



APPEARANCES: (Continued)

## FOR THE DEFENDANT

Century Indemnity:

JAMES P. McCORMACK, ESQ.  
McKenna & McCormack  
128 Dorrance Street  
Suite 330  
Providence, RI 02903  
(401) 831-2970

## FOR THE DEFENDANT

OneBeacon America:

KEVIN J. O'CONNOR, ESQ.  
and PETER NETBURN, ESQ.  
Hermes, Netburn, O'Connor &  
Spearing, P.C.  
265 Franklin St.  
7th Floor  
Boston, MA 02110  
(617) 728-0050

JAMES T. MURPHY, ESQ.  
and KELLY N. MICHELS, ATTY.  
Hanson Curran, LLP  
146 Westminster Street  
Providence, RI 02903  
(401) 421-2154

Court Reporter:

Anne M. Clayton, RPR  
One Exchange Terrace  
Providence, RI 02903

Proceeding reported and produced by computer-aided  
stenography

I N D E X

<u>WITNESS</u>	<u>PAGE</u>
JOSEPH NADEAU	
Direct Examination by Mr. Pirozzolo:	4
Cross-Examination by Mr. Nugent:	31
Redirect Examination by Mr. Pirozzolo:	45
Recross-Examination by Mr. Nugent:	49
 RAYMOND NADEAU	
Direct Examination by Mr. Pirozzolo:	50
Cross-Examination by Mr. Nugent:	65
Redirect Examination by Mr. Pirozzolo:	81
 <u>PLAINTIFF'S EXHIBITS</u>	
137A -	22

---

1 MR. PIROZZOLO: Mr. Joseph Nadeau.

2 JOSEPH NADEAU, first having been duly sworn,  
3 testified as follows:

4 THE CLERK: Please state your name and spell  
5 your last name for the record.

6 THE WITNESS: Joseph Nadeau, N-A-D-E-A-U.

7 THE COURT: Have a seat. Good afternoon,  
8 Mr. Nadeau. Mr. Pirozzolo.

9 DIRECT EXAMINATION BY MR. PIROZZOLO

10 Q. Mr. Nadeau, could you give your full name and  
11 address.

12 A. Joseph Nadeau. [REDACTED]  
13 [REDACTED]

14 Q. Are you employed at the present time?

15 A. Yes, sir.

16 Q. By whom are you employed?

17 A. Perot Systems.

18 Q. At some point in time, were you employed by  
19 Metro-Atlantic?

20 A. Yes.

21 Q. And were you also employed by New England  
22 Container Corporation?

23 A. Yes.

24 Q. And could you tell us when you were employed by  
25 each of those companies?

1       A.    The early '60's on New England Container; '64, '65  
2       Metro-Atlantic.

3       Q.    Now, going to the time that you were employed by  
4       New England Container, what job did you have at that  
5       employment?

6       A.    It was not a particular job.  I was just a  
7       laborer.  I loaded trucks, unloaded trucks, ran the  
8       sandblaster, took things off the burning station.  Just  
9       general labor.

10      Q.    Can I ask you to move up a little closer to the  
11      mike or move the mike closer to you.  Thanks.  Okay.

12                In the course of that work, did you -- that  
13      time, did you report to work to the New England  
14      Container site each day, or each working day?

15      A.    It was a summer job, and I reported every day for  
16      the summer.

17      Q.    Okay.  And for how many summers did you do that?

18      A.    I believe it was two.

19      Q.    And did you work for New England Container during  
20      the school year?

21      A.    No.

22      Q.    Okay.  How old were you when you were doing that  
23      job for New England Container?

24      A.    Sixteen, 17.

25      Q.    Okay.  Did you have an opportunity to see how New

1 England Container operated?

2 A. Yes.

3 Q. Okay. Would you describe the operation?

4 A. They refurbished barrels so what they did was they  
5 picked up barrels from other sites, brought the barrels  
6 in, those barrels went through several processes, were  
7 cleaned up, painted, stored in different areas, and  
8 then sent off to whoever was buying the barrels.

9 Q. When a -- start out with when a barrel first came  
10 to New England Container, how did it get delivered to  
11 New England Container?

12 A. There were drivers from New England Container that  
13 would go to the sites to pick those barrels up, bring  
14 them back to the site.

15 Q. Did they come from various companies?

16 A. They came from all over the state.

17 Q. The State of Rhode Island?

18 A. The State of Rhode Island, maybe Connecticut. I'm  
19 not quite sure.

20 Q. And when they first arrived at New England  
21 Container, before New England Container did anything  
22 with it, what did they do? Did they do anything to  
23 look at the barrels?

24 A. They had a storage area behind the building along  
25 the Woonasquatucket where they would stack the barrels.

1 Q. Did they inspect the barrels before they came?

2 A. I'm not sure.

3 Q. Okay. So they would stack the barrels, and then  
4 what would happen next with the barrels?

5 A. As the barrels were needed, they were brought to  
6 normally the burning station. They would go to the  
7 burning station. They were sanded.

8 Q. Let's go through it step by step. What was the  
9 burning station?

10 A. It was a pit on the outside of the building that  
11 was connected to the building by a track system. The  
12 individual on the outside would take those open-ended  
13 barrels, tip them upside down, put them on the rail,  
14 and they would be drawn through, into the building,  
15 over a burn, over an open flame.

16 Q. What was the fuel for the open flame?

17 A. Don't know.

18 Q. Well, maybe -- was there some fuel for the flame?

19 A. There was fuel for the flame, obviously.

20 Q. So it was like a big barbecue or --

21 A. It was open flames, I'm guessing it was gas. I'm  
22 just guessing it was gas, and the flame would shoot up  
23 into the barrel and burn the inside of the barrel and  
24 the paint off the outside.

25 Q. I want to make sure we visualize this correctly.

1 The barrel -- at some point, the barrel would be upside  
2 down and open over this pit?

3 A. True.

4 Q. And a flame from some source would go into the  
5 barrel?

6 A. True.

7 Q. Okay. And then what did that do to the barrel?

8 A. It burned off any residue of whatever was in that  
9 barrel out of the barrel and burned the paint off the  
10 outside of the barrel.

11 Q. Okay. And then when the burning part was  
12 finished, what happened to the barrel?

13 A. The barrels were pulled off the rail on the inside  
14 of the building. Any ash or whatever that was still  
15 remaining was kicked out into the pit. The barrels  
16 would go to another station where they were  
17 sandblasted.

18 Q. Okay. Now, when the barrel was -- would it be  
19 correct, when the barrel was burned, it was hot?

20 A. Yes.

21 Q. How was it handled, if it was hot?

22 A. Men with gloves would pull it off.

23 Q. So taking the ash out was done by manual labor,  
24 people with gloves?

25 A. Yes.

1 Q. And that ash, that ash you said would go into the  
2 pit?

3 A. I think we kicked it back out into the pit.

4 Q. I'm sorry.

5 A. I believe we kicked it back out into the pit,  
6 because it was right there at the door where they were  
7 taken off the station.

8 Q. After that, where did the barrels next go?

9 A. They were sandblasted.

10 Q. What is sandblasting?

11 A. They were put on a rotating device, and it was  
12 like small metal beads would blast it onto it to clean  
13 any debris to shine up the barrel in preparation to be  
14 reconditioned and painted.

15 Q. Then after the sandblasting, what would happen  
16 with the barrels?

17 A. They went to a rolling station. There was also an  
18 inspection process somewhere along the line. I'm not  
19 quite sure how that went so that they didn't do a lot  
20 of work for a barrel that wasn't going to be fit to be  
21 reused. But from that point, it went to a rolling  
22 station where they put the beads along the edge of the  
23 55-gallon drums, and from there it went to a paint  
24 station.

25 Q. And what happened at the paint station?

1       A.    The customers that would -- those barrels were  
2       being sold to had their own particular colors that they  
3       wanted on a barrel, or if they were just a general use  
4       barrel, which would have been just plain black.  So if  
5       it was a custom barrel, it was painted to the specs of  
6       the job.  Most of the barrels were black.

7       Q.    In some cases, was the customer's logo put on  
8       barrels?

9       A.    I don't believe we put any logos on.  I think it  
10      was just paint.

11      Q.    Just a color?

12      A.    Just a color.

13      Q.    Now, after the barrels were painted, what would  
14      happen to them?

15      A.    Depending on, from what I can remember, some of  
16      those barrels were stored in one of the storage areas,  
17      or if it was a rush delivery, after the paint was  
18      dried, those barrels were loaded onto trucks and  
19      delivered to the specific customer.

20      Q.    Did New England Container have its own trucks?

21      A.    Yes.

22      Q.    So they had trucks that both picked up and  
23      delivered barrels?

24      A.    Yes.

25      Q.    Did barrels ever arrive at New England Container

1 for refurbishing that New England Container determined  
2 were not suitable?

3 A. Very few of them showed up, as far as I know, that  
4 were considered -- because the driver wouldn't pick  
5 them up, because they would catch heck from the boss  
6 for bringing a barrel that was junk. So we didn't want  
7 any junk on the lot.

8 Q. So if a New England Container truck picked up the  
9 barrels and it found the barrels defective, they  
10 wouldn't bring them in?

11 A. The way I understood it, if a driver went to the  
12 site and the driver looked at the barrel and saw a  
13 gaping hole, he was not going to pick that barrel up.

14 The way I understood it, when the driver showed up  
15 at a site to pick up barrels, if there was a damaged  
16 barrel with a hole in it, a big hole, a noticeable  
17 damage, the driver would not accept that barrel.

18 Q. And when a customer delivered barrels to New  
19 England Container, did New England Container do  
20 anything about looking at the barrels before it  
21 accepted them?

22 A. There was some level of inspection. What it was,  
23 I don't know.

24 Q. To your knowledge, did New England Container ever  
25 dispose of defective barrels?

1       A.    Some barrels that were defective, we called them  
2       leakers, they were painted a black color.  They were  
3       sold as burn drums, which meant that people would buy  
4       them to put in their backyard to burn their trash.

5       Q.    And did New England Container dispose of any drums  
6       on the site?

7       A.    Not that I'm aware of.

8               MR. PIROZZOLO:  Your Honor, I'd be going into  
9       his employment at Metro-Atlantic at this time.  Should  
10       I start?

11              THE COURT:  How long will your direct take of  
12       this witness?

13              MR. PIROZZOLO:  I think it will be a  
14       half-an-hour.

15              THE COURT:  Why don't we break now.  All right.  
16       Ladies and gentlemen, this is a good time to break for  
17       the day, so I will let you go.  Just remember my  
18       instructions to you of not to discuss the case with  
19       anyone, among yourselves or with anyone else, and not  
20       to do any independent research, not to expose yourself  
21       to anything regarding this case.  I'm going to be doing  
22       my best to keep things moving here.  So be here bright  
23       and early tomorrow morning, 8:45.  We'll hit the ground  
24       running at nine o'clock.

25

1 SEPTEMBER 15, 2006

2 CONTINUATION OF DIRECT EXAMINATION BY MR. PIROZZOLO

3 Q. Good morning, Mr. Nadeau.

4 A. Good morning.

5 Q. Yesterday, at the close of your testimony, just to  
6 orient us, I believe I had asked you some questions  
7 about your employment at NECC, do you recall that's  
8 where we left off?

9 A. Yes.

10 Q. Okay. Now, following your employment at NECC, did  
11 you go to work for Metro-Atlantic?

12 A. Yes, I did.

13 Q. And when did you work for Metro-Atlantic?

14 A. I believe I worked one summer there, early '60's.  
15 And I worked full-time starting in the summer of '64  
16 through August of '65.

17 Q. Could you just repeat the dates you worked there.

18 A. I believe I worked the summer of early '60's, and  
19 then I worked full-time from the summer, from like July  
20 of '64 through August of '65.

21 Q. Thank you. And could you tell us, in general,  
22 what type of work you did during the summer and then  
23 during the period 1964 to 1965?

24 A. Pretty much whatever we were told to do. We were  
25 utility-type people. I ran filter presses, worked on

1 the dryer for the reserve salt, emptied tanks, cleaned  
2 out tanks, emptied tanks into drums for delivery, help  
3 make some of the batches for the contents of whatever  
4 the product was into the vat. Those type of things.

