
INTERVIEW OF:

JOSEPH BUTZER

TAKEN OCTOBER 30, 1997 AT 4:00 P.M.

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INTERVIEW OF JOSEPH BUTZER, taken pursuant to agreement of and between parties at, Koch Industries, Inc., P.O. Box 64596, St. Paul, Minnesota, at approximately 4:00 p.m. on Thursday, October 30, 1997 before Milo Ballingrud, 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:

JAMES K. VOYLES, Attorney at Law

Present from the law firm Green Espel:

JODEEN A. KOZLAK, Attorney at Law

SUSAN K. WIENS, Attorney at Law

I N D E X

MR. BERGER: As an introduction here, Joe, we are conducting a civil investigation that is focusing on Koch Refining operations and a number of pollution slash environmental related situations about these operations. We are seeking your cooperation in answering some questions. You are not obligated, you do not have to answer these questions if you do not want to. The information that we obtain in this investigation may be used in an administrative, civil or criminal enforcement action. The MPCA is free to choose any of these options, and if we choose one it does not preclude us from choosing another in the future. Any questions about that?

THE WITNESS: No.

BY MS. HAYES:

Q. We're interviewing Joe Butzer. My name is Mary Hayes and I'm with the Minnesota Pollution Control Agency.

Joe, would you please state your position at Koch and tell us how long you've been in that position, if you've had several would you give us a rundown of that?

A. Okay.
Q. And generally tell us what you do.
A. Okay. Presently for the last 12 months I've been a unit supervisor in what we call the new main control, which is an old crude unit and a poly unit. We've got responsibility for the equipment there, the employees that run that equipment, the training and any other administrative duties. Previous to that I was a shift supervisor. If I get the time right I think it was two or three years. I would have to set out with a piece of paper and figure that out, but I was in that position, and that was basically off hours supervision, trouble shooter, support for anybody that was on shift when everybody else was obviously not here.

And previous to that I worked in the unit as an operator for I think just over three years. I worked in the platformer for one year and two years in the poly unit, and then I was supervised, and that was just operating equipment, working as an hourly employee.
Q. Okay. So that's -- how long was that?
A. That's a total of nine years I've been at Koch.

Q. Thank you. Joe, the primary area we want to talk to you about today is the overflowing of the oily water sewer into the non-oily water sewer, and it's referred to as near the tank 500 overflow.

A. Sure.

Q. On this map -- we got this diagram from the company, or this was in the documents (indicating).

A. I drew that map.

Q. You did?

A. The road is in the wrong place, but I drew the map.

Q. Is this north (indicating)?

A. Yes, that's north.

MS. WIENS: What document number?

BY MS. HAYES:

Q. 3073. It looks like this is the area that we're talking about (indicating)?

A. Yes, in here.

Q. This is the manhole that pukes up? That's the term we're finding in the logs.

A. Okay.

Q. And then I believe that when we were out on our inspection in April we saw evidence that

it overflows here and goes probably primarily in this storm drain (indicating)?

A. Yeah, right.

Q. Part of the reason that we wanted to talk to you is we have a memo -- we don't have dates on it, the number is 2977, and in this memo -- do you know, can you -- do you remember this?

A. Uh-huh.

Q. Do you know generally the time frame on this memo?

A. Well, I can tell you almost exactly when it is because we went back and looked at the date of the 16E5 incident, it happened right after that, and that was January or February.

Q. Of '97?

A. No, no. It had to be at least a year ago, maybe two. I've been in my position for a year, so it didn't happen in that time frame, and then it would have been a year previous to that.

Q. But you're relatively certain it was January or February, you just don't know if it was '95 or '96?

A. Right. I know it was in the spring because there was snow on the ground but it was

melting. I should say getting close to the spring. And there was ice in some of the basins.

Q. In this memo you discuss the problems, the continuous problem, and you state that every time the flow from the coker pond is increased to the API the manhole overflows into now site tank 500, and then you ask is the manhole necessary, can we replace it with just a straight pipe in the area where it gets connected. In the following paragraph you talk about how do we decrease response time for the hazmat crew and the vacuum truck operators. I assume you are still discussing this issue?

A. No, that's a separate issue.

Q. Okay, okay. So this is the extent of the discussion of this issue on --

A. Right, right.

Q. Okay. Do you -- does this look familiar to you? The number on this one is 2962, no date.

A. (Views document) The document itself, no, I can't say that I've seen the document. The information in the document I'm probably fairly familiar with. The 150 they're saying

at the Sixth Street sump, I don't know the specifics on that, but I know through the morning meetings there was a lot of discussion on repairing this, this sump and what not. And each morning we were exposed to all that's going on at the refinery.

BY MR. KRIENS:

Q. Was this written in, the overflow at the tank 500? You know, either in '95 or '96 were you the shift supervisor then, is that how you got involved with it?

A. Uh-huh, yep.

BY MS. HAYES:

Q. What was the response to the memo?

MS. WIENS: Is there a date on that?

MS. HAYES: No, it wasn't dated.

MS. WIENS: I mean the second one.

MS. HAYES: No.

THE WITNESS: The response to that memo we sent on to -- my immediate supervisor at the time would have been Dick Coughlan, who was the head of operations, and I believe all of that information went to that group that handled the waste water items, and that would be like Heather and Rick Legvold. As far as a

response after that we didn't really track. In our position as a shiftie we would bring of concerns, pass them on and usually there was an incident investigation team that was formed or some group that would go after making a fix. We were -- we kind of didn't have ownership for much of anything, but we passed on all the information we could find. If something happened we made sure everybody knew about it.

