
INTERVIEW OF:

TOM DUEA

TAKEN ON NOVEMBER 17, 1997 AT 2:00 P.M.

KIMBERLY HORMANN
EAGLE REPORTING SERVICES
2104 Glenhurst Road
Minneapolis, Minnesota 55416
(612) 920-3109

EAGLE REPORTING SERVICES

Interview of TOM DUEA, taken pursuant to agreement of and between parties at, Koch Industries, Inc., P.O. Box 64596, St. Paul, Minnesota, at approximately 2:00 p.m. on Monday, November 17, 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

Also present: Union Representative, Jim Grotjohn

I N D E X

EXAMINATIONS:

By Mr. Kriens: page 16, 17, 18, 20

By Ms. Hayes: page 15

By Mr. Berger: page 4, 6, 10, 14

KOCH JOB HISTORY: page 5

CURRENT POSITION: page 5

1 MR. BERGER: I just have a little intro
2 piece that I have to read. As you know, the
3 Minnesota Pollution Control Agency is conducting a
4 civil investigation that is looking at Koch Refinery
5 operations and at a number of environmental
6 pollution-related control issues that surfaced from
7 our April inspection. We are seeking your
8 cooperation in obtaining some information about
9 these issues. And we would like you to know at this
10 time that you're not obligated to answer these
11 questions. This is totally voluntary on your part.
12 The information we have obtained in this
13 investigation may be used in an administrative,
14 civil or criminal enforcement action against Koch
15 Refinery company. I want to emphasize that this
16 investigation is just looking at Koch Refinery
17 company, not at any particular individual at Koch at
18 this time. Do you have any questions about that
19 information?

20 THE INTERVIEWEE: No.

21 EXAMINATION BY MR. BERGER:

22 Q. Could you state your name and then tell us, give us
23 a little background on your job responsibilities
24 here at Koch since you started? If you've been here
25 a long time, just a brief summary and then a little

- 1 more specific with your current jobs.
- 2 A. My name is Tom Duea. I've worked at Koch for 15
3 years. Started at the coker unit, I worked there
4 for four years as an operator. I moved on to the
5 pumping department. At that time, the pumping
6 department, also as an operator once a week down at
7 the wastewater plant. I worked there for a couple
8 years. Then when they changed the format to have
9 more full-time operators down at the water plant, I
10 moved down there. So I moved there for, up until
11 like two years ago when I moved to, as an operator.
12 Let me back track. I was an operator at the
13 wastewater treatment plant for approximately seven
14 or eight years up until about two years ago. I
15 moved in January of '95 -- no, '96 to my present job
16 as an instrument technician.
- 17 Q. As an instrument technician, you go around and
18 calibrate instruments as part of your
19 responsibilities; is that correct?
- 20 A. Right.
- 21 Q. And keep other instruments up-to-date and current
22 and fix them and things like that?
- 23 A. Yes.
- 24 Q. I think the part that we'd be most interested in is
25 focusing in on your wastewater treatment plant

1 experience and history. And, I guess, I could
2 start.

3 Do you guys want me to start?

4 MS. HAYES: Go ahead.

5 EXAMINATION BY MR. BERGER:

6 Q. One issue that, Tom, that we've talked to a lot of
7 Koch personnel about is in regards to the oily-water
8 sewer system and exactly how that is used here at
9 Koch facility. Could you tell me what your general
10 knowledge is of the oily-water sewer system, what
11 it's for and how it's used?

12 A. All right. Oily-water sewer system, back when I
13 started, they had separate oily water and clean
14 water sewer. And oily-water sewer treats all
15 contaminated waters that have oil or any surfactants
16 or any impurities in it, runs through a natural
17 process of free-floating areas of the APIs, goes
18 down to some large containment basins where they
19 have mixers and they churn it up. Then it's moved
20 on to the DAF units, a couple of units which
21 separate chemically, add chemicals and treat the
22 water and it passes on through a biological system,
23 from there to clarifiers and on to the polishing
24 ponds across the road and to the
25 river.

