

Deposition Index — Joseph Nadeau (Volume II)

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Case Number: C.A. 06-218-S; C.A. 11-023-S (p. 147).

Deponent: Joseph Nadeau (p. 150).

Date: 06/24/2013 (p. 147).

Location: Offices of Duffy & Sweeney, Ltd., 1800 Financial Plaza,
Providence, Rhode Island (p. 147).

[Interrogate this summary](#)

Plaintiff Attorneys:

- Jack R. Pirozzolo, Esquire, **Foley Hoag LLP** (p. 147).
- Brian Henninger, Esquire, **Foley Hoag LLP** (p. 147).

Defendant Attorneys:

- Megan Baroni, Esquire, **Robinson & Cole LLP** (p. 147).
- Patrick B. Bryan, Esquire, **U.S. Department of Justice, Environment & Natural Resources Division, Environmental Enforcement Section** (p. 147).
- Joy Sun, Esquire, **Environmental Protection Agency** (p. 147).

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Index of Topics Covered

- Background case caption, deposition setting, appearances of counsel, and the swearing of **Joseph Nadeau** (p. 147) (p. 150).

- The witness's work history at **Metro-Atlantic** and **New England Container**, including his best estimate of employment between 1962 and August 1965, later military service, and later work at **Crown Chemical** (p. 151) (p. 152) (p. 153).
- Descriptions of the site layout, including the main building, **Texas Tower**, office area, maintenance area, shipping area, outside storage tanks, filter presses, wash station, burner area, drum storage area, and the area referred to as the dump (p. 157) (p. 169) (p. 181) (p. 188).
- Product-handling and process testimony concerning **hexachlorophene**, **reserve salt**, **40-S**, filter-press residue, tanker-truck deliveries, drum burning, washing, sandblasting, reconditioning, painting, and storage (p. 154) (p. 165) (p. 177) (p. 184).
- Testimony about **French drains**, wash water, the tailrace, and the witness's observations or limitations in observing whether water changed color or where particular discharges went (p. 176) (p. 191) (p. 193) (p. 210).
- Use of prior testimony and exhibits, including a 2002 deposition, a 2006 trial transcript, an affidavit, and a large site map marked as **Exhibit 8** (p. 155) (p. 168) (p. 194) (p. 206).
- Questions concerning the witness's knowledge of **dioxin**, chemistry, and his role as a laborer rather than management or accounting personnel (p. 217) (p. 218).

Background w/ Medical Providers

No relevant content identified in the source documents.

Key Topics

- **Employment history and time frame:** The witness testified that he performed summer work while attending **Ponaganset High School** and estimated that he worked at **New England Container** in approximately 1962 to 1963, may have worked at **Metro-Atlantic** in approximately 1963 to 1964, and worked at **Metro-Atlantic** for sure in 1964 to 1965 (p. 151) (p. 152). He testified that he left the Centredale site in August 1965, served in the military for two years, and later worked at **Crown Chemical** in the late 1960s at a different location (p. 153).
- **Site layout and building identifications:** The witness described a sloped site, a basement level with windows, outside storage tanks, and a river and tailrace on different sides of the property (p. 157) (p. 161). Using the marked map, he identified or discussed the office area, process areas, shipping, connection points, storage tanks, reserve-salt filter press, dumpster, maintenance shop, drying area, wash station, paint station, burner area, drum storage, and the area referred to as the dump (p. 169) (p. 172) (p. 175) (p. 181) (p. 188).
- **Products and handling processes:** The witness testified that **hexachlorophene** was associated with the **Texas Tower** area and stated that, based on his present recollection, he knew the plant was there but did not know precisely how long manufacture continued (p. 154) (p. 156). He also described **reserve salt** and **40-S** as products filtered separately, stated that raw materials were mixed or blended on upper floors, and described delivery of liquid materials by truck through hoses or pipes to holding tanks and storage tanks (p. 163) (p. 177) (p. 178).
- **Waste handling and drum work:** The witness testified that empty raw-material bags and some filter-press residue were placed in a **Dumpster**, that chipped solidified material from vessels was put into buckets and likely a barrel before he lost track of it, and that drums were burned, washed, sandblasted, reconditioned, painted, and then stored for shipment (p. 165) (p. 166) (p. 184) (p. 186) (p. 189).

- **Water, drainage, and observations:** The witness testified that the **French drains** were in the basement and that floor wash water ran out of the building to the outside rather than to a municipal sewer (p. 176) (p. 193). He also testified that the tailrace was sometimes clear enough to see fish and turtles and at other times murky, while acknowledging limits on his memory about whether he personally saw every color change occur (p. 210).
- **Shared operations and workforce:** The witness stated that he regarded **Metro-Atlantic** and **NECC** as operating in shared fashion, explained that the maintenance crew worked at both locations, and described employees as interchangeable between the two facilities (p. 170) (p. 206).

Event Chronology

- **1962 to 1963:** The witness testified that he believed this period was when he worked one or possibly two summers at **New England Container** while he was still in school (p. 152).
- **1963 to 1964:** The witness testified that this period may also have involved work at **Metro-Atlantic**, but he said he was not sure (p. 152).
- **1964 to 1965:** The witness testified that he worked at **Metro-Atlantic** during this period for sure and described it as full-time work (p. 152) (p. 204).
- **August 1965:** The witness testified that he left the Centredale site in August 1965 (p. 153).
- **After high school:** The witness testified that he entered the military for two years (p. 153).
- **Late 1960s:** The witness testified that he later worked for **Crown Chemical** at a different location (p. 153).
- **12/17/2002:** A prior deposition of the witness was used during the examination to refresh recollection and to read prior answers into the record (p. 155) (p. 203).
- **09/14/2006:** Prior trial testimony of the witness was shown to him and discussed on the record (p. 196).
- **11/24/2008:** A site plan previously marked in the witness's earlier deposition was reintroduced and marked in this deposition as **Exhibit 8** (p. 168).
- **06/24/2013:** The continued deposition in this volume was taken on June 24, 2013, beginning at 1:00 p.m. and concluding at 2:25 p.m. (p. 147) (p. 218).

Clinical Findings and Symptoms

No relevant content identified in the source documents.

Clinical Decision-Making

No relevant content identified in the source documents.

Patient Condition and Outcomes

No relevant content identified in the source documents.

Witness Qualifications and Opinions

- The witness testified that, during the period at issue, he worked as a **laborer** for **Metro-Atlantic** and **NECC** (p. 217) (p. 218).
- The witness testified that he was not a chemist and did not have an understanding of chemistry, while also stating that he knew certain substances such as acid, formaldehyde, and ammonia were not good for him (p. 217).
- The witness testified that he was not involved in bookkeeping or accounting and did not sit on boards of directors or in management for either company (p. 218).
- The witness repeatedly stated that a number of his recollections were **foggy**, that some map identifications were based on his best memory, and that some descriptions were guesses offered with those limitations (p. 154) (p. 157) (p. 175) (p. 208).
- The witness testified that he never worked in the **Texas Tower** building and, as near as he could remember, never went inside it (p. 167) (p. 168).

Statements and Clarifications

- The witness clarified that he did not draw a distinct ownership line between **Metro-Atlantic** and **NECC**, because he saw members of the **Buonanno** family and shared personnel in both places and regarded the operations as closely connected (p. 170) (p. 205).
- On the subject of **hexachlorophene**, the witness testified that he presently did not know how long it was manufactured, but he acknowledged that his earlier 2002 testimony reflected an estimate of approximately eight or nine months and stated that the earlier testimony was given truthfully to the best of his recollection at that time (p. 154) (p. 156).
- Regarding drainage from the main building, the witness testified that wash water ran to the drains and outside, stated that there was no sewer, and said that the water ultimately went onto the land behind the building and then to the river (p. 191) (p. 193).
- The witness also clarified that, while he had seen the tailrace in a murky condition and had previously testified that it went outside, he could not always say from present memory that he personally observed every color change as it occurred (p. 192) (p. 210).
- In discussing **NECC** drum work, the witness testified that some plastic liners were pulled from drums, thrown on the ground temporarily for expediency, then picked up and placed into another drum, while stating that he did not know where they went after that (p. 215).
- When asked about **dioxin**, the witness testified that it was not a term he remembered and that he could not identify any handled substance as containing dioxin (p. 217).

Examination

- The examination opened with identification of telephone participants, administration of the oath, and direct examination by **Mr. Pirozzolo** (p. 150).
- During direct examination, counsel focused on employment dates, the site layout, the **Texas Tower**, storage tanks, filter presses, waste handling, and the map later marked as **Exhibit 8** (p. 151) (p. 168) (p. 184).

- Direct examination also included use of prior deposition excerpts and trial transcript pages to refresh the witness's recollection regarding **hexachlorophene** and drainage observations (p. 155) (p. 194).
- **Ms. Baroni** then conducted a shorter examination directed to prior trial testimony about wash-water discharge and to the witness's geographic work area at **Metro-Atlantic** (p. 199) (p. 201).
- **Mr. Bryan** followed with questions about the time frame of employment, the witness's affidavit describing employees as interchangeable, the appearance of the **Texas Tower**, observations concerning the tailrace, and handling of plastic liners at **NECC** (p. 203) (p. 206) (p. 208) (p. 215).
- **Mr. Pirozzolo** concluded with a brief further examination directed to whether the witness had seen **dioxin**, whether he had chemistry knowledge, and whether he worked as a laborer rather than in management or accounting (p. 217) (p. 218).

Objections and Procedure

- The transcript reflects repeated objections, including objections that questions were **vague**, **leading**, or **asked and answered**, as well as at least one **foundation** objection (p. 152) (p. 154) (p. 163) (p. 217).
- During discussion of prior testimony, **Mr. Bryan** stated a **move to strike** and described the attempted use of prior statements as improper impeachment, while also clarifying that he was not disputing that the earlier testimony had been given (p. 197) (p. 198).
- The record reflects an **off-the-record discussion** concerning identification of prior trial testimony materials, followed later by a **recess** (p. 193) (p. 198).
- The large site plan was formally marked during the deposition as **J. Nadeau Exhibit No. 8** (p. 168).
- The deposition adjourned at **2:25 p.m.** after counsel stated they had no further questions (p. 218).
- The reporter's certification states that reading and signing of the transcript was not requested by the deponent or any party (p. 219).

Appendix

- **Exhibits**
 - **Exhibit 1:** Prior deposition of the witness dated 12/17/2002 (p. 155).
 - **Exhibit 3:** Affidavit of the witness identified by Bates numbers E-000003.003225 through E-000003.003227 (p. 206).
 - **Exhibit 4:** Trial testimony pages identified in the record by Bates numbering, including E-000002.000602 (p. 194) (p. 199).
 - **Exhibit 8:** Large Sanborn map or plan used for orientation to the site and marked during this deposition (p. 149) (p. 168).
- **Named people**
 - **Joseph Nadeau:** Deponent (p. 150).

