
INTERVIEW OF:

TERRY STORMOEN

TAKEN NOVEMBER 6, 1997 AT 12:15 P.M.

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INTERVIEW OF TERRY STORMOEN, taken pursuant to agreement of and between parties at, Koch Industries, Inc., P.O. Box 64596, St. Paul, Minnesota, at approximately 12:15 p.m. on Thursday, November 6, 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

Present from Koch Industries:

JAMES K. VOYLES, Attorney at Law

Present from the law firm Green Espel:

LARRY ESPEL, Attorney at Law

SUSAN K. WIENS, Attorney at Law

Union Rep: James Grotjohn

I N D E X

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1 BY MR. BERGER:

2 Q. Terry, I just have a little introduction, and
3 we are doing this for everybody that we are
4 talking to.

5 As you are probably aware, the Minnesota
6 Pollution Control Agency is conducting a civil
7 investigation that is focusing on Koch
8 Refinery operations and on a number of
9 pollution, environmental related situations
10 regarding those operations. We are seeking
11 your cooperation in obtaining some information
12 through these interviews, and we want you to
13 know at this time that you do not have to
14 answer our questions, this is totally
15 voluntary on your part. The information we
16 obtain in this investigation may be used in
17 administrative, civil or criminal enforcement
18 action against Koch Refining Company. Again,
19 I want to emphasize this investigation is
20 looking into the Koch Refining operation and
21 is not looking at any specific individual that
22 works at Koch.

23 A. I understand.

24 Q. And if we choose one of these actions it does
25 not necessarily preclude us from choosing

1 another in the future. Do you have any
2 questions?

3 A. No, I don't, it's clear.

4 BY MS. HAYES:

5 Q. Terry, I'm Mary Hayes and I work in the
6 division of water quality. Would you state
7 for us what your position is, how long you've
8 worked here, and if there's been a change in
9 your responsibilities would you elaborate on
10 that for the entire time you've been working
11 for Koch?

12 A. Okay. I started just about 15 years ago. I
13 began in the coker, the process unit, and then
14 from there, and I'm not even sure of the exact
15 dates now, but from there I went to the
16 platformer, 3738 unit, where I ended up as a
17 number one operator for several years. And
18 now it's been I guess close to four years I've
19 been in the waste water treatment plant. I'm
20 the number one operator down there. Which is
21 now the utilities.

22 Q. Does that entail more than the waste water
23 treatment?

24 A. Well, it does. So far it entails the boiler
25 house in the waste water treatment plant, but

1 my specific situation, I am told the stages in
2 the waste water treatment plant. So it's a
3 little unusual.

4 Q. It's unusual because?

5 A. My situation. On record I'm the only one
6 through supervision that I'm to stay in one
7 area.

8 BY MR. KRIENS:

9 Q. Terry, what is the number one operator?

10 A. Well, we've got usually two people on shift in
11 the treatment plant, and you have a number one
12 who carries responsibility over, say, the
13 number two operator. It's a classification.

14 Q. Does it also mean that if you're number one
15 you have greater experience, greater
16 knowledge?

17 A. As a rule, right.

18 BY MS. HAYES:

19 Q. I want to talk to you, Terry, about a couple
20 of issues. The first one is the problem of
21 the oily water sewer going into the non-oily
22 water sewer, and it's commonly referred to in
23 the waste water logs as the out to NOWS and
24 boiling up over by tank 500. I have a log
25 that I think you authored or you were on

1 shift, I think, and it says discovered oil in
2 B5 and NOWS at 10:00 a.m. bypassed NOWS,
3 shifties notified. Would you look at that and
4 tell me if you recognize that?

5 MS. WIENS: Would you also tell us
6 the date, Terry, and if there's a number on
7 it?

8 THE WITNESS: It's January 13, '96.

9 MS. WIENS: Is there a number on it?

10 THE WITNESS: I don't know.

11 BY MS. HAYES:

12 Q. Is that your log?

13 A. Yep.

14 Q. Working in waste water for the last four
15 years, when were you first aware that there
16 was a problem of oily into the non-oily?

17 A. That I would have to answer -- I can't give
18 you a date because it was an outstanding
19 problem, meaning it happened several times
20 through the time I've been there. This
21 particular time, Bob Jacobson wrote this, and
22 he was outside, but I was on.

23 Q. Do you have any idea how long -- I mean, do
24 you remember how long ago you were first aware
25 that this was a problem?

- 1 A. Four years ago.
- 2 Q. From when you first started there?
- 3 A. Uh-huh.
- 4 Q. How often were you dealing with the problem or
- 5 how often did that come up when you were on
- 6 shift? Or how often do you hear about it?
- 7 A. Well, I think everyone that has worked in the
- 8 waste water treatment plant experienced it, if
- 9 I can put it that way. Most of the time it
- 10 would be the coker operators that informed us
- 11 because it would carry over in their area.
- 12 Q. And so what was the frequency of the problem?
- 13 A. It varied.
- 14 Q. Rick Legvold said that, too. Was it that
- 15 sometimes it was daily and other times maybe
- 16 weeks would go by?
- 17 A. I would say it wasn't as frequent as daily
- 18 ever, but it never was where weeks went by
- 19 either. There was a frequency there.
- 20 Q. Okay, all right. I have probably, from the
- 21 logs documented, I would say about 40, 50
- 22 events that would -- that it would appear that
- 23 was probably what was going on. We got logs
- 24 that started in '94, so '95, '96, '97, it
- 25 represents about three and a half years. Does

- 1 40 times in three and a half years seem
2 representative to you?
- 3 A. Well, that's what would be documented. It's
4 hard to say because it might have just
5 overflowed for a short time.
- 6 Q. Did you get those documented when you knew
7 that it happened?
- 8 A. I can't speak for the other operators, but I
9 would say it probably was documented if they
10 knew in most cases. But then if it was a
11 short period of time that it overflowed maybe
12 nobody caught it.
- 13 Q. That's true. Yeah, okay. So I understand
14 from talking to others that -- and you just
15 said it, too, that the coker operators were
16 normally the people that found the problem?
- 17 A. A lot of the times.
- 18 Q. And you were a coker operator, too?
- 19 A. Uh-huh.
- 20 Q. Okay. When you were a coker operator was that
21 happening?
- 22 A. To be honest with you I don't remember.
- 23 Q. What were your rounds like when you were a
24 coker operator? I mean, how often were you
25 walking around trying to discover issues?

- 1 A. They're on 12 hour shifts, they have been, so
2 I would say every four hours. And then, of
3 course, in that area it's kind of the north
4 end of their unit, and it's between the coker
5 and the boiler house, but it's outside of the
6 boiler house area. It would depend, like at
7 night, you know, someone might not see it. I
8 think toward the end because of the frequency
9 and people questioning it that people were
10 more aware of it, that it was something to be
11 aware of.
- 12 Q. And then how about as a waste water treatment
13 operator, how often were you walking around
14 to -- walking, driving, I don't know how --
- 15 A. In that position it would be driving. There
16 again, our rounds were about every four hours.
- 17 Q. Okay. So you actually discovered it when you
18 were out on rounds?
- 19 A. Oh yeah. Yes.
- 20 Q. Could you tell by that discovery -- could you
21 guess how long maybe it had been going, for
22 example?
- 23 A. No. It was hard to guess because you went
24 from one area to the another, unless it
25 overflowed a large area. That's generally

- 1 when the coker operators got concerned.
- 2 Q. Was everybody pretty aware that it was going
- 3 from the oily to the non-oily at that spot?
- 4 A. For a period of time.
- 5 Q. I mean once it became -- you know, once you
- 6 realized it was an issue?
- 7 A. Right.
- 8 Q. You were pretty aware that it was going from
- 9 the oily to the non-oily?
- 10 A. Uh-huh, correct.
- 11 Q. Okay. I would like to move into the issue
- 12 of -- kind of a segue into the B5 oilflow.
- 13 You are on several logs here, your initials
- 14 again are on here. I don't know, I think you
- 15 may have authored a couple of these, maybe
- 16 not, but there's a -- well, let me back up. I
- 17 would like to talk to you about the
- 18 possibility of a connection between that oily
- 19 water going into the non-oily water and then
- 20 having it show up on storm water basins.
- 21 A. The north fire pond?
- 22 Q. Right. Are you aware that there was the
- 23 possibility of a connection like that?
- 24 A. Uh-huh, right.
- 25 Q. Because we've got logs that the days are

