-five different property owners
12 and presented the idea to them.
13 Also a number of -- several of
14 those property owners participate in our
15 working group meetings on a regular
16 basis.
17 Q. How does this affect the work y'all are
18 going to do on Snow Creek?
19 A. It really has no bearing on what we do
20 on Snow Creek.
21 Q. What is a Snow Creek liner system?
22 A. A Snow Creek liner system?
23 Q. Right.

REGIONAL REPORTING SERVICE, INC.

1 litigation. That occurred before I was
2 involved.
3 But it's my understanding that
4 some members of that organization were
5 plaintiffs in that lawsuit.
6 So we presented the idea to them.
7 We presented the idea to an
8 organization called Region 20-20, which
9 is really more based out of Birmingham.
10 It is looking at greenways or
11 conservation corridors as one way to
12 promote smart growth in the greater
13 Birmingham area, I guess, for lack of a
14 better term.
15 We spoke to them about the
16 concept. As I have said, we have spoken
17 to --
18 Q. Who is it that you spoke to?
19 A. Specifically -- I'm not sure of the
20 title. Her name is Ann Florie.
21 Q. Where does Ann live?
22 A. I don't know. All I though is that
23 she's --

REGIONAL REPORTING SERVICE, INC.

1 A. I'm not aware that there is a liner
2 system in place on Snow Creek.
3 Is there something there I can --
4 MR. STEWART: Mark that.
5 (Plaintiffs' Exhibit Number
6 One was marked for
7 identification.)
8 Q. Tell me what -- This looks like Anniston
9 Remedial Projects, 2001 Budget Plan,
10 Long Term. It is a Snow Creek liner.
11 A. What that is, Mr. Stewart -- this
12 particular document is associated with
13 my long-range planning process.
14 I have to -- part of my job is to
15 come up with cost estimates for, you
16 know, potential activities that we may
17 be involved with in the future.
18 I make assumptions and provide
19 rough order magnitude costs to put into
20 that long-range plan.
21 And certainly lining Snow Creek is
22 a remedial alternative that would be
23 considered.

REGIONAL REPORTING SERVICE, INC.

1 Q. When did y'all come up with that?
2 A. When you say "you all" -- I mean, it was
3 me that came up with it in the course of
4 putting together this cost estimate.

5 There has been no -- What's the
6 term I'm looking for? There has been no
7 predisposed idea that that's something
8 we are aiming for.

9 Once again, it's a matter of
10 following the data and doing what's
11 appropriate based on the data we get.

12 Q. That's a little different than what you
13 had previously planned to do, isn't it?

14 A. Could you be more specific in regard to
15 what I previously planned to do?

16 Q. On Snow Creek. And that's what I
17 thought we were talking about.

18 If you want me to call it out each
19 time, I will be glad to.

20 To remediate Snow Creek. That's
21 different -- The liner is different than
22 what y'all had previously planned to do;
23 isn't it?

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1 misunderstanding your question. But I
2 never proposed --

3 Q. Was there another corrective measure
4 that proposed -- let me ask it that way
5 -- and discussed with you by Mr. Faust
6 at some point in time before you came up
7 with this liner idea?

8 A. Mr. Faust and I never discussed
9 potential corrective measures on Snow
10 Creek that I recall.

11 Q. Was there ever any idea expressed to you
12 by anybody that one of the possible
13 methods for handling the problem in Snow
14 Creek -- And that presumes you think
15 there is a problem. And I assume since
16 you put a liner there you thought maybe
17 there was -- that you would do something
18 different other than putting the liner
19 in there? Did anybody ever tell you
20 anything about that?

21 A. No. Not to my knowledge.

22 And regarding my assumptions about
23 whether something is required in Snow

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1 A. I guess I'm confused by your question.
2 I don't recall discussing anything that
3 I previously planned to do on Snow
4 Creek.

5 Q. I'm not talking about the discussions
6 today.

7 I'm talking about there was some
8 corrective action that you all looked at
9 in the past that is different from a
10 liner of Snow Creek.

11 A. I have little familiarity with any
12 attempted corrective measures that were
13 taken in the past on Snow Creek.

14 MR. COX: No. You are
15 misunderstanding.

16 THE WITNESS: I must be.

17 Q. The proposal that had been made as to
18 what to do on Snow Creek in connection
19 with PCBs that are located there.

20 Now, this is different. This
21 liner is different than what previously
22 had been proposed.

23 A. I apologize. Perhaps I'm still

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1 Creek or not, we -- based on the data we
2 collected in the phase one investigation
3 that was -- which was submitted to ADEM,
4 we did feel that based on what we found
5 in Snow Creek that an evaluation of
6 corrective measures was necessary, and
7 we made recommendations to do that on
8 certain portions of the creek.

9 Q. What is it that you recommended be done,
10 this --

11 A. Just that we evaluate the potential need
12 for corrective measures on the creek, to
13 do a study to determine what if any
14 corrective measures --

15 Q. What did the study consist of?

16 A. It would consist of an evaluation of
17 various potential corrective measures.
18 And you would evaluate those corrective
19 measures based on the number of
20 criteria, which are these criteria
21 outlined in our RCRA program, if I'm not
22 mistaken. And we submit that.

23 And based on that evaluation you

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determine if corrective measures are required; here is a recommended corrective measure that meets the criteria outlined in our RCRA permit. And that goes through a -- because it's a final corrective measure, it has to go through a public notice process and agency approval.

Q. What do you anticipate having to do on Snow Creek based on the levels that you have seen so far? Have you seen any levels in the sediment on Snow Creek?

A. Yes. We have accepted PCBs in the sediment.

Q. Pretty high; similar to what you found down there around the mall and the ball field?

A. Yeah, relatively.

In general what we found was we were finding PCBs in the upper third, roughly, of the creek.

There was a middle section of the creek where we did not find any

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corrective measure study one of the alternatives that is evaluated is removal.

Q. What about a diversion facility and a plan to divert the water from Snow Creek to that treatment facility before it reaches Choccolocco Creek? Have y'all looked at that?

A. As far as diverting water to a treatment facility, no, we haven't looked at that.

But once again, we haven't begun the process of doing a corrective measure study.

Q. So if your statement here today is that nobody has presented you something similar to that, that hasn't been discussed in the past as far as what to do on Snow Creek?

A. No. No one has ever presented anything to me specifically. I mean, it's a process that we still have to go through on Snow Creek.

Q. So other than possibly dredging that

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extensive amounts of PCBs. And then in the lower portions of the creek we began to see PCBs in the sediments again.

Those were really the two areas we recommended for conducting the corrective measure studies.

Q. Did y'all do any aqueous phase testing?

A. Aqueous phase meaning testing of the water?

Q. Yeah.

A. I believe there was some testing of surface water in Snow Creek. But I can't recall the details of it without going back and referencing the report.

Q. You talked about the lining system that you talked about doing for Snow Creek.

Is there some removal of sediment that you contemplate that you would do in Snow Creek if those levels are consistent after you do this additional study?

A. There is a potential that some sediments -- You know, in the course of doing the

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facility or dredging portions of the creek or removing sediment from portions of the creek and putting the liner in -- What kind of liner are we talking about, Mr. --

A. For the purpose of this cost estimate, Mr. Stewart, I'd have to go look -- I would have assumed a concrete liner.

Q. A concrete liner?

A. Yes.

Q. All the way down Snow Creek?

A. That would have been the basis for the cost that developed for the long-range planning process.

Q. And your anticipation that that cost would be what?

A. The number that I have got here; about two point eight million dollars.

Q. That's what y'all plan to do?

A. No. Like I said, I had to make some very broad assumptions just to provide the -- my people I report to some flavor for what the future cost of Anniston

REGIONAL REPORTING SERVICE, INC.

1 might look like.

2 There is certainly no presumption
3 of remedies. It's just what we consider
4 potential alternatives that may be
5 implemented.

6 But that does not lock us into a
7 predetermined path as far as evaluating
8 remedial measures by any stretch of the
9 imagination.

10 Q. Which would be cheaper -- while we are
11 talking about expenses -- the corridor
12 you are talking about -- not taking any
13 sediment out of Choccolocco Creek and
14 not removing any of the floodplain -- or
15 actually doing that?

16 MR. COX: Object to the form.

17 A. If I could just make sure I understand
18 your question. What would be cheaper --
19 Is your question would it be cheaper to
20 do the conservation corridor than to dig
21 up the PCBs?

22 Q. Right.

23 A. Yeah. I don't think there is any

REGIONAL REPORTING SERVICE, INC.

1 Q. So it was certainly an indication that
2 you removed it there?

3 MR. COX: Object to the form.

4 A. We removed -- First of all, there was
5 only a portion of the material that was
6 actually removed from the mall site.

7 Most of the material was managed
8 at the mall site.

9 Once again, we only removed
10 materials in the areas where
11 construction was going to be occurring
12 at the mall, because we felt there was
13 potential for if we did not do that then
14 the construction of the mall -- those
15 materials could be mobilized and get
16 back into the streams.

17 I mean, that was the basis for
18 being involved at the mall.

19 Q. But isn't one of the reasons they
20 dredged the creek up there -- Strike
21 that.

22 Don't you lose something when you
23 do what you all are proposing to do;

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1 question about that.

2 Once again, we don't have a
3 thorough understanding of the
4 distribution of PCBs.

5 But from strictly a cost
6 perspective, that's probably an accurate
7 statement.

8 Q. And that's really what drives what y'all
9 do?

10 A. No. I wouldn't say the cost drives what
11 we do at all.

12 What drives what we do is the data
13 we get and the interpretation of that
14 data.

15 Q. Well, the data -- I believe you
16 indicated earlier on Snow Creek --
17 indicates you probably ought to remove
18 some of that sediment. You certainly
19 removed it around the mall down there;
20 almost down to one point per million,
21 didn't you, because it was located along
22 the creek?

23 MR. COX: Object to the form.

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1 both on Choccolocco Creek and on Snow
2 Creek? Doesn't the community lose
3 something, Mr. Branchfield?

4 MR. COX: Object to the form.

5 A. Once again, we haven't proposed anything
6 to the community for a -- This is just
7 for the purposes of budget planning,
8 Mr. Stewart. It's not --

9 Q. Well, it appears to be that the budget
10 planning is going along pretty good, and
11 this complete conservation corridor and
12 Snow Creek remedy is -- appears to be
13 somewhat different than what happened in
14 Sauget.

15 I was just wondering if you
16 recognized, Mr. Branchfield, that the
17 community might lose something --

18 MR. COX: Object to the form.

19 Q. -- in the way you all plan to approach
20 this.

21 MR. COX: Object to the form.

22 A. Once again, whatever -- whatever
23 corrective measures were selected for

REGIONAL REPORTING SERVICE, INC.

1 Snow Creek and Choccolocco Creek -- be
2 it lining the creek or removing the
3 material or doing a conservation
4 corridor -- as being a part of a final
5 corrective measure would go through a
6 public notice period where the community
7 would have an opportunity to comment on
8 those particular remedies.

9 Q. If you lined the creek, you would
10 basically lose the creek, wouldn't you?
11 It becomes a concrete culvert, doesn't
12 it?

13 A. If you were to line it with concrete --

14 Q. A concrete ditch?

15 A. Yeah. Essentially, yeah.

16 Q. And if you did not remove the PCBs from
17 Snow Creek or you did not remove the
18 PCBs from the sediment in Choccolocco
19 Creek, there is a continuing possibility
20 that the fish will have PCBs and whoever
21 fished Choccolocco Creek wouldn't have
22 that capability anymore, would they?

23 A. Well, what we are seeing in Choccolocco

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1 Q. Didn't the EPA want to dredge it --
2 require that it be dredged and that
3 stuff be cleaned up on certain portions
4 of the Hudson because of the
5 contaminated fish and the danger to
6 people?

7 MR. COX: Object to the form.

8 A. I know the EPA has issued something -- I
9 don't know what -- either requesting or
10 requiring --

11 Once again, my familiarity is
12 somewhat limited. They have issued
13 something suggesting they would like to
14 see the Hudson River dredged. I don't
15 know the data or any other information
16 that would have lead them to that
17 conclusion.

18 Q. You would admit, Mr. Branchfield, that
19 if in fact you don't remove the PCBs
20 from the sediment in Choccolocco Creek
21 and Snow Creek there is a distinct
22 possibility that the fish would continue
23 to uptake PCBs and the danger still

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1 Creek -- and once again, you know, we
2 don't have a complete set of data to
3 complete that evaluation or draw any
4 conclusions on that.

5 But the preliminary data we have,
6 when we look at the current data and
7 historical data, suggest that the wells
8 and PCBs in fish are declining.

9 I'm not sure whether that would
10 continue in the future. We have to do
11 more study into that. But there
12 certainly appears to be that potential.
13 Q. But isn't it a fact that it has been
14 proven on the Hudson, Mr. Branchfield,
15 that that stuff continues to move; PCBs
16 continue to move that are trapped in
17 sediment through the water colony?

18 MR. COX: Object to the form.

19 A. My knowledge of what's occurring at the
20 Hudson River is what I read in the
21 newspaper from time to time. I know
22 very, very little about what is going on
23 with the Hudson.

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1 exists that caused the fish advisory in
2 the first place?

3 MR. COX: Object to the form.

4 A. What you are asking, I believe, is for
5 me to give an opinion on theoretically
6 what may happen.

7 I believe that theoretically there
8 is a potential that over time those
9 levels in fish will go down because the
10 clean sediments that are coming into the
11 system from tributaries to Choccolocco
12 Creek and Snow Creek will fill in on top
13 of the sediments that are potentially
14 impacted by PCBs; and thereby reducing
15 or even at some point in time perhaps
16 eliminating their bioavailability.

17 Q. Well, that's what they have said in the
18 Hudson. And they came to the conclusion
19 that if they continue to move in the
20 water colony it might be three hundred
21 years before that problem goes away.

22 If that's correct on the Hudson,
23 it certainly could be correct on

REGIONAL REPORTING SERVICE, INC.

1 Choccolocco, and you would take away the
2 ability of people to fish, wouldn't you,
3 Mr. Branchfield?

4 MR. COX: Object to the form.

5 A. Once again, I'm not familiar with the
6 data that lead to those conclusions.

7 Q. Or consume those fish.

8 A. What we have seen on Choccolocco Creek,
9 though, is there has been a study of
10 reduction in PCB levels in fish over
11 time; suggesting that what we believe
12 may be happening may in fact be
13 happening.

14 Do we have enough data to draw
15 that conclusion at this point in time?
16 I don't think so. But we are continuing
17 to collect that data and evaluate that
18 possibility.

19 Q. What you all basically have attempted to
20 do here in Anniston, which is what you
21 were not able to do in Sauget, when they
22 dredged the creek in Sauget is to use
23 your money and your political influence

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1 such that it's not available for -- to
2 get into the food chain or -- dependent
3 on what we are talking about -- if we
4 are talking about the creek or
5 residential properties or whatever --
6 it's to eliminate the potential exposure
7 pathways. And that's what we are trying
8 to accomplish with remediation, and
9 that's what we will continue to try to
10 accomplish.

11 (Plaintiffs' Exhibit Number
12 Two was marked for
13 identification.)

14 Q. Let me show you Plaintiffs' Exhibit Two
15 and just ask you to take a look at it.
16 And then I want to ask you if it in fact
17 indicates that what you all are trying
18 to do or what you all accomplished to
19 date, as far as remediation over there
20 on that plant site and in the area
21 immediately adjacent to it, was exactly
22 what I said, to buy up what you needed
23 in order to put a BandAid on the

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1 and save the company millions and
2 millions of dollars and not do for the
3 people in Calhoun County or Talladega
4 County what you did in Illinois; isn't
5 that correct?

6 MR. COX: Object to the form.

7 A. No. I would disagree with that
8 statement.

9 Q. And in addition to being -- having that
10 attitude about the creeks and the
11 waterways, you had that same attitude,
12 did you not, about the remediation of
13 the property that's immediately around
14 the plant site, didn't you,
15 Mr. Branchfield?

16 MR. COX: Object to the form.

17 A. No. Our goal with remediation is to,
18 once again, you know, collect the data,
19 evaluate the data, and take the
20 corrective measures to be sure the stuff
21 that cannot be mobilized or transported
22 from its current location and to remove
23 it as a -- at least place it in a form

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1 situation, get out as cheaply as you
2 possibly can, and control the
3 contaminated area so you don't have to
4 remediate.

5 That's really what you did, isn't
6 it?

7 MR. COX: Object to the form.

8 A. That's not my perception of it,
9 Mr. Stewart. And certainly nobody has
10 ever come up to me and told me that --
11 suggested that cost has to be a factor
12 in what we choose to do.

13 What our goal is and what it will
14 continue to be is to remediate the
15 properties in accordance with -- I will
16 use the term "environmental regulations
17 that we are working under," and we will
18 continue to do that.

19 Q. Now, here is a document that I put
20 before you that's Exhibit Two that is
21 called Anniston Remediation Cost, Storm
22 Water and Sediments.

23 And you have got storm water

REGIONAL REPORTING SERVICE, INC.

1 retention basins, south landfill cap and
2 sediment control on east property,
3 purchased property plus relocation of
4 residents and a church.

5 That's about two point seven five
6 million dollars.

7 A. Right.

8 Q. And back here on the next page, which is
9 DSW 122118 of Plaintiffs' Exhibit Two to
10 your deposition, would you read for the
11 record for me paragraph three?

12 MR. COX: You can read the whole
13 document if you want to. He
14 wants you to read paragraph
15 three out loud.

16 A. If I could read paragraph three out
17 loud, then, so I can understand --

18 Q. That's fine. Why don't you read -- But
19 first read that. And then I want to ask
20 you some questions about it.

21 If you need to refer to the whole
22 document to try to figure that one out,
23 that's fine with me.

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1 Q. Okay. Now, I sort of understand that.
2 But maybe I'm looking at it with a
3 jaundice eye.

4 But it appears to me that somebody
5 was trying to control the issues that
6 would be associated -- and if you read
7 the first part of that -- with
8 remediation on private property.

9 Isn't that right? Isn't that what
10 that says?

11 That's the first one. You have to
12 answer out.

13 A. Yes. That's what I'm reading.

14 Q. And one of those issues that you all
15 were worried about from the very
16 beginning -- and this happened to be at
17 the time y'all were determining what to
18 do on the east side of the plant over
19 there, as I understand it -- Because
20 that is what it refers to; doesn't it?

21 A. It appears to be talking about
22 remediation on the east side of the
23 plant, yes.

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1 MR. COX: Not to belabor the
2 point. I'm just going to
3 object.

4 Because it's not stated
5 in the document, that would
6 appear to be a document
7 prepared before
8 Mr. Branchfield was employed
9 by Solutia.

10 MR. STEWART: I think it was.
11 That doesn't matter.

12 I'm just asking him a
13 question about what they
14 decided to do.

15 I know it was.

16 Q. (By Mr. Stewart) Go ahead. Read that
17 out loud, please.

18 A. What number three says is, "Avoid the
19 issues associated with remediation on
20 private property; including how clean is
21 clean exposure concerns, traffic,
22 adverse PR associated with remediation
23 in a low-income community, et cetera."

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1 Q. And that's when you got over there on
2 the people's property in the Cobb Town,
3 Sweet Valley area; isn't it?

4 A. I can only assume from the limited
5 information that I'm reading here. I
6 don't know the context or where this
7 document came from.

8 Certainly the fact that it talks
9 about Mars Hill Church -- Mars Hill was
10 located over in the vicinity you talked
11 about, yes.

12 Q. And one of those is including how clean
13 is clean. Is that right?

14 A. Yes, that's correct.

15 Q. Which would mean that maybe a property
16 owner who owned a house there would want
17 you to remediate the property down to
18 get it off the land. Isn't that right?

19 MR. COX: Object to the form.

20 A. That's certainly the potential that
21 that's what a property owner would want,
22 yes.

23 Q. And you would have to take it somewhere

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1 and dispose of it?

2 A. If you were to dig it up, sure, you

3 would have to do that.

4 Q. And test before you started doing that?

5 A. Yeah. You would have to test before you

6 could remove the material. That's

7 correct.

8 Q. And if you owned it, you could just lay

9 some old permeable geo-textile material

10 over it and cover over it with a little

11 clay and leave it just like it is.

12 MR. COX: Object to the form.

13 Q. Isn't that right?

14 A. You are correct; from the perspective

15 that that's what we did on the east side

16 property.

17 Q. That's what you did?

18 A. Right.

19 Q. That's what you did?

20 A. Yes.

21 Q. And then exposure concerns in traffic --

22 If you control that property, then you

23 wouldn't have to worry about the little

REGIONAL REPORTING SERVICE, INC.

1 isn't that what that means?

2 A. In the context of this document, the way

3 it's written, you could make that

4 assumption, I believe, yes.

5 Q. Association with remediation in a low

6 income community. Is that right?

7 A. That's what it says, yes.

8 Q. If one really wanted, Mr. Branchfield,

9 to make sure that you accomplished that

10 objective, one way to do it, isn't it,

11 Bud, is to go into that community and

12 not really tell them the truth about

13 what you were doing, get the property

14 that you needed for the remediation

15 project, and you would have the bull by

16 the tail, wouldn't you?

17 MR. COX: Object to the form.

18 A. Well, you are asking for my opinions on

19 this, Mr. Stewart. I'm not -- Once

20 again, I was not the project manager

21 back then. So I'm not familiar with

22 what the context within which these

23 decisions were made. I'm not familiar

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1 ol' children being out there or families

2 using their property, raising gardens,

3 hogs, chickens, having a community,

4 would you?

5 A. If you own the property, those are

6 certainly things that you don't have to

7 be concerned with. That's correct.

8 Q. The community is gone, right?

9 A. I think that's a rather harsh way of

10 putting it.

11 But the community has been offered

12 an opportunity to sell their property as

13 opposed to having it being

14 inconvenienced by people digging up

15 their yards.

16 Q. And then they have got this thing called

17 adverse PR. Is that public relations?

18 Is that what that means?

19 MR. COX: Object to the form.

20 A. I'm not familiar with this document. I

21 didn't write it. But --

22 Q. Wouldn't you assume, Mr. Branchfield --

23 you seem to be a pretty bright fellow --

REGIONAL REPORTING SERVICE, INC.

1 with what communication had been had

2 with the community. Perhaps the

3 community had expressed an interest in

4 being purchased.

5 I just don't know the answer to

6 those questions. All I'm familiar with

7 is what we did, which you're obviously

8 familiar with.

9 Q. Isn't that what you did in paragraph

10 three? Didn't y'all buy it all up for

11 the very reasons that are stated in

12 paragraph three?

13 A. I know we bought it. I don't know that

14 those are the reasons we did it.

15 Q. Wasn't it cheaper for you?

16 A. I don't know. I'm not familiar with any

17 cost evaluations that were done.

18 Q. Isn't that what you're planning on doing

19 on Snow Creek, son?

20 A. Once again, you know, there has been no

21 -- I have no predisposed idea on what we

22 are going to do on Snow Creek. We are

23 going to follow what the data requires

REGIONAL REPORTING SERVICE, INC.

1 us to do.

2 Q. Who makes y'all's political

3 contributions?

4 A. For the company as a whole or -- I mean

5 -- I guess the simplest answer to your

6 question --

7 Q. Who gets involve here in Alabama? Who

8 makes the contributions here?

9 A. I don't know specifically who decides

10 who and how much money will be

11 contributed to political campaigns.

12 Q. Who would be most likely to contact the

13 Governor about these kinds of things

14 that you want done here in Calhoun

15 County, son?

16 A. Within the company, I think anything

17 that was to be done along those lines

18 would have to be approved by our vice

19 president for government affairs, Glenn

20 Rustin.

21 Q. That's the fellow that has previously

22 asked Mr. Roberson to sort of keep the

23 governor and his wife and his assistant

REGIONAL REPORTING SERVICE, INC.

1 -- chief assistant up to date?

2 A. I'm not familiar with any conversations

3 that Mr. Rustin and Mr. Roberson have

4 had.

5 Q. He's the one that would handle the

6 contributions if there were any to the

7 campaign?

8 A. I believe so, yes.

9 Q. Who is it that arranged y'all's

10 Washington trip about this site?

11 A. Washington trip?

12 Q. Didn't you make one?

13 A. I have not made any trips to

14 Washington --

15 Q. Didn't somebody --

16 A. -- in the context of --

17 Q. -- from your company recently make a

18 trip to Washington to meet with the EPA

19 about this site?

20 A. There was a meeting that was held,

21 Mr. Stewart. I'm trying to recall who

22 attended that meeting.

23 Q. Tell me if you can remember.

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1 A. I believe Mr. Rustin and our plant

2 manager, David Cain. There was one

3 other person who attended; although I

4 cannot recall who that person was.

5 Q. Was that shortly after the last

6 election?

7 A. I don't know that there was any -- I

8 honestly don't recall the date that

9 meeting was held.

10 Q. You don't recall the date the meeting

11 was held in Washington?

12 A. It would have been last fall.

13 Q. Last fall?

14 A. Yeah.

15 Q. Would it be sometime after the November

16 vote?

17 A. I don't recall what time.

18 Q. Of course, that took a little while to

19 be counted.

20 But was it after they counted it

21 and told Junior he could have it?

22 MR. COX: Which time?

23 A. Once again, Mr. Stewart, I don't recall

REGIONAL REPORTING SERVICE, INC.

1 the date of that meeting. I wasn't

2 really involved in any of the planning

3 or preparations or anything else that

4 went into that --

5 Q. Was the new group in there at the time?

6 A. New group being --

7 MR. COX: The new administration.

8 Q. The new administration.

9 A. Once again, I don't recall.

10 Q. What was the purpose of the meeting, if

11 you recall?

12 A. My limited understanding was that the

13 purpose of the meeting was to speak with

14 some of the -- some of the people within

15 the EPA.

16 Once again, I don't know who

17 specifically was met with.

18 Just to discuss with them, you

19 know, Solutia's position with regard to

20 the remediation in the Anniston area,

21 that we were -- wanted to be proactive

22 and work with the agencies and come up

23 with -- do what the -- do what we were

REGIONAL REPORTING SERVICE, INC.

1 required to do in the Anniston area,
 2 meet our remedial obligations.
 3 Q. And Mr. Cain was there and Mr. Rustin
 4 was there. Anybody else?
 5 Was Mr. Kaley there? Bob usually
 6 goes along on those trips.
 7 A. I don't believe Dr. Kaley attended that
 8 particular meeting.
 9 Q. Was anybody other than Mr. Rustin there
 10 from the public relations side?
 11 A. I don't believe so. Like I said, I
 12 don't recall specifically who the third
 13 person who attended was.
 14 Q. Who is it that you talked to at EPA?
 15 A. Who did I talk to at EPA?
 16 Q. They.
 17 A. Who did they talk to?
 18 Q. Right.
 19 A. I don't know specifically who they
 20 talked to.
 21 Q. Was it the person that was the
 22 administrative assistant to the
 23 president and head of EPA?

REGIONAL REPORTING SERVICE, INC.

1 A. I don't recall the name of the person.
 2 Q. Do you know whether or not they came
 3 from corporate headquarters in Monsanto?
 4 A. I'm not familiar what their role or
 5 position was within Monsanto, when they
 6 worked for the company.
 7 Q. Did you receive a report about the
 8 results of that meeting from either
 9 Mr. Rustin or Mr. Cain? Did y'all talk
 10 about it?
 11 A. No. I never had any specific
 12 conversations beyond, "How was the trip;
 13 the trip was -- I thought it was a good
 14 trip and it was" -- you know, that it
 15 was -- that it was a productive meeting,
 16 that it was useful.
 17 Q. He told you that he thought it was a
 18 useful meeting?
 19 A. Only from the perspective that we just
 20 had a goal of, once again, introducing
 21 some of the people in Solutia and, you
 22 know --
 23 Q. Sort of letting them know who you were?

