ROBERT JONES [4-12-95]

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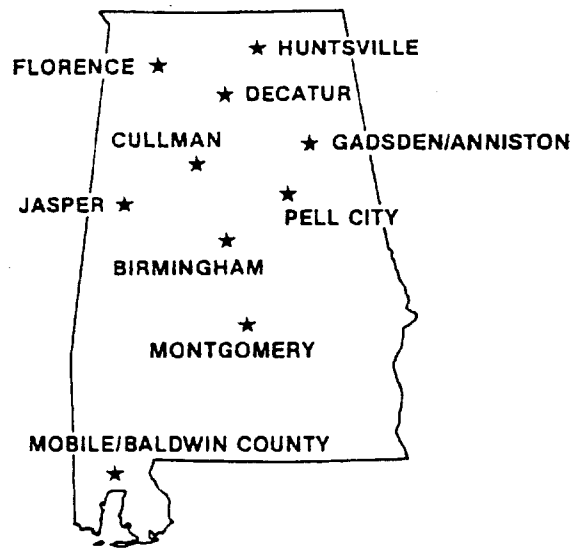

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Page 0001

IN THE 29th JUDICIAL CIRCUIT COURT
OF TALLADEGA COUNTY, ALABAMA

CASE NUMBER: CV-94-104
J.A. WILSON, et al.,
Plaintiff,
vs.
MONSANTO COMPANY, et al.,
Defendant.

****

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

CASE NUMBER: CV-94-AR-778-E
GORDON and RITTA SEWELL, d/b/a
SEWELL'S FISH MARKET,
Plaintiff,
vs.
MONSANTO COMPANY, et al.,
Defendant.

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STIPULATION

IT IS STIPULATED AND AGREED, by and between the parties through their respective counsel, that the deposition of ROBERT JONES may be taken before Maurice Lapidus, Commissioner and Notary Public, at 300 Financial Center, Birmingham, Alabama, on April 12, 1995.

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

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

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thereto.

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

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Plaintiff,
vs.
MONSANTO COMPANY, et al.,
Defendant.

BEFORE: Maurice Lapidus, Commissioner

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APPEARANCES

BURR & FORMAN, by Ms. Pamela M. Arenberg, 3100 SouthTrust Tower, Birmingham, Alabama, 35203, appearing on behalf of the Plaintiff.

BURR & FORMAN, by Mr. Gary L. Howard, 3100 SouthTrust Tower, Birmingham, Alabama, 35203, appearing on behalf of the Plaintiff.

LIGHTFOOT, FRANKLIN, WHITE & LUCAS, by Mr. Warren Lightfoot, 300 Financial Center, Birmingham, Alabama, 35203, appearing on behalf of the Defendant.

LIGHTFOOT, FRANKLIN, WHITE & LUCAS, by Mr. William S. Cox, III, 300 Financial Center, Birmingham, Alabama, 35203, appearing on behalf of the Defendant.

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I, Maurice Lapidus, a Court Reporter of Birmingham, Alabama, acting as Commissioner, certify that on this date, as provided by the Alabama Rules of Civil Procedure and the foregoing stipulation of counsel, there came before me at LIGHTFOOT, FRANKLIN, WHITE & LUCAS, 300 Financial Center, Birmingham, Alabama, beginning at 10:05 a.m., ROBERT JONES, witness in the above cause, for oral examination, whereupon the following proceedings were had:

ROBERT JONES,

being first duly sworn, was examined and testified as follows:

COURT REPORTER: Usual stipulations?

MR. LIGHTFOOT: Yes.

MS. ARENBERG: And again, this deposition is going to be used for all of the cases.

MR. LIGHTFOOT: This deposition is

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taken in the Sewell case, but it can be used and it's just as though it were taken in the Wilson case and the Dyer case.

MS. ARENBERG: And in the Wilson case, in fact, he is a 30.b.6 rep?

MR. LIGHTFOOT: That's correct. Consistent with the letter that we delivered yesterday.

MS. ARENBERG: Right.

EXAMINATION BY MS. ARENBERG:

Q. Mr. Jones, would you state your name for the record.

A. Robert Tipton Jones.

Q. Mr. Jones, what is your job right now?

A. I'm the environmental supervisor for Monsanto's Anniston plant.

Q. How long have you been in that position?

A. Since February of 1990.

Q. What did you do before that?

A. I worked in the environmental

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department for BASF Chemicals in Freeport, Texas.

Q. That's a chemical company much like Monsanto?

A. Yes, it is.

Q. How long were you at BASF?

A. From June of 1988 through February of 1990.

Q. What did you do before that?

A. I worked in the environmental group for Ciba-Geigy Corporation in McIntosh, Alabama.

Q. Is that near Mobile?

A. Yes, it is.

Q. What was your position there?

A. During what phase?

Q. Why don't you start at what you were when you left there and we'll go backwards.

A. I worked in the environmental group when I left there.

Q. Was that as a chemist?

A. An engineer.

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Q. Before that?

A. I worked in the research and development group.

Q. Before that?

A. I started in the research and development group.

Q. What year did you start at Ciba-Geigy?

A. 1983.

Q. What position or what kind of work did you do before that?

A. I was a college student.

Q. So you went to Ciba-Geigy right out of college?

A. There was a time lag of almost a year finding a job.

Q. Where did you go to college?

A. Auburn.

Q. Were you a chemical engineer major?

A. Yes.

Q. So you have a bachelor's degree?

A. Yes, I do.

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Q. Any other degrees?

A. I have an associates degree in pre-engineering from Chattahoochee Valley Community College.

Q. Ciba-Geigy, tell me what that company does.

A. Manufactures chemicals.

Q. What kind of chemicals?

A. A whole variety. There's over 20 fully operating plants.

Q. When you were in the environmental group, what sort of duties did you have there?

A. I have worked in waste water treatment plant development. I've worked in air, very briefly in hazardous waste, and in ground water.

Q. So you spent a good bit of your time focusing on the environmental aspects of the chemical manufacturing?

A. Yes, I did.

Q. As opposed to actual manufacturing types of problems?

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A. Correct.

Q. At BASF did you have those kinds of environmental duties also?

A. I worked in air.

Q. Would these be pollution control types of issues?

A. Primarily permitting.

Q. When you came to Monsanto in 1990, you came in as environmental supervisor; is that right?

A. The position. It was actually titled environmental engineering specialist.

Q. Was that a new position, or were you replacing someone?

A. Replacing someone.

Q. Who held that before you, do you know?

A. His last name is Cheevers. Bob Cheevers.

Q. Were you familiar with Monsanto at any level before you started work there?

A. I had heard the name. I was not familiar with the facility.

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Q. So when you started in 1990, how were your duties described to you?
A. Essentially to run the environmental group.
Q. What would that involve?
A. Permit compliance, permit applications, liaison with federal and state environmental authorities. Kind of the environmental champion for the plant.
Q. Tell me what you mean by that, environmental champion.
A. The one that carries the message of environmental and makes sure that it stays on the forefront of all employees.
Q. Would you say Monsanto then is an environmentally conscious plant or company?
A. Yes.
Q. So do your day-to-day duties involve contact with ADEM, EPA?
A. Not everyday, but my duties do involve contacts with ADEM.
Q. Do you actually oversee filling out the applications, or do you have someone

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else who does that work?
A. Which specific applications are you talking about?
Q. NPDES, is that the discharge permits?
A. NPDES permit I have completed.
Q. Are those done on a yearly basis?
A. No, they are not.
Q. How frequently do you have to do those?
A. Five years.
Q. When was the last one, if you recall?
A. I don't recall. It's been since I came to work there.
Q. Do you have any public relations type of responsibilities?
A. No, I do not.
Q. Do you ever get phone calls from the newspaper about what's going on out there, or does somebody else handle those?
A. I have never received any phone calls from the newspaper about the Monsanto

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facility.
Q. Have you ever spoken to any civic groups, or concerned citizens groups, or anything like that?
A. No, I have not.
Q. Do you have a department of people who work with you or under you?
A. There are two people that report to me.
Q. Who are those people?
A. Young lady by the name of Michelle Pugh, who is, by degree, a chemical engineer. And Jerry Hopper, who is a senior environmental technician.
Q. Who do you report to?
A. The plant manager.
Q. How many plant managers have been there since you started?
A. This is the third.
Q. Can you tell me who those folks were?
A. Jack Maysusky is the current plant manager, prior to that was Bill DeFer, and

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Dave Denner was plant manager when I was hired.
Q. Was he the one who hired you?
A. Yes, he was.
Q. Have you ever been deposed before?
A. No, I have not.
Q. Have you ever seen this notice of deposition?
A. No, I have not.
Q. If you would, turn on back towards the back page or pages. You will see a list of documents. Did you bring any documents with you today?
A. No, I did not.
Q. Did you look for any of those documents, or were you aware of those requests?
MR. COX: Before he answers that question, it was our understanding, based upon conversations with counsel, that those document requests that were attached to that deposition notice referred to Mr. Jones' personal records as opposed to the corporate

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records of Monsanto.
MS. ARENBERG: That would be correct.
WITNESS: Could you rephrase the question, please.
Q. (BY MS. ARENBERG) My question is did you look for any of those documents and see if you had any of those?
A. I do not have any personal documents from this list.
Q. So you did look and you do not have them; is that your answer?
A. I did not need to look. I know that I do not have any personal documents.
Q. Thank you. See if you can identify that as the Monsanto Anniston property.
A. It appears to be.
Q. Okay. Have you ever seen that map before from the Geraghty and Miller reports?
MR. COX: It's Geraghty. Just so Robert knows who you're talking about.
WITNESS: It appears to be a map

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from a Geraghty/Miller report.
Q. (BY MS. ARENBERG) I just want to use that as a basis for you to kind of get me acquainted with what's on that property and what's where. So to the best of your ability, can you kind of show me where on this property there are landfills located that you know about.
A. There is this area that is called the Anniston west end landfill, and then you have an area directly across Highway 202, which is called the south landfill.
Q. Can I get you just to make an 'x' in the general area of where you see those. And let the record show he's using a red pen to mark an 'x' in the area of the west end landfill.
A. I will make an 'x' as to the areas that are designated as the Anniston west end landfill, with the understanding that I was not present when this was an operating landfill, and I don't know for a fact exactly the extent of the landfill.

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Q. But your understanding is that that's it?
A. Yes.
Q. That's fine. Go ahead and put a W there so we'll remember that that's the west end.
A. (Witness complies.)
Q. Is the south landfill not really an area that would be pictured on that map?
A. Parts of it could be.
Q. Okay. If you can just draw an 'x' as closely as you can to where it might be located, and an S, I guess, for south.
A. (Witness complies.)
Q. So out of all of the Monsanto property, there are two areas that you know of that have been used as landfills?
A. That is correct.
Q. Are either of these currently in use as landfills?
A. No, they are not.
Q. Where is Monsanto taking waste currently, or where is it disposed of?

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A. We have two waste disposal facilities. Solid waste goes to the landfill operated by Chemical Waste Management at Emelle. Liquid waste are shipped to the Rollins Environmental Facility in Baton Rouge.
Q. Okay. So there's no on-site disposal taking place currently?
A. No, there is not.
Q. Are both of those landfills I guess what you'd call capped?
A. They both have dirt over them. I don't have a working knowledge except for parts of the south landfill.
Q. Just generally speaking, when a plant is finished with a landfill, what needs to be done to it when there's not going to be anymore waste buried there?
A. Are you talking about in 1995?
Q. Yes. Let's say we were closing one today. What would you recommend?
A. Would this landfill be a hazardous landfill or a nonhazardous landfill?

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Q. Let's say it contains PCB's.
A. So it is a regulated landfill under PCB standards?
Q. Okay.
A. I do not have any prior knowledge of the closure requirements for a PCB landfill.
Q. You would look for RCRA for that; is that where you would look?
A. I would look for the federal and state agencies.
Q. Do you know what year either of these landfills was closed, or capped, or stopped being used?
A. I know the year that the west end landfill was transferred to Alabama Power.
Q. Okay. And that was?
A. 1961.
Q. So it would be your understanding that after 1961 nothing would have been buried there by Monsanto?
A. I don't have any knowledge of that.

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Q. Are there any records held by Monsanto at the Anniston plant that might indicate when items were buried there?
A. No, there are not.
Q. And is there any record of any kind of a cap being placed over that landfill, or do you know of any cap placed over that landfill?
A. I have no records of the cap of that landfill.
Q. Let's move to the south landfill for a second. Do you have any idea when the last time Monsanto buried waste in the south landfill would have been?
A. It has been in my tenure, I believe it was '92, but I'm not absolutely sure of the date. But it was I believe in '92.
Q. All right. And at that point, Monsanto decided to close that landfill; is that correct?
A. For all practical purposes the landfill had already been closed.

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Q. So in 1992, what event took place, I guess?
A. There was some demolition of some old buildings on the facility. After approval from the state agencies regulating landfills, the demolition -- nonhazardous demolition debris was landfilled on that landfill and capped.
Q. When you say capped, tell me what you're talking about in practical terms. What does that mean?
A. There was a clay cap placed over the top of it.
Q. Okay. By clay, do you mean basically what we all think of as Alabama dirt, is that red stuff?
A. Essentially a clay type material, yes.
Q. And bulldozers, is that how it is done? Heavy equipment?
A. Moved in with heavy equipment, that's correct.
Q. Do you know about the size on

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either of these landfills? How many acres either of these landfills would take up?
A. Not knowing the exact bounds of the west end landfill, I can't say. The south landfill -- are you asking for the area of the landfill cells themselves, the area of the fenced in property, or the area that Monsanto owns on the mountain?
Q. Let's start with the fenced in property. I assume the fence being what they would use to surround the landfill?
A. It is the security device for the landfill, that's correct.
Q. How many acres would be enclosed by that fence?
A. I'm not sure.
Q. Do you have an estimate?
A. No, I don't.
Q. Do you know the size of the cells?
A. No, I do not.
Q. Can you define cell for me?
A. A cell is a receiving area on the landfill that material is placed into.

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Q. For lack of a better scientific term, it's a hole?
A. You can use whatever term you would like. It's a cell.
Q. Would that be descriptive --
A. It is an excavated area, that's correct.
Q. Are you aware of any liners that have been placed in the south landfill?
A. I was not a Monsanto employee at the time those cells were constructed.
Q. But are you aware now that there are or are not liners?
A. I'm aware of the design of two of the cells that were closed under RCRA.
Q. Do they have liners?
A. Yes, they do.
Q. And that is a RCRA requirement?
A. That is correct.
Q. Have you ever looked at documents to determine whether there might've been liners in some of the older cells?
A. I do not have any documentation.

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Q. Because basically those records weren't kept; is that right?
A. I do not know that there were records kept or not. I do not have any records in the environmental files at the Anniston plant detailing construction of those cells.
Q. And by the same token, you don't have any record of what was disposed in those cells; is that correct?
A. That's correct.
Q. So if I wanted to know what was buried at a particular area, you wouldn't be able to tell me?
A. I can tell you what I have been told has been buried in cells. Quantities and exact descriptions, no, I cannot tell you.
Q. And those records, as far as you know, don't exist?
A. I don't know. I've never seen them if they do exist.
Q. But you're in charge of landfills

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today basically; is that correct?
A. I'm in charge of maintaining the security on our closed landfills, that is correct.
Q. And is there anyone besides you, at the Monsanto plant today that someone would come to with questions about those landfills, or would you be primarily the person they would come to?
A. I think I would be primarily the person they would come to.
Q. Do you know what, if any, areas of these landfills contain PCB materials? PCB contained materials?
A. I know what I have been told in terms of areas where PCB's were landfilled.
Q. Tell me what you've been told, or what you understand.
A. Which landfill are you talking about?
Q. Let's start with the west.
A. I understand that PCB's bottoms, the tars from the PCB manufacturing process

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were landfilled in the west end landfill.
Q. So in the process of manufacturing PCB's, a tar-like material was a by-product or was part of the product? I'm sorry, I just don't understand the process.
A. The tars is what remains after the product has been removed.
Q. After the liquid is taken out?
A. Yes.
Q. And so the tars would be heavily contaminated with PCB's, or are they made up of the same material as the aroclor liquid itself would have been?
A. I have no knowledge of the chemical composition of the tars.
Q. Do you know how those tars are placed into the landfill? Do you have any idea how they were put there?
A. I have been told. I was told that there were drummed materials placed in the landfill, and that eventually there was molten material transported to the landfill and placed in the landfill directly.

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Q. So some in drums and some not?
A. That's correct.
Q. Any other types of PCB contaminated materials that you know of?
A. Not that I'm aware of. I'll make a correction there. I believe I was told that floor sweepings from the manufacturing area were also drummed and placed there.
Q. Okay.
A. That's all I'm aware of.
Q. Have you ever been told when that would have started, when disposal into the west end landfill would have begun?
A. I don't know when. I know that the landfill was in operation in the mid 30's is all that I can --
Q. Okay. So it's certainly possible that in the mid 30's, PCB materials were placed in the west end landfill?
A. The landfill was in operation, as I've been told, in the mid 30's, and we were manufacturing PCB's at that time.
Q. Do you know if Monsanto was using

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any other landfills at that time?
A. Not that I'm aware of.
Q. Have we covered the west end landfill in terms of PCB materials, or did we leave something out?
A. That's all I'm aware of.
Q. And in 1961, Monsanto transferred that property to Alabama Power you mentioned?
A. I believe it was November of 1961.
Q. Okay. And so as far as you know, at that point, Monsanto ceased to use that property as a landfill, or you don't know?
A. I simply don't know. I know it was transferred, and I know that by a copy of the deed I have seen.
Q. We'll get into the transfer probably a little bit later. Let's go to the south landfill now, and let me ask you if you know of any PCB contaminated materials that have been disposed of in the south landfill?
A. I've been told that there were PCB

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material landfilled in the south landfill, yes.
Q. What type of materials do you know of that may exist there?
A. I've never heard any -- are you asking in terms of PCB?
Q. Yes.
A. I've never heard it discussed other than the fact that there was a cell for PCB material on the landfill.
Q. How many cells are in the south landfill, do you have any idea?
A. I believe eight that have signs indicating cell locations.
Q. Okay. What do those signs describe?
A. A typical sign would say cell 1E, which would indicate a cell -- the first cell on the east side of the landfill.
Q. And there's no description of what's contained inside of it?
A. No, there is not.
Q. Is there any description of the

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size of it?
A. No, there is not.
Q. Do you know of any records that exist that describe those things?
A. No, I do not.
Q. You said you do know -- you do understand that there's a cell of PCB materials in the south landfill?
A. That's correct.
Q. Do you know what types of materials those would be?
A. No, I do not.
Q. I think we have established that it was closed in 1992?
MR. COX: Object to the form. I don't think that's what he said.
Q. (BY MS. ARENBERG) When did you tell me the south landfill was closed?
A. As best I can remember, it was 1992. It has been during my tenure there. I don't know the exact date.
Q. Did you handle filling out the forms for the government in order to obtain

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approval of that closure?
A. The letter requesting the use of the landfill, there were no forms required. The letter I believe was issued by Jerry Brown.
Q. Okay. Did you and Jerry Brown work together?
A. Yes.
Q. And he was environmental supervisor before you were; is that correct?
A. Jerry Brown has had environmental responsibilities in the past prior to my coming to the plant, that is correct.
Q. And when you came to the plant, did you take those responsibilities over?
A. Not from Jerry Brown.
Q. Okay.
A. I took them over from Bob Cheevers, who had already departed the facility.
Q. As far as you know, there are no other areas that have been used as a landfill on this Monsanto property?

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A. Not that I'm aware of, no.
Q. Have you ever heard of Monsanto using the Anniston landfill, or area landfills that belong to some other entity?
A. For what material?
Q. For any material.
A. Paper trash from the Anniston plant has been sent to the Calhoun County landfill. This is through a contract with BFI. It is with the closure of the Calhoun County landfill, it is now going to Harmon Landfill, which I believe is in St. Clair County, but this again is through BFI.
Q. When you say paper trash, you mean office --
A. General office paper trash.
Q. So any industrial waste you're sending to the two places you told me about earlier?
A. That's correct.
Q. You mentioned briefly that Monsanto owns more property across the road here where the south landfill is located?