- 1 Q. Okay. I'm more interested in the front end of this
2 process. Could you tell me how these wastewaters
3 are generated from your operations experience?
- 4 A. Process waste?
- 5 Q. Yeah, the process waters.
- 6 A. Any water or steam or condensate that's used for
7 processing will eventually end up in the sewers.
8 Any waste -- I guess I don't know how to be specific
9 about it.
- 10 Q. That's fine. Okay. Could you tell me about other
11 materials that are disposed or released to the
12 oily-water sewer system? We have a number of logs
13 here that indicate chemicals and different fractions
14 of oil are released to the system, like naptha and
15 methanol. In these cases, I'm talking about pure
16 methanol and pure naptha product. And from what
17 I've learned from these interviews, this happens.
18 At least one scenario is that a vessel is going down
19 for some reason and it may contain some type of
20 fraction of gasoline or naptha or some type of pure
21 hydrocarbon. And this material is being released to
22 the oily-water sewer system. Is this something that
23 you're aware of that has happened in your years that
24 you've worked?
- 25 A. I think they try to pump out the vessels as well as

1 they can to different tanks or slop tanks. Then
2 when they're washing and cleaning tanks, I believe
3 that's when it's put to the oily-water
4 sewer.

5 Q. So they try to get out everything they can?

6 A. To my knowledge, they just don't dump pure gasoline
7 or anything that's in the vessel. They try and vac
8 truck it out or in the process use the pumps until
9 they run dry and align it so that it goes into the
10 proper storage area. And then when they clean the
11 vessel, whether steaming it or --

12 Q. Sure. That wouldn't be any problem. That's fine.
13 Let me show you a few wastewater treatment plant
14 logs, and see if you can comment on these.

15 The first one here is from 2-21-96. It's No.
16 163. It states, Poly unit sending down some light
17 naptha, exact amount unknown.

18 Another one here, Tom, is from 2-26-97. It
19 states -- well, it's No. 1269. Poly called said
20 they would be dumping 2 to 300 gallons each time of
21 medium to heavy naptha down the sewer at a few
22 different times today.

23 The third one here is from 6-7-94. There's
24 no number on it. It states, Poly washing sand
25 filter -- caustic naptha to oily-water sewer.

1 And this is just an example of some of the
2 things we're seeing. It appears to me, and please
3 correct me if I'm wrong, but these are pure
4 hydrocarbons that are being disposed to the sewer
5 system. Any comment on that?

6 MS. WIENS: Tom, before you answer, will
7 you tell me, are those documents that you've seen or
8 authored? Are they things that you've written?

9 THE INTERVIEWEE: No. This was after I
10 had left, this is 2-21-96. I left in, I think the
11 2nd of January of '96.

12 MS. WIENS: What about the other two?

13 THE INTERVIEWEE: They're dated 2/26
14 1997, and 6-7-94, 6-8-94.

15 MS. WIENS: None of those are anything
16 that you've written?

17 THE INTERVIEWEE: No. Yeah, I don't
18 know if, I don't know what they mean that they're
19 dumping a -- it's written down like it's, you know,
20 pure naptha or heavy naptha, but I know that
21 occasionally they would call, and they just say
22 they're sending it. And it was, they might say that
23 there was some wash water with it or -- I can't
24 comment on the specifics of these, but even in our
25 process, if there was some naptha --

1 EXAMINATION BY MR. BERGER:

2 Q. You were saying, Tom, it's -- you can't, you really
3 don't have any specific knowledge on these?

4 A. No, not on these I don't.

5 Q. Okay. I can take them back. We also have a lot of
6 logs that talk about low PH material and also high
7 PH, acids on one side, caustics on the other side.
8 Are you aware of that type of material being
9 disposed to the oily-water sewer system?

10 A. Basins would be affected by low PH, yes.

11 Q. And how is that material generated; do you know?

12 A. Caustic neutralizer, I think. I don't know the
13 process. I've never been in those units, but I just
14 know that they'd call and say that there would be
15 some low PH or we would see it on the PH
16 chart.

