

~~CONFIDENTIAL; NOT FOR PUBLIC FILING~~  
~~GENERAL COURT REVIEW~~

**PART III**

**EXHIBITS 11 THROUGH 26**

**TO**

**Monitor's Investigative Report  
Concerning Valley Carting Corp.**

Submitted January 13, 2004

-----X

In Re:

ALLIED INDUSTRIES

WITNESS: ROBERT THOMAS

-----X

Valley Carting  
566 North State Road  
Briarcliff Manor, New York

February 28, 2003  
10:25 o'clock a.m.

A P P E A R A N C E S:

DOAR RIECK & MACK, ESQS.  
217 Broadway-7th Floor  
New York, New York 10007  
BY: WALTER S. MACK, ESQ.,  
Federal Monitor

DECHERT, L.L.P.  
Attorneys for Allied Industries  
30 Rockefeller Plaza  
New York, New York 10112-2200  
BY: NELSON BOXER, ESQ.

THOMPSON HINE, L.L.P.  
Attorneys for the Witness  
Robert Thompson  
One Chase Manhattan Plaza-58th Floor  
New York, New York 10004  
BY: NORMAN A. BLOCH, ESQ.

ALSO PRESENT:

DONALD SOBOCIENSKI

\* \* \*

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

MR. BOXER: My name is Nelson Boxer. I'm an attorney for Allied Waste. I have asked that you be interviewed this morning because the company is interested, Allied is interested in finding out as much as it can about pickups from a customer named Englehardt Corporation and the pickup of waste from that company, and its various locations and the delivery of those loads. That's the reason you were asked, initially, by myself, to be produced for an interview.

And because Mr. Mack, who I think you've met, I know you've met, is the Monitor for some of the companies owned by Allied, he was notified of that request, to interview you, and is present here today.

I understand, before we get started, he has some warnings, for lack of a better term, he would like to inform you of. I wanted to start it by introducing myself, I know we've

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

actually met before, and to tell you the purpose of the interview, our purpose of asking you to be interviewed here today.

If you have any questions at any time, you're represented by Mr. Bloch, you can feel free to consult with him before answering any questions, during any lull in any questioning, or if anything occurs to you, he is here for that reason, and if you want to excuse yourself or have us be excused so you can consult with him or speak with him, don't hesitate to do that if you want to speak to him about anything.

If there's anything about any question that I ask that you don't understand or you want me to rephrase it or just repeat it, you may not have heard it, don't be bashful about doing that either. Okay?

MR. THOMAS: Okay.

MR. BOXER: Do you have any questions about anything I've said?

MR. THOMAS: No.

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

MR. MACK: Can I call you Robert?

MR. THOMAS: That's all right.

MR. MACK: You and I have met before and, as you know, my name is Walter Mack, and I am the Court-appointed Monitor. I actually work for United States District Judge Jed Rakoff, who has overall responsibility for a variety of topics, but some of which include the functioning of this facility that we are at today in Briarcliff Manor, by Allied Waste Systems; and he has assigned me to make a variety of investigative reports concerning a number of topics, one of which, or maybe two of which include functioning at this location in terms of hauling and disposal of waste, as well as of the transport and disposal of waste at various transfer stations, including Metro Enviro, Westchester Resco and the NYCON facility.

I have the power under the Court Order which appoints me, to require an

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

individual who works or is in some way associated with Allied procedures, to appear under oath with a stenographer, that's the gentleman sitting to your left, to require answers to questions. I need the answers in order to be able to write as accurate a report as possible for the Court.

I'm in the process of writing a variety of reports in which information that you have and things that you have done would be of importance to me in understanding, in making sure of what I have to say about it, that I have done as much as possible to ensure that what I say to the Court is accurate.

In the course of trying to get answers to a variety of topics which have been assigned to me by the District Court, in terms of completion and accuracy, I have interviewed a number of people and asked questions and had answers, beside yourself, so the mere fact that you are here with a

1

6

2

stenographer, and eventually you will be

3

put under oath, you are not being

4

singled out in any way.

5

I'm not a prosecutor, I don't

6

represent a Grand Jury. My job is to

7

gather facts and to file reports. There

8

are other people who may read those

9

reports and decide to take action, but

10

basically, my job is to do the best I

11

can in terms of obtaining the facts

12

about things that are of concern to me

13

as Monitor.

14

That procedure involves, as it

15

has frequently, the taking of testimony,

16

and where a transcript is done. A

17

transcript is a record of what you say

18

and what I say, and basically what other

19

people say in here.

20

The main reason I do that is not

21

really because I don't rely on

22

interviews, but I have found, especially

23

as time goes by, that's the most helpful

24

mechanism for me to remember exactly

25

what was said, because without the

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

benefit of a stenographer -- which Mr. Nissenbaum is doing, and I've worked with him in many cases, he tries to take down every word.

For instance, if I asked a question that could be answered yes or no, if you nod your head, he can't record that, so it would be important for you to verbalize, basically, your answers to questions.

But the main purpose of this exercise, which is not unusual, is you haven't been singled out to do this, others may very well have been asked as well, to appear and to be questioned by me on topics that I believe are important to my understanding so I can write an accurate report.

That doesn't mean that what you say -- when you answer, obviously, a question under oath, if you knowingly answer it falsely, you exposure yourself to the criminal charge of lying under oath or perjury, so I say this --

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

there's nothing I'm saying to you, by the way, that I haven't said to every other individual in a similar position, but I feel an obligation to make certain that you understand and have the opportunity to ask me questions about what's going on and why this is happening and how do I deal with things.

You have a fine lawyer here, Mr. Bloch, whom, as Mr. Boxer already said today, if at any time during the course of questioning you feel you would like to consult with him, he is the only person in this room who is your lawyer, with an obligation to advise you and you alone with respect to what is the appropriate thing you need to say or to do. Mr. Boxer represents Allied Waste Systems.

I'll spend time with you explaining why there might be a conflict between what's in the interest of Allied Waste Systems for you to say -- I'm not suggesting they would ask you to say

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

anything untruthful. Obviously,  
Mr. Boxer represents the corporation,  
and that's his primary obligation in  
being here. Notwithstanding his saying  
he is trying to find out what's going  
on, our interests will coalesce, but  
your answers may be damaging to Allied  
and may put them in an unfavorable light  
or put people who have worked for them  
in the past or work for them today in an  
unfavorable light. It makes no  
difference, because your obligation here  
is to tell the truth, the whole truth  
and nothing but the truth, no matter who  
it hurts.

The gentleman sitting to your  
right, Mr. Bloch, is the only one here  
who -- he is charged with being careful  
for you and you alone. Do you  
understand that basic concept?

I'm going to expand on that. I'm  
the Monitor. Don Sobocienski, who  
you've talked to in the past, works with  
me. He is far more competent than I am

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

to understand many of the things that he may be asking a few questions about today. His job is to assist me in eventually writing a report for the Court about the topics that I feel the Court needs to hear about. That's why he is here today. He may very well ask some questions during the day. He works with me, and our job -- I couldn't care less what the information -- whether it hurts or helps Allied, I'm interested in the truth and writing an accurate report.

If that report puts Allied in a favorable light, fine. I'm not a prosecutor, I'm not looking to say negative things. What I'm looking to do is write an accurate report about what the facts are, and rely on people such as yourself to tell me the whole truth. Everybody in here has the same hope and expectation.

I want you to understand that should you, for some reason -- I'll give

2 an example: When you know what the  
3 answer, truthful answer to a question  
4 is, and you intentionally mislead by  
5 saying "I don't remember that," or, "It  
6 didn't happen that way," when you know  
7 that what you're saying to me under oath  
8 is untrue, you do remember, for  
9 instance, or it might be better if it  
10 happened the way you're describing it,  
11 but the fact is, it happened differently  
12 and you know in your heart and in your  
13 mind that what you're saying to me, and  
14 being recorded by Mr. Nissenbaum, is  
15 untruthful, that's a crime and you could  
16 be charged with a crime because you've  
17 intentionally sought to deceive me or  
18 mislead me or to lie.

19 So if there's one thing that I  
20 say in this long effort to go through  
21 all the details, the most important  
22 thing is that you tell the truth, that  
23 you honor your oath, no matter who it  
24 helps or who it hurts; whether it's not  
25 good for Allied, whether it's not good

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

for colleagues or friends, your obligation is to tell the truth on your own.

Next topic: The Order, the monitorship Order, specifically says that anyone in your position, who has been required by me to come in and respond to questions under oath, can decide -- and I would encourage you to decide with the wisdom of your lawyer -- that the answer might tend to incriminate you. It might be something that you know is a violation of the law or that might be a violation of the law, and so you have the right, constitutional right to say: Mr. Mack, with all due respect, I don't want to answer that question because I think it might tend to incriminate me. It doesn't mean that it necessarily does, and I'm sure Mr. Bloch has gone over the points with you, you're not admitting to a crime when you assert your Fifth Amendment right, you're simply saying:

2

That's an area that I don't want to

3

answer questions about because it might

4

tend to incriminate me. That's

5

frequently called assertion of the Fifth

6

Amendment. You have that right today

7

with respect to any and all questions

8

that I ask.

9

I would encourage you, before you

10

actually exercise that right, and you

11

may have already done that, to talk to

12

Mr. Bloch and make a decision, because

13

there has been some concern on my part

14

in the past that an employee of Allied

15

Waste has said: Yeah, Mack might tell

16

you that, but if you assert the Fifth

17

Amendment, forget about your future

18

employment. At least that may have been

19

a misunderstanding or may have been an

20

understanding that was given to them.

21

So that's something that you need to

22

discuss.

23

But I will tell you this, that

24

basically my understanding of Allied's

25

position is that it does not result in

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

an automatic termination should you, in the exercise of your conscience and with the wisdom of your lawyer's advice, say: I refuse to answer that question or I don't want to answer. You don't have to stand up like Ollie North or someone like that.

If you say: Look, I really don't want to answer the question, it might tend to incriminate me, I would say, "Talk to Mr. Bloch about it." I would say, "Fine, you have that right under the monitorship to do that. There have already been people who have done that. Okay?

MR. THOMAS: Okay.

MR. MACK: I don't want you to think you would be the only one or the first.

Some people don't even show up. I can draw inferences, meaning I can say: Okay, well, the reason that guy didn't show up here is because he or she was afraid to answer the questions and

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

go through what's there. I can decide whether to go after that person and get a Court Order requiring the person to appear. Even that person can say: Hey, Walter Mack, you're a nice guy, but I'm not answering the question, I have a constitutional right, and I refuse to answer the question.

MR. BLOCH: Just so there's no misunderstanding, perhaps Mr. Boxer can put on the record what, exactly, the company's position is for an employee who invokes their privilege?

MR. MACK: Fine with me. I think Ilissa tried to do it last time. I welcome that. I don't know if Nelson can do that.

MR. BOXER: I haven't consulted with anyone from the company on that issue before today, but I could tell you that my judgment would be similar to what Mr. Mack just said, it would depend on what the invocation was about and what it concerned.

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

I'm sure there are situations where someone could invoke on matters that could have consequences concerning someone's employment, and I'm sure there are many, many matters where someone could invoke it and it would not.

For example, if someone was instructed in a certain way by a superior to do something and there are reasons in mitigation as to why someone in the position of Mr. Thomas did what they did, then I would think there would be less of a possibility for consequences.

So I don't know if that's satisfactory to Mr. Bloch, but I can say, for example, if Mr. Thomas invokes his rights, there never would be any consequences, because I can't anticipate what he is going to invoke about. I think the way you described it, Walter, would be my advice to the company; but, as I said initially, this is not an issue I've spoken with senior management

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

about, but that would be the way I would approach it.

I'm trying to be as candid as I can with you, Mr. Bloch.

MR. MACK: I think that's fair.

I would say this, and I used to say this: I don't know that I still have the power, I think I do, and it is my view that I would require the company, should they desire to terminate an individual because of an interaction with the Monitor, let's say assertion of the Fifth, that I would require them to present that to me before they actually terminated the person, so that if I thought they were acting in a way that in some way was either unfair to you or punished someone for being truthful to me, which is what your obligation is, that I could stop that from happening.

MR. BOXER: My understanding is that nobody, to date, you can correct me if I'm wrong, has been terminated as a result of any of your interviews?

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

MR. MACK: True, no one has asserted the Fifth who is a current employee at the time. Mr. Bloch's job is to watch out for you.

Has there been a negative impact at the company for conduct -- there's never been an assertion of the Fifth by --

MR. BLOCH: Correct. We are talking about the Fifth Amendment. Do you have any questions about what they are saying about that?

MR. THOMAS: No, not yet.

MR. MACK: Let me go to another topic which is important to me.

I've had the pleasure of having Mr. Bloch represent a variety of witnesses in the course of my investigations, and in your particular case, several of the individuals that he has represented have mentioned your name specifically, and have recounted incidents in which you were named as being an actor or a player or a

participant in several actions, either

intercommunication or interaction. So

Mr. Bloch, exactly the same way as he

represents you today, represented those

people in a very similar situation.

I'm not going to tell you what

they said, because as far as I'm

concerned, I don't care what they said.

Today, I only care what you say. But

from the point of view of Mr. Bloch and

your understanding, he, I believe --

unless you're paying his legal fees,

which I don't believe you are, so that

would be unusual.

Can I ask that question? Is it a

fair assumption on my part that Allied

would be paying whatever minuscule fees

you intend to charge for your time?

MR. BLOCH: I certainly intend to

send them a bill, but I'm not a

predictor of the future. Yes, there's

an agreement that Allied will pay Mr.

Thomas' legal fees and expenses.

MR. MACK: I will explain to you

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

things that you have to be at least aware of. I've known Mr. Bloch for many years, and I say the same thing: He knows what his obligations are. He is a person, he recognizes that when he's here as your lawyer, the only human being or entity that he has responsibility to protect and advise is Robert Thomas, and, therefore, the advice that he gives to you, it's his obligation to care, and only care, about you, and what's in your best interests.

Now, there is at least a potential, and I say "potential," because I've never taken the position that I need to bring this to the Judge to determine whether Norman can give you independent representation, but these are the factors that you have to be at least sensitive to: One, his fees are being paid by Allied Waste, so there's at least a cynical view of the world, that, notwithstanding his obligation to represent you, he is going to encourage

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

you to do things to help Allied Waste, and that, basically, his judgment and advise to you could be, theoretically, affected by the fact that the person or the organization paying his fees is Allied Waste.

So if there's a conflict in what needs be done to assist you, he could give you advice that helps Allied Waste and could, theoretically, affect you negatively.

I have always relied -- I'm not saying that's occurring, but it is something you have to be mindful of and you need to understand in terms of evaluating what to do, but I've always taken the position because you're not the first person, that Norman -- I've known him for many years, and I don't have -- I can't offer you any evidence, because if I thought he really was giving you some advice, "say this," because it helps Allied and you wanted to stay with Allied, so it is in your

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

interest to do so even though the truth is somewhat different, you know, he would be acting unethically, and I would never expect Mr. Bloch to do something like that. You need to be aware of that potential conflict, and being aware of it, consent to proceed, because that's -- his fees are being paid by Allied.

Number two, he's represented other people sitting where you're sitting, who mentioned your name with respect to specific instances, and at the time, and today, he retains his obligation to have their interests in mind, because when he sat there representing, let's say, Charlie Marino, let's pick someone that he represented or Tony Cardillo, and your name comes up in the course of that questioning, he has a very ethical role, because if you say something or recount an incident differently than they did, he could very well have a significant conflict, which

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

I'm willing to leave in his lap to resolve.

But what's absolutely clear, if it's your recollection of the event, not Tony's, not Charlie's, not John Lombardo's, not others', I don't want you saying anything because you know that's what they said. The only reason to answer a question in a specific way is because you, Robert Thomas, remember the event that way, period. Whether it conflicts with what Tony had to say or what Charlie had to say, or what John might have said, Matt Hickey might have said, we don't care. It is you, and you alone, whose recollection and testimony is of consequence today.

Norman's obligation is to ensure, no matter what those people said, whether it conflicts with you or not -- I have no idea whether it does or doesn't, I don't know what you're going to say, I have a little idea because you've talked to Don way back at one

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

time about some of these topics, but the fact is, I want your recollection, and when I get your recollection, that will be your obligation under oath, I would say: Robert Thomas says this about this incident, Tony says this, Charlie says that, John says that, Matt says that.

That's where I have the difficult task. Frequently, they are not all the same. In fact, I would be very surprised if everybody said exactly the same thing about the same incident, because that's not the way human beings interact.

As the gentlemen to your left and right have probably said to juries in their day, in some context, and argued, because everybody did say things the same way, that's a falsehood, because no two human beings are going through the same event do it the same way. If they use the same words or describe it exactly the same, the cynics in the world who try cases in courtrooms say:

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

Something has happened here to get everything to come out exactly right, because that's not the way humans remember things, they don't say it exactly the same way, there were no video cameras, tape recorders.

The most important thing I've said to you today: One -- I want you to understand what's going on, but the most important thing is, you tell the truth as Robert Thomas remembers it and sees it. It doesn't make any difference what Allied Waste wants, what Tony Cardillo might want. And I don't want to make any kind of implication they want you to lie. Of course, they don't want you to lie, because that would be bad for them, as well. I'm not trying to poke negatives about those people.

I really am focusing on your job, which is to honor your oath, listen to the question, think about it, answer it truthfully. That's your job and I will rely upon you. I start from the

proposition you're going to tell me the

truth, because it would be a very stupid

thing to try to deceive me or say

something that wasn't true.

Generally, I'm pretty stupid, but

Don is very clever and he finds out in

time, because people call us or other

people talk to us or something else

happens and, lo and behold, you find out

that somebody has come in, you know, and

said: This is the truth, and it turns

out they're lying. That's really the

only way, from my perspective, you could

hurt yourself, by not telling the truth.

I'm sure Norman has told you

that, I'm sure he's emphasized it more

eloquently than I have, the importance

of being accurate, but that's the

single, really, most important thing.

I'm going to make my questions

concise and direct. If you don't

understand the questions -- I know

Mr. Boxer will do the same, he is an

experienced lawyer, he and I went to

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

different schools together, but it is more likely we've had similar type of training, we are not trying to trick or deceive you. We want the questions to be clear, your answers be accurate, so we can go on about our business and understand what the facts are about the circumstances that we are here about.

If you want to take a break at any time -- Mr. Nissenbaum, who is a very hard worker and has the misfortune of dealing with me for years, will get a break every so often. You should feel comfortable about saying: I want to talk to Mr. Bloch or I want a break, I want to ask some questions. If I'm not asking clear questions, and I'm sure Mr. Boxer will do the same, as he did say: Look, tell me the question is not clear, or make it more precise, or let me know what you're asking, and you should feel comfortable in doing that.

This is not a court proceeding, this is really a formal interview under

1  
2 oath that was started originally by  
3 Allied, and then when I realized that  
4 some of these topics were instrumental  
5 in the report I'm writing, I wanted to  
6 make sure I probed into other areas. So  
7 I probably would have gotten around to  
8 doing it anyway, because of open  
9 questions I have about certain things  
10 and that I'm going to write about, in  
11 an effort to get it all done at one  
12 time, and also serve Allied Waste's  
13 interest, that's why we are going about  
14 it this way.

15 Having said all of that, is there  
16 anything that I've said or anything that  
17 I haven't said or anything in your mind  
18 that you would like to raise a question  
19 about, that I can try to clarify, or any  
20 other people in the room can try to  
21 clarify?

22 MR. THOMAS: No, not offhand.

23 MR. MACK: You feel comfortable  
24 today in doing so?

25 I'm going to -- since it is

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

actually -- did you say you wanted to say something?

MR. BLOCH: I wanted to correct something. In the litany of people who --

MR. MACK: I mean, you represented all of those people.

MR. BLOCH: I represented all but Matt Hickey. I want to make that clear. Whether there's a conflict between Mr. Thomas and Mr. Hickey is of no moment to me.

MR. MACK: Okay. But as to the others?

MR. BLOCH: I've represented Mr. Cardillo and Mr. Lombardo and Mr. Marino.

R O B E R T T H O M A S, the witness herein, having been duly sworn by Stewart Nissenbaum, a Notary Public in and for the State of New York, was examined and testified as follows:

EXAMINATION BY

MR. BOXER:

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

Thomas

30

Q How old are you, Mr. Thomas?

A Thirty-nine.

Q How far did you get in school?

A High school.

Q Did you finish high school?

A Yes.

Q Where are you currently employed?

A Allied Waste.

Q Are you working for any  
subsidiary of Allied Waste, a company owned  
by Allied Waste?

A Yeah.

Q What's the name of that company?

A Hudson, Hudson Waste.

Q Hudson Waste. Are your pay  
checks from Hudson Waste or from Allied  
Waste?

A Allied Waste.

Q Where is Hudson Waste located?

A North State Road, Briarcliff  
Manor.

Q Is that the location where we are  
right now?

A Yes.

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

Q How long have you worked at Hudson Waste; since when, approximately?

A 3/'89.

Q March of '89?

A Yes, March.

Q What type of work do you do now for Hudson Waste?

A Roll-off driver.

Q Has that been your position since March of '89?

A No.

Q Why don't you just briefly describe for me, since you came to Hudson Waste in March of '89, the type of jobs you had?

A I started on the back, doing house, residential, house pickup.

Q When you say "started on the back," standing on the back of a truck?

A Yes.

Q One thing: Just so Mr. Nissenbaum could get everything down, I'm going to try not to interrupt you when you're giving an answer, and please try not to

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

Thomas

32

interrupt me. Usually, when two people speak, they are interrupting each other. Let me finish the questions and I'll try and let you finish the answers.

When you said "on the back," you mean standing on the back of a truck?

A Yes.

Q So why don't you continue? When you started in March of '89, you did what kind of work?

A On the back of a garbage truck, picking up household garbage. And then I went to drive the household route, and eventually I ended up on roll-off.

Q Approximately when did you start working on roll-off?

A Full-time or any time?

Q Start with any time.

A About a year or two after I started in '89. I don't know exact date.

Q When, approximately, did you work roll-off full-time?

A About four years ago from today.

Q Could you just generally describe

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

what a roll-off is? Just explain that.

A It is a truck that picks up containers from supermarkets or demolition jobs, you know, and stuff you get delivered to your driveway when you clean out your house.

Q Is it called "roll-off," is it fair to say, because the container rolls off the truck and then rolls back on the truck? Is that why it is called that?

A That's what I'm under impression it is.

Q Just to go back a second, prior to March of '89, where were you working before then, before you came to Hudson Waste?

A Marcus Dairy.

Q Did you work at any other garbage companies before coming to Hudson Waste?

A Yes, I did.

Q What companies were those?

A I worked for A-1 Compaction and AWD.

Q When did you work at those companies?

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

A A-1 was -- I left in October of '87, I believe, and I left AWD in October of '86.

Q Okay. Let's go back to when you began working roll-off full-time, which you said was about four years ago. Can you describe what your typical day would be like on that job? Did you work a shift, did you work a particular shift?

A We started at 5:30 in the morning.

Q When did you work until?

A Whenever the work was done.

Q It differed on different days?

A Yes. It could be eight hours, it could be ten-hour days.

Q You would go out on the truck and pick up the containers at different locations?

A Yes.

Q How would you know which locations to go to?

A Whatever the dispatcher gave you in the morning.

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

Q So each morning, the dispatcher would give you a list of pickups to go to?

A Yes.

Q Where would you take the pickups to?

A It depended on what the stop was, what was in the container, now, because it was different stuff, every stop was different.

Q How would you know where to take the different stops to? Who would tell you where to take the different stops to?

A The dispatcher, originally.

Q So the dispatcher tells you where to pick up, in the morning, and from those pickups, where those loads should be delivered; is that correct?

A Yes.

Q Who is your dispatcher right now? Who is the dispatcher right now?

A Joe Liguri.

Q Has Mr. Liguri been the dispatcher for a while?

A Yes, I believe so.

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

Q Do you recall who the dispatcher was before that?

A Yes.

Q Who was that?

A Tony Cardillo.

Q Was there a dispatcher before Mr. Cardillo?

A No, not for me there wasn't.

Q In the last four years, approximately four years since you have been doing roll-off full-time, the two principal dispatchers you've worked with are Mr. Cardillo and Mr. Liguri; is that fair to say?

A Yes.

Q Do you recall when it was, approximately, that Mr. Cardillo stopped being your dispatcher, and Mr. Liguri started being your dispatcher?

A At least a year ago, from like January. It started in the beginning of the year with Mr. Liguri being the dispatcher.

Q January 2002?

A 2001, I believe.

1

2

Q But you're not sure?

3

A No, I'm not sure.

4

Q That's important. If there's

5

something you're not sure about, you should

6

say so. I have a few more general questions

7

before we get to Englehardt.

8

Are there different kinds of

9

garbage that you pick up, or that basically

10

exists, that have descriptions for the types

11

of garbage?

12

A Yes.

13

Q What is your understanding today

14

of the different types of garbage that there

15

are?

16

A Well, demolition, regular trash,

17

and industrial waste.

18

Q Is there something that's also

19

called "hazardous waste"?

20

A I believes so.

21

Q Do you know what the difference

22

is between demolition trash and industrial

23

waste?

24

A Yes.

25

Q Can you describe that for me?

1

Thomas

38

2

A Demolition is like if they knock

3

a building down or if they're adding onto a

4

building, the scrap that comes out, whatever

5

is knocked down or whatever. Trash is stuff

6

like from the kitchen or supermarkets.

7

Industrial is stuff that's manufactured at a

8

site, to my understanding.

9

Q I asked you your present

10

understanding of the three categories of

11

waste. Have you, since you have been working

12

at Hudson, always had an understanding of a

13

category known as industrial waste?

14

A No, not always.

15

Q When was the first time that you

16

learned that there was such a thing as

17

industrial waste?

18

A Two years ago.

19

Q Is that an approximation or do

20

you recall? Let me put it this way: How was

21

it that you learned about industrial waste?

22

Do you recall?

23

A From Englehardt.

24

Q How did you learn about it from

25

Englehardt? Let me ask you that.

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

A I was doing Englehardt, one of the stops there, and I was told there was industrial waste and I couldn't bring it to that dump.

Q Okay. Why don't we turn to Englehardt. When did you first learn about Englehardt?

A I don't understand.

Q Englehardt was a customer of Hudson?

A Yes.

Q When was the first time you made a pickup at Englehardt; do you recall?

A No, I don't recall.

Q Where did you make pickups for Englehardt, was there one location or more than one location?

A It was more than one.

Q Can you tell me, do you recall the locations?

A Yes.

Q What were they?

A 1050 and 1057.

Q Are those addresses for streets?

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

Thomas

40

A Yes, I'm sorry. 1050 South --  
1050 Lower South Street -- sorry about  
that -- and 1057 Lower South Street.

Q Where are those streets?

A Peekskill.

Q Did you make any pickups from any  
other locations --

A Yes.

Q -- besides those you mentioned?

A Yes.

Q What other locations?

A Highland Avenue in Ossining.

Q Do you recall the address on  
Highland Avenue?

A No, I don't.

Q Does 217 North Highland Avenue  
sound right?

A Yes.

Q Any other locations for  
Englehardt?

A Not that I know of.

Q I may have asked you this and I  
apologize if I did: Do you recall when you  
first made a pickup at Englehardt,

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

approximately?

A I don't remember the exact date.

Q Do you remember the year?

A 1990 something. I don't remember the exact year.

Q Why don't we start with 1050 Lower South Street. What kind of pickups did you make at that location?

A Compactor.

Q Can you describe a compactor?

A It is a roll-off box that's enclosed, where they load from inside the building and they just mush everything into the box.

Q How does the box appear when you come to pick it up?

A Closed.

Q That was my question. It is closed on the top?

A Yes.

Q All around, it is closed?

A Yes.

Q How big of a compactor was it?

A I don't know.

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

Q How often would you make pickups from that location?

A I went there every day.

Q Did you make pickups every day?

A No.

Q Why was that?

A Sometimes they didn't need a pickup.

Q How would you know?

A You would have to go inside and ask the site manager.

Q That's because you couldn't see what was inside the compactor?

A Right.

Q And the site manager would tell you whether or not you needed to pick up what was in the compactor; is that correct?

A Yes; right.

Q How often, on your everyday visits, would you say -- did you actually pick something up; most of the time, some of the time, almost all the time?

A Most of the time.

Q Where would you take the pickups

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

from 1050 -- well, withdrawn -- I'll ask that question: Where would you take the pickups from 1050 Lower South Street; where did they go to?

A To Resco.

Q Where is Resco?

A Peekskill.

Q What is Resco?

A It is a dump site.

Q A transfer station?

A No. They burn the garbage to make energy out of it.

MR. BOXER: Can we just take a short recess?

(Pause.)

MR. BOXER: On the record.

Q Back to pickups at 1050 Lower South. Those went to Resco, and you described they burn garbage there; is that correct?

A Yes.

Q When you made the deliveries to Resco, would you see the garbage that was in the containers that you had taken over there?

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

A Yes.

Q Do you recall what that garbage looked like?

A Yes.

Q Can you describe that?

A Plastic film and hard plastic droppings.

Q What do you mean by "hard plastic droppings"?

A I believe what they made the plastic film out of hardens up when not being used, or scraps, or whatever it is.

Q Could you describe what it appeared like?

A It looked like a big plastic blob, to be plain and simple.

MR. BLOCH: Walter, did you bring your exhibits?

MR. MACK: I didn't, but I think your client has described the material with great accuracy.

MR. BLOCH: I would tend to agree.

Q Was there anything else in the

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

containers, other than what you just described, from 1050 Lower South Street?

A Maybe a couple of bags of garbage, a couple of pallets, something else.

Q The bags of garbage and pallets, was this regularly in the containers or was that a once in a while type of thing?

A I guess regularly, because mainly I just seen the plastic stuff. The pallets we put in every now and then to push all the garbage in.

Q With the pickups at 1050 Lower South Street, did any of the containers ever spill or break out during the course of you driving them from Lower South Street to Resco?

A No.

Q Would you mix any other pickups, would you drop any other pickups into that container from Lower South Street, 1050 Lower South Street, before you would drop it off at Resco?

A You would go straight from there.

Q So you would go straight from

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

1050 Lower South Street with the container,  
directly to Resco?

A Yes.

Q Were all the pickups from  
1050 Lower South Street delivered to Resco?

MR. BLOCH: At the beginning when  
you were doing it full-time, it was  
always going to Resco?

THE WITNESS: Yes.

MR. BLOCH: Did there come a time  
when you stopped going to Resco?

THE WITNESS: Yes.

Q Why did you stop going to Resco?

A Because I was thrown out of Resco  
with the box. People at Resco said I can't  
take this no more.

Q Did they say why?

A They didn't tell me why.

Q Do you recall when that was?

A No.

Q Do you recall approximately how  
many loads you had taken into Resco at that  
point in time?

A No.

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

Q When you were told you can't take these loads into Resco anymore, what did you do?

A Called my dispatcher.

Q Who was that?

A Tony Cardillo.

Q You told Mr. Cardillo what you had been told?

A Yes.

Q What did he tell you to do?

A He told me to --

THE WITNESS: Could I speak --

MR. BOXER: Do you want to speak to Mr. Bloch?

THE WITNESS: Yes.

MR. BOXER: Why don't we take a short break.

(Whereupon, Mr. Bloch and the witness left the deposition room, then returned.)

MR. BLOCH: Back on the record.

Mr. Thomas wanted to correct an answer he gave a few minutes ago, so that he just wanted to stop before we

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

Thomas

48

got too much further.

Q Correct whatever you need to correct.

A You asked me why Resco told me I couldn't bring the 1050 there no more.

Q Right.

A The operator at Resco said I can't bring the hard plastic to Resco anymore because it was messing up the machines or something in Resco.

Q That's the correction, when you said he didn't say why?

A Right.

MR. BLOCH: It might be easier if Mr. Thomas, from this point, tells you what happened vis-a-vis the pickups from 1050.

MR. BOXER: That's fine.

Q I think where we left off, Mr. Cardillo told you something, so why don't you tell us what he told you and what happened after that?

A Okay. He told me to dump the hard plastic in the pit at Resco as often as

2

I can, because they wouldn't be able to see it; the pit drops in a big hole and they can't see what goes in the hole. Then, eventually, I got thrown out of Resco all together, with 1050.

3

4

5

6

7

8

9

10

11

12

Q I'm sorry to interrupt you, but Mr. Cardillo telling you to drop the hard plastic in the pit, did that happen before what you had previously described, that you were kicked out of Resco? I just want to get it in the right order.

13

14

15

A I'm sorry. That happened after they told me I can't bring the hard plastic to Resco.

16

17

18

19

Q So then continue. I wasn't sure. They told you not to bring the hard plastic to Resco. Mr. Cardillo tells you to bring it anyway, but drop it in the pit?

20

21

22

A Right.

Q What happened after he told you to do that?

23

24

25

A I did that for a while, and then I finally got thrown out of Resco with 1050 all together. Then they told me to take it

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

to Bria.

Q Hold on.

A Sorry.

Q I'm going to interrupt a little bit here and there.

How long did it go on where you were dropping the hard plastic in the pit?

A I don't recall exactly how long. Maybe a month.

Q Were you doing something with the balance of the container, something different with whatever else was in the 1050 container?

A No, everything came out in one shot.

Q So instead of -- so for that approximately month or whatever it was, you would take the whole container and drop it in the pit?

A Yes.

Q As opposed to before, it was going to the part where it was burned in the facility?

A It would be dumped on the floor, it would be dumped on the floor and then they

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

seen what came out of the container, compared to if I put it in the pit, they didn't see what went in there.

Q So I understand: Why would some things go on the floor and some things go in the pit; would it be up to the driver to decide?

A Yeah, more or less.

Q Why would some things go on the floor and some go in the pit?

A In the point in time, you're trying to hide stuff, trying to keep the slop and all that junk off the floor. If you just dump it on the floor, it doesn't really matter, if it's dry or anything like that.

Q The pit in Resco, that was a place where Resco accepted waste?

A Yes. Everything ended up in the pit in the long run, just sometimes you made the step a little easier for the operator.

Q They saw you were doing that --

A Yes.

Q -- at Resco?

A Yes.

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

Q Let's go back to the narrative.  
You eventually are thrown out all together,  
from Resco?

A Yes.

Q With the 1050 loads; correct?

A Yes.

Q Who do you call when you're told  
you're thrown out all together?

A Tony Cardillo.

Q What did Mr. Cardillo tell you to  
do at that point?

A He told me to bring it to Bria.  
This would be like the following pickup, you  
know, it wasn't -- I wasn't thrown out with a  
load on the truck.

Q They took the last load?

A Yes.

Q Mr. Cardillo told you to go to  
Bria?

A Yes.

Q How do you spell that?

A B-r-i-a.

Q Where is that?

A Up in Somers.

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

Q After Mr. Cardillo told you to do that, what happened?

A Whatever I had to -- whenever I had to do 1050, I would bring it to Bria, and that went on for a while, and then Bria said no more.

Q Did they say why?

A No, I didn't hear the reason why.

Q How long is "a while," do you think, how long did it go on at Bria?

A A couple of months, I would imagine. I don't recall the exact amount of time.

Q They said no more, you didn't hear the reason. What were you told to do next?

A To try and get it back into Resco.

Q Who told you that?

A I believe Mr. Cardillo.

Q What happened?

A They took it for a little while, and then finally they stopped me all together with a load on the truck.

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

Q Do you recall when that was?

A No.

Q What did you do?

A I called dispatch and one of the managers came up to Resco that day, I had to wait, I had the truck loaded and everything, and they worked out a plan or something.

Q Who was the manager?

A Aaron Deems.

Q Did Aaron Deems speak to somebody?

A Yes.

Q Do you know who he spoke to?

A Yes.

Q You saw him arrive at Resco?

A Yes.

Q Did he come and speak to you, Mr. Deems?

A Yes.

Q What did he tell you?

A He told me, "Dump this one." I didn't know anything after that. He said that's it, because I believe he went up into the office and spoke to people in the office

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

at Resco.

Q You weren't present for any  
conversations he had?

A No.

Q You dumped that load at Resco?

A Yes.

Q What happened after that?

A I was told to bring it to Metro  
Enviro.

Q Who told you that?

A Tony Cardillo.

Q Do you have any idea when that  
was, when you first started going to Metro  
Enviro?

A No, I don't recall the date.

Q Did you start bringing the 1050  
loads to Metro Enviro?

A Yes.

Q How long did that last for?

A About a month, I believe, or so.

Q What happened at Metro Enviro?

A I don't understand.

Q Why did it only last about the  
month at Metro Enviro?

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

A Because I was told that it was  
messing up their machinery.

Q Who told you that?

A The site manager.

Q Do you recall the site manager's  
name?

A Charlie Marino.

Q Mr. Marino told you that it was  
messing up --

A -- his machinery.

Q Did he say anything about any  
future loads at that point?

A Not to me, no.

Q What happened, describe what  
happened.

A I went, dumped it there for a  
while, and next thing I know, I can't dump at  
Metro Enviro no more.

Q Who told you you can't dump it  
there anymore?

A I believe Tony Cardillo.

Q Did Tony Cardillo tell you you  
can't dump it there anymore at the same time  
Mr. Marino was telling you it was messing up

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

his machines? Did that happen around the same time?

A I believe so.

Q Mr. Cardillo tells you you can't take the 1050 loads to Metro anymore; right?

A Yes.

Q Where does he tell you to take the loads to, at that point?

A NYCON.

Q Where is NYCON?

A Mount Kisco.

Q Did you take the 1050 loads to NYCON at that point?

A Yes.

Q How long did that last for?

A About a year, I believe.

Q Why did it stop?

A We lost the account.

Q How did you find out you lost the account?

A I was told not to go there no more, and somebody pulled the container.

Q Just to ask maybe something I should have asked in the beginning: After

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

you dumped these loads at the various sites you described, did you then take the empty container back to 1050?

A Yes.

Q Lower South Street?

A Yes.

Q So it was the same container going back and forth each time from 1050?

A Yes.

Q So when you described before how it was closed and you had to go inside to check, whether you actually had to move it, that's the way that container was throughout the period you services the account at 1050 Lower South Street?

A Yes.

Q Let's talk a little bit about 1057 Lower South Street.

MR. BLOCH: Before we go there, could we have just a minute?

MR. BOXER: Sure.

(Whereupon, Mr. Bloch and the witness left the deposition room, then returned.)

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

MR. BLOCH: Back on the record.

I didn't want to wait until a break, because we'll lose the continuity of the story. Mr. Thomas has to fill in a piece, going to the beginning of when he went to Metro.

Q Go ahead.

A The first time I went to Metro, Mr. Marino questioned me, because it was a closed box that never goes there, to Metro Enviro. He had to make a phone call to find out if I could dump it. And I waited while he made the phone call, and then he comes out and said, "Go ahead and dump it." That's when I went to -- the whole month or whatever at Metro Enviro, dumping loads.

Q The first time you went to Metro, did Mr. Marino come down to the tipping floor to see what was in the box?

A Yes.

Q He made a phone call then?

A He made a phone call first, before I dumped anything.

Q Did he ask you what was inside

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

the box?

A Yes.

Q What did you tell him?

A I told him, you know, it was the hard plastic and the plastic film stuff.

Q And then he made a phone call?

A Yeah, at the scale house, before I dumped the load.

Q Did he tell you who he spoke to?

A No.

Q Is there anything else about Metro you want to add to what you previously testified to?

A No.

Q 1057 Lower South Street, what were the pickups like there? Could you describe what you picked up at that location?

A It was an open box, and to my recollection -- to my knowledge, it was just all garbage, like barrels, garbage bags, cardboard barrels, garbage bags.

Q What do you mean by "cardboard barrels"?

A Like a round barrel, like a

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

55-gallon barrel made of that hard cardboard stuff.

Q How big was the box?

A Thirty yards.

Q How often did you go to that location for a pickup?

A Three times a week.

Q I assume, unlike the 1050 location, you could look in the box and see whether you had to take it anywhere; you didn't have to go ask anybody, correct?

A No.

Q For that box, would you also roll the whole box onto the truck or would you collect the garbage in some other way?

A No, the whole box went on the truck.

Q Then it could get delivered to another location?

A Yes.

Q During the course of the deliveries from 1057 Lower South Street, were any other pickups mixed in with the box?

A No.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q When it was transported from --  
when it was taken from 1057 Lower South  
Street, was it covered in any way, the box,  
while you were driving?

A Yes.

Q Could you describe how it was  
covered?

A Tarp on top of it, strapped down  
so nothing blows out.

Q Did anything ever fall out from  
any of those loads?

A Not that I could recall.

Q Where were the 1057 pickups taken  
to?

A Resco.

MR. BLOCH: Initially?

MR. BOXER: At first.

Q The first time, when you first  
started picking up at 1057, where did you  
take the loads to?

A Resco.

Q Do you recall when that was?

A No. It was springtime. I don't  
recall the year.

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

Q How long did the loads go to Resco for?

A I don't recall the exact amount, length the time.

Q Did there ever come a time where it stopped going to Resco and started going somewhere else?

A Yes.

Q Can you describe what happened, why the location changed?

A Because I was told that it was industrial waste and it couldn't go to Resco, because they don't accept industrial waste.

Q Who told you that?

A Tony Cardillo.

Q He used the expression "industrial waste"?

A Yes, I believe so.

Q Do you recall when he told you that?

A No.

Q When you testified earlier that you -- there came time when you came to learn the phrase "industrial waste" described a

1  
2 certain category of garbage, was this what  
3 you just described when Mr. Cardillo told you  
4 it was industrial waste; was that the first  
5 time that you ever learned that there was  
6 such a thing as industrial waste?

7 A When he told me that?

8 Q Yes.

9 A Yes.

10 Q That's when you first heard that  
11 category of garbage for the first time; is  
12 that correct?

13 A Yes.

14 Q So Mr. Cardillo tells you that  
15 you can't take the 1057 load to Resco any  
16 longer. Where does he tell you to take it  
17 then?

18 A NYCON.

19 Q Did you take it to NYCON?

20 A Yes.

21 Q How long did you take it to NYCON  
22 for?

23 A Until the end of the term --  
24 until we lost the account.

25 Q Do you recall when it was? I

1  
2 probably asked you this, but do you recall  
3 when it was that the loads started going to  
4 NYCON instead of going to Resco?

5 A Not offhand.

6 Q Just so I'm clear, Mr. Cardillo  
7 used the -- told you that the 1057 loads were  
8 industrial waste and that's why they couldn't  
9 go to Resco; is that right?

10 A Yes.

11 Q He never described the 1050 loads  
12 as industrial waste to you; is that correct?

13 A Yes, he never described that as  
14 industrial waste to me.

15 Q The 1050 loads?

16 A 1050.

17 Q It was just the 1057?

18 A Right.

19 Q You mentioned there were also  
20 some pickups on Highland Avenue in Ossining.  
21 How often did you go to that location?

22 A Not often. It was like on call.

23 Q What's "not often"? I mean,  
24 approximately.

25 A Maybe three times, four times a

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

year.

