

STATE OF ALABAMA
IN THE CIRCUIT COURT OF CALHOUN COUNTY

MARS HILL MISSIONARY
BAPTIST CHURCH, et al.,
Plaintiffs,
versus
MONSANTO COMPANY, et al.,
Defendants.

CIVIL ACTION NUMBER
CV-96-243

CONTINUATION OF THE DEPOSITION OF JERRY BROWN

The continuation of the deposition of
JERRY BROWN, was taken before Deborah Salers
Garrett, Certified Shorthand Reporter,
Registered Professional Reporter, as
Commissioner, commencing at 9:15 a.m. on May
12, 1998, by the Plaintiffs, at the law
offices of Merrill, Porch, Dillon & Pite,
Suite 500, 1000 Quintard Avenue, Anniston,
Alabama, pursuant to the stipulations set
forth herein.

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

APPEARANCES

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No other exhibits were marked for
identification, offered or attached as
exhibits hereto.

REGIONAL REPORTING SERVICE, INC.

STIPULATIONS

IT IS STIPULATED AND AGREED by the
parties, through their respective counsel,
that the deposition of JERRY BROWN, may be
taken before Deborah Salers Garrett, CSR, RPR,
as Commissioner and Notary Public, Alabama at
Large, at Anniston, Alabama, on May 12, 1998,
at 9:15 a.m.

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

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

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

REGIONAL REPORTING SERVICE, INC.

5

1 STATE OF ALABAMA, ANNISTON, MAY 12, 1998

2

3 JERRY BROWN,

4 after having been first duly sworn, was

5 examined and testified as follows:

6

7 BY MR. STEWART:

8 Q. Mr. Brown, if you recall, we were taking

9 your deposition some time ago here, and

10 I wanted to cover some things and get on

11 some new things that you were talking to

12 me about last time.

13 If your lawyer won't take so many

14 breaks to go to the bathroom, we'll try

15 to get through by twelve o'clock,

16 Mr. Brown.

17 A. Well, I'll have to go to the bathroom

18 too, somewhere along the line.

19 Q. Well, I certainly want you to be as

20 comfortable as you can be.

21 A. I've been ready since nine o'clock,

22 ready to go.

23 Q. Well, I apologize to you. I'll do my

REGIONAL REPORTING SERVICE, INC.

6

1 best to get you out of here as quickly

2 as I can.

3 You indicated earlier that you

4 started at Monsanto -- And I don't

5 remember the exact date. But you were

6 working there sometime in the '70s; is

7 that correct?

8 A. That's correct.

9 Q. What was the exact date you went there,

10 if you can recall?

11 A. August the 28th, 1967.

12 Q. So you were there when this testing that

13 you previously told us about was done

14 along Snow Creek and Choccolocco and

15 that area in the '70s?

16 A. Yes.

17 Q. I believe you mentioned last time in

18 your deposition that you didn't

19 necessarily participate in that. But

20 did you know enough about it to know

21 what kind of test results they were

22 getting along that area?

23 A. Well, I need you to be more specific.

REGIONAL REPORTING SERVICE, INC.

7

1 Q. Well, what kind of readings were they

2 getting of PCBs in the sediment as it

3 applies to Snow Creek testing and

4 Choccolocco Creek testing?

5 A. Well, the Choccolocco Creek testing, the

6 average over this section of stream --

7 MR. PECK: Are you talking about

8 the early '70s?

9 MR. STEWART: That is exactly what

10 I'm talking about, and I

11 appreciate you saying that.

12 I'm talking about the '70s.

13 A. Well, I was starting to answer you in

14 the '80s, because that's what I'm

15 familiar with.

16 Q. Are you not familiar with what kind of

17 test results they got --

18 A. No.

19 Q. -- in the '70s?

20 A. No. I was not working that part of that

21 in the '70s.

22 Q. Let me ask you this: Didn't you become

23 the environmental officer at Monsanto

REGIONAL REPORTING SERVICE, INC.

8

1 sometime in '74?

2 A. I became the chief chemist with some

3 environmental responsibilities in 1974.

4 Q. That would have had to do with testing

5 of PCBs, whether it came from the plant

6 or from the landfill or whatever,

7 wouldn't it, Mr. Brown? We covered that

8 before, and that's what I thought you

9 had previously told me.

10 A. The PCB testing that was done in the

11 '70s was done prior to '74.

12 Q. I understand that. But your job would

13 have entailed, would it not, when you

14 took it in 1974, testing for emissions

15 from the plant, whether it be PCBs or

16 whatever it be for?

17 MR. PECK: Object to the form of

18 the question.

19 A. That was part of the involvement, yes.

20 Q. Okay. And is it my understanding --

21 This is what I wanted to clear up.

22 Is it my understanding that nobody

23 from St. Louis -- And you indicated

REGIONAL REPORTING SERVICE, INC.

9

1 there were some people from St. Louis
 2 who were involved in this testing, did
 3 you not, who sort of managed it?
 4 A. That's correct.
 5 Q. And exactly who was that person? That
 6 was a Landwehr, I believe you mentioned,
 7 and a Mr. Garrett and some other people
 8 who were involved in that?
 9 A. Joe Landwehr was located at the Amiston
 10 plant.
 11 Q. Okay. Well, who --
 12 A. Joe left the company in -- my
 13 recollection is about '72, '71 or '72.
 14 Q. Well, during the time he was there,
 15 wasn't he involved in the testing? I
 16 went over your deposition --
 17 A. People who reported to him were.
 18 Q. Okay.
 19 A. He was not personally involved, but
 20 people who reported to him did.
 21 Q. Well, he would have known the results?
 22 A. More than likely.
 23 Q. Did he say anything to you about them?

REGIONAL REPORTING SERVICE, INC.

10

1 A. I didn't have any reason to talk to him
 2 about them, no.
 3 Q. Well, now, let me see if I understand
 4 your statement there, because I want to
 5 be sure I understand this, Mr. Brown.
 6 It was your position that after
 7 that testing was done, you as the
 8 environmental officer there at Monsanto
 9 had no reason to talk to him about
 10 anything that he might have found in the
 11 testing?
 12 A. I had nothing to do with environmental
 13 work while he was there.
 14 Q. Well, I mean after you did that, did you
 15 have any contact or conversation with
 16 anybody, whether it's Mr. Landwehr or
 17 anybody else in the company, a Mr. Jack
 18 Garrett? Wasn't he involved in that at
 19 that time?
 20 A. I recollect Jack being involved. I
 21 don't know to what degree. I wasn't
 22 involved -- I don't know -- I had no
 23 personal involvement with what Jack was

REGIONAL REPORTING SERVICE, INC.

11

1 doing.
 2 Q. Weren't you aware, Mr. Brown, that there
 3 was a substantial amount of PCB waste
 4 and waste materials buried at a landfill
 5 site that was operated by Monsanto at
 6 the time?
 7 MR. PECK: Object to the form of
 8 the question.
 9 A. I was aware that some PCB residue had
 10 been disposed of at the landfill site
 11 prior to the time the plant was shut
 12 down, yes.
 13 Q. Okay. And you were aware --
 14 A. But that was -- I mean, that was shut
 15 down and closed in '74.
 16 Q. Let me see if I can get at it this way:
 17 You did not see it as a part of your
 18 responsibility as the environmental
 19 officer --
 20 By the way, how long did you serve
 21 in that capacity?
 22 A. Well, you say that capacity. I worked
 23 to some degree or another with

REGIONAL REPORTING SERVICE, INC.

12

1 environmental work into the mid '80s.
 2 Q. Well, was it past '85?
 3 A. Probably '87, '88.
 4 Q. Well, you sort of took the lead or at
 5 least participated fairly actively in
 6 the problem that occurred in the 1980s,
 7 didn't you?
 8 A. Yes.
 9 Q. Now, let me ask you. At any point in
 10 time did you ever consider it to be
 11 something that you should have known
 12 about, Mr. Brown, as to what the test
 13 results were that were obtained by these
 14 people out of Snow Creek and Choccolocco
 15 Creek, whether it's out of sediment or
 16 fish, at the time you took that position
 17 in 1974?
 18 A. Mr. Stewart, let me explain to you --
 19 Q. Please do.
 20 A. -- my situation in 1974.
 21 Q. Please do.
 22 A. I was working for Monsanto Agricultural
 23 Products Company. The Aroclor operation

REGIONAL REPORTING SERVICE, INC.

1 was shut down in '71 and '72. All that
2 testing had been brought to closure with
3 the appropriate state agencies by the
4 appropriate people. The plant was
5 closed. The landfill was closed from a
6 PCB standpoint. To the best of people's
7 knowledge in 1974, when I took that job,
8 that was closed. That was then history.
9 Okay?

10 In 1974 there were new regulations
11 coming down the pike that we were
12 working very actively on, both air and
13 water regulations as new federal
14 regulations developed. That's where my
15 emphasis was. I was not working on
16 phosphorus for the parts of the plants
17 that were closed in the '30s or
18 something that had been brought to
19 closure in '72 or '71, '72, '73 by the
20 appropriate agencies and the appropriate
21 people.

22 MR. STEWART: Excuse me just a
23 minute.

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(Discussion held off record.)

1 Q. Let me see if I understand what you're
2 saying. You felt no responsibility to
3 find out what those test results were?
4 Is that what I'm understanding you to be
5 saying, Mr. Brown, since you took the
6 position as environmental officer,
7 because you felt like the whole problem
8 had been taken care of?

9 A. The problem had been brought to
10 appropriate closure by the regulatory
11 people and the people working on that
12 problem. The most responsible action
13 that any human mind could conceive of at
14 that point in time had been taken.
15 There was no further action from a
16 regulatory or any -- any need that any
17 human mind could conceive that needed to
18 be done in 1974.

19 Q. Mr. Brown, you seem to be a pretty
20 bright fellow, but I don't know how you
21 understand that if you don't know what
22 the test results were and you weren't
23

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1 involved in it. How do you know that?

2 A. Mr. Stewart, I think I've explained that
3 there were people whose job it was to
4 address those issues.

5 Q. But if you --

6 A. In my position in 1974, I had emerging
7 regulations, the compliance of the
8 ongoing operations of the facility.

9 Q. I understand what you did after '74.

10 But what I'm asking you, Mr. Brown, is
11 how do you know, first, what steps they
12 took if you don't even know what
13 readings they got?

14 A. What I'm telling you is that it was to
15 them to do their job. I had my job to
16 do.

17 Q. Well, did anybody from that group ever
18 sit down with you and brief you on what
19 was done, Mr. Brown, before you took
20 your position?

21 A. No, sir, had no reason to.

22 Q. How do you know that?

23 A. Just as I've explained. It had been

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1 brought to complete closure the best
2 anybody could know at that point in
3 time.

4 Q. Well, what particular thing was done, as
5 you understand it, that would have
6 closed out that problem in 1971, '72,
7 '73? What did the company do? Other
8 than the testing, what did they do?

9 A. Closed the plant, tore down the
10 facility, closed the landfill.

11 Q. And that's all you understood that they
12 were required to --

13 A. That was some pretty darn dramatic
14 actions. Yes, sir. That was about as
15 responsible and dramatic as the human
16 mind could conceive at that point in
17 time. Yes, sir.

18 Q. Now, you had mentioned previously,
19 Mr. Brown, that there was some work done
20 in the 1970s with a Mr. Crockett. Do
21 you know -- Is that the same fellow who
22 was the chief engineer with the Alabama
23 Water Improvement Commission?

REGIONAL REPORTING SERVICE, INC.

- 1 A. It's my recollection that Mr. Crockett
2 was heading up the water division at
3 that point in time.
- 4 Q. What did you understand was the standard
5 at that time of parts per million PCBs
6 in fish or wildlife that would have
7 required some action by the Conservation
8 Department?
- 9 A. I do not know of any standard at that
10 point in time.
- 11 Q. Are you telling me, Mr. Brown, as a
12 person who became the environmental
13 officer for Monsanto in 1974, which
14 would have been two or three years after
15 these tests were done and this plant
16 facility was closed, that you don't have
17 any idea what any standards were at that
18 time?
- 19 A. I have no idea what a standard was at
20 that point in time.
- 21 Q. What about later? Do you understand
22 that there were any imposed at a later
23 time?

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- 1 A. I have heard standards. I cannot repeat
2 a standard to you. I don't know what it
3 is.
- 4 Q. So you don't know of any standards that
5 would have been applied to PCBs, let's
6 say in fish, after --
- 7 A. I'm aware that standards are in
8 existence for PCBs in fish, yes. But I
9 don't know what it is, is what I'm
10 telling you.
- 11 Q. And you didn't know what they were at
12 that time, when you took the job?
- 13 A. That's correct.
- 14 Q. Did anybody ever tell you that y'all
15 might have contaminated Choctawhatchee or
16 contaminated -- as it spills into Logan
17 Martin, where it would have caused a
18 fish advisory to be issued and Logan
19 Martin being closed to commercial
20 fishing? Did any of the people that I
21 mentioned earlier, Mr. Tucker,
22 Mr. Garrett, or Mr. Papageorge even, any
23 of them talk to you about that at that

REGIONAL REPORTING SERVICE, INC.

- 1 point in time?
- 2 MR. PECK: Object to the form of
3 the question.
- 4 A. I remember conversations to that effect,
5 yes.
- 6 Q. In the '70s?
- 7 A. Yes.
- 8 Q. Who did you have those conversations
9 with?
- 10 A. I don't remember.
- 11 Q. What was the substance of the
12 conversations?
- 13 A. I don't remember.
- 14 Q. Were they employees of Monsanto --
- 15 A. Yes.
- 16 Q. -- that you had the conversations with?
- 17 Would they have been one of the
18 people that I talked about or one of the
19 people involved in the study?
- 20 A. Could have been. I mean, that's been
21 twenty-five years ago or more.
- 22 Q. Mr. Brown, during the time that you were
23 involved as the environmental officer,

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- 1 did you submit reports to Mr. Crockett
2 or those people who were in his position
3 or working with the Alabama Water
4 Improvement Commission or ADEM later on?
5 Did you submit reports to them on a
6 confidential basis?
- 7 A. I did not submit reports, no.
- 8 Q. Do you know if it was the policy of your
9 company to attempt to limit the
10 dissemination of information about PCB
11 contamination or any other kind of
12 contamination and just to do that on a
13 confidential basis?
- 14 A. Well, during that period of time it was
15 very typical that all communications be
16 done on a confidential basis.
- 17 Q. Why is it you understand it had to be
18 done on a confidential basis?
- 19 A. That is just the way it was at that
20 point in time.
- 21 Q. And why did you understand it was
22 confidential?
- 23 A. I don't -- That's just the way it was.

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- 1 I mean, I can't answer you.
- 2 Q. That is the way your company did
- 3 business with the Alabama Water
- 4 Improvement Commission at that time?
- 5 A. Well, what I'm telling you is it wasn't
- 6 just that. It was typical that most
- 7 communications were listed as company
- 8 confidential.
- 9 Q. Even information that you would give to
- 10 regulatory agencies such as the Alabama
- 11 Water Improvement Commission, a public
- 12 body?
- 13 MR. PECK: Object to the form of
- 14 the question, calls for
- 15 speculation.
- 16 A. I can't answer.
- 17 Q. Now, did you know anything about any
- 18 kind of cleanup program that was
- 19 instituted in the '70s by Monsanto at
- 20 the Anniston plant, PCB cleanup program?
- 21 A. In the '70s?
- 22 Q. Uh-huh (indicating yes).
- 23 A. The only thing I remember is the

REGIONAL REPORTING SERVICE, INC.

- 1 dismantling and cleanup of the facility
- 2 when it was torn down.
- 3 Q. Were you ever told at any point in time,
- 4 after you took the position that you
- 5 did, that there would be a cleanup
- 6 program or there was a cleanup program
- 7 that had taken place there at the
- 8 Anniston plant?
- 9 A. Well, I don't really know what you're
- 10 talking about specifically. I mean, you
- 11 say cleanup program. That's a
- 12 general -- That's so general, I don't
- 13 really know what you're talking about.
- 14 Q. Are you familiar with a Mr. Paul B.
- 15 Hodges?
- 16 A. I remember meeting Mr. Hodges, yes.
- 17 Q. And where was he located?
- 18 A. In St. Louis.
- 19 Q. And do you know what his job was?
- 20 A. He was in the engineering section.
- 21 Q. Of Monsanto Chemical or --
- 22 A. I don't --
- 23 Q. -- the agricultural company?

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- 1 A. I have no idea.
- 2 Q. How did you meet him?
- 3 A. He worked on the -- The specific place I
- 4 met him was doing waste treatment
- 5 studies as part of the biological waste
- 6 treatment plant.
- 7 Q. And of course Mr. Jessee was the plant
- 8 manager at that time, was he not?
- 9 A. He was during a period of time, yeah.
- 10 Q. And was Mr. Hosmer located at this
- 11 Anniston plant?
- 12 A. Not in my era. He was prior to my time.
- 13 Q. Okay. And do you know who a Mr. E. P.
- 14 Wheeler was?
- 15 A. I've heard the name, but I don't know
- 16 anything more than that.
- 17 Q. Did any of those people -- And of course
- 18 you have mentioned you know who
- 19 Mr. Landwehr was, didn't you?
- 20 A. Yes.
- 21 Q. Did any of y'all ever -- Or did any of
- 22 those people ever communicate with you
- 23 about a PCB cleanup program that was

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- 1 instituted by Mr. Hodges and others in
- 2 the Anniston area?
- 3 A. I do not recollect anything specific
- 4 that Paul Hodges was working on with
- 5 PCBs.
- 6 Q. So nobody ever told you about anything
- 7 like that?
- 8 MR. PECK: Object to the form of
- 9 the question.
- 10 A. I have answered you as honestly as I
- 11 know how. Whether anyone told me, I
- 12 don't know. I don't remember.
- 13 Q. Okay. Now, you say Mr. Jessee was the
- 14 plant manager at that time. Tell me, if
- 15 you would, if he ever talked to you
- 16 about -- Was he the plant -- Let me ask
- 17 you this: Was he the plant manager when
- 18 you took over?
- 19 A. You mean in '74?
- 20 Q. Uh-huh (indicating yes).
- 21 A. I believe he was.
- 22 Q. He was still there. Did he ever talk
- 23 with you or discuss with you any

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1 confidential memorandum that he had sent
2 to Mr. Crockett or anybody else?
3 A. I have no recollection of anything like
4 that.
5 Q. Who was a Mr. G. W. Miller?
6 A. That was Gerald Miller.
7 Q. Gerald Miller?
8 A. Yes.
9 Q. What did Mr. Miller do?
10 A. Well, when I came on board, he was the
11 plant chief chemist.
12 Q. He was a person who preceded you?
13 A. Well, no. I mean, there were several
14 other movements before my time.
15 Q. Who took Mr. Miller's place?
16 A. Toby Bell.
17 Q. You had told us about that. So
18 Mr. Miller and Mr. Bell and then you or
19 somebody else?
20 A. Well, see, when everything was downsized
21 in '71 and '72, there was a lot of
22 reorganization. It wasn't necessarily,
23 you know, a direct replacement thing for

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1 change. But that's the general concept,
2 yes.
3 MR. STEWART: Mark that.
4 (Plaintiffs' Exhibit Number
5 Seven was marked for
6 identification.)
7 Q. Let me let you take a look at
8 Plaintiffs' Exhibit Seven to the
9 deposition.
10 I'll ask you if you ever remember
11 seeing that memo, which is a memo from
12 Mr. G. W. Miller to Mr. G. L. Jessee.
13 It's called Aroclor Pollution, AMIC
14 Contact, up there at the top, dated May
15 7, 1970.
16 A. No, I do not remember ever seeing this.
17 Q. Tell me, if you would --
18 MR. PECK: Feel free to read it,
19 if he is going to ask you
20 about it.
21 Q. Okay. If you want to read it, go ahead.
22 I'm sorry.
23 Have you had an opportunity to

REGIONAL REPORTING SERVICE, INC.

1 look at that?
2 A. Yes, I have.
3 Q. What struck me -- If you will take a
4 look at this Plaintiffs' Exhibit Seven.
5 It appeared that Monsanto was aware of
6 some pollution that had been caused by
7 your plant in Snow Creek, Choccolocco
8 Creek, and elsewhere at that particular
9 period of time, but there was an effort
10 being made at that particular period of
11 time to do what you had mentioned a
12 minute ago. And this may have come from
13 the regulator, or it may have come from
14 a combination of both. But I want what
15 the source of the statement is, if you
16 know. It says, "Give no statements or
17 publications which would bring the
18 situation to the public's attention."
19 That's paragraph three.
20 What I would like to know,
21 Mr. Brown, if you know what the source
22 of that was. Is that what you indicated
23 earlier, where things were confidential?

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1 A. I have no idea.
2 Q. Is that what you meant by that?
3 A. No, sir. I'm telling you that stamping
4 something like this confidential was a
5 routine procedure.
6 Q. A routine procedure. You did it every
7 time you had something to say that had
8 to do with something that you sent to a
9 regulator? You did that yourself?
10 A. Everything I wrote was strictly of a
11 technical nature, had nothing from a
12 regulatory standpoint. It had
13 confidential marked on it. It didn't
14 matter what it was.
15 Q. This has to do with information, I
16 believe, about Aroclor pollution. That
17 is PCB pollution, isn't it, Mr. Brown?
18 A. Well, Aroclor was the product that was
19 being produced, which has later been
20 dubbed PCBs.
21 Q. So you are saying at that particular
22 time anything that y'all did you put
23 confidential?

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- 1 A. Yeah. It was a routine procedure.
 2 Q. Well, this also says, "Give no
 3 statements or publications which would
 4 bring the situation to the public's
 5 attention." Back up there it refers to
 6 Mr. Crockett's recommendations were that
 7 that be done.
 8 Why is it that y'all had worked
 9 this particular situation out,
 10 Mr. Brown?
 11 MR. PECK: Object to the form of
 12 the question.
 13 A. Anything I give you would be totally
 14 speculation. I told you I know nothing
 15 about it, and I have no idea.
 16 Q. When you took over in 1974, did you
 17 follow that same policy if y'all had
 18 found or discovered that there was
 19 contamination of the stream there, the
 20 ditches that led into the stream? And
 21 by stream I mean Snow Creek or
 22 Choccolocco Creek. Was it y'all's
 23 policy at the time you took over to keep

REGIONAL REPORTING SERVICE, INC.

- 1 that from the public?
 2 A. We didn't have any particular policy.
 3 Our policy was to communicate openly
 4 with regulators, and that's what we did.
 5 Q. Well, if -- So y'all would be opposed to
 6 giving those statements or publications
 7 which would bring the situation to the
 8 public's attention, that Mr. Crockett
 9 had apparently suggested in conjunction
 10 with somebody from Monsanto? I guess he
 11 was working with Mr. Miller and
 12 Mr. Jesse and them.
 13 MR. PECK: Object to the form of
 14 the question. It's
 15 unintelligible.
 16 A. I don't understand your question.
 17 Q. Well, I will break it down so both you
 18 and your lawyer can understand it. I
 19 know it was a little complicated and
 20 convoluted at some times, but let me
 21 make it as simple as I can.
 22 Y'all had conversations at this
 23 time with the regulators, didn't you --

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- 1 MR. PECK: This time would be in
 2 1970?
 3 Q. Well, the date is May 7, 1970.
 4 Apparently Mr. Miller is referring --
 5 Did you read the letter? He is
 6 referring to conversations he had with
 7 regulators, is he not?
 8 A. I'm assuming he is, yeah.
 9 Q. Okay. And a subject that they discussed
 10 was giving no statements or publications
 11 which would bring the situation to the
 12 public's attention.
 13 And all I'm asking you, Mr. Brown
 14 -- it's real simple -- is was that
 15 y'all's policy during that time that you
 16 all had or you took the position?
 17 MR. PECK: Object to the form of
 18 the question, asked and
 19 answered.
 20 A. My answer is very simple. I don't know
 21 what the policy was at that time. I
 22 wasn't involved, and you know, I have
 23 sworn here to tell you the truth, and

REGIONAL REPORTING SERVICE, INC.

- 1 I'm telling you the truth as much as I
 2 know how.
 3 Q. Well --
 4 A. And you can ask it fifteen more times,
 5 but I don't know how to answer it any
 6 clearer than I just answered it. I do
 7 not know.
 8 (Mr. Taylor Stewart entered
 9 the deposition proceedings.)
 10 Q. At the time you took that position, it's
 11 my understanding that you, Mr. Jerry
 12 Brown, stamped all those reports that
 13 you might have made to regulators as
 14 confidential?
 15 MR. PECK: Object to the form of
 16 the question,
 17 mischaracterizes prior
 18 testimony.
 19 A. What I've told you is that stamping
 20 communications as confidential was a
 21 routine practice on practically all
 22 communications that we did.
 23 Now, as time evolved, this

REGIONAL REPORTING SERVICE, INC.

1 practice changed.
 2 Q. When did that happen?
 3 A. Well, throughout the '70s and into the
 4 '80s. I mean, it's -- To give you a
 5 specific date, I can't do it. There
 6 were different ways of addressing those
 7 kinds of things.
 8 Q. So that changed sometime in the time
 9 frame you are talking about?
 10 A. From a standpoint of putting that stamp
 11 on there, yes.
 12 Q. What about letting the public know about
 13 information that you had gathered like
 14 this?
 15 A. Well, during the period of time that I
 16 was involved, we dealt openly with all
 17 regulators, agencies, and people who
 18 questioned. Okay?
 19 Q. Let me ask you, Mr. Brown. Do you know
 20 of any public meeting that was had by
 21 Monsanto, or even Mr. Crockett in
 22 conjunction with Monsanto, about the
 23 findings that Monsanto made in 1970 in

REGIONAL REPORTING SERVICE, INC.

1 Snow Creek and Choccolocco Creek?
 2 A. I know of nothing.
 3 MR. STEWART: Let's just offer
 4 that.
 5 (Plaintiffs' Exhibit Number
 6 Seven was offered and
 7 attached as an exhibit
 8 hereto.)
 9 Q. Let me ask you, Mr. Brown. Did anybody
 10 ever say to you at any point in time
 11 during this time frame we are talking
 12 about, before you took this position
 13 that there were findings in Snow Creek
 14 -- in the sediment in Snow Creek of
 15 fourteen hundred and thirty parts per
 16 million or Snow Creek near -- below the
 17 plant at sixteen fifty-six parts per
 18 million -- Did you ever know anything
 19 about that?
 20 A. I remember findings. I don't remember
 21 the specific numbers.
 22 Q. Did anybody ever tell you the
 23 significance of those two numbers that I

REGIONAL REPORTING SERVICE, INC.

1 just read? Did a Mr. Scott Tucker ever
 2 tell you anything about that before you
 3 took your position as the chief chemist
 4 out here?
 5 A. Scott Tucker developed the analytical
 6 methodology for determining this. This
 7 was totally new technology in the '69,
 8 '70, '71 era.
 9 Q. You told us about that before. I'm just
 10 asking if he told you --
 11 MR. PECK: He is trying to answer
 12 your question.
 13 A. So far as knowing the significance of
 14 that number at that point in time, Scott
 15 Tucker nor anybody else knew the
 16 significance of that number.
 17 Q. He did not?
 18 A. That was developing, emerging
 19 information and technology.
 20 Q. Who told you that, Mr. Brown? Is that
 21 just something you know by your
 22 experience with Monsanto, or did
 23 somebody specifically tell you, "Mr.

REGIONAL REPORTING SERVICE, INC.

1 Brown, I don't know the significance of
 2 fourteen hundred and thirty parts per
 3 million in the mud?
 4 A. Mr. Stewart, if you can conceive of
 5 developing a database from nothing, from
 6 the development of technology, through
 7 the development of technology, to the
 8 generation of some numbers, then the
 9 evolution and the process is as you
 10 learn more and more and more, you learn
 11 more and more about the potential
 12 significance.
 13 And you know, to say at that point
 14 in time that Scott Tucker knew the
 15 significance, I can't say he did or
 16 didn't. I mean, that was developing,
 17 emerging knowledge.
 18 Q. Okay. Let me ask you if you know,
 19 Mr. Brown, if any of that information,
 20 whether it be those numbers I mentioned
 21 to you or any other numbers that were
 22 received by Monsanto at that time as a
 23 result of sampling, were made known to

REGIONAL REPORTING SERVICE, INC.

1 the public?

2 A. I do not know.

3 Q. Now exactly, if you know, Mr. Brown, did

4 the Aroclors or the PCBs that were in

5 the sediment in Snow Creek -- how did it

6 get there?

7 A. Well, it was generally assumed from the

8 waste water discharge leaving the

9 facility.

10 Q. From the waste water discharge leaving

11 the facility?

12 A. Yes.

13 Q. Well, you have previously mentioned that

14 they were burying PCB waste in certain

15 cells in the southern landfill. Was

16 that being done at that time?

17 A. Not after the plant was shut down, no.

18 Q. Before that, though?

19 A. Yes.

20 Q. In the '60s and '70s it was buried over

21 there?

22 A. Yes.

23 Q. Was there any effort made at that point

REGIONAL REPORTING SERVICE, INC.

1 in time to track the source of the PCBs

2 that had been found, to your knowledge,

3 in Choocolocco Creek?

4 A. To my knowledge it was tracked from

5 discharge 001, which was the direct

6 discharge point out of the facility.

7 Q. Well, let me ask you this: You have

8 told us about it, and I want to be sure

9 that I understand it. I have a map here

10 that I want you to take a look at that

11 might help me in understanding what you

12 are telling us. There is a --

13 MR. STEWART: Mark that.

14 (Plaintiffs' Exhibit Number

15 Eight was marked for

16 identification.)

17 Q. This is Plaintiffs' Exhibit Eight. You

18 had told us previously that there was

19 some -- Can you first mark for us with

20 this pencil here the discharge point

21 that you are talking about? Or take

22 this pen here, and it might be a little

23 easier.

REGIONAL REPORTING SERVICE, INC.

1 MR. PECK: You have marked the

2 same exhibit, I think, before

3 as Plaintiffs' Exhibit Three,

4 and he marked it on that

5 exhibit.

6 MR. STEWART: Well, I want to make

7 sure that -- I mean, I'm not

8 trying to trick him, just to

9 keep this clean if we can.

10 Q. Tell me, if you would, Mr. Brown, where

11 y'all -- where you understood those hogs

12 were being raised that Monsanto

13 purchased because of PCB contamination

14 in 1970. Where were those being raised?

15 Was it south or north of that discharge

16 point one?

17 A. It was my understanding it was somewhere

18 in this area here (indicating).

19 Q. All right. Why don't you put "hogs" up

20 there. Just mark "hogs." Just spell

21 that word up there. And I want you to

22 mark this as discharge point one, if you

23 could.

REGIONAL REPORTING SERVICE, INC.

1 A. (Executed by the witness.)

2 Q. Is it fair to say that the terrain that

3 we see out there on the ground, the

4 place where the hogs are, would be

5 uphill or upgrade from the discharge

6 point one?

7 A. Yes.

8 Q. Is there not a ditch that runs near that

9 hog area, near where the Mars Hill

10 Missionary Baptist Church is?

11 A. There is a drainage ditch that runs

12 somewhere down through here. I'm not

13 sure exactly.

14 Q. Can you mark it for us, please, sir?

15 A. Well, I can draw something general. It

16 would be something like so (indicating).

17 Q. Does it go back up to the road? Does it

18 come from under the road in a culvert

19 over there, now that 202 is in there?

20 A. Well, there is a culvert there

21 somewhere. I'm not sure exactly where.

22 Q. Well, does it feed into the ditch, is

23 what I'm asking you? Do you know

REGIONAL REPORTING SERVICE, INC.

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1 whether or not it does?

2 A. Well, the drainage has got to -- What

3 era of time? I mean, it obviously

4 doesn't anymore.

5 Q. Since remediation is there. But I

6 meant --

7 A. The drainage was in this direction

8 (indicating).

9 Q. Can you draw a little line where the

10 direction was? You just pointed there,

11 didn't you?

12 A. Do you mean like that (indicating)?

13 Q. No. Back up there toward the southern

14 landfill is where I'm trying to see.

15 Let me just ask the question. Is

16 there any drainage to your knowledge

17 that came off the southern landfill that

18 fed into the ditch that you have drawn

19 here?

20 A. Well, the surface water is flowing in

21 this direction (indicating).

22 Q. Can you draw a line in the direction

23 where you would be talking about

REGIONAL REPORTING SERVICE, INC.

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1 connected to the ditch, Mr. Brown?

2 A. Well, I mean, I don't know where to draw

3 the line.

4 Q. Okay. Would it be in the general

5 direction you have drawn there?

6 Can you just put "ditch" along

7 there and just spell that out for us so

8 we can see that in your own handwriting?

9 A. (Executed by the witness.)

10 Q. Is that correct, about right where it

11 would be, Mr. Brown?

12 A. Well, I'm telling you to the best of my

13 knowledge.

14 Q. Well, Mr. Brown, you worked out there

15 for a good period of time, and you were

16 the environmental person out there as

17 the chief chemist. Are you telling me

18 sitting here today that you don't have

19 any idea of where the surface water goes

20 off the southern landfill?

21 A. I'm telling you that this was a totally

22 overgrown area, and I never walked back

23 up in there to see exactly where it was.

REGIONAL REPORTING SERVICE, INC.

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1 Q. Well, it didn't stay that way, did it,

2 Mr. Brown?

3 A. What do you mean, it didn't stay that

4 way?

5 Q. Stay a totally overgrown area.

6 A. Overgrown until it was cleared out for

7 remediation.

8 Q. There was a ditch -- You weren't

9 surprised by the fact that there was a

10 ditch located near the Mars Hill

11 Missionary Baptist Church and down near

12 Bethel, were you?

13 A. No, no.

14 Q. That is something you knew about, wasn't

15 it?

