

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

DEPOSITION OF ROBERT JONES

The deposition of ROBERT JONES was taken before Deborah Salers Garrett, Certified Shorthand Reporter, Registered Professional Reporter, as Commissioner, commencing at 9:00 a.m. on April 29, 1998, by the Plaintiffs, at the law offices of Merrill, Porch, Dillon & Fite, 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

A P P E A R A N C E S

For the Plaintiffs:

CHARLES CUNNINGHAM, Esq.
Morrissey Building, Suite 200
304 West Liberty Street
Louisville, Kentucky 40202

For the Defendants:

WILLIAM G. COX, III, Esq.
LIGHTFOOT, FRANKLIN & WHITE
300 Financial Center
505 North 20th Street
Birmingham, Alabama 35203

ARTHUR F. FITE, III, Esq.
MERRILL, PORCH, DILLON & FITE
P. O. Box 580
Anniston, Alabama 36202

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

REGIONAL REPORTING SERVICE, INC.

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

IT IS STIPULATED AND AGREED by the parties, through their respective counsel, that the deposition of ROBERT JONES may be taken before Deborah Salers Garrett, CSR, RPR, as Commissioner and Notary Public, Alabama at Large, at Anniston, Alabama, on April 29, 1998, at 9:00 a.m.

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

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

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

REGIONAL REPORTING SERVICE, INC.

HARTOLDMON0014621

1 STATE OF ALABAMA, ANNISTON, APRIL 29, 1998

2
3 ROBERT JONES,

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

6
7 EXAMINATION

8 BY MR. CUNNINGHAM:

9 Q. What is your name, sir?

10 A. Robert Jones.

11 Q. Mr. Jones, my name is Charlie
12 Cunningham, and I'm going to be asking
13 you a bunch of questions today on behalf
14 of my clients in a lawsuit they have
15 filed against Monsanto, now Solutia.

16 Have you ever been deposed before?

17 A. Yes, I have.

18 Q. So you understand that the lady to your
19 left is taking down what you say.

20 Therefore, give oral responses as
21 opposed to nods of the head.

22 A. Yes.

23 Q. I have a couple of habits I should

REGIONAL REPORTING SERVICE, INC.

1 acquaint you with in this process. One
2 is I have a tendency to cut people off
3 in the middle of an answer when a
4 thought springs to my mind. I want you
5 to feel free to go back and complete
6 that answer.

7 The bottom line is we want this
8 lady to get your complete testimony and
9 opinions and knowledge about the
10 particular issue. Okay?

11 A. Okay. Do you want me to answer the
12 question you cut me off with first?

13 Q. Yes.

14 A. And then come back to finish the
15 thought?

16 Q. Yes. If I presume that you have
17 finished but you haven't finished the
18 thought, pausing, let me know, is what
19 I'm saying.

20 A. Okay.

21 Q. The second habit that I have is that a
22 lot of times I'll ask a question, and
23 you may think I know what I'm talking

REGIONAL REPORTING SERVICE, INC.

1 about but it doesn't sound right to you.
2 Please don't assume that I know what I'm
3 talking about. If I say something that
4 sounds inaccurate, tell me so. Okay?

5 A. Okay.

6 Q. Would you start off with an easy one, by
7 giving us your present address?

8 A. 1216 Valley Wood Road, Oxford, Alabama,
9 36203.

10 Q. Okay. And how long have you lived there
11 on Valley Wood Road in Oxford?

12 A. Eight years.

13 Q. And before that where did you reside?

14 A. In Freeport -- Well, Lake Jackson,
15 Texas. I worked in Freeport.

16 Q. In what part of the state is Lake
17 Jackson, Freeport in?

18 A. About an hour south of Houston.

19 Q. And how long did you live there?

20 A. About eighteen months.

21 Q. And before that where did you reside?

22 A. I lived in Mobile.

23 Q. And how long did you live in Mobile?

REGIONAL REPORTING SERVICE, INC.

1 A. Five years.

2 Q. And before Mobile?

3 A. Seale, Alabama.

4 Q. I'm going to ask you to spell Seale.

5 A. S-e-a-l-e.

6 Q. And what part of the state is Seale in?

7 A. Far east central Alabama.

8 Q. Not far from here, then?

9 A. And a little over two hours from here,
10 south.

11 Q. Two hours from here.

12 Who were you working for when you
13 lived in Seale?

14 A. I was unemployed, had just graduated
15 from school. Well, I was employed but
16 not as an engineer. I was working in a
17 textile mill.

18 Q. All right. And who was that employer?

19 A. I don't remember the name of the
20 company. I believe it was Opelika
21 Manufacturing, but I'm not sure.

22 Q. And before Seale where did you live?

23 A. I lived in Auburn.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. Were you an Auburn graduate?
- 2 A. Yes, I am.
- 3 Q. I don't hold that against you. There
- 4 may be people who think poorly for that.
- 5 I certainly don't.
- 6 What's home to you? Where are you
- 7 a native of, Alabama?
- 8 A. Well, if I was going to call it home, it
- 9 would probably be Houston. My father
- 10 was in the Navy, so we traveled quite a
- 11 bit.
- 12 Q. When you were working in Mobile and
- 13 Texas, were you working for Monsanto?
- 14 A. No.
- 15 Q. Well, let me come back to your
- 16 employment history in a moment, then.
- 17 But that gets us your residence history.
- 18 Do you have relatives who reside
- 19 in Calhoun County?
- 20 A. Other than my immediate family?
- 21 Q. Right.
- 22 A. No.
- 23 Q. And by immediate family, I take it you

REGIONAL REPORTING SERVICE, INC.

- 1 mean your wife and children?
- 2 A. That's correct.
- 3 Q. What is your wife's name?
- 4 A. Pam.
- 5 Q. Are any of your children above the age
- 6 of eighteen?
- 7 A. Yes.
- 8 Q. And living in Calhoun County, potential
- 9 jurors of Calhoun County?
- 10 A. Only one.
- 11 Q. Who would that be?
- 12 A. A daughter, Amy Merritt.
- 13 Q. And her husband's name?
- 14 A. Russ Merritt. But they are divorced.
- 15 He lives in Michigan.
- 16 Q. Let me get a sketch of your education.
- 17 Where did you graduate high
- 18 school?
- 19 A. Spring Woods High School in Houston.
- 20 Q. And then you enrolled where for college?
- 21 A. I went to Chattahoochee Valley Community
- 22 College, located in Phenix City.
- 23 Q. And what state is Phenix City in?

REGIONAL REPORTING SERVICE, INC.

- 1 A. Alabama.
- 2 Q. Okay. And how did you happen to go to
- 3 Chattahoochee Valley?
- 4 A. I was stationed at Fort Benning,
- 5 Georgia, in the Army. When I got out, I
- 6 started -- Chattahoochee Valley was
- 7 right next door to Columbus.
- 8 Q. Okay. Let me back up, then, and get
- 9 your military background right quick.
- 10 When did you enter the armed
- 11 forces?
- 12 A. May of 1971 and got out in September of
- 13 1978.
- 14 Q. And in the little over seven years that
- 15 you served, you were in the Army?
- 16 A. That's correct.
- 17 Q. And what was your final rank?
- 18 A. Spec 5 or E-5.
- 19 Q. And what sort of responsibilities and
- 20 work did you do?
- 21 A. Personnel clerk.
- 22 Q. Okay.
- 23 MR. COX: Let him finish his

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- 1 questions. You are
- 2 anticipating his questions,
- 3 but let him finish.
- 4 Q. So far you have anticipated very well.
- 5 Did you have any sort of technical
- 6 training while you were in the Army, as
- 7 far as dealing with hazardous materials
- 8 or environmental safety?
- 9 A. No.
- 10 Q. What were you studying when you
- 11 enrolled?
- 12 A. I studied a pre-engineering curriculum.
- 13 Q. Okay. And I presume at some point you
- 14 then moved into a college that had a
- 15 degree in engineering?
- 16 A. That's correct.
- 17 Q. And what was that school?
- 18 A. Auburn.
- 19 Q. And did you graduate from Auburn?
- 20 A. Yes, I did.
- 21 Q. What year was that?
- 22 A. 1982.
- 23 Q. And what would have been the degree that

REGIONAL REPORTING SERVICE, INC.

- 1 you got?
- 2 A. That was a bachelor of science in
- 3 chemical engineering.
- 4 Q. Okay. And did you do any postgraduate
- 5 work?
- 6 A. No, I did not.
- 7 Q. All right, sir. Have you had any sort
- 8 of continuing engineering education
- 9 since you graduated?
- 10 A. No.
- 11 Q. Taken the PE exam?
- 12 A. No.
- 13 Q. EIT exam?
- 14 A. No.
- 15 Q. Okay. Would I be correct in assuming
- 16 you have gone to seminars and such
- 17 dealing with environmental type things?
- 18 A. Yes.
- 19 Q. How much of that has been what I would
- 20 refer to as in-house training with
- 21 Monsanto versus -- not out-house, but
- 22 stuff that was offered by some other
- 23 third party that you happened to go to?

REGIONAL REPORTING SERVICE, INC.

- 1 A. Do you mean for my entire career, since
- 2 I got out of school?
- 3 Q. Yeah. If there is a consistent ratio,
- 4 give it to me. Or if it has changed
- 5 over the years, give me that.
- 6 A. I don't understand the question. In
- 7 terms of consistent ratio, do you mean
- 8 in-house with every company I have
- 9 worked for, or do you want a ratio of
- 10 training I have received in-house with
- 11 specifically Monsanto versus all other
- 12 training?
- 13 Q. Can you give me a ballpark of how much
- 14 outside education you have gotten in an
- 15 average year since you graduated
- 16 college?
- 17 A. Maybe forty hours.
- 18 Q. Okay. And to make it simple, let's take
- 19 the last twelve months. Just tell me
- 20 what kind of seminars or training
- 21 sessions you have been to in the last
- 22 twelve months, that you can recall,
- 23 dealing with environmental health and

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- 1 safety type matters.
- 2 A. I attended a RCRA refresher course that
- 3 was taught by a contractor in St. Louis,
- 4 at Monsanto headquarters -- or Solutia
- 5 headquarters.
- 6 Q. Okay.
- 7 A. And I recently attended an informational
- 8 type briefing on safety and industrial
- 9 hygiene issues in St. Louis.
- 10 Q. When's the last time you recall going to
- 11 a seminar/meeting that was not put on by
- 12 Monsanto or Solutia, just so I can get
- 13 an example of one of those kinds that
- 14 you attended?
- 15 A. When you say meeting, do you mean a
- 16 training meeting, or do you mean like
- 17 just a yearly meeting type meeting?
- 18 Q. Give me one of each.
- 19 A. A yearly meeting would be the AlaChem
- 20 fall meetings, which was in the fall of
- 21 last year. A training meeting, the last
- 22 one I remember was maybe four years ago,
- 23 and it was a RCRA refresher training

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- 1 meeting taught by Lion Technology.
- 2 Q. Is it fair to say, then, that to a
- 3 pretty substantial bit the training you
- 4 have been receiving over the years that
- 5 you worked with Monsanto was provided by
- 6 Monsanto?
- 7 A. Yes.
- 8 Q. Okay. What sort of organizations are
- 9 you a member of? You mentioned this
- 10 AlaChem. I assume this is some sort of
- 11 Alabama Chemical Manufactures
- 12 Association?
- 13 A. Yes. We have a corporate membership
- 14 with AlaChem. I have a membership with
- 15 ANMA, which is the Air and Waste
- 16 Management Association.
- 17 Q. Okay. Any other organizations like that
- 18 that you belong to?
- 19 A. (Witness shakes head negatively.)
- 20 Q. Societies?
- 21 A. No.
- 22 Q. Professional?
- 23 Now, let's go through your

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- 1 employment history. When you got out of
2 Auburn, I know you said initially you
3 were working in Seale, Alabama, in a
4 textile mill.
- 5 A. I was living in Seale. I was working in
6 Phenix City.
- 7 Q. When did you first get a job where you
8 were utilizing your engineering
9 background?
- 10 A. June of 1983.
- 11 Q. Okay. And where was that?
- 12 A. With Ciba-Geigy in McIntosh, Alabama.
- 13 Q. And what did you do for those folks?
- 14 A. Initially I was hired in to work in the
15 research and development department.
16 But that was only very briefly, a couple
17 of months. And then I went to work in
18 the environmental group.
- 19 Q. Okay. And what sort of things did y'all
20 do in McIntosh, Alabama, in terms of
21 manufacturing? Was it a manufacturing
22 facility?
- 23 A. A chemical manufacturing facility.

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- 1 Q. What kind of chemicals did y'all
2 manufacture?
- 3 A. They made some organic dyes, made
4 something called biphenyl A, which I'm
5 not really sure what it is. They made
6 some herbicides. It was a very large
7 plant, about eighteen manufacturing
8 facilities on the plant site.
- 9 Q. Would I be correct in assuming that at
10 the time you were there, in 1983 and
11 beyond, that PCBs were not something
12 that were being used there?
- 13 A. Not to my knowledge.
- 14 Q. Okay. And how long did you work for
15 Ciba-Geigy?
- 16 A. Five years.
- 17 Q. So sometime in 1988 you moved?
- 18 A. June 1988.
- 19 Q. And where did you go then?
- 20 A. BASF.
- 21 Q. And that would have been in Texas?
- 22 A. Freeport.
- 23 Q. And what -- Why did you make that move?

REGIONAL REPORTING SERVICE, INC.

- 1 A. Career advancement.
- 2 Q. And what was your title at BASF?
- 3 A. Senior environmental engineer.
- 4 Q. And what sort of facility did they have
5 in Freeport?
- 6 A. It was a chemical manufacturing
7 facility.
- 8 Q. Okay. And what was your status in the
9 hierarchy? Were you in charge of
10 environmental matters there?
- 11 A. No. I reported to the individual that
12 was in charge of environmental matters.
- 13 Q. Okay. Is it fair to say you were number
14 two in that section?
- 15 A. No. There were comparable people at my
16 level.
- 17 Q. It was just a big place, and there were
18 several senior environmental engineers?
- 19 A. Yes.
- 20 Q. What sort of things did y'all make at
21 Freeport?
- 22 A. Caprolactam. They made a lot of the
23 stuff for plastics or nylon.

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- 1 Caprolactam was a big product. Nitric
2 acid was a big product.
- 3 Q. Did you have any particular area that
4 you were in charge of handling the
5 environmental consequences of?
- 6 A. I handled primarily air permitting.
- 7 Q. Again, I presume that PCBs were not much
8 of an issue for you in your work at
9 BASF?
- 10 A. They were of no issue.
- 11 Q. And are you, therefore, I assume,
12 familiar with air monitoring
13 methodologies, if you were handling air
14 permitting?
- 15 A. Very crudely. My primary job there most
16 of the time -- I was there only a very
17 short period of time. I was working
18 with an engineering group that was
19 designing a major expansion and in
20 developing permit applications.
- 21 Q. Okay. And then how long were you there?
- 22 A. Until February of 1990.
- 23 Q. And that's when you came here?

REGIONAL REPORTING SERVICE, INC.

- 1 A. That's correct.
 2 Q. And again, the reason for the move?
 3 A. Illness within my wife's family.
 4 Q. Your wife was from here, Alabama?
 5 A. Yes.
 6 Q. Okay. And when you first came here to
 7 the Monsanto -- I assume Monsanto was
 8 the first place you worked when you came
 9 back to Alabama.
 10 A. That's correct.
 11 Q. And it's the only place you have worked
 12 since you have been back?
 13 A. That's correct.
 14 Q. What was your position initially with --
 15 when you came back, with the company?
 16 A. It was to head up the environmental
 17 group.
 18 Q. All right. When you say the
 19 environmental group, at the time you
 20 came here in February of '90, how many
 21 people were in the group?
 22 A. There was one other full-time person.
 23 Q. Okay.

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- 1 A. And then you had two individuals that
 2 you had part of their time for different
 3 job functions within the environmental
 4 realm.
 5 Q. Okay. Is that still basically the same,
 6 or has that altered in the intervening
 7 eight years or so?
 8 A. The job has changed in that now I have
 9 the environmental safety and health
 10 functions all reporting within me and
 11 there are two people that are in that
 12 group besides myself.
 13 Q. Okay. You still have a couple of people
 14 that work with you, but you aren't
 15 totally in charge of their activities?
 16 A. No. We have incorporated those
 17 responsibilities into our full-time
 18 people.
 19 Q. Okay. Did you take somebody's place, or
 20 were you moving into a new position, a
 21 newly created position?
 22 A. I took somebody's place.
 23 Q. Do you remember that person's name?

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- 1 A. Bob Cheever.
 2 Q. Do you know if Mr. Cheever was asked to
 3 leave, left for personal reasons, why
 4 this vacancy came about?
 5 A. I believe it was a promotional
 6 opportunity at one of our other plants.
 7 Q. Okay. In essence, your title has not
 8 changed, then, over the eight years?
 9 A. Well, it has changed in that I have
 10 acquired responsibility for safety and
 11 health and not just environmental.
 12 Q. So when you first got here you were head
 13 of the environmental group. Is that the
 14 right way of saying it?
 15 A. Yes.
 16 Q. And when did you also get the safety and
 17 health component in your sphere of
 18 control?
 19 A. December of 1996.
 20 Q. Prior to December of '96, where did
 21 safety and health get handled as far as
 22 personnel-wise? Who was in charge?
 23 A. There was another staff member that had

REGIONAL REPORTING SERVICE, INC.

