

STATE OF ALABAMA
IN THE CIRCUIT COURT OF CALHOUN COUNTY

MARS HILL MISSIONARY
BAPTIST CHURCH, et al.,

Plaintiffs,

versus

CIVIL ACTION NUMBER

CV-96-243

MONSANTO COMPANY, et al.,

Defendants.

DEPOSITION OF WILLIAM B. PAPAGEORGE, P.E.

The deposition of WILLIAM B. PAPAGEORGE, P.E., was taken before Deborah Salers Garrett, Certified Shorthand Reporter, Registered Professional Reporter, as Commissioner, commencing at 1:20 p.m. on March 31, 1998, by the Plaintiffs, at the law offices of Lightfoot, Franklin & White, 300 Financial Center, 505 North 20th Street, Birmingham, 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

JACK ATKIN, Esq.
KASOWITZ, BENSON, TORRES & FRIEDMAN
1301 Avenue of the Americas
New York, New York 10019

For the Defendants:

ADAM PECK, Esq.
LIGHTFOOT, FRANKLIN & WHITE
300 Financial Center
505 North 20th Street
Birmingham, Alabama 35203

GERARD H. DAVIDSON, JR., Esq.
SMITH, HELMS, MULLISS & MOORE
P. O. Box 21927
Greensboro, North Carolina 27420

I N D E X

	<u>Page</u>
Stipulations	5
Reporter's Certificate	300
<u>E X A M I N A T I O N S</u>	
Witness: WILLIAM B. PAPAGEORGE, P.E.	<u>Page</u>
By Mr. Atkin	6

REGIONAL REPORTING SERVICE, INC.

E X H I B I T S

<u>Plaintiffs'</u>	<u>Marked</u>	<u>Offered</u>
One	7	
Two	11	
Three	25	
Four	28	
Five	47	
Six	53	
Seven	58	
Eight	69	
Nine	78	
Ten	87	
Eleven	88	
Twelve	90	
Thirteen	95	
Fourteen	98	
Fifteen	101	
Sixteen	103	
Seventeen	108	
Eighteen	112	
Nineteen	114	
Twenty	117	
Twenty-one	137	
Twenty-two	140	
Twenty-three	142	
Twenty-four	145	
Twenty-five	148	
Twenty-six	152	
Twenty-seven	154	
Twenty-eight	157	
Twenty-nine	162	
Thirty	171	
Thirty-one	183	
Thirty-two	184	
Thirty-three	193	
Thirty-four	203	
Thirty-five	214	
Thirty-six	216	
Thirty-seven	221	
Thirty-eight	222	
Thirty-nine	224	
	231	

REGIONAL REPORTING SERVICE, INC.

E X H I B I T S

<u>Plaintiffs'</u>	<u>Marked</u>	<u>Offered</u>
Forty-one	234	
Forty-two	237	
Forty-three	244	
Forty-four	248	
Forty-five	259	
Forty-six	269	
Forty-seven	273	
Forty-eight	279	
Forty-nine	281	
Fifty	286	
Fifty-one	293	
Fifty-two	298	

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

REGIONAL REPORTING SERVICE, INC.

WATER_PCB-SD0000017934

MR. ATKIN: Thank you for
clarifying that.

Q. We will mark for identification
purposes, as Exhibit Twenty to your
deposition, a document bearing Bate's
number MONS 098414, dated January 29th,
1971. It appears to be a memorandum
from Mr. Papageorge to Mr. Savage, with
several recipients.

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

A. I have read the exhibit.

Q. Okay. By January 1971, you had
concluded that high levels of PCBs would
continue to exist in the plant waste
streams because of the PCBs trapped in
the soil and the sewer system, correct?

A. That is correct.

Q. Okay. What did you mean when you said
that high levels would continue because
of the PCBs trapped in the soil?

A. What I had in mind was the fact that

REGIONAL REPORTING SERVICE, INC.

PCBs tenaciously hang onto soil
particles like little magnets. And
since they aren't destructible in the
environment, they will be there forever,
such that any time a water flow occurs
in this soil, the chances of that soil,
with its PCB being transported, will
remain. And later if a sample of that
contaminated water is taken, sure
enough, PCBs will be found in it.

Q. Which soil were you referring to?

A. Well, this was soil in the plant where
previous contamination had occurred,
like an overflow of those neutralization
pits, for example.

Q. Okay. And what did you mean when you
said that the PCBs were trapped in the
soil?

A. It is another way of expressing my
magnetism the PCB has for surfaces,
clinging to them.

Q. In the last sentence of the second
paragraph you state, "Cleanup of these

REGIONAL REPORTING SERVICE, INC.

sources can be economically
impractical." Do you see that?

A. I do.

Q. What did you mean by that?

A. I was theorizing in a way what kinds of
technology could be applied to extract
the PCBs in soil. And with my quick,
off the top of head kind of study, I
visualized that this could be a
monstrous task in terms of equipment and
successful achievement. So I quickly
extrapolated that into an economic kind
of thought, and I was hoping that by
getting others involved we could get
perhaps a different perspective that
could still get to the solution without
my high costs estimates, which were, as
I said earlier, not based on any
highfalutin calculations or science. It
was just a gut feel I had that this
could be a monster.

Q. Okay. You also concluded that the PCB
contamination in the plant was so

REGIONAL REPORTING SERVICE, INC.

widespread that all of the plant's
effluents must be treated; is that
correct?

A. Yes.

Q. And that this would result in a system
more complex and costly than anyone had
anticipated, correct?

A. Yes.

Q. You also said the type treatment needed
approaches tertiary treatment -- that's
t-e-r-t-i-a-r-y -- which at Krummrich is
scheduled for completion by 1973.

What did you mean by tertiary
treatment?

A. There was at the time a proposal made by
the technical community in Monsanto,
which included researchers in the
engineering department, to subject any
contaminated soil to a three-step
process. That is where the word
"tertiary" came from.

I at this point in time don't
recall all of the details. But it

REGIONAL REPORTING SERVICE, INC.