

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

JOHN R. SWIFT and
BARBARA SWIFT,

Plaintiffs,

VS.

CIVIL ACTION NO.
CV-97-AR-2430-E

MONSANTO COMPANY, INC.,
et al.,

Defendants.

DEPOSITION OF GENE JESSEE

Taken on behalf of the Plaintiffs

July 8, 1999

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MONSANTO COMPANY, INC.,
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Defendants.

Deposition of GENE JESSEE, produced,
sworn, and examined on behalf of the
Plaintiffs on July 8, 1999, between the hours
of nine o'clock in the forenoon and five
o'clock in the afternoon of that day at the
Ritz-Carlton Hotel, 100 Carondelet Plaza, St.
Louis, MO 63105, before Sheila L. Ford, a
Registered Professional Reporter and Notary
Public within and for the State of Missouri.

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A P P E A R A N C E S

The Plaintiffs were represented by
Donald R. Stewart, Esq., P. O. Box 2274, 1131
Leighton Avenue, Anniston, Alabama 36202.

The Defendant was represented by
Jerry White, Esq., of the law firm of
Lightfoot, Franklin & White, L.L.C., The Clark
Building, 400 20th Street North, Birmingham,
Alabama 35203-2300; and Michael E. Kelly,
Esq., of the law firm of Smith, Helms, Mulliss
& Moore, P. O. Box 21927, Greensboro, North
Carolina 27420.

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IT IS STIPULATED AND AGREED by the
parties, through their respective counsel,
that the deposition of GENE JESSEE, may be
taken before Sheila L. Ford, CSR, RPR, as
Commissioner and Notary Public in the State of
Missouri, on July 8, 1999, at 9:30 a.m., and
that the reading and signing of the deposition
transcript by the witness is waived.

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

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

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2

3 GENE JESSEE,

4 of lawful age, produced, sworn, and examined

5 on behalf of the Plaintiffs, deposes and says:

6

7 MR. STEWART: Usual stipulations?

8 MR. WHITE: With the exception,

9 give us to the end to let you

10 know about reading and

11 signing.

12 MR. STEWART: And then the other

13 thing that I would like to

14 add to that, Sheila, is that

15 we are going to be using this

16 deposition for purposes of --

17 not only the Swift case but

18 also the Abernathy and the

19 other state cases that have

20 been filed against Monsanto,

21 with y'all's caveat that

22 don't want to do anything to

23 circumvent the stay.

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1 course work here at Washington

2 University in St. Louis under the

3 company's tuition assistance program.

4 That didn't lead to a degree.

5 Q. When did you graduate?

6 A. 1950.

7 Q. And what about your work history? Where

8 did you go to work after you graduated

9 from school?

10 A. I had to fulfill a military commitment,

11 and then I worked for the United States

12 Army Chemical Corps of Engineers Agency

13 for about a year. Then I came to work

14 for Monsanto in Monsanto, Illinois,

15 which is just across the river, is now

16 called Sauget.

17 Q. When did you --

18 A. That was in 1953, October of '53.

19 Q. What was your tour of duty in the Army?

20 What did you do in the military?

21 A. I was an operator in a chemical plant

22 making chemical agents for the Army.

23 Q. Where was that?

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2 DIRECT-EXAMINATION

3 QUESTIONS BY MR. STEWART:

4 Q. State your name for the record.

5 A. Gene, G-E-N-E, middle initial L., last

6 name, Jessee, J-E-S-S-E-E.

7 Q. And, Mr. Jessee, where do you live at

8 the present time?

9 A. I live here in St. Louis, West St. Louis

10 County.

11 Q. And how long have you lived here in St.

12 Louis?

13 A. This time since 1978.

14 Q. Did you originally come from St. Louis,

15 the St. Louis area?

16 A. No. I was born and reared in Houston,

17 Texas.

18 Q. Give me a little of an idea of your

19 educational background, please, sir, if

20 you would.

21 A. I graduated with a five year degree in

22 chemical engineering from the University

23 of Houston. And I took some graduate

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1 A. Edgewood, Maryland, Edgewood Arsenal.

2 Q. What kind of chemical agents were you

3 involved in?

4 A. Nerve gas.

5 Q. When you say chemical operator, did you

6 actually participate in --

7 A. Yes. Shift work. That kind of stuff. --

8 Q. You did that for two years?

9 A. Yeah. It was two years. That was the

10 commitment, for two years. I had the

11 basic training up front. So it wasn't a

12 full two years, but whatever is left

13 after --

14 Q. After basic training?

15 A. Yeah.

16 Q. Chemical Corps, I assume?

17 A. Yes. It was the Army Chemical Corps.

18 Q. Then after that you indicated you worked

19 for the Army?

20 A. Yeah. For another nine months maybe

21 before I came to work for Monsanto.

22 Q. Where was that work done?

23 A. Same place, Edgewood Arsenal. I just

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1 did -- I was in a plant facilities
 2 design there. They wanted me to --
 3 Based on my operator experience, they
 4 wanted me to help them design a plant
 5 that was -- a big plant that was to be
 6 built at Rocky Mountain Arsenal outside
 7 of Denver. '

8 Q. That's what you participated in after
 9 that?
 10 A. Yeah, as a civilian.
 11 Q. Did you actually design the plant
 12 yourself or participate in designing it?
 13 A. Participated in the design of a part of
 14 it.
 15 Q. When you started with Monsanto, what did
 16 you start out doing? What were you
 17 hired to do?
 18 A. Technical service work, wherever I was
 19 assigned.
 20 MR. WHITE: Let him finish his
 21 question before you start,
 22 because she can only get one
 23 of you at a time.

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1 A. No.
 2 Q. -- manufacturing of PCBs?
 3 A. No.
 4 Q. How long did you work at that plant?
 5 A. From October of '53 to, say, the first
 6 -- April or May of '61.
 7 Q. So some seven or eight years?
 8 A. Whatever that -- I know it was in '61
 9 that I was transferred to another
 10 location.
 11 Q. During that period of time, do you know
 12 or are you familiar with how Sauget
 13 handled the waste matter that came off
 14 their manufacturing process? What did
 15 they do with it?
 16 A. I don't remember exactly what they did
 17 or if there was any special program for
 18 doing it. I don't remember. They had
 19 liquid waste, and they had solid waste.
 20 But I don't think there was any specific
 21 manner -- I don't know of any specific
 22 manner in which it was handled.
 23 Q. Did they have landfills at that time on

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1 THE WITNESS: All right.
 2 Q. (By Mr. Stewart) You were saying you
 3 were hired on in technical service work?
 4 A. Yes. They had a group of engineers that
 5 comprised a technical service group for
 6 that plant.
 7 Q. You say for that plant. Do you mean for
 8 what is now known as Sauget?
 9 A. Yes.
 10 Q. What were they manufacturing there when
 11 you went to work?
 12 A. I can't remember all that stuff. Must
 13 have been fifty or sixty different
 14 things. It was a big plant.
 15 Q. Were they making PCBs?
 16 A. Yes. I believe they were.
 17 Q. That's at Sauget when you started
 18 working there?
 19 A. Yeah. They had been making them there
 20 for a long time, but I don't remember
 21 when they started. I didn't have
 22 anything to do with that operation.
 23 Q. You had nothing to do with --

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1 the plant site at Sauget?
 2 A. They had landfills -- They owned a
 3 landfill area adjacent to the plant
 4 site, I believe, yeah.
 5 Q. Is that where they put some of their
 6 solid waste?
 7 A. Yes.
 8 Q. What about the liquid waste? What
 9 happened to it?
 10 A. I don't know. I don't remember.
 11 Q. Is it located on the Mississippi?
 12 A. Yes.
 13 Q. Was there any point in time that liquid
 14 waste was placed in the Mississippi?
 15 A. I wasn't involved in that, so I can't
 16 tell you what they did with it.
 17 Q. Were you ever involved at any point in
 18 time in your career with Monsanto back
 19 at the Sauget plant? Were you ever sent
 20 back there after '61?
 21 A. One time on a safety audit towards the
 22 end of my career with Monsanto. And one
 23 time on a -- Monsanto used to conduct

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1 annual inspections. And they inspected
 2 all the plants in the United States.
 3 And they'd send out inspection teams.
 4 And I was on a team that went to that
 5 plant.
 6 Q. When you say you did a safety audit,
 7 tell me about what time that was that
 8 you performed that at Sauget?
 9 A. It was sometime between '87 and '89.
 10 Q. Who all was involved in that safety
 11 audit with you at that time?
 12 A. There was another safety man in the part
 13 that I was in which was the corporate
 14 safety department.
 15 Q. Who was that?
 16 A. I don't remember his name.
 17 Q. Anybody else?
 18 A. As being representatives of the
 19 corporate safety inspection team we were
 20 the only two. But of course at the
 21 completion of our inspection we had to
 22 sit down with the plant manager and his
 23 staff and talked about what we have seen

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1 and what we would recommend that if -- I
 2 don't -- If we had recommendations, I
 3 don't remember what they were.
 4 Q. Tell me, if you would, what period of
 5 time you were involved in that audit?
 6 How long did it take?
 7 A. I think it took the better part of two
 8 or three days, since it was a big plant.
 9 Q. And what types of things were you to
 10 look at and what type of things did you
 11 look at during this audit?
 12 A. We were looking at, first, their
 13 programs for protection of the
 14 employees, safeguarding of equipment.
 15 Then we went out in the plant to verify
 16 that they were actually doing what they
 17 said they were doing. That's
 18 essentially what the inspection was all
 19 about.
 20 Q. And what types of things were you -- Did
 21 you look at all at the disposal of waste
 22 or the landfill?
 23 A. No. Safety things as it related to the

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1 protection of the employees, safety of
 2 the employees, and also the whole
 3 question of property loss prevention.
 4 Q. Sir?
 5 A. Property loss prevention, through the
 6 use of safeguards on the equipment and
 7 such.
 8 Q. Tell me about the annual inspection you
 9 performed. When did you do that?
 10 MR. WHITE: Annual?
 11 Q. (By Mr. Stewart) I thought you said you
 12 did --
 13 A. Oh. Years ago they had -- Back in the
 14 '60s I think -- That was sometime
 15 between 1966 and 1970, because I was
 16 working at another plant. I don't
 17 remember the plant I was working at. I
 18 was just assigned arbitrarily to a team
 19 that was headed up by a plant manager.
 20 And there were some other
 21 superintendents from plants. And we got
 22 together and had to go inspect five
 23 plants.

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1 Q. You inspected Sauget during that period
 2 of time?
 3 A. Yes.
 4 Q. What type of thing did you inspect at
 5 Sauget during that inspection?
 6 A. The same general kind of thing. But it
 7 also picked up on things like
 8 housekeeping, as I remember.
 9 Q. When you say "housekeeping," what are
 10 you talking about?
 11 A. Well, did they keep the place clean, was
 12 it clean.
 13 Q. Did you have anything -- Did you do any
 14 checking then about management that they
 15 were -- or how they managed the waste
 16 product that came off the plant?
 17 A. No.
 18 Q. Did you look at the landfill at any
 19 point in time?
 20 A. No, I didn't. Maybe somebody else on
 21 that team did. Because we were assigned
 22 different things to look at during that
 23 period of time.

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1 Q. What exactly did you look at?

2 A. I don't remember exactly. I couldn't

3 tell you specifically. I think it was

4 probably house -- We all looked for

5 housekeeping. I think I was probably

6 assigned to see if all the fire

7 extinguishers had been recently checked

8 and were filled to the proper indication

9 on the gauges, that the fire

10 extinguishers were usable.

11 Q. Were you involved at all in putting the

12 final report together?

13 A. Yeah. That group met after each plant

14 inspection, each of those five

15 inspections, and put together a report.

16 Q. Was Sauget not making PCBs at that time?

17 A. I think they were.

18 Q. And did somebody during the process of

19 that inspection look at that

20 manufacturing process and make a report

21 on that?

22 A. I couldn't tell you at all. I don't

23 remember.

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1 Q. Were there any recommendations that

2 y'all made that had to do with either

3 the PCB manufacturing process or the

4 disposal of waste of PCBs?

5 A. I don't remember that.

6 Q. Give me a little bit of an idea of your

7 work history after you left Sauget in

8 1961.

9 A. The company was building a new plant

10 south of Alvin, Texas, called Chocolate

11 Bayou, Texas. And there were a number

12 of different manufacturing units being

13 installed there, brand new, ground up.

14 Monsanto purchased some technology which

15 they wanted to use there. And I had

16 been familiar with the process at the

17 Krummrich plant at Sauget. It was the

18 same product but a different technology.

19 So I was assigned to a position. They

20 called it a manufacturing

21 representative, where I was supposed to

22 coordinate the construction, research,

23 engineering, and manufacturing to

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1 demonstrate that new plant after it was

2 built.

3 Q. What was the product that they were

4 making?

5 A. Phenol, phenol. And another product

6 called acetone, a-c-e-t-o-n-e.

7 Q. And they bought a process to make that?

8 A. Yes. Monsanto bought the technology to

9 make that.

10 Q. And you went down and --

11 A. I was sort of what we call -- I was in

12 charge of -- start up and demonstrate

13 the plant. That took about -- took the

14 better part of a year, year and a half.

15 Then I had the same assignment at

16 another plant adjacent to that about

17 fifteen miles away, which was an old

18 established Monsanto operation at Texas,

19 City. But it was a different process

20 that we were building a new unit within

21 that plant. And the idea was to start

22 up and demonstrate that process.

23 Q. How long did you stay there?

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1 A. Must have been another year associated

2 with all that.

3 Q. Where did you go after that?

4 A. Well, then I was promoted to what we

5 called a guest superintendent of

6 operations in the Luling, Louisiana

7 plant. It's real elaborate to explain --

8 what this guest means. Whoever --

9 whatever part of the corporation

10 business unit has the most capital in a

11 plant, they are the controlling

12 administration of the plant. In this

13 case, my part of the corporation that I

14 worked for was only a minor player, so

15 we were guests. And that was the role.

16 MR. STEWART: Off the record.

17 [Discussion held off the

18 record.]

19 Q. (By Mr. Stewart) That would be about

20 '64?

21 A. That gets me up to about '64, when I

22 went in there.

23 Q. How long did you stay there as a guest?

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1 A. Well, the work there got interrupted in
2 October of '65 to April of '66 when I
3 got a phone call saying, you're going to
4 Australia. They have got a phenol plant
5 -- at this time I had worked in two
6 phenol operations. And they had a
7 phenol operation in Australia they had
8 been trying to start up for about
9 eighteen months, and they couldn't make
10 it run. And I said, "Why me?" And they
11 said, "You know more about phenol than
12 anybody else in the company about how to
13 get the operation to run right."

14 So I went over there for six
15 months. Then I came back to Luling.

16 Q. How do you spell the name that you're
17 talking about?

18 A. L-U-L-I-N-G, was the plant in Louisiana.
19 It's about twenty miles west of New
20 Orleans.

21 Q. Go ahead.

22 A. So then I went to this place outside
23 Melbourne, Australia for about six

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1 plant? What kind of work did you do
2 there?

3 A. They had the plant divided up into
4 manufacturing groups, and I was in
5 charge of one of those groups.

6 Q. What type of work did you do?

7 A. I administered the manufacture of 98
8 different chemicals off and on over 365
9 days a year.

10 Q. So y'all made various things here at
11 Queeny during that period of time?

12 A. Yeah. The group I had made 98 different
13 products. Sometimes on the same
14 equipment we'd make something for three
15 days, clean it out; make something else
16 for two weeks, that kind of stuff. It
17 was all pots and pans.

18 Q. What were they doing with the waste
19 material that came off your
20 manufacturing process at Queeny when you
21 were here? How did they handle that
22 waste?

23 A. I'm trying to remember. Again, I wasn't

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1 months. Then we got that thing to run.
2 And I came back to Luling, as my regular
3 assignment.

4 And within a month or two I was
5 asked to -- I was promoted to what they
6 call a general superintendent of
7 manufacturing, which was a promotional
8 job. Then I came to work at the plant
9 down here on South 2nd Street that's
10 called the J. F. Queeny plant, which is
11 the original plant in Monsanto.

12 Q. So you worked at Queeny for what period
13 of time?

14 A. From July of '66 to January 1st -- or
15 December 31st of 1970.

16 Q. And then I assume you were sent to
17 Anniston?

18 A. First working day of 1970.

19 Q. As plant manager?

20 A. Yes.

21 Q. And you were there until?

22 A. Technically July 1st of '78.

23 Q. Now, what did you do at the Queeny

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1 directly involved in the operation of
2 any waste treatment or waste handling.

3 Q. I'm aware of that. I'm just asking you
4 -- Let me ask it this way: Was there a
5 waste product that came off some of your
6 manufacturing processes that you --

7 A. If memory serves me right, there were. --
8 But what kind of a waste treatment
9 system -- these are liquid wastes. I
10 don't remember any solid wastes. I
11 don't remember any atmospheric
12 discharges that were subsequently
13 captured and treated. Now, I don't
14 remember if the City of St. Louis
15 provided the treatment or if the plant
16 provided treatment.

17 Q. Did the Queeny plant have a landfill?

18 A. Not to my knowledge.

19 Q. Were y'all regulated in any way by
20 either state or Federal regulators at
21 the time you worked at Queeny?

22 A. Not to my recollection. That wasn't an
23 issue. The city had some ordinances

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1 relative to nuisances, like odors and
 2 stuff like that. That's all I remember
 3 as being a regulatory body having
 4 something -- some contact with the
 5 plant, if there were odor complaints.
 6 Q. And I understand that wasn't your line
 7 of work. Did y'all have a landfill at
 8 Queeny?
 9 A. No. I know that. I know anything they
 10 hauled, it was hauled away under
 11 contract disposal.
 12 Q. There was a disposal contract in place
 13 at Queeny?
 14 A. Probably several. I don't know who they
 15 were.
 16 Q. Do you have any idea where it was
 17 hauled?
 18 A. No.
 19 Q. Do you remember what kinds of solid
 20 waste that you had at that time?
 21 A. I don't know. They probably came from
 22 other operations. The operations that I
 23 had, it would probably be office waste

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1 it.
 2 Q. During the time that you were plant
 3 manager at Anniston, they did
 4 manufacture for some period of time
 5 there PCBs?
 6 A. Very short period of time after I got
 7 there.
 8 Q. For what period of time?
 9 A. Oh, maybe two, two and a half years,
 10 something like that.
 11 Q. During that two to two and a half years
 12 did you have any conversation with
 13 anybody at Krummrich, the Sauget plant,
 14 about PCBs?
 15 A. No.
 16 Q. Do you have any contact with them about
 17 disposal of PCB waste?
 18 A. No.
 19 Q. Do you know what was done by the company
 20 in that time frame with liquid PCBs,
 21 PCBs that was in a liquid form, that
 22 customers had --
 23 MR. WHITE: Krummrich or anywhere?

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1 or something like that. It wouldn't be
 2 process waste.
 3 Q. Were you familiar while you were at
 4 Queeny with what was going on at
 5 Krummrich?
 6 A. No.
 7 Q. Did you ever become familiar with that
 8 while you worked in Anniston?
 9 A. When what was going on?
 10 MR. WHITE: I was going to ask the
 11 same question. What do you
 12 mean by what was going on,
 13 Donald?
 14 MR. STEWART: That's probably a
 15 good suggestion.
 16 Q. (By Mr. Stewart) What they did with
 17 their waste.
 18 A. No.
 19 Q. What about waste materials from PCB
 20 production at Sauget?
 21 A. We owned a landfill -- No, no. I
 22 thought you meant at Anniston.
 23 I don't know what they did with

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1 MR. STEWART: No. Anywhere.
 2 A. You mean just take a product and put it
 3 in a tanker and sell it?
 4 Q. Well, at some point in time during the
 5 period of time that we're talking about,
 6 there's been some testimony that there
 7 was an effort made by Monsanto to -- not --
 8 effort, but they actually did take some
 9 of that product back from larger
 10 customers. Are you familiar with that?
 11 A. That's a business group marketing
 12 decision, Donald. I wouldn't have any
 13 -- privy to that.
 14 Q. Actually, I'm not asking about the
 15 decision to take it back. I'm trying to
 16 find out if you have any information,
 17 Mr. Jessee, about what happened to that
 18 product?
 19 A. No, I don't.
 20 Q. Did any of it wind up in Anniston?
 21 A. I don't know.
 22 Q. Well, you were there from 1970 --
 23 December 31st of '71 until '78 as plant

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1 manager. During your time there did any
2 PCBs from customers wind up in Anniston
3 at any point in time?
4 A. I can't remember if we were asked to
5 rework any or not.
6 Q. Is there a possibility that you were
7 asked to rework some?
8 A. There's always a possibility, but I
9 can't cite you amount, where it came
10 from, how much. I don't know any of
11 that.
12 MR. WHITE: Give me a -- pause a
13 little bit and let him
14 finish.
15 THE WITNESS: Sorry.
16 MR. WHITE: That's all right.
17 Q. (By Mr. Stewart) You do recall that
18 there was some; you just don't know what
19 they are?
20 MR. WHITE: No, no.
21 A. No. I thought it might have been
22 possible.
23 MR. WHITE: Yeah. I object.

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1 A. None.
2 Q. You don't know anything at all about it?
3 A. Uh-uh (indicating no). Well, I heard
4 talk, but that's all.
5 Q. Tell me what talk you heard.
6 A. I just heard Monsanto was thinking about
7 building an incinerator at Sauget. I
8 don't know whether they ever built it or
9 not.
10 Q. What was the purpose, if you were told
11 in that talk, that they were building an
12 incinerator at Sauget?
13 A. They were thinking about it. I never
14 knew whether they did or not.
15 Q. To dispose of PCBs?
16 A. They were going to burn a whole bunch of
17 waste, that I heard about.
18 Q. Who told you about that, Mr. Jessee?
19 A. I'm searching for names.
20 Q. That's all right. We got time.
21 MR. WHITE: If you know, tell him.
22 But don't guess.
23 A. I don't want to guess that somebody told

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1 THE WITNESS: I'm sorry.
2 MR. WHITE: I think you're
3 clearing it up. Go ahead.
4 A. I don't know. I don't know if it
5 actually happened.
6 Q. (By Mr. Stewart) If you want to answer,
7 you can answer just as quickly as you
8 want to answer as far as --
9 A. That's all right.
10 MR. STEWART: Jerry will enter --
11 MR. WHITE: I need time now and
12 then --
13 MR. STEWART: -- to earn his
14 money.
15 MR. WHITE: I'm not as quick as
16 you are.
17 MR. STEWART: He's not doing it in
18 shorthand.
19 MR. WHITE: No.
20 Q. (By Mr. Stewart) What familiarity do
21 you have with any facility that was
22 built anywhere in the Monsanto system to
23 incinerate liquid product?

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1 me something and it's not the right
2 person.
3 I heard about this in my other
4 life when we got into this whole
5 question of compliance with RCRA, if
6 that term means anything to you.
7 Q. (By Mr. Stewart) Yes, it does.
8 A. Okay. That's when I heard about that.
9 And I'm trying to remember when -- who
10 was involved or I heard about that. I
11 can't give you the name.
12 Q. Was that when you were at the Anniston
13 plant?
14 A. No, no, no. That was after I
15 transferred up here after 1978.
16 Q. So it was after 1978?
17 A. Yeah. It was when I was here, working
18 here.
19 Q. Where were you working here after you
20 transferred in '78?
21 A. Monsanto was in the process of forming
22 and organizing what they call a
23 corporate environmental policy staff.

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- 1 Q. And you worked on that staff?
- 2 A. And I was assigned to work on that staff
- 3 following the development of regulations
- 4 for RCRA.
- 5 Q. And when did you begin work on that
- 6 staff and how long did you work there?
- 7 A. I started out in July of '78. And that
- 8 went to about the middle of '86. Yeah,
- 9 middle of '86.
- 10 Q. And then what did you do with the
- 11 company, just to round out your history?
- 12 A. I did that until I retired -- I was
- 13 assigned to the corporate safety and
- 14 property protection department.
- 15 Q. When did you retire?
- 16 A. In April of 1989.
- 17 Q. What prompted your retirement? You just
- 18 reached retirement age or --
- 19 MR. WHITE: Fulfilled his dreams.
- 20 A. I just decided, you know, I had seen the
- 21 same thing coming around and around
- 22 enough, and I decided I wanted to
- 23 retire.

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- 1 shouldn't waste his time if
- 2 he didn't have an agreement.
- 3 Q. (By Mr. Stewart) During that period of
- 4 July of '78 to the mid part of '86, what
- 5 kinds of things did you do in this
- 6 environmental group that you were a part
- 7 of?
- 8 A. Well, I was assigned the
- 9 responsibilities to educate the
- 10 corporate officials in what
- 11 environmental law that -- how the RCRA
- 12 law was being developed and how the
- 13 regulations to enforce that law were
- 14 being developed and promulgated, with
- 15 major emphasis on the last two things.
- 16 Q. Major emphasis on the development of it
- 17 and --
- 18 A. Development of the regulations and
- 19 educating the people who had to know
- 20 about these regulations and
- 21 participating in submitting comments and
- 22 giving testimony to EPA prior to the
- 23 promulgation of final regulations, and

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- 1 Q. What have you done since that time?
- 2 A. Had a good time, worked hard.
- 3 Q. Have you had other employment?
- 4 A. No, I haven't.
- 5 Q. Did you get some kind of severance
- 6 package at that time when you retired?
- 7 A. No.
- 8 Q. Was there any kind of agreement that you
- 9 signed at that time about --
- 10 A. No.
- 11 MR. WHITE: Let him finish --
- 12 THE WITNESS: Okay.
- 13 MR. WHITE: Maybe there was no
- 14 type of agreement.
- 15 THE WITNESS: I didn't sign any
- 16 agreement.
- 17 MR. STEWART: He may be right.
- 18 MR. WHITE: That's right.
- 19 A. They returned my employment contract to
- 20 me. That's about the only thing I got
- 21 back.
- 22 MR. WHITE: Ready, aim, fire.
- 23 MR. STEWART: He's right. Lawyers

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- 1 then taking final regulations and
- 2 working with the many plant locations
- 3 and their representatives through some
- 4 environmental managers on uniformly
- 5 telling people what the law meant or
- 6 what the law said, what the regulations
- 7 meant, and then letting them determine --
- 8 how that impacted them and work out
- 9 programs for compliance.
- 10 Q. Apparently then you were responsible for
- 11 -- and if I misspeak, you certainly
- 12 correct me -- but you were responsible
- 13 for Monsanto taking certain positions
- 14 during the comment period?
- 15 A. Yes.
- 16 Q. And can you tell us a little bit about
- 17 -- well, maybe even a lot -- about the
- 18 kinds of things you did during that
- 19 period of time? Who did you work with,
- 20 first, in the company?
- 21 A. Most directly with the various operating
- 22 company environmental managers. They
- 23 had -- Each operating company had an

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1 environmental manager who was looked to
 2 to consult and advise with the plant,
 3 their assigned plants, on matters
 4 pertaining to environmental laws. My
 5 dealings with them dealt strictly with
 6 the Resource Conservation and Recovery
 7 Act regulations. So I would use them --
 8 I would get a set of proposed rules, or
 9 I would look in the Federal Register and
 10 find them. And I'd get those guys
 11 together, and I'd say, okay, you go back
 12 and talk to your plant environmental
 13 people and based on what you know and
 14 they know, submit me a set of comments
 15 that you think would make these rules
 16 feasible, viable -- whatever you want to
 17 call it -- in their plants. And if it
 18 looks like there's something here that's
 19 not practical or --
 20 Q. Say so?
 21 A. -- say so and give me those comments,
 22 and I'll submit all those back as -- in
 23 a composite form to whoever the person

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1 A. For the industrial chemicals group.
 2 Q. Back to Anniston. Was Anniston ever a
 3 part of the Industrial Chemical Group?
 4 A. Yes. When I first went there, it was.
 5 Q. And during the time that you were
 6 involved with Mr. Pierle, did any issues
 7 come up that dealt with anything that
 8 was manufactured at some point in time
 9 at Anniston?
 10 A. No. Not that I recall.
 11 Q. Did any of the regulations ever deal
 12 with PCBs or the disposal of waste?
 13 A. Not under RCRA.
 14 Q. What did regulate that, if you know?
 15 A. The Toxic Substance Control Act.
 16 Q. The Toxic Substance Control Act?
 17 A. Yes. That's an Italian opera.
 18 Q. Did you deal with that at any point in
 19 time?
 20 A. No. I had a counterpart that dealt with
 21 that.
 22 Q. Who was that?
 23 A. His name was Ronald Condre.

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1 was in EPA who was sponsoring the
 2 promulgation of rules in that section of
 3 the rules.
 4 Q. Who were these environmental managers
 5 that you dealt with during that period
 6 of time? Did they change?
 7 A. No. They were pretty constant. I don't
 8 even remember one.
 9 Q. Was Michael Pierle involved?
 10 A. Yes, he was. Yes. He was one.
 11 Q. Who else?
 12 A. Again, you're asking me for a bunch of
 13 names I forgot. But it was a pretty
 14 consistent crew.
 15 Q. Was Mr. Pierle there from about '78 to
 16 '86? Did you deal with him?
 17 A. Yeah, yeah.
 18 Q. During that whole period of time?
 19 A. Pretty steadily through most of that.
 20 Q. What was his position at that time?
 21 A. He was one of those environmental
 22 managers I was telling you.
 23 Q. For a division of the company?

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1 Q. Condre?
 2 A. Yes.
 3 Q. How do you spell that?
 4 A. I don't know. I guess C-O-N-D-R-E.
 5 Q. And is Mr. Condre still with Monsanto?
 6 A. I don't know.
 7 Q. Do you have any idea where he is?
 8 A. None.
 9 Q. So he did under TSCA what you did under
 10 RCRA?
 11 A. Yeah. We were assigned by a specific
 12 law to follow, and we didn't cross
 13 paths.
 14 Q. So they may -- Were they --
 15 A. I don't know -- Sorry.
 16 Q. Did they come up about the same time, or
 17 were y'all involved in the process of
 18 making comments about TSCA about the
 19 same time they were --
 20 A. I don't know. We never had any occasion
 21 to discuss what he was doing or what I
 22 was doing. They weren't related.
 23 Q. Were y'all working out of the same

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1 office?

