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INTERVIEW OF

DON SCHLOMKA

TAKEN ON NOVEMBER 4, 1997 AT 9:00 A.M.

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INTERVIEW OF DON SCHLOMKA, 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 Tuesday, November 4, 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:

No one was present at this time.

Present from the law firm of Green Espel:

LARRY D. ESPEL, Attorney at Law

SUSAN K. WIENS, Attorney at Law

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# I N D E X

## EXAMINATIONS:

By Mr. Kriens: page 16, 19, 21, 23, 36

By Ms. Hayes: page 4, 11, 14, 15, 17, 21

By Mr. Berger: page 24, 26, 27, 34

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CURRENT POSITION: page 5

1 MR. BERGER: Don, I have just a little  
2 introduction piece that I want to give to you first.  
3 As you know, we are conducting, the Minnesota  
4 Pollution Control Agency is conducting a civil  
5 investigation that is focusing on Koch Refining  
6 operations and a variety of pollution and  
7 environmental-related situations regarding those  
8 operations. And this comes from an April inspection  
9 that we did out here. We are seeking your  
10 cooperation in obtaining information related to  
11 those situations. And we want you to know at this  
12 time that you do not have to answer these questions.  
13 This is totally voluntary on your part. The  
14 information obtained in this investigation, may be  
15 used in an administrative, civil or criminal action.  
16 And the MPCA is free to choose one of these actions.  
17 And if we choose one, it doesn't preclude us from  
18 choosing another. And we want to emphasize this  
19 investigation is in regards to Koch Refining, the  
20 company only. Any questions about that, Don?

21 THE INTERVIEWEE: No.

22 EXAMINATION BY MS. HAYES:

23 Q. Don, my name is Mary Hayes. I work for the  
24 Minnesota Pollution Control Agency in the Water  
25 Quality Division. Would you please state for us

1           your name and what you do for Koch, I understand you  
2           contract with Koch. Would you tell us about that,  
3           what your responsibilities are and how long you've  
4           been doing that. Give us a little background, we  
5           would appreciate that.

6   A.       My name is Don Schlomka with the Schlomka Services,  
7           Inc. We provide vacuum trucks and skid-mounted  
8           pumps, water trucks, a various assortment of  
9           equipment for the refinery for different and various  
10          needs. Transferring products, to pumping water, to  
11          cleaning up spills or to hauling product from one  
12          place to other, dewatering tanks, things like that.

13   Q.       How long have you been doing that?

14   A.       I, myself, have been out here since late '79 and  
15           into '80, 1980.

16   Q.       Okay.

17   A.       The company has been here since, like, 1968, '69.

18   Q.       Okay. Thank you. I'd like to ask some questions  
19           about overflows related to the coker ponds and then  
20           also the B5, the north pond and really, in general,  
21           wastewater treatment units and storm ponds.

22   A.       Um-hum.

23   Q.       And I guess with regard to the overflows, how often  
24           are you responding to an overflow from the coker  
25           ponds? Let's be specific here. The coker ponds or

- 1 the north storm pond I guess I'm interested in.
- 2 A. The north storm pond, I've never been there to clean  
3 up or do an overflow on that, I've never been  
4 involved in a cleanup there. The coker pond, it's  
5 been, oh, I would say it's probably been three times  
6 this year and probably two times last year maybe. I  
7 believe it was at least two times last year.
- 8 Q. Okay. And approximately -- well, first of all, how  
9 are you notified about that, I mean, are you  
10 notified by environmental from here or --
- 11 A. Either environmental or shift supervisors, shift  
12 supervisors have been the norm for contacting me.
- 13 Q. Do you pretty much stay on site then to respond or  
14 are you called in for a response?
- 15 A. If it happens on a day shift, we're here every day.  
16 I've got five people including myself that are here  
17 every day, seven days a week. We have someone on  
18 site seven days a week. On the weekends, we have at  
19 least one to two people out here. Off hours, they  
20 call me, I can respond, I can usually get here  
21 within 20 minutes so, I live fairly close.
- 22 Q. Okay. And the primary responsibility of Schlomka  
23 Services is to clean up and transport? Is that --  
24 I'm not sure I completely understand that.
- 25 A. Well, like the coker pond, we do theirs. If it does

1 go over, we will set up a portable pump and we'll  
2 pump it from the ditch outside its containment,  
3 we'll put it back into its containment.

4 Q. Back into the coker pond?

5 A. Back into the coker pond, yeah. If it was a spill  
6 of something else, we will -- they call us, we'll  
7 come in and we'll clean it up and transport it to a  
8 tank or to another storage facility or something  
9 within the plant. We won't take anything off site.

10 Q. So forgive me for this. I had an image of you being  
11 on call. I didn't picture that you'd have a full  
12 staff here.

