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INTERVIEW OF:

CHARLES CHADWELL

TAKEN NOVEMBER 20, 1997 AT 11:15 A.M.

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INTERVIEW OF CHARLES CHADWELL, taken pursuant to agreement of and between parties at, Koch Industries, Inc., P.O. Box 64596, St. Paul, Minnesota, at approximately 11:15 a.m. on Thursday, November 20, 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:

JAMES K. VOYLES, Attorney at Law

Present from the law firm of Green Espel:

LARRY D. ESPEL, Attorney at Law

SUSAN K. WIENS, Attorney at Law

## I N D E X

## EXAMINATIONS:

By Mr. Kriens: page 13, 14, 16

By Ms. Hayes: page 18, 20, 21, 22

By Mr. Berger: page 4, 10, 15, 25, 26

KOCH JOB HISTORY: pages 5-6

CURRENT POSITION: page 6

1                   MR. BERGER: Charlie, I have just a  
2                   little intro part I am reading to all Koch staff and  
3                   personnel that we're interviewing. As you are  
4                   probably aware, the Minnesota Pollution Control  
5                   Agency is conducting a civil investigation that is  
6                   focusing on Koch Refinery operations and on a number  
7                   of pollution environmental-related issues that came  
8                   to our attention back in April of this year during  
9                   an inspection. We are seeking your cooperation at  
10                  this time in answering some questions about these  
11                  environmental issues. We want you to know that  
12                  you're not required to answer these questions if you  
13                  don't want to.

14                 The information we obtain in this  
15                  investigation, may be used in a civil, criminal or  
16                  administrative enforcement action against Koch  
17                  Refinery. And I want to emphasize that this  
18                  investigation is of Koch Refinery, it's not of any  
19                  particular person or staff or personnel at Koch at  
20                  this time. Do you understand that?

21                 THE INTERVIEWEE: Yes, sir. I was going  
22                  to bring a recorder today. I talked to Susan and  
23                  she informed me that I may have a copy of the  
24                  transcript from the day's meeting. I see you're  
25                  recording and she's recording. And I just want to

1           have some information, it makes it a little easier  
2           to safeguard myself.

3                   MR. KRIENS: Sure. You can receive a  
4           copy of ours if you would like.

5 EXAMINATION BY MR. BERGER:

6 Q.       Charlie, I want to talk to you about a specific  
7           incident or an alleged incident that we have  
8           received information about. What this involves --  
9           first off, could you give us a brief history of your  
10          work duties here at Koch personnel. Go all the way  
11          back to when you first started and just give us a  
12          brief sketch of your work history.

13 A.      Yes, sir. I put 20 years in the Navy as a boiler  
14          operator. I left there a month later. I came up  
15          here, tested for a First Class A Boiler License, I  
16          received it. I came to Koch, interviewed and was  
17          hired.

18 Q.      What year was that?

19 A.      1977, October. At that time, I went to the labor  
20          gang to the FCC, where I spent four years. When I  
21          left there, I was a No. 1 operator in the FCC. I  
22          was in a slider position. I was a No. 1 operator,  
23          but it -- I wasn't signed for it. I was scared of  
24          the unit, four years, not very much experience.  
25          Anyway, from there I went to products handling. I

1 was a loader, a products handler and a relief person  
2 for pumpers in the products handling department. I  
3 spent approximately 13 years there. I have been to  
4 the wastewater treatment plant. I had been  
5 stationed down there as a products handler, that  
6 used to be in the products handling department. I  
7 like that unit. I got halfway familiar with it 13  
8 years ago, and this position came open. I bid on  
9 it, and I received that position. I've been there,  
10 oh, just over two years. I'm a slideup No. 1  
11 operator at the wastewater treatment plant. My job  
12 there is to receive product or oil down the  
13 oily-water sewers, clean water sewers, process it by  
14 using polymers, air saturation, flotation devices  
15 and stay within the parameters set down by the State  
16 of Minnesota for transporting any water to the  
17 river.