REGIONAL REPORTING SERVICE, INC.

1 A. I don't know who they talked to at the
 2 EPA.
 3 Q. Do you know of anybody who has been
 4 appointed to the EPA, in any positions
 5 within the EPA, after this new
 6 administration has taken place -- or
 7 have taken their positions that came out
 8 of Monsanto?
 9 A. I believe that there is -- I don't know
 10 the position. But there is one person
 11 that was -- had some previous Monsanto
 12 experience that was appointed to a
 13 position within the EPA. But I don't
 14 know specifically what that position was
 15 other than it was on the federal level;
 16 not on a regional level.
 17 Q. And it would be a person that would be
 18 close to the Governor?
 19 A. I don't know specifically the title or
 20 responsibilities. It's something I
 21 caught in the newspaper. It just caught
 22 my eye, whatever.
 23 Q. Who was the person?

REGIONAL REPORTING SERVICE, INC.

1 A. Letting them know who we were and
 2 letting them know the company did have a
 3 proactive commitment to addressing its
 4 remedial obligations; not just in
 5 Anniston, necessarily, but the company
 6 in general; as we do on all our sites.
 7 Q. But you talked about Anniston since
 8 Mr. Cain went along?
 9 A. Yeah. I believe that Mr. Cain did
 10 attend the meeting. Because this was at
 11 the same time, Mr. Stewart, that we were
 12 -- the EPA was just becoming involved in
 13 Anniston. So we thought --
 14 The EPA had had limited
 15 involvement in Anniston up until, you
 16 know, last year, to the best of my
 17 knowledge.
 18 You know, we -- it was decided
 19 that it would be a good opportunity, if
 20 the EPA was going to be in town, to let
 21 them know that Solutia was a company
 22 committed to meeting its remedial
 23 obligations; specifically in Anniston,

REGIONAL REPORTING SERVICE, INC.

1 but the company in general.

2 MR. STEWART: Let's take a short
3 break.

4 MR. COX: I was going to ask you
5 if we could do that.

6 (A break was taken).

7 Q. (By Mr. Stewart) Let me show you
8 something -- Let's look at something
9 else, if you can, Mr. Branchfield, and
10 ask you if you are familiar with these
11 documents right here.

12 We won't mark them at this time.
13 But there is one entitled Contaminated
14 Sediment News, Chlorination of
15 Polychlorinated Biphenyl Congeners,
16 Assisted Thermal Stripping Action for
17 Removal of PCBs in Contaminated Soil,
18 Sediment Remediation for Reducing the
19 Toxicity, and Bio-accumulation of
20 Chemical Contaminants, Site
21 Demonstration of Terra Clean Responses,
22 Mobile Solvent Extraction Process. And
23 there is an Electric Blanket Boils PCBs

REGIONAL REPORTING SERVICE, INC.

1 information related to
2 remediation.

3 That may be tied up in
4 that group of documents.

5 There was a separate set
6 of documents that were in the
7 documents in

8 Mr. Branchfield's file that
9 mainly consist of his monthly
10 reports he has done since he
11 has been at the Anniston
12 site; as well as some other
13 budgetary information; one of
14 which has been marked as
15 Exhibit One.

16 MR. STEWART: Right.

17 Q. (By Mr. Stewart) Now, let's go to
18 another -- We talked about the
19 Washington meeting. Let's go to another
20 item, Mr. Branchfield.

21 And it talks about a meeting that
22 you attended in August of 2000.

23 It says, "Attended an EPA

REGIONAL REPORTING SERVICE, INC.

1 From the Soil.

2 Are you familiar with any of
3 those?

4 A. I don't believe I have read any of these
5 documents, Mr. Stewart.

6 Q. Did you gather any of those documents
7 yourself, or did somebody make you
8 familiar with those documents?

9 A. No.

10 Q. Those were provided to me by your
11 lawyer.

12 Do you have any idea as to who
13 might have gathered those documents?

14 A. No.

15 MR. COX: And those were
16 specifically -- Let me just
17 speak to that.

18 Those were in response
19 to a document request. We
20 identified some other
21 information that may have
22 misstated, in terms of the
23 specifics, as far as cost

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1 community involvement conference in San
2 Francisco where a presentation was made
3 by EPA, Citizens Against Solutia, and
4 Sweet Valley-Cobb Town Task Force
5 regarding community involvement in the
6 Anniston area.

7 Do you remember that meeting?

8 A. Yes, I do.

9 Q. Why is it that you went out there?

10 A. Well, they were giving a presentation on
11 issues related to the remediation, what
12 was going on in Anniston. And we felt
13 it was important to have a
14 representative at that meeting to be
15 familiar and knowledgeable with what was
16 said.

17 So I elected to go to that meeting
18 so that I could -- so that we would
19 know.

20 Q. When you say they, who are you talking
21 about?

22 A. Our project management group, the group
23 I worked with conducting the remediation

REGIONAL REPORTING SERVICE, INC.

1 in Anniston.

2 Q. So "they" is your group that told you

3 about it? Is that --

4 A. The EPA actually informed me that the

5 meeting was going to be taking place.

6 Q. The EPA did?

7 A. Yes.

8 Q. Who is it at EPA that informed you that

9 this meeting was going to take place?

10 A. At the time her name was Cheryl

11 Catinero; I believe was her last name.

12 Q. Why is it that she informed you, Cheryl

13 Catinero -- Is that her name?

14 A. Yes. I don't know why she informed me

15 specifically; other than Anniston was on

16 the agenda. I assume she thought it was

17 -- It would be complete speculation as

18 to why she called me; other than out of

19 professional courtesy.

20 Q. Professional courtesy?

21 A. Yeah.

22 Q. Wasn't this a citizens group that was

23 going out there to make this

REGIONAL REPORTING SERVICE, INC.

1 would talk to you about -- or told her

2 to tell you about going out there?

3 A. No. She never told me somebody told her

4 to tell me to go out there.

5 Q. Who is her boss, Wes Hardegree?

6 A. I don't know who she reports to.

7 Q. Who do you deal with over there at

8 Region Four?

9 A. At this point in time primarily Steve

10 Spurling, who is the on-scene

11 coordinator for the EPA in the Anniston

12 area.

13 Q. Who else have you dealt with, say, in

14 the last couple of years over there at

15 EPA?

16 A. For a short period of time I dealt with

17 Karen Knight, who was Steve Spurling's

18 predecessor.

19 Q. Who else?

20 A. Let me think. We worked with a

21 gentleman named Wes Hardegree, who you

22 mentioned. But primarily from the

23 perspective of copying him on submittals

REGIONAL REPORTING SERVICE, INC.

1 presentation to -- What kind of

2 organization were they making this to?

3 A. It was primarily -- the people attending

4 this conference were primarily people

5 who in some, way, shape, or form were

6 interested or involved with community

7 involvement issues as related to

8 remedial projects.

9 Q. So it wasn't a meeting where chemical

10 manufacturer folks were there. It was a

11 meeting that might have had something to

12 do with contaminating an area like

13 Anniston. It was people who were trying

14 to get it cleaned up, citizens groups?

15 A. I don't think it was folks so much on

16 people trying to get it cleaned up as

17 much as citizens participating in

18 remedial processes.

19 Q. Well, did you say somebody from -- in

20 particular from -- She's an employer of

21 Region Four?

22 A. I believe she was at the time, yes.

23 Q. And did she say anybody in particular

REGIONAL REPORTING SERVICE, INC.

1 to the state, to ADEM.

2 But I had very few direct

3 conversations with Mr. Hardegree.

4 I have had some conversations with

5 a gentleman named Craig Brown who works

6 with the TOSCA branch at the EPA.

7 Q. Craig Brown?

8 A. Yes.

9 Q. What have your conversations with

10 Mr. Brown been about?

11 A. Once again, because he works in the

12 TOSCA branch of EPA and was -- I'm not

13 quite sure what his role was within EPA

14 for overseeing activities at the

15 Anniston site. But he had an interest

16 in what we were doing, so we copied him

17 on documents.

18 I maybe talked to him two or three

19 times during the course of my tenure

20 down in Anniston.

21 Q. Anybody else that y'all worked with over

22 there at EPA besides Craig and Karen;

23 you did; Craig and Karen and Steve and

REGIONAL REPORTING SERVICE, INC.

1 Wes?

2 A. There is a gentleman named Russ McLean
3 who was copied on a number of documents.
4 He was also in the RCRA branch. But I
5 never had any conversations with him
6 that I can recall. I just know his name
7 from copying him on documents.

8 Q. Why do you copy Russ when you don't have
9 any contact with him?

10 A. I believe he's associated with the RCRA
11 Branch. And because for a period of
12 time all of our activities were being
13 done under the RCRA umbrella.

14 Q. Has that changed? Is it still under the
15 RCRA umbrella?

16 A. Some of the activities are under RCRA.
17 Some of them, as we discussed earlier,
18 are covered under the CERCLA.

19 Q. Which of those -- We sort of have
20 trouble sometimes figuring out exactly
21 who y'all are under.

22 I understand earlier you were
23 talking about the -- y'all sort of float

REGIONAL REPORTING SERVICE, INC.

1 Those activities -- there is no
2 question in my mind that the EPA is
3 providing the primary oversight for
4 those particular activities.

5 Q. How did they get control of the ball
6 field?

7 MR. COX: He's getting to that.

8 A. Yeah. I was verbally notified that the
9 EPA would be overseeing activities at
10 the ball field and that ADEM would not
11 provide the primary oversight of that.

12 Q. Who told you that?

13 A. I can't recall, Mr. Stewart,
14 specifically. I would assume it would
15 have been communicated to me in a
16 conversation with Mr. Spurling. I can't
17 recall specifically.

18 Q. Is that because the community down there
19 in Oxford didn't trust ADEM to supervise
20 that activity?

21 A. I really have no knowledge of any
22 discussions between the EPA and ADEM
23 regarding who oversees what. I don't

REGIONAL REPORTING SERVICE, INC.

1 back and forth. You talked about the
2 ball field being under EPA.

3 As I understand that, that's
4 supposed to be an ADEM controlled area.

5 A. Our understanding is that -- What I have
6 been told -- although I have not been
7 given any written correspondence from
8 the regulatory agencies to this effect
9 -- but what I have been told is that
10 certainly there are activities defined
11 in the AOC that we have signed with the
12 EPA under which oversight is done by the
13 EPA. Specifically the residential
14 sampling program around the area of the
15 plant, the Eleventh Street ditch work,
16 and work on another waterway which we
17 call the 9th Street Creek. I believe
18 the official title in the AOC is the
19 West 9th Street and Eulaton Street
20 Creek, if I'm not mistaken.

21 Those activities -- I believe that
22 more or less covers what's in the
23 current AOC.

REGIONAL REPORTING SERVICE, INC.

1 know what the basis is for the selection
2 process.

3 Q. What did Mr. Spurling say about why he
4 understood they were supposed to be in
5 charge of it?

6 A. He didn't give me any reason, other than
7 EPA was going to be providing primary
8 oversight for the work down at the
9 Oxford ball fields.

10 I didn't, you know -- And from my
11 perspective, Mr. Stewart, whether I'm
12 reporting to the EPA or ADEM, it doesn't
13 change the process I go through to try
14 to do my job. It's just who I talk to.

15 So, you know, the whys and ifs and
16 so on and so forth were really no
17 consequence to me, and I didn't ask.

18 Q. Who do you report to on the creek?

19 A. On Snow Creek or Choccolocco Creek?

20 Q. Both.

21 A. For Snow Creek right now there is a zone
22 -- a residential sampling zone
23 identified in the AOC that's in the

REGIONAL REPORTING SERVICE, INC.

1 floodplain of Snow Creek. And I report
2 to the EPA on that.

3 Q. Who at the EPA?

4 A. I'm sorry. Yeah. That's correct. The
5 EPA.

6 Steve Spurling. It's under the
7 AOC that we signed with them.

8 As far as the actual area within
9 the banks of the creek and areas -- with
10 some exception outside the banks of the
11 creek -- I still assume that I report to
12 ADEM; although there has been no
13 correspondence regarding any work out in
14 those areas.

15 The exceptions to that right now
16 are regarding the residential properties
17 associated with Quintard Mall. I
18 currently report to Mr. Spurling on
19 those particular issues.

20 Certainly the work at the Oxford
21 park I report to Mr. Spurling on also.

22 Q. So the Quintard Mall you report to
23 Mr. Spurling and the Oxford you report

REGIONAL REPORTING SERVICE, INC.

1 A. I don't know a specific title.

2 Q. Who is his employer? Who is over him?

3 A. His supervisor?

4 Q. Right.

5 A. I believe it's Mr. Crockett.

6 Q. And then who, if you understand, is over
7 them?

8 A. I believe Mr. Crockett reports to
9 Mr. Cobb.

10 Q. So Steven Cobb is for all intents and
11 purposes involved in the Anniston
12 project?

13 A. That's correct.

14 Q. Has the final say over it?

15 A. I don't know if he has the final say or
16 not. I'm not sure who has final say
17 over activities in Anniston within ADEM.

18 Q. Tell me, if you would, if you all have
19 been -- any of these things that you all
20 have done as interim measures have been
21 signed off as final on the plant site.

22 A. On the plant site?

23 Q. Yeah.

REGIONAL REPORTING SERVICE, INC.

1 to Mr. Spurling. The residential
2 properties in Anniston you report to
3 Mr. Spurling. But the -- What about the
4 plant site? Who do you report to on
5 that?

6 A. The Solutia plant site I still report to
7 ADEM for those activities; as well as
8 the adjacent properties, which we own.

9 Q. Who do you work with at ADEM?

10 A. Primarily a gentleman by the name of
11 Jeff Anderson.

12 Q. That's the person that took Grossiano's
13 place?

14 A. He's the person that I now report to.
15 Whether he specifically took
16 Mr. Grossiano's -- They did something
17 organizationally down there at ADEM,
18 Mr. Stewart, that I'm not familiar with.
19 I actually believe there is a gentleman
20 named Chip Crockett that took
21 Mr. Grossiano's place.

22 Q. What is Mr. Anderson's position with
23 ADEM?

REGIONAL REPORTING SERVICE, INC.

1 A. Except for the -- Well, let me think.

2 No. I don't believe anything has been
3 signed off on as a final corrective
4 measure.

5 Q. What about the work that's been done on
6 the south landfill?

7 A. I know that the cap and cover project
8 that we did on the western portion of
9 the landfill was done as an interim
10 measure and has not been accepted as a
11 final corrective measure.

12 Q. The west landfill? That's the one west
13 of the plant?

14 A. Right.

15 The west landfill -- my
16 interpretation is that has been accepted
17 as a final corrective measure, because
18 it's not identified as a solid waste
19 management unit in our RCRA permit.

20 Q. When was that done?

21 A. The work on the west landfill?

22 Q. No. The acceptance by -- Is it ADEM
23 that accepted it, the EPA?

REGIONAL REPORTING SERVICE, INC.

1 A. All I know, Mr. Stewart, is it's not
2 identified as a solid waste management
3 unit in our permit.

4 I don't know when or if any -- I
5 don't know how that came to pass. It
6 was before my time.

7 Q. It really wasn't ever identified,
8 Mr. Branchfield, as a solid waste unit
9 in your --

10 A. It's not identified in our current
11 permit, which is --

12 Q. When was that issued?

13 A. 1997, I believe.

14 Q. Well, how in the world did you do the
15 work on that, if it wasn't permitted?

16 MR. COX: Object to the form.

17 A. The work was -- There were some work
18 plans submitted to the state, to ADEM,
19 describing the work we were going to do
20 on the west landfill.

21 Q. Well, the state administers RCRA;
22 doesn't it?

23 A. That's correct, yes.

REGIONAL REPORTING SERVICE, INC.

1 Q. There wasn't any permit?

2 A. It was not -- In our permit that was
3 signed in 1997, it was not identified as
4 a solid waste management unit.

5 Q. Was it identified at any point in time
6 as a solid waste management unit under a
7 RCRA permit over there?

8 A. I'm not familiar with the status of the
9 permit before 1997.

10 Q. Were they just sort of grandfathered in?
11 Is that what happened? Is that what you
12 understood happened?

13 A. I don't know what happened with it,
14 Mr. Stewart.

15 Q. Wouldn't it be normal if it wasn't in
16 the RCRA permit that you would do it
17 under CERCLA and do it through EPA?

18 A. It was done with the oversight of the
19 Alabama Department of Environmental
20 Management. There were plans developed,
21 characterization reports completed.

22 Q. I understand that. But I'm talking
23 about normally what you would do if you

REGIONAL REPORTING SERVICE, INC.

1 had a facility like that, a waste
2 facility like that.

3 It wasn't in the RCRA permit of
4 the plant that was involved with that
5 property or on that property. It would
6 go to CERCLA, wouldn't it? They are the
7 ones that would do it if it wasn't in
8 the RCRA permit. The state didn't
9 administer any CERCLA problems, did
10 they, or supervise the cleanup or
11 remediation, did they? They generally
12 don't do it.

13 A. All the work on the west landfill,
14 Mr. Stewart, was done before I became
15 involved in the project. As I have
16 said --

17 Q. I'm not talking about Anniston,
18 Mr. Branchfield. Don't get me wrong.
19 I'm trying to get you to answer the
20 question.

21 Normally if it's not in the RCRA
22 permit it would be done under the EPA --

23 MR. COX: Object to the form.

REGIONAL REPORTING SERVICE, INC.

1 Q. -- supervision.

2 A. Remediation work in general of that
3 nature is done either under ADEM
4 oversight or EPA oversight.

5 Q. That's generally when the RCRA permit
6 that the entity has includes that as a
7 landfill. And it didn't. I believe you
8 told us it didn't. The one you oversaw
9 in '97 didn't.

10 MR. COX: Object to the form.

11 A. Like I said earlier, Mr. Stewart, the
12 only thing I can speak to is -- to the
13 best of my knowledge it's not identified
14 as a solid waste management unit under
15 our 1997 RCRA permit, which would -- I
16 mean, that's the only fact I can provide
17 you, I'm afraid. I'm not familiar with
18 what was done.

19 Q. You don't know what slight of hand was
20 pulled to get that situation worked out
21 so the state would regulate it rather
22 than the EPA?

23 MR. COX: Object to the form.

REGIONAL REPORTING SERVICE, INC.

1 A. I don't believe there was any slight of
2 hand. Everything was done -- As I said,
3 there were reports that were submitted;
4 the EPA was copied on those reports.
5 Q. So that's been accepted, as you
6 understand it, by whom?
7 A. As I said, I don't know, you know -- As
8 far as it being accepted as a final
9 corrective measure, all I can state is
10 that it's not in our current permit.
11 I do know that we are being asked
12 to look at the west landfill under the
13 current on-site ROS process.
14 Q. By whom?
15 A. By the state, by ADEM.
16 And we have done investigations of
17 groundwater and have provided soil
18 characterization data into the west
19 landfill to the state. And that
20 information is currently being reviewed
21 by the state.
22 Q. Well, let me ask you something. On that
23 landfill and on the landfill that's

REGIONAL REPORTING SERVICE, INC.

1 A. Reviewed documents, to the best of my
2 knowledge.
3 Q. Talk to you?
4 A. They talked to me, yes.
5 Q. What documents did they review?
6 A. A number of reports that we prepared and
7 submitted to the regulatory agencies
8 related to our on-site and the work we
9 did on the landfills and also on the
10 east side properties.
11 Q. Anything else they did?
12 A. I'm not -- As I said, all I know is that
13 they reviewed documents. And I don't
14 know who else or what else they might
15 have done in their evaluation.
16 Q. How long did they stay?
17 A. They spent one day at the Solutia
18 facility just looking at things, that
19 I'm aware of. I don't know how long
20 they were in Anniston.
21 Q. One day at the Solutia facility?
22 A. One day in contact with me at the
23 Solutia facility. I don't know how much

REGIONAL REPORTING SERVICE, INC.

1 south of 202, tell me, if you would,
2 Mr. Branchfield, if anybody from
3 Cincinnati -- some Tiger Team came in
4 and looked at it from the EPA; not ADEM,
5 the EPA.
6 A. I don't necessarily understand the term
7 "Tiger Team."
8 Q. That's the term the EPA used with us.
9 I'm just using -- Well, a group of
10 people from Cincinnati connected with
11 the EPA.
12 MR. CUNNINGHAM: Cincinnati or
13 Newark?
14 MR. COX: Newark, New Jersey.
15 A. There were several individuals who came
16 down from New Jersey.
17 Q. When?
18 A. Six months ago, eight months ago.
19 Q. What tests did they perform when they
20 came down?
21 A. I'm not aware of any tests that they
22 performed.
23 Q. What did they do?

REGIONAL REPORTING SERVICE, INC.

1 time.
2 Q. Is that the day that -- the same day --
3 is that when they looked at the
4 documents?
5 A. They discussed -- We had some
6 discussions with them that the documents
7 that we had generated in the past, I
8 think --
9 Q. Such as --
10 A. Reports that were done on the landfills
11 and our inner measures reports,
12 characterization reports, copies of our
13 work plans for conducting the on-site
14 ROS. Reports of that nature.
15 Q. Well, they didn't do any tests. Did
16 they look at any of your test results?
17 Did you share that with them?
18 A. Certainly. Any characterization results
19 or test results that we had done were
20 provided -- provided them.
21 Q. Soil?
22 A. Soil, yes.
23 Q. Air?

REGIONAL REPORTING SERVICE, INC.

1 A. Air.

2 Q. Did you give them well monitoring data?

3 A. Groundwater monitoring data, yes.

4 Q. Anything else?

5 A. Surface water data, which was collected

6 as part of the ROS process. We gave

7 them -- Specifically what they looked

8 at, I can't say. But they certainly had

9 access to reports regarding the

10 engineering and design of the caps and

11 cover systems that we put in place

12 around the facility.

13 Q. Did they make any recommendations as to

14 further testing that might need to be

15 done?

16 A. We have not seen their report or any

17 recommendations that they might have

18 made.

19 Q. Have you gotten any indications from

20 Mr. Hardegree, Mr. Spurling, or anybody

21 else with the EPA there may be some?

22 A. No.

23 Q. What did you understand the nature of

REGIONAL REPORTING SERVICE, INC.

1 A. We had no conversations as to why they

2 were coming to look at that.

3 Q. Did you have any conversation with the

4 people when they got there as to what

5 they were looking for or why they were

6 there?

7 A. Only to the extent of asking them what

8 type of reports or information they are

9 interested in reviewing.

10 Q. Have you --

11 A. As far as why they were wanting to

12 review those particular reports, we

13 didn't ask those questions.

14 Q. Have you had any indication from

15 Mr. Spurling as to whether or not they

16 are going to make recommendations or

17 that they had made recommendations?

18 A. Mr. Spurling has told me that a -- that

19 a report has been provided to the state,

20 to ADEM, to review. And that's the

21 extent of my knowledge.

22 Q. By this group?

23 A. The report was prepared by this group,

REGIONAL REPORTING SERVICE, INC.

1 this group coming to the facility was?

2 What was the purpose of them being

3 there?

4 A. I don't know specifically why they were

5 looking at the plant site other than to

6 review what had been done in the past.

7 And what was told to me was to make

8 recommendations for collecting

9 additional data, if any additional

10 collection of data was required. That's

11 really the extent of what I was --

12 Q. Who told you that?

13 A. Mr. Spurling.

14 Q. And why is it that Mr. Spurling said

15 this group was coming in to look at the

16 landfill?

17 A. He did not specifically provide me any

18 information about why this specific

19 group was selected.

20 Q. Why is it that he said -- not why they

21 were selected. But why is it he said

22 they were coming in and having a look at

23 your landfill and remediation work?

REGIONAL REPORTING SERVICE, INC.

1 yes. And it was provided to the state

2 to review.

3 Q. And what did you understand is going to

4 happen to them once the state reviews

5 it?

6 A. My understanding is that after the state

7 has completed their review that the

8 report will be made available to the

9 public, including Solutia.

10 Q. So you know sort of the time frame?

11 A. I don't know the time frame, quite

12 honestly. I was told this would be done

13 several months ago. And it's not

14 complete. And I don't know why.

15 Q. Mr. Spurling has been keeping you up to

16 date on when that will take place?

17 A. I wouldn't say he's been regularly

18 keeping me up to date.

19 We have a natural curiosity as to

20 what they may have found or recommended.

21 So periodically I will ask him.

22 I don't think he really has much

23 control over the process. He can't

REGIONAL REPORTING SERVICE, INC.

1 provide really any useful information.
 2 Q. Do they look at any other entity's data
 3 other than your data, to your knowledge?
 4 A. Not to my knowledge.
 5 Q. No other air data, no other water data,
 6 no other groundwater monitoring? I
 7 guess yours would be the only that would
 8 be that.
 9 A. Well, the EPA had collected quite a bit
 10 of data from the Anniston area;
 11 including air data and soil data. I
 12 believe that data might have been part
 13 of their review process. But I don't
 14 know for sure.
 15 Q. Do you understand that they are the
 16 sign-off on the workability of your
 17 interim measures to see if they are
 18 working or not? Is that your
 19 understanding of what they are going to
 20 do; tell you whether or not your system
 21 you have in place is preventing the
 22 off-migration of PCBs?
 23 A. I'm not aware if that's the specific

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1 property is found to have greater than
 2 ten parts per million in either the
 3 front yard or the backyard or both --
 4 and that sample is taken from the
 5 surface soils, the upper three inches --
 6 then what we are -- what we are required
 7 to do under the AOC is to request
 8 permission from that property owner to
 9 get access to their property, to conduct
 10 sampling at depth. Because we actually
 11 have a two-tiered clean-up level with
 12 ten parts per million being the trigger
 13 -- I guess for lack of a better term --
 14 for initiating initial depth sampling.
 15 If we find greater than ten, then
 16 we sample down to a foot between that
 17 three inches and twelve inches level.
 18 And we collect samples there.
 19 If we find that the levels there
 20 are greater than two parts per million,
 21 then we sample the next foot of soil.
 22 And at that point in time the
 23 clean-up level then goes back to ten

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1 objective of their review.
 2 Q. What part did you play in brokering or
 3 working out the agreement with the EPA,
 4 the emergency clean-up level?
 5 A. We had no discussions with the EPA on
 6 the emergency clean-up level. That was
 7 a level that was presented to us in the
 8 initial draft of the AOC they presented
 9 to us.
 10 Q. How did you understand they had put that
 11 together?
 12 A. I have no understanding how they put
 13 that together or how they came up with
 14 the ten parts per million clean-up
 15 level.
 16 Q. What do you understand that to mean, if
 17 somebody has got ten parts per million
 18 on their property, that you would have
 19 to do to Mr. Jones' and Mr. Smith's and
 20 Mr. Roberts' yard under this consent
 21 order?
 22 A. Under the administrative order that we
 23 signed with the EPA, if a residential

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1 parts per million.
 2 Q. What is that, now?
 3 A. It is kind of confusing.
 4 Essentially the clean-up levels in
 5 the soils, Mr. Stewart, for the upper
 6 three inches of soil -- if it's greater
 7 than ten, that initiates a removal
 8 action. Removal action will have to be
 9 required to be done on that property.
 10 The next question that has to be
 11 answered is how deep do we go; how much
 12 soil do we remove if soil removal is the
 13 required remedy; which in most cases it
 14 would be, obviously.
 15 So in order to answer that
 16 question we have to do sampling deeper
 17 down into the soil.
 18 The next range that we sample is
 19 between three inches and twelve inches.
 20 And if the PCB concentrations in
 21 that three to twelve inch range are
 22 greater than two parts per million, then
 23 we remove that soil from that three to

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1 twelve inch range.