- 1 safety and health responsibilities.
 2 Q. And who was that?
 3 A. Lamar Freeman.
 4 Q. And why was the change made in December
 5 of '96 to put those areas under you?
 6 A. It was a corporate restructuring move to
 7 put ES and H reporting all within one
 8 organization.
 9 Q. Did Mr. Freeman continue at the plant?
 10 A. Yes.
 11 Q. Did he become the second full-time
 12 person?
 13 A. No. He moved over into another job.
 14 Q. So who are presently the two folks who
 15 work under you full time?
 16 A. Fran Byrd does safety and health, and
 17 Jerry Hopper does environmental.
 18 Q. Is Fran Byrd a he or a she?
 19 A. He.
 20 Q. And does he spell that B-y-r-d?
 21 A. That's correct.
 22 Q. Okay. Do you have a financial interest
 23 in Solutia or Monsanto, in the sense of

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1 being an owner of common stock in those
2 companies?
3 A. Yes, I do.
4 Q. And do you receive a bonus over and
5 above your scheduled salary at the end
6 of the year, depending upon performance
7 of the company?
8 A. There is a gain sharing program that is
9 corporate wide that I do get -- if we
10 meet certain criteria, that I get
11 additional monies.
12 Q. And those criteria would be based on
13 financial performance, at least to some
14 extent?
15 A. It is a variety of performance items.
16 Q. And again, I don't need a lot of detail,
17 but would I be safe in assuming this is
18 your principal source of income, your
19 income from Solutia?
20 A. That's correct.
21 Q. Have you gotten any kind of
22 certification? I know you said you
23 weren't a PE. But either through like

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1 an EPA accreditation program for
2 particular kinds of training --
3 A. No.
4 Q. You indicated to me you had been deposed
5 before. Has any of your previous
6 deposition experience been relative to
7 the operations of the Anniston facility?
8 A. I don't remember all the questions that
9 were asked. I don't remember if there
10 were specific operation questions asked.
11 Q. Let me be less obtuse. What cases were
12 you deposed in previously?
13 A. I don't know the names of them. We call
14 them the lake cases. I don't know the
15 specific name for it.
16 MR. COX: For the record, it's
17 Dyer Shelter Cove versus
18 Monsanto, and it also was
19 taken in Wilson versus
20 Monsanto, the three cases
21 that Burr and Foreman had at
22 the time.
23 Q. Okay. Do you remember approximately

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1 when those depositions took place?
2 A. A couple of years ago, I guess. I don't
3 know for sure.
4 Q. It is not -- We can always look that up.
5 Okay. Before we get into present
6 operations and such, let me quickly go
7 through your preparations for today.
8 Did you talk to anyone in
9 preparation for this deposition today?
10 A. Yes.
11 Q. And who was that?
12 A. My attorneys.
13 Q. Okay. And when you say your attorneys,
14 I'm going to presume that what you mean
15 is Solutia's attorneys in this lawsuit?
16 That would be Mr. Cox or someone from
17 his office?
18 A. That's correct.
19 Q. Did you speak to anyone else at the
20 plant about the fact you were about to
21 be deposed or anything like that?
22 A. I mentioned in our staff meeting Monday
23 morning that I would be out of the plant

REGIONAL REPORTING SERVICE, INC.

1 Tuesday and Wednesday and reminded my
2 plant manager this morning that I would
3 be gone today.
4 Q. Did Mr. Hamilton tell you how much fun
5 it was to have Mr. Cunningham ask you
6 questions for today?
7 I'm going to assume, then, that
8 everything you tell me here today is
9 based upon your own independent
10 recollection as opposed to something
11 someone else recently told you.
12 A. That's correct.
13 Q. What about reviewing items? Have you
14 looked at anything -- be it photographs,
15 documents, deposition transcripts -- in
16 getting ready for today?
17 A. I looked at a few documents.
18 Q. What sort of documents do you recall
19 looking at?
20 A. The main one I remember is a memorandum
21 for record to the files that I did on
22 storm water permitting.
23 Q. Okay. Do you recall when you looked at

REGIONAL REPORTING SERVICE, INC.

- 1 that?
- 2 A. Yesterday.
- 3 Q. And why did -- Why does that particular
- 4 document stand out in your mind?
- 5 MR. COX: For the record, we
- 6 showed him a few documents,
- 7 and it -- I'm not sure -- You
- 8 are getting close to getting
- 9 into what we were doing as
- 10 far as work product and
- 11 attorney-client privilege and
- 12 communication.
- 13 Q. So let me be very sure you understand.
- 14 Your comment was the one that you
- 15 recalled best or most clearly was this
- 16 particular storm water memo you had
- 17 written. So I don't want to know
- 18 anything about conversations you had
- 19 with your lawyers. So maybe you can't
- 20 answer this question. But if you can
- 21 without saying, "Because my lawyer said
- 22 this about it," why does that stand out
- 23 in your mind?

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- 1 A. I have a very poor memory, and I make
- 2 notes to myself or memorandums to file.
- 3 And I guess the main reason it stands
- 4 out is because I had almost forgotten
- 5 the document completely.
- 6 Q. Okay. Roughly how many documents do you
- 7 think you looked at?
- 8 A. Three or four maybe.
- 9 Q. Okay. Can you remember any other ones
- 10 aside from that storm water permit memo?
- 11 A. I looked at a lab results, I think.
- 12 Q. Do you remember what it was analyzing?
- 13 A. It was a storm water document from some
- 14 of our early storm water analyses.
- 15 Q. Let me say again, just like we mentioned
- 16 last about people you may have talked
- 17 to, I'm going to assume that your
- 18 answers today are based on your
- 19 independent recollection of events in
- 20 the past. To the extent what you're
- 21 actually telling me is what you remember
- 22 reading yesterday, I would ask that you
- 23 let me know that. Okay?

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- 1 A. Okay.
- 2 Q. Was there anything you saw in your
- 3 review of these few documents that was
- 4 inconsistent with your recollection of
- 5 events?
- 6 A. No.
- 7 Q. Okay. Let's talk about your present
- 8 responsibilities there at the Solutia
- 9 facility in Anniston, Alabama. In fifty
- 10 words or less, what is your job? What
- 11 is it you are supposed to do?
- 12 MR. COX: Object to limiting the
- 13 witness.
- 14 Q. Yes. Take as many words as you -- She
- 15 gets paid by the page. She will be
- 16 happy to take it all down.
- 17 A. I have responsibility for the
- 18 environmental industrial hygiene and
- 19 safety functions at the plant. That
- 20 entails permit compliance, permit
- 21 applications, directing safety type
- 22 activities, overseeing industrial
- 23 hygiene monitoring.

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- 1 Q. Would that be medical type monitoring?
- 2 A. Physicals.
- 3 Q. Okay. When you say you oversee it, I
- 4 presume you just make sure that it
- 5 happens. I mean, you don't conduct the
- 6 physical yourself or are necessarily
- 7 even present when it is done
- 8 A. In terms of physicals, that's correct.
- 9 I do a lot of the report generation.
- 10 Q. Okay. Given your background in chemical
- 11 engineering, I'm going to guess that you
- 12 didn't have a lot of classwork back in
- 13 the early '80s that dealt with
- 14 environmental, much less with industrial
- 15 hygiene and safety. Is that a correct
- 16 assumption?
- 17 A. That's correct.
- 18 Q. So am I correct in understanding that
- 19 most of what you know about what you do
- 20 today you learned on the job?
- 21 A. For the most part, that's correct.
- 22 Q. Okay. And you were, I realize, an
- 23 environmental engineer by the time you

REGIONAL REPORTING SERVICE, INC.

1 got to Monsanto. But the health and
 2 safety aspects you picked up while you
 3 were at Monsanto; is that correct?
 4 A. That's correct.
 5 Q. Was there some sort of mechanism where
 6 you had to qualify or demonstrate
 7 capabilities in this area before you got
 8 those responsibilities?
 9 A. No.
 10 Q. And what about training? Was there some
 11 specific training when they said, "Look,
 12 you lucky devil, we are throwing this in
 13 your lap now, but come on up here to St.
 14 Louis. We are going to spend some time
 15 with you and bring you up to speed on
 16 this type stuff"?
 17 A. The course that I mentioned previously
 18 was an introductory type course that
 19 there was an individual they had doing
 20 the industrial hygiene and safety job.
 21 In December of '96 was a switch in
 22 reporting to me. And then my education,
 23 after assuming that, was kind of on the

REGIONAL REPORTING SERVICE, INC.

1 job, learning the requirements. But
 2 there was a person in place taking care
 3 of those two functions.
 4 Q. Mr. Byrd?
 5 A. That's correct.
 6 Q. Do you also -- Have you also had to rely
 7 to a significant extent on support from
 8 corporate? By that I mean higher up in
 9 the organization, personnel who are
 10 focused and trained in industrial
 11 hygiene and safety.
 12 A. I do utilize resources in those arenas.
 13 Q. And those resources have been present
 14 throughout your career here?
 15 A. In the industrial hygiene and safety
 16 arena. I don't know if they were
 17 present all the time I have been at
 18 Monsanto. They have been there since I
 19 have assumed those responsibilities.
 20 Q. Are you the person who actually signs
 21 off on a lot of the documentation that
 22 is generated in these areas?
 23 A. I don't understand the question in terms

REGIONAL REPORTING SERVICE, INC.

1 of "sign off." Do you mean in terms of
 2 reports that are sent in?
 3 Q. By way of example, you mentioned permit
 4 compliance and permit applications. Are
 5 you typically the person who would sign
 6 off on the paperwork that is submitted
 7 to apply for permits or reapplication
 8 for permits?
 9 A. It would depend on the permit. There
 10 are different signature authorities that
 11 are regulated in the regulations, where
 12 the plant manager can sign off on some,
 13 I can sign off on some, and some require
 14 corporate VP signatures.
 15 Q. Give me an example of one that you sign
 16 off on.
 17 A. Minor reporting of -- follow-up
 18 reporting on tests that may have been
 19 performed or additional information that
 20 an agency may call for.
 21 Q. And the reasons for this different level
 22 of who is permitted to sign is because
 23 certain things are considered

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1 sufficiently serious that they want
 2 people very high in the organization to
 3 be very cognizant of them and to sign
 4 off on them?
 5 MR. COX: Object to the form.
 6 Q. Go ahead.
 7 MR. COX: If you understand the
 8 question.
 9 A. Well, I don't know if it's because of
 10 the seriousness. I know that the
 11 corporate signature requirement is a
 12 financial mechanism, as to the level of
 13 sales within -- as in financial, where
 14 if you don't have a certain level of
 15 sales or a certain number of employees,
 16 it requires a corporate signature. I
 17 don't think that is based on the
 18 severity of the application. I think it
 19 is just a regulatory requirement.
 20 Q. Okay. Let me talk to you for a moment
 21 about your authority as opposed to your
 22 responsibility. Do you have spending
 23 authority at the plant?

REGIONAL REPORTING SERVICE, INC.

- 1 A. Yes.
- 2 Q. Is there a dollar figure beneath which
3 you can expend funds but above which you
4 have to obtain approval, or is there an
5 annual budget where you are given a
6 certain allocation of funds?
- 7 A. Yes to both of those.
- 8 Q. What was the -- What is your fiscal
9 year? Is it a calendar year?
- 10 A. Yes.
- 11 Q. In calendar '97, what was the budget for
12 your group, the environmental safety and
13 health group?
- 14 A. I hate to admit it, but I don't know. I
15 can pull out my cost sheets and tell
16 you.
- 17 Q. If you -- If I said put it in as broad a
18 range as you have to to feel comfortable
19 it is somewhere within that range, would
20 that make your life any easier, or are
21 you still not even --
- 22 MR. COX: Don't guess.
- 23 A. I would be uncomfortable because I would

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- 1 be guessing.
- 2 Q. That's fine. Do you know what 1998's
3 budget is?
- 4 A. I did when we were developing the
5 budget. But right off the top of my
6 head, I can't tell you what it is.
- 7 Q. Okay. Do you know if anything -- if any
8 costs associated with all that
9 remediation work that is going on out
10 there is involved in that budget, or is
11 that all outside of what you spend?
- 12 A. That is totally outside of my budget.
- 13 Q. Okay. What's the dollar figure that --
14 beneath which you are free to make
15 expenditures but above which you have to
16 obtain approval?
- 17 A. Twenty thousand dollars.
- 18 Q. What about in terms of giving orders?
19 If you are walking through the plant and
20 you see something going on that in your
21 professional judgment is not good
22 environmentally, health-wise, or
23 safety-wise, do you have the authority

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- 1 within the plant to instruct whoever you
2 see to change their behavior in that
3 respect?
- 4 A. Yes.
- 5 Q. And I assume you have done that from
6 time to time.
- 7 MR. COX: Object to the form.
- 8 A. There have been observations that have
9 been made, "Did you forget your side
10 shield for your safety glasses? Be sure
11 and remember to wear your harness when
12 you are in elevated work positions,"
13 things like that.
- 14 Q. Now, those -- To take the two examples
15 you just referred to would be what I
16 would refer to as safety matters,
17 although sometimes it's difficult to
18 separate safety and health. Any example
19 of an environmental situation where you
20 can recall giving an immediate command
21 or suggestion, if that is the word you
22 prefer, to a worker, out of something of
23 an environmental concern?

REGIONAL REPORTING SERVICE, INC.

- 1 A. I can't remember one I have been exposed
2 to where that was necessary.
- 3 Q. Okay. In the hierarchy of the plant,
4 you have told us that Mr. Byrd and
5 Mr. Hopper report to you in their
6 respective responsibility, and you in
7 turn, I assume, have a direct in-line
8 report authority, responsibility to the
9 plant manager?
- 10 A. That's correct.
- 11 Q. Do you have any -- I forget the phrase
12 Mr. Hamilton used to describe to you --
- 13 MR. COX: Dotted lines and
14 straight lines?
- 15 MR. CUNNINGHAM: Yeah.
- 16 Q. Do you have some responsibility or
17 reporting requirements to St. Louis as
18 well?
- 19 A. Yes.
- 20 Q. Tell me about those, please.
- 21 A. That is -- My direct -- I have just one,
22 and that is my direct line boss in St.
23 Louis.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. Who is that?
- 2 A. His name is Max McCombs.
- 3 Q. And he, I assume, is the Solutia
- 4 corporate ESH person?
- 5 A. He is the ESH lead for Region One, which
- 6 Anniston is a part of.
- 7 Q. Well, who is the big dog for ESH in
- 8 Solutia?
- 9 MR. COX: Object to the form.
- 10 Q. Who is the top person?
- 11 A. Mike Pierle.
- 12 Q. P-e --
- 13 A. P-i-e-r-l-e, I believe.
- 14 Q. And what sort of relationship, if any,
- 15 do you have in your working
- 16 responsibilities and authorities
- 17 vis-a-vis Alan Faust?
- 18 A. Primarily just an informational type
- 19 relationship, what we are doing this
- 20 week, what is scheduled.
- 21 Q. In terms of you providing information to
- 22 him or him providing information to you
- 23 or both?

REGIONAL REPORTING SERVICE, INC.

- 1 A. Him providing information to me.
- 2 Q. And is there something you are doing in
- 3 terms of acting upon this information
- 4 when you receive it?
- 5 A. No. It is courtesy.
- 6 Q. Okay. Are you providing any ESH support
- 7 to the contractors who are conducting
- 8 the remediation?
- 9 A. No.
- 10 Q. Have there been any folks, aside from
- 11 Mr. Byrd and Mr. Hopper, that you have
- 12 been the direct supervisor of while you
- 13 have been here in Anniston?
- 14 A. Yes, one other employee.
- 15 Q. Who would that be?
- 16 A. Michelle -- Just a -- Let me think of
- 17 Michelle's last name.
- 18 Q. We'll talk about her in a little bit
- 19 and --
- 20 A. Pugh, P-u-g-h.
- 21 Q. I hope she wasn't in charge of air
- 22 emissions control.
- 23 A. I told you I have a terrible memory.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. What was Ms. Pugh's role that you were
- 2 supervising her about?
- 3 A. She worked both with ground water
- 4 reporting and air permit applications.
- 5 Q. Is she still at the plant?
- 6 A. No, she is not.
- 7 Q. Do you know where she went to?
- 8 A. She is with Monsanto at our Luling,
- 9 Louisiana facility.
- 10 Q. Okay. When did she leave?
- 11 A. It has been at least three years ago.
- 12 Q. The only ground water reporting I would
- 13 know of at that plant, from what I
- 14 understand in that time frame, would be
- 15 an NPDS kind of permitting. Anything
- 16 else?
- 17 A. NPDS would be surface water. This was
- 18 ground water.
- 19 Q. So did you have that remediation system
- 20 in place for the ground water, pump and
- 21 treat?
- 22 A. Yes.
- 23 Q. So she was doing that? Okay.

REGIONAL REPORTING SERVICE, INC.

- 1 Do you know what the average
- 2 rainfall is at the plant?
- 3 A. No.
- 4 Q. Do you know what the heaviest
- 5 twenty-four hour rain event has been
- 6 since you have been there?
- 7 A. No.
- 8 Q. Do you know what the average temperature
- 9 is at the facility, ambient?
- 10 A. No.
- 11 Q. I assume you do get over a hundred
- 12 degrees Fahrenheit for stretches of time
- 13 in the summer?
- 14 A. If we do, it's not but maybe a day or
- 15 two. I don't remember any long
- 16 stretches of over a hundred degree
- 17 weather.
- 18 Q. What are the normal winds at the
- 19 facility?
- 20 A. I have no idea.
- 21 Q. Do you all do anything by way of
- 22 monitoring temperature, rainfall, or
- 23 wind at the facility?

REGIONAL REPORTING SERVICE, INC.

- 1 A. We monitor rainfall. Temperature and
2 wind, I'm not aware of.
- 3 Q. So who would be keeping track of how
4 much rain you are getting down there?
- 5 A. The lab keeps track of it, and then we
6 report it in a report that we submit
7 every six months.
- 8 Q. Who is that going to?
- 9 A. ADEM.
- 10 Q. And is that part of what particular
11 regulatory compliance?
- 12 A. Solid Waste Management Unit semiannual
13 report.
- 14 Q. Okay. And that has to do with the south
15 end landfills?
- 16 A. It has to do with pump and treat systems
17 that are -- some on the south landfill
18 and some on the plant site.
- 19 Q. So you know that you are recording it,
20 but as you sit here today you couldn't
21 tell me what kind of numbers --
- 22 A. I have no idea.
- 23 Q. I assume you have been asked to collect

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- 1 that data because somebody thinks it's
2 important.
- 3 MR. COX: Object to the form.
- 4 A. It's a requirement in the regulations
5 that that be reported, along with the
6 ground water data. For what reason, I
7 don't know.
- 8 Q. Okay. Do you have any role in
9 communicating with the local community,
10 the surrounding neighborhoods in your
11 job as environmental safety and health
12 person?
- 13 A. I don't have a normal role. I have done
14 that, very limited, but there have been
15 a couple of instances where I have --
- 16 Q. Tell me about those instances.
- 17 A. And once again I apologize, because I
18 can't tell you because my memory is very
19 poor. But either the Kiwanis or the
20 Rotary for Anniston and either the
21 Kiwanis or Rotary for Oxford I have
22 spoken at before, the Anniston Civitan
23 Club and the Anniston Historical

REGIONAL REPORTING SERVICE, INC.

- 1 Society.
- 2 Q. Okay. And what about community right to
3 know kind of compliance? Are you aware
4 of a federal statute that says certain
5 activities within this industrial
6 facility involving chemicals that the
7 local community is entitled to know,
8 certain aspects? Are you familiar with
9 that statute?
- 10 A. Uh-huh (indicating yes).
- 11 Q. Do you have any role of the plant as far
12 as Anniston or Solutia's compliance with
13 that statute?
- 14 A. The SARA reporting requirements. That
15 is 311 and 312, I think, are the titles.
16 That falls within the realm of my group.
17 I don't prepare that report. That has
18 also been done with the safety and
19 health organization. I did review the
20 report this year, but that's the extent
21 of my involvement.
- 22 Q. Am I to take it from that that Mr. Byrd
23 prepared it or that someone in St. Louis

REGIONAL REPORTING SERVICE, INC.