18 Q. In your work duties, did you have any work down by  
19 the barge docks? Have you had any occasion to work  
20 down there and be associated with barge docks and  
21 the operation down there?

22 A. Yes, sir, I was. I was a loader. We loaded rail  
23 cars and barges. We loaded and unloaded barges at  
24 the river.

25 Q. Could you give me a little more detail on that, what

- 1           you unloaded and loaded?
- 2   A.       We load all products. All different grades of  
3           asphalt, fuel oil, No. 1 fuel oil, all different  
4           grades of gasoline. We unloaded crude oil;  
5           methanol; ethanol; FCC charge oil, I think they call  
6           it light gas oil; Tolulene. There could have been  
7           some others, but it's hard to remember. We just --  
8           probably about 700 barges a year, we either unloaded  
9           or loaded.
- 10   Q.      There are, I believe, three tanks, there might be  
11           more, I'm not sure, tanks 200, 201, 202 down by the  
12           barge docks.
- 13   A.      Yes, sir.
- 14   Q.      Is that correct?
- 15   A.      Yes, sir.
- 16   Q.      How did those fit into that loading, unloading?
- 17   A.      Tank 200 and 201 are, they're called -- mind just  
18           went blank -- every time we load asphalt, the line  
19           is packed with fuel oil, asphalt will set up, it's  
20           not heat-traced. So when we want to load asphalt,  
21           we'll pig down the asphalt and push that fuel oil  
22           into tank 200 and 201. When we are ready to get,  
23           when we're all done loading asphalt, we'll take that  
24           same fuel oil and we'll pack behind the pig all the  
25           way back to the tank. That's the -- what do they

1 call it -- I can't remember. 200 and 201, those  
2 tanks, it takes about approximately 640 barrels to  
3 flush that line. I think we did call them flush  
4 tanks. There is a little small tank set behind it,  
5 how many barrels, 500 barrels or so would sit behind  
6 it. That's for relief-out systems. All the gas  
7 lines, the pipes are, most of them are above ground.  
8 In the summertime, they get real hot and they  
9 relieve into that tank.

10 We had a sump truck driver, a vacuum truck  
11 driver would come down on occasion, gauge it and  
12 then he would vacuum it out and take it back up,  
13 dispose of it, just a little, little tank.

14 Q. Okay. We have received an allegation about a spill  
15 at those tanks. We believe it was back in late 1993  
16 maybe early 1994. Are you aware of a spill,  
17 considerable amount of material spilled from those  
18 tanks back at around that time?

19 MR. KRIENS: Or at any time, it may  
20 have been --

21 THE INTERVIEWEE: Well, it's, the  
22 dates -- when you're loading barges and you're  
23 loading rail cars, you're running back and forth.  
24 One man did run the 200 and 201 over; how much, I  
25 have no idea. The tanks were cleaned, the ground



1 was supposed to be cleaned up. The little tank, I  
2 believe, ran over three times.

3 MR. BERGER: Okay.

4 THE INTERVIEWEE: One I came upon  
5 that -- I was coming on shift. It was, it was  
6 either alcohol or Tolulene. It was a real light  
7 liquid, considerable amount, couple foot in that  
8 little small dike area; and once was a fuel oil  
9 overflow. It was a valve left open or it was opened  
10 intentionally by somebody. We were asked about it.  
11 And this is a valve that was opened. We don't know  
12 who opened it. I think what I was told, a hunter  
13 came by and opened it, whatever. It was a relief  
14 valve bypass, and it filled the tank up and it  
15 overflowed with, I believe it was fuel oil. They  
16 were supposed to clean up the area. There was some  
17 dirt removed and dike walls replaced. The alcohol  
18 and Tolulene -- like I said, I was coming on shift,  
19 and myself or somebody else discovered and reported  
20 it. We got people down there. I take my river very  
21 seriously. We got Schlomka down there  
22 immediately -- which is a good contractor -- and he  
23 started, I believe he was the first one on the scene  
24 with sump trunks and was cleaning it up. As far as  
25 the extent of the cleanup, I don't know.