Q What kind of containers did they have at North Highland?

A A thirty yard.

Q Was it open?

A Yes.

Q What kind of garbage was in that container?

A Furniture; you know, office equipment.

Q Anything else?

A Maybe a couple of bags of garbage.

Q Where were you instructed to take the container from North Highland Avenue to?

A Metro.

Q Did it always go to Metro or did it change locations, as well, where that container went to?

A No, 99 percent of the time it went to Metro. If it was more garbage, they would take it to Resco, because it was just like garbage.

Q Who would make that decision?

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

A The driver. I would, basically.

Q If you looked at the container on North Highland and it looked more like packs of garbage than anything, you would take it to Resco?

A Yes.

Q But if it was furniture, office equipment, things like that, you took it to Metro Enviro?

A Yes.

Q And 99 percent of the time you were taking it to Metro Enviro?

A Yes.

Q These containers were also covered in the manner you described for the 1057?

A Yes.

Q Do you recall if there were any spills or any garbage ran out from Highland Avenue?

A No.

Q There were no other Englehardt locations you have picked up, other than the three you described; is that right?

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

A Not that I can think of, no.

Q Did there ever come a time when you were making a pickup from Englehardt where your truck and you were followed by somebody?

A Yes.

Q Do you recall when that happened?

A Sometime in the fall. I don't know what year it was.

Q You just remember it being in the fall?

A Yes.

Q Where had you picked up a load from?

A 1057.

Q Could you describe what happened?

A I picked the load up, took it to Resco, dumped it, pulled to the side of the road, had lunch, and somebody came up behind me and asked me where the box came from and where I dumped it at.

Q Do you recall who that person was?

A I don't know.

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

Q Did you answer the questions?

A Yes.

Q Did you answer them truthfully?

Did you tell the person what happened?

A Yes.

Q Was it a man or a woman?

A It was a man.

Q What did the man say?

A He asked me if I dumped that --  
Englehardt's box at Resco, and I told him  
yeah, and he goes, "It's not supposed to go  
there." I said, "Well, I'm only doing what  
I'm told to do. If you have a problem, call  
the number on the truck and speak to the  
manager."

Q What happened after that?

A I guess he called the number on  
the truck.

Q Why, did someone call you?

A Yes, the dispatcher called me  
back.

Q Who was the dispatcher that  
called you?

A Tony.

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

Q Cardillo?

A Yes.

Q What did Mr. Cardillo tell you?

A He told me -- he wanted to know how come the guy asked me the questions, and how come I told him. I said, "I'm right here, what am I supposed to do?"

Q Did Mr. Cardillo tell you anything else?

A No, not that day.

Q So the next day when you made a pickup at 1057, did you take it to Resco again?

A I don't recall.

Q When you say "not that day," did there come another day where Mr. Cardillo gave you some instructions about the pickups at 1057?

A After?

Q After you spoke to the man that followed you?

A We ended up having to take it to NYCON.

Q This fits into the testimony you

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

described earlier about 1057, when the deliveries changed from Resco to NYCON; is that correct?

MR. BOXER: Withdrawn. That's a poor question.

Q So right before the deliveries went from going to Resco to going to NYCON, you had this incident where you were followed by this person; is that the timing of it?

MR. MACK: Do you understand the question?

THE WITNESS: I'm confused.

Q How long from the time this person followed you, approximately, until you were told to not take it to Resco, but to take it to NYCON?

A I don't know exact time.

Q Do you think it was days, weeks, months; do you have any recollection?

A Maybe, at the most, two weeks, at the most.

Q When you spoke to Mr. Cardillo, did he give you any instructions about whether you were asked in the future by

1

Thomas

72

2

anyone about where the loads were going or  
3 coming from or anything like that?

4

A When he --

5

Q You testified that Mr. Cardillo

6

asked you why did you tell this person the

7

truth?

8

A Right.

9

Q After you had that conversation

10

with Mr. Cardillo, did Mr. Cardillo tell you

11

or give you any instructions about answering

12

questions from anybody in the future who

13

might ask you where the loads were coming

14

from or going to?

15

A Yes.

16

Q When was that, do you recall?

17

A In the beginning, when we first

18

got 1057.

19

Q Okay. What did Mr. Cardillo tell

20

you in the beginning?

21

A He told us to take it -- tell

22

anybody that asks you, that we are taking it

23

to our own facility.

24

Q That's when you made the first --

25

around the time you made the first pickups at

1

2

1057?

3

A Yes.

4

Q Did he tell you why you should

5

tell anybody that?

6

A No.

7

Q Did you ever tell anybody that

8

you were taking it to our own facility?

9

A Yes.

10

Q Who did you tell that to?

11

A One of the workers. I don't know

12

who or what he was.

13

Q Workers where?

14

A At 1057.

15

Q Did that happen on one occasion

16

or more than one occasion?

17

A One, that I know of.

18

Q Was that in the beginning of the

19

pickups?

20

A Yes.

21

Q And this particular worker asked

22

you where the loads were going?

23

A Yes.

24

Q And you told the person it was

25

going to "our own facility"?

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

A Yes.

Q Because that's what Mr. Cardillo instructed you to say to the person?

A Yes.

Q Is that correct?

A Yes.

Q Did you report back to Mr. Cardillo that this person at Englehardt had asked you that question?

A In the beginning?

Q Yes.

A Yes.

Q And you told him what you told the worker, you told Mr. Cardillo what you told this worker?

A Yes.

MR. BLOCH: Can I just interrupt for a second?

MR. BOXER: Sure.

MR. BLOCH: At that time, was Hudson owned by Allied?

THE WITNESS: In the beginning?

MR. BLOCH: Yes.

THE WITNESS: I think they were

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

transferring. It was towards the beginning. I don't know if they actually owned it yet, but it was pretty close, I think.

Q Do you recall when Hudson became owned by Allied, was owned by Allied?

A 1999, I believe.

Q Other than the incident you just described in the beginning of pickups, with this worker at 1057, were there any other times where you told anybody that: We were taking it to our own facility?

A Not that I could recall.

Q Now, after you told Mr. Cardillo that you told the person who followed you that you had actually taken it to Resco, did Mr. Cardillo give you any other instructions about what you should be telling people if they ask any questions?

A Just to call the office if they have any questions.

Q Going back to the 1050 loads, eventually, those you described, the end of the story, so to speak, are going to NYCON?

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

A Yes.

Q And that was after Charlie Marino complained about what the loads were doing to the equipment at Metro Enviro; right?

A Yes.

Q Do you recall, once those loads were going to NYCON, were there ever any occasions where the loads went back to Metro Enviro or any other facility, other than NYCON?

A Not to my knowledge.

Q You only recall -- once they started going to NYCON, you only recall transporting them to NYCON?

A Yes.

Q The 1057 loads, do you recall any of those loads ever going to Metro Enviro?

A No, I don't recall that.

Q Do you recall them going anyplace other than Resco or NYCON?

A No.

Q Were there any other drivers who made pickups at 1050 or 1057, other than you?

A Yeah, there was.

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

Q Would it be fair to say you were the regular person who picked up from those locations?

A Yes.

MR. BOXER: I just need a second.

MR. MACK: Take your time.

(Pause.)

Q When the dispatcher -- let's stick with Mr. Cardillo -- when he told you, as you've described, where to take the different loads to, did he ever tell you who was giving him any instructions as to where the loads were going, should be going?

A No.

Q In other words, did Mr. Cardillo ever tell you that: John Doe told me it's going to -- send it to NYCON or anything like that?

A No.

Q He would just tell you where to take it?

A Yes.

Q I think I started asking about this in the beginning, but I just want to

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

come back to it a little bit. Do you know what hazardous waste is?

A No.

Q Do you have any sense or idea of what hazardous waste is?

A Yeah.

Q What is that?

A Like chemicals and stuff like that. You see those triangle things on the containers.

Q For any of the pickups you had at Englehardt, either at 1050 or 1057 or Highland Avenue, did any of the containers have that triangle symbol you just described, indicating that it was hazardous waste?

A Not that I seen.

Q Was there anything about any of the pickups from Englehardt that made you think it might be hazardous waste?

A Not to my knowledge.

MR. BOXER: I don't have any more questions, Walter. I don't know what the normal protocol is, but I guess I would, as they say in the Court of

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

Appeals, reserve my right to ask any further questions as this deposition goes on, but I very well may not have any more questions. I'll turn it over to you.

MR. MACK: I would say that we've had a practice of giving virtually anybody an opportunity to ask questions as long as they don't interrupt the other person in the process of doing so, so you shouldn't be concerned that you will be prohibited and dragged off with a gag order.

MR. BOXER: I appreciate that.

MR. MACK: Stew, would you like to take a short break?

THE REPORTER: Yes, please.

(Short recess taken.)

MR. MACK: On the record.

EXAMINATION BY

MR. MACK:

Q I'm going to pick up and try not to ask the same questions, but I will cover some topics that are similar.

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

Thomas

80

Should I call you Robert, Bob or Mr. Thomas? What do you prefer?

A Bob is good.

Q I'm not going over all the warnings and everything else, but, obviously, if my questions aren't clear or you have something you want to bring up, please do so?

A Okay.

Q Prior to your appearance here today, did anyone tell you what they thought would be the topics and the questions that were asked, in other words, to practice about what would happen today?

MR. BLOCH: Excluding privileged conversations?

Q I'm not asking for the conversation, I just asked did you have any meetings with anyone to discuss. I'm not asking what the content was yet.

MR. BOXER: There's a difference between did you have a meeting or did you have a meeting to discuss. Start with did you ever have a meeting.

MR. MACK: He could have met with

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

anybody.

Q Did you have any meetings, prior to your appearance today, in which the topics of conversation concerned what would happen here today?

MR. BLOCH: Excluding the one we had last week.

Q Yes, excluding one in which you said you would like to have Counsel and basically we went through the process of finding Counsel for you. Have you had any meetings in which the topics or the subjects --

A Provided what I spoke to Mr. Bloch about?

Q I'm not going to ask you any conversations you had directly with Mr. Bloch, what the content was. Did you meet with Mr. Bloch in order to discuss what would happen here today, just meet?

A I'm totally confused.

Q It is not as hard as it sounds.

MR. BLOCH: You've asked it several different ways. The answer is,

1

2

Mr. Thomas and I have met before today.

3

Q Do you recall how many times?

4

A Twice.

5

6

Q And did you meet and was the topic of conversation what types of questions and what would be the subject matter of the questions today?

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. BLOCH: Hold on. I'm going to invoke the privilege at this point. You can't pick and choose. We met in order to prepare for today's appearance.

MR. MACK: I'll accept that. That was another way -- it's a lot more neutral a way. I'm not going into what was discussed and what was not discussed.

Q Was anyone else present during those conversations, at all, besides Mr. Bloch?

A No.

Q Did Mr. Bloch, in the course of his interactions, indicate that there would be some subjects discussed whereas others would not be discussed?

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. BLOCH: I'm going to invoke privilege on that. That really -- the reason is not necessarily -- you're asking what was or what was not discussed. You don't play twenty questions with privileged conversations.

MR. MACK: I'll ask it another way.

Q When you came here today, did you have an idea of what questions you would be asked about, and had you given some thought to specific areas of what you were likely to be asked about?

MR. BLOCH: Yes or no.

A Yes.

Q Is the only person that you talked to or with about what was happening today, Mr. Bloch?

A Yes.

Q And do you have any reason to believe that the questions you were asked here today by Mr. Boxer, were questions that Mr. Bloch had said would be asked of you?

MR. BLOCH: I'm evoking the

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

privilege. It's privileged.

Q Did you have any preview of what questions you would be asked to --

MR. BLOCH: Again, privileged.

MR. MACK: Not necessarily.

MR. BLOCH: If you say apart from me, that's fine.

MR. MACK: All right. \*\*\* You're not going to tell me whether Mr. Boxer and you had a conversation about what the questions would be?

MR. BLOCH: That's correct.

MR. MACK: Do you want to make a representation about that?

MR. BOXER: No.

MR. MACK: I'm going to infer that there was such a conversation in terms of knowing what the questions were, unless somebody wants to say they weren't.

MR. BOXER: I don't think there's a valid basis for that inference.

MR. MACK: You can say there wasn't any such conversation or there

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

was. I'm telling you that if, in fact, in terms of the questions you asked today, the first time you heard what those questions were, were in this room.

MR. BOXER: You're asking him basically -- he has only had meetings with Mr. Bloch and you're asking him to relay the substance of those meetings. I don't see how that's not a privileged conversation which, if he answers it, anything Norman has told him is waived from now to forever.

I don't think anything insidious happened here. I never met with him other than the time you were present. The time we were present initially, I told Mr. Thomas I wanted to ask about Englehardt, that was the purpose.

The inference you're trying to draw is that something improper happened here, and I don't think there's a basis for that.

MR. MACK: No. I'm very concerned about Allied paying the fees

1  
2 of Counsel, that they are also telling  
3 Counsel exactly what questions are going  
4 to be asked of them at the same time.

5 So, I mean, my feeling is that by  
6 simply -- I mean, there could very well  
7 be a question, in terms of conflict, if,  
8 in fact, not only is Allied paying the  
9 fees, but they are also, in a sense, by  
10 utilizing Counsel who they pay, saying  
11 to Counsel: Hey, this is the question,  
12 this is the subject matter and this is  
13 what I'm going to ask, this is what I  
14 will want to be prepared about, whether  
15 that's occurred or not.

16 MR. BOXER: Is there anything  
17 about Mr. Thomas' testimony so far that  
18 gives you the slightest hint that  
19 anything improper in terms of his  
20 preparation went on today? Was there  
21 anything about what he said, some of  
22 which I'm sure you will draw inferences  
23 that are not necessarily favorable to  
24 certain corporate entities, is there  
25 anything that he said that gives you, as

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

the Monitor, any qualms as to the integrity of his testimony today?

MR. MACK: I'm not going to answer the question. It is not a question of improper, it is just a question that I have always been concerned about, whenever a corporation is paying the legal fees of the same lawyer that represents virtually every single person, that, basically, the preparation is precisely as if the attorney for Allied were preparing it.

You can stand on the privilege. I can only stand on the inference that Allied, by paying the lawyer, by talking to the lawyer, and is, in essence, preparing the witness for the question.

MR. BOXER: I'm stating for the record not only is there no basis in fact for that inference, there is no basis to draw that inference from the testimony here today.

I think we should ask questions, and get answers. If you want to draw

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

inferences, we'll meet those inferences at the appropriate time.

THE WITNESS: What does "inference" mean?

MR. MACK: In other words, drawing some type of conclusion. I've always been concerned that when a corporation pays for the same lawyer that represents every witness, that, in fact, that's a way of manipulating information flow, and there's always been that concern. If this were a Grand Jury proceeding, there probably would have been -- I certainly would have, in my former life, moved for some kind of evaluation whether that could proceed.

MR. BLOCH: And case law would have been clear --

MR. MACK: It is not clear.

MR. BLOCH: Let me just -- to the extent that I don't care, frankly, what inferences you draw vis-a-vis the company, and as far as the appropriate discharge of my ethical obligations, I'm

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

satisfied that I've complied with all of the relevant disciplinary rules; and your concerns may be concerns on your part, but they don't go anywhere with me as far as the discharge of my professional, ethical obligations.

MR. MACK: I don't think that's the issue. I'm not raising the issue about your ethics, I'm raising the question as to whether there's a preview and whether or not there should be an inference that this is the first time the questions have been asked, and if there is, prior to questioning, about what the questions would be.

Whatever inference I draw, I wouldn't draw against you, because that would make it easier for your client. The inference I draw is against Allied.

MR. BLOCH: That's between you and Mr. Boxer. My point is, frankly, Walter, what inferences you draw about me are not relevant. What is of concern to me is any inferences being drawn

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

about his testimony and truthfulness.

MR. MACK: I just want to make certain that when the reader of this transcript basically looks at it, I will have expressed at least my concern that, in fact, Mr. Thomas may have known some of the questions he was asked beforehand, and given thought to, because I'm going to ask some follow-up questions now.

MR. BOXER: Walter, just so we are clear on the record: We didn't have a reporter here the first time Mr. Thomas was present without Mr. Bloch, but I have a vivid recollection of Mr. Thomas asking you and I if he needed counsel. I made clear the purpose of calling him in for an interview was to ask him about Englehardt and the pickups. That happened in your presence.

MR. MACK: The question is whether Mr. Thomas is thinking about this subject mater for the first time,

1  
2 which could be an inference: Hey, I'm  
3 just coming in here asking some  
4 questions, what about this or that, or  
5 there was a preview of what the  
6 questions would be beforehand. I'm  
7 drawing whatever inferences I need to  
8 draw from the record. That's why we  
9 have the record.

10 MR. BOXER: Okay.

11 Q In the course of your preparation  
12 today, Robert, were you shown any records of  
13 any kind, that are Allied records of your  
14 work for Allied, on the subject matter of  
15 Englehardt?

16 A No.

17 Q Was there any effort to show you  
18 when you went to Metro the first time, the  
19 records that Allied Waste keeps of each one  
20 of your visits?

21 MR. BLOCH: Are you asking by me  
22 or by other than me?

23 MR. MACK: By anyone.

24 MR. BLOCH: Whatever I did or  
25 didn't do is privileged.

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

MR. MACK: I can't ask him if he saw records? Give me a break. It has nothing to do with privilege. I'm not asking who showed it to him.

Q Did you look at any records before you came here today, in order to assist your recollection?

A No.

Q Don't be concerned that I raise my voice with the attorneys. I always raise my voice with the attorneys, I'm not taking that out on you, because a lot of this stuff is technical and there are records that I have to deal with, and I want to make sure the lawyers are awake. Just because I raise my voice doesn't mean I'm upset about anything you've said or done, and I'm not accusing you, by raising my voice, of any impropriety in terms of asking you questions. Keep that in context.

A Okay.

Q Have you, yourself -- and Mr. Boxer asked you several questions about when you knew what industrial waste was and

1  
2 how you -- and I'm going to leave some of  
3 that on the record, but have you ever  
4 received any formal training in which you  
5 were shown documents or slides or had someone  
6 speak to you about the differences between  
7 industrial waste and hazardous waste and the  
8 various different categories of waste?

9 A No.

10 Q Did you ever go to any training  
11 in which personnel from Allied Waste  
12 explained some of the means and methods of  
13 telling the difference between various  
14 categories of waste?

15 A No.

16 Q Were you aware that any such  
17 training ever occurred and was available to  
18 Allied Waste employees working at Briarcliff  
19 Manor?

20 A No.

21 Q Were you ever sent a notice or  
22 invited to attend any training that dealt  
23 with various categories of waste and how to  
24 tell the difference and how to get help in  
25 determining what the differences are?

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

A No.

Q Now, have you ever heard of a document called the "Corporate Compliance Plan"?

A Yes.

Q Do you remember, when was the first time that that became known to you, or you became aware of such a document?

A No, I can't recall it.

Q Do you recall the circumstances of the first time you heard about the Corporate Compliance Plan?

A I didn't hear that.

Q Again, there are no trick questions. I don't intend to ask anything -- when I say the "Corporate Compliance Plan," do you have an image in your mind of what I'm talking about?

A Yes.

Q What is that image, as best you can describe it?

A A bunch of papers with all kinds of rules and regulations on it.

Q Do you remember, if you can, when

1  
2 you first became aware that there was such a  
3 piece of paper with all kinds of rules and  
4 regulations on it?

5 A No.

6 Q Did you have the misfortune of  
7 being in the audience on a very early morning  
8 in which I and several other people came to  
9 talk about the compliance plan? Do you  
10 remember such a thing?

11 A Yes.

12 Q Is that the first occasion, or  
13 did you know about it beforehand?

14 A I can't recall.

15 Q Did you ever read the Corporate  
16 Compliance Plan?

17 A I looked through it.

18 Q Did anyone, that you can  
19 remember, who was a manager or even another  
20 employee of Allied Waste, other than the day  
21 that I came here, talk to you about the  
22 meaning and significance of anything in the  
23 compliance plan?

24 A No.

25 Q Did you ever have any discussions

1  
2 in which Matt Hickey was present, in  
3 discussing any of the subject matter dealing  
4 with Englehardt that we've talked about  
5 today?

6 A No.

7 Q Did Matt Hickey ever talk to you,  
8 or in your presence, about any matters  
9 concerning the Englehardt Corporation?

10 A No.

11 Q In all the conversations and the  
12 things that you have talked about so far  
13 today, that concern Englehardt, did anyone  
14 ever say to you, or say in your presence,  
15 that's what Matt wants or this is something  
16 that Matt Hickey said had to be done?

17 A No.

18 Q Who was Matt Hickey?

19 A He was -- in Allied's eye?

20 Q In your eye. I'm interested in  
21 your view. I know Allied's view.

22 A He was the brother of the  
23 original owner of Valley Carting, Hudson,  
24 whatever.

25 Q Did he, to your knowledge, have

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

any function to perform on behalf of Allied Waste?

A My impression was general manager.

Q Did he ever give you an order or direct your employment, as far as you can remember?

A No.

Q Can you tell me, from your own personal knowledge, about any functions that Matt Hickey performed that affected you?

A Not that I can recall.

Q I'm going to do my best to try to avoid asking the same questions that you have already been asked, but there is going to be some overlap here, so it is not that I've forgotten the wisdom Mr. Boxer brought to us today, but there are things that I need to explore in a little greater detail than he asked you.

A Okay.

Q Before we get there, if I talk to you about something called false walls in compactors, would you know what I'm talking

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

about?

A Yes.

Q What's your understanding of that subject?

A They just put a wall to make the box shorter than what it actually was.

Q So that it actually would be able to contain less material than the full size of the box; would that be fair?

A Yes.

Q Did you, yourself, have any personal knowledge about putting in false walls in compactors? Did you have any knowledge about false walls?

A As in making them or --

Q Any topic; making them, using them, talking about them. You tell me.

A I've seen them out there.

Q Just tell me what you mean by that, when you say you've seen them out there.

A There's been stops that I have done that they were at.

Q Can you tell me about those

1

Thomas

99

2

stops? Give me a little bit more detail so that I know what your knowledge is.

3

4

A I go to the stop, dump it, I notice it, and I bring the box back.

5

6

Q My question: Do you know how those false walls came to be in those boxes?

7

8

A No.

9

Q How many boxes would you say, different boxes, at one time, to your knowledge, had false walls?

10

11

12

A All together?

13

Q Yes.

14

15

A To my knowledge, about six, I believe.

16

17

18

19

Q I do want to ask you what you can tell me about those six. Can you tell me where they were or what stops they were at, as far as your personal knowledge?

20

21

22

A I knew of Burlington Coat Factory, Paco Rabon, it is called Puig, P-u-i-g, I think they spell it.

23

Q These are all compactors?

24

25

A Yes, compactors. Toys "R" Us. I can't recall the rest of them.

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

Q You believe there were approximately three more, to your knowledge?

A Yeah, to my knowledge.

Q Were these boxes that you, yourself, pulled as a roll-off operator?

A Occasionally.

Q Did you ever discuss, with any other manager, about why there's a false wall, for instance, in a box that you're pulling, did you ever discuss that with any of the bosses or people that you work with?

A No.

Q Why didn't you?

A Just never asked.

Q I mean, wouldn't there be a concern that at least that customer might be paying for more than they were actually getting?

A I have no idea what they do with the billing. They could have been billing them right, just using a bigger box. I pick up the boxes and I go.

Q Did you ever raise the topic with anybody else about why -- for instance, let's

1  
2 take Burlington Coat Factory -- you're  
3 pulling a box that has a false wall in it;  
4 did you ever discuss that with anybody, that  
5 you can remember?

6 A No, not to my knowledge.

7 Q Would that be true of all the  
8 other boxes that you pulled that had false  
9 walls in it, you never discussed it with  
10 anyone else, any other employee or other  
11 manager?

12 A Not to my knowledge.

13 Q When you say not to your  
14 knowledge, now are you telling me by that,  
15 and that may be something -- not to your  
16 knowledge, is that to the best of your  
17 recollection? Having exhausted -- having  
18 thought carefully about my question, are you  
19 telling me you don't recall any such  
20 conversation, or are you telling me: Not to  
21 my knowledge, I've thought about it and no  
22 conversation ever occurred?

23 There's a difference there, and  
24 maybe Mr. Bloch needs to talk to you about it  
25 if it's unclear. I want to make sure if

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

there's a difference.

In other words, you think that you may have had a conversation but you just don't remember it today, or you know you never had any conversation with any other person who worked for any of the companies here, on that topic? There's a difference between those two. I would like to know which of your answers it is.

A I could have mentioned it to them, but I don't remember.

Q You don't remember today?

A Today.

Q Do you have any recollection, at all, of any conversation you had with any person who was either an employee or manager at any of the companies here, whether under Allied Waste's ownership or under the Hickey's ownership, on the topic of false walls? Do you understand my question? It is a very broad question.

I'm basically staying: At any time, from the time period you started working here until today, have you had a

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

conversation with any other human being that concerned false walls?

A I more than likely did.

Q Do you have any recollection of any such conversation?

Let me tell you, Mr. Boxer has his style, which is an excellent style. I'm very much of a who, what, when, where, how person. I'm going to be asking -- even some of the conversation you talked with him about earlier, about who was there, I have some records to show you, which might help you with timing, but that's the kind of question I'm asking now: Did you ever have a conversation with anyone concerning false walls? I think you just answered that you probably did.

A Right.

Q Right?

A Right.

Q Now I'm doing the next step: Do you remember, can you give me more information about any conversation that you have some recollection about? Is the

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

question clear? I don't want to be unclear.  
It is a very broad question. Did you ever  
talk about it with -- I don't care who it is.

A The other drivers, basically.

Q All right. Just tell me about a  
conversation that you can remember today, so  
I know who was the driver and what was said.

A Who was the driver? Almost any  
of the roll-off drivers.

Q Is it your recollection you  
talked to most of the roll-off drivers about  
this topic?

A Yes.

Q What was the nature of your  
communications with the other roll-off  
drivers on this topic? Give me a broad  
sense, and then I can get more precise if I  
need to be.

A Basically, how come the wall was  
there, or whatever.

Q Did anyone ever give you a theory  
or an answer that you can remember?

A I heard water walls.

Q Excuse me?

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

A Water walls.

Q What does that mean?

A Just to have the water behind the wall, the fire wall, in case of a fire or something. I heard all kinds of --

Q I'm looking for any kind of theories about these.

A That was basically about it.

Q Did any of those conversations occur with a manager present, like Aaron Deems or Tony Cardillo or Matt Hickey or Jim Hickey, anybody to say, no, or to explain what they were?

A No.

Q Do you have an opinion today, based upon your experience, you've been a roll-off driver for a long time and you are more expert than anyone in this room, and maybe anyone in this facility in terms of your experience, what those false walls were there for?

A Not to my knowledge besides, you know, the water wall and the fire wall.

Q Have you gone in and seen a false

1

Thomas

106

2

wall when the compactor is empty?

3

A I never climbed into it.

4

Sometimes you had to go in to pull some stuff

5

out and you come across it, but other than

6

that, you dump and go, basically, all day

7

long.

8

Q If you looked at the walls, have

9

you ever seen they are not airtight, they

10

wouldn't keep water back? Have you ever

11

looked at them?

12

A Not with a magnifying glass.

13

Q You wouldn't have to --

14

A Not to really examine it.

15

Q Did you ever see whether a false

16

wall would actually have the effect of

17

keeping water in one part of the compartment?

18

A Like I said, dump and go.

19

Q Have you ever received any

20

instruction from any supervisor who you work

21

for that concerned the topic of false walls?

22

A No.

23

Q Have you ever discussed false

24

walls -- I want to ask you about certain

25

people -- have you ever had a discussion

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

concerning false walls with Matt Hickey, Jim  
Hickey --

MR. BLOCH: Do one at a time.

MR. MACK: Sorry. I think I know  
the answer, but I will do it one at a  
time.

MR. BLOCH: You want a record.

MR. MACK: Right.

Q Matt Hickey?

A No.

Q Jim Hickey?

A No.

Q How about Anthony Prestamo?

A No, I never dealt with him.

Q Did you ever talk to him, at all?

A Maybe once, in general, at a  
meeting, but nothing --

Q Nothing direct?

A Nothing direct.

Q Do you have any knowledge whether  
Mr. Anthony Prestamo ever talked to the other  
drivers about false walls?

A He didn't talk to any of us, to  
my knowledge.

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

Q Did any current Allied supervisor, say Tony Cardillo, Jay Rooney, Bob Boucher, ever talk, in your presence, concerning the topic of false walls?

A No.

Q We've described Aaron Deems in a very minor capacity, about his going to Westchester Resco on one occasion. I think that's the only thing we've talked about so far in which you mentioned Aaron Deems, I believe?

A Yes.

Q Could you tell me who Aaron Deems is or was?

A He was a manager here.

Q Was he a manager under Allied's ownership, if you know?

A Yes.

Q How do you know that?

A Because we all were here at the same time they bought us.

Q Do you know what his position was; did he have any specific duties that you know of?

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

A Not that I know of. Just to boss us around.

Q Was he a good boss, in your mind, or not a good boss?

A He was fair.

Q Did he treat you fairly?

A Yes.

Q Did it ever come to your attention that there were allegations that Aaron Deems had stolen or was stealing or his friends were stealing diesel fuel from this location?

A I heard a story about that.

Q What did you hear?

A Just basically what you said, that they were coming in, fueling up.

Q Did you ever see anybody do it?

A No.

Q Do you recall who told you that that was occurring?

A No, I don't remember. It's just basically general talk.

Q Did anyone ever ask you directly about whether or not it was true or not true?

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

A No.

Q I'm the first person to have asked you whether or not Aaron Deems, to your knowledge, was stealing fuel?

A Yes.

Q Did it ever come to your attention, during the time period that Aaron Deems was a manager, that some of the money and funds that were being collected were missing or unaccounted for?

A Repeat that, please?

Q Did it ever come to your attention -- it is a broad question -- that there were allegations or claims that money that was supposed to either be collected by roll-off drivers or was supposed to come to the company, was missing or unaccounted for?

A I heard stories about that.

Q Can you tell me what you heard about it?

A Just moneys missing.

Q Do you remember who told you that or how you heard about it?

A I don't know who told me, but

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

next thing I know, we got a safe in the office and all the roll-off money that we pick up during the day, whenever we had to, had to go into that safe.

Q Did anyone ever accuse you of not accounting properly for the moneys you collected?

A No.

Q Before that safe came, could you review with me -- I think I know, but I would like to hear your explanation -- did you frequently pick up cash from customers during the course of your duties?

A Yeah, occasionally, I did.

Q Could you tell me, what was your procedure when a customer paid you cash, when you were doing your route?

A Take the money, bring it back into the office and give it to the manager for that afternoon or the morning or whatever, and then where it goes from there, we have in idea.

Q Let's take a hypothetical example. Did you ever collect cash from any

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

of the Englehardt customers?

A No, never.

Q Can you recall a customer today that you did routinely pick up cash from?

A "Cash," do you mean like --

Q A payment. You're right. Thank you for helping. Let's say cash, green money, okay, actual cash, not a check.

A No. Most of the cash came from homeowners.

Q Why would you be having interaction with homeowners?

A If they need a box at their house, they would pay you cash and you get it that way. When you drop the box off, they have to give you the cash, or whenever you picked it up, they have to give you a check or cash.

Q Who was responsible for dispatching for homeowner work?

A Basically, Tony Cardillo.

Q Were you ever dispatched by anyone other than Tony?

A Aaron Deems did some, too.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q Were there any occasions where you were told you didn't need to pick up cash, payment from the customer, that someone else would?

A No. If we had to pick up money, they would tell us to get the money.

Q When you say "they," who are we talking about?

A Management.

Q When you say "management," you're talking about the dispatcher?

A Yes.

Q Tony Cardillo?

A Tony.

Q Or?

A Aaron.

Q Anyone else?

A Maybe even Mattie. I didn't really deal with Mattie too much.

Q Did you deal with Mattie, at all? I just went through that area of questioning and I asked for any instances in which Mattie gave you a direct instruction and you told me you couldn't remember any.

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

A Occasionally, Mattie dealt with us.

Q Do you remember any occasion that Mattie dealt directly with you and gave you an assignment?

A No.

Q Do you think he did or he didn't?

A He could have.

Q But you don't remember today?

A I don't remember.

Q So when you were dispatched or instructed by Aaron Deems or Tony to pick up cash from a customer, did you give the customer a receipt, always, for the cash?

A Not always.

Q What would be a reason you wouldn't give them a receipt?

A If they are not home, if they didn't ask for it.

Q Would the cash be available to you under those circumstances? I'm asking for a time when you're actually picking up cash, the customer is there, or some representative of the customer, and you're

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

given cash, were there ever any occasions where you didn't give the customer a written receipt for the cash?

A Sometimes.

Q Why would that be?

A They didn't ask for it, basically.

Q Did there ever come a time when you were instructed that you never could accept cash without a receipt?

A No.

Q You never received that instruction?

A No.

Q I want to go back to something I asked before: Do you remember receiving any information that cash was missing, that there was cash that couldn't be found or accounted for?

A I heard about it.

Q Tell me what you heard about it. Be as precise as you can be about what you heard.

A Just heard money is missing, like

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

from the roll-off stuff and paying the bills  
and everything.

Q Do you recall who you heard it  
from?

A No, not offhand.

Q Did you ever receive any -- I  
want to make sure before I move on that I've  
really exhausted that area -- do you remember  
anything at all about what you heard about  
money missing?

A Just that it was gone, it's not  
showing on the books or whatever.

Q Who was saying that, or who did  
you hear was saying that?

A I don't remember who.

Q Did Mattie Hickey ever say, in  
your presence: There's money missing and  
that's why I'm putting a safe out there?

A I can't recall.

Q Do you know a person by the name  
of Joanne DellaPena?

A Sounds familiar.

Q Do you have any idea who she is?

A If it's who I'm thinking of, she

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

does the billing for Hudson.

Q I don't want to be giving you information.

A I don't know a lot of the last names.

Q Okay. Do you know somebody by the name of Joanne?

A Yes.

Q And this person, Joanne, what was her job?

A To my knowledge, billing the customers, accounts receivables or whatever it is.

Q Did you ever receive any information from her or hear that she felt money was missing?

A No.

Q How about Tony Cardillo, did he ever complain that money was missing?

A Not to my knowledge.

MR. MACK: Let's take a break.

(Short recess taken.)

MR. MACK: Let's break for lunch.

(Whereupon, at 12:35 o'clock

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

p.m., a luncheon recess was taken.)

(A F T E R N O O N S E S S I O N)

(Time noted: 1:00 o'clock p.m.)

MR. MACK: On the record.

CONTINUED EXAMINATION

BY MR. MACK:

Q Let's pick up and continue. You are still under oath, Robert.

A Okay.

Q All the stuff I said to you this morning and the warnings and clarity, it is just exactly the same, you're still under oath and you have those obligations, and notwithstanding the fact that your lawyer is eating, he can actually leave the room to consult with you if there's a question that comes up, and he will be able to get rid of what he has in his mouth, that's why he can't say anything, and he can talk to you if you need to answer a question.

I'm back and continuing with my category, whether you have ever heard certain events occurring. Then I asked you whether or not -- what you know about it and who you

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

talked to about it.

The next topic is: Did it ever come to your attention that money was being embezzled or stolen by any employee who worked at this location? The reason I say "at this location," I'm talking about all the companies that work out of this location. Did you ever become aware that there was talk about or allegations that money had been stolen by an employee that belonged to the company?

A No, I never heard stolen, I heard missing.

Q We've covered the missing area. I tried to cover as much as I possibly can about any knowledge you had about that. I mean, you're happy with the answers you gave before lunch?

A Yes.

Q What about the use of drugs, did it ever come to your attention that there were accusations of individuals who had either been caught or were utilizing drugs at this location? Is the question clear? You

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

have a look. I can change the question. Do you want me to do that?

A Could you?

Q Sure. Did it ever come to your attention that there was drug use at this location?

A Yes.

Q Tell me what you know.

A A couple of people were doing it and they got caught.

Q Can you tell me who those people were?

A The names?

Q Yes.

A Bobby Ossero.

Q Can you give me a time period? Was that when Allied was here or when Allied wasn't?

A Yes, when Allied was here.

Q Can you give me some idea of what year it was?

A Maybe 2000. I don't know the exact year.

Q This gentleman, Bobby Ossero --

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

A Yes?

Q -- what was his assignment here?

A Commercial helper.

Q How was he caught utilizing  
drugs?

A It was a random urine test.

Q Was there anyone else that came  
to your attention that had a drug issue or  
problem?

A Yeah, there was Lonny, I don't  
remember his last name.

Q Tell me what you can remember  
about that situation.

A Drug test, got caught, fired.

Q Can you give me a time period?

A I believe the same time as Bobby  
Ossero.

Q Did it ever come to your  
attention about anyone else, either there was  
talk about them using drugs or they had a  
drug issue? I'm not just talking about those  
who failed the test, I'm talking about  
knowledge you may have of others using drugs,  
talking about drugs or having access to

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

drugs.

A No, not to my knowledge.

Q So you have no recollection of that?

A No.

Q Did it ever come to your attention that there were employees, administrative employees or an employee, that had failed the drug test?

A No.

Q Do you have a procedure today about accounting for cash? Do you ever receive cash in the course of your duties today?

A From time to time. Not too often.

Q What type of circumstances would --

A Excuse me?

Q Sure.

A We don't get cash anymore. It's put on credit cards or checks.

Q Now, when was the last time that you can recall receiving cash from a

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

customer?

A It's got to be at least two years.

Q Two years?

A Yeah.

Q Was that before or after the lock box was put in place here?

A That was after.

Q So let's say with respect to after the lock box, was there a requirement or were there rules and regulations about the receipt of cash for a roll-off driver such as yourself?

A To get the money, put it in an envelope -- if there was cash, put it in an envelope, fold it up and put it in the safe and give dispatch the copy of the receipt and how much money you have in there.

Q So you had an obligation to issue a receipt, though?

A To the management.

Q What about to the customer?

A Like I said before, if they didn't ask, you never gave it.

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

Q When you say give the money to the -- are you talking about dispatcher, dispatch office? I'm not clear what the procedure was. Maybe you should go through it again for me.

You have received cash from a customer that's serviced with your roll-off, all right? What do you do; do you give that person a receipt only if the person asks for a receipt, or do you give them a receipt under every circumstance?

A Basically, only if they ask.

Q The customer has given you an amount of cash. What do you then do? How do you keep that safe while driving your route?

A Just put it in your pocket or find a safe spot in the truck to put it so you don't lose it.

Q You drive with it in a safe spot. What happens when you return to the yard?

A Is this before the safe or after?

Q You tell me. You can tell me before, if it's different, and you can tell me after. I'm interested in both.

1  
2 A Before, you used to wrap the  
3 money in the receipt you made up for the  
4 delivery. This way they would know where the  
5 boxes are. You wrap the money in that and  
6 give it to the dispatcher or the manager of  
7 the afternoon. They vary from time to time.

8 Q Name for me, before the lock box,  
9 who were the persons that you gave cash to in  
10 that situation. Just give me their names.

11 A It would either be Tony Cardillo  
12 or Aaron Deems.

13 Q Anyone else?

14 A Matt Hickey maybe once or twice,  
15 but mainly Tony and Aaron.

16 Q But there were two occasions --

17 A There might be.

18 Q -- for Matt Hickey?

19 A There might have been. We never  
20 really dealt with Mattie on a day-to-day  
21 basis.

22 Q On those occasions, once you  
23 handed the money -- pre lock box, once you  
24 handed the money to the manager, Aaron, Tony,  
25 and maybe two occasions Mattie, that was the

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

end of your responsibility with respect to that cash transaction?

A Yes. As far as I was -- as far as the drivers were concerned, you know, it was out of our hands now.

Q Was there ever a time that you received cash from a customer that you did not give either to Aaron, Mattie or Tony?

A No, I always gave it.

Q Next question: When the lock box system was put in place, which you've already described, how did your method change?

A You put the cash in an envelope, wrap the receipt in it, and just dropped it in the safe.

Q In the safe or lock box?

A Yeah.

Q That was the end of your --

A Responsibility, yes.

Q Was there ever a time, based upon your own experience, in which you received cash or a check from a customer -- it is a broad question -- that you believe the money was not properly accounted for?

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

A No, I had no reason to believe that.

Q Listen to the question. It is a very broad question. I want you to think about it. Was there ever an occasion in which you picked up a check or cash or a form of payment from a customer, any customer, in which you believe that money was not properly accounted for?

A No.

Q Do you have any reason to believe that -- with respect to waste hauling services out of the location we are at today -- that there was ever mixing of commercial waste with residential waste?

A In a regular garbage truck?

Q Yes.

A Yes.

Q Tell me what you know about that subject.

A Basically, what I knew about it, when I did the house routes, on holiday weeks, the Town gave us so much of the Town allotment to use because -- I don't know what

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

kind of dealings they made, that we could mix some commercial with household to make everything even somehow.

Q Who made that determination; where did that come from?

A I have no idea where that came from. That's what I was told from management.

Q When you say "management," who are you talking about, the dispatcher?

A Yes, Tony, Mattie.

Q Anyone else?

A That's basically who we really dealt with. This is going back even before Allied.

Q How about when Allied was here?

A When Allied came, I wasn't doing household, so I don't really know.

Q So did you ever do any residential, household, or commercial, other than roll-off, when Allied owned this location?

A Occasionally, yes.

Q Give me some idea, when you say

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

"occasionally," is that once a month, once a year, once a week?

A At least once a week for a while, depending on when the guys were sick or whenever I was really needed to be on a commercial-household route or whatever.

Q Would that happen as much as once a week?

A In certain time periods, yeah.

Q Can you give me some idea what those time periods would be that you were doing residential and commercial non roll-off? What would be the period that I should look at?

A The whole time I'm here.

Q You're saying during certain periods you might be running commercial and residential as much as once a week. What period would that be?

A In the summertime, a holiday week. Once in a while on a holiday week, mostly in the summer, a lot of guys were on vacation and a lot of guys calling in sick.

Q On any of those occasions, were

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

you ever asked by a dispatcher to mix commercial waste with residential waste?

A Not on -- no, wait.

Q Take your time. If you don't understand the question, tell me. If you want to think about it and give me an answer, that's fine, too.

A Repeat the question.

Q Sure. On those occasions, under Allied's ownership, when you are filling in for a garbage truck driver, in other words, you're not doing your normal roll-off, were you ever directed, instructed, by management, to mix residential with commercial waste?

A I don't believe so. No, I don't think -- I can't --

MR. SOBOCIENSKI: Where you were performing a residential route as a substitute for another driver, when performing that route, as a part of that residential route, were there commercial pickups included?

THE WITNESS: On a regular basis?

MR. SOBOCIENSKI: If you were

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

doing a route in substitution for the driver who would regularly do the route, while performing the route, residential pickups, were there also commercial stops that you picked up, as well?

THE WITNESS: Yeah, there was.

Sorry.

Q On each of those occasions, that would have been as a result of direction from management or a dispatcher?