2 We also sample from twelve inches
3 to twenty-four inches. If the levels
4 are greater than ten parts per million
5 between twelve and twenty-four, then we
6 remove that from the soil.

7 Then we continue that process down
8 to maximum depth of forty-eight inches.
9 And ten parts per million remains the
10 trigger for initiating the cleanup at
11 those depths; twenty-four to thirty-six
12 and thirty-six to forty-eight inches.

13 Now, when we remove the soil -- Of
14 course, by removing the soil you are
15 essentially removing the PCBs, so you
16 are cleaning up to a level of non-detect
17 essentially. You are putting in clean
18 soil. You are replacing that soil with
19 clean soil on the property.

20 Q. But you do test first before you do
21 anything?

22 A. That's correct. We get access to the
23 property. And we sample the soils at

REGIONAL REPORTING SERVICE, INC.

1 additional depth sampling. That's
2 correct.

3 Q. So there is a distinct possibility that
4 you will not clean any properties up?

5 A. If we can get access to the properties,
6 we will clean them up.

7 Q. If you get access to the properties and
8 don't find anything in the first three
9 inches of ten parts per million, you
10 don't clean it up; is that right?

11 A. If the upper three inches are below ten
12 parts per million, then there is no
13 corrective measures required to that
14 property under the current AOC.

15 MR. COX: May I ask a question
16 just to clarify?

17 MR. STEWART: Yeah.

18 MR. COX: If it's a property that
19 the EPA has identified being
20 greater than ten parts per
21 million, you have to do
22 something; and the sampling
23 you do starts with three to

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1 those various depths and send those
2 samples off to the lab so we only have
3 to visit the property once. And
4 obviously we want to minimize the
5 inconvenience of the property owner in
6 doing this.

7 Q. If you don't find anything in this ten
8 parts per million in the first three
9 inches, then you don't clean up
10 anything?

11 A. That's correct. If it's below ten parts
12 per million, no removal action is
13 required under the AOC.

14 Q. So if the EPA found ten parts per
15 million, there is no requirement that
16 they come in and clean it up?

17 A. If the EPA finds a property that has
18 greater than ten parts per million in
19 the surface soils, they subsequently
20 notify us. And then --

21 Q. And then you do this testing first?

22 A. That's the first step for us, if we get
23 access from the property owner to do the

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1 twelve inches; is that right?

2 THE WITNESS: Yeah. That's

3 correct. I apologize if that
4 wasn't made clear.

5 If the EPA has sampled
6 the property and they have
7 found PCBs between zero and
8 three inches, then we don't
9 re-sample that. That's the
10 data we use for conducting
11 the removal action. And we
12 begin sampling at depth.

13 But once the EPA data
14 has shown that the level of
15 PCBs are greater than ten, no
16 removal action is required on
17 that property because we have
18 exceeded the action level in
19 the AOC.

20 Q. (By Mr. Stewart) So you have to clean
21 up the first three inches?

22 A. At a minimum, yes.

23 Q. And then you test below that. And you

REGIONAL REPORTING SERVICE, INC.

1 have got to find ten below that?

2 A. Well, from three inches to twelve

3 inches, two parts per million.

4 Q. Two?

5 A. And then below twelve inches, it goes

6 back to ten parts per million. That's

7 correct.

8 Q. How was the two arrived?

9 A. Once again, that was a number that was

10 -- I don't know how the EPA arrived at

11 that number, Mr. Stewart.

12 Q. Didn't that come about through

13 discussions with you all and EPA?

14 A. If it did, I don't recall those

15 discussions or I wasn't a party to those

16 discussions.

17 Q. Who would have been, Mr. Faust?

18 A. I attended all the meetings we had with

19 the EPA when we were negotiating the

20 terms of the order.

21 Q. Wasn't that one of the terms?

22 A. Yes. The two parts per million was,

23 yes.

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1 And Wes Hardegree attended. And there

2 may have been one or two other attendees

3 that I don't recall.

4 Q. Were there any discussions during these

5 meetings about the long-term clean-up

6 goal?

7 A. No.

8 Q. The standard?

9 A. No. The long-term clean-up level would

10 be determined, you know, under a consent

11 decree, which we were also negotiating

12 with the EPA at this time.

13 Q. Any level in that negotiation that's

14 less than two?

15 A. We haven't begun any discussions with

16 the EPA regarding clean-up levels under

17 the consent decree.

18 Q. You are involved in negotiations about

19 the ultimate clean-up levels, but you

20 haven't discussed levels?

21 A. Yeah. I mean, we have signed a letter

22 -- I guess what would you call it --

23 There has been a series of letters

REGIONAL REPORTING SERVICE, INC.

1 Q. And that wasn't in place at the time

2 y'all initially discussed it. That was

3 something that y'all put in, wasn't it?

4 A. I can't recall what was in the initial

5 draft regarding clean-up levels.

6 Q. I'm not talking about the trigger level

7 of ten. I'm talking about the two.

8 A. Yes.

9 Q. That's something you all asked for;

10 isn't it?

11 A. If it was, I don't recall, Mr. Stewart.

12 Q. Who all attended those meetings on

13 behalf of Solutia?

14 A. The meetings were attended by myself,

15 Dr. Kaley, Mr. Foresman, Mr. Biceline;

16 and then a gentleman named Allan Topol,

17 who is an attorney we work with on some

18 of these issues.

19 Q. Who else attended from the EPA?

20 A. Mr. Spurling was in attendance. Dustin

21 Minor, Phyllis Harris. A gentleman

22 named Dick Green attended some of the

23 meetings; one or two of them, for sure.

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1 arrived at in an agreement of principle

2 for the consent decree. But beyond that

3 agreement of principle we have had no

4 further discussions with the EPA about

5 the consent decree.

6 Q. On the long-term?

7 A. On the long-term.

8 Q. What's the level that you recall that

9 would be the long-term clean-up level in

10 those letters?

11 A. It wasn't discussed in those letters.

12 What was discussed was conducting

13 a remedial investigation and feasibility

14 study; which as part of that process a

15 long-term clean-up level would be

16 evaluated and arrived at.

17 Q. At a later time?

18 A. Yes.

19 Q. So what you would be talking about doing

20 in that was sampling; is that correct?

21 A. Well, more sampling would be a part of

22 it, yes.

23 Q. What else?

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1 A. The consent decree was conducting a
2 remedial investigation, feasibility
3 study, the remedial investigation as
4 essentially the sampling part of it.
5 And the feasibility study would be an
6 evaluation of corrective measures which
7 would include an evaluation of the
8 clean-up level, of the long-term
9 clean-up level.

10 Q. There doesn't seem to be much there;
11 except y'all have got a sampling program
12 and an evaluation of what the clean-up
13 level ought to be. Is that fair?

14 A. Well, a feasibility study also is an
15 evaluation of what correction measures
16 need to be implemented.

17 Once the feasibility is approved
18 by the EPA, then the EPA would move on
19 to write a record of decision for the
20 site. And the record of decision would
21 provide the final clean-up level and the
22 corrective measures.

23 Q. Where is the public involved in that?

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1 A. No, we have not.

2 Q. Why is it that y'all pay for resources
3 that are used at the EPA office?

4 A. It's essentially -- Well, under CERCLA
5 the EPA is entitled to recover their
6 costs. The EPA can go out and rent
7 their own office space or we can provide
8 it. Either way, we end up paying for
9 it.

10 So for whatever reason, we just --
11 under the terms of the AOC we agreed to
12 provide the office space.

13 Q. What all do y'all provide?

14 A. We provide -- I haven't been in it in
15 about a year.

16 I believe it's office space over
17 on -- I you think it's on Wilmer Avenue
18 over there in Anniston.

19 I believe there is two offices, a
20 conference room. There is also a
21 separate, kind of like, garage type area
22 where they can put materials and
23 equipment. We also provide a copy

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1 A. The record of decision goes through a
2 public notice process. Officially
3 that's where the public gets involved.

4 But under the consent decree,
5 Mr. Stewart, we are also going to be --
6 at least under the agreement of
7 principle that we have we have agreed to
8 provide funds to establish a community
9 advisory panel to the community to be
10 involved in the process on a continuous
11 basis and not just given something at
12 the end of the day and asked to give
13 their feedback or anything like that.

14 Q. Who all is going to be involved in that?
15 Have you talked to community groups
16 about that?

17 A. There has been no discussions about who
18 would be involved. Solutia has had no
19 discussions with anyone about who would
20 be involved.

21 Q. Have you talked to anybody at the EPA
22 about who they would suggest be
23 involved?

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1 machine, fax machine, phones.

2 Q. Any pay?

3 A. We don't -- not to the people. We pay
4 for renting the office space and for
5 renting the copy machine. We pay the
6 phone bills and things of that nature.

7 Q. Does some of the cost involved that
8 y'all incur pay for the people who work
9 there? Do y'all reimburse the EPA for
10 the salaries of the people who work
11 there?

12 A. Those are costs that would be
13 recoverable under the CERCLA.

14 Q. Do you pay that?

15 A. We haven't paid any of that money at
16 this point in time.

17 Q. Is it anticipated that you will?

18 A. I would anticipate that in the future we
19 will receive a cost recovery demand,
20 yes.

21 Q. Have you indicated to them that you are
22 willing to?

23 A. Certainly it's within their rights under

REGIONAL REPORTING SERVICE, INC.

1 CERCLA to demand --

2 Q. I'm not asking you if it's within their
3 rights, Mr. Branchfield. Do you
4 understand what I'm asking you?

5 Have y'all indicated to them in
6 the conversations you have had with them
7 that you are going to pay that?

8 A. Yes. In the agreement of principle, we
9 have agreed to pay past costs.

10 Q. What else do y'all pay for now? What
11 about these contractors that they hire
12 to do sampling? Do y'all pay for that?

13 A. Once again, those are costs that could
14 be recoverable under past costs and
15 future costs.

16 Q. Are you paying for them now?

17 A. No. We have not paid any money.

18 Q. In principle, you have agreed to pay for
19 those?

20 A. In principle, yes.

21 Q. Was Mr. Woodyard involved in any
22 conversations with you or any of these
23 people that met with the EPA about the

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1 levels that ought to be set?

2 A. Mr. Woodyard? That name doesn't ring a
3 bell.

4 Q. An expert that's been designated in this
5 case by Solutia.

6 Mr. Woodyard, who is a remediation
7 expert, was he involved in any
8 conversations with you or to your
9 knowledge with anybody else or with the
10 EPA about the clean-up levels that ought
11 to be set?

12 A. Not to my knowledge.

13 Q. Was a Mr. Tucker?

14 A. I'm not familiar with Mr. Tucker. So
15 no.

16 Q. Scott Tucker?

17 A. Excuse me. No.

18 Q. Do you remember him being involved?

19 A. No. He never attended any of the
20 meetings or participated in any of the
21 conversations I was involved in.

22 Q. Do y'all have a clean-up goal that you
23 are shooting for?

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1 A. No. Once again, that's part of the data
2 evaluation process.

3 Q. What data would have to be evaluated,
4 Mr. Branchfield, to come up with that?

5 A. There are things that would have to be
6 considered that would include land use,
7 obviously. There is a whole process
8 that I'm not an expert on, Mr. Stewart.
9 We hire consultants.

10 Q. Well, with what you are familiar with
11 what has to be done -- What land use?

12 A. For example, land use helps define how
13 much of the property is used, what it
14 might be used for, is the person on the
15 property -- like we were discussing
16 earlier -- on the property eight hours a
17 day or sixteen hours a day.

18 Q. Whether it's residential or commercial?

19 A. Exactly, yes.

20 Q. Frequently used and all that kind of
21 stuff?

22 A. That's correct.

23 Q. A day-care center might be different

REGIONAL REPORTING SERVICE, INC.

1 from this parking lot we are talking
2 about?

3 A. It could -- The criteria you use for
4 evaluating clean-up levels would
5 certainly be different, yes.

6 Q. All right. What else?

7 A. There is a number of factors that go
8 into -- And I apologize. I don't know
9 much about the science of going through
10 that process.

11 I just don't know what -- I don't
12 know all the details. It gets into all
13 types of things; like the amount of area
14 of skin that may be exposed and
15 certainly the concentrations that we see
16 and the depths that it's at.

17 There is -- I'd like to be able to
18 provide you with more information. But
19 it's, quite honestly, outside my area of
20 expertise.

21 Q. What about an area where the person
22 might be exposed to PCBs? That's also
23 included in the --

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1 A. You evaluate all the potential pathways
2 when you are evaluating the final
3 clean-up level.
4 Q. And that's called risk assessment?
5 A. Risk assessment or risk evaluation.
6 That's correct.
7 Q. Are you familiar with the risk space
8 concentrations that are used by the EPA?
9 A. There are risk space concentrations that
10 are used as part of the screening
11 process, you know, in the process of
12 conducting the risk assessment.
13 Once again, the level of my
14 knowledge is limited.
15 Q. Do you know whether or not one of those
16 assessments was made in connection with
17 the trigger level that was set at ten?
18 A. If it was done, it was done by the EPA.
19 I have no knowledge or familiarity with
20 it.
21 Q. Did Karen Knight tell anybody -- you
22 included -- how that number was arrived
23 at?

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1 A. There is a number of criteria within the
2 regulations that the EPA can draw upon
3 to determine emergency clean-up levels.
4 Specifically what they drew upon,
5 I don't know.
6 Q. Other than the risks imposed to people
7 being exposed to that over an expended
8 period of time or over a short period of
9 time, what else would you look at?
10 A. There is -- And once again, I'm not
11 familiar with the details.
12 But there are criteria within
13 TOSCA. There is a MEGA Rule that
14 identified applicable -- I don't know
15 what the term -- the ARs. There is
16 different regulations --
17 Q. What does it say, if you know, in the
18 MEGA Rules the level of concern is for
19 property that would be residential
20 property?
21 A. I don't know what the MEGA Rule says
22 about that.
23 Q. You are not familiar with that?

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1 A. No. She didn't tell me. I don't know
2 if she told anyone else.
3 Q. Did you ever talk to a gentleman named
4 Elmer Akin about how that number was
5 arrived at?
6 A. I never talked with him about how that
7 number was arrived at.
8 Q. What about the level -- the clean-up
9 level of two?
10 A. I'm sorry, Mr. Stewart. I couldn't
11 understand.
12 Q. Two.
13 A. I had no conversations with --
14 Q. So sitting here today, as a remediation
15 project person there in Anniston, you
16 have no idea how they arrived at these
17 numbers?
18 A. No, I don't.
19 Q. Will you assume that the way that they
20 should have arrived at it would have
21 been an assessment of the risk that the
22 people would be exposed to?
23 MR. COX: Object to the form.

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1 A. Not the details of it, no.
2 MR. STEWART: Can we take a short
3 break?
4 MR. COX: Yeah.
5 (A break was taken.)
6 Q. (By Mr. Stewart) Mr. Branchfield, tell
7 me -- And I want to go back to something
8 that I asked you a minute ago that
9 Charlie and I perhaps didn't understand.
10 If you found twelve parts per
11 million on Ms. Jones' property -- or the
12 EPA did -- do you have to take three
13 inches off the top of all of that
14 backyard?
15 A. Yes. If it was found in the backyard,
16 that's correct.
17 Q. All of it?
18 A. Yes.
19 Q. Where would you take that soil?
20 A. Depending on the levels. We would
21 likely place it either at the -- Well,
22 one of our qualified Subtitle D
23 landfills. Three Corners is the one we

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1 are currently using. Or send it out to
2 Emelle.
3 Q. So you would have to take it away.
4 Y'all don't have a place to put it
5 on your plant site?
6 A. No.
7 Q. By the way, how were y'all able to take
8 the Miller -- while we are on that --
9 how were y'all able to take the Miller
10 contaminated soil and put it on the
11 plant site?
12 A. That was before I was associated with
13 the project, Mr. Stewart. I didn't even
14 know soil was removed from the Miller
15 property, quite honestly.
16 Q. What is the level that you have
17 negotiated with ADEM that you have to
18 clean up on the property that is
19 governed by them?
20 We are talking ten and two with
21 the EPA. What's their level?
22 A. As it relates to a specific project?
23 Q. Wherever.

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1 polyethylene liners. And a minimum of
2 fourteen inches of material; sometimes
3 greater to make sure we had the proper
4 grades for drainage purposes.
5 Q. Would that be true for the Iron Works
6 facility over there, the Anniston Iron
7 Works? Did y'all do the same thing over
8 there?
9 A. In the vicinity of the Iron Works
10 building, some areas of the property
11 were covered with HDPE liners. Other
12 areas were just covered with the
13 geo-fabric, the lighter weight material.
14 It was all based on concentrations of
15 PCBs that were in the soil that we were
16 covering.
17 Then, of course, we did add the
18 minimum of -- I can't recall over there
19 whether it was twelve or fourteen inches
20 of soil. It was roughly a foot, maybe a
21 little more, of soil.
22 Q. Where did y'all get that, from that area
23 over there where you got the mining

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1 A. I mean --
2 Q. What is their clean-up level? Is it
3 different from the EPA?
4 A. We have had no discussions about
5 clean-up levels with ADEM.
6 Q. So you haven't had to remove anything
7 with ADEM?
8 For instance, on the east side,
9 what was the level there that you could
10 leave over on the east side?
11 A. I don't know what level we left over on
12 the east side.
13 Q. It was above ten parts per million;
14 wasn't it?
15 A. Yes. I believe there were soils left
16 over there greater than ten parts per
17 million.
18 Q. And it was covered with what?
19 A. It was covered with HDP liners and a
20 minimum of fourteen inches of clean
21 material.
22 Q. What is that, now?
23 A. The HDP liners, the high density

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1 permit; where you went over to
2 Mr. Clayton's property over there?
3 A. I believe it was Mr. Clayton's property
4 where we got the soil to do the second
5 phase of the capping project on the
6 north side properties.
7 There was one section that was
8 capped before I became involved with
9 Anniston.
10 Q. Where did you get that?
11 A. I don't know where we got the soil for
12 that.
13 But we did get it for the second
14 phase of that capping project. We did
15 get it from Ms. Clayton's property. I
16 believe that was her name.
17 Q. Is the property that you are referring
18 to at Anniston Iron Works where you put
19 that liner you are talking about, that
20 synthetic liner -- Is that property
21 located out in front of the building out
22 there? Is that where you put that
23 liner?

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1 A. There were some areas -- And I could be
2 more specific by looking at the report.
3 But there were some areas that
4 were essentially kind of in the north --
5 I guess you'd say northwest -- I'm sorry
6 -- northeast of the Anniston Iron Works
7 building.
8 Q. The northeast portion of the property?
9 A. That's correct.
10 Q. You put a synthetic liner over there,
11 and you put dirt down over it?
12 A. That's correct. In some places we put
13 asphalt as opposed to dirt.
14 But we did put dirt over the
15 better part of the area.
16 Q. And that's the thing that fronts on --
17 mechanics the road of Clydesdale there
18 right across from Williams Funeral Home;
19 that property?
20 A. Right. And Williams Funeral Home is
21 right across the street there to the
22 north.
23 MR. COX: And 10th Street?

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1 THE WITNESS: Yeah. That's West
2 10th Street.
3 Q. West 10th?
4 A. I think so, yeah.
5 Q. Kind of mechanics the road on out?
6 A. Yeah.
7 Q. So you are saying there in the northeast
8 corner of that property right there at
9 the intersection of Clydesdale and 10th?
10 A. Right.
11 MR. COX: The old Stop and Go
12 station is there somewhere;
13 isn't it?
14 Q. Right there in the corner y'all put
15 synthetic stuff down there?
16 A. There were some areas -- It doesn't
17 cover that complete area.
18 But there were some isolated areas
19 in that vicinity where we did put HDPE
20 liners as opposed to just the
21 lightweight geo-fabric.
22 Q. Okay. Tell me, if you would -- if you
23 will take a look at this document right

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1 here which is Plaintiffs' Exhibit One --
2 What is Choccolocco Creek WWTP?
3 A. That's the Choccolocco Creek Waste Water
4 Treatment Plant, which is located down
5 in Oxford, actually.
6 Q. Y'all did a removal there?
7 A. We have not conducted any work down
8 there at that plant yet; short of -- we
9 have done some characterization work,
10 some sampling. But we have not done any
11 removal actions.
12 Q. Let me see. Is that the place where the
13 guy got fined eighty-five thousand
14 dollars for removing some soil?
15 A. There was a fine issued. I don't recall
16 the amount.
17 Q. Is that because of PCBs?
18 A. I don't know the exact basis for the
19 fine. But I do know that they did not
20 have the appropriate permits for doing
21 that work, and somehow that was tied to
22 it.
23 Q. And they fined him.

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1 Now, you all are going to
2 characterize that, and that's the cost
3 of doing that?
4 A. My recollection is that the cost
5 estimate there was for characterizing
6 the property, yes.
7 Q. And then there is the Choccolocco Creek
8 CMS. What is that?
9 A. That's the cost for conducting a
10 corrective measure study on Choccolocco
11 Creek.
12 Q. How much is that?
13 A. I believe I estimated approximately two
14 hundred and fifty thousand dollars for
15 conducting that study.
16 Q. So you are going to spend two hundred
17 and fifty thousand dollars for the
18 corrective measure study on Choccolocco
19 Creek?
20 A. It's a cost estimate.
21 Q. How much of the three million dollars --
22 I said two earlier.
23 But how much of that three million

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1 dollars of that corridor thing have
2 y'all already spent?
3 A. To date we have spent approximately two
4 hundred thousand dollars on the
5 corridor.
6 Q. Is that acquiring an easement?
7 A. No. We haven't acquired any easements
8 yet. It's only been preliminary work
9 and preparation for --
10 Q. Have you --
11 A. -- obtaining easements.
12 Q. Have you spent all that two hundred and
13 fifty thousand dollars on the deal
14 for --
15 MR. COX: The CMS?
16 MR. STEWART: Yeah.
17 A. On Choccolocco Creek?
18 Q. Yeah.
19 A. We haven't conducted a corrective
20 measure study on Choccolocco Creek yet,
21 so we haven't spent that money.
22 Q. So you are holding back to see if the
23 corridor works? .

REGIONAL REPORTING SERVICE, INC.

1 capping that material in that area right
2 there. That's what that cost estimate
3 is for.
4 Q. What are the levels in that stuff?
5 A. We haven't done a very thorough
6 characterization of that yet. Our
7 sampling plan by ADEM hasn't been
8 approved.
9 But of the very limited sampling
10 we have done we have found levels
11 ranging from several parts per million
12 up to -- on the order of eighty, ninety
13 parts per million.
14 Q. Why wouldn't you take it to Emelle?
15 A. There is -- Well, first of all, we
16 haven't adequately characterized the
17 pile to determine whether that soil
18 should go to Emelle.
19 Q. If it's above fifty, shouldn't you take
20 it to Emelle even if it's on the plant
21 site?
22 A. Only if you excavate it and it's
23 determined through a corrective measure

REGIONAL REPORTING SERVICE, INC.

1 A. No. We are waiting for approval of our
2 -- We can't conduct a corrective measure
3 study until we have completed our
4 floodplain investigation. So until we
5 have all the data necessary to do the
6 corrective measure study.
7 Q. What is a construction of containment
8 cell on that Plaintiffs' Exhibit One?
9 A. That is -- you briefly mentioned a
10 contractor at the waste water treatment
11 plant that excavated material and had
12 gotten fined for doing that.
13 You are probably aware there is
14 approximately somewhere between sixty or
15 eighty thousand cubic yards of material
16 that's currently covered up by plastic
17 liners sitting on the property of the
18 waste water treatment plant.
19 And that is an estimated cost for
20 -- that's what it would cost if we were
21 to evaluate and determine the
22 containment cell for that material.
23 In other words, it's essentially

REGIONAL REPORTING SERVICE, INC.

1 study that sending that material to a
2 landfill is the most effective
3 corrective measure.
4 Q. Weren't y'all excavating on your
5 landfill at some point in time west of
6 the plant and taking it to Emelle?
7 A. I'm not aware of any excavation we have
8 done west of the plant. If it was done,
9 it was done while I wasn't associated --
10 Q. You excavated it and were taking it all
11 to Emelle. That cost about eight
12 hundred and fifty thousand dollars.
13 Isn't that what it cost?
14 A. Once again, I'm not familiar. That must
15 have been work that was done before I
16 became associated with the project.
17 Q. That was because it was the percentages
18 in the soil and they were taking it
19 there.
20 On this stuff that's above fifty
21 to a hundred parts per million, you say
22 it has to be excavated. Didn't he
23 excavate it?

REGIONAL REPORTING SERVICE, INC.

- 1 A. The contractor at the waste water
2 treatment plant excavated that soil,
3 yes.
4 Q. So now it's in a position where somebody
5 has to take it.
6 Why are y'all involved in it if
7 the contractor did it?
8 A. We became involved in it simply because
9 there were PCBs that were excavated.
10 And the waste water treatment plant came
11 and asked for our assistance. We agreed
12 to assist.
13 I won't beat around the bush. I
14 mean, we have not yet determined what
15 our final responsibility should be for
16 managing that soil.
17 We believe that the waste water
18 treatment facility plant should bear a
19 burden for managing those soils. But we
20 are willing to work with them and try
21 and work out an equitable solution to
22 make sure that gets done.
23 Q. Whose waste water treatment plant is

REGIONAL REPORTING SERVICE, INC.

- 1 You didn't have any responsibility
2 for digging it up. There is a fine of
3 eighty-five thousand dollars being
4 imposed against him.
5 What in the world is Monsanto or
6 Solutia doing there?
7 A. The soil was excavated from the
8 floodplain of Choccolocco Creek, which
9 is a part of our area of concern.
10 And we have interest in what
11 happens with the PCB impacted soils that
12 are in that floodplain, because there is
13 potential for it to affect our broader
14 investigation.
15 Those soils -- depending on how
16 those soils are handled, it could affect
17 the levels in fish, for example.
18 If they are stirred up and moved
19 around a lot and those PCB contained
20 sediments that are going into the creek,
21 then that could have an effect on the
22 fish levels, which we are trying to
23 evaluate.

REGIONAL REPORTING SERVICE, INC.

- 1 that?
2 A. It's Anniston Waterworks and Sewer
3 Board.
4 Q. Y'all are still in negotiations with the
5 Anniston Waterworks and Sewer Board over
6 who is going to take the responsibility
7 for moving that soil away?
8 A. Are there active negotiations ongoing?
9 No.
10 Those negotiations will take place
11 once the pile is completely
12 characterized, I believe.
13 Q. Who is going to characterize it; y'all?
14 A. Yeah. We have offered to characterize
15 the pile.
16 Q. That still doesn't answer my question.
17 What are y'all doing on that pile
18 anyway?
19 A. I guess I don't understand the question.
20 MR. COX: He wants to know --
21 Q. The contractor excavated it and put it
22 out there, and it has PCBs in it.
23 Why are y'all there?

REGIONAL REPORTING SERVICE, INC.

- 1 Obviously, we would not like to
2 see the fish levels go up. We would
3 like to see them go down.
4 Q. Because mainly y'all might have to
5 dredge a creek at some point in time if
6 that stuff comes off that pile of dirt
7 there. It may get in the creek and
8 increase the level. The fish advisory
9 may stay in effect, and there may be
10 enough pressure to cause you to have to
11 do something to Choccolocco Creek.
12 Is that what you're saying?
13 MR. COX: Object to the form.
14 A. I don't think it's a bad thing,
15 Mr. Stewart, to try and maintain
16 conditions that allow the PCB
17 concentrations in fish to go down;
18 regardless of what the final remedy
19 might be.
20 Q. What regulatory agency asked you to go
21 down there and look at that?
22 A. ADEM did.
23 Q. ADEM?