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A. That's correct.
Q. Is that a lot of property that Monsanto owns over there?
A. Could you define a lot.
Q. Is it as much as they own over here?
A. Yes, it is.
Q. Any idea how many acres?
A. I believe the total Anniston site is somewhere in the neighborhood of 600 acres.
Q. What's most of that acreage used as right now? And I'm talking about the acreage over here.
A. It is undeveloped woodlands.
Q. So across -- this is Alabama 202. Across Alabama 202 from the plant we have the south landfill and a lot of undeveloped land that is owned by Monsanto?
A. South of 202 is that landfill. It is not directly across from all of the plant, in a westerly direction.
Q. Can you also show me where any

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drainage ditches from the plant are located?
A. Can you define that better? I don't understand. Do you mean the point where they leave the plant?
Q. Okay. Yes, let's start with that. Anyplace where you know of a ditch that leaves Monsanto plant?
A. That would be regulated by the State of Alabama under the NPDES program, and they are designated on this map. This outfall right here designated DSN003 handles drainage that comes from across Highway 202, and comes across the Anniston west end landfill, and is discharged out here into a drainage ditch that runs along the railroad tracks.
And another discharge point that's draining parts of the center of the plant, DSN004. You have DNS005, which is draining again more of the plant in a northerly direction. You have DSN001, which drains essentially the south plant, as it is called, at Monsanto.

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Q. *This is an entrance into the plant?*
A. It is an old entrance into the plant that's no longer used.
Q. *Where is the main entrance into the plant?*
A. The main entrance to the plant is right here.
Q. *Off of -- do you know the name of this street?*
A. Off of Clydesdale.
Q. *So the ditch labeled as outfall DNS001, is that an open ditch or a pipe, do you know?*
A. That is a pipe underground.
Q. *Do you know where that pipe leads?*
A. Across Clydesdale, and continues across Monsanto property located on the other side of Clydesdale.
Q. *And at what point does it lead off of Monsanto property? Something not on the map apparently.*
A. It is not on the map. It is north

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of this property east of Clydesdale, at 8th Street.
Q. *Have you ever been at that point at 8th Street where the pipe feeds into a ditch? Is that what happens?*
A. It goes into an underground culvert. Yes, I have.
Q. *Do you know how long that discharge point has been there?*
A. No, I do not.
Q. *Where would drainage off of the south landfill ultimately end up? Storm water let's say.*
A. When you say ultimately, can you define that, please.
Q. *Let's start at the landfill. Do you know where storm water would go?*
A. There are five outfalls from the south landfill. Two of the outfalls combine and go underneath Highway 202, and drain down to a point right about where the entrance into the plant is, where it goes by pipe underground, and then continues down

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and eventually joins up with DSN001 on the other side of Clydesdale.
The next two outfalls of the five, which would be outfalls -- these are numbered DSN007, 8, 9, 10, and 11. I have just described the path of DSN7 and 8. 9 and 10 combine and flow under the highway in a pipe, and go down and eventually join up with the outfalls coming out of DSN001, and 7 and 8.
Q. *Okay. You got one left?*
A. The last outfall is DSN011. It goes by pipe underneath Highway 202, and joins up as it's going in a northerly direction with all of the other outfalls.
Q. *So if you were standing at the place where DNS001 discharged into the culvert that you described a minute ago, you would have all of the storm water from all of those coming out?*
A. You would have the storm water from DSN007 through DSN011 will have joined up by that point.

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Q. *And the west landfill, would storm water runoff from the west end landfill end up at DSN003?*
A. It would flow by there, that's correct.
Q. *Is it exiting Monsanto property at that point?*
A. It is going into the railway right of way.
Q. *Do you know where it goes from here?*
A. This drainage ditch goes underneath the railroad tracks, it's above ground for a short piece, then goes underground and reemerges by the railroad tracks several hundred feet on down.
Q. *Is there any landmark where it reemerges? Any street, or intersection, or building?*
A. For description purposes, we say it's behind the Choo-Choo Restaurant, which is closed.
Q. *What about the outfall here from*

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004? Does it join the outfall from 003 at any point?
A. Yes. They are all going into this ditch.
Q. *That you described that comes out behind the Choo-Choo Restaurant?*
A. That's correct.
Q. *So that's true of 004 and 005 also?*
A. I'm not sure about 005. I believe it heads in this direction, but I'm not sure -- it is a far corner outfall of the property, non-developed area.
Q. *Do you know where -- and it may not be on this map -- but in relation to this map, where any tributaries to Snow Creek may be located?*
A. There are literally hundreds of tributaries to Snow Creek.
Q. *And most of those are basically ditches, would that be an accurate description as far as you know?*
A. There are every type of ditch you

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can imagine. Industrial ditches, just ditches along general street, property. Snow Creek handles all water flows out of that entire valley.
Q. *Do you know of any of the water that would flow from any of the discharge points on this map that would not go into Snow Creek ultimately?*
A. No, I do not.
Q. *So it is your understanding that basically the water that leaves these discharge points will ultimately make their way into Snow Creek?*
A. Yes.

(Whereupon, Plaintiff's Exhibits 1 and 2 were marked for identification and copies of same are attached hereto.)

Q. *Let me show you a document, and see if you recall that memorandum?*
A. Yes, I do.

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Q. Can you tell me basically what the purpose of that memorandum was?
A. It was written by myself to my files. This was during a discussion I had had with somebody -- I don't remember whom. They had asked me some specific questions about the storm water permitting process. And I realized that some of it was getting vague, because it was four years later. So I wrote a memorandum for record to my files detailing as much of the storm water permitting process as I could remember.
Q. Was there -- previous to this memorandum, there had been some contact with the Alabama Department of Environmental Management concerning outfalls; is that correct, and the sampling from those --
A. Yes ma'am.
Q. Was Monsanto's position that not all of the outfalls needed to be sampled?
A. There is latitude within the storm water permitting process that allows the designation of a representative outfall so

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that all outfalls do not have to be sampled.
Q. And that's what Monsanto wanted to do, sample a representative number rather than each outfall, would that be correct?
A. After discussions with ADEM water, that is correct.
Q. And you use the term awareness level. Can you tell me what you were talking about right there.
A. I think that what I was saying there was that considering that PCB manufacturing at the Anniston site had ceased over 20 years previously, the bulk of the regulators within ADEM were not aware of the past production of PCB's at that site.
Q. So something in the recent history has made them more aware of the presence of PCB's than they had been before?
A. As detailed in this memo, yes.
Q. Thank you. You describe later in your memorandum the detection of PCB's in some outfalls from the south landfill.
A. That's correct.

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Q. Do you know where those came from? Where the PCB's came from?
A. No, I do not.
Q. But you at some point may have thought it was from some equipment that was laying on the ground; is that correct?
A. When we discovered the PCB's in the storm water coming off the south landfill during the course of an investigation, did discover some equipment.
Q. Do you today think that that equipment is what caused the PCB's to be in that sample that was taken then?
A. I think they contributed to it.
Q. And that equipment was taken away?
A. That's correct.
Q. And it was hauled to Emelle?
A. That's correct.
Q. Did you sample again after that equipment was removed?
A. Yes, we have.
Q. And PCB's were still detected in that water?

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A. We have detected PCB's still in the storm water.
Q. Do you know what's causing those PCB's to still be present in that storm water?
A. Absolutely, no, I do not.

(Whereupon, Plaintiff's Exhibit 3 was marked for identification and copy of same is attached hereto.)

Q. I'm going to show you a letter dated February 24 of 1994, and see if you're familiar with that letter? It's marked as Exhibit 3.
A. It appears to be a transmittal letter from ETC Gulf South.
Q. Tell me who ETC Gulf South is.
A. They are a contract laboratory located in New Orleans.
Q. So they would run chemical analysis?
A. Yes, they do.

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Q. What was the occasion for that letter, do you know?
A. It is a transmittal of results of samples received by their laboratory on February 12, 1994.
Q. Do you know what those samples were from? Do you know what had been tested?
A. This appears to be a water sample. It was a grab, as indicated in the client I.D. from DSN010.
Q. That would be one of the south landfill outfalls that you described a moment ago; is that right?
A. That is correct.
Q. Since it is a water sample, and you say it is a grab sample, what does that mean exactly?
A. To me it would indicate that it was part of a storm water sample. In storm water analysis you pull both grabs and composites.
Q. What's the difference in a grab

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and a composite?
A. A grab, by definition in the regulations, is taken within the first 30 minutes of rain fall. A composite is taken every 15 minutes and composited.
Q. Do you know why those particular samples were taken?
A. These, as I said, appear to be storm water samples. The reason this particular sample was taken, no, I don't remember right now.
Q. Do you routinely take samples?
MR. COX: Object to the form.
WITNESS: I guess I don't really understand routinely. Could you define that better.
Q. (BY MS. ARENBERG) On a regular basis does Monsanto sample these outfalls?
A. No, we do not.
Q. But you occasionally take samples from these outfalls; is that correct?
A. We have taken samples, that is correct.

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Q. What would prompt a decision to sample those?
A. Initially it was the storm water permitting process. Since then there have been different reasons for sampling, some being after completing cleanup of materials, some being confirmatory samples. That's essentially the reasons.
Q. So if something were brought to your attention to make you believe that there were PCB's being released from plant property, would that be a reason to take a sample?
A. I guess I don't understand what you mean by reasons to believe that they would be.
Q. Let's say a recent example would be fish studies out of Choccolocco Creek. Would this prompt Monsanto to test their outfalls?
A. I wouldn't think so, no.
Q. Do you think there's any relationship between PCB levels and fish in

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Choccolocco Creek, and Monsanto's outfalls?
MR. COX: Object to the form. No foundation. You can answer.
Q. (BY MS. ARENBERG) As far as you know as environmental supervisor, do you think there's a relationship?
MR. COX: Same objection.
WITNESS: I have no knowledge of any relationship. Based on the extremely low concentrations that we have seen in the storm water, and my personal opinion, I would think it highly unlikely that we would see any impact after you leave our plant site.
Q. (BY MS. ARENBERG) And by low numbers, do you mean the numbers in that study?
A. That is correct.
MR. LIGHTFOOT: Pam, by that, you're talking about --
MS. ARENBERG: I'm sorry, Exhibit 3.

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(Whereupon, Plaintiff's Exhibit 4 was marked for identification and copy of same is attached hereto.)

Q. (BY MS. ARENBERG) Let me show you Exhibit 4. See if you can tell me what that might be.
A. Again, this appears to be storm water sample results.
Q. Do you know when or where those were taken?
A. The indications here for DSN013 and DSN010 would indicate from the west end landfill and from the south landfill.
Q. Are you personally familiar with those results? Do you know if you've seen those?
A. I believe so, yes.
Q. Do those indicate what you would consider to be low levels of PCB concentration?
A. Yes, they would.
Q. What is the highest level that's

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shown on that reading?
A. Do you mean for an individual aroclor or in totality?
Q. In totality. Total PCB's.
A. The highest number indicated here would be a total of 8.3 parts per billion from DS010 grab sample.
Q. And that would be from a water sample? Do you understand that to be a water sample?
A. This is a storm water sample, that is correct.
Q. Thank you.
MR. LIGHTFOOT: Can we take a five minute break?

(Whereupon a brief recess was had in the deposition.)

(Whereupon, Plaintiff's Exhibit 5 was marked for identification and copy of same is attached hereto.)

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Q. (BY MS. ARENBERG) Okay, Mr. Jones, let me ask you about some soil sampling. Look at Exhibit Number 5, and tell me, is that some results of soil sampling done by Geraghty and Miller?
A. Yes, it is.
Q. And those were sent directly to you; is that right? That letter was sent directly to you?
A. I believe so, yes, it's addressed to me.
Q. Do you remember what areas were sampled, in general, from the Monsanto plant?
MR. COX: As reported in this document?
MS. ARENBERG: The samples that are referred to in that document, I'm asking if he remembers what area was sampled.
WITNESS: Yes, I am.
Q. (BY MS. ARENBERG) Where were

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those samples taken from?
A. From adjacent property to the Anniston west end landfill.
Q. Okay. Can you show me the map where you would understand that to be.
A. Along this fence line, on the south side, this indication of Alabama Power substation.
Q. If you would put a five there, we'll know that the samples referenced in Exhibit 5 were taken from that general area. Do you know what prompted Monsanto to order samples from that area?
A. Yes. I do.
Q. Tell me about that.
A. This was a furthering of the investigation of the property around the Anniston west end landfill.
Q. And to the best of your knowledge, that property was never used as a landfill?
A. That is correct.
Q. Did you try to find out if it ever had been used as a landfill?

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A. No, I did not.
Q. Do you think if it was used as a landfill that you would know?
A. I have never heard anybody speak of it being used as a landfill.
Q. Is there somebody at the Monsanto Anniston plant who would know whether that was ever used as a landfill?
A. I don't know.
Q. We spoke earlier about what's buried in the two landfills, west end and south landfill, and you told me that you don't know specifically what's buried in those landfills?
A. When you say specifically, could you define that better.
Q. Can you identify what chemicals and materials have been buried in those two landfills?
A. I have records on a general -- in general what was buried in the two RCRA cells on the south landfill, but those are general records, they are not an item by

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item. I do not have any records on disposal in any other cells on the landfills.
Q. That's what I understood you to tell me, and what I didn't ask is, does anybody else know that you know of?
A. Not that I'm aware of.
Q. Does anybody else have records that you know of?
A. Not that I'm aware of.
Q. And so as far as you know, those records don't exist?
A. That is correct.
Q. Now, we'll move back to the part of the map now marked with a five where you've told me that these soil samples were taken, the soil samples referenced in Exhibit 5. Did those samples ultimately indicate that PCB's were present in that soil?
A. There were some PCB's detected.
Q. Was that cause for alarm amongst the managers at Monsanto?
A. Not that I'm aware of.

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Q. Do you know how those PCB's got to that area marked as five?
A. No, I do not.
Q. Did you talk to anybody about how the PCB's may have gotten into that soil?
A. I don't remember.
Q. Was any action taken as a result of these findings that's your -- Exhibit 5?
A. Not that I'm aware of.
Q. There have been no removal efforts of any of that soil as far as you know?
A. Not that I'm aware of.
Q. Do you think there's any need to remove any of that soil?
A. I don't believe so.
Q. Why is that?
A. Because of the level of the materials.
Q. Do you mean because you think the levels are low?
A. That is correct.
Q. Is there a point at which you would think that the levels were high enough

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to prompt a need for removal?
A. That would depend.
Q. On what?
A. On the location.
Q. Okay. Explain that to me.
A. It would depend on where the materials were located.
Q. So there are some places where high levels would be acceptable?
MR. COX: Object to the form.
WITNESS: I'll say that each instance has to be considered separately. If you would like to give me a hypothetical situation, I can give you a hypothetical answer.
Q. (BY MS. ARENBERG) Let's take the actual situation that we have here, and you said these levels were low enough not to cause alarm and not to cause removal actions to be taken. If these particular levels -- at what level would these particular soil samples have been cause for alarm?
MR. COX: Object to the form.

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WITNESS: I don't know.
Q. (BY MS. ARENBERG) Do you know at what level, had these samples in Exhibit 5 been higher, you would have ordered removal of that soil?
MR. COX: Same objection.
WITNESS: No, I do not know.
Q. (BY MS. ARENBERG) And you don't have any written guidelines as far as levels, and removal, and remediation?
A. No, I do not.
Q. Did you forward those results in Exhibit 5 to the plant manager?
A. Do you mean did I give him a copy of those results?
Q. Yes.
A. I do not remember.
Q. Do you know if he was aware of those results?
A. I don't remember.
Q. Do you give recommendations to the plant manager about environmental issues?
A. Yes, I do.

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Q. That's part of your job?
A. Yes, I do.

(Whereupon, Plaintiff's Exhibit 6 was marked for identification and copy of same is attached hereto.)

Q. You're holding Plaintiff's Exhibit 6, which is some selected pages from the Geraghty and Miller west end landfill assessment. Are you familiar with that document?
A. This appears to be out of the site investigation prepared by Geraghty and Miller.
Q. Do you recall in general what that document indicated about the presence of PCB's?
A. There were PCB's detected in surficial soils.
Q. Of what areas of the Monsanto property?
A. There were more than one area. I

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can't define the areas.
Q. Can you point out general areas where you know samples were taken?
A. I can tell you in general that all of the surface area of the property was divided up into quadrants, and those quadrants individually sampled.
Q. So the study was aimed at covering the entire Monsanto property? Would that be correct?
A. No. It was aimed at the Anniston west end landfill property.
Q. So this area marked as W was divided into quadrants?
A. That area was divided into quadrants, that's correct.
Q. Did the findings of PCB's in the surficial soil at the west end landfill cause any concern amongst the managers at the Monsanto plant?
A. I'm not sure if I would use the word concern. They were notified of the findings.

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Q. Did they feel that these findings were -- presented any hazard?
MR. COX: Object to the form.
WITNESS: Hazard to whom?
Q. (BY MS. ARENBERG) To anybody.
MR. COX: Same objection.
WITNESS: Not that I'm aware of.
Q. (BY MS. ARENBERG) To the environment?
MR. COX: Object to the form.
WITNESS: When you say to the environment, what are you talking --
Q. (BY MS. ARENBERG) Were these findings of PCB's present in the west end landfill soils considered by Monsanto officials to pose any hazard to the environment?
MR. COX: Object to the form.
WITNESS: I still don't understand -- what are you classifying the environment? Could you define that better? I don't understand.
Q. (BY MS. ARENBERG) To the

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surrounding areas.
A. I'm sorry, once again, I do not understand --
Q. Okay, let's try this. To Snow Creek?
A. Could you rephrase the question now, please.
Q. Would the findings of PCB's present in the soil of the west end landfill be considered by Monsanto officials to pose any environmental hazard to Snow Creek?
MR. COX: Object to the form.
You're asking him for what Monsanto managers feel?
Q. (BY MS. ARENBERG) I'm asking him what he observed as a Monsanto manager.
A. Are you asking if it brings me concern individually or Monsanto Company concerns?
Q. Does it bring you concerns individually? We can start there.
A. No, it does not.
Q. Are you aware of any concerns on

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the part of Monsanto Company?
A. No, I am not.
MR. LIGHTFOOT: You're sticking with Snow Creek?
Q. (BY MS. ARENBERG) Uh-huh. So the presence of PCB's in the soil of the west end landfill does not, in your opinion, pose any hazard to Snow Creek?
MR. LIGHTFOOT: Object to the form of that question, because it's not worded, Pam, to say the readings that were given. It's a general question. It's like saying PCB's anywhere.
Q. (BY MS. ARENBERG) We are speaking specifically of the presence of PCB's as reported in this document, Exhibit 6.
A. Could you rephrase it again.
Q. I'm just trying to make sure that I'm understanding you. And I want to know if I'm correct in saying that the presence of PCB's in the soil of the west end landfill, as reported in Plaintiff's Exhibit 6, did not cause concern amongst Monsanto

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managers that there was any hazard posed to Snow Creek?
A. Not that I'm aware of.
Q. Okay. Do you know where the PCB's that were found in the soil of the west end landfill and were reported in Exhibit 6 came from?
A. No, I do not.
Q. Is there anybody at the plant who could answer that question?
A. Not that I'm aware of.
Q. Is there anybody else where at Monsanto that could answer that question?
A. Not that I'm aware of.
Q. Are there any records anywhere that could answer that question?
A. Not that I'm aware of.
Q. Do you have a good guess as to where those PCB's came from?
MR. COX: Object to the form.
MR. LIGHTFOOT: And I'll advise you, Robert, you're not required to guess. But you can give a judgment or an opinion if

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you have one. She's entitled to that.
Q. (BY MS. ARENBERG) Considering your background in environmental matters, and your responsibility for environmental matters at Monsanto plant, do you have a judgment as to where those PCB's came from?
A. I can state two things, and you will have to draw your conclusions from those. I know that the Anniston west end landfill received waste materials from the PCB manufacturing process at the Anniston site, and I know that the Anniston west end landfill property contains two Alabama Power substations and one Alabama Power switch yard. That is all I know of anything about any potential PCB's on the Anniston west end landfill.
Q. Is it your opinion that Alabama Power contributed to the presence of PCB's on the west end landfill?
A. I don't know.
Q. Has that ever been discussed amongst any of the managers at the Monsanto

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plant, or any employees at the Monsanto plant?
A. Which PCB's specifically are you talking about?
Q. Any PCB's that might be located on that property, the west end landfill area property.
A. There have been discussions that I have heard on the installation of the Alabama Power switch yard, at which time the Anniston west end landfill was cut into, and the dirt and material associated with the landfill where it was cut into was moved. That's the only discussion I've ever heard as to anything to do with Alabama Power on that property.
Q. So you've never heard that PCB's that might be used as a product by Alabama Power would have contributed to the presence of PCB's in soils on the Monsanto property?
A. I know, as it was recanted to me, that Alabama Power was doing a statewide inspection of their substations for PCB soil

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contamination, and that Alabama Power did detect PCB's coming out from one of their substations, but I do not know the source of those PCB's.
Q. I'm not sure that that is really what I'm after.
MS. ARENBERG: Maurice, would you read that question back.