- 1 prepared it?
- 2 A. Mr. Byrd prepared it.
- 3 Q. Do y'all have a siren there at the
4 facility that if there is a release of
5 something the siren goes off?
- 6 A. There is an emergency siren at the
7 facility.
- 8 Q. And in what sort of circumstances does
9 that get used?
- 10 A. It's tested every Tuesday at two
11 o'clock, is the main time it would ever
12 be heard. It would be used in the event
13 of an emergency in the plant, to alert
14 the entire plant site that there is an
15 emergency taking place.
- 16 Q. What are the workers instructed to do if
17 that siren goes off?
- 18 A. It depends on which type of siren signal
19 is sent out. There is a severe weather
20 signal. There is an imminent threat of
21 tornado signal. There are just general
22 signals for emergencies in a quadrant of
23 the plant. This plant is divided into

REGIONAL REPORTING SERVICE, INC.

- 1 four quadrants, and each quadrant has
2 its own signal.
- 3 Q. Okay. Is there a signal that is -- that
4 you would use this siren for to alert
5 not just the people within the confines
6 of the plant but also adjoining the
7 plant nearby, for instance, that there
8 has been a chemical release?
- 9 A. No. It's not used for that.
- 10 Q. Is there a mechanism in place that has
11 actually been used or is on the books as
12 a planning mechanism for notification to
13 the surrounding community in the event
14 of a release?
- 15 A. There are sirens around the plant that
16 are connected up with the Calhoun County
17 EMA, that in the event of a catastrophic
18 release in the plant, when we notified
19 them, they would begin sounding their
20 sirens. And it has a loud speaker where
21 it tells what the siren is going off
22 for.
- 23 Q. Okay. Any sort of radio communications

REGIONAL REPORTING SERVICE, INC.

- 1 that also sometimes take place or that
2 are in the plant?
- 3 A. There are radios in the plant.
- 4 Q. Well, where I'm from --
- 5 MR. COX: He is talking about
6 something different.
- 7 Q. In Louisville there is a group of
8 chemical companies, and they have a
9 radio frequency in the event somebody
10 has a release.
- 11 A. No.
- 12 Q. People can tune that to a particular
13 frequency for a statement.
- 14 A. There is nothing like that that I'm
15 aware of.
- 16 Q. Are you involved in any sort of outreach
17 to the community?
- 18 A. No.
- 19 Q. Were you ever involved in notifying or
20 communicating to the neighbors the PCB
21 contamination in the vicinity of the
22 plant?
- 23 A. I went along with or accompanied the

REGIONAL REPORTING SERVICE, INC.

- 1 meetings that were held at Mars Hill and
2 at Bethel Baptist churches when the
3 property purchase program was rolled
4 out. I did not speak at those meetings,
5 but I accompanied the Prudential folks.
- 6 Q. And why were you chosen for that
7 particular meeting? What were you
8 understanding your role was to be in
9 this?
- 10 A. Primarily just as an escort for them,
11 help them get set up and all.
- 12 Q. Were you introduced at those meetings?
- 13 A. I do not believe so.
- 14 Q. Okay. You don't remember speaking?
- 15 A. No.
- 16 Q. When you say you accompanied people, the
17 people you remember being there and
18 doing the speaking were people with --
19 Did you say Westinghouse -- Prudential.
20 I'm sorry.
- 21 A. (No audible response.)
- 22 Q. Do you remember when those meetings
23 occurred?

REGIONAL REPORTING SERVICE, INC.

- 1 A. I would be guessing. I would guess '95,
2 early '95, sometime.
- 3 Q. Do you think you would have done one of
4 your memorandums to the record regarding
5 that meeting?
- 6 A. No.
- 7 Q. When do you believe Monsanto first
8 advised its neighbors that there was a
9 problem with PCB contamination in the
10 neighborhood?
- 11 A. I don't know historically. I know that
12 since I've been there that a
13 notification was made shortly after it
14 was discovered, after we did the testing
15 in the drainage ditch and found it. How
16 soon after that, I don't know. I don't
17 remember.
- 18 Q. When do you recall -- Was that when you
19 first became aware of the fact that
20 there was some contamination?
- 21 A. Yes.
- 22 Q. When you say you tested the drainage
23 ditch, are you talking about at the west

REGIONAL REPORTING SERVICE, INC.

1 end landfill or the drainage ditch over
2 on what I would call the eastern side of
3 things?
4 A. The drainage ditch on the east side.
5 Q. Okay. And when do you think that was
6 sampled?
7 A. I would -- I think that the soil
8 sampling -- I would think it was in '95.
9 Q. You say soil sampling. Was there some
10 other kind of sampling that predated or
11 postdated the soil sampling?
12 A. There was storm water sampling that
13 predated the soil sampling.
14 Q. Okay. And was that off-site, on-site?
15 MR. COX: What are you talking
16 about, soil sampling or the
17 storm water?
18 MR. CUNNINGHAM: The storm water.
19 A. It was on-site.
20 Q. And I'm assuming the soil sampling was
21 off-site, because you said that is what
22 led you to first realize there was
23 contamination off-site.

REGIONAL REPORTING SERVICE, INC.

1 A. For clarification, on the east side, we
2 owned blocks of property over there that
3 intermingled with privately-owned
4 property. So there was sampling being
5 done on our property when we started the
6 soil sampling, plus there was sampling
7 done on private property after
8 authorization was obtained from the
9 residents, the owners of that property.
10 Q. Okay. And who conducted these -- First,
11 who collected the samples?
12 A. The sampling was done by Garrity and
13 Miller.
14 Q. And why was it that Garrity and Miller
15 was brought in to do that, if you know?
16 A. Expertise.
17 Q. Were you involved in that process?
18 MR. COX: Object to the form.
19 Q. Yeah. Let me explain what I mean when I
20 say the word "process."
21 Were you involved in trying to
22 figure out what was going on over there?
23 A. As kind of to the outside, yes. This

REGIONAL REPORTING SERVICE, INC.

1 was during a transition period, when
2 they were bringing in remediation folks
3 that had more expertise in that area.
4 And my expertise is in regulatory
5 compliance. And with my
6 responsibilities to the plant, I
7 couldn't do both jobs.
8 Q. Okay.
9 A. So when you ask if I was making that
10 decision, in the decision-making
11 process, I was in the perimeter of that
12 process, but no, I wasn't making --
13 Q. Okay.
14 A. -- where we sampled type decisions.
15 Q. And Garrity and Miller not only took the
16 samples, but I'm assuming they also did
17 the analyses?
18 A. There were two types of analyses done.
19 There was a field analysis done called
20 immunoassay. Then there were
21 confirmatory samples that were taken and
22 sent off for analysis at an outside lab.
23 Q. And you as the environmental safety and

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1 health man at that plant, the first time
2 it was brought to your attention that
3 there may have been PCBs released from
4 the south end landfill that had gone and
5 contaminated property east of the plant
6 was when those sample results came back
7 to you?
8 MR. COX: Object to the form.
9 A. At the time this was taking place, I did
10 not have the safety and industrial
11 hygiene function. My function was
12 solely environmental.
13 Q. Okay. I'll rephrase my question.
14 In 1995, as the environmental
15 engineer for the plant, are you
16 testifying here today that the first
17 time you had any information to suggest
18 that there might have been PCBs leaking
19 out of the south end landfill and
20 contaminating property east of the
21 plant, in the vicinity of the Mars Hill
22 Missionary Baptist Church, was in 1995?
23 MR. COX: Object to the form. You

REGIONAL REPORTING SERVICE, INC.

1 are assuming a lot in that
2 question, Charlie.
3 MR. CUNNINGHAM: And I may be
4 assuming wrong. That is what
5 I want him to --
6 A. I became aware that PCBs were even an
7 issue from the south landfill --
8 whatever their source, I can't tell you
9 that I knew the source -- when we did
10 storm water sampling off the south
11 landfill. Over the next year there was
12 additional sampling that was done, and
13 it was not until -- And I don't have the
14 date. But it was not until sampling was
15 done on one particular sample, where
16 storm water leaving the south landfill
17 came back non-detect and a sample pulled
18 over on the east side, over near Bethel
19 Baptist Church, showed PCBs in the storm
20 water. That's the first time I became
21 aware that there might be a source of
22 other contamination other than the south
23 landfill.

REGIONAL REPORTING SERVICE, INC.

1 Q. Okay. Let me try to be more precise.
2 Had anyone suggested to you or had
3 you seen anything that suggested to you,
4 prior to that sequence that you just
5 described, that the south end landfill
6 might be leaking PCBs?
7 A. I have never seen anything that
8 suggested to me that the south end
9 landfill is leaking PCBs.
10 Q. Okay. And to this day you don't believe
11 that any water running off that landfill
12 has been contaminated with PCBs?
13 A. I believe that storm water moving off
14 that landfill area has picked up dirt
15 that has residual PCBs on the dirt and
16 removed it as a transport mechanism. I
17 simply state that to clarify that is
18 different to me than a leaking landfill.
19 Q. You haven't seen the documents from back
20 in the early '70s that talk about the
21 PCBs coming off the landfill?
22 A. No, I have not.
23 Q. When did you first become aware that

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1 they had made PCBs here at the Anniston
2 facility?
3 A. I guess I -- I don't know that it was
4 ever mentioned to me when I interviewed
5 for the job. But when I started working
6 in February of 1990 one of my first jobs
7 that I had or first things I took care
8 of was to arrange the shipment of
9 material that had been removed from
10 ditches, that left the plant site, that
11 had PCB contamination in them. I
12 arranged for the -- They had already
13 done all of the remediation work and
14 stockpiled the dirt and awaited lab
15 analysis on PCB levels in the dirt. And
16 that analysis came back right about the
17 time I started working there.
18 So I coordinated the shipment of
19 that dirt to Emelle and the manifesting
20 of it. And I guess that would be --
21 That's my first memory of any PCB
22 association with the Anniston site.
23 Q. And where did this dirt come from?

REGIONAL REPORTING SERVICE, INC.

1 A. A drainage ditch that is part of our
2 DSNs. That is one outfall -- On our
3 DSNs, that is one outfall that flows
4 through. I don't know the exact
5 boundaries of where it was dug out. I
6 just know it was over in that area.
7 Q. You will have to help me with the
8 general location.
9 A. That would be on the east side, over
10 around the Bethel Church area, I
11 believe. I know there was a ditch there
12 that was -- I assume that was part of it
13 because it was cleaned out and culverted
14 -- or a culvert was put in and covered
15 over. I always assumed that is where
16 the dirt came from. Like I said, I was
17 brand new to the plant. PCBs had not
18 been manufactured there in over twenty
19 years. I walked in, and they said, "We
20 need to ship that dirt to Emelle." I
21 handled shipping it and quite truthfully
22 did not think of PCBs again until they
23 showed up on the west end landfill.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. Now, do you remember the quantity of
2 dirt that you sent out?
3 A. It was -- My memory is between
4 forty-five and fifty truckloads.
5 Q. Do you recall what that cost?
6 A. I have no idea.
7 Q. And had it been stockpiled somewhere
8 while the analyses were being done?
9 A. Yes. It was located up on the south
10 landfill.
11 Q. Now, I have heard, I believe -- correct
12 me if any of this sounds inconsistent
13 with your understanding -- in the late
14 '80s -- That would have been before you
15 got there, right?
16 A. That's right.
17 Q. -- that dirt was excavated from Snow
18 Creek, and that was temporarily
19 stockpiled on the south end landfill
20 before being sent to, I think, Smelle.
21 Are you confident that the dirt we are
22 talking about is stuff from this ditch
23 on-site or was it off-site?

REGIONAL REPORTING SERVICE, INC.

- 1 A. I think it was both. I think it was
2 that drainage ditch and the first -- I
3 don't know -- maybe fifty feet or where
4 it emptied into Snow Creek. I don't
5 know the exact segments and all, but I
6 know there was some of the ditches.
7 Actually they say Snow Creek because
8 these ditches drain to Snow Creek. But
9 the area, as I understand it, that was
10 excavated is prior to actually entering
11 Snow Creek itself. I may be wrong on
12 that.
13 Q. Okay. And a lightening bolt will not
14 come down out of the sky if you are
15 incorrect. We are just trying to get
16 your understanding.
17 So this may have been what was
18 excavated in the late '80s?
19 A. Oh, it was.
20 Q. It was. All right.
21 And do you know -- Have you seen
22 any data where someone came along after
23 that excavation to determine what, if

REGIONAL REPORTING SERVICE, INC.

- 1 any, residual PCB levels in the soil --
2 Not that you hauled off, but that was
3 still in place.
4 A. There was a sampling that was done as
5 part of the investigation, when it was
6 found that there was some part per
7 million level PCBs in the storm water
8 coming off the south landfill. When
9 that was done, I'm not sure. It was
10 within, I would guess, two years after
11 or three years after that was
12 discovered.
13 Q. Okay.
14 A. I don't know exactly the dates or
15 anything on it.
16 (Discussion held off record.)
17 Q. Mr. Jones, let me make sure I'm clear.
18 Are you the person who reported to ADEM
19 that there was reason to suspect there
20 may have been a release of PCBs off the
21 south end landfill?
22 MR. COX: Object to the form.
23 A. I'm the one that reported that we

REGIONAL REPORTING SERVICE, INC.

- 1 detected PCBs in the storm water coming
2 off the south landfill.
3 Q. And you did that because you had to,
4 right?
5 A. I did that because it's required as part
6 of the storm water permitting process.
7 Q. Okay. And that's what you do, is
8 regulatory compliance. That's your
9 expertise, correct?
10 A. Correct.
11 Q. And as soon as you were advised or
12 became aware of this data, you turned
13 around and advised ADEM of it, correct?
14 A. That's correct.
15 Q. But you had not been told anything by
16 anyone at Monsanto before then that gave
17 you any reason to suspect that there
18 might have been any PCBs in any medium
19 coming off that landfill historically or
20 presently?
21 A. I had no reason to believe there would
22 be.
23 Q. If someone had shown you some data that

REGIONAL REPORTING SERVICE, INC.

- 1 suggested there had been releases
2 through storm water or just PCBs
3 literally coming off that landfill,
4 would you have reported it earlier, had
5 you been told that?
- 6 MR. COX: Object to the form.
- 7 A. Are you saying if I had data that I had
8 received that showed that?
- 9 Q. Uh-huh (indicating yes).
- 10 A. If it was a data of an ongoing release,
11 yes, I would report it.
- 12 Q. Okay. What if it was just data that
13 suggested there had been releases in the
14 past?
- 15 A. I would have nothing to report.
- 16 Q. Even if you had reason to suspect there
17 were PCBs in the neighborhood, you
18 wouldn't feel an obligation to report
19 that there had been a past release that
20 resulted in PCB contamination in the
21 neighborhood?
- 22 A. I was not aware of any previous
23 contamination in the neighborhood.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. I understand that, and I'm not
2 suggesting that you didn't report it.
3 I'm saying if you had been provided with
4 information when you came on board at
5 any point that would have suggested to
6 you that there had been a historical
7 release as opposed to an ongoing release
8 that had resulted in PCB contamination
9 of the neighborhood east of the plant,
10 would you have felt it necessary to
11 report that to ADEM?
- 12 MR. COX: Object to the form.
- 13 There is no context, no
14 foundation.
- 15 MR. FITE: Improper hypothetical.
- 16 MR. COX: That too.
- 17 A. If it was a historical release, if
18 that's what you're asking, I would have
19 assumed it had already been handled by
20 personnel with expertise in that area.
- 21 Like I testified, I had no
22 background in PCBs at all. I don't know
23 that I would have been alerted that I

REGIONAL REPORTING SERVICE, INC.

- 1 needed to make any notifications to
2 anybody.
- 3 Q. So you had no idea what the reporting
4 requirements were if there had been a
5 release that had resulted in
6 contamination in the past?
- 7 MR. COX: Object to the form.
- 8 A. I had no background in PCBs and any
9 reporting requirements associated with
10 PCBs.
- 11 Q. Okay. But you knew enough to make the
12 report on the ongoing potential release
13 via the storm water, correct?
- 14 A. Because after discussions with ADEM, it
15 was decided on our next storm water
16 sampling event to sample -- in addition
17 to the other materials that we were
18 sampling for, to sample for PCBs. And
19 just like if I had found any of the
20 other compounds present in that
21 discharge, be it PCBs or any of the
22 other parameters we were looking at, I
23 would have made the notification to

REGIONAL REPORTING SERVICE, INC.

- 1 ADEM.
- 2 Q. When you came to the plant in 1990 --
- 3 A. That's correct.
- 4 Q. -- did you go back and review the
5 historical records that were available
6 within Monsanto about the operations of
7 the plant?
- 8 A. I reviewed the records that were
9 available within my area, what
10 environmental records were available at
11 the plant.
- 12 Normal record retention for most
13 environmental records is three years.
14 PCBs, like I said, had not been
15 manufactured at that plant in almost
16 twenty years. Quite truthfully, there
17 weren't any historical records for me to
18 be sitting there reviewing.
- 19 Q. So are you saying that you all routinely
20 destroy your environmental records after
21 three years?
- 22 MR. COX: Object to the form.
- 23 A. I'm saying that normal retention --

REGIONAL REPORTING SERVICE, INC.

- 1 regulatory required retention,
2 environmental records, i.e., things like
3 hazardous waste manifests, things along
4 those lines, normal retention for that
5 is three years.
- 6 Q. I'm asking you what you all do in
7 Anniston.
- 8 A. Corporate policy on that is, I believe,
9 three years on most records, unless they
10 are regulatory required to be
11 maintained; i.e., some training records
12 are required to be retained for the
13 entire employment of an employee, things
14 like that. If it's regulatory required
15 more than three years, then they are
16 retained longer than that. But normal
17 retention for most records is three
18 years.
- 19 Q. One of the first things you did when you
20 got there was to haul away forty-five to
21 fifty truckloads of stuff to Emelle,
22 Alabama; is that right?
- 23 A. That's correct.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. And although you don't remember what
2 that cost, can we safely assume it
3 wasn't cheap? Is that a fair statement?
- 4 MR. COX: Object to the form.
- 5 A. It was more than two dollars.
- 6 Q. You didn't make any effort to go back
7 and review historical records to
8 determine the nature of the PCB
9 operations to get a better handle on the
10 scope of whatever contamination may have
11 existed?
- 12 MR. COX: Object to the form.
- 13 A. No, I did not.
- 14 Q. Aside from escorting Prudential to that
15 meeting at the Mars Hill Missionary
16 Baptist Church, to your knowledge have
17 you ever had any other communications
18 with anyone at the Mars Hill Missionary
19 Baptist Church?
- 20 A. I know that I spoke with Cassandra
21 Roberts one time. I can't remember what
22 it was in reference to. I think it was
23 associated with the property purchase,

REGIONAL REPORTING SERVICE, INC.