- 1 consecutive where you would have an overflow,
2 and then you would have the -- it showing up
3 in the basin.
- 4 A. Uh-huh.
- 5 Q. Because we know there's been oil on the
6 basins, that is peppered throughout on the --
7 on this issue of the oily water and the
8 non-oily water. So I don't know how many
9 times, but probably six or seven times it's
10 mentioned in the log. So you're aware that
11 sometimes that would happen and then maybe it
12 was possible that the source of the oil might
13 have been from that overflow, is that right?
- 14 A. Very possible.
- 15 Q. Where else might it have come from?
- 16 A. Well, right now the non-oily system is pretty
17 much just the boiler house. I would say my
18 guess would be that's how it got there.
- 19 Q. From the boiler house?
- 20 A. No, from the sewer.
- 21 Q. Okay, okay.
- 22 A. By the coker, by tank 500. In most cases I
23 would say that was the reason.
- 24 Q. Okay.
- 25 A. And then at one time -- I mean, there's

1 different things, equipment problems, like the
2 problem we talked about before.

3 Q. I have a log here with your initials on it
4 again, I think this might be your -- I'm
5 starting to be able to sort of figure out
6 maybe whose writing is on these log.

7 On March 25, '97 you are on this list and
8 CC is on this list, on the log. I don't have
9 the number on this one, but this is one that I
10 mentioned earlier today. It says safety
11 reported B5 running over north end. Increased
12 flow to river to nine units. Talked to
13 Heather, said okay. So she's notified. Do
14 you remember that one (indicating)?

15 A. It's Charlie's writing. Well, there again,
16 that had happened, you know.

17 Q. Is this yours (indicating)?

18 A. Right, that's mine. But, no, I'm sure -- I
19 mean, I don't remember that particular
20 incident, but if it's on there I'm sure -- I
21 mean, I know myself that it's happened more
22 than once.

23 Q. The B5 overflowing?

24 A. Uh-huh.

25 Q. How often? When do you think that started?

- 1 A. Oh, I think that's been an ongoing thing, too.
2 I don't think the frequency there was very
3 often, it was just the flows were real high.
4 But it -- I mean, it definitely has happened.
- 5 Q. Okay, okay. Now, on this one it says safety
6 reported it flowing over and then increased
7 flow to river to nine units, so it sounds to
8 me like you're kind of in a reactive mode
9 here. In other words --
- 10 A. Right.
- 11 Q. You've got your -- you're not maintaining
12 probably the freeboard you would like to
13 possibly. I mean, that would be my guess.
- 14 A. It would be, and that's why we're increasing
15 the flow to the river. Actually to the
16 polishing ponds, to drop the -- drop the level
17 in B5.
- 18 Q. Okay. So when you are increasing to nine
19 units, do you know what that represents in
20 terms of volume?
- 21 A. Four and a half million probably.
- 22 Q. What's the capacity on the S7, the polishing
23 ponds, do you?
- 24 A. There's not really a concise answer because it
25 depends on the pumps. We have three pumps

1 down there, but it varies, it really does.

2 Q. Why does it vary?

3 A. Well, the pumps are never pumping the same. I
4 mean, if there's two pumps that are --
5 basically should be the same size and there's
6 a larger one. The theory is if you had all
7 three on of course you would have more pump,
8 but the pumps -- there's always something, one
9 of them gone or one of them -- maintenance
10 wise or wearing out or whatever.

11 BY MR. KRIENS:

12 Q. This is the pumps where?

13 A. S7.

14 Q. You said that nine units is equivalent to
15 about four and a half million gallons?

16 A. Uh-huh.

17 Q. Do you know how many units you can maximum
18 through there?

19 A. S7 what the line would take if you had the
20 pumps?

21 Q. Well, not just what the line would take, what
22 you could --

23 A. Well, here again, that's where you are, you're
24 pumping the polishing ponds, and I would say
25 more like six.

- 1 Q. So when you're at one unit or two units you're
2 roughly at maybe --
- 3 A. It's about half on that reading, right.
- 4 Q. Roughly 500,000 to a million gallons a day?
- 5 A. Uh-huh. We average I think pretty much three
6 and a half.
- 7 Q. As average?
- 8 A. Yeah.
- 9 BY MS. HAYES:
- 10 Q. So in that case you were making a choice not
11 to put the water to the river prior to the B5
12 running over, and then once you found out B5
13 was running over then you can react to that
14 and kick up the volume to across river to nine
15 units?
- 16 A. The rate, uh-huh.
- 17 Q. I have a couple of other logs that have your
18 initials on them, and both of them are, just
19 guessing, the -- well, no, they're not both
20 discussing it. One of them is a pump on the
21 west side of the coker pond from Schlomka, and
22 that log is dated July 21, '96 and the number
23 is 581. And then there's another log on
24 April 6 and 7 of '97, at least -- yeah, I
25 think that's through -- looking through this,

1 I think this is probably '97. Tell me if you
2 think I'm wrong. The number is 1192 on this
3 one.

4 It says Charles Tadwell came to
5 centrifuge and make me aware of hazardous
6 waste going into the west storm pond. This
7 happened because of coker pond flow going by
8 Schlomka pump to west storage ponds, sump
9 still going. Our pump from sump discharging
10 to 2BC was knocked out. I think Ko'ed is
11 knocked out.

12 A. Uh-huh. Actually it was froze. I remember
13 that time.

14 Q. Can you tell me about those two events?

15 A. Well, the last one you were talking about was
16 the coker ponds now were on, and the west
17 coker pond, that's where the flow goes in, and
18 that was really high. So what it was elected
19 to do is they had a contractor's pump. We
20 have our coker pond pumps that come up to the
21 units of the treatment plant, and because the
22 level was high and our pumps weren't keeping
23 up what they did is they used the contractor's
24 pump, pump it through the fire system over to
25 the sump in the west storm pond. And that's

1 what this is about. So what happened was this
2 level control didn't work, and it ended up it
3 was froze up by -- in our unit through the
4 line, and so it wasn't pumping, the sump. The
5 contractor's pump was pumping to the sump, but
6 nothing was being pumped from the sump at the
7 west storm pond, so it was overflowing.
8 That's what that was about.

9 Q. Did you know how long that had been going on?
10 I mean, could you guess how long that might
11 have been going on before it was discovered?

12 A. I know there's an incident report written on
13 this, and that had the times. I want to say,
14 Charlie got there it was night -- I don't
15 remember. I think it was about three hours
16 into the shift, like 10:00, 11:00, it was
17 something like that. It was later, but it had
18 been -- we had guessed it had happened on day
19 shift. So did the shift supervisors that were
20 on. So it had been several hours.

21 MS. WIENS: Terry, did you go down
22 there and look at it?

23 THE WITNESS: Uh-huh. Charlie came
24 and got me. Actually I was down in the
25 totally separate part of the treatment plant,

1 the centrifuge, and he wasn't sure what
2 happened. By the time he went to the west
3 storm pond and saw this and then he came and
4 got me and I went to look at it and I called
5 the shift supervisor. I believe it was Gary
6 Anderson that night, yeah, Gary Anderson. And
7 the pump wouldn't kick on at the west storm
8 pond, but also a line was froze because it
9 hadn't been pumping and it was cold to our
10 R2BC basin. So by the time we tried kicking
11 it on it still -- you couldn't pump from that
12 west storm pond pump at all.

13 MS. WIENS: Did Schlomka help put
14 that there? Was he there?

15 THE WITNESS: Not at night. He
16 would set up his pump. I think they set up
17 the fire hose, too. They work in conjunction
18 with safety on that deal. We don't set up the
19 contractor's pumps, us operators, or the fire
20 hose.

