



Deposition Summary

Joseph Nadeau

Case name: Emhart Industries, Inc. vs. New England Container Company, Inc., Providence Washington Insurance Company and Travelers Casualty & Surety Company, Consolidated with Emhart Industries, Inc. vs. United States Department of the Air Force, et al.

Date: Wednesday, June 12, 2013

Witness: Joseph Nadeau

Location: Offices of Duffy & Sweeney, LTD, 1800 Financial Plaza, Providence, Rhode Island

Overall Summary

In his deposition, Joseph Nadeau recounts his employment at New England Container Company (NECC) and Metro-Atlantic Chemical Company in the 1960s. He worked summers at NECC reconditioning drums that contained chemical residues, which often caused skin irritation and nosebleeds. Nadeau also worked briefly at Metro-Atlantic, where he was involved in manufacturing corrosive products like reserve salt using hazardous raw materials.

Nadeau describes the processes at both companies, including the use of dangerous chemicals, the generation of waste, and the disposal practices. At NECC, leaking barrels were stored on the ground, and workers were exposed to the leaks while handling them. The drum reconditioning process involved burning off residues, sandblasting, and steam cleaning. At Metro-Atlantic, the manufacturing processes generated black sludge waste that was partially hosed into floor drains leading to the canal. Leaks and spills from pipes and equipment were routinely washed down the drains into the "tailrace" as part of daily operations.

Nadeau also discusses the layout of the facilities, identifying various buildings and their functions using aerial photographs and maps. He mentions a small outbuilding called the Texas Tower at Metro-Atlantic, which he believes was used to produce a specialty product, possibly hexachlorophene, though he had little direct involvement with it.

Throughout his testimony, Nadeau emphasizes the pervasive chemical odors, the hazardous working conditions, and the potential environmental impact of the waste disposal practices at both NECC and Metro-Atlantic during his employment in the 1960s.

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Transcript Sections

Deposition Introduction and Procedures ↗

The deposition of Joseph Nadeau commences in a case involving Emhart Industries, New England Container Company, and the U.S. government. Attorneys introduce themselves and explain the

deposition procedures to Nadeau. Nadeau worked at Metro-Atlantic and New England Container in the 1960s. Bryan instructs Nadeau on answering questions completely and taking breaks as needed.

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| 1:1–2:12 | The deposition is taking place in the United States District Court for the District of Rhode Island, in a consolidated case involving Emhart Industries, Inc. vs New England Container Company, Inc. and others. |
| 2:2–2:21 | Attorneys present represent Emhart Industries (Jack Pirozzolo and Brian Henninger of Foley Hoag LLP), New England Container Company (John Peloso Jr. and James Ray of Robinson & Cole LLP), and the U.S. Department of Justice, Environment and Natural Resources Division (Patrick Bryan, Darrell Johnson, and Eve Stolov Vaudo from the EPA). |
| 2:23–2:24 | Megan Baroni and John Ferroli are also present via telephone. |
| 5:1–5:7 | The deponent, Joseph Nadeau, is sworn in. |
| 5:11–5:21 | Patrick Bryan introduces himself and the DOJ and EPA attorneys. He notes it is the first time the U.S. has deposed Mr. Nadeau. |
| 5:22–6:16 | The other attorneys introduce themselves. |
| 6:20–7:6 | Mr. Bryan appreciates Mr. Nadeau's cooperation and acknowledges the events took place long ago in the 1960s when Mr. Nadeau worked at Metro-Atlantic and New England Container. |
| 7:7–7:25 | Mr. Pirozzolo offers to agree that prior depositions may be used as if taken in this case to save time, but Mr. Bryan declines, saying the U.S. offered stipulations that were rejected. |
| 8:3–8:11 | Mr. Bryan explains the deposition procedures and asks Mr. Nadeau to provide complete answers to the best of his ability, which Mr. Nadeau agrees to. |
| 8:12–9:13 | Mr. Bryan instructs Mr. Nadeau to wait for questions to finish before answering, give audible verbal responses, and let him know if any questions are unclear so he can clarify. Mr. Nadeau understands. |
| 9:14–9:22 | Mr. Bryan says if Mr. Nadeau only partially remembers something, he should share what he does remember. The other attorneys may object to some questions, but Mr. Nadeau should still answer after the objection. |
| 9:23–10:3 | Mr. Bryan says he will take breaks every hour or so, but Mr. Nadeau can request a break at any time. |

Mr. Nadeau's Education and Employment History [↗](#)

Nadeau confirms his understanding of "NECC" and "Metro-Atlantic". He recalls providing sworn deposition and trial testimony in previous cases. After graduating high school in 1964, Nadeau took some college courses and had a career mostly in IT. He is currently retired, last working at CVS. Nadeau also discusses his military service and other jobs.

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| 10:4–10:15 | Mr. Nadeau confirms he understands the terms "NECC" to mean New England Container Company and "Metro-Atlantic" to mean Metro-Atlantic Chemical Company. |
| 10:16–11:23 | Mr. Bryan introduces Exhibit 1, the transcript of Mr. Nadeau's December 17, 2002 deposition in the Emhart Industries, Inc. vs Home Insurance Company case. Mr. Nadeau recalls providing that deposition testimony under oath, though there were several depositions and he also went to court a few years back. |
| 12:2–12:20 | Mr. Bryan introduces Exhibit 2, the transcript of Mr. Nadeau's November 24, 2008 deposition in the Emhart vs New England Container case. Mr. Nadeau recalls attending that deposition and providing truthful testimony under oath to the best of his knowledge. |
| 12:21–13:6 | Mr. Nadeau also recalls providing trial testimony in the Home Insurance case. |
| 13:7–14:5 | Mr. Nadeau graduated high school in 1964. After high school, he took some technical school courses, spent two years studying marketing at Bryant University in Rhode Island, and took many IT courses and management seminars through his workplaces over his career, having worked in IT most of his life. |
| 14:6–14:18 | Mr. Nadeau is currently retired as of August last year. Prior to retiring, he worked at CVS headquarters in Woonsocket, Rhode Island as the operations supervisor for the computer operations center, holding that title for a few years. He also did some security work and other jobs at CVS. |
| 14:19–15:8 | Before CVS, Mr. Nadeau worked briefly at Foxwoods Casino dealing blackjack after the company he previously worked for went under. He worked at Old Stone Bank for 17 years until it was taken over by Citizens Bank. During the gap, he worked several jobs including at the casino and Washington Trust for five years as an operations supervisor. |
| 15:11–15:23 | Mr. Nadeau served in the U.S. military from August 23, 1965 to August 22, 1967, mostly with the 82nd Airborne Division, Special Forces in North Carolina. He trained the Special Forces and was attached to a radio detachment for a while. He did not serve in Vietnam. |
| 16:1–16:16 | Between leaving the military and starting at Old Stone Bank, Mr. Nadeau worked at Uniroyal in Providence for a few years on a government contract building large rubber fuel storage bladders for the military. He also worked at Pearson Yacht in Bristol for a short time building yachts. |
| 16:17–16:22 | Prior to his military service, Mr. Nadeau worked part-time jobs after school and during summers at places like New England Container, Metro-Atlantic, and some textile firms. |

Mr. Nadeau's Work at New England Container Company (NECC) ↗

Nadeau worked summer jobs at NECC in the early 1960s during high school, doing general labor like rolling, stacking, loading and unloading barrels. He sandblasted and steam cleaned drums. Nadeau

helped with drum burning operations. After graduating in 1964, he briefly worked at Metro-Atlantic before joining the military.

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| 16:23–17:8 | Mr. Nadeau began working at NECC maybe in 1962 or 1963 as a summer job between the end of school and the start of the next school year in August/September. He's unsure if he worked there for one or two summers. |
| 17:9–17:12 | In his last year from 1963-1964, Mr. Nadeau thinks he worked at Metro-Atlantic Chemical Company, which was owned by the same people and located next to NECC. |
| 17:13–17:19 | At NECC, Mr. Nadeau performed general labor tasks like rolling barrels, stacking barrels, loading and unloading trucks - whatever tasks they could find for him to do. |
| 17:20–18:3 | Mr. Nadeau worked at NECC while he was in high school during the summers. After graduating high school, he went to work at Metro-Atlantic for the short period before getting inducted into the military. |
| 18:4–18:8 | At NECC, Mr. Nadeau sandblasted drums and covers. They also had a cleaning process that involved tipping drums over a pipe that steamed them. |
| 18:12–18:24 | Part of the operations at NECC involved burning drums. Mr. Nadeau's role included rolling drums to the person who put them on the conveyor belt to send through the burner, and unloading the drums on the back side after they came through. He thinks he was too young to directly load the drums into the burner. |
| 19:1–19:14 | Mr. Nadeau recalls some of his co-workers at NECC, including Bud Larochelle who did most of the drum burning work, his brother Paul who worked there briefly, and Eddie Izzo. He's sure he would remember other names if mentioned. |
| 19:15–19:24 | John Makucki was a supervisor or boss at NECC that Mr. Nadeau reported to while working there. Makucki would tell Mr. Nadeau to go work with certain people since he was a kid. |

Mr. Nadeau's Work at Metro-Atlantic Chemical Company

Nadeau worked at Metro-Atlantic Chemical Company from June to August 1964 before joining the military. As a laborer, he blended mixtures, drained them into drums, ran filter presses and a dryer, and did other general tasks. He remembers working with several colleagues including his late brother Bob.

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| 20:1–20:9 | Mr. Nadeau began working at Metro-Atlantic Chemical Company in 1964, the year he graduated high school. He might have done some summer work there too but it's fuzzy. |
| 20:11–20:19 | Mr. Nadeau worked at Metro-Atlantic from around June through August of 1964, until he became active in the military on August 22, 1964. |
| 21:2–21:19 | At Metro-Atlantic, Mr. Nadeau worked as a laborer, taking ingredients and components, putting them in tanks, blending mixtures together, draining them |

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| | into drums after they completed their cook time or recipe, running filter presses to filter products into another stage, running a dryer for a product called reserve salt, unloading and storing delivery trucks, and other general labor tasks. |
| 21:20–22:5 | Mr. Nadeau remembers working with Herb Maynard, Harry Crabtree, Russell Platt who was a supervisor, his brother Bob Nadeau who has passed away, and Arthur Brousseau who did a lot of work on the dryer at Metro-Atlantic. |
| 22:6–22:12 | Harry Crabtree did a lot of the same work as Mr. Nadeau at Metro-Atlantic except he knew the formulas to create the products so he was like the tank operator who helped develop and build the products. |
| 22:13–22:14 | Mr. Nadeau served in the military for two years. |

Review of Mr. Nadeau's 2001 Affidavit - Employment History ↵

Nadeau, currently living in Rhode Island, reviews a 2001 affidavit he signed under penalty of perjury about his employment at NECC and Metro-Atlantic from 1962-1965. He worked summers part-time, then full-time in 1964-1965. Some employees, like maintenance workers, were interchangeable between the two companies.

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| 22:16–22:19 | Mr. Nadeau currently lives in Rhode Island. |
| 22:20–24:20 | The attorneys present Mr. Nadeau with an exhibit marked as Exhibit 3, a document he has been shown before in a prior deposition. The document is Bates-stamped E-000003.003225 through 3227. |
| 24:25–25:4 | Mr. Nadeau recognizes his signature on the last page of the exhibit, page ending in Bates 227. |
| 25:13–25:23 | The sentence before Mr. Nadeau's signature on the exhibit reads "This is a true and accurate statement to the best of my knowledge, information and belief. Signed under the pain and penalty of perjury this 20th day of January, 2001." Mr. Nadeau recalls reviewing and signing this document under the pain and penalty of perjury. |
| 26:12–27:5 | The handwriting in the exhibit is Mr. Nadeau's, but he did not draft the affidavit. An investigator came to his house, interviewed him about his time working at NECC and Metro-Atlantic, and presumably wrote the affidavit. |
| 27:7–27:21 | The first paragraph of the affidavit states "I was employed by New England Container and Metro-Atlantic from 1962 until 1965." It further states "I worked part time during the summers of 1962, 1963 and 1964 and became a full-time employee in 1964 and 1965." Mr. Nadeau agrees this is correct. |
| 28:1–28:22 | The affidavit states "I worked at both facilities as did some of the other employees who were interchangeable between New England Container and Metro-Atlantic." Mr. Nadeau agrees with this statement. He recalls the machinist-type people, maintenance people, electricians, and a couple brothers named Murphy being interchangeable between the two companies. |

Drum Reconditioning Process and Chemicals at NECC

Nadeau reviews his 2001 affidavit describing his duties at NECC reconditioning barrels, which were sold to customers or sent to Metro-Atlantic. The barrels contained chemical residues that caused skin irritation and nosebleeds. At Metro-Atlantic, Nadeau helped manufacture corrosive products like reserve salt using hazardous raw materials like Sulfan.

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| 29:1–29:19 | Paragraph 2 of the affidavit describes Mr. Nadeau's duties at NECC, including loading/unloading barrels from trucks and loading barrels into the conveyor feeding the barrel furnace. His memory of loading barrels into the furnace is fuzzy now compared to 2001. |
| 29:23–30:25 | Paragraph 3 of the affidavit states "Reconditioned barrels were sold to Metro-Atlantic, sold to New England Container's customers, or sold as burn barrels, barrels used to [burn] mainly household waste." Mr. Nadeau explains that in those days, people could burn their household trash in barrels in their backyards. NECC reconditioned old barrels, painted them, and sold them to customers, possibly including municipalities, for use as burn barrels. |
| 31:5–31:25 | Mr. Nadeau recalls that reconditioned barrels from NECC were sent to Metro-Atlantic to be filled with products and shipped to Metro-Atlantic's customers. He guesses Metro-Atlantic barrels were also sent back to NECC for reconditioning, but doesn't specifically remember that. |
| 32:2–33:11 | The barrels NECC received for reconditioning typically had some residue in them, such as frosting from food processing companies, dyes, soap residue, and chemicals. The barrels came from various companies all over New England. |
| 33:15–34:1 | Mr. Nadeau recalls the dye residue in the barrels was nasty, getting on workers and staining their clothes and skin. Workers didn't want to breathe it in. The barrels weren't completely full of liquid, as that would be too heavy to handle. |
| 34:3–34:19 | At NECC and Metro-Atlantic, workers bought cheap clothes and shoes that would get soiled and deteriorate from the chemical exposures after a few weeks. They would leave the clothes at work rather than take them home. |
| 34:20–35:17 | Workers experienced skin irritation, nosebleeds, and chemical burns from handling the barrels and chemicals. At Metro-Atlantic, harsh chemicals included caustic acids, formaldehydes, and a product called Sulfan. |
| 35:11–36:2 | Sulfan was a nasty, smoking, stinky acid that had to be heated in an oven before use. It came in 600-800 pound drums that workers had to unload from trucks and move into the oven. It was used to manufacture a metal stripping product called reserve salt. |
| 36:6–36:25 | The reserve salt manufacturing process involved melting the Sulfan, mixing it in vats with large stainless steel paddles that would deteriorate from the corrosive mixture, and running it through a long filter press to remove solids. |

Leaking Barrels and Chemical Exposures at NECC [↗](#)

Nadeau describes the reserve salt filtering and drying process at Metro-Atlantic. He also recalls making other chemical products there. At NECC, incoming barrels containing various substances were stored on the ground, often leaking onto the soil. The leaks would get on workers as they handled the barrels.

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| 36:23–37:1 | Samples were taken during the filtering process and sent to the lab to ensure the product met the required quality before proceeding to the next stage. |
| 37:2–37:11 | After filtering, the reserve salt went through a drying process on a conveyor belt, similar to a potato chip dryer, and came out as a powder that was put into drums and shipped to customers for use as a metal stripper. |
| 37:16–38:3 | Mr. Nadeau recalls Metro-Atlantic also made other products like 40-S that went through a similar filtering process as reserve salt minus the drying, and products for waterproofing fabrics under the brand name Rane-Pel. |
| 38:4–38:10 | Various raw materials were used to make the waterproofing products, including fish oil, methanol, potash, waxes, caustic acid, and formaldehyde. |
| 38:19–38:23 | Mr. Nadeau acknowledges his memory may be somewhat contaminated from hearing other people's testimony, but most of it is his own memory. |
| 39:1–40:3 | Referring to his affidavit, Mr. Nadeau confirms that incoming barrels were stored on the ground at New England Container, some emitting chemical odors, and materials from the barrels leaked onto the soil. |
| 40:23–41:19 | The barrels were typically stacked on their sides in long rows, sometimes stacked on top of each other. NECC would receive hundreds of dirty barrels from various places for reconditioning. |
| 42:2–42:7 | Mr. Nadeau himself perceived and observed the leaks from the barrels, standing in the leaked material. |
| 42:10–42:23 | Some barrels were open with a removable cover, while others called "tights" had small bung openings. Leaks occurred if the bungs were not tightened down properly or lacked a proper gasket. |
| 42:23–43:19 | The leaking barrels contained various unknown liquids, dyes, and other substances that would get on workers as they handled the barrels. Workers tried to avoid the leaking material to make their jobs easier. |
| 43:21–44:5 | Many of the barrels contained resins, which were sticky, viscous substances with a paint-like smell. |
| 44:6–44:16 | Some barrels had labels indicating they contained acids, resins, dyes, or product names, but workers did not pay close attention unless they thought the contents could hurt them. |

Reserve Salt Manufacturing Process at Metro-Atlantic [↗](#)

Nadeau describes pervasive chemical odors at NECC and Metro-Atlantic that made breathing difficult. He details the barrel furnace process at NECC for reconditioning drums. At Metro-Atlantic, Nadeau was involved in producing reserve salt, a metal stripper. The process generated black sludge waste that was partially hosed into floor drains leading to the canal.

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| 44:20–45:2 | At Metro, acid drums were brought in as raw materials to make other products. A lot of those raw materials came in tanker trucks and were pumped into holding tanks. |
| 45:10–46:6 | There were pervasive odors at NECC, including paint-like smells from resins, odors from dyes, smoke and fumes from the drum burning process, dust from sandblasting paint out of drums, and steam from the drum cleaning stations. |
| 46:7–47:15 | Metro also had distinct chemical odors, including formaldehyde, ammonia, and caustic acid, that made it difficult to breathe through one's nose and caused nosebleeds. |
| 47:20–48:2 | In the barrel furnace process at NECC, barrels were placed upside down on a conveyor belt, allowing any remaining sludge or liquid to drain into a pit below the conveyor. |
| 48:7–48:21 | The barrel furnace started outside and eventually moved inside the building. Mr. Nadeau remembers feeding barrels directly to Bud, who operated the furnace, and occasionally throwing barrels on himself. |
| 48:22–49:9 | After going through the furnace, barrels would sometimes still have fire in them from burning residues. They were tipped over, kicked back outside to cool down, then stored before being sandblasted, reconditioned, painted and shipped to customers. |
| 49:11–50:10 | The furnace conveyor was over a pit with concrete retaining walls on the sides to collect draining liquids from the barrels. Mr. Nadeau did not clean the pit himself but observed that it was cleaned out to prevent it from filling up. He does not know where the residue from the pit was taken. |
| 50:15–51:10 | At Metro-Atlantic, Mr. Nadeau was involved in producing reserve salt, a metal stripper containing sulfuric acid, Sulfan, caustic, water and other materials. It was mixed in 5000-gallon tanks, cooked under pressure, then filtered through canvas filters. |
| 51:9–52:2 | Drippings from the reserve salt filters were recycled. The remaining black sludge in the tanks was dumped onto the plant floor, shoveled into 3-4 barrels, and the rest was hosed into floor drains that drained into the canal. Metro-Atlantic made 2-3 batches of reserve salt per week. |
| 52:11–52:21 | The main steps of reserve salt production occurred in two buildings - mixing and initial drying in the main building tanks, then final drying in a smaller building across the street attached to the maintenance facility. |

The "Texas Tower" Building at Metro-Atlantic [↗](#)

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Mr. Nadeau recalls a small outbuilding at Metro-Atlantic called the Texas Tower, built between his periods of employment there. The building was located near the dryer building. Nadeau had little involvement with the Texas Tower but believes it produced a specialty product, likely hexachlorophene, an ingredient in Ipana toothpaste.

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| 52:22–53:2 | Mr. Nadeau is familiar with the term "Texas Tower" in reference to a building at Metro-Atlantic. |
| 53:3–53:10 | The Texas Tower was a smaller outbuilding built between Mr. Nadeau's periods of not working at Metro-Atlantic. It was on the same side of the street as the dryer building, which was against the bigger river. |
| 53:11–53:15 | The Texas Tower was on the right-hand side of the long driveway between the Metro-Atlantic and NECC buildings. |
| 53:16–54:2 | Mr. Nadeau thinks the dryer building and Texas Tower were separate buildings, with possibly a storage platform on the end of the dryer building, but his memory is unclear. |
| 54:7–54:11 | Mr. Nadeau had little involvement with the Texas Tower. Harry Crabtree was one of the few people who worked there. |
| 54:12–54:21 | The Texas Tower produced a specialty item that most employees didn't know much about. Mr. Nadeau thinks the product name started with an "H" and was an ingredient in Ipana toothpaste. |
| 54:22–55:1 | Mr. Nadeau agrees the product made in the Texas Tower was likely hexachlorophene. |
| 55:2–55:7 | Mr. Nadeau doesn't think any other products were made in the Texas Tower besides hexachlorophene. |
| 55:10–55:15 | The name "Texas Tower" was likely just a nickname someone gave the building. |
| 55:16–55:19 | Mr. Nadeau doesn't recall the building being referred to as the hexachlorophene building. |

Chemical Exposures and Safety Practices at NECC and Metro-Atlantic ↩

Nadeau explains the reserve salt filtering process, which used dangerous chemicals like Sulfan and caustic acid. Workers took turns operating the dirty, labor-intensive filter press. If the filter clogged and "blew", it sprayed caustic product everywhere. Cleaning the filter required prying it open, shoveling heavy sludge, and pressure washing.

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| 55:24–56:7 | Mr. Nadeau was glad he didn't work in the Texas Tower because it was an isolated building and Harry Crabtree could be a difficult personality to work with. |
| 56:14–57:2 | Regarding the reserve salt process, Mr. Nadeau confirms the affidavit mentions elements like sulfuric acid, Sulfan, and caustic acid being used. |
| 57:5–57:15 | Sulfan was considered the most dangerous chemical, capable of burning holes in skin and clothes. Caustic acid was less severe and could be rinsed off. |

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| 57:16–58:3 | Mr. Nadeau and other workers took turns being the filter operator in the reserve salt process, as it was a dirty job. It involved connecting hoses and valves to filter the product between tanks. |
| 58:3–58:11 | The goal was to filter a full batch through the filter press without it clogging or "blowing". If the filter blew, the panels had to be dropped, cleaned, and reassembled to finish the batch. |
| 58:12–58:16 | Care was taken to filter the product slowly to avoid clogging the filter, but fast enough to satisfy the bosses who wanted the job completed. |
| 58:17–58:25 | Once filtering was done, air was blown through the filter to push the remaining product into the holding tank. The filter frames were then pried open and cleaned, which was a very dirty job. |
| 59:1–59:3 | The drip pan had to be pumped out and the sludge shoveled up, which was heavy work. Each filter frame and canvas had to be washed. |
| 59:4–59:21 | Mr. Nadeau explains the filtering process was dirty because you didn't want the caustic product on you. If the filter press "blew", it would spray the product on workers and the walls, requiring extensive cleanup. |
| 59:22–60:5 | Shoveling the heavy, mucky sludge from the filter plates was the dirtiest part. The plates had to be pulled apart, the mess shoveled, and the filter cleaned with a high-pressure hose for the next batch. |

Waste Disposal Practices at Metro-Atlantic ↗

Nadeau describes how sludge from cleaning the filter presses at Metro-Atlantic was washed down a trough into a hole leading to the "tailrace" where river water flowed. The thoroughness of cleaning depended on the supervisor. Leaks and spills were routinely hosed down the drains into the tailrace as part of daily operations.

