

EXHIBIT 10

Robert Little Deposition Excerpts

- Little Dep. 50–51, 212, 219–21, and 439–42, Jan. 18-19, 2011
- Little Dep. 140–41, Mar. 31, 2011

Robert C. Little

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl : Master File No. 1:00-1898
Ether ("MTBE") : MDL 1358 (SAS)
Products Liability :
Litigation :

This Document Relates to:

City of Fresno v. Chevron U.S.A.
Inc., et al., et al.,
Case no. 04 Civ. 04973 (SAS)

JANUARY 18, 2011

Videotaped Deposition of ROBERT C. LITTLE,
Volume I, City of Fresno's 30(b)(6) Designee re
Overview, held in the Law Offices of Munger Tolles &
Olson, 355 South Grand Avenue, Suite 3500, Los Angeles
beginning at 9:13 a.m., before Sandra Bunch VanderPol,
FAPR, RPR, RMR, CRR, CSR #3032

GOLKOW TECHNOLOGIES, INC.
877.370.3377 ph|917.591.5672 fax
deps@golkow.com

Robert C. Little

1 MR. AXLINE: I have no objection --
 2 MR. GRENARDO: -- normal.
 3 MR. AXLINE: -- to you going through his
 4 background.
 5 MR. GRENARDO: And we will.
 6 MR. AXLINE: I just want to clarify.
 7 MR. GRENARDO: We will.
 8 MR. AXLINE: His background is not something
 9 that he's testifying as a PMQ for the city on, it's
 10 just his background.
 11 BY MR. GRENARDO:
 12 Q. Okay. When you were going to these
 13 conferences in the '90s, you weren't going as a PMQ,
 14 were you?
 15 A. Please define PMQ.
 16 Q. Person most qualified.
 17 Mr. Little, I'm just trying to find out what
 18 conferences you went to and what, in general, was
 19 being said at these AWWA conferences in the '90s
 20 relating to MTBE?
 21 A. The emphasis, I would say, was
 22 probably on the -- he looming crisis that MTBE was
 23 going to be presenting for utilities; conversations
 24 about where it came from; how it's spreading; you
 25 know, how to -- how to look for it; you know, what

1 to testify on? And, just for the record, we
 2 requested this information as well pursuant to this
 3 notice and were never given an answer.
 4 A. Okay.
 5 Q. We are entitled to know who's going
 6 to be testifying on which topics in advance of the
 7 deposition so we know. Now at the deposition would
 8 be a good time to find out as well.
 9 MR. AXLINE: Do you want --
 10 MR. GRENARDO: Do you need to take a --
 11 MR. AXLINE: -- to ask me a question?
 12 THE WITNESS: Yes. I want to ask my
 13 attorney a question.
 14 MR. GRENARDO: Let's go off the record.
 15 THE VIDEOGRAPHER: We are off the record.
 16 The time is 10:12.
 17 (Recess taken.)
 18 THE VIDEOGRAPHER: We are on the record.
 19 The time is 10:37.
 20 BY MR. GRENARDO:
 21 Q. We were talking about which topics
 22 you are going to testify on. And is it your
 23 understanding that you will be testifying today and
 24 tomorrow on all of the topics?
 25 A. Yes, it is.

1 treatment scenarios could be effective for it, things
 2 of that nature.
 3 Q. So in the '90s, the City of Fresno
 4 was alert to issues relating to MTBE in the
 5 environment; is that correct?
 6 MR. AXLINE: Objection. Mischaracterizes
 7 the witness's testimony. Again, he's not speaking on
 8 this topic as a PMQ for the city.
 9 MR. GRENARDO: I will rephrase that.
 10 Q. So in the 1990s, Mr. Little, you were
 11 alert to issues relating to MTBE in the -- in the
 12 environment; is that correct?
 13 A. Yes.
 14 Q. Other than the data tables, the
 15 graphs, and the reports that you mentioned, were
 16 there any other documents that you recall looking at
 17 in preparation for your deposition?
 18 A. No.
 19 Q. And if we can go to the notice. If
 20 you go to the third page under "Designated Issues,"
 21 and it goes up until page 5, 1 through 10.
 22 Have you been designated to testify on all
 23 ten of these issues?
 24 A. No.
 25 Q. Which issues have you been designated

