

FOSHEE & TURNER COURT REPORTERS

1 IN THE UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF ALABAMA

3 EASTERN DIVISION

4
5 WALTER OWENS, et al.,)

6 Plaintiffs,)

7)

8 vs.) CIVIL ACTION NO.

9) CV-P-440-E

10 MONSANTO COMPANY,)

11 Defendant.)

12
13 DEPOSITION OF: EDWARD L. MASON

14
15 In accordance with Rule 5 (d) of The

16 Alabama Rules of Civil Procedure, as Amended,

17 effective May 15, 1988, I, TAMMY JENNINGS

18 GREGORY, am hereby delivering to MR. LARRY WRIGHT

19 the original transcript of the oral testimony

20 taken on the 26th day of October, 1999, along

21 with exhibits.

22 Please be advised that this is the same and

23 not retained by the court reporter, nor filed

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

2

FOSHEE & TURNER COURT REPORTERS

1 with the Court.

2 The deposition of Edward L. Mason was taken
3 before Tammy R. Jennings Gregory, commencing at
4 3:55 P.M. on the 26th day of October, 1999, by
5 the Plaintiffs, at the law offices of Fite &
6 Miller, Anniston, Alabama pursuant to the
7 stipulations set forth herein.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

3

FOSHEE & TURNER COURT REPORTERS

1 A P P E A R A N C E S

2

3 Appearing For The Plaintiffs:

4 MITHOFF & JACKS, LLP

5 By: Larry Wright, Esquire

6 111 Congress Avenue, Suite 1010

7 Austin, Texas 78701

8

9 Appearing For The Defendant:

10 LIGHTFOOT, FRANKLIN & WHITE

11 By: Buddy Cox, Esquire

12 The Clark Building

13 400 20th Street North

14 Birmingham, Alabama 35203-3200

15

16 Court Reporter:

17 Tammy R. Jennings Gregory

18

19

20

21

22

23

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

4

FOSHEE & TURNER COURT REPORTERS

1 INDEX

2

3 Witness: Edward L. Mason

4 Stipulations.....page 5

5 Examination by Mr. Wright.....page 7

6 Reporter's Certificate.....page 57

7

8

9

10

11

12

13 EXHIBITS

14

15 (No exhibits were admitted for identification,

16 offered, or attached as exhibits hereto.)

17

18

19

20

21

22

23

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

5

FOSHEE & TURNER COURT REPORTERS

1 STIPULATIONS

2

3 IT IS STIPULATED AND AGREED by and

4 between the parties through their respective

5 counsel that the deposition of Edward L. Mason

6 may be taken before Tammy R. Jennings Gregory, at

7 the law offices of Fite & Miller, Anniston,

8 Alabama on the 26th day of October, 1999.

9

10

11 IT IS FURTHER STIPULATED AND AGREED that

12 the signature to and the reading of the

13 deposition by the witness is waived, the

14 deposition to have the same force and effect as
15 if full compliance had been had with all laws and
16 rules of court relating to the taking of
17 depositions.

18

19

20 IT IS FURTHER STIPULATED AND AGREED that
21 it shall not be necessary for any objections to
22 be made by counsel to any questions, except as to
23 form or leading questions, and that counsel for

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

6

FOSHEE & TURNER COURT REPORTERS

1 the parties may make objections and assign
2 grounds at the time of trial or at the time said
3 deposition is offered in evidence or prior
4 thereto.

5

6

7 IT IS FURTHER STIPULATED AND AGREED that
8 the notice of filing of the deposition is waived.

9

10

11
12
13
14
15
16
17
18
19
20
21
22
23

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

7

FOSHEE & TURNER COURT REPORTERS

1 STATE OF ALABAMA, CITY OF ANNISTON,
2 OCTOBER 26, 1999,
3 3:55 P.M.,
4
5 EDWARD L. MILLER,
6 having been first duly sworn, was examined and
7 testified as follows:
8

9 COURT REPORTER: Usual stipulations

10 okay?

11 MR. PECK: Yes.

12 MR. WRIGHT: Yes.

13

14 EXAMINATION BY MR. WRIGHT:

15 Q. Good afternoon, Mr. Mason. Thank you for

16 coming down.

17 I'm Larry Wright, and I represent a

18 group of folks who are suing Monsanto. You

19 understand that, I'm sure?

20 A. Yes.

21 Q. Have you ever given a deposition before?

22 A. Yes.

23 Q. When did you give a deposition?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

8

FOSHEE & TURNER COURT REPORTERS

1 A. I don't remember the exact date on it or

2 year.

3 Q. Was it in Delaware?

4 A. I went to Wilmington, Delaware for a

5 deposition one time.

6 Q. I'm going to talk some more about that in a
7 minute, but because you've given a deposition
8 before, I'm not going to give you all the
9 rules and explanations that I normally would.

10 Let me just shortcut it and say
11 that if I ask a question that you don't
12 understand, go ahead and stop me and just say
13 Larry, I don't understand; can you ask it a
14 different way, and I'll be glad to do it.

15 Secondly, if you could answer out
16 loud so our court reporter can write that
17 down. I know you were told that before, but
18 everybody forgets, and so if you could try to
19 remember that.

20 Finally, if you could -- well, you
21 understand, I'm sure, that your testimony
22 that you're giving is under oath; correct?

23 A. That's correct.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. And that under certain circumstances, it can
2 be used in trial just like you were sitting
3 in a witness stand in front of the Judge and

4 jury?

5 A. Right.

6 Q. You understand that?

7 A. Yes.

8 Q. I understand you went to work at Monsanto in

9 1963?

10 A. That's correct.

11 Q. And your first job was in the aroclor

12 department?

13 A. That's correct.

14 Q. What was your job in the aroclor department?

15 A. I was a chemical operator.

16 Q. What did that mean?

17 A. That meant I operated process equipment in

18 that department.