16 A. Yes, yes.

17 Q. You knew about that when you were the

18 chemist out there and took over that job

19 in 1974, didn't you, Mr. Brown?

20 A. I knew there was a ditch that came down

21 through here.

22 Q. And ultimately fed into Snow Creek?

23 A. But so far as walking back up through

REGIONAL REPORTING SERVICE, INC.

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1 here, I never did it and never even

2 thought about -- I mean, I never even

3 conceived the idea of doing it.

4 Q. Did anybody connected with this

5 particular project in 1971 ever tell you

6 about having these real high readings in

7 the sediment in Snow Creek and say, "You

8 know, we better look and find the source

9 of that"?

10 A. Well, the source, as understood by

11 everybody that I ever was connected

12 with, was the discharge point, 001.

13 Q. But that came out of the plant site?

14 A. Yes.

15 Q. And when you quit, I guess, the simple

16 answer for y'all to say at this point in

17 time, when you quit making it, it

18 stopped coming out of there? Is that

19 what you're telling me?

20 A. Well, that's the purpose of shutting the

21 plant down, to shut it down. I mean,

22 that was the most responsible action

23 that any human mind could conceive of in

REGIONAL REPORTING SERVICE, INC.

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1 1971, '72.

2 Q. As you understood it?

3 A. Well, I'm giving you answers as I

4 understand them.

5 Q. Okay. None of these other people,

6 Mr. Papageorge, who was a former plant

7 manager and then connected with the PCB

8 problem, he never told you, "Mr. Brown,

9 I think you perhaps need to check

10 someplace other than this discharge

11 point"?

12 A. Mr. Papageorge was gone at that point in

13 time.

14 Q. He did or did not tell you? He didn't

15 tell you that?

16 A. No.

17 Q. Did Mr. Scott or Mr. Wheeler or

18 Mr. Hodges or any of those people ever

19 tell you to check up above there?

20 A. Nobody told me to check anyplace when I

21 started working. That had already been

22 taken care of. I think I have explained

23 that one time.

REGIONAL REPORTING SERVICE, INC.

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1 Q. And you were checking water, weren't

2 you, over there? You weren't checking

3 sediment. You were checking water

4 discharge from the plant, weren't you?

5 A. When?

6 Q. In this time frame we are talking about.

7 A. In 1974?

8 Q. From site one, or what did you call

9 that, discharge point one? From that

10 discharge point, y'all were checking

11 water, weren't you? You weren't

12 checking sediment?

13 MR. PECK: In 1971?

14 MR. STEWART: '71 or '74 --

15 A. Well, see, I don't know what they were

16 doing. Okay? The group that was in

17 charge of doing that job, I do know they

18 were analyzing water. I do know that

19 some sediment samples were being

20 analyzed. But I don't know specifically

21 where they took those sediment samples.

22 Q. When you took over or when the people

23 under you took samples, they took

REGIONAL REPORTING SERVICE, INC.

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1 samples of the water; is that correct?

2 A. When I became involved in 1974, that

3 work had been brought to closure, and

4 the samples that we took in here of

5 water were directed toward phosphate

6 concentrations.

7 Q. Didn't even involve PCBs?

8 A. It was the -- The concern at that point

9 in time was that the phosphate level did

10 not meet the new standard, and we

11 started embarking on a program to

12 eliminate the phosphates from that

13 discharge.

14 Q. All right. Tell me, if you would,

15 Mr. Brown, if there was some

16 communication made to y'all by the EPA

17 after you took over.

18 MR. PECK: Any particular subject

19 or just generally?

20 MR. STEWART: Well, in 1975.

21 Q. Was there some concern expressed by the

22 EPA to the plant about PCBs at the

23 Anniston plant? Do you remember

REGIONAL REPORTING SERVICE, INC.

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1 anything about it?

2 A. I don't remember anything specifically

3 in 1975.

4 Q. Are you telling me that as the person

5 responsible for the environment there

6 that you didn't know anything about

7 that, that it didn't happen, or are you

8 just having some trouble remembering it?

9 Would refreshing your recollection help

10 you a little bit?

11 A. It may.

12 MR. STEWART: Mark this, if you

13 would.

14 (Plaintiffs' Exhibit Number

15 Nine was marked for

16 identification.)

17 Q. Have you had a chance to look at that?

18 A. I scanned it. I didn't read it in

19 detail.

20 Q. Do you remember ever seeing this Exhibit

21 Nine, this letter dated October 17,

22 1975, from Mr. Stanley W. Legro, who is

23 the assistant administrator for

REGIONAL REPORTING SERVICE, INC.

1 enforcement for the United States
2 Environmental Protection Agency?
3 A. I do not remember seeing this.
4 Q. As the environmental person who was
5 involved in this particular facility as
6 of 1974, do you find it surprising,
7 Mr. Brown, that you weren't included in
8 on this kind of thing?
9 A. No, sir, I do not.
10 Q. Tell me why.
11 A. And let me explain one more time. We
12 were -- We were Monsanto Agricultural
13 Products Plant in 1975. I was working
14 with the compliance activities of the
15 ongoing operations at the plant. PCB
16 issues were consolidated in St. Louis
17 with the people who were working with
18 PCB issues all over the country,
19 wherever it might have been involved.
20 And it was their job to handle the PCB
21 issues related to the former operations
22 at the Anniston plant. My job was
23 addressing the ongoing operations at the

REGIONAL REPORTING SERVICE, INC.

1 plant.
2 Q. Tell me, if you would, whose
3 responsibility was it at that particular
4 time, if you know, of handling the
5 response to that question?
6 A. I believe Mr. Papageorge was
7 coordinating that at that point in time.
8 That is based strictly on my memory.
9 Q. Do you know who responded to this
10 letter?
11 A. No.
12 Q. You don't have any idea who responded to
13 it?
14 A. I answered no.
15 Q. To your knowledge, Mr. Brown, would it
16 not be important in responding, as a
17 person who knows or at least is
18 responsible for dealing with these
19 regulators -- Do you think it might be
20 important at this particular point in
21 time for a person who was responding to
22 the EPA, to let them know what y'all had
23 found in Snow Creek and Choccolocco

REGIONAL REPORTING SERVICE, INC.

1 Creek?
2 MR. PECK: Object to the form of
3 the question, calls for
4 speculation by this witness.
5 A. Well, I assumed they were knowledgeable
6 and much more expert than I was in this
7 issue and they could handle their job
8 and that was defined as part of their
9 job.
10 Q. What I'm asking you was, Mr. Brown --
11 I'm not trying to be cute or anything.
12 I'm just trying to ask you. Don't you
13 think it would be important to let the
14 EPA know at this particular point in
15 time what they found in Snow Creek and
16 what they found in Choccolocco Creek?
17 MR. PECK: Object to the form of
18 the question, calls for
19 speculation from this
20 witness.
21 A. I don't understand enough about what
22 you're talking about to answer the
23 question.

REGIONAL REPORTING SERVICE, INC.

1 Q. Well, if Mr. Papageorge answered it,
2 would Mr. Papageorge have been required,
3 as you understood it, as an
4 environmental person at the plant here,
5 working for Monsanto Chemical Company at
6 that time --
7 A. I didn't work for Monsanto Chemical
8 Company at that time, as I told you
9 previously. I worked Monsanto
10 Agricultural Products Company at that
11 time.
12 Q. Well, for that company, do you think it
13 would be important for him to let this
14 particular inquirer, the EPA, know about
15 what y'all had found in the '70s, which
16 is just about two or three years before
17 this, in Snow Creek and Choccolocco
18 Creek?
19 MR. PECK: Object to the form of
20 the question, calls for
21 speculation.
22 A. I can't answer that question. I don't
23 know.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. Well, take a look again -- I think it
2 says the United States Environmental
3 Protection Agency. They were there, of
4 course, Mr. Brown -- and I hate to be
5 simple about it -- to protect the
6 environment, were they not?
- 7 A. Well, they had certain rules and
8 regulations that it was their duty to
9 carry out.
- 10 Q. And they were trying to find out if
11 there was some exposure or contamination
12 of water bodies, I think he says, fish,
13 things like that, of PCBs in the
14 environment, were they not?
- 15 Take a look at paragraph one of
16 the letter. Read it again, Mr. Brown,
17 and tell me if that is not exactly what
18 they were looking for.
- 19 MR. PECK: Object to the form of
20 the question. The document
21 speaks for itself.
- 22 If he's going to ask you
23 about the documents, you

REGIONAL REPORTING SERVICE, INC.

- 1 ought to read the whole
2 document.
- 3 MR. STEWART: Well, I thought he
4 had.
- 5 MR. PECK: He said he glanced at
6 it.
- 7 Q. Go ahead and read the whole thing.
- 8 A. Okay. I've looked at it in a little bit
9 more detail.
- 10 Q. Okay. Tell me, if you would, Mr. Brown,
11 if he is not asking for, in this
12 particular document, exactly the effect
13 that the emissions from the plant had on
14 the environment.
- 15 MR. PECK: Object to the form of
16 the question. The document
17 speaks for itself.
- 18 A. The request that I see is for a very
19 specific list of requests here.
- 20 Q. Are you saying that he didn't want to
21 know what effect the releases of PCBs
22 from the plant had on the environment?
- 23 MR. PECK: Object to the form of

REGIONAL REPORTING SERVICE, INC.

- 1 the question, calls for
2 speculation about what
3 somebody wanted.
- 4 Q. Well, look at page -- It is Bate stamped
5 218. Look at 218, Mr. Brown, paragraph
6 C. Read that to yourself, and then let
7 me ask you some questions about it.
- 8 A. Okay.
- 9 Q. Tell me, if you would, Mr. Brown, if
10 that is not asking for the
11 concentrations of PCB compounds or
12 mixtures in the water, receiving waters,
13 both upstream and downstream, of any
14 discharge the company has at the
15 Anniston plant.
- 16 MR. PECK: That is a continuation.
17 It's part of paragraph seven.
18 Okay. It's fair that the
19 witness have an opportunity
20 to read the whole paragraph.
- 21 MR. STEWART: All right.
- 22 A. Okay.
- 23 Q. Okay.

REGIONAL REPORTING SERVICE, INC.

- 1 A. And what's your question?
- 2 Q. Isn't that asking for what effect your
3 discharges from the Anniston plant have
4 had on the receiving streams?
- 5 A. No. It asks for concentrations --
- 6 Q. In receiving streams?
- 7 A. In receiving waters.
- 8 Q. Well, what would Snow Creek be,
9 Mr. Brown? Isn't that a receiving water
10 that would receive discharge from the
11 plant?
- 12 A. Yeah, yeah.
- 13 Q. To your knowledge did Mr. Brown -- or
14 did you, Mr. Brown, or did
15 Mr. Papageorge, ever make known to the
16 appropriate authorities, the
17 Environmental Protection Agency, what
18 findings they had made in the 1970s?
- 19 MR. PECK: Object to the form of
20 the question, calls for
21 speculation from this
22 witness.
- 23 A. Well, you know, Mr. Stewart, I think I

REGIONAL REPORTING SERVICE, INC.

1 have answered before that -- I do not
 2 know. I have never seen this before. I
 3 do not know how that was answered.
 4 Q. Don't you think they should have,
 5 Mr. Brown? If you knew --
 6 A. I can't put myself in their position in
 7 the 1970s.
 8 Q. Oh, you mean they shouldn't have? Are
 9 you saying they shouldn't have?
 10 A. I would have expected that this
 11 questionnaire was answered with the best
 12 available data at that point in time,
 13 but I do not know.
 14 Q. Do you know whether or not the fish data
 15 and the other data was provided to the
 16 EPA by Mr. Papageorge?
 17 A. No, I do not know.
 18 Q. Well, if he had responded to this
 19 question at this time, in October of
 20 '75, he certainly should have done that,
 21 shouldn't he, Mr. Brown?
 22 MR. PECK: Object to the form of
 23 the question, calls for

REGIONAL REPORTING SERVICE, INC.

1 speculation from the witness.
 2 Q. To properly comply with the requests of
 3 the Environmental Protection Agency?
 4 MR. PECK: Same objection.
 5 A. I would assume so.
 6 MR. STEWART: Offer that.
 7 (Plaintiffs' Exhibits Numbers
 8 Eight and Nine were offered
 9 and attached as exhibits
 10 hereto.)
 11 Q. Now, Mr. Brown, do you remember sometime
 12 in 1981, in January of '81, talking to a
 13 fellow from the EPA named Darrell Baker?
 14 A. I vaguely remember the name, yes.
 15 Q. Do you recall giving him at that
 16 particular point in time some
 17 information about the amount of PCBs
 18 that were buried on the plant site?
 19 A. It's possible, as part of a survey or
 20 request, that information was submitted.
 21 I simply don't remember specifics.
 22 Q. Let me give you Plaintiffs' Exhibit --
 23 MR. STEWART: What would this be?

REGIONAL REPORTING SERVICE, INC.

1 (Plaintiffs' Exhibit Number
 2 Ten was marked for
 3 identification.)
 4 Q. Let me give you Plaintiffs' Exhibit Ten.
 5 If you will look on page -- I think it's
 6 the first -- I mean, it's called
 7 potential hazardous waste site
 8 inspection report. I think it's about
 9 the fifth page, at the top. And your --
 10 This is a bad copy to begin with,
 11 Mr. Brown. I apologize. But there
 12 should be down there, about
 13 three-quarters of the way down the page,
 14 Jerry Brown and Bill Taffee.
 15 A. What page are you on? They have numbers
 16 at the bottom.
 17 Q. Yeah, this one right here. It may be
 18 put together -- Yours may be put
 19 together different. I apologize.
 20 A. Okay.
 21 Q. There is a Darrell Baker. And he is the
 22 person -- Does that refresh your
 23 recollection? Do you remember now

REGIONAL REPORTING SERVICE, INC.

1 having a conversation with him in 1971,
 2 when he made an inspection of the plant
 3 site?
 4 A. Right.
 5 Q. What was this in conjunction with? Do
 6 you know? Do you remember?
 7 A. Well, he was with the solid waste group
 8 of the state, as it shows here, not EPA.
 9 Q. With the Alabama Department of Public
 10 Health?
 11 A. Yeah, the solid waste division.
 12 Q. What I have reference to in the earlier
 13 things that I had talked with you about
 14 is there is an estimation made at some
 15 point in time in this document -- I hope
 16 it's in yours. It was in mine. It's
 17 supposed to be in yours -- of the amount
 18 of the -- it may be a front and back
 19 kind of thing -- of PCBs that are buried
 20 there, parathion and others. Do you see
 21 that?
 22 A. Is that that page (indicating)?
 23 Q. I believe so.

REGIONAL REPORTING SERVICE, INC.

1 MR. STEWART: Can we just mark
2 that as Ten A so we have got
3 that marked?
4 (Plaintiffs' Exhibit Number
5 Ten-A was marked for
6 identification.)
7 Q. Can you tell us how much in the way of
8 parathion was buried there in the
9 landfill?
10 A. Well, this says ten thousand pounds --
11 ten million pounds.
12 Q. What about PCBs?
13 A. The same.
14 Q. Now, do you know what you and Mr. Taffee
15 had reference to by way of a landfill at
16 that particular point in time, because
17 you have previously mentioned to us that
18 it was your guesstimation or your
19 understanding, rather -- I will withdraw
20 that -- your understanding that the PCBs
21 were buried in this southern landfill
22 over there. Was that what you were
23 talking about at that point in time?

REGIONAL REPORTING SERVICE, INC.

1 A. Well, I mean, it was -- it was both what
2 is called the western and the southern.
3 Q. When you say western, are you talking
4 about the landfill area that is south of
5 102 now?
6 A. No. West of the plant.
7 Q. West of the plant and south of the
8 plant?
9 A. Right, right.
10 Q. How is it, Mr. Brown, that you arrived
11 at what was there? Maybe I
12 misunderstood you last time. If I did,
13 I certainly apologize to you. But how
14 did you arrive at this figure? Let me
15 ask you that first.
16 A. This figure?
17 Q. Uh-huh (indicating yes).
18 A. That was just simply Bill Taffee's best
19 guess.
20 Q. So Mr. Taffee is the one who made that
21 assessment at the time for Mr. Baker?
22 A. As a ballpark guess.
23 Q. Was that based on production figures

REGIONAL REPORTING SERVICE, INC.

1 that he had looked at and his knowledge
2 of the residue?
3 A. I do not know.
4 Q. Is it not a fact -- I believe you told
5 us last time that it was, Mr. Brown --
6 that y'all kept manifests of the
7 waste that you -- Mr. Taffee did on a
8 regular basis while he was manager of
9 the landfill operation?
10 A. Well, that started at a particular
11 point, but that was well after the
12 Aroclor operation was closed.
13 Q. Okay. But you also mentioned last time
14 that he had production records and y'all
15 could calculate fairly accurately the
16 residue or the waste that would come off
17 of that system --
18 A. I mentioned that was one way. But in
19 1982 or whenever this survey was done --
20 Q. I think it was '81.
21 A. -- all those records were long gone.
22 Q. Where were they? You indicated earlier
23 they were archived? Have you come to a

REGIONAL REPORTING SERVICE, INC.

1 different conclusion since you and I met
2 last time?
3 A. No. They were archived.
4 Q. So at that point in time they were in
5 existence? Would you assume that
6 Mr. Taffee lied to the man about the ten
7 million, or is that as accurate a figure
8 as he could get?
9 A. No. What I'm telling you is for the
10 purpose of this it was set up as
11 somebody's best ballpark estimate.
12 Q. Who other than Mr. Taffee would have a
13 clear understanding of what was buried
14 out there? He had been there for a
15 while, hadn't he, at the time that this
16 report was made, at the plant?
17 A. Yeah, he had been there for several
18 years.
19 Q. How long had he been there at the time
20 this report was made; do you remember?
21 A. Probably twelve or thirteen.
22 Q. Would there have been people he could
23 have contacted or talked to or had

REGIONAL REPORTING SERVICE, INC.

1 conversations with at that point in
2 time?
3 A. Twenty.
4 Q. Sir?
5 A. More than that. He had been there about
6 twenty years at that point.
7 Q. He had been there about twenty years?
8 So he had been there since sometime in
9 the '60s, the early '60s?
10 A. Yes.
11 Q. So he had a pretty good knowledge of
12 what was buried there, as far you knew;
13 is that correct?
14 A. A much better knowledge than I did, yes.
15 Q. Is that why you pulled him in to assist
16 in making this assessment?
17 A. No. He had the direct landfill
18 responsibility --
19 Q. So it was --
20 A. -- in operating the landfill.
21 Q. And it was his responsibility to know
22 how much was buried there?
23 A. As much as we had knowledge at that

REGIONAL REPORTING SERVICE, INC.

1 point in time.
2 Q. Now, Mr. Brown, you have mentioned that
3 your next involvement, I believe, was a
4 situation that took place sometime in
5 1985 or '84. Do you remember what we
6 had talked about last time in connection
7 with that, the problem with Greg Kneisel
8 and those kind of folks? Do you
9 remember that?
10 A. Well, I remember the situation that led
11 to an analysis program on Snow Creek, if
12 that's what you're asking about.
13 Q. And I believe last time you indicated to
14 us while we were here that there was a
15 situation that occurred at another
16 facility and that is the reason y'all
17 got involved in it, a facility owned by
18 a gentleman named Tull Allen. Do you
19 recall telling me about that last time?
20 A. Yes.
21 Q. That he sort of sicced y'all on them --
22 sicced them on you. Is that your
23 understanding of the situation? Is that

REGIONAL REPORTING SERVICE, INC.

1 what you had said last time?
2 A. Well, to say sicced on -- I mean, he
3 made them aware that the potential for
4 PCBs further upstream in Snow Creek
5 existed. I mean, to his knowledge.
6 Q. Let me show you something that we will
7 mark as Plaintiffs' Exhibit Eleven and
8 ask you if you recall -- ask you if you
9 recall seeing this exhibit at some point
10 in time around that period of time.
11 (Plaintiffs' Exhibit Number
12 Eleven was marked for
13 identification.)
14 MR. PECK: Donald, I think you
15 have got non-sequential
16 documents there. I think the
17 document marked as the first
18 page is a single-page letter
19 from the Attorney General,
20 and it's clipped to some
21 other stuff that I don't
22 think necessarily goes with
23 it.

REGIONAL REPORTING SERVICE, INC.

1 A. This document is a stand-alone document.
2 Q. Okay. I'm sorry. I thought they were
3 connected. That's the way they were in
4 my little thing.
5 Do you remember seeing that
6 letter?
7 A. Yes, I do.
8 Q. Of course, that's to Mr. Richard
9 Mahoney; is that right?
10 A. Yes.
11 Q. Now, Mr. Mahoney is or was at that time
12 the president of Monsanto Chemical
13 Company, wasn't he?
14 A. Yes.
15 Q. Did you work for that chemical company
16 at that time, or were you still working
17 for the ag company?
18 A. I still worked for the ag company at
19 that point in time.
20 Q. But was he the president of the whole
21 operation -- Was he ultimately your big
22 boss, Mr. Brown? Let me ask it that
23 way.

REGIONAL REPORTING SERVICE, INC.

- 1 A. I believe so, at that point in time. He
2 was corporate president.
3 Q. Well, he put something together at that
4 particular period of time called the
5 Monsanto Pledge, didn't he? Are you
6 familiar with that?
7 A. Yes, I am.
8 Q. Wasn't it about this same time,
9 Mr. Brown?
10 A. That's likely.
11 Q. And did that have anything to do with
12 the environment, Mr. Brown?
13 A. Yes, it did. It was setting standards
14 for operational facilities.
15 Q. Which was to -- One of the tenets of
16 that pledge, which I assume all of y'all
17 took -- You were familiar with it,
18 weren't you?
19 A. Yes.
20 Q. -- was to reduce all toxic and hazardous
21 releases and emissions, working toward
22 an ultimate goal of zero effect. Is
23 that what y'all decided to do under that

REGIONAL REPORTING SERVICE, INC.

- 1 pledge, pledged to do?
2 A. Yes.
3 Q. And you were aware of that when Charlie
4 Graddick -- the Attorney General's
5 letter came to y'all here at the plant?
6 I assume this ultimately made it to the
7 plant.
8 A. Yes.
9 Q. And then there was another letter that
10 was dated February the 26th, 1985. And
11 I will give you this copy of it.
12 (Plaintiffs' Exhibit Number
13 Twelve was marked for
14 identification.)
15 Q. I don't have a copy of that. If you
16 want to look on with him. Do you want
17 to take a look at that? That is a
18 letter to Mr. Broadwater from -- who is
19 director of the Alabama Department of
20 Environmental Management, from Mr. Craig
21 Kneisel.
22 Do you remember seeing that letter
23 at some point in time during this time

REGIONAL REPORTING SERVICE, INC.

- 1 frame?
2 A. Yes.
3 Q. Okay. Now, were you the one, Mr. Brown,
4 who was assigned by Monsanto to take
5 care of this thing in that time frame?
6 Were you the person who was sort of set
7 up to do that?
8 A. Well, I mean, no one person was set up
9 to take care of it. It was a team kind
10 of effort to pull together to try to
11 address the situation.
12 Q. Were you on the team?
13 A. Yes, I was.
14 Q. Okay. And tell me, if you would, if you
15 later put together a plan to take care
16 of this, a sediment removal plan?
17 A. Well, we put together some studies that
18 led to the development of a sediment
19 removal plan, yes.
20 Q. That you sent to Mr. Kneisel at some
21 point in time?
22 A. It was sent to several people, EPA,
23 Kneisel, ADEM.

REGIONAL REPORTING SERVICE, INC.

- 1 MR. STEWART: Mark that.
2 (Plaintiffs' Exhibit Number
3 Thirteen was marked for
4 identification.)
5 Q. Let me show you Plaintiffs' Exhibit
6 Thirteen and ask you to tell me if that
7 is the thing y'all sent or you put
8 together.
9 A. Well, I didn't put this together.
10 Q. Who did?
11 A. Okay. We had a group of consultants in
12 St. Louis -- I say consultants; they
13 were Monsanto people -- whose specialty
14 it was to work in these kinds of areas.
15 So they put together the -- this
16 protocol.
17 Q. And you sent it on to Mr. James Moore,
18 who was an engineer and head of the
19 Industrial Branch of the Water Division
20 of the Alabama Department of
21 Environmental Management?
22 A. That's correct.
23 Q. By this letter dated May 15th, 1986?

REGIONAL REPORTING SERVICE, INC.

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1 A. Correct.

2 MR. PECK: Just for clarity, Don,

3 I think you have --

4 THE WITNESS: I think you have got

5 things confused here.

6 MR. STEWART: Tell me. I

7 certainly don't want that

8 exhibit to confuse anybody.

9 MR. PECK: Never mind. We just

10 had extra documents attached

11 that weren't related.

12 MR. PECK: That's not part of it.

13 MR. STEWART: All right. Thank

14 you.

15 Q. When did y'all do the work on this

16 stuff?

17 A. Do you specifically mean the sediment

18 removal?

19 Q. Yes.

20 A. In about 1989, '90, something like that.

21 Q. Well, now, you had a different Attorney

22 General after that, didn't you?

23 A. I think so.

REGIONAL REPORTING SERVICE, INC.

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1 Q. Who became Attorney General after that?

2 A. I don't remember.

3 Q. Do you remember Don Siegelman?

4 A. Yes.

5 Q. Who is David Denner?

6 A. He was plant manager at the time.

7 Q. Of Monsanto?

8 A. Of the plant here.

9 Q. Of Monsanto's Anniston plant.

10 MR. STEWART: Mark that.

11 (Plaintiffs' Exhibit Number

12 Fourteen was marked for

13 identification.)

14 Q. Now, this is a letter from Mr. David

15 Denner, which is addressed to Don

16 Siegelman. Do you want to take a look

17 at that? You are copied on it.

18 A. Okay.

19 Q. Did you go to the dinner?

20 A. That particular dinner?

21 Q. Yes.

22 A. No.

23 Q. Can you tell me what the Alabama

REGIONAL REPORTING SERVICE, INC.

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1 Chemical Association is?

2 A. Simply a trade group of chemical

3 manufacturers.

4 Q. And what is the government relations

5 group from Monsanto?

6 A. Well, at that time it was a group of

7 representatives from all facilities in

8 the state who met periodically. We had

9 -- One of our employees was a state

10 representative. And he coordinated this

11 group, with a meeting in Montgomery once

12 or twice a year, to stay up to date on

13 what was happening on the state scene

14 from a state regulations standpoint.

15 Q. Were you at the meeting on March the

16 29th, when Attorney General Siegelman

17 met with the government relations group

18 from Monsanto?

19 A. I just answered previously, no.

20 Q. Well, now, the --

21 A. I don't remember being there.

22 Q. The meeting with the Alabama Chemical

23 Association was on March the 23rd. That

REGIONAL REPORTING SERVICE, INC.

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1 was a dinner that the Attorney General

2 spoke at. The meeting on March the 29th

3 was a meeting that y'all had with your

4 government relations group just with the

5 Attorney General?

6 A. I don't -- I do not remember being

7 present in that meeting. Back during

8 that era sometimes I went to meetings

9 and sometimes I didn't. That specific

10 meeting, I don't think I was there, but

11 I'm not sure.

12 Q. Do you know whether or not, Mr. Brown

13 -- I believe you have already said this,

14 so let me withdraw that question.

15 The work was done after these two

16 meetings and after this letter was sent

17 on April the 15th of 1988, on Snow

18 Creek, wasn't it?

19 A. Uh-huh (indicating yes).

20 Q. Is it not a fact, Mr. Brown, that all

21 y'all did at that point in time was take

22 away about fifty feet of -- take soil

23 away from about fifty feet of Snow

REGIONAL REPORTING SERVICE, INC.

1 Creek?

2 A. No.

3 Q. How far down did you go?

4 A. Gosh, several hundred feet.

5 Q. Well, how many hundred feet?

6 A. Now, the protocol -- We are talking the

7 tributary leading from Mars Hill all the

8 way down to Snow Creek.

9 Q. Did y'all take stuff away from the

10 tributary that came by Mars Hill?

11 MR. PECK: Bethel.

12 A. Bethel, Bethel, Bethel.

13 Q. Okay. So you came down past Bethel.

14 But I'm talking about on Snow Creek

15 itself, after you got past that

16 tributary, you just did fifty feet of

17 Snow Creek?

18 A. Something like that.

19 Q. Didn't y'all know at that time,

20 Mr. Brown, that there was considerably

21 more that y'all should have done in Snow

22 Creek than that fifty feet?

23 A. Mr. Stewart, I don't know what the

REGIONAL REPORTING SERVICE, INC.

1 correct protocol is here, but we spent

2 three years trying to get permission to

3 do what we had proposed in 1986.

4 Q. And worked hard at it.

5 A. And from three groups, the EPA, Alabama

6 Department of Environmental Management,

7 and the Attorney General's office.

8 And finally, the letter you've got

9 there is an attempt to try to bring some

10 resolution to this thing. And finally,

11 as a last resort, we made a phone call

12 and said, "Okay. We are going to do

13 this as proposed unless we hear

14 otherwise." And the answer was, "Okay."

15 And after three years of trying to get

16 agreements on what to do, that's what we

17 did. And that was based on the best

18 knowledge that we had at that point in

19 time.

20 I was expecting to be asked why

21 the delay from '86 to '89. But we spent

22 three years trying to get approval to

23 carry out this.

REGIONAL REPORTING SERVICE, INC.

1 Q. Didn't you know that there was a problem

2 further down the creek than what y'all

3 did remediation on as early -- You knew

4 as early as '93, didn't you -- I mean,

5 '83. Didn't you?

6 A. Mr. Stewart, we put this sampling

7 protocol together to determine what

8 should be removed. And based on the

9 data from that, the removal plan was put

10 together based on the best information

11 we had at the time. We were working

12 with the generally accepted fifty part

13 per million guideline at that point in

14 time.

15 Q. Now, Mr. Brown, is it your statement

16 that there were no levels of PCBs in the

17 sediment below that fifty foot deal that

18 was more than fifty parts per million at

19 that particular point in time, based on

20 studies that y'all had done at that

21 time?

22 A. Based on the sampling protocol, that's

23 my --

REGIONAL REPORTING SERVICE, INC.

1 Q. The sampling you did at that time?

2 A. Well, it was a joint -- It was a

3 three-way effort.

4 Q. With the Environmental Protection Agency

5 and ADEM?

6 A. Well, the Attorney General's office,

7 ADEM, and us.

8 Q. Oh, the EPA wasn't involved?

9 A. They were involved as observers, but

10 they didn't split the samples. The

11 samples were split three ways.

12 Q. Well, let me just ask you if in fact,

13 Mr. Brown, you had not been involved in

14 some testing of Choccolocco Creek before

15 that and specifically sometime in March

16 of 1983 or maybe even before.

17 A. Choccolocco Creek, yes.

18 Q. Okay. And y'all had found, in

19 conjunction with the Conservation

20 Department, PCBs in some of the core

21 samples that were taken adjacent to

22 Choccolocco Creek as early as March of

23 1983?

REGIONAL REPORTING SERVICE, INC.

1 MR. PECK: Object to the form of
2 the question.
3 Q. Did you not?
4 A. Yes.
5 Q. And you were involved in that, were you
6 not?
7 A. Yes.
8 Q. And you had received some sampling
9 results, didn't you --
10 A. Yes.
11 Q. -- that indicated to you there were some
12 fairly high levels of PCBs in some of
13 that sediment?
14 A. No.
15 Q. Did you receive sampling, Mr. Brown,
16 from an individual named Robert
17 Thompson, sampling information?
18 A. It's possible. I don't remember the
19 name.
20 Q. You don't remember meeting with a
21 Mr. Robert Thompson?
22 A. It's possible he was included in a lot
23 of that group in the early '80s.

REGIONAL REPORTING SERVICE, INC.

1 MR. STEWART: Mark that.
2 (Plaintiffs' Exhibit Number
3 Fifteen was marked for
4 identification.)
5 Q. Let me show you this, Mr. Brown. And
6 I'll ask you to identify it if you
7 would.
8 A. Okay. No, I never met with Robert
9 Thompson.
10 Q. Who is Jerry Brown? It's dated November
11 the 14th, 1983. It's a letter to a
12 Jerry Brown.
13 A. If you will look, it says assistant
14 state conservationist. I met with
15 Torbit Henry.
16 Q. Oh, I'm sorry. I told you guys.
17 You remember Mr. Torbit Henry?
18 A. Yes.
19 Q. I apologize. Did y'all meet at that
20 time to talk about PCB sampling on
21 Choccolocco Creek?
22 A. Yes.
23 Q. And did y'all find in that sampling that

REGIONAL REPORTING SERVICE, INC.

1 there was evidence of a PCB
2 contamination of Choccolocco Creek at
3 that time?
4 MR. PECK: You have got documents
5 mixed up again.
6 MR. STEWART: I do?
7 THE WITNESS: Yeah. This is not
8 Choccolocco Creek. You have
9 things confused.
10 MR. PECK: Plaintiffs' Exhibit
11 Fifteen, I believe, is just a
12 one-page letter.
13 Q. That's your little creek survey?
14 A. Huh?
15 Q. Is that your little survey you did of
16 Snow Creek?
17 A. That is Snow Creek.
18 MR. STEWART: Why don't we just
19 have this marked? Let's get
20 that in and let him identify
21 that. That is something I do
22 want to put in there. I
23 don't want to make a mistake

REGIONAL REPORTING SERVICE, INC.