1 Q. And what did you do to prepare to
 2 testify on topic No. 1?
 3 A. Not much. It's just my normal work
 4 exposure type of related stuff.
 5 Q. Based on your personal knowledge and
 6 your work at the City of Fresno?
 7 A. Yes.
 8 Q. And when you say "not much," is there
 9 anything that you did in particular or you didn't do
 10 anything?
 11 A. I didn't do anything in particular.
 12 Q. What did you do to prepare to testify
 13 on topic No. 2?
 14 A. Well, I believe we produced an org
 15 chart. Yeah, provided you an org chart.
 16 Q. And we will look at that in a second.
 17 Anything else besides that?
 18 A. No.
 19 Q. What did you do to prepare to testify
 20 on topic No. 3?
 21 A. I produced some data tables.
 22 Q. Which data tables?
 23 A. Data tables for MTBE, DBCP.
 24 Q. Do you recall when you produced these
 25 data tables?

Robert C. Little

Page 210	Page 212
<p>1 Q. Did you produce documents relating to 2 this monitoring well in terms of its construction? 3 A. All those records are in the well 4 file, which was copied by the copy service. So I 5 have to assume they did. 6 Q. And where on the map is the 7 monitoring well that you're referring to, 318? 8 A. Well, pump station 318 is right here. 9 The monitoring well is at that site. 10 Q. MTBE hasn't been detected in pump 11 station 318, correct? 12 A. No, it has not been detected in the 13 well. 14 Q. And how close is the monitoring Well 15 318 to pump station 318? 16 A. 50 feet. 17 Where is the opening here? 18 Q. Is monitoring well 318 downgradient 19 of pump station 318? 20 A. You know, when you're that close to 21 the well, there is no upgradient or downgradient. 22 It's too close to determine that kind of information. 23 Q. Do you know if TBA has been detected 24 in any City of Fresno production wells? 25 A. There -- there have not been any</p>	<p>1 Q. And none of those detections have 2 been at or above the secondary MCL for MTBE, correct? 3 A. Correct. 4 Q. Are you aware of any city production 5 well having reduced -- strike that. 6 Are you aware of the city reducing any 7 pumping at any city production well because of MTBE? 8 A. No. 9 Q. Are you aware of the city reducing 10 any pumping at any city production well because of 11 TBA? 12 A. No. 13 I need to clarify another previous 14 statement. I had mentioned pump station 70 as a site 15 with MTBE. We have other constituents that we are 16 looking at and evaluating, and stuff like that, and I 17 think I got confused, pump station. 18 Apparently we do not have an MTBE result for 19 pump station 70. So I'm thinking of something else. 20 Q. That's okay. So the previous list 21 that you gave us regarding MTBE detections, pump 22 station 70 should not be on that list? 23 A. Correct. According to the records I 24 have in front of me, anyway. 25 Q. And have you counted, minus the 70</p>
Page 211	Page 213
<p>1 detections that I'm aware of. 2 Q. Do you know if TBA has been detected 3 in any of the city's monitoring wells? 4 A. Not that I'm aware of. 5 Q. And you say there are 28 production 6 wells in the City of Fresno where MTBE has been 7 detected; is that right? 8 A. Yes. 9 Q. And none of those detections have 10 been at or above the secondary MCL for MTBE, correct? 11 A. No. 12 Q. That's correct? 13 A. No. 14 Q. When have there been detections at or 15 above the secondary MCL for MTBE in the City of 16 Fresno's production wells? 17 A. Oh, I'm sorry. Sorry. 18 Not in a production well. In a monitoring 19 well, yes. Production well, no. 20 Q. I will ask that question again, for 21 the record, the series of questions. 22 You testified that there are 28 production 23 wells in the City of Fresno where MTBE has been 24 detected, correct? 25 A. Correct.</p>	<p>1 and adding in the 63, how many pump stations there 2 are? 3 A. 28. 4 Q. You mentioned earlier a number of 5 treatment systems, treatment procedures that the City 6 of Fresno is using for a number of different 7 constituents; do you remember that? 8 A. Yes. 9 Q. Which constituents are you aware of 10 in the City of Fresno that have been found in the 11 City of Fresno's water that have exceeded the MCL, 12 their respective MCLs? 13 A. DBCP -- 14 MR. MILLER: That's a memory test. And also 15 you're not being clear as to the time period to be 16 covered. 17 MR. GRENARDO: You can answer. 18 MR. MILLER: This is ever, as asked. 19 THE WITNESS: As best as I can recall -- 20 MR. GRENARDO: That's fine. 21 THE WITNESS: -- DBCP, EDB, TCE, PCE, 22 1,2-DCE, nitrates, manganese, 1,1-cis -- I can't 23 remember. There's a few odd balls out there that I 24 can't quite remember. 25 ///</p>

