

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - MORRIS COUNTY
DOCKET NO. C-3939-84

DIAMOND SHAMROCK CHEMICALS :
COMPANY, :

Plaintiff, :

-v- :

THE AETNA CASUALTY AND SURETY :
COMPANY, et al, :

. :

TRANSCRIPT OF PROCEEDINGS

Morris County Courthouse
Morristown, New Jersey
Thursday, October 13, 1988

BEFORE: THE HONORABLE REGINALD STANTON, A.J.S.C.

TRANSCRIPT ORDERED BY: STEPHEN D. CUYLER, ESQUIRE

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1 THE COURT: Now we'll go back to Diamond
2 Shamrock. Now, I think we have Mr. Centanni.

3 MR. CUYLER: Yes, he is here, Judge.

4 THE COURT: When you're organized, then
5 bring Mr. Centanni up.

6 MR. CALOGERO: Yes, your Honor, I will
7 call Mr. Nicholas Centanni to the stand.

8 THE COURT: Mr. Centanni, would you come
9 up here. If you'll walk through the gate there,
10 there's a step up as you come through the gate.
11 Would you go over there.

12 Do you solemnly swear that the testimony
13 you're about to give will be the truth, the
14 whole truth and nothing but the truth?

15 THE WITNESS: As I remember it.

16 THE COURT: Well, I know your testimony
17 will depend on the accuracy of your memory and
18 we'll expect that you will try to do that well.

19 THE WITNESS: I will.

20 THE COURT: Is it your purpose and do you
21 understand that your obligation is to tell the
22 truth and the whole truth in a proceeding?

23 THE WITNESS: Yes, I do.

24 THE COURT: Very well. Have a seat there,
25 Mr. Centanni. It might be easier, they may be

1 handing papers, so I'll ask the court aide if
2 you can just give her your hat, she'll put it on
3 a chair out of your way. Put it on one of the
4 jury chairs and give it back to Mr. Centanni
5 when he's finished.

6 Who will be doing the questions?

7 MR. CALOGERO: I will, your honor.

8 THE COURT: Mr. Calogero.

9 NICHOLAS CENTANNI, sworn.

10 DIRECT EXAMINATION BY MR. CALOGERO:

11 Q Good morning, Mr. Centanni.

12 A Good morning.

13 Q I'm going to ask you, first of all, to
14 keep your voice up so everyone in this room can hear
15 you, okay?

16 A I'll try.

17 Q Can you tell us where you presently live,
18 Mr. Centanni?

19 A Where I live now?

20 Q Yes.

21 A Morris Plains.

22 Q And --

23 A Morristown, Morristown mailing address.

24 Q And, Mr. Centanni, you're presently
25 retired, sir?

1 A Yes.

2 Q Now, did you at one time, Mr. Centanni,
3 work for a company called Diamond Alkali?

4 A Yes.

5 Q And that also is known as Diamond
6 Shamrock?

7 A Yes.

8 Q And also, Mr. Centanni, did you at one
9 time work for a company that was called Kolker Chemical
10 Company?

11 A Yes.

12 Q And, Mr. Centanni, did you work at a
13 location at 80 Lister Avenue in Newark, New Jersey?

14 A Yes.

15 Q And was that where you worked for both
16 Kolker Chemical and Diamond Alkali?

17 A Yes.

18 Q When did you first start working for
19 Kolker Chemical, Mr. Centanni?

20 A 1948.

21 Q And when you first were employed by Kolker
22 Chemical in 1948, could you please tell me what your
23 position was with Kolker?

24 A I was on shift work. A laborer, really, that's
25 what I was.

1 Q And --

2 A And we made DDT at the time and I was in that
3 department.

4 Q You were in the DDT department at Kolker?

5 A Right.

6 Q And could you just tell me briefly what
7 you did as a laborer in the DDT department at Kolker?

8 A Well, we ground the DDT, we bagged it, chopped
9 it. What I mean chop, chopped it out of pans after it
10 was put in these four by eight pans or ten feet long --
11 no, they were eight feet long by a foot deep, would be
12 poured in by liquid.

13 It would come out of the stills, the vats,
14 whatever you want to call it. When it was hard enough,
15 we would chop it with ice choppers, take it out and put
16 it in drums.

17 Q Now, when you did this thing that you just
18 described with the DDT, was there a special section of
19 the plant where this work was done?

20 A Yes.

21 Q And could you tell us what the name of
22 that special section of the plant was called?

23 A DDT, that's all they called it.

24 Q Now, were there other buildings on the
25 plant location at that time when you were working in

1 DDT?

2 A When I was working for Kolker, no. On, yes,
3 there was another plant, there was a 2,4-D, 2,4-D
4 building and 2,4,5-T across the way. This was the old
5 building before the explosion.

6 Q Now, when you're referring to the old
7 building before the explosion, are you referring to the
8 building where DDT was?

9 A Right, that was the old building.

10 Q Now, could you tell me how long or how
11 many years you worked in the DDT building doing the job
12 which you've just described?

13 A Until they stopped making it.

14 Q Did you have another job later on?

15 A I had a job after I worked there a year, I went
16 on a forklift because one of the fellas was injured so
17 there was an opening so I put in for the job and I got
18 it.

19 Q Now, did there come a time when you were
20 working at Kolker Chemical that the plant became owned
21 by Diamond Alkali?

22 A Yeah, in 1954, I believe.

23 Q Now, how long were you a forklift driver
24 at the plant?

25 A I guess about ten years, eleven years.

1 Q Did you stay at the plant until the plant
2 closed in 1969?

3 A Yean, I was the last one out the door, so to
4 speak.

5 Q And during that time that you were at the
6 plant until it closed in 1969, did your position remain
7 as a forklift driver?

8 A Well, then I was everything. I was a forklift
9 driver, I was a formulation man, I made up
10 formulations. Oh, I did everything, I guess. I mean
11 it wasn't a plant that that's not my job, that's not my
12 job. Every job was your job, you know what I mean?
13 Every job was my job.

14 Q And as part of doing all these jobs at
15 Diamond Alkali including the job of forklift driver,
16 did these jobs give you the opportunity to go into all
17 of the buildings that were on the plant location?

18 A Oh, yean, I went everywhere, on, yes.

19 Q Did you have an opportunity to go into the
20 new building that was built after the explosion?

21 A Oh, yes.

22 Q Did you have an opportunity to go into the
23 2,4-D and 2,4,5-T building?

24 A I worked in there, yean.

25 Q Did you have an opportunity to go into the

1 part of that building where esters were made?

2 A Yeah, on, yeah.

3 Q Did you have an opportunity while you were
4 employed by Diamond as a forklift driver and while you
5 were performing these other jobs to go into the
6 warehouse areas of the plant?

7 A On, yes, I brought material in and took it out
8 so I had to go in there. I was working around. If the
9 material was way back there, they tell me go get it,
10 we'd truck it out.

11 Q Did you have an opportunity while you were
12 employed by Diamond Alkali to go into the area where
13 TCP was made?

14 A Yeah, everywhere.

15 Q Now, you've briefly described how DDT was
16 made there, could you tell us was sulfuric acid used in
17 the production of DDT?

18 A Yes, sulfuric acid, oleum acid, I can't remember
19 all the ingredients that went into it, acetaldehyde, I
20 remember that. They'd mix it up in these big kettles,
21 so much of this, so much of that.

22 Q Now, after DDT was actually made, could
23 you tell us what happened to the sulfuric acid that was
24 used in the production of DDT? Well, Mr. Centanni,
25 this doesn't mean anything, the motion with your hand

1 doesn't mean anything, can you tell us.