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| 60:6–60:15 | Specific filters were dedicated to filtering only reserve salt or only 40-S. Cleaning the filters in the basement with high-pressure hoses resulted in workers getting soaked up to their belts. |
| 60:16–60:24 | In his affidavit, Mr. Nadeau mentioned shoveling remaining filter materials and sweeping them into floor drains. He clarifies there was no floor drain, but rather a French drain trough along the wall. |
| 60:24–61:4 | At the end of the trough near the reserve salt filter press, there was a hole leading out to the "tailing" or "tailrace" where river water flowed in. They would wash the sludge out this hole with the high-pressure hose. |
| 61:5–61:13 | How thoroughly the floor was cleaned depended on who the boss was that day. Some had higher standards about shoveling the sludge, while others would just hose it out into the river to move on to the next batch quickly. |

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| 61:14–61:24 | Mr. Nadeau clarifies the trough ran along the back wall in the basement of Metro's main building. He doesn't think the troughs were in the reserve salt drying building. |
| 62:1–62:23 | When asked if he saw similar floor drains or troughs at NECC, Mr. Nadeau has a vague memory of hosing down the floors there but doesn't distinctly remember seeing drains or sewers. |
| 62:25–63:13 | Mr. Nadeau personally hosed down the floors at NECC but does not recall any sewer lines feeding into either NECC or Metro. |
| 63:14–63:25 | In his affidavit, the floor drains were described as draining into the "canal" on the left side of the property. Mr. Nadeau heard this area referred to as the "tailrace" during this legal process, but they just called it the "wet spot out back" that looked like a back sweep of the river. |
| 64:1–64:7 | Mr. Nadeau confirms the material deposited into the floor drains went into the "wet spot out back". He personally washed material down the drains. |
| 64:8–64:22 | Hosing the floors and washing waste into the drains was part of the daily work at Metro-Atlantic, especially when there were leaks from drums containing resins, acids, or other products. |
| 64:23–65:9 | When washing the floors, Mr. Nadeau was aware the material was going into the tailrace through the French drains, as there was no other place for it to go. |

Drum Liners and Waste Disposal at NECC ↩

Nadeau recalls the filtering process for reserve salt and 40-S at Metro-Atlantic, which involved the product going from a tank, through the filter, into a drip pan, then a holding tank. He describes the basement of the Metro building, which had a concrete floor, wood beams, and French drains that led outside.

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| 65:10–65:22 | Mr. Nadeau recalls the product 40-S was filtered at Metro-Atlantic, but he doesn't have a clear memory of what it was used for. The workers weren't as concerned about 40-S as they were about the reserve salt. |
| 65:23–66:9 | The filtering process for reserve salt and 40-S at Metro-Atlantic involved the product going from a tank, through the filter, into a drip pan, then into a holding tank. The clean-up process involved breaking down the press, shoveling up the mess, and washing the rest. |
| 66:10–66:23 | To Mr. Nadeau's knowledge, this same filtering process was used for reserve salt and 40-S, the only two products he remembers being filtered. Metro-Atlantic had two filters dedicated to these products at the time. |
| 66:24–67:3 | Mr. Nadeau has no knowledge of the filtering process used in the Texas Tower, only knowing it by name. |
| 67:14–68:9 | After a short break, Mr. Nadeau describes the basement of the Metro building, which he believes may have been an old textile mill. It had a concrete floor, wood |

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| | beams, a partial concrete foundation wall, and was slightly below ground level, accessed by a small ramp. |
| 68:10–68:14 | The French drains or floor drains were part of the basement floor and not visible from outside the building. |
| 68:15–68:25 | Mr. Nadeau thinks the hole leading from the French drain to the outside may have had a pipe, as that would make sense, but his memory is fuzzy on this detail. |

Chemical Raw Materials and Leaks at Metro-Atlantic ↗

Raw materials arrived at Metro-Atlantic in various forms and were stored in above-ground tanks outside the building. The tanks were connected to the building via a network of pipes and valves, which allowed fluids to be transferred inside. Leaks and spills occurred from the pipes due to corrosion, and the spilled material was hosed into floor drains leading to the tailrace.

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| 69:3–69:17 | Raw materials arrived at Metro for use in manufacturing chemicals via delivery truck or tanker in various packaging, including bulk pumped out of tankers, 55-gallon metal and fiber drums, and bags. |
| 69:18–70:25 | There were several above-ground storage tanks (three to six) at Metro on the outside wall over the wet area/tailrace, connected to the building via pipes. The tanks varied in size and some had large, heavy submarine tank covers that locked down with huge locking nuts. |
| 71:1–71:20 | Fluids were transferred from storage tanks to the Metro building via a pipe system with valves that allowed flow or transfer of tank contents to the desired destination, sometimes under pressure or gravity feed. |
| 71:21–72:11 | The storage tanks were connected to the Metro building by steel pipes with valves (quick valves and heavy turn valves) and flex pipes. The pipes allowed directing product from one point to another through a series of valves. |
| 72:12–73:1 | Leaks and spills occurred from the pipes, typically at unions, valves, or elbows, due to wear and corrosion from the harsh products like reserve salt. When leaks were noticed, the system would be shut down and a maintenance man would replace the leaking section. |
| 73:2–73:18 | The pipes eroded from the harshness of the contents like reserve salt, which would eat holes in tanks and mixing blades. Eroded pipes were observed where leaks occurred. |
| 73:21–74:13 | Leaks occurred inside the Metro building from pipes transporting raw materials from outside storage tanks. The leaks were noticeable when the product was moved under air pressure. Management was observant of costly leaks. |
| 74:14–74:23 | The leaks Mr. Nadeau saw were inside the building, with material falling on the floor, wall, or workers depending on the leak location. |

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| 74:24–75:15 | When leaks occurred inside the Metro building, the spilled material was hosed off the floor so workers wouldn't slip on it. The hosed off material went into the floor drains. |
| 75:16–76:3 | Mr. Nadeau confirms that when the floor was washed after a leak, the waste material went into the floor drains and from there to the tailrace. |

Drum Liners and Waste Disposal at NECC (cont.) ↗

Mr. Nadeau describes removing plastic liners and rubber gaskets from drums at NECC before burning the drums. He would drop the used plastic bags on the ground or stuff them back in the drums. The bags were eventually picked up, put in a container, and disposed of at an unknown location.

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| 75:19–77:23 | There is an objection and some discussion between the attorneys. |
| 77:25–78:9 | The filtering process that generated sludge waste that was washed down the French drain occurred several times a week, depending on how many batches of material were requested based on orders. |
| 78:10–78:14 | Mr. Nadeau is unsure if certain products were filtered on a daily basis, but the filters were used several times a week. |
| 78:15–78:23 | At Metro, some drums had plastic liners. The drums were used for either outgoing finished products or incoming raw materials/components. |
| 78:24–79:3 | Mr. Nadeau loaded, unloaded, stacked, stored and filled drums at both NECC and Metro. |
| 79:4–79:14 | He guesses that at NECC, before burning drums, they would remove any plastic liners and rubber gaskets, but his memory is uncertain. |
| 79:15–80:20 | Exhibit 4, a trial transcript, is introduced to potentially refresh Mr. Nadeau's recollection about removing drum liners at NECC. Mr. Nadeau is asked to look at lines 12-16 on page 37 of the transcript. |
| 80:21–81:11 | After reviewing lines 12-16 on page 37 of Exhibit 4, Mr. Nadeau's memory is refreshed that at NECC, his job required him to remove used plastic from drums. |
| 81:15–81:25 | Mr. Nadeau would drop the used plastic bags from the drums on the ground where he stood or stuff them back in the drums. Eventually they would be picked up and put in a container. |
| 82:2–82:4 | Mr. Nadeau does not know where the plastic liners went after being put in a container. |

Chemical Products and Raw Materials at Metro-Atlantic ↗

Mr. Nadeau confirms that workers at Metro-Atlantic experienced chemical burns from products like Sulfan and splashes from acids and caustics. He recalls various raw materials and products

manufactured there, including a waterproofing compound called Rainpel, reserve salt, and an unknown product made in a separate department.

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| 82:14–82:23 | Referring back to Paragraph 7 of his declaration, Mr. Nadeau agrees that Sulfan, a product used in making reserve salt, would burn holes in the workers' skin. |
| 83:4–83:20 | Mr. Nadeau states that when making products, chemicals like acid would splash up on workers, making white spots on clothes that eventually softened and disappeared, and white spots on skin. Caustic would cause foam on skin. |
| 83:21–84:6 | Paragraph 8 of the declaration states Metro-Atlantic made a waterproofing product called Rainpel that was a mixture of wax and fish oil (N-methyl taurene), which Mr. Nadeau confirms is true. |
| 84:8–84:10 | Mr. Nadeau recalls Metro used caustic ash, soda ash or potash. |
| 84:11–84:25 | Nitrobenzene was used at Metro as a component in products, possibly reserve salt. Workers were warned it was unhealthy and to watch for yellowing fingernails as a sign of exposure. |
| 85:2–85:13 | Sulfuric acid and N-methyltaurene fish oil were raw materials used at Metro. |
| 85:14–85:20 | Besides the products mentioned, Mr. Nadeau knows Metro made other products he can't recall by name. |
| 85:23–86:11 | There was another smaller-scale manufacturing department at the far end of the Metro building where two men, Bill Daley and Johnny Joyal, made some other kind of product Mr. Nadeau was not involved with. |

Review of 1950 Textile Industry Manual ↩

While reviewing a 1950 textile industry manual, Mr. Nadeau recognizes some product names like Atcosoft PE and melamine as materials used at Metro-Atlantic Chemical Company. He thinks Atcosoft PE went into fiber drums and melamine came in bags, but is unsure of their exact uses.

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| 86:12–87:6 | Exhibit 5, a 1950 Technical Manual and Yearbook of the American Association of Textile Chemists and Colorists, is introduced. Mr. Nadeau does not specifically remember seeing this document before. |
| 87:11–88:25 | While reviewing Exhibit 5, Mr. Nadeau recognizes the product name Atcosoft PE as something Metro made, though he doesn't remember what it was used for. |
| 89:5–90:19 | Mr. Nadeau clarifies that his recollections triggered by Exhibit 5 are all related to products at Metro-Atlantic, not NECC which just did barrels. |
| 90:23–91:3 | Mr. Nadeau thinks Atcosoft PE went into fiber drums, which are plastic-impregnated cardboard drums. |
| 91:5–91:25 | The term "melamine" is also familiar to Mr. Nadeau from Metro-Atlantic. He thinks it came in bags and went into something, but he's not sure what. |
| 91:16–92:5 | Mr. Nadeau says melamine is also a familiar term from Metro-Atlantic. He thinks it came in bags and went into something, but he's not sure what. |

Filter Press Operations and Waste Disposal at Metro-Atlantic ↗

Mr. Nadeau describes the filter presses used at Metro-Atlantic Chemical to remove impurities from products. At the end of each batch, the presses were blown out, opened, and the sludge-containing frames were emptied. The sludge was shoveled into barrels for disposal and the remaining material was washed into floor drains leading outside.

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| 92:15–93:2 | The filter presses at Metro were located in the basement at the far end of the main building closer to NECC. This area was also used to store finished product wherever there was space. |
| 93:4–93:21 | Mr. Nadeau describes the filter presses as being about 5 feet high and 4-5 feet across, with wooden porous plates slotted between hollow frames. Canvas was placed between each perforated plate. The hollow plates collected impurities filtered out of the product. The reserve filter press was bigger than the 40-S filter. A motor compressed the frames together to prevent leaking during filtering. |
| 93:22–94:20 | A drip pan underneath the filter press caught the filtered product and pumped it to the finished product tank. At the end, the drip pan was rinsed out and the rinse water went down the floor drain to the river. |
| 94:23–95:1 | The filters themselves were made of a heavy canvas material between the wooden frames and collection frames. |
| 95:12–96:18 | To clean out the filter press, they would release the pressure at the end of the batch and blow air through it to extract as much product as possible into the collection tank. Then they would open the press and pull the frames back one at a time. Every other frame was a hollow collector frame containing the filtered sludge, which would flop out onto the floor when the frame was removed. |
| 96:19–97:6 | Washing the floor after cleaning the filter press involved shoveling up as much sludge as possible into barrels. The barrels were stored in a corner and eventually taken away, sometimes dumped out a second floor window into a dumpster for disposal. |
| 97:7–97:16 | If barrels were still there at the end of the day, someone on the next shift would dispose of them the same way. The remaining sludge on the floor was then washed down the floor drain into the tail race outside. |

Vat Cleaning and Drum Reconditioning Processes ↗

Nadeau describes vats at Metro used for blending and storing products. Vats were cleaned between batches by boiling water and draining it outside, or by workers physically chipping off residues inside. At NECC, cleaning drums involved burning off sludge, sandblasting, rolling out dents, and steaming out liquids.

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| 97:17–98:11 | The vats used for storing and blending products at Metro were located on the second and third floors of the main building. Raw materials were added through openings between the second and third floors. |
| 98:12–98:21 | Some bulk storage tanks for unfinished product, like large batches of reserve salt waiting to fill orders, were located outside the main building. |
| 98:22–99:5 | The vats needed to be cleaned between batches of different products to avoid cross-contamination for quality control reasons. |
| 99:6–99:16 | Vats were often cleaned by filling them with water, heating it with steam to boil off residues, then draining the water down the floor and into the French drain leading outside. |
| 99:16–100:10 | Other times, workers had to physically get inside the vats and use a hammer and chisel to chip off built-up residues, collecting the chips in a bucket to be hauled out. A fan was used to provide air to the worker inside the vat. |
| 100:11–101:10 | At NECC, cleaning drums involved burning off sludge, sandblasting, rolling out dents, and steaming them on a raised pipe rack to purge out residual liquids, which drained down to the ground. |

Fires, Explosions and Floods at Metro-Atlantic ↗

Nadeau recounts several fires at Metro-Atlantic, including a major methanol fire he helped extinguish. An explosion once blew out part of the building wall. Nadeau did not personally witness the floods his coworkers described, where barrels floated out of the building and down the river.

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| 101:11–101:21 | There were multiple fires that occurred at the Metro facility, which seemed frequent and felt like an adventure to a young worker. |
| 101:22–101:24 | Mr. Nadeau does not remember any fires inside the NECC building. |
| 102:1–102:17 | The most memorable fire at Metro involved a delivery of 3000 gallons of highly flammable methanol. The delivery driver opened the large tank valve and put his lit space heater inside the opening, causing the liquid pouring out of the tank to catch on fire. |
| 102:17–103:3 | Mr. Nadeau was working across the street at NECC when the fire alarm went off. He could see flames through the window and knew his brother Bob was working the press at Metro that day. |
| 103:1–103:6 | Mr. Nadeau kicked open the door and saw his brother standing in the middle of the fire with a hose, trying to keep the flames off him as the burning methanol was running into the building. |
| 103:6–103:20 | Mr. Nadeau and his brother used hoses to make a path to the valve and shut it off, stopping the immediate flames from the methanol. The remaining fire in the French drain was pushed out to the river where it burned itself off. |

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| 103:25–104:16 | There were other smaller fires at the Metro building that Mr. Nadeau remembers, including one that caused him to panic and jump out a loading ramp window into a dumpster before the fire department arrived to put it out. |
| 104:19–105:7 | An explosion occurred at Metro one day after Mr. Nadeau had left work, apparently caused by someone putting the wrong things into a storage tank that reacted. It blew out a chunk of the wall and houses in the neighborhood had to be repainted. The thick metal cover was never found. |
| 105:8–105:25 | Mr. Nadeau heard stories from his brother and coworkers about at least one flood at Metro where the river got high and barrels were floating around the back area behind the building and down the river, but he did not personally witness it. |
| 106:1–106:9 | He recalls seeing the Metro parking lot flooded but does not think it stopped them from working inside the building. |

Reviewing Site Maps - NECC Buildings and Operations ↗

Using a 1965 map, Nadeau identifies the locations of the NECC buildings where he worked, including the pit area with the drum burner, the drum painting area, a staging area for drums, and a loading area. He indicates that the buildings along the road were all part of Metro.

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| 106:10–107:19 | Mr. Bryan asks Mr. Nadeau to review a map (Exhibit 6) and an aerial photograph of the site from the 1960s to help identify various places, which he has done in prior depositions. |
| 107:20–108:1 | The map is dated 1965, a time when Mr. Nadeau was working at Metro-Atlantic until August 23, 1965. |
| 108:2–108:9 | Mr. Nadeau identifies Smith Street and the river on the map. |
| 108:21–109:4 | Using a red pen, Mr. Nadeau marks the location of the NECC buildings where he worked in the corner of the map. |
| 109:8–109:25 | He indicates two possible locations for the pit area at NECC, either in one spot or another, as his memory is fuzzy. The burner was located right over the pit. |
| 110:1–110:22 | Drums were put onto a conveyor belt over the pit area where the burner was, then went into the building on that same roller track. They were removed at the end of the track inside the building. |
| 110:23–111:6 | Sometimes the drums would come in upside down and still on fire. They had to be tipped over, have any residual ash or fire thumped out, then pushed aside. |
| 111:7–111:25 | The drum painting area was located inside the main NECC building, just past the entrance and changing room. Drums were fed to the painters, kicked off, and rolled aside. |
| 112:1–112:6 | Mr. Nadeau marks a "Paint" area on the map but notes his recollection of the building layout is foggy. |

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| 112:8–112:24 | He identifies a staging area for drums off to the side of the pit area, if the pit location he marked is correct. |
| 113:1–113:8 | There was a loading door where drums were received from customers at NECC, located prior to the entrance to the building where the office was. There was a garage door or opening there. |
| 113:9–113:19 | Barrels would come in there and be kept for a while before being reconditioned. There was an empty floor where the barrels were lined up and stacked as high as possible. |
| 113:20–113:25 | Mr. Nadeau indicates the loading area on the map. |
| 114:2–114:4 | There were little other buildings in and out of the NECC area that Mr. Nadeau had little to do with. |
| 114:9–114:13 | Everything along the pathway was a Metro building, on both sides of the road, to the best of Mr. Nadeau's recollection. |

Reviewing Site Maps - Metro-Atlantic Buildings and the "Dump" Area ↗

Using a 1965 map, Nadeau points out the locations of various Metro-Atlantic and NECC buildings. He describes operations in each, such as reserve salt drying, chemical manufacturing, warehousing, and offices. Nadeau indicates floor drain locations inside the main building and identifies a dump area on a peninsula downstream, though he never personally dumped anything there.

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| 114:14–114:23 | The first smaller building was the maintenance building. The next smaller building was where they dried the reserve salt on the potato chip machine. The main building is where products were made and warehousing was done for raw materials and finished products waiting to be shipped, stored from the first to fourth floors. |
| 114:24–115:5 | Mr. Nadeau circles the buildings he considers to be Metro-Atlantic's. |
| 115:6–115:20 | There was also a place called Sweet Cellar, a storage area for fiber drums that was a dump. Drums were dropped off there from a nearby market's parking lot. Metro had some agreement to use it for warehousing and there was a tunnel to get there. |
| 115:21–116:1 | Mr. Nadeau draws an arrow indicating the Metro-Atlantic buildings. |
| 116:3–116:11 | Mr. Nadeau guesses the Texas Tower was probably one particular building, and indicates it on the map. |
| 116:16–116:23 | The front part of the main Metro building had offices. Underneath that was where Johnny Joyal and Bill worked. The rest of that building is where Mr. Nadeau and most Metro workers did their daily work. |
| 117:6–117:15 | Mr. Nadeau roughly indicates the main work area of the Metro building on the map, describing the layout with offices, a chemist area, and the building they worked in. |

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| 117:16–117:25 | The reserve salt drying took place in part of one of the buildings, which Mr. Nadeau marks as "Reserve salt dryer". |
| 118:3–118:11 | The floor drains (French drains) in the main building were located inside along the back walls. |
| 118:13–118:21 | Mr. Nadeau identifies the location of the tailrace or smaller river on the map, labeling it "Tail". |
| 119:2–119:14 | Mr. Nadeau never dumped anything at the dump area and didn't see anyone else dump there, but thinks the little peninsula was referred to as the dump based on conversations with coworkers. He's unsure if stuff was actually dumped there or why it was called that. |
| 119:15–120:8 | The dump area was downstream, beyond NECC, at the lower end where the two bodies of water converged in a peninsula. Mr. Nadeau never went there himself. |

The Texas Tower Building and Hexachlorophene Production ↗

Nadeau has vague recollections about the Texas Tower building. He speculates it was built to avoid contamination and was deliberately kept separate from the main building's activities. Nadeau thinks the term hexachlorophene was used in relation to the tower based on conversations, but he had little direct involvement with the building.

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| 120:13–121:7 | Mr. Nadeau equates the term "hexachlorophene" with an ingredient in Ipana toothpaste based on a TV commercial, but is unsure if that's accurate. |
| 121:13–121:23 | Something happened in the Texas Tower and Mr. Nadeau thinks the term hexachlorophene was used in relation to the tower, based on conversations, but he had little to do with it and never worked in it. |
| 122:3–122:10 | Mr. Nadeau guesses the Texas Tower building was made of plywood. It showed up while he was back in school and when he returned, it was there. |
| 122:15–122:23 | The Texas Tower was a benign building to Mr. Nadeau since he didn't work there. Only Harry and another man worked there and seemed to want to keep others out, so Mr. Nadeau assumes it was an easy job. |
| 123:1 | Mr. Nadeau doesn't remember any above-ground storage tanks near the Texas Tower. |
| 123:7–123:23 | Mr. Nadeau speculates the Texas Tower was built to avoid contamination from the main building's activities. It seemed to be deliberately kept separate and those involved kept the happenings there secret. He guesses it was a pet project making the company money. |
| 123:24–124:5 | Mr. Nadeau doesn't recall any testing being done at the Texas Tower building. He has little memory of what happened there. |

Bathrooms, Showers and Plumbing at NECC and Metro-Atlantic ↗

Nadeau remembers bathroom locations at NECC and Metro-Atlantic. He clarifies that drum stacking occurred behind NECC, not by the Texas Tower. A platform on the drying building was used to put drums, but its relation to the Texas Tower is unclear. Nadeau assumes the buildings had sprinklers, water, and sewer utilities.