1 EXAMINATION BY MR. BERGER:

2 Q. You mentioned three or four different spills here,  
3 can you put a date to any of these?

4 A. The big tanks was the 4th of July, what year it was,  
5 I have no -- it was on the 4th of July. As a matter  
6 of fact, I think it was written on one of the walls,  
7 somebody scribbled on the wall, Happy 4th of July.  
8 It was the same way -- the gauges are precarious,  
9 sometimes they hang a little bit, and I don't know  
10 what happened. The man was on duty, the tank turned  
11 black and it didn't take very long to figure it out.

12 Q. What do you mean the tank turned black?

13 A. Well, the asphalt mixed in with the fuel oil, will  
14 immediately turn your tank black, they're snow white  
15 right now.

16 Q. You mean, as it ran over?

17 A. As it ran over. That was a major cleanup operation.  
18 I know they had to clean the tanks and get all the  
19 dirt out.

20 Q. Okay. So they did, the spill was contained inside  
21 the dike area?

22 A. Yes, sir.

23 Q. And then the back of the dike was opened up; is that  
24 correct?

25 A. Yes, sir.

- 1 Q. And then equipment did come in there?
- 2 A. Yes, sir, and get around as much as they could.
- 3 There's a lot of pipes that run through there, small
- 4 pipes.
- 5 Q. So the dirt was cleaned up and drummed up, as far as
- 6 you know, and taken out of there?
- 7 A. I believe it was, sir, as much as they could get to.
- 8 Q. Was there any liquid with that spill, that
- 9 particular spill, was that sucked up prior to?
- 10 A. Well, they tried to, yes, sir. They come in with
- 11 vacuum trucks and back up right next to it, just go
- 12 over a small dike wall and suck it up.
- 13 Q. You said this particular spill was around the 4th of
- 14 July or on the 4th of July, what year was that? Can
- 15 you put a year on that?
- 16 A. No, sir, I can't. It's just -- they all blend
- 17 together.
- 18 Q. Three or four or five years ago, in general, then I
- 19 guess, or longer than that?
- 20 A. The man involved was Jeff Rink. You'd have to ask
- 21 him what date it was.
- 22 Q. Jeff Rink?
- 23 A. R-I-N-K.
- 24 Q. How about these other spills you've mentioned,
- 25 again these were contained in the dike area?

- 1 A. Yes, sir.
- 2 Q. Okay. Were they then cleaned up in a similar  
3 manner?
- 4 A. I believe they were, sir. I didn't actually go and  
5 watch them dig it up, no, sir. I don't know how  
6 much you could dig up with alcohol. Alcohol -- we  
7 were unloading methanol or ethanol at the time. And  
8 it was soaked in and soaked in and then it  
9 evaporated all.
- 10 Q. But as far as you know, an attempt was made to bring  
11 in equipment there and to dig up the soil and  
12 properly handle it, as far as you know?
- 13 A. I believe so, sir.
- 14 Q. Okay. The allegation we have, the information  
15 states that there was a spill three or four years  
16 ago and it was actually three separate spills of  
17 Tolulene, fuel oil and, I believe, alcohol, and that  
18 the material was never cleaned up. It just, it was  
19 in the dike, it was just left there. And that no  
20 soil was ever removed and that the back of the dike  
21 was opened up and that a backhoe was brought in with  
22 soil and it was just dumped on top of the spill, it  
23 was just covered over, essentially. Are you aware  
24 of any type of incident like that?
- 25 A. I couldn't, it would be all hearsay, sir. Like I

1           said, my job is loading barges. And we produced a  
2           lot of loading and unloading the barges and when  
3           you're down there, hundreds of cars we load.

4                   I believe they took about a foot out of it,  
5           whatever they could find of the dirty dirt, and got  
6           out -- some they couldn't get to, I don't think.  
7           But they might have had shovels, but actually seeing  
8           them go in -- I know the wall was removed. And this  
9           fresh sandhill there right adjacent to it, if they  
10          cleaned it up and then back-filled or if they just  
11          back-filled over it, I can't say that.