1 and not put it in there.
2 (Plaintiffs' Exhibit Number
3 Sixteen was marked for
4 identification.)
5 Q. That's what you found on Snow Creek?
6 That's Exhibit Sixteen. Is that the
7 testing that was done, the test results,
8 just so we can identify that?
9 MR. PECK: It's a multi-page
10 document, Jerry.
11 Q. Yeah. Please be sure and identify it.
12 I want to make sure we get it while we
13 have got you here. You travel a lot.
14 A. My recollection, that this is the grab
15 sampling that they did, and this was the
16 sampling from the protocol.
17 Q. So the first part of that thing is grab
18 sampling that the state did?
19 A. That's my recollection.
20 Q. That's the map and the dark thing?
21 A. Yes.
22 Q. And then y'all did a protocol?
23 A. We proposed we go in and sample that

REGIONAL REPORTING SERVICE, INC.

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1 area. And this is the collective
2 sampling that I referred to.

3 Q. Did y'all do any sampling, Mr. Brown,
4 below the fifty feet -- Did y'all do any
5 sampling below the fifty feet?

6 A. Yeah.

7 Q. How far down did you go?

8 A. Well, I guess a quarter mile, a half
9 mile.

10 Q. Did you get near Mr. Tull Allen's place?

11 A. That's still down here (indicating).

12 Q. It's further on down?

13 A. Yes.

14 Q. So there's no question that the PCBs
15 that were found, wherever they were,
16 came from Monsanto, right?

17 A. Well, this grab sampling was used to
18 define the area for more intensive
19 sampling. And so then the intensive
20 sampling was defined in the area as
21 shown on this map.

22 MR. PECK: By this map, you are
23 referring to DSW 024508?

REGIONAL REPORTING SERVICE, INC.

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1 THE WITNESS: That's correct.

2 Q. So for all practical purposes, the
3 answer to my question would be yes,
4 which was the PCBs that you found in
5 Snow Creek, whatever the level, came
6 from your plant?

7 A. Probably.

8 Q. All right. Now, you mentioned that
9 y'all were the ones who had the
10 capability to test. Y'all also were the
11 ones who had pretty good capability or
12 knowledge about what you did to do away
13 with them, is that right, to get rid of
14 them from Snow Creek or Choccolocco or
15 on somebody's property or anywhere else,
16 didn't you, Mr. Brown?

17 MR. PECK: Object to the form.

18 A. Knowledge of how to do away with them?

19 Q. I don't -- How to dispose of them.

20 Y'all had a plan on how to dispose
21 of chemicals like this, didn't you,
22 toxic chemicals?

23 A. What is done is very specific. And by

REGIONAL REPORTING SERVICE, INC.

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1 this point in time the Toxic Substances
2 Control Act was in place, which
3 specified a limit of fifty parts per
4 million on PCBs. Anything above that
5 had to be specifically handled in
6 accordance with that set of regulations.

7 Q. And y'all are telling me and anybody
8 else that might want to know that what
9 y'all did at that time was remove
10 anything that was above fifty parts per
11 million to Emelle. You told us that
12 previously, didn't you?

13 A. That's in this sampling protocol, yes.

14 Q. And you didn't put that, except for a
15 short period of time to have it
16 analyzed, on your property, did you,
17 Mr. Brown?

18 A. That's correct.

19 Q. All right. Now, let me show you this
20 exhibit.

21 Did you have anything to do with a
22 preparedness statement that y'all put
23 together at that time, Mr. Brown?

REGIONAL REPORTING SERVICE, INC.

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1 A. I read it.

2 MR. STEWART: Mark that.

3 (Plaintiffs' Exhibit Number
4 Seventeen was marked for
5 identification.)

6 A. You have still got me hanging with a
7 question on this document (indicating).

8 Q. I'm going to ask you about that in a few
9 minutes. I appreciate that, Mr. Brown.
10 Let me get to this one now, Exhibit
11 Seventeen. Do you remember that as
12 being the preparedness statement? Just
13 take your time and read it.

14 A. Okay.

15 Q. Who put that together?

16 A. I'm assuming somebody in St. Louis.
17 Nobody at the plant. We didn't do this
18 kind of stuff at the plant.

19 Q. This was prepared by somebody in St.
20 Louis. Do you know specifically who it
21 was that prepared it?

22 A. No, I do not.

23 Q. Did you have any input in it?

REGIONAL REPORTING SERVICE, INC.

- 1 A. No, I did not.
- 2 Q. At the top of it --
- 3 A. If I had any input, it may have been to
- 4 give a range on -- I mean, somebody gave
- 5 eight of twenty-two core samples. You
- 6 know, some -- I don't remember if I gave
- 7 any information like that or not, but
- 8 that's possible.
- 9 Q. On page one it says Preparedness
- 10 Statement, Anniston Plant, PCB Incident.
- 11 And that was prepared by somebody in
- 12 Monsanto in St. Louis?
- 13 A. Yes.
- 14 Q. And then there is a little missing thing
- 15 in there. It says creek feeds the --
- 16 Should that be Choccolocco Creek,
- 17 Mr. Brown?
- 18 A. That's probably the case. Whoever wrote
- 19 this didn't know what it was.
- 20 Q. And ultimately flows to the Coosa River?
- 21 A. Yes.
- 22 Q. So the creek they are talking about in
- 23 that sentence first, when they say "the

REGIONAL REPORTING SERVICE, INC.

- 1 creek," that would be Snow Creek? Is
- 2 that your understanding of it?
- 3 MR. PECK: Object to the form of
- 4 the question. The document
- 5 speaks for itself.
- 6 Q. Just so we understand it, is that Snow
- 7 Creek, Mr. Brown?
- 8 A. Could you repeat the question?
- 9 Q. Well, in the last sentence of the first
- 10 paragraph of Plaintiffs' Exhibit
- 11 Seventeen it says, "The creek feeds the
- 12 blank creek and ultimately flows to the
- 13 Coosa River."
- 14 You indicated you had some input
- 15 at least into a portion of that
- 16 paragraph where you talked about core
- 17 samples. Is the first creek there --
- 18 Can we assume that's Snow Creek?
- 19 A. No.
- 20 Q. What would it be?
- 21 A. This work was for the dredging of
- 22 Choccolocco Creek, the program that the
- 23 Soil Conservation Service was proposing

REGIONAL REPORTING SERVICE, INC.

- 1 on snagging and dredging of Choccolocco
- 2 Creek.
- 3 Q. I guess what I mean, that sentence says,
- 4 "The creek feeds the" -- Would it be
- 5 Choccolocco Creek there?
- 6 MR. PECK: Object to the form of
- 7 the question.
- 8 A. Well, Choccolocco Creek is the creek
- 9 that was under study.
- 10 Q. Well, there is a blank there. Should
- 11 Choccolocco have appeared there?
- 12 A. I'm guessing.
- 13 Q. All right. And tell me, if you would --
- 14 Read paragraph -- On the last page, read
- 15 it to yourself. Did you have anything
- 16 to do with that, or was that put
- 17 together in St. Louis?
- 18 A. No. That was put together in St. Louis.
- 19 Q. Did Mr. Papageorge work with y'all on
- 20 this?
- 21 A. Mr. Papageorge was long retired by this
- 22 time.
- 23 Q. In '83?

REGIONAL REPORTING SERVICE, INC.

- 1 Was this for the press? Did y'all
- 2 release this to the press?
- 3 MR. PECK: Object to the form of
- 4 the question, calls for
- 5 speculation.
- 6 A. I don't know what was done with it. I
- 7 remember reading it, but I don't ever
- 8 remember it being used.
- 9 Q. Well, was this a preparedness statement
- 10 from up top telling y'all what to do?
- 11 MR. PECK: Object to the form of
- 12 the question, calls for
- 13 speculation of this witness.
- 14 A. I don't know.
- 15 Q. Based on your previous testimony,
- 16 Mr. Brown, you have indicated that the
- 17 PCBs that were found in Choccolocco
- 18 Creek came from y'all's plant.
- 19 MR. PECK: Object to the form of
- 20 the question, incorrect
- 21 characterization of his
- 22 former testimony.
- 23 Q. You can go ahead and answer it.

REGIONAL REPORTING SERVICE, INC.

- 1 A. You said Choccolocco Creek?
- 2 Q. Yes.
- 3 A. I don't think I testified to that
- 4 effect. I did Snow Creek.
- 5 Q. And where is it that you think it came
- 6 from in Choccolocco Creek, Mr. Brown?
- 7 A. Well, from our plant and from Tull.
- 8 Q. Okay. From your plant and from Tull?
- 9 A. And possibly other sources.
- 10 Q. Which are what?
- 11 A. Well, you know, for many, many years
- 12 PCBs were used in many, many, many
- 13 applications, including paper, copy
- 14 paper, and roofing materials.
- 15 Q. Sort of like the little boy who got in
- 16 trouble out in the front yard. That's
- 17 your story, and you are sticking to it,
- 18 isn't it, Mr. Brown?
- 19 MR. PECK: Object to the form of
- 20 the question. You don't have
- 21 to answer that.
- 22 MR. STEWART: All right. We will
- 23 offer that.

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- 1 (Plaintiffs' Exhibits Numbers
- 2 Ten through Seventeen were
- 3 offered and attached as
- 4 exhibits hereto.)
- 5 Q. Now, Mr. Brown, what did y'all tell the
- 6 community in --
- 7 MR. PECK: Why don't we -- I know
- 8 you don't like bathroom
- 9 breaks, Mr. Stewart, but
- 10 occasionally we need them.
- 11 (A break was taken.)
- 12 Q. Do you recall, Mr. Brown, any meetings
- 13 that y'all had where you arrived at any
- 14 -- or stated any of your findings to
- 15 members of the community, either in Cobb
- 16 Town, Sweet Valley, any part of that
- 17 area out there in 1983?
- 18 A. I do not remember a meeting.
- 19 Q. Do you know whether or not Monsanto
- 20 informed those people who lived in that
- 21 area in 1983? Is it your statement they
- 22 did not?
- 23 A. They were informed when the dredging was

REGIONAL REPORTING SERVICE, INC.

- 1 done in 1989.
- 2 Q. 1989? How were they informed? Is that
- 3 what you previously told us? I don't
- 4 want to go through that. You have
- 5 previously told us there were some
- 6 landowners. Is that the extent of it?
- 7 A. Yes.
- 8 Q. Other than that, there were no other
- 9 means done about the dredging that was
- 10 done there at Snow Creek in the 1980s?
- 11 A. Newspaper articles.
- 12 Q. But you didn't have any community
- 13 meetings, did you?
- 14 A. No.
- 15 Q. I believe you previously told us you
- 16 didn't have any in 1970, when y'all had
- 17 those findings. Frankly, they didn't
- 18 even make those findings available to
- 19 you, did they, the people in St. Louis?
- 20 MR. PECK: Object to the form of
- 21 the question.
- 22 A. Could you be more specific with what you
- 23 are asking?

REGIONAL REPORTING SERVICE, INC.

- 1 Q. You previously told us here today that
- 2 they didn't tell you what their findings
- 3 were, that you didn't know what they
- 4 were in 1970, '71?
- 5 A. Yeah. I was working on something else.
- 6 I didn't have any particular reason
- 7 to --
- 8 Q. And they didn't make those known to the
- 9 public then either, did they?
- 10 A. Not to my knowledge.
- 11 Q. So when Mr. Mayausky or Mr. Jones came
- 12 here and they saw the information --
- 13 MR. PECK: You are not talking
- 14 about -- You don't want to
- 15 know about newspaper
- 16 articles?
- 17 Q. Did they report the findings in '71 and
- 18 '72 in newspaper articles, as you
- 19 recall, Mr. Brown?
- 20 A. I recollect some news articles. I don't
- 21 remember specifically what was --
- 22 Q. Did y'all disclose what the findings
- 23 were about PCBs?

REGIONAL REPORTING SERVICE, INC.

- 1 A. I can't remember specifically what was
2 there.
- 3 Q. Okay. What did you tell specifically
4 Mr. Jones, Robert Jones, who took over
5 as the environmental person out here, or
6 Mr. Jack Mayausky, when they both came
7 to the plant?
- 8 Let's take Mr. Jones first. What
9 did you tell him about the history of
10 the PCB problem at the Anniston plant?
- 11 A. Well, you know, with Robert -- When
12 Robert came in, the dredging had been
13 completed.
- 14 Q. I'm not just talking about the dredging.
15 I'm talking about the history of the
16 problem, Mr. Brown.
- 17 A. And he was responsible for coordinating
18 the disposing, and he did that. So far
19 as history of the operations, we talked
20 many times about history of operations
21 of the facility as best I knew it. Now,
22 that pertained to the whole plant.
- 23 Q. But what did you specifically tell him

REGIONAL REPORTING SERVICE, INC.

- 1 about PCBs and the problems of --
2 potential PCB contamination of that area
3 out there adjacent to the plant?
- 4 A. I don't remember what I specifically
5 told him.
- 6 Q. Did you tell him anything, Mr. Brown,
7 about it?
- 8 A. Well, I went over this dredging protocol
9 that we had been going through for three
10 or four years, attempting to get it
11 approved and -- Because basically he
12 picked it up at that point and moved
13 forward with it.
- 14 Q. So you talked to Mr. Jones about what
15 findings y'all had made down there on
16 Snow Creek; is that right?
- 17 A. Yes.
- 18 Q. Did y'all discuss in that conversation
19 the source of the PCBs and where they
20 came from?
- 21 A. Mr. Stewart, you know, it was known by
22 everybody in the country that PCBs were
23 produced from 1929 or '30 to 1971.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. At the Anniston plant?
- 2 A. Yes. And it didn't take any brain
3 surgeon then to figure out that out of a
4 discharge point some -- that there were
5 some PCBs. And that is the reason the
6 plant was shut down.
- 7 Q. Tell me, Mr. Brown, if you can, if you
8 and Mr. Jones discussed that particular
9 discharge point that you have indicated
10 to us previously on Plaintiffs' Exhibit
11 Eight is the -- I guess the sole source
12 of these PCBs that you found in Snow
13 Creek. Is that your position, and is
14 that what you told Mr. Jones? I want to
15 see if I understand it.
- 16 MR. PECK: Object to the form of
17 the question,
18 mischaracterizes prior
19 testimony.
- 20 A. Well, I had no reason to tell him one
21 way or the other. But you know, that
22 was my knowledge based on what the
23 source of PCBs out of the plant was, was

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- 1 discharge 001.
- 2 Q. And that's where you told him on that
3 occasion they came from?
- 4 A. Yes.
- 5 Q. When he was involved in the dredging
6 operation of Snow Creek?
- 7 A. Yes.
- 8 MR. PECK: Object to the form.
- 9 Q. Do you remember the previous document
10 that we introduced here today where you
11 showed him -- or you showed me a figure
12 here of -- that '61 document where the
13 ten thousand pounds -- or ten million
14 pounds of PCBs were buried? Did you
15 tell him about those landfills where the
16 PCBs were buried?
- 17 A. Yes.
- 18 Q. When he came on board?
- 19 A. Yes.
- 20 Q. Did you tell him how much was buried
21 there?
- 22 A. Probably not, because, you know, I had
23 forgotten about that particular

REGIONAL REPORTING SERVICE, INC.

1 estimate, and I didn't know how much was
2 buried there.

3 Q. Did you tell Mr. Mayausky at any point
4 in time about the testing that was --
5 Mr. Jones, rather, at any point in time
6 about the testing that other people had
7 done in '70, '71, and '72?

8 A. No.

9 Q. You didn't tell him about that?

10 A. No.

11 Q. Again, you didn't figure that was
12 important for him to know?

13 A. Well, I didn't know enough about it to
14 tell him anything of substance.

15 Q. Okay. Weren't there some people who had
16 taken over Papageorge's position and --
17 Who would it have been in '85 that would
18 have been connected with Monsanto that
19 would have known about that testing in
20 St. Louis?

21 MR. PECK: Object to the form of
22 the question, calls for
23 speculation about what

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1 somebody else knew.

2 MR. STEWART: That means you are
3 not supposed to answer it?
4 That is not an objection that
5 we have agreed to. Is that
6 some signal you are giving
7 him so that he doesn't answer
8 the question?

9 MR. PECK: No. I object to the
10 question because it can't be
11 answered. He can't know what
12 somebody else thinks. If you
13 made that statement in court,
14 I would stand up and make the
15 same objection. I'm allowing
16 you to straighten out your
17 question if you listen to my
18 objection. But if you don't
19 want to, that's your choice.
20 That is what this is about.

21 MR. STEWART: I understand. Thank
22 you.

23 Q. Who in Monsanto in St. Louis would have

REGIONAL REPORTING SERVICE, INC.

1 been the person who succeeded
2 Mr. Papageorge who handled the
3 environmental problems and in particular
4 PCBs, if you know?

5 A. Probably John Craddock.

6 Q. Was he around in '85?

7 A. Yes.

8 Q. Did you all seek to find out from him in
9 that particular period of time,
10 Mr. Brown, what test results -- you and
11 Mr. Jones, what test results --

12 A. Mr. Jones wasn't here in '85.

13 Q. Well, whenever he came. When did he
14 come?

15 A. Well, Craddock was gone by the time
16 Jones came.

17 Q. Well, who took his place?

18 A. I guess Bob Kaley.

19 Q. Did y'all talk to Mr. Kaley about those
20 results?

21 A. No.

22 Q. Did you ever at any time talk to
23 Mr. Papageorge during that period of

REGIONAL REPORTING SERVICE, INC.

1 time Mr. Jones came in here?

2 A. Did I talk to Mr. Papageorge in the time
3 Mr. Jones was here?

4 Q. Absolutely.

5 A. No. I've not seen Bill Papageorge in
6 fifteen years or more.

7 Q. Did you know at that point in time that
8 he was doing consulting work for
9 Monsanto on PCBs?

10 A. No.

11 Q. Did you have any kind of understanding
12 at that point in time -- Well, withdraw
13 that question and let me ask you.

14 Can you tell us what you told
15 Mr. Mayausky when he came in the plant?
16 Did he talk to you about the history of
17 PCBs and other wastes that were
18 discharged from this plant?

19 A. No more than talking about the history
20 of the entire plant.

21 Q. What specifically, if you recall, did
22 you tell him about PCBs, Mr. Brown?

23 A. I don't remember telling him anything

REGIONAL REPORTING SERVICE, INC.

1 other than the history of the plant.
 2 Q. Did you ever talk to him at any point in
 3 time while Jack Mayausky was here about
 4 PCBs?
 5 A. About the history of the plant, yes.
 6 Q. But I'm talking about specifically about
 7 the --
 8 A. The history of the manufacture of PCBs.
 9 Q. Did you tell him anything about where
 10 the waste was buried and how much was
 11 buried out there?
 12 A. I had no reason to.
 13 Q. All right. Let me see if I understand
 14 you. I'm trying hard to.
 15 You didn't see any reason to tell
 16 Mr. Mayausky about the fact that there
 17 was about ten million pounds of PCBs
 18 buried in the southern landfill and this
 19 west end landfill? You didn't think he
 20 needed to know that?
 21 MR. PECK: Object to the form of
 22 the question.
 23 A. I had no reason to tell him that more

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1 than any other tidbit of history that
 2 was associated. If the subject came up
 3 for any rhyme or reason --
 4 Q. Hadn't y'all had a recurring problem
 5 with them? You had closed the plant
 6 down in the '70s, and you tested at that
 7 time. They were even talking about a
 8 fish advisory at that time, weren't
 9 they, Mr. Brown, in the '70s?
 10 A. Yes.
 11 Q. About PCBs, right?
 12 A. Yes.
 13 Q. And you had the problem in '83 with the
 14 dredging in Choccolocco Creek, didn't
 15 you? Isn't that correct?
 16 A. The dredging in Choccolocco Creek?
 17 Q. Yeah. Y'all were involved in that, and
 18 that involved PCBs, didn't it, in 1983?
 19 A. Well, we did a testing protocol on
 20 Choccolocco Creek.
 21 Q. For PCBs?
 22 A. In conjunction with the Soil
 23 Conservation Service that showed low

REGIONAL REPORTING SERVICE, INC.

1 levels.
 2 Q. Of PCBs?
 3 A. Of PCBs.
 4 Q. And then in 1985 y'all actually removed
 5 sediment from a part of Snow Creek and a
 6 tributary that led into Snow Creek,
 7 didn't you, with PCBs?
 8 A. We did in '89.
 9 Q. In '89, fine. But you started talking
 10 about it in '85, and the Attorney
 11 General raised some question about it?
 12 A. Yes.
 13 Q. As a matter of fact, wouldn't that be
 14 enough, Mr. Brown, to make you, as the
 15 environmental person who was working
 16 here at Monsanto, want to tell
 17 Mr. Mayausky --
 18 A. I wasn't the environmental person.
 19 Q. Well, didn't he seek you out and ask you
 20 about the history of the plant and what
 21 -- He has indicated in his deposition
 22 that he did.
 23 MR. PECK: Object to the form of

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1 the question. It is
 2 inconsistent with
 3 Mr. Mayausky's testimony.
 4 A. I discussed any history that there was a
 5 need to discuss.
 6 Q. Okay. Now, can you remember -- Let's go
 7 back to Plaintiffs' Exhibit Fifteen.
 8 Can you remember anything, Mr. Brown,
 9 about what the soil sample levels were
 10 or the sediment levels were, the levels
 11 of PCB in the sediment that y'all took
 12 samples of in 1983 in connection with
 13 the Conservation Department? This is
 14 the exhibit.
 15 A. The average was less than ten parts per
 16 million on the several miles of stream.
 17 Q. The average was less than that?
 18 A. Yes.
 19 Q. Was there anything above fifty at any
 20 point in time?
 21 A. No. My recollection is the highest was
 22 in the order of eighteen to twenty.
 23 Q. Parts per million in the soil?

REGIONAL REPORTING SERVICE, INC.

1 A. Yes.
 2 Q. Do you know anything about any fish
 3 tests that were made by the Conservation
 4 Department or tests in fish that were
 5 made by the Conservation Department at
 6 that particular point in time?
 7 A. No, I do not.
 8 Q. Now, Mr. Brown, you have at some point
 9 in time in your previous deposition
 10 indicated -- Let me look at this before
 11 I get to the other. On page two
 12 thirty-two of that deposition --
 13 MR. STEWART: Do you have a copy
 14 of the deposition?
 15 MR. PECK: I do. Thanks.
 16 MR. STEWART: It may not be two
 17 thirty-two. Wait just a
 18 minute. It may be somewhere
 19 else. I'm trying to find the
 20 page number. Maybe I wrote
 21 it down.
 22 Q. Well, what I'm asking about -- And I'm
 23 trying to find the place so you can look

REGIONAL REPORTING SERVICE, INC.

1 at it. It's not fair to ask you about
 2 it without giving it to you.
 3 You indicated why the work started
 4 on the southern landfill over there.
 5 And I guess that's what I'm trying to
 6 find out about. You indicated that
 7 there was a reason other than PCBs. And
 8 I'm trying to -- That's the part I'm
 9 trying to find. I thought I had it
 10 marked.
 11 Do you remember what that problem
 12 was, Mr. -- other than the PCBs?
 13 A. When you say that work, I mean --
 14 Q. The remediation work that was done on
 15 the southern landfill that is being done
 16 now by Alan Faust.
 17 In response to my question last
 18 time -- And I apologize to you for not
 19 being able to find it. I will keep
 20 looking and see if I can find it, if
 21 that doesn't refresh your recollection.
 22 But I thought you indicated to me last
 23 time -- I want to get it clarified,

REGIONAL REPORTING SERVICE, INC.

1 because it wasn't clear in my mind. You
 2 indicated that there was --
 3 A. I think what I indicated to you was --
 4 Q. You were trying to remediate more than a
 5 PCB problem, is what you indicated to me
 6 last time in your deposition testimony.
 7 And I want to be sure I understood
 8 exactly what you were talking about.
 9 A. Well, in all the studies that started in
 10 '79 and led on through the '80s and into
 11 the '90s, the only underground movement
 12 of any material involved
 13 organophosphates.
 14 Q. So that was --
 15 A. And we have done several programs to
 16 remediate that, and the last of which
 17 involved the capping as part of this
 18 remediation effort that Alan Faust has
 19 been doing.
 20 Q. I guess that is what I'm asking about
 21 now.
 22 MR. STEWART: And let me have
 23 marked here Plaintiffs'

REGIONAL REPORTING SERVICE, INC.

1 Exhibit Eighteen.
 2 Q. And you had previously --
 3 MR. STEWART: How about marking
 4 that.
 5 (Plaintiffs' Exhibit Number
 6 Eighteen was marked for
 7 identification.)
 8 Q. You had previously indicated, I believe,
 9 that there were certain cells that
 10 sulfur or phosphate, rather, were
 11 located. Can you tell us where they
 12 were? Mark it on that Exhibit Eighteen.
 13 A. It would have been here and this general
 14 area, these cells, and some went into
 15 this cell. (Indicating.)
 16 Q. So am I to understand, Mr. Brown -- And
 17 it's your statement here. And I don't
 18 want to put words in your mouth. I just
 19 want to be clear about this -- all the
 20 capping that is being done on these
 21 cells that are in what you called and
 22 had previously designated and marked
 23 with little Xs on Plaintiffs' Exhibit

REGIONAL REPORTING SERVICE, INC.

- 1 Eighteen are primarily in the western
2 sector of the landfill?
- 3 A. Uh-huh (indicating yes).
- 4 Q. And all the capping that is done over
5 there doesn't have anything to do with
6 the PCB problem; it has to do with the
7 phosphate problem, the movement of
8 phosphate underground?
- 9 MR. PECK: Object to the form of
10 the question,
11 mischaracterizes his prior
12 testimony.
- 13 A. There are no PCBs at all in this
14 section. It was the organophosphate
15 movement in this general area here
16 (indicating), and the capping is
17 designed to totally shut off any water
18 flow.
- 19 Q. So it doesn't have anything to do with
20 PCBs, as you understand it, over there,
21 Mr. Brown, in that western side, in
22 these cells over there?
- 23 A. That's my understanding.

REGIONAL REPORTING SERVICE, INC.

- 1 MR. PECK: Object to the form.
- 2 Q. How many millions of dollars do you know
3 are devoted to that particular problem
4 there?
- 5 MR. PECK: Object to the form of
6 the question.
- 7 A. I have no idea.
- 8 Q. Now, what did you understand was the
9 reason they chose to do that, Mr. Brown,
10 in connection with those
11 organophosphates? Why is it that
12 Monsanto chose to do that? Are they
13 prohibited from affecting, say, ground
14 water or the air or the soil --
- 15 MR. PECK: Object to the form of
16 the question.
- 17 Q. -- under TOSCA?
- 18 A. It has nothing to do with TOSCA.
- 19 Q. What does it have to do with?
- 20 A. If you go back to what you brought up
21 earlier, the Monsanto Pledge, working
22 toward a total zero effect, that is --
23 as technology develops to move past

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- 1 practices as near as possible to zero
2 effect, it's put in place. And that's
3 very consistent with everything that has
4 been done in the operation within
5 Monsanto that I know of.
- 6 Q. So all --
- 7 A. It's a matter of doing the best
8 technology for final closure on that.
- 9 Q. So all the capping that is going on over
10 there on the western sector of -- And I
11 assume -- Can I mark on this? Is this
12 202 here?
- 13 A. Yes.
- 14 Q. And then this would be the western, and
15 this would be the south. So all that's
16 done on the western section over there
17 of those cells or capping of those cells
18 has nothing whatsoever to do with PCBs
19 in your understanding?
- 20 MR. PECK: Object to the form of
21 the question, lack of
22 foundation.
- 23 MR. STEWART: Do you want to keep

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- 1 your witness --
- 2 MR. PECK: I mean, he's not the
3 witness who knows about this.
- 4 A. I know of no reason to do it, other than
5 the organophosphates.
- 6 Q. Thank you.
- 7 A. There may be something. I don't know.
8 I'm giving you my best answer.
- 9 Q. All right. Where are the PCBs? I want
10 you to point those out again for us on
11 this exhibit (indicating), Plaintiffs'
12 Exhibit Eighteen.
- 13 MR. PECK: Do you mean where they
14 are buried?
- 15 Q. Where they are buried, based on your
16 understanding.
- 17 A. (Indicating).
- 18 Q. And is that in cell 2-E and 3-E?
- 19 A. That's correct.
- 20 Q. And it's my understanding -- Let me just
21 ask you. Were these capped too, those
22 two landfills capped in this latest
23 remediation effort that began in the

REGIONAL REPORTING SERVICE, INC.

1 early '90s?
 2 A. Probably so.
 3 Q. Do you know whether they were or not?
 4 A. Specifically, I don't know.
 5 Q. Were they a part of Alan Faust's work
 6 that he's doing out there now?
 7 A. Yes, yes.
 8 Q. So he capped those two landfills too.
 9 MR. PECK: Object to the form of
 10 the question --
 11 A. You can ask him that. I don't know.
 12 MR. PECK: You need to let me make
 13 the objections, Jerry.
 14 Object to the form of
 15 the question, lack of
 16 foundation.
 17 You can now answer.
 18 Q. Let me ask you this, Mr. Brown: Do you
 19 remember seeing any capping of those two
 20 cells in your observation of the
 21 remediation site?
 22 MR. PECK: Done by Alan Faust?
 23 MR. STEWART: Yes.

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1 A. I think so.
 2 Q. During the time that Alan was working
 3 out there?
 4 A. I think it has all been capped, except
 5 those two.
 6 Q. And those two you are referring to --
 7 A. 4-E and 5-E.
 8 Q. What's in those?
 9 A. As discussed before in 4-E, primarily
 10 the relocation from Highway 202,
 11 parathion waste, and debris from
 12 demolition of the parathion operation.
 13 Q. In those two cells?
 14 A. Yes.
 15 Q. Now, which ones of the cells that you
 16 had indicated previously went out into
 17 202? Can you mark that on there?
 18 A. I-W.
 19 Q. Can you mark where it went?
 20 A. It went something like so (indicating).
 21 Q. And it's your statement previously that
 22 all of that was taken out?
 23 A. Yes.

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1 Q. And maybe I misunderstood. I read over
 2 it again, and I tried to get it down,
 3 Mr. Brown. But I understood that
 4 parathion material was placed in Emelle,
 5 that y'all couldn't put it in one of
 6 these cells because you couldn't do that
 7 under the regulations. If I
 8 misunderstood, then I apologize to you.
 9 MR. PECK: Back when 202 was put
 10 in, you are talking about?
 11 MR. STEWART: Yes.
 12 A. You said put in Emelle?
 13 Q. Yes.
 14 A. Emelle didn't even exist then.
 15 Q. So y'all put it in your own facility?
 16 A. Yes.
 17 Q. And y'all had the right to do that?
 18 A. Sure, we did.
 19 Q. Okay. And I want you to clarify this
 20 for me. Why is it that you couldn't put
 21 PCBs that you might have dug up at some
 22 point in time in Alan Faust's
 23 remediation in any of these landfills,

REGIONAL REPORTING SERVICE, INC.

1 solid waste management units?
 2 MR. PECK: Object to the form of
 3 the question, lack of
 4 foundation of this witness.
 5 A. Are you referring to the residue that we
 6 pulled out of the tributary of Snow
 7 Creek?
 8 Q. Or any that you might have pulled out of
 9 the west end landfill.
 10 MR. PECK: Object to the form of
 11 the question, lack of
 12 foundation.
 13 A. I can answer specifically to the residue
 14 of Snow Creek, the tributary of Snow
 15 Creek. The other part I cannot answer.
 16 Q. Well, tell me about the tributary to
 17 Snow Creek.
 18 A. We picked it up in one area. We moved
 19 it to another area. We analyzed it to
 20 see what we had and then disposed of it
 21 accordingly.
 22 Q. Well, you had to dispose of it at Emelle
 23 because it had a certain level of PCBs

REGIONAL REPORTING SERVICE, INC.

1 in it that were what you would call
2 actionable; is that correct?
3 A. Yes.
4 Q. What did you understand that to be, over
5 fifty parts per million?
6 A. Yes.
7 Q. So you had to move that to Smelle?
8 If something was three percent
9 PCBs, that would certainly be more than
10 fifty parts per million, wouldn't it,
11 Mr. Brown?
12 A. Yes.
13 Q. If you found that in the 1990s, are you
14 saying that the regulations changed that
15 would allow you or Monsanto Chemical
16 Company to bury that in your own
17 landfill?
18 A. No.
19 MR. PECK: Object to the form of
20 the question. Go ahead.
21 A. What I'm saying is there is regulatory
22 guidance and interpretation on actual
23 removal and generation of waste or

REGIONAL REPORTING SERVICE, INC.

1 simply capping in place. That's two
2 different things.
3 Q. I thought you indicated to us
4 previously -- I want to be sure I
5 understand you, Mr. Brown -- that if
6 y'all dug it up -- not if you found it
7 in place; but if you dug it up, then you
8 had to move it to Smelle, which is what
9 you did on the west end landfill, just
10 like you did a portion of that, just
11 like you did the stuff that you found in
12 Snow Creek, in that sediment down there.
13 A. I don't know what was done on the west
14 end landfill. But I know what was done
15 on Snow Creek. I was involved in that.
16 Q. Because you followed the regulations
17 there?
18 MR. PECK: Because he did what?
19 MR. STEWART: Followed the
20 regulations.
21 A. Because I was involved and knew what was
22 going on. I do not know -- I was not
23 involved in the west end landfill and do

REGIONAL REPORTING SERVICE, INC.

1 not know.
2 Q. Okay. But if you -- Your statement to
3 me last time was that these -- I
4 remember this, I think, fairly clearly.
5 If I misspeak, you correct me.
6 But these landfills that y'all had
7 permitted, you weren't allowed to put in
8 these, in the western landfill,
9 substances that you found such as PCBs
10 that you found out here that had what
11 you would call actionable levels, over
12 fifty parts per million in the soil.
13 You couldn't take that and put it in
14 these cells where the PCBs were
15 previously dumped?
16 A. We could not import waste into here and
17 bury it, no.
18 Q. Okay. And I'm going to put PCBs here
19 and then parathion here. That's my
20 handwriting. And this is what,
21 phosphates?
22 A. Well, it was sulfur and
23 organophosphates.