13 A. Yep, we do.

14 Q. Full time. So I need a little bit more elaboration,  
15 if you could, on what it is that you do because --  
16 just let me explain. I assumed that you were on  
17 call, too, for the infrequent overflowing of the  
18 coker ponds, other kinds of spills, some of the  
19 transferring maybe between sumps and that sort of  
20 thing. But could you elaborate a little bit because  
21 I guess I didn't imagine that you would have a  
22 full-time staff here?

23 A. Yeah. Like, for instance, what we're doing this  
24 week, they have two companies in here from out of  
25 state cleaning tanks from Texas. Now they're

1           cleaning tank 5 and they're cleaning a tank or  
2           de-gassing a tank at NSP. Koch has contracted me to  
3           assist them in the cleaning. They don't come up  
4           with any vac trucks or any pumps or anything, so I  
5           supply the company with pumps to transport the water  
6           and oil out of the tanks that they're cleaning out  
7           of the tank, they put them in a vac tank. We'll  
8           haul it away from the tank. And also there's a,  
9           there's water in the land farm, we're pumping that.  
10          I have a pump in the land farm. We do that on a  
11          regular basis. Pretty near every time it rains, we  
12          will pump that water. We haul, we're running a  
13          centrifuge on a daily basis. Little -- I have a  
14          truck that runs around and dewater tanks on a daily  
15          basis. If they're -- they hydroed a line yesterday  
16          down at tank 88. We hauled the water out of that  
17          yesterday. There's always something that a vac  
18          truck -- or a company that we do every day on a  
19          daily basis out here.

20    Q.       Thanks for that elaboration. I didn't understand  
21              that you were out here that much. On the logs, and  
22              these are the wastewater treatment logs, there's  
23              often frequent discussion about if there's an  
24              overflow SSI or Schlomka has been called out. And  
25              you said that your recollection is that you've dealt

1 with this, did you say two times this year or three  
2 times this year?

3 A. Three times, I think it was, yeah.

4 Q. Three times last year, that's from the coker pond?

5 A. Right.

6 Q. Can you tell me a little bit about those episodes,  
7 and I guess what I'm asking is approximately,  
8 you know, what kind of a volume you're talking  
9 about vacing up. And I guess, did I hear you  
10 say that your protocol is to just discharge it  
11 back into the coker pond; is that correct?

12 A. Uh-huh, yep.

13 Q. Okay. Can you tell me a little bit about the volume  
14 first?

15 A. Well, volumewise, I don't know. It was a lot. I  
16 couldn't -- I wouldn't even be able to guess on how  
17 much it was, volumewise. The ditch was full of  
18 water -- I don't know exactly, I couldn't guess on  
19 how much volumewise.

20 MR. BERGER: This is the ditch west  
21 of --

22 THE INTERVIEWEE: The ditch west of the,  
23 between the railroad tracks and the pond.

24 MS. HAYES: Well, there was that  
25 occasion. Do you have the log on that occasion

1           where the coker pond went to the railroad?

2                   MR. BERGER: Yeah, I have got a number  
3           of them here. Here's the one where it mentions the  
4           railroad, that's in '94.

5                   MS. HAYES: Yeah, this was September 14,  
6           1994. That's a long time ago, I remember. Looks  
7           like 700 to 1900 hours. So this is like during the  
8           day, so you may have been involved. You may have  
9           been here, it sounds like.

10                   THE INTERVIEWEE: Uh-huh.

11                   MS. HAYES: And in this case then it  
12           sounds like you've got a pretty large volume and a  
13           pretty good velocity going there especially if this  
14           is during the day and it has gotten to the railroad  
15           tracks before anybody has responded to it, it sounds  
16           like. Because, I mean, I guess, that's what I'm  
17           guessing.

18                   MS. WIENS: Are you talking about the  
19           1994 one now or 1997? You just switched back  
20           to 1994.

21                   MS. HAYES: Did I say '97?

22                   MS. WIENS: Well, we were talking, he  
23           started talking about 1997.

24                   MS. HAYES: No, I'm talking about -- I'm  
25           referring to this operating log from September 14,

1 1994. I don't have a date stamp on this. It says  
2 there will be a pump moving water from ditch west of  
3 coker pond into the coker pond. Railroad will not  
4 make any switches until the ditch is cleaned up.  
5 After water is pumped out, the weeds will be removed  
6 from the contaminated area.

7 MS. WIENS: Do you remember that?

8 THE INTERVIEWEE: Uh-huh.

9 EXAMINATION BY MS. HAYES:

10 Q. Do you recall that incident?

11 A. Yes, hazmat went down and cut down all the weeds  
12 and, and debris and stuff that was down there.

13 Q. In this case you used a vac truck to pump?

14 A. No, we used a transfer pump. For something that  
15 size, you used a pump, a vac truck wouldn't do it,  
16 it would take too long. We'll set a pump up down  
17 there, and we'll transfer it from the ditch back  
18 into the containment area.