Robert C. Little

Page 218

1 Q. Those three?
2 A. Yes. About possible treatment
3 technologies, development of MCLs.
4 Q. And then the other one that you
5 mentioned was an advisory letter?
6 A. I think I -- I think I recall seeing
7 an advisory letter from DPH about MTBE.
8 Q. Other than the advisory letter you
9 believe you saw from DHS regarding MTBE, the
10 conversation you had regarding the development of
11 MCLs, and the conversation you had with -- regarding
12 potential treatment technologies, are you aware of
13 any other communications between the City of Fresno
14 and the Department of Public Health regarding MTBE?
15 A. That I have had? I don't recall.
16 But anything that was produced or anything
17 that was in paper format has already been provided to
18 you. And I have files that go back to 1997 on that,
19 and that was all gone through already.
20 Q. So other than whatever has been
21 produced, this advisory letter regarding MTBE, you
22 believe, was sent, and was sent by DHS, and the two
23 conversations you've talked about the development of
24 MCLs and potential treatment technologies, you're not
25 aware of any other communications between the City of

Page 219

1 Fresno and the Department of Public Health, correct?
2 A. Not that I recall right now.
3 Q. Let's start with the advisory letter
4 regarding MTBE. Do you recall when it may have come
5 in?
6 A. It would have been a long time ago.
7 Q. Do you remember the contents? Maybe
8 that will refresh your recollection.
9 A. I do not. I do not. I know that
10 there was quite a bit of conversation with MTBE and
11 the impact that it was having for water systems and
12 potential impact that it was having on water systems.
13 There may have been something in there about
14 the need to conduct some initial monitoring. I
15 believe MTBE was part of the California state UCMR
16 that was run in conjunction with the federal UCMR 1
17 program, looking for MTBE, and that was back in 2001,
18 2002.
19 That's about all I recall.
20 Q. So you think this letter came
21 sometime in early 2000?
22 A. Or in the '90s.
23 Q. In the '90s.
24 Did you believe in the 1990s that MTBE posed
25 a threat to the environment?

Page 220

1 A. Oh, yeah.
2 Q. Do you believe it posed a threat to
3 the City of Fresno's drinking water in 1990?
4 MR. MILLER: You're asking for expert
5 opinion at this point. And it's not covered by the
6 deposition notice, and the witness is not qualified.
7 But if you want to answer, and you believe
8 you have a basis for doing so, go ahead.
9 MR. PARKER: Mr. Miller, that was blatant
10 coaching. If you want to just state an objection
11 that you believe it's beyond the notice, that's fine.
12 MR. MILLER: This is not the time for expert
13 testimony.
14 MR. PARKER: We have a witness in the chair,
15 and he's asked a question. If you want to say it's
16 not binding on the city because it's outside the
17 notice, fine. State your objection.
18 MR. MILLER: I will say that too.
19 MR. PARKER: Don't coach the witness --
20 MR. MILLER: I didn't.
21 MR. PARKER: -- in answering the way you
22 want to or going back to try to change a prior answer
23 he already gave.
24 MR. GRENARDO: Mr. Little, I will ask the
25 question again.