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| 124:7–124:21 | Mr. Nadeau recalls there were bathrooms at Metro-Atlantic, but can't remember exactly where they were located. He thinks they were more toward the other end of the building. |
| 124:22–125:15 | There was one bathroom at NECC that Mr. Nadeau used, located near the main entrance where employees punched in. It was adjacent to a change-up room with lockers or hooks. |
| 125:16–125:22 | Mr. Nadeau doesn't remember helping to unload trucks or having any activity near the Texas Tower area. |
| 125:23–126:24 | When asked if reviewing his prior NECC deposition testimony about stacking drums by the Texas Tower refreshes his memory, Mr. Nadeau says it does not. |
| 127:1–128:14 | Mr. Nadeau clarifies that the drum stacking he referred to in the prior deposition was storage to the left behind NECC where they stacked drums in long rows. He doesn't think it had anything to do with the Texas Tower. |
| 128:15–129:9 | Mr. Nadeau recalls a little platform or deck on the building where they dried reserve salt. They would sometimes put stuff, like barrels, around that platform in the course of work. He's unsure if it was related to the Texas Tower. |
| 129:1–129:17 | The drying building had a little platform or deck where they occasionally put drums, but Mr. Nadeau can't say if it was related to the Texas Tower. There was some space between the drying building and the Texas Tower, but he can't recall the exact distance. |
| 129:18–130:8 | Mr. Nadeau thinks the drums by the drying building were empties from emptying reserve salt onto the conveyor belt to dry it. After emptying a drum, they would put it outside. |
| 130:9–130:25 | When asked about a notation on the map that seems to say "Check for sprinkler" and the year 1967, Mr. Nadeau says it doesn't mean anything to him. In 1967 he was either in the Army or getting out. |
| 131:1–131:10 | Mr. Nadeau believes the buildings were sprinklered but can't say with certainty that he saw the sprinklers go off or touched them. |
| 131:11–131:23 | Water was used to make products, so Mr. Nadeau assumes it came from the town, city or Scituate Reservoir, but he doesn't know where the waterlines ran. |
| 131:24–132:12 | Since there were bathrooms, Mr. Nadeau assumes there were sewer lines but doesn't know for sure. It's possible it was a septic system. He has no knowledge of where the waste went when flushed. |

132:13–133:7 Mr. Nadeau thinks there may have been a shower facility near the labs at Metro-Atlantic and possibly one at NECC, but he's unsure and never used them. There was an emergency shower at Metro-Atlantic in case of acid exposure.

Reviewing 1965 Aerial Photo of the Site ↗

In an April 1965 aerial photo, Nadeau points out the Metro-Atlantic and NECC buildings, maintenance building, dryer building, and dump location. He identifies where floor drains and outdoor storage tanks were located. Nadeau describes a process of chipping material off a roller, drying it, and collecting the powder.

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| 133:22–134:25 | When shown an aerial photo of the site dated April 5, 1965, Mr. Nadeau identifies Smith Street, the river, the Metro-Atlantic and NECC buildings, the maintenance building, and the dryer building. He's unsure about the identity of one building. |
| 134:15–135:8 | When shown an aerial photo dated April 5, 1965, Mr. Nadeau identifies Smith Street, the river, the Metro-Atlantic and NECC buildings, the maintenance building, and the dryer building. He's unsure about the identity of one building. |
| 135:9–135:11 | Mr. Nadeau points out the Metro-Atlantic building on the aerial photo. |
| 135:12–135:14 | He identifies the dryer building for reserve salt on the photo. |
| 135:15–135:25 | When asked to identify the Texas Tower, Mr. Nadeau believes it is the building labeled as such, though it seemed smaller in real life than it appears in the photo. He never saw it from above. |
| 136:4–136:15 | Mr. Nadeau clarifies he didn't refer to an area as the "dump area" but rather people said the dump was at the end of the peninsula. He marks the dump location on the photo. |
| 136:16–136:25 | He identifies the main Metro-Atlantic building, including the office area on the street side. The chemists worked in the rest of the building. |
| 137:3–137:10 | Mr. Nadeau identifies the Metro-Atlantic building that had floor drains against the outside back wall. |
| 137:13–138:4 | When asked about outdoor storage tank locations, he points to a wall on the building he worked in, guessing they were there. He doesn't recall other areas with outdoor tanks. |
| 138:5–139:1 | Besides the reserve salt dryer, Mr. Nadeau recalls a roller in the main building where liquid would adhere, be chipped off, and collected in drums. The chips were transported across the street to be dried into a powder on the conveyor belt. |

Drum Cleaning at NECC and Reserve Salt Drying at Metro-Atlantic ↗

Nadeau describes the drum cleaning room called the rack, where employees steam cleaned drums on a metal grate floor. The paint station had a waterfall to collect overspray. In a separate building, reserve salt was scraped off drums, transported across the street, dried on a conveyor belt, and pulverized into powder.

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| 139:15–140:9 | Responding to a new question, Mr. Nadeau says cleaning closed-head drums with steam or a similar method was done in the NECC building, in a little room called the rack adjacent to where burnt barrels came in. The room had a metal grate floor with pipes coming up through it. An employee named Eddie Izzo often did this job, tipping the drums onto the pipes. |
| 139:24–140:12 | Mr. Nadeau describes the drum cleaning room called the rack, located to the right of where burnt barrels came in. It had a metal grate floor with pipes coming up that employees like Eddie Izzo would tip the drums onto for cleaning. |
| 140:13–140:20 | When facing the burner, the rack was off to the right. When facing the paint station, the rack was on the right. |
| 140:21–141:10 | Walking into the main building, straight ahead was the back of Mr. Nadeau's brother painting drums. To the right were the burner, conveyor belt, cover blaster, and the barrel steam cleaning area behind that. |
| 141:11–141:17 | The paint station had a waterfall behind it to collect overspray in a pool that was regularly skimmed. |
| 141:18–142:2 | After steam cleaning, drums went into storage before the next treatment like rolling, painting or lining. There was a lot of drum storage all over. |
| 142:8–142:17 | The reserve salt drying process was separate, on different sides of the street. A stainless steel drum coated with reserve salt would be scraped on the other side after hardening. |
| 142:18–143:15 | The scraped reserve salt flakes were transported across the street, scooped onto a dryer belt, and came out the other side as a powder. The dryer was a former potato chip belt that dried and pulverized the flakes, operated by two men. |

Deposition Conclusion and Certification ↗

The deposition is recessed until a future date due to scheduling issues. The court reporter certifies that the witness was sworn in, the testimony was accurately recorded and transcribed, and the reporter has no relation to the matter. The deponent did not request to review the transcript.

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| 143:18–144:18 | The deposition is being recessed until a future date, with the parties expressing frustration that it could not be completed the next morning as originally anticipated. |
| 145:7–145:11 | The court reporter certifies that the witness was duly sworn to tell the truth in the matter of Emhart Industries, Inc. vs. New England Container Company, et al. |
| 145:11–145:12 | The court reporter has no relation to or interest in the matter. |

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| 145:13–145:15 | The court reporter certifies that the witness testimony was accurately recorded and transcribed. |
| 145:16–145:20 | The certification is signed and dated June 22, 2013 by court reporter Vivian S. Dafoulas in East Greenwich, RI. |
| 145:22–145:23 | Reading and signing of the transcript was not requested by the deponent or any parties involved upon completion of the deposition. |

Transcript Text

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND
EMHART INDUSTRIES, INC.,
Plaintiff/Counterclaim Defendant
vs. :C.A. 06-218-S
NEW ENGLAND CONTAINER COMPANY,
INC., PROVIDENCE WASHINGTON
INSURANCE COMPANY and TRAVELERS
CASUALTY & SURETY COMPANY,
Defendants/Counterclaim Plaintiff:
CONSOLIDATED

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

Deposition of JOSEPH NADEAU, a Witness
herein, taken on WEDNESDAY, JUNE 12, 2013, 1:45
P.M., at the offices of DUFFY & SWEENEY, LTD, 1800
Financial Plaza, Providence, Rhode Island, before
Vivian S. Dafoulas, RMR/CRR.

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554656

SDMS Doc ID 554656
18f1 ec18-9d

10-442f-917a-9206df2d041 a

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1 JOSEPH NADEAU,
2 having been first duly sworn, was deposed and
3 testified as follows:
4 COURT REPORTER: Would you state your
5 name, please.
6 THE WITNESS: Joseph Nadeau,
7 N-A-D-E-A-U.
8 MR. BRYAN: Thank you. Shall we do
9 introductions for the record?
10 MR. PIROZZOLO: I think we need to.
11 MR. BRYAN: Good afternoon, Mr. Nadeau.
12 My name is Patrick Bryan. I'm an attorney from
13 the U.S. Department of Justice, Environment and
14 Natural Resources Division, Environmental
15 Enforcement Section. We represent the United
16 States in this lawsuit.

17 With me today also from the Department
18 of Justice is Darrell Johnson, an attorney from
19 the Environmental Defense Section and with me
20 today also is Eve Stolov Vaudo, an attorney from
21 the Environmental Protection Agency.

22 I'll allow the other attorneys to
23 introduce themselves.

24 MR. PELOSO: I'm John Peloso, counsel
25 for New England Container Company.

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1 MR. RAY: I'm Jim Ray, also counsel for
2 New England Container.

3 MR. PIROZZOLO: I'm Jack Pirozzolo for
4 Emhart.

5 MR. HENNINGER: I'm Brian Henninger for
6 Emhart. We met before.

7 THE WITNESS: We talked, yes.

8 MR. BRYAN: Anyone on the telephone wish
9 to make an appearance?

10 MR. PIROZZOLO: Is there anybody on the
11 phone?

12 MR. FERROLI: This is John Ferroli for
13 Eli Lilly appearing pursuant to the Second Amended
14 Case Management Order.

15 MS. BARONI: This is Megan Baroni for
16 NECC.

17 MR. BRYAN: Thank you.

18 EXAMINATION

19 BY MR. BRYAN:

20 Q. For the record, I know you've been
21 deposed multiple times.

22 This is the first opportunity the United
23 States has had to take your deposition. We
24 appreciate your coming today and your cooperation.

25 I know this is not easy. I know these are
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1 events that took place many years ago and we
2 appreciate the opportunity to ask you questions
3 about your recollections from that time period in
4 the 1960s when you worked at Metro-Atlantic and
5 New England Container.

6 A. Yes.

7 MR. PIROZZOLO: Excuse me. To save
8 time, I'm willing to agree that the prior
9 depositions may be used as if taken in this case
10 and so that there is no need to ask questions
11 again that were asked before and for the witness
12 to give answers to questions that he gave before.

13 If that's acceptable, we can move on
14 from there.

15 MR. BRYAN: Counsel, we've been down
16 this road before. We offered stipulations; you
17 rejected those.

18 We are here today proceeding in
19 accordance with the Federal Rules of Civil
20 Procedure.

21 MR. PIROZZOLO: But your offer had
22 unacceptable conditions.

23 MR. BRYAN: Well, you've had -- I think
24 this will be at least your second or third
25 deposition of this gentleman. This is our first
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1 deposition.

2 BY MR. BRYAN:

3 Q. Again, thank you for your time today.

4 I'm sure you remember how it works but I'll just
5 mention again the procedures for how this
6 deposition works.
7 During the course of today's deposition I'm
8 going to ask you various questions. I ask that
9 you provide me with complete answers to the best
10 of your ability; is that fair?
11 A. Sounds reasonable.
12 Q. Please wait for me to finish my question
13 before answering and I will wait for you to finish
14 your answer before I ask the next question; is
15 that fair?
16 A. Fair.
17 Q. Do you understand that you are giving
18 testimony today under oath --
19 A. I do.
20 Q. just as if you were in a courtroom?
21 Thank you.
22 Is there any reason you can think of today
23 that might affect your ability to testify
24 truthfully?
25 A. No.

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1 Q. Thank you. Since we are making a
2 record, I ask that your answers be audible.
3 Please do not answer my question in a
4 non-verbal fashion such as shrugging your head or
5 shaking, you know, your shoulders or something
6 like that. Shrugging your shoulders.
7 Thank you. If I ask you a question that you
8 do not understand, please let me know and I'll be
9 more than happy to clarify.
10 If you answer a question, then I'll assume
11 you understood it unless you tell me you that
12 don't understand; is that okay?
13 A. Yes, sir.
14 Q. If you remember something only
15 partially, please let me know all that you do

16 remember.
17 During the course of today's depositions --
18 today's deposition, one of the other attorneys in
19 the room may object to some of the questions.
20 After the objection is lodged, please answer
21 the question. Do you understand?
22 A. Yes, sir.
23 Q. If you need a break for any reason, let
24 me know. I'll be more than happy to take a break.
25 I usually take a break every hour or so but
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1 if you need to break for any reason, just let me
2 know.
3 A. Okay.
4 Q. I know that you've provided testimony
5 before about your time at NECC. If I use the term
6 "NECC," do you know what--
7 A. New England Container probably.
8 Q. Yes. I mean New England Container
9 Company.
10 Do you understand when I use the term
11 "Metro-Atlantic"?
12 A. I understand.
13 Q. Metro-Atlantic Chemical Company, you are
14 familiar with that company?
15 A. Yes, sir.
16 Q. Okay. I'm going to introduce your prior
17 deposition transcripts just so you you may need
18 to refer to them during the course of today.
19 I may need to refer to them to help you
20 perhaps refresh your recollection.
21 MR. BRYAN: Please mark this as the
22 first exhibit.
23 (Whereupon, J. Nadeau Exhibit No. 1 was
24 marked.)
25 Q. Mr. Nadeau, the court reporter has
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11

1 handed you a document marked Exhibit 1.

2 I will represent to you that this is a copy
3 of the deposition you provided in the case that
4 was captioned Emhart Industries, Inc. vs. Home
5 Insurance Company and various other insurance
6 companies. The date of this deposition was
7 December 17th, 2002.

8 Do you recall providing this deposition
9 testimony?

10 A. Yeah, but there were several of them.
11 There was some after this too, I believe, and I
12 went to court at some other date

13 Q. Okay.

14 A. -- a few years back. I'm not sure what
15 the date was, but yes, I remember that, yeah,
16 roughly that's the date.

17 Q. And when you gave this testimony you
18 were under oath?

19 A. Yes, I was.

20 Q. Thank you. You testified truthfully and
21 to the best of your knowledge?

22 A. Whatever I thought was the truth at the
23 time.

24 MR. BRYAN: Okay. Thank you. That's
25 all we can ask. Let's introduce the next
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1 transcript.

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

4 Q. Okay. Mr. Nadeau, you've been handed a
5 document marked Exhibit 2 to your deposition.
6 This is a deposition that was taken in the
7 case Emhart vs. New England Container and I
8 believe the deposition was taken in 2008.
9 A. November 24th, 2008.
10 Q. November 24th, 2008. Do you recall
11 attending that deposition?
12 A. Yes.
13 Q. You understood you were under oath at
14 the time?
15 A. Yes, I did. Every time.
16 Q. Did you provide truthful testimony?
17 A. I hope I did.
18 Q. Did you try, to the best of your
19 knowledge, to provide truthful testimony?
20 A. Yes, sir.
21 Q. Thank you. You also provided trial
22 testimony
23 A. Yes.
24 Q. -- is that correct?
25 A. Yes.

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1 Q. And do you recall that that was in Home
2 Insurance case?
3 A. I went to the trial. I'm not quite sure
4 when.
5 Q. Okay. I may show you that testimony
6 later on but for now maybe these will suffice.
7 Okay. A little bit about your background. I
8 know you've covered this before. I won't spend
9 too much time. Did you graduate high school?
10 A. Yes.
11 Q. When did you graduate high school?
12 A. 1964.
13 Q. During the course of your lifetime, have
14 you ever obtained any other schooling after high

15 school?
16 A. Some tech school stuff. I put two years
17 in Bryant, multitudes of classes and educational
18 seminars through my workplace environment,
19 wherever they were at the time.
20 Q. A couple of years at Bryant University?
21 A. Yes.
22 Q. That's in Rhode Island?
23 A. Yes.
24 Q. What did you study?
25 A. Marketing.

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1 Q. You mentioned, I think you said, some
2 other technical course work that you
3 A. I've been in IT most of my life. A lot
4 of IT courses and seminars in management, things
5 like that.
6 Q. Are you currently employed?
7 A. I'm retired.
8 Q. Very good. When did you retire?
9 A. August last year.
10 Q. And at the time you retired where were
11 you working?
12 A. I was at CVS headquarters in Woonsocket,
13 Rhode Island. I was the operations supervisor for
14 the computer operations center.
15 Q. How long did you hold that title?
16 A. That particular title a few years. I
17 had various other titles. I did some security
18 work, other jobs. They kind of pushed me around.
19 Q. Prior to your work at CVS, going in
20 reverse order, can you tell me where -- where were
21 you working before you
22 A. I did a short stint at -- at Foxwoods
23 Casino dealing blackjack. What happened was I
24 worked for a company that went under.
25 I worked for Old Stone Bank for 17 years.



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1 They were taken over by Citizens Bank and during
2 that gap, I did a couple of jobs to put food on
3 the table. Dealing blackjack was one of them.
4 And I worked for Washington Trust for five years
5 as an operations supervisor too.
6 Q. Okay.
7 A. So most of my work has been in IT,
8 computer operations.
9 Q. Prior to your work at the bank and your
10 work at the casino, were you in the United States
11 military?
A.
Q.
14 A. '65 to '67. August 23rd to August 22nd,
15 1967.
16 Q. Did you serve in Vietnam?
17 A. No.
18 Q. Where did you serve your time in the
19 military?
20 A. Most of it in North Carolina with the
21 82nd Airborne Division, Special Forces. I trained
22 the Special Forces and I was attached to a radio
23 detachment for a while.
24 MR. BRYAN: Thank you for your service.
25 Q. Between the time you left the military

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1 to the time, I guess, you started working at the
2 bank, Old Stone, did you hold any other positions?

3 A. Yes, I worked for Uniroyal which is
4 which was in Providence. They've since moved out
5 of the state. I worked there for a few years.

6 Q. Okay.

7 A. I worked for a place called Pearson
8 Yacht in Bristol for a short period of time
9 building yachts and things like that.

10 Q. Your work with Uniroyal, was that --
11 what did that entail?

12 A. I worked on a government contract
13 building fuel containers, big rubber bladders that
14 they send fuel in storage. It was used for
15 storage capacity type for food, fuel, whatever
16 needs that the military had for them.

17 Q. Thank you. And prior to your service in
18 the military, where did you work?

19 A. One of the places was New England
20 Container, Metro-Atlantic. I worked for a few
21 textile firms. It was mostly part-time jobs after
22 school and during summers.

23 Q. When did you begin working at NECC, do
24 you remember?

25 A. Maybe '63. I'm not sure. It was a
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17

1 summer job. '62, '63.

2 Q. And for how long did you work at NECC?

3 A. It was a summertime job. It was end of
4 school until school started back up again in
5 September, August.

6 Q. How many summers did you work?

7 A. I'm not sure if it was one or two. That
8 I'm not sure. That's fuzzy because both places
9 were side by side.

10 I think the last year '63 to '64 I worked at
11 New England -- Metro-Atlantic, the chemical
12 company, owned by the same people, I believe.

13 Q. What type of work did you perform while
14 you were at NECC?

15 A. Basically labor-type stuff, gofer
16 get-it. Roll this barrel here, stack this barrel
17 here, unload this truck, load that truck.
18 Whatever services, you know, whatever thing they
19 could find for me to do.

20 Q. And you worked -- did you work there
21 while you were in school, high school?

22 A. Yes. It was a summer job.

23 Q. Did you ever work there after you
24 graduated high school?

25 A. I worked -- I went to work for
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1 Metro-Atlantic after high school for that short
2 period between graduating high school and getting
3 inducted into the service.

4 Q. At NECC did you sandblast drums?

5 A. Sandblasted drums, covers. They also
6 did they had a cleaning process where they
7 tipped the drums over some sort of a pipe that
8 that steamed the -- the drums.

9 Q. Did you unload trucks?

10 A. Unloaded trucks, loaded trucks.

11 Q. I think you said you worked -- did you
12 work on burning the drums? Were you part of the
13 operation that burned the drums?

14 A. Part of the operation was they burned
15 drums. I think at the time I did a couple of
16 things. I -- I fed the guy -- I rolled drums to
17 the guy who put the drums on his conveyor belt
18 that sent them through the burner.

19 I also worked on the back side of that,
20 unloading the drums after after they came
21 through that. I think I was too young to be
22 allowed to do that position of throwing the drums
23 on the burner, whatever the heck it was, but yeah,
24 I -- I was part of that chain of events.

25 Q. Do you recall any of the folks that you
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19

1 worked with while you were at NECC, any of the
2 names? Do you recall the names of any employees?
3 A. There were a bunch of names. The guy
4 that that did a lot of the burning was -- his name
5 was Larochelle, Bud Larochelle (phonetic) .
6 I don't even know if he's on the planet
7 anymore. I think he's met his maker. He was the
8 guy that did most of the burn work, the feeder of
9 it.
10 There was my brother. My brother Paul worked
11 there for a short period of time. Eddie Izzo.
12 There was a bunch of people whose names escape me.
13 I'm sure if you said it, I would say, yeah, I
14 remember that guy.
15 Q. Do you remember a Mr. Makucki?
16 A. Yeah, John. He was supervisor, whatever
17 he was. He was kind of like the boss.
18 Q. At NECC?
19 A. At NECC, correct.
20 Q. Did you report to him while you were
21 there?
22 A. Yes. Pretty much what he would do,
23 because I was a kid, he'd say, "Go work with this
24 guy," and that's what I would do.
25 Q. Now, focusing on Metro-Atlantic
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20

1 A. Yes.
2 Q. -- I believe you mentioned this, but do
3 you recall when you began working there, what year

4 it was?
5 A. That was the year of my graduation,
6 1964.
7 Q. 1964?
8 A. I might have done some summer work there
9 too. It's all kind of fuzzy.
10 Q. I understand. And I think you said you
11 worked there until you joined the Army?
12 A. Until the Army kind of got me, yes. I
13 did.
14 Q. And so how long would you have worked at
15 Metro-Atlantic?
16 A. I'm guessing June through August.
17 Q. Of?
18 A. Of '64 because I was-- I was-- I
19 became active in the military August 22nd, 1964.
20 Q. We may look at an exhibit that may help
21 refresh your recollection
22 A. Yes.
23 Q. -- on some of the dates --
24 A. Yes.
25 Q. -- but I appreciate your testimony.

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21
1 Thank you.
2 What type of work did you perform at Metro
3 while you were employed there?
4 A. They made chemicals, so pretty much what
5 I did I was a laborer. I would take the
6 ingredients, the components of whatever was being
7 made, put it in tanks. Blend those mixtures
8 together.
9 After they completed their cook time or
10 whatever the recipe was for making them, drain
11 them off into drums.
12 I ran some filter presses which would filter
13 some of these products into another stage.
14 I ran something called the dryer for a

15 product called reserve salt. I unloaded trucks.
16 Took stock in the -- when we would get deliveries,
17 I also helped unload the trucks and store them in
18 the storage facilities and things like that. It
19 was a gofer get-it kind of work.

20 Q. Do you remember any names of folks at
21 Metro-Atlantic with whom you worked?

22 A. There was a Herb Maynard, there was a
23 Harry Crabtree, Russell Platt. He was kind of
24 like a supervisor. My brother, Bob Nadeau, who's
25 passed. Yeah.