19 Q. The only reason I'm wondering is because

20 yours is the first time I've heard the term

21 "chemical operator." Everybody else just

22 says I was an operator. Is that the same

23 thing?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

1 A. Same thing.

2 Q. Okay. And my understanding is that as
3 operators, y'all would rotate areas that you
4 worked in. Sometimes you'd work in the acid
5 area; sometimes you worked in the stills
6 here, and sometimes in the chlorinator area;
7 is that true?

8 A. That's true.

9 Q. Were there any other areas other than those
10 three general areas?

11 A. No, not in that department.

12 Q. When you started in 1963, can you describe
13 how the process for making aroclors worked
14 generally?

15 A. Well, you charged biphenyl into a
16 chlorinator, and then, of course, you had to
17 put a chloride catalyst into the biphenyl in
18 the feed tank.

19 And you charged that into the
20 chlorinator and then opened a valve on the
21 chlorine line and put chlorine through the
22 chlorinator, bubbled that through it until it
23 got to a certain specific gravity that you

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 were looking for.

2 Once it got there, it was a

3 completed product.

4 Q. Then where did it go?

5 A. You transferred it out of the chlorinator

6 into what we call a blowing tank where they

7 used air to blow through it to remove the

8 acid content from it. That's where we got

9 our HCL or the acid.

10 Q. Then where did the aroclor go?

11 A. From that tank, it went into a holding tank.

12 From that holding tank, it was charged into a

13 still where it was distilled. And from

14 there, drum it out or put it in trucks, cars,

15 railroad cars, whatever.

16 Q. Okay. And then the HCL gas went where?

17 A. To the acid plant.

18 Q. Okay. What happened in the acid plant?

19 A. Well, the acid plant was combined. The HCL

20 combined with water fed through a series of

21 equipment where it came out as muriatic acid.

22 Q. Was there a stream of water that also came

23 off of that process?

2001 PARK PLACE, SUITE 220

FOSHEE & TURNER COURT REPORTERS

1 A. Off of the acid process? No, I don't

2 understand that question. I mean, what are

3 you searching for there?

4 Q. You combined the HCL gas with water --

5 A. Right.

6 Q. -- in the scrubber; is that right, or

7 actually it was a tower?

8 A. Kind of a tower there.

9 Q. Okay. And what came off of that, off of the

10 tower, was muriatic acid?

11 A. Muriatic acid.

12 Q. And that's all.

13 A. That's all.

14 Q. No excess water?

15 A. That water you put the HCL through, and

16 dependent on what grade of acid you wanted,

17 weaker or stronger or whatever, you adjusted

18 your water flow into it to come up with that

19 grade of acid. We had to check the baume on

20 that acid routinely. Basically specific

21 gravity, I guess.

22 But we checked that to keep that on

23 line. And that water and that acid combined,

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

13

FOSHEE & TURNER COURT REPORTERS

1 and then that came through the tower and then
2 that was pumped into a storage tank.

3 Q. What happened when the storage tanks got
4 full?

5 A. Go into another storage tank.

6 Q. Did it happen that all of them would be full
7 from time to time?

8 A. I don't remember us being that full. You
9 know, may have happened, but I don't remember
10 us being that full.

11 Generally, we were shipping acid
12 out of there pretty regularly.

13 Q. What went to the scrubber, or is the scrubber
14 the same as the tower?

15 A. Well, a scrubber was a piece of equipment
16 where that HCL went through that and knocked
17 that excess, if there was any entrainment in
18 it, it knocked that out of it.

19 Q. Before it went to the tower?

20 A. Before it went to the tower.

21 Q. Okay.
22 A. That entrainment was taken out of there into
23 drums or skips, whatever they had in there.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

14

FOSHEE & TURNER COURT REPORTERS

1 Q. By "entrainment," what do you mean, the
2 aroclors?
3 A. Aroclor that might have been entrained in
4 that gas that come through there.
5 Q. Where did the water go off of the scrubber?
6 A. I don't know that we had water -- I don't
7 remember having water on that. That went
8 through a series of stuff in that scrubber
9 that knocked that stuff out of there, and
10 then your gas went through that.
11 And then we would go up there
12 routinely on a routine basis and open the
13 valve and drain that stuff into a skip or
14 whatever we had to hold it there.
15 Q. So you don't remember water --
16 A. I don't remember water coming off the
17 scrubber.

18 Q. Okay.
19 A. I don't remember. I mean, if you had water
20 going in the scrubber, you'd be making acid
21 right there.
22 Q. That's what I was wondering. Okay.
23 So it wasn't scrubbing it with

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

15

FOSHEE & TURNER COURT REPORTERS

1 water when it -- a lot of scrubbers use
2 water, and I know there were other scrubbers
3 being used around the plant where it meant
4 using water.
5 A. Yeah.
6 Q. And that's what kind of confused me.
7 A. Not in that.
8 Q. Okay. Now, going back to your deposition in
9 Delaware. Do you remember what time of year
10 that was?
11 A. Yeah, it was dead winter. I know that.
12 About two degrees when I went up there. I
13 liked to have froze to death. I don't
14 remember what year that was?
15 Q. Nobody --

16 A. You guys probably know that better than I do.

17 Q. Adam knows it. He won't tell me. That's why

18 I'm having to ask you.

19 A. I know it was cold.

20 Q. Okay.

21 A. Really cold.

22 Q. Okay. Several of the other guys have told me

23 they went up there, Dicky Walker, Nolen Sims,

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

16

FOSHEE & TURNER COURT REPORTERS

1 Mr. Hughes -- I can't remember whether he
2 went up there or not -- but Mr. Burkhart just
3 told us he went up there.

4 Do you remember whether you went
5 before those guys or after those guys?

6 A. I went probably just before Dicky Walker went
7 because I remember he and I being in the
8 hotel and having supper together in the
9 hotel.

10 Q. How long did yours last?

11 A. I was in there a long time. I told somebody,
12 maybe the other guy, Kelly, he asked about

13 it. But I think I was up there a good
14 portion of the day because I remember going
15 in that office that morning.