Page 221

1 Q. Did you believe in the 1990s that
2 MTBE posed a threat to the City of Fresno's drinking
3 water?
4 MR. MILLER: Same objections.
5 THE WITNESS: I had a pretty good guess that
6 it was. There were a lot of gas stations that were
7 being taken out of operations. MTBE was a major
8 point in the news and the impact that it was having
9 in the environment. Put one and one together, and
10 you get two.
11 BY MR. GRENARDO:
12 Q. And how early in the 1990s -- 1990s
13 were you aware of this threat of MTBE to the City of
14 Fresno's drinking water?
15 MR. MILLER: Vague and ambiguous. Same
16 objections.
17 THE WITNESS: I can't recall when exactly.
18 BY MR. GRENARDO:
19 Q. Do you believe it was in the
20 mid-'90s? 1998?
21 MR. MILLER: Calls for speculation as asked,
22 particularly in view of the prior answer. And the
23 same objections I made earlier apply.
24 THE REPORTER: Did you answer?
25 THE WITNESS: I did not. I don't have an

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

I, SANDRA BUNCH VANDER POL, Certified
Shorthand No. 3032 for the state of California do
hereby certify:

That prior to being examined, the witness
named in the foregoing deposition was duly sworn to
testify to the truth, the whole truth, and nothing
but the truth.

That said deposition was taken down by me
stenographically at the time and place therein named,
and thereafter reduced by me into typewritten form,
and that the same is a true, correct and complete
transcript of said proceedings.

Before completion of the deposition, review of
the transcript was requested. Any changes made by
the deponent (and if provided to the reporter) during
the period allowed are appended hereto.

I further certify that I am not interested in
the outcome of the litigation.

witness my hand this 23rd day of January,
2011.

Sandra Bunch Vander Pol

SANDRA BUNCH VANDER POL
Certified Shorthand Reporter
Certificate No. 3032

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl : Master File No. 1:00-1898
Ether ("MTBE") : MDL 1358 (SAS)
Products Liability :
Litigation :

This Document Relates to:

City of Fresno v. Chevron U.S.A.
Inc., et al., et al.,
Case no. 04 Civ. 04973 (SAS)

JANUARY 19, 2011

Videotaped Deposition of ROBERT C. LITTLE,
Volume II, City of Fresno's 30(b)(6) Designee re
Overview, held in the Law Offices of Munger Tolles &
Olson, 355 South Grand Avenue, Suite 3500, Los Angeles
beginning at 9:09 a.m., before Sandra Bunch VanderPol,
FAPR, RPR, RMR, CRR, CSR #3032