12 Q.       Okay. If that's all you can say, that's all you can  
13       say.

14 EXAMINATION BY MR. KRIENS:

15 Q.       Has there been any incident such as this one or  
16       another one at the barge dock where they did take  
17       out soils from a spill and disposed of those  
18       contaminated soils on the adjacent bluff area?

19 A.       Yes, sir. I was involved with that.

20 Q.       Could you tell us about that one?

21 A.       Yes, sir. Under dock 3, we have a pig trap, fuel  
22       oil leaks, asphalt, clarified all the leaks from the  
23       phalanges in the valves. There was one spot under,  
24       by dock 1, we had a relief-out system that leaked  
25       onto the ground next to the river. And we raised

1 question with the environmental people about it.  
2 They were digging it out. They said, okay, we'll  
3 dig all this out. Well, the Coast Guard used to  
4 come down and jump us for saying -- any machine on  
5 the water --

6 MS. HAYES: Can you hold on for just a  
7 second, please?

8 THE INTERVIEWEE: Okay. Any machine on  
9 the water, the Coast Guard would come straight to  
10 the person on the dock and say, where did the oil  
11 come from? And we had to get somebody to pad it up.  
12 They decided to put containment basins under these  
13 areas that would leak. They're uncontrollable  
14 tanks, just small drips pressuring up in the  
15 sunlight. So they put these large containment  
16 basins under these areas. That dirt was taken up  
17 and piled alongside of the road, oh, five truck  
18 loads of it. And I raised the question, what are  
19 you going to do, just leave it set here? It was  
20 fuel oils and gasolines and lytic gasoline. And a  
21 young environmental engineer who's in charge now --  
22 what's his name?

23 EXAMINATION BY MR. KRIENS:

24 Q. Steve David?

25 A. Steve David. I talked with Steve David and pointed

1 out that you just can't leave this stuff piled  
2 there. And he said, no, he'd take care of it. And  
3 I don't know if it was a day or a month, these piles  
4 of dirt were taken away, and where they took them  
5 to, I don't know. They were picked up at a later  
6 date and disposed of some place, I don't know where.  
7 They were removed.

8 Q. So they were disposed of, removed from the area?

9 A. Removed from the area.

10 Q. Prior to that, then they were along the road?

11 A. Yes, sir. Right -- as a matter of fact, there's a  
12 new gravel road where you drive through, it would be  
13 up, just up from there maybe 50 foot from where they  
14 were piling. And Steve David assured me that he  
15 disposed of them properly.

16 MR. KRIENS: Okay.

17 EXAMINATION BY MR. BERGER:

18 Q. How long did they sit there, do you know?

19 A. Time is of no matter to a loader, sir. One day is  
20 just like every other one when you're working  
21 16-hour shifts, it's just -- one day, it could have  
22 been a month, could have been two months, I don't  
23 remember, sir.

24 Q. It was more than a day or two though?

25 A. Oh, yes, sir. I kept, you know, saying, hey, you've

- 1 got to get this out. We dug it up because it was  
2 oily waste. And finally at the time, as time  
3 prevailed, they probably came and got it and hauled  
4 it away.
- 5 Q. And this is the soil that came from the excavation  
6 to put in the --
- 7 A. The boxes.
- 8 Q. The boxes.
- 9 A. Yes, sir. They're quite large, concrete basins  
10 underneath. And if they fill up with oil or get  
11 drips in them, we can clean them out and have them  
12 power-washed and cleaned. We used to do that about  
13 once a year.
- 14 Q. Did you -- were you able to put a date on this  
15 incident when this excavation happened and when the  
16 soil was piled up?
- 17 A. No, sir. I was there so long. No, it's right at  
18 the end of my tenure there. You know, so it could  
19 have been '89, '88, '89, '90 around that time.
- 20 Q. Around there.
- 21 A. I keep forgetting this is '97 already. It could  
22 have been after the end of the '90s.
- 23 EXAMINATION BY MR. KRIENS:
- 24 Q. Do you know of any occasion when soils would have  
25 been taken from that area that were contaminated



1 with oil and so on, that were disposed of or dumped  
2 into the woods adjacent to that area?

