

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

EMHART INDUSTRIES, INC.,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	C.A. No. 11-023S
	)	
UNITED STATES DEPARTMENT OF THE	)	
AIR FORCE; UNITED STATES	)	
DEPARTMENT OF THE NAVY; UNITED	)	
STATES DEPARTMENT OF DEFENSE;	)	
MICHAEL B. DONLEY, in his	)	
official capacity as Secretary of)	)	
the United States Department of )	)	
the Air Force; RAY MABUS, in his )	)	
official capacity as Secretary of)	)	
the United States Department of )	)	
the Navy; ROBERT M. GATES, in his)	)	
official capacity as Secretary of)	)	
the United States Department of )	)	
Defense; and THE UNITED STATES OF)	)	
AMERICA,	)	
	)	
Defendants.	)	

VOLUME I

Deposition of VINCENT J. BUONANNO taken before  
TRACY L. BLASZAK, CSR, CRR, and Notary Public, pursuant  
to the Federal Rules of Civil Procedure for the United  
States District Courts pertaining to the taking of  
depositions, at Room 802, 65 West Jackson Boulevard, in  
the City of Chicago, Cook County, Illinois at 10:06 a.m.  
on the 15th day of May, A.D., 2013.

1                   There were present at the taking of this  
2 deposition the following counsel:

3  
4                   FOLEY HOAG LLP by  
5                   MR. JACK R. PIROZZOLO  
6                   MR. BRIAN L. HENNINGER  
7                   155 Seaport Boulevard  
8                   Boston, Massachusetts 02210  
9                   jpirozzolo@foleyhoag.com  
10                  bhenninger@foleyhoag.com  
11                  (617) 832-1000

12                                   on behalf of Emhart Industries, Inc.;

13  
14                   ROBINSON & COLE LLP by  
15                   MR. JOHN F. X. PELOSO, JR.  
16                   1055 Washington Boulevard  
17                   Suite 900  
18                   Stamford, Connecticut 06901  
19                   jpeloso@rc.com  
20                   (203) 462-7503

21                                   on behalf of New England Container  
22 Corporation;

23                   via telephone:  
24                   U.S. AIR FORCE LEGAL OPERATIONS AGENCY  
                  ENVIRONMENT LAW & LITIGATION DIVISION by  
                  MS. TRACY JANE ANDREWS  
                  1500 West Perimeter  
                  Suite 1500  
                  Joint Base Andrews, Maryland 20762  
                  tracy.andrews@pentagon.af.mil  
                  (240) 612-4692

                                  on behalf of United States  
                                  Department of the Air Force;

25  
26  
27  
28  
29  
30

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

U.S. NAVY OFFICE OF GENERAL COUNSEL by  
MS. CHIN-ZEN PLOTNER  
720 West Kennon Avenue  
Washington, D.C.  
chinzen.plotner@navy.mil

on behalf of United States  
Department of the Navy;

U.S. DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATURAL RESOURCES DIVISION by  
MR. JOSHUA M. LEVIN  
P.O. Box 7611  
Washington, D.C. 20004  
joshua.levin@usdoj.gov  
(202) 514-4198

on behalf of The United States of America;

U.S. DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATURAL RESOURCES DIVISION by  
MR. PATRICK B. BRYAN  
P.O. Box 7611  
Washington, D.C. 20004  
patrick.bryan@usdoj.gov  
(202) 616-8299

on behalf of The United States of America;

via telephone:  
DYKEMA GOSSETT PLLC by  
MR. JOHN A. FERROLI  
300 Ottawa Avenue, N.W.  
Suite 700  
Grand Rapids, Michigan 49503  
jferroli@dykema.com  
(616) 776-7500

on behalf of Eli Lilly and Company;

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

PEDERSEN & HOUPPT by  
MR. DONALD J. MORAN  
161 North Clark Street  
Suite 3100  
Chicago, Illinois 60601  
dmoran@pedersenhoupt.com  
(312) 261-2149

on behalf of the Witness;

ALSO PRESENT VIA TELEPHONE:

Ms. Caroline S. Hudson  
on behalf of BASF Corporation;

Ms. Gretchen Muench  
on behalf of Environmental Protection Agency;

Ms. Judy Malmquist  
on behalf of U.S. Defense Logistics Agency.

- - - - -

DEPOSITION OF  
VINCENT J. BUONANNO

May 15, 2013

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

EXAMINATION BY:	PAGE
Mr. Patrick B. Bryan	7
Mr. Joshua Levin	194

\* \* \* \* \*

EXHIBITS

	PAGE
Deposition Exhibit 1 (Deposition subpoena to Buonanno)	9
Deposition Exhibit 2 (Deposition transcript of Buonanno taken 3/25/03 re: Emhart vs. Home)	14
Deposition Exhibit 3 (Deposition transcript of Buonanno taken 3/28/03 re: Russell-Stanley vs. Buonanno)	16
Deposition Exhibit 4 (Deposition transcript of Buonanno taken 10/22/08 re: Emhart vs. New England)	17
Deposition Exhibit 5 (Amended answer and counterclaims filed by the United States 9/28/12)	32
Deposition Exhibit 6 (Letter from Buonanno to Felton 4/9/01)	41
Deposition Exhibit 7 (Letter from Sherman to Garypie 7/6/00)	56
Deposition Exhibit 8 (Map - three pages)	73

		PAGE
1	(exhibits cont'd)	
2	Deposition Exhibit 9	82
3	(Aerial photographic analysis Centredale Manor site subarea)	
4	Deposition Exhibit 10	83
5	(Aerial photograph 4/5/65)	
6	Deposition Exhibit 11	96
7	(Centredale Fire Dept. fire reports)	
8	Deposition Exhibit 12	129
9	(Letter from NECC to Fennelly 3/3/00)	
10	Deposition Exhibit 13	151
11	(Letter from NECC to Fennelly 3/19/99)	
12	Deposition Exhibit 14	160
13	(NECC Supplemental response to CERCLA 104(e) information requests Centredale Manor restoration site 8/22/02)	
14	Deposition Exhibit 15	181
15	(Letter from NECC to Fennelly 7/20/99)	
16	Deposition Exhibit 16	245
17	(Hand drawing)	
18	Deposition Exhibit 17	230
19	(Excerpt of deposition transcript of Buonanno taken 10/22/08 re: Emhart vs. New England)	
20	Deposition Exhibit 18	236
21	(Excerpt of deposition transcript of Buonanno taken 3/28/03 re: Russell-Stanley vs. Buonanno)	

\* \* \* \* \*

1 VINCENT J. BUONANNO,  
2 called as a witness herein, having been first duly  
3 sworn, was examined upon oral interrogatories and  
4 testified as follows:

5 EXAMINATION

6 by Mr. Bryan:

7 Q Good morning, Mr. Buonanno.

8 A Morning.

9 Q My name is Patrick Bryan. I'm an attorney with  
10 the United States Department of Justice. I'm with the  
11 Environmental Enforcement Section of the Environment &  
12 Natural Resources Division. I represent the United  
13 States in this case.

14 With me today also from the Department of  
15 Justice is Joshua Levin. He is with the Environmental  
16 Defense Section of the Environment & Natural Resources  
17 Division of the Department of Justice.

18 After I conclude my questioning today,  
19 Mr. Levin will have some questions, as well.

20 For the record, Mr. Buonanno, are you  
21 represented by counsel today for your deposition?

22 A Yes.

23 Q Okay. Can you identify your counsel?

24 A Don Moran.

1 MR. MORAN: Donald Moran from the firm of Pedersen &  
2 Houpt.

3 MR. BRYAN: Q Thank you.

4 Mr. Buonanno, thank you for your attendance  
5 today.

6 MR. FERROLI: I'm sorry, can we do appearances for  
7 the record. We should probably make appearances for the  
8 record.

9 MR. LEVIN: Go ahead, John.

10 MR. FERROLI: Yes. This is John Ferroli. I  
11 represent the third-party defendant Eli Lilly and  
12 Company, and I am appearing solely subject to the  
13 stipulations signed by all parties and submitted to the  
14 Court on May 3rd, 2013.

15 MR. LEVIN: Do other counsel on the phone want to  
16 identify themselves, as well?

17 MR. PIROZZOLO: There is no other counsel on the  
18 phone?

19 Jack Pirozzolo, with me is Brian Henninger,  
20 Foley Hoag, Boston, and we are counsel for Emhart.

21 MS. PLOTNER: I'm Chin-Zen Plotner. I'm with the  
22 Navy, office of general counsel.

23 MR. PELOSO: John Peloso, Robinson & Cole, for NECC.

24 MR. BRYAN: Q Okay. As I was saying,

1 Mr. Buonanno, thank you for attending today.

2 As you know, you are present today pursuant to  
3 a subpoena dated April 26th, 2013. I'd like to  
4 introduce that as an exhibit.

5 (Exhibit 1 marked as requested.)

6 MR. BRYAN: Q This is Exhibit 1 to your  
7 deposition, sir.

8 Do you have the subpoena in front of you?

9 A Yes.

10 Q Before we begin, a few matters.

11 During the course of today's deposition I'm  
12 going to ask you various questions.

13 Please provide me with complete answers to the  
14 best of your ability.

15 Is that fair?

16 A Fine.

17 Q Please wait for me to finish my question before  
18 answering, and I will wait for you to finish your  
19 response before I ask the next question, okay?

20 Do you understand that you are giving testimony  
21 today under oath just as if you were in a court of law?

22 A Yes.

23 Q Thank you.

24 MR. PELOSO: If I may interject, are we going to

1 agree to the stipulations?

2 MR. PIROZZOLO: The Government refused to  
3 stipulate --

4 MR. BRYAN: I'm not aware of --

5 MR. PIROZZOLO: -- last week.

6 MR. PELOSO: Well, are you proceeding according to  
7 the Federal Rules?

8 MR. BRYAN: Yes.

9 MR. PIROZZOLO: Before you begin, I'd just like to  
10 make a brief statement so Mr. Buonanno knows what's  
11 going on.

12 Mr. Buonanno, the Government has been brought  
13 into a case that earlier was between Emhart and NECC.

14 And the Government has not agreed to use the  
15 depositions previously taken as part of the record in  
16 the case against the Government; so, unfortunately, we  
17 are going to have to ask you the same questions we asked  
18 you last time to make our record in the pending case.

19 I have made the offer to use the prior  
20 depositions for all purposes in the case between the  
21 Government parties and Emhart, and that offer was  
22 declined. So I just want you to know.

23 So I may need a day to examine you largely  
24 repeating what I asked before. I'm sorry. I'm sorry

1 that we have to do that.

2 MR. BRYAN: If I may respond, Mr. Pirozzolo, you  
3 will have an opportunity to address the witness. I am  
4 going to proceed now --

5 MR. PIROZZOLO: Oh, I agree. We agree that the  
6 Government will go first. And, obviously, if you cover  
7 a matter that I would otherwise cover, that will shorten  
8 things.

9 MR. BRYAN: I also object to your characterization  
10 of --

11 MR. PIROZZOLO: I'm sorry?

12 MR. BRYAN: I also object to your characterization  
13 of events that led us to this deposition.

14 MR. PIROZZOLO: My statement was totally accurate.

15 MR. BRYAN: We actually made various --

16 MR. PIROZZOLO: I will offer right now if you want  
17 to agree now to use the prior depositions as if taken in  
18 this case, I'm agreeable to that and we don't need to  
19 bother Mr. Buonanno at all.

20 MR. BRYAN: We've had prior discussions about  
21 this --

22 MR. PIROZZOLO: If you are agreeable about that,  
23 that will be fine. We can go home.

24 MR. LEVIN: Thank you, Jack.

1 MR. BRYAN: Are you finished, Jack?

2 MR. PIROZZOLO: Well, I just want to know if you  
3 agree to that?

4 MR. BRYAN: Thank you.

5 MR. MORAN: And let me just point out on behalf of  
6 Mr. Buonanno, certainly he is here to answer whatever  
7 questions are appropriate and reasonable based on  
8 whatever each of the counsel believe is appropriate for  
9 this particular matter.

10 However, given the fact that Mr. Buonanno has  
11 been deposed and probably has been asked many of these  
12 questions before, I will probably be more diligent in  
13 not allowing repeated and duplicative questions with  
14 respect to any specific area to an extent that would be,  
15 obviously, amounting to either abuse or harassment of  
16 Mr. Buonanno.

17 We'll go forward. Hopefully that will not come  
18 up. But only because, as Mr. Pirozzolo pointed out,  
19 he's already been asked these questions before, and  
20 we're not going to go through three, four, five  
21 questions the same questions over and over again. So if  
22 we can move forward on that basis.

23 MR. BRYAN: Thank you, Counsel.

24 Just for the record, I will say that the United

1 States has never deposed Mr. Buonanno before. We  
2 recognize there have been multiple depositions.  
3 Emhart -- I think this is Emhart's third deposition.

4 We will do everything we can to expedite.  
5 There may be some areas that we need to touch upon again  
6 for the record, but we will do our best to streamline.

7 MR. MORAN: Very well.

8 MR. BRYAN: Q Okay. Mr. Buonanno, is there any  
9 reason you can think of that might affect your ability  
10 to testify truthfully today?

11 A No.

12 Q Since we are making a record, I ask that your  
13 answers be audible. Please do not answer questions in a  
14 nonverbal fashion such as a hand gesture.

15 Is that fair?

16 A Sure.

17 Q If I ask you a question that you don't fully  
18 understand, please ask me for a clarification, and I  
19 will be more than happy to provide one.

20 If you answer a question, then I will assume  
21 you've understood it unless you state otherwise, okay?

22 If you remember something partially, please let  
23 me know all that you are able to remember, okay?

24 During the course of today's deposition, your

1 attorney may object to some of my questions. After the  
2 objection is lodged, you must answer the question unless  
3 counsel specifically instructs you not to answer, okay?

4 If you need a break, please let me know. My  
5 only request, if there is a question pending, I would  
6 appreciate it if you would answer the question first  
7 before we go on our break.

8 My typical practice is to take a break every  
9 hour or so, but if you need to take a break for any  
10 reason, just let me know.

11 Now, as we've alluded to, I know that you've  
12 been deposed before previously regarding the Centredale  
13 Superfund site.

14 How many times have you offered deposition  
15 testimony regarding Centredale?

16 A I can't recall the number.

17 MR. FERROLI: I'm sorry, we're having trouble hearing  
18 the witness.

19 THE WITNESS: Okay. I can't recall the number.

20 MR. BRYAN: For the record, let's introduce your  
21 prior testimony. This is the next exhibit.

22 (Exhibit 2 marked as requested.)

23 MR. PELOSO: I might have a copy. What is that?

24 MR. BRYAN: This is Emhart vs. Home Insurance.

1 MR. PELOSO: What's the date?

2 MR. BRYAN: 25th, 2003, March 25th.

3 MR. PELOSO: Okay.

4 MR. BRYAN: You got it?

5 Q Okay. Mr. Buonanno, you've been handed a  
6 document marked Exhibit 2 to your deposition. For the  
7 record, this is a deposition from the Emhart case,  
8 Emhart Industries, Inc. vs. Home Insurance.

9 I can represent to you this is a copy of the  
10 transcript that we have from your deposition in that  
11 case on March 25th, 2003.

12 Do you have Exhibit 2 before you?

13 A Yes.

14 Q Does this appear -- take your time if you want  
15 to review it.

16 MR. BRYAN: Counsel, this is a copy for you here.

17 MR. MORAN: Thank you.

18 MR. BRYAN: Q Does this appear to be a complete  
19 copy of your deposition in the Home Insurance case?

20 A It appears to be.

21 Q You provided this deposition under oath,  
22 correct?

23 A Yes.

24 Q And you testified truthfully?

1 A Yes.

2 MR. BRYAN: I'd like to introduce the second  
3 deposition. Please mark this.

4 (Exhibit 3 marked as requested.)

5 MR. PELOSO: Which one?

6 MR. BRYAN: Russell-Stanley.

7 MR. PELOSO: It's the -- yes, thank you.

8 MR. MORAN: Thank you.

9 MR. BRYAN: Q Okay. Mr. Buonanno, you've been  
10 handed a document marked Exhibit 3. I can represent to  
11 you this is a copy that we have in our records of the  
12 deposition that you gave in the Russell-Stanley vs.  
13 Buonanno litigation.

14 The date of the deposition is March 28th, 2003.

15 Does this appear to be a complete transcript  
16 from that deposition?

17 A It appears to be.

18 Q Thank you.

19 You provided this testimony under oath,  
20 correct?

21 A Yes.

22 Q You testified truthfully during that deposition,  
23 correct?

24 A Yes.

1 Q Thank you.

2 MR. BRYAN: And, for the record, the last deposition  
3 I am aware of, let's mark this.

4 (Exhibit 4 marked as requested.)

5 MR. BRYAN: This is the Emhart/NECC.

6 MR. MORAN: Thank you.

7 MR. BRYAN: Q All right. Mr. Buonanno, you've  
8 been handed a document marked Exhibit 4. I can  
9 represent to you that this is a copy of the deposition  
10 we have for you that was provided in the Emhart vs. New  
11 England Container Company case, October 22nd, 2008.

12 Do you have the transcript in front of you?

13 A I do.

14 Q Okay. Did you provide this testimony under  
15 oath?

16 A Yes.

17 Q Did you provide truthful testimony?

18 A Yes.

19 Q Thank you.

20 Other than these three depositions, are you  
21 aware of any other deposition testimony regarding  
22 Centredale that you provided?

23 A I can't recall anything else.

24 Q Have you ever provided any testimony regarding

1 the Centredale site, Superfund site to any  
2 administrative bodies, regulatory bodies?

3 A I can't recall doing that.

4 Q Have you ever testified in court regarding the  
5 Centredale Superfund site?

6 A No, sir.

7 Q Okay. Thank you.

8 Moving on to your educational background  
9 briefly. I know you've touched on this before. You  
10 graduated high school in 1963, is that right?

11 A '62.

12 Q '62, okay. Thank you.

13 And you graduated college in 1966?

14 A Correct.

15 Q From Brown University?

16 A Correct.

17 Q And your major was in literature?

18 A Correct.

19 Q Okay. Do you hold any other degrees?

20 A No.

21 Q Do you have any professional certifications?

22 A No.

23 Q Do you belong to any professional organizations?

24 A I belonged to the business -- when I was in the

1 business of steel drums, I belonged to the National  
2 Association of Drum Reconditioners, of which I was  
3 chairman.

4 Q Are you still a member of that group?

5 A No.

6 Q Okay. For how long were you a member of that  
7 organization?

8 A 20 years.

9 Q Do you recall approximately when you stopped  
10 being a member of that organization?

11 A Actually, I was a member until we sold the  
12 company, so I was a member from, certainly, 1970 to '98,  
13 so that was more like 28 years.

14 Q Thank you. Okay. Thank you.

15 Briefly, moving on to your professional  
16 experience, again, I know you've touched on this before.  
17 You worked at NECC, which we all understand to be New  
18 England Container Company, correct? From 1967 through  
19 1998, is that correct?

20 A Yes.

21 Q You began work at NECC at Centredale as a  
22 salesman in 1967?

23 A Yes.

24 Q At the time, NECC was partially owned by your

1 father, Bernard Buonanno?

2 A Yes.

3 Q You used to work at NECC during the summers as a  
4 truck driver and as an occasional laborer in the summers  
5 of 1961, 1962, and perhaps 1963?

6 A Yes.

7 Q Thank you.

8 The NECC facility where you worked during the  
9 1960s was located at 2072 Smith Street?

10 A Yes.

11 Q Thank you.

12 Your uncle Joseph Buonanno was one of the  
13 owners of Metro-Atlantic Chemical Company?

14 A Correct.

15 Q Your father never owned Metro-Atlantic?

16 A Correct.

17 Q But your father had a supervisory role at  
18 Metro-Atlantic?

19 A Yes.

20 Q And that was from about 1945 until the sale of  
21 Metro-Atlantic?

22 A Yes.

23 Q In approximately 1969?

24 A Yes.

1 Q Your father was a general manager at  
2 Metro-Atlantic?

3 A Yes.

4 Q Besides your uncle, there were a number of  
5 owners at Metro-Atlantic at different periods, correct?

6 A Yes.

7 Q These would include Hugh Bonino?

8 A Yes.

9 Q Ernest Nathan?

10 A Yes.

11 Q And Ernest Papini?

12 A Yes.

13 Q Your uncle Joseph was a partner at NECC, a  
14 majority stockholder?

15 A At NECC?

16 Q Yes.

17 A I'm not sure of the stock breakdown.

18 Q Was your uncle a partner at NECC or an owner?

19 MR. PIROZZOLO: Objection.

20 THE WITNESS: I believe he was through the  
21 corporation Metro-Atlantic rather than personally.

22 MR. BRYAN: Q Okay. You yourself never worked at  
23 Metro-Atlantic?

24 A Correct.

1 Q From time to time you were inside the  
2 Metro-Atlantic building at Centredale?

3 A Yes.

4 Q The Metro-Atlantic building was adjacent to the  
5 NECC building?

6 A Yes.

7 Q Metro-Atlantic was a part owner of NECC for  
8 about a 19-year period, from 1950 through 1969?

9 MR. PIROZZOLO: Objection.

10 THE WITNESS: I'm not certain.

11 MR. BRYAN: Q If you could take a look at your  
12 Home Insurance deposition, I think it's Exhibit 2, page  
13 12, just see if I can refresh your memory there, move  
14 things along, if I can.

15 If you look at page 12, line 23, through page  
16 13, line 21, see if that helps refresh your  
17 recollection.

18 A These lines on page 11 refer to Joseph  
19 Buonanno's ownership through Metro-Atlantic where I  
20 stated that I wasn't certain of what his participation  
21 was, and I said that he -- I did not think he was a  
22 majority stockholder. I thought he was a partner.

23 So I don't know -- I also said that my father  
24 was a part owner of New England Container and my uncle

1 was a part owner of Metro-Atlantic, so that sounds  
2 consistent with what I've said today, no?

3 Q I think it is.

4 A Yes.

5 Q I was asking was Metro-Atlantic a part owner of  
6 NECC for about a 20-year period, 19-year period?

7 A It sounds right.

8 Q Okay. And that would have been 1950 through  
9 about 1969?

10 A Correct.

11 Q NECC, NECC was owned 50 percent by Bernard  
12 Buonanno, correct?

13 A Yes.

14 Q And the other 50 percent by Metro-Atlantic?

15 A I believe so.

16 Q When NECC first began, Metro-Atlantic was NECC's  
17 sole customer, is that correct?

18 A Correct.

19 MR. PIROZZOLO: Counsel, I don't think you've asked  
20 a question that is not a leading question here. If you  
21 want me to object to every one, I will.

22 MR. BRYAN: Well --

23 MR. PIROZZOLO: But if you're taking this deposition  
24 for the purpose of offering it in the trial of this

1 case, I will object to every question and every answer  
2 you're eliciting.

3 If you want to rely on the prior depositions, I  
4 would consider that. So I'm going to -- at this point  
5 the way you've asked a number of questions where there  
6 is no controversy about, so I didn't object.

7 But you're just telling this witness what to  
8 say, and that's just not appropriate for trial.

9 MR. BRYAN: Are you finished?

10 MR. PIROZZOLO: So I'm going to object to every  
11 question on that ground.

12 MR. BRYAN: Well, this is some --

13 MR. PIROZZOLO: If you continue as you ask him  
14 questions.

15 MR. BRYAN: As you indicated, these are  
16 noncontroversial background points.

17 MR. PIROZZOLO: Well, yes, the ownership of NECC, I  
18 don't know about that. And the witness wasn't even born  
19 was NECC -- when Metro-Atlantic started. I mean, you're  
20 not establishing any foundation for his knowledge.

21 MR. BRYAN: Are you finished?

22 MR. PIROZZOLO: Okay.

23 MR. BRYAN: Thank you.

24 Q Now, when you started at NECC as a salesman in

1 1967, what was your objective?

2 A To sell drums and to buy drums.

3 Q And were you trying to obtain business from  
4 other entities?

5 A Exactly.

6 Q Okay.

7 A Beyond Metro-Atlantic.

8 Q Why?

9 A Because Metro-Atlantic was coming to the end of  
10 its New England life and much of it had moved south, and  
11 so for New England Container to survive, it needed to  
12 sell drums to new customers.

13 Q NECC moved to a new site in Smithfield, Rhode  
14 Island?

15 MR. PIROZZOLO: Objection.

16 THE WITNESS: Yes.

17 MR. BRYAN: Q When did that occur?

18 A Between 1969 and -- 1968 and 1970, perhaps.

19 Q Did you remain affiliated with NECC after the  
20 company was sold in 1998?

21 A I served on the board of the acquiring company.

22 Q And what was the acquiring company?

23 A Russell-Stanley Company.

24 Q When you left NECC, what was your title at the

1 company?

2 A CEO.

3 Q And was your employment constant at NECC from  
4 1967 through 1998?

5 A Yes, but I also served in another business  
6 position in Chicago.

7 Q Okay. And where was that, with what --

8 A Tempel Steel Company.

9 Q Okay. How did you come to work at Tempel Steel  
10 Company?

11 A Tempel Steel Company was a privately held  
12 company founded by my father-in-law on which I served on  
13 the board after his death in 1980 and became CEO of it  
14 in 1990.

15 Q Thank you.

16 Let's talk a little bit about Russell-Stanley.  
17 Did you work for Russell-Stanley --

18 A No.

19 Q -- for a period of time?

20 Were you ever retained as a consultant by  
21 Russell-Stanley?

22 A Yes.

23 Q What type of consulting did you perform?

24 A Advice on their continuing operations at -- in

1 the steel drum business.

2 Q For how long did you provide consulting services  
3 to Russell-Stanley?

4 A I don't recall if it was one year or two years.

5 Q What type of company was Russell-Stanley at the  
6 time it acquired NECC?

7 A Russell-Stanley was primarily a steel drum  
8 manufacturer.

9 Q To your knowledge, is Russell-Stanley still the  
10 owner of NECC today?

11 A I don't believe so.

12 Q Do you know who the owner of NECC is today?

13 A I'm not certain.

14 Q Do you know when Russell-Stanley divested itself  
15 of NECC?

16 A Sometime between 2000 and 2005 I estimate.

17 Q Okay. Thank you.

18 Is Russell-Stanley still in business today, to  
19 your knowledge?

20 A I'm not sure.

21 Q Tempel Steel, when did you first begin working  
22 at Tempel Steel?

23 A March, 1990.

24 Q What relationship, if any, was there between

1 NECC and Tempel Steel?

2 A None.

3 Q Why did you split your time for a period between  
4 NECC and Tempel Steel?

5 A I was called into service from the board of  
6 Tempel after the departure of its CEO and relocated  
7 myself to Chicago to serve in that role while I  
8 continued to have an ownership role in New England  
9 Container back in Rhode Island.

10 Q How did your experience at NECC prepare you for  
11 your work at Tempel Steel?

12 A Well, it was a processing-oriented manufacturing  
13 centric operation with skilled and unskilled labor force  
14 dealing in steel-related products and selling to  
15 industrial companies.

16 Q Do you still work for Tempel Steel today?

17 A I do.

18 Q What is your current title?

19 A Chairman of the board.

20 Q How long have you held that title?

21 A I've held the title chairman of the board for 23  
22 years.

23 Q How many employees work at Tempel Steel?

24 A Approximately 1,500.

1 Q What roles have you had at Tempel besides CEO?

2 A From 1990 until 2011 -- until May, 2012, I was  
3 CEO and chairman. Now I am chairman of the board, not  
4 CEO.

5 Q Do you continue to follow the drum  
6 reconditioning industry?

7 A Very little.

8 Q To what extent do you continue to follow it?

9 A I have friends that were in the industry with  
10 whom occasionally I have a lunch or a dinner, but I have  
11 no involvement in it.

12 Q Do you know if -- while you were at NECC, how  
13 many drum reconditioning facilities were there?

14 A In the country?

15 Q How many that NECC owned and operated?

16 MR. PIROZZOLO: Objection.

17 THE WITNESS: We operated five at the height of it.

18 MR. BRYAN: Q Where were those located?

19 A Smithfield; Bridgeport; Camden, New Jersey -- I  
20 mean Baltimore, Baltimore, Maryland; and Richmond.

21 Q Are any of those facilities still operating as  
22 drum reconditioning facilities?

23 A I believe so.

24 Q Which ones, do you know?

1 A All of them but Bridgeport.

2 Q And the friends that you were referring to that  
3 you remain in touch with, are any of those friends  
4 friends that you used to work with you while at NECC?

5 A No.

6 Q Where are the other -- where are the friends  
7 that you referred to, where do they work in the  
8 industry?

9 A Because I was active in the national trade  
10 association, I had friends from Chicago, Washington,  
11 Minnesota, different cities, Florida.

12 Q Thank you.

13 Okay. Any other employment? We've talked  
14 about NECC. We've talked about your consulting work --

15 A Two jobs in my lifetime.

16 Q Which? Can you explain those?

17 A New England Container, Tempel Steel.

18 Q Okay. I thought you were indicating two  
19 additional ones.

20 Okay. Any other consultant jobs other than  
21 your time as a consultant --

22 A No.

23 Q -- for Russell-Stanley?

24 A No.

1 Q Have you ever been retained as an expert for  
2 litigation?

3 A No.

4 Q Speaking of litigation, what is your  
5 understanding, Mr. Buonanno, of this case, which is  
6 captioned Emhart Industries vs. United States?

7 A My understanding of it is limited.

8 Q Okay. I don't want you to reveal any  
9 discussions you may have had with counsel.

10 Can you explain in general -- in a general  
11 sense what your understanding, your limited  
12 understanding is of this case?