BY MR. KRIENS:

Q. So this would have been passed on to those people, the unit supervisor and then the environmental area at that time?

A. Uh-huh. Specifically it probably went to the supervisor of -- it went to the pumper foreman. The pumper foremen were involved with what precipitated this incident or precipitated the document that I wrote there, and I suspect I sent it to his supervisor because we were kind of -- well, if you read it there, we were a little miffed at --

Q. The problem.

A. Yeah. Normally shift supervisors had responsibility for everything, and in this

case we did not, and that was a form of frustration for myself. And that's why it was sent off to the supervisor.

Q. You mentioned it would have went to Dick Coughlan?

A. Right. I think the other supervisor may have been Mark Tess here, but I don't know positively if he was in that position or not. He would have been directly over and Dick was my supervisor.

Q. Is that how that works usually, the shift supervisors will observe problems, take care of problems or whatever and then report, in this case to your supervisor, and then it goes on and they'll give the information to environmental, whoever might be responsible?

A. Yeah. I would say that's generally how it's followed. We do get involved in solutions to many problems, but those are kind of assigned on the basis if we have had some past experience. Say naphtha treating area, we may help out in a problem there. Somebody that may have had experience in waste water probably would have been asked to help out if there was something they could add.

MR. KRIENS: Okay.

BY MS. HAYES:

Q. You said that was written right after the incident, did you say E12 earlier?

A. 16E5.

Q. Describe that incident for us.

A. That's kind of where this drawing came out. Basically 16E5 is a big open container and it's got tubes in it. In an emergency situation or a situation where we need extra cooling, maybe a piece of equipment failed, we can send some hot product through the tubes and we fill the space full of water and it can cool off where we can safely send it out to storage. It's kind of a -- not normally used, it's kind of a stopgap to prevent a problem downstream until we can get our system squared away. This was out of service. Obviously it was in the winter, and like I said, it must have been close to spring because things were warming up and thawing out, and there was obviously some water in the tubes over the winter and they froze and when they expanded they cracked the tubes. It was thawing out when we had this little warm spell. There was

oil in these tubes, and that oil ran out of the box, the water for that box goes into the non-oily water sewer here, and it comes around and goes out to B5. And that whole incident, that oil went to the fire loop going to B5.

Q. Okay. And that, I assume, had something to do with this discussion of needed an oil skimmer, a special boom made for the basin on the north side of B5 because that happened as a result of that?

A. Uh-huh, yeah, right.

Q. And you say the boom should be constructed so the waste water operator could immediately put it in place to limit the exposure to B5 when contaminated?

A. Uh-huh.

Q. The operators could react faster than any other to limit the size of the spill?

A. Yeah.

Q. So I assume from reading this that it was your experience then that when the oily water sewer overflowed to the non-oily water sewer that you would find it then in the B5, and I assume that --

A. Well, no.

Q. That happened this time you said?
A. Well, this time it was the quantity of the oil. When we had the incident with the sewer overflowing there is an equalization basin down in the waste water that not only comes in and goes through an equalization basin and then goes to B5, and normally if there was any kind of overflow you would see it at that equalization basin.

MR. KRIENS: Is that also called a neutralization basin?

THE WITNESS: There you go, yes. There usually was an absorbent sock or something on the outflow of that basin to catch if there was some contaminant. This is the first time I'm aware that it got all the way to B5. That probably was why I was frustrated.

BY MS. HAYES:
Q. We have some logs, and these don't have your name on these, but we're seeing in these logs, they're logs I mentioned with Don Tschida, where on the 24th of March -- this log number is 1162. We have overflowing by tank 500. And then on March 25, '97, and I don't see a

number on this, we have B5 running over the north end. So on one day you've got the overflow and the next day you've got on overflow at B5.

A. B5 was running over the --

Q. North end.

MS. WIENS: Could you give me a year?

MS. HAYES: '97.

THE WITNESS: I'm not sure what that would refer to. There's a hill on that end of B5.

MR. KRIENS: There's a low area first.

THE WITNESS: Yeah, I was going to say I don't know that well enough.

BY MR. KRIENS:

Q. When you mentioned a continuous problem, what does that mean? Does that mean it was quite frequent then where it occurred --

A. It was frequent in the sense that it was short term. We had -- we were trying -- the coker ponds had too much water, and we had a restriction getting it to treating, waste water treating, and again, as a shift

supervisor I'm kind of exposed to what's going on. I don't know the details of it, but they were working on trying to get more water from the coker ponds to the API. And when they did that one of the results was we had increased the pressure in that area and it started coming out of the manhole. So recently, more so trying to understand why it was doing it and what had changed, we were trying to figure out how to run it.

Part of the problem that may have compounded that is we've recently cleaned all those sewers also, and because it comes through the unit there is a bottleneck where it goes down to waste water here (indicating), and all these we completely mold out and we've got a freer flow there, and that may have been part of the issue, too. I don't know when that -- again, I don't know dates when they started.

Q. Those were recently cleaned, those sewers?

A. Yeah.

MR. VOYLES: Recently being when?

THE WITNESS: Specifically this year we went through them all. Back then, I don't

know if we had just done it then also or not, but that was an issue, the bottleneck there in the sewer system.

BY MS. HAYES:

Q. To your knowledge what, if any, are other reasons that you're having that problem, the overflowing with the oily and the non-oily? We understand, you know, the coker pond breaks at that flowing.

A. Yeah.

Q. You mentioned this other incident that isn't necessarily a common occurrence, but what else, what else would we attribute this to?