17 Q. Aren't there neutralization basins that are there at
18 the units that are supposed to contain this material
19 and then it's supposed to be neutralized before it's
20 released to this oily-water sewer system; am I wrong
21 there?

22 A. Yes. I think there is, yes. But I'm sure there are
23 times when it is upset, and they're only, that's all
24 they could do. I don't -- I think in a perfect
25 world, everything would be neutralized, but the

- 1 process was broken down. I don't know how they
2 neutralize it. I just know what we would see and
3 there would be swings of PH.
- 4 Q. Swings of PH. Okay. I don't have a specific log
5 with me here today, Tom, on this one. But I've seen
6 a number of logs that indicate fuel oil and oil,
7 pure oil being released to the system. In this log
8 that I mentioned, it's from 4-7-96. It's No. 294.
9 And it states, Poly putting some No. 1 F.O., fuel
10 oil to oily-water system for approximately 30
11 minutes. Are you aware of that type of thing
12 happening over your experience in the wastewater
13 treatment?
- 14 A. Well, in our normal rounds at the front end of the
15 plant, we would skim off the oil, any free-floating
16 oil and put it to a storage vessel. It would go
17 into a sump and then we'd treat it as slop.
- 18 Q. As slop oil?
- 19 A. Yeah.
- 20 Q. How much oil -- is there water in that oil then?
- 21 A. Oh, yeah, that's how it gets down there. It gets
22 down through the system to the front end of the API.
- 23 Q. But how about No. 1 fuel oil, would you use that
24 term for --
- 25 A. No. We just see oil, we see -- I probably couldn't

1 differentiate between No. 1 fuel oil and some of the
2 other heavier free-floating oil.

3 Q. I guess I'm trying to get at your knowledge of the
4 process, too. You said you did work at a coker unit
5 for a number of years, too. So in your experience
6 there, were materials like fuel oil or heavy oils,
7 does oil ever get released to the sewer system that
8 you know?

9 A. The blowdown system, normal operation -- I guess I
10 don't know what you're asking. We would see, I
11 would only know what we would see at the water
12 plant. We were concerned with removing, with our
13 skimmers, any free-floating oil so that it didn't
14 pass on down to the rest of the plant.

15 Q. Now, I understand what you're saying there, you
16 can't tell me what is happening up at the front end.
17 I understand what you're saying about in your
18 position as a wastewater treatment operator. It's
19 hard for you to know what's coming down the line or
20 what was originally put in at the front end and what
21 you're getting. But in your knowledge of, you
22 worked in the coker unit, do you have any knowledge
23 of what was put in the front end of this system in
24 regards to pure product like oils and methanol or
25 naptha or that type of thing?

- 1 A. I don't think anything -- I guess that was 11 years
2 ago, and I don't really remember the process other
3 than cutting the drums and the water ending up down
4 at the coker pond and that type of thing, but no
5 oils. Anything that was, anytime we had to move
6 oil, we would move it through the pipeline system
7 and --
- 8 Q. I've seen a number of logs that are similar that
9 read similar to this one, API was loaded with light
10 gas oil. It seems like there could be a number of
11 reasons why a lot of oil ends up on the API and it's
12 seen there; do you have a feeling for what those
13 reasons are?
- 14 A. No, I don't. I don't know why. We handled what
15 came to us. And, I guess I don't -- the API, very
16 little oil can look like a lot on top of water, so
17 how it got there, just different
18 processes.
- 19 Q. I mean, we're aware of some reasons why it shows up
20 there.
- 21 A. I don't have any knowledge of that, no.
- 22 Q. I mean, we know the oily-water sewer system is fed
23 by the coker ponds. We know there's been oil and
24 stuff coming in from the coker ponds that way and
25 other sources, you know. But, I guess, I'm looking

1 more at the process end again. Is it common for oil
2 to get into the oily-water sewer system from the
3 process units?

4 A. Common, what do you mean by -- there is always a
5 little bit of oil that we see at the API. The
6 amount, I don't know. I can't tell you how much oil
7 is there. It's just in our normal rounds we could
8 skim off what free-floating oil was there. I don't
9 know how it gets there.