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22

1 Q. We may see some more names during the
2 course of

3 A. Arthur Brousseau (phonetic) . I worked
4 with an Arthur Brousseau. He worked on the dryer,
5 he did a lot of work on the dryer.

6 Q. What do you recall about Mr. Crabtree,
7 the type of work he did?

8 A. Harry was -- he did a lot of the same
9 work I did except he knew he knew the formulas
10 to create the products so he was like the tank
11 operator or whatever you want to call him who
12 helped develop these products, build them.

13 Q. How long did you serve in the military?

14 A. Two years.

15 Q. And I should have asked you this before
16 but your current address, where do you currently
17 live?

18 A. ode
19 Island.

20 MR. BRYAN: Thank you. Let's take a
21 look at another exhibit.

22 (Whereupon, J. Nadeau Exhibit No. 3 was
23 marked.)

24 Q. Mr. Nadeau, sir, you've been handed a
25 document marked Exhibit 3 for the deposition



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23

1 today.

2 For the record, this is a document -- I don't
3 know if you know the term Bates stamp. There's
4 actually two Bates stamps on this document. It's
5 the number that appears -- there's two numbers on
6 the corner.

7 A. Yes.

8 Q. These have been stamped by various
9 parties to the litigation involving this site.
10 I'm going to refer to the Bates stamp beginning
11 with "E". This document is marked E-000003.003225
12 through 3227, and for the record, you may notice
13 that there's a sticker that says "Nadeau 3" at the
14 top.

15 I can represent to you this is something
16 you've been shown before in one of your prior
17 depositions, I believe the Home Insurance
18 deposition, and if you turn to the last page of
19 this document

20 MR. PELOSO: Is this two pages?

21 MR. PIROZZOLO: It only has two pages.

22 MR. PELOSO: Is it missing a page?

23 MR. PIROZZOLO: We've got a two-sided
24 document. We have every other page. This is
25 also.

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1 (Off-the-record discussion.)
2 BY MR. BRYAN:
3 Q. Mr. Nadeau, the copy that you have, do
4 you have two sides? Is it double-sided?
5 A. No. Looks like I got every other.
6 MR. BRYAN: Could I introduce this as
7 Exhibit 3? This is the two-side version. My
8 apologies.
9 MR. PIROZZOLO: There should be three
10 pages?
11 MR. BRYAN: Yes.
12 (Exhibit No. 3 re-marked)
13 MR. BRYAN: Thank you.
14 THE WITNESS: This will remind me of all
15 the things I forgot to say, all right?
16 Q. Well, it might. Maybe it will refresh
17 your recollection a little bit on some facts.
18 You should have Exhibit 3 in front of you.
19 It should be Bates-stamped E-000003.003225 through
20 3227 and it should have -- do you have the
21 complete document?
22 A. I do now.
23 Q. Thank you. I apologize. And as I was
24 saying, this is something you've seen before, and
25 if you turn to the last page, page ending in
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25

1 Bates 227, do you recognize your signature --
2 A. I do.
3 Q. -- there?
4 A. I do.
5 MR. BRYAN: By the way, if you need help
6 reading some of this, I have a magnifying glass
7 here.
8 THE WITNESS: Thank you.
9 MR. BRYAN: I may be needing help also.
10 THE WITNESS: My arms are getting short,
11 that's all, not my eyes.
12 BY MR. BRYAN:

13 Q. Do you see, Mr. Nadeau, the sentence
14 that appears before the signature line that reads,
15 "This is a true and accurate statement to the best
16 of my knowledge, information and belief."

17 A. I do.

18 Q. "Signed under the pain and penalty of
19 perjury this 20th day of ,January, 2 0 01."

20 A. I see it.

21 Q. Do you recall reviewing this document
22 and signing it under the pain of perjury?

23 A. Yeah, I probably do.

24 MR. BRYAN: Okay.

25 MR. PIROZZOLO: Pain and penalty.
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26

1 Q. Pain and penalty?

2 A. Pain and penalty. That's the serious
3 part, the penalty.

4 MR. PIROZZOLO: What's the difference?

5 THE WITNESS: It's all a pain.

6 Q. All right. Let's take a look at this
7 document. I know you've seen it before in your
8 prior deposition.

9 Let's look at some of the paragraphs here
10 and, again, if you need to use the magnifying
11 glass, please go ahead and do so. Is this your
12 handwriting?

13 A. Yes, it is.

14 Q. Did you draft this affidavit?

15 A. Oh, no. No. This is my signature.

16 Q. Okay.

17 A. I could never write that neat.

18 Q. Do you know who --

19 A. No.

20 Q. -- wrote this?

21 A. No.

22 Q. Do you recall being interviewed by an
23 investigator?

24 A. An investigator came to my house --
25 Q. Yes.

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27

1 A. -- so I'm assuming he's the gentleman
2 that wrote this.

3 Q. Do you recall talking to him about your
4 time working at NECC and Metro-Atlantic?

5 A. Yes, I do.

6 Q. I want to take a look at the first
7 paragraph here.

8 It states: "I was employed by New England
9 Container and Metro-Atlantic from 1962 until
10 1965." Do you see that?

11 A. Yes.

12 Q. Does that appear --

13 A. That might be those summertime things
14 that were fuzzy on when I worked there, but yeah,
15 that's probably correct.

16 Q. The next sentence states: "I worked
17 part time during the summers of 1962, 1963 and
18 1964 and became a full-time employee in 1964 and
19 1965." Do you see that?

20 A. That's -- that's correct, that August,
21 yes.

22 Q. Please let me know if you don't recall
23 if something doesn't seem correct?

24 A. Okay.

25 Q. Next sentence: "I worked at both
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1 facilities as did some of the other employees who
 2 were interchangeable."
 3 A. Yes.
 4 Q. Does that --
 5 A. That's the truth.
 6 Q. Do you agree with that?
 7 A. Yes.
 8 Q. Okay. "They were interchangeable
 9 between New England Container and Metro-Atlantic."
 10 Do you recall, as you sit here today, who
 11 some of those employees might have been who were
 12 interchangeable between Metro-Atlantic and New
 13 England Container?
 14 A. The machinist-type people, the -- the
 15 maintenance people, the electrician. There was a
 16 couple of brothers, the Murphy brothers.
 17 Walt Murphy and I think his brother bounced
 18 back and forth but Walt definitely bounced back,
 19 he had two timecards, Walt did, and he would
 20 bounce back and forth between the two companies.
 21 I think there were a few others but that's a long
 22 time ago.
 23 Q. It sure is. I appreciate your trying to
 24 recall that information for me. Thank you.
 25 Looking at the next paragraph, Paragraph 2,
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1 do you see where it states: "At New England
 2 Container I loaded clean barrels onto trucks,
 3 unloaded incoming barrels from trucks and loaded
 4 barrels into the conveyor which fed the barrel
 5 furnace."
 6 A. I don't remember loading -- I don't
 7 think I loaded stuff onto the burner. I think I
 8 forwarded it to Bud Larochelle. I don't remember
 9 now. That's that's just fuzzy.
 10 Q. Do you think you remembered it better in
 11 2001?

12 A. I might have remembered better in 2001,
13 you know. I just don't remember. It's just --
14 it's fuzzy.
15 Q. Do you have anything else to add to this
16 paragraph in terms of the duties that you --
17 A. No.
18 Q. -- the things you did?
19 A. No. I barely remember this.
20 Q. Understood. I'd like you to take a look
21 at the third paragraph and ask you a couple of
22 questions about it.
23 The third paragraph states: "Reconditioned
24 barrels were sold to Metro-Atlantic, sold to New
25 England Container's customers, or sold as burn
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30

1 barrels, barrels ... " and then there is a word I
2 don't understand. Maybe you can help?
3 MR. PIROZZOLO: "Used mainly."
4 Q. "Barrels used to," something, "mainly
5 household waste."
6 A. Yeah, in those days --
7 Q. Can you clarify what's being said here?
8 A. In those days you could take your
9 newspapers out and put them in a burn barrel in
10 your backyard and burn your trash. Pretty much
11 that's what happened.
12 I think they might have even gone to some
13 municipalities for trash barrels. That's what
14 they were used for. Maybe even the state. Who
15 knows?
16 They reconditioned old barrels and painted
17 them whatever color that they were required by the
18 customer and they went out to wherever they went
19 in America.
20 Q. So do you understand what is meant here
21 as a burn barrel, is that what you were just
22 describing?
23 A. Yes.



24 Q. The beginning of this paragraph it says,
25 "Reconditioned barrels were sold to
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31

1 Metro-Atlantic."
2 Do you recall handling barrels, drums that
3 came from Metro-Atlantic while you were at New
4 England Container?
5 A. They didn't -- I don't know if they came
6 from Metro-Atlantic or what happened was the
7 reconditioned barrels that New England Container
8 handled were then sent up to -- up the street, up
9 the driveway actually and they -- and -- and then
10 Metro would fill them with whatever they were
11 going to fill them with and send them on their way
12 to their customers.
13 Q. Do you recall whether, during your time
14 at NECC, whether Metro-Atlantic was a customer of
15 New England Container? In other words, provided
16 drums to New England Container to recondition?
17 THE WITNESS: Did they come back from
18 there to
19 ME. BR.YAN: Yes.
20 A. I couldn't tell you that. I don't
21 remember that. I'm guessing they did. I would
22 guess that they did because that was that was
23 New England Container's business was to -- they
24 just kept the drums going so I would imagine they
25 would get the same drums back but I couldn't -- I
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1 couldn't entirely remember these things.

2 Q. What do you recall was in the barrels
3 typically when NECC received them during the time
4 you were there?

5 MR. PIROZZOLO: Objection.

6 MR. PELOSO: Objection.

7 Q. What do you recall being in the barrels,
8 the drums that NECC would receive for
9 reconditioning?

10 MR. PELOSO: Objection.

11 MR. PIROZZOLO: Objection.

12 A. The only thing that I can remember
13 was -- with any distinction was the guys talking
14 about -- some of the barrels came from some food
15 processing company and they had things like
16 frosting in them and some of these drones would
17 dip their finger in and even taste that crap.

18 What else was in them, what products were in
19 them, they came from all over. They came from
20 chemical -- other chemical companies.

21 They came from Bradford Soap, they came
22 from -- so they had -- I know they had probably
23 some dyes in them, maybe soap residue. Whatever
24 else I'm not quite sure.

25 They came from all over New England, I think
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1 they gathered these barrels.

2 Q. Did they typically, the barrels, have
3 some sort of residue in them when they were
4 received by NECC?

5 A. I don't think they had a lot. If
6 anything they might -- some of them had bags. I'm
7 sure that there was a residue of whatever the
8 the company made in them.

9 They didn't come back clean because part of
10 the company's job was to recondition them. They

11 had stuff in them. What it was, I don't know.

12 Q. Other than the foodstuffs that you
13 mentioned, do you recall any other specific
14 materials that were contained --

15 A. Like I said, there were dyes, powder
16 dyes. I remember that because it was just nasty.

17 Q. How was it nasty, how do you recall?

18 A. It would get on you and you became that
19 color. Your clothes were messy. You didn't want
20 to breathe it. And whatever, whatever chemicals
21 might have been in them, I don't know.

22 Typically it's not like you unloaded a
23 55-gallon full of liquid because you couldn't do
24 that, you just couldn't. The water was 8 pounds
25 per gallon, so a 55-gallon drum would weigh

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1 minimum four, five hundred pounds so ...

2 Q. I believe you testified previously about
3 your purchasing clothes

4 A. You bought them as cheap as you could
5 because you kept them until they broke. You
6 didn't take them home. You left them leaning
7 against the wall.

8 Q. Can you describe for us today what you
9 recall about your clothes getting soiled with
10 waste from the barrels?

11 A. From the barrels, from when I worked at
12 the chemical, when I worked at Metro, we used to
13 buy cheap shoes for like three bucks every two
14 weeks and we kept them until they -- they grew
15 from the stuff that built up on the bottom and
16 eventually you just threw them away because they
17 rotted right off you. Your jeans or whatever
18 pants you were wearing, you just left right there
19 and put them on and they -- they softened.

20 Q. Did you ever experience any skin
21 irritation?

22 A. Every one of us did.

23 Q. Can you explain?
24 A. Nasty nosebleeds, burns. I probably
25 have white marks all over me from -- well, we
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35

1 worked with caustic acids, we worked with Sulfans
2 in Metro-Atlantic. It's different from the barrel
3 shop now. We worked with some harsh chemicals,
4 formaldehydes, caustic acids, things like that.
5 Q. Let's break it up.
6 A. It's kind of hard to keep them separate.
7 Q. Let's make it clear, while you were at
8 Metro-Atlantic, what chemicals do you recall?
9 THE WITNESS: At Metro-Atlantic?
10 MR. BRYAN: Yes.
11 A. The worst of the lot was something call
12 Sulfan. It was a nasty acid. As a matter of
13 fact, they had a shower set up that if you got
14 this on you -- it was supposedly a neutralizer,
15 you'd go there and pull the chain to give yourself
16 a wash. It would -- it would just fall right
17 through you. It was nasty stuff.
18 It smoked, it was stinky. It had to be
19 heated to be used. It was kept in an oven, and
20 the drums weighed anywhere from six to eight
21 hundred pounds. They were big orange and black
22 drums. An empty drum weighed 150 pounds, and we'd
23 have to unload them from the truck and run them up
24 a ramp into this oven, so they were used by the
25 guy that works -- they were used in the
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1 manufacture of a product called reserve salt which
 2 was a metal stripper which went through a bunch of
 3 processes.
 4 Q. What did the reserve salt look like when
 5 you handled it?
 6 A. It started out as a liquid. They melted
 7 it and put it in big vats that had a huge paddle,
 8 a stainless steel paddle because a normal paddle
 9 would deteriorate. Even stainless steel paddles
 10 broke up after a while.
 11 From that process, after it cooked and
 12 blended and did whatever needed to be done with
 13 it, we would run it through a filter press which
 14 was a thing as long as this room. It had these
 15 plates with a canvas over the top of it.
 16 Each plate -- and the plate was
 17 honeycomb-like. The product would come in a
 18 valve, run through the filter around and out into
 19 a more finished product tank and there were agents
 20 in it that -- that caused it to filter, maybe
 21 carbon or I can't remember the what the
 22 solidifier was but it filtered it from whatever
 23 solids that was in it and we'd take samples along
 24 the way and send them up to the lab to make sure
 25 that it was -- it met the quality that was needed

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1 to get -- to get to the next stage.
 2 And from there, we then -- it went through
 3 like -- it was actually a potato chip dryer, I
 4 think that's really what it was. They dried it
 5 and we'd throw it onto this conveyor belt. It
 6 would come out the other side in more of a
 7 powder-type thing that went into drums and went
 8 off to whoever used it.
 9 It was a metal stripper. That's what it was
 10 used for, to strip metals and it was a pretty
 11 harsh product.

12 Q. Besides the reserve salt, which we may
13 talk about later, do you recall any other specific
14 chemical or chemical products that you handled or
15 worked with during Metro-Atlantic?

16 A. There was another product that got
17 filtered that was called 40-S. I'm not quite sure
18 what that was but it went through the whole
19 process that the reserve filter minus the drying
20 process. It went into drums and it went off to
21 the customers.

22 We made products that were used for
23 waterproofing. I think the product name I think
24 it went out as a marketing tag as Rane-Pel or
25 something like that. It was used to waterproof.

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1 You could put it on -- as a matter of fact it
2 was on things like raincoats, London Fog kind of
3 stuff, the tag was on there.

4 We did some sort of -- there was some sort of
5 a fish oil that we used and I'm not quite -- I
6 can't remember that but there were products like
7 methanol, potash. Lots of waxes and those were
8 used for -- for these waterproofing products.
9 Caustic acid, formaldehyde, stuff that you now
10 worry about today that we didn't worry about then.

11 Q. Anything else in particular along those
12 lines?

13 A. There probably were. I'm-- I'm sure
14 reading through some of the stuff, a light will
15 come up and I'll say, oh, I remember that too.

16 Q. Thank you. This is an impressive list.
17 Your memory I think is sharper than you think.
18 Thank you.

19 A. Well, these things refresh themselves
20 too. That's part of the problem because I've
21 heard other people during court so some of this is
22 contaminated memory but, you know, most of it is
23 my memory.

24 Q. Let's look again at your affidavit here.

25 Let's look at Paragraph 4.

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1 On the bottom of the first page it states:

2 "Incoming barrels were stored on the ground at New
3 Container."

4 A. Yes.

5 Q. Do you see that?

6 A. Yes.

7 Q. Do you understand New Container to mean
8 New England Container?

9 A. New England Container. I do.

10 Q. "Some of them contained dyes or ... "

11 MR. PIROZZOLO: "And emitted."

12 Q. What -- do you recognize that term
13 there, emitted? "Contained dyes or emitted a
14 chemical odor." I think that's what it says.

15 A. Probably, probably they just smelled
16 bad.

17 Q. Okay. Is that consistent with your
18 memory?

19 A. It is.

20 Q. "The materials in these barrels leaked
21 onto the ground around the plant." Do you see
22 that?

23 A. Yes.

24 Q. Is that consistent with your
25 recollection?

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1 A. That's true.

2 Q. "A large amount of," something,

3 "barrels," can you decipher what that says? "A

4 large amount of ... "

5 A. "Contained."

6 Q. " ... barrels ... "

7 A. " ... various types ... "

8 Q. " ... contained various types of resins."

9 A. " ... contained various types of resins."

10 Q. Resins?

11 A. Yes.

12 Q. Is it consistent with your recollection?

13 A. It is.

14 Q. Next: "I would buy new work clothes and

15 shoes on a weekly basis due to," something, "of

16 waste materials that would accumulate on my

17 clothes and shoes while working in the area in and

18 around the facility."

19 A. That's true. I think I said prior to

20 this too.

21 Q. Okay. Now, I want to go back and ask

22 you a little bit about that statement about

23 materials in these barrels leaked onto the ground

24 around the plant.

25 What do you -- let me ask you this. When it

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1 leaked down to the ground, do you recall if it

2 leak down onto soil? Was it soil?

3 A. Yes.

4 Q. How were these barrels stacked, do you

5 recall?

6 A. Most of them -- because depending on

7 the -- a lot of them were stacked on their sides

8 in long rows. Some of them were stacked on top of

9 each other end on end, for whatever reason.

10 Whoever was doing the stacking, their personal

11 choice of stacking. Something we had -- I know

12 sometimes they'd get hundreds of drums and they
13 would just stack them in long rows.
14 Q. And were these drums that NECC was
15 receiving to recondition?
16 A. Yes.
17 Q. So these were dirty drums?
18 A. These came from someplace in America,
19 yes. I need to stop this or it will drive us
20 crazy.
21 Q. Go ahead. Would you like to take a
22 break?
23 A. No. Whoever it is, I don't want to talk
24 to them.
25 (P A U S E)
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42
1 BY MR. BRYAN:
2 Q. Did you yourself perceive or observe the
3 leaks that were referenced?
4 MR. PELOSO: I object to the form.
5 A. I stood in it.
6 Q. Is that a yes?
7 A. Yes.
8 Q. What do you recall about standing in the
9 leaks?
10 A. During the process some -- there were
11 several types of drums that you got. Some of them
12 were open drums.
13 They had a cover that sat on those. There
14 was a ring around them that kept that top on.
15 Others were called tightts, tightts, yes, and they
16 had bungs, openings for the -- whatever was in
17 them to be put in or taken out, and when you
18 stacked them, if that bung wasn't tightened down,
19 whatever was in there was going to come out.
20 They had a gasket on those but if the gasket
21 wasn't there, if the bung wasn't tight or if it
22 didn't have a bung there, whatever was in there

23 was going to come out. What was in there, I don't
24 know.
25 Q. That was my next question. Do you know
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1 what was in the
2 A. No.
3 Q. -- in the barrels?
4 A. Like I told you, there was all kinds of
5 stuff. There were dyes, there was liquids of some
6 form. Whatever it was, it would get on you.
7 Q. It got on you?
8 A. It would get on you.
9 Q. How often did you perceive leaks onto
10 the soil at New England Container, how frequently
11 did you notice that?
12 A. I didn't pay attention to it. We just
13 understood that it was going to happen and you --
14 and the reason that you know that is because you
15 tried to avoid getting it on you. The end. So
16 when you picked up a drum, you just tried to stay
17 away from whatever opening there was in the drum
18 because it made your life easier. It was just
19 survival.
20 Q. Looking again at this Paragraph 4, the
21 next sentence: "A large amount of these barrels
22 contained various types of resins." I asked you
23 about that earlier?
24 A. Yes.
25 Q. What do you recall about -- what resins
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1 do you recall?

2 A. It was -- it was a sticky substance, a

3 heavy viscous-type stuff and typically those

4 resins were --had like a paint smell. That's the

5 best way to describe them.

6 Q. Do you recall seeing on the drums an

7 identification or any label indicating what was in

8 the drum?

9 A. You know, I can't clearly remember.

10 Stuff that said "acid" we were careful of. Other

11 stuff -- like I said, sometimes the word "resin"

12 and a product name was on it or dye numbers, Dye

13 No. 2, whatever you want to think of it, yeah, so

14 we didn't pay a whole lot of attention to it

15 unless we thought it was something that was going

16 to hurt us.

17 Q. Do you recall seeing "acids" on

18 barrels drums labeled with the term "acid"

19 somewhere?

20 A. No. The acid drums were those that were

21 brought in to us as a product to use to make

22 something else. A lot of that stuff came in in

23 tanker trucks and was pumped off into holding

24 tanks.

25 Q. Are you referring now to your time at

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1 Metro?

2 A. Yes. You have to keep me on a straight

3 line here.

4 Q. No, that's okay. Thank you. I'll try

5 to do that.

6 A. Thank you.

7 Q. This affidavit may also help us too.

8 Okay. We talked about your buying clothes

9 and shoes while you were working at NECC.

10 Did you perceive any odors at NECC when you

11 worked there?

12 A. Oh, yeah. The whole place was an odor.
13 Q. How did it smell?
14 MR. PIROZZOLO: Objection.
15 A. Like I said, the resins smelled like
16 paint. The dyes were -- they just smelled
17 whatever that smell is.
18 There were smells inside of the place because
19 part of the reconditioning process was
20 sandblasting the paints out of those drums.
21 Part of the process was the burning off of
22 whatever may have been in those drums because they
23 went through the burner process. So there
24 were -- there were smoke and fumes from that.
25 The sandblasting created dust, dust, you
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1 know, the drums. Steam from the cleaning station.
2 The steaming thing was usually the tight
3 drums, the ones with the bungs. It was easier to
4 recondition the open drums because of their very
5 design, so yeah, the place smelled funny and so
6 did we.
7 Q. How did Metro smell?
8 MR. PIROZZOLO: Objection.
9 Q. Did you perceive odors at Metro?
10 MR. PIROZZOLO: Objection.
11 A. Yes.
12 MR. BRYAN: What's the objection?
13 MR. PIROZZOLO: How is he going to say
14 how something smells? No foundation.
15 A. Formaldehyde
16 MR. BRYAN: You can answer.
17 MR. PIROZZOLO: There's no foundation.
18 Q. Do you understand the question?
19 A. Yes.
20 Q. Did you work at Metro-Atlantic?
21 A. Yes, I did.
22 Q. While you were there, do you recall
23 smelling

24 A. Yes, I did. Formaldehyde has a distinct
25 smell.

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1 Q. What did you smell?

