

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

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EMHART INDUSTRIES, INC. :
 :
 vs. -- : C.A. No. 02-053-ML
 :
 HOME INSURANCE COMPANY, et als. :

DEPOSITION OF JOHN TURCONE, a Witness in the
above-entitled cause, taken on behalf of the
Defendants, before Angela M. Gallogly, RPR, Notary
Public in and for the State of Rhode Island, held at
the Holiday Inn, 3009 Tower Hill Road, South
Kingstown, Rhode Island, on December 16, 2002, at
2:00 P.M.

-APPEARANCES-:

FOR THE PLAINTIFF.....WILLCOX, PIROZZOLO & MCCARTHY
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1 -APPEARANCES CONTINUED-:
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 24 (401) 946-5500

1 (DEPOSITION COMMENCED AT 2:00 P.M.)
 2 JOHN TURCONE
 3 Being duly sworn, deposes and testifies as follows:
 4 THE REPORTER: Would you state your
 5 full name for the record, please.
 6 THE WITNESS: John T. Turcone.
 7 (TURCONE EXHIBITS 1 - 3 MARKED
 8 FOR IDENTIFICATION)
 9 MS. MAIN: Mr. Turcone, let me --
 10 MR. BINDER: Before we begin, we're
 11 going to agree on stipulations?
 12 MS. MAIN: I wouldn't do that, and I
 13 won't agree to that, because our local rules don't
 14 allow you to, so speak now or forever hold your
 15 peace, just for your information, because you'll --
 16 MR. BINDER: I was talking about some
 17 of the formalities --
 18 MS. MAIN: Go ahead, I'm sorry, I cut
 19 you off.
 20 MR. BINDER: No, that's fine, in
 21 terms of signing and notarizing.
 22 MR. FARLEY: Sign, but waive Notary.
 23 MR. BINDER: That's fine.
 24

1 I-N-D-E-X
 2 WITNESS PAGE
 3 JOHN TURCONE
 4 EXAMINATION BY MS. MAIN..... 5
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 6 FURTHER EXAMINATION BY MS. MAIN. 61.....
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 8 E-X-H-I-B-I-T-S
 9 NO. DESCRIPTION (TURCONE) PAGE
 10 1 Subpoena Served Upon John Turcone dated
 11 12/4/02 (4 pgs.)..... 4
 12 2 Testimony of John Turcone Given on 11/30/99
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 14 3 Sanborn Map of Centredale Site/Metro-Atlantic,
 15 Smith Street Area..... 4
 16 (EXHIBIT RETAINED BY MS. MAIN)
 17 4 Fire Call Report dated 12/3/63.....59
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1 EXAMINATION BY MS. MAIN
 2 Q. Mr. Turcone, again, my name is Robin Main, I
 3 represent Liberty Mutual Insurance Company, and we
 4 are a defendant, meaning, Liberty Mutual is a
 5 defendant, because they have been sued by a company
 6 called Emhart over some insurance coverage issues
 7 relating to what's called a Centredale Manor
 8 Superfund Site.
 9 THE WITNESS: Who's Emhart?
 10 MS. MAIN: Emhart is represented here
 11 today by Mr. Richard Binder, and they're a
 12 corporation that is alleged to have liability as
 13 successor to some of the companies that used to
 14 operate at the Smith Street site in the Centredale
 15 area, and so that's why we are all here today.
 16 Just for ease and convenience, if the
 17 other two defense counsel would introduce themselves
 18 and their clients, that would be helpful to Mr.
 19 Turcone.
 20 MS. MICHELS: My name is Kelly
 21 Michels, I represent both North River Insurance
 22 Company and One Beacon America Insurance Company.
 23 MR. FARLEY: My name is Mike Farley,
 24 and I represent Home Insurance Company.

1 BY MS. MAIN:
 2 Q. Mr. Turcone, among the three defense counsel here
 3 today, I'm going to start off the deposition asking
 4 you questions, and we'll do our best efforts to make
 5 this as efficient as possible, not repeat each
 6 other, and get you out of here in a reasonable
 7 amount of time.

8 A. Okay.
 9 Q. So, again, I would like to thank you for coming
 10 today, and we have marked as the first exhibit, a
 11 Subpoena that I would like you to take a look at,
 12 please, sir.

(WITNESS REVIEWS DOCUMENT)

14 A. It looks like the one that I received.
 15 Q. And you are here today pursuant to that Subpoena,
 16 correct, sir?
 17 A. Yes.

18 Q. And you live on [REDACTED]
 19 currently, is that correct?

20 A. [REDACTED]
 21 Q. [REDACTED]
 22 [REDACTED]
 23 A. Yes.

24 Q. And that's in Jamestown, Rhode Island; correct?

1 Q. And how long did you hold that position?
 2 A. About a year and-a-half.
 3 Q. And prior to General Dynamics, where did you work,
 4 if anywhere?
 5 A. I was going to school, I worked part-time.
 6 Q. Was that school for your Associate's degree?
 7 A. Yes.
 8 Q. And what school did you attend for that?
 9 A. Roger Williams.
 10 Q. And where were you working part-time when you were
 11 going to Roger Williams?
 12 A. Uncas.

13 Q. And what did you do at Uncas?
 14 A. To make it simple, we made rings.
 15 Q. And how long were you at Uncas?
 16 A. Oh, off and on, probably, January '65 to May of
 17 '67.

18 Q. Did you ever serve in the military?
 19 A. Yes.

20 Q. And which branch?
 21 A. I was in the Air National Guard.
 22 Q. And what did you do in the Air National Guard?
 23 A. My exact title was Early Warnings, so I was
 24 basically a radar operator.

1 A. Right.
 2 Q. And, Mr. Turcone, are you currently employed?
 3 A. Yes.
 4 Q. By whom?
 5 A. Verizon.
 6 Q. And how long have you been employed with Verizon?

7 A. Thirty-three years.
 8 Q. And what is your educational background, sir?
 9 A. I have an Associate's degree in Engineering.

10 Q. And what is your present position with Verizon?
 11 A. Field Engineer.

12 Q. And can you give me a brief description of what a
 13 Field Engineer does?

14 A. We design pole lines, cable, fiberoptics,
 15 underground burial.

16 Q. And how long have you been a Field Engineer for
 17 Verizon?

THE WITNESS: Off and on?

MS. MAIN: Yes.

20 A. About 30 years.
 21 Q. And prior to Verizon, where were you employed?
 22 A. General Dynamics.

23 Q. And what did you do at General Dynamics, sir?
 24 A. I was a technical assistant.

1 Q. And about what time period were you in the Air
 2 National Guard?
 3 A. '68 to '74.
 4 Q. Prior to January 1965, did you work at all, Mr.
 5 Turcone?
 6 A. Yes, I worked for Metro-Atlantic.
 7 Q. And the facility -- strike that. What was the
 8 address of Metro-Atlantic, do you remember?
 9 A. Smith Street, Centredale.
 10 Q. And how long did you work at Metro-Atlantic?
 11 A. Let's see, from about August '63 to January of
 12 '65.

13 Q. And was that a full-time position during that period
 14 of time?
 15 A. Yes.

16 Q. And during that period of time, did you only work
 17 for Metro-Atlantic or did you work for some other
 18 companies?

19 A. Once in a while I would work part-time, make
 20 some extra money at night, at the barrel company.
 21 Q. Do you remember the name of the barrel company?
 22 A. New England Container.