GOLKOW TECHNOLOGIES, INC.
877.370.3377 ph|917.591.5672 fax
deps@golkow.com

Robert C. Little

<p style="text-align: right;">Page 436</p> <p>1 California Title 22 manual and, to some extent, as 2 the EPA provides. 3 Q. So is it the city's policy to follow 4 the regulations promulgated by the DHS or the DPH and 5 EPA? 6 A. Yes. And the local DPH office. 7 Q. And you've used the initials DHS and 8 DPH. Are you talking about the same agency? 9 A. They are the same agency. 10 Q. It's just gone by different names 11 from time to time? 12 A. They have changed their name a couple 13 years ago to the Department of Health Services -- I'm 14 sorry, to Department of Public Health from Department 15 of Health Services. 16 Q. Okay. And I sometimes use either set 17 of initials. It sounds like you do too. But we both 18 know what we're talking about, right? 19 A. Correct. 20 Q. And they are the ones who promulgate 21 health standards for water quality? 22 A. The EPA promulgates the health 23 standards. California has the option of changing 24 them. They can't make them any less restrictive than 25 what EPA states, but they can make them more</p>	<p style="text-align: right;">Page 438</p> <p>1 those that are promulgated by the DPH? 2 MR. MILLER: Vague and ambiguous as to 3 "regulations." 4 THE WITNESS: Do we have self-imposed 5 limitations? 6 BY MR. ANDERSON: 7 Q. That's -- that's a good amendment to 8 my question. 9 A. With regards to bacterial testing of 10 the water, yes. I can't think of anything in the 11 other constituents that we have, no. 12 Q. Specifically how about MTBE? 13 A. We do not have an internal policy for 14 that. 15 Q. How about TBA? 16 A. We do not have an internal policy for 17 that. 18 Q. So for those two potential 19 contaminants of your water, is it the City of 20 Fresno's practice and policy to follow the DPH 21 regulations? 22 A. At this time, yes. 23 Q. Has there been a different policy at 24 sometime you're aware of? 25 A. No. But there may be one in the</p>
<p style="text-align: right;">Page 437</p> <p>1 restrictive. 2 Q. So you understand that EPA propounds 3 some health regulations, and DHS or DPH has the 4 ability to propound health regulations that are at 5 least as stringent at EPA? 6 A. Yes. 7 Q. So in all cases where both the EPA 8 and the Department of Public Health speak, you would 9 follow the DPH regulations, right? 10 A. Yes. And DPH also has their own 11 stuff that EPA does not promulgate. 12 Q. Isn't the City of Fresno's policy, 13 with respect to water it serves to its customers, 14 that the water will be compliant with DPH and EPA 15 regulations? 16 A. I'm sorry. Say that again. 17 MR. ANDERSON: Read it back, please. 18 (Record read as follows: QUESTION: Isn't 19 the City of Fresno's policy, with respect to water it 20 serves to its customers, that the water will be 21 compliant with DPH and EPA regulations?) 22 THE WITNESS: Yes. 23 BY MR. ANDERSON: 24 Q. Does the City of Fresno have any 25 regulations that it follows that are stricter than</p>	<p style="text-align: right;">Page 439</p> <p>1 future. 2 Q. Okay. Is there something that the 3 city is contemplating right now about changing its 4 approach with respect to the service of MTBE or TBA 5 in its water? 6 A. Not that I'm aware of. 7 Q. In your position -- and I'm not going 8 to -- I don't know if your title changed over the 9 years, but have you always been involved with water 10 quality issues since 1997? 11 A. Yes. Well, October of 1997. 12 Q. Okay. And have you always acted 13 promptly when you thought there was some threat to 14 the quality of water in the City of Fresno? 15 A. With -- as far as dealing with 16 contaminants with MCLs that are -- are results that 17 are in violation of MCLs, yes. 18 Q. Well, let's -- I don't want to be 19 quite that restrictive. 20 What I mean is any time when you think there 21 is a threat to the quality of water in the City of 22 Fresno, that you think is meaningful, do you respond 23 quickly? 24 MR. MILLER: Calls for an expert opinion. 25 Vague and ambiguous.</p>

Robert C. Little

Page 440

1 THE WITNESS: With respect to MTBE, with
2 respect to personal care products and prescription
3 medicines, with respect to MTBE, with respect to
4 1,2,3-TCP, those are all contaminants that are on
5 the -- are emerging contaminants.

6 Yes, I am vigilant about trying to keep up
7 with those things. And, you know, I advise my
8 superiors as to what I learn. In many cases they are
9 already more knowledgeable about some of those
10 situations than I am.

11 BY MR. ANDERSON:

12 Q. And you were aware -- I think you
13 said earlier that you've been aware for quite some
14 time that there has been MTBE leaked into the
15 environment at certain gas stations in the City of
16 Fresno, right?

17 A. Yes.

18 Q. And have you been aware of the fact
19 that MTBE had escaped into the environment since the
20 late 1990s?

21 A. I think I was aware MTBE was leaking
22 into the environment before that.

23 Q. How early can you recall being aware
24 MTBE had leaked into the environment in the City of
25 Fresno?

Page 441

1 A. I think I became aware of MTBE in the
2 early 1990s. I was aware it was a component of
3 gasoline. I was aware there were a number of gas
4 stations that were already starting to be taken out
5 of service due to leaking underground storage tanks.
6 And if it's leaking underground storage tanks that
7 are contributing gasoline to the environment with
8 MTBE, I can assume that it is going to be a problem
9 for us.

10 Q. So in the early 1990s --

11 A. Early 1990s.

12 Q. -- you knew those things about
13 underground storage tanks that you just described,
14 and you assumed then that it was going to be a
15 problem for the City of Fresno, correct?

16 A. Yes.

17 Q. What did you do about it starting in
18 the early 1990s?

19 A. There were discussions that were had
20 with my supervisors and coworkers and managers about
21 MTBE. I had participated -- not participated, but
22 attended various conferences about it. I was aware
23 of several news stories that were being broadcast or
24 printed about MTBE and gaining knowledge from that.

25 I was also aware there was a movement afoot

Page 442

1 to try to grant the petroleum industry safe harbor
2 from lawsuits concerning MTBE. I am very aware of
3 the uproar that was being generated by the utilities
4 that were going to have to face the expense and
5 burden of taking care of that problem.

