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1 there.

2 This is going to be 14.

3 (Stanley Exhibit 14 was identified.)

4 BY MR. SUMMY:

5 Q Do you need a second to take a look at it?

6 We can go off the record and give you a chance.

7 A Okay. Thank you.

8 THE VIDEO OPERATOR: Going off the record.

9 The time is 15:51:59.

10 (Pause in the proceedings.)

11 THE VIDEO OPERATOR: Back on the record.

12 The time is 15:53:54.

13 BY MR. SUMMY:

14 Q I've handed you what's been marked as
15 Deposition Exhibit Number 14, which is a document
16 that has a title of "MTBE, the Need for a Balanced
17 Perspective, Curtis C. Stanley, Equilon Enterprises
18 LLC." Is this a document that you prepared?

19 A I believe this is a draft document of an
20 editorial which I did for the groundwater
21 newsletter.

22 Q What groundwater newsletter?



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1 A The National Groundwater Association.

2 Q Do you know what year your article was
3 published?

4 A '98 or '99, somewhere in there.

5 Q If you look down at the third paragraph of
6 the first page.

7 A Yes.

8 Q Second sentence, it says, "The first time
9 that I dealt with an MTBE release was in 1980 after
10 conducting a site assessment. I was amazed to see
11 that MTBE migrated faster and farther than BTEX.
12 Because of that I quickly developed a different
13 perspective for MTBE (most things biodegrade
14 easier). With our current level of understanding of
15 basic MTBE properties in relation to BTEX, extended
16 migration (relative to BTEX) is to be expected."

17 Do you see that?

18 A Yes.

19 Q First of all, what you're referring to
20 there is what you learned in dealing with the
21 Rockaway, New Jersey site?

22 A Right. Now, I've got to tell you, I took

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1 a little literary leeway. We did not learn about
2 the biodegradation aspects of MTBE immediately in
3 1980.

4 Q Okay.

5 A That was discovered as part of our ongoing
6 research and investigation of the site.

7 Q As you continue to investigate the
8 Rockaway, New Jersey site beginning in 1980 and
9 thereafter, that was something you learned over
10 time?

11 A Yes.

12 Q Now, the section I just read, did that
13 section make it into the final draft, or do you
14 know?

15 A I believe it did.

16 Q Do you have any idea how much the final
17 draft varied from this draft?

18 A There were -- there were a couple of
19 changes in the document, and I believe table 1 was
20 excluded. Again, I'm not sure. I would have to go
21 back and look at it.

22 Q Okay.

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1 MR. SUMMY: Mark this as 15 and 16.

2 (Stanley Exhibits 15 and 16 were

3 identified.)

4 BY MR. SUMMY:

5 Q Showing you what's been marked as
6 Deposition Exhibits 15 and 16, if you like we can go
7 off the record and give you a chance to take a look
8 at those.

9 A Could we?

10 THE VIDEO OPERATOR: Going off the record.
11 The time is 15:58:01.

12 (Pause in the proceedings.)

13 THE VIDEO OPERATOR: Back on the record.
14 The time is 16:03:18.

15 BY MR. SUMMY:

16 Q I show you what's been marked as
17 Deposition Exhibits Numbers 15 and 16. Let's look
18 at 15 first.

19 A Okay.

20 Q Can you identify this document?

21 A I don't recall having seen this document
22 before.

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1 Q Did you have any involvement in its
2 preparation?

3 A I don't believe so. You can see -- I
4 guess -- is this a Bates number?

5 Q Right.

6 A SH009019?

7 Q Right.

8 A That is probably taken from that editorial
9 I did. They may have taken elements of certain
10 presentations I've made. But I don't recall
11 participating in development of this document.

12 Q Okay. Certainly that SH009019, where it
13 gives a series of phrases that each of the first
14 letters of each word spells out MTBE, that looks
15 similar to the phrases that were in your document
16 that you authored that was -- I think we identified
17 as Deposition Exhibit Number 14, actually. Did you
18 find it?

19 A I believe that's correct. I just lost it
20 over here for some reason.

21 Q You're not aware who would have put this
22 document together at Shell?

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1 A No.