13 A I don't know about it.

14 Q Have you reviewed any pleadings from this case?

15 A No, beyond these -- this is all the documents --  
16 no pleadings.

17 Q I'm talking about -- if you look at Exhibit 1,  
18 the subpoena, there is a different case caption in that  
19 document than in the prior depositions that you've seen.

20 And my question was, and, again, I'm not trying  
21 to invade attorney-client privilege, but do you have an  
22 understanding generally of what this case is all  
23 about --

24 A No.

1 Q Okay. And you haven't reviewed any pleadings in  
2 this case?

3 A No.

4 MR. BRYAN: Let's introduce this, please.

5 (Exhibit 5 marked as requested.)

6 MR. BRYAN: Q Okay. Thank you, Mr. Buonanno.  
7 You've been handed a document marked Exhibit 5. For the  
8 record, this is an amended answer and counterclaims  
9 filed by the United States in this case on September  
10 28th, 2012.

11 I take it from your prior testimony you've  
12 never seen this document before?

13 A Never.

14 Q Okay.

15 Actually, I meant to ask you earlier, have you  
16 had any discussions with any expert witnesses retained  
17 by NECC in connection with this case?

18 A No.

19 Q Any prior cases?

20 A What is an expert witness?

21 Q Do you recall having any discussions with a  
22 consultant who was going to testify on behalf of NECC?

23 A I don't recall anyone.

24 Q Okay. And before today's deposition, did you

1 meet with your attorney?

2 A Yes.

3 Q Okay. For how long?

4 A 30 minutes.

5 Q Okay. Did you meet with anyone -- any other  
6 attorneys, for example, NECC's counsel, Mr. Peloso?

7 A No.

8 Q Did you have any conversations with  
9 Mr. Pirozzolo?

10 A No.

11 Q Anyone from Emhart?

12 A No.

13 Q Are you being compensated for your time today?

14 A No.

15 Q Do you believe you have a stake in the outcome  
16 of this litigation?

17 A No.

18 MR. PIROZZOLO: I think the record should show in  
19 view of those questions that Mr. Buonanno was subpoenaed  
20 at the request of the Government.

21 Emhart took the lead on issuing subpoenas in  
22 order to give the Government an opportunity to examine  
23 Mr. Buonanno, and I believe Mr. Buonanno probably  
24 received the witness fee that's standard with the

1 subpoena.

2 THE WITNESS: Correct.

3 MR. PIROZZOLO: Along with travel money from  
4 wherever he's come.

5 THE WITNESS: Yes, I did receive \$42.

6 MR. LEVIN: That's a helpful clarification, Jack.  
7 Thank you.

8 MR. BRYAN: Q I think I know the answer to this,  
9 but I'll ask for the record, have you been retained as a  
10 consultant by any party in this case?

11 A No.

12 Q Okay. Going back to the exhibit in front of  
13 you, Exhibit 5, the complaint -- or, I'm sorry, United  
14 States' answer and counterclaims, can you please turn to  
15 paragraph 28 on page 21.

16 A Page 5?

17 Q Page 21, paragraph 28.

18 MR. MORAN: Counsel, my page 7 has paragraph 28.

19 MR. PIROZZOLO: He is talking about the  
20 counterclaim.

21 MR. MORAN: I'm sorry.

22 MR. BRYAN: There is two paragraph 28s. I'm talking  
23 about the one on page 21.

24 MR. MORAN: Page 21.

1 MR. BRYAN: Q Page 21. And I'll clarify for the  
2 record. A portion of this document is the United  
3 States' answer, and another portion is the United  
4 States' counterclaim against Emhart.

5 I've asked the witness to turn to the  
6 counterclaim that the United States has brought against  
7 Emhart, and I'm asking him to look at paragraph 28 of  
8 the counterclaim.

9 Are you there, Mr. Buonanno?

10 A Yes, sir.

11 Q Have you had a chance to read paragraph 28?

12 A Yes, sir.

13 Q "The United States is informed and believes that  
14 as part of its operation, Emhart and/or the companies  
15 identified in paragraphs 12 through 18 used or  
16 manufactured hazardous substances, including but not  
17 limited to dioxin, polychlorinated biphenyls (PCBs),  
18 pesticides, volatile organic compounds (VOCs),  
19 semi-volatile organic compounds, or metals at the site."

20 Now, if you could turn for me to paragraphs 12  
21 through 18 which appears on page 19, do you see the  
22 reference in paragraph 12 to Atlantic Chemical Company?

23 A Yes.

24 Q And Metro-Atlantic?

1 A Yes.

2 Q Do you see the companies identified in  
3 paragraphs 12 through 18?

4 A Atlantic Chemical, Metro-Atlantic Chemical,  
5 Crown-Metro, yes.

6 Q Now, turning back to paragraph 28 of page 21,  
7 I'd like to ask you, there is a term there, dioxin, do  
8 you see that?

9 A Yes.

10 Q Do you know, what is dioxin?

11 A I don't know.

12 Q Have you heard of that expression before?

13 A Of course.

14 Q Okay. What is your understanding of dioxin?

15 A That it's a hazardous substance.

16 Q Okay. And how did you gain that understanding?

17 A It's been discussed in environmental guidelines,  
18 press, environmental issues. It's been a common  
19 watchword.

20 Q Did you have occasion in connection with the --  
21 when the environmental -- Okay.

22 Are you aware that the Environmental Protection  
23 Agency named various parties as potentially responsible  
24 in connection with the Centredale Superfund site?

1 A Yes.

2 Q Was one of those companies NECC?

3 A Yes.

4 Q Following your learning that EPA had identified  
5 NECC, did you take any steps to consult with scientists  
6 or other consultants regarding the allegations?

7 A Yes.

8 Q What did you do?

9 A I familiarized myself with all of the history  
10 that was put in the press about the history of the site  
11 at Metro-Atlantic to understand what had happened there  
12 before because I had not been there.

13 The site was in the business of chemicals from  
14 when I was two or three years old, so I became -- I read  
15 the files of all of the operations there and remembered  
16 familiarizing myself with a report of a fire on the site  
17 and the clean-up operation after the plant was  
18 demolished.

19 So since New England Container was named, then  
20 I tried to familiarize myself with the history of it.

21 Q Did you consult with any scientists or  
22 scientific consultants?

23 A I believe we did.

24 Q Can you identify those scientists?



1 Q What is hexachlorophene, do you know?

2 MR. PIROZZOLO: Objection.

3 THE WITNESS: Hexachlorophene is a chemical that I  
4 believe is used in everything from consumer products  
5 such as toothpaste to defoliants.

6 MR. PIROZZOLO: Sorry, I didn't hear the end of --

7 THE WITNESS: Defoliants I said.

8 MR. PIROZZOLO: Defoliant?

9 THE WITNESS: My understanding is that  
10 hexachlorophene is a product that has a range of  
11 usefulness in everything from toothpaste, I believe, to  
12 defoliants.

13 MR. BRYAN: Q Thank you.

14 Now, during the course of your educating  
15 yourself, you mentioned that you consulted with Environ.

16 Did you consult with anyone else?

17 A I don't recall any other environmental  
18 consultants.

19 Q Did you interview people that used to work at  
20 the site, at the NECC or Metro-Atlantic facility?

21 A I have no recollection of interviewing anyone.

22 Q Okay. Do you know if NECC conducted interviews  
23 of former employees who worked at Centredale?

24 A After my sale of NECC, I have no idea of who

1 they interviewed.

2 Q Okay. Turning back to paragraph 28 in Exhibit  
3 5, this allegation in the United States' counterclaim  
4 against Emhart, what knowledge do you have relating to  
5 this allegation concerning dioxin?

6 MR. PIROZZOLO: Objection.

7 THE WITNESS: Repeat the question, please.

8 MR. BRYAN: Q Okay. Do you have any knowledge  
9 that you can tell -- I'm asking you if you can let us  
10 know whatever knowledge you've gained that relates to  
11 the allegation in paragraph 28 --

12 MR. PIROZZOLO: That calls for a yes or no.

13 MR. BRYAN: Excuse me, Counsel, I wasn't finished  
14 yet, I --

15 MR. PIROZZOLO: No, I want to preserve my objection.  
16 You can say yes or no. If you ask him what knowledge he  
17 has, you have to lay a foundation.

18 MR. BRYAN: Well, please let me finish, Counsel.

19 Q I'm asking whatever -- Do you have any knowledge  
20 that you've acquired that relates to the United States'  
21 allegation in paragraph 28 against Emhart concerning the  
22 release of dioxin at Centredale?

23 A Yes.

24 Q You do? Can you tell me what that knowledge is?

1 MR. PIROZZOLO: Objection, lack of foundation,  
2 hearsay.

3 MR. BRYAN: Q Go ahead.

4 A I believe that the production of hexachlorophene  
5 can produce dioxin.

6 Q Did Emhart produce hexachlorophene?

7 MR. PIROZZOLO: Objection.

8 MR. BRYAN: Q Or manufacture hexachlorophene?

9 MR. PIROZZOLO: Objection.

10 THE WITNESS: I don't know if Emhart did.

11 MR. BRYAN: Q Sorry, Metro-Atlantic. Let me  
12 restate that.

13 Did Metro-Atlantic manufacture --

14 MR. PIROZZOLO: Objection.

15 THE WITNESS: I believe so.

16 MR. BRYAN: Q And what is the basis for your  
17 understanding that Metro-Atlantic manufactured  
18 hexachlorophene?

19 MR. PIROZZOLO: Objection.

20 THE WITNESS: Across from our plant there was a  
21 building called the hexachlorophene building.

22 MR. BRYAN: Let's take a look at another exhibit.

23 (Exhibit 6 marked as requested.)

24 MR. BRYAN: Q Okay. Mr. Buonanno, the court

1 reporter has handed you a document marked Exhibit 6 to  
2 your deposition. For the record, this is an April 9th,  
3 2001, letter from Vincent Buonanno to Ray Felton.

4 Do you have that document?

5 A Correct, yes, sir.

6 Q Okay. And, for the record, it begins with Bates  
7 No. Emhart 082602. Okay. Have you seen this document  
8 before?

9 A I wrote it.

10 Q Do you recall writing this?

11 A I do now.

12 Q Okay. Who is Ray Felton?

13 A I believe he was an administrative executive of  
14 Russell-Stanley but not CEO.

15 Q Was he a senior-level person?

16 A I believe so. He may have been their in-house  
17 counsel.

18 Q And there are two cc recipients identified?

19 A Right.

20 Q Deming Sherman and Gene D'Onofrio?

21 A D'Onofrio.

22 Q Can you identify for us who Deming Sherman was?

23 A Deming Sherman was our company's attorney at  
24 Edwards & Angell in Providence.

1 Q Okay.

2 A And Gene D'Onofrio was our chief financial  
3 officer who managed administrative matters at New  
4 England Container.

5 Q When you say Mr. Sherman was our company's  
6 counsel, which company?

7 A New England Container's.

8 Q And, I'm sorry, Gene D'Onofrio, again, who was  
9 he?

10 A Was CFO at New England Container.

11 Q Senior-level person?

12 A Senior level.

13 Q Did you endeavor to provide truthful information  
14 to these individuals?

15 A Of course.

16 Q Did you provide truthful information?

17 A As much as I knew.

18 Q Let's see -- let's focus on one of the things  
19 you wrote here. I want to focus your attention to the  
20 sentence beginning, "Hexachlorophene was produced," do  
21 you see that, it begins in the center of that paragraph?

22 A Yes.

23 Q "Hexachlorophene was produced in a separate  
24 riverside building away from the main operations of

1 Metro-Atlantic Chemical and with no connection to New  
2 England Container."

3 Do you see that?

4 A Yes.

5 Q How did you -- how do you know that?

6 MR. PIROZZOLO: Objection.

7 THE WITNESS: It was about a hundred feet from our  
8 office and it was the hex building.

9 MR. BRYAN: Q Did you personally see the building?

10 A I saw the building.

11 Q Okay. It was there -- was it there during the  
12 time that you worked at NECC at Centredale?

13 A Yes.

14 Q In the 1960s while you were present at  
15 Centredale -- Well, strike that.

16 Let's look at the next sentence, "New England  
17 Container never received any raw material from  
18 hexachlorophene operations since the raw materials were  
19 not in containers, and I know that we sold them no  
20 finished containers for filling since it was not  
21 packaged in steel canisters."

22 Do you see that?

23 MR. PELOSO: You misread that.

24 THE WITNESS: Containers, not canisters.

1 MR. BRYAN: Q Containers, I'm sorry. Thank you.

2 A Right.

3 Q In that sentence when you say that I know that  
4 we sold them no finished containers, who is the them  
5 that you're referring to?

6 A Hexachlorophene was an operation within  
7 Metro-Atlantic. It was a plant. It manufactured  
8 something. That product was not shipped out to its  
9 customers in steel containers. So we sold  
10 Metro-Atlantic and its hexachlorophene operation no  
11 drums. Is that understandable?

12 Q So the them you're referring to --

13 A Is Metro-Atlantic and their hexachlorophene  
14 operation. We sold them drums for textile chemicals,  
15 but not for hexachlorophene.

16 Also, I assert that there was no raw material  
17 that they used in hexachlorophene, and I don't know what  
18 they used, but none of it was received in steel  
19 containers, nor did we receive any empty containers from  
20 them.

21 That's our business, to take empty containers,  
22 recycle them, put them out again. We got none from  
23 them, and we sent them none.

24 Q The next sentence reads, "I am confident and we

1 have scientific support of the belief that 100 percent  
2 of the reason for the dioxin in the Woonasquatucket  
3 River is hexachlorophene."

4 Did I read that correctly?

5 MR. PIROZZOLO: Objection.

6 THE WITNESS: Yes.

7 MR. BRYAN: Q Can you describe what you meant here  
8 by scientific support?

9 MR. PIROZZOLO: Objection.

10 MR. BRYAN: Q What scientific support were you  
11 referring to?

12 MR. PIROZZOLO: Objection.

13 THE WITNESS: Environ told us that dioxin was  
14 something connected to the production of  
15 hexachlorophene. That was my scientific evidence.

16 MR. BRYAN: Q Was there any other scientific  
17 evidence that you were relying on at this time?

18 A I received some information from a man who had  
19 consulted with Metro-Atlantic I believe on its  
20 production named Thomas Cleary who told me that  
21 hexachlorophene --

22 MR. PIROZZOLO: I move to strike what Mr. Cleary  
23 said.

24 MR. PELOSO: The witness is not finished with his

1 answer.

2 MR. PIROZZOLO: Did you finish?

3 MR. PELOSO: I'm sorry, maybe you had.

4 MR. PIROZZOLO: It looked like he had.

5 MR. MORAN: He had not finished his answer.

6 THE WITNESS: Could you tell me where I was, Tracy.

7 (From the record above, the reporter read  
8 the following:

9 "A I received some information from a man  
10 who had consulted with Metro-Atlantic I  
11 believe on its production named Thomas  
12 Cleary who told me that hexachlorophene --")

13 THE WITNESS: Had connection to dioxin.

14 MR. PIROZZOLO: Move to strike.

15 MR. BRYAN: Q Did you speak to any former  
16 employees of Metro-Atlantic?

17 A No.

18 Q Did you speak to any former employees of NECC in  
19 arriving at this conclusion?

20 A No.

21 Q Besides Environ and Mr. Cleary, was there anyone  
22 else that you spoke to or obtained information from to  
23 arrive at this conclusion?

24 A I don't recall anyone else.

1 Q Looking at the next sentence, "I think that  
2 engineers familiar with it all know that and the EPA  
3 probably knows it."

4 Do you see that?

5 A Yes.

6 Q Which engineers were you referring to there?

7 A Chemical engineers.

8 Q Okay.

9 A People who are expert in the field.

10 Q You don't recall -- do you recall consulting  
11 with any chemical engineers?

12 A No.

13 Mr. Cleary may have been a chemical engineer.  
14 Environ had chemical engineers.

15 Q Okay. Thank you. Let's look at another --  
16 Well, let me go back.

17 Who do you recall at Environ -- who did you  
18 speak to there?

19 A I remember the name Vendeeven (phonetic).

20 Q Was there a Mr. Matsell?

21 A Morozzo.

22 Q Morozzo.

23 Did you speak with Mr. Morozzo?

24 A I did.

1 Q How do you spell that, do you know?

2 A I would guess M-O-R-O-Z-Z-O.

3 Q Did Mr. Morozzo provide any expert report --  
4 Strike that.

5 Did anyone from Environ provide you a written  
6 report that set forth their findings or conclusions with  
7 respect to dioxin at Centredale?

8 A I don't recall.

9 Q Would you have expected them to have done  
10 something -- to have produced a written document?

11 MR. PIROZZOLO: Objection.

12 THE WITNESS: I don't know what we asked them for.

13 MR. BRYAN: Q In connection with the  
14 Russell-Stanley litigation that you were involved with,  
15 did you retain any expert witnesses in that case to  
16 present any testimony regarding dioxin contamination at  
17 Centredale?

18 A No.

19 Q Did you retain any consultants who otherwise may  
20 not have prepared written reports but did you retain any  
21 consultants in that case concerning Metro-Atlantic's --  
22 the connection between Metro-Atlantic and dioxin?

23 A I don't recall.

24 Q All right. Let's take a look at another

1 document here. Thank you. You can put that exhibit  
2 aside.

3 Well, before you do that, let me just ask you,  
4 is it still your view that -- Strike that.

5 Can I ask you to turn to page 172 of the NECC  
6 deposition transcript, that's the thick one, the real  
7 thick one, Exhibit 4, I think or --

8 MR. MORAN: It's 4.

9 MR. HENNINGER: Which page again? What was it?

10 MR. BRYAN: Q 172.

11 A Yes.

12 Q Page 1 -- I'm sorry, line 3: "Question: And do  
13 you believe that NECC has any responsibility for the  
14 presence of that dioxin? Answer: No. Question: And  
15 why not?" An objection.

16 And then you provided testimony at line 11,  
17 correct?

18 A Right.

19 Q You stated, "No evidence has been produced that  
20 we created the dioxin. On the other hand, it is a  
21 matter of record that --

22 MR. PIROZZOLO: Excuse me, objection. Are you  
23 leading the witness here?

24 MR. BRYAN: I'm referring him to his testimony.

1 MR. PIROZZOLO: This testimony was objected to then,  
2 and it's objected to now.

3 MR. BRYAN: Thank you.

4 MR. PIROZZOLO: And I object to you reading it. If  
5 you want to ask him a question, I don't object.

6 MR. BRYAN: Q "On the other hand, it is a matter  
7 of record that the manufacture of hexachlorophene  
8 absolutely has the dioxin risk, and this is well-known  
9 by chemists and experts, not me, I know nothing about  
10 chemistry, as he said. But hexachlorophene is a known  
11 culprit in the creation of dioxin, and textile chemicals  
12 and other things and other spirits and other things are  
13 not. And those were things that I researched. So I  
14 have no reason to believe that New England Container was  
15 responsible for it."

16 Do you see that?

17 MR. PIROZZOLO: Move to strike.

18 THE WITNESS: Yes, I believe everything I said.

19 MR. BRYAN: Q Is that still your testimony?

20 A Yes.

21 Q Have you formed any views as to who was  
22 responsible for the dioxin at the site?

23 MR. PIROZZOLO: Objection.

24 MR. BRYAN: Q Have you formed any opinions or

1 views as to whether Metro-Atlantic was responsible for  
2 the dioxin --

3 MR. PIROZZOLO: Objection.

4 MR. BRYAN: Q -- at the Centredale site?

5 A I've stated that I believe hexachlorophene was  
6 the culprit.

7 Q Hexachlorophene?

8 A Production.

9 Q By whom?

10 A Metro-Atlantic.

11 Q Thank you.

12 Mr. Buonanno, can you please turn to page 206  
13 of your Russell-Stanley deposition, which I think was  
14 Exhibit 3.

15 A It's not this one? This is Emhart. That was a  
16 200-pager. 203?

17 Q I'm sorry, 206.

18 A Gee, this is -- I see. It's in these little  
19 pages, huh? Very good. Yes, sir.

20 Q Okay. If you could read to yourself lines 21 on  
21 page 206 through 207.

22 A Through 207, yes.

23 Q Through 208, line 21, let me know when you're  
24 finished.

1 A Okay.

2 Q Is that still your testimony today?

3 A Yes, sir.

4 Q I want to ask you a question about page 209 of  
5 that deposition. You stated on line 6, "I also read  
6 after 1998 testimonies of former employees of  
7 Metro-Atlantic, some of whom I never knew, who spoke of  
8 discharges into the river of hexachlorophene."

9 Do you see that?

10 A Which page is that one on?

11 Q 209?

12 MR. PIROZZOLO: The question is does the witness see  
13 that?

14 MR. BRYAN: Q Do you see that?

15 A Yes, sir.

16 Q Thank you.

17 Can you identify for us any of these former  
18 employees that you spoke to?

19 A No, I have no idea.

20 MR. MORAN: Objection, he didn't speak to them.

21 THE WITNESS: Is that what you asked me, if I spoke  
22 to them? No.

23 MR. BRYAN: Fair, fair objection.

24 Q Do you know who you're referring to there when

1 you mentioned former employees of Metro-Atlantic, do you  
2 know which testimonies you've read or you read at that  
3 time?

4 A I don't know what case that was in or if it was  
5 a newspaper report.

6 Q Okay. Do you believe that there were spills of  
7 hexachlorophene at the Metro-Atlantic site --

8 A I don't know.

9 Q -- during the 1960s?

10 MR. PIROZZOLO: Objection.

11 THE WITNESS: I don't know.

12 MR. BRYAN: Q If you look at page 207 of that  
13 deposition, line 22, "Question: How did it get from the  
14 river, from the river to their place? Answer: I can  
15 only conclude" --

16 MR. PIROZZOLO: Objection.

17 MR. BRYAN: Q -- "from the fact that there was  
18 dioxin pollution in the river that there were discharges  
19 from the hexachlorophene made in the plant. That was  
20 circumstantial evidence. Excuse me."

21 Is that still your belief today?

22 MR. PIROZZOLO: Objection.

23 THE WITNESS: I never saw a discharge.

24 MR. BRYAN: Q What is the basis for your

1 conclusion that there were discharges of dioxin or, I'm  
2 sorry, of hexachlorophene from Metro-Atlantic in the  
3 1960s?

4 MR. PIROZZOLO: Objection.

5 THE WITNESS: It was reported that there were, as  
6 we've just read.

7 MR. BRYAN: Q By whom?

8 A By former employees.

9 Q Okay. Do you have any reason to disagree with  
10 that?

11 MR. PIROZZOLO: Objection.

12 THE WITNESS: No.

13 MR. BRYAN: Q Thank you.

14 Is it your understanding that dioxin comes as a  
15 result of the production of hexachlorophene?

16 MR. PIROZZOLO: Objection.

17 THE WITNESS: I don't know the chemical reaction.

18 MR. BRYAN: Q What is your understanding, then, of  
19 the relationship, if any, between hexachlorophene and  
20 dioxin?

21 MR. PIROZZOLO: Objection.

22 MR. MORAN: Objection. It's been asked and  
23 answered. I will allow him to answer it again, but  
24 we're kind of going over some territory we've covered.

1 THE WITNESS: It's my understanding that the  
2 production of dioxin is something which is common in the  
3 manufacture of hexachlorophene as a byproduct or  
4 residue.

5 I've never seen hexachlorophene produced, and I  
6 never entered the hexachlorophene building, so I don't  
7 know.

8 MR. BRYAN: Okay. Thank you. Well, we've been  
9 going for about an hour. We can take a short break or  
10 we can keep going.

11 What would you like to do?

12 THE WITNESS: Onward and upward.

13 MR. BRYAN: Okay. Let's keep going.

14 MR. PIROZZOLO: Before we disperse, there is a --

15 MR. BRYAN: I don't think we're taking a break,  
16 actually.

17 MR. LEVIN: Let's go off the record.

18 (a brief recess was taken from 11:09 a.m. to  
19 11:20 a.m.)

20 MR. BRYAN: Q Hello again, Mr. Buonanno.

21 A Hello.

22 (Exhibit 7 marked as requested.)

23 MR. BRYAN: Q You've been handed a document marked  
24 Exhibit 7 to your deposition. And, for the record, this

1 is a document dated July 6th, 2000, from Deming Sherman  
2 to Catherine Garypie, U.S. EPA.

3 A Yes.

4 Q The beginning Bates number is VB 002749.

5 A Yes, sir.

6 Q Mr. Buonanno, have you seen this document  
7 before?

8 A I believe I have.

9 Q If you turn to page 5 of the letter, Bates  
10 ending 753, do you see your name Vincent J. Buonanno as  
11 one of the copy recipients?

12 A Page 5 of this first piece. Yes, I do.

13 Q Okay. And you testified you have seen this  
14 before?

15 A Yes, sir.

16 Q Okay. If Mr. Sherman copies you on a piece of  
17 correspondence, you would have received it?

18 A Yes, sir.

19 Q You did receive it? Okay. Thank you.

20 Looking at the second paragraph on the first  
21 page of the letter, it states, "On behalf of NEC, I  
22 engaged an investigator, John F. Fahey, to interview  
23 persons who may have information related to the prior  
24 activities at the site."

1 Do you see where I'm reading?

2 A Yes.

3 Q Who is John Fahey? Do you know John Fahey?

4 A It says he is an investigator. I don't know  
5 him.

6 Q Did you have any interaction with Mr. Fahey?

7 A No.

8 Q This letter is from Deming Sherman. At this  
9 time was he representing NECC?

10 A Yes, sir.

11 Q Do you have an understanding as to why you were  
12 copied on this letter?

13 A Well, obviously, this was of interest to me  
14 since we were being questioned by the U.S. EPA.

15 Q Going back to the first page, that middle  
16 paragraph, the second sentence states, "Mr. Fahey has  
17 submitted written reports directly to me summarizing  
18 these interviews."

19 Do you see that?

20 A Yes.

21 Q Have you seen any of these written reports?

22 A I think I saw these a long time ago.

23 Q The next sentence, "These reports are dated  
24 January 26th, 2000, March 20th, 2000, and April 24th,

1 2000."

2 Do you see that?

3 A Yes.

4 Q These reports -- well, you don't have to read  
5 the next one there.

6 To your knowledge, do you have those reports,  
7 the reports that are mentioned in this letter?

8 A I have them here.

9 Q What do you mean by that?

10 A I mean, I'm looking at them and I would have  
11 received a copy.

12 Q When you say you're looking at the reports, what  
13 are you referring to?

14 A I'm referring to today. You said, do you have  
15 them. You mean right now do I have them?

16 Q Yes. Do you possess them in --

17 A Yes, I have them right here. I'm looking at  
18 them. Am I missing something?

19 MR. MORAN: He thinks there is a separate report,  
20 written report dated these dates.

21 THE WITNESS: Oh, oh, separate reports. No, I don't  
22 have those reports.

23 MR. BRYAN: Q But you recall reading those  
24 reports?

1 A I don't recall.

2 Q Let's look at -- going back a few moments ago  
3 when you said I have the reports, what were you  
4 referring to?

5 A I thought you were asking me like you do, did  
6 you have that in front of you, Mr. Buonanno, and I say  
7 yes. I thought that was the -- I thought that was part  
8 of the ritual we do where you hand me a paper and you  
9 ask me if I have it. No, that wasn't it?

10 Q No, I apologize if there was some  
11 miscommunication.

12 Let me ask you this: In this document, do you  
13 see the names that appear in the chart?

14 A In these little boxes?

15 Q Yes.

16 A Yes.

17 Q Do you see the summary of -- there is a column  
18 that says material facts. Do you see that?

19 A Sure. Got it.

20 Q Now, earlier today you indicated that in  
21 discussing your opinion as to the source of dioxin at  
22 Centredale, you recall reviewing testimony from former  
23 employees.

24 A Right.

1 Q Do you think -- do you recall reviewing  
2 information contained in this -- summarized in this  
3 letter during the course of your forming opinions?

4 A Of course I read it at the time.

5 Q So, yes, you do recall?

6 A Yes, I recall reading.

7 Q I want to look at the first name that's  
8 identified here, Flora Rotella. Do you see that?

9 A Yes.

10 Q Do you recall Flora Rotella?

11 A No.

12 Q Do you --

13 A I know no one in any of these names if that  
14 helps. I don't know any one of these names, any of  
15 these people.

16 Q Okay. Next to Flora Rotella in the material  
17 facts column there is an indication that she recalled  
18 odors coming directly -- coming from the direction of  
19 the site.

20 Did you see the reference there to that?

21 Do you have an understanding of what's being  
22 depicted there?

23 A You know, these are interviews being given in  
24 2000 about an operation which shut in 1978. And she was

1       born, what does it say, I don't know, something like --  
2       so Flora's recollection of what she smelled in 1978 I  
3       have no idea what she means.

4           Q     Okay. For the record, references here to the  
5       site refer to Centredale, the Superfund site?

6           A     Right.

7           Q     All right. Turn the page, if you can, please.

8           A     Yes.

9           Q     And there is a name Kathleen Grenier Pimental.

10          A     Yes.

11          Q     Does this refresh your recollection at all? Do  
12       you recall reviewing any of her testimony or interviews  
13       at any time?

14          A     Do I recall her?

15          Q     Her or reviewing any interviews or testimony by  
16       her.

17          A     I must have read this report from Deming, that's  
18       all I know of her testimony.

19          Q     In the column next to her name it indicates that  
20       she recalls -- recalled odors emanating from the  
21       direction of the site.

