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And Motion Fees
[Govt. Code, § 6103]

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9 Attorneys for Plaintiff
10 South Tahoe Public Utility District

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

13 SOUTH TAHOE PUBLIC UTILITY)
DISTRICT;)
14)
Plaintiff,)
15)
vs.)
16)
ATLANTIC RICHFIELD COMPANY)
17 ("ARCO"); ARCO CHEMICAL)
COMPANY; SHELL OIL COMPANY;)
18 et al.,)
19 Defendants.)
20)

NO. 999128

**EXPERT WITNESS DECLARATION
PURSUANT TO CODE OF CIVIL
PROCEDURE SECTION 2034(f)(1)**

21 I, DUANE C. MILLER, declare as follows:

22 1. I am an attorney duly licensed to practice law in the State of California and am one of
23 the attorneys representing the plaintiff herein. The following declaration is based on personal
24 knowledge imparted to me by the respective experts and by other members of our firm. However,
25 to the best of my knowledge the following statement is accurate for each disclosed expert.

26 **Hydrogeology**

27 1. Steven Wheatcraft, Ph.D. is an expert in hydrogeology and solute transport. Dr.
28 Wheatcraft will testify concerning the characteristics of MTBE, its capacity to cause significant

1 groundwater contamination problems with public drinking water supply wells, movement of
2 contaminants in groundwater, and MTBE contamination and/or threatened contamination of
3 plaintiff's wells. He will also testify concerning the hydrogeology (geology, lithology, porosity,
4 transmissivity, groundwater velocity, dispersion, arrival time calculations, capture zones, and flow
5 direction(s) and related subjects) of the area used by the South Lake Tahoe Public Utility District
6 to supply water to its customers; whether and to what extent MTBE has impacted and/or threatens
7 the District's water supply wells; and sources of MTBE contamination in the District's water
8 supply.

9 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
10 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
11 action to submit to a meaningful oral deposition concerning any opinion and its basis.

12 The aforementioned expert's fee for providing deposition testimony is \$250 per hour. His
13 consultation fee is \$250 per hour.

14 2. Graham Fogg is an expert in hydrogeology and the persistence of contaminants in
15 groundwater systems. Dr. Fogg will testify concerning the characteristics of MTBE, its capacity
16 to cause significant groundwater contamination problems with public drinking water supply wells,
17 movement of contaminants in groundwater, including MTBE, the persistence of MTBE and other
18 gasoline contaminants in groundwater, and the role of Tahoe gasoline releases in causing long-term
19 contamination and/or threatened contamination of plaintiff's wells. He will also testify regarding
20 the impact, if any, of defendants' remediation efforts at various gasoline stations on the
21 concentration of MTBE in Tahoe groundwater. Dr. Fogg is a co-author of the University of
22 California Health and Environmental Assessment of MTBE chapter which discusses impacts on
23 water quality. This report has been produced in discovery. Dr. Fogg will discuss his report and
24 his recommendations concerning MTBE.

25 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
26 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
27 action to submit to a meaningful oral deposition concerning any opinion and its basis.

28 The aforementioned expert's fee for providing deposition testimony is \$300 per hour. His

1 consultation fee is \$200 per hour.

2 3. Joseph Odencrantz, Ph.D., P.E. has a Ph.D. in civil and environmental engineering and
3 experience in the assessment, remediation, and monitoring of petroleum hydrocarbon
4 contamination, as well as the analysis of the fate and transport of constituents of gasoline in
5 groundwater systems. Dr. Odencrantz will testify concerning his estimate of the amount of MTBE
6 released at various Tahoe gasoline station sites, the movement of MTBE in Tahoe groundwater,
7 the feasibility, if any, of bioremediating MTBE contamination in Tahoe groundwater and the
8 likelihood, if any, that MTBE released into groundwater will be naturally attenuated. He will also
9 discuss the nature and extent of MTBE groundwater contamination and the impact of MTBE on
10 Risk Based Corrective Action.

11 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
12 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
13 action to submit to a meaningful oral deposition concerning any opinion and its basis.

14 The aforementioned expert's fee for providing deposition testimony is \$300 per hour. His
15 consultation fee is \$225 per hour.