REGIONAL REPORTING SERVICE, INC.

1 A. Yes.

2 Q. Why is it that they said they wanted you

3 to go down there and look at it?

4 A. It was in our area of concern; as

5 defined in our post closure permit.

6 Q. Do you know of any other responsible

7 party that they pointed to to go down

8 there and look at it?

9 Were y'all down there by

10 yourselves?

11 A. We are the organization that's doing the

12 sampling. Obviously we are working in

13 cooperation with the Water Board. They

14 have to give us access and so on and so

15 forth.

16 Q. I understand. It's not your position,

17 Mr. Branchfield, that the Water Board

18 generated PCBs?

19 A. No. I don't believe the Water Board

20 generated the PCBs.

21 Q. Or the waste treatment plant?

22 A. No.

23 Q. So other than the Water Board, y'all are

REGIONAL REPORTING SERVICE, INC.

1 systematic grid overlay for the south

2 landfill. Is that correct?

3 A. That's correct, yes.

4 Q. Okay. Now, I'm looking at two six of

5 Plaintiffs' Exhibit Three.

6 And it appears to me that that

7 gridding is going to be done on that

8 synthetic membrane that was put over

9 that stuff -- those cells that are in

10 the western section of the southern

11 landfill.

12 A. That's correct. That's what this

13 drawing shows.

14 Q. Isn't that a self-fulfilling prophecy?

15 A. It was done in response to the request

16 from ADEM. That was the area that they

17 asked us to --

18 Q. Won't your results be sort of

19 predetermined by where you test?

20 A. They would be effected by the area where

21 we test. But would they be --

22 Q. If the PCB cells that had been

23 previously closed or where the PCBs are

REGIONAL REPORTING SERVICE, INC.

1 the only ones there?

2 A. That's correct.

3 Q. Now, let me show you what would be Three

4 and ask you if in fact this is the vapor

5 flux, PCB vapor flux.

6 And this is your letter?

7 (Plaintiffs' Exhibit Number

8 Three was marked for

9 identification.)

10 A. Yes.

11 Q. And it says, "Work Plan for Estimated

12 PCB Vapor Flux -- from two landfills on

13 over in there -- from Solutia.

14 A. Right.

15 Q. Where did this deal come from, the vapor

16 flux system?

17 A. As far as whose idea it was or --

18 Q. Absolutely.

19 A. It was -- the work plan was provided in

20 response to a request from ADEM.

21 Q. A request from ADEM?

22 A. That's correct.

23 Q. Now, this shows on page two six a

REGIONAL REPORTING SERVICE, INC.

1 east of this gridded area, you are

2 missing the mark a little bit, aren't

3 you, Mr. Branchfield?

4 A. Well --

5 Q. They might should be somewhere else?

6 A. I think it's important to point out

7 that, yeah, the PCB cell is located over

8 here.

9 This work plan was submitted

10 specifically in response to a request

11 from ADEM and what they had asked us to

12 do.

13 Q. What are you talking about,

14 Mr. Branchfield?

15 MR. COX: He is trying to explain.

16 Q. Please do.

17 A. After we submitted this document we

18 received comments from the regulatory

19 agency.

20 And one of those comments was a

21 request that we install flux chambers on

22 this portion of the landfill.

23 Q. Why? Why would you do that?

REGIONAL REPORTING SERVICE, INC.

1 A. I think for the very reason you just
2 mentioned. There is synthetic liner.
3 And the sampling over this portion of
4 the landfill, for whatever reason --
5 they decided they were -- I don't know
6 the whole thought process of what was
7 going on within the regulatory agencies.
8 But that was one comment to the work
9 plan, was that it would be appropriate
10 to collect some data from this portion
11 of the landfill also.

12 Q. When you say this portion -- For the
13 record, you keep pointing to the east
14 side of that landfill.

15 A. That's correct.

16 Q. And isn't it a fact they told you that
17 because they felt like you perhaps had
18 snookered them?

19 A. There was no intention on our part to
20 snooker them.

21 We thought we were responding to
22 their requests.

23 Q. You mean they asked you to do a vapor

REGIONAL REPORTING SERVICE, INC.

1 MR. COX: Object to the form.

2 A. I guess the simple answer to that
3 question is I don't know specifically
4 what was told to the community or the
5 regulators.

6 What I do know is that we found
7 the PCBs in the surface soils on this
8 portion of the landfill. That's why we
9 capped --

10 Q. I understand. And so those poor ol'
11 folks down at ADEM thought y'all had
12 spent that nine million up there.
13 Rather than to contain parathion --
14 Y'all didn't spend it up there for the
15 PCBs.

16 And lo and behold, when y'all
17 started doing this vapor flux thing,
18 darned if you didn't tell them that's
19 what you were going to look for.

20 Weren't you looking for PCBs with
21 this vapor flux thing?

22 A. That was the intent of the vapor flux
23 study, was to determine if there were

REGIONAL REPORTING SERVICE, INC.

1 flux grid deal and test on this south
2 landfill on the west side? Are you
3 telling me that today, Mr. Branchfield?

4 A. I would have to see specifically what is
5 in the letter that they sent to us,
6 Mr. Stewart, requesting us to do this
7 study.

8 I don't recall any specific
9 language. But it was never our intent
10 to ignore or try and snooker them, to
11 use your terms. We were just trying to
12 respond to what we thought they were
13 requesting of us.

14 Q. Well, isn't it a fact, Mr. Branchfield,
15 that you had -- And by you I mean
16 Solutia. I don't mean you in
17 particular.

18 But y'all had told the public and
19 you had told the regulators that this
20 deal y'all did -- which cost about nine
21 million dollars, I think -- on the south
22 landfill, on the west side, was for
23 PCBs. Didn't you tell them that?

REGIONAL REPORTING SERVICE, INC.

1 any PCBs going in an air form in the
2 vapor phase on the landfill.

3 Q. And they certainly didn't recommend it,
4 did they?

5 A. They didn't recommend --

6 Q. ADEM did not recommend that y'all use
7 the vapor flux system.

8 They recommended against it,
9 didn't they?

10 MR. COX: Object to the form.

11 A. No. Actually the request that we
12 received to do the flux study was from
13 ADEM.

14 We did not suggest doing the flux
15 study. We never proposed to do a flux
16 study.

17 Q. Who asked you to do that?

18 A. The letter I would have received would
19 have either come from -- Without seeing
20 the letter, I can't say for sure. But
21 it would have been -- either
22 Mr. Hardegree or Mr. Cobb usually signs
23 the letters to me.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. Didn't they tell y'all at some point in
2 time they thought that vapor flux study
3 was experimental in nature and you ought
4 to use air monitoring?
5 A. Well, we are doing conventional air
6 monitoring in the vicinity of the
7 landfills.
8 I don't know what the basis was
9 for them asking us to do a flux study.
10 I will be very honest,
11 Mr. Stewart. We didn't think it was a
12 very worthwhile thing to do.
13 Q. The vapor flux thing wasn't a worthwhile
14 thing to do?
15 A. No. The exact reasons that you
16 mentioned. There is an HDP cap here on
17 the landfill.
18 Plus when we catch this vapor
19 flux, we kept asking the agencies when
20 we get this data what are we going to do
21 with it? And nobody could answer that
22 question.
23 Q. So your statement to me as we sit here

REGIONAL REPORTING SERVICE, INC.

- 1 you said earlier -- Mr. Branchfield, I
2 don't want to get off base with you.
3 But I believe you said earlier y'all
4 were continuing to propose this vapor
5 flux thing yourself; you say.
6 A. We responded to the request to perform a
7 vapor flux study and responded by
8 submitting a proposed plan for doing
9 that study.
10 Q. Who devised that plan?
11 A. Inzer is our consultant.
12 Q. Inzer did it?
13 A. Yes.
14 Q. And so now the EPA and ADEM said, "Move
15 it over to the east side where the PCBs
16 are"?
17 A. Actually they said in addition to.
18 They still wanted us to do flux
19 chamber studies on the western half
20 also.
21 To add the eastern portion in
22 addition.
23 Q. What do your area exerts say about the

REGIONAL REPORTING SERVICE, INC.

- 1 today, Mr. Branchfield, is that you all
2 didn't recommend this study?
3 A. No, we did not.
4 Q. And EPA didn't tell you that they
5 recommended against it?
6 A. No.
7 Q. So nobody at EPA ever sent you a
8 document and said, "We recommend against
9 using this study because it's
10 experimental and it has deficiencies
11 because of that"?
12 A. No. Nobody from the EPA ever
13 communicated that to me.
14 Q. To you at all.
15 And did anybody ever say, from EPA
16 or from ADEM, that what they felt like
17 you ought to do is use conventional in
18 addition to vapor flux because of the
19 experimental nature of it and the
20 problems they had with it?
21 A. That was never communicated to me by
22 anyone in EPA or ADEM.
23 Q. But now y'all have proposed -- I believe

REGIONAL REPORTING SERVICE, INC.

- 1 flux studies; that it's not any good?
2 A. Our belief is that the flux study will
3 not provide any usable data, quite
4 honestly.
5 Q. Why?
6 A. Well, one, because on -- certainly on
7 the western portion of the landfill
8 there is an HDPE liner.
9 More importantly is the simple
10 fact that PCBs do not readily go into
11 the air in the vapor phase.
12 They are semi-volatile in nature;
13 as we talked about earlier.
14 Q. So that's the reason you think it is?
15 A. That's the reason I think that --
16 Q. That you shouldn't use it?
17 A. Yeah. My belief is that we should
18 continue to use the ambient air data and
19 develop a process by which we can use
20 that data to evaluate what if any
21 impacts are occurring due to air.
22 And if we find there are impacts
23 from the air pathway, then let's go

REGIONAL REPORTING SERVICE, INC.

1 through the whole process. Let's get
2 the data. Let's investigate it. Let's
3 study it and understand it.

4 I don't think the flux study is
5 the right way to get it. Maybe it's a
6 step that could provide value in the
7 future. But I don't think it's going to
8 provide value now. That's my opinion.

9 Q. So is it your statement that there is
10 nothing wrong with the study itself;
11 just because of the liner, it wouldn't
12 -- it may show something over there
13 where you don't have a liner?

14 A. I don't know what it will show or what
15 it won't show, Mr. Stewart.

16 But what I don't know is what we
17 are going to do with the data.

18 So there is a flux. What does
19 that mean?

20 How do we conduct any remediation
21 based on a flux number? To me that
22 doesn't provide much useful information,
23 quite honestly.

REGIONAL REPORTING SERVICE, INC.

1 can't differentiate obviously.

2 Q. An acre or two? Is that all you
3 understand it to be?

4 A. Yeah. Really, Mr. Stewart, that's just
5 based on my being up on the mountain and
6 doing inspections of the landfill caps
7 and people saying, "This is where the
8 PCB cell was." And I look around and
9 say, "This is where the PCB cell was."

10 Q. Who has told you this is where the PCB
11 cell was? Is it a person -- somebody
12 connected with Monsanto or Solutia?

13 A. Yeah. You know, obviously I read it in
14 the reports that we submitted.

15 And people I work with, Dr. Kaley,
16 Jerry Hopper.

17 Q. Is that the thing that -- the report you
18 are talking about, is that the
19 assessment that was done by A. T.
20 Kearney? Have you seen that before?

21 A. I can't recall specifically the report.

22 No. I don't recall reading a
23 report by A. T. Kearney specifically.

REGIONAL REPORTING SERVICE, INC.

1 Q. Has anybody ever told you how big the
2 cells are that have PCBs on the west
3 side of the plant?

4 A. I don't know the exact size. I'm sure I
5 may have read it in a report or
6 something in the past. It never stuck
7 in my mind.

8 Q. Give me your best judgment as to what
9 size that is and how many PCBs -- in
10 pounds, millions of pounds.

11 How many millions of pounds would
12 you say are buried in the west landfill?

13 A. I really have no idea. I have no idea
14 at all.

15 Q. How big are the cells, if you understand
16 it, that are located over there on the
17 east side, in those --

18 A. Of the south landfill?

19 Q. Right.

20 A. My understanding, based on where the PCB
21 cell was on the south landfill, was
22 maybe an acre or two.

23 It's all capped right now. You

REGIONAL REPORTING SERVICE, INC.

1 Q. Were you ever told what kind of waste
2 stream came off the production there at
3 the plant?

4 A. From any particular process or the PCB
5 process specifically?

6 Q. The PCB process.

7 A. I'm sure I have been told, Mr. Stewart.
8 I don't recall what the answer was,
9 quite honestly.

10 MR. STEWART: Let me check and see
11 if we have got --

12 (Discussion held off record.)

13 Q. (By Mr. Stewart) Were you involved at
14 all in the preparation of your EPA
15 Section 104(e) letter in connection with
16 the Anniston plant?

17 A. No. I had very, very little involvement
18 in that.

19 Q. Have you seen it at all?

20 A. I believe I have a copy of the response
21 in our project files. But I have never
22 gone through it in any great detail.

23 Q. Are you familiar with what it asked for

REGIONAL REPORTING SERVICE, INC.

1 and what has been responded to?

2 A. In general terms, yes.

3 Q. There was a portion of this I want to

4 ask you some questions about.

5 And before I get to that, are you

6 familiar with any monitoring that's done

7 of the sewer system on the plant site

8 itself?

9 A. Yes. We currently collect water from

10 the on-site system and treat it using

11 the mechanical filtration and HR

12 process. And we periodically test the

13 affluent of that system just to confirm

14 it's operating properly.

15 Q. Why is it -- Do PCBs have anything to do

16 with that?

17 A. Yes. That's the purpose of the water

18 treatment system. It's to remove

19 residual PCBs that may be still in the

20 system.

21 Q. What happens to those? What do you do

22 with that?

23 A. That carbon is -- When the carbon is

REGIONAL REPORTING SERVICE, INC.

1 A. I know that -- my knowledge is very

2 limited.

3 My understanding is that 202 may

4 have cut into a small portion of the

5 south landfill. But to what extent, I

6 really have no knowledge.

7 Q. Did you understand that was moved, that

8 parathion cell was moved at the time 202

9 was constructed, and put on the south

10 landfill in another cell?

11 A. I wasn't aware it was a parathion cell

12 that would have been cut into, no.

13 Q. Are you familiar with the nature of the

14 PCBs that were put into either the west

15 landfill or the south landfill, the PCB

16 waste?

17 A. As far as -- Could you be more specific

18 regarding the nature?

19 Q. Well, were they solid or liquid or what?

20 A. I have no knowledge of what form it went

21 into the landfills in.

22 Q. Would that make a difference?

23 A. It wouldn't make a difference from my

REGIONAL REPORTING SERVICE, INC.

1 expired -- the carbon that's in the

2 water treatment system is expired or no

3 longer useful, then it's sent to an

4 appropriate disposal facility.

5 Q. Emelle?

6 A. I believe it typically goes to Emelle,

7 yes. I'd have to check the records to

8 be sure.

9 Q. How often does that happen?

10 A. Since I have been down in Anniston, we

11 have changed the carbon out once.

12 Q. And how many is involved in -- what kind

13 of -- one truck, two trucks, three

14 trucks?

15 A. It's really not even a truckload,

16 Mr. Stewart. It's maybe ten fifty-five

17 gallon drums full.

18 Q. It's my understanding that at some point

19 in time there was a parathion waste cell

20 located south of the plant. And then

21 202 came in.

22 Did you understand that was moved?

23 Do you know anything about that?

REGIONAL REPORTING SERVICE, INC.

1 perspective, Mr. Stewart, because we are

2 looking for PCBs that may be migrating

3 from the landfills to be -- the three

4 typical pathways, which would be

5 groundwater, surface water, or air. We

6 are collecting data to understand that

7 and monitor that.

8 Q. But you don't know anything about that

9 particular part of it?

10 A. The specific details as far as what was

11 placed in the landfills, no.

12 Q. Right. Have you ever talked to anybody

13 like Jerry Brown or the people who might

14 have been there, Mr. Branchfield, since

15 you have been there in the remediation

16 process, to find out the nature of the

17 PCB material that was put in there?

18 A. No. I've never had any discussions with

19 them.

20 Q. Now, are you familiar with this article

21 that came out about the mercury

22 pollution?

23 A. Specifically the story that was in The

REGIONAL REPORTING SERVICE, INC.

1 Anniston --

2 Q. I mean, the mercury contamination that

3 came out in The Anniston Star, mercury

4 discharges?

5 A. The last writing? Yes, I'm familiar

6 with that article.

7 Q. When is the first time that you became

8 aware of the fact that there had been

9 mercury discharges that came out of this

10 plant into Snow Creek?

11 A. I was made aware that mercury was a

12 constituent and potential concern as

13 part of my turnover of the project with

14 Mr. Faust back in late 1999.

15 Q. What did he tell you?

16 A. That we had mercury cells on-site that

17 were part of the chorine manufacturing

18 process and because of that mercury was

19 a constituent of potential concern that

20 we were looking at in evaluating as part

21 of both the on-site and off-site

22 investigations.

23 Q. He told you that, in addition to PCBs

REGIONAL REPORTING SERVICE, INC.

1 that's what y'all were looking for?

2 A. It was one additional thing we were

3 looking for, yes.

4 Q. Were the consultants who were assisting

5 y'all in looking for that a group called

6 Bouck Line, B-o-u-c-k, and Lee,

7 Incorporated? Were those the

8 consultants?

9 A. They are the ones that were evaluating

10 mercury as part of the off-site ROS,

11 yes.

12 Q. And how long had they been working with

13 y'all?

14 A. They have been working on the Anniston

15 site since I have been there. I believe

16 they had been working there for perhaps

17 a year before I arrived; maybe a little

18 longer.

19 Q. Where would they get their information

20 about where mercury would come from in

21 conjunction with the operation of the

22 Anniston plant?

23 A. Specifically which documents they would

REGIONAL REPORTING SERVICE, INC.

1 have looked at?

2 I would assume they would have

3 looked at the RCRA facility assessment

4 that was done in the early 1990s, up

5 until 1992 or '93, if I'm not mistaken.

6 That RCRA facility assessment --

7 there were discussions about all the

8 different manufacturing processes that

9 had been at one time or another at the

10 -- we had -- all the different

11 manufacturing processes we were involved

12 in on the Anniston facility.

13 They could have looked at the

14 on-site ROS program to define mercury as

15 a constituent to the potential concern;

16 being the chorine manufacturing process.

17 There may have been other

18 documents that they had access to. I

19 wouldn't be aware of specifically what

20 they looked at.

21 Q. Well, Mr. Kaley says in this article --

22 Dr. Bob Kaley -- He is quoted as saying

23 that that firm that you are talking

REGIONAL REPORTING SERVICE, INC.

1 about prepared this twenty-six-page

2 study or reply, rather --

3 A. Yes.

4 Q. Which included an inaccurate statement

5 about Monsanto's mercury emissions.

6 And Mr. Kaley is quoted -- I don't

7 know who they asked and who they didn't

8 ask. I'm sure they felt they had made

9 sufficient inquiries.

10 Do you know who they talked to

11 during that period of time?

12 MR. COX: Object to the form.

13 A. They being BBL.

14 Q. The company that did the study that you

15 mentioned earlier. Do you call them

16 BBL?

17 A. Yes. We call them BBL for short.

18 And to answer your question, no, I

19 don't know who they talked to or what

20 information was made available to them

21 in their evaluation.

22 Q. Do you know this gentleman named Bryant

23 who is quoted in the article? Have you

REGIONAL REPORTING SERVICE, INC.

1 talked to him?

2 A. No. I have never had any conversations

3 with him.

4 Q. In the reply he makes this response: It

5 says -- This is what the company, BBL,

6 says. "While the records are not clear,

7 it appears that chlorine was

8 manufactured between 1952 and '69 using

9 a mercury cell process. No records

10 could be located describing the

11 consumption of mercury. Although if

12 noted that the process is a closed one

13 in which mercury was recycled and

14 reused" --

15 Which would indicate, would it

16 not, Mr. Branchfield, that nothing got

17 off the reservation as far as mercury is

18 concerned?

19 MR. COX: Object to the form.

20 Q. There wouldn't be any emissions off the

21 plant site?

22 MR. COX: Object to the form.

23 A. I personally would not draw that

REGIONAL REPORTING SERVICE, INC.

1 A. I would disagree with Mr. Bryant.

2 Q. He worked at the Anniston plant from '64

3 to '68. And he said the mercury went

4 into the storm sewer and left the plant

5 that way as opposed to this closed loop

6 system.

7 Certainly the closed loop system,

8 even as you mentioned it, doesn't

9 involve mercury going into the storm

10 sewer, does it?

11 That is not contemplated in your

12 closed loop process, is it, that you

13 just described for us?

14 MR. COX: Object to the form.

15 A. You know, as far as how the mercury,

16 where the mercury would have gone and my

17 description of a closed loop process to

18 you, I don't know what would have

19 happened to the mercury.

20 I assume it would have gone --

21 there certainly is the potential it

22 could have gone into the storm sewer.

23 There is a potential it could have gone

REGIONAL REPORTING SERVICE, INC.

1 conclusion from the definition of a

2 closed loop process.

3 Q. What would you draw?

4 A. The closed loop process is -- Based on

5 my experience and training in the Navy,

6 a closed loop process -- I would

7 characterize that -- I would -- for my

8 own personal reference, I would look at

9 a steam cycle, which typically is

10 referred to as a closed loop process.

11 Although, there are traced

12 releases of steam from the process.

13 It's just an inherent part of the

14 process.

15 Closed loop process does not mean

16 air tight. What it means is that the

17 material is used and regenerated and put

18 back into the process.

19 That doesn't necessarily mean that

20 there were not potential releases from

21 the process.

22 Q. Well, Mr. Bryant said that what that

23 statement was is an outright lie.

REGIONAL REPORTING SERVICE, INC.

1 through drainage pathways from the plant

2 site.

3 But certainly all the data we have

4 collected on the facility and off-site,

5 for that matter, suggests that there

6 were not quantities of mercury leaving

7 the facility that Mr. Bryant claims

8 there were.

9 I don't believe Mr. Bryant's

10 statements are accurate in that respect.

11 Q. What is it you believe about

12 Mr. Bryant's statements?

13 A. I believe if Mr. Bryant's statements

14 were accurate that we would have found

15 levels in much higher concentrations

16 than we are finding them in the

17 groundwater, in the surface water, and

18 in the soils on the plant site, that we

19 would have found concentrations much

20 higher in the sediments of Snow Creek

21 and Choccolocco Creek and we would have

22 found higher concentrations in the fish.

23 The levels that we found were all

REGIONAL REPORTING SERVICE, INC.

low. I mean, we are just not finding it in any quantities that would suggest we are releasing fifty tons of mercury from the plant. It's just not there.

Q. Well, apparently Dr. Kaley disagrees with you.

Dr. Kaley is quoted -- And of course if he says something different, please be sure to correct me.

But he said, "Is there a discrepancy?" "Sure. Apparently there was a discharge," is what he says on the first page of this article, on page one.

Do you disagree with that?

A. That quote, as it's written in the paper -- that is not how I would have characterized the process, no.

Q. I mean, did Dr. Kaley tell you anything differently than what he is quoted as saying in the paper?

A. No, no.

Q. That's an accurate statement? That's an accurate quote of what he said, that

REGIONAL REPORTING SERVICE, INC.

records they had access to.

Q. Well, Kaley says on the same page -- Dr. Kaley -- that the consultants did not obtain access to all of the relevant documents which were buried deep within the company. They only had thirty days to --

Is that what he tells you the reason for this discrepancy or the failure to find, that there were in fact discharges made, mercury discharges that came out of that plant?

MR. COX: Object to the form.

A. No. In fact, Mr. Stewart, I'm the one that communicated that piece of information to Dr. Kaley.

It's not unreasonable at times when we are given a request for information from the agencies -- when there are years and years and years and decades of historical documents to review, that it is not practical to review all of those documents in a

REGIONAL REPORTING SERVICE, INC.

there was a discrepancy and apparently there was a discharge?

MR. COX: Object to the form.

If you know what he said to the reporter, you can answer.

A. Yeah. I'm not familiar of his specific conversation with the reporter.

Q. Well, you've talked about that article with Dr. Kaley since he made that statement, haven't you?

A. Yes.

Q. And he hasn't denied the fact that he told that reporter that there was a discrepancy and obviously there was a discharge?

A. He hasn't told me that, no.

Q. And this outfit that did this study had access to the records that pertained to the manufacturing process that go on -- or went on at the plant site that made chlorine?

A. Once again, I'm not familiar with what

REGIONAL REPORTING SERVICE, INC.

thirty-day time period.

So what we will typically do is we will review the documents that are readily available, draw any information we can from them, and then take a conservative approach. And that's what we did in this case; even though the documentation available to BBL suggested that it was a closed loop process. And theoretically it is a closed loop process --

Q. Where were the --

MR. COX: Wait a minute.

A. We still included mercury in the list of constituents of potential concern to evaluate.

We did not use the closed loop process as an excuse to not analyze for mercury.

Q. Tell me, Mr. Branchfield, where did they get these documents that they looked at, BBL.

A. I don't know where they got the

REGIONAL REPORTING SERVICE, INC.

1 documents.

2 Q. You said you thought you made them

3 available to them and they looked at

4 them. And you told Dr. Kaley they

5 looked at the documents made available.

6 Were they at the plant or in St. Louis?

7 Where were they?

8 A. I assume they used the documents that

9 were available at the plant site.

10 Q. At the plant?

11 A. Yes.

12 Q. And where are these documents that are

13 buried deep in the company which

14 Dr. Kaley refers to? Are they in St.

15 Louis or at the plant?

16 A. I don't know specifically where they are

17 located.

18 Q. Did BB&L have access to documents that

19 were in St. Louis?

20 A. They certainly had access to them if

21 there were documents there they felt

22 they needed to review.

23 Q. Do you know within the time frame of the

REGIONAL REPORTING SERVICE, INC.

1 thirty days if they went to St. Louis

2 and they looked at the documents up

3 there?

4 A. No. I don't know whether they did or

5 not.

6 Q. Have you since seen documents that

7 indicate to you and would indicate to

8 BB&L that there was a discharge contrary

9 to what they said about this closed loop

10 system?

11 MR. COX: Object to the form.

12 A. No. I have personally not seen

13 documents that would suggest

14 differently, that it was a closed loop

15 process.

16 Q. Well, what, pray tell, was Dr. Kaley --

17 A. I'm sorry. I couldn't hear the

18 question.

19 Q. What, pray tell, was Dr. Kaley referring

20 to?

21 MR. COX: Object to the form.

22 A. I don't know specifically which document

23 he was referring to.

REGIONAL REPORTING SERVICE, INC.

1 Q. But he was referring to some additional

2 documents that they hadn't looked at?

3 MR. COX: Same objection.

4 A. I don't know specifically what he was

5 referring to. I think -- I don't know

6 specifically what he was referring to.

7 Certainly that the documents that

8 he became aware of when giving this

9 interview were not reviewed by BBL.

10 There is clearly no evidence that

11 suggests that they did review them.

12 That doesn't mean that they

13 weren't available to them to review if

14 they needed to.

15 Q. Well, certainly they didn't say in the

16 report that they provided to the

17 regulatory agencies that forty to fifty

18 tons of liquid mercury were dumped into

19 the waste stream near the plant. They

20 didn't say that, did they?

21 MR. COX: Object to the form.

22 A. No. That was not in the response.

23 Q. So if that's in the company records,

REGIONAL REPORTING SERVICE, INC.

1 have y'all altered or amended your

2 response about the mercury discharges

3 today?

4 MR. COX: Object to the form.

5 A. No, we haven't. But we have still --

6 Q. Do you have documents that indicate that

7 those -- that that forty to fifty tons

8 were not discharged?