22                   Do you see that?

23          A     Yes.

24          Q     Okay. Do you have any knowledge regarding

1 what's reflected in that, the description of her  
2 testimony there?

3 A No.

4 Q During the time when you were at the site in the  
5 1960s, do you recall odors?

6 A Yes, there were odors.

7 Q What type -- can you explain? Where were the  
8 odors?

9 A I would say there were odors throughout the  
10 property.

11 Q Were the odors concentrated in a particular  
12 area?

13 A I don't recall that.

14 Q As a literature major, maybe you can help use  
15 some descriptive words. It's kind of a hard question in  
16 some ways. How would you describe the odors that you  
17 recall?

18 A A large part of what Metro-Atlantic made were  
19 soaps that were used to -- powder soaps that were used  
20 to wash textiles, and there was a smell of a soap  
21 product there. I remember that being a dominant smell,  
22 a powdered soap.

23 I can't recollect the dominant odor despite my  
24 literary training.

1 Q Were the odors strong?

2 A I don't believe so.

3 Q Let's look at the next page, page 3. There is  
4 an individual there identified as Joseph Peloquin.

5 Do you see that?

6 A Yes.

7 Q And it says that he lived at -- lived at address  
8 for 78 years.

9 Do you see that?

10 A Yes, sir.

11 Q And the address is [REDACTED], North  
12 Providence.

13 A Great stuff.

14 Q Do you see that?

15 A Yes.

16 Q Do you know where 44 Stevens Street is?

17 A No.

18 Q Do you know if it's close to the Centredale  
19 site?

20 A I don't know where it is.

21 Q The description of his recollection there, it  
22 states that the Woonasquatucket River and the tail race  
23 regularly flooded.

24 Do you see that?

1 A Yes.

2 Q Do you have an understanding of what's being  
3 referred to there as the Woonasquatucket River?

4 A Yes.

5 Q Where was the Woonasquatucket River in  
6 connection to Metro-Atlantic?

7 A Right at the property line.

8 Q Do you have an understanding of what's being  
9 referred to there as the tail race?

10 A Yes.

11 Q What is the tail race?

12 A I believe it was a diversion of the river that  
13 would be made through a mill in order to get the  
14 waterpower and, therefore, you would create a kind of a  
15 tributary that would go underneath a mill to push a  
16 power wheel. And that stayed in place. And I believe  
17 that's what the tail race was.

18 Q Did the Centredale property on which NECC and  
19 Metro-Atlantic's facilities were stationed, did it  
20 border the tail race?

21 A I think it did on the other side.

22 Q On which side?

23 A The opposite side from the river. I think it  
24 was between the river and the tail race, the property.

1 Q Okay. Now, you spent some time there at the  
2 site --

3 A Yes.

4 Q -- in the '60s. Did you ever visit the site in  
5 the '50s?

6 A I probably went to the office with my father as  
7 a child, I did. But I never was inspecting it.

8 Q Okay. Do you recall -- Thank you.

9 Do you recall floods taking place?

10 A I do.

11 Q Okay. What do you recall about flooding at the  
12 site?

13 A I just remember that occasionally I think in the  
14 spring the river would run high and would nip into the  
15 parking lot. But it wouldn't totally flood it, but it  
16 would be high water. That's all I recall.

17 Q How frequently do you recall those floods?

18 A I can't remember.

19 Q Mr. Peloquin, the description of Mr. Peloquin's  
20 knowledge here states that the river and the tail race  
21 regularly flooded.

22 Do you agree?

23 A Well, I don't know. He lived there. I didn't.

24 Q Do you have any reason to disagree?

1 A No.

2 Q In that same box there is a statement, at some  
3 time he observed barrels lying along the tail race but  
4 did not know the source of barrels.

5 What is your understanding of what's being  
6 referred to there?

7 A I have no knowledge of what he's referring to.

8 Q Did you ever see barrels on the river?

9 A Never.

10 Q The last sentence there, recalls a couple -- it  
11 states that he recalls a couple of explosions from the  
12 chemical company.

13 Do you have any knowledge as to what's being  
14 described there?

15 A No.

16 Q The next individual is Virginia Fitzgerald. Do  
17 you remember Virginia or do you know Virginia?

18 A No, I don't.

19 Q Okay. The description of her knowledge, it  
20 states, in the late 1960s or early '70s she recalls  
21 barrels exploding and barrel lids propelled through the  
22 air into her neighborhood.

23 Do you see that?

24 A Yes.

1 Q Do you have any understanding of what's being  
2 referred to there?

3 A No.

4 Q Were you present at the site in the late '60s?

5 A Very infrequently. We were moving.

6 Q Okay. It further states, she observed barrels  
7 dumped along and into tail race and that tail race often  
8 was odorous and discolored with colors of blue, green,  
9 and yellow.

10 Do you see that?

11 A Yes.

12 Q Do you have any understanding of --

13 A I have no knowledge of this.

14 Q Okay. She further states, she observed barrels  
15 stored near chemical company just to rear of building  
16 now occupied by a billiards and pool company.

17 Do you see that?

18 A Yes.

19 Q Do you have an understanding of what that's  
20 referring to? Do you recall barrels?

21 A There were drums stored. I have no -- there  
22 were drums outside the building.

23 I have no idea where the billiards and pool  
24 company is.

1 Q Okay. Let me just ask you to take a look at the  
2 next page, John Joyal, do you see that name?

3 A Yes.

4 Q Does that name ring a bell?

5 A It does. And before I said I didn't know  
6 anyone. I remember John Joyal.

7 Q What do you recall of John Joyal?

8 A That he was about 5 feet tall and that he was a  
9 long-time employee of the company.

10 Q Which company?

11 A Of Metro-Atlantic, not New England Container.  
12 So I saw him when I was working at New England when I  
13 was a kid. And he was a friendly guy who worked for a  
14 long time there.

15 Q Do you have any knowledge regarding the  
16 statements here that are attributed to him?

17 A He worked in the soap department I see. I have  
18 no other knowledge of what he did.

19 Q Do you know if he worked in the hexachlorophene  
20 building?

21 A I don't.

22 Q Do you know who worked in that building?

23 A No.

24 Q Thank you. You can put that document aside.

1 All right. Now, in your prior depositions,  
2 Mr. Buonanno, I believe you had the occasion to discuss  
3 maps of the site.

4 Do you recall that?

5 A Yes.

6 Q Okay. Just to refresh your memory, let's take a  
7 look at one of those maps. And, actually, it's an  
8 exhibit to the NECC deposition which I believe has been  
9 marked Exhibit 4, and I believe it's the last exhibit in  
10 that -- I think it's the last page of that transcript,  
11 Exhibit 10, I believe.

12 For the record, it's Exhibit 10 Bates Emhart  
13 007616.

14 A Thank you.

15 Q Do you see that exhibit?

16 A Yes.

17 Q Do you recall this exhibit?

18 A Looking at it? Yes.

19 MR. PELOSO: Counsel, are you marking this?

20 MR. BRYAN: I just want to go over a few background  
21 things with him here.

22 MR. PIROZZOLO: Are you going to mark this as an  
23 exhibit?

24 MR. PELOSO: I'm just thinking it might be easier.

1 MR. PIROZZOLO: You don't have to.

2 MR. BRYAN: No, I hear what you're saying -- can we  
3 go off the record for a second.

4 (discussion had off the record)

5 MR. BRYAN: Q For the record now, you're looking  
6 at Exhibit 10, Mr. Buonanno, from the October 22nd,  
7 2008, deposition that you provided in the Emhart vs.  
8 NECC case, correct?

9 A 2008? Yes.

10 Q 2008.

11 A Five years ago.

12 Q Now, and feel free, if we need to, we can go  
13 back and look at the deposition. But I can represent to  
14 you Mr. Peloso asked you to identify here various  
15 buildings and sites located on the property.

16 A Right.

17 Q For the record, what is identified as No. 1  
18 here?

19 A Where is 1? Hexachlorophene.

20 Q The hexachlorophene building at Metro-Atlantic?

21 A Right.

22 Q And what is No. 2?

23 A 2 is the -- I see 4 there. 2. Oh, 2 is down  
24 here.

1 MR. MORAN: Isn't that 2?

2 THE WITNESS: No, that's 4. 2 is down here. That's  
3 New England Container, right? New England Container at  
4 the bottom, yes. That's the drum plant, No. 2.

5 MR. BRYAN: Q The NECC facility at Centredale,  
6 correct?

7 A Yes.

8 Q Okay. Let's see if I can help move it along  
9 here. No. 3, is it your recollection that that you  
10 identified as the boiler room?

11 A Boiler room for the chemical plant, yes.

12 Q Okay. And No. 4, do you recall that being the  
13 primary manufacturing facility?

14 MR. PIROZZOLO: Objection.

15 THE WITNESS: No. 4 was the machine shop.

16 MR. BRYAN: Q The machine shop?

17 A The machine shop and some manufacturing.

18 Q For which company, for Metro-Atlantic?

19 A For Metro-Atlantic, yes.

20 Q No. 5 here?

21 A Main plant of Metro-Atlantic.

22 Q Okay. What's No. 6?

23 A 6 were the offices.

24 Q Okay.

1 A 7, I think, was the laboratory.

2 Q And what's No. 8? It's at the bottom.

3 A That is the New England Container drum yard, I  
4 think.

5 MR. PIROZZOLO: I'm sorry, I didn't hear.

6 THE WITNESS: That's one of the manufacturing  
7 buildings. If you look at this complex here, you see a  
8 long rectangle which goes from right to left and then  
9 this other wing here along the river. And that is  
10 another barrel operation. That's another building.

11 MR. PIROZZOLO: Was that No. 8?

12 THE WITNESS: Yes.

13 MR. PIROZZOLO: Thank you.

14 THE WITNESS: Would it be useful to have a  
15 highlighter and I'd fill in the processing spots here?

16 MR. BRYAN: Well, hang on a second. Bear with me  
17 one second here. I'd like to show you another version  
18 of the map of the site. I only have two copies of this.  
19 Please mark this.

20 (Exhibit 8 marked as requested.)

21 MR. BRYAN: Q It's a document we received,  
22 Emhart-produced document Bates stamped E-000001.005903.

23 A It looks like the same stuff but just a  
24 bigger -- a smaller impression of it.

1 Q What I'd like to ask you here is -- For the  
2 record, you've been handed a document marked Exhibit 8.

3 A Yes, sir.

4 MR. PELOSO: This was marked as, I think, Buonanno 1  
5 at the 3-25-03 deposition, so if that helps. I think  
6 it's the same.

7 MR. BRYAN: Q I just want to ask you a question on  
8 the first page here. Do you see under -- Okay.

9 Can you identify for me where the  
10 hexachlorophene building is here?

11 A On both diagrams?

12 Q No, just on Exhibit 8.

13 MR. PIROZZOLO: Excuse me. What are we looking at  
14 here? I've got four pages in front of me.

15 MR. BRYAN: This is a Sanborn library 1965 --

16 MR. PIROZZOLO: Do you have a Bates number on it?

17 MR. BRYAN: E-000001.005903.

18 THE WITNESS: Yes, did you ask me about the  
19 hexachlorophene building?

20 MR. BRYAN: Q Yes. And, actually, can you mark  
21 with a pen where that building is.

22 MR. MORAN: On 8?

23 THE WITNESS: Yes, H, right there -- oops, on this  
24 one. Yes. That's right.

1 MR. BRYAN: Q Now, underneath that hexachlorophene  
2 building, do you see there is a handwritten note, check  
3 for, it looks like sprinkler?

4 A 1967.

5 Q Do you see that?

6 A I do.

7 MR. PIROZZOLO: This is 1965.

8 MR. BRYAN: Q Do you understand what is being  
9 referred to there?

10 A No idea. Check for sprinkler.

11 Q What do you recall about the hexachlorophene  
12 building?

13 A I remember that it was green corrugated plastic  
14 and it was cubic like it appears here and that it had no  
15 office wing but it was a very simple straightforward  
16 tall building with possibly one or two reactors in it.  
17 I never entered it.

18 Q Do you remember when it was constructed?

19 A No. I think before I joined the company,  
20 possibly before I was a summer truck driver. I don't  
21 know when they started.

22 Q In the 1960s?

23 A Yes, I don't know.

24 Q How tall was it, approximately?

1           A    Oh, I would say that it was 20 feet tall, two  
2 stories.

3           Q    What was manufactured there?

4           MR. PIROZZOLO:  Objection.

5           THE WITNESS:  I think hexachlorophene.

6           MR. BRYAN:  Q    Do you know why a special building  
7 was constructed to manufacture hexachlorophene?

8           MR. PIROZZOLO:  Objection.

9           THE WITNESS:  I think it was a totally new direction  
10 for Metro-Atlantic from their textile chemical past and  
11 it was for a while some kind of prototype.

12          MR. BRYAN:  Q    And what's your basis for that  
13 understanding?

14          MR. PIROZZOLO:  Objection.

15          THE WITNESS:  That it was in a separate building and  
16 hearing my father, who was general manager, say at some  
17 point that they were trying a new product in a separate  
18 building.

19          MR. PIROZZOLO:  Move to strike, motion to strike.

20          MR. BRYAN:  Q    Did you finish?

21          A    Yes.

22          Q    Okay.  I think earlier you stated that to your  
23 knowledge the manufacture of hexachlorophene by  
24 Metro-Atlantic, it didn't generate drums, is that what

1 you said earlier?

2 A It wasn't sold in drums.

3 Q Do you know --

4 A The finished product was not sold in drums, and  
5 the raw materials were not received in drums.

6 Q Okay. What is your basis for that  
7 understanding?

8 A If it sold in drums, we would have sold them to  
9 them.

10 Q Who is we?

11 A New England Container.

12 Q Okay.

13 A And if it emptied drums, we would have bought  
14 them from them. So it was right there out the window  
15 and no drums were coming or going.

16 Q Okay. Do you know how the hexachlorophene was  
17 stored?

18 A No.

19 Q Do you recall any above-ground storage tanks --

20 A No.

21 Q -- outside the hex building?

22 A No.

23 Q If you could turn to your Home Insurance  
24 deposition, which is Exhibit 2, page 29.

1 A What year was this?

2 Q 2003. I'd like you to focus on lines 12 through  
3 19. If you could just read those to yourself.

4 A Read them.

5 MR. PIROZZOLO: Is this line 12 on page 29?

6 MR. BRYAN: Yes.

7 MR. PIROZZOLO: Thank you. Are you asking him to  
8 read it to himself?

9 MR. BRYAN: Yes.

10 MR. PIROZZOLO: Okay. Thank you.

11 MR. BRYAN: Q If you want to go back to page --  
12 there is a reference there to building 3, do you see  
13 that, in your prior testimony?

14 A Building 3. Oh, that's building 3 on our box,  
15 the hex building?

16 Q Well, I think you may have been looking at a  
17 different map in this deposition, but if you go back to  
18 page 26, it does mention that building 3 was the hex  
19 building.

20 If you want to go back --

21 A Well, in this one, building 3 was the boiler  
22 room.

23 Q Right. I think there was a different map in  
24 this deposition.

1 A Okay. So on the other map, the hex building was  
2 the hex building.

3 Q If you go to page 26, there is a discussion  
4 there where you marked building 3.

5 A So we're not looking at that map anymore? Okay.

6 Q Right.

7 MR. PIROZZOLO: Excuse me, I'm not following. What  
8 exhibit are you on?

9 MR. PELOSO: Exhibit 2, he is referring to pages 26  
10 and 29, which is the Home Insurance deposition.

11 MR. BRYAN: Q Okay. On page 26, Mr. Buonanno, do  
12 you see a discussion there --

13 A Yes.

14 Q -- where you identified building 3?

15 A Right.

16 Q And what did you identify building 3 as?

17 A The hexachlorophene building, right there.

18 Q Okay.

19 A We're calling it 4 now. We're calling it --  
20 it's now under -- It's No. 1. This is the former 3.

21 Q Okay. So if you go page 29.

22 A Yes.

23 Q Lines 17 through 19.

24 A Yes.

1 Q Just read that to yourself.

2 A So it appears my recollection was different ten  
3 years ago than now. I don't remember the tank now but  
4 then I did.

5 Q Okay.

6 A Sorry.

7 Q Well, let me know, I'm just asking you, as of  
8 2009 --

9 A Yes.

10 Q -- did you recall any tanks --

11 MR. MORAN: In 2009?

12 MR. BRYAN: Q I'm sorry, 2003, was it your  
13 understanding at that time that there was a tank --

14 A 2003 I said I think there was an outside tank.  
15 Now I can't remember if there was an outside tank.

16 Q Okay. But in 2003 that was your recollection  
17 that there was an outside --

18 A I thought so. I didn't think that was  
19 definitive. I said I think there was an outside tank.  
20 Now I can't remember it.

21 Q Okay. Looking again at -- let's look at the  
22 last map I just gave you, which was Exhibit 8, and do  
23 you remember the handwritten note, check for sprinkler?

24 A Yes.

1 Q Okay. Now, do you think that the hex building  
2 was hooked up to a municipal sewer system?

3 A No idea.

4 Q Let's look at page 30 again of your Home  
5 Insurance deposition.

6 MR. MORAN: What page, 30?

7 MR. BRYAN: Q 30. Lines 1 through 3 -- I'm sorry,  
8 lines 1 through 6. Just read that to yourself, please.

9 A Yes. I said I doubt it.

10 Q Okay. As of 2003, what was your understanding  
11 as to whether there was a -- as to whether the  
12 hexachlorophene building was hooked up to the municipal  
13 sewer system?

14 MR. PIROZZOLO: Objection.

15 MR. BRYAN: Q Go ahead.

16 A I knew it was a new temporary sort of building,  
17 so -- with trial product, so I guessed that it wasn't  
18 connected, but I don't know.

19 Q Okay. As of 2003 did you doubt that there was a  
20 municipal sewer system hookup at the hexachlorophene  
21 building?

22 MR. PIROZZOLO: Objection.

23 THE WITNESS: I doubted it.

24 MR. BRYAN: Q In 2003?

1 A Yes.

2 Q Okay. And how -- having reviewed your prior  
3 testimony, the language here in Exhibit 8, check for  
4 sprinkler, in 1967, does that -- do you have any other  
5 understanding as to what that reference might be?

6 A I have no idea.

7 Q Okay. What do you recall -- Well, let me  
8 introduce one more map, a map you haven't seen before I  
9 don't think. This is the next exhibit.

10 (Exhibit 9 marked as requested.)

11 MR. BRYAN: Q Okay. Mr. Buonanno, you've been  
12 handed a document marked Exhibit 9 to your deposition.

13 A Yes, sir.

14 Q And, for the record, this is a document Bates  
15 stamped -- beginning Bates NECC 021729.

16 A Okay.

17 Q Have you seen this document before?

18 A Never. I don't think, I should say. I don't  
19 believe so.

20 Q Okay. Can you read for us the title of this  
21 document?

22 A Aerial photographic analysis Centredale Manor  
23 site subarea.

24 Q I can represent to you that this is a document

1 that EPA generated.

2 And if you could turn to the page ending at  
3 Bates 21773.

4 A Is that that lower on the right-hand number?

5 Q Yes.

6 MR. PELOSO: Did you say 773?

7 MR. BRYAN: Q Yes.

8 A This baby here? Okay.

9 Q Okay. Have you seen this depiction of -- well,  
10 what is depicted on this page?

11 A It looks like the site of Centredale -- of  
12 Metro-Atlantic and New England Container.

13 Q Okay. I can represent to you that this is an  
14 aerial photograph of the site dated April 5th, 1965.

15 Do you see that reference there on the page?

16 A Yes.

17 Q Okay.

18 MR. BRYAN: I'd like to introduce a blow-up of this  
19 to help you.

20 (Exhibit 10 marked as requested.)

21 MR. BRYAN: I don't have a copy for counsel, but  
22 it's a blow-up of this page.

23 MR. PIROZZOLO: Are there enough copies for us?

24 MR. BRYAN: I don't have a copy.

1 THE WITNESS: Here, we can share one over here.

2 MR. BRYAN: Well, I'm going to ask you to mark some  
3 things.

4 THE WITNESS: Oh, okay.

5 MR. BRYAN: Counsel, would you mind perhaps viewing  
6 this document with the witness.

7 THE WITNESS: Yes. We can share here. This should  
8 be quick.

9 MR. BRYAN: Q Now, similar to what you did before  
10 with a pen, on this exhibit can you identify for us the  
11 hexachlorophene building?

12 A Sure. Right there.

13 MR. PELOSO: Do you mind if we just take a look?

14 MR. BRYAN: Can you mark that with a --

15 THE WITNESS: I circled it. Will that do? Are we  
16 going to go for, yet, a new numbering system? What  
17 would you like me to do?

18 MR. BRYAN: Q Can you mark for us the NECC  
19 facility, mark that as No. 2.

20 A Okay. So 1 was hex, 2 was New England.

21 Q Identify for us Metro-Atlantic's facility.

22 A It should also encompass the hex, but I've left  
23 it as a separate original building, right?

24 Q Have you marked that as 3?

1 A 3, yes.

2 Q Okay. Now, referring again to the prior map  
3 that you drew on, can you identify for us what's  
4 identified as No. 4 that you identified in the map from  
5 the NECC deposition.

6 MR. MORAN: Are we dealing with Exhibit 8?

7 MR. BRYAN: Q Yes.

8 A What was 4 this time?

9 Q I believe you said that that was the --

10 A The boiler room?

11 Q The maintenance building.

12 A Oh, the maintenance building, yes. Well, that's  
13 right. So I put 3 the whole thing encompassing the  
14 maintenance building, but now I'm going to circle within  
15 the circle and put a 4.

16 Q Okay. Can you identify for us the primary --  
17 what's No. 5 in the prior map, can you identify where  
18 that appears on --

19 A 5 is the main manufacturing facility. That's  
20 this whole area here.

21 Q Okay. And how about the offices, can you  
22 identify for us the offices?

23 A Yes, these are up here at the top.

24 Q Okay.

1 A 6?

2 Q 7.

3 A Is what?

4 Q I think you said that was the lab?

5 A Oh, yeah, the lab I think was over here, 7.

6 Q And 8, was that the metal working facility?

7 A Yes, that's at the drum plant, that's within  
8 the -- again, I'm putting a number inside a number, 8,  
9 yes.

10 Q Now, if you look towards the southern end of the  
11 site here, do you recall reference to a dump at the  
12 Centredale site?

13 A I've heard it mentioned in the testimony.

14 Q Okay. What's your understanding of it?

15 A I don't know if it was a rubbish -- at some  
16 point a rubbish location. I don't know for how long it  
17 was or when it was.

18 Q Okay. And what was --

19 A This is a 1965 picture?

20 Q Yes.

21 Can you identify for us where the dump was  
22 according to your -- based on your understanding?

23 MR. PELOSO: I don't think he identified it as a  
24 dump.

1 THE WITNESS: I don't know where the dump was.

2 MR. BRYAN: Q Was it in the southern end of the  
3 property?

4 A It would likely be on the southern end of the  
5 property.

6 Q Looking at this aerial picture here, does it  
7 help refresh your recollection or help guide you as to  
8 where that dump was?

9 A I don't see anything here indicating a dump that  
10 I can tell.

11 Q Okay. Well, you can put that aside for now. We  
12 may go back to that map.

13 A Fine.

14 Q I want to ask you for now, what do you recall,  
15 if anything, regarding the demolition of the hex  
16 building at Centredale?

17 A After we moved New England Container to  
18 Smithfield, I never entered the Metro-Atlantic property  
19 again.

20 I think it was a fenced-off area being prepared  
21 for construction over a long period of time, which  
22 included earth moving, demolition of the old plant,  
23 excavation of Centredale Manor, and I never revisited  
24 it.

1 Q When was it demolished?

2 A I don't know.

3 Q You mentioned earlier, I asked if you recalled  
4 any employees who worked in that building. Does the  
5 name George Hughes ring a bell?

6 A Yes.

7 Q What do you recall about Mr. Hughes?

8 A One of my father's -- one of the company's  
9 employees. Was he perhaps a chemist?

10 Q Do you know if he worked in the hex building?

11 A No.

12 Q What about Mr. Turcone, do you recall that name,  
13 John Turcone?

14 A Yes.

15 Q What do you recall?

16 A I think he was an employee there.

17 Q Employed by whom?

18 A By Metro-Atlantic.

19 Q The same question for George Hughes, was he  
20 employed by --

21 A Metro-Atlantic.

22 Q Do you know where Mr. Turcone worked?

23 A I don't recall.

24 Q Do you know if he worked in the hex building?

1 A I don't recall.

2 Q Now, were there bathrooms at the Metro-Atlantic  
3 facility?

4 A Yes.

5 Q Where? You can refer to any of the maps if you  
6 want.

7 A Bathrooms?

8 Q Yes.

9 A I only remember the office bathroom up near my  
10 father's office up by the street.

11 Q Was there a bathroom in the hex building, to  
12 your knowledge?

13 A Never entered it.

14 Q But do you know if there was one?

15 A No.

16 Q Were there any bathrooms at NECC's facility?

17 A Yes.

18 Q Where were those located? You don't have to  
19 draw, but just generally where were they?

20 A They were near the offices. There was a  
21 little -- tiny little office at New England Container  
22 and a bathroom there.

23 Q Are you familiar with the name John Mikucki?

24 A Yes.

1 Q Who was he?

2 A John Mikucki -- Mikucki, John Mikucki was the  
3 general manager of New England Container before my time  
4 there.

5 Q How long was he employed at NECC, do you know?

6 A It could have been -- I don't know.

7 Q Did he predate your --

8 A Yes.

9 Q -- employment?

10 A He did.

11 Q Do you know why he was hired?

12 A To be manager of a work force.

13 Q Did he used to work at the Metro-Atlantic  
14 facility?

15 A I don't believe so.

16 Q Do you know why he departed? When did he depart  
17 from NECC?

18 A Soon after I came.

19 Q Can you estimate approximately when that was?

20 A 1968 or '69, perhaps.

21 Q Do you know why he left?

22 A I don't.

23 Q Are you aware of any interviews or statements  
24 from him regarding the Centredale Superfund matter?

1 A I don't recall any, but there may have been.

2 Q Do you know where the water lines ran at either  
3 the Metro-Atlantic or New England Container building?

4 A No idea.

5 Q And, again, feel free to look at the maps.

6 A No idea. A subsurface water you mean?

7 Q Yes.

8 A No idea.

9 Q Do you know where the fire water lines ran?

10 A No idea.

11 Q Do you know if there were sewer lines that  
12 connected to Metro-Atlantic's facility?

13 MR. PIROZZOLO: Objection.

14 THE WITNESS: I'm sure there were municipal sewer  
15 lines.

16 MR. BRYAN: Q Why do you say that?

17 A Because we had toilets in all the buildings.

18 Q Could it have been a septic tank?

19 A I have no idea.

20 Q Do you need a sewer line to have a bathroom --

21 MR. PIROZZOLO: Objection.

22 MR. BRYAN: Q -- at a facility?

23 A Obviously not at a house. I don't know in an  
24 industrial plant if you must.

1 Q Do you know whether there was a sewer system at  
2 the Metro-Atlantic facility?

3 MR. PIROZZOLO: Objection.

4 THE WITNESS: I believe there was.

5 MR. BRYAN: Q Again, what's your basis for that?  
6 Are you sure?

7 A No.

8 Q You're not sure?

9 A No.

10 Q Okay. What's the basis of your guess that there  
11 was one?

12 MR. MORAN: Objection, asked and answered; but he  
13 can answer again.

14 THE WITNESS: There were toilets.

15 MR. BRYAN: Q Any other basis?

16 A There was water processing which went into  
17 sewers in the building, drains, there were drains.

18 Q Were there shower facilities at Metro-Atlantic  
19 or NECC's facility at Centredale?

20 A I can't recall for certain.

21 Q You don't know?

22 A I don't know.

23 Q I'd like you to turn to page 237 of the  
24 Russell-Stanley deposition, which I believe is Exhibit

1 3.

2 MR. MORAN: 237?

3 MR. BRYAN: Q Yes, sir. And I want you to look at  
4 lines 5 through 13 and let me know when you're done.

5 A Okay.

6 Q Okay. And I think we discussed this earlier,  
7 you are aware that there was a dump at the site?

8 A Somewhere.

9 Q Okay. Now, if we go back and look at the  
10 exhibits to the Russell-Stanley deposition, I believe  
11 it's Exhibit 7, you were asked during this deposition to  
12 mark where the dump was at the site, correct?

13 A I was, yes.

14 Q Do you see that?

15 A Where is that?

16 Q Well, page 237 --

17 A Yes, yes, I see that.

18 Q Now, looking at Exhibit 7 to this deposition, to  
19 the Russell-Stanley deposition.

20 MR. PELOSO: Was that marked 082600?

21 MR. BRYAN: Yes, Bates 082600.

22 MR. PIROZZOLO: It says 7. Is that 7? Do you get  
23 that as 7? I can't see.

24 MR. BRYAN: The next one is 8, so I believe that's

1 7.

2 Q Does this help refresh your recollection as to  
3 where the dump was?

4 A Yes.

5 Q Okay. Where was it at the site?

6 A Down at the end of the property.

7 Q Okay. Using the blow-up map of the site, can  
8 you mark for us where it was?

9 A May I know what is a dump?

10 Q Well, we can get to that for now --

11 A Well, I mean, if I'm going to identify a dump --

12 Q Well, what were you identifying in the  
13 Russell-Stanley exhibit?

14 A Rubbish, I remember there was a rubbish area.

15 Q And what was contained there?

16 A You know, I can remember above ground, you know,  
17 boxes or cardboard trash, you know, trash.

18 Q Do you recall learning that drums were kept  
19 there?

20 A I think somewhere in all of this someone said  
21 that there were drums buried. I have no knowledge of  
22 drums ever being buried, certainly not by our company.