21 BY MS. HAYES:

22 Q. Can I ask you a follow-up to the other one
23 before we talk about that?

24 A. That would just be their pump. The same
25 thing, it would be -- it was running probably

1 to the west storm pond, and so was the diesel
2 pump.

3 Q. So these are probably similar?

4 A. It would be, yeah. Well, it wouldn't be that
5 it overflowed necessarily, but --

6 Q. No, no, no, I didn't mean that. I'm glad you
7 clarified that. I mean that you've got pump
8 on to the --

9 A. West storm pond, uh-huh.

10 Q. Okay. Back to the incident in April, what was
11 the procedure then for dealing with that after
12 you discovered that it's in the west storm
13 pond? In this case it actually got into the
14 pond, right?

15 A. Uh-huh.

16 Q. That's where it had to go.

17 A. Right. It overflowed.

18 Q. Okay. What was the follow up? What happened
19 then when you discovered that it's in the
20 pond?

21 A. Well, I shut it down. But the shift
22 supervisors were notified. And then what they
23 ended up doing -- well, they still had to pump
24 it out, but then it was -- that pond was
25 contaminated, the west storm pond. We were on

1 nights or days, but it's -- then you're off,
2 so it goes to the next crew or whatever, and
3 then they started pumping, just the 2VC,
4 because otherwise the west storm you could
5 pump to B5.

6 BY MR. KRIENS:

7 Q. So they pumped to 2VC, meaning the waste water
8 plant?

9 A. Uh-huh, for treatment.

10 Q. Did they pump it all the way down when this is
11 done, as far as practicable?

12 A. As far as I know. I was on a vacation,
13 extended vacation, and it was -- it went down
14 during that time.

15 MS. HAYES: Did this ever happen,
16 where it went into the west storm pond,
17 besides this time?

18 THE WITNESS: Not while I was on to
19 that extent, that much. I mean, the hoses
20 leaked and, you know, you would have pumps,
21 pump problems maybe, but that was the worst
22 while I was on. The greatest length of time
23 anyway.

24 BY MR. KRIENS:

25 Q. When this occurs or when those ponds are

- 1 cleaned out, and I guess they're done in the
2 fall, Rick Legvold was telling us. In other
3 words, they pumped the water out to the waste
4 water plant and then apparently hazmat or
5 maintenance comes in there and cleans the pond
6 and solids out and so on. Do you know
7 anything about that?
- 8 A. As far as the west storm pond?
- 9 Q. Right, where the solids might be disposed of.
- 10 A. Well, no, because they're not really -- Rick
11 is wrong on that particular pond. Usually we
12 pump down until we lose suction, and that
13 would be this time of the year, and there's
14 still probably, I would guess, close to two
15 foot in there. So it's not cleaned out.
- 16 Q. Yeah, he mentioned that.
- 17 A. There's the sediment. The pumps are taken out
18 and laid on the side of the bank.
- 19 Q. In the fall?
- 20 A. Right, as far as --
- 21 Q. Cleaning it out any further?
- 22 A. No.
- 23 BY MS. HAYES:
- 24 Q. What about cleaning out any other treatment
25 units, have you been involved in that or are

1 you aware of cleaning out solids or sludge
2 from other units like the neutralization
3 basin?

4 A. On the basins, yeah. Well, different basins
5 like in the biological part. 2A or, you know,
6 like the API solids, 7A and B, something like
7 that, that generally goes through the
8 centrifuge.

9 BY MR. KRIENS:

10 Q. Not in the waste water part necessarily?

11 A. The pond?

12 Q. Yeah, the neutralization pond, any sludge from
13 B5, we talked about the west storm pond, but
14 the neutralization tank that's ahead of B5,
15 solids in there where that's been --

16 A. Not while I've been on. They've talked about
17 it, they've talked about B5, they've treated
18 it for the --

19 BY MS. HAYES:

20 Q. Talked about cleaning it you mean?

21 A. Uh-huh.

22 Q. Okay. When were you a coker operator again?

23 A. Fifteen years ago.

24 Q. Back then were there overflows of the coker
25 ponds at all?

- 1 A. It's the coker, but the coker ponds, as far as
2 location, it was -- it wasn't something you
3 really -- at least I didn't, and I don't think
4 anybody did at the time, really was aware of
5 or -- I mean, I know the coker ponds have
6 overflowed, they have while I've been down
7 there since -- let's say I was aware of that.
8 And what really more made me aware is just was
9 when I went to the treatment plant knowing
10 what went into the coker ponds. Other than
11 that it's like you're in a different world.
12 You see something overflow it's like, you
13 know, somebody that knows probably should do
14 something about it, but -- if it was
15 important.
- 16 Q. So you're saying that --
- 17 A. It might have overflowed at --
- 18 Q. You became aware there was problem when?
- 19 A. If I knew overflowing was a problem, that's
20 when I really was conscious of it. But that
21 was when I was a coker operator. I mean, it
22 could overflow every day and I would have
23 thought at the time if it was a problem
24 somebody would do something about it. See, I
25 wouldn't have realized that.

- 1 Q. So when did you become aware of the issue of
2 the coker ponds overflowing?
- 3 A. Once I went down to the treatment plant.
- 4 Q. So four years ago?
- 5 A. Right.
- 6 Q. And the contributions into the coker pond that
7 made it overflow were --
- 8 A. Well, a lot of it is because capacity is
9 restricted because of the fines. The ponds
10 are restricted volume-wise, but then the
11 refinery growing in size and there's a lot of
12 things that feed the coke ponds. And then
13 high flows because of rain, what have you, and
14 then the shorter cycle on the drums. Coke
15 drums are using more water.
- 16 Q. How would -- are you saying that the waste
17 water treatment operators then are -- you
18 know, when you were an operator for waste
19 water you were more aware of that problem than
20 when you were a coker pond operator?
- 21 A. Definitely.
- 22 Q. Okay. So you would discover that happening by
23 going out on your rounds also?
- 24 A. Right.
- 25 Q. And that would be like every four hours kind

1 of thing?

2 A. Uh-huh. We monitor those rates, I mean the
3 levels in the ponds.

4 Q. Okay. Were you ever aware of or around when
5 there was an overflowing like -- do you recall
6 the incident when the coker pond overflowed
7 into the railroad tracks?

8 A. Uh-huh, a couple times I believe.

9 Q. Okay. There was one -- there's a log that I'm
10 referring to that I think goes back to '94,
11 and I think on that one is when the railroad
12 wouldn't go through there because --

13 A. The oil.

14 Q. So you remember it happening approximately a
15 couple times, is that what you said?

16 A. Uh-huh.

17 MR. KRIENS: In '94 was there a lot
18 of oil in that overflow.

19 THE WITNESS: As I remember it
20 looked like a lot, but when it's on -- a
21 little bit of oil can look like a lot, so I
22 couldn't tell you how much it was. And then
23 the pond, the west coker pond, there would be
24 times there would be heavy oil on there and
25 sometimes there's not, you know.

1 BY MS. HAYES:

2 Q. It did happen there would be oil on that coker
3 pond?

4 A. Uh-huh.

5 Q. This was from September 14, '94 (indicating).
6 Do you recall this particular one from '94?

7 A. Uh-huh.

8 Q. Do you recall another one?

9 A. Well, see, that's subjective, too, because now
10 they've changed the ponds. When they -- and I
11 can't remember exactly when it was, but when
12 they built up the roadways around the ponds,
13 that changed the height. The ponds were three
14 feet higher than the inlets, so a lot of
15 people would argue the point they aren't
16 overflowing because the liquid is not going
17 over the walls. But it was impossible to go
18 over. Well, the ponds would go over if you
19 thought of it that way. So when I say -- I
20 considered it where the inlet, the old height
21 of the pond, freeboard, whatever, that when it
22 went over and went into the railroad area,
23 that to me was going over.

24 Q. Over the banks, okay.

25 A. So I'm saying it's a play with words, but you

1 understand what I'm saying. The ponds, if 90
2 percent of them were higher by three feet in
3 the inlets, so it was almost impossible. I
4 mean, the water would flood Iowa before it
5 would go over those ponds.