5 Q. Didn't you say you did practically all the --  
6 worked on all the manufacturing operations one way or  
7 another?

8 A. Did a lot of little things, yes.

9 Q. And in doing that work, did that take you to all  
10 of the parts of the plant?

11 A. Pretty much, yes.

12 Q. So would it be fair to say then that you know  
13 where the different facilities were located?

14 A. Yes.

15 Q. You may recall in your deposition you located  
16 different Metro-Atlantic and other buildings on the  
17 site, do you recall that?

18 A. Yes.

19 Q. I'm going to give you Plaintiff's Exhibit 137 and  
20 ask if you can, with a highlighter, just highlight the  
21 Metro-Atlantic building, building or buildings.

22 A. I believe Metro-Atlantic is down in this corner  
23 that I've circled -- no. This is New England  
24 Container. I'm sorry. This is Metro-Atlantic up in  
25 here. This is the maintenance building and another

1 facility here that was used for drying the reserve  
2 salt. And this is the building that we referred to as  
3 the Texas tower, but where they made hexachlorophene,  
4 you know, hexa something or -- the guys referred to as  
5 the Texas tower, the guys that worked there.

6 Q. I'm going to color in what you call the Texas  
7 tower, if I may. Did you outline this?

8 A. Yes. That was the maintenance building where we  
9 did the reserve salt.

10 Q. I'm going to color that in.

11 A. The rest of this was the Metro-Atlantic.

12 Q. Does it go over to here? Is this part of it?

13 A. I'm not sure. The front offices were here, and we  
14 had a storage area in that corner.

15 Q. Over here?

16 A. Yes.

17 Q. And here?

18 A. I'm not sure. I can't remember.

19 Q. You don't remember that. You do remember this?

20 A. Yes.

21 Q. And here?

22 A. I believe that was probably the offices. I'm not  
23 sure. I can't remember now.

24 Q. So if I colored it in yellow, what were  
25 Metro-Atlantic building?

1       A.    Pretty much what I remember, yes.

2               THE COURT:  Go put that on that screen so  
3   opposing counsel can see everything you just colored  
4   in, not to the jury.

5               Now, just so that the record is clear here,  
6   Mr. Nadeau, everything that is colored in, fully  
7   colored in, you're saying is Metro-Atlantic.  The thing  
8   that's circled, that's New England Container?

9               THE WITNESS:  That's true.

10              THE COURT:  Is that right?

11              THE WITNESS:  That's correct.

12              THE COURT:  All right.

13              MR. PIROZZOLO:  I'm going to ask him to make  
14   some more marks, your Honor, to make it clearer.

15              THE COURT:  That's fine.  I just want counsel to  
16   be able to see what's happening with the witness.

17              Q.    Mr. Nadeau, I'm going to ask you what you call the  
18   Texas tower, is that the same building as the  
19   hexachlorophene?

20              A.    Yes.

21              Q.    I'm going to put an "H" there.  Now, this building  
22   colored in yellow, I believe you said is the  
23   maintenance?

24              A.    The building closest to the street was part of the  
25   maintenance area.  The south end was where we dried the

1 reserve salt and packaged it.

2 Q. So I'm going to put an "M." So I put an "M" with  
3 an arrow to the building that's the maintenance?

4 A. Yes.

5 Q. And an "S" with an arrow to the salt?

6 A. Reserve salt.

7 Q. Reserve salt. Now, all of the rest in yellow, is  
8 that the manufacturing plant?

9 A. Minus the offices, yes.

10 Q. In which part is the offices?

11 A. The offices were closest to Smith Street.

12 Q. So I will put an arrow with "O" for office.

13 A. Yes.

14 Q. And the rest I'll put an arrow with a "P" for  
15 plant?

16 A. True.

17 Q. Have I followed your direction?

18 A. As I remember.

19 Q. Thank you very much.

20 THE COURT: All right. Now, show it to counsel.

21 MR. HARDING: Could this be printed off?

22 THE COURT: It will be. I'll get to that. Are  
23 you going to ask him to make any more markings?

24 MR. PIROZZOLO: I am.

25 THE COURT: Okay. I'd like to wait to print it

1 until all markings are made, and then it will be made a  
2 supplemental Exhibit 137A. Go head.

3 MR. PIROZZOLO: Thank you, your Honor.

4 Q. Mr. Nadeau, you made a circle around an area. Is  
5 that the New England Container?

6 A. Yes, it is.

7 Q. May I write "NECC" inside that circle?

8 A. Whatever.

9 Q. I'll use an arrow again. It's easier. NECC.  
10 I've got an arrow pointing to the NECC building; is  
11 that right?

12 A. Correct.

13 Q. What is this?

14 A. I don't remember.

15 Q. Do you know if that's a part of NECC?

16 A. I can't remember.

17 Q. Okay. Now, do you remember if there was an area  
18 where it was referred to as a dump site?

19 A. I know there was an area referred to as a dump  
20 site. I've never been there.

21 Q. I'm sorry, I interrupted you. I'm sorry?

22 A. I had never visited that site. I hadn't seen it.  
23 I knew that it was somewhere down off the parking lot.

24 Q. Do you know, generally, where it was?

25 A. It was past New England Container. Where exactly,

1 I'm not sure. I never visited it.

2 Q. Would the dump site have been in this direction  
3 from New England Container?

4 A. Yes.

5 Q. If Smith Street is north, would it be south of --

6 A. It would be south.

7 Q. Okay. Mark that with an arrow.

8 THE COURT: Well, wait. Wait. He hasn't said  
9 that he knows exactly where it is. He said in what  
10 direction it was, so why don't you put that onto the  
11 projector. Put it on the projector. Now, you can ask  
12 him to indicate the direction in which that --

13 Q. Mr. Nadeau, at some point south of the -- first of  
14 all, let me ask you to point to Smith Street.

15 A. Smith Street would be up at the top. It's not on  
16 the map here where I can see. This is Smith Street  
17 right here.

18 Q. Okay. Thank you. Now, at some point, the  
19 tailrace and the river come together?

20 A. I believe that's true.

21 Q. That's not shown on this map?

22 A. I can't see it, no.

23 Q. In other words, the map ends before that part?

24 A. True.

25 Q. Was the dump beyond the end of the map?

1       A.    I don't know.

2       Q.    But in any event, it was south of the buildings?

3       A.    It was south of the buildings.

4       Q.    But how far, you just don't know?

5       A.    No idea.

6       Q.    Okay.

7           MR. PIROZZOLO:  May I mark the map with south?

8           THE COURT:  It's on the map.  There's a compass  
9           right on the map in the lower left corner.

10          MR. PIROZZOLO:  I would offer 137 as marked.

11          THE COURT:  Is there any objection?

12          MR. NETBURN:  No, your Honor.

13          THE COURT:  Do you all intend to ask the witness  
14          to mark up the map, as well?

15          MR. NUGENT:  Not at this time, your Honor.

16          THE COURT:  All right.

17          MR. NETBURN:  No, your Honor.

18          THE COURT:  Is there any objection from --

19          MR. LEVENS:  No objection, your Honor.

20          THE COURT:  Okay.  Then if you could -- can we  
21          print that if it's on the projector?  Put that on the  
22          projector as marked up and we'll print that.  Just  
23          leave it there, we'll print it.

24          MR. PIROZZOLO:  You don't get the whole thing,  
25          though, your Honor.

1 THE COURT: Zoom out.

2 MR. NETBURN: Your Honor, can the arrow be  
3 removed?

4 THE COURT: Yes. All right, that's good. Print  
5 that.

6 MR. PIROZZOLO: It's still not the whole thing.  
7 I think it's beyond the field. It's too big for --

8 THE COURT: Okay. Move to your next question.

9 MR. PIROZZOLO: May this be published to the  
10 jury, your Honor?

11 THE COURT: Yes.

12 Q. Mr. Nadeau, would you point out for the jury the  
13 letters that have been marked on this plan on the  
14 screen?

15 A. What do you want me to do?

16 MR. PIROZZOLO: I'm sorry, your Honor. I just  
17 don't know how to do this.

18 Q. Can you point on the screen to the office area?

19 A. Right there.

20 Q. Thank you. Could you point on the screen to the  
21 manufacturing plant?

22 A. (Indicating.)

23 Q. Is that that entire yellow --

24 A. That entire block.

25 Q. Could you point on the screen to the maintenance

1 building?

2 A. (Indicating.)

3 Q. Can you point on the screen to the salt?

4 A. (Indicating.)

5 Q. Can you point on the screen to the hexachlorophene  
6 building?

7 A. (Indicating.)

8 Q. Can you point on the screen to the New England  
9 Container?

10 A. (Indicating.)

11 Q. Thank you.

12 MR. PIROZZOLO: I offer 137A.

13 THE COURT: Call it 137A. Without objection, it  
14 will be admitted in full.

15 (Plaintiff's Exhibit 137A marked full.)

16 Q. Now in the course of your working for  
17 Metro-Atlantic, as you said, you had the opportunity or  
18 the occasion to go through the entire plant, were  
19 fluids delivered from vessels and from storage areas in  
20 pipes?

21 A. Yes.

22 Q. Could you describe in your own words what the  
23 piping looked like?

24 A. Some of the piping came from the storage tanks  
25 that ran along the walls, had valves affixed to it with

1 nozzles that hoses were attached to. Some of the  
2 product came out of storage tanks that we hooked the  
3 hose to and ran it to the particular vat we needed to  
4 move it to or pump it to or transport it from drums to.

5 Q. And did you ever notice any leaks or spills either  
6 from the vats or the pipes?

7 A. Yes.

8 Q. And could you describe what you observed?

9 A. On occasions, some of the chemicals would erode  
10 the pipes and whatever that product was, the raw  
11 product, it would drip.

12 Q. And what was done when that occurred, that kind of  
13 thing occurred?

14 A. Usually, we told someone, and someone from  
15 maintenance would come and replace that pipe.

16 Q. What would you do with whatever dripped or came  
17 out?

18 A. Hosed it down. Wash it away.

19 Q. And -- I'm sorry?

20 A. It would wash away.

21 Q. Thank you. Now, you pointed out the building that  
22 contained the -- where the hexachlorophene -- you  
23 called it the Texas tower?

24 A. Yes.

25 Q. What was that building used for?

1       **A.**    They made the hexachlorophene product there.  I  
2       was never in it.  There was only two gentlemen, I  
3       believe, or three gentlemen that ever worked there, and  
4       I never was part of that operation.

5       **Q.**    But that was the place where they made the  
6       hexachlorophene?

7       **A.**    Yes.

8       **Q.**    Do you know how the raw materials got to that  
9       building?

10      **A.**    I do not.

11      **Q.**    Do you know how the finished product left that  
12      building?

13      **A.**    I do not.

14      **Q.**    Do you know any of the other products that  
15      Metro-Atlantic made?

16      **A.**    Well, they made the reserve salt.  They made a  
17      product called Rane-Pel, which was a water repellent.  
18      Actsoft PE, which I think was another repellent.  There  
19      was a product called 40S.  I'm not quite sure what that  
20      product was, but it was a filtered product.  We ran it  
21      through a filter press.

22                They had dozens of products.  I can't remember  
23      them all at this point in time.

24      **Q.**    We're not asking for all, but can you give us the  
25      ones you do remember?

1       **A.**   Those are the ones that stand out.

2       **Q.**   Okay. Thank you. Now, did chemicals --  
3       withdrawn. When chemicals arrived at Metro-Atlantic,  
4       were they sometimes stored in tanks?

5       **A.**   Yes.

6       **Q.**   Could you just describe how chemicals would get  
7       into the tanks?

8       **A.**   Usually they were pumped from a vehicle, a vehicle  
9       would show up, a tank truck. They would hook a hose to  
10      the valve on the truck and onto the valve outside and  
11      open the valve and pressure it into the tank.

12      **Q.**   And how would the chemicals from those tanks end  
13      up getting used for manufacturing?

14      **A.**   Pretty much the same way we would pump them from  
15      the storage tanks to the vats where the product was  
16      being mixed.

17      **Q.**   Did sometimes raw materials come in barrels?

18      **A.**   Yes.

19      **Q.**   How were those delivered and stored?