2 THE COURT: It can mean things, but we
3 need to have it in words.

4 A I'm sorry, I'm thinking of the actions they used
5 to make down there and point to the river. Well, they
6 couldn't sell muriatic at the time because there was no
7 market for it and they had three or four big tanks
8 outside about 30,000 gallons, rubberized tanks, so if
9 they were loaded, they were full, riverize it.

10 Q You said that was a term that was used at
11 the plant, riverize?

12 A Riverize it.

13 Q And when you say that the term "riverized"
14 was used at the plant, could you tell us for those of
15 us who weren't at the plant at the time what that
16 meant?

17 A Send it to the river.

18 Q And could you tell us how these acids were
19 riverized? What process took place to riverize these
20 acids?

21 A Well, underneath the kettles where the finished
22 products were made, there was a valve naturally with an
23 arrow telling you which direction and which line the
24 material was going so you turn it to the river, the
25 operator knew the line to the river. Now, the reason I

1 keep my eyes closed, I'm crying to --

2 Q Visualize it?

3 A -- picture, yean, visualize it again and they
4 would send whatever was in DDT, the bottom of it, and
5 it was glass valves. Not valves, they were like
6 sections where you could see behind it, was a light
7 where you could see, you know, what kind of acids, what
8 color, and the minute it changed colors, they knew it
9 was DDT.

10 The minute it stayed one color, they knew it was
11 the acid or the muriatic, send that to the river. The
12 minute it changed colors, they reversed the valve and
13 sent it to the holding tank before it was put in the
14 pans I'm telling you about.

15 Q Now --

16 A You get what I'm talking about?

17 Q Well, let me just back up a little bit,
18 Mr. Centanni. The DDT, the finished product, what did
19 that look like? Could you describe what that looked
20 like?

21 A It was like, like a milky egg looking color, not
22 exactly yellow, like a dirty white.

23 Q Was it a solid form?

24 A No, no, it was liquid.

25 Q Did there come a time when during the

1 process when it became a solid?

2 A Yes, when it was dumped in chem pans and
3 hardened up, settled, set. Up until then, it was
4 liquid.

5 Q Now, this product that ultimately became
6 DDT, am I correct that it would be separated from the
7 acids that were used to make DDT?

8 A Oh, yes, it was separated, yeah.

9 Q And is it your testimony that it would be
10 the acids that would be sent to the river?

11 A Oh, yeah, the acid, sure. I mean they couldn't
12 sell the acid.

13 Q Now, were there some form of trenches or
14 pipes by which these acids would go from the process
15 area to the river?

16 A No, there was lines.

17 Q And where did these lines run, Mr.
18 Centanni?

19 A To the river.

20 Q Were they running through the building,
21 under the building, aboveground, underground?

22 A They were aboveground.

23 Q And did this process of making DDT and
24 sending acids to the river, did this process continue
25 up until the time when that plant no longer made DDT?

1 A Right, right.

2 Q Now --

3 A Now, wait a minute, some lines were below -- I
4 wouldn't say below ground, but if they built a platform
5 out on the river, you know, with concrete, they would
6 put the line beneath it, you follow me, and make a
7 concrete bed.

8 Like if they repaired the river part of, say,
9 the buildings or the plant because sometimes you would
10 get a sag, you know, over the years, the water would
11 wear away the ground and so they would make a concrete
12 bed, you know, then the lines would be in the concrete
13 bed into the river. Now, here's the river, right,
14 down.

15 Q If you went to the riverfront at the
16 plant, would you be able to see these lines into the
17 river?

18 A At low tide, yeah, sure. Even at high tide,
19 you'd see a lot of them.

20 Q And you just described where concrete
21 would be poured at some point in time over these lines?

22 A Over some lines, yeah, not all of them.

23 Q Was this done -- was this concrete
24 pouring, was this done while you were employed at the
25 plant?

1 A On, yeah. On, yeah.

2 Q How many --

3 A Because I couldn't get there with the forklift,
4 you know.

5 Q Excuse me?

6 A I wouldn't be able to go back there anymore with
7 the forklift.

8 Q Now, you just talked about one of the
9 materials that was used at the Diamond plant, sulfuric
10 acid, is that correct, you remember some some acid
11 being used?

12 A Sulfuric acid.

13 Q Now, do you know if sulfuric acid was ever
14 used to clean floors at the plant?

15 A Oh, yeah, yeah, we used to clean floors.

16 Q And could you tell me what floors in the
17 plant were used or, strike that, what floors was
18 sulfuric acid used to clean?

19 A 2,4-D, 2,4,5-T, warehouse, 'cause we'd get all
20 that gum, you know, from a spill, from a spill of
21 chemicals.

22 Q Would it be fair to say that all of the
23 floors at the plant at some point in time while you
24 were employed by Diamond, sulfuric acid was used to
25 clean?

1 MR. COX: Objection, your Honor, I think
2 that does mean to the deleting portion aspect.

3 THE COURT: I think it does. Now you did
4 say the floors 2,4-D, 2,4,5-T and warehouse
5 floors sometimes some acid was used, any other
6 floors of the sections of the plant had sulfuric
7 acid used to clean floors?

8 THE WITNESS: Well, I used that, your
9 Honor, because they were concrete floors. The
10 other floors where they made DDT were dirt
11 floors, couldn't use sulfuric on dirt.

12 THE COURT: They didn't use it there then?

13 THE WITNESS: No, not to my knowledge.
14 They may have used it, but I never seen it. Oh,
15 wait a minute --

16 THE COURT: Were there any sections of the
17 plant which had concrete floors where sulfuric
18 acid was never used to clean the floors?

19 THE WITNESS: I don't remember, your
20 Honor, I don't remember.

21 THE COURT: Go ahead, Mr. Calogero.

22 MR. CALOGERO: Thank you, your Honor.

23 Q Could you tell us, Mr. Centanni, now
24 sulfuric acid was used to clean the concrete floors in
25 the buildings that you've just described?

1 A Well, they would take it and rub our buckets,
2 you know, and just --

3 Q Again, Mr. Centanni, you have to describe
4 it to us in words.

5 THE COURT: Mr. Centanni was making a
6 motion of splashing a bucket, I guess, over a
7 floor.

8 THE WITNESS: That's right.

9 THE COURT: Well, why don't you describe
10 what was done in words, if you would, please.

11 A You get these rubber buckets, holds two gallons,
12 five gallons, whatever bucket was handy and you'd go
13 over the sulfuric tank and fill it up or halfway or
14 three quarters, whatever you could carry and, of
15 course, you had rubber shoes and you'd go over and
16 you'd just sort of lay it down a little.

17 I mean the acid, not the bucket, you know, put
18 it over whatever was on the concrete floor, any gum or
19 any chemical that hardened up, and you'd wait awhile
20 and then you'd get a scraper, you know what I mean by a
21 scraper, with a long handle, a metal scraper, sharp on
22 one end and you'd, you know, just like you take ice off
23 a driveway.

24 Q How long would you have to wait before you
25 would be able to use the scraper on the concrete floors

1 after the sulfuric acid was put on?

2 A In some places, some acid works very fast and
3 some places it took more time, maybe 10, 15 minutes, 20
4 minutes, you'd have to wait. In the meantime, you'd
5 give it a helping hand by scraping it.

6 Q Now, while you were scraping this mixture
7 of sulfuric acid and chemicals, where were you scraping
8 it to?

9 A Well, whatever you could pick up was the hard
10 stuff, you'd put in old drums, old container drums.
11 Would go, say, to the dump, and whatever else was left
12 would go into a sewer and what they called open sewers,
13 you know what I mean open sewers?