2 A. Yes. Same office area.

3 Q. During this period of time, who was the

4 president of the corporation? Or CEO of

5 the corporation?

6 MR. WHITE: What period of time?

7 Q. (By Mr. Stewart) '78 to '86, the same

8 period of time I was talking about.

9 A. There were two.

10 Q. Who?

11 A. There was a man by the name of Hanley,

12 and then a man by the name of Mahoney.

13 Q. Did Mr. Mahoney at some point in time

14 during this period from '78 to '86 come

15 up with what is called the Monsanto

16 Pledge?

17 A. No. That was Mr. -- Well, what is

18 embodied in the pledge? I need to know

19 that.

20 Q. Well, it had to do with the environment

21 and how y'all treated the environment,

22 how the company did.

23 MR. WHITE: Object to the form.

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1 corporate citizen in the communities

2 where they operated.

3 Q. (By Mr. Stewart) When you say laws and

4 legislations when they became final, did

5 you understand that to mean

6 environmental laws to?

7 A. Sure. Any laws. I don't care what it

8 is.

9 Q. Was that particular pledge or

10 pronouncement made known to you and to

11 people in the company by Mr. Hanley?

12 A. Oh, yeah; oh, yeah.

13 Q. How was that done?

14 A. He first announced that at an annual

15 management meeting in St. Louis shortly

16 after he became chief executive officer.

17 Then this was printed up and published

18 and distributed throughout the company,

19 throughout the entire corporation, as

20 best I know. And we posted it on

21 bulletin boards at the plant. We had

22 classroom sessions at the plant and told

23 people, here's something that's going to

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1 A. (By Mr. Stewart) What I remember is

2 Mr. Hanley came up with much broader

3 than that in terms of social

4 responsibility and this whole matter of

5 -- which would encompass things like

6 you're talking about.

7 Q. So it was more of a social

8 responsibility pledge?

9 A. And how Monsanto plants would behave in

10 the community and that we would abide by

11 any laws and rules that were final, that

12 kind of stuff.

13 Q. And you have indicated that some portion

14 of that had to do with the environment;

15 is that correct?

16 MR. WHITE: I don't know if he

17 said that, but if he did --

18 MR. STEWART: I think he did.

19 MR. WHITE: Might have. I'm not

20 arguing.

21 A. In the infancy of all this environmental

22 stuff it was pretty general, but it said

23 that Monsanto was going to be a good

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1 be Monsanto's modus operandi in this

2 area.

3 Q. Was that when you were involved in

4 operating the Anniston plant, or was

5 that when you were here in the corporate

6 headquarters?

7 A. No. I think it was at -- Let's see. He --

8 came in this about '74. So it had to be

9 about '75. So I was at the Anniston

10 plant when all this happened.

11 Q. And you instructed your folks as to

12 what --

13 A. Oh, yes.

14 Q. What they were supposed to do under that

15 pledge?

16 A. Called in my superintendent, said we're

17 going to have group meetings with all

18 the employees, and I'm going to stand up

19 and talk to them about it. Made slides,

20 whole nine yards.

21 Q. Who did you work with at EPA during this

22 time frame, '78 to '86?

23 A. I can tell you the jobs they had; I

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1 don't remember the names.

2 Q. Tell me that, then.

3 A. They were the managers for promulgating

4 various sections of the rules for the

5 enforcement of the Resource Conservation

6 and Recovery Act. Now, working with

7 them -- I don't know what you have in

8 mind here. Did I know them? Did they

9 know me? First name basis kind of

10 thing? No. They just saw my name on

11 the bottom of comments that came from

12 Monsanto to them.

13 Q. Where were they located?

14 A. In Washington, D.C.

15 Q. Did you ever fly to Washington and meet

16 with anybody?

17 A. Some of them, yes.

18 Q. And when you flew to Washington to meet

19 with them, I assume you went on behalf

20 of Monsanto?

21 A. Yes.

22 Q. Did somebody else ever go with you?

23 A. No.

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1 Q. When you were there, did you ever talk

2 to congressmen or senators about the

3 kind of things that Monsanto wanted to

4 have as part of the RCRA rules?

5 A. No. I dealt with them.

6 Q. Sir?

7 A. I only dealt with them. I never talked

8 to a congressman.

9 MR. WHITE: Them, being the EPA

10 officials?

11 THE WITNESS: Yeah. EPA.

12 Q. You're talking about the people at EPA?

13 A. Yeah.

14 Q. Did anybody from the corporation do

15 that?

16 MR. WHITE: Talk to --

17 Q. (By Mr. Stewart) Congressman, Senators,

18 about promulgation of the rules and how

19 they felt? I'm not talking about a

20 lobbyist, Mr. Jessee; I'm just talking

21 about some employees --

22 A. If you're not talking about lobbyists,

23 then no.

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1 Q. Lobbyists are the only ones that did it?

2 A. As far as I know.

3 Q. Tell me who that was.

4 A. People out of Monsanto Washington

5 office.

6 Q. Do you know any of them?

7 A. No. I can't remember those names. It

8 was a long time ago.

9 Q. Were you familiar with whether or not

10 Monsanto had a public relations firm at

11 that time?

12 A. No.

13 Q. Hired?

14 A. No.

15 Q. Did you have an internal public

16 relations group that worked with

17 Monsanto at that time?

18 MR. WHITE: Are we into '76?

19 MR. STEWART: '78 to '86. For the

20 record, that's what I'm

21 talking about.

22 A. Yeah. There was a PR group here in St.

23 Louis.

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1 Q. (By Mr. Stewart) Did you work with them

2 at any point in time in the work that

3 you did from '78 to '86 in making

4 comments and reading Monsanto's comments

5 about the promulgation of the RCRA

6 rules?

7 A. No.

8 Q. What about the medical group? Was there

9 a medical group here at any point in

10 time that you worked with?

11 A. There was a medical group here, but I

12 didn't work with them on any rules for

13 RCRA.

14 Q. When you were involved at Amniston, did

15 you ever have any contact with the

16 medical group here?

17 A. Yes.

18 Q. Who?

19 A. Early on, Dr. Kelly, I believe it was.

20 Q. Is that Emmet Kelly?

21 A. Emmet Kelly. I think he retired some

22 place in there. Then after that with

23 Dr. George Rousch.

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1 Q. What did you work with Mr. Kelly on?

2 A. Employee disability questions.

3 Q. Did you ever have any conversations with

4 either one of those people about

5 anything other than, say, employee

6 disability?

7 A. No.

8 Q. What was the particular question that

9 came up, if you recall, about that?

10 A. Whether the disability was total and

11 permanent or not, as it affected the

12 severance pay of an employee.

13 Q. One employee in particular?

14 A. No. Several over a period of time.

15 Q. Okay. But other than that, that's the

16 only contact --

17 A. That's the only major business.

18 Q. When you first went to the Monsanto

19 plant in Anniston, who did you talk to

20 about that plant?

21 A. The plant manager that I was replacing.

22 Q. Who was that?

23 A. His name was William Papageorge.

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1 and I talked to him on very infrequent

2 occasions for a couple of years after

3 that.

4 Q. What did you talk to him about?

5 A. On some question I would have about,

6 Bill, do you remember the origin of this

7 particular labor agreement, or this

8 particular grievance that was brought

9 forward that you were involved in? Or

10 some personnel change that was made? Or

11 -- We didn't talk about environmental

12 problems, per se, although I knew that

13 he had some role in trying to somehow

14 coordinate Monsanto's overall PCB --

15 whatever you call it, situation or

16 potential or whatever, what I gathered

17 his job was.

18 Q. So his job, as you understood it after

19 he left the Anniston plant, had to do

20 with PCBs?

21 A. That's what I understood.

22 Q. And the company's response? Would that

23 be fair to say? To the PCB potential?

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1 Q. Mr. Papageorge? Had Mr. Papageorge been

2 there for an extended period of time

3 before you went there?

4 A. You mean --

5 Q. Number of years?

6 A. Few years, yeah.

7 Q. What did he tell you?

8 A. Well, he just talked to me in general

9 about the plant operations and about the

10 safety and the quality and the yields

11 and the personnel and just general

12 overview of the -- what goes on and what

13 you -- who you deal with day to day in

14 the plants.

15 He took me out in the plant and

16 introduced me to a couple of folks. And

17 I didn't see him anymore.

18 Q. Did you ever talk to Mr. Papageorge

19 after you saw him on that occasion?

20 A. Yes.

21 Q. When did you first talk to him? Again,

22 after you saw --

23 A. He was transferred up here to St. Louis,

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1 A. I don't know how far that went. I only

2 know what we did down there with regard

3 to that.

4 Q. We'll get to that in a minute.

5 A. I know we will. But that's all I know.

6 Q. I want to find out what you know --

7 A. Yeah.

8 Q. -- about Mr. Papageorge and what role he

9 played.

10 A. I don't know what all he was involved in

11 other than Mr. PCB for Monsanto. He

12 never -- He didn't direct or order me to

13 do anything. Is that what you wanted to

14 know so far?

15 Q. So far, Mr. Jessee. That's a good

16 enough response to that question. And

17 we'll get into it probably a little

18 later. It's not a trick question. I'm

19 just trying to find out what you knew --

20 A. Ask away. I'll tell you what I

21 remember. If I don't know, I'll tell

22 you I don't know.

23 Q. Fine. What you had just indicated was

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1 that you had some kind of difficulty
2 while you were plant manager or some
3 kind of problem, maybe, with PCBs while
4 you were plant manager?

5 MR. WHITE: Object to the form.

6 A. I didn't have any problem.

7 Q. (By Mr. Stewart) You dealt with
8 something that was related to PCBs while
9 you were plant manager in Anniston?

10 A. In the first couple of three years,
11 yeah.

12 Q. What was that?

13 A. Well, I'll have to kind of give you this
14 in a narrative.

15 Q. That's fine.

16 A. Some time prior -- and I don't know how
17 much prior to my getting there -- the
18 plant technical people were made
19 knowledgeable of the potential
20 environmental problem that might develop
21 with regard to PCBs. Shortly after I
22 got there -- and I guess between that
23 time and the time I got there, they had

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1 been in the process of trying to
2 identify, study, develop some knowledge
3 and understanding as to what the plant's
4 impact might be on the environment in
5 terms of quantities of PCBs leaving the
6 plant through a liquid water discharge
7 that went into a set of creeks and
8 rivers and tributaries that went down
9 towards Birmingham. Within a short
10 period of time after I got there, they
11 put together a program of what they had
12 found and whatever information they had,
13 which was pretty sketchy at the time, as
14 to what had appeared in some scientific
15 journals or the media about the
16 potential problem that might develop
17 with PCBs.

18 Q. What was that, now? What did you
19 understand that to be from --

20 A. I don't know -- It was just a potential
21 problem. Then what they did was they
22 got together, and they went down to
23 Montgomery. And they talked with the

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1 technical manager for the Alabama Water
2 Improvement Commission.

3 Q. AWIC?

4 A. And they told him about what was coming
5 out of the woodwork about all this. And
6 he apparently had not picked up on a lot
7 of that stuff. But we went down there
8 and volunteered what we knew. We
9 volunteered some rather crude
10 information about what had been measured
11 as a release, at what was released out
12 of this liquid waste stream into the
13 local creek.

14 And we told him that we were
15 having a terrible time developing a good
16 measure to give an accurate measurement
17 of what concentrations of PCBs were in
18 that stream. Seemed to be a very
19 difficult problem to develop a good
20 analytical method to do that. We also
21 had heard and read -- They had before I
22 got there -- knew about claims in the
23 literature that this might be picked up

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1 in living organisms.

2 So they had contracted with some
3 marine biologists out of Tulane to do
4 some stream sampling to find out if the
5 stuff was deposited or picked up in
6 fish.

7 MR. WHITE: Mr. Jessee, you said --
8 "they"?

9 THE WITNESS: This group out of
10 the plant.

11 MR. WHITE: That was what I
12 thought you meant.

13 A. And they told the technical manager --
14 his name was Crockett, Joe Crockett.
15 They told him about all this. The
16 upshot of all this was Crockett said we
17 better go over to region four and talk
18 with EPA. So he got with us, and we
19 went over there, and we talked with the
20 director of EPA and some of his staff.
21 And we told him what we had found out,
22 what we were trying to develop, and what
23 we were trying to identify, if this

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62 know, tell him.
 don't know exactly. Many, many years;
 many, many years.
 (By Mr. Stewart) Give me your best
 judgment. You have a right, Mr. Jessee,
 and I have a right to ask you for your
 best judgment. I certainly wouldn't
 want you to speculate. There's nothing
 wrong and nobody would hold you --
 what's your best judgment as to how
 long?
 any, many years.
 you know how many pounds of steel
 tons and solid waste y'all were
 king up there and burying, say, in a
 ten year?
 d it be in excess of a million
 ds?
 nt know. Of course there are many
 is involved in giving an answer
 on a year, because none of the
 was there was anything normal.

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 1 develop evidence that what you're doing
 2 is not good enough, you'll have to
 3 tighten your belt some more. And we
 4 said okay. And we operated on that
 5 basis.
 6 And then there was a decision made
 7 to discontinue to manufacture
 8 altogether. And I advised the
 9 regulatory agencies of that. And we
 10 kept on sending them results of that
 11 stream after we quit manufacturing for a
 12 period of months. Then I wrote to them
 13 and said, "Can we stop doing this?"
 14 Because we're not making it anymore.
 15 And they said okay. That's what I know.
 16 Q. Mr. Jessee, before you went down there,
 17 it's my understanding that
 18 Mr. Papageorge didn't tell you anything
 19 about the PCB problem.
 20 A. Before I went down?
 21 MR. WHITE: Object to the form.
 22 A. No.
 23 Q. (By Mr. Stewart) And did he tell you

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 a determination as to how much
 ste was buried in that landfill
 e street?
 WHITE: Object to the form.
 wasn't our priority.
 aware) That was not?
 our priority.
 HITE: He just asked you if
 there was anything done. He
 didn't ask for an
 explanation.
 NESS: Okay. No.
 rt) What was your
 take care of the liquid
 am going out in snow
 ne manufacturing process?
 sure, based on what you
 at waste stream,
 there every day?

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 t in time,
 there or
 what
 he adverse
 light cause?

hing at all
 performed on

anager there from
 correct?
 imatively.)
 time y'all
 had a PCB --
 it for all that

in there you did?
 alf, something like
 you anything at all
 n effects during that

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 1 MR. WHITE: Object to the form.
 2 Q. (By Mr. Stewart) That PCBs might cause?
 3 A. I don't remember anything specific.
 4 Q. And he never told you anything, did he,
 5 Mr. Jessee, about tests that were
 6 performed on rats and other animals by
 7 the company through an independent lab
 8 called IBT?
 9 A. I don't remember ever hearing anything
 10 about that. I may have, but I don't
 11 remember it.
 12 Q. And Mr. Papageorge did not tell you
 13 anything about -- Did he ever indicate
 14 anything to you about a study called the
 15 Drinkard study?
 16 A. I don't remember that term.
 17 Q. Now, during that period of time that you
 18 managed this plant, Mr. Jessee, what do
 19 you know about what happened to that
 20 waste that came off of the production of
 21 PCBs?
 22 A. Well, the liquid waste that I talked
 23 about, which the regulatory agency -- we

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1 voluntarily went to the regulatory
2 agencies with, and they in turn tried to
3 work with us in reducing it down to as
4 low as we could, conditional on our
5 being allowed to continue to operate
6 unless EPA or the State of Alabama found
7 that it had to be reduced even more.

8 The other stream -- The other
9 wastes were solid wastes, which were
10 tars from the process, which we buried
11 in the landfill across the street.

12 MR. WHITE: Time to stop for a
13 break?

14 MR. STEWART: Yeah.

15 Q. (By Mr. Stewart) So you buried tars
16 across the street in a landfill that
17 y'all operated?

18 A. Yes.

19 Q. And that process had been going on for
20 how long? How long had that particular
21 landfill been used, if you know?

22 A. I'm guessing.

23 MR. WHITE: Don't guess. If you

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1 know, tell him.

2 A. I don't know exactly. Many, many years;
3 many, many years.

4 Q. (By Mr. Stewart) Give me your best
5 judgment. You have a right, Mr. Jessee,
6 and I have a right to ask you for your
7 best judgment. I certainly wouldn't
8 want you to speculate. There's nothing
9 wrong and nobody would hold you --
10 What's your best judgment as to how
11 long?

12 A. Many, many years.

13 Q. Do you know how many pounds of steel
14 bottoms and solid waste y'all were
15 taking up there and burying, say, in a
16 given year?

17 A. No.

18 Q. Would it be in excess of a million
19 pounds?

20 A. I don't know. Of course there are many
21 things involved in giving an answer
22 based on a year, because none of the
23 time I was there was anything normal.

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1 Q. I certainly wouldn't want you to
2 speculate about that. But, Mr. Jessee,
3 is it not correct that one could make an
4 estimation based on production as to how
5 much waste you would have?

6 A. Yes.

7 Q. You have an ability to calculate that
8 based on production figures?

9 A. If I knew -- If I could remember what
10 the ratio was, but I don't remember. So
11 I can't help you.

12 Q. Certainly. But there's somebody in the
13 company and alive today that can give us
14 that, isn't there, Mr. Jessee?

15 A. I don't know.

16 MR. WHITE: If you know what
17 somebody else might know,
18 answer it.

19 A. I don't know Donald.

20 Q. (By Mr. Stewart) During this period of
21 time when you all were discussing this
22 potential problem with Mr. Crockett and
23 others, was there ever any effort made

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1 to make a determination as to how much
2 solid waste was buried in that landfill
3 across the street?

4 MR. WHITE: Object to the form.

5 A. No. That wasn't our priority.

6 Q. (By Mr. Stewart) That was not?

7 A. That wasn't our priority.

8 MR. WHITE: He just asked you if
9 there was anything done. He
10 didn't ask for an
11 explanation.

12 THE WITNESS: Okay. No.

13 Q. (By Mr. Stewart) What was your
14 priority, to take care of the liquid
15 waste?

16 A. That waste stream going out in Snow
17 Creek.

18 Q. That came off the manufacturing process?

19 A. Yes.

20 Q. Now, I would assume, based on what you
21 have told me about that waste stream,
22 that it came off there every day?

23 A. Yes.

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1 Q. Do you have an estimation as to how many
2 pounds you lost per day of liquid
3 product into the --
4 A. Just as a normal routine, there were
5 some numbers. I don't remember them.
6 And I know that those numbers went down
7 and down and down after we came back to
8 the plant and implemented a lot of
9 little changes to clean things up. We
10 didn't do one big thing; we did a lot of
11 little things.
12 MR. WHITE: Is this a good
13 stopping place?
14 MR. STEWART: Yeah. Take a quick
15 break.
16 [A break was taken.]
17 Q. (By Mr. Stewart) Mr. Jesse, we were
18 talking about some things that you were
19 not made aware of. First, tell me what
20 types of Aroclors were y'all making at
21 the plant there.
22 MR. WHITE: Let me object to the
23 prefatory statement. Go

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1 A. Yes.
2 Q. And do you know the amount?
3 A. Seems to me like it was 40 million
4 pounds a year, that kind of a thing,
5 kind of a number.
6 Q. Now, off of that production, do you know
7 what the waste stream or solid waste
8 would be that would come off that
9 production?
10 A. No. I don't remember.
11 Q. But there was a ratio or a number that
12 you could apply to that?
13 A. Yes.
14 Q. Tell me, if you would, if you know, how
15 long had they been manufacturing 40
16 million pounds a year there at that
17 plant?
18 A. That's difficult for me to know because
19 I don't know how the plant was expanded,
20 so I can't -- They had the capacity to
21 make more than that, they just didn't
22 make that much when I got there.
23 MR. WHITE: He just asked you how

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1 ahead. Object to the form of
2 it.
3 A. What kinds of Aroclors?
4 Q. (By Mr. Stewart) Yeah.
5 A. Well, based on what the customer
6 ordered, I think there were three or
7 four different kinds.
8 Q. And --
9 A. To define kind, it's the degree of
10 chlorination, each product had a
11 different degree of chlorination.
12 That's all I can tell you.
13 Q. And Aroclors are PCBs, are they not? Is
14 that y'all's name for PCBs?
15 A. For all but one, and it's not a PCB.
16 Q. What is that?
17 A. It's the monochlorinated biphenyl.
18 Q. Made there at the plant too?
19 A. Yeah.
20 Q. Do you know the level of production that
21 was underway there at the time you first
22 went down there? First let me ask you,
23 do you measure it in pounds?

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1 long had they been making
2 that if you know.
3 A. Several years. I know that.
4 Q. (By Mr. Stewart) As many as ten?
5 A. Yeah. I'd say so.
6 Q. Maybe twenty?
7 A. I don't know that far back. I don't --
8 know if they had the capacity to do
9 that.
10 Q. When you say it had the capacity to do
11 more, what's the -- what capabilities
12 did it have? What could you have
13 manufactured there?
14 A. A number of 70 million comes to mind.
15 Q. At any point in time during the '69 and
16 '70 period, was there a decision made to
17 increase production at the plant?
18 A. No, not that I know of.
19 Q. Are you familiar with the board of
20 Monsanto's decision in '69 to increase
21 production at the Anniston plant of
22 PCBs?
23 MR. WHITE: Object to the form.

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1 A. No. Not of PCBs.

2 Q. (By Mr. Stewart) Was there a

3 replacement product that was being

4 worked on at the time that you first

5 went to Anniston? There was, wasn't

6 there?

7 A. Not that I know of.

8 Q. So it's your testimony here today that

9 Monsanto was not looking for a

10 replacement product for PCBs?

11 MR. WHITE: Object to the form.

12 He stated he just didn't

13 know.

14 A. I don't know whether they were or not.

15 That wasn't part of what I was working

16 doing. I wasn't privy to that.

17 Q. (By Mr. Stewart) Who would have been

18 involved in that process during that

19 period of time?

20 MR. WHITE: Object to the form

21 again.

22 A. I would say the research people, I

23 guess. I mean, I don't know. I know

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1 Jerry understanding it -- I think maybe

2 Jerry needs some help by the time he

3 says it so that he understands it too.

4 But if you don't understand the

5 question, you can ask me. Or if I ask

6 it in a compound fashion and you want to

7 break it down, go ahead and do that.

8 A. Well, there's criteria for what they

9 call vector control, which is what the

10 Alabama people use to say what had to be

11 -- what had to be conditions in

12 operating procedures at a landfill. And

13 we complied with that.

14 Q. Who administered that?

15 A. For Alabama?

16 Q. Yes.

17 A. It's out of the same overall body that

18 AWIC was part of. I don't remember who

19 they were.

20 Q. Vector control?

21 A. That's what they called it for

22 landfills.

23 Q. What types of things --

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1 they're the ones that develop new

2 products.

3 Q. (By Mr. Stewart) Who managed that waste

4 storage facility across the road there

5 during the time that you were there, the

6 landfill?

7 A. Fellow by the name of Bill Taffee.

8 Q. What was Mr. Taffee's position there?

9 A. He was a technical employee.

10 Q. Did he manage that landfill during the

11 time that you were there?

12 A. He looked after it and made sure it

13 complied with the requirements that the

14 state had for landfills.

15 Q. What, if you recall, were those

16 requirements? Did they change at any

17 point in time?

18 MR. WHITE: He asked you two

19 things. Number one, what the

20 requirements were, and number

21 two, if you know if they have

22 changed.

23 Q. (By Mr. Stewart) If you need help from

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1 A. They just made ²sure that you buried your

2 waste every day, that you kept it

3 properly contoured, that you inspected

4 it to make sure that there was no

5 run-off that would adversely affect

6 anybody or anything that you knew about.

7 And from time to time we made grade --

8 changes and things like that to comply

9 with that. But the few times that I

10 went up there -- maybe I'd go up there

11 once or twice a month -- the guy who

12 took care of burying the waste did a

13 nice job every day.

14 Q. You went up to the landfill itself?

15 A. Yes. I went out in the plant and up to

16 the landfill -- well, out in the plant

17 about every day. But that landfill, I

18 didn't go up there but maybe once or

19 twice a month.

20 Q. And when you went to the landfill once

21 or twice a month, what were you looking

22 for?

23 A. I was looking to see if he buried the

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1 waste and covered it up.

2 Q. You mentioned that there was one other

3 -- Vector control was one way they

4 regulated the landfill in Alabama at

5 that time. And there was one other --

6 and maybe I misunderstood you. There

7 was one other provision or rule or

8 regulation or set of rules and

9 regulations?

10 A. I didn't mean to say that.

11 Q. That was it?

12 A. It's called vector control. And I

13 subsequently found out that had to do

14 with -- in most places of not creating a

15 situation in which mosquitoes and flies

16 and stuff like that could multiply and

17 breed. That's why they called it vector

18 control. But they applied it -- the

19 generic term to all landfill operations

20 in the state.

21 Q. You indicated that those controls were

22 in place to make sure there was no

23 run-off so that it didn't affect what?

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1 A. No, not solid waste.

2 Q. What kind of waste would it be?

3 A. Liquid waste.

4 Q. What did you do with it?

5 A. Ran it through our own activated sludge

6 treatment system, and then it went down

7 the city's treatment system and then

8 out.

9 Q. Where did these liquid discharges off of

10 the Aroclors go? Where did they

11 eventually wind up?

12 A. Liquid discharges?

13 Q. You indicated that there was some waste

14 water discharge coming off that had

15 Aroclors in it?

16 A. Yeah. Trace quantities. Small amounts.

17 Yeah. It was all collected and ran up

18 through those limestone pits in the

19 front of the plant and out into Snow's

20 Creek --

21 Q. Choccolocco?

22 A. Then Choccolocco and down towards Logan

23 Martin.

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1 What were they attempting to protect at

2 that time with that particular part of

3 the rule?

4 A. Running away from what you were owning

5 and operating on to something else.

6 Q. What waste did you bury up there?

7 A. We buried the -- these were solid wastes

8 we buried up there.

9 Q. Certainly.

10 A. Included all the office waste, included

11 the tars from the PC -- from the Aroclor

12 operations. It included the packaging

13 wastes from the para-nitrophenol

14 operations.

15 Q. Were y'all making parathion when you

16 were there?

17 A. Yes.

18 Q. Did you bury any of the parathion waste

19 up there?

20 A. No.

21 Q. What happened to it?

22 A. We didn't have any.

23 Q. So there's no parathion waste?

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1 Q. Tell me if you made -- on your regular

2 trips through the plant, if you made an

3 effort to look at those? Were there

4 ditches, discharge ditches that were

5 located at certain points on the plant?

6 A. No. They were all collected and sent

7 out in one discharge in front of the --

8 plant.

9 Q. One discharge in front of the plant?

10 A. Yeah. They collected it from various

11 parts of the process and then piped out

12 to that one discharge out of the plant.

13 Q. So there was not a discharge off of an

14 old landfill that y'all had swapped to

15 the Alabama Power Company? There was,

16 not a place that --

17 A. I never heard of that.

18 Q. During the time frame that you were

19 there did anybody ever tell you where

20 other waste had been buried or where

21 waste had been buried before y'all had

22 the landfills that were --

23 A. No.

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1 Q. -- across the road? No one told you --

2 A. Nobody told me they had been buried

3 anywhere across the road.

4 Q. So during the whole time you were there

5 as plant manager, you were unaware of

6 the fact there was another landfill that

7 had been used at some point in time that

8 was located on the plant site?

9 A. No. I never knew about that.

10 Q. How long had Mr. Papageorge been there

11 before you got there?

12 A. I don't know.

13 Q. Was there a piece of property that was

14 contiguous to the plant or located on

15 same side of the road as the plant site

16 on which the Alabama Power Company had a

17 substation during the time that you were

18 there?

19 A. Yes.

20 Q. And where would run-off, if there was

21 surface run-off, that hit that

22 particular portion of the property there

23 where the substation was? Where would

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1 Mr. Jessee, the dark line there in the

2 middle of this exhibit.

3 Can you tell me just generally

4 where the discharge point was off of the

5 plant? This is Clydesdale (indicating).

6 A. For what?

7 Q. Well, you mentioned that there was waste

8 water coming off the plant. I want to

9 know, if you know ---and I'd ask you to

10 mark it -- where that was. Did it --

11 A. I don't understand. Waste water from

12 what?

13 Q. The processes that you were talking

14 about. Maybe I misunderstood your

15 answer a minute ago. You indicated that

16 in the process that you were losing

17 Aroclors, or some trace level of

18 Aroclors, that was winding up eventually

19 in Snow Creek. Was there some point or

20 some place where that came off the plant

21 site?

22 A. Yes.

23 MR. WHITE: Object to the form.

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1 that have made its way, if you know,

2 Mr. Jessee, if you recall?

3 A. I don't know. I don't remember the

4 topography. I don't know.

5 Q. Let me show you a map we'll mark. And

6 let me just say it was not the best

7 drawing but the best I could get, we'll

8 mark as Plaintiff's Exhibit One. I'll

9 ask you, if you will, to tell me where

10 the discharge points are. This shows

11 the new 202.

12 [Jessee Exhibit Number One

13 was marked.]

14 Q. (By Mr. Stewart) Let me show you Jessee

15 One. Unfortunately, that's the only one

16 I've got.

17 MR. STEWART: If y'all don't mind,

18 I'd like to approach

19 Mr. Jessee.

20 MR. WHITE: That's fine.

21 Q. (By Mr. Stewart) Mr. Jessee, this is

22 your company property. Can you tell me

23 -- This is the new 202, I'm pretty sure,

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1 Go ahead.

2 A. There was one point.

3 Q. (By Mr. Stewart) Can you --

4 A. Right out here in front where you used

5 to -- You got to help me. When I was

6 there, you got into the plant by 202,

7 came down this way. --

8 Q. Draw what --

9 A. As I remember. And you went right into

10 the plant near here (indicating), and

11 the discharge was -- I don't know --

12 Q. And I know you may be a little

13 disoriented from the map.

14 A. Seems to me like it ran -- came out and

15 ran under the old 202.

16 Q. So you're saying that the discharge that

17 you're talking about ran under the old

18 202?