2 A. Ammonia has a distinct smell. Caustic
3 acid, these things have distinct smells causing
4 you not to breathe through your nose.

5 Q. Can you describe how these things
6 smelled?

7 MR. PIROZZOLO: Objection.

8 MR. BRYAN: I think you did.

9 A. It's a matter of it's perception I
10 guess. It's -- it smells. If you smell cleaning
11 fluid around the house, chlorine bleach, ammonia
12 for a cleaning product, those types of smells were
13 some of the things that we we lived and worked
14 in all day long. Horrible bloody noses were a
15 part of your life.

16 Q. Thank you. Let's take a look at the
17 next page, Paragraph 5. You may need a magnifying
18 glass here. It's a little --

19 A. I see 5.

20 Q. It states in Paragraph 5: "At the
21 barrel furnace, the barrels were placed upside
22 down and open on the conveyor belt. This allowed
23 any sludge or liquid remaining in the barrel ... "

24 A. It drained into a pit.

25 Q. " ... to drain into a pit below the

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1 conveyor."

2 A. Yes. That's a true statement.

3 Q. True statement?

4 A. Yes.

5 Q. Was the furnace, do you recall, was it

6 inside or outside?

7 A. It was out.

8 Q. Okay.

9 A. It started on the outside and eventually

10 it went inside the building.

11 Q. Did you operate the furnace?

12 A. Like I said, I can't remember.

13 Q. Okay.

14 A. That was mostly Bud. I remember feeding

15 directly to Bud. He might have let me throw one

16 on there once in a while. I don't know.

17 Q. What was your involvement in that

18 conveyor belt process, in that process of putting

19 it in --

20 A. Either feeding it to Bud. He may or may

21 not have let me throw a few on. I don't remember.

22 I spent a lot of time on the opposite end of that

23 where they were coming out of the furnace, and

24 they would -- sometimes they would come through

25 and there would be fire in them because the ash

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1 product that was -- whatever was in them was still

2 on fire. You tipped it over and kicked it back

3 outside. Took that drum, stood it up, it cooled

4 down and then it stayed in a storage type -- a

5 queue area where eventually it was taken on and

6 something else was done to it. Probably

7 sandblasted, reconditioned going through a roller

8 process, gets painted, stored again and then

9 shipped off to a customer.

10 Q. During the time that you worked there

11 was the conveyor belt placed over a pit?
12 A. Yes. We talked about that.
13 Q. Yes, we did. My mistake. Can you
14 describe the pit for us, what that looked like?
15 A. The furnace was on the track. A
16 conveyor-type thing would hook the drums somehow
17 and the drums would move forward at a certain
18 speed. Fire happened. When -- when the barrels
19 were put on that -- that conveyor system, anything
20 in it would run down into this pit.
21 It was a hole. Pretty much a hole in the
22 ground. It had concrete walls on the side. If it
23 had anything on the bottom, I don't know.
24 It could have been straight to China after
25 that. I don't know. But there were concrete
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1 retainer walls along the side walls.
2 Q. Did you ever work -- was part of your
3 job to clean the pit?
4 A. I didn't, no.
5 Q. And did you observe others doing that?
6 A. I probably did. I know it was cleaned
7 because it would have filled up.
8 Q. Do you know where the residue in the pit
9 was taken?
10 A. I don't have a clue.
11 Q. Let's take a look at the next paragraph.
12 We're moving nicely through this document.
13 Turning now to your time at Metro-Atlantic.
14 A. Yes.
15 Q. Paragraph No. 6. "At Metro-Atlantic I
16 was involved in the production of reserve salt,
17 which was a type of metal stripper that contained
18 a mixture of sulfuric acid, Sulfan, caustic, water
19 and other materials. It was mixed in 5000-gallon
20 tanks which were 8 to 10 feet high and then cooked
21 under pressure."
22 A. Yes.

23 Q. Do you see where I am?
24 A. Yes.
25 Q. Is this consistent with your
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1 recollection?
2 A. Pretty much what I said already. I
3 think I said it before.
4 Q. Yes. Thank you. "After it had been
5 cooked, it was filtered ... "
6 A. Yes.
7 Q. " ... through a series of canvas filters."
8 A. That's correct.
9 Q. That's your statement. "Drippings from
10 the filters were recycled."
11 A. That's true.
12 Q. "What remained in the tank was a black
13 sludge, which was dumped from the tank onto the
14 floor of the plant."
15 A. That's true.
16 Q. "It was then shoveled into barrels
17 filling three to four 55-gallon barrels, and the
18 remaining material was hosed into floor drains
19 which drained into the canal on the left side of
20 the building."
21 A. That's true.
22 Q. Do you agree with that?
23 A. Yes.
24 Q. "Metro-Atlantic used to make two to
25 three batches of reserve salt each week." Is that
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1 consistent with your memory?
 2 A. That is consistent with my memory.
 3 Q. Okay. Let's break this down here. We
 4 talked a little bit about the reserve salt. You
 5 mentioned it was like a potato chip --
 6 A. One of the final steps was the drying
 7 process.
 8 Q. Do you recall where in the
 9 Metro-Atlantic side of the site it was
 10 manufactured?
 11 A. The -- there --
 12 Q. Was there any particular building?
 13 A. There were two buildings well, two
 14 buildings that processed this reserve salt.
 15 The -- the main building where the tanks were, and
 16 this huge drum that dried the -- dried it to a
 17 certain point. It was flaked actually.
 18 That was in the main building. After that,
 19 the dryer process was in a smaller building across
 20 the street and part of that building was attached
 21 to the maintenance facility.
 22 Q. Okay. I know you've talked about it
 23 before. Are you familiar with the term "Texas
 24 Tower"?
 25 A. Yes.

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1 Q. Is that -- what was the Texas Tower
 2 during the time at Metro-Atlantic?
 3 A. Texas Tower was conceived and built
 4 between one of my steps of not being there during
 5 the -- the course of me going back to school or
 6 whatever, and it was a smaller outbuilding, not
 7 I don't remember if it was totally attached to any
 8 of the other buildings. I don't think so. But it
 9 was on the same side of the street as the dryer
 10 which was against the river, the bigger river.
 11 The other one was like a little tail,

12 tail-type place. It was on the right-hand side of
13 the -- of the drive into going towards NEC, New
14 England Container. There's a long driveway
15 between the two buildings.

16 Q. Was the dryer building and the Texas
17 Tower, were they separate buildings?

18 A. I think they were. I can't remember.

19 Q. Is it possible that they were the
20 same

21 A. My gut feeling tells me they were a
22 separate entity.

23 Q. Why? Why do you say that?

24 A. I'm trying to think. I think there was
25 like a storage platform or something on the end of
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1 that building where the dryer was. Gray memory.
2 But I think it was a separate building.

3 Q. Okay. We may look at a map later

4 A. Yes.

5 Q. see if that helps refresh your
6 recollection at all.

7 Do you recall ever being in the Texas Tower?

8 A. I had little or nothing to do with that,
9 thank God. There was a few people that did.
10 Harry Crabtree who is long gone was one of the
11 people who did.

12 And that tower itself was kind of like --
13 whatever happened in there was a specialty item
14 and most of us didn't know that much about it.

15 I think the guys kind of kept it to
16 themselves for whatever reason, and for some
17 reason or other, I think the product that was made
18 out of there started with an "H" and -- and I keep
19 thinking back to something that was in Ipana
20 toothpaste, hydra something or other. That's what
21 I remember about it.

22 Q. Have you ever heard of the term
23 "hexachlorophene"?

24 A. There you go.
25 Q. Is that the product you recall?
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1 A. I think that was the one, yes.
2 Q. Do you know if there were other products
3 made in the Texas Tower?
4 A. In that building I don't think so. I
5 think that was a functional building for that one
6 product. I couldn't swear to that so if you write
7 that down
8 Q. I understand. You are being very
9 helpful. Thank you.
10 Do you know why it was called the Texas
11 Tower?
12 A. I think it was just a guy name.
13 Somebody threw it out there. You know, I think
14 somebody like people do, they put a tag on
15 something.
16 Q. Did anyone refer to it as the
17 hexachlorophene building?
18 A. I don't remember hearing it called that.
19 It may have been. Like I said, we were all --
20 most of us that worked there were kids and it
21 was -- it was just a summer job that gave us money
22 for gas and girls. It was just a place we went to
23 to get money.
24 Q. Understood. Earlier you said -- I think
25 you said something like, "Thank God I didn't work
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1 there." Why did you say that?

2 A. It was an isolated building. I think it
3 was isolated and Harry, I loved him dearly, but he
4 could be a character to work with. Mostly it was
5 personalities. You say, yeah. Harry was a
6 skittish little guy. Harry was like my brother on
7 steroids.

8 MR. BRYAN: We enjoyed speaking with
9 him. Yes, we did.

10 Q. Well, let's wrap up -- let's finish
11 talking about this paragraph and maybe we can take
12 a short break.

13 A. Yes.

14 Q. Let's stay on Paragraph 6 and try to
15 finish this out.

16 You talked earlier today, and it was
17 confirmed again when you read through this
18 affidavit, you talked about some of the elements
19 that went into the reserve salt

20 A. Yes.

21 Q. some of the products that you
22 remembered?

23 A. Yes.

24 Q. You mentioned in here sulfuric acid,
25 Sulfan. In this affidavit it says caustic. Is

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1 that caustic acid?

2 A. Yes.

3 Q. Okay. I think that term -- was that
4 term

5 A. There were a bunch of acids in it. What
6 the total formula was I can't remember but I
7 believe to be true, that caustic acid. The Sulfan
8 was the nastiest of the bunch. It scared the hell
9 out of us.

10 Q. Why was that?
11 A. It was just so bad. I mean if it fell
12 on you, it was going to make a hole on you. If it
13 fell on your clothes, you'd just throw them away.
14 Get out of them quick. With caustic acid, caustic
15 used to foam on you but you could rinse that off.
16 Q. You mentioned before-- it's mentioned
17 in this paragraph the filtering process. What was
18 your role with respect to the filter process
19 that's described here?
20 A. Like most of us, we took we took our
21 turns being the filter operator or if someone was
22 mad at you, you're being the filter operator
23 because of the dirty process that it was.
24 You hooked up the the -- the hoses and
25 turned the right valve to get the product to come
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1 from here to here through the filter and back into
2 another holding tank for the storage of the -- of
3 the chip drying process, and then after it was all
4 done, part of the process was -- you tried to get
5 a full tank, a full job lot of this product
6 through the press without -- the term was "blow"
7 before the press blew, before the press ceased to
8 function right because if not, then you had to
9 drop all these panels, clean that filter and then
10 re-hook this all back up and finish that batch of
11 work.
12 So you were careful in the way you filtered
13 the product. You took your time. You didn't put
14 too much pressure on it. You tried to get it to
15 go slow but fast enough so that the boss wasn't on
16 you about getting this job done because once it
17 was done, then you could blow the press with just
18 shutting the connections to the tanks, the input
19 tanks, shutting whatever valves were necessary,
20 and then putting air through it.
21 And that would just blow the rest of the

22 product up into the holding tank and then you can
23 pry open the frames which was -- which was a hell
24 of a dirty job, and then shovel it up and then
25 do -- you had to wash each frame, each canvas.

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1 The drip pan had to be pumped and and sent
2 to the tank and then you had to shovel up this
3 sludge which was heavy.

4 Q. You mentioned a couple of times this was
5 a dirty process, the filtering process.

6 A. Yes.

7 Q. How was it dirty, can you explain? What
8 did you mean when you said it was a dirty process?

9 A. You didn't want the product on you; you
10 didn't want the press to blow and the press to
11 blow would mean -- these panels were about this
12 thick and there were dozens of these plates and
13 they were heavy. It took two men and a boy to
14 move them and it was under pressure.

15 It was a pressure thing that you push the
16 button and this big crunching thing would push
17 these panels together. But the dirty process was
18 now you had to shovel this mess up or if you blew
19 the press, that stuff would spray on you. It
20 would spray on the walls and you had to clean it
21 up.

22 The dirty part, now you have to shovel it and
23 it's heavy. It was like charcoal with whatever
24 mixings, whatever impurities that they didn't want
25 in the finished product was there, and you pull

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1 these panels apart and these hollow plates, this
 2 stuff would just muck the floor.
 3 You shovel it up, you had to take a
 4 high-pressure hose, clean the filter, make it
 5 ready for the next load.
 6 And you didn't mix filters. One filter only
 7 did reserve salt, one filter only did the 40-S.
 8 Two different products. But then you had to
 9 shovel it up and you were going to get wet.
 10 Now you took a high-pressure hose and then
 11 you're in a basement and you're going to be wet to
 12 your belt, cold and nasty, so you were careful
 13 when you did the job and you tried to get it done
 14 as quickly and as simply as possible, and still
 15 being 17 years old.
 16 Q. Thank you. Now, in this paragraph,
 17 Paragraph 6, you talked about shoveling the
 18 remaining materials and how they were swept into
 19 floor drains. Do you recall that?
 20 A. There was no floor drain. There was a
 21 French drain that ran along the wall, which is
 22 just a trough and where that particular press was,
 23 the filter press for the reserve salt, there was a
 24 hole at the end that went out into that tailing.
 25 Q. The tailrace?

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1 A. Yeah. That -- that -- it was a building
 2 that had -- the water kind of scooped in there.
 3 We'd hit that with the high-pressure hose and
 4 it would wash out into there.
 5 Some guys cleaned the floor better than
 6 others, you know, and it would depend on who your
 7 boss was that day. Some people had higher
 8 standards than others about shoveling.

9 Other people were in a hurry and say, the
10 hell with it, hit it with the hose and get it out
11 of here, we've got another batch that's got to get
12 done, so it may not get shoveled that day; it may
13 go out in the river.

14 Q. Where did you see these floor drains?

15 A. There were no drains. There was a
16 trough that ran along the back wall.

17 Q. Of which building?

18 A. Of the main building of Metro. This was
19 the basement now.

20 Q. Do you know if these French drains or
21 troughs were in any other buildings at Metro?

22 A. They weren't in the reserve salt drying
23 building so I think they were all in the main
24 building.

25 Q. Did you see these floor drains or French

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1 drains anywhere at NECC's building?

2 A. I'm trying to think. I don't -- I don't
3 have a distinct memory. I'm certain -- I'm
4 certain there were because I remember hosing down
5 the floor and I don't remember seeing a sewer
6 drain, you know, the typical --but I'm fuzzy on
7 that.

8 Q. I just want to make sure I understand
9 what you said, and correct me, I'm not trying to
10 put any words in your mouth.

11 A. Okay.

12 Q. You said you recalled sweeping products
13 at NECC, is that what you said?

14 MR. PELOSO: Objection.

15 Q. Let me ask you again. Do you recall
16 seeing any French drains or anything like that in
17 any of the NECC buildings?

18 MR. PELOSO: Asked and answered.

19 Objection.

20 A. That part, I'm not -- I'm not sure of.
21 I'd like to say yes because I don't remember
22 seeing anything else and I remember hosing down
23 the floor.

24 MR. PELOSO: Move to strike.

25 Q. Did you personally hose down the
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1 floor --

2 A. Yes.

3 Q. -- at NECC?

4 A. Yes.

5 Q. And as you sit here today, you do not
6 recall any sewer lines that fed into NECC?

7 A. I don't recall.

8 Q. Do you recall any sewer lines that fed
9 into Metro?

10 MR. PIROZZOLO: Objection.

11 A. I do not recall any sewer lines. It
12 doesn't mean they don't exist. I just don't
13 recall them.

14 Q. Now, going back to Paragraph 6, the
15 sentence about the floor drains which drained into
16 the canal on the left side of the property --

17 A. Yes.

18 Q. and I believe you indicated -- are
19 you familiar with that term tailrace? Have you
20 heard that before?

21 A. I heard it when I started going through
22 this process. We just called it the wet spot out
23 back. It was like a back sweep of the river looks
24 like.

25 Q. And, to your knowledge, that's where the
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1 material that was deposited into the floor drains,
2 that's where the material
3 A. Oh, yes.
4 Q. -- deposited?
5 A. Yeah. That's where it went.
6 Q. Did you see that?
7 A. I did it.
8 Q. How frequently do you recall during the
9 time you were at Metro-Atlantic sweeping floors
10 and pushing the waste into the floor drains?
11 A. It was part of your daily work. I mean
12 you didn't do it every day but if you had a leak
13 or a leak would be in a drum with product
14 sometimes we'd buy this product that would come in
15 from outside vendors that we would use to build
16 our stuff, the drum would leak, so the only way to
17 get it off the floor would be to hose it off.
18 So whatever that was, the resin, the acid,
19 whatever it was, got hosed off the floor. It was
20 a concrete floor and it went down to the back wall
21 into that drain, into what I call the French drain
22 down along the wall and out.
23 Q. When you washed off the floor at the
24 time
25 A. Uh-hum.

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1 Q. were you aware that it was going into
2 the tailrace through the French drains?
3 MR. PIROZZOLO: Objection.
4 A. It had no other place to go.
5 Q. How were you aware of it?
6 MR. PIROZZOLO: Objection.
7 A. You washed the floor, it went down the

8 drain, it was going into that hole. It was going
9 into that wet spot.

10 Q. I think you mentioned that in this --
11 during this filtering process -- well, let me ask
12 you, do you recall I think you said that the --
13 you mentioned this product 40-S?

14 A. Yes.

15 Q. What do you recall about 40-S?

16 A. I can't -- I don't have a clear memory
17 of what it was used for. It wasn't a product that
18 we were worried of. Whatever it was, it didn't
19 we didn't think as harmful. It may have been
20 harmful, but us people doing it, we weren't we
21 weren't afraid of it. We worried about the
22 reserve salt.

23 Q. And this filtering process that you
24 described, you recall that it was a process that
25 was followed by Metro-Atlantic when making reserve

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1 salt, is that correct?

2 A. There were two separate products but the
3 filter process was basically the same. It came
4 from a tank, it went through the filter, there was
5 a drip pan on the bottom. When it was filtered,
6 it went into a holding tank, and when we were
7 done, the clean-up process was the same. You
8 broke down the press, you shovel up the mess, wash
9 the rest.

10 Q. To your knowledge, was that same filter
11 process followed at Metro-Atlantic when making
12 other products there besides the reserve salt?

13 A. I only remember two filtering things.
14 The 40-S and the reserve salt. There may have
15 been others but these are the two that I remember.

16 Q. Were those the two that you personally
17 worked on?

18 A. Yes.

19 Q. Okay.
20 A. We only had two filters. One went this
21 way, one went that way that I know of. It might
22 have changed after I left. They might have
23 brought in other stuff.

24 Q. Do you know if the filtering process
25 similar to the one you experienced was used in the
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1 Texas Tower?
2 A. I don't know. I have no knowledge of
3 the Texas Tower except knowing it by name.
4 MR. BRYAN: I think we've been going
5 about an hour. Why don't we take a short break?
6 THE WITNESS: I'm good if you are.
7 MR. BRYAN: Counsel, shall we keep
8 going?
9 MR. PELOSO: Five minutes wouldn't be
10 bad.
11 MR. BRYAN: Okay. Five-minute break.
12 Thank you.

13 (R E C E S S)
14 MR. BRYAN: Everybody ready? Thank you,
15 Mr. Nadeau, for returning after the break. I hope
16 you had an enjoyable break.

17 BY MR. BRYAN:
18 Q. I just want to ask you a little bit
19 about something you discussed right before we took
20 the break and that is the basement drains which
21 you referred as the floor drains?

22 A. French drains.
23 Q. The French drains. What did the
24 basement look like of the Metro building?
25 A. My guess is that old building was a
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1 textile mill at some point in time because in New
2 England it's history. It was concrete floor, wood
3 beams. Partial -- I think there was a partial
4 concrete foundation wall and I can't remember.
5 Fuzzy memory. Dark dank basement.

6 Q. Do you recall whether it was above
7 ground or below ground?

8 A. It was slightly below ground. You
9 walked down a little ramp to get to it.

10 Q. And the French drains, floor drains that
11 you referred to, were they visible from the
12 outside of the building?

13 A. No. They were inside the building.
14 Part of the floor actually.

15 Q. Do you recall any pipes that led from
16 the French drains to the outside?

17 MR. PIROZZOLO: Objection.

18 A. I think the hole going to the outside
19 had a pipe on it. I can't I can't remember for
20 sure. I think.

21 Q. Why do you say that? What's the basis
22 of your

23 A. Because that makes sense to me. It's
24 just one of those things that would make sense to
25 me. Instead of punching a hole in the concrete

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1 floor, somebody might have had the forethought to
2 put them in. Fuzzy memory.

3 Q. Thank you. Now, you mentioned
4 earlier -- I think you discussed how generally raw
5 materials would arrive to Metro for use in

6 manufacturing chemicals?
7 A. Yes.
8 Q. Do you recall talking about that a
9 little bit?
10 A. Yes.
11 Q. How did the raw materials arrive to
12 Metro?
13 A. Delivery truck, tanker. They came in
14 various packaging. They came in just bulk that
15 was pumped out of the tanker, they came in drums,
16 55-gallon drums, both metal and fiber, and they
17 came in bags.
18 Q. Do you recall any above-ground storage
19 tanks at Metro
20 A. Yes.
21 Q. that housed raw material product --
22 A. We had tanks on the outside wall over
23 that wet area that we talked about, big storage
24 tanks.
25 Q. Would that be the tailrace?
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1 A. Whatever you call it.
2 Q. Do you understand is that
3 A. Yes. We had big tanks on the outside
4 wall and, you know, pipes going through the
5 building. Products would show up in tanker
6 trucks, they would hook up to the appropriate
7 pump-off station and it would get pumped to the
8 the allocated tank.
9 Q. Do you recall how many above-ground
10 storage tanks?
11 A. There were several, three, four, five of
12 them. They were on the back on the outside and
13 there was like a catwalk, a metal catwalk, and you
14 could go out a window.
15 Q. Do you recall approximately six
16 above-ground

17 A. Could be.
18 Q. -- storage tanks?
19 A. It's fuzzy memory.
20 Q. Did they range in size?
21 A. They did. Some bigger than others and
22 it had these huge -- a couple of them I remember
23 had these huge, like submarine tank covers on
24 them, big heavy covers that you would lock down
25 with huge locking nuts.

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1 Q. Thank you. Now, in the course of your
2 work at Metro, do you recall fluids being
3 delivered from vessels and from storage areas in
4 pipes?

5 A. I need -- I need you to clarify, what do
6 you mean delivered?

7 Q. Well, were fluids transferred from
8 vessels and from storage areas via a pipe system?

9 MR. PIROZZOLO: Objection.

10 A. Yes.

11 Q. Okay. What do you recall about that,
12 how

13 A. There were valves that

14 MR. PIROZZOLO: Excuse me. Objection.

15 A. The container, whichever storage
16 container was, had big valves that we would turn
17 to allow the flow or the transfer of whatever was
18 in that tank to wherever you wanted it to go.
19 Sometimes under pressure, sometimes under gravity
20 feed.