16 We broke, went to lunch, and we
17 came back to that office that afternoon.

18 Q. You wouldn't believe me, but you got off
19 light because two of those guys told me they
20 went a day and a half.

21 A. I wasn't there that long, but I was in there
22 most of the day. I thought it was an awful
23 long time.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

17

FOSHEE & TURNER COURT REPORTERS

1 Q. Do you remember what they asked you about?

2 A. Just generally?

3 Q. Yes.

4 A. Anything and everything they could think of.

5 I talked about so much that day. I've got a
6 copy of that transcript at home that thick
7 (indicating).

8 Q. Would you mind -- I guess --

9 MR. WRIGHT: What would be the best
10 way to get a copy, Adam, give it to the court

11 reporter? I guess he could just bring it up

12 here to Arthur's office.

13 MR. PECK: Yeah. Just bring it to

14 Arthur. I'll tell Arthur you're gonna do

15 that.

16 Q. (By Mr. Wright) Let me just ask you: Would

17 you mind bringing it up and dropping it off

18 and letting them make a copy of it to give

19 back to you?

20 A. No. If that's what you guys want.

21 MR. PECK: I mean, I don't know of

22 any reason why that's not okay. But for the

23 time -- as far as you're concerned, if you

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

18

FOSHEE & TURNER COURT REPORTERS

1 could just bring a copy, drop it with

2 Arthur's office, and then we'll decide. I

3 don't know if there is a reason why --

4 THE WITNESS: If -- and I'll say

5 this: If I've still got it. I said I've got

6 it. But you know how people do things.

7 I may have thrown that thing away,

8 but I don't think so. I think it's somewhere
9 in my study at home.

10 MR. PECK: If there's some reason
11 why that I'm not aware of --

12 THE WITNESS: If for some reason
13 I've thrown it away, I'll just call you and
14 let you know.

15 Q. (By Mr. Wright) Yeah, just let us know. Do
16 you live here in Anniston?

17 A. No, I live in Southside, about thirty miles
18 north of here.

19 MR. PECK: I don't know, Larry. I
20 don't know if those were taken under some
21 sort of protective order or anything.

22 You know, insurance litigation many
23 times there are privilege issues that are

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

19

FOSHEE & TURNER COURT REPORTERS

1 completely waived because of the weird nature
2 of that litigation. I just don't know what
3 issues --

4 MR. WRIGHT: I can't imagine any,
5 but I'd be real interested to hear them.

6 MR. PECK: I mean, I just can't
7 agree right here and now that I'm going to
8 give you his deposition when we get it from
9 him. But, you know, we'll get it in
10 position, and we can deal with it.

11 MR. WRIGHT: Let's get it first,
12 and then we can -- y'all can --

13 MR. PECK: I don't see it as a
14 problem, I just -- but I wasn't part of it
15 and don't know anything about it, really.
16 Hasn't much come up in this litigation until
17 now.

18 MR. WRIGHT: Well, I mean, it's
19 come up over the last two weeks. And just
20 for the record, this is something that we
21 specifically asked about in interrogatory
22 number eleven and our request for production
23 of documents that we proposed four months

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

20

FOSHEE & TURNER COURT REPORTERS

1 ago.

2 And so, you know, I've been what I

3 think is remarkably patient and tolerant
4 about getting the material, but --

5 MR. PECK: Do you think that that
6 interrogatory called for you to receive his
7 deposition from that litigation?

8 MR. WRIGHT: Yes. Well, no, I
9 asked you to tell us every Monsanto employee
10 or Monsanto expert who had been deposed in
11 litigation concerning or relating to releases
12 of PCBs from -- or other contaminants, I
13 believe -- from the Anniston plant.

14 And then there was a request for
15 production that asked you to produce copies
16 of those depositions which were identified in
17 response to interrogatory number eleven.

18 MR. PECK: As you know, that
19 litigation involved issues well beyond -- as
20 you've heard even today -- that litigation
21 involved issues well beyond the release of
22 aroclors.

23 In fact, that may or may not have

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

1 been an issue. We've produced hundreds of
2 depositions to you in this litigation.

3 MR. WRIGHT: Well, no, you haven't
4 produced hundreds of depositions. You've
5 produced tens of depositions and --

6 MR. PECK: I bet it adds up to at
7 least a hundred.

8 MR. WRIGHT: And some of them --
9 some of the people have been deposed two or
10 three times, and I've got one of the
11 depositions. Some of them I found out have
12 been deposed, and I don't have any of the
13 depositions.

14 But in all fairness, you've
15 produced a lot of depositions to me. But all
16 I'm saying is that I think this is -- the
17 depositions of these employees are clearly
18 related to some of the issues that we're in
19 this litigation about. And I think we're
20 entitled to them, and so we'd asked for
21 them.

22 Again, I respectfully ask for them,
23 and to the extent they exist in the state of

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Alabama, I'd like to get going on it.

2 MR. PECK: You've made your request
3 clear. I was just stating my position.

4 MR. WRIGHT: I understand.

5 MR. PECK: I can't commit right
6 here and now to give it to you, but I'll
7 certainly look at it.

8 Q. (By Mr. Wright) Going back on the record or
9 back to the substance of our deposition. I
10 was asking you the things that they asked you
11 about. And you said they asked you a whole
12 bunch of questions about a whole bunch of
13 things.

14 Are there any specifics that you
15 can recall?

16 A. Basically the same thing, you know, --

17 Q. The operation of aroclor department?

18 A. Operation of aroclor, who worked there, when,
19 the whole span of questions.

20 Q. You're fortunate in this case because you're
21 coming after I've deposed about a half dozen
22 other former aroclor guys, and I'm starting
23 to get a pretty good feel for how the

FOSHEE & TURNER COURT REPORTERS

1 department operated. So I'm not going to ask
2 you the big list of question that I've been
3 normally asking.

