
INTERVIEW OF:

CRAIG DANIELS

TAKEN OCTOBER 30, 1997 AT 1:00 P.M.

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INTERVIEW OF CRAIG DANIELS, taken pursuant to agreement of and between parties at, Koch Industries, Inc., P.O. Box 64596, St. Paul, Minnesota, at approximately 1:00 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

BYRON A. ADAMS

Present from Koch Industries:

JAMES K. VOYLES, Attorney at Law

Present from the law firm Green Espel:

ANDREW LUGER, Attorney at Law

JODEEN A. KOZLAK, Attorney at Law

SUSAN K. WIENS, Attorney at Law

I N D E X

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1 MR. BERGER: Craig, I want to give
2 you a little introduction into what's
3 happening here. Minnesota Pollution Control
4 Agency is conducting a civil investigation
5 that is focusing on Koch Refinery operations
6 and on a variety of pollution and
7 environmental related situations regarding its
8 operations. We are seeking your cooperation
9 in obtaining information and answering some
10 questions about these operations. You do not
11 have to answer these questions, it is your
12 choice. The information obtained in this
13 investigation may be used in administrative,
14 civil or criminal actions. I guess that's
15 basically what I want to say. Do you have any
16 questions about that information, about what
17 I've just told you?

18 THE WITNESS: I don't have any
19 questions, no.

20 MR. BERGER: What I would like you
21 to initially do is state your name when I turn
22 on the recorder and your position at Koch and
23 basically what your job is, what your
24 responsibilities are.

25 THE WITNESS: Okay.

1 BY MR. KRIENS:

2 Q. This is an interview with Craig Daniels, and
3 my name is Don Kriens and I'm a principal
4 engineer at the Minnesota Pollution Control
5 Agency interviewing Craig Daniels.

6 Craig, we probably don't have a lot to
7 talk to you about, but we have several areas
8 that we want to get information about on past
9 activities at Koch Refining. Two of those
10 areas pertain, we believe in part at least,
11 have to do with a hydrant flushing discharge
12 of what is called green water in October of
13 '94, and then in general hydrant flushing
14 discharges at other times.

15 Maybe we could begin by having you state
16 your position, how long you've worked at Koch,
17 what we're done here, I guess, in the past in
18 terms of work.

19 A. Okay. I've worked here for a long time, in
20 total it's been 25 years. For most of that
21 time I worked in an area called the order
22 office, truck transportation of product out of
23 the refinery. For the last five years I have
24 been a chemist, and in particular an
25 environmental chemist here at Koch Refining

1 Company. I've been a part of developing and
2 am responsible for the environmental lab that
3 does the testing for our NTDES parameters for
4 our waste affluent. Do you need more
5 information? Is that complete enough?

6 Q. I think that's fine, thanks. What I'll do is
7 go through in general the first one on the
8 green water discharge in October of '94 that
9 we are interested, and I'll just describe via
10 some logs that we have reviewed just to set
11 the stage of what we're talking about here.

12 There's a series of operating logs that
13 describe this discharge in 1994, and I'll run
14 through them briefly. This occurred, appears
15 to have occurred, in October of -- October 10
16 through the 17th period. Beginning in
17 September 21, '94, the first log received
18 states a hundred thousand gallons of water
19 that was to be dumped to the coker pond was
20 not dumped either of the past two days, but
21 may be tomorrow from the number three cooling
22 tower. October 8, '94 an operating log states
23 that the whole plant, meaning the waste water
24 system, is green. Notified the shift foreman.
25 October 9, '94 the operating log states the

1 plant flow is green, shifties set game plan
2 for green water, shifties talked to Steve
3 David about color. And just paraphrasing part
4 of the log, it goes on to discuss the use of
5 sunlight to break down the color
6 concentration. Also on bench test hydrogen
7 peroxide would break the color, carbon bench
8 tests apparently were done on the sample, and
9 it's noted increase in pH also helps to break
10 it down.