- 1 but I don't remember what. It very
2 definitely was absolutely nothing to do
3 with Mars Hill Baptist Church.
- 4 Q. And with all due respect for a guy who
5 has on repeated occasions today told me
6 his memory isn't all that great, but now
7 you are definitely sure that the
8 conversation didn't deal with Mars Hill.
9 I'm not questioning that. I'm just
10 wondering why you are so certain of
11 that.
- 12 A. Because I did not know that Cassandra
13 Roberts was a member of the Mars Hill
14 Church until within the last year and a
15 half or so. And I know the discussion
16 that I had with her was before I knew
17 that she was a member of the Mars Hill
18 Baptist Church.
- 19 Q. Okay.
- 20 A. In fact, I thought she went to Bethel,
21 because her mother lived right over near
22 Bethel.
- 23 Q. Now, I assume you have regular contact

REGIONAL REPORTING SERVICE, INC.

- 1 with government regulators?
- 2 A. As required.
- 3 Q. What agencies do you have regular
4 contact with? ADEM, I assume,
5 obviously.
- 6 A. That's the only one.
- 7 Q. Okay. And ADEM broken up into
8 particular divisions or departments or
9 whatever?
- 10 A. Land division, air division, water
11 division.
- 12 Q. Do you have regular communication with
13 all three of those divisions?
- 14 A. I don't know if I would call it regular.
15 If I have a question, I call them, if
16 I'm submitting a permit application or
17 report of some sort and have a question
18 about how do you want this, would you
19 rather this, those type questions. But
20 in terms of just every Thursday I pick
21 up the phone and call them, no, I don't
22 have that type of regular contact.
- 23 Q. No. I certainly didn't mean a scheduled

REGIONAL REPORTING SERVICE, INC.

- 1 communication. But you are the person
2 that transmits paperwork to them and
3 gets stuff from them as well, I presume?
4 A. That's correct.
5 Q. And if I said who is the contact person
6 at the land division, you might even
7 know a name?
8 A. Yes.
9 Q. Who is the person that you think of when
10 the land division comes up? Who do you
11 deal with there?
12 A. Well, I have dealt with several people
13 in the land division. Probably if I
14 were going to make a call with a
15 question at this time that was a permit
16 driven type question, I would probably
17 call Steve Cobb, because there has been
18 a recent change in the permit engineer,
19 and I'm not real familiar with our new
20 permit engineer. So out of familiarity,
21 I would probably call Steve.
22 Q. What about in the air division? Who are
23 you familiar with there?

REGIONAL REPORTING SERVICE, INC.

- 1 A. Well, our current air permit engineer is
2 Daphne Young. I don't know if Daphne is
3 going to maintain our site or not. But
4 currently if I had a question, I would
5 call Daphne.
6 Q. And in the water division?
7 A. I have not met our new water engineer.
8 I know somebody has been delegated into
9 that position. If I had a question, I
10 would probably call Jimmy Coles.
11 Q. Now, you said ADEM was the only
12 organization that you deal with --
13 A. Routinely.
14 Q. Is there some governmental entity that
15 impacts your facility with respect to
16 safety and health?
17 A. OSHA does. But primarily in -- We are
18 an OSHA certified star work site, which
19 means that every three years we have a
20 full OSHA inspection of the site to
21 maintain our star status.
22 Q. And does that mean you don't see OSHA
23 between those three-year visits?

REGIONAL REPORTING SERVICE, INC.

- 1 A. Unless they had a complaint called in
2 about the facility, you know. Part of
3 the purpose of having the audit, week
4 long audit, is so that they don't feel
5 like they need to come in and make
6 surprise inspections, because they do
7 such a thorough audit when they come in.
8 Q. Is there an Alabama state government
9 equivalent to OSHA?
10 A. If there is, I've never dealt with them.
11 My only dealing has been with the
12 federal OSHA people.
13 Q. Okay. And what about in the industrial
14 health context? Is there a governmental
15 entity that you deal with in that part
16 of your responsibility?
17 A. I have not dealt with anybody. That
18 would, I would think, fall under part of
19 OSHA.
20 Q. Okay. What about the federal EPA?
21 A. I have spoken with somebody from the
22 federal EPA maybe a half dozen times in
23 the last eight years.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. Do they just -- Has everything here in
2 Alabama been delegated to the state?
3 A. Yes.
4 Q. What sort of waste streams do you
5 generate there at the facility
6 presently?
7 A. We have nonhazardous trash, gloves,
8 things like that that are generated out
9 of both of the production units that we
10 ship to Emelle simply because it is a
11 corporate policy if it has any potential
12 chemical contamination that we send it
13 to secure landfills.
14 In liquid wastes, we have -- The
15 only real liquid wastes we have are lab
16 solvents that come out of the lab. We
17 are considered to be a small quantity
18 generator because we generate such a
19 small quantity of waste.
20 Q. What do you do with it?
21 A. The liquid waste is sent to what used to
22 be Rollins. They have been bought out
23 by Laidlaw to be incinerated.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. Okay.
- 2 A. We generate crushed fluorescent light
- 3 bulbs that we send off to a reclaimer
- 4 about once a year.
- 5 We also collect -- We have never
- 6 filled up an entire container, more than
- 7 twenty of them -- things like cadmium
- 8 batteries from calculators, things that
- 9 could not normally go to -- could not be
- 10 manifested out as a hazardous waste.
- 11 Q. So that's it in terms of waste streams?
- 12 A. Well, we have used oil, but that is --
- 13 We are registered as a used oil burner
- 14 and processor under the used oil regs.
- 15 And we use the used oil as a fuel in our
- 16 boiler. That is a very small quantity.
- 17 Q. Now, I know you have got some internal
- 18 waste streams that you treat, correct?
- 19 A. You mean like waste water?
- 20 Q. Yes.
- 21 A. Yes. We have waste water off of our
- 22 para-nitrophenol treatment plant that is
- 23 treated in our on-site waste water

REGIONAL REPORTING SERVICE, INC.

- 1 treatment plant, and then it is sent to
- 2 the City of Anniston POTW. And then we
- 3 also treat ground water in our pump and
- 4 treat systems in that same waste water
- 5 treatment plant.
- 6 Q. So in terms of present emissions, you've
- 7 got that release to the POTW, which is
- 8 after treatment, and that's basically
- 9 what you've got, then? Do you have any
- 10 air emissions?
- 11 A. Fugitive air emissions, yes.
- 12 Q. What does that consist of?
- 13 A. That's your calculated air emissions off
- 14 equipment, valves, pumps, flanges. It
- 15 is a calculated number based on SOCOMI
- 16 air emission factors. SOCOMI is spelled
- 17 S-O-C-M-I.
- 18 Q. What sort of things does it consist of,
- 19 the composition? What sort of things
- 20 are you emitting presently?
- 21 A. Well, any equipment that you run
- 22 chemicals through are going to have --
- 23 you have a SOCOMI factor that you have to

REGIONAL REPORTING SERVICE, INC.

- 1 calculate a fugitive emission. It's not
- 2 something you have tested or measured.
- 3 It's an assumed emission based on the
- 4 SOCOMI factors. And that is for all
- 5 chemicals in the plant, from PNP to
- 6 PNCB, cumene, benzene, polyphenyls,
- 7 everything from raw materials through
- 8 finished products.
- 9 Q. Okay. What did you say before the
- 10 benzene?
- 11 A. Cumene.
- 12 Q. How is that spelled?
- 13 A. C-u-m-e-n-e.
- 14 Q. Do you know what that is chemically?
- 15 A. No.
- 16 Q. Okay. Does it have any kind of
- 17 hazardous properties or toxic
- 18 properties, either one?
- 19 A. Well, the CIRCLA reported quantity for
- 20 it is very high. I think it's five
- 21 thousand pounds. So it's not something
- 22 that is considered a real bad actor, I
- 23 don't think.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. PNCB?
- 2 A. CB, para-nitrochloralbenzene.
- 3 Q. That is not a finished product for --
- 4 A. That is a raw material we receive from
- 5 one of our other plants.
- 6 Q. And what is its hazard or toxic
- 7 characteristics?
- 8 A. None that I know of.
- 9 Q. And the benzene?
- 10 A. Benzene is listed as a known carcinogen.
- 11 Q. PNP?
- 12 A. The only label that I know of for PNP is
- 13 that it's a class B poison, which I
- 14 think is interesting since it's used to
- 15 make acetaminophen for Tylenol.
- 16 Q. Are you all landfilling anything on-site
- 17 presently?
- 18 A. No.
- 19 Q. Has that ever been done in your tenure
- 20 there?
- 21 A. The only landfilling operation that has
- 22 taken place since I was there was there
- 23 was a demolition of a big three-story

REGIONAL REPORTING SERVICE, INC.

1 building and another smaller building
 2 near the administrative building that
 3 was part of the downsizing of the plant
 4 that started in '86. And that was the
 5 final end of it, the demolition of that
 6 building. And a request was submitted
 7 to ADEM, since it was nonhazardous
 8 construction debris, to bury it up on
 9 the landfill as part of the final cap.
 10 That's the only thing. I wasn't really
 11 involved in that. That was more of an
 12 engineering function, but --

13 Q. Do you know what building it was, in
 14 terms of what had been produced in that
 15 building?

16 A. It had had a store room in it for a
 17 while. It had had some lab facilities
 18 in it for a while. It had had
 19 transportation. It had -- The health
 20 clinic was in there. The changing room
 21 was in there. There was a small
 22 conference room in it. The building, I
 23 believe, was built in 1928, so I don't

REGIONAL REPORTING SERVICE, INC.

1 know everything --

2 Q. But it wasn't a production building?

3 A. No.

4 Q. Okay. So in the entire time you have
 5 been there your trash went to Emelle?

6 A. Yes. Chemically contaminated or
 7 potentially contaminated trash. Office
 8 trash, paper trash used to go to the
 9 Calhoun County Landfill, but they have
 10 stopped accepting it there, and it now
 11 goes to St. Clair County Landfill and is
 12 handled through BFI.

13 Q. Okay. You mentioned, as far as your
 14 safety and health oversight, that you
 15 get a very substantial audit every three
 16 years. How often are you visited by
 17 ADEM for oversight purposes?

18 A. In terms of environmental affairs? I
 19 got a little confused because you
 20 started with safety and industrial
 21 hygiene, and then you went to ADEM.

22 Q. Right. You gave me an idea of how often
 23 you get looked at for that. And I'm

REGIONAL REPORTING SERVICE, INC.

1 just wondering, by way of contrast, when
 2 and how often do you get looked at by
 3 ADEM?

4 A. At least once a year. There have been
 5 more visits by ADEM in the land division
 6 while the RCRA -- or the remediation
 7 activities have been ongoing. How
 8 often, I couldn't say. That is handled
 9 with remediation. A lot of times I
 10 don't even know they are in the plant.

11 Q. Is this something that they call ahead
 12 and say, "Hey, we are coming"?

13 A. No. They call ahead from the front
 14 lobby and say, "We're here."

15 Q. And how many people -- Is it typically a
 16 division or all three divisions that
 17 come together?

18 A. No. It's usually just a division, three
 19 to five people.

20 Q. When you say they show up once a year,
 21 is it --

22 A. No. I said they show up at least once
 23 per year. I have had them show up more

REGIONAL REPORTING SERVICE, INC.

1 than once per year

2 Q. Are you saying some division shows up --

3 A. Every division shows up at least once
 4 per year, usually when I have something
 5 planned that afternoon.

6 Q. Was there any management going on in the
 7 south end landfill in your tenure?

8 A. I'm not sure what you mean by
 9 "management." Let me tell you what has
 10 been going on during my tenure with the
 11 south landfill, and maybe that will
 12 suffice.

13 Q. Okay.

14 A. The normal maintenance and upkeep of the
 15 landfill as required -- We have two
 16 hazardous waste cells that are certified
 17 closed by ADEM. And there are
 18 post-closure requirements for hazardous
 19 waste cells, things like security,
 20 posting of signs, maintenance of the
 21 lawn or the grasses so you don't get big
 22 trees growing and puncturing the liners.

23 Q. The caps?

REGIONAL REPORTING SERVICE, INC.

- 1 A. The caps, the top layer.
 2 Q. Are there liners in any of those cells?
 3 A. I'm not sure of the construction. They
 4 were built way before I came.
 5 And then also ground water
 6 sampling. And also when you say was
 7 there activity, there was the
 8 maintaining of the closed landfill type
 9 activities.
 10 Q. Yes.
 11 A. That was during my tenure.
 12 Q. In other words, there has been nothing
 13 put in the landfills in your tenure with
 14 the exception of the demolition debris
 15 of that one structure that you
 16 mentioned?
 17 A. That's correct.
 18 Q. But there has been the ongoing
 19 maintenance that you just described?
 20 A. That's correct.
 21 Q. And who would have been doing that
 22 ongoing maintenance?
 23 A. The walk-through inspections and the

REGIONAL REPORTING SERVICE, INC.

- 1 ground water work were primarily being
 2 done by Jerry Hopper. The lawn mowing
 3 or the cutting of grasses and all up
 4 there have been done by different
 5 groups. Anniston Concrete handled that
 6 for a while. B and B Lawn Services have
 7 done it for a while. And most recently
 8 I believe Burford Tree Services, working
 9 in conjunction with the remediation
 10 group, has been maintaining cutting.
 11 Q. Okay. When you put that demolition
 12 debris up there, I assume somebody had
 13 to physically transport it up there and
 14 then someone covered it up with dirt?
 15 A. That's correct.
 16 Q. Was this Monsanto that did those two
 17 things, or did you hire that out?
 18 A. I assume it was -- Well, I know it was
 19 hired out. I know we don't have the
 20 capabilities there at the site to do
 21 that. But like I said, that demolition
 22 and all of that work was being handled
 23 through the engineering group, who was

REGIONAL REPORTING SERVICE, INC.

- 1 -- That engineering group was supported
 2 by Jerry Brown, who y'all have already
 3 deposed and all.
 4 Q. When you got there in '90, had they
 5 already closed the two cells that --
 6 A. Yes.
 7 Q. -- the easternmost cells?
 8 A. Yes.
 9 Q. So you would have been concerned to
 10 ensure that whoever was doing it didn't
 11 threaten the integrity of those caps,
 12 right?
 13 A. First, it was nowhere near the area of
 14 those caps. And secondly, like I said,
 15 Jerry Brown was heading up that
 16 organization. And Jerry predated me
 17 over all the environmental activity up
 18 there, to include being involved in the
 19 capping of those landfill cells. That
 20 was really handled totally by that
 21 group.
 22 Q. Have you ever walked up there on the
 23 landfill? Have you ever physically

REGIONAL REPORTING SERVICE, INC.

- 1 looked around up there?
 2 A. Yes.
 3 Q. When do you think you first got up there
 4 and looked around?
 5 A. Sometime within the first three months
 6 that I was at the plant, I would guess.
 7 Yeah, I went up and looked at the dirt,
 8 I know -- and that was within the first
 9 month -- that was stockpiled up there.
 10 Q. Was it -- Where was that?
 11 A. Right up next to the side of the
 12 mountain there is a -- The mountain
 13 comes down, and then it flattens out
 14 for, oh, I would guess, at least the
 15 length of a football field or more and
 16 then slopes down on the closed face of
 17 the landfill cells. And it was back up
 18 there next to the mountain.
 19 Q. Okay. Do y'all have any wells there on
 20 the site, aside from this pump and
 21 treat?
 22 A. We have RCRA monitoring wells up there
 23 also. And then you have observation

REGIONAL REPORTING SERVICE, INC.

- 1 wells which are there to determine the
2 effectiveness of the pump and treat
3 wells.
- 4 Q. As far as you know there is no
5 production well?
- 6 A. No.
- 7 Q. Ever heard of them doing any deep well
8 injection?
- 9 A. No.
- 10 Q. What are the sources of water there at
11 the plant?
- 12 A. There is an old production well right in
13 the dead center of the plant that has
14 not been used, as I understand it, in
15 ten or fifteen years. All of the water
16 used in the plant is bought from the
17 City of Anniston.
- 18 Q. And what is the source of drinking water
19 in the plant?
- 20 A. The City of Anniston.
- 21 Q. You don't have bottled water?
- 22 A. No. We may have bottled water, like if
23 we bring in like a training trailer that

REGIONAL REPORTING SERVICE, INC.

- 1 doesn't have fountain type
2 accessibility, but that would be the
3 only case.
- 4 Q. Do you have any ponds or lagoons there?
- 5 A. No.
- 6 Q. Have you had some in the historic past?
- 7 A. There was a lagoon located over near the
8 waste treatment area, associated with
9 parathion manufacturing. I believe it
10 was a neutralization type basin before
11 it went to waste water treatment. And
12 then there were, I believe, two
13 limestone beds that were used for
14 polishing off waters that left the plant
15 out the front outfall.
- 16 Q. What about lagoons on the south landfill
17 or ponds?
- 18 A. The only thing I have ever heard about
19 on the south landfill were there were
20 rainwater catchment basins at the front
21 of the landfill cell to contain storm
22 water that ran across the cell as it was
23 being worked or filled or whatever. I

REGIONAL REPORTING SERVICE, INC.

- 1 never saw any of those, because the
2 landfill was already closed, but I have
3 been told they were up there.
- 4 Q. Have you ever looked through the old
5 photo book there at the plant?
- 6 A. Yes.
- 7 Q. Have you ever noticed that --
- 8 A. What appears to be, yeah.
- 9 Q. I've seen a lot about a west end
10 landfill and south end landfill. Are
11 you aware of any other landfills that
12 Monsanto has created?
- 13 A. No.
- 14 Q. Do you know what's in all the landfill
15 cells?
- 16 A. I know that -- Well, I don't know. But
17 post production wastes, I would assume,
18 are in there. Anything that had been
19 produced at the plant during the life of
20 that landfill, I would assume, was in
21 there.
- 22 Q. Okay. You are not aware of any liners
23 under any of these landfills, are you?

REGIONAL REPORTING SERVICE, INC.

- 1 A. The older landfills, i.e., the west end
2 landfill and some of the older cells on
3 the south landfill, I would say no, I'm
4 not aware of them. And I don't know the
5 design of the RCRA cells, if they had a
6 liner under them or not. I don't know.
7 Like I said, they were closed.
- 8 Q. Before you got there?
- 9 A. Before I ever got there.
- 10 Q. And these all have caps over them now,
11 right?
- 12 A. There has been an additional cap added
13 over all of the landfill cell areas,
14 except there was no additional cap put
15 on the RCRA capped cells.
- 16 Q. And these caps are clay and also a
17 fabric, a geotextile?
- 18 A. Yes.
- 19 Q. Do you know how much PCB is in the south
20 end landfill?
- 21 A. I have no idea.
- 22 Q. Do you know of any other location in the
23 United States with more PCB buried than

REGIONAL REPORTING SERVICE, INC.

1 that landfill?

2 MR. COX: Object to the form.

3 A. I have no idea.

4 Q. Do you have any underground storage

5 tanks there at the facility?

6 A. No, we do not.

7 Q. Are you aware of any historically?

8 A. I believe there were some, but they were

9 taken out. Monsanto made a corporate

10 decision well before my tenure with

11 Monsanto to get out of underground

12 storage tanks completely. And as part

13 of that, I believe they were removed at

14 the Anniston site also.