- **Jack R. Pirozzolo** and **Brian Henninger**: Counsel for **Emhart Industries, Inc.** (p. 147).
- **Megan Baroni**: Counsel for **New England Container Company, Inc.** (p. 147).
- **Patrick B. Bryan** and **Joy Sun**: Counsel appearing for the **United States Department of the Air Force** and **Environmental Protection Agency** representatives identified on the record (p. 147) (p. 203).
- **John Ferroli**, **W. Darrel Johnson**, **Andrea Leshak**, and **Tiffany Ikeda**: Participants identified on the record as appearing by telephone (p. 147) (p. 150).
- **Johnny Joyal** and **Bill Daley**: Individuals the witness associated with one process area on the map (p. 170).
- **Bud Larochelle**: Individual identified by the witness as usually performing the drum-burning work (p. 184).
- **Walt Murphy**: Maintenance worker identified by the witness in discussing interchangeable employees (p. 206).
- **Organizations and facilities**
 - **Metro-Atlantic**: Facility where the witness testified he worked, especially in 1964 to 1965 (p. 152) (p. 204).
 - **New England Container Company / NECC**: Facility where the witness testified he also worked and later handled drums with plastic liners (p. 152) (p. 214).
 - **Crown Chemical**: Company where the witness said he later worked in the late 1960s (p. 153).
 - **Ponaganset High School**: School the witness said he attended during the summer-work period (p. 151).
 - **Duffy & Sweeney, Ltd.**: Office location where this deposition was taken (p. 147).
- **Defined terms and site references**
 - **Texas Tower**: Site structure discussed by the witness and shown on the map (p. 168) (p. 207).
 - **French drains**: Basement drainage feature described by the witness (p. 176) (p. 209).
 - **Tailrace**: Water area adjacent to the property discussed in connection with drainage and murkiness (p. 161) (p. 210).
 - **Reserve salt**: Product discussed in connection with a filter press and drying operations (p. 175) (p. 202).
 - **40-S**: Product identified as having its own filter press (p. 177) (p. 178).
 - **Tights**: Witness's term for closed-head drums washed at the wash station (p. 186) (p. 189).
 - **Leakers**: Witness's term for drums that could not be used to hold liquids (p. 190).
 - **Dump**: Area at the end of the peninsula referred to by that name in the witness's testimony (p. 188).

Page/Line	Summary	Subject
150:1-150:20	The deposition of Joseph Nadeau begins following the identification of counsel on the record. The witness is sworn in and confirms his name for the court reporter.	Deposition Commencement
150:21-152:11	Mr. Nadeau testifies regarding his summer employment at Metro-Atlantic and New England Container between 1962 and 1965. He recalls working part-time during his high school years at Ponaganset High School, though he notes his memory of specific years is imprecise.	Employment History at Metro-Atlantic
152:12-153:16	The witness explains that he was drafted into the Army in 1965 and served for two years. Following his military service, he returned to Rhode Island and worked at Crown Chemical, confirming that his employment at the Centredale site concluded in August 1965.	Military Service and Subsequent Employment
153:17-154:18	Mr. Nadeau confirms that a building he identified as the 'Texas Tower' was constructed during his time at the site. He acknowledges that hexachlorophene was manufactured there but states he has no clear recollection of the duration of that production.	Hexachlorophene Manufacturing Timeline
154:19-157:5	Counsel presents the witness with his 2002 deposition transcript to refresh his memory regarding the duration of hexachlorophene production. Mr. Nadeau acknowledges his prior testimony, where he estimated the production lasted approximately eight to nine months, as his best recollection at that time.	Refreshing Recollection via Prior Testimony
157:6-159:10	The witness testifies about the presence of French drains in the basement of the main building. He describes the site's topography as sloped and confirms the basement was below grade, though he cannot recall specific details regarding the basement windows.	Basement Drains and Building Layout
159:11-159:25	Mr. Nadeau describes the storage tanks located outside the building as large, vertical cylinders. He estimates they held thousands of gallons and notes that, to his best recollection, they were taller than they were wide.	Description of Storage Tanks
160:1-160:19	The witness describes the storage tanks located outside the main building as large, vertical cylinders of varying sizes, holding thousands of gallons each. He estimates there were approximately four or five such tanks on the site.	Storage Tank Description

Page/Line	Summary	Subject
160:20-161:6	The witness identifies two water features near the facility, referring to them as a river and a tailrace. He confirms the tanks were located on the opposite side of the facility from the river.	Site Geography
161:7-162:10	Using Smith Street as a point of reference, the witness testifies that the main building and storage tanks were situated on his left-hand side when his back was to the street. He confirms the river was located on his right-hand side.	Facility Layout
162:11-164:22	The witness explains that tanks were filled either by pumping manufactured product from the facility or by receiving raw product from vendor trucks. He confirms that delivery trucks accessed the site via a driveway on the right side of the building, where they connected to external pipes or hoses to transfer materials.	Tank Filling Procedures
164:23-165:9	The witness describes the floor drains as being approximately one foot wide and one foot deep. He notes that some, but not all, of these drains were covered with metal grates.	Floor Drains and Grates
165:10-166:18	The witness testifies that a dumpster was used to dispose of empty raw material bags and, at times, waste from the filter press. He expresses uncertainty regarding whether solidified material chipped from tanks was also placed in the dumpster.	Waste Disposal Practices
166:19-169:25	After reviewing prior deposition testimony to refresh his memory, the witness confirms that chipped material was typically disposed of in the dumpster. He then identifies key geographic features on a site map, including Smith Street, Mineral Spring Avenue, and the adjacent river and tailrace.	Document Review and Orientation
170:1-171:6	The witness identifies the office building located off Route 44, noting that it served both Metro-Atlantic and NECC. He explains that he viewed the two entities as a single body and that their facilities were largely shared.	Facility Office and Operations
171:7-171:23	The witness describes Process Area No. 1 as a location where employees Johnny Joyal and Bill Daley worked with vats to produce unknown products. He notes that this area was separate from his own primary work location.	Process Area No. 1

Page/Line	Summary	Subject
171:24-172:18	The witness identifies the shipping area as the site for truck deliveries and product distribution. He also points out the location of fill valves along the west wall of the main building, recalling an incident where a worker was burned by caustic acid while disconnecting a hose.	Shipping and Fill Valves
172:19-173:12	The witness identifies a location labeled "Connection" on the map, confirming it was a point where liquids were pumped into the building. He acknowledges the possibility that multiple connection points existed.	Liquid Connection Point
173:13-174:16	The witness testifies that outside storage tanks were situated along the back wall of the facility. He confirms the presence of a metal catwalk providing access to these tanks and notes that they were spaced apart from one another.	Storage Tank Configuration
174:17-176:16	The witness clarifies that the filter presses were located inside the basement of the building rather than outside. He distinguishes between the filter press area and a nearby French drain, noting that the latter was used for washing materials out of the building.	Filter Press Operations
176:17-179:25	The witness describes Process Area No. 2 as a general work area in the basement used for drum storage and material transfers. He also explains the use of a dumpster located below a doorway for waste disposal, identifies the 40-S filter press, and confirms that an orange line on the map represents the facility driveway.	Process Area 2 and Site Features
180:1-180:11	The witness identifies a building on the diagram as a maintenance shop and a drying area for reserve salt. He states that he does not recall the presence of a powerhouse or a smokestack at the facility.	Main Building Description
180:12-180:25	The witness confirms the location of the "Texas Tower" on the diagram, noting that his placement of the structure is based on his best memory of the site layout.	Texas Tower Location
181:1-181:19	The witness explains that the loading area was used for shipping empty barrels and receiving incoming barrels. He indicates that he does not recall the specific meaning of the letters "A" or "B" marked on the diagram.	Loading Area and Markings

Page/Line	Summary	Subject
181:20-183:1	The witness describes the warehouse area as a storage space for drums awaiting shipment or repair. He explains that the paint station was where drums were spray-painted to meet customer specifications before being moved to dry.	Warehouse and Paint Station
183:2-185:15	The witness details the drum burning process, explaining that drums were fed onto a track and passed through a fire to remove residue. He identifies the "pit" as a collection area for residue and confirms that he occasionally assisted in feeding drums into the burner.	Burn Pit Operations
185:16-187:18	The witness describes the wash station, located in a trapezoidal building, where "tights" or closed-head drums were cleaned with steam or water. He also notes that he worked in a nearby area performing sandblasting to remove old paint from drums.	Wash Station and Sandblasting
187:19-189:25	The witness explains that drums were stored in long rows along the river and identifies the area designated as the "dump." He further describes the reconditioning process, where drums were inspected and reshaped to ensure they were fit for sale.	Drum Storage and Reconditioning
190:1-190:22	The witness testified that drums deemed unfit for holding liquids, referred to as "leakers," were cleaned, painted, and sold for use as burn barrels to private citizens or state parks. He noted that while he assumed some bad drums might have been discarded in a dump area, drivers were generally discouraged from returning with unusable inventory.	Handling of Leaking Drums
190:23-191:11	The witness stated he was not frequently present to observe the disposal process for damaged drums. He maintained his assumption that such drums were sent elsewhere, reiterating that drivers were held accountable for the quality of the drums they returned to the facility.	Disposal of Damaged Drums
191:12-192:24	The witness affirmed his prior testimony that liquid from the building's French drains flowed outside through a hole in the wall. Although he had previously characterized his knowledge of a wall cutout as an assumption during a 2002 deposition, he testified that he now recalls seeing the liquid flow out of the building.	Testimony Regarding Facility Drainage

Page/Line	Summary	Subject
192:25-193:6	The witness clarified that the liquid from the facility did not enter a sewer system. He testified that the drainage flowed onto the real estate behind the building and eventually into the river.	Drainage Path to River
193:7-193:25	Can I ask you to look at the deposition you gave not the deposition, the trial testimony you gave?	Can I ask you to look at
194:1-196:1	The transcript concludes with signature, notary, or court reporter certification material.	Errata, Signature, and Certification
196:2-198:24	Counsel for the parties engaged in a procedural discussion regarding the nature of the impeachment. Defense counsel moved to strike the line of questioning, arguing the prior testimony was not inconsistent, while the questioning attorney maintained the record of the trial testimony was accurate.	Impeachment and Procedural Discussion
198:25-199:25	Following a brief recess, the questioning attorney concluded his examination. Counsel for New England Container began her examination by referencing the previously discussed trial transcript to prepare for further questioning of the witness.	Commencement of Cross-Examination
200:1-201:3	The witness confirms his prior trial testimony regarding the disposal of black or gray sludge from the filter presses. He acknowledges his previous statements that he was aware the material washed off the basement floor was directed into the river tailrace rather than the municipal sewer system.	Prior Testimony on Waste Disposal
201:4-202:21	The witness clarifies that the majority of his work at Metro-Atlantic was performed indoors within the main building, involving tasks such as blending products and operating filter presses. He notes that he occasionally worked across the street drying reserve salt, but denies having significant responsibilities outside the buildings.	Work Location and Duties
202:22-205:4	The witness reviews his prior deposition testimony to refresh his recollection regarding his employment at Metro-Atlantic. He confirms that his full-time employment occurred between June 1964 and August 1965, ending when he was inducted into the military.	Employment History and Timeline

