

1 on the sites that I was managing started testing for  
2 MTBE in the states that I was operating in.

3 Q Where did you find MTBE in 1980?

4 A In Jacksonville, Maryland.

5 Q Was there a drinking water well involved?

6 A I'll answer it this way: A potential  
7 drinking water well. It happened in a subdivision  
8 that had just been developed. And the private water

9 wells on each individual lot were drilled, but there  
10 was no people -- in fact there were no houses built.  
11 The wells had been installed, but no houses had yet  
12 been developed. We'll say they were future potable  
13 wells.

14 Q And did you determine that MTBE had made  
15 its way to those wells?

16 A Yes.

17 Q So were the wells ever used for drinking  
18 water purposes?

19 A No.

20 Q Why not?

21 A Because the -- well, at least in the time  
22 period that I was working that project, which was



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1 from 1980 to 1983, the entire property was under  
2 litigation, and all development had stopped.

3 Q Was litigation against Exxon involved?

4 A Yes.

5 Q And --

6 A Along with others.

7 Q Okay. And was the claim made that they  
8 couldn't develop the subdivision because of impacts  
9 on the drinking water?

10 A Yes.

11 Q And in 1983 your assignment changed, so  
12 that would be the last date that you have  
13 information on Jackson, Maryland, or what?

14 A It was Jacksonville, Maryland.

15 Q Thank you. That's my note taking. I'm  
16 trying to write as fast as I can.

17 A I understand. Even though I was assigned  
18 to a different job after 1983, I still subsequently  
19 had heard, just simply because I was still working  
20 in a group associated with the Jacksonville project.  
21 So I did continue to hear information about it.

22 Q And can you tell me if there was a point

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1 in time that you can identify that the MTBE problem  
2 had been totally resolved so that those wells could  
3 be used?

4 MR. STACK: I object to the form of the  
5 question.

6 THE WITNESS: First of all, I want to  
7 characterize it not as an MTBE problem. It was  
8 characterized -- in fact just the opposite. It was  
9 characterized as a BTEX gasoline contamination  
10 problem. And there was, again, during the time  
11 period I was associated with it, there was  
12 absolutely no concern whatsoever for MTBE.

13 The only people concerned about MTBE was  
14 us, because we didn't put it in our gasoline.

15 BY MR. MILLER:

16 Q Were they able to use the well at any  
17 point in time that you know of, for drinking water?

18 MR. STACK: I object to the form of the  
19 question. Calls for speculation.

20 THE WITNESS: I just do not know if any of  
21 those properties were ever developed into homes and  
22 those wells were used. I just don't know.

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1 BY MR. MILLER:

2 Q When did you last get reports on  
3 Jacksonville, Maryland? If you could estimate that  
4 for us. Obviously it would have been a year or two  
5 after 1983, is that correct?

6 MR. STACK: I object to the form of the  
7 question. You can answer, if you can.

8 THE WITNESS: I think I've heard things  
9 about Jacksonville probably up until -- and this is  
10 just, you know, 1989, 1990. I don't know.

11 BY MR. MILLER:

12 Q Is it fair to say that it can take as much  
13 as a decade to clean up some of these spills, or  
14 even more?

15 MR. STACK: I object to the form of the  
16 question.

17 THE WITNESS: Yes.

18 BY MR. MILLER:

19 Q And that's your experience from working at  
20 multiple sites?

21 A Yes.

22 Q And does that apply to MTBE as well?

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1 A Yes.

2 Q Now, you mentioned that there were others  
3 involved in the Jacksonville, Maryland site. Could  
4 you tell me what other gasoline stations were  
5 involved?

6 A Yes. There was a Gulf station and an  
7 Amoco station.

8 Q And did they also have apparent releases  
9 of gasoline?

10 A Yes, they did.

11 Q And I take it they also were part of this  
12 litigation that you described?

13 A Yes, they were.

14 Q Did you determine what the source of the  
15 MTBE was in your gasoline?

16 MR. STACK: I object to the form of the  
17 question. You can answer, if you can.

18 BY MR. MILLER:

19 Q I'm referring to Jacksonville, Maryland,  
20 if that's not clear.

21 MR. STACK: I object to the form of the  
22 question. You can answer, if you can.

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1 THE WITNESS: Regarding the MTBE in Exxon  
2 gasoline at that time, we determined that -- well,  
3 we knew that we were not putting MTBE into our  
4 gasoline. We knew that others were. I conducted a  
5 study, if you will, to try to determine could MTBE  
6 get into Exxon gasoline.