15 Q. Do you have any idea what they may have

16 buried historically in the USTs?

17 MR. COX: Object to the form.

18 A. Buried in the underground --

19 Q. I'm sorry. Stored.

20 A. I believe one of the underground storage

21 tanks was used to blend up acetone and

22 PNP, because it was blended in acetone

23 to go over and be used in the parathion

REGIONAL REPORTING SERVICE, INC.

1 process. And I believe there were two

2 other small tanks, some sort of day

3 tanks or production tanks of some sort

4 in the parathion production area. And

5 those are the only USTs I'm aware of at

6 the site.

7 Q. In your tenure there has Monsanto ever

8 taken waste from off-site, taken in

9 waste from off-site?

10 A. We have received back used oil in the

11 form of our -- used therminol products

12 and used them as a raw material to

13 reprocess into new product or have used

14 them as a fuel in a boiler. That's the

15 only material I've ever known of coming

16 back to the plant.

17 Q. Do you still do that today?

18 A. Yes.

19 Q. How much of that do you run through in a

20 year?

21 A. I would be guessing to tell you a

22 number. I truly could not tell you.

23 Q. What is it that happened to it that

REGIONAL REPORTING SERVICE, INC.

1 makes it used and therefore no longer

2 suitable?

3 A. It breaks down. Most of your therminol

4 fluids are long chain, organic chain

5 compounds that overextended to high

6 temperature use will break down or else

7 will drive the hydrogen off them. And

8 you can go in and reprocess them and cut

9 out the clean, good fluid back out of

10 them, and what is left over is -- acts

11 as a used oil fuel in the boilers.

12 Q. Do they ever come up with bad batches

13 when they are making stuff out there?

14 A. We have come up with off spec batches.

15 But when you have an off spec batch,

16 normally you isolate it and rework the

17 batch.

18 Q. So in the entire time you have been

19 there, they have never come up with

20 stuff they just couldn't rework and had

21 to get rid of?

22 A. No.

23 Q. Do y'all have analytical capabilities,

REGIONAL REPORTING SERVICE, INC.

1 clinical analytical capabilities there?

2 A. Limited, but we do have some.

3 Q. What do you have?

4 A. We do GC analyses associated with our

5 products, some limited things like BOD

6 associated with waste water treatment

7 discharge permit requirements. That's

8 about all I know of. I know we don't

9 have TOC capabilities. Anything like

10 that we would ship off-site for

11 analysis.

12 Q. Do you ever ship it to St. Louis or some

13 other Monsanto facility?

14 A. That has recently been looked into as a

15 cost-saving measure. But during my

16 tenure, we have never done that.

17 Q. Any reason to know or understand that

18 perhaps there was greater analytical

19 capability there in the historic past?

20 A. I would assume there was because there

21 was a much larger plant at one time.

22 What the analytical requirements were

23 during that time, I don't know.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. Do y'all have personnel who are
2 dedicated to chemical analysis?
3 A. We have a lab supervisor and then lab
4 technicians who do that job.
5 Q. How many persons do you have devoted to
6 that?
7 A. One lab supervisor and four lab techs.
8 Q. Do you do any air monitoring there?
9 A. We have not during my tenure.
10 Q. Do y'all do any monitoring around there
11 now as part of the remediation?
12 A. I know that they do some dust
13 monitoring. But I really don't get into
14 the remediation nuts and bolts. I think
15 that is all they are doing, is
16 monitoring the dust. I don't know of
17 any other.
18 Q. You have never had a monitor set up at
19 the plant or in the vicinity of the
20 plant to check the air for PCB --
21 A. I know there was a monitor set up over
22 by Mars Hill Church. I could see it
23 from the road. I asked Alan Faust about

REGIONAL REPORTING SERVICE, INC.

- 1 something you have been involved with.
2 But just tell me if you are not. Are
3 you aware of data that shows that there
4 are PCBs on the Mars Hill Missionary
5 Baptist Church property?
6 A. I don't know if Mars Hill ever gave
7 permission -- I have seen maps that show
8 distribution of, you know, five parts
9 per million or greater. I don't know
10 that I have ever seen one that was
11 localized on the Mars Hill property.
12 There is so much of the property -- or
13 at least that I thought was most of the
14 property -- that is under asphalt. I
15 really don't know the boundaries, when I
16 look at a map, as to if this is Mars
17 Hill property or not.
18 Q. Are you personally aware of any source
19 of PCBs in that area, east of the plant
20 and north of the south end landfill,
21 that could be a source of PCBs that are
22 present there?
23 A. You mean, like that has been buried

REGIONAL REPORTING SERVICE, INC.

- 1 it. He said that our lawyers had one
2 set up there. I said, "Enough said,"
3 and I dropped it right there.
4 Q. You haven't had one set up there for
5 your purposes?
6 A. No, I have not.
7 Q. Do you know how the local air quality is
8 in terms of meeting federal criteria?
9 A. Calhoun County is in attainment.
10 Q. Do you have any open burning at the
11 plant?
12 A. The only open burning would be during
13 fire training.
14 Q. Okay. What about flares?
15 A. No. Oh, I'm sorry. Yes, we do have a
16 flare. I thought you meant flares like
17 you shoot up in the air. We have a
18 flare over in our polyphenyl department.
19 Q. Do you know what it's burning?
20 A. It's primarily minute amounts of benzene
21 that are scrubbed out of recovered
22 hydrogen.
23 Q. Okay. Again, I don't know if this is

REGIONAL REPORTING SERVICE, INC.

- 1 there or placed there or something like
2 that?
3 Q. No. If a molecule of PCB was found on,
4 let's say, the Mars Hill Missionary
5 Baptist Church, do you have any personal
6 knowledge of a potential source of that
7 molecule other than Monsanto?
8 A. No, I do not.
9 Q. Are you aware of any third party that
10 took any action that may have
11 contributed to that molecule getting to
12 the church?
13 A. I have no idea. I'm not aware of any.
14 Q. Any knowledge to think that anything on
15 the part of the church caused PCBs to
16 become placed on the church?
17 A. I have no knowledge that the church did
18 or did not place PCBs on their property.
19 I have no idea.
20 Q. You mentioned earlier in the
21 responsibilities that you oversaw the
22 industrial hygiene monitoring. When I
23 asked if there was medical monitoring,

REGIONAL REPORTING SERVICE, INC.

1 as I recall you said physicals. What
 2 does that consist of? Can you be a
 3 little more precise for me?
 4 A. We also do -- I'm sorry. I overran your
 5 sentence there. Buddy, don't hit me.
 6 We do industrial hygiene
 7 monitoring for exposure to -- for most
 8 all of our chemicals. We do PCB
 9 monitoring with employees wearing
 10 patches, benzene, cumene, our
 11 therminals. Then we also do physicals
 12 for employees. And as part of the
 13 physicals they do blood tests as part of
 14 their physicals, a normal physical,
 15 hearing tests, blood tests.
 16 Q. And you oversee all of that?
 17 A. Well, it takes place -- Medical falls
 18 within my group. That's normally
 19 handled by the safety and health
 20 technician in setting those up and
 21 coordinating them.
 22 Q. Have you, I assume, had some of this
 23 done as well?

REGIONAL REPORTING SERVICE, INC.

1 A. I've had physicals done, yes.
 2 Q. Blood work?
 3 A. As part of my physical, yes.
 4 Q. Have you had a blood analysis for PCB
 5 done?
 6 A. No.
 7 Q. Has that been done for the workers there
 8 at the plant?
 9 A. Some workers have had it done. I think
 10 that was made available when blood
 11 testing was being done in the community,
 12 if any employees wanted it done. I
 13 believe some did have it done.
 14 Q. Okay. And I assume that this data isn't
 15 just collected for fun; somehow someone
 16 looks at it for signs of something
 17 deleterious, correct?
 18 MR. COX: Object to the form.
 19 A. I'm not sure what deleterious means.
 20 Q. Let me make it simple. What do you do
 21 with this information that you are
 22 gathering?
 23 MR. COX: Let me -- I'm not asking

REGIONAL REPORTING SERVICE, INC.

1 a question. Well, I am. Are
 2 you talking about the PCB
 3 blood testing, or are you
 4 talking about the physicals,
 5 or are you talking about the
 6 routine blood testings or the
 7 patch monitoring? I'm just
 8 confused.
 9 Q. I'm talking about all of this data.
 10 What do you do with it?
 11 A. From all of those things he just said?
 12 Q. Uh-huh (indicating yes).
 13 A. Industrial hygiene monitoring is done to
 14 identify exposure problems that you may
 15 have in the plant.
 16 Case in point, if you see
 17 repeatedly that your maintenance
 18 mechanics, when they work on pumps in
 19 benzene service -- that you are seeing
 20 them being exposed to an elevated level
 21 of benzene, it's kind of an alert that
 22 you need to do better cleanup of that
 23 equipment to reduce exposure.

REGIONAL REPORTING SERVICE, INC.

1 The physicals are discussed with
 2 the employee by the contract physician
 3 for the plant. And if anything -- I
 4 mean, there have been cases where
 5 recently an individual was discussed
 6 with hearing loss, you know, and
 7 evaluating is it work related or is it
 8 not work related due to job assignments.
 9 The PCB blood work, I think, was
 10 done more for information, and it's
 11 being made available to the general
 12 populace. If you are concerned, we
 13 wanted it to be made available to you
 14 also. For informational purposes, as
 15 far as that being gathered and looked at
 16 and handled somehow, I'm not aware of
 17 that. If it is, it's not by me.
 18 Q. Who looks at the badges, as an example?
 19 Who physically looks at them and says,
 20 "Okay, this one is showing a level we
 21 are concerned with"?
 22 A. There are different types of badges.
 23 There are some of them that are sent off

REGIONAL REPORTING SERVICE, INC.

1 to be analyzed by GC or whatever. There
2 is some equipment, like noise exposure,
3 that is done with dosimeters that shows
4 immediate readout. There are some that
5 are grader tubes, which show a color
6 indicator immediately for exposure
7 areas. So different things are read by
8 different people.

9 But we have a monitoring plan out
10 there that you renew each year based on
11 what you have learned from the previous
12 year. Like if you see that you have
13 gone ten years and you are not seeing
14 any exposure problems associated with
15 product X, then you may reduce the
16 amount of samples that you monitor. But
17 it is a monitor exposure type program.

18 Q. Do you have anything -- any mechanism in
19 place to try to observe the long-term
20 health status of the employees in terms
21 of, say, cancer?

22 A. Not that I'm aware of or involved with.

23 Q. Have you been asked to provide hazardous

REGIONAL REPORTING SERVICE, INC.

1 dirt to Emelle when you first got there,
2 contaminated dirt that was dug up in
3 those ditches. And then you mentioned
4 that even to this day your contaminated
5 facility things, like gloves and such,
6 go to Emelle. Do you know what you are
7 paying for that ongoing disposal to
8 Emelle?

9 A. It is weight-based. I know we pay three
10 hundred dollars a month rental on the
11 roll-off, and we have two of those
12 roll-offs. And it depends on the weight
13 of what you ship. If you ship a
14 roll-off full of gravel, it is going to
15 be a lot more than a roll-off of crushed
16 fiber drums.

17 Q. And what's it characterized as when you
18 send it? Does it vary from trip to
19 trip, or do they have a designation they
20 put on that?

21 A. I'm sorry. I didn't understand.

22 Q. As I understand it, Emelle has more than
23 one type of cell that -- they don't put

REGIONAL REPORTING SERVICE, INC.

1 or toxic information about any
2 substances as part of the remediation?

3 A. Not that I remember. I don't have a
4 memory of doing that.

5 Q. Have you ever been called out to the
6 site because something got dug up and
7 people were curious about what it was
8 and how it should be handled?

9 A. I haven't had anybody call me about
10 anything. They haven't really been
11 digging. All they have been doing, as
12 far as I know of, is encapsulating or
13 covering.

14 Q. So you are not aware of them having
15 found something as part of moving earth
16 and having to move that or deal with
17 something like that?

18 A. No.

19 Q. You're not aware of anybody ever having
20 to go to the hospital who was out there
21 working on the remediation?

22 A. No.

23 Q. I know you've told me about taking some

REGIONAL REPORTING SERVICE, INC.

1 everything together.

2 A. I don't know where they send ours inside
3 of Emelle. I have two profiles of waste
4 streams, which are my roll-offs that go
5 in three to five times a year.

6 Q. And you don't know if they are treated
7 as hazardous waste or special waste
8 or --

9 A. No, they are not hazardous. They are
10 nonhazardous.

11 Q. Okay. Now, did you take anything as
12 part of the -- And again, this is maybe
13 something you didn't have any dealings
14 with. But when you were cleaning up the
15 west end landfill situation, did
16 anything go to Emelle?

17 A. They shipped some dirt to Emelle.

18 Q. Were you involved in that at all?

19 A. Within my group we manifested the
20 vehicles that left the plant carrying
21 the material. But the physical loading
22 or where it was coming from on the
23 landfill, we weren't involved in that.

REGIONAL REPORTING SERVICE, INC.

1 That was remediation.

2 Q. Have you manifested anything to Emelle

3 for the remediation process that is

4 taking place other than at the west end

5 landfill?

6 A. Any dirt, anything that was dug up for

7 some reason or another, they had a

8 roll-off over in remediation. And they

9 put, like, I guess, Cryvek suits,

10 gloves, stuff -- things like that that

11 had the potential of some level of PCB

12 contamination on it -- That was shipped

13 to Emelle.

14 Q. But you haven't been shipping forty or

15 fifty truckloads of dirt like you did in

16 the '90s or even a quantity of dirt like

17 you did off the west end landfill?

18 A. No, no.

19 Q. What about demolition waste, a number of

20 structures? What happened to that?

21 A. The remediation group handled that

22 totally. That was nonhazardous

23 demolition debris. That was shipped, I

REGIONAL REPORTING SERVICE, INC.

1 MR. COX: Plaintiffs' One will be

2 -- To make it consistent with

3 what we've been doing, just

4 make it Jones One.

5 (Plaintiffs' Exhibit Number

6 One was marked for

7 identification.)

8 Q. Have you ever seen that document before

9 or something like it before?

10 A. And your question was have I ever seen

11 one of these?

12 Q. Yes.

13 A. I think so.

14 Q. I assume that you maintain at the

15 facility there a compilation of MSDSs on

16 the materials that are present within

17 the plant.

18 A. Current raw materials, products, things

19 that we use and all, yes.

20 Q. Would you have a PCB MSDS in that

21 compilation, do you think?

22 A. I don't know. I wouldn't think that we

23 would. But this is two three-ring

REGIONAL REPORTING SERVICE, INC.

1 believe, to a landfill outside of

2 Atlanta. I wasn't involved in that at

3 all.

4 Q. Okay. Have you been involved in

5 establishing the level of health and

6 safety protection utilized by the

7 contractors working on the remediation?

8 A. No.

9 Q. Are you aware of anybody within the

10 company being sanctioned or somehow

11 demoted, docked, punished, chastised or

12 other types of things because of what's

13 happened, what's been discovered over

14 there with the south end landfill and

15 the property east of the plant?

16 A. Not that I'm aware of.

17 Q. Let me show you a material safety data

18 sheet that I'm going to ask the court

19 reporter, please, to mark. It has been

20 previously labeled Plaintiffs' Exhibit

21 Two B Eleven. But we will cover that up

22 with a new sticker that will say

23 Plaintiffs' Exhibit One.

REGIONAL REPORTING SERVICE, INC.

1 binders, the big four-inch binders, so I

2 don't know.

3 Q. This is dated October 1988, and I wanted

4 to take you through a few aspects of

5 that.

6 On page two, at the top, under

7 precautionary measures -- First of all,

8 let me say this is something compiled by

9 Monsanto, correct?

10 A. I assume so. It says Monsanto at the

11 top of it.

12 Q. Okay. It says there under precautionary

13 measures, "Care should be taken to

14 prevent entry into the environment

15 through spills, leakage, use,

16 vaporization, or disposal of liquid or

17 containers. Avoid prolonged breathing

18 of vapors or mists. Avoid contact with

19 eyes or prolonged contact with skin."

20 Can I safely assume that you as

21 the environmental engineer at the

22 facility have no reason to question that

23 advice?

REGIONAL REPORTING SERVICE, INC.

- 1 A. I have no reason to.
- 2 Q. Is that consistent with your own
- 3 personal understanding of what should be
- 4 done with respect to PCBs?
- 5 MR. COX: Object to the form.
- 6 A. I don't know that I've ever had anybody
- 7 tell me that I needed any of those type
- 8 things that are listed there.
- 9 Q. Okay. Looking down there at the bottom
- 10 of that page, it has a listing of
- 11 airborne exposure limits. And it has
- 12 actually at the bottom of that page for
- 13 the forty-two percent chlorine. And if
- 14 you'll look on the top of page three, it
- 15 has the comparable numbers or fifty-four
- 16 percent chlorine.
- 17 I didn't see any listing there of
- 18 ni-osh exposure limits. Are you
- 19 familiar with those numbers?
- 20 A. No, I'm not. I have heard of ni-osh,
- 21 but I don't know of any specific
- 22 numbers.
- 23 Q. Let me take you to page four, please.

REGIONAL REPORTING SERVICE, INC.

- 1 They talk about health effects
- 2 summary. It says, "There are literature
- 3 reports that PCB can impair reproduction
- 4 function in monkeys."
- 5 Are you aware that it can impair
- 6 reproductive activity in other species
- 7 besides monkeys?
- 8 MR. COX: Object to the form.
- 9 Answer.
- 10 A. I'm not aware of any reproductive
- 11 problems associated with PCBs.
- 12 Q. Down at the bottom of that section it
- 13 says that "PCBs are identified as
- 14 hazardous chemicals under criteria of
- 15 the OSHA Hazard Communications Standard.
- 16 PCBs have been listed in the
- 17 International Agency for Research on
- 18 Cancer Monographs, Group Two A and in
- 19 the National Toxicology Program Annual
- 20 Report on Carcinogens."
- 21 Do you know what that means?
- 22 A. I can read what it says, that it's
- 23 listed.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. What's the significance of that to you
- 2 as an environmental engineer?
- 3 A. That it's listed on a report as a
- 4 carcinogen. I would assume that -- I
- 5 would have to assume that that is in its
- 6 pure form, that PCBs are considered --
- 7 or that they are listed as being a
- 8 carcinogen fourth, whatever that means.
- 9 Q. You don't know from that what that
- 10 means?
- 11 A. No.
- 12 Q. And do you have any personal knowledge
- 13 of the carcinogenicity of PCBs?
- 14 A. None whatsoever.
- 15 Q. Looking on page five, under Spill, Leak
- 16 and Disposing Information. Come down
- 17 there. There is a paragraph that says,
- 18 "The spill/leak should be contained.
- 19 Loss to sewer systems, navigable
- 20 waterways and streams should be
- 21 prevented."
- 22 Is that consistent with your
- 23 understanding of what should be done

REGIONAL REPORTING SERVICE, INC.