6 Q. Would it be fair to say that in the
7 early 1990s, when you first learned that MTBE was
8 going to be a problem for the City of Fresno, that
9 you embarked on a process of educating yourself about
10 it?

11 A. Yes.

12 Q. And the more you learned, the more
13 you became concerned?

14 A. Yes.

15 Q. Okay. And would you be -- would it
16 be fair to say that by 1996 -- well, let's say by
17 October of 1997, when you assume -- was that your
18 current position?

19 A. Yes.

20 Q. -- that you were extremely concerned
21 about the threat that MTBE posed to the City of
22 Fresno's drinking water wells?

23 MR. MILLER: Objection. Vague and ambiguous
24 on "extremely."

25 Go ahead.

Page 443

1 THE WITNESS: I wouldn't say I was extremely
2 concerned. We had other more pressing matters to
3 deal with.

4 BY MR. ANDERSON:

5 Q. What was more pressing than MTBE in
6 October of 1997?

7 A. Nitrates in our treatment system --
8 or in our water system that was impacting us and
9 causing us to lose wells.

10 We had a number of wells that were impacted
11 with TCE that we were losing up in the northeast part
12 of town.

13 We had a deadline to meet with our DBCP
14 responsibilities to get a number of well sites online
15 and operational with treatment systems.

16 Q. At some point in time did MTBE become
17 a contaminant of greater concern to you than
18 nitrates?

19 A. Only at some point it became a
20 requirement for us to sample and get a better handle
21 on the impact that MTBE was having on our system.
22 But with the fact that we were, up until 2008, pretty
23 much not having detections, it wasn't a burning
24 issue.

25 Q. Is it a burning issue today?

49 (Pages 440 to 443)

Golkow Technologies, Inc. - 1.877.370.DEPS

0d11f832-b148-4faf-bfdf-40b3cf836a97

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

I, SANDRA BUNCH VANDER POL, Certified
Shorthand No. 3032 for the State of California do
hereby certify:

That prior to being examined, the witness
named in the foregoing deposition was duly sworn to
testify to the truth, the whole truth, and nothing
but the truth.

That said deposition was taken down by me
stenographically at the time and place therein named,
and thereafter reduced by me into typewritten form,
and that the same is a true, correct and complete
transcript of said proceedings.

Before completion of the deposition, review of
the transcript was requested. Any changes made by
the deponent (and if provided to the reporter) during
the period allowed are appended hereto.

I further certify that I am not interested in
the outcome of the litigation.

Witness my hand this 23rd day of January,
2011.

Sandra Bunch Vander Pol

SANDRA BUNCH VANDER POL
Certified Shorthand Reporter
Certificate No. 3032

Robert C. Little

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl : Master File No. 1:00-1898
Ether ("MTBE") : MDL 1358 (SAS)
Products Liability :
Litigation :

This Document Relates to:

City of Fresno v. Chevron U.S.A.
Inc., et al., et al.,
Case no. 04 Civ. 04973 (SAS)

MARCH 31, 2011

Videotaped Deposition of ROBERT C. LITTLE,
Volume I, City of Fresno's 30(b)(6) Designee re
Damages and Remedies, held in the Law Offices of
McCormick Barstow LLP, 5 River Park Place East,
Fresno, beginning at 9:01 a.m., before Sandra Bunch
VanderPol, FAPR, RPR, RMR, CRR, CSR #3032

GOLKOW TECHNOLOGIES, INC.
877.370.3377 ph|917.591.5672 fax
deps@golkow.com

Golkow Technologies, Inc. - 1.877.370.DEPS

8da3ca37-7f23-4fb0-97cb-8ea6bd2273f0

Robert C. Little

Page 138

Page 140

1 A. Yes and no.
2 Q. Please explain.
3 A. That well was formerly a treatment
4 site for DBCP, but the concentration has dropped
5 below the MCL. And we were able to discontinue
6 treatment of the site.
7 Q. All right.
8 A. The equipment is still on site, but
9 it's not used.
10 Q. Is the equipment that's on that
11 site something that could be used to treat for MTBE
12 if the City chose to do so?
13 MR. MILLER: Calls for an engineering and
14 expert opinion. Exceeds the scope.
15 Answer if you can.
16 THE WITNESS: To my understanding, GAC is an
17 approved method for DBCP -- or MTBE. So, yes, the
18 equipment can be used.
19 BY MR. ANDERSON:
20 Q. If you turn to page 46 of the same
21 interrogatory responses, you will see a list of
22 wells, flow rates, three vessel trains and capital
23 cost. And Well 28A is the first one listed. Do you
24 see that?
25 A. Yes.