A. I don't remember anything else contaminating. When I first started as shift supervisor I remember one issue where there was a rainbow on that neutralization basin, and what it was from is there was an oil ball on the pumps in the RO building, reverse osmosis building, and filling oil on the ball it had run out and gone in that sewer, and that's the same sewer, the non-oily water sewer. Like I said, that goes to neutralization and that's where the sock was. That's the only thing I can think of. And that incident we would have thrown a

sock on it. We were kind of surprised when we figured it out, and that's been corrected since then.

BY MS. HAYES:

Q. What about the connection between the cooling towers?

A. Between the cooling towers?

MR. KRIENS: The cooling tower blow down and the flow. That was presented to us as the fix for the problem.

MS. HAYES: To disconnect the cooling tower.

MR. KRIENS: To valve that flow off from the sewer line.

THE WITNESS: No, that's -- what we did there is you've got -- where is it on here? Well, here's the number one cooling tower and right here is tank 500 (indicating). Here's where it comes up out of the manhole. Down here farther the main sewer goes down the street, so all of the cooling towers in the refinery blow down to this tank 500. If tank 500 is full it overflows to this sewer and then it's got to come into the unit and go down to waste water treating (indicating).

What we have done, that line that goes into tank 500, we put directly into the main -- the size is big, I don't know what the main size is, but we put it so if the tank is full a value opens and puts it directly down here. That way tank 500 won't overflow in this bottleneck area, it overflows into the sewer back here and goes straight down the main line. And it's not the non-oily water sewer, that's the oily sewer.

BY MR. BERGER:

Q. And that fix is something recent?

A. Right. That was to take the bottleneck off that area where we were having the problems, that's part of that fix.

Q. How much would that add? When tank 500 overflows how many gallons per minute would that add to that line, do you know?

A. No. You could add up, I suppose, all the cooling towers blow down, take that information probably. The jet pump, when it runs, take suction off that tank, and I don't have any idea what kind of water that sucks either. That leaves that for cutting the coke drum.

Q. So the reason that was done, was that a fix? Was that the goal here?
A. That was part, right. It was along with the other things we were trying to do to fix it. It was to take the load off the smaller diameter sewer pipes and get it into the main sewer down to waste water.
BY MS. HAYES:
Q. So just some general questions. How long has the manhole problem been going on, how long has that been happening here?
A. From the first time that I'm aware?
Q. Yeah, uh-huh.
A. I guess maybe there was a four-month period when I was a shift supervisor and aware of the problem.
Q. And that would have been?
A. Around this document time to September of -- whenever I got the job, so September of '96.
Q. So you weren't aware of -- our documents go back to '94, and this comes up in logs that go back to January 12 and 13 of '94. I'll grab those logs. Which makes us ask the question if we're getting logs that go back to January of '94 and we're seeing the problem right away

in January of '94, you know, what was happening in '93 and '92 that we don't have documentation for?

A. Well, I started in '88, I started as assistant in '93 and I wouldn't have been a shift supervisor probably a year and a half after that, so it was close to '95. Then I was probably a full fledged supervisor for maybe a year after that until I went to the crude unit.

Q. The documents I've just referenced are January 2, '94, and, I'm sorry, I don't have a Bates stamp on that one or this one, and the other one is January 13 of '94. Then you said during that time frame, that four months or whatever it was, it was occurring a lot and it was frustrating for you?

A. It was more frequent. I think we had identified the problem and we were trying to manage it. Again, being off hour supervisor we don't have a lot of ownership, but we are probably key in bringing up problems and passing along information.

BY MR. KRIENS:

Q. When you left as a shift supervisor apparently

nothing had been done to resolve the problem at that time?

A. At that point --

Q. Actually had anything been done to resolve the problem up to the summer when they cleaned the sewers out when we became involved?

A. To my knowledge, no. I wasn't intimate with what was going on down there.

BY MS. HAYES:

Q. What was the frequency of occurrence during that time frame that you were involved with it?

A. Well, when he work we work shifts and we rotate, so we're not -- I personally am not on a hundred percent of the time, but I would have to say it was maybe four or five times. And I can remember having to find out where the problem was and go research it and, okay, yeah, this is happening and we need to back off on the pump. Again, it's spotty because I'm not working all the time.

Q. So that was four or five times in that four months?

A. I would have to guess it was about that.

Q. What was the -- how long is the oily water

flowing into the non-oily water before it's discovered, can you tell or do you know?

A. No. It's a fairly quick response. Simply because of a quirk in our system -- I mentioned earlier the reverse osmosis building is tied to this non-oily water sewer, and usually if anything like that happened the boiler house would call us and say they can smell something. They actually could smell it because it was like an open trough going out to the sewer.

BY MR. KRIENS:

Q. By the boiler house?

A. The boiler house operators would report it. So when we hear it I assume it was quick. Again, we would respond when somebody would call us.

Q. What was the response then once they found out that was going on?

A. We would find it and we would have the coker ponds either shut off or cut back so the sewer could handle the water.

Q. Cut back the flow?

A. Yeah.

Q. Would they do anything at the north pond to

clean it out or check that out?

A. They would check it out. Normally the north pond was never an issue, it was the neutralization basin.

Q. It shows those overflow -- well, not overflow, but they feed the north pond?

A. Yeah.

Q. Continually though?

A. Yeah.

Q. Was there material removed out of the neutralization basin, some sludge or float material?

A. I don't know if anything was removed. I know they do test solids. Part of the job, talking with some of the operators when we were down there, they would point out that there's solids building up. And that's what they're there for, I assume, to catch the solids.

