

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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

CONSOLIDATED

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

VOLUME II

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

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

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

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

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

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

13 MR. BRYAN: And you are an intern?

14 MS. IKEDA: Yes.

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

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

20 THE WITNESS: Joseph Nadeau.

21 EXAMINATION

22 BY MR. PIROZZOLO:

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

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

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

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

12 A. Yes.

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

15 A. Summer work.

16 Q. -- not schooltime work?

17 A. Right.

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

20 A. Exactly.

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

23 A. Ponaganset High School.

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

1 A. Something like that, yes.

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

4 MR. BRYAN: Objection. Vague.

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

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

14 A. It's fuzzy.

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

17 MR. BRYAN: Objection. Vague.

18 A. Somewhere in that area, yes.

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

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

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

25 A. Two years.

1 Q. Two years?

2 A. Uh-hum.

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

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

9 Q. That was at a different location?

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

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

16 A. August of 1965 I left there.

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

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

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

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



1 or a nearby building?

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

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

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

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

12 MR. BRYAN: Objection. Leading.

13 MS. BARONI: Objection.

14 MR. BRYAN: Objection. Vague.

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

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

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

25 A. Yes. I'm there.

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

3 A. Yes. I'm there.

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

7 (Witness reading document.)

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

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

13 MS. BARONI: Objection.

14 MR. BRYAN: Objection. Leading.

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

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

21 A. No.

22 Q. -- at your deposition?

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

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

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

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

8 THE WITNESS: Okay.

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

12 A. Yes, I did.

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

16 A. True. Ten years ago.

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

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

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

1 Did you give that testimony?

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

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

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

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

9 A. Yes, I did.

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

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

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

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

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

21 A. Foggy, but yes.

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

24 A. Yes.

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

1 MS. BARONI: Objection.

2 MR. BRYAN: Objection. Vague.

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

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

9 A. Yes.

10 Q. Did the basement level have windows?

11 A. Yes.

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

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

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

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

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

23 MR. BRYAN: Objection. Vague.

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

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

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

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

8 MS. BARONI: Objection.

9 MR. BRYAN: Objection. Leading.

10 A. No.

11 MR. PIROZZOLO: Thank you.

12 Q. Do you remember vertical storage tanks?

13 A. Yes.

14 Q. Do you remember storage tanks?

15 A. Yes.

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

19 MR. BRYAN: Objection. Vague.

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

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

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

1 Q. On the outside.

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

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

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

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

13 MR. BRYAN: Objection. Vague. Leading.

14 A. As much as I can remember.

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

16 A. Well --

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

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

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

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

25 Q. And can you visualize the site? You

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

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

4 Q. And then there was the --

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

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

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

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

15 A. If you say --

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

18 A. Yes.

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

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

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

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

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



1 back to Smith Street --

2 A. Yes.

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

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

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

10 A. They were.

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

13 MR. BRYAN: Objection. Vague.

14 MS. BARONI: Objection.

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

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

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

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

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

11          A.    Yes.

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

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

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

19          Q.    Outside where?

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

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

25          MR. BRYAN:  Objection.  Vague.

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

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

7 Q. I understand.

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

12 Q. Okay.

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

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

18 MR. BRYAN: Objection. Leading.

19 A. Yes.

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

21 A. Yes.

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

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

1 a guess.

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

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

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

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

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

13 A. From the filter.

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

16 A. Yes, I did.

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

19 A. There was a Dumpster.

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

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

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

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

7           A.    Oh, yes.

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

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

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

18          A.    I don't know for sure.

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

22          A.    Okay.

23          Q.    Does that refresh your recollection --

24          A.    Yes.

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

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

3 MR. BRYAN: Objection. Vague.

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

7 MR. PIROZZOLO: Thank you.

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

10 A. Yes.

11 MR. PIROZZOLO: Thank you.

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

15 A. Okay.

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

21 MR. BRYAN: Objection.

22 MS. BARONI: Objection.

23 A. I don't.

24 Q. You don't know?

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

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

4 A. Never.

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

6 MR. BRYAN: Objection. Leading.

7 A. I never worked in that building.

8 Q. And you never went into it?

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

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

14 MR. BRYAN: Is this being marked?

15 MR. PIROZZOLO: Yes. Eventually.

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

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

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

23 Q. You remember what?

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

25 MR. PIROZZOLO: Can I ask that this be

1 marked as the next exhibit to this deposition?