4 One of the things that I would like
5 to ask you is: How did the operations of the
6 aroclor department change, if they did, from
7 the time you started in '63 to the time you
8 last worked there, which as I understand
9 would have been in '70 or '71?

10 A. '69, '70. In that area.

11 Q. How did the operations change, if at all,
12 during that period?

13 A. The operation there grew, not a whole lot,
14 because we had eight chlorinators when I was
15 there. We wound up with, I think, eleven or
16 twelve when I left.

17 The operation when I started there
18 was pretty much a manual operation, if you
19 will.

20 Q. Okay. Can you describe that? Because
21 frankly, the only one I've had described is I
22 think after it was automated. So you're the

23 first one that --

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

24

FOSHEE & TURNER COURT REPORTERS

1 A. Well, most all of them -- some of them that
2 came along a year and a half or so after I
3 did got there when we were starting to
4 automate.

5 When I got there, we had one
6 multipoint temperature recorded. It recorded
7 temperatures on the vessels out there, and
8 that's all we had.

9 Q. When you say, "multipoint," what do you mean?

10 A. That means you've got several -- like, say,
11 twenty four -- twelve to twenty-four points
12 on that thing that it would read out on
13 different vessels each point, and it would
14 draw a line, you know what I'm saying. It'd
15 stamp it wherever the temperature was at.

16 Q. So you measured -- each vessel you would
17 measure the temperature in different places
18 inside the vessel?

19 A. No.

20 Q. Okay.
21 A. We had a thermal couple temperature sensor in
22 the vessel that measured the temperature of
23 the material in the vessel.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

25

FOSHEE & TURNER COURT REPORTERS

1 Q. Just one measurement?
2 A. Just one measurement.
3 Q. Okay.
4 A. One measurement is all you had. There were
5 dial thermometers outside that you could look
6 at on that vessel. But you just had that one
7 point on each vessel that you were reading
8 inside.
9 Q. When you say, "inside," are you talking about
10 inside --
11 A. In the control room.
12 Q. Okay.
13 A. Basically, what we did, we would manually
14 charge the tanks by using a stick to stick
15 and determine how much we had in it, that
16 type thing, a rod or whatever you stick down
17 in the vessel and determine what kind of

18 outage you had.
19 And you filled it to a certain
20 place. Like if you wanted to charge a
21 biphenyl, then we'd put in the catalyst in
22 that tank, agitate it, and then it got pumped
23 into a chlorinator. You knew how much to put

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

26

FOSHEE & TURNER COURT REPORTERS

1 in that tank for a full chlorinator.
2 Once it got charged into the
3 chlorinator, you set your valves up to
4 circulate that material. You would then go
5 down and open a manual valve on a chlorine
6 line, and it went through a distributor where
7 it allowed the chlorine to bubble through the
8 biphenyl.

9 As the chlorine bubbled through
10 that biphenyl, it would heat it up, and you
11 would have to watch your temperatures on your
12 vessels and go down there and manually open
13 the water valves on the coil inside to keep
14 that vessel cool.

15 Q. Were you in charge of all eight chlorinators
16 when you were working the chlorinator area?

17 A. When we ran the chlorinators, you had two
18 people running the job. One of them was sort
19 of, I guess you would call it, part time at
20 the chlorinators.

21 MR. PECK: Are you talking about
22 the manual time period?

23 THE WITNESS: Yeah, the early

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

27

FOSHEE & TURNER COURT REPORTERS

1 days. And this -- basically, this two-people
2 thing basically went on the whole time I
3 worked there.

4 But you had a primary chlorinator
5 operator, and then you had a guy that ran the
6 HCL plant and looked after that. And then he
7 would come down and assist with the
8 chlorinator operation.

9 But that was basically what you
10 did. You put the water on the coil to keep
11 it a specific temperature, and then
12 occasionally you knew about how long it would

13 take for it to chlorinate. That was the
14 process of learning how to go.
15 And you would go out and catch
16 samples and run specific gravities. Once it
17 got to the point that you wanted, you cut the
18 chlorine off of it, pumped it into what we
19 call a blowing tank --

20 Q. How did --

21 A. -- blow air through it for a certain period
22 of time, and then pump it into a holding
23 tank.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

28

FOSHEE & TURNER COURT REPORTERS

1 Q. How did that change? How did that part of it
2 change?

3 A. What changed there is just instrumentation.

4 Q. You got a lot better instruments?

5 A. You got a lot more sophisticated
6 instrumentation. You got -- where we used to
7 have glass tube rotometers in a chlorine
8 line, they came in and put flow meters in
9 there, and you could determine how much

10 chlorine flow that you had going through it.

11 Q. And then I understand y'all got a new control

12 room that held all that?

13 A. Built a new control room that held all those

14 controllers. We had level controls, level

15 instruments on all our vessels instead of

16 sticking them.

17 Q. Did the new instrumentation help prevent

18 spillovers?

19 A. Oh, yeah. That's the whole name of the ball

20 game for it. It's a simple process that all,

21 I guess, all industries went through, you

22 know.

23 Years and years ago, no industry

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

29

FOSHEE & TURNER COURT REPORTERS

1 had anything like that. Now it's high-tech.

2 Q. Yeah. I want to talk to you a minute about

3 the cooling water. Mr. Hughes came in and

4 drew us these diagrams, and this is the

5 chlorinator area.

6 A. Uh-huh (indicating yes).

7 Q. And he's drawn the eight chlorinators.

8 A. Uh-huh (indicating yes).

9 Q. And then he drew what he called a ditch. Did

10 you call it a ditch?

11 A. Well, it's what we called --

12 Q. -- sewer or drain?

13 A. Yeah, drain.

14 Q. Okay.

15 A. Let me look right here just a minute.

16 Q. Go ahead and get oriented.

17 MR. PECK: They kind of all match

18 up.

19 Q. (By Mr. Wright) For the record, he's looking

20 at Hughes -- well, Exhibit Number 1.