23 Q. And that was during the same time period when you
 24 were working at Metro-Atlantic; correct?

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1 A. Yes.
 2 Q. And what did you do at Metro-Atlantic?
 3 A. Just a general laborer.
 4 Q. Was that true for your entire employment there?
 5 A. Yes.
 6 Q. Give me some examples of, as a general laborer, what
 7 you would do?
 8 A. Move barrels, clean up, put stuff into vats as
 9 directed; they kept you busy.
 10 Q. Do you remember who hired you?
 11 THE WITNESS: The exact person?
 12 MS. MAIN: Yes.
 13 A. I'm going to say Larry Bello, but when you get
 14 into companies, it's hard to say who hires you.
 15 Q. Okay, that's a fair statement. Who supervised you?
 16 A. I think his name was Kenney, but I can't
 17 remember his last name. Not even sure about that
 18 anymore, it was a long time ago.
 19 Q. Yes, I understand. When you say you moved barrels
 20 around, were they barrels full of certain material?
 21 A. Whatever was in them, chemicals, some water,
 22 alcohol, formaldehyde.
 23 Q. And was that moving around barrels so they could be
 24 used in a certain process that Metro-Atlantic was

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1 conducting?
 2 A. Yes.
 3 Q. And would you take the barrels and empty them into
 4 the vats?
 5 A. No.
 6 Q. So you physically just moved them from one --
 7 A. Yes, and they would -- whoever was in charge of
 8 that, would just do what they had to do with them.
 9 MS. MAIN: Mr. Turcone, let me say
 10 one thing; even though you know where I'm going with
 11 these questions, the stenographer has to take down
 12 my question and your answer, so let me finish my
 13 question and I'll try to let you finish your answer,
 14 too.
 15 THE WITNESS: Okay, sorry.
 16 Q. So the person who was supervising you working with
 17 the barrels, would just say, hey, move this barrel
 18 from point A to point B, and you would do so;
 19 correct?
 20 A. Right.
 21 Q. Tell me -- kind of changing subjects -- tell me what
 22 you would do as far as cleanup?
 23 A. Well, some stuff we would scoop off the floor
 24 and put in barrels and throw it in the Dumpster, it

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1 was a big container; some stuff was washed down the
 2 drain, but that didn't last long. Then eventually
 3 everything just got put into barrels and thrown into
 4 the Dumpster.
 5 Q. Was it a Dumpster like you see in the back of a
 6 building where a truck pulls up and scoops it and
 7 throws it over the top?
 8 A. Like you see at a construction site, a big
 9 Dumpster.
 10 Q. And as far as washing things down the drain, could
 11 you explain that process more, Mr. Turcone?
 12 A. They had like a drainage trough, it was just
 13 basically down in the basement where this was done,
 14 and they would wash out like the presses after they
 15 picked up the debris, and it would go down the
 16 trough.
 17 Q. And so you would flush material off the floor and
 18 into this trough?
 19 A. Like you would off your driveway.
 20 Q. And it would go into a floor drain and then into the
 21 basement; is that correct?
 22 A. No, this was only in the basement this was done,
 23 this was a concrete floor.
 24 Q. But there were floor drains in the concrete floor?

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1 A. No, just a trough.
 2 Q. Do you know where the trough led to?
 3 A. Somewhere out back.
 4 Q. Into the ground?
 5 MR. BINDER: Objection.
 6 (PAUSE)
 7 MS. MAIN: Periodically, somebody may
 8 object because they don't like the question, it is
 9 just the lawyers preserving the record for their
 10 client, so you can go ahead and answer.
 11 A. Okay. Down the back used to be an old mill, so
 12 I guess it used to go into a stream or whatever was
 13 in the back, and from there, I don't know where it
 14 went.
 15 Q. So to the best of your knowledge, the trough emptied
 16 into some type of body of water?
 17 MR. BINDER: Objection.
 18 A. (WITNESS NODS).
 19 MS. MAIN: You have to say yes or
 20 no, because it is a written record.
 21 A. Yes.
 22 Q. Do you know or do you recall how big the trough was?
 23 A. I don't know. I don't know.
 24 Q. The width?

1 A. Maybe a foot.
 2 Q. And did it extend the entire length of the building?
 3 A. That, I don't remember.
 4 Q. Do you remember any other ways besides the Dumpster
 5 and the trough by which material were disposed of at
 6 the site? --
 7 A. No.
 8 Q. For the Dumpster, would you just take material
 9 outside and throw it into the Dumpster like you are
 10 filling your trash can at home?
 11 A. Well, basically, it was parked next to the
 12 ground level floor, there was great big doors, you
 13 would take it there and dump it in, lock the whole
 14 thing.
 15 Q. What type of things would you throw into the
 16 Dumpster?
 17 MR. BINDER: Objection.
 18 A. Whatever we scooped up off the floor, I don't
 19 know what it was exactly.
 20 Q. Would the things that you were scooping off the
 21 floor be in liquid form?
 22 A. No.
 23 Q. Solid form?
 24 A. Yes.

1 Q. What types of things would be in a solid form?
 2 A. Byproducts of whatever they made, I don't know.
 3 Q. Like a powder; is that correct?
 4 A. No, I wouldn't say powders, because that would
 5 be too messy.
 6 Q. But solids would go into the Dumpster?
 7 A. Right.
 8 Q. And the things that were being flushed down the
 9 trough, what types of materials were those?
 10 A. Those were basically solids.
 11 Q. Did you ever see any other type of disposal going on
 12 at the Metro-Atlantic site?
 13 A. They did dump some -- I was told it was an acid,
 14 into the river, but that's about it.
 15 Q. Do you know if there was a landfill on site?
 16 A. No.
 17 Q. Do you know if there was any type of burying done on
 18 site by Metro-Atlantic?
 19 A. No.
 20 Q. You don't know?
 21 A. No.
 22 Q. During the time that you worked for Metro-Atlantic,
 23 did you ever see any fires?
 24 A. Yes.

1 Q. How many times?
 2 A. Once.
 3 Q. Can you tell me about that incident.
 4 A. They had this machine, it was -- they called it
 5 a dryer, they put this product they made, and it
 6 was -- reminded me sort of like soap flakes, but it
 7 was yellow, and it had to be dried for them to grind
 8 it, so it would go in one end and come out the other
 9 end, it was dry, and that machine caught fire.
 10 Q. Was that machine inside the building?
 11 A. It was inside an outbuilding.
 12 Q. Do you know if that outbuilding burned to the
 13 ground?
 14 A. No, in fact, they put the fire out, the machine
 15 was just damaged a little bit.
 16 Q. So they were able to reuse the machine?
 17 A. Uh-hum.
 18 Q. That was a yes?
 19 A. Yes.
 20 Q. Did you ever notice any spills outside, Mr. Turcone,
 21 spills of different materials on the ground around
 22 Metro-Atlantic?
 23 A. No, not really.
 24 Q. Did you work a certain shift at Metro-Atlantic?

1 A. Day shift, it was like 8 to 4:30.
 2 Q. Do you know if they were running several shifts
 3 during that time period when you worked there?
 4 A. There was a night shift, I know that.
 5 Q. But you never worked the night shift?
 6 A. Once, that was it; I wouldn't get up the next
 7 two days.
 8 Q. When you would dump things into the vats as
 9 directed, tell me more about what you do with that?
 10 MR. BINDER: Objection.
 11 THE WITNESS: In the vats?
 12 MS. MAIN: Yes. You said one of your
 13 jobs as a general laborer, was putting materials
 14 into the vats as directed.
 15 A. There were vats, emptied whatever was in the
 16 barrel, into it.
 17 Q. Would you have to go to a supply room and take out
 18 materials and then put it into the vats or how was
 19 the process done?
 20 MR. BINDER: Objection.
 21 A. I honestly don't recall.
 22 Q. Do you remember any of the people you worked with at
 23 Metro-Atlantic?
 24 A. I remember some of them, I remember some by

1 their first names, that's about it.
 2 Q. Do you remember any first and last names?
 3 A. Let's see, there was Herb, I don't remember his
 4 last name; there was Larry Bello, I know because he
 5 was a friend of the family -- now, working at what
 6 level? --
 7 Q. Any level, anyone associated with Metro-Atlantic.
 8 A. There was a Jay Buonanno; there was a Joseph,
 9 there was Joe's brother, I can't remember his name,
 10 I just forgot, he basically ran the show; and,
 11 Kenney; there was a Joe Joyle, I believe; I think
 12 Bill Daley, I think that was his name; I think there
 13 was a George Hughes, I think he was a chemist;
 14 there's a Frank Mancini, he was in charge of the
 15 maintenance; and there were two brothers who were in
 16 the maintenance -- Gus and somebody, can't remember
 17 the last name.
 18 Q. Well, that's pretty good for 30 plus years ago.
 19 A. No, it was more like 40.
 20 Q. Yes, you're right. Do you know if Mr. Bello is
 21 still alive?
 22 A. No, he died last year.
 23 Q. Do you know if Frank Mancini is still alive?
 24 A. No, the only place I ever met him and ever saw