- 1 with respect to PCBs?
- 2 MR. COX: Object to the form. You
- 3 can answer.
- 4 A. Pure PCBs, yes. I understand that.
- 5 Q. What about -- What other kind of PCB --
- 6 A. Well, I don't understand -- If you're
- 7 talking about a single molecule of PCB
- 8 that is attached to a ton of dirt, does
- 9 that apply? I don't know that for a
- 10 fact. But I can read in this, that it
- 11 is saying that PCBs as a product,
- 12 polychlorinated biphenyl, should be
- 13 contained in terms of spills and leaks.
- 14 Q. Tell me at what level you start to get
- 15 concerned as the environmental engineer
- 16 at the Anniston plant. How much PCB is
- 17 going to have to be attached to that
- 18 dirt before you start to worry about it?
- 19 A. I'm not qualified for that, to make that
- 20 determination. I have no background or
- 21 experience.
- 22 Q. How would you make that decision then?
- 23 A. I would have to call somebody in St.

REGIONAL REPORTING SERVICE, INC.

- 1 Louis to try to find out that type of
2 information.
- 3 Q. Okay. Have you ever done that?
- 4 A. No.
- 5 Q. The next paragraph says, "Personnel
6 entering the spill or leak area should
7 be furnished with appropriate personal
8 protective equipment and clothing as
9 needed."
- 10 Again, I take it you haven't had
11 any role in designing or enforcing the
12 environmental safety and health regimen
13 in place for the remediation workers?
- 14 A. None whatsoever.
- 15 Q. So you wouldn't have any reason to agree
16 or disagree with any statements in here
17 about what appropriate personal
18 protective equipment would be?
- 19 A. No, I don't.
- 20 Q. It says, "Personnel trained in the
21 emergency procedures and protected
22 against the attendant hazards should
23 shut off sources of PCBs, clean up

REGIONAL REPORTING SERVICE, INC.

- 1 spills, control and repair leaks."
- 2 I take it as far as the cleanup
3 that is taking place out there today,
4 you are not one of these personnel who
5 is so trained?
- 6 A. No, I'm not.
- 7 Q. All right. Lastly, down there under
8 Environmental Information, it's kind of
9 like what was said at the beginning,
10 "Care should be taken to prevent entry
11 of PCBs into the environment through
12 spills, leakage, use, vaporization or
13 disposal of liquids or solids. PCBs can
14 accumulate in the environment."
- 15 Is any of that inconsistent with
16 your understanding as the environmental
17 engineer at the plant?
- 18 A. I have no problem with it. It was
19 written by people within the company
20 that obviously know more than I do about
21 it.
- 22 Q. Now, you all have -- This may have been
23 before your time. But that plant had

REGIONAL REPORTING SERVICE, INC.

- 1 set as a goal in the 1980s to achieve a
2 PCB free status, did it not?
- 3 A. Well, I believe that was a corporate
4 goal. I don't know if it was a plant
5 goal or not.
- 6 Q. And in fact, that plant was PCB free
7 when you got there?
- 8 A. That's correct. There was no PCB
9 equipment.
- 10 Q. Let me show you what has been previously
11 labeled Plaintiffs' Exhibit Two C Seven,
12 but which I will ask the court reporter
13 to relabel as Jones Two.
- 14 (Plaintiffs' Exhibit Number
15 Two was marked for
16 identification.)
- 17 Q. Mr. Jones, I have handed you a
18 two-page document labeled Jones Two.
- 19 Now, this has Mr. Cheever's name
20 at the top. He was your predecessor,
21 correct?
- 22 A. Correct.
- 23 Q. And the subject on this document is

REGIONAL REPORTING SERVICE, INC.

- 1 listed as PCB, dash, Free Status,
2 correct?
- 3 A. Yes.
- 4 Q. Okay. And it appears to me, when I read
5 this document, that there was a
6 corporate-wide decision that they would
7 spend the money and devote the resources
8 necessary to try to eliminate PCBs from
9 the facilities that Monsanto operated.
10 Correct?
- 11 A. That's correct.
- 12 Q. Let me hand you a document here which
13 will be labeled Jones Three.
- 14 (Plaintiffs' Exhibit Number
15 Three was marked for
16 identification.)
- 17 Q. Now, my copy has some photographs --
18 Xeroxes of photographs. They really
19 didn't come through very well, and it
20 really didn't look good when I tried to
21 copy them for you.
- 22 But this is a memorandum on ADEM
23 letterhead dated October 25, 1993. And

REGIONAL REPORTING SERVICE, INC.

1 it appears to be from a Jerry Cheatwood
2 with the Site Assessment Unit, Special
3 Projects, in re the west end landfill.
4 If you will read down there, it appears
5 to be the west end landfill in Anniston,
6 formerly used by Monsanto Chemical
7 Company.

8 In the second paragraph it states
9 that Robert T. Jones represented
10 Monsanto on that particular trip.

11 Do you have any independent
12 recollection of meeting Mr. Cheatwood,
13 along with Mike Godfrey of Alabama Power
14 Company, in October of 1993, to look at
15 the west end landfill?

16 A. I vaguely remember the visit, not really
17 any of the particulars of it other than
18 the site assessment unit wanted to come
19 out and look at it. Mr. Godfrey called
20 me because this property was Alabama
21 Power's at the time. And I went out and
22 met them out there at the landfill.

23 Q. Would this have been early in the

REGIONAL REPORTING SERVICE, INC.

1 process of things coming to light about
2 PCBs having been uncovered at the
3 landfill there?

4 A. I believe the first call on notification
5 or request for information by Alabama
6 Power was March or April of '93,
7 sometime in the spring.

8 Q. And what role, if any, did you have from
9 that point in dealing with that whole
10 situation?

11 A. The negotiations were ongoing from the
12 spring until, I believe -- The transfer
13 of property, I think, took place in
14 December of '93. And once the property
15 was transferred -- Well, I believe prior
16 to the property being transferred. But
17 sometime around the property
18 transferring, somebody from within the
19 remediation group had come on board to
20 start developing an assessment plan or a
21 site investigation plan of some sort.

22 Q. So is it fair for me to characterize
23 your involvement as not much?

REGIONAL REPORTING SERVICE, INC.

1 A. I was kept informed of activities, but
2 actually I was not involved in the
3 planning.

4 Q. What about some of the early sampling
5 that took place? Did you direct that?
6 Did you oversee it? Did you review the
7 data?

8 A. I may have been involved in setting up
9 some of the early sampling in
10 conjunction with remediation. I know
11 that I saw the data as it was being
12 developed. I don't particularly
13 remember an episode where I saw the
14 data, but I know I had been seeing the
15 data. The remediation was starting to
16 take over everything and handling all of
17 that. So I more or less went back to my
18 job, which is the environmental
19 operations of the plant.

20 Q. As I understand your earlier testimony
21 -- and please correct me if I'm wrong --
22 at some point ADEM said, "Why don't we
23 look at your storm water discharge in

REGIONAL REPORTING SERVICE, INC.

1 the south end landfill for PCB also?"
2 Is that correct? And that is what kind
3 of led to finding stuff over at that
4 site?

5 MR. COX: What site, the south --

6 MR. CUNNINGHAM: The south
7 landfill.

8 Q. In Louisville it is the south end, so I
9 stick that end on it. But the south
10 landfill.

11 A. It was during my discussion with Phil
12 Davis of ADEM that the subject was
13 discussed that since we were going to
14 look at the west end landfill discharge
15 -- this is after we had acquired the
16 property and could legally start
17 sampling off of it for PCBs -- let's go
18 ahead and look at the south landfill
19 also, because, you know, there was the
20 potential -- I had heard there were PCBs
21 buried there, but I didn't know where.
22 And the property transfer of the west
23 end landfill took place in around 1960,

REGIONAL REPORTING SERVICE, INC.

1 and PCBs were manufactured until the
2 early '70s. So I said in the
3 discussion, "Why don't we look there
4 also?"

5 Q. That's what I'm trying to find out, if
6 this was ADEM saying, "We ought to do
7 this," or Robert Jones saying, "Hey, why
8 don't we do this while we are at it," if
9 you remember. Who initiated this
10 concept?

11 A. I wrote a memo to record that stated
12 that ADEM initiated it, mainly because I
13 was afraid I was going to get my butt in
14 a sling. But in actuality, I suggested
15 it to Phil Davis, that while we are
16 looking at the west end landfill let's
17 go ahead and look at the south landfill
18 also.

19 Q. You say you --

20 A. Never expecting to find anything in the
21 south landfill. And when we did, I kind
22 of thought, "Oh, no, I have done messed
23 up."

REGIONAL REPORTING SERVICE, INC.

1 coming off of the west landfill, it
2 occurred to you, based on your training
3 and experience, that perhaps there ought
4 to at least be some testing of the south
5 landfill as well?

6 A. It was a landfill area that potentially
7 had PCBs landfilled in it. I simply
8 suggested that since we were going to
9 look at one landfill for PCBs in
10 addition to all the other parameters we
11 were going to look at, shouldn't we go
12 ahead and look at the south landfill
13 also.

14 Q. Got you. Well, let me take you to page
15 two of this Jones Three. It says there,
16 quote, "There were some areas on the
17 hillside where the clay cover had
18 subsided. In one of these areas a
19 tar-like substance was visible."

20 Do you recall seeing a tar-like
21 substance in that subsided area?

22 A. There was a black tar. I'm not sure
23 what he meant by a subsided area. But

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1 Q. And it's a good thing we have that memo.
2 Is that what you meant, people would be
3 mad, conceivably, that you had said,
4 "Let's go ahead and do some testing,"
5 and you would have spent money for no
6 good reason?

7 A. I don't really think they would be mad.
8 I just think that -- I mean, we would
9 have eventually gotten to the south
10 landfill anyway. When you start going
11 off on the west landfill and sampling,
12 eventually you would get to a point
13 where you would have to come back up to
14 the outfall from the south landfill. So
15 you know, I think I just sped the
16 process up. You know, would I have
17 gotten fired over it? No, I don't think
18 I would have gotten fired over it. I
19 might have been chastised, "Why didn't
20 you talk to somebody first about this?"

21 Q. Okay. So the bottom line is once you
22 were given some information that led you
23 to understand that there might be PCBs

REGIONAL REPORTING SERVICE, INC.

1 there was some black tar laying on the
2 ground.

3 Q. Do you know what steel bottoms from PCB
4 production look like?

5 A. I do now.

6 Q. Did you at the time?

7 A. No.

8 Q. Were there still people at the plant in
9 1993 who had been involved in PCB
10 production twenty-some-odd years before?

11 A. Yes.

12 Q. Do you have any idea how long that black
13 tar-like substance was visible to the
14 naked eye?

15 A. Well, as I understand it -- When you say
16 visible, you had to be standing right up
17 over it to see it. It wasn't visible
18 from afar.

19 As I understand it, talking with
20 Alabama Power, that area had been
21 covered with kudzu for years. And it
22 was only within the -- I believe in '92
23 they started a kudzu eradication program

REGIONAL REPORTING SERVICE, INC.

1 at all of their facilities. So they had
2 been spraying that landfill and killed
3 off the kudzu that was a cover over the
4 top of that landfill.

5 I might add, just as a side note,
6 I didn't even know that was old Monsanto
7 property until March or April of '93.

8 Q. Right. When you got there in '90, that
9 was Alabama Power property?

10 A. Yes.

11 Q. Okay. Did you do a walk-through of what
12 property Monsanto did own when you came
13 on board?

14 A. Not really. We owned almost five
15 hundred acres up the side of the
16 mountain. I didn't walk all over the
17 mountainside.

18 Q. I walked about halfway up that mountain
19 one time. You are a smart man not to do
20 that.

21 But I assume you certainly walked
22 the plant?

23 A. Yes.

REGIONAL REPORTING SERVICE, INC.

1 Q. And you told me within three months of
2 being there you were up on the landfill
3 and saw that dirt that got manifested
4 out?

5 A. Yes.

6 Q. And that took you at least as far as you
7 had any reason to think that Monsanto
8 was doing anything; am I right?

9 A. I thought I had looked at essentially
10 all of our property, you know. I didn't
11 go up to the top of the mountain. But
12 that was all undeveloped and unused.

13 Q. Let me put it this way: If anyone told
14 you about something that was going on or
15 had been going on, you went out and
16 looked at it?

17 A. In the plant, yeah.

18 Q. Because if you were going to be an
19 environmental engineer and signing off
20 on documents and you are in charge of
21 that kind of compliance, one thing you
22 do is go take a look with your own eyes,
23 right?

REGIONAL REPORTING SERVICE, INC.

1 A. If it requires me to. I mean, if they
2 are going to tell me that they are going
3 to do an engineering project where they
4 are going to combine two vents into one
5 discharge point, there is not really a
6 need for me to go look at that.

7 MR. CUNNINGHAM: Okay. Let's mark
8 this next one Jones Four.
9 (Plaintiffs' Exhibit Number
10 Four was marked for
11 identification.)

12 Q. And this is a document on Monsanto
13 letterhead under the date of January 31,
14 1994, addressed to Sue R. Robertson,
15 Chief of the Land Division at ADEM. It
16 would appear to be authored by one
17 Robert T. Jones, Environmental
18 Supervisor.

19 Do you have any independent
20 recollection of preparing this letter
21 and sending it to Ms. Robertson?

22 A. I don't know if I authored this or not.
23 It sounds like my writing, but I don't

REGIONAL REPORTING SERVICE, INC.

1 know. There were a lot of things that
2 went out since I was the ADEM contact.
3 There were a lot of things that went out
4 under my signature for the remediation
5 group in their infancy. That has
6 changed since they have started working
7 more with the agency, and now
8 correspondence goes back and forth
9 between them. But in the very
10 beginning, a lot of it went out under my
11 name. I don't remember if I wrote this
12 or if I just signed it.

13 Q. All right. It says here in that first
14 paragraph that the property in question
15 had been traded to APCO in exchange for
16 land required for the construction of
17 our first waste water treatment
18 facility. I assume you got that
19 information from someone else?

20 A. Yes.

21 Q. I mean, you weren't around in the early
22 '60s, needless to say, when that swap
23 was made?

REGIONAL REPORTING SERVICE, INC.

1 A. I found out the information about that
2 landfill from Jerry Brown, after Alabama
3 Power contacted the plant, and it just
4 so happened a call went to him. I was
5 not at the plant that day. The next day
6 he and I went over to the west end
7 landfill, and at that time he told me
8 the history of the swap and everything.

9 Q. The last paragraph of that letter
10 states, "Monsanto prides itself on the
11 past corrective actions and
12 investigations that it has performed in
13 cooperation with ADEM and looks forward
14 to addressing this old solid waste
15 management unit in the same manner."

16 What past corrective actions and
17 investigations are you making reference
18 to there?

19 A. We have done a lot of ground water
20 investigations, bedrock investigations.
21 The biggest -- Well, I guess all of it
22 has been associated with ground water
23 that I have been involved in.

REGIONAL REPORTING SERVICE, INC.

1 Q. Okay. Now, you call this the old solid
2 waste management unit. Now, when I see
3 that, I think of that as a RCRA term of
4 art. You know, they talk in RCRA about
5 solid waste management units, correct?

6 A. Well, actually they may, but my -- when
7 I talk of SWMUs, I think of solid waste
8 management units that are pre RCRA. If
9 it is a RCRA facility, I call it a RCRA
10 landfill or a RCRA whatever. But if it
11 is pre RCRA, I call it a SWMU.

12 Q. And this clearly was pre RCRA?

13 A. Yes.

14 MR. CUNNINGHAM: Off the record.

15 (A break was taken.)

16 Q. (By Mr. Cunningham) Let me hand you a
17 document that will be labeled Jones
18 Exhibit Five and ask you to take a look
19 at that for a moment.

20 (Plaintiffs' Exhibit Number
21 Five was marked for
22 identification.)

23 Q. It is a letter that would appear to be

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1 on Monsanto letterhead, dated July 11,
2 1994, addressed to Phillip Davis,
3 Industrial Branch, Water Division at
4 ADEM, and authored by you. Do you have
5 any independent recollection of whether
6 or not you authored this?

7 A. I believe I did. It sounds like my
8 writing.

9 Q. Okay. Now, let me take you through a
10 couple of aspects of this. In the
11 middle of that first paragraph it talks
12 about removing some small trees and
13 undergrowth and some old equipment, plus
14 capping and reseeding of the area. Do
15 you know --

16 First off, the trees. We have
17 talked earlier about at least as to the
18 RCRA closed cells you deliberately kept
19 trees from growing there. Do you recall
20 where these trees were located?

21 A. They were located between a roadway and
22 the RCRA cells, kind of an undeveloped
23 area.

REGIONAL REPORTING SERVICE, INC.

1 Q. Okay. And what about the old equipment?
2 Do you recall what that was and where it
3 was located?

4 A. It was -- We found it. The theory was
5 that it had been an old lay-down area of
6 equipment that they would lay down for
7 potential future use. It was found up
8 in the trees when we were trying to
9 locate why we were seeing PCBs come off
10 in the first storm water sampling.

11 Q. So when you say it was located, it
12 wasn't buried?

13 A. No. It was laying on top of the ground.

14 Q. You had not seen it before yourself?

15 A. No. It was in a very dense, heavy
16 underbrush.

17 Q. Not just trees, but brush --

18 A. Yes, very overgrown.

19 Q. When you say equipment, can you be a
20 little more specific for me, piping?

21 A. As best I can remember, there were two
22 or three pieces of piping. I don't
23 remember the size or length of the

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- 1 piping. But it was at least ten feet
2 long. I remember a valve, a large valve
3 was there.
- 4 Q. Okay.
- 5 A. I think that's the only equipment that I
6 could identify it by sight.
- 7 Q. Okay. Do you remember what happened to
8 the equipment when you removed it, where
9 it went to?
- 10 A. It was placed in a roll-off and profiled
11 into Emelle for landfilling.
- 12 Q. Was that based on an analysis that you
13 knew there was something hazardous about
14 it? Or you say profiled. I'm just
15 curious what --
- 16 A. We sampled the dirt right around the
17 mouth of the -- One of the pipes was
18 laying at a slight incline, and we
19 sampled the dirt using this immunoassay
20 test, and it showed positive for PCB
21 concentration or material.
- 22 Q. Do you remember what it cost you to send
23 that stuff to Emelle?

REGIONAL REPORTING SERVICE, INC.