7 And I did that just very briefly by  
8 conducting sampling starting at our Baytown  
9 refinery, and then taking samples coming up the  
10 Colonial pipeline, which was the supply system into  
11 our Baltimore terminal, and then sampling the  
12 tankage at our Baltimore terminal.

13 And we determined that there were very  
14 minute parts per billion levels of MTBE in our  
15 gasoline that we did not add into it, obviously.  
16 But it was showing up.

17 BY MR. MILLER:

18 Q Apparently because you were using a  
19 pipeline that another refinery was using as well?

20 A That's correct. And breakout storage.  
21 And then the other potential way that MTBE could get  
22 in gasoline that ended up in our service station was

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1 through exchange agreements, which were fairly  
2 common throughout the industry at that time and  
3 still are.

4 Q Were you also involved in sites in New  
5 Jersey in 1980?

6 A No.

7 Q Were you ever involved in Rockaway, New  
8 Jersey?

9 A Yes.

10 Q Was there an MTBE problem in Rockaway, New  
11 Jersey, that affected public drinking water wells?

12 MR. STACK: I object to the form of the  
13 question. You may answer, if you can.

14 THE WITNESS: Yes.

15 BY MR. MILLER:

16 Q And was there an Exxon station in that  
17 town?

18 MR. STACK: I object to the form of the  
19 question.

20 THE WITNESS: In that town?

21 BY MR. MILLER:

22 Q Yes, Rockaway, New Jersey.

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1 A Was there an Exxon station? Yes.

2 Q Were you involved in an Exxon station in  
3 Ridgeway, New Jersey?

4 A I don't recall.

5 Q Or Ridgewood, New Jersey?

6 A I don't recall.

7 (Anderson Exhibit 5 was identified.)

8 BY MR. MILLER:

9 Q Let me show you Exhibit 5 to your  
10 deposition. It's on your letterhead. I recognize  
11 it's been a number of years since you've seen this  
12 document, but this may help you remember. We'll go  
13 off the video record.

14 THE VIDEO OPERATOR: Going off the record.  
15 The time is 11:08:33.

16 (Pause in the proceedings.)

17 THE VIDEO OPERATOR: Back on the record.  
18 The time is 11:10:11.

19 BY MR. MILLER:

20 Q Does that refresh your memory that you  
21 worked on an Exxon site in Ridgewood, North  
22 Carolina -- I'm sorry, Ridgewood, New Jersey?

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1           A     Does it refresh my recollection? No.  
2 Obviously the paper says what it says, but I don't  
3 remember a thing about it.

4           Q     It does indicate you worked on that site  
5 or had correspondence concerning that site in 1987,  
6 is that correct?

7           A     That's correct.

8           Q     Do you recall meeting a Mr. Curt Stanley  
9 who was employed by Shell at the time?

10          A     Yes.

11          Q     Do you recall talking to Mr. Stanley about  
12 Rockaway, New Jersey and problems in public drinking  
13 water wells there?

14          A     No.

15          Q     Did you obtain information from any source  
16 that there was a problem with public drinking water  
17 wells in Rockaway, New Jersey and that Shell was one  
18 of the responsible parties?

19          A     To the best of my recollection, my  
20 knowledge about the problems associated with  
21 Rockaway was strictly from us in reports.

22          Q     And what was your understanding? Were

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1 there impacts on drinking water wells associated  
2 with MTBE in that town?

3 MR. STACK: I object to the form of the  
4 question. You can answer if you can.

5 THE WITNESS: My understanding was there  
6 was a contamination problem associated with gasoline  
7 in Rockaway, and then subsequently after that time,  
8 after the initial whatever that I found out about,  
9 that the subject of MTBE came up. But again, the  
10 primary problem associated with Rockaway was a  
11 gasoline contamination problem, not an MTBE problem.

12 BY MR. MILLER:

13 Q When did you learn that MTBE could make  
14 drinking water undrinkable because it imparted an  
15 unpleasant taste, odor, or both?

16 MR. STACK: I object to the form of the  
17 question. You can answer, if you can.

18 THE WITNESS: Sometime in the 1980s.

19 BY MR. MILLER:

20 Q And how did you learn that?

21 A I don't specifically remember. It could  
22 have been news reports, it could be industry

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1 reports. I just don't remember.

2 (Anderson Exhibits 6 and 6-A were  
3 identified.)

4 BY MR. MILLER:

5 Q Let me show you Exhibit 6 to your  
6 deposition. In this case plaintiff requested and  
7 obtained production from four states of Exxon sites  
8 which had MTBE detections between 1980 and 1990.  
9 And we compiled a list which I've handed to you.  
10 Some of the sites are in New Jersey. During  
11 portions of that period would you have supervised  
12 sites in New Jersey?