20      **A.**   They would come through shipping. From there,  
21      they would be put in storage areas throughout the  
22      plant. Some of the products were up on the third  
23      floor, I believe. Others went to the second. I'm not  
24      quite sure. But they were dispensed throughout the  
25      building.

1 Q. Did the raw materials that came in barrels, was  
2 that usually a liquid?

3 A. Yes.

4 Q. How did you get -- how did Metro-Atlantic get the  
5 liquid out of the barrels in order to put it into  
6 processes?

7 A. Either pump it out or dump the drum.

8 Q. On the occasions when it was pumped out, could you  
9 describe how that pump worked, or looked like?

10 A. It was a small pump. We would put the hose into  
11 the barrel, the other end into the vat, and start the  
12 pump. The suction would move the product to the vat.

13 Q. And in that way was a required or a measured  
14 amount taken out of the barrel for a particular  
15 process?

16 A. Yeah. They used scales or, if they knew the  
17 volume that needed to go in, say they needed 50  
18 gallons, then a 55-gallon -- or a 50-gallon drum would  
19 be poured into the mix.

20 Q. That's the occasion when they pour the entire --

21 A. Yes.

22 Q. How did they go about pouring an entire 55-gallon  
23 drum of liquid into the mix?

24 A. We had hand trucks that would tip over, and some  
25 of the openings to the tanks were low enough that it

1 would just allow it to happen. Just dumped it over.

2 Q. On occasions when raw material was put into the  
3 mix, would anything spill?

4 A. Sure.

5 Q. And what would you do with whatever might have  
6 spilled?

7 A. We would -- depending on -- some things we didn't  
8 add water to. They reacted violently to water. But  
9 most of the time it was -- we would steam them or hit  
10 them with water and then they would go down the French  
11 drain.

12 Q. Thank you. Now, was there an occasion when an  
13 explosion occurred?

14 A. Yes.

15 Q. Were you there when that happened?

16 A. I wasn't there when it happened. I heard about  
17 it. I can't remember how I heard about it. I don't  
18 know whether I was even still working there at the time  
19 when that happened, but I heard the story because my  
20 brother was there.

21 Q. But you didn't, in fact, see the explosion?

22 A. I didn't see it.

23 Q. Okay. Now, did Metro-Atlantic have a way of  
24 disposing of solid waste? Is there a Dumpster?

25 MR. NETBURN: Objection.

1 THE COURT: Don't lead the witness. Sustained.  
2 Ask another question.

3 Q. Did Metro-Atlantic have a way of disposing of  
4 solid waste?

5 A. Some of the things that we trashed went into the  
6 Dumpster. Some of the byproducts were shoveled and put  
7 into barrels. Some of the byproducts were washed off  
8 the floor into the drain.

9 Q. And in connection with the work you did at  
10 Metro-Atlantic, did you ever do anything with the  
11 expectation or intention of damaging the environment?

12 MR. NUGENT: Objection.

13 THE COURT: I'm going to allow it. Overruled.

14 A. Would you repeat that?

15 THE COURT: The reporter will read the question  
16 back.

17 (Pending question read by the reporter.)

18 A. No.

19 Q. Did you ever think you were doing anything wrong?

20 A. No.

21 MR. PIROZZOLO: Thank you. I have no further  
22 questions.

23 One more question.

24 Q. Do you recall a time when there was a fire?

25 A. There were several fires.

1 Q. Do you remember a fire involving a heater of some  
2 kind?

3 A. Yes.

4 Q. Could you tell us about that fire? First of all,  
5 could you tell us when that occurred?

6 MR. NUGENT: Objection, your Honor, on  
7 relevance.

8 THE COURT: Can't tell yet. I'm going to allow  
9 it.

10 MR. NUGENT: Can I be heard on that, your Honor?

11 THE COURT: Well, let me find out the time  
12 period first, all right? What time period are you  
13 referring to?

14 Q. When did the fire occur, approximately?

15 A. '64, '65. That's my recollection. I remember the  
16 fire that involved a methanol tank.

17 Q. I don't understand. Methanol?

18 A. Methanol.

19 Q. What's methanol?

20 A. It was a raw product that was delivered. It's a  
21 very flammable product. I think they even use it in  
22 race cars.

23 Q. Where was that a fire, in the building or --

24 A. It was in the building.

25 Q. Which building?

1       A.    It was in the main building.

2       Q.    And did it require the fire department?

3       A.    The fire department may have showed up, but my  
4       brother and I put it out.

5       Q.    Okay.  Could you describe it as fully as you can  
6       remember what the fire looked like?

7       A.    I was across the street when the alarms went off.  
8       I went through the door.  My brother was standing there  
9       with a hose.  What was happening was the methanol was  
10      coming out of the valve on fire.  I grabbed another  
11      hose and we -- together we walked towards it pushing  
12      the methanol on fire into the French drain.  When we  
13      got to the valve, we shut it off.  The fire stopped.  
14      The fire went down the drain into the river.  Not the  
15      river but the tail section.

16      Q.    Did the fire involve anything that a delivery man  
17      had done?

18      A.    I think the delivery man might have got burned.  
19      He wasn't there when I came through the door.

20      Q.    Do you know what started the fire?

21      A.    The delivery man.  He had a heater that he wanted  
22      to put methanol in to use.  Apparently, it was either  
23      still hot or still burning when he cracked the valve.

24               MR. PIROZZOLO:  Thank you.  I have no further  
25      questions.

CROSS-EXAMINATION BY MR. NUGENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q. Good morning, Mr. Nadeau.

A. Good morning.

Q. You stated you worked at both Metro-Atlantic and New England Container; is that correct?

A. Yes.

Q. And during the year that you worked there, did you find that that was a common occurrence, that workers would work in both places?

A. Yes.

Q. In fact, would you say that they were interchangeable?

A. It was not the norm, but a lot of people did work in both places.

Q. Did you ever provide information to the EPA regarding the interchangeability of the workers between the two places?

A. I may have.

Q. You mentioned the French drains. They were in the basement of the main building?

A. True.

Q. And what was the floor of the main building made out of?

A. The basement floor was concrete.

Q. All right. And would you describe what the French

1 drains, as you call them, what they look like?

2 A. A French drain is basically a form trough, made  
3 out of concrete, and it had steel grates over the top.  
4 That drain ran along the length of the building, the  
5 building I worked in most of the time, and it had a  
6 hole on the far end that opened to the tail -- the  
7 thing that people call the tail, the water area on the  
8 backside of the building.

9 Q. When you say the tail, you mean the water outside  
10 the building?

11 A. Yes.

12 Q. All right. And did you ever see the water outside  
13 the building change color after you washed the floor  
14 off?

15 A. I'm sure it did. I didn't look.

16 Q. But as you sit here today, do you remember ever  
17 seeing water change color after the floor was washed in  
18 the basement of the main building?

19 A. Like I said, I never looked to see if it changed.  
20 Logic tells me it did.

21 Q. All right. So at the time that you worked at  
22 Metro-Atlantic, and I presume you used the hose along  
23 with the other workers to wash off the basement floor?

24 A. Yes.

25 Q. And the material that was washed off the basement

1 floor came from the presses?

2 A. Came from the presses.

3 Q. And that included black sludge, or some kind of  
4 sludge?

5 A. I think it was carbon that they used to filter  
6 but, yes, it was black or gray.

7 Q. When you washed off the floor at that time, you  
8 were aware that it was going out to the tailrace, the  
9 river outside?

10 A. True.

11 Q. And so there was no question in your mind that it  
12 was not going to the municipal sewer, was it?

13 A. There was no question in my mind. It was going  
14 outside.

15 Q. You mentioned some leaks from pipes inside the  
16 building; is that correct?

17 A. Yes.

18 Q. And when the leaks would -- strike that. The  
19 leaks were inside the building and the material would  
20 fall on the concrete floor; is that correct?

21 A. If it was on the basement level, yes.

22 Q. Right. All right. But you mentioned you would  
23 wash the floor after a leak; is that correct?

24 A. Yes.

25 Q. All right. So when you washed the floor after a

1 leak, the workers for Metro-Atlantic caused that leak  
2 material to go out into the river; is that correct, by  
3 hosing it off the floor?

4 A. Yes.

5 Q. All right. So the leak itself never went out into  
6 the ground, right? It was inside the building?

7 A. It was in the building.

8 Q. And the leak itself never went directly into the  
9 river, did it?

10 A. No.

11 Q. The only way that leaked material got out into the  
12 environment was when the workers hosed it off the floor  
13 and pushed it and forced it outside into the river,  
14 isn't that true?

15 A. That's probably one of the ways.

16 Q. All right. The washing of the floor in the main  
17 building after the presses had the sludge discharged  
18 onto the floor, was that a regular occurrence, washing  
19 the floor down?

20 A. A better picture of that -- we did wash the floor  
21 down, but we were always instructed to shovel off, and  
22 it's not like we dumped the sludge on the ground and  
23 just washed it over on the drain. Most of it, most of  
24 it -- most of the guys, there were a few guys that  
25 wouldn't shovel it, but most of us shoveled the bulk of

1 it up, and then whatever was on the floor there was no  
2 other way to get it out of there but to wash it off the  
3 floor.

4 Q. But at the time you worked there, how old were  
5 you?

6 A. I was 17, 18.

7 Q. All right. So when you're 17, 18 years old, you  
8 were not in charge of disposing of those barrels, were  
9 you?

10 A. No.

11 Q. Your job was basically to provide labor inside to  
12 shovel or to hose off, is that correct?

13 A. Filter it, clean it up, shovel it.

14 Q. All right. So the disposal of those barrels that  
15 contain the sludge, that was somebody else's job?

16 A. After it was shoveled up, if we put it into the  
17 fiber drums, we took it up onto the second floor and  
18 put it in a Dumpster.

19 Q. And after that, do you know where it went?

20 A. I have no clue.

21 Q. With regard to the material that went down the  
22 drain that was washed in the drain, the sludge  
23 material, how often would that occur?

24 A. Filtering was done pretty much on a daily basis  
25 for the two products, reserve salts and 40S.

1 Q. Can you describe what kind of clothes you had to  
2 wear when you worked there at Metro-Atlantic?

3 A. The clothes we wore, we wore until they broke.  
4 Some people had uniforms. Most of us young guys, we  
5 just wore jeans and shirts, T-shirts, whatever. We  
6 changed up when we got to work. We changed up before  
7 we left. We left the clothes standing in a corner. We  
8 bought shoes once or twice a month and threw the shoes  
9 away because they were pretty much -- they would break  
10 right down. We bought cheap shoes from Woolworth's, or  
11 whatever, and just threw them away.

12 Q. Do you recall if you had to replace your clothes  
13 and shoes every week?

14 A. Every couple of weeks, probably.

15 Q. And why did you have to throw away your clothes  
16 and shoes?

17 A. The shoes themselves were cheap, to begin with,  
18 but they were plastic, and we bought them like that  
19 because the products that we worked in, if you had a  
20 good pair of leather boots you were going to be  
21 spending good money for no return. The clothes, I  
22 threw them away because my stepmother wouldn't wash  
23 them. She wouldn't put them with the other clothes.

24 Q. Were they usable after a week or so?

25 A. No. After weeks of working with resin, you could

1 stand them in the corner, and they'd be there when you  
2 came back.

3 Q. Did you also work with some acid material?

4 A. Yes.

5 Q. Did you ever have -- strike that. Did you ever  
6 experience any acid on your skin or on your clothes?

7 A. Yes.

8 Q. And what happened when that got on your skin or  
9 clothes?

10 A. Acid will eat a hole in your clothes, and it made  
11 holes in your skin.

12 Q. And to your knowledge, was that a regular  
13 occurrence?

14 A. I'm guessing everyone that ever worked there has  
15 little white spots on their arms like I do, or little  
16 white spots where acid dripped on them.

17 Q. The materials that would cause your clothes and  
18 shoes to be thrown away every week or two, that was the  
19 type of material that was being washed down in the  
20 French drains, isn't that true?

21 A. Yes.

22 Q. And you knew that some of the material was burning  
23 a hole in your shoes and your clothes and your skin,  
24 and that was the material that was being washed down  
25 the drain, too?