16 4. Ken Schmidt, Ph.D. is a hydrogeologist and expert in well construction and design who
17 has evaluated the South Lake Tahoe aquifer and the feasibility of developing new drinking water
18 supplies by drilling wells in the Tahoe basin. Dr. Schmidt authored a chapter on the above-
19 mentioned subject in the Boyle Engineering report previously produced in discovery. Dr. Schmidt
20 will discuss the subjects covered by that report.

21 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
22 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
23 action to submit to a meaningful oral deposition concerning any opinion and its basis.

24 The aforementioned expert's fee for providing deposition testimony is \$210 per hour. His
25 consultation fee is \$210 per hour.

26 5. Christian R. Wessel is a hydrogeologist who has developed a numerical groundwater
27 model of the South Lake Tahoe basin which has been previously produced in discovery. This
28 witness will discuss the appropriate use of this model to understand the South Lake Tahoe aquifer

1 and the associated effects of pumping plaintiff's drinking water wells.

2 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
3 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
4 action to submit to a meaningful oral deposition concerning any opinion and its basis.

5 The aforementioned expert's fee for providing deposition testimony is \$133.50 per hour.
6 His consultation fee is \$89 per hour.

7 **Impacts of MTBE on Drinking Water Quality**

8 6. Dr. William S. Cain is an expert in human sensory perception associated with the
9 Chemosensory Perception Laboratory of the University of California, San Diego. Dr. Cain will
10 discuss scientific principles associated with human sensory perception, methods used to estimate
11 taste and odor thresholds, variability in human sensitivity to unpleasant tastes and odors, the
12 impact of MTBE contamination on the taste and odor of drinking water, and studies on MTBE,
13 including taste and odor studies.

14 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
15 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
16 action to submit to a meaningful oral deposition concerning any opinion and its basis.

17 The aforementioned expert's fee for providing deposition testimony is \$250 per hour. His
18 consultation fee is \$250 per hour.

19 7. Dr. Irwin "Mel" Suffit is a professor with the University of California, Los Angeles. He
20 will testify concerning treatment technology which can be used to remove MTBE from drinking
21 water, scientific studies performed on carbon absorption rates associated with the removal of
22 MTBE from drinking water, and the impact of MTBE on the taste and odor of drinking water.

23 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
24 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
25 action to submit to a meaningful oral deposition concerning any opinion and its basis.

26 The aforementioned expert's fee for providing deposition testimony is \$300 per hour. His
27 consultation fee is \$300 per hour. This expert was unavailable to confirm that this rate represents
28 his current hourly rate and, therefore, this disclosure may be amended.

1 Health Effects

2 8. Bernard D. Goldstein, M.D. is a medical doctor with expertise in the environmental and
3 occupational health sciences, public health, toxicology, and epidemiology. He will discuss available
4 data concerning the toxicology and potential carcinogenicity of MTBE and the adequacy of studies
5 on MTBE conducted by industry to date, as well as the public health risk associated with human
6 exposure to MTBE.

7 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
8 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
9 action to submit to a meaningful oral deposition concerning any opinion and its basis.

10 The aforementioned expert's fee for providing deposition testimony is \$500 per hour,
11 \$4,000 per day. His consultation fee is \$500 per hour and \$4,000 per day with a \$5,000 minimum.

12 Air Quality

13 9. Robert Sawyer, Ph.D. is an expert on air pollution, air pollutant emissions and their
14 control, the chemistry of combustion processes and fuels, and air pollution regulatory policy. He
15 will testify concerning effects of using MTBE and/or other oxygenates in gasoline, including its
16 impact on air quality. Dr. Sawyer is a co-author of the University of California Health and
17 Environmental Assessment of MTBE chapter which discusses impacts on air quality and a member
18 of the EPA Blue Ribbon Panel on MTBE. These reports have been produced in discovery. Dr.
19 Sawyer will discuss his recommendations concerning MTBE and the subjects mentioned in the
20 reports.

21 Dr. Sawyer has agreed to testify at trial. He will be sufficiently familiar with the pending
22 action to submit to a meaningful oral deposition concerning his specific testimony, including any
23 opinion and its basis, that he is expected to give at trial.

24 Dr. Sawyer's normal consulting fees are \$180 per hour with a five day minimum, and
25 \$360 per hour for testifying at depositions or in court.