A Yeah.

Q When you say "management," I want to make sure I have everybody in that category. Tony Cardillo. Anyone else?

A Aaron Deems was there and Matt Hickey was there. Like I said, Mattie didn't really deal, as far as I know, on a daily basis with the drivers and the helpers.

Q Did you ever receive a direction from Matt Hickey, on any occasion, to mix residential and commercial waste?

A No, not that I can recall.

Q So on those occasions that you did, it was either Aaron Deems or Tony

1  
2 Cardillo; is that correct?

3 A Right. Or it could have been  
4 part of the route. Certain days they pick up  
5 certain commercial stops, so they might not  
6 tell me, the helper would tell you to pick up  
7 this stop. Like on a Thursday, you would  
8 pick up Joe's Deli as part of the route.

9 Q Thank you. That makes it  
10 clearer. I should have remembered that.  
11 Thanks.

12 MR. BLOCH: I want to just talk  
13 to you for a second.

14 (Whereupon, Mr. Bloch and the  
15 witness left the deposition room, then  
16 returned.

17 MR. BLOCH: Back on the record.

18 Okay.

19 Q Are you okay?

20 A Yes, I guess.

21 Q Good. I want to now -- I'm going  
22 to try to pick and choose, but I'm going to  
23 be asking some questions that sound somewhat  
24 similar to what Mr. Boxer asked this morning.  
25 I want to go over them in a little bit more

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

detail and clarity, at least for my purposes.

A Okay.

Q Now I'm asking you solely in your normal roll-off work, did you have a particular route number assigned to you that would be your route?

A Number? Number so they can clarify --

Q When we go through the records, we can tell, basically, what your route number was.

A Yes.

Q What was that number?

A I believe it was 602.

Q That's what I believe it was, too. That's your route number?

A I can get the paper.

Q We have the papers here. We'll go over some of them today.

A The company gives so many papers.

Q I know. When we talked about Englehardt's stops, we talked about three of them this morning, Mr. Boxer talked about -- let's start with 1050 Lower South Road. What

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

is that location? When you go there, what does that place look like?

A It looks like a factory to me, where they make that hard plastic, that plastic film stuff.

Q It is pretty clear that it is a plant; it's a plant that produces product, right?

A Right.

Q No question about that?

A No.

Q Can you describe it from your own recollection? You were there. What does it, sort of, look like? Anything that stands out in your memory about what this place looks like?

A Just a basic factory type of thing where they make the plastic, rolls and rolls of it. That's about it.

Q Let me ask you the same question with respect to 1057: What does that place look like?

A It looks like a factory, also, but I never been inside the building in 1057.

1

Thomas

135

2

Q Is that as big as 1050 or how

3

would you compare them?

4

A No, it is bigger.

5

Q It is bigger?

6

A Yes.

7

Q It looks like a big factory,

8

doesn't it?

9

A Yes.

10

Q Do you have any idea what gets

11

produced at 1057?

12

A No.

13

Q Do you have any idea, for

14

instance, what came or what was in those

15

cardboard barrels that you talked about this

16

morning?

17

A No. It seemed like some kind of

18

dye stuff.

19

Q Tell me what you mean by that.

20

What does it look like?

21

A It's different color stuff, like

22

powdery stuff.

23

Q It's powdered, isn't it?

24

A To my knowledge.

25

Q There was some of the residues of

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

that powder in those barrels; isn't that true?

A I believe so.

Q Do you have no idea what those powders were or what function they performed or what role they had at that factory, what that stuff was about?

A I have no idea.

Q Did you ever ask anybody about it?

A No.

Q Did anybody ever tell you what it was for?

A No.

Q Now, the other location, just tell me -- I think I know what it was -- but the one in Ossining, do you remember what that address was?

A Highland Avenue. North Highland.

Q Very good. What does that location look like?

A Like office buildings, to me.

Q Do you have any idea what goes on at that office?

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

A No.

Q Did anybody ever talk to you about what went on or what the purpose of that office building was?

A No.

Q Do you have any idea what Englehardt did at that building?

A Office work, as far as I know.

Q Were there any other containers at that location?

A Highland Avenue?

Q Yes.

A Not to my knowledge.

Q To your knowledge, was your container, the one that you occasionally picked up there, was that the only waste container maintained at that facility?

A They had Town pickup, but other than that --

Q Do you have any idea what the Town pickup was, what kind of waste that was?

A Just regular garbage, as far as I know.

Q So the container you picked up

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

was a separate container; isn't that right?

A Yes.

Q From what the Town was picking up?

A Yes.

Q Now, were there any other locations that you can remember, that were owned by Englehardt or managed by Englehardt, that vehicles from this facility here where we are today serviced or picked up?

A No.

Q If I told you, if I mentioned something to you called the Pearl Plant, would that mean anything to you?

A No. I know of a Mearl.

Q We are going to talk about Mearl in a few moments.

If I were to talk to you about a location in Buchanan, 16 White Street in Buchanan, do you have in mind a location there; does that ring any bells with you?

A I think I was there once, but not as a roll-off driver.

Q Tell me what you can remember

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

about that.

A It was a new building that they built, I don't know what they did, it was on a Valley commercial route. I think I went there once.

Q What were you doing there; what were you servicing?

A The rear-end loaders.

Q Do you have any idea what kind of waste that was?

A No.

Q Can you describe for me that location again, what the building looked like?

A I was only there once. I believe it was like an office building, maybe a small warehouse, nothing big like 1050 or 1057.

Q Did you ever service a location on Green Town Road in Buchanan?

A Not that I know of.

Q Do you know of any driver from where we are today, that serviced any other Englehardt location?

A Yeah, the guy who did the one in

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

Buchanan, that other stop.

Q Who is that guy?

A Chris Riddenauer,

R-i-d-e-n-h-o-u-r-n (sic), something like that.

Q What can you tell me about Chris, was he just -- what was he, a roll-off driver?

A A commercial driver.

Q What was his route number; do you know?

A I don't know the numbers. I knew the number of the truck.

Q What was the number of the truck?

A 71.

Q What was the number of your truck?

A 7, most of the time.

Q How do you know that Chris serviced that Buchanan address?

A Because that was his area, that was part of his route area.

Q Did you ever discuss with him, you know, that location or anything about it,

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

other than the one time you've told us how you serviced it?

A No.

Q Where is Chris today? Is Chris still working?

A Not here, he ain't.

Q Do you remember, what were the circumstances of his departure?

A He had a disagreement.

Q What can you tell me about the disagreement?

A He had an altercation with Matt Hickey, Tony Cardillo and him, about something. I don't know what it was.

Q Were you present when that altercation occurred?

A No.

Q Did you ever talk to Chris about that altercation?

A No.

Q Were Chris and you friendly or just fellow employees?

A Fellow employees.

Q Now, you mentioned the name

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

"Mearl." What do you know about Mearl, or remember about Mearl?

A Englehardt bought Mearl. That's all I know. Mearl was the original place for Englehardt.

Q When you say "place for Englehardt," are you talking about specific Englehardt locations?

A Yes.

Q 1050 and 1057?

A Yes, and the one in Ossining, too.

Q Those three locations, to your knowledge, were sold or transferred from Mearl to Englehardt?

A Yes.

Q Do you have any idea when that occurred?

A 1998, maybe. I don't know the exact date.

Q I'm going to show you some records.

A I don't know the exact date.

Q You know, I want to know if you

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

recall.

A Right.

Q Was your service at those locations when it was Mearl, any different than your service at those locations, talking in the most general terms, when it was under Englehardt?

A No, same thing.

Q Same waste?

A Same stuff.

Q Same stuff?

A Yeah.

Q Okay. I'm going to come over, if your Counsel will let me, and sit next to you, because I haven't made copies of all of these, but I will make copies, but --

MR. BOXER: I would just ask, I don't need it today, but any exhibits that you mark, I would like copies.

MR. BOXER: We'll make copies for you. If I may come over there?

MR. BLOCH: On the other side.

MR. MACK: On the other side.

I'm going to mark this. I'm

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

going to mark these as BT-1, and that means absolutely nothing except that I'll remember this is something I showed you. Okay?

THE WITNESS: Yes.

(Ticket receipts marked BT Exhibit 1.)

Q Do you know what this record is? Just take a moment and read it. You may have never seen a record like that, or maybe you did.

A As far as I could tell, just ticket receipts.

Q It is not a record that you, yourself, are familiar with?

A No.

Q Have you ever seen a record like that?

A No. First time.

Q I'm not surprised at that. I just may need your help on some questions here. I want you to accept that this particular account refers to 1050.

A Right.

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

Q Okay. And these are all records that have come from here, but they are only as good as Allied Waste recordkeeping. You'll see that there's a portion up here where it says "Ticket date range," that it describes -- and in this particular case from October 1st, '99 to December 31st, '99, all right, and I don't know whether -- it is my recollection, this is -- I would say this is when records were starting to be generated by Allied's programs, it doesn't mean there weren't records before that. This is all I have.

Now, there are a couple of other things here that might be helpful to you. There's a description of what it generally talks about, and also where it says "Disposed of," you'll see, so if it says "Westchester County Solid Waste," do you have any idea what that might be?

A Resco.

Q Now, you see here there's a whole category that talks about "Route"?

A Right.

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

Q With a number. I'm going to jump ahead to something that I can identify as yours to give you some idea.

See, this is a different -- it is the same location, 22169, and by this time we are talking for the year 2000, and I've marked down here this route, these little yellows. You can feel free to go through all of these, but basically the first time I see 602, which I would submit is you, or at least your route --

A Right.

Q -- for this location, which is 1050, which we talked about as being the film plant, as such?

A Right.

Q -- is December of 2000. So the first reason I'm showing you that is: Does that in any way help you recall the first time that you, yourself, took materials? I'll show you where this went so there's no -- these are all Westchester Resco.

A Right.

Q There's the disposition,

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

Westchester County. You can take your time,  
these are all 602s.

A I see.

Q And they run -- and they start,  
as best I can tell anyway, based on these  
records, the first for you is December 5,  
2000.

A I guess.

MR. SOBOCIENSKI: Before you were  
route 602, were you a different route?

THE WITNESS: Not to my  
knowledge. I don't know what they did.

Q There are a lot of drops by a  
route which they describe as 607. See all  
these through year 2000?

A Right.

Q Could that have been you?

A It is possible.

Q Anything is possible. These  
aren't trick questions.

MR. BLOCH: You asked: Could it  
be you, and he said it's possible.

MR. MACK: I understand.

A They change rules around here so

1  
2 often we don't know what we are doing.

3 Q I can find this out from Allied,  
4 this is not a trick question, but I'm trying  
5 to figure out -- all these are 607, and my  
6 question was -- the first time I see 602 for  
7 this location is not until December of 2000,  
8 so I'm asking: Does that in any way refresh  
9 your recollection about who 607 was?

10 A No, I have no idea. 607 -- we  
11 had six drivers when they took over. 607  
12 might have been a spare driver, like an extra  
13 guy to pick up the slacks, so it could have  
14 been anybody.

15 Q This may be of value to you or  
16 not. We'll find out from Allied.

17 Since I have you here, I want to  
18 be asking you, in the first instance, if you  
19 can tell me. 607, with very few exceptions,  
20 for the year 2000, is delivering to  
21 Westchester Resco from the film plant, from  
22 the beginning of the year. Here's  
23 January 3rd, take a look at it, but 607, with  
24 some exceptions, is delivering all of these  
25 loads, all from the film plant.

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

The first time I see 602 is December. So, I wasn't there, maybe you started in December going there, or maybe you were 607 in the year 2000. Can you help me there, at all? Does that help in any way in answering that question?

A No, it doesn't.

Q Do you remember delivering plastic film, that you have described, throughout the year 2000?

A I could have. I did it occasionally.

Q This 607 route here starts in January and runs all year, the full page. So then if you don't know or don't believe it is you, let me ask a better question: If it wasn't you, can you tell me who it would be, if you know?

A No, I don't know.

Q We'll find out, I'm sure. I'm asking your best -- 607, look at all the 607s, 607 is virtually -- September 9 -- 7, 11, 12, 13, it's like a daily delivery by 607 route.

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

A I don't know who.

Q It could be you, maybe wasn't you, you don't know?

A Honestly, I don't know.

Q Do you have a recollection of a certain time in the year 2000 changing trucks or having a different designation? In other words, because all of this -- because right now, the first time I see 602 for the film plant, is in December of 2000. Maybe you got a different truck?

A No.

Q I'm not sure of the explanation or I wouldn't be asking you.

A I don't know, either. Could be different, management decided to do different things.

Q Generally, the way you talked this morning, you were delivering materials from the film plant to Westchester Resco for a long period of time, but the first time I see 602 is December of 2000.

A Like I said, it could be different management rerouting things.

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

Q You don't know the answer?

A I don't know the answer.

MR. BOXER: It is not necessarily consistent. You have a lot of deliveries that --

MR. MACK: The first time a route that I can identify as his going from the film plant to Westchester Resco was in December 2000.

MR. BOXER: That's not inconsistent with him saying he delivered to there a long time.

MR. MACK: We'll see. Don't be too quick to assume that.

Q Then I see 602, which I believe to be you. Every time I see it, unless there's some, you know -- throughout the month of December, 2000, taking Englehardt, the film plant, to Westchester Resco?

A Right.

Q Okay. Let's go to 2001. The first date that I see, you go to Metro Enviro. These are all Metro. These aren't records you're familiar with, these are

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

records provided to me by Allied. You take a look at them.

(Pause.)

A Can I make a comment?

Q Yes.

A The route numbers, like if I call in sick one day, the spare guy is going to take my route sheet, cross my name off the top and put his name. So I might not be there that one day, but you'll still see that's my route.

Q I understand that. I would say that might happen on occasion.

A Right.

Q But I would think most of the time when I see 602, I'm expecting Bobby Thomas to be the driver.

A Okay.

Q Were you sick a lot in the years 2000, 2001?

A No.

Q Are you out frequently?

A No, not too often.

MR. BLOCH: What you're saying

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

is, the information on -- the pages aren't consecutively numbered so it is hard to describe it, but this page you're looking at here is showing Metro?

MR. MACK: Showing all the places --

MR. BLOCH: This one is showing Metro.

THE WITNESS: Okay.

Q Now --

MR. BLOCH: Right. Okay. So it covers, essentially --

MR. MACK: Every time --

MR. BLOCH: -- it covers essentially a two-month period, pretty consistently, February and March of '01, and then there's one last one in May '01.

MR. MACK: The records can help us with dating.

MR. BLOCH: I'm speaking as such to Mr. Thomas, as I should. Do you understand this?

THE WITNESS: Yes.

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

Q You told us this morning about -- if I'm wrong here, I don't mean to be wrong -- the first time that you described, this morning, that Westchester Resco objected to your delivery of materials from the film plant, you were told by Tony Cardillo not to dump on the floor anymore, but try to dump those directly into the pit; right?

A Yes.

Q And did anyone at Westchester Resco explain to you why they no longer wished to accept your roll-off deliveries from the film plant? Did they say there was a reason? What was explained to you, why they would no longer accepted it?

A I believe I said that they don't want the hard plastic because it's melting their grates or something.

Q I just want to make sure I've captured everything. It is not a trick question. I'm trying to make sure that I don't miss something that may not have been covered this morning.

Now, can you give me some idea

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

when that occurred? Because I think you also said that -- said you then, when you were caught the second time, you went to Bria?

A Right.

Q I can't find any records at the moment, of your going to Bria. Maybe it is there. What can you tell me about Bria? What kind of a transfer station are we talking about?

A Small, family-owned.

Q What is it permitted to accept, as far as you know? Is it an exclusive C and D facility?

A No, C and D and trash.

Q Did anyone at Bria have any comments to you about whether or not the material you were hauling in the compactor from the film plant could go to Bria?

A No.

Q They accepted it?

A Yes.

Q Without any question?

A To my knowledge.

Q Does Bria have a weight scale?

1

Thomas

156

2

A Yes.

3

Q Did you weigh your compactor?

4

You went in?

5

A Yes.

6

Q Did you bring the material back

7

and was it accounted for the same way as any

8

other time you made your deliveries of

9

compactors?

10

A As far as I know, it was.

11

Q Exactly the same?

12

A As far as I know.

13

Q If I show you these records, and,

14

again, the records may be wrong --

15

MR. BLOCH: I'm just assuming

16

that they are put together in

17

chronological order, but there is a gap

18

between the Resco computerized run with

19

the last one showing 12/29/2000, and

20

then Metro picks up with the first entry

21

of February 2nd. So it looks like

22

there's approximately a month that is

23

not accounted for in the computerized

24

record. That's the way I'm reading it.

25

Do you read it the same way?

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

Thomas

157

MR. MACK: I don't, necessarily.

MR. BLOCH: Then you're going to have to show it to Mr. Thomas.

MR. MACK: I'm unable to show a Bria record.

MR. SOBOCIENSKI: We are not talking Bria now. He is talking about any deliveries between that month.

Actually, they are in there.

MR. MACK: They are in there. I'm talking something different. I'm talking Bria right now.

MR. BLOCH: I understand that, but -- okay. The record -- either Mr. Thomas has to sit down and look at this -- if you think the records are going to help answer the question, what I'm driving at is, Walter, if you're going to show Mr. Thomas the record, and there's other stuff in the back that may help and so on, then it is worth the time to go look through it in a methodical, careful way.

If the conclusion of this is

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

going to be: I can't find any records of Bria, well, these records aren't going to help you; what you have isn't helping you as to what you don't have, and I would rather not have Mr. Thomas, or myself for that matter, confused by the paper which is on the subject of Bria.

Is that fair?

MR. MACK: No, it is not fair. Right now, if there's a Bria -- let me point out here -- here it is. Mr. Bloch was concerned about the missing month of January 2001 and here they are.

MR. BLOCH: Several pages back.

MR. MACK: You can't draw the inference -- there's no Bria record and that's why I'm on Bria at the moment. We'll go to the other in a second.

Here's Westchester Resco.

MR. BLOCH: Fine. To say that Resco -- maybe I'm inferring something.

MR. MACK: I think you're going further than necessary.

1

2

MR. BLOCH: Maybe we should go

3

over the records before you ask any more

4

questions.

5

These records don't help with

6

Bria?

7

MR. MACK: There's nothing in

8

here about Bria.

9

MR. BLOCH: Fine. What's your

10

next question?

11

MR. MACK: I'm trying to make

12

sure that if there was a suspension of

13

Westchester Resco, okay, as was the

14

testimony this morning, when it

15

occurred. After all that, what I would

16

say is wasted time.

17

Q Let me basically ask you: Do you

18

have a recollection of the time period that

19

you ceased going to Westchester Resco and

20

went to Bria? First the question would be:

21

Do you have -- can you give me some idea what

22

year that was; and, second of all, for how

23

long a period were you making the Bria

24

deliveries of the film plant's material to

25

Bria?

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

A I don't know no times. In all honesty, I don't.

Q Let me ask this question: Is it possible that what you were testifying about today on the first occasion, which made you -- when you were told to go elsewhere, when you were stopped at Resco, that that occurred before Allied Waste?

A Could be.

Q Could be?

A Could be.

Q Next question -- that may be the answer. I don't know.

Next question: How many deliveries, or for how long a period of time did you go to Bria?

A I don't know how long I went there. I don't know.

Q You don't know. Is it weeks, months --

MR. BOXER: There was testimony when I was asking questions, about that.

MR. MACK: I have some reason to question the accuracy of it.

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

Q I'm trying to get some idea, as best you can remember as the driver, whether your visits to Bria with film plant material in the compactor lasted days, weeks or months, if you can remember Bob.

A A month or so. I don't know the exact amount of time.

Q Do your best efforts. And if I had a record that had the answer to that, I would show it to you. No trick questions here. I'm trying to use the records that I have available to me to help you remember. That's really my purpose here, nothing else.

A Okay.

Q Okay. So we are still here, and, again, we are sticking with BT-1, I'm in the year 2000. We haven't explored the mystery of the 607 route operator or 612?

A I know 612.

Q Tell me who that is.

A John Minocchi.

Q The reason I'm pushing you so hard on the first time that you were told you couldn't go to Resco anymore, I'm trying to

1  
2 put a date to it. That's why I'm working so  
3 hard on you. I'm trying to find out when was  
4 the first occasion that somebody at Resco  
5 said to you, Bob Thomas, that material cannot  
6 come here any longer, which required you to  
7 go to Bria, because once I find that, then  
8 I'll know when that conversation occurred,  
9 and that's all we are doing here, no tricks.

10 So you can't help me with the  
11 date?

12 A Honestly, no.

13 Q What was the reason that you went  
14 back to Westchester? I may have forgotten  
15 why you went back to Westchester Resco after  
16 Bria.

17 A I just was told to by Tony  
18 Cardillo.

19 Q Was there any reason to believe  
20 that Westchester Resco's attitude or  
21 viewpoint about this plastic waste, this film  
22 waste, was different, that they had changed  
23 their mind or what?

24 A To my knowledge, no, I have no  
25 idea.

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

Q I think you did say this, you were told by Tony that you could go back?

A Yes.

Q Do you remember for how long a period you then delivered this plastic film to Westchester Resco before you had another problem there?

A I don't recall how long.

Q Let me just show you these records here. I don't really know, that's why I'm trying to fix the time.

Here I have you in December of 2000 with three, four, five, six, seven eight, nine ten, running through the month of December, all going to Westchester Resco.

A Right.

Q We go to 2001, and I'm looking for January, so that -- that comes after December, all right, and what I see is that -- I refer you here to page five, going over to page six. Here's your route, again, 602, going to Westchester Resco, and it starts right off in January. You see that?

A Yes.

1  
2 Q 3rd, 4th, right on up. And then  
3 it appears to me that the last one in January  
4 goes over to February. That's you,  
5 February 1st, going to Westchester Resco.  
6 Okay?

7 A Okay.

8 Q And then after that,  
9 February 1st, I tried to pick up in February,  
10 that's how I read these records, and I see  
11 that, sure enough, the day after, the 2nd of  
12 February, you go to Metro. There's the first  
13 602 that I find, roll-off, Englehardt waste  
14 going to Metro. Take your time.

15 (Pause.)

16 A What's this?

17 Q This is the -- they totaled it up  
18 here. It says "Roll-off Metro Enviro," and  
19 then Metro. This picks up here, March 20th.

20 A A different month.

21 Q You run at Metro all the way  
22 through March 19th, and there's a jump to  
23 May, and then March 20th, the very next day,  
24 so these records can help me pretty clearly.  
25 You run this facility consistent with what

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

you know -- here it is, NYCON, total 149 visits. I'm not saying all by you, but certainly most of it by you. That's why the records are very helpful, at least from my point of view in trying to fix the time.

I would like you to go over in detail now the occasion at Westchester Resco, you talked about it this morning, which was the last time you went to Westchester Resco before you went to Metro Enviro for the first time. What happened at Westchester Resco that day? I think you told us this morning that on that occasion, you were not allowed -- I think eventually you were allowed to dump, but take us through that again.

You're at Westchester Resco and you are stopped; is that correct?

A Yes.

Q Just run it through for me again.

A I'm stopped by the operator at Resco, he tells me I can't dump.

Q Did he know what was in your compactor?

1

Thomas

166

2

A He knew the box.

3

Q He knew the box, or did he know

4

what was in the box?

5

A He knew the box. And then he

6

knew what was in it from being there.

7

Q What did he say?

8

A I can't dump this.

9

Q Didn't you say: I have been

10

dumping this for the last weeks? It's clear

11

you have been dumping almost every day.

12

A I go, "How come?" He goes, "My

13

boss told me you can't dump."

14

Q Any description about why?

15

A Something about the hard plastic.

16

I called my office and Aaron Deems comes up.

17

Q You're stopped. Where do you

18

call from? Do you call from the operator

19

house there?

20

A No, the tipping floor.

21

Q Are you stopped on the tipping

22

floor?

23

A Yes.

24

Q You are close to actually

25

dumping?

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

A Yes.

Q Who stops you?

A The operator of the tipping floor.

Q That's the guy who supervises what's going on on the floor?

A Yes.

Q He comes over to you and tells you to stop before you dump, or have you actually started to dump?

A No, I didn't start yet.

Q The reason, he recognizes the box; in your opinion, that's why, he knows the box?

A Yes.

Q Did he look in the box?

A No.

Q I know I asked this, but I want to make certain: Did he have any comment about why this material cannot go to Resco anymore, on this occasion?

A He told me I can't dump it there because of the hard plastic.

Q What was the problem with the

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

hard plastic, if you know?

A From what I was told, it burns the grates in the furnace or something to that effect.

Q Did he say that to you?

A Yes.

Q Where did you go to make your telephone call?

A I stayed right there on the tipping floor.

Q Did you call from a cell phone or did you call from a pay phone?

A Cell phone in the truck.

Q Was it the phone that Allied gives you to use?

A Yes.

Q It was a Nextel phone?

A No, it was -- it was just a regular cell phone in the truck.

Q Who did you call? Who did you talk to?

A Aaron Deems.

Q What did you say to Aaron, what did he say to you?

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

A I told him, "We can't dump 1050 here." He asked why. I told him because of what the operator told me.

Q Did you tell him about the burner and the hard plastic?

A I don't remember if I told him that.

Q What did Aaron say?

A He said, "Wait right there."

Q What happened then?

A I guess he called --

MR. BLOCH: Don't guess. What happened next, as far as you know?

A Next thing I know, I was told to wait there, Aaron shows up, talks to somebody.

Q I want you to tell me what you see, where do you see Aaron go, what do you see him do?

A He comes in, comes over, tells me to wait while he discusses the thing with the site manager.

Q Did that discussion take place in your presence?

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

A No.

Q Where did it take place?

A Up in the office. Up in the site office.

Q Could you see them talking?

A No.

Q How long did that conversation take?

A Ten minutes, maybe.

Q Then what happened?

A Then I got the okay to dump it there for the last time.

Q Did Aaron speak to you about it?

A Aaron came and told me to dump it for the last time, there.

Q What did he say?

A He said, "Dump it for the last time here."

Q Where did you dump?

A Right there.

Q On the floor or in the pit?

A I don't remember.

Q Then what did you do?

A Brought the box back.

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

Q Was it the very next time you delivered that box that you went to Metro Enviro?

A No, I believe we went to Bria for a while.

Q This Bria, in your memory, occurs after this occasion that Aaron came to the floor and told you to do it, that we've just talked about?

A Best I could remember, yes.

Q In terms of -- we'll find out. We'll get the records. This is not a trick question. We just don't have them, that's all, and they haven't been produced to us. We'll try to do our best to find out what they are.

How did you come then to start going to Metro?

A I guess -- I was told to bring it to Metro.

Q By whom?

A By Tony Cardillo.

Q Did you have a conversation with Tony Cardillo about why it could go to Metro,

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

or anything about whether it had gone to Metro?

A No.

Q He just said: Take it to Metro?

A Yes.

Q And you didn't protest or talk to him about it?

A Actually, it benefited me, it was closer.

Q Good. So I'm looking at the records and it appears to me that the first time, from these records, that you go to Metro, is February 2nd, 2001. Now, your first visit to Metro, you're driving your roll-off and you have the forty-yard closed compactor. Do you go onto the scale at Metro?

A Yes.

Q Take me through it again. I know you were asked about this this morning. I'm going to ask more details than Mr. Boxer asked.

MR. BOXER: That's been the fifth time that you tried to imply that I

1  
2 didn't seek details and that you're more  
3 of a detail person, and I object to  
4 those characterizations. I think I  
5 asked plenty of details and got the same  
6 testimony elicited that you just did.

7 My intention here is to find out  
8 as many details as I could. In fact, it  
9 was Allied's idea to do this deposition  
10 in the first place. I would just  
11 appreciate you withholding those  
12 comments.

13 MR. MACK: I'm just trying to  
14 explain why we are going over the same  
15 topic, because I happen to have more  
16 resources in terms of records, that are  
17 Allied records, to be able to assist  
18 Mr. Thomas to answer more accurately.  
19 I'm not implying you did anything wrong.  
20 I'm just trying to get more detailed  
21 answers.

22 Q Where do you get stopped?

23 A You get stopped on the scale  
24 because you have to weigh in.

25 Q Take me through, if you would,

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

what happened that day.

A You go on the scale, they look at me in the scale house.

Q Is it a scale house operator looking at you or is it Charlie?

A I don't remember, to be honest with you.

Q Tell me what happened. Take me through it.

A Charlie ends up finding out, because he's the site manager, that I'm here with a compactor, compactors don't go to C and D dump to begin with. He is questioning.

Q Because most of them come in with open boxes with a tarp; right?

A Yes. I tell him I was told to dump it here, and I go down, back, he makes a phone call, he comes down, tells me to dump it, and he looks at it, and then we go back out, next thing I know, I'm going there for a while.

Q Bear with me. I'm going to ask a few more questions that I don't understand. Let's put it at my failings rather than

1

Thomas

175

2

anyone else's.

3

4

Basically, when does Charlie look in the compactor, or does he?

5

6

A Before I -- he doesn't look in it, he looks at it as I dump it.

7

8

9

Q He doesn't see what's in the compactor until the compactor is dumped on the floor at Metro?

10

11

A He might see a bag, because part of the compactor is open.

12

13

14

15

16

Q You tell me what you remember. I'm trying to know whether Charlie is stopping you at the scale, or he is stopping you at the floor, and what he's seen at the time he stopped you.

17

18

19

20

MR. BLOCH: I think parts one and two he can answer. But I think it would be difficult for Mr. Thomas to testify as to what Mr. Marino saw.

21

22

23

24

25

MR. MACK: I don't know how difficult it would be, depending on what Mr. Marino does. I'm trying to make sure -- right now there's a possibility of a bag, which I'm not certain how that

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

figures into the equation.

Q Explain to me what you remember Charlie did on this day.

A He asked me at the scale what I'm doing here. I told him, "I have to dump it here." I go down, get ready to dump it and he comes down and looks.

Q Would it be your best recollection that the first time you have reason to believe Charlie saw what was in the compactor was on the floor?

A It wasn't on the floor yet. When I opened the door to dump --

Q But the compactor was at the floor --

A Yes.

Q -- just prior to being dumped?

A Yes.

Q What did Charlie do?

A He said, "I can't take this."

Q Did he tell you why not? Did he tell you what the problem was?

A He said, "This is not demo."

Q What did you say?

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

A I said, "I was told to dump it here."

Q What did he say?

A I don't remember what he said.

Q So what happened next, as best you can remember?

A I guess he made a phone call.

Q Be careful about guessing. Did you see Charlie do anything?

A No, I didn't see him do anything.

Q Did he leave the floor, walk somewhere, go away from your site?

A Eventually, yes.

Q I'm trying to -- how long was he away from your presence?

A After I was done dumping?

Q You continue to dump even though he was away?

A No. No, he watched me dump the whole load.

Q Did he go in and pick up the load, did he take a look at it, did he talk to other people that were there? I'm -- my questions aren't complex. I want to get the

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

benefit of your full recollection as best I can. Did he look at it, did he scrape it with anything, did he ask you about it, did he say anything to you about the load?

A He looked at it.

Q This was a normal load that you have already described?

A Yes.

Q Did he ask you any questions about the load, like: Where did it come from or where does this -- what is this stuff? Did he ask you anything like that?

A I don't remember.

Q Did he leave the floor while you were dumping?

A I don't remember if he left while I was dumping.

Q So did anything else happen that day? Were you told anything by anybody about continuing to dump, not dump?

A No.

Q You dumped and you left?

A Yes.

Q And you came back the next day?

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

A I don't know if it was the next day. You'll see.

Q Let's take a look. It looks like here, if the records are of value, that the first dump was on February 2nd, and the next one is February 5th. All right.

MR. MACK: Let's mark this as BT-2.

G197

(Group of documents marked BT Exhibit 2.)

MR. BOXER: Can I take a quick look at that, Walter?

MR. MACK: Sure.

(Pause).

Q These aren't trick questions. I want to make sure that my understanding, if you know, on some of these questions, is clear. There are some that have particular interest to me.

Take a look at BT-2, which is a combination, a variety of different things, okay? Do you recognize any of those documents?

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

Thomas

180

A Yeah, that's mine.

Q Is that in your writing?

A Yes.

MR. BLOCH: All of them?

MR. MACK: We'll go through one at a time.

MR. BLOCH: You asked him: Do you recognize these documents. I know that and you know that, but the record doesn't know that.

MR. MACK: Just let me do a few more questions and I'll try to be vigorous.

Q Let's take a look at the first record that has a mark of 88736. What is this document?

A A ticket that we write up for every stop we do.

Q Is this ticket the first of three records here, which bears the number 88736, is the writing here on the date and the name, is that your writing?

A Yes.

Q And does it bear your signature?

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

A Yes.

Q And that's your truck?

A That was the truck I was using,  
yes.

Q Is that your normal truck?

A No.

Q Why would you be --

A Breakdown, service.

Q This writing here, the account  
number, is that you?

A Yes.

Q Who is this person, Nancy  
Sisorak, if you know? How would that  
signature get there?

A Manager.

Q Where?

A At 1050.

Q This is the manager at  
Englehardt?

A For that day.

Q What's the significance, if  
anything, of that signature? What does that  
signature mean?

A Just saying that we were picking

1  
2 it up, and, you know, they know that we  
3 picked it up.

4 Q That's in your writing. That's a  
5 pretty good indicator that at least on  
6 February 5th you picked up at the plant from  
7 that customer?

8 A Yes.

9 MR. BOXER: What's the year,  
10 Walter?

11 MR. MACK: '01.

12 Q Let's look at the second page of  
13 this exhibit, which we reflect as BT-2. It  
14 is all part of the same. It's the second  
15 page. Do you know what that is? What is  
16 that?

17 A That's the sheet that we use so  
18 Allied could keep track of its records and  
19 times and everything.

20 Q Is that a record that you,  
21 yourself, put entries on?

22 A Yes.

23 Q Is that a record that you would  
24 be carrying with you on your truck during the  
25 day?

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

A Yes.

Q Let's take a look here. What do you call that, by the way?

A What?

Q This record here, the second page, is that called your route sheet? What is that called?

A I guess they would call that a route sheet.

Q I don't want to put words in your mouth. It says on the top, "Route 1 602." That's you?

A Yes.

Q It is a 1, and then a 602, and the date February 5, '01 on it?

A Right.

Q Do you know what the significance of the numeral "1" is?

A First day of the week.

Q We'll let the record speak for itself there.

Now, I just want to make sure: You fill out these records, then, at the time, what site you go to, your ticket

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

itself.

This is a record you would have received a copy of when you went there; isn't that right?

A Yes.

Q There's a description of what it was that was dumped, in the ticket; isn't that true?

A Yes.

MR. BOXER: Could I take a look at it?

(Pause.)

MR. BOXER: Keep going.

MR. MACK: Sure.

Q I'm sure there was every effort, but I want to -- in order to describe your series of deliveries to Metro, which I would suggest are, at least as far as the record I have, show a number here, not all of yours are all 602s, but most of them are -- in the course of these deliveries to Metro, which appears to be mostly in February and through a little bit more than mid March, did Charlie Marino ever again say to you something which

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

questioned whether or not this was C and D?

A Not to my knowledge.

Q Not that you can recall? You're the only one I'm asking about.

A Not that I can recall.

Q But you do remember complaints being made -- correct me, I don't want to put words in your mouth -- were there complaints about the delivery, in terms of dealing with the material, was there any complaint about your delivery of this material from the film plant to Metro Enviro, that you can remember?

A By who?

Q By anybody.

A A couple of guys.

Q Who do you mean, people on the floor?

A Yes.

Q Tell me what they said.

A The plastic film, the loose film, was flying all over.

Q Do you know the people on the floor at Metro by name?

A No. Just Spanish workers.

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

Q Did they come to you, did they try to stop you from dumping on the floor? How did that information come to your attention?

A No, they never tried to stop me. Just moaned and groaned.

Q Did Charlie Marino ever come speak to you again or try to prevent you from dumping there or say anything to you about where the load should go, other than what you've told me a few moments ago?

A Not to me.

MR. MACK: Let's take five minutes.

(Short recess taken.)

MR. MACK: On the record.

MR. SOBOCIENSKI: Just a few questions about 1050.

In addition to the compactor that is regularly serviced there, do you know if there were boxes there?

THE WITNESS: There was a couple of open boxes whenever the compactor broke.

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

MR. SOBOCIENSKI: Whenever the compactor broke?

THE WITNESS: Yes.

MR. SOBOCIENSKI: That's what the boxes were there for?

THE WITNESS: Open boxes, yes.

MR. SOBOCIENSKI: This contained the same type of material as in the compactor?

THE WITNESS: Yes.

MR. SOBOCIENSKI: Did you physically see the contents of the boxes?

THE WITNESS: Yes.

MR. SOBOCIENSKI: Is that what they contain?

THE WITNESS: Yes.

MR. SOBOCIENSKI: Did any contain anything other than the same types of material that was in the compactor?

THE WITNESS: No.

MR. SOBOCIENSKI: Going way back, years ago, you said you serviced this for quite some time, and I know we are a

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

little hazy on the dates, do you remember a time when the hardened plastic material was ever separated from the loose --

THE WITNESS: No. I heard about it.

MR. SOBOCIENSKI: What did you hear?

THE WITNESS: That they used to separate it, at one time, but that was way before me.

MR. SOBOCIENSKI: Before you serviced it?

THE WITNESS: Way before .

MR. SOBOCIENSKI: It was separated and put in a separate container?

THE WITNESS: Yes.

MR. SOBOCIENSKI: Okay.

BY MR. MACK:

Q I would like to now turn to 1057. Again, some of these topics you may have answered, but I want to make certain that I'm clear about the situation.

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

What's your recollection of when you started picking up at 1057?

A Springtime. I don't remember the year.

Q I'm going to come over, if I may, again, and see whether the records are -- when you say "spring" -- but when you first started picking up at 1057, is it your recollection that what you picked up there was going to go to Westchester Resco?

A Yes. When I got there?

Q Right. Did it ever come to your attention that the customer, itself, did not want the materials picked up at 1057 to go to Westchester Resco, the customer being Englehardt?

A Right.

Q Were you ever told -- you've answered this to some extent already, but I want to make sure it is clear -- did it ever come to your attention that the customer wanted the materials that you were picking up at 1057 not to go to Westchester Resco?

A Yes.

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

Q Tell me again -- and if I missed it this morning, I want to make sure I understand -- how that first came to your attention, how did you learn that?

A Tony Cardillo told me, "If anybody asks you at 1057 where this is being dumped, you're bringing it to our own facility."

Q That's what you said this morning. Was that at the very beginning of your providing service to that location, or was that something you learned after you had already taken it to Westchester Resco?

A No, at the very beginning.

Q Did he explain to you why that was occurring, why you were being told to say that when you knew it wasn't true?

A No. He just told us tell the customer it is going to our own facility.

Q But it was certainly obvious to you that it wasn't going to Allied's own facility; isn't that true?

A Yes.

Q It was going to Westchester

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

Resco?

A Yes.

Q Do you today, as you sit here today, do you understand why you were given that instruction by Tony Cardillo?

A Yes.

Q What's your understanding of that?

A As of today, because I had found out it was industrial waste. But at the time, nobody -- I didn't know, Tony didn't know, I don't know who else didn't know.

Q You don't know who knew, but at least you've already talked about how you had found out about industrial waste.

MR. BOXER: You've asked him to speculate on a lot of things that other people knew. I object to the last comment.

MR. MACK: He is saying what Tony knows.

MR. BOXER: He said that about other topics and you gladly accepted and ran with those comments.

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

MR. MACK: You can have your questions.

MR. BOXER: I note my objection.

MR. MACK: When you have questions and I have objections, you want me to interrupt and do that?

MR. BOXER: Sure.

MR. MACK: I'll start doing that, too. That's a new rule here.

MR. BOXER: I'm here for a reason. If I think something is objectionable, I'm allowed to put it on the record. You should certainly do the same.

MR. MACK: I will. I will.

Q We've talked about what instruction you received about industrial waste and how you first learned about it, but I want to turn to the topic of, did you ever discuss with anyone at 1057 what they expected to happen, or what their instruction to you was about where the waste from that location should go?

A No.

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

Q When you were stopped, the day I think you described that you were followed, the person that asked you or talked to you, did that person ask your name?

A I don't remember.

Q Do you remember what you said to that person that was accurate or inaccurate?

A What I said to that person?

Q Right.

A From what I can remember, I told you what I said to that person.

Q Tell me again what that was.

A They asked me if it went to Resco, I eventually said yes.

Q When you say "eventually," did you tell them, at the beginning -- what did you tell them in the beginning?

A That it went to our place. But they said they followed me and they seen it going into Resco.

Q So maybe I should ask you, just so that I have the back and forth, which is generally my habit: Describe for me that incident again to make sure I have it

2

accurately, about what happened when you were questioned by somebody. How did that start and end? Take me through it the same way you told me about your conversations with Charlie at Metro.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A Picked the stop up, went and dumped at Resco, stopped on the side of the road, had lunch; somebody came up to the truck and was asking about the container.

Q Best you can remember, what did that person say to you and what did you say in response?

A He asked me if it came from Englehardt 1057, I said yes, and then he asked me where I dumped it.

Q What did you say the first time? Take me right through how the conversation evolved.

A He told me who he was.

Q What did he tell you? What do you remember?

A That he was some kind of environmental guy from Englehardt. I don't remember if he gave me his name or not.

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

Q Fine. Do the best you can.  
You're not a tape recorder.

A And then he was telling me that,  
"You're supposed to go to your own facility."

Q What did you say?

A I said I think we did -- wait,  
wait, wait.

Q Take your time. Take your time.

A I said it went to our own  
facility. He said he followed me and saw me  
come out of Resco with it. I eventually told  
him it went to Resco.

Q I just want to make sure I  
haven't missed anything. Was there any other  
topic discussed? Were there any words, any  
anger, anything -- I want to make sure I  
covered this whole conversation, I haven't  
missed anything.

A He was angry. I told him to call  
the office and speak to the dispatcher,  
because I'm only doing what I was told.

Q Did you give the name of the  
dispatcher?

A I could have. I don't remember.

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

Q Do you remember whether or not you gave your true name or a phony name?

A No, I gave my real name. If I gave a name, I gave my real name.

Q I want to show you these records. I don't know if they are of any value to you.

MR. BOXER: You're up to 3.

MR. MACK: 3?

MR. BOXER: Exhibit 3.

MR. MACK: BT-3.

(Group of documents marked BT Exhibit 3.)

Q These are very similar to the records that we saw before.

MR. BLOCH: BT-1, I'm talking format. It should be BT-1, the similar format.

Q This location, this is the number of the -- the account number, and some additional things that are written there which may or may not be of help to you.

MR. BLOCH: Is that handwritten stuff from the company record or is that added on?

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

MR. MACK: I think this was added  
on.

MR. BLOCH: By one of you?

MR. SOBOCIENSKI: That's my  
writing.

MR. BLOCH: Okay.

Q Now, I see occasions here of a  
roll-off, I think it's 16, to Carter  
Cardboard. Is that you?

A Yes.