Q. Do you know, did they ever removed those solids out of there?

A. I don't know. I would assume.

Q. That wasn't your area?

A. Yeah, yeah.

BY MS. HAYES:

Q. So you weren't responsible for necessarily

going and checking it occasionally or at certain intervals or whatever?

A. No, no.

Q. You just would wait until you had a call from somebody?

A. Yeah.

Q. Like the boiler house you mentioned.

A. (Nods head.)

Q. Were there specific logs kept on this specific problem other than like the waste water treatment logs?

A. No. We made a general log in our position, things that went on during the shift, and passed that on to day shift, but specifically I'm not aware of anything.

Q. Can you tell who the C crew is, what that means?

A. I can't tell you who was on the crew but --

Q. What does that mean though?

A. A, B, C, D crew, there's four crews, and they always work together. They'll be the same people working on B crew, so at that time if you pulled out a schedule for that area you could look at B crew and know who was on shift in waste water or whatever area you're talking

about. They're all kind of classified that way traditionally.

Q. Okay. This document that we pulled is number 65, and the date on it is January 13, 1996, and it's an incident reporting form from the B crew. Well, it's dated --

A. There's two dates.

Q. I think it's probably '96 and somebody wasn't flipped over to '96 yet probably.

MR. KRIENS: You had completed the supervisor portion.

THE WITNESS: It's probably '95 then. No, it would be '96.

MR. KRIENS: I'm thinking it's '96 because for some reason I believe this diagram was with some other document. Not connected to it physically, but I remember reading about it in some documents that I believe said it -- it referred to yours, and I believe it was '96, and probably January of '96, in that same time frame.

MS. WIENS: Is that something you completed?

THE WITNESS: Yes, this is the second section here (indicating).

BY MR. KRIENS:

Q. Your completion goes on to really state how this is going to be resolved. You kind of reiterate this problem needs to be resolved and then --

A. Right, that was the general purpose of that form.

Q. Address that problem, suggest corrective action, address the problem at tank 500 where coker water comes out of the manhole, have large oil slick boom available at B5 and it looks like validate all sewer drawings, oil and clean water sewer.

A. Uh-huh.

Q. Which was a very good idea. It's unfortunate they didn't -- that it wasn't acted on apparently. Then it would have resolved the problem much sooner. It appears to me it was a good suggestion.

BY MS. HAYES:

Q. Did you have meetings about this other than --

A. Not on the incident investigation, no.

Q. I mean on this issue, this issue of it running over and --

A. The only meeting I can remember that I had

after that was probably venting my frustration that as a shift supervisor we wanted control, and that was a document we wrote. Other than that, no, I wasn't part of the investigation team, other than I believe I passed on the drawing here to -- I think Todd Aalto had a copy and I think -- I don't know if I gave one to environmental or not. Then the units had this and I think the crude unit had it. I tried to get it to everyone that may be impacted by that.

Q. Are you aware of a mechanism that Koch has where employees can, you know, make suggestions, kind of the CQM thing, the quality thing?

A. Yeah. You don't see that form, but we actually have a form that's still out there for recommendations. They can be economic, they can be safety, they can be environmental. We probably do it more verbally now, but there are some forms still out there.

Q. Do you know what process those would go to? I mean, it seems like this --

A. From my area I had one, and it was an economic one that one of the operators filled out.

That's why I remember we had them, because it happened to come up not too long ago. I looked at it and reviewed it and it was an economic issue, and I take that, being it's my area, and I go to my supervisor and say what do you think, it makes sense, it's economic, it's the thing to other do, they have researched it. Then we try and figure out whether it was worth doing. The rest of them -- that's the only one of them I've actually had as a unit supervisor any kind of involvement with.

Q. So in terms of -- we don't know what date was on this memo that we know you authored, but --

A. It would have been after this (indicating).

Q. It would have been after that?

A. Yeah, it was in response to this, this incident.

MR. VOYLES: So we're thinking it's January of '96?

MR. KRIENS: At least sometime after that.

THE WITNESS: It most likely would have been within a couple days. If I was on day shift that weekend it was probably before

I went off my rotation, probably written within two, three days.

MR. KRIENS: This is most likely '96, and you probably do, like I do, in January use the year before for three weeks until I get used to the next year.

THE WITNESS: Right.

BY MS. HAYES:

Q. So this memo, the one that's not dated but you authored, you also discuss you needed oil skimmer, special boom made for the basin on the north side of B5 and you mention that waste water operators then would be able to immediately react. So at that time what was the protocol, if any, to deal with the north pond after the overflow? It appears to me here as if you were making a suggestion that something maybe needs to happen.

A. Uh-huh.

Q. What was in place at the time?

A. I don't know if they have any procedures in waste water. My reason for writing that is I believe the first boom wasn't long enough. We had gone down to the barge dock and got a boom. I recommended we have one available

that we knew would go all the way across the pond and contain the contamination or whatever just to that end where it was coming into the pond.

Q. Do you know whether that was ever acted on, that suggestion?

A. No, I don't.

Q. Were you aware of B5 overflows fall? You said you thought you weren't aware of the low end?

A. No. When you said north that didn't make sense to me. No, I'm not really aware of anything that happened there.

MS. HAYES: Do you have anything to add to this?

MR. KRIENS: No.

MS. HAYES: Greg?

BY MR. BERGER:

Q. Yes. In regards to the fix, you mentioned part of it was this rerouting of the pipe, and what else was done, if you haven't stated it already? Was there anything else done?

A. To present day?

Q. Yes.

A. They took the -- they raised that manhole. There's a stack on it, so if the pressure

comes up it can go up in the stack and float with the pressure in the sewer and contain it in that sewer.