3 A. Well, you know, it's funny, gophers make mounds of  
4 dirt, but a five-yard load of dirt is quite bigger  
5 than a gopher mound. It could be a natural  
6 occurrence of a pile of dirt out in the woods. Out  
7 to the left side, there is a couple piles of dirt  
8 out in the woods. When I say out to the left, that  
9 new gravel road they put in. It's strange to see  
10 dirt piles out in the middle of the woods.

11 Q. I'm not following you real well.

12 A. If you look out in the woods, there is no natural  
13 reason for a pile of dirt to be piled out in the  
14 woods.

15 Q. Are there piles of soil there?

16 A. I haven't been down there. My job is to go to the  
17 river. I try to get to the river once a shift.  
18 Sometimes I can do it, sometimes I can't. My  
19 discharge, my water, is at the head of the slip. I  
20 want to make sure all my defuser plates are open and  
21 running right. At some time ago, I did see dirt  
22 piled out in the woods off to the side of the road.  
23 It may be gone now. It was where they built that  
24 new road, off the side of that new road towards the  
25 swamp. Just something to hit your mind, back in the

1 woods, there's a pile of dirt.

2 Q. Would it be in connection with construction of the  
3 road?

4 A. No, sir, that was before then.

5 MR KRIENS: Okay.

6 MR. BERGER: But you don't know that  
7 there's any definitive connection between any  
8 contaminated soil in these piles in the woods? You  
9 don't know if there's any connection or do you?

10 THE INTERVIEWEE: No, sir. I just don't  
11 have the time to go walking through the woods. I  
12 just --

13 MR. BERGER: Sure. That's all the  
14 questions I have about that.

15 MR. KRIENS: Let's stop for a second.

16 (WHEREUPON, a break was taken off  
17 the record.)

18 EXAMINATION BY MS. HAYES:

19 Q. Charlie, I'm Mary Hayes. And I wanted to ask you a  
20 quick followup to the previous discussion. You said  
21 that you talked to Steve David, you thought, about  
22 this issue. Now, let's see -- would Steve David  
23 have been, like, your supervisor at that time,  
24 Charlie?

25 A. No, he was an environmental engineer.

1 Q. He was an environmental engineer, okay. And he  
2 seemed fairly receptive to your issues around that,  
3 would you say or I mean --

4 A. I believe it was, yes, ma'am.

5 Q. What's your understanding of, is there a mechanism  
6 here for personnel to talk to supervisors and/or  
7 whomever? I'm still having some trouble with the  
8 organization here in terms of understanding it.  
9 It's probably that I'm just a little slow on that.  
10 But what's the mechanism that's here, if any, for  
11 you to, you know, register issues in terms of  
12 things that you see that are a problem?

13 A. Being 20 years in the Navy, I'm trained chain of  
14 command. I take my orders from my boss. I give my  
15 complaints to my boss. My thought is, if I gave him  
16 a complaint or an issue, I wouldn't say a  
17 complaint -- an issue, my believe is that he will go  
18 to his supervisor and on up the chain of command.  
19 That's the way I have to live my life. My wife  
20 tells me to do something, I go do it. Chain of  
21 command. That's the way it is. No, it's not funny,  
22 I'm serious. I'm serious.

23 MR. KRIENS: I totally believe you.

24 THE INTERVIEWEE: And being with my  
25 supervision at the wastewater treatment plant, it

1           was Rick Legvold and Brian Roos. And I got to know  
2           both of them quite well. Brian Roos was always in  
3           the immediate area. A lot of times I'd hit Rick  
4           Legvold with his boss sitting right there, so I knew  
5           it was going that far. And you have to believe it's  
6           going to go further.