- 1 A. I have no idea.
- 2 Q. Would there be a record of that
3 somewhere?
- 4 A. There is a record of the manifest. I
5 don't know if there is a record of --
6 The manifest itself does not reflect the
7 cost. I don't know if accounting still
8 has a copy of that invoice or not.
- 9 Q. Okay. You said capping and reseeded of
10 the area. What do you recall
11 constituted the capping and reseeded of
12 that area? I assume we are talking
13 about this same area where this
14 equipment was pulled.
- 15 A. We had to take out all of the underbrush
16 and the small trees that could be taken
17 out. We didn't want to be disturbing
18 stumps or anything, so that could be cut
19 off at essentially ground level.
- 20 And since we stripped all of that
21 out, we came in and put clay -- I don't
22 know if we put topsoil or just clay
23 there. We put that down and then

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- 1 reseeded it so it wouldn't wash, because
2 we stripped everything except regular
3 size trees from that area.
- 4 Q. So you didn't haul any dirt to Emelle?
- 5 A. No, not that I remember. Now, there may
6 have been some particles adhering to the
7 equipment. There was not a concerted
8 scraping type effort.
- 9 Q. That's what I wanted to know.
- 10 And it says, "In conjunction with
11 this effort, we will be sampling storm
12 water discharge of the landfill at its
13 outfall," correct?
- 14 A. Yes.
- 15 Q. Can I presume from this, then, as of
16 July of '94, you still didn't have any
17 data regarding the content of the storm
18 water discharge for PCBs?
- 19 A. No. It was the first round of storm
20 water sampling that caused us to go up
21 and try to locate what would be causing
22 us to see -- I think it was six parts
23 per billion PCBs in the storm water. It

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- 1 was during this investigation that this
2 equipment was located back up in this
3 heavily forested area.
- 4 Q. This letter wouldn't give anyone cause
5 reading it that you had found some PCBs
6 in that storm water discharge or around
7 the equipment, would it? I'm talking
8 about just the letter itself. It
9 doesn't suggest that to me anyway.
- 10 MR. COX: Object to the form.
- 11 A. We had already notified ADEM of the
12 initial finding and that we were
13 investigating the initial finding.
- 14 Q. Fair enough, then.
- 15 Okay. Did you do that in writing,
16 or might that have been over the phone?
- 17 A. I'm not sure. I know the results of
18 that initial sampling would be in one
19 generation of the storm water permit
20 application. I don't know if a separate
21 notification letter was submitted on
22 that or not or if it was just a call
23 that we have located this. But it

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1 should be on the storm water permit or
 2 the application for the storm water
 3 permit.
 4 Q. Okay. Then the next paragraph says,
 5 "Additionally, we are developing a
 6 proposed investigation of the
 7 tributaries of Snow Creek."
 8 Were you involved in developing
 9 that investigation?
 10 A. No. This is right about the time our
 11 remediation group was coming in.
 12 Q. Garrity and Miller. I guess Garrity and
 13 Miller were already there working on the
 14 west end landfill?
 15 A. They may have already started doing
 16 sampling on the west end. This was all
 17 happening at about the same time, so I'm
 18 not real sure which came first.
 19 Q. Okay. I hand you next what has been
 20 previously marked as Plaintiffs' Seven A
 21 One and which will be Jones Exhibit Six
 22 for the purposes of our discussion.
 23 (Plaintiffs' Exhibit Number

REGIONAL REPORTING SERVICE, INC.

1 Six was marked for
 2 identification.)
 3 I ask you to take a look at that
 4 document, please, which appears to be a
 5 confirmation letter from Chemical Waste
 6 Management, Inc., under the date of July
 7 6, 1994, to you.
 8 Okay. And do you recall receiving
 9 something like this from CMW -- CWM?
 10 I'm sorry.
 11 A. Yes.
 12 Q. And that in fact is the operator of the
 13 Emelle landfill we have been making
 14 reference to, correct?
 15 A. That's correct.
 16 Q. It says in there, "The attached profile
 17 for the waste materials was prepared by
 18 CWM based upon information provided by
 19 you," correct?
 20 A. Yes.
 21 Q. In other words, you could call them and
 22 say, "Here is what I'm getting ready to
 23 send," and they would send you a quote,

REGIONAL REPORTING SERVICE, INC.

1 assuming that they get what you say you
 2 are sending?
 3 A. That's correct.
 4 Q. In this particular instance, in July of
 5 1994, for PCB contaminated soil debris
 6 and equipment, the cost was going to be
 7 two hundred seventy-five dollars a ton,
 8 correct?
 9 A. Yes.
 10 Q. Now, is that for -- In essence, it
 11 wouldn't matter what level of
 12 contamination of PCB, what concentration
 13 of PCB. It could be as high as they
 14 would take it for two seventy-five a
 15 ton?
 16 A. Yeah. It was for landfill, into a
 17 controlled landfill.
 18 Q. And do you know how that compares with
 19 the price today, in 1998, to ship a ton
 20 of PCB contaminated equipment to Emelle?
 21 A. I have no idea.
 22 Q. Do you know what you are paying to send
 23 your roll-offs up there? You said

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1 you've got two that you send up there
 2 today.
 3 A. The invoices that come in are approved
 4 by remediation. All we handle is the
 5 actual manifesting and shipping.
 6 Q. Okay. In addition to paying them, I see
 7 you have to pay about, it looks like,
 8 fifty-one dollars a ton in taxes?
 9 MR. COX: He is asking you a
 10 question.
 11 A. Yes.
 12 Q. Under additional fees --
 13 A. You have to pay those fees for any waste
 14 you send to Emelle.
 15 Q. They even have a few others that might
 16 or might not apply in particular
 17 situations. Like if there is leaking, a
 18 load is two hundred dollars a load if it
 19 leaks. I see that above the taxes.
 20 A. Yeah. This is pretty standard for a
 21 chem waste confirmation letter.
 22 Q. On the second page there is a hundred
 23 and fifty dollars per profile waste

REGIONAL REPORTING SERVICE, INC.

- 1 approval fee and then transportation
2 costs, so much a trip for the roll-offs.
3 A. Yes.
4 Q. Would you typically have their equipment
5 that you would use as opposed to
6 retaining a contractor, or do you take
7 their truck and haul it in their truck
8 and just dump it when it gets there?
9 MR. COX: Object to the form.
10 A. They send a driver down with a rig to
11 pick up the box. You lease or rent the
12 box, unless it's a one-time type thing,
13 where they come down with the box and
14 you fill it and they leave with the box.
15 Q. But if you were going to remediate a
16 church site and dig up several trailer
17 loads' worth of dirt, you would lease
18 their equipment, and their truck would
19 come pick it up after you filled it?
20 MR. COX: Object to the form.
21 A. Yes. It would depend on quantities of
22 materials.
23 Q. Let me give you a comparison. When you

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- 1 shipped the -- I think you said --
2 forty-five or fifty truckloads of dirt,
3 shortly after you arrived, to Emelle
4 that had been stockpiled up on the
5 landfill but taken out of the ditches,
6 did that go out on CWM trucks or
7 roll-offs, or do you recall?
8 A. They were -- If they were not CWM
9 trucks, they were contracted to CWM.
10 Q. Okay.
11 A. But it was their trucks. I mean, they
12 sent in the vehicles.
13 Q. Now, let me try to get you to compare
14 for me the -- You said you understood,
15 and I think I have seen documents that
16 suggest the same thing, that the
17 demolition waste that has been generated
18 in this remediation project has been
19 going somewhere over near Atlanta.
20 Cost-wise, can you give us, in
21 terms of a ballpark, a ratio of how much
22 that cost?
23 A. I have no idea. I wasn't involved in

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- 1 that at all.
2 Q. Thank you. Let me hand you a document
3 that we will label Jones Number Seven.
4 (Plaintiffs' Exhibit Number
5 Seven was marked for
6 identification.)
7 Q. This would appear to be a memo from John
8 Poole, of ADEM, to BJH, dated March 7,
9 1995. It says, "Recently, PCBs at three
10 hundred ppb were found in drainage ditch
11 at a point where the ditch leaves
12 Monsanto's property to enter a small
13 residential area, seven occupied houses
14 and one church, several dilapidated and
15 unoccupied houses. PCBs at slightly
16 less than one thousand ppb were found in
17 the ditch after it reenters the Monsanto
18 property." It goes on to talk about
19 some testing planned for that area.
20 It says, "Contact at the Monsanto
21 plant, Robert T. Jones." Again that
22 would be you, I assume. That is your
23 phone number there?

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- 1 A. That's correct.
2 Q. Do you recall those numbers, or is that
3 Monsanto data, if you are familiar with
4 those numbers?
5 A. I don't recall those specific numbers.
6 I would assume they were from the ditch
7 sampling, but I don't know that for a
8 fact.
9 MR. COX: I'm not going to
10 testify, but I will interject
11 that they are off by order of
12 magnitude. They are talking
13 about the numbers we reported
14 to ADEM in March of '95, and
15 it was sediments in the pH,
16 and it was three hundred
17 parts per million and a
18 thousand parts per million.
19 MR. CUNNINGHAM: I was going to
20 say that is --
21 MR. COX: That's a typo on ADEM's
22 part.
23 MR. CUNNINGHAM: It's either a

REGIONAL REPORTING SERVICE, INC.

1 fairly large number for water
2 or a modest number for dirt.
3 It should be parts per
4 million.

5 MR. COX: I don't mean to testify.

6 MR. CUNNINGHAM: No. I'm trying
7 to get clarification, and
8 that provides it.

9 Q. Now, it says, "Seven occupied houses and
10 one church." Now, I'm assuming -- you
11 correct me if I'm wrong. And you may
12 not know. Is that not talking about the
13 Mars Hill Missionary Baptist Church and
14 the houses in the vicinity of that
15 church?

16 The reason I suggest that is it
17 talks about it leaving Monsanto property
18 and coming back on Monsanto property.
19 And the Bethel Church, I don't think it
20 ever comes back onto Monsanto property.

21 A. By the number of occupied houses and the
22 fact that it talks about coming back
23 onto Monsanto property, I would think it

REGIONAL REPORTING SERVICE, INC.

1 was inferring Mars Hill Church.

2 Q. Okay. And at least at this time it's
3 got you down as the contact person for
4 dealing with the situation.

5 Do you recall getting contacted?
6 Assume for the sake of discussion -- I'm
7 assuming that BJH is Brian Hughes with
8 the health department. That may be
9 wrong.

10 But do you recall talking with
11 anyone from the Alabama Department of
12 Public Health about this situation?

13 A. I have been in conversations with the
14 Department of Public Health. I don't
15 know in specifics to this. But yes, I
16 have had discussions or have been in
17 discussions when Brian Hughes was
18 present.

19 Q. Okay. So at least to some extent you
20 were the contact person as this area or
21 this was being investigated?

22 A. I was the person that was acting as the
23 liaison to ADEM. I wasn't physically

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1 handling the work. But since I had the
2 contacts at ADEM in terms of who I
3 worked with, I usually made the contacts
4 until our remediation folks got to know
5 the people at ADEM and knew who to talk
6 to about different issues.

7 Q. When it says that "Talk with residents
8 have begun, likely to have media
9 coverage," have you talked -- I know we
10 have covered whether or not you talked
11 to anybody at the church. Did you talk
12 to other residents in this time frame,
13 '94, '95, '96, that you can recall?

14 MR. COX: You are asking him
15 personally?

16 MR. CUNNINGHAM: Right, him
17 personally.

18 A. The only time that I would have possibly
19 spoken to any of the residents -- I
20 don't remember talking to any of them
21 when I was at either one of the -- when
22 they were rolling out the relocation or
23 the property purchase program. But I

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1 was over at the Prudential trailer where
2 it was set up to handle all that. And a
3 couple of times there were residents
4 that came in as part of their, you know,
5 talking to the relocation or the
6 Prudential folks and all, where I may
7 have spoken to them or they may have
8 asked me a question, but that was the
9 extent of it.

10 Q. You never went over with the intention
11 of talking with folks?

12 A. No, no.

13 Q. Okay. Let me hand you what we'll be
14 marking as Jones Number Eight.

15 (Plaintiffs' Exhibit Number
16 Eight was marked for
17 identification.)

18 Q. This is a memorandum dated September 25,
19 1995, from a Neil Daniell, to the
20 epidemiological file, through Brian
21 Hughes.

22 And specifically looking at the
23 last paragraph, this involved a

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Ms. Barbara Blasco, who had called ADEM concerned about her drinking water having an odd taste and the air smelling bad.

In the last paragraph, "Upon contacting ADEM's air division, it was learned that they had contacted Ms. Blasco," B-l-a-s-c-o, "and informed her that the foul odor she smelled was p-nitrophenol. Very small quantities of the p-nitrophenol were being released while being transferred from railroad tankers. However, the amounts were not high enough to cause adverse health effects."

Do you recall any unusual release of p-nitrophenol in September of '95?

A. No. And I believe that is probably a typographical error.

Q. What being incorrect?

A. Para-nitrophenol. I think that was probably -- If there was a call about odors in the plant, if anything, it

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would have been para-nitrochloralbenzene, because para-nitrophenol -- It says here that "Very small quantities of para-nitrophenol were being released while being transferred from railroad tankers." The only thing that comes in in railroad tankers in that area that has any odor associated with it was para-nitrochloralbenzene.

Q. Do you recall any unusual odor problems, releases, spills in September of '95 of that compound?

A. Nothing comes to mind.

Q. Does it have a very low odor threshold?

A. Very, very low.

Q. So you could have a level that is not considered dangerous but would be noticeable?

A. Oh, yes. It's noticeable, I believe, at around one part per million.

Q. So it's just a fact of life that there can be nuisance odors at this plant when

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it's running the way you, as the environmental engineer, have it set up to run?

MR. COX: Object to the form, the characterization.

Q. Noticeable odors.

A. It is in fact a project that we are working on in the plant right now, to further tighten up that process. But this is well orders of magnitude less than what is covered within our air permit.

One part per million you could smell in the air. I mean, that is next to nothing coming off, just the unloading, loading operation.

Q. Let me show you a document that will be labeled Jones Number Nine.

(Plaintiffs' Exhibit Number Nine was marked for identification.)

Q. This is a document that's dated August 2, 1990, regarding a benzene release,

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and it would seem to reflect a telephone call you placed to ADEM advising of a benzene release. Am I reading that correctly?

A. That's correct.

Q. And that the day before or the night before perhaps as much as a hundred and twenty-five pounds of benzene had been released?

A. That's correct.

Q. And it goes on here to explain why that came about.

And benzene is a feed stock y'all use for making your polyphenyl, correct?

A. That's correct.

Q. What's the reportable quantity on benzene?

A. I'm not sure at this time. Benzene used to have a reportable quantity of a hundred pounds. I'm not sure if at this time it had been changed to ten pounds or not.

Q. It has gone down to ten?

REGIONAL REPORTING SERVICE, INC.

- 1 A. Yes.
- 2 Q. Okay. Now, let me show you a document
- 3 that will be labeled Jones Ten.
- 4 (Plaintiffs' Exhibit Number
- 5 Ten was marked for
- 6 identification.)
- 7 Q. I think this discusses something you
- 8 told us about before lunch, about the
- 9 testing of workers for PCBs. It would
- 10 appear to be under the date of August
- 11 2nd, 1996, on Alabama Department of
- 12 Public Health letterhead, from Neil
- 13 Daniell, Geologist, and goes on to talk
- 14 about Monsanto having tested nineteen
- 15 workers at the Anniston facility.
- 16 Did I understand you correctly
- 17 earlier today that these workers were
- 18 volunteers in the sense that Monsanto
- 19 didn't go out and select them; it was
- 20 something that was offered, and these
- 21 are the folks that took them up on it?
- 22 A. That's correct.
- 23 Q. Are you aware of any other more

REGIONAL REPORTING SERVICE, INC.

- 1 systematic testing that has taken place
- 2 within Monsanto to analyze workers for
- 3 PCB exposure or health effects?
- 4 A. No, I do not.
- 5 Q. Is it possible that despite the fact
- 6 that you are the health and safety
- 7 person at the plant, where they made
- 8 this stuff for many years, that Monsanto
- 9 could in fact have such data but just
- 10 not have shared it with you?
- 11 MR. COX: I object to the form.
- 12 You are asking him to
- 13 speculate a lot.
- 14 THE WITNESS: I was waiting for
- 15 you to say that.
- 16 A. I know of no studies or anything like
- 17 that.
- 18 Q. It says that a hundred and five parts
- 19 per billion was the highest level
- 20 detected; is that correct?
- 21 A. This is the first time I have seen this
- 22 document. I will assume that's correct.
- 23 Q. Have you ever seen the data to have any

REGIONAL REPORTING SERVICE, INC.

- 1 appreciation or recollection of it at
- 2 all?
- 3 A. I have never seen this data.
- 4 Q. It talks about -- Let me take you down
- 5 to the next to the last paragraph. The
- 6 last sentence says, "Mr. Kaley suggested
- 7 they were pursuing the possibility for
- 8 follow-up examinations."
- 9 Are you, again as the industrial
- 10 hygiene person there at the plant during
- 11 this time frame, aware of any follow-up
- 12 work that was done?
- 13 A. No, I'm not.
- 14 Q. Let me see. In the -- There is a middle
- 15 paragraph there that talks about -- They
- 16 asked the workers whether they had eaten
- 17 fish from Choccolocco Creek or Lake
- 18 Logan Martin. "Several workers reported
- 19 they had eaten fish, but their PCB blood
- 20 levels showed there were no current
- 21 exposures."
- 22 Do you know what it was about the
- 23 data that enabled one to reach that

REGIONAL REPORTING SERVICE, INC.

- 1 conclusion, that there were no current
- 2 exposures?
- 3 MR. COX: Object to the form.
- 4 A. No. Like I said, this is the first time
- 5 I have ever seen this document.
- 6 Q. As we sit here today, did you have that
- 7 in your knowledge or understanding as to
- 8 what a PCB blood level of a hundred and
- 9 five parts per billion or four parts per
- 10 billion means?
- 11 A. No.
- 12 Q. Down at the very last sentence it says,
- 13 "Mr. Kaley stated none of the workers
- 14 lived nearby, and only one worker was an
- 15 African American."
- 16 Do you know if there was anyone at
- 17 the facility today who worked at the
- 18 facility back when that production
- 19 process was on line and who also lives
- 20 in the vicinity?
- 21 A. No.
- 22 Q. There might be; you just don't know it?
- 23 A. I just don't know.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. All right. Let me hand you a little map
2 that we are going to call Jones Eleven.
3 (Plaintiffs' Exhibit Number
4 Eleven was marked for
5 identification.)
6 Q. And I'm not quite sure which of the many
7 documents we have pulled this one from,
8 but --
9 MR. COX: I don't think this is
10 from a Monsanto document.
11 This may be part of the
12 health department or an ADEM
13 document.
14 MR. CUNNINGHAM: I'm guessing from
15 it being page thirty-six it
16 might have been out of one of
17 the health studies. That is
18 about where it might have
19 shown up.
20 Q. But can you and I agree that it's a fair
21 representation of the relative position
22 of the plant, Highway 202, and the
23 landfill cells south of 202?

REGIONAL REPORTING SERVICE, INC.