(Whereupon, the last question was read back by the court reporter.)

WITNESS: No, I haven't.
Q. (BY MS. ARENBERG) But you have heard that their activity in cutting into the landfill dirt may have contributed to the presence of PCB's in the soils?
A. Yes, I have.
Q. And when you talk about the construction of the Alabama Power switch yard, are you talking about construction in the area marked substation on Exhibit 1?
A. No, I am not.

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Q. You are talking about the area marked switch yard, which is directly adjacent to the west end landfill; is that correct?
A. That is correct.
Q. Do you know where on this map the cutting into the landfill occurred?
A. I can guess, but I don't know for a fact.
Q. Tell me what you've heard or what you understand, what would be your best judgment as to where this occurred.
A. I would think in this region right here.
Q. Okay. Let the record indicate that Mr. Jones noted -- help me with my directions here.
MR. COX: That way is south.
MS. ARENBERG: So it would be the southeast corner of the switch yard.
Q. (BY MS. ARENBERG) And is it your understanding that underneath the southeast corner there is landfilled materials?

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A. I do not know that for a fact.
Q. Is there anybody at Monsanto that would know that?
A. Not that I'm aware of.
Q. Is that because the property of the landfill has never been defined exactly?
MR. LIGHTFOOT: Object to the form.
WITNESS: I just know that I do not know.
Q. (BY MS. ARENBERG) And you don't have any records that would show that?
A. No.
Q. And as far as you know there are no records that exist that would show that?
A. No, I do not know of any.
Q. And as far as you know there's nobody at Monsanto that knows that?
A. No, I do not know of anybody.
Q. Have you ever been responsible for choosing the location for a landfill? In your history with environmental work have

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you ever been responsible for that?
A. No, I have not.
Q. Do you know how locations for landfills are chosen?
A. No, I do not.

(Whereupon, Plaintiff's Exhibit 7 was marked for identification and copy of same is attached hereto.)

Q. Let me ask you if you can identify that handwriting, the notation that's marked as Exhibit 7?
A. It appears to be my handwriting.
Q. Okay. Is that one document, two pages of it, or are those two separate documents? Do you know if you created those together?
A. I believe so.
Q. Okay. Can you tell me what that is.
A. These are notes that I took.
Q. What were you referring to in

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those notes?
A. I'm sorry, do you mean a specific line of the notes?
Q. What was the purpose of those two pages?
A. They are notes I was taking during a discussion with somebody.
Q. Who were you talking with?
A. Bill Clemment.
Q. Who is he?
A. He's now a retired Monsanto employee.
Q. What was the occasion for you to talk with Bill Clemment?
A. I was trying to ascertain information.
Q. About?
A. The west end landfill.
Q. Okay. Why did you -- was it a phone call to Bill Clemment?
A. No. He was an active employee at the time.
Q. Was he in your office? Were you

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talking to him at the plant?
A. It was at the plant. I'm not sure if he was in my office or not.
Q. Had he been around long enough to remember some things about the west end landfill that you might not have known?
A. Yes.
Q. What was his position?
MR. COX: When?
Q. (BY MS. ARENBERG) When you talked to him.
A. He was a maintenance mechanic.
Q. Had he been that for a long time?
A. I don't know when he became a maintenance mechanic.
Q. Tell me the gist of your conversation. What did you ask him and what did he reply?
MR. LIGHTFOOT: Do you want to take a minute to read your notes first?
WITNESS: (Witness complies).
Your question again, I'm sorry.
MR. LIGHTFOOT: Did you read both

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pages, Robert?
WITNESS: Yes, I did.

(Whereupon, the last question was read back by the court reporter.)

WITNESS: I asked Mr. Clemment about any recollections that he had concerning the west end landfill.
Q. (BY MS. ARENBERG) Okay. Do you know how many years he had been around the Monsanto plant?
A. I don't know the exact number of years.
Q. But you believed he had been there for a long time, I assume; is that correct?
A. Yes.
Q. What did he tell you about the west end landfill?
A. Essentially what is detailed in these notes.
Q. If you can, tell me -- flesh those out a little. I'm not real good with

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handwriting. I'm sure you recall some things that you didn't write down.
A. I wrote down everything he told me.
Q. Okay. So he mentioned biphenyl drums being landfilled, would that be correct?
A. That is correct.
Q. When he said biphenyl, what was he talking about?
A. Biphenyl is a chemical that is manufactured.
Q. It is not the same thing as polychlorinated biphenyl?
A. No, it is not.
Q. And you have written down fiber drums and steel drums.
A. That's correct.
Q. What is a fiber drum?
A. It is a drum made of fibrous material.
Q. Such as cardboard?
A. I'm not sure of the exact chemical

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makeup of a fiber drum.
Q. It's not as strong as a steel drum; is that correct?
A. I'm not sure that I know the strength ratings between a fiber drum and a steel drum.
Q. Would it be as impervious to moisture as a steel drum as far as you know?
A. I know absolutely nothing about the construction of a fiber drum.
Q. It mentions aroclor cleanup, sweep up when cleaning area. Do you know what you meant when you wrote that?
A. I believe that was the sweepings that I referenced to earlier. Sweeping up in the aroclor manufacturing area.
Q. Did Mr. Clemment tell you that after they cleaned up the aroclor manufacturing area they would put that material in fiber or steel drums?
A. He told me that that was part of the materials that he believed were put in the landfill, correct.

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Q. And it looks like melt aroclor open valve. Am I reading your handwriting correctly right there?
A. Yes.
Q. Can you tell me what that means, what that phrase means.
A. He was talking about the movement of material to the west end landfill.
Q. And he said that let it run out?
A. That is correct.
Q. What is he talking about there, do you know?
A. Aroclor tars, when heated, are in a semiliquid state, and the material was landfilled in that state and then hardened.
Q. And there's no reference to drums here; is that correct?
A. No, there's not.
Q. So the tar was placed in without being in a drum is what he was telling you?
A. That's correct.
Q. He told you about drums of potential lab samples; is that correct?

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A. That's correct.
Q. Do you know what chemicals would be included?
A. No, I do not.
Q. Did he know?
A. No, he did not.
Q. He said he never looked into the drums; is that correct?
A. Upon my inquiry to him, that is correct.
Q. So you were unable to ascertain from your conversation with Mr. Clemment what was in those drums?
A. That is correct.
Q. And you have since been unable to ascertain that?
A. That is correct.
Q. You had this conversation on July 14, 1993, would that be correct, since you have dated page two with that phrase?
A. Since the date, July 14, 1993, is written at the top of the page, I would assume that that's the day that I spoke to

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him.
Q. *And to the best of your recollection, that would be correct? You don't have any reason to doubt that?*
A. I have acknowledged that date is on that document, and I will assume that that was the date I spoke to him.
Q. *Do you know what prompted you to talk to him at that particular time?*
A. I don't know if something prompted me. I was trying to determine what potentially might be in the Anniston west end landfill.
Q. *Why did you want to know that?*
A. Because I had been made aware of the existence of an old landfill at the Anniston west end landfill.
Q. *So until 1993, were you unaware of the existence of the west end landfill?*
A. That is correct.
Q. *Who brought to your attention the fact that there was a landfill on the west end of the property?*

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A. Jerry Brown I believe.
Q. *Do you remember what prompted him to tell you about the west end landfill?*
A. I believe it was due to inquiries from Alabama Power.
Q. *And page two of Plaintiff's Exhibit 7 was also notes from your conversation with Mr. Clemment; is that correct?*
A. Yes, I believe it is.
Q. *He described to you a white cloud; is that correct?*
A. Yes, he did.
Q. *Do you know what he was talking about?*
A. He was talking about a white cloud.
Q. *Do you know what it was made up of?*
A. I know what he told me was taking place. I do not know for a fact that that's what the white cloud was made up of.
Q. *Describe for me what he told you.*

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A. He was describing an incident where a pit was dug on the Anniston west end landfill. I believe soda ash was placed in the pit. Several drums were rolled into the pit, which he believed contained parathion. This was right after the parathion facility had started up. And that when the parathion was released, that it reacted with soda ash and created a white cloud.
Q. *From your chemical background, does that make sense? Could that have happened?*
A. I am a chemical engineer. My specialty or strong point is not organic chemistry. In speaking with Jerry Brown, he finds this highly unlikely, that parathion would not normally react that way in the present of soda ash is what he related to me.
Q. *What time period was Mr. Clemment describing there? You say when parathion manufacture began.*
A. There's a notation on the second

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page of this exhibit that says 11/57. I assume he was talking to me that -- in November of 1957.
Q. *So what you gathered from this conversation is that he remembered this happening in 1957?*
A. That is correct.
Q. *You've also written the phrase hot shot and empty, I believe, right here.*
A. That word is not shot and emptied.
Q. *When you say not shot, can you tell me what that means.*
A. As part of the emptying process, as he related to me, the safety supervisor did not want them staying in the pit with the drums as they were being opened. And so the drums were, as he said, shot with a high powered rifle to release the material into the soda ash for neutralization.
Q. *Was the material in those drums, do you believe, parathion?*
A. I know that Mr. Clemment said that according to his memory he thought it was

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parathion.
Q. *And so he was telling you that parathion was placed into the landfill in drums?*
A. He was telling me to the best of his memory there were drums placed in the landfill in an attempt to remediate or neutralize the material in the drum, by exposing it to soda ash.
Q. *Okay. But instead of maintaining the parathion inside of the drum, it was emptied out of the drum? Is that what he described?*
A. There were holes shot into the drums, or some of the drums, as he recanted to me.
Q. *Which would cause parathion to escape from the drums; is that correct?*
A. I expect so.
Q. *Is parathion a liquid?*
A. Parathion is a liquid, that's correct.
Q. *Mr. Clemment must be old. Does he*

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remember way back to 1939, or was he telling you things he had heard?
A. Like this says, landfill -- he was talking about when he was a kid. And best as he could recollect, that was about 1939.
Q. *Okay. Describe for me what he was telling you that he remembered from 1939.*
A. As a child, he lived near the Anniston west end landfill, and he was talking about remembering seeing little fires on the landfill. That some smoldered during the day. Could remember little fires burning on the landfill at night.
Q. *Had you ever heard stories like that before?*
A. No, I have not.
Q. *Have you heard stories like that since?*
A. No, I have not.
Q. *Do you have any explanation for what would have been smoldering?*
A. I can theorize.
Q. *Okay.*

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A. During that time period, the Monsanto facility did ore processing and generated, I would assume, extremely hot ore slags. If I were guessing -- this is simply a guess -- I would guess that they were probably as a result of the hot ore slag being landfilled.
Q. *And ore slag, is that like a molten metal?*
A. Yes.
Q. *So did you believe in general that Mr. Clemment was telling you the truth about what he recalled?*
A. I believe that Mr. Clemment was relaying to me what he believed he remembered.
Q. *And Mr. Clemment is no longer employed by Monsanto; is that correct?*
A. Mr. Clemment is now retired from Monsanto.
Q. *Do you know if he still lives in Anniston?*
A. Yes, I believe he does, or in the

Page 0086

immediate area.
Q. *Did you talk with any other employees who might have recollections about the west end landfill?*
A. Yes, I did.
Q. *Can you tell me who you talked with.*
A. I spoke to a Mr. -- I believe his name is Harris Powell.
Q. *Is he an employee?*
A. He is a retiree.
Q. *Do you recall what he told you?*
A. It was not significant enough for me to write it down. He was in charge of shipping at the facility. Shipping handled transportation of materials to the landfills.
Q. *Okay. So he would have literally transported drums from the facility to the landfill?*
A. Individuals working within his group would have transported materials to that landfill.

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Q. *Did he tell you what kinds of materials were taken to the landfill? Did he remember that?*
A. I don't remember.
Q. *Did he tell you anything else about the west end landfill?*
A. He did not tell me anything new or what I felt was significant enough to make note of.
Q. *Who else did you talk to about the west end landfill?*
A. In terms of historical use?
Q. *Yes.*
A. I cannot remember anybody else.
Q. *Okay. So your investigation, you said, into the west end landfill consisted of talking with Bill Clemment and Harris Powell?*
A. Of talking to -- of the landfill specifically, yes.
Q. *Did your investigation include anything else?*
A. I did do an investigation within

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Monsanto to find out historical production for the facility, and generated a list of products that had been manufactured at the Anniston site during its life.
Q. *So you were able to ascertain all of the products that Monsanto manufactured over 40 some odd years? More than that, 60 years?*
A. I was able to put together a list of products that I have identified that they manufactured at that site.
Q. *How long is that list?*
A. I believe you have a copy of it. That was submitted in the discovery process. It was about three-fourths of a page long.
Q. *Were you able to determine which items on that list are contained in the west end landfill and which items are not?*
A. I have no way of knowing that.
Q. *And you weren't able to find anybody who knows that?*
A. That's correct.

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(Whereupon, Plaintiff's Exhibit 8 was marked for identification and copy of same is attached hereto.)

Q. *Let me ask you if you can identify Plaintiff's Exhibit 8. There are some pages attached. You can certainly look at the whole thing.*
A. This appears to be an EPA survey.
Q. *And this was sent to you by the EPA?*
A. Yes.
Q. *And you completed it and returned it to the EPA; is that correct?*
A. Yes, I did.
Q. *Do you know what the purpose of that questionnaire would be?*
MR. COX: Object to the form. The document speaks for itself, I think.
Q. *(BY MS. ARENBERG) You can answer.*
MR. LIGHTFOOT: You can answer.

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WITNESS: As explained to me, I believe that it was generated for information for the EPA to determine the cost associated with the operation of waste water treatment facilities in conjunction with landfill operations.
Q. *(BY MS. ARENBERG) Does Monsanto treat the water that comes off of these landfills?*
A. Could you define water, please.
Q. *Do you treat the storm water runoff that comes through the outfalls that we've identified earlier?*
A. No, we do not.
Q. *Do you treat some water?*
A. Yes, we do.
Q. *Is that ground water?*
A. Yes, it is.
Q. *How is that extracted?*
A. Through interceptor wells.
Q. *Is that a requirement from EPA that that water be treated?*
A. I do not know. The system was

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installed prior to the regulatory authority for it. It is treated because it is ground water.

Q. It is ground water which shows the presence of chemicals?

A. Of parathion, that's correct.

Q. Any other chemicals that you know of?

A. Paranitrophenol.

Q. Is that known as PNP also?

A. PNP.

Q. Anything else?

A. That's what we treat the water for.

Q. Do you test it for the presence of any other chemicals?

A. Our ground water has been tested for other chemicals.

Q. Do you know if PCB's have ever been found in this ground water?

A. Not to my knowledge.

Q. Are you aware of the results of that testing?

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A. Yes, I am.

Q. So if PCB's were present, you would know it?

A. Yes, I would.

Q. Do you know when the last time that ground water was tested would be?

A. I'm sorry, not to be evasive, but what ground water are you talking about?

Q. You said that you do test ground water. When is the last time you did such a test?

A. The last ground water test for any constituent or just PCB's?

Q. For any constituent.

A. We do ground water analysis on a quarterly basis for some wells, and a semiannual basis on other wells.

Q. Okay. Who conducts that testing for you?

A. The actual analysis?

Q. Yes.

A. Some of it is done in-house, and some of it is done by contract lab.

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Q. Is Geraghty the contract lab?

A. No, Geraghty and Miller is not a contract lab.

Q. Do you know the name of the contract lab?

A. Yes, I do.

Q. Who is that?

A. Savannah Labs.

Q. I'm going to refer to this application for a moment. Beginning on the page marked as 6A of Exhibit 8, there are some blanks filled in and some marks made. Do you know who made those marks?

A. I did.

Q. Would that be true of the entire application, as far as you know?

MR. COX: I object to the characterization of that as an application.

Q. (BY MS. ARENBERG) Questionnaire, would that be a better description of this document?

A. In general I would say yes. If you have a specific one, if you let me look at it, I can tell you.

Q. I'll let you glance through and see if there are portions that you did not fill out. You can point them out to me.

A. I know that I filled out this form in totality. I don't know if anybody has added something to it at a later date.

Q. Okay.

A. I believe it's all from my filling it out.

Q. Question 50 asks to indicate the type of leachate production monitoring used. Do you know what a leachate production monitoring system is?

A. May I see the form?

Q. Certainly.

A. I know of leachate production monitoring systems as in totalizers.

Q. Are there leachate production monitoring systems in place at either of these two landfills?

A. There is not a leachate collection system in place on those landfills.

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Q. Okay. How is Monsanto able to determine whether or not these landfills are leaching?

A. Are you talking about all landfills?

Q. I'm talking about the west end landfill and the south landfill.

A. The west end landfill has had monitor wells placed in front or down gradient of the landfill, which have been sampled, and this sample is detailed in the site investigation that you have a copy of. The south landfill has a variety of mechanisms, both RCRA detection monitoring systems and SWMU corrective action systems.

Q. And so the way that Monsanto determines whether or not chemicals are escaping from these two landfills is through those systems that you've just described?

A. They are the systems that are required, per regulation, by both state and federal authorities, that is correct. They are maintained.

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Q. And do you believe that they give you that information?

A. Yes, I do.

Q. And that's what you rely upon?

A. Yes, I do.

Q. In determining if there's leaching? Would that be correct?

A. It's what I rely on to see if there is any movement of materials in the ground water.

Q. You described for me earlier what I suppose would be movement of PNP and parathion?

A. That is correct.

Q. And that was from the west landfill?

A. No, that is not correct. That is from part of the south landfill.

Q. Has there been any movement of materials from the west end landfill that you're aware of?

A. Not that we have detect -- if you're speaking of ground water, not that we

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have detected.
Q. How else can materials move out of a landfill?
A. You could go pick it up and stick it in your pocket. Ground water is the only way that I know of to be transported unless it was some sort of a surficial water movement type process.
Q. So surficial water would be one way that materials could be moved?
A. It is a potential way, that is correct.

(Whereupon, Plaintiff's Exhibit 9 was marked for identification and copy of same is attached hereto.)

Q. Let me ask you if you're familiar with Plaintiff's Exhibit 9?
A. I do not know that I've ever seen this document.
Q. Do you know what that form itself is?

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A. I have never worked with this form before that I know of.
Q. Okay. Do you know Daniel Cooper?
A. I know an employee of the State of Alabama whose name is Daniel Cooper.
Q. What's his position with the State of Alabama, do you know?
A. He is chief of special projects.
Q. Is that with the Alabama Department of Environmental Management?
A. That is correct.
MS. ARENBERG: Want to take a lunch break?

(Whereupon a brief recess was had in the deposition.)

Q. (BY MS. ARENBERG) We've talked about the west end landfill and you've identified it on Exhibit 1 as this area here, and you've also talked about property that was transferred to Alabama Power Company. Can you define that property for

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me? I've got a green pen, maybe. If you will kind of draw a circle around the area that you understand Alabama Power had ownership of after 1961.
A. I'm sorry, do you mean the property that we transferred to them or their total property?
Q. The property that Monsanto transferred to Alabama Power.
A. (Witness complies.) I believe that's correct.
Q. So your green line indicates the property.
A. What I believe to be the property transferred.
Q. And you think the transfer took place in '61 from Monsanto to Alabama Power?
A. I believe that's correct.
Q. And at some point, were there some discussions about transferring the property back to Monsanto?
A. Yes, there have.
Q. Can you start with the first time

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you remember that issue coming up.
A. The issue of transference of the property?
Q. To Monsanto.
A. I believe that was in 1993.
Q. Do you remember what transpired that brought this into the forefront?
A. Do you mean what brought the desire to transfer the property?
Q. What was the first thing you heard about Alabama Power wanting to transfer that property?
A. I don't remember the first I heard about it. I just remember in '93, I believe that's when we started discussions with Alabama Power to transfer the property back.
Q. So in 1993, you became involved in discussions?
A. The preliminary discussions, that's correct.
Q. Who else was involved in discussions of that nature?
A. Mike Foresman.