14 Q Could you just describe to me what you
15 mean by open sewers?

16 A Okay, like a trench which was made in the middle
17 of the floor and the floor come to a bevel like this so
18 everything went into that open sewer. Oh, I guess it
19 was about a foot deep, ten inches, eight, had a grating
20 on it so you could walk, wouldn't walk in the sewer and
21 that sewer would go to the river.

22 Q So this material would be riverized
23 according to what the work would describe?

24 A Riverized.

25 Q And --

1 THE COURT: Let me just interrupt. Mr.
2 Centanni, did it bother any of you that this
3 stuff was being put into the river?

4 Did you think it was wrong or did you
5 think it didn't matter, the Passaic River was a
6 big sewer anyway? What was the feeling of you
7 and other workers about that?

8 THE WITNESS: Well, the feeling was the
9 workers because as a young man -- as a young
10 kid, I went swimming in that river down below
11 and I said I wouldn't go swimming there today,
12 but it seemed every company along there was
13 doing it so what are you going to do? Figure,
14 hey, this is a way of life today.

15 THE COURT: Let me ask when were you born?

16 THE WITNESS: 1912.

17 THE COURT: 1912, and did you live in the
18 Newark area as a boy?

19 THE WITNESS: Newark area, yep.

20 THE COURT: And you used to swim in the
21 Passaic River down in Newark?

22 THE WITNESS: Down near Bridge Street.

23 THE COURT: And you could swim there in
24 late 1920, early 1920?

25 THE WITNESS: I was 8, 9 years-old, they

1 had the canal in the park, yeah.

2 THE COURT: Okay, fine, thank you. Go
3 ahead, please.

4 MR. CALOGERO: Thank you, your Honor.

5 Q Mr. Centanni, the process which you've
6 described of using the sulfuric acid on floors, was
7 this done in the 2,4-D and 2,4,5-T building?

8 A Yes, that was one building.

9 Q Was this done in the warehouse building?

10 A Yes.

11 Q Now, could you tell me what type of
12 chemicals, if you know, would fall on the ground such
13 that you would have to -- would fall on the floor such
14 that you would have to use sulfuric acid?

15 A Well, 2,4-D, 2,4,5-T it would spill. Of course,
16 it was liquid when it went into the centrifuge.

17 Q Now, you just made a circular motion when
18 you said the word "centrifuge," could you describe
19 that?

20 A You know what a centrifuge was?

21 Q Could you describe for us the centrifuge
22 at that plant?

23 A Do you have a washing machine home?

24 Q I have one, yes.

25 A When the clothes turn to dry.

1 Q You're now referring to a spinning motion,
2 right?

3 A Spinning motion, right. Well, we'd have them in
4 there and they would have, on, pipe about inch and a
5 half, two inches -- no, about a two-inch pipe coming
6 down into the centrifuge, and as it spun, it would be
7 liquid and as it would hit that centrifuge, it would
8 hit up. I don't know how many rows a minute it went.

9 It would cake up in there and take out all the
10 acid waters and all the impurities, you could call it,
11 that were not 2,4,5-T or D, and after the kettle was
12 empty and centrifuge was full, they would use some kind
13 of a knife just to scrape it off, you know, push like a
14 knife and it would take it back off the centrifuge.
15 You follow me?

16 It was a powder when it came down and underneath
17 it, these centrifuges were high. They could put a
18 four-wheel -- well, bucket you can call it. It was
19 about three feet wide and about five feet long and
20 about three feet high, they put it underneath the
21 centrifuge.

22 The centrifuge is made high on two stanchions
23 you call it, they were made of concrete. So you could
24 put these buckets underneath and the man working the
25 centrifuge would scrape all that stuff off it that had

1 come down liquid and now was hard into the bucket.

2 Q Now --

3 A Do you get the picture I'm talking about?

4 THE COURT: Yes, I do.

5 THE WITNESS: I guess you do.

6 Q The portion of the building where esters
7 were made, were you familiar with that building?

8 A Yean, I've been in that building quite awhile.

9 Q And was sulfuric acid used where the
10 esters were made?

11 A Sulfuric acid, yes, was used everywheres.

12 Q And who would tell the workers that the
13 floors had to be washed down with sulfuric acid?

14 A The foremens.

15 Q And who were the foremen?

16 A On, Johnny Wolfe passed away.

17 Q What was he the foreman of?

18 A 2,4-D, 2,4,5-T.

19 Q Now, Mr. Centanni, were you familiar with
20 the area of the plant that was right by the river?

21 A Yean. Yes, yes.

22 Q Were there any pumps by that area?

23 A Oh, yes, there were water pumps there, two huge
24 water pumps if I recall it, yes, and several little
25 pumps, too.

1 Q What were these pumps used for if you
2 recall?

3 A Pumps were used for water, cooling water. They
4 would take it from the river and use cooling water, you
5 know --

6 Q Now --

7 A -- for the vats, for the holding kettles that
8 needed water while they were making certain things, you
9 know, to bring down the temperature on anything.

10 Q Now, were there any -- were there trenches
11 that were outside of the building, and by trenches, I'm
12 referring to either trenches or sewers, were there
13 trenches and sewers outside of the buildings?

14 A On, yeah, yeah.

15 Q And could you tell us where those trenches
16 or sewers went to?

17 A I'm sorry, I don't follow you. I told you where
18 they went to.

19 Q Where?

20 A To the river.

21 Q And could you tell me where did these
22 trenches and sewers come out of the buildings?

23 A Come out of the building right from underneath.
24 Say there's the building, there was openings cut out so
25 they could make the trenches to the river.

1 Q When you say there were openings cut out,
2 there were openings cut out of what, Mr. Centanni?

3 A Out of the building.

4 Q And was this on the side of the building?

5 A Always on the side, the building had four sides.

6 Q And did you ever see any material that was
7 going or liquids that was going from those trenches
8 from the building to the river?

9 A Now, which building are we talking about??

10 Q Tell me which buildings had such trenches
11 going to the river.

12 A They all had.

13 Q Was it when you said --

14 A 2,4-D, 2,4,5-T, they all had them going to the
15 river, even the warehouse had them going to the river
16 'cause I worked in the warehouse a lot.

17 Q Could you tell me out of all these
18 trenches you just described from all these buildings,
19 did you ever see material coming out of those buildings
20 going into those trenches going into the river?

21 A Well, they had a holding tank, they had a catch
22 tank, but sometimes the catch tank or operator, you
23 know, made a mistake so it would go to the river, but a
24 lot of times, it'd go to this catch tank.

25 It was between 2,4-D, 2,4,5-T and the sac and a

1 big catch basin and whatever would go in that catch
2 basin would go down, but towards the top of it as it
3 filled up, they had outlets, you know, so naturally the
4 material would have to go out, you follow me, like a
5 septic tank.

6 Q And could you describe what this catch
7 basin, how deep it was and what it looked like?

8 A Well, I cleaned it up with Artie a few times.

9 Q When you say Artie, who are you referring
10 to?

11 A Artie Scureman. I worked with him for years, we
12 worked together as a team. What was the question you
13 asked?

14 Q Could you describe what this catch basin
15 looked like?

16 A Yeah, it was about 10 feet by about 10 feet. I
17 mean 10 by 10 maybe. I couldn't give you the exact
18 because I know that we used to put a three quarter
19 steel plate over it, you know what I mean? It had
20 ridges cut out so when you drop this plate, it seated
21 itself, you follow? Like this, it would come down, it
22 would seat itself.