1 MR. BINDER: Objection.
 2 A. The reason why is because they used to drain in
 3 the river to a black iron pipe, and they would have
 4 to change the pipe about every two weeks, because it
 5 would just erode the pipe where it became very
 6 porous, and if you looked at it, it looked, from
 7 going around, it became elliptical, it just ate
 8 right through it.
 9 Q. So to the best of your knowledge, acid was disposed
 10 into the river on more than one occasion?
 11 MR. BINDER: Objection.
 12 A. Yes.
 13 Q. Did you ever have to fix the pipe, Mr. Turcone?
 14 A. No.
 15 Q. Do you know who was responsible for that?
 16 A. Maintenance people.
 17 Q. So somebody like a Frank Mancini?
 18 A. Yes.
 19 Q. Do you recall any other incidents at Metro-Atlantic
 20 where something had to be replaced because a
 21 chemical had eaten through it?
 22 A. No, not offhand.
 23 Q. Did Metro-Atlantic supply you with work clothes, Mr.
 24 Turcone?

1 him was there.
 2 Q. What about Mr. Hughes?
 3 A. That's the only place I ever met George.
 4 Q. Do you know if Mr. Hughes lived locally to the site?
 5 THE WITNESS: You mean like in North
 6 Providence?
 7 MS. MAIN: Yes, that area.
 8 A. No, I don't think so. I don't think he did.
 9 Q. Do you remember where he lived?
 10 A. No.
 11 Q. How about Mr. Mancini, do you know where he lived at
 12 the time?
 13 A. No.
 14 Q. When you mentioned before about acid being disposed
 15 of in the river, do you know in what process acid
 16 was used at Metro-Atlantic?
 17 A. It was one of the chemical processes they used
 18 to make whatever they made.
 19 Q. But you don't remember what product that was going
 20 in to?
 21 A. No, because we never knew it by name or
 22 anything, it was just whatever it was.
 23 Q. How does the acid going into the river stick out in
 24 your mind 40 years later?

1 A. I'm going to say yes, but I think it was like
 2 50/50, we paid for some of it too.
 3 Q. Did you ever have to replace your work clothes
 4 because of chemicals being spilled on them?
 5 MR. BINDER: Objection.
 6 A. Well, they were replaced periodically because of
 7 wear and tear, and some drops or something spilled
 8 on them would eat through them, it was normal.
 9 MR. BINDER: Move to strike.
 10 Q. Mr. Turcone, tell me about your employment; I
 11 believe you said it was part-time at New England
 12 Container Corporation, what did you do there?
 13 A. Sometimes we opened drums and sometimes we
 14 burned drums, and that was about it.
 15 Q. Do you know where the drums would come from in the
 16 first place?
 17 A. No, they would come from within -- the only
 18 thing I can tell you is they would come from within
 19 the plant or from outside sources.
 20 Q. And when you say within the plant, to which plant
 21 are you referring?
 22 A. Metro-Atlantic.
 23 Q. Do you know who owned Metro-Atlantic when you were
 24 working there?

1 A. I'm going to say -- what I was told, it was
 2 owned by the Buonannos and some other guy.
 3 Q. And do you know who owned New England Container when
 4 you were working there?
 5 A. Yes, it was Bernie Buonanno, that is the name I
 6 couldn't remember. --
 7 Q. Okay, that was the other man that you were thinking
 8 of before?
 9 A. Yes.
 10 Q. Now, do you know who owned New England Container
 11 when you were working there?
 12 A. Bernie Buonanno.
 13 Q. Okay, all right. So drums would come into New
 14 England Container and you would open them?
 15 A. Well, they were there, the only reason I'm
 16 telling you they would come in, because we would be
 17 working and we could see trucks come down through
 18 the yard with them on it -- let me clarify that.
 19 They had a machine, it was like a giant can opener,
 20 you would stick the drum in it, and it would take
 21 the lid off it, we did that, and piled them outside,
 22 and another machine burned them to clean them out.
 23 Q. Did you ever see -- when the drums were piled
 24 outside, did you ever see any liquids that would

1 come out of them?
 2 A. Not when they were piled. Some liquid came out
 3 as we tipped them over to put them through the
 4 burner.
 5 Q. And when you tipped out the barrels to put them in
 6 the burner, what would happen with the liquid that
 7 would come out of them?
 8 A. Either lose it on the ground or it would be
 9 burned.
 10 Q. And let me back up for a minute. Mr. Turcone, was
 11 it mainly liquid in the barrels that you saw?
 12 A. No, there could have been solids.
 13 Q. But the same process would occur, that either would
 14 go on the ground or it would be burned?
 15 A. Yes.
 16 Q. And tell me physically how New England Container was
 17 set up, was there a building that was dedicated to
 18 New England Container?
 19 A. Yes, there were separate buildings, they were
 20 behind Metro-Atlantic's main building.
 21 Q. And were the barrels opened up by this machine that
 22 was like a big can opener, inside or outside the
 23 building?
 24 A. I would say it would be inside, because we were

1 under cover.
 2 Q. Under cover with four walls or just a canopy?
 3 A. Yes, with four walls.
 4 Q. And once the barrels were opened up, what would
 5 happen to them next?
 6 A. They would be stacked outside near the burner.
 7 Q. Was the burner outside?
 8 A. Yes.
 9 Q. So the burner didn't have four walls and a roof
 10 around it?
 11 A. No.
 12 Q. And what would happen to the drums once they were
 13 destined for the burner?
 14 A. They were stacked outside near the burner.
 15 Q. And then you would retrieve them and put them
 16 through the burner?
 17 A. Yes.
 18 Q. Was there a conveyor belt to put them through the
 19 burner?
 20 A. Yes, a conveyor or belt that ran through the
 21 burner, like a Burger King today, the way they cook
 22 hamburgers, imagine that, but on a larger scale.
 23 Q. And the material that was still left in the barrels
 24 when it was going through the burner, what would

1 happen to that material, do you know?
 2 A. I'm going to say most of it was burned off.
 3 Q. Do you know if there was any ash left over from that
 4 process?
 5 A. I would imagine there was ash the whole length
 6 of the conveyor.
 7 Q. Do you know what would happen with the ash?
 8 A. No, all we did at night is open the barrels and
 9 burn them, we didn't pick up or clean up after
 10 anything.
 11 Q. Did you ever see that area around the burner being
 12 cleaned up at all?
 13 A. No.
 14 Q. Were you ever asked to clean it up?
 15 A. No.
 16 Q. Did you notice if the grounds around the conveyor
 17 and the burner was stained at all from liquids and
 18 other residues from the drums going on it?
 19 MR. BINDER: Objection.
 20 A. I don't know that it was stained, more that it
 21 appeared to be wet, for lack of another term.
 22 Q. Wet from liquids coming out of the barrels; is that
 23 correct?
 24 A. Yes.

1 Q. Did you ever see any fires when you were employed
 2 with New England Container?
 3 A. No, other than through the burner, no.
 4 Q. Now, what if a drum was opened up and it was half
 5 full of liquid, what would happen with it then?
 6 MR. BINDER: Objection. --
 7 A. We would put it aside.
 8 Q. And do you know what happened to it once it was put
 9 aside?
 10 A. No.
 11 Q. Did you ever see any drums being buried on site
 12 around New England Container?
 13 A. No.
 14 Q. Did you ever have a situation where there were
 15 barrels that were simply not usable in any way?
 16 A. I can't honestly answer that, I don't know.
 17 Q. For how long did you work for New England Container?
 18 A. From August of '63 to January of '65.
 19 Q. So during the same time you were working at
 20 Metro-Atlantic, you would work part-time at New
 21 England Container?
 22 A. Yes, but I'd like to clarify that, I probably
 23 worked at New England Container, at the most, ten
 24 times.

