
INTERVIEW OF:

ERIC ASKELAND

TAKEN NOVEMBER 4, 1997 AT 12:37 P.M.

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INTERVIEW OF ERIC ASKELAND, taken pursuant to agreement of and between parties at, Koch Industries, Inc., P.O. Box 64596, St. Paul, Minnesota, at approximately 12:37 p.m. on Tuesday, November 4, 1997 before Kimberly Hormann, Notary Public, County of Hennepin, State of Minnesota.

APPEARANCES:

Present from the Minnesota Pollution Control Agency:

DON L. KRIENS, P.E.

MARY L. HAYES

GREGORY BERGER

Present from Koch Industries:

No one was present at this time.

Present from the law firm Green Espel:

JODEEN A. KOZLAK, Attorney at Law

SUSAN K. WIENS, Attorney at Law

I N D E X

EXAMINATIONS:

By Mr. Kriens: page 10, 14, 20, 22, 27

By Ms. Hayes: page 18, 26

By Mr. Berger: page 4, 6, 12, 13, 15

KOCH JOB HISTORY: page 5

CURRENT POSITION: page 5

1 MR. BERGER: I've got a little
2 introduction, little blurb here I have to do. As
3 you are aware, the Minnesota Pollution Control
4 Agency is conducting a civil investigation and is
5 focusing on Koch Refinery operations and a variety
6 of pollution slash environmental-related situations
7 regarding those operations. We are seeking your
8 cooperation in obtaining this information through
9 these interviews.

10 We'd like you to know that you do not have to
11 answer our questions. This is totally voluntary on
12 your part. The information we obtain in this
13 investigation may be used in administrative, civil
14 or criminal enforcement action. The MPCA is free to
15 choose any of these actions and by taking one action
16 does not preclude us from taking any others in the
17 future. And we want you to know that this
18 investigation is focusing on Koch Refinery not on
19 any individuals. Do you have any questions about
20 that?

21 THE INTERVIEWEE: No.

22 EXAMINATION BY MR. BERGER:

23 Q I guess the first area -- this is Greg Berger -- the
24 first area, Eric, what we want you to do first,
25 Eric, is could you just tell us, first give your

1 name and then give us kind of a history of your
2 position here at Koch Refinery and be very specific
3 in what your duties are?

4 A. My name is Eric Askeland. I am an environmental
5 engineer with Koch, and I've been here for about
6 six years. I've been involved primarily in
7 large-scale remediation projects, solid and
8 hazardous waste management and spill
9 response.

10 Q. Okay. There are a number of areas we want to talk
11 to you about, and the first one would be in regards
12 to the API separator and spills and leaks associated
13 with that separator. We do have documentation in
14 April of this year around the 12th, 13th, 14th,
15 there was a spill associated with the API separator,
16 and there are a number of memos and things like that
17 that we have regarding that situation. My question
18 is, were there any other spills over the last, let's
19 say, half dozen years associated with that API
20 separator?

21 A. I can't think of specific examples. There may have
22 been but I can't think of specifics.

23 Q. There was a situation back in 1996 where the bypass
24 line broke and there was a sink hole that developed
25 and eventually Koch became aware of it when that

1 crane fell in the sink hole that had developed from
2 the break; you're aware of that situation, right?

3 A. Yes.

4 Q. And then again this current one that was in April.
5 Other than those two, you're not aware of any
6 other --

7 A. I can't think of any other specifics.

8 Q. Okay. I'm going to show you some memos regarding
9 the actual structural, I guess we can say the
10 structural integrity of the API separator?

11 A. Um-hum.

12 Q. They have to do with cracks of the walls of the API.

13 A. Um-hum.

14 Q. And leaks that -- possible, I guess we should say
15 possible leaks from the API, because of these leaks,
16 because of these cracks. The first memo is dated
17 9/2 1995. It's initialed by TA, and it's document
18 No. 5496. It's just a diagram that shows
19 several areas of the API and it points to small
20 leaks, possible leaks, and then it also shows an
21 arrow pointing to some part of the API, it says,
22 seems to leak the most.