Page/Line	Summary	Subject
205:5-206:1	The witness testifies that he did not perceive a distinct line of ownership between Metro-Atlantic and New England Container. He describes the entities as being controlled by close families and assumes that different family members managed separate parts of the operations.	Corporate Ownership Perceptions
206:2-207:5	The witness explains that employees were considered interchangeable between the two facilities, particularly maintenance staff. He notes that certain workers, such as Walt Murphy, held timecards for both buildings to accommodate maintenance needs and union arrangements.	Interchangeable Employee Roles
207:6-208:20	The witness describes the Texas Tower as a square, approximately two-story building that appeared to be raised off the ground. He states he never entered the structure and cannot confirm the materials used in its construction, despite speculating it might have been plywood.	Description of Texas Tower
208:21-209:25	The witness confirms that when he washed the floor, the runoff would take on the color of the materials present and exit through the drains. While he acknowledges that the tailrace likely changed color as a result, he expresses uncertainty regarding whether he personally observed the water turning cloudy at that time.	Observations of Discolored Water
210:1-210:5	The witness testifies that while he recalls the tailrace water becoming murky during his time at Metro-Atlantic, he cannot definitively state he observed the specific moment of color change. He acknowledges that the water appeared murky, though he cannot identify the cause of the discoloration.	Tailrace Water Discoloration
210:6-211:7	The witness describes the water conditions at the facility, noting that while the water was sometimes clear enough to see fish and turtles, there were other days when it was too murky to see the bottom. He emphasizes that the water was shallow, yet visibility was often obscured.	Observations of Water Clarity
211:8-212:13	The witness explains that during the steaming or flushing process, residue from tight drums would drain onto the rack below. He states he has no knowledge of where the liquid went after leaving the rack, only that it did not remain in that location.	Residue from Tight Drums

Page/Line	Summary	Subject
212:14-213:19	The witness testifies that he does not recall seeing the tailrace move or flow, describing it as appearing still. While he acknowledges from maps that the tailrace and river are connected, he clarifies that he never personally walked the site to confirm the connection.	Tailrace and River Connection
213:20-216:13	The witness confirms that some barrels brought to NECC for reconditioning contained plastic liners. He explains that for expediency, workers would dump these liners on the ground before collecting them to be placed in another drum, and he identifies the area where they were dumped as the 'dump' at the end of the peninsula.	Handling of Plastic Drum Liners
216:14-217:24	The witness states that 'dioxin' is not a term he remembers and he has no knowledge of whether any substances he handled contained it. He clarifies that he is not a chemist and only possessed a general understanding that certain chemicals like acid, formaldehyde, and ammonia were hazardous.	Knowledge of Dioxin
217:25-218:25	The witness confirms he worked as a laborer for Metro-Atlantic and NECC and had no involvement in management, accounting, or corporate ownership. He further testifies that he had no knowledge regarding land boundaries or property ownership at the site.	Scope of Employment and Knowledge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

EMHART INDUSTRIES, INC., :
Plaintiff/Counterclaim Defendant :
 :
VS. :C.A. 06-218-S
 :
NEW ENGLAND CONTAINER COMPANY, :
INC., PROVIDENCE WASHINGTON :
INSURANCE COMPANY and TRAVELERS :
CASUALTY & SURETY COMPANY, :
Defendants/Counterclaim Plaintiff:

CONSOLIDATED

EMHART INDUSTRIES, INC., :
Plaintiff/Counterclaim Defendant :
 :
VS. :
 :
UNITED STATES DEPARTMENT OF THE :
AIR FORCE, et al. :
Defendants/Counterclaim :
Plaintiffs and :
Third-Party Plaintiffs :
 :
VS. :C.A. 11-023-S
 :
BLACK & DECKER, INC., :
Third-Party Defendant and :
Counterclaim Plaintiff :

VOLUME II

Continued deposition of JOSEPH NADEAU, a
Witness herein, taken on MONDAY, JUNE 24, 2013,
1:00 P.M., at the offices of DUFFY & SWEENEY, LTD,
1800 Financial Plaza, Providence, Rhode Island,
before Vivian S. Dafoulas, RMR/CRR.

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EXHIBITS

PAGE

8 Large Sanborn map

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1 MR. HENNINGER: We are on the record.
2 Could the folks who are on the phone just identify
3 themselves for the court reporter, please?

4 MR. JOHNSON: This is Darrell Johnson
5 from the Department of Justice.

6 MS. LESHAK: This is Andrea Leshak,
7 L-E-S-H-A-K, and I'm an intern with the Department
8 of Justice.

9 MR. FERROLI: This is John Ferroli for
10 Eli Lilly.

11 MS. IKEDA: Tiffany Ikeda with the
12 Department of Justice, I-K-E-D-A.

13 MR. BRYAN: And you are an intern?

14 MS. IKEDA: Yes.

15 JOSEPH NADEAU,
16 having been first duly sworn, was deposed and
17 testified as follows:

18 COURT REPORTER: Would you state your
19 name, please.

20 THE WITNESS: Joseph Nadeau.

21 EXAMINATION

22 BY MR. PIROZZOLO:

23 Q. Mr. Nadeau, it's been about a week or
24 two since the Government and NECC concluded their
25 examination of you.

1 I just want to orient you. I'm not trying to
2 repeat but just to get a context here. It's my
3 understanding that you worked for Metro-Atlantic
4 for about two summers?

5 A. Something like that. A couple of
6 summers. Between '62 and '65 I worked part-time
7 jobs there and other places. Metro -- New England
8 Container I think I worked there one summer. I'm
9 not sure.

10 Q. Let me see if we can get the best we can
11 do to figure out when.

12 A. Yes.

13 Q. First of all, we are talking about
14 summer work --

15 A. Summer work.

16 Q. -- not schooltime work?

17 A. Right.

18 Q. So the summer work would have been part
19 of June, July and August?

20 A. Exactly.

21 Q. And you were going to school where at
22 that time?

23 A. Ponaganset High School.

24 Q. Okay. And so you were 16, 17 years old
25 in that range?

1 A. Something like that, yes.

2 Q. So your best memory is the years would
3 have been '62, '63 and maybe '64 or --

4 MR. BRYAN: Objection. Vague.

5 A. I think the last two stints were at
6 Metro-Atlantic. I think '64 through '65 was at
7 Metro for sure. '63, '64 may have also been with
8 Metro-Atlantic. Not too sure of that, and then
9 '62 I believe was -- '62, '63 was the New England
10 Container. I may have worked one, maybe two
11 summers. I don't remember.

12 Q. All right. Thank you for the
13 clarification.

14 A. It's fuzzy.

15 Q. So that would have been when you were
16 what, sophomore, junior, senior in high school?

17 MR. BRYAN: Objection. Vague.

18 A. Somewhere in that area, yes.

19 Q. Did you work there when you were in
20 college?

21 A. No. After '65 I was in the Army. 1965
22 I was drafted.

23 Q. I see. And you served in the military
24 for what?

25 A. Two years.

1 Q. Two years?

2 A. Uh-hum.

3 Q. And then after that, did you move back
4 to --

5 A. I moved back to Rhode Island and I
6 worked -- as a matter of fact, I worked for a
7 company called Crown Chemical somewhere in the
8 late sixties.

9 Q. That was at a different location?

10 A. It was a different location. Where
11 Rhode Island Hospital is now.

12 Q. That's right. Okay. I happen to know
13 that. So it would be fair to say the last time
14 you worked at the Centredale site would have been
15 around 1965?

16 A. August of 1965 I left there.

17 Q. Now, it's important for us to get some
18 dates established.

19 Is it correct that when you first worked
20 there, the building that you've identified as the
21 Texas Tower wasn't there and then it was built?

22 A. Exactly. It showed up somewhere between
23 one of the summers that I wasn't there.

24 Q. Okay. And do you know that
25 hexachlorophene was manufactured in that building

1 or a nearby building?

2 A. I think that's the product that was --

3 Q. And you've testified previously for how
4 long hexachlorophene was manufactured; do you
5 recall that?

6 A. It was there one of the summers that I
7 showed up. It was there when I left. I'm not
8 sure. It might have been there a year or two.
9 I'm not really sure. It's fuzzy.

10 Q. Do you recall that hexachlorophene was
11 manufactured for about eight or nine months?

12 MR. BRYAN: Objection. Leading.

13 MS. BARONI: Objection.

14 MR. BRYAN: Objection. Vague.

15 A. I don't know. I just noticed that it
16 was there. How long it was there, I don't know.
17 Like I said, this is all fuzzy. This is 50 years
18 ago when you didn't care.

19 MR. PIROZZOLO: I understand. Do you
20 have Mr. Nadeau's deposition of December 17, 2002?

21 Q. I'm going to show you Exhibit 1. You
22 looked at it earlier in this deposition. That is
23 a deposition you gave on December 17, 2002. Can I
24 ask you to turn to Page 59 of that deposition?

25 A. Yes. I'm there.

1 Q. And can I have you look at Pages 10
2 through 15? I'm sorry. Lines 10 through 15.

3 A. Yes. I'm there.

4 Q. Just read those to yourself and I'll ask
5 you if that refreshes your recollection as to the
6 approximate time hexachlorophene was manufactured.

7 (Witness reading document.)

8 A. Okay. I read it. What do you need to
9 know from me?

10 Q. Do you recall after reading that, that
11 they manufactured hexachlorophene there for around
12 eight or nine months?

13 MS. BARONI: Objection.

14 MR. BRYAN: Objection. Leading.

15 A. I don't know how long it was
16 manufactured. I know the plant was there. What
17 was happening in that plant, I don't know. How
18 long it was going on, I don't know.

19 Q. Do you recall being asked this
20 question --

21 A. No.

22 Q. -- at your deposition?

23 A. No. I'm reading it. I'm assuming this
24 is what I remembered at the time. Do I remember
25 any of this? No.

1 Q. You don't remember it now but you
2 testified truthfully about this as best you
3 remembered it --

4 A. As best I remembered it, I will testify
5 truthfully then and now.

6 MR. PIROZZOLO: Let me just finish the
7 question.

8 THE WITNESS: Okay.

9 Q. It would be your testimony that on
10 December 17, 2002 you testified truthfully to the
11 best of your recollection?

12 A. Yes, I did.

13 Q. Okay. And that was a shorter time after
14 the time you were working at Metro-Atlantic than
15 today?

16 A. True. Ten years ago.

17 Q. And is it correct that you testified as
18 follows?

19 "Question: Can you give us a reasonable
20 approximation of how long that product was being
21 made before you left?

22 "Answer: I was there about a year full time.
23 I'm guessing maybe eight, nine months maybe. It
24 wasn't there full time. I can't remember. I know
25 it was there for a good eight months anyhow."

1 Did you give that testimony?

2 A. I did, if that's on this piece of paper.

3 Q. And that was your best memory at that
4 time?

5 A. That was my best memory at that time.

6 Q. You gave testimony about drains in the
7 main building. Do you remember that subject
8 matter?

9 A. Yes, I did.

10 Q. I want to get some clarification. On
11 what -- first of all, how many floors were there
12 in the main building, including the basement?

13 A. Three or four. I'm not quite sure.

14 Q. On what level were the drains that
15 you've testified about?

16 A. The drains that I -- that I talked
17 about, the French drains, were in the basement
18 level.

19 Q. Okay. Now, can you today visualize the
20 building?

21 A. Foggy, but yes.

22 Q. And can you visualize the land around
23 the building?

24 A. Yes.

25 Q. Was the land level or did it slope?

1 MS. BARONI: Objection.

2 MR. BRYAN: Objection. Vague.

3 A. When you came in off of Route 44, it
4 sloped slightly because the parking lot was off on
5 the right and we parked slightly uphill where I
6 parked -- where I worked.

7 Q. Now, was the basement level entirely
8 below grade?

9 A. Yes.

10 Q. Did the basement level have windows?

11 A. Yes.

12 Q. If it was below grade, how did -- how
13 did the windows operate?

14 A. Because there was a foundation poured
15 around -- around that level, concrete I'm
16 assuming, and the windows were sitting upon that.