1 Q. When you looked through the Administrative
 2 Deposition exhibit, Mr. Turcone, did you see any
 3 errors in the deposition of your testimony?
 4 MR. BINDER: Objection.
 5 A. Not that I'm aware of.
 6 Q. At the time that you gave this Administrative
 7 Deposition to the EPA, were you under oath?
 8 A. Yes.
 9 Q. And you answered EPA's questions to the best of your
 10 knowledge, sir?
 11 A. Yes.
 12 Q. And at the time you gave the Administrative
 13 Deposition in 1999, was there any reason, medical or
 14 otherwise, why you couldn't give full and complete
 15 answers to the best of your knowledge?
 16 A. No.
 17 Q. And does that same hold true today, that there's no
 18 reason medically or otherwise, why you're not
 19 capable of giving full answers to the best of your
 20 knowledge today?
 21 A. Do you want to rephrase that?
 22 Q. Sure, probably garbled it. Are you under any
 23 medication for any other condition that would
 24 prevent you from giving full and complete answers,

1 Q. Okay, that's what I was getting to. Mr. Turcone, I
 2 have marked as Exhibit 2, a document which I'm
 3 putting before you, and it is an Administrative
 4 Deposition that was taken of you on November 30,
 5 1999, by the Environmental Protection Agency; do you
 6 see that document, sir?
 7 A. Yes.
 8 Q. And do you recall having your Administrative
 9 Deposition taken by EPA in November of 1999?
 10 A. Yes, I can't swear by the date, but, yes.
 11 Q. And at any time did the EPA provide with you a copy
 12 of this deposition once it was taken?
 13 A. No.
 14 Q. Earlier when you came in before the deposition
 15 started, do you recall that you asked me for a copy
 16 of this deposition?
 17 A. Yes.
 18 Q. And I gave you a copy; correct?
 19 A. Yes, you did.
 20 Q. And did you have an opportunity to read through the
 21 deposition prior -- meaning this Administrative
 22 Deposition marked as Exhibit 2 -- prior to starting
 23 today's deposition?
 24 A. Yes, I glanced through it.

1 to the best of your knowledge, today?
 2 A. No.
 3 Q. Do you recall the topics that EPA questioned you on
 4 back in 1999?
 5 A. To be honest with you, no.
 6 Q. Would you like more time to look through your 1999
 7 deposition, Mr. Turcone?
 8 THE WITNESS: Is there anything
 9 specific you want to question me on?
 10 MS. MAIN: Well, my ultimate question
 11 on this 1999 deposition is whether there's anything
 12 in here that you believe is inaccurate, as far as
 13 your testimony goes?
 14 A. Gee, that's hard to say.
 15 MR. BINDER: Objection. He is
 16 looking at a document that is a number of -- a lot
 17 of pages to it.
 18 MS. MAIN: I understand, Rick, you
 19 can ask your questions about it later, if you so
 20 choose.
 21 Q. Mr. Turcone, I'm happy to give you as much time as
 22 you want to look through that.
 23 A. Well, let's go through it, because I'm not going
 24 to go through 100 -- 200 questions.

1 Q. All right, let's do it this way. I have marked as
 2 Exhibit 3, a 1965 Sanborn Map of the Smith Street
 3 Centredale facility of Metro-Atlantic, and, Mr.
 4 Turcone, I'm going to give you a red pen, and I
 5 would like you, first, to take a look at this
 6 Exhibit 3, and tell me if you recognize what's
 7 depicted in this map.

8 (WITNESS REVIEWS DOCUMENT)

9 A. Well, it looks like the old Metro-Atlantic
 10 building.

11 Q. And you worked at Metro-Atlantic during the 1965
 12 time period; correct?

13 A. No.

14 Q. You ended in January of 1965?

15 A. Yes.

16 Q. Did you work at all at Metro-Atlantic during 1965?

17 A. I have to think, because I think I worked there
 18 maybe a couple of days after I went back to school,
 19 but it was just too much.

20 Q. Looking at Exhibit 3, which is this map, Mr.
 21 Turcone, does it generally depict how the site,
 22 meaning Metro-Atlantic, looked to you when you
 23 worked there from August of '63 to January of '65?
 24 A. I'd say so.

1 that for storage.

2 Q. And could you mark that with a Number 3, please.

3 (WITNESS COMPLIES)

4 Q. Are you able to identify any of the other buildings
 5 on this exhibit, Mr. Turcone?

6 A. There was another building near the river here
 7 on the right, that was an outbuilding, they made
 8 something, that was all by itself.

9 Q. Were you ever in that building?

10 A. Yes.

11 Q. What was in that building, do you recall?

12 A. One big steam kettle -- do you want me to mark
 13 that 4?

14 Q. Yes, please.

15 (WITNESS COMPLIES)

16 Q. And that building with a steam kettle that we have
 17 marked as 4, do you know if there were any floor
 18 drains in that building?

19 A. No, I'm going to say no.

20 Q. How about a trough?

21 A. No.

22 Q. Were you ever asked to clean up in Building 4?

23 A. No, not really.

24 Q. Is it fair to say that the only building that you

1 Q. Mr. Turcone, could you take the red pen I have given
 2 you and put a Number 1 by the building in which you
 3 worked at Metro-Atlantic.

4 (WITNESS COMPLIES)

5 Q. And the building that you have marked as Number 1,
 6 was that one large building?

7 A. Yes, it went from -- yes, it was the main
 8 building.

9 Q. And there were other outbuildings associated with
 10 Metro-Atlantic; is that correct?

11 A. Yes.

12 Q. Do you know what those other outbuildings were used
 13 for?

14 A. Let's see, the one to the right, that was the
 15 maintenance shop where they had that machine, the
 16 dryer machine.

17 Q. The one that caught on fire?

18 A. Yes.

19 Q. Would you mark that building with a 2, please.

20 (WITNESS COMPLIES)

21 Q. What about the other buildings that are around the
 22 main building you have marked as Number 1, what were
 23 they used for?

24 A. I think the furniture place, I think they used

1 cleaned up in was building Number 1?

2 A. Basically, yes.

3 Q. And that Building 1 is the one with the trough;
 4 correct?

5 A. Right.

6 Q. Looking at Exhibit 3, Mr. Turcone, can you pinpoint
 7 for me that area where the pipe came out that would
 8 become eroded by the acid?

9 A. Well, in building --

10 MR. BINDER: Objection.

11 A. Well, in Building 4, where it says,
 12 Woonasquatucket, it came out right about where the T
 13 is.

14 Q. Could you circle that T and put a 5 by it, please.

15 (WITNESS COMPLIES)

16 Q. Are there any other buildings that we haven't marked
 17 yet that you can identify on this exhibit?

18 THE WITNESS: That belong to
 19 Metro-Atlantic?

20 MS. MAIN: Yes, sir.

21 A. That's about it.

22 Q. Can you identify any property on Exhibit 3
 23 associated with New England Container?

24 A. Yes.

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1 Q. What property is that, sir?
 2 A. It says, "Steel Drum" -- I can't see if it says
 3 "Manufacturing" or what, can't make it out.
 4 Q. Can you mark that with, I believe we're up to 7?
 5 A. No, up to 6.
 6 Q. Six, I'm sorry. --
 7 (WITNESS COMPLIES)
 8 Q. Any other property on this Exhibit 3 associated with
 9 New England Container?
 10 A. The one next to it, the Barrel Cleaning.
 11 Q. You marked that with a 7?
 12 A. Yes.
 13 Q. Where was the big can opener, so to speak, to open
 14 up the drums?
 15 A. If you go to Number 6 and see the 2 off to the
 16 right --
 17 Q. You have better eyes than I. Just barely, because I
 18 have a reduced version.
 19 A. Right there (indicating).
 20 Q. And can you mark that with an 8, please, and circle
 21 it.
 22 (WITNESS COMPLIES)
 23 Q. And where was the burner located, Mr. Turcone?
 24 A. It would feed into Building 7.