19 Q. Okay. And so how long do you think it was going  
20 before you were able to get to it, would you guess?

21 A. Oh, normally if it does go over, it usually, it will  
22 go over for a while until they can catch up with the  
23 water that is coming into it. Like if there's a  
24 heavy rain, an unusually high amount of rain, it may  
25 go over for a long period of time before they can

1           get the pond down, before I can pump it back into  
2           the pond.

3   Q.       Yeah, there would be that problem.

4   A.       The pond is, I can't start pumping it in until the  
5           pond is down or it will just keep running back out.  
6           So they will either dike up the area so I can pump  
7           it back in or wait until the pond gets down, and  
8           that could be a considerable amount of time before  
9           they could catch up with the pond to get it down.

10  Q.       What do you mean by a considerable amount of time?

11  A.       Oh, I would imagine like ten to 12 hours, I would  
12           imagine. See, they could only pump out of that so  
13           long, and if you have a long, a big rain, it would  
14           take a long time to get it down.

15                   MS. HAYES: Okay. Okay. Thank you.

16                   MR. KRIENS: Was there any other cleanup  
17           done that you know of on that coker pond spill, by  
18           the railroad track, other than the removal of weeds?

19                   THE INTERVIEWEE: No, just the weeds  
20           were taken out.

21                   MS. HAYES: Not any solids or --

22                   MR. KRIENS: No soils?

23                   THE INTERVIEWEE: No.

24                   MR. KRIENS: There wasn't, did you say?

25                   THE INTERVIEWEE: No, no.

1 MS. HAYES: What about on that same  
2 question. Now, not just talking about the coker  
3 ponds, but talking about other wastewater treatment  
4 units and storm ponds and so forth. Where there's  
5 overflows, where perhaps there has been an  
6 overflow, have you been involved in cleaning up the  
7 wastewater from units like that, wastewater units,  
8 neutralization basins, that sort of thing?

9 THE INTERVIEWEE: Yeah, we -- the  
10 neutralization basins, usually if they go over,  
11 we'll clean up the area where it has settled out,  
12 obviously. But like the north end of B5, I've never  
13 been involved in any retrieval of any water there.

14 MR. KRIENS: Are you talking about  
15 retrieval water that spilled over?

16 THE INTERVIEWEE: Spilled over, yeah.

17 MR. KRIENS: Okay. How about cleanup  
18 of the pond on B5? I thought there was some mention  
19 there at least one occasion where there was a lot  
20 of oil that got down there into the pond?

21 THE INTERVIEWEE: I did clean that up,  
22 yes.

23 MR. KRIENS: Okay.

24 THE INTERVIEWEE: That was in the -- in  
25 the winter months, I believe, because we were

1           dealing with ice. But, yeah, there was -- and how  
2           it got there, I really can't remember how it got  
3           there. But there was a rather large amount of oil  
4           on it and we retrieved all of the oil and padded  
5           with barrel skimmers, and we got that all cleaned  
6           up.

7   EXAMINATION BY MS. HAYES:

8   Q.       What about solids from ponds, either on the inside  
9           or the outside of the pond from overflows and  
10          anything like that, do you do dredging or --

11   A.       Well, we have cleaned B5 before many years ago, we  
12          haven't lately. Same way with the  
13          neutralization basins, they haven't, they're  
14          full now, they haven't been cleaned in years  
15          because they don't know what to do with the  
16          stuff.

17   Q.       You're talking about the solids?

18   A.       Right, the solids. They don't know what to do with  
19          them. What we used to do with them, they can't do  
20          that anymore so --

21   Q.       What did you used to do with them?

22   A.       B5, we pumped, we used to clean the north end of B5  
23          and just pump it up into a containment area  
24          north of B5. They had a dirt containment.

25   Q.       You're talking about the sludge now, right?

1 A. Yeah, the sludge. They used to pump it up there and  
2 just let it dry up there.

3 Q. When did you do that last; do you recall?

4 A. It's been years. Yeah, we haven't done it now for  
5 quite a few years.

6 MR. KRIENS: How about the  
7 neutralization basin, has that been ---

8 THE INTERVIEWEE: That used to go there  
9 also, but we haven't done that probably in a  
10 good five, six years now.

11 EXAMINATION BY MS. HAYES:

12 Q. Do you get involved in cleaning up or vacing up the  
13 wastewater from fire training exercises?

14 A. Um-hum.

15 Q. Okay. And can you explain where that is on site,  
16 where you would be cleaning from? I mean, are there  
17 containment areas you're cleaning for example?

18 A. Yeah, that's all the -- the whole fire training  
19 ground is blacktopped, and it runs to a, it runs to  
20 a low spot where they have got a rubber or a plastic  
21 lining in it. We take and set up a portable pump up  
22 there, and we'll pump it to the 8th Street sump, by  
23 a line. It's like 14 or 1500 feet that we pump it.  
24 And then they've got little boxes where they have  
25 stands and things for fire extinguisher training.