23 Q Not by NECC?

24 A Not by New England Container. And I have no

1 awareness of Metro-Atlantic burying drums.

2 Q I understand.

3 Did you come to learn that there was drums  
4 buried by Metro-Atlantic at the site?

5 A I had never -- perhaps I read in press articles  
6 about drums during excavation that were pulled up. I  
7 don't know if they were buried or on the property or  
8 what they were. I'm not familiar with it.

9 Q Can you go back and indicate for us what you,  
10 I'm referring to, what you recall as the dump?

11 MR. PELOSO: I think he called it a rubbish area.

12 MR. BRYAN: Q Or whatever.

13 A I called it a rubbish area. I wanted to make  
14 that distinction because a dump has a real definition in  
15 waste removal, and I have no -- a dump to me is a place  
16 near a -- or a place which is dealing in industrial  
17 liquids as a possible place where material was dumped,  
18 which is different from a rubbish area.

19 Q Do you recall reviewing fire reports describing  
20 fires taking place at the dump in the 1960s?

21 A Press reports of fires in the chemical plant.

22 Q Do you recall reviewing fire reports from that  
23 time period?

24 A Which years?

1 Q The 1960s.

2 A While we were in business there?

3 Q Yes.

4 A No.

5 I read of fires during the period when chemical  
6 and drum operations had stopped that there were fires in  
7 the period from '68 to '78 is what I remember --

8 Q Okay.

9 A -- reading when it was a vacated plant.

10 Q Why don't you mark for us now what you're  
11 referring to when you say that there was a refuse area.

12 A I would say down roughly at the end of the  
13 property.

14 Q Can you mark that as No. 9.

15 MR. BRYAN: Okay. Let's introduce this as the next  
16 exhibit.

17 (Exhibit 11 marked as requested.)

18 THE WITNESS: The '60s are possible. I didn't get  
19 there until '67.

20 I'm going to make a quick stop.

21 MR. BRYAN: Why don't we go off the record for a  
22 second.

23 (a brief recess was taken from 12:16 p.m. to  
24 12:20 p.m.)

1 MR. BRYAN: Q All right. Thank you. We're back  
2 on.

3 You've been handed a document marked Exhibit 11  
4 to your deposition.

5 A All the fires.

6 Q Yes, sir.

7 Have you seen any of these reports before?

8 A I don't recall ever reading these.

9 Q For the record, this document is Bates  
10 E-000003.002267 through 002295.

11 The first -- I'd like to represent to you,  
12 Mr. Buonanno, this is a compilation of documents we  
13 received in discovery from Emhart containing Centredale  
14 Fire Department reports. I believe there is also a  
15 newspaper article in here, as well.

16 On the first page here of Exhibit 11 do you see  
17 the date of this fire report, April 10th, 1961?

18 A Yes.

19 Q Okay. Do you see a column or I guess a make of  
20 fire, do you see that? And do you see next to it  
21 written, dump?

22 A Where is dump? Okay. Dump, yes.

23 Q Do you see the report there, police got several  
24 calls about smoke from dump. Chemical company requested

1 us to put it out.

2 Do you see that?

3 A Yes. I was 17 years old and in school.

4 Q I understand.

5 A Yes.

6 Q Do you have any knowledge as to what's being  
7 referred to there as dump?

8 A No. I assume it's the area that we've now  
9 circled as the dump.

10 MR. MORAN: Don't assume anything.

11 MR. BRYAN: Q Why do you assume that?

12 A I don't know of any area, so I assume a trash  
13 area would be called a dump. I shouldn't assume. I  
14 don't know.

15 Q If you turn the page, the Bates ending in 268,  
16 do you see a report there, it appears to be 7-3-1961, do  
17 you see that?

18 A Yes, right, I see it.

19 Q Do you see next to report, a fire?

20 A I do, and I see dump burning.

21 Q Dump burning.

22 A Yes.

23 Q Okay. Do you have any knowledge regarding this?

24 A No, I don't.

1 Q Turning to the next page, Centredale Fire  
2 Department report dated October 10th, 1961. The report  
3 of fire indicates safety valve on one of the many tanks  
4 let go.

5 Do you see that?

6 A Yes.

7 Q Do you have any knowledge as to what's being  
8 referred to there?

9 A Is it of any value that all of these reports up  
10 to the press articles I was not an employee of the  
11 company and I have no idea what was happening there or  
12 any fire department --

13 Q Well, I guess that was my question of you.

14 A I have no idea of any of these.

15 Q Have you ever come to see these reports before?

16 A I don't recall ever reading them.

17 Q When you were investigating --

18 A I don't recall pulling up these reports when we  
19 were trying to find out.

20 Q Have you ever seen any of these before?

21 A I don't recall ever seeing them.

22 Q Okay. Do you see the reference, though, in a  
23 number of these reports to a dump?

24 A Yes.

1 Q Okay. And what is your understanding as to  
2 where that dump on the map -- Well, strike that.

3 A I circled a place called the dump, called it  
4 what would be a trash area.

5 Q Okay. On which map, the blow-up?

6 MR. MORAN: The blow-up, Buonanno 10.

7 MR. BRYAN: Q Okay. And did you number that?

8 A I called it No. 9.

9 Q Okay. Thank you.

10 I would like to ask you about -- there is a  
11 report dated September 21st, 1965, Bates ending 280.

12 Do you see that one?

13 A 9-21?

14 Q Yes, sir.

15 A Yes.

16 Q Here next to the cause, do you see that --

17 A Yes.

18 Q -- there is an indication here spillage?

19 A Right.

20 Q Do you see that?

21 A I do.

22 Q And the report of the fire indicates, drum of  
23 sulphuric acid spill causing heavy fumes blowing across  
24 Smith.

1 Do you see that?

2 A I do.

3 Q Do you have any knowledge regarding this event?

4 A I was a junior in college.

5 Q Do you have any reason to doubt this event?

6 A No.

7 Q I mean, did you ever hear about this spill?

8 A Never.

9 Q Did you come to learn of it after you learned of  
10 EPA's investigation --

11 A I don't remember reading these reports ever.

12 Q Okay. Let's turn the page. This report is  
13 dated May 6th, 1967.

14 Do you see that?

15 A Yes.

16 Q Okay. Were you then working at the site --

17 A No.

18 Q -- working at NECC at this time?

19 A No. No, I wasn't. I returned from military  
20 duty I think in -- yes, the spring of '67 I may have  
21 been back. I would have to check. I'm not sure my  
22 exact date of rehiring. But I wasn't working in the --  
23 I wouldn't have been working in the plant, but I could  
24 have been an employee by then.

1 Q Do you recall hearing about -- well, the report  
2 of fire indicates a stockpile of barrels on west side of  
3 shop, six steel drums exploding, fire all over. Do you  
4 recall that?

5 A No.

6 Q Turning the page -- Do you have any reason to  
7 doubt what's depicted in this fire report?

8 A No.

9 Q Turning the page, there is an excerpt from a  
10 newspaper, what appears to be dated January 9th, 1968.

11 A Yes.

12 Q The article is entitled, tank explosion hurls  
13 chemical.

14 Do see that?

15 A Right, I read about the blowing out several  
16 windows and the wall at Metro-Atlantic.

17 Q Okay. So you have seen this before?

18 A No, I'm just reading it now.

19 Q Have you seen this before?

20 A I have no recollection of seeing the article.

21 Q Do you have any recollection of the tank  
22 containing liquid formaldehyde exploding?

23 A I don't.

24 Q Were you working at the site on January 9th,

1 1968, during this -- roughly during this time period?

2 A Working at the site, I was a salesman.

3 Q You were working at NECC at this time?

4 A Yes, I was working at New England Container.

5 But working at the site implies that I was, you know, in  
6 the plant.

7 Q Do you have any reason to doubt what's depicted  
8 here?

9 A No.

10 Q Turning the page, I believe I'm looking now at  
11 the page ending in Bates 285, there is a fire report  
12 dated March 19th, 1968.

13 Do you see that?

14 A Oh, a fire report.

15 Q Do you see make of fire -- I'm sorry, cause,  
16 there is a reference to flooding, do you see that?

17 A Yes.

18 Q Now, earlier you had mentioned that you were  
19 aware that there were floods at the site?

20 A Right.

21 Q Do you recall a flood taking place or floods  
22 taking place during this time period at the site?

23 A I do.

24 Q Okay. What do you recall?

1           A    Occasionally the parking lot would fill with  
2   water when the river -- when the river rose.

3           Q    Okay.  March 19th, 1968, at this time you were  
4   employed at --

5           A    I was employed at New England.

6           Q    -- New England Container?

7           A    Right.  This report says pumping may cause a  
8   fire.  Pumping?  Pumping, flooding.

9           Q    Do you have any knowledge, Mr. Buonanno?

10          MR. MORAN:  When was a fire ever caused but a flood?

11          THE WITNESS:  Or as the joke ends, how do you start  
12   a flood.

13                    I don't see that particular fire report.  It  
14   just is a little -- I don't deny that that happened.  I  
15   don't remember it, but it says here it was a flooding  
16   and they gave up pumping.  I don't know.

17          MR. BRYAN:  Q   We're almost done with this  
18   document, but I would like you to turn to the page  
19   ending in Bates 287.  There is an incident reported May  
20   6th, 1970.

21                    Do you see that?

22          A    Yes.

23          Q    Okay.  The report indicates 55-gallon drum  
24   ignited, do you see that?  Do you see that?

1 A Yes, I do.

2 Q Okay. Now, do you have any knowledge regarding  
3 what's being reported here?

4 A By this time my own office was in Smithfield in  
5 the new building. I don't have any -- Does that say a  
6 cigarette caused it, C-I-G, right? So this is a  
7 cigarette fire, is that what we're talking about here?

8 Q I don't know.

9 A Well, it says cigarette. So I don't remember  
10 that cigarette fire.

11 Q Do you see the sentence at the end of the  
12 report, drum along riverbank and flowing into river? Do  
13 you see that?

14 A Yes, I do.

15 Q Okay. Do you have any knowledge regarding that?

16 A No.

17 Q Do you have any reason to doubt what's in this  
18 report?

19 A No.

20 Q Okay. Thank you. You can put that document  
21 aside.

22 Now, earlier we were talking about when the hex  
23 plant was demolished and when New England Container and  
24 Metro-Atlantic left Centredale.

1 A Yes.

2 Q You were employed by NECC during this time?

3 A Yes, sir.

4 Q When was that?

5 A I think that I started work in mid-'67 as an  
6 employee. And I believe Metro-Atlantic's operations,  
7 some chemical manufacturing because they had merged with  
8 a company in Providence, but they still had some  
9 manufacturing there I think until about 1970.

10 Q Now, did you have a role in managing the  
11 transition between the Centredale and the Smithfield  
12 location for NECC's operations?

13 A We had certain machinery at Centredale for a  
14 certain period of time that we didn't have ready at  
15 Smithfield, and so we continued to run some operations  
16 out of Centredale.

17 And, of course, since it had to do with selling  
18 to customers, I -- you know, I would be involved in the  
19 discussions of what containers were going where and when  
20 they were coming over. I was located at Smithfield.

21 Q Is that a yes, then? Did you have -- could you  
22 go back and read my question. I think I was asking you,  
23 did you have a role in helping to manage the transition?

24 A Yes.

1 Q Okay. What was your role?

2 A My role would have been being aware of daily  
3 input and output of drums, which is what the sales  
4 function was, and whether those drums would be partially  
5 processed at Centredale or fully processed at  
6 Smithfield.

7 And I remember a transition when, you know, we  
8 would be -- we were diminishing the amount produced at  
9 Centredale and increasing it at the new plant.

10 Q To your knowledge, who was in charge at the time  
11 at NECC in terms of supervising the closing down of the  
12 NECC facility at Centredale? Who was overseeing that?

13 A By the time of that transition, my father had  
14 left Metro-Atlantic and joined New England Container.  
15 And it was right, of course, on the property. And he  
16 stayed at the New England Container office while some of  
17 that processing was done.

18 And I remember that transition maybe taking a  
19 year.

20 Q What is the -- to back up a little bit, what is  
21 the distance between the two facilities? And you can  
22 look at the map if you need to.

23 A Between Metro-Atlantic and New England  
24 Container?

1 Q Yes. Oh, I'm sorry, between the Smithfield  
2 and --

3 A Oh, about seven miles.

4 Q And during that time of the transition, your  
5 father Bernard --

6 A Stayed in Centredale.

7 Q -- was managing --

8 A Yes, he stayed in Centredale.

9 Q Did you have occasion to visit him during that  
10 process to observe --

11 A I'm sure I must have gone over there.

12 Q Do you know when NECC left to begin operations  
13 at Smithfield, did the buildings at Centredale remain  
14 intact?

15 A The period from Metro-Atlantic's exit from  
16 Centredale of which I am not sure, but I think they  
17 processed until '68 or '69, I'm not sure, and the period  
18 of the final day at New England Container of which I'm  
19 not sure, but these two are around between '68, '69, and  
20 '70, in that period.

21 What followed in the decade following of  
22 demolition, abandonment, excavation, fires, I really had  
23 no contact with that property. I don't know the details  
24 of the demolition of that. I was not there at all.

1 Q Okay. Fair enough.

2 A It was a fenced-off area. I really didn't enter  
3 it.

4 Q Do you have any -- Okay. Do you have any  
5 understanding as to when exactly the buildings were  
6 demolished?

7 A I just said no.

8 Q None whatsoever?

9 A I don't know.

10 Q Do you know if during the transition process  
11 there were any tanks or drums that were used to store  
12 material that had been used before by NECC in its  
13 reconditioning process?

14 A Say that again.

15 MR. BRYAN: Can you please reread the question.

16 (From the record above, the reporter read  
17 the following:

18 "Q Do you know if during the transition  
19 process there were any tanks or drums that  
20 were used to store material that had been  
21 used before by NECC in its reconditioning  
22 process?")

23 MR. PELOSO: Object to the form, ambiguous.

24 THE WITNESS: Pardon me?

1 MR. PELOSO: I don't understand the question. Just  
2 object to the form.

3 MR. BRYAN: Q I can rephrase.

4 In the process of moving -- I assume, was  
5 equipment moved from --

6 A Sure.

7 Q -- the Centredale facility to the Smithfield  
8 facility?

9 A Yes, right.

10 Q Okay. So in that process of moving, was there  
11 any -- were there any tanks used to store materials that  
12 were going to be moved or drums, materials that were --

13 A You know, a steel drum weighs about 40 pounds,  
14 and you can put 250 of them on a trailer box. So when  
15 you move, you load up the empty drums, whether they're  
16 raw, not processed or finished, processed, and you ship  
17 them.

18 I don't know what other kind of materials you  
19 could be meaning. Chemicals?

20 Q What happened to the -- focusing just on New  
21 England Container, what happened to the drums that had  
22 been utilized or were present at the Centredale facility  
23 when NECC then opened its Smithfield facility?

24 A Well, if they were recyclable drums, we took

1       them over to the new plant.

2           Q     How did you do that?

3           A     By trailer truck. All of our shipments and  
4 pickups in that business were by a fleet of trailers.

5           Q     Now, Metro-Atlantic's facility --

6           A     Yes.

7           Q     -- it around the same time roughly also shut  
8 down at Centredale, correct?

9           A     Right.

10          Q     Do you know what happened to any drums or tanks  
11 that were present at the Metro-Atlantic site?

12          A     We know there were drums that were their drums  
13 of raw materials or prior raw materials that were still  
14 on the property when we left.

15          Q     Where were they on the property?

16          A     They were on the -- along the -- south --  
17 further down the line from the hex plant.

18          Q     Can you identify on Exhibit 10 I guess with the  
19 next number, which would be, what?

20          A     I think they had containers in this area here.  
21 What direction -- where is north on this thing?

22          MR. MORAN: North is going to be this way.

23          THE WITNESS: Is it? North is this way.

24          MR. PELOSO: Can the witness mark what he just

1 circled.

2 MR. BRYAN: Q Mr. Buonanno, can you please mark  
3 what you just circled.

4 A Will that be 10?

5 Q Was that 11?

6 MR. MORAN: I think it's 10 because 9 was the  
7 rubbish area he identified.

8 MR. BRYAN: Thank you, Counsel.

9 Q Do you know what were in those tanks that  
10 Metro-Atlantic left behind?

11 MR. PELOSO: I think he said drums.

12 MR. BRYAN: Q Drums, I'm sorry.

13 A Yes, drums. They were raw materials that they  
14 had received which we had not bought from them, empty  
15 containers that we hadn't bought from them.

16 And I do remember a particular drum that we  
17 couldn't run. But I don't know what was in the drums,  
18 their drums.

19 Q What do you recall about the particular drum  
20 that you just mentioned?

21 A There was a drum called sulfan.

22 Q What else about that do you recall?

23 A It was a kind of construction of heavy gauge  
24 with bars on it that we couldn't process. And I don't

1 know where it played into their manufacturing.

2 Q Approximately how many drums were left behind by  
3 Metro-Atlantic?

4 A If I had to guess, the recollection --

5 MR. MORAN: I don't think counsel wants you to  
6 guess.

7 MR. BRYAN: Q Give me your best understanding.

8 A I don't know. Hundreds.

9 Q Hundreds? Okay. And were some of these drums,  
10 did they contain -- you mentioned that there was raw  
11 material in them?

12 A They're empty containers.

13 Q Were they empty or were some of them full?

14 A They were empty containers.

15 Q Did some of them have residue?

16 A Sure.

17 Q Is that a yes?

18 A Yes.

19 Q Okay. The -- did you -- did NECC use any of the  
20 equipment -- I think you testified that the equipment  
21 that NECC was using at Centredale was shipped to  
22 Smithfield?

23 A Yes.

24 Q Okay. Prior to shipment of the -- and by

1 equipment, like what equipment was shipped?

2 A Metalworking equipment, expansion equipment  
3 which restored drums, spray equipment for painting.

4 Q Was the oven?

5 A Ovens for curing coatings.

6 Q Those were transferred?

7 A Yes. And some were just demolished. Some were  
8 destroyed.

9 Q The pit from the Centredale furnace?

10 A No, we didn't move the pits.

11 Q What happened to the pit?

12 A I'm sure they were emptied when we left.

13 Q What is the pit?

14 A A pit is a collection area where different  
15 residues of the reconditioning process are collected.

16 The drum reconditioning -- the empty container,  
17 that's the raw material of this business, frequently had  
18 some minor residue in it. And when it would go through  
19 the furnace operation, which was the initial cleaning  
20 operation, there would be ash produced. And that would  
21 go into a collection pit underneath the furnace.

22 And the next big cleaning step was shot  
23 blasting, which is done with a metal abrasive. And that  
24 created a dust. It was done with shot pellet, and it

1 created a dust which was also collected in the pit or in  
2 dust collectors, and that was removed. So these are --  
3 these are residues of cleaning drums that were all  
4 shipped off site.

5 Q Were those drums cleaned before they were  
6 shipped off site?

7 MR. PIROZZOLO: Objection.

8 THE WITNESS: Were the drums cleaned?

9 MR. PELOSO: He didn't say the drums were shipped  
10 off site. He said the residues.

11 THE WITNESS: I said the residues were shipped.  
12 They were in pits and they would be emptied, you know.

13 MR. BRYAN: Q So what do you recall -- what  
14 happened to the pit that was at the NECC Centredale  
15 site, what happened to it?

16 A I'm sure that after it was emptied when  
17 demolition came along, it would have been one of the  
18 parts of the building, the concrete surrounding it, the  
19 blacktop, it all would have been chewed up in the  
20 land-clearing operation, right, because they were going  
21 to build Centredale Manor.

22 Q The rest of the material that you said was  
23 shipped from Centredale --

24 A Talking about machinery now?

1 Q Machinery.

2 A Okay. Machinery.

3 Q Was there any other material that was shipped  
4 that was reused --

5 A Maybe we had some drums of paint because we  
6 painted drums.

7 Q Was the machinery cleaned before it was  
8 transferred from Centredale to Smithfield, do you  
9 recall?

10 A Machinery cleaned? I'm sure they were restored  
11 before they were removed. I didn't supervise the moving  
12 of machinery.

13 Q Now, where would they have been cleaned, the  
14 machinery?

15 A Metalworking machineries' dirt would be the dust  
16 that would be on any machine in an industrial plant  
17 which has dust. So, you know, are you talking about  
18 rubbing down machinery?

19 Q Yes.

20 A I suppose that they rubbed them down with some  
21 rags. I have no knowledge of the cleaning operation of  
22 the machine.

23 Q I'm just trying -- you said you assumed that  
24 they were cleaned? I don't want to mischaracterize your

1 testimony.

2 MR. MORAN: Restored is what he said.

3 THE WITNESS: Restored. Repainted.

4 MR. BRYAN: Q Where on the site at Centredale  
5 would that have taken place, the restoration?

6 A I have no recollection of that.

7 Q Now, I think you mentioned that there was paint  
8 products that NECC utilized at Centredale --

9 A Correct.

10 Q -- that would have been shipped to Smithfield?

11 A Right.

12 Q Would there also have been solvents?

13 A Yes.

14 Q Okay. How were those shipped from Centredale to  
15 Smithfield?

16 A Well, those would be full drums, full drums.  
17 And we had trucks on which you could load a 55-gallon  
18 drum of paint and put it on the truck and/or solvent,  
19 close the door, and drive it seven miles over to the  
20 other plant and unload it.

21 Q During the transition from Centredale to  
22 Smithfield, did NECC split customer -- Well, was there a  
23 time when NECC's operation at Centredale and Smithfield  
24 were operating simultaneously?

1           A    When we started up Smithfield, we probably ran  
2   some trial runs before shutting down parts of New  
3   England -- parts of Centredale. So there was probably a  
4   period there of simultaneous operation for a few months.

5           Q    During the transition, did NECC split up  
6   customer orders between the two locations, Smithfield  
7   and Centredale?

8           A    I don't recall that.

9           Q    Are you aware of any corrosives, corrosive  
10   products that were used by NECC at Centredale?

11          A    Corrosive?

12          Q    Yes.

13          A    What does that include?

14          Q    What's your understanding?

15          A    Of corrosive?

16          Q    Yes.

17          A    Compounds that makes things corrode.

18          Q    During NECC's process, were any corrosives --  
19   reconditioning process, were any corrosive products  
20   used?

21          A    Corrosive? Acid is corrosive, right? We didn't  
22   use acid.

23          Q    Do you recall seeing any barrels or drums that  
24   came in for NECC that had danger labels written on them,

1 danger corrosive or caustic or anything like that?

2 A We did use caustic if that's a corrosive.

3 Q What specific products?

4 A We used caustic to clean oil drums, but there  
5 were hazardous signs on many drums that came to us.

6 Q What was your understanding as to what was in  
7 those drums?

8 A Well, we knew -- we knew that we were picking up  
9 from chemical companies and we were -- and companies  
10 that were manufacturing just as Metro-Atlantic was.

11 And there were companies that were using  
12 solvents and we took empty solvent drums. So oil,  
13 solvents, also food stuffs, syrups, also paints, textile  
14 chemicals, dyes, a lot of dye drums.

15 Q Okay. Thank you.

16 Anything else you recall?

17 A No, no.

18 Q Did any of the -- when NECC received drums for  
19 reconditioning, were they delivered in bulk?

20 A Yes.

21 Q And how -- were they delivered on delivery  
22 trucks in bulk form fashion?

23 A When we sold drums to people, in a typical  
24 delivery might be 150 or 200 drums, they would likely

1 have some empties to sell us out of which they would  
2 empty their materials.

3 So we might deliver 150 and bring home 75 or  
4 80.

5 There were also independent dealers who went  
6 around and scavaged drums and brought them to us and  
7 they would bring them in truckload quantities.

8 Q Do you recall during any of these bulk  
9 deliveries that came in on trucks, do you recall seeing  
10 any bulk storage tanks with danger labels on them?

11 A Bulk storage tanks? I don't follow what you  
12 mean -- you know, empty containers were stacked three  
13 high on trucks, so they were necessarily empty. You  
14 could not pick up a drum with any quantity of liquid in  
15 it and put it up two high, three high in truck.

16 So these were always empty containers that  
17 came, you know, which had residues, that had slight  
18 residues, if any, like this glass if you tipped it over  
19 there would be. But the storage tanks on the stuff they  
20 sent to us, I don't understand that.

21 Q Let me move on.

22 Do you recall any pipes that led out to the  
23 river from the Metro-Atlantic facility?

24 A No.

1 Q What about the NECC facility?

2 A I don't.

3 Q Do you know one way or the other if there were  
4 pipes or --

5 A I assumed there was sewage, sewer pipes. I'm  
6 not aware of any pipes going to the river.

7 Q To your knowledge, was it a common practice in  
8 the 1960s for chemical manufacturers to discharge waste  
9 products into nearby rivers?

10 A I think it was.

11 Q Do you think that practice was any different at  
12 Centredale?

13 A I didn't examine in any way their operations. I  
14 had to walk through the building to my father's office  
15 to go up there. And I just -- I wasn't familiar with  
16 their operations or their piping or their tanks. I just  
17 wasn't.

18 Q I understand that.

19 A I never worked there and I never --

20 Q I understand that.

21 But do you have any reason to believe that the  
22 practice at Metro-Atlantic was any different with  
23 respect to discharges in nearby rivers than it was  
24 from --

1 MR. PIROZZOLO: Object.

2 THE WITNESS: Any other what?

3 MR. BRYAN: Q Similar to any other facilities in  
4 the 1960s.

5 MR. PIROZZOLO: Objection.

6 THE WITNESS: I couldn't generalize about that. I  
7 don't know.

8 MR. BRYAN: Q Do you recall any pipes that led out  
9 from the hexachlorophene plant?

10 MR. MORAN: Objection, asked and answered.

11 THE WITNESS: I don't, no.

12 MR. MORAN: We covered this area quite extensively.

13 MR. BRYAN: Q Do you recall, are you familiar with  
14 the expression fiber drums?

15 A Yes.

16 Q What is a fiber drum?

17 A It looks like a 55-gallon sealed drum, but it's  
18 made of cardboard and it's usually used for powdered and  
19 dry materials rather than liquids which the drums are  
20 in.

21 So New England Container received a lot of  
22 fiber drums -- I mean Metro-Atlantic received fiber  
23 drums with certain powders and flake material that they  
24 got.

1 Q Can fiber drums be reconditioned or could they  
2 at the time?

3 A Yes, they could.

4 Q Did NECC recondition fiber drums for  
5 Metro-Atlantic?

6 A I'm trying to remember if we -- in my period of  
7 service, we never did recondition any fibers for them.

8 I need to make another stop, I'm sorry. I'm  
9 older than all you guys.

10 MR. PIROZZOLO: Why don't we take a lunch break.

11 MR. BRYAN: I was going to say. What do you guys  
12 think? All right.

13 (a brief recess was taken from 12:57 p.m. to  
14 1:42 p.m.)

15 MR. BRYAN: Q Welcome back, Mr. Buonanno. I hope  
16 you had a nice lunch.

17 A Thanks.

18 Q I wanted to follow up on a couple of things we  
19 talked about before the lunch break. You had indicated  
20 that NECC used solvents as part of its reconditioning  
21 process.

22 Can you identify for me the types of solvents  
23 that NECC used?

24 A I don't remember. There is solvents for

1 thinning paint, sort of a garden variety of solvent.

2 Q Were the solvents utilized by NECC at Centredale  
3 the same that were utilized at Smithfield?

4 A Yes, yes.

5 Q Is there someone you could refer us to to answer  
6 that question, to identify the types of solvents?

7 A I think I can get the name of someone who worked  
8 in that.

9 Q Are you aware of anyone that used to work at the  
10 Centredale site that could provide that information to  
11 us?

12 A No, not that's alive.

13 Q Who would they be deceased from Centredale?

14 A You would like the name of someone deceased that  
15 did it?

16 Q Sure.

17 A Really?

18 Q Who would that person have been at Centredale,  
19 whether they're alive or dead?

20 A John Mikucki would have known.

21 Q Who else?

22 A Earl Taylor, he is deceased. They were paint  
23 guys.

24 Q Do you have any knowledge of what happened to

1 Mr. Mikucki after he left NECC?

2 A Ultimately, he died.

3 Q We all do.

4 Do you know roughly when he died?

5 A No.

6 Q But do you know anything else about his  
7 post-NECC activities?

8 A Mikucki?

9 Q Yes.

10 A I have no idea what he did after us.

11 Q Now, if we could look again at Exhibit 10, which  
12 I believe was the blow-up of the aerial photograph,  
13 circling back on something we had talked about before  
14 lunch, you mentioned that you had recalled flooding in  
15 the 1960s at Centredale, correct?

16 A Yes.

17 Q And you indicated I think you said you remember  
18 the parking lot flooded?

19 A Yes.

20 Q Can you identify for us on the aerial photograph  
21 where the parking lot was? And before you do that, let  
22 me ask you, which parking lot do you recall? Was there  
23 one parking lot for NECC and Metro-Atlantic?

24 A The NECC people parked near NECC, and the

1 Metro-Atlantic people parked near Metro-Atlantic.

2 Q Thank you.

3 The flooding that you remembered, then, where  
4 was that?

5 A I remember it being down here in the lower  
6 portion of the property down here.

7 Q Okay. Could you mark that for us, please.

8 A Is that going to be our new No. 11?

9 Q That's the next number, yes, sir, please. And  
10 that's No. 11?

11 A Yes.

12 Q Thank you.

13 To your knowledge, circling back to the  
14 hexachlorophene manufacturing process at Metro-Atlantic,  
15 were any liquids used in that process?