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Q. And he is a Monsanto employee?
A. That's correct. Ronnie Smith.
Q. Is he a Monsanto employee?
A. No, he is not.
Q. Is he an Alabama Power employee?
A. That's correct. I believe Ed Wade was involved.
Q. Is he with Alabama Power?
A. That is correct. I can't remember exactly anybody else that was involved. I'm sure there were more people, but –
Q. Who was plant manager at that time, Mr. DeFer?
A. Yes.
Q. Was he involved in some of these discussions?
A. I'm sure he was present during some of the discussions.
Q. Do you know who initiated talks concerning a transfer of property, whether it was Monsanto or Alabama Power?
A. I'm not sure. I know that it had been discussed by Monsanto prior to ever

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discussing it with Alabama Power, but I don't remember if we posed it to them first or if they posed it to us.
Q. Did Monsanto want to reacquire that property for some reason?
A. Yes.
Q. So do you think Monsanto approached Alabama Power about transferring that property?
A. I don't remember who approached whom first.
Q. What were Monsanto's reasons for wanting to reacquire that property?
A. I think initially because the property contained a landfill that Monsanto had operated at one time.
Q. And you had a desire to own that used landfill?
A. Yes.
Q. Why?
A. I was not in those discussions.
Q. Can you think of a reason why Monsanto would want to reacquire that

Page 0103

property?
MR. COX: Object to the form.
WITNESS: I'm not sure initially.
Like I said, I was not involved in that. I think that eventually it was to settle any potential claims that may arise between Monsanto and Alabama Power.
Q. (BY MS. ARENBERG) So liability was probably an issue?
MR. COX: Object to the form.
MR. LIGHTFOOT: Object --
Q. (BY MS. ARENBERG) Is it your understanding liability was an issue?
MR. LIGHTFOOT: Liability as to whom?
MS. ARENBERG: As to Monsanto.
MR. LIGHTFOOT: With respect to whom?
Q. (BY MS. ARENBERG) Anything.
A. I'm not aware of what potential liabilities existed.
Q. But you're aware there was some concern over liability?

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MR. COX: Object to the form.
MR. HOWARD: What's wrong with the question?
MR. COX: Aware by whom?
MS. ARENBERG: I don't care who he's aware by. I wonder if he is aware.
MR. COX: Well, you're asking him to go back and recall what he thought somebody else was thinking.
MR. HOWARD: She asked is he aware.
MS. ARENBERG: Maurice, can you read that one back.

(Whereupon, the last question was read back by the court reporter.)

MR. COX: Same objection.
Q. (BY MS. ARENBERG) You can answer.
MR. LIGHTFOOT: Pam, he has said this was to settle any possible claims between the power company and Monsanto. You

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certainly are free to ask him to explain what he means about that. But you're asking him about legal terms. What about liability? It's almost an open-ended question. What about liability, Mr. Jones. That's what's wrong with the question. You can answer it, Robert.
MR. HOWARD: Thank you for instructing him what was wrong with the question.
MR. LIGHTFOOT: Well, it is. That's my job is to point out whether it's leading and suggestive, and not fair to the witness.
MR. HOWARD: Your objection to form does that.
Q. (BY MS. ARENBERG) If you can answer that question, please do.
A. I do not know of any potential liabilities nor do I know of any potential discussions of liabilities.
Q. Did you receive any communications from Alabama Power Company concerning the

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possibility of transferring that land to Monsanto?
A. Yes, we did.
Q. Did Alabama Power propose that that land change ownership from Alabama Power to Monsanto?
A. In that correspondence?
Q. No, ever. Did Alabama Power make that proposal?
A. That Monsanto reacquire the property?
Q. Yes.
A. If you have a document that that is discussed, if you will let me read it and refresh my memory, I'll answer the question. I'm sorry --
Q. So your answer is you don't remember if they did or not?
A. If I saw the document where it was discussed, I can tell you what the document says.
Q. But my question is do you remember if they proposed that that land be

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transferred?
A. I can't remember for sure.

(Whereupon, Plaintiff's Exhibit 10 was marked for identification and copy of same is attached hereto.)

Q. Let me show you Plaintiff's Exhibit 10. It's marked certificate of analysis. Do you know what that document is?
A. I believe it is a certificate of analysis.
Q. Have you ever seen it before?
A. I would assume so since this appears to be my handwriting on it.
Q. Okay. You don't recall writing on that?
A. No, I don't.
Q. But you recall seeing it before?
A. Since my writing is on it, I would have to make the assumption that I have seen it before, yes.

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Q. Do those numbers look familiar?
A. No.
Q. Do you know what was analyzed there?
A. I can comment on the comment here where it says field information possibly santotar. I could guess what the sample was.
Q. But you don't know?
A. Do I know for a fact what the sample was?
Q. Do you have any knowledge as to what that sample was?
A. I guess I don't understand. Do you mean do I know what type of sample it was, or do I recognize the sample that this came from?
Q. Let's start from the beginning. You believe you've seen that document before because your handwriting is on it?
A. That's correct.
Q. Do you have any idea how that document came into the possession of

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Monsanto?
A. I would believe that it was given to me from a representative of Alabama Power.
Q. Okay. Didn't Alabama Power tell you they had had some studies done?
A. I know they had done some sampling, yes.
Q. Do you know what they sampled?
A. Yes.
Q. What did they tell you they sampled?
A. I believe they sampled dirt. I believe they sampled tarry-like substances, and I believe they sampled water.
Q. Where did -- where were those samples taken from?
A. In general, the sampling was taken at the Anniston west end landfill.
Q. Do you know from that map, can you point out a specific area that those samples may have come from, or do you just know it was from the landfill area?

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A. I don't know a specific area.
Q. So Alabama Power had samples made and analyzed; is that your understanding?
A. They sampled materials and analyzed it, yes.
Q. And they reported the results of that analysis to Monsanto, would that be correct?
A. They gave me a copy of the certificate of analysis, that is correct.
Q. And that is one of those samples of analysis?
A. It appears to be.
Q. The handwriting at the bottom of those columns of figures is your handwriting?
A. Yes, it is.
Q. Did you add up those numbers? Is that what that appears to be, a total?
A. Yes, it does.
Q. Next to that I believe you've written a percentage; is that correct?
A. That's correct.

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Q. What does that percentage represent?
A. The percentage of what that number indicates in parts per million.
Q. Okay. So that number of parts per million equals 65 percent I think in that case, or 61 percent? What have you written there?
A. If you mean on this analysis, that indicates 25 percent.
Q. So 25 percent of the substance studied was PCB; is that correct?
A. Was identified in the analysis as being PCB's.
Q. Would you consider that to be a high level?
MR. COX: Object to the form.
WITNESS: Compared to what?
Q. (BY MS. ARENBERG) Compared to what you would like to find in soil at a landfill.
MR. COX: Object to the form.
WITNESS: I do not know that this is a soil sample.
Q. (BY MS. ARENBERG) Okay. What do you think it might be?
A. Since the field comments state possibly santotar, I would expect it to be a tar sample.
Q. And this is a black tar that we've talked about earlier?
A. Yes.
Q. Go ahead and look at the second page of that, and you've tallied the total of that category too. And again, is that parts per million, and then a percentage?
A. Yes.
Q. What material do you think was sampled there?
A. Again, it says possibly santotar. I would assume it was a tarry sample.
Q. When you received those analyses -- when Monsanto received those certificates of analysis, was there any concern about the levels of PCB's indicated in those analyses?

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A. Could you zero that in a little bit? Are you saying was I concerned, or was Monsanto corporation?
Q. Was Monsanto Company concerned?
A. I don't know.
Q. Were you concerned?
A. I don't know if I was so much concerned as I was informed.
Q. Were you surprised?
A. I had no reference point to base this being surprised on. It was just a number.
Q. So you -- up until that point, did you have any information about the makeup of the soil covering the west end landfill?
A. I still didn't know anything about the soil based on this analysis. This is, I believe, a tar analysis.
Q. Do you know where that tar was found?
A. No, I do not.
Q. Did anyone tell you it was found on the surface of the soil?

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A. I would assume that it was, but I do not remember anybody telling me that.
Q. So I asked you if you were concerned, and I think you said not so much concerned as informed. I'm sorry, I'm just trying to back up a little bit.
A. What I meant by that was there was not a level of concern, because I suddenly recognized this as being something to be concerned about so much as I was being informed or being made knowledgeable of something.
Q. Did anyone around you express any worry or concern?
A. Not that I remember.
Q. Alabama Power expressed some concern, didn't they?
A. I don't know if they expressed concern, because we had already relayed to Alabama Power that PCB's tars or bottoms had been landfilled in that landfill. So I don't know if concern -- they had already been informed of materials that went into

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that landfill.
Q. When you say already, when were they informed?
A. I don't know exactly. It was when we initially went over to the site, or within the first one or two visits over to the site.
Q. Are you talking about in 1993?
A. Yes.
Q. What was your first visit in 1993 to the site?
A. Do you mean the date?
Q. Do you know when it was?
A. No, I don't.
Q. Do you know who went?
A. I believe I went with Jerry Brown, and I believe that an Alabama Power representative was there. I don't remember who the representative was, but there had to have been somebody there from Alabama Power.
Q. Because it wasn't your property?
A. That's correct.
Q. Do you remember why you went

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there?
A. Because Alabama Power had requested that we come over and look at some materials that they had found at the landfill.
Q. What did they show you, or point out to you?
A. I did not go on the initial visit.
Q. Okay.
A. I went on, I believe, the second visit. It was more just walking around with Jerry Brown and him pointing out the general lay of the land, that looks like a piece of slag, things like that.
Q. You could see on the surface things other than dirt?
A. Yes.
Q. And things other than rocks or kudzu?
A. Yes.
Q. So you could see evidence of landfilled materials?
A. I could see evidence of other

Page 0117

materials on the surface. How they got there, I was not sure.
Q. But they appeared to be materials that Monsanto had landfilled in the past?
A. They appeared to be materials that Monsanto may have produced in the past, that's correct.

(Whereupon, Plaintiff's Exhibit 11 was marked for identification and copy of same is attached hereto.)

Q. That's Plaintiff's Exhibit 11. Do you know what that document is?
A. It is -- appears to be an Alabama Power discussion paper on the west end site.
Q. Had you ever seen that before today?
A. Yes, I have.
Q. Was it sent to you from Alabama Power?
A. I believe it was.
Q. Talks about a visit to the site on

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April 16th. Did you go on that particular visit?
A. I'm not sure.
Q. Did you go at any time when samples were collected?
A. It seems like I went one time. The time I went that Jerry Brown picked up a couple of pieces of tarry-like material and took them with him.
Q. Okay. And these were materials he could reach down and pick up? He did not have to dig down to get them, would that be correct?
A. I don't remember seeing him pick them up. I remember him talking about or asking Alabama Power if they had any problem with him taking a couple of pieces off of the landfill with him, but I don't remember seeing him actually pick them up.
Q. But as far as you know, everything was taken from the surface? Nobody was carrying around shovels?
A. I don't know where he picked it

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up.
Q. Exhibit 11 also mentions that some samples that were collected were analyzed and contained PCB's from 68,000 to 90,000 parts per million. That's on the bottom of the first page and the top of the second page. Were you ever privy to the results of those tests?
A. I assume this was the information in the certificate of analysis I received.

(Whereupon, Plaintiff's Exhibit 12 was marked for identification and copy of same is attached hereto.)

Q. Have you ever seen that fact sheet before that's marked as Exhibit 12?
A. Yes, I have.
Q. Tell me how you acquired that.
A. It was sent either to myself or the plant manager from, I believe, Alabama Power.
Q. And at this time, was Monsanto

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beginning to think about reacquiring the property?
A. I don't know.
Q. When was the first time you heard about the possibility of a transfer of that property, do you know?
A. I don't remember.
Q. But you were one of the people involved in meetings concerning that; is that correct?
A. Not in reacquiring the property, no.
Q. Were you ever consulted about the environmental impact of reacquiring that property?
A. Not that I remember. I just don't remember.
Q. But you are aware that at some point, Monsanto did reacquire that property?
A. That's correct.
Q. And that was later in 1993?
A. That's correct.
Q. Are you aware of the terms of an

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agreement transferring that property?
A. I'm aware that there is an agreement for the transfer of that property. I am not aware of all the terms of it, no.
Q. So you were not a party to negotiations in reaching that an agreement?
A. No, I was not.
Q. Do you know who was?
A. I believe that it was between Mike Foresman and Ronnie Smith.
Q. What's Mike Foresman's position at Monsanto?
A. He is a manager for remediation projects.
Q. Who does he report to?
A. I'm not sure.
Q. But you are not in the same department as he is?
A. No.
Q. Prior to the time in 1993 when Monsanto reacquired the west end landfill, the west end landfill would not have been a

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part of your responsibility, would that be correct?
A. That's correct.
Q. Since Monsanto reacquired the west end landfill, that is a part of your responsibility; is that correct?
A. That's correct.
Q. And that's what prompted you to investigate what was there that we talked about earlier?
A. That's correct. It was not the reacquiring of it that prompted that. It was inquiries from Alabama Power.
Q. Okay. Were you trying to inform Alabama Power as to what was there?
A. Alabama Power had requested any information we might have on the landfill.
Q. And after you saw all of the certificates of analysis that we've just looked at, did you at that time have any idea where those PCB's came from?
MR. COX: Are you just talking about what you see on Exhibit 10?

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Q. (BY MS. ARENBERG) Yes, I'm just talking about any results that Alabama Power may have brought to Monsanto's attention that showed the presence of PCB's at the west end landfill. Did you know where those PCB's had come from?
A. The tar-like substances I suspected came from Monsanto. Any other contamination or PCB levels that they found, I was not sure.
Q. So if they found PCB's in dirt samples, you weren't sure where those came from?
A. No, I'm not.
Q. Is it your understanding that only tar-like PCB's were landfilled at west end landfill?
A. It is my understanding that tar-like PCB's tars were landfilled there.
Q. Was liquid PCB's ever landfilled there?
A. Not that I'm aware of.
Q. Were PCB contaminated items

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landfilled there?
A. As I stated this morning, I believe material that was swept up in the production facility was landfilled there, and that is what I have been told.
Q. Okay. Do you have any knowledge as to where liquid PCB's that needed to be landfilled would have been taken?
A. None whatsoever. No.
Q. And you have no records that indicate to you that liquid PCB's are contained in any landfills on Monsanto property?
A. No.
Q. But you have no records to show that they are not there either?
A. No.
Q. Are there any plans underway on the part of Monsanto to clean up the surface of the west end landfill?
A. There is a remediation plan that has been submitted to the State of Alabama and to EPA region four. It's a conceptual

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plan.
Q. In general terms what does that involve? What kind of cleanup efforts?
A. I believe that it will essentially recap the entire property.
Q. Were you involved in coming up with this plan?
A. Indirectly.
Q. Who was directly responsible?
A. That was coordinated by our remediation people.
Q. Mike Foresman being one of them?
A. No.
Q. Who would those people be?
A. Larry Adams.
Q. And he's at the Anniston plant?
A. No, he's not.
Q. He's in St. Louis?
A. No, he's not.
Q. Where is he?
A. He's located in California.
Q. Anyone besides Larry Adams that you know of that was involved?

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A. Golder and Associates.
Q. Golder?
A. G-o-l-d-e-r.
Q. Where are they located?
A. Atlanta.
Q. Anyone else?
A. That's all I'm aware of.
Q. So this plan has been submitted, you told me, to the EPA?
A. Yes. And to ADEM.
Q. Has approval been given yet?
A. No, it has not.
Q. So remediation efforts have not begun yet?
A. No, they have not.
Q. What sort of remediation efforts have been proposed, in general terms? You said recapping?
A. That's essentially it.
Q. Does that mean putting new dirt on top? What does that mean?
A. Which area?
Q. You said the entire property, so

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– A. The landfill itself is a synthetic lined cap with a clay cap on top of that, and then a clay cap over the flat outlying areas. Q. What is that designed to achieve? A. To remediate the property. Q. When you say remediate, tell me what you mean. A. Primarily to remove any potential exposure, even though this area is fenced in and has limited access, there still are times when people may have to go in there to do work on the power equipment. Q. Is there any other type of exposure that Monsanto has been in any way concerned about? A. The only other potential would be in a transport type scenario with storm water. Q. So there's some concern that the PCB's are leaving Monsanto property in storm water?

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A. No. We want to address or remove the potential for PCB's to leave in storm water. Q. Okay. Because the presence of PCB's on the surface would raise that potential; is that correct? A. The PCB's on the surface potentially could be transported in storm water. Q. And your own studies would show that they are being transported in storm water, wouldn't they? A. I don't know, could you flesh that out? Q. You talked about looking at some outfalls and finding PCB's in those outfalls. Would that not indicate to you that PCB's are being transported in storm water? A. Yes. We have found PCB's in storm water. The source, I -- Q. So it could be from your landfill, it could be from somewhere else?

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A. I'm not sure where it's from. We have found it in the storm water. Q. What do you think are the other potential sources, other than the landfill? A. I don't know. Q. Have you done any studies to find that out? A. No, I have not. Q. Has anybody at the Monsanto Anniston plant done any studies to find that out? A. Not that I'm aware of. Q. Or anybody anywhere in Monsanto? A. Not that I'm aware of. Q. And as environmental supervisor, would you probably be aware of that? A. I would think so. Q. You would probably be in charge of that, wouldn't you? A. Not necessarily. Q. Who would? A. I don't know. We're talking a hypothetical situation, I don't know who

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would be in charge of that. Q. So really determining the source of this PCB runoff has not been anybody's responsibility that you know of? MR. LIGHTFOOT: Object to the form. WITNESS: We have done an investigation of the property, and based on that investigation, we have submitted a conceptual design to remediate detected PCB's on the property, and we are awaiting input from both the state and federal agencies, as prescribed by Alabama and federal regulations. MS. ARENBERG: Would you read my question back. I'm just not sure that that answers my question, and I have a short memory, so I could be wrong.

(Whereupon, the last question was read back by the court reporter.)

Q. (BY MS. ARENBERG) Do you

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understand the question? I can rephrase it. A. I think I would like you to. Q. Do you know if anybody has been responsible for determining where PCB's in the outfall has come from? A. I know that we have investigated the site where the PCB's on the outfall were detected. I don't know if that -- MR. LIGHTFOOT: That answers the question. She said is anybody responsible for trying to figure out where the PCB's are coming from, and you've told her you've done an investigation. MR. HOWARD: Of the landfill. MR. LIGHTFOOT: That's right. MR. HOWARD: But he said he can't pinpoint it to the landfill. The question is has he done an investigation everywhere else. Just trying to narrow down. He says they can't pinpoint it came from there, where else could they possibly have come from. Did anybody else investigate to see

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if they could have come from anywhere else. Q. (BY MS. ARENBERG) Are you more confused or less confused at this point? A. My point is that we have investigated this property. Q. Right. And you're saying -- MR. LIGHTFOOT: Wait. MR. COX: Let him finish. WITNESS: We have looked at storm water as it enters this property, and did not detect PCB's in that water, and we have detected PCB's as it leaves this property. Q. (BY MS. ARENBERG) At what point would that be? A. At the point it leaves the property. Q. Right here. Or further down? A. Actually right here where it says outfall DSN006 is where it leaves our property. Q. So from that evidence, that led you to believe they are escaping from the west end landfill area?