21 A. Right. Okay.

22 Q. I'm not going to assemble the whole -- we've

23 got additional drawings that show the

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

30

FOSHEE & TURNER COURT REPORTERS

1 different areas and how they relate, but for

2 the purpose of these questions, I'm not going

3 to assemble the whole thing. You're oriented

4 though; right?

5 A. Right. I know where I'm at.

6 Q. Okay. He described that there are coils
7 inside the chlorinators that carry the
8 cooling water?

9 A. Right.

10 Q. And that the cooling water comes in, goes to
11 those -- goes into those coils, runs through
12 the chlorinator, and then comes out and is --
13 comes out and exits into the --

14 A. -- discharged into that ditch.

15 Q. Into this ditch and then down on into the
16 sewers?

17 A. Right.

18 Q. Did that ever change? Did that process ever
19 change?

20 A. You'll have to give me a minute to think.
21 That process changed in that they put
22 automatic valves on these things so that when
23 this temperature got to a certain point, that

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

1 automatic valve would open.

2 Q. And spill the water into the ditch?

3 A. Just no more than it needed to to keep it --
4 I mean, you know, instead of me opening and
5 closing the valve, the automatic valve sensed
6 that temperature, and your controller opened
7 that valve to control that temperature there.
8 Q. When did that change? That was part of --
9 A. That was changed in -- started changing in
10 '65, '66 time frame.
11 Q. Okay. And just so that it's clear, in the
12 old days, the way you regulated the cooling
13 water was you had to manually go and open a
14 valve to let more or less cooling water go
15 out into this ditch?
16 A. Uh-huh (indicating yes).
17 Q. And then later it changed so that the machine
18 would automatically let more or less cooling
19 water into the ditch, depending on what was
20 necessary?
21 A. Depending on what the temperature was, yeah.
22 Q. But the water always went into the ditch?
23 A. As far as I know, yeah.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

1 Q. Okay. What else went into this ditch?

2 A. There was nothing supposed to be in that

3 ditch but water.

4 Q. Okay. I know y'all would wash the area down

5 at the end of each shift; is that right?

6 A. Yeah.

7 Q. And all of that waste water would go into --

8 A. All that went into the ditch.

9 Q. And so if, for example, you're washing

10 aroclors off, they would get carried into the

11 ditch?

12 A. If there were any on that floor, they would

13 have got carried in that ditch, yes. I can't

14 deny that.

15 Q. All right.

16 A. We had a stringent policy though of emptying

17 those pans and -- of course after a while,

18 they got mechanical seals on that pump seal.

19 Pretty well cured that.

20 Q. When did that come in, the seals on the pumps

21 that used to leak?

22 A. That's about -- about the same time. We used

23 to have packing glands on there that they

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 used to take packing and pack them --

2 Q. Right.

3 A. -- and we'd have to go down there and pull up
4 on that packing -- started dripping in the
5 pan, and you can pull up and keep it from
6 dripping, you know, and empty your pans into
7 buckets.

8 If something got out on the floor,
9 you had to put something on it, sand or
10 whatever, you know.

11 Of course biphenyl -- if biphenyl
12 got out on the floor, first thing we did was
13 put water on it. Water would just freeze it,
14 you know. It would just freeze right up.

15 And then you could just take a
16 shovel or scrape or whatever and shovel it up
17 and put it in a drum and go on with it.

18 Q. You're not talking about the aroclor?

19 A. No, just raw product. Now, if it was a solid
20 aroclor, same way. After you chlorinated
21 aroclor for a specific amount of time, it
22 would turn into a solid material. When it'd
23 cool down, it would be the same way.

FOSHEE & TURNER COURT REPORTERS

1 But your other aroclors that
2 weren't solid, you had to use some kind of
3 sand or something, you know, to pick it up
4 with.

5 Q. On the pumps, when do you think the pumps got
6 changed out?

7 A. I'm saying about the same time we started our
8 -- we started our automation work.

9 Q. You think --

10 A. They were starting.

11 Q. -- '66 time frame?

12 A. I'm saying between '66 and '70, they were
13 phasing all that in, you know, going away
14 from packing, you know.

15 Q. Eventually did all of the pumps get changed
16 to the new style?

17 A. As far as I know, yeah.

18 Q. But you don't remember when that was?

19 A. You know, every pump in that plant eventually
20 got a mechanical seal on it.

21 Of course they're not foolproof,

22 and after a while, they'll wear out and start
23 leaking, and you've got to replace them.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

35

FOSHEE & TURNER COURT REPORTERS

1 It's the nature of the beast.

2 Q. Do you remember pipes leaking or busting or
3 failing somehow and allowing aroclor to come
4 out?

5 A. There were occasions of that. Now, any
6 specific incidents, no, I couldn't tell you
7 that, but, yes.

8 Q. What kind of things do you remember along
9 those lines even though you don't remember
10 specifics?

11 A. You may have had a vessel overflow or
12 something and material out on the ground.
13 When it does, if it's biphenyl, you chip it
14 up and put it in the drums.

15 If it's liquid aroclor, you put
16 sand or something on it and pick it up.

17 Q. Were you ever involved in the sampling or
18 testing water from the drainage ditch?

19 A. No, no. That was a process that our

20 laboratory personnel did.

21 Q. Did you ever assist them or go with them when

22 they did that?

23 A. Not to my knowledge.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

36

FOSHEE & TURNER COURT REPORTERS

1 Q. Did you ever go to the landfill?

2 A. No, never set foot in that landfill.

3 Q. Did you ever go -- go ahead?

4 A. I'm surprised in thirty-three years that I

5 didn't, but I did not. I never went in the

6 landfill.

7 Q. Did you ever go into the caustic chlorine

8 operation?

9 A. I walked over there just to go over there at

10 a time, but I never worked in that place,

11 never did work in it.

12 Q. I started out asking you how the operation,

13 the aroclor operation, changed over time.