17 Q. Okay. How high off the floor were the
18 windows approximately?

19 A. Um... I'm guessing -- foggy memory --
20 maybe 3 feet. I just know they were there.

21 Q. Were the windows full-size windows or
22 just basement windows?

23 MR. BRYAN: Objection. Vague.

24 A. I can't remember that. There were
25 windows.

1 Q. Can you remember actually being in the
2 basement and looking out the windows? Can you
3 picture that in your mind's eye?

4 A. No. I -- I can't remember looking out
5 windows.

6 Q. And you wouldn't be able to say where
7 the windows were?

8 MS. BARONI: Objection.

9 MR. BRYAN: Objection. Leading.

10 A. No.

11 MR. PIROZZOLO: Thank you.

12 Q. Do you remember vertical storage tanks?

13 A. Yes.

14 Q. Do you remember storage tanks?

15 A. Yes.

16 Q. I'll back up. Do you remember they were
17 vertical rather than horizontal or if not,
18 describe them.

19 MR. BRYAN: Objection. Vague.

20 MR. PIROZZOLO: In view of the
21 objection, let me rephrase the question.

22 Q. Can you describe, to your best
23 recollection, what the storage tanks looked like?

24 A. The storage tanks on the outside of the
25 building --

1 Q. On the outside.

2 A. -- on the outside of the building, as
3 near as I can remember, were large cylinders
4 holding thousands of gallons each, some different
5 sizes than others, some taller than others that
6 were vertical, as near as I can remember.

7 Q. In general, were they taller than they
8 were wide?

9 A. I'm -- I would say yes. I'm guessing
10 now.

11 Q. So they would be more vertical than
12 horizontal?

13 MR. BRYAN: Objection. Vague. Leading.

14 A. As much as I can remember.

15 Q. I'm only asking you what you remember.

16 A. Well --

17 Q. Do you remember about how many tanks
18 there were?

19 A. Maybe five, four, five. I'm not sure.

20 Q. And I believe you testified as to how
21 they filled those tanks. Do you recall that?

22 A. Most of the tanks were filled, from what
23 I can remember, by being -- the product was pumped
24 into them through pipes.

25 Q. And can you visualize the site? You

1 have the river on one side. Do you recall that?

2 A. There were two. There were two wet
3 spots. There was a river --

4 Q. And then there was the --

5 A. -- and there was the tail something or
6 other, yeah.

7 Q. Would you agree that the river was to
8 the west and the tail was to the east?

9 A. I'm not sure which way the compass
10 pointed but the -- the river was on one side, the
11 tanks were on the other side, not against the
12 river.

13 Q. Just so we're talking the same
14 language --

15 A. If you say --

16 Q. Let's do it this way. You know where
17 Smith Street was?

18 A. Yes.

19 Q. Okay. So if your back was to Smith
20 Street --

21 A. It would be on my left-hand side.

22 Q. What would be on your left-hand side?

23 A. The storage tanks and the main building.
24 The river would have been on my right.

25 Q. Let's go one by one. If you had your

1 back to Smith Street --

2 A. Yes.

3 Q. -- was the main building more on the
4 left side of the peninsula?

5 A. The main building was on the left side,
6 more or less, of this -- of the peninsula. I'm
7 not sure.

8 Q. And were the storage tanks on the left
9 side of the main building?

10 A. They were.

11 Q. So that when they were filled, was there
12 some way -- were they filled from the right side?

13 MR. BRYAN: Objection. Vague.

14 MS. BARONI: Objection.

15 A. The tanks would have been filled in
16 several ways. They could have been filled because
17 we manufactured that product, pumped it from
18 the -- the tank to those storage facilities, or
19 there could have been a raw product brought --
20 delivered by a vendor used for storage to be used
21 at some other point in time to be used in the
22 manufacture of something.

23 Q. So when it was -- when you're
24 visualizing something delivered by a vendor, was
25 the inflow on the right side of the building?

1 A. No. It couldn't be on the right side.
2 It had to be on -- when you come down the
3 driveway, it had to be on your left-hand side
4 because they had pipes on the outside that the --
5 the tanker trucks could lock onto and pump through
6 the building out to the storage tanks.

7 Q. I think maybe I'm not asking the
8 question correctly.

9 When they filled the -- the truck pulled up
10 to the -- again with your back to Smith Street --

11 A. Yes.

12 Q. -- to the right side of the building?

13 MR. BRYAN: Objection. Asked and
14 answered.

15 A. They -- they can't be filled from the
16 right side of the building because they needed a
17 pipe which was on the outside of the main building
18 so facing it, it's on my left.

19 Q. Outside where?

20 A. On the outside of the main building.
21 There was -- there was -- there were ports for
22 outside vendor deliveries.

23 Q. Did the pipe go through the building to
24 the tanks to your best memory --

25 MR. BRYAN: Objection. Vague.

1 Q. -- or did the tanker truck pull up to
2 the left-hand side of the building?

3 A. The tanker pulled up to the -- the
4 delivery truck, whatever it was, would pull up to
5 the building, and -- and not all products went
6 through some of those outside pipes.

7 Q. I understand.

8 A. Some were -- there was a hose that
9 was -- that was connected to the truck and they
10 would get ported by a big flexible hose to a
11 holding tank --

12 Q. Okay.

13 A. -- but some -- some products were
14 delivered through an outside receptacle on the
15 side of the building against the driveway.

16 Q. And the driveway was on the right side
17 of the building?

18 MR. BRYAN: Objection. Leading.

19 A. Yes.

20 Q. That's what I'm driving at.

21 A. Yes.

22 Q. Okay. Got it. Thank you. The floor
23 drains that you described, do you remember the
24 size of them?

25 A. I would say roughly a foot wide. That's

1 a guess.

2 Q. Do you recall about how deep they were?

3 A. Guessing I would say maybe a foot. They
4 had a metal grate over some of them.

5 Q. That was going to be my next question.
6 Was there some kind of a grate or something like
7 that?

8 A. In some places there were; in other
9 places there weren't.

10 Q. Now, you gave some testimony about
11 disposing of material that was more solid than
12 liquid. Do you recall that?

13 A. From the filter.

14 Q. From the filter, from the tanks or from
15 inside the vats?

16 A. Yes, I did.

17 Q. Okay. And do you recall whether there
18 was a Dumpster?

19 A. There was a Dumpster.

20 Q. And do you recall what the Dumpster was
21 used for?

22 A. The Dumpster was used for empty bags
23 that were -- that were -- raw products were poured
24 into the kettles to make a product, we would throw
25 those empty bags in there.

1 Also in that Dumpster if the filter press
2 was -- was cleaned, some of that would be dumped
3 into the -- into that Dumpster also.

4 Q. Do you remember testifying at some point
5 about chipping the solidified material out of
6 the --

7 A. Oh, yes.

8 Q. And do you recall what was done with
9 that material?

10 A. When I did it, it was put into buckets.
11 It was hauled out the top of the -- of the vent
12 that was on the top of the tank. I'm guessing it
13 was put in a barrel at the time because that
14 seemed like the logical thing to do at the time.
15 Where it went from that, I don't know.

16 Q. Do you remember whether it went into the
17 Dumpster?

18 A. I don't know for sure.

19 Q. Okay. Can I ask you to turn to Page 43
20 of Exhibit 1, the deposition of December 17, 2002
21 and read to yourself Lines 8 through 20.

22 A. Okay.

23 Q. Does that refresh your recollection --

24 A. Yes.

25 Q. -- about -- could you give your

1 recollection now that you've read that, where the
2 material that was chipped out went?

3 MR. BRYAN: Objection. Vague.

4 A. My foggy memory of those periods were,
5 like I said here, most of the time, from what I
6 can remember, were thrown into that Dumpster.

7 MR. PIROZZOLO: Thank you.

8 Q. And you were testifying about the
9 material that was chipped out of the vessels?

10 A. Yes.

11 MR. PIROZZOLO: Thank you.

12 Q. I'm going to ask you to try and
13 visualize what you called the Texas Tower. Can
14 you kind of get that into your mind's eye?

15 A. Okay.

16 Q. Do you have a memory as to whether, at
17 some point, a period of time, there were two
18 different buildings in the location of the Texas
19 Tower? First there was a tower-type building and
20 then another building replaced it?

21 MR. BRYAN: Objection.

22 MS. BARONI: Objection.

23 A. I don't.

24 Q. You don't know?

25 A. I can't clearly remember that, no.

1 Q. And you previously testified you never
2 were in any building either way? The Texas
3 Tower --

4 A. Never.

5 Q. -- or any other building on that site?

6 MR. BRYAN: Objection. Leading.

7 A. I never worked in that building.

8 Q. And you never went into it?

9 A. As near as I can remember, I never went
10 in it.

11 MR. PIROZZOLO: Okay. Thank you. Let's
12 turn this map so Mr. Nadeau can see it. This is a
13 copy of a plan.

14 MR. BRYAN: Is this being marked?

15 MR. PIROZZOLO: Yes. Eventually.

16 Q. This is a copy of a plan that was
17 previously marked in a prior deposition. I'm
18 going to come around there, if you don't mind.

19 It was previously marked as Exhibit 1 in your
20 deposition of November 24, 2008.

21 A. Oh, I clearly remember every minute of
22 that deposition.

23 Q. You remember what?

24 A. Hell, no, I don't remember.

25 MR. PIROZZOLO: Can I ask that this be

1 marked as the next exhibit to this deposition?

2 (Whereupon, J. Nadeau Exhibit No. 8 was
3 marked.)

4 Q. I'd ask you to look at Exhibit 8 and see
5 if you can orient yourself to the map. Do you see
6 Smith Street noted on the map?

7 A. I do.

8 Q. And do you see Mineral Spring Avenue?

9 A. I do.

10 Q. And do you recognize that as the
11 vicinity of the Metro-Atlantic/NECC facility?

12 A. Yes, I do.

13 Q. And do you see marked on the map
14 "tailrace" and "Woonasquatucket River"?

15 A. I do.

16 Q. And do you recognize that as features
17 that are to the east and to the west of the
18 Metro-Atlantic and NECC facilities?

19 A. I do.

20 Q. And you'll note the --

21 A. East and west.

22 Q. East and west?

23 A. I never looked at that by the way.

24 MR. PIROZZOLO: I think it might be
25 easier if we double this up so we can fold it in

1 half.

2 BY MR. PIROZZOLO:

3 Q. Now, do you recall previously
4 identifying various features on this map?

5 A. Yes.

6 Q. And you, actually, either you or counsel
7 labeled, according to your testimony, different
8 buildings?

9 A. Yes.

10 Q. Okay. I'm going to ask you to explain
11 what each of these labels represents. Let me
12 start on Smith Street and work my way south.

13 The word "Office" appears there. What was
14 the office?

15 A. That's where I'm assuming the Buonannos
16 sat, the secretary, whose name I can't remember.
17 I think her name was Maryanne or something like
18 that. I can't remember anymore. That's like the
19 first building coming in on the left-hand side off
20 of Route 44.

21 Q. And was that the office of
22 Metro-Atlantic, to your best recollection?

23 A. Yes. One thing that probably needs to
24 be said is that Metro-Atlantic and NECC were run
25 by brothers as everybody knows or relatives or

1 something, so a lot of these areas were, I
2 believe, shared because they were always in one
3 place or another.

4 So I didn't -- I didn't attribute that to be
5 only for Metro-Atlantic or this only to be -- I
6 considered them one body.