Q Explain, if you would, what that  
pickup -- what container that was and what  
you were picking up?

A That was at 1057, thirty yard  
open box full of cardboard.

Q I see here Metro Enviro, I'm  
going to circle the 602s, one in May, and one  
in July. Take a look at those.

A Right.

Q Does that in any way refresh your  
recollection, at all, about deliveries from  
1057 that were taken to Metro Enviro?

A I could have.

MR. BLOCH: The only way to pin

1

Thomas

199

2

this down conclusively is to match those  
3 dates versus Mr. Thomas' vacation.

4

MR. MACK: We can do that. And  
5 we can take a look at the --

6

THE WITNESS: The dump ticket.

7

MR. MACK: We can.

8

Q At least today -- and maybe some  
9 of these things, if I find I think they are  
10 significant, but I'm showing you at least  
11 what I believe to be records that may assist  
12 you in refreshing your recollection.

13

Do you have any recollection of  
14 taking the 1057 box to Metro Enviro?

15

A No. If I took it to Metro, if I  
16 took it, it would be demo, more than 50  
17 percent demo, which would be like tables and  
18 chairs, wallboard, metal, big drums and stuff  
19 like that.

20

Q When you talk about "drums," you  
21 are talking about the cardboard drums that we  
22 talked about?

23

A No, regular 50/50 metal drums  
24 that the oil and antifreeze comes in.

25

Q They would have been the

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

55-gallon metal drums?

A That would consist of demolition, still.

Q But also metal drums, as well?

A Yes.

Q Because?

A Because they pull all the metal out at Metro and rate the metals.

Q These were metal drums coming from 1057?

A If they were in there.

Q I don't know. I'm asking you for your best recollection.

A I can't recall, I've done so many.

MR. BLOCH: Do you have any recollection of doing this, or is it your speculation?

THE WITNESS: I'm speculating.

Q These yellow highlights here, this is 1/01 to 12/31/01, these are 602s, roll-off, 63 Westchester Resco, so at least -- I'm reading these records on all these dates for 1057, starting here, and this

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

is the total from the previous page. Every time, I marked in yellow every one that appears to be a 602.

A Right.

Q This is a delivery of materials from 1057 to Westchester Resco. Okay?

A Okay.

Q Does that help you any, in any way, remember? These are all 602s, and --

MR. BLOCH: If you would like an answer to the question, do the documents help you remember?

THE WITNESS: No. It's just dates.

Q Those dates with those entries, also, you don't remember that as being not consistent with the number of times you went to Westchester Resco; you went to Resco with materials from 1057 on frequent occasions?

A Yes.

Q Do you have any information as to where Englehardt was taking its waste from 1057 before you started picking up at that location?

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

A Yes.

Q What is your information on that topic?

A They were going to Resco with their own truck.

Q Right. What would be -- what was your understanding of why you were now picking up at that location?

MR. BOXER: May I ask for a time period?

MR. MACK: I've done my best. I can highlight the time period.

MR. BOXER: I'm just asking does he have that understanding from today or from back then. The way you asked it: "What was your understanding --

MR. MACK: I'm going to start with his understanding.

Q Do you have an understanding -- and if it was -- if you can divide it up: My understanding was, at the time I picked it up, was X but my understanding today is different, if that's the fact, I don't know what it is, but my question is: If

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

Englehardt was delivering its 1057 waste to Westchester Resco, what was the reason you were now picking up that route and taking it to Westchester Resco, if you know?

A I don't know. Because I was told to go there.

Q Nothing wrong with that.

MR. BLOCH: Before you go further, are we done with the documents?

MR. MACK: No.

MR. BLOCH: I wanted to send you back to the other side.

MR. MACK: I still have documents here.

Q And the person who told you to go to 1057, take the waste that was there and take it to Westchester Resco, was Tony Cardillo?

A Yes.

Q Did anyone else give you that instruction or a similar instruction with respect to 1057?

A In the beginning?

Q Yes.

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

A No, because Tony was the first one to tell me to do it.

Q Was there anyone else who later told you to do the same thing?

A Not that I could recall.

Q Okay. Did anyone at Englehardt -- I think I asked this -- but did anyone at Englehardt explain to you where they wanted the waste to go or why they didn't want it to go someplace or to go to a specific place?

A Explain why? No.

Q Other than your encounter with this person that you have told us about while you were eating lunch, which, you know, you've already talked about, no one else from Englehardt ever talked to you about where they wanted the waste to go or where it should go?

A No.

Q No, no one else did; right?

A No, nobody else did. Nobody.

Q Did anyone else, whether manager or employee of Allied, talk to you about the

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

topic of not telling people at Englehardt where the waste was going, other than Tony Cardillo, who you talked about already?

A Not that I can remember.

Q Let me give you a few names just to make sure I haven't forgotten. Did Matt Hickey ever discuss that topic with you?

A No.

Q How about Erina Hickey?

A No.

Q Did you ever have any interactions concerning Englehardt with Erina Hickey?

A No.

Q How about any interactions with John Lombardo concerning Englehardt?

A No.

Q After you were questioned by this person from Englehardt about the conversation during which you were eating lunch, did you talk about that encounter, that interaction, with anyone, after it occurred?

A Yes.

Q Who did you talk to about it?

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

A Tony Cardillo.

Q Please tell me what you said and what he said.

A I told him the guy questioned me, from Englehardt, about the stop and I had to tell him where I dumped it, and I told him he "probably would be calling you", because I told him to call and speak to the dispatcher or whatever, about the stop.

Q What did Tony say, if anything?

A He said, "You shouldn't have told him anything."

Q Did you talk to him about that?

Does that sound consistent with your sense of customer treatment, or was that just the end of the conversation?

A That was basically the end of the conversation.

Q Do you remember anything else he said, why that was true, or what you should do next time, or why he was giving you that instruction, anything else that can help me understand this conversation?

A No, not that I can recall.

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

Q I want to show you, if I may, and we'll mark this BT-4, which are records which in format are similar to 1 and 3.

(Group of documents marked BT Exhibit 4.)

MR. SOBOCIENSKI: Before you leave 1057, the container that you picked up at 1057 and delivered to Resco, did you return that same container empty to Englehardt?

THE WITNESS: That day?

MR. SOBOCIENSKI: On a routine basis, was it always the same container, you would come pick it up full?

THE WITNESS: No.

MR. SOBOCIENSKI: Did you sometimes drop off a container before you picked up?

THE WITNESS: Yes.

MR. SOBOCIENSKI: Was there ever a period of time when you were told by anyone at Allied that you should eat lunch before returning back to Englehardt with the same container so as

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

to give the appearance that you were gone a longer period of time?

THE WITNESS: Not that I can recall.

Q Let's take a look at BT-4. BT-4, I would suggest to you, is the address we've talked about at Ossining.

A Yes.

MR. BOXER: Highland Avenue?

MR. MACK: Yes. I would reiterate our request, because we have -- the request that we've given to Allied, for any other documents that pertain to any other Englehardt locations for which there were others, some of which have been talked about today.

MR. BOXER: Okay.

Q This is the only other location that we can find at Englehardt that bears a reference to 602, okay? I was wondering here -- first of all, I only find in the period '01, which we've talked about, a total of two occasions in which you picked up at

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

this location on Highland Avenue.

A Right.

Q Is that consistent with your recollection?

A Yes.

Q So you only, yourself, recall being there two times?

MR. BLOCH: I think the testimony back this morning was, the recollection was occasionally, three or four times a year, so what you're showing seems very consistent.

MR. MACK: I only have two at the moment, so I'm trying to figure out whether it could have been less than three or four or that there could have been some of these other codes, 601, 606.

Q Do you know who those people are?

A No.

Q Given the fact that I've shown you at least the records that we have about this, only showing you picking up twice, do you think your recollection of three and four

1

Thomas

210

2

is more accurate or could it have been two?

3

A It could have been two. It

4

wasn't an ongoing stop.

5

Q Fine. I'm trying to make sure

6

that I have given you what I have that could

7

assist you in remembering so that your

8

recollection -- I mean, these are shown to

9

you primarily to help you recall or,

10

secondarily, to permit you to explain to me

11

if I'm not understanding these records

12

accurately.

13

So it could have been two, could

14

have been as few as two?

15

A Right.

16

Q Can you give me, by name, any

17

other drivers who picked up at Ossining?

18

A Minocchi did, John Minocchi. I

19

don't know who else could have. Almost any

20

other roll-off drivers, because that was a

21

stop that isn't scheduled to anybody, really.

22

Q I think you've described what you

23

recall being in that box, so I'm not going to

24

ask you that again.

25

MR. MACK: Don, any other

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

questions you would like to address  
concerning the Englehardt subject?

MR. SOBOCIENSKI: No.

Q Now, we've talked about -- let me  
make a couple of comments.

Number one, if on reflection,  
after today is over, all right -- I know you  
would like to come back and do this every day  
next week because of the enjoyment of it --  
but realize that there will be a record made  
here of what's been said, and as is not  
unusual, a witness will say: Gee, you know,  
I remembered something more, or I didn't  
answer that question as completely as I could  
have because I've remembered something new or  
something in addition, and whether it is a  
question that Mr. Boxer asked or I asked, it  
is important that this record be as complete  
and accurate as possible. So, if in the  
quiet of the weekend you are reflecting about  
a conversation or an event or a topic that  
you now say that: Gee, there is more that I  
remember, or it came to me or I saw something  
that refreshed my recollection, what I'm

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

saying to you is, it is important that you call Mr. Bloch so that you can discuss that with him, because your obligation is to ensure that the record here, under oath, by you, is full, complete and accurate.

I talk to a lot of people, some people that Mr. Bloch and Mr. Boxer may know about, and I have transcripts, but there may be other people that we don't know about, and I make a pretty careful effort to try to conclude -- and by no means I'm saying you aren't truthful, but it is at least possible there are things you will remember after today that should be in this record, and Mr. Bloch is the instrument and the means whereby the record can be complete.

What I say as a general rule is, because I'm going to be completing some of my reports on these topics, that we should correct this record very promptly. In other words, if there's something that occurs to you and you know in your heart of hearts, whether now or a week from now or two weeks from now, that the record as it stands is

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

incomplete or inaccurate, you need to correct it.

Do you understand what I'm saying?

A Yes.

Q It is really an opportunity to ensure I can have the best and most complete data as possible.

Here's my general question: We discussed a lot of things that occurred at this job site, and other topics which involved you working as a roll-off driver from time to time. I've made an effort to cover many of the things that I think that you might or could possibly have known about that was not appropriate or not proper. Some things you knew nothing about, but they generally tend to be some form of misconduct or maybe some theft or drug use or what have you.

But is there any other topic of wrongdoing or potential misconduct or violation of the compliance plan -- that was that document -- I realize you're not an

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

expert in the plan, but any other illegal conduct or inappropriate conduct or unethical conduct that I haven't asked you about today, that you have some knowledge about, that I should know about?

Given your duty under the compliance plan to report potential misconduct or inappropriate conduct, is there any other area of interest for me or topic that I should know about, that you have knowledge about concerning this facility and what goes on at this facility?

You can discuss that question with Mr. Bloch.

A Would, like, management decisions, like what I was talking to you about, the way Suburban is taking all our work --

Q If it's the topic you have talked with me and Don about, more in the past, about your perception that work is being dispatched out of Suburban has been unfair to the roll-off drivers who have consistently worked out of this location -- is that the

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

topic?

A Yes.

Q -- unfortunately, that is not something that I would consider an -- it is a management decision. As I have said to Allied many times, I don't run the company, I don't make management decisions. I try to stick to what is my job. Any potential violation of Federal, State or Local Law, if that's what occurs, and violation of the compliance plan.

Allied, in its wisdom, can make management decisions about how to run their business that I have no role in, and my judgment about that topic is, it may be misguided, it may be unfair.

You have a union; right?

A Yes.

Q Do they have a position on the topic?

A It's in grievance.

Q Has a grievance been filed?

A It's been long filed.

Q I'm sure Allied is lucky they

1  
2 don't have to sit with me on a monthly  
3 meeting to see what their responses were.  
4 The Judge has limited me to the categories in  
5 the Order. Even if I weren't so limited, and  
6 even when you raised it -- because I thought  
7 about it -- as long as the company is acting  
8 consistently with its obligations to the  
9 union, I can't see it as something covered in  
10 my jurisdiction, even if I still remain the  
11 Monitor.

12 A Right.

13 Q I'm not in any way saying it  
14 isn't a position that needs to be argued, but  
15 I just don't think I have the authority any  
16 longer, if I ever had, to require Allied to  
17 do things differently.

18 If records were being created  
19 that were inaccurate -- you know, I'm a  
20 record idiot, and if there's -- if you're  
21 being threatened with physical force about  
22 something, if there's money changing hands,  
23 if there's mixing of waste that shouldn't be  
24 done, if records are inaccurate or things of  
25 that nature, improper dumping of materials at

1  
2 sites, those are the types of things that  
3 probably remain, that I have jurisdiction on.

4 A That's it, then.

5 Q I don't think I can help you on  
6 that. I don't want to discourage you from  
7 taking whatever action you think is  
8 appropriate, but probably that needs to be  
9 dealt with by the union. I understand your  
10 feelings. I just don't think I have the  
11 jurisdiction to deal with it. Okay?

12 MR. MACK: I don't have any  
13 further questions.

14 MR. BOXER: A couple of  
15 questions.

16 FURTHER EXAMINATION

17 BY MR. BOXER:

18 Q Mr. Sobocienski asked you just  
19 one question, really, Mr. Thomas, about the  
20 1050 location. He asked you, and you  
21 testified that there were a couple of open  
22 boxes there, I think you testified, in case  
23 the compactor broke?

24 A Yes.

25 Q So there were a few occasions

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

where the pickups were taken out of 1050 in the open boxes; is that accurate?

A Yes.

Q Did that happen very often?

A Towards the end, because the compactor kept on breaking.

Q On the occasions when it was transported and taken in the open container, was the tarp used and was the load secured in the way you described earlier in your testimony?

A Yes, as best as possible.

Q Do you recall any instances where the open boxes were used at 1050, where there were any spills? Did that ever happen?

A Spills at 1050?

Q Either in loading -- not at 1050, in actually taking the box away and taking it to whichever location you took it to.

A No.

MR. BOXER: That was it.

MR. MACK: Norman, anything you want to put on the record? I know you like to speak at length about certain

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

topics.

MR. BLOCH: No.

MR. MACK: Don?

MR. SOBOCIENSKI: No.

MR. MACK: Anything you want to ask?

THE WITNESS: No, that's about it.

MR. MACK: Let me say this: I very much appreciate the time and effort you put in. These are important topics. There will be a report dealing with most of the topics, if not all of them, that were covered today.

There will be a transcript of your questions and answers that will be made available, probably because of the time periods involved, very promptly, and I just want to make certain that, one, you take advantage of the need to correct anything, if that's true; and, second of all, I very much appreciate the time and attention you've given to this topic today.

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

If there's anything I would say is an important part, if there are lessons to be learned here, it is that you have a compliance plan, it's still in effect, and if there's training that's given to you about various waste, and in your own common sense something happens on your watch, when you're driving or dumping, that doesn't seem right to you, it really doesn't help your employer any -- if there's a purpose to the compliance plan, and a purpose to the training that Allied has an obligation to do, if somebody gives you an order that is illegal or inappropriate, that you have a recourse so that something can be done about it.

I would encourage you to be mindful of training and compliance issues, because, in many ways, when there's a failure of compliance, which there was here -- I'm not pointing to you, but there was definitely a failure of compliance, the cost to the company

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

and the penalties to the company and what can happen to the company are severe.

Had some of these issues -- I'm sure if some of the bosses at Allied were here, they would say had they known about some of these things, maybe Englehardt would still be a customer today, maybe there would be less things for Mack to do. And, third of all, there might be a lot less community unrest about a variety of things that happened.

If there's a lesson for anybody here, it is that just because somebody tells you to do something, that you have an ability to assess, and I would encourage you to assess, if it's wrong, there are means within the company for you to test whether or not there's something that needs be done; it could be a union, it could be a compliance person, it could be Norman under some circumstances, but I would encourage you

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

to, if you have a question about if something is right, to find a person to talk to about it rather than just let it go.

I mean, this is the best possible way, but that is certainly a lesson here for Allied Waste, given all the issues that have occurred up here. I give that to you in the best possible good faith, but that's why there's a compliance plan, that's why there's waste training, okay?

THE WITNESS: Okay.

MR. MACK: Off the record.

(Discussion off the record.)

MR. SOBOCIENSKI: We are finished.

(Time noted: 3:00 o'clock p.m.)

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

I N D E X

<u>WITNESS</u>	<u>EXAMINED BY</u>	<u>PAGE</u>
ROBERT THOMAS	Mr. Boxer	30-79
	Mr. Mack	79-217
	Mr. Boxer	217-219

\* \* \*

E X H I B I T S

<u>BT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1	Ticket receipts	144
2	Group of documents	179
3	Group of documents	197
4	Group of documents	207

\* \* \*



DEPOSITION EXHIBITS

Ticket Date Range 10/01/99 to 12/31/99  
 Ticket Number Range A to 9999999999  
 Route Range LO 9999  
 Disposal Account Contract Revenue Dist. Industrial Dist Source  
 22169 ENGELHARD CORPORATION - 1050 Lowe South St.  
 BIRD215 BIRD215

Ticket #	Route	Date	Seq	Truck	Acct Cpty	Site Ids	Qp Name	Volume	Ngt/Yd	Weight or Quantity	UOM	C/R	Disposal Cost/Rev	F V/C Value	Adj	Customer Chg/Cred
341A	1616	10/04	4	1	615235	22169	00001 02	ENGELHARD COR		7.87000	TN	C	423.25			
NORWA	2609	10/05	2	1	655230	22169	00001 02	ENGELHARD COR		.01000	TN	C	.54			
703A	3609	10/06	2	1	655230	22169	00001 02	ENGELHARD COR		6.95000	TN	C	373.77			
1025A	5606	10/08	2	1	685260	22169	00001 02	ENGELHARD COR		7.21000	TN	C	367.75			
1475A	3609	10/13	2	1	655230	22169	00001 02	ENGELHARD COR		6.68800	TN	C	359.25			
1713A	4611	10/14	3	1	645232	22169	00001 02	ENGELHARD COR		7.49000	TN	C	402.81			
1891A	5609	10/15	2	1	655230	22169	00001 02	ENGELHARD COR		4.09000	TN	C	219.96			
2127A	1609	10/18	2	1	655230	22169	00001 02	ENGELHARD COR		4.79000	TN	C	257.61			
2367A	2609	10/19	2	1	655230	22169	00001 02	ENGELHARD COR		3.34000	TN	C	179.63			
2597A	3609	10/20	2	1	655230	22169	00001 02	ENGELHARD COR		4.33000	TN	C	232.87			
2818A	4609	10/21	2	1	655230	22169	00001 02	ENGELHARD COR		4.22000	TN	C	226.95			
3036A	5609	10/22	3	1	655230	22169	00001 02	ENGELHARD COR		3.70000	TN	C	198.99			
3496A	2609	10/25	2	1	615229	22169	00001 02	ENGELHARD COR		.01000	TN	C	.54			
3735A	3607	10/26	2	1	655230	22169	00001 02	ENGELHARD COR		9.12000	TN	C	490.47			
3960A	4609	10/27	2	1	615229	22169	00001 02	ENGELHARD COR		7.67000	TN	C	412.49			
4229A	5616	10/28	2	1	655230	22169	00001 02	ENGELHARD COR		6.58000	TN	C	353.87			
4440A	2607	11/02	4	1	615235	22169	00001 02	ENGELHARD COR		7.66000	TN	C	411.95			
4792A	3607	11/03	2	1	615229	22169	00001 02	ENGELHARD COR		8.24000	TN	C	443.15			
5043A	4607	11/04	3	1	615229	22169	00001 02	ENGELHARD COR		3.02000	TN	C	162.42			
5283A	5609	11/08	3	1	655230	22169	00001 02	ENGELHARD COR		3.00000	TN	C	161.34			
5577A	1609	11/08	2	1	655230	22169	00001 02	ENGELHARD COR		1.86000	TN	C	100.03			
5899A	2607	11/09	4	1	615229	22169	00001 02	ENGELHARD COR		5.53000	TN	C	297.40			
6305A	4607	11/11	2	1	615229	22169	00001 02	ENGELHARD COR		5.38000	TN	C	289.34			
6501A	5607	11/12	3	1	615229	22169	00001 02	ENGELHARD COR		3.91000	TN	C	210.28			
6709A	1616	11/15	4	1	615235	22169	00001 02	ENGELHARD COR		5.16000	TN	C	277.50			
7041A	3607	11/16	6	1	615235	22169	00001 02	ENGELHARD COR		3.67000	TN	C	197.37			
7085A	3607	11/17	2	1	615229	22169	00001 02	ENGELHARD COR		6.06000	TN	C	325.91			
7262A	4607	11/18	2	1	615229	22169	00001 02	ENGELHARD COR		2.95000	TN	C	158.65			
7421A	5612	11/19	2	1	615229	22169	00001 02	ENGELHARD COR		4.18000	TN	C	235.56			
7635A	1607	11/22	2	1	685233	22169	00001 02	ENGELHARD COR		4.62000	TN	C	248.46			
8226A	3607	11/24	8	1	615239	22169	00001 02	ENGELHARD COR		4.38000	TN	C	235.56			
NORWA	5607	11/26	2	1	615229	22169	00001 02	ENGELHARD COR		8.42000	TN	C	452.83			
8559A	1611	11/29	4	1	615232	22169	00001 02	ENGELHARD COR		.01000	TN	C	.54			
NORWA	2606	11/30	1	1	685260	22169	00001 02	ENGELHARD COR		4.59000	TN	C	246.85			
9050A	3607	12/01	2	1	615229	22169	00001 02	ENGELHARD COR		.01000	TN	C	.54			
NORWA	4616	12/02	3	1	615235	22169	00001 02	ENGELHARD COR		6.32000	TN	C	339.89			
9456A	5607	12/03	4	1	615235	22169	00001 02	ENGELHARD COR		.01000	TN	C	.54			
9930A	2606	12/07	4	1	615229	22169	00001 01	ENGELHARD COR		7.90000	TN	C	424.86			
10296A	3616	12/08	6	1	685260	22169	00001 02	ENGELHARD COR		10.77000	TN	C	579.21			
10626A	5607	12/10	5	1	615229	22169	00001 02	ENGELHARD COR		6.76000	TN	C	363.85			
10994A	2607	12/14	2	1	615229	22169	00001 02	ENGELHARD COR		8.75000	TN	C	470.58			
13443A	4607	12/16	4	1	615229	22169	00001 02	ENGELHARD COR		8.20000	TN	C	441.00			
NORWA	5607	12/17	2	1	615229	22169	00001 02	ENGELHARD COR		7.80000	TN	C	419.48			

BT

Ticket # Route Date Seq Truck Acct Cpy Site Ldt Gp Name Vgt/Yd Disposal Account Contract Revenue Dist Industrial Dist Source Route Hdr  
 10/01/99 to 12/31/99  
 A to 99999999999  
 to 9999  
 22169 ENGBRND CORPORATION

Ticket #	Route	Date	Seq	Truck	Acct Cpy	Site Ldt	Gp Name	Vgt/Yd	Disposal	Account	Contract	Revenue	Dist	Industrial Dist	Source	Route Hdr	Weight or Quantity	DOM C/R	Disposal Cost/Rev	F Adj V/C Value	Customer Csg/Cred
11836A	1607	12/20	2	1	615229	22169	00001	02	ENGBRND COR			7.77000	TM	C			417.87				
12056A	1607	12/21	3	1	615229	22169	00001	02	ENGBRND COR			4.71000	TM	C			253.30				
12732A	1607	12/22	2	1	615229	22169	00001	02	ENGBRND COR			8.01000	TM	C			.54				
12982A	1607	12/27	2	1	615229	22169	00001	02	ENGBRND COR			4.45000	TM	C			450.68				
13249A	1607	12/28	2	1	615229	22169	00001	02	ENGBRND COR			4.28000	TM	C			239.32				
13249A	1607	12/29	2	1	615229	22169	00001	02	ENGBRND COR			4.28000	TM	C			230.18				
13527A	4607	12/30	2	1	615229	22169	00001	02	ENGBRND COR			6.73000	TM	C			361.94				
TOTALS	20	Roll Off				51			0.00			259.76000					13969.91				

TOTALS WC 01 WESTCHESTER CTY/SOLID WASTE 51 0.00 0.000 259.76000 C 13969.91

TOTALS WC WEST.COUNTY/WHITE PLAINS 51 0.00 0.000 259.76000 C 13969.91

GRAND TOTALS 51 0.00 0.000 259.76000 C 13969.91

Account: 22169  
 Contract: 22169  
 Revenue Dist: 22169  
 Industrial Dist Source: 22169  
 Disposal: 22169  
 Account: 22169  
 Contract: 22169  
 Revenue Dist: 22169  
 Industrial Dist Source: 22169

Ticket #	Route	Date	Seg	Truck	Acct Cpty	Site Idt	Op Name	Volume	Wgt/Yd	Route Hdr	Weight or Quantity	UOM	C/R	Disposal Cost/Rev	F V/C Value	Customer Chg/Cred
13785A	1607	01/03	2	1	615229	22169	00001	02	ENGELHARD COR		4.23000	TN	C	327.49		
14038A	2607	01/04	2	1	615229	22169	00001	02	ENGELHARD COR		6.28000	TN	C	337.74		
14273A	3607	01/05	3	1	615229	22169	00001	02	ENGELHARD COR		5.07000	TN	C	272.66		
14637A	5607	01/07	3	1	615229	22169	00001	02	ENGELHARD COR		10.44000	TN	C	561.46		
14847A	1607	01/10	2	1	615229	22169	00001	02	ENGELHARD COR		4.37000	TN	C	235.02		
MONRA	2607	01/11	3	1	615229	22169	00001	02	ENGELHARD COR		0.10000	TN	C	.54		
15201A	3607	01/12	4	1	615229	22169	00001	02	ENGELHARD COR		7.21000	TN	C	387.75		
15424A	4607	01/13	4	1	615229	22169	00001	02	ENGELHARD COR		4.08000	TN	C	219.42		
15486A	5607	01/14	2	1	615229	22169	00001	02	ENGELHARD COR		3.80000	TN	C	204.36		
15681A	2606	01/18	3	1	615229	22169	00001	02	ENGELHARD COR		6.86000	TN	C	368.93		
15864A	3607	01/19	3	1	615229	22169	00001	02	ENGELHARD COR		4.28000	TN	C	230.18		
16123A	4607	01/20	3	1	615229	22169	00001	02	ENGELHARD COR		6.60000	TN	C	354.95		
16265A	5606	01/21	3	1	615229	22169	00001	02	ENGELHARD COR		3.65000	TN	C	196.30		
16463A	1606	01/24	2	1	685260	22169	00001	02	ENGELHARD COR		3.67000	TN	C	197.37		
16692A	3606	01/26	2	1	685260	22169	00001	02	ENGELHARD COR		7.58000	TN	C	407.65		
16930A	4611	01/27	5	1	611133	22169	00001	02	ENGELHARD COR		4.86000	TN	C	261.37		
17118A	5606	01/28	6	1	685260	22169	00001	02	ENGELHARD COR		4.53000	TN	C	243.62		
17476A	2607	02/01	1	1	615229	22169	00001	02	ENGELHARD COR		7.02000	TN	C	377.54		
17692A	3607	02/02	3	1	615229	22169	00001	02	ENGELHARD COR		4.60000	TN	C	247.39		
18291A	1607	02/03	5	1	615229	22169	00001	02	ENGELHARD COR		5.62000	TN	C	302.24		
18490A	2606	02/08	4	1	685260	22169	00001	02	ENGELHARD COR		6.26000	TN	C	336.66		
18842A	4607	02/10	3	1	615229	22169	00001	02	ENGELHARD COR		3.95000	TN	C	212.43		
19005A	5607	02/11	3	1	615229	22169	00001	02	ENGELHARD COR		8.42000	TN	C	452.83		
MONRA	1606	02/14	2	1	685260	22169	00001	02	ENGELHARD COR		6.04000	TN	C	324.83		
19382A	2607	02/15	2	1	615229	22169	00001	02	ENGELHARD COR		0.10000	TN	C	.54		
19599A	3607	02/16	2	1	615229	22169	00001	02	ENGELHARD COR		7.61000	TN	C	409.27		
19888A	4607	02/17	5	1	615229	22169	00001	02	ENGELHARD COR		3.86000	TN	C	207.59		
20022A	5607	02/18	2	1	615229	22169	00001	02	ENGELHARD COR		3.99000	TN	C	214.58		
20556A	3607	02/23	4	1	615229	22169	00001	02	ENGELHARD COR		5.64000	TN	C	303.32		
20802A	4607	02/24	4	1	615229	22169	00001	02	ENGELHARD COR		6.18000	TN	C	332.36		
21228A	1607	02/28	3	1	615229	22169	00001	02	ENGELHARD COR		2.98000	TN	C	160.26		
21663A	3610	03/01	2	1	605231	22169	00001	02	ENGELHARD COR		6.48000	TN	C	348.49		
22994A	5610	03/03	2	1	605231	22169	00001	02	ENGELHARD COR		2.75000	TN	C	147.90		
23352A	1606	03/06	2	1	685260	22169	00001	02	ENGELHARD COR		7.49000	TN	C	402.81		
MONRA	2612	03/07	2	1	685233	22169	00001	02	ENGELHARD COR		4.15000	TN	C	223.19		
22794A	3607	03/08	2	1	615229	22169	00001	02	ENGELHARD COR		0.10000	TN	C	.54		
23011A	4607	03/09	3	1	615229	22169	00001	02	ENGELHARD COR		7.47000	TN	C	401.74		
23448A	1607	03/13	3	1	615229	22169	00001	02	ENGELHARD COR		3.23000	TN	C	173.71		
23805A	2607	03/14	8	1	615229	22169	00001	02	ENGELHARD COR		9.56000	TN	C	514.14		
MONRA	3609	03/15	5	1	655230	22169	00001	02	ENGELHARD COR		6.66000	TN	C	358.17		
24062A	4607	03/16	2	1	615229	22169	00001	02	ENGELHARD COR		0.10000	TN	C	.54		
24328A	5606	03/17	4	1	685260	22169	00001	02	ENGELHARD COR		10.53000	TN	C	566.30		
24500A	1607	03/20	5	1	615229	22169	00001	02	ENGELHARD COR		6.35000	TN	C	341.50		
											4.02000	TN	C	216.20		

Ticket #	Route	Date	Seq	Truck	Acct Qty	Site Idt	Op Name	Volume	Mgt/Yd	Weight or Quantity	UM	C/R	Disposal Cost/Rw	F Adj V/C Value	Customer Chg/Cred
24730A	2607	03/21	4	1	615229	02	ENGELHARD COR	5.87000	TN	C	C	315.69			
24861A	2606	03/22	3	1	685260	02	ENGELHARD COR	5.81000	TN	C	C	312.46			
24982A	4606	03/23	2	1	685260	02	ENGELHARD COR	5.19000	TN	C	C	279.12			
25219A	5607	03/24	4	1	615229	02	ENGELHARD COR	5.53000	TN	C	C	297.40			
25350A	1607	03/27	2	1	615229	02	ENGELHARD COR	5.84000	TN	C	C	314.08			
25615A	2610	03/28	4	1	605231	02	ENGELHARD COR	4.15000	TN	C	C	223.19			
25851A	3606	03/29	5	1	685260	02	ENGELHARD COR	6.10000	TN	C	C	328.06			
25851B	3606	03/29	5	1	685260	02	ENGELHARD COR								
DRYA	4607	03/30	2	1	615229	02	ENGELHARD COR	.01000	TN	C	C	.54			
26212A	5607	03/31	2	1	615229	02	ENGELHARD COR	7.31000	TN	C	C	393.13			
26689A	2607	04/04	2	1	615229	02	ENGELHARD COR	7.40000	TN	C	C	397.97			
27124A	4607	04/06	2	1	615229	02	ENGELHARD COR	6.83000	TN	C	C	367.32			
27344A	5607	04/07	2	1	615229	02	ENGELHARD COR	3.37000	TN	C	C	181.24			
27651A	1607	04/10	5	1	615229	02	ENGELHARD COR	5.36000	TN	C	C	288.26			
27802A	2607	04/11	2	1	615229	02	ENGELHARD COR	5.28000	TN	C	C	283.96			
28048A	3607	04/12	2	1	615229	02	ENGELHARD COR	6.28000	TN	C	C	337.74			
28294A	4606	04/13	2	1	685260	02	ENGELHARD COR	8.98000	TN	C	C	482.94			
28617A	5607	04/14	6	1	615229	02	ENGELHARD COR	10.30000	TN	C	C	553.93			
28713A	1607	04/17	3	1	615229	02	ENGELHARD COR	5.64000	TN	C	C	303.32			
DRY	4607	04/18	2	1	615229	02	ENGELHARD COR	.01000	TN	C	C	.54			
29146A	2607	04/19	3	1	615229	02	ENGELHARD COR	7.40000	TN	C	C	397.97			
29531A	5607	04/21	3	1	615229	02	ENGELHARD COR	5.24000	TN	C	C	281.81			
29915A	2607	04/25	3	1	685260	02	ENGELHARD COR	5.45000	TN	C	C	293.10			
30305A	4607	04/27	2	1	615229	02	ENGELHARD COR	6.50000	TN	C	C	349.57			
30758A	1607	05/01	3	1	615229	02	ENGELHARD COR	5.97000	TN	C	C	321.07			
30996A	2607	05/02	3	1	615229	02	ENGELHARD COR	4.00000	TN	C	C	215.12			
31239A	3607	05/03	2	1	615229	02	ENGELHARD COR	3.82000	TN	C	C	205.44			
31451A	4607	05/04	2	1	615229	02	ENGELHARD COR	4.12000	TN	C	C	221.57			
31660A	5607	05/05	3	1	615229	02	ENGELHARD COR	5.14000	TN	C	C	244.16			
31930A	1607	05/09	3	1	615229	02	ENGELHARD COR	5.14000	TN	C	C	244.16			
32183A	2607	05/09	3	1	615229	02	ENGELHARD COR	6.25000	TN	C	C	336.13			
32436A	3607	05/10	3	1	615229	02	ENGELHARD COR	4.51000	TN	C	C	243.85			
32633A	4607	05/11	3	1	615229	02	ENGELHARD COR	3.82000	TN	C	C	205.44			
32843A	5607	05/12	3	1	615229	02	ENGELHARD COR	4.71000	TN	C	C	253.30			
33092A	1607	05/15	3	1	615229	02	ENGELHARD COR	5.02000	TN	C	C	269.98			
33563A	3607	05/17	3	1	615229	02	ENGELHARD COR	5.11000	TN	C	C	274.82			
33968A	5610	05/19	2	1	605231	02	ENGELHARD COR	9.14000	TN	C	C	491.55			
34454A	2607	05/23	4	1	615229	02	ENGELHARD COR	9.81000	TN	C	C	527.58			
34930A	4607	05/25	2	1	615229	02	ENGELHARD COR	5.14000	TN	C	C	276.43			
35318A	2607	06/30	2	1	605231	02	ENGELHARD COR	6.00000	TN	C	C	323.68			
35836A	4617	06/01	2	1	605231	02	ENGELHARD COR	5.89000	TN	C	C	316.76			
36079A	5607	06/02	2	1	685260	02	ENGELHARD COR	2.27000	TN	C	C	128.08			
36389A	1607	06/05	3	1	605231	02	ENGELHARD COR	5.40000	TN	C	C	296.41			

Ticket Date Range  
 Ticket Number Range  
 Route Range  
 Route Format

Disposal Account  
 Contract  
 Revenue Dist.  
 Industrial Dist Source

22169  
 ENGBRAND CORPORATION

Route Hdr

Ticket #	Route	Date	Seg	Truck	Acct	Site	SP	Name	Volume	Wgt/Yd	Weight	or	DEM	C/R	Disposal	F	Adj	Customer
					Cpty	Id#					Quantity				Cost/Rev	V/C	Value	Chg/Cred
36605A	2607	06/06	1	1	615229	22169	00001	02	ENGBRAND COR		6.35000	TN	C		341.50			
36870A	3607	06/07	3	1	615229	22169	00001	02	ENGBRAND COR		7.18000	TN	C		366.14			
37053A	4607	06/08	4	1	615229	22169	00001	02	ENGBRAND COR		6.99000	TN	C		375.92			
37287A	5607	06/09	3	1	615229	22169	00001	02	ENGBRAND COR		6.61000	TN	C		355.49			
37505A	1607	06/12	2	1	615229	22169	00001	02	ENGBRAND COR		5.91000	TN	C		317.94			
37949A	3607	06/14	3	1	615229	22169	00001	02	ENGBRAND COR		5.80000	TN	C		311.92			
38328A	5606	06/16	2	1	688260	22169	00001	02	ENGBRAND COR		7.58000	TN	C		407.65			
38560A	1607	06/19	4	1	615229	22169	00001	02	ENGBRAND COR		5.25000	TN	C		282.35			
38796A	2607	06/20	3	1	615229	22169	00001	02	ENGBRAND COR		3.78000	TN	C		203.29			
38988A	3607	06/21	3	1	615229	22169	00001	02	ENGBRAND COR		5.09000	TN	C		273.74			
39216A	4607	06/22	3	1	615229	22169	00001	02	ENGBRAND COR		5.02000	TN	C		269.98			
39392A	5607	06/22	3	1	615229	22169	00001	02	ENGBRAND COR		5.67000	TN	C		304.93			
39606A	2607	06/27	2	1	615229	22169	00001	02	ENGBRAND COR		7.68000	TN	C		475.95			
40209A	4607	06/29	3	1	615229	22169	00001	02	ENGBRAND COR		8.85000	TN	C		529.98			
40405A	5607	06/30	3	1	615229	22169	00001	02	ENGBRAND COR		5.02000	TN	C		413.03			
41086A	4607	07/06	2	1	615229	22169	00001	02	ENGBRAND COR		6.63000	TN	C		356.56			
41496A	1607	07/10	1	1	615229	22169	00001	02	ENGBRAND COR		7.16000	TN	C		385.06			
41748A	2607	07/11	3	1	615229	22169	00001	02	ENGBRAND COR		5.19000	TN	C		310.85			
42205A	4607	07/13	3	1	615229	22169	00001	02	ENGBRAND COR		7.15000	TN	C		384.53			
42360A	5607	07/14	3	1	615229	22169	00001	02	ENGBRAND COR		3.99000	TN	C		214.58			
42811A	2607	07/18	2	1	615229	22169	00001	02	ENGBRAND COR		10.14000	TN	C		545.33			
43006A	3607	07/19	2	1	615229	22169	00001	02	ENGBRAND COR		5.93000	TN	C		318.92			
43403A	4607	07/20	2	1	615229	22169	00001	02	ENGBRAND COR		5.19000	TN	C		274.28			
43799A	5607	07/21	2	1	650996	22169	00001	02	ENGBRAND COR		4.68000	TN	C		251.69			
43809A	2607	07/25	2	1	655230	22169	00001	02	ENGBRAND COR		8.07000	TN	C		434.00			
44231A	4607	07/27	2	1	615229	22169	00001	02	ENGBRAND COR		10.28000	TN	C		552.86			
44416A	5607	07/28	2	1	615229	22169	00001	02	ENGBRAND COR		5.00000	TN	C		268.90			
44909A	2607	08/01	2	1	615229	22169	00001	02	ENGBRAND COR		7.54000	TN	C		405.50			
45337A	4607	08/03	2	1	615229	22169	00001	02	ENGBRAND COR		7.02000	TN	C		377.84			
45535A	5607	08/04	2	1	615229	22169	00001	02	ENGBRAND COR		3.88000	TN	C		208.67			
46015A	2607	08/08	2	1	615229	22169	00001	02	ENGBRAND COR		7.91000	TN	C		477.57			
46474A	4607	08/10	4	1	615229	22169	00001	02	ENGBRAND COR		8.88000	TN	C		425.40			
46890A	1609	08/14	2	1	655230	22169	00001	02	ENGBRAND COR		6.92000	TN	C		372.16			
47334A	2607	08/15	2	1	615229	22169	00001	02	ENGBRAND COR		4.25000	TN	C		228.57			
47360A	3607	08/16	2	1	615229	22169	00001	02	ENGBRAND COR		4.20000	TN	C		225.88			
47504A	4607	08/17	2	1	615229	22169	00001	02	ENGBRAND COR		3.21000	TN	C		172.63			
47748A	5612	08/18	3	1	685233	22169	00001	02	ENGBRAND COR		3.96000	TN	C		212.97			
48266A	2607	08/22	4	1	615229	22169	00001	02	ENGBRAND COR		9.42000	TN	C		506.61			
48614A	4607	08/24	2	1	615229	22169	00001	02	ENGBRAND COR		11.09000	TN	C		653.96			
49071A	1607	08/28	2	1	615229	22169	00001	02	ENGBRAND COR		6.04000	TN	C		326.93			
49284A	2607	08/29	2	1	615229	22169	00001	02	ENGBRAND COR		10.17000	TN	C		546.94			
49667A	3607	08/30	5	1	688488	22169	00001	02	ENGBRAND COR		10.03000	TN	C		539.41			
49908A	5610	09/01	2	1	605231	22169	00001	02	ENGBRAND COR		1.01000	TN	C		54.32			
50170A	2610	09/05	2	1	605231	22169	00001	02	ENGBRAND COR		1.01000	TN	C		54.32			

Allied Waste Industries  
DAILY DISPOSAL REPORT

BIDMS215 BIDMS215

Ticket # Route Date  
Ticket Date Range 1/01/00 to 12/31/00  
Ticket Number Range A to 999999999999  
Route Range to 9999  
Route Format

Disposal Account Contract Revenue Dist. Industrial Dist source  
22169 ENGERHARD CORPORATION