26 10. Donald Lucas, Ph.D. is a staff scientist in the Environmental Energy Technologies
27 Division of the Lawrence Berkeley Laboratory, where he is a Principal Investigator in the
28 Combustion Group. He also has an appointment as a Professional Research Scientist in the

1 School of Public Health and as an affiliate in the Energy and Resources Group at the University
2 of California, Berkeley. His areas of expertise are combustion generated air pollutants,
3 experimental chemical kinetics, and combustion chemistry. He will testify concerning the air
4 pollution effects of using MTBE and/or other oxygenates in gasoline. Dr. Lucas is a co-author of
5 the University of California Health and Environmental Assessment of MTBE chapter which
6 discusses impacts on air quality. This report has been produced in discovery. Dr. Lucas will
7 discuss his recommendations concerning MTBE and the reports.

8 Dr. Lucas has agreed to testify at trial. He will be sufficiently familiar with the pending
9 action to submit to a meaningful oral deposition concerning his specific testimony, including any
10 opinion and its basis, that he is expected to give at trial.

11 Dr. Sawyer's normal consulting fees are \$180 per hour with a five day minimum, and
12 \$360 per hour for testifying at depositions or in court.

13 11. Michael Graboski, Ph.D. is an expert in pollutant emissions, refining, California
14 gasoline, and ethanol. He will testify concerning the emissions effects of using MTBE in
15 California gasoline, the availability of alternatives to MTBE, including ethanol, and refining
16 issues related to these topics. Dr. Graboski has agreed to testify at trial. He will be sufficiently
17 familiar with the pending action to submit to a meaningful oral deposition concerning his specific
18 testimony, including any opinion and its basis, that he is expected to give at trial.

19 Dr. Graboski's normal consulting fees are \$250 per hour, and \$500 per hour for testifying
20 at depositions or in court.

21 Gasoline Storage Systems and Releases

22 12. Marcel Moreau is a geologist with nationally recognized expertise in underground tank
23 issues. He will discuss technology and operational practices which can be utilized to prevent
24 and/or promptly detect releases from gasoline storage systems. In addition, Dr. Moreau will
25 discuss the nature, extent, and cause of gasoline releases at individual stations in Lake Tahoe and
26 how those incidents could have been prevented. Dr. Moreau will also review the effectiveness of
27 leak detection technology used for gasoline storage systems and their limitations. Dr. Moreau will
28 describe early reports concerning MTBE contamination incidents, the historical development of

1 knowledge concerning MTBE's occurrence in groundwater and drinking water, and defendants'
2 knowledge of these subjects.

3 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
4 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
5 action to submit to a meaningful oral deposition concerning any opinion and its basis.

6 The aforementioned expert's fee for providing deposition testimony is \$200 per hour. His
7 consultation fee is \$150 per hour with a \$2,000 minimum.

8 Other Gasoline Alternatives

9 13. Robert Reynolds is the President of Downstream Alternatives Inc. He is an expert in
10 -- and will testify concerning -- the use of ethanol in gasoline as an alternative to MTBE,
11 including ethanol's supply, demand, logistics, and availability for use in California refineries.

12 Mr. Reynolds has agreed to testify at trial. He will be sufficiently familiar with the
13 pending action to submit to a meaningful oral deposition concerning his specific testimony,
14 including any opinion and its basis, that he is expected to give at trial.

15 Mr. Reynold's fee is \$175 per hour.

16 Gasoline Deliveries

17 14. Ken Kross has extensive experience with the distribution and movement of gasoline in
18 California through the use of pipelines and terminals. He will testify concerning tracing shipments
19 of gasoline from Bay Area refineries to Tahoe gasoline stations and the practices and paperwork
20 employed by the industry concerning this subject.

21 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
22 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
23 action to submit to a meaningful oral deposition concerning any opinion and its basis.

24 The aforementioned expert's fee for providing deposition testimony is \$100 per hour. His
25 consultation fee is \$100 per hour.

26 15. James W. Barrington, P.E. is an engineering consultant who specializes in many
27 aspects of the oil and chemical industry, including process design, plant layout and construction,
28 storage and transportation facilities, and pipelines. He will discuss the movement and delivery of

1 gasoline in pipelines and terminals.