7                       MS. HAYES: Do you believe that it  
8           worked?

9                       THE INTERVIEWEE: Ma'am?

10                      MS. HAYES: Do you believe that it  
11           worked?

12                      THE INTERVIEWEE: I don't know.

13   EXAMINATION BY MS. HAYES:

14   Q.           Okay. I wanted to talk to you about a couple of  
15           areas. The first being your knowledge of the issue  
16           with the coker pond overflowing.

17   A.           Yes, ma'am.

18   Q.           Can you tell me when you became aware of the problem  
19           of that, of the overflow there?

20   A.           Which one?

21   Q.           Well, I guess that's -- I mean, it's my  
22           understanding from looking at the logs and from  
23           previous interviews that it probably, it happened  
24           occasionally.

25   A.           Yes, ma'am, this spring we had a torrential

- 1           rainfall.
- 2   Q.       Right.
- 3   A.       I was involved, I believe, twice with them. I was
- 4           either coming on shift or on shift when they ran
- 5           over. They run over.
- 6   Q.       So it's pretty limited to the spring is when you
- 7           were seeing the problem?
- 8   A.       Yes, ma'am.
- 9   Q.       Repeatedly?
- 10  A.       Yes, ma'am.
- 11  Q.       I have a couple of --
- 12                       MR. KRIENS: We're going to stop for a
- 13           second.
- 14                       (WHEREUPON, a break was taken off the
- 15           record.)
- 16  EXAMINATION BY MS. HAYES:
- 17  Q.       Back to the coker pond overflowing. Your initials
- 18           are on a couple of logs both from April 6 and 7 and
- 19           April 16 and 17. And this one is of '97 also --
- 20           yeah, this would be 1997. And it's a discussion of
- 21           the coker pond overflowing. Is that your
- 22           handwriting, Charlie? Were you the author of those?
- 23  A.       Some of it is mine. Well, yeah we have a new log
- 24           system now. This is mine on top, this is Terry
- 25           Stormoen's on the bottom. And I believe, let me

1 look at the log. That's me (indicating). I don't  
2 know the other initial. That's me --

3 Q. I assumed that's got to be you, C.C. I just didn't  
4 know if you had been the author of these. And in  
5 the log -- did you get the number, Susan?

6 MS. WIENS: No, I didn't.

7 MS. HAYES: Okay. The numbers are 1192  
8 and 1221.

9 EXAMINATION BY MS. HAYES:

10 Q. The log from the 6th and 7th of April '97 says,  
11 Charles Chadwell came down to the centrifuge and  
12 made me aware of hazardous waste going into the west  
13 storm pond. This happened because the coker pond  
14 flow going by Schlomka pump to west storm pond  
15 sumps -- still going -- are pumped from the sump  
16 discharging to 2BC -- was knocked out -- this is --  
17 blah, blah, blah. Anyway, can you tell me anything  
18 about that since you were the one that came and  
19 notified, must be the other operator of that?

20 A. I was an outside No. 2 that night. Okay. Yeah,  
21 the coker pond was getting close. We were  
22 transferring the coker pond, Schlomka's big diesel  
23 pump, that's about an eight-inch hose up to a fire  
24 main, probably 250, 300 foot away. They would  
25 isolate that section of fire main. And that fire

1 main ties in with the fire main hydrant across the,  
2 right across the road from the west storm pond.  
3 They'll hook hoses to that, and they'll put them  
4 into the sump of the west storm pond. The west  
5 storm pond, we isolate it. It's not supposed to get  
6 into the west storm pond. We isolated it, started  
7 pumping and had both the big pumps, they're quite  
8 large pumps, on and we have a meter at the water  
9 plant. We can see how much our flow is. That water  
10 goes to our plant, actually goes into our biological  
11 system at the water plant.

12 My first round, I knew this diesel was  
13 running. I usually make the coker pond inspection  
14 right off. As soon as I punch in, I usually go  
15 right straight to the coker ponds. Get my numbers,  
16 get the elevations. And I knew it was pumping. I  
17 went to the west storm pond and it was, the sump was  
18 overflowing into the basin itself.

