
INTERVIEW OF:

RUSS HAWKINSON

TAKEN DECEMBER 19, 1997 AT 9:00 A.M.

**MILO BALLINGRUD
EAGLE REPORTING SERVICES
2104 Glenhurst Road
Minneapolis, Minnesota 55416
(612) 920-3109**

INTERVIEW OF RUSS HAWKINSON, taken pursuant to agreement of and between parties at, Koch Industries, Inc., P.O. Box 64596, St. Paul, Minnesota, at approximately 9:00 a.m. on Friday, December 19, 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

ALAN MITCHELL, Attorney at Law

RICK COOLEY, Attorney at Law

Present from the law firm Green Espel:

SUSAN K. WIENS, Attorney at Law

I N D E X

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1 BY MR. BERGER:

2 Q. Russ, I'm going to read to you an introduction
3 that we have been reading to all the staff and
4 personnel participating in these interviews.

5 As you know or probably know, the
6 Minnesota Pollution Control Agency is conducting
7 a civil investigation that is focusing on the
8 Koch Refining operation and on a variety of
9 pollution, environmental related issues that
10 came to our attention back in April of this
11 year. We're seeking your cooperation in
12 obtaining information related to those
13 situations and issues. We want you to know at
14 this time that you do not have to answer our
15 questions if you choose not to. This is totally
16 voluntary on your part.

17 The information we obtain in this
18 investigation may be used in administrative,
19 civil or criminal actions against Koch Refining
20 Company. I want to emphasize that again, that
21 this investigation is of Koch Refining, the
22 company, and we are not looking at any
23 individuals at this time. Do you have any
24 questions about that?

25 A. No.

EXAMINATION

BY MS. HAYES:

Q. Russ, would you give us a little background on your employment here? Tell us how long you've been here and give us an idea of what your job responsibilities would have been and if they've been different in different positions?

A. Okay.

MR. BERGER: First would you state your full name?

THE WITNESS: Okay. My name is Russell Wayne Hawkinson and I started here in the poly unit in 1982, July of 1982. I worked there for ten years as a number two operator, outside operator, did rounds, stuff like that. I worked up to a number one operator, so I had different responsibilities as an operator in the process unit. I did that for ten years, like I said, and then I moved up into the safety department in 1992, March of '92. And there we were responsible for emergency response, safety related responsibilities and have been pretty much involved in that type of -- in that area since '92.

BY MS. HAYES:

1 Q. Since '92?

2 A. March of '92 I came into the safety department.

3 MS. HAYES: Thank you.

4 EXAMINATION

5 BY MR. KRIENS:

6 Q. Russ, my name is Don Kriens, and I wanted to ask
7 you some questions about the safety department's
8 activities when you either flush hydrants or in
9 the past when the company has disposed of waste
10 water via the hydrant system. Let me pull out a
11 couple logs to discuss. Are your initials
12 R.W.H.?

13 A. Yeah.

14 Q. This is a log of November 4 of 1996, and could
15 you explain what that means when you state
16 flowing water (indicating)?

17 MS. WIENS: It's number 00471.

18 THE WITNESS: This document here was
19 written by my partner, but that would mean
20 flowing water into the west tank farm basin on
21 the west -- the west tank farm. That's not
22 my -- not something I documented.

23 BY MR. KRIENS:

24 Q. This means flowing water into the tank farm
25 area?

- 1 A. Into the basin.
- 2 Q. Our understanding from previous discussions with
3 interviewees is that there was also water
4 discharged into -- out of the hydrants beginning
5 November 3 in the evening through November 4
6 where that was discharged to the land area in
7 the west tank farm. Do you recall that?
- 8 A. I don't recall that in the west tank farm. I
9 don't recall it going to ground in the west tank
10 farm during those times.
- 11 Q. You don't recall that at all?
- 12 A. No.
- 13 Q. Would you have been present on this occasion, on
14 November 4?
- 15 A. Yeah, I would have been there. And just based
16 on what that says, I can't recall it going to
17 ground, but to me that would mean that it was
18 going to that basin over there.
- 19 Q. It doesn't say basin on this.
- 20 A. Yeah.
- 21 Q. Usually when they go to basin in these logs it
22 actually states basin.
- 23 A. Okay. I can just go by what I recall and what
24 I've written in the past, and usually when I
25 would write flowing water to west tank farm

1 generally to me that would mean it's going to
2 the basin there.