16 A I never saw the manufacture.

17 Q Did you come to learn through other means  
18 whether liquid --

19 MR. PIROZZOLO: Objection.

20 MR. BRYAN: Q -- was involved in that process?

21 MR. PIROZZOLO: Objection.

22 MR. BRYAN: Q You can go ahead.

23 A I have no recollection of their raw materials.

24 Q Circling back to your testimony regarding the --

1 where the refuse was placed at the site, you indicated  
2 that trash and rubbish went to the dump?

3 A Yes.

4 Q Where did waste go that was generated by NECC  
5 during the 1960s?

6 A We had a -- remember that when I worked there in  
7 the summers in the late -- the late '50s and early '60s  
8 and when I came to work later in the '60s, I was not  
9 involved in any operations. But one big company was  
10 Truck Away.

11 So you would gather your sludge through paint  
12 or drum emptying and you gather your ash from dust  
13 collection of the shot blasting, and there were certain  
14 other wastes in the plant, and those were hauled away by  
15 hazardous -- by dumps. And they would go to dumps.

16 There was a big central landfill in Rhode  
17 Island where all that stuff went. It eventually became  
18 the property of Waste Management. But they were  
19 landfills. And companies like Truck Away picked up the  
20 stuff.

21 Q Do you recall the names of any individuals from  
22 Truck Away in the 1960s --

23 A I know the family was Wilson, but I don't know  
24 any of them.

1 Q Do you know if Truck Away still exists?

2 A I don't know.

3 Q Now, was there a formal process or written  
4 procedures that NECC or Metro-Atlantic, for that matter,  
5 followed when determining whether to send something to  
6 disposal through Truck Away or to put it in the dump or  
7 refuse area at the site?

8 MR. PELOSO: Object to the form.

9 THE WITNESS: I have no recollection of nor do I  
10 think there was a --

11 MR. BRYAN: Q A written policy or a guidance?

12 A No.

13 Q What criteria, then, to your knowledge did NECC  
14 or Metro-Atlantic utilize in determining whether to send  
15 waste to Truck Away or to the refuse part of the site?

16 A In the pre-Superfund era, before 1970, Earth Day  
17 and everything that happened, removing waste was  
18 extremely cheap. There was no incentive to keep it  
19 yourself.

20 I think a dumpster of Truck Away, I don't know  
21 if it was \$3 or \$4 a load. It was not a -- I wasn't in  
22 charge of it, but I know that waste removal was an easy  
23 matter before Superfund, so I think that --

24 Q Well, thank you.

1           A    A procedure why to keep something, why to send  
2 something, I can't imagine it. But I shouldn't make  
3 any -- I assume nothing. I don't know of any procedure.

4           Q    So you're not aware of any criteria --

5           A    No.

6           Q    -- that NECC considered in determining whether  
7 to put something in a dump --

8           A    Later on, yes.

9           Q    -- or through Truck Away?

10          A    Right.

11          Q    That's your best answer?

12          A    Yes.

13          Q    And the same question for Metro-Atlantic, are  
14 you aware of any criteria?

15          A    I have no idea what they did.

16          MR. BRYAN: Let's mark the next exhibit.

17                   (Exhibit 12 marked as requested.)

18          MR. BRYAN: Q    I've handed the witness a document  
19 marked Exhibit 12, which is Bates stamped Emhart 082591.  
20 It is a March 3rd, 2000, response to an information  
21 request by NECC.

22          MR. PIROZZOLO: What number are we up to?

23          MR. MORAN: 12.

24          MR. PIROZZOLO: Thank you.

1 MR. BRYAN: Q Have you seen this document before,  
2 Mr. Buonanno?

3 A Yes.

4 Q Okay. What do you recall of this document?

5 A It was the basic response to the CERCLA request.

6 Q And if you turn to the last page of this  
7 document, Bates ending 2599, you see your name is  
8 identified there.

9 Do you see that?

10 A Yes. Sure.

11 Q And the question that that is responding to was  
12 on the previous page, describe all sources reviewed or  
13 consulted in responding to this request.

14 Do you see that?

15 A Yes.

16 Q Did you provide input to NECC to respond to this  
17 request?

18 A I think I did.

19 Q Okay. The last page is signed by Eugene  
20 D'Onofrio?

21 A Yes.

22 Q And we talked about him before. He was a senior  
23 officer at NECC, is that right?

24 A Yes.

1 Q Did you expect that information that is verified  
2 by Mr. D'Onofrio would be accurate?

3 A Yes.

4 Q Thank you.

5 I'd like you to first turn to page 2 of this  
6 document, Bates ending in 592.

7 Are you there?

8 A Yes.

9 Q Okay. I'm looking at the response that NECC  
10 provided in c) on this page.

11 Do you see that?

12 A Yes.

13 Q Okay. And towards the end of that paragraph  
14 there is a line that states, "There were no fences or  
15 clear property lines."

16 Do you see that?

17 A Yes.

18 Q Okay. Is it your understanding, then, were  
19 there no fences or clear property lines between --

20 A True.

21 Q -- between NECC and Metro-Atlantic?

22 A True.

23 Q How close were the two facilities, the NECC  
24 facility and the Metro-Atlantic facility?

1 A 100 feet maybe.

2 Q 100 feet?

3 A Yes.

4 Q Okay. And here we see again reference to  
5 storage of drums by Metro-Atlantic. The second to last  
6 sentence, "Metro-Atlantic used the land south of NECC  
7 for storage of trucks with drums and some empty drums  
8 belonging to Metro, not NECC."

9 Do you see that?

10 A Yes.

11 Q "Also, Metro-Atlantic stored obsolete machinery  
12 there."

13 A Yes.

14 Q Did I read that correctly?

15 A Right.

16 Q Okay. And have you identified that location?

17 A It says, "Also, Metro-Atlantic stored obsolete  
18 machinery.

19 Q Correct, correct.

20 And have you identified on the oversized map  
21 this location where the storage of drums?

22 A I think we already did.

23 Q Okay.

24 A Yes, in 10.

1 Q No. 10. Okay. Thank you.

2 Turning to page 5, Bates ending 595, I'm  
3 looking at NECC's response to g.

4 A What was the question on g.?

5 Q The question appears on page 3, Bates ending  
6 593. That question asks --

7 A For every drum between '52 and '69 identify the  
8 source of the drum. Describe in-detail every drum from  
9 '52 to '69. This was a tall order, huh, for a  
10 seven-year-old. Anyway.

11 Q Looking at the response that NECC provided on  
12 page 5, g., NECC stated, "NECC does not have records  
13 that would enable it to answer this question."

14 A I can read this. What do you want to know?

15 Q Sure. I'm getting there.

16 A Yes.

17 Q "Most of the drums (about 90 percent) came from  
18 Metro-Atlantic."

19 Is that a true statement?

20 A Yes.

21 Q Most of the drums came from Metro-Atlantic. Is  
22 that during the time period 1952 to 1969?

23 A That's what we're answering, isn't it?

24 Q Yes.

1 A That's what it says and this is the answer.

2 Q Going back to g., the answer that NECC provided,  
3 the next sentence, "Metro-Atlantic bought materials from  
4 major chemical companies, Monsanto, DuPont, Hercules."

5 Do you see that?

6 A Yes.

7 Q Did NECC recycle or recondition --

8 MR. PIROZZOLO: Objection.

9 MR. BRYAN: Q -- barrels or drums from those  
10 companies that came from --

11 MR. PIROZZOLO: Objection.

12 THE WITNESS: That's what it says. Drums that were  
13 obtained from Metro were transported down to NEC. We  
14 either purchased them or recycled them for them. That's  
15 true.

16 MR. BRYAN: Q Okay. Thank you.

17 If you could turn to page 7 of this document,  
18 Bates ending 597, NECC provides in A on that middle of  
19 the page a response to a question that appears on the  
20 preceding page, 596.

21 And that question asks for detail --  
22 essentially a description of the process.

23 A No, I'm looking at the thing about the  
24 riverbank, no? Wrong place? We're on page 7, sorry.

1 Q Yes.

2 A I'm in the wrong place here. Okay. 7. Okay.  
3 In loading of the drums?

4 Q Yes. Do you see that?

5 A Yes.

6 Q Okay. To your knowledge, does this answer in  
7 paragraph a) by NECC provide a description of the  
8 process that NECC utilized in reconditioning drums  
9 during the period -- during the 1960s at Centredale?

10 MR. PIROZZOLO: Objection.

11 THE WITNESS: Correct.

12 MR. BRYAN: Q Okay. Thank you.

13 Now, using that, perhaps you didn't need a  
14 fresher on this, can you explain to me generally in  
15 layman's terms so that I can understand how the process  
16 worked, the steps that NECC utilized when it received  
17 drums at Centredale from Metro-Atlantic and from  
18 others --

19 MR. PELOSO: That's been asked and answered.

20 MR. MORAN: As in addition to what we went through  
21 and he just clarified was accurate in terms of that  
22 description?

23 MR. BRYAN: Yes, I'd like him to walk us through the  
24 process from the beginning.

1 MR. MORAN: It has been asked and answered, and I'll  
2 let you do it one more time. Just describe it for him,  
3 the process.

4 THE WITNESS: It's in-depth in these other  
5 depositions, right?

6 MR. BRYAN: Q Well, we've never had a chance to  
7 ask you that question, the United States.

8 What was the first step in the reconditioning  
9 process at Centredale that NECC utilized?

10 A Well, it describes that there were two basic  
11 product lines, open-head drums and closed-head drums.

12 Q What's the difference between those two?

13 A An open-head drum the whole top comes off, and a  
14 closed-head drum has just bung openings, small two inch  
15 and three-quarter inch.

16 Q Thank you.

17 Approximately how much of NECC's business at  
18 the time involved open drums versus close --

19 A I would say it was 80 or 90 percent open-head  
20 drums.

21 Q Starting, then, with open-head drums, what was  
22 the first step when an open-head drum came into -- how  
23 would it arrive?

24 A It would arrive with its top on and a closing

1 ring holding the top on, which had a nut and bolt  
2 holding the top on.

3 So the first step was to remove the cover and  
4 the lid and the ring. And the drum and the cover would  
5 be -- would go either from -- directly from a truck or  
6 from the drum yard of storage of drums, it would enter a  
7 drum furnace.

8 Q Thank you.

9 A Sometimes drums were closed-head drums and we  
10 would convert them to open-head drums. And this would  
11 be on a -- what looked just like a can opener but a can  
12 opener for a 55-gallon drum.

13 So an oil drum -- do you know what I mean by an  
14 oil drum? Just the two small holes in the top. You  
15 would peel this top off and then you would have an  
16 open-head drum, a lid and a drum.

17 And the drum and the lid would be run through  
18 the furnace, which was a gas-fired furnace, to treat the  
19 drum and to burn off the paint and any residues that  
20 might cling to the sides of the empty container.

21 It would go through there in a period of about  
22 30 seconds.

23 And that operation would produce an ash of the  
24 residues that fell off from the paint residue and so

1     forth.

2             The drum would then travel to a steel shot  
3 blaster. Shot blasting is a very familiar operation in  
4 metal treatment operations where you impel small pieces  
5 of steel pellet to clean it. And that would leave the  
6 drum a totally stripped container and its lid free of  
7 all paint and free of all residues.

8             Now you would begin a metalworking process  
9 which would reshape it to its concentricity in a  
10 hydraulic expander that would roll the edges of the rim  
11 to make sure it was true and to leak detect it to see if  
12 there were any leaks in it.

13             Then the drum and the lid would be spray  
14 painted on an automatic machine, spraying machine. And  
15 the drum and the lid would be sent through a curing oven  
16 for those coatings.

17             And at the other end you would have a lid and a  
18 drum and they were now painted. They were also painted  
19 on the interior with a lining, an epoxy coating on the  
20 interior.

21             And now the baked drum would be ready for  
22 shipping back to the customer. A closing ring would be  
23 put on it again. Those would have been painted and  
24 cleaned separately. And that was the process.

1           And there were probably in Centredale 15 people  
2           working on this production line. And probably these two  
3           buildings maybe represented 8,000 or 9,000 square feet.

4           The outside had all kinds of drums waiting to  
5           enter the process and trucks coming in with them, and  
6           the other end had trucks waiting for them to be reloaded  
7           and sent to the customer.

8           Q    Thank you.

9           A    Pretty straightforward.

10          Q    Okay. What typically would have been in the  
11          open-head drums that NECC at Centredale accepted?

12          A    Textile chemicals, paints, we had a very big  
13          lard business, dye stuffs, powdered dyes. And New  
14          England textile chemicals was a leading theme,  
15          lubricants, oils, paints, foods.

16          Q    What typically would have been in the  
17          closed-head drums?

18          A    Oil, by and large oil.

19          Q    What else? Anything else?

20          A    Some solvents.

21          Q    Okay. Thank you.

22          A    But --

23          Q    I'm sorry.

24          A    No.

1 Q Okay. Thank you.

2 Now, the response here in Exhibit 12 indicates  
3 that the drums arrived on small trucks. What does that  
4 refer to, a small truck?

5 A The ones that arrived from Metro-Atlantic or  
6 from everywhere?

7 Q I guess I'm trying to understand what's referred  
8 to here.

9 A Is this the '52 to '69 period?

10 Q Yes.

11 A Well, since our, by far, dominant customer was  
12 Metro-Atlantic, New England Container was mostly going  
13 up to pick up drums at buildings and take them down a  
14 half a football field to the processing plant and then  
15 bring them back there.

16 So this was done on a series of small trucks.  
17 And they only needed to hold 30 or 40 drums to be sort  
18 of a captive, in-house recycler for Metro-Atlantic.

19 So then the era of big trucks, as we go to our  
20 new plant, we need to start shipping 200 or 300 at a  
21 time, so we go to big trucks.

22 But in this era in Centredale, '52 to '69,  
23 almost everything went on small trucks to that customer.  
24 We had a few outside customers, but mostly

1 Metro-Atlantic.

2 Q What other customers do you recall besides  
3 Metro-Atlantic during the '50s, '60s and '70s?

4 A I remember Sun Chemical.

5 Q What do you recall about the product or what was  
6 in the --

7 A I don't know what they made at Sun. Easton  
8 Color and Chemical, they make textile chemicals; oh,  
9 American Hoechst, German dye stuffs company, dyes; and a  
10 number of very small companies that I can't remember.

11 Q Okay. Thank you. We may show you some  
12 documents to refresh your recollection as to the other  
13 ones, but thank you. This is helpful. Thank you.

14 Going back to the process you described for  
15 reconditioning, was there any air pollution equipment or  
16 emissions --

17 A No.

18 Q -- equipment to --

19 A Dust collection equipment, which was connected  
20 to the shot blasters to collect the dust from that  
21 process. So it was a filter system for the shot  
22 blasters.

23 There was no other pollution, treatment  
24 equipment.

1 Q Where did the filters go when they were done,  
2 when NECC was done --

3 A I'm sure they went in the dumpsters to Truck  
4 Away. They also took the dust that was collected.  
5 These things would generate black powder, and that would  
6 be trucked away. It was not -- it never became a  
7 hazardous material but it was a dust. So it went to a  
8 landfill.

9 Q When a drum arrived from whatever source on the  
10 trucks to NECC, where were they stored pending their  
11 reconditioning?

12 A In Centredale?

13 Q Yes.

14 A They were stored on the ground or left on a  
15 truck to be emptied right into production. Mostly on  
16 the ground.

17 Q Where on the ground?

18 A In the area surrounding immediately adjacent the  
19 plant.

20 Q NECC's facility?

21 A Yes.

22 Q Where were the drums stored after reconditioning  
23 but before delivery to customers?

24 A Well, there was a small warehouse that could

1 probably hold 500 or 600 drums. And the best was to  
2 load them right on the truck on which they'd be  
3 delivering.

4 Q Were they stored outside or inside?

5 A Inside, finished drums.

6 Q Where on the oversized map was the warehouse, if  
7 you recall?

8 A It's in the drum reconditioning plant. You come  
9 off the production line and you have the building there  
10 and you keep your finished product there like any number  
11 of manufacturing facilities would, right, the end of  
12 your production line before you ship. It's a shipping  
13 area.

14 Q Thank you.

15 The drums, when they came in from the  
16 customers, you said they were stored outside. Were they  
17 stored on soil?

18 A They were -- there was -- there was -- the yard  
19 was blacktopped or oiled, oiled gravel. And most of my  
20 recollection of it in Centredale was that it was oiled  
21 gravel that would be -- Do you know what I mean by that?

22 Q Is it dirt?

23 A Dirt which would be given a crust of oil on top  
24 of it. In the area of the furnace entry, it was a

1 cement pad where they would come directly to it when  
2 they were going to be opened up and put into the  
3 furnace. It was a furnace pad. And a pit which was sub  
4 on the ground.

5 Q Was it at the entrance to the furnace that the  
6 barrels were --

7 A Inverted.

8 Q -- inverted?

9 A Correct.

10 Q Onto what were they inverted?

11 A Well, they were inverted and they went right  
12 into the furnace with the chain, so they were riding  
13 upside-down on the furnace chain. And the return of the  
14 chain would bring the ash back and drop it into the pit,  
15 which was at the entrance of the furnace.

16 Q And the pit, what were the dimensions of the  
17 pit, do you recall?

18 A I'm guessing six by six, something like that.

19 Q And what would go into the pit?

20 A Ash.

21 Q What other residue?

22 A That was totally the residue, what fell from the  
23 drums or the furnace coatings.

24 Q Any residue in the barrel, in the drum when it

1 was flipped over?

2 A Sometimes when it was in that raw condition, it  
3 would drop into the pit, also. So a combination of some  
4 piece of sludge or something might be in there left and  
5 then there was the ash on the returning chain. So it  
6 was quite a -- it was a mix.

7 Q Thank you.

8 Could you show us on the oversized map the  
9 gravel -- I guess the dirt lot where you identified  
10 where the oil was sprayed and where the drums were  
11 stored. And please mark that with the --

12 A Is that 12? Is that our next number?

13 MR. MORAN: Yes.

14 THE WITNESS: 12.

15 MR. BRYAN: Q Thank you, sir.

16 A You can check it after. Maybe we should do one  
17 with someone who has better handwriting after if we got  
18 a better copy of this. Go ahead.

19 Q I think you mentioned, did I hear you mention  
20 that there was a barrel rinsing or a drum rinsing  
21 process?

22 A Right.

23 Q Okay. Did that occur after the furnace, like  
24 the drums were sent into the furnace --

1           A    Oh, no, that was separate. That was for the  
2 closed-head drums, for the oil drums, yes.

3           Q    What was the process -- you described the  
4 process for open-head drums. What was the process at  
5 NECC at Centredale for closed-head drums for  
6 reconditioning those drums?

7           A    Well, you would remove the bungs and invert it  
8 onto a --

9           Q    What are the bungs? I'm sorry.

10          A    The bungs are the two -- you really aren't an  
11 industrial guy, are you?

12          Q    Philosophy major.

13          A    Right.

14                Anyway, the bungs are the caps on a drum. So  
15 when you have an oil drum, you will see it all the time  
16 now, it's either the whole cover is removable as in  
17 open-head drums or just two small openings, a two-inch  
18 and a three-quarter-inch bung because if you ever load a  
19 liquid product like oil, you don't want it to leak from  
20 an open-head or whatever you want to just put into it.

21                So those drums are washed, so to speak. So  
22 they're inverted, and then a hot water rinse goes into  
23 the inside to wash them. And the residue drains out or  
24 anything that might be left in there, oil or whatever.

1 Q So where did that rinsing process take place?

2 A In the plant.

3 Q What was underneath that process, was it dirt?

4 A There were tanks there that would -- where oil  
5 would settle, which would be pumped out by, you know,  
6 like a cesspool service or something.

7 And there was water that was used. It would go  
8 into the sewer system, dirty rinse water.

9 Q Why did a cesspool service pick up the water --

10 A I think because there was a settling of oil on  
11 the top of the water, and that was -- that sort of  
12 separated the water from the oil.

13 Q Did NECC inspect barrels for -- or drums for  
14 leaks before reconditioning?

15 A After reconditioning.

16 Q So it was not -- Okay.

17 A Yes.

18 Q What was the process for detecting leaks?

19 A In the case of open-head drums?

20 Q Starting with the open-head drums.

21 A The open-head drums, it would be pushed under  
22 water under pressure, and the leakage would be seen if  
23 any water came in from the outside back in.

24 In the closed-head, there was a pressure tester

1 where you would put a fitting into the bunghole and  
2 bring it to 80 pounds and see if it leaked, if there was  
3 a drop in pressure.

4 I really don't -- I don't know what the  
5 earliest generation of leak detection equipment was at  
6 Centredale because it was before my time.

7 Q Do you know, what was done with the barrels that  
8 were leaking at Centredale, that were found to be  
9 leaking?

10 A Well, they were all cleaned by then, right?  
11 They had been through reconditioning. Did you follow  
12 that? That you'd furnace them, you'd blast them, you'd  
13 metalwork them, and now you would leak detect them  
14 before you put them back together.

15 If you discovered they had a hole in them, they  
16 would be clean scrap. And there was a certain value in  
17 55-gallon drums that had pinholes in them. We could  
18 sell them to scrap metal people. We could sell them to  
19 people who just collected wires and put them in a drum.  
20 So there were people that wanted leakers.

21 Q Were any of them discarded at the site?

22 A No, because they had a scrap value to them. So  
23 you would either send them to a liquid user or scrap  
24 them and get money for them. So they weren't disposed

1 of.

2 Q Were 100 percent of the barrels, drums that came  
3 in leak --

4 A Did 100 percent leak?

5 Q No. Were 100 percent of the barrels inspected  
6 for leaks?

7 A Yes, every drum, yes.

8 Q Do you understand -- Have you ever heard of the  
9 expression bulk tank?

10 A Yes.

11 Q What is a bulk tank?

12 A Well, they were developed after -- probably in  
13 the '80s and '90s, a container that rather than just  
14 being a 55-gallon drum, you know what that looks like, I  
15 trust?

16 Q Yes.

17 A Would be called a bulk container and this would  
18 combine the volume into 300 gallons rather than 55  
19 gallons. So it would be in like a box, a big container,  
20 plastic or steel, with a pallet underneath it. So it  
21 was a form of economy of scale in liquid movement.

22 Q Were the bulk tanks rinsed at Centredale?

23 A Never done at Centredale. We had no bulk  
24 containers there, no storage containers of any kind; all

1 55-gallon drum.

2 Q During the barrel rinsing process at Centredale,  
3 where would the water flow to?

4 A In the sewer.

5 Q In which building was it?

6 A It would be in the drum reconditioning plant.

7 Q I think we covered this before, do you know  
8 whether there was a sewer at the NECC building at  
9 Centredale?

10 A I assume there was. I'm not sure.

11 Q You don't know?

12 A Certain, no.

13 Q If there wasn't a sewer at NECC, then where  
14 would the water flow?

15 MR. PELOSO: Object to the form.

16 THE WITNESS: The water from the -- the water from  
17 the tanks was separated, you know, was separated for  
18 oil. And the rest of the water went into the sewer.

19 MR. BRYAN: Q Well, again, if there wasn't a  
20 sewer --

21 A If it didn't --

22 Q -- what would have happened to it?

23 A -- the only possible way was if it were pumped  
24 out by a liquid remover or it went into the sewer or it

1 went into the river if there was no sewer.

2 Q Do you know, turning to the hexachlorophene  
3 building --

4 MR. PIROZZOLO: Objection.

5 MR. BRYAN: Q -- do you know whether -- you  
6 mentioned earlier that Metro-Atlantic received raw  
7 material?

8 A Yes.

9 Q Do you recall Diamond Shamrock or Diamond Alkali  
10 as providing raw material to Metro-Atlantic?

11 MR. PIROZZOLO: Objection.

12 THE WITNESS: It was a common name in the chemical  
13 industry. Whether it was a supplier to them, I don't  
14 know.

15 But someone who knows how to make  
16 hexachlorophene would know.

17 MR. BRYAN: Q Who would that be? Who could you  
18 refer me to?

19 A I haven't been involved in it. I never was and  
20 I haven't been near it for 50 years.

21 MR. BRYAN: Mark this, please.

22 (Exhibit 13 marked as requested.)

23 MR. BRYAN: Counsel, I do not have copies, but this  
24 was a prior exhibit.

1 MR. PIROZZOLO: Do you have one for me?

2 MR. BRYAN: I do not have a copy, but this was an  
3 exhibit to one of the depositions you have a copy of.

4 MR. PIROZZOLO: Can I see it, then?

5 MR. BRYAN: Well, let me -- I've handed the witness  
6 a document marked Exhibit 13.

7 MR. PIROZZOLO: I'm sorry?

8 MR. BRYAN: 13. And this is a document dated March  
9 19th, 1999, Bates stamped MR 082752.

10 It's a response to an information request, one  
11 of four, of CERCLA submitted by New England Container.

12 And I believe this is Exhibit 8 to the Home  
13 Insurance deposition which you have a copy of.

14 MR. PIROZZOLO: I'd like to see what it is, if I  
15 may, when you're ready.

16 MR. PELOSO: So would I.

17 MR. BRYAN: You should have a copy of Exhibit 8 at  
18 the Home Insurance deposition which I believe I handed  
19 out earlier.

20 MR. PELOSO: Okay. Could you give me the  
21 deposition.

22 MR. BRYAN: Sure.

23 MR. PELOSO: Thanks.

24 MR. BRYAN: Q Okay.

1 A Yes.

2 Q Do you have Exhibit 13?

3 A Pardon me?

4 Q Do you have Exhibit 13 before you?

5 A Yes, I do.

6 Q Have you seen this exhibit before, Mr. Buonanno?

7 A Yes. Is this different from the last one we  
8 just looked at?

9 Q It's a different date, a different date.

10 A Okay.

11 Q Are you familiar with this?

12 A Yes.

13 Q How are you familiar with it?

14 A I've read it before.

15 Q Okay. If you turn to page 21, Bates ending  
16 2773, you signed this document, correct?

17 A Actually, I don't see my signature on it. Mine  
18 doesn't have a copy of me signing it, does it? Gerard  
19 DiSchino, the president -- oh, the next page.

20 MR. BRYAN: Thank you, Counsel.

21 Q Did you sign this declaring that the foregoing  
22 information was complete, true and correct?

23 A Certainly. Absolutely.

24 Q All right. Thank you.

1 MR. PIROZZOLO: Did I understand the witness hasn't  
2 seen this before?

3 MR. BRYAN: No, he has.

4 THE WITNESS: I've seen this.

5 MR. MORAN: And he signed it.

6 MR. PIROZZOLO: He says he signed it.

7 THE WITNESS: No, I seen it.

8 MR. PIROZZOLO: A page. It would not be unheard of  
9 to sign a page without having seen all the prior pages.

10 THE WITNESS: No, it wouldn't be unheard of.

11 MR. BRYAN: Q Of course, you wouldn't sign it  
12 saying you reviewed the accuracy of it unless you read  
13 it and reviewed the accuracy of it before you signed it,  
14 correct?

15 A Correct, to the best of my knowledge.

16 Q All right. Thank you.

17 Now, looking at Exhibit 13, I'd like you to  
18 take a look at page 18, the Bates ending in 2769. Are  
19 you there?

20 A Yes.

21 Q There is a description there, a response by NECC  
22 regarding Metro-Atlantic's operation.

23 Do you see that?

24 A Yes.

1 Q To your knowledge, does this response here  
2 reflect your understanding of the products manufactured  
3 by Metro-Atlantic during the 1960s at the site?

4 A Yes, it does, but it doesn't -- it doesn't  
5 include -- it doesn't say anything that they were in the  
6 hexachlorophene business, right?

7 Q Well, if you look at the, yes, the last line on  
8 that page, do you see the reference there to  
9 hexachlorophene?

10 A Oh, there it is, yes.

11 MR. PIROZZOLO: I lost track of the question.  
12 What's the question? Is there a question?

13 MR. BRYAN: Q Well, let me ask it again.

14 MR. PIROZZOLO: We're kind of having a little  
15 exchange of things with him. I'm not -- Are you asking  
16 him questions or just chatting?

17 MR. BRYAN: Are you finished? I did ask him a  
18 question. All right.

19 MR. LEVIN: Can the reporter read back the question.

20 THE WITNESS: Yes, that would be good.

21 (From the record above, the reporter read  
22 the following:

23 "Q Well, if you look at the, yes, the last  
24 line on that page, do you see the reference

1           there to hexachlorophene?")

2           THE WITNESS: Yes.

3           MR. PIROZZOLO: He sees the reference to  
4 hexachlorophene.

5           MR. BRYAN: Q Okay.

6           MR. PIROZZOLO: Okay.

7           MR. BRYAN: Q And do you see that this was a  
8 response to question 7a. at the top of the page?

9           A If you have information concerning the site,  
10 yes.

11          Q Okay. Now, there is a reference here to Eli  
12 Lilly. What's your understanding of Eli Lilly's  
13 involvement with the Metro-Atlantic site?

14          MR. PIROZZOLO: Objection.

15          THE WITNESS: I think -- I don't know anything about  
16 Eli Lilly, but I think when I did some fact-finding  
17 about hexachlorophene at the time, I think that Tom  
18 Cleary told me that Metro sold hex to Eli Lilly. But I  
19 don't -- I don't have any recollection of that now.