21 Q. Do you recall that the storage tanks had
22 pipes that connected to -- from the storage tank
23 to the Metro building?

24 MR. PIROZZOLO: Objection.

25 A. Yes. That's the only way it could get

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1 there; you weren't going to bucket it out.
2 Q. What did these pipes look like?
3 A. They were steel, they were -- they had
4 valves. They had -- some had quick valves, some
5 had big heavy turn valves and sometimes, depending
6 on where you wanted that product to go, there was
7 a series of valves and they could go from Point A
8 to Point B. You would direct it through the
9 appropriate -- or there was flex pipes that would
10 hook onto a tank and you would run it through
11 there.

12 Q. Did you ever notice any leaks or spills
13 from either the vats or the pipes?

14 A. There were there were leaks. There
15 were leaks. Because pipes, like anything else,
16 wear and corrode based on the product going
17 through them.

18 Q. Can you describe for me what you
19 observed with respect to leaks coming from pipes?

20 A. Typically the leak would happen at the
21 union of another connection. The valve or a union
22 and an elbow. And what would happen if we noticed
23 it, we'd shut it down, call the maintenance man.
24 He would come in, pull the leaker out, put in a
25 new elbow or section of pipe in, and away we would

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1 go.

2 Q. You mentioned the pipes would erode?

3 A. They would erode.

4 Q. Do you know why?

5 A. The harshness of whatever was in them.

6 Reserve salt would -- by its very nature was a
7 metal stripper so it would eat a hole, it would
8 eat a hole in the tank. It would eat the paddle
9 right off the mixing blade.
10 Q. Did you observe eroded pipes? Did you
11 see them?
12 A. Well, that's where the leak is.
13 Q. Yes.
14 A. Where they would leak. Yes. We would
15 call in one of the Frenchmen and he would come
16 down and measure up the pipe. I can't remember
17 their names anymore but there was two of them, two
18 brothers.
19 Q. Two French
20 A. Two French brothers, yes.
21 Q. Thank you. Were there leaks inside the
22 Metro building from pipes that would transport raw
23 materials from outside storage tanks?
24 A. Yes.
25 Q. What do you -- what do you recall about
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1 that?
2 A. Same thing when -- when we were moving
3 the product. Typically it was under pressure.
4 Unless it was -- unless you were offloading it by
5 drum or something, the product would be moved
6 under pressure.
7 You put air pressure in the tank and you'd
8 blow it into the place where you want it to go so
9 you would see it leaking when you put air pressure
10 to it, and it was it was costly.
11 This stuff cost money so management would --
12 was observant of that fact, don't let this crap
13 run away because it's costing us money.
14 Q. Were the leaks inside the building?
15 A. That would be the only way I could see
16 them, if they were inside. If they leaked on the
17 outside, then I'm sure it might've but I can't

18 prove that or testify to that.
19 Q. The leaks you saw inside the building,
20 did the material fall onto the floor of the
21 building?
22 A. It would fall on the floor, on the wall,
23 on you, depending on where the leak was.
24 Q. And what was done when that occurred?
25 How would the leak be washed up, cleaned up?
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1 A. We'd hose it off. We'd hose it off.
2 Q. You'd hose it off?
3 A. You'd hose it off. You didn't want to
4 be stepping in it all day, slip and break your
5 neck or whatever, so you clean the floor off and
6 it went away.
7 Q. During that process with the hosing off,
8 would it wash away into the drains, the floor
9 drains?
10 A. Yes. There's no place for it to go.
11 Squeegee it away.
12 Q. When you washed the floor after a leak,
13 it's your understanding then that the material --
14 the waste went into the floor drains?
15 A. Yes.
16 Q. And from there to the --
17 A. Wherever it took it, yes.
18 Q. -- the tailrace?
19 MR. PIROZZOLO: Objection.
20 Q. Is that yes?
21 A. Yes.
22 MR. PIROZZOLO: Could you read that
23 back? I didn't quite get that. Please.
24 (Off-the-record discussion with court reporter.)
25 (The record was read by the court
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1 reporter.)

2 Q. What was your answer?

3 A. Yes.

4 MR. PIROZZOLO: Please be courteous.

5 She's trying to fix the transcript. Wait until

6 this is done. I want to be sure I have an

7 objection.

8 MR. BRYAN: Are you done, Counsel?

9 MR. PIROZZOLO: I have an objection to

10 the suggestion of tailrace.

11 MR. BRYAN: Counsel, are you done? Can

12 I ask my question?

13 MR. PIROZZOLO: I am speaking. I am not

14 done. As long as I am speaking, I am not done.

15 The objection is in there before tailrace?

16 COURT REPORTER: Yes.

17 Q. And your answer is?

18 A. Yes.

19 Q. Thank you. In the filtering process --

20 MR. PIROZZOLO: See why you have to stop

21 at 4:00 o'clock? Because you're getting testy.

22 MR. BRYAN: Counsel --

23 THE WITNESS: You haven't seen testy.

24 You're going to want my brother back.

25 MR. PIROZZOLO: There's no need for

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1 that, you know. That's the way people behave, you

2 know.

3 MR. BRYAN: I object to that

4 characterization.
5 MR. PIROZZOLO: 4:00 o'clock is the time
6 to go home.
7 MR. BRYAN: I'll object to that
8 characterization. I'll continue.
9 BY MR. BRYAN:
10 Q. Have I been testy to you, sir?
11 A. No.
12 MR. PIROZZOLO: You've been testy to me.
13 You're not going to be testy to the witness.
14 MR. BRYAN: I don't think I have been
15 testy to you, sir.
16 MR. PIROZZOLO: You were. You kept
17 saying are you finished when I wasn't.
18 MR. BRYAN: Well, because you were
19 interrupting.
20 MR. PIROZZOLO: No, you were
21 interrupting while I was putting my objection on
22 the record.
23 MR. BRYAN: Let's continue.
24 BY MR. BRYAN:
25 Q. Now the filtering process that you
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1 described when the sludge material was waste --
2 was washed down the French drain --
3 A. Yes.
4 Q. -- how often did that occur?
5 A. Several times a week. It depended on
6 how many times a week a batch of material was
7 requested. It was built and I guess it was based,
8 like everything else in the world, based on
9 orders.
10 Q. Were certain products filtered on a
11 daily basis?
12 A. That, I don't know. I can't be sure.
13 Several times a week filters, both of them, were
14 used.

15 Q. Now, I think you mentioned at Metro did
16 some of the drums have plastic liners?

17 A. Yes.

18 Q. And the barrels and drums that
19 you observed at Metro, what were those used for?

20 A. They were either for outgoing product or
21 incoming product. Stuff -- components to make
22 whatever we made or stuff that was already
23 completed and ready for shipment.

24 Q. Did you have experience handling barrels
25 or drums at both NECC and Metro?

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1 A. Loading trucks, unloading trucks,
2 putting them into storage areas, stacking them for
3 them to be filled or filling them, yes.

4 Q. At NECC did your job ever require you to
5 remove the used plastic liner from a drum?

6 A. I don't remember. I'm guessing, just
7 guessing, that before we'd burn these things, we
8 took -- if there was a liner in it, take it out.
9 Common sense says you would take that piece of
10 plastic out. I'm guessing. If I was helping the
11 guy burn these drums on that particular day, I
12 would have thrown that piece of plastic away and
13 they also came with a rubber gasket too.

14 Now you're going to go looking.

15 Q. Let's see if it's possible. Would it be
16 possible to refresh your recollection?

17 A. You can, if you want. Please do.

18 MR. BRYAN: Let's introduce this as an
19 exhibit.

20 (Whereupon, J. Nadeau Exhibit No. 4 was
21 marked.)

22 THE WITNESS: Do I have to study this?

23 MR. BRYAN: No.

24 Q. I'm going to refer you to it
25 specifically. Exhibit 4 -- you've been handed



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1 Exhibit 4, Mr. Nadeau. This is a compilation of
2 trial transcript. I believe this is your -- we
3 weren't a party to this trial but I believe that
4 this is the complete transcript from your trial
5 testimony in the Emhart vs. Home Insurance case.
6 A. Okay.
7 Q. And I believe you were asked questions
8 about liner -- plastic liners during the trial.
9 A. Okay.
10 Q. Let's just see if perhaps some of this
11 testimony may refresh your recollection.
12 I'd like you to turn to a page that it's
13 physical Page 37, I believe which has been
14 Bates-stamped E-000002.000616.
15 A. Got it.
16 Q. And I'd like you just to look, if you
17 could, at Lines 12 through 16 on Page 37. Let me
18 know when you've had a chance to look at that.
19 (Witness perusing document.)
20 A. Yes.
21 Q. Okay. Having reviewed Exhibit 4, your
22 testimony at the trial --
23 MR. PIROZZOLO: Excuse me. That
24 continues on to the next page, doesn't it?
25 MR. BRYAN: I asked him to look at
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1 lines --
2 THE WITNESS: He told me to look for a

3 specific range which I did.
4 MR. BRYAN: I asked him to look at Lines
5 12 through 16.
6 Q. I'll ask the witness now, does this help
7 refresh your recollection as to whether at NECC
8 your job required you to remove used plastic from
9 drums?
10 A. And you have refreshed my memory, sir.
11 Yes.
12 Q. What -- and you can look if you need
13 to
14 A. That's cheating. That's cheating.
15 Q. What did you do with those used plastic
16 bags from the containers, do you recall?
17 A. Dropped them on the ground or they
18 with the drum there, we stuffed them in the drums.
19 Q. Did you take those plastic bags and dump
20 them on the ground?
21 MR. PELOSO: I object to the form.
22 A. Dropped them where we stood, yes.
23 Eventually they would be picked up and put in a
24 barrel, some sort or a container.
25 Q. Okay. Thank you.
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1 A. It just was expedient at the time.
2 Q. Do you know where the plastic liners
3 went after --
4 A. After that? No.
5 Q. Thank you. You can put that down, if
6 you would.
7 A. Okay.
8 Q. Thank you. Let's look again at your
9 declaration and we're almost at the end of that.
10 A. Thank the Lord.
11 Q. All right.
12 A. Do I have to go through this again with
13 you by the way?

14 Q. I'd like you to look at Paragraph 7.
15 A. Got it.
16 Q. Okay. You mentioned Sulfan before?
17 A. Yes.
18 Q. Paragraph 7 states: "Sulfan, a product
19 used in the making of reserve salt, would burn
20 holes in the workers' skin."
21 A. Yes.
22 Q. Do you agree with that?
23 A. Oh, yes.
24 Q. "The kettle used to make reserve salt
25 was made of stainless steel with stainless steel
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1 paddles, because the reserve salt quickly rotted
2 out ordinary steel." Did I read that correctly?
3 A. Yes. It just broke it down.
4 Q. Okay. Now, you mentioned you
5 experienced burn holes in your skin?
6 A. Yes.
7 Q. How frequently did you experience those
8 burns on your skin?
9 A. Anytime you made a product,
10 whether whether it would be this product or
11 not, you'd be throwing stuff into a tank, it would
12 splash up on you.
13 Acid would splash and it would just -- it
14 would make a white spot on your clothes and then
15 eventually that white spot became soft and it was
16 gone, and you'd get white spots on your skin.
17 I got little white spots on my skin. And
18 with caustic it would be foam and if you got it
19 off fast enough, it didn't leave a scar.
20 MR. BRYAN: Thank you.
21 Q. Last paragraph, Paragraph 8, states:
22 "Metro-Atlantic also made a product called Rainpel
23 used in waterproofing."
24 A. Yes.
25 Q. True statement?



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1 A. That's a true statement.
2 Q. "It was a mixture of wax and fish oil
3 (N-methyl taurene) . "
4 A. N-methyltaurene.
5 Q. True statement?
6 A. That's a true statement.
7 Q. You mentioned before Metro, to your
8 knowledge, used caustic ash, soda ash?
9 A. Soda ash or potash or some kind of --
10 something ash.
11 Q. Do you recall using nitrobenzene?
12 A. Yes.
13 Q. How was that product used while you were
14 at Metro-Atlantic?
15 A. It was a component in something we made.
16 It might have even been the reserve salt. I don't
17 know.
18 We were told to be careful of it. It was --
19 it wasn't healthy to get on you or ingest,
20 whatever, and one of the signs that they told us
21 to look for was discoloring of the fingernails.
22 So if you got yellow fingernails, go see your
23 doctor.
24 Q. Was nitrobenzene, to your knowledge,
25 used as a raw material?

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1 A. It was a component part of something.
2 Q. I believe you made mention of sulfuric

3 acid; do you recall?
4 A. We used sulfuric acid too.
5 Q. Was that a raw material --
6 A. Yes.
7 Q. -- used at Metro-Atlantic?
8 A. Yes.
9 Q. N-methyltaurene?
10 A. It was a fish oil.
11 Q. Okay. Was that a raw material that you
12 recall using?
13 A. Yes.
14 Q. Aside from what is stated here in this
15 exhibit, your affidavit, and the things we talked
16 about today, do you recall any other products, as
17 you sit here, that Metro-Atlantic manufactured
18 while you were there?
19 A. I know they did more. Can I remember
20 them by name or -- no.
21 Q. Do you recall any other materials used
22 in the manufacturing process at Metro-Atlantic?
23 A. There was another department. There was
24 a gentleman by the name of Bill Daley and another
25 guy whose name I can't remember. I can see his
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1 face but I can't remember his name.
2 There was another department at the far end
3 of the building. They made some kind of a
4 product, smaller scale than we did in the area
5 that I worked.
6 I didn't have anything to do with the
7 manufacture of that, whatever these two guys did.
8 Johnny Joyal was the other guy's name. Bill
9 something and Johnny Joyal. These two guys had
10 their own little -- they were like a one-man show.
11 They made whatever they specialized in.
12 Q. Thank you. I'll show you an exhibit
13 real quick and ask you if anything in here rings a
14 bell.

15 (Whereupon, J. Nadeau Exhibit No. 5 was
16 marked.)

17 Q. Sir, you've been handed a document
18 marked Exhibit 5 to your deposition.

19 For the record, this document is
20 Bates-stamped NECC 000355 through 361. This is a
21 document we received in discovery from the other
22 parties. NECC produced this document.

23 At the top of the first page there is a
24 handwritten note that says 1950 Technical Manual
25 and Yearbook of the American Association of
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1 Textile Chemists and Colorists. Have you ever
2 seen this before?

3 THE WITNESS: This list?

4 MR. BRYAN: Yes.

5 A. I don't remember seeing this. I may
6 have but I don't remember it.

7 Q. Well, let me ask you and I understand
8 it's a few pages long here, but if you wouldn't
9 mind reviewing this to yourself and if you
10 recognize any of the names of --

11 A. Right off the bat there was a product
12 that one of the words kicked off was we did make
13 something called Atcosoft PE. That's a name I
14 remember.

15 MR. PIROZZOLO: What was the question?

16 MR. PELOSO: Did you finish the
17 question?

18 MR. PIROZZOLO: I lost the question.

19 MR. PELOSO: Did you finish the
20 question?

21 MR. PIROZZOLO: You just asked him to
22 review the list. I don't think there is a
23 question.

24 MR. BRYAN: I forget what the question
25 was. I think I was asking you if any of these



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1 names here --
2 THE WITNESS: Triggered a thought.
3 MR. BRYAN: -- trigger a memory of
4 something -- a product you handled while you were
5 working at either Metro-Atlantic or NECC.
6 MR. FIROZZOLO: Did he refresh his
7 recollection --
8 MR. BRYAN: Yes.
9 MR. FIROZZOLO: as to the chemical?
10 MR. BRYAN: That he may worked with or
11 handled? Yes.
12 MR. FIROZZOLO: I just was wondering
13 what the triggering of thought was.
14 MR. BRYAN: Yes.
15 THE WITNESS: Am I good to go?
16 Q. Okay. Take your time.
17 A. Atcosoft FE was a name that's triggered.
18 I can't remember what it was used for but I
19 remember seeing that name on a product.
20 MR. FIROZZOLO: On this list?
21 THE WITNESS: No, but Atco triggered a
22 memory.
23 Q. Which line were you looking at?
24 A. A-T-C-0. I said Atco and it triggered
25 the Atcosoft FE.

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1 MR. PELOSO: Well, the question is
2 confusing. Are you talking Metro-Atlantic or New
3 England Container? May the witness maybe specify?
4 I'm not
5 THE WITNESS: Metro. This is for Metro.
6 MR. PELOSO: Okay.
7 THE WITNESS: It's a product that was
8 made there. The barrel shop -- New England
9 Container did barrels.
10 MR. PIROZZOLO: We're going to have a
11 record that nobody is going to be able to
12 understand here.
13 I don't know what the question is, I
14 don't know what the answer is.
15 Can we start again with -- I think you
16 asked him to look at Exhibit 5 and see if there is
17 anything on Exhibit 5 that refreshes his
18 recollection as to a product.
19 ME. BEYAN: Product or products that
20 were manufactured --
21 ME. PIEOZZOLO: By Metro-Atlantic?
22 ME. BEYAN: By Metro-Atlantic or ones
23 that he may have handled while at NECC.
24 MR. PIROZZOLO: Okay.
25 MR. PELOSO: Again, can the witness
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1 indicate which?
2 MR. BRYAN: Sure.
3 MR. PIROZZOLO: So the thing to do is
4 review the list and indicate if anything does
5 refresh your recollection from the list and then
6 he'll ask another question.
7 THE WITNESS: Okay.
8 MR. PIROZZOLO: Step by step.
9 THE WITNESS: Atcosoft PE is a product
10 name I remember.
11 MR. PIROZZOLO: I got that.

12 THE WITNESS: There was an ingredient
13 melamine or melamine that went into something that
14 we made.

15 BY MR. BRYAN:

16 Q. And that was during your time at
17 Metro-Atlantic do you recall?

18 A. Everything I say from this list is from
19 Metro-Atlantic.

20 MR. BRYAN: Okay. Thank you.

21 THE WITNESS: Does that make it easy?

22 MR. BRYAN: Yes. Thank you.

23 Q. Did you handle that product Atcosoft?

24 A. The Atcosoft PE? It was a product I
25 think -- I think we put into -- I think PE went
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1 into a fiber drum which was -- it's a cardboard
2 drum that's like plastic impregnated somehow or
3 other.

4 Q. Thank you.

5 A. There was a product called melamine.

6 Q. Okay. Are you looking at the list here?

7 A. Yes.

8 Q. Where?

9 A. I don't know.

10 Q. The page, if you can identify the Bates
11 number. NECC 00 -- one of those pages.

12 A. Atco -- Atco came from -- on Page 1 I
13 saw A-T-C-0. It triggered that Atcosoft PE. Was
14 that on this list? I don't know.

15 MR. BRYAN: Fair enough. Thank you.

16 THE WITNESS: Melamine is also a
17 familiar term from Metro-Atlantic. What we did
18 with that, I don't know. I think that came in a
19 bag for whatever reason.

20 Q. Where do you see melamine on that page?
21 357?

22 A. That's 357 as in the revolver, yes.

23 Q. Do you recall what do you recall
24 about that product at Metro-Atlantic?
25 A. It went into something. It came in a
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1 bag, I believe.
2 Q. Was it a raw material that came in or
3 was it --
4 A. I believe it was a raw material. It was
5 a component part of something.
6 MR. BRYAN: Thank you.
7 THE WITNESS: Those are the two that
8 jump right out at me. There may be others but
9 those are the two that I distinctly remember.
10 MR. BRYAN: Thank you. You can put that
11 document aside.
12 BY MR. BRYAN:
13 Q. Now, I want to return to discussing the
14 filtering process briefly.
15 Where were the filter presses located at the
16 site, to your recollection?
17 A. In the basement.
18 Q. Of the main Metro building?
19 A. Of the main basement, yes, the main
20 building. The far end of the building closer to
21 New England Container.
22 Q. Was that area also used to store
23 finished product?
24 A. Yes. Every place was a place to store
25 finished product. Wherever there was a hole, we
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1 would put finished product. Whatever room we had
2 available is where we would store stuff.
3 Q. I know it's been a while but can you
4 describe what the filter presses looked like?
5 A. They were probably five foot high, four
6 or five foot across. They were wooden plates that
7 had slots in them that were porous.
8 Between each solid porous plate there was a
9 frame. That frame was probably two by six by six,
10 all hollowed in the middle and over that -- and in
11 between each perforated plate there was a canvas
12 over the perforated plate.
13 The hollow plate was just a collection point
14 for the residue of this stuff, the impurities of
15 the product that we were filtering.
16 It was probably 10, 12 feet long, maybe
17 longer. The-- the 40-S filter was smaller. The
18 reserve filter was bigger.
19 It had a big steel motor that had a screw
20 that compressed the filter frames together to stop
21 it from leaking during the filter process.
22 Underneath that was a drip pan and the drip
23 pan just caught the product, whatever we were
24 filtering, from running out to the floor which
25 would pump -- I think it went into the finished
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1 product. I'm not quite sure where that went.
2 It was filtered and pumped somewhere else so
3 that tray was empty at the end minus some sludges
4 that got rinsed off. That pretty much describes
5 it as I remember it.
6 Q. Thank you. I think you talked about the
7 drip pan?
8 A. Yes.
9 Q. I think you said you didn't -- do you
10 know where the -- what was done with the material
11 in the drip pan?

12 A. It was pumped -- if it was a clear
13 product, it went into the -- the tank with the
14 good stuff.

15 At the end of it, there was a drain and we
16 would open it, whatever it was, put the hose to it
17 and clean out a little bit of the stuff that was
18 in it, and that also --because you're going to
19 ask, went on the floor, down to the French drain,
20 out into the river.

21 Q. How did Metro clean out -- well, let me
22 ask you this. The filters themselves, were they
23 cloth?

24 A. It was like a canvas. Between the wood
25 frames and the collection frames, it was like a
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1 heavy canvas.

2 Q. Do you know what impurities -- what
3 impurities were filtered out through this process?

4 A. They put stuff like charcoal or some
5 other coagulants, something in there to do just
6 that, to bind up the -- the filter, to bind up the
7 cloth and strain whatever we were filtering out of
8 it to make it clear.

9 Q. I believe you touched on this but can
10 you explain how did Metro clean out the filter
11 press, do you recall?

12 A. At the end of the -- at the end of the
13 batch, what was called the batch, we released the
14 pressure. At the end of the filtering, we would
15 blow air through it to make sure that we got every
16 drop we could get because product was money, so we
17 blew air through it, forced it out, it went into
18 wherever we were sending it, whatever tank was the
19 collection tank at the time.

20 Once that was done and we were real sure that
21 there was no more liquid in it, because you didn't
22 want to handle it sloppy, so you blew air through
23 it for a long time.