3 Q. And your partners wrote that portion
4 (indicating)?

5 A. Right. That's not my handwriting.

6 Q. Who is that person?

7 A. Jerry Davern. He's no longer employed here.

8 Q. Okay. On another log from February 25 there's
9 some narrative notation about hydrant flowing,
10 and would you mind reading that and explain what
11 that one means.

12 MS. WIENS: Also read the document
13 number.

14 THE WITNESS: It's 07668. I'm
15 trying to picture where that hydrant is. Again,
16 it's not my handwriting. The first part there,
17 you know, they're measuring the flow of water,
18 you know, that's what they're saying there,
19 they're keeping track of the time and the
20 gallons that are being flowed there. That's
21 what they're saying. But it's not my
22 handwriting.

23 BY MR. KRIENS:

24 Q. You don't know what that means?

25 A. Well, they're just tracking the gallons it looks

1 like, how long and how much they flowed, that's
2 what it looks like to me.

3 Q. It says 3,172 gallons per minute, total of
4 285,000 on this date. The company has given us
5 information that this went to ground areas. Is
6 that consistent with your understanding?

7 A. I can't say for sure that on that occasion it
8 went to ground or where it went, I don't recall.

9 Q. This was done on many occasions, where the
10 hydrants were discharging waste water to ground
11 areas. We have documented several of those and
12 other people we have interviewed have confirmed
13 that. Do you remember any of those?

14 A. Yeah.

15 Q. Can you tell us about those?

16 A. There was one occasion, out by tank 133 I
17 believe it is, to the grassy area in the winter
18 when they were flowing it to ground then.

19 Q. Do you recall when that was?

20 A. I just remember it was really cold outside, so
21 it must have been around January or something.
22 I just remember it was real cold, I don't
23 remember the month.

24 Q. Where is tank 133 at?

25 A. North of the plant. I could show you on a board

1 but I don't know, it's hard to explain it to
2 you. It's on the north end of the refinery.
3 Q. Is that on the west side of the waste water
4 treatment plant area then?
5 A. Yeah.
6 Q. Is that near that wetland area when they --
7 January 4 they discharged about
8 3 million gallons to the wetland area, and is
9 that the one you're referring to or is it a
10 different one?
11 A. I could show you. I can see the area on that
12 map (indicating).
13 Q. Kind of direct me to it.
14 A. It's to the left and right in that area
15 (indicating).
16 Q. Right in here (indicating)?
17 A. Further up. Right in here (indicating).
18 Q. Is this a low area here?
19 A. Yeah. I don't recall it going in there, but --
20 MR. MITCHELL: Russ, why don't you
21 describe what you guys are pointing at so when
22 the written record is available we'll know what
23 you're describing.
24 THE WITNESS: It's just an open
25 area.

- 1 MR. MITCHELL: And you are looking
2 in the northwest corner of --
- 3 BY MR. KRIENS:
- 4 Q. It's the area north of the B5 storm water pond
5 into a low depression area.
- 6 A. It would be west (indicating).
- 7 Q. There's a wetland area there?
- 8 A. Yeah, and it would be west of there.
- 9 Q. Okay. And you would be discharging west of
10 there towards the east then via hydrants there?
- 11 A. Yeah.
- 12 Q. All right. Is that one that you were involved
13 with yourself, where you went and opened up the
14 valves or whatever?
- 15 A. No, I wasn't involved in actually setting it up
16 or anything, you know, I wasn't involved with
17 that at all.
- 18 Q. Do you recall any other occasions when either
19 you were involved with discharging to land areas
20 or you saw other incidents?
- 21 A. I only recall one other time when it went to
22 ground, and that was in the south flare area.
23 It went to ground for -- you know, that was
24 another occasion when they did it, but that's
25 the only other time I was involved or where I