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1 Q. Would you mark with a 9 where that burner was,
 2 please.
 3 (WITNESS COMPLIES)
 4 Q. And where would the barrels be piled up after they
 5 were opened?
 6 A. Right in that general area.
 7 Q. So it would be in the general area, Number 9?
 8 A. Right.
 9 Q. And going back for a moment to Metro-Atlantic, the
 10 Dumpster that you referred to, would that be outside
 11 of the building Number 1?
 12 A. Yes.
 13 Q. Would you put a Number 10 by where that Dumpster
 14 was, please.
 15 (WITNESS COMPLIES)
 16 Q. Any other property that you see on Exhibit 3, Mr.
 17 Turcone, associated with New England Container that
 18 we haven't marked yet?
 19 A. Not that I remember.
 20 Q. Looking at Exhibit 3, have we marked all the
 21 buildings that you are familiar with associated with
 22 Metro-Atlantic?
 23 A. Yes.
 24 Q. And looking at Exhibit 3, have we marked all the

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1 property associated with New England Container that
 2 you are familiar with?
 3 A. I'd say so.
 4 Q. Mr. Turcone, I would like to turn your attention
 5 back to Exhibit 2, which is your Administrative
 6 Deposition.
 7 A. Okay.
 8 Q. And Page 30, please, which is the lower left-hand
 9 side, and around line 20, there's a question by the
 10 person from the EPA about the residual materials in
 11 the drum; do you see that, sir?
 12 A. Yes.
 13 Q. Would you read from line 20 the answer, to yourself,
 14 and go over to the top of Page 30, really, to Page
 15 31, and tell me if that answer is accurate to the
 16 best of your knowledge today.
 17 (WITNESS REVIEWS DOCUMENT)
 18 A. Okay.
 19 Q. Is that testimony on those pages, 30 and 31,
 20 accurate, to the best of your knowledge today, sir?
 21 MR. BINDER: Objection.
 22 THE WITNESS: Where did you want me
 23 to end at 31?
 24 MS. MAIN: About line 21, where the

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1 answer is, quote, "Oh, no."
 2 A. I don't know, I'm having a hard time
 3 understanding the answer.
 4 Q. Which answer is that, sir?
 5 A. On question 20.
 6 Q. The one that says, "Would it be more than a
 7 thousand," or are you on Page 30?
 8 A. I'm on Page 30.
 9 Q. Do you see Page 31 is in the upper right?
 10 A. Right, okay.
 11 Q. Does that make sense now?
 12 A. Let me see what the question pertains to.
 13 (WITNESS REVIEWS DOCUMENT)
 14 A. "Oh, no." "More than a hundred?"
 15 Q. That's where I wanted you to stop. I was just
 16 having you read that section, Mr. Turcone.
 17 THE WITNESS: Oh, the quantity of
 18 the drums?
 19 Q. And, also, if we go back to Page 30, where we
 20 started, the woman asked you, "And if there were
 21 residual materials in the drum, where would those
 22 materials go?" And you answered, "They would like
 23 fall in the track of the conveyor and would be
 24 brought into the oven with it. What wasn't, it

1 would just stay on the ground." Is that correct, as
 2 you sit here today, Mr. Turcone, that answer?
 3 MR. BINDER: Objection.
 4 A. Yes, I think that's what I said earlier.
 5 Q. And then going up to the upper right-hand corner,
 6 which is Page 31, the EPA then asked, "So some
 7 spilled on the ground; some went into the oven?"
 8 You said, "The oven." Is that correct?
 9 A. Both.
 10 Q. Both on the ground and --
 11 A. And in the oven.
 12 Q. All right, I'm done with those pages, thank you.
 13 Mr. Turcone, could you explain to me physically what
 14 the burner and the conveyor looked like?
 15 A. The burner reminded me of like a corridor and
 16 out of the walls were gas jets, and it was like a
 17 chain link conveyor, and the drums would just sit on
 18 that and be drawn through it.
 19 Q. And was there anything under the conveyor belt, like
 20 a floor of any type?
 21 A. I don't know.
 22 Q. You don't remember?
 23 A. No, because it was continuous, so it would just
 24 come back out.

1 A..
 2 Q. How far from Metro-Atlantic?
 3 A..
 4 Q. And when you left Metro-Atlantic, it was to work for
 5 a different job; is that correct?
 6 A. No, after a year there, it was easier to go to
 7 school and learn than it was to be a laborer.
 8 Q. When did you go to Uncas?
 9 A. Uncas, that was after school, and I worked there
 10 a couple of summers.
 11 Q. I have notes that say January of '65 through May of
 12 '67; is that right?
 13 A. Yes, that was part-time.
 14 Q. And what was the business of Uncas?
 15 A. They make rings, jewelry, costume jewelry.
 16 Q. And what did you -- what were your duties at Uncas?
 17 A. Well, what they would do is give you a ring
 18 casting, and a ring is actually made, it's flat, and
 19 they would put it through a machine and fold it, and
 20 it would be almost triangular, and then they would
 21 brace the two ends together, and your job was to
 22 make it round to fit your finger.
 23 Q. Was any waste generated in that process?
 24 A. Other than paper mallets, no.

1 Q. But the burner itself sat outside on the dirt;
 2 correct?
 3 A. Well, it had a foundation.
 4 Q. And prior to the drums getting actually into the
 5 burner where the gas jets would hit them, was it
 6 just bare ground prior to that step?
 7 A. No, I think it was concrete.
 8 Q. Was there any type of trough or pit there?
 9 A. No, not that I recall.
 10 Q. But it was still exposed to the elements, correct;
 11 there was no four walls, correct?
 12 MR. BINDER: Objection.
 13 A. That's correct, but it did have some type of
 14 canopy over it to keep you out of the weather, or I
 15 should say keep you dry on a day like today.
 16 MS. MAIN: All right, I have no
 17 further questions. Thank you.
 18 MS. MICHELS: I have no questions.
 19 MR. FARLEY: Neither do it.
 20 MR. BINDER: I have a few questions
 21 for you.
 22 EXAMINATION BY MR. BINDER
 23 Q. When you worked at Metro-Atlantic, where did you
 24 live?

1 Q. Now, were you working full time for Metro-Atlantic
 2 between August of '63 and January of '65?
 3 A. Yes.
 4 Q. And you worked about ten nights in addition at New
 5 England Container Company?
 6 A. Just around this time of year to make a little
 7 extra money.
 8 Q. Was there a union at Metro-Atlantic?
 9 A. No.
 10 Q. When you were at Metro-Atlantic, did you, from time
 11 to time, see any representatives of insurance
 12 companies?
 13 A. No. I would have no way of knowing, anyway.
 14 Q. Did you ever make a workers' compensation claim?
 15 A. Yes.
 16 Q. To whom did you submit the claim?
 17 A. Actually, to the State, I guess.
 18 Q. Did you report it to somebody at Metro-Atlantic?
 19 A. Yes, Larry Bello. What had happened was we were
 20 cleaning out some tanks, and -- well, early the next
 21 morning, I woke up, and I couldn't stop my eye from
 22 tearing, and what I had was a piece of rust particle
 23 in the eye, so I was out for about two weeks with
 24 that.