Ticket #	Route	Date	Seq	Truck	Acct Cpty	Site Idt	Gp Name	Volume	Wgt/Yd	Weight or Quantity	DOM	c/r	Disposal Cost/Rev	F V/C	Adj Value	Customer Cng/Cred
50677A	4607	09/07	2	1	605231		22169	00001	02 ENGERHARD COR	9.72000 TN	C	C	522.74			
51124A	1607	09/11	3	1	605231		22169	00001	02 ENGERHARD COR	9.07000 TN	C	C	487.78			
51388A	2607	09/12	3	1	688888		22169	00001	02 ENGERHARD COR	5.94000 TN	C	C	373.23			
51599A	3607	09/13	2	1	688888		22169	00001	02 ENGERHARD COR	4.38000 TN	C	C	235.56			
51856A	4607	09/14	4	1	688888		22169	00001	02 ENGERHARD COR	4.21000 TN	C	C	226.41			
52039A	5607	09/15	2	1	688888		22169	00001	02 ENGERHARD COR	4.64000 TN	C	C	249.54			
52217A	1607	09/18	2	1	615229		22169	00001	02 ENGERHARD COR	5.47000 TN	C	C	294.18			
52519A	2607	09/19	2	1	615229		22169	00001	02 ENGERHARD COR	5.65000 TN	C	C	309.86			
52946A	4607	09/20	2	1	615229		22169	00001	02 ENGERHARD COR	6.77000 TN	C	C	364.09			
53159A	5607	09/22	2	1	615229		22169	00001	02 ENGERHARD COR	7.18000 TN	C	C	386.14			
53601A	2607	09/26	2	1	615229		22169	00001	02 ENGERHARD COR	6.38000 TN	C	C	343.12			
54038A	4607	09/28	2	1	615229		22169	00001	02 ENGERHARD COR	9.48000 TN	C	C	509.83			
54244A	5607	09/29	3	1	615229		22169	00001	02 ENGERHARD COR	8.79000 TN	C	C	472.73			
54434A	1607	10/02	2	1	615229		22169	00001	02 ENGERHARD COR	7.48000 TN	C	C	403.27			
54934A	3607	10/04	3	1	615229		22169	00001	02 ENGERHARD COR	6.31000 TN	C	C	339.35			
55174A	4607	10/05	3	1	615229		22169	00001	02 ENGERHARD COR	10.97000 TN	C	C	589.97			
55642A	2607	10/10	2	1	615229		22169	00001	02 ENGERHARD COR	9.32000 TN	C	C	501.22			
55972A	3607	10/11	4	1	615229		22169	00001	02 ENGERHARD COR	10.06000 TN	C	C	541.03			
56382A	5607	10/13	2	1	615229		22169	00001	02 ENGERHARD COR	6.97000 TN	C	C	374.85			
56615A	1607	10/16	3	1	615229		22169	00001	02 ENGERHARD COR	10.35000 TN	C	C	556.62			
57110A	3607	10/18	2	1	615229		22169	00001	02 ENGERHARD COR	6.52000 TN	C	C	350.65			
57295A	4607	10/19	2	1	615229		22169	00001	02 ENGERHARD COR	10.77000 TN	C	C	579.21			
57545A	5607	10/20	4	1	615229		22169	00001	02 ENGERHARD COR	6.52000 TN	C	C	350.65			
57975A	2607	10/24	2	1	615229		22169	00001	02 ENGERHARD COR	9.76000 TN	C	C	524.89			
58249A	3607	10/25	4	1	615229		22169	00001	02 ENGERHARD COR	6.19000 TN	C	C	332.90			
58496A	5607	10/27	1	1	615229		22169	00001	02 ENGERHARD COR	7.36000 TN	C	C	395.82			
58677A	2607	10/31	2	1	615229		22169	00001	02 ENGERHARD COR	9.27000 TN	C	C	498.54			
59033A	3607	11/01	2	1	615229		22169	00001	02 ENGERHARD COR	5.43000 TN	C	C	292.03			
59566A	5607	11/03	5	1	650996		22169	00001	02 ENGERHARD COR	9.11000 TN	C	C	489.84			
59705A	2607	11/07	4	1	605231		22169	00001	02 ENGERHARD COR	9.71000 TN	C	C	522.28			
60006A	4607	11/09	2	1	615229		22169	00001	02 ENGERHARD COR	7.97000 TN	C	C	428.63			
60330A	1607	11/13	3	1	615229		22169	00001	02 ENGERHARD COR	8.63000 TN	C	C	464.12			
60576A	2607	11/14	3	1	615229		22169	00001	02 ENGERHARD COR	5.42000 TN	C	C	291.45			
60788A	3607	11/15	2	1	615229		22169	00001	02 ENGERHARD COR	3.19000 TN	C	C	171.86			
61168A	5607	11/17	2	1	615229		22169	00001	02 ENGERHARD COR	7.42000 TN	C	C	359.05			
61476A	1607	11/20	4	1	615229		22169	00001	02 ENGERHARD COR	5.30000 TN	C	C	285.03			
61836A	3607	11/22	2	1	615229		22169	00001	02 ENGERHARD COR	6.85000 TN	C	C	368.39			
62615A	2607	11/28	4	1	615229		22169	00001	02 ENGERHARD COR	7.91000 TN	C	C	425.40			
62860A	3610	11/29	4	1	688888		22169	00001	02 ENGERHARD COR	4.88000 TN	C	C	262.43			
63236A	5611	12/01	3	1	691086		22169	00001	02 ENGERHARD COR	4.99000 TN	C	C	241.47			
63703A	2602	12/05	1	1	615229		22169	00001	02 ENGERHARD COR	6.28000 TN	C	C	337.74			
63978A	3602	12/05	2	1	615229		22169	00001	02 ENGERHARD COR	6.86000 TN	C	C	368.93			
64183A	4602	12/07	2	1	615229		22169	00001	02 ENGERHARD COR	5.95000 TN	C	C	319.99			

Ticket Date Range 1/01/00 to 12/31/00  
 Ticket Number Range A to 9999999999  
 Route Range to 9999  
 Route Format

Disposal Account 22169 ENGHARD CORPORATION  
 Contract  
 Revenue Dist.  
 Industrial Dist Source

Route Hdr

Ticket #	Route	Date	Seq	Truck	Acct Cpty	Site Ldw	Sp Name Volume	Wgt/Yd	Weight or Quantity	DOM C/R	Disposal Cost/Rev	F V/C Value	Adj Customer Cng/Cred			
64626A	1602	12/11	2	1	615329	22169	00001 02 ENGHARD COR		7.90000 TN	C	424.86					
64862A	2602	12/12	2	1	615329	22169	00001 02 ENGHARD COR		4.16000 TN	C	223.72					
65106A	3602	12/13	3	1	615329	22169	00001 02 ENGHARD COR		4.18000 TN	C	228.80					
65261A	4602	12/14	2	1	615329	22169	00001 02 ENGHARD COR		3.59000 TN	C	193.07					
65474A	5602	12/15	3	1	615329	22169	00001 02 ENGHARD COR		4.87000 TN	C	261.91					
65724A	1602	12/15	2	1	615329	22169	00001 02 ENGHARD COR		5.62000 TN	C	302.24					
65951A	2602	12/19	2	1	615329	22169	00001 02 ENGHARD COR		5.42000 TN	C	291.49					
66208A	3602	12/20	3	1	615329	22169	00001 02 ENGHARD COR		4.19000 TN	C	225.34					
66402A	4602	12/21	2	1	615329	22169	00001 02 ENGHARD COR		6.27000 TN	C	337.20					
67137A	3602	12/27	3	1	615329	22169	00001 02 ENGHARD COR		7.19000 TN	C	396.68					
67436A	4602	12/28	3	1	615329	22169	00001 02 ENGHARD COR		5.43000 TN	C	292.03					
67635A	5602	12/29	2	1	615329	22169	00001 02 ENGHARD COR		3.84000 TN	C	206.52					
TOTALS 20 Roll Off									188	0.00	0.000	1129.68000	C	60754.23		

TOTALS WC 01 WESTCHESTER CTY/SOLID WASTE 188 0.00 0.000 1129.68000 C 60754.23

TOTALS WC WEST COUNTY/WHITE PLAINS 188 0.00 0.000 1129.68000 C 60754.23

GRAND TOTALS 188 0.00 0.000 1129.68000 C 60754.23

Ticket Date Range 1/01/01 to 12/31/01  
 Ticket Number Range A to 999999999  
 Route Range to 9999  
 Route Format

Disposal Account 22169 ENGERHARD CORPORATION  
 Contract Revenue Dist.  
 Industrial Dist Source

Route Hdr

Ticket #	Route	Date	Seq	Truck	Acct	Site	Op	Name	Volume	Wgt/Yd	Weight or Quantity	DNM	C/R	Cost/Rev	Disposal F	Adj	Customer
002635A	5602	02/02	3	1	615229	22169	00001	02 ENGERHARD COR	4.7000	TN	C	C	258.50				
002730A	1602	02/05	3	1	691086	22169	00001	02 ENGERHARD COR	4.5900	TN	C	C	252.45				
002830A	3602	02/07	3	1	691086	22169	00001	02 ENGERHARD COR	8.4500	TN	C	C	464.75				
2917A	4602	02/08	5	1	691086	22169	00001	02 ENGERHARD COR	6.3100	TN	C	C	347.05				
003098A	2602	02/13	2	1	691086	22169	00001	02 ENGERHARD COR	7.0200	TN	C	C	386.10				
003184A	3602	02/14	5	1	691086	22169	00001	02 ENGERHARD COR	5.2100	TN	C	C	286.55				
003233A	4602	02/15	3	1	691086	22169	00001	02 ENGERHARD COR	4.6200	TN	C	C	254.10				
003944A	2602	02/20	2	1	691086	22169	00001	02 ENGERHARD COR	9.4500	TN	C	C	519.75				
003493A	3602	02/21	3	1	691086	22169	00001	02 ENGERHARD COR	3.9800	TN	C	C	216.90				
003628A	5602	02/23	2	1	615229	22169	00001	02 ENGERHARD COR	9.3500	TN	C	C	514.25				
003754A	1602	02/26	4	1	615229	22169	00001	02 ENGERHARD COR	5.0900	TN	C	C	279.95				
003818A	2602	02/27	6	1	615229	22169	00001	02 ENGERHARD COR	6.0300	TN	C	C	331.10				
003994A	4602	03/01	5	1	615229	22169	00001	02 ENGERHARD COR	9.0900	TN	C	C	499.95				
004113A	1602	03/05	4	1	615229	22169	00001	02 ENGERHARD COR	4.1800	TN	C	C	229.90				
004267A	4601	03/08	6	1	655230	22169	00001	02 ENGERHARD COR	2.6800	TN	C	C	147.40				
004242A	4604	03/08	6	1	615229	22169	00001	03 ENGERHARD COR	4.2800	TN	C	C	235.40				
004281A	5601	03/09	2	1	615235	22169	00001	03 ENGERHARD COR	8.3000	TN	C	C	456.50				
004395A	1602	03/12	3	1	615229	22169	00001	02 ENGERHARD COR	4.2800	TN	C	C	235.40				
004612A	3602	03/14	7	1	615229	22169	00001	02 ENGERHARD COR	8.2000	TN	C	C	454.30				
004741A	5602	03/16	6	1	615229	22169	00001	02 ENGERHARD COR	6.1200	TN	C	C	336.60				
004837A	1602	03/19	3	1	650996	22169	00001	02 ENGERHARD COR	4.5700	TN	C	C	251.35				
007780A	2606	05/01	8	1	615235	22169	00001	03 ENGERHARD COR	6.0800	TN	C	C	334.40				
TOTALS 20 Roll Off																	
										22	0.00	0.000	130.93000	C	7201.15		

TOTALS NE 01 RETRO HWY/NO/DEMO	22	0.00	0.000	130.93000	C	7201.15
--------------------------------	----	------	-------	-----------	---	---------

TOTALS NE RETRO HWY/NO	22	0.00	0.000	130.93000	C	7201.15											
94143304A	2602	03/20	4	1	691086	22169	00001	02 ENGERHARD COR	5.7100	TN	C	C	371.15				
94143360A	3602	03/21	3	1	615229	22169	00001	02 ENGERHARD COR	4.5600	TN	C	C	296.40				
94143439A	4602	03/22	1	1	615239	22169	00001	02 ENGERHARD COR	5.1900	TN	C	C	337.35				
94143508A	5602	03/23	2	1	615229	22169	00001	02 ENGERHARD COR	5.9300	TN	C	C	385.45				
94143608A	1602	03/26	3	1	615229	22169	00001	02 ENGERHARD COR	6.5800	TN	C	C	427.70				
94143735A	3602	03/28	1	1	615229	22169	00001	02 ENGERHARD COR	5.8700	TN	C	C	381.55				
94143826A	4602	03/29	4	1	615239	22169	00001	02 ENGERHARD COR	5.2100	TN	C	C	338.65				
94143968A	1602	04/02	2	1	615229	22169	00001	02 ENGERHARD COR	9.6000	TN	C	C	624.00				
94144030A	2601	04/03	2	1	615235	22169	00001	02 ENGERHARD COR	7.2300	TN	C	C	469.95				
94144159A	3602	04/04	8	1	615229	22169	00001	02 ENGERHARD COR	2.6000	TN	C	C	169.00				
94144160A	5620	04/04	6	1	691086	22169	00001	03 ENGERHARD COR	2.4800	TN	C	C	161.20				

Allied Waste Industries  
 DAILY DISPOSAL REPORT

BITD8215 BIRD8215  
 ENGELHARD CORPORATION

Ticket Date Range  
 Ticket Number Range  
 Route Range  
 Route Format

Disposal  
 Account  
 Contract  
 Revenue Dist.  
 Industrial Dist Source

Route Hdr

Ticket #	Route	Date	Seq	Truck	Acct Cpy	Site Id#	Sp Name	Volume	Wgt/Yd	Weight or Quantity	UOM	C/R	Disposal Cost/Rev	% V/C Value	Customer Ctg/Cred
94144169A	4602	04/05	1	615229	22169	00001	02	ENGELHARD COR		3.14000 TN	C		304.10		
94144207A	4602	04/05	6	615229	22169	00001	03	ENGELHARD COR		3.85000 TN	C		250.25		
94144372A	1602	04/09	6	615229	22169	00001	03	ENGELHARD COR		2.81000 TN	C		182.65		
94144360A	1603	04/09	4	615229	22169	00001	03	ENGELHARD COR		1.76000 TN	C		114.40		
94144355A	1606	04/09	7	615229	22169	00001	03	ENGELHARD COR		4.43000 TN	C		287.95		
94144427A	2602	04/11	4	615229	22169	00001	02	ENGELHARD COR		4.32000 TN	C		280.80		
94144532A	3602	04/11	5	615229	22169	00001	02	ENGELHARD COR		5.72000 TN	C		371.80		
94144564A	4602	04/12	2	615229	22169	00001	02	ENGELHARD COR		7.44000 TN	C		483.60		
94144694A	1602	04/16	2	615229	22169	00001	02	ENGELHARD COR		8.97000 TN	C		583.05		
94144791A	2603	04/17	2	615229	22169	00001	02	ENGELHARD COR		5.11000 TN	C		332.15		
94144957A	4602	04/19	3	615229	22169	00001	02	ENGELHARD COR		9.43000 TN	C		612.95		
94155014A	5607	04/20	2	615229	22169	00001	02	ENGELHARD COR		7.45000 TN	C		484.25		
94145289A	1602	04/23	4	615229	22169	00001	02	ENGELHARD COR		5.96000 TN	C		387.40		
94145369A	5602	04/25	5	615229	22169	00001	02	ENGELHARD COR		8.42000 TN	C		547.30		
94145369A	5602	05/01	3	615229	22169	00001	02	ENGELHARD COR		8.93000 TN	C		580.45		
94145369A	2602	05/01	3	615229	22169	00001	02	ENGELHARD COR		3.50000 TN	C		227.50		
94145826A	4602	05/02	5	615229	22169	00001	02	ENGELHARD COR		5.34000 TN	C		347.10		
94145826A	1606	05/07	2	615235	22169	00001	02	ENGELHARD COR		6.92000 TN	C		449.80		
94146079A	2602	05/08	2	615229	22169	00001	02	ENGELHARD COR		7.79000 TN	C		506.35		
94146106A	3602	05/09	2	615229	22169	00001	02	ENGELHARD COR		2.71000 TN	C		176.15		
94146205A	4602	05/10	4	615229	22169	00001	02	ENGELHARD COR		5.35000 TN	C		347.75		
94146617A	1605	05/14	3	615233	22169	00001	02	ENGELHARD COR		4.21000 TN	C		275.65		
94146761A	4605	05/17	2	615233	22169	00001	02	ENGELHARD COR		9.15000 TN	C		594.75		
94146889A	5620	05/18	6	615233	22169	00001	02	ENGELHARD COR		4.31000 TN	C		280.15		
94146889A	2602	05/22	3	615229	22169	00001	02	ENGELHARD COR		4.90000 TN	C		318.50		
94146969A	3602	05/23	3	615229	22169	00001	02	ENGELHARD COR		5.04000 TN	C		327.60		
94147039A	4602	05/24	2	615229	22169	00001	02	ENGELHARD COR		7.03000 TN	C		456.95		
94147108A	5602	05/25	2	615229	22169	00001	02	ENGELHARD COR		6.73000 TN	C		437.45		
94147313A	3602	05/30	7	615229	22169	00001	02	ENGELHARD COR		5.28000 TN	C		343.20		
94147464A	4602	05/31	6	615229	22169	00001	02	ENGELHARD COR		6.33000 TN	C		424.45		
94147467A	5602	06/01	4	615229	22169	00001	02	ENGELHARD COR		4.90000 TN	C		318.50		
94147467A	5602	06/01	4	615229	22169	00001	02	ENGELHARD COR		5.04000 TN	C		327.60		
94147545A	1602	06/04	2	615229	22169	00001	02	ENGELHARD COR		3.30000 TN	C		214.50		
94147612A	2602	06/05	2	615229	22169	00001	02	ENGELHARD COR		7.30000 TN	C		456.95		
94147688A	3602	06/06	1	615229	22169	00001	02	ENGELHARD COR		6.73000 TN	C		437.45		
94147704A	4602	06/07	1	615229	22169	00001	02	ENGELHARD COR		5.28000 TN	C		343.20		
94147855A	5602	06/08	1	615229	22169	00001	02	ENGELHARD COR		6.33000 TN	C		424.45		
94147950A	1603	06/11	1	615229	22169	00001	02	ENGELHARD COR		7.78000 TN	C		505.70		
94148053A	2602	06/12	3	615229	22169	00001	02	ENGELHARD COR		6.19000 TN	C		402.35		
94148141A	3602	06/13	3	615229	22169	00001	02	ENGELHARD COR		5.91000 TN	C		384.15		
94148313A	5602	06/15	4	615229	22169	00001	02	ENGELHARD COR		4.70000 TN	C		305.50		
94148450A	2602	06/19	1	615229	22169	00001	02	ENGELHARD COR		9.08000 TN	C		590.20		
94148561A	3602	06/20	3	615229	22169	00001	02	ENGELHARD COR		7.29000 TN	C		473.85		
94148561A	4602	06/21	3	615229	22169	00001	02	ENGELHARD COR		4.89000 TN	C		317.85		
94148561A	4602	06/21	3	615229	22169	00001	02	ENGELHARD COR		5.76000 TN	C		374.40		



Ticket # Route Date Seq Truck  
 Ticket Date Range 1/01/01 to 12/31/01  
 Ticket Number Range A to 9999999999  
 Route Range to 9999  
 Route Format

Disposal Account 22169 ENGHILHARD CORPORATION  
 Contract Revenue Dist.  
 Industrial Dist Source

Ticket #	Route	Date	Seq	Truck	Acct	Site	GP	Name	Volume	Wgt/Yd	Route	Hdr	Weight or Quantity	UOW	C/R	Disposal Cost/Bar	V/C	Adj Value	Customer Cng/Cred
94153268A	1602	09/17	2	1	615229	22169	00001	02 ENGHILHARD COR					5.40000 TN	C	C	351.00			
94153346A	2606	09/18	1	1	615223	22169	00001	02 ENGHILHARD COR					3.89000 TN	C	C	252.85			
94153501A	4602	09/20	1	1	640000	22169	00001	01 ENGHILHARD COR					1.96000 TN	C	C	127.40			
94153564A	4602	09/20	6	1	640000	22169	00001	02 ENGHILHARD COR					8.27000 TN	C	C	537.55			
94153683A	1601	09/24	3	1	685260	22169	00001	02 ENGHILHARD COR					9.92000 TN	C	C	644.80			
94153722A	2602	09/25	1	1	691086	22169	00001	02 ENGHILHARD COR					2.52000 TN	C	C	163.80			
94153830A	3602	09/25	1	1	691086	22169	00001	02 ENGHILHARD COR					4.86000 TN	C	C	315.90			
94153905A	4602	09/27	5	1	640000	22169	00001	02 ENGHILHARD COR					4.63000 TN	C	C	300.95			
94154037A	1603	10/01	2	1	655230	22169	00001	02 ENGHILHARD COR					7.44000 TN	C	C	483.60			
94154106A	2602	10/02	1	1	640000	22169	00001	02 ENGHILHARD COR					2.45000 TN	C	C	159.25			
94154283A	4602	10/04	4	1	691086	22169	00001	02 ENGHILHARD COR					5.90000 TN	C	C	383.50			
94154468A	2602	10/09	1	1	691086	22169	00001	02 ENGHILHARD COR					3.74000 TN	C	C	373.10			
94154649A	4602	10/09	2	1	615229	22169	00001	02 ENGHILHARD COR					8.66000 TN	C	C	564.20			
000040A	1602	10/11	3	1	615229	22169	00001	02 ENGHILHARD COR					8.68000 TN	C	C	625.30			
000201A	3602	10/15	2	1	615229	22169	00001	02 ENGHILHARD COR					4.60000 TN	C	C	299.65			
000276A	4602	10/17	2	1	615229	22169	00001	02 ENGHILHARD COR					4.61000 TN	C	C	299.65			
000388A	5602	10/18	2	1	615229	22169	00001	02 ENGHILHARD COR					7.32000 TN	C	C	475.80			
000575A	2602	10/19	2	1	615229	22169	00001	02 ENGHILHARD COR					5.83000 TN	C	C	378.95			
000761A	4602	10/23	3	1	615229	22169	00001	02 ENGHILHARD COR					8.57000 TN	C	C	557.05			
000938A	1602	10/29	2	1	615229	22169	00001	02 ENGHILHARD COR					11.05000 TN	C	C	718.25			
001233A	4602	11/01	5	1	685233	22169	00001	02 ENGHILHARD COR					8.69000 TN	C	C	564.85			
001427A	1605	11/05	3	1	615229	22169	00001	02 ENGHILHARD COR					4.26000 TN	C	C	276.90			
001586A	3602	11/07	2	1	615229	22169	00001	02 ENGHILHARD COR					5.17000 TN	C	C	419.90			
001674A	4602	11/08	4	1	615229	22169	00001	02 ENGHILHARD COR					4.42000 TN	C	C	336.05			
001833A	1602	11/12	3	1	615229	22169	00001	02 ENGHILHARD COR					5.95000 TN	C	C	396.75			
001907A	2602	11/13	3	1	615229	22169	00001	02 ENGHILHARD COR					4.42000 TN	C	C	287.30			
002142A	5602	11/14	1	1	615229	22169	00001	02 ENGHILHARD COR					4.59000 TN	C	C	304.85			
002250A	1602	11/16	2	1	615229	22169	00001	02 ENGHILHARD COR					9.22000 TN	C	C	599.30			
002449A	3602	11/19	2	1	615229	22169	00001	02 ENGHILHARD COR					11.17000 TN	C	C	629.30			
002720A	2602	11/21	3	1	615229	22169	00001	02 ENGHILHARD COR					4.94000 TN	C	C	324.35			
002812A	4602	11/27	2	1	615229	22169	00001	02 ENGHILHARD COR					6.31000 TN	C	C	410.15			
003049A	5602	11/29	2	1	615229	22169	00001	02 ENGHILHARD COR					4.58000 TN	C	C	297.70			
003210A	2602	12/03	6	1	615229	22169	00001	02 ENGHILHARD COR					5.32000 TN	C	C	345.80			
003094A	1602	12/04	2	1	615229	22169	00001	02 ENGHILHARD COR					4.38000 TN	C	C	288.70			
003210A	2602	12/05	4	1	615229	22169	00001	02 ENGHILHARD COR					4.08000 TN	C	C	263.25			
003470A	5602	12/07	2	1	615229	22169	00001	02 ENGHILHARD COR					5.50000 TN	C	C	357.50			
003613A	1602	12/10	7	1	615229	22169	00001	02 ENGHILHARD COR					7.71000 TN	C	C	501.15			
003642A	2602	12/11	3	1	615229	22169	00001	02 ENGHILHARD COR					4.98000 TN	C	C	323.70			
003749A	3602	12/12	4	1	615229	22169	00001	02 ENGHILHARD COR					4.00000 TN	C	C	263.25			
003811A	4602	12/13	4	1	615229	22169	00001	02 ENGHILHARD COR					4.08000 TN	C	C	263.25			
003890A	5602	12/13	3	1	615229	22169	00001	02 ENGHILHARD COR					4.08000 TN	C	C	263.25			
004059A	2602	12/14	4	1	615229	22169	00001	02 ENGHILHARD COR					4.08000 TN	C	C	263.25			
004126A	2602	12/18	2	1	615229	22169	00001	02 ENGHILHARD COR					4.98000 TN	C	C	323.70			

Ticket Date Range 1/01/01 to 12/31/01  
 Ticket Number Range A to 9999999999  
 Route Range to 9999  
 Route Format

Disposal Account 22169 ENGERHARD CORPORATION  
 Contract Revenue Dist. Industrial Dist Source  
 Route Hdr

Ticket #	Route	Date	Seq	Truck	Acct Cpty	Site Ldr	Op Name	Volume	Wgt/Yd	Weight or Quantity	Dom C/R	Disposal Cost/Rev	F. Adj V/C Value	Customer Chg/Cred
0042262A	3602	12/19	6	1	615229		22169	00001	02	ENGERHARD COR	C	310.70		
0042468A	4602	12/20	2	1	615229		22169	00001	02	ENGERHARD COR	C	250.90		
0063828A	5602	12/21	5	1	615229		22169	00001	02	ENGERHARD COR	C	381.55		
4604A	4602	12/27	3	1	615229		22169	00001	02	ENGERHARD COR	C	497.25		
4700A	5602	12/28	3	1	615229		22169	00001	02	ENGERHARD COR	C	331.50		
TOTALS 20 Roll Off														
9416583A 3605 05/16 5 1 685233 22169 00001 02 ENGERHARD COR 8.83000 TM C 573.95														
TOTALS 30 Residential 1 0.00 0.000 8.83000 C 573.95														

TOTALS NY 01 NY COMM/SW & DEMO 149 4220.00 0.217 917.28000 C 59623.20

TOTALS NY NY KISCO TRANSFER 149 4220.00 0.217 917.28000 C 59623.20

67880A	2602	01/02	2	1	615229		22169	00001	02	ENGERHARD COR	C	189.31		
68245A	3602	01/03	5	1	615229		22169	00001	02	ENGERHARD COR	C	314.61		
68358A	4602	01/04	2	1	615229		22169	00001	02	ENGERHARD COR	C	177.47		
68639A	5602	01/05	6	1	615229		22169	00001	02	ENGERHARD COR	C	290.95		
68839A	1602	01/08	3	1	615229		22169	00001	02	ENGERHARD COR	C	298.48		
69102A	2602	01/09	3	1	691086		22169	00001	02	ENGERHARD COR	C	278.89		
69493A	4602	01/11	2	1	615229		22169	00001	02	ENGERHARD COR	C	331.82		
69689A	5602	01/12	3	1	688888		22169	00001	02	ENGERHARD COR	C	173.71		
69944A	2602	01/16	3	1	615229		22169	00001	02	ENGERHARD COR	C	334.29		
70220A	3602	01/17	2	1	615229		22169	00001	02	ENGERHARD COR	C	196.30		
70684A	5602	01/19	3	1	615229		22169	00001	02	ENGERHARD COR	C	437.55		
71184A	2602	01/23	3	1	615229		22169	00001	02	ENGERHARD COR	C	294.18		
71321A	3602	01/24	2	1	615229		22169	00001	02	ENGERHARD COR	C	407.65		
71598A	4602	01/24	7	1	615229		22169	00001	02	ENGERHARD COR	C	350.65		
71759A	5602	01/26	6	1	615229		22169	00001	02	ENGERHARD COR	C	325.37		
71858A	1602	01/29	3	1	615229		22169	00001	02	ENGERHARD COR	C	218.88		
72066A	2602	01/30	3	1	615229		22169	00001	02	ENGERHARD COR	C	308.70		
72317A	3602	01/31	4	1	615229		22169	00001	02	ENGERHARD COR	C	267.29		
72448A	4602	02/01	2	1	615229		22169	00001	02	ENGERHARD COR	C	204.90		
73778A	1601	02/12	2	1	655230		22169	00001	02	ENGERHARD COR	C	254.92		
76773A	3630	02/07	1	1	655230		22169	00001	02	ENGERHARD COR	C	172.63		
99009A	4692	07/26	3	1	615229		22169	00001	02	ENGERHARD COR	C	139.61		
TOTALS 20 Roll Off														
22 40.00 2.759 110.36000 C 5935.16														

10/25/02 5:14:19 Company 274  
 DETAIL

Allied Waste Industries  
 DAILY DISPOSAL REPORT

BIRDS215 BIRDS215

Ticket Date Range 1/01/01 to 12/31/01  
 Ticket Number Range A to 9999999999  
 Route Range to 9999  
 Route Format

Disposal Account 22169  
 Contract REVENUE DIST.  
 Industrial Dist. Source

EMERHARD CORPORATION

Route Hdr

Ticket #	Route	Date	Seq	Truck	Optry	Acct	Site	Op	Name	Volume	Wgt/Yd	Weight or Quantity	UOH	C/R	Cost/Rev	V/C	Value	Adt	Customer
----------	-------	------	-----	-------	-------	------	------	----	------	--------	--------	--------------------	-----	-----	----------	-----	-------	-----	----------

TOTALS	WC	01	WESTCHESTER	CTY/BOULD	WASTE		22			40.00	2.759	110.36000		C	5935.16				
--------	----	----	-------------	-----------	-------	--	----	--	--	-------	-------	-----------	--	---	---------	--	--	--	--

TOTALS	WC		WEST. COUNTY/WHITE	PULASKI			22			40.00	2.759	110.36000		C	5935.16				
--------	----	--	--------------------	---------	--	--	----	--	--	-------	-------	-----------	--	---	---------	--	--	--	--

GRAND TOTALS							193			4260.00	0.272	1158.57000		C	72759.51				
--------------	--	--	--	--	--	--	-----	--	--	---------	-------	------------	--	---	----------	--	--	--	--

10/25/02 5:14:35 Company 274  
 TICKET RANGE  
 Ticket Date Range 1/01/02 to 10/24/02  
 Ticket Number Range A to 9999999999  
 Route Range to 9999  
 Route Format

Allied Waste Industries  
 DAILY DISPOSAL REPORT

BITD215 BITD215

Page: 1

Disposal Account 22169  
 Contract Revenue Dist.  
 Industrial Dist source  
 ENGELHARD CORPORATION  
 Route Hdr

Ticket #	Route	Date	Seq	Truck	Acct Cpty	Site Id#	GP Name	Volume	Wgt/Yd	Weight or Quantity	UOM	C/R	Disposal Cost/Rev	F V/C Value	Adj	Customer Chg/Cred
022900A	3602	01/02	5	1	615229	22169	00001 05	ENGELHARD COR		1.87000 TM	C		102.85			
TOTALS 20 Roll Off 1 15.00 0.125 1.87000 C 102.85																

TOTALS NR	METRO	ENVIRO	DEMCO
1	15.00	0.125	1.87000 C 102.85

TOTALS NR	METRO	ENVIRO	DEMCO													
004956A	4602	01/03	4	1	615229	22169	00001 02	ENGELHARD COR		10.37000 TM	C		674.05			
005024A	5602	01/04	3	1	615229	22169	00001 02	ENGELHARD COR		6.40000 TM	C		416.00			
005122A	1601	01/07	6	1	685260	22169	00001 02	ENGELHARD COR		7.76000 TM	C		504.40			
005180A	2606	01/08	2	1	615235	22169	00001 02	ENGELHARD COR		4.90000 TM	C		318.50			
005330A	4606	01/10	2	1	655230	22169	00001 02	ENGELHARD COR		9.28000 TM	C		603.20			
005522A	2602	01/15	2	1	615229	22169	00001 02	ENGELHARD COR		9.75000 TM	C		635.75			
005822A	4602	01/17	1	1	655230	22169	00001 02	ENGELHARD COR		9.02000 TM	C		586.30			
005755A	2602	01/22	2	1	615229	22169	00001 02	ENGELHARD COR		10.48000 TM	C		661.20			
005997A	5602	01/25	2	1	615229	22169	00001 02	ENGELHARD COR		7.72000 TM	C		501.80			
006148A	2602	01/29	1	1	615229	22169	00001 02	ENGELHARD COR		8.87000 TM	C		576.55			
006285A	4602	01/31	1	1	615229	22169	00001 02	ENGELHARD COR		10.26000 TM	C		666.90			
006354A	5602	02/01	3	1	615229	22169	00001 02	ENGELHARD COR		6.79000 TM	C		454.93			
006441A	1601	02/04	3	1	685260	22169	00001 02	ENGELHARD COR		6.71000 TM	C		449.57			
006567A	3602	02/06	2	1	615229	22169	00001 02	ENGELHARD COR		8.46000 TM	C		566.82			
006715A	5602	02/08	2	1	615229	22169	00001 02	ENGELHARD COR		10.93000 TM	C		732.31			
006802A	1602	02/11	2	1	615229	22169	00001 02	ENGELHARD COR		9.60000 TM	C		643.20			
006945A	3602	02/13	3	1	615229	22169	00001 02	ENGELHARD COR		7.15000 TM	C		548.06			
006996A	4602	02/14	4	1	615229	22169	00001 02	ENGELHARD COR		5.79000 TM	C		479.05			
007079A	5602	02/15	1	1	615229	22169	00001 02	ENGELHARD COR		11.21000 TM	C		387.93			
007198A	2602	02/18	1	1	615229	22169	00001 02	ENGELHARD COR		6.35000 TM	C		426.45			
007833A	4602	02/21	1	1	615229	22169	00001 02	ENGELHARD COR		10.38000 TM	C		695.46			
007982A	2602	02/23	2	1	615229	22169	00001 02	ENGELHARD COR		8.01000 TM	C		536.67			
007983A	3602	02/26	2	1	615229	22169	00001 02	ENGELHARD COR		5.15000 TM	C		343.04			
007986A	2602	02/27	2	1	615229	22169	00001 02	ENGELHARD COR		10.99000 TM	C		736.32			
007770A	5602	03/01	2	1	615229	22169	00001 02	ENGELHARD COR		9.51000 TM	C		637.17			
008066A	3602	03/05	1	1	615229	22169	00001 02	ENGELHARD COR		4.86000 TM	C		325.62			
008146A	4602	03/07	2	1	615229	22169	00001 02	ENGELHARD COR		9.10000 TM	C		609.70			
008255A	5602	03/08	4	1	615229	22169	00001 02	ENGELHARD COR		8.58000 TM	C		574.86			
008444A	2602	03/12	1	1	615229	22169	00001 02	ENGELHARD COR		8.06000 TM	C		540.02			
008567A	3602	03/13	3	1	615229	22169	00001 02	ENGELHARD COR		4.35000 TM	C		291.45			
008714A	5602	03/15	2	1	615229	22169	00001 02	ENGELHARD COR		6.36000 TM	C		426.12			

Ticket Date Range 1/01/02 to 10/24/02  
 Ticket Number Range A to 999999999  
 Route Range to 9999  
 Route Format

Disposal Account 22169 ENGERHARD CORPORATION  
 Contract  
 Revenue Dist.  
 Industrial Dist Source

Route Rdr  
 Disposal P Adj Customer  
 v/c Value Chg/Cred

Ticket #	Route	Date	Seq	Truck	Acct	Site	GP	Volume	Wgt/Yd	Weight or Quantity	TCM	C/A	Cost/Rsv	V/C	Value	Customer
008805A	1602	03/18	1	1	615229	22169	00001	02	ENGERHARD COR.	4.18000	TN	C	280.06			
008930A	2602	03/19	2	1	615229	22169	00001	02	ENGERHARD COR.	4.09000	TN	C	274.03			
009019A	3602	03/20	2	1	615229	22169	00001	02	ENGERHARD COR.	2.30000	TN	C	154.10			
009097A	4602	03/21	1	1	615229	22169	00001	02	ENGERHARD COR.	3.39000	TN	C	223.11			
009283A	1602	03/25	2	1	615229	22169	00001	02	ENGERHARD COR.	6.86000	TN	C	459.62			
009412A	2602	03/26	3	1	615229	22169	00001	02	ENGERHARD COR.	3.73000	TN	C	249.91			
009589A	4602	03/28	4	1	615229	22169	00001	02	ENGERHARD COR.	6.60000	TN	C	442.20			
009671A	5602	03/29	1	1	615229	22169	00001	02	ENGERHARD COR.	5.78000	TN	C	387.26			
009816A	1699	04/01	6	1	640000	22169	00001	02	ENGERHARD COR.	3.72000	TN	C	249.24			
TOTALS 26 Roll Off 41 1640.00 0.184 301.89000 C 20037.01																

TOTALS NY 01 NY COMM/SW & DEMO 41 1640.00 0.184 301.89000 C 20037.01

TOTALS NY MT KISCO TRANSFER 41 1640.00 0.184 301.89000 C 20037.01

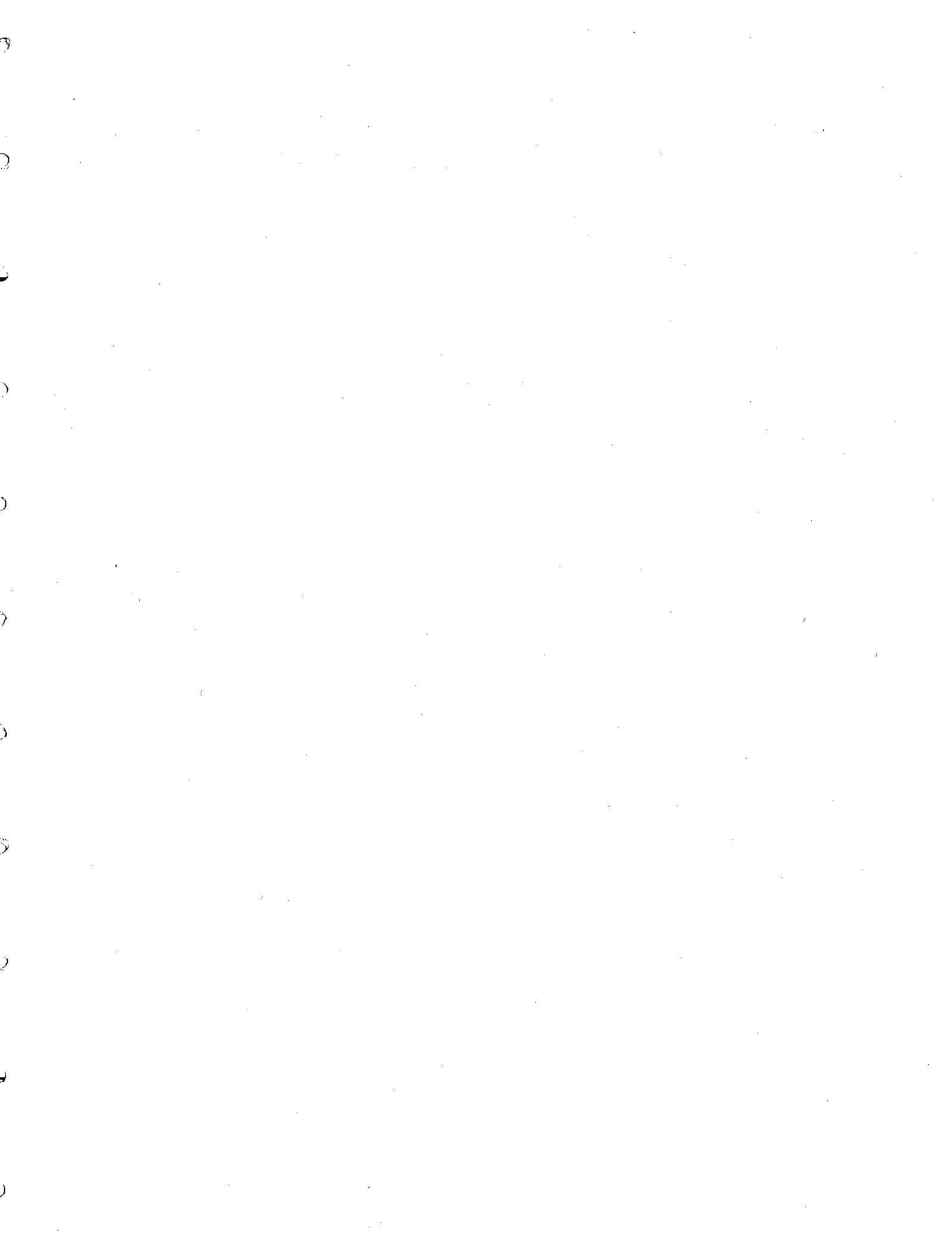
49297291A 3602 01/23 5 1 615229 22169 00001 02 ENGERHARD COR 6.01000 TN C 360.60

TOTALS 20 Roll Off 1 40.00 0.150 6.01000 C 360.60

TOTALS RI 01 RECYCLING IND/DEMCO 1 40.00 0.150 6.01000 C 360.60

TOTALS RI RECYCLING INDUSTRIES CORP. 1 40.00 0.150 6.01000 C 360.60

GRAND TOTALS 43 1695.00 0.193 309.77000 C 20500.46



PO BOX 1228  
566 NORTH STATE ROAD  
OSSINING, N.Y. 10562  
(914) 941-2400

88736

NAME Engelhard  
ADDRESS 1050 Lawrence South St  
CITY Peekskill

2/15/77  
DATE

JOB SITE \_\_\_\_\_

QUANTITY	SIZE-YDS.	DESCRIPTION	TOTAL-YDS.	TYPE OF SERVICE
1		CON P.		REAR LOADER
				OPEN ROLL-OFF
				<input checked="" type="checkbox"/> CLOSED ROLL-OFF
				CONTAINER MOVED
		ACCT 22169		

AUTHORIZED BY \_\_\_\_\_

X Nancy Swartz  
CUSTOMER'S SIGNATURE  CONTAINER OVERFILLED\*

TYPE OF WASTE \_\_\_\_\_ NO CONTAINER PICK-UP

- COMMERCIAL REFUSE
- WOOD/PALLETS
- DEMOLITION
- TIRES/PLASTICS, ETC.
- ACCESS BLOCKED
- CONTAINER IMPROPERLY LOADED

B. Thomas DRIVER 12-1 TRUCK INTERNAL made DUMP

\* DRIVER NOT RESPONSIBLE FOR SPILLAGE IF CONTAINER OVERFILLED.  
CUSTOMER IS RESPONSIBLE FOR ANY FINES DUE TO OVERFILLED OR OVERWEIGHT CONTAINERS.