REGIONAL REPORTING SERVICE, INC.

1 Q. Sulfur and organophosphates.
2 Now, Mr. Brown, let me ask you to
3 take a look at another map, if you can.
4 Well, maybe we already have it
5 here. It's Plaintiffs' Exhibit Eight.
6 Tell me, if you can -- There is a
7 section marked off here which is east of
8 the plant, which looks like a
9 remediation area. Where did y'all have
10 PCBs that were buried in that area?
11 A. I don't know of burying PCBs anyplace.
12 Q. Sir?
13 A. I do not know of burying PCBs anyplace
14 in that area.
15 Q. To your knowledge there are none buried
16 in that area?
17 A. Not that I'm aware of.
18 Q. Would that be against the law, to bury
19 them in that area, Mr. Brown? I mean,
20 is there a regulated solid waste unit
21 that is permitted and owned by Monsanto
22 in any part of this area here that is
23 marked with a dark line around it,

REGIONAL REPORTING SERVICE, INC.

1 Mr. Brown?

2 MR. PECK: Object to the form of

3 the question, lack of

4 foundation.

5 A. You cannot import waste for disposal

6 purposes in that area.

7 Q. Well, is it your statement to me today,

8 then, the reverse of that is true, that

9 you can just leave it there if it's

10 there?

11 A. That's something that's up to the

12 regulators.

13 Q. Well, wouldn't you have to report it to

14 the regulators if you found it,

15 Mr. Brown?

16 A. That is normally the case.

17 Q. Well, aren't you required to?

18 A. You know, when you ask me are you

19 required to, I try to think of a

20 specific set of regulations that

21 requires that or, you know, our practice

22 is to report everything that we find.

23 Q. Didn't you do that?

REGIONAL REPORTING SERVICE, INC.

1 A. Pardon me?

2 Q. Didn't you do that?

3 A. Yes.

4 Q. And if you had found parathion on the

5 right-of-way outside the landfill area

6 of 202, you would have had to report

7 that too, wouldn't you, Mr. Brown?

8 A. Have to by -- I mean, it would be our

9 practice to report it.

10 Q. It certainly wouldn't be your practice

11 to hide it, would it, Mr. Brown?

12 A. No.

13 Q. And that is because of regulations as

14 well as y'all's practice, isn't it,

15 Mr. Brown?

16 A. Well, that's generally the two things

17 that set standards like that for that,

18 yes.

19 Q. Now, Mr. Brown, there are a couple of

20 documents I want you to identify, if you

21 would. There is a document that you

22 sent. It's just a follow-up document

23 that you sent to Mr. Baker with the

REGIONAL REPORTING SERVICE, INC.

1 public health department.

2 MR. STEWART: Mark that, please.

3 (Plaintiffs' Exhibit Number

4 Nineteen was marked for

5 identification.)

6 Q. I'd ask you to identify that. It's a

7 letter dated February the 7th, 1980, to

8 Darrell Baker.

9 Do you remember sending that

10 letter to Mr. Baker in February -- on

11 February 7th of 1980, that is identified

12 as Plaintiffs' Exhibit Nineteen?

13 A. Okay.

14 Q. Do you remember sending that letter?

15 A. Well, frankly, no. But I remember --

16 Q. Is that your signature?

17 A. I remember the details of it, after I

18 read it.

19 MR. STEWART: We'd offer that.

20 (Plaintiffs' Exhibit Number

21 Nineteen was offered and

22 attached as an exhibit

23 hereto.)

REGIONAL REPORTING SERVICE, INC.

1 Q. Now, Mr. Brown, I want you to take a

2 look at a document dated April the 27th.

3 MR. STEWART: Let me have that

4 marked.

5 (Plaintiffs' Exhibit Number

6 Twenty was marked for

7 identification.)

8 A. Did you have a question on this one?

9 Q. No. I just wanted you to identify it.

10 Take a look at that. It's to J. L.

11 Brown. It's from, I assume, a Mr. Gene

12 L. Arnett, and there is a copy sent to

13 Mr. Cheever. And I want to ask you if

14 you ordered this test and what was the

15 purpose of the test.

16 A. Okay. Your first question, did I order

17 the test?

18 Q. Right.

19 A. This was, again, developing technology.

20 Okay?

21 Q. Uh-huh (indicating yes).

22 A. When pipelines, vessels were pulled out

23 of the parathion operation and were

REGIONAL REPORTING SERVICE, INC.

1 contaminated, they either had to be
2 disposed of as contaminated waste --
3 Q. Where would you have disposed of them?
4 A. At Emelle, in this period of time.
5 Q. In 1984 --
6 A. In '84, some of it's still on-site.
7 Q. How was that? What could have been
8 disposed of on-site?
9 A. Well, if -- Just as an example, if that
10 cup was used in the parathion operation
11 and for some reason it had to be taken
12 out of service and it still had some
13 surface contamination, just like that
14 cup has got surface contamination of
15 coffee on it -- To get that coffee off,
16 you put it in the dishwasher. To get
17 parathion off that surface -- If you
18 don't get it off, it had to be disposed
19 of as hazardous waste. If you do get it
20 off, it becomes detoxified and goes into
21 -- it could be melted down for scrap.
22 This was a test to use this technology
23 for cleaning the surface of the metal

REGIONAL REPORTING SERVICE, INC.

1 parts.
2 Q. That were used?
3 A. That were used in parathion service.
4 Q. Manufacture?
5 A. Yes.
6 Q. And so y'all talked about the
7 feasibility of a biological
8 detoxification process here?
9 A. That's correct.
10 Q. Why is it that you chose to take a look
11 at the biological detoxification
12 process?
13 A. Well, we had a biological waste
14 treatment facility there for treating
15 waste water.
16 Q. And you wanted to see if this would
17 work?
18 A. And this concept was to simply put these
19 pieces of pipe or whatever down into the
20 biological basins and let it become
21 detoxified.
22 Q. And did you do that?
23 A. Yes.

REGIONAL REPORTING SERVICE, INC.

1 Q. And did it work?
2 A. Sure, it worked.
3 Q. And what did you do with the metal after
4 you put it through this detoxification
5 process?
6 A. It was tested. And when suitably
7 detoxified and you determined that the
8 detoxification had work, it could be
9 melted down and recycled as metal scrap
10 then.
11 Q. Did you understand that Monsanto at that
12 point in time, Mr. Brown, had a
13 preference as to what you did, which is
14 this process here, this detoxification
15 process? Was that a preferential
16 process with the waste water or with the
17 parathion equipment or whatever?
18 A. Well, when it would work, yes. I mean,
19 there are times when chemically it just
20 won't work. It's just --
21 Q. When chemically it would, that was the
22 preferred method; is that right?
23 A. In this case, we had organisms that

REGIONAL REPORTING SERVICE, INC.

1 would eat the parathion waste.
2 Q. When chemically okay, that was the
3 preferred process, to detoxify it in the
4 manner in which you are talking about?
5 A. Yes.
6 Q. All right. Are you familiar with a
7 document --
8 (Plaintiffs' Exhibit Number
9 Twenty-one was marked for
10 identification.)
11 Q. Let me show you a document, Plaintiffs'
12 Exhibit Twenty-one. Are you familiar
13 with this document here, Mr. Brown? It
14 appears to have been prepared by Mr.
15 R. L. Cheever in November of 1984.
16 A. Yes, I remember this.
17 Q. And did you assist -- It says "staff" on
18 that. Did you assist in preparing that
19 document?
20 A. No, I did not.
21 Q. You did not?
22 A. No.
23 Q. Were you working as a member of the

REGIONAL REPORTING SERVICE, INC.

- 1 Anniston staff on that date?
- 2 A. Yes.
- 3 Q. Do you know who did prepare that?
- 4 A. To a large degree, the training staff in
5 conjunction with the environmental
6 specialist.
- 7 Q. The training staff?
- 8 A. Yes.
- 9 Q. Who were the training staff? Where
10 would they come out of? Would they come
11 out of --
- 12 A. I don't remember who specifically would
13 have been working on training in 1984,
14 but training is an ongoing part of the
15 operation. I mean, it's -- And this is
16 simply an internal training procedure
17 for our employees.
- 18 Q. And Mr. Brown, when you say training
19 staff, is that staff that is located
20 here as opposed to somebody who came out
21 of St. Louis?
- 22 A. Yes. But see, this consultant, MTS, was
23 a consultant who assisted in putting

REGIONAL REPORTING SERVICE, INC.

- 1 together the format of training
2 procedures.
- 3 Q. Okay. And did this become a part of
4 y'all's policy there, this hazardous
5 waste management -- Was this something
6 that was a policy that was followed by
7 y'all as to how to --
- 8 A. Well, this was part of the training
9 procedures for employees.
- 10 Q. What I'm asking you is did this remain a
11 part of your documents that you followed
12 as far as policy was concerned here at
13 the Anniston plant after it was prepared
14 by Mr. Cheever in November of 1984?
- 15 A. Yeah. This is the document that was
16 used for this at this point in time.
- 17 Q. Who participated in the training,
18 Mr. Brown?
- 19 A. Well, any employee that was involved was
20 trained. I mean, that is normal
21 procedure.
- 22 Q. Involved in doing away with waste?
- 23 A. Well --

REGIONAL REPORTING SERVICE, INC.

- 1 Q. Or who might have been involved just as
2 an operator or anybody?
- 3 A. Primarily the operators, the plant
4 operators.
- 5 Q. Okay. And before --
- 6 A. I mean, try to train them on what is a
7 waste, how to handle it.
- 8 Q. What to do with it?
- 9 A. Just normal training procedures.
- 10 Q. Before this document was prepared -- And
11 I think this is 1981. And there is a
12 revision in November of '84. I sort of
13 misspoke.
- 14 Before this document was prepared,
15 when did -- What did y'all follow in
16 connection with the disposal of waste
17 here at the plant itself? Was there a
18 document that preceded this?
- 19 A. I'm sure there was. You know,
20 specifically it was not called MTS
21 document. It was a predecessor kind of
22 document. But normally it's written as
23 part of operating instructions.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. So there was something that did exist
2 before December of 1981 as to what y'all
3 should do in connection with the removal
4 of waste or the disposal of waste?
- 5 A. Yes.
- 6 Q. And if you will look at page thirteen of
7 this document, would that document have
8 as part of it on-site methods of
9 hazardous waste management? Do you
10 recall that being a part of that earlier
11 document?
- 12 A. I can't specifically answer how that was
13 set up.
- 14 Q. Well --
- 15 A. I mean, it was normally written as part
16 of operating instructions for the
17 department.
- 18 Q. And what about containers? On page
19 fifteen there is a "Containers and
20 Labeling." Do you remember that as
21 being part of the --
- 22 A. As part of what?
- 23 Q. -- that earlier document?

REGIONAL REPORTING SERVICE, INC.

- 1 A. Well, when you say that earlier
2 document, we are really talking about
3 evolution of documents. I mean, it's an
4 ongoing chain all the time, being
5 updated every year. We update documents
6 and procedures every year.
- 7 Q. Did y'all have a containers and labeling
8 portion of your operating
9 instructions --
- 10 A. I'm assuming so. I don't remember
11 specifically.
- 12 Q. Then on page thirteen -- go back to it
13 -- there is a deal that says, "Treatment
14 of Hazardous Wastes," which tells you
15 what you did with waste treatment. You
16 take care of it biologically or how you
17 class it and those kinds of things. Do
18 you remember the previous document
19 containing some of those things?
- 20 A. The documents were routinely updated,
21 you know, to the regulations in place at
22 the time, so yes.
- 23 Q. And then it talks on page eighteen and

REGIONAL REPORTING SERVICE, INC.

- 1 nineteen about inspections and records.
2 Were those requirements in place before
3 this document was put together, either
4 in operating instructions or another
5 document that this replaced?
- 6 A. In different forms, yes. Now --
- 7 Q. Take a look at the area over there where
8 it says "Landfill," and read that, if
9 you would; not out loud, just to
10 yourself.
- 11 A. Okay.
- 12 Q. Tell me, if you would, Mr. Brown, if you
13 understood those conditions to apply to
14 the landfill prior to the time this
15 document was put together in 1981.
- 16 A. The landfill was routinely inspected,
17 from my personal knowledge, back into
18 the early '70s. Now, was it done
19 according to this specific routine,
20 probably not to this specific routine.
- 21 Q. But it was done on a regular basis
22 before then?
- 23 A. Yes.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. Who was responsible for doing that,
2 Mr. Brown?
- 3 A. In the '70s?
- 4 Q. Yes.
- 5 A. Bill Taffee.
- 6 Q. And who did he report to if he found any
7 problem areas that might exist?
- 8 A. Well, in the later '70s, to me.
- 9 Q. And after you left, who would he have
10 reported to?
- 11 A. He retired, and Bob Cheever took the
12 responsibility.
- 13 Q. Who would Bob Cheever have reported to,
14 directly to you?
- 15 A. Initially to me.
- 16 Q. And then to Mr. --
- 17 A. The plant manager.
- 18 Q. Okay. What testing, if any, was done
19 during that period of time, prior to
20 1981, if you recall, of the landfill
21 area, either the water that came off the
22 landfill or air tests or samples or
23 things like that, soil samples?

REGIONAL REPORTING SERVICE, INC.

- 1 A. Well, we were routinely doing testing.
2 I mean, we had catchment basins that we
3 collected storm water runoff in.
- 4 Q. Would that have been off the southern
5 landfill, the landfill that we call the
6 south landfill?
- 7 A. Yeah. We had basins to catch storm
8 water, and those were routinely tested.
- 9 Q. Now, tell me if during the time frame
10 you are talking about, between the early
11 part of the '70s up to 1981, did y'all
12 test for PCBs?
- 13 A. Well, in the '79 era we started the
14 extensive boring program.
- 15 Q. Where did you bore?
- 16 A. All over the place, all over the
17 landfill.
- 18 Q. All over the landfill?
- 19 A. And some of those cores were tested for
20 PCBs, down gradient of 2-E and 3-E.
- 21 Q. Who did that testing?
- 22 A. Gosh, the consultant at that point in
23 time was Garrity and Miller.

REGIONAL REPORTING SERVICE, INC.

1 Q. And did y'all find any evidence down
2 gradient of PCB contamination?
3 A. No, we did not.
4 Q. And who were those tests provided to, to
5 you?
6 A. Well, they were provided to whoever was
7 involved at the time, me and other
8 people, yeah.
9 Q. Okay. And to the plant manager?
10 A. Yes.
11 Q. And who was the plant manager at that
12 time, if you recall?
13 A. Let me think. I can see his face. I
14 just can't -- Ben Boyen left in about
15 '80, and Ed Jurevic came on board.
16 Q. Tell me, if you would, Mr. Brown, if you
17 recall why y'all decided at that
18 particular point in time to test for
19 PCBs.
20 A. We were doing boring and looking for
21 underground movement --
22 MR. PECK: You didn't take any of
23 mine, did you?

REGIONAL REPORTING SERVICE, INC.

1 MR. STEWART: I don't think so. I
2 brought all of mine in here.
3 Are any one of these yours?
4 That is all I took off. I
5 don't think it is.
6 MR. PECK: No. Thanks.
7 Q. You were telling me why y'all did that.
8 A. Yeah. We were doing assessment studies
9 of any movement that may have occurred
10 underground. And one question that we
11 were assessing is whether or not there
12 had been any underground movement of
13 PCBs away from cells 2-E and 3-E. The
14 borings closest to those cells were
15 tested for PCBs, and none were found.
16 Q. Any other form of testing you did other
17 than the borings?
18 A. Well, that is what we -- Well, the
19 borings and ground water is what we were
20 looking at at that point in time. And
21 the cores were -- There was so little
22 water in those streams that the cores
23 were typically what we --

REGIONAL REPORTING SERVICE, INC.

1 Q. Did you ever assess any kind of surface
2 runoff of the landfill during that
3 period of time?
4 A. We were assessing the containment --
5 storm water containment basins that I
6 mentioned earlier, yes.
7 Q. And you found no PCBs in that?
8 A. We did not analyze those for PCBs.
9 Q. So you didn't analyze those for PCBs?
10 A. No.
11 Q. Just the core samples?
12 A. Yes.
13 Q. All right. Let me ask you something,
14 Mr. Brown. You're in this plant from
15 day to day and served as this
16 environmental person out there. You
17 were familiar enough with the western
18 landfill to tell us some things last
19 time about it. Let me have this marked
20 as Plaintiffs' Exhibit Twenty-two and
21 ask you to tell me something.
22 (Plaintiffs' Exhibit Number
23 Twenty-two was marked for

REGIONAL REPORTING SERVICE, INC.

1 identification.)
2 Q. Is there a discharge point off the
3 western -- the west and landfill, not
4 western, the west end landfill?
5 A. Well, there is obviously storm water
6 that runs off of anyplace.
7 Q. And where does it go?
8 A. It flows to the north.
9 Q. Can you draw a line and show me where
10 that flows to the north, Mr. Brown?
11 A. I think it's in a ditch along here
12 (indicating).
13 Q. A ditch along where?
14 A. Along -- I --
15 Q. There is a little dotted line --
16 A. I think it's along here. I don't know.
17 Q. There is a little dotted line that runs
18 down through there, Mr. Brown, all the
19 way down through there to the railroad.
20 Is that the ditch you are talking about?
21 A. I'm really not sure of the route of it.
22 Q. Well, does it go to the railroad?
23 A. Yes.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. Does it ultimately wind up in Snow
2 Creek?
- 3 A. Yes.
- 4 Q. Now, y'all found a substantial amount of
5 PCBs on the top surface of that landfill
6 in sort of a tarry form, did you not, at
7 the time that this came up in 1993?
- 8 A. Well, I wasn't directly involved, but
9 it's my understanding, in areas that had
10 been cut away by the switchyard, that
11 some was discovered.
- 12 Q. And when was the switchyard put in?
- 13 A. I don't know.
- 14 Q. Was it in the '90s or --
- 15 A. Before then.
- 16 Q. In the '80s?
- 17 A. It was put in and expanded. I'm not
18 sure of when they did that expansion
19 type work.
- 20 Q. Do you remember whether it was put in,
21 perhaps, in the '70s?
- 22 A. All I can tell you is the '70, '80 era.
- 23 Q. And that's the Alabama Power Company

REGIONAL REPORTING SERVICE, INC.

- 1 switchyard that is listed here on
2 Plaintiffs' Exhibit Twenty-two as 230 KY
3 Switchyard, in that little box there?
- 4 A. Yeah. It was a small switchyard and
5 expanded somewhere along during --
- 6 Q. And it's your understanding that this
7 landfill, the surface water of this
8 landfill, goes down into a ditch. Is
9 that also viewed as a discharge point
10 off the plant of some effluent? It
11 comes off a landfill, doesn't it?
- 12 A. That wasn't part of the plant during
13 that period of time.
- 14 Q. It wasn't?
- 15 A. No.
- 16 Q. Did y'all ever test that at all,
17 Mr. Brown, in any of the tests that you
18 talked about that might have been
19 performed in the '70s or the '80s that
20 you knew about? Did you ever test that?
- 21 A. No.
- 22 Q. Did you ever put any wells in place
23 across the railroad track, north of the

REGIONAL REPORTING SERVICE, INC.

- 1 railroad track?
- 2 A. Yes.
- 3 Q. When did you do that?
- 4 A. The early '80s.
- 5 Q. Why?
- 6 A. Part of the overall assessment program
7 that we have previously mentioned.
- 8 Q. Checking the ground water?
- 9 A. Well, yes, uh-huh.
- 10 Q. Did you check it for PCBs, Mr. Brown?
- 11 A. No.
- 12 Q. Do you ever remember being talked to by
13 anybody from ADEM about some problem
14 that might exist, Mr. Brown, as far as
15 ground water is concerned, for PCB
16 contamination at any point in time in
17 the '70s and the '80s?
- 18 A. I do not recollect anything.
- 19 Q. Well, Mr. Brown, have y'all bought or
20 purchased a piece of property that would
21 be north of the railroad tracks over
22 there because of PCB contamination? You
23 have, haven't you?

REGIONAL REPORTING SERVICE, INC.

- 1 A. In what era? As part of this
2 remediation?
- 3 Q. In the '90s.
- 4 A. As part of this remediation?
- 5 Q. Yes.
- 6 A. My understanding, we have.
- 7 Q. Isn't that because of PCB contamination?
- 8 A. That's my understanding, but I have not
9 been involved in that at all.
- 10 Q. Is the first time y'all have done
11 anything about that or talked to the
12 neighbors that might have been affected
13 either to the west or to the north of
14 the west end landfill -- Was that in the
15 '90s? Y'all didn't talk to any of the
16 neighbors on the western side of the
17 plant or the northern side of the plant
18 before that time about the possible PCB
19 contamination, did you?
- 20 A. No.
- 21 Q. And you didn't do any testing over there
22 until the power company reported the
23 presence of PCBs in '93; is that not

REGIONAL REPORTING SERVICE, INC.

1 correct?

2 A. That's what I guess, yes.

3 Q. Well, wasn't there somebody out there at

4 the plant, Mr. Brown, who was familiar

5 with the fact that there was a fairly

6 substantial amount of PCBs buried in the

7 west end landfill?

8 A. You say was there somebody at the plant

9 that --

10 Q. Yes.

11 A. I don't know. I mean, I did not know.

12 Q. You had no idea when you were made

13 environmental -- or the chief chemist --

14 A. I was told that that was a previous

15 disposal area that was transferred to

16 the power company back in the early

17 '60s, late '50s, somewhere along there.

18 Q. Were you ever told at any point in time,

19 Mr. Brown, what was buried there?

20 MR. PECK: Wait a minute. Can you

21 let him answer?

22 Q. Okay. Go ahead.

23 A. I assume, then, that it contained

REGIONAL REPORTING SERVICE, INC.

1 representative waste of the plant

2 operations during that era of time.

3 Q. Did you assume that PCBs were buried

4 there?

5 A. Yes.

6 Q. What other kind of toxic waste did you

7 understand was buried in the west end

8 landfill, Mr. Brown?

9 A. Well, the plant produced phosphates for

10 many, many years. I assumed slag from

11 that operation was buried there.

12 Q. Was located there?

13 A. Uh-huh (indicating yes).

14 Q. What else?

15 A. And I assumed that perhaps some small

16 amount of parathion waste might have

17 been buried there.

18 Q. Did you later learn that there was some

19 small amount of parathion waste buried

20 in the west end landfill, Mr. Brown?

21 A. I was told that.

22 Q. Who told you that?

23 A. Robert Jones, based on some interviews

REGIONAL REPORTING SERVICE, INC.

1 that he had conducted.

2 Q. And how much did he say was buried

3 there, based on those interviews that he

4 conducted?

5 A. I don't know -- He didn't tell me a

6 quantity.

7 Q. What was the nature of the waste that

8 was buried there, if you know --

9 A. I don't know.

10 Q. -- based on your conversations with

11 Mr. Jones?

12 A. I don't know.

13 Q. Now, Mr. Brown, do you know -- during

14 the time that you were there, did you

15 know of any testing that was done in

16 conjunction with Monsanto and anybody

17 else before 1993 for PCB contamination

18 in well water that was off-site, off the

19 Monsanto site?

20 A. Not that I'm -- You say well water?

21 Q. Absolutely, well water, not city water.

22 A. Monitoring well water?

23 Q. Yes.

REGIONAL REPORTING SERVICE, INC.

1 A. I'm assuming that in all those very wide

2 scans that were done on the deep wells

3 that that included PCBs, but I don't

4 remember the specific details.

5 Q. When you say the wide scan of the wells,

6 are you talking about the monitoring

7 wells that y'all had located north of

8 the west end landfill and over there in

9 that open field north of --

10 A. Well, there were several deep wells,

11 deep monitoring wells.

12 Q. That y'all put in different places?

13 A. Yes.

14 Q. Where were they located, Mr. Brown? Can

15 you show us where you understand those

16 wells to have been located either on

17 your property or south of the railroad

18 or on your property north of the

19 railroad?

20 A. I'll give you my best stab.

21 Q. Give it to me.

22 A. There is one located right in this area

23 (indicating).

REGIONAL REPORTING SERVICE, INC.

- 1 Q. How about just making it with a circle,
2 and we will know that's a well.
3 Mr. Brown.
4 A. All right. You know, it's -- I think
5 it's right in here, but I'm not --
6 Q. Okay. I'm going to put a little arrow
7 out from that, and we will put M well.
8 Where are the next ones, if you
9 know?
10 MR. PECK: You are talking about
11 wells that were put in in the
12 '80s?
13 THE WITNESS: Yeah, the deep
14 wells.
15 A. And let's see. Let me get my
16 orientation now. All right.
17 Q. That's the railroad?
18 A. Right, sir, yeah. There is a couple
19 back up in here (indicating).
20 Q. Mark them on there, Mr. Brown.
21 A. Well, one of them would be
22 (indicating) --
23 Q. Well, put a little arrow and send it on

REGIONAL REPORTING SERVICE, INC.

- 1 off there. I don't have any more page
2 there. I'm doing the best I can with
3 what I have there.
4 A. There are a couple in that area.
5 Q. Okay. Where else are they?
6 A. On the deep wells, that's what I
7 remember.
8 Q. Do you have any monitoring wells -- I
9 believe you indicated previously you had
10 some monitoring wells that were north of
11 the railroad, in a field over there?
12 A. Yeah. We have monitoring wells along
13 here (indicating).
14 Q. North of the railroad?
15 A. Yes.
16 Q. What were you monitoring? Can you put M
17 wells for those, Mr. --
18 A. (Executed by the witness.)
19 Q. MW, that's fine.
20 What were you monitoring for
21 there? Is that again ground water
22 contamination --
23 A. Yes.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. -- from the west end landfill?
2 A. No. It's from the operations.
3 Q. Well, what did you do -- If this was
4 from operations, what did you do to
5 monitor the waste you had buried in the
6 west end landfill? How was it covered
7 up? Was it capped?
8 A. It was back when it was closed, yes.
9 Q. When was that?
10 A. '50s.
11 Q. So it was closed in the '50s, and y'all
12 didn't monitor it at all after it was
13 closed?
14 A. Not until the fact that the cap had been
15 breached was discovered.
16 Q. By the power company?
17 A. Right. And that was not our property
18 anymore. So the only time I was ever on
19 the property was to take -- I think his
20 name was -- Darrell Baker up there as
21 part of that assessment that was done.
22 Q. Well --
23 A. And we took him up there and walked it

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- 1 and showed him that this is that area,
2 that old area.
3 Q. When the health department came in,
4 Mr. Baker came in back in the '80s?
5 A. Solid waste was doing that assessment
6 that we -- the paper we looked at
7 before.
8 Q. The 1981 document?
9 A. '80, somewhere in the early '80s, yeah.
10 Q. So when y'all went on the property at
11 that point in time, y'all knew that that
12 was one of your solid waste dumps as
13 early as 1981; is that correct?
14 A. Well, we knew it from history all the
15 way through.
16 Q. Do you remember a guy named Jerry
17 Cheatwood?
18 A. Well, I know a Jerry Cheatwood very
19 well, but I don't think it's anybody you
20 are referring to.
21 Q. Do you remember a regulator named
22 Cheatwood who came from ADEM and
23 discussed some problems with you in the

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1 '80s?
 2 A. It seems like the name is vaguely
 3 familiar, but I can't recollect him.
 4 Q. Do you remember PCBs being discussed at
 5 that time, Mr. Brown?
 6 A. Well, we -- You say at that time. We
 7 discussed PCBs anytime the question
 8 arose.
 9 Q. Do you remember specifically discussing
 10 it with Mr. Cheatwood in the '80s?
 11 A. No. I can't -- I can't be -- I can't
 12 draw a bee to Mr. Cheatwood, maybe.
 13 Q. Are you familiar with any kind of work
 14 that y'all had done with the United
 15 Defense or FMC?
 16 A. I don't remember doing anything with
 17 them.
 18 Q. Do you know or have you ever had any
 19 knowledge that they had a well?
 20 A. Yes.
 21 Q. And do you know whether or not y'all had
 22 at any point in time informed United
 23 Defense or FMC that y'all had found

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1 concentrations of PCBs in a fairly
 2 substantial amount in some of your
 3 monitoring wells that were on your
 4 property that were also near their
 5 property?
 6 MR. PECK: Object to the form of
 7 the question, inconsistent
 8 with prior testimony or
 9 evidence.
 10 A. I don't know of any substantial amount
 11 found in any monitoring wells.
 12 Q. Well, do you know of any found in any
 13 monitoring wells that y'all informed FMC
 14 about or United Defense at any point in
 15 time during the time that you worked for
 16 Monsanto?
 17 MR. PECK: Same objection.
 18 A. What I know about it is what I learned
 19 from the article in the paper Sunday.
 20 Q. That's all you know about it?
 21 A. Yes, sir.
 22 Q. Well, it indicated in the article in the
 23 paper -- and I have one of those

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1 articles here -- that several monitoring
 2 wells near PCB sites on the Monsanto
 3 property do show concentrations of
 4 chemical greater than five parts per
 5 billion, ADEM's drinking water standard.
 6 It's my understanding that this
 7 comes from The Anniston Star. And I
 8 will say without question, Mr. Brown,
 9 that that could or could not be true.
 10 So we will take it with that little
 11 caveat.
 12 But do you recall -- I mean, this
 13 is apparently a reporter who seems to
 14 have asked somebody at your company
 15 whether or not y'all found it. I just
 16 want to know if you know anything about
 17 that.
 18 A. And I just answered I did not.
 19 Q. You don't have any idea?
 20 A. No.
 21 Q. Well, they talk about deep monitoring
 22 wells. Would those be the wells that
 23 you have located for us here? To your

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1 knowledge are those the only deep
 2 monitoring wells that y'all have out
 3 there?
 4 A. Well, I'm struggling in trying to
 5 remember how many and locate them. I
 6 have not been involved with those in so
 7 long, I can't specifically tell you I'm
 8 totally accurate.
 9 Q. You understand, Mr. Brown, it's just
 10 hard for me to get Adam and get one of
 11 y'all over here.
 12 MR. STEWART: I'm just kidding,
 13 Adam. I'm just trying to get
 14 some answers, is what I'm
 15 trying to get.
 16 Q. So you don't remember anything about
 17 that, at least during the time that you
 18 were involved?
 19 A. No.
 20 MR. PECK: I told him you would be
 21 asking about this since this
 22 is the first witness we have
 23 produced since that article,

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1 Donald.

2 MR. STEWART: I think we have an

3 obligation to ask about it,

4 Adam.

5 MR. PECK: I didn't say you

6 couldn't ask it.

7 MR. STEWART: I hope I ask about

8 it. If I don't, somebody

9 might be asking me. And they

10 are bigger than I am. I

11 don't want any problem with

12 them.

13 Q. You don't know anything about any kind

14 of concern about FMC that was expressed

15 before you read that article in the

16 paper?

17 A. Heavens, no.

18 Q. Now, Mr. Brown, would you mind --

19 because it's about twelve ten -- would

20 you mind making available to Mr. Peck

21 and Mr. Kelly, for their transfer to me,

22 anybody that might be over nineteen and

23 eligible for jury duty that you might be

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1 related to in Calhoun County? Would you

2 mind making that list available to them?

3 I can go through in detail, and we can

4 set another time, but I would prefer not

5 to do that. If you don't mind doing

6 that, I will appreciate it.

7 A. Over nineteen and related to me?

8 Mr. Peck: It is for purposes

9 of --

10 A. I can do that right now, two people.

11 Q. Okay. Who is that?

12 A. Well, make it six with cousins.

13 Q. I'd rather you -- What I'm looking for

14 is this information on them, just who

15 they are and where they live. And if

16 you know where they work, give me some

17 idea of where they work.

18 A. James and Pearly Brown, Jacksonville,

19 Alabama, retired.

20 Q. Where did they work?

21 A. They were school teachers.

22 Q. Who are they in your --

23 A. My uncle and aunt.

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1 Q. Who else do you have?

2 A. Their kid, daughter, son-in-law. That's

3 all.

4 Q. You said six. That's four. Who is

5 the --

6 A. Two little ones like that.

7 Q. I'm talking about over nineteen. What's

8 the daughter's name?

9 A. Gina -- Steve and Gina -- I'm trying to

10 think of their last name.

11 Q. Why don't you just give that to Adam.

12 Just tell me where they work. That's

13 what I'm looking for.

14 A. He's a lawyer too.

15 Q. Here?

16 A. (Witness shakes head negatively.)

17 Q. In Calhoun County?

18 A. I'm not sure exactly where he works. He

19 lives in Jacksonville.

20 MR. STEWART: If y'all will give

21 me just a few minutes, I may

22 be --

23 (Discussion held off record.)

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1 MR. STEWART: He had talked about

2 some test results Bill Adams

3 and Tom did in 1985 on

4 Choccolocco Creek. Is there

5 something that -- Have we

6 gotten those results?

7 Mr. Peck: Yes.

8 Q. (By Mr. Stewart) I wanted to know from

9 you, Mr. Brown, if Mr. Landwehr is still

10 alive. Do you know?

11 A. The last I heard, he was.

12 Q. Do you know where he lives?

13 A. It seems like he may have been in

14 Arkansas or something. I'm not sure. I

15 mean, that's --

16 Q. Do you know how old he would be? Do you

17 have any idea how old Mr. Landwehr would

18 be?

19 A. Probably pushing seventy.

20 Q. Is he still working with Monsanto or

21 retired?

22 A. He left the company at that point in

23 time, '72.