23 Q What you're describing, and correct me if
24 I'm wrong, Mr. Centanni, is that the hole had a lip?

25 A A lip, that's right.

1 Q That would catch that?

2 A A lip and you would lip this plate because in
3 the middle was two holes with a chain, you know,
4 holding up and you just lift it with the forklift, put
5 it over and you would lay it down.

6 Q What type of material was in this catch
7 basin?

8 A 2,4-D, 2,4,5-T would go in there, that's about
9 the stuff I remember.

10 Q Did anyone else -- was anyone else
11 assigned to clean that catch basin up while you were at
12 the plant?

13 A Yes, they'd have sometimes, if I recall and I
14 recall right, they would have fellows that they would
15 hire from Manpower to come in and clean it up.
16 Manpower, you know what I mean Manpower?

17 THE COURT: Manpower is the temporary
18 agency?

19 THE WITNESS: Temporary help, right.

20 Q And could you tell me, Mr. Centanni, if
21 you know, why did the plant have to hire people from
22 Manpower to clean up this catch basin?

23 A Well, that's something you'd have to ask them,
24 but the way I looked at it was we would all be busy,
25 you know, because after all, there was no, say, extra

1 hands to do anything and that's why they would hire
2 them, but the times we were slow, weren't doing much
3 work in the building, the employees was cleaning out
4 them catch basins so they could get everything ready,
5 you know, for when we got busy again.

6 Q Now, you described that at some point in
7 time, these catch basins would overflow. Is that
8 correct?

9 MR. COX: Object, your Honor, I don't
10 think there's such a description.

11 THE COURT: Well, did they ever overflow,
12 the catch basins?

13 THE WITNESS: Yean, they overflowed, they
14 got plugged up.

15 THE COURT: What happened when they
16 overflowed, where did the effluent go from them
17 then?

18 THE WITNESS: Went all over the land, you
19 know, the railroad tracks, because it was near
20 the railroad tracks. It was all over, it just
21 flowed just like when a sewer bubbles out, did
22 you ever see a sewer bubble out?

23 Q Yes, I have.

24 A That's the way. That's the only thing I can
25 tell you, you know.

1 Q Now, Mr. Centanni --

2 THE COURT: Let me see if I understand.
3 When the catch basins were cleaned, what was the
4 process used? How would you go about cleaning
5 the catch basin?

6 THE WITNESS: Shovel, pick, chopper,
7 whatever you thought, you know, would break the
8 stuff up, put it in drums and lift the drums out
9 with a forklift with a big thick rope on it.

10 THE COURT: And --

11 THE WITNESS: And take them out.

12 THE COURT: And where did the drums go
13 when, do you know?

14 THE WITNESS: Well, they might end up at a
15 dump.

16 THE COURT: You didn't see them go to the
17 dump?

18 THE WITNESS: Oh, I used to load the dump
19 truck, but I didn't know what dump he took them
20 to.

21 THE COURT: Okay, so you would put them in
22 drums. Were there any fluids created in the
23 course of cleaning up catch basins?

24 THE WITNESS: Fluid?

25 THE COURT: Yeah, did people wash the

1 basins down or wash the materials out?

2 THE WITNESS: Well, some of the materials
3 were washed out. If they were going to use it,
4 they would take it inside and wash it out and
5 reuse it.

6 Like if somebody made a spill of something
7 and they knew it was in the catch basin and they
8 knew what it was or they'd have the chemist
9 analyze it from the lab, then if they thought it
10 was good, they would put it in drums and reuse
11 it again, just like they did DDT, reuse it.

12 THE COURT: But I gather from what you're
13 telling me, the things that came out of the
14 catch basin were basically solids, they were
15 things you'd pick and shovel up and put in drums
16 and perhaps recycle?

17 THE WITNESS: They were recycled material.

18 THE COURT: But there was no liquid in
19 those catch basins?

20 THE WITNESS: Yeah, there was some liquid.

21 THE COURT: What happened to that?

22 THE WITNESS: What happened to that, they
23 would put a hose down and pump it down and get
24 whatever he could get out of it, if it was
25 liquid.

1 It was really an acid, acids don't freeze.
2 They put a pump down, you know, one of these
3 portable pumps, one of these gear pumps, and
4 pump it out to one of the catch basins that went
5 to the river or they would send it out through
6 the city line, you know, we were taught now that
7 would go out, but what would happen over a
8 period of time, they would clog up so they had
9 to bring in Roto-Rooter to open them up again.

10 Rotor-Rooter said one day I can't open it,
11 it's too hard, so they had to make a new ditch,
12 new sewer line, that I remember, but I can't
13 remember every little thing. I try, but I
14 can't.

15 THE COURT: Well, there was a time when an
16 industrial sewer was put in on Lister Ave.?

17 THE WITNESS: What do you mean, your
18 Honor, by industrial sewer?

19 THE COURT: A place where a chemical
20 plant, for example, could take its waste
21 chemicals and instead of putting them in a
22 river, they could stick them into this
23 industrial sewer and it got specially treated.

24 Do you remember when they came along and
25 put a sewer line like that in on Lister Avenue?

1 THE WITNESS: The only thing I know is
2 that pit.

3 THE COURT: You don't remember them
4 building a sewer line?

5 THE WITNESS: Yes, I remember them
6 building a sewer line, but that went out to the
7 city sewer line.

8 THE COURT: Well, there were two kinds of
9 sewers, as I understand it, that served that
10 plant. There was always a regular toilet
11 sewer --

12 THE WITNESS: Right.

13 THE COURT: -- so effluent from toilets
14 and sinks and showers could go into it the same
15 way they would from a house.

16 THE WITNESS: Right.

17 THE COURT: There was also that, but there
18 came a point where there was a special thing
19 which they called an industrial sewer which was
20 not meant for normal human waste but meant for
21 chemicals.

22 THE WITNESS: Right.

23 THE COURT: Put an industrial sewer
24 through and plants could tie into it, dump their
25 waste materials into that and that went to a

1 special treatment plant and was processed, do
2 you remember that at all?

3 THE WITNESS: Where was the treatment
4 plant at, do you know, your Honor?

5 THE COURT: I don't know.

6 THE WITNESS: Neither do I.

7 THE COURT: You don't remember there being
8 something called an industrial sewer where they
9 put the effluent from the chemical process, you
10 don't remember that?

11 THE WITNESS: No.

12 MR. CUYLER: Your Honor, we'll have Mr.
13 Burton in here next week, but just a point of
14 clarification, there were different sewer lines
15 but they all worked -- they went to the same
16 place.

17 THE COURT: You mean industrial sewer may
18 have ended up in the sanitary sewer plant?

19 MR. CUYLER: It absolutely did.

20 MR. COX: Your Honor, I think we would
21 prefer to have Mr. BURTON testify to that rather
22 than Mr. Cuyler.

23 MR. CUYLER: Be more than able to oblige
24 on that point, but it's in their expert report,
25 too, Mr. Lubetkin's section of the expert

1 report.

2 THE COURT: I would just point out if
3 there is something where a public entity opens
4 up a sewer and invites people to put their
5 effluent into it at least within certain limits,
6 somebody's entitled to do that it seems to me,
7 but we'll see.

8 MR. CUYLER: We'll have testimony as to
9 that.

10 THE COURT: It's a public entity problem
11 to treat it properly once it does. Go ahead.

12 MR. CALOGERO: Thank you, your Honor.

13 Q Mr. Centanni, I just want --

14 A Can I ask --

15 THE COURT: Did you want to add something?
16 Go ahead.

17 A You know, we were on DDT before, right?
18 Sometimes, I mean this came to my mind, an operator
19 would follow up and instead of letting just the acid go
20 to the river, something would distract them or he'd put
21 the valve in the wrong position and he would send DDT,
22 acid and everything to the river and there was a time
23 there they had a mountain of DDT and I mean a mountain
24 of it because that solidifies when it hits water.