14 And we've talked about a couple things.

15 We've talked about new and better

16 instrumentation, new control room, and

17 changing out the old leaky pumps for
18 mechanical seal pumps.
19 Any other ways the aroclor
20 operations changed from '63 to '70 or '69
21 when you stopped working in there?
22 A. Well, just like I say, everything was pretty
23 much automated, you know. Started making it

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

37

FOSHEE & TURNER COURT REPORTERS

1 better.
2 You had level instruments on your
3 tanks instead of having to stick them, you
4 know, for level. That helped us as operators
5 because we didn't have to get our face over a
6 manhole to be breathing fumes, you know. Use
7 level instruments.
8 They at one time had laborers, you
9 know, setting drums on old manual scales, you
10 know, and opening valves and filling them up
11 to a certain weight and cutting them off and
12 then have to put the bungs in them and roll
13 them off.
14 And they went to conveyor systems

15 that rolled the drums in on a conveyor type
16 system. That type thing.
17 Q. When did that come in, the conveyor system?
18 A. Basically the same period of time. In '60,
19 '65 area on up, it was just a continual
20 process of improving the instrumentation and
21 the automation of that unit.
22 Q. I've seen reference to a big expansion in the
23 '69, I guess, '70 time frame. What do you

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

38

FOSHEE & TURNER COURT REPORTERS

1 remember that entailing?
2 A. I think when they did that, they did some
3 large chlorinators. I told you there was
4 originally eight when I went there.
5 Q. Right.
6 A. And wound up with twelve, I think. And those
7 other chlorinators were solid aroclor
8 chlorinators. Bigger units, that type thing.
9 Q. Was the operation of those units essentially
10 the same as what you described?
11 A. Basically the same, but your solid aroclors

12 used santowax as a raw material instead of
13 biphenyl.
14 Q. Do you ever remember there being some concern
15 about contamination or impurities in the
16 santowax?
17 A. No, huh-uh (indicating no).
18 Q. Specifically do you remember concern about
19 there being dibenzofurans in the santowax?
20 A. No. You're talking over my head now.
21 Q. Okay.
22 A. No, that would have been something the
23 engineering, lab people would have been

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

39

FOSHEE & TURNER COURT REPORTERS

1 concerned with more so than me.
2 Q. When did you first hear about PCB
3 contamination being outside the plant
4 property?
5 A. That would have had to have been in the late
6 '60s, early '70s.
7 Q. What do you remember?
8 A. Go ahead.
9 Q. I was just going to ask you what -- you were

10 probably about to answer this question. What

11 do you remember hearing about that issue?

12 A. I think all that came about because of the

13 National thing with PCBs, you know what I'm

14 saying, and they started testing and maybe

15 found some of it.

16 Q. What I'm wondering is --

17 A. Again, my concern was more or less operating

18 it, maintaining, you know.

19 Q. I've talked to some of the guys, and they say

20 they remember hearing about it back in the

21 time frame you're talking about '69, '70.

22 A. Uh-huh (indicating yes).

23 Q. Others say they don't remember hearing about

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

40

FOSHEE & TURNER COURT REPORTERS

1 PCBs being off the plant property until in

2 the '90s. So I'm just wondering what you

3 remember about -- not just about PCBs in

4 general, but about PCBs being in Anniston off

5 of Monsanto plant property?

6 A. Not a whole lot. Like I say, all I know is

7 when it hit big time Nationally, you know,
8 you start hearing about it.

9 Q. Start hearing about it being off of --

10 A. Well, I mean, you know, our people have been
11 busy checking for years and years and years,
12 I guess, trying to determine and do something
13 about any problems they had. So --

14 Q. Well, I'm not -- let me object
15 nonresponsive. And I'm not picking on you,
16 but I'm just not clear on what you're trying
17 to tell me.

18 A. Yeah.

19 Q. I'm asking specifically what you remember
20 hearing about Monsanto PCBs being off
21 Monsanto plant property? First of all, do
22 you remember hearing that that had occurred,
23 that Monsanto PCBs were in Snow Creek or

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Choccolocco Creek?

2 A. Nothing specific. I just know we started
3 making a lot more efforts at trying to
4 contain anything that could get off plant

5 property.

6 Q. Do you remember when that started?

7 A. Again, you're talking in the late '60s.

8 Q. Exactly what did y'all start doing

9 differently to keep PCBs from getting off the

10 plant property?

11 A. Well, they had a catch basin out there by the

12 side of the process vessel out there that

13 they built into the ground so the water for

14 those -- that water supply, the ditch, if you

15 will, to run through, that anything that got

16 into that would go in there and settle and

17 then could be pumped out of there.

18 We had a system to pump that out to

19 keep it from going out with the water.

20 Q. Are you talking about the brick sump that

21 they dug into the ground?

22 A. Yeah, yeah.

23 Q. And as I understand it, that was downstream

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

1 at the limestone pit there?

2 A. No, no.

3 Q. Where was that?

4 A. This was right north of the department area,

5 process area --

6 Q. Okay.

7 A. -- what I'm talking about.

8 Q. Who built that sump?

9 A. One of the contractors they had out there. I

10 couldn't tell you which one.

11 Q. By "contractor," do you mean non Monsanto?

12 A. Non Monsanto contractor. It wasn't any of

13 our maintenance people.

14 Q. That's what I was wondering. Okay. Do you

15 remember specifically when that sump was put

16 in?

17 A. No, no. I couldn't tell you that.

18 Q. Did you have any involvement with it other

19 than just knowing it was there and seeing it

20 from time to time?

21 A. Well, the only involvement I would have had

22 would have been to check it for a level of

23 any kind of aroclor or anything that may have

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

1 been in it and pumped that back into drums
2 or, you know, back into a process where we
3 could reuse it.

4 Q. And you remember doing that?

5 A. Yeah.

6 MR. PECK: You have to answer out
7 loud.

8 THE WITNESS: Yes.

9 Q. (By Mr. Wright) How often were you supposed
10 to check it?

11 A. It would be checked every day.

12 Q. How often did you pump it?

13 A. Only when the level got to a specific amount
14 in there.

15 Q. How often would that be?

16 A. I couldn't -- I can't tell you right now how
17 often that would be, and I couldn't tell you
18 what the level was supposed to be before we
19 pumped it out. But as with anything else,
20 you would have had a set amount that we would
21 used for that.