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1 Q. Do you know what part of Arkansas he
2 lives in?
3 A. I'm not even sure it's Arkansas. He
4 left the company and went with somebody
5 west of here. That's the best I can do
6 for you.
7 Q. There was a James Bell and a Eugene
8 Wright and a Gerald Miller that
9 participated apparently at that point in
10 time. Do you know where those gentlemen
11 are? I think that was the PCB testing
12 that was done back in the '70s.
13 A. Toby bell is diseased.
14 Q. That's Toby?
15 A. Yes.
16 Q. Okay. Eugene Wright?
17 A. Chattanooga.
18 Q. How old is he?
19 A. Sixty-ish.
20 Q. Do you know who he works for?
21 A. Well, I'm not sure he is working. He
22 had a heart attack and almost died. I'm
23 not sure if he -- I don't know if he's

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1 able to be back up and around or not.
2 But he was working with the City of
3 Chattanooga prior to his heart attack.
4 Q. What did he do for the city?
5 A. Superintendent of their public works,
6 their waste water, water treatment
7 operations.
8 Q. What about Gerald Miller?
9 A. The last I heard, Gerald was around the
10 Birmingham area.
11 Q. What was he doing there?
12 A. He was running his own business.
13 Q. What's the name of the business; do you
14 know?
15 A. Guardian.
16 Q. Guardian what, security systems or
17 something?
18 A. Guardian Associates or something like
19 that. Guardian Systems, I guess it was.
20 Q. What kind of business was that?
21 A. He ran a testing company.
22 Q. Okay. Was he an employee of Monsanto at
23 the time that he participated in that

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1 testing or --
2 A. He left the company in about '72 or
3 something like that.
4 Q. Do you know how old he would be?
5 A. Pushing sixty.
6 Q. What about George Watson?
7 A. The last I heard he was retired, in the
8 St. Louis area.
9 Q. Retired from the company?
10 A. Uh-huh (indicating yes).
11 Q. Do you know how old Mr. Watson would be?
12 A. Probably high fifties.
13 Q. What about John Williford who was
14 formerly with the Alabama Water
15 Improvement Commission? Do you know
16 where he would be today?
17 A. The last I heard he was still working
18 with ADEM. I don't know if he's retired
19 or not. I haven't heard from him in
20 probably three or four years. He was a
21 long, long-time ADEM employee.
22 MR. STEWART: I believe that's all
23 I have.

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1 (The deposition concluded at
2 12:15 p.m.)
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REGIONAL REPORTING SERVICE, INC.

1 I do hereby certify that the witness
2 whose attached deposition was taken before me
3 was by me first duly cautioned and sworn to
4 tell nothing but the truth in the cause
5 aforesaid; that the testimony contained herein
6 was by me reduced to writing in the presence
7 of said witnesses by means of stenography and
8 afterwards transcribed by means of computer
9 aided transcription. The foregoing is a true
10 and accurate transcript of the whole of the
11 testimony given by said witness, as aforesaid.

12 I do further certify that I am not
13 connected by blood or marriage with any of the
14 parties or their attorneys or agents and that
15 I am not an employee of any of them, nor
16 interested in the matter of controversy.

17 IN WITNESS WHEREOF, I have hereunto set
18 my hand and affixed my notarial seal at
19 Gadsden, Alabama, County of Etowah, this 26th
20 day of May 1998.

21 Deborah Salere Garrett
22 Certified Shorthand Reporter
23 Registered Professional Reporter
Notary Public, Alabama-at-Large
My Commission expires: 3-7-2001

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Monsanto

FROM ANNISTON, ALABAMA

cc:

DATE March 31, 1970

SUBJECT RECOMMENDATIONS OF TASK FORCE ON
PLANT DUMP

REFERENCE

TO J. L. Corder

Members: M. B. Mullally, Chairman
Hal Brazelton
J. L. Echeredge
T. W. Lawrence
J. H. Powell
E. G. Wright

I. PROBLEM

A serious problem exists at the present time with the Monsanto dump. The two main areas of concern are: (1) water leakage from the P.C.B. dump, and (2) lack of security throughout the dump area. These two areas create hazards in the areas of water pollution and in liability problems.

September 12, 1971, all open dumps in the State of Alabama will be converted to land-fill operations. This law applies to municipalities, but it also applies to any private dump operation which might pose a water pollution problem or health hazard. In light of the attention P.C.B. has received, it is highly probable that the Monsanto (P.C.B.) dump area could be classified as a serious water pollution source. For this reason it is imperative that this operation be converted to a land-fill type so as to minimize the chances for water pollution as well as for the aesthetic value to the plant, since the proposed highway 202 expansion will be very close to the dump area.

II. RECOMMENDATIONS

For purposes of simplicity these recommendations are being split into two categories: (1) immediate changes in operations, and (2) long range changes.

A. Immediate Actions

1. Eliminate P.C.B. Drainage from Present Dump Site

To accomplish this it is recommended that extensive changes be made in the present dump area. The old drums lying on the banks of the dump should be moved to the bottom of the hole. Sufficient dirt should be hauled in to provide at least 2 ft. of cover over



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these drums and it should be compacted in such a way that it will provide a good footing for establishing individual cells within the larger hole which can be operated as a land-fill. It is recommended that this dirt be obtained from the vicinity of the present dump and be excavated in a manner to provide a trench for future land-fill operation.

2. Provide Security around Dumping Site

A fence with the proper markings should be provided around the area presently being used. The attached drawing shows the area which should be fenced.

3. Repair Incinerator

The teepee incinerator located at the dump should be repaired and put into operation. The regular operation of this unit will decrease the volume of material which must be placed into the land-fill. State of Alabama law also states that open burning of wastes be halted by September 12, 1971. This unit should be repaired so that it is operable and operated as per the recommendations of the manufacturer.

4. Provide Periodic Cover of the Waste

The waste material in the dump should be covered on a regular schedule. A minimum of once per week is recommended. The waste material should be covered in accordance with good operating procedures. The periodic covering of waste and dividing the remainder of the hole into cells will allow drainage of the dump site and eliminate the large lakes which are presently a problem. Economics will probably necessitate contracting the job of covering the waste material, but this job should be controlled by some Monsanto representative.

5. Develop a Dump Management System

The entire dump and solid waste disposal system should be made a responsibility for one person and this person should have the resources with which to control the operation. There should be an operating manual procedure developed for the dump operation. This manual should include such topics as the proper methods for preparing waste material, a definite schedule for collecting the wastes, as well as the development of an inventory system for the waste and the development of a plot plan so that accurate records can be kept on what and where these wastes are buried.

The above mentioned things are suggested only as a guideline for the development of the system and many details have been omitted which should be included in the operating instructions.

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B. Long Range Operations

Preparing for a land-fill operation should begin now when obtaining the dirt for eliminating the immediate problem with the dump site. This dirt should be moved from the mountain around the dump site and it should be moved in such a manner that preparation of a trench is begun.

1. Land-Fill Operation

A land-fill operation is an orderly manner for disposing of solid waste material in such a way that it does not create a threat to health, a public nuisance or pose any water pollution problems. Safeguards should also be taken to make certain that underground water is not contaminated. The material should be covered on a regular basis to a minimum of 18" and material should not be placed closer than 24" below ground level. The land-fill should be seeded with grass and trees after filling so that erosion will not uncover the material which has been buried.

The Task Force recommendations for future land-fill operations are as follows:

- a) Dig a trench (along the contour of the mountain) of sufficient size to handle the plant's solid waste for a period of one year minimum (est. 14,000 yds.³ per year based on 1970 drum usage). This trench should be sloped such that it is drained at one end. Width should be such that equipment will have sufficient space to maneuver in it (i.e., 8-10' wide). The depth should be from 8-10' so that at least 6' can be used after periodic covering and allowing for 2' of top cover.
- b) Covering of material should be accomplished a minimum of once per week.
- c) Waste should be segregated and the paper, wood, fiber paks, etc. burned. Only still bottoms and non-burnable material should be buried.
- d) Decontaminated drums and sealed drums of sample bottles from the Parathion process, as well as decontaminated equipment, could also be buried with the other plant wastes, thus eliminating the need for a separate toxic dump.
- e) Run-off water from the trenches should be sampled a minimum of once per week (more often in rainy weather) to make certain that no material is being lost from the fill.
- f) The person responsible for the land-fill operation should inspect this area regularly to make certain that the area is being well kept.

DSW 013824

- g) After the trench has been filled with waste it should be covered, compacted and planted with grass and trees to prevent erosion as well as improve the appearance of the area.
- h) Establish system of test wells for monitoring of ground water for contamination.

2. Security

The original fence should be extended to encompass sufficient new area at any time which it is required. In other words, the active part of the dump should always be inside a fenced and secure area. Markers should be provided on used up trenches so that this location can be easily determined.

3. Alternate Methods of Disposal

Alternate methods of disposing of still bottoms and other plant wastes should be evaluated, since the method of burying in a drum is quite expensive as well as space consuming in the land-fill. (In 1970, approximately \$38,000 was spent for drums.) The task force recommends that other methods certainly be looked at for the future (i.e., bulk, hauling, pumping, improved yield, new product development).

III. COSTS

These costs are based on estimates of the 1970 waste volume.

A. Immediate Costs

- 1. Cost of converting the present dump into a semi-land-fill operation - \$31,000.
- 2. Cost of operating this land-fill until hole is depleted - \$10,000/yr.
- 3. Cost of fence for securing present site and for sufficient area for five (5) years in future, \$35,000.
- 4. Clean-up area - \$2,000.

B. Long Range Costs (Based on 1970 Volume)

- 1. Operating costs per year (excluding drum cost) - \$10,000.

DSW 013825

M. B. Mullally
M. B. Mullally
Task Force Chairman

and
Att.

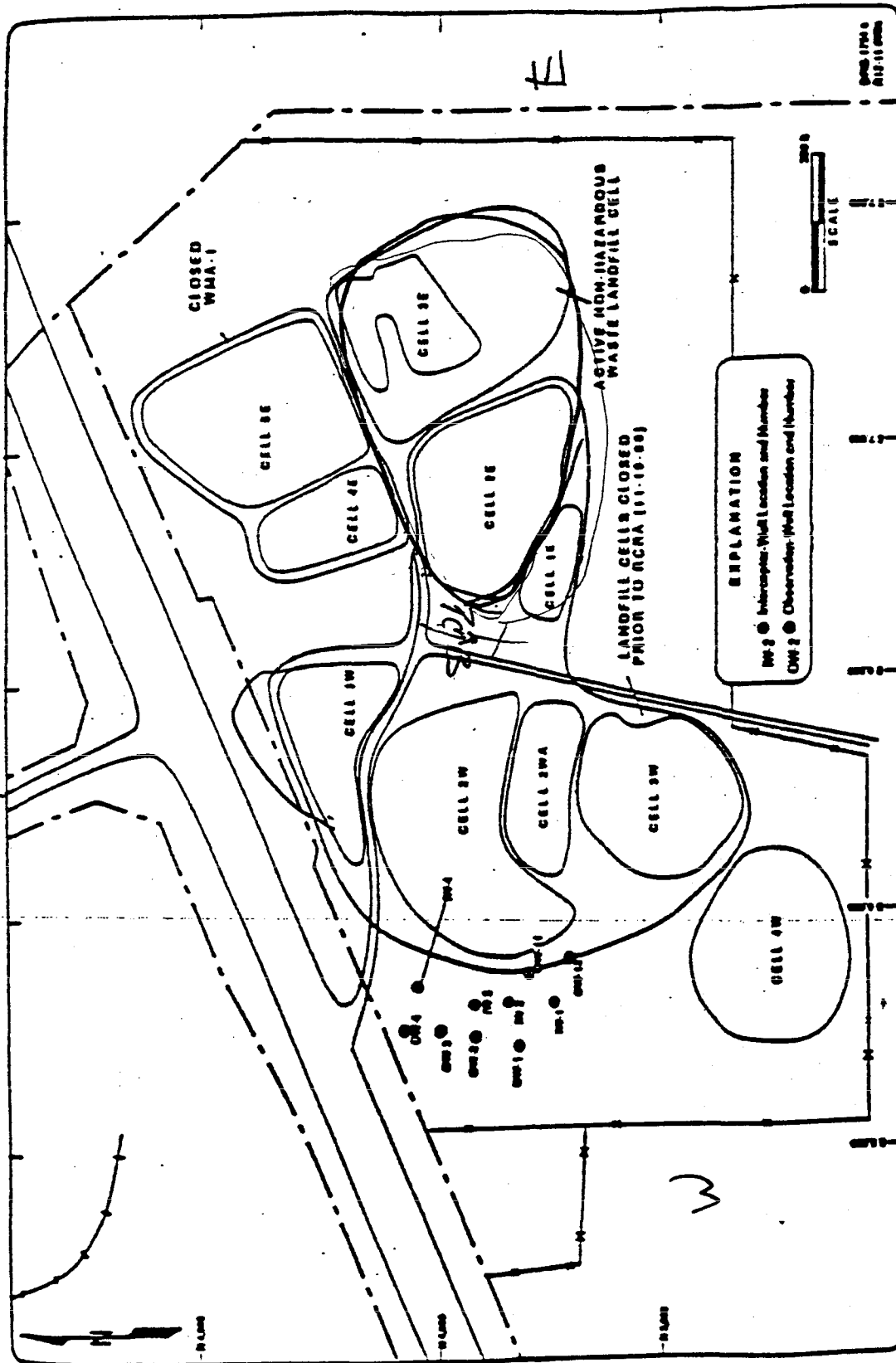
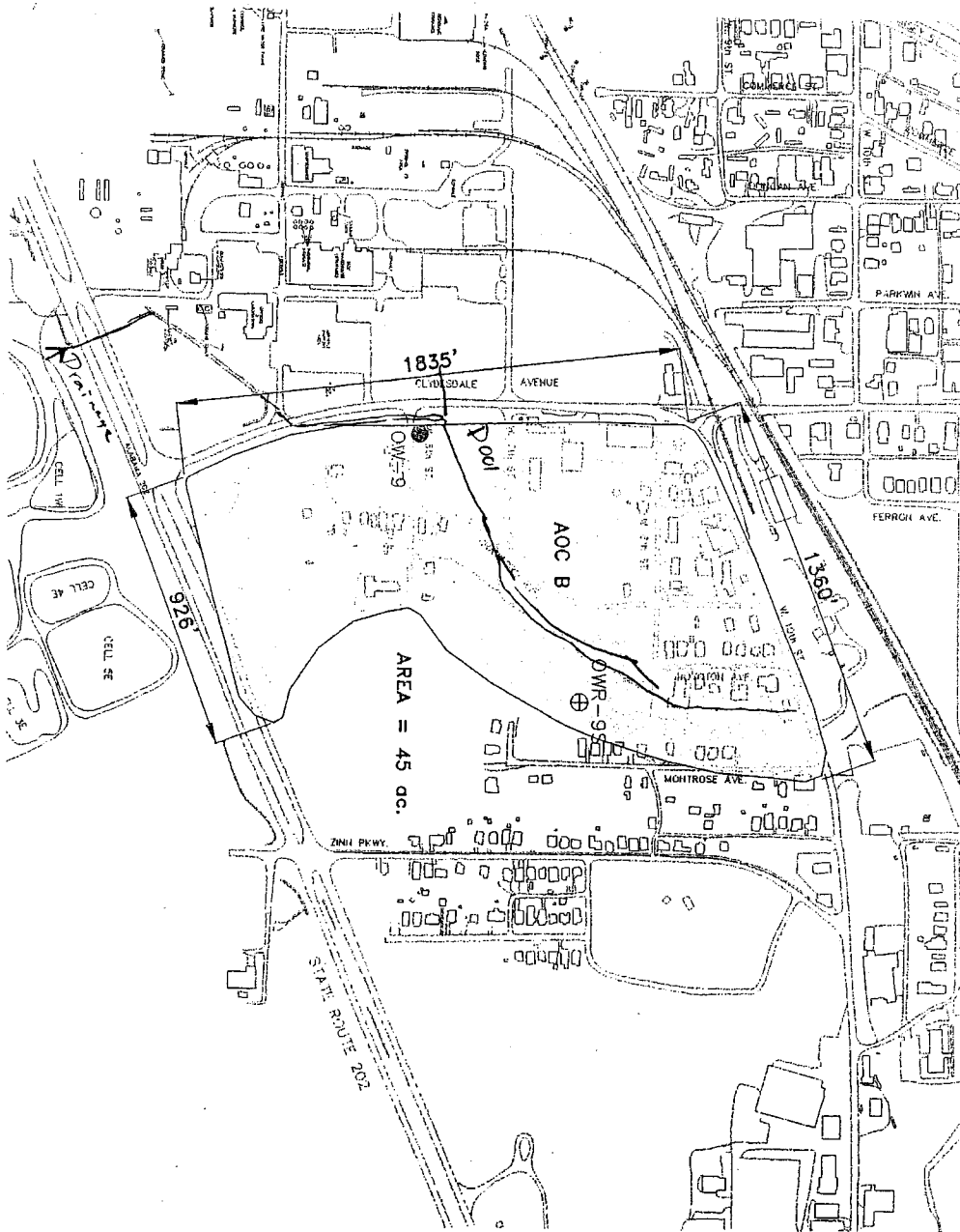


Figure III-2 Location of Interceptor Wells and Observation Wells for the Western Landfill Corrective Action System (SWMU 3)

Reference 138

PLAINTIFF'S
EXHIBIT

PENGAD-Bayonne, NJ



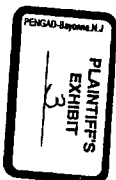
LEGEND

DRAFT

RCRA PERMIT RECOMMENDS
ADDITIONAL RFI

OWR-9S
PROPOSED SHALLOW RESIDUAL
OBSERVATION WELL LOCATION

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



SCALE IN FEET
0 400 800



Golder
Associates

Atlanta, Georgia

SOLITA INC.
REF/CS WORK PLAN
NOVEMBER 1997

SNOW CREEK CONTAMINATION AREA/
OFF-SITE CONTAMINATION AREA

DATE	BY	DATE	BY	DATE	BY
11/97	JLW	10/97	AS SHOWN	943-3680	943-3680
REVIEWED		FILE NO. 943-3680	SHEET NO. 40		

DSW 121420

DSW 121420

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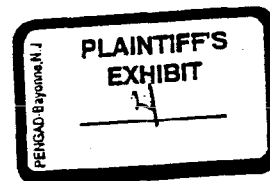
HARTOLDMON0033730

OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK

ATTORNEY GENERAL
STATE OF ALABAMA



February 26, 1985

Mr. Joe Broadwater
Director
Alabama Department of
Environmental Management
1751 Federal Drive
Montgomery, Alabama 36130

Re: Monsanto Chemical Co.,
Anniston, Alabama

Dear Mr. Broadwater:

On Monday, February 25, 1985, members of the Attorney General's staff met with representatives of Monsanto Chemical Company concerning the finding by this office of PCBs in Snow Creek sediments. The levels found in some places were in excess of 100ppm and were as high as 144ppm in sediments approximately 1-1 1/2 miles from the plant. The analytical information on the samples is quite voluminous and we would be glad to transmit any of it which you might want. Please contact us on what information you want.

We expect to meet with the company again shortly and you or your representatives are invited to attend. We will inform you of the time of our next meeting and of further developments in this matter. Since this matter involves potential litigation, we would appreciate your office referring inquiries from Monsanto to this office and that your office do nothing which might jeopardize this potential litigation.

Sincerely,

[Signature]
R. CRAIG KNEISSEL
Assistant Attorney General

cc: David Ludder
Charles Horn
Dan Cooper

Docket IV

ADAD21-003775
HARTOLDMON0033731

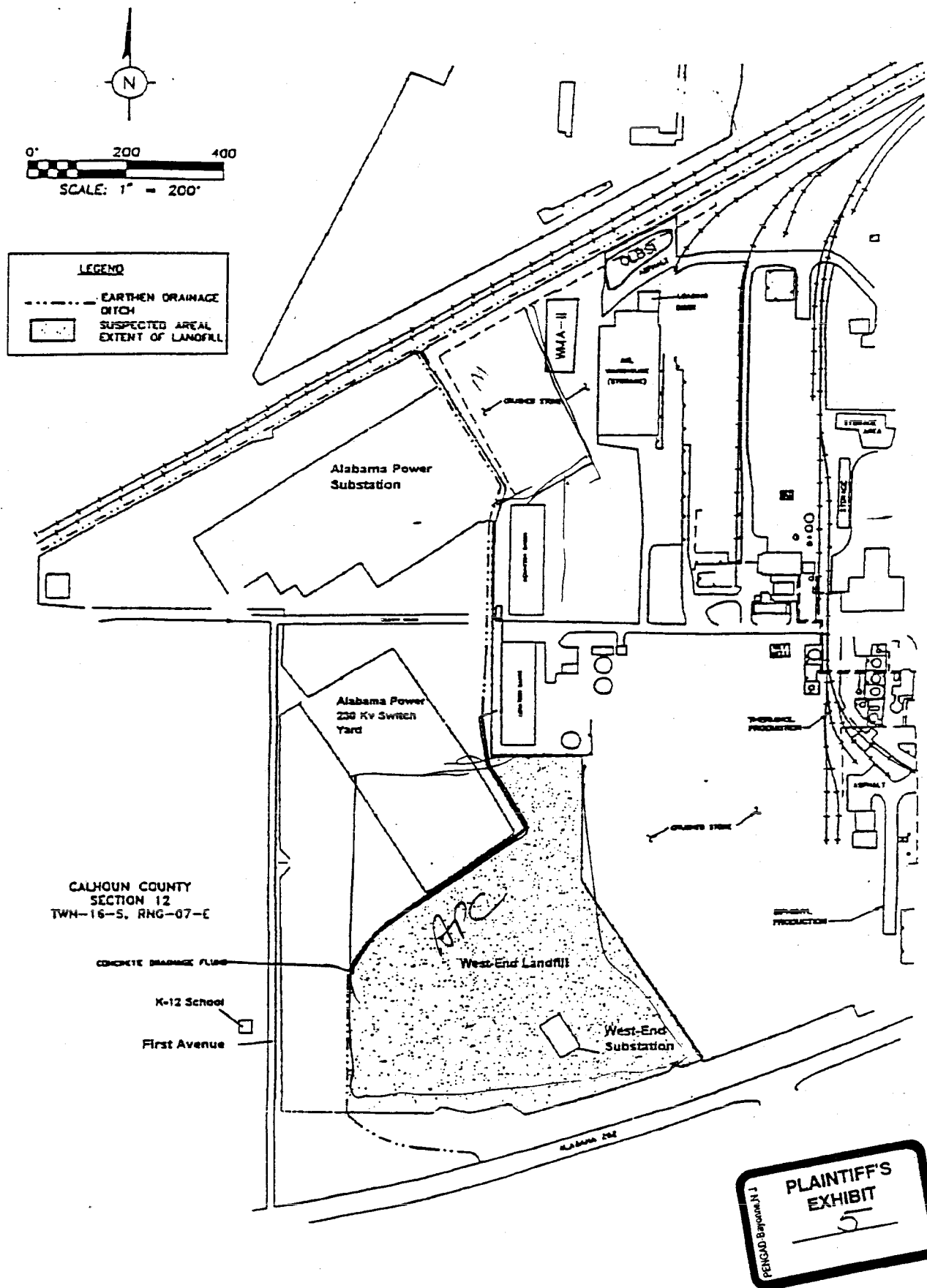


Figure 6. Site Location Map for the West-End landfill.

says at the concentrations we have here, there should be around ~~50 ppb in the water~~, enough to load up the fish in the fishing creels that Snan Creek flows into. (Chockalocka?)

Wilner described the listing procedure for the NPL and the RI/FS process. He said it might sink out, but perhaps not if there's no "target," such as a water intake, within 3 miles. He said the ICS would do a PA and an SI shortly, and it was agreed that this work would be coordinated with the AL AGO and ADEM, all of whom would participate in the field work.

Craig said that he would write Monsanto now & tell them that their proposal is not yet approved, that EPA is interested/concerned/involved, and that there will have to be further discussions on the matter before a remedy can be effectuated.

I didn't make a commitment about any immediate removal, but I noted that we have an environmental/food chain threat, and that it looked likely to be a project that could exceed \$1 million. It would appear that the stream would have to be diverted in order to remove the contaminated sediment without ~~resuspension~~ ^{resuspension} the PCBs. DOCKET NO. 0000152

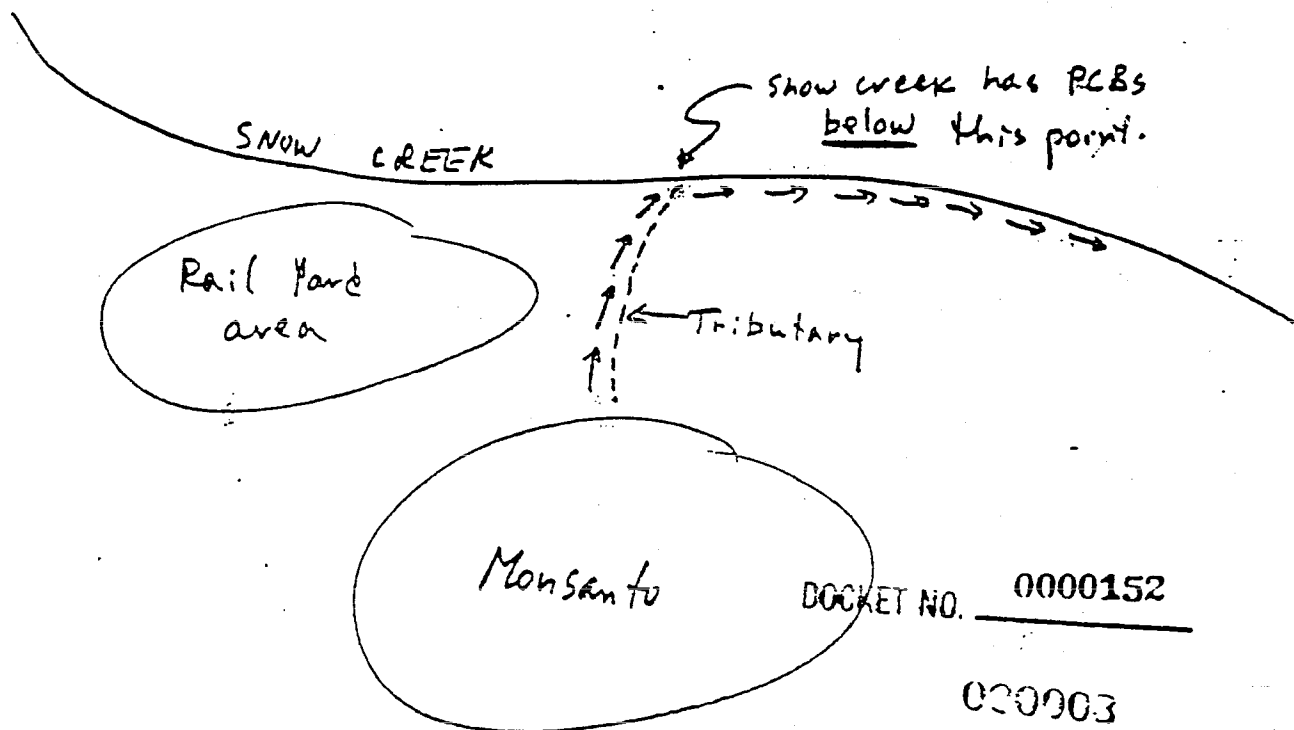
After the meeting, Ray & I met with John & discussed the unusual aspect of the AGO's COR spearheading the project, which falls under ADEM authority. The AGO's grounds for a case are based on trespass that resulted in deposition of PCB onto AL004019048

3/3.

Regarding a potential immediate removal, we could act now + sample the stream ourselves, or we can wait for the results of the PA/SI and even the ranking of the site for the MPL. (Key said it sometimes takes nearly a year to get the ranking done.)

Henry Hudson

cc: George McCain John Johnson (ORI)
Fred Strand Ray Wilkerson
Ralph Jinniger



Note: Several churches shown in the area on AGO's map. AGO says area residents are on city water.

COR

ALB 04 019 048

Monsanto

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

CONFIDENTIAL

DATE: May 7, 1970

SUBJECT: AROCLOR POLLUTION
AWIC CONTACT

REFERENCE:

TO: G. L. Jessee

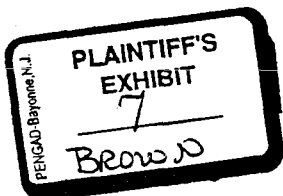
cc: J. C. Landwehr
H. L. Williams
P. B. Hodges - G.O.
W. B. Papageorge - G.O.
F. J. Holzapfel - G.O.
J. R. Savage - G.O.
E. V. John - G.O.
J. H. Crowe - Decatur
E. G. Wright

On May 6, Messers. 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 information 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.



OSW 014098

G. L. Jensen

- 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.

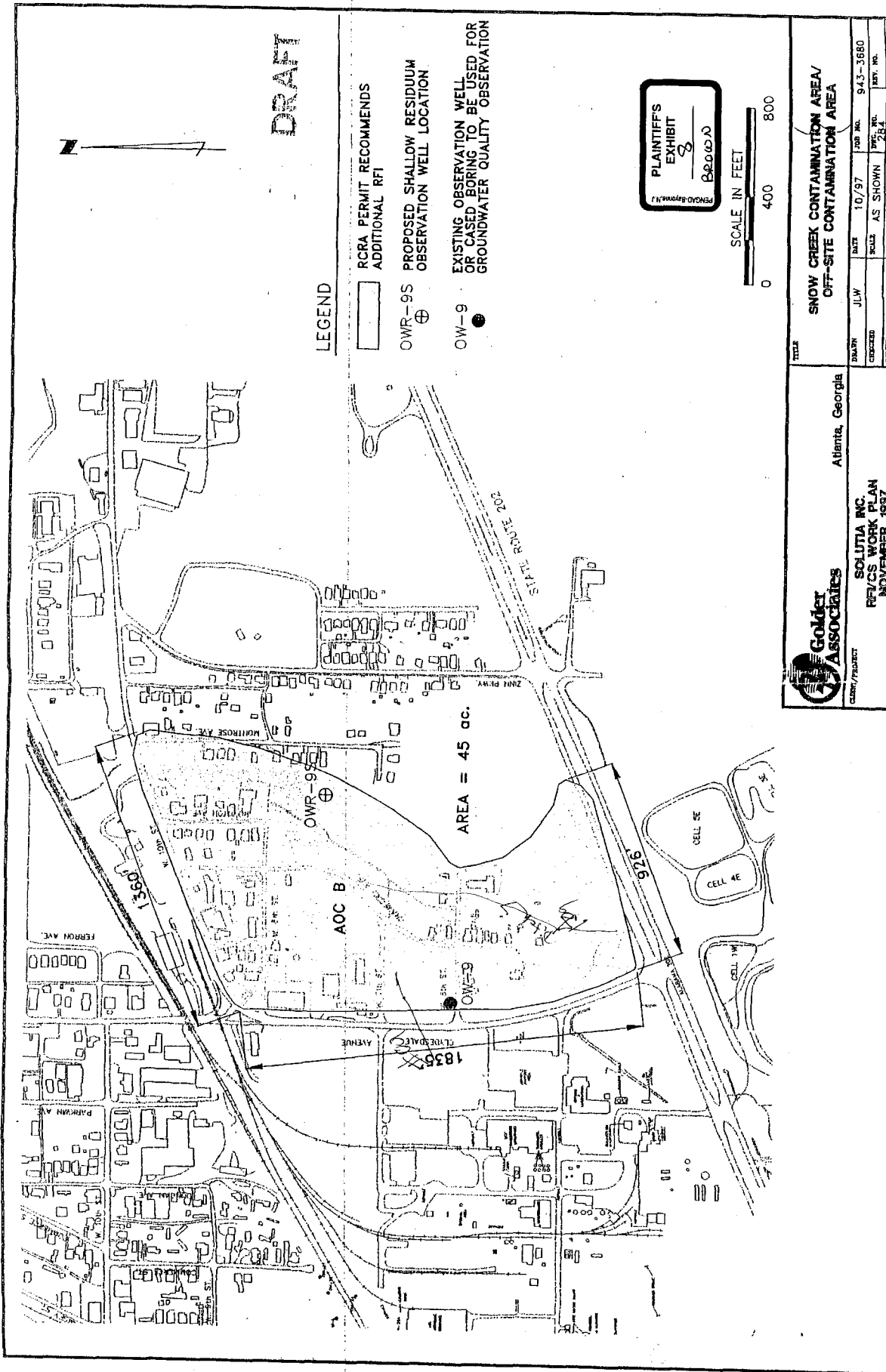
It must be remembered, however, that all AWIC actions are subject to state political pressure and federal control.


G. W. Miller

/bs

MQNS 099534

ADAD21-003781
HARTOLDMON0033737



DRAFT

LEGEND

RCRA PERMIT RECOMMENDS
ADDITIONAL RFI

OWR-9S
⊕
PROPOSED SHALLOW RESIDIUM
OBSERVATION WELL LOCATION

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

PLAINTIFFS
EXHIBIT
8
BROOKLYN

SCALE IN FEET
0 400 800

Goldier Associates		Atlanta, Georgia		SNOW CREEK CONTAMINATION AREA/ OFF-SITE CONTAMINATION AREA	
CHECK/PROJECT	SOLUTION INC. REF/CS WORK PLAN NOVEMBER 1997	DRAWN JLW	DATE 10/97	JOB NO. 943-3680	
		CHECKED	SCALE AS SHOWN	FIG. NO. 284	REV. NO.
		REVISED	FILE NO. 943-3680	SUBTITLE	FIGURE NO. 40



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT 17 1975

OFFICE OF ENFORCEMENT

Monsanto Industrial Chemicals Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63166

OCT 22 1975

Gentlemen:

Recent governmental sampling data indicate the presence of Polychlorinated Biphenyls (PCBs) and comparable chemical substances in the air, in water bodies, and in fish in several areas of the country. In order to determine the nature and extent of the possible adverse effects resulting from the presence of PCB compounds in the environment, the Environmental Protection Agency (EPA), in cooperation with other federal and State agencies, is attempting to determine the sources and amounts of PCBs entering the environment. It is important that this effort be carried out without delay.