25 Q Okay. Could you tell me, Mr. Centanni,

1 could you tell me what that mountain looked like?

2 A Well, we helped take it out. I mean, we helped
3 chop it out. I didn't help chop it all out, out a
4 great number.

5 When it got real cold, the Passaic River would
6 go at low tide and stay there and then you would see
7 it. It would be like an ant hill, one of these huge
8 ant hills you see in Africa.

9 So, naturally, fellas would get down there into
10 the river and chop it out and put the chunks into
11 cardboard drums, old cardboard drums, you know what I
12 mean, chop it out.

13 Q How did they chop this stuff out of the
14 river?

15 A With an ice fork with four prongs, did you ever
16 see it? You chop it, would cut through anything.

17 Q Did you assist in --

18 A Oh, yean.

19 Q -- in helping to take this mountain apart?

20 A I assisted with Artie, yep.

21 Q When you say with Artie, are you referring
22 to Artie Scureman?

23 A Yes, we worked together, we helped take it out
24 of that river.

25 Q Could you tell me what job you performed

1 in helping to dismantle this mountain?

2 A I would either get down there and chop it out, I
3 would get on the forklift, I would lift out the
4 buckets, take them back, everything.

5 I can't remember every little, you know, thing
6 that I did because maybe I would work on it today and
7 wouldn't work on it tomorrow, you follow me? I'd work
8 somewhere else tomorrow, but I remember that mountain
9 of DDT, man almighty, there's a lot of money there. At
10 that time, I think it was 55 cents a pound.

11 Q How tall, how high out of the water was
12 this mountain?

13 A Well, it wasn't out of the water that you could
14 see it, but you could see it if you looked down, but as
15 I say, when it got cold and the river was at low tide,
16 then you could see it. You could see it, as I said, a
17 huge ant hill, looked to me like the bottom of an ice
18 cream cone.

19 Q Now, Mr. Centanni, are you familiar with
20 the scrubbers that used to be or the scrubber that was
21 on the 2,4-D building?

22 A On the roof, yeah.

23 Q The scrubber was on the roof of the
24 building?

25 A Yeah.

1 Q Now, do you recall that at the plant that
2 there was a term that was used called "the scrubber
3 turned acid"?

4 A Yes.

5 Q And could you tell us what that meant when
6 people would say "the scrubber turned acid"?

7 A No, I couldn't tell you what that really meant
8 because I didn't work there.

9 Q Did you ever --

10 A But I used to hear them say the scrubber's gone
11 acid so they have to do -- I can't recall, you know, to
12 bring it back to normal or that would be Johnny Wolfe's
13 job or head operator.

14 Q Did you ever see anything come out of that
15 scrubber that was on the roof?

16 A Yean, they used to shovel some stuff out of it,
17 out I wasn't in that particular job because they had
18 enough assistant operators and men working taking care
19 of that, so I never really took care of that, I never
20 really.

21 Q Did you ever see anything come out of that
22 scrubber into the atmosphere?

23 A Oh, yean, sometimes there'd be like a grayish
24 cloud, you know, how can I describe it? Like smoke.
25 Well, it looked like smoke, you know, like a fire

1 from -- smoke from a fire, that's what you see and
2 watch it go by.

3 Q Where would that cloud go?

4 A In the atmosphere.

5 Q And, Mr. Centanni, did you drive a car to
6 work? Is that yes?

7 A Oh, yes, yes, I'm sorry.

8 Q And did Diamond have a parking lot where
9 you could park your car?

10 A Yean. You mean the old building or the new
11 building now, what are we on?

12 Q Well, did they have a parking lot where
13 you could park it when they had the old building?

14 A Yean.

15 Q And did they have a parking lot after they
16 put the new building up?

17 A Yean.

18 Q Now, could you tell me, sir, was there
19 ever a time when your car had some damage to it?

20 A Oh, yes, yean, that's right, it would come from
21 the scrubber and settle on the cars and pit the cars,
22 pit the paint jobs. Yean, you're refreshing my memory,
23 I forgot that.

24 Q And was this damage to your car while your
25 car was in the parking lot?

1 A In the parking lot, right.

2 Q And was there damage to other people's
3 cars in the parking lot?

4 A Oh, yeah, everybody. I don't say everybody
5 complained but, you know, quite a number complained.

6 Q And when you say that your car was pitted,
7 could you tell us what happened to your car?

8 A Well, it pit the paint just like you would
9 throw, ah, I guess if you throw acid on something and
10 it pits it. It would make the paint all holes like the
11 car had measles or something.

12 Q It was chloracne that the car got?

13 A Well, you could say that, too. Oh, my God.

14 Q And did you have your car fixed by
15 Diamond?

16 A Well, they didn't fix mine, but as I said, it
17 wasn't bad enough, but some fellas did get a new paint
18 job. They says mine wasn't bad enough because I used
19 to park it, you know, all the way in the back of the
20 lot where there was the Triplex Building was there and
21 the Triplex Building was five stories high.

22 Q So the Triplex Building would shield your
23 car from this?

24 A Shield my car, yes.

25 Q People who didn't park there would have

1 damage to their cars?

2 A Yean, they had plenty of damage.

3 Q Did you ever see anything happen to cars
4 that were parked on the street similar to what happened
5 to the cars in the lot?

6 A I can't remember, no, but I know some fellas
7 parked in the street. Now, whether they got bad paint
8 jobs or not, I don't remember really.

9 Q Did you ever get chloracne while you were
10 at the plant, Mr. Centanni?

11 A Yean, I got chloracne.

12 Q Do you recall what year you got chloracne?

13 A Well, I guess I was there a couple of years. In
14 19 -- let's see, I started there in '48, I guess about
15 '55 because we used to go to Dr. Bleiberg. We used to
16 go to Dr. Greene, but I can't remember what for.

17 Q Did there come a point in time when Dr.
18 Bleiberg would come to the plant?

19 A On, yean.

20 Q Was there a special day of the week that
21 he would come?

22 A Thursday raitnfully.

23 Q Every Thursday?

24 A Every Thursday.

25 Q And --

1 A Him or Dr. Brodwin would come.

2 Q And would he treat you at the plant?

3 A Yeah, give us injections, look us over.

4 Q And how many people were being checked by
5 Dr. Bleiberg?

6 A On my gosh, quite a good number, maybe 60 people
7 I think, maybe more.

8 Q Dr. Bleiberg have an assistant with him?

9 A Yes, he had a nurse with him all the time, he
10 had Iris with him all the time.

11 MR. CALOGERO: One moment, your Honor.

12 THE COURT: Okay.

13 Q Going to the warehouse section of the
14 plant again, Mr. Centanni, were drums stored in the
15 warehouse?

16 A Yes, yes, yes. Well, they weren't so much
17 stored, what do you mean stored?

18 Q Well, were they kept there for any period
19 of time?

20 A Oh, yes, there was a huge steam rack, what they
21 called a steam rack, had pipes, you know what I mean,
22 pipes on the floor going back and forth, oh, I guess it
23 was about 25 feet, maybe 20 feet, maybe 30 feet long
24 and about eight foot wide and it had sliding doors on
25 it, three of them, you know what I mean?

1 They would go in and out so you could put drums
2 in, if it emulsified in there or anything that hardened
3 in a rack, you leave it on a steam rack. You take the
4 rungs off so it would rack and in a day or two,
5 whatever they wanted, it would melt and they could
6 siphon it, you follow me?