19 A. Yes.

20 Q. And then eventually wound up in Snow

21 Creek?

22 A. Yes.

23 Q. All right.

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1 A. I don't think Snow Creek shows.
 2 MR. WHITE: Evidently this is --
 3 Is there a bigger version of
 4 this that's got more to it?
 5 MR. STEWART: No. I've got just
 6 sort of limited maps that I
 7 brought.
 8 MR. WHITE: That's all right.
 9 Let's go ahead.
 10 MR. STEWART: This may be a little
 11 better. Let's mark this as
 12 Jessee Two.
 13 [Jessee Exhibit Number Two
 14 was marked.]
 15 Q. (By Mr. Stewart) If you can give me
 16 some kind of idea about where that was,
 17 Mr. Jessee. This is the plant site here
 18 (indicating).
 19 A. That'll help me, if I can identify those
 20 buildings.
 21 Q. Yeah.
 22 A. I can't read that. You can use a pen.
 23 Just show me where the discharge came

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1 A. Yeah. And that discharged right across
 2 under the road, as I remember.
 3 Q. And that was -- Those pits were out in
 4 front of the plant site?
 5 A. Yeah, yeah.
 6 Q. Back before the new 202 was put in?
 7 A. Yes.
 8 Q. Okay. Don't worry about those exhibits.
 9 That pretty well explains what it was I
 10 was talking about.
 11 Now, did you ever look at any
 12 ditches? Were there ditches that
 13 surface water run-off on this plant site
 14 would have gone into and left the plant
 15 site?
 16 A. Probably. But I couldn't identify where
 17 they were.
 18 Q. Did you ever go and take a look at those
 19 ditches during the time that you were
 20 plant manager there?
 21 A. No.
 22 Q. Did any of your people that worked for
 23 you ever go and look at those ditches?

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1 off. Here's Clydesdale (indicating).
 2 [Discussion held off the
 3 record.]
 4 A. I want to get oriented to a building
 5 someplace. I can't read that, Donald.
 6 Can you? I don't understand -- Is this
 7 -- Which is the plant site, here
 8 (indicating)?
 9 Q. (By Mr. Stewart) Here's the plant site.
 10 A. All of that?
 11 Q. Yes. Why don't you use this pen. It'll
 12 be a little better.
 13 A. If I could find out where that big
 14 warehouse was that you could see from
 15 the street before you entered the plant,
 16 there was a big warehouse building over
 17 there. And right adjacent to the corner
 18 of that warehouse was where all of that
 19 waste was collected through a sewer
 20 system that ran into those pits.
 21 Q. So actually what happened is you
 22 collected the waste in a sewer system
 23 that went into the limestone pits?

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1 A. Yes.
 2 Q. Who would that have been?
 3 A. Bunkie Wright. I was trying to remember
 4 a name.
 5 Q. Bunkie Wright?
 6 A. Bunkie Wright.
 7 Q. Mr. Wright, what was his position while --
 8 he was there with you?
 9 A. He was a technician that dealt with such
 10 matters.
 11 Q. Did he deal with environmental issues?
 12 A. Yeah.
 13 Q. Did he ever report to you having seen
 14 waste or process waste in those?
 15 A. He didn't report to me. His boss may
 16 have said something about it, but I
 17 don't remember. He may have told his
 18 boss and his boss told me.
 19 Q. Who did he report to?
 20 A. Over a period of time several people.
 21 Chief chemist, I think. Maybe Joe
 22 Landwehr. Maybe he was in Joe's group
 23 before that got dissolved. I'm

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1 guessing. But I know he was the main
2 player in going outside the plant and
3 looking around inside the plant for any
4 evidence of materials.
5 Q. Leaving the plant site?
6 A. Yes.
7 Q. Did he do the same thing -- Did
8 Mr. Wright do the same thing for the
9 area that would have been up across the
10 road? Across the road, I mean by old
11 202 where y'all buried the waste.
12 A. No. That was Taffee.
13 Q. Taffee that responsibility?
14 A. Yeah. Because he was responsible for
15 that landfill.
16 Q. Were there not ditches that were leading
17 off of that landfill?
18 A. Not to my knowledge.
19 Q. Now, at any point in time during the
20 time that you were there, did y'all
21 close a landfill?
22 A. No.
23 Q. So at the time you left in 1978, the

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1 neutralized. So there was a limestone
2 pit for that.
3 Q. And that was located where on the plant
4 site?
5 A. Back over on the north side with the
6 parathion plant.
7 Q. Would be north of the plant over toward
8 the railroad?
9 A. Yes. Adjacent to the parathion process.
10 And I don't know if I got my directions
11 right or not. I think north is probably
12 right.
13 Q. Now, tell me if there was any point in
14 time during the time that you were
15 there, first, where Aroclor or tars,
16 steel bottoms from the Aroclor process,
17 were buried anywhere other than that
18 southern landfill?
19 A. No.
20 Q. What about east of the plant? Did
21 Monsanto own property that was east of
22 the plant?
23 A. Not to my knowledge.

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1 landfills that were across the road were
2 still open and being used?
3 A. As far as I know, yes.
4 Q. And that would be true for -- Did y'all
5 have a landfill or some open pit that
6 you used to deposit waste on the plant
7 site itself?
8 A. No. Not that I'm aware of.
9 Q. Other than this collection pit or
10 limestone pit, is that the only pit that
11 was open?
12 A. For Aroclors waste, yeah. That's the
13 only one I know about.
14 Q. For any other waste. Was there another
15 landfill type or waste type disposal
16 area that would have been used by
17 Monsanto during that period of time that
18 you were there on the plant site itself?
19 A. Yes, there was. There was -- It was
20 associated with the parathion process.
21 Q. So there was a parathion waste --
22 A. There was an acid stream that came out
23 of the parathion process that had to be

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1 Q. Do you recall a church that was located
2 east of the plant, predominantly black
3 church? Missionary Baptist Church?
4 A. I know it was over there, but I don't
5 remember where.
6 Q. Do you remember at all, Mr. Jessee,
7 where the landfill that was south of old --
8 202 was in connection with that plant?
9 Was it -- I mean that church. Was it
10 near that church?
11 A. I don't remember, because I can't place
12 the church.
13 Q. Was Jerry Brown working for you during
14 that period of time?
15 A. He worked at the plant. He didn't work
16 for me.
17 Q. Was he a chemist?
18 A. Yes.
19 Q. Did he work for Mr. Landwehr?
20 A. No. He worked for the chief chemist.
21 His name was Bell.
22 Q. Toby Bell?
23 A. Yes.

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1 Q. During that period of time did you
2 instruct anybody to buy anything from --
3 any livestock?

4 A. Pigs.

5 Q. Who did you tell to buy pigs during that
6 period of time?

7 A. Some employees from the plant. I can't
8 remember who they were, but I asked him
9 to go over and talk to the -- talk to
10 some other black employees and tell who
11 the pig owners were, to go talk to them;
12 we had a concern here. And asked them
13 if -- and we were told you talk to the
14 preachers in two churches there.

15 Q. Who was that?

16 A. Who was that, what?

17 Q. Who was it that you talked to?

18 A. Two of the ministers at those two
19 churches.

20 Q. What did you talk to them about?

21 A. We told them that we had a concern about
22 an issue, environmental issue, and that
23 people had pigs roaming around over

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1 there and we didn't know where they had
2 been or what they might have got into,
3 and we didn't want anybody to eat those
4 pigs. And tell the people we'd buy them
5 from them at a good price. And we -- I
6 didn't want them running their livestock
7 or whatever they had over there -- just
8 letting them run wild and crawling under
9 fences or whatever might have been up
10 there. And they did. And we bought
11 them.

12 Q. You bought the pigs?

13 A. Yeah.

14 Q. And do you remember or recall -- and I
15 know this is going a ways back -- Did
16 you buy pigs from one or two people?

17 A. I don't know how many. I know we bought
18 them all.

19 Q. You bought all the pigs?

20 A. Every pig they could herd over into a
21 truck.

22 Q. That were being raised on property that
23 was east of the plant?

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1 A. Yes. Yeah, across 202 from the plant.

2 Q. And were PCBs what y'all were concerned
3 about?

4 A. Yes.

5 Q. At that time?

6 A. Yes.

7 Q. Now, was it your concern that the pigs
8 had eaten something that had PCBs in it?

9 A. Yes.

10 Q. Did you test the pigs?

11 A. No.

12 Q. What happened to those pigs?

13 A. They were slaughtered and buried.

14 Q. Monsanto had someone, I assume, to
15 slaughter the pigs and bury the pigs?

16 A. Yes.

17 Q. Who did that for you?

18 A. I don't know.

19 Q. Who handled that particular matter from
20 your -- in your employ? Mr. Bell or
21 Mr. Brown or --

22 A. No. None of those people. I forgot who
23 it was.

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1 Q. Do you remember the names of the
2 preachers?

3 A. No, I do not.

4 Q. But they were the preachers that were
5 then preaching at those two black
6 Baptist churches that were located over
7 there?

8 A. Yes. That's who we talked to. We were
9 told that the best place to go if you
10 want somebody to explain to the people
11 -- who owned the pigs to sell the pigs,
12 get rid of them.

13 Q. Did you talk to anybody other than those
14 two preachers?

15 A. As far as I know, nobody else.

16 Q. Did you talk to the preachers yourself?

17 A. I didn't know.

18 Q. Who did that?

19 A. I don't know. I can't tell you.

20 Q. And were you present? I mean, you
21 weren't present when the conversation
22 took place?

23 A. No.

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1 Q. How is it, then, that you know what was
 2 said, Mr. Jessee, to those preachers?
 3 MR. WHITE: I don't think he
 4 did --
 5 A. I don't know what was said.
 6 Q. (By Mr. Stewart) You don't know what
 7 was said to them?
 8 A. I know the subject matter that they were
 9 supposed to be talking to them about,
 10 which was, you know, we have a concern
 11 about an issue here. And we don't think
 12 people ought to eat those pigs.
 13 Q. So there was -- You don't know who it
 14 was and you don't actually know what was
 15 said, but you do know that the pigs were
 16 purchased?
 17 A. Yeah. I knew that for a fact.
 18 Q. Were there any other meetings that y'all
 19 had with neighbors during that period of
 20 time with folks that lived around the
 21 plant?
 22 A. No.
 23 Q. To your knowledge, did Mr. Bell or

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1 Q. What prompted you to talk to those
 2 people? Did they come to you about it?
 3 A. They called the plant.
 4 Q. Did y'all pay them during that period of
 5 time?
 6 A. Yes.
 7 Q. For damage to live --
 8 A. Not damage to livestock. Damage to
 9 vegetation.
 10 Q. Okay. Vegetation. What did it do?
 11 Kill it?
 12 A. Yeah.
 13 Q. Other than that, did y'all --
 14 A. That's it.
 15 Q. Who owned the landfill with you, with
 16 Monsanto at the time that --
 17 A. Nobody that I know of.
 18 Q. Who else used it?
 19 A. Nobody that I know of.
 20 Q. Did the Alabama Power Company ever use
 21 the landfill?
 22 A. Not to my knowledge.
 23 Q. What about the telephone company?

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1 Mr. Landwehr or Mr. Brown or anybody
 2 ever talk to the neighbors around the
 3 plant?
 4 A. To my knowledge, no.
 5 Q. Who owned --
 6 A. Back up. I want to tell the truth here.
 7 Q. I certainly --
 8 A. Talk about what -- with neighbors about,
 9 what we talked to neighbors about.
 10 Other things, not about Aroclors that I
 11 know of.
 12 Q. What other things did you talk about?
 13 A. Sulfur dioxide emissions.
 14 Q. Are you talking about the odor that came
 15 off the plant?
 16 A. No. Sulfur dioxide emissions.
 17 Q. When did you do that?
 18 A. I don't remember. Off and on while I
 19 was there, until we cleaned that up.
 20 Q. What exactly did you talk to them about
 21 sulfur dioxide?
 22 A. Damages to their nursery stock and to
 23 their fruit trees.

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1 A. Not to my knowledge.
 2 Q. So from the time you were there in 1970
 3 to 1978, the sole entity that used that
 4 landfill was your company?
 5 A. That's my understanding.
 6 Q. During the time that you were there,
 7 were there any lawsuits filed against --
 8 Monsanto by an entity called BASS,
 9 B-A-S-S, the Bass Association?
 10 A. Not that I'm aware of. Against the
 11 Anniston plant?
 12 Q. Against Monsanto.
 13 A. Against Monsanto? I don't know. I
 14 don't know.
 15 Q. I noticed in some of the documents that
 16 I have that have your name on it,
 17 there's some reference to a suit that
 18 had been instituted by BASS.
 19 A. I don't remember anything that impacted
 20 the Anniston plant.
 21 Q. Do you remember from talking to your
 22 counterparts who -- Monsanto had a plant
 23 in -- Anniston plant in Alabama at the

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1 time, and was there a manufacturing --

2 A. Yes. One.

3 Q. Where was that? In Decatur?

4 A. Yes.

5 Q. Do you remember ever talking to anybody

6 in Decatur about a lawsuit that BASS had

7 filed?

8 A. No. We didn't talk to each other.

9 Q. Didn't even like each other?

10 A. Didn't talk to each other. Whole

11 different ball game up there. Made

12 different things. Involved in different

13 parts of the corporation.

14 Q. So it is your testimony here today that

15 to your knowledge during the period that

16 you were there, from '70 to '78, that

17 you all managed and controlled that

18 landfill south of 202 yourself and no

19 one else ever put anything in there?

20 A. That's my understanding.

21 MR. STEWART: Let me get one thing

22 out of the way. Make that

23 Jessee Three.

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1 [Jessee Exhibit Number

2 Three was marked.]

3 Q. (By Mr. Stewart) This is your notice

4 for your deposition. I would ask you to

5 take a look at the beginning on page

6 one, just -- First let me ask you, have

7 you seen that document before now?

8 A. I don't know. Let me look through it

9 and see. I believe I saw this

10 yesterday.

11 Q. When yesterday did you see it?

12 A. Sometime between 10:00 and 2:00.

13 Q. Did you have anything beginning on page

14 five?

15 A. Yeah. That's what refreshed my memory

16 that I have seen it. I don't have any

17 of those.

18 Q. You didn't take anything away with you

19 in your files --

20 A. No.

21 Q. -- that would be referred to on pages

22 five through eight --

23 A. That's correct.

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1 Q. -- in Exhibit Three of your deposition?

2 A. That's correct. I don't have any of

3 those.

4 Q. What did you do to prepare for this

5 deposition?

6 A. Sat down yesterday and talked with Mike

7 Kelly and a fellow by the name of Harlan

8 Prater.

9 Q. Harlan Prater?

10 A. Yes.

11 Q. How long did you talk to them?

12 A. I guess the better part of three hours,

13 three and a half hours.

14 Q. Did you review any documents during that

15 time?

16 A. Yes.

17 Q. What documents did you review?

18 A. I don't remember. I'd have to look at

19 them. Just documents with my name on

20 the distribution.

21 Q. Documents that were sent to you during

22 the time that you were working at the

23 Anniston plant?

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1 A. Yes.

2 Q. Did you review any other documents?

3 A. No.

4 Q. Did you see any testimony that anybody

5 else had given, any deposition testimony

6 transcripts of any testimony anybody

7 else had given? --

8 A. No.

9 Q. Are you represented here today by

10 anybody, Mr. Jessee?

11 A. The gentleman right here.

12 Q. Mr. White?

13 A. Yes.

14 Q. And when did you retain Mr. White to

15 represent you? When did you ask him to

16 represent you?

17 MR. WHITE: Our firm?

18 THE WITNESS: Yeah.

19 Q. (By Mr. Stewart) Lightfoot firm?

20 A. I was asked by Mr. Kelly if I wanted

21 representation at this deposition, and I

22 said yes.

23 Q. Is that a policy -- As understand it, at

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1 Monsanto, that when you leave the
2 company and you're asked to come in and
3 testify about something like we're
4 talking about here today, that the
5 lawyers who represent the company will
6 represent you? Do you have that
7 understanding or agreement with
8 Monsanto?

9 A. No.

10 Q. This is something that was suggested to
11 you by Mr. Kelly and that's what you
12 asked for?

13 MR. WHITE: Object to the form.

14 A. No. This is my policy.

15 Q. (By Mr. Stewart) Your policy?

16 A. Yeah.

17 Q. So you want somebody to represent you,
18 and you chose them after you had the
19 conversation with Mr. Kelly?

20 A. When he asked me if I wanted
21 representation, and I said yes.

22 Q. Was that the first time you had
23 discussed that with anybody?

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1 said to you and you said to them, since
2 they're your lawyers. But I want to
3 know how long you talked.

4 A. Half hour. About this?

5 Q. I know you may have been there longer.
6 I just want to know the length of time.

7 A. Just general --

8 Q. Have you had any conversations with them
9 -- I don't want to know what you said,
10 but have you had any conversations with
11 them since the deposition got underway
12 about your testimony here, either with
13 Mr. White or Mr. Kelly?

14 A. Yes.

15 Q. When did that occur?

16 A. When we had the break.

17 Q. Okay. And how long did you talk to them
18 then? I don't want to know --

19 A. Five minutes.

20 Q. Now, how did you first become aware that
21 there was some potential problems with
22 PCBs? Was it before you got to the
23 plant or after you got to the Anniston

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1 A. Yes.

2 Q. Do you -- Who generally represents you?

3 A. Who generally does?

4 Q. Who has done legal work for you here,
5 like wills.

6 A. Personally?

7 THE WITNESS: Do I have to tell
8 him that?

9 Q. (By Mr. Stewart) If you have one?

10 A. Do I --

11 MR. WHITE: You can give him --

12 Q. (By Mr. Stewart) Had you talked to that
13 lawyer before you asked Mr. Kelly about
14 representing you?

15 A. No, no.

16 Q. Anything other than that you have done?
17 Did you meet at any point in time with
18 Mr. White and Mr. Kelly after you met
19 with Mr. Kelly and Mr. Prater yesterday?

20 A. This morning out there at the lobby, we
21 sat around and talked a bit.

22 Q. About what you would testify about? I
23 don't want to know what you said, they

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1 plant?

2 A. Pretty much after.

3 Q. Who told you?

4 A. There were --

5 Q. Who at the plant indicated to you or
6 elsewhere indicated to you?

7 A. Joe Landwehr.

8 Q. And what did Mr. Landwehr say to you?

9 A. Said this is a thing we're working on.
10 Nothing specifically. I don't remember.
11 But he said we got a group of people
12 working on this.

13 Q. A group of people working on it?

14 A. Uh-huh (indicating yes).

15 Q. When Mr. Landwehr said that, was he
16 talking about a group of people in the
17 plant?

18 A. Yes.

19 Q. And you say were "working on this."
20 What was the "this" that he was talking
21 about?

22 A. This was to define if there was a
23 problem and apply some measurement to

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1 the problem, putting some metric on it.
 2 Q. If there was a problem with the
 3 discharge of PCBs off the property?
 4 A. No. What was it. And putting some
 5 measurement on it such that if it got to
 6 be a concern when we put all this
 7 together and went to talk to the
 8 regulatory people, if they said you have
 9 got to quit or reduce it down. We
 10 didn't know. That's why we went to talk
 11 to them.
 12 Q. What I'm trying to get to, before you
 13 went to talk to the people who were the
 14 regulators, you say Mr. Landwehr told
 15 you we have a group of people who are
 16 working on this. And when you say
 17 "this," was the subject of what
 18 Mr. Landwehr and them working on PCBs?
 19 A. Yes.
 20 Q. Let me ask it this way: What did he say
 21 to you his concerns were about PCBs,
 22 Mr. Landwehr?
 23 MR. WHITE: Object to the form.

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1 stream was leaving the plant site?
 2 A. Yes.
 3 Q. What prompted Mr. Landwehr, if he told
 4 you, to become concerned and to put this
 5 group together about that leaving the
 6 plant? Did he tell you?
 7 A. I can't remember what he specifically
 8 said.
 9 Q. Well, did he ever say anything at all
 10 about why he and his group had become
 11 concerned about the PCB waste leaving?
 12 A. In particular, leaving the plant site.
 13 Only that it was -- had -- by very
 14 sketchy publications and things in
 15 literature and information that the
 16 plant had come by, which I don't know
 17 how they came by it. But that had
 18 raised the flag to tell the plant to
 19 find out what their situation was in
 20 terms of discharge amounts.
 21 Q. Well, you say he had some publications.
 22 Were those in scientific journals that
 23 he had read?

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1 Tell him as best you remember
 2 what he told you.
 3 A. How to measure this.
 4 Q. (By Mr. Stewart) How to measure?
 5 A. How to get accurate reproducible
 6 measurements and good reproducible
 7 analytical measurements so that we had
 8 the handle on what was leaving the
 9 plant.
 10 Q. So one of his concerns was finding a
 11 method of analyzing what was leaving the
 12 plant site?
 13 A. Yes. That was a big issue. This was a
 14 very difficult thing to come by.
 15 Q. Now, based on what you have previously
 16 told me, there was -- the manufacturing
 17 process had gone on there for some
 18 period of time before you got there,
 19 years before you got there. Is that not
 20 correct?
 21 A. Yes.
 22 Q. And for some period of time I would
 23 assume that those PCBs or that waste

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1 A. Something like that. I think --
 2 Q. Did Mr. Landwehr --
 3 MR. WHITE: Had you finished?
 4 THE WITNESS: Yeah.
 5 A. Because I can only remember in that
 6 period of time in the late '60s they
 7 were talking about said something about --
 8 Paragon Falcons being impacted in some
 9 study by PCBs and then eggshells and
 10 Long Island ducks.
 11 Q. So Mr. Landwehr told you that there were
 12 some potential adverse health effects
 13 that were possibly related to PCBs in
 14 the environment?
 15 A. It was a concern, but they didn't know
 16 whether real or not. So if you want to
 17 use "potential" fine. We didn't know.
 18 Nobody knew whether they were real or
 19 not. I don't think they do now.
 20 Q. So it was your understanding from
 21 Mr. Landwehr -- Did he tell you if
 22 anybody had talked to him about this
 23 before you got there from the

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1 corporation itself?

2 A. He may have but I don't remember what he

3 said.

4 Q. I guess what I'm asking is, was this

5 something that Mr. Landwehr was doing or

6 was this something that Monsanto

7 Corporation was concerned about?

8 A. Well, when it becomes a concern and

9 issue, it was -- everybody is concerned

10 about it that is directly -- has some

11 connection to it. So I have to know

12 that there was support out of St. Louis

13 to go find out what our situation is and

14 then if you talk to regulatory people

15 and they tell you you have got -- what's

16 your plan for doing better, you tell

17 them -- why, you'll get the money to do

18 it.

19 Q. Now, was there any conversation -- Did

20 you have any conversation with

21 Mr. Landwehr about what testing had been

22 done before you got there?

23 A. Yes. And he told me about the --

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1 in the ditches.

2 MR. STEWART: I think he was

3 trying --

4 MR. WHITE: I want to make sure --

5 Go ahead and answer the

6 question.

7 A. In some written material I remember

8 Bunkie being quoted or Bunkie saying --

9 If he wrote it; I forgot who wrote it --

10 that he didn't see any multiphased flow

11 out --

12 Q. (By Mr. Stewart) What's multiphase --

13 A. More than -- You got water and oil, and

14 they separate. That's two phases.

15 Q. He didn't see anything that would be

16 visible to the naked eye?

17 A. Right, right.

18 Q. In the ditches?

19 A. Right.

20 Q. What ditches were you talking about?

21 A. I don't know. Every ditch he could find

22 outside the plant.

23 Q. So there was a survey of the ditches

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1 MR. WHITE: He asked you if you

2 had the conversation.

3 A. Yes.

4 Q. (By Mr. Stewart) You can go ahead,

5 Mr. Jessee.

6 A. Well, he told me about this contract

7 that he had made with marine biologists

8 out of Tulane to do some fish sampling

9 in those waterways. And he told me

10 about some work that -- some sampling

11 and inspections of ditches and things

12 that Bunkie had done, Bunkie Wright.

13 And he told me about the analytical

14 methods development that was in process

15 at the plant. That's about it. That's

16 about it.

17 Q. Did he ever indicate to you what

18 Mr. Wright, Bunkie, as you call him, had

19 found in those ditches?

20 A. I was told Bunkie said --

21 MR. WHITE: He asked if

22 Mr. Landwehr ever told you

23 what Mr. White may have found

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1 during this time frame? Was that before

2 you got there or after you got there,

3 Mr. --

4 A. I think it was before.

5 Q. Before?

6 A. Yeah. When they were trying to put

7 together what the picture of all --

8 where are we at that point in time.

9 Q. Now, were there any surveys done of the

10 ditches after you got there?

11 A. I can't say I know for a fact.

12 Q. Did you do any?

13 A. No.

14 Q. Did Mr. Landwehr to your knowledge?

15 A. No.

16 Q. Did Mr. Wright?

17 A. That's -- He probably did, I just don't

18 know the particulars.

19 Q. Did you ever receive a report from

20 Mr. Landwehr or Wright indicating to you

21 that there was some of that

22 multiphased --

23 A. No. I never saw a report that they

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- 1 found anything visible.
- 2 Q. You say "visible." Nobody ever told you
- 3 during the time that you were there that
- 4 they saw visible evidence?
- 5 A. That's right.
- 6 Q. Of waste leaving the plant site?
- 7 A. That's right.
- 8 Q. Or coming off any of the landfills?
- 9 A. Right.
- 10 Q. Where were the tests done? You said
- 11 streams. Was that the test that was
- 12 done in Choccolocco Creek?
- 13 A. Marine biologists did that.
- 14 Q. I asked where?
- 15 A. I don't know the points that they
- 16 sampled.
- 17 Q. Do you know the stream that they
- 18 sampled?
- 19 A. Snow's Creek. I believe that's the one
- 20 -- That's the one I know for sure. I
- 21 don't know any others.
- 22 Q. What about Choccolocco Creek?
- 23 A. I don't know that for sure. I think

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- 1 Q. Why?
- 2 A. Because I said, "Don't do it."
- 3 Q. Why is it that you said, "Don't do it"?
- 4 A. Mainly, that would make the problem
- 5 worse.
- 6 Q. It was your --
- 7 A. In my opinion, make it worse.
- 8 Q. How would it make it worse?
- 9 A. Stir up all the deposits of sediment.
- 10 Q. And therefore it would --
- 11 A. No telling where it would go.
- 12 MR. WHITE: Could we take a quick
- 13 break?
- 14 THE WITNESS: Yeah.
- 15 [A break was taken.]
- 16 Q. (By Mr. Stewart) You were talking
- 17 before we took the break about your
- 18 suggestion was not to dredge because of
- 19 what might happen. Who had brought up
- 20 the fact that you might need to dredge?
- 21 A. John White or his staff when we were
- 22 over at that meeting.
- 23 Q. When you say "John White" you're --

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- 1 it's reasonable to assume they did.
- 2 Q. Were you ever shown evidence of the fact
- 3 there were PCBs in the fish during that
- 4 period of time that you were plant
- 5 manager there --
- 6 A. Yes.
- 7 Q. -- found in the fish?
- 8 A. Yes.
- 9 MR. WHITE: Let him finish his
- 10 question.
- 11 THE WITNESS: Okay.
- 12 MR. WHITE: I know it's difficult.
- 13 Q. (By Mr. Stewart) What did you do with
- 14 that information? Is that part of the
- 15 information you provided to
- 16 Mr. Crockett?
- 17 A. Yes.
- 18 Q. And to the EPA?
- 19 A. Yes.
- 20 Q. What dredging did y'all do while you
- 21 were there, of either Snow Creek or
- 22 Choccolocco Creek?
- 23 A. None.

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- 1 A. He was.
- 2 Q. -- the gentleman --
- 3 A. He was director to region four, EPA.
- 4 When Crockett arranged for us to go over
- 5 and talk with him.
- 6 Q. Mr. White indicated in the meeting that
- 7 y'all needed to dredge what? --
- 8 MR. WHITE: Go ahead.
- 9 A. The creek.
- 10 Q. (By Mr. Stewart) Choccolocco Creek?
- 11 A. I think he said something about Snow's,
- 12 the closest thing there.
- 13 Q. By y'all -- I was referring of course to
- 14 Monsanto.
- 15 A. Monsanto.
- 16 Q. He thought Monsanto should do that
- 17 because of -- because of the presence of
- 18 PCBs?
- 19 A. Yes.
- 20 Q. In the fish?
- 21 A. Yes. And the sediment.
- 22 Q. And your response to him was that?
- 23 A. We didn't think it was advisable because

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1 -- we don't think that's advisable
2 because it could spread that PCB all
3 over everywhere, and if it was
4 ultimately proven that PCBs are bad, it
5 was best to just leave it there.
6 Q. Tell me what else y'all said in -- what
7 did you suggest be done in response to
8 Mr. White's request? Other than just
9 leaving it there?
10 A. We said we wanted to go back to the
11 plant and develop a plan of action to
12 minimize the discharge from the plant.
13 Q. I guess what I was talking about, I
14 understood that you had said that from
15 what you had previously indicated to us,
16 but what did you all say that you felt
17 like should be done about the PCBs that
18 obviously were in the sediment?
19 MR. WHITE: Object to the form.
20 A. We didn't discuss it.
21 Q. (By Mr. Stewart) Sir?
22 A. We didn't discuss that.
23 Q. You never brought that up again with

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1 It might not have been you, Mr. Jessee.
2 We'll get to that in a minute.
3 A. I don't know if we had some information
4 about it. I'm sure we provided it.
5 Q. In line with that was anything ever
6 provided to you or Mr. Papageorge or
7 anybody in St. Louis?
8 A. No, not that I know of.
9 Q. Either Mr. Papageorge or somebody from
10 the medical --
11 A. I don't remember any.
12 Q. Who all was involved with Mr. Landwehr
13 -- You mentioned he had a group there.
14 Who all was involved with him? Was Toby
15 Bell involved with that group at the
16 plant?
17 A. Yes. He would have been on methods and
18 analytical problems.
19 Q. And was Mr. Wright involved with his
20 group?
21 A. Yes.
22 Q. Was Mr. Taffee involved with his group?
23 A. Not with the waste -- plant waste

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1 him?
2 A. No.
3 Q. Did anybody in your tenure of '70 to '78
4 ever raise that issue from the state
5 regulatory agency?
6 A. Not to my knowledge.
7 Q. Did you deal with anybody other than
8 Mr. Crockett during that period of time
9 at AWIC? '70?
10 A. '70, '71 and '72, no.
11 Q. Did you deal with anybody other than
12 Mr. Crockett about the PCB problem?
13 MR. WHITE: Object to the form.
14 A. At the state level.
15 Q. (By Mr. Stewart) Yes.
16 A. To my knowledge, no.
17 Q. I saw a reference in one of the
18 documents -- and, of course, I'm not
19 trying to trick you, but there was some
20 information requested by Mr. Ira Myers
21 about the toxicity of PCBs. Did y'all
22 ever provide that information to
23 Dr. Myers or anybody to your knowledge?