11 October 11 of '94, an operating log
12 states there is high hexavalent chromium at
13 S7, which is, as you know, the affluent sump
14 from the affluent sludge pond, after the
15 clarifiers from 1400 hours the lab results.
16 We don't have that lab result here, and that's
17 one of the things we're interested in. It
18 goes on, notified shifties and foreman and so
19 on there's still green water in the system.

20 Another log, October 11 and 12, states
21 that coker pond channel still green.
22 October 12, '94 log states green dye may be
23 contributing to the higher hexachrome readings
24 per Craig. Lab will do more testing to try
25 and confirm. Then October 12 through 13 an

1 operating log states no hexavalent chromium
2 from lab and then a notation, 1920, which we
3 believe means 1920 hours. A statement that
4 safety has orders to spray fire hydrants to
5 get rid of green water, told them to pull from
6 south pond B5 and so on. That's pretty much
7 it.

8 One of the questions we would have for
9 you relates to that incident. Do you know
10 what the source of that green water was at
11 that time?

12 A. I don't know what the source was. This is
13 going back a few years, so -- I recall that
14 there was some talk of our having received
15 some water, and I'm not sure where, that had
16 fluorescein dye in it and that we were -- that
17 this had been accepted into our waste system.

18 Now, that's simply something that I had
19 heard. I'm not sure where that came from.
20 And there was speculation that this was a
21 cause of the green color. From what I know of
22 fluorescein dye it's a yellowish green dye
23 that's used oftentimes in hydro testing to
24 seek cracks or other kinds of things that you
25 can see. It will fluoresce I think if you use

1 a black light on it. That is, I guess, the
2 reason why I know something about the
3 fluorescein dye, because it happens to absorb
4 light at approximately the same wavelength as
5 hexavalent chromium does in a test, in the
6 ion chromatigraphic test we do for hexavalent
7 chromium. We're looking at instrument
8 response at around 530 nanometers, and
9 fluorescein dye happens to absorb around that
10 same -- within a band around that same
11 wavelength. And so there was speculation that
12 perhaps this fluorescein dye was the cause of
13 our seeing higher than normal hexavalent
14 chromium numbers in our waste affluent. In
15 actuality what we were seeing was interference
16 from the fluorescein dye.

17 I don't know that we were able to come to
18 any conclusion on that, but I know that there
19 was speculation that it may have been
20 something involved.

21 Q. When you say you don't know where it came
22 from, do you mean you don't know if it was --
23 where it came from within the refinery or
24 where it came from in general or --

25 A. No, where it originated from. I'm not sure

1 who sent this to us, where we got it from. To
2 my knowledge fluorescein dye isn't used much
3 in the refinery, or at least I haven't come in
4 contact with it.

5 Q. Okay.

6 MR. ADAMS: There's a use in tank
7 testing or pipeline testing possibly?

8 THE WITNESS: It could be. I'm
9 afraid that I -- I'm not an expert, you know,
10 on what its uses would be. I know only a bit
11 about it from the chemical aspects of what it
12 might interfere with in terms of what I was
13 testing. I'm not sure what it could all be
14 used for.

15 MS. HAYES: You mentioned that it is
16 used in hydro tech testing though, correct?

17 THE WITNESS: My understanding is
18 that it could be used there, yes. I mean, I'm
19 drawing this only from what I recall, hearing
20 that may be a possible use of the dye. I
21 should qualify that. It may be something that
22 I came across in my looking for where does
23 this stuff -- what is it used for. I had to
24 research the possibilities of was it
25 interfering with our hexavalent chromium

1 numbers. So that's all I can say, I can't
2 give you any more specifics on what it would
3 be used for.

4 BY MR. KRIENS:

5 Q. Were the hexachrome numbers high, higher than
6 normal then?

7 A. Yes. As I recall we were getting some higher
8 than normal hexachrome numbers, yes.

9 Q. Do you remember, this is asking a lot, but
10 what approximate concentrations they were or
11 do you have the numbers somewhere?