- 1 know anything.
- 2 Q. Do you know the date of that?
- 3 A. No, I can't recall.
- 4 Q. In these two incidents that you were aware of,
5 do you know who ordered those discharges to
6 occur?
- 7 A. I don't know who the person was that actually
8 gave the direction, no.
- 9 Q. When you managed the hydrants in general, who
10 would order you to carry out that activity?
- 11 A. It would be passed on at shift change.
- 12 Q. From who?
- 13 A. From the people I relieve, you know, the safety
14 people that were on before me.
- 15 Q. Let's say it was an order or whatever that came
16 during your shift, who would have ordered that?
- 17 A. I actually never received, you know, a direct
18 order from a supervisor per se. I don't really
19 recall someone actually saying, Russ, we need to
20 go out and -- I don't remember like a supervisor
21 actually giving that direction or recall where
22 it came from. I just remember we did it, but I
23 don't recall, you know, who actually told us to
24 do it. We were just asked to go out and do it.
- 25 Q. But somebody asked you to go out and do it?

- 1 A. I remember us going out and doing it, but I
2 can't recall a name of someone that told me to
3 go do it. That doesn't make sense, but -- I
4 remember doing it, but I don't recall -- I can't
5 recall a supervisor saying to do it, no. I
6 mean, somebody probably did, but I don't recall
7 who it would be.
- 8 Q. So you don't recall who asked you or told you to
9 do it, but you do recall setting up hydrants to
10 discharge to land?
- 11 A. Yeah.
- 12 Q. So when were those occasions where you or your
13 group on shift did do that onto land?
- 14 A. Just the one time was in the flare area.
- 15 Q. The south flare area?
- 16 A. Yeah. The other time I wasn't involved in
17 setting it up, the time up by the other area. I
18 didn't set that up.
- 19 Q. Who would normally request or order you to do
20 that? I know you're saying you don't recall the
21 instances, but who typically would do that?
- 22 A. I guess I would have to speculate that, you
23 know, I would have to speculate, you know, who
24 would give me that direction. It could be
25 different people. I could name off a whole

- 1 bunch of different people.
- 2 Q. Well, go ahead.
- 3 A. Well, waste water treatment plant possibly,
4 those would -- that would probably be the main
5 place I guess.
- 6 Q. A certain person there or the supervisor of
7 that?
- 8 A. (No immediate response.)
- 9 Q. Who would have authority in the waste water
10 treatment plant to order you to dispose of
11 water, or someone in safety, to order you to get
12 rid of water?
- 13 A. Who would have the authority? I guess I'm not
14 sure who has the ultimate authority to give that
15 direction, I don't know. Again, I would have to
16 speculate who has the authority.
- 17 Q. Well, you just mentioned there could be several
18 people and you started to mention the waste
19 water treatment plant, and I was wondering who
20 at the treatment plant, because the treatment
21 plant itself wouldn't call you. Who would be
22 the individual or who was in the position to
23 order that?
- 24 A. I would have to -- I would have to -- without
25 knowing for sure I would have to say I think

- 1 this person, and--
- 2 Q. Go ahead.
- 3 A. Well, I don't know for sure and I don't want to
- 4 do that, I don't want to just speculate a name
- 5 if I don't know that to be true. I could only
- 6 speculate who would have the authority. I'm not
- 7 in the position -- I'm not in a position where I
- 8 know who has the authority and who doesn't.
- 9 Q. You mentioned on the one that you recall some
- 10 involvement with that someone did order you and
- 11 that these would be in certain categories, waste
- 12 water treatment plant or other ones, and I would
- 13 just like you to mention who that might be.
- 14 A. The reason I mention waste water is because
- 15 they're kind of aware of -- you know, they run
- 16 tests on the water and they kind of know.
- 17 They're the ones that would know, so that's why
- 18 I mention them. But who the person would be to
- 19 give me that order or who would be the person
- 20 that would have the authority to give that
- 21 order, I'm not sure who has the authority to
- 22 give that order from that area.
- 23 Q. Would it have been the head of the waste water
- 24 treatment plant?
- 25 A. Probably, yeah. That's possible.

1 Q. Would somebody in your department that you would
2 report to, such as Gary Ista or managers of that
3 department, would they have been ordering these?

4 A. You know, I did not get names when we were asked
5 to do this. The one time I wasn't even involved
6 and the second time I never really asked who is
7 giving this direction.