- 1           We'll take a vac truck and we'll clean them out,  
2           suck the water and that saline solution powder out  
3           of them.
- 4   Q.       Where is that asphalt line containment area; where  
5           on the facility is that?
- 6   A.       It's in the south end of the plant, south --
- 7   Q.       There's just one of those then?
- 8   A.       Southwest corner of the refinery, yeah.
- 9   Q.       There was an allegation that, that containment area  
10          doesn't hold water. That there's -- that there are  
11          problems with that. Can you talk about that?
- 12  A.       Otherwise there was some speculation that it was  
13          leaking. They just put a new liner in it though.  
14          Now they just rectified that this year. They put a  
15          rubber, a plastic liner in it and re-did the whole  
16          area there where water holds.
- 17  EXAMINATION BY MR. KRIENS:
- 18  Q.       Was there -- at any time did you go out to clean  
19          that out after a fire training exercise and it was  
20          empty?
- 21  A.       No.
- 22  Q.       Meaning that it leaked through the liner?
- 23  A.       No, there's always been water in it. But there was  
24          visible holes that you could see. I don't know if  
25          they were into the blacktop only or what, but there

1           was always water in it, and it was never dry after a  
2           training session. It was usually full.

3   EXAMINATION BY MS. HAYES:

4   Q.       Do you -- what sort of records do you keep, Don, of  
5           the business that you do here?

6   A.       I have, each truck has a log book, a little daily  
7           planner we call it, I guess. That if I do something  
8           or if one of my guys does it, that's how we do our  
9           billing. They write it in that book and then I'll  
10          take those books, and then I'll do the billing out  
11          of them books. And we just go from there, so I have  
12          those, some old books.

13   Q.       So they would include, like, dates, times, volumes?

14   A.       If I have books, yes. I didn't until a few years  
15           ago start keeping them, they just kind of got left  
16           in the trucks or got thrown away, but I do have some  
17           of them.

18   Q.       The books that you have now, do they also indicate  
19           the fate of the waste, where it ends up?

20   A.       Probably not. Just that we were there, how long we  
21           were there. It doesn't -- we haven't really got too  
22           specific on, you know, amounts that we pick up,  
23           where it goes, basically. Sometimes it does, it  
24           depends.

25   Q.       Would you be willing to let us look at some of those

1 records?

2 A. Um-hum, yeah --

3 Q. I mean, I guess what I'd like to do is look at

4 examples of those kinds of logs and then if we would

5 deem it necessary maybe we would ask you for more of

6 them?

7 A. Yeah, we could.

8 Q. Okay.

9 MS. WIENS: We could coordinate with

10 you.

11 MS. HAYES: All right.

12 MS. WIENS: Is there anything in

13 particular that you wanted to start to look at?

14 MS. HAYES: I guess I'm interested in

15 spill or overflow cleanups, especially.

16 MS. WIENS: I'm sorry?

17 MS. HAYES: Spill or overflow cleanups.

18 I think that's all I have.

19 THE INTERVIEWEE: If you had some dates,

20 I'm sure I --

21 MS. HAYES: It sounds like you've had

22 them for the last couple years, maybe like the

23 last --

24 THE INTERVIEWEE: I know I've got '96

25 and '95 and some of '94, I believe.

1 MS. HAYES: Maybe an example from each  
2 year or a couple examples from each year would  
3 be good.

4 THE INTERVIEWEE: If you give me the  
5 dates or something, I can look through them.

6 MS. HAYES: I'd just like to see  
7 examples for now. And then if we would decide that  
8 we needed to look at them further, then I could get  
9 more specific about particular dates or whatever.

10 THE INTERVIEWEE: Yeah.

11 MS. HAYES: Okay. Thanks, Don. Those  
12 are all the questions that I have for Don.

13 EXAMINATION BY MR. KRIENS:

14 Q. Just some follow up. Don, so your activity is or  
15 work here has to do with spill cleanup, and do you  
16 ever get involved where you're in a remedial action  
17 projects where they remove soils or contaminated  
18 areas like that, aside from actual liquid spills?

19 A. No, I come in and I'll clean up what liquid I can  
20 and then they'll have -- I may be on standby if they  
21 dig up some soil and there's more contaminated. You  
22 know, if there's some water or product, I'll be --  
23 we'll be there on site to continue to pick up what  
24 we can.