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

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

7 A. I do.

8 Q. And do you see Mineral Spring Avenue?

9 A. I do.

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

12 A. Yes, I do.

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

15 A. I do.

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

19 A. I do.

20 Q. And you'll note the --

21 A. East and west.

22 Q. East and west?

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

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



1 half.

2 BY MR. PIROZZOLO:

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

5 A. Yes.

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

9 A. Yes.

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

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

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

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

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

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

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

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

9 A. Yes.

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

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

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

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

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

1 A. Yes.

2 Q. Do you see that?

3 A. I do.

4 Q. And what was shipping?

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

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

12 A. Yes.

13 Q. Where were those?

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

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

21 A. Yes.

22 Q. -- of the main building?

23 A. I am.

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

1 A. Yes.

2 Q. Do you read that as connection?

3 A. I read that as connection.

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

6 A. I would think that's true.

7 MR. BRYAN: Objection. Vague.

8 Q. Thank you.

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

12 MR. PIROZZOLO: Thank you.

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

15 A. Yes.

16 Q. And what was there?

17 A. Storage tanks. Outside storage tanks.

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

20 MS. BARONI: Objection.

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

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

1 extend this far north?

2 A. I'm not sure.

3 Q. This far north?

4 MR. BRYAN: Objection.

5 MS. BARONI: Objection.

6 A. I'm not sure.

7 Q. They were along there?

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

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

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

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

19 A. Yes.

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

22 A. In detail.

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

1 building?

2 A. No. It was inside the building.

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

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

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

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

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

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

20 A. "Door."

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

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

1 somewhere. I can't remember.