12 A. I certainly have the numbers, and I could look
13 them up. It would be best if I looked them
14 up. I can tell you that they were higher, you
15 know, higher than normal.

16 Q. Did they exceed the affluent standard?

17 A. No.

18 Q. Okay. Also there was another operating log
19 that states -- an October 17 log, I believe
20 from Kevin Erickson that -- it states rather,
21 Kevin Erickson called about dumping green
22 water from Cottage Grove, two trucks, three
23 loads over three days, 15 to 18 loads, and
24 then it goes on in that log to state green
25 water still affecting hexachrome testing. Do

- 1 you know about that, those loads from Cottage
2 Grove, what that would mean?
- 3 A. I'm afraid I don't know anything about that.
- 4 Q. Okay. So what we can do is get that data
5 later from you.
- 6 A. Yes, if you want the numbers we can certainly
7 produce those.
- 8 Q. Was there extra testing, I presume then, done
9 during the period to try to find out where it
10 might be coming from upstream of the plant,
11 waste water plant?
- 12 A. That's very likely we did extra things, yes.
- 13 Q. And would you have that information, too?
- 14 A. If I did the testing, yes, then I would have
15 it.
- 16 Q. Do you know what it means in this one
17 statement in the log, safety has orders to
18 spray fire hydrants to get rid of green water?
19 Do you know what that means?
- 20 A. No, that's not anything that I ever heard,
21 wouldn't have any contact with.
- 22 Q. Was the environmental department involved with
23 this activity at the time in trying to track
24 down where -- it sounds like the whole plant
25 was green throughout, were they involved to

1 try and determine what was going on?
2 A. I recall talking with Tony Forman about this,
3 in particular about seeing higher numbers for
4 hexachrome. He would be the first person that
5 I would report that to, and just to let him
6 know I was starting to see higher numbers.
7 And I know that I talked with Tony about the
8 situation because I did some of the research
9 on could fluorescein dye possibly be
10 interfering with the test to try and separate
11 out was it fluorescein dye or were we actually
12 seeing higher hexachrome.

13 MS. HAYES: And Tony Forman's
14 capacity at that time was environmental
15 engineer, is that correct?

16 THE WITNESS: Yes, he was
17 environmental engineer.

18 BY MR. KRIENS:

19 Q. It mentions in one of the logs, too, that tank
20 two hydro water is -- they called it color
21 only antifreeze green, referring to the color
22 of antifreeze. Do you know if that was, you
23 know, part of the problem here or if there was
24 a hydro test and that was flushed and caused
25 the system to get green?

- 1 A. That I don't know, no.
- 2 Q. Craig, do you know where the hydrant water was
3 flushed to dispose of or get rid of, to use
4 the phrase, to get rid of it?
- 5 A. No.
- 6 Q. And then of course you wouldn't know also what
7 source they take that out of certain ponds
8 when they flushed those hydrants in the past?
- 9 A. No.
- 10 Q. Do you know, was the problem notified to the
11 MPCA that there was a problem occurring with
12 green water and elevated chrome?
- 13 A. That I can't say.
- 14 Q. How about the disposal or getting rid of green
15 water, any notifications at that time?
- 16 A. That I don't know.
- 17 Q. I'll continue to ask these even though they
18 probably don't pertain to you just to be
19 thorough.
- 20 A. I understand.
- 21 Q. Do you know if there was any records of that
22 disposal and how much they may have disposed
23 of to get rid of green water?
- 24 A. No, I don't.
- 25 Q. Are you aware of any other previous episodes,

1 whether it was green water or for any other
2 purpose, you know, if there was a contaminant
3 or a problem in the waste water system where
4 the hydrant system was used to dispose of or
5 get rid of water rather than going through the
6 waste water plant?

7 A. No.

8 Q. Do you know who the shifties -- they call the
9 shifties here the shift supervisors, and they
10 were who at that time involved with that
11 incident?

12 A. I can't tell you off the top of my head. I
13 know their names, and if you were to -- that
14 personnel has changed over the years and I
15 can't tell you exactly who the shifties were
16 at that time. I would recognize their names
17 or their faces, you know.