7 Q Why are you siphoning it out?

8 A Whatever you use it for. I made dacamine, I
9 made dacamine, so I would put emulsifiers, solvents,
10 everything else on this. I never put the solvents,
11 always stayed liquid, but the emulsifiers and when the
12 emulsifiers softened up, I would test them with a stick
13 to see if they were soft, you know.

14 I would take and put so many pounds, so many
15 gallons, whatever you have, I forget right now, I would
16 suck it up with a gear pump in this holding tank that
17 had a blade in it, you know, that turned and I would
18 suck in all my material from the tank, from the steam
19 rack into this thing, you follow me?

20 Q During this process that you would use,
21 were there ever any leaks of any of this material?

22 A That's when you would have the leaks and the
23 spills because sometimes you wouldn't have the rung
24 tied. You'd have to put the rung down to get a drum
25 truck to move this, we'll say, from here to the steam

1 rack to the length of the warehouse to part of the
2 2,4-D building. That's where I used to make cacamine.

3 So naturally you'd have spills so I mean not
4 everyday. When we're a little slow or we had a break
5 or couple hours to do something else, then we would
6 throw acid around or else you'd have like a wavy floor,
7 you know, like from spills.

8 Q You wouldn't be able to walk on it?

9 A That's right, your feet would go side to side,
10 you'd start getting corns and calluses on them.

11 Q Did you ever have an opportunity while you
12 were employed by Diamond in these various positions,
13 Mr. Centanni, to go to the laboratories?

14 A Yean, sure.

15 Q Did these --

16 A Yes, I had to bring samples of the cacamine,
17 different things that I made. As I say, I didn't only
18 use -- I didn't only work on the forklift, I did other
19 jobs, too.

20 Q Did these labs have sinks?

21 A Pardon?

22 Q Did these labs have sinks in them?

23 A Did who have --

24 Q Did the laboratories have sinks?

25 A Oh, yes, they had. Oh, sure, they had sinks.

1 Q And were samples sent or poured into the
2 sink?

3 A To the sink.

4 MR. CALOGERO: I have no further
5 questions, your Honor. Thank you very much.

6 THE COURT: Any further questions on the
7 defense side? All right, Mr. Cox.

8 CROSS-EXAMINATION BY MR. COX:

9 Q Mr. Centanni, my name is Marshall Cox.

10 A Hi, how are you?

11 Q I represent Diamond Shamrock in this case.
12 The DDT mountain that you talked about, did it have a
13 name?

14 MR. LEONARD SHEFT: I'm sorry, your Honor,
15 I'm having a little trouble hearing Mr. Cox.

16 THE COURT: Okay, Mr. Cox, keep your voice
17 up, please.

18 MR. COX: Certainly will.

19 Q Mr. Centanni, did the DDT mountain have a
20 name? Did they refer to it by any name that you would
21 call it in the plant?

22 A I'll tell you, I can't remember. Name, why
23 would they give it a name? It was a pile of DDT,
24 that's all I remember.

25 Q What about Kolker Island, did you ever

1 near it referred to as Koiker Island?

2 A They may have given it names, you know, it was a
3 long time. You know as you get older, excuse me, this
4 here doesn't work so good. You got to think, but I
5 don't remember if they called it Koiker Island. They
6 may, I don't remember.

7 Q How long did it take to remove the
8 mountain?

9 A I don't remember that either. I couldn't tell
10 you.

11 Q But on your deposition, you testified that
12 you think you got out all but ten percent of it. Is
13 that right?

14 A Yeah, it laid down to the bottom. As I was
15 going to say, they never removed the whole mountain.
16 They still left something down there because you could
17 only take out so much when the river went down on cold
18 days.

19 Q Now, the pit that you've testified about,
20 that was connected up to the sewer, wasn't it, up to
21 the city sewer?

22 A May be connected, say, one end, you know, but I
23 don't think I was asked that.

24 Q No, I think you were not asked that.

25 A But I don't recall, I don't recall. All I

1 remember is what I seen, what I did, that's all I
2 remember.

3 Q And you didn't -- you didn't see much to
4 do with the city sewer or the industrial sewer that you
5 were asked about?

6 A On, I watched them digging sewers, but I didn't
7 know what they were for. I seen them digging a sewer
8 but I -- well, I don't want to say, but as far as I was
9 concerned, it was a sewer to take the waste of the
10 offices, the toilets, the sinks, that's what I --
11 that's what I was given the impression. I think I was
12 even told that.

13 Q Who would have told you that, sir?

14 A They were going to tie in, the men who were
15 digging it. What's the sewer for? For you, man. Oh,
16 that was it.

17 MR. COX: No further questions, your
18 Honor.

19 THE COURT: Anything further?

20 MR. CUYLER: Just a second.

21 THE COURT: All right.

22 MR. CUYLER: Nothing, Judge.

23 THE COURT: Fine, you may step down, Mr.

24 Centanni?

25 THE WITNESS: Huh?

1 THE COURT: All finished.

2 THE WITNESS: All finished.

3 THE COURT: Now, do we have another
4 witness ready?

5 MR. LEONARD SHEFT: Well, they're sort of
6 having a reunion, Judge.

7 THE COURT: All right, maybe we could get
8 people to come in, fine.

9 MR. CUYLER: You want to take a break,
10 Judge?

11 THE COURT: Well --

12 MR. CUYLER: We'd probably finish by 12.

13 THE COURT: Well, we're ready, we can get
14 started.

15 MR. CUYLER: Okay.

16 THE COURT: Have a seat, please, Mr.
17 Andreini, and when you're ready, Mr. Sheft.

18 MR. PETER SHEFT: Thank you, your Honor.

19 ALDO ANDREINI, sworn.

20 DIRECT EXAMINATION BY MR. PETER SHEFT:

21 Q Good morning, sir, my name is Peter Sheft.
22 I represent the underwriters at Lloyd's and certain
23 companies and the London Market that have been sued by
24 Diamond Shamrock Chemicals Company. Would you please
25 state your name for the record.

1 A Aldo Andreini.

2 Q Mr. Andreini, where do you reside?

3 A 1053 Allina Street, Elizabeth.

4 Q And what is your date of birth, please?

5 A November 11, 1919.

6 Q Thank you. Were you employed by Diamond
7 Snamrock at its plant at 80 Lister Avenue in Newark,
8 New Jersey?

9 A I was.

10 Q Were you employed there from the years
11 1955 through 1969?

12 A I was.

13 Q And what position did you hold at the
14 plant during that time?

15 A I was the formulations man.

16 Q Okay, and could you describe the plant for
17 me before the 1960 explosion, can you tell me how many
18 buildings that were there?

19 A There were two.

20 Q And what were those buildings, please?

21 A The formulations which they called a warehouse
22 at that time, there was the process building and there
23 was a 2,4-D and a 2,4,5-T area.

24 Q Okay, did you work --

25 A And the ester unit.

1 Q Thank you. Did you work in the
2 formulations building?

3 A I did.

4 Q Okay, and what did you do in the
5 formulations area?

6 A I formulated.

7 Q Okay.

8 A By formulated, it means that they gave you so
9 many gallons of an order that you had to mix and you
10 formulated in tanks and then you drummed it up or
11 canned it or whatever and shipped it out.

12 Q Okay, in the formulations area, were there
13 trenches in that building?

14 A There were trenches.

15 Q Can you describe those trenches to me,
16 please?

17 A Trenches were there so that if you had a spill
18 which you did if a drum was a bad drum, it had a leak,
19 it would go on the floor and you would wash it down
20 into the trench and it would go out into the river.

