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Nevada Power v. Monsanto Co., et al.
Case No. CV-S-89-555-LDG-LRL

PRETRIAL WITNESS STATEMENT
(draft approved by Dr. Ellis 7/30/93)

Richard Ellis, Ph.D.
P.O. Box 100
Hixson, Tennessee 37343

SUMMARY OF TESTIMONY

Dr. Ellis is chairman of Advanced Waste Management Systems, Inc. He is a Hazardous Waste principal investigator for the World Bank, and concurrently works as an invited consultant, investigator and project manager for six eastern European countries, Korea, Indonesia, Taiwan and China in their hazardous waste identification and clean-up efforts. Dr. Ellis has testified as an expert witness before Federal Court and governmental agencies, and is a primary hazardous waste consultant for The Pentagon. Dr. Ellis is a former Senior Environmental Engineer for the Tennessee Valley Authority, and a former research associate at Ohio State University.

Dr. Ellis was called as a Reserve Officer during the Gulf War and is a veteran of the Vietnam war. He is currently a Lieutenant Colonel in the United States Air Force Reserves.

Dr. Ellis received his Ph.D. with major course work in Public Administration and Engineering at Ohio State University. He holds a master's degree in Natural Resource Management and a bachelor's

degree in Zoology.

Dr. Ellis' appointments have included: ASTM Subcommittee D-34 Underground Storage Tanks; Board of Directors, Chattanooga World Trade Center; Chattanooga-Hamilton County Local Emergency Planning Committee; Chattanooga State Community College Curriculum Committee; Governor's Appointee to Tennessee International Trade and Export Advisory Council; and Institute of Hazardous Materials Managers. Dr. Ellis is listed in the Who's Who Environmental Registry and Who's Who of American Inventors.

Dr. Ellis has authored and co-authored numerous speeches and publications relating to the management of hazardous wastes.

Dr. Ellis will testify on the basis of his education, training, research and work experience. He will testify based on his understanding of the current methods of hazardous material identification and cleanup and handling of hazardous materials. His testimony will be based specifically on PCBs, dioxins and furans, and current state of the art methods in working with these hazardous wastes.

Dr. Ellis will rely on the general scientific literature relating to PCBs, dioxins and dibenzofurans, as well as on his own research. He will rely on publications and research performed by others in the field regarding cleanup of PCBs, dioxins and dibenzofurans. Dr. Ellis will rely on current governmental

regulations regarding hazardous wastes, particularly PCBs, dioxins and dibenzofurans. Dr. Ellis will also rely on documents presented to him by attorneys for Nevada Power.

Dr. Ellis is presented as an expert on hazardous wastes. His testimony will reveal his opinion that Nevada Power's compliance with government regulations regarding PCBs, dioxins and dibenzofurans has been reasonable, if not regarded as exemplary. He will opine that Nevada Power's methods and costs incurred in its efforts to clean up PCB contamination were reasonable, and that Nevada Power's anticipation that the Environmental Protection Agency will eventually lower the PCB contamination limit to under 50 ppm is reasonable.

Dr. Ellis will testify regarding the PCBs, dioxins and furans found on the property of Nevada Power, including the effect(s) said substances have had and continue to have on property values. He will testify regarding the reasonableness of the methods employed by Nevada Power to calculate damages resulting from PCB contamination, as well as the reasonableness of projected expenses for PCB cleanups. Dr. Ellis will establish that a greivous wrong was committed against Nevada Power. He will testify regarding his review of Nevada Power's activities to comply with government regulations relating to PCBs.

Dr. Ellis will testify that any detectable amount of PCB is considered hazardous in Hungary. He will testify that any amount

of PCB greater than 1 ppm found in impermeable soil is considered hazardous in Holland, and that .05 ppm found in permeable soil is considered hazardous in the same country and that these standards are widely accepted throughout Europe. Dr. Ellis will testify that the United States will suffer international trade problems if this country does not lower its standards to comparable limits.

Dr. Ellis may also be called upon to define and explain terms introduced in various documents regarding the handling of hazardous wastes.

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