1       A.    Yes.

2       Q.    You mentioned a methanol fire; is that correct?

3       A.    Yes.

4       Q.    That was in the main building?

5       A.    Yes.

6       Q.    And the methanol fire was, as I said, it was  
7       inside the building, correct?

8       A.    Yes.

9       Q.    Could you describe -- strike that. Is it fair to  
10       state that the fire was put out when you and your  
11       brother used the hoses to wash the methane down the  
12       French drains?

13       A.    The fire was put out when we shut the valve, but  
14       the methanol that was on fire we washed down the  
15       drains, correct.

16       Q.    All right. So any fire or methanol would have  
17       been contained inside the building except it was washed  
18       outside?

19       A.    It went right down. It was a flowing fire that  
20       went right outside the building.

21       Q.    All right. None of the building structure itself  
22       was burnt?

23       A.    Not that I'm aware of.

24       Q.    Sometimes when the barrels -- strike that. You  
25       also worked at New England Container; is that correct?

1 A. Yes.

2 Q. And at Metro-Atlantic, did they have some barrels  
3 that had plastic liners?

4 A. Yes.

5 Q. So did you have experience handling barrels with  
6 plastic liners at both Metro-Atlantic and New England  
7 Container?

8 A. Yes.

9 Q. And do you know why barrels would have plastic  
10 liners?

11 A. Some of the customers ordered the -- I think,  
12 ordered barrels with plastic liners, but the reason  
13 that we put plastic liners in there was the product  
14 kept better, I believe, in plastic. For whatever  
15 reason, we were told to put plastic in these drums.

16 Q. And did you ever have a job that required you to  
17 remove the used plastic from a drum?

18 A. When I worked for New England Container, we  
19 removed plastic bags from drums that came from the dye  
20 companies, when we were stacking the barrels.

21 Q. What did you do with those used plastic bags from  
22 the containers?

23 A. They had empty barrels in the area. We threw the  
24 bags on the ground or threw them into the empty drums.

25 Q. Could you repeat that? I didn't hear you.

1       A.    When we unloaded the trucks that had plastic bags  
2       in them, we would just pull the plastic out of the  
3       drum, throw them on the ground, put them in other empty  
4       drums.  There was also rubber gaskets along with that,  
5       too.

6       Q.    Isn't it true that the plastic bags that you  
7       referred to, they were taken down in the back part of  
8       the facility and dumped on the ground?

9       A.    That I don't know.

10      Q.    You don't know that?

11      A.    No.  All I can tell you is I took plastic bags out  
12      of drums, threw them on the ground while I was working,  
13      then later on we policed them up and threw them into  
14      barrels.

15               MR. NUGENT:  Your Honor, I'd like to use a  
16      portion of a deposition.  Referring to page 14, lines  
17      14 through 18.

18               THE COURT:  Do you have a copy for me?

19               MR. NUGENT:  I think Scott has one on the  
20      system.  I don't know if he can display it to the  
21      Court.

22               THE COURT:  All right.  Just display it.

23      Q.    Mr. Nadeau, do you recall giving a deposition on  
24      December 17th, 199 -- strike that, December 17th, 2002,  
25      here in Providence?

1           Mr. Nadeau, do you remember giving a deposition  
2 back in 2002?

3           A.    Yeah. I remember giving my deposition.

4           Q.    Okay. And I know it was three years ago. Do you  
5 remember it?

6           A.    I remember it.

7           Q.    All right. Did you have a better recollection  
8 back in 2002 than you do today?

9           A.    I may have. Like I said earlier, stuff happened.  
10 If you read the rest of my deposition, I said my memory  
11 is fuzzy on some of the stuff because this was 40  
12 something years ago.

13          Q.    Correct.

14          A.    I did not take bags down in the back and dump them  
15 on the ground. I did take them and throw them on the  
16 ground when I was loading the trucks.

17          Q.    Do you have --

18          A.    I have it in front of me.

19          Q.    You have it in front of you. Now, have you had an  
20 opportunity to read lines 14 through 18?

21          A.    Yes.

22          Q.    And does that refresh your recollection as to what  
23 you did with the plastic bags?

24                   MR. PIROZZOLO: Objection, your Honor.

25                   THE COURT: I think he's answered the question.

1 You may use the question and answer.

2 MR. NUGENT: May I read that to the witness?

3 MR. PIROZZOLO: Your Honor, the answer, however,  
4 is in the passive voice. The witness's answer to  
5 deposition is in the passive voice.

6 THE COURT: I understand, but it's appropriate  
7 use of prior testimony. He may use it.

8 Q. I'm going to read a few lines to you, Mr. Nadeau.  
9 I'm just going to ask you did I read that correctly  
10 initially. Okay? Line 14.

11 "Okay. And the barrels that would have the  
12 plastic bags in them that you referred to, did you  
13 observe what happened to those plastic bags?

14 Answer: Those bags were taken down in the back  
15 part of the facility and dumped on the ground."

16 Did I read that correctly?

17 A. Yes, sir.

18 Q. All right. Do you recall making that statement  
19 during your deposition?

20 A. If it's on my deposition, I made that statement.

21 Q. On direct examination, you were asked to point out  
22 the building referred to as the Texas tower?

23 A. Yes, sir.

24 Q. Correct? And just -- was that where they made the  
25 hexachlorophene?

- 1       A.    I believe that's true.
- 2       Q.    You never worked in that building, did you?
- 3       A.    I didn't work in any part of it, right.
- 4       Q.    So you really don't have any information as to --
- 5       A.    I have no direct information on it at all.
- 6       Q.    Any -- strike that. You're not familiar with the
- 7       process of making hexachlorophene in that building, are
- 8       you?
- 9       A.    I never saw the process. I was never involved in
- 10      any part of it.
- 11      Q.    When you worked at New England Container, did you
- 12      have an occasion to shovel out the pit?
- 13      A.    No. No, I did not.
- 14      Q.    Did you have a chance to observe other workers at
- 15      New England Container shovel out the pit?
- 16      A.    I can't remember right now if I've ever seen
- 17      anyone doing it.
- 18      Q.    You worked in the reserve salt building; is that
- 19      correct?
- 20      A.    Yes.
- 21      Q.    That was at Metro-Atlantic?
- 22      A.    Yes.
- 23      Q.    The reserve salt building, as you pointed on the
- 24      map, that was adjacent to the main building?
- 25      A.    It was adjacent to the maintenance building.

1 Q. The maintenance building. You mentioned -- let me  
2 just check my notes here.

3 Did you mention some corrosion of pipes or metal  
4 in the reserve salt building?

5 A. Yes. Not in the reserve salt building. We made  
6 the reserve salt in the other -- in the main building.  
7 It was dried and packaged in the building where I call  
8 the reserve salt building.

9 Q. So where was the metal that was corroded?

10 A. The vats where it was made, it would eat the  
11 agitator blades right off. The reserve salt, from what  
12 we were told, was a metal stripper, so it had abilities  
13 to clean metal and corrode metal.

14 Q. So the blades inside the vat would wear away?

15 A. Eat 'em right off.

16 Q. Was that material from the reserve salt, was that  
17 also the material that was washed into the French  
18 drains?

19 A. We filter the reserve salt, part of the process  
20 after the shoveling and washing whatever was left on  
21 the floor.

22 Q. Besides the effect on your clothes handling the  
23 material, can you describe whether there was any odor  
24 or smell when you worked at Metro-Atlantic?

25 A. There were all kind of odors and smells there. We

1 worked with ammonia, formaldehyde, acids. Sulfane was  
2 a particularly nasty acid, and there was some nasty  
3 stuff.

4 Q. When you say it was nasty stuff, what do you mean  
5 by that?

6 A. It would eat holes in you, or eat holes in your  
7 clothes. It would cause nosebleeds. It was chemicals.

8 MR. NUGENT: Just one moment, your Honor, while  
9 I check my notes.

10 That's all I have, your Honor.

11 THE COURT: Thank you.

12 MR. NETBURN: No questions, your Honor.

13 MR. LEVENS: No questions, your Honor.

14 THE COURT: Thank you. Is there redirect,  
15 Mr. Pirozzolo?

16 MR. PIROZZOLO: Yes, your Honor.

17 REDIRECT EXAMINATION BY MR. PIROZZOLO

18 Q. Mr. Nadeau, you said that your clothes would get  
19 stiff?

20 A. Yes.

21 Q. In fact, wasn't one of the products that  
22 Metro-Atlantic made a product to make fabric stiffen?

23 A. It was a resin, yes.

24 Q. Was that its purpose, to make fabric stiff?

25 A. Yes.

1 Q. It was sold for that purpose?

2 A. Yes.

3 Q. Now, you worked both for Metro-Atlantic and for  
4 NECC?

5 A. Yes.

6 Q. And you described this morning, yesterday --  
7 you've described during your testimony work you did for  
8 NECC and work you did for Metro-Atlantic?

9 A. Yes.

10 Q. And you did the same on cross-examination?

11 A. Yes.

12 Q. Okay. And the testimony you gave regarding the  
13 plastic bags on cross-examination, that was when you  
14 were working for NECC?

15 A. Yes.

16 Q. Did you understand that both Metro-Atlantic and  
17 NECC were in different businesses?

18 A. Yes.

19 Q. Okay. One was a manufacturer of products?

20 A. Yes.

21 Q. And the other was -- business was to reclaim and  
22 resell used barrels?

23 A. Yes.

24 Q. And those were two different businesses?

25 A. Yes.

1 Q. As you understood it. Now, did you also handle  
2 plastic bags and residue when you worked for  
3 Metro-Atlantic?

4 A. Yes.

5 Q. And how did you handle the disposal of that when  
6 you worked for Metro-Atlantic?

7 A. When I worked for Metro-Atlantic, we were putting  
8 products into the plastic bags. I wasn't removing  
9 them. I was using them to fill an order.

10 Q. Were there occasions when you disposed of plastic  
11 bags and other residue, solid residue, at  
12 Metro-Atlantic?

13 A. Yes.

14 Q. And did you describe that process during your  
15 deposition, do you recall?

16 A. I don't remember. I don't remember.

17 MR. PIROZZOLO: May I show the witness a  
18 portion?

19 THE COURT: No, because you can ask him the  
20 question how it was handled first.

21 Q. Do you recall that material was removed from one  
22 floor to another at Metro-Atlantic?

23 A. Yes.

24 Q. And how was that done?

25 A. The waste material?

1 Q. Um-hum. (Affirmative.)

2 A. It was either put in drums, tossed into the  
3 Dumpster, and residues that were on the floor were  
4 hosed off.

5 Q. Was there a Dumpster?

6 A. Yes.

7 Q. How was the material from the upper floors, how  
8 did it get to the Dumpster?

9 A. The Dumpster was right outside the second floor  
10 window. We walked -- actually, it was a big doorway.  
11 We walked over to the edge and pushed the empty barrels  
12 -- not the empty barrels, but the barrels with the  
13 solvents into the Dumpster.

14 Q. So if I get the picture then, you went to a  
15 doorway in the wall?

16 A. Yes.

17 Q. That was on the second or third story of the  
18 building?

19 A. That was above the basement so it was the first,  
20 second floor, however you look at it.

21 Q. It was up?

22 A. It was up.

23 Q. Up in the air, and we know that there was  
24 something to catch what you dumped out?

25 A. Yes.

1 Q. What was there to catch what you dumped out?

2 A. The Dumpster.

3 Q. A Dumpster?

4 A. Yes.

5 Q. All right. And did you ever look in that  
6 Dumpster?

7 A. Yes.

8 Q. And did you see plastic bags in that Dumpster?

9 A. There were plastic bags, paper bags, fiber drums,  
10 garbage.

11 MR. PIROZZOLO: Thank you. Thank you very much,  
12 Mr. Nadeau.

13 THE COURT: Any recross?

14 MR. NUGENT: Briefly, your Honor.

15 RECROSS-EXAMINATION BY MR. NUGENT

16 Q. On redirect, Mr. Pirozzolo just asked you whether  
17 New England Container and Metro were two totally  
18 separate companies, and do you recall that question?

19 A. Yes.

20 Q. Did you ever describe the relationship between  
21 those two companies as incestuous?

22 A. Yes.

23 Q. Why was that?

24 A. It was family. They were brothers that owned  
25 them, and it was incestuous to me.

1 MR. NUGENT: Thank you.

2 THE COURT: All right. Mr. Nadeau, your  
3 testimony may be complete; may not be complete.

4 Do any of you ladies and gentlemen have any  
5 questions you'd like to hand up to the clerk? Anybody  
6 have any? No?