It is our understanding that your company handles PCB compounds or mixtures or comparable chemical substances in its operations. I am therefore requesting, pursuant to the authority provided by Section 308 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1318, and Section 114 of the Clean Air Act, as amended, 42 U.S.C. 1857c-9, that your company furnish EPA with information pertaining to your use and handling of PCBs and comparable chemical substances. In addition to a general description, which should include information as to sources, quantities, uses, and ultimate disposition, you should respond in detail to the enclosed questions. If any question is not applicable to your company or operations, please so indicate by responding "not applicable."

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. Should you so request, however, any information (other than effluent or emission data) which the Administrator of this Agency determines to constitute methods or processes entitled to protection as trade secrets will be maintained as confidential, pursuant to procedures specified in 40 CFR Part 1.



AOM 006290

213

Within 14 days of receipt of this letter, your company must provide all information concerning your current status and activities and covering the twelve month period immediately preceding receipt of this letter.

Within 30 days following receipt of this letter, your company must provide all information for all of the prior years indicated.

The information required herein should be sent directly to the address indicated below. If you have any questions you may call the person indicated below or Mr. Blake A. Biles of our office at (202) 755-8731.

We appreciate your prompt cooperation in this matter.

Sincerely yours,



Stanley W. Legro
Assistant Administrator
for Enforcement

Enclosure

Regional Contact: Mr. Earl J. Stephenson
Director, Enforcement Division
Environmental Protection Agency
1735 Baltimore
Kansas City, Missouri 64108
Telephone: (816) 374-2576

ADM 000291

214

POLYCHLORINATED BIPHENYL (PCB) COMPOUNDS OR MIXTURES

Within 14 days of receipt of this letter, your company must provide all information concerning your current status and activities and covering the twelve month period immediately preceding receipt of this letter.

Within 30 days following receipt of this letter, your company must provide all information for all of the prior years indicated.

FOR PURPOSES OF THIS LETTER, THE PHRASE "PCB COMPOUND OR MIXTURE" INCLUDES ALL CHEMICAL SUBSTANCES KNOWN OR BELIEVED BY YOU TO BE PCB COMPOUNDS OR MIXTURES OR OF A SIMILAR CHEMICAL NATURE, IRRESPECTIVE OF TRADE NAME, AND SPECIFICALLY INCLUDING CHLORINATED TERPENE *different*

1. For each PCB compound or mixture produced or imported by your company, for each company facility, during each year of 1971, 1972, 1973, 1974, and the first two quarters of 1975:

- a. The total amount of each PCB compound or mixture produced or imported. ✓
- b. The name and address of each of your company's facilities which handle PCB compounds or mixtures (including production facilities and wholesale and retail outlets), and the amount of each PCB compound or mixture distributed through each facility. *Singer + 1/2 (1/2 per 10)*
- c. The name and address of each customer of each PCB compound or mixture, the amount of each PCB compound or mixture obtained by each customer from each facility, and each customer's delivery point(s) for the receipt of each PCB compound or mixture. *Can do 1/2 1/2 1/2*

2. For each PCB compound or mixture incorporated by your company into its products, for each company facility, during each year of 1971, 1972, 1973, 1974, and the first two quarters of 1975:

- a. A description of each product.
- b. For each product the total amount incorporated of each PCB compound or mixture.

AOM 006292

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ADAD21-003785
HARTOLDMON0033741

(continued)

c. For each product the name and address of each source from which your company obtained each PCB compound or mixture, and the amount of each PCB compound or mixture obtained from each source.

d. The name and address of each of your company's facilities which handle such products (including production facilities and wholesale and retail outlets), and the amount of each product distributed through each facility.

e. The name and address of each customer of each product, and the amount of each product obtained by each customer from each facility. For consumer products list only the total production of each product at each facility and the total number of customers. Do not provide the name and address of each customer of consumer products.

1. For each PCB compound or mixture used by your company in its operations other than for incorporation into its products, for each company facility, during each year of 1971, 1972, 1973, 1974, and the first two quarters of 1975:

a. A description of each use.

b. For each use the total amount of each PCB compound or mixture. Not

c. For each use the name and address of each source from which your company obtained each PCB compound or mixture, and the amount of each PCB compound or mixture obtained from each source.

4. For each PCB compound or mixture reclaimed by your company, for each company facility, during each year of 1971, 1972, 1973, 1974, and the first two quarters of 1975:

a. A description of each method of reclamation.

b. For each method of reclamation, the total amount of each PCB compound or mixture reclaimed.

c. The total amount of each PCB compound or mixture reclaimed.

ADM 006293

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d. The name and address of each source from which your company obtained PCB compounds or mixtures, and the amount of each PCB compound or mixture obtained from each source.

e. For each method of reclamation, the location of every reclamation site, the name and address of each party involved in the reclamation of each PCB compound or mixture, and the amount of each PCB compound or mixture reclaimed by each party.

5. For each PCB compound or mixture disposed of by your company (with or without the involvement of other parties), for each company facility, during each year of 1971, 1972, 1973, 1974, and the first two quarters of 1975:

a. A description of each method of disposal.

b. For each method of disposal the total amount of each PCB compound or mixture disposed.

c. The total amount of each PCB compound or mixture disposed.

d. The name and address of each source from which your company obtained PCB compounds or mixtures, and the amount of each PCB compound or mixture obtained from each source.

e. For each method of disposal, the location of every disposal site, the name and address of each party involved in the disposal of each PCB compound or mixture, and the amount of each PCB compound or mixture disposed of by each party.

6. The composition by chemical name and percent by weight of each PCB compound or mixture produced, imported, sold, reclaimed, used, and/or disposed of by your company since January 1, 1971.

7. The results of any and all sampling and analysis performed by your company, its agents or contractors since January 1, 1971, concerning the following:

a. Concentrations of PCB compounds or mixtures in the effluent of any discharges by the company (into waters of the United States or Publicly Owned Treatment Works) or in the emissions of the company into the air.

Koenig
Records

Difficult

b. The flow and/or composition of any discharges or emissions by the company (into waters of the United States or Publicly Owned Treatment Works, or into the air) which contain PCB compounds or mixtures.

c. Concentrations of PCB compounds or mixtures in receiving waters (both upstream and downstream) of any discharges by the company which contain PCB compounds or mixtures and concentrations of PCB compounds or mixtures in the air in the area of the company.

8. The methods by which PCB compounds or mixtures are transported to, by, and/or from your company, including:

a. A description of each method of transportation, and the form in which PCB compounds or mixtures are transported by each method. Where different methods of transportation are used at different facilities specify which transportation method is used at each facility.

b. The names and addresses of all known transporters of PCB compounds or mixtures.

9. All occasions (including spills) of which you are aware on which PCB compounds or mixtures have or may have been introduced into the environment. In particular, describe such occasions insofar as they involved PCB compounds or mixtures in their liquid state, as incorporated into closed systems, or as incorporated into open systems. For each occasion, indicate name and address of party involved; dates, time, and location of the discharge or spill; and the amounts involved.

10. A description of any adverse health or environmental effects which you know or believe to have resulted from the introduction of PCB compounds or mixtures into the environment. Indicate any specific occasions including dates, times, locations, amounts, and parties involved for which such effects are known.

11. Any and all other information which you possess concerning:

a. The production, importation, reclamation, use, distribution, and disposal of PCB compounds or mixtures.

AOM 006295

219

b. The discharge of PCB compounds or mixtures into the environment.

In addition to the above, EPA would appreciate receiving any other information which you possess concerning the distribution and discharge of PCB compounds or mixtures by sources other than your company, including your company's customers and sources.

ACM 000296

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POTENTIAL HAZARDOUS WASTE SITE
FINAL STRATEGY DETERMINATION

REGION SITE NUMBER

IV 000001580

File this form in the regional Hazardous Waste Log File and submit a copy to: U.S. Environmental Protection Agency; Site Tracking System; Hazardous Waste Enforcement Task Force (EN-335); 401 M St., SW; Washington, DC 20460.

I. SITE IDENTIFICATION

A. SITE NAME HARTOLD MONITORING WELL	B. STREET HWY 202 WEST
C. CITY MINISTON	D. STATE ALA
	E. ZIP CODE 36202

II. FINAL DETERMINATION

Indicate the recommended action(s) and agency(ies) that should be involved by marking 'X' in the appropriate boxes.

RECOMMENDATION	MARK 'X'	ACTION AGENCY			
		EPA	STATE	LOCAL	PRIVATE
A. NO ACTION NEEDED	X		X		
B. REMEDIAL ACTION NEEDED, BUT NO RESOURCES AVAILABLE (If yes, complete Section III.)					
C. REMEDIAL ACTION (If yes, complete Section IV.)					
D. ENFORCEMENT ACTION (If yes, specify in Part E whether the case will be primarily managed by the EPA or the State and what type of enforcement action is anticipated.)					

E. RATIONALE FOR FINAL STRATEGY DETERMINATION

well located & monitored continuously. Contamination does not exceed EPA limits

F. IF A CASE DEVELOPMENT PLAN HAS BEEN PREPARED, SPECIFY THE DATE PREPARED (mo., day, & yr.)

G. IF AN ENFORCEMENT CASE HAS BEEN FILED, SPECIFY THE DATE FILED (mo., day, & yr.)

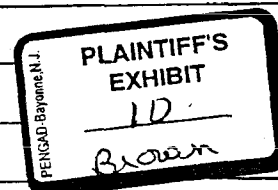
H. PREPARER INFORMATION

1. NAME M. H. Baker	2. TELEPHONE NUMBER 832-6728	3. DATE (mo., day, & yr.) JAN 27 81
------------------------	---------------------------------	--

III. REMEDIAL ACTIONS TO BE TAKEN WHEN RESOURCES BECOME AVAILABLE

List all remedial actions, such as excavation, removal, etc. to be taken as soon as resources become available. See instructions for a list of Key Words for each of the actions to be used in the spaces below. Provide an estimate of the approximate cost of the remedy.

A. REMEDIAL ACTION	B. ESTIMATED COST	C. REMARKS
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	



D. TOTAL ESTIMATED COST

\$



POTENTIAL HAZARDOUS WASTE SITE LOG

SITE NUMBER

17

NOTE: The initial identification of a potential site or incident should not be interpreted as a finding of illegal activity or confirmation that an actual health or environmental threat exists. All identified sites will be assessed under the EPA's Hazardous Waste Site Enforcement and Response System to determine if a hazardous waste problem actually exists.

SITE NAME

ANNISTON PLANT LANDFILL

CITY

ANNISTON

STATE

ALA

ZIP CODE

36202

SUMMARY OF POTENTIAL OR KNOWN PROBLEM

LANDFILL OF PESTICIDES, PCBs, PHENOLS, ACETONE AND PLANT TRASH.
NO EVIDENCE OF CONTAMINATION OR HEALTH HAZARD CONTAMINATION

ITEM	DATE OF DETERMINATION OR COMPLETION	RESPONSIBLE ORGANIZATION OR INDIVIDUAL (EPA, State, Contractor, Other)	PERSON MAKING ENTRY TO LOG FORM	DATE ENTERED ON LOG (mo, day, yr)
1. IDENTIFICATION OF POTENTIAL PROBLEM	Oct 5 79	ECKHART REPORT	D. E. A. A.	FEB 7 80
2. PRELIMINARY ASSESSMENT	Oct 5 79	ALA	D. E. A. A.	FEB 7 80
APPEARANT SERIOUSNESS OF PROBLEM:	HIGH ☐ MEDIUM ☐ LOW ☐ NONE ☐ UNKNOWN ☒	Med. Priority		
3. SITE INSPECTION	MAR 5 80	STATE		
4. EPA TENTATIVE DISPOSITION (check appropriate item(s) below)				
☐ a. NO ACTION NEEDED				
☐ b. INVESTIGATIVE ACTION NEEDED				
☐ c. REMEDIAL ACTION NEEDED				
☐ d. ENFORCEMENT ACTION NEEDED				
5. EPA FINAL STRATEGY DETERMINATION (check appropriate item(s) below)				
☐ a. NO ACTION NEEDED				
☐ b. REMEDIAL ACTION NEEDED				
☐ c. REMEDIAL ACTION NEEDED BUT, NO RESOURCES AVAILABLE				
☐ d. ENFORCEMENT ACTION NEEDED				
☐ (1) CASE DEVELOPMENT PLAN PREPARED				
☐ (2) ENFORCEMENT CASE FILED OR ADMINISTRATIVE ORDER ISSUED				
6. STRATEGY COMPLETED				

EPA Form T2070-1 (10-79)



POTENTIAL HAZARDOUS WASTE SITE
IDENTIFICATION AND PRELIMINARY ASSESSMENT

REGION IV SITE NUMBER (to be assigned by HQ) 19

NOTE: This form is completed for each potential hazardous waste site to help set priorities for site inspection. The information submitted on this form is based on available records and may be updated on subsequent forms as a result of additional inquiries and on-site inspections.

GENERAL INSTRUCTIONS: Complete Sections I and III through X as completely as possible before Section II (Preliminary Assessment). File this form in the Regional Hazardous Waste Log File and submit a copy to: U.S. Environmental Protection Agency; Site Tracking System; Hazardous Waste Enforcement Task Force (EN-335); 401 M St., SW; Washington, DC 20460.

I. SITE IDENTIFICATION

A. SITE NAME ANNISTON PLANT LANDFILL		B. STREET (or other identifier) HWY 202 WEST	
C. CITY ANNISTON	D. STATE ALA	E. ZIP CODE 36202	F. COUNTY NAME CALHOUN
G. OWNER/OPERATOR (if known) 1. NAME MONSANTO COMPANY		2. TELEPHONE NUMBER 236-6331	
H. TYPE OF OWNERSHIP ☐ 1. FEDERAL ☐ 2. STATE ☐ 3. COUNTY ☐ 4. MUNICIPAL ☒ 5. PRIVATE ☐ 6. UNKNOWN			

I. SITE DESCRIPTION

J. HOW IDENTIFIED (i.e., citizen's complaints, OSHA citations, etc.) ECKHARDT REPORT	K. DATE IDENTIFIED (mo., day, & yr.) OCT 5 79
---	--

L. PRINCIPAL STATE CONTACT 1. NAME DANIEL E COOPER ASST DIRECTOR DSW	2. TELEPHONE NUMBER 332-6723
--	---------------------------------

II. PRELIMINARY ASSESSMENT (complete this section last)

A. APPARENT SERIOUSNESS OF PROBLEM ☐ 1. HIGH ☐ 2. MEDIUM ☐ 3. LOW ☐ 4. NONE ☒ 5. UNKNOWN Med. Priority	
B. RECOMMENDATION ☐ 1. NO ACTION NEEDED (no hazard) ☐ 2. IMMEDIATE SITE INSPECTION NEEDED a. TENTATIVELY SCHEDULED FOR: b. WILL BE PERFORMED BY: ☒ 3. SITE INSPECTION NEEDED a. TENTATIVELY SCHEDULED FOR: b. WILL BE PERFORMED BY: ☒ 4. SITE INSPECTION NEEDED (low priority)	

C. PREPARER INFORMATION 1. NAME DARRELL A. BAKER	2. TELEPHONE NUMBER 332-6723	3. DATE (mo., day, & yr.) DEC 8, 1979
--	---------------------------------	--

III. SITE INFORMATION

A. SITE STATUS ☒ 1. ACTIVE (Those industrial or municipal sites which are being used for waste treatment, storage, or disposal on a continuing basis, even if infrequently.) ☐ 2. INACTIVE (Those sites which no longer receive wastes.) ☐ 3. OTHER (specify):		
B. IS GENERATOR ON SITE? ☐ 1. NO ☒ 2. YES (specify generator's four-digit SIC Code): 2911		
C. AREA OF SITE (in acres) 30	D. IF APPARENT SERIOUSNESS OF SITE IS HIGH, SPECIFY COORDINATES 1. LATITUDE (deg.-min.-sec.) 33.5° N 2. LONGITUDE (deg.-min.-sec.) 86.35° W	
E. ARE THERE BUILDINGS ON THE SITE? ☒ 1. NO ☐ 2. YES (specify):		

V. WASTE RELATED INFORMATION (continued)

3. LIST SUBSTANCES OF GREATEST CONCERN WHICH MAY BE ON THE SITE (place in descending order of hazard).

1. PCB
2. PARATHION
3. PHENOLS
4. ALBERTA

4. ADDITIONAL COMMENTS OR NARRATIVE DESCRIPTION OF SITUATION KNOWN OR REPORTED TO EXIST AT THE SITE.

PCB, PARATHION AND PHENOLS WASTES INCLUDES DRUMS, PAILS, LIME AND OTHER MATERIALS WHICH HAVE BEEN CONTAMINATED WITH THESE WASTES.

VI. HAZARD DESCRIPTION

A. TYPE OF HAZARD	B. POTENTIAL HAZARD (mark 'X')	C. ALLEGED INCIDENT (mark 'X')	D. DATE OF INCIDENT (mo., day, yr.)	E. REMARKS
1. NO HAZARD				
2. HUMAN HEALTH	X			DEATH OF WORKER PARATHION
3. NON-WORKER INJURY/EXPOSURE				
4. WORKER INJURY				
5. CONTAMINATION OF WATER SUPPLY				
6. CONTAMINATION OF FOOD CHAIN				
7. CONTAMINATION OF GROUND WATER	X			UNLIKELY; NATIVE CLAY HAS DEPTH OF 1×10^{-2} CM/SEC
8. CONTAMINATION OF SURFACE WATER	X			
9. DAMAGE TO FLORA/FAUNA				
10. FISH KILL				
11. CONTAMINATION OF AIR				
12. NOTICEABLE ODORS				
13. CONTAMINATION OF SOIL	X			
14. PROPERTY DAMAGE				
15. FIRE OR EXPLOSION				
16. SPILLS/LEAKING CONTAINERS/ RUNOFF/STANDING LIQUIDS				
17. SEWER, STORM DRAIN PROBLEMS				
18. EROSION PROBLEMS				
19. INADEQUATE SECURITY				
20. INCOMPATIBLE WASTES				
21. MIDNIGHT DUMPING				
22. OTHER (specify):				

Docket I

11.1.12



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT

REGION IV SITE NUMBER (to be assigned by HQ) 19

GENERAL INSTRUCTIONS: Complete Sections I and III through XV of this form as completely as possible. Then use the information on this form to develop a Tentative Disposition (Section II). File this form in its entirety in the regional Hazardous Waste Log File. Be sure to include all appropriate Supplemental Reports in the file. Submit a copy of the forms to: U.S. Environmental Protection Agency; Site Tracking System; Hazardous Waste Enforcement Task Force (EN-335); 401 M St., SW; Washington, DC 20460.

I. SITE IDENTIFICATION

A. SITE NAME ANNISTON PLANT LANDFILL B. STREET (or other identifier) HWY 202 WEST
C. CITY ANNISTON D. STATE ALA E. ZIP CODE 36202 F. COUNTY NAME CALHOUN
G. SITE OPERATOR INFORMATION
1. NAME MONSANTO COMPANY 2. TELEPHONE NUMBER 236-6381
3. STREET HWY 202 WEST 4. CITY ANNISTON 5. STATE ALA 6. ZIP CODE 36202
H. REALTY OWNER INFORMATION (if different from operator of site)
1. NAME 2. TELEPHONE NUMBER
3. CITY 4. STATE 5. ZIP CODE

I. SITE DESCRIPTION

HAZARDOUS AND NON HAZARDOUS WASTE LANDFILL

J. TYPE OF OWNERSHIP

☐ 1. FEDERAL ☐ 2. STATE ☐ 3. COUNTY ☐ 4. MUNICIPAL ☒ 5. PRIVATE

II. TENTATIVE DISPOSITION (complete this section last)

A. ESTIMATE DATE OF TENTATIVE DISPOSITION (mo., day, & yr.) B. APPARENT SERIOUSNESS OF PROBLEM
☐ 1. HIGH ☐ 2. MEDIUM ☐ 3. LOW ☐ 4. NONE
UNKNOWN - Med. Priority

C. PREPARER INFORMATION

1. NAME 2. TELEPHONE NUMBER 3. DATE (mo., day, & yr.)
JERRY BROWN 236-6381 Nov 9 81

III. INSPECTION INFORMATION

A. PRINCIPAL INSPECTOR INFORMATION

1. NAME DARRELL A. BAKER 2. TITLE PUBLIC HEALTH ENGINEER
3. ORGANIZATION ALA DEPT OF PUBLIC HEALTH / DIV OF ENVIRONMENT 4. TELEPHONE NO. (area code & no.) (205) 832-6728

B. INSPECTION PARTICIPANTS

1. NAME	2. ORGANIZATION	3. TELEPHONE NO.
JERRY BROWN	MONSANTO CO	236-6381
Bill Taffey	MONSANTO CO	236-6381

C. SITE REPRESENTATIVES INTERVIEWED (corporate officials, workers, residents)

1. NAME	2. TITLE & TELEPHONE NO.	3. ADDRESS
JERRY BROWN	CHEM. 236-6381	MONSANTO CO, HWY 202 WEST
Bill Taffey	ENG. 236-6381	MONSANTO CO, HWY 202 WEST

Continued From Page 2

IV. SAMPLING INFORMATION (continued)

C. PHOTOS

1. TYPE OF PHOTOS

☐ a. GROUND ☐ b. AERIAL

2. PHOTOS IN CUSTODY OF:

D. SITE MAPPED?

☒ YES. SPECIFY LOCATION OF MAPS: ON FILE AT ALA DIV OF SOLID WASTE

E. COORDINATES

1. LATITUDE (deg.-min.-sec.)

33.5° N

2. LONGITUDE (deg.-min.-sec.)

86.75° W

V. SITE INFORMATION

A. SITE STATUS

☒ 1. ACTIVE (Those industrial or municipal sites which are being used for waste treatment, storage, or disposal on a continuing basis, even if infrequently.)☐ 2. INACTIVE (Those sites which no longer receive wastes.)☐ 3. OTHER (specify):
(Those sites that include such incidents like "midnight dumping" where no regular or continuing use of the site for waste disposal has occurred.)

B. IS GENERATOR ON SITE?

☐ 1. NO ☒ 2. YES (specify generator's four-digit SIC Code): 2911

C. AREA OF SITE (in acres)

3.0

D. ARE THERE BUILDINGS ON THE SITE?

☒ 1. NO ☐ 2. YES (specify):

VI. CHARACTERIZATION OF SITE ACTIVITY

Indicate the major site activity(ies) and details relating to each activity by marking 'X' in the appropriate boxes.

X	A. TRANSPORTER	X	B. STORER	X	C. TREATER	X	D. DISPOSER
	1. RAIL		1. PILE		1. FILTRATION		1. LANDFILL
	2. SHIP		2. SURFACE IMPOUNDMENT		2. INCINERATION		2. LANDFARM
	3. BARGE		3. DRUMS		3. VOLUME REDUCTION		3. OPEN DUMP
X	4. TRUCK		4. TANK, ABOVE GROUND		4. RECYCLING/RECOVERY		4. SURFACE IMPOUNDMENT
	5. PIPELINE		5. TANK, BELOW GROUND		5. CHEM./PHYS./TREATMENT		5. MIDNIGHT DUMPING
	6. OTHER (specify):		6. OTHER (specify):		6. BIOLOGICAL TREATMENT		6. INCINERATION
					7. WASTE OIL REPROCESSING		7. UNDERGROUND INJECTION
					8. SOLVENT RECOVERY		8. OTHER (specify):
					9. OTHER (specify):		

E. SUPPLEMENTAL REPORTS: If the site falls within any of the categories listed below, Supplemental Reports must be completed. Indicate which Supplemental Reports you have filled out and attached to this for..

☐ 1. STORAGE ☐ 2. INCINERATION ☒ 3. LANDFILL ☐ 4. SURFACE IMPOUNDMENT ☐ 5. DEEP WELL

☐ 6. CHEM/BIO/PHYS TREATMENT ☐ 7. LANDFARM ☐ 8. OPEN DUMP ☐ 9. TRANSPORTER ☐ 10. RECYCLOR/RECLAIMER

VII. WASTE RELATED INFORMATION

A. WASTE TYPE

☒ 1. LIQUID ☒ 2. SOLID ☒ 3. SLUDGE ☐ 4. GAS

B. WASTE CHARACTERISTICS

☒ 1. CORROSIVE ☐ 2. IGNITABLE ☐ 3. RADIOACTIVE ☐ 4. HIGHLY VOLATILE

☒ 5. TOXIC ☒ 6. REACTIVE ☒ 7. INERT ☐ 8. FLAMMABLE

☐ 9. OTHER (specify):

C. WASTE CATEGORIES

1. Are records of wastes available? Specify items such as manifests, inventories, etc. below.

Docket I

11. F10

VIII. HAZARD DESCRIPTION (continued)

☐ B. NON-WORKER INJURY/EXPOSURE☐ C. WORKER INJURY/EXPOSURE☒ D. CONTAMINATION OF WATER SUPPLY

Feeder pipe for all water supply lines in field water supply system is made of steel pipe.

☐ E. CONTAMINATION OF FOOD CHAIN☐ F. CONTAMINATION OF GROUND WATER

UNLINED LANDFILL, however clay is very impermeable

☐ G. CONTAMINATION OF SURFACE WATER

For K.I. I

- DIA

VIII. HAZARD DESCRIPTION (continued)

☐ N. FIRE OR EXPLOSION☐ O. SPILLS/LEAKING CONTAINERS/RUNOFF/STANDING LIQUID☐ P. SEWER, STORM DRAIN PROBLEMS☐ Q. EROSION PROBLEMS☐ R. INADEQUATE SECURITY☐ S. INCOMPATIBLE WASTESMarked ☒

x 1/1

Continued From Page 8

X. WATER AND HYDROLOGICAL DATA (continued)

H. LIST ALL DRINKING WATER WELLS WITHIN A 1/4 MILE RADIUS OF SITE

1. WELL	2. DEPTH (specify unit)	3. LOCATION (proximity to population/buildings)	4. NON-COM- MUNITY (mark 'X')	5. COMMUN- ITY (mark 'X')

I. RECEIVING WATER

1. NAME

☐ 2. SEWERS

☐ 3. STREAMS/RIVERS

☐ 4. LAKES/RESERVOIRS

☐ 5. OTHER (specify):

5. SPECIFY USE AND CLASSIFICATION OF RECEIVING WATERS

XI. SOIL AND VEGETATION DATA

LOCATION OF SITE IS IN:

☐ A. FLOOD FAULT ZONE

☐ B. KARST ZONE

☐ C. 100 YEAR FLOOD PLAIN

☐ D. WETLAND

☐ E. A REGULATED FLOODWAY

☐ F. CRITICAL HABITAT

☐ G. RECHARGE ZONE OR SOLE SOURCE AQUIFER

XII. TYPE OF GEOLOGICAL MATERIAL OBSERVED

Mark 'X' to indicate the type(s) of geological material observed and specify where necessary, the component parts.

A. OVERBURDEN	B. BEDROCK (specify below)	C. OTHER (specify below)
1. SAND		
2. CLAY		
3. GRAVEL		

XIII. SOIL PERMEABILITY

☐ A. UNKNOWN

☐ B. VERY HIGH (100,000 to 1000 cm/sec.)

☐ C. HIGH (1000 to 10 cm/sec.)

☐ D. MODERATE (10 to .1 cm/sec.)

☐ E. LOW (.1 to .001 cm/sec.)

☒ F. VERY LOW (.001 to .00001 cm/sec.)

G. RECHARGE AREA

☐ 1. YES

☐ 2. NO

3. COMMENTS: Possibly, since recharge zone is unknown

H. DISCHARGE AREA

☐ 1. YES

☐ 2. NO

3. COMMENTS:

I. SLOPE

1. ESTIMATE % OF SLOPE

10

2. SPECIFY DIRECTION OF SLOPE, CONDITION OF SLOPE, ETC.

North

J. OTHER GEOLOGICAL DATA

Deck A D

LANDFILLS SITE INSPECTION REPORT
(Supplemental Report)

INSTRUCTION
Answer and Explain
as Necessary.

1. EVIDENCE OF SITE INSTABILITY (Erosion, Settling, Sink Holes, etc)

☐ YES ☒ NO

2. EVIDENCE OF IMPROPER DISPOSAL OF BULK LIQUIDS, SEMI-SOLIDS AND SLUDGES INTO THE LANDFILL

☐ YES ☒ NO

3. CHECK RECORDS OF CELL LOCATION AND CONTENTS AND BENCHMARK

☒ YES ☐ NO

4. WASTES SURROUNDED BY SORBENT MATERIAL

☐ YES ☒ NO

5. DIVERSION STRUCTURES ARE EFFECTIVELY CONSTRUCTED AND PROPERLY MAINTAINED

☒ YES ☐ NO

6. EVIDENCE OF PONDING OF WATER ON SITE

☒ YES ☐ NO

IN TRASH DISPOSAL SITE AND BIOLOGICAL CELL DISPOSAL AREA

7. EVIDENCE OF IMPROPER/INADEQUATE DRAINING

☐ YES ☒ NO

8. ADEQUATE LEACHATE COLLECTION SYSTEM (If "Yes", specify Type)

☒ YES ☒ NO

8a. SURFACE LEACHATE SPRING

☐ YES ☒ NO

9. RECORDS OF LEACHATE ANALYSIS

☒ YES ☐ NO

10. GAS MONITORING

☐ YES ☒ NO

11. GROUNDWATER MONITORING WELLS

☐ YES ☒ NO

TO BE INSTALLED IN SPRING OF 1996

12. ARTIFICIAL MEMBRANE LINER INSTALLED

☐ YES ☒ NO

13. SPECIFIC CONTAINMENT MEASURES (Clay Bottom, Sides, etc)

☒ YES ☐ NO

CLAY PERMEABILITY = 1×10^{-3} CM/sec, DAMS CONSTRUCTED AROUND WASTE

14. FIXATION (Stabilization) OF WASTE

☐ YES ☒ NO

15. ADEQUATE CLOSURE OF INACTIVE PORTION OF FACILITY

☒ YES ☐ NO

16. COVER (Type)

CLAY (NATIVE)

16a. THICKNESS

2 FT

16b. PERMEABILITY

1×10^{-3} CM/sec

16c. DAILY APPLICATION

☐ YES ☒ NO



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

JAMES R. SOLOMON, JR.
DEPUTY ATTORNEY GENERAL

M. WARD McNEILL, JR.
EXECUTIVE ASSISTANT

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JAMIE MOBLES
ADMINISTRATIVE ASSISTANT

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 834-5150

January 22, 1985

Mr. Richard J. Mahoney
President
Monsanto Chemical Company
800 N. Lindburgh Blvd.
St. Louis, MO 63166

RECEIVED

JAN 30 1985

R. J. M.

Dear Mr. Mahoney:

My office has made an investigation of Snow Creek in the Anniston, Alabama area near the location of Monsanto's Anniston Chemical Plant.

Analysis of samples taken by my investigators at this location indicate the presence of polychlorinated biphenyls (PCB's) in the creek sediments outside Monsanto's site in excess of 400 ppm (parts per million). These figures are well in excess of EPA standards of 50 ppm. Monsanto produced PCB's at its Anniston plant for a number of years up into the 1970's.

In view of the high concentrations of PCB's and the rather extended areas of creek bottoms contaminated by these substances I would request that representatives of your company meet with members of my staff to discuss this matter as soon as possible. Arrangements for such a meeting should be made by contacting Assistant Attorney General Craig Kneisel of my staff at (205) 834-5150.

Sincerely,

CHARLES A. GRADDICK
ATTORNEY GENERAL

CAG:sw



DSW 015250

OFFICE OF THE ATTORNEY GENERAL



AL - XXG TSL - 204 - 002

CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

JAMES R. SOLOMON, JR.
DEPUTY ATTORNEY GENERAL

H. WARD McMILLAN, JR.
EXECUTIVE ASSISTANT

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CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES
ADMINISTRATIVE ASSISTANT

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 834-5150

February 26, 1985

ALD 004 019 048

Mr. Joe Broadwater
Director
Alabama Department of
Environmental Management
1751 Federal Drive
Montgomery, Alabama 36130

Re: Monsanto Chemical Co.,
Anniston, Alabama

Dear Mr. Broadwater:

On Monday, February 25, 1985, members of the Attorney General's staff met with representatives of Monsanto Chemical Company concerning the finding by this office of PCBs in Snow Creek sediments. The levels found in some places were in excess of 400ppm and were as high as 198ppm in sediments approximately 1-1 1/2 miles from the plant. The analytical information on the samples is quite voluminous and we would be glad to transmit any of it which you might want. Please contact us on what information you want.

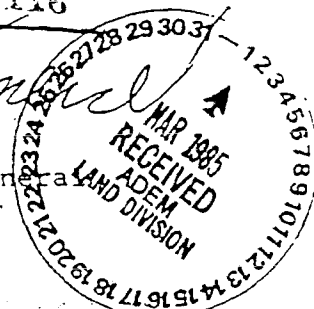
We expect to meet with the company again shortly and you or your representatives are invited to attend. We will inform you of the time of our next meeting and of further developments in this matter. Since this matter involves potential litigation, we would appreciate your office referring inquiries from Monsanto to this office and that your office do nothing which might jeopardize this potential litigation.