7 Q. Okay. We have a label "Process area
8 No. 1." Do you see that?

9 A. Yes.

10 Q. What was -- what's your best
11 recollection of what was done in process area
12 No. 1?

13 A. You know, that's kind of fuzzy. I think
14 that may be the area in which Johnny Joyal and
15 Bill Daley worked. There was a Johnny Joyal and
16 Bill Daley. I think that was the area that they
17 worked in. I'm fuzzy.

18 Q. Do you remember what kind of work they
19 did?

20 A. They -- they had some vats and they made
21 products. What those products were I don't know.
22 They were away from the areas that I worked in
23 mostly.

24 Q. Okay. Now, the next label going south
25 from Smith Street is "Shipping."

1 A. Yes.

2 Q. Do you see that?

3 A. I do.

4 Q. And what was shipping?

5 A. Shipping was where the trucks came in
6 and delivered raw products or raw materials for
7 whatever we were going to make or, in some cases,
8 picked up products that were finished and they
9 were being shipped out to customers.

10 Q. Now, earlier today you said that there
11 were fill pipes or fill valves?

12 A. Yes.

13 Q. Where were those?

14 A. I believe they were along this building
15 here across from the maintenance area right along
16 this wall. The guy that worked in this place here
17 got badly burned because he disconnected a hose
18 and caustic acid went all over him.

19 Q. Let's make sure there is a record here.
20 Are you pointing to the west wall --

21 A. Yes.

22 Q. -- of the main building?

23 A. I am.

24 Q. Now, if we move farther south, you see
25 the word "Connection"?

1 A. Yes.

2 Q. Do you read that as connection?

3 A. I read that as connection.

4 Q. Would that be the place where liquid was
5 connected to the building?

6 A. I would think that's true.

7 MR. BRYAN: Objection. Vague.

8 Q. Thank you.

9 A. There might have been more than one
10 connection too, by the way. It's just that I
11 remember stuff being pumped off there.

12 MR. PIROZZOLO: Thank you.

13 Q. Now, heading again south, you have a
14 label here, "Storage tanks"?

15 A. Yes.

16 Q. And what was there?

17 A. Storage tanks. Outside storage tanks.

18 Q. And from what area north to south were
19 those storage tanks?

20 MS. BARONI: Objection.

21 A. That I need clarification. What area
22 was that in? They were on this -- on this back
23 wall left to right, whatever compass point we're
24 talking. North to south.

25 Q. Okay. I have a pink marker. Did they

1 extend this far north?

2 A. I'm not sure.

3 Q. This far north?

4 MR. BRYAN: Objection.

5 MS. BARONI: Objection.

6 A. I'm not sure.

7 Q. They were along there?

8 A. They were along the back wall. How far
9 they went -- they weren't far apart, I can tell
10 you that, because there was a catwalk, a metal
11 catwalk that went to these tanks.

12 Q. And when you say they weren't far apart,
13 were they close together?

14 A. They weren't touching each other. There
15 was a space. What that space was, I don't
16 remember.

17 Q. Okay. Now, we have the words here
18 "Reserve salt filter press"?

19 A. Yes.

20 Q. And you described that operation the
21 other day?

22 A. In detail.

23 Q. Okay. This arrow seems to point to an
24 area outside of the building. Was the filter
25 press and the reserve salt made outside of the

1 building?

2 A. No. It was inside the building.

3 Q. Could you show where on this plan --

4 A. It would have been in this area here
5 somewhere.

6 Q. Can you mark that with the -- do we have
7 a different color? Could you mark that with a
8 green pen?

9 A. I believe -- I believe those presses
10 were here somewhere in this area. Actually they
11 were further into the building.

12 If this is the door coming in, then the
13 filter press -- one of them was here and I can't
14 remember where the other one was. There were two
15 filter presses in that basement and if this is the
16 door coming in, they were in this area somewhere.

17 Q. Just so there is a record, can you draw
18 an arrow to what you called the door coming in and
19 just say "Door"?

20 A. "Door."

21 Q. And you've made two green lines that
22 represent filter press. Can you put an arrow to
23 them?

24 A. This is one filter. Where the other one
25 was, I'm vague. In this corner of the room

1 somewhere. I can't remember.

2 Q. You put a green line here, did you?

3 A. Yeah, but that was wrong.

4 Q. It's wrong?

5 A. It's wrong. Actually that's where the
6 French drain is that runs -- that the stuff would
7 wash out of the building.

8 Q. Was the filter press in the basement
9 level?

10 A. Yes.

11 Q. Okay. And you've written previously
12 "Storage tanks"?

13 A. Yes.

14 Q. That's the area of the storage tanks, is
15 that right?

16 A. That's true, sir.

17 Q. Now, you've written -- you wrote
18 previously "Process area No. 2". What was that?
19 With an arrow pointing to the building.

20 A. We did stuff there. I'm not sure what
21 it was. We transferred materials from one drum to
22 another. It was a work area. Drums were stored
23 there. Finished product was stored there. It was
24 just a general work area.

25 Q. And what level of the building was that?

1 A. That was the basement.

2 Q. That was also the basement?

3 A. Yeah. There was a processing area -- so
4 I don't get confused now and I don't confuse
5 anyone else -- the products, most of the products
6 were mixed or blended on the second or third floor
7 because that was the level of the tanks that the
8 -- the raw stuff was either poured in or dumped
9 in. So this may have been -- when I'm saying
10 processing area No. 2, I'm guessing that was the
11 second floor. I'm just --

12 Q. Your best memory.

13 A. Yeah. I'm trying to be logical here.

14 Q. So you just give your best memory.

15 A. Okay.

16 Q. Now, I can't quite read this. Can you
17 read what you wrote here?

18 A. "Dumpster" and "40-S." All right. So
19 maybe -- okay.

20 Q. This is -- you labeled this the
21 Dumpster?

22 A. Uh-hum.

23 Q. And was that Dumpster below some kind of
24 a door?

25 MS. BARONI: Objection.

1 A. That was --

2 Q. Where was the Dumpster in relation to
3 the building?

4 A. Roughly above this area there was a --
5 there was a set of doors that opened in, big doors
6 where heavy equipment could be brought in through
7 that door, and that was right pretty much over
8 that Dumpster, so we could just go to that
9 doorway, toss whatever we were tossing away into
10 that Dumpster.

11 Q. So would the Dumpster have been below
12 the floor?

13 A. It was below that window, yes.

14 Q. And that was the way you would dump
15 things into the Dumpster?

16 MR. BRYAN: Objection. Vague. Leading.

17 Q. Was that the way you would dump things
18 into the Dumpster?

19 A. Yes. Yes, it is.

20 Q. Now, this is -- I read this as 40-S.

21 A. 40-S press, yes.

22 Q. What does that mean?

23 A. We had two products that were filtered.
24 One was reserve salt; the other one was 40-S.
25 Those two were close to each other. That's why I

1 was vague here. I couldn't remember where that
2 thing was and I'm still vague about it, but they
3 were close by each other.

4 Q. And that's a different kind of filter?

5 A. It was -- it was the same kind of a
6 filter but it was used for two different products
7 and we never mixed them. 40-S was always filtered
8 in the 40-S filter. Reserve salt was always
9 filtered in the reserve salt filter. They didn't
10 want any cross-contamination going into any of
11 these products.

12 Q. Understood. Now, there is an orange
13 line to the west of the building?

14 A. Uh-hum.

15 Q. Can you tell us what that was intended
16 to represent?

17 A. I'm guessing that's the driveway.

18 Q. Okay. When you say you're guessing, are
19 you saying that's your best memory?

20 A. Well, that's only way down to there so
21 that's the driveway.

22 Q. Okay. Now, if we continue to the west,
23 do you see this here? Is that a different
24 building?

25 A. Yes, it is.

1 Q. Okay. And what was that building?

2 A. Two things happened in that building and
3 they were joined. One was the maintenance shop
4 where they -- they -- the -- the maintenance
5 people worked and the other one was where the
6 reserve salt was dried.

7 Q. And you've labeled that?

8 A. Yes.

9 Q. Okay. Now, does that complete your
10 description of the main building?

11 A. It looks like it does.

12 Q. Was there a powerhouse?

13 A. You know, I don't remember. I'm sure
14 there was, I just don't remember.

15 Q. Was there a smokestack?

16 A. No, I don't remember. I'm sure it was
17 there. I just don't remember.

18 Q. Okay. Now, if we continue to the south
19 from Smith Street, there's a rectangle and you've
20 written the word "Texas Tower." Is that the Texas
21 Tower you previously told us about?

22 A. That's the way I remember it.

23 Q. You remember that was the location of
24 it?

25 A. Roughly, yes.

1 Q. Now, to the east of the Texas Tower is
2 in orange the words "Loading area." Can you
3 explain what that was intended to represent?

4 A. That loading area had to do with NEC and
5 that's where empty barrels that were ready to be
6 shipped to a customer would be loaded on the
7 truck, and in some cases it was barrels that may
8 be coming in would be taken in.

9 Q. In that area?

10 A. In that area. Roughly that area.

11 Q. There is a letter "A" with an arrow. Do
12 you know what that was?

13 A. No. I'm sure that somewhere during the
14 conversation you said mark it with an "A" or mark
15 it with a "B" and what that "A" or "B" refers to
16 today, I don't remember.

17 Q. Do you know if that was a door?

18 MS. BARONI: Objection.

19 A. It could be. I don't remember.

20 Q. Now, you have the word -- an arrow
21 pointing to where it says "Warehouse area." Did I
22 read that correctly, warehouse area?

23 A. Yes, you did.

24 Q. What was that?

25 A. I'm guessing that's where we stored

1 drums that were prepared to be shipped or needed
2 some sort of work on them.

3 Q. Okay. And then there is the words
4 "Paint station"?

5 A. Yes.

6 Q. Again with an arrow?

7 A. Yes.

8 Q. And what was that for? What was that
9 intended to show?

10 A. One of the final steps for drums to be
11 sold to a customer was they needed to be painted
12 and that's where the drums would be painted the
13 particular color that the -- that the buyer wanted
14 them painted.

15 Q. And those -- the paint station has an
16 arrow pointing to a region inside the building?

17 A. Okay.

18 Q. And the warehouse area has an orange
19 line pointing to an area inside the building?

20 A. Yes.

21 Q. And that's where those activities took
22 place?

23 A. What happens is the drums would come in
24 off a feeder station, they'd be spray pointed, an
25 arm would kick it out and they would be rolled off

1 to dry off to that -- off to that area.

2 Q. Now, the next label moving south from
3 Smith Street is drum -- I read that as "Drum
4 removal." Do I read that correctly?

5 A. Yes.

6 Q. What does that mean?

7 A. I think the removal area is drums would
8 come in from the burn pit.

9 Q. Why don't we go the other way because
10 we're going backwards? Let me withdraw that
11 question.

12 A. Okay.

13 Q. You have a letter "B" next to a
14 rectangle. What does --

15 A. I don't remember the "A" or "B".

16 Q. Do you know whether that was the area
17 that the drums to be reconditioned were fed to the
18 furnace?

19 MS. BARONI: Objection.

20 A. I would say that's a true statement.
21 That's the burn -- that's the burn area, the track
22 where the barrels to be burned were placed on.

23 Q. Okay. And there's a word "Pit" in the
24 rectangle that was drawn in orange. What was the
25 pit?

1 A. The pit was a holding area or a
2 collection area. Drums were put on a track and
3 would feed along that track. There was fire, and
4 whatever residue that may or may not have been in
5 that drum, would fall into that pit.