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A. From that evidence, I would believe that as water flows past that area, PCB's are being picked up.
Q. *Is anyone responsible for figuring out where PCB's in other outfalls are coming from?*
MR. LIGHTFOOT: Object to the form. Not being specific as to which outfalls you're talking about.
Q. *(BY MS. ARENBERG) Let me ask you if anybody is responsible for determining from any of them? Then we can specify.*
A. There has been other outfalls sampled for PCB's. The outfalls where PCB's have been found, yes, there has been investigations of those outfalls.
Q. *Were those investigations sufficient to determine where the PCB's came from?*
A. That is still being evaluated.
Q. *So at this point, you can't say for sure?*
A. At this point, I cannot say for

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absolute sure what's causing the PCB's to be where we're detecting them. I can make a strong guess.
Q. *Okay. Based on your experience?*
A. Based on preliminary data.
Q. *Yes.*
A. I would expect that it is due to surficial soils that are contaminated that storm water runs over and it's picking up fines of dirt that have some minute amount of PCB's present.
Q. *Are any remediation efforts being taken at this point to remove the PCB's from those surficial soils?*
A. Can you specify area? I don't want to give you an all encompassing type answer.
MR. LIGHTFOOT: You need to be more specific with that question.
Q. *(BY MS. ARENBERG) When you told me the answer to your last question, when you said we think it's coming from surficial soils, were you specifying an area? Do you*

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have an area in mind?
A. Yes.
Q. *Can you point that out to me on the map?*
A. No, I cannot.
Q. *Can you tell me what you have in mind then?*
A. The center outfall on the south landfill, which is indicated as DSN009, which we have tested storm water and found very minute amounts of PCB's in, we have tested the areas feeding into that area and found very low level PCB's in the soils.
Q. *Would that be surficial soil at the south landfill area?*
A. It would be surficial soils at the fence line area of the south landfill.
Q. *Okay. Are any remediation efforts underway to remove PCB's from that specific area?*
A. We are in the process of developing plans for remediation. We have to finish the investigation first.

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Q. *So no plans are underway right now?*
MR. COX: That's not what he said.
WITNESS: I said we have to complete the investigation so that we can then propose a remediation to the State of Alabama.
Q. *(BY MS. ARENBERG) I understand, that's fine. But as a result of that incomplete process, there is not today a remediation effort?*
MR. LIGHTFOOT: Object to the form.
Q. *(BY MS. ARENBERG) In place on the land?*
MR. LIGHTFOOT: What he's having problem with is investigation is part of the remediation.
Q. *(BY MS. ARENBERG) So you're in the investigative stage of the remediation effort?*
A. Yes.
Q. *Does the same hold true of the*

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west end landfill? Are you in an investigative phase as to those surficial soils?
A. We have submitted a conceptual design for remediation to both ADEM and EPA region four, and we are awaiting their approval and/or comments.
Q. *And if it is approved, when do you foresee remediation efforts beginning in terms of, I guess, actual removal?*
MR. COX: Object to the form. He has not said they are going to do any actual removal.
Q. *(BY MS. ARENBERG) I jumped ahead. Tell me what the plan would involve. What kind of cleanup effort, if it were approved, would that plan involve? What would you do to remediate?*
A. Do you want me to repeat it again? I told you we would be putting a synthetic liner, and a cap.
Q. *Is there any removal of any soils involved in that? Is it just a covering up?*

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A. It is a capping process.
Q. *Okay. Have you developed a similar plan on the south property?*
A. Not at this time. We are still trying to investigate.
Q. *Is capping and covering considered a more efficient method than removing soils?*
A. I'm not qualified to answer that.
Q. *What people are in charge of making those decisions?*
A. We have proposed a remedial plan to the state authorities and the federal authorities. As I understand it, that is their job to determine if that is satisfactory.
Q. *Okay. Did you use consultants to develop that plan or was it done in-house?*
A. It was done by a consulting firm.
Q. *What firm was that?*
A. Golder and Associates.
Q. *Do you live in Anniston, Mr. Jones?*
A. No, I do not.

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Q. Where do you live?
A. Oxford.
Q. That's kind of on the south end of Anniston, or south of Anniston?
A. We would like to think that Anniston is north of Oxford.
Q. Are you familiar with an area called Cobb Town?
A. I have heard the terminology Cobb Town, but I'm not sure exactly where it is.

(Whereupon, Plaintiff's Exhibit 13 was marked for identification and copy of same is attached hereto.)

Q. Let me ask you if you've seen this newspaper article. It's going to be Exhibit 13.
A. Yes, I have seen this.
MR. COX: Look through all of it if you need to refresh your recollection.
WITNESS: I've seen it.
Q. (BY MS. ARENBERG) Did you see

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that when it appeared in the Anniston Star?
A. I believe I saw it the day it appeared.
Q. And it reports on some findings of PCB's in some ditches off of Monsanto property; is that correct?
MR. LIGHTFOOT: I think it's a ditch.
MS. ARENBERG: A ditch.
MR. LIGHTFOOT: I think.
WITNESS: Yes, it does.
Q. (BY MS. ARENBERG) Were you aware of those findings?
A. Yes, I was.
Q. Before the newspaper article appeared or after?
A. Before.
Q. Who brought that to your attention?
A. Of the article, or of the --
Q. No, of the presence of PCB's in that ditch?
A. I guess Geraghty and Miller.

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Q. When did you find out about the presence of PCB's in that ditch?
A. I don't remember.
Q. Why was Geraghty and Miller studying that ditch?
A. We had contracted for them to.
Q. So you sent Geraghty and Miller out to test for the presence in that ditch; is that right?
A. That's correct.
Q. Can you show me -- it says west of the landfill. Do you know approximately where that might be? And again, we're probably on the table instead of on Exhibit 1.
A. No, it's not on this map.
Q. Would it be in this direction?
A. No, it would not.
Q. Am I backwards? Show me in which direction from Exhibit 1 Cobb ditch -- is that what it's called?
A. Be roughly there.
Q. So you're indicating --

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A. East of the plant.
Q. East of the plant. Directly east of the plant area. Have you ever been to that ditch?
A. Yes, I have.
Q. When did you go?
A. I don't remember the exact dates.
Q. Have you ever talked to anybody who lives out there?
A. No, I have not.
Q. Who owns the property that Geraghty studied, or sampled from?
A. There are several owners. We own part of the property. There are some unoccupied properties, and then there are a couple of occupied properties.
Q. And the samples came from all of those different types of properties?
A. From what they are talking about here, it came from the ditch, that's correct.
Q. And you don't know when that was brought to your attention?

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A. It was brought to my attention when the analysis became available. I don't remember what that date was.
Q. When you became aware of the presence of PCB's in that ditch, what did you do?
A. I don't know the exact chronology of it, but I would have notified Jack Mayausky, the plant manager, and I would have notified corporate environmental contacts.
Q. What do you mean by corporate environmental contacts?
A. Somebody within remediation.
Q. In St. Louis or Anniston?
A. St. Louis.
Q. Was there any notification to any state agency?
A. Yes.
Q. Which state agency?
A. There was a meeting with -- forgive me, I'm not sure at this time -- but it was John Poole. I'm not sure if he was

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with the land division or the water division at that time.
Q. You and John Poole had a meeting?
A. As any data was produced, we have met immediately with the state, and there have been different people at different meetings. I can't say for sure who was at that meeting. I believe it was John Poole, Jimmy Cole, and Amy Gray with the state.
Q. And you said you met immediately?
A. As soon as they were available, yes.
Q. What was the result of that meeting?
A. Essentially we told them that based on what we had found, we were going to further investigate that drainage ditch.
Q. What did they say?
A. Good.
Q. Have you further investigated that drainage ditch?
A. We are in the process right now.
Q. What does that involve?

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A. Field sampling analysis.
Q. Give me an approximation, if you can, of how long it was from the time -- how long before this article appeared that you received the samples from Geraghty.
A. You mean the amount of time between the analysis being received and this article?
Q. Yes.
A. I really don't know. I can't remember. It may have been a week, it may have been two weeks. I simply don't know.
Q. Do you think it was less than a month?
A. Yes, I would think so.
Q. And when you received those results, did you know where those PCB's had come from?
A. No.
Q. Do you today know where those PCB's have come from?
A. I don't know for a fact where they came from.

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Q. Okay. But you have a judgment as to where they came from?
A. If I were guessing, yes, I think I could probably guess where they came from.
Q. Well, you can probably do better than guess, can't you?
A. As I said, I can probably guess where they came from.
Q. But you're very knowledgeable of the whole matter of PCB's and the Monsanto plant?
MR. LIGHTFOOT: If you have a judgment about where they came from or an opinion, she's entitled to that.
WITNESS: Understanding that PCB manufacture at this site ceased right after I got out of high school. This is all hearsay from what people have told me. My best guess on this would be that this is from past landfill activities. That would be my best guess.
Q. (BY MS. ARENBERG) The property where this ditch was sampled from, was it

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ever, to your knowledge, owned by Monsanto?
A. Parts of it are currently owned by Monsanto. I do not know about the other parts.
Q. The parts that are currently owned, were there landfilled materials underneath those parts?
A. Not that I'm aware of.
Q. Have there ever been any studies done to find that out that you know of?
A. Not that I'm aware of.
Q. I believe you told me you've never talked with any of the people when you went to the site? You didn't talk to any people who lived there; is that right?
A. I did not.
Q. Did you warn them that PCB's were present on their land?
A. I did not, no.
Q. Did someone at Monsanto do that?
A. The plant manager has.
Q. Can you tell me what you know about that. Did he do that in person?

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A. Yes, I believe he did.
Q. What kind of warning was given?
A. I don't know what the gist of the conversation was at all. I did not accompany the plant manager.
Q. The newspaper article says Monsanto was first alerted to a potential problem several months ago. Is that an incorrect statement?
MR. LIGHTFOOT: Do you want to let him see that, Pam?
Q. (BY MS. ARENBERG) Yes. It's this paragraph right here.
A. What was the question again? Was I aware of --
Q. The newspaper --
MR. COX: I think she asked if that's a correct statement.
Q. (BY MS. ARENBERG) The second highlighted portion, is that an incorrect statement?
A. Monsanto was aware of detected PCB's in its storm water outfall that runs

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through that ditch prior to this, that is correct.
Q. Thank you. Do you know Brian Hughes?
A. I have met Dr. Hughes.
Q. When is the last time you met with him?
A. I have only met Dr. Hughes once.
Q. When was that?
A. Last week.
Q. What was the occasion to meet with Dr. Hughes?
A. He wanted an opportunity to visit the plant site. Kind of an introduction to the plant site.
Q. So are you responsible for kind of showing him around?
A. I did escort him around, that is correct.
Q. Did that involve also going to this ditch off of the Monsanto property?
A. Yes, it did.
Q. Did he express a concern about any

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health effects?
A. Not to me.
Q. Do you know what his title is?
A. I believe that he is the state toxicologist.
Q. With the Department of Health; is that correct?
A. I believe it's the Department of Public Health, yes.
Q. I apologize if I asked this before, but has any cleanup or removal of PCB's from that ditch that's mentioned in this article, Exhibit 13, begun at this time?
A. No, it has not, that I know of.
Q. And at what stage would that possible remediation be at? Is Monsanto investigating?
A. They are still investigating.
Q. I believe that the plant manager is quoted as saying -- he's not actually quoted -- that cleanup will begin shortly. Would that be an accurate statement? Does

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Monsanto plan to begin cleanup shortly?
A. Did you say did Monsanto begin --
Q. Is Monsanto planning to begin cleanup shortly or in the future?
A. Yes, there's cleanup activities scheduled to be starting very shortly.
Q. What kind of activities?
A. Some excavation of ditch dirts.
Q. Who will be doing that excavation work, do you know?
A. I believe the contractor for it is Golder and Associates.
Q. Where will that dirt be taken?
A. To Emelle.
Q. Do you know of any plans to purchase any of that property where the PCB contamination was found that is not owned by Monsanto?
A. I know that we have looked into purchasing some of the unoccupied property that borders our property for both cleanup purposes and also to better define our property in terms of being able to maintain

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it. As it is now, it's cut up into a lot of little parcels.
Q. So you're only looking at purchasing unoccupied land, as far as you know?
A. That's correct.
Q. So none of the residents who live there, as far as you know, have been approached about the purchase of land?
A. Not that I'm aware of.
Q. Do you know if anyone who lives there has asked Monsanto to buy their land?
A. Not that I have been told.
Q. Do you know if anyone who lives there has asked Monsanto to clean up their land?
A. Not that I'm aware of. Not that's been voiced to me.
Q. And it's possible, then, that the landfill itself extended into that area at one point?
MR. COX: Object to the form.
WITNESS: I have absolutely no

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idea.
Q. (BY MS. ARENBERG) Because we don't know exactly the parameters of that landfill; is that correct?
A. We have no recorded information that would indicate the landfill ever extended into that area.
Q. So the statement in the newspaper article by Mr. Mayausky that the Monsanto landfill once reached across Alabama 202 into the neighborhood, do you think that's an incorrect statement or am I reading it incorrectly?
MR. LIGHTFOOT: Didn't he say it's possible? I thought that's what he said.
MS. ARENBERG: I think so. I think that was my question, is it possible.
WITNESS: The only area that he may have been addressing that I'm aware of, is Highway 202 used to come around this way, around the plant like this before they built the four lane, and I know there was a landfill cell right in this area that was

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relocated by the state highway department back up on the landfill.
Q. (BY MS. ARENBERG) Okay.
A. But I am not aware of any landfill that has ever existed down in the property where people are living and all.
Q. When you hear the term old landfill, what do you think people are referring to? People at Monsanto say the old landfill.
A. Prior to 1993, I would assume that they were talking about some part of the south landfill.
Q. Okay. And now you think?
A. Now, if I heard it I would have to have them clarify it since this landfill predates.
Q. Is it possible that when they say old landfill, they are talking about an area north of the current 202?
A. I don't know.

(Whereupon, Plaintiff's Exhibit 14

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was marked for identification and copy of same is attached hereto.)

MR. LIGHTFOOT: I'm not sure Robert's answer was clear on the record. It was clear to you because he was pointing. He said he understands that there was an old cell of the south landfill located right where 202 was placed.
WITNESS: That's correct.
MR. LIGHTFOOT: And when dirt was moved -- he understands that cell was removed and placed back up to the south of 202, but the dirt activity occurred right there.
Q. (BY MS. ARENBERG) Okay. And it's your understanding that the cell was actually under what is now the highway and not to this side of the highway, to the north side?
A. That's correct.
Q. I was not clear on that. Let me show you Plaintiff's Exhibit 14. It's dated

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March 16, 1995. Is this some of the plans we've been talking about in terms of cleanup or remediation?
A. Yes, it is.
Q. Does that map show the ditch that's referred to in the newspaper article of Exhibit 13?
A. Yes, it does.
Q. And that's indicated on the map on the final page?
A. Yes, that is. The last page of this document you've handed me.
Q. If you can open to that. Can you tell from this map, on the back page of Exhibit 14, where the Monsanto property ends?
A. In which direction?
Q. Let me ask you this way. Is this dotted line the entirety of the Monsanto Company property?
A. No, it is not.
Q. Does Monsanto own some of the property in which this shaded area that

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looks like a Y is drawn?
A. I'm not sure exactly. By the feet, the Monsanto property ends somewhere about where this shaded area of ditch starts.
Q. So you're pointing to the portion of the shaded area closest to Highway 202?
A. That is correct.
Q. And is it your understanding that sediment removal would occur in all of this shaded area if this plan were implemented?
A. Yes, it is.
Q. Has this plan been approved by ADEM or any federal agency?
A. The plan itself has not been. The concept has.
Q. Do you need approval in order to go forward with sediment removal?
A. No. Well, let me rephrase that. Approval in that we have discussed it with ADEM during the course of the meeting, and proposed that that would be our initial remediation, and they approved that as an

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initial remediation.
Q. In essence, do you feel like ADEM has given Monsanto the go-ahead?
A. To do that?
Q. To remove the soil that's indicated there?
A. Yes.
Q. What's Clydesdale?
A. Clydesdale is the name of a street that runs along the east side of the plant.
Q. You told me that Savannah Laboratories does some work for Monsanto; is that correct, some analysis?
A. That's correct.
Q. Did Savannah Laboratories analyze samples taken from the ditches that we've been talking about, Cobb Town?
A. Yes, they did.
Q. And you received copies of those analyses?
A. Yes, I did.
MS. ARENBERG: We can take a break.

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(Whereupon a brief recess was had in the deposition.)

Q. (BY MS. ARENBERG) I thought of one question that I meant to ask you a minute ago, Mr. Jones. You were telling me, when you were describing where you found some PCB's present in some surface soils, it was near outfall DSN007, and you said near the fence line; is that correct?
A. No, I said near DSN009.
Q. And you said it was near the fence line?
A. That's correct.
Q. Is that the fence that surrounds the landfill?
A. That is correct.
Q. What's on the other side of that fence?
A. In which --
Q. From the landfill?
A. Highway 202.

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Q. Does the highway curve?
A. No, the highway goes just like that.
Q. So the fence line would be along the highway?
A. That's correct.
Q. How close, in your best judgment, would the nearest house be to that south landfill?
A. Are you talking about the fence that surrounds the south landfill?
Q. Yes.
A. I would say approximately eight to nine hundred yards -- I mean eight to nine hundred feet.
Q. Would that be to the east?
A. It would be to the north.
Q. To the north, okay. What about from the west landfill? Are there any homes that you can see from the property of the west landfill?
A. Yes.
Q. Which direction would they be

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located?
A. You can see homes to the west. And if your eyesight is very good, you can possibly see homes to the southwest.
Q. What do you think the closest home would be?
A. From what point?
Q. I guess from any point if you were trying to locate the closest home to any of the areas along the west landfill fence. Is that clear?
A. From the fence that goes around the west end landfill?
Q. Uh-huh.
A. Maybe a hundred feet, a hundred 50 feet.
Q. Would that be houses that you would describe as being to the west or to the southwest?
A. To the west.
Q. Is there a name for that neighborhood, that you know of?
A. I'm not sure. It may be Cobb

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Town, but I'm not sure if that is Cobb Town.
Q. But it's not the neighborhood that's described in the newspaper article, is it?
A. No, it is not.
Q. You mentioned that you've spoken, I believe, with Robert Cooner. Do you know him personally?
A. I don't remember mentioning that I had spoken to Robert Cooner.
Q. Do you know him? Bob Cooner of ADEM?
A. I believe I have spoken to him once requesting some data.
Q. Would this be the recent fish studies out of Choccolocco Creek that you requested?
A. Yes.
Q. And Lake Logan Martin?
A. Yes.

(Whereupon, Plaintiff's Exhibit 15 was marked for identification and

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copy of same is attached hereto.)

Q. *Is this the letter that he wrote in reply to your request? That's Plaintiff's Exhibit 15.*

A. I believe so, yes.

Q. *Did you write a letter requesting that those samples be sent, or did you make a phone call, do you remember?*

A. Both.

Q. *What did you do first?*

A. I called his office. I'm not sure if I spoke to him or to a secretary.

Q. *And at that point, you knew that the fish studies existed; is that right?*

A. That's correct.

Q. *And you wanted copies?*

A. That's correct.

Q. *What were you told?*

A. I was told that they were available. I would have to submit a request in writing for the information to be sent to me.

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Q. *And you did that?*

A. Yes.

Q. *And that's what you got in response?*

A. That is correct.

Q. *Was that the first time, as far as you know, that anyone at Monsanto had seen those particular test results?*

A. It's the first time I had seen them. I don't know about anybody else.

Q. *Did anyone at Monsanto ask you to get those results?*

A. No, they did not.

Q. *How did you know they existed?*

A. I believe that John Poole, during the course of a meeting when we were down discussing data, mentioned that fish data was available.

Q. *Did you know that those samples had been taken last fall?*

A. I knew that they had been taken and the samples frozen, but I did not know when they were taken.

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Q. *What were you meeting with Mr. Poole about?*

A. I believe we were discussing some of the results of the initial investigation of the drainage speak we spoke of earlier.

Q. *So this would have been a relatively recent meeting?*

A. Yes.

Q. *Within the last two months?*

A. Yes.

Q. *Within the last month?*

A. I'm not sure if it's within the last month.

Q. *When you saw these fish studies, you became aware that PCB's were present in some of the fish sampled from Choccolocco Creek and Lake Logan Martin; is that right?*

A. I became aware of fish analysis as detailed in this report taken in locations as detailed in this report.

Q. *What was your reaction to those analyses?*

A. I didn't have a reaction to it.

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Q. *You didn't have a reaction to the analysis?*

A. No, I did not.

Q. *Did you know where the PCB's in those fish came from?*

A. No, I did not.

Q. *Is it your judgment that they probably came from the Monsanto Anniston plant?*

A. Absolutely not. I have no judgment to where those PCB's came from.

Q. *Is that something that as environmental supervisor you would want to know?*

A. I think as just an individual I would be curious to know.

Q. *Have you ever been to Choccolocco Creek?*

A. Yes, I have.

Q. *Have you ever been fishing on Choccolocco Creek?*

A. No, I have not.

Q. *Have you just crossed it on the*

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highway? Tell me about that. Or have you just seen it?