2 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
3 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
4 action to submit to a meaningful oral deposition concerning any opinion and its basis.

5 The aforementioned expert's fee for providing deposition testimony is \$300 per hour. His
6 consultation fee is \$150 per hour.

7 **Remediation Engineering/Water Systems**

8 16. Gunter Redlin, P.E. is a water quality specialist and engineer at Boyle Engineering in
9 Fresno, California. Mr. Redlin was the project manager responsible for the preparation of "MTBE
10 Water System Impacts and Mitigation Evaluation", September 2000, prepared by Boyle
11 Engineering Corporation, which reviewed the District's existing water system, MTBE impacts on
12 the District's water system, various alternative remediation strategies to mitigate the impacts of
13 MTBE (including, but not limited to, well reconstruction/rehabilitation, blending, purchasing
14 water, development new groundwater or surface water supplies, and/or the installation of wellhead
15 treatment facilities to remove MTBE from the water supplied to the District's customers. This
16 report has been produced in discovery and Mr. Redlin will discuss the subject matter covered by
17 the report, as well as his recommendations concerning the District's response to MTBE
18 contamination of its drinking water (including the damages sustained by the District, the cost of
19 installing and operating treatment technology and other remedial options discussed above). Mr.
20 Redlin will also discuss water industry standards and regulations and their impact on his
21 recommended MTBE mitigation alternatives.

22 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
23 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
24 action to submit to a meaningful oral deposition concerning any opinion and its basis.

25 The aforementioned expert's fee for providing deposition testimony is \$200 per hour, and
26 his consultation fee is \$165.00 per hour.

27 17. Anthony Brown is an expert in the fields of hydrogeology, gasoline releases, and
28 remediation of gasoline releases. He has participated in scientific studies in the removal of MTBE

1 in drinking water supplies (including, but not limited to) charcoal filtration, advanced oxidization
2 processes, resin filtration, etc. He will testify concerning the effectiveness and cost of various
3 technologies to remove MTBE from drinking water and discuss gasoline releases in Tahoe and
4 remediation efforts undertaken at Tahoe gasoline stations.

5 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
6 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
7 action to submit to a meaningful oral deposition concerning any opinion and its basis.

8 The aforementioned expert's fee for providing deposition testimony is \$376 per hour. His
9 consultation fee is \$188 per hour.

10 18. Alice Tulloch is an engineer who has been responsible for the administration of a
11 public drinking water system in California. She will discuss public drinking water systems, wells,
12 standards applicable to the water industry, and the operations and maintenance of treatment
13 systems designed to remove contaminants from public drinking water supplies.

14 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
15 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
16 action to submit to a meaningful oral deposition concerning any opinion and its basis.

17 The aforementioned expert's fee for providing deposition testimony is \$200 per hour. Her
18 consultation fee is \$140 per hour.

19 Sewers

20 19. John Calmer is an engineer with expertise in public sewer systems. He has performed
21 ex-filtration and infiltration studies on the District's sewer system which have been produced ind
22 discovery and which will be discussed by the witness. He will also discuss the occurrence and
23 significance of MTBE discharges from remediation facilities at various Tahoe gasoline stations and
24 the reasons that MTBE has been detected in District sewers.

25 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
26 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
27 action to submit to a meaningful oral deposition concerning any opinion and its basis.

28 The aforementioned expert's fee for providing deposition testimony is \$250 per hour. His

1 consultation fee is \$200 per hour.

2 **Economists**

3 20. W. Ed Whitelaw is an economist and will discuss the present value of the damages
4 sustained by the District and the District's damages. In any bifurcated proceeding, he may also
5 testify concerning the defendants' financial statements and net worth in a proceeding to determine
6 the appropriate amount of punitive damages.

7 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
8 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
9 action to submit to a meaningful oral deposition concerning any opinion and its basis.

10 The aforementioned expert's fee for providing deposition testimony is \$290 per hour. His
11 consultation fee is \$290 per hour.

12 **Chemistry**

13 21. Jim Bruya, Ph.D. is an environmental chemist with expertise in the identification of
14 petroleum hydrocarbons and other constituents of gasoline and will testify concerning the subject
15 of product identification and defendants' role in supplying gasoline and/or MTBE which can cause
16 contamination at Tahoe sites.