1 Q. And did you discuss the claim with anybody other
 2 than Larry Bello?
 3 A. Well, in actuality, I think I just went into the
 4 office, and they did the paperwork, and that's all I
 5 remember of it.
 6 Q. When you say they did the paperwork, do you
 7 remember --
 8 A. The office, whatever people were in the office.
 9 Q. Do you remember any of the names?
 10 A. No.
 11 Q. And do you remember the -- did they tell you the
 12 name of the insurance company?
 13 A. No, because I just assume it came through the
 14 State.
 15 Q. And did you receive some kind of payment as a result
 16 of your workers' comp. claim?
 17 A. I would say so, but I can't swear by it.
 18 Q. Did you see anybody come by at any time and inspect
 19 the premises?
 20 A. Not that I'm aware of.
 21 Q. When you were at Metro-Atlantic, how many employees
 22 did it have?
 23 A. I have really no idea other than guessing.
 24 Q. All right, if you could make a reasonable

1 any law or regulation that prohibited taking those
 2 steps?
 3 MS. MAIN: Objection.
 4 MR. FARLEY: Objection.
 5 A. No.
 6 Q. Now, the scenario that you mentioned to Ms. Main was
 7 that there was a period of time initially in which
 8 waste went through a drain, then there was a period
 9 of time when the waste was put into a Dumpster; is
 10 that correct?
 11 A. Yes.
 12 Q. Okay, now, during the period when you were working
 13 at Metro-Atlantic, can you tell us roughly how long
 14 -- how much time they used the disposal through the
 15 drain rather than a Dumpster; half the time, a
 16 third, or some reasonable approximation?
 17 MR. FARLEY: Objection.
 18 MS. MAIN: Objection.
 19 A. I'm going to say it was a short period of time,
 20 because -- and I'm going to say it was a matter of
 21 months, because it was very abrupt, you were doing
 22 it this way today and doing it the exact opposite
 23 the other day.
 24 Q. When you say -- just for clarification -- you say

1 approximation, do so; we don't want you to guess,
 2 though.
 3 A. No, I couldn't do that.
 4 Q. Now, other than Kenney and Mr. Bello, was there
 5 anybody else who had any supervisory role with
 6 respect to you, your activities?
 7 A. No, I would say that was about it, basically,
 8 that was it.
 9 Q. Now, in response to Ms. Main's questions, you
 10 described some different processes by which there
 11 was disposal of waste at Metro-Atlantic?
 12 A. Yes.
 13 Q. Did anybody instruct you about how to carry out
 14 these processes, what to do?
 15 THE WITNESS: Other than putting the
 16 barrel and throwing it in in the Dumpster?
 17 MR. BINDER: Yes.
 18 A. That was about it.
 19 Q. Now, at the time you took those steps, did you think
 20 you were doing anything that was going to cause any
 21 harm or damage?
 22 MS. MAIN: Objection.
 23 A. No.
 24 Q. At the time you took those steps, were you aware of

1 it's a matter of months, about how many months?
 2 A. Three or four.
 3 Q. Did somebody tell you about the change in the
 4 procedure?
 5 A. Yes.
 6 Q. And who was that?
 7 A. I don't recall.
 8 Q. Did whoever it was tell you why?
 9 A. No.
 10 Q. Could you turn to Exhibit 3, please. Forgive me if
 11 I look over your shoulder a bit to see some
 12 numbers. And this building that was marked as
 13 Number 4, was that building in use throughout the
 14 period of time when you were employed at
 15 Metro-Atlantic?
 16 A. It was built when I started there, so it wasn't
 17 there when I first got there, it was a new
 18 building.
 19 Q. Was the building built at some point after you went
 20 to Metro-Atlantic?
 21 A. Started, yes.
 22 Q. And do you recall about how long after you got there
 23 that the building was put up?
 24 A. I don't know, six months, hard to say.

1 Q. About six months, your best recollection?
 2 A. Right, yes.
 3 Q. And during that time, was there a weed killer
 4 product that was made by Metro-Atlantic?
 5 A. There was a product made that we used to call
 6 Agent Orange, just because of the color of it, but
 7 that was because of the Vietnam era and what was
 8 going on; what it was, we don't know.
 9 Q. Do you recall during your deposition with the EPA,
 10 you referred to a weed killer that was manufactured
 11 by Metro-Atlantic?
 12 A. Right, yes.
 13 Q. And where was that weed killer manufactured?
 14 A. In that building -- number whatever it is.
 15 Q. Building 4?
 16 A. Building 4.
 17 Q. And from the time building 4 was put up until the
 18 time you left Metro-Atlantic, was the weed killer
 19 that you mentioned in the deposition to the EPA
 20 continuously manufactured there?
 21 A. That, I don't know.
 22 Q. Was it manufactured there during the time you were
 23 working, after the building was put up?
 24 A. I know it was manufactured there, but I don't

1 other than that compound they used to put in
 2 everything and---
 3 A. Well, Number 1, you are assuming it was weed
 4 killer, and I don't know that for a fact.
 5 Q. At your deposition you described a product as a weed
 6 killer; is that correct?
 7 A. Yes, we referred to it as a weed killer, I don't
 8 know, and, today, I couldn't swear on a bible that
 9 it was.
 10 Q. At the time you had your deposition taken before,
 11 was that closer to the time that the product was
 12 made than --
 13 A. Well, it was three years earlier, I would assume
 14 it would be closer.
 15 Q. Do you have any reason to think your recollection is
 16 any better now than it was then as to those
 17 activities?
 18 A. No, the more I think about it, I don't know that
 19 it was a weed killer.
 20 Q. Well, at your deposition --
 21 A. I know what I said.
 22 Q. I know, that's not my question. At the time of the
 23 deposition, why did you refer to the product as a
 24 weed killer?

1 remember if it was manufactured to the point when I
 2 left.
 3 Q. Was any other product made in building 4?
 4 A. I don't know.
 5 Q. How often did you -- what duties and
 6 responsibilities did you have in connection with the
 7 activities in building 4?
 8 A. They used to assign me there, and I used to
 9 watch stuff at a certain time, at a certain time you
 10 had to open this stuff and close this valve or
 11 something.
 12 Q. And you followed whatever directions you were given?
 13 A. Right, yes.
 14 Q. And could you describe the process by which that
 15 weed killer product was made?
 16 A. Other than mixing stuff together, I can't say.
 17 Q. Was it cooked in a kettle?
 18 A. Yes, I believe so.
 19 Q. And what was the approximate size of building 4?
 20 A. Maybe 20 x 20 x 25 high, maybe.
 21 Q. Do you recall that there was a powder that was used
 22 in the manufacture of the weed killer?
 23 A. They used to put that in everything.
 24 Q. Now, do you know what was used in the weed killer,

1 MS. MAIN: Objection, asked and
 2 answered.
 3 MR. BINDER: You can answer.
 4 MS. MAIN: You can go ahead, Mr.
 5 Turcone.
 6 A. As I said earlier, it was during the Vietnam
 7 era, and it was just the way this product was made,
 8 it was like an orangy color, and when you added
 9 water to it, I think it turned -- I don't know
 10 whether I said yellow or orange, the more I thought
 11 about it, it turned like a yellowish color, and we
 12 referred to it as Agent Orange, whether it was
 13 orange, I don't know, I don't know that at all.
 14 Q. Did anybody tell you that the product was a weed
 15 killer?
 16 A. No, so that's why I'm trying to clarify that now.
 17 Q. Okay. Now, to your knowledge, when you were working
 18 for Metro-Atlantic, did Metro-Atlantic make any
 19 soaps?
 20 A. Yes, but I was not involved in that.
 21 Q. During the time that you worked at Metro-Atlantic,
 22 did Metro-Atlantic make a product known as
 23 hexachlorophene?
 24 A. I don't know.

1 Q. Now, when the activities took place in building 4,
 2 the manufacturing that we talked about, did you ever
 3 either clean the kettles or -- let me withdraw the
 4 question. In building 4, was there one kettle or
 5 more than one kettle that was used to make the
 6 product?

7 A. I can only recall one.

8 Q. Do you recall, roughly, how big that kettle was?

9 A. It was big, that's all I can say. I don't know
 10 how you measure kettles.

11 Q. Well, in terms of, maybe, the volume? You were
 12 there, we were not, just trying to get a reasonable
 13 approximation.

14 A. I have no idea. I honestly just don't know,
 15 because it could be big, but it was jacketed, so.

16 Q. Did you ever see that kettle being cleaned?

17 A. No, not really.

18 Q. Do you have any knowledge as to what was done with
 19 any residue that formed in the kettle?

20 A. No.

21 Q. Did you ever work with any solvents at
 22 Metro-Atlantic?

23 MS. MAIN: Objection.

24 MR. FARLEY: Objection.

1 Q. Do you recall how many tanks were on the property
 2 while you were there?

3 A. No, I couldn't say.

4 Q. Would it be more than one?

5 A. I would say so because they stored, I know of
 6 two things, the formaldehyde, and I think it was
 7 methanol.

8 Q. Can you mark on Exhibit 3 the location of the
 9 tanks.

10 THE WITNESS: It would be a guess.

11 What do you want me to label it?

12 MR. BINDER: Well, why don't you put
 13 an X in the location where the tank is.

14 (WITNESS COMPLIES)

15 MR. BINDER: And then maybe what
 16 we'll do is draw a line to the side, and on the end
 17 of the line, draw an arrow and mark that 11.