8 Q. I understand, but I'm trying to understand if
9 you weren't -- I mean, how you received the
10 order to do it if you weren't given names. I'm
11 not following that.

12 A. Yeah, I know. I guess what I'm trying to say is
13 I remember doing it, and it's been over, what, a
14 year ago? But I don't recall the circumstances
15 leading up to it like who gave the direction,
16 who may have told us to do it, who had the
17 authority. I just don't recall that stuff.

18 At the time I never gave it much thought,
19 you know, because I'm not in a position where I
20 would really question, you know, who told me to
21 do it or why. I usually don't really question
22 any of that unless it's something really -- you
23 know, I just don't recall who gave that
24 direction to do that.

25 Q. Okay. Do you know why they would get rid of

- 1 water in that fashion?
- 2 A. I think at one time there was some ammonia
3 problems with the water.
- 4 Q. Meaning?
- 5 A. I'm not sure what the -- I'm not sure really
6 totally what the impact of that is. I'm not --
7 I don't have training in that area. I just know
8 they wanted us to put some water where we did
9 and that's about all I really know about it.
10 I'm not much of a -- I'm not a waste water
11 person.
- 12 Q. When you say they had ammonia problems, do you
13 mean they had ammonia problems at the waste
14 water plant, is that what you're saying?
- 15 A. Yeah.
- 16 Q. And that would be the basis for getting rid of
17 it via the hydrants, because the problems there
18 at the waste water plant?
- 19 A. Uh-huh.
- 20 Q. Okay. How do you usually get your orders to
21 discharge waste water via the hydrants or even
22 to do the hydrant flushing in normal
23 circumstances?
- 24 A. Every winter we used to -- it's kind of a yearly
25 thing where we would flush and clear out our

1 water mains because they could damage our fire
2 trucks. We try to get the scale out of the fire
3 mains and stuff to protect our equipment, so we
4 would flush the mains. That's something we
5 would do before it got cold out, before it would
6 freeze everything.

7 Q. Who would normally order that then?

8 A. I think at that time Mark Blockenger was in
9 charge of fire mains, and he would just say, you
10 know, it's getting to be that time of the year,
11 why don't we start the project up.

12 Q. How do you normally get any orders? If someone
13 ordered you to dispose of water via the hydrant
14 system, the one incident you were involved with,
15 how were those done? Was that done by phone or
16 was it a written order?

17 A. The one that was up by that north end there I
18 don't recall because I wasn't involved in that,
19 but the other one it was just a verbal, it was
20 just a verbal, just a verbal and we went out and
21 did it. I remember, I guess, it was just kind
22 of a verbal thing to go do it at that time.

23 Q. But you don't remember the person?

24 A. No, I don't. I honestly don't remember who
25 actually gave the direction to do it.

1 Q. Were you aware of or yourself involved in any
2 meetings to discuss this type of activity?

3 A. Discharging the water you mean?

4 Q. Yes.

5 A. No, we didn't have any meetings.

6 Q. Not that you participated in?

7 A. That I participated in, no.

8 MR. KRIENS: Thank you.

9 EXAMINATION

10 BY MR. BERGER:

11 Q. I have a few questions on another area.

12 Russ, I want to go back to your work
13 experience prior to your safety department job.
14 You said you were a number one operator, and is
15 that in a process unit?

16 A. I was actually a board -- I was called a senior
17 board man, qualified as a number one also. I
18 used to -- primarily I would work on the board.
19 Each string of shifts you work, at least back
20 then, we used to work six days in a row all the
21 time, and my first day or two days I would work
22 as a number one operator and the other four days
23 I would be a board person. I kind of -- I was
24 qualified in two positions.