20          MR. BRYAN: Q Were there any other -- to your  
21 knowledge, do you recall other --

22          A Customers?

23          Q -- products Eli Lilly may have ordered or  
24 supplied to Metro-Atlantic?

1 MR. PIROZZOLO: Objection.

2 MR. BRYAN: Q Well, the answer here points to an  
3 insecticide product?

4 A Yes. Is that hexachlorophene?

5 Q Well, I'm asking you, at the bottom of the page  
6 here when you describe hexachlorophene, you refer to it  
7 as an insecticide. Is that your understanding or has  
8 your understanding changed?

9 A That's my very layman -- I don't know where  
10 hexachlorophene -- where it went. I don't know what it  
11 was used for.

12 Q Are you aware of any insecticides that Eli Lilly  
13 ordered from Metro-Atlantic?

14 A No.

15 Q You also referred to reserve salt here?

16 A Yes.

17 Q What is reserve salt?

18 MR. PIROZZOLO: Objection.

19 THE WITNESS: I think it is a metal stripper.

20 MR. BRYAN: Q To your knowledge, did  
21 Metro-Atlantic produce reserve salt?

22 MR. PIROZZOLO: Objection.

23 THE WITNESS: Yes.

24 MR. BRYAN: Q How do you know that?

1 MR. PIROZZOLO: Objection.

2 THE WITNESS: It was a department name, reserve  
3 salt.

4 MR. BRYAN: Q A department?

5 A But I don't know -- In their manufacturing,  
6 there was a little place named reserve salt. I didn't  
7 know what it was. You know, I don't know who the  
8 customers were. It was not drummed.

9 Q Okay. Turning to page 19 Bates ending 0770,  
10 there is a statement there, "Metro-Atlantic stored some  
11 drums on the site, some which were partially full of  
12 chemicals."

13 Do you see that?

14 A Right.

15 Q Okay. Do you have any reason to disagree with  
16 that statement?

17 MR. PIROZZOLO: Objection.

18 THE WITNESS: No.

19 MR. BRYAN: Q To your knowledge, can you  
20 identify -- Well, what's your understanding of that  
21 statement?

22 MR. PIROZZOLO: Objection.

23 THE WITNESS: Well, if you're in the chemical  
24 business and you buy drums of chemicals, you're likely

1 to have some drums around with -- partially full of  
2 chemicals, right? Their raw materials came in tank cars  
3 sometimes or in drums.

4 MR. BRYAN: Q Thank you.

5 And turning the page, page 20. Do you see the  
6 response there, "These answers are based on the personal  
7 knowledge."

8 Do you see that?

9 A Yes.

10 Q And this indicates that the answers are based on  
11 the personal knowledge of Vincent J. Buonanno, that's  
12 you, right?

13 A Yes.

14 Q And --

15 A Bernard V.

16 Q And your father Bernard Buonanno?

17 A Yes.

18 Q And limited records available at New England  
19 Container and corporate records of New England  
20 Container.

21 As you sit here today, can you identify what  
22 those were or do you have any recollection of what  
23 records you may have reviewed?

24 A Well, this is -- when is this form made out, in

1 2000?

2 MR. MORAN: '99.

3 MR. BRYAN: Q 1999.

4 A '99. So we had left New England Container (sic)  
5 in '69. So I don't -- I'm not aware of any documents  
6 that were preserved for 30 years at New England  
7 Container. So that's why we say the limited documents.  
8 I don't know of any documents.

9 MR. BRYAN: Let's go ahead and mark this as the next  
10 exhibit.

11 (Exhibit 14 marked as requested.)

12 MR. BRYAN: I have one of these, Exhibit 14.

13 MR. PIROZZOLO: What do we have now?

14 MR. BRYAN: I can give it to one of you to look at  
15 it. It's also an exhibit to the Russell-Stanley  
16 deposition, it's Exhibit 6. It's an August 22nd, 2002,  
17 NECC supplemental response --

18 MR. PIROZZOLO: Can I see it.

19 MR. BRYAN: You can have this copy, Jack. John, do  
20 you have a copy of that?

21 MR. PELOSO: Exhibit 6?

22 MR. PIROZZOLO: Is this for me?

23 MR. BRYAN: Yes. Well --

24 MR. PIROZZOLO: Exhibit 14?

1 MR. BRYAN: Yes, Bates Emhart 007759 through 7983.

2 Q Okay. Mr. Buonanno, you've been handed a  
3 document marked Exhibit 14 to your deposition.

4 Do you have Exhibit 14?

5 A Yes.

6 Q Okay. This was, as I just mentioned, an exhibit  
7 also in your Russell-Stanley deposition. And it is --  
8 the title is, New England Container Company, Inc.  
9 supplemental response to CERCLA section 104(e)  
10 information requests Centredale Manor restoration site  
11 August 22nd, 2002.

12 Have you seen this document before?

13 A I don't recognize it. I don't recall it, but --  
14 Did I sign it?

15 MR. PIROZZOLO: Page 17 is signed by Robert Baker.

16 MR. BRYAN: I'm sorry, actually, Mr. Peloso, this is  
17 Exhibit 4 to the NECC deposition, not the Emhart -- not  
18 the Russell-Stanley deposition. Do you have that  
19 deposition?

20 MR. PELOSO: I have the deposition. I don't have  
21 the exhibit. But Mr. Buonanno's counsel was kind enough  
22 to share the exhibit with me.

23 MR. PIROZZOLO: Are you representing that  
24 Mr. Buonanno signed this?

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

2 MR. PIROZZOLO: I don't see his signature.

3 MR. BRYAN: I'm not representing that.

4 THE WITNESS: I don't recognize ever seeing this  
5 before.

6 MR. BRYAN: Q I can represent that this was used  
7 as an exhibit, though, in one of your prior depositions.

8 I guess my question to you is: Do you recall  
9 having provided any information to assist NECC in  
10 providing this?

11 A In August, '02, no. I'm no longer owner of the  
12 company at this time, and I don't believe I was asked  
13 anything about this.

14 Q If you turn to page 17, Bates 775, Mr. Robert  
15 Baker has signed this document.

16 Who is Robert Baker?

17 A I got page 17.

18 Q Yes.

19 A Sorry.

20 Q Bates ending in 775.

21 A This page 17 doesn't have it, either. There is  
22 lots of pages 17. I'm dangerous with this many papers.

23 Robert Baker became the plant manager of New  
24 England Container in their new ownership, Robert Baker,

1 yes.

2 Q I'm sorry, who was he again?

3 A Robert Baker was the plant manager of the -- I  
4 believe Robert Baker was the plant manager of New  
5 England Container. This was after my ownership.

6 Q Which plant manager for New England Container,  
7 all of their locations?

8 A No, Smithfield -- I don't know. Didn't work for  
9 me.

10 Q Did you ever meet with Mr. Baker?

11 A Yes, hired him under my tenure.

12 Q He worked for you when you were at NECC?

13 A That's right. By now the company is sold three  
14 years later and I'm not privy to the document.

15 Q How did you -- was he a good worker for you?

16 A Yes, still was there.

17 Q If he certified something as accurate, would you  
18 believe it to be accurate based on your knowledge of  
19 having worked with him?

20 A Well, I'm not -- I don't know what the document  
21 says, so I'm not going to say in advance that I think  
22 everything in here is fine because I've never read it  
23 and I've never seen it, so I don't want to start the  
24 conversation saying that I accept everything he says as

1 the truth. I don't know what he said.

2 He also was the employee at this point of the  
3 company with whom we were in a dispute, the new owners,  
4 about the Superfund case. So, you know, Robert was  
5 their servant, not mine.

6 Q If you look at footnote 1 on the first page, it  
7 states, "As previously disclosed in the first  
8 supplemental response, NECC conducted business at 2074  
9 Smith Street, North Providence, Rhode Island, from  
10 approximately 1952 until some point in time during the  
11 summer of 1971."

12 Do you see that?

13 A I do.

14 Q As you sit here, do you have any reason to  
15 disagree with that statement?

16 A You know, I'm not sure. And I have maintained  
17 uncertainty of when we actually stopped in Centredale,  
18 you know, and when we were absolutely not working there  
19 at all. I'm not sure to this date, and I don't have a  
20 calendar to check it.

21 Q Do you have any reason to disagree as you sit  
22 here today with that characterization?

23 A I have no reason to --

24 MR. PELOSIO: Object to the form.

1 MR. MORAN: Other than what he just said?

2 MR. PELOSO: Object to form.

3 MR. BRYAN: Q Do you have any reason to doubt the  
4 accuracy of that? What's your --

5 A Well, I know that none of the people writing  
6 this thing worked there for us. This company that  
7 they're talking about precedes them by 25 years, so I do  
8 not -- I would not assert that anything they say about  
9 when they stopped operations are true.

10 Q When did Mr. Baker begin working for you?

11 A I believe he probably joined us in '92 or '93.

12 Q When is your best estimate as to when NECC's  
13 operations at Centredale ceased?

14 MR. PELOSO: Object to form, asked and answered.

15 MR. MORAN: Objection, asked and answered.

16 MR. PIROZZOLO: Objection.

17 THE WITNESS: I just told you I'm not sure when the  
18 absolute closure of it was.

19 MR. BRYAN: Q Could it have been 1971?

20 MR. PELOSO: Object to the form.

21 MR. PIROZZOLO: Objection.

22 MR. MORAN: Objection. He's already indicated his  
23 best recollection was '68, '69, maybe '70, not certain.  
24 And he has every reason to doubt 1971 for those reasons

1 that he's already identified.

2 MR. BRYAN: I appreciate it. Please no speaking  
3 objections, Counsel. I'm trying to get the witness'  
4 knowledge.

5 THE WITNESS: I'm uncertain about the final closure  
6 date. I'm uncertain about whether we might have had a  
7 trailer truck parked over there, you know, in that  
8 property that hadn't been removed as something as an  
9 indication of when we were there, what was going on.

10 I don't think anyone can answer it with  
11 certainty that's alive.

12 MR. BRYAN: Q Who besides yourself would know?

13 A Would know? My father.

14 Q Anyone besides your father?

15 MR. LEVIN: Among the living I think he means.

16 THE WITNESS: Among the living? That's a good  
17 start.

18 I'm trying to think of the person that was  
19 involved then that's alive today that worked in  
20 Centredale. You know, some young people that were  
21 workers there, but I don't know who could tell you that.

22 MR. BRYAN: Q Are you saying it's impossible that  
23 it was 1971 when Centredale --

24 A No.

1 MR. MORAN: Objection.

2 MR. PELOSO: Objection.

3 MR. BRYAN: Q You're not saying it's impossible?

4 Okay.

5 MR. MORAN: Objection. Don't answer that question.

6 MR. BRYAN: Q Did he answer the question?

7 A I don't know when it closed.

8 Q Okay. Thank you.

9 On the first page here, bottom of that last  
10 paragraph, second to last sentence, there is a reference  
11 to a Mr. Lussier?

12 A Yes.

13 Q Who is he?

14 A He was a former sales manager who joined us I  
15 believe in the early '70s.

16 Q It states here that Mr. Lussier began working at  
17 NECC's Smithfield facility in January, 1971, and has  
18 knowledge about NECC and its customers during a portion  
19 of the relevant time period.

20 Do you see that?

21 A Yes.

22 Q Okay. Would you have any reason to disagree  
23 with that remark concerning Mr. Lussier?

24 A No.

1 Q Why is that?

2 A Why don't I have an objection to it?

3 Q Would you expect Mr. Lussier to have knowledge  
4 regarding NECC's customers?

5 A Well, he joined us just as we were moving, and  
6 he reported to Smithfield, so I don't expect he will  
7 know much about Centredale.

8 He never worked at Centredale, but he may have  
9 some knowledge of the immediate history.

10 Q When is the last time --

11 A He was not employed.

12 Q -- you talked with him?

13 A I haven't spoken with him in a couple of years.

14 Q Are you still in touch with him?

15 A He is a friend. I am not in touch with him. I  
16 haven't spoken to him for two years. Does that answer  
17 it?

18 Q When were you last in touch with him, two years?

19 A Two years.

20 Q Okay.

21 There is a reference here to, on the first page  
22 again, last sentence, "For your convenience, NECC has  
23 compiled the information obtained from Mr. Nadeau and  
24 Mr. Lussier and organized it in a chart entitled, NECC

1 customers and drum/residual information, attachment A."

2 Do you see where I'm reading?

3 A Yes.

4 Q Who is Mr. Nadeau that's --

5 A He was a truck driver for New England Container  
6 but never at Smithfield I don't believe.

7 Q At Centredale?

8 A At Centredale, yes.

9 Q Approximately when did he work, to your  
10 knowledge, at the Centredale site, NECC's Centredale  
11 facility?

12 A I get there in '67. I don't know how many years  
13 he's been there. I don't know. He was still working in  
14 '67 when I started working, as a truck driver. I don't  
15 know when he started.

16 Q Did he, to your knowledge, drive -- Well, did  
17 he -- You say he was a truck driver.

18 Was it your understanding that he drove trucks  
19 to pick up customers' --

20 A He delivered -- I knew him as a salesman because  
21 your truck driver was your man that went to Mobil Oil  
22 and, you know, came back and, you know, reported on what  
23 had happened.

24 So I knew all my truck drivers. He was a

1 deliveryman.

2 Q Did he interact, then, with customers from --  
3 NECC's customers while at Centredale?

4 A Interact?

5 Q Yes.

6 A What does that mean for a truck driver?

7 Q Did he deliver and accept products --

8 A Yes, yes, he was a delivery guy --

9 Q -- from customers?

10 A To customers and from customers.

11 Q Thank you.

12 The end of that sentence which we just read  
13 referred to attachment A to this document, which  
14 contains NECC customer and term residual information.

15 Do you see where I'm reading?

16 A Yes.

17 Q That appendix appears on the page ending --

18 A 3?

19 Q The appendix starts at Emhart -- Bates Emhart  
20 007776.

21 A 7776 has nothing on it. I agree with everything  
22 it says.

23 Q Thank you.

24 Do you see A?

1 A Yes.

2 Q And do you see on the next page NECC customers  
3 and drum/residual information?

4 A Right, yes.

5 Q Okay. Now, what follows, as you can see, is  
6 continuing through Emhart 007789 a listing of companies,  
7 types of drums, residual content in drums, number of  
8 drums.

9 Do you see that?

10 A Yes, yes.

11 Q We've already talked about some of these, I  
12 believe. What I wanted to ask you, if you recalled  
13 anything about any of these companies when we walk  
14 through them.

15 A When I walk through the list or when I walk  
16 through the companies?

17 Q We're going to go through this together.

18 A Oh, I see.

19 Q The first company identified is A. Harrison &  
20 Company. And it indicates on this document that the  
21 company had closed-head drums --

22 A Yes.

23 Q -- that NECC obtained.

24 The residual content in the drums is listed as

1 solvents.

2 Do you see that?

3 A I do.

4 Q And number of drums, it says no information  
5 currently available.

6 Do you recall anything about A. Harrison &  
7 Company while at Centredale?

8 A I have no recollection of the empty containers  
9 that came into our yard 50 years ago. I have no  
10 recollection of who had chewing gum, who had chocolate.  
11 I have no recollection of any of -- of being able to  
12 comment on the content of who had paste. This is --  
13 really.

14 Q Do you have any reason as you sit here to  
15 disagree with any of this information?

16 MR. PELOS0: Object to form.

17 THE WITNESS: I have no reason to support it. I've  
18 never read it before. I don't know what it's based  
19 upon. I don't know where they got their information.

20 The guys who were working for the company that  
21 I was no longer with, that they would come up with this,  
22 I have no idea.

23 MR. BRYAN: Q You have no reason to support this  
24 information, is that what you said?

1 MR. PELOSO: Object to the form.

2 THE WITNESS: I have no reason either to agree or  
3 disagree with it. I have no connection with it.

4 And I don't have the recollection to know. You  
5 know, empty containers came in by the thousands, right?  
6 You know, this is a multi-thousand per week container.  
7 To remember the containers 50 years ago, it's kind of  
8 preposterous.

9 Let me add this. Here is American Hoechst.

10 MR. BRYAN: Q Yes.

11 A They're a dye stuff house and were a global  
12 company in dye stuffs. Certainly, we got dyes from  
13 them.

14 You know, Brown & Sharpe, metal shavings and  
15 lubricants. Yes, I would logically guess that from  
16 these companies that I remember.

17 Q Okay. Can you back up a second. Which company  
18 did you just identify?

19 A I identified American Hoechst. It looks its  
20 Hoechst, but it's Hoechst in German.

21 Q What do you recall about them?

22 A I recall dye stuffs coming from them.

23 Q In the 1960s?

24 A Yes.

1 Q Okay.

2 A Brown & Sharpe, metal shavings and lubricant  
3 oils. That was a big tool shop.

4 Q Brown & Sharpe, they appear on the second --

5 A The second page.

6 Q 778.

7 A I would agree with those residuals just through  
8 logic.

9 CNC was definitely a textile chemical company,  
10 so I don't know what solvents we would have received. I  
11 have no idea. But the other chemicals are logical.

12 Colfax was a large lard producer. They're on  
13 page 4.

14 Q 4, Bates ending 780. Thank you.

15 A Page 9 I remember Original Bradford Soap because  
16 it was a soap company. That would have been their  
17 residues.

18 Plymouth Rubber was a big rubber supplier.

19 Q Page ending Bates 785. Okay. Thank you.

20 A Teknor Apex on page 11 was certainly oil, oil  
21 drums, as they say.

22 Q Thank you.

23 A Those are the ones I can recall.

24 Q Of those that you just identified, do you recall

1 whether these were regular customers of NECC during the  
2 1960s?

3 A The ones that I remember were the ones that were  
4 regular.

5 Q I see.

6 A Some of these were -- a number of these were  
7 companies to whom we sold no drums but we just bought  
8 their empty drums. So they're names on a page and I --  
9 you know, they had empty drums, come pick them up. So I  
10 wouldn't be able to associate with them what I knew they  
11 were manufacturing, you know.

12 Q When you say you bought -- NECC bought empty  
13 drums from them?

14 A Yes, empty meaning raw. Does raw help you?  
15 Something that hasn't been cleaned yet. You're running  
16 a company that's making drums, but all your raw  
17 materials are empty drums, raw drums, haven't been  
18 cleaned yet.

19 We ship empty drums, of course, but those are  
20 finished. So we say raw and finished. So a number of  
21 those names are people from whom the company bought raw  
22 drums.

23 Q Raw drums that needed to be cleaned and  
24 finished?

1           A    Needed to be cleaned, but not for them.

2                    Brown & Sharpe, a big tool shop, they got all  
3 kinds of oil and lubricants coming in. They never buy a  
4 drum from us. We go and pick up Brown & Sharpe's raw  
5 drums.

6           Q    Raw drums that the residue would need to be  
7 cleaned by NECC at Centredale?

8           A    Right.

9           Q    All right. Thank you for going through this  
10 list. I appreciate that, Mr. Buonanno.

11                   Is there anyone you can identify, having looked  
12 through this list, maybe perhaps having your  
13 recollection refreshed, seeing some of the names,  
14 Mr. Lussier or Mr. Nadeau, is there anyone you can  
15 recommend or you would point to as having additional  
16 knowledge regarding customers during the 1960s?

17           A    I don't know if Mr. Nadeau is alive. We called  
18 him Nadeau.

19                   We had a very fractious ending with him as an  
20 employee for whatever reason, nothing to do with drums.

21                   So, you know, he is not someone that I would  
22 recommend to talk to, but maybe that's just what you  
23 want, I don't know.

24                   But, you know, I don't know where he is or if

1 he's alive.

2 Mr. Lussier is a very fine man who knows the  
3 business very well but didn't work in Centredale, but he  
4 knows the drum business very well. I was last with him  
5 at his wife's funeral. I said two years ago. It could  
6 have been three. I went.

7 Q I understand.

8 A Okay. I just don't know. And I don't know how  
9 well he is. But he is a reliable reporter about the  
10 drum reconditioning industry, but not about Centredale I  
11 wouldn't think.

12 Q Thank you.

13 Now, we talked a little bit about, in the  
14 beginning of your deposition today, the history of  
15 Metro-Atlantic, the history of NECC, the history of your  
16 family's involvement with those two companies.

17 And I take it, you seem like a gentleman, I  
18 assume you're -- you've been on cordial terms with your  
19 family over the years?

20 A Yes.

21 Q Okay. Now, which of the -- of your family  
22 members -- Can you identify those family members that  
23 you have who are alive today who either worked at either  
24 NECC at Centredale or Metro-Atlantic --

1 A Right.

2 Q -- who would have some knowledge?

3 A It's a short list. My older brother, who is an  
4 attorney in Providence, or was, he is retired, worked  
5 summers like I did as a laborer loading trucks and  
6 unloading trucks. That's what we used to do. So he  
7 worked in Centredale.

8 He later became our lawyer in the '90s. After  
9 I went to Chicago, he was watching it more closely for  
10 me, so he knows something about it.

11 Q How old is your brother today?

12 A He is 75.

13 Q And your brother's name?

14 A Bernard, Jr.

15 Q And is he still with the Angell --

16 A No, he's not with Edwards & Angell anymore. He  
17 is actually with Oppenheimer Investment Company.

18 He is in Providence and hail and hearty.

19 Q Good to hear.

20 A He's reachable.

21 MR. LEVIN: It sounds like you got good genes, sir.

22 THE WITNESS: Pardon me?

23 MR. LEVIN: It sounds like you got good genes.

24 THE WITNESS: Well, you never know.

1           Anyway, and my cousin Jay Buonanno was the son  
2           of the founder of Metro-Atlantic. And Jay is Joseph,  
3           Jr., he is about my brother's age. He lives in Rhode  
4           Island. His health is not good. He worked but never in  
5           a management role at Metro-Atlantic, but he worked there  
6           for a number of years as a salesman. And then the  
7           company was sold and he didn't remain in the business.

8           So he is someone who is reachable and compos  
9           mentis.

10          MR. BRYAN: Q   Anyone else, any other relatives you  
11          can identify?

12          A   There is really no one else in our family that  
13          worked at Centredale.

14          Q   When you say your brother Bernard represented  
15          NECC --

16          A   Yes.

17          Q   -- did he represent NECC in connection with any  
18          EPA, Environmental Protection Agency --

19          A   No, Deming Sherman did that. My brother I  
20          shouldn't say represented. He served on our board.  
21          After I had to be away, I created a small board, and he  
22          was on the board until it was sold.

23          Q   You said he worked there in the '60s. At any --

24          A   In this case it would have been the '50s at

1 Centredale.

2 Q For Metro-Atlantic?

3 A As a summer laborer. No, always at -- none of  
4 us worked ever for Metro. We worked in the drum yard at  
5 New England Container.

6 Q And you mentioned he worked summers there?

7 A Yes.

8 Q He is also older than you?

9 A Yes.

10 Q So was he working there with you or at different  
11 times?

12 A We might have, you know, had some weeks together  
13 when I was 17 and he was 21 or 22. I don't think so.  
14 He was before me five years and ahead in school and  
15 everything.

16 Q When you say he was a laborer, what did he do?

17 A Well, when we were there, you know, we weren't  
18 going to work on machinery. We were kids. So we didn't  
19 go in and work on the blaster or the expander or any of  
20 those things. So we did the loading of drums, you know,  
21 loading trucks and unloading trucks, which never ended.  
22 That's what you did.

23 MR. BRYAN: We've been going now for over an hour.

24 I am at a point, I think, where a short break might help

1 me, and I think we're getting close for me wrapping this  
2 up.

3 So how about we take a ten-minute break, would  
4 that be okay?

5 MR. MORAN: Okay. That's fine.

6 (a brief recess was taken from 3:04 p.m. to  
7 3:21 p.m.)

8 (Exhibit 15 marked as requested.)

9 MR. BRYAN: This is Exhibit 5 to the Russell-Stanley  
10 deposition.

11 THE WITNESS: This is a CERCLA response.

12 MR. BRYAN: Q Yes, sir; yes, sir. Okay.

13 Mr. Buonanno, you've been handed a document that has  
14 been marked Exhibit 15.

15 For the record, this document is Bates stamped  
16 Emhart 082579 through 082590.

17 The date of the document is July 20th, 1999.  
18 Have you seen this document before.

19 A Did I sign it?

20 Q Yes, you did.

21 A Yes, I've seen this.

22 Q Okay. Page 12, Bates 590. Is that your  
23 signature?

24 A Yes.

1 Q Do you recall having reviewed the accuracy of  
2 this document before signing it?

3 A Yes.

4 Q Okay. To your knowledge, is this a complete  
5 copy of the document?

6 A To the best of my knowledge.

7 Q Thank you.

8 Mr. Buonanno, do you know why you provided your  
9 own response to the 104(e)? Did EPA issue a response to  
10 you in your individual capacity?

11 A I don't recall why I did.

12 Q If you turn to Bates 82589, page 11 of the  
13 document, do you see your responses that appear at the  
14 top of the page, b., c., d., e.?

15 A Sure, yes.

16 Q You state here at c., "I have no knowledge  
17 before February 14th, 1967, when I was employed  
18 full-time."

19 A So there is the date, February.

20 Q "The site did not change during the period 1967  
21 to 1969."

22 Do you see that?

23 A Yes.

24 Q And beneath that you say, "No spills or leaks

1 occurred to my knowledge while I was at New England  
2 Container at the site from 1967 to 1969."

3 A Right.

4 Q Do you see that?

5 A Yes.

6 Q Okay. Is it your testimony that -- earlier I  
7 had asked you if you were aware of any spills at the  
8 Centredale site?

9 A Right, Metro-Atlantic.

10 Q Metro-Atlantic or NECC's site.

11 A Right, right.

12 Q Are you aware of any spills or releases of  
13 hazardous substances?

14 A I can't recall any.

15 Q Okay. Is it your testimony that those -- that  
16 there was no leaks or releases or that you just have no  
17 personal knowledge?

18 A I can't recall any.

19 Q Is it your testimony that -- Well, the people  
20 best able to know what the practices were at Centredale  
21 were the people who were actually working there at the  
22 site, correct?

23 A Exactly, yes.

24 Q Okay. We were talking about Metro-Atlantic's

1 manufacture or production of a reserve salt substance.

2 A Yes.

3 Q Can you describe -- Do you have knowledge as to  
4 what that product was?

5 A I do not.

6 Q Was it a white powdery substance, do you recall  
7 that?

8 A I remember it was a white flake or powder.

9 Q Okay. And you had heard that it was a metal  
10 stripper, is that correct?

11 A Yes.

12 Q And was this product handled with caution at  
13 Metro-Atlantic?

14 A I have no idea how they -- what their practices  
15 were.

16 Q Okay. Can you take a look at the Home Insurance  
17 deposition, which is Exhibit 2. I think maybe we can  
18 refresh your memory. Looking at page 48.

19 A Well, it sounds utterly consistent with what  
20 I've said today.

21 Q If you turn to page 49, lines 15 through 18 --

22 MR. PIROZZOLO: Excuse me a minute. We're having  
23 trouble catching up. I apologize. I was multitasking  
24 as I shouldn't do.

1           What page and line are we at?

2           MR. BRYAN: 49, lines 12 through 18.

3           MR. PIROZZOLO: Thank you.

4           MR. BRYAN: Q Have you had a chance to read that?

5           A You bet.

6           Q Does that testimony refresh your recollection as  
7 to whether that product was --

8           A Right.

9           Q Okay. Was the product, to your knowledge, the  
10 white powdery reserve salt substance handled with care  
11 at Metro-Atlantic?

12          MR. PIROZZOLO: Objection.

13          THE WITNESS: Say it again, please.

14          MR. BRYAN: Q Okay. You've indicated that you  
15 reviewed those lines and that you refreshed your  
16 recollection.

17          A Yes, it said, "I don't know, except that they  
18 were handled with caution." I didn't know much about  
19 it, but I knew they were careful.

20          Q Okay. So that reserve salt product was handled  
21 with caution, was that your understanding?

22          A Yes.

23          Q Do you know why?

24          A Then you say, "The use of the term hazardous

1 there, do you know if it's being used in general terms  
2 or in the term of CERCLA? Strict definition -- I don't  
3 know."

4 I don't know what a hazardous substance was in  
5 1969.

6 Q But you do recall it was handled with --

7 A I remember, yes.

8 Q -- care?

9 A Yes.

10 Q Where was that product manufactured? Was the  
11 product manufactured in the hexachlorophene building?

12 A Do you want to look at the buildings, is that  
13 what you want to do?

14 Q Yes. Do you recall where it was manufactured?

15 A Yes, I do. That's why I know because it was a  
16 partially outdoor operation. And it was on the south  
17 end of building 4.

18 So there was like a garage door opening and you  
19 could just look in and see the people. I don't know  
20 what they put in it, I don't know what came out. Drums  
21 didn't come in, drums didn't come out. But I knew that  
22 they were in there.

23 And when I say caution, they wore gloves.

24 That's what extreme caution was in the 1960s, they wore

1 gloves. That's was it, yes.

2 Do you see where I mean?

3 Q Yes.

4 A Yes.

5 I told you that was the maintenance shop. The  
6 other end of it was the opening with a sign on the top  
7 that said reserve salt.

8 Q Were all the products at Metro-Atlantic, to your  
9 knowledge, handled with gloves or was it just this  
10 particular one?