21 Q And did the trenches go out into the river
22 up until you left Diamond Shamrock in 1969?

23 A They did.

24 Q Okay. Now, can you describe the locker
25 room for me that existed prior to the 1960 explosion?

1 A It was filthy.

2 Q Could you be a little more specific?

3 A By being more specific is that you went upstairs
4 with your shoes loaded with whatever you picked up from
5 the floor down below, there was acid and you had to
6 change your clothes and your shoes and put on your
7 street clothes and it was really a hellhole in plain
8 English.

9 Q Okay, was there also a lunchroom?

10 A A lunchroom was right next to the hellhole.

11 Q Okay, could you describe the lunchroom for
12 me, please?

13 A It was about three of these desks that you see
14 here and benches, that was it.

15 Q Now, did you ever have occasion to eat --
16 did you ever work the night shift?

17 A I did.

18 Q Okay, did you ever have occasion to eat
19 dinner outside?

20 A I did.

21 Q Did you ever eat dinner near the river?

22 A I did.

23 Q Did you ever see waste waters being
24 discharged into the river in the evening?

25 A Sometimes I saw some water going out there.

1 Q Okay.

2 A Buc I don't know what it was.

3 Q Okay, and did this waste water come from
4 the ester unit?

5 A Came from the ester unit, might have come from
6 2,4-D area, might have come from the warehouse.

7 Q Okay, thank you. As a formulator, did you
8 clean storage tanks?

9 A I did.

10 Q And where were the storage tanks located?

11 A They were outside, they were 10,000 gallon
12 tanks.

13 Q How many storage tanks were there?

14 A I'd say about twelve.

15 Q And what was contained in the storage
16 tanks?

17 A They had amine, Butyl-D, 2,4,5-T -- no, wait a
18 minute, Butyl-T, 2,4-D and 2,4,5-T and that's all I can
19 remember.

20 Q Okay, now often would you clean these
21 tanks out?

22 A Well, there was always sediment when they
23 filtered it out of the ester unit and when the tank got
24 low and we would pump into the meter, it would jam up
25 our meters. At that time, we knew those tanks had a

1 lot of sediment in it and we had to go inside when the
2 tank was darn low, we had to go inside with shovels and
3 clean it out.

4 Q Would you say you did that once or twice a
5 week?

6 A No, I'd say once or twice a month.

7 Q Now, when you went in with the shovels,
8 could you describe the process that took place?

9 A Well, it was one man inside, one man outside.
10 You had to have somebody outside in case something went
11 wrong if you couldn't breathe, we didn't have masks.

12 You'd go in there with a shovel. I'd have an
13 empty drum on the outside when I was on the outside,
14 they would shovel up and shovel out to me loaded with
15 sediment and liquid and put it in an open-top drum.

16 Q Were these drums labeled?

17 A No marks, no labels.

18 Q Were the drums carted away?

19 A They were put on skids and when the junkman or
20 dump or waste man, whatever they called him, his name
21 was Snurry at that time, the forklift used to load it
22 up and put it on his truck.

23 Q Did these drums have tops on them?

24 A No tops.

25 Q So these drums were carted away by Snurry

1 in open container form. Is that correct?

2 A That's right.

3 Q Now, when this shoveling process was going
4 on, did any liquid seep into the ground?

5 A Some fell off the drum -- off the shovel, it had
6 to.

7 Q Okay.

8 A Because you weren't that steady.

9 Q And where did this sediment or liquid go?

10 A You would wash it away.

11 Q I'm sorry?

12 A You would wash it away.

13 Q And where would it go, in the ground?

14 A Into the ground.

15 Q Going back to the formulations area, were
16 the floors washed down there?

17 A They were washed mostly on weekends, the last
18 day of the week.

19 Q They were washed away?

20 A With acid, sulfuric acid, which turned the
21 concrete white, it made it look clean.

22 Q Did the concrete fall apart as a result of
23 that?

24 A It did fall apart.

25 Q Okay, could you see any holes in the

1 floor?

2 A No, you couldn't see any holes, but you could
3 see a lot of cement that were under the tanks that you
4 couldn't get at.

5 Q Were you aware of an amine filter?

6 A I was.

7 Q And where was that located?

8 A Right in the formulations department.

9 Q Did you ever have occasion to clean it
10 out?

11 A Cleaned it out as soon as the pressure built on
12 the gauge, it showed you there wasn't anything going
13 through it. You had to open it up, clean it, shovel
14 the waste, whatever it was, into an open-topped drum.

15 Q Was that drum marked?

16 A No.

17 Q Was that drum carted away by Snuffy?

18 A It was carted away by Snuffy eventually.

19 Q Okay, were tops put on those drums before
20 they were carted away?

21 A No tops on those drums.

22 Q When the filter was being cleaned up, did
23 any liquid get on the ground?

24 A There was bound to be liquid falling off the
25 shovel when you were shoveling.

1 Q Where did that liquid ultimately go?

2 A Went out in the trench out to the river.

3 Q Did you ever have occasion in the
4 formulations area to fill drums with product?

5 A I had a lot of occasion to fill.

6 Q Okay, were there ever any leaks or spills?

7 A There were leaks and, see, on the bottom of the
8 drum, you didn't know it was leaking until you saw it
9 on the scale. One time we did it, someone at the
10 factory who made the drums put holes in it with a drill
11 and you didn't know it until you saw it squirting it
12 out. If it was in the back of the drum, you wouldn't
13 know until it was three quarters full.

14 Q Where did this wind up?

15 A On the floor, washed it down in the same trench
16 and out to the river.

17 Q Did you have occasion to load railroad
18 cars with product?

19 A Yes, I did.

20 Q Okay, did you ever have occasion to clean
21 out railroad cars?

22 A I did.

23 Q How did you clean the railroad cars out?

24 A Same process, went there as we did with the
25 casks, one man on top, one man inside and the man

1 inside would wash it down with water.

2 Q Where did that water wind up going?

3 A Down onto the cracks.

4 Q And it would seep into the ground?

5 A Right into the ground.

6 Q Did Diamond Shamrock ever give you any
7 written safety instructions?

8 A Never.

9 Q Did they give you any oral safety
10 instructions?

11 A Never.

12 Q Did they give you any instructions that
13 was with respect to any of your job duties or
14 responsibilities?

15 A None at all.

16 THE COURT: Let me just interrupt if I may
17 for a minute, Mr. Sheft. Didn't the foreman
18 when you first went to work there tell you what
19 stuff you had to be careful of? Did he give you
20 some guidance?

21 THE WITNESS: No, your Honor, he was one
22 of the men that went in the tank and I would
23 stay outside or I went in the tank and he would
24 stay outside. There was only two workers at
25 that time in formulations, one foreman and his

1 assistant.

2 THE COURT: But people told you things,
3 such basic things as don't put your hand in
4 certain acids, did they not?

5 You're the workman, didn't they have ways
6 of educating each other about what you could
7 touch and what you couldn't, when you need to
8 wear rubber boots and when you didn't, that kind
9 of thing?

10 THE WITNESS: No, your Honor, not that I
11 remember.

12 THE COURT: Go ahead, please.

13 MR. PETER SHEFT: Thank you.

14 Q Did any of the workers develop any
15 physical problems while you were at the plant?

16 A Well, as Nick Centanni said, the carbuncles.

17 Q Where were the carbuncles?

18 A If there was a blister and the doctor used to
19 come in and I saw him cut it, stab it, and it would
20 bleed and some of the workers went right back into the
21 unit with an open cut and it was still bleeding as they
22 walked into the unit. Never patched it up or nothing,
23 they walked in with it bleeding.