9 A. Based on the --

10 MR. COX: Object to the form.

11 A. Based on the data we have collected on

12 the plant site and in the off-site

13 areas, the data clearly suggests that

14 quantities in that amount were not

15 discharged.

16 Q. I'm not talking about tests. I'm

17 talking about company documents, is what

18 this reporter is talking about.

19 And apparently that is what

20 Dr. Kaley is talking about.

21 Has he seen some paper document

22 that you haven't seen that indicates

23 there were about fifty tons of mercury

REGIONAL REPORTING SERVICE, INC.

1 that might have been dumped off the
2 plant site?
3 A. My understanding --
4 MR. COX: Object to the form.
5 A. My understanding is that there is a
6 plant standard operating procedure
7 that --
8 Q. That talks about the waste stream?
9 A. That talks about the waste streams from
10 the chlorine process.
11 Q. Which would have indicated that the
12 waste emissions that came off might have
13 been as much as forty to fifty tons?
14 MR. COX: Object to the form.
15 A. Not if that mercury was recycled back
16 into the process.
17 Q. Okay. So you are disagreeing with what
18 the process said about the waste stream?
19 A. I'm disagreeing that we discharged forty
20 to fifty tons of mercury off-site.
21 Q. Y'all have the same feeling about the
22 lead.
23 Have y'all told EPA and ADEM

REGIONAL REPORTING SERVICE, INC.

1 A. Yes.
2 Q. Who told you that that was the only
3 lead-producing process that y'all
4 operated out there on that plant site?
5 A. Dr. Kaley did the research into the lead
6 and its historical uses on the plant
7 site.
8 Q. Good Ol' Bob again did that work?
9 A. I'm sorry?
10 Q. Dr. Kaley, Good Ol' Bob, did that work
11 too?
12 A. He did the research and provided the
13 response to agency requests regarding
14 what knowledge we had to lead use on the
15 plant site.
16 Q. Who did he talk to in making that
17 determination, if you know?
18 MR. COX: Object to the form.
19 A. I don't know specifically who he talked
20 to.
21 Q. Jerry Brown, Gene Arnett, and Ronald
22 Jones, Alan Faust, Craig Branchfield,
23 Mr. Taffee? Those are the kind of

REGIONAL REPORTING SERVICE, INC.

1 everything that you need to about the
2 lead emissions from this plant site?
3 A. We have given them all the information
4 we have on the processes that used lead.
5 And that includes data that we collected
6 for lead on the plant site.
7 Q. What is the processes, as you
8 understand, that use lead?
9 A. My understanding is that we -- in the
10 biphenyl production process benzene was
11 essentially molted up through lead pots
12 and that the heat from the molted lead
13 is what provided the catalyst for
14 causing the benzene molecules to form
15 biphenyl molecules.
16 Q. Is that the only process that you all
17 have indicated to EPA or to ADEM or any
18 regulatory agencies for which there
19 would be lead emission?
20 A. That's the only process that I'm aware
21 of that used lead.
22 Q. Did you all say that that was a closed
23 loop system?

REGIONAL REPORTING SERVICE, INC.

1 people that he talked to?
2 MR. COX: Object to the form.
3 A. Once again, I don't know specifically
4 who he talked to, which isn't to say he
5 didn't talk to other people.
6 Q. Would y'all have been required to look
7 through your records and determine from
8 the processes that y'all -- the
9 manufacturing processes that y'all
10 operated on that plant site -- would
11 y'all have been required under this
12 104(e) request for information related
13 to the Anniston site to look back
14 through the processes and find out if
15 there were some other possible sources
16 of lead in the manufacturing process
17 other than this -- Is it biphenyls?
18 A. Biphenyl. I can't recall what the
19 specific requests were in 104(e).
20 I think it's a fairly standard
21 request to provide information regarding
22 past manufacturing processes on the
23 plant site.

REGIONAL REPORTING SERVICE, INC.

1 Once again, I don't know what the
2 specific request was in our 104(e)
3 request.

4 Q. In response to request number thirty,
5 this says -- Let's see. It says --

6 Thirty-one says, "Did any of the
7 companies which operated the facility
8 use lead in any of its production
9 processes."

10 And that response in this 104(e)
11 reads, "Lead was used in biphenyl
12 manufacturing processes at the Anniston
13 plant until about 1964." And it says,
14 "See letter attached from Dr. Robert
15 Kaley to Steven Cobb."

16 A. Yes.

17 Q. And what it says is that was the process
18 by which lead might have been released.
19 That's the only manufacturing energy
20 process that I saw in 104(e).

21 MR. COX: Object to the form.

22 A. To my knowledge that was the only
23 process that used lead.

REGIONAL REPORTING SERVICE, INC.

1 involvement in the preparation of the
2 104(e) response.

3 Q. Did you understand that that's how --
4 that he was responsible for gathering
5 that information?

6 MR. COX: Object to the form.

7 Q. Dr. Kaley?

8 A. He was responsible for gathering the
9 information and responding to ADEM's
10 request for information regarding lead.

11 What Bob's role was in preparing
12 the 104(e) response, I don't know.

13 Q. And then it asks on page thirty-eight,
14 "Describe how lead" -- in this same
15 document -- 104(e) --

16 MR. STEWART: I may put this in
17 for the record, Buddy, as
18 Exhibit Number Four.
19 (Plaintiff's Exhibit Number
20 Four was marked for
21 identification.)

22 Q. It says, "Describe how lead from other
23 entities in Calhoun County got into the

REGIONAL REPORTING SERVICE, INC.

1 Q. And in Dr. Kaley's process. I mean,
2 that was in Dr. Kaley's zoning process?

3 A. Yes.

4 MR. COX: Object to the form.

5 A. Yes. I'm relying on the research that
6 Bob did for that information.

7 Q. Dr. Kaley.

8 And it says, "Were PCBs or any
9 material containing PCBs ever burned at
10 the facility?"

11 And the response to that request
12 is "To the best of Solutia's knowledge,
13 information, and belief neither PCBs nor
14 materials containing PCBs were burned at
15 the Anniston plant."

16 Is that y'all's position; based on
17 anecdotal or historical data you
18 gathered from former plant employees and
19 the records?

20 A. I don't know what resources were drawn
21 upon to develop that response.

22 Q. Did Bob Kaley define that?

23 A. Once again, I had very little

REGIONAL REPORTING SERVICE, INC.

1 soils of residential homes that are
2 businesses in Calhoun County."

3 It says Solutia doesn't have
4 sufficient knowledge to answer this
5 request.

6 A. I would agree with that.

7 Q. And so what you are saying is that there
8 is no way that Monsanto could be
9 responsible for the lead based on that
10 biphenyl process?

11 A. I don't believe so, no.

12 Q. Now, were y'all asked about all of the
13 manufacturing processes for which a
14 toxic substance was -- a toxic substance
15 might have been released either in the
16 manufacturing process or a byproduct?
17 Does that include everything, PCBs,
18 lead, mercury, all the known
19 substances --

20 MR. COX: Object to the form.

21 Q. -- that are toxic?

22 In other words, in this request
23 are y'all -- in Exhibit Four are y'all

REGIONAL REPORTING SERVICE, INC.

1 required to tell them everything that
2 came off this plant site?

3 MR. COX: Object to the form.

4 A. I'd have to look at the specific request
5 to know what specifically was asked for.

6 Q. Well, if something was a toxic substance
7 -- Let's just say y'all had nerve gas
8 that you produced and waste came off
9 that nerve gas production.

10 Are you required to tell them of
11 this thing?

12 MR. COX: Object to form.

13 A. Once again, I'd have to see specifically
14 what's requested in the 104(e) request.
15 That wouldn't be an unusual request.

16 Q. Nerve gas?

17 A. Obviously, to the best of my knowledge,
18 we didn't manufacture nerve gas at the
19 Anniston facility.

20 For the things we did manufacture,
21 that's -- based on my general knowledge
22 of the 104(e) request, that's a fairly
23 standard question.

REGIONAL REPORTING SERVICE, INC.

1 Exhibit Four was produced to the
2 government, to EPA or ADEM or whatever,
3 if that had been done at some point in
4 time, it should have been included in
5 this document, shouldn't it?

6 MR. COX: Object to the form.

7 He's already said he
8 can't tell without reading
9 the entire document.

10 MR. STEWART: Look at it.

11 MR. COX: Can we go off the
12 record? It's pretty lengthy.

13 A. Specifically what was the --

14 Q. If you manufactured it and had some
15 potential waste product for it --

16 MR. COX: Nerve gas specifically.

17 Q. Serine?

18 A. Was there a specific request number that
19 you would like me to refer to?

20 Q. Any of them. You wanted to look at it.
21 I gave you the opportunity to look at
22 it. I don't want to take advantage of
23 you. I want to be as kind as I can be

REGIONAL REPORTING SERVICE, INC.

1 Q. If you did nerve gas?

2 A. No. Asking questions regarding what our
3 manufacturing processes were and what
4 the potential waste streams might have
5 been.

6 Q. Who told you you didn't manufacture
7 nerve gas at this plant?

8 MR. COX: Object to the form.

9 A. Nobody has told me specifically that we
10 didn't. I'm just not aware of it from
11 my review and understanding of the
12 historical operations of the facility.

13 Q. Wouldn't you want to know that?

14 MR. COX: Object to the form.

15 A. If it was necessary to conduct the
16 remedial measures.

17 Q. Wouldn't you have to tell the truth in
18 this document? Aren't you required to
19 tell the truth in this document about
20 what you did on the plant site?

21 MR. COX: Object to the form.

22 A. Certainly.

23 Q. If Exhibit Four -- If at the time

REGIONAL REPORTING SERVICE, INC.

1 to you; and to Buddy too.

2 A. Well, Request Number Nine asks for
3 information on waste residue or off-site
4 products and other materials from
5 Solutia's manufacturing process that may
6 have been placed and/or stored at the
7 Anniston facility. And there is more.

8 Q. That would include that; wouldn't it?

9 MR. COX: You are asking him to
10 assume that they produced
11 serine at the site now?

12 Q. If you did, it should have been included
13 that, shouldn't it?

14 A. I'm not familiar with serine or nerve
15 gas. I mean, it's -- I just don't know
16 how you produce it or --

17 Q. If the designation of it would be GR, do
18 you see that anywhere in there?

19 A. If you produced it, Mr. Stewart -- It's
20 asking for what the waste residue,
21 off-site products, and so on.

22 So if it was a product -- I'm
23 honest. I don't know if it was

REGIONAL REPORTING SERVICE, INC.

1 something we manufactured at Anniston or
2 not. I certainly don't recognize that
3 name as anything that I'm currently
4 looking in for our ongoing monitoring.

5 Q. I understand that. It asks about your
6 manufacturing processes; doesn't it?

7 A. It asks for specifically waste residue,
8 off-site products, and other materials
9 from the manufacturing processes.

10 Let me go back. There may have
11 been a specific request about --

12 Well, there is a request for an
13 employee list of -- or a list of
14 employees who may know information about
15 Solutia and/or Monsanto's production
16 processes for any chemicals or other
17 products manufactured by Monsanto and/or
18 Solutia at its Anniston facility.

19 So I guess -- Well, that's a
20 request for a list of employees that may
21 know about production products; not a
22 specific request for information on the
23 manufacturing process.

REGIONAL REPORTING SERVICE, INC.

1 But certainly I'm not aware of any
2 attempts to hide any manufacturing
3 processes we had at the facility. There
4 is no basis for it.

5 Q. No one has ever told you about it,
6 though, have they?

7 A. Once again, if I know about it,
8 Mr. Stewart, it's because they were
9 by-products from that manufacturing
10 process that I'm having to monitor for
11 or understand as part of our O and M
12 activities.

13 The specific names of the
14 manufacturing processes you mentioned,
15 I'm not familiar with the -- with that
16 particular manufacturing process.

17 But if there was a waste stream
18 generated that created a constituent and
19 potential concern, it would be covered
20 under our monitoring requirements.

21 Q. Well, let's go back to Exhibit One.

22 What monies do you have budgeted
23 for remediation of residential

REGIONAL REPORTING SERVICE, INC.

1 Q. But you should, should you not, tell
2 them about it in that thing, that y'all
3 manufactured that? You should have told
4 them about it.

5 MR. COX: Object to the form.

6 A. Once again, if there is a specific
7 request for it in here, we provided that
8 information to them.

9 I could continue going through the
10 document to see if there was one.

11 Q. It doesn't say -- It just asks about the
12 specific manufacturing processes where
13 you make something that might have some
14 -- That's what it's looking for in that
15 thing.

16 They want to know what junk that
17 might have left that facility that might
18 have created some possible harm to the
19 people. Isn't that what they are asking
20 for?

21 A. Based on what I have reviewed in this
22 document, there has been a request for
23 waste streams generated.

REGIONAL REPORTING SERVICE, INC.

1 properties? Where is that on there?

2 A. It's not specifically on here,
3 Mr. Stewart, I don't believe. Let me
4 take a quick look to make sure I'm not
5 misleading you here.

6 Well, there was some money set
7 aside for EPA investigation for one
8 hundred thousand dollars.

9 And that was simply to identify
10 the fact to my management that EPA was
11 in Anniston and we could anticipate some
12 sort of remediation being done under
13 their oversight.

14 The scope of that wasn't even
15 defined at the time I prepared this. We
16 hadn't even begun discussions with the
17 EPA regarding AOC.

18 We knew they were in the area and
19 they were sampling residential
20 properties.

21 Q. You knew they were in the area doing
22 that?

23 A. Yes.

REGIONAL REPORTING SERVICE, INC.

1 Q. But you just didn't budget anything for
2 it, to speak of, out of those monies
3 they planned to spend in the future?

4 A. I had no idea what the potential scope
5 of work might turn out to be if we ended
6 up doing an investigation under CERCLA.

7 Like I said, that was merely
8 placed there as a line item to make sure
9 people were aware that we would incur
10 expenditure of funds.

11 Q. Isn't that something if you really
12 planned to do at some point in time --
13 you've got that corridor thing down
14 pretty pat, don't you? You know exactly
15 what that is going to cost, how much you
16 will spend, what you are going to do.

17 Now you get down to the
18 residential properties. Could it be
19 that you all have figured out that you
20 are not going to have to do a blooming
21 thing on those residential properties?

22 MR. COX: Object to the form.

23 A. No. It's always been our intentions to

REGIONAL REPORTING SERVICE, INC.

1 follow the data. If the data lead us
2 into the residential properties and
3 suggested that there were PCBs there
4 that we might be responsible for, then
5 we would remediate them.

6 Q. At one time Mr. Faust told the people
7 over there y'all weren't going north of
8 10th Street.

9 But you bought the Miller property
10 and did a lot of work over there north
11 of 10th Street, on that property. That
12 was y'all's.

13 A. Yes. We clearly have done work --

14 Q. Y'all leased it through the city and did
15 the work on it. Y'all got business on
16 it.

17 What you got through telling me is
18 that y'all have no intention of doing
19 anything about the residential
20 properties that exist at this plant
21 site, around the plant.

22 You have no intention of doing
23 that. You didn't budget any money for

REGIONAL REPORTING SERVICE, INC.

1 it, did you?

2 A. We have no --

3 MR. COX: Object to the form.

4 A. Once again, there was never an intention
5 to not address our remedial
6 responsibilities for PCBs.

7 The reason there is a small sum of
8 money budgeted was, as I said earlier,
9 we have no idea the size or scope of the
10 investigation the EPA might ask us to
11 do.

12 Q. Well, at this point in time, if I look
13 at your document, I don't see any
14 expenditures. Yet y'all have already
15 spent over a million dollars down there
16 at the mall. Y'all spent the million.

17 A. Approximately. I'd have to look at the
18 documents to get the exact figure.

19 Q. Does it have to do with the person
20 involved who might be a fairly
21 sophisticated developer that had fairly
22 significant connections as opposed to --
23 how did Mr. -- I guess it's Mr. Faust or

REGIONAL REPORTING SERVICE, INC.

1 whoever authored this -- the low income,
2 adverse PR associated with remediation
3 in a low income community?

4 I mean, is the treatment different
5 because of the people that are there?

6 MR. COX: Object to the form.

7 Why don't you ask him
8 how much they have already
9 spent at the properties --

10 MR. STEWART: That's not an
11 objection. If you want to
12 testify, you do.

13 MR. COX: I'm not testifying.

14 MR. STEWART: But you'll get your
15 chance in closing to do that.
16 And it might not work any
17 better there than it does
18 here.

19 Make an objection if you
20 want to.

21 MR. COX: Object to the form of
22 the question.

23 Q. (By Mr. Stewart) Does it have to do

REGIONAL REPORTING SERVICE, INC.

1 with the people you are associated with,
2 the low income people that are in the
3 community? Is that the way you view the
4 community?

5 A. No.

6 Q. So when Mr. Grimmer comes along and
7 says, "Hey, fellows, I'm one of y'all,
8 and y'all messed me up down here; clean
9 it up to a part per million and spend a
10 million bucks down here" -- Is that
11 right?

12 MR. COX: Object to the form.

13 A. The answer to your question,
14 Mr. Stewart, is that I do not pick the
15 areas that we are going to remediate
16 based on income or who is our buddy or
17 anything like that. I follow the data.

18 And if the data suggests we need
19 to conduct remediation in the area,
20 that's where I go to conduct the
21 remediation. That's why we signed the
22 AOC with the EPA.

23 Q. Where in your document have you taken

REGIONAL REPORTING SERVICE, INC.

1 where y'all said -- and I quote --
2 "Although Solutia has accepted
3 responsibility for investigating
4 impacted materials within the one
5 hundred year floodplain at Snow and
6 Choccolocco creeks, we will not accept
7 responsibility for materials which are
8 disturbed in complete disregard of ADEM
9 regulations and directives. We
10 therefore decline your request to submit
11 an interim measures work plan for these
12 materials." That is your writing; isn't
13 it?

14 A. That's exactly correct.

15 Q. In other words --

16 A. We're not the ones --

17 Q. -- y'all put them there. But if
18 somebody happens to dig them up, then
19 you are not going to take any
20 responsibility at all for cleaning up
21 the mess you made? Is that what you are
22 telling us?

23 MR. COX: Object to the form.

REGIONAL REPORTING SERVICE, INC.

1 the responsibility for cleaning up any
2 residential property?

3 A. We have taken the responsibility in the
4 context of the AOC we signed with the
5 EPA.

6 Q. Talking about that emergency stuff?

7 A. That's correct.

8 Q. Where beyond that have you taken any
9 responsibility for cleaning up anything?

10 A. We have taken the responsibility in
11 signing the agreement in principle with
12 the EPA for the long-term consent
13 decree. We have taken the
14 responsibility in that we have addressed
15 in remediated areas where there were
16 PCBs on housing. And PCBs left the mall
17 site and was taken to people's homes.
18 We went out and addressed that.

19 I think we have been very
20 proactive.

21 Q. Is that the way y'all took that
22 proactive deal down there at the
23 Anniston Waterworks and Sewer Board,

REGIONAL REPORTING SERVICE, INC.

1 A. No. What I'm telling you is in that
2 specific case the waste water treatment
3 plant and the Anniston Water Board were
4 negligent in their responsibilities.

5 They did things that were not
6 appropriate. And we are not going to
7 assume responsibility for that.

8 Now, we have agreed to move
9 forward and work with them. We haven't
10 tossed it by the side and walked away.

11 We have agreed to move forward and
12 work with them. But we are not going to
13 at this point in time say we are going
14 to accept complete responsibility for
15 this pile that was generated in complete
16 violation of ADEM regulations and
17 directives.

18 We are not there to fix the waste
19 water treatment plant's problem. They
20 created the problem. We will work with
21 them --

22 Q. Who created the problem? Why are the
23 PCBs down there in the first place,

REGIONAL REPORTING SERVICE, INC.

1 Mr. Branchfield? Didn't it come from
2 your plant?

3 MR. COX: Object to the form.

4 A. There is a potential that they came from
5 our facility.

6 Q. That's what you're doing down there,
7 characterizing them, because they came
8 from --

9 A. There has been no final determination
10 made that those PCBs came from our
11 facility. I think that's important to
12 know.

13 But I would not draw a parallel
14 between that and our commitment to
15 dealing with residential properties.

16 Q. How many of them have you cleaned up?

17 A. We have been -- to date we have cleaned
18 up -- we have not cleaned up any
19 residential properties.

20 Q. That's what I thought.

21 A. We have begun preparations to clean up
22 one.

23 And the reason we haven't cleaned

REGIONAL REPORTING SERVICE, INC.

1 the rest is because we haven't received
2 access from the homeowners. They won't
3 give us access.

4 MR. STEWART: That's all I have
5 got.

6 MR. COX: All right.

7
8 (AND FURTHER DEPONENT SAITH NOT.)
9

REGIONAL REPORTING SERVICE, INC.

1 I do hereby certify that the witness
2 whose attached deposition was taken before me
3 was by me first duly cautioned and sworn to
4 tell the truth in the cause aforesaid; that
5 the testimony contained herein was by me
6 reduced to writing in the presence of said
7 witnesses by means of stenography and
8 afterwards transcribed by means of
9 computer-aided transcription. The foregoing
10 is a true and accurate transcript of the whole
11 of the testimony given by said witness, as
12 aforesaid.

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

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand and affixed my notarial seal at
20 Gadsden, Alabama, County of Etowah, this 29th
21 day of JULY 2001.

22
23 Janet F. Russo
Notary Public, Alabama-at-Large
My Commission expires: 5-22-2004

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**ANNISTON REMEDIAL PROJECTS
2001 BUDGET PLANNING
BASIS FOR LONG TERM BUDGET**

2001 Charges Against P&L

New Work Identified

Choccolocco Creek WWTP	\$250,000
Air Monitoring	\$250,000
First Missionary Baptist Church	\$250,000
EPA Investigation	\$100,000
<u>Conservation Easements</u>	<u>\$1,200,000</u>

Total \$3,000,000

2002 Cash Flow

In Plant RFI

Installation of New Wells	\$350,000
Abandon Wells	\$100,000
<u>Misc Support</u>	<u>\$50,000</u>

Total \$500,000

Off-Site RFI

Snow Creek Liner System	\$2,800,000
Conservation Corridor (1)	\$1,200,000
Lake/Choc. Creek Monitoring	\$100,000
Choc. Creek CMS	\$250,000
<u>Misc. Support</u>	<u>\$450,000</u>

Total \$4,800,000

Choccolocco Creek WWTP

Construction of Containment Cell \$1,500,000

(1) Conservation Corridor assumes 6000 acres total in floodplain, 80% participation, and that easements are purchased at \$0.60 on the dollar. \$1.2 million purchased in 2001 and remainder in 2003



DSW 168388

2002 Charges Against P&L

New Work Identified

Snow Creek Remedy	\$2,800,000
Additional Conservation Easements	\$2,000,000
Corrective Measures for Choc. Creek	\$500,000
Corrective Measures for WWTP	\$1,500,000
O&M for 2003 thru 2005	\$3,000,000
<u>Miscellaneous</u>	<u>\$200,000</u>
 Total	 \$10,000,000

2003 Cash Flow

Off-Site RFI

Choccolocco Creek Corrective Measures	\$500,000
Complete Conservation Corridor	\$600,000
Monitoring	\$100,000
<u>Miscellaneous Support</u>	<u>\$100,000</u>
 Total	 \$1,300,000

2006 Charges Against P&L

O&M for 2006 thru 2010	\$5,000,000
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ANNISTON REMEDIATION COSTS - STORMWATER & SEDIMENTS



Estimated remediation costs for the optimal stormwater remediation and sediment control project is as follows:

Stormwater retention basins	-	\$1.6M
South landfill cap and sediment control on east property	-	\$0.75M
Purchase property plus relocation of residents & church	-	\$0.4M
Total (+/- 30%)		\$2.75M

DSW 122117

ANNISTON SEDIMENT REMEDIATION OPTIONS

In conjunction with the stormwater control options, the issue of soils contamination on and off Monsanto property in the Mars Hill area needs to be addressed. We are currently working under a consent decree with ADEM to define the extent and level of contamination. Based upon a review of all off the issues associated with the contaminated soil, a decision has been made to pursue relocation of all of the Mars Hill residents including the Church.

Benefits include:

1. Ability to restrict access to all the contaminated soils.
2. Ability to construct a stormwater retention facility that would collect run-off from all of the plant property allowing for one discharge point for monitoring. Ability to economically add additional suspended solids removal facilities if required.
3. Avoid the issues associated with remediation on private property, including how clean is clean, exposure concerns, traffic, adverse PR associated with remediation in a low income community, etc.

ANNISTON STORMWATER CONTROL OPTIONS

Detailed below are several options for the control of stormwater from the south and east side of the Anniston Plant property including the run-off from the south side landfills. The options include the purchase of available vacant property in the Mars Hill Area. Costs are +/- 30% estimates.

OPTION 1

Includes one large sediment pond just south of 8th Street, with a berm approximately 20' high, an emergency spillway would overflow to the north; stormwater from south of Highway 202 would be routed through two 8' x 8' box culverts through the residential area.

Approximate cost: \$1.3M

OPTION 2

Includes a smaller sediment basin at 8th Street and a large basin in the field immediately east of Mars Hill church. Stormwater from south (uphill) of the south landfills would be diverted in open ditches and/or culverts to Snow Creek along the south side of Highway 202; stormwater from the south landfills would be diverted to the large basin; stormwater from north of 202, the residential area and the plant would be routed to the smaller basin; a smaller culvert (48" diameter) would be needed through the neighborhood.

Approximate cost: \$2.0M

OPTION 3

Similar to Option 2, except that water from south of the landfills would go into the larger pond, the larger pond would be deeper to handle the extra flow.

Approximate cost: \$1.6M

OPTION 4

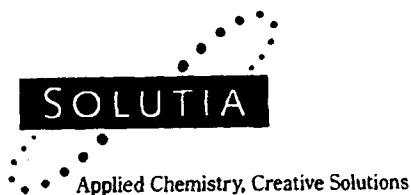
Includes the smaller pond at 8th Street and a larger pond on the west side of Clydesdale, north of the current plant parking lot. All water from south of Highway 202 and plant flow would be diverted into the larger pond. A 48" diameter culvert would still be required through the neighborhood to handle flow from north of the highway; this and flow from the residential area would flow through the smaller pond.

Approximate cost: \$1.8M

DSW 122119

McClean

APR 04 2000



Solutia Inc.

575 Maryville Centre Drive
St. Louis, Missouri 63141

P.O. Box 66760
St. Louis, Missouri 63166-6760
Tel 314-674-1000

March 27, 2000

Mr. Wm. Gerald Hardy, Chief
Land Division
Alabama Department of Environmental Management
1400 Coliseum Blvd.
Montgomery, AL 36110

Re: Work Plan for Estimating PCB Vapor Flux From Solutia Landfills
USEPA I.D. No. ALD 004 019 048

Dear Mr. Hardy:

In accordance with your letter dated February 1, 2000, and received by Solutia on February 8, 2000, Solutia has prepared a work plan to evaluate the potential for airborne releases of PCBs from Solutia's South Landfill and West End Landfill. Three copies of this work plan are enclosed for your review.

I look forward to receiving your early approval of this work plan. If I can expedite approval by meeting with you to answer any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig R. Branchfield".

Craig R. Branchfield
Manager, Remedial Projects

cc: Mr. Wesley Hardegree - EPA (3 copies)
Mr. Russ McClean - EPA
Ms. Karen Knight - EPA Anniston
Mr. Craig Brown - EPA



ADAD21-018116
HARTOLDMON0031438

ENSR

Solutia, Inc.