24 Then you released the pressure and opened up
25 that filter press probably a foot, and then one at
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1 a time, you would pull those frames back and every
2 other frame was a collector frame. It was hollow,
3 it was maybe an inch and a half, two inches thick,
4 and all of that sludge was in it.
5 When you pulled that empty frame back, that
6 stuff flopped to the floor which was part of the
7 messy job that we didn't like to do.
8 Sometimes depending on if the boss wasn't mad
9 at you that day, you got help so it would be -- it
10 was heavy. These were heavy frames that were
11 soaked with the liquid. 120 pounds you'd have a
12 problem pulling the things apart by yourself
13 because you'd have to go back and forth. So if
14 you get two guys, you could break it, and then the
15 lucky person got the shovel and washed the floor.
16 And it was a process through however many
17 frames were in that filter press which I thank God
18 I can't remember how many frames there were.
19 Q. Thank you. And when washing the floor
20 after this process, again can you explain that --
21 what that meant?
22 A. Well, we shoveled -- the rule was shovel
23 up as much as you can. You put it in the barrel.
24 Those barrels were stuck in a corner somewhere.
25 At some point in time they were taken away.

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1 Where they went, I don't know. Sometimes
2 they were thrown into a Dumpster. They may be
3 brought upstairs on the second floor. You just
4 dumped them out the window. They went into this
5 Dumpster. Some company came and took them away.
6 And not always the same person did that.
7 Sometimes you would go away at the end of your
8 day, and when you came back the next day, those
9 barrels were gone, and you made the assumption
10 that somebody else did the same thing you would
11 have done if you had had the time, and then you
12 washed the remainder of the floor, down into that
13 French drain, out that hole into whatever, the
14 tail the tail, whatever. That's where it went.
15 Q. The water outside?
16 A. The water went outside.
17 Q. Thank you. You discussed earlier the
18 vats that Metro used
19 A. Yes.
20 Q. -- for storing product?
21 A. Storing and blending, yes.
22 Q. And I believe you said your job
23 responsibilities included cleaning out those vats?
24 A. Yes.
25 Q. Is that part of what you did?

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1 A. Yes.
2 Q. Could you tell me where the vats were
3 located at Metro?
4 A. The vats where the product was made were
5 for the most part on the second and third floor.
6 The opening part where the -- where the raw
7 materials were bags dumped into buckets of stuff
8 were poured into between the second and third
9 floor.
10 Q. Of the main building?

11 A. Of the main building.

12 Q. Thank you. Were any vats maintained
13 elsewhere outside the main building in a different
14 part of the facility?

15 A. As far as I know, anything on the
16 outside was for bulk storage of unfinished -- I'm
17 thinking unfinished product. Every once in a
18 while I think if we did a couple of big batches of
19 reserve salt, they might have dumped and held it
20 out there until it was ready for orders to be
21 filled.

22 Q. To your knowledge, why did
23 Metro-Atlantic need to clean the vats?

24 A. Well, you need to clean the vats because
25 different products were being made and you had to

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1 ensure there were no contaminants, one product
2 didn't contaminate the other product, because they
3 need to be separate for quality control reasons.
4 No one ever said that. It was just common sense
5 dictated that they did this.

6 Q. In your experience, how did Metro
7 typically clean the vats?

8 A. A lot of times they would be -- they
9 would be filled with water. That water would then
10 be heated by steam and they would be boiled like
11 boiling a dirty pot.

12 When that process was done, they would open
13 the valve and that water would go away and guess
14 where it went? It went down on the floor, it went
15 down into that French drain and out into that

16 water spot. Or at other times we had to use steam
17 to clean those tanks because what would happen is
18 up on the very roof of those kettles -- they were
19 called -- they would get -- they would get a
20 build-up of whatever kind of caca was in them and
21 there were times when -- there were times when
22 they would run a ladder down there and send the

23 little guy down there with a chisel and a hammer
24 and we would chip that stuff off, put it in a
25 bucket and somebody would haul it out.

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1 And for fresh air they put a fan in and gave
2 us the fumes from the rest of the building to keep
3 us alive while we were there. Thank you very
4 much, have a nice day.
5 Q. Chisel. What would be chiseled out?
6 A. Whatever was adhered to the side of the
7 tank. It was just -- it was just a buildup of
8 residue from products. You're 16 years old, you
9 had no fear. You did these things, you weren't
10 worried about getting sick or dying.
11 Q. Thank you. Changing gears, we talked
12 about cleaning vats at Metro.
13 A. Uh-hum.
14 Q. When you worked at NECC, did you have
15 occasion to clean drums?
16 A. Like I said, the only cleaning that --
17 the cleaning processes that I know of, there was
18 the burning process which got the sludge off and
19 then it was sandblasted.
20 There was a roller process and I think all
21 that did was take the dings and dents out of the
22 barrel and make it look presentable for the
23 customer, and then there was -- there was what we
24 call rack and the tight drums were placed over a
25 pipe.

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1 Steam was blown up into the drums and purged
2 the drum out of any residual. And if you asked me
3 where that steam went and the liquid, I have no
4 idea because we were up on a metal rack four, five
5 foot above the ground and it went down. Whether
6 it was sucked out or dripped down on the stone, I
7 don't know.

8 I only got up there a few times and it was
9 enough for me because it was very, very hot and it
10 was almost like a punishment.

11 Q. Understood. Thank you. Changing gears
12 now, let's talk about what you recall, if
13 anything, about fires at the site at
14 Metro-Atlantic and New England Container.

15 Do you recall fires at Metro-Atlantic during
16 the time?

17 A. At Metro there were fires.

18 Q. Okay. How frequent of an occurrence?

19 A. It seemed like a lot but in those days
20 it was an adventure. There were several.
21 Multiple fires.

22 Q. Do you recall any fires at NECC?

23 A. In the building? No, I don't remember
24 any fires there.

25 Q. Can you describe the fires that you
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1 remember at Metro?

2 A. The -- the one that impressed me the
3 most that will stay with me forever was we had
4 methanol was another product we were using.

5 What that was used in I can't remember
6 anymore but it's a highly flammable product. We
7 got a delivery one day of 3000 gallons.

8 The delivery driver being the Rhodes scholar
9 that he was, he was -- in cold weather time he had
10 a little space heater. He went over to this tank
11 which had a valve on it this big and a hole this

12 big and opened that sucker up and put his little
13 heater in there while it was still lit.

14 That caused a fire, that caused a fire, a
15 liquid four to six inches coming out of that tank
16 to be on fire.

17 And the reason I recall it so well is because
18 I was -- I was drying at the other -- at that time
19 across the street. My brother Bob, who was alive
20 then and working there, the alarm went off. There
21 was a big alarm bell on the outside of the
22 building.

23 I looked out the door, I could see flames
24 through the window. Knowing my brother was in
25 there, he was working the press that day, I kicked

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1 the door open because it was a flimsy set of doors
2 that were on a spring, and my brother was standing
3 in the middle of the fire with a hose trying to
4 keep the fire off him because it was running fire.

5 There was 3000 gallons of methanol running
6 through into the building on fire. I snatched the
7 hose off the wall, made a path to my brother and
8 the two of us made a path to the valve, turned the
9 fire well, that was just a fun thing I mean.

10 I mean it was -- it was just what we did. We
11 shut the valve off. I think the guy that started
12 the fire might have gotten a little bit of a burn.
13 I'm not sure. Hopefully he did.

14 That stopped the immediate flame from -- from
15 the methanol. The fire then was in that French
16 drain because that's where we pushed it. We
17 pushed the fire away from us. It was a floating
18 fire. It went in that French drain down onto the
19 river and burned itself off. Big-time scary
20 stuff.

21 Q. Big-time heroics.

22 A. No. It was just something you did.

23 That was my brother, No. 1.

24 Q. Thank you.

25 A. And there were other fires.

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1 Q. What do you recall?

2 A. There were smaller fires. They don't
3 they're not -- they don't have a whole lot of
4 importance now but I remember them.

5 Q. At the Metro building?

6 A. At the Metro building. There was a fire
7 one day that caused me to panic and jump out the
8 window into the Dumpster because, all of a sudden,
9 I saw a fire and I said, hey, let's get the hell
10 out of here, and there was like a loading ramp
11 window with a big, big door that they put stuff in
12 through that window.

13 I went out that and into the Dumpster. The
14 fire department came and put it out. It was just
15 a flash fire, oh, get out of here, Joey, and
16 that's where I went.

17 Q. Do you recall any explosions occurring
18 at Metro-Atlantic?

19 A. There was an explosion -- I had left
20 work that day. I wasn't there when it happened.
21 Or that -- that one there, apparently somebody put
22 something wrong into a tank, a storage tank, that
23 blended two things that didn't go well together
24 and it took out a chunk of the wall.

25 I guess a lot of houses in the neighborhood

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1 had to be repainted. I don't think they ever
 2 found the cover, and that's what impressed me the
 3 most because the cover was probably six to eight
 4 inches thick. It was like a submarine hatch. It
 5 snapped these one-inch bolts. And my brother was
 6 working that day. He said it sucked the side of
 7 the building like right out.

8 Q. Thank you. Do you recall any floods at
 9 Metro-Atlantic or NECC?

10 A. I think at one point in time that river
 11 got high and there was a flooding back where
 12 barrels were floating around in the area where
 13 they were stacked down behind Metro. There might
 14 have been other floods there because that river
 15 floods all the time so I'm guessing there were.

16 Q. You mentioned barrels floating?

17 A. Floating.

18 Q. Did you see that? Did you see

19 A. I didn't see it. I just heard the
 20 stories when I came into work. People were saying
 21 barrels were floating down the river. They were
 22 floating around the backyard. Did I see it? No.
 23 Stories that my brother told me and the other
 24 workers. I had no reason not to believe that they
 25 were telling me the truth.

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1 Q. I think you said you recall a single
 2 flood or was there more than one?

3 A. I know there was one flood. I remember
 4 seeing the parking lot just flooded. I don't
 5 think it stopped us from working. I don't think
 6 it got in the building where I worked. I don't
 7 remember not being able to work. They would have
 8 put boots on us anyhow but I don't remember us not
 9 working.

10 MR. BRYAN: Thank you. That's helpful.
 11 We're getting into the homestretch here.

12 No deposition in this case will be
13 complete without asking the witness to look at the
14 map of the site. I know you've done this before.
15 I'm going to ask you to take a look at
16 two different versions of maps.
17 Well, one map and one photograph of the
18 site during the 1960s and I don't know if you've
19 seen this particular exhibit before so I'm going
20 to see what you can tell us about it. Can you
21 mark this, please?
22 (Whereupon, J. Nadeau Exhibit No. 6 was
23 marked.)
24 MR. BRYAN: You may need the magnifying
25 glass for this.

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1 THE WITNESS: Yes.
2 Q. You've been handed a document, sir,
3 marked Exhibit 6 to your deposition. For the
4 record, this is a document Bates-stamped
5 E000001.005903. Do you have that document?
6 A. Yes, I have that document.
7 Q. And if you look in the left-hand corner
8 of this document, lower left-hand corner, there is
9 an image there that says the Sanborn Library, LLC.
10 I believe Sanborn is the company that
11 manufactured -- that is responsible for this map.
12 Have you seen this before?
13 A. I may have. I have no distinct memory.
14 Q. Okay. I know you've described the
15 Centredale site in prior depositions. I know
16 you've undertaken the exercise before of
17 identifying various places.
18 I was wondering if you can help us again
19 today with that. Appreciate you doing so. The
20 date of this map is 1965.
21 Do you see that at the bottom left-hand
22 corner?
23 A. Yes.

24 Q. And were you working at Metro-Atlantic?
25 A. At some point in '65 I was there, until
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1 August 23rd, 1965.
2 Q. Okay. Thank you. Do you see Smith
3 Street identified here?
4 THE WITNESS: I'm assuming this is Smith
5 Street?
6 MR. BRYAN: Yes.
7 THE WITNESS: This is the river.
8 MR. BRYAN: Yes.
9 A. We're on the same page.
10 Q. Can I ask you to identify? We used to
11 have a red pen here. Here it is.
12 MR. PELOSO: Mr. Nadeau, I'm just going
13 to look over your shoulder, if that's okay.
14 MR. HENNINGER: If he's going to mark
15 it, Patrick, do you want to use a bigger version?
16 MR. BRYAN: If Counsel has -- if I had
17 a-- if you were so kind to have one.
18 MR. HENNINGER: I don't know if I do or
19 not. I don't have another copy.
20 THE WITNESS: Where should I be looking?
21 Q. With this red pen, to the best of your
22 knowledge, could you identify for us the NECC
23 building buildings where you worked?
24 A. I believe that would be down in this
25 corner --

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1 Q. Okay.
 2 A. -- I believe from what I can remember.
 3 Q. Okay. Can you write "NECC" there?
 4 A. (Witness complying.)
 5 Q. Thank you. Now, focusing just on the
 6 NECC portion --
 7 A. Yes.
 8 Q. -- can you tell us where you recall the
 9 pit area that you described?
 10 A. I think-- I think-- I'm not sure
 11 because there was other buildings in here. It was
 12 on the back side of the building but it came into
 13 so might be in here. I'm fuzzy on that. It's
 14 either there or here. I can't remember. It's one
 15 of those two spots.
 16 Q. We're only asking you to recall to the
 17 best
 18 A. Yes.
 19 Q. Can you write "Pit" next to those areas?
 20 A. (Witness complying.)
 21 Q. Thank you. Do you recall -- can you
 22 identify first where you recall the burner?
 23 A. The burner and the pit were synonymous.
 24 They were right over each other. The burner was
 25 right over the pit but it's either here or there.

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1 Q. Thank you. Where were the drums -- can
 2 you identify for us where the drums were removed
 3 from the conveyor belt?
 4 A. That would have been in the building.
 5 Q. Where were they put into the conveyor
 6 belt?
 7 A. They were put on the conveyor belt --
 8 Q. Onto the conveyor belt.
 9 A. over the pit area where the burner
 10 was and then they went into the building on that

11 same track, that roller track, and like I said,
12 that's either here or there.
13 Q. Where you marked an arrow?
14 A. Yes. That's fuzzy.
15 Q. Thank you. Where were the drums removed
16 from the conveyor, the same area, to your
17 recollection?
18 A. At the end of the track in that
19 building, so if it was in here, they would have
20 been removed here. If it was here, then they
21 would have been removed right here. They were
22 pushed aside.
23 Actually what happened is they would come in
24 upside down with the opening down. We would tip
25 them over, make sure there was no residual ash or

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1 fire because sometimes they came in on fire and
2 you just thumped it out and kicked it out the door
3 and you just pushed them aside, and then took the
4 next one because they came in at whatever rate
5 that Bud or whoever was loading them could keep
6 up, depending on the quantity too.
7 Q. Thank you. Do you recall where the --
8 where the area was at NECC where the barrels were
9 painted? Can you identify that for us?
10 A. They were painted in the main building
11 just to the and I think it's here, I think it's
12 right here, and I'm not sure, against the wall
13 and -- and --
14 Q. Was it inside or outside?
15 A. It was inside. It was inside. It's
16 like when you first came through the entrance door
17 to punch in, the changing room was there, you
18 walked straight ahead and the paint room was right
19 there, and somebody would feed drums or my
20 brother -- both my brothers painted -- would feed
21 drums onto the painters, and the drum got painted.
22 There was a kid that kicked the drums off and

23 there was usually somebody there rolling the drums
24 aside to keep them -- to keep the progress going.
25 Q. Would you be so kind as to indicate --
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1 write out "Paint"?
2 A. I think it was here. I'm not sure. I
3 said that this whole building thing is a fog.
4 Q. Thank you.
5 A. I remember the changing room because
6 they had all these pictures on the walls.
7 Q. Can you identify for us -- well, do you
8 recall a staging area where drums would be stored
9 pending their --
10 A. Paint?
11 Q. -- pending their entry into -- into the
12 burner and the reconditioning process.
13 A. The staging area for the -- if this was
14 the pit, if it was the pit, then the drums would
15 be off to the side.
16 Q. Okay. Can you mark for us where drums
17 were stored I guess before they were
18 A. If this was the pit, it would have been
19 here.
20 Q. And what did you write?
21 A. "Staging for drums."
22 Q. Staging for drums. Thank you.
23 A. If that was the pit but then again,
24 that's all fuzzy now.
25 Q. Understood. Okay. Was there a loading
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1 door that you recall or a point of access where
2 the drums would be, I guess, received from the
3 customers at NECC? Was there a loading area that
4 you recall?

5 A. That would have also been pretty close
6 to -- it would have been a door prior to the --
7 the entrance to the building where the office was.
8 There was a garage door there or an opening there.

9 If we were receiving barrels and they were
10 going inside, that's where they would go.

11 Those were probably barrels that were -- I
12 can't remember. Barrels used to come in there.
13 We would keep them there for a while. What
14 happened to them after that, I can't remember.
15 You know, they probably were reconditioned because
16 that's what we did for a living, but there was a
17 storage-- it was-- it was an empty floor and the
18 barrels were lined up and stacked as high as you
19 could stack them.

20 Q. Could you indicate where you recall that
21 loading area being?

22 A. That would have been in here.

23 Q. You can draw arrows.

24 A. Yeah. I think this is the area
25 (indicating).

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1 Q. Thank you.

2 A. You know, maybe for a bigger picture I
3 could -- but there were little other buildings in
4 and out of here that I had little to do with.

5 Q. Understood. Thank you. Turning to
6 Metro-Atlantic, can you identify for us here the
7 buildings that you recall as being operated by
8 Metro?

9 A. Well, as far as I know, everything along
10 this pathway was a Metro building. Maybe it
11 wasn't but if you come in from the street, both

12 sides of the road, to the best of my recollection,
13 were -- were possessions of Metro-Atlantic.

14 This was the maintenance building, the first
15 one, this -- the smaller building was where we did
16 the -- the drying of the reserve salt on the
17 potato chip machine, and this main building is
18 where the products were made, warehousing was done
19 for stuff waiting to get shipped and raw product
20 to be put into it, whatever we were making was
21 stored from the first to the third floor, fourth
22 floor, whatever many floors there were. I don't
23 remember.

24 Q. Thank you. Similar to how you demarked
25 or indicated NECC's building, can you circle --
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1 A. What I consider to be

2 Q. -- the Metro-Atlantic buildings where
3 Metro operated?

4 A. I believe that these buildings here, as
5 far as I know, and there was also a place called
6 Sweet Cellar.

7 Q. What was that?

8 A. That was a storage area for -- for rats
9 mostly. Well, it's a dump. They stored a lot of
10 what they call the fiber drums. They were the
11 cardboard plastic-lined type drums and there was a
12 market over here, some sort of a Stop & Shop or
13 some sort of a market and that's how they came
14 into that parking lot and dropped off those things
15 into that Sweet Cellar but I think Metro -- I
16 don't know if they leased it or they rented it or
17 they had an agreement with whoever owned it, but
18 it was a warehousing area that we would store
19 drums in and there was some sort of tunnel to get
20 there.

21 Q. To help clarify the two companies' --

22 A. Yes.

23 Q. -- operations can you indicate with a



24 written arrow the Metro-Atlantic buildings that
25 you recall?

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1 A. (Witness complying.)
2 Q. Thank you. Do you recall we talked
3 about the Texas Tower?
4 A. Yes. That was probably this building
5 I'm guessing.
6 Q. Okay.
7 A. I'm not sure but I'm thinking it's this
8 one.
9 Q. Can you indicate what you believe to be
10 the Texas Tower?
11 A. (Witness complying.)
12 Q. Thank you. Can you identify for us
13 we talked about the main building, the main
14 building with the French drains.
15 Can you identify for us what you were
16 referring to as the main building?
17 A. The front part was offices and also
18 underneath that was where Johnny Joyal and Bill
19 I can't remember his name -- and then, I believe,
20 this part of the building from here to here is
21 what I would consider where I would do my daily
22 work and most of us that worked at Metro did our
23 daily work.
24 Q. Is there a way you can indicate for us
25 with

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1 A. No.
2 Q. -- an arrow --
3 A. That thing is a mess.
4 Q. I know it is. The main building, what
5 you are calling the main building?
6 A. The main work area.
7 Q. The main Metro building.
8 A. Roughly that's where I think it is, the
9 exact part of the building, because it was -- you
10 came down like a slope and the upper -- there was
11 like an office area and where the chemists and
12 they did their little black magic to develop these
13 products and then there was the other building
14 that we worked in, and this is where the reserve
15 salt was drying and maintenance was over here.
16 Q. Can you identify where that reserve
17 salt
18 A. I think it was this part of the
19 building.
20 Q. was made or dried? That's where it
21 was dried?
22 A. That's where it was dried.
23 Q. Reserve salt.
24 A. Reserve dryer.
25 Q. Reserve dryer. Reserve salt dryer.

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1 Thank you. Going back to the main building --
2 A. You never stop.
3 Q. I'm almost done. The floor drains, the
4 French drains that you recall seeing in the main
5 building, where using this diagram, can you
6 point out to me where --
7 A. Wherever that back wall was to that main
8 building, it would have been inside along these
9 walls.
10 Q. Okay. Thank you.
11 A. Inside along that wall.

12 Q. Thank you. Now, we've talked about
13 tailrace or the smaller --
14 A. That wet area.
15 Q. -- river. Can you identify for us where
16 you understand that
17 A. That would have been this.
18 Q. And I know it sounds tedious but could
19 you write
20 A. "Tail."
21 Q. Tail. Thank you. Now, I haven't asked
22 you about this yet but do you recall during your
23 time at Metro or NECC referring to a dump area at
24 the site, an area where -- do you recall an area
25 where workers brought stuff to be dumped?
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1 MR. PELOSO: I object to the form.
2 A. I never dumped anything there. I didn't
3 see anybody dump there but I think that little
4 peninsula was referred to as the dump. Now,
5 whether stuff was dumped there or not, I didn't
6 see it.
7 Q. Thank you. And what -- how do you --
8 how do you have that understanding?
9 A. Conversation. People chatting at work.
10 Q. People you were working with?
11 A. Yeah. Both sides, that's the dump.
12 Now, whether it was a dump or whether it was a
13 dump when they moved there or it was called a
14 dump, I don't know where the term came from.
15 Q. Is that dump area reflected here or do
16 we need a bigger map to
17 A. I don't know. I didn't go there because
18 it was here somewhere. It was downstream.
19 Q. Southern -- was it at the southern end?
20 A. North, south, whatever direction it was.
21 Q. The lower end?
22 A. It was the lower end. It was behind --
23 it was beyond NECC.