17 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
18 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
19 action to submit to a meaningful oral deposition concerning any opinion and its basis.

20 The aforementioned expert's fee for providing deposition testimony is \$150 per hour. His
21 consultation fee is \$150 per hour.

22 22. Jill B. Henes, Ph.D. is a chemist and a specialist in quality assurance, procedures and
23 practices associated with the quantitative analysis of organic and inorganic pollutants. She has
24 participated in a laboratory audit to determine the adequacy of laboratory operations at Zymax
25 Envirotechnology, Inc. and Alpha Analytical Laboratories and the practical and technical feasibility
26 of detecting MTBE in groundwater samples. Her report concerning this audit and her findings that
27 MTBE can be reliably detected by the laboratories mentioned above at concentrations as low as
28 0.2 parts per billion has been produced in discovery and will be covered by her testimony.

1 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
2 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
3 action to submit to a meaningful oral deposition concerning any opinion and its basis.

4 The aforementioned expert's fee for providing deposition testimony is \$294 per hour. Her
5 consultation fee is \$147 per hour.

6 23. Roger Scholl, Ph.D. is a chemist with Alpha Analytical Laboratories that has
7 performed water quality analyses on samples provided by the District. The associated reports have
8 been produced in discovery. Dr. Scholl will testify concerning the amount of MTBE and other
9 constituents detected in such samples and the reliability and accuracy of the methods used to
10 perform such analyses.

11 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
12 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
13 action to submit to a meaningful oral deposition concerning any opinion and its basis.

14 The aforementioned expert's fee for providing deposition testimony is \$300 per hour. His
15 consultation fee is \$150 per hour.

16 24. John McMurphy and Mike Ng are chemists with Zymax Envirotechnology, Inc. that
17 have performed water quality analyses on samples provided by the District. The associated reports
18 have been produced in discovery. These witnesses will testify concerning the amount of MTBE
19 and other constituents detected in such samples and the reliability and accuracy of the methods
20 used to perform such analyses.

21 Counsel represents that the aforementioned experts have agreed to testify at the trial of this
22 matter. Counsel represents that the aforementioned experts will be sufficiently familiar with the
23 pending action to submit to a meaningful oral deposition concerning any opinion and its basis.

24 The aforementioned experts' fee for providing deposition testimony is \$350 per hour.
25 Their consultation fee is \$150 per hour.

26 Statistics

27 25. John Freeman, Ph.D. and Michael Sullivan, Ph.D. are statisticians who will critically
28 review and comment on any statistical analyses presented by defendants' experts in this case and

1 may testify concerning the presence or absence of statistically significant trends concerning the
2 concentration of MTBE in Tahoe groundwater.

3 Counsel represents that the aforementioned experts have agreed to testify at the trial of this
4 matter. Counsel represents that the aforementioned experts will be sufficiently familiar with the
5 pending action to submit to a meaningful oral deposition concerning any opinion and its basis.

6 The aforementioned experts' fee for providing deposition testimony is \$400 per hour.
7 Their consultation fee is \$300 per hour.

8 **Land Acquisition Costs**

9 26. Stephen Johnson is a certified real estate appraiser who will testify concerning the cost
10 of acquiring land associated with MTBE remediation facilities and associated damage claims by the
11 District.

12 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
13 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the pending
14 action to submit to a meaningful oral deposition concerning any opinion and its basis.

15 The aforementioned expert's fee for providing deposition testimony is \$175 per hour. His
16 consultation fee is \$150 per hour.

17 **Percipient Witnesses Who May Offer Expert Opinions**

18 In conformity with the requirements of the Code of Civil Procedure, no hourly rate is listed
19 for these witnesses unless they charge for such services.

20 27. Ivo Bergsohn is a hydrogeologist who will testify concerning District wells, the
21 geology, lithology, and occurrence and movement of groundwater in the District's service area, as
22 well as the results of pumping tests and other studies performed on behalf of the District which are
23 described in numerous documents produced in discovery and in his lengthy deposition. These
24 subjects include the characteristics of MTBE, its capacity to cause significant groundwater
25 contamination problems with public drinking water supply wells, movement of contaminants in
26 groundwater, to what extent MTBE impacted and/or threatens the District's water supply, and the
27 decision to remove MTBE impacted/threatened wells from service. He will also discuss
28 hydrogeological issues (geology, lithology, porosity, groundwater velocity flow and direction and

1 related subjects), the area used by the South Lake Tahoe Public Utility District to supply water to
2 its customers, and the origin of MTBE plumes which affect the District's water supply.