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1 discharge -- liquid discharge that we
2 talked with the regulatory agencies
3 about.
4 Q. When you say "liquid discharge" you're
5 talking about liquid discharges of PCBs
6 out and underneath 202?
7 A. That treatment -- We called it outfall. --
8 Q. Was anybody else involved besides
9 Landwehr, Toby Bell? Was Jerry Brown
10 involved in that group?
11 A. No, not that I remember. I remember the
12 supervisor for the Aroclors. Gerald
13 Miller was.
14 Q. Mr. Gerald Miller?
15 A. That just came to mind.
16 Q. What role did he play in that --
17 A. He was supervisor of Aroclors production
18 department. Then there was -- There
19 were two or three laboratory analysts
20 who were involved in this methods
21 development thing. And Landwehr
22 probably had an engineer assigned to do
23 these little design jobs to come up with

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1 these changes we made to reduce PCBs in
2 that outfall.
3 Q. Tell me what those little design jobs
4 that were done and what steps you took.
5 A. We put in another limestone pit. We put
6 in some carbon filtration equipment up
7 right in front of that limestone pit.
8 We put in some backup in the
9 manufacturing area itself. We put in
10 some pumps to remove -- sump pumps.
11 They're like sump pumps -- I don't know
12 if you know what a sump pump is. But
13 they're sort of intermedial collection
14 points in which things could separate.
15 And we collected any oily layers out of
16 those surps. And we had a scrubbing
17 system which took things from -- things
18 like steam jets on the process and
19 chlorination -- some excess chlorine
20 that came off the reactors. We put that
21 through a scrubber. We used to have an
22 old crude thing like a shower head that
23 put water down through the gases. And

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1 we put in what they call a "packed
2 column" which is a pretty efficient
3 separation system. That's about all I
4 can remember.
5 Q. Now, you indicated that the sump pumps
6 were intermediate collection points.
7 Where would things settle out? What did
8 you do with what settled out?
9 A. Put it back in the process and reworked
10 it.
11 Q. Was any of that ever taken somewhere
12 else off the plant site --
13 A. No.
14 Q. -- and buried?
15 A. No, not to my knowledge.
16 Q. Who cleaned out those limestone pits for
17 you?
18 A. I think we contracted that. I think.
19 Q. Did Anniston Concrete ever work with you
20 on that?
21 A. I don't know what the name of the outfit
22 was. But we used to have to replace
23 that in there and clean those out.

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1 Q. Was the company that did that work for
2 you located on West 10th Street?
3 A. I can't remember. I just don't know who
4 did it.
5 Q. But Monsanto employees did not do it
6 themselves?
7 A. No. My recollection is they sort of
8 over -- did some overseeing, but I don't
9 think they actually got in there and did
10 it.
11 Q. What outfit did y'all contract with or
12 what outfit were y'all contracting with
13 to take the steel bottoms up to the
14 landfill?
15 A. Monsanto employees did that.
16 MR. WHITE: Transporting it?
17 MR. STEWART: Yeah. From the
18 plant site across the road.
19 A. Yes.
20 Q. (By Mr. Stewart) Monsanto employees did
21 that?
22 A. Yes.
23 Q. At any point in time did y'all ever --

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1 during the time that you were there ever
2 contract to have someone other than
3 Monsanto employees take that stuff to
4 the pit?
5 A. To my knowledge, no.
6 Q. So during your time frame it was
7 Monsanto employees?
8 A. Yes.
9 Q. Who supervised those employees?
10 A. They were part of the Aroclor operation.
11 Q. So Mr. Miller would have --
12 A. He would have been one, or probably a
13 foreman in there, in Mr. Miller's
14 absence --
15 Q. And what gear did people wear who worked
16 around Aroclor production at the time,
17 safety gear at the time you were there?
18 A. Just on a routine day-to-day operation
19 they just wore work clothes.
20 Q. No safety glasses?
21 A. Yeah. Safety glasses. Yeah, yeah.
22 Q. What about booties or rubber-type boots?
23 A. They were provided with rubber

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- 1 over-shoes.
- 2 Q. Anything else?
- 3 A. No. Unless they were going to go down
- 4 in a tank or something like that.
- 5 Q. What about the rules with regard to
- 6 eating around PCBs? Did you have any in
- 7 place at the time you got there?
- 8 A. We had eating facilities in the control
- 9 room which were isolated from the
- 10 operating equipment, but it was located
- 11 kind of in the middle of it. They were
- 12 like little enclosed buildings.
- 13 Q. But you had no rules about whether you
- 14 could eat or not in the processing area?
- 15 A. You can go out in the process area. You
- 16 had to eat inside the control area.
- 17 There was usually a little kitchen
- 18 provided to the side where they could
- 19 keep things refrigerated or cook if they
- 20 wanted.
- 21 Q. What happened to the clothing that they
- 22 had, went home with them?
- 23 A. No, no. They had to change. We had a

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- 1 neighbors other than what you have told
- 2 us about Aroclors and the Aroclor
- 3 production and this problem we have been
- 4 talking about?
- 5 MR. WHITE: Object to the form.
- 6 A. Ask me again, Donald.
- 7 Q. (By Mr. Stewart) What did Mr. Landwehr
- 8 or anybody else tell you had been
- 9 imparted to, say, the public about this
- 10 problem y'all had out there?
- 11 MR. WHITE: Same objection.
- 12 A. They did do that. They didn't talk to
- 13 anybody I know of other than regulatory
- 14 people.
- 15 Q. (By Mr. Stewart) Just regulatory --
- 16 MR. WHITE: I'm not trying to
- 17 answer. Just make sure we
- 18 had what he said earlier
- 19 about the pigs.
- 20 Q. (By Mr. Stewart) Other than that.
- 21 A. Well, I assume that covered that. To
- 22 other people that lived in Anniston and
- 23 the environs, no.

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- 1 change house. They'd change and we'd
- 2 launder -- We didn't; we had it done.
- 3 Q. Did you institute any other than
- 4 additional safety measures other than
- 5 what was present at the time you went
- 6 there about the Aroclor processes?
- 7 MR. WHITE: Safety measures with
- 8 respect to employees?
- 9 Q. (By Mr. Stewart) Employees that dealt
- 10 with the production of Aroclors.
- 11 A. Yes, I did. But it was plant wide. It
- 12 wasn't just for Aroclors. I made it
- 13 mandatory you wear safety glasses and
- 14 safety shoes, which the company would
- 15 provide.
- 16 Q. That was to keep a piece of heavy
- 17 equipment --
- 18 A. Yes. Steel-toed, that kind of thing.
- 19 Q. Anything else? Is that it?
- 20 A. That's it.
- 21 Q. What did Mr. Landwehr or Mr. Brown or
- 22 Mr. Bell indicate to you about
- 23 information that had been imparted to

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- 1 Q. Did you ever say anything to anybody who
- 2 was a public official, either a city or
- 3 county official agent, the problem that
- 4 existed there?
- 5 MR. WHITE: Same objection.
- 6 A. I don't recall having done that, no.
- 7 Q. (By Mr. Stewart) To your knowledge did --
- 8 Mr. Landwehr or Mr. Papageorge ever do
- 9 that?
- 10 A. Not to my knowledge.
- 11 Q. Were there any fish advisories ever
- 12 issued during the time that you were
- 13 there in relation to fish that were
- 14 caught or available to be caught in
- 15 Choccolocco or --
- 16 A. No.
- 17 Q. -- Lake Logan Martin?
- 18 A. Not from Aroclors.
- 19 Q. Do you remember a gentleman named Tull
- 20 Allen?
- 21 A. Yes. I remember that name.
- 22 Q. Tull Chemical Company?
- 23 A. Help me.

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- 1 Q. Tull Chemical Company? Do you remember
2 any problem cropping up at any point in
3 time during your tenure there with Tull
4 Chemical Company and PCBs?
- 5 A. I remember the name. And I associate
6 some -- somebody saying to me that he
7 was quite a character. That's about all
8 I remember.
- 9 Q. Other than them talking about him
10 personally --
- 11 A. That's all.
- 12 Q. Do you remember anything --
- 13 A. No. I didn't know him.
- 14 Q. During the time that you were there as
15 plant manager, were any penalties
16 imposed against Monsanto in the chemical
17 plant?
- 18 A. None that --
- 19 Q. Fines?
- 20 A. No.
- 21 Q. Any adverse findings by the EPA or AWIC
22 or anybody with the state?
- 23 A. No.

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- 1 taking action through EPA against the
2 Anniston plant might occur?
- 3 A. No.
- 4 Q. Who would have -- in the normal chain of
5 events or sequence of events in a
6 situation like that have informed you
7 about that type thing?
- 8 A. Monsanto's legal environmental lawyer.
- 9 Q. Who was that at that time?
- 10 A. Fellow name of Park.
- 11 Q. Was he located in St. Louis?
- 12 A. Yes.
- 13 Q. And did you ever have any -- I don't
14 want to ask you about what y'all
15 actually discussed, but do you remember
16 having any discussions with him at the
17 time you were dealing with the
18 regulators?
- 19 A. Not with regard to that.
- 20 Q. Not with regard to PCBs?
- 21 A. Right.
- 22 Q. Not with regard to any Justice
23 Department activity that might have

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- 1 Q. Do you recall any potential claims being
2 made by anybody from the U.S. Attorney's
3 Office or the Justice Department about
4 activities that were going on at the
5 plant during the time you were there?
- 6 A. Any -- What did you ask me?
- 7 Q. Any kind of potential claims that they
8 were filing a lawsuit against you for
9 some problems that you had at the plant?
- 10 A. I read something in a document yesterday
11 about the Justice Department had advised
12 the regional director of EPA to do
13 something like that, but I don't
14 remember all the particulars or what it
15 was about. They never did it.
- 16 Q. Let me just ask you this, Mr. Jessee:
17 Do you recall -- and I'm not asking you
18 based on a document you saw yesterday.
19 I'm trying to get what your independent
20 recollection is.
- 21 Do you recall ever being informed
22 by anybody with Monsanto that the
23 potential for the Justice Department

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- 1 been --
- 2 A. That's right. Not with regard to the
3 Justice Department, no.
- 4 Q. What about the FDA? Did you ever -- Did
5 you ever have any contact with them?
- 6 A. No.
- 7 Q. During the time that you were there? --
- 8 A. That's right.
- 9 [Jessee Exhibit Number Four
10 was marked.]
- 11 Q. (By Mr. Stewart) Let me show you what
12 we'll mark as Jessee's Exhibit Four and
13 ask you to take a look at this document.
14 And I'll ask you some questions about
15 it.
- 16 I want to give you and your lawyer
17 an opportunity to look at it. I would
18 assume this is one of the documents you
19 looked at. Did you look at this
20 document yesterday?
- 21 A. I believe I did.
- 22 Q. Have you had time to take a look at it?
- 23 A. I wanted to see who wrote it.

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1 Q. Take your time.
 2 A. Yeah. Yes. Yeah. I know I must have
 3 seen this. I don't remember it at this
 4 time, but I know I must have seen it.
 5 Q. Now, this came from Mr. Miller, G. W.
 6 Miller?
 7 A. Yeah. Yes.
 8 Q. And what was Mr. Miller's position
 9 again?
 10 A. He was supervisor of Anoclor production
 11 unit.
 12 MR. STEWART: Each time Mr. White
 13 punches you, you just say
 14 yes.
 15 MR. WHITE: Just say yes. That
 16 was a good --
 17 THE WITNESS: Beat my ankle to
 18 death.
 19 MR. STEWART: Did you get that for
 20 the record?
 21 MR. WHITE: Show everybody is
 22 laughing.
 23 MR. STEWART: And I think I know

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1 Q. And would not be disclosed to anyone
 2 else?
 3 A. Right.
 4 Q. Did that include the general public?
 5 A. Yes.
 6 Q. Did it include anybody outside? In
 7 other words, no one could see this other
 8 than people who were the recipients of
 9 this and Mr. Miller?
 10 A. That's pretty much the understanding.
 11 Q. Now, apparently there had been a good
 12 bit of activity that had gone on that
 13 you had discussed previously before this
 14 meeting was scheduled to see
 15 Mr. Crockett? There had been a good bit
 16 of activity and a good bit of discussion
 17 that had been ongoing?
 18 A. Yes.
 19 Q. In-house?
 20 A. Yes.
 21 Q. How long had y'all been discussing what
 22 is referred to in -- I think the second
 23 paragraph, those items? How long had

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1 part of what your
 2 conversation might have been
 3 about, Mr. Jessee, during the
 4 break, but I'm not supposed
 5 to know it. But I think I've
 6 got an idea.
 7 Q. (By Mr. Stewart) Look at the upper
 8 right-hand corner of this document. Who
 9 put "confidential" there? Was that
 10 something that was done by Mr. Miller?
 11 A. Yeah. He designated this should be
 12 called "confidential."
 13 Q. Why is it, if you know, that this was to
 14 be confidential?
 15 A. I don't know what his judgment was.
 16 That he just decided it was to be
 17 confidential.
 18 Q. In the context of your understanding
 19 about documents like this at the time
 20 that this was done in May of 1970, what
 21 did that designation on a document mean?
 22 A. That this was kept confidential among
 23 the recipients of this document.

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1 y'all been doing that? What period of
 2 time had that gone on to your knowledge,
 3 Mr. Jessee?
 4 A. I don't know how far back in 1970. I
 5 don't know.
 6 Q. But your involvement in it began in
 7 1970?
 8 A. Yes.
 9 Q. So would it be fair to say that
 10 certainly since you had been there this
 11 group had been working on this
 12 particular problem?
 13 A. Yes.
 14 Q. And that would have been from, what, the
 15 first workday in '70 up through --
 16 A. I know they were working on it, yeah.
 17 Q. Did they do that every day? Did
 18 Mr. Landwehr do that every day, work on
 19 this particular problem?
 20 A. I don't think so.
 21 Q. Take a look at the little bullet
 22 numbered four?
 23 MR. WHITE: Read this.

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- 1 Q. (By Mr. Stewart) On the first page --
 2 MR. WHITE: Number four, Donald?
 3 MR. STEWART: Yes.
 4 A. Okay.
 5 Q. (By Mr. Stewart) Who was the author of
 6 that particular thing?
 7 A. Author of number four?
 8 Q. Yes.
 9 A. I assume it was based on what
 10 Mr. Crockett suggested that we do.
 11 MR. WHITE: I think the author,
 12 meaning who wrote this.
 13 Q. (By Mr. Stewart) Actually, what I'm
 14 saying was who was the person who made
 15 that suggestion.
 16 MR. WHITE: Okay.
 17 Q. (By Mr. Stewart) You're saying that
 18 came from Mr. Crockett?
 19 A. His recommendations is what it states up
 20 in the introductory paragraph, says,
 21 "His recommendations were as follows."
 22 Q. Take a look at the first paragraph on
 23 the second page of this Exhibit Four.

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- 1 A. I don't know how to comment on that.
 2 Q. (By Mr. Stewart) Well, the letter
 3 itself is listed as confidential. Is
 4 that not correct, Mr. Jessee?
 5 A. That's correct.
 6 Q. And the sentence reads, for purposes of
 7 the record, the last sentence in the
 8 second paragraph says, "The full
 9 cooperation of the AWIC to reach the
 10 above objective on a confidential basis
 11 can be anticipated."
 12 Am I to take from that that you
 13 all did not ask Mr. Crockett, from your
 14 response to my question about that
 15 intent -- and that's the one I was
 16 asking about. Do I take from that that
 17 Monsanto did not suggest and
 18 Mr. Landwehr and the people who went
 19 down there and met with Mr. Crockett
 20 didn't suggest that you wanted to keep
 21 this on a confidential basis?
 22 A. Not as I -- If I put it back in the
 23 context of the introductory paragraph on

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- 1 A. Okay.
 2 Q. Again, in the second sentence of that
 3 paragraph there's a reference to
 4 reaching the objective that is set out
 5 in this letter on a confidential basis.
 6 Was that what Monsanto suggested be
 7 done?
 8 A. I suspect it was mutually arrived at
 9 with Joe Crockett.
 10 Q. But did Monsanto and people who
 11 participated in this meeting suggest
 12 that that be done?
 13 A. No. I think Crockett probably initiated
 14 that tone to the whole thing at the
 15 time.
 16 Q. The reason I ask that is the way that
 17 paragraph is written, and of course,
 18 Mr. Miller is the one who wrote the
 19 letter. It appears to be that's what
 20 Monsanto wanted to take place at the
 21 time.
 22 MR. WHITE: Object to the form as
 23 to what appears.

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- 1 the previous page, it says, "His
 2 recommendations were as follows."
 3 MR. WHITE: "His" being?
 4 THE WITNESS: Crockett's.
 5 A. In that context I took it he took the
 6 lead; until we know what we're talking
 7 about, let's keep it amongst us.
 8 Q. (By Mr. Stewart) What were your
 9 concerns other than those that are
 10 mentioned in this letter about
 11 identifying and quantifying that you
 12 have previously referred to, and working
 13 with these governmental agencies? What
 14 were some of your other concerns there
 15 at Monsanto?
 16 A. Regarding PCBs?
 17 Q. Yes.
 18 A. None that I can enumerate other than try
 19 to define the quantities and what we
 20 were talking about.
 21 Q. Weren't you concerned at that time about
 22 the possibility of lawsuits by people
 23 who were adjacent to the plant?

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1 A. No, I wasn't.

2 Q. Were there not some in the company

3 itself, some people in the company

4 itself, who were worried about lawsuits?

5 MR. WHITE: I object what somebody

6 else might have been

7 concerned about. If they

8 told you and --

9 A. I didn't hear any. I was never made

10 aware of any of that.

11 MR. STEWART: Mark this as Exhibit

12 Five.

13 [Jessee Exhibit Number Five

14 was marked.]

15 Q. (By Mr. Stewart) Take a look at

16 Jessee's Exhibit Five. And let me ask

17 you, if you would, this is Anniston PCB

18 cleanup program. There's a gentleman by

19 the name of Paul Hodges listed as the

20 author of this. Who is Mr. Hodges?

21 A. He had a technical background. He

22 worked here in St. Louis.

23 Q. What was his position?

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1 A. I don't know what -- Where he was

2 involved in this. I think he was sort

3 of an early pioneer in the development

4 of sampling techniques of waste streams

5 for Monsanto. That's about all I know

6 about him.

7 Q. This Exhibit Five refers to PCB cleanup

8 program. And again, if you'll note at

9 the top of Exhibit Five, it says

10 "confidential" and there's something

11 that's been added to that, "F. Y. I. AND

12 DESTROY." I guess, for your information

13 only? Is that what you mean? And then

14 it says "DESTROY." Who put that on

15 there?

16 A. The author.

17 Q. Mr. Hodges?

18 A. Yes.

19 Q. So he put on this particular document

20 that it was to be destroyed. Did that

21 mean after you read it you were supposed

22 to destroy it?

23 A. I haven't the slightest -- I never have

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1 seen many of these.

2 Q. Were you not on the distribution list?

3 A. Yes.

4 Q. Do you remember getting this?

5 A. I don't remember getting it, but I'm

6 sure I did.

7 Q. If you'll take a look at the second page

8 of this, there is a paragraph (A) there.

9 And it makes reference to public

10 relations, fellow by the name of E. V.

11 John. Would you just read that, please,

12 sir, and then I want to ask you some

13 questions --

14 MR. WHITE: To himself?

15 Q. (By Mr. Stewart) Just to yourself.

16 A. Okay.

17 Q. It appears that if no one else did,

18 there was somebody in the outfit, at

19 Monsanto at that time, who was worried

20 about the recent lawsuit that had been

21 instituted against the plant. And I

22 would assume it refers to the Anniston

23 plant, Mr. Jessee. That's where I got

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1 that information. That's why I asked

2 you about it by BASS. And I would

3 assume that refers to the BASS Anglers

4 organization located in Monsanto started

5 by a man named Scott. You don't

6 remember anything about that?

7 A. I don't remember anything ever coming of --

8 that if they did.

9 Q. You just don't remember anything at all

10 about what Mr. John has reference to --

11 or what rather Mr. Hodges has reference

12 to in the paragraph entitled "(A) Public

13 Relations" that appears on page two of

14 this exhibit?

15 A. I sure don't.

16 Q. But was there not some concern at that

17 point in time about disclosing matters

18 to the public because of some fear on

19 Monsanto's part about a lawsuit --

20 MR. WHITE: The document speaks

21 for itself. That's obvious.

22 MR. STEWART: I'm asking another

23 question.

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1 MR. WHITE: I can state my
2 position. I'm not telling
3 him not to answer.
4 MR. STEWART: Not under the rules
5 we started under. All you
6 have to do is object to the
7 form. I think that's --
8 A. I was never asked to consider this in
9 any of the decisions I made with regard
10 to this matter at all.
11 Q. (By Mr. Stewart) In other words, you're
12 saying here today that there was never
13 any concern that the public might find
14 out about what you were dealing with and
15 sue you?
16 A. That wasn't what my responsibilities
17 were.
18 Q. I'm not talking about what your
19 responsibilities were. I'm talking,
20 Mr. Jessee, about what y'all's concern
21 was. And by that, I mean the company.
22 MR. WHITE: Once again, answer on
23 behalf of yourself. If you

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1 handle it in a certain way. And the
2 next sentence again Mr. Hodges is
3 referring to Joe Crockett, says he
4 believes that the FDA will not -- and I
5 assume that means "participate."
6 A. Looks like it.
7 Q. Says "precipitately" but I think it
8 means "participate" in this matter.
9 Was there concern on Monsanto's
10 part that the FDA might participate or
11 become involved?
12 A. I have no knowledge of that.
13 Q. Had there not been some concern
14 expressed by the FDA about products that
15 were produced by Monsanto that were PCB
16 type products or that had PCBs in them?
17 A. I never saw anything like that in
18 writing.
19 Q. You didn't know at the time that you
20 went to work for the plant that there
21 had been some problems in -- I think
22 Wisconsin about some silo covering
23 material?

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1 know what somebody else told
2 you or you read, fine.
3 A. I don't ever remember being -- this
4 being made a central issue or concern
5 relative to what the plant activities
6 were with regard to trying to reduce
7 PCBs in the plant water outfall.
8 Q. (By Mr. Stewart) Look at page one of
9 this document, first page of this
10 document and read to yourself, if you
11 would, paragraph three. Just to
12 yourself.
13 A. That's a typo or something. Okay. I
14 have read paragraph three or item three.
15 Q. What information did you have at the
16 time this document was written about the
17 FDA perhaps participating in this
18 matter?
19 A. I don't remember having any.
20 Q. He refers to that. And he says in the
21 paragraph, Mr. Hodges says, Joe
22 Crockett, Secretary of Alabama Water
23 Improvement Commission, will try to

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1 MR. WHITE: Object to the form.
2 A. No.
3 Q. (By Mr. Stewart) Did anybody ever tell
4 you anything about that?
5 A. No.
6 Q. Or problems that had been expressed
7 about that?
8 A. No. I don't remember ever hearing
9 anything about it.
10 Q. Do you know or were you ever told that
11 certain production was discontinued
12 because of potential problems?
13 MR. WHITE: Object to the form.
14 A. No.
15 Q. (By Mr. Stewart) This document -- or
16 this paragraph indicates that
17 Mr. Crockett "will try to handle the
18 problem quietly without the release of
19 information to the public at this time."
20 Is that something that you all had asked
21 him to do?
22 A. No. He brought that up, that's the best
23 way to handle it until we got that thing

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1 defined or determined it was a problem.
 2 Q. Why is it he said that the best way to
 3 handle it was just not to disclose it to
 4 the public?
 5 A. God rest his soul, you'll have to ask
 6 him. I don't know. He's just wise in
 7 the ways of handling these matters.
 8 Q. Wise fellow. Is that why y'all took it
 9 upon yourselves to make these documents
 10 that disclose what y'all were doing
 11 confidential in nature?
 12 A. I don't think it was that intentional.
 13 Q. Sir?
 14 A. I don't think that was intentional. But
 15 to use that as a reason to do it, I
 16 don't think.
 17 Q. That's just something y'all did?
 18 A. It was an agreement to keep things
 19 confidential.
 20 Q. What I'm saying is when you had up there
 21 confidential, for your eyes only and
 22 destroy, I'm saying did that originate
 23 from Mr. Crockett did he tell y'all

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1 previously what you said today that
 2 y'all did do?
 3 A. I had forgotten the one about water --
 4 reducing the water flow through those
 5 pits.
 6 Q. But that's basically what he also covers
 7 about the rest of this document, about
 8 what y'all were doing that --
 9 A. Yes.
 10 Q. -- you have already talked about that --
 11 A. Yes, best of my recollection.
 12 Q. Talks about fish, mud, and water
 13 sampling. That was also ongoing at that
 14 time?
 15 A. As of August? Probably. That was the
 16 contract with the marine biologists.
 17 Q. That's the one you talked about with the
 18 folks from Tulane?
 19 A. Yes.
 20 Q. He indicates, Mr. Hodges does, that
 21 there was going to be some additional
 22 testing done of fish?
 23 A. That were coming over -- coming over and

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1 follows, what I think y'all ought to do
 2 is put that on the top --
 3 A. No, no.
 4 Q. Just let me finish my question --
 5 A. No. That's something Hodges took upon
 6 himself to do. I don't know why.
 7 Q. Now, the other items that are mentioned
 8 here by Mr. Hodges in this document
 9 itself, Plaintiff's Exhibit Five, are
 10 the things that you previously told us
 11 about that y'all did at the plant --
 12 A. Uh-huh (indicating yes).
 13 MR. WHITE: Yeah.
 14 THE WITNESS: Someplace in here.
 15 Q. You indicated the kinds of things y'all
 16 did at the plant?
 17 A. Some that I could recall, yes.
 18 Q. Looks like he talks about a sump pump
 19 that was installed in the Aroclor
 20 department. And he talked also about
 21 the limestone pits and some bypass that
 22 y'all were doing and some filtering that
 23 you were doing. And I thought that's

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1 taking samples and going back to
 2 Anniston analyzing tissue in the fish.
 3 That's what they were doing.
 4 Q. And Scott Tucker is referred to here as
 5 the person who was developing the
 6 analysis or doing the analysis on these
 7 fish. He was a Monsanto employee? --
 8 A. Where do you see the name? Yeah, yeah.
 9 Q. I'm sorry. And that's unfair. The
 10 reference to him is in paragraph (D) on
 11 the last page.
 12 A. I see the name. I can't place that. I
 13 don't know where Scott Tucker worked. I
 14 have just lost that name someplace.
 15 Q. That's all right. I know who he is.
 16 Who is Mr. H. S. Bergen, Jr.?
 17 A. Who?
 18 Q. Who was he?
 19 A. I might misidentify who he was, so I'm
 20 going to say I can't.
 21 Q. Was he somebody in corporate
 22 headquarters?
 23 A. Yeah. He was as far as -- here. But

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- 1 what he was in charge of or responsible
2 for, I can't --
- 3 Q. Is he still living?
- 4 A. I don't know.
- 5 Q. What about Mason, John Mason?
- 6 A. I doubt if he's living.
- 7 Q. Mr. Wheeler?
- 8 A. He's dead.
- 9 Q. Papageorge, of course, Bill Papageorge,
10 who's the next gentleman?
- 11 A. Holzapfel, is that -- after Papageorge?
- 12 I don't know Mr. -- if he's still alive.
- 13 Q. Mr. Hozmer?
- 14 A. Dead.
- 15 Q. What about Mr. Savage?
- 16 A. I don't know.
- 17 Q. What did Mr. Savage do with Monsanto?
- 18 A. At this time I don't know what his job
19 title was. He worked here in St. Louis.
- 20 Q. But you don't know whether he's still
21 living or not?
- 22 A. I don't know.
- 23 Q. Tell me how much money was allocated for

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- 1 all -- if you remember, for all of these
2 cleanup processes that y'all used?
- 3 MR. WHITE: Everything? Total.
- 4 MR. STEWART: Yes.
- 5 A. I don't know.
- 6 Q. (By Mr. Stewart) Were any estimations
7 ever made as to how much it would cost
8 to dredge?
- 9 A. No.
- 10 Q. I noticed back in the last paragraph of
11 Exhibit Five that there was a reference
12 made to Logan Martin Lake or the Coosa
13 River. So y'all had found, I would
14 assume, PCBs in fish as of this time in
15 1970 -- that came out of the lake. Is
16 that your understanding?
- 17 A. I can't remember that. I remember --
18 because I don't remember where the
19 biologists were sampling how far down
20 they went. I don't know if they went
21 down to Logan Martin at this time or
22 not.
- 23 Q. Let me show you the next document.

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- 1 MR. STEWART: Mark this as
2 Jessee's Exhibit Six.
3 [Jessee Exhibit Number Six
4 was marked.]
- 5 Q. (By Mr. Stewart) Take a look at Six,
6 please, sir. Then I'll ask you some
7 questions about it.
- 8 A. Under "Future Work"? Page six?
- 9 MR. WHITE: No, no. Exhibit Six.
- 10 Q. (By Mr. Stewart) I'm calling this
11 Jessee Six. You take a look at the
12 whole thing. It has several pages. I
13 want him to read the whole thing.
- 14 MR. WHITE: You want him to --
- 15 MR. STEWART: I want him to glance
16 at it. I have particular
17 reference to an item that
18 appears on the third page.
19 Then I'll ask him some things
20 perhaps on two. May not.
21 But all I'm going to ask him
22 about is to begin with the
23 paragraph on the third page.