25 Q. Okay.

- 1 A. I don't get involved in the dirt end of it.
- 2 Q. Does the hazmat group here take care of that
- 3 primarily or --
- 4 A. If it's a relatively small spill on a small scale,
- 5 hazmat will usually come down with some equipment
- 6 and barrel it up, yeah. I guess I don't -- but
- 7 I'll, you know, if there's something to recover
- 8 afterwards, I'll come back and pick up the liquid.
- 9 Q. Do you know of any instances where there was a
- 10 spill, and other than -- we talked about the coker.
- 11 pond overflow, where soil was not removed but just
- 12 merely covered up?
- 13 A. No. They've been good at recovering it, usually
- 14 everything. At least that I've seen them come in
- 15 with equipment when I'm through. I usually don't
- 16 stand there and make sure they do it. But they come
- 17 in with equipment and roll-off boxes or barrels and
- 18 barrel it up. The last, the last ones that I've
- 19 been at, they have roll-off boxes and barrels there
- 20 and pick it up.
- 21 Q. Do you know why they didn't do that in the coker
- 22 pond spill, that particular incident?
- 23 A. No, I don't. I don't know if they figured there was
- 24 no water, you know, it was just water or there was
- 25 no oil that went over. There was oil back in that

1 '94 incident, that was oil because the weeds were  
2 black with oil. They did go in and, you know, they  
3 spent a few days down there cleaning up, you know,  
4 cutting down the weeds and cleaning, barreling them  
5 up.

6 MS. HAYES: Not soil particularly?

7 THE INTERVIEWEE: No, no.

8 EXAMINATION BY MR. KRIENS:

9 Q. Are you involved or aware of the use of the hydrant  
10 system to flush or dispose of wastewater?

11 A. No, I -- just rumors. I've never seen it or could  
12 substantiate it. There was talk that it was done.  
13 I never seen it myself, no.

14 Q. Rumors. When you say rumors, rumors, with other  
15 Koch staff or people?

16 A. They did transfer water, you know, they used the  
17 fire system to transfer water over to the west storm  
18 pond. I did see that because they used our, some of  
19 my hoses to do that with but that is it.

20 Q. Okay. Did you see any actual flushing of hydrants  
21 onto land areas or disposal water onto land  
22 areas occurring?

23 A. No, I never seen it.

24 MR. KRIENS: Okay.

25 EXAMINATION BY MS. HAYES:

1 Q. Don, were you involved in cleaning up the west storm  
2 pond in April when there was an overflow of the sump  
3 over a weekend? It would probably have been about  
4 the 10th of April.

5 A. An overflow of the sump?

6 Q. Yeah, the sump that is right there, that is housed  
7 right there in the west storm pond, were you  
8 involved in cleaning that up? There was oil  
9 that spilled over, oily water that spilled over  
10 into the pond on that weekend.

11 A. Where was it coming from?

12 Q. From the sump.

13 MR. KRIENS: This would have been coming  
14 from the coker pond transferred to the sump.

15 THE INTERVIEWEE: Okay. I was  
16 transferring from the coker pond into the west  
17 storm pond, I don't remember --

18 MS. HAYES: Cleaning up the pond?

19 THE INTERVIEWEE: No, I don't remember  
20 cleaning up the pond for, for that, for that  
21 particular reason. No, I don't. I don't know that  
22 we would ever get oil over there. I don't. Our  
23 suction at the coker pond is usually low enough that  
24 it wouldn't get oil over there, but it's possible, I  
25 don't remember ever going over -- the sump has gone

1 over before, but I don't remember oil going over it.  
2 It was -- I've seen water go over it, but not oil.  
3 But I've never been over to clean up oil for that  
4 reason.

5 MS. HAYES: Would somebody else have  
6 gotten involved in cleaning that up then besides you  
7 and your --

8 THE INTERVIEWEE: It's possible. Koch  
9 does have their own vac trucks. They may have. If  
10 there was some oil, I may not have known about it.  
11 They may have done it.

12 EXAMINATION BY MR. KRIENS:

13 Q. When they have these overflows into the storm water  
14 ponds or let's say spills or whatever, and you get  
15 oil or other wastewater in there, do you know what  
16 Koch's, aside from the work you do in pulling the  
17 oils off and so on, do you know if they take any  
18 other actions to treat that water?

19 A. If they know, if they know there's something coming  
20 down, they'll divert the clean water into the  
21 oily-water sewer so it will come through the  
22 plant, but they can only do that if they're  
23 notified or if they know it's coming.

24 Q. Okay.

25 A. But if it's oil and it does get down to the north

1 end of B5, we go down and retrieve that.

2 MR. KRIENS: Okay. Thank you.

3 MS. HAYES: Greg, do you have questions?

4 MR. BERGER: Yes, I do.

5 EXAMINATION BY MR. BERGER:

6 Q. Don, I'm Greg Berger. I'm with the Hazardous Waste  
7 Division. Just a few follow-up questions. First  
8 just for a little clarification, is your company  
9 called SSI?