6 Q. Okay. Then there's a rectangle and I
7 can't quite read that word. Can you read it?

8 A. No. Maybe that's burner.

9 Q. Burner. What does that mean?

10 A. That would be where the drums were
11 burned, whatever residue that was in those tanks
12 would be burned.

13 Q. Did you ever see them being burned?

14 A. Yes.

15 Q. How did that work?

16 A. Drums were piled to the side of the
17 burner to the -- whatever direction that is --

18 Q. Side --

19 A. Side burner. They would be fed to
20 the -- most -- most of the time the guy that did
21 the burning was a guy named Bud Larochelle.
22 Sometimes somebody would feed him the drums,
23 sometimes I fed him the drums, which is taking the
24 drums and just passing them to him to keep the
25 process moving fast.

1 He would take that drum, tip it upside down,
2 put it on this rack and it would start getting
3 pulled along that track towards the building
4 towards the burner.

5 Q. Okay. And the place where you would
6 feed him the drums was approximately where you
7 wrote "Pit" or "B"?

8 A. It was right here somewhere off to the
9 side, you know, logically placed.

10 Q. Again, for the record, would that be
11 near where the word "Pit" is?

12 A. Yes.

13 Q. Okay. And then the -- where you wrote
14 "Burner," that would be where the actual fire was?

15 A. Exactly.

16 Q. Okay. And then you have the words "Drum
17 removal." What was that?

18 A. Eventually that -- that track -- that
19 station that was pulling the drums through the
20 burner would come to an end and, at that point, he
21 would take the drums off of that track, shake any
22 ash or whatever was in them off, tip the drum over
23 and move it to the side to be dealt with in
24 another operation.

25 Q. Okay. Now, again moving to the south,

1 there is a trapezoidal building; do you see that?

2 A. Yes.

3 Q. And the words "Wash station" are written
4 in orange. What was that?

5 A. The drums that went through the wash
6 station were a different type of drum. They
7 weren't open-cover drums. They had bungs and
8 holes in them. There was a gasket and it was
9 screwed --

10 Q. Is that what they called closed-head
11 drums?

12 A. Tights.

13 Q. We'll use your words.

14 A. They were called tights.

15 Q. Thank you.

16 A. They would be put up on a pipe and water
17 or steam -- I can't remember which -- was blown up
18 into those drums. They would clean the drums off.
19 It would drain into an area underneath that rack.
20 I'm guessing now it was steam because it was very
21 hot. You didn't want to be there.

22 Q. And did that happen in this trapezoidal
23 building?

24 A. I believe that's where it happened.

25 Q. Did you ever work on that yourself?

1 A. I worked in the corner close to that,
2 probably in here, where we did -- we sandblasted
3 drums and covers, so it's another station in there
4 where the old paint and -- it was -- was blasted
5 off the drums until they came out looking like raw
6 metal instead of whatever color they were.

7 Q. So could you see into the trapezoidal
8 building?

9 A. Most of that was fairly open. It was on
10 a rack. You could see pretty much the whole area.

11 Q. Okay. Now, you pointed to a place where
12 you said you worked. Could you make a green --
13 could you put a "W" for where you worked?

14 A. Work. I'm thinking it was in this area
15 here. Do you want me to do a block around it?
16 I'm guessing. That's a rough guess.

17 Q. That's your best memory?

18 A. That's the best from 50 years ago.

19 Q. Okay. Now, you've written the words
20 "Drum storage"?

21 A. Yes.

22 Q. What is that?

23 MR. BRYAN: Objection. Vague.

24 A. Along that river in that -- on that
25 piece of real estate trucks were unloaded, drums

1 were stacked in long piles, long rows on their
2 sides, most of the time on their sides in long
3 rows. Three, four, five high, however high the
4 strong man throwing those drums was able to stack
5 them to make the most room.

6 Q. And does "Drum storage" indicate the
7 area where they were stored?

8 A. That's roughly, yes.

9 Q. And were they stored all along the
10 river?

11 MS. BARONI: Objection.

12 A. I don't remember. There were drums
13 stored -- a certain amount of drums stored in that
14 area. How far down they go, I don't remember. I
15 just remember there were rows of drums out there.

16 Q. And then there is an arrow and the words
17 "To dump." What does that indicate?

18 A. Somewhere down the end of that peninsula
19 was an area referred to as the dump.

20 Q. Okay. And does the arrow point in the
21 direction of the dump?

22 A. The arrow is pointing in the area of the
23 dump.

24 Q. Okay. And the trapezoidal building is
25 labeled with an arrow "Wash station"?

1 A. That's true.

2 Q. And is that where they washed the
3 closed-heads?

4 A. That's where they washed the tights,
5 yes.

6 Q. Okay.

7 A. Somewhere in this area, too, there was a
8 reconditioning area where the drums would be
9 rolled and put back into an acceptable shape.
10 They had ridges in it. It was somewhere here. I
11 don't know.

12 Q. Was that done -- there's been other
13 testimony about that, but was that done after they
14 went through the fire?

15 A. Yes. They were cleaned and -- and
16 inspected and they weren't going to do any more
17 work on them if they weren't fit for sale. Then
18 they would do the final reconditioning and from
19 there they would be stacked and painted and stored
20 for shipment.

21 Q. And the thing that you just described,
22 was that to make sure the drums were back to their
23 round -- approximate round shape or cylindrical
24 shape?

25 A. Yes.

1 MR. PIROZZOLO: Okay. Thank you. Why
2 don't you have a seat?

3 Q. Did you ever see drums that couldn't be
4 reconditioned?

5 MS. BARONI: Objection.

6 A. We had drums referred to as leakers.
7 For the most part if the driver came back with
8 drums that were nasty and didn't have any resale
9 value at all, he would be chided so that didn't
10 happen very often, but drums came back that
11 weren't -- that were called leakers and they were
12 sold as burn barrels and -- and I think they might
13 have even been -- it's a fuzzy memory and my
14 brother may have even polluted it -- I think they
15 were sold to state parks. They were also sold to
16 private citizens. They weren't fit for holding
17 liquids. And people in those days used to take
18 that barrel and burn their papers and trash in the
19 backyard.

20 Q. What did they do with those drums?

21 A. They were -- they were also painted and
22 they were put aside and sold.

23 Q. Were there any drums that were actually
24 discarded in the dump area?

25 A. I don't know. I'm assuming there were.

1 I don't know. Like I said, if the driver came
2 back with bad drums, he was going to be in trouble
3 so there was probably little bad drums that came
4 back to that building.

5 Q. When they came back with bad drums, did
6 they throw them away somehow --

7 MS. BARONI: Objection.

8 Q. -- if you remember?

9 A. I wasn't there that much. I'm assuming
10 they went somewhere.

11 MR. PIROZZOLO: Thank you.

12 Q. Now, you didn't actually see liquid come
13 from the French drains out into the tailrace, did
14 you?

15 MR. BRYAN: Objection. Leading.

16 MS. BARONI: Objection.

17 A. Yes. I know it went outside. There was
18 no other place for it to go. It ran out the hole
19 in the building and it went straight outside.

20 Q. You didn't actually see that, did you?

21 MR. BRYAN: Objection. Asked and
22 answered. Leading.

23 MS. BARONI: Objection.

24 A. Yes, I did.

25 Q. May I ask you to turn to Page 34 of the

1 deposition of December 17, 2002?

2 A. (Witness complying.)

3 Q. May I ask you to go to Page 34 and read
4 Lines 1 through 10 to yourself?

5 (Witness reading document.)

6 Q. Do you recall being asked --

7 A. Yes.

8 Q. -- "did you see the cutout?" Do you
9 remember that?

10 A. Yes.

11 Q. And was the cutout something you said
12 was at the end of one of the walls?

13 A. Yes.

14 Q. And do you remember answering: "You
15 know, I probably did. I just can't remember. I
16 couldn't say for a fact. It's an assumption." Do
17 you remember giving that testimony?

18 A. Yes.

19 Q. So you recall testifying in 2002 that it
20 was an assumption that there was a cutout?

21 MR. BRYAN: Objection. Leading.

22 A. Yeah, I remember saying that but the
23 more I think about it now, I do remember in fact
24 it went out. I saw it go out.

25 Q. It could have gone into a sewer?

1 MS. BARONI: Objection.

2 MR. BRYAN: Objection.

3 A. No. There was no sewer. It went into
4 the river or actually it went onto that piece of
5 real estate behind the building and then
6 eventually into the river.

7 Q. Can I ask you to look at the deposition
8 you gave -- not the deposition, the trial
9 testimony you gave?

10 A. Okay. Where is it?

11 Q. Let me show you Exhibit 4 and ask you to
12 look at Page 28.

13 A. You need to give me a number. Is there
14 a number at the bottom of the page?

15 MR. PIROZZOLO: It should be at the
16 bottom. Let me see.

17 MR. BRYAN: Which date of his testimony?

18 THE WITNESS: Page 28?

19 MR. PIROZZOLO: Page 28.

20 MR. BRYAN: Is there a Bates number?

21 MR. PIROZZOLO: I don't have a Bates
22 number, if there is one.

23 MR. BRYAN: Which day of his testimony?

24 MR. HENNINGER: The bottom right-hand
25 corner of the page, Mr. Nadeau, if you could read

1 that number for the court reporter.

2 A. On Page 28 that number is
3 E-000002.000598.

4 MR. BRYAN: Thank you.

5 MR. PIROZZOLO: Let me see that, sir,
6 make sure we have the right one. That's not it.

7 MR. HENNINGER: Off the record for a
8 moment. This is different.

9 (Off-the-record discussion.)

10 BY MR. PIROZZOLO:

11 Q. Mr. Nadeau, I'd like to ask you to look
12 at Exhibit 4. The page with the Bates number
13 E-000002.000602 and I'll ask you to look at Lines
14 5 --

15 A. I haven't found it yet.

16 Q. -- through 16. No, I have it in my
17 hand.

18 A. Okay.

19 Q. 5 through 16 on the page I just handed
20 to you.

21 (Witness reading document.)

22 Q. Have you read that to yourself?

23 A. Not yet.

24 MR. PIROZZOLO: Let me know when you're
25 finished reading that.

1 (P A U S E)

2 THE WITNESS: Okay. I've read it.

3 Q. Okay. Do you remember you were asked
4 the question: "When you say the tail, you mean
5 the water outside the building?" And the answer
6 was "Yes"?

7 A. Yes.

8 Q. Okay. And do you remember being asked
9 then: "And did you ever see the water outside the
10 building change color after you washed the floor
11 off?"

12 And do you remember giving the answer: "I'm
13 sure it did. I didn't look."

14 A. Yes.

15 Q. And do you remember being asked this
16 question: "But as you sit here today, do you
17 remember ever seeing water change color after the
18 floor was washed in the basement of the main
19 building?"