25 Q. In what units had you been an operator at?

- 1 A. That was the poly ultraformer, I guess commonly
2 called the poly unit.
- 3 Q. In your position when you were out there working
4 on the units did you ever have occasion to
5 dispose of waste materials, whether it was oily
6 water or some other type of chemical, a
7 hydrocarbon, to the oily water sewer?
- 8 A. Uh-huh (nods head).
- 9 Q. Do you recall ever in your time working out
10 there problems with the oily water sewer in
11 regards to it backing up, backing up into the
12 neutralization sump and actually overflowing on
13 the ground? Do you ever recall that happening?
- 14 A. I guess I'm not sure what you mean by
15 neutralization sumps.
- 16 Q. Well, there's pits or there's neutralization
17 sumps that we have been told in the past in
18 relation to units -- I don't know specifics, so
19 I'm talking in general, but these are used,
20 theoretically at least, to neutralize caustics
21 and acids that eventually are disposed to the
22 oily water sewer system. We have documentation
23 that at times the oily water sewer system would
24 back up, and it would back up so far that it
25 would come up through the sumps and onto the

1 ground. I guess that isn't as important
2 specifically as do you ever remember the oily
3 water sewer system backing up and flowing on the
4 ground in your units when you were working? Do
5 you remember that happening?

6 A. No, I don't recall that.

7 Q. Do you recall ever disposing of or releasing
8 waste materials to the non-oily water sewer?

9 A. Down in the poly unit, down in the poly unit the
10 two systems are tied together. They both go
11 into the oily water system. And so generally we
12 always put our hydrocarbon hoses into oily water
13 sewers and drains, into the proper sewer as a
14 rule. But I know down there in that area the
15 plant is real old and the systems are tied
16 together where they go into the oily water
17 system also. As least they used to when I was
18 there.

19 Q. What do you mean by tied together? You mean
20 there's two lines and they actually come
21 together at times?

22 A. I believe so. I believe that's true. I know
23 they had a -- I think that used to be the case.
24 That may have been rectified, but I think that
25 used to be the case. They would be tied

1 together and so it would end up in the oily
2 water sewer.

3 Q. It would all end up in the oily water sewer?

4 A. Yeah.

5 Q. What would be the purpose of calling it the
6 non-oily water sewer if it eventually dumped
7 into the oily water sewer? That doesn't make
8 sense. It would be all oily water sewer then,
9 wouldn't it?

10 A. Yeah, I guess. Maybe just -- I mean, the oily
11 water sewers are called oily water sewers, I
12 mean, that's what they call them. I guess I
13 don't recall ever calling the other ones -- I
14 don't know, I just never thought about it I
15 guess. I don't know.

16 Q. You just were releasing to the oily water sewer
17 generally?

18 A. Yeah. I mean, we would put our hoses into oily
19 water sewers because there's many of them around
20 just for that purpose. I mean, that's what we
21 put them into. We would just drain the -- you
22 know, if we were draining something all the
23 sample points and everything are right above an
24 oily water sewer, and you just drain right into
25 an oily water sewer.

1 Q. So you do not specifically recall ever
2 discharging or draining to a non-oily water
3 sewer that did not get treated? You don't
4 recall that ever happening?

5 A. No.

6 MR. BERGER: Okay. I think that's
7 all.

8 MS. HAYES: I don't have anything.

9 FURTHER EXAMINATION

10 BY MR. KRIENS:

11 Q. Russ, who normally -- just in the normal course
12 of business who would give you orders to conduct
13 activities?

14 A. Right now?

15 Q. Well, during this period of time that we're
16 inquiring about in '96 through May of '97.

17 A. Gary Ista at that time was our unit supervisor.
18 Mark Blockenger was -- it was kind of his
19 responsibility for fire hydrants and fire
20 systems, fire mains and stuff. So one of those
21 two guys, generally we got our information from
22 those guys a lot of times.

23 Q. Okay. Did you say you don't remember on the
24 hydrant discharge to the south flare area if --
25 I see in the south flare area we have documents

1 on a couple different ones, there was one
2 February 27 where there was 450,000 gallons
3 approximately discharged and then one on March
4 26. Do you recall which one corresponds to the
5 one you were aware of or involved with?

6 A. What were the two dates?

7 Q. February 27 and March 26?

8 A. One was February and one was March?

9 Q. Right.

10 A. I don't remember which one.

11 MR. KRIENS: That's all I have.

12 (Whereupon, the deposition interview
13 at 9:30 a.m.)

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STATE OF MINNESOTA)

Sd:

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 RUSS HAWKINSON, 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 22nd day of December, 1997.

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