2 Q If you keep going, and look at SH009021.

3 A 9021?

4 Q Right.

5 A Okay.

6 Q It says, "Proposed Servco organization
7 structure." Do you know what that refers to?

8 A I believe they're talking -- Servco used
9 to be the description of the Alliance group I think
10 that we now refer to as Equiva Services.

11 Q Okay.

12 A It's a central services group.

13 Q If you look at the next page, it says,
14 "MTBE risk (C&L) 100 times BTEX." Do you know what
15 that refers to?

16 A I don't know what C&L refers to.

17 Q If you look at the very back page of that
18 document.

19 A The last page?

20 Q Yes. It says, "List of alternatives for
21 MTBE," and then if you go down to the one, two,
22 three, four, fifth little bullet, it says "Stations

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1 not in sensitive drinking H2S areas." Any idea what
2 that means?

3 A I'm not sure what H2S means.

4 Q Probably should be H2O?

5 MS. DOYLE: Objection. Calls for
6 speculation.

7 THE WITNESS: I don't know.

8 BY MR. SUMMY:

9 Q You haven't been to a presentation where
10 these -- where you've seen these slides before, or
11 potential slides here?

12 A I may have been to a presentation. But I
13 don't recall this specific document.

14 Q When you look at the very front page of
15 15, it has a flow chart that says "Process
16 selection."

17 A Right.

18 Q And underneath it has "Root cause
19 analysis." Do you know what that refers to?

20 A "Root cause analysis"?

21 Q No. What this flow chart -- have you seen
22 it before?

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1 A Again, this appears to be a typical flow
2 chart that's used as part of a root cause analysis
3 evaluation.

4 Q Have you had an occasion to use this flow
5 chart analysis before?

6 A I don't recall using this flow chart.

7 Q Do you know of anyone else that's used it
8 in the company?

9 A We have a group at the technology center
10 whose responsibilities include doing root cause
11 analysis.

12 Q What group is that?

13 A I'm not sure what the title of that group
14 is.

15 Q Do you know anyone that's in that group?

16 A I could find out. I'm not sure right now.

17 Q Take a look at Exhibit 16. The reason I
18 introduced them together is some of the things on 16
19 appear to be some of the same exact pages from
20 Exhibit 15, but there is some difference. Have you
21 seen any of the pages that are contained in
22 Deposition Exhibit Number 16 before?

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1 A Have I seen some of these?

2 Q Right.

3 A Yes.

4 Q Where have you seen them?

5 A Well, the first page, which is Bates
6 number 007982, I believe is out of a presentation --
7 well, the elements -- it may not -- it's based on a
8 presentation I've made. It may not be exactly like
9 what I presented. But the data here appears to be
10 the same.

11 Q You think someone else in the company took
12 some of the data you prepared and then made this
13 chart?

14 MS. DOYLE: Objection. Calls for
15 speculation.

16 THE WITNESS: I don't know. That's
17 possible.

18 BY MR. SUMMY:

19 Q Are there any of the other pages in
20 Deposition Exhibit Number 16 that you can identify
21 that are similar to slides that you may have used in
22 making other presentations?

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1 A Bates number -- and this is the same as in
2 the earlier exhibit -- 007990. It appears that
3 those acronyms for MTBE are extracted from the
4 editorial.

5 Q Right.

6 A I believe that's it.

7 MR. SUMMY: Let's take a quick break. Let
8 me look at my notes and see where I'm at.

9 THE VIDEO OPERATOR: Going off the record.
10 The time is 16:11:01.

11 (Recess.)

12 THE VIDEO OPERATOR: Back on the record.
13 The time is 16:27:32.

14 BY MR. SUMMY:

15 Q Mr. Stanley, I have just a few more
16 questions. Who is Equiva S&E?

17 A I believe that refers to the science and
18 engineering group in Equiva Services.

19 Q Okay. Who is the Alliance Retail Network?

20 A The Alliance Retail Network?

21 Q Correct.

22 A I'm not sure. Do you have some context?

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