ORIGINAL

CHECK NO  
MISKIP  
TENDERED

WESTCHESTER ROLL-OFF

ALLIED WASTE

ROUTE 1602 2/05/01

BEO QTY TP SIZE GR C S ACCOUNT # SITE NAME / ADDRESS PHONE NUMBER CITY PAGE: 1  
COMP: 274

1 RO 40.00 2 C MC 01 WESTCHESTER CTY/SOLID WASTE 22169 00001 ENGELHARD CORPORATION (914) 739-7507 PEERSKILL  
SERVICE DUMP & RETURN 1050 LOWER SOUTH STREET DRT REL

TIME	START LOAD	MILEAGE	SITE	TICKET #	DISPOSAL QUANTITY	TICKET TIME	MILEAGE	FINISH LOAD	MILEAGE	DEL
911		1017354	Metal	002730	4.55	940	101764	10109	101773	88733

1 RO 30.00 1 MC 01 WESTCHESTER CTY/SOLID WASTE 22727 00001 CAMP SMITH (914) 788-7374 CORTLANDT MANOR  
SERVICE DUMP & RETURN 22727 00001 VARIOUS BUILDING DRT REL

TIME	START LOAD	MILEAGE	SITE	TICKET #	DISPOSAL QUANTITY	TICKET TIME	MILEAGE	FINISH LOAD	MILEAGE	DEL
132		101844	Metal	002760	280	270	101873	246	101874	88733

1 CP 2 C MC 01 WESTCHESTER CTY/SOLID WASTE 23571 00001 TOYS R US STORE #6339 (800) 994-2974 YORKTOWN  
SERVICE DUMP & RETURN 23571 00001 CONSTRUCTION BOX AT BLDG 1310 DRT REL

TIME	START LOAD	MILEAGE	SITE	TICKET #	DISPOSAL QUANTITY	TICKET TIME	MILEAGE	FINISH LOAD	MILEAGE	DEL
815		101743	Plas	22860	1.11	457	101753			88733

1 RO 30.00 2 MC 01 METRO ENVIRO/DEMO 23016 00001 ANTHONY BELDOTTI (914) 762-7898 MT. KISCO  
SERVICE DUMP & RETURN 23016 00001 185 KISCO AVE DRT REL

TIME	START LOAD	MILEAGE	SITE	TICKET #	DISPOSAL QUANTITY	TICKET TIME	MILEAGE	FINISH LOAD	MILEAGE	DEL
217		101835	Metal	002733	4.52	108	101847	132	101848	88733

3099

NAME: Anthony Belotti  
 (914) 941-2400  
 566 NORTH STATE ROAD  
 OSSINING, N.Y. 10562  
 PO BOX 1228

88737

DATE: 2/5/07

**HUDSON WASTE HAULAGE, INC.**

TRD ENVIRO LLC,  
 Croton Point Ave,  
 Croton-on-Hudson, NY 10520

001  
 SON WASTE HAULERS  
 NORTH STATE ROAD

ARCLIFF MANOR, NY 10510  
 Tract: HUDSON WASTE HAULERS

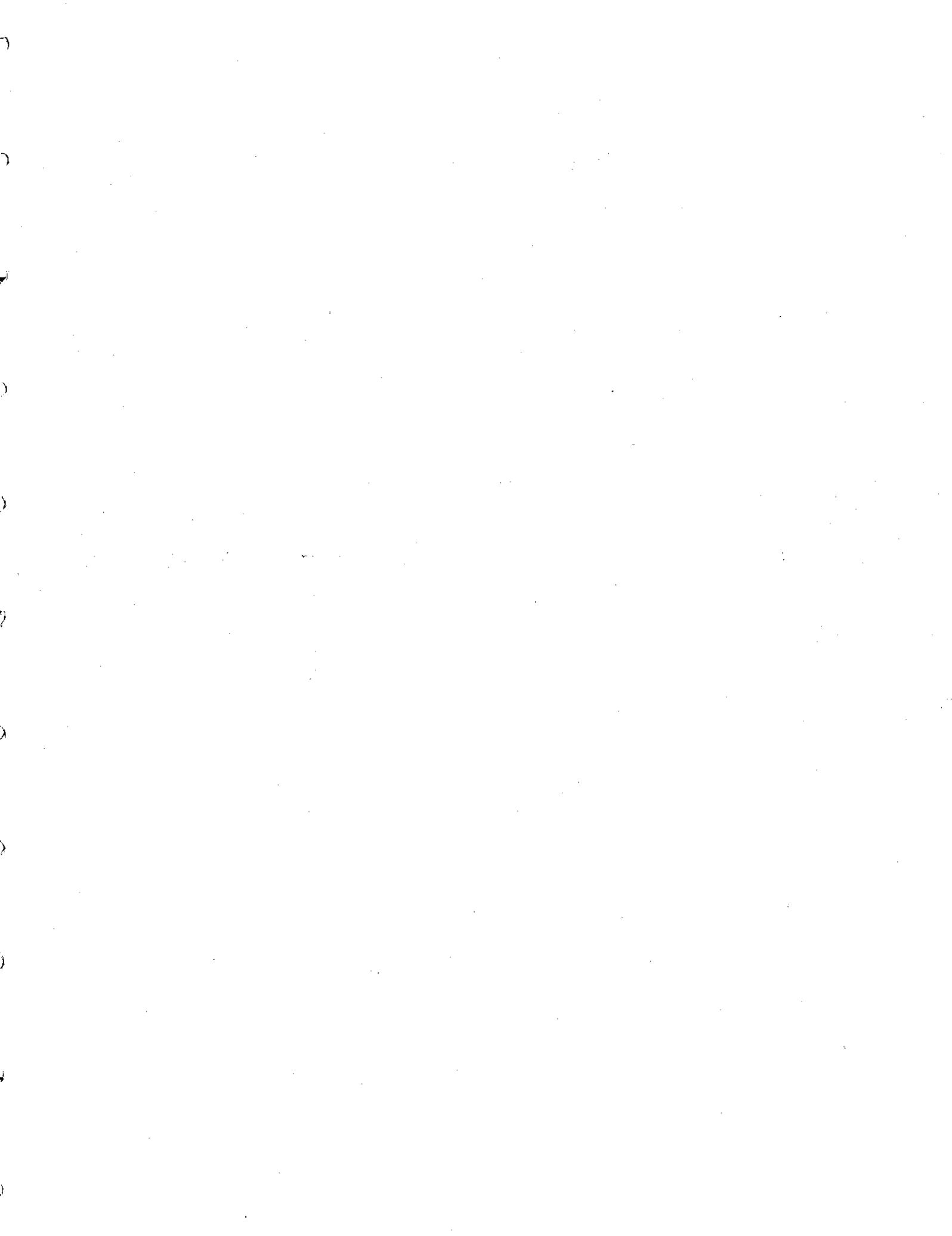
00 Gross Weight 47,980.00 LB  
 Tare Weight 38,800.00 LB  
 Net Weight 9,180.00 LB 4,59 TN

Inbound -

SITE	TICKET	GRID
ME	002730	
WEIGHMASTER		
JOHN		
DATE IN	DATE IN	TIME IN
5 FEBRUARY 2001	5 FEBRUARY 2001	9:39 AM
DATE OUT	DATE OUT	TIME OUT
5 FEBRUARY 2001	5 FEBRUARY 2001	9:47 AM
VEHICLE	VEHICLE	ROLL OFF
322	304D	
REFERENCE	ORIGIN	
FACREP		

UNIT	DESCRIPTION	RATE	EXTENSION	TAX	TOTAL
.59	CD, C&D				

NET AMOUNT



10/25/02 5:13:17 Company 274  
DETAIL

Allied Waste Industries  
DAILY DISPOSAL REPORT

IRID0215 IRID0215

Page : 1

PT 3

Ticket Date Range 10/01/99 to 12/31/99  
Ticket Number Range A to 9999999999  
Route Range to 9999  
Route Format :

Disposal Account Contract Revenue Dist. Industrial Dist Source  
23077 HENRIARD CORPORATION - 1057 Lower South St.

Ticket #	Route	Date	Seq	Truck	Acct Cpty	Site Idt	Op Name Volume	Mgc/Yd	Weight or Quantity	Route Hdr	Disposal of V/c	Adj Value	Customer Chg/Cred
----------	-------	------	-----	-------	-----------	----------	----------------	--------	--------------------	-----------	-----------------	-----------	-------------------

01 = CARDBOARD CONTAINER  
02 = TRASH 10 YARD  
03 = TRASH 30 YARD REPLACES CONTAINER 02

10/25/02 5:13:47 Company 274  
DETAILS

Allied Waste Industries  
DAILY DISPOSAL REPORT

BITD215 BID215

Page : 1

Ticket Date Range 1/01/00 to 12/31/00  
Ticket Number Range A to 999999999  
Route Range to 9999  
Route Format

Disposal Account 23077  
Contract REINHARD CORPORATION  
Revenue Dist. INDUSTRIAL DIST. SOURCE  
Route HDR

Ticket #	Route	Date	Seq	Track	Acct Cpty	Site Ldr	Op Name	Volume	Wgt/Yd	Weight or Quantity	TON C/R	Disposal Cost/Day	V/C Value	Adj	Customer Chg/Cred
----------	-------	------	-----	-------	-----------	----------	---------	--------	--------	--------------------	---------	-------------------	-----------	-----	-------------------

Ticket # Route Date Seq Truck Acct Site Sp Name Wgt/Yd Weight or Disposal f Adj Customer  
 Ticket Date Range 1/01/01 to 12/31/01  
 Ticket Number Range A to 9999999999  
 Route Range to 9999  
 Route Format  
 Disposal Account 23077 ENGELHARD CORPORATION  
 Contract  
 Revenue Dist.  
 Industrial Dist Source Route Hdr

Ticket #	Route	Date	Seq	Truck	Acct	Site	Sp	Name	Wgt/Yd	Weight or Quantity	Disposal C/R	Cost/Rev	V/C Value	Customer Ctg/Cred
13278A	4602	09/13	1	615239	23077	00001	01	ENGELHARD COR	1.75000 TN	C				
13717A	4605	09/20	3	685233	23077	00001	01	ENGELHARD COR	2.00000 TN	C				
14122A	4605	09/27	4	685233	23077	00001	01	ENGELHARD COR	1.78000 TN	C				
14547A	4602	10/04	6	615239	23077	00001	01	ENGELHARD COR	2.78000 TN	C				
15147A	4602	10/11	1	615229	23077	00001	01	ENGELHARD COR	1.39000 TN	C				
15332A	4602	10/18	3	615229	23077	00001	01	ENGELHARD COR	1.93000 TN	C				
15932A	4602	10/25	2	615229	23077	00001	01	ENGELHARD COR	2.43000 TN	C				
16341A	4602	11/01	2	615229	23077	00001	01	ENGELHARD COR	1.82000 TN	C				
16719A	4602	11/08	2	615229	23077	00001	01	ENGELHARD COR	1.85000 TN	C				
16942A	4602	11/15	2	615229	23077	00001	01	ENGELHARD COR	2.45000 TN	C				
61142A	3602	11/29	5	615229	23077	00001	01	ENGELHARD COR	1.80000 TN	C				
61826A	4602	11/29	3	615229	23077	00001	01	ENGELHARD COR	1.96000 TN	C				
17255A	4602	12/06	2	615229	23077	00001	01	ENGELHARD COR	1.76000 TN	C				
62161A	4602	12/13	2	615229	23077	00001	01	ENGELHARD COR	1.21000 TN	C				
63801A	4602	12/20	3	615229	23077	00001	01	ENGELHARD COR	1.26000 TN	C				
64271A	5602	12/28	4	615229	23077	00001	03	ENGELHARD COR	1.60000 TN	C				
TOTALS 20 Roll Off 16 480.00 0.060 28.84000 C 104.00														

Ticket #	Route	Date	Seq	Truck	Acct	Site	Sp	Name	Wgt/Yd	Weight or Quantity	Disposal C/R	Cost/Rev	V/C Value	Customer Ctg/Cred
007406A	4605	04/26	4	685233	23077	00001	03	ENGELHARD COR	2.15000 TN	C		118.25	C 118.18	139.75
85964A	3602	05/02	5	615229	23077	00001	03	ENGELHARD COR	1.41000 TN	C		77.55	C 118.18	91.65
008180A	1605	05/07	5	685233	23077	00001	03	ENGELHARD COR	1.79000 TN	C		98.45	C 118.18	116.35
87715A	1605	05/14	2	685233	23077	00001	03	ENGELHARD COR	1.52000 TN	C		83.60	C 118.18	98.80
99287A	5602	07/27	5	615229	23077	00001	03	ENGELHARD COR	2.04000 TN	C		112.20	C 118.18	132.60
TOTALS 20 Roll Off 5 30.00 0.297 8.91000 C 490.05 579.15														

Ticket #	Route	Date	Seq	Truck	Acct	Site	Sp	Name	Wgt/Yd	Weight or Quantity	Disposal C/R	Cost/Rev	V/C Value	Customer Ctg/Cred
94145782A	4605	05/03	3	685233	23077	00001	01	ENGELHARD COR	1.81000 TN	C		117.65		579.15
TOTALS ME METRO ENVIRO 5 30.00 0.297 8.91000 C 490.05 579.15														



Allied Waste Industries  
 DAILY DISPOSAL REPORT

BTD5215 BTD5215  
 ENGERLARD CORPORATION

Disposal Account 23077  
 Revenue Dist. ENGERLARD CORPORATION  
 Industrial Dist Source Route Hdr

Ticket #	Route	Date	Seg	Truck	Acct	Site	GP	Name	Volume	Wgt/Yd	Weight or Quantity	Dom C/R	Disposal F	Adj	Customer
TOTALS 20 Roll Off															
45	1320.00	0.045									58.97000	C	3833.05		3647.15
TOTALS NY 01 NY COMM/SW & DEMO															
45	1320.00	0.045									58.97000	C	3833.05		3647.15

94146333A	5606	05/11	7	1	615235	23077	00001	01	ENGERLARD COR		2.21000	TR	R		
94146616A	4601	05/17	2	1	685260	23077	00001	01	ENGERLARD COR		2.28000	TR	R		
94147040A	4602	05/24	3	1	615229	23077	00001	01	ENGERLARD COR		2.25000	TR	R		
94148214A	4601	06/07	5	1	685260	23077	00001	01	ENGERLARD COR		2.69000	TR	R		
94148666A	4620	06/14	2	1	685260	23077	00001	01	ENGERLARD COR		2.81000	TR	R		
94149028A	4601	06/21	5	1	660996	23077	00001	01	ENGERLARD COR		2.57000	TR	R		
94149377A	4601	06/28	2	1	685260	23077	00001	01	ENGERLARD COR		1.66000	TR	R		
94149933A	1606	07/05	3	1	615229	23077	00001	01	ENGERLARD COR		1.75000	TR	R		
94150227A	4620	07/16	4	1	615235	23077	00001	01	ENGERLARD COR		3.16000	TR	R		
94150636A	5602	07/19	4	1	691086	23077	00001	01	ENGERLARD COR		3.26000	TR	R		
94150739A	1602	07/27	1	1	615229	23077	00001	01	ENGERLARD COR		2.37000	TR	R		
94151070A	4603	07/30	2	1	615229	23077	00001	01	ENGERLARD COR		2.53000	TR	R		
94151353A	4602	08/02	7	1	655230	23077	00001	01	ENGERLARD COR		1.77000	TR	R		
TOTALS 20	Roll Off		4	1	615229	23077	00001	01	ENGERLARD COR		2.05000	TR	R		
TOTALS NY 03 NY COMM/CARDBOARD															
15	360.00	0.093									33.62000	R			

TOTALS NY	MT KISCO TRANSFER	15	360.00	0.093							33.62000	R			
TOTALS NY	MT KISCO TRANSFER	45	1320.00	0.045							58.97000	C	3833.05		3647.15

FOR ISL A 5601	04/13	4	1	685260	23077	00001	01	ENGERLARD COR			1.67000	TR	R		
49277744A	1605	04/23	2	1	685233	23077	00001	01	ENGERLARD COR		2.57000	TR	R		
TOTALS 20	Roll Off	2	0.00	0.000							4.24000	TR	R		
TOTALS RI 02	RECYCLING IND/CARDBOARD	2	0.00	0.000							4.24000	R			

1/01/01 to 12/31/01  
 A to 99999999999  
 to 9999

Disposal Account Contract Revenue Dist. Industrial Dist. Source Route Hdr

Ticket # Route Date Seq Truck Acct Site Gp Name Wgt/Yd Disposal Account Contract Revenue Dist. Source Route Hdr Disposal Code/Rev V/C Value Customer Chg/Cred

Ticket #	Route	Date	Seq	Truck	Acct	Site	Gp	Name	Wgt/Yd	Disposal	Account	Contract	Revenue	Dist.	Source	Route	Hdr	Disposal	Code/Rev	V/C	Value	Customer	Chg/Cred
82441A	2602	04/10	8	1	615229	23077	00001	02	ENGELHARD COR	1.71000	TM	C	91.96					C	120.86			116.35	
82748A	4605	04/12	3	1	685233	23077	00001	02	ENGELHARD COR	.78000	TM	C	41.95					C	120.86			79.95	
83132A	1602	04/16	3	1	615229	23077	00001	02	ENGELHARD COR	1.32000	TM	C	70.99					C	120.86			82.53	
83533A	2606	04/17	8	1	615235	23077	00001	02	ENGELHARD COR	1.27000	TM	C	68.30					C	120.86			81.90	
83876A	4602	04/19	4	1	615229	23077	00001	03	ENGELHARD COR	1.79000	TM	C	96.27					C	120.86			116.35	
84211A	1605	04/23	1	1	685233	23077	00001	03	ENGELHARD COR	1.26000	TM	C	67.76					C	120.87			81.90	
85209A	5601	04/27	6	1	685260	23077	00001	01	ENGELHARD COR	1.58000	TM	C	84.97					C	120.86			77.35	
85266A	5606	04/27	9	1	615235	23077	00001	03	ENGELHARD COR	1.19000	TM	C	64.00					C	120.86			79.95	
85408A	1602	04/30	2	1	615229	23077	00001	03	ENGELHARD COR	1.23000	TM	C	66.15					C	120.86			82.53	
86289A	5602	05/04	1	1	615229	23077	00001	03	ENGELHARD COR	1.27000	TM	C	68.30					C	120.86			82.53	
87221A	1620	05/09	7	1	691086	23077	00001	03	ENGELHARD COR	1.90000	TM	C	102.18					C	120.87			143.00	
87501A	5602	05/11	4	1	615229	23077	00001	03	ENGELHARD COR	3.20000	TM	C	118.32					C	120.86			143.00	
88622A	5620	05/18	1	1	691086	23077	00001	03	ENGELHARD COR	1.75000	TM	C	94.12					C	120.86			113.75	
88956A	1601	05/21	4	1	685260	23077	00001	03	ENGELHARD COR	1.79000	TM	C	95.19					C	120.86			115.09	
89403A	3602	05/23	2	1	615229	23077	00001	03	ENGELHARD COR	2.22000	TM	C	96.27					C	120.86			116.35	
89881A	5602	05/25	5	1	615229	23077	00001	03	ENGELHARD COR	1.79000	TM	C	119.39					C	120.86			144.30	
90483A	3602	05/30	8	1	615229	23077	00001	03	ENGELHARD COR	2.22000	TM	C	94.65					C	120.86			114.40	
90537A	4601	05/31	5	1	685260	23077	00001	03	ENGELHARD COR	1.87000	TM	C	100.57					C	120.87			107.90	
90839A	5602	06/01	2	1	615229	23077	00001	03	ENGELHARD COR	1.82000	TM	C	89.27					C	120.86			118.30	
91045A	1602	06/04	3	1	615229	23077	00001	03	ENGELHARD COR	1.82000	TM	C	87.88					C	120.86			59.15	
91459A	3602	06/06	2	1	615229	23077	00001	03	ENGELHARD COR	.91000	TM	C	48.94					C	120.86			118.30	
91855A	5602	06/08	2	1	615229	23077	00001	03	ENGELHARD COR	1.82000	TM	C	97.88					C	120.86			118.30	
92083A	1603	06/11	2	1	615229	23077	00001	03	ENGELHARD COR	1.73000	TM	C	93.04					C	120.86			112.45	
92624A	3602	06/13	4	1	615229	23077	00001	03	ENGELHARD COR	2.79000	TM	C	150.05					C	120.86			181.35	
92920A	5602	06/15	1	1	615229	23077	00001	03	ENGELHARD COR	.68000	TM	C	36.57					C	120.86			44.20	
93079A	1602	06/18	7	1	615229	23077	00001	03	ENGELHARD COR	2.01000	TM	C	108.10					C	120.86			130.65	
93665A	3601	06/20	2	1	685260	23077	00001	01	ENGELHARD COR	2.44000	TM	C	131.22					C	120.87			158.60	
93969A	5603	06/22	3	1	65230	23077	00001	03	ENGELHARD COR	1.40000	TM	C	75.29					C	120.86			104.00	
94156A	1605	06/25	4	1	685233	23077	00001	03	ENGELHARD COR	1.60000	TM	C	86.05					C	120.86			70.20	
94640A	3602	06/27	4	1	615229	23077	00001	03	ENGELHARD COR	1.08000	TM	C	58.08					C	120.87			107.25	
95131A	1602	07/02	3	1	615229	23077	00001	03	ENGELHARD COR	1.65000	TM	C	88.74					C	120.86			102.70	
95709A	4602	07/05	4	1	615229	23077	00001	03	ENGELHARD COR	1.58000	TM	C	84.97					C	120.87			102.70	
95944A	5602	07/06	6	1	615229	23077	00001	03	ENGELHARD COR	1.58000	TM	C	84.97					C	120.87			102.70	
96216A	1602	07/09	5	1	691086	23077	00001	03	ENGELHARD COR	.62000	TM	C	33.34					C	120.86			40.30	
96659A	3602	07/11	5	1	615229	23077	00001	03	ENGELHARD COR	2.03000	TM	C	108.10					C	120.86			130.65	
97105A	5601	07/13	6	1	685260	23077	00001	03	ENGELHARD COR	2.03000	TM	C	109.17					C	120.87			131.95	
97398A	1603	07/16	7	1	65230	23077	00001	03	ENGELHARD COR	1.12000	TM	C	60.33					C	120.87			72.80	
97681A	3602	07/18	2	1	615229	23077	00001	03	ENGELHARD COR	1.60000	TM	C	86.05					C	120.86			104.00	
98107A	5602	07/20	3	1	615229	23077	00001	03	ENGELHARD COR	2.07000	TM	C	111.32					C	120.87			85.15	
98290A	1602	07/23	1	1	615229	23077	00001	03	ENGELHARD COR	1.15000	TM	C	61.85					C	120.86			74.75	
99502A	1602	07/30	4	1	615229	23077	00001	03	ENGELHARD COR	.96000	TM	C	51.63					C	120.86			62.40	

TOTALS RI RECYCLING INDUSTRIES CORP. 2 0.00 0.000 4.24000 R

Ticket # Route Date Seq Truck Acct Site GP Name Volume Wgt/Yd Weight or Quantity Disposal Cost/Rev Y Adj Customer Chg/Cred  
 Ticket Range 1/01/01 to 12/31/01 Disposal 23077 ENGELHARD CORPORATION  
 Route Range A to 999999999 Contract  
 Route Format TO 9999 Revenue Dist. Industrial Dist source Route Hdr

Ticket #	Route	Date	Seq	Truck	Acct	Site	GP Name	Volume	Wgt/Yd	Weight or Quantity	Disposal Cost/Rev	Y Adj	Customer Chg/Cred
99892A	3602	08/01	3	1	615229	23077	00001 03 ENGELHARD COR	2.93000	TN	C	157.58	C 120.86	190.45
100247A	5602	08/03	2	1	615229	23077	00001 03 ENGELHARD COR	1.25000	TN	C	67.23	C 120.86	81.25
100497A	1602	08/06	2	1	615229	23077	00001 03 ENGELHARD COR	1.35000	TN	C	82.28	C 120.87	99.45
100937A	3603	08/08	3	1	655230	23077	00001 03 ENGELHARD COR	.75000	TN	C	40.34	C 120.85	44.75
101294A	5602	08/10	3	1	615229	23077	00001 03 ENGELHARD COR	1.50000	TN	C	80.67	C 120.86	97.50
101530A	1602	08/13	3	1	615229	23077	00001 03 ENGELHARD COR	1.47000	TN	C	79.06	C 120.86	95.55
101911A	3602	08/15	3	1	615229	23077	00001 03 ENGELHARD COR	1.47000	TN	C	68.30	C 120.86	82.55
102192A	4601	08/16	5	1	691086	23077	00001 01 ENGELHARD COR	3.21000	TN	C	172.63	C 120.86	82.55
102301A	5602	08/16	3	1	640000	23077	00001 03 ENGELHARD COR	2.03000	TN	C	73.14	C 120.86	88.40
102596A	1603	08/17	5	1	655230	23077	00001 03 ENGELHARD COR	1.36000	TN	C	109.17	C 120.87	131.95
102909A	3602	08/22	1	1	615229	23077	00001 03 ENGELHARD COR	.80000	TN	C	43.02	C 120.87	53.00
103281A	5602	08/24	1	1	615229	23077	00001 03 ENGELHARD COR	1.38000	TN	C	74.22	C 120.86	89.70
103555A	1602	08/27	4	1	615229	23077	00001 03 ENGELHARD COR	2.46000	TN	C	132.30	C 120.86	159.90
104096A	3602	08/29	6	1	615229	23077	00001 03 ENGELHARD COR	2.04000	TN	C	109.71	C 120.86	132.60
104302A	5602	08/31	2	1	615229	23077	00001 03 ENGELHARD COR	1.54000	TN	C	29.04	C 120.87	35.10
104544A	2602	09/04	3	1	615229	23077	00001 03 ENGELHARD COR	1.62000	TN	C	87.12	C 120.87	105.30
104894A	3621	09/05	5	1	691086	23077	00001 03 ENGELHARD COR	.90000	TN	C	48.40	C 120.87	58.50
105384A	5602	09/07	5	1	615229	23077	00001 03 ENGELHARD COR	.90000	TN	C	48.40	C 120.87	58.50
106810A	1602	09/17	4	1	615229	23077	00001 03 ENGELHARD COR	2.02000	TN	C	108.64	C 120.85	131.30
107496A	5602	09/21	2	1	640000	23077	00001 03 ENGELHARD COR	2.28000	TN	C	122.62	C 120.86	148.20
TOTALS 20	Roll Off					61	1290.00	0.075		96.94000	C	5213.43	5447.00

Ticket #	Route	Date	Seq	Truck	Acct	Site	GP Name	Volume	Wgt/Yd	Weight or Quantity	Disposal Cost/Rev	Y Adj	Customer Chg/Cred
88315A	3605	05/16	4	1	685233	23077	00001 03 ENGELHARD COR	2.21600	TN	C	119.16	C 120.86	144.04
TOTALS 30	Residential					1	0.00	0.000		2.21600	C	119.18	144.04

Ticket #	Route	Date	Seq	Truck	Acct	Site	GP Name	Volume	Wgt/Yd	Weight or Quantity	Disposal Cost/Rev	Y Adj	Customer Chg/Cred
90035A	2621	05/29	2	1	691086	23077	00001 03 ENGELHARD COR	.37000	TN	C	19.90	C 120.85	24.05
TOTALS 70	Recycling					1	0.00	0.000		.37000	C	19.90	24.05

Ticket #	Route	Date	Seq	Truck	Acct	Site	GP Name	Volume	Wgt/Yd	Weight or Quantity	Disposal Cost/Rev	Y Adj	Customer Chg/Cred
TOTALS WC 01	WESTCHESTER CTRY/SOLID WASTE					63	1290.00	0.077		99.52600	C	5352.51	5615.09

Ticket #	Route	Date	Seq	Truck	Acct	Site	GP Name	Volume	Wgt/Yd	Weight or Quantity	Disposal Cost/Rev	Y Adj	Customer Chg/Cred
TOTALS WC	WEST. COUNTY/WHITE PLAINS					63	1290.00	0.077		99.52600	C	5352.51	5615.09

Ticket #	Route	Date	Seq	Truck	Acct	Site	GP Name	Volume	Wgt/Yd	Weight or Quantity	Disposal Cost/Rev	Y Adj	Customer Chg/Cred
137024A	4602	08/23	2	1	615229	23077	00001 01 ENGELHARD COR	1.95000	TN	C	29.25		
128080A	4606	08/30	4	1	615235	23077	00001 01 ENGELHARD COR	2.08000	TN	C	31.20		
128985A	4601	09/06	7	1	685260	23077	00001 01 ENGELHARD COR	1.38000	TN	C	20.70		
TOTALS 20	Roll Off					3	90.00	0.060		5.41000	C	81.15	

10/25/02 5:14:14 Company 274  
 Detail

Allied Waste Industries  
 DAILY DISPOSAL REPORT

HTDS215 HTDS215 Page : 6

Ticket Date Range 1/01/01 to 12/31/01  
 Ticket Number Range A to 9999999999  
 Route Range to 9999  
 Route Format

Disposal Account 23077 EMBELWARD CORPORATION  
 Contract Revenue Dist. Industrial Dist Source  
 Route Hdr

Ticket #	Route	Date	Seq	Truck	Acct Cpy	Site Idt	Gr Volume	Wgt/Yd	Weight or Quantity	or TON C/R	Disposal Cost/Seq	V/C Value	Adj	Customer Cpy/Cred
----------	-------	------	-----	-------	----------	----------	-----------	--------	--------------------	------------	-------------------	-----------	-----	-------------------

TOTALS WM 03 WASTE MANAGEMENT/CARDBOARD 3 90.00 0.060 5.41000 C 81.15

TOTALS WM WASTE MANAGEMENT 3 90.00 0.060 5.41000 C 81.15

GRAND TOTALS 17 360.00 0.105 37.86000 R 9756.76 9945.39  
 GRAND TOTALS 132 3210.00 0.063 201.55600 C 9756.76 9945.39

Company 274  
 1/01/02 to 10/24/02  
 A to 9999999999  
 to 9999

Disposal  
 Account  
 Contract  
 Revenue Dist.  
 Industrial Dist Source

Route Hdr  
 23077  
 ENGERHARD CORPORATION

Ticket #	Route	Date	Seq	Truck	Acct	Site	Op	Name	Volume	Wgt/Yrd	Weight or Quantity	UOM	C/R	Cost/Rev	V/C Value	Customer
17676A	5602	01/04	1	1	615229	23077	00001	01	ENGERHARD COR		76000	TN	C			
65021A	4606	01/10	3	1	655230	23077	00001	01	ENGERHARD COR		187000	TN	C			
65519A	4602	01/17	2	1	655230	23077	00001	03	ENGERHARD COR		153000	TN	C			
65556A	5602	01/18	6	1	655230	23077	00001	03	ENGERHARD COR		179000	TN	C			
17861A	4602	01/24	2	1	615229	23077	00001	01	ENGERHARD COR		203000	TN	C			
65564A	4602	01/31	2	1	615229	23077	00001	01	ENGERHARD COR		203000	TN	C			
17990A	4602	02/07	2	1	615229	23077	00001	01	ENGERHARD COR		154000	TN	C			
67531A	4602	02/14	2	1	615229	23077	00001	01	ENGERHARD COR		153000	TN	C			
68066A	4602	02/21	2	1	615229	23077	00001	01	ENGERHARD COR		218000	TN	C			
18395A	4602	02/28	2	1	615229	23077	00001	01	ENGERHARD COR		163000	TN	C			
69111A	4602	03/07	3	1	615229	23077	00001	01	ENGERHARD COR		210000	TN	C			
18273A	4602	03/14	2	1	615229	23077	00001	01	ENGERHARD COR		250000	TN	C			
70285A	4602	03/21	2	1	615229	23077	00001	01	ENGERHARD COR		246000	TN	C			
08484A	4602	03/28	3	1	615229	23077	00001	01	ENGERHARD COR		174000	TN	C			
18331A	1601	04/01	1	1	685260	23077	00001	01	ENGERHARD COR		154000	TN	C			
TOTALS 20 Roll Off 15 450.00 0.061 27.24000 C 116.35																
TOTALS EA 01 KARTZ/CARBOARD 15 450.00 0.061 27.24000 C 116.35																
TOTALS EA KARTZ/CARBOARD 15 450.00 0.061 27.24000 C 116.35																
023007A	5602	01/04	5	1	615229	23077	00001	03	ENGERHARD COR		31000	TN	C	17.05	C 118.18	20.15
026478A	3602	03/13	2	1	615229	23077	00001	03	ENGERHARD COR		237000	TN	C	130.35	C 118.18	154.05
TOTALS 20 Roll Off 2 60.00 0.045 2.68000 C 147.40																
TOTALS NE 01 METRO ENVIRO/DIEMO 2 60.00 0.045 2.68000 C 147.40																
TOTALS NE METRO ENVIRO 2 60.00 0.045 2.68000 C 147.40																
004972A	4602	01/03	5	1	615229	23077	00001	03	ENGERHARD COR		137000	TN	C	89.05	C 100.00	89.05
005120A	1601	01/07	5	1	685260	23077	00001	03	ENGERHARD COR		127000	TN	C	82.95	C 100.00	82.95
005245A	3602	01/09	2	1	615229	23077	00001	03	ENGERHARD COR		143000	TN	C	92.95	C 100.00	92.95
005802A	1602	01/14	4	1	615229	23077	00001	03	ENGERHARD COR		233000	TN	C	150.80	C 100.00	150.80
005658A	3602	01/16	7	1	615229	23077	00001	03	ENGERHARD COR		204000	TN	C	132.60	C 100.00	132.60

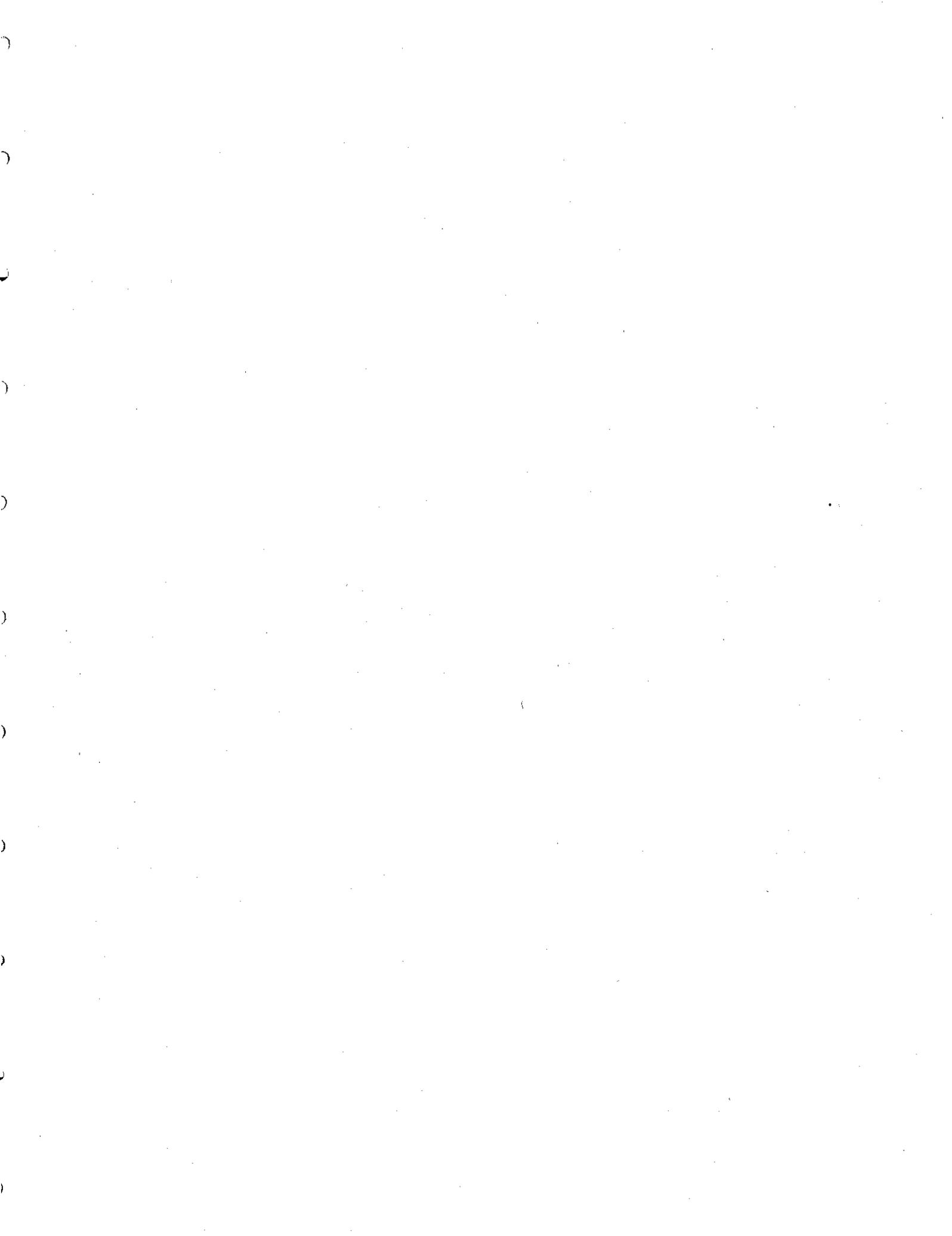
10/25/02 5:14:39 Company 274  
 Ticket Date Range 1/01/02 to 10/24/02  
 Ticket Number Range A to 9999999999  
 Route Range to 9999  
 Route Format  
 Disposal Account 23077  
 Contract Revenue Dist.  
 Industrial Dist Source  
 Route Hdr  
 BIRDS215 BIRDS215  
 ENGBLHARD CORPORATION

Ticket #	Route	Date	Seg	Truck	Acct	Site	Sp	Name	Volume	Wgt/Yd	Weight or Quantity	Uom	C/R	Cost/Rev	F	Adj	Customer
005963A	4620	01/24	4	1	640000	23077	00001	03	ENGBLHARD COR		1.18000	TN	C	76.70	C	100.00	76.70
006016A	5602	01/25	4	1	615229	23077	00001	03	ENGBLHARD COR		1.52000	TN	C	98.80	C	100.00	98.80
006064A	1602	01/28	2	1	615229	23077	00001	03	ENGBLHARD COR		1.27000	TN	C	82.55	C	100.00	82.55
006215A	3602	01/30	2	1	615229	23077	00001	03	ENGBLHARD COR		1.75000	TN	C	113.75	C	100.00	113.75
006475A	5602	02/01	4	1	615229	23077	00001	03	ENGBLHARD COR		1.98000	TN	C	132.66	C	97.01	128.70
006419A	1602	02/04	1	1	615229	23077	00001	03	ENGBLHARD COR		.63000	TN	C	41.54	C	97.01	40.30
006722A	5602	02/06	3	1	615229	23077	00001	03	ENGBLHARD COR		1.35000	TN	C	90.45	C	97.01	87.75
006794A	1602	02/08	3	1	615229	23077	00001	03	ENGBLHARD COR		1.68000	TN	C	112.56	C	97.01	109.20
006983A	3602	02/13	1	1	615229	23077	00001	03	ENGBLHARD COR		1.62000	TN	C	108.54	C	97.01	105.30
007094A	5602	02/15	3	1	615229	23077	00001	03	ENGBLHARD COR		1.38000	TN	C	92.86	C	97.01	89.70
007133A	1602	02/19	1	1	615229	23077	00001	03	ENGBLHARD COR		.74000	TN	C	49.58	C	97.01	48.10
007366A	5602	02/22	1	1	615229	23077	00001	03	ENGBLHARD COR		2.30000	TN	C	154.10	C	97.01	149.50
007445A	1602	02/25	3	1	615229	23077	00001	03	ENGBLHARD COR		1.82000	TN	C	121.94	C	97.01	118.30
007605A	3602	02/27	3	1	615229	23077	00001	03	ENGBLHARD COR		1.06000	TN	C	71.02	C	97.01	68.90
007782A	5602	03/01	3	1	615229	23077	00001	03	ENGBLHARD COR		.94000	TN	C	62.98	C	97.01	61.10
007890A	1602	03/04	5	1	615229	23077	00001	03	ENGBLHARD COR		1.39000	TN	C	86.43	C	97.01	83.85
008076A	3602	03/06	3	1	615229	23077	00001	03	ENGBLHARD COR		1.06000	TN	C	71.02	C	97.01	68.90
008282A	5602	03/08	5	1	615229	23077	00001	03	ENGBLHARD COR		1.29000	TN	C	86.43	C	97.01	83.85
008340A	1602	03/11	2	1	615229	23077	00001	03	ENGBLHARD COR		3.98000	TN	C	266.66	C	97.01	258.70
008729A	5602	03/15	3	1	615229	23077	00001	03	ENGBLHARD COR		1.34000	TN	C	93.13	C	97.01	90.35
008832A	1602	03/18	3	1	615229	23077	00001	03	ENGBLHARD COR		1.34000	TN	C	93.13	C	97.01	90.35
009034A	3602	03/18	3	1	615229	23077	00001	03	ENGBLHARD COR		1.18000	TN	C	89.78	C	97.01	87.10
009168A	5602	03/20	3	1	615229	23077	00001	03	ENGBLHARD COR		.55000	TN	C	36.85	C	97.01	35.75
009300A	1602	03/22	3	1	615229	23077	00001	03	ENGBLHARD COR		1.18000	TN	C	79.06	C	97.01	76.70
009300A	1602	03/22	3	1	615229	23077	00001	03	ENGBLHARD COR		1.18000	TN	C	79.06	C	97.01	76.70
009511A	3602	03/25	3	1	615229	23077	00001	03	ENGBLHARD COR		1.53000	TN	C	129.31	C	97.01	125.45
009700A	5602	03/27	4	1	615229	23077	00001	03	ENGBLHARD COR		1.44000	TN	C	44.22	C	97.01	42.90
009958A	3602	04/03	2	1	615229	23077	00001	03	ENGBLHARD COR		.79000	TN	C	52.93	C	97.01	51.35
TOTALS 20	Roll Off		33		930.00				46.73000		C		3102.61			3037.45	

TOTALS NY 01 NY CORN/SW & DEMO	33	930.00	0.050	46.73000	C	3102.61	3037.45
--------------------------------	----	--------	-------	----------	---	---------	---------

TOTALS NY MT KISCO TRAMPER	33	930.00	0.050	46.73000	C	3102.61	3037.45
----------------------------	----	--------	-------	----------	---	---------	---------

GRAND TOTALS	50	1440.00	0.053	76.65000	C	3250.01	3328.00
--------------	----	---------	-------	----------	---	---------	---------



10/25/02 5:13:23 Company 274  
DEFAULT

Ticket Date Range 10/01/99 to 12/31/99  
Ticket Number Range A to 999999999  
Route Range to 9999  
Route Format

Allied Waste Industries  
DAILY DISPOSAL REPORT

B1708215 B1708215

Page : 1

Disposal Account 22997  
Contract Revenue Dist.  
Industrial Dist Source

OSI LLC

Ticket #	Route	Date	Seq	Truck	Acct	Site	Op	Name	Wgt/Yd	Weight or	Route	Disposal	%	Adj	Customer
					Cpty	Id	Volume			Quantity	Hdr	Cost/Bar	V/C	Value	Chg/Chgd

BT 4

10/25/02 5:13:51 Company 274  
 DETAIL

Allied Waste Industries  
 DAILY DISPOSAL REPORT

BTD8215 BTD8215

Page : 1

Ticket Date Range 1/01/00 to 12/31/00  
 Ticket Number Range X to 9999999999  
 Route Range to 9999  
 Route Format

Disposal Account 22997  
 Contract Revenue Dist. ENGLEHARD CORPORATION  
 Industrial Dist source

Ticket #	Route	Date	Seq	Truck	Acct Cpty	Site Id#	Sp Name	Volume	Mgt/Yd	Weight or Quantity	TCM C/R	Disposal Cost/Bar	% Adj V/C Value	Customer Cmg/Cred
----------	-------	------	-----	-------	-----------	----------	---------	--------	--------	--------------------	---------	-------------------	-----------------	-------------------

030783A	1607	06/12	7	1	615229	22997	00001	01	ENGLEHARD COR	3.58000	TM	196.90		
039388A	2609	10/10	5	1	655230	22997	00002	01	ENGLEHARD COR	4.21000	TM	231.55		
TOTALS 20 Roll Off														

TOTALS NE 01 METRO SERVING/DISMO														
2 0.00 0.000 7.79000 C 428.45														

TOTALS NE METRO SERVING														
2 0.00 0.000 7.79000 C 428.45														

GRAND TOTALS														
2 0.00 0.000 7.79000 C 428.45														

Ticket Date Range 1/01/01 to 12/31/01  
 Ticket Number Range A to 9999999999  
 Route Range to 9999  
 Disposal Account 22997 ENGELHARD CORPORATION  
 Contract  
 Revenue Dist.  
 Industrial Dist Source Route Rpt

Ticket #	Route	Date	Seq	Truck	Acct	Site	Op	Name	Volume	Wgt/Yd	Weight or Quantity	Unit	C/R	Disposal Cost/Rev	F v/c Value	Add	Customer
001377A	2601	01/09	4	1	685260	22997	00002	01	ENGELHARD COR		3.69000	TN	C	202.95			
003292A	4601	02/15	9	1	685260	22997	00002	01	ENGELHARD COR		2.89000	TN	C	142.45			
004199A	3602	03/07	7	1	615229	22997	00002	01	ENGELHARD COR		2.03000	TN	C	111.10			
007045A	1601	04/23	3	1	685260	22997	00002	01	ENGELHARD COR		2.74000	TN	C	150.70			
010100A	2606	06/05	3	1	615235	22997	00002	01	ENGELHARD COR		3.71000	TN	C	204.05			
012748A	2606	07/10	7	1	681086	22997	00002	01	ENGELHARD COR		3.40000	TN	C	187.00			
016376A	4606	09/06	3	1	615235	22997	00002	01	ENGELHARD COR		3.83000	TN	C	210.65			
018816A	3601	10/17	7	1	685260	22997	00002	01	ENGELHARD COR		3.07000	TN	C	168.85			
021775A	4601	12/06	7	1	685260	22997	00002	01	ENGELHARD COR		2.24000	TN	C	123.20			
TOTALS 20 Roll Off 9 150.00 0.182 27.29000 C 1500.95																	

Ticket #	Route	Date	Seq	Truck	Acct	Site	Op	Name	Volume	Wgt/Yd	Weight or Quantity	Unit	C/R	Disposal Cost/Rev	F v/c Value	Add	Customer
TOTALS NE 01 METRO SERVING 9 150.00 0.182 27.29000 C 1500.95																	

Ticket #	Route	Date	Seq	Truck	Acct	Site	Op	Name	Volume	Wgt/Yd	Weight or Quantity	Unit	C/R	Disposal Cost/Rev	F v/c Value	Add	Customer
TOTALS NE METRO SERVING 9 150.00 0.182 27.29000 C 1500.95																	

Ticket #	Route	Date	Seq	Truck	Acct	Site	Op	Name	Volume	Wgt/Yd	Weight or Quantity	Unit	C/R	Disposal Cost/Rev	F v/c Value	Add	Customer
GRAND TOTALS 9 150.00 0.182 27.29000 C 1500.95																	

10/25/02 5:14:43 Company 274  
 DETAIL

Allied Waste Industries  
 DAILY DISPOSAL REPORT

BTDS215 BTDS215

Ticket Date Range 1/01/02 to 10/24/02  
 Ticket Number Range A to 9999999999  
 Route Range to 9999  
 Route Format

Disposal Account 22997 BRIDGEMAN CORPORATION  
 Contract  
 Revenue Dist.  
 Industrial Dist Source

Ticket #	Route	Date	Seg	Truck	Acct	Site	Sp	Volume	Wgt/Yd	Weight or Quantity	UOM	C/R	Disposal Cost/ton	V/c Value	Adl	Customer
026750A	2602	03/19	4	1	615239	22997	00002	01	BRIDGEMAN COR	3.10000	TN	G	170.50			
TOTALS 20 Roll Off																
								1	30.00	0.103		G	170.50			

TOTALS MH 01 METRO ENVIRO/DEMO																
								1	30.00	0.103		G	170.50			

TOTALS MH METRO ENVIRO																
								1	30.00	0.103		G	170.50			

GRAND TOTALS																
								1	30.00	0.103		G	170.50			

1057 Lower South Street, Peekskill, NY 10566  
Phone # 914-737-2554  
Fax # 914-737-0743

**ENGELHARD**

Change the nature of things.