Anniston, AL



**Work Plan for Estimating
PCB Vapor Flux From Two
Landfills**

ENSR

March 2000

Document No. 6105-006-100

Solutia, Inc.

Anniston, AL

**Work Plan for Estimating
PCB Vapor Flux From Two
Landfills**

ENSR

March 2000

Document No. 6105-006-100

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1.0 INTRODUCTION

ENSR has been retained by Solutia, Inc. of Anniston, AL to design and implement an emissions flux measurement program. Results from the study will provide a basis for estimating the flux of PCBs, if any, originating from the South Landfill and West Landfill areas of Solutia's facility property located in Anniston, AL. The study has been crafted to meet the request for PCB flux characterization contained in the correspondence from the Alabama Department of Environmental Management (ADEM) dated February 1, 2000.

The language of the aforementioned ADEM letter suggests that the program must "evaluate the potential for releases of gaseous and particulate PCBs into the air" from the South and West End Landfills. The flux chamber study will support this request through providing an assessment of gaseous PCB flux. Evaluating the potential for release of particulate-associated PCBs from the affected areas requires separate consideration, relating to the fact that the PCB release mechanisms would be expected to differ between vapor phase and particulate-associated PCBs. Fugitive dusts from surface soils containing PCBs could be viewed as a probable pathway for particulate-associated species to enter the ambient air. However, the use of clean fill at both landfills effectively eliminates the particulate-bound fugitive dust PCB issue from consideration. As such, the proposed flux chamber study has been designed to evaluate the vapor phase partition of potential PCB releases from the landfills.

The program adopts technical elements from published EPA guidance for measurement of VOC flux and applies these technical tools to estimation of vapor phase PCBs flux at the Solutia landfills. Table 1-1 lists the target PCB analytes for this program. Though PCBs are semivolatile organic compounds with lower vapor pressure than VOCs, the vapor phase partition of these parameters is assumed to behave in a manner amenable to estimation via flux chamber methodology.

Flux chamber sampling will be performed during one work day at each landfill, and result in collection of six (6) samples at each area. Laboratory analysis using state-of-the-art high resolution gas chromatography/high resolution mass spectrometry will provide the lowest feasible method detection limits to the study.

Flux chamber design and operation along with site selection strategy are discussed in Section 2.0, sample validation requirements and laboratory analysis methods are described in Section 3.0, calculations are put forth in Section 4.0 and quality assurance/quality control elements are described in Section 5.0.

Table 1-1
Target PCB Analytes

Monochlorobiphenyl
Dichlorobiphenyl
Trichlorobiphenyl
Tetrachlorobiphenyl
Pentachlorobiphenyl
Hexachlorobiphenyl
Heptachlorobiphenyl
Octachlorobiphenyl
Nonachlorobiphenyl
Decachlorobiphenyl

2.0 FLUX CHAMBER PROGRAM DESIGN

The technical approach for the program relies upon design and operation of an emissions isolation flux chamber to estimate PCB flux, if any, from the South and West End Landfills. The flux chamber technique provides a direct means of estimating emission rates of target analytes from a given surface area per unit time. The subsections to follow describe the design and operation of the flux chamber apparatus, selection of measurement locations, and sample collection and laboratory analysis methods.

Several key design elements have been considered for this program, as listed below:

- Flux chamber specifications for volume and surface area coverage
- Sweep gas selection and flowrate
- Flux chamber equilibration period
- Sample collection and laboratory analysis methods
- Sampling flowrate
- Selection of sampling locations

Each of these design considerations are discussed in the subsections that follow.

2.1 Flux Chamber Design

Figure 2-1 provides a schematic of the flux chamber apparatus. The flux chamber will consist of a sealed, non-reactive enclosure device with a single inlet and single outlet that will be placed over each defined sample collection area. Clean, dry sweep gas (zero air or nitrogen) will be introduced at a controlled rate to the flux chamber inlet, with the sweep gas flow directed parallel to the landfill surface and toward the center of the flux chamber. The sweep gas will capture vapor phase PCBs, if any, emanating from the surface area covered by the chamber and exhaust through the flux chamber outlet. After allowing the sweep gas and surface area to reach a state of equilibrium, the sweep gas flowrate will be adjusted and recorded. A portion of the exhaust gas will then be collected over a one-hour sampling period. The flux chambers will be constructed of a clear, plexiglass dome covering an area of approximately $\frac{1}{4}$ square meter and will have a volume of approximately 0.0125 cubic meters (see Figure 2-1). All flux chamber materials contacting the sample gas are either teflon, glass or stainless steel to provide an inert sample collection system.

2.2 Selection of Sampling Locations

To provide an assessment of potential PCB flux from the two landfills, six sampling locations at each landfill have been selected for measurement. The number of sampling locations was chosen to provide a reasonably sized data set from which to evaluate the PCB flux while still considering program logistics. It is anticipated that the six sampling locations at each landfill can be accommodated over the course of two workdays (one day per landfill) using a two person field team.

Figure 2-3 and Figure 2-4 provides a schematic of the South and West End Landfills, respectively. A grid system has been overlayed on to each schematic, with vertical and horizontal grid lines marked at approximately 100' intervals. This produces 45 and 39 points, respectively, for the South and West End landfills. On the day designated for field work, six grid points will be randomly selected for sampling. A single flux chamber sample will be collected at a suitable location nearest each selected grid point. Locations deemed unsuitable for sampling could include areas characterized by steep incline, standing water or significant ground moisture, rocky terrain, or presence of manmade obstacles such as roads. Sampling locations utilized for the program will be documented in the field log and staked / flagged in the field for future reference.

2.3 Flux Chamber Sampling

Once sampling locations have been randomly selected on the day of field work, flux chamber sampling will be conducted based upon the specified protocol outlined below:

1. **Place clean flux chamber apparatus on selected landfill location and secure to ground.** The flux chamber apparatus will be initially solvent rinsed with acetone and allowed to air dry, then placed directly atop the landfill at the designated sampling location. To secure the chamber for sampling, a small trench corresponding to the outer dimensions of the flux chamber will be prepared using a solvent rinsed metal trowel. The flux chamber will then be secured into the small trench by physically sealing the chamber / ground interface with additional top soil. As mentioned above, the flux chambers will be constructed of a clear, plexiglass dome covering an area of approximately $\frac{1}{4}$ square meter and will have a volume of approximately 0.0125 cubic meters (Figure 2-1).
2. **Initiate sweep gas and allow chamber to equilibrate.** Prior to sampling, the flux chamber will be secured and sweep gas flow initiated. The flux chamber will then be allowed to reach equilibrium. Published literature has suggested that it typically takes approximately four residence times to reach steady-state conditions within the flux chamber. Based upon a chamber volume of 0.0125 m³ and a sweep gas rate of 2 liters per minute, equilibrium should be reached within approximately 25 minutes of beginning the sweep gas flow into the system.

3. **Start pump and collect sample.** After operating the sweep gas flow for the time period required to reach steady-state, the sampling pump will be started and allowed to run for a 60 minute period. The sampling train will consist of a ¼" teflon line attached to the flux chamber outlet and an XAD tube where target PCB analytes will be sorbed. Sampling pumps will be calibrated at the beginning and end of each field day using a traceable calibrator. The target PCB parameters will be collected from the flux chamber outlets based upon the solid sorbent technique outlined in EPA Method 18 (40 CFR 60, Appendix A). Specifically, sample gas will be passed through an XAD tube at an approximate flowrate of 2 liters per minute. This will produce a sample volume of approximately 120 liters (0.120 m³). XAD tubes will be subsequently analyzed using high resolution GC/MS to provide optimal method sensitivity to the program. PCBs will be reported for each of the mono through deca congener classes
4. **Recover samples and ship to analytical laboratory.** Following each 1 hour sampling period, samples will be collected, capped, labeled with a unique sample ID, and secured in a shipping cooler with chain-of-custody documentation. Samples will be shipped cool to the designated analytical laboratory via overnight courier.

2.4 Sample Handling and Documentation

XAD sampling tubes will be purchased from SKC Inc. and shipped to the site for field use. When used for sampling, cartridge tips will be opened immediately prior to attaching the tubes to the sampling system. Sample coolers for sample shipment will be stored in a clean location with their lids sealed until use. After sampling, XAD tubes will be recapped and packed snugly in coolers with ice packs. Sample coolers will be shipped via overnight courier to the analytical laboratory.

Chain-of-custody procedures will be employed to provide a mechanism for assignment of responsibility for sample integrity and to provide physical evidence of the history and integrity of each sample, from collection through analysis and data reporting.

FIGURE 2-1
Schematic of Isolation Flux Chamber Sampling System

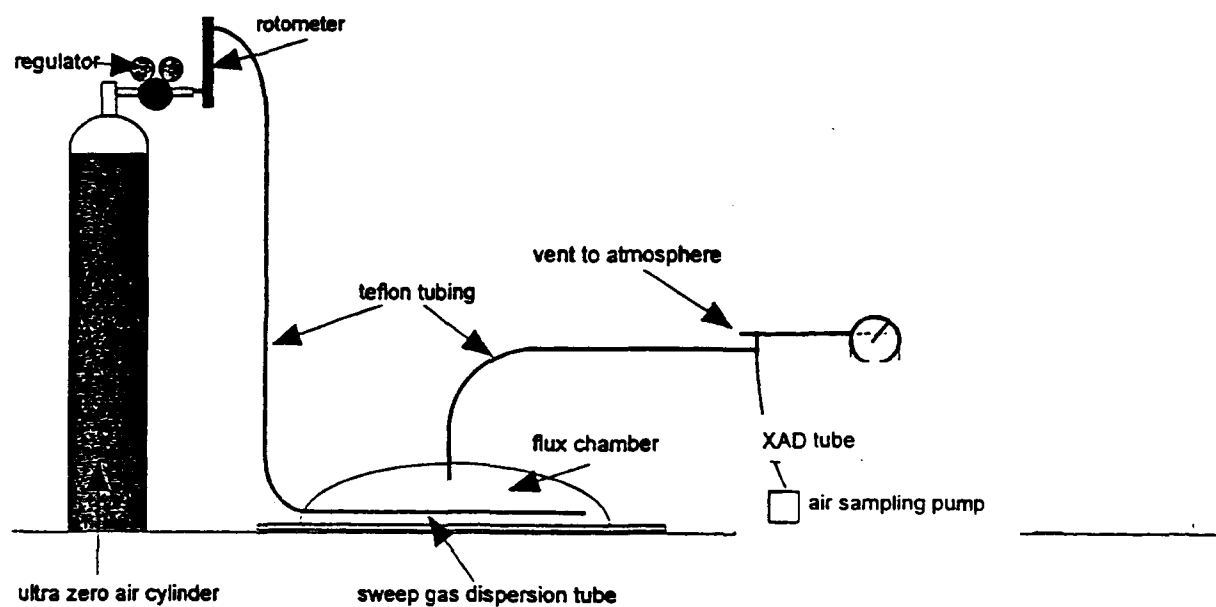


FIGURE 2-2
Flux Chamber Specifications

Flux Chamber Specifications

dimensions

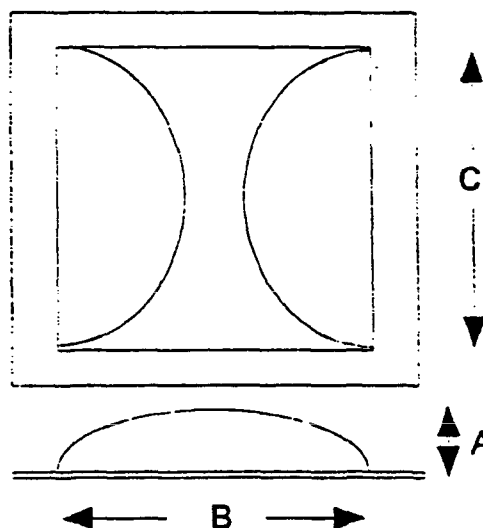
	inches	meters
A - height	3.9	0.1000
B - width	19.7	0.5000
C - length	19.7	0.5000

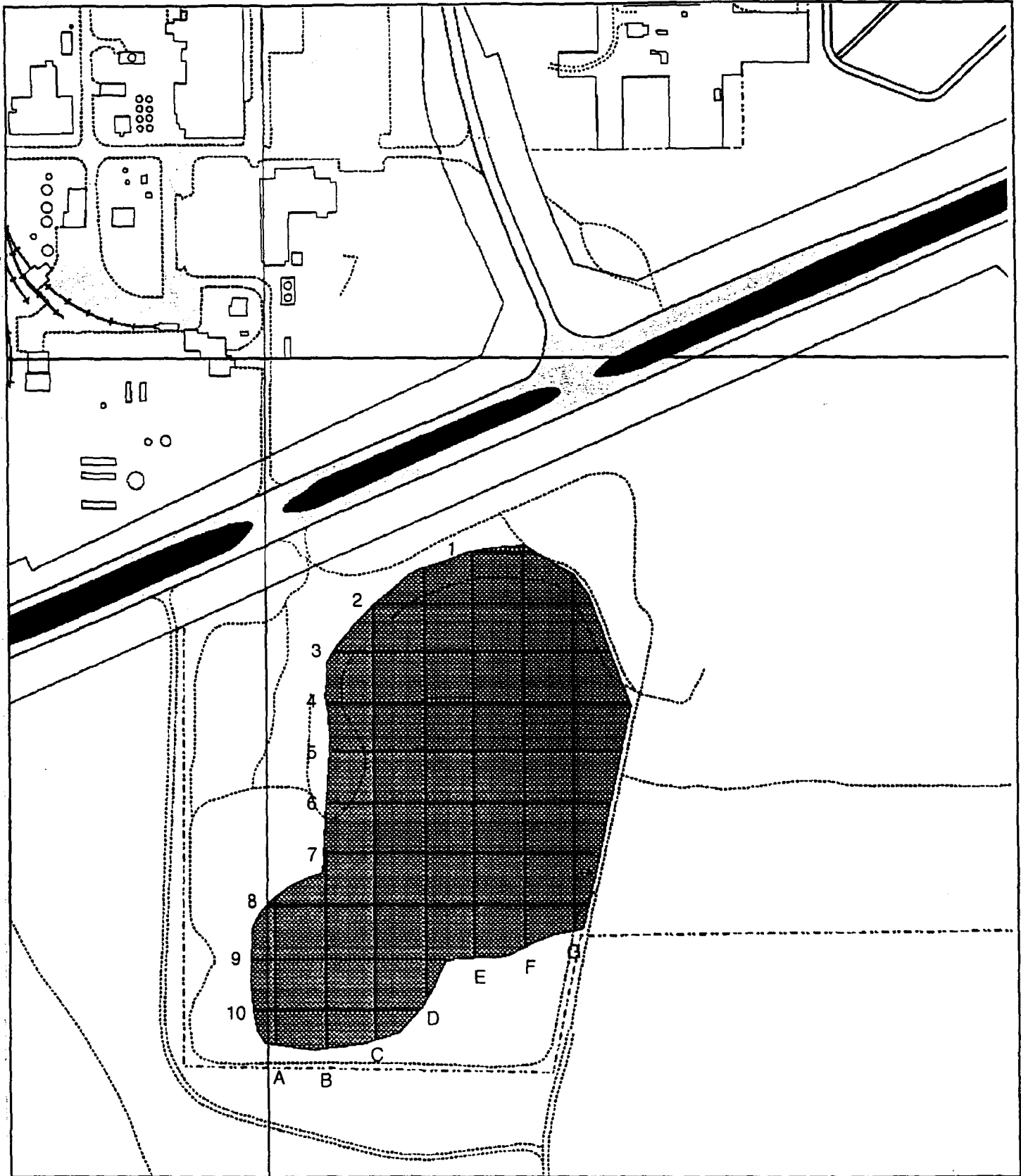
surface area

sq inches	sq feet	sq meters
387.5	2.69	0.250

volume

cu inches	cu feet	cu meters
762.6	0.8826	0.0125

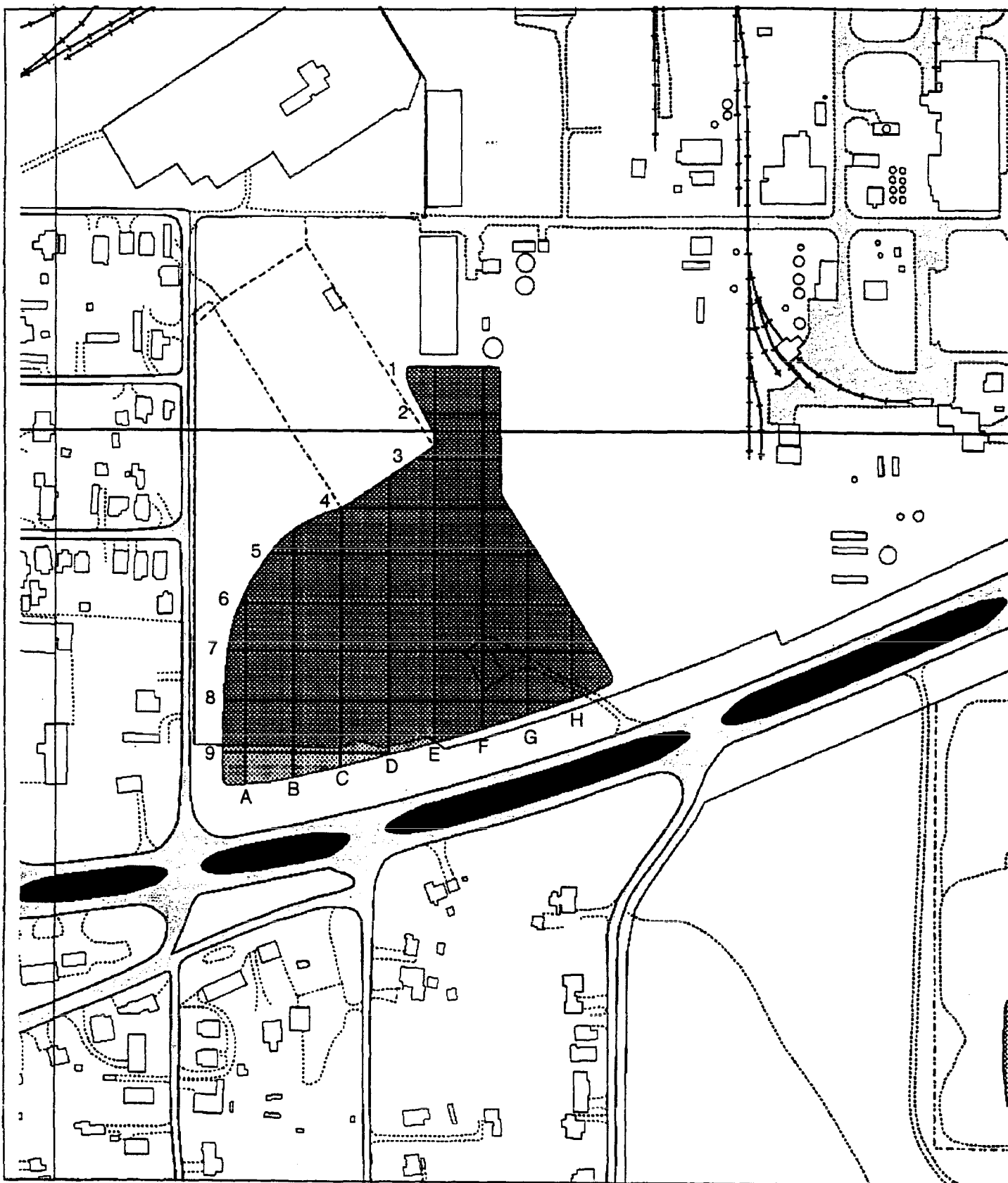




NOTE:
Grid lines overlayed at 100' increments

200 0 200 400 600
Scale in Feet

FIGURE 2-3
Schematic and Grid Overlay for South Landfill



NOTE:
Grid lines overlayed at 100' increments

200 0 200 400 600
Scale in Feet

FIGURE 2-4
Schematic and Grid Overlay for West End Landfill

3.0 SAMPLE VALIDATION AND LABORATORY ANALYSIS

A formal validation and selection procedure will be implemented to select samples for analysis. This procedure assesses sample integrity, sampler operation, and sample identification issues for each individual sample. Only those samples deemed valid through application of the sample validation protocol discussed in this section will be considered for analysis. Sample validation criteria and laboratory analysis methods are described in the subsections to follow.

3.1 Sample Validation Criteria

Physical Integrity. Field staff inspect each sample tube immediately prior to and at the completion of each sampling session to ensure the physical integrity of the collected sample. Glass tubes are inspected for cracks or chips which may prevent formation of an adequate seal while seated in the sampling train. Samples containing components which do not display appropriate physical characteristics as identified above may be invalidated and eliminated from consideration for analysis.

Pump Calibration Check. All sample pumps undergo full calibration prior to and at the completion of each sample in order to confirm proper sampler operation. Pre- and post-calibration points should fall within 20 percent of each other to be considered valid. Samples collected by pumps not meeting this criterion may be invalidated and eliminated from consideration for analysis.

Flow Rate Consistency. Accurate sample volume determination requires that a consistent flow rate be maintained throughout the sampling period. Flow rate consistency is confirmed by proper operation of the sampling pumps, which are flow-controlled.

Sampling Duration. Abbreviated sampling sessions due to pump or flux chamber malfunction may be considered invalid and eliminated from consideration for analysis.

Sample Identification. Any unresolvable ambiguities with sample identification or chain-of-custody will result in sample invalidation.

3.2 Laboratory Analysis Methods

A total of sixteen (16) samples will be collected and analyzed, consisting of six flux chamber samples and two QA/QC samples (one field blank and one method blank) per landfill, as summarized in Table 3-1. Samples will be analyzed via high resolution gas chromatography/ high resolution mass spectrometry (HRGC/HRMS) for the mono through deca PCB congener classes based upon the procedures detailed in EPA Method TO-9A and EPA Method 680. Anticipated detection limits of 2 ng/sample per congener class are anticipated, producing an overall method detection limit of 20 ng/sample for total PCBs (summation of the mono through deca congener classes). This analytical

detection limit coupled with the anticipated sample volume of 60 liters produces an overall method detection limit of 1.2×10^{-3} ug/m²-min. Calculation of PCB flux is described in Section 5.0.

Table 3-1 Anticipated Sample Collection and Analysis Count

Sample Type	South Landfill	West End Landfill
Flux Chamber Samples	6	6
QA Samples (Field Blanks)	1	1
QA Samples (Method Blanks)	1	1
Total	8	8

The PCB data set from the program will be evaluated based upon the following parameters:

- Recoveries of isotopically labeled PCB congeners spiked into samples prior to extraction. Acceptance limits for recoveries have been established as 50% to 125%.
- Results for the analyses of field and method blanks.
- Results of laboratory control spikes. Acceptance limits for PCB congener laboratory control spikes are relative percent difference of 40% and recovery limits between 50% and 125%.

4.0 DATA REPORTING

Vapor phase PCB flux will be estimated for the ten PCB congener classes (mono through deca) listed in Table 1-1. The following equation will be used to calculate PCB vapor flux for each sample:

$$\text{Flux} = (C / V) \times S / A$$

where:

Flux = PCB Flux ($\mu\text{g}/\text{m}^2\text{-min}$)

C = Analytical Result (μg)

V = Sample Volume (m^3)

S = Sweep Gas Flowrate (m^2/min)

A = Flux Chamber Surface Area (m^2).

A written data report summarizing results from the program will include PCB flux estimates as well as the following information:

- Laboratory data reports
- Copies of field data sheets (sampling dates, sample volumes, sampling periods)
- Copies of pump calibrations.

5.0 QUALITY ASSURANCE / QUALITY CONTROL

This section is designed to assure that sampling and analysis procedures conducted during the flux chamber sampling program will provide consistent, high-quality data in accordance with the objectives of the program.

5.1 Sample Documentation and Chain-Of-Custody

Sample control and chain-of-custody procedures document sample identity and handling from collection through laboratory analysis and data reporting. For this program, field custody records will trace a sample from its origin during sample collection and all transfers of custody until the sample is logged in at the analytical laboratory. Internal laboratory records will then document the custody of the sample through its final disposition.

As samples are collected, each will be uniquely identified with a label that includes:

- landfill identification
- location code
- sample collection date.

After collection, identification and preservation, the sample will be maintained under chain-of-custody procedures outlined above. In addition to the labeling of samples, a field sample log will be maintained by the field coordinator (or designee) in which a complete account of samples collected will be recorded.

5.2 Field Blanks

One field blank per sampling day will be collected as part of the program. Field blanks will be handled as an actual sample except that they will not be exposed to flux chamber off-gas. Each field blank will be uniquely labeled and shipped to the analytical laboratory with the other field samples. Field blank results provide an assessment of field bias, if any, to results from actual program samples.

5.3 Method Blanks

Method blanks are clean XAD tubes that are stored with the samples upon receipt at the laboratory. Method blanks, which remain at the laboratory and do not go to the field, are analyzed with actual samples and are used to assess laboratory-derived sample contamination.

5.4 Internal Standards

Isotopically labeled internal standards will be fortified into each program sample prior to conducting the sample preparation regime. Native PCB measurements are then quantified against recoveries of these internal standards. Acceptance limits for recoveries have been established as 50% to 125%.



AL, Florence
(256) 767-1210
AK, Anchorage
(907) 561-5700
AK, Fairbanks
(907) 452-5700
CA, Alameda
(510) 748-6700
CA, Camarillo
(805) 388-3775
CA, Glendale
(818) 546-2090
CA, Irvine
(949) 752-0403
CA, Sacramento
(916) 362-7100
CO, Ft. Collins
(970) 493-8878
Ft. Collins Tox Lab
(970) 416-0916
CT, Stamford
(203) 323-6620
GA, Norcross
(770) 209-7167
GA, Savannah
(912) 898-0015
IL, Chicago
(630) 836-1700
LA, Lafayette
(318) 896-2430
ME, Portland
(207) 773-9501
MD, Columbia
(410) 884-9280
MA, Acton
(978) 635-9500
MA, Buzzards Bay
(508) 888-3900

MA, Northborough
(508) 393-8558
MA, Woods Hole
(508) 457-7900
MN, Minneapolis
(612) 924-0117
MO, Ballwin
(636) 386-3020
NJ, Piscataway
(732) 457-0500
NY, Albany
(518) 453-6444
NY, Metro Area
(914) 347-4990
NY, Rochester
(716) 381-2210
NY, Syracuse
(315) 432-0506
NC, Raleigh
(919) 571-0669
OH, Cincinnati
(513) 985-9186
OR, Portland
(503) 224-7338
PA, Langhorne
(215) 757-4900
PA, Philadelphia
(610) 834-7288
PA, Pittsburgh
(412) 261-2910
PR, Rio Piedras
(787) 753-9509
SC, Columbia
(803) 216-0003
TX, Austin
(512) 336-2426
TX, Dallas
(972) 960-6855

TX, Houston
(713) 520-9900
TX, San Antonio
(210) 590-8393
WA, Redmond
(425) 881-7700

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RESPONSE OF SOLUTIA INC. TO CERCLA SECTION 104(e)
REQUEST FOR INFORMATION RELATING TO THE ANNISTON SITE

The information contained in this Response to EPA's Request for Information, dated July 27, 2000, is provided solely to satisfy obligations imposed on Solutia Inc. ("Solutia") pursuant to CERCLA § 104, 42 U.S.C. § 9604. The information contained in this Response is not in any way to be construed as an admission of fact or concession of law by Solutia, or any of its officers, agents, or employees.

Request No. 1: Identify the person(s) answering these Requests on behalf of Respondent.