3 28. Richard Solbrig is an engineer who will testify concerning the construction, operation,
4 and maintenance of the District's water system and sewer system, as well as the anticipated cost of
5 constructing facilities in Tahoe, including MTBE remediation alternatives discussed in Boyle
6 Engineering's report on this subject. He will also describe the District's construction practices and
7 policies, as well as applicable environmental laws and regulations which affect such projects and
8 their associated cost. He will testify generally on subjects covered by his deposition in this action.

9 29. Richard Hydrick is the District's Water Quality Manager who will testify concerning
10 the construction, operation, and maintenance of the District's water system, decisions made by the
11 District with respect to MTBE, and threatened and actual impacts of MTBE on District wells and
12 their operation. He will testify concerning subjects covered in fourteen days of deposition,
13 including damages sustained by the District attributable to MTBE, and his recommendations
14 concerning projects to remediate District wells impacted by MTBE.

15 30. Rhonda McFarlane is the Chief Financial Officer employed by the District and will
16 testify concerning the District's accounting and cost allocation practices and records and the
17 amount of damage sustained by the District to date, as well as subjects covered in her deposition.

18 31. Robert Baer is the General Manager of the South Tahoe Public Utility District who
19 will testify concerning the construction, operation, and maintenance of the District's water system,
20 decisions made by the District with respect to MTBE, and threatened and actual impacts of MTBE
21 on District wells and their operation. He will testify concerning subjects covered in fourteen days
22 of deposition, including damages sustained by the District attributable to MTBE, and his
23 recommendations concerning projects to remediate District wells impacted by MTBE.

24 32. Terrance Powers is responsible for sampling District wells and monitoring water
25 quality. He will testify concerning subjects covered in his deposition as well as standard practices
26 followed by the District in obtaining representative samples in its wells.

27 33. Phillip Torney is responsible for the operations and maintenance of the District's water
28 system and District wells and will testify concerning these subjects and subjects covered in his

1 deposition.

2 34. Ross Johnson and Ken Schroeder are responsible for the operation of the District's
3 sewer system and will testify concerning that subject and subjects covered in their depositions.

4 35. David Herzog conducted an aquifer study used to identify appropriate sites for the
5 construction of several District wells, including, but not limited to, the Paloma well. In addition,
6 he participated in an investigation of MTBE contamination in the Meyers area. His reports have
7 been produced in discovery and will be covered by his testimony. This consultant charges \$150
8 per hour for consultation and deposition testimony.

9 36. Steve Linder and Greg Lavato are employed by the United States Environmental
10 Protection Agency, Region 9, San Francisco. They reviewed consultants' reports and other data
11 concerning gasoline releases at USA Gasoline Station No. 7, Tahoe Tom's, and other sites and
12 have commented upon the adequacy of remediation efforts, or the lack thereof, conducted at those
13 facilities. They will testify concerning the analyses and work they performed in this regard.

14 37. Mary Drewry participated in the State Water Resources Control Board's panel on the
15 leak history of new and upgraded UST systems dated January 1999 which was produced in
16 discovery in this case. She will testify concerning her findings and observations of the inspection
17 performed by the team on various Tahoe gasoline stations, including Paradise Chevron, Terrible
18 Herbst, USA Gas No. 7, Meyers Beacon, and other sites listed in that report. She will describe
19 any deficiencies and/or problems identified during the inspection, as well as the state requirements
20 applicable to gasoline storage systems.

21 38. Ginger Huber, Valerie Kaufman, and Marcie Barnett are or were employed by the
22 County of El Dorado to enforce environmental rules and regulations applicable to underground
23 storage tank systems and their components. They have conducted numerous inspections of Tahoe
24 gasoline stations and will comment upon their findings, observations, and opinions concerning the
25 events and conditions observed. In addition, they will identify and explain photographic evidence
26 relating to these observations and conditions and the compliance, or lack of compliance, by
27 defendants with applicable standards and regulations.