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- 1 A. A lot of technical information in it.
- 2 Q. (By Mr. Stewart) I'm not going to ask
3 you about the technical information.
- 4 A. Thank goodness.
- 5 Q. I'm going to try and center on things
6 that you know something about. If I
7 violate that --
- 8 A. Best I can.
- 9 Q. -- violate that deal, you just tell me,
10 "You violated it, Donald."
- 11 MR. WHITE: He's not asking you
12 anything right now.
- 13 A. I'm trying to get a fix on what time
14 frame this talks about, something prior
15 to July of --
- 16 Q. (By Mr. Stewart) It was dated July 21st
17 of 1970, Mr. Jessee.
- 18 A. All right.
- 19 Q. Talks about Aroclor loss from the
20 Anniston plant for a period from April
21 15th through June 30.
- 22 A. Yes.
- 23 Q. Now, let's take a look at that summary

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- 1 paragraph on page one.
- 2 A. All right.
- 3 Q. There's a figure there of 250 pounds per
- 4 day, which would indicate a loss of 250
- 5 pounds per day of Aroclor for a
- 6 comparable period during 1969. Were you
- 7 made aware of that when you first went
- 8 to work at the plant --
- 9 A. No.
- 10 Q. When did you first learn about that?
- 11 A. Just as a comparison when this was
- 12 written.
- 13 Q. So the first time you found out about it
- 14 was some six months after you went to
- 15 work there, little more?
- 16 A. Yeah. What happened, they were putting
- 17 together what good were we doing.
- 18 Q. Mr. Landwehr and his group?
- 19 A. Were trying to reduce the amount of
- 20 Aroclors in the outfall.
- 21 Q. When you say "outfall," you're talking
- 22 about waste water discharge that came
- 23 off that collection point you previously

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- 1 A. I can't remember at this time if we had
- 2 the other pit in, if we just had one pit
- 3 or two pits. I don't remember. If you
- 4 just had the one pit, I can understand
- 5 why some of the outfall might have more.
- 6 It stirs it up. Where if you could
- 7 bypass that pit and put in the new pit
- 8 and clean this one out -- that wouldn't
- 9 be the case. I don't know what the
- 10 timing was on that.
- 11 Q. (By Mr. Stewart) I guess what I'm
- 12 trying to find out is, first, what did
- 13 you do with that? Did you just dump it
- 14 into the sewer system when you cleaned
- 15 it out, or did you drum it and take it
- 16 somewhere?
- 17 A. I think what they cleaned up, the
- 18 sediment, they buried in the landfill, I
- 19 think.
- 20 Q. Buried it in the landfill?
- 21 A. I think. Yeah.
- 22 Q. Is there a possibility that --
- 23 A. They may have dug the rock up and

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- 1 referred to?
- 2 A. The outfall right there at 202.
- 3 Q. And went into the sewer system basically
- 4 through Snow Creek?
- 5 A. It went into Snow Creek.
- 6 Q. Then on the second page, look at
- 7 paragraph D. Read, if you would, just
- 8 that first paragraph.
- 9 A. Okay. I can't read number sixteen.
- 10 Okay. Wait a minute. Okay. I have
- 11 read that.
- 12 Q. This indicates that at times -- and I
- 13 want to make sure I'm understanding it
- 14 correctly -- at times when the acid
- 15 neutralization pit was cleaned out that
- 16 the Aroclor rate leaving the plant was
- 17 higher on those occasions?
- 18 A. That's what it indicates.
- 19 Q. Can you tell me why mechanically that
- 20 would be? Because they just dump the
- 21 stuff into the sewer when they clean it
- 22 out?
- 23 MR. WHITE: Object to the form.

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- 1 take --
- 2 Q. When you say "stuff" --
- 3 A. Sediment on that limestone.
- 4 Q. Are you saying that they took the rock
- 5 -- what did they do with the sediment on
- 6 the limestone?
- 7 A. Left it on there and buried it.
- 8 Q. Buried it in the landfill?
- 9 A. That's what I would assume they did.
- 10 Q. Do you actually know that's what they
- 11 did with it?
- 12 A. No.
- 13 Q. Did they drum it or take the dump truck
- 14 and take it up there?
- 15 A. That's what they did.
- 16 Q. Did not drum it?
- 17 A. Not to my knowledge.
- 18 Q. What did you require those people who
- 19 worked around that lime pit when they
- 20 cleaned it out to wear, anything in
- 21 particular?
- 22 A. Didn't require them to wear anything.
- 23 Wear whatever they wanted to wear. They

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1 didn't work for us. We advised them of
2 what they were doing, what they were
3 dealing with.
4 Q. What did you tell them?
5 A. We just told them they were dealing with
6 some material that deposited on this
7 limestone and we -- what we wanted done
8 with it. And that -- As far as we were
9 concerned, it wasn't something that was
10 volatile or flammable or explosive. We
11 always told contractors these kind of
12 things.
13 Q. There were contractors that cleaned this
14 out. They would take it up there to --
15 A. They may have done that, yeah, yes.
16 They probably transported it also.
17 Q. Take a look at page three of Plaintiff's
18 Exhibit Six, of Jesse Exhibit Six, to
19 your deposition.
20 MR. WHITE: Paragraph E?
21 MR. STEWART: Yes.
22 Q. (By Mr. Stewart) Now, the second
23 sentence of that indicates that the

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1 plant going under 202 goes over into the
2 creek system.
3 Q. Well, this talks about Choccolocco
4 Creek.
5 A. That's just an extension of Snow Creek,
6 isn't it?
7 Q. Well, maybe I'm missing something. But
8 it says -- What I'm concerned about
9 Choccolocco Creek is certainly some
10 distance from the plant. It was miles
11 from the plant?
12 A. Well, Snow's Creek eventually goes into
13 it.
14 Q. Absolutely.
15 A. Well, that's --
16 Q. But this document here says that the
17 samples that were taken in Choccolocco
18 Creek indicates significant amounts of
19 Aroclor in the mud and water of
20 Choccolocco and Snow Creeks a
21 considerable distance, 15 to 20 miles,
22 downstream from the Anniston plant. The
23 sentence before that says they show that

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1 Aroclors were present in Choccolocco
2 Creek, even above where the Monsanto
3 effluent enters the creek. Was there
4 some point on Choccolocco Creek where
5 the Anniston sewer system dumped stuff
6 into the creek?
7 A. Other than outfall from the plant right
8 there at 202? I'm not aware of any.
9 Q. I'm not asking my question correct.
10 What you previously talked to us
11 about, y'all sewered or put into the
12 sewer, this waste water that you
13 collected or discharge you collected --
14 A. Yes.
15 Q. -- from the plant. And that went, you
16 would assume, through the Anniston city
17 sewer system?
18 A. No. That went through that outfall out
19 of the front of the plant there.
20 Q. Well, what does this mean where the
21 Monsanto effluent enters the creek. Is
22 that where Snow Creek --
23 A. No. That's where that outfall from the

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1 Aroclors are present in Choccolocco
2 Creek even above where the Monsanto
3 effluent enters the creek. Where did
4 you understand the effluent entered the
5 creek?
6 A. From Snow Creek and into Choccolocco
7 Creek.
8 Q. That's your understanding of it?
9 A. Yes.
10 Q. Could they be talking about here,
11 Mr. Jesse, where the sewer system --
12 you're familiar with where the sewer
13 system is located, Anniston sewer
14 system, are you not? Remember it was
15 located down near the I-20 interchange?
16 A. You're talking about the Anniston Water
17 Treatment Plant?
18 Q. Yeah.
19 A. Yeah.
20 Q. Did not some of your effluent that left
21 the plant, water discharge, go into the
22 sewer system?
23 A. But not from the Aroclors area.

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1 Q. You're saying that none of it left the
2 plant through the sewer system and went
3 down and got into Choccolocco Creek
4 through the sewer. That's your
5 testimony?

6 A. Yes. My knowledge is we didn't have
7 anything going to that waste treatment
8 plant except the effluent off the
9 activate sludge system for the parathion
10 process that went to the city.

11 Q. That went to the city?

12 A. But nothing else.

13 Q. No Aroclor went through --

14 A. No.

15 Q. -- went through the sewer system?

16 A. Not to my knowledge it didn't.

17 Q. Well, now, y'all had a sewer system, did
18 you not, on your plant site, if y'all
19 had pipes and things under the ground on
20 your plant site?

21 A. That was to collect the enclosed waste
22 from the Aroclors process area.

23 Q. Where did that go?

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1 A. That is what I keep telling is that
2 outfall that went into that creek
3 system. And that was only the Aroclor
4 processing area waste streams.

5 Q. Well, this talks about a warehouse --
6 take a look at page two of this
7 document. Aroclors Department Sewers,
8 Chlorinator and Still Room Sewers.

9 A. That all was collected and went through
10 those limestone pits.

11 Q. So it's your testimony here today that
12 those sewers were not connected to the
13 Anniston sewer system; they went through
14 the pits and then went out into Snow
15 Creek?

16 A. Yes.

17 Q. All right. I just wanted to clarify
18 that.

19 A. Yes.

20 MR. STEWART: Mark that, please.
21 [Jessee Exhibit Number Seven
22 was marked.]

23 Q. (By Mr. Stewart) I'm going to ask you

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1 about one thing on the second page of
2 this thing.

3 A. Second page.

4 MR. WHITE: You mean -- okay. Are
5 you talking about the one
6 that's got biological
7 consultants at the top?

8 MR. STEWART: September 7th, 1971,
9 is the date up at the top,
10 and the distribution thing is
11 up there.

12 MR. WHITE: I got it.

13 A. That's the one that Bunkie Wright wrote.

14 Q. (By Mr. Stewart) Right. I want to talk
15 about the letter there just a little
16 bit. All I want to ask you is if you
17 remember seeing that letter. That's all
18 I want.

19 A. I don't remember seeing it, but I know I
20 did. It's got my name on it. I know it
21 came across my desk. I just don't
22 remember. I finally recognize a couple
23 of names in here that I had forgotten.

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1 Q. Who is Mr. Corder, J. L. Corder?

2 A. He was the production superintendent for
3 the Aroclor operations.

4 Q. There in Anniston?

5 A. Yes. For a very short period of time.

6 Q. Do you know where Mr. Corder is today?

7 A. No. I sure don't.

8 Q. How long did he stay with the company?

9 A. Gosh. He was there just a short period
10 of time. When we shut it down, he lost
11 his job.

12 Q. That's why he lost his job?

13 A. Yeah.

14 MR. STEWART: Take a look at this.
15 [Jessee Exhibit Number Eight
16 was marked.]

17 Q. (By Mr. Stewart) Have you had an
18 opportunity to look at it?

19 A. I have, yes.

20 Q. This is a letter -- Exhibit Eight,
21 Jessee Exhibit Eight, is a letter dated
22 September 18th, to Mr. Toby Bell in
23 Anniston. You're listed as a person who

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1 got that.

2 A. I'm up there.

3 Q. Do you remember getting that?

4 A. No. But I'm sure I did.

5 Q. Mr. Hodges appears to suggest to

6 Mr. Bell in the first paragraph of this

7 letter that y'all shouldn't report --

8 MR. WHITE: Object to the form.

9 Q. -- the losses of PCBs from the plant to

10 Mr. Crockett. Did y'all follow his

11 advice?

12 A. Uh-uh (indicating no). You don't deal

13 with Joe Crockett that way. You tell Joe

14 Crockett the straight story every time

15 or he'll hang you out to dry.

16 Q. (By Mr. Stewart) So you actually didn't

17 follow Mr. Hodges' advice?

18 A. No. Not if it meant hiding something

19 from Joe Crockett.

20 Q. Again, there is "confidential," and

21 Mr. Hodges put it on there. What did

22 you understand that to mean, except the

23 same that you have told us before?

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1 time?

2 A. I haven't the slightest idea.

3 Q. Were there any governmental actions

4 going on at that time about your PCB

5 loss?

6 A. Not that I know of.

7 Q. Were any of the neighbors suing you

8 about it?

9 A. Not that I know of. -

10 MR. STEWART: Go on to the next

11 one.

12 [Jessee Exhibit Number Nine

13 was marked.]

14 Q. (By Mr. Stewart) Now, this is a letter

15 from Mr. Landwehr to you?

16 A. Yes.

17 Q. About a meeting they had with

18 Mr. Crockett?

19 A. Yes.

20 Q. And this meeting had occurred on October

21 23rd of 1970. Is that not correct?

22 A. Yeah. October 23rd.

23 Q. Of 1970?

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1 A. Like that thing I looked at while ago.

2 I didn't understand why Mr. Hodges puts

3 "F.Y.I. and Destroy" on stuff.

4 Q. Could it be because of the next

5 sentence, he's worried -- or there was

6 some concern expressed -- That next

7 sentence, would you read that for us?

8 And I want to ask you a question about

9 that. Just read that for the record.

10 It is about the third sentence in that

11 first paragraph.

12 A. That starts off, "From the legal

13 standpoint"?

14 Q. Yes, sir.

15 A. Is that what you had in mind?

16 Q. Yes, sir. Could you read that for the

17 record, out loud?

18 A. Says, "From the legal standpoint, there

19 is extreme reluctance to report even the

20 relatively low emission figures because

21 the information could be subpoenaed and

22 used against us in legal actions."

23 Q. What legal actions were going on at that

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1 A. Yes.

2 Q. And the document that we previously

3 referred to as Jessee Exhibit Eight was

4 dated September 18th, 1970?

5 A. Yes.

6 Q. And dealt with what PCBs were leaving

7 the reservation, so to speak, as of --

8 9/13/70?

9 A. All right.

10 Q. Now, is it not a fact, Mr. Jessee, that

11 neither Mr. Wright nor Mr. Bell nor

12 Mr. Landwehr nor you told Mr. Crockett

13 about what y'all had discovered in your

14 -- what's referred to in Mr. Hodges'

15 documents about what was leaving the

16 plant on 9/13/70? You didn't tell him

17 about that, did you?

18 A. I don't know.

19 Q. Look at the second paragraph. And it

20 says that in response to questions about

21 past discharges, Mr. Landwehr and

22 Mr. Bell and Mr. Wright told

23 Mr. Crockett that y'all were losing

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1 about one to five pounds a day. Isn't
2 that correct?

3 MR. WHITE: Help me out. Where
4 does it say anything about
5 questions about past
6 discharges?

7 MR. STEWART: Second paragraph.

8 MR. WHITE: Presently discharged,
9 I think. Are we looking at
10 the wrong -- I'm sorry. I
11 apologize. Okay. It was
12 really the third paragraph.

13 MR. STEWART: Yeah. Third
14 paragraph.

15 Q. (By Mr. Stewart) Let me ask it this
16 way: Nowhere in there did y'all tell
17 him you were losing eighty pounds a day
18 as of 9/13 of '70, did you?

19 MR. WHITE: Is there anything in
20 this document that says --

21 Q. (By Mr. Stewart) Well, I would assume
22 Mr. Landwehr, Mr. Jessee, is telling you
23 what he told Mr. Crockett when they met

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1 with him on October the 23rd of 1970?

2 A. I would assume that.

3 Q. And they didn't tell him about what
4 Mr. Hodges had been concerned about in
5 the document he sent to you in September
6 of '70, did they?

7 A. I don't see those numbers over here in
8 Landwehr's memo, no. But I don't know
9 what he might have told him. I don't
10 know. That they had one incident or
11 something, an upset that caused that. I
12 don't know.

13 Q. Well, now, Mr. Landwehr was supposed to
14 report to you, was he not? That's the
15 purpose of this Exhibit Nine. He was
16 reporting to you as to what he told
17 Mr. Crockett, wasn't he?

18 A. In general, yes.

19 Q. Now, Mr. Jessee, was there any work
20 being done by the Alabama Water
21 Improvement Commission at the plant
22 site? Were they doing any testing?

23 A. Not to my knowledge.

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1 Q. So they were relying on you all, were
2 they not?

3 A. Yeah.

4 Q. To tell --

5 MR. WHITE: Had you finished your
6 answer?

7 A. All I can describe is the way it had
8 always been done. When we found out
9 something, we'd go talk to them. And
10 we'd see if they thought there was a
11 problem or if they thought we ought to
12 come back, get more information and tell
13 them more. That's all I know. That's
14 just the way we worked with them.

15 Q. (By Mr. Stewart) But my question to
16 you, sir, was they weren't doing any
17 testing themselves, AWIC was not?
18 Alabama Water Improvement Commission was
19 not, were they?

20 A. Not that I'm aware of.

21 Q. And they were relying on you to tell
22 them what was leaving the plant site in
23 the way of PCBs, were they not?

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1 A. They were relying on us to give them a
2 report of the daily average composite
3 results. But if we had an upset in
4 something for a while and --

5 Q. I'm not --

6 A. We weren't supposed to pick up the phone
7 and call him.

8 Q. I'm not asking you about that. I'm just
9 asking you, Mr. Jessee, if they were in
10 fact relying on you to do it? That's
11 the way the system worked?

12 A. I don't know whether they were or not.
13 I assume the system worked that we'd
14 tell them what we knew to the best of
15 our knowledge, and they would say,
16 that's acceptable or it's not.

17 MR. STEWART: Let's go to the next
18 document, if we can.
19 (Jessee Exhibit Number
20 Ten was marked.)

21 Q. (By Mr. Stewart) This is a document
22 that was written by V. R. Haupt,
23 H-A-U-P-T. Who was he?

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1 A. He was a process engineer that worked
2 for Landwehr.
3 Q. One of the ones you mentioned earlier?
4 A. Pardon me?
5 Q. One of the gentlemen you mentioned
6 earlier that perhaps was involved --
7 A. I couldn't remember a name.
8 Q. Certainly.
9 A. He was a process engineer.
10 Q. I understand. That was some time ago,
11 Mr. Jessee.
12 A. Yeah.
13 Q. Tell me, if you would, if you know where
14 Mr. Haupt is now? Any idea?
15 A. No, I don't.
16 Q. Who is D. Danna? Do you have any idea?
17 A. He worked here in the general office. I
18 can't remember his role in this.
19 Q. Take a look at the first paragraph. I
20 wanted to ask you a couple of questions
21 about that. Are you taking a look at
22 that?
23 A. Yeah.

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1 out.
2 A. I don't understand the arithmetic at
3 all.
4 Q. But that doesn't add up, does it?
5 A. Not the way I read it. I wonder --
6 MR. WHITE: You have answered.
7 Q. (By Mr. Stewart) You were going to go
8 on ahead. And your lawyer's trying to
9 get you not to. But finish your answer.
10 MR. WHITE: Finish your answer if
11 there's anything else you
12 need to provide to
13 accurately --
14 THE WITNESS: I was just thinking
15 out loud.
16 MR. WHITE: Don't think out loud.
17 Just answer his question.
18 A. I don't know that the basis of this is.
19 Doesn't make any sense.
20 MR. WHITE: You have answered.
21 Don't ruminate.
22 MR. STEWART: Well, I would just
23 prefer the witness be allowed

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1 Q. Says, "Aroclor losses" -- this is
2 November of '70 -- "averaged 25" -- and
3 is that "pounds a day"?
4 A. Yes.
5 Q. Then the next, is that "one high value
6 accounted for 18 pounds a day"?
7 A. That's the way I read it.
8 Q. Now, this next sentence I don't quite
9 understand. Maybe I'm missing
10 something. But it said, "Aroclor losses
11 during November averaged twenty-five
12 pounds a day." Am I reading that right,
13 that first sentence?
14 A. That's what it says.
15 Q. Then it says "one high value accounted
16 for eighteen pounds a day." Then he
17 goes on to say, "Neglecting this, the
18 November average would be seven pounds a
19 day."
20 How would one arrive at that? Are
21 we --
22 A. Beats me.
23 Q. Beats me, too. I'm trying to figure it

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1 to answer the question.
2 MR. WHITE: He has answered the
3 question.
4 MR. STEWART: I know you represent
5 him.
6 A. I agree with you, Donald. I don't
7 understand his arithmetic, either. --
8 Q. (By Mr. Stewart) Thank you, Mr. Jessee.
9 [Jessee Exhibit Number
10 Eleven was marked.]
11 Q. (By Mr. Stewart) This would be Eleven.
12 This is a document dated November 30,
13 1970 from Mr. Miller. And you were a
14 distributor on -- got this done. Do you
15 remember receiving that document?
16 A. No. I have to assume I did.
17 Q. It says -- Up there at the top it says
18 "Joe, did everyone get a copy of this?"
19 Is that your handwriting?
20 A. No.
21 Q. Do you know --
22 A. It is not.
23 Q. -- whose it is?

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- 1 A. I don't know.
- 2 Q. In the first paragraph it said --
- 3 appears to indicate that some samples
- 4 were -- had been missed. Do you
- 5 remember -- Do you recall that
- 6 happening?
- 7 A. No.
- 8 MR. WHITE: Are you moving on to
- 9 another one?
- 10 MR. STEWART: Yeah.
- 11 [Jessee Exhibit Number
- 12 Twelve was marked.]
- 13 Q. (By Mr. Stewart) This is a document
- 14 Jessee Twelve. This is December of '70.
- 15 This was sent to you. Could you
- 16 interpret some of this for me? This is
- 17 from Mr. Papageorge. You have
- 18 indicated, Mr. PCB.
- 19 A. Yeah.
- 20 Q. Says, "During the month of November
- 21 Anniston reported 1410 parts per
- 22 billion."
- 23 A. I don't know where you are.

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- 1 A. No.
- 2 MR. WHITE: I also object to what
- 3 your thoughts might be as to the reason
- 4 I might be objecting.
- 5 MR. STEWART: Okay.
- 6 MR. WHITE: It is a cheap shot, is
- 7 what that is. But you have
- 8 answered the question.
- 9 Q. (By Mr. Stewart) Do you know what he
- 10 meant about the seriousness of the PCB
- 11 problem? Had he communicated that to
- 12 you, Mr. Papageorge?
- 13 A. No.
- 14 Q. He refers to it in the first paragraph.
- 15 A. I never discussed at length any of this
- 16 with Papageorge.
- 17 Q. Anybody else in Monsanto discuss that
- 18 with you at the time?
- 19 A. No. This is all internally.
- 20 Q. (By Mr. Stewart) Take a look at another
- 21 document dated in December.
- 22 [Jessee Exhibit Number
- 23 Thirteen was marked.]

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- 1 Q. Second paragraph.
- 2 A. Yes. Yes.
- 3 Q. Can you tell me what if anything you
- 4 knew about -- or know sitting here today
- 5 about the significance of that?
- 6 A. I don't remember anything about this.
- 7 Q. Is that high, low?
- 8 A. I don't know.
- 9 Q. Did you ever know what would be a high
- 10 reading for PCBs in effluent, or in
- 11 water? Is that what that refers to, in
- 12 this waste water?
- 13 A. Yes. I have to say that I believe
- 14 that's so, that's true, the way you
- 15 interpreted that.
- 16 Q. You're telling me that you didn't know
- 17 what was or was not a high reading?
- 18 A. I don't remember knowing that, no.
- 19 Q. Okay. Says because of the seriousness
- 20 of PCB problem -- Of course, Mr. White's
- 21 objected to me using the term "problem,"
- 22 but is that the way y'all viewed it, as
- 23 a problem?

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- 1 Q. (By Mr. Stewart) Take a look at that.
- 2 Again, this "confidential" and "read and
- 3 destroy." Appears to be something from
- 4 Mr. Haupt. Have you had time to look at
- 5 that, Mr. Jessee?
- 6 A. Almost. Okay.
- 7 Q. What did you understand the --
- 8 "confidential" "read and destroy" meant?
- 9 Were you supposed to destroy that once
- 10 you read it?
- 11 A. You got me. I don't know.
- 12 Q. Did you ever do that?
- 13 A. I don't remember ever doing it.
- 14 Q. Do you remember doing it with this
- 15 particular document?
- 16 A. No.
- 17 Q. Do you remember being told --
- 18 A. I don't remember what I did with this
- 19 particular document.
- 20 Q. Another document it said for your
- 21 information --
- 22 A. F.Y.I. I don't know what that means.
- 23 Q. Sort of looks like James Bond.

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1 on the inerts." What would the inerts
2 be? Is he taking the pounds of PCB
3 material out -- Is he talking about the
4 limestone pit? Is that what he's
5 talking about, or what he has reference
6 to?

7 MR. WHITE: You mean what the
8 "inerts" refers to?

9 A. Source of where this came from? Is that
10 what you're asking?

11 Q. (By Mr. Stewart) I'm trying to figure
12 out where he's talking about these PCBs
13 coming from --

14 A. I am too.

15 Q. On -- And I assume he's referring to
16 something that was done on the Anniston
17 plant site. But let's make sure of
18 that.

19 MR. WHITE: Do you know if this is
20 just the Anniston plant site
21 that was --

22 THE WITNESS: I don't know. I'm
23 trying to decode. This thing

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1 doesn't make any sense to me.

2 MR. WHITE: That's right.

3 Q. (By Mr. Stewart) I'm trying to decode
4 it too. That's what discovery is all
5 about, Mr. Jesse. And you were the
6 plant manager at the time. I'm sorry
7 you have to be here, but that's the only
8 way we have of doing it.

9 A. I understand; I understand. But I can't
10 make any sense out of this. I have no
11 idea what this --

12 Q. Well, it deals with project evaluation.
13 And there are some things, obviously,
14 that refer to Krummrich and that whole
15 list of things. Do you know who is the
16 author of the little one liner here
17 right after Mr. Haupt's signature, "But
18 WCK is saying that lime doesn't work?"
19 And there is a question mark after that.
20 Who is Bill C.?

21 A. I don't know.

22 Q. Were you aware of that particular thing
23 being said by the people at Krummrich,

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1 that lime does not work?

2 A. I don't remember that specifically.

3 MR. WHITE: Object to the form.

4 Q. (By Mr. Stewart) Sir?

5 A. I don't remember that specifically. No.

6 Q. Did either Mr. Landwehr or
7 Mr. Papageorge or Mr. Bell, anybody ever
8 tell you that even though we are running
9 these PCBs through the lime pit, it's
10 not working?

11 A. I don't remember anybody telling me
12 that.

13 Q. What was the purpose of the pit? To
14 neutralize the chemical that went
15 through there, the PCBs?

16 A. No, not PCBs.

17 Q. Why did you run it through the pit,
18 then?

19 A. Because there was an acidic stream --
20 Remember I told you about that pack
21 column?

22 Q. Yes, sir.

23 A. There was chlorine in that thing. And

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1 it was acidic stuff coming out the
2 bottom of it. And we ran that through
3 the limestone pits to neutralize the
4 acid in the outfall from the plant.

5 Q. You were just neutralizing acid; didn't
6 have anything to do with the cleanup of
7 PCBs? --

8 A. Turned out it did because the PCB had an
9 affinity for depositing themselves to
10 the limestone.

11 Q. So they attached to the limestone?

12 A. Yeah. Chemically nothing happened.

13 Q. That was just a side benefit?

14 A. You bet.

15 Q. So maybe, then, this inert material that
16 you're talking about, twenty tons of
17 inert material, you picked up 260 pounds
18 of PCBs that probably were absorbed on
19 the inerts? Would the inerts be
20 limestone rocks?

21 MR. WHITE: Hold on. You asked
22 what he meant.

23 Q. (By Mr. Stewart) What is meant by the

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1 paragraph. You're correct.
 2 Could that be what --
 3 MR. WHITE: Go ahead. You're
 4 asking the question.
 5 MR. STEWART: I'm trying.
 6 THE WITNESS: Try me again.
 7 MR. WHITE: Start over again,
 8 Donald.
 9 THE WITNESS: Okay.
 10 Q. (By Mr. Stewart) I'm just saying, could
 11 that affinity for attaching itself to
 12 the limestone be what happened here and
 13 what they have reference to in paragraph
 14 four? Talks about an --
 15 A. Could. I don't know.
 16 Q. -- effective pit life. I would assume
 17 that's talking about the limestone pit.
 18 Do you know if they had a limestone pit
 19 located at Krummrich? Did they use that
 20 up there?
 21 A. I don't know.
 22 Q. Take a look at paragraph two. There's a
 23 "Biodize clarifier." What does that

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1 mean? You explain to me and the ladies
 2 and gentlemen of the jury what a Biodize
 3 clarifier is.
 4 A. It was some patented licensed technology
 5 somebody has got for cleaning water up.
 6 Q. Cleaning water up?
 7 A. Any kind of water.
 8 Q. That might have PCBs --
 9 A. No. That might have anything that you
 10 don't want in there.
 11 Q. Do you know of any effort that was ever
 12 made, either at Krummrich or at the
 13 Anniston plant, to use one of these
 14 clarifiers to clean up PCB contaminated
 15 effluent before it left the plant site?
 16 A. I don't remember specifically if it was
 17 or not. I don't know, I don't know.
 18 Q. Now, what do they have reference to
 19 about the laboratory tests that were
 20 conducted in the Anniston laboratories?
 21 Was that on the Anniston plant site? Or
 22 was it located off the plant site, the
 23 Anniston laboratories?

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1 A. They probably took some Betz polymer
 2 there they talk about into our
 3 laboratory and ran some PCB effluent
 4 over it to see what it would do in the
 5 laboratory.
 6 Q. Do you know if that process was ever
 7 used at the Anniston plant during the
 8 time that you were there to remove some
 9 of these PCBs from the effluent?
 10 A. I don't think it was.
 11 Q. Didn't work?
 12 MR. WHITE: Didn't work? Is that
 13 what you said?
 14 Q. (By Mr. Stewart) Did it work at all?
 15 A. I don't think it was satisfactory.
 16 Well, I've got to explain an awful lot
 17 of stuff to go with that, because as I
 18 recall later, we had to use carbon,
 19 packed carbon.
 20 Q. So you wound up using the packed carbon
 21 as opposed to this --
 22 A. Yeah. I believe that's what happened.
 23 Q. Because it didn't work?

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1 A. I don't think it was efficient enough or
 2 something.
 3 MR. STEWART: There were a lot of
 4 numbers, Mr. White, on here
 5 and some information. Do
 6 y'all know -- y'all have been
 7 good enough to provide us --
 8 with cleaner copies at some
 9 point in time. It very well
 10 may be that you have some of
 11 those somewhere.
 12 MR. WHITE: I don't know but --
 13 MR. STEWART: You have not been
 14 involved in the process.
 15 Mr. Kelly has.
 16 MR. WHITE: You're asking whether
 17 we can provide a clean copy
 18 of this particular copy?
 19 MR. STEWART: Not clean. Actually
 20 a more legible copy.
 21 MR. WHITE: More legible. We can
 22 find out. Sure.
 23 (Jessee Exhibit Number

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- 1 Fourteen was marked.]
- 2 Q. (By Mr. Stewart) This is a December
- 3 29th, 1970 document. Have you had an
- 4 opportunity to look at this?
- 5 A. This is the first time I have seen this.
- 6 Q. Mr. Jessee, this indicates that there
- 7 were some air samples taken?
- 8 A. Yes.
- 9 Q. How long had y'all been taking air
- 10 samples at the Anniston plant site as of
- 11 this day, December 19th, 1970?
- 12 A. I think it was the first time.
- 13 Q. First time?
- 14 A. Yeah.
- 15 Q. For what period of time did you take
- 16 them?
- 17 A. I don't know.
- 18 Q. This indicates that samples were taken
- 19 from 11/5 apparently to 11/24?
- 20 A. Uh-huh (indicating yes).
- 21 Q. Of 1970, I assume. Did you take any
- 22 after this?
- 23 A. I don't know.