Q. These fixes, were they complicated to do? Were they involved? Can you give me a feeling for that? What are they -- they seemed to me, my impression, they were relatively easy, straightforward.

MS. HAYES: Not expensive.

THE WITNESS: The word I would use would be ingenious for that one. I never would have thought of that. My solution was to dig the sewer up and put a new pipe underground. That was pretty good whoever come up with that. In hindsight looking at it, a couple of rings concrete, raise the box and put a sock on it.

BY MR. KRIENS:

Q. And the other fix with diverting the cooling tower flow down is somewhat the same, relatively simple?

A. Uh-huh.

Q. My understanding is valve it off to another section diverting it away from that. It seems to be relatively easy.

MR. VOYLES: Was it just a valve off or did they have to do some do some construction?

THE WITNESS: For that diversion they had to isolate a line and cut into it and excavate and get a line underground and put a control valve in. That one, I mean, it's more complicated, it's not such a neat solution.

BY MR. KRIENS:

Q. Do you know how long it took them get that done, the digging under?

A. Well, it was in my present area, and we probably had a spot excavated out there about two weeks.

Q. Two weeks for completion of it?

A. Well, that doesn't include the engineering and everything, that's just in my area when they come down and say we need a safe work permit to start our work.

Q. So actual construction anyway?

A. Yeah, what I was exposed to.

BY MR. BERGER:

Q. I think you've already mentioned this when you talked about the situation with 16A5, and is that a unit where drums are cut?

A. No.
Q. Is water from the cutting of a drum playing into this? We have had information that contributed to the problem.
A. Well, the tank that we diverted the overflow is the suction for the pump that we use for cutting water. It's called a jet pump. That tank is the suction for that jet pump. So when the pump isn't running it's not taking suction off the tank, so the tank would then overflow. With it running with the water out of the tank using it for cutting the coke, but that water is physically nowhere related to this. It's taken completely out of this area.
BY MR. KRIENS:
Q. So when they cut a drum they take water from that?
A. Yes, they use that tank. And then there's a circulation system in there, too.
Q. But when they cut a drum the water used to cut the drum is discharged through that sewer, isn't it? That's what we understood or were told.
A. Say that again.
Q. When you cut a drum, and maybe I'm not

understanding this correctly, but I guess when you cut a drum you're using water hydraulically to release the drum?

A. Yep.

Q. So the contents -- and then that water I thought discharged through that oily water sewer.

A. No. If mechanically everything is sound it gets recirculated. It comes around. There's a bath it goes through that takes the solids out and then it goes in a big pit and that gets pumped back around. I think they can reuse it.

MR. VOYLES: Do you know that for sure?

THE WITNESS: I know that we reuse some.

MR. VOYLES: So you don't really know exactly where it all goes?

THE WITNESS: That's probably a fair statement. My shiftie understanding is coming through.

MR. KRIENS: That's okay, we maybe don't need to know it to that level, but we're just trying to understand why it overflowed,

what were the causes of it.

MR. VOYLES: I think you need to know the answer to that question, but he may not be the right person.

BY MR. BERGER:

Q. Being that we have document that starts in early '94 that this problem was occurring, and probably before, we don't know unless we saw those documents, it seems to me that this was a fix a long time a coming. Can you speculate on that? Why not earlier on this? It just seems fairly straightforward, reasonable, simple, and yet it happened time and time again only the fix wasn't put in until recently. This went on now for three years, over three years. Can you speculate on that?

A. The only thing I would have to say was maybe it was education. Getting an understanding of the impact. I know my position first came up I was managing a problem on my shift, and maybe we needed to be educated a little better.

MR. KRIENS: It appears from your memo and work that you were trying to do that, at least I get that impression, and you were

informing management and people that I presume would then take care of the problem. You did inform them about it.

THE WITNESS: Yes. And that's very common for every process we're exposed to in units, that's kind of a standard way, we try and raise the awareness of people that aren't on off hours what's going on.

BY MR. BERGER:

Q. Right, and sometimes that is difficult and you have to keep on trying.

A. Yeah.

Q. That's all the questions I have about that specific issue. I do have one other question on another issue. This relates to discharges to the oily water sewer, other discharges from a hazardous waste standpoint, which I am concerned with because I'm from the hazardous waste division.

Why this has come to mind is because you say you are the unit supervisor for the poly unit, and I've seen that word poly, and -- well, let me find the particular memo I'm talking about. It says poly will be allowing two to three hundred gallons of naphtha to be

disposed to the oily water sewer a number of times today. Can you tell me what that's all about.

A. No. If you have something specific I can probably tell you.

Q. I have it right here (indicating).

A. Poly is just a generic term and it's a big area.

Q. That's why I had the question. The memo is dated 2/26 and 2/27/97 and it's number 1269. It says poly called, dash, said they would be dumping two to three hundred gallons each time of medium to heavy naphtha down the sewer at a few different times today (indicating). Any comment on that, what that's all about?

A. No.

MS. WIENS: Did you author it?

THE WITNESS: No.

BY MR. BERGER:

Q. The question is in some part of the process -- well, I don't understand why that's happening. You can't add anything to that? I thought as a poly unit supervisor you might know.

A. Well, this one specifically I don't know. There are cases where a piece of equipment is

completely drained, as good as it can be, and we'll use the oily water sewer to get what's left like in a small pot, but 200 to 300 gallons, I can't explain that.

Q. Is naphtha a by-product of your process here in making fuel?

A. It's a product we make. We use it to blend in the gasoline.

Q. It's a component of gasoline?

A. Yeah.

Q. It would have a low flash point then?

A. Possibly.

MS. WIENS: Do you know?