28 39. Dennis C. DeCota is the Executive Director of the California Service Station and

1 Automotive Repair Association (CSSARA), and has more than 30 years experience in petroleum
2 service station sales, including 12 years as a Merchandising Sales Supervisor for Unocal
3 Corporation and a franchisee of Tosco service stations. He is knowledgeable regarding different
4 types of service stations in California (e.g., franchise stations, jobber stations, two-party stations,
5 unbranded stations, and major oil company owned and operated service station dealers), the
6 relationship of those stations to various refiners and suppliers of gasoline, and documentation
7 and/or other information provided by refiners and suppliers concerning gasoline. In addition, Mr.
8 DeCota has conducted a survey of CSSARA members regarding warnings and other information
9 received by service station dealers specifically concerning MTBE. He is currently the Chief
10 Executive Officer of a professional organization which represents franchised service station
11 dealers, unbranded service station dealers, and other members of the retail service station business.
12 Mr. DeCota will testify generally concerning the subject matter of his affidavit dated September
13 23, 2000 in *Communities for a Better Environment v. Unocal Corporation, et al.*, including, but
14 not limited to, the lack of warnings provided concerning MTBE to owners and operators of
15 gasoline service stations, and the need for such warnings.

16 40. Dickman Lum is employed by the California Air Resources Board Compliance
17 Division in Sacramento and will testify concerning the defendants' ability to trace shipments from a
18 refinery to a terminal, and will describe associated records and the records which the defendants
19 are required to maintain by state law.

20 41. Harold Singer (Engineer/Geologist); Chuck Curtis (Engineer); Lisa Durnback
21 (Geologist); Lorie Kemper (Engineer); Catherine Schoen (Engineer); and Tammy Lundquist
22 (Geologist) are employed by the Lahontan Regional Water Quality Control Board in South Lake
23 Tahoe, California. They have identified gasoline releases at Tahoe gasoline stations at issue in this
24 case and determined the cause of these releases. In addition, they have reviewed reports prepared
25 by environmental consultants concerning remediation activities undertaken at these stations and
26 have determined that some potentially responsible parties have failed to comply with orders issued
27 by the Regional Board which were designed to reduce MTBE impacts on Tahoe groundwater.

28 42. Kerri Dierberger prepared reports on behalf of her employer, Camp, Dresser & McKee

1 concerning remediation of a gasoline release at Tahoe Tom's. She may testify concerning her
2 reports and a description therein of the expected level of remediation/removal associated with soil
3 vapor, air sparging, excavation, pump and treat, and other remedial techniques described in her
4 reports. This witness' hourly rate should be available through counsel for Tom Erickson who
5 currently retains this consultant.

6 43. Dale Bugenig was formerly employed by AGRA Earth and Environmental and he
7 developed on a numerical groundwater model of the Tahoe basin on behalf of the District. This
8 model and associated reports have been produced in discovery and will be covered by this witness'
9 testimony.

10 44. Duane Bordvick is a Vice-President employed by Tosco Corporation who testified in
11 his deposition that MTBE did not significantly improve air quality and that other practical
12 alternatives were available. This testimony may be elicited at trial.

13 45. Terry Applebury is employed by Applied Process Technology and has evaluated the
14 feasibility of using advanced oxidation processes to treat MTBE in District wells. Copies of his
15 reports relating to this subject have been produced in discovery and will be discussed in his
16 deposition.

17 46. Jeff Collins is an environmental engineer employed by SECOR International, Inc. who
18 testified in his deposition concerning the source of MTBE found in the Arrowhead wells. This
19 testimony will be elicited at trial.

20 47. Japanese Language Translator. Plaintiff may call a court certified translator from
21 SCITRAN, or other court certified translator, if necessary, in support of a verified translation of
22 the Fujiwara article on Biodegradation and Bioconcentration of Alkyl Ether. Plaintiff is disclosing
23 this potential witness, even though a translator is not classified as an expert under California
24 Evidence Code section 750, *et seq.*

25 48. Kenneth Roy Williams conducted a study concerning over 300 gasoline station sites in
26 Orange County and will describe the nature and extent of MTBE contamination found, MTBE
27 concentration trends over time, ongoing releases from upgraded gasoline storage systems, the
28 involvement of certain defendants in these releases and their knowledge of the presence of MTBE

1 at these sites.