# Fax

To: Erina From: Christine Anastos,  
Engelhard Corporation  
Fax: (914) 941-1012 Pages: 1 Total  
Phone: 2409 Date: June 19, 2001  
Re: Waste Disposal CC:  
 Urgent     For Review     Please Comment     Please Reply     Please Recycle

Erina,

Per our conversation, can you please provide me with an overview of where the waste and cardboard, which is collected in dumpsters that we are obtaining from you, is being sent to/ disposed of?

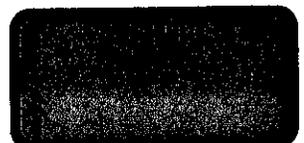
If you have any questions or require any additional information, please feel free to contact me at:

CHRISTINE G. ANASTOS  
ENVIRONMENTAL MANAGER  
PIGMENTS & ADDITIVES GROUP

**ENGELHARD**

ENGELHARD CORPORATION  
1057 LOWER SOUTH STREET  
PEEKSKILL, NEW YORK 10566  
www.engelhard.com  
(914) 737-2554 EXT. 253  
FAX (914) 737-0743  
CELL PHONE (914) 318-3006  
christine.anastos@engelhard.com

Thanks,  
*Christine*



ALLIED WASTE SYSTEMS INC.  
D/B/A  
VALLEY CARTING CORP.  
MOUNT PLEASANT SANITATION  
HUDSON WASTE HAULAGE

FACSIMILE TRANSMITTAL SHEET

TO:	CHRISTINE ANASTOS	FROM:	ERINA HICKLEY
COMPANY:	ENGELHARD CORP.	DATE:	6/19/01
FAX NUMBER:	914-737-0743	TOTAL NO. OF PAGES INCLUDING COVER:	1
PHONE NUMBER:		EXTENSION/ALTERNATE NUMBER:	
RIG:	2 30YD. CONT. @ 1057 LOWER S. STREET	YOUR REFERENCE NUMBER:	

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:  
CHRISTINE,

I WAS MISTAKEN ABOUT THE 20 YD. CONT, THERE ARE ONLY TWO 30 YARD CONTAINERS AT THAT LOCATION. THE 30YD. CONT FOR TRASH IS DUMPED AT METRO ENVIRO TRANSFER LLC. IN CROTON AND THE 30YD. CONT. FOR CARDBOARD IS DUMPED AT NYCONN IN MT. KISCO.

PLEASE LET ME KNOW IF YOU HAVE ANY OTHER QUESTIONS.

**Darren**

Dumster Waste Haul  
~~Hudson Valley Carting~~  
# 941-2409  
1057 LSS  
30yd<sup>3</sup> x2 cardboard, trash  
~~20yd~~ trash

ERINA  
914 941-1012



**ENGELHARD**

Sharon Radomski  
Engelhard Corporation  
1057 Lower South Street  
Peekskill, New York 10566  
(914) 737-2554 ext 484  
July 3, 2001

Erina Hickey  
Valley Carting Co.  
Fax #: (914) 941-1012

Dear Ms. Hickey,

As per our phone conversation on July 2, 2001, we would like to request copies of the delivery tickets to be sent to our office for the waste removal from the Peekskill Pigments Plant, the Buchanan Pearl Plant and the Peekskill Film Plant. Please send the copies to:

Chrisine Anastos  
1057 Lower South Street  
Peekskill, New York 10566

In addition, all invoices should be sent directly to our Accounts Payable department for payment at the same address.

Please feel free to contact me if you have any questions or need any more information, and to confirm your receipt of this letter.

Thank you for your help in this matter.

Sincerely,

*Sharon Radomski*  
Sharon Radomski



ALLIED WASTE SYSTEMS INC.  
D/B/A  
VALLEY CARTING CORP.  
MOUNT PLEASANT SANITATION  
HUDSON WASTE HAULAGE

FACSIMILE TRANSMITTAL SHEET

TO:	CHRISTINE ANASTOS	FROM:	ERINA HICKEY
COMPANY:	ENGELIARD CORP.	DATE:	6/19/01
FAX NUMBER:	914-737-0743	TOTAL NO. OF PAGES INCLUDING COVER:	1
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	
RE:	2 30YD. CONT. @ 1057 LOWER S. STREET	YOUR REFERENCE NUMBER:	

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTE/COMMENTS:  
CHRISTINE,

I WAS MISTAKEN ABOUT THE 20 YD. CONT. THERE ARE ONLY TWO 30 YARD CONTAINERS AT THAT LOCATION. THE 30YD. CONT FOR TRASH IS DUMPED AT METRO ENVIRO TRANSFER LLC. IN CROTON AND THE 30YD. CONT. FOR CARDBOARD IS DUMPED AT NYCONN IN MT. KISCO.

PLEASE LET ME KNOW IF YOU HAVE ANY OTHER QUESTIONS.

**Darren**

*Dumpster Waste Haul  
Hudson Valley Carting  
# 941-2409  
1057 LSS  
30yd<sup>3</sup> x2 → cardboard, trash  
20yd → trash*

*ERINA  
914 941-1012*

WALTER MACK

MONITOR

233 Broadway, Room 1001  
New York, New York 10279

(212) 619-3730

(212) 962-5037 (FAX)

AMY ROTHSTEIN

OF COUNSEL

SUBURBAN CARTING CORP.\*  
TROT TOWN TRANSFER, INC.\*  
J&T RECYCLING CORP.  
DMF EXCAVATING CORP.  
AL TURI LANDFILL, INC.  
MAMARONECK TRUCK REPAIR, INC.\*  
CHESTNUT EQUIPMENT LEASING CORP.\*  
RECYCLING INDUSTRIES CORP.\*

\*Allied Waste, Inc. Owned

ACORN EQUIPMENT LEASING CORP.  
ENVIRO EXPRESS, INC.  
ROUTE 55 CORPORATION  
MAHWAH HOMES, INC.  
MT. KISCO WASTE TRANSFER STATION\*  
METRO ENVIRO\*  
VALLEY CARTING\*  
HUDSON WASTE HAULAGE\*  
MT. PLEASANT SANITATION\*

January 7, 2001

BY HAND

Edward A. McDonald, Esq.  
Reboul, MacMurray, Hewitt, Maynard & Kristol  
45 Rockefeller Plaza  
New York, New York 10111

Dear Mr. McDonald,

As part of the Monitor's investigation of Allied d/b/a Valley Carting, I am attaching a request for document production which is self explanatory.

Thank you for your cooperation.

Very truly yours,

Walter Mack

Enclosure

**MONITOR'S INVESTIGATION  
DOCUMENT PRODUCTION**

The following is to be made available for review by the Monitor or his designee on or before, January 16, 2002.

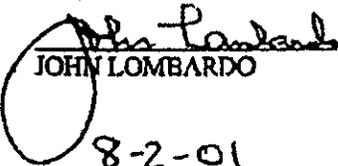
Originals, or if originals cannot be obtained, copies of all documents, records, correspondence, facsimiles, memoranda, electronic transmissions (e.g. e-mail and electronically recorded data) including, but not limited to invoices, billing statements, drivers' tickets, drivers' route sheets, destination facility weight tickets and tipping records in the custody or control of Allied Waste or Allied Waste d/b/a Valley Carting or Hudson Waste Haulage, which pertain, relate or refer to services offered or rendered to Engelhard Corporation, McNamee Construction, Team Rosseli, Green Valley Office Park, 7 Stars Restaurant, Apria, Zee Medical and Applebee's Restaurant.

**HUDSON WASTE HAULAGE**  
**AN ALLIED WASTE COMPANY**  
566 NORTH STATE ROAD  
BRIARCLIFF MANOR, NEW YORK 10510  
(914) 941-2400

AUGUST 2, 2001

TO WHOM IT MAY CONCERN:

THIS LETTER IS TO CONFIRM THAT ALL WASTE BEING PICKED UP AT ENGELHARD  
CORP. BY HUDSON WASTE HAULAGE IS BEING BROUGHT TO A LANDFILL IN  
CONESTOGA, PA.

  
\_\_\_\_\_  
JOHN LOMBARDO

8-2-01  
\_\_\_\_\_  
DATE

DRAFT

**ATTORNEY WORK PRODUCT  
PRIVILEGED AND CONFIDENTIAL**

**MEMORANDUM**

TO: Walter Mack  
FROM: Don Sobocienski  
DATE: November 2, 2001  
RE: Engelhard Corporation Investigation

---

On 10/29/2001, Investigator Don Sobocienski attended a meeting at the Westchester County Solid Waste Commission regarding a complaint from Engelhard Corporation concerning Valley Carting. In attendance on behalf of the Engelhard Corporation were Christine Anastos, Gregory Daum, Frank Lamson-Scribner and Scott Clearwater. In attendance on behalf of the Westchester Solid Waste Commission were Bruce Berger, Elaine Sheridan and two of the Commission's investigators. The following is a summary of the concerns voiced by Engelhard:

Engelhard's Pigment Division is comprised of three separate facilities, namely the Pigment Plant located at 1057 Lower South Road, Peekskill, the Film Plant, located at 1050 Lower South Road, Peekskill, and the Pearl Plant, located at 16 White Street, Buchanan. Waste disposal for the Film Plant had been contracted to Hudson Waste Haulage for many years. Hudson Waste apparently disposed of the waste at RESCO. Waste disposal at the other plants had been performed by Engelhard's maintenance department who drove Engelhard trucks to RESCO. In February, 2001 Hudson Waste informed Engelhard that RESCO was refusing to accept any more waste from the Film Plant because the type of the waste being generated at that facility was causing damage to the incinerator. The type of waste being generated at the Film Plant was exclusively iridescent film clippings. RESCO's refusal to accept the Film Plant's waste caused Engelhard's Environment, Health & Safety Department to become concerned about the waste that Engelhard was delivering to RESCO from its other two facilities. The Environmental Department determined that the waste being generated at these facilities was classified as "industrial waste" which should not be delivered to RESCO. Accordingly, the Environmental Department requested that Engelhard's Purchasing Department solicit a carter to dispose of the waste from the Pigment Plant and the Pearl Plant at an acceptable destination facility other than RESCO. The Purchasing Department contracted with Hudson Waste for disposal of the waste from the other two facilities.

For unspecified reasons, Christine Anastos, Environmental Manager, became concerned

as to where Hudson was delivering Engelhard's waste. On or about 6/19/2001 she telephoned Hudson Waste and spoke with Erina Hickey concerning this issue. Subsequent to her telephone conversation she sent a fax (attached) to Ms. Hickey requesting the same information. Ms. Hickey responded with a fax (attached) wherein she stated that the roll off container at 1057 Lower South Street containing cardboard was being disposed of at NYCONN in Mt. Kisco and the other roll off container was being disposed of at Metro Enviro Transfer, LLC in Croton.

Ms. Anastos requested that the Purchasing Department contact Hudson Waste to require that they provide her destination delivery tickets. Ms. Anastos subsequently received some delivery tickets (attached).

Ms. Anastos and her supervisor, Gregory Daum, Director of Environment, Health & Safety for Englehard's Peekskill Group, remained concerned that Engelhard's waste was not being disposed of properly. Their concerns were compounded by the fact that whenever a driver removed a roll off container from the Pigment Plant he returned with the same container a short time later. RESCO is only a short distance from the Peekskill facilities. On 9/17/2001 while on their way to lunch, Mr. Daum and Ms. Anastos decided to follow the Hudson Waste roll off driver who was also leaving the facility at that same time. They were unsuccessful in following the driver, but did observe the driver parked on Louisa Street, with an empty roll off container (Number H350). Mr. Daum approached the driver and identified himself. The driver advised that his name was Angelo. Initially the driver was reluctant to answer any of Mr. Daum's questions or admit that he had delivered the roll off container to RESCO. Eventually the driver advised Mr. Daum that he had been instructed to deliver the container to RESCO and not immediately return to Englehard, so to give the appearance that the destination facility to which the waste was being delivered was a further distance away. The driver stated that he would often park and eat his lunch, before returning to Englehard with the empty container. Mr. Daum and Ms. Anastos advised that Hudson currently drops an empty roll off container each time that they remove a full one, so it is no longer possible to determine how much time the driver takes to dispose of the waste.

Mr. Daum stated that he was present for a visit from John Lombardo, of Hudson Waste on 9/25/2001. Mr. Lombardo was adamant that the classification of the waste being generated at 1057 Lower South Street was MSW and could be delivered to RESCO. Mr. Daum stated that he was adamant in his position that the waste not be delivered to RESCO.

Ms. Anastos advised that the roll off drivers are now required to bring to her for her signature the delivery slip for each roll off container that they remove from the facility. Ms. Anastos opined that the drivers are not happy about this requirement. She stated the one of the drivers, John Manocchi, was obviously angry about having to get her signature. When she inquired of him where the load he was picking up was to be delivered, he rather sarcastically responded with words to the effect, "don't worry, its certainly not going to RESCO".

DRAFT

**ATTORNEY WORK PRODUCT  
PRIVILEGED AND CONFIDENTIAL**

**MEMORANDUM**

TO: Walter Mack  
FROM: Don Sobocienski  
DATE: November 19, 2001  
RE: Engelhard Corporation Investigation

---

On 11/19/2001 Investigator Don Sobocienski interviewed Darren Mylie, Purchasing Manager, and Douglas Comeau, Maintenance Manager, for Engelhard Corporation's Specialty Pigments & Additives Division, Peekskill, New York. The interview took place at Engelhard Corporation's offices in Iselin, New Jersey. Also present during the interview were Investigator Eugene DiToro of the Westchester Solid Waste Commission and Scott Clearwater, Director of Environment, Health & Safety for Engelhard Corporation. The investigator informed Messrs. Mylie and Comeau that he worked for the federal court appointed monitor of Allied Waste companies operating in Westchester County, New York and that the reason for the interview was to ascertain information pertaining to Engelhard's assertions that their waste was being disposed of improperly. The following is a summary of the information provided by Messrs. Mylie and Comeau:

Mr. Mylie stated that he has been the Purchasing Manager for Engelhard's Peekskill operations for approximately two years. He advised that Engelhard began using Valley Carting for the removal of waste from the Peekskill film plant (1050 Lower South Street) prior to his employment. The debris disposed of at the film plant is exclusively iridescent film clippings. The clippings are disposed of in a compactor which is emptied and removed from the premises by Valley. According to Mr. Mylie, sometime in February, 2001 Valley had apparently been informed by Westchester RESCO that the iridescent film clippings could no longer be disposed at their facility and advised Engelhard of the same. Mr. Mylie understood the reasons for this to be that the film was causing damage to the incinerator's burners. Mr. Mylie stated that he had not been made aware of RESCO's refusal to accept Engelhard's film clippings until very recently.

Mr. Mylie advised that in February, 2001, he received an e-mail from Christine Anastos, Environmental Manager for the Peekskill operations, indicating that the waste being generated from the Peekskill pigments plant and the Buchanan pearl plant was determined to be "industrial waste" and could no longer be delivered to RESCO. According to Mr. Comeau, Engelhard had

been delivering the waste generated by these two facilities via Engelhard owned trucks to RESCO for many years prior.

Mr. Mylie contacted Valley Carting for a price quote to have Valley service these two additional facilities. On 2/15/2001 Mr. Mylie met with Aaron Deems at the Peekskill pigment plant. Mr. Mylie advised Mr. Deems of Engelhard's requirement that none of the waste generated at either of these facilities be disposed of at RESCO. Mr. Deems informed Mr. Mylie that the waste would be disposed of at a landfill in Pennsylvania. Mr. Deems further advised that the waste would first be disposed of at the company's transfer station located in Croton. Mr. Mylie advised the investigator that he does not recall Mr. Deems actually making the reference to the transfer station in Croton, rather he was subsequently advised of Mr. Deems' statement by Tom Taverna, who works for Mr. Comeau. Mr. Taverna was also present during Mr. Deems' visit. Mr. Mylie provided the investigator with a copy of Mr. Deems' proposal for providing service to the additional two facilities (Attached).

Mr. Mylie stated that on 6/19/2001, he was requested via an e-mail from Ms. Anastos to contact Valley to request that Ms. Anastos routinely be provided with copies of the delivery tickets from the destination facilities receiving Engelhard's waste. Mr. Mylie stated that he directed Sharon Radomski, who works with him, to contact Valley regarding Ms. Anastos' request. (A copy of Ms. Radomski's letter is attached). Mr. Mylie assumed that the delivery tickets were being provided to Ms. Anastos, because he received no subsequent e-mails from her to indicate otherwise.

Mr. Comeau stated that Mr. Taverna requested and received a faxed statement signed by John Lombardo dated 8/2/2001, wherein Mr Lombardo confirmed that Engelhard's waste was being delivered and disposed of at a landfill in Conestoga , PA.

Mr. Comeau stated that he had asked Mr. Taverna to contact Mr. Lombardo to ascertain where the waste was being delivered. Mr. Comeau explained that his request of Mr. Taverna was prompted by a voice mail that he had received on approximately 7/9/2001 from an unidentified male who advised that he had important information concerning the delivery of Engelhard's waste. The unidentified male left the telephone number (914) 403-8450. On 7/9/2001, Mr. Comeau called the telephone number. He was advised by an unidentified male that Valley was disposing of Englehard's waste at RESCO. The unidentified male stated that he knew this to be true because he had followed the Valley trucks leaving Engelhard and observed their deliveries to RESCO.

Mr. Mylie advised that he had no further concerns regarding Valley or the service until September, 2001 when he was informed by Gregory Daum, Director of Environmental, Health & Safety for the Peekskill operations, that he had interacted with a Valley rolloff driver who he and Ms. Anastos had followed on 9/17/2001.

Mr. Mylie stated that he telephoned John Lombardo on 9/21/2001. Mr. Mylie recalled

that he asked Mr. Lombardo where the Engelhard waste was being delivered. Mr. Lombardo advised him that the waste was being delivered to a landfill in Pennsylvania. Mr. Mylie informed Mr. Lombardo about the conversation that Mr. Daum had with the Valley rolloff driver on 6/19, who had just delivered Engelhard's waste RESCO. Mr. Mylie recalled that Mr. Lombardo informed him that the driver was "new" and "probably didn't know any better" not to deliver the waste to RESCO. Mr. Lombardo assured Mr. Mylie that Valley was not regularly delivering waste to RESCO. Mr. Mylie and Mr. Lombardo arranged for Mr. Lombardo to visit the facility so that a determination as to the composition of Engelhard's waste could be assessed.

On 9/25/2001 Mr. Lombardo and a second individual named John visited the Engelhard pigment plant to examine the waste. Also present during their examination was Gregory Daum. Mr. Mylie stated that John LNU entered the roll off container and sifted through the waste. Afterwards he and Mr. Lombardo asserted that the waste was classified as MSW and would be acceptable for delivery to RESCO. Despite Mr. Lombardo's and John's adamantness that the waste should be delivered to RESCO, Mr. Mylie advised that they were told in no uncertain terms that the waste was not to be delivered to RESCO.

**To:** Walter Mack and Don Sobocienski

**From:** Erica West

**Date:** September 26 , 2002

**Re:** Towns of Mt. Pleasant & Yorktown

**Copies:** Bruce Stanas, Jay Rooney, Elmer Hershfield, Ed McDonald, Kathleen Massey and Ilissa Rothschild

This memorandum supplements the vast amount of raw data that I previously provided to Don. I prepared this memorandum based on the data that Don and I reviewed at the Briarcliff location and on the driver interviews that Don conducted and that Ilissa and I attended. Our analysis is subject to change as more data and information becomes available.

Set forth below is a preliminary analysis of the data reviewed and information obtained to date regarding the extent to which Allied mixed commercial waste with residential waste picked up in the towns of Mt. Pleasant and Yorktown. Also set forth below is a preliminary analysis of the data reviewed and information obtained to date regarding the extent to which Allied mixed waste from Mt. Pleasant with waste from Yorktown; however, we have not been able to draw any conclusions about the extent of that practice from the available data and information.<sup>1</sup> Note that the data we examined pertained to the period October 1999 through June 2002. We did not have data available for the period prior to October 1999.

#### **Mixing of Commercial Waste with Waste from Mt. Pleasant and Yorktown**

Based on the driver interviews, it appears that, on occasion, drivers mixed commercial waste with residential waste from the towns of Mt. Pleasant and Yorktown. The practice generally involved drivers on residential routes picking up missed and/or extra commercial stops while they were on their routes. The drivers stated that they always made written records of their commercial stops. However, it is not possible to describe the nature or extent of the mixing with any certainty. In addition, it is not possible to pinpoint when this practice started or when it stopped. Allied believes the practice stopped in June 2002, with one exception that continued until it was discovered in August and that Allied has disclosed to you.

Based on the information written on or attached to the Mt. Pleasant and Yorktown residential route sheets for the period Oct 1999 through June 2002, it appears that we picked up and mixed with municipal waste within either Mt Pleasant or Yorktown a total of at least 609.50 yards of waste other than municipal.<sup>2</sup> The breakdown of the type of waste is as follows:

<sup>1</sup> This report does not address the issues concerning Allied's mixing of C&D with residential waste picked up in Mt. Pleasant and Yorktown, which Allied has previously disclosed to you.

<sup>2</sup> It appears that we may have picked up and mixed with municipal waste within either Mt. Pleasant or Yorktown some additional commercial waste, because there were some instances where drivers wrote "picked up commercial." However, we do not include that waste in the following chart, because we do not have any information whatsoever to permit us to determine how much commercial waste was picked up in those instances.

<b>Yards</b>	<b>YTWN</b>	<b>MTP</b>	<b>COMM</b>	<b>Unknown</b>	<b>TOTAL</b>
<b>Commercial Solid Waste</b>	<b>219.00</b>	<b>72.00</b>	<b>50.00</b>	<b>247.50</b>	<b>588.50</b>
<b>Commercial Co-Mingled</b>	<b>8.00</b>	<b>0.00</b>	<b>1.00</b>	<b>0.00</b>	<b>9.00</b>
<b>Commercial Recycling</b>	<b>3.00</b>	<b>5.00</b>	<b>0.00</b>	<b>3.00</b>	<b>11.00</b>
<b>Construction Debris</b>	<b>0.00</b>	<b>1.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1.00</b>
<b>TOTAL YARDS</b>	<b>230.00</b>	<b>78.00</b>	<b>51.00</b>	<b>250.50</b>	<b>609.50</b>
<b>TOTAL Yards Converted to Tons</b>	<b>12.08</b>	<b>4.10</b>	<b>2.68</b>	<b>13.15</b>	<b>32.01</b>

Also, please see the attached file entitled Commercial by Customer.xls. This file provides a detailed list of the commercial customers serviced by a residential route. Please note that where there was a question about whether a customer was a commercial customer or a residential customer, we erred on the side of considering it a commercial customer.

#### Mixing of Waste from Mt. Pleasant and Yorktown

We looked at three aspects of the mixing of waste from Mt. Pleasant and Yorktown: mixing on the backdoor route; mixing in the 40-yard container; and mixing as a result of drivers assigned to the Yorktown routes helping drivers assigned to the Mt. Pleasant routes. Unfortunately, despite extensive review of documents and analysis of data and information, we cannot make any definitive statements about the extent to which waste from the two towns was mixed together. However, we offer below what we have in an effort to shed at least some light on the situation.

#### Mixing of Waste from Back Door Route and Use of the 40-Yard Container

We reviewed documents concerning the "back door" route, which provided back door service to residents in both Mt. Pleasant and Yorktown. The waste from the two towns was mixed together on this route. Based on our analysis, it appears that approximately 70% of the residents on the route are Mt. Pleasant residents and approximately 30% of the residents are Yorktown residents.

Smaller trucks that were able to fit up small roads and or driveways primarily serviced this route. These trucks typically were not packer trucks and were not designed to dump at the Resco facility. These trucks primarily dumped into other trucks or into the yard. We assume that most, if not all, of the waste dumped into the yard was moved into the 40-yard container.

We have not been able to reach any definitive conclusions about the accounts under which the waste from the back door route and the 40-yard container was dumped. However, we found information regarding disposal of some of the waste from the back door, and information regarding disposal of the 40-yard container, which we believe is relevant.

Set forth below we provide information concerning waste that was picked up on the back door route and either dumped into other trucks or dumped at a disposal facility. We also provide information concerning waste that was dumped into the 40-yard container and dumped under the accounts of Mt. Pleasant and Yorktown.

Below please find a summary of the amount of waste dumped from the trucks servicing the back door route into other trucks and at the disposal facility.<sup>8</sup>

Description	YTWN	MTP	Other	Need Next Disp	Unk	TOTAL
Truck dumped into another truck - # of loads specifically noted on route	2.10	35.23	0.00	32.24	0.00	69.57
Trucks dumped at disposal facility	63.19	250.35	27.53	0.00	0.00	341.07
<b>TOTAL TONS</b>	<b>65.29</b>	<b>285.58</b>	<b>27.53</b>	<b>32.24</b>	<b>330.95</b>	<b>410.64</b>

Below please find the total weight by town per Allied's Infopro data system regarding the 40-yard container in the Briarcliff yard, from the beginning of the time the account was set up through September 2001, when it was removed from the yard. The amounts in the Yorktown and Mt. Pleasant columns represent the number of tons dumped under the accounts of Yorktown and Mt. Pleasant, respectively.

	YTWN	MTP	TOTAL
Roll-Off Loads (40 yd Cont)	338.16	356.26	694.42

The 40-yard container in the Briarcliff yard was used to collect waste primarily from the Mt. Pleasant and Yorktown back door route. We have not been able to reach any definitive conclusions about the sources of waste dumped in the 40-yard container. Based on the driver interviews, it appears that the 40-yard container was used for that purpose for approximately three to four years. That practice stopped on or about September 7, 2001.

#### Yorktown Routes Assisting Mt. Pleasant

Based on the driver interviews, it appears that occasionally on Mondays, or Tuesdays following Monday holidays, Yorktown drivers assisted Mt. Pleasant drivers. In doing so, Yorktown drivers occasionally dumped Yorktown waste under Mt. Pleasant's account and dumped Mt. Pleasant waste under Yorktown's account. Because the drivers' statements on this subject contradicted each other, it is not possible to describe the practice with certainty or to determine the extent of the practice.

However, it appears that, generally, Yorktown drivers dumped their Yorktown waste before proceeding to assist the Mt. Pleasant drivers. On a couple of occasions Yorktown drivers proceeded from Yorktown to Mt. Pleasant without dumping their Yorktown waste first. This practice resulted in Mt. Pleasant being billed for waste that had been picked up in Yorktown. Some Yorktown drivers stated that they did not always dump the waste they had picked up in Mt. Pleasant before proceeding with their subsequent Yorktown loads the following day. This practice resulted in Yorktown being billed for waste that had been picked up in Mt. Pleasant.

We examined over one thousand routes where the mileage noted in connection with the routes might have suggested that a Yorktown driver may have picked up waste on a Mt. Pleasant route. Of those, we found that on 104 routes, the mileage suggested that a Yorktown driver may have picked up waste on a Mt. Pleasant route. We have not examined how those loads were dumped that day or the following day.

<sup>8</sup> It appears that trucks servicing the back door route dumped additional waste into other trucks. However, we do not include that waste in the following chart, because, with regard to that waste, we have not found any documentation about the number of loads or amounts dumped from one truck to another.

The routes pulled for this category were done so based on the following assumptions:

1. # of miles between the route's dump miles and the start miles of the next load.
2. # of miles between the route's last load and the routes in yard miles.

The assumption was that if a Yorktown route drove greater than approximately 10-15 miles they were probably in Mt. Pleasant. A review of the miles between the route's last load and end yard miles was looked at also. If the miles back to the yard were less than 10-15 miles the assumption was that the truck had been in Mt. Pleasant. During the review of the routes I noticed that the mileage noted between Resco (which is north of the yard) and the yard was pretty consistently 15 miles.

Allied does not believe that any conclusions can be drawn by examining the mileage noted by the drivers. In speaking with Toby, one of the operations supervisors, he confirmed with me that the closest Yorktown route to the yard is approximately 2 miles north. I was also told the Mt. Pleasant routes begin approximately 2 miles from the yard heading south. What this tells me is that using these assumptions it is equally possible that the Yorktown truck was helping out a Mt. Pleasant route as it is that the truck was picking up additional stops in Yorktown.

### Conclusion

If you believe the foregoing analysis is incorrect in any manner, please let us know right away. If you have any comments, we would also appreciate receiving them as soon as possible so that we can take them into consideration in developing our proposal for compensating Mt. Pleasant and Yorktown. We would like to meet with you early next week to discuss this situation. We would like to meet with the towns at the end of next week.









DRAFT

**ATTORNEY WORK PRODUCT  
PRIVILEGED AND CONFIDENTIAL**

**MEMORANDUM**

TO: Walter Mack  
FROM: Don Sobocienski  
DATE: August 9, 2002  
RE: Allied Employee Interviews

---

Investigator Don Sobocienski interviewed Iain Wilson, Rick Sicard and Samuel Piamonte on 8/7/2002 and Kjell Gustavsson, William Denny, Frank Imbrogno, William Curtin and Joseph DiSclafani on 8/8/2002. Also present during the interviews were Ilissa Rothchild, Esq., Reboul, MacMurray, Hewitt & Maynard and Erica West, Allied Waste Regional Office. The following is a summary of the information provided during these interviews:

**Iain Wilson** has serviced a Mount Pleasant residential route for approximately the past eight years except for a brief period of time in early 2000 when he functioned as dispatcher.

**Rick Sicard** has been employee of the company for approximately two years. His began his employment as the Helper for Iain Wilson and for the last approximately fifteen months, he has serviced the Mount Pleasant residential route previously serviced by former employee, Michael "Red" Cafarrelli.

**Samuel Piamonte** began his employment at the company in 12/99. Until he was promoted to Driver for a Valley commercial route, he had been the Helper for a Yorktown residential route serviced by Albert Ridenhour. Mr. Piamonte estimated that he had been Albert Ridenhour's Helper for approximately eighteen months.

**Kjell Gustavsson** has been an employee of the company for approximately five years. He began his employment as a Helper, but was quickly promoted to Driver for residential recycling routes in Mount Pleasant and then Yorktown. Prior to his becoming a Driver for a Valley commercial route, he functioned as a "floater" whereby he was assigned as a Driver for any and all routes including Mount Pleasant and Yorktown residential routes.

**William Denny** has been an employee of the company for approximately fifteen years. For the past several years he has been the Helper for a Yorktown residential route serviced by

Christopher Randone (presently on disability) and Joseph DiSclafani.

**Frank Imbrogno** has been employed by the company for approximately five years. He began his employment as a Helper, was promoted to residential recycling Driver and then functioned a "floater" for all routes including Yorktown and Mount Pleasant residential routes. Presently, he is the Driver for a Yorktown residential route that had been serviced by Joseph Vitanza, presently on disability leave.

**William Curtin** has been employee of the company for more than 20 years. For at least the past five years, he has serviced a Yorktown residential route as a Driver.

**Joseph DiSclafani** began his employment with the company in 8/2000. He was a residential recycling Driver until 5/2001 when he assumed a Yorktown residential route that had been serviced by Christopher Randone, presently on disability leave.

### **Mixing of Yorktown and Mount Pleasant Residential Waste**

The consensus among those interviewed is that Yorktown residential trucks were often times directed by dispatch (usually Tony Cardillo and on some occasions Aaron Deems) to assist Mount Pleasant trucks in the completion of their routes. This practice has not occurred in sometime, and maybe not at all in the year 2002. Whenever assistance was rendered, dispatch had called the Yorktown truck, inquired as to how much of their Yorktown route remained unfinished and directed that the truck proceed to Mount Pleasant upon completion of the Yorktown route. In almost all instances, the drivers first completed their Yorktown route and disposed of the waste at RESCO before proceeding to Mount Pleasant.

Mr. Gustavsson recalled that on Holiday weeks when the residential routes often took longer to complete, he disposed of a truck load of Yorktown residential waste at RESCO returned to complete his Yorktown route and then proceeded to assist Mount Pleasant trucks with the Yorktown waste in his truck.

Mr. Denny recalled that this same situation may have occurred with regard to his truck, but qualified his statement by saying that it had not happened often, if it occurred at all. In those situations where it could have occurred, Mr. Denny presumes that another Yorktown truck probably completed his route so that his truck could proceed directly from RESCO to Mount Pleasant.

Assistance from the Yorktown trucks to Mount Pleasant trucks occurred mostly on Mondays, sometimes on Tuesdays, during holiday weeks, and if a Mount Pleasant truck incurred mechanical problems. The primary Yorktown trucks to provide assistance to Mount Pleasant trucks were Truck # 76 driven by Albert Ridenhour and Truck # 58 driven by John Ripani followed by William Hankins. Occasionally, other Yorktown trucks provided assistance to

Mount Pleasant , but not nearly as often as the aforementioned.

It was the consensus of those interviewed that Yorktown trucks provided assistance to other Yorktown trucks, Mount Pleasant trucks provided assistance to other Mount Pleasant trucks and Yorktown trucks provided assistance to Mount Pleasant trucks. No one who was interviewed could recall an occasion where a Mount Pleasant truck had provided assistance to a Yorktown truck.

At the end of the work day the Yorktown trucks and on occasion the Mount Pleasant trucks to whom they provided assistance, returned to the yard with the waste that they collected.<sup>1</sup>

If a Yorktown driver provided assistance to another Yorktown truck the waste from both routes were mixed into one load. The Yorktown drivers explained that was illogical for them to make a delivery to RESCO prior to rendering assistance to another Yorktown route.

The drivers and helpers stated that when they returned to the yard, they sometimes advised dispatch that they had waste in their trucks. They further stated that on occasion there was no one in dispatch when they returned. Most of the Yorktown drivers stated that they believed that dispatch was aware that their trucks contained Mount Pleasant waste because dispatch had directed that they collect it.

Depending upon the amount of Mount Pleasant waste that they had collected the previous day, the Yorktown drivers either first disposed of the Mount Pleasant waste at RESCO or proceeded directly to Yorktown to service their residential routes with the Mount Pleasant waste in their trucks. Much more often than not, the drivers proceeded directly to Yorktown.

Samuel Piamonte initially stated he and Albert Ridenhour always disposed of the Mount Pleasant waste that they had collected as Mount Pleasant waste on the following day. He later conceded that the only times that the Mount Pleasant waste that they had collected was disposed of properly was when the amount was too great to complete the following day's route absent an additional trip to RESCO.

William Curtin stated that in the past five years he assisted Mount Pleasant trucks on two or three occasions and always disposed of the Mount Pleasant waste that he collected as Mount Pleasant waste at RESCO on the following day.

William Denny stated that he and his driver (Randone and DiSclafani) regularly began the next day's route without first disposing of the Mount Pleasant waste at RESCO.

---

<sup>1</sup> The Yorktown trucks that collected Mount Pleasant waste did not proceed to RESCO with the waste that was collected on that day. Depending on the lateness of the day, the Mount Pleasant trucks whom they assistance, either disposed of their waste at RESCO that day or returned to yard with a full load.

Joseph DiSclafani recalled possibly two occasions that he was directed to provide assistance to Mount Pleasant and on both occasions, he began his next day's Yorktown route without first disposing of the Mount Pleasant waste at RESCO.

Frank Lombrogno stated that he never mixed Mount Pleasant residential waste with Yorktown residential waste.

The employees differed as to their reasons for not disposing of the Mount Pleasant waste before proceeding to Yorktown..

Mr. Gustavsson stated that he regularly asked dispatch (usually Cardillo and sometimes Deems) whether he should dump the waste he had collected the previous day at RESCO before beginning his route. Mr. Gustavsson does not recall if he identified the waste to dispatch as Mount Pleasant residential waste. Mr. Cardillo or Mr. Deems responded by inquiring of Mr. Gustavsson if he could complete that day's route with the waste already in his truck. Mr. Gustavsson could not recall an occasion that he did not respond affirmatively to their inquiry and was hence, directed by Messrs. Cardillo and Deems to begin his route without first disposing of the Mount Pleasant waste at RESCO.

Mr. Denny stated that it was a common practice at the company, prior to the acquisition by Allied, that both towns' waste was mixed whenever it was convenient or efficient to do so. Subsequent to the acquisition, Mr. Denny does not believe that his driver(s) asked dispatch if they should dispose of the Mount Pleasant waste first. Mr. Denny stated that if they were not directed to go to RESCO first, they most probably began that day's route with the waste in the truck. Mr. Denny stated that absent a directive from dispatch, the decision whether or not to first dump at RESCO was a mutual decision made by the driver and himself. He explained that Chris Randone upon entering the cab of the truck might ask him if he (Denny) felt like going to the dump before they started that day's route, to which Mr. Denny would invariably respond negatively. Mr. Denny explained that making an early morning delivery to RESCO added additional time to that work day. Mr. Denny added that the only times that he and his driver went to RESCO first thing in the morning was when the quantity of waste in their truck from the previous day would have prevented them from completing that day's route, absent an additional delivery to RESCO.

Mr. Piamonte stated that he was not usually present in the dispatch office for any communications between Mr. Ridenhour and management personnel, and therefore does not know how the decision as to whether to first dump or not was made.

Mr. DiScalafani stated that he never asked dispatch as to whether or not he should first dispose of the Mount Pleasant waste before beginning that day's route. He further stated that he believed that the quantity of Mount Pleasant waste that he had collected was too small for him to incur the additional time to his work day that the trip to RESCO would have caused.

## **Mixing of Commercial Waste with Yorktown or Mount Pleasant Waste**

It was the consensus of the employees interviewed that commercial waste had been mixed with either Mount Pleasant or Yorktown residential waste. The practice of mixing commercial waste with residential waste occurred in the following ways:

1) Commercial accounts were included as part of the residential route. Mr. Gustavsson stated that during the time that James Hickey owned the company, commercial stops were intermingled with the residential routes. According to Mr. Gustavsson, subsequent to Allied's acquisition, most of the stops he knew or suspected to be commercial accounts were gradually removed. At present, there remain a few stops, e.g., churches, fire houses, first aid squads, which are serviced only on one day rather than on both days of the residential route, causing Mr. Gustavsson to opine that these accounts may be commercial rather than residential.