22 Q. So you could see the aroclors down there
23 under the water?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. No, not necessarily.

2 Q. How did you tell?

3 A. That thing had a lid on it.

4 Q. Okay. How could you tell when it needed to
5 be pumped out?

6 A. We had level instruments on it.

7 Q. Explain that for me.

8 A. You got a level instrument on the thing that
9 can read the differential between water and
10 the aroclor.

11 Q. Okay.

12 A. And when that aroclor got to a specific
13 level, you pumped it down until it was down.

14 Q. And you don't remember whether that was --

15 A. I don't know what our level was.

16 Q. -- weekly or monthly?

17 A. No.

18 Q. You remember doing it more than once, I
19 assume, pumping it out?

20 A. I couldn't tell you how many times I was
21 involved in that. You're talking about a
22 long time ago.

23 Q. Okay. Anything else you remember being done

FOSHEE & TURNER COURT REPORTERS

1 to try to prevent aroclors from leaving the

2 plant property?

3 A. No. I think we've about basically covered,

4 you know, what was done there.

5 Q. How did you hear about the plant, the aroclor

6 plant, shutting down?

7 A. Well, the way I heard about it, we were told

8 that the -- aroclor going out of aroclor

9 business because the Government had band

10 PCBs. It's over.

11 Q. Who told you that, do you remember?

12 A. I don't remember who told me that.

13 Q. Was there a plant wide meeting explaining why

14 the shutdown, or was it just word of mouth?

15 A. Oh, yeah, yeah, you know. If something like

16 that come about, they would tell us. That's

17 what I'm saying. I don't remember who made

18 the announcement.

19 It could have been in a meeting.

20 It could have been in a plant wide news

21 letter or however. I don't exactly remember

22 it, but that's the word we got.

23 Q. So you don't have a specific recollection of

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

46

FOSHEE & TURNER COURT REPORTERS

1 a meeting?

2 A. No.

3 Q. And you don't have a specific recollection of

4 a news letter?

5 A. No.

6 Q. Anything else about the reasons why they were

7 shutting down aroclor?

8 A. No.

9 Q. Okay. Now, you were not working in the

10 aroclor plant at the time it actually shut

11 down, were you?

12 A. No.

13 Q. Where had you gone after that?

14 A. I had transferred into maintenance department

15 as an electrician.

16 Q. What was your job?

17 A. As an electrician.

18 Q. Why don't we take a quick break?

19 (Short recess.)
20 Q. Were the led pots still being used when you
21 started in '63?
22 A. Yes.
23 Q. How long were they used?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

47

FOSHEE & TURNER COURT REPORTERS

1 A. Not long. Probably a year, maybe two years,
2 and then they were dismantled. They built
3 that tubular unit up there.
4 Q. Explain how the led pots worked.
5 A. I don't have any idea.
6 Q. You didn't --
7 A. No, sir, I never worked in that area.
8 MR. PECK: What are the led pots?
9 Q. (By Mr. Wright) Biphenyl production, wasn't
10 it?
11 A. They were for biphenyl production. I know
12 what they were and where they were, but I
13 never run them and don't know anything about
14 them.
15 Q. Well, that was my question. So -- what was
16 the HCL scrubber jet, the HCL off gas

17 scrubber jet? Does that make any sense to
18 you?
19 A. (Witness nods head.)
20 Q. What was it?
21 A. They used a jet to pull that HCL from the
22 aroclor department up to the acid plant.
23 Q. Was it exposed to the atmosphere?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

48

FOSHEE & TURNER COURT REPORTERS

1 A. The jet?
2 Q. Yeah.
3 A. A jet uses steam, if you will, through a
4 series of nozzles --
5 Q. Okay.
6 A. -- to pull a vacuum on the line, and that
7 vacuum would, in turn, pull that HCL through
8 the line to that plant.
9 Q. What happened to the water off of the steam?
10 A. It went to the ground -- to the sewer.
11 Q. To the cooler water ditch or sewer?
12 A. Not this one here. It would have been up
13 there in the acid plant.

14 Q. Okay. As a percentage of an aroclor batch,
15 what got left in the still bottoms?
16 A. In the still bottoms.
17 Q. Yeah.
18 A. That's what we called them.
19 Q. Yeah. If a chlorinator is a hundred percent
20 chlorinator, a batch through a chlorinator is
21 a hundred percent, how much of that -- what
22 percent of that as a ballpark figure would be
23 left in the still bottoms?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

49

FOSHEE & TURNER COURT REPORTERS

1 A. I wouldn't be able to tell you that with any
2 accuracy. I'd want to say maybe ten, maybe
3 fifteen percent. But I wouldn't. I'm not an
4 expert on telling you that's exact.

5 For instance, a one chlorinator
6 would probably not have made a single still
7 batch.

8 Q. Right.

9 A. Do you see what I'm saying?

10 Q. Right.

11 A. That's the reason you put it into a storage

12 tank or feed tank as holding tank and then
13 pumped that, you know, into the still until
14 you got to a certain level on the still. And
15 those stills, I'm --

16 Q. How big were the stills?

17 A. I want to say a thousand to two thousand
18 gallons. I don't really remember exactly
19 what they were. I really don't.

20 Q. They must have been bigger than fifteen
21 hundred gallons because I've seen a memo
22 where there was a fifteen-hundred-gallon
23 spill out of the still?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

50

FOSHEE & TURNER COURT REPORTERS

1 A. (Witness nods head.) Well, that could have
2 occurred if the material was in the still and
3 they proceeded to try to charge into it, you
4 know.

5 Q. That happened from time to time?

6 A. I don't know. I don't remember overflowing
7 one.

8 Q. This was in '69, I think November of '69.

9 Were you still there?

10 A. I was probably at that time -- I don't know

11 for sure -- but probably at that time I was

12 in maintenance in the electrical group.