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- 1 A. Yes.
- 2 Q. Was that an Aroclor plant?
- 3 A. They made -- Aroclor plant.
- 4 Q. By Monsanto?
- 5 A. Yes.
- 6 Q. What time -- Do you know what type of
- 7 equipment was used to test --
- 8 A. Take the samples? No, I don't know what
- 9 he used.
- 10 Q. So you don't remember receiving any kind
- 11 of information about this during the
- 12 time that you were at the plant?
- 13 A. No, I don't.
- 14 Q. Were you concerned about PCBs leaving
- 15 the plant via air?
- 16 A. Yes. Because we were trying to put
- 17 together a total picture. And that's
- 18 what this was an attempt to do. After
- 19 we tackled the big one that we knew was
- 20 a real source of PCBs. This is
- 21 minuscule, nothing.
- 22 Q. This is nothing?
- 23 A. Yeah.

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- 1 Q. Who would know about that? Would
- 2 Mr. Wright be the one who was taking
- 3 those samples?
- 4 A. Right.
- 5 Q. Bunkie Wright?
- 6 A. Yes.
- 7 Q. He indicates on the next page that there
- 8 was some sampling done in January about
- 9 PCB losses to the atmosphere. Do you
- 10 know what the results of that sampling
- 11 was?
- 12 A. No.
- 13 Q. Do you remember?
- 14 A. I don't remember. No.
- 15 Q. So it's your testimony here that -- Do
- 16 you remember these air samples being
- 17 taken?
- 18 A. No. But I'm sure they were taken.
- 19 Q. Where is Newport? Is that an Aroclor
- 20 plant that Monsanto --
- 21 A. Newport is in -- It's either in Wales or
- 22 England.
- 23 Q. Wales or England?

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- 1 Q. What did you make by the way of
- 2 determination, you folks there at the
- 3 Anniston plant or Monsanto in general,
- 4 as to the main source of PCBs leaving
- 5 the plant site?
- 6 A. Liquid waste.
- 7 Q. Liquid waste?
- 8 A. Yeah. That we have looked at in
- 9 previous documents.
- 10 Q. Let me show you a document we'll mark
- 11 Jessee Fifteen.
- 12 (Jessee Exhibit Number
- 13 Fifteen was marked.)
- 14 Q. (By Mr. Stewart) This talks about a
- 15 dismantling process. Did you handle
- 16 that? Was it handled during your time
- 17 at the plant?
- 18 A. My plant engineer did.
- 19 Q. That would be Mr. --
- 20 A. Schulte.
- 21 Q. What happened to that equipment?
- 22 A. It was dismantled and removed from the
- 23 plant. I think -- This corporate

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- 1 engineering guy up there, Beal or
2 somebody, put out some notice to people
3 did they want to buy it for scrap value,
4 buy it for use in other process areas at
5 Monsanto or anyplace on the market. Not
6 -- very few takers. They used some of
7 it some places. I don't know where all
8 it went, within Monsanto. And some of
9 it got cut up and buried.
- 10 Q. Where was it buried?
- 11 A. I do not know what the contractor did
12 with it.
- 13 Q. So you don't know whether it was buried
14 -- on page two there's an indication
15 that there's some tanks, pipes, and
16 equipment which were buried on the
17 Anniston plant landfill.
- 18 A. Could well have been.
- 19 Q. Anything else?
- 20 A. That's all I know, all I can remember
21 about all this.
- 22 Q. Was any of that buried off the plant
23 site?

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- 1 remember this. Does this refresh your
2 recollection that you had actually been
3 told about that? This meeting took
4 place in November of 1971?
- 5 A. I thought they were asking me if we had
6 been sued. And I said no.
- 7 Q. Well, okay. Were you aware of the fact
8 during the time frame that y'all were
9 talking to Mr. Crockett, after you got
10 there, that this Department of Justice
11 initiative might take place?
- 12 A. I learned about that at that meeting,
13 yeah.
- 14 Q. At the meeting where?
- 15 A. With John White.
- 16 Q. Was that the first time that you knew
17 about that?
- 18 A. Yes.
- 19 Q. You didn't know anything about it before
20 that time?
- 21 A. No. I never heard about it before that.
- 22 Q. And what did he tell you about the
23 nature of that action, other than what's

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- 1 A. I don't know.
- 2 MR. STEWART: We'll go on to the
3 next. Here are two documents
4 that we'll mark as
5 Plaintiff's Exhibit Sixteen.
6 [Jessee Exhibit Number
7 Sixteen was marked.]
- 8 Q. (By Mr. Stewart) This has reference to
9 a meeting that y'all had with Mr. John
10 White, who was an administrator of
11 region four EPA.
- 12 A. Yeah.
- 13 Q. Regional director?
- 14 A. Yes.
- 15 Q. Apparently director of enforcement. Did
16 you attend that meeting?
- 17 A. Yes.
- 18 Q. On the first page it indicates that the
19 Federal Department of Justice had
20 recommended that a suit be initiated
21 against Anniston for PCBs?
- 22 A. Yes.
- 23 Q. You had previously indicated you didn't

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- 1 listed here in this paragraph?
- 2 A. I don't remember.
- 3 Q. Well, did he tell you how far along they
4 were in talking about this action?
- 5 A. No.
- 6 Q. Did he tell you when they had first
7 discussed it?
- 8 A. No.
- 9 Q. To your knowledge had there been any
10 Monsanto involvement? Did he say that
11 -- not you and not people from the
12 Anniston plant -- but some kind of
13 Monsanto involvement with either the
14 Justice Department or some officials
15 from the government, either EPA or the
16 Justice Department before this meeting?
- 17 A. No. He didn't expand on this when I was
18 present at this meeting. He just
19 mentioned it.
- 20 Q. All he told you was that they were
21 thinking about suing you. And that's
22 the first time to your knowledge that
23 anybody from Monsanto knew about it?

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- 1 A. Something to the effect that they had
2 advised him to do something like this.
3 But not them. I don't know who does it.
4 Q. Why is it that he told you that he was
5 being asked to do that?
6 A. I don't know.
7 MR. WHITE: Object as to why
8 somebody else did something
9 unless he told you.
10 A. I don't know.
11 Q. (By Mr. Stewart) I would obviously have
12 reference to what he told you.
13 A. I don't know.
14 Q. Why is it that he told you --
15 A. I don't know.
16 Q. What was y'all's response to that at the
17 meeting?
18 A. Something along the lines, hey, we just
19 are getting into the thing, trying to
20 find out what some measurement of the
21 effluents are. We think this would be
22 premature until we find out something
23 and somebody makes some kind of

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- 1 Refuse Act suit by the Federal
2 Department of Justice."
3 Apparently y'all had convinced him
4 that that's something that shouldn't be
5 done at that point in time.
6 A. That seems to be what Mr. Hozmer
7 thought.
8 Q. How many people from the community were
9 with you at the time that you were
10 talking to Mr. White with Mr. Crockett?
11 MR. WHITE: You mean Anniston?
12 Q. (By Mr. Stewart) Was anybody there from
13 the community?
14 A. No, no.
15 MR. STEWART: The last document
16 that I have here, Mr. Jessee,
17 would be Jessee Seventeen.
18 [Jessee Exhibit Number
19 Seventeen was marked.]
20 Q. (By Mr. Stewart) This is a letter you
21 sent to John Bolton with the Water
22 Improvement Commission?
23 A. Yes. I guess he replaced Crockett,

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- 1 determination as to whether it was bad.
2 Q. Was this the meeting where he asked you
3 to dredge the --
4 A. Yeah. This is where this came up, yeah,
5 as I recall.
6 Q. What was your response to him about
7 that? What you previously told us?
8 A. Yeah. That it would probably exacerbate
9 the problem, if there was a problem at
10 all.
11 Q. On the last page there's -- Because this
12 is Mr. Hozmer's letter -- "It was
13 suggested by Mr. White that it might be
14 desirable to dredge Snow Creek. I
15 believe we convinced him this is
16 undesirable." Is that --
17 A. That's kind of where we left it, because
18 it never came up again. We never got an
19 order from him to dredge it.
20 Q. And then the next paragraph on that page
21 says, "We received strong indications
22 that the Southeast Regional EPA office
23 will recommend strongly against the

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- 1 didn't he? I don't remember.
2 Q. I have no idea.
3 A. I suspect he did.
4 Q. After this letter dated July 13th of '72
5 did y'all report anything at all about
6 PCB emissions from the plant?
7 A. We kept on for a while. Until he
8 finally got an answer from region four
9 that it was okay to stop reporting.
10 Q. When exactly did that happen?
11 A. I don't remember. Wasn't -- It was like
12 towards the end of '72 they finally
13 said, okay, you don't have to keep
14 sending it.
15 Q. Now, during this time frame that we're
16 talking about here, from the time you
17 went down to the plant and began to deal
18 with this problem until 1972, the end of
19 '72 when y'all stopped reporting, did
20 anybody from AWIC ever visit the plant
21 site?
22 A. Oh, yeah.
23 Q. How many times did they do that?

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- 1 A. I'd estimate they probably came up once
2 every three months.
- 3 Q. Who was it that came up?
- 4 A. Sometimes Joe Crockett came. Sometimes
5 he had one of his technical people come
6 but, you know, I can't --
- 7 Q. What did they do when they came up
8 there?
- 9 A. They usually got with Bunkie Wright and
10 these other people and talked about what
11 was going on, what our latest
12 information was, had we picked up
13 anything new that we hadn't had a chance
14 to talk to them about.
- 15 Q. Did they do any testing at all?
- 16 A. I don't remember that they did. They
17 may have, but I don't remember.
- 18 Q. How long did they stay there when they
19 came on those occasions?
- 20 A. Drive up from Montgomery and probably
21 stay about half a day.
- 22 Q. How long did they actually spend
23 surveying either the plant site or --

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- 1 A. I don't know. Matter of hours. I don't
2 know how many.
- 3 Q. To your knowledge did they ever go to
4 the landfill that was south of 202?
- 5 A. I don't know whether they did or not. I
6 don't even know if that was in their
7 bailiwick to look at that.
- 8 Q. Did you during this time frame ever do
9 any testing in the ditches east of the
10 plant that came off that landfill?
- 11 A. I don't remember if we did or not.
- 12 Q. You have indicated that Mr. Wright
13 looked at those places over there. Do
14 you ever recall requesting him to do any
15 testing over there?
- 16 A. No.
- 17 Q. Did you ever become concerned at any
18 point in time during your tenure there
19 about losing PCB waste or PCBs coming
20 off the landfill?
- 21 A. Yes.
- 22 Q. And why were you concerned about that?
- 23 A. Because I didn't want there to be -- I

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- 1 wanted us to know as best we could the
2 origins of PCB waste, effluent, water,
3 liquid effluent.
- 4 Q. What did you do to find out if there
5 was?
- 6 A. I sent Bill Taffee over there and I
7 said, "Look around. If you need to
8 grade, change the terrain, change
9 whatever you need to change over there,
10 do it."
- 11 Q. Did you do any testing, though, in the
12 sediment or the tributaries that came
13 off that landfill?
- 14 A. I don't know.
- 15 Q. There were some ditches and things like
16 that that came off the landfill.
- 17 A. Yeah. I have to assume that they tried
18 to or did. I don't know.
- 19 Q. Did you ever see any results that came
20 off there --
- 21 A. I don't remember whether I did or not.
- 22 Q. Did you ask them to do that?
- 23 A. No.

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- 1 Q. You were concerned about it?
- 2 A. But if Taffee went up there and found
3 something that was leaking out of the
4 landfill, I'm sure he had somebody take
5 a sample of it, but I don't know.
- 6 Q. So you were concerned about the
7 possibility that something could be
8 leaking out of the landfill --
- 9 A. Sure, sure.
- 10 Q. -- during your time frame?
- 11 A. Sure.
- 12 Q. Did you report that to Mr. Papageorge
13 and the people at corporate
14 headquarters?
- 15 A. I didn't.
- 16 Q. Did you tell Mr. Hodges at any point in
17 time about it?
- 18 A. I don't remember telling Mr. Hodges
19 anything about anything down there.
- 20 Q. Did you tell anybody -- There were
21 people living around the east of the
22 plant and also north of the plant. Did
23 you ever tell them about your concerns?

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- 1 A. No.
- 2 Q. Did you ever tell them about your
- 3 concerns that something might be
- 4 leeching out of the landfill?
- 5 A. No.
- 6 Q. Did y'all ever tell them not to raise
- 7 vegetable gardens?
- 8 A. No.
- 9 Q. Did you ever tell anybody at the city,
- 10 even the public works department or a
- 11 city official, about the landfill?
- 12 A. No.
- 13 Q. Your concerns about the landfill?
- 14 A. No.
- 15 Q. What kind of activities were you
- 16 involved in, Mr. Jesse, when you were
- 17 there in Anniston? What kind of things
- 18 did you do -- I know you talked about
- 19 you managed the plant. But I'm talking
- 20 about other than that.
- 21 MR. WHITE: Outside of his
- 22 employment?
- 23 Q. (By Mr. Stewart) Outside of your

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- 1 request. And they decided how much I
- 2 got.
- 3 Q. Can you give me some idea of how many
- 4 people worked at the plant?
- 5 A. Yeah. When I went there, I think there
- 6 were about 400. After we shut down the
- 7 parathion, there was probably 200 -- or
- 8 shut down Aroclors.
- 9 Q. There were 200?
- 10 A. Yeah. About 200, maybe 220, something
- 11 like that.
- 12 Q. What portion of your plant profit, net
- 13 profit, was attributable to the
- 14 Aroclors?
- 15 A. I don't know.
- 16 Q. Do you have any idea --
- 17 A. I wasn't privileged to that information.
- 18 Q. As plant manager you didn't know
- 19 anything about that?
- 20 A. No. My concerns were costs.
- 21 Q. So who would have had that kind of
- 22 information?
- 23 A. That would have been up here in the

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- 1 employment. Can you give us a brief --
- 2 what kind of activities you were
- 3 involved in?
- 4 MR. WHITE: Civic? Churches?
- 5 A. I was involved with the Girl Scout
- 6 Council.
- 7 Q. (By Mr. Stewart) Did you attend church?
- 8 A. Yeah. Anniston Methodist Church there.
- 9 Q. First Methodist?
- 10 A. Yeah.
- 11 Q. I knew that.
- 12 A. I was involved in the United Way work
- 13 there.
- 14 Q. What about Chamber of Commerce?
- 15 A. Not the Chamber. Rotary, but not the
- 16 Chamber. And I was involved from time
- 17 to time with getting Monsanto's
- 18 philanthropic ring to donate money to
- 19 worthy causes to things like the
- 20 hospitals, the Boys Club.
- 21 Q. What was your budget, plant budget
- 22 authority, those kinds of things?
- 23 A. I didn't have any. I had to write a

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- 1 marketing area.
- 2 Q. Was it a fairly profitable product, make
- 3 pretty good money off of it?
- 4 A. Like I said, I don't know what the
- 5 profit was.
- 6 Q. Do you have any idea as to the total
- 7 amount of philanthropic giving, say, --
- 8 number y'all gave per year while you
- 9 were there?
- 10 A. It wasn't a regular amount per year. I
- 11 don't know.
- 12 Q. Did it ever exceed \$5,000, \$10,000?
- 13 A. Yes.
- 14 Q. \$20,000?
- 15 A. Probably not.
- 16 Q. Between 10 and 20 is perhaps what you
- 17 gave?
- 18 A. Maybe that much.
- 19 Q. Was that each year?
- 20 A. Not necessarily. Some years it might be
- 21 none. Because I didn't have anybody
- 22 calling me up and saying, hey, we want
- 23 to make an addition to the Boys Club, or

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1 whoever -- United Way was every year. I
 2 don't remember what that was, but that
 3 was a fairly nice sum.
 4 Q. Were y'all contributing to schools at
 5 that point in time?
 6 A. No. Well, nontaxable -- how do I want
 7 to put this? Private institutions of
 8 learning. There was some contributions.
 9 But I didn't handle that. That was
 10 handled out of St. Louis, universities,
 11 things like that.
 12 Q. Did you have any public relations person
 13 hired at that time?
 14 MR. WHITE: Anniston?
 15 MR. STEWART: Yes.
 16 A. Anniston? Not per se.
 17 Q. (By Mr. Stewart) Did you ever use the
 18 services of a public relations person?
 19 A. No.
 20 Q. Did you have what was called a community
 21 relations program going on at that time
 22 other than this philanthropic giving
 23 that you participated in?

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1 A. No.
 2 Q. Who were some of your close friends that
 3 you were associated with while you were
 4 there in Anniston, Mr. Jessee, who might
 5 still be there?
 6 A. Thirty years? I don't know.
 7 Q. Do you still communicate with people?
 8 A. I have not had any contact with them
 9 since I left.
 10 Q. Where did you live when you were there?
 11 A. I lived up off Tenth Street mountain.
 12 MR. STEWART: I believe that's all
 13 I've got.
 14 MR. WHITE: Okay. Unless you
 15 disagree, I suggest you waive
 16 your signature, read and
 17 sign, or do you want --
 18 THE WITNESS: I'll waive that.

(AND FURTHER DEPONENT SAITH NOT.)

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1 NOTARIAL CERTIFICATE
 2
 3 I, SHEILA L. FORD, a Registered
 4 Professional Reporter and duly commissioned
 5 Notary Public within and for the State of
 6 Missouri, do hereby certify that there came
 7 before me at the Ritz-Carlton Hotel, 100
 8 Carondelet Plaza, St. Louis, MO 63105,
 9 GENE JESSEE,
 10 who was by me first duly sworn to testify to
 11 the truth and nothing but the truth of all
 12 knowledge touching and concerning the matters
 13 in controversy in this cause; that the witness
 14 was thereupon examined under oath and said
 15 examination was reduced to writing by me; and
 16 that the signature of the witness was waived
 17 by agreement of witness and all parties, and
 18 that this deposition is a true and correct
 19 record of the testimony given by the witness.
 20 I further certify that I am neither
 21 attorney nor counsel for nor related nor
 22 employed by any of the parties to the action
 23 in which this deposition is taken; further,
 24 that I am not a relative or employee of any
 25 attorney or counsel employed by the parties
 26 hereto or financially interested in this
 27 action.
 28 IN WITNESS WHEREOF, I have hereunto set
 29 my hand and seal this the 21st of July 1999.
 30 My commission expires: March 13, 2002
 31
 32 Sheila L. Ford
 33 Notary Public

KRIEGSHAUSER REPORTING & VIDEO

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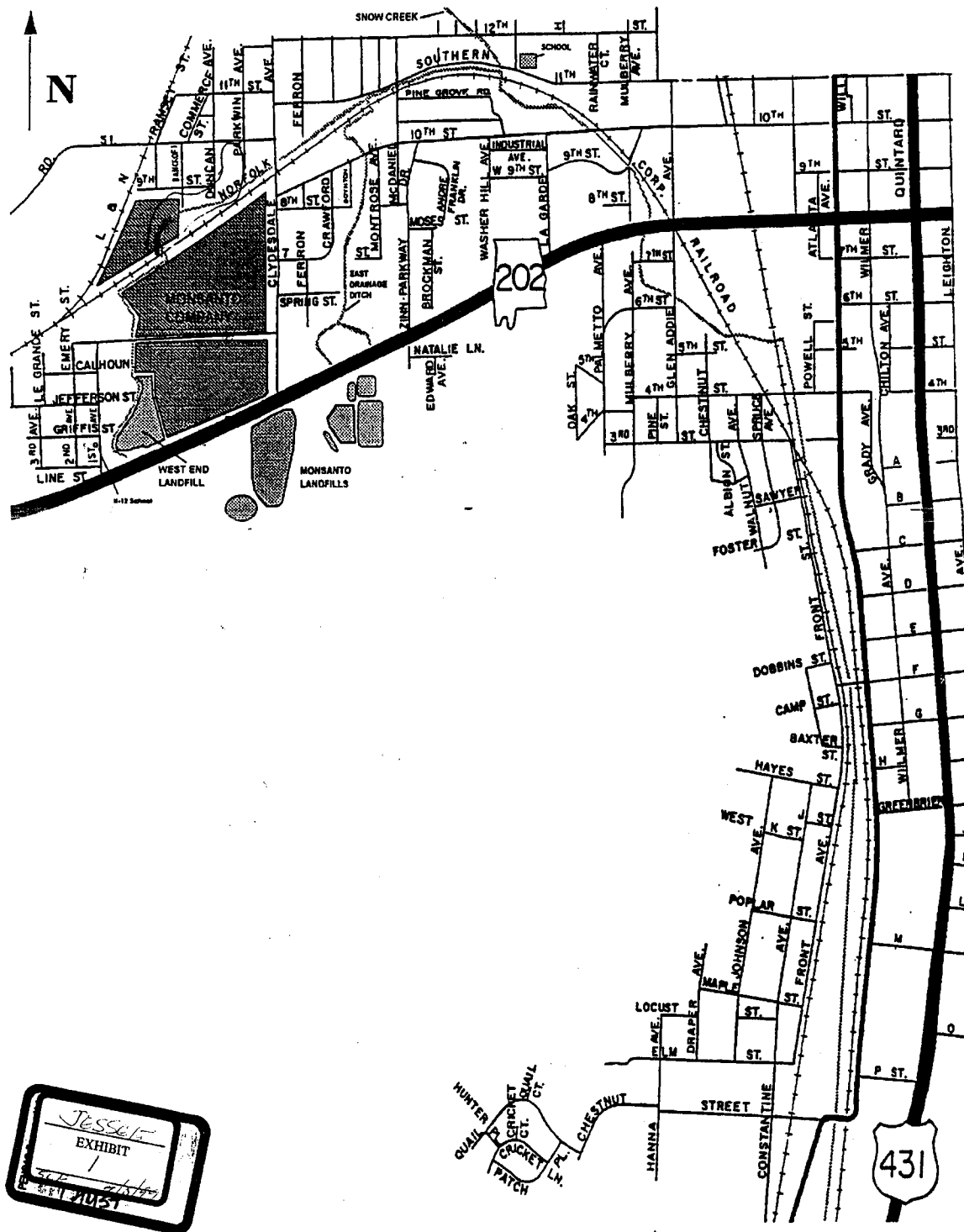
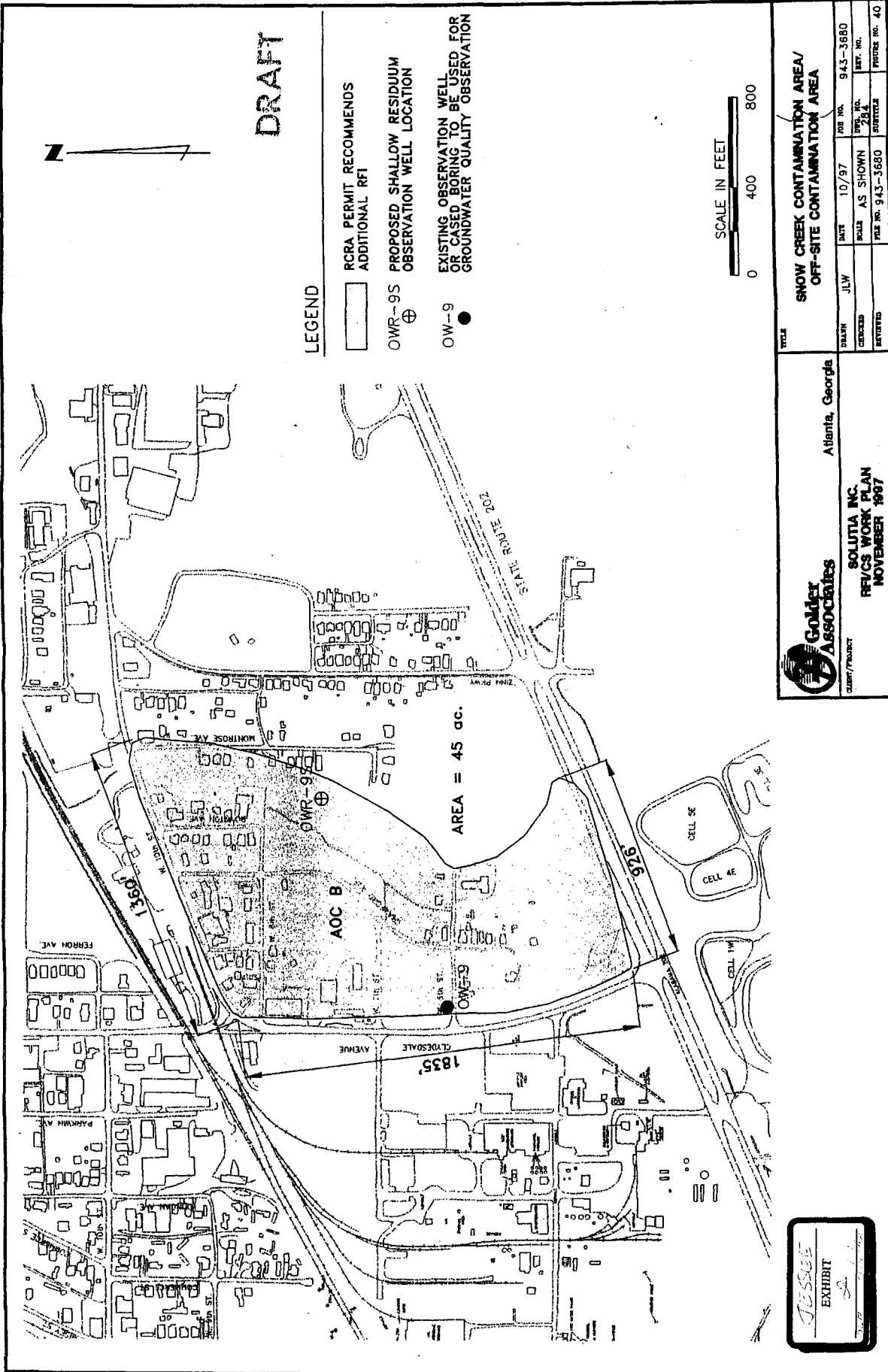


Figure 2. Area Location Map showing Snow Creek and the East Drainage Ditch.



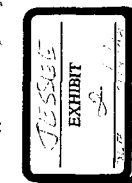
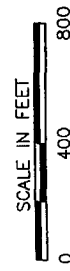
DRAFT

LEGEND

RCRA PERMIT RECOMMENDS
ADDITIONAL RFI

OWR-9S
⊕
PROPOSED SHALLOW RESIDUUM
OBSERVATION WELL LOCATION

OW-9
●
EXISTING OBSERVATION WELL
OR CASED BORING TO BE USED FOR
GROUNDWATER QUALITY OBSERVATION



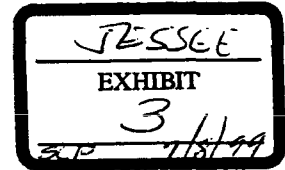
GOLDER Associates
SOLUTIONS INC.
REVISED WORK PLAN
NOVEMBER 1997

Atlanta, Georgia

TITLE			
PLAN	JLW	DATE 10/97	JOB NO. 943-3680
CHECKED	AS SHOWN	DATE 10/97	REV. NO.
REVISED	FILE NO. 943-3680	SUBTITLE	FIGURE NO. 40

SNOW CREEK CONTAMINATION AREA/
OFF-SITE CONTAMINATION AREA

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



JOHN R. SWIFT and
BARBARA SWIFT,

§

Plaintiffs,

§

v.

CIVIL ACTION NO. CV-97-AR-2430-E

§

MONSANTO CO., INC., et al.,

§

Defendants.

§

§

RE-NOTICE OF DEPOSITION
AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Warren B. Lightfoot, Esq.
Suzanne Alldredge, Esq.
Adam K. Peck, Esq.
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The Clark Building
400 North 20th Street
Birmingham, AL 35203

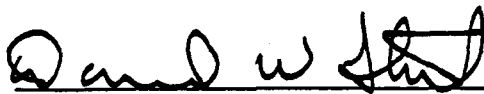
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PLEASE TAKE NOTICE that, beginning at 9:00 a.m., on Thursday, July 8, 1999, at the Ritz-Carleton Hotel, 100 Carondelet Plaza, St. Louis, Missouri, the plaintiffs, pursuant to Rule 30 of the Federal Rules of Civil Procedure ("FRCP"), and Rule 30 of the Alabama Rules of Civil Procedure ("ARCP"), will take the deposition of GENE JESSEE, by oral examination before a court reporter or some other person authorized by law to administer oaths, and this deposition shall be for the purpose of discovery or for use as evidence in the trial of this action, or for both purposes. The

deposition will be taken before a notary public, or some other officer authorized by law to administer oaths. You are invited to attend and cross-examine.

Pursuant to Federal Rule of Civil Procedure 34, and Alabama Rules of Civil Procedure 26, 30 and 34, the deponent is requested to bring to the deposition the documents requested in Exhibit A attached hereto.



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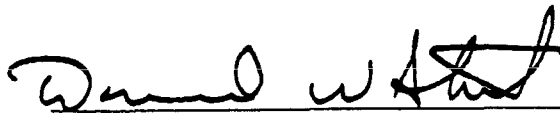
CERTIFICATE OF SERVICE

This is to certify that I have this date served counsel for all parties to this action with a copy of the within and foregoing document by facsimile transmission and/or by depositing same in the United States mail in a properly addressed envelope with adequate postage affixed thereon and addressed as follows:

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400 North 20th Street
Birmingham, AL 35203

Arthur F. Fite, III, Esq.
Fite & Miller, LLC
P. O. Box 368
Anniston, AL 36202

This the 21st day of June, 1999.