6 MS. HAYES: I think that's all the
7 questions I have unless somebody has a follow
8 up.

9 BY MR. KRIENS:

10 Q. One more thing on that overflow. Was one of
11 the outcomes of that was that the railroad
12 wouldn't go in there?

13 A. The one time.

14 Q. Because of the material there and the odor and
15 so on?

16 A. Well, I remember more the culvert was full of
17 water, the one I'm sure you're talking about,
18 and it was because of the oil. They don't
19 want to come in with their switch.

20 BY MR. BERGER:

21 Q. Terry, this is Greg Berger. You mentioned
22 feeds, a number of feeds to the coker ponds.
23 Could you talk about that? What are the feeds
24 to the coker ponds?

25 A. I can tell what feeds the coker pond. As a

1 rule what should is the coker units
2 themselves. When they cut the drums, the coke
3 drums, and then the slough away it's the --
4 from the cooling of the coke drums, the coke,
5 and then from cutting the drums, it's water.
6 And that should be the bulk of it, but if
7 Seventh Street overflowed then whatever feeds
8 Seventh Street would end up in the coker
9 ponds. And that would be a fire training
10 area, a land farm, upper and lower wash pads,
11 the south units, process units, Eighth Street
12 sump, Sixth Street sump. That's pretty much
13 the list.

14 Q. So let's take the wash pads, upper and lower
15 wash pads for example. A lot of material goes
16 to those wash pads that's de-watered, sludges
17 from tanks when tanks are cleaned out or
18 vessels or whatever are taken to those wash
19 pads, and there's -- and sludges are put on
20 the pads and de-watered. And that material
21 then runs to the Eighth Street sump and
22 hopefully that sump carries it to the waste
23 water treatment --

24 A. Carries it to Seventh Street to the waste
25 water treatment, correct.

- 1 Q. But there's a potential there for -- if there
2 was a problem with a pump at the Eighth Street
3 pump or the Seventh Street pump for that
4 material to run into the coker ponds?
- 5 A. Definitely. Or if there's instrumentation
6 problems.
- 7 Q. Okay. Do you know of that happening
8 specifically?
- 9 A. Yes, I do.
- 10 Q. Do you know what the term back washing means,
11 back washing to the coker ponds?
- 12 A. I'm not real familiar.
- 13 Q. Let me just show you a memo regarding that.
14 This is a memo from Heather Faragher dated
15 March 13, 1997. It talks about a number of
16 issues, but she has a list of five other
17 things here, other current issues that were
18 reviewed. The first one is hydraulic loads
19 are high right now due to pond water removal
20 and back washing to the coker ponds. Back
21 washing should be over by March 24. Do you
22 have any idea what that term means?
- 23 A. (Views document.)
- 24 MS. WIENS: Terry, is that a
25 document you received?

1 THE WITNESS: No. This one, this
2 was an e-mail to Bob Bishop.

3 MS. WIENS: Are you a cc on it or
4 anything?

5 THE WITNESS: Pardon me?

6 MS. WIENS: Are you copied on it?

7 THE WITNESS: Yes, I would have got
8 one, uh-huh. Back washing, I have to think
9 what she is saying is the units were back
10 washing their exchangers maybe. That's the
11 only back washing I would know of. Back
12 flushing, it's actually back flushing
13 exchangers, and you're using cooling water and
14 back flushing them, and then you drain it and
15 it goes to the sewer. And she might be
16 talking it dead ends the refinery. It's not
17 really you're back flushing went to the coker
18 ponds because there's not any process that
19 goes directly except for the coke drums.

20 BY MR. KRIENS:

21 Q. To the coker ponds?

22 A. Right.

23 Q. Other than the overflows --

24 A. Seventh Street overflows. Only Seventh Street
25 overflows.

1 Q. Okay. That's directed there?

2 A. Right.

3 BY MR. BERGER:

4 Q. All right. You mentioned all these number of
5 flows or feeds to the coker ponds, and can you
6 tell me how often these feeds, these things
7 happened, you know, beyond the normal flows
8 that were to go to the coker ponds? How often
9 did this happen where there were problems with
10 the Eighth Street sump or the Seventh Street
11 sump where you would have materials flowing
12 into the coker ponds?

13 A. There again it's impossible for me to say how
14 often. And it would only be Seventh Street
15 overflowing again. When Seventh Street
16 overflowed the frequency, sometimes I would
17 say it was for days, had instrument problems
18 for days. I mean, on the logs I guess the
19 best thing there would be readings, we would
20 discuss it, that it would be high level shift
21 after shift, the same reading, and it's
22 because the pumps aren't kicking on because of
23 instrumentation or probably generally.

24 Q. Are you aware of any direct releases or
25 discharges to the coker pond like from tank

1 one, sour water, or any other tank that was
2 vac trucked over there or trucked over there
3 and a hose was put out and released to the
4 coker pond?

5 A. There was a tank, and I can't remember if it
6 was tank one or tank four now. It was oil to
7 the -- it was to the northeast pond cell of
8 the coker pond. There was a tank -- when you
9 say sour water, it probably was -- because I
10 remember a cleaning, it wasn't a hydro, it was
11 cleaning and -- but it was oil, which any
12 water would be sour water, too, that would be
13 correct, into that northeast cell.

14 Q. Regarding that situation, I have a memo here
15 of April 16, '97 where it talks about tank one
16 de-watering and it says according to Schlomka
17 in round numbers 13,000 barrels total, 8,000
18 to Eighth Street and 5,000 to coker pond.

19 A. Uh-huh, that tank one sounds familiar. It
20 rings a bell that it was tank farm, I can say
21 that, because I remember there was a lot of
22 oil, too, because we were complaining about
23 that, the operators. And it would be sour
24 water because anything out of the tank
25 wouldn't be clear.

1 BY MR. BERGER:

2 Q. But you know there's oil in there, too?

3 A. I know they've done it, right, right.

4 Q. How do you know that?

5 A. Because Schlomka would come in. I think in
6 that particular case they brought the manifest
7 when they dumped it down to the treatment
8 plant, and we sign those, internal manifest.

9 Q. But how do you know there was oil in that?

10 A. Because after they dumped it, the pond, there
11 was oil on the top of course.

12 Q. You could see the oil?

13 A. Uh-huh.

14 Q. Did you personally see that?

15 A. Uh-huh. In fact -- you have the date there,
16 but then once they got rid of the oil there
17 was a hole in the liner on that pond. We
18 started writing it up on our daily reports.
19 But we didn't see it before because of the
20 oil. It was a hole, you know. You couldn't
21 tell if it was dark. So I know we have that
22 in our logs, too, the daily thing we have to
23 do for the state.

24 MR. KRIENS: A hole in the coker
25 pond?

1 THE WITNESS: In that cell, uh-huh.

2 It was marked up for days.

3 BY MR. BERGER:

4 Q. You mean they started to pump it out and the
5 level fell?

6 A. Right. Plus because of the oil it was -- the
7 hole in the lining -- the ponds themselves are
8 asphalt, so once the oil covered the hole, I
9 mean, it was dark and you couldn't tell there
10 was a hole right away. Then, of course, with
11 the levels, once it was cleaned up they
12 cleaned the oil that was on the pond itself,
13 the dike wall or whatever you want to say, and
14 then you could tell there was a hole in there.
15 And it was on the northwest corner.

16 Q. Is this the hole or is that a similar hole
17 (indicating)?

18 A. That's the one. In fact, you can see the oil
19 residue there.

20 MS. WIENS: Are these your pictures?
21 Did you give them to me?

22 MR. BERGER: Those are pictures we
23 received from other sources.

24 THE WITNESS: That's the pond.

25 MS. WIENS: Can we get copies of the

1 pictures?

2 MR. BERGER: We'll have to talk to
3 Rick about that.

4 BY MR. BERGER:

5 Q. So when you look at this picture it appears to
6 me, and correct me if I'm wrong, that the oil
7 was to a point that -- I guess you mentioned
8 this, it was above that hole?