23 MS. HAYES: Is TA you?

24 THE INTERVIEWEE: No.

25 MS. HAYES: I'll bet it's Todd Aalto

1 possibly.

2 MR. BERGER: Yeah, I would bet it is.

3 EXAMINATION BY MR. BERGER:

4 Q. Okay. Second, I have a memo from you, Eric, to
5 Heather, and it talks about API walls. The date of
6 it is June 19, 1996. It's document No. 1958. And
7 it says, part of it says, from an environmental
8 protection standpoint, we need to stop the problem.
9 Basically Koch needs to repair the wall in such a
10 manner that we don't expect the problem to continue.
11 Have we gotten to the point where we can determine
12 the extent of seepage. It is of significant
13 quantity that we should notify the PCA. We will
14 ultimately want to notify them. However, our recent
15 digging in the area leads me to believe that any
16 contamination from the API walls would be very
17 extensive.

18 Actually, the part that I just read is in
19 response to an inquiry you made of Heather on the
20 same date, June, Wednesday, June 19, 1996.

21 A. An inquiry that I made of Heather?

22 Q. Heather made of you, sorry, excuse me, right. And
23 that part states, we found the API walls have some
24 cracks and some seepage coming from them. We are
25 trying to decide what to do, whether to make this a

1 full-blown project or add a band aid. Anyway, what
2 I need to know from you is what the justifications
3 might be from a remediation perspective. Let me
4 know ASAP. Then your response that I read first.
5 Sorry about that.

6 A. Okay.

7 Q. I guess my question about that situation is what
8 were you -- obviously from that memo, you were aware
9 of this problem with the API?

10 A. Which problem? I think these are two different
11 issues?

12 Q. You think they are? I guess I see them as the same
13 issue.

14 A. Okay. Maybe I don't understand this one because
15 this is the first I think I've seen the memo, so I
16 guess I can't answer anything about this one.

17 Q. Okay. You see no connection between the two?

18 A. Well, without knowing more background on this one, I
19 can't draw a conclusion that I don't know anything
20 about.

21 Q. Then explain the background, I guess, of your memo
22 and what you know about this problem with the API
23 separator and the cracks in the walls that you're
24 referring to?

25 A. You know, basically the reference that I gave here

- 1 is that we have had other concrete boxes that have
2 had cracks in them historically, and we've tried to
3 seal some of them, and we've actually ended up
4 replacing some of them, so that was more in
5 reference. As far as the last paragraph, I don't
6 recall what I was referring to as far as the recent
7 dating. That's about as much as I can recall off
8 the top of my head.
- 9 Q. Have repairs been made to the API separator?
- 10 A. Not that I'm aware of.
- 11 Q. Not that you're aware of.
- 12 A. So I couldn't say yes or no.
- 13 Q. Do you think they should be repaired -- do you think
14 it should be repaired?
- 15 A. I'd need to know more about the structural
16 integrity. I mean, that was the response to a
17 question, if we have got a problem, yeah, we need to
18 fix it. I don't know the extent of the problem, if
19 any.
- 20 Q. You seem to be pretty knowledgeable there about the
21 problem and the extent of the problem, and you don't
22 know if any follow up was made regarding this
23 situation?
- 24 A. This is, you know --
- 25 Q. That's not part of your position then, or your job,

1 to do any follow up regarding a situation like that?
2 A. My job is more -- was more, at the time, then
3 actually moving out of it dealing with the soils or
4 any contamination that we found and not the
5 operations or the plant.

6 MR. KRIENS: You mean clean up the
7 soils, remedial action?

8 THE INTERVIEWEE: Um-hum.

9 MR. KRIENS: What Greg was getting at in
10 part was, when you mentioned the recent digging in
11 the area would lead you to believe that the leaks
12 were extensive, where does that or what does that
13 actually say?

14 MS. WIENS: He's asking her, is it of
15 significant quantity that we should notify the PCA.
16 He's asking her a question, and then he later talks
17 about, well, then it would be very -- contamination
18 of the API walls would be very extensive. He's
19 talking about hypothetical if it's significant.

20 MS. HAYES: Recent digging in the area
21 and contamination of the API.

22 THE INTERVIEWEE: And I wish I could
23 recall what that was referring to, but obviously I
24 can't.

25 EXAMINATION BY MR. KRIENS:

- 1 Q. Does it mean -- didn't you have, you cleaned up the
2 API area from April, was it in April of '96 when the
3 crane fell in through or partially through in a sink
4 hole and that's when you had a clean up of the area;
5 is that correct?
- 6 A. We replaced the line that was in that area.
- 7 Q. Did you have any clean up then, did you dig in and
8 clean up soils at that time?
- 9 A. We dug it, and I think we got to the point where we
10 felt it was clean and that they could go ahead and
11 backfill, and I don't recall any volumes of
12 contaminated soil or clean soil or specific volumes.
- 13 Q. Now, you don't keep records of how much is removed
14 of contaminated soil, or do you keep records?
- 15 A. We tried to, we're not there a hundred percent of
16 the time so it's up to -- we don't have mere, an
17 environmental representative there during an entire
18 project, typically.
- 19 Q. Since that took place in April, what we're wondering
20 is, and this memo was written in June, is the recent
21 digging you're referring to, since that's at the
22 same location, relates to that April remediation?
- 23 A. It's possible, I don't remember.
- 24 Q. Was there any digging done there between April and
25 June 1996?

1 A. Not that I recall.

2 Q. We're not, we're not trying to focus on you
3 individually, we're just trying to understand what
4 that means and if there is a problem there that
5 needs to be taken care of and if anything was done.
6 Because your memo indicates to us that there still
7 remained to be a problem in June of '96. And we're
8 interested to find out if anything was done about
9 it.

10 A. I wish I could remember more.

11 MS. HAYES: Do you think you have
12 records for those particular -- it is April?

13 THE INTERVIEWEE: After your initial
14 request, I looked through my files and I couldn't
15 find them where I thought they would be so --

16 MS. HAYES: You didn't find anything?

17 THE INTERVIEWEE: I did not find
18 anything.

19 EXAMINATION BY MR. BERGER:

20 Q. I guess it just appears to me, too, that, that TA,
21 and I will obviously be asking him about this. And
22 that the problem was at least known in September of
23 '95 and here it is June of '96 and it's nothing,
24 nothing was done.

25 A. Again I don't know if those two are the same issues

1 or not.

2 Q. Okay. I have also a memo here, this is just another
3 follow-up question. This one is dated 1-17-96.
4 It's in regards to the API, and I believe this is
5 somebody's name here, and it states this person --
6 it states is filling holes at API and digging new
7 one near 4-base; can you tell me what that's about?

8 A. This is an operator, the log book for the --

9 MS. HAYES: These are the wastewater
10 treatment logs.

11 THE INTERVIEWEE: As far as digging the
12 holes, no. This other one is highlighted. It looks
13 like they removed the covers and hazmat was cleaning
14 up the plastic that they put them on when they were
15 working on them.

16 MS. WIENS: Have you ever seen this
17 document before?

18 THE INTERVIEWEE: No, I don't see the
19 log books from the water plant.

20 EXAMINATION BY MR. BERGER:

21 Q. When you say this filling in holes at API, could
22 these be sink holes that are developing because of
23 that release?

24 A. I don't know. I mean, it's --

25 Q. You can't speculate on --

- 1 A. I can't speculate on that.
- 2 Q. You don't know?
- 3 A. Huh-uh.
- 4 Q. Again I guess our concern is, is that here it is
5 January '96, there are holes that are developing.
6 We think, I'm speculating from this break in this
7 API separator line and the problem wasn't really
8 addressed 'till the crane fell in the hole in June
9 of '96, I think early, early summer of '96.
- 10 MR. BERGER: Okay. Are there any other
11 questions you guys might have about the API and
12 leaks and spills?
- 13 MS. HAYES: No.
- 14 EXAMINATION BY MR. KRIENS:
- 15 Q. I just have one brief one, I guess. Was there any
16 observation of oil -- the API is at a higher
17 elevation relative to the clarifiers at the
18 wastewater plant, kind of on a bench, so to speak,
19 and it drops off. Was there any oil observed coming
20 through, seeping through that side of the hill down
21 gradient of the APIs?
- 22 A. At one point I think they investigated a junction
23 box back there, but I don't know whether it's
24 anything associated with this.
- 25 Q. I'm talking about just through the soil and not

1 through --

2 A. That area is all part of a SWMU, and so it's
3 possible that's related.

4 MR. KRIENS: Thank you.

5 EXAMINATION BY MR. BERGER:

6 Q. The second area we want to take a look at is the
7 situation with the sump overflows at the 7th Street
8 sump and 8th Street sump. Could you in general, to
9 your knowledge, just describe the problem with these
10 sumps? I mean, what was going on and why the sumps
11 were overflowing, and where that overflow was going?

12 A. I'm sorry, could you -- I want to make sure I got
13 all aspects of the question.

14 Q. In general, we have a lot of documentation about
15 problems with the 7th and 8th Street sump, where the
16 7th Street sump would overflow to the 8th Street
17 sump and the 8th Street sump would also overflow and
18 we'd be getting flows into the coker ponds and
19 problems in general with the 7th Street and 8th
20 Street sump?

21 A. The 7th Street wouldn't overflow to the 8th Street.

22 Q. Well, correct me if I'm wrong. Could you just
23 describe the whole situation, what your knowledge is
24 of the problems, you know, in a historical
25 perspective in regards to the 7th and 8th Street

- 1 sump?
- 2 A. The 8th Street, I believe, overflows to the coke
3 pond. As far as reasons, I don't know exact
4 reasons. I know that they've had times when the
5 pump has been down or they've had problems with
6 instrumentation. 7th Street sump overflows to the
7 coker ponds currently. And again I know they've had
8 instances where they've had stuff get into the pump
9 and pillars or problems with controls, that system
10 operates on a, or operated on a nitrogen level
11 indicator, and they've had some problems with that
12 and pump failure, and those are the primary causes
13 of it from what I understand.
- 14 Q. And when there was a problem with one of these sumps
15 what was the remediation, what was the action?
- 16 A. The coker ponds were negotiating a stipulation
17 agreement with you guys. So we are part of the
18 stipulated agreement, was what we were going to do
19 in the future to control flows to the coker pond.
20 And the 7th Street sump area was one of the areas,
21 that we were going, that was included in that. The
22 8th Street sump, if there was soils that were
23 impacted, we'd take the soils and we'd analyze them
24 and dispose of them accordingly.
- 25 Q. Okay. Just, I guess it would be east of the 7th

1 Street, or the 8th Street sump is the, are the wash
2 pads, the upper and lower wash pads?

3 A. Uh-huh.

4 Q. Waste material from tanks, from sludges and things
5 like that were taken to those wash pads and
6 dewatered, correct?

7 A. Um-hum.

8 Q. Then that water from that process would drain into
9 the 8th Street sump, correct?

10 A. Yes.

11 Q. Okay. And I'm just asking this for, you know,
12 clarification to understand how this all works. I
13 don't know if I necessarily have a particular
14 question in there.

15 MR. KRIENS: Eric, did you say the 8th
16 Street goes to the pads, or the overflow goes to
17 where again?

18 THE INTERVIEWEE: The 8th Street would
19 probably flow to the coke pad.

20 MR. KRIENS: And 7th Street would go to
21 the coker ponds?

22 THE INTERVIEWEE: Correct.

23 MR. KRIENS: Okay.

24 MR. BERGER: I don't have really too
25 much more.

1 MS. HAYES: I guess I'm interested in an
2 elaboration. I'm looking for the memo on February
3 13 of '97 that you authored, Eric. This is a quote
4 from the memo on a summary that we have here. S-8
5 overflow to ground spilling oil and water. And then
6 I think there is a question about hazardous waste.
7 Do you know about that?

8 THE INTERVIEWEE: I can't think of what
9 S-8 is.

10 MS. WIENS: S8?

11 THE INTERVIEWEE: S dash 8.

12 EXAMINATION BY MS. HAYES:

13 Q. It's not 8th Street sump?

14 A. I wouldn't call it S-8 so --

15 Q. So you don't remember this in February?

16 A. I don't remember. I'd have to see the document.

17 Q. These aren't, though, from -- yeah, these aren't
18 from you. So this one discusses overflow as S-8
19 but, yeah, I guess if we don't have the memo, we'll
20 have to try and find it.

21 MR. KRIENS: We can look into it. It
22 just says S-8 appears to be overflowing often. If
23 it does overflow, it has not been reported, it has
24 to be hazmat guys, keep finding spills. I
25 understand that the overflow and more containment

1 will be in place in the spring. This is --

2 MS. HAYES: Document 3099.

3 MS. WIENS: Who wrote it?

4 MS. HAYES: Heather. We'll have to look
5 for that, and then we'll ask you about it. Thanks,
6 Eric.

7 MR. BERGER: I don't have anything else.

8 MR. KRIENS: I've got a couple
9 spills-related issues. You indicated earlier that
10 you were involved with remediation and clean up of
11 spills. And we've talked to other people previously
12 concerning a coker pond overflow in the past that
13 got into the railroad track area. And at that time
14 the railroad would not go into the area because the
15 fumes and so on. What was the clean-up response to
16 that incident? This would be the one where the
17 railroad would not go in there.

18 THE INTERVIEWEE: I don't know of the
19 specific instance where the railroad wouldn't go in
20 there.

21 MS. WIENS: Do you remember when that
22 one was?

23 MR. BERGER: We're going to find it
24 here.

25 MR. KRIENS: We talked to Donny Schlomka

1 this morning, and he mentioned that he thought that
2 was in '96, would you have been involved with
3 cleanup of those types of spills?

4 THE INTERVIEWEE: If -- yeah, if I got
5 notified of it, I would be.

6 MS. HAYES: Did you say you do remember
7 that one?

8 THE INTERVIEWEE: No, I said if I would
9 have been notified, in '96, may or may not have been
10 involved in that because I was moving out of the
11 remediation.

12 MS. HAYES: This is from September of
13 '94.

14 THE INTERVIEWEE: Okay.

15 MS. HAYES: It says there will be a pump
16 moving water from the ditch west of the coker pond
17 into the coker pond. Railroad will not make any
18 switches until the ditch is cleaned up. After water
19 is pumped out, the weeds will be removed from the
20 contaminated area. But you don't recall this
21 incident?

22 THE INTERVIEWEE: I don't recall that
23 specific incident.

24 EXAMINATION BY MR. KRIENS:

25 Q. What would be the normal response for cleanup, let's

- 1 say for a spill of that nature?
- 2 A. Ideally, we would get any water out of there as soon
3 as we could and then evaluate the need for, you
4 know, I guess in that case they talked about
5 removing weeds, if anything had been impacted by oil
6 and make a determination if there was sampling that
7 was needed or not.
- 8 Q. Okay. Let me just go -- are you involved with
9 spills response in general then?
- 10 A. Um-hum. And that's like right in the open 90 plant
11 for the barge dock because it is the primary area of
12 spill response.
- 13 Q. Is that the barge dock specifically --
- 14 A. -- yeah and refinery --
- 15 Q. -- in general. So you were, I'm not familiar with
16 that plan you just mentioned at the barge dock.
- 17 A. Okay. That's prepared for the Coast Guard. It is
18 the Marine transportation-related facilities, so
19 it's under the Coast Guards' jurisdiction.
- 20 Q. Have there been any spills at the barge dock from
21 tanks in that area; specifically, tanks 201, 200 and
22 202, this would have occurred in 1994?
- 23 A. There was an overflow, I believe, at one of those
24 tanks, and we did a soil investigation and worked
25 with, I believe, Mark Toso, on that one of the

1 PCA --

2 Q. Do you recall what the spill of material was?

3 A. I don't recall.

4 Q. We have information on that one, I think we brought
5 up earlier it was acetone, fuel oil and Toluene.
6 Now, how would those spills have been cleaned up
7 typically or how was that specific one --

8 MS. WIENS: Do you know if that was what
9 was spilled or what was there?

10 MR. KRIENS: I don't know if that was
11 what was spilled.

12 THE INTERVIEWEE: I don't know what was
13 spilled. We would have removed soil and analyzed
14 the surrounding soils, remove what we could.

15 EXAMINATION BY MR. KRIENS:

16 Q. Has there ever been an occasion, including that one,
17 where it was determined that the level of
18 contamination of soils was too extensive and then it
19 was decided that it would just be covered up?

20 A. Not that I'm aware of.

21 Q. Okay. No instances that you know of?

22 A. Huh-uh. That wouldn't be something that we would
23 do.
24 We would work with the agency and on a long-term
25 remediation plan.

- 1 Q. Were these spills typically then of, is there a
2 procedure set forth to notify the agency of spills?
- 3 A. Any spill of greater than five gallons of petroleum
4 product or any spills on navigable waterways.
- 5 Q. How were the spills, you know, on the five-gallon
6 determined in terms of volume?
- 7 A. We try to get the people with the best information
8 to make an estimate, if we can't get an exact
9 number.
- 10 Q. Does management get involved with a policy of how
11 that is determined? In other words, has there ever
12 been a directive to you or other staff such that
13 those spill reportings should be minimized or that
14 it should always be stated less than five gallons?
- 15 A. I've not had anybody tell me that.
- 16 Q. I just bring that up because it was an allegation
17 that was given to us at some point in time. I just
18 needed to bring it up and see if that was the case.
19 I want to ask you just specifically about a few
20 spills in the wastewater operating log. In April 17
21 of '94, I don't know if we want to bring all these
22 out, I'll just run through them briefly and then we
23 can get them out if you'd like. There was a gas
24 spill, tank 160 in the west tank farm; are you aware
25 of that particular spill?

1 A. Yes. That one is part of the, part of continuing
2 remediation going on at the refinery.

3 Q. That one is?

4 A. Yes. It's part of RI CAB project.

5 Q. Was that spill then notified by the MPCA?

6 A. Yes, it was.

7 Q. That would be document 7002. I was trying to find
8 general spills in here. Why don't we just stop for
9 a second.

10 Eric, I have another one. On May 23 of 1996
11 there was a spill of 1800 gallons of fuel oil or
12 it's designated FO, and I'm presuming that means
13 fuel oil west of tank 500 in the coker area, some
14 went to sewer, and that's the end of it. It
15 mentions, something to the sewer manhole next to the
16 valve box that controls coker pond flow, valve box
17 is full of oil, also. Do you recall that particular
18 one?

19 A. I believe that ended up being a, not 1800 gallons,
20 we did follow up with that. And it was a -- Keys
21 Well Drilling had a -- was doing some work on a well
22 in that area and during that large windstorm that we
23 had, a hose got blown off the side of their fuel
24 tank, and that was where the fuel oil came from. It
25 was fuel oil that had been dyed, so we knew that it

- 1 had left the refinery and was a finished grade
2 product. So that was -- and the PCA was involved in
3 that one as well.
- 4 Q. You were informed of that?
- 5 A. Yes.
- 6 Q. You mentioned the manhole next to the valve box,
7 would that be the oily-water sewer or non-oily-water
8 sewer?
- 9 A. I don't recall that specifically.
- 10 Q. Another question on November 10, 1996, there's an
11 operating log that states that Alky unit, I presume,
12 spilt 40 gallons of liquid nickel into the
13 oily-water sewer. And in this log it states that
14 Heather called, suggested adding extra carbon to 3A
15 basin to absorb the zinc per liquid nickel spill.
16 Is that something -- is that the sort of thing you
17 would have been involved with in dealing with that
18 kind of spill?
- 19 A. Most likely not.
- 20 Q. So Heather or the wastewater group would deal with
21 that; is that correct?
- 22 A. Yeah.
- 23 Q. The next day or at least on November 11 of '96, in a
24 safety log, it states, there's a nickel leak near
25 the EADC pump house, 30 to 40 gallons approximately