10 A. Schlomka Services, Incorporated.

11 Q. Okay, that's great. What then does -- what's the  
12 difference -- well, what does Industrial Services  
13 do?

14 A. Well, they're a company similar to ours. They're  
15 more on the lines of dry vacs and water blasters,  
16 more than they are in vac truck work. They have  
17 assisted us in cleanups before and worked with us  
18 in the plant here. But they more, they work in the  
19 process side of the plant, and we're more in the off  
20 site side of it. If you can divide them, we're more  
21 in off site and they're more into the processing  
22 units area than we are.

23 Q. I'm going to show you a log here, it's dated  
24 3-10-97. It reads, the number on it is 1126. The  
25 part I'm interested in reads, running coker pond

1 through Schlomka to 8th Street sump area. Could you  
2 tell me what that's about?

3 A. Yeah. They were having trouble getting out of the  
4 coker pond. They were -- the sump at tank 500 was  
5 overflowing up in the coker. So they had to  
6 minimize their flow through the plant and the only  
7 other way to get up to the plant to keep the coker  
8 pond in its containment, was to get with -- work  
9 with safety to isolate the fire system so I could  
10 utilize their fire system along with my hosing to  
11 route it over to the west storm pond and pump it up  
12 that way through that system.

13 MR. KRIENS: The west storm pond south,  
14 not the pond itself?

15 THE INTERVIEWEE: Right. We isolate the  
16 sump and pump it directly into the sump. And the  
17 two pumps over there will pump it up to the water  
18 plant that way. And that ran for the last two years  
19 a lot, quite a bit.

20 MS. HAYES: So this is a fairly typical  
21 scenario --

22 THE INTERVIEWEE: It has been, it has  
23 been in the last couple of years.

24 MR. KRIENS: Was that, I'll just  
25 interject. Was that because of the tank 500

1 situation where they had --

2 THE INTERVIEWEE: Yeah, they couldn't --  
3 when that sump would run over it would go into the  
4 clean water and they couldn't have that. So this  
5 was their solution until they could rectify the  
6 problem down the line, what their obstruction in the  
7 sewer was. I guess they've got that taken care of  
8 now. I haven't heard of any problems lately.  
9 They've been able to keep up with it themselves now.

10 MS. HAYES: Can I ask one real quick  
11 question. So what's your recollection about how  
12 long you've been dealing with this because of that  
13 problem; I mean, how many years are we talking about  
14 here?

15 THE INTERVIEWEE: Just the last two  
16 years. This year and last year, that was a lot. We  
17 run probably, I would say probably six to eight  
18 months last year and probably at least three months  
19 this year.

20 MS. HAYES: Okay. Thanks.

21 EXAMINATION BY MR. BERGER:

22 Q. When it says to 8th Street sump area, is this what  
23 was called Lake Askeland?

24 A. Yeah, right. This year we did go two directions  
25 with it from the high amount of water. We did go to

1 the west storm pond with it and then we also did go  
2 to Lake Askeland, which was the 8th Street sump area  
3 at that time.

4 Q. This 3-10-97 instance, do you know how many gallons  
5 were pumped over?

6 A. No, I don't.

7 Q. Would you have that in your log book?

8 A. No. If we were pumping it that far, I think we  
9 pumped it like 14 or 1500 feet; volumewise it's hard  
10 to guess, I guess. It was a lot because it ran for  
11 quite awhile that way. That would be in our logs  
12 how long it ran. I would have no idea how much was  
13 pumped.

14 MS. HAYES: Maybe we could ask for that  
15 particular log, specifically?

16 THE INTERVIEWEE: I can look that up,  
17 yeah.

18 MS. HAYES: That would be great.

19 EXAMINATION BY MR. BERGER:

20 Q. And were you saying just recently that this  
21 procedure is something that you did a lot or  
22 would happen a lot over the last --

23 A. Not towards the 8th Street just to the west storm  
24 pond. The 8th Street was just a one time, one-time  
25 deal this year and --

- 1 Q. How about in past years?
- 2 A. No, we never, never went that way with it before.
- 3 It was always --
- 4 Q. So your working history here you know of just one
- 5 time when it was pumped to the 8th Street area like
- 6 that?
- 7 A. Yes.
- 8 Q. Like we're talking about here?
- 9 A. Yeah.
- 10 Q. I have a log here dated 2-18-97. There's no number
- 11 on it, document number. This one says SSI hauling
- 12 8th Street to northeast coker pond, so this is back
- 13 the other way?
- 14 A. Right.
- 15 Q. Correct?
- 16 A. Yeah. That, that's after we pumped all that water
- 17 there.
- 18 Q. Well, this came first?
- 19 A. This came, oh --
- 20 Q. Because this is 2-18-97, the other one was 3-2 --
- 21 A. Okay. I think what happened there is we were
- 22 hauling water out of tank 1, and we were hauling
- 23 water from tank 1 to the 8th Street sump. We were
- 24 dumping it on wash pad, but for some reason the 8th
- 25 Street sump was off, it backed up into Lake

1           Askeland and all the water that we hauled out of  
2           tank 1 went down to Lake Askeland.

3                   And then they said, well, we have to, we  
4           can't have it there. So environmental said, well,  
5           you have to haul it over to the northwest coker  
6           pond. So then at that time the northeast coker pond  
7           was isolated from the rest of the system. So we  
8           started, after we were done with tank 1, we started  
9           hauling it to that, the northwest coker pond.