7 All right. Very well then. You may step down.  
8 Thank you very much.

9 Next witness.

10 MR. PIROZZOLO: Raymond Nadeau, please.

11 RAYMOND NADEAU, first having been duly sworn,  
12 testified as follows:

13 THE CLERK: Please state and spell your last  
14 name for the record.

15 THE WITNESS: Raymond Nadeau, N-A-D-E-A-U.

16 THE COURT: Good morning, Mr. Nadeau.

17 THE WITNESS: Good morning.

18 THE COURT: Speak clearly into that microphone.  
19 And you may inquire, Mr. Pirozzolo.

20 THE WITNESS: Yes, sir.

21 MR. PIROZZOLO: Thank you, your Honor.

22 DIRECT EXAMINATION BY MR. PIROZZOLO

23 Q. Mr. Nadeau, if you would give your full name and  
24 address.

25 A. Raymond Nadeau, [REDACTED] [REDACTED]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

██████████  
Q. Are you currently employed?

A. I'm retired.

Q. You're retired. At any time -- at a time in the past, did you work for a company called New England Container Corporation?

A. Yes, I did.

Q. Approximately when did you work for that company?

A. 1956 to 1969.

Q. And how old were you in 1956?

A. Twenty-one.

Q. During the time, 1956 to 1969, did you do different jobs for New England Container?

A. I did them all.

Q. Did your job change during that time from one type of job to another?

A. Yeah. I ended up being a truck driver, full-time truck driver.

Q. Okay. When did you become a full-time truck driver, approximately?

A. The last seven years that I worked there.

Q. So it would be around 1962?

A. Yeah.

Q. Okay. And if we can focus then on the period 1956 to 1962, could you tell us what type of work you did?

1       A.    I did everything.  I burned the barrels.  I  
2       de-dented the barrels.  I ran the sandblaster.  I  
3       tested them in the water tank for leaks.  I worked on  
4       the back end of the oven and put the covers on them.  
5       After that, I painted them.  I was a painter for quite  
6       a while there, too.

7       Q.    Can you, for the Court and jury, just describe the  
8       New England Container operation from the time barrels  
9       arrived until the time the barrels left?

10      A.    We took them off the trucks, put them in the  
11      incinerator to burn them.  They were in the plant.  
12      They got rolled.  They'd roll the dents out of them,  
13      then they went to the sandblaster, then they went to  
14      the guy that lined them.  It looked like a Teflon  
15      lining, and then he put them in the ovens, and then  
16      they were headed up at the back of the oven and put in  
17      different places.  We had to check the years on the  
18      bottom just to make sure the old ones all stayed  
19      together and the newer ones were together.

20      Q.    Did you do anything during -- you unloaded trucks?

21      A.    I did everything, yeah.

22      Q.    Before trucks were unloaded, did you do anything  
23      to inspect the barrels?

24      A.    Yeah.

25      Q.    What did you do to inspect the barrels?

1       A.    We checked the dates on the bottom.  If they were  
2 heavy, we left them on the truck.

3       Q.    Why did you leave them on the truck if they were  
4 heavy?

5       A.    Because stuff was in them, and we couldn't get rid  
6 of it, so we told the guys take it out of here.

7       Q.    So was it your practice not to take barrels that  
8 had material in them?

9       A.    We were told by the boss don't take them.

10      Q.    So if a truck showed up with barrels with  
11 something in them, did the driver then take those back,  
12 take those away?

13      A.    Yeah.  He took them.

14      Q.    So it would be correct then that you handled empty  
15 barrels?

16      A.    Some had stuff in them.  Wasn't much.

17      Q.    Mostly empty?

18      A.    Yeah.

19      Q.    Okay.  Now, the first step in processing the used  
20 barrels involved some kind of incineration?

21      A.    Yes.

22      Q.    Was there a fuel for the incineration?

23      A.    Yes.

24      Q.    How did that work?

25      A.    Gas.

1 Q. Was that the ordinary city gas?

2 A. Yeah.

3 Q. So it was piped in from the city?

4 A. Yeah.

5 Q. Okay. And could you describe what that looked  
6 like? Was it a burner? A flame?

7 A. It was an enclosed burner with an active burner.  
8 It burned the smoke out so it wouldn't pollute the air.

9 Q. Can you try and give us in words as good a picture  
10 as you can of what that burner looked like and how it  
11 worked?

12 A. It was big. It had a chain that rotated. It took  
13 the barrel -- you can tip the barrel up on it, and it  
14 took it through the burner, and the stuff that didn't  
15 burn it fell out on the inside and a chain dragged it  
16 back into a pit.

17 Q. Okay. So the barrel was in some way rotated  
18 through the flame?

19 A. It just stood upside down and went straight  
20 through.

21 Q. Okay. I'm trying to picture it. The barrel is  
22 upside down?

23 A. Yeah.

24 Q. It's going up across a flame?

25 A. One shoots -- there's two or three -- there's

1 flames from the top, the sides, the bottom.

2 Q. Does the flame hit both the outside and inside of  
3 the barrel?

4 A. Yes. Yup.

5 Q. Okay.

6 So some kind of burner shoots a flame at the  
7 outside and inside. How about the top or bottom?

8 A. We used to throw the cover on the top so it would  
9 burn the cover, too.

10 Q. So it burned whatever was on top?

11 A. Yeah.

12 Q. And now you said, as a result of that, something  
13 fell into a pit?

14 A. The ashes.

15 Q. Ashes?

16 A. Yeah.

17 Q. Would you describe what happens to the ashes?

18 A. If there was stuff that didn't burn, that fell out  
19 of the drum.

20 Q. How big was this flame? Was it a huge flame?  
21 Small flame?

22 A. No.

23 Q. How hot was it?

24 A. I don't know. I didn't stick my hand in it.

25 Q. I didn't mean -- was it -- could you go close to

1 it?

2 A. Well, yeah. You had to, to tip the drum up to put  
3 the drum in.

4 Q. Okay. Now, after the barrel went through the  
5 flame, then what happened to it?

6 A. It went on a conveyor into the building.

7 Q. The next step was the sandblasting?

8 A. No. De-dented. Take the dents out.

9 Q. Was that done by hand or by machine?

10 A. Machine.

11 Q. And then after that, what happened?

12 A. It went to the sandblaster.

13 Q. What does the sandblaster do?

14 A. It takes all the ash and everything off it. It  
15 cleans it right down to bare metal.

16 Q. What happens to the ash -- what happened to the  
17 ash or whatever that came off as a result of the  
18 sandblasting?

19 A. It went up into a dust collector.

20 Q. And where did the dust go after that?

21 A. It was put in drums.

22 Q. And then after the sandblasting, where did the  
23 barrel go?

24 A. It got lined.

25 Q. You say lined?

1       A.    They lined it with a Teflon, some kind of a Teflon  
2       paint.

3       Q.    And then after that, where did it go?

4       A.    It went down where it had to be painted.

5       Q.    And then was it -- how was it painted, with a  
6       spray or with a brush?

7       A.    A guy painted it with a spray.  Water base, water  
8       coming down, it would catch the paint.

9       Q.    Water-base paint?

10      A.    No, the paint was water.  It had a waterfall in  
11      the back of it.

12      Q.    I see.  What kind of paint was used, do you know?

13      A.    Enamel.

14      Q.    Okay.  And after it was painted, I assume it would  
15      dry?

16      A.    It went through an oven.

17      Q.    Was it a baking oven?

18      A.    Yeah, it was about 200 degrees just to dry it.

19      Q.    Okay.  And then what happened next?

20      A.    We stacked them.  If they were going to be shipped  
21      out, we stacked them.

22      Q.    Okay.  Now, the material that fell into the pit,  
23      going back to the burning operation, what did New  
24      England Container do with that material?

25      A.    We loaded them in drums.

1 Q. Then what did you do with the drums?

2 A. We dumped them in the back.

3 Q. When you say "the back," where was the back?

4 A. Down in the dump.

5 MR. PIROZZOLO: Okay. See Exhibit 107, the map.

6 THE COURT: What number?

7 Q. Mr. Nadeau, you were in court this morning when  
8 your brother was testifying, you recall that?

9 A. Yes.

10 Q. And you recall I asked him to mark the location of  
11 certain things on a plan?

12 A. Yes.

13 Q. Okay. And I'm showing you a copy of the plan that  
14 he marked. Can you see that all right?

15 A. Kind of dark.

16 Q. Pardon?

17 A. Dark.

18 THE COURT: Lighten that up.

19 Q. Are you able to see that now?

20 A. Yes.

21 Q. Okay. Now, do you see where the label "NECC"  
22 appears?

23 A. Yes.

24 Q. And do you see the area that's called the -- do  
25 you find the tailrace?

- 1       A.    Pardon me?
- 2       Q.    Do you see the tailrace on the plan?
- 3       A.    I don't understand.
- 4       Q.    Let me see. Do you see the area that I've marked  
5       with the arrow?
- 6       A.    Yes.
- 7       Q.    Do you recognize that as a body of water or  
8       tailrace?
- 9       A.    Oh, yes.
- 10      Q.    Okay. And do you recognize on this side, do you  
11      see the river?
- 12      A.    Yes.
- 13      Q.    And you see an area between this tailrace and the  
14      river?
- 15      A.    Yes.
- 16      Q.    And do you see the place that your brother marked  
17      with "NECC"?
- 18      A.    Yes.
- 19      Q.    You see it right there?
- 20      A.    Yes.
- 21      Q.    Thank you. Now, using this map, can you show us  
22      where the dump was?
- 23      A.    Right down at the point where the two rivers come  
24      together.
- 25      Q.    Is it below the area shown on the map?

1 A. Yes.

2 Q. To the south?

3 A. South, yes.

4 Q. Thank you. Did you ever go there?

5 A. Yes.

6 Q. What was your purpose in going there?

7 A. We were throwing the plastic bags down there.

8 Q. Were you throwing anything else down there?

9 A. The dust from the duster.

10 Q. Thank you. And at the time that you were dumping  
11 things in that area, did you think that you were doing  
12 anything wrong?

13 A. No. It was legal then.

14 Q. Did you think you were doing any harm to the  
15 environment?

16 MR. NUGENT: Objection, your Honor.

17 A. No.

18 THE COURT: Overruled.

19 Q. Now, from time to time, did you see any fires at  
20 NECC?

21 A. Yes.

22 Q. How often did you see a fire?

23 A. I can't remember.

24 Q. About?

25 A. It's been too long. I can't --

- 1 Q. You did see fires from time to time?
- 2 A. We had fires, yes.
- 3 Q. Where did you see fires take place?
- 4 A. One time the furnace was on fire, the pit caught  
5 on fire.
- 6 Q. That's the pit where you burn the barrels?
- 7 A. Yeah.
- 8 Q. Okay. How about the dump, did you ever see the  
9 dump on fire?
- 10 A. No.
- 11 Q. Do you ever recall the fire department coming to  
12 put out a fire in the dump?
- 13 A. No.
- 14 Q. Were there ever any explosions while you worked  
15 for NECC?
- 16 A. I remember when the tank blew up.
- 17 Q. What tank?
- 18 A. At Metro. The big tank outside.
- 19 Q. Were you there?
- 20 A. No. I was in the truck on Smith Street. I could  
21 see it. I thought the plant blew up. It looked like  
22 an atomic bomb going off.
- 23 Q. Okay. Can you tell us when that occurred?
- 24 A. I can't remember that.
- 25 Q. Can you tell us approximately when?

- 1       A.    I wouldn't even want to guess.
- 2       Q.    I'm sorry?
- 3       A.    I wouldn't even want to guess when it was.
- 4       Q.    But you do recall that?
- 5       A.    I remember that.
- 6       Q.    Could you describe what you heard?
- 7       A.    I didn't hear nothing.  I just seen a big orange
- 8       thing, looked like an atomic bomb going off.
- 9       Q.    Thank you.  Now, I've asked you about your work
- 10      until 1962 when you became a truck driver?
- 11      A.    Yes.
- 12      Q.    From 1962 to 1969, you drove a truck for NECC?
- 13      A.    Yes.
- 14      Q.    Would you describe your work as a truck driver for
- 15      NECC?
- 16      A.    I delivered barrels, and I picked empty barrels
- 17      up.
- 18      Q.    During that time, were you away from NECC most of
- 19      the time?
- 20      A.    Yes.
- 21      Q.    And that was because you were on the road?
- 22      A.    When I wasn't on the road, I had to work in the
- 23      building.
- 24      Q.    Now, do you remember any of the places where you
- 25      picked up barrels, any of the companies you picked them

1 up from?