13 MR. STACK: I object to the form of the  
14 question. There's no indication of the dates of any  
15 of the incidents indicated on Exhibit 6.

16 THE WITNESS: The answer is yes, but I  
17 want to clarify again, you keep using the word  
18 "supervised," and that's not what I did.

19 BY MR. MILLER:

20 Q All right. Would the word "manage" be  
21 more acceptable?

22 A Yes.

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1 Q All right. Did you manage sites between  
2 part of that time period in North Carolina which has  
3 some cities on this list?

4 A Only during the time period that I've  
5 discussed before, when I was the temporary acting  
6 supervisor in early 1988. And I was not managing  
7 the sites in North Carolina. That was being done by  
8 the environmental engineer responsible for North  
9 Carolina, whom I don't remember who that was. But I  
10 was supervising the engineer at that time, not  
11 managing the sites at North Carolina.

12 Q Did Exxon have any stations in Maine  
13 during that period?

14 A Yes.

15 Q Were there any MTBE sites under your  
16 management during that period?

17 MR. STACK: I object to the form of the  
18 question. You can answer, if you can.

19 BY MR. MILLER:

20 Q In Maine.

21 MR. STACK: I object to the form of the  
22 question. You can answer.

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1 THE WITNESS: Again, tell me the period.

2 BY MR. MILLER:

3 Q 1980 to 1990.

4 A Yes.

5 Q Did you ever manage sites in Rhode Island?

6 A Yes.

7 Q And did Exxon have stations in Rhode  
8 Island?

9 A Yes.

10 Q And did you manage any MTBE sites in Rhode  
11 Island at any time between 1980 and 1990?

12 MR. STACK: I object to the form of the  
13 question. I believe the witness has made clear he  
14 didn't respond to MTBE. He responded to gasoline.  
15 You can answer it, if you can.

16 THE WITNESS: I don't recall if any of the  
17 sites in Rhode Island had MTBE associated with them.

18 BY MR. MILLER:

19 Q Did you manage Exxon stations in that  
20 state during portions of that time period?

21 MR. STACK: I object to the form of the  
22 question.

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1 THE WITNESS: Yes.

2 MR. STACK: Can we clarify, you didn't  
3 manage stations.

4 THE WITNESS: I'm sorry. Yes --

5 BY MR. MILLER:

6 Q Manage sites.

7 A Thank you. Yes.

8 MR. MILLER: Can we go off the record for  
9 a minute?

10 THE VIDEO OPERATOR: Going off the record.  
11 The time is 11:15:52.

12 (Discussion off record.)

13 (Recess.)

14 THE VIDEO OPERATOR: Back on the record.  
15 The time is 11:39:44.

16 MR. STACK: We have had an off-the-record  
17 discussion which we would like to memorialize. In  
18 the process of inventorying the materials that were  
19 provided by the litigation support group in Houston,  
20 paralegals for the law firm of McDermott, Will &  
21 Emery on behalf of ExxonMobil inventoried the boxes  
22 and identified by location and by city the files

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1 that were produced in response to the deposition  
2 notice for Mr. Anderson's deposition and agreements  
3 of counsel.

4 We have agreed to mark as Exhibit 6-A the  
5 document generated by McDermott Will. It is  
6 currently being sorted alphabetically by the  
7 computer so it will correspond to the underlying  
8 document, Exhibit 6. We produce it with several  
9 caveats. One is that it was produced under some  
10 time limitations and therefore may not be complete .  
11 and accurate.

12 It was produced by paralegals working for  
13 the firm McDermott, Will & Emery. And certainly  
14 it's the position of ExxonMobil Corp. that by  
15 producing and marking this, it in no way can be  
16 construed as some waiver of work product, if an  
17 inventorying of boxes can be construed as such.

18 And lastly, we will do that with the  
19 understanding of counsel that we will continue to  
20 make a good faith effort, and we'll double-check the  
21 boxes as well as the list compiled by plaintiff's  
22 counsel which has been marked as Exhibit 6 to make

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1 certain that we can have a complete list to allow  
2 for identification of the locations as well as  
3 provide an estimate of the number of locations and  
4 files that have been produced.

5 MR. MILLER: Just so the record is clear,  
6 this is production of documents concerning MTBE  
7 detections at Exxon gasoline station sites in four  
8 states.

9 MR. STACK: Yes, that is.

10 MR. MILLER: And just so the record is  
11 clear, could we have the states? I believe it's New  
12 Jersey, North Carolina --

13 MR. STACK: It would be Rhode Island and  
14 Maine, I believe.

15 MR. MILLER: Yes, that's correct. And  
16 those would be detections between -- at any time  
17 between 1980 and 1990.