19 We have a procedure to carry out. I jumped  
20 in the trunk, ran over, slowed down Schlomka's  
21 diesel. The first thing I tried to do was -- both  
22 my pumps run automatic. One runs all the time, when  
23 one gets too high, the other one will kick in.  
24 They'll pump 800 gallons a minute if they have to  
25 be.

1                   Well, it didn't, before April, it was still  
2                   freezing and one of the flow controls froze up. I  
3                   immediately went to my No. 1. I got the situation  
4                   handled, went and got my No. 1. I needed somebody  
5                   to verify that the controls were improperly  
6                   functioning at that time and to verify off and on,  
7                   it was not working in automatic. At the same time,  
8                   he called the shifties. And by the time we all got  
9                   there, we all verified the switches were not working  
10                  in automatic. The same way you have to -- then we  
11                  made an incident report out on what happened. The  
12                  shift supervisor that was involved was put on that  
13                  incident report because it was not supposed to be  
14                  going into the west storm pond. We corrected the  
15                  situation. I believe we shut Schlomka's pump down  
16                  and let it drain out so it wouldn't freeze. And we  
17                  stopped that operation until they could figure out  
18                  what was wrong. And they did that, I believe the  
19                  next day they took care of that.

20    Q.           Any idea how much got into the pond? Can you  
21                  calculate that, I mean, is that a possibility?

22    A.           I know one pump we were pumping -- we were supposed  
23                  to be pumping 560 gallons a minute. With two pumps  
24                  on, it could have been 300 or 400 gallons a minute  
25                  going in.



1 Q. Do you know how much time then?

2 A. No, ma'am.

3 Q. So there is no way possible to get too specific  
4 about that?

5 A. No, ma'am.

6 Q. And then how, what is your understanding of how that  
7 was cleaned up or followed up? Did you know, I  
8 mean, did you know anything about the cleanup or the  
9 remediation there?

10 A. When this was all over, we took that water that did  
11 escape into the basin, we bring that back for  
12 cooling anyway. We just lined it up to the sump,  
13 the west storm pond. And we'll pump as much water  
14 out of it as possible. I think our lowest suction  
15 was to 1 foot.

16 Q. I think that's consistent with what we're heard  
17 already. Okay. That's all I have on that. In  
18 fact, I think that's probably all I have. I think  
19 that's it. Do you have anything else?

20 MR. BERGER: I have one more.

21 EXAMINATION BY MR. BERGER:

22 Q. Charlie, I have a log here, wastewater treatment  
23 plant daily log of 4/21-22 of '96. The operators  
24 are Stevens and Aalto. You're not on this log.  
25 It's No. 330. There are two highlighted sentences

1 here. And, I think I'll just let you read those two  
2 highlighted sentences.

3 Can you tell me, Charlie, what your  
4 interpretation is of what's going on there?

5 MR. ESPEL: First it might be  
6 appropriate to ask him if he actually knows, so  
7 we're clear whether he's speculating or talking  
8 about something that he really has information on.

9 EXAMINATION BY MR. BERGER:

10 Q. Do you know what's going on there?

11 A. B5 gets water from the clean water sewers. We call  
12 them the Nows, non-oily water sewers.

13 Q. Right.

14 A. Caustic, could have been high PH, could have been  
15 neutralized. The log doesn't say which is which.  
16 It says 500 gallons a minute. I would become  
17 alarmed. But being an operator, I would, I don't  
18 know why he didn't put down what the -- was it  
19 straight caustic, 50 Baume, neutralized caustic,  
20 whatever. They could have been putting 500 gallons  
21 a minute of clean water. They could have been  
22 putting 50 Baume caustic high PH into -- B5, I  
23 believe, holds ten million gallons or something. I  
24 don't have the exact figure on how many gallons of  
25 water B5 holds, that's the north fire pond. Tank