MR. BERGER: Do you know what the flash point would be of a medium to heavy naphtha?

THE WITNESS: I would have to sit down and -- I would say it's under a hundred.

MR. BERGER: That's all I have.

BY MR. KRIENS:

Q. In your capacity as shift supervisor were you involved with or aware of the use of the hydrant system to dispose of water or waste water?

A. I do have a recollection of having the

hydrants on at the west tank farm, but specifically --

Q. Specific times you're not certain?

A. No. I couldn't give you a specific reason why we were doing it.

Q. When you say west tank farm, you mean the land on the west tank farm?

A. Yeah, out in the west area where it's open, grassy area.

Q. And not the west storm pond?

A. No. It's probably a mile to the west, southwest I mean.

Q. That helps me clarify a point I've been confused with. When they say west tank farm, this is an area that's quite some distance from the west storm pond?

A. Yeah, it's quite a ways away.

Q. That's what I thought. So when you said that you don't recall the incident, you just recall seeing it on?

A. It was on. We used to do a perimeter run in our truck, we would go out to the fence. It was more a release for the night on our nerves, but we would check the perimeter anyway, and there was water there. I remember

having discussion with my partner whether we should put it in four-wheel drive and see how deep the water was, and we decided not to do that. That's the only exposure I had with that.

Q. So you would observe it in that round. Was that at night then or was it different times?

A. I want to say it's daytime, but it would be speculating.

MR. VOYLES: Are you talking about one or more than one?

THE WITNESS: The specific one I'm talking about, I remember that one, and that was daytime because obviously we -- well, maybe it's not obvious. I might be getting into more trouble than we need to be if it was nighttime.

BY MR. KRIENS:

Q. Whether it was day or night, it's not the same as day or night in that sense, it's kind of the same to us.

A. It was visible, so I would say it was daytime.

Q. When we say night, the perception is that it's more covert I guess than what usually people would think. Do you know when that one -- is

that the only time you recall or are there others that you know of?

A. That's the only time I could say that I knew of. Fire department, they had a lot of maneuvers.

Q. Safety department?

A. Yeah. I used to be a member of that, but I'm not any longer. I don't know anything else that I can say yeah, this happened.

Q. Did you actually see the hydrants going on at the time?

A. Yeah. You know, it had the stream of water coming out (indicating).

Q. That was when you were a shift supervisor?

A. Right.

Q. The safety department is primarily the department that's responsible to handle the hydrant use in general?

A. Yes. They have a permitting process they have and they jockey the levels between the two fire ponds back and forth and monitor all the equipment.

Q. Do you know why they would be putting it on the west tank farm land? Is there any reason to put it out there that you know of?

A. I could make an assumption. Do we do assumptions?
Q. That's fine.
A. Probably water containment in the fire lagoon.
Q. Meaning the lagoons were too full?
A. Probably had too much water.
MS. WIENS: It would be helpful if you're talking about any particular time you asked him to speculate about.
BY MR. KRIENS:
Q. I'll pick out one here where I have the west tank. Well, when would be that period that you were shift supervisor that you would have observed that?
A. Before September of '96 and then like two years previous or two and a half years previous to that, in that whole time frame.
Q. So you observed this on the west tank farm prior to September of '96?
A. It would have to be, yes.
Q. We had some other documents that's prior to September --
MR. VOYLES: Is that something you generated?
BY MR. KRIENS:

Q. Yes. The earliest we have recorded is June 18 of '96 from the documents, although we understand the documents are not complete. These weren't recorded. In fact, we know they aren't recorded because we have conflicting information on them. So anyway, just to conclude that, you saw it prior to September of '96 discharge out on the west tank farm?

A. Yes.

Q. Okay. Were you involved with any meetings dealing with that issue?

A. No. Again, we were exposed to pretty much anything every morning in the morning meeting.

Q. Did that issue come up in those meetings?

A. Not in specifics.

Q. Were you aware of one that occurred on November 3 and 4 of '96? This would have been a hydrant flushing.

A. No.

Q. Part of our information on that is from an operating log and part of it is confidential information, but you weren't aware of one then?

A. No.

Q. And in 1994, around October of '94, you were

not a shift supervisor then?

A. Yeah, I believe I probably was.

Q. Okay. There was a period then for a couple weeks when there was a lot of green water, so-called green water in the plant system, the water system, do you remember that?

A. Uh-huh (nods head).

Q. And we're trying to understand what went on there. There's a series of operator logs that describe that and where they found the whole plant water system was green.

A. Yeah.

Q. Apparently the coker pond, the storm water pond I presume, and the waste water treatment system.

A. Yes.

Q. And it states that -- October 9, '94 an operating log states the plant flow is green, shifties set game plan for green water, shifties talked to Steve David about color and so on. A couple days later, October 11, it stays there's still green water and there was high chromium in the affluent, S7 sump, high chromium levels determined.

A. Uh-huh.

Q. On October 11 through 12 coker pond channels still green in the operating logs. October 12 it brings up this issue of green dye that may be contributing to the higher hexachrome readings. Then on an October 12 through the 13 operating log it states, and I'll show you this, it states that safety has ordered to spray fire water hydrants to get rid of green water. Do you know of or recall anything of that particular incident when they may have used the hydrants, apparently did use the hydrants to get rid of the water?

MS. WIENS: Did you author that or have anything to do with that document?

THE WITNESS: No. I think I was notified when this incident started, but the rest of that I didn't have anything to do with.