2 A. I told the guy on my deposition, but I can't  
3 remember all of them.

4 Q. Can you tell us the ones you do remember?

5 A. Crown Chemical was one. We used to deliver to  
6 Metro, Warwick Chemical, Duoset up in Connecticut, U.S.  
7 Oil, Apex.

8 Q. Do you remember --

9 A. I just can't --

10 Q. Do you remember Hoechst Chemical?

11 A. Hoechst Chemical. Yes. I used to go there  
12 weekly.

13 Q. That's H-O-E-S-T?

14 A. H-E-R-T-Z, I think.

15 Q. And where was that?

16 A. H-O-E-C-H-T, something like that that was up in  
17 Warwick, I think, or --

18 Q. Try the spelling, H-O-E-S-T?

19 A. H-O-E-C-H-T, or something.

20 Q. C-H-T. Do you recall any others?

21 A. Bayliss Chemical. I can't remember. It's too  
22 far.

23 Q. Do any others come to mind? We're just asking you  
24 to do your best.

25 A. That's what I'm doing. Too many years.

1 Q. Okay. If no other come --

2 A. If I sat down in the corner for about an hour, I  
3 could probably come up with names for you, but right  
4 now, I can't.

5 Q. Have you given us all that come to mind right now?

6 A. When the guy come to my house and asked me, I told  
7 him everything I knew.

8 Q. Okay. Do you recall a company named Bradford  
9 Soap?

10 A. Yes. That was one of them.

11 Q. Was that one you picked up material from?

12 A. Yeah.

13 Q. Do you remember George Mann?

14 A. Yes.

15 Q. Was that another company you picked up barrels  
16 from?

17 A. Yes.

18 Q. Now, when you were working for NECC and you picked  
19 up barrels, did you take all barrels or did you take  
20 only the barrels that NECC would handle?

21 A. The only ones we could recondition.

22 Q. And would you take barrels full of material?

23 A. No.

24 Q. Would you take damaged barrels?

25 A. If we could straighten the dents out, yes, I did.

1 Q. Would you take leaking barrels, or barrels with  
2 holes in them?

3 A. I took them if they gave them to us for nothing.  
4 We used to do them and sell them to Parks and  
5 Recreation for the parks. They used to put the rubbish  
6 barrels out in their parks.

7 Q. Was it your practice not to take any barrels that  
8 contain material?

9 A. Right.

10 MR. PIROZZOLO: No further questions, your  
11 Honor.

12 THE COURT: Thank you, Mr. Pirozzolo.

13 CROSS-EXAMINATION BY MR. NUGENT

14 Q. Good morning, Mr. Nadeau.

15 A. Good morning.

16 Q. You mentioned that a man had come to speak with  
17 you and you told him everything you knew; is that  
18 correct?

19 A. Correct.

20 Q. And was that a man from the EPA?

21 A. I don't know who it was. It was a flock of them  
22 that came after that.

23 Q. Did you -- was your memory better at that time  
24 than it is here today?

25 A. Oh, yeah.

1 Q. And when you met with that man, did you sign --

2 A. I signed a paper.

3 Q. A paper?

4 A. Yes, I did.

5 MR. NUGENT: Can we have Defendant's 327 for the  
6 witness?

7 Q. Can you see the screen?

8 A. If I signed the paper, I said it. But some things  
9 I don't remember saying. But if I signed that paper, I  
10 said it.

11 Q. Okay. Could you go to the last page? Do you see  
12 a signature on that page?

13 A. Yes.

14 Q. And is that the document that you signed for the  
15 man from EPA?

16 A. If I signed it, that's the document.

17 MR. NUGENT: Your Honor, I'd like permission to  
18 use this document as a past recollection recorded.

19 THE COURT: I don't know that there's any need  
20 for that. You haven't asked him questions to see what  
21 his recollection is. So why don't we see what he  
22 recalls. You're seeking to introduce the entire  
23 document; is that right?

24 MR. NUGENT: Yes. I can read portions of it,  
25 but I was going to ask him "Does this refresh your

1 recollection." He said today he doesn't have the  
2 memory today that he did back --

3 THE COURT: That's in general. Why don't you  
4 get to your specific questions and then use it to  
5 refresh recollection, if needed.

6 MR. NUGENT: Okay.

7 Q. This statement was in what year, do you remember?

8 A. No.

9 Q. If I said the year 2000, would that refresh your  
10 recollection?

11 A. I see it. It could have been. I don't remember  
12 the year.

13 THE COURT: Come on up to the bench. Don't say  
14 anything. Come on up to the bench.

15 (Side-bar conference.)

16 THE COURT: I don't know what is in this  
17 document, but it seems to me the way you should  
18 approach this is to ask him the specific questions, see  
19 if he recalls those questions, and if he does not  
20 recall the questions then show him this document.  
21 We'll look at what he said. You can ask him if that  
22 refreshes his recollection, then you'll get your  
23 answer.

24 MR. NUGENT: Your Honor, the document is  
25 entitled affidavit. And on the last page he signed it

1 under pains and penalties of perjury.

2 THE COURT: That's the same as a deposition.

3 MR. NUGENT: And under Federal Rule 803.5, it's  
4 a past recollection recorded under oath, and I'm asking  
5 him to read his past recollection recorded. He's  
6 already testified, in general, whatever I said to that  
7 man is all I know.

8 THE COURT: Under the same theory, you can  
9 introduce or read into the record an entire deposition  
10 or, you know, -- 803.5?

11 MR. NUGENT: Yes.

12 THE COURT: When was that deposition given?

13 MR. NUGENT: 2000. Unlike a deposition, your  
14 Honor, he actually signed it. This is a signed  
15 affidavit.

16 MR. PIROZZOLO: I don't think he's laid a  
17 foundation for past recollection recorded. I don't  
18 think he's laid a foundation for failure of  
19 recollection. This statement is consistent with what  
20 he testified to.

21 MR. NUGENT: The foundation is --

22 MR. PIROZZOLO: Seems to me if there's some  
23 question --

24 THE COURT: One at a time.

25 MR. PIROZZOLO: Seems to me if there's some

1 question, first, he doesn't remember; second, that he  
2 isn't refreshed after about it after looking at this,  
3 then maybe that one statement would be appropriate. He  
4 has to lay a normal foundation for past recollection.  
5 If that were found to be proper, we could just shove  
6 all the summary judgment affidavits at you.

7 MR. NUGENT: The foundation is, he said, "I told  
8 that man everything I know. It's in the document."

9 THE COURT: The problem is -- that's not what  
10 the problem is. The problem is whether he has  
11 presently insufficient recollection to suffice, and  
12 that hasn't been established, because he hasn't been  
13 asked enough yet to -- he's generally said "Well, I  
14 remember better back then than I do now", but you  
15 haven't asked him anything specific yet to which he has  
16 said, "I just don't recall."

17 MR. NUGENT: I asked him, "Do you remember what  
18 you said to that gentleman?"

19 THE COURT: It's got to be on the specific  
20 topics. So you've got to go through each of the  
21 topics, and then we'll see.

22 (End of side-bar conference.)

23 THE COURT: Go ahead and ask the next question.

24 **BY MR. NUGENT:** (Continuing)

25 Q. Mr. Nadeau, do you remember what you were asked by

1 the gentleman from the EPA before you signed the  
2 statement?

3 A. I don't even remember which guy was the EPA.

4 Q. Do you remember what answers you gave to him?

5 A. I don't remember the guy, I'm telling you. If I  
6 signed the paper, I said it. How can I explain it any  
7 different? I had to say it if I signed the paper. But  
8 there's things in there that I -- if you asked me, I  
9 wouldn't remember.

10 Q. Today you wouldn't remember?

11 A. But I have to admit I said it, because I signed  
12 the paper.

13 Q. Okay.

14 A. I don't want to hide nothing.

15 Q. Do you recall discussing the barrels from  
16 Metro-Atlantic coming over to New England Container  
17 with that gentleman from EPA?

18 THE COURT: Mr. Nugent, I think rather than  
19 asking him whether he recalls what he said at an  
20 earlier time, you need to just ask him about the  
21 substance of whatever it was.

22 MR. NUGENT: Okay.

23 Q. When you worked at New England Container, did  
24 barrels come over from Metro-Atlantic?

25 A. Yes.

1 Q. And did those barrels contain black sludge?

2 A. No.

3 MR. NUGENT: Now I have another reason to use  
4 this, your Honor. May I use 327?

5 Can you show him paragraph two on the first  
6 page.

7 A. I don't remember saying that, but if I --

8 THE COURT: Wait. There's no question before  
9 you. Wait a minute. What are you referring to?  
10 Direct me to what you're referring to.

11 MR. NUGENT: It's a handwritten statement.

12 THE COURT: No, no. What line?

13 MR. NUGENT: About half-way down the page begins  
14 with "Some of these" --

15 THE COURT: All right.

16 MR. NUGENT: Actually just before that, it says,  
17 "Barrels also came".

18 THE COURT: All right. You may read that to  
19 him.

20 MR. NUGENT: From where it says "Barrels also  
21 came" to the rest of that paragraph?

22 THE COURT: Yes.

23 MR. PIROZZOLO: Objection.

24 THE COURT: What? Yes.

25 MR. PIROZZOLO: Your Honor, this isn't a

1 foundation. This again is passive voice.

2 THE COURT: All right. I understand your  
3 objection. It's overruled. You may direct the witness  
4 to that portion of his prior statement.

5 Q. Mr. Nadeau, I'm going to read something from your  
6 statement. I'm going to ask you did I read it  
7 correctly, then I'll have some follow-up questions.  
8 First of all, "Barrels also came from the  
9 Metro-Atlantic plant. Some of these barrels were  
10 filled with a black sludge which came from the  
11 Metro-Atlantic presses. The sludge was taken to the  
12 landfill located below the New England Container plant  
13 and dumped, and then the barrels were reconditioned"?

14 A. Right.

15 Q. Is that true?

16 A. Yes. We didn't take the full barrels.

17 THE COURT: Wait. I understand you might want  
18 to add things, but you need to only respond to the  
19 questions that are before you. That's the process that  
20 we work by here.

21 THE WITNESS: Sorry.

22 THE COURT: Go ahead.

23 Q. So you agree that barrels from Metro-Atlantic that  
24 were filled with a black sludge came over to New  
25 England Container and were dumped out the back in the

1 landfill?

2 A. They dumped it down in the dump.

3 Q. Right. So when you testified earlier on direct  
4 that plastic bags and the sand from the sandblasting  
5 went back, not only did plastic bags go to the landfill  
6 and sand product go to the landfill, but black sludge  
7 from Metro-Atlantic went to the landfill?

8 A. Yeah. From Metro, yeah.

9 Q. Did you ever see -- strike that. You worked there  
10 for a number of years, right?

11 A. Yeah.

12 Q. At New England Container. Did you know any of the  
13 other workers at Metro-Atlantic? Did you ever talk to  
14 them?

15 A. Yeah.

16 Q. Did you know some of them by name?

17 A. Yes.

18 Q. And did you -- strike that. Were you familiar  
19 with Metro-Atlantic trucks?

20 A. Yes.

21 Q. Did you ever see Metro-Atlantic trucks down in the  
22 landfill?

23 A. Yes.

24 Q. Did you ever see the Metro-Atlantic trucks down in  
25 the landfill dumping the barrels?

1       A.    Yes.

2       Q.    Did you ever see workers from Metro-Atlantic  
3       dumping things in the landfill?

4       A.    Just the truck drivers went down there.  That's  
5       all I seen, the truck drivers went down there, and they  
6       dumped it, then they brought the empty barrel back to  
7       us.

8       Q.    And you personally observed this?

9       A.    Yes.

10      Q.    Now, in addition to -- strike that.  Did you ever  
11      see bulldozers or heavy equipment in that landfill  
12      area?