10 Q. Okay. That's fine. I want to show you a log. It's
11 from 4-21-96. It's No. 330. Your name isn't on it
12 or anything. But it states, caustic, then there is
13 a dash tank 304 to B5 Poly dumping 500 gallons per
14 minute to NOWS, N-O-W-S. Then further down it
15 states, Poly unit done with tank dump plus or and
16 now sending H2O from tank.

17 MS. HAYES: Do you know what that tank is,
18 Tom?

19 EXAMINATION BY MR. BERGER:

20 Q. Tank 304, do you know what tank 304 is?

21 A. No, I don't recall what 304 is. It's not a common
22 tank in the water plant area, that's for sure. No,
23 I don't know.

24 Q. In general, are you aware of those types of releases
25 to the B5 through the non-oily water system like

- 1 that?
- 2 A. No.
- 3 Q. That's nothing that you've seen in the past?
- 4 A. No.
- 5 Q. Do you read it that way? Is there something I'm not
6 seeing?
- 7 A. I don't know what that means. You'll have to ask
8 whoever wrote it, but to me that doesn't make any
9 sense.
- 10 Q. Why not?
- 11 A. Unless our tank 304 somehow was lined up to the
12 clean water sewer or whether -- I guess I don't know
13 where 304 is.
- 14 MR. BERGER: I guess that's all I have.
- 15 EXAMINATION BY MS. HAYES:
- 16 Q. Tom, my name is Mary Hayes. You've worked in
17 instrumentation, you mentioned?
- 18 A. Uh-huh.
- 19 Q. What are your responsibilities in that area?
- 20 A. Calibrating transmitters, valve work, instrument
21 control, anything in the control scheme in the
22 apprentice program.
- 23 Q. To see that they're properly running and --
- 24 A. Calibrated properly along with many other things. I
25 usually work with a No. 1 that does the majority of

- 1 the work and I learned from his --
- 2 Q. -- so instrumentation is throughout the refinery,
3 the entire facility?
- 4 A. Sure.
- 5 Q. In your time in that area, have you found mercury
6 spills or instrumentation that was broken or
7 defective or deficient and as a result there was a
8 spill of mercury or a leak of mercury or anything
9 like that? Have you run into that at all anywhere
10 at the boiler house or the lab or anything?
- 11 A. No, I haven't.
- 12 Q. Have you heard anything about it?
- 13 A. I heard that there are some mercury instruments at
14 the boiler house that you have to be very cautious
15 about.
- 16 Q. But you haven't heard about any of them breaking or
17 spilling or --
- 18 A. Not -- no.
- 19 MS. HAYES: That's all I have.
- 20 EXAMINATION BY MR. KRIENS:
- 21 Q. Who would be the people that would be responsible to
22 follow up on a spill like that?
- 23 A. Of mercury?
- 24 Q. Uh-huh.
- 25 A. I think there was a procedure in place that you get

- 1 the safety department, and they have got a kit that
2 cleans it up and disposes of it properly.
- 3 Q. When you talk about that instrumentation at the
4 boiler house, is that in areas by sumps or anywhere
5 that it could go to a drain?
- 6 A. Where the mercury instruments are?
- 7 Q. Uh-huh.
- 8 A. I know their instrumentation is kind of, is
9 scattered in different parts. So if there was a
10 spill, depending on where the instrument is, where
11 the drain is, it possibly could.
- 12 Q. I'm talking if it's, you know, right near a drain
13 where it's easily spilled?
- 14 A. It's in cabinets, I think those instruments are in
15 cabinets. There are not drains close to it.
- 16 MS. HAYES: Do you have anything else?
- 17 MR. KRIENS: No.
- 18 MS. HAYES: At all? I'm done.
- 19 MR. KRIENS: You're done. I just have a
20 couple of quick ones.
- 21 EXAMINATION BY MR. KRIENS:
- 22 Q. You were at the wastewater plant until January of
23 1996. In '94, in October, we have some operating
24 logs, I didn't notice your initials on any of these.
25 But, I guess you would have been there during that

1 time frame. In '94 late, or in October of '94,
2 there was a problem with green water in the
3 wastewater system in the plant system, water system,
4 in general, and there was high chromium at that
5 time. We've talked to other people here which were
6 somewhat aware of it. And there was also a
7 possibility that the color was due to a dye used in
8 hydrostatic testing and that that got into the
9 system. But irregardless of that, on October 12 and
10 13, there's an operating log that states that safety
11 has orders to spray fire hydrants to get rid of
12 green water. Do you know anything about that
13 particular incident?