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

3 A. Yeah, but that was wrong.

4 Q. It's wrong?

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

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

10 A. Yes.

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

13 A. Yes.

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

16 A. That's true, sir.

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

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

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

1 A. That was the basement.

2 Q. That was also the basement?

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

12 Q. Your best memory.

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

14 Q. So you just give your best memory.

15 A. Okay.

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

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

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

22 A. Uh-hum.

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

25 MS. BARONI: Objection.



1 A. That was --

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

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

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

13 A. It was below that window, yes.

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

16 MR. BRYAN: Objection. Vague. Leading.

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

19 A. Yes. Yes, it is.

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

21 A. 40-S press, yes.

22 Q. What does that mean?

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

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

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

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

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

14 A. Uh-hum.

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

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

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

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

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

25 A. Yes, it is.

1 Q. Okay. And what was that building?

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

7 Q. And you've labeled that?

8 A. Yes.

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

11 A. It looks like it does.

12 Q. Was there a powerhouse?

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

15 Q. Was there a smokestack?

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

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

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

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

25 A. Roughly, yes.

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

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

9 Q. In that area?

10 A. In that area. Roughly that area.

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

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

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

18 MS. BARONI: Objection.

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

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

23 A. Yes, you did.

24 Q. What was that?

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

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

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

5 A. Yes.

6 Q. Again with an arrow?

7 A. Yes.

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

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

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

17 A. Okay.

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

20 A. Yes.

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

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

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

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

5 A. Yes.

6 Q. What does that mean?

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

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

12 A. Okay.

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

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

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

19 MS. BARONI: Objection.

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

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

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

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

8           A.    No. Maybe that's burner.

9           Q.    Burner. What does that mean?

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

13          Q.    Did you ever see them being burned?

14          A.    Yes.

15          Q.    How did that work?

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

18          Q.    Side --

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

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

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

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

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

12          A.    Yes.

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

15          A.    Exactly.

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

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

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



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

2 A. Yes.

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

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

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

12 A. Tights.

13 Q. We'll use your words.

14 A. They were called tights.

15 Q. Thank you.

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

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

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

25 Q. Did you ever work on that yourself?

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

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

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

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

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

17          Q.    That's your best memory?

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

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

21          A.    Yes.

22          Q.    What is that?

23                MR. BRYAN: Objection. Vague.

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

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

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

8 A. That's roughly, yes.

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

11 MS. BARONI: Objection.

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

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

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

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

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

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

1           A.    That's true.

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

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

6           Q.    Okay.

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

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

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

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

25          A.    Yes.

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

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

5 MS. BARONI: Objection.

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

20 Q. What did they do with those drums?

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

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

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

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

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

7 MS. BARONI: Objection.

8 Q. -- if you remember?

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

11 MR. PIROZZOLO: Thank you.

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

15 MR. BRYAN: Objection. Leading.

16 MS. BARONI: Objection.

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

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

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

23 MS. BARONI: Objection.

24 A. Yes, I did.

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

1 deposition of December 17, 2002?

2 A. (Witness complying.)

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

5 (Witness reading document.)

6 Q. Do you recall being asked --

7 A. Yes.

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

10 A. Yes.

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

13 A. Yes.

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

18 A. Yes.

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

21 MR. BRYAN: Objection. Leading.

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

25 Q. It could have gone into a sewer?

1 MS. BARONI: Objection.

2 MR. BRYAN: Objection.

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

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

10 A. Okay. Where is it?

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

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

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

17 MR. BRYAN: Which date of his testimony?

18 THE WITNESS: Page 28?

19 MR. PIROZZOLO: Page 28.

20 MR. BRYAN: Is there a Bates number?

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

23 MR. BRYAN: Which day of his testimony?

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



1 that number for the court reporter.

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

4 MR. BRYAN: Thank you.

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

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

9 (Off-the-record discussion.)

10 BY MR. PIROZZOLO:

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

15 A. I haven't found it yet.

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

18 A. Okay.

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

21 (Witness reading document.)

22 Q. Have you read that to yourself?

23 A. Not yet.

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

1 ( P A U S E )

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

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

7 A. Yes.

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

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

14 A. Yes.

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

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

23 A. Yes.

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

1 A. It's testimony I gave.

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

4 A. Always.

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

7 A. I did.

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

10 A. That I'm not sure of.

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

13 A. Okay.

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

16 A. Okay. 6/12.

17 Q. I'm sorry.

18 A. Where am I looking?

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

21 A. Yes.

22 Q. And that was seven years ago --

23 A. Yes.

24 Q. -- approximately?

25 A. Yes.

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

3 A. Yes.

4 Q. Is that right?

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

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

9 A. Yes, I did.

10 Q. -- in court?

11 A. Yes, I did.

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

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

16 MR. PIROZZOLO: You move to strike?

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

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

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

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

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

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

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

9 MR. PIROZZOLO: Okay.

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

13 MR. PIROZZOLO: We can argue some day.

14 MR. BRYAN: Sure.

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

18 MR. BRYAN: No.

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

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

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

25 ( R E C E S S )

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

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

4 MS. BARONI: I have a few.

5 EXAMINATION

6 BY MS. BARONI:

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

11 A. Okay.

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

16 A. Okay.

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

19 A. Okay.

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

1 could just read along with me.

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

6 "Answer: Yes."

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

10 "Answer: Came from the presses."

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

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

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

19 MR. PIROZZOLO: Objection.

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

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

24 MR. PIROZZOLO: Objection.

25 MS. BARONI: "Answer: There was no

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

2 Q. Did I read that testimony correctly?

3 A. You did.

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

6 A. I believe it is.

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

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

15 MR. PIROZZOLO: Objection.

16 Q. -- geographically?

17 MR. PIROZZOLO: Objection.

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

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



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

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

13          A.    Yes.

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

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

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

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

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

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

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

1 you.