DOCKET NO. 0000116
Sincerely,

R. CRAIG KNEISEL
Assistant Attorney General

cc: David Ludder
Charles Horn
Dan Cooper



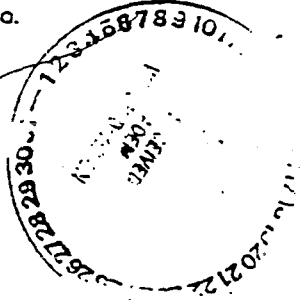
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Monsanto

FILE

AL-XXGTB-402004

MONSANTO AGRICULTURAL PRODUCTS CO.
P. O. Box 249
Anniston, Alabama 36202
Phone: (205) 236-6381



May 15, 1986

Mr. James M. Moore, III, Engineer
Industrial Branch
Water Division
Alabama Department of Environmental Management
1751 Federal Drive
Montgomery, Alabama 36130

Dear Mr. Moore:

Please find a copy of the proposed Snow Creek Sediment Removal Protocol attached for your review. We will discuss at the meeting scheduled for May 27 at 11:00 A.M. in Anniston.

Call if you have questions.

Sincerely,

Jerry L. Brown
Technology & Engineering Superintendent

LETTER/sag

Attachments

cc Mr. Craig Kneisel

DOCKET NO. 0000200



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a unit of Monsanto Company

ADAD21-003802
HARTOLDMON0033758

SNOW CREEK TRIBUTARY
SEDIMENT REMOVAL

Three sections of the drainage ditch and Snow Creek are proposed for sediment removal. The sediment removal will consist of dredging and disposal of bottom sediments, which will also effectively deepen and improve the channel of the drainage ditch. This plan also proposes the installation of a culvert in Section 1 (described below).

Section 1: Length of drainage ditch from sampling site 1 to sampling site 2. Effectively, this dredging operation will encompass the length of the ditch from the emergence of the ditch from the culvert under the Bethel Missionary Baptist Church to the culvert under Route 202, 10th Street. This distance is approximately 500 feet.

Section 2: Stretch of ditch between the Southern Railway railroad tracks and 11th Street, from where the ditch passes under the tracks, to the confluence of the ditch and Snow Creek. This distance is approximately 1200 to 1500 feet.

Section 3: Section of Snow Creek from the confluence to a point approximately 100 feet downstream.

Local authorities in Anniston will be contacted to arrange for necessary easements, approvals, and access rights to properties which will be affected by the proposed dredging operation.

The necessary contracts will be executed with an experienced contractor to carry out the proposed operations. All aspects of the operation will be funded by Monsanto Company, except for any analytical work done by regulatory agencies.

The dredging will be done by an experienced contractor. The specific heavy equipment and the dredging procedure will be specified to the contractor. The creek bottoms (sediments) will be dredged to a depth of approximately 12 inches or to bedrock and to a width defined by the width of the water in the ditch and creek. The dredging operation should proceed in a downstream direction to minimize recontamination by resedimentation of particulate material suspended during the dredging.

The dredged material is to be deposited on the creek bank for dewatering. (The dewatering is anticipated to take two days at the most.) Following dewatering the dredged material will be loaded and transported to a secured area at the Monsanto Company landfill. The material will be stored at this location only long enough to sample the dewatered sediment and to perform analyses to determine the average concentration of PCBs. (See below.)

DOCKET NO. 0000200

After the dredging operations in the three sections of the drainage ditch and Snow Creek have been completed, the ditch and creek bottoms will be sampled in accordance with the sampling method developed for the 1985 program. Sampling sites will be selected to roughly correspond to sampling points 1, 2, and 3 of the original protocol, with an additional point to be sampled in section 2 of dredged ditch, between 11th Street and the railroad tracks. These samples will

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be shipped to the Environmental Sciences Center, Monsanto Company, St. Louis, MO., for expeditious analysis to verify the results of the dredging operation. This laboratory will be notified of the dredging schedule, to ensure that the analyses will be done as soon as possible. Results will be communicated by Monsanto Company to the Alabama Department of Environmental Management and the Alabama State Attorney General's office. Split samples will be made available to either agency upon prior request. Verification that the residual sediments in the ditch and Snow Creek contain less than 50 ppm PCBs will signal successful completion of the dredging operation.

Following acceptance of the results of the dredging program, no further action will be taken at sections 2 and 3 of the dredged ditch. The dredging will have accomplished an effective channelization of the ditch and Snow Creek, which will improve the water carrying capacity of the waterways. However, in section 1, a concrete culvert will be installed to completely enclose the ditch from its emergence from under the church to 10th Street. The culvert will be covered with backfill and seeded. Completion of this operation is predicated upon receiving proper approval from the landowners along this section of the drainage ditch.

The dredged materials will be transported to a temporary storage site at the Monsanto Company landfill site. The site will be a level section to eliminate risk of downhill migration of the stored material. The stored material will be covered with polyethylene sheeting or some other water-impervious material to prevent runoff, in the event of rain, and dispersal by wind. The covering will be secured with sandbags to prevent lift off caused by wind. The temporary storage site will be inspected daily to ensure the integrity of the protective cover.

The stored, dewatered dredgings will be sampled and analyzed by Monsanto Company to determine final disposition of the material. The sampling will be carried out in accordance with a scheme published in United States Environmental Protection Agency document EPA-560/5-85-026, "Verification of PCB Spill Cleanup by Sampling and Analysis." A 6 group compositing plan for 19 sample points, shown in the attached figure, will be used to statistically sample the dredged materials. The sampling plan is based on a hexagonal grid system, centered on the center of the stored sediments. The nineteen samples will be composited as shown in the figure. The six composited samples will be shipped to the Environmental Sciences Center, Monsanto Company, St. Louis, MO., for analysis for PCBs.

Sampling will be done using 1" x 18" stainless steel core tubes, as described in the protocol for the 1985 sampling program. The labeling, storage, shipping, and quality assurance aspects of that protocol will also be employed during the sampling of the temporarily stored material.

It is felt that this sampling protocol for the stored material will give a valid assessment of the PCB concentration of the bulk of the material. The dredging, loading, and dumping operations preceding this sampling should thoroughly mix the dredged materials. The six composited samples ultimately analyzed will therefore represent the bulk of the material. The analytical results for the six composited samples will be averaged to determine the average PCB concentration of the temporarily stored material.

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SECRET NO.

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The results of the analyses of the temporarily stored material will determine the ultimate disposition of the sediments. If the average PCB concentration of the material is less than 50 ppm, the material will be moved to a cell at the Monsanto Company landfill at the Anniston Plant.

If the material is determined to contain PCBs at an average concentration of greater than 50 ppm, the material will be treated as PCB-contaminated waste. Monsanto Company will arrange to have the material disposed of at an EPA-approved PCB landfill in accordance with all applicable federal regulations. The landfill site is anticipated to be the Emelle, Alabama landfill, operated by Chemical Waste Management. However, Monsanto Company reserves the right to make other arrangements with an alternate permitted disposal site, if necessary. Proper certificates of disposal will be obtained to verify the ultimate disposal of the sediments.

In either case, a few inches of soil from the temporary storage site will be included along with the dredged material, to ensure that no PCB contaminated soil remains at the temporary storage site.

Since the PCB concentrations of the sediments during the dredging and transporting operations will be unknown, prudence dictates that all equipment involved in these operations be decontaminated in accordance with Section 761.79(b) of the federal PCB regulations. This decontamination involves swabbing surfaces that have contacted the sediments with a solvent in which PCBs are soluble to at least 5% by weight. Kerosene is one such solvent. The excess solvent and any mops, rags, etc. must be collected and disposed of as PCB contaminated material.

The dredging and transporting operations should not involve personal contact with the sediments. Normal precautions should be exercised. If the sediments are contacted, the affected body parts should be washed thoroughly with soap and water. Affected clothing should be laundered.

Sampling the temporarily stored sediments will probably involve contact with the material, including climbing on the piled dredgings. Personnel involved in this sampling should wear protective gloves, protective clothing, and boots. Since this will be an open air procedure, respiratory protection will not be necessary. If the protective clothing is of the disposable type, it should be collected and disposed of as PCB-contaminated material in accordance with federal regulations. This disposal is precautionary, since PCB contamination of the clothing is unlikely.

An MSDS for polychlorinated biphenyls is attached for information on occupational control procedures.

DOCKET NO. 0000200

000001 CC-1

APR 04 1988

MONSANTO

SPECIALTY CHEMICALS DIVISION

Monsanto Chemical Company
A Unit of Monsanto Company
300 Birmingham Highway
Anniston, Alabama 36201
Office: (205) 236-6381



bcc: J. L. Brown
R. L. Cheever
M. R. Foresman - G4WT

April 15, 1988

Honorable Donald Siegelman
Attorney General
State of Alabama
11 South Union Street
Montgomery, Alabama 36130

Dear Attorney General Siegelman:

Thank-you very much for taking time from your busy schedule to address the Alabama Chemical Association and have dinner with us on March 23rd. It was also a pleasure to see you again March 29th at dinner with our government relations group from Monsanto. I applaud your efforts to attack the drug problem in the state and wish you continued success. You made a statement at the Alabama Chemical Association with regard to working with the Attorney General's office to resolve environmental issues that struck a responsive note.

In January 1985, the Attorney General brought to Monsanto's attention a matter of polychlorinated biphenyls (PCB's) in the sediments of Snow Creek, downstream of Monsanto's Anniston, Alabama site. In February 1985, representatives of Monsanto met with members of the Attorney General's staff to discuss the findings and plan a course of action.

Additional discussions were held in March and April with both the Alabama Department of Environmental Management (ADEM) and the Attorney General's office to develop a mutually acceptable sampling program to define the situation. In May 1985, a sampling protocol was proposed and on June 18, 1985, the sediments were sampled by representatives of Monsanto, Attorney General's office and ADEM.

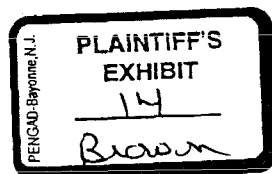
DOCKET NO. 0000299

On October 2, 1985, a meeting was held with representatives of the Attorney General's staff, ADEM, and EPA Region IV to review the results of the sediment sampling and plan the next course of action. The EPA stated that they would defer any action to ADEM. It was agreed that Monsanto would submit a proposed clean-up plan for approval.

COR 0000001

AL 00 40 19 04 8

ANN 1155176



ADAD21-003806
HARTOLDMON0033762

Honorable Donald Siegelman
Page 2
April 15, 1988

This proposed Snow Creek Sediment Removal Protocol was discussed with and transmitted to representatives of the Attorney General's office and ADEM on May 27, 1986. The representative of the Attorney General said he would push to get approval of the plan, from EPA and others, and would be back to Monsanto within a week with any necessary changes. As yet, this matter is still open.

Monsanto believes that the proposal represents the best resolution of original concerns and Monsanto would like to complete the program in 1988. We are available, at your convenience, to meet with your representative and representatives from ADEM to discuss this matter further.

Please feel free to contact Mr. Jerry Brown at 205-236-6381, extension 206 or Mr. Robert Cheever at 205-236-6381, extension 292, if there are any questions that need to be addressed. We look forward to meeting with you and ADEM on this matter.

Sincerely,

David Denner

David K. Denner
Plant Manager

LETTR3/sag

cc Leigh Pegues, Director
ADEM

DOCKET NO. 0000299

COR

0000002
AL0040 19 04 8

ANN 1155177



United States
Department of
Agriculture

100
Soil
Conservation
Service

P. O. Box 311
Auburn, Alabama
36830

DB Redington
John C.addock

November 14, 1983

Mr. Jerry Brown
Monsanto Agricultural Products Co.
P. O. Box 249
Anniston, AL 36202

Dear Jerry:

This letter confirms plans for a meeting at 10:00 A.M. on December 5, 1983, to discuss the results of the PCB sampling on Choccolocco Creek. The meeting will be in the conference room at the Soil Conservation Service State Office in Auburn.

Please bring any information you may have on the sampling. After discussing the findings we will also discuss possible methods for disposing of any contaminated sediment, should that become necessary.

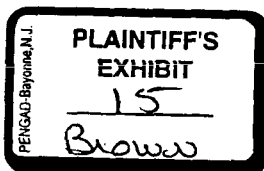
If you are unable to attend or need any additional information, please call either Vic Payne or me.

Yours Truly,

J. Torbit Henry
Robert Thompson **ACTING FOR**
Asst. State Conservationist

cc:

Torbit Henry, Auburn SO
Henry Miller, Auburn SO
Vic Payne, Auburn SO
Mason Dollar, Auburn SO
Dave Kelly, Auburn SO

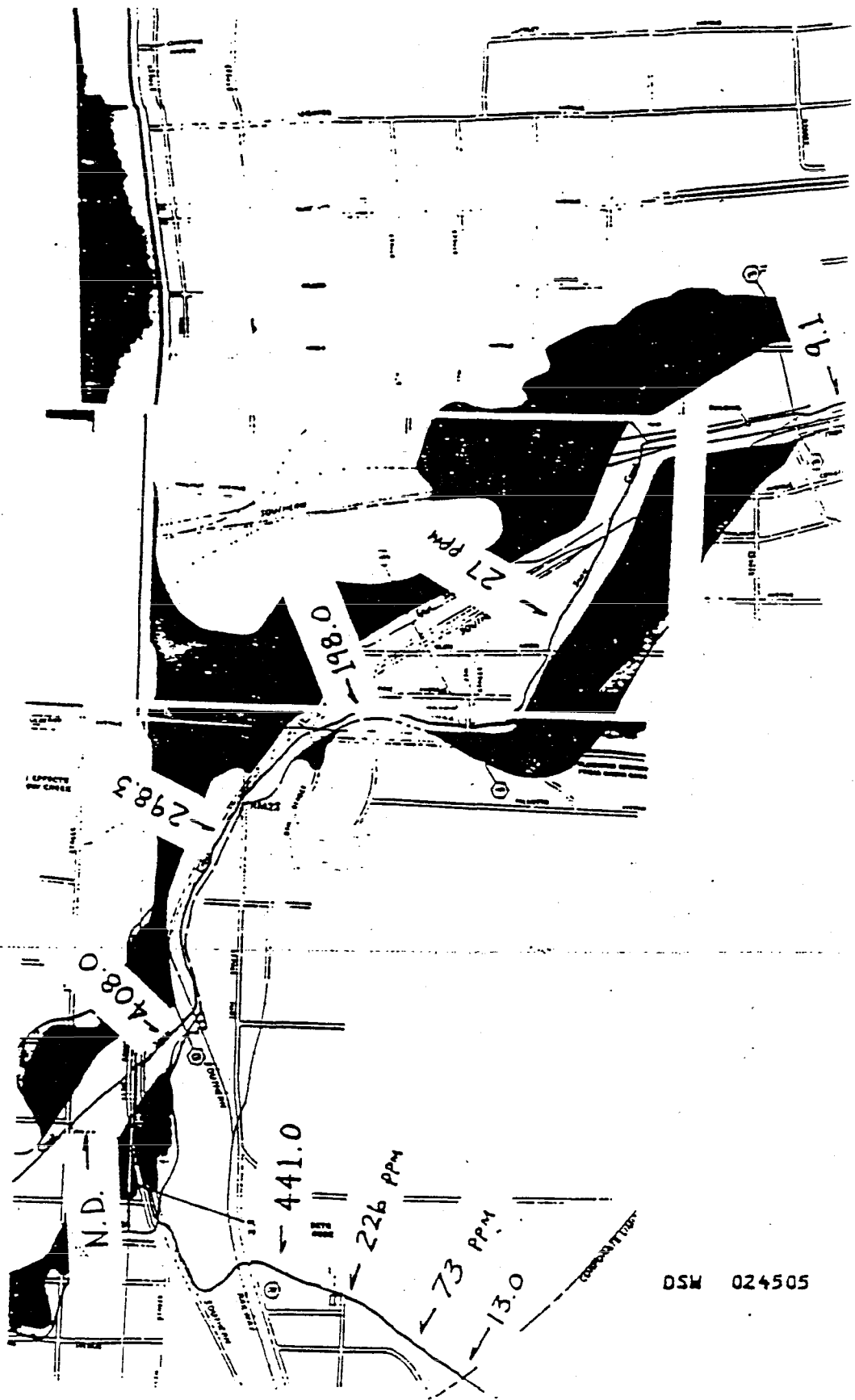


DSW 024504



The Soil Conservation Service
is an agency of the
Department of Agriculture

ADAD21-003808
HARTOLDMON0033764



DSW 024505

PENGAD Bayonne, NJ
PLAINTIFF'S
EXHIBIT
16
Brown

4-64

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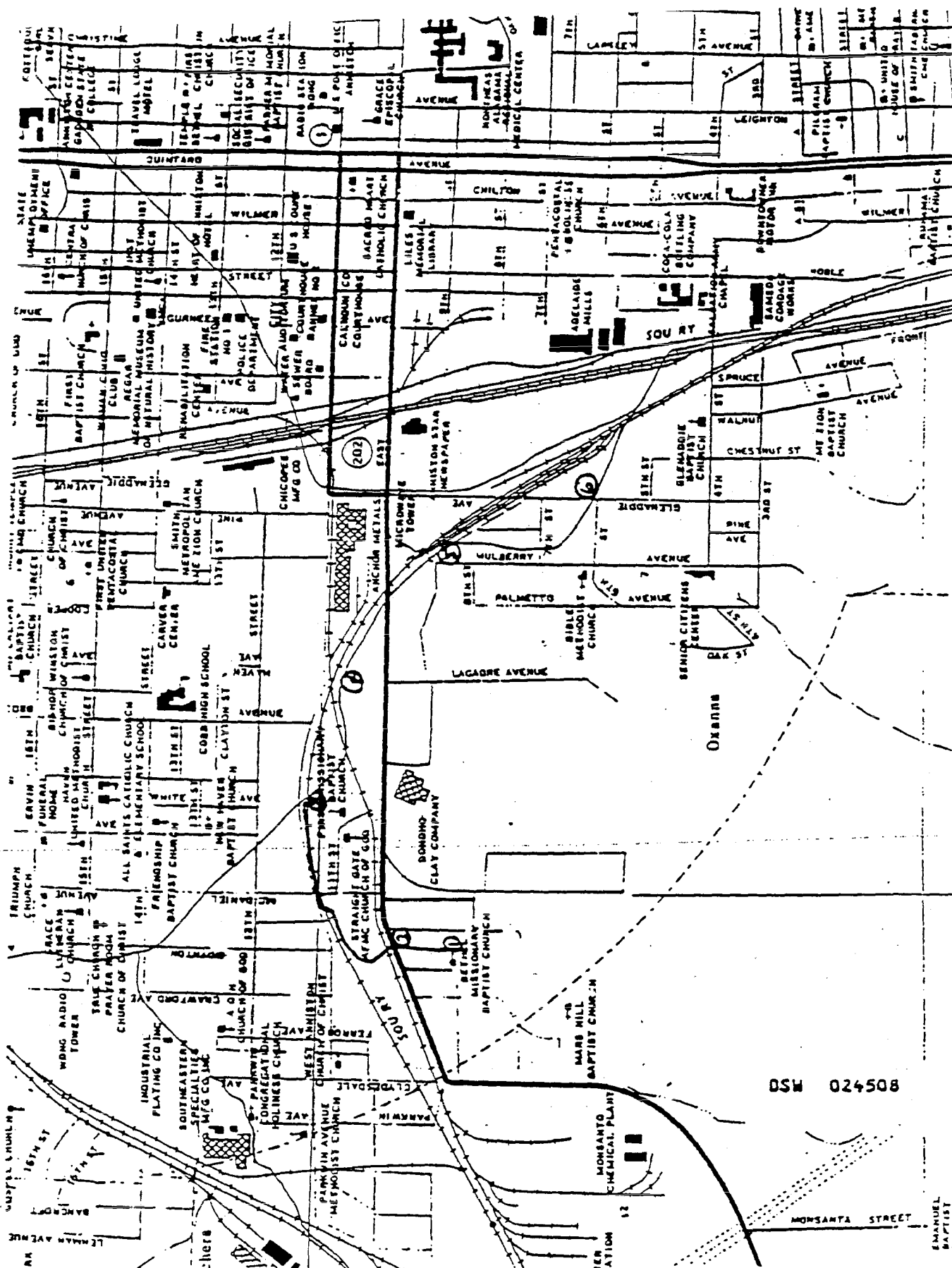
Sample ID	Surrogate % Recovery		PCB			
	Endrin hexamer	2,4,6 trichloro biphenyl	1242	1245	1260	Total
* S-6-18-85-01-01			524	ND	190	<u>714</u>
SFB-6-18-85-01	111	106	ND	ND	ND	ND
* S-6-18-85-02-01			923	ND	288	<u>1211</u>
* S-6-18-85-03-01	106	124	ND	87	33	<u>121</u>
* S-6-18-85-04-01	99	103	ND	7	5.3	<u>12.3</u>
S-FB-6-18-85-01(Site 4)	111	104	ND			
* S-6-18-85-05-01	105	107	ND	12	5.2	17.2
	100	106	ND	10.3	4.6	14.9
* S-6-18-85-06-01	99	102	ND	3.1	2.0	5.1
SFB-6-18-85-01 - (Site 6)	107	109	ND			
Method Blank	94	95	ND			

DSW 024506

Snow Creek Sediment

<u>Sample I.D.</u>	<u>PCB (ug/g)</u>				<u>Total</u>	M. - 6 4000
	<u>1242</u>	<u>1248</u>	<u>1254</u>	<u>1260</u>		
S-6-18-85-01-01	524	ND	ND	190	714	186
S-6-18-85-02-01	60 923	65.9 ND	43.1	288	1211	106.9
S-6-18-85-03-01	ND	55.9 88	77.3	33	121	163.2
S-6-18-85-04-01	ND	7	106	126	5.3	12.3
S-6-18-85-05-01	ND	8.5 12	60	5.2	17.2	16.5
S-6-18-85-06-01	ND	3.1 8.9	7.9	2.0	5.1	16.3

DSW 024507



DSW 024508

March 16, 1983

PREPAREDNESS STATEMENT
Anniston Plant PCB Incident

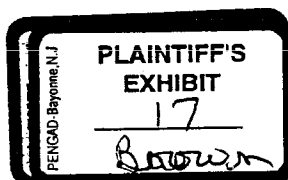
We have been advised that the Soil Conservation Service has found relatively low levels (low ppm range) of Polychlorinated Biphenyls (PCBs) in 8 of 22 core samples of sediment taken from Choccolocco Creek in the Anniston area. The sampling was done as part of advance preparation for dredging the creek. The creek feeds the _____ Creek and ultimately flows to the Coosa River.

Monsanto's Anniston plant formerly manufactured PCBs, ceasing production there in 1971. Plant officials are assisting the Alabama Department of Environmental Management and the Conservation Service in developing a sound technical plan designed to enable the dredging in an environmentally acceptable manner.

PCBs are oily liquids with the consistency of mineral oil. They were and still are used mostly as insulation fluids in closed-system electrical equipment. Prior to 1970, when it was confirmed that they resist biodegradation once they enter the environment, they were also used in a wide range of other applications such as heat transfer and hydraulic fluids and carbonless copy paper.

It is now known that PCBs are ubiquitous in the environment, i.e., they are commonly found in small trace amounts in many rivers and streams.

MONS 019321



For these reasons, it would be unproductive to try to identify the source of the PCBs in Choccolocco Creek, especially since the creek readily accepts surface water runoff from much of the City of Anniston.

-000-

Notes: See attached Monsanto position statement which addresses the toxicity and health effects of PCBs.

MONS 019322

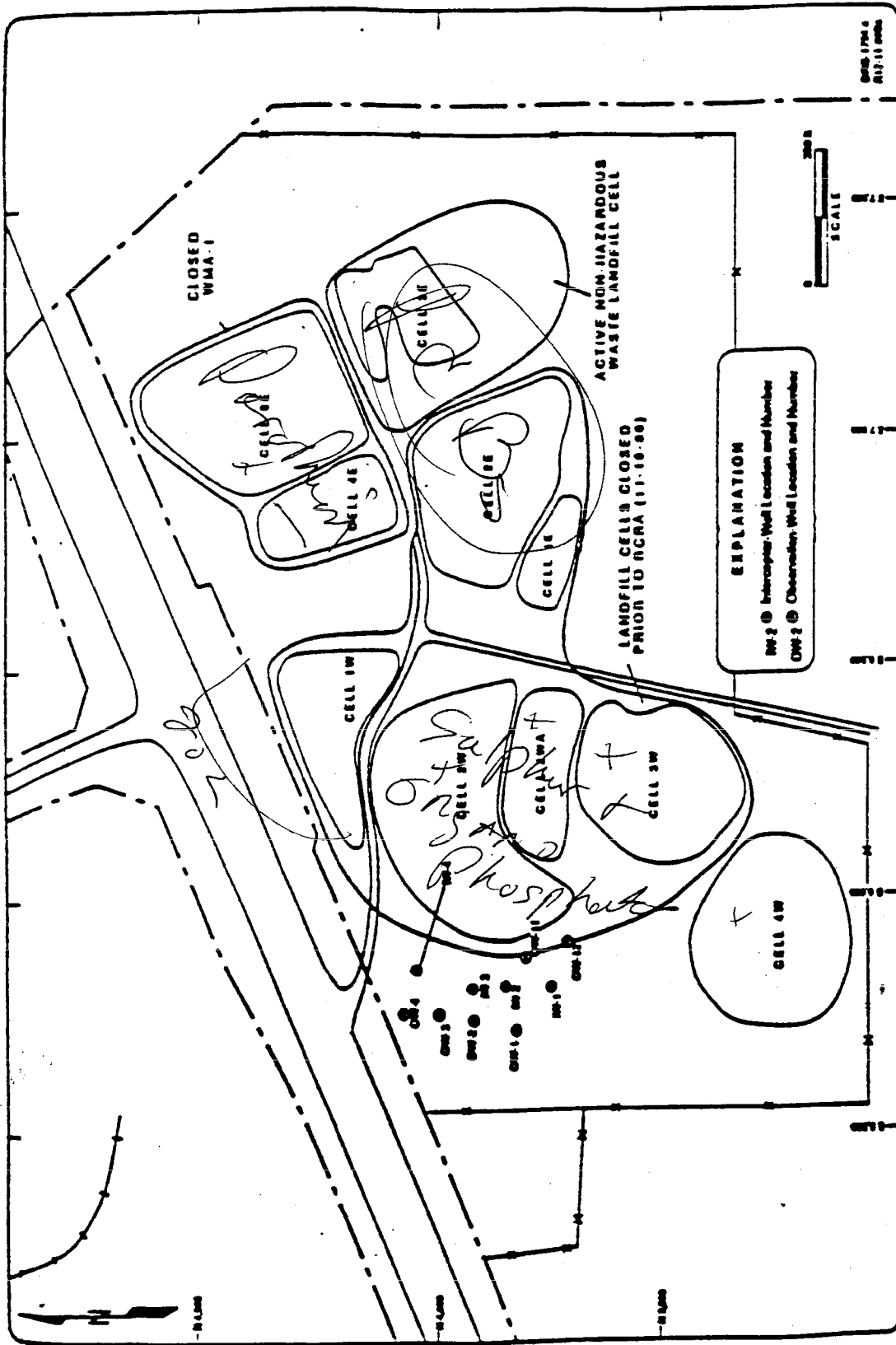


Figure III-2 Location of Interceptor Wells and Observation Wells for the Western Landfill Corrective Action System (SWMU 3)

Reference 138

PLAINTIFF'S

EXHIBIT

18

Brown

PENGAD-Bayonne, N.J.

Monsanto

MONSANTO AGRICULTURAL PRODUCTS CO.
P. O. Box 249
Anniston, Alabama 36201
Phone: (205) 238-6381

February 7, 1980

Mr. Darrell A. Baker, Public Health Engineer
Division of Solid Waste and Vector Control
Environmental Health Administration
State of Alabama
Department of Public Health
Montgomery, Alabama 36130

RECEIVED

FEB 11 1980

STATE DEPARTMENT
DIVISION OF SOLID WASTE
& VECTOR CONTROL

Dear Mr. Baker:

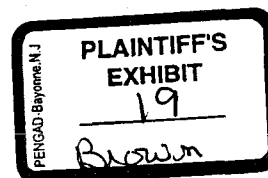
In your letter of January 31, 1980, you pointed out two concerns which require attention. The first of these was a wash in the north end of the parathion - contaminated waste disposal area. This wash was repaired as soon as possible after it was detected which is our normal operating procedure.

The second concern involved the drums of material. As discussed when you were here, these drums contain mixed polyphenyls, a high melting solid. This material was brought from our Newport, England, plant during severe raw material shortages. Changes in the market demand left us with an excess, therefore, all was not consumed as a raw material. During the past weeks we have been evaluating various methods of disposal. As discussed when you were here, we have contacted Chemical Waste Management about accepting this material, and they have agreed to dispose of it if we choose this alternate. The second alternate under consideration is to utilize this material for its fuel value. The evaluation of this alternate is not complete at this time. It is now estimated that completion of this evaluation and final disposition will require approximately three months.

The polyphenyls are insoluble in water and will not fall under the category of hazardous waste.

During our meeting on January 10, it was my understanding that we would receive written approval of the sites chosen for placement of the monitoring wells. As of this date, we have not heard from Mr. Moser or you on this matter.

a unit of Monsanto Company



ADAD21-003816
HARTOLDMON0033772

Mr. Darrell A. Baker
Page 2
February 7, 1980

If you have questions or require further information, please
contact me at the above number.

Very truly yours,



Jerry L. Brown
Plant Chief Chemist

JLB:saa

Monsanto

FROM (NAME & LOCATION)

~~CONFIDENTIAL~~ Anniston - 1060 Ext. 235

DATE

April 27, 1984

CC

R. L. Cheever

SUBJECT

Biological Detoxification Tests

REFERENCE

TO

J. L. Brown

The biological detoxification testing of chemically contaminated process items has been completed. The purpose of these detoxification tests was to:

- a) verify the feasibility of biological detoxification;
- b) confirm the effectiveness upon different process chemicals and items; and
- c) establish the ultimate contact time to achieve desired reduction in contaminant concentration.

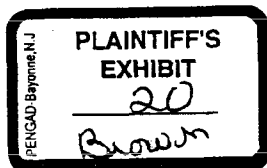
Two separate controlled tests were conducted according to the procedures as described below.

Test 1

Test 1 involved the controlled immersion of intentionally contaminated carbon steel pipe. Two pieces of used, rusted, carbon steel pipe, one-quarter of an inch in diameter by two feet long were intentionally contaminated. One test piece was soaked in a 1% solution of ethyl parathion for two (2) hours. The second test piece was soaked in a solution of p-nitrophenol (PNP), also for two (2) hours. The test pieces were then removed from their respective solutions and left to air dry for 24 hours.

The next step involved removing a portion of each test piece and analyzing for ethyl parathion and PNP respectively. Following the determination of original contaminant concentration, the test pieces were immersed in the wastewater treatment aeration basins. There, they were subjected to seven (7) days of direct contact with the biological activity going on in the basin. After this seven (7) day immersion, the test piece was removed from the basin, washed off, and air dried.

Another section of each test piece was then removed and analyzed for ethyl parathion and PNP concentration, respectively. The results of this test are as shown on the following page.



From Beginning To End, Think Safety and Win.

ADAD21-003818
HARTOLDMON0033774

J. L. Brown
Page 2
April 27, 1984

	<u>PNP Contaminated Test Piece</u>	<u>Ethyl Parathion Contaminated Test Piece</u>
Initial Concentration	108 ppm	40 ppm
Concentration Following 7-day Immersion	<1 ppm	1.25 ppm
% Reduction	>99	96.6

Test 2

Test 2 involved the controlled immersion of actual items dismantled from the manufacturing facility. Miscellaneous piping, grating, valves and minor equipment, which had been removed from the parathion manufacturing area, were placed into the detoxification basket. Two items were selected as control samples from the total amount of material to the detoxified. The test items were a piece of floor grating and a length of one-half ($\frac{1}{2}$) inch diameter pipe. A section of each control piece was removed and analyzed for initial total organophosphate contamination.

All items in the basket including the test samples were then immersed in the aeration basin. Following seven (7) days of immersion, the basket of items was removed, all parts were washed and allowed to air dry. A section of each of the control items, grating and $\frac{1}{2}$ pipe, were analyzed for concentration of total organophosphates. The results of this test are:

	<u>Grating</u>	<u>$\frac{1}{2}$" Pipe</u>
Initial OP Concentration	280 ppm	5.14 ppm
Final OP Concentration	4 ppm	0.17 ppm
% Reduction	98.6	96.7

The following conclusions can be made from the above results.

1. Biological detoxification of chemically contaminated piping and miscellaneous process items is feasible.

J. L. Brown
Page 3
April 27, 1984

2. Detoxification is effective on items contaminated with ethyl parathion, paranitrophenol, and total organophosphates.
3. At least seven days immersion should be the guide for single pieces or for large groups of pieces.

Gene L. Arnett

/sag

Monsanto Agricultural Products Company Anniston Plant AP SO2 Hazardous Waste Management

Monsanto

Prepared by
Anniston Staff
December, 1981
First Revision By
R. L. Cheever
November, 1984



Prepared by: *MANAGEMENT & TRAINING SYSTEMS* for industry, inc. St. Louis, Mo.

This manual is for the sole use of Monsanto Company, Anniston, Alabama and any other use is strictly prohibited.

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1.00 PREPARATION

1.10 SCOPE

This training workbook covers the management of hazardous waste materials generated at Monsanto's Anniston Plant.

1.20 LEARNER OBJECTIVES

By studying this workbook, the learner will achieve the following objectives:

1. State the definition of hazardous waste.
2. List what hazardous wastes are managed at the Anniston Plant.
3. Characterize the hazardous wastes.
4. Acquire a working knowledge of how hazardous wastes are managed.
5. Identify the equipment and controls used in managing hazardous waste materials.
6. Recognize the availability of reference material related to managing hazardous waste materials.
7. Become familiar with plant personnel responsible for proper hazardous waste management.
8. Review the preparation of documents and records pertaining to hazardous waste management.