DONALD W. STEWART
Attorney for Plaintiffs

EXHIBIT A

For the purpose of this request, the word "documents" shall mean every original and non-identical copy of each and every paper, writing (including blind copies), statement, bill, sheet, letter, telegraph, teletype, picture, photograph, negative, slide, movie, film, visual or audio-transcription, videotape, report, memorandum, sketch, chart, note (including, but not limited to notes used to prepare any letter, memorandum, report or other document as herein defined), contract agreement, form, expense ledger, check (cancelled or otherwise), check stub, receipt, memorandum of telephone conversation, witness (including, but not limited to, potential witness) statement, transcript, memorandum pertaining to witness (including, but not limited to, potential witness), interview, sound recordings, sound recording transcription, inter-office and/or inter-company memorandum, engineering study, cross-section, expert analysis, expert opinion, expert summary, computer printout, book of account, evidence of expenses incurred, work memorandum, report of investigation and/or inspection, file memorandum, bid, request for proposal, record, brochure, book, microfilm proposal exhibit, attachment, draft, certificate, chart, table, price list, paper containing price information, data stored or recorded or in punch cards, computer tapes, disks, reels, other devices for business machines, other means of storing and/or transmitting human intelligence, transcripts, testimony, transcripts of testimony, trial or deposition notes of testimony, affidavits, pleadings, answers to interrogatories, response to request for admission (whether in this process or any other), and printed or readable material.

PREFATORY INSTRUCTIONS

1. If an original of a requested document is not located in your home or office, but a legible copy of the requested document is located at said home or office or the deponent has access to a legible copy, then the deponent is requested to provide said copy at the deposition.

2. If, in responding to these requests for production of documents, deponent asserts that any document sought by plaintiffs is protected from discovery due to such document's being a privileged communication, then for each such document, deponent is requested to:

- a. Identify the author of the document;
- b. State the author's present address and telephone number, or, if such information is unknown to deponent, then the author's last known address and telephone number;
- c. State the date said document was originated;

- d. State the location where said document was originated;
- e. State the present location of said document;
- f. If the present location of said document is a place other than the location where said document was originated, state every other location where said document has been placed or otherwise located;
- g. State each date that said document was delivered to and/or otherwise communicated to any person;
- h. Identify each person to whom said document was addressed and/or sent and/or made available to for review and/or communicated to in any manner, and state said person's present address and telephone number, or, if said address and telephone number are presently unknown to deponent, then state said person's last known address and telephone number;
- i. Based upon the context of said document, state the purpose, in general, for which said document was originated;
- j. State the subject matter, in general, of said document; and,
- k. For each such document, state with specificity the nature of every privilege that deponent asserts regarding the discovery of said document sought by plaintiffs.

REQUESTED DOCUMENTS

1. All files in the deponent's possession regarding this matter, to include, but not be limited to, any and all reports, documents, memoranda, photographs, tests, sketches, films, videotapes, diagrams, drawings, appraisals and other items relating or pertaining to, directly or indirectly, the subject made the basis of this action.
2. All plans and any other documents that refer or relate to the remediation work done

by Monsanto at its Anniston plant during the past four (4) years concerning PCB contamination (the "remediation work").

3. All documents filed with or submitted to any regulatory agency, state or federal, in connection with the remediation work.

4. All documents that refer or relate to testing or sampling done in connection with the remediation work, including, but not limited to, the results of all air, soil and/or water tests or sampling.

5. All documents that refer or relate to the results of all medical tests done on any Monsanto employee or any contractor in any way involved with the remediation work.

6. All material safety data sheets and/or training materials given to anyone involved in the remediation work.

7. All medical reports that relate to any Monsanto employee or any employee of any subcontractor involved in the remediation work.

8. All documents, including, but not limited to, correspondence, notes, records and/or memoranda, that refer or relate to all communications between any Monsanto employee and any official or employee of the City of Anniston, Alabama and/or Calhoun County, Alabama, regarding the remediation work.

9. All documents, including, but not limited to, correspondence, notes, records and/or memoranda, that refer or relate to communications between Monsanto employees and employees or representatives of the Water Works and Sewer Board of the City of Anniston, Alabama, in connection with the remediation work.

10. All documents that refer or relate to every contractor retained by Monsanto in

connection with the remediation work.

11. All documents filed by Monsanto with any federal or state public health agency, including, but not limited to, the U. S. Centers for Disease Control, the Agency for Toxic Substances and Disease Registry, and the Alabama Department of Public Health, relating to the remediation work.

12. All documents that refer or relate to every entity that conducted any testing or sampling for Monsanto relating to the remediation work.

13. All documents that refer or relate to every entity involved in the remediation work, including, but not limited to, documents that (1) refer or relate to work to be performed by each such entity, and (2) the individual or individuals who supervised, directed, managed and/or controlled the remediation work.

14. All documents, including, but not limited to, correspondence, notes, memoranda and/or records that refer or relate to all communications between Monsanto and any plaintiff in this case.

15. All documents, including, but not limited to, correspondence, notes, memoranda and/or records that refer or relate to all communications between Monsanto and any plaintiff in this case.

16. All communications, including but not limited to, conversations with the plaintiffs prior to filing of this lawsuit.

17. All drafts, addenda, additions and final versions of any report in the defendant(s)' or deponent's possession or control prepared by or sent to the deponent.

18. All documents that refer or relate to oral or written communications between you and

any employee of Monsanto Company or Solutia, Inc., or any attorney, regarding this action.

19. All materials furnished to you by a defendant that you reviewed at any time prior to this deposition.

20. All deposition transcripts in the possession or control of either the defendant(s) or the deponent of sworn deposition or trial testimony previously given by the deponent.

21. All documents that refer or relate to oral or written communications between you and any employee of Monsanto Company or Solutia, Inc., or any attorney, regarding this action.

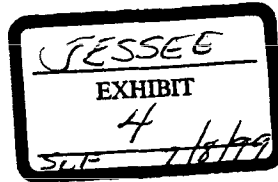
22. All documents in your personal file which refer to the property purchase program conducted by Monsanto Company or Solutia, Inc., in connection with the PCB contamination problem at the Anniston plant.

Monsanto

FROM: NAME & LOCATION: G. W. Miller - Anniston, Alabama

CONFIDENTIAL

DATE: May 7, 1970
SUBJECT: AROCLOR POLLUTION
AWIC CONTACT
REFERENCE:
TO: G. L. Jessee



cc: J. C. Landwehr
H. L. Williams
P. B. Hodges - G.O.
W. B. Papageorge - G.O.
F. J. Holzapfel - C.O.
J. R. Savage - G.O.
E. V. John - G.O.
J. H. Crowe - Decatur
E. G. Wright

On May 6, Messrs. J. C. Landwehr, E. G. Wright and I visited Mr. J. L. Crockett, Technical Director of the Alabama Water Improvement Commission, in Montgomery. The purpose of the contact was twofold; first, to familiarize Mr. Crockett with the situation regarding Aroclor wastes and their reported pollution potential and, secondly, to build confidence that Monsanto intends to cooperate with governmental agencies to define the effects of Aroclor on the environment.

Mr. Crockett and the AWIC staff were totally unaware of the published information concerning Aroclors. Copies of the most pertinent articles describing the situation along with Mr. Minckler's statements were provided for his use. Additional information supplied covered the following facts: 1) Monsanto is currently investigating independently and in cooperation with governmental agencies the potential ecological effects of Aroclors. 2) Investigation and research programs are underway at Anniston to identify, quantify and develop techniques which would control product losses to the environment. 3) Any Aroclors reaching the watershed from the Anniston plant were entering Snow Creek. 4) The production process was described in general detail to point out that water was not essential to production of Aroclors, and waste water was produced only by auxiliary equipment such as steam jets, etc.

Mr. Crockett was most appreciative of Monsanto's approach to the problem and the fact that Monsanto came to him. He alluded that our action would produce a situation that was beneficial to the protection of both the Monsanto and AWIC positions. His recommendations were as follows:

1. Supply the AWIC with a general process description detailing potential loss sources.
2. Continue to develop information and as major items develop inform the AWIC.
3. Give no statements or publications which would bring the situation to the public's attention.
4. If approached by news media, either the AWIC or Monsanto is free to state that the situation is under study by the staff of AWIC at the direction of the Technical Director, Mr. Crockett.
5. If in the future, information is developed indicating that Aroclors are detrimental to watersheds, Monsanto will be required to secure a permit from AWIC to allow certain maximum quantities of chlorinated biphenyl to enter Snow Creek.

PLAINTIFF'S
EXHIBIT

5



DSW 014098

10-10 REV 11-69

G. L. Jesse

- 2 -

May 7, 1970

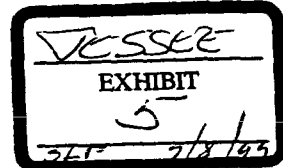
In summary, Mr. Crockett was noticeably unexcited at our disclosure and all his remarks were directed toward a careful evaluation followed by actions as required by data. The full cooperation of the AWIC to reach the above objective on a confidential basis can be anticipated.

It must be remembered, however, that all AWIC actions are subject to state political pressure and federal control.


G. W. Miller

/bs

MONS 099534



Monsanto

St. Louis - General Offices

August 7, 1970

ANNISTON - PCB - CLEANUP PROGRAM

TO Mr. H. S. Bergen, Jr. - HBERG

John Mason	- JMASO
E. P. Wheeler	- EWHEE
W. P. Papageorge	- WPAPA
F. J. Holzupfel	- FHOLZ
D. B. Hosmer	- DHOSM
J. R. Savage	- JSAVA
G. L. Jessee	- Anniston
J. C. Landwehr	- Anniston

CONFIDENTIAL - F. Y. I. AND DESTROY

Following are the moves underway resulting from the FDA findings of high levels of PCB in fish taken from Choccolocco Creek downstream from it's confluence with Snow Creek.

STATUS

(1) We are presently discharging to Snow Creek about 16#/day of PCB (down from 250#/day in '69). Measurements of departmental waste streams show a total loss of only 2#/day. The discrepancy is believed due to; (a) sampling problems in departmental waste streams where two-phase systems of water and free aroclors may be present, and (b) possible pickup of PCB by leaching previously deposited PCB from the limestone neutralization pit which also acts as a settling basin.

(2) Work to further reduce losses presently underway:

a) Sump is being installed at the aroclor department to capture free aroclors from the 275 gpm flow. This is believed to be the largest departmental source of sewer loss because of the liquid aroclors frequently observed. However, sampling work did not confirm the belief because, no doubt, of inherent sampling problems. The project was due for completion on 9/1, and had been delayed because of an underground spring.

b) Curbing is being installed at drum loading area with dry pick up of spilled aroclors planned.

c) Investigation of treatment methods - adsorption by activated carbon showing most promise to date.

(3) Joe Crockett, Secretary of the Alabama Water Improvement Commission, will try to handle the problem quietly without release of the information to the public at this time. He believes that FDA will not precipitately in this matter (he did not advise how FWQA might react). Dr. Myers, Director of Public Health of Alabama, wants toxicity information on PCB's and this will be conveyed personally to him by Jack Garrett next week.

MONS 033851



H. S. Bergen, Jr.
August 7, 1970
Page 2

PROGRAM

(A) Public Relations - E. V. John developed a proposed statement to be used in event of public disclosure but, after consultation with Legal, felt it should not be used because of the recent lawsuit instituted against the plant by BASS. Therefore, an innocuous, essentially "no comment" type statement is being drafted.

(B) Operator Education - All Anniston personnel have been re-advised of the necessity to avoid sewerage of any aroclor.

(C) Mechanical Program

(1) Departmental Sump - at extra cost of \$2,000, work is proceeding on an overtime basis with completion expected 8/12/70. This will eliminate the possibility of large losses from the operating area.

(2) Loading Area - Washup of spilled aroclor has been stopped and dry pick via sand instituted. Curbing project is being expedited.

(3) Neutralization Pit Clean out

(a) Immediately, the settled material downstream of the limestone will be removed as well as possible by pumping, with minimum stirring of the water. The solids (and aroclors) will be landfilled.

(b) By-Pass of Neutralization Pt. - On crash basis, trenches will be dug to allow diversion of all water from the limestone pit. This will take 1 - 2 weeks and will cost about \$10,000.

In addition, it will be necessary to provide caustic neutralization of the acid wastes. This will be handled in the aroclor department via installation of a pH controller and valve with temporary piping and trucking facilities. Cost will be about \$5,000 plus about \$500 per day for caustic during the period when the alternate neutralization is required. During this period, PCB losses should be no more than 5 - 10 lbs./day.

MONS 033852

H. S. Bergen, Jr.
August 7, 1970
Page 3

(c) Cleanout - The pit will be thoroughly cleaned out with probable removal of the present deteriorated asphalt membrane and replacement (possibly) by a plastic membrane which can resist aroclor. The plant will consider possible structural changes to permit more effective operation and ability to make future cleanouts without the present by-pass steps. Recommendations relative to this will follow.

(4) Water Flow Reduction - Present total flow through pit is 700 gpm. For at least several of the streams, reduction of flow will result in immediate reduction of PCB to Snow Creek. More important, reduction of flow will minimize future treatment costs.

In conjunction with the pit by-pass work in 3(a) above, approximately 200 gpm of aroclor free water will be permanently diverted. Included in the first reduction are the chlorinator cooling streams and most of the water coming from the Niran flare tower. Details of how this will be accomplished will be available by 8/14/70.

Over the next 3 - 4 months, further water conservation projects will be installed with objective of reducing the stream to the lowest practical amount, now estimated to be about 300 - 400 gpm. The projects will involve multiple use of water and further diversions of aroclor - free water.

(5) Final Treatment - Based on some indications (and much hope), by September, the actions above may approach the present plant objective of 10 ppb of PCB's in 700 gpm (or 0.1 #/day). The hope is raised because dissolved aroclor has shown a pronounced affinity for surface adsorption (as on walls of sample bottles). The solids generated by the limestone neutralization are believed to retain aroclor passing by them. Therefore, adequate settling and/or filtration following neutralization with periodic removal of the solids may accomplish the necessary treatment (along with water flow reduction). The plant will proceed on preliminary design of filtration facilities with and without carbon treatment between neutralization and filtration. The design will be available for action in case the reduction is not as great as hoped-for or in case the control agencies demand more complete removal (control agency requirements are a completely unknown factor at present). By the time a decision must be made relative to final treatment, we should have better information on requirements and methods.

MONS 033853

H. S. Bergen, Jr.
August 7, 1970
Page 4

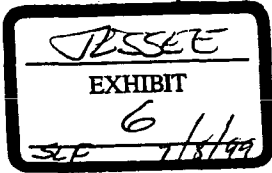
(D) Fish, Mud and Water Sampling - Since our fish samples from nearby Choccolocco Creek also showed high levels of PCB's, we are instituting more sampling to determine extent of the problem. Early during the week of 8/10, legal size fish will be caught in Choccolocco Creek near to confluence with the Coosa River (Logan Martin Lake). Fish will also be taken from the lake. If these samples show high (≥ 5.0 ppm) levels of PCB, sampling will be extended to points down the Coosa River. A high priority will be given these samples by Scott Tucker.

Progress reports will follow at suitable intervals.

Paul B. Hodges/n.p.
Paul B. Hodges

/np

MONS 033854

CENTER LOCATIONS	GENERAL OFFICES	ANNISTON
	V. B. Hedges	J. T. Bell
	V. J. Polzappel	J. L. Brown
	W. B. Spangenberg	J. L. Corder
	J. R. Savage	V. R. Haupt
		G. L. Jessee
		E. C. Lehman
		J. C. Landwehr
		A. G. McCarty
		C. W. Miller
		E. L. Lockey
		B. O. Savage

PROGRESS REPORT
TECHNICAL SERVICES DEPARTMENT
ANNISTON, ALABAMA PLANT

JOB NO. 002-1025

REPORT NO. 2

DATE July 21, 1970

TITLE: AROCLOR LOSSES AT THE ANNISTON PLANT

OBJECTIVE: To report all data which is available to date on Aroclor losses in the Anniston Plant. Also, to report all data on Aroclor residues in the Snow Creek - Choccolocco Creek Watershed. To summarize progress to date on Aroclor clean-up efforts at Anniston.

PERSONNEL: E. G. Wright, (J. T. Bell)

REPORTED BY: E. G. Wright

SUMMARY: Aroclor losses from the Anniston Plant for the period April 15 through June 30, 1970, averaged 16 lbs./day. This is a considerable improvement over the losses of 250 lbs./day for a comparable period during 1969. This reduction has been primarily achieved by an education program and by changing operating habits. However, projects are being installed and evaluated which will further reduce these losses toward the Business Group goal of 10 ppb.

- FUTURE WORK:
1. Continue sampling and analyzing for Aroclor losses on a routine basis.
 2. Continue to sample and analyze grab samples from Snow and Choccolocco Creeks for Aroclor content.
 3. Sample and analyze ambient air for Aroclor content.
 4. Sample and analyze tank vents in the Aroclor department to pinpoint atmospheric loss points.
 5. Collect additional aquatic samples from Choccolocco Creek Watershed.
 6. Issue periodical reports on Anniston Plant losses and progress toward 10 ppb goal.

DSW 013202

E. G. Wright

/bs



DISCUSSION

I. Aroclor Department Sewers

A. HCl Sewer

Since the installation of a catch tank in the HCl gas line and a coalescer in the acid stream, the Aroclor content in the waste acid stream has been greatly reduced (i.e., Approximately 200 pounds of organic material is being removed by these two projects.). During the sampling period, this sewer averaged 13.0 ppb of Aroclor. (See Data Sheet I.) Based on this data, the decision was made not to route this stream to the sump presently being installed. This resulted in a substantial savings on installing the sump. However, at times, the spent carbon from the HCl carbon covers is dumped into this sewer. Alternate methods are being evaluated to eliminate this situation.

B. Chlorinator and Still Room Sewers

At times these sewers had a two phase flow. The quantity of the Aroclor phase could not be determined. However, these two sewers are being routed through the Aroclor sump. When the sump is completed and put into operation, the Aroclor phase can then be quantified. The sump will, also, provide a means for recovering this second phase, which under present conditions eventually makes its way out of the plant.

When the sump is installed in these sewers, a daily sample will be taken and analyzed to determine the efficiency of the sump. Other projects are also scheduled which should result in a reduction of Aroclor in this process stream.

C. Warehouse Sewer

The major losses from this sewer are due to spills while drumming or flaking. These spills are then swept to the sewer during floor clean-up. Presently, clean-up is accomplished by use of Du-Bois steam cleaning which considerably raised the solubility of Aroclor in water. Alternate methods of clean-up and disposal are presently being evaluated.

D. Total Plant Effluent

During the period April 15 to June 30, 1970, the total plant losses averaged 16 lbs./day. This is excluding the period April 21 to June 20, 1970, when the acid neutralization pit was being cleaned out. During this period, the losses ran very high (See Data Sheet V.) due to the fact that the Aroclor which was trapped in the pit was being stirred and entrained into the plant effluent.

The discrepancy between the 1.7 lbs./day losses from the sewers and the 16 lbs./day losses reported from the plant effluent may possibly be due to two things: 1) Samples from the sewers did not include any of the Aroclor phase and 2) Due to the mixing and the velocity at the plant effluent sampler, some of the Aroclor was being entrained and therefore

OSW 013203

giving higher results. A closer correlation is hoped for when an accurate measure of the Aroclor phase can be accomplished. Close observation of the sump should provide this information.

E. Miscellaneous Samples (Data Sheet VII)

These samples were collected from Snow and Choccolocco Creeks at various times. They show that Aroclors are present in the Choccolocco Creek even above where the Monsanto effluent enters the creek. They also indicate significant amounts of Aroclor in the mud and water of Choccolocco and Snow Creeks a considerable distance (15-20 miles) downstream from the Anniston Plant. In fact, Aroclor concentrations can probably be found in the Coosa River system.

Data Sheet VII contains a complete list of all the data to date on Snow and Choccolocco Creeks. Attached is a map of the watershed showing the sample location with respect to the plant.

COMPANY CONFIDENTIAL

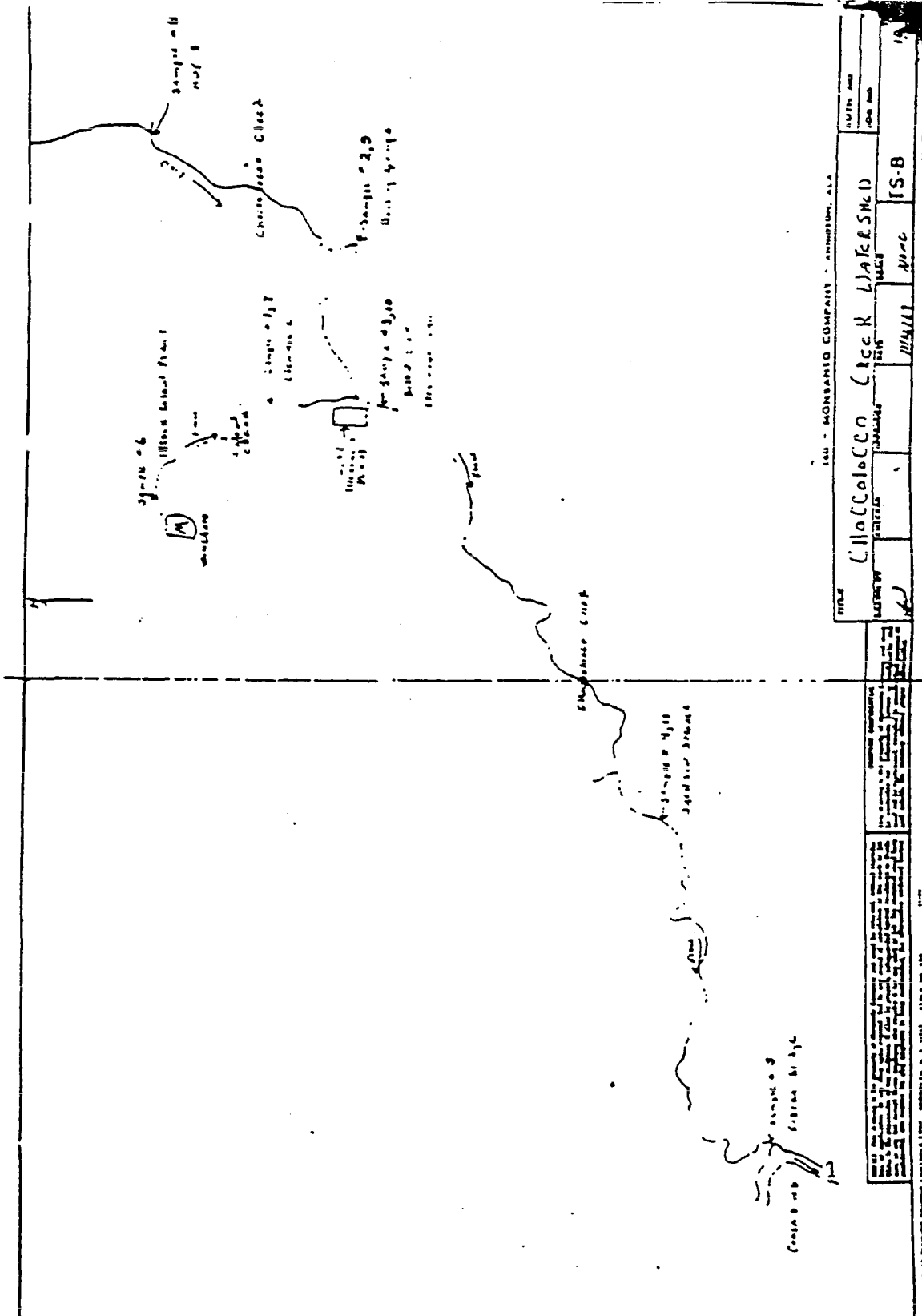
OSW 013204

DATA SHEET VII

<u>Sample No.</u>	<u>Date</u>	<u>Sample Location</u>	<u>Aroclor Concentration (???)</u>	
			<u>Mud</u>	<u>Water</u>
1	10-8-69	Snow Creek at Glenaddie	2.36×10^7	23.3
2	10-8-69	Choccolocco Creek at Boiling Springs (upstream from Monsanto's effluent)	78	3.1
3	10-8-69	Choccolocco Creek at City Treatment Plant (1 block below confluence of Snow and Choccolocco Creeks)	738,000	< 2.0
4	10-8-69	Choccolocco Creek at Jackson Shoals ($\approx$ 20 miles downstream)	7,300	5.8
5	10-8-69	Choccolocco Creek at Eureka Bridge ($\approx$ 25 miles downstream, mouth of Choccolocco into Coosa River)	3,240	< 2.0
6	11-23-69	Snow Creek - 1 block below plant	2.19×10^6	20,300
7	11-23-69	Snow Creek at Glenaddie	1.84×10^6	1,435
8	11-23-69	Choccolocco Creek at Highway 9 ($\approx$ 15 miles upstream from the confluence of Snow and Choccolocco Creeks)	1,536	11
9	11-23-69	Choccolocco Creek at Boiling Springs (upstream from Monsanto's effluent)	26	10
10	11-23-69	Choccolocco Creek at City Treatment Plant (1 block below confluence of Snow and Choccolocco Creeks)	--	58
11	11-23-69	Choccolocco Creek at Jackson Shoals ($\approx$ 20 miles downstream)	470	10

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DSW 013212



TITLE		Cillaco Colocan (Rice R. Watershed)		AUTHOR		DATE	
SUBJECT		Geology		DRAWN BY		DATE	
SCALE		1:10,000		PROJECT NO.		15-B	
SHEET NO.		1		TOTAL SHEETS		1	

OSW 013213

Monsanto

COMPANY CONFIDENTIAL

H. L. Campbell - WCR

September 20, 1974

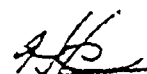
H. J. Horner
K. L. Schutzenhofer

Anniston Fish Survey - PCB
Residue Analysis of
Edible Portions

10

E. E. Stewart

The results of our determination of PCB residues in the edible portions (fillet) of two fish from the Anniston survey are attached. The samples were single specimens of black crapple, about 5-6 inches in length, not selected for the initial survey analyses.



H. L. Campbell

OSW 020609

ADAD21-005920
HARTOLDMON0038319

Fish Fillet Samples 9-19-74
(Anneston)

Area 3

Sample No. 1 (1 Black Crappie, *Pomoxis nigromaculatus*, from
Choccolocco Creek, Fish Station 7, Highway 95,
Nether H. Williams Bridge, June 11, 1974)

8.35 PPM 1242
43.35 PPM 1254
51.70 PPM TOTAL (based on ~~dry~~ wet weight
PCB's of fillet)

Area 4

Sample No. 2 (1 Black Crappie, *Pomoxis nigromaculatus*, from
Choccolocco Creek, Fish Station 8, Highway 93
Bridge, 3 miles south of I-20, June 11, 1974)

1.02 PPM 1242
7.95 PPM 1254
8.97 PPM TOTAL PCB's (based on wet weight
of fillet)

MSO 020610



In the desk of
W. B. PAPAGEORGE

9-9-71

J. M. [unclear]
F. J. Holzapfel Jr. [unclear]
~~D. H. [unclear]~~

Fy I
please return

P

DSW 013389



Monsanto

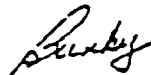
FROM: NAME & ADDRESS: E. G. Wright - Anniston

DATE: September 7, 1971 " J. T. Bell
J. C. Landwehr
SUBJECT: P.C.B. RESIDUE DATA FROM JUNE
FISH COLLECTION AND AN INTERIM
REPORT FROM THE CONSULTANTS
(Drs. Gunning and Suttkus)
TO: J. L. Corder
G. L. Jessee
P. B. Hodges - G.O.
W. B. Papageorge - G.O.

Attached is a copy of the residue data which was gathered from the June fish collection. This data has been sent to the consultants for their comparison with the previous data.

Also attached is a copy of an interim report which we received from Drs. Gunning and Suttkus. Since this report is from only two sets of residue data (December 1970 and March 1971), only two conclusions can be drawn. These conclusions are (1) Monsanto has an excellent analytical method and (2) there has been no significant reduction in P.C.B. concentration between the experimental fish and the controls.

If you have questions concerning these items, please contact me.


E. G. Wright

/dp

Att. 2

DSW 013390

BIOLOGICAL CONSULTANTS

Water Pollution · Water Quality · Biological Surveys · Fishery Biology

ROYAL D. SUTTKUS, PH. D.
7336 HURST STREET
NEW ORLEANS, LOUISIANA 70118
PHONE: 866-6101

GERALD E. GUNNING, PH. D.
3608 45TH STREET
METairie, LOUISIANA 70001
PHONE: 833-4167

August 15, 1971

Mr. Eugene Wright
Pollution Control Engineer
Monsanto Company
Technical Services Department
Anniston, Alabama 36201

Dear Mister Wright:

As we stated to you in Anniston some weeks ago, we have worked up the P.C.B. residue data as we have received them from you and intended to report on them formally at the end of the first year of our survey of Choctolocco Creek, the Coosa River and tributaries. However, considering the unfavorable publicity Monsanto Company recently received as a result of the congressional sub-committee report, we felt it imperative that we submit an interim report to Monsanto Company at this time in order to insure that both parties (Monsanto and consultants) may know where we presently stand with regard to the P.C.B. residue analyses.

First, we have spent a great deal of time in deciding what comparisons will be most meaningful to us in looking at the total residue data available. It is our opinion that strict statistical applications are not feasible, or indeed even applicable, because of the tremendous number of variables that come into play with the residue analyses. However, some broad comparisons can be made within the confines of the data and these broad comparisons can be supported by other determinations and interpretations that are indeed justifiable.

Analysis I

We will refer to this analysis as a paired-value analysis for wet weight Aroclor 1254. The comparison of paired values is from one quarter to the next immediate quarter, all fish species combined. Specifically, we are comparing December, 1970 with March, 1971.

CONTROLS—67% of paired values decreased (12 of 18 determinations).
EXPERIMENTALS—50% of paired values decreased (5 of 10 determinations).

Since control stations are those stations wherein the fishes present could not receive P.C.B.'s due to location with respect to water currents which could potentially carry P.C.B.'s, then experimental stations are those wherein fishes could receive P.C.B.'s due to location.

This comparison shows that the fishes in the experimental area do not show a corresponding decrease in P.C.B. residue levels (as Aroclor 1254) compared with the controls. There is a 17% difference.