9 A. Right. Then after you couldn't tell. Now,
10 that's -- you can see what I'm saying the oil
11 residue on there?

12 Q. Right.

13 A. We couldn't tell there was a hole in the --
14 actually that's pretty clear, but normally the
15 whole pond itself is darker and there was oil,
16 and I'm almost positive as I remember it was
17 from that tank one when Schlomka dumped that
18 there.

19 Q. There's no date on the picture so we don't
20 know for sure if those two correlate, but
21 that's your recollection?

22 A. Right. That would be on the -- our daily
23 logs, all the operators were putting in that
24 there was damage because, they will say dike
25 condition or -- you know, of the ponds. We

1 would write in if there was something
2 different than those.

3 Q. Through your experience over the years with
4 the coker ponds, do you ever remember seeing
5 other holes like that or other areas where the
6 coker pond dike gave way or there was a big
7 crack or actual hole in the side of the dike
8 like that, or is this the only instance you
9 can recall?

10 A. Right, a large hole like that. But the coker
11 ponds are usually full, so --

12 MR. BERGER: Okay. Thanks.

13 BY MS. HAYES:

14 Q. Terry, can you elaborate a little on the
15 internal manifest system that you have? I
16 haven't heard anything about this before. How
17 does that work?

18 A. Okay. I thought there was some kind of a
19 state law, I mean, I thought this was part of
20 their permit. We have a regular manifest, and
21 say a different department, say the products
22 handling department, they were cleaning out a
23 tank. There would be maybe naphtha, fuel oil,
24 whatever, so they would have someone like
25 Schlomka take this product and they would

1 write up a manifest and then that would come
2 to us, our plant.

3 Q. You would be involved in it?

4 A. We would sign it, they would get a copy and we
5 would get a copy. There's thousands of them.

6 Q. I'm aware of the issue of needing to use
7 manifests for handling hazardous waste, I
8 didn't mean to apply that, I just thought
9 maybe you had a -- guess I'm not aware of how
10 it works internally, how you get involved in
11 it.

12 A. Okay. Yeah, that would be it.

13 Q. So if -- what was the scenario again where you
14 had to sign off on a manifest, what was that?

15 A. We were talking about that tank one, and as I
16 remember that's what it was, Schlomka came to
17 us because it was dumped in our area. The
18 only time we -- unless they didn't have a
19 manifest, which I can't say a frequency of
20 happening or what, but if someone didn't bring
21 us one and they dump something, of course we
22 wouldn't know. And generally that was the
23 case with the wash pads. That's why when --
24 we would ask the question what's dumped there,
25 because that would usually be Industrial

1 Service, and I would say a lot of times --

2 Q. You weren't involved in a manifest on that?

3 A. No.

4 MS. HAYES: Thank you.

5 BY MR. BERGER:

6 Q. We were talking about manifests, and I want to
7 touch on that subject a little bit.

8 I have a daily log, waste water treatment
9 plant log dated 9/8/95, there's no number on
10 it. I'll read from it. Environmental
11 contacted us to sign manifest for pipeline
12 trucks to unload high benzene materials to
13 tank 63. Upon arriving to show driver how to
14 unload there was a noticeable H2S odor.

15 Can you tell me what that's about? Is
16 that material from off site, is this material
17 transported internally in the plant?

18 A. Right, off site.

19 MS. WIENS: Is this a document you
20 have authored or written?

21 THE WITNESS: No, this is Tom Bailey
22 and I think Dave Gardner.

23 MS. WIENS: So you are interpreting
24 what's been written?

25 THE WITNESS: I would be. When they

1 say pipeline, the only pipeline I'm aware of
2 would be outside of the plant.

3 BY MR. BERGER:

4 Q. Do you know what that material is, where it's
5 going and why it's coming here, any idea?

6 A. No. I mean, if it's a high benzene I would
7 have to guess it's platformate or something.
8 It would be an av gas or a platformate.

9 Q. What is tank 63 used for?

10 A. That's our -- we have two tanks, 63 and 64,
11 and they're basically slop tanks. 63 would be
12 the first tank, and that's where you decant
13 the water, and then 64, you transfer 63 to 64.
14 64 should be your good slop, and that goes to
15 the coker and they use that for collection or
16 fractionator tower, a coolant.

17 BY MR. KRIENS:

18 Q. And 63 goes where?

19 A. To 64. So 63 would be your knock out as far
20 as decanting the sour water.

21 Q. Would it decant then to the waste water plant
22 or through the stripper?

23 A. It used to go to sour water into re-use into
24 the hydrogen, but because of the falling in
25 the hardness, now it generally goes to the

- 1 API.
- 2 Q. The waste water plant?
- 3 A. Right.
- 4 Q. At this time, this would have been '95, they
- 5 would have put it in tank 63 and a portion of
- 6 it would have went to tank 64 and was used in
- 7 the coker?
- 8 A. It all should end up in 64 from 63.
- 9 Q. Except for a -- except for the sour water,
- 10 which then at that time would go -- would have
- 11 went to the stripper or would it go somewhere
- 12 else?
- 13 A. There again, when we did have that option it
- 14 would go to a unit that had a sour water
- 15 stripper, and then it still went sometimes to
- 16 the sour water stripper, sometimes to the API
- 17 and sometimes to 7A and B basins. Those would
- 18 be the three possibilities.
- 19 Q. Okay.
- 20 A. It would be the same identical thing as the
- 21 stuff they're getting from the river, that was
- 22 going to tank 63, too.
- 23 BY MR. BERGER:
- 24 Q. You mean from the spill they were cleaning up?
- 25 A. Uh-huh.

1 Q. Where they're digging the trench?

2 A. Yeah, but I haven't been down there.

3 BY MR. KRIENS:

4 Q. When they say environmental contacted, that's
5 the environmental department at Koch then?

6 A. I would have to assume.

7 Q. Meaning this material is coming in via trucks
8 and they would want you to sign your internal
9 manifest?

10 A. Uh-huh.

11 BY MR. BERGER:

12 Q. It's not clear to me specifically what this
13 material is. Maybe you can't answer, but --

14 A. I can't because it doesn't state what it is.
15 I would be speculating, but because it says
16 high benzene I would say it's either like a
17 platformate or, you know, like an av gas. It
18 would be something not necessarily -- now, the
19 benzene is prevalent in your platformer,
20 things likes that.

21 BY MR. KRIENS:

22 Q. Where would the platformer be off site?

23 A. There wouldn't be. And there wouldn't be a
24 pipeline to our platformer either.

25 Q. The av gas could be off site I assume?

- 1 A. Uh-huh.
- 2 Q. If it was off site, I'm trying to understand
3 why it would come back here if it was that
4 type of material.
- 5 A. I would say it pipeline -- what it is, it's
6 probably Williams pipeline, Schlomka, they
7 probably had something go through a high
8 benzene, whatever product was through the
9 pipeline going to whatever destination. Now
10 they're going to put a different product
11 through the pipeline, so what they'll do is
12 they will clean it more or less, and Schlomka
13 many times will be the one that has that
14 interface of product and then brings it to our
15 site.
- 16 Q. So it would be the material left in the
17 pipeline to clean it out, put it into trucks
18 and that would have been trucked over so they
19 could use the pipeline for some other --
- 20 A. Right. And I'm just speculating.
- 21 BY MR. BERGER:
- 22 Q. But again, coming from off site?
- 23 A. In the case I'm thinking, yes.
- 24 Q. Could this material be considered a hazardous
25 waste?

1 MR. ESPEL: Do you have any idea
2 what that term even means in the context of
3 this?

4 THE WITNESS: The only thing I can
5 go by, and again, I didn't write that, but
6 benzene to me is hazardous, if that answers
7 everybody's questions. I think, Tippy,
8 without being in the waste water treatment
9 plant, would say benzene is hazardous.