11 A I don't know.

12 Q Do you recall other products that were handled  
13 with gloves?

14 A No.

15 Q Earlier we discussed the letter that you wrote  
16 to NECC when you were at Tempel Steel?

17 A Right.

18 Q Which exhibit is that?

19 A I'll remember it. What do you want to know?

20 Q Well, for the record, I should identify the  
21 number. I think it was an early exhibit.

22 MR. PELOSO: 6.

23 MR. BRYAN: 6. Thank you, Counsel.

24 THE WITNESS: There it is. I didn't know I put that

1 on Tempel paper. That wasn't so smart.

2 MR. BRYAN: Q The April 9th, 2001, letter to  
3 Mr. Felton.

4 A Yes.

5 Q And we looked at the language that you wrote, "I  
6 am confident and we have scientific support of the  
7 belief that 100 percent of the reason for the dioxin in  
8 the Woonasquatucket River is hexachlorophene," correct?  
9 You wrote that you were confident, is that correct?

10 A Yes.

11 MR. PIROZZOLO: Objection.

12 MR. BRYAN: Q Were you confident?

13 MR. PIROZZOLO: Objection.

14 THE WITNESS: Yes.

15 MR. BRYAN: Q Thank you.

16 Have you ever discovered any other possible  
17 sources of dioxin associated with Metro-Atlantic or the  
18 site generally?

19 A I'm not a -- I'm not knowledgeable enough to  
20 comment on what else they made that was -- had dioxins.  
21 I don't know.

22 Q Now, the Woonasquatucket River which ran by the  
23 Centredale site.

24 A Yes.

1 Q I think we talked about this earlier. That was  
2 a -- was the Woonasquatucket River a historic mill  
3 river?

4 A Yes.

5 Q And to your knowledge, have you always had a  
6 general knowledge that waste was probably discharged  
7 into the Woonasquatucket River since it was a historic  
8 mill river?

9 MR. PIROZZOLO: Objection.

10 MR. PELOSO: Object to the form.

11 THE WITNESS: I wouldn't be surprised. I don't have  
12 any factual data on discharges into it.

13 The Industrial Revolution began on the banks of  
14 those rivers.

15 MR. BRYAN: Q Now, we talked about the hundreds of  
16 drums that were left at the site when NECC and  
17 Metro-Atlantic left Centredale.

18 Why didn't NECC take those drums?

19 A As I told you, some drums are unreconditionable  
20 based on their condition or their prior contents. And I  
21 told you of one drum that we specifically rejected  
22 remained at the property of Metro-Atlantic was sulfan.

23 Q Were the drums that were left, were they -- is  
24 it your recollection that they were left on NECC's

1 property or Metro-Atlantic's property?

2 MR. PIROZZOLO: Object.

3 THE WITNESS: There were no defined property lines.

4 If you look at this map, there was no -- there  
5 was no fence. There was nothing that separated that.

6 We used the land near the buildings that have  
7 already been described here, and Metro-Atlantic was free  
8 to park trucks or use any of this property. It was all  
9 theirs, so -- There was no defined property line. That  
10 was the end of that sentence, Tracy, for your benefit.

11 MR. BRYAN: Q So is it your testimony that you  
12 were unable to identify whether the drums that were left  
13 at the Centredale site when NECC and Metro-Atlantic  
14 left, is it your testimony that you can't identify  
15 whether those drums were on the NECC property or the  
16 Metro-Atlantic property at the site?

17 MR. PIROZZOLO: Objection.

18 THE WITNESS: I told you before the rough area where  
19 they could park trucks, drums, equipment, you know, sort  
20 of the boneyard of Metro-Atlantic, the tritus of things  
21 that they weren't dealing with.

22 MR. BRYAN: Q And whose property was that?

23 MR. PIROZZOLO: Objection.

24 THE WITNESS: Metro-Atlantic's. All the property

1 was Metro-Atlantic's.

2 They may have had a realty corporation in there  
3 somewhere, but there were no definite property lines.

4 MR. BRYAN: Q Okay. Going back to the blow-up  
5 map. We're getting close here, I promise.

6 You identified the hexachlorophene building as  
7 No. 1 on the list?

8 A Yes.

9 Q Now, is the area surrounding that  
10 hexachlorophene building, is that where you think  
11 hexachlorophene spilled at the site or was released?

12 MR. PIROZZOLO: Objection.

13 THE WITNESS: I don't know where it was released. I  
14 know that we had a track of waste products that went  
15 through analysis that were disposed of as hazardous  
16 materials from New England Container, and we never had a  
17 dioxin report on anything we ever produced.

18 And I know the production of hexachlorophene  
19 produces dioxin. So that's my circumstantial evidence  
20 about where it came from. I'm not asserting that I saw  
21 a pipe or that I saw it spill. I don't know what it  
22 did.

23 MR. BRYAN: Q Could you do me a favor and take a  
24 look at your Russell-Stanley deposition, Exhibit 4, page

1 242.

2 MR. MORAN: Page 42 you said?

3 MR. BRYAN: 242.

4 MR. MORAN: 242.

5 MR. PIROZZOLO: 247?

6 MR. BRYAN: Q 242. And looking at the bottom of  
7 the page, I just want you to read lines 23 through 8  
8 carefully to yourself. Okay? Let me know when you're  
9 done.

10 MR. PIROZZOLO: What's the question?

11 MR. BRYAN: I'm asking him to review.

12 MR. PIROZZOLO: You're asking him to read?

13 MR. BRYAN: Yes.

14 THE WITNESS: Yes, here I --

15 MR. MORAN: There is no question.

16 THE WITNESS: Okay. What's the question?

17 MR. BRYAN: Q Does any of that help refresh your  
18 recollection as to where --

19 A I can't recall who I talked to at  
20 Metro-Atlantic.

21 Q Okay. But does it help refresh your  
22 recollection where you think the spills or releases of  
23 hexachlorophene may have occurred at the site?

24 MR. PIROZZOLO: Objection.

1 THE WITNESS: I don't know. The building was close  
2 to the river. I don't know.

3 MR. BRYAN: Q What's the significance of the  
4 building being close to the river?

5 A As I said, it was a prototype operation, special  
6 new manufacturing facility, and I don't know if it was  
7 on the sewer system. I just don't know.

8 Q You were confident at the time you wrote the  
9 letter, though, to Mr. Fenton, that was the source of  
10 the dioxin at the site?

11 A It's the only product that I knew of that I had  
12 ever heard of that had produced dioxin and sent it  
13 around. I never heard about textile chemicals. I never  
14 heard about my drum reconditioning operations. There is  
15 no evidence that anything we did had dioxin. So  
16 hexachlorophene produces dioxin. That was a very simple  
17 confidence that I would still have that that's where it  
18 came from.

19 Q Do you still have that view today?

20 A Yes.

21 Q Thank you.

22 MR. BRYAN: At this time I have no further  
23 questions. Thank you, Mr. Buonanno.

24 I reserve the right to ask some follow-up,

1 depending on how the remaining questioning goes from the  
2 other counsel in the room. Thank you for your time. I  
3 appreciate it. And I pass the witness.

4 THE WITNESS: We got through it pretty well.

5 MR. BRYAN: Thank you, sir.

6 I pass the witness.

7 EXAMINATION

8 by Mr. Levin:

9 Q Mr. Buonanno, as you know, I'm Joshua Levin.  
10 I'm also with the Department of Justice. And I am  
11 looking forward to talking to you for the remaining time  
12 we have today. Hopefully I'll be able to largely finish  
13 by the time we break, perhaps not, but I'll do my best.

14 A Thank you.

15 Q I think I mentioned to you, to your counsel that  
16 I'm here representing the United States as a party  
17 that's alleged to have shipped drums from U.S. military  
18 bases to the NECC site in the late 1960s or early 1970s.

19 So I'm interested in your personal knowledge  
20 regarding any relationship that NECC may have had with  
21 two military bases, in specific, during the time you  
22 were with NECC, those bases being the Otis Air Force  
23 Base and Quonset Point Naval Air Station, which I will  
24 refer to simply as Quonset Point.

1           Have you heard of both of those locations, sir?

2           A    I grew up there.

3           Q    Okay. Good. You've stated today as well as in  
4 prior depositions that you were a container salesman and  
5 buyer --

6           A    Right.

7           Q    -- between 1967 and 1969, is that correct?

8           A    Yes.

9           Q    And then was it in 1969 or 1970 that you became  
10 a vice-president?

11          A    You know, I don't -- I thought it was more like  
12 '72 or '73, but I don't know.

13          Q    Do you recall being a vice-president at any  
14 point when NECC still operated out of Centredale?

15          A    No, I don't believe I was in Centredale. So we  
16 were fully moved to Smithfield.

17          Q    You also stated today that you were the first  
18 person with NECC who was assigned the specific job of  
19 salesman, correct?

20          A    Right.

21          Q    And you mentioned in response to questions from  
22 Mr. Bryan that that was a position that was given to you  
23 because NECC had to compensate for the loss or expected  
24 loss of business from Metro-Atlantic, correct?

1           A    Correct.

2           Q    Now, you also noted that you spent some time  
3 during the summers prior to your joining in 1967 as a  
4 salesman at NECC doing various jobs.

5                    Can you recall in any way what other persons at  
6 NECC Centredale may have had a role of any sort in what  
7 might be called salesmanship before you took that  
8 position?

9           A    There was never a salesman before.

10          Q    So you were the -- not just the first official  
11 salesman, but you were the first salesman in fact, is  
12 that correct?

13                    So would I be correct to understand that, to  
14 your knowledge, Mr. Mikucki would have never played a  
15 salesman role prior to 1967?

16          A    I don't believe so.

17          Q    What about your own father, Bernard Buonanno?

18          A    He might have. He would have been involved in  
19 some relationships with people who were in the business  
20 that might be described as sales a little bit.

21          Q    What can you recall regarding his work in that  
22 capacity before you took the job?

23          A    I can't remember my father going out and selling  
24 containers at all. He was really at Metro-Atlantic.

1 But he was one of the owners of it, so I'm sure he had  
2 some sense of customers.

3 Q My understanding of your testimony earlier today  
4 was that even during the height of Metro-Atlantic's  
5 relationship with NECC, there still were additional  
6 companies with whom NECC did business, is that correct?

7 A Yes.

8 Q So let me ask you, and I'm speaking now about  
9 the time before you became a salesman.

10 A Right.

11 Q What is your understanding of how those business  
12 relationships were initiated?

13 A Well, the names that we went through were the  
14 substances of people that generated drums, that list of  
15 people that we did business with.

16 And there is a list somewhere of a Christmas  
17 list of people that were -- that we had relations with.  
18 These were mostly companies that generated drums, that  
19 didn't buy them. They had drums. And they were  
20 industry.

21 So you can imagine that my father who was  
22 running the chemical company and was doing business with  
23 companies who were selling raw materials or in the  
24 business would know companies that had empty drums. And

1 so they would send them to us. And we would pick them  
2 up or they would -- you know, we would get their empty  
3 drums.

4 We're getting empty, we mean raw, right? Not  
5 yet processed. We are not in any confusion about that,  
6 right? Empties are raw, raw product, right?

7 Q And just so the record is clear, what do you  
8 define a raw product drum to be?

9 A A raw drum is a drum that has had prior  
10 contents, it's dirty, so to speak. It needs to be  
11 recycled.

12 Q It has not yet been reconditioned?

13 A So call the others finished drums. Yes. So the  
14 relationships with the companies besides Metro-Atlantic  
15 were companies that had raw drums.

16 I see Worcester Textile, I may have mentioned  
17 it on there. They did no -- they were textile people.  
18 They were processing -- their product was a fabric. But  
19 they emptied drums, and I'm sure because maybe they knew  
20 my father, they sold us their empty drums.

21 Q Let me ask you to focus again on the period  
22 before you became a salesman.

23 A Yes.

24 Q You mentioned your father may have had some role

1 in connection with the salesman part of the business.

2 A Yes.

3 Q Do you know whether your father would have  
4 visited the companies that potentially might become  
5 customers of NECC?

6 A I have no recollection of my father ever hitting  
7 the road in sales.

8 Q Let me ask the same question -- Okay. Well, I  
9 think you said cover the field now.

10 So if I asked you whether your father, to your  
11 knowledge, ever visited any of the military  
12 installations in the area, is your answer the same, you  
13 would not know of any such visits?

14 A I don't know of any, and I doubt that he would  
15 have.

16 Q Did your father typically call local businesses  
17 to let them know that NECC was around and it might be a  
18 viable place for them to have their drums reconditioned?

19 A More likely they would call us to see if we  
20 would take their drums.

21 Q In the same way, do you believe your father  
22 would have made any calls to anybody associated with any  
23 military installations in the area?

24 A I doubt that very much.

1 Q Why do you doubt it?

2 A I think the containers that came out of military  
3 bases were occasional bids that would be sent out for  
4 people that were in the business giving you an  
5 opportunity to bid on a certain number of containers and  
6 were not the result of sales solicitation.

7 I never called on a military base in the years  
8 after that when I was involved.

9 My recollection of the military work was that  
10 there would be a notice to bid on drums at Otis or  
11 Quonset, and you would fill in the blank and you'd get  
12 the drums or you wouldn't get the drums.

13 Q Good. You're anticipating some of my questions  
14 later on today or tomorrow, but you've already  
15 demonstrated that you have a fairly good recollection of  
16 at least that aspect of your relationship with these  
17 bases.

18 So let me now turn to you and the  
19 responsibilities you had to identify new business.  
20 Maybe that's assuming a fact not in evidence.

21 What were your job responsibilities as a  
22 salesman?

23 A Well, we knew that -- I was in the process of  
24 building a new plant in Smithfield, my father and I

1 were. When I joined it, we set out, you know, right  
2 away to get out of Centredale.

3 Q Let me stop you. So that as soon as you joined,  
4 which we learned was in February, 1967?

5 A Right.

6 Q That became one of the first things you embarked  
7 on, right?

8 A Primary things I wanted to do with my father's  
9 approval was we would move from Centredale and we would  
10 build an independent drum reconditioning firm.

11 Q Let me actually ask you a little more about the  
12 Smithfield facility.

13 Did you own the property where that building  
14 was built?

15 A No, we didn't. We bought seven or eight acres  
16 of land.

17 Q And did that purchase take place after you  
18 yourself joined the company?

19 A Yes.

20 Q So you knew you were going to have a larger  
21 facility at Smithfield --

22 A Right.

23 Q And I'm presuming you knew you needed to have  
24 customers to fill that facility?

1           A    Absolutely.

2           Q    All right.  How did you go about finding that  
3 customer base?

4           A    Well, of course we knew that -- we knew all the  
5 names of the chemical companies in New England, it was  
6 just like this directory of Chemical Week Buyer's Guide.  
7 There was no mystery of who were drum-consuming  
8 companies.

9                    So, for example, you know, I would drive to the  
10 Boston area in the day, and I could see three or four  
11 chemical companies in a day and tell them that we were  
12 getting ready to expand and to service them.

13                   Or so I could go see them and say I'd like to  
14 buy your empty containers.  Maybe they were big what we  
15 called empty drum generators.  Some people were just  
16 generators.

17                   You've all grasped that now with our wonderful  
18 day together, right?  That we are someone buying -- this  
19 is the raw material that looks like this and the  
20 finished looks the same, one is raw and one is finished.  
21 So we needed always a supply of raw drums.  So the  
22 salesman's job was always buying and selling.

23           Q    Were you ever accompanied on any of those trips  
24 by your father?

1           A    Not until the '70s after he had fully left  
2 Metro-Atlantic and then he moved up to Smithfield, also.  
3 And then he was -- he would come with me. And he was  
4 well-known from the chemical industry and he was a great  
5 guy.

6           Q    So am I right to understand that your trips  
7 before NECC moved to Smithfield were ones that you  
8 conducted alone?

9           A    Correct, me and my Pontiac.

10          Q    Let me ask you for a snapshot of who, if you  
11 recall, who were the drivers who worked for NECC at the  
12 time you first became a salesman in 1967? I'm speaking  
13 now about Centredale.

14          A    Yes. Well, remember in Centredale, I think that  
15 the revenues of the company were something like perhaps  
16 \$500,000 per year. And in the end of my period there in  
17 the '90s, there was something like 25 million a year, 22  
18 million.

19                    So this was a very small little company with 15  
20 people. The drivers were -- do you mean the truck  
21 drivers you meant? Oh, I thought you were talking about  
22 the drivers we'd say of the people who were the leaders  
23 of the company, the drivers.

24          Q    I understand.

1 A No, no, I get it.

2 Yes, the drivers were -- I remember Ray Nadeau  
3 and Earl Taylor and John Jolly. Back in that era, I  
4 remember those three truck drivers.

5 Q May I mention a few other names to you to see if  
6 you recall who they are?

7 A Yes.

8 Q What about another gentleman named Jolly, the  
9 first name Mitchell?

10 A Yes, Mitch, but Mitchell worked in the plant.

11 Q What about a gentleman named Zealous Brown?

12 A Zealous Brown also worked in the plant -- No,  
13 no, no, Zealous Brown and -- they were like  
14 half-brothers. Zealous Brown is the -- what I called  
15 John Jolly. That's -- Zealous is -- Let's see. Was  
16 Zealous the truck driver? Mitch stayed in the plant. I  
17 think Zealous Brown is the truck driver. Ray Nadeau and  
18 Earl Taylor I said, right? So you asked me about Mitch  
19 Jolly and Zealous Brown. I'm confused about what their  
20 names were. But, anyway, those are a few of them.

21 Q Well, you're confident that Ray Nadeau was a  
22 truck driver --

23 A Absolutely.

24 Q -- at Centredale?

1           Please let me finish my question so the  
2 reporter can --

3           A    Sure.  Sorry.

4           Q    -- gather both of our comments clearly.

5           And you mentioned also Earl Taylor was a truck  
6 driver?

7           A    Yes.

8           Q    And you believed that Mr. Zealous Brown was also  
9 a truck driver there, correct?

10          A    Yes.

11          Q    What about a gentleman named Roy Bruens?

12          A    Roy Bruens was absolutely a plant operator.

13          Q    And solely an operator?

14          A    Solely an operator.

15          Q    Who about a Joseph Cifelli?

16          A    He was a paint spray man.

17          Q    Do you recall if he had any role in truck  
18 driving?

19          A    He was capable of taking a truck out, but he  
20 wasn't primarily a truck driver, to my recollection.

21          Q    So I began by asking you about the gentlemen who  
22 were doing this when you became a salesman.

23          A    Yes.

24          Q    Now my question will be, did the roster change

1 at all during the remaining years you spent at  
2 Centredale? Did more people take on these jobs, did any  
3 of these people leave?

4 A Driver jobs or what jobs?

5 Q Let's start with drivers. Did anybody else  
6 become a driver?

7 A Yes, yes. Manny Silva became an important  
8 driver. But I don't know what year he came. I couldn't  
9 possibly -- quite a while.

10 Let's see. I can't remember the names of any  
11 other drivers.

12 Q You mentioned one more name, Mr. Manny Silva,  
13 correct?

14 A Yes.

15 Q And your recollection is that he began driving  
16 at Centredale?

17 A I'm not sure. Or very early on in Smithfield.

18 Q You do remember he was at Smithfield. You're  
19 not sure about Centredale?

20 A Correct.

21 Q Now, focusing on the collection of people you  
22 recall being drivers, did they all have the same basic  
23 job responsibilities?

24 A Delivering and picking up.

1 Q Did they all drive the same kinds of vehicles?

2 A The vehicles in the drum business were either  
3 straight jobs or tractor trailers. And all of those  
4 guys could do both.

5 Q Were they all assigned to do both?

6 A Yes, depending on which truck we loaded for  
7 them.

8 Q Did you give any of your drivers geographic  
9 responsibilities so that one driver might not handle a  
10 certain geographic area that would be targeted by  
11 someone else?

12 A No, but sometimes we sent the same driver to the  
13 same customer all the time.

14 Q Do you remember any dedicated customers who  
15 would have a specific driver?

16 A I can't remember.

17 Q Now, we're going to talk eventually about Otis  
18 and Quonset in more detail. But with regard to those  
19 two facilities, do you recall if there was a specific  
20 driver assigned to them?

21 A No.

22 Q You do not recall?

23 A No.

24 I'm sure there was not.

1 Q Why do you say that?

2 A Because their -- the drums that came from them  
3 was so infrequent, I think it's a very minor number of  
4 shipments. You have the records, but I don't. But we  
5 couldn't have afforded a dedicated driver for something  
6 that happened so infrequently.

7 Q Before I turn more specifically to Otis and  
8 Quonset, let me get a little better idea of the  
9 Centredale operations. I will promise not to go over  
10 ground you've already covered.

11 A I really appreciate that.

12 Q I'll do my best.

13 A Okay.

14 Q How many furnaces were there within --

15 A One.

16 Q -- the Centredale plant?

17 A One.

18 Q Do you remember what model furnace it was, who  
19 the manufacturer was?

20 A National furnace.

21 Q Was there a model number particularly, do you  
22 recall?

23 A No, no.

24 Q Do you remember what number of drums it was

1 capable of cleaning per hour or per any other  
2 measurement of time?

3 A In Centredale?

4 Q At Centredale.

5 A Yes, perhaps 300 in a day.

6 MR. PIROZZOLO: I'm sorry, I didn't hear that.

7 THE WITNESS: 300 a day.

8 MR. PIROZZOLO: Thank you.

9 THE WITNESS: It was tiny.

10 MR. BRYAN: Q By contrast, what did your furnace  
11 at Smithfield take?

12 A 3,000.

13 Q How many furnaces did you have there?

14 A One.

15 Q Also a National furnace?

16 A No, no, National went out of business.

17 Q Do you remember the company that made that  
18 furnace?

19 A We designed our own furnace for Smithfield.

20 Q How many shifts were there at the Centredale  
21 plant --

22 A One.

23 Q -- as of 1967?

24 A One. Sorry I interrupted you.

1 Q What were the hours of operation?

2 A 7:00 to 3:30.

3 Q At 3:30 what would happen?

4 A Everyone went home.

5 Q What would happen if you hadn't finished a  
6 particular job at 3:30?

7 A We would work overtime, one hour, two hours,  
8 whatever we needed, Saturday morning, whatever.

9 Q You've testified I think this morning in  
10 response to questions by Mr. Bryan about the fact that  
11 you had roughly 15 employees who were associates with  
12 Centredale?

13 A I think.

14 Q 3 drivers, more or less, and 12 who worked  
15 somewhere within the plant?

16 A Sounds about right. I don't recall exactly.

17 Q Can you approximately describe what the  
18 responsibilities were of individuals who did not serve  
19 as drivers, how many --

20 A Do you want to know their names and jobs?

21 Q To the extent you can, who was doing what?

22 A By name?

23 Q Again, to the extent you can or if you want to  
24 describe the functions, the responsibilities generally,

1 maybe the names will come to you.

2 A I'm not being sarcastic, but you want the names  
3 of a group of dead men who were laborers in this plant?

4 Q Well, the reason it's interesting to me is that  
5 I think it helps us get a fuller sense of what was  
6 happening if we understand what the individuals were  
7 doing. I'm more interested in better understanding how  
8 the plant functioned.

9 A Roy Bruens was a furnace operator.

10 Q How many other furnace operators were there?

11 A One other, but I don't know who they were. I  
12 don't recall.

13 Q All right.

14 A Will Sabourin, S-A-B-O-U-R-I-N, was an expander  
15 operator.

16 Q What did that job entail?

17 A Running a hydraulic expander which de-dents  
18 drums and brings them back to concentricity, re-rounds  
19 the drum.

20 Q Was he the only person with that job?

21 A No, everyone could do all these things.

22 Joe Cifelli was a spray painter, C-I-F-E-L-L-I.  
23 Tom Taylor was a spray painter.

24 Mitch Jolly was a drum handler, that means load

1 trucks and empty trucks.

2 There were -- the remaining number of people  
3 would have been more people who came and went who I  
4 can't recall their names.

5 These were low-skilled jobs, loading,  
6 unloading, moving drums.

7 Q Now, you've mentioned Mitch Jolly as someone who  
8 both loaded and unloaded drums?

9 A Right.

10 Q Earlier you said he worked exclusively in the  
11 plant, is that right?

12 A Well, what I mean by in the plant, you know,  
13 you're loading drums on trucks in the plant and you're  
14 unloading them into the plant, so I call that in the  
15 plant.

16 Q Am I right, then, to understand that he was not  
17 joining a truck driver on a round to pick up drums?

18 A No, no, no.

19 Q My understanding is correct?

20 A Drivers went alone.

21 Q Okay. That was my next question.

22 So let me ask you a few questions about what  
23 information drivers had before they began their runs.

24 How did drivers know on any typical day where

1 they were supposed to go?

2 A Well, you know, with only -- even in the end of  
3 the Centredale days as we began to go to other people,  
4 there may have only been eight or nine or ten active  
5 customers. So everyone knew where they were, mostly in  
6 Rhode Island or Southern Massachusetts.

7 Hoechst was in Rhode Island; Ciba Geigy in  
8 Cranston, Rhode Island; Eastern Color in Providence,  
9 Rhode Island. Everything was close. All the drivers  
10 knew where they were.

11 In the morning, the schedule would be put out  
12 by Mikucki as to what was going where.

13 Q How was it put out?

14 A We were producing to deliver. You know, we were  
15 making drums in the morning that would be delivered in  
16 the afternoon hot off the line.

17 Q What size order could you actually accomplish  
18 that ambitious task for? Could you do that with a  
19 several hundred drum order?

20 A Yes -- well, in Centredale I think we could do  
21 up to about 300 per day. I don't think we could do more  
22 than that.

23 Q So you oftentimes would take drums, 300 drums in  
24 the morning and return them to the supplier that

1 afternoon?

2 A We might make three deliveries of 100 each or  
3 maybe one truckload of 200.

4 Q Okay. I interrupted you. You mentioned a  
5 moment ago that a schedule was put up by Mr. Mikucki in  
6 the morning?

7 A Right.

8 Q May I ask you, how was that posted? Was that a  
9 handwritten sign or a typed-up sign?

10 A I think -- I think at the beginning -- in those  
11 years I doubt anything was written down. He would say  
12 we're doing Sun Chemical today and we'll get it out  
13 after lunch. I don't remember any written schedule.

14 Q Would it be Mr. Mikucki who would decide which  
15 driver would go to the job site?

16 A Yes, everything.

17 Q What were drivers told before they took off  
18 about the contents of the drum?

19 A The contents of the drum?

20 Q Correct.

21 A They're delivering finished drums.

22 Q I meant the drums that they were going to be  
23 picking up.

24 A Yes. Well, of course, they were instructed

1 to -- they would know the companies they were picking up  
2 from, and they would not have a responsibility to be  
3 discriminating about them in terms of prior contents.

4 But they were instructed to take only empty  
5 drums, which, by the way, is very simple in that a drum  
6 that is not empty is heavy. And these guys were loading  
7 drums two and three high, so there was no desire to pick  
8 up a drum with 40 or 50 pounds in it.

9 If it was heavy, you didn't want it. And if it  
10 was full, it was 300 or 400 pounds. So their job was to  
11 pick up empty drums.

12 But they weren't responsible to look on the  
13 labels and try and decide if we would want to handle a  
14 drum with a solvent in it or something in it. They  
15 didn't have that kind of discrimination responsibility.

16 Q Did someone back at the plant have that  
17 discrimination responsibility?

18 A I think they came into the yard mixed batches.  
19 And in that period of our history, there wasn't -- there  
20 wasn't a process of incoming inspection of every  
21 container.

22 Q You may have touched on this before, but were  
23 drivers given any charge to visually observe the  
24 presence of cracks or holes on drums when they picked

1       them up?

2               A    Yes, yes, that was the kind of thing they were  
3       responsible for, was to give us stuff that would run.  
4       And they knew if it were badly dented on the top or  
5       damaged that we didn't want the scrap. We wanted drums  
6       that could be recycled.

7               That's a quite easy physical observation of the  
8       metalworking condition of the drum.

9               Q    So what kinds of drums would drivers reject at  
10       the site?

11              A    Physically beat up containers.

12              Q    What about the presence of small pinholes or  
13       larger holes?

14              A    Yes, if they saw holes, they didn't take them.

15              Q    They did not take them?

16              A    No.

17              Q    And what kind of visual observation was  
18       conducted back at Centredale before the drums were --

19              A    Very little because at that point we wanted to  
20       process them.

21              So they went into the furnace, and the idea was  
22       to get them through furnacing and shot blasting. At  
23       that point you knew whether you had a container that was  
24       going to come back and have a second life or if it

1 was -- or if it was full of holes or something, and then  
2 it would go through leak detection.

3 If you couldn't tell it was a leaker  
4 physically, then it would go through pressure leak  
5 testing and you would determine it then. But you would  
6 have already cleaned it. Is that understandable?

7 Q Yes, it is. All right. I'm going to turn to my  
8 first exhibit, Mr. Buonanno.

9 MR. LEVIN: Off the record.

10 (discussion had off the record)

11 MR. LEVIN: Q So, Mr. Buonanno, I discovered the  
12 exhibit I was going to have marked was one you have  
13 already seen today and it's been marked already.

14 A Okay.

15 Q So the document specifically is Exhibit 14 from  
16 this morning. You were shown this document by  
17 Mr. Bryan.

18 I will note for the record that the copy I  
19 supplied to your counsel begins on the same first page  
20 as Pat's, Emhart 007759, and ends at 007789.

21 And my questions should all be limited to pages  
22 within that range.

23 A 79 to 89?

24 Q 7759 to 7789.

1 A Okay.

2 Q More or less 30 pages I'm guessing.

3 So you recall seeing this earlier today, sir?

4 A Yes, I guess, yes.

5 Q If you look at the bottom of the very first page  
6 and the top of the second page, you will see that it  
7 references an attachment A that contains, "New  
8 information about NECC customers who brought drums  
9 directly to the site or arranged to have drums sent to  
10 the site and information on drum/residual content in the  
11 drums received by NECC for reconditioning."