20 And you gave the following answer: "Like I
21 said, I never looked to see if it changed. Logic
22 tells me it did."

23 A. Yes.

24 Q. And do you recall that was testimony you
25 gave during the trial in court?

1 A. It's testimony I gave.

2 Q. And you testified truthfully in the
3 trial?

4 A. Always.

5 Q. Thank you. Okay. And at that time you
6 testified to the best of your recollection?

7 A. I did.

8 Q. And that was on September 14 or 15 in
9 the year 2006?

10 A. That I'm not sure of.

11 Q. You can look at the Bates page of the
12 transcript.

13 A. Okay.

14 Q. Take a look at the -- the first page of
15 the set of documents that was given you.

16 A. Okay. 6/12.

17 Q. I'm sorry.

18 A. Where am I looking?

19 Q. Let me have that, if I may. Do you see
20 that it says September 14, 2006?

21 A. Yes.

22 Q. And that was seven years ago --

23 A. Yes.

24 Q. -- approximately?

25 A. Yes.

1 Q. So that was closer to the time that you
2 worked at Metro-Atlantic than it is now?

3 A. Yes.

4 Q. Is that right?

5 A. That's true. It's mathematically
6 correct.

7 Q. Okay. And you gave your best
8 recollection at that time --

9 A. Yes, I did.

10 Q. -- in court?

11 A. Yes, I did.

12 MR. PIROZZOLO: Thank you. If you give
13 me a moment, I may have no more questions.

14 MR. BRYAN: Objection. Move to strike.
15 Improper impeachment.

16 MR. PIROZZOLO: You move to strike?

17 MR. BRYAN: Just for the record, the
18 impeachment you -- you are attempting to impeach
19 him with prior inconsistent statements. I'm
20 moving to strike because I think it was improper
21 impeachment.

22 Do you want me to explain? I can
23 explain if you want. I'm just making it for the
24 record.

25 MR. PIROZZOLO: Well, I'd like to know.

1 MR. BRYAN: I don't think what he said
2 was inconsistent.

3 MR. PIROZZOLO: You are not saying he
4 didn't say that?

5 THE WITNESS: I'm not saying I didn't
6 say it either.

7 MR. BRYAN: I'm not saying he didn't say
8 that.

9 MR. PIROZZOLO: Okay.

10 MR. BRYAN: I don't agree that what he
11 just said is inconsistent with what he is saying
12 here.

13 MR. PIROZZOLO: We can argue some day.

14 MR. BRYAN: Sure.

15 MR. PIROZZOLO: But I just wanted to
16 make sure it's clear, you are not questioning
17 whether this is a --

18 MR. BRYAN: No.

19 MR. PIROZZOLO: -- record of the trial
20 testimony?

21 MR. BRYAN: No, I'm not.

22 MR. PIROZZOLO: Thank you. Why don't we
23 stretch our legs a minute and let me talk with
24 Brian and we may be finished.

25 (R E C E S S)

1 MR. PIROZZOLO: I don't have any more
2 questions.

3 MR. BRYAN: I have a few, not a lot.

4 MS. BARONI: I have a few.

5 EXAMINATION

6 BY MS. BARONI:

7 Q. Mr. Nadeau, I'm Megan Baroni and I
8 represent New England Container. I believe my
9 colleague John Peloso was here during your last
10 deposition.

11 A. Okay.

12 Q. I am taking his place today so I just
13 have a few questions for you and I want to take
14 you back to Exhibit No. 4 which you were just
15 looking at with Mr. Pirozzolo --

16 A. Okay.

17 Q. -- on the same page which for the record
18 is E-000002.000602.

19 A. Okay.

20 MS. BARONI: Mr. Pirozzolo asked you
21 questions about Lines 5 through 16 of that
22 transcript. I want to keep reading starting on
23 Line 17 of this transcript of your trial testimony
24 from the Emhart v. Home Insurance case, so I'm
25 just going to read your testimony aloud and if you

1 could just read along with me.

2 So the question was: "All right. So at
3 the time that you worked at Metro-Atlantic, and I
4 presume you used the hose along with the other
5 workers to wash off the basement floor?"

6 "Answer: Yes."

7 "Question: And the material that was
8 washed off the basement floor came from the
9 presses?"

10 "Answer: Came from the presses."

11 "Question: And that included black
12 sludge, or some kind of sludge?"

13 "Answer: I think it was carbon that
14 they used to filter, but yes, it was black or
15 gray."

16 "Question: When you washed off the
17 floor at that time, you were aware that it was
18 going out to the tailrace, the river outside?"

19 MR. PIROZZOLO: Objection.

20 MS. BARONI: (Reading) "Answer: True."

21 "Question: So there was no question in
22 your mind that it was not going to the municipal
23 sewer, was it?"

24 MR. PIROZZOLO: Objection.

25 MS. BARONI: "Answer: There was no

1 question in my mind. It was going outside."

2 Q. Did I read that testimony correctly?

3 A. You did.

4 Q. And that's consistent with the testimony
5 you gave earlier today, is that right?

6 A. I believe it is.

7 Q. Last time you were here a couple of
8 weeks ago you gave a fair amount of testimony as
9 to the nature of your work for Metro-Atlantic.

10 I'm not going to go over that testimony again
11 today but I just want to see if -- when you worked
12 for Metro-Atlantic, was most of the work that you
13 did for Metro-Atlantic in a particular area of the
14 site --

15 MR. PIROZZOLO: Objection.

16 Q. -- geographically?

17 MR. PIROZZOLO: Objection.

18 A. Most of the time I was in the main
19 building helping blend the products or draw off
20 the tanks or the filter -- run the filter press,
21 and what the percentage -- there was another
22 percentage of my time when I was across the street
23 drying the reserve salt.

24 Q. And by "across the street," what do you
25 mean?

1 A. Well, there was a building across the --
2 across that driveway attached to the maintenance
3 building, if you looked at that map. One was
4 where the reserve salt was dried and one was the
5 maintenance building, and that area where the
6 reserve salt was dried, I was either throwing the
7 reserve salt on the belt to be dried or on the
8 other side taking it from the belt, but most of
9 the time I would say the bulk of my time was in
10 the main building doing one thing or another.

11 Q. So was most of the work that you did for
12 Metro-Atlantic indoors --

13 A. Yes.

14 Q. -- as opposed to you didn't do a lot of
15 work outside?

16 A. There was nothing for us to do outside.

17 Q. There was nothing for you to do outside
18 when you worked for Metro-Atlantic?

19 A. True. There were times when we had to
20 go out and look in the tanks but that was minutes.
21 Other than that, it was inside work.

22 MS. BARONI: I think that's all I have.

23 MR. BRYAN: Very briefly. Can we
24 switch?

25 MS. BARONI: Yes. Let's switch. Thank

1 you.

2 EXAMINATION

3 BY MR. BRYAN:

4 Q. I promise to be short. Hello again, Mr.
5 Nadeau. For the record, I'm Patrick Bryan from
6 the United States Department of Justice,
7 Environment and Natural Resources Division. With
8 me today is a different attorney from EPA. This
9 is Joy Sun. She is an attorney with the
10 Environmental Protection Agency.

11 Hello again. Thank you for coming today. I
12 just have a few follow-up questions based upon the
13 questioning that Mr. Pirozzolo asked you earlier
14 today.

15 If we could take a look at the Home Insurance
16 deposition, which I believe was Exhibit 1 to your
17 deposition, Mr. Pirozzolo asked you some questions
18 about your years of employment with
19 Metro-Atlantic. Do you recall --

20 A. Yes.

21 Q. -- earlier today?

22 A. Yes.

23 Q. And just trying to make sure we have as
24 clear as possible a record of when you worked at
25 Metro-Atlantic, if you could look at Page 35 --

1 I'm sorry, wrong page -- Page 29 of that
2 testimony, Lines 11 through 24. I'd like to ask
3 you to read those lines to yourself and let me
4 know when you're done. Thank you.

5 (Witness reading document.)

6 A. Done.

7 Q. Okay. Does reading through Lines 11
8 through 24 on Page 29 of your Home Insurance
9 deposition dated December 17th, 2002 help to
10 refresh your recollection as to when you worked at
11 Metro-Atlantic?

12 A. It seems like the right time frame. As
13 I said, that whole thing is foggy to me.

14 Q. Okay. When you graduated from high
15 school -- well, let's back up.

16 The time period when you were working at
17 Metro-Atlantic was when? And you can use --

18 A. For sure for full time it was '64
19 through '65. I believe there was also one summer
20 I worked there prior to that which might have been
21 '63 and then there was a period of time when I
22 worked for New England Container one summer, maybe
23 two. I don't remember. I had a bunch of jobs
24 during that time.

25 Q. Okay. Your full-time employment, how

1 long did you work full time at Metro-Atlantic?

2 A. Probably June of '64 to August of '65
3 because August 23rd I was -- I was inducted into
4 the military.

5 Q. Thank you. I think you can put that
6 down for the time being. We may go back to it.

7 During your testimony earlier today, when you
8 were looking at the map, you made a statement
9 about Mr. Buonanno and the family, the Buonanno
10 family?

11 A. Yes.

12 Q. And do you recall talking about the
13 joint ownership or the ownership among the
14 families of the two companies?

15 MR. PIROZZOLO: Objection.

16 A. I don't remember there being a distinct
17 line of ownership because I used to see these --
18 these gentlemen in both places and -- and I never
19 attributed New England Container being owned by
20 just Bernie or -- or whatever the guy's name was
21 and the other place being owned -- they were --
22 they were close families as Italians are and I
23 just assumed it was just somebody controlled one
24 part and the other one controlled the other part.
25 Whether there was separate ownerships, whether

1 there was a line in the sand, I don't know.

2 Q. Let's see if we can take a look at a
3 prior exhibit that we went over, your affidavit.
4 I'd like to ask you -- I think that's Exhibit 3.

5 MR. PIROZZOLO: What exhibit number?

6 MR. BRYAN: I think it's Exhibit 3.
7 It's the affidavit, Mr. Nadeau's affidavit, and
8 Bates numbers E-000003.003225 through 227.

9 Looking -- I'd like you to look at the
10 first paragraph of that affidavit, Mr. Nadeau.

11 Do you see the sentence that begins: "I
12 worked at both facilities as did some of the other
13 employees..."

14 A. Yes.

15 Q. "...who were interchangeable." Do you
16 see that?

17 A. Yes.

18 Q. What do you mean there by
19 "interchangeable," the employees were
20 interchangeable?

21 A. The maintenance people would work --
22 would work both sites. If there was a maintenance
23 problem, the crew would go to either/or buildings.

24 There was a gentleman by the name of Walt
25 Murphy, who's long gone to his reward, that had a

1 timecard in each building because at one point in
2 time there was a union bid or something and
3 Mr. Murphy was working for both -- for both
4 places, and I think there were a few others who
5 had that same arrangement.

6 Q. I want to turn to your discussion with
7 Mr. Pirozzolo about the Texas Tower. Do you
8 recall discussing the Texas Tower with him? I
9 don't know if we've ever asked you during this
10 deposition -- if we have, I apologize -- but how
11 would you describe the Texas Tower? How did it
12 appear?

13 MR. PIROZZOLO: What's the question?

14 Q. Can you describe how it appeared, the
15 Texas Tower?

16 A. The looks of it?

17 Q. The appearance, yes.

18 A. It was a square building or relatively
19 square. It had steps on one side, I believe. I
20 think it was -- I think it was raised up off the
21 ground but I'm not sure. I think it might have
22 been on some kind of pile-ons or -- I'm not sure.

23 Q. How tall was it approximately?

24 A. The building itself? I would -- it
25 might have been like two stories tall maybe. Like

1 I said, I never went in it. You know, it was one
2 of those -- you take a look at it and keep going.
3 Had no reason to go there.