9. Incorporate the safety considerations of managing hazardous waste materials.

10. Draw a flow diagram tracing the management of a particular waste from the point of origin to the disposal site.

1.30 THE IMPORTANCE OF THE OBJECTIVES

As in all other duties performed at the Anniston Plant, safety is the first objective. Therefore, Objective No.9 should be foremost when managing hazardous wastes. Objective No. 10 is a way to show the proper management a given waste material should receive from the time it is recognized as a hazardous waste until it is suitably disposed of. Objectives 1 through 8 are supportive of each other since each enables us to better understand and carry out the task of managing hazardous waste materials.

1.40 SUPPORTING MATERIALS

The following materials are recommended when training on hazardous waste management:

Learner Materials

- Copy of this training workbook (AP-SO2)
- Note paper and pencils

Instructor Materials

- Copy of this training workbook (AP-SO2)
- Chalkboard and chalk
- Copies of specific handling procedures (for reference)

1.50 ASSUMPTIONS

To get the most out of this training, the learner should have reviewed the following:

- APO-SO1 "Anniston Plant Overview"
- Plant and Area Safety Manuals
- Employee Handbook
- Safety Handbook

2.00 ABOUT HAZARDOUS WASTE MANAGEMENT

In the remaining portions of this workbook, we will learn what hazardous waste management is; how hazardous waste management is performed at Monsanto-Anniston; and why hazardous wastes must be managed in a certain way.

2.10 WHAT IS HAZARDOUS WASTE MANAGEMENT?

To help answer this question, let's think for a moment about the type of plant in which we work. We know that, during daily operations, a variety of raw materials are used to produce various intermediates and commercial products (finished goods). Many of these raw materials, intermediates and finished goods are classified as "hazardous materials". Let's think a minute and try to answer these questions:

1. How do we manage or handle these hazardous materials?
2. What are the procedures, steps or methods used?

Some of the way we manage these materials include: storage; transportation; processing; and packaging. The procedures used to accomplish these various tasks have been well documented such that raw materials are converted to finished commercial products in a safe, straightforward and cost effective manner. The same should hold true for the proper management of

hazardous wastes. Hazardous waste management means: "the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste". Therefore, the management of our waste should receive the same degree of attention as our management of any other hazardous material.

2.20 WHY IS PROPER HAZARDOUS WASTE MANAGEMENT IMPORTANT?

Hazardous waste management is important for a number of reasons. The two most important reasons are as follows. First and foremost "it is the law". The law was passed to provide standards (regulations) for which all facilities generating wastes must meet. These regulations are to protect human health and the environment from the improper management of hazardous wastes. Improper management of hazardous waste materials has already accounted for major environmental upsets in other areas of the nation. Continued adherence to the legal requirements will minimize the potential for additional adverse impacts. Secondly, Monsanto has a corporate objective to, "conduct our business at all times in an ethical, lawful and socially responsible manner". We, as a company, have the obligation of protecting ourselves and the community against any ill effects stemming from our operation. Proper hazardous waste management is only one of the ways in which this can be accomplished.

The importance of hazardous waste management, as it applies to the Anniston Plant, can only begin to be fully expressed in a training workbook of this type. To "put it in a nutshell", the future continuing operation of this plant may very well depend upon our ability to develop and maintain a program encompassing the proper management of hazardous waste materials.

2.30 WHAT IS A HAZARDOUS WASTE?

This section is not intended to make you all experts in what constitutes a hazardous waste. It is intended to show that all wastes generated at the Anniston Plant must be fully investigated to determine whether or not it is a hazardous waste.

The definition of a hazardous waste is very complex. Therefore, the following is an attempt to provide a simplistic version of this very complex definition. Essentially, "a hazardous waste is a

could be classified as hazardous wastes because they exhibit the characteristic of corrosivity include:

- Sulfuric Acid
- Caustic
- Thio Acid
- PCT
- Mixer-settler Overflow
- HCl Scrubber Discharge
- Reactivity

A waste exhibits the characteristic of reactivity if a representative sample has any of the following light properties. First, it is normally unstable and readily undergoes violent change without detonating. Second, it reacts violently with water. Third, it forms potentially explosive mixtures with water. Fourth, when mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment. Fifth, it is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment. Sixth, it is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement. Seventh, it is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure. Eighth, it is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88. Examples of plant materials that could be classified as hazardous wastes because they exhibit the characteristic of reactivity include: P_2S_5

- Toxicity

The EPA developed the Extraction Procedure (EP) Toxicity test as a means of simulating the tendency of the constituents of a waste to migrate out and become available to contaminate the environment under poor management conditions. Under this procedure, constituents are extracted from the waste by the EPA methodology and the

extract is analyzed to determine whether it possesses any of the toxic contaminants identified in the National Interim Primary Drinking Water Standards (NIPDWS). If the extract contains any of the contaminants in concentrations 100 times greater than those specified in the NIPDWS, the waste is considered to be hazardous.

2.50 LISTED HAZARDOUS WASTES

In addition to the four (4) characteristics used to determine if a particular waste is hazardous, the EPA has developed lists of solid wastes that they have classified as hazardous. The listing of these wastes is based on one or more of the aforementioned characteristics.

- Nonspecific Sources

The listing of solid wastes, which are hazardous wastes, from nonspecific sources is a generic listing with reference to no particular type of industry. One example of a listed hazardous waste applicable to the Anniston Plant is "The following spent non-halogenated solvents: Xylene, Acetone, Ethyl Acetate, Ethyl Benzene, Ethyl Ether, Methyl Isobutyl Ketone, N-butyl Alcohol, Cyclohexanone and Methanol; and the still bottoms from the recovery of these solvents." Therefore, the still bottoms from the acetone recovery column, at the PNP department, is a listed hazardous waste.

- Specific Source

The listing of solid wastes which are hazardous wastes from specific sources is a listing of particular wastes from specific industries. Currently, the Anniston Plant has no specific sources on the list.

- Discarded Commercial Chemical Products, Off-Specification Species, Container Residues And Spill Cleanup Debris

This listing includes a wide range of materials which can be segregated into four (4) specific categories. The list of commercial chemical products is extensive and reference will only be made to those currently used at Anniston.

The following materials or items are hazardous wastes if and when they are discarded or intend-

hazardous wastes and the waste number which should be used for identification.

Hazardous Waste	Waste I.D. No.
Benzene And Contaminated Debris	U019
Cumene And Contaminated Debris	U055
Acetone Recovery Column Bottoms	F003
PNP Fiber Drums	U170
PNP Contaminated Trash	U170
Limestone Bed Influent	D002
Parathion Contaminated Trash	P089
Methyl Parathion Contaminated Trash	P071

If you generate a waste material that is not included in one of the above categories, you should contact the plant environmental control department for listing instructions.

3. State the definition of solid waste and hazardous waste.

4. List the characteristics of a hazardous waste.

3.00

ON-SITE METHODS OF HAZARDOUS WASTE MANAGEMENT

Three (3) specific methods for managing hazardous wastes are in use here at the Anniston Plant. The methods include treatment, storage and disposal. To get a full understanding of the management steps involved, take Fig. 1, "Waste Management Flow Diagram", and lay it alongside the text. Looking at the diagram, we can see that the proper management of waste material begins with the "generator". Through the everyday activities of operating and maintaining our plant facilities, we are all potential generators of waste. For whatever reason (spills, maintenance, operations, general housekeeping), when a material becomes a waste, the generator is responsible for initiating the proper steps for disposal.

Looking at the flow diagram, we can see that the generator has five (5) options available for waste disposal. The first step the generator should take is to determine if the waste material is hazardous (see Section 2.30). This determination has already been made on most of our waste materials. (see list in Section 2.60). If the material is determined to be non-hazardous, the generator would simply place the material in one of the dumpsters (skiffs) designated for non-hazardous waste.

If the waste material is determined to be hazardous and of a non-routine (first time) nature, the generator shall contact the plant environmental control department. The environmental control engineer will assist the generator in selection of the proper management route the waste material

will follow. An example of a non-routine waste is the spill cleanup of a raw material.

Routinely generated hazardous waste materials that are non-liquid are normally disposed of on-site. The generator has two options available for managing these materials. The wastes (contaminated trash, trench cleanings, sample bottles, filter media, etc.) are either placed into departmental dumpsters (skiffs) or into individual drums. The preferred routing is into dumpsters. Unuseable empty PNP fiber drums are disposed of on-site as individual containers. These fiber drums should **not** be used to contain any type of waste. They must be disposed of as **empty** containers.

Our routinely generated liquid hazardous wastes, which are amenable to biological waste water treatment, are treated in our industrial waste water treatment plant. Wastes disposed of by this method include: still bottoms from the Acetone Recovery Column; HCl Scrubber Water; and Mixer-Settler Overflow. Normal process waste water including washdowns, cleanups and certain other de minimus losses are also treated on-site. However, normal process waste waters are not considered hazardous wastes.

Finally, any liquid wastes which are **not** biologically degradable (Benzene, Cumene, etc.) which potentially could be generated, must be disposed of off-site. Also included in the off-site disposal routing would be large accumulations of empty PNP fiber drums or any other abnormally large accumulation of a specific item. Waste oils which are **not** hazardous wastes are included in this off-site disposal route.

3.10 TREATMENT OF HAZARDOUS WASTE

The waste treatment facility at our plant is second to none in the pesticide industry. The facilities ability to biologically treat liquid waste streams with extraordinary efficiency allows us a considerable amount of flexibility in the disposal of certain organic materials. The majority of the treatment takes place within the aeration basins. These basins are concrete tanks either above ground or partially buried and are therefore exempt from hazardous waste regulation.

However, the first step in the treatment train oc-

ticular source of waste". The generator's production department name and number shall be entered in this space.

The "date of generation" shall reflect the date the container becomes filled. Hazardous waste should be placed into containers as soon after generation as possible. However, its date of generation does not commence until the container is full.

The "description and class of waste" should contain a brief description of the materials and the EPA hazardous waste identification number(s) which best describes the potential hazards. As an example:

"Trash contaminated with organophosphates from the production of parathion-EPA #PO89" (See list of wastes and EPA numbers in Section 2.60)

The "total quantity of waste" should be a **realistic, reasonable** estimate of the weight of all the waste materials in a particular container.

The "number and type of containers" states how many and what type of containers are being used to contain the waste material.

The "date of packaging" is the date the container(s) is (are) ready for pickup and disposal. It may also be the date the manifest form is completed by the generator.

Under "comments on particular methods of treatment, storage or disposal of waste, if any", the generator should note the location of the waste materials to be picked up and any other appropriate comments.

Under the heading "quantity and type of waste for disposal", the generator should list the materials and the approximate weight of each, if there are several different waste materials being picked up.

Under "particular location within a disposal site", the area within the landfill to which the waste material goes should be stated here. At present, three (3) cells are being used in the landfill (See Figure 3 "Map Of Landfill Cells"). They are:

3E Non-hazardous chemical waste

4E Most hazardous wastes

5E Contaminated sulfur

The final generator responsibility is for the person filling out the waste disposal record to sign beside "Generator's Signature". After signing the record, the generator contacts material handling to schedule the collection and disposal of the waste described on the record. The response from material handling may not be immediate, however, under normal circumstances, pickup will be made within 24 hours of receipt of call.

The material handler will go to the generator to obtain the disposal record. They will **not** transport wastes unless the record is completely filled out. After obtaining the disposal record, the material handler will pickup the waste container(s) and carry the waste to the landfill. The material handler shall sign the disposal record next to "signature of person who deposited waste in landfill" and enter "date of disposal" to reflect the date the waste materials were placed in the designated landfill cell. Finally, the material handler will forward the completed waste disposal record to the plant environmental control department for required recording and filing.

3.40 CONTAINERS AND LABELING

The type of container and the amount of labeling required will depend upon the ultimate point of disposal. Wastes being disposed of on-site may be placed in containers which do not necessarily meet DOT requirements. Labeling for on-site disposal does not necessarily have to meet DOT requirements either, however, all off-site disposal requires adherence to the DOT regulations.

• On-Site Disposal

The recommended container for hazardous wastes being disposed of on-site are dumpsters (skiffs). The use of dumpsters is the most cost effective and easiest to manage. Each production department has at least one (1) skiff suitable for hazardous waste, conveniently located to the normal points of waste generation. Dumpster loads

- MANAGEMENT
& TRAINING
SYSTEMS



3.50 INSPECTIONS AND RECORDS

We learned earlier that proper hazardous waste management means "the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste". As with any control system, whether for waste management or production, there are procedures to be followed. These procedures require the inspections of the processes and the recording of our observations. In hazardous waste management, we have "procedures to prevent hazards" which require us to make routine inspections of various portions of the process and record our observations. The following details the inspections and recordkeeping required to verify the proper operation of our hazardous waste management facilities.

- Surface Impoundment

The surface impoundment is a limestone neutralization basin used to partially neutralize corrosive (low pH) waste streams prior to biological treatment. The impoundment is filled with coarse limestone and is built below grade. In as much as this surface impoundment is an integral part of the waste water treatment system, the daily inspection of this facility is the responsibility of the waste treatment plant operator.

The operator (inspector) will tour the surface impoundment area looking for signs of erosion, rivulets, or slides on the side slopes and look for unevenness along the side slopes and edges. Adequate quantity of limestone in the basin will also be assessed. The neutralization sump will be inspected for signs of cracks, flaking, chipping and general deterioration of the structure and appurtenant facilities. The neutralization sump pumps are checked for operation, seal leakage, piping leaks and excessive noise and vibration which could lead to premature failure. The sump level shall be measured and checked against the indicator to verify its operation and accuracy and the high and low level alarms will be tested. Finally, condition and placement of warning signs is observed and evidence of any housekeeping needs are noted.

The inspector shall initiate a maintenance minor repair order (MRO) if repairs are needed and record the MRO number on the inspection record. The inspection record, shown as Figure 7, is a

two-part form. The inspector shall keep one copy for the department record and forward one copy to the environmental control department. These records must be retained for at least three (3) years from the date of the inspection.

- Container Storage Area

The container storage area is located inside the Ag. Warehouse. This area and all containers in storage will be inspected weekly by a member of the environmental control department. The inspector will tour the area and inspect the floor for surface cracks, flaking, chips, gouges and areas of excessive wear. The containment curbing will be inspected for cracks, chips, flaking, gouges, excessive wear and presence of liquids. The building walls and roof will be inspected for evidence of rainwater leakage. The containers will be inspected for legible labels, tight lids and bungs, proper inventory, leaks and signs of corrosion. The presence and condition of the barricade and warning signs will also be inspected.

The inspector will fill out an inspection record, as shown in Figure 6, and place the completed record in the hazardous waste operating record file in the environmental control department.

- Landfill

The landfill is inspected weekly, following a storm and during a storm which has a duration of 24 hours or more. The inspection is conducted by a member of the environmental control department. The inspector tours the active portion of the landfill along the run-on and run-off control routes looking for: evidence of deterioration; subsidence; erosion; rivulets or slides into the drainage area; signs of settling and unevenness; and confirm run-off collection system capacity. A sample of collected run-off will be taken to ascertain its nature and determine disposal route. The landfill cell dikes will be toured looking for slides, subsidence, evidence of settling, pooling of water and proper amount of cover to control wind dispersal. The leachate collection and removal system will be checked for proper pump operation, controller operation and integrity of the piping network. The condition of roadways and fence gates will be assessed for evidence of washouts, potholes, tampering and spills. All ground water monitoring wells (including those

PRACTICE ASSIGNMENT NO. 3

1. List the types of containers used to contain hazardous waste materials.

2. List the information required on any drum containing hazardous waste materials to be disposed of:

on-site

off-site

5. Discuss the containerization, inspection and recordkeeping required of **your** specific job as it pertains to hazardous waste management.

6. List the individuals from whom you would seek help in managing your waste and tell why.

5.00 CONTROLLING HAZARDOUS WASTE MANAGEMENT

To say that we have actual devices or instruments for controlling hazardous waste management sounds somewhat misleading. It is true that the waste treatment facilities and material handling equipment have specific controls. The point to be made concerning hazardous waste management is that the majority of the control lies with each individual.

Tying the management procedures directly to good safety and housekeeping practices more clearly illustrates where the real control is. Incorporating proper hazardous waste management into the overall attitude of safety and housekeeping suggests that using good common sense, along with sound safety procedures, can do much toward making the hazardous waste management program an equal part of the job.

5.10 WHAT IS CONTROLLED?

Logically, the first concern should be with the amount of hazardous waste generated. This is not to say that we can totally stop the generation of hazardous wastes. We can, however, take steps to minimize the amount. One problem area is placing non-hazardous waste into containers already contaminated with hazardous materials. The use of PNP fiber drums is a good example. If someone tosses non-hazardous waste materials into a container that previously or currently holds hazardous material, the entire contents become hazardous

waste and must be handled accordingly. When replacing lines, we can make efforts to clear them out before dismantling. This helps to prevent drainage or accumulation of materials that will then have to be disposed of. Again, we should note that washing some waste materials to the waste treatment facility is a viable means of disposal and gives us some control over the amount of material that has to be disposed of by other methods.

Another area where we have some control is in determining the cost of hazardous waste management. The main point to be made is the use of dumpsters (skiffs) versus the use of drums. Drums are expensive to use, hold smaller amounts of material and are more difficult to manage. Remember, we've already stated that our landfill space is limited.

5.20 CONTROL SUMMARY

We have established that controlling the amount of hazardous waste generated plays an important role in the overall program. By controlling the amount generated, we also limit the cost. By using the waste treatment facility, we reduce costs and conserve vital landfill space. Developing a positive attitude toward hazardous waste management can do much to make the program successful. To state it plainly, we **must** properly control hazardous waste material if we are to ensure continued operation of our plant.

7.00 SAFETY

The safety considerations to be taken into account when managing hazardous waste materials are not very different from everyday practices pertaining to materials used in the production process. Handling instructions have been written for each chemical substance used in the plant. These provide personnel with information on the safest methods to use when handling materials. Using full face cannister masks when handling intermediate is a common preventive measure to protect against eye burns. The potential ignitability of certain materials is known to most, if not all, personnel dealing with them. The fact that acetone, methanol, xylene, and other liquids are highly flammable demands that they be isolated from certain pieces of equipment and areas of the plant. Through our awareness of the characteristics of hazardous waste materials, we should be able to see that, to safely handle them, we need to apply the universal rule—take time to think “safety first”.

Anytime non-routine or emergency conditions exist, we know that, in order to prevent making the situation worse, we must consider the materials involved. The best handling method may not be readily evident, but by contacting key personnel we can gain a great deal of input toward finding that method. Keep in mind that “hazardous” is the key word. If a material is classified as hazardous, there is some characteristic of that material that must be considered before attempting to handle it.

9.00 FEEDBACK

In this section of the workbook, you will be asked to supply written feedback to the instructor. This will give you an opportunity to show what you have learned about hazardous waste management. This is the time to discuss and obtain clarification on any topics that are not clear to you. Jot down any questions or points that you wish to discussed and forward them to the instructor. Be critical and feedback suggestions as to how the program could be modified to be of more benefit to you and your job.

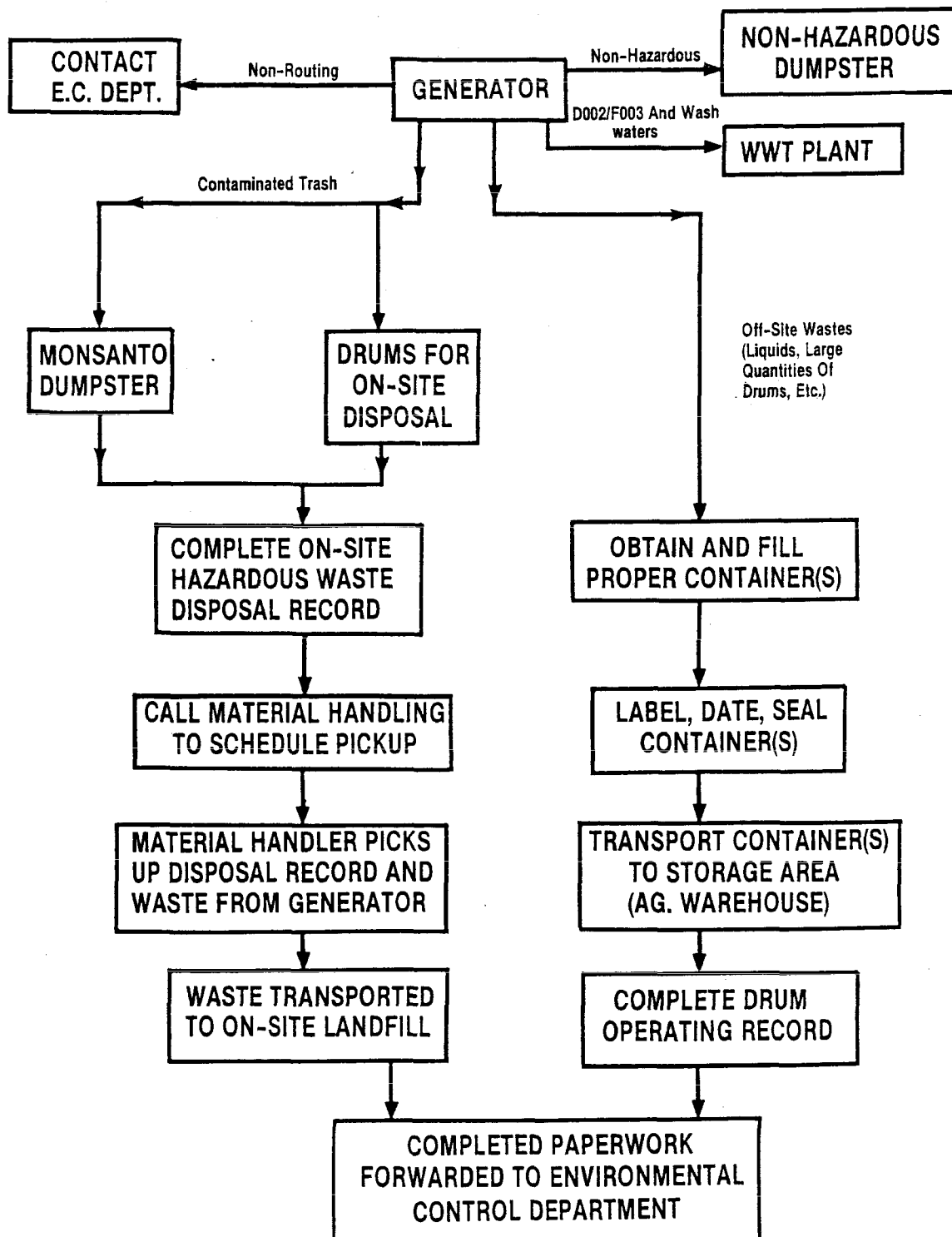


Fig. 1 Waste Management Flow Diagram

HAZARDOUS WASTE DRUM OPERATING RECORD

Source Of Waste- (Department No.)	Date Of Generation-	EPA ID No.-
DOT Container Type-	DOT Labels Used-	Date Placed In Storage-
Description Of Waste- (DOT Proper Shipping Name)		
No. Of Drums	Volume Of Each Drum (Gal)	Total Weight (lbs)

I certify that the above stated drums are either empty or at least 90% full (circle one) and have been labeled and packaged according to the latest DOT regulations.

Generator Signature _____

NOTE:

Once drums are put into the storage area, forward one copy to the plant environmental control department and place one copy in generator department file.

Fig. 3 Hazardous Waste Drum Operating Record

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AP SO2
Hazardous Waste Management

LANDFILL INSPECTION RECORD

INSPECTOR: _____

WEEKLY/AFTER STORM/DURING STORM INSPECTION (Circle One)

DATE AND TIME OF INSPECTION: _____ AM/PM

ITEM	ACTION REQUIRED		ACTION UNDERTAKEN TYPE AND DATE
	YES	NO	
I. RUN-ON CONTROL SYSTEM			
- Checked for Integrity	_____	_____	_____
- Checked for Blockage	_____	_____	_____
- Checked for Clogging	_____	_____	_____
II. RUN-OFF CONTROL SYSTEM			
- Checked for Integrity	_____	_____	_____
- Checked for Blockage	_____	_____	_____
- Checked for Clogging	_____	_____	_____
- Run-Off Collection Capacity	_____	_____	_____
- Sample Taken -- YES/NO (Circle One)	_____	_____	_____
III. LEACHATE COLLECTION/REMOVAL SYSTEM			
- Pump Operation	_____	_____	_____
- Controller Operation	_____	_____	_____
- Component Integrity	_____	_____	_____
IV. ACTIVE AREA			
- Waste Covered	_____	_____	_____
- Subsidence	_____	_____	_____
- Erosion	_____	_____	_____
V. SECURITY			
- Gate(s) Locked/Guarded	_____	_____	_____
- Fence Integrity	_____	_____	_____
- Warning Sign Integrity	_____	_____	_____
- Tampering	_____	_____	_____
VI. ROADWAYS			
- Washouts	_____	_____	_____
- Pot Hole	_____	_____	_____
- Spills	_____	_____	_____
VII. GROUNDWATER WELLS			
- Caps Locked	_____	_____	_____
- Standpipes Intact	_____	_____	_____
- Subsidence	_____	_____	_____
VIII. INACTIVE AREAS			
- Erosion	_____	_____	_____
- Cover	_____	_____	_____
- Subsidence	_____	_____	_____
- Vegetation	_____	_____	_____
- Drainage	_____	_____	_____

REQUIRED ACTION: (1) Contractor notified, repair to original elevation; (2) Determine nature of liquid, dispose of properly; (3) Install sign, lock, chain; (4) Repair equipment to original state; (5) Clean-up and dispose of properly

Fig. 5 Landfill Inspection Record

MANAGEMENT
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SYSTEMS



Workbook

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SURFACE IMPOUNDMENT DAILY INSPECTION RECORD

INSPECTOR: _____ DATE: _____
TIME: _____ AM/PM

INSPECTION ITEM	CONDITION OKAY		REPAIRS NEEDED		DATE MRO SUBMITTED	MRO NO.
	YES	NO	YES	NO		
I. PHYSICAL STRUCTURES:						
- Limestone Bed:						
- evidence of subsidence						
- bank erosion						
- good limestone level						
- flow being by-passed*						
- Neutralization Sump:						
- cracks in concrete						
- concrete flaking						
- concrete chipping						
- deteriorated grating						
II. MECHANICAL EQUIPMENT:						
- Neut. Sump Pumps:						
- pump operable						
- seal leaking						
- piping leaking						
- excessive noise or vibration						
III. CONTROLS AND ALARMS:						
- Level Control:						
- working						
- level indication is						
- Alarms:						
- high level working						
- low level working						
IV. OTHER:						
- Warning Signs:						
- in place						
- in good condition						
- Housekeeping:						
- painting						
- lubrication						
- clean up						

* If yes, why? _____

1. Inspectors Copy
2. Environmental Control Copy

Fig. 7 Surface Impoundment Daily Inspection Record

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VEHICLE INSPECTION LOG

VEHICLE: _____ DATE: _____
INSPECTOR: _____ TIME: _____ AM/PM

OK	NEEDS REPAIR	ITEM	INSPECTION
		Oil Level	1) Check engine dip stick for safe operating oil level. 2) Check transmission dip stick for safe operating oil level. 3) Check power steering dip stick for safe operating oil level.
		Brakes	1) Push pedal down; if it goes down more than $\frac{1}{2}$ way to floor, brakes need adjustment. 2) Push pedal down hard and hold down and count to 10; if pedal keeps going down, have brakes repaired. 3) Drive vehicle and step on brakes; if vehicle swerves to side or anything feels suspicious, have checked.
		Parking Brake	Stop vehicle, set parking brake firmly, and attempt to move vehicle. if vehicle moves, brakes need adjustment or repair.
		Air Pressure	Check air pressure reading and record _____ psi.
		Leakage Test	With engine stopped and no brakes applied, observe gauge reading - loss should not exceed 3 lbs. per minute; apply full brakes for 2 minutes - loss should not exceed 4 lbs. per minute (if loss exceeds limit, check out further).
		Warning Device	Must be visible or audible and operate at all pressures at or below 50% of cut out pressure. Test: Run engine at fast idle - time to raise pressure to cut out should not exceed 5 minutes.
		Horn	Test to be sure it is working.
		Lights	Check to be sure all - headlights; emergency flashers; parking lights; turn signals; dash lights; tail lights; brake lights; back-up lights - are working.
		Tires	1) Check tire pressure with gauge for correct pressure and record values. _____, _____, _____, _____, _____. 2) Check tire thread wear. 3) Check both sides of tires for bulges or large cracks in sidewalls.
		Leaks	Check under vehicle for apparent fluid leaks from: radiator, transmission; differential; engine; fuel tank; brake line and cylinders.

Fig. 9 Vehicle Inspection Log

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FORK TRUCK

DATE	BRAKES WORKING?		HORN WORKING?		LIGHTS WORKING?		STEERING OKAY?		FORK CONDITION OKAY?			
	YES	NO	YES	NO	YES	NO	Yes	NO	TILT		LIFT	
	YES	NO	YES	NO	YES	NO	Yes	NO	YES	NO	YES	NO
1												
2												
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NOTE: All unsafe conditions must be reported to foreman.

1. Inspector Copy
2. Environmental Control Copy

Fig. 10 Fork Truck Daily Inspection Log

MANAGEMENT
& TRAINING
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PLANT: Monsanto-Anniston	
SO: Hazardous Waste Management	
TRAINEE:	
INSTRUCTOR:	Comments
Hazardous Materials Generated	
Characteristics Of Materials	
Use Of Proper Containers	
Treatment Areas	
Storage Areas	
Regulations	
Equipment	
Inspection Records	
Manifest Preparation	
Landfill Disposal Cells	
Waste Management Personnel	
Emergency Plans	
Reference Materials	
Other	

Fig. 11 Analysis Sheet

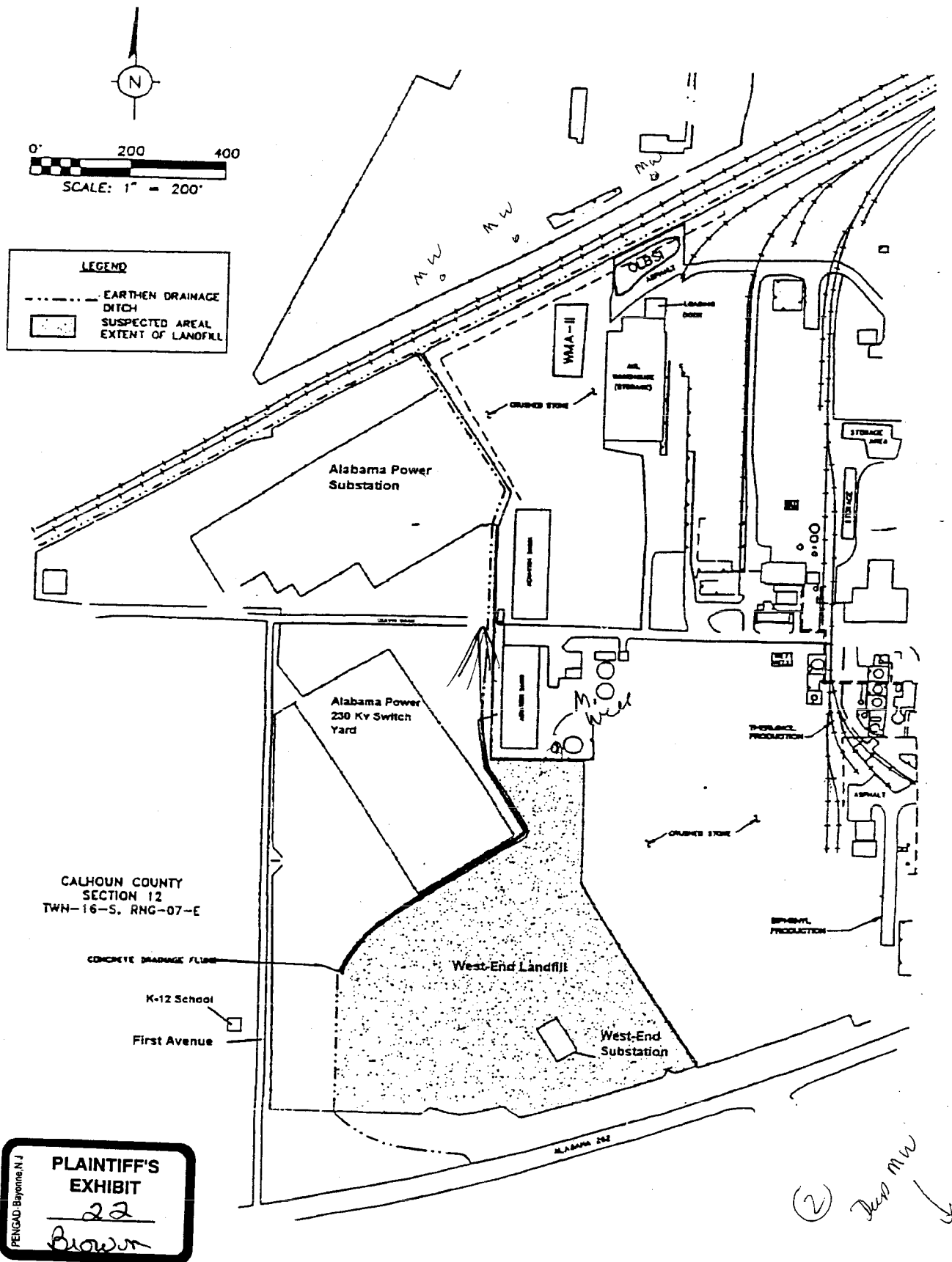


Figure 6. Site Location Map for the West-End landfill.