DSW 013391

BIOLOGICAL CONSULTANTS

Water Pollution • Water Quality • Biological Surveys • Fishery Biology

ROYAL D. SUTTKUS, PH. D.
7328 HURST STREET
NEW ORLEANS, LOUISIANA 70118
PHONE: 886-8101

GERALD E. GUNNING, PH. D.
3408 45TH STREET
METAIRIE, LOUISIANA 70001
PHONE: 833-4187

Page 2 of Interim Report

We must conclude then for Analysis I that no improvement in fish residue levels, all species combined, is indicated.

Analysis II

The comparison is the same as for Analysis I except that lipid values for Aroclor 1254 were used. Again, all fish species were combined.

CONTROLS--50% of paired values decreased (11 of 22 determinations).
EXPERIMENTALS--30% of paired values decreased (3 of 10 determinations).

In this second analysis we see again that the fishes in the experimental area (subjected to P.C.B. residues) do not show a corresponding decrease in P.C.B. residue levels (as Aroclor 1254, lipid fraction) compared with the controls. There is a 20% difference (compared with 17% for Analysis I).

The first two analyses are indicative of the fact that the handling of the samples and subsequent analysis for P.C.B. residues have been successful and indeed repetitive when the wet weight and lipid fraction values for Aroclor 1254 are compared. This is of course what we would hope for. However, the results are not good since both analyses show us that Aroclor 1254 residues have not decreased as we had hoped they would. Considering the residual nature of P.C.B.'s we were certainly optimistic to say the least.

Analysis III

We made a single species analysis for each of five fish species: 1. bluegill, 2. blacktail shiner, 3. stoneroller, 4. longear sunfish, and 5. bass. In each instance the residue levels were higher in the experimental area than in the control area. We must wait for further data for the final six months of the first year of the survey to see if this trend is overturned. At this point we would have to say that the data are detrimental to Monsanto.

Analysis IV

A station-to-station comparison was made between successive stations among the 10 stations we had residue data for. Stations 6, 7, 8, and 10 (7 is Martha Williams, 8 is Highway 93, and 10 is Highway 77 for orientation) had the highest residue values for the fishes we studied. This is, of course, logical and to be expected when we consider the location of these stations with respect to the plant. In the future we must be able to demonstrate considerable decreases in residue levels here if we are to show environmental improvement.

DSW 013392

BIOLOGICAL CONSULTANTS

Water Pollution • Water Quality • Biological Surveys • Fishery Biology

ROYAL D. SUTTKUS, PH. D.
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NEW ORLEANS, LOUISIANA 70116
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GERALD E. GUNNING, PH. D.
3606 45TH STREET
METairie, LOUISIANA 70001
PHONE: 833-4167

Page 3 of Interim Report

Our field observations over the past few years and continuing up until the present time show that the greatest number of deformed fishes have been found at Marsh Williams (Station 7) and stations immediately below 7. We also see the greatest number of fishes that are either sick or listless in these areas. Of course visual observations won't tell us what caused these fishes to become deformed or sick but we must consider the total observations as a crude indication that something is indeed wrong in these areas.

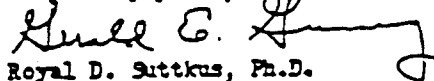
In summary, there is nothing we can do with the residue data at this point that would allow Monsanto to counteract the unfavorable public opinion that may result from the congressional sub-committee report (which we have not seen). Perhaps the June, 1971 data will show a decrease that is not apparent at this point--we can only hope that this will be the case.

Let us point out one additional aspect of the problem that might allow Monsanto Company to derive some favorable publicity. It is our impression that your plant data will show that the plant effluent has been cleaned up tremendously and that on a pound for pound basis you are putting very little residue into Choccolocco Creek at the present time in comparison with past years. Certainly you would not want to give the figures in a news release, but would it not be helpful to state categorically that the effluent is relatively clean at the present time? We fully realize that Monsanto Company officials are in a better position to judge the merits of such a release than we are. It is simply passed along for what it is worth.

We are very sorry that we can't paint a brighter picture at the present time. However, we all know that we have to study these situations carefully and that we must be able to document any claims of environmental improvement before they are released for public consumption.

If you have any questions about this interim report, please let us hear from you.

Very truly yours,



Royal D. Suttkus, Ph.D.
Gerald E. Gunning, Ph.D.

gog

DSW 013393

Monsanto

FROM: NAME & LOCATION: Paul B. Hodges - St. Louis

DATE: September 18, 1970

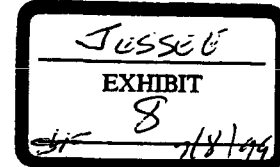
SUBJECT: _____

REFERENCE: _____

TO: Toby Bell - Anniston

cc J. R. Savage - JSAVA
W. B. Papageorge - WPAPA
D. B. Hosmer - DHOSM
G. L. Jessee - Anniston
G. Miller - Anniston
J. Landwehr - Anniston
J. L. Corder - Anniston

CONFIDENTIAL



In reviewing your proposed letter to Joe Crockett with Legal, et al, we requested latest emissions data on the flow to Snow Creek. We had hoped that it might show an improvement over the 1st week in September and thus demonstrate a favorable trend to Crockett. Instead, the emissions are considerably increased with 9/13/70 at 6.25 ppm (or about 80 lbs. of PCB for the day). From the Legal standpoint, there is extreme reluctance to report even the relatively low emission figures because the information could be subpoenaed and used against us in legal actions. Obviously, having to report these gross losses multiplies, enormously, our problems because the figures would appear to indicate lack of control.

Realizing the extreme efforts the plant has gone to in order to curtail loss of PCB's, is there anything more that can be done to get the losses down? Is there a possibility that sampling practices are responsible for the wide variations shown (you might try duplicate effluent samplers)? Are there any practices in the manufacturing area which might result in the peak losses? Obviously, we cannot solve the problems from St. Louis but we do want to emphasize the concern from here.

Paul
Paul B. Hodges

/mp

DSW 014095



10-10 REV 11-68

Monsanto

CONFIDENTIAL

REG. MAIL & TELETYPE

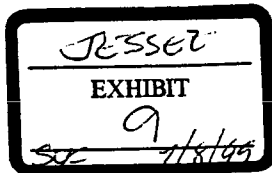
J. C. Landwehr - Anniston Plant

DATE October 26, 1970

SUBJECT

REFERENCE

TO : G. L. Jessee



cc
J. L. Corder
W. B. Papageorge - G. C.
P. B. Hodges - G. C.
J. R. Savage - G. C.
J. T. Bell
E. G. Wright
V. R. Haupe

E. G. Wright, J. T. Bell and J. C. Landwehr met with J. L. Crockett, Technical Staff Director of the Alabama Water Improvement Commission on Friday, October 23, 1970.

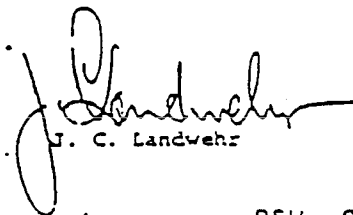
Mr. Crockett was "very well satisfied with progress at Anniston on the PCS problem" and could suggest no areas of further work which were not already receiving our attention.

Since he insisted again on knowing what effluent levels were, we verbally informed him that we were presently discharging total Aroclors in the range of 1-5 lbs./day with the latest trend being toward the 1 lb./day end of the range. To his question on past discharges, we informed him that current discharges were down from recent past ranges by 1/5 to 1/10, but qualified this answer that high recent past numbers were a result of higher water effluent flow and high solids content in the old limestone neutralization pit.

In conjunction with this information, a lengthy discussion of the technical complexity of Aroclor or PCS numbers resulted in Mr. Crockett's agreeing that any written effluent level reports would be held confidential by the Technical Staff and would not be available to the public until or unless Monsanto released it. Mr. Crockett also changed his past position from wanting a weekly report to accepting a monthly report of 24 hour cumulative effluent sample results. The initial report and transmittal letter is attached. The second report will cover October 21 through 31, and all reports thereafter will cover whole months.

The Progress Report on Abatement of Polychlorinated Biphenyl Discharge to Snow Creek was discussed in detail with Mr. Crockett with use of slides showing construction of sumps and new limestone pit, etc. Mr. Crockett requested that a section be added to the report briefly discussing the process and the role of various discharge abatement devices. Otherwise, he was quite satisfied with our proposed report. The requested addition will be made and plans are to transmit the report to Mr. Crockett the week of October 26.

Numerous other related matters were discussed with Mr. Crockett during the six hour meeting with him.


J. C. Landwehr

:kd
Attachment

OSW 013988

CONFIDENTIAL



ADAD21-005929
HARTOLDMON0038328

CONFIDENTIAL

MONSANTO COMPANY
ANNISTON, ALABAMA

PLANT EFFLUENT - AROCLOR 1242 & 1254

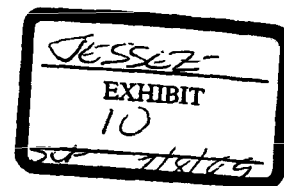
<u>DATE</u>	<u>(PPM)</u>	<u>DATE</u>	<u>(PPM)</u>
9/18/70	.350	10/5	.425
9/19	.250	10/6	.201
9/20	.230	10/7	.160
9/21	.110	10/8	.008
9/22	.112	10/9	No Sample
9/23	.034	10/10	No Sample
9/24	.073	10/11	.064
9/25	.007	10/12	.094
9/26	.014	10/13	.052
9/27	No Sample	10/14	.074
9/28	No Sample	10/15	.138
9/29	.006	10/16	.127
9/30	.040	10/17	.062
10/1	.017	10/18	.056
10/2	.032	10/19	.062
10/3	.051	10/20	.114
10/4	.060		

CONFIDENTIAL

DSW 013989

Anniston

J. T. Bell
J. L. Corder
G. L. Jesse
J. C. Landwehr
H. E. Schulte



Anniston Plant
TECHNICAL SERVICES DEPARTMENT
MONTHLY REPORT

General Offices

D. Danna (1)
P. B. Hodges
W. B. Papageorge
J. R. Savage

Summary

NOV 70

CONFIDENTIAL

Read and Destroy

Anniston Plant
1 PCB level in sum;
Current Level

Aroclor 1248

Aroclor losses during November averaged 25 #/day (4620 ppb). Our one high value accounted for 18 #/day, neglecting this the November average would be 7 #/day (1410 ppb). Based on knowledge of plant operations and performance of abatement devices in November, much of the high level data is due to sample contamination.

Spills

Minor leaks were contained by use of sand and disposal in drums. No spills occurred.

Projects and Evaluations

1. Laboratory work to date indicates the presence of minimal amounts of PCB in the residue from Solid Aroclor distillation (Montar 3). This eliminates 10 M pounds per year or solid wastes from our PCB disposal plan.
2. Design work to collect spent carbon from HCl carbon towers has been deferred to early 1971 to accomplish the No. 1 HCl Limestone Pit rebuild.
3. Solids removal from plant effluent (part of program to reduce PCB in plant effluent to 10 ppb) is moving forward with preliminary screening tests at Denver Equipment Company and Bets Laboratories indicating good to moderate success with flocculation and settling. Further laboratory testing is scheduled for early December. A project has been written, design is underway and equipment modifications under study working with Monsanto Biodize to set up one of their clarifiers at Anniston for pilot scale

South Second St.

Other Locations

P. Macdonald -
Newport

B. W. Corlew -
W.G.X.

DSW 013917

44-106

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ADAD21-005931
HARTOLDMON0038330

AROCLOR WASTESProjects and Evaluations - continued

testing of the apparent best techniques recommended by Denver and/or Betr.

4. A successful test was made of removal of limestone inerts from the #2 HCl neutralization pit while in operation. A total weight of 127,000 pounds was removed of which 36% by weight was solids. Lab analysis of the total material revealed more than 100,000 ppb Aroclor or 12 to 15 pounds of Aroclor. Present indications are that this method of removal of solids while the pit is in operation will increase the efficient life of the pit by 25 per cent.
5. A mechanical expense project for repair of the No. 1 HCl neutralization pit was written and approved. This project will be coordinated with the Niran pit project to apply on asphalt lining at the same time, to save money on materials.


V. R. Haupt

:kd

DSW 013918

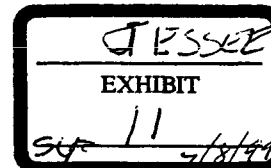
Monsanto

Joe did anyone get a copy of this?

FROM (NAME & LOCATION): Anniston, Alabama

DATE : November 30, 1970
SUBJECT : DITCH WATER SAMPLES
REFERENCE :
TO : ALL AROCLOR PACKAGING PERSONNEL

cc: J. T. Bell
Hal Brazelton
J. L. Corder
G. L. Jessee
T. E. Lackey
J. C. Landwehr
J. E. Mundy
H. E. Schulte
E. G. Wright



With the present emphasis on pollution control it is necessary that we be able to know what the Aroclor losses from our plant are EVERY DAY. These results are reported to the State of Alabama Water Improvement Commission each month. We cannot miss samples and only supply excuses such as: I was too busy, the pump was broken, or the sampler was frozen.

I can assure you that our number one job is to keep the samplers running and collect the best possible sample for analysis.

During the past several months the importance of ditch water samples has grown from something we want to know to something we must know to stay in business. To help in keeping the samplers on line we are taking the following actions.

1. A light is being put into each sample box to supply heat and to serve as an indication of whether we have power to the box.
2. A supply of tubing and tubing connectors will be kept in the lockers for day to day replacement as required. The chief will be responsible along with the foreman to maintain this stock.
3. Spare samplers are available and at least one, preferably two, will be kept ready for use at all times. These will be kept by the chief. When no spare is available the foreman will secure one on the day when the last spare is placed in service.
4. If it is "impossible" to sample all designated points, then my written approval will be required to leave a station without a sampler in WORKING ORDER and WORKING.

I am sure we can get the job done every day if:

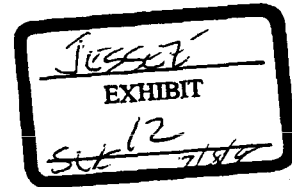
- (1) We realize the importance of the samples, and
- (2) Work together as a team to protect our jobs.

/md



G. W. Miller
G. W. Miller

DSW 023546



W. B. Papageorge - St. Louis

December 7, 1970

J. R. Savage

J. Mason
H. Bergen
F. Holzapfel
G. Bratsch
G. Jesse
D. B. Shearn - NEWPORT
P.J.I. Marsh - BRUSSELS

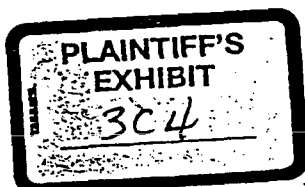
One very important objective of our PCB environmental control program was to control the losses of PCB in our plants to achieve a maximum of 50 ppb in the waste water effluent by 1-1-71 and 10 ppb by 9-1-71.

During the month of September, Newport reported an average of 246 ppb. During November Anniston reported 1410 ppb and the Krumrich Plant reported 495 ppb.

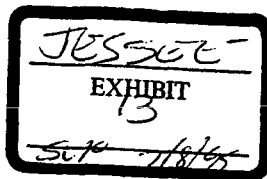
Because of the seriousness of the PCB problem this level of performance cannot be allowed to continue. I do not recall that any of the plants have been denied a resource they requested to achieve the stated objectives.

We do not have the luxury of unlimited time to combat this problem. What do we need to reduce losses quickly?

W. B. PAPAGEORGE



DSW 013118



Engman

Anniston

J. T. Bell
J. L. Corder
G. L. Jesse
J. C. Landwehr
H. E. Schulte

Anniston Plant
TECHNICAL SERVICES DEPARTMENT
MONTHLY REPORT

General Offices

D. Danna (1)
P. B. Hodges
W. B. Papageorge
J. R. Savage

Summary

DEC 70

CONFIDENTIAL

Read and Destroy

AROCLOR WASTES

Current Level

Aroclor losses during Dec averaged 1.5 lbs./day. (321 ppb).
The breakdown of the numbers is:

26 Day average	182 ppb	0.8 lbs./day
2 Day pumping from old Limestone Pit	39	0.2
1 Day detergent wash of Aroclor dept.	58	0.3
2 Day removal collected PCB & solids in first part of new Limestone Pit	42	0.2
Total average:	321 ppb	1.5 lbs./day

From this it is obvious that we can no longer detergent wash the Aroclor department. When the second Limestone Pit is completed, the losses from digging and pumping should be eliminated. Two pits will allow switching to a clean pit when one becomes saturated with PCB

Spills

Shutting the Aroclor department down for the New Years Day holiday caused the Thermol system surge tank to overflow when a valve leaked. The Thermol was caught in the department sump and no Thermol entered the plant effluent.

DSW 013679

South Second St.

Other locations

F. Macdonald -
Newport

B. W. Corlew -
W.G.K.

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Monsanto

FROM: NAME & LOCATION:

E. G. Wright - Anniston, Alabama

Lean
Pollution - Air - PCB

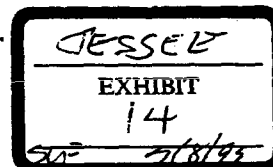
DATE December 29, 1970

cc J. T. Bell
J. L. Corder
G. L. Jessee
J. C. Landwehr
P. B. Hodges - G.O.

SUBJECT P.C.B. Levels in Ambient Air
at Anniston Plant

REFERENCE:

TO : W. B. Papagorge



Listed below is the data which has been collected to date on P.C.B. losses to the atmosphere at Anniston. These samples were collected primarily in the ambient air at each designated location.

Date	Sampling Location	P.C.B. Concentration mg/m3	Comments
11/5	Aroclor Still Room	.376 X 10 ⁻³	1 still on Aroclor 1242
11/6	Tank Car Loading Platform	.273 X 10 ⁻³	Loading Aroclor 1254 car
11/6	Aroclor Still Room	.095 X 10 ⁻³	Holding Aroclor 1242 in #3 Blend Tank
11/9	Tank Car Loading Platform	.246 X 10 ⁻³	Loading Aroclor 1242 Car
11/17	Tank Car Loading Platform	Results not available	Loading Aroclor 1254 Car
11/17	Warehouse Drumming Area	.573 X 10 ⁻³	Drumming Out Aroclor 1242
11/23	Aroclor Still Room	1.068 X 10 ⁻³	Distilling Aroclor 1242
11/24	Monter Hood	8.630 X 10 ⁻³	Drawing Aroclor 1242 Bottoms

This data indicates that the ambient air in the Anniston Plant manufacturing locations is considerably lower than the levels reported by Monsanto at Newport in September, 1970. This is probably because there has been very little manufacture of Liquid Aroclors at Anniston during this period.

PLAINTIFF'S
EXHIBIT

505

OSW 014061

10-10-70 11 00

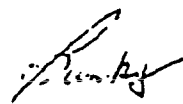
ADAD21-005937
HARTOLDMON0038336

Some problems have been encountered in sampling and analysis at Anniston which account to some degree for the low values. The prime sampling problem is the inefficiency of the scrubbers at very high sampling volumes. (i.e. The scrubber is not 100% efficient at high air flow rates).

A solution to this problem is being tested by going to a very low flow rate and sampling for a longer time. Analysis have been delayed because of the high priority which has been assigned to the waste water clean-up research.

Plans are to continue sampling during January in an attempt to gather more reliable data on P.C.B. losses to the atmosphere. This data will be communicated to you as soon as it can be obtained.

Your comments regarding this will be appreciated.



Eugene G. Wright

JV

DSW 014062

Monsanto

FROM: NAME & LOCATION - W. F. Taffee - Anniston, Alabama



DATE: November 10, 1972
SUBJECT: AROCLOR DISMANTLING
REFERENCE: Memo JRS/GLJ 9/29/72
TO: ✓ J. R. Savage
General Offices

cc: R. E. Beal - General Offices
G. L. Jessee
L. C. Lahman
W. B. Papageorge - B2NA
D. A. Roper - F&WB
H. E. Schulte
A. H. Smith - CAMP

I. DISMANTLING

A dismantling contract has been let and we are ready to start physical dismantling of the remaining Aroclor production department. The attached sketch shows the area to be dismantled, which includes the "old" Biphenyl stills, the Liquid Aroclor production facilities, and the 1963 Solid Aroclor installation (Areas 2, 4, 6, 7, 8, and 10). Also to be dismantled is the 150,000 gallon rubber-lined HCl storage tank shown in Area 3. Equipment items in these areas were reviewed by all three companies who bid on the job, as well as the Corporate Equipment Disposal Section. With the exception of the items described in III-C, the unit was classed as having a low salvage value, primarily steel scrap value.

Equipment in these areas is almost entirely uniquely designed, steel equipment dating from the early 1940's (or perhaps earlier) through 1963. It has been advertised internally through a catalog published by The Equipment Disposal Section of Central Purchasing by A. Howard Smith. This catalog received Corporate-wide distribution. Further publicity was given through the cooperation of R. M. Kountz and Don Bolliger of CED by defining "systems" and equipment which might be utilized by Central Engineering projects.

Through these efforts, inquiries have been received from as far away as England and as close as Decatur, Alabama, but, for a variety of reasons, close scrutiny of the equipment by potential users has not resulted in utilization. However, Central Engineering projects at Delaware River, Luling, and Sylvan have been able to use several items (including the entire HCl absorption system and the new flaker installed for Aroclor 1268, for example). The Anniston Plant has salvaged instrumentation, electric motors, valves, lights, and any other available items of known value for existing installations and/or planned projects. We are retaining these items in appropriate storage areas.



DSW 013931

10 10 11 55

November 10, 1972

II. RETAINED

Area 5, which includes the department control room and motor control center, all facilities installed on CEA 2080 (presently under consideration for "low para" Santowax), and the thermol circulating system for Santowax will be retained, unless we hear to the contrary. Also retained will be all flaking and packaging equipment and thermol heater system north of Fifth Street (in and near the "new" warehouse) and all tanks in the "Aroclor Tank Farm" - also located north of Fifth Street, except the following:

- A. 2 x 12,000 gallon steel tanks formerly used for trichlorobenzene and tri-tetrachloro benzene storage, and two associated steel Porocel columns (contractor to dismantle for scrap and credit Monsanto).
- B. 3 x 18,000 gallon aluminum storage tanks which will be transferred to other Monsanto locations or sold to "outside" buyers. One of these has already been transferred to Luling for use on CEA 2523.

III. GENERAL

The remaining items in Building 27 (Areas 2, 3, 4, 6, 8, and 10) fall into three broad categories:

- A. Items which have not contained or been exposed to significant amounts of PCB, i.e., "old" Biphenyl stills in area 6. These items will be released to the contractor for his disposal as scrap.
- B. Tanks, pipes, and equipment made of steel which have processed, contained, contacted, or otherwise been exposed to significant amounts of PCB and which might be re-used by persons in the chemical, food, animal feed, etc., business. These items will be cut up (or otherwise compacted) and buried in the Anniston Plant landfill.
- C. Alloy or high value vessels, piping, or equipment contaminated with PCB's will be evaluated on a case basis. If the value of the item to a prospective purchaser exceeds the cost of cleaning the item for its intended use, the item will be salvaged. (Net profit to Monsanto.) If cleaning to a satisfactory level (as indicated by laboratory analysis of solvent washings of the equipment) is estimated to exceed the value of the equipment, then the piece in question will be compacted and buried. At present, only the 4 stainless steel Porocel columns and the 2,000 gallon Monel Liquid Aroclor receiver (which make up the bulk of equipment in this category) are being considered.

DSW 013932

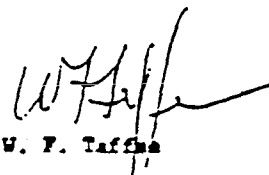
J. R. Savage

-3-

November 10, 1972

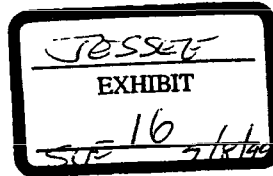
Specific details on each inquiry, item of equipment, and final disposition is available if needed. Present data (including a fixed price dismantling bid) indicate the work will be completed within the initial appropriation. Our target is to have the work completed by December 31, 1972.

WPT/fb
Acc.


W. F. Taffee

DSW 013933

ADAD21-005941
HARTOLDMON0038340



very excited
 CC Don Otto
 - Garry Buckley
 Art Leary
 Gil Hippe
 Bill Fayman
 Ed [unclear]

MEETING AT SOUTHWEST REGIONAL OFFICE OF EPA
 1421 Peachtree St. N.E.
 Atlanta, Georgia

November 11, 1971

F/4/8

- Copies to:
- H. S. Bergen
 - J. T. Garrett
 - J. W. Gillespie
 - ~~P. F. Heisler~~
 - P. B. Hodges
 - F. J. Holzapfel
 - G. L. Jesse
 - J. C. Landwehr
 - J. Mason
 - H. L. Minckler
 - W. B. Papageorge
 - P. S. Park
 - W. R. Robirds
 - J. R. Savage

Meeting with Lewis, Artger, Brown, Barbak 11/12
 Signed that Brown will attempt to join from Congress
 Stand on PCBs - Brown/Barbak make trip to Chicago
 to advise Chicago office of EPA of in (new) PCB
 problem. - Trip to be in the the mid of 11/29



DSW 014379

MEETING AT SOUTHWEST REGIONAL OFFICE OF EPA
1421 Peachtree St. N.E.
Atlanta, Georgia
November 11, 1971

Those Present:

Monsanto

J. T. Garrett
D. B. Hosmer
G. L. Jesse
J. P. Landwehr

State of Alabama

Joseph Crockett

Southwest Regional EPA

John White, Director of Enforcement
Dave Hill
Dennis Cafaro
George Harlow

Subject: PCB Effluents from Anniston Plant
to Snow Creek, Choccolocco Creek, Etc.

This meeting was arranged by Mr. Joe Crockett at the request of Mr. John White.

Mr. White had two primary areas for concern:

1. The Federal Department of Justice has apparently recommended that suit be initiated against the Anniston plant for PCB emission under the Federal Refuse Act.
2. He will be required to approve or recommend a Refuse Act disposal permit for Anniston which limits pollution levels.

The PCB production history of the Anniston plant was reviewed briefly from its beginning in 1929 to the present. Our program to control and reduce PCB emissions to Snow Creek was reviewed by both Monsanto employees and Joe Crockett who emphasized that we had kept him fully advised concerning our program and our progress. Gene Jesse carefully pointed out

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Meeting at Southwest Regional
Office of EPA
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that our production of PCB's had been greatly reduced in January, 1971 and discontinued in August, 1971. It was explained that current PCB emissions in the liquid effluents primarily resulted from our inability to make a complete separation of biphenyl from other polyphenyls. Mr. Jesse stated that equipment would be installed to vastly improve this separation by July 1, 1972, and that by this time a further reduction in PCB in effluents would be effected.

There was considerable discussion concerning the limiting level of PCB that should be permitted in the discharge. Mr. White suggested "no detectable amount." Mr. Crockett and the Monsanto personnel pointed out that this was an undesirable approach. The preferred concept was explained as a reduction in aqueous volume accompanied by a concentration reduction (reduced pounds per day). This appeared to be accepted.

As a result of the meeting, the following agreements were reached:

1. Mr. Crockett and Mr. White will agree upon an interim permissible level for PCB emissions to be provided in the Refuse Act permit. Obviously, Mr. Crockett will press for a number in excess of our 0.3 lbs./day current level.
2. The permissible PCB will be reviewed again when our new separation equipment is in operation as of July 1, 1972 to arrive at a new permit level.
3. A summary report outlining our past work and future plans will be written and sent to the EPA office via Mr. Crockett's office.
4. A second copy of our existing monthly reports on PCB effluents to Mr. Crockett will be forwarded to Mr. White via Mr. Crockett.
5. Monsanto is ready and willing to meet with the Federal EPA personnel concerning the PCB problems whenever requested and will feel it a privilege to describe our program.

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6. EPA can come and sample our effluents in a mutual program at any time they want to do this. (I believe they will use our data.)

We explained to Mr. John White that Mr. G. L. Jessee, the Anniston Plant Manager, was the man who spoke for Monsanto at Anniston. We further explained that Mr. Jack Garrett's presence was to indicate the support of the Company's Medical Department and that Mr. D. B. Hosmer's presence was to demonstrate support of the Monsanto Industrial Chemicals Company, who is responsible for the manufacture of PCB's.

It was suggested by Mr. White that it might be desirable to dredge Snow Creek. I believe we convinced him that this is undesirable.

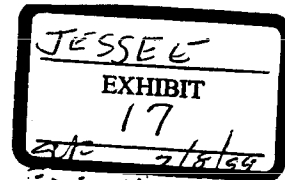
We received strong indications that the Southeastern Regional EPA Office will recommend strongly against a Refuse Act suit by the Federal Department of Justice on PCB pollution.

The entire atmosphere of the meeting was favorable, including the lunch following it.

D. B. Hosmer

bt
11-12-71

DSW 014382



Blind . J. T. Bell
L. C. Lahman
W. B. Papageorge - Gen. Offices
W. K. Robards - Gen. Offices

July 13, 1972

Mr. John M. Bolton
Technical Staff Director
Water Improvement Commission
State Office Building
Montgomery, Alabama 36101

Dear Mr. Bolton:

In early 1970, the Anniston Plant initiated actions to reduce plant losses of polychlorinated biphenyls in the aqueous discharge to Snow's Creek. An important facet of this effort was transmittal of plans and information on real progress to Mr. J. L. Crockett, then Director of the AMIC Technical Staff. The transmittal of information occurred by way of numerous personal contacts, comprehensive progress report dated November 9, 1970, and by confidential monthly summaries of polychlorinated biphenyl losses which continue to the present.

As I informed you by copy of correspondence directed to J. C. White of E.P.A. dated July 5th, all polychlorinated biphenyl related manufacturing operations ceased May 1, 1972, at the Anniston, Alabama Plant. During May, clean-up and organization of the manufacturing plant to a mothball condition was accomplished. In June, the losses of Aroclors 1242 and 1254 (polychlorinated biphenyls) declined to a monthly average of 0.18 pounds per day.

On this basis, I respectfully request that this plant no longer be required to submit to your office the monthly summaries of effluent losses. I would be pleased to arrange a meeting of this plant's representatives with you to clarify questions regarding this request.

Very truly yours,

Gene L. Jesse
Gene L. Jesse
Plant Manager

GLJ/ps

MONS 091734