A. I've driven over it several times.

Q. *Where abouts?*

A. Highway 21, as it crosses Choccolocco Creek, which is the route I go when I go down to Montgomery. I have been over it -- I don't know the number or name of the road, but it is over near the Oxford waste water treatment plant. And I believe that I have been over it -- I'm not sure if you're going over Choccolocco Creek going to a place called Stemley Station, which is an eating place down Interstate 20.

Q. *Are you aware of the fact that Snow Creek feeds into Choccolocco Creek?*

A. I have never seen it, but by the maps, I'm aware that it does.

Q. *And do you know that PCB's from Monsanto's plant are escaping into Snow Creek, don't you?*

A. I know that I have detected PCB's in the storm water outfalls of the Monsanto

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plant.

Q. *And the outfalls lead to Snow Creek?*

A. The ditches run to Snow Creek, yes, that's correct.

Q. *All of the ditches?*

A. Yes.

Q. *PCB's can travel in water, can't they?*

MR. COX: Object to the form. No foundation.

WITNESS: Since we have found PCB's in storm water samples, I would have to say yes.

Q. *(BY MS. ARENBERG) When you saw those fish studies, did it occur to you those PCB's might have come from Monsanto's plant?*

MR. COX: Object to the form.

WITNESS: I guess the potential exists.

Q. *(BY MS. ARENBERG) Was there any discussion at Monsanto about these*

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particular fish studies?
A. What type of discussion?
Q. Did anyone reference in conversation these fish studies? Anyone you spoke to?
A. I am sure that there have been discussions that the fish study data was out. I don't remember a specific discussion though.
Q. Would you consider the levels that were found in these fish to be low or high?
MR. LIGHTFOOT: Which fish, Choccolocco or Lake Logan Martin? Bass or catfish?
Q. (BY MS. ARENBERG) I'm just saying a general impression based only these studies, because I know there's a variation of levels here. Did you have an impression as to whether these levels were high or low?
MR. COX: Object to the form. No foundation.
MR. HOWARD: No foundation for

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what?
Q. (BY MS. ARENBERG) You can answer.
A. I do not remember having a feeling of oh, God these numbers are high, no, I don't remember that.
Q. Are you familiar with the FDA tolerance level for fish?
A. Yes, I am.
Q. And you understand that to be two parts per million?
A. PCB's, yes, I do.
Q. Do you think that levels above two parts per million might cause Monsanto to have some concern that those fish might not be safe to eat?
A. Are you speaking of Monsanto corporation?
Q. Yes.
A. I don't know.
Q. Is there anybody at Monsanto who would have a judgment as to that?
A. I don't know.

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Q. But as environmental supervisor, that's not something that you have an opinion about?
A. Could you repeat -- ask me what I have an opinion about?
Q. Whether fish containing more than two parts per million of PCB's might be unsafe for people to eat?
MR. LIGHTFOOT: Hold it. Read that back to me, Maurice.

(Whereupon, the last question was read back by the court reporter.)

WITNESS: You're asking do I feel?
Q. (BY MS. ARENBERG) Yes.
A. No.
Q. I'm sorry, no, you don't have an opinion, or no, you don't think they are unsafe?
A. No, I don't feel they are unsafe.
Q. What do you base that on?

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A. I would guess just a very general knowledge of how toxicological decisions are made.
Q. You mean by the FDA?
A. I don't know by any particular body. Just in my job, I see conflicting opinions constantly about all exposure data.
Q. So you don't believe any of it?
A. I said that it does not concern me to be afraid. I forgot exactly how you termed that.
Q. You don't feel that fish with more than two parts per million would be unsafe for people to eat?
A. I guess that's kind of general. If you're asking me would I eat fish over two parts per million?
Q. I'm not asking that. I'm asking if you think it would be unsafe for people to eat?
A. Since I would eat fish that were over two parts per million, I guess the answer would be no.

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Q. Is there a level at which you would stop eating fish?
A. I've never thought about it.
Q. Think about it for a second.
A. I don't know.
Q. Have you ever known anybody that expressed any concern about the levels of PCB's in fish, in general?
A. The only ones that I can think of would be, I believe, there were some comments in one of the newspaper articles that may have expressed some concern, but I'm not sure about that. But no, not directly to me.
Q. In all your contacts with people at the Department of Health or Alabama Department of Environmental Management, has anyone there talked to you about PCB levels in fish, and human health?
A. No.
Q. That's never been discussed?
A. No.
Q. Within Monsanto, have you ever

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talked to anyone about PCB levels in fish and human health?
A. I don't believe so. I don't remember a discussion about consumption of fish with PCB's in it with anybody.
Q. Okay. You said you don't know that there is a number at which you would stop eating fish. We were unable to determine a number. ADEM reports, on page -- it's numbered one, it's about the fifth page, a spotted bass with 14 parts per million of PCB's. Would you have any hesitation about eating that fish?
A. I don't think so.
Q. Do you think some people would?
A. I don't know what some people would think or wouldn't think.
Q. Do you think that as a company, Monsanto has an obligation to let people know about the presence of PCB's in fish?
MR. LIGHTFOOT: Objection. You're asking this witness whether Monsanto has an obligation to let people know about a

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reading in a spotted bass taken by a state sample? Is that what you're asking?
Q. (BY MS. ARENBERG) No. I'm asking whether, Mr. Jones, you believe that Monsanto Company has an obligation to notify people about levels of PCB's in fish?
MR. LIGHTFOOT: I object to that. It calls for a legal conclusion. But if you've got an answer to it --
Q. (BY MS. ARENBERG) It could be a moral obligation. I'm not asking whether you have a legal obligation.
MR. LIGHTFOOT: What fish, Pam? Where?
Q. (BY MS. ARENBERG) Fish in Snow Creek, or Choccolocco Creek, or Lake Logan Martin. We can treat those separately. If fish in Snow Creek contained levels of PCB-- detectable levels of PCB's, would you feel that Monsanto Company should warn people that fish contained those levels?
MR. LIGHTFOOT: Are you asking him to assume that those PCB's came from

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Monsanto, Pam, in that question?
Q. (BY MS. ARENBERG) No, I'm not.
A. Number one, I've never seen fish in Snow Creek. Number two, if you're not telling me that this is PCB material that Monsanto put in the creek, then I would say no, we have no responsibility to inform the public.
Q. Okay. Suppose that, again, you're in Snow Creek, and you have fish with levels of PCB's, is there any way for you to know that those PCB's came from Monsanto?
A. Not that I know of.
Q. Who else in the United States made PCB's?
A. Other companies?
Q. Yes.
A. None that I'm aware of.
Q. Okay. On page four, there's a report of a channel catfish with 48 parts per million of PCB's. Would you eat that fish?
A. After it's already been ground up

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and analyzed?
Q. Well, assuming we could tell that before it was ground up and analyzed. That's part of the problem, you really can't tell that until you ground them up and analyze them, can you?
A. Are you going to fry it and have coleslaw?
Q. Whatever you wish.
A. Probably.
Q. Have you ever known anybody who might have some hesitation about eating a fish with that high a level PCB's?
A. I've never discussed it with anybody.
Q. Do you think that Monsanto has any obligation to warn people about levels of PCB's that high?
A. Is this a hypothetical situation again?
Q. Sure is.
MR. LIGHTFOOT: We've got to get the hypotheses straight. You're not asking

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him to assume that the PCB's come from Monsanto. You're asking him to assume that it's a fish in Choccolocco Creek with 48 parts per million.
MS. ARENBERG: It's a fish in Snow Creek with 48 parts per million.
MR. LIGHTFOOT: I don't think a fish has ever been seen in Snow Creek. But we're going to hypothesize that there's one in there.
Q. (BY MS. ARENBERG) And it has 48 parts per million. Do you think Monsanto has any duty to warn somebody not to eat that fish?
MR. LIGHTFOOT: Are you asking him to assume that the PCB's came from Monsanto or near Monsanto outfall?
MS. ARENBERG: No, I'm not, because you've just told me you can't tell that.
WITNESS: If it did not come from Monsanto, I don't see a requirement. And I would assume that this number came from the

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State of Alabama who has the jurisdiction to handle those type of notifications.
Q. (BY MS. ARENBERG) Is that a no?
MR. LIGHTFOOT: I'm not sure you're entitled to a yes or no, Pam. He included in the hypothetical -- he did better than I did -- he said did the notice come from the State of Alabama. Does that reading?
MS. ARENBERG: Yes.
MR. LIGHTFOOT: Okay. I think you had an answer, but if you want to hear it again.
WITNESS: I gave you the best hypothetical answer I can give to a hypothetical situation.
Q. (BY MS. ARENBERG) Is Monsanto ever going to be able to identify that the PCB's in a particular fish came from Monsanto?
A. Not that I'm aware of.
Q. Or that the PCB's in a particular creek came from Monsanto?

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A. I'm not sure.
Q. It would be logical to assume that the PCB's in Snow Creek came from Monsanto, wouldn't it?
A. I can't make that assumption.
Q. Do you know of anyplace else that might have put PCB's in Snow Creek?
A. I guess I don't underetand put PCB's in Snow Creek. Do you mean do I know of any other potential sources of PCB's that may be seen in Snow Creek?
Q. Yes.
A. Seeing the use of PCB's in electrical transformers, and literally millions of them that have been in use, I simply can't answer that question. I don't know of a specific source, no.
Q. But can you say that Monsanto is one source?
A. I can say that Monsanto did manufacture PCB's, that is correct.
Q. And you can say that Monsanto released PCB's into Snow Creek, can't you?

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A. I can say that in my tenure at that plant, that I have detected PCB's in the storm water discharge from the plant property.
Q. *We've been down that road. We know where the storm water goes. Mr. Jones, I think you had a gap of about ten years between high school and college, did I understand that right? Seven years?*
A. Seven years.
Q. *What were you doing in between that?*
A. I was in the Army.
Q. *What was your position?*
A. I was a specialist five.
Q. *What did you do?*
A. I was a personnel specialist.
Q. *Where were you stationed?*
A. At what time?
Q. *Start at the very beginning.*
A. Went to basic advanced training at Fort Lewis, Washington. Went from there to Fort Benning, Georgia.

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Q. *What did you do at Fort Benning?*
A. I was a company clerk. Went from there to Korea.
Q. *Okay.*
A. Went from Korea back to Fort Benning, Georgia.
Q. *You were in Korea in the mid '70's then?*
A. Korea in '72 and '73.
Q. *Okay. Came back to Fort Benning --*
A. And went to Germany. When I left Germany, returned to Fort Rucker, Alabama very briefly to get an assignment at Fort Benning.
Q. *What did you do in Korea?*
A. I was a personnel specialist.
Q. *Sounds kind of like an office job?*
A. That's correct.
Q. *And in Germany?*
A. Same thing.
Q. *And at Fort Rucker?*
A. Essentially the same thing.

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Worked in an office.
Q. *When you left the Army, did you start college?*
A. Yes.
Q. *At Auburn?*
A. No. I started at a junior college --
MR. LIGHTFOOT: You told her. That's Chattahoochee Community College and then to Auburn.
Q. *(BY MS. ARENBERG) When we were talking about eating fish a minute ago, you talked about from a toxicological view. Do you have any training in toxicology?*
A. No, I do not.
Q. *And you don't have any medical training of any kind?*
A. No, I do not.
Q. *Do you base this on reports that you've read?*
MR. COX: I'm sorry, base what?
Q. *(BY MS. ARENBERG) Base your view on eating fish containing PCB's?*

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A. I'm not sure of the source of the body of knowledge. I may have seen it on a tape. I may have read it. Through discussions with colleagues. It's just a body of knowledge. I don't really have it where I can pinpoint any one thing.
Q. *Have you ever met any toxicologists or medical doctors that might advise Monsanto about toxicological issues?*
A. Yes, I have.
Q. *Who have you met?*
A. I have met Dr. Kaley, who is a corporate toxicologist.
Q. *Kaley?*
A. K-a-l-e-y.
Q. *Is that a woman?*
A. It's a man.
Q. *What's the first name?*
A. Bob.
Q. *Where did you meet him?*
A. I guess the first time I ever met him would have been in St. Louis.
Q. *What was the meeting about?*

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A. I don't know the specific meeting. I've known Dr. Kaley since I came to Monsanto just about, simply because he is part of the environmental function within Monsanto. I go there for meetings on like updates of regulatory changes and things.
Q. *But Dr. Kaley's specialty is toxicology?*
A. I believe so.
Q. *Do you know if he's a medical doctor?*
A. I don't know.
Q. *Who else?*
A. I met Dr. Kimbrough.
Q. *Okay. That's a woman, isn't it?*
A. That's correct.
Q. *Do you know her first name?*
A. I believe it's Renada.
Q. *When did you meet her?*
A. I don't remember the exact date. It's been within the last couple of months.
Q. *Did she go with you to Montgomery at some point?*

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A. No, she has not.
Q. *Have you ever seen her in Montgomery?*
A. No, I have not.
Q. *Where did you meet her?*
A. She came to the plant.
Q. *What was the occasion that brought her to the plant?*
A. To come in and to visit the plant in the areas of concern that we have been talking about, the west end landfill and the south landfill.
Q. *Do you know if she's a medical doctor?*
A. I believe she is.
Q. *Do you know if she's been retained as an expert by Monsanto in any of these three cases that we're dealing with here today?*
A. I know that she has been retained. I do not know in what capacity.
Q. *And did you personally give her the tour of the Anniston plant?*

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A. Yes, I did.
Q. And you were showing her landfill areas?
A. That's correct.
Q. What else were you informing Dr. Kimbrough about?
A. I just showed her the drainage through the community that we have discussed earlier.
Q. Were there any state officials present at that meeting?
A. No, there were none.
Q. Do you know if she talked to anybody at ADEM, or the Department of Health, or any other state agency, on behalf of Monsanto?
A. Not that I'm aware of.
Q. Do you know if she has ever talked to the EPA on behalf of Monsanto?
A. Not that I'm aware of.

(Whereupon, Plaintiff's Exhibit 16 was marked for identification and

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copy of same is attached hereto.)

Q. I haven't shown you Exhibit 16. Let me see if you recognize that?
A. Yes, I do.
Q. Tell me what that is.
A. It is a fax that was sent to me that included an ADEM news -- I believe it's a public release type document.
Q. And this was sent to you by Brian Hughes; is that right?
A. It was sent to me from Dr. Hughes' office. I don't believe it was sent to me by Dr. Hughes.
Q. Did you request a copy of that news release?
A. Yes, I did.
Q. Do you remember when you requested it?
A. This is dated December 16, '93. I would assume that I requested it shortly before that. I don't know when.
Q. Do you know why you wanted to see

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that news release?
A. Simply that I knew that a news release had been issued.
Q. Do you know if Monsanto is mentioned in that news release?
A. I was just reading it to look and see. Yes, Monsanto Company is mentioned in this.
Q. Where is that?
A. Second page, second full paragraph starting with Pegues.
Q. This is the ADEM director saying that the ADEM investigation would focus on manufacturers and users including the Monsanto Company; is that correct?
A. That's correct.
Q. Is the mention of Monsanto Company the reason that you requested this news release?
A. That is correct.
Q. How did you know that Monsanto was mentioned in the news release?
A. I don't remember.

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Q. Was this the first time you found out that ADEM was going to focus their investigation on Monsanto?
MR. COX: Object to the form.
Q. (BY MS. ARENBERG) Was this the first time that you understood that Monsanto would be investigated by ADEM in connection with PCB's?
MR. LIGHTFOOT: Same objection. You can answer it if you can.
WITNESS: I don't remember the exact date. I believe that we had already been in discussion with ADEM in terms of testing our storm water. I don't remember the exact chronology of that. I know that this is dated December of '93, and we reacquired the property in December of '93. So I would assume that I had prior knowledge to this.
Q. (BY MS. ARENBERG) As a general rule, would fish studies conducted on fish in Lake Logan Martin and Choccolocco Creek be of interest to Monsanto's Anniston plant?

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A. I think if Monsanto was mentioned in a news release, or was a party to a lawsuit that related, I think that they would be interested, yes.
Q. And if not, you think they would not be interested?
A. I don't know. I can't speak for Monsanto as a whole.
Q. As environmental supervisor, would you be interested?
A. In which body of water are you talking about?
Q. Choccolocco Creek and Lake Logan Martin.
MR. LIGHTFOOT: What kind of fish studies, Pam? Are you talking about testing for anything and everything?
Q. (BY MS. ARENBERG) No, I'm talking about testing for PCB's. Would you be interested in results of tests on fish for PCB's from Choccolocco Creek and Lake Logan Martin conducted by ADEM?
A. Now? I would say yes.

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Q. Last year?
A. Yes.
Q. In '92 or '93?
A. The latter part of '93 -- I'm not sure, what's the date of the filing --
MR. LIGHTFOOT: This lawsuit was filed in November of '93. The fish advisory was October? Have I got that right?
MR. COX: Both of them were in November.
MS. ARENBERG: The complaint was filed in November of '93.
MR. COX: The fish advisory too.
WITNESS: So I would say the latter part of '93, yes.
Q. (BY MS. ARENBERG) Prior to that that would not have been of interest to you as the environmental supervisor?
A. It would probably not have raised a flag.
Q. Is there someone at Monsanto with whom you think it would have raised a flag as you put it?

HARTOLDMON0014591

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A. I don't know.
Q. Is there someone else in charge of environmental matters besides you at Monsanto since 1990?
A. At what location?
Q. Anniston.
A. No.

(Whereupon, Plaintiff's Exhibit 17 was marked for identification and copy of same is attached hereto.)

Q. Let me show you Plaintiff's Exhibit 17. It appears to be a fax cover sheet too. See if you recognize that.
A. Yes, I do.
Q. That's a fax that was sent to you?
A. Yes, it is.
Q. By Phil Davis?
A. Yes.
Q. Who is Phil Davis?
A. Phil Davis is an ADEM employee.
Q. Is it somebody you know

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personally?
A. I have worked with Phil for several years.
Q. What's his position?
A. He is now a supervisor in the air branch I believe.
Q. Tell me what he sent you in connection with that, with Exhibit 17? What's attached?
A. The best description is by the note he wrote on the bottom. "This is raw data from a draft report. Final report will be made available when it is completed".
Q. Why did you receive that information?
A. I had requested it.
Q. How did you know that they were working on a draft report?
A. I knew that they had done some sampling. I asked to let me know when they got the results of the sampling.
Q. That was the response to that request?

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A. That's correct.
Q. Why were you interested in those results?
A. Because the month before this, we had been named in a lawsuit for PCB contamination.
Q. So the lawsuit prompted your concern?
A. Initially, yes. Not initially. Yes, it did.
Q. Do you know Sue Robertson?
A. Yes, I do.
Q. What kind of contacts have you had with Ms. Robertson?
A. I'm sorry, can you narrow it down? I've known Sue Robertson for many years.
Q. You know her personally?
A. I've never gone out to dinner with her or anything, but I've known her professionally for several years.
Q. Most of your contact with Ms. Robertson been over the phone, or do you see

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her in Montgomery?
A. I don't know if I have ever spoken to Sue Robertson on the phone. It would all have been at meetings primarily.
Q. Okay. She's been involved in the west end landfill plan, would that be correct?
A. In the capacity that she was filling as the chief of the land division, that is correct.
Q. Is she responsible for approving it or disapproving it?
A. Approval comes from the land division.
Q. Okay. In her position, is she chief of the land division, or do you know what her title is?
A. At the time of -- I believe the letter you were just looking at, if you will let me see it. At that time, yes, she was chief of the land division.
Q. Is she still as far as you know?
A. No, she is not.