10 MR. GROTHJOHN: I would agree.

11 BY MR. BERGER:

12 Q. I have a memo here from Heather Faragher, the
13 subject is hazardous waste stuff dated
14 March 11, 1996. It's number 2326. She is
15 talking about -- it's from Heather to Eric,
16 and she is talking about concerns by the waste
17 water treatment operators over a number of
18 issues. She states during class number three
19 many questions arose concerning hazardous
20 waste spills, manifests, et cetera. The
21 specific questions were -- number four states
22 what is the operator's liability slash
23 responsibility concerning the signing of
24 hazardous waste manifests? The ones from Otto
25 Avenue were from the state of Minnesota? This

1 brought up specific questions from operators
2 with regard to signing these forms and their
3 liability.

4 My first question there is Otto Avenue,
5 do you know where Otto Avenue is?

6 MS. WIENS: Before you answer, can
7 you tell me, is that a document you have seen
8 or read or was sent to you?

9 THE WITNESS: I don't remember
10 seeing it. I know there's been several issues
11 brought up to Heather by myself and other
12 operators. The reason I say -- I'm not sure
13 what Otto Avenue is. They have facilities
14 now, Koch does, at different places, and if
15 this is the street -- of course Heather is
16 asking Eric Askeland, but, I mean, their tanks
17 or whatever they have off site, I'm not sure
18 of street addresses.

19 MR. ESPEL: You don't know what this
20 is talking about, is that right?

21 THE WITNESS: Well, generically I do
22 because there are a lot of similar questions
23 I've asked other operators. This particular
24 Otto Avenue -- as far as the signing of
25 hazardous manifests, yeah, I brought up that

1 question. This question here on that
2 particular case wasn't me. It could have been
3 any operator. It could have been Mark
4 Stevens, I know he questioned a lot of things.

5 BY MR. BERGER:

6 Q. You said you had a general concern, and what
7 was that?

8 A. Several. We asked Heather or I did myself,
9 and I'm just talking about the ones I did, but
10 one was what is their liability on certain
11 situations. I brought up the river thing.
12 They were unloading, and this was a question I
13 asked Heather, that they weren't bringing us a
14 manifest. I said -- I don't have the document
15 with me, but I questioned that if this is
16 coming in our area we should know, because
17 they go to the unloading, the truck unloading,
18 which is that tank 63, which we talked about
19 earlier. They were bringing this product up
20 from the river and dumping there without
21 manifests. We had no idea how much, what it
22 was or anything. I questioned for one, and
23 that's the most recent situation. I know I
24 wrote it in the log. That was some real
25 confusion as far as how we were answered, but

1 I still don't have any idea. I mean, we were
2 told that's all right. There again, if we can
3 question and question, but -- you know, what
4 do you do? So when you talk about the Otto
5 Avenue, what that product was I don't know.
6 I'm sure that wasn't me that questioned that
7 one. The most recent was the leaded gas, and
8 I'm going by what -- everyone says it's the
9 same thing they have heard, that it's being
10 dumped at our unloading without manifest. I
11 did question that because I looked at that as
12 hazardous.

13 Q. And that was coming from where?

14 A. The river, the leaded gas.

15 MR. KRIENS: The river means from
16 the recent spill?

17 THE WITNESS: Uh-huh. That one I
18 can tell you because that's real recent.

19 MR. KRIENS: That was up at tank 63.

20 THE WITNESS: Right. Unloading
21 without a manifest, and I questioned it. And
22 I questioned it was hazardous because it was
23 lead.

24 BY MR. BERGER:

25 Q. And what were you told?

1 A. They didn't need a manifest. Someone wrote it
2 in the log. I mean, I wasn't given an answer
3 when I asked the question, it was after. I
4 think I wrote a reply, but -- that was
5 recently, and I don't know if you have a copy
6 of that log or not.

7 Q. I don't think so.

8 A. But several operators questioned it, I'm not
9 alone on that.

10 Q. Was that before this spill was discovered or
11 was that after?

12 A. After. Basically we read about it in the
13 paper, that it was leaded, so that's how we
14 knew. And of course that made us think it was
15 hazardous. And there again, it's not having
16 control what comes into your unit as an
17 operator.

18 Q. That's an interesting question, and I don't
19 know the answer to that one. Do you have any
20 questions, Don?

21 BY MR. KRIENS:

22 Q. I have a couple on this category. Is there
23 any policy with respect to spill reporting at
24 the refinery or an unwritten policy or any
25 understanding among the operators that when

- 1 you discover a spill how it should be reported
2 to the environmental department or the MPCA?
- 3 A. The policy is that up to 60 percent of the
4 time you would be on shift, meaning nights or
5 weekends or holidays, so I would say the great
6 share of the time you report it to the shift
7 supervisor and they report it to
8 environmental. So we ourselves have reported
9 to environmental directly, but generally it's
10 operations.
- 11 Q. Meaning the shift supervisor?
- 12 A. Well, yeah. And the rest would be the unit
13 supervisor or -- you know.
- 14 Q. Do you know anything, Terry, about some spills
15 that occurred down by the barge dock called
16 tanks 200, 201 and 202, containing acetone,
17 fuel oil and toluene?
- 18 A. Not personally. I heard about the spills, but
19 that was from people that were in the pumping.
- 20 Q. But nothing particular about that?
- 21 A. Not that I can say myself directly. I mean,
22 you hear about different spills and I've seen
23 certain ones.
- 24 Q. How about the spills or overflows from the
25 north pond, B5, did you observe any there or

1 was there a notification made on those?

2 A. Yeah, and I think Mary was asking earlier.
3 I've been on when that happened.

4 Q. All right. I have a couple of questions on
5 the hydrant flushing area. Were you aware of
6 that practice, that they used the hydrant
7 system to flush out waste water from the storm
8 pond?

9 A. Uh-huh, yes, I was.

10 Q. Do you know how many times you were aware of
11 that occurring?

12 A. That's kind of like the oily water going into
13 the non-oily water, there's a frequency, but,
14 I mean, I couldn't tell you if it was weekly
15 or maybe sometimes it happened, you know,
16 quite a bit and then there would be lapses.

17 Q. We went through our documents that were
18 provided to us and developed a chart based on
19 the number of times that we know from
20 documents. We were told by environmental
21 department that these were not always
22 accurately recorded by the safety department
23 which is responsible for hydrants or by the
24 shifties or by anybody necessarily. Based on
25 what we found it looks like the earliest ones

1 occurred in June of 1996. There was a safety
2 log that discusses a period there on June 18,
3 June 19, where it was flushed to the west tank
4 farm on ground. And then there was one on
5 November 3 and 4 of '96 where it was flushed
6 to ground area. Then there was one
7 November 16, 17 of '96, and then one on
8 January 4, '97, which is when the MPCA became
9 aware of this. And then three at the end of
10 February of '97 and then one in March of '97.
11 Does this sound like the representation of the
12 number or do you know, in fact, there were
13 more than these?

14 A. These columns represent one day?

15 Q. These arrows represent days of flushing. So
16 in other words, in February there was three in
17 a row, 25, 26 and 27, there was two
18 November 16 (indicating).

19 A. The flushing I recall, and it was at certain
20 times. I think the length was probably
21 longer, but, I mean, it wasn't like for weeks
22 on end, I'm not saying that, it was -- yeah,
23 it might have been more times. I don't know
24 because then again if I wasn't on shift, you
25 know, I don't know. You got this from safety?

1 Q. We put this together. We got the number of
2 times that it was discharged from the hydrants
3 either from the operator records or from
4 safety.

5 MS. HAYES: Sometimes they were
6 together and sometimes they weren't. There
7 were times, you know, when you would have it
8 in an operator log but you wouldn't have it in
9 a safety log or the other way around.

10 THE WITNESS: Uh-huh.

11 BY MR. KRIENS:

12 Q. It looks like beginning around mid 1996
13 through April of 1997, that was a period of
14 time when you had at the waste water plant a
15 lot of problems in treating ammonia, the
16 loading was high during those periods.

17 A. Uh-huh.

18 Q. As I understand it, one of the practices when
19 the loading would get high, the water was
20 stacked up via the storm water ponds. Is that
21 the way that usually worked?