10   Q.       Right, okay. Now that you mentioned that, I want to  
11           address that, too. In regards to that tank 1  
12           situation, the dewatering of that tank, the sour  
13           water that initially went to the 8th Street sump  
14           area or to the 8th Street sump, and then you had the  
15           problem and then it was transferred or dumped into  
16           the coker pond. I guess my question there is that  
17           waste material. Can you describe that, what it is?

18   A.       The sour water?

19   Q.       Yeah, do you know?

20   A.       Just stinky water, it's clean. It looks just like  
21           water, but it's got a horrendous smell to it.

22   Q.       Is it just water?

23   A.       Yeah -- well, that, it looks like water. I've never  
24           run a test on it.

25   Q.       Are there any fines in it or any sludge?

- 1 A. No, just, just sour water, it's a clear --
- 2 Q. A general question then. How do you ensure that
- 3 when you, when you pump out a tank, like tank 1, or
- 4 when you were pumping out of the coker ponds over to
- 5 the 8th Street area, that you don't take sludge or
- 6 coke fines?
- 7 A. When we dewater a tank like that, we drain it, we
- 8 drain it into a half barrel so we can monitor what's
- 9 going into the truck. If it turns, if it turns
- 10 colors or gets sludge in it, then that will go,
- 11 we'll contact the water plant and they'll give us a
- 12 different place to put it. It would go to like tank
- 13 63 and it will be reprocessed. But for the most
- 14 part if it's clean water, we monitor it when we're
- 15 draining the tanks.
- 16 Q. That's always standard procedure?
- 17 A. Standard procedure, yes.
- 18 Q. I want to talk a little bit about the wash pads. Is
- 19 it part of your responsibility to take waste to the
- 20 upper and lower wash pads to dewater?
- 21 A. Yeah, we usually dump on the lower one because
- 22 that's -- the lower one is kind of deemed hazmat's,
- 23 hazmat's pad. So if we have some solids or
- 24 something, we will dump it down there on the lower
- 25 wash pad. We dump it away from the drain, and so it

- 1 will, the water will drain out of it. Then they'll  
2 come down with a skidster or something and pile it  
3 up and let the water drain out of it and barrel it.  
4 Q. The water drains to the 8th Street sump?  
5 A. Uh-huh.  
6 Q. Okay. What happens to the solids then, you were --  
7 A. They, hazmat comes down and they barrel it up, label  
8 it and put it into lockup.  
9 Q. Is that frequently drummed up as hazardous waste  
10 or --  
11 A. Well, they run an analytical on them. And then they  
12 barrel it up right away and then they'll know,  
13 they'll label the barrels. Then they'll -- once  
14 they know what it is, they'll come back and label it  
15 hazardous or not hazardous, I guess. I've never  
16 tracked it that far, but they do come down when we  
17 dump, they come down and get a sample of it, a  
18 random sample and do a test on it to see what it  
19 actually is.  
20 Q. What kind of wastes go there? Can you be real  
21 specific about all the wastes that go to the wash  
22 pad, where this dewatering process --  
23 A. The stuff that we haul down there is tank bottoms or  
24 trash rack sludge, that's, that would be, or sewer  
25 box sludge, things like that. It's more of a dry

1 sludge, more of a grainy dirt kind of stuff, not a  
2 real runny, liquidy stuff. It's more dirt  
3 consistency.

4 Q. And it's your understanding that samples are pulled  
5 all the time after and then it's decided one  
6 way or the other whether it's hazardous or  
7 just --

8 A. We have an internal manifest on everything that we  
9 haul down there. It tells generally what it is,  
10 like if it's sewer box sludge or trash rack sludge,  
11 we give that a copy from the water plant. We'll,  
12 you know, if it's coming from the water plant,  
13 they'll give us a copy. They'll keep a copy, we  
14 keep a copy and hazmat gets a copy.

15 And then what goes on from there I don't  
16 know. But I do know they come down and get a sample  
17 of it. And they run some kind of test on it to see  
18 whether or not it's hazardous or nonhazardous.