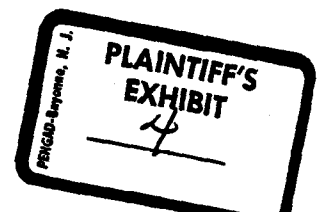
Response to Request No. 1:

These responses were prepared by counsel for Solutia after reviewing documents and consulting with the following current or former Monsanto and Solutia employees: Dr. Robert G. Kaley, II, Jerry L. Brown, Gene Arnett, Alan G. Faust, Craig R. Branchfield and Robert T. Jones.

Request No. 2: For each and every Request contained herein, identify all persons consulted in the preparation of the answer.

Response to Request No. 2:

See the Response to Request No. 1.



Request No. 3: For each and every Request contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Request and provide true and accurate copies of all such documents. Provide an index of all documents submitted and indicate the Request(s) to which each document corresponds.

Response to Request No. 3:

Solutia has previously collected and numbered (using a DSW prefix) approximately 160,000 pages of documents for production in pending litigation relating to the Anniston plant. Solutia has also previously produced to the EPA a set of 5833 pages of numbered documents using the prefix "EPA." Those document sets have been reviewed prior to responding to these requests. Additional documents responsive to these requests that have been located by Solutia or that are located by Solutia in the future will also be numbered with the DSW prefix. Where feasible, Solutia has attached documents as exhibits to these responses and has identified documents by title or by title and production numbers in response to various requests. In addition, Solutia is segregating other numbered documents for the EPA's review in response to various requests. Given the number and bulk of these documents, they will be made available for review at the offices of Lightfoot, Franklin & White in Birmingham, Alabama, at a mutually agreeable time.

Request No. 4: Provide all documents and pleadings associated with the civil lawsuits filed against Solutia or Monsanto regarding Solutia's and/or Monsanto's operations

of the Facility.¹

Response to Request No. 4:

See letter from Allan J. Topol to Dustin Minor dated August 23, 2000 (attached as Exhibit A), and letter from William S. Cox III to Dustin Minor dated September 22, 2000 (attached as Exhibit B), regarding availability of production documents and pleadings from pending litigation for review and transmitting pleadings and summary information regarding the pending litigation.

Request No. 5: Describe the drainage and surface water pathways surrounding 1) the Facility in Anniston during the following time periods: (include specifics regarding the drainage and surface water pathways surrounding the areas known as the "south landfill" and the "west end landfill")

- a. The earliest time period for which you have any information.
- b. Any year(s) that these pathways were modified.
- c. 1970.
- d. Prior to modifying the flow during the 1990's.
- e. Describe the new drainage and surface water pathways and any storm water piping put in place after the water control remediation project was completed in the late 1990's.

¹See, definition of Facility as it differs from the statutory definition of the term.

Response to Request No. 5:

(a), (b), (c) and (d): Solutia will make available topographic maps, drawings, aerial photographs and other such documents that Solutia has been able to locate showing drainage and surface water pathways and discharge points at the Anniston plant, including the areas now known as the "South Landfill" and the "West End Landfill." The earliest maps and drawings located are dated in the 1920s. Solutia will also make available documents regarding the plant's 1985-86 RCRA Permit application, the plant's NPDES Permits, the plant's current RCRA Permit and the plant's groundwater monitoring and collection system that contain information regarding surface water drainage and collection, routing of surface water and the location of discharge points at the plant site.

Solutia is aware of the following construction or demolition activities at the plant site that modified or could have modified drainage pathways and surface water collection over time:

- (1.) In or about 1960, through an exchange of properties between Monsanto Company and Alabama Power Company, the power company took title to property that includes the area now known as the West End Landfill. In or about the mid 1970s, Alabama Power Company constructed a power substation on that property. That construction project included some excavation that would have modified the topographic contours of that piece of property. While surface water would, therefore,

flow in a somewhat different pattern over this property, Solutia believes that the surface water ultimately reached the same discharge point that it reached prior to the exchange of property with Alabama Power Company.

(2.) In or about 1971, Monsanto began a project of upgrading the landfill area now known as the South Landfill to sanitary landfill status. During that project, waste cells were constructed and catch basins were installed below the cells to collect surface water. The surface or storm water then evaporated over time from those catch basins. In addition, as waste cells were established on the landfill, the construction included trenches above the cells designed to route surface water around the cells. The catch basins were eliminated in or about the early 1980s as part of the plant's construction of the groundwater monitoring and collection system at the plant site.

(3.) In or about 1958, as part of the construction of the parathion manufacturing operation, concrete curbing and diking was installed to collect storm water and route that storm water to a concrete trench. That concrete trench led to the in-plant sewer system that routed the water to a limestone bed for

neutralization. The discharge from the limestone bed led to a holding tank where pH was adjusted to a neutral range. The holding tank then discharged to the sewer system that ultimately carried water to the City of Anniston's wastewater treatment facility (POTW). In or about 1960, Monsanto constructed a waste treatment facility on the plant site, and the storm water was then routed through the concrete trench to the in-plant sewer system. The plant sewer system routed the water to the limestone neutralization bed that then discharged to the holding tank in which pH was balanced. The holding tank fed to Monsanto's on-site waste treatment facility. Surface drains located inside the parathion manufacturing area were connected to the in-plant sewer system that led to the limestone neutralization bed that discharged to the holding tank that fed to Monsanto's on-site waste treatment facility. The parathion manufacturing operation, P_2S_5 manufacturing operation, and most of the on-site waste treatment facility were demolished during the period from about 1986 to 1988. The surface area where these operations were located is covered by areas of concrete and gravel.

- (4.) The *para*-nitrophenol (PNP) manufacturing operation was constructed in 1965. The PNP manufacturing area was lined

with acid brick that sloped to drains connected to sewers that were routed to the limestone neutralization bed that discharged to the holding tank that fed to Monsanto's waste treatment facility. Surface drains located inside the PNP manufacturing area were connected to the in-plant sewer system that was routed to the limestone neutralization bed that discharged to the holding tank that fed to Monsanto's on-site waste treatment facility. In the 1970s, a project was undertaken to construct a berm and curbing to route additional storm water from the area immediately outside the PNP manufacturing operation through the steps described above and then to Monsanto's on-site waste treatment facility.

- (5.) In 1970, Monsanto installed additional curbing and diking at and around the Aroclor (polychlorinated biphenyls and polychlorinated terphenyls) manufacturing area for collection of storm water which was then routed to a limestone neutralization pit before discharge to a drainage ditch (at what is now known as Discharge Point 001). Prior to installation of this curbing and diking, surface water from that area was collected by storm drains, and the sewers from those storm drains also routed that water to the same limestone pit. (A second limestone neutralization pit was constructed in this

same area in 1970 to perform this same function, alternating with the original neutralization pit. The discharge from this second pit was also at Discharge Point 001.) Surface drains located inside the Aroclor manufacturing area were connected to the sewer system that routed the water to the limestone neutralization pit(s). The manufacturing of polychlorinated biphenyls in the Aroclor department ceased in 1971; the manufacturing of polychlorinated terphenyls in the Aroclor department ceased in 1972; and the Aroclor department was dismantled in 1972. The surface area where those operations were located is covered by areas of concrete and asphalt.

- (6.) Surface water from the biphenyl/polyphenyls manufacturing area flowed to storm sewers that were routed to the limestone pit(s) that discharged at what is now known as Discharge Point 001. The routing of this surface water was changed in connection with the recent on-site remediation projects.
- (7.) The chlorine manufacturing area was an enclosed area and surface water did not flow through that manufacturing area. Surface water from outside and around the building housing the chlorine manufacturing operations flowed to surface drains connected to the in-plant storm water sewer system. That

sewer system routed the surface water to the limestone neutralization pit that discharged at what is now known as Discharge Point 001. The chlorine manufacturing process ceased and the department was dismantled in or about 1969. The surface area where this operation was located is covered by areas of concrete and gravel.

- (8.) In or about the late 1960s, trenching was constructed on the west side of the plant property to prevent storm water run on to the west side of the plant's manufacturing area. That collected storm water was channeled to the drainage ditch north of the plant site that was then channeled through a culvert under the railroad tracks north of the plant site. Prior to construction of this trenching, surface water flowed to surface drains connected to the storm water sewer that routed the surface water to the drainage ditch that was channeled through a culvert under the railroad tracks north of the plant.
- (9.) The construction of the new Highway 202 in the mid to late 1970s changed the topography at the base of the eastern portion of the South Landfill area to some degree, but it did not modify the ultimate routing of the drainage from this area. That construction required the waste cell designated as 2W (a

parathion waste cell) to be relocated to a new waste cell (4E). The new Cell 4E was constructed on what is now the south side of the new Highway 202. Surface water from the eastern portion of the South Landfill that reached the new Highway 202 drained through a culvert under the highway and continued to flow through a drainage ditch that flowed north toward Tenth Street. This drainage ditch was the same drainage ditch that received this water before the highway construction. Drainage from the western portion of the South Landfill that reached the new Highway 202 was routed through a culvert under new Highway 202, traveled north for a short distance on the west side of Clydesdale Avenue, and then was routed through a culvert under Clydesdale Avenue. From there, the drainage flowed north through a drainage ditch on the east side of Clydesdale Avenue and joined the drainage ditch that then flowed east toward Bethel Missionary Baptist Church. This routing of drainage from the western portion of the South Landfill differed from earlier routing by having the drainage flow on the west side of Clydesdale for a short distance prior to being routed under Clydesdale and then connecting with the drainage ditch on the east side of Clydesdale.

- e. Solutia will make available work plans and reports regarding the remediation

activities undertaken since 1994 which describe modifications to drainage and surface water pathways and discharge points and describe the current drainage and surface water pathways and discharge points.

Request No. 6: Describe in detail what was done to modify the drainage and surface water pathways from the Facility in the late 1990's.

Response to Request No. 6:

See the Response to Request No. 5e.

Request No. 7: Describe the 100 year flood plain for all streams, ditches, and creeks which are/were part of the drainage and surface water pathways of the Facility and provide a map depicting it. Describe how you determined what the 100 year flood plain was for these waterways.

Response to Request No. 7:

Solutia is not aware of historical investigations of the flood plain for the identified areas. Solutia will make available documents and maps regarding flood plains prepared by Solutia in connection with current remediation projects.

Request No. 8: Provide a map showing all areas which are/were part of the drainage and surface water pathways from the Facility indicating all areas which have flooded since 1917 and indicate the year(s) in which these floods occurred.

Response to Request No. 8:

See the Responses to Requests Nos. 5 and 7. To the best of Solutia's knowledge, information and belief, floods have not occurred at the plant site's manufacturing and landfill areas. Solutia is aware of episodic flooding from drainage ditches in areas east and north of the plant site during storm events. Those areas have been investigated and remediated as part of the remediation activities ongoing since 1994. See the Response to Request No. 5e.

Request No. 9: Throughout the 1920-70s, waste residues, off-spec products and other materials from Solutia's (its predecessors and successors) manufacturing process may have been placed, stored, and/or disposed of at the Facility, or at various cleared areas owned by Solutia (or its predecessors), or at areas known now as the south landfill, or at areas known now as the west end landfill, and/or at public municipal landfills or neighboring properties. Provide information and documents demonstrating what was done with the various waste residues, off-spec products and other materials that may have been placed/disposed of at or from the Facility beginning in 1935.

Response to Request No. 9:

A. General

Monsanto's general practice was to dispose of solid waste materials and construction or demolition debris in the landfill area now known as the West End Landfill from approximately 1935 to approximately 1959 and in the landfill area now known as the

South Landfill from approximately 1960 to about 1989. Monsanto's general practice was to collect and reprocess "off-spec" product so that the product met product specifications. Office trash, noncontaminated wood from items such as wood pallets, and noncontaminated cardboard boxes and other such paper trash were also landfilled prior to the early 1980s, except that such noncontaminated paper and wood trash was burned in a teepee burner located on the South Landfill from about 1973 to about 1974. Beginning in or about the early 1980s, nonhazardous office trash was collected in nonhazardous dumpsters or rollofs, and Monsanto contracted with BFI to transport this nonhazardous trash to the sanitary landfills that were used by BFI for the disposal of such trash. Those sanitary landfills included the ADEM-approved Calhoun County sanitary landfill and, after the Calhoun County sanitary landfill was closed, other ADEM-approved sanitary landfills. To the best of Solutia's knowledge, information and belief, with the exception of this transport of nonhazardous office trash to sanitary landfills by BFI, Monsanto did not use public municipal or county landfills or neighboring properties for disposal of waste, off-spec products or other materials from Monsanto's manufacturing processes.

B. Solid Waste Disposal at Plant Landfills

Solid waste disposed of by Monsanto at Monsanto's landfills at the Anniston plant site included the following:

- (1.) Construction and/or demolition debris, including equipment and debris from the demolition of the chlorine manufacturing operation in about 1969, the demolition of the Aroclor manufacturing operation in about 1972, the demolition of the

building known as Building 28 in or about 1989, and the demolition of the parathion manufacturing operation and most of the on-site waste treatment facility in about 1986 to 1988.

- (2.) Still bottoms or Montars from the Aroclor (both polychlorinated biphenyls and polychlorinated terphenyls) manufacturing process were packaged and sold as a product. Amounts of these materials exceeding market demand were disposed of as solid waste in the two landfill areas.
- (3.) Still bottoms or Santotars from the biphenyl manufacturing process were routed to an area on the plant site west of the biphenyl manufacturing process area where those still bottoms were allowed to cool and harden. After hardening, those still bottoms were collected and transported to the landfill areas at the plant site for disposal.
- (4.) From about 1957 to 1974, sulfur from the process of manufacturing parathion intermediates was incinerated at the plant site. Beginning in 1974 and continuing to about 1979, the sulfur was landfilled in the South Landfill. In the 1978 to 1979 time period, a process was installed to purify the sulfur for use as a raw material in the P_2S_5 manufacturing process.

- (5.) To the best of Solutia's knowledge, information and belief, phosphate residues from the early manufacturing processes were landfilled in the area now known as the West End Landfill.
- (6.) Contaminated rags, gloves, empty sample bottles from quality control samples, equipment, piping, etc. were landfilled in the landfill areas at the plant site. If vessels, piping or other equipment were not contaminated or were decontaminated and suitable for further manufacturing or other industrial use, such vessels and equipment were generally handled by a central department at Monsanto's St. Louis headquarters, and that department determined the distribution of that equipment either internally to other Monsanto facilities or externally to outside purchasers.
- (7.) Noncontaminated or decontaminated scrap metal was generally sold to a local salvager of scrap metal.
- (8.) Contaminated sand or chaff or rags used to clean up leaks or spills from manufacturing processes, including the Aroclor, parathion, PNP, P_2S_5 , chlorine and biphenyl/polyphenyl manufacturing processes, were disposed of in the landfills at

the plant site.

- (9.) Contaminated soil, for example, soil excavated at the time of the demolition of the parathion manufacturing process, was transported to the landfill at the plant site for disposal.
- (10.) Hydrochloric acid that was not marketed as a product (muriatic acid) was generally diluted with water and then routed to the limestone neutralization pit(s) for neutralization of the remaining acid prior to discharge at what is currently known as Discharge Point 001. Those limestone neutralization pits were periodically excavated, and that material was transported to the landfill at the plant site for disposal.
- (11.) Biological waste treatment sludge from the on-site waste treatment facility was removed from the clarifiers by use of a high pressure filter press to dewater the sludge. The solid sludge was then transported to the landfill for disposal.
- (12.) As inert sands built up in the limestone beds associated with parathion waste treatment, those beds were excavated and that material was transported to the landfill at the plant site for disposal.

C. Waste Disposal Contractors

Beginning in or about the early 1980s, Monsanto contracted on a case-by-case basis with Chemical Waste Management to transport hazardous waste to Chemical Waste Management's waste disposal facility in Emelle, Alabama. Beginning in or about the middle 1980s, Monsanto entered corporate level contracts with Chemical Waste Management for disposal of hazardous waste, including disposal of hazardous waste from the Anniston plant to the waste disposal facility at Emelle. The Anniston plant's procedure is to deploy rolloff bins at the site, and any material with process contamination, whether hazardous or not, is placed in the rolloff bins to be collected by Chemical Waste Management and transported to the waste disposal facility at Emelle.

Beginning in or about the late 1980s, Monsanto contracted on a corporate basis with Rollins Environmental (now SafetyKleen) for the disposal of liquid waste such as laboratory solvents by incineration at that company's incineration facilities.

D. Documents

Solutia will make available the following documents regarding waste disposal at and from the plant site and the handling of off-spec products from the plant's manufacturing processes:

- (1.) Standard Manufacturing Process documents (SMPs), Standard Operating Instructions (SOIs) and Work Instructions Manuals (successors to SMPs and SOIs) regarding the manufacturing processes at the plant. An index of those documents is attached as Exhibit C. Solutia has marked on that index the documents that are

protected confidential business/trade secret documents (manufacturing process documents for products currently manufactured at the Anniston plant or other Solutia or Monsanto sites).

- (2.) Anniston Plant Site Development Manual (DSW 091891-092182)
- (3.) Hazardous Waste Manifests.
- (4.) Records of transport of materials to the South Landfill for disposal.
Monsanto began keeping these records in or about 1982.
- (5.) Environmental Safety and Health Manuals for the Anniston plant.
- (6.) The PCB Annual Document maintained by Monsanto and now Solutia for the Anniston plant site pursuant to 40 C.F.R. §761.180(a).
- (7.) Hazardous Waste Manifests and other documents reflecting the transport of debris and waste in connection with the remediation activities conducted by Monsanto and now Solutia from 1994 to the present.
- (8.) Appendix A to the April 1997 RFI/CS Workplan (DSW 042574-042614) attached as Exhibit D and pertinent references listed on pages DSW 042613-042614 of Exhibit D (Solutia has prepared an attachment to Exhibit D to show the DSW numbers assigned to those references.)
- (9.) April 1994 Workplan for the West End Landfill Site Investigation (DSW 062030-062196); August 1994 Site investigation Report for the West End Landfill (DSW 017328-017816).

(10.) Contracts with BFI, Chemical Waste Management and
Rollins/SafetyKleen. ...

Request No. 10: Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of material at the Facility from 1917 to the present.

Response to Request No. 10:

Solutia cannot respond to this request as currently drafted since, read literally, the request would include every person who has worked at the plant site from its origin in 1917 to the present. Solutia believes that current or former Monsanto or Solutia employees with the most comprehensive knowledge regarding these subject matters from 1935 to the present include: William Taffee (Mr. Taffee, based on his physician's evaluation, has not been available for an interview for some years), Jerry L. Brown, Gene Arnett, Robert T. Jones, Craig R. Branchfield and Alan G. Faust.

Request No. 11: Provide the name and addresses of all past and present employees working at Monsanto and Solutia from 1935 to the present that may know information about Solutia's and/or Monsanto's waste disposal practice and/or production processes.

- a. Specify which of these employees may know information about Solutia and/or Monsanto's waste disposal practices.

- b. Specify which of these employees may know information about Solutia's and/or Monsanto's production processes for any chemicals or other products manufactured by Monsanto and/or Solutia at its Anniston Facility.
- c. Specify which employees are/were in charge of waste disposal during the years that Solutia and/or Monsanto owned the Facility.

Response to Request No. 11:

Solutia cannot respond to this request as currently drafted since, read literally, the request would include every employee who has worked at the Anniston plant from 1935 to the present. The current or former Monsanto and Solutia employees with the most comprehensive knowledge regarding the subject matters covered by this request are identified below.

- a. See the Response to Request No. 10.
- b. Solutia believes that persons with comprehensive knowledge about the manufacturing processes at the Anniston plant are Jerry L. Brown and Gene Arnett.
- c. Prior to 1970, no one person was designated to be in charge of waste disposal on a plant-wide basis. Generally, waste disposal was managed by the department foreman in a particular department or production process. Beginning in or about 1969, William Taffee became the person in charge of

waste disposal. Mr. Taffee, based on his physician's evaluation, has not been available for an interview for some years. Current and former employees who can describe waste disposal from the 1950s to the present include Jerry L. Brown, Gene Arnett, Robert T. Jones, Alan G. Faust and Craig R. Branchfield.

Request No. 12: Did Solutia or Monsanto sell, give, or otherwise provide foundries in Calhoun County waste residues, off-spec products, and/or other materials from Monsanto's or Solutia's manufacturing processes?

Response to Request No. 12:

To the best of Solutia's knowledge, information and belief, Monsanto did not sell, give or otherwise transfer waste residues or off-spec products to foundries in Calhoun County. There is sales information indicating that Monsanto sold hydraulic fluids formulated with PCBs to entities that operated foundries in Calhoun County. See the Response to Request No. 15.

Request No. 13: Provide the name, addresses and points of contact for foundries (and other past or present entities in Calhoun County) that Solutia suspects of accepting Monsanto's or Solutia's waste residues, off-spec products and other materials from Monsanto's or Solutia's manufacturing process.

Response to Request No. 13:

See the Responses to Requests Nos. 12 and 15.

Request No. 14: Describe any transfers of waste residues, off-spec products and other materials from Monsanto's or Solutia's manufacturing process to any past and present entities in Calhoun County including, but not limited to municipal, county, or state landfills. Include the type of material and quantity for each known incidence and any documents related thereto.

Response to Request No. 14:

See the Response to Request No. 9.

Request No. 15: Did Monsanto or Solutia sell, give, or otherwise transfer PCBs to foundries in the area?

Response to Request No. 15:

There is sales information indicating that Monsanto sold hydraulic fluids formulated with PCBs to entities that operated foundries in Calhoun County. See letter from Dr. Robert G. Kaley, II to Wm. Gerald Hardy at ADEM dated October 1, 1999 (DSW 156853 -156973) attached as Exhibit E, specifically the pages of Exhibit E numbered DSW 156864-156866.

Request No. 16: Did foundries in Calhoun County use PCBs in their production

process? If so, describe how and for what PCBs were used.

Response to Request No. 16:

See the Response to Request No. 15 and Exhibit E, specifically the pages of Exhibit E numbered DSW 156864-156866.

Request No. 17: Did foundries intentionally mix PCBs into foundry sands? If so, provide any documentation Respondent has regarding this matter.

Response to Request No. 17:

See the Response to Request No. 15 and Exhibit E, specifically the pages of Exhibit E numbered DSW 156864-156866. While Solutia understands that PCB products were used as casting waxes in certain metal casting processes, Solutia has not located documents or other information showing that foundries in Calhoun County intentionally mixed PCBs into foundry sand.

Request No. 18: If Monsanto or Solutia sold, gave or otherwise transferred PCBs to foundries in the area, then provide the following information about each transaction:

- a. The quantity of PCBs involved in the transaction.
- b. The date of the transaction.

c. The use the foundries made of the PCBs.

d. How the foundries disposed of the PCBs.

Response to Request No. 18:

See the Responses to Requests Nos. 15, 16 and 17 and Exhibit E, specifically the pages of Exhibit E numbered DSW 156864-156866.

Request No. 19: Was any of the Facility area which became Highway 202 ever used to dispose of wastes or hazardous substances, including PCBs? Describe the wastes and/or hazardous substances disposed of on the part of the Facility which became Highway 202. Provide information regarding the concentration of hazardous substances, including PCBs, in the soil that were removed from the Facility during the construction of Highway 202.

Response to Request No. 19:

The construction of new Highway 202 required the relocation of a waste cell containing parathion contaminated waste (Cell 2W) at the South Landfill. Monsanto conducted that cell relocation. Part of Cell 2W was located where the southern portion of the new Highway 202 construction was to occur. The cell was relocated to Cell 4E that was constructed at the South Landfill to receive the material that was in Cell 2W. Solutia will make available drawings that show the location of what was Cell 2W and the location of Cell 4E. Sampling was conducted for the presence of residual parathion and PNP to

determine the area to be excavated and to confirm that the excavation was complete. Sampling was not conducted for the presence of PCBs in Cell 2W, since this was a cell for parathion-contaminated waste. Solutia has searched for, but has not located, documents reflecting the sampling conducted in connection with this project.

Request No. 20: Where were the surface and subsurface soils that were removed from the Facility during the construction of Highway 202 disposed of?

Response to Request No. 20:

See the Response to Request No. 19.

Request No. 21: What was the total volume of soil removed from the Facility during the construction of Highway 202? Provide soil volumes and ultimate disposition of all soils removed from the Facility during the construction of Highway 202.

Response to Request No. 21:

See the Response to Request No. 19. Solutia has searched for, but has not located, documents showing the volume of soil relocated from Cell 2W to Cell 4E.

Request No. 22: Provide information and records for any entities (public and private) including, but not limited to industrial/commercial manufacturing plants, municipal properties, or residences in Calhoun County that may have received surface or subsurface soils from the Facility or from any other properties that are currently or have been owned

by Monsanto and/or Solutia in Calhoun County. Include the following for such transaction:

- a. State whether these soils contained hazardous substances, including, but not limited to, PCB products, off-spec manufacturing wastes, lead or any other products or wastes.
- b. State the location from which any such soils originated.
- c. State the location to which any such soils were taken.

Response to Request No. 22:

To the best of Solutia's knowledge, information and belief, surface or subsurface soils from the plant site or other properties owned by Monsanto and/or Solutia in Calhoun County have not been transported to industrial/commercial manufacturing plants, municipal properties, or residences in Calhoun County, except as follows: In connection with the ongoing remediation at and around the plant site, Solutia established a borrow area at the northeast corner of the plant site and used clean fill dirt from that borrow area in connection with Monsanto/Solutia's remediation of properties owned by Monsanto/Solutia east of the plant (including some properties purchased under the Property Purchase Program) and Monsanto/Solutia's remediation of a parcel of commercial property owned by John Blair immediately east of Clydesdale Avenue across from the plant site. In addition, Solutia provided clean fill dirt from this borrow area to Wellborn High School west of Anniston for the school's use in a project requiring fill dirt.

Request No. 23: Did any residents of Calhoun County ever take, receive, or purchase fill dirt from the Facility? ...

Response to Request No. 23:

See the Response to Request No. 22.

Request No. 24: If the answer to the previous Request is yes, did Respondent maintain records for any such transactions? If so, provide these records and any information Respondent may have regarding this matter.

Response to Request No. 24:

See the Response to Request No. 22. To date, Solutia has not located records regarding these uses of clean fill dirt from this borrow area.

Request No. 25: Describe the general handling of wastes over the years and for the various owners of the Facility. Include all of the information Respondent has regarding this matter. Include the following information in your response:

- a. How were hazardous and non-hazardous wastes, hazardous substances, and off-spec materials handled and released by various owners and operators of the Facility.
- b. State whether these materials were discharged into the tributaries,

treated on-site, and/or put in landfills.

Response to Request No. 25:

See the Response to Request No. 9, including the documents that are identified in response to that request. SMPs and SOIs for the parathion, PNP and P_2S_5 manufacturing operations contain responsive information regarding the plant's on-site waste treatment facility. Most of the on-site waste treatment facility (including the associated limestone beds and holding tanks, four of the eight waste treatment basins, and the in-ground sewer system (except a small portion of the sewer system running from the PNP department to the remaining waste treatment facility)) was removed in connection with demolishing the parathion and P_2S_5 manufacturing operations in the 1986 to 1988 time period. Two of the four remaining waste treatment basins were converted to above-ground holding tanks and two continue to operate as waste treatment basins associated with the PNP manufacturing operation.

Request No. 26: Describe in detail any accidental releases of products, including PCBs, from the Facility. Include the following information about any accidental releases.

- a. The date of the release.
- b. The specific type of material released.
- c. The quantity of material released.

Response to Request No. 26:

Solutia is segregating and will make available documents responsive to this request.

Request No. 27: Was mercury ever used at the Facility as part of the production process of any chemicals manufactured at the Facility, or for any other purpose?

Response to Request No. 27:

Yes. See the Response to Request No. 28.