18 (WITNESS COMPLIES)

19 MS. MAIN: Objection to the extent
 20 that the testimony is a guess.

21 MR. FARLEY: Objection.

22 Q. Is 11 your best recollection of the location of the
 23 tanks?

24 A. Yes.

1 MR. BINDER: Let me reframe the
 2 question.

3 Q. Did you ever work with any chlorinated solvents at
 4 Metro-Atlantic?

5 A. No, not chlorinated. We would use alcohol, but
 6 that was for some other thing.

7 Q. Did you ever use any products known as PCE or TCE,
 8 or otherwise known as perc?

9 A. No.

10 MS. MAIN: Objection as to form.

11 A. No, I don't know those names at all.

12 Q. Were you familiar with -- do you know whether or not
 13 Metro-Atlantic used any tri -- withdrawn. Do you
 14 know any of the chemicals that Metro-Atlantic used
 15 in making its products?

16 A. The only thing I remember is formaldehyde, urea,
 17 and some other products. That, I think is in that
 18 statement, too. Simple names, not the other one.

19 Q. Was formaldehyde stored on the site?

20 A. Yes, it was either in big tanks outside or
 21 upstairs, I don't remember.

22 Q. Did you recall whether there were any tanks on the
 23 Metro-Atlantic property?

24 A. I believe so.

1 Q. And were both tanks in that location?

2 MS. MAIN: Objection.

3 MR. FARLEY: Objection.

4 A. I honestly can't say, because it was -- the
 5 trucks came in, they connected it to a pipe, and
 6 they pumped it off, and it went somewhere in that
 7 direction, that's all I can tell you where the tanks
 8 were, I don't know.

9 Q. Were the tanks in the same area or were there two
 10 different areas where the tanks were located?

11 A. I don't know.

12 Q. Was formaldehyde used in connection with the
 13 manufacture of the product in building 4?

14 A. I don't know that either.

15 Q. Are you aware of any instances in which there was an
 16 explosion of a tank at Metro-Atlantic?

17 A. Not while I was there.

18 Q. Were you aware of any instances in which a driver
 19 put the wrong valve into one of the tanks and a
 20 liquid material was released?

21 MS. MAIN: Objection.

22 MR. FARLEY: Objection.

23 MS. MICHELS: Objection.

24 A. No.

1 Q. Did you ever see any instances in which a large
 2 quantity of liquid was released abruptly from one of
 3 the tanks?
 4 MS. MAIN: Objection.
 5 MR. FARLEY: Objection.
 6 MS. MICHELS: Objection. --
 7 A. No.
 8 Q. Did you ever see an instances in which a large
 9 quantity of liquid was released abruptly from
 10 anyplace on the site?
 11 A. No.
 12 Q. Now, since you have left Metro-Atlantic, have you
 13 been in contact with any of the former employees
 14 there, other than possibly you were in contact with
 15 Mr. Bello before his death?
 16 A. No, when I walked out the door, that was it.
 17 Q. Now, do you know a Michael Silverman?
 18 A. No.
 19 Q. Do you know an Edward Soforenko?
 20 A. No.
 21 Q. Do you know who at Metro-Atlantic had responsibility
 22 for obtaining insurance?
 23 A. No.
 24 MS. MAIN: Objection.

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1 MR. FARLEY: Objection.
 2 MS. MICHELS: Objection.
 3 A. I was just a laborer.
 4 Q. Now, when you were at Metro-Atlantic, did you see
 5 the river that passed by the plant?
 6 A. Yes.
 7 Q. Did you ever see -- did you see that river becoming
 8 discolored?
 9 A. In what sense? I mean when it rained it would
 10 turn brown.
 11 Q. Other than that --
 12 A. No.
 13 Q. Do you recall at your deposition that you testified
 14 that you did not see the river become discolored?
 15 A. I think she was asking the question due to
 16 chemicals, right; no.
 17 MS. MAIN: Is there a specific
 18 question and answer?
 19 MR. BINDER: Okay, we'll get to that.
 20 Q. Turn to Exhibit 2 again, and turn to Page 35, if you
 21 could look at the question beginning on line 24,
 22 going to line 2 on Page 36.
 23 (WITNESS REVIEWS DOCUMENT)
 24 Q. Is that testimony accurate?

1 A. Yes.
 2 Q. And the answer on line 2?
 3 A. Right. I didn't see the river change color. I
 4 think -- this is just what she asked me, she said
 5 did you ever -- I think she was alluding to dyes. I
 6 don't know, I said "no" to her question.
 7 Q. Is it correct that as you testified at the prior
 8 deposition, that you did not see any neighborhood
 9 kids in the facility or around the facility when you
 10 were working there?
 11 A. No, I didn't see any.
 12 Q. Is it the case that the only wildlife you saw at or
 13 around the facility while you were working there was
 14 a few cats?
 15 A. Yes.
 16 Q. Now, prior to 1965, did you see any other companies
 17 that had manufacturing activities along the river?
 18 A. Not where we were.
 19 Q. Well, from any other experience, did you see any
 20 other manufacturing facility such as working there
 21 or observing them at all?
 22 A. No.
 23 Q. Did you ever tell anybody, either at Metro-Atlantic
 24 or New England Container Company, that you disagreed

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1 with the way that they disposed of their waste?
 2 A. No, because I didn't know how they disposed of
 3 their waste, and that was 40 years ago. It's a lot
 4 different today.
 5 Q. Things have changed a lot over the past 40 years in
 6 terms of waste disposal?
 7 A. I would say so.
 8 MS. MAIN: Move to strike.
 9 Q. Could you explain how things have changed over the
 10 last 40 years in terms of waste disposal?
 11 MS. MAIN: Objection.
 12 MR. FARLEY: Objection.
 13 MS. MICHELS: Objection.
 14 A. No, I'm not going to answer that because --
 15 just because I'm not an expert on that subject.
 16 Q. Do you know things have changed over the past 40
 17 years?
 18 MS. MAIN: Objection.
 19 MR. FARLEY: Objection.
 20 MS. MICHELS: Objection.
 21 A. Yes, just by the way that I throw out my trash
 22 at home.
 23 Q. Let me ask you to take a look at Exhibit 3 again,
 24 please. When waste was disposed of in the Dumpster,

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1 how was it collected before it was disposed of in
 2 the Dumpster?
 3 A. We shoveled it up to barrels, and it was just
 4 discarded into the Dumpster.
 5 Q. The content of the barrels would have been emptied
 6 in the Dumpster?
 7 A. No, the barrel and everything.
 8 Q. The whole barrel?
 9 A. Yes.
 10 Q. Do you know where the Dumpster, the contents of the
 11 Dumpsters were taken?
 12 A. No.
 13 Q. Is it correct that you worked at New England
 14 Container company for about ten evenings?
 15 A. To the best of my recollection.
 16 Q. Other than those ten evenings that you worked there,
 17 did you have any other occasions to observe the
 18 activities that took place in the New England
 19 Container Company?
 20 A. Other than if we were working from one building
 21 to another, you would see trucks coming in and out,
 22 that's about it.
 23 Q. And why did you leave the employ of Metro-Atlantic?
 24 A. To better myself.