13      A.    Yes.

14      Q.    And what were they doing with the backhoe or the  
15      bulldozer?

16      A.    The bulldozer.  They were flattening it out.

17      Q.    You witnessed this?

18      A.    I witnessed it, yes.

19      Q.    Was there a construction company that kept heavy  
20      equipment in the same area?

21      A.    They was next to us.

22      Q.    And was that heavy equipment used disperse the  
23      landfill or flatten it out?

24      A.    Yes.

25      Q.    Did you also see them putting gravel on top of

1 that landfill?

2 A. No.

3 Q. When they flattened it out, what did you observe  
4 them doing?

5 A. They just pushed everything right into the point.

6 Q. The point, the peninsula?

7 A. Where they both come together, yes.

8 Q. When you say they both came together, that's where  
9 the rivers came together?

10 A. Yes.

11 Q. So they were using -- strike that. The bulldozers  
12 were pushing the landfill material towards where the  
13 rivers met?

14 A. Yeah.

15 Q. And that material in the landfill, there's no  
16 doubt in your mind, included black sludge from  
17 Metro-Atlantic?

18 A. Yes.

19 Q. In addition to the barrels from Metro-Atlantic  
20 being dumped in the landfill, the material that ended  
21 up in the pit at New England Container, that was also  
22 dumped in the landfill?

23 A. Yes.

24 Q. So before the barrels would go through the burning  
25 process at New England Container, the barrels would be

1 tipped upside down; is that right?

2 A. Yes.

3 Q. And they'd have residue in the barrels?

4 A. Yes.

5 Q. So on direct testimony when you said, "The barrels  
6 -- we wouldn't take barrels with anything in it," all  
7 the barrels had some residue?

8 A. Well, they got some residue, yeah.

9 Q. Right. You say you wouldn't take barrels that  
10 were full or half full, or something like that?

11 A. I couldn't pick 'em up.

12 Q. Right. But you're not saying they were sparkling  
13 clean barrels?

14 A. No.

15 Q. So the barrels would come in, and they'd have  
16 residue from various chemical companies; is that  
17 correct?

18 A. Yes.

19 Q. And I know you were trying very hard to help us  
20 with the names of some of these places that you picked  
21 up as a truck driver. I'm going to mention some names  
22 and ask you if that refreshes your recollection.

23 Bradford Soap Works?

24 A. Yes.

25 Q. Warwick Chemical?

- 1       A.    Yes.
- 2       Q.    Gasteen Chemical?  Maybe I'm mispronouncing it,  
3       but -- in North Providence, Rhode Island?
- 4       A.    What's the name?
- 5       Q.    I'm reading a handwritten note from your  
6       statement.  It looks like G-A-S-T-E-N-N -- T-E-E-N  
7       Chemical.  I'll move on.  Balfour Packing?
- 8       A.    I don't remember that.
- 9       Q.    Crown Chemical?
- 10      A.    Crown Chemical, yes.
- 11      Q.    Hoechst Chemical?
- 12      A.    Yes.
- 13      Q.    TH Bayliss Chemical?
- 14      A.    Yes.
- 15      Q.    Organic Chemical?
- 16      A.    Yes.
- 17      Q.    Dieter Chemical?
- 18      A.    Dytex.
- 19      Q.    Dytex.
- 20      A.    Yes.
- 21      Q.    Dytex Chemical.  Thompson Chemical?
- 22      A.    Yes.
- 23      Q.    Teknor-Apex?
- 24      A.    Yes.
- 25      Q.    Worcester Textile?

1 A. Yes.

2 Q. Greenville Finishing?

3 A. Yes.

4 Q. I'm skipping over some I can't read. George Mann?

5 A. Yes.

6 Q. Those are some of the chemical companies and other  
7 manufacturers that sent their barrels to New England  
8 Container?

9 A. Yes.

10 Q. And if some of those barrels contained flammable  
11 liquid, before it went into the processing, did any of  
12 the workers throw a match --

13 A. Yes.

14 Q. -- in those barrels?

15 A. They did.

16 Q. So you remember workers from New England Container  
17 intentionally throwing a match into a barrel?

18 A. We burned it before it went in the burner.

19 Q. Right. When you threw a match into a barrel with  
20 flammable material, what happened?

21 A. Whoosh.

22 Q. And you knew, when you threw a match into a  
23 barrel, that's going to happen?

24 A. Yeah.

25 Q. There was another process that resulted in ash

1 being generated, where was that performed?

2 A. When it was sandblasted.

3 Q. Okay. Would that ash be dumped in the landfill,  
4 as well?

5 A. Yeah. That was like a fine, fine powder.

6 Q. During the painting process, was there any  
7 disposal of the painting materials?

8 A. Yes.

9 Q. Into the landfill?

10 A. Yes.

11 Q. Do you know what chemicals were disposed of  
12 through the painting process?

13 A. It was just the paint that the water caught. It  
14 was just like a lump. I used to throw it in a 5-gallon  
15 pail and put a cover on it, and we threw it down there.

16 Q. How often would you see barrels with black sludge  
17 come over from Metro-Atlantic and get dumped behind the  
18 New England Container building?

19 A. A few times a week.

20 Q. And did that go on every month?

21 A. Yeah.

22 Q. Every year you worked there?

23 A. Every time I see it, yeah.

24 Q. And you worked there --

25 A. Fifteen years.

1 Q. -- fifteen years?

2 A. Thirteen, 14, I think.

3 Q. When was your last year working?

4 A. '69.

5 Q. All right. So during 1965, did you see barrels  
6 come over from Metro-Atlantic and get dumped out in the  
7 back?

8 A. Yes.

9 Q. Were you aware of any arrangement between  
10 Metro-Atlantic and New England Container where  
11 Metro-Atlantic would ask New England Container to  
12 dispose of their waste?

13 A. No.

14 Q. You just saw the Metro-Atlantic trucks going over  
15 there?

16 A. See them go by, yeah.

17 Q. Did you know any of those truck drivers?

18 A. Yeah. One was my brother-in-law. The other one  
19 was Johnnie Palumbo.

20 Q. So your brother-in-law was one of the guys driving  
21 a Metro-Atlantic truck?

22 A. He used to blow the horn at me when he went by.

23 Q. And your brother-in-law beeped the horn as he was  
24 taking those black sludge barrels from Metro-Atlantic  
25 out to the landfill?

1 A. Yeah.

2 Q. Johnnie Palumbo?

3 A. Yeah.

4 Q. Was he Felix? You mean Felix Palumbo?

5 A. Felix, yeah. We called him Johnnie, yeah.

6 Q. That's what I figured.

7 MR. NUGENT: That's all I have. Thank you.

8 THE COURT: Thank you, Mr. Nugent. Any  
9 questions for Century or OneBeacon?

10 MR. O'CONNOR: Not for OneBeacon, your Honor.

11 MR. LEVENS: No questions, your Honor.

12 THE COURT: Redirect.

13 MR. PIROZZOLO: Couple of questions.

14 REDIRECT EXAMINATION BY MR. PIROZZOLO

15 Q. Mr. Nadeau, you were trying to help us with the  
16 names of companies that you picked up barrels from.

17 A. Yes.

18 Q. If I show you a document, can it help you remember  
19 all of the names, or all of the names you at least  
20 remembered at one time?

21 A. I guess.

22 MR. PIROZZOLO: May I show the document to the  
23 witness?

24 THE COURT: What document is it?

25 MR. PIROZZOLO: It's a list of names.

1 THE COURT: No. What exhibit number is it?

2 MR. PIROZZOLO: It's Defendant's Exhibit 327.

3 THE COURT: All right. You may show him that.

4 MR. PIROZZOLO: May I just hand it to him, or  
5 show him on the ELM0?

6 THE COURT: It doesn't matter. Why don't you  
7 hand it to him. It might be easier for him to read.

8 Q. Mr. Nadeau, I'm going to hand you a document and  
9 ask you to look at the list that begins here and goes  
10 onto here. See if that refreshes your recollection as  
11 to the names of companies that you picked up barrels  
12 from.

13 (Witness reads document.)

14 Q. Could you tell us now, now that you've been  
15 refreshed, all the companies that you can remember that  
16 you picked up barrels from?

17 A. That's them.

18 Q. Could you tell us --

19 THE COURT: Well, just to expedite this, are  
20 there more than what Mr. Nugent identified?

21 MR. PIROZZOLO: Yes, there is.

22 THE COURT: Why don't you identify those for him  
23 and ask him if he recalls.

24 Q. Did you pick up barrels from U.S. Oil?

25 A. Yes. That's right on here.

- 1 Q. Did you pick up barrels from Bradford Soap Works?
- 2 A. Yes.
- 3 Q. You told us about Warwick Chemical?
- 4 A. Right.
- 5 Q. Eastern Chemical, did you pick up barrels from?
- 6 A. Yes.
- 7 Q. From Fairfax Packing?
- 8 A. Colfax.
- 9 Q. Is it Ofax?
- 10 A. Colfax.
- 11 Q. Colfax Packing. Crown Chemical?
- 12 A. Yes.
- 13 Q. You told us about Hoechst Chemical?
- 14 A. Yes.
- 15 Q. From TH Bayliss Chemical?
- 16 A. Bayliss.
- 17 Q. Bayliss Chemical. You picked them up from there?
- 18 A. Yes.
- 19 Q. Organic Chemical?
- 20 A. Yes.
- 21 Q. Dytex Chemical?
- 22 A. Yes.
- 23 Q. Thompson Chemical?
- 24 A. Yes.
- 25 Q. Teknor-Apex?

1       A.    Yes.

2       Q.    Quonset Chemical?

3       A.    Quonset.

4       Q.    Quonset?

5       A.    Yes.

6       Q.    Okay.  Esso Oil?

7       A.    Yes.

8       Q.    And you picked them up from Webster Textile?

9       A.    Webster?  Worcester Textile.

10      Q.    Worcester Textile?

11      A.    Yes.

12      Q.    Greenville Finishing?

13      A.    Yes.

14      Q.    Did you pick up chemicals from Otis Air Force

15      Base?

16      A.    I didn't pick up chemicals.  I picked up drums.

17      Q.    Pardon?

18      A.    I didn't pick up chemicals.  I picked up drums.

19      Q.    Drums.  I meant to say drums.  Otis Air Force

20      Base.  Did you pick up drums from Quonset Naval Base?

21      A.    Yes.

22      Q.    You've told us already about George Mann?

23      A.    Yes.

24      Q.    Thank you.  And you said in your deposition and

25      here that you saw the Metro-Atlantic truck at the dump?

- 1       A.    I seen them dump.
- 2       Q.    Okay.  First of all, the pit at New England  
3       Container was emptied from time to time?
- 4       A.    Yeah.
- 5       Q.    And did you, in fact, personally dump barrels of  
6       sludge from that pit two or three times a week?
- 7       A.    I didn't, no.
- 8       Q.    Did somebody do it?
- 9       A.    I dumped it once in a while but not two or three  
10      times a week.
- 11      Q.    Did other people dump it from there?
- 12      A.    Yes.
- 13      Q.    And how often was the pit dumped?
- 14      A.    Maybe once or twice a week it was cleaned out.
- 15      Q.    So once or twice a week somebody dumped from  
16      there?
- 17      A.    Yeah.
- 18      Q.    Now, in fact, New England Container, you described  
19      the relationship between New England Container and  
20      Metro-Atlantic as incestuous?
- 21      A.    I don't understand what that is.
- 22      Q.    You didn't use that word?
- 23      A.    No.
- 24      Q.    In fact, New England Container used to borrow the  
25      Metro-Atlantic truck?

1 a. No. Not for delivering, no.