18 MR. STACK: That is my understanding as  
19 well.

20 MR. MILLER: So with those caveats and  
21 statements on the record, to save time in this  
22 deposition, subject to the right of counsel to

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1 submit corrections, say, within a month, can we have  
2 an agreement that Exhibit 6 and 6-A, together with  
3 any corrections that may be submitted within a  
4 month, would represent the list of sites covered by  
5 the Court order for which documents have been  
6 produced?

7 MR. STACK: It is so agreed, with one  
8 other caveat. And I failed to mention this, and I  
9 apologize. There are several entries on the list  
10 that was compiled by McDermott Will which counsel  
11 recognizes as being petroleum marketing terminals  
12 and not service stations. And we will be able to  
13 identify those. We can either segregate them in a  
14 separate group or delete them, whichever you would  
15 prefer.

16 MR. MILLER: I think we should segregate  
17 them in a separate group. But that would have to be  
18 done later, within a 30-day period. Would that be  
19 agreeable?

20 MR. STACK: Agreeable. Thank you.

21 MR. MILLER: And we'll reserve 6-C for any  
22 supplemental lists submitted by Exxon, and they will

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1 provide it to the court reporter. It may have to be  
2 part of a supplemental exhibit, so that we don't  
3 hold up the original transcript and exhibits.

4 MR. STACK: You mean 6-B? 6-A was the  
5 Exxon one. 6-B will be the final with the  
6 stipulated agreement.

7 MR. MILLER: That's fine.

8 MR. STACK: So agreed.

9 MR. MILLER: Thank you.

10 BY MR. MILLER:

11 Q Mr. Anderson, when did you learn that  
12 MTBE, unlike other constituents of gasoline, seemed  
13 to be able to move further away from a station than  
14 the other constituents?

15 A Sometime in the early 1980s.

16 Q When did you learn that MTBE at a few  
17 parts per billion would cause taste and odor  
18 complaints by people drinking water containing that  
19 much MTBE?

20 MR. STACK: I object to the form of the  
21 question. You can answer, if you can.

22 THE WITNESS: Sometime in the early to

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1 mid-1980s.

2 BY MR. MILLER:

3 Q And was this based on talking to people  
4 who had complaints about their water, directly or  
5 indirectly?

6 A No.

7 Q How did you learn that relatively low  
8 levels of MTBE could make drinking water taste bad?

9 MR. STACK: I object to the form of the  
10 question. You can answer, if you can.

11 THE WITNESS: I don't specifically recall,  
12 but I would speculate that it would be through  
13 industry publications or through some kind of  
14 internal documents that Exxon people put together.

15 BY MR. MILLER:

16 Q And the reason you speculate -- well, the  
17 reason you said that is you can't recall obtaining  
18 that information from individual homeowners or  
19 representatives of city water departments, is that  
20 part of the reason?

21 A I have no recollection of ever having a  
22 direct discussion with a homeowner or municipal

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1 water people about odor problems from MTBE.

2 Q So your major source of information on  
3 MTBE's taste and odor characteristics would have  
4 been from reading documents, is that correct?

5 A Either reading documents or some  
6 consultant or some Exxon person that had more  
7 expertise in the chemistry of MTBE in a discussion  
8 with me.

9 Q Did you ever call somebody at corporate  
10 headquarters trying to get information about MTBE  
11 after you learned of problems with well water  
12 contaminated by MTBE?

13 MR. STACK: I object to the form of the  
14 question. You may answer, if you can.

15 THE WITNESS: To the best of my  
16 recollection I had discussions not with corporate  
17 headquarters people but with company refining  
18 people, and/or with our marketing technical services  
19 people.

20 BY MR. MILLER:

21 Q Did you submit summaries of the  
22 remediation activity work you were doing to your

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1 managers or supervisors, say, once a year, once a  
2 quarter, just trying to tell them, these are the  
3 stations we're working on, this is the current  
4 status of the project?

5 A Yes.

6 Q So would they have been aware of some of  
7 these MTBE contamination incidents that were being  
8 worked on under your management?

9 MR. STACK: I object to the form of the  
10 question.

11 THE WITNESS: Well, you keep using the  
12 word "MTBE contamination cases." And I just want to  
13 correct that, that my summaries, my communications,  
14 whatever, were in the context of gasoline  
15 contamination cases.

16 BY MR. MILLER:

17 Q Did corporate headquarters ever inquire  
18 with you what your experience was with the frequency  
19 of MTBE being detected in drinking water wells?

20 MR. STACK: I object to the form of the  
21 question. You may answer, if you can.

22 THE WITNESS: I don't recall.

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