13 Q. Do you remember any other sizable spills?

14 And by "sizable," I'm talking about more than

15 a few drops or, you know, a cupful here or

16 there.

17 A. A cupful ain't much at all, really. Of

18 course anything like that, you know, would

19 have been a sizable spill, but you would --

20 there were probably maybe several instances

21 of that over the years, but to relate any of

22 them to you, it would be hard for me to do.

23 Q. Yeah. I'm not asking you to give me dates or

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 anything like that.

2 A. But basically, you know, if something ran

3 over that way, if a coil burned out on a

4 still vessel on a furnace and that

5 happened --

6 Q. How would that affect it?

7 A. Well, if --

8 Q. If a coil burned out.

9 A. Well, if a coil burned out, you just had to
10 shut down your circulation pump and leave the
11 material in the still while maintenance came
12 over, opened the coil, took the coil out, put
13 a new one in, and start it back up.
14 Basically, if a coil burned out, see, you'd
15 have a material spill in there.

16 But, again, those weren't the type
17 of things that would get into a ditch. They
18 run on the floor, and they'd put sand on it,
19 dig it up, and go on with it.

20 Q. I guess if it was a big enough spill, it
21 would get in the ditch?

22 MR. PECK: Object to the form of
23 the question. Go ahead.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 THE WITNESS: Okay.

2 Q. (By Mr. Wright) If it was a big enough
3 spill, it would get in the ditch; right?

4 MR. PECK: Object to the form of
5 question. You can answer. When I object to
6 the form of the question, you --

7 THE WITNESS: Yeah, any spill big
8 enough might get in the ditches. I think we
9 all know that.

10 Q. (By Mr. Wright) Well, what kind of things
11 would result in spills? I talked about a
12 cup, but let's say a gallon, bigger than a
13 gallon.

14 MR. PECK: Object to the form of
15 the question.

16 THE WITNESS: If you had a seal on
17 a pump go bad and it just -- total failure of
18 it and somebody didn't get there to see it,
19 you know what I'm saying, within a short
20 period of time, you could have had that kind
21 of spill.

22 Q. (By Mr. Wright) Okay.

23 A. I mean, there's all sorts of scenarios.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

1 Q. And I guess what I'm asking is: I know there

2 are all kind of possible things that could go
3 wrong, but what I'm asking is: Even though
4 you don't necessarily remember any specific
5 things right now, were there spills like that
6 that happened periodically?

7 A. Yeah.

8 Q. All right. Now, you mentioned the cleanup
9 process. As I understand it, y'all would put
10 sand on it, let the sand soak up as much
11 aroclor as it could, shovel the sand into a
12 drum?

13 A. (Witness nods head.)

14 Q. You need to say yes.

15 A. Yes. Excuse me.

16 Q. That's all right. And then, again, at the
17 end of the shift, whatever was left after the
18 sanding operation would end up being washed
19 off the concrete and into the sewers?

20 MR. PECK: Object to the form of
21 the question.

22 THE WITNESS: Yeah. Generally, you
23 tried to get it all up with that sand. If it

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

1 wasn't all off the concrete or whatever,
2 you'd try to put more sand on it, you know
3 what I'm saying, pretty much dry it up.

4 Of course, I'm sure that even, you
5 know, trying to dry it up, if you wash down,
6 there's some trace amounts of it still there,
7 you know what I'm saying.

8 Q. (By Mr. Wright) Well, I guess I'm
9 analogizing it to spilling motor oil or
10 something on the concrete floor, and you put
11 sand on it, and the sand's going to soak up a
12 lot or most of the oil.

13 You shovel it up with a shovel, and
14 that's going to get most of the sand, but
15 just common sense tells me there's always
16 going to be some sand and some oil left
17 there.

18 And then that's the purpose of the
19 cleanup, as I understand it, at the end of
20 the shift is to make sure all of that gets
21 off of there so you start the next shift with
22 a clean surface?

23 A. That's correct.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203

FOSHEE & TURNER COURT REPORTERS

1 Q. I think that's all the questions I have.

2 Thank you for your time, sir.

3 If you could drop that deposition
4 off at your -- as soon as you can, I'd
5 appreciate it because I'm only here until
6 midday on Thursday.

7 I hope it will be possible before
8 then for you to do that.

9 A. I will try to find that thing when I get home
10 tonight. It may be kind of late or until
11 morning, and if I find it, I'll try to get it
12 here before you leave.

13 Q. I appreciate it.

14 A. I'm not going to promise you I'm going to run
15 straight back with it.

16 Q. You've got other things going on.

17 A. I've got other things going on.

18 Q. I know that.

19 MR. PECK: Ed, if you don't find it
20 at all, my direct dial is on there. I'll be
21 here, but I have voice mail. Can you just
22 leave me a message so that Larry is not
23 looking for it?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

56

FOSHEE & TURNER COURT REPORTERS

1 THE WITNESS: If I don't find it,

2 I'll call and let you know that.

3

4 (Deposition concluded at 5:05 p.m.)

5 FURTHER THE DEPONENT SAITH NOT.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

57

FOSHEE & TURNER COURT REPORTERS

1 C E R T I F I C A T E

2

3 STATE OF ALABAMA)

4 CALHOUN COUNTY)

5

6 I HEREBY CERTIFY that the above and
7 foregoing transcript was taken down by me in
8 stenotype, and the questions and answers thereto
9 were transcribed by means of computer-aided
10 transcription, and that the foregoing represents
11 a true and correct transcript of the testimony
12 given by said witness.

13 I FURTHER CERTIFY that I am neither
14 of counsel, nor of any relation to the parties to
15 the action, nor am I anywise interested in the
16 result of said cause.

17

18

19

20

21 TAMMY R. JENNINGS GREGORY

Notary Public, State of Alabama

22 MY COMMISSION EXPIRES: 9-12-2001

23

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO