
INTERVIEW OF:

LARRY BARNETT

TAKEN ON NOVEMBER 4, 1997 AT 3:50 P.M.

KIMBERLY HORMANN
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INTERVIEW OF LARRY BARNETT, taken pursuant to agreement of and between parties at, Koch Industries, Inc., P.O. Box 64596, St. Paul, Minnesota, at approximately 3:50 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 of Green Espel:

JODEEN A. KOZLAK, Attorney at Law

SUSAN K. WIENS, Attorney at Law

I N D E X

EXAMINATIONS:

By Mr. Kriens: page 4

By Ms. Hayes:

By Mr. Berger:

KOCH JOB HISTORY: page 4-5

CURRENT POSITION: page 4

1 MR. BERGER: I have a little
2 introductory piece that I'll read. The Minnesota
3 Pollution Control Agency is conducting a civil
4 investigation that is focussing on Koch Refinery
5 operations and a number of pollution
6 environmental-related issues regarding those
7 operations. We are seeking your cooperation in
8 answering some questions regarding those
9 operations. We want you to know it is totally
10 voluntary for you. You don't have to answer these
11 questions. The information that we have obtained in
12 this investigation may be use in an administrative,
13 civil or criminal enforcement action. The MPCA is
14 free to choose any of these actions and it doesn't
15 preclude us from choosing another one in the
16 future. And we want you to know that this
17 investigation is of Koch Refinery company only and
18 it is not looking at any individuals. Any questions
19 about that?

20 INTERVIEWEE: No.

21 EXAMINATION BY MR. KRIENS:

22 Q. Larry, my name is Don Kriens. I'm with the MPCA. I
23 wonder if you can give us a brief description of
24 your history here and your present position and past
25 positions, too?

- 1 that, I was working with Koch Industries in Wichita.
2 I'm currently the Northern Region Manager of Health
3 and Safety. And that was the position that I took
4 when I came up here. I also have some emergency
5 responsibilities as well. I think the title is
6 Safety and Emergency Response, really. I've been
7 with Koch approximately eight years.
- 8 Q. And you came to Minnesota in May of '96?
- 9 A. Yes.
- 10 Q. Prior to that Wichita?
- 11 A. I was in Wichita in the Corporate Safety Department.
- 12 Q. Our questions with you pertain to the fire hydrant
13 system and specifically the use of the fire hydrant
14 system to dispose of wastewater from the storm
15 ponds, the north pond, the west pond and the south
16 ponds.
- 17 A. I'm not really understanding when you say use of the
18 fire water system to dispose of wastewater.
- 19 Q Right. We know there are uses of the fire hydrants
20 for testing, for winterization, for fire fighting
21 and to some degree use on process equipment for
22 cooling.
- 23 A. Sure.
- 24 Q. But this specifically deals with the use of the fire
25 hydrants for discharge of wastewaters only to land

1 areas specifically. In other words, wastewater that
2 would have normally went through the wastewater
3 system to the polishing ponds and out the river,
4 instead would have been discharged via these
5 hydrants at different locations at different times
6 onto land areas.

7 A. Okay.

8 Q. Well, we went through all of the documents that were
9 provided to us, including the safety logs, which are
10 logs, daily shift logs, as I understand them, that
11 describe the activities of the safety department
12 that day.

13 A. Some of those activities, primarily the activities
14 of the people who are on shift.

15 Q. Yeah, that's what I mean. And then we reviewed
16 wastewater treatment plant logs and then some
17 memorandums and found during the period beginning,
18 to our knowledge, in June of '96 up through March of
19 1997, a number of times at which wastewater was
20 discharged via the hydrants. And we've interviewed
21 previous people, and we've talked to Koch
22 environmental staff in the past about these and are
23 trying to find out why it was done. And we've
24 gotten different reasons for it and different
25 reasons for different times of which it occurred,

1 too, it appears anyway. So I wanted to talk to you
2 in general about that. Maybe it would just be
3 useful for me to begin at the earliest one we know
4 of, but it's at a time when you weren't here. So
5 I'll just briefly go through that one. That was in
6 October of '94, they had a fire hydrant discharge of
7 green water in the plant. And the question is, do
8 you know anything about that one since you weren't
9 here?

10 A. Absolutely not.

11 Q. Then we'll bypass that then. I'll go, let me show
12 you a chart that we developed that shows the number,
13 the discharges we are aware of. And we've been told
14 that the ones in the safety logs are not necessarily
15 complete because all of these to our understanding
16 were not recorded necessarily. So there may have
17 been discharges to land, which that was not recorded
18 on the safety log or any other log. We've got, we
19 have a number of them and I'll just briefly go
20 through them.

21 In June of 1996, there were two on the 18th
22 and 19th. Then there was one that we know of and
23 we're not sure of this time period in between if
24 there were others or not. We know of one on
25 November 3, the evening of November 3 through the

- 1 morning of November 4. We know of one or two on
2 November 16 and 17, according to the logs. And then
3 one on January 4 of 1997, which was reported to
4 us. Then we know of three occurring in February 25,
5 26 and 27. And then we know of one, according to
6 the log or wastewater log, I'm not sure, which in
7 that case, which occurred on March 26. So I wanted
8 to ask you, do you know in general anything about
9 this practice or what was --
- 10 A. I know in general that there were concerns regarding
11 the flushing of hydrants because of the amount of
12 ammonia that was in the hydrants. I can't speak on
13 any of those dates. I just know in general that
14 there has been for the past year or more concerns
15 about flushing hydrants.
- 16 Q. Okay. Concerns, is that concerns because of the
17 ammonia that may have been in the storm ponds at the
18 time?
- 19 A. That's correct.
- 20 Q. Let me talk about the November 3 and 4 one in 1996.
21 This was a hydrant that was flushed in the west tank
22 farm area on land.
- 23 A. And the purpose of that flushing?
- 24 Q. That's what we're trying to determine. That
25 occurred, according to the information we have, from

1 7:00 p.m. on November 3 to 7:00 a.m. November 4.
2 The operating -- let me give a brief chronology of
3 that. It began a few days earlier. There was
4 additional ammonia testing done on the effluent from
5 the wastewater plant showing apparently high ammonia
6 levels on November 3. The ammonia was 110 parts per
7 million. The flow to the river from the wastewater
8 plant was cut to 1.7 units, which is a reduced flow.
9 On that log, it also states that Heather Faragher
10 had dropped off -- a letter of Heather's -- a copy
11 of Heather's memorandum. There was a note on there
12 that Heather Faragher had written a memorandum prior
13 to this which stated that there was a Bioassay test,
14 which is an effluent test done on the effluent from
15 the wastewater plant to determine if it has a toxic
16 effluent or not. She had wrote a memorandum
17 discussing that that was to begin November 4. That
18 letter was sent to the shifties, so they were aware
19 of that. Then the November 3, an additional
20 November 3 memo states that they were limiting flow
21 to the river to two units. Then on November 3, an
22 operating log states that safety was to open three
23 hydrants in the west tank farm to help get rid of
24 water. And we are assuming that that's your
25 department?

- 1 A. That's correct.
- 2 Q. Were you aware that was being done or --
- 3 A. I was not.
- 4 Q. Do you know who may have decided or ordered that be
5 done?
- 6 A. I can speculate, but I wouldn't want to do that. I
7 don't know.
- 8 Q. This was a Sunday evening on a weekend and my
9 understanding is, from a previous discussion, that
10 the shifties have some responsibility on the
11 weekends to the --
- 12 A. -- yes, they do --
- 13 Q. -- to manage levels in the ponds and do whatever is
14 necessary?
- 15 A. The shifties more than likely on a weekend, unless
16 there was someone from environmental here, you know,
17 the shifties are probably the ones who would have
18 instructed safety to open those hydrants.
- 19 Q. Okay. When we hear the phrase, safety as ordered,
20 can that be ordered from any individual, is it from
21 wastewater, from shifties, or some other --
- 22 A. Certainly someone who has the decision rights and
23 property rights to make that kind of a call. On the
24 weekend, certainly the shifties would have the
25 authority to make that call. Or if they, you know,

- 1 a unit supervisor was here at the time.
- 2 Q. Would the environmental department themselves have
- 3 authority to make that call, also?
- 4 A. Well, I'm not real sure, you know, what --
- 5 Q. I'm just thinking in general.
- 6 A. I mean, they could certainly suggest that I'm
- 7 sure.
- 8 Q. Okay.
- 9 A. But, you know, my knowledge of hydrants being opened
- 10 for reasons other than hydrant flushing or the
- 11 reasons you mentioned earlier regarding cooling is
- 12 very limited. I mean, I don't know a whole lot
- 13 about times that hydrants were opened for reasons
- 14 other than that.
- 15 Q. Other than those?
- 16 A. Other than for those specific reasons, I have
- 17 limited knowledge regarding that.
- 18 Q. I'll just jump to the February one. There was one
- 19 on -- first there was one in January of 1994, which
- 20 the company monitored the discharge and determined
- 21 that it exceeded a so-called reportable quantity.
- 22 And then developed apparently a policy, which we
- 23 have, that deals with those, are you familiar with
- 24 that arrangement?
- 25 A. I'm familiar with a policy that we did put together

- 1 regarding the use of hydrants, yes.
- 2 Q. Okay.
- 3 A. But again I was looking at that in light of flushing
- 4 fire water mains.
- 5 Q. In terms of safety issues?
- 6 A. Right.
- 7 Q. In terms of fire fighting issues?
- 8 A. Right.
- 9 Q. Do you know anything about -- considering that
- 10 policy came in that time frame after January 4, do
- 11 you know anything about the February discharges?
- 12 A. Not that I recall. I don't remember about specific
- 13 discharges.
- 14 Q. If they took water from the ponds, these storm water
- 15 ponds and disposed of it on land, we've been told
- 16 that was to manage the inventory, does that make
- 17 sense to you?
- 18 A. I've heard that but I mean, I haven't, that's not
- 19 something that I've -- it's not in my air of
- 20 responsibility so I don't know, I can't speak of
- 21 that really.
- 22 Q. Okay. Another question is, do you know of or were
- 23 you involved in any meetings to discuss this general
- 24 issue, the policy or the use of the fire hydrants to
- 25 dispose of wastewater?

- 1 A. I was involved in some meetings with the safety
2 department only and that was in providing feedback
3 to Gary Ista and others regarding the policy
4 itself. Me and a few people from the safety
5 department discussed the written policy that was
6 drafted by the environmental department.
- 7 Q. Would that have been something this summer you're
8 talking about?
- 9 A. Something within the last six or eight months, six
10 months I would say.
- 11 Q. So would that have been any meetings that occurred,
12 you know, in this January or February time frame or
13 are you talking about after that?
- 14 A. I would say after.
- 15 Q. Okay.
- 16 A. I don't recall the date of the policy. I don't know
17 what the date of the policy, the final policy, as
18 far as flushing of hydrants.
- 19 Q. Well, there was sort of a policy done in February or
20 thereabouts concerning, you know, flushing at that
21 time. And then there was a policy that they
22 formalized to us this summer to respond to --
- 23 A. More than likely it was discussions around that
24 policy that was sent to you in the summer so it
25 would have been, you know, the weeks prior to that.

- 1 Q. Right. Okay.
- 2 A. My concern was that we didn't flush hydrants for
3 safety-related reasons unless we had approval to do
4 so and was understood what the expectations were
5 regarding that. I never was involved in the
6 flushing of hydrants for reasons other than safety
7 or fire protection or mechanical integrity of the
8 systems.
- 9 Q. When was that usually accomplished when you do it
10 for that purpose?
- 11 A. Usually it's done in the fall.
- 12 Q. Is there a certain time frame when it's done in the
13 fall or --
- 14 A. Just depends on how busy we are and what the
15 schedule, many times we have a tendency to wait a
16 little bit, you know, put it off and have to
17 scramble before freezing, but typically September,
18 October time frame that's our goal.
- 19 Q. Is to get it done then. Would it be needed or is it
20 then unusual to have had that occur for that reason
21 anyway during January or February periods?
- 22 A. I would say that would be out of the ordinary, I'm
23 not saying it's --
- 24 Q. When you do it for that purpose, let's say on a
25 single hydrant, how long does that take in terms of

1 time to --

2 A. From the time you open the hydrant until you close

3 it?

4 Q. Yeah.

5 A I'm not sure.

6 Q. Is it a large volume of water, I mean, there's a

7 fairly high pressure there but is it --

8 A. I'm really not sure what the volume would be. It's

9 easy to calculate but --

10 Q. But typically you turn it on for a period of, I

11 would presume, and I don't know exactly but I would

12 presume it would be less than an hour to accomplish

13 that?

14 A. I would say that that would be less than an hour but

15 maybe there's times that it's more than an hour but

16 --

17 MR. KRIENS: Okay. Well, thank you. I

18 don't have anything else I can think of. Anything

19 further?

20 MR. BERGER: Not for me.

21 MS. HAYES: Not for me.

22 MR. KRIENS: Okay. Thanks a lot.

23 MS. HAYES: Thanks a lot.

24 (WHEREUPON, the interview concluded at

25 approximately 4:15 p.m.)

1 STATE OF MINNESOTA

2

CERTIFICATE

3 COUNTY OF HENNEPIN

4

5

I, KIMBERLY J. HORMANN, hereby certify that I reported the interview of LARRY BARNETT on the 4th day of November, 1997, St. Paul, Minnesota.

6

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

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That the foregoing transcript of 15 pages is a true and correct transcript of my stenographic notes in said matter, transcribed under my direction and control;

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

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

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19

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

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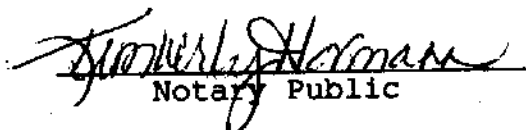
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Notary Public