12 Do you see that, sir?

13 MR. PIROZZOLO: Where are we seeing that?

14 THE WITNESS: Are we in the paragraph, second  
15 paragraph on page 60?

16 MR. LEVIN: Q That's right. It's still on the  
17 very first page, but it's referencing an attachment A,  
18 and that's on the next page.

19 MR. PIROZZOLO: I got it.

20 MR. LEVIN: Q And you will see, sir, that on the  
21 paragraph I just pointed you to, in this document NECC  
22 also stated that this information was obtained both from  
23 former truck driver Ray Nadeau and from Mr. Thomas  
24 Lussier, correct?

1 A Yes.

2 Q And you've indicated that you know them both,  
3 correct?

4 A Yes.

5 Q I think you've also stated that you do not  
6 believe Mr. Lussier ever worked at Centredale and only  
7 worked for NECC at Smithfield, is that correct?

8 A Correct. He may have visited Centredale, but I  
9 don't believe he worked there.

10 Q And you see that's also reflected here?

11 A Yes.

12 Q Let me ask you to turn to page 9 of attachment  
13 A, which is at Bates No. Emhart 007785.

14 A We're back to the empty container schedule.  
15 Okay. Otis.

16 Q You were shown this by Mr. Bryan, and you  
17 identified some companies that you recalled having a  
18 relationship with?

19 A Right.

20 Q And didn't address other facilities at all.

21 A Right.

22 Q You will see that on page 9 this sheet  
23 identifies Otis Air Base in Falmouth, Massachusetts, as  
24 a location from which NECC obtained 24 "closed-head

1 drums" containing turbine oil residues.

2 Do you see that, sir?

3 A Do you know what year this was?

4 Q I'm sorry?

5 A Do you know what year that was?

6 Q I only know this is an attachment to a document  
7 that was submitted in 2002.

8 A Okay.

9 Q And let me ask you to turn to page 10, the very  
10 next page. And you will see that there --

11 A Quonset, yes.

12 Q -- the second entry identifies Quonset Point in  
13 Warwick, Rhode Island, as a location in which NECC  
14 obtained 2,400 "closed-head drums" containing turbine  
15 oil residues and oil/jet fuel.

16 Do you see that, sir?

17 A Yes.

18 Q So my open-ended question is, what do you  
19 personally know about these transactions?

20 A My recollection of the drums that we got from  
21 the military bases, that they were all oil drums. I  
22 don't remember any other contents in them.

23 Q Well, specifically looking first to the  
24 reference to Otis, you see that it indicates that 2,400

1 drums were picked up from Otis Air Base.

2 My question is, do you recall that transaction  
3 or set of transactions?

4 A I don't recall the transaction, but I remember  
5 the nature of the relationship with the bases. We  
6 didn't go there and transact with them. These were  
7 things that came out of bids, mailed bids to us that we  
8 answered.

9 And my recollection is that they were oil  
10 drums.

11 MR. PIROZZOLO: I'll move to strike the answer.

12 MR. LEVIN: Q You've told me you don't recall the  
13 specific transaction or transactions that's referenced  
14 there, is that correct?

15 A I believe that we -- I believe that that is  
16 probably correct, that we got 2,400 drums from Otis.

17 Q And what do you base that on?

18 A My recollection from military drums is they were  
19 oil drums.

20 MR. PIROZZOLO: Move to strike.

21 MR. LEVIN: Q What do you base your testimony on  
22 that you believe this statement is probably correct?

23 A 2,400 drums sounds like 10 or 12 trailer loads  
24 of drums. You know, as I said before, I just -- I can't

1 recall -- do they give a number on the other one?

2 MR. MORAN: 2,400 again.

3 THE WITNESS: Also in -- Is it the same number in  
4 Otis?

5 MR. MORAN: Uh-huh, the same number.

6 THE WITNESS: You know, 2,400 drums would mean a  
7 truckload a month, 200 a month, 2,400 a year, if it were  
8 all in a year. I can't recollect.

9 MR. PIROZZOLO: I'll move to strike the answer.

10 MR. LEVIN: Q Is that true for Quonset, do you  
11 have any recollection of specific transactions with  
12 Quonset that would have yielded 2,400 drums?

13 A I can't speak for those numbers. I don't  
14 recollect.

15 Q Okay. So am I right to understand that you  
16 don't know when these transactions or transaction would  
17 have occurred?

18 A No.

19 Q My understanding is correct?

20 A Correct.

21 Q Okay. And let me ask you -- let me tell you  
22 that this is a fairly crucial piece of information with  
23 regard to the allegations against the United States.  
24 This information is material to the complaint that's

1       been filed against the United States.

2           A     I didn't know that.    Yes.

3           Q     So it's quite important that we --

4           A     Yes.

5           Q     -- that the United States fully understand what  
6       evidentiary support there is for this kind of a  
7       statement.

8                   And it's important that we not -- that we  
9       differentiate your conjecture --

10          A     Yes.

11          Q     -- based on your experience from your specific  
12       recollection regarding transactions like this.

13                   So my question is, do you have a specific  
14       recollection of NECC acquiring 2,400 drums from either  
15       Otis or Quonset?

16          MR. PIROZZOLO:   I object to lecturing the witness.  
17       The witness has answered your question, and I think  
18       that's inappropriate conduct at a deposition.

19          MR. LEVIN:   Okay.   Thank you.

20          Q     I hope you don't feel I was lecturing you, sir.

21          MR. PIROZZOLO:   Objection.

22          THE WITNESS:   My recollection is we did get empty  
23       drums from both Otis and Quonset.   I don't know about  
24       the quantities of them.   And I can't be certain of the

1 prior contents of them.

2 MR. LEVIN: Q What do you recall about your own  
3 personal involvement in those transactions?

4 A I neither solicited them nor went to look at  
5 them or -- I didn't go to either base to see them.

6 Q All right. Focusing you now on the column that  
7 talks about residual content in the drums, as you've  
8 noted, the Otis Air Base drums were identified as having  
9 turbine oil residues. And, similarly, the Quonset Naval  
10 Base drums were identified as having turbine oil  
11 residues and oil/jet fuel.

12 Do you see that?

13 A Yes.

14 Q Is it your testimony that that's consistent with  
15 what you would have assumed they would have provided  
16 NECC?

17 MR. PIROZZOLO: Objection.

18 THE WITNESS: It is. May I ask who -- who made this  
19 form of these materials? Because this is after my  
20 period at New England Container.

21 MR. PIROZZOLO: That's a good point. This was  
22 signed by Mr. Baker.

23 THE WITNESS: It was signed by Mr. Baker.

24 MR. PIROZZOLO: If you look at page --

1 THE WITNESS: I'm long gone.

2 MR. PIROZZOLO: I think it's very unfair to the  
3 witness to be doing this.

4 MR. LEVIN: Well, I don't think --

5 MR. PIROZZOLO: If you look to the signature page,  
6 Mr. Buonanno, which is 7775, you will see it was signed  
7 on August 22, 2002, by Robert C. Baker.

8 The witness testified he was already out of the  
9 business by then.

10 MR. LEVIN: Q Mr. Buonanno, Mr. Pirozzolo seems to  
11 think I've been unfair to you. And I want to assure you  
12 that I'm not seeking to have you corroborate this. I've  
13 used this to see what information about the identified  
14 information you can provide me.

15 You did not write this, you played no role in  
16 preparing this document as was established during  
17 Mr. Bryan's questioning.

18 Nonetheless, Mr. Pirozzolo asked you about this  
19 document a number of years ago, and this document is  
20 something that can focus your attention on something  
21 very important to the United States.

22 I hope you, again, don't think I've been unfair  
23 by using this. I'm simply trying to understand what you  
24 recall about the relationship with Otis and Quonset and

1 whether this information matches your personal  
2 recollection.

3 A Not in the slightest am I offended by it. But I  
4 shouldn't assume that I can guess what these  
5 transactions were.

6 Q Exactly.

7 A I shouldn't. I don't know whether I can strike  
8 that from the record. It's just conjecture I was  
9 dealing with.

10 Q That's fine. I don't want you to guess. I want  
11 you to speak to only your personal knowledge.

12 A Right, exactly.

13 Q And you will see that both the references to  
14 Quonset and Otis have a column which indicates that  
15 closed-head drums were the types of drums supplied by  
16 both.

17 A Right.

18 Q Does that match your own sense of what would  
19 have been likely to be provided by those companies?

20 MR. PIROZZOLO: Objection.

21 THE WITNESS: Absolutely, yes.

22 MR. LEVIN: Q Now, I think you talked about  
23 closed-head versus open-head earlier today.

24 A Right.

1 Q I'd like to better understand how it is that  
2 certain kinds of contents would have been in one sort of  
3 drum versus another. Can you describe more fully?

4 A It's not going to be useful to make a picture,  
5 which is worth a thousand words.

6 Q Maybe the picture will help you in your  
7 description.

8 A That could be. I'm not a great draftsman.  
9 That's a 55-gallon drum. Does it bear that resemblance  
10 to you that those are two drums?

11 Q Yes, I see that, sir.

12 A All right. These two are closed-head. That  
13 means the top is welded -- is sealed on and it has just  
14 two openings, a two-inch and a three-quarter-inch bungs.

15 Q Mr. Buonanno, I hate to say, I think you just  
16 created a deposition exhibit. Why don't we give that to  
17 the reporter to mark.

18 A I'm new to this.

19 Q At least mark it so we can decide whether we  
20 want to use it. So you've identified the right hand --

21 A As a closed-head drum.

22 Q -- of the two drums. And the one that has the  
23 lid that's removable is the open-head?

24 A That's correct.

1 Q Why would turbine oil and residues be likely to  
2 be in the closed --

3 A Do you want me to write on it?

4 MR. MORAN: No. I've just written it here. We're  
5 on 16th.

6 MR. LEVIN: Q Why is it the case, sir, that you  
7 would have been more likely to find oil residues in  
8 closed-head drums than open-head drums?

9 A Viscous products go in open-head drums, things  
10 that are thick, pastes and things that are thicker.  
11 Thinner liquids go in closed-head drums. Closed-head  
12 drums are oil drums, oils, solvents, and those products  
13 are generally put in closed-head drums.

14 Q Do you recall if there was a regulation which  
15 required that sort of a distinction so that --

16 A I think it's purely --

17 Q Excuse me, let me finish my question.

18 MR. MORAN: Let him finish his question.

19 MR. LEVIN: Q It's hard to remember. I think you  
20 get the gist of my question.

21 Was there anything that required the sort of  
22 distinction you've just described, or was it just a  
23 practical decision made by the industry, speaking now  
24 about the time period in question, 1967 to '70?

1           A    The Department of Transportation has a number of  
2 rules regarding the shipment of materials, but that  
3 would not have determined what oils should be put in.  
4 That would be a market consideration, practicality, not  
5 regulation.

6                    Is that a fair answer?

7           Q    Sure. Okay. I'm finished with that exhibit.  
8 And we can -- I guess we can mark it.

9           MR. MORAN: I marked it. If you give me a sticker,  
10 I'll be happy to --

11          MR. LEVIN: We can always decide not to actually  
12 include it later.

13                   (Exhibit 16 marked and subsequently  
14 withdrawn.)

15          MR. PIROZZOLO: Is the drawing now an exhibit?

16          MR. MORAN: Yes, it was marked as Exhibit 16.

17          MR. PIROZZOLO: So that exhibit is a double exhibit.

18          MR. MORAN: Well, it will be, but what you can do is  
19 obviously copy --

20          MR. PIROZZOLO: Rip that page off --

21          MR. MORAN: Well, no, because it's part of Exhibit  
22 9, so what will have to happen is -- Yes, Exhibit 9 is  
23 marked. This is just the last page of Exhibit 9.

24          THE WITNESS: We don't want to take a clean sheet of

1 paper and do this again?

2 MR. MORAN: You can copy this, and this will be 16.

3 MR. PIROZZOLO: Why doesn't the record reflect that  
4 the drawing is on the last page of Exhibit 9 and then  
5 we'll all know where it is.

6 MR. PELOSO: Assuming people want copies --

7 MR. BRYAN: I agree with your approach.

8 MR. LEVIN: Hold on. Let's go off the record.

9 (a brief recess was taken from 4:28 p.m. to  
10 4:30 p.m.)

11 (Exhibit 17 marked as requested.)

12 MR. LEVIN: Q Okay. We're back on. I've shown  
13 you a new exhibit, Mr. Buonanno, that is Exhibit 17.

14 It's an excerpt from the deposition conducted  
15 in the Emhart against NECC matter in 2008. This excerpt  
16 contains only some of the pages from a previously marked  
17 exhibit which contained the entire transcript.

18 Specifically, I'm giving you an exhibit that  
19 has Bates Nos. Emhart 008136 to 139, 008216 to 219. And  
20 I may have to refer you to the prior exhibit for two  
21 other pages, I see that they're not copied here, but  
22 we'll deal with that.

23 You were shown this document or a larger full  
24 version of this transcript earlier today.

1 Do you recall that?

2 A Yes.

3 Q I'm going to show you excerpts that relate to  
4 your testimony on that date regarding Otis and Quonset  
5 point.

6 I will represent to you that you were asked  
7 questions about these bases in these excerpts based on  
8 the same attachment A that we just looked at. That's  
9 the spreadsheet we just talked about, sir.

10 A Yes.

11 This is completely consistent with my prior  
12 remarks.

13 Q Oh, sure.

14 A Okay.

15 Q If you turn to the --

16 A Last page.

17 Q -- next to last page, the page marked 82, there  
18 is Bates No. Emhart 008218, Mr. Pirozzolo asked you if  
19 you remembered bidding for drums with respect to Otis  
20 Air Force base and you said, "I know that from time to  
21 time through the years we bid on empty containers  
22 generated by the Navy or the Army, so these would have  
23 been drums that came to us."

24 Do you see that on page 82?

1           A    You got it.  I'm there.

2           Q    Okay.  And I think -- I don't have a question  
3 because you've already addressed the fact that you don't  
4 recall a specific transaction involving those  
5 facilities, so I'll withdraw any question I would have  
6 framed about that quote.

7                   Pages 82 and 83 --

8           A    Well, you mean this, having said what I said  
9 hear about the turbine oil residues and then I said I  
10 wasn't there.

11          Q    I'm not going to ask you whether you recall the  
12 specific transactions that we've already talked about.  
13 We've already addressed those.

14                   The very last line of page 82 Mr. Pirozzolo  
15 asked you:  "And when you say you bid on them, you  
16 submitted a bid to buy them?"  Now turning you to page  
17 83 and you said, "Answer:  That's what I mean by bid on  
18 them."

19                   And so I'll ask you just generally, I think  
20 we'll get into a few more documents that will give you  
21 more specific points of reference, but what do you  
22 recall the process of bidding for military drums to  
23 include back in those days?

24          A    You receive a request for a bid on some surplus

1 material of the military, and you bid on them what you  
2 would pay for them.

3 Q How did that process differ from the other ways  
4 in which you acquired drums from other customers?

5 A Well, all of the other transactions were normal  
6 course of events. A company generated containers every  
7 week or every month. We would arrange some price  
8 together. That might be subject to negotiation in a  
9 year when there was shortages or something about the  
10 character of their drums would make us change the price.

11 But with the military, they would send you a  
12 sheet and said, you know, Otis Air Force Base, 300 drums  
13 with a blank to fill in your bid, what you'd pay for  
14 them. And you -- as I recall it, you mailed it in and  
15 found out whether you won the bid or not.

16 Q On occasions when you won a bid and you received  
17 product from the military base, drums typically --

18 A That's all we bought from the military.

19 Q Did those drums typically get returned to the  
20 base once they were reconditioned?

21 MR. PIROZZOLO: Objection.

22 THE WITNESS: No, they weren't customers, they were  
23 getting rid of surplus drums. We never sold -- I am  
24 unaware of any sales to the military.

1 MR. LEVIN: Q So the drums belonged to whom after  
2 you acquired them?

3 A Us to resell to other customers.

4 Q Now, Mr. Buonanno, let me ask you to turn to the  
5 earlier version of this document in the prior exhibit,  
6 and I don't recall the exhibit number.

7 MR. BRYAN: 4.

8 MR. LEVIN: Q Exhibit 4. And I'll ask you to look  
9 at pages 119 to 120 of this same deposition.

10 MR. PIROZZOLO: I'm sorry, I'm losing you. Which is  
11 the same --

12 MR. LEVIN: This is the fuller version of the  
13 same --

14 MR. PIROZZOLO: Of the document? Okay.

15 MR. LEVIN: Q I believe you will find it at Bates  
16 No. Emhart 008255 and 56.

17 MR. MORAN: Got it.

18 MR. LEVIN: Thank you, Counsel.

19 You ready, Jack?

20 MR. PIROZZOLO: No.

21 MR. LEVIN: Jack, you ready?

22 MR. PIROZZOLO: I think so.

23 MR. LEVIN: Q At pages 119 to 120, sir, you  
24 answered a question about how NECC accounted for buying

1 and selling drums to and from its customers.

2           You said then, and I'll quote from those pages,  
3 "Every shipment that went out was accompanied by a  
4 delivery slip and every load that came in a receiving  
5 slip. At the end, the part-time bookkeeper, whoever  
6 that was at the time, would take the delivery slips and  
7 check the price book and write a bill and mail it."

8           Do you see that, sir? So my question simply  
9 is, to what extent does that description apply, if at  
10 all, to drums that would have been purchased on bid from  
11 the U.S. military?

12          A I don't recall whether you needed to pay them in  
13 advance to get your drums or you paid them after you  
14 received them. I just don't know what the military  
15 practice was then. I wasn't that close to the  
16 bookkeeping.

17          Q Did NECC create a receiving slip for drums it  
18 picked up?

19          A Sure, every drum that came in.

20          Q What other paperwork would have been created by  
21 NECC with regard to military drums?

22          A I'm sure the military had a flock of things they  
23 added, but I don't know what they sent.

24          Q My question is what would you have created?

1 A Nothing but a receiving slip.

2 Q And where would that have been kept?

3 A It would have been kept in our -- it would have  
4 been kept in our drum receiving records because it was  
5 part of our raw material costs that would go into our  
6 general ledger for costs of raw material.

7 So, now, if we bought 200 drums from Otis for  
8 \$2 each, we would need to list that as part of our  
9 incoming expense for raw materials.

10 MR. LEVIN: Thank you, sir. I'm done with that  
11 exhibit. Off the record.

12 (discussion had off the record)

13 (Exhibit 18 marked as requested.)

14 MR. LEVIN: Q Mr. Buonanno, I've just given you a  
15 document that's marked Exhibit 18. It's an excerpt of  
16 Exhibit 3, which is your transcript from the deposition  
17 you gave in 2003 in the matter of Russell-Stanley  
18 Holdings, Inc., against Vincent Buonanno.

19 And the excerpt I have given you includes Bates  
20 pages 007 -- this is Emhart 007662 and then 007687  
21 through 90 and then 007693 and 694.

22 Let me take a minute so I can cross off  
23 questions you've already addressed.

24 A That's nice when we don't repeat questions.

1 Q I think I'll ask you one general question. You  
2 touched on it a moment ago. But the word customer has  
3 been used a couple times in the deposition today just as  
4 it was when this one was taken.

5 A Yes.

6 Q In your understanding of the term, did you view  
7 the military as being a customer of NECC?

8 A No, they're a supplier. But, as I said, the  
9 sales function of being a salesman was you were  
10 constantly involved in both the buy and the sell, so  
11 it's a little bit unusual in that sense.

12 No, Otis was not a customer. They did not take  
13 back anything from us.

14 Q I'll ask you to look at Bates No. 007690, and  
15 that page has the transcripts of four miniature-size  
16 versions of the real transcript taken in 2003. And you  
17 see the page that's marked 115 in the lower left  
18 quadrant.

19 In that page counsel who was questioning you at  
20 that time said that he was assuming, "That the nature of  
21 your business relations with NEC was you were purchasing  
22 containers or drums from them, doing the refinishing  
23 that you just mentioned, and giving it back to them  
24 either as a purchase and a resale?"

1           Did you see that, sir?

2           A    Yes.

3           Q    And your answer, beginning on line 24, was,  
4           "That's the case with all of them. Does that save  
5           time?"

6                   And my question to you is, what did you mean by  
7           the phrase all of them and did you mean to include the  
8           military bases?

9           A    This is kind of opaque. Let me go up to the  
10          top. They go through all these names in an exercise  
11          where they're trying to find out --

12          Q    Right. In fact, I'm glad you brought that to my  
13          attention. I will ask you to refer to pages 112 and  
14          113, which is on Bates 007689. You will see on page  
15          112, line 24, Otis Air Base is identified, and your  
16          answer was, "I don't recall."

17                   And right below that on line 10, page 113 you  
18          were asked, "Is it Quonset Naval Base? Answer: Yes.  
19          Question: And the answer is yes, also? Answer: Yes."

20          A    Yes meaning what?

21          Q    I'll represent to you that this was your  
22          identification of companies that you recall were  
23          customers with NECC during the period you were at  
24          Centredale.

1           A    That is confusing. I'm calling people who were  
2 just generating drums to us customers.

3           Q    All right. So then referring you back to -- to  
4 the mini page 115 where the quote by counsel had that  
5 you were refinishing drums and then giving it back to  
6 them as a purchase or a sale and you said, "Answer:  
7 That's the case with all of them."

8                    Is it your testimony that that does apply or  
9 that does not apply to the military bases?

10          A    Does not apply to the military bases for sure.

11          Q    Thank you.

12          A    Either bought drums from them or sold drums to  
13 them, no other business relationships, I must have been  
14 getting tired here.

15          Q    That's very understandable, and I'm sure you  
16 have a similar feeling right now.

17                    To your knowledge, did Quonset Point ever  
18 supply any drums to NECC that had any residues other  
19 than the turbine oil and jet fuel that's described in  
20 the document we looked at earlier?

21          A    I have no factual evidence on their residues. I  
22 said to you that I thought it was always oil.

23          Q    My question is based on your knowledge --

24          A    Yes.

1 Q And with regard to Otis, would your answer be  
2 the same?

3 A Yes.

4 Q One more passage from this deposition excerpt is  
5 at page 105, which is at Bates No. Emhart 007687.

6 There, sir, on the lower right-hand corner of  
7 page 105 of the original transcript you're quoted as  
8 saying, "Well, it was normal if you were in the  
9 container business, you were always reading the labels  
10 of people who were shipping containers."

11 Do you see that?

12 A Yes.

13 Q And my question is whether you recall seeing any  
14 labels for drums at any point in your time at Centredale  
15 that indicated that they had come from either Otis or  
16 Quonset?

17 A What I meant on this, and I know this is hard to  
18 understand this business, what I meant by reading the  
19 labels, is if I visited Sun Chemical, I would look at  
20 the labels on their drums that were going out to see who  
21 they were selling their chemicals to because I could go,  
22 then, and buy the drums from the receiver of them, buy  
23 the empties.

24 Does that make any sense to you? No?

1           Q    Sure. Am I right, then, that this is not  
2 referring to a visual observation on the drum itself  
3 when it would arrive?

4           A    You mean when it arrived to us?

5           Q    To you.

6           A    Yeah, right, it is.

7                    When I visited there, I would like to see where  
8 they were shipping them. And when they came in, we  
9 would look at labels to see who they had come from  
10 because that was a drum filler.

11                   So now if I've bought this drum and it comes in  
12 and I see that they received it from Soluble Chemical,  
13 some raw material, I bought their empty drum, and I see  
14 oh, Soluble, they must be filling drums. That's a  
15 customers I could go see. So that was a way of learning  
16 information about drum filling or drum emptying  
17 customers.

18           Q    What would the markings be on drums, if you  
19 recall, that would have come from Otis or Quonset?

20           A    You would have seen the names of major lubricant  
21 companies if they were oil drums. They would have  
22 had -- you know, you would have seen Citgo or Mobil or  
23 something if they bought oil, which they did for all  
24 their mechanical things. They're always just using up

1 stuff like oil for all their repair and maintenance and  
2 turbines and things. So they're emptying these drums  
3 and using them in their machinery or their planes or  
4 whatever.

5 And so there is going to be a Mobil Oil drum  
6 there and we're going to buy their empty oil drums or  
7 whatever else they had in them. So that's how you would  
8 know, you know, where they had come from.

9 MR. PIROZZOLO: Move to strike.

10 MR. LEVIN: Excuse me?

11 MR. PIROZZOLO: Moving to strike the statement which  
12 was not an answer to the question.

13 MR. LEVIN: Q Would the drums received from  
14 military bases have any marking to indicate they had  
15 come from a specific military base or from the United  
16 States Government?

17 MR. PIROZZOLO: Objection.

18 THE WITNESS: We're picking up a truckload of drums  
19 at Quonset, and they appear to be the color or the  
20 labels of Mobil or some lubricant supplier or some other  
21 chemical or solvent that they're buying.

22 And probably on the top it shows that it's  
23 going to Otis from the materials -- the raw materials  
24 the supplier shipped to them in that drum.

1 MR. LEVIN: Q What kind of marking would indicate  
2 that?

3 A Shipping label. Glued them to the top of the  
4 drum.

5 MR. PIROZZOLO: Hold on. I'm going to move to  
6 strike that answer. Give me a chance to object.

7 MR. LEVIN: We're off the record.

8 (a brief recess was taken from 4:49 p.m. to  
9 4:53 p.m.)

10 MR. LEVIN: Q Mr. Buonanno, were there any other  
11 markings besides the glued label you just referred to  
12 that would have identified a drum as having come from  
13 the United States military?

14 MR. PIROZZOLO: Objection.

15 THE WITNESS: There could be a poison mark label on  
16 the drum.

17 MR. LEVIN: Q And what would that look like? The  
18 skull and crossbones?

19 A Yes.

20 Q Okay. Would that have been stenciled on,  
21 typically?

22 A It would have been a label.

23 Q A label.

24 Anything else you recall?

1           A    I'm not recalling these specific drums, yeah,  
2   right.

3           Q    Okay.

4           A    It could be a label with the -- a label of where  
5   it's coming from, which plant, and to Otis.

6                    No, I can't think of any other information  
7   except the name of Mobil Oil or something like that on  
8   the drum.

9           Q    Besides Mobil, which you've mentioned a couple  
10   times, who were the other suppliers --

11          A    Citgo, Texaco, Shell --

12          MR. PIROZZOLO:  Objection.

13          THE WITNESS:  -- all the oil companies.

14          MR. LEVIN:  Q    I will ask you to let me finish my  
15   question first.

16                    You're mentioning a bunch of oil companies that  
17   you all believe would have supplied drums to the  
18   military --

19          A    Right.

20          Q    -- which would potentially have been provided to  
21   NECC?

22          MR. PIROZZOLO:  Objection.

23          THE WITNESS:  Right.

24          MR. LEVIN:  Okay.  Well, it's 5 before 5:00.  I

1       guess I would propose that we stop this evening. I  
2       might be able to prune these questions down if I had  
3       some time to do that.

4           MR. MORAN: That will be fine.

5           MR. LEVIN: I've got this much left.

6                   Off the record.

7                   (a brief recess was taken from 4:54 p.m. to  
8                   4:56 p.m.)

9           MR. LEVIN: We're back on the record now. And  
10       Mr. Buonanno has just given me a new drawing which will  
11       replace the one previously identified as Exhibit 16.

12                   (Exhibit 16 marked as requested.)

13       MR. LEVIN: Q I'll ask you, sir, to just state  
14       what the new drawing, which is Exhibit 16, depicts?

15       A Exhibit 16 depicts an open-head drum and a  
16       closed-head drum.

17       MR. MORAN: The open-head drum is on the left of the  
18       exhibit, and the closed-head drum is on the right. Go  
19       ahead.

20       MR. LEVIN: Q You have to say, do you agree with  
21       counsel on that?

22       A Yes.

23       Q And what's the box on the right drum that says  
24       label?

1           A    The closed-head drum shows where the label would  
2           be on the top of a closed-head drum or on the lid of an  
3           open-head drum.

4           Q    And that would have been true for drums that  
5           would have been provided by the U.S. military?

6           A    That's right. I would expect so.

7           Q    What about with other companies?

8           A    Almost everybody had a label on the top.

9           MR. LEVIN: Okay. Thank you. sir.

10                   (Whereupon, the deposition concluded at 4:57  
11                   p.m. in the above-entitled cause and was  
12                   continued until 8:30 a.m. on the 16th day of  
13                   May, A.D. 2013)

14                                   - - - - -

15  
16  
17  
18  
19  
20  
21  
22  
23  
24

1 STATE OF ILLINOIS)  
 ) ss:  
2 COUNTY OF C O O K)

3

4 TRACY L. BLASZAK, being first duly sworn,  
5 deposes and says that she is a Certified Shorthand  
6 Reporter in Cook County, Illinois, and reporting  
7 proceedings in the Courts in said County;

8 That she reported in shorthand and thereafter  
9 transcribed the foregoing proceedings;

10 That the within and foregoing transcript is  
11 true, accurate and complete and contains all proceedings  
12 had upon the within cause.

13

14

15

16 TRACY L. BLASZAK, CSR, CRR  
17 Illinois C.S.R. No. 084-002978

18

19

20

21 SUBSCRIBED AND SWORN to  
22 before me this \_\_\_\_ day  
23 of \_\_\_\_\_, A.D., \_\_\_\_.

24

\_\_\_\_\_  
Notary Public