1 A. Yes.
2 Q. And is the principal reason for
3 running that treatment also DBCP?
4 A. Yes.
5 Q. And has the City of Fresno, prior to
6 the date of today's deposition, incurred any expenses
7 in connection with the treatment at Well 205 as a
8 result of the presence of MTBE?
9 A. No.
10 Q. With respect to all of the wells in
11 the City of Fresno Water Division that have GAC
12 treatment already on them, has the City incurred any
13 expenses in connection with that GAC treatment that
14 is attributable to the presence of MTBE or TBA?
15 A. Only to the extent that we have done
16 some sampling at some of those wells, but there's no
17 treatment.
18 Q. Not related to the treatment --
19 A. No.
20 Q. -- but you have incurred expenses
21 relating to pulling samples and having them analyzed
22 by laboratories, right?
23 A. Yes.
24 Q. All right. But other than that, no
25 other expenses associated with MTBE?

Page 139

Page 141

1 Q. And just above that chart it says,
2 "The City anticipates the following capital costs for
3 GAC treatment facilities for each of the following
4 wells." Do you see that?
5 A. Yes.
6 Q. Now, I know the gentleman tomorrow
7 will be testifying about potential future expenses,
8 but has the City already incurred the capital cost of
9 building the GAC treatment facility at Well 28A?
10 A. Not to the extent that this
11 indicates.
12 Q. Now, let's focus on -- well, on
13 Well 28A, you say that's been taken out of service.
14 When was that GAC treatment -- strike that. I will
15 ask a better question.
16 The GAC treatment facility at Well 28A has
17 already been taken out of service, right?
18 A. Correct.
19 Q. When was it taken out of service?
20 A. I believe it was 2006.
21 Q. All right. Let's take Well 205 as
22 another example. That also has a GAC treatment
23 facility constructed, correct?
24 A. Yes.
25 Q. And is that one currently operating?

1 A. Not that I'm aware of.
2 Q. All right. And when you say
3 "sampling," you're talking about extra sampling
4 that's been done because of the concerns about MTBE,
5 right?
6 A. Yes.
7 Q. It would not be your routine sampling
8 that you would have otherwise done anyway?
9 A. No.
10 Q. I have asked you a couple of
11 questions about the Unocal Bulk Plant that's at
12 101 Roosevelt Avenue. Is that a site you're familiar
13 with?
14 A. No.
15 Q. My client is ConocoPhillips, and it
16 is associated with certain facilities that would have
17 borne the 76, the Union 76 brand.
18 Are you familiar with that brand?
19 A. Yes.
20 Q. Are you aware of any injury that the
21 City of Fresno has suffered as a result of any act or
22 failure to act by my client?
23 MR. MILLER: That is not in the deposition
24 notice. It calls for a legal conclusion. And it's
25 vague and ambiguous.

36 (Pages 138 to 141)

Golkow Technologies, Inc. - 1.877.370.DEPS

8da3ca37-7f23-4fb0-97cb-8ea6bd2273f0

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

I, SANRA BUNCH VANDER POL, Certified Shorthand No. 3032 for the State of California do hereby certify:

That prior to being examined, the witness named in the foregoing deposition was duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That said deposition was taken down by me stenographically at the time and place therein named, and thereafter reduced by me into typewritten form, and that the same is a true, correct and complete transcript of said proceedings.

Before completion of the deposition, review of the transcript was requested. Any changes made by the deponent (and if provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not interested in the outcome of the litigation.

witness my hand this 11th day of April, 2011.

Sandra Bunch VanderPol

SANDRA BUNCH VANDER POL
Certified Shorthand Reporter
Certificate No. 3032