22 A. That's the way I would recall it.

23 Q. When they say in the logs 1.7 units or two
24 units, that would represent a million gallons
25 or less thereabouts, meaning the discharge to

- 1 the river. The typical flow is around three
2 and a half?
- 3 A. Uh-huh, a million a day.
- 4 Q. So at times would you be backing up about
5 2 million or more gallons of water?
- 6 A. Uh-huh.
- 7 Q. Into the storm pond?
- 8 A. Uh-huh.
- 9 Q. Do you know anything about one that occurred
10 November 3 and 4 of 1996?
- 11 A. Could you be more -- I mean, besides the date
12 what --
- 13 Q. This was a time when on November 4 a Bioassay
14 was to be conducted, a whole affluent toxicity
15 test on the affluent. And just prior to that
16 the flow had been cut to the river, November 3
17 to 1.7 units, the ammonia in the S7 was 110
18 parts per million. By that I understand then
19 that it was being backed up to B5.
- 20 A. Uh-huh.
- 21 Q. And then on November 3 the operator log states
22 safety to open three hydrants in west tank
23 farm on grounds to help get rid of water.
24 That would have been a Sunday. That was done
25 apparently from 7:00 p.m. that Sunday evening

1 through 7:00 a.m. Monday morning. Monday
2 morning was the day the Bioassay was scheduled
3 to begin. It was, however, deferred for
4 approximately a week, and we don't know the
5 reasons for that.

6 At the same time on that November 3 and 4
7 that was a very high load of ammonia to the
8 waste water plant. In fact, it was the second
9 highest loading throughout this whole period
10 of time for that year and a half or so that
11 was studied.

12 A. To answer your question, that particularly --
13 by the date I don't know even know if I worked
14 those days, to be honest with you, but I do
15 know we had high ammonia, and at the time the
16 monitors were put on by safety. But not by
17 direction of the waste water operators.

18 Q. That was my question, who would have directed
19 them to open those up?

20 A. Well, I would have to assume -- the occasions
21 I know they worked with the shift supervisors
22 or operations.

23 Q. Do you know of any meetings or were you
24 involved in any meetings held to discuss this
25 type of issue, this alternative of spraying on

1 land versus going through the permitted
2 discharge?

3 A. Not a meeting. I was told by management it
4 was good, it was like fertilizer. I
5 questioned it. I thought, well, if it can't
6 go to the river how the heck can it go to the
7 ground.

8 MS. WIENS: Off the record.

9 (Discussion off the record. Mr. Espel leaves
10 interview room.)

11 BY MR. BERGER:

12 Q. I want to talk about an area regarding
13 discharges to the oily water sewer system from
14 process units. In general can you tell me
15 what your knowledge is of those types of
16 discharges to the oily water sewer system?

17 A. Plant wide?

18 Q. Plant wide.

19 A. Well, every part of the refinery has, of
20 course, oily water sewer systems. In the
21 units it's generally anywhere where you would
22 bleed, like your pumps, the vessels, and then
23 the sewer system comes however way underground
24 and eventually comes to us.

25 Q. What you bleed off is primarily water mixed

- 1 with certain contaminants?
- 2 A. As far as the units?
- 3 Q. Right.
- 4 A. Say if it was a naphtha pump it would be
5 naphtha, if it was a fuel oil pump it would be
6 fuel oil.
- 7 Q. Would you elaborate on the naphtha situation,
8 why you would do that and what's that about?
- 9 A. Say to get ready for maintenance. For
10 example, bearings or something on a bump.
- 11 Q. Would that be pure naphtha or what would be
12 the consistency or --
- 13 A. Pure product.
- 14 Q. How much of that would be left down in the old
15 WS at a time?
- 16 A. There again, on a pump it shouldn't be that
17 much quantity-wise. You would block your
18 discharge suction valve and do whatever in
19 between that area of the pump. Now, on a
20 turnaround or something, on a vessel -- I
21 mean, I'm not in these units and so I can't
22 tell you. I know we have, at times, a lot of
23 product coming down to the waste water plant.
24 What the reason is or why, sometimes we get
25 enough that it affects us and we try to find

1 out. Sometimes we do. It might be a
2 controller problem in the unit or something.

3 Q. I have a specific memo here that talks about
4 that. It's a log I mean. That log is dated
5 February 26, 27 of '97, and it states poly
6 called, said they would be dumping 200 to
7 300 gallons each time of medium to heavy
8 naphtha down the sewer at different times
9 today. Is that what you're talking about? Is
10 that what you just mentioned?

11 MS. WIENS: Terry, is that your
12 document you've written or authored?

13 THE WITNESS: No, this isn't. Well,
14 there again, I mean, whether this was mine or
15 not, the poly, we wouldn't ask them why are
16 you dumping this, you know, what part of your
17 equipment is this from. The frequency of
18 people dumping is often enough you just -- you
19 know, if they said we're going to dump
20 10,000 gallons of glycol, because of what it
21 does to our biological, then it would be --
22 well, a low pH or a high pH, something like
23 that, but to say I'm going to dump 200-gallons
24 of naphtha, what the reason is I've never
25 asked them, you know.

1 MS. HAYES: Because of the
2 negligible affect it would have on your
3 process?

4 THE WITNESS: Just that it happens
5 so often. If they went, well, it's because of
6 our stabilizer tower, we're doing this or
7 that, you would spend the whole night with
8 every unit if -- they don't call us, not
9 always, sometimes they do, but you would spend
10 the whole time finding out what the other
11 units are doing. Whoever -- that was Bailey
12 again, and I'm saying he might remember the
13 poly calling that day. They call all the
14 time. Alky calls all the time, same thing,
15 caustic water, whatever.

16 BY MR. BERGER:

17 Q. We have lot of examples of that, caustics,
18 high pH being released slowly to the oily
19 water sewer.

20 A. Uh-huh.

21 Q. Specifically to this situation here, do you
22 know if there's any other options? If this
23 vessel is being brought down and they have to
24 remove this bottom material, whatever, why --
25 do you know, if you can answer this question,

1 why did it go to the oily water sewer?
2 Couldn't have they have routed it back in
3 somewhere else?

4 A. I would say, depending on the situation again,
5 that if it was just bringing down something,
6 in most cases or all cases it should be --
7 then again I'm not in the units right now, but
8 you could pressure that to the flare, that
9 would be an option.

10 Q. Again, this material is not mixed with water,
11 it's pure product?

12 A. I would guess so.

13 Q. The second memo here is dated 6/7/94, another
14 waste water treatment log, and it states poly
15 washing sand filter-caustics naphtha OWS.
16 There's no number on it. Can you elaborate on
17 that at all, if possible?

18 MS. WIENS: For my benefit, is that
19 something you've written?

20 THE WITNESS: No, this is Mark
21 Stevens. It's going back, and again, I'm
22 interpreting somebody else, but saying the
23 hydrogen unit having a hard time getting out
24 from the strippers. I think this is ahead of
25 it. And then poly washing, there's different

1 parts of the coker that has a sand filler.
2 Oiler house actually has sand filters. And
3 you've got a product going through, it's just
4 like a -- instead of a catalyst bed you would
5 have sand, and I'm sure on this they're just
6 dumping that filter. Probably to change out
7 the sand or something, and they're dumping the
8 product in the sewer, which would be a common
9 thing. And we're probably -- poly called
10 there, and the next ten times they might not
11 even call.

12 BY MR. BERGER:

13 Q. So they're using the caustic to wash the sand,
14 to wash the filter?

15 A. It sounds like that would be the poly, so I'm
16 not sure.

17 Q. And it picks up some naphtha in the washing?

18 A. Yeah, it sounds like that, yeah, caustic wash.
19 Sometimes you would have caustics, say you had
20 a low pH and you try to neutralize or
21 something the product.

22 Q. Okay. The last one here I'll bring to your
23 attention is one we've talked about at length.
24 It's dated 8/22/94, there's no number, and it
25 states hazmat will be dumping about 20 to

1 30 gallons slowly of xylene, in parenthesis,
2 paint thinner, down at Eighth Street sump.
3 With all the dilution we shouldn't even see it
4 (indicating).