18 Q. We'll get into this with others I suppose that
19 would understand or know this better, but are
20 the shift supervisors the primary decision
21 people with respect to making a decision of
22 disposal of green water, or is the safety
23 department involved with that or environmental
24 or somebody else?

25 A. I can't tell you who has primary

- 1 responsibility. The structure of -- the
2 responsibility for those decisions I'm not
3 sure of.
- 4 Q. Outside of your area?
- 5 A. Yeah, outside of my area. I would only be
6 guessing, speculating if I told you one way or
7 another.
- 8 Q. That's fine. Do you know when they talk with
9 this facility in Cottage Grove hauling water
10 over here, do you know what they would be
11 referring to there?
- 12 A. The only facility I could think of in Cottage
13 Grove would be a pipeline.
- 14 Q. Or a terminal, something like that, or just a
15 pipeline?
- 16 A. The only thing that I know of is the pipeline.
17 I'm not even sure how I would describe it, I
18 only really know it as the pipeline in Cottage
19 Grove.
- 20 Q. One other question on the cooling tower blow
21 down. Chromium was used as a chemical for
22 corrosion control, I believe, on the cooling
23 tower system.
- 24 A. Yes.
- 25 Q. There is a question in our minds if the green

1 water was a result of cooling tower blow down
2 or an excessive amount of perhaps chromium in
3 there. There is a note here from a document
4 in relation to hexachrome and green water, and
5 actually we're not sure where this came from
6 totally other than it's a Koch document. A
7 note here states starting tomorrow morning at
8 5:00 a.m. get an API, epiplorgraph sample for
9 Craig at the environmental lab to run
10 hexachrome test. This testing is being done
11 because of increase in cooling tower blow down
12 to use up extra chemical per Heather. Samples
13 to be taken Thursday and Friday of this week
14 and next Monday through Friday of next week or
15 until notified by Heather not to do so.

16 I think this is actually related to a
17 different time period, I believe in 1996, and
18 I think at that time there was chromium used
19 in the cooling tower, and I don't know the
20 exact date, but in 1996, I believe around
21 March or so, chromium had to be eliminated
22 from use in cooling tower systems for most
23 facilities in the U.S. because of the concern
24 with chromium folliciation and I think
25 bronchogenic carcinoma was the connection with

1 chromium. Anyway, do you know if the company
2 in this case used or disposed of extra
3 chromium through the cooling tower system in
4 order to basically get rid of it or dispose of
5 it that way rather than disposing of it as
6 hazardous waste?

7 A. Not that I know of, no.

8 Q. Okay. Although this document does state that
9 it was because of an increase in -- testing is
10 done because of an increase in cooling tower
11 blow down to use up extra chemical. Was there
12 a period of time when you did extra sampling
13 and analysis of chrome because of that
14 occurrence?

15 A. I can only say it's very likely we did some --
16 that I did extra testing on hexachrome. I
17 don't recall the incident that you're talking
18 about. I don't recall any -- at least hearing
19 a reason. I mean, Heather saying it's because
20 of this that we're doing it, but rather than
21 Craig, you're going to get some samples, we
22 need to know how much hexachrome is in them.

23 Q. So they would come to you then and say we need
24 extra sampling analysis and that's basically
25 the information you would get?

1 A. Yeah, yeah.

2 MR. VOYLES: What document number is
3 that?

4 MR. KRIENS: It's 00123. While
5 we're on that subject let's refer to that
6 other document, too. I think there's one
7 other.

8 MR. BERGER: Yes, it's number ten
9 (indicating).

10 BY MR. KRIENS:

11 Q. Thank you. This is a memorandum from Heather
12 to a series of people. I don't see that you
13 are on here, Craig.

14 MR. ADAMS: Prior to that on the
15 same date, February 7 of '96, there's a Robert
16 Bishop memo that discusses a discharge of CT,
17 cooling tower chemicals, chromium, to get rid
18 of it to waste water treatment plant from WTC.