Mr. Sicard stated that as part of his residential route, he services rear load containers located at churches, the police station, the administrative buildings, and ball fields in Mount Pleasant which he believes are a part of the Mount Pleasant contract.

2) Until Valley Carting was subject to the "hold separate" requirement, some of the residential drivers regularly serviced commercial stops on the second day of their residential routes i.e., Thursdays and Fridays,. The drivers and helpers who worked for the company prior to Allied's acquisition all stated that commercial stops that they serviced on these days were routinely mixed with the residential waste and the entire loads were disposed of at RESCO as residential waste. Sometime after the acquisition (the employees differ in their recollections as to when)<sup>2</sup> the employees were instructed that commercial and residential waste could no longer be mixed.. From that date forward, the drivers began first servicing the commercial stops and disposing of the waste at RESCO prior to beginning their residential routes. However, a number of those interviewed, stated that because they were unable to service certain commercial stops that were not open for business until after the commercial waste had been disposed of at RESCO, they were instructed by dispatch (either Cardillo or Deems) to service these accounts later in the day and mix the waste from these stops with the residential waste. This practice continued until commercial stops were removed from the residential drivers.

---

<sup>2</sup> Most of the employees believe that management issued informal directives not to mix commercial and residential waste a short period of time after the takeover by Allied. Mr. Gustavsson believes that the directive could have occurred subsequent to Iain Wilson's departure from dispatch in early 2000. Mr. Curtin believes that the impetus for the directive was DiSalvo Carting being caught mixing commercial and residential waste. Mr. Imbrogno stated that the company was forever aggressive in its instruction and directives that commercial and residential waste not be mixed. He further asserted that the topic was continually addressed in formal and informal meetings. Mr. DiScalifani stated that the non mixing of waste was never formally addressed by management and was never the subject or topic in a meeting until June, 2002.

Mr. Denny recalled at least two commercial accounts, one of which was "PM Electric", that he and his driver routinely serviced during the course of their residential route.

Mr. Gustavsson recalled two commercial stops (a lawn mower repair shop on Route 202 and a car dealership on Route 202) that he had serviced, mixed with the residential waste, and disposed of at RESCO as Yorktown residential waste.

3) Yorktown and Mount Pleasant residential drivers were radioed by dispatch to service commercial accounts because they had been overlooked by the commercial route driver or because the account had requested an additional or "special" pickup. Messrs. Wilson, Sicard, Denny, Gustavsson and Piamonte stated that they had been radioed by dispatch (Anthony Cardillo or Aaron Deems) to service commercial accounts during the performance of their residential routes. If the service provided was an additional or "special" pickup, a driver's ticket was usually issued by the driver. However, on occasion the driver's ticket was prepared by dispatch after the driver returned to the yard. In either case, the ticket was prepared so that the commercial customer would be billed for the additional service. If the pick up was part of the commercial customer's scheduled service, no ticket was issued, and unless the driver's opted to make a written notation on his route sheet, there is no record of the service having been provided.

Mr. Wilson was shown driver's tickets he had issued for extra pickups at commercial account locations. He confirmed that the commercial waste denoted by the tickets was mixed with the Mount Pleasant that he had collected that day. Mr. Wilson stated that he would have not have issued a ticket for any regularly scheduled commercial pickups that he had been directed to perform and probably did not note the regularly scheduled commercial pickup on his route sheet.

Mr. Sicard initially stated that he had never serviced any commercial customers, until he was shown his route sheets wherein he noted that he had performed commercial pickups that he mixed with his Mount Pleasant residential waste. Mr. Sicard stated that on any occasions that he serviced a commercial account(s) he would have noted it on his route sheets, but then qualified his statement by saying there may have been occasions when he had failed to do so.

Mr. Denny estimated that he and his driver were directed by dispatch to make on average, two or three times commercial pickups per month.

Mr. Curtin stated that he had been asked several years ago by Tony Cardillo to do him a favor by performing a commercial pickup as part of his residential route, but he refused to do so. Mr. Denny stated that subsequent to Mr. Cardillo working with Valley Carting (the hold separate company) he and Mr. DiSclafani were directed by him (Cardillo) to make a commercial pickup during the course of their residential route.

Mr. DiSclafani stated that since Mr. Cardillo was assigned to Valley, he (Cardillo) has never requested that Mr. DiSclafani perform a commercial pickup as part of his residential route. Prior to Mr. Cardillo's assignment at Valley, Mr. DiSclafani recalled an occasion when he was

asked by Mr. Cardillo to service a commercial account while performing his residential route, but he complained to Mr. Cardillo about the logistics of Mr. Cardillo's request and did not service the stop.

4) Commercial waste collected the previous day was mixed with and disposed of as Yorktown residential waste on the following day. Some of the Yorktown residential drivers were assigned to perform commercial routes on Wednesdays. There were occasions when commercial waste that was collected and remained in the truck when it returned to the yard at the end of the day was mixed with and disposed of as Yorktown residential waste on the following day.

Mr. Piamonte was shown Wednesday and Thursday route sheets for which he was the helper and this appeared to have occurred. Mr. Piamonte admitted that the investigator's conclusion that the commercial waste collected on Wednesday was mixed with and disposed of as Yorktown waste on Thursday appeared to be correct.

#### **Mixing of Commercial and Residential Waste during Holiday Weeks**

It was the consensus of the employees interviewed that until very recently, it had been a practice at the company for residential drivers during holiday weeks to be assigned, on the second day of their route, a grouping of commercial stops that could not be serviced by the commercial drivers because of the shortened week. Prior to the acquisition, these commercial stops were routinely mixed with the residential waste and disposed of at RESCO as Mount Pleasant and Yorktown waste. Whenever management issued its directive that commercial and residential are no longer to be mixed, the practice was discontinued. Notwithstanding certain commercial stops could not be serviced until later in the day when residential service was being performed. These accounts were mixed with the residential waste and disposed of as Yorktown and Mount Pleasant waste.

Mr. Curtin stated that he had been personally told by James Hickey, prior to the company's sale to Allied, that the mixing of the commercial and residential in this fashion was known to Yorktown and that "it had been worked out with the town".

Mr. Sicard stated that the addition of commercial stops during holiday weeks lasted longer for the Mount Pleasant residential drivers than it did for the Yorktown residential drivers. He explained that an additional truck was provided to Yorktown to service the commercial accounts during holiday weeks whereas Mount Pleasant drivers continued to receive their groupings of commercial stops after a holiday. Mr. Sicard stated that the continued holiday practice for Mount Pleasant drivers served as the impetus for the meeting that he, Iain Wilson and Charles Bailey had with Anthony Cardillo and John Briganti following last Christmas.

Mr. DiSclafani stated that sometime in 2001, during a holiday week, RESCO workers

went on strike, and the residential drivers including Mr. DiSclafani, could not dispose of the commercial waste they had collected prior to beginning their residential routes. According to Mr. DiSclafani, the drivers were instructed by Mr. Cardillo that they should mix the commercial waste with the residential waste. Mr. DiSclafani stated that the combined wastes were disposed of the following morning at RESCO as residential waste.

### **Waste Disposal Verification Forms at RESCO**

The drivers were shown a blank copy of the Westchester County Department of Environmental Facilities Validation of Municipal Solid Waste Delivery form. The drivers identified the blank form as something that they filled out and signed each time that they delivered Mount Pleasant and Yorktown residential waste to RESCO.

Messrs. Wilson and Sicard admitted that they were cognizant that they had signed the form falsely when they delivered commercial waste with Mount Pleasant residential waste to RESCO. Mr. Sicard stated that shortly after Christmastime, 2001, he, Iain Wilson and Charles Bailey met with John Briganti and Anthony Cardillo to discuss their concerns about falsely signing the forms. According to Mr. Sicard, they were advised by Mr. Cardillo not to be concerned, but if they felt troubled by doing so, they should not do it. Mr. Wilson stated that there were occasions when he knowingly mixed commercial waste with residential waste and would not sign the form. Mr. Wilson concurred with Mr. Sicard that he had been told by Mr. Cardillo not to be concerned about falsely signing the form.

Mr. Gustvasson stated that he falsely signed the form but, never paid much attention to the verbiage or was all that concerned as to what he was signing.

Mr. Imbrogno stated that falsification of the forms was something that was discussed among the drivers. Mr. Imbrogno stated that on Wednesday he was often directed to deliver the contents of trucks containing waste that had been collected the previous day to RESCO. Mr. Imbrogno estimated that he could have driven as many as five trucks to RESCO on a Wednesday. He was directed by dispatch as to how each delivery was to be designated (i.e., Mount Pleasant or Yorktown) at RESCO.

Mr. Curtin stated that he had warned the other drivers as to the possible consequences that could result from falsifying the forms, but he believes that few if any of the drivers paid attention.

Mr. DiSclafani stated that he was cognizant that he had falsified the form on the possibly two occasions that he mixed Mount Pleasant with Yorktown waste. He justified his actions by stating that the amount of Mount Pleasant waste was so little that his falsifying the form should be of little concern to anyone.



DRAFT

**ATTORNEY WORK PRODUCT  
PRIVILEGED AND CONFIDENTIAL**

**MEMORANDUM**

TO: Walter Mack  
FROM: Don Sobocienski  
DATE: April 23, 2002  
RE: Telephone Interview of Albert Ridenhour

---

On 4/23/2002 Investigator Don Sobocienski interviewed Albert Ridenhour via the telephone at [REDACTED]. Mr. Ridenhour remembered having met with the investigator last year at the home of his nephew, Chris Ridenhour. Mr. Ridenhour provided the following:

Mr. Ridenhour retired from Allied d/b/a Valley Carting on 1/11/2002. He stated that he is entitled to compensation for 5 weeks vacation that he has yet to receive. Mr. Ridenhour stated that he spoke with John Briganti about this issue as well as his union representative, Louis Romeo and his shop steward, Chris DeMaria, all of whom advised him that they will look into the matter. Mr. Ridenhour stated that he is very concerned that he has not yet received his vacation compensation.

Prior to his retirement, Mr. Ridenhour regularly serviced a Yorktown resident route. Mr. Ridenhour confirmed that he regularly serviced this route using Valley Carting truck # 76. The investigator asked Mr. Ridenhour to recount his statements that he had made to the investigator during their first meeting regarding the 7 Stars Restaurant. Mr. Ridenhour stated that on one occasion (the date of which he could not recall), while performing his residential route, he was radioed by Tony Cardillo and instructed to pick up the container at the 7 Stars Restaurant. Mr. Ridenhour stated that he was told by Mr. Cardillo to mix the contents of the 7 Stars container with the Yorktown residential waste already in his truck. According to Mr. Ridenhour, the entire load was disposed of at RESCO as Yorktown residential waste. Mr. Ridenhour stated that his nephew, Chris Ridenhour usually serviced the 7 Stars Restaurant, but was unable to do so on this date. Mr. Ridenhour advised that he was instructed to service the restaurant this day because 7 Stars was located along his route.

Mr. Ridenhour stated that he and truck # 58 (which also regularly serviced a Yorktown residential route and was usually driven by either John Ripani or William Hankins) were routinely instructed via the radio by Tony Cardillo to assist Mt. Pleasant Carting trucks in servicing Mt. Pleasant residential routes. Mr. Ridenhour advised that this occurred almost

exclusively on Mondays and primarily during the spring and summer months. Mr. Ridenhour advised that on a daily basis Mr. Cardillo would keep informed of each truck's progress throughout the day. Because Mr. Ridenhour and truck # 58 were usually finished with their Monday routes before the other Yorktown residential drivers, Mr. Cardillo regularly directed them to assist the Mt. Pleasant drivers in completing Mt. Pleasant residential routes. Mr. Ridenhour stated that he always disposed of the Yorktown residential waste which was contained in his truck at RESCO as Yorktown residential waste prior to his assisting the Mt. Pleasant drivers. At the end of the day Mr. Ridenhour stated that he returned to the yard with his truck partially filled with the Mt. Pleasant residential waste that he had collected. Mr. Ridenhour stated that much more often than not, he began servicing his Yorktown residential route the following morning without first disposing of the Mt. Pleasant residential waste at RESCO. Consequently, the Mt. Pleasant residential waste which was already in his truck was mixed with the Yorktown residential waste that he collected for that day and the entire load was disposed of at RESCO as Yorktown residential waste. The investigator asked Mr. Ridenhour if he knew it to be wrong to mix Mt. Pleasant MSW with Yorktown MSW. He responded affirmatively. Mr. Ridenhour explained that whenever the amount of Mt. Pleasant residential waste already contained in his truck was not enough to impede his completing that day's Yorktown route by his having to make an interim delivery at RESCO, Tony Cardillo instructed Mr. Ridenhour not to dispose of the Mt. Pleasant waste before beginning his Yorktown route. Mr. Ridenhour explained that on those occasions that he did dispose of the Mt. Pleasant residential waste prior to beginning his Yorktown route, he did so because the volume of the Mt. Pleasant waste plus the expected volume of Yorktown residential waste would have exceeded the capacity of his truck and necessitated a delivery to RESCO prior to his completing the route. Mr. Ridenhour explained that except for rare occasions he was always able to complete his Yorktown route before disposing of the entire load at RESCO.

The investigator asked Mr. Ridenhour why he had not noted his assistance to the Mt. Pleasant drivers on his route sheets. Mr. Ridenhour stated that he had not made the notation because he not been instructed to do so by Mr. Cardillo. The investigator asked Mr. Ridenhour if he had been directed by Mr. Cardillo not to make the notation on his route sheet. He responded that no such directive was issued by Mr. Cardillo.

Mr. Ridenhour was asked if there were ever any other occasions apart from 7 Stars, that he had been directed to mix commercial waste with residential waste. Mr. Ridenhour recalled that on several Fridays he was instructed by Mr. Cardillo to service the VA Hospital. Also, on the day after every major holiday, Mr. Ridenhour stated that he was directed by Mr. Cardillo to collect and mix the commercial recycables from a Yorktown school with the Yorktown residential waste and dispose of the entire load at RESCO as Yorktown residential waste. Mr. Ridenhour added that many of the drivers were directed to pick up extra stops (e.g. commercial recycables) on the days after a holiday in an effort to make for the lost day's work.

DRAFT

**ATTORNEY WORK PRODUCT  
PRIVILEGED AND CONFIDENTIAL**

**MEMORANDUM**

TO: Walter Mack  
FROM: Don Sobocienski  
DATE: May 9, 2002  
RE: Interview of Albert Ridenhour

---

On 5/8/2002 Investigator Don Sobocienski interviewed Albert Ridenhour in his home at [REDACTED] Mr. Ridenhour provided the following:

Mr. Ridenhour advised that he had forgotten to inform the investigator during their telephone conversation on 4/23/2002 of an incident that occurred in or about the last week of his employment. (Mr. Ridenhour resigned from Allied Waste on 1/11/2002.) Just prior to or following the completion of his Yorktown residential route this date, Mr. Ridenhour received a directive from Tony Cardillo, via the radio, to service the Midway Hardware account at 3394 Crompond Road, Yorktown Heights before proceeding to RESCO. Mr. Ridenhour informed the investigator that the rear load container at Midway Hardware<sup>1</sup> was filled with paints and other solvents. Mr. Ridenhour stated that he dumped the contents of the container at Midway into his truck and proceeded to RESCO where he dumped his entire truck load as Yorktown residential waste. Mr. Ridenhour opined that John Briganti was probably unaware of the directive by Mr. Cardillo.

Mr. Ridenhour also advised the investigator that he had been directed on two occasions, rather than only once (one time by Tony Cardillo and one time by Matt Hickey) to service the 7 Stars Restaurant and mix the debris with the Yorktown residential waste already in his truck.

Mr. Ridenhour acknowledged that he knew it to be wrong to mix residential waste from different towns or to mix residential waste with commercial waste, but he did not challenge the directives of his supervisors. Mr. Ridenhour did not recall being instructed by any supervisory personnel at the company that he was not to mix Yorktown and Mt. Pleasant residential waste.

Mr. Ridenhour was shown a blank Validation of Municipal Solid Waste Delivery Form

---

<sup>1</sup> According to Valley Carting account records, Midway Hardware is serviced with a two yard container.

used at RESCO. He advised that he had signed forms affirming that the waste he had delivered to RESCO was Yorktown residential waste, when the loads actually contained either residential waste from Mt. Pleasant, or commercial waste, or recyclables. Mr. Ridenhour added that on those rare dates that he was directed to dispose of the Mt. Pleasant residential waste that he had collected the previous day, before beginning his Yorktown route, he affirmed on the validation forms that he was disposing of Mt. Pleasant residential waste at RESCO.

The investigator showed Mr. Ridenhour photocopies of a number of route sheets that Mr. Ridenhour had prepared during the years 2000 and 2001. Mr. Ridenhour advised that it would be extremely rare (probably during a holiday week) that he would not complete his Yorktown residential route before making a delivery to RESCO. Consequently, for those Mondays when Mr. Ridenhour indicated in his route sheets his resumption of work following a delivery to RESCO, Mr. Ridenhour had been directed to assist another route. Mr. Ridenhour advised that he did not usually make any notations in his route sheets to indicate that he had provided assistance to another route or had serviced a commercial account(s). Mr. Ridenhour explained that he was never instructed to make such notations, so he did not do so. Mr. Ridenhour advised that he recorded the actual readings from the truck's odometer in his route sheets even if the odometer was not working or he knew the odometer readings to be incorrect. Mr. Ridenhour confirmed that he had most likely provided assistance to a Mt. Pleasant route on those Mondays when his odometer readings reflected that he had traveled a greater from RESCO to the resumption of his work (i.e., 12 to 25 miles) than he had traveled to RESCO after the conclusion of his route (i.e., 7 to 9 miles). Mr. Ridenhour advised that the another indicator was the distance he traveled back to the yard at the end of the day. Mr. Ridenhour explained that the distance from Mt. Pleasant back to the yard was much less than Yorktown back to the yard.

Mr. Ridenhour was shown a copy of his Monday route sheet dated 6/12/2000 wherein his odometer readings reflected he had traveled approximately the same distance to RESCO from his route (i.e., 7 miles) as he had traveled from RESCO to the resumption of his work (i.e., 6 miles), and the distance traveled back to the yard that day was 19 miles. Mr. Ridenhour recalled that on one or two occasions he had been directed to assist another Yorktown residential driver complete his route. Mr. Ridenhour concluded that 6/12/2000 was one of the dates that he had been directed to assist another Yorktown route.

Mr. Ridenhour advised that he was often directed to service some of the Valley commercial accounts along North State Road in Briarcliff Manor before returning to the yard. On these occasions, Mr. Ridenhour explained that his odometer reading at the conclusion of his resumed work and his odometer reading for the end of the day when he entered the yard might be the same or only a mile different.

Mr. Ridenhour reviewed copies of several of his route sheets that had computerized printouts attached. Mr. Ridenhour acknowledged the printouts as being attached to his route sheets at the start of the day. Mr. Ridenhour presumed that the attachments had been provided to him in error. Mr. Ridenhour stated that he did not provide service to the accounts noted in the attachments and that he regularly forwarded the account information to the appropriate driver whenever he recognized the account(s) as being a part of that driver's route. During his review

of the attachments, Mr. Ridenhour noticed the account of SPCA of Westchester, 590 North State Road. Mr. Ridenhour reiterated that the SPCA account was one of the Valley accounts on North State Road that he had on occasion been directed by Mr. Cardillo to service before returning to the yard. Mr. Ridenhour advised that he was often times directed by Tony Cardillo to service these account after disposing of his Yorktown residential waste at RESCO. Mr. Ridenhour recalled that the GE (General Electric Management Development Center) in Ossining was another account that Mr. Cardillo had often directed that he service prior to returning to the yard. Mr. Ridenhour stated the GE account was a commercial recycables account.

Mr. Ridenhour stated that on those weeks that contained a holiday, it was common practice at the company that Mr. Cardillo directed all drivers to service commercial co-mingled recycables (bottles and cans) accounts. Mr. Ridenhour explained that the commercial recycables accounts were serviced four days a week for cardboard and one day per week (Wednesdays) for co-mingled recycables. On those weeks that a day was lost due to a holiday, the commercial recycables drivers picked up four days of cardboard and Mr. Cardillo directed the other drivers to service the co-mingled accounts. Mr. Ridenhour stated that on holiday weeks, he and the other Yorktown drivers serviced the co-mingled recycables accounts for the schools in Yorktown. Mr. Ridenhour stated that he was responsible for the High School in Scrub Oak as well as the School Administrative building, both of which were located on Main Street. Mr. Ridenhour explained that the co-mingled recycables were mixed with the waste already in the trucks. Mr. Ridenhour stated that the co-mingled recycables that he collected were mixed with the Yorktown residential waste.

Mr. Ridenhour was asked if he provided a collection ticket (used for billing) whenever he serviced a commercial account (recycables or other). He responded that he did not. Mr. Ridenhour recalled that Mr. Cardillo made up the tickets for the GE account based on the amount provided by Mr. Ridenhour.

Mr. Ridenhour stated that more often than not he assisted another driver or serviced a commercial account(s) subsequent to the completion of his Yorktown residential route and his delivery of the waste to RESCO. Mr. Ridenhour stated that the additional waste which he collected was left in his truck overnight. On the following morning Mr. Ridenhour would always inform dispatch as to the contents of his truck and ask direction as to whether he should dump at RESCO prior to beginning that day's work. Mr. Ridenhour advised that Mr. Cardillo and sometimes Aaron Deems would inquire of Mr. Ridenhour whether the amount of waste would prohibit Mr. Ridenhour from completing his route prior without first having to make a delivery to RESCO. Whenever Mr. Ridenhour advised that it would not, he was instructed to begin his Yorktown residential route without first dumping at RESCO.

Mr. Ridenhour was shown copies of his route sheets for 4/16/2001 and 4/17/2001 wherein he presumably picked up 2.44 tons of Mt. Pleasant residential waste on 4/16/2001 that was disposed of properly on 4/17/2001 as Mt. Pleasant waste. Mr. Ridenhour was also shown a copy of his route sheet for 6/11/2001 wherein he presumably picked up Mt. Pleasant waste that was properly disposed of at RESCO the following morning. Mr. Ridenhour assumed that on this dates he was directed by either Greg (Kunze) or Toby to dispose of the Mt. Pleasant waste prior

to the start of his Yorktown route. Mr. Ridenhour explained that on days that Mr. Cardillo was not in work or unavailable, the aforementioned dispatch personnel always directed that the Mt. Pleasant waste was to be disposed of RESCO separately and not mixed with the Yorktown residential waste.. Mr. Ridenhour could not recall ever being directed by John Briganti to mix the two towns wastes.

The investigator asked Mr. Ridenhour to describe in tonnage what is meant by "a piston". Mr. Ridenhour advised that the truck has five pistons, so a piston is the equivalent of between three and four tons.

The investigator asked Mr. Ridenhour to estimate the volume of residential waste that is collected in thirty minutes. He responded that volume is dependent upon the speed and vigor of those collecting the waste as well as the weight of the waste at each stop. He estimated that somewhere between 750 to 1500 pounds is collected in half an hour.

DRAFT

**ATTORNEY WORK PRODUCT  
PRIVILEGED AND CONFIDENTIAL**

**MEMORANDUM**

TO: Walter Mack  
FROM: Don Sobocienski  
DATE: July 26, 2002  
RE: Discussion with Robert Ray

---

On 7/25/2002 Investigator Don Sobocienski encountered Robert Ray in the yard of at 566 North State Road, Briarcliff Manor, New York. Mr. Ray provided the following:

Mr. Ray recalled that his conversation with Anthony Cardillo pertaining to the mixing of the two Friday commercial stops with Yorktown residential waste occurred at about the time that William Hankins replaced John Ripani on Truck #58 (shortly after Chris Ridenhour was terminated). Mr. Ray further advised that after his first interview with the investigator in December, 2001, Mr. Ray made a point on Friday mornings, while in the presence of whoever else was in the dispatch house, of loudly confirming Mr. Cardillo's directive that he mix the two commercial stops with the residential waste. According to Mr. Ray he would regularly inquire in a loud voice "so you want me to mix the commercial pick ups with the residential waste" to which Mr. Cardillo would respond affirmatively.

DRAFT

**ATTORNEY WORK PRODUCT  
PRIVILEGED AND CONFIDENTIAL**

**MEMORANDUM**

TO: Walter Mack  
FROM: Don Sobocienski  
DATE: July 24, 2002  
RE: Discussion with Robert Ray

---

On 7/23/2002 Investigator Don Sobocienski encountered Robert Ray outside Allied's dispatch house at 566 North State Road, Briarcliff Manor, New York. Mr. Ray stated that he had attempted unsuccessfully to telephone the investigator with some additional information that he had failed to report during his last interview. Mr. Ray reported the following:

Mr. Ray advised that he and the primary driver for the route usually serviced by Truck #58 regularly serviced commercial accounts as well as their Yorktown residential route on Fridays. Mr. Ray stated that up until the time that Valley Carting became the exclusive provider of service to commercial accounts, he and the driver of Truck # 58 would service the commercial accounts first, dump at RESCO, and then begin the Yorktown residential route. Mr. Ray stated that two of the commercial accounts, Curry Honda and a lawn mower repair shop (Quality Lawn Mower), were not open during the time that the other commercial accounts were being serviced. Mr. Ray stated that he was instructed by Tony Cardillo that these two commercial stops should be mixed together with the waste collected from the residential route and dumped as Yorktown residential waste at RESCO.

The investigator asked Mr. Ray to the approximate the date of his conversation with Mr. Cardillo. Mr. Ray stated that he could not recall the approximate date that he received the instructions from Mr. Cardillo. The investigator asked Mr. Ray to estimate the duration of time that the two commercial accounts and residential waste were mixed. Mr. Ray was unclear as to how long the practice was in effect. The investigator advised that he would follow up with Mr. Ray after he had given some additional thought to these questions.

DRAFT

**ATTORNEY WORK PRODUCT  
PRIVILEGED AND CONFIDENTIAL**

**MEMORANDUM**

TO: Walter Mack  
FROM: Don Sobocienski  
DATE: April 25, 2002  
RE: Interview of Robert Ray

---

On 4/24/2002 Investigator Don Sobocienski interviewed Robert Ray in the offices of Allied Waste, Briarcliff Manor, New York. Mr. Ray provided the following:

Mr. Ray stated that he is employed as a Helper assigned to a Yorktown residential route which is regularly serviced by Valley Carting truck # 58 on Mondays, Tuesdays, Thursdays and Fridays. Over the past two years that Mr. Ray has been assigned to this route, the driver for the route has been either John Ripani or William Hankins.

Mr. Ray stated that he does not participate in the preparation and submission of route sheets. Mr. Ray stated that on a regular basis truck # 58 was directed by Tony Cardillo to assist the Mt. Pleasant trucks in the completion of their routes. Mr. Ray stated that since Mr. Cardillo was assigned to Valley Carting Commercial this practice has continued under the direction of John Briganti. Mr. Ray advised that the practice of assisting Mt. Pleasant trucks occurred almost exclusively on Mondays because it is a heavy volume day. Mr. Ray advised that assistance to the Mt. Pleasant trucks had occurred throughout the year, but mostly during the summer months. Mr. Ray added that assistance was seldom provided to the Mt. Pleasant trucks during December. Mr. Ray explained that the Mt. Pleasant drivers and helpers would work faster and harder in December in an effort to avoid receiving any assistance because they feared that the Yorktown trucks might receive the Christmas tips to which they were entitled.

Mr. Ray stated that whenever he and the driver of truck # 58 were directed by dispatch to assist a Mt. Pleasant truck, they would always first dispose of their Yorktown residential waste at RESCO. He stated that at the completion of the Mt. Pleasant route they would return to the yard with the Mt. Pleasant residential waste that they had collected. According to Mr. Ray on the following morning, before the start of that day's work, either he, Ripani, or Hankins would advise Mr. Cardillo and now Mr. Briganti that truck # 58 contained residential waste that had been collected the prior day. Depending on the amount of waste contained in the truck, Mr. Cardillo or Mr. Briganti would advise them whether the waste should be disposed of at RESCO

or mixed with the Yorktown residential waste that was to be collected that day. Mr. Ray explained that Cardillo's or Briganti's decision was based upon whether the volume of the Mt. Pleasant waste would impede truck # 58 from completing that day's route by requiring an additional delivery to RESCO.

Mr. Ray described the conversation with Cardillo or Briganti as "we picked up the 'right of way'<sup>1</sup> yesterday" or "we got the 'right of way' in the truck. Should we go to the dump (i.e., RESCO)?" According to Mr. Ray, Messrs. Cardillo or Briganti would inquire as to how much waste was in the truck. Mr. Ray advised that if their response was any amount less than "a half a piston" which he estimated to be the equivalent of 3 or 4 tons, Cardillo or Briganti usually advised them that the amount was not enough to require their delivery of the Mt. Pleasant to RESCO, and that they should service the Yorktown route and mix the waste. If the amount of Mt. Pleasant waste was more than a "half a piston" or took up too much of the truck's overall capacity so that there was not enough remaining capacity for completion of the Yorktown route, Cardillo or Briganti directed that the Mt. Pleasant waste be delivery to RESCO before beginning the Yorktown route.

Mr. Ray was asked if he knew it to be wrong to mix Yorktown and Mt. Pleasant residential waste. He responded that it was not until his first meeting with the investigator in December, 2001 that he learned that the residential waste from these two towns were not to be mixed. No one at the company had ever informed him of this and it is Mr. Ray's belief that most employees of the company are unaware that Yorktown and Mt. Pleasant residential waste is not to be mixed. However, since becoming aware that the two towns are not to be mixed, Mr. Ray stated that he makes it a point to always ask if the Mt. Pleasant residential waste should be disposed of at RESCO prior to beginning the Yorktown route.

Mr. Ray advised that Valley Carting truck # 76 was also directed to provide assistance to the Mt. Pleasant routes. Mr. Ray explained that trucks # 58 and # 76 were invariably the first Yorktown trucks to finish their routes. Mr. Ray stated that since Albert Ridenhour ( the driver of truck # 76 ) retired, truck # 73 ( driven by Bill Denny) has been directed to provide assistance to the Mt. Pleasant routes. Mr. Ray explained that Gerald Ridenhour, has replaced Albert Ridenhour as the driver of truck # 76. According to Mr. Ray, Gerald's pace is not nearly as fast as Albert's and therefore truck # 76 is no longer one of the first Yorktown trucks to finish its route.

The investigator asked Mr. Ray if there any occasions that truck # 58 had been dispatched to pick up a commercial stop and mix it with the Yorktown residential waste. Mr. Ray recalled two occasions. The first was a Burger King in Yorktown. Mr. Ray could not recall the date of this occurrence, only that it occurred in 2001. According to Mr. Ray, truck # 58 was directed by Cardillo, via the radio, to pick up the Burger King container because the commercial truck had

---

<sup>1</sup> Mr. Ray explained that the employees have special names for various sections of Mt. Pleasant and the 'right of way' is one of these sections.

failed to do so. The second was an apple farm on White Hill Road in Yorktown. According to Mr. Ray, for a period of approximately two months in the year 2001, Mr. Cardillo directed that they (truck # 58) pick up large amounts of cardboard from this location and mix it with the Yorktown residential waste. Mr. Ray advised that Mr. Cardillo had informed them that the pick up was necessary because "they were not paying". Mr. Ray could not explain Mr. Cardillo's comment.

DRAFT

**ATTORNEY WORK PRODUCT  
PRIVILEGED AND CONFIDENTIAL**

**MEMORANDUM**

TO: Walter Mack  
FROM: Don Sobocienski  
DATE: April 25, 2002  
RE: Interview of William Hankins

---

On 4/24/2002 Investigator Don Sobocienski interviewed William Hankins in the offices of Allied Waste, Briarcliff Manor, New York. The investigator identified himself as working with the court appointed monitor and explained to Mr. Hankins the genesis of the monitorship and the role of the monitor. Mr. Hankins provided the following:

Mr. Hankins stated that he is the driver for a Valley Carting residential route usually serviced by truck # 58. Robert Ray is his Helper for this route.

Mr. Hankins stated that he had regularly been directed by Tony Cardillo to assist the Mt. Pleasant trucks complete their routes, but has not been asked to do so for several months or more. Mr. Hankins stated that the assistance to Mt. Pleasant was usually rendered on Mondays.

Mr. Hankins advised that he knew from other drivers and general knowledge not to mix Yorktown residential waste with Mt. Pleasant residential waste. He stated that he was never informed by any of the company's supervisors including Matt Hickey, Aaron Deems, Tony Cardillo or John Briganti that the waste from these two towns was not to be mixed. Mr. Hankins stated that he always dumped the residential waste that he had collected from his Yorktown route at RESCO prior to collecting any Mt. Pleasant residential waste. He further stated that the Mt. Pleasant residential was always dumped at RESCO as Mt. Pleasant waste on the following morning prior to his beginning his Yorktown residential route.

Mr. Hankins was asked if he had been coached by anyone at Allied prior to speaking with the investigator. He responded negatively.

The investigator advised Mr. Hankins that his route sheets reflect that Mt. Pleasant waste was not always dumped at RESCO prior to him beginning the Yorktown route. Rather, it was mixed with Yorktown residential waste and disposed of at RESCO as Yorktown waste. The investigator showed Mr. Hankins a route dated Monday, 10/22/2001, wherein it appeared that

Mr. Hankins had hand written in the margin that he collected Mt. Pleasant residential waste from 4:05 pm to 5:00 pm that date. Mr. Hankins verified the handwritten notation as having been made by him and that the investigator's interpretation of the notation was correct. The investigator then showed Mr. Hankins his route for 10/23/2001 which indicated that he made his first delivery to RESCO at 1530 hrs. that date. The investigator asked Mr. Hankins if the Mt. Pleasant residential waste collected on 10/22/2001 had been mixed with the Yorktown residential waste that he collected on 10/23/2001. He advised that it had in fact been mixed. The investigator asked Mr. Hankins why he mixed the waste when he knew it should not be mixed. Mr. Hankins advised that he is an ex-military man and follows orders without question. He stated that on this date and any other occasion that he mixed both towns' waste, he did so because he had been instructed at dispatch to do so. Mr. Hankins advised that in the mornings following the days that he had collected Mt. Pleasant residential waste, Tony Cardillo asked him how much waste he had collected. Depending on the volume of waste he reported, Mr. Cardillo would instruct him to either begin his Yorktown route and mix the waste or dispose of the Mt. Pleasant waste at RESCO before beginning his Yorktown route. The decision was based on whether there was adequate enough capacity remaining in the truck for Mr. Hankins to complete his Yorktown route.

The investigator asked Mr. Hankins if he always noted his assistance to Mt. Pleasant in his route sheets. He advised that he always made an effort to do so, but on occasion he may have forgotten. Mr. Hankins stated that he was never instructed not to make such a notation. Mr. Hankins was asked by the investigator if the Monday route sheets wherein Mr. Hankins indicated that work was resumed subsequent to an afternoon delivery to RESCO, but no notation indicating assistance to Mt. Pleasant had been written, was indicative of the fact that the resumed work was in Mt. Pleasant. He responded affirmatively, and explained that it would have been extremely rare if ever, that he had resumed servicing his Yorktown route subsequent to his making a delivery to RESCO.

Mr. Hankins was asked if he was ever instructed to mix commercial waste or commercial recyclables with Yorktown or Mt. Pleasant residential waste. He responded negatively. Mr. Hankins did not recall being directed to pick up a commercial stop at a Burger King in Yorktown. He did recall being directed by Tony Cardillo to pick up cardboard at an apple farm on White Hill Road and mix the cardboard with Yorktown residential waste. Mr. Hankins recalled that he may have done this two times.

The investigator invited Mr. Hankins to contact him should he wish to elaborate on anything that he had said or wished report anything additional. The investigator also advised Mr. Hankins that he should contact the investigator or the Monitor should he believe that his job status was adversely effected due to his cooperation with the monitor. Mr. Hankins appeared noticeably assured by the investigator's latter invitation.

DRAFT

**ATTORNEY WORK PRODUCT  
PRIVILEGED AND CONFIDENTIAL**

**MEMORANDUM**

TO: Walter Mack  
FROM: Don Sobocienski  
DATE: May 13, 2002  
RE: Interview of James Niggl

---

On 5/8/2002 Investigator Don Sobocienski interviewed James Niggl in the offices of Allied Waste, 566 North State Road, Briarcliff Manor, New York. Mr. Niggl provided the following:

Mr. Niggl provided the investigator with two Polaroid photographs (photocopies attached). The photographs were taken by Mr. Niggl on 3/7/2002. Mr. Niggl described the first photograph as being two of the four Valley Carting recycables containers on the premises of the GE facility in Crotonville. Mr. Niggl described the second photograph as being one of these two containers being loaded into his truck (number 59). Mr. Niggl advised that the GE account includes two containers for cardboard, two containers for co-mingled recycables (i.e., bottles and cans) and a compactor for the commercial waste. Mr. Niggl advised that the cardboard and recycables are serviced by the commercial recycling truck and the compactor is serviced by a roll off driver. Mr. Niggl stated that he performs a commercial route, but on Thursday, 3/7/2002, he was directed by Tony Cardillo to pick up the two co-mingled recycables at GE, mix the recycables with his other waste which he then dispose of the entire truckload at RESCO. Mr. Niggl stated that he prepared a customer ticket for the GE pickup. He left a copy of the ticket with GE and attached a copy of the ticket to his route sheet.

Mr. Niggl stated that it is a common practice at the company that on holiday weeks Tony Cardillo directs the drivers to pick up recycables and mix the recycables with the other types of wastes (commercial or residential) they collect. Mr. Niggl explained that the recycables drivers pick up cardboard on Mondays, Tuesdays, Thursdays and Fridays and co-mingled recycables on Wednesdays. On holiday weeks, Mr. Cardillo directs the commercial and residential drivers to service the co-mingled recycables accounts because the recycables drivers need the remaining four days in the holiday week to service all the cardboard accounts. Mr. Niggl stated that on past holiday weeks he had been directed by Mr. Cardillo to pick up the co-mingled recycables from High Meadows; a apartment or condominium complex in Ossining.

The investigator asked Mr. Niggel if it is procedure to issue a customer ticket whenever a driver services a recycables account. Mr. Niggel responded that customers tickets are only issued to customers who have "on call" accounts. Mr. Niggel stated that the GE account is an "on call" account. The only other "on call" recycables account that Mr. Niggel could recall his having serviced was Briar's Laundry Center, 197 South Highland Avenue, Ossining.

Mr. Niggel stated that it had been a practice at the company for the Yorktown and Mt. Pleasant residential drivers to regularly service (mostly on Fridays) commercial accounts while performing their residential routes. The commercial waste was mixed with the residential waste and the entire truck load was disposed of at RESCO as residential waste. Mr. Niggel stated that this practice ended after DiSalvo Carting was prosecuted for mixing waste. Mr. Niggel stated that after "DiSalvo was caught", the practice of having residential drivers service commercial accounts continued, but the commercial and residential waste were disposed of separately at RESCO. According to Mr. Niggel, when Valley became a separate company, the residential drivers stopped servicing commercial accounts.

Mr. Niggel stated that for the period of time that he was the Helper for the commercial recycables truck driven by Gerald Ridenhour, he prepared the weight tickets for the co-mingled commercial recycables delivered to the NY-CONN transfer station. Mr. Niggel stated that he was instructed by Mr. Cardillo to categorize the co-mingled recycables as MSW. Mr. Niggel could not explain the reason for this categorization. Mr. Niggel stated that this information was provided to the New York State Attorney General's Office. He provided his e-mails with the AG to Illissa Rothschild, Esq., who forwarded copies to the monitorship.

DRAFT

**ATTORNEY WORK PRODUCT  
PRIVILEGED AND CONFIDENTIAL**

**MEMORANDUM**

TO: Walter Mack  
FROM: Don Sobocienski  
DATE: August 1, 2002  
RE: Interview of John Ripani

---

On 7/31/2002 Investigator Don Sobocienski interviewed John Ripani via the telephone (845 362-6941) pertaining to the mixing of waste at Allied. Mr. Ripani provided the following:

Mr. Ripani confirmed that he had been the driver for a Yorktown residential route that had been serviced by Truck # 58. He also confirmed that his primary helper for this route had been Robert Ray. Mr. Ripani stated that his truck was often directed by dispatch to provide assistance to the Mt. Pleasant drivers in the "right of way" section of Mt. Pleasant. Mr. Ripani stated his truck provided assistance in Mt. Pleasant primarily on Mondays, but not every Monday.

Mr. Ripani described those occasions that he provided assistance in Mt. Pleasant as follows:

Tony Cardillo would call Mr. Ripani in the afternoon to inquire as to the status of his remaining work in Yorktown and instruct Mr. Ripani to call him when he finished the route. Upon calling Mr. Cardillo, Mr. Ripani was often times directed to proceed to Mt. Pleasant to service the "right of way" section. Mr. Ripani stated that before proceeding to Mt. Pleasant he disposed of the Yorktown residential waste that was in his truck at RESCO. Mr. Ripani stated that at the end of the day he returned to the yard with the Mt. Pleasant waste in his truck. Mr. Ripani advised that if the quantity of Mt. Pleasant waste was small enough so not to prevent him from completing his Yorktown residential route on the following day, absent an additional delivery to RESCO, he mixed the Yorktown residential waste that he collected the next day with the Mt. Pleasant residential waste already in his truck, and disposed of the entire load at RESCO as Yorktown residential waste. Mr. Ripani stated that he had performed this practice when James Hickey owned the company and continued the practice after the company was acquired by Allied. Mr. Ripani explained that when James Hickey owned the company, Mr. Ripani was directed by Tony Cardillo to proceed with his Yorktown residential route whenever the quantity of Mt. Pleasant waste that had been collected the previous day was not enough to require an

additional trip to RESCO. Mr. Ripani stated that following the company's acquisition by Allied he continued the practice because it was something he had always done prior. Subsequent to the acquisition Mr. Ripani stated he could not recall ever asking anyone in dispatch whether he should first dispose of the Mt. Pleasant waste prior to servicing Yorktown nor could he recall anyone in dispatch ever directing him to dispose of the Mt. Pleasant waste first and not mix the two towns' waste. He continued his practice of mixing both towns' wastes and he made his decision based solely on the quantity of Mt. Pleasant waste that he had collected the previous day.

Mr. Ripani could not recall being directed by dispatch to service any commercial accounts while performing his Yorktown residential route. Mr. Ripani stated that he knew other residential drivers had received directives to service commercial accounts which they mixed with the residential waste. Mr. Ripani added that these directives primarily occurred on weeks that included a holiday.

Mr. Ripani stated that on Thursdays and Fridays he serviced his Yorktown residential routes as well as a number of commercial accounts. He advised that prior to Allied acquiring the company and for a short time after the acquisition, commercial waste was routinely mixed with residential waste and disposed of as either Yorktown or Mt. Pleasant residential waste at RESCO. Mr. Ripani stated that dispatch (i.e., Tony Cardillo) stopped the routine practice of mixing commercial waste with residential waste a short time after Allied acquired the company. He opined that Allied's management may have been responsible for the discontinuation of this practice.