24 As a matter of fact, one of the fellows that
25 died, Tonzala, he had one on his back that was one size

1 of that cup and they had cut him on his back and it was
2 bleeding and it went right through his shirt and I said
3 what did you do, hurt yourself? He said, no, that's
4 where the doctor cut me.

5 Q Did you ever see an inspector come up in a
6 boat by the river near the plant?

7 A Once I saw him.

8 Q Were you ever given any special
9 instructions when that inspector was off from the boat?

10 A They told us at that time, I don't remember who
11 it was, but I think it was Homer Smith, don't drop
12 anything out to the river.

13 Q Did you in 1969 after you left Diamond
14 Shamrock, did you go work somewhere else?

15 A I worked for Hoffman-LaRocne Pharmaceutical.

16 Q And where was that?

17 A Nutley, New Jersey.

18 Q And what did you do for Hoffman-LaRocne?

19 A I was on fractionation, it's similar to what I
20 was doing at Diamond.

21 Q And was the Hoffman-LaRocne plant as dirty
22 as the Diamond Shamrock plant?

23 A No way.

24 Q Why do you say that?

25 A It was clean as a whistle and I mean clean. It

1 was pharmaceuticals and you had to be clean.

2 MR. PETER SHEFT: I've no further
3 questions.

4 THE COURT: Mr. Cox

5 CROSS-EXAMINATION BY MR. COX:

6 Q Mr. Andreini, my name is Marshall Cox.

7 A Hello.

8 Q I represent Diamond Shamrock. What did
9 you say you did for Hoffman-LaRocne?

10 A Fractionation.

11 Q Of what products, sir?

12 A Well, let's put it this way. We got a still, a
13 sealed still, and it went through the process of taking
14 all the ingredients you had to take out to the point
15 that you had pure -- what do they call it at that time?
16 Oh, what do they call it?

17 It was the final product, let's put it that way,
18 and you pumped it, never opening it, never touching it,
19 you pumped. Everything was sealed and pumped to a
20 storage tank which they use for something else, I don't
21 know.

22 Q You don't know what the product was?

23 A I don't remember the product, no.

24 Q Was it pharmaceutical product?

25 A It was pharmaceutical product, excuse me.

1 Q It wasn't a chemical product?

2 A Excuse me, we were making at that time a sulfur
3 drug and that was one of the ingredients we used.

4 Q This is a little different from
5 pesticides, you believe?

6 A It is.

7 Q How long did you meet with Mr. Sheft?

8 A Pardon me?

9 Q How long did you meet with Mr. Sheft to
10 discuss your testimony?

11 A About an hour.

12 Q When was that, sir?

13 A Yesterday.

14 Q Yesterday. You had a lawsuit against
15 Diamond Shamrock, too, didn't you?

16 A I don't have anything against Diamond Shamrock.

17 Q You had a lawsuit against Diamond
18 Shamrock, haven't you?

19 A I did personally?

20 Q You didn't bring a lawsuit against Diamond
21 Shamrock?

22 A Not that I recall.

23 Q You don't recall it?

24 A No.

25 THE COURT: Did you join in a suit that

1 other people have brought?

2 THE WITNESS: Yes, I did.

3 THE COURT: So that lawsuit is still going
4 on?

5 THE WITNESS: Oh, I see. I didn't know
6 that, your Honor.

7 THE COURT: Is it?

8 THE WITNESS: I don't know.

9 MR. COX: No, it isn't, your Honor, it's
10 been dismissed.

11 Q Did your lawyer tell you your case had
12 been dismissed?

13 A No.

14 Q Who was the foreman in formulations, Mr.
15 Andreini?

16 A At that time, it was Frank Bobowitz and later
17 on, Bill Tobin took over.

18 Q What time was that when this advice was
19 given to you?

20 MR. CUYLER: What advice?

21 A What do you mean what time?

22 Q What year, what year are we talking about?

23 A Well, I started there in 1955.

24 MR. CALOGERO: Objection, your Honor, I
25 don't understand what he's talking about as to

1 wnat advice.

2 THE COURT: Maybe that's not clear. What
3 are you referring to, Mr. Cox, when you say wnat
4 advice, wnat are you referring to?

5 MR. COX: He had testified, I thought,
6 about that he was to clean out various tanks and
7 one tning and another.

8 MR. CALOGERO: Why don't you ask him that
9 question then?

10 MR. COX: I pernaps should ask him that
11 question.

12 THE COURT: All right.

13 Q At tne time that you were given directions
14 with respect to cleaning out tanks and tne like, what
15 time are we talking about? What years is this in
16 particular?

17 A I'd say in the '50s, maybe in tne '50s.

18 Q Early '60s?

19 A No, I'd say in about '57, '58, '59, some time
20 like that.

21 Q Did there -- I think you've testified, Mr.
22 Andreini, tnat constantly everything was running to tne
23 river. Did there ever come a time when it was hooked
24 up with tne city sewer that you recall?

25 A That I wouldn't know. All I saw was a trench

1 that we had in the warehouse, a trench alongside the
2 wall was going out towards the river and that's where
3 it went.

4 THE COURT: In the late '60s, was anything
5 running through those trenches?

6 THE WITNESS: The late '60s, I don't know,
7 your Honor. I guess they were because the
8 trenches were still there.

9 THE COURT: Well, we've had some
10 indication depending on how you interpret it,
11 I'm not sure now it should be interpreted yet,
12 but there's some indication that at a point even
13 though the trenches may have been running out to
14 the river, most of the effluent ran the other
15 way and got into the sewer and I'm really
16 wondering if you actually saw anything running
17 through the trenches in the last few years at
18 the plant?

19 THE WITNESS: There was liquid going
20 through those trenches because those trenches
21 were still there the day we were moving out,
22 moving everything into box cars.

23 Those trenches were still there, your
24 Honor, and I could see there was liquid going
25 through the trenches toward the angle of the

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river.

THE COURT: Very well. Go ahead, Mr. Cox.

THE WITNESS: Unless they covered them, then I don't know.

MR. COX: No further questions, your Honor.

THE COURT: Anyone else? Okay, fine, you may step down.

THE WITNESS: Thank you.

THE COURT: Now, I gather you have no other witnesses at the moment?

MR. CUYLER: Yeah, we're going to try and have Mr. Scureman. The last word I had was he would be available Monday morning, hopefully at nine, but we will have our last -- I guess our last two or three witnesses on Monday and we can wrap them up.

THE COURT: All right, you have no one for today?

MR. CUYLER: No, this is it, Judge.

THE COURT: Mr. Cox, do you have anyone for today or you don't?

MR. COX: No.

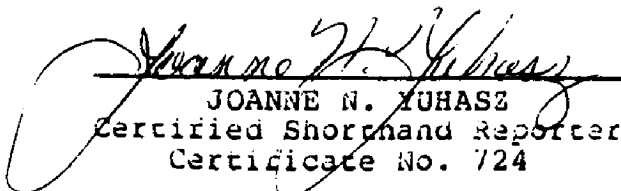
THE COURT: No, I don't mean for today, have you made your minds up anymore about

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - MORRIS COUNTY
DOCKET NO. C-3939-84

DIAMOND SHAMROCK CHEMICALS :
COMPANY, :
 :
 Plaintiff, :
 :
 -v- :
 :
 THE AETNA CASUALTY AND SURETY :
 COMPANY, et al, :
 :
 Defendants. :
 :
 :

CERTIFICATION

I, JOANNE N. YUHASZ, A Certified Shorthand
Reporter of the State of New Jersey, certify that the
foregoing is a true and accurate transcript of my
stenographic notes to the best of my ability.


JOANNE N. YUHASZ
Certified Shorthand Reporter
Certificate No. 724

Dated: October 14, 1988