19 MR. KRIENS: Yeah. I think this is
20 the one. It's off of his computer. It was
21 from Heather to a number of people.

22 MS. HAYES: Primarily operators of
23 the computers.

24 MR. LUGER: What's the date of that?

25 MR. KRIENS: February 7th of '94.

MS. WIENS: What's the number?

BY MR. KRIENS:

Q. It's 01660. I'll just read the first paragraph. Pete Ims was asked if we can handle the cooling tower chemical with hexachrome in it. They need to get rid of their supply before March 7 for regulatory reasons. They would like to turn up the usage through the cooling towers to get rid of it. This is by far the easiest and cheapest way to use up this chemical. However, since hexachromium is a permit parameter I would like to monitor what the increase in this chemical is doing to us.

Then it goes on to discuss sampling and monitoring for hexachrome. I see, Craig, you're not actually on that memo at all. I just wanted to bring it up that we're aware of an incident where chromium was disposed of through the cooling tower system and apparently in extra amounts required well beyond what's needed for corrosion control in order to dispose of the chemical. Our issue was why was that done frankly, I guess, why would they do it that way instead of dispose

1 of it as a hazardous waste.

2 MR. ADAMS: Could I interject?

3 MR. KRIENS: Yep.

4 BY MR. ADAMS:

5 Q. Craig, you mentioned it's possible you may
6 have performed additional hexachrome analysis
7 in relation to this?

8 A. Right.

9 Q. And you were not specific why you were doing
10 the extra analysis. So it's possible that you
11 might have analytical records or results in
12 this time frame, around February 7 of '96, or
13 past that, that would show additional
14 hexachrome analysis that would be identified
15 as to the source, where the sample was from?

16 A. Yes.

17 Q. That might be something of interest to us, to
18 get that analytical work and see if indeed you
19 were analyzing more hexachrome samples from
20 the cooling tower area or wherever the
21 sampling was performed.

22 A. If you have a time frame, I mean, I can
23 certainly look up, you know, whatever
24 information I have.

25 MR. KRIENS: It would be from

1 September 21 of 1994 through let's say
2 October 20, for that month period, that should
3 cover that. Apparently the green color in the
4 waste water system took place over about a
5 week and a half it appears, from October 8
6 through October 17 through the 20th, something
7 like that.

8 MR. ADAMS: That would be the first
9 time frame. The second one would be
10 February 7 and after.

11 MR. KRIENS: Right, in 1996.

12 MR. ADAMS: With respect to the
13 Robert Bishop memo. So there would be two
14 time frames.

15 THE WITNESS: You're asking me to
16 remember a lot to get back there. All of
17 this, I mean, I'm telling you I think if I did
18 this testing that I would have this stuff
19 available and that I'm sure these documents
20 are going to need to go through our folks here
21 first.

22 MR. ADAMS: Uh-huh.

23 THE WITNESS: I'm not comfortable
24 with just like making copies and delivering
25 them to you before anybody else here sees

1 them.

2 MS. HAYES: We'll do it the same we
3 did it before.

4 MR. VOYLES: We'll put a number on
5 them and turn them over.

6 THE WITNESS: So you want the month
7 of October of '94?

8 MR. ADAMS: 9/21/94 to 10/20/94,
9 that would be the first time frame, and then
10 with respect to the Robert Bishop memo,
11 February 7, '96 and we should probably a week
12 after that to see what kind of test results
13 were shown, so 2/14/96, that time frame to
14 look up.

15 MR. KRIENS: Does anybody else have
16 anything more on the green water category?

17 MS. HAYES: No.

18 BY MR. KRIENS:

19 Q. We'll go on to a different section that we
20 have, just the use of the hydrant system to
21 flush or discharge various waters. Maybe we
22 wouldn't go through a lot of this with you
23 unless you have a lot of involvement with
24 that.

25 A. No.

1 Q. The first question is were you in any way
2 involved with testing or knowledgeable about
3 the use of the hydrant system to discharge
4 water?