5 MS. HAYES: It's not yours, is it,
6 Terry?

7 THE WITNESS: No, this isn't. It
8 would be Bob Gary and Don Tschida. Hazmat
9 notified them, and that would be -- I'm
10 surprised that they did Eighth Street.
11 Normally it's the wash pads. Several times
12 I've even questioned Industrial Service or
13 someone down there and their dumping that it
14 would be safe. Products handling gave them a
15 manifest. This is hazmat, and whether it's
16 paint thinner or -- there probably wasn't a
17 manifest on that, they just called the
18 operators to tell them.

19 BY MR. BERGER:

20 Q. Is this something that was common or
21 infrequent, can you answer that?

22 A. Because of the wash bed area I don't think
23 there's a waste water operator out there in
24 the past, present or -- I mean in the future
25 as far as I know that's going to know what's

1 dumped down there. That's way on the other
2 side of the treatment plant, and unless
3 somebody either calls or comes in with a
4 manifest, internal manifest with what they're
5 dumping -- like say they're washing bundles,
6 they don't come to us. That goes on all the
7 time. Say the covers from 7A and B they
8 replaced or a fail in the equipment, they will
9 take it down there and wash it. We're not
10 notified. There's always somebody down there
11 washing something.

12 MR. KRIENS: None of that is
13 manifested?

14 THE WITNESS: It's not a daily, no.
15 I would say, like today for example, there
16 wouldn't be any manifest coming from the wash
17 pad area. But I would guarantee you there's
18 activity down there.

19 BY MS. HAYES:

20 Q. As an operator the reason that you believe
21 that's going on isn't just -- is it -- it
22 might be because you've heard about it, right?
23 But also does it have anything to do about how
24 that affects your ability to treat that waste
25 water? I mean, in other words, after the fact

1 you might think something came down that you
2 weren't notified about?

3 A. You'll know something is going down, but we
4 won't know where it came from.

5 MS. HAYES: Okay. I just wanted to
6 be clear on that. All right.

7 THE WITNESS: We suspect because of
8 past history certain things, but we don't
9 know. It's like -- I tell you how it is with
10 the wash pad area the way I see it, it's like
11 what you dump down your drain at home you have
12 no idea what the person six blocks away dumps
13 down there. It still probably ends up in the
14 same place. That's the thing, we have no idea
15 either.

16 MS. HAYES: But you have an idea
17 something has come down because you're having
18 something happening in your treatment process
19 that you're aware of?

20 THE WITNESS: Uh-huh, uh-huh.

21 BY MR. BERGER:

22 Q. I think that's about it for that issue. One
23 other one quickly. I want to talk about the
24 API separator. We're aware that in June of
25 '96, or maybe even a little bit before that, a

1 leak of a bypass valve was discovered due to a
2 sinkhole forming or a crane falling into a
3 soft area and then a sinkhole formed. The
4 area was then dug up and a leak in that bypass
5 valve or pipe was noticed. Are you aware of
6 that situation?

7 A. Yes, I am.

8 Q. Can you tell me what you know with that, when
9 it was discovered, what led to the discovery,
10 any prior information, history of that problem
11 of sinkholes around -- developing around the
12 API?

13 A. There had been previous to that -- I remember
14 with the crane, because then after that is
15 when it was actually dug up. What had
16 happened is that bypass was a large line, and
17 I can't remember --

18 Q. It's 36 inches.

19 A. Yeah, it was a large line. It had
20 deteriorated. I was working with the number
21 one at the time, and that's why a lot of
22 these -- it's usually the number one that
23 fills out the logs, and I was working with a
24 guy by the name of Robert Jacobson. There had
25 been different occasions when there was

1 sinkholes there, and I just remember after
2 they dug it up he told me the bypass --
3 because the bypass valve hadn't worked for
4 sometimes months at a time. That's when
5 everybody termed why are we keep getting these
6 sinkholes, there has to be something washing
7 out the ground. So there was some concern.

8 Q. How long did the sinkhole -- how long were
9 they developing?

10 A. What would happen is it would take a long time
11 in between. The time I was down there it
12 happened two, three times. It would be
13 several weeks or even months in between. It
14 would be a sinkhole and be filled up with
15 gravel or what have you, and it would be an
16 undermining process so there's quite a while
17 in between.

18 MS. WIENS: Where were these
19 sinkholes?

20 THE WITNESS: On the API, along the
21 API in the same area. They wash out. There's
22 a pipe rack there on the east end, and it
23 always washed that out. I believe when Larry
24 Klemetson was on we knew there was a problem
25 because there was a lot of tainted water that

1 ended up down by the WEMCOs, and they dug that
2 up. That's when the API followed up that
3 direction.

4 BY MR. BERGER:

5 Q. So you believe it indicates from that --

6 A. You do, yes.

7 Q. From that break?

8 A. Uh-huh.

9 Q. The valve?

10 A. Well, the bypass line going to 7A and B, it
11 would be that line.

12 Q. Can you give me an estimate of the time
13 between when the bypass was first discovered
14 and fixed, between that and when the first
15 sinkhole developed? When that problem first
16 started to develop with the sinkholes and they
17 were filled in and they developed again, how
18 much time was in there, between those two
19 events?

20 A. It happened two, three times that there would
21 be a sinkhole while I was down there, but as
22 far as when they originated, that was before I
23 went down there. People like Bob Jacobson and
24 I believe Mark Stevens, I mean, they said, and
25 I would have to believe them, that this

1 happened before, but it would be before I was
2 down there.

3 Q. So is it six months, a year, two months, two
4 years?

5 A. I would say three years or maybe longer. I
6 don't know, I can't really say before I was
7 there. Three years anyway, I would say three
8 years.

9 Q. One more log to show you and I'll be done.
10 It's dated 1/17/96 and Todd Aalto is the
11 person, there's no number on it --

12 MS. HAYES: There is actually, it's
13 572 (indicating).

14 BY MR. BERGER:

15 Q. Right. In the fourth line under comments it
16 says Graus is filling holes at API and digging
17 new one near four bays (indicating). Does
18 that memo indicate to you that that's part of
19 this process going on here, filling holes at
20 the API by --

21 A. Uh-huh, that's what happened when we did have
22 the sinkholes, right.

23 Q. Have Grouse come in?

24 A. They were filling up the sinkholes and they
25 were digging up trying to find out where -- I

1 think at that point people realized there had
2 to be some flow that was washing out.

3 Q. Are you aware of a problem with leaks, cracks
4 from the walls of the API separator?

5 A. Uh-huh.

6 Q. Can you give me a general time frame when that
7 problem was going on?

8 A. Well, when this was -- I think it goes back to
9 fixing the bypass and fixing the bypass valve,
10 it was dug up along the four bays there and it
11 would be the east side walls, east side, south
12 side at the corner there. And there was an
13 engineer, because I was over there, named
14 again Guarneros, and he -- what they
15 ultimately did was they put some -- some kind
16 of epoxy on the cracks.

17 Q. They did eventually fix it?

18 A. Uh-huh, uh-huh.

19 Q. Can you give me an estimate of the time
20 between when those cracks were fixed and when
21 they were first discovered, when there was
22 concern developed? Is that possible?

23 A. Not really because that was dug up and covered
24 and dug up again, and then we had leaks. It
25 was dug up more than once and filled in. The

1 last thing was when they -- it was like a
2 Belzona to use, epoxy.

3 Q. To your knowledge when they found those cracks
4 they acted quickly and fixed them?

5 A. No, I don't know. I'm saying there was cracks
6 and I think it was dug up because of fixing
7 the valve, and the bypass valve didn't get
8 fixed right away. They had problems. They
9 broke it. So it was a time frame. It was
10 filled, but then eventually when they did fix
11 it that was at the end, and that was with this
12 Belzona. It had been opened up filled in
13 between -- against that wall.

14 MR. BERGER: That's all.

15 MS. HAYES: Nothing further.

16 MR. KRIENS: No questions.

17 (Whereupon, the interview concluded at
18 1:40 p.m.)

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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 TERRY STORMOEN, 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 11th day of November, 1997.


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