- 1            dumping, they must have been thinking of dumping a  
2            caustic, tank 304. I'm trying to put it together.  
3            It is possible they did put straight caustic in B5.  
4            The operator should have picked up on it  
5            immediately. We can switch the non-oily water  
6            sewers into our system and we can take the rap.
- 7    Q.       Right. It doesn't say that that happened there,  
8            though, does it?
- 9    A.       No, sir. The operators should have picked up on  
10           that immediately. That's something you don't --  
11           maybe he knew the PH was just a little bit above and  
12           it could have been just straight caustic.
- 13   Q.       That's what it says.
- 14   A.       I don't know if you talked to him or not, maybe he  
15           explained it, I don't know. My job is to pick this  
16           off the telephone and take immediate action. We all  
17           make some mistakes sometime. And we try to remedy  
18           them as soon as we can. I've only been an operator  
19           for two years, this time around. Being a slideup  
20           No. 1, you're on your toes continuously, caustic and  
21           acid, oils coming at you. But it does say, finish  
22           dumping the tank.
- 23   Q.       Are you familiar with tank 304?
- 24   A.       Not by terminology. There's several caustic tanks  
25           stationed throughout the refinery. They say, we're

1           dumping caustic, and they'll rattle off some tank  
2           number and we log it. It could be a pit, it could  
3           be a tank, it could be a vessel. The questions  
4           arise, what's your PH, is it straight caustic or --  
5           that's all I go by. I'll log it, usually I put down  
6           the man's name that calls me. I try to get his  
7           name, unless he's in a panic. He'll say, it's a 37  
8           unit, 25 unit or whatever. And you try to get his  
9           name, unless he's just telling you because he's got  
10          to run. And we try to take evasive actions  
11          immediately, if we can. Caustic is very detrimental  
12          to our operations.

13 Q.       Are you aware of this happening in the past or any  
14           other incidents of what, as you read this, appears  
15           to be a discharge directly to the NOWS? Is this  
16           unusual? Have you ever seen this before?

17 A.       We've had oil get in the NOWS, heavy oil. That was  
18           this spring, that must have been '96. We got a  
19           call, there was oil in the NOWS. Your immediate  
20           response is, oil in the NOWS. We swing bypass. We  
21           put it right into our API. It's an easy swing.  
22           It's a two-minute run if you had to run by foot to  
23           get there. But by the time they notified us, B5 was  
24           covered with oil. Thank God we had a layer of ice  
25           laying on it that stopped it from going. We got a

1 vacuum truck down there. We had to -- it took  
2 awhile to get people there, get on the scene, got  
3 hazmat down with some pads, but we had to use a drum  
4 skimmer. We had drum skimmers running, got an air  
5 compressor in. We had a vacuum truck for a while.  
6 Then we had to wait, then we got another vacuum  
7 truck in. And I believe it took two or three days  
8 to clean it off.

9 Q. Do you know what the source of that oil was?

10 A. I cannot recall. I was a No. 2 by that time, but  
11 still being new at the operations, I just ran in  
12 circles and tried to help. The ice acted as a slick  
13 bar from going into a section of the water going to  
14 the river.

15 Q. But you're not aware of any direct releases to the  
16 NOWS, like -- like it appears here, are you? That's  
17 what I'm talking about, any tank dumps or vessel  
18 releases directly to the NOWS. Are you aware of any  
19 incident like that?

20 A. No, I don't recall any right now.

21 MS. HAYES: Anything else, Greg?

22 MR. BERGER: No.

23 MS. HAYES: Thanks very much, Charlie.

24 We appreciate your time.

25 (WHEREUPON, the interview concluded at

1 approximately 12:00.)

2

3

4 STATE OF MINNESOTA

CERTIFICATE

5 COUNTY OF HENNEPIN

6

7

I, KIMBERLY J. HORMANN, hereby certify that I reported the interview of CHARLES CHADWELL on the 20th day of November, 1997, in St. Paul, Minnesota.

8

9

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

10

11

That the foregoing transcript of 29 pages is a true and correct transcript of my stenographic notes in said matter, transcribed under my direction and control;

12

13

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;

14

15

16

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;

17

18

19

20

WITNESS MY HAND AND SEAL this 5th day of December, 1997.

21

22

*Kimberly J. Hormann*  
Notary Public

23

24

25