5 A. No. That's not an area that I really have any
6 contact with. If someone would have sent me
7 some samples to test I would have done that,
8 but knowing much about what in the hydrant
9 system there might have been, that I wouldn't
10 be able to tell you.

11 Q. I have some very specific questions pertaining
12 to a lot of areas involved with that, so I
13 probably -- I don't think we'll ask those of
14 you. So to understand how you are involved
15 with that in any way, it would be if they had
16 some analysis to be done on a pond or whatever
17 in the plant, they would come to you and you
18 would be requested to take samples and have
19 them analyzed?

20 A. They may have, yes. They may have, that's all
21 I can -- that's all I know.

22 Q. Throughout many of the documents, in operator
23 logs and in memorandum through 1996 up through
24 about May of 1997, particularly from about
25 June of '96 through May of '97, there are a

1 lot of references to extra sampling and
2 analysis of the polishing ponds and the storm
3 ponds, the west storm pond, the south storm
4 pond and B5, or north storm pond.

5 A. Uh-huh.

6 Q. And we see numbers done of those analyses
7 throughout the document, so would this have
8 been information, again, where they would come
9 to you with a request and you would go out or
10 somebody would go out and sample and then you
11 would analyze that? And is that then dated
12 and sent back, given back to the operators or
13 the environmental department? Who do you
14 usually give that to?

15 A. Environmental.

16 Q. And by environmental, do you mean the actual
17 waste water treatment plant or the
18 environmental staff?

19 A. The environmental staff. By and large I would
20 report my numbers to Heather or possibly Don
21 Wars. By and large it's Heather, the person
22 that I deal with mostly.

23 Q. Did you or did other people do the analysis?
24 Did you usually do it or were other people
25 involved?

1 A. I had a tech working for me at that time. He
2 has retired since the middle of June of this
3 year, but up until then, yes, there was a tech
4 who worked with me and did a lot of the actual
5 analysis.

6 Q. Who was that?

7 A. Mel Chanoff.

8 Q. Okay.

9 A. Since we worked really closely together Mel
10 could have done it or I could have done it.
11 We did them together, you know, depending on
12 the workload and how much needed to be done
13 and what time frame.

14 Q. Okay. I'm just going to touch lightly on a
15 few of the incidents, but I understand you
16 probably aren't aware of a lot of this.

17 In November of '96 there was apparently a
18 large amount of water that was disposed of via
19 hydrant. It occurred beginning at about 7:00
20 p.m. on a Sunday evening and continued through
21 I believe 7:00 a.m. on the next morning,
22 Monday morning. A Bioassay test was scheduled
23 to begin that day, that morning for the MPDS
24 permitting. Was the lab set up at that time
25 to begin the Bioassay testing or was the lab

- 1 involved with that testing and obtaining
2 samples and scheduling it and doing whatever
3 you would normally do for that?
- 4 A. Not that I know of. Bioassay is not something
5 that I do. I don't really know anything about
6 it. I haven't really coordinated sampling for
7 it.
- 8 Q. Is the Bioassay water, sampled water and
9 control water, then obtained by the
10 environmental department or some other --
- 11 A. I can't really tell you. I would assume
12 environmental, but I don't know.
- 13 Q. Is Russ Edmonds -- is he in the lab or is he
14 with environmental?
- 15 A. He's with environmental.
- 16 Q. Okay, thank you. So to conclude on that one,
17 were you involved or aware that they were
18 flushing water the night and morning, early
19 morning of the Bioassay test scheduled?
- 20 A. No.
- 21 Q. Okay. And the other question in general
22 pertaining to this is during this period there
23 was a rising level of ammonia concentrations
24 loaded to the waste water plant, increasing
25 generally almost linear, not quite, but

1 through February and March of '97, where it
2 really -- I think February it got very high.

3 A. Uh-huh.

4 Q. Was the lab involved with doing additional
5 testing during that period to manage it or to
6 find out what the levels were and what should
7 be done about it?