- 1 and then it states that it was diked, do you know
2 about that spill incident?
- 3 A. I don't recall that one.
- 4 Q. Okay. So you don't know if that was reported to
5 the MPCA or --
- 6 A. I don't recall that incident.
- 7 Q. Do you know of any incident where chromium was
8 discharged via the cooling tower system or via the
9 sewer itself, to dispose of extra chromium that was
10 left over?
- 11 A. No, not that I'm aware of.
- 12 EXAMINATION BY MS. HAYES:
- 13 Q. Eric, can you explain for me how you interact with
14 hazmat in your response to spills, where they come
15 in or -- I'm not clear about that?
- 16 A. Depending on the incident, they may do some of the
17 labor work associated with it and it depends on
18 their workload. At the time, if they're too busy
19 doing other stuff, then we'll have a contractor help
20 us with the cleanup, but they would mostly dig up
21 contaminated soil.
- 22 Q. And that's after you have determined that it should
23 be disposed of as a hazardous waste?
- 24 A. Well, not necessarily hazardous waste, just a waste,
25 industrial waste or hazardous waste.

- 1 Q. In the event that they are not available, then you'd
2 call Industrial Services or Schlomka?
- 3 A. Typically a civil contractor not a, those guys deal
4 more with water issues. Graus was used to some
5 extent and now it would be more JA Jones --
- 6 Q. -- JA Jones --
- 7 A. -- at this time.
- 8 EXAMINATION BY MR. KRIENS:
- 9 Q. Was Graus, is that G-R-A-U-S Construction?
- 10 A. Correct.
- 11 Q. Were they used on the cleanup of the soil at the
12 barge dock, spills, tanks?
- 13 A. I don't recall. They're also not in existence
14 anymore.
- 15 Q. Were you ever, were you involved with or aware of
16 the use of hydrant systems to dispose of wastewater
17 flushing via the hydrant system?
- 18 A. I can't help but be aware that that happened. I
19 wasn't involved in that whole process.
- 20 Q. Right. When I say where, I mean involved in
21 discussions or decisions surrounding that?
- 22 A. No, no.
- 23 Q. So your awareness pertains to things internally
24 you've heard and, in general, our investigations
25 surrounding that?

1 A. Correct.

2 Q. Did you know of any discharge in 1994 where
3 so-called green water was disposed of via the
4 hydrant system?

5 A. No.

6 MR. KRIENS: Okay.

7 MS. HAYES: Anything else?

8 MR. KRIENS: Nothing from me.

9 MS. HAYES: Greg?

10 MR. BERGER: No.

11 MS. HAYES: Thanks, Eric.

12 (WHEREUPON, the interview concluded at
13 approximately 1:25 p.m.)

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1 STATE OF MINNESOTA

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CERTIFICATE

3 COUNTY OF HENNEPIN

4

5 I, KIMBERLY J. HORMANN, hereby certify that I
6 reported the interview of ERIC ASKELAND on the
4th day of November, 1997, St. Paul, Minnesota.

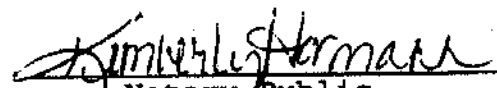
7 That I was then and there a Notary Public in
8 and for the County of Hennepin, State of Minnesota;

9 That the foregoing transcript of 28 pages is
10 a true and correct transcript of my stenographic
notes in said matter, transcribed under my direction
and control;

11 That the cost of the original has been
12 charged to the party who noticed the deposition, and
that all parties who ordered copies have been charged
13 at the same rate for such copies;

14 That I am not related to nor an employee of
15 any of the attorneys or parties hereto, nor a
relative or employee of any attorney or counsel
16 employed by the parties hereto, nor financially
interested in the outcome of the action and have no
17 contract with the parties, attorneys or persons with
an interest in the action that affect or has a
substantial tendency to affect my impartiality;

18 WITNESS MY HAND AND SEAL this 16th day of
19 November, 1997.

20 
Notary Public

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