14 A. No, I don't remember ever spraying the hydrants to
15 get rid of green water. No, I don't, if --

16 MS. HAYES: Do you remember when the
17 plant was all green?

18 THE INTERVIEWEE: I remember when it
19 was, it took a few days.

20 EXAMINATION BY MR. KRIENS:

21 Q. Your name, I didn't notice your name on any of these
22 operating logs.

23 A. We were assured that there was nothing wrong with
24 the, except that it was green. That it had been
25 tested and they knew where it came from and --

1 Q. Who mentioned, who had assured you of that?

2 A. I'm sure whenever we ran into a problem, we would
3 get ahold of the shifties that night or during the
4 day, the supervisors so --

5 Q. Do you know, were you aware then that they were
6 spraying it out through the hydrants?

7 A. No. No, I don't recall.

8 Q. When you say you were assured that it was just green
9 water, that is with respect to treating it at the
10 wastewater plant and discharging it and so on?
11 Whether it was a problem or not, was that --

12 A. Right.

13 MS. HAYES: Do you remember it
14 upsetting the plant at all?

15 THE INTERVIEWEE: No. No, I didn't put
16 the two together because our problems, they assured
17 us that our problems weren't caused from the green
18 water, the hydro water.

19 MS. HAYES: Are you saying that you kind
20 of remember having some problems at that time, Tom?
21 Or did I misunderstand you?

22 THE INTERVIEWEE: No, I thought you had
23 talked about --

24 MR. KRIENS: Chromium.

25 THE INTERVIEWEE: Chromium, yeah.

1 MS. HAYES: So what they were telling
2 you seemed consistent with the way that it was
3 working out for you at the plant?

4 THE INTERVIEWEE: Yes, there wasn't
5 anything out of the ordinary.

6 EXAMINATION BY MR. KRIENS:

7 Q. Okay. Do you know of any other episodes, other than
8 the October of '94, where the hydrant system was
9 used to dispose of water, wastewater?

10 A. No, I don't, no. I had only heard that they were
11 turning on hydrants as far as the level in B5 to get
12 it down.

13 Q. Do you know what that would mean when they make a
14 statement, safety has orders to spray hydrants to
15 get rid of water? Who would be ordering safety to
16 do that?

17 A. Probably our wastewater supervisors.

18 MR. KRIENS: Okay. That's all I have.

19 MS. HAYES: Do you have anything else?

20 MR. BERGER: No.

21 MS. HAYES: That's all we have, Tom.

22 Thank you very much.

23 (WHEREUPON, the interview concluded at
24 approximately 2:34 p.m.)
25

1 STATE OF MINNESOTA

CERTIFICATE

2 COUNTY OF HENNEPIN

3

4

I, KIMBERLY J. HORMANN, hereby certify that I reported the interview of TOM DUEA on the 17th day of November, 1997, St. Paul, Minnesota.

5

6

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

7

8

That the foregoing transcript of 20 pages is a true and correct transcript of my stenographic notes in said matter, transcribed under my direction and control;

9

10

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;

11

12

13

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;

14

15

16

17

WITNESS MY HAND AND SEAL this 1st day of December, 1997.

18

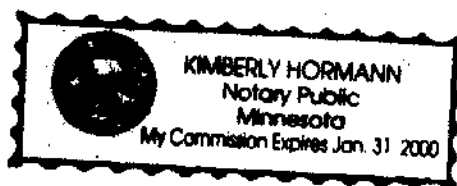
19

Kimberly J. Hormann
Notary Public

20

21

22



23

24

25