8 A. I'm sure that the laboratory probably was
9 involved. There are two different sections to
10 our laboratory, I do the environmental lab and
11 by and large restrict myself to MPDS. The
12 process side would do other -- process water
13 and would test those for ammonia.

14 Q. I think it's important for us to understand,
15 when you say MPDS are you talking about the
16 affluents?

17 A. Yes, waste effluents generally. I mean,
18 obviously I get involved from time to time
19 with other things, but for the most part
20 that's what I'm restricted to. I may have
21 been involved in, you know, the fact that
22 there -- you know, more testing was needed
23 just in terms of knowing we need to do more
24 testing, you know, further up the line to see
25 if we can control this, but I don't know that

1 I did -- I don't recall, anyway, doing any
2 extra testing personally on other parts of the
3 system.

4 Q. Is the other laboratory the process
5 laboratory? I guess you characterized it that
6 way.

7 A. Yes.

8 Q. Would they have done some analysis of the -- I
9 understand they would do analysis of the sour
10 water strippers and the process units. Would
11 they have also done analysis on the storm
12 ponds, polishing ponds or portions of the
13 waste water system as well?

14 A. That's possible, that's possible.

15 Q. I remember Nathan Hildebrandt here. Was
16 Nathan the head of all of the labs or was
17 he --

18 A. Yes, he was basically the lab manager.

19 Q. So he would be the manager of your lab and the
20 process lab, too?

21 A. Yes.

22 MR. KRIENS: Okay. I don't think I
23 have anymore questions for Craig on the
24 hydrants, do you?

25 MS. HAYES: No.

1 BY MR. KRIENS:

2 Q. I think there was another area we wanted to
3 talk to you about, and that was a memorandum
4 or an operator log that discussed -- we'll
5 have to pull it out. At some point in time
6 there was some analysis done on ammonia. The
7 number were real high, apparently
8 uncharacteristically high, and I believe it
9 was the polishing pond and the S7 sump, or
10 that portion of the plant. And as I recall
11 from the log, the analysis was redone and the
12 numbers were lower. Do you recall that
13 incident, Craig?

14 A. If it's the incident that I'm thinking of --

15 MR. LUGER: It might make sense to
16 get the log out.

17 THE WITNESS: I was going to say,
18 I'm kind of at a place where I'm trying to
19 remember something. I mean, there was an
20 instance where there were some higher numbers,
21 and I was asked to check into it, that's true.
22 I guess that is the incident that I'm
23 recalling now. We should probably be real
24 sure that we're talking about the same thing.

25 MR. KRIENS: Let me see if I can

1 find it here. It was an operating log from
2 the operators. If I can't we'll just go back
3 to it later. (Views documents) I'll get it
4 later. It's in our other package. I don't
5 want to hold you up on that.

6 MS. HAYES: We may ask you about it
7 later.

8 THE WITNESS: That's fine.

9 BY MS. HAYES:

10 Q. I do have one more question to ask. This is
11 Mary Hayes from the Pollution Control Agency
12 interviewing Craig Daniels. Craig, we
13 received an allegation, I don't have a log, I
14 don't have any documentation on this, that
15 it's been over the years the practice of the
16 lab to get a high result on an affluent
17 parameter and to sample and resample until the
18 result, the desired result, would come from
19 the resampling. Can you speak to that?

20 A. Not -- I don't know that I can speak at all to
21 that. That certainly would not be coming out
22 of my laboratory. And I have -- I've never
23 heard of anything like that from our process
24 lab. No one has ever said anything, no.

25 MS. HAYES: Thank you.

1 MR. KRIENS: We want to follow up
2 that that's an allegation that was brought to
3 our attention and not anything we found by any
4 means either, so we aren't stating that we
5 believe that's the case by any means.

6 MS. HAYES: We're obligated to
7 follow up and ask the question.

8 MR. KRIENS: I think we're done.
9 (Whereupon, the interview concluded at
10 2:00 p.m.)

11 * * *

STATE OF MINNESOTA)
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 CRAIG DANIELS, 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.