- 1 A. It appears to be.
2 MR. COX: I would just interpose
3 an objection, just a
4 notation. It looks like in
5 the middle of Highway 202 is
6 the approximate location of
7 the south landfill. That
8 doesn't make any sense to me.
9 MR. CUNNINGHAM: Let's disregard
10 -- I think we can all agree
11 that there's nothing in that
12 direction that constitutes a
13 cell.
14 Q. These things that are marked cells are
15 what -- and correct me if I'm wrong --
16 what you know to be the south landfill?
17 A. Yes. Now, except I don't know what is
18 meant by saying an active nonhazardous
19 waste landfill cell, unless this is a
20 pre 1989 or so map. I don't know where
21 it's from.
22 Q. I don't know that either, to be candid
23 with you.

REGIONAL REPORTING SERVICE, INC.

- 1 You are telling me that that cell
2 up there ceased being used for
3 nonhazardous waste disposal certainly by
4 1989?
5 A. Well, except for that demolition debris
6 I told you about, and it was located at
7 the upper end of that.
8 Q. Let me get you to put an X where you
9 were just pointing.
10 A. (Executed by the witness.)
11 Q. And that is where you found the
12 equipment that we talked about in --
13 A. No. That's where the demolition debris
14 that I told you that -- where we took
15 down the two buildings on the plant site
16 not long after I got there. That is
17 where they were buried.
18 Q. Let me get you to take the blue pen
19 again --
20 MR. COX: Just so it's clear, why
21 don't you write building
22 debris over the X.
23 (Executed by the witness.)

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- 1 MR. COX: I just want the record
2 as clear as it can be.
3 MR. CUNNINGHAM: Nothing wrong
4 with that.
5 Q. Taking you momentarily back to Jones
6 Five, which referenced some old
7 equipment which was removed and then
8 some capping and reseeding, can you put
9 a triangle for me, please, at the
10 approximate location of that activity?
11 A. (Executed by the witness.)
12 THE WITNESS: Do you want me to
13 label that as "old equipment"
14 there?
15 MR. COX: Yeah. Just do that.
16 (Executed by the witness.)
17 Q. And can you show me -- Let's do a
18 circle, with the blue pen, where you
19 sampled the storm water runoff.
20 A. There was more than one location.
21 Q. Okay. I will take multiple circles.
22 MR. COX: At what point in time?
23 Q. The very earliest stuff that kind of got

REGIONAL REPORTING SERVICE, INC.

1 the ball rolling there.

2 A. There is DSX seven, eight, nine, ten --

3 seven, eight, nine, ten, and eleven. I

4 believe those are the numbers for it.

5 There are five that were identified in

6 the original storm water application.

7 Do you want me to indicate all five? If

8 so, they will be approximations.

9 Q. All right. This is not to scale.

10 MR. COX: Why don't you write the

11 numbering for the outfall?

12 THE WITNESS: I'm not sure of the

13 numbering. Was it seven

14 through eleven?

15 MR. COX: Then just do circles.

16 (Executed by the witness.)

17 Q. Do you have a recollection as to which,

18 if any, of those had the PCB hits?

19 A. This one right here, the center one

20 (indicating).

21 Q. And if you sat down here today and I

22 tried to get you to label the contents

23 of any of these particular cells, could

REGIONAL REPORTING SERVICE, INC.

1 you enlighten me at all as to that, or

2 would I have to go back and look at

3 historical documents?

4 A. For the most part, you would have to get

5 historical documents. I can tell you a

6 couple of the cells. But especially the

7 older western cells, I couldn't tell you

8 exactly.

9 Q. I understood at one point 202 got

10 extended there. But that was before you

11 arrived, was it not?

12 A. That was in the early '70s -- or mid

13 '70s.

14 Q. Are you aware of any sampling set up

15 around this landfill or within this

16 landfill to monitor air contamination?

17 A. No, I'm not, other than dust monitoring

18 during the remediation activity. I

19 believe there was some of that done.

20 Q. I'm going to characterize. This is my

21 wording. Finding the PCBs in the storm

22 water is a surprise and finding that old

23 equipment up there is a surprise.

REGIONAL REPORTING SERVICE, INC.

1 Anything else that you have

2 learned about up there in your tenure

3 here that -- again, that is a term I'm

4 using, "a surprise" -- but that was

5 unexpected or you didn't realize that

6 you can think of today?

7 A. Nothing that is pertinent, since all of

8 the brush and everything has been

9 cleared off of the landfill, just the

10 general lay of the land. It used to be

11 so heavily forested. I didn't realize

12 how some of the land laid and some of

13 the cells and positions and things like

14 that. That's the only thing I can think

15 of that comes to mind.

16 Q. And they haven't put anything as part of

17 this remediation up there and buried

18 it --

19 A. No, not to my knowledge.

20 MR. CUNNINGHAM: I've got three

21 photographs here we will call

22 Jones Twelve, A, B, and C.

23 (Plaintiffs' Exhibit Numbers

REGIONAL REPORTING SERVICE, INC.

1 Twelve A, B, and C were

2 marked for identification.)

3 MR. COX: You don't have a date on

4 this --

5 (Discussion held off record.)

6 Q. Mr. Jones, let's take what has been

7 labeled Jones Twelve A, which is a

8 photograph taken from the air near the

9 facility. And it purports to be -- at

10 least what I perceive it to be is

11 somewhat centered on the Mars Hill

12 Missionary Baptist Church and the

13 retention basin which lies to the east

14 of it and the remediation work that is

15 taking place further north of the

16 church. Does that look to you like what

17 it shows?

18 A. That is what is in the center of the

19 photograph?

20 Q. Can you see the plant itself in the

21 background?

22 A. Yes.

23 Q. Again, so I don't have to cover a lot

REGIONAL REPORTING SERVICE, INC.

- 1 with you, you didn't have any
2 involvement in designing or implementing
3 this remediation process, I take it,
4 that is showing having all this dirt dug
5 up or this retention basin?
6 A. No, I did not.
7 Q. Okay. And you would agree that the
8 church, Mars Hill Missionary Baptist
9 Church, is very close to the Monsanto
10 property?
11 A. Yes, it is.
12 Q. And that it is surrounded at this point
13 by property that Monsanto has
14 remediated?
15 MR. COX: At the point in the
16 photograph or at this point
17 in time?
18 MR. CUNNINGHAM: At this point in
19 time.
20 A. I don't know if it has been remediated.
21 It appears there has been some cover put
22 on it. But I don't know, you know, if
23 it has been covered for remediation or

REGIONAL REPORTING SERVICE, INC.

- 1 designed to catch runoff water and
2 direct it to the retention basin?
3 A. I don't know if it's runoff water off
4 the landfill. I know that it's the
5 drainage ditch that is supposed to run
6 alongside the highway and directed
7 towards that basin.
8 Q. The distance from the church property to
9 that landfill is relatively modest, is
10 it not, on the order of a few hundred
11 feet?
12 A. I think it's a little further than that.
13 It looks to me to be possibly closer to
14 a thousand feet.
15 Q. I think I've got a to-scale map here.
16 And then lastly we have the
17 Exhibit Number Twelve C, which is a
18 photograph that would appear to depict
19 the entire south end landfill,
20 specifically the cells that on Jones
21 Eleven would be described as the western
22 cells.
23 A. Yes, that appears correct.

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- 1 if that's just where undergrowth has
2 been stripped off.
3 Q. Okay. Let me take you to what has been
4 marked as Twelve B, an exhibit to your
5 deposition, a little bit different
6 angle. This kind of shows the toe of
7 the landfill here on the far left of the
8 photograph. Would you agree with me
9 that is what is depicted there in that
10 lower left corner?
11 A. It appears to be part of the liner that
12 went on the south landfill.
13 Q. And also I think showing up in that
14 photograph is the concrete -- I call it
15 a flume, but it's a line of concrete
16 that's been laid in the drainage at the
17 base of that landfill on the side of
18 202. Is that correct?
19 A. There is some concrete. I can't tell if
20 it's complete or not. But there appears
21 to be some concrete there.
22 Q. Are you familiar enough to know from
23 what's going on up there that that is

REGIONAL REPORTING SERVICE, INC.

- 1 Q. And that photograph at that stage of the
2 process, they have got the large
3 geotextile cover on preparatory to
4 covering that with more earth.
5 A. There is a black material on there. I
6 don't know if that's -- It seems like
7 they put a felt layer down also. I
8 don't know if that is the felt layer or
9 the geotextile, but it looks like a
10 black material on the area.
11 (Plaintiffs' Exhibit Number
12 Thirteen was marked for
13 identification.)
14 Q. Okay. Let me show you a map. It's been
15 labeled Exhibit Thirteen to your
16 deposition.
17 Now, this was prepared by Golder
18 Associates. Is that a contractor that
19 Monsanto has been using for the
20 remediation work?
21 A. That's correct.
22 Q. And this one actually has a scale on it.
23 If you look there in the lower right --

REGIONAL REPORTING SERVICE, INC.

- 1 I think if you check, that will be at
2 least at this magnification works out to
3 about four hundred feet to the inch, if
4 you want to check that.
- 5 A. Yes.
- 6 Q. Do you see the Mars Hill Missionary
7 Baptist Church represented in that map?
- 8 A. Yes, I do.
- 9 Q. How far is it in inches from that toe of
10 that landfill cell 5-E to the church
11 property -- Or let's say the church
12 structure. That will be easier for you.
- 13 A. It looks like about one and
14 three-fourths inches.
- 15 Q. So that would translate to maybe seven
16 hundred feet?
- 17 A. Okay.
- 18 Q. While we are at it, let's go ahead and
19 measure the distance from the church
20 structure to the plant property. I
21 think it's probably a little less.
- 22 A. It looks like a little over an inch and
23 a half.

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- 1 Q. Okay. Now, this property has -- or this
2 map, rather, has an area that has been
3 outlined in black by Golder. Again, I
4 understand you weren't real involved
5 with the remediation. But is that
6 roughly the area where the property
7 purchase program was implemented?
- 8 A. I believe that was the area that was set
9 aside for investigation of the drainage
10 ditch that ran through the eastern
11 property. I don't think that is
12 designated property purchase areas or
13 anything.
- 14 Q. That investigation area clearly does
15 include the church, right?
- 16 A. Yes, it does.
- 17 Q. And is it not correct that the natural
18 drainage off the south landfill came
19 down past that church?
- 20 MR. COX: Object to the form.
- 21 A. There is a drainage ditch on the west
22 side of the church. I have never seen a
23 substantial amount of water flow through

REGIONAL REPORTING SERVICE, INC.

- 1 that ditch. So I assume that water
2 comes off the mountain, but I have never
3 seen it take place.
- 4 Q. So as we sit here today, prior to all
5 the work that we see kind of reflected
6 in the photographs in Number Twelve, do
7 you know where the storm water that came
8 off that landfill through those four
9 outfalls that you showed us on Exhibit
10 Number Eleven -- where that went once it
11 crossed 202?
- 12 A. I always assumed it went through that
13 ditch alongside the church. But like I
14 said, I have never seen any substantial
15 flow through that, even during periods
16 of rain.
- 17 Q. Okay. I have an excerpt here from RFA
18 that was done in the early '90s. Do you
19 know what RFA is?
- 20 A. Yes, I do.
- 21 Q. Have you ever seen an RFA that was done
22 on your facility?
- 23 A. Yes. It was done after I came here.

REGIONAL REPORTING SERVICE, INC.

- 1 Q. I wasn't going to make this an exhibit.
2 But in reading through that one section,
3 they talk about the release history, PCB
4 contamination, and there is a reference
5 here in April of 1988, "Monsanto
6 proceeded to implement a sediment
7 removal plan without approval from state
8 or federal agencies. During the
9 remediation activities the facility
10 shipped approximately a thousand tons of
11 contaminated soil and sediment to Chem
12 Waste Management in Emelle, Alabama."
13 You have told us about that.
- 14 This next sentence is what I was
15 curious about, that "Sediment sampling
16 after removal still indicated greater
17 than fifty parts per million PCBs
18 remaining," and it gives several
19 references.
- 20 I'm wondering were you aware, as
21 the environmental engineer at the
22 facility, that there were still greater
23 than fifty parts per million PCBs in the

REGIONAL REPORTING SERVICE, INC.

sediment after that thousand tons was removed?

MR. COX: Object to the form.

A. I don't know if I was aware of it. This RFA took place not long after I came to work there. It was a look at the historical -- the history of the plant. Jerry Brown handled questions and answers with the contractors that were there. I simply did not have the background to answer their questions.

So if that was stated in a meeting with them, I was most likely there. I don't remember that taking place.

Q. You don't have any independent recollection of being aware that there were greater than fifty parts per million out there?

A. No, I don't.

Q. They have in this document a table III-1, Roman numeral three, dash, one, a synopsis of individual cells. And for these individuals cells it has a listing

REGIONAL REPORTING SERVICE, INC.

of waste.

Again, I take it you couldn't agree or disagree or add anything to our understanding of those contents?

A. That's information they must have gotten from Jerry Brown.

Q. Okay. I'm trying not to be redundant.

Have you had the health studies that were put together by ATSTR and the Alabama Department of Public Health? There were two of them.

A. I may have. I don't remember.

Q. So I'm going to guess you can't recall anything in there as striking you as being inconsistent with your understanding?

A. No.

MR. COX: Let's take a short break.

(A break was taken.)

Q. Did anyone in your department do any testing as part of this remediation -- do analysis of dirt as the remediation

REGIONAL REPORTING SERVICE, INC.

was ongoing?

A. No.

Q. I know when we were taking Alan Faust, they talked about running into a pipe of something that got severed, and then everybody backed off, and that stuff got analyzed, and they figured out it was whatever it was. But you are saying that would not have been analyzed there at the plant as far as you know?

A. No. Unless it was one of our products. I don't remember what instance you are talking about. But unless it was one of our products -- That is a misconception a lot of people have. You don't just stick an unknown into a machine and it tells you. You've got to have standards. Unless it was one of our products, we wouldn't have had the capability to analyze it.

Q. Is it a fair statement for me to conclude from your testimony that Monsanto -- let me make it simpler --

REGIONAL REPORTING SERVICE, INC.

that you do not know where the PCBs that are present east of the plant, around the church, on the church, those residential properties, those ditches, where they came from?

A. I would say that somewhere from our south landfill I'm sure there was some contribution. Was it all that is there, I don't know that.

Q. All right. And for that portion that came from the south landfill, do you know where in that -- Because that is a lot of acres, a lot of cells.

A. No, I don't. Because from what I have seen, it appears to be drainage patterns. So I don't know. All I know is from where I see sample analyses that indicates PCBs present on the surface or were present on the surface.

Q. Have you seen a map where somebody mapped out where it was present on the surface of the landfill as opposed to where it was present on these eastern

REGIONAL REPORTING SERVICE, INC.

properties?

A. I have seen a map that shows where samples have been pulled, where PCBs were detected, starting with the south landfill all the way through the east area.

Q. And who did that testing, if you recall?

A. Garrity and Miller.

Q. And would that have been -- You tell me. What year do you think that testing was done?

A. The testing on the landfill itself?

Q. Yes, on the landfill.

A. I would say probably '95, after the -- it was found at the storm water discharge point. Either '95 or early '96, sometime in that time frame, I would guess.

MR. CUNNINGHAM: That's all I have.

(The deposition concluded at 2:00 p.m.)

REGIONAL REPORTING SERVICE, INC.

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

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

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

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

REGIONAL REPORTING SERVICE, INC.

----- ' ----- '60s 132:22 '70s 58:20; 125:2; 166:12,13 '80s 32:13; 61:14; 62:18 '86 81:4 '90 21:20; 87:4; 129:8 '90s 109:16; 175:18 '92 128:22 '93 122:6,14; 129:7 '94 139:16; 151:13 '95 52:1,2; 53:8; 148:14; 151:13; 153:17; 154:12; 181:14,16 '96 23:20; 24:5; 33:21; 151:13; 181:17 '97 37:11 ----- 1 ----- 1000 1:17 11 135:1 111 3:14.5 119 3:15 120 3:15.5 1216 7:8 131 3:16 134 3:16.5 142 3:17 147 3:17.5 152 3:18 155 3:18.5 157 3:19 161 3:19.5 168 3:20 172 3:20.5 17th 182:19 182 3:4 1928 81:23 1960 124:23 1971 11:12 1978 11:13 1980s 119:1 1982 12:22 1983 17:10;	18:10 1988 18:17,18; 112:3; 176:5 1989 162:20; 163:4 1990 20:22; 59:6; 68:2; 155:23 1993 120:23; 121:14; 128:9 1994 131:14; 135:2; 142:7; 143:5 1995 56:14,22; 147:9; 152:19 1996 23:19; 157:11 1998 1:15; 4:8; 5:1; 143:19; 182:20 1998's 38:2 ----- 2 ----- 2 155:23 200 2:4.5 202 161:22,23; 162:5; 166:9; 170:18; 175:11 20th 2:11 25 120:23; 152:18 29 1:15; 4:7; 5:1 2:00 181:22 2nd 157:11 ----- 3 ----- 3-7-2001 182:23.5 300 2:10.5 304 2:5 31 131:13 311 47:15 312 47:15 35203 2:11.5 35901-0755 1:21.5 36202 2:14.5 36203 7:9 ----- 4 ----- 4 3:3 40202 2:5.5	----- 5 ----- 5 3:9; 11:18 5-E 173:10 500 1:17 505 2:11 580 2:14 ----- 6 ----- 6 142:7 ----- 7 ----- 7 147:8 755 1:21 ----- 9 ----- 9:00 1:14; 4:8 ----- A ----- a.m 4:8 a.m. 1:15 above 10:5; 25:5; 37:3; 38:15; 61:22; 144:19 absolutely 71:2 accepting 82:10 accessibility 90:2 accompanied 50:23; 51:5, 16 accounting 138:7 accreditation 26:1 accumulate 118:14 accurate 182:10 acetaminophen 80:15 acetone 93:21, 22 achieve 119:1 acid 20:2 acquaint 6:1 acquired 23:10; 124:15 acres 129:15; 180:13	across 90:22 acting 42:3; 150:22 action 1:4.5; 100:10 actions 133:11,16 active 162:18 activities 22:15; 31:22; 47:5; 83:7; 85:9; 123:1; 176:9 activity 85:7; 87:17; 114:6; 164:10; 166:18 actor 79:22 acts 95:10 actual 144:5 actuality 125:14 actually 30:21; 34:20; 49:11; 62:7, 10; 113:12; 123:2; 134:6; 172:22 add 129:5; 178:3 added 92:12 addition 67:16; 127:10; 144:6 additional 25:11; 35:19; 57:12; 92:12, 14; 144:12 Additionally 141:5 address 7:7 addressed 131:14; 135:2 addressing 133:14 ADEM 45:9; 63:18; 64:13; 66:11; 67:14; 68:1; 72:4,7; 74:11; 81:7; 82:17,21; 83:3,5; 84:17; 120:22; 123:22; 124:12; 125:6,12; 131:15;
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