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Q. Who is in charge of the land division?
A. John Poole.
Q. And you worked with John also?
A. That's correct.
Q. Are you a member of the Alabama Chemical Association?
A. Yes, I am.
Q. Tell me what kind of chemical organization that is.
A. It is an organization of -- the membership is chemical manufacturers, for the most part, in the State of Alabama.
Q. What sort of activities does the Alabama Chemical Association participate in?
A. I don't normally attend the meetings. I am an on the books member.
Q. Is there something at the Monsanto Anniston plant called the government relations group?
A. Not that I'm aware of.
Q. And you mentioned earlier Amy Gray as one of the people at a recent meeting, I

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believe, in Montgomery?
A. That's correct.
Q. Amy Gray is at the water division?
A. That's correct.
Q. Does ADEM typically send to a meeting with Monsanto people from air, water, and land?
A. It would depend on the subject matter involved.
Q. Did you know Amy Gray personally?
A. No. I know her in a working relationship.
Q. Was this recent meeting the first time you met her?
A. I have met her within the last six months I would say. Eight months, something like that.
Q. Since you've been at Monsanto, has Monsanto ever been cited for violation of any EPA regulations?
A. Yes, they have.
Q. Do you have an estimate of how many times that has happened?

HARTOLDMON0014592

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A. Only once that I know of.
Q. What specifically did that violation involve?
A. It was alleged release reporting violation.
Q. Does that have to do with your outfall points? When you say release. Or is that an air release?
A. Air release.
Q. Do you know the dates on that? The violation? I guess you're given notice of violation?
A. That --
Q. That's not it.
A. I don't know the specific date of the violation.
Q. Do you know the year?
A. It's either '92 or '93.
Q. Would notice of violation come directly to you?
A. It would normally go to the plant manager.
Q. Do you ever read Monsanto's annual

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reports?
A. Not really.
Q. Have you ever been involved, through Monsanto, with any EPA investigation concerning a Superfund site?
A. Not that I'm aware of.
Q. To your knowledge, has the Monsanto Anniston property ever been investigated as a potential Superfund site?
A. I don't understand the question. You what do you mean investigate?
Q. I believe that before EPA declares any area to be a Superfund site they conduct some sort of an investigation?
A. I'm not aware of any EPA investigation of the Anniston site for a Superfund site.
Q. In the 1992 Monsanto annual report, Monsanto reported that the company spent $46 million for remediation of Superfund and waste disposal sites. Would you have any estimate as to how much of that $46 million was spent in the Anniston area?

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A. May I read the --
Q. Yes.
A. I'm not aware of any of that money being spent at the Anniston site.
Q. Do you have a budget -- a remediation budget of any sort?
A. I don't understand. Remediation in terms of what? I have a budget for corrective action wells.
Q. Okay. Do you have a budget for landfill remediation?
A. Not remediation, no.
Q. Do you have a budget for Snow Creek remediation?
A. I believe that there is a cost center for work that was previously done prior to my tenure, Snow Creek work. But it's not a budget.
Q. A cost center?
A. It's where charges were sent in.
Q. The plans you have to remove sediment from those ditches that we talked about, on both Monsanto property and on some

Page 0202

adjacent property, where will those funds come from? Is there a budget aimed at this sort of remediation?
A. I'm not sure if that's handled through our remediation group. I don't know how it's funded.
Q. So Mike Foresman might have to deal with the funding of that, but you don't?
A. I don't.
Q. You spoke just a moment ago about Snow Creek remediation funds that were sent before your tenure?
A. That's correct.
Q. So that would be prior to 1990?
A. That's correct.
Q. I think you told me you started in February of 1990?
A. That's correct.
Q. So you're familiar with the Snow Creek remediation project as I think it was termed?
A. No, I'm not.

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Q. You're not familiar with that?
A. I know that it took place.
Q. Tell me what you do know about the Snow Creek remediation project.
A. I know that there was a sampling planned that was proposed to the regulatory agencies for sections of Snow Creek -- or actually I believe it's primarily in the unnamed tributary leading to Snow Creek. I believe there was some sampling in Snow Creek also. Then once that was completed, using a benchmark of I believe 50 parts per million, parts of that investigated area was dredged or cleaned out. Like I said, all of that was done prior to coming to the plant.
Q. So your understanding is it involved dredging?
A. It involved some form of dirt removal.
Q. Do you think that dredging is a good way to remove PCB's from a stream or ditch?
A. I have no knowledge of that.

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Q. That's just not within your responsibility?
A. It's not within an area that I have any level of expertise in.
Q. Who would you go to for advice on what to do in such a situation? That may not be clear. If the possibility of dredging Snow Creek arose again, who at Monsanto's Anniston plant would make recommendations as to whether that was a good idea, or bad idea, or how it should be done?
A. If we were going to do any type of remediation or remedial type work, I would think that we would coordinate that with ADEM, and based on their recommendations, progress from there. The situation I guess depends on the situation.

(Whereupon, Plaintiff's Exhibit 18 was marked for identification and copy of same is attached hereto.)

HARTOLDMON0014593

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Q. Let me ask you to look at Plaintiff's Exhibit 18 and ask you to tell me what that is.
A. This is a memorandum for record of a visit that I made pertaining to storm water to ADEM.
Q. Was this the meeting that we talked about a bit ago with John Poole, Jimmy Cole, and Amy Gray?
A. I believe this is the first time I ever met Amy Gray, if that's the reference you're talking about.
Q. At this meeting it was decided that Monsanto would further investigate the presence of PCB's in those particular ditches; is that right? I'm not asking if the document says that, but if that's your recollection of that meeting?
A. Could you repeat that.
Q. As a result of that meeting, it was agreed that Monsanto would further investigate the presence of PCB's in those ditches?

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A. Which ditches?
Q. I think those are the ditches across Clydesdale.
A. This was a discussion about the sampling of the outfalls of those ditches.
Q. And there's a reference right up near the top there to Snow Creek. I'm sorry, Snow Creek sampling proposal. What exactly was the Snow Creek sampling proposal?
A. It is a proposal that was submitted --
MR. LIGHTFOOT: Do you need to read while you answer? I don't want you to read and answer at the same time.
WITNESS: It was a proposal that was submitted to ADEM to sample Snow Creek.
Q. (BY MS. ARENBERG) And we haven't talked about that today, have we? That particular proposal?
A. I don't remember.
MR. LIGHTFOOT: I would tell you if we had.

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Q. (BY MS. ARENBERG) So the Snow Creek sampling proposal that's referred to in Exhibit 18 is a separate sampling proposal from the ditches off of Clydesdale that we talked about earlier and that were referenced in the newspaper article?
A. Yes.
Q. Tell me about the Snow Creek sampling proposal, what that involves.
A. It proposes that we were going to go in and sample a part of Snow Creek and several of the tributaries leading into Snow Creek.
Q. What was the purpose of those samples?
A. To analyze the PCB levels.
Q. Is that because you believed that PCB's are present at that site?
A. Because we were going to analyze for PCB's and see if they were present.
Q. And that has not been done yet, or has it?
A. The samples have been drawn. I have not received analysis on them yet.

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Q. And these were going to be water samples or sediment samples?
A. Sediment samples.
Q. Exhibit 18 also references ten parts per million, and that sediment containing more than ten parts per million would be taking be taken to Emelle. Was that an agreement reached at that meeting?
A. I don't know that – let me read through this exact section. I do not know that Emelle was ever mentioned during the course of that meeting.
Q. Oh, okay. Was hazardous waste landfilling discussed?
A. No. I think specifically we talked about the removal of any material over ten parts per million.
Q. So you were discussing leaving sediment that was less than ten parts per million in Snow Creek and taking out sediment that was over ten parts per million?

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A. I don't think it was ever really firmed up. I think that ten parts per million was thrown out. It was never really discussed at any length at all.
Q. Where in Snow Creek were these samples going to be taken?
A. Above and below the confluence of our tributary that comes into Snow Creek, as well as several other tributaries coming into Snow Creek.
Q. So that would be the same area that we talked about a minute ago in the cleanup that took place before you arrived?
A. It's a more expanded area.
Q. Okay. Part of it would be the same area?
A. That's correct.
Q. But it would go farther down stream?
A. I don't believe so.
Q. Would it be farther upstream?
A. Yes.
Q. Have you ever seen data that

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indicated that the levels in Snow Creek, after the cleanup of '89 – the cleanup right before you arrived – remained higher than 50 parts per million?
A. No, I've never seen any data from that segment being over 50 parts per million, no.
Q. If the remediation efforts that took place before you arrived were effective, what levels would you expect to find on the remediated portions of Snow Creek?
A. I was not involved with that cleanup. I don't know the basis of the cleanup. I don't know the object of the cleanup. I was not present during any of that time.
Q. Was there any goal discussed in terms of what the levels in Snow Creek would be if this project went forward and cleanup were to take place? Was ten PPM looked at as a goal to strive for?
A. I don't believe there's been any

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goal set. We are at the stage where we're doing the investigation. Then based on the investigation, we will present that to the State of Alabama and discuss the next steps with the state.

Q. So you would leave it up to the state to decide what was an acceptable level?

A. I would leave it up to the body that regulates the waterways to make that decision, that's correct.

Q. Would Monsanto be involved in making recommendations?

A. I would think that we would be given that opportunity.

Q. That's pretty much what took place at this meeting that is referred to in Exhibit 18, isn't it?

A. What took place?

Q. Did ADEM seek input from Monsanto as to cleanup and sampling?

A. The only thing really discussed with this was the issue of do you draw a

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surficial soil type sample out of the stream bed versus a coring type sample. There were no discussions on the remediation, other than a brief comment by John Poole that is detailed in this memo.

Q. And that's the ten parts per million?

A. Yes.

Q. Was there a decision made on coring or surficial sampling?

A. Based on the recommendations of Mr. Cooner's office, we decided that we would go ahead with the surficial scrapes of material.

Q. Okay. So you hope the results of this sampling will show what levels of PCB's exist in the surface of the sediment of those areas that you've targeted?

A. Yes.

Q. Is that what that is designed to do?

A. Yes.

Q. Do you know what a RCRA assessment

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facility is?

A. Yes, I do.

Q. Try to put that in layman's terms for me.

A. In terms of what I have seen, which I've only experienced this one time, what I have seen with it was it was a contractor that was hired by region four to come in and to write down every potential -- not even potential, anything they could possibly think of that might be an area that needed to be looked at at some later date for some reason. Be it an oil stain, be it discolored rock, whatever reason.

Q. Okay. And this was done at the Monsanto Anniston plant?

A. Yes.

Q. Was it '91?

A. I believe so.

(Whereupon, Plaintiff's Exhibit 19 was marked for identification and copy of same is attached hereto.)

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Q. Was the result of that this report marked Exhibit 19?

MR. COX: Just for the record, this reflects this is not the entire report. This is just selected pages of it; is that --

MS. ARENBERG: That's correct. It's the cover page, the table of contents, and selected pages.

MR. COX: And you had been given the entire report?

MS. ARENBERG: Yes. You will notice the Bates numbers.

WITNESS: I'm sorry, did you ask me a question?

Q. (BY MS. ARENBERG) Yes, I did, and I think it was -- I don't know what it was. Is that the report that came out of the assessment we talked about in '91?

MR. HOWARD: Or a portion of it.

WITNESS: This appears to be pages out of that report, yes.

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Q. (BY MS. ARENBERG) Did you review that at any point?

A. I have looked at parts of this report. What you are looking at is the draft of the report sent to me as a courtesy. I don't know if the EPA has ever reviewed this report from this contractor.

Q. So this is a draft version?

A. That is what was told to me.

Q. Sent to you by Kearney?

A. No, it was sent to me out of region four.

Q. And EPA has not gotten back to you about this in three years or four years?

A. I have never received any other correspondence on this report.

Q. When you did receive this, did you read it?

A. I will not say I read it from front to back, no, I did not.

Q. Was this of any interest to you?

A. It was of interest, but maybe for the wrong reason.

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MR. LIGHTFOOT: She just asked you if it was of interest.

WITNESS: Yes, it was.

Q. (BY MS. ARENBERG) Tell me why you were interested in it.

A. Because it was so absurd. Parts of it were ludicrous.

Q. In what way?

A. The citation -- the noting of areas that were -- it's like an oil stain on asphalt as being a potential solid waste management unit. As I walked through with the contractor doing this, I was amazed at some of the things they were writing down.

Q. So did you take someone from Kearney on a tour of the plant basically? A tour of the property?

A. There were two representatives from Kearney that were escorted through the plant. I don't remember if I escorted them all the time, or part of the time.

Q. But at least at some point you were along for their inspection?

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A. Yes.
Q. And you felt they were being, for lack of a better word, too picky?
A. I wouldn't say too picky. I just did not agree with some of their observations.
Q. So when this report came out, you were curious about what they had ended up including in it?
A. We had already discussed, I believe in their out briefing, what their findings were going to be. So when I received the report, I felt I already knew what they had said in it.
Q. Did you feel like it contained incorrect information?
A. Yes, I did.
Q. Do you know of any specific information you felt was incorrect?
A. Not off the top of my head, no.
Q. Would it be more incorrect judgments on their part or incorrect facts on their part?

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A. I would say judgment.
Q. Okay. Is a RCRA facility assessment something that is required by the EPA?
A. As I understand it, the reason we were chosen for a RCRA facility assessment was that EPA was doing them on their oldest RCRA permitted facilities and were going to do a certain quantity every year. I do not know what the requirements are behind it.
Q. But as far as you know, Monsanto wasn't given a choice of being assessed or not being assessed? Monsanto was told we're going to do an assessment pretty much?
A. Yes.

(Whereupon, Plaintiff's Exhibit 20 was marked for identification and copy of same is attached hereto.)

Q. The Snow Creek remediation project that took place before your tenure is described briefly on page 28 of this Exhibit

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20. If you would read the paragraph that's marked in highlight, and see if there's anything in there that you think is incorrect, based on your knowledge.
A. In April 1988 --
MR. COX: Do you want him to read it out loud or to himself?
MS. ARENBERG: Either way is fine. This is Exhibit 19, the RCRA assessment facility – RCRA facility assessment.
WITNESS: What was your question again?
Q. (BY MS. ARENBERG) My question is do you see anything in the first full paragraph on page 28 that you know is incorrect, or that you disagree with?
A. I have been told that it is incorrect in this segment that sediment sampling after removal still indicated greater than 50 PPM PCB's. I was told that there was no subsequent samples pulled.
Q. So you don't know what that is based on?
A. No, I do not.
Q. You don't know if it's based on anything?
A. No, I do not.
Q. As far as you know, Monsanto, after the cleanup that began in '88, that Monsanto never tested Snow Creek again in that area? Is that what you believe to be the case?
A. I believe so. Based on what I've been told.
Q. Have you considered testing that area again?
A. I believe part of that area is detailed in our Snow Creek sampling plan.
Q. That you just met about. So at that point, you may be able to have some facts to determine whether this is correct or not?
A. We will have sampled Snow Creek and its tributaries.
Q. Did anyone at Monsanto make any

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effort to correct that statement?
A. There has never been any communication to EPA to correct that statement that I'm aware of.
Q. Do you think you could have done that?
A. I think that we were awaiting EPA's review of the document and request for our comments before we did.
Q. And that never came?
A. That has never taken place.
Q. And as far as you know, the draft version, which you say Exhibit 19 is, is still on file with the EPA?
A. I assume so.
Q. Let me show you Plaintiff's Exhibit 20. Exhibit 20 appears to be a hazardous waste manifest. Let me I ask you in general, what's a hazardous waste manifest?
A. It is a manifest that has to be completed to accompany a shipment of material that is deemed hazardous for some

Page 0222

reason or another.
Q. And PCB's would fall into that category?
A. I'm not sure exactly. I know that PCB's are not regulated under RCRA. But I know that they do require manifesting on a hazardous waste manifest.
Q. Do you recognize that particular manifest?
A. This appears to be one manifest from a shipment of PCB contaminated soil.
Q. Do you know where that PCB contaminated soil came from?
A. Yes, I do.
Q. Tell me.
A. From -- originally from the clean out, or the dredging, or the scraping, or whatever was done of Snow Creek.
Q. So that --
A. Or the tributary of Snow Creek.
Q. That project that we've been talking about that was completed before you began there, this would have been soil

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removed during that project?
A. Yes.
Q. Had it been -- where was it before you shipped it out, do you know?
A. It was staged up on our landfill property, on the south landfill.
Q. Was that for purposes of drying it out?
A. No. That was for purposes of taking composite samples for determining regulatory status.
Q. And if the levels had been less than 50 parts per million, do you know what would have been done with that soil?
A. No, I do not.
Q. Do you know why this particular shipment was shipped to Emelle?
A. Yes.
Q. Why?
A. Because the samples came back over 50 parts per million.
Q. Okay. Are you aware of any samples that came back at less than 50 parts

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per million?
A. I'm not aware of all of the samples that came back. I just know that the material was over 50 parts per million.
Q. But all of the dirt that you're aware of that was being staged at the landfills ultimately was shipped to Emelle; is that correct?
A. That is correct.
Q. And you don't know what you would have done with dirt had it been 45 parts per million?
A. I do not know what the regulatory requirements were for PCB contaminated material under 50 parts per million at this time, no. It had already been set up to go to Emelle when I came in.
Q. Are you aware of -- let me back up. When that soil was on the landfill -- did you ever see it yourself?
A. Yes.
Q. Was it dry?
A. A pile of dirt.

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Q. But when you dredge a creek, the soil is going to be wet, right?
A. If you dig it out and there's water running through it, yes, I would assume it would be wet.
Q. Do you know what they did with that soil to get it dry?
A. No, I do not.
Q. Have you ever reviewed the Snow Creek sediment removal protocol that was implemented to carry out that project?
A. I do not believe so. If you will let me see it --
MR. LIGHTFOOT: No, she may not want you to.
Q. (BY MS. ARENBERG) If you're not familiar with it, then that's --
A. I don't remember seeing it.
Q. If you will look again at that manifest, how many pounds of soil were shipped?
A. Any PCB shipments are always given in kilograms. This was 20,094 kilograms.

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Q. Would that have been everything that was there?
A. No.
Q. That was just one shipment?
A. Yes.
Q. Do you know how many shipments there were?
A. I know that total shipment was roughly a thousand tons.
Q. Tell me a little bit about what chemical engineering involves. How is that different than a degree in chemistry?
A. You have to take -- you don't take as many chemistry based courses. A lot of schools, the chemistry courses that you take for chemical engineering are geared more towards the non-chemist, so that they are not as detailed, and you take more math and engineering type courses.
Q. But you've had at least a few college level chemistry courses?
A. Yes, I have.
Q. I guess when you look at the

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periodic table, it doesn't look quite as confusing to you as it would to me, someone without a chemistry background?
A. I know what the periodic table is. I will not claim any proficiency at it at all.
Q. When you hear the term polychlorinated biphenyls, do you understand the chemical makeup of that compound?
A. I understand what the terminology is saying. I don't know the exact chemical makeup.
Q. Did you have any experience with PCB's before you came to Monsanto?
A. None whatsoever.
Q. Are you familiar with a family of compounds called dioxins?
A. I have seen them on analytical work that I have had done. I have read references to them in terms of incineration, and in reference to, I believe, pulp bleaching operations in the paper industry.
Q. Has there ever been any discussion

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or information about dioxins that you got from Monsanto?
A. Do you mean like a general newsletter on dioxins or something?
Q. Yes, or even conversations. Do you recall any reference to dioxin compounds at Monsanto?
A. I've never had any discussion with them. I believe they are on our appendix nine analysis that we do.
Q. Does that mean when you test a soil sample that you look for dioxins also?
A. That means when you submit a water sample for full appendix nine as required within the parts of the state regulations that one of the compounds that you test for is -- I believe dioxin is on that list.
Q. And when I say dioxin, I mean several different compounds. Have you ever heard of chlorinated dibenzofuran?
A. Possibly. I've heard of furans. I don't know if I've heard of that specific chemical.