2 EXAMINATION

3 BY MR. BRYAN:

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

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

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

20 A. Yes.

21 Q. -- earlier today?

22 A. Yes.

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

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

5 (Witness reading document.)

6 A. Done.

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

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

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

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

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

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

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

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

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

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

11 A. Yes.

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

15 MR. PIROZZOLO: Objection.

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

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

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

5 MR. PIROZZOLO: What exhibit number?

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

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

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

14 A. Yes.

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

17 A. Yes.

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

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

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

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

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

13           MR. PIROZZOLO:  What's the question?

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

16           A.    The looks of it?

17           Q.    The appearance, yes.

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

23           Q.    How tall was it approximately?

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

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

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

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

8 Q. Why would you guess plywood?

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

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

14 MR. PIROZZOLO: Objection.

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

20 MR. BRYAN: Fair enough. Thank you.

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

1 A. Yes.

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

4 A. Yes.

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

8 (Witness reading document.)

9 A. Done.

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

14 MR. PIROZZOLO: Objection.

15 A. Yes.

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

18 MR. PIROZZOLO: Objection.

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

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

24 MR. PIROZZOLO: Objection.

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



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

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

9 A. Yes.

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

13 MR. PIROZZOLO: Objection.

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

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

20 MR. PIROZZOLO: Objection.

21 A. I saw it when it was murky.

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

24 A. Yes.

25 Q. Can you explain for us what you

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

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

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

10 A. Yes.

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

13 MS. BARONI: Objection.

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

16 MS. BARONI: Objection.

17 Q. -- do you know?

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

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

25 A. The rack --

1 Q. -- flow?

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

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

8 MS. BARONI: Objection.

9 MR. PIROZZOLO: Objection.

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

12 Q. Do you know where it went?

13 A. Not an idea.

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

18 A. Yes.

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

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

1 MR. PIROZZOLO: Objection.

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

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

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

16 Q. Do you recall from the maps --

17 A. Yes.

18 Q. -- that they joined?

19 A. They joined somewhere, yes.

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

22 A. Yes.

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

25 A. Yes.

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

6 A. Done.

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

11 A. Yes.

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

14 A. No.

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

17 A. I --

18 MS. BARONI: Objection.

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

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

23 MR. BRYAN: Yes.

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

25 MR. BRYAN: NECC.

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

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

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

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

11          A.    Yes.

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

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

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

1 your next question, I do not know.

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

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

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

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

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

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

20 EXAMINATION

21 BY MR. PIROZZOLO:

22 Q. You've heard of dioxin?

23 A. Yes.

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

1 MR. BRYAN: Objection. Vague.

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

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

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

7 A. Not that I can remember.

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

11 A. Oh, hell, no. No.

12 Q. You are not a chemist?

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

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

23 MR. BRYAN: Objection. Leading. Vague.

24 A. Dioxin is not a term I remember.

25 MR. PIROZZOLO: Thank you.



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

4 A. Yes.

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

9 A. No.

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

13 MR. BRYAN: Objection. Leading.

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

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

18 MR. BRYAN: Objection. Leading.

19 A. I did not.

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

23 MR. BRYAN: Objection. Vague.

24 MS. BARONI: Objection.

25 A. I did not.

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

3 MR. BRYAN: Objection. Leading.

4 A. No.

5 MR. PIROZZOLO: No further questions.

6 MS. BARONI: I'm all set.

7 MR. BRYAN: No further questions.

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

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

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

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

18  
19 -----  
20 Vivian S. Dafoulas, RMR-CRR  
21 East Greenwich, RI 02818  
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23 READING AND SIGNING OF THE TRANSCRIPT WAS NOT  
24 REQUESTED BY THE DEPONENT OR ANY PARTIES INVOLVED  
25 UPON COMPLETION OF THE DEPOSITION.

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