24 Q. Can you identify for us --
25 MR. PIROZZOLO: Objection.
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1 Q. -- where that dump was?
2 A. That way.
3 Q. Was it at a point where the two bodies
4 of water converged?
5 A. I think it was a peninsula. I never
6 went there.
7 Q. The tailrace and the river?
8 A. Exactly.
9 Q. Okay. Thank you. Turning again to the
10 Texas Tower, the hexachlorophene building
11 MR. PIROZZOLO: Objection.
12 Q. -- do you recall -- you've indicated
13 that the term "hexachlorophene" rang a bell?
14 MR. PIROZZOLO: Objection.
15 A. It rang a bell because I equated it with
16 Ipana toothpaste or something, like the
17 commercial.
18 MR. PIROZZOLO: Could you read the
19 question, please?
20 (The question was read by the court
21 reporter, as requested.)
22 Q. Does that term ring a bell,
23 hexachlorophene?
24 A. Yes, it rings a bell.
25 Q. What is your understanding of
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1 hexachlorophene at -- in this context at the
 2 Metro-Atlantic facility?
 3 A. I honestly equated it with an ingredient
 4 in that toothpaste, Ipana toothpaste, something
 5 like that. Whether that was a true ingredient or
 6 not, that's how I equated it because it's a term I
 7 heard on TV, on the television.
 8 Q. I understand it's been many years but do
 9 you recall where hexachlorophene was
 10 manufactured --
 11 MR. PIROZZOLO: Objection.
 12 Q. -- at Metro-Atlantic?
 13 A. No. Something happened in the Texas
 14 Tower and I think it was -- that term was used
 15 with the tower.
 16 Q. What's your basis for saying that?
 17 A. Conversation. Like I said, I had little
 18 or nothing to do with it. I walked by it once in
 19 a while. I never worked in it.
 20 Harry and some other gentleman whose name
 21 long goes away from me were the couple of guys
 22 that I knew that worked there and they pretty much
 23 kept that to themselves.
 24 Q. Can you tell us what do you recall about
 25 the building itself? Do you know what it was made
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1 of, that building?
 2 MR. PIROZZOLO: Objection.
 3 A. I'm guessing it was made out of plywood.
 4 I'm not sure.
 5 Q. Were you present when --
 6 A. No.
 7 Q. during the time it was constructed?
 8 A. It showed up while I was -- while I was
 9 back in school. I went back to school and when I
 10 came back, we had a Texas Tower.

11 Q. Do you remember any disturbances in that
12 area well, strike that.
13 Do you remember seeing any digging or
14 excavation around that building?
15 A. I don't have any incidents that stick to
16 me. You know, it was pretty much a benign
17 building to me. I didn't go there, I didn't work
18 there.
19 Harry and the other guy worked there and I
20 think it must have been a good job because they
21 didn't want anyone else to go there so I'm
22 assuming it was a soft job, whatever they were
23 doing there.
24 Q. Do you recall any above-ground storage
25 tanks located near the Texas Tower?

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1 A. I don't remember.
2 Q. Do you know why a special building was
3 erected at Metro-Atlantic?
4 MR. PIROZZOLO: Objection.
5 Q. Why the Texas Tower was built?
6 MR. PIROZZOLO: Objection.
7 A. I don't know. It would be just
8 speculation.
9 Q. Do you have a guess as to why it was
10 built? Do you have an opinion as to why it was
11 built?
12 MR. PIROZZOLO: Objection.
13 A. The only reason that I could see was it
14 would be it wouldn't be contaminated by
15 whatever we did in the main building.
16 Q. Why do you say that?
17 MR. PIROZZOLO: Objection.
18 A. It was just a logical guess that for
19 some reason they wanted it separate and it was
20 they held whatever was happening there close to
21 the vest. It was somebody-- it was somebody's
22 pet project. It was probably making the company

23 money and good for them, you know.

24 Q. Do you recall any testing being done at
25 that building?

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1 A. No.

2 MR. PIROZZOLO: Objection.

3 A. Like I said, I have little -- I have
4 little memory of what happened there, thank God,
5 because if we go down another road

6 MR. BRYAN: Fair enough.

7 Q. Do you recall any bathrooms at
8 Metro-Atlantic?

9 THE WITNESS: Bathrooms?

10 MR. BRYAN: Yes.

11 A. Yes, we had bathrooms.

12 Q. Where? Where were the bathrooms, do you
13 recall?

14 A. Oh, God. You know, I can't remember. I
15 know I had to go sometimes.

16 Q. You went somewhere?

17 A. I went somewhere and I can guarantee it
18 wasn't in the drain or the floor. We had them
19 somewhere. I think they were more up toward the
20 other end of the building but I can't remember. I
21 just can't remember.

22 Q. Do you recall during your time at NECC
23 whether there were any bathrooms at NECC?

24 A. Yes, there was.

25 Q. You recall bathrooms?

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1 A. Yes.

2 Q. How many bathrooms do you recall at
3 NECC?

4 A. Only one that I used and it was -- it
5 was -- it was right in here somewhere like the
6 main entrance was, when you came in the building
7 where you punched in, there was a change-up room
8 and the bathroom was somewhere adjacent to that,
9 so the main -- the boss's office and the -- and
10 the main entrance.

11 It was somewhere in that area but I didn't
12 concentrate too much on that. It was there. We
13 had a change-up room, we had little lockers or
14 hooks to put our things and a picture of a nice
15 redhead stuck on the wall that I remember vaguely.

16 Q. Do you recall -- turning again to the
17 Texas Tower, do you recall helping to unload
18 trucks on the side --

19 A. No.

20 Q. -- of the area near the Texas Tower?

21 A. I don't remember having any activity
22 around that, I just don't.

23 Q. Would it be possible to refresh your
24 recollection on that?

25 MR. PIROZZOLO: Objection.
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1 A. You can try. You can try. Right now I
2 don't remember.

3 Q. Let's look at Exhibit -- I believe it's
4 Exhibit 2. I think it's your NECC deposition.
5 And I'd like you to turn to Page 42 of that
6 deposition.

7 MR. PIROZZOLO: 42 of the mini or --

8 MR. BRYAN: Yes.

9 MR. PELOSO: What actual page is it of

10 the deposition?
11 MR. BRYAN: I'm getting there.
12 MR. PIROZZOLO: Is it 12?
13 Q. If you could look at Page 42 of this --
14 do you have that exhibit in front of you?
15 A. Yes.
16 Q. Okay. If you could just read to
17 yourself starting at Line 2 on Page 42 and then
18 continuing on Page 43, Line 6 and let me know when
19 you're done looking at that.
20 (Witness perusing document.)
21 A. I may have done that but I can't
22 remember if I said it.
23 Q. Does reviewing this refresh your memory?
24 A. No.
25 Q. At the time of your NECC deposition, was
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1 it your testimony that you helped stack --
2 A. Well, there was a loading platform, like
3 I said --
4 Q. -- drums by the Texas Tower?
5 MR. PELOSO: I object to the form. We
6 are on Page 42 of the mini?
7 THE WITNESS: Yes.
8 MR. PELOSO: All right. Is there a
9 question pending?
10 Q. Let me ask you -- let's look at Lines
11 10 -- the beginning of Line 10 at Page 42. I just
12 want to make sure I understand.
13 Question: "And when you are saying these
14 areas here, you are talking along the --"
15 Answer: "To this side of what we called the
16 Texas Tower down to, you know -- within a few
17 hundred feet of that, we would string drums in
18 long rows as high as we could stack them."
19 Question: "Okay. Why don't we, if we can --
20 Mr. Ray: "Do you mind if I continue to work

21 off this?"
22 Mr. Pirozzolo: "Oh, no."
23 " in the area where you stored the drums,
24 if you could write storage? Drum storage I guess
25 would be better."

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1 Answer: "Along here multiple lanes. That
2 may not be the correct space but somewhere II
3 Question: "South of what you referred to II
4 Answer: "Exactly."
5 Question: II
-- as the Texas Tower?"
6 Answer: "Exactly."
7 A. Okay. So that I understand the
8 question, were the drums related to the Texas
9 Tower? I don't think so. I think that the
10 stacking that I was talking about was the storage
11 to the left behind NEC where I said we stacked
12 drums in long rows.
13 I don't think -- I don't believe they had
14 anything to do with the Texas Tower.
15 Now, to further clarify that for you, on the
16 building where we dried the reserve salt, I
17 believe there was a little platform and we would
18 put stuff around that platform. It was like a
19 deck. We would put stuff there.
20 I don't know and I can't remember if it had
21 anything to do with the Texas Tower. I think it
22 was just in the course of work, stacking barrels.
23 Q. Could you today identify where you
24 recall stacking drums?
25 A. Right here. We did the drying right
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1 here. That building where the drying was done
2 there was a little platform, I believe. We're
3 going back 50 years and we -- there were drums all
4 over the place.
5 MR. PELOSO: Where are pointing to?
6 THE WITNESS: Right here, sir, where the
7 dryer was. I believe we would put drums in there
8 on occasion. Whether it had anything to do with
9 the Texas Tower, that I can't tell you.
10 Q. Were they near the Texas Tower?
11 MR. PELOSO: I object to the form.
12 MR. BRYAN: You can answer.
13 A. There was a space between this building
14 and the Texas Tower. What that distance was, I
15 can't remember. It wasn't far. But I -- I don't
16 think that what we were doing there had anything
17 to do with the Texas Tower.
18 I think it was relevant to when we would
19 empty the drums with the reserve salt, I think we
20 just threw them outside and that's where we put
21 them but I can't say that with any surety at all.
22 Q. Just for the record, the area you are
23 identifying is the area near the
24 A. The dryer right here.
25 Q. Thank you. Do you know what was in
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1 those drums that you strung along this area here
2 that you have marked off?
3 A. I'm assuming they'd be empties from when
4 we emptied -- what would happen is we would bring
5 drums across the street, empty those drums onto
6 the conveyor belt to dry the reserve salt.

7 I'm thinking that when we emptied that drum,
8 we would put it outside.
9 Q. Fair enough. Let me ask you a question
10 here. I think you may need the magnifying glass.
11 A. Oh, dear God.
12 Q. There's some language here that seems to
13 me-- I think it says, "Check for sprinkler." Do
14 you read that can you read what is stated
15 there?
16 A. That's what it looks like to me but I
17 don't-- it doesn't mean anything to me.
18 Q. Next to that do you see 1967 right here?
19 A. Yes.
20 Q. Do you have any understanding of what
21 that
22 A. 1967 I was either in the Army or getting
23 out of the Army.
24 Q. Well, the map is dated '65.
25 A. Okay. The date on this says '67.
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1 Q. Check for sprinklers in 1967. Do you
2 recall any sprinklers in any of these buildings
3 that you worked?
4 A. I believe the buildings were
5 sprinklered, yes.
6 Q. Do you recall seeing -- do you recall
7 actually seeing a sprinkler system?
8 A. I believe they were there but can I tell
9 you with any certainty that I I saw them go off
10 or touched them? No, I can't.
11 Q. Let me ask you kind of a related
12 question.
13 Do you recall seeing any waterlines -- do you
14 know where the waterlines ran that fed into any of
15 the these buildings or do you know if there were
16 any?
17 A. We had water. We made product with the

18 water so water was there. Where it came from, I'm
19 assuming it came from the town, the city or the
20 Scituate Reservoir wherever we got our water.
21 Q. Do you have any knowledge of where those
22 waterlines ran?
23 A. No, sir.
24 Q. Do you know whether there were any sewer
25 lines --

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1 MR. PIROZZOLO: Objection.
2 Q. -- on the site?
3 A. Well, we had bathrooms so I'm assuming
4 there were sewer lines. Did I see them?
5 Q. Is it possible that it was a septic
6 system?
7 MR. PIROZZOLO: Objection.
8 MR. PELOSO: Objection.
9 A. Anything is possible. I have no
10 knowledge. I can't testify one way or another. I
11 know when I flushed it, it went away. Where it
12 went, I don't know.
13 Q. Fair enough. Were there any showers,
14 shower facilities, do you recall any showers?
15 A. I think there was.
16 Q. Where?
17 A. I think there was one up near the labs
18 and then there may have been one in NEC but I
19 don't know. I never -- I never took full
20 advantage of all their facilities, thank you very
21 much.
22 Q. Okay. You said you may recall one at
23 NECC, a shower?
24 A. There may have been one.
25 Q. There may have been?

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1 A. There may have been. I'm not sure.
2 Q. Do you recall any showers at
3 Metro-Atlantic?
4 A. I think there was one up near the lab.
5 I know we had -- well, we had an emergency shower
6 if you got acid on you or anything like that. I
7 think there was a shower.

8 MR. BRYAN: Okay. You can put that
9 away. Well, actually you can keep it there
10 because I may need it for reference. One last
11 exhibit and I'm not going to ask you as much
12 detail. I would like to show you just another
13 image of the site.

14 (Whereupon, J. Nadeau Exhibit No. 7 was
15 marked.)

16 MR. BRYAN: Actually, I have a blown-up
17 version of that.

18 MR. PIROZZOLO: What number is this?

19 THE WITNESS: No. 7.

20 MR. BRYAN: Can we mark this as 7
21 instead?

22 Q. Mr. Nadeau, you've been handed a
23 document marked Exhibit 7 to your deposition. For
24 the record, this is a document Bates-stamped US
25 EPA 5034395. I've given you a blown-up version of
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1 this.
2 A. Uh-hum.
3 Q. This is an aerial photograph of the
4 site. It's indicated on this document that the

5 photograph is dated April 5th, 1965. Do you have
6 that in front of you?
7 A. Yes, I do.
8 Q. Okay. Now, I'd like for you, if you
9 could, to identify for us on this map, again if
10 you can, the NECC buildings.
11 I'm not going to ask you to go into as much
12 detail but if you could just demark for me --
13 A. I believe that building is --
14 Q. I should back up. Do you recognize
15 Smith Street?
16 A. I know where we are. Here's Smith
17 Street. Here's the river, here's Metro, here's
18 the -- the maintenance building, the dryer
19 building. This is the main building right here
20 for Metro.
21 I'm not quite sure what this building is. I
22 think this is the NEC building. Not sure.
23 Q. Okay. Each of those buildings you just
24 pointed out to me, can you mark those for us? If
25 you need to look at the other exhibit, you can,
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1 the one that you just marked at.
2 THE WITNESS: So you want the NECC
3 building?
4 MR. BRYAN: Yes.
5 A. Here's where I get confused. I'm not
6 sure if both of these buildings are the same
7 building or this is the NEC building. I think
8 this is the NEC building. I can't remember.
9 Q. Fair enough. And the Metro building?
10 A. The Metro building would be this
11 building here (indicating).
12 Q. Do you see the dryer building for
13 reserve salt?
14 A. Yes, that would be here.
15 Q. Can you identify -- do you see the Texas

16 Tower?
17 A. If there's a building that says Texas
18 Tower, I believe that would be it.
19 Q. Thank you.
20 A. It didn't seem that big in real life. I
21 thought it was a smaller building. I can't
22 remember.
23 Q. Did you ever have occasion to look at it
24 from above?
25 A. No.

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1 Q. It's interesting perspective. Can you
2 identify for us what you referred to as the dump
3 area?
4 MR. PELOSO: He didn't refer to it as
5 the dump area.
6 A. I didn't refer to it as the dump area.
7 I said the talk was the dump area was at the end
8 of the peninsula which would be dumped that way.
9 Q. How would you refer to that area?
10 MR. PIROZZOLO: Objection.
11 A. The dump. That people would say it's --
12 the dump is that way.
13 Q. Can you point out where that area is?
14 A. I did. I put dump. I knew it was down
15 in the peninsula. That part I knew.
16 Q. Can you identify for us where the main
17 Metro-Atlantic building is in this photograph?
18 A. I did that already right here but, I
19 think, the office building was here and the rest
20 of it was -- to me it was all Metro.
21 Q. Okay.
22 A. The facility where the -- the chemists
23 worked and all that was all the building. The
24 office area was on the street side where you ran
25 across the street and cashed your check

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1 immediately because most times they bounced.

2 Q. Thank you. Can you identify for us the
3 building with the floor drains at Metro?

4 A. I believe that that was -- it was this
5 building, this building here, and the drains were
6 on the back wall. Was it these two -- how the jag
7 in that building was, I don't remember but this
8 was the building with drains (indicating).

9 The drains were against the outside wall
10 which I'm assuming were right here.

11 Q. Looking at this representation of the
12 site, can you identify for us where you recall
13 seeing outdoor storage tanks?

14 A. Outdoor storage tanks? They would have
15 been

16 MR. PIROZZOLO: I'm sorry. Where is
17 what?

18 MR. BRYAN: Can you read the question
19 back?

20 (The question was read by the court
21 reporter, as requested.)

22 MR. PIROZZOLO: Outdoor storage tanks.

23 A. They would have been on this wall here,
24 right here. I'm guessing. I'm guessing now. I
25 know they're on the building that I worked in on
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1 the outside wall, clear of the water.

2 Q. Okay. Thank you. Any other areas that
3 you recall that had outdoor storage tanks?

4 A. No.

5 Q. You mentioned the dryer for the reserve
6 salt?

7 A. Yes.

8 Q. Other than that dryer you identified for
9 the reserve salt, were there any other dryers that
10 you recall?

11 A. Well, there was a roller and I think
12 that was in the main building. That part is fuzzy
13 now.

14 What would happen is the liquid would come
15 down out of the storage tank onto this huge roller
16 and it was cooled by water and when the liquid hit
17 that roller, it would-- it would adhere to it and
18 on the back side there was a blade and it would
19 just pop those things off and they would come out
20 like chips, small chips, and we would throw them
21 in drums, and then later on the drums would be
22 transported across the street, thrown onto the
23 conveyor belt where they would dry and be
24 powdered, but when it came off that roller, it
25 still had a wet consistency because all the cold

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1 water did was cause it to chip out.

2 MR. BRYAN: Thank you, Mr. Nadeau. I
3 don't have any further questions.

4 THE WITNESS: Thank you.

5 MR. BRYAN: I really appreciate your
6 time today. You've been very cooperative. Thank
7 you very much.

8 I don't know if my colleague has any
9 questions for the Department of Justice.

10 MR. JOHNSON: I just had a question that
11 takes us way back to when you first started
12 testifying.

13 EXAMINATION

14 BY MR. JOHNSON:

15 Q. You talked about one of your
16 responsibilities at New England Container Company
17 was cleaning closed-head drums by putting them
18 over a pipe that shot steam into the drums?
19 A. I believe it was steam, yes.
20 Q. Where was that?
21 A. That was in the NEC building. It was on
22 the -- it was on the -- I believe -- I believe
23 that was here but I'm not sure.

24 Q. Okay.
25 A. It was adjacent to the -- it was to the
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1 right of where the burnt barrels came in. Off to
2 the right there was a little room called the rack
3 and there was metal grating off the floor, maybe
4 four foot, and you walked around on that and there
5 was multiple stations where pipes came up through
6 the floor and whoever the person was that luckily
7 got that job -- and there was one gentleman that
8 did it most of the time, his name was Eddie Izzo,
9 and he would just tip those drums on there and
10 there was a valve or something that --

11 Q. Jetted it in?

12 A. Jetted it in.

13 Q. And when you say to the right, do you
14 mean you are facing the burner and it's off to the
15 right?

16 A. Yes. If the burner -- if the burner was
17 outside coming past me, that way, in my front face
18 would be where the rack was. If you were -- if
19 you were facing the paint station, it was all on
20 your right.

21 Q. Okay. So in that main building, if you
22 were facing -- I think you said that the paint
23 station was directly ahead when you entered the
24 building?

25 A. When you walked through the door, you
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1 could see the back of my brother painting drums.
2 Q. Okay. So you walk into the door, you
3 see the back of your brother painting drums. Off
4 to your right is the burner with the conveyor
5 belt?

6 A. The burner, conveyor belt, the cover
7 blaster and then immediately behind that was
8 the -- where the barrels were steam cleaned or
9 whatever they were doing with them.

10 Q. Okay. I think I understand.

11 A. And the paint station, in case somebody
12 got nasty, there was a waterfall behind the paint
13 station to collect the spray and it was in some
14 sort of pool so the paint would collect and
15 eventually get skimmed and put into a bucket or
16 something. I'm not quite sure but -- but they
17 would clean that regularly.

18 Q. Do you know where the drums went after
19 you had steam cleaned them, after you shot the

20 A. They went into some holding pattern
21 someplace stored and ready to be -- to get the
22 next treatment.

23 Q. Okay.

24 A. Whether that was to be rolled or painted
25 or -- or lined, I'm not quite sure. I can't

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1 remember where they went. There was just a lot of
2 storage and drums all over the place.

3 Q. And I apologize if you already explained

4 this to us, you probably explained this, but the
5 dryer -- you put -- you mentioned you put the
6 chips that still had some moisture in them on a
7 conveyor that led to the dryer?

8 A. No. That was a whole separate process
9 on different sides of the street.

10 Q. Okay.

11 A. And I can't remember anymore where in
12 God's name we chipped that reserve salt but there
13 was a big metal drum that went around like
14 stainless steel and it had a puddle of this
15 reserve salt that went up on it and that just
16 coated the drum and on the other side after it
17 hardened, it would get scraped off.

18 And I think it was in the main building
19 somewhere -- I can't remember -- and the barrels
20 would be dragged across -- I think at that point
21 the barrels were taken across the street to where
22 the dryer was and then you'd shovel the -- scoop
23 the flakes onto the dryer belt and it would come
24 out the other side.

25 Q. So that was my question. Was the dryer

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1 just a belt that it would go through like a warm
2 oven and come out the other side?

3 A. Exactly. It came from like Frito-Lay or
4 someplace that made potato chips. They bought it
5 from that place and that's what they did with it.
6 They dried that stuff and it went on the other
7 side and it came out pulverized or powdery.

8 Q. So it wasn't a tumbling dryer; there was
9 no other process

10 A. It was a continuous belt that may have
11 had something in it to break it, but if you put
12 the stuff on one side, it came out the other side.
13 It was a two-man process. One guy would shovel it
14 in, the other guy would take it out. They had a
15 little hose like.

16 MR. JOHNSON: Okay. Thank you for the
17 clarification. I appreciate it.
18 MR. PIROZZOLO: Well, it's 4:30.
19 MR. PELOSO: Off the record. I don't
20 have much. Depends how much you have.
21 MR. PIROZZOLO: I'm going to be a while.
22 What I was going to suggest we may have another
23 morning that's likely to be short. Brian, do you
24 have our schedule?
25 (Off-the-record discussion.)
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1 MR. PIROZZOLO: We've agreed to recess
2 the deposition until either the 20th, 21st or 24th
3 at a time to be discussed, and if those days don't
4 work out, to find another day.
5 MR. BRYAN: We'll say we haven't agreed
6 to anything. We are considering dates.
7 We'll just express, for the record, when
8 Emhart scheduled this deposition, the parties were
9 under the impression, the United States had been
10 told that we would be able to finish Mr. Nadeau's
11 deposition, if necessary, the morning -- tomorrow
12 morning.
13 We're finding out now that that's not
14 the case through no fault of Mr. Nadeau. We want
15 to express our frustration with that. We
16 understand. We are willing to cooperate and all
17 rights reserved as they say.
18 (Adjourned at 4:40p.m.)
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1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
2 KENT, Sc.
3 C E R T I F I C A T I O N
4 I, VIVIAN S. DAFOULAS, Registered Merit
5 Reporter/Certified Realtime Reporter, Notary
6 Public in and for the State of Rhode Island, do
7 hereby certify that the witness was first duly
8 sworn to tell the truth, the whole truth and
9 nothing but the truth in the matter of EMHART
10 INDUSTRIES, INC., vs. NEW ENGLAND CONTAINER
11 COMPANY, et al.; that I am in no way related or
12 have any interest in said matter and that the
13 testimony of said witness was duly recorded by me
14 in computerized stenotype and is a true and
15 accurate transcription of my notes.
16 IN WITNESS WHEREOF, I have hereunto set
17 my hand this 22nd day of June, 2013.

18
19

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23 READING AND SIGNING OF THE TRANSCRIPT WAS NOT
24 REQUESTED BY THE DEPONENT OR ANY PARTIES INVOLVED
25 UPON COMPLETION OF THE DEPOSITION.

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