19 Q. Have you ever dumped or released waste directly to  
20 the oily-water sewer system?

21 A. Dumped waste?

22 Q. Any type of waste just directly right into the  
23 system?

24 A. Oh, yeah, on C street, on C Street box. Or I  
25 suppose, I guess if you would call the lower

- 1 wash pad oily water system, yeah, we dumped on  
2 there.
- 3 Q. Because eventually it gets to 8th Street --
- 4 A. Yes, it does eventually go to the oily-water sewer  
5 system.
- 6 Q. Correct. Let's say, not that 8th Street, in some  
7 other area?
- 8 A. No. We used to dump at C Street box, but they don't  
9 allow that anymore because of a fire they had  
10 there. They don't, that's not allowed.
- 11 Q. Used to. Could you tell me what used to happen?
- 12 A. They have a C Street box that's the last box before  
13 it goes into the API. There was a truck unloading  
14 station there. They used to back up trucks, if you  
15 would have some oily water or some oil or something  
16 you would dump it there. Now, you take it,  
17 everything goes to tank 63. We used to dump it  
18 here, but they haven't done that now for probably  
19 five years, six years probably. I don't know when  
20 that explosion was. But now everything goes to 63.
- 21 Q. Was the reason for the explosion some material that  
22 was entered into the --
- 23 A. Um-hum.
- 24 Q. So it was highly flammable, ignitable?
- 25 A. Um-hum.

1 Q. Okay. Do you know if hazardous waste was ever  
2 dumped into the system at that point?  
3 A. No, not to my knowledge.  
4 MR. BERGER: Okay. I guess that's about  
5 it for me. Thanks.  
6 MS. HAYES: Do you have anything else,  
7 Don?  
8 MR. KRIENS: No.  
9 MS. HAYES: Thanks a lot, Don.  
10 MR. KRIENS: Thank you.  
11 MR. BERGER: I just thought of  
12 something.  
13 EXAMINATION BY MR. BERGER:  
14 Q. Don, you received information about a spill back in  
15 1994 at tanks 200, 201 and 202 across by the  
16 barge dock, are you aware of that spill; were  
17 you involved with it?  
18 A. I've been on spills down there, yeah. I've cleaned  
19 up spills down there, yeah.  
20 Q. Are you specifically aware of that spill inside the  
21 containment dike for those tanks 200, 201, 202?  
22 A. I don't know which one you're talking about, but I  
23 have been there for spills. I don't, I couldn't, I  
24 don't know right offhand if it was in '94 or not,  
25 but I have been down there on spills.

- 1 Q. What was, in general, done? How were spills down  
2 there handled?
- 3 A. Well, we go down and we clean up all the liquid, and  
4 then either -- it would have been Graus  
5 Construction, at that time was the contractor out  
6 here. They come down with a front-end loader, and  
7 they would open up the dike area and come in and  
8 scoop out the contaminated dirt and either haul it  
9 up here by dump truck -- I think they did at that  
10 time, hauled it up here somewhere. I don't know  
11 where they went with it but if there was any  
12 contaminated dirt, I remember opening up the dike  
13 and driving a tractor in there and scooping up the  
14 dirt and sand around the area. But I think they  
15 just hauled it up here with the dump truck.
- 16 Q. So the general procedure was to suck up the liquid  
17 that you can get?
- 18 A. We'd clean up all the liquid and then another  
19 contractor would come in and cleanup the dirt. And  
20 whatever dirt they took out, they would put back in  
21 to maintain the integrity of the dike area around  
22 the tanks.
- 23 MR. BERGER: Okay.
- 24 MR. KRIENS: I've got a follow-up on  
25 that.

1 EXAMINATION BY MR. KRIENS:

2 Q In any incident -- but in particular the ones by  
3 these tanks 200, 201 and 202 -- you mentioned that  
4 Graus or whoever may have been involved took the  
5 dirt out. Was there a point reached at which the  
6 contamination looked rather extensive and it wasn't  
7 cleaned up anymore by management orders, Koch  
8 management?

9 A. I usually, once my end of it is done, I usually  
10 don't stick around to see how far down they go, or  
11 how much they take out. I just clean up the top,  
12 what I can get, and usually I'm gone. I don't know  
13 who, if anybody, tells them how deep to go or just  
14 by physically looking at it or not.

15 MR. KRIENS: Okay. Thank you.

16 MS. HAYES: Is that all?

17 MR. BERGER: Yes.

18 (WHEREUPON, the interview concluded at  
19 approximately 9:55 a.m.)

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25

1 STATE OF MINNESOTA

2

CERTIFICATE

3 COUNTY OF HENNEPIN

4

5

I, KIMBERLY J. HORMANN, hereby certify that I reported the interview of DON SCHLOMKA on the 4th day of November, 1997, St. Paul, Minnesota.

6

7

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

8

9

10

That the foregoing transcript of 36 pages is a true and correct transcript of my stenographic notes in said matter, transcribed under my direction and control;

11

12

13

That the cost of the original has been charged to the party who noticed the interview, and that all parties who ordered copies have been charged at the same rate for such copies;

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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;

19

WITNESS MY HAND AND SEAL this 16th day of November, 1997.

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23

24

25

*Kimberly J. Hormann*  
Notary Public