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1 Q. Was that to continue your education?
 2 A. Yes.
 3 Q. Did you go to college at that time after you left?
 4 A. Yes.
 5 Q. In response to some questions from Ms. Main, you
 6 mentioned there was an occasion where you saw a fire
 7 at the drying building?
 8 A. Yes.
 9 Q. And did you see fires there on more than one
 10 occasion?
 11 A. No, that was the only one.
 12 MR. BINDER: Let me show you a copy
 13 of a Centredale Department Fire Report dated
 14 1/3/1963, which I'm going to ask the reporter to
 15 mark as the next exhibit.
 16 (TURCONE EXHIBIT NUMBER 4 MARKED
 17 FOR IDENTIFICATION)
 18 (WITNESS COMPLIES)
 19 A. Well, I can answer your question.
 20 Q. Let me, just so the record is clear, let me just put
 21 the question to the record. Do you see that that
 22 report is dated, appears to be 1/3/1963; is that
 23 consistent with your recollection with when the fire
 24 that you testified about took place?

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1 A. I'm going to say no, because I don't recall when
 2 that took place.
 3 Q. Does this document refresh your recollection at all
 4 about one that took place?
 5 A. No, because it was after my shift that this
 6 happened.
 7 Q. Oh --
 8 A. My shift was, I believe, until 4:30, and this
 9 was at 5:45.
 10 Q. So are you aware of the incident that's referred to
 11 in this report?
 12 A. No, that's why I don't recall it.
 13 Q. Fair enough. And on the occasion that you recall
 14 where there was a fire in the drying building, did a
 15 fire company respond to that fire?
 16 A. Yes.
 17 Q. And are you able to give us a reasonable
 18 approximation of when that took place, other than it
 19 was sometime during your employment with
 20 Metro-Atlantic?
 21 A. All I know is it was probably around dusk, it
 22 was late in the year.
 23 Q. Would that be late in the first year that you were
 24 there or late in the second year that you were there?

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1 A. I don't remember that. I can remember the fire,
 2 but that's about all.
 3 Q. The fire that you saw, did it burn through the roof?
 4 A. No, it didn't involve a truck.
 5 Q. You see the reference says, "Truck was pulling out
 6 of the station," doesn't that refer to the fire
 7 truck?
 8 MS. MAIN: Objection.
 9 MR. BINDER: Let me withdraw the
 10 question.
 11 Q. Now, when you were employed at Metro-Atlantic, did
 12 any state or federal government employee, to your
 13 knowledge, fine Metro-Atlantic for any of its
 14 activities?
 15 A. I have no way of knowing that.
 16 Q. You are not aware if that ever happened; is that
 17 right?
 18 A. That's correct.
 19 MR. BINDER: I have no further
 20 questions.
 21 MS. MAIN: Just a little bit of
 22 follow-up, Mr. Turcone.
 23 FURTHER EXAMINATION BY MS. MAIN
 24 Q. Were there vats located in building 1, which you

1 have marked on Exhibit 3?
 2 A. Yes.
 3 Q. Do you recall how many vats were in building 1?
 4 THE WITNESS: Educated guess?
 5 MS. MAIN: Yes.
 6 A. About six. --
 7 Q. Did you ever see any of those vats being cleaned?
 8 A. No.
 9 Q. Did you ever see any vats in any building at
 10 Metro-Atlantic being cleaned?
 11 A. Not that I recall, no.
 12 Q. The material that you said would be shoveled up off
 13 the floor, put in barrels and then into the
 14 Dumpster -- and forgive me if I'm asked this
 15 before -- but that was solid material; correct?
 16 A. Yes.
 17 Q. Did you ever see any liquid waste at Metro-Atlantic,
 18 other than the acid we talked about?
 19 MR. BINDER: Objection.
 20 A. No.
 21 Q. The acid through the pipe and into the water body,
 22 did you ever see any effect on that water body from
 23 the acid?
 24 MR. BINDER: Objection.

1 like a sludge or a --
 2 A. Yes.
 3 Q. And was the consistency of that material
 4 sludge-like?
 5 A. I'm trying to think of something to compare it
 6 to -- no, a little heavier than sludge, I'd say, as
 7 I recollect sludge to be. Reminded me more of like
 8 beach sand that's mixed in with some type of -- I
 9 don't know, like oil or something, holding things
 10 together so it just doesn't fall apart.
 11 MR. BINDER: Okay, thank you, I have
 12 no further questions.
 13 MS. MAIN: Thank you for your time.
 14 THE WITNESS: You're welcome.
 15 MS. MAIN: Mr. Turcone -- keep this
 16 on the record -- I will send you a copy of the
 17 transcript in the mail, if you wouldn't mind reading
 18 it, and I'll give you a sheet, if there's any
 19 inaccuracies, you can change them on the sheet and
 20 then just sign it. Okay?
 21 THE WITNESS: All right, fine.
 22 (DEPOSITION CONCLUDED AT 4:00 P.M.)
 23
 24

1 A. No.
 2 Q. When you worked at New England Container, did you
 3 ever smell any odors?
 4 A. Yes.
 5 Q. Tell me about the odors that you smelled.
 6 MR. BINDER: Objection, beyond the
 7 scope of cross.
 8 MS. MAIN: Go ahead.
 9 A. Whatever was burned in the barrels.
 10 Q. Do you remember anything that you could compare it
 11 to?
 12 MR. BINDER: Objection.
 13 A. Rotten eggs once in a while.
 14 Q. So it was a foul odor?
 15 MR. BINDER: Objection.
 16 A. I guess so.
 17 MS. MAIN: I have no further
 18 questions. Thank you very much.
 19 MR. BINDER: I have a quick follow-up
 20 question.
 21 FURTHER EXAMINATION BY MR. BINDER
 22 Q. Now, Ms. Main asked you questions about whether
 23 material that was collected from the floor was a
 24 solid, and by a solid, would that include something

1 C-E-R-T-I-F-I-C-A-T-E
 2 I, ANGELA M. GALLOGLY, RPR, Notary Public in and for
 3 the State of Rhode Island, duly commissioned and
 4 qualified to administer oaths, do hereby certify
 5 that the foregoing deposition of John Turcone, a
 6 Witness in the above-entitled cause, was taken
 7 before me on behalf of the Defendants, at the
 8 Holiday Inn, 3009 Tower Hill Road, South Kingstown,
 9 Rhode Island, on December 16, 2002; that previous to
 10 examination of said witness, who was of lawful age,
 11 John Turcone was first sworn by me and duly
 12 cautioned and sworn to testify the truth, the whole
 13 truth, and nothing but the truth, and that John
 14 Turcone thereupon testified as in the foregoing
 15 manner as set out in the aforesaid transcript.
 16 I further certify that the foregoing deposition was
 17 taken down by me in stenotype and was later
 18 transcribed by computer and that the foregoing
 19 deposition is a true and accurate record of the
 20 testimony of said witness.
 21 Pursuant to Rule 5 (d) and 30 (f) of the Federal
 22 Rules of Civil Procedure, original transcripts shall
 23 not be filed in court; therefore, the original is
 24 delivered and retained by Defendant's attorney,
 Ms. Robin Main.
 I have enclosed with a copy of the deposition a
 correction and signature page.
 IN WITNESS WHEREOF, I have hereunto set my hand this
 30th day of December, 2002.

 ANGELA M. GALLOGLY, NOTARY PUBLIC, RPR
 MY COMMISSION EXPIRES: 8/29/2005

C-E-R-T-I-F-I-C-A-T-E

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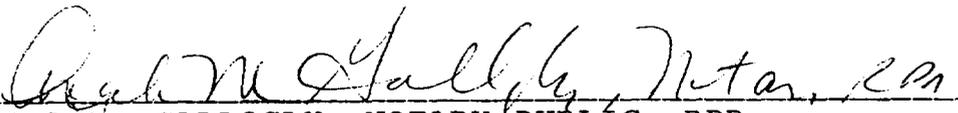
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I further certify that the foregoing deposition was taken down by me in stenotype and was later transcribed by computer and that the foregoing deposition is a true and accurate record of the testimony of said witness.

Pursuant to Rule 5 (d) and 30 (f) of the Federal Rules of Civil Procedure, original transcripts shall not be filed in court; therefore, the original is delivered and retained by Defendant's attorney, Ms. Robin Main.

I have enclosed with a copy of the deposition a correction and signature page.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of December, 2002.



ANGELA M. GALLOGLY, NOTARY PUBLIC, RPR
MY COMMISSION EXPIRES: 8/29/2005

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