BY MR. KRIENS:

Q. Do you know what the incident had to do with or what caused that? Can you explain that?

A. Yeah. The pipeline had hydro tested a line that goes under the ground, under the river, and we didn't know at the time, but it's pretty common when they're pushing out a line

and putting into a service they will push water into one of our tanks and then we will dewater that tank to the waste water treating plant and it will get treated. This pipe under the river, apparently talking to the pipeline folks, they have to put this dye in in case they have a rupture on the line under the river. It's visible in the river and they can see it and supposedly it's supposed to be safe to the environment and all that kind of stuff according to the guy we talked to.

When it started coming through the plant we saw it, we identified it was there and the operator started calling, and it was going right through the plant. Obviously the biological basins weren't taking care of it and neither was the gas. I can't remember who was on shift with me, but we went across the road to the polishing ponds and looking out they looked like they had a green sheen to them. Then we started calling everybody because our thought process was if that got in the river, even if the pipeline says there's nothing wrong with it there's no way in heck we're going to convince anybody that it's

safe. So we started calling around and gathering all the people we could think of to discuss what to do with it. Other than that, you know, over time it sounds like we came up with a solution, but I wasn't part of that, the rest of the solution. We kind of identified the problem and passed it along to the experts and they figure out what to do with it then.

Q. When you were gathering people to discuss what to do with it, what do you mean by that?

A. Well, normally we'll have the operators, they obviously run that plant better than anybody else, so we need to talk to them and get their viewpoints. We need to figure out as shift supervisors where it's coming from, so we try and backtrack as far as we can and understand where it was, who do we call now to find the information and where it's coming from. Then we got environmental involved. They would understand better than us who we should call and what we should report and how to handle it. Pretty much you just try to get enough people around so you have enough experience there or knowledge there that you can handle

the problem.

Q. I noticed in the one log it discusses the use of sunlight, hydrogen peroxide to break it down, carbon bench tests were also done to see if that happened. So that was the type of discussion you were having to see what you could do?

A. Yeah. Like the sunlight, that came from the pumper guys, the pipeline, they said that. That's why they use it, it goes in the river but the sun will break it down.

Q. This was at least -- you believe this was hydro testing the line under the river?

A. Uh-huh (nods head).

Q. And it was the dye used for that, and then that came back because you --

A. Yeah, they push that water into our tank and then we dewater the tank to water treating and treat it.

Q. Is dye often used to hydro test pipeline?

A. Well, that is only my experience. We take water in frequently from the pipeline, they will run a scraper through the line which would push out any contaminates and water so we can capture it and treat it. This is the

only time I'm aware they used dye.

Q. Is there a terminal in Cottage Grove? Could it have came from somewhere there? We also had a log that talks about -- it's October 17 that states they're dumping water, green water from Cottage Grove via trucks, 15 to 18 loads over three days. And then it says green water still affecting hexachrome testing. Do you know about that particular problem?

A. No, not that part. The trucks usually would be handled by the waste water, go directly down there, unless there was a problem, then we might get called on it.

Q. That's what I would think, too. I was confused by some earlier information about the trucks in Cottage Grove. Is there hydro testing on anything over in Cottage Grove at that terminal that you know of?

A. Again, because there's pipes there I would say yes. I don't know their operation.

Q. Normally when you would hydro test a tank or something there, that would be put over here via pipeline?

A. Again, I would assume.

Q. So bringing things over by truck, to me it

isn't consistent.

MS. WIENS: Do you know how it came from Cottage Grove over here?

THE WITNESS: In the one incident I know it was the pipeline.

BY MR. KRIENS:

Q. The green water incident?

A. Yes.

Q. Was it the river pipeline?

A. Yes. The rest of it again, that would be the waste water operators or the supervisor down there, they would know that.

MR. VOYLES: Maybe assuming the trucks were coming from Cottage Grove, would there ever be a case where they would be dewatering crude tanks with the trucks?

THE WITNESS: We do that, we dewater tanks all around the refinery like that.

MR. VOYLES: So we need to find out where the trucks are coming from on the log sheets.

THE WITNESS: Right.

BY MR. KRIENS:

Q. The log sheet says green water from Cottage Grove, and to me, and I don't know, it would

be consistent with hydro testing if they were hauling hydro test water via trucks, because hydro testing in your case means a lot of water and 118 trucks is not going to be that much water.

A. Well, you do have what's called a heel on a tank, and if you can't pump the heel out on the tank you don't have much option but to suck it out with a suck truck.

MR. VOYLES: The water was from Cottage Grove and the trucks were from Cottage Grove. So you need to clarify that. The line runs from Cottage Grove here, so this would be pushing that water with crude as it came over.

MR. KRIENS: Well, yeah, but it may be if it was the heel from the tank they might have trucked it.

MR. VOYLES: They might have, but that's something you need to clarify.

BY MR. KRIENS:

Q. That's all I'm trying to do. So they would normally put that in the waste water plant I presume?

A. Yeah, we would treat it, however it gets there. There's multiple ways.

Q. To go back to the '94 one with the green water in the system, you stated that that's from hydro testing the river pipeline?
A. Uh-huh.
Q. Is that a line that goes under the river?
A. Yeah.
Q. Is that a crude or a supply line?
A. It went to a crude tank. It would be crude supply, yeah.
Q. Okay.
A. My understanding from the pipeline is they only use it when they are on the river, because obviously you can't see a water leak in the water.
Q. Is that partly the reason they would use dye?
A. Right, right.
Q. When they say safety was ordered to get rid of green water, do you know who might be ordering safety to do that?
A. No. Like I said, you get a group of people in and it could have been a joint decision or it could have been a single member in the group that was there.
Q. So when you say that, they may not necessarily mean some individual or something, it might

have been --

A. The operators have an order, they called them order books, and we write orders in that book, changes, and I would suspect that's why that word was used.

