

1 IN THE UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF TEXAS
3 VICTORIA DIVISION

4 _____)
5 SAN ANTONIO BAY ESTUARINE)
6 WATERKEEPER and SYLVIA)
7 DIANE WILSON,)
8 Plaintiffs,)
9 VS.) CIVIL ACTION NO.
10) 6:17-CV-47
11)
12 FORMOSA PLASTICS CORP., TEXAS,)
13 and FORMOSA PLASTICS CORP.,)
14 U.S.A.,) 8:31 A.M.
15 Defendants.)
16 _____)

17 BENCH TRIAL
18 BEFORE THE HONORABLE KENNETH M. HOYT
19 MARCH 265, 2019
20 VOLUME 2

21 APPEARANCES:

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1 up all the stairs.

2 **Q** Well, somebody saw it in order to tell you fish those
3 pellets out; is that fair? Or did you tell them that was going
4 on, and that's why they had you fish them out?

5 **A** No. They seen it, and they knew it had to be done. So they
6 told us.

7 **Q** All right. So the -- in all the time that you were there
8 and you were talking to them 18, 19, 20 years ago about these
9 various issues, did you ever see them, at Formosa -- anyone at
10 Formosa try to make a change so that they didn't have all these
11 pellets and powder on the ground that were getting washed down
12 with this firehose?

13 **A** No.

14 **Q** Did you talk to them about this being an environmental
15 problem?

16 **A** Well, they knew that it was being environmental problem
17 because it was illegal for them to leave the plant. They knew
18 that. I knew that.

19 It was plugging up the 24-hour sampling systems, which they
20 were -- what's the word for it? -- tampering with.

21 **Q** Well, so you wore a wire at some point when you were working
22 there when you were --

23 **A** Yes, sir.

24 **Q** -- working with the EPA, fair?

25 **A** Yes, I did. That was after EPA and FBI found out that

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1 Joey Chen had came into the control room and bent the needles on
2 the recorder chart.

3 Q Now, that -- did that -- that didn't pertain to pellets.
4 That pertained to some other chemical?

5 A That pertained to gallons per minute and temperature.

6 Q Okay. Temperature of the water that they're pumping out
7 into Lavaca Bay?

8 A Yeah.

9 Q All right. And who would you talk to at EPA? Who were you
10 kind of reporting to there?

11 A Roger Potts.

12 Q And where was he located? I mean, obviously --

13 A Corpus Christi.

14 Q Okay. Would he come up and meet with you or --

15 A Yes. He'd come by my home every week.

16 Q All right.

17 A Him and the FBI.

18 Q And at some point, did the folks at Formosa find out that
19 you were working with the EPA?

20 A Yes, sir, but it took a long period of time.

21 Q Okay. What happened when they finally found out you were
22 working with EPA?

23 A Well, I guess you could say I got the dirt jobs, sweeping
24 concrete -- I -- I was not -- I was considered an operator,
25 okay? I was supposed to be helping running the plant. I went

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1 from running the plant to being a laborer, running a broom,
2 picking up stuff and trash in ditches, putting with crews that
3 did not speak English and I couldn't translate with them.

4 It was really degrading.

5 **Q** Okay.

6 **A** I had degrading jobs.

7 **Q** Okay. Well, let me ask you: Did -- when you finally left,
8 I understood that you sued them for wrongful termination. Is
9 that fair?

10 **A** Yes, sir. That's correct.

11 **Q** Whatever happened with that?

12 **A** We settled out of court on that.

13 **Q** All right. Let me ask you about one other thing. Did you
14 get this powder on you, on your body from time to time?

15 **A** Yes.

16 **Q** All right. And did you ever have an incident where it
17 was -- it was an irritant, where it irritated you or any of the
18 other workers there?

19 **A** Yes. That was at the old side of the plant, you know, the
20 first one --

21 **Q** Uh-huh.

22 **A** -- before the expansion was built. It was common that this
23 PVC powder would be blowing in the air. I mean, it was
24 everywhere. I mean, the grounds were white. The roads were
25 white. Ditches -- you could see it in the ditches.