2 **Defendants' Employees and/or Former Employees**

3 **Who Offered Opinions During Their Depositions**

4 Plaintiff expects to utilize some or all of the deposition testimony of the following
5 witnesses taken in this action who are currently employed or formerly employed by one or more
6 defendants. Their addresses and fields of expertise are described in each deposition which is
7 incorporated herein by reference. Since the depositions are equally available to all parties, a more
8 specific description of the subject matter and testimony of their opinions is not required. However,
9 such subjects include, but are not limited to, MTBE's impact on drinking water and groundwater,
10 MTBE's biodegradability – or lack thereof, the efficacy of MTBE in improving air quality, the
11 availability of reasonable alternatives to MTBE, including ethanol and iso octane, the nature and
12 extent of the oil industry's knowledge of the MTBE problem, the nature and extent of warnings
13 provided to others concerning MTBE, the propensity of underground storage tank systems and
14 related pipelines to release gasoline, identification of handwritten entries on business records,
15 identification of business records and business practices, whether District wells should be operated
16 when plumes are near a District well, industry standards concerning the operation, maintenance
17 and construction of underground gasoline systems and the effectiveness of such practices and
18 procedures, the taste and odor threshold for MTBE, reporting requirements under the Toxic
19 Substances Control Act, the toxicology of MTBE, and sources of MTBE contamination in the
20 Tahoe area. These witnesses include:

21 Bruce Bauman
22 Duane Bordvick
23 Dr. Roland Borey
24 Brad Boschetto
25 Timothy Buscheck
26 David Camille
27 Eugene Capaldi
28 Chen Chiang
Dwayne Conrad
Paul Cuneo
Sullivan D. Curran
William Deever
James DeJovine
John DePup
Edward Dineen

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George Dominguez
Tom Eizember
Gerry Flake
Jack Follick
Jeff Gaardner
Douglas Guerrant
Ed Guetens
Alan Hirsig
Sandy Huff
Bruce Irion
William Kilmartin
Elwanda Kovich
Gowri Kowtha
R.P. Larkins
Bruce Macklin
Gene Mancini
Marilyn Magnotti
Barbara Mickelson
J.M.E. Mixer
Mary Morgan
Eugene Motte
Richard Munsch
Alejandro Perez
Pete Pugnale
S.A. Ridon
William Rixey
Randy Roth
Bob Simonson
J.E. Spell
Curt Stanley
Dwight Stevenson
Scott Stout
Paul Sun
Patrick Tomlinson
James Tuday
Christine White
George Yogis
Dale Young

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 18th day of October, 2000 at Sacramento, California

Sacramento, California.

**MILLER, SHER & SAWYER
A Professional Corporation**

By: 
DUANE C. MILLER
Attorney for Plaintiff

1 PROOF OF SERVICE BY MAIL

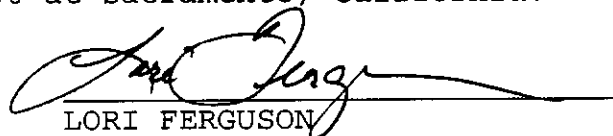
2 I, the undersigned, declare that I am, and was at the time
3 of service of the paper(s) herein referred to, over the age of 18
4 years and not a party to this action. My business address is 100
5 Howe Avenue, Suite S120, Sacramento, California 95825, which is
6 located in the county in which this mailing occurred. I am
7 familiar with my office's business practice for collection and
8 processing of correspondence for mailing with the United States
9 Postal Service, and under such practice the correspondence would
10 be deposited with the United States Postal Service, postage pre-
11 paid, the same day in the ordinary course of business.

12 On October 18, 2000, I served **EXPERT WITNESS DECLARATION**
13 **PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 2034(f)(1)** on the
14 following persons or parties by placing a true copy thereof in a
15 sealed envelope, showing the addresses set forth below, for
16 collection and deposit in the United States Postal Service on
17 that date following ordinary business practices:

18 See Attached for List

19 I declare under penalty of perjury under the laws of the
20 State of California and the United States of America that the
21 foregoing is true and correct.

22 Executed on October 18, 2000 at Sacramento, California.

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