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Q. Has anybody at Monsanto ever told you that chlorinated dibenzofurans have been found in aroclors?
A. No.
Q. But you know that aroclors are Monsanto's brand name for certain PCB type products?
A. I know that aroclor is a brand name of Monsanto's. I'm not sure of all the products that fall under that.
Q. When you see something labeled aroclor 1254, do you recognize that that contains PCB's?
A. Yes, I do.
Q. Have you ever seen an analysis that looked for the presence of chlorinated dibenzofuran in aroclors?
A. No, I have not.
Q. Or any PCD? I don't even know what PCD is. Polychlorinated dibenzo dioxin.
A. I may be wrong in doing this, but I can shortcut this. I've never looked at

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any aroclor analysis that I'm aware of.
Q. When you look at like soil samples or water samples in which aroclors are detected, have you ever seen those contained?
A. I have never seen any furans or dioxins ever found in any sample that was generated at the Monsanto site.
Q. Ever found or ever looked for?
A. Like I said, there are furans, and I believe dioxin is on the appendix nine list. If it is the specific one that you have just named, I can't testify to that, but I can tell you that I believe furans and dioxins are in that list. And if so, we have tested different ground water samples for those compounds, if they are part of that list.
Q. What about storm water samples, or outfall samples? I don't know what the best way to refer to those would be.
A. Storm water samples have been tested for all compounds as required by the

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State of Alabama.
Q. And as far as you know, dioxin compounds are not one of those?
A. That is correct.
Q. Have you ever heard of the Yusho incident in Japan, rice oil poisoning?
A. I believe I have.
Q. Tell me what you know about that.
A. I can't tell you where I know it from. I've heard of a rice oil incident I believe that they thought was due to PCB's of some sort. I have also heard later dates that they now believe that the actual cause of the illness was something else other than the PCB oils. I can't be very specific on it.
Q. Would you agree, or disagree, or have no opinion of the statement that dioxin compounds are highly toxic?
A. I have no opinion.
Q. When you came to Monsanto as environmental supervisor, did you have any kind of training?

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A. I had on-the-job training.
Q. What did that involve?
A. I have worked in several different environmental areas. I've worked in the air arena, I worked in the water, both surface and ground water, and worked with hazardous wastes.
Q. Is the focus, for the most part, on compliance with regulations? That would be a huge part of your job, wouldn't it?
A. You mean in my present job?
Q. Yes. As environmental supervisor.
A. Could you restate -- I'm sorry, could you restate that.
Q. As environmental supervisor, is compliance with regulations, federal or state regulations, a very large part of your job?
A. It is part of my job, that is correct.
Q. What are the other parts of your job?

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A. There's permit compliance, there's permit application, there is permit monitoring, there is report generation, there is a survey by somebody every other week.
Q. What's that?
A. I'm sorry, I'm being facetious and I shouldn't be. But there are lot of surveys that you have to complete.
Q. For government agencies?
A. That's correct. Reporting, inspections of facilities.
Q. Okay. Where did you get your knowledge of RCRA, or different regulations that you have to comply with? Practical experience?
A. Practical experience. Also there are requirements that you have, refresher training in different areas yearly. If you ask about a specific item, I can address it.
Q. Well, when you -- strike that. Your concern -- would it be true that your concern with the presence of chemicals

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revolves around whether or not the presence of those chemicals violates some government regulation?
A. I don't think I understand the question.
Q. Does human health aspects of your business, chemical manufacturing, enter into your job?
A. Yes.
Q. In what way?
A. Enters into my job indirectly. I am aware of exposure limitations. Case in point, we use benzine at our facility. There are exposure criteria for benzine. To that extent I'm aware of health related issues.
Q. Is that partly because benzine is something currently in use at the plant where you work?
A. Yes, benzine is currently at use.
Q. Do you have as much knowledge about the health effects of PCB's?
A. I don't have that much knowledge.

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I may have misled in that answer. I don't have that much knowledge about benzine health effects. I simply am aware that we have monitoring requirements for benzine exposure within our facility.
Q. *So again that goes to meeting obligations -- meeting standards?*
MR. LIGHTFOOT: Objection. He said we have requirements. He didn't say whether that's a government requirement or internal requirement.
Q. *(BY MS. ARENBERG) You can clear that.*
A. I know that there are exposure limits that require that certainly protective equipment been worn above a certain level. But that is not part of my function. That falls under another function within the facility.
Q. *Whose responsibility is that?*
A. That's industrial hygiene.
Q. *So the benzine standards that we talked about, you're not sure where those*

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came from, Monsanto or the government?
A. I'm not sure of the source of the standard.
Q. *Do you think they will serve a useful purpose?*
A. I have no opinion on that.
Q. *I think we were starting to talk about your knowledge of PCB's. Have you ever had any training by Monsanto that relates to the health effects of PCB's?*
A. No, I have not.
Q. *Have you done any reading on your own on that subject?*
A. No, I have not.
Q. *Do you think that impacts on your job at all?*
A. I have not seen it impact on my job to know that information.
Q. *Is there anybody you know of at Monsanto that would consider that to be a part of their job?*
A. Having a knowledge of the impacts of health effects of PCB's?

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Q. *Yes.*
A. Not at the Anniston site.
Q. *Somebody in St. Louis or somewhere else in Monsanto?*
A. We have a corporate toxicologist. I would assume he knows about studies that have been done on health affects.
Q. *Is that somebody you could consult if you needed to know something about PCB's and health effects?*
A. I would assume I could if I felt I needed to.
Q. *You never have then?*
MR. LIGHTFOOT: He's told you he's talked to Dr. Kaley.
WITNESS: He's been in meetings that I've been in, but I've never called him up and said Dr. Kaley, I need to ask you about health effects of PCB's.
Q. *(BY MS. ARENBERG) You never sought information?*
A. No.
Q. *Is there anybody at the Monsanto*

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Anniston plant who is responsible for giving any kind of warnings concerning the presence of PCB's outside of the plant?
A. I have never seen anything that designates somebody as a warning giver. Outside contacts with the plant are usually handled by the plant manager.
Q. *And you told me about the plant manager warning the residents of that neighborhood that we discussed earlier?*
A. I told you that I know the plant manager has discussed the situation with the residents. I don't know that --
Q. *You don't know if a warning was part of that?*
A. No, I do not.
Q. *Are you aware of any incidents where the plant manager gave any warnings to any people?*
A. No, I'm not.
Q. *Are you aware of any incident where anyone else from the Anniston plant gave any warnings to anybody concerning the*

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presence of PCB's?
MR. LIGHTFOOT: I object to the form of the question. You use the word warning, and he's told you that the plant manager had discussions with numerous people. You may want to call them warnings, he may want to call them conversations. Y'all may be missing each other. He's answered that I think.
MS. ARENBERG: He's answered as to that neighborhood. I'm moving out of that neighborhood and into anywhere else.
Q. *(BY MS. ARENBERG) Other than the discussions that Mr. Mayausky had with the residents near the ditch that we talked about earlier, are you aware of any other incidents in which anyone from Monsanto might have given any warnings to any people?*
A. I know that Mr. Mayausky has talked to others besides just the neighbors in that ditch, but I don't know the substance of those discussions.
Q. *Who do you know that he's talked*

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to?
A. I believe that he has talked to the mayor of Anniston, and I believe he's talked to some either city councilmen or county commissioners.
Q. *Okay. Were you in on any of those meetings?*
A. No, I was not.
Q. *Are you aware of any meetings with the general public, not officials?*
A. Not that I'm aware of.
MR. LIGHTFOOT: You, of course, Pam, know of some conversations he's had with the media because you've been looking at those articles.
MS. ARENBERG: You're talking about the plant manager?
MR. LIGHTFOOT: Right.
Q. *(BY MS. ARENBERG) Do you know of any plans to give any warnings to anybody concerning the presence of PCB's outside of the Anniston plant?*
A. No, I do not.

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Q. Do you as environmental supervisor see any need for any warnings?
MR. LIGHTFOOT: Objection. That's asking for a legal conclusion. You can answer the question. You're not called on to give legal opinions.
Q. (BY MS. ARENBERG) My question is any need. It doesn't have to be a legal need. It can be any kind of need or any reason. Do you know of any reason that Monsanto should give warnings to anybody?
A. No, I do not.
Q. Prior to your receiving the results of some fish studies in 19 -- recently, a month or two ago, the ones that were faxed to you from ADEM, were you aware that PCB's were present in fish in Choccolocco Creek? Had anything made you aware of that fact?
A. Prior to this last --
Q. Yes, this most recent disclosure, Plaintiff's Exhibit 15.
A. Yes, I was.

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Q. How did you come to know that PCB's were present in the fish at Choccolocco Creek?
A. I have been told of earlier testing that was done in conjunction I believe with ADEM back -- I believe it was in the '80's. I'm not sure of the exact year.
Q. And you were told by somebody at Monsanto?
A. Yes.
Q. Who was that person?
A. Jerry Brown.
Q. What did Jerry tell you?
A. Just that there had been testing done. I don't remember what levels. I just remember him talking about there had been some earlier testing done, I believe, with fish in Choccolocco.
Q. You don't know if he described them as high or low?
A. No, I don't.
Q. Do you know if he gave you any

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numbers?
A. Not that I remember.
Q. What about Lake Logan Martin? Had anyone ever told you that PCB's were present in fish in Lake Logan Martin before you saw the results in Exhibit 15?
A. I have never heard of fish exhibiting PCB's in Lake Logan Martin. Just for clarification, I do not know that this is Lake Logan Martin on the lower part. I can't tell. If you say it is, I'll assume you know that it is, but I don't know that it is.
Q. You've never been told that any of these fish came from Lake Logan Martin?
A. No.
Q. I don't want to misstate you, but does that mean that as of today, you really don't -- you're not aware of any results that indicate the presence of PCB's in fish in Lake Logan Martin?
MR. LIGHTFOOT: Object to the form of that question, because there is a catfish

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-- I mean a nine reading of six composite catfish. If you can tell where it is, you're doing better than we can. It's near Choccolocco. Is that it, Buddy?
MR. COX: No.
MR. HOWARD: It's in Logan Martin. Where the composite is.
MR. LIGHTFOOT: It's very hard to say where it is.
MR. COX: This is it.
MR. HOWARD: But does that really make her question --
MR. LIGHTFOOT: I think it does. When there's a sample taken at the confluence --
MS. ARENBERG: I can clear that up.
Q. (BY MS. ARENBERG) Because my question is, as of today, are you aware, or has anyone made you aware of the presence of PCB's in any fish in Lake Logan Martin?
A. I'm aware of the fish data that is presented in the document that is presented

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as Plaintiff's Exhibit Number 15, and if any of those fish are from Lake Logan Martin, then I guess I would have to say yes.
Q. And excluding any fish in this study, are there any other studies or any other fish that you have ever heard about from Lake Logan Martin?
A. No, there are not.
Q. Okay. I think that's what I wanted to know. Is that something that you would want to know as environmental supervisor?
A. I don't know.
Q. Has anyone at Monsanto ever expressed a concern over the levels of PCB's found in fish in Lake Logan Martin?
A. Are you talking about the levels as presented in that report?
Q. No. I am --
A. The report being Exhibit 15?
Q. Since that appears to be unclear --
A. I know of no other discussions

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about any fish in Lake Logan Martin.
Q. Have you ever been to Lake Logan Martin? We talked about Choccolocco Creek.
A. I'm not sure. I may have driven by it at some time. I've lived in the state many years.
Q. Are you aware that Choccolocco Creek feeds into Lake Logan Martin?
A. I know that Choccolocco Creek feeds into a waterway. I don't know if that's deemed as being part of Lake Logan Martin at that point or not.
Q. Have you ever had occasion to research the history of losses of PCB's from the Anniston plant?
A. No, I have not.
Q. If you were to see a report in which the Monsanto Anniston plant reported losses of 88 pounds of aroclor a day, would you consider that to be a lot? And by loss, I mean release into Snow Creek.
A. I think that's a hypothetical situation. You will have to lay some sort

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of a scenario for what time frame we're talking about. What the belief was of the material as far as health effects of the time. If you're asking me can I make a decision on that in 1995 on a document dating back to sometime when we were making PCB's, I don't think I can give you an answer on that.

Q. And the reason is because it would depend on the health effects at that time, or the knowledge of health effects at that time?

A. It would depend on the situation. The environmental level of knowledge at that time -- I don't know if I can address that in 1995 back into time sometime, because I simply wasn't there. I don't know.

Q. And we talked about levels recently of six parts per billion in some of the outfall?

A. That's correct.

Q. Of PCB's from the Anniston plant. And you categorize those as low levels I

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believe?

A. Yes.

Q. If those levels were in the -- were a hundred parts per billion, would you still categorize those as low?

A. Probably.

Q. A thousand parts per billion?

A. I don't know.

MR. LIGHTFOOT: You're talking about at an outfall?

MS. ARENBERG: Yes.

MR. LIGHTFOOT: Into a tributary -- unnamed tributary of Snow Creek?

MS. ARENBERG: That seems to be where --

MR. LIGHTFOOT: I know, but how far from Snow Creek?

Q. (BY MS. ARENBERG) I'm just saying they measure their outfalls. If you found levels of one thousand would you consider that to be high?

MR. LIGHTFOOT: Objection, he already said he didn't know.

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Q. (BY MS. ARENBERG) Five hundred. Would you consider that to be high?

A. I don't know.

MR. COX: Five hundred parts per billion?

Q. (BY MS. ARENBERG) Five hundred parts per billion. Two hundred parts per billion?

A. I don't know. I'm not trained in toxicological aspects. I don't know if that's high.

Q. What would trigger concern on your part, since you're not trained in toxicological --

A. I would take the data that I received, and I would present it to the state and, if required, federal agencies, and let them make the determination if it was a level that should be of concern and let them respond accordingly.

Q. So your response would be predicated on what the state or federal government said back to you?

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A. I would report the data to the state and federal agencies.

Q. You're required to report that data, aren't you?

A. Yes, I am.

Q. Are you familiar with any sludge waste generated at the Anniston plant?

A. Can you define that, please.

Q. No, I can't. Because I'm not sure what it is. But in your landfilling experience, do you ever deal with sludges?

A. I don't landfill anything.

Q. In looking at what is contained in landfills. You've done some of that, haven't you?

A. To the extent that I have spoken to already. I guess I don't understand the question, I'm sorry.

Q. Okay. Does the word sludge have a meaning to you?

A. Yes.

Q. Tell me what it means.

A. In general, it's a thick viscus

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material.

Q. Has anyone at Monsanto ever talked to you about PCB containing sludge, or sludge containing PCB's?

A. No.

Q. Are you aware of a fish advisory that was issued in 1989 for the Coosa River?

A. Yes, I am.

Q. How did you become aware of that?

A. I don't know.

Q. Do you know that it relates to PCB's?

A. Yes, I do.

Q. Do you know where those PCB's came from?

A. I think that I remember that they talked about a GE facility in Rome, Georgia, but I'm not sure.

Q. But if you knew -- if you heard that there was a GE facility in Rome, Georgia, and you heard that downstream from that facility, there was a PCB fish advisory, would you assume that those PCB's

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came from Rome, Georgia?

A. I have no reason to believe that. I just seem to remember hearing the GE facility in Rome, Georgia mentioned in conjunction with a fish advisory. I don't know if that's right or not.

Q. It was connected in some way?

A. For some reason those memories are interwoven, I don't know why.

Q. Has Monsanto ever indicated any concern about finding out where any of the PCB's found in any of the fish studies you've seen came from?

A. I don't know that I've ever discussed that with anybody.

Q. Do you know if there's any way to determine that?

A. No, I do not.

Q. Do you know if it is Monsanto's position that the Snow Creek remediation project, which we talked about being completed before you arrived in 1990, was effective?

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A. No, I do not.
Q. Who would know that?
A. Who would know whether or not it was effective or not?
Q. Yes.
MR. COX: Or who would know Monsanto's position --
Q. (BY MS. ARENBERG) Position on whether it was effective or not?
A. I don't know.
Q. Do you know if Monsanto has a position on whether dredging is a good method for removing PCB's from sediment in a creek or stream?
A. I've never seen or read anything to that effect either for or against.
Q. In your meetings with ADEM, has dredging been discussed at any point?
A. Sediment removal has been discussed very briefly as outlined in the exhibits you showed me previously.
Q. Was Monsanto's opinion on dredging ever sought, or sediment removal?

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A. I don't believe so.
Q. Do you believe -- do you know whether or not the residents who live along Choccolocco Creek are aware that PCB's are present in Choccolocco Creek?
A. I'm aware that the Department of Public Health has posted warning signs on Choccolocco Creek as detailed, I believe, in the public release.
Q. Okay. What about residents along Snow Creek? Do you know if they are aware about the presence of PCB's in Snow Creek?
A. I'm aware that the only PCB's that I'm aware of in Snow Creek was from samples taken by the State of Alabama. I am not aware of what steps the State of Alabama has taken to notify anybody or if they feel that there is a need to.
Q. But you know that Monsanto hasn't taken any steps to notify anybody?
A. Not that I am aware of.
Q. Do you know if residents who live on Lake Logan Martin are generally aware of

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the presence of PCB's in Lake Logan Martin?
A. I have no idea.
Q. Are you aware of anyone at Monsanto who has made any effort to make those people aware?
A. No idea.
Q. And since you've been there, you've never been told to make anyone aware?
A. No, I have not.
Q. That's not part of your job?
MR. LIGHTFOOT: Wait a minute. You said since you've been there you've never been told to make anybody aware? He's told you about his contacts with agencies all day long. You didn't mean to exclude contacts with agencies.
Q. (BY MS. ARENBERG) I'm talking about people.
A. No. I've never been told to contact anybody anywhere.
Q. Okay.
MS. ARENBERG: If we can take just a break and let me confer with Gary.

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(Whereupon a brief recess was had in the deposition.)

Q. (BY MS. ARENBERG) Mr. Jones, I want to be real clear on this. I know we talked about it before about what is buried in the landfills, and you've told me that you don't know, except for those two cells?
A. That's correct.
Q. And you've told me that you don't have any records that tell you that?
A. I do not have any records in existence that tells materials landfilled, that's correct.
MR. LIGHTFOOT: Pam, wait a minute. The west end landfill he did tell you that he's investigated, and he knows that PCB's bottoms were placed there.
Q. (BY MS. ARENBERG) Yes. You have given me some information. What I'm looking for though is something that you could point to and say here is a list of everything, or

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here is where things are located. Those you've told me don't exist?
A. I do not have that.
Q. The reason I'm asking this again is because I know you said they don't exist in Anniston, and I wonder if they exist anywhere else in Monsanto?
A. Not that I'm aware of. That would be way out of our record retention.
Q. Because of timing?
A. Record retention requirements.
Q. Would it also be true that back at the time that many of these materials were landfilled, it simply wasn't something people did?
A. That's true.
Q. Okay. And the Snow Creek remediation project which we discussed that was completed before you began your tenure at Monsanto, who was in charge of that?
A. I'm not sure.
Q. Okay.
A. I can tell you who the

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environmental contact was at the plant at that time.
Q. Okay. Who was that?
A. Bob Cheevers.
Q. Then I want to move back for one second to Plaintiff's Exhibit 15, which it contained the most recent fish studies which you requested from ADEM, because we were confused about where these fish came from. I want to ask you to read the line right here and see if that clarifies anything, under location?
A. It says location on Logan Martin Lake, Coosa River, in vicinity of Poor House Creek confluence, seven-tenths of a mile downstream of Choccolocco Creek.
Q. Okay. And you don't know where that is located, or does that clarify for you that it is located on Lake Logan Martin?
A. It clarifies to me that in this report, that the location that the field ops representative has indicated is dictated on here. I'm not familiar with that location,

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and if that would be considered part of Lake Logan Martin.

Q. Do you generally consider the studies you get from ADEM to be accurate?

A. I don't generally receive studies from ADEM, and I am not saying this is inaccurate. All I can testify to as to what this states as to the location of these fish. I have no knowledge of this area, nor do I know what is classified as the boundaries of Lake Logan Martin.

Q. But when you received that report, if you read that that fish was taken from on Lake Logan Martin, would you assume that it came from Lake Logan Martin?

A. I would not have thought of it that way. I would have thought of it being downstream from Choccolocco Creek.

Q. And you don't know what's downstream of Choccolocco Creek?

A. No, I do not.

Q. Have you ever looked at a map to find out?

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A. Probably. But I do not look at it and make a study of it. I know there's a blue line hitting another blue line. I don't know what that signifies, other than two waterways.

Q. Okay.

MS. ARENBERG: That's all I have.

MR. LIGHTFOOT: Thank you. No questions.

FURTHER DEPONENT SAITH NOT

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CERTIFICATE

STATE OF ALABAMA)
JEFFERSON COUNTY)

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

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

MAURICE LAPIDUS

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