2 MR. PIROZZOLO: May I show the witness something  
3 from a deposition?

4 THE COURT: You want to use his deposition?

5 MR. PIROZZOLO: Yes.

6 THE COURT: Use it in the usual manner.

7 Q. Did you give a deposition in a case Russell  
8 Stanley Holdings, Inc. versus Vincent Buonanno?

9 MR. NUGENT: Objection, your Honor.

10 THE COURT: Do you have a copy of the deposition  
11 you wish to use?

12 MR. PIROZZOLO: I do.

13 THE COURT: Would you pass it up, please.  
14 Opposing counsel have a copy?

15 MR. PIROZZOLO: We have copies for them.

16 THE COURT: All right.

17 MR. NUGENT: I don't have a copy, your Honor.

18 MR. PIROZZOLO: We have copies for you.

19 THE COURT: What page?

20 MR. PIROZZOLO: I'm referring to page 23, line  
21 8. Beginning on line 8 through line 12.

22 MR. NUGENT: What page?

23 MR. PIROZZOLO: Page 23, lines 8 to 12.

24 THE COURT: You may use it, but I want you to go  
25 back to line 19 on page -- I'm sorry. Wait a minute.

1 Start with line 18 on page 22, go to -- make it line 12  
2 on page 23.

3 Q. Mr. --

4 THE COURT: First of all, you need to confirm  
5 that he gave this deposition.

6 MR. PIROZZOLO: Right.

7 Q. Mr. Nadeau, you recall giving a deposition in  
8 another case?

9 A. Yes.

10 Q. That was the case of Russell Stanley versus  
11 Vincent Buonanno?

12 A. I don't remember the names. I remember Buonanno's  
13 name, but the other guy --

14 Q. I'm going to show you a page from the deposition,  
15 if I may. Is that your signature?

16 A. Yes.

17 Q. What is the date?

18 A. 4/24/2002.

19 Q. You now recall -- do you now recall you gave a  
20 deposition on April 24th, 2002?

21 A. I don't remember when the dates was until you just  
22 showed me. It was too long ago.

23 Q. But you signed it, in any event?

24 A. Like I said, if I signed it, I said it.

25 Q. Okay. Now, in that deposition --

1           MR. NUGENT: Excuse me, your Honor. That  
2 signature is not -- that isn't an exhibit. That's  
3 not -- he didn't sign the deposition. They're  
4 referring to an entirely different document.

5           THE COURT: I understand. So that we not burden  
6 the jury with this back and forth, I'm going to send  
7 you out, ladies and gentlemen, for our morning break.  
8 I'll get this straightened out with the attorneys while  
9 you enjoy a snack, and we'll have you back in here in  
10 about 20 minutes or so, all right? Charlie.

11           (Proceedings out of the presence of the jury as  
12 follows:)

13           THE COURT: Okay. Let's get this straightened  
14 out.

15           MR. PIROZZOLO: I think my brother is right,  
16 that is a signature on the statement. I thought that  
17 was a signature on the deposition.

18           THE COURT: All right. Now, it doesn't matter  
19 that it was in another case. That doesn't have  
20 anything to do with it. It's a prior sworn statement.  
21 All right.

22           So when we come back, you'll straighten that out  
23 about the signatures. Mr. Nadeau recalls giving this  
24 deposition. He doesn't recall the exact date, and  
25 you'll proceed to read him the prior question and

1 answer.

2 MR. PIROZZOLO: Thank you, your Honor.

3 THE COURT: All right. Is there anything else?

4 MR. PIROZZOLO: No, your Honor.

5 THE COURT: Okay. See you in about 20 minutes.

6 (Short recess)

7 MR. PIROZZOLO: Always a problem.

8 THE COURT: Okay. What is it?

9 MR. PIROZZOLO: I need to report to the Court  
10 outside the hearing of the jury, we were advised -- one  
11 of my colleagues was advised by one of the witnesses  
12 we've subpoenaed today, Mr. Turcone, that he is a  
13 co-worker of one of the jurors. I guess my thought is  
14 to ask him to come back on Monday, and over the weekend  
15 consider whether we want to call him. Otherwise, I  
16 don't know. It's at the Court's pleasure as to what to  
17 do about something like this.

18 THE COURT: Which juror is it?

19 MR. PIROZZOLO: I don't know. I didn't want to  
20 inquire any further.

21 THE COURT: All right. I'd like to find out  
22 which juror, and you can make your decision about  
23 whether you want to call that witness.

24 MR. PIROZZOLO: I'd rather call him today. He's  
25 lined up for today.

1 THE COURT: Well, he's right here, so which  
2 juror is it?

3 MR. BINDER: Joseph DeFusco, your Honor.

4 THE COURT: Well, you think about it over the  
5 weekend. We'll take it up on Monday morning at 8:45,  
6 and if we need to do anything at that point, if you're  
7 going to put on the witness, then chances are I will  
8 conduct a brief voir dire with the juror in the  
9 presence of counsel and inquire on the matter. I think  
10 that would be the way to handle that.

11 MR. PIROZZOLO: Okay. I do think I do want to  
12 call the witness, but I just don't want to -- we have  
13 plenty to do today so no delay by waiting until Monday  
14 except Mr. Turcone would be inconvenienced having to  
15 come back another day.

16 THE COURT: Mr. Farley, you've got your hand up.

17 MR. FARLEY: Your Honor, if that's going to move  
18 the order of witnesses up to the point we have  
19 firefighter testimony, I'd just like to make an  
20 objection to the testimony of the firefighters outside  
21 the presence of the jury so I don't have to do it every  
22 time one of the firefighters goes in the box.

23 THE COURT: What's the objection?

24 MR. FARLEY: It would be on relevance. Your  
25 Honor, the firefighters are expected to testify about

1 general fires and explosions at the property. The  
2 plaintiff wants to use this testimony as proof of an  
3 exception to the pollution exclusion.

4 THE COURT: Are we going to get to the  
5 firefighter testimony today?

6 MR. PIROZZOLO: I was hoping to. Yes, your  
7 Honor.

8 THE COURT: All right. So if we get to it, you  
9 know, they can testify as to explosions or fires, and  
10 if they know about such explosions and fires, and we've  
11 already had testimony on that today.

12 MR. FARLEY: We have, your Honor, but it will be  
13 testimony about the same thing that we've already  
14 heard, and at this point it's becoming prejudicial --

15 THE COURT: I don't agree with that.

16 MR. FARLEY: Thank you, your Honor.

17 THE COURT: All right. Let's get the jury in.

18 (Proceedings in the presence of the jury as  
19 follows:)

20 THE COURT: Ladies and gentlemen, I apologize  
21 for the brief delay. We had a little snowstorm of  
22 insulation in the courtroom due to some construction  
23 going on elsewhere in the courthouse, and we had to  
24 find out what the source of it was and get it cleaned  
25 up before we brought you back in. Something is coming

1 in through those vents. So I've halted the  
2 construction until 1:00 or 1:30. There shouldn't be  
3 any problem.

4 All right. Mr. Pirozzolo.

5 MR. PIROZZOLO: Mr. Nadeau.

6 THE COURT: Mr. Nadeau, you're back on the  
7 stand.

8 BY MR. PIROZZOLO: (Continuing)

9 Q. Mr. Nadeau, you gave testimony in a deposition in  
10 a case involving Russell Stanley Holdings versus  
11 Vincent Buonanno; is that correct?

12 A. I think so, yes.

13 Q. And did you testify concerning the dump?

14 A. Right.

15 Q. Okay. And you were asked at that deposition, "How  
16 far from the plant was it"? And you said, "Quite a  
17 ways where the two rivers met. I don't know if it was  
18 four or five hundred feet, but it was quite a ways  
19 away." Does that refresh your recollection?

20 A. Yes, yes.

21 Q. It was quite a ways away, four or five hundred  
22 feet?

23 A. Yes.

24 Q. Okay. And you testified you went down to the dump  
25 area probably once a month?

1 A. Yes.

2 Q. And you probably went to the dump area with Joseph  
3 Chapelli?

4 A. Yes.

5 Q. And you didn't know how many times you went down  
6 with him?

7 A. No. I don't remember.

8 Q. Now, wasn't it so that New England Container used  
9 to borrow Metro-Atlantic's truck with the hydraulic  
10 tailgate?

11 A. Yes.

12 Q. And the reason New England Container borrowed the  
13 Metro-Atlantic truck is because you couldn't pick the  
14 drums up without the hydraulic tailgate?

15 MR. O'CONNOR: Objection, your Honor. Leading.

16 THE COURT: Sustained.

17 Q. Did you testify that New England Container used to  
18 borrow one of Metro's trucks with the hydraulic  
19 tailgate?

20 A. Yes.

21 Q. Why did you borrow that truck?

22 A. To dump the barrels that had the dust in it from  
23 the duster.

24 Q. And how much did the barrels weigh?

25 A. Five, six hundred pounds.

1 Q. And did you need the truck in order to handle  
2 them?

3 A. Yeah.

4 Q. Now, in this case, you gave a deposition. Do you  
5 recall that?

6 A. I don't recall much.

7 Q. Okay. Do you remember Mr. Binder took your  
8 deposition? He's sitting right here.

9 A. Oh, yes. I remember him.

10 Q. And he asked you questions about the dumping. Do  
11 you remember that?

12 A. Yeah.

13 Q. And do you recall that you told him that you --

14 MR. NUGENT: Objection, your Honor.

15 THE COURT: I need a copy of anything you're  
16 going to use. Give opposing counsel a page and line  
17 number, please.

18 MR. PIROZZOLO: Page 45, beginning at line 6.

19 THE COURT: Okay.

20 MR. PIROZZOLO: To page 46, line 2.

21 THE COURT: I don't understand what you're using  
22 this for at this point. Ask him whatever questions it  
23 is that you want answers to, and then we'll see what --

24 Q. In fact, Mr. Nadeau, you saw the Metro-Atlantic  
25 truck at the dump?

1       A.    Yes.

2       Q.    Okay.  And it was too far away for you to see the  
3       faces of the people who were at the dump with the  
4       truck?

5               MR. O'CONNOR:  Objection.

6               MR. LEVENS:  Objection.

7               THE COURT:  Overruled.

8               MR. NUGENT:  Your Honor, he's leading.  It's his  
9       own witness.

10              THE COURT:  I understand.  Don't lead the  
11       witness.  I'll sustain the objection.  Don't lead the  
12       witness.

13       Q.    Were you able to see the faces of the people near  
14       the Metro-Atlantic truck when that was at the dump?

15       A.    I seen them go by.  When they were going to the  
16       dump, they blew the horn at me.

17       Q.    Did you previously testify that the only reason  
18       you knew it was Metro-Atlantic is that it was a  
19       Metro-Atlantic truck?

20       A.    Yeah.

21       Q.    And that you couldn't recognize the people?

22       A.    I didn't say I couldn't recognize them.

23       Q.    You were asked this question at your deposition.

24       "You couldn't recognize those people, could you?

25               Answer:  You already asked me that.

1           Question: I just want to be clear. Could you  
2 recognize the people?

3           Answer:" --

4           THE COURT: Mr. Pirozzolo, you have to direct me  
5 and opposing counsel to the page and line that you're  
6 using so that I can follow along and make sure you're  
7 reading this correctly. So where are you?

8           MR. PIROZZOLO: Line 10, page 45.

9           Q. Were you asked the question: "Could you recognize  
10 the faces of anybody who was dumping anything in  
11 there"?

12          A. Yes, he asked me.

13          Q. Did you answer, did you at your deposition say:  
14 "No. The only reason I knew who it was, it was guys  
15 that drove the truck for Metro"?

16          A. It was just two drivers.

17          Q. Mr. Nadeau, you worked at the NECC plant until  
18 1962?

19          A. '69.

20          Q. You worked for NECC until '69, but from '62 to '69  
21 you drove a truck?

22          A. I was on the road, and in the shop when there was  
23 no deliveries.

24          MR. PIROZZOLO: No further questions.

25          MR. NUGENT: I have no questions, your Honor.

1 MR. O'CONNOR: No questions, your Honor.

2 MR. LEVENS: I have no questions, your Honor.

3 THE COURT: All right. Thank you, Mr. Nadeau.  
4 You may -- wait one minute.

5 Ladies and gentlemen, do you have any questions  
6 you'd like to pass up? All right. Don't forget, you  
7 have the right to send your questions up, if you have  
8 them. Okay.

9 Mr. Nadeau, you may step down. Thank you very  
10 much.

11 THE WITNESS: Thank you.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

I, Anne M. Clayton, RPR, do hereby certify  
that the foregoing pages are a true and accurate  
transcription of my stenographic notes in the  
above-entitled case.

*Anne M. Clayton*

\_\_\_\_\_  
Anne M. Clayton, RPR

*Jan. 3, 2007*

\_\_\_\_\_  
Date