4 Q. Do you have any recollection of the
5 material of which it was constructed?

6 A. No. I'm guessing plywood. Just -- it
7 would be just a guess. I don't know.

8 Q. Why would you guess plywood?

9 A. It's the cheapest, neatest way to build
10 something.

11 Q. To you, when you observed the Texas
12 Tower, did it appear as if it was constructed out
13 of a cheap material?

14 MR. PIROZZOLO: Objection.

15 A. No. It was just a building. I -- I
16 didn't -- I didn't say it was going to fall down
17 any day. It was there. I didn't -- I don't know
18 how it was constructed, whether it was metal or --
19 I don't know.

20 MR. BRYAN: Fair enough. Thank you.

21 Q. If you could look again at your Home
22 Insurance deposition -- there we go, Exhibit 1 --
23 I'd like you to turn to Page 35, and do you recall
24 Mr. Pirozzolo asking you questions about the
25 French drains?

1 A. Yes.

2 Q. And your observations regarding the
3 French drains?

4 A. Yes.

5 Q. I'd like you to take a look at Lines 1
6 through 13 on Page 35 and just read them to
7 yourself and let me know when you've read them.

8 (Witness reading document.)

9 A. Done.

10 Q. Okay. Do you recall, as you sit here
11 today, observing the water change color while you
12 were at -- while you were working at
13 Metro-Atlantic?

14 MR. PIROZZOLO: Objection.

15 A. Yes.

16 Q. Okay. Can you explain to us, did you
17 ever see any discolored water?

18 MR. PIROZZOLO: Objection.

19 A. Once I hit it with the hose, the water
20 would change to the color of whatever was on the
21 floor, it would wash to the drain and exit.

22 Q. And what about the tailrace, did you
23 observe the tailrace turn, change colors?

24 MR. PIROZZOLO: Objection.

25 A. You know, in my mind I know it had to

1 but I can't remember whether I saw it happen or
2 not. I may have. I may have been out on the
3 platform when it happened but to say I saw the
4 water turn cloudy, I'm betting it did but I
5 can't -- I couldn't say that it did.

6 Q. At the time you testified at this
7 deposition, you testified that there were times
8 when you saw discolored water, correct?

9 A. Yes.

10 Q. And at the time of your deposition, in
11 the Home Insurance case, it was your testimony
12 that you recall that the tailrace changed color?

13 MR. PIROZZOLO: Objection.

14 A. Yes. What caused that -- if you ask me
15 what caused that coloration change, I don't know,
16 but it got murky and after that it becomes
17 assumptions.

18 Q. Okay. Can you describe when you say --
19 did you observe the tailrace become murky?

20 MR. PIROZZOLO: Objection.

21 A. I saw it when it was murky.

22 Q. While you were working at
23 Metro-Atlantic?

24 A. Yes.

25 Q. Can you explain for us what you

1 perceived, the murkiness? How did it look murky?

2 A. There were times when the water was
3 clear. You could see the fish and turtles in it.
4 There were days when you could not do that, you
5 could not see to the bottom of that. It was
6 shallow water, it was not extremely deep. You
7 could not see the bottom.

8 Q. Thank you. You talked a little bit
9 today about tight drums --

10 A. Yes.

11 Q. -- with Mr. Pirozzolo. What happened to
12 the residue from the tight drums --

13 MS. BARONI: Objection.

14 Q. -- that came out after water was pumped
15 into them --

16 MS. BARONI: Objection.

17 Q. -- do you know?

18 A. I would assume with that flushing or
19 steaming process, it ran out of the hole that was
20 in that drum to below that rack that it was on.
21 It had to.

22 Q. Okay. And is it your -- to your
23 knowledge, when it ran out of the drum onto the
24 rack, from the rack where did it --

25 A. The rack --

1 Q. -- flow?

2 A. The rack was raised off the ground
3 several feet. There was an area underneath there.
4 Where that material went, where that liquid went,
5 I have no idea. It didn't stay there.

6 Q. To your knowledge, did that material
7 flow into the tailrace?

8 MS. BARONI: Objection.

9 MR. PIROZZOLO: Objection.

10 A. I wouldn't know. I don't know for sure.
11 It went somewhere.

12 Q. Do you know where it went?

13 A. Not an idea.

14 Q. We talked about -- we talked today and
15 then in your earlier deposition a couple -- a week
16 or so ago, you observed -- well, we talked about
17 the French drains?

18 A. Yes.

19 Q. We talked about stacking barrels, we
20 talked about residue associated with the barrels.
21 Strike that.

22 Going back to what you just talked about a
23 little while ago, the tailrace changing colors,
24 your observations of the tailrace, do you recall
25 the tailrace, did it flow or was it still water?

1 MR. PIROZZOLO: Objection.

2 A. I don't remember seeing ripples on it as
3 if it was moving north or south, east or west. It
4 seemed still but I'm assuming it changed. It had
5 to, there was a connection to the river so I'm
6 assuming there was some sort of --

7 Q. The area that you identified as the dump
8 today and a week or so ago during your last
9 deposition, do you recall at that point on the
10 site the tailrace and the river joining together
11 or joining?

12 A. I don't remember going down there. I --
13 I know from the maps I've seen that they're joined
14 but that could be a lie. I didn't walk those
15 lines.

16 Q. Do you recall from the maps --

17 A. Yes.

18 Q. -- that they joined?

19 A. They joined somewhere, yes.

20 Q. You've talked about plastic liners that
21 were in the drums --

22 A. Yes.

23 Q. -- to be reconditioned? Do you recall
24 talking about that?

25 A. Yes.

1 Q. I'd like you to take a look at Page 44
2 of the Home Insurance -- I'm sorry, Page 14 -- of
3 the Home Insurance transcript, Lines 14 through
4 18, and let me know when you're done looking at
5 those.

6 A. Done.

7 Q. Okay. As you sit here today, do you
8 recall what -- do you recall that the barrels
9 had -- some barrels that were brought in for
10 reconditioning had plastic liners?

11 A. Yes.

12 Q. Did all the barrels that you handled
13 have plastic liners?

14 A. No.

15 Q. How many approximately, was it the
16 majority of them, some of them?

17 A. I --

18 MS. BARONI: Objection.

19 A. -- I didn't handle every one that came
20 in.

21 MR. PIROZZOLO: Are you talking about
22 when he worked for NECC --

23 MR. BRYAN: Yes.

24 MR. PIROZZOLO: -- or Metro-Atlantic?

25 MR. BRYAN: NECC.

1 A. Yes. At NECC. Some -- there was a
2 portion of them. What percentage of them it was,
3 I'm not sure --

4 MR. BRYAN: That's fair. Thank you.

5 A. -- and they had rubber gaskets too.

6 Q. Having reviewed the testimony from Home
7 Insurance, does that refresh your recollection as
8 to where or what happened to the liners that were
9 removed from the drums that were brought into
10 NECC?

11 A. Yes.

12 Q. What can you tell me today having been
13 refreshed, where did those liners go? What
14 happened to those liners?

15 A. Some of them were thrown on the ground
16 and then later picked up. I'm assuming all of
17 them were picked up because you just wouldn't be
18 able to work there.

19 I know there were times when I -- I helped
20 unload those trucks and we'd pull the plastic
21 liners out. We just -- for expediency, we'd just
22 dump them on the ground and then pick them up
23 afterwards. So I'm assuming that was done, and
24 when they were picked up, they were put in another
25 drum. Where they went from that point, if that's

1 your next question, I do not know.

2 Q. Okay. In your testimony in this Home
3 Insurance deposition, you stated bags were taken
4 down in the back part of the facility and dumped
5 on the ground. Do you recall that testimony?

6 A. That's -- that's where I remember. I
7 didn't see it. That's -- that's what I was told.
8 Where do you go with these things? We throw them
9 away later, dump them.

10 Q. When you said the back part of the
11 facility, what did you mean?

12 A. The end of that peninsula. What was
13 referred to commonly as the dump.

14 MR. BRYAN: Mr. Nadeau, thank you. At
15 this time I have no further questions. I
16 appreciate your time and your cooperation. Thank
17 you.

18 MR. PIROZZOLO: I have a couple of
19 questions.

20 EXAMINATION

21 BY MR. PIROZZOLO:

22 Q. You've heard of dioxin?

23 A. Yes.

24 Q. When you worked for either
25 Metro-Atlantic or NECC, did you ever see dioxin?

1 MR. BRYAN: Objection. Vague.

2 A. It's not a name I remember.

3 Q. And did you ever see any substance that
4 you could identify as containing dioxin?

5 MR. BRYAN: Objection. Vague.
6 Foundation.

7 A. Not that I can remember.

8 Q. And when you worked for Metro-Atlantic
9 and for NECC, did you have an understanding of
10 chemistry?

11 A. Oh, hell, no. No.

12 Q. You are not a chemist?

13 A. No. I knew what was bad. I knew acid
14 was not good for me, I knew formaldehyde was not
15 good for me, I knew ammonia was not good for me
16 but I'm not a chemist.

17 Q. So you wouldn't know one way or another
18 whether there was anything in any of the
19 substances you handled when you worked for
20 Metro-Atlantic or for New England Container, you
21 wouldn't know whether any of those things had
22 dioxin in them?

23 MR. BRYAN: Objection. Leading. Vague.

24 A. Dioxin is not a term I remember.

25 MR. PIROZZOLO: Thank you.

1 Q. Would it be correct to say that when you
2 worked for Metro-Atlantic and NECC, you worked as
3 a laborer?

4 A. Yes.

5 Q. Okay. You weren't involved in any of
6 the books of account, keeping of accounts,
7 handling the accounting of either company, were
8 you?

9 A. No.

10 Q. And you didn't sit on any boards of
11 directors or any of the management of the
12 companies?

13 MR. BRYAN: Objection. Leading.

14 A. No. I'm not legally bound by any of
15 this, so...

16 Q. So it would be fair to say you didn't
17 know who owned what at that time?

18 MR. BRYAN: Objection. Leading.

19 A. I did not.

20 Q. And did you know where any boundaries of
21 the land was as between ownership of one person or
22 another?

23 MR. BRYAN: Objection. Vague.

24 MS. BARONI: Objection.

25 A. I did not.

1 Q. And that was no part of your duties,
2 responsibilities or job?

3 MR. BRYAN: Objection. Leading.

4 A. No.

5 MR. PIROZZOLO: No further questions.

6 MS. BARONI: I'm all set.

7 MR. BRYAN: No further questions.

8 (Adjourned at 2:25 p.m.)
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1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
2 KENT, Sc.

3 C E R T I F I C A T I O N

4 I, VIVIAN S. DAFOULAS, Registered Merit
5 Reporter/Certified Realtime Reporter, Notary
6 Public in and for the State of Rhode Island, do
7 hereby certify that the witness was first duly
8 sworn to tell the truth, the whole truth and
9 nothing but the truth in the matter of EMHART
10 INDUSTRIES, INC., vs. NEW ENGLAND CONTAINER
11 COMPANY, et al.; that I am in no way related or
12 have any interest in said matter and that the
13 testimony of said witness was duly recorded by me
14 in computerized stenotype and is a true and
15 accurate transcription of my notes.

16 IN WITNESS WHEREOF, I have hereunto set
17 my hand this 27th day of June, 2013.

18
19 -----
20 Vivian S. Dafoulas, RMR-CRR
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23 READING AND SIGNING OF THE TRANSCRIPT WAS NOT
24 REQUESTED BY THE DEPONENT OR ANY PARTIES INVOLVED
25 UPON COMPLETION OF THE DEPOSITION.

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