Request No. 28: Was mercury used in the process of making/producing chlorine for chlorinated phenols and/or PCBs?

Response to Request No. 28:

Mercury was used in the process of manufacturing chlorine for use in the Aroclor (both polychlorinated biphenyls and polychlorinated terphenyls) manufacturing process at the Anniston plant. Chlorinated phenols were not manufactured or used in any manufacturing process at the Anniston plant.

Request No. 29: Describe the process of using mercury as a catalyst for chlorination or how mercury is/was used in any production process at the Facility. In addition, describe how and where wastes from these processes were disposed of.

Response to Request No. 29:

Solutia will make available SMPs and SOIs for the chlorine manufacturing process at the Anniston plant. Those SMPs and SOIs are listed in Exhibit C. The chlorine manufacturing process ceased in 1969. There was not a waste stream from the chlorine manufacturing process. If a leak of caustic occurred during the manufacturing process, the caustic was routed through the in-plant sewer to the limestone neutralization pit that discharged at what is now known as Discharge Point 001.

Request No. 30: Did any of the companies which have operated the Facility use lead and/or lead lined vats or vessels, tanks or other containers for any materials including pesticides, PCBs, polyphenyls, parathion, or other substances during any phase of the production or the waste disposal processes.

- a. If so, describe the process of producing, handling, and/or disposing of these materials.
- b. State whether these materials were discharged into tributaries, placed in landfills, or treated on-site.

Response to Request No. 30:

To the best of Solutia's knowledge, information and belief, neither lead-constructed nor lead-lined vats, vessels, tanks or other containers were used in manufacturing processes or waste disposal processes at the Anniston plant. The laboratory facilities in

Building 28 had lead sinks with lead pipe leading from those sinks. To the best of Solutia's knowledge, information and belief, when Building 28 was demolished in or about 1989-1990, lead and other salvageable metals were recovered and sold as salvage.

Request No. 31: Did any of the companies which have operated the Facility use lead in any of its production processes?

Response to Request No. 31:

Lead was used in the biphenyl manufacturing process at the Anniston plant until about 1964. See letter (attached as Exhibit F (DSW 159040-159255)) dated October 12, 2000, from Dr. Robert G. Kaley, II to Stephen Cobb at ADEM providing information with regard to the former use of lead in the biphenyl manufacturing process at the Anniston plant. That letter attaches pertinent portions of SMPs for that process. Those SMPs are included on the index attached as Exhibit C and complete copies will be made available. Other documents referenced in Dr. Kaley's letter will also be made available.

Request No. 32: Provide any and all information about the release of lead from the Facility and/or the disposal of lead at the Facility.

Response to Request No. 32:

See the Response to Request No. 31 and Exhibit F and the Response to Request No. 37.

Request No. 33: Were PCBs, or any material containing PCBs ever burned at the Facility? If so, provide the following information about such activities:

- a. The type of material burned (for example, off spec product or PCB contaminated soil).
- b. The quantity of material burned.
- c. Information about the aerial transport of PCBs burned.
- d. Describe where the residues from the burned material was stored and/or disposed of.
- e. Provide all documents related to a - d above.

Response to Request No. 33:

To the best of Solutia's knowledge, information and belief, neither PCBs nor materials containing PCBs were burned at the Anniston plant.

Request 34: Provide all information about known or suspected releases of PCBs into the air from the Facility between 1917 and the present.

Response to Request No. 34:

Solutia will make available documents that have been located regarding sampling efforts and calculations in 1970 regarding potential levels of PCBs in air at the PCB manufacturing process. As reflected in those documents, that sampling was very limited and the samples were taken at the point in the manufacturing process most likely to produce emissions to the air within the department. In addition, air sampling methodology and technology were quite primitive at that time, causing the analyst to have to use calculations to try to estimate the potential losses to the air at this point in the manufacturing process. Further, it is most probable that any PCBs emitted to the air at this point of the manufacturing process would precipitate from the air in the immediate vicinity of the manufacturing department.

Solutia will also make available the results of recent (from 1997 to the present) sampling of air for the presence of PCBs conducted at and around the Anniston plant, including the air sampling conducted in connection with pending litigation regarding the Anniston plant. See also letters dated October 1, 1999, and November 22, 1999, from Dr. Robert G. Kaley, II to Wm. Gerald Hardy at ADEM. Those letters are attached as Exhibits E and G. The bimonthly reports of air sampling results referred to in those letters are included in the documents Solutia will make available in response to this request.

Request No. 35: Describe how PCBs from the Facility got into the soils of residential homes and/or businesses in Calhoun County.

Response to Request No. 35:

See the Affidavit of Robert G. Kaley, II dated August 1, 2000, attached as Exhibit H (exhibits that are referenced in that affidavit are voluminous and will be made available for review) and the letter from Dr. Kaley to Wm. Gerald Hardy at ADEM dated October 1, 1999, attached as Exhibit E.

Request No. 36: Describe how PCBs from any other entities in Calhoun County got into the soils of residential homes and/or businesses in Calhoun County.

Response to Request No. 36:

Solutia does not have sufficient knowledge or information to answer this request in full at this time. The letter from Dr. Robert G. Kaley, II to Wm. Gerald Hardy at ADEM dated October 1, 1999, attached as Exhibit E contains responsive information. In addition, Solutia notes that Alabama Department of Environmental Management Study Plans (See DSW 039158-039166, 039167-039181, and 039182-039211) for the Choccolocco Creek Watershed dated November 1993 and January 1994 identify the following "possible pollutant sources" to the Choccolocco Creek Watershed: Various unknown sources upstream of the survey reach and two Large Tributaries, Story's Scrap Yard, Plater near Choccolocco Creek Highway 78 crossing, Skyway Scrap Yard, Gold Bond, Gypsum Plant, Anniston Army Depot, 78 West Auto Parts, Tull Chemicals, U.S. Pipe, An Old Foundry near U.S. Pipe, Shorty's Scrap Yard, Defense Research, Two Large Scrap Yards near U.S. Pipe, Union Foundry, M&H Valve, Monsanto, West End Landfill (Alabama Power Substation), Huron Valley Steel, Cooper Scrap Yard, Magic Chef, Lee Brass, Triangle

Refineries, Triangle Gas Terminal, Aluminum Plant (near Triangle).

Request No. 37: Describe how lead from the Facility got into the soils of residential homes and/or businesses in Calhoun County.

Response to Request No. 37:

To the best of Solutia's knowledge, information and belief, lead from the Anniston plant was not released to soils of homes or other businesses in Calhoun County. See letter (Exhibit F) from Dr. Robert G. Kaley, II dated October 12, 2000, to Stephen Cobb at ADEM regarding the former use of lead in the biphenyl manufacturing process at the Anniston plant.

Request No. 38: Describe how lead from other entities in Calhoun County got into the soils of residential homes and/or businesses in Calhoun County.

Response to Request No. 38:

Solutia does not have sufficient knowledge or information to answer this request.

Request No. 39: Identify all persons who have arranged or may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of hazardous materials ("materials") at or to the Facility. In addition, identify the following:

- a. The persons with whom you or such other person(s) made such

arrangements;

- b. Each date on which such arrangements took place;
- c. For each transaction, the nature of the material, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the material was used or the process which generated the material;
- d. The owner of the materials so accepted or transported;
- e. The quantity of the materials involved (weight or volume) in each transaction and the total quantity for all transactions;
- f. All tests, analyses and analytical results concerning the materials;
- g. The persons(s) who selected the Facility as the place to which the materials were to be transported;
- h. The amount paid in connection with each transaction, method of payment and identity of the person from whom payment was received;
- i. Where the person(s) identified in g., above, intended to have such materials transported and all evidence of this intent;

- j. Whether the materials involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- k. What was actually done to the materials once they were brought to the Facility;
- l. The final disposition of each of the materials involved in such transactions;
- m. The measures taken by you to determine the actual methods, means and site of treatment or disposal of the materials involved in each transaction;
- n. The type and number of containers in which the materials were contained when they were accepted for transport, and subsequently until they were deposited at the Facility, and all markings on such containers;
- o. The price paid for (i) transport, (ii) disposal, or (iii) both of each hazardous material;
- p. Copies of all documents containing information responsive to a - o above;
- q. All persons with knowledge, information or documents responsive to a - p above.

Response to Request No. 39:

The long standing practice of Monsanto and now Solutia at the Anniston plant site is not to receive hazardous materials for disposal or treatment at the plant site from any other Monsanto or Solutia plant or any non-Monsanto or non-Solutia person or entity. To the best of Solutia's knowledge, information and belief, that practice has been followed and hazardous materials have not been received at the Anniston plant from other Monsanto or Solutia plants or entities or from non-Monsanto or non-Solutia persons or entities.

Request No. 40: Provide a detailed listing of products, including by-products, manufactured or produced at the Facility for the time period 1917 to the present.

Response to No. 40:

See Exhibit I to these responses for a listing of products manufactured at the Anniston plant, including those which, to the best of Solutia's knowledge, information and belief, were manufactured from 1917 to 1935.

Request No. 41: Describe the manufacturing and recycling processes for each group of chemicals produced at the Facility from 1917 to the present.

Response to Request No. 41:

Solutia is able to provide manufacturing information for the chemicals manufactured at the Anniston plant from 1935 to the present. That information is contained in the SMPs, SOIs and Work Instructions Manuals identified in Exhibit C, which will be made available

in response to these requests.

Request No. 42: Identify the raw chemical products received (e.g., benzene, chlorine, acids, etc.) at the Facility and the additives and catalysts used to produce finished products between 1917 and the present.

Response to Request No. 42:

Responsive information from 1935 to the present is contained in the SMPs, SOIs and Work Instructions Manuals identified in Exhibit C, which will be made available in response to these requests.

Request No. 43: List the specific types of organic and inorganic substances used or generated at the Facility from 1917 to the present, along with the specific time periods in which each was used or generated:

- a. Provide the weight and/or volume of the total quantity of each organic or inorganic substance used or generated at the Facility;
- b. Describe the nature of the substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and;
- c. Describe the process for which the substance was used or the process which generated the substance.

Response to Request No. 43:

Responsive information from 1935 to the present is contained in the SMPs, SOIs and Work Instructions Manuals identified in Exhibit C, which will be made available in response to these requests.

Request No. 44: Were off-specification products treated as wastes at the Facility? Provide information and documents concerning the treatment and disposal practice or policy concerning off-specification products from 1917 to the present.

Response to Request No. 44:

Monsanto's, and now Solutia's, practice is to collect and reprocess "off-spec" product to have that product meet product specifications. See the Response to Request No. 9. At times, off-spec PNP was collected and drummed to be used to "feed" the biological organisms in the waste treatment beds when the manufacturing operation was down and not providing waste to the waste treatment facility.

Request No. 45: Describe Monsanto's and Solutia's practice of selling by-products to other companies or transferring by-products to other Monsanto or Solutia plants.

Response to Request No. 45:

Whether denominated as a "product" or a "by-product," gaseous hydrochloric acid from the Aroclor manufacturing process was processed and sold as muriatic acid. SMPs for muriatic acid are included on the index attached as Exhibit C and will be made available

in response to these requests. Muriatic acid was marketed to a large number of customers through Monsanto's headquarters in St. Louis. The muriatic acid manufacturing process ceased in or about 1972. (Solutia has not located old sales records for that product.) To the best of Solutia's knowledge, information and belief, muriatic acid was not sold to customers in Calhoun County, except for small quantities sold to some local hardware stores and individuals for use in cleaning bricks.

The still bottoms from the Aroclor (both polychlorinated biphenyls and polychlorinated terphenyls) manufacturing process were sold as a product under the trade name Montar. Montars were marketed through Monsanto's headquarters in St. Louis and sold to a large number of customers: Montar production from the polychlorinated biphenyl manufacturing process ceased in 1971, and Montar production from the polychlorinated terphenyl manufacturing process ceased in 1972. (Solutia has not located information or documents indicating that Montars were sold to customers in Calhoun County.)

Request No. 46: List the other companies or other Monsanto or Solutia plants to which by-products have been sold or transferred and list the types of by-products sold or transferred. Identify any by-products the Facility received from other Monsanto or Solutia plants. Describe what these by-products are and their uses.

Response to Request No. 46:

See the Response to Request No. 45 with regard to sales of muriatic acid and Montars.

Request No. 47: As the Facility evolved over the years, how has the disposal of obsolete process equipment been handled? Describe the disposition of such equipment.

Response to Request No. 47:

See the Response to Request No. 9.

Request No. 48: Describe the methods used to handle contaminated soil, contaminated clothing/protective gear and laboratory wastes at the Facility. Were these items commingled with undefined hazardous or non-hazardous materials before disposal?

Response to Request No. 48:

See the Response to Request No. 9 regarding solid waste disposal. With respect to liquid laboratory waste, prior to RCRA, solvents used in the sampling procedures in the laboratory were directed to the sewer leading to the City of Anniston POTW. After RCRA, those solvents were collected for incineration by Rollins. Product sent to the laboratory for quality control sampling was collected and returned to the manufacturing process.

Request No. 49: Does Solutia disagree with the contention that hazardous substances, including PCBs were disposed of at the Facility, including the west and south end landfills? If Solutia so disagrees, provide all information and documentation which supports this position.

Response to Request No. 49:

See the Response to Request No. 9.

Request No. 50: Does Solutia disagree with the contention that hazardous substances, including PCBs, were transported from the Facility via surface and subsurface waterways including ditches and creeks (including Choccolocco Creek and Snow Creek) to Lake Logan Martin? If Solutia so disagrees, provide all information and documentation which supports this position.

Response to Request No. 50:

Solutia does not disagree that some PCBs were released from the Anniston plant and some sediment containing such PCBs was transported through drainage ditches and other waterways, including Snow Creek and Choccolocco Creek, to the embayment area of Lake Logan Martin. Solutia does not believe that PCBs released from the facility were transported through "subsurface waterways" to ditches, creeks or Lake Logan Martin, if that term is meant to include groundwater.

Request No. 51: Does Solutia disagree with the contention that at least a portion of the PCBs which have been found to exist within the flood plain between the Facility and Lake Logan Martin originated from the Facility? If Monsanto so disagrees, provide all information and documentation which supports this position.

Response to Request No. 51:

Solutia does not disagree that some of the PCBs which have been found to exist within the flood plain of Snow Creek and near the confluence of Snow Creek and Choccolocco Creek originated from the Anniston plant. On April 15, 2000, Solutia submitted to ADEM a Phase II Off-Site (Floodplain) RFI/CS Investigation Work Plan for ADEM's review, comment and approval.

Request No. 52: Provide all information and documentation that PCBs in and around Anniston came from sources other than Solutia and/or Monsanto.

Response to Request No. 52:

See the Response to Request No. 36.

Request No. 53: Provide all documents, including internal documents, of Solutia and/or Monsanto, that indicate that PCBs and/or other hazardous substances were being discharged from the Facility between 1917 and the present.

Response to Request No. 53:

Solutia is segregating and will make available documents responsive to this request.

Request No. 54: Identify all waste disposal contractors employed or used by the Facility operator's (including Monsanto and Solutia) between 1917 and the present. Also:

- a. Describe how these disposal contractors handled Monsanto's non-hazardous and hazardous materials, including the terms of any contractual arrangements with each;
- b. Describe how Monsanto controlled where and how these waste disposal contractors disposed of these materials;
- c. Was it Monsanto's practice or policy to dictate or choose where these materials would be disposed of or did Monsanto leave the disposal of the materials up to its waste disposal contractors?

Response to Request No. 54:

See the Response to Request No. 9. BFI, Rollins (now SafetyKleen) and Chemical Waste Management had designated facilities to which waste materials were transported for disposal. Demolition debris from recent remediation activities was transported by Chemical Waste Management to the Live Oak Landfill in Atlanta, Georgia (a Subtitle D Landfill built to Subtitle C specifications).

Request No. 55: When did the Facility hook up to a sewer system? Describe in detail any discharges from the Facility of PCBs or any other hazardous substances into any sewer system. Indicate whether these hazardous substances were pretreated prior to being discharged into the sewer system(s).

Response to Request No. 55:

Monsanto connected a process sewer to the City of Anniston sewer system leading to the Anniston POTW during the construction of the parathion manufacturing process in the 1958 to 1960 time period. After construction of the on-site waste treatment system, the process waste and storm water from the parathion and PNP areas discharged to the on-site waste treatment facility which then discharged to the City's sewer system leading to the Anniston POTW. See the Responses to Requests Nos. 5 and 9. Sanitary sewers conveying domestic sewage from the laboratory building, the main office building, the shipping office and the warehouse, the central maintenance shop and the service building conveyed the sewage to a gravity line to the City's sewer system leading to the Anniston POTW. Solutia has not been able to determine when that system was first installed and connected to the City's sewer system. Other areas of the plant site directed domestic sewage to septic tank and tile field systems.

Request No. 56: Identify and describe all past and present solid waste units (e.g. waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on the Facility property. For each solid waste unit identified, provide the following information:

- a. A map showing the unit's boundaries and the location of all known solid waste units, whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;

- b. The type of unit (e.g., storage area, landfill, waste pile, etc.) and the dimensions of the unit;
- c. The dates that the unit was in use;
- d. The purpose and past usage (e.g., storage, spill containment, etc.);
- e. The quantity and types of materials (hazardous substances and/or any other chemicals) located in each unit; and
- f. The construction (materials, composition), volume, size, dates of cleaning, and condition of each unit;
- g. If the unit is no longer in use, when and how such unit was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.
- h. A complete description of any and all releases, spills or leaks of hazardous substances, or any materials or liquids containing or contaminated with hazardous substances, from the unit.
- i. Any data from tests performed on the unit.

Response to Request No. 56:

See Appendix A to the April 1997 RFI/CS workplan (DSW 042574-042614) attached as Exhibit D; the 1991 RCRA Facility Assessment (RFA) prepared by A.T. Kearney, Inc. as a contractor for the EPA; Monsanto's comments to the 1991 RFA; the 1997 RCRA Part B Post-Closure Permit; the On Site and Off Site RCRA Facility Investigations and Work Plans; and SWMU Effectiveness Reports submitted to ADEM and EPA. Solutia is segregating and will make these and other responsive documents available in response to this request.

Request No. 57: Provide copies of all state and local environmental permits or licenses ever granted for the Facility or any part thereof.

Response to Request No. 57:

Solutia is segregating and will make available documents responsive to this request.

Request No. 58: For each disposal of PCBs, material containing PCBs, PCB Articles, PCB Equipment, and PCB Containers (as defined at 40 C.F.R. §761.3) from the Facility or on Facility property and which contained PCBs at concentrations of 50 ppm or greater, provide the following information:

- a. Identify the type of materials containing PCBs, PCB article, PCB Equipment and PCB Containers, as well as its contents. Give any serial numbers or identification numbers or codes;

- b. Quantity of material containing PCBs and number of PCB Articles, PCB Equipment and PCB Containers, as well as the quantity of their contents;
- c. PCB concentrations;
- d. Dates of disposal;
- e. Name and location(s) of the place(s) where PCBs were disposed or stored;
- f. Location and description of the PCB disposal or fill areas at the Facility.

Response to Request No. 58:

Solutia does not have documents prior to 1978 responsive to this request. Solutia is segregating and will make available documents from 1978 to the present responsive to this request. Prior to the 1978 time period, Monsanto disposed of PCB solid waste, PCB contaminated solid waste, and PCB contaminated equipment and demolition debris first at the landfill area now known as the West End Landfill and then at the landfill area now known as the South Landfill. See the Response to Request No. 9. Solutia will make available maps and drawings to show the location of PCB disposal areas at the landfills on the plant site.

Request No. 59: Provide the following information for chlorobenzenes, chlorophenols, chloroanilines, nitrophenols, nitroanilines, lead, and PCBs:

- a. A description of how the substance is or was generated and/or used at the Facility;
- b. An estimation of the quantity of the substance generated or used at the Facility;
- c. A description of Monsanto's, Solutia's and Monsanto's predecessor's storage, treatment and/or disposal policies or practices for each substance throughout the operating history of the Facility;
- d. Any and all documents, reports, forms, permits or manifests indicating the substance's transportation to and/or disposal at the Facility or any other location.

Response to Request No. 59:

Chlorobenzenes, chlorophenols, chloroanilines, and nitroanilines were not generated or used by Monsanto or Solutia at the Anniston plant.

Para-nitrophenol (PNP) is a product that was first manufactured as a raw material or intermediate for use in the parathion manufacturing process and has since been manufactured for other uses. See the SMPs, SOIs and Work Instructions Manuals for the PNP and parathion manufacturing processes included on the index attached as Exhibit C. Those documents also describe Monsanto's on-site waste treatment facility that treated

waste from these manufacturing processes. Solutia has attached to these responses as Exhibit J a chart showing PNP production volumes from 1984 through 1999. See also the Response to Request No. 9.

See the SMPs and SOIs for the Aroclor manufacturing process that are included in the index attached as Exhibit C. Solutia has attached to these requests as Exhibit K an interrogatory answer from the pending litigation that provides the information located by Solutia regarding volumes of PCB production at the Anniston plant. See also the Response to Request No. 9.

As described previously, lead was used for a period of time ending in 1964 in the biphenyl manufacturing process. See the Response to Request No. 31 and Exhibit F. To the best of Solutia's knowledge, information and belief, when all twelve lead pot process units were in operation, the quantity of lead in the units at any one time would have approximated 150,000 pounds.

Request No. 60: For each spill, discharge or release of any hazardous materials used or generated by the Facility, including chlorobenzenes, chlorophenols, chloroanilines, nitrophenols, nitroanilines, lead, and PCBs, provide the following information:

- a. Source of spill, discharge or release;
- b. Concentration of the source;

- c. Location of spill, discharge or release;
- d. Type of material onto which spill or discharge occurred;
- e. Area over which spill or discharge occurred;
- f. Date of the spill or discharge;
- g. Summary of any test results from the area where spill or discharge occurred;
- h. Diagram or map of spill or discharge area showing location of any sampling points;
- i. Description of any cleanup activities and summary of any post cleanup verification sample results;
- j. Disposition of any hazardous material from any cleanup;
- k. All reports, memoranda, or analysis concerning the spill, discharge or release.

Response to Request No. 60:

See the Response to Request No. 59. Solutia is segregating and will make available documents responsive to this request with respect to PNP and PCBs. See Exhibit F with respect to lead.

Request No. 61: For each pit, pond, lagoon, settling tank, oil/water separator, water treatment unit or similar structure located at the Facility, provide the following information:

- a. Location and description of these areas or structures;
- b. Dates of any and all cleanings or removals of any material from these areas or structures. List most recent cleanings or removals first;
- c. Reason for each cleaning or removal;
- d. Description of method employed for each cleaning or removal;
- e. Description of any hazardous material removed, including PCBs, and quantity of material removed;
- f. Concentrations of hazardous materials removed, including PCBs, released or discharged on or off site from these areas or structures;

- g. Disposition of material removed;
- h. Any test data, including PCB test data, concerning these areas or structures not associated with a cleaning or removal;
- i. Identification and description of any release or discharge on or off site from these areas or structures;
- j. Dates when release or discharges occurred;
- k. Type of material and concentrations of releases or discharges;
- l. Description of any cleanup activities for releases or discharges;
- m. Summary of any post-cleanup verification sampling and disposition of material from the cleanup.

Response to Request No. 61:

See Exhibit D and documents referenced on pages DSW 042613-042614 of Exhibit D. Solutia is segregating and will make available additional documents responsive to this request.

Request No. 62: Provide a copy of any annual documents required to be kept for

the Facility in accordance with 40 C.F.R. §761.180(a).

Response to Request No. 62:

Solutia is segregating and will make available documents responsive to this request.

Request No. 63: Provide any information you have generated or gathered on groundwater flow and groundwater quality on or around the Facility.

Response to Request No. 63:

Solutia is segregating and will make available documents responsive to this request, including groundwater related documents listed on pages DSW 042613-042614 of Exhibit D.

Request No. 64: Provide any information you have generated or gathered on surface water flow and/or sediment flow between the Facility and Lake Logan Martin.

Response to Request No. 64:

Solutia is segregating and will make available documents responsive to this request.

Request No. 65: Provide any information and documents you have generated or gathered (including documents obtained in discovery in any of the several lawsuits) about or in any way concerning the Facility activities, including, but not limited to any information concerning the source or release of PCBs in and around Anniston.

Response to Request No. 65:

Solutia is unable to respond to this request since, read literally, the request for all documents and information about Facility "activities" would include the universe of knowledge and documents concerning the entire history of every aspect of the plant's operations. Solutia will make available documents responsive to the request regarding the source or release of PCBs in and around Anniston. See Responses to Requests Nos. 15 (including Exhibit E), 26, 35, 36 and 52.

Request No. 66: Describe all measures taken by Monsanto or Solutia or their consultants which have been taken to characterize, measure, sample or in any way test for the presence of hazardous materials at or around the Facility. Provide the results of such testing.

Response to Request No. 66:

Solutia is segregating and will make available documents in response to this request.

Request No. 67: Provide copies of any sampling analytical reports which are responsive to any of these Requests and clearly indicate on each analytical report copy, the Request(s) to which it is responsive.

Response to Request No. 67:

Solutia is segregating and will make available documents responsive to this request.

Request No. 68: Identify all persons who may be responsible for the liabilities of Respondent arising from or relating to the release or threatened release of hazardous substances at the Site, including but not limited to successors and individuals.

Response to Request No. 68:

Monsanto Company was the owner and operator of the Anniston plant site from 1935 to 1997, but, by agreement, Solutia has assumed liabilities of Monsanto with respect to the Anniston plant and agreed to indemnify Monsanto with respect to such liabilities.

Request No. 69: Provide copies of any aerial photographs or aerial photography reports for the Facility and/or Calhoun County, and/or investigations related to the Facility.

Response to Request No. 69:

Solutia will make available documents responsive to this request.

Request No. 70: For each and every owner, operator, lessor, or lessee of any portion of the Facility:

- a. Identify such person and the nature of their operation at the Facility.
- b. Describe the portion of the Facility owned, operated, or leased by each such person and state the dates during which each portion was owned, operated,

or leased.

- c. Provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to, purchase and sale agreements, deeds, leases, etc.

Response to Request No. 70:

Solutia will make available documents regarding the transfer of Monsanto property at the Anniston plant site to Alabama Power Company in or about 1960. (See DSW 128953-959; DSW 128963-983.) That property was transferred back to Monsanto in December 1993, and Solutia will make available documents regarding that transfer.

Request No. 71: Provide all evidence that hazardous materials were released at the Facility prior to the period that Monsanto owned the Facility.

Response to Request No. 71:

Solutia has looked for, but has not located, responsive information or documents.

Request No. 72: Describe all leaks, spills or releases or threats of releases of any kind into the environment of any hazardous substances or materials that have occurred at or from the Facility that are not addressed in a previous Request, including but not limited to:

- a. When such releases occurred.
- b. How the releases occurred.
- c. What hazardous substances or materials were released.
- d. What amount of each such hazardous substance or material was so released.
- e. Where such releases occurred.
- f. Any and all activities undertaken in response to each such release or threatened release.
- g. All persons with information relating to subparts a. through g. of this Request.

Response to Request No. 72:

To the best of Solutia's knowledge, information and belief, such leaks, spills or releases are addressed in the responses to previous requests.

Request No. 73: If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Request contained herein or who

may be able to provide additional responsive documents, identify such person and the additional information or documents that they may have.

Response to Request No. 73:

See the Response to Request No. 15 regarding foundries in Calhoun County and the Response to Request No. 36 regarding the possibility of the presence of PCBs from and at other entities in and around Calhoun County.

Request No. 74: For each and every Request contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.

Response to Request No. 74:

See the Response to Request No. 73.