Q. Okay. Do you know of any other times not only in '94, but any other time when they disposed of green water or any other waste water via the hydrant?

A. Not other than the one I told you, no.

Q. Okay. Joe, you became -- you went to your present position when?

A. September of '96. Just over a year.

Q. Okay, right. And that's the unit supervisor of the poly unit?

A. Yep.

Q. A couple more brief questions. Joe, do you know about any hydrant discharges, flushing hydrants, discharge of water, in November of '96? This would have been after you were not a -- you were no longer shift supervisor.

A. No.

Q. For February of this year, '97, or January of '97?

A. No.

MR. KRIENS: Any other questions?

BY MS. HAYES:

Q. I have one quick question. What, if any, training have you received on the protocol to follow on a spill?

A. We've got a spill book. I can't remember the specific title, but there's a book in the shifties office there with our material for spill response. If there's any kind of spill we pull it out and there's a list of people to call, kind of a step-wise procedure. Generally speaking the shift supervisor, we would call environmental if there was anything out there and they would make the determination from there.

Q. Is that a break from the way the books reads, is that what you're saying?

A. No, I wouldn't say it's a break from the book. The book gives you all the people to call for resources, and kind of standard operating procedure is to call environmental and they help us with the determination of what it is, how to handle it, that type of thing. The emergency bill response plan, I think that's what it is, that is more directed toward a

major spill and has a lot of information on how to handle it.

Q. Has there been a distinction made here between a minor and a major spill, or is there some volume of --

A. Well, as far as the refinery direction, since about May there is no distinction between a teaspoon and a hundred thousand gallons. I mean, we report everything if it's on a pad or on the ground. Before that I'm not real familiar with reporting quantities or not, but we would call environmental again and say hey, we've had this problem here, like that B5 lagoon, and say what do we do, how do we handle it.

MR. VOYLES: When you say everything from teaspoon to a hundred thousand gallons, you report to whom?

THE WITNESS: Then we get environmental involved. They come out and they make the determination on the quantities. They know the reportable quantities. They are our resource. That was kind of our -- an extra drive we made this last year that's going to be kind of a high focus.

BY MR. KRIENS:

Q. That's since May of '97?

A. Yeah. The reason I remember that is being in the unit we put out a bunch of directives for the operators, that there is nothing that's considered a small spill, whether it's contained or not we want to know about it, we want to understand it.

Q. Was there any unwritten policy prior to that as far as what was a big deal, what wasn't a big deal for spills.

A. No, I think we just reported everything.

Q. Reported internally you mean?

A. Yeah. As far as environmental, all I hear is kind of secondhand from discussions with those people.

BY MS. HAYES:

Q. Where you work would you be in a petition to be the person that would need to make an outside notification beyond environmental? For example of you were a shift supervisor, does that -- would that ever mean you would be the person, according to your protocol, according to that procedure you were to follow, that would do the notification of the

environmental agency?

A. No, not in our position. We get somebody involved. We have an understanding of what we need to report, but we don't have all the facts and quantities and numbers and who to call even.

Q. Is there training in addition to the book?

A. There's training. In that position it's kind of ongoing. There's a flurry of paperwork every day, there's updates and E-mails, experiences in the refinery here, guys are aware of this. It's continuous. If you go in that office every day there's a pile of paper you sift through and you've got to understand it. It's more of a continuous daily thing because things are so dynamic.

Q. What is your system or documentation then?

A. For?

Q. For a spill.

A. For us, we have -- I don't know if it's in the office anymore, but we had an environmental form that we would fill out. I can't remember if you call it an environmental occurrence or environmental incident form. The thought was similar to that incident form I filled out,

they take that and -- they being environmental and the unit involved, and they would do a research on it and find out the root cause, what were the actions to be taken after that.

Q. Is that the same form or is it a similar form?

A. It's a similar form. The one I had did not have the carbon copies like that incident form. I believe, at least in my area now as a unit supervisor, we use that one incident form for everything, the one with the carbon copies.

Q. And a shift supervisor usually is required to sign, make a comment or sign a form like that?

A. Yeah. It's the supervisor on shift or involved with the incident that fills out that second part. So in my area today if something happened I would fill out that second part. If it was on the weekend the shift supervisor would be on, they would fill out that second part even though it was in my area.

MS. HAYES: I think that's all I have. Thank you very much.

(Whereupon, the interview concluded at 5:15 p.m.)

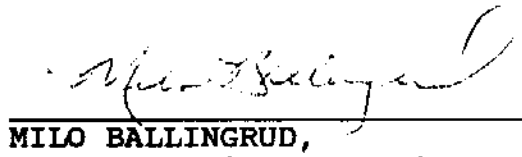
STATE OF MINNESOTA)
) Ss:
COUNTY OF HENNEPIN)

BE IT KNOWN, that I, MILO BALLINGRUD, Court Reporter, a Notary Public in and for the County of Hennepin, State of Minnesota, certify that the foregoing is a true record of the interview of JOSEPH BUTZER, and reduced to writing in accordance with my stenographic notes made at said time and place.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties or a relative or employee of such attorney or counsel;

That I am not financially interested in the action and have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect my impartiality;

IN WITNESS WHEREOF, I have hereunto set my hand on this 4th day of November, 1997.



MILO BALLINGRUD,
Notary Public, Hennepin County, Minnesota
My Commission Expires January 31, 2000.