
INTERVIEW OF:

MARK TESSIER

TAKEN NOVEMBER 20, 1997 AT 1:00 P.M.

KIMBERLY HORMANN
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INTERVIEW OF MARK TESSIER, taken pursuant to agreement of and between parties at, Koch Industries, Inc., P.O. Box 64596, St. Paul, Minnesota, at approximately 1:00 p.m. on Thursday, November 20, 1997 before Kimberly Hormann, Notary Public, County of Hennepin, State of Minnesota.

APPEARANCES:

Present from the Minnesota Pollution Control Agency:

DON L. KRIENS, P.E.

MARY L. HAYES

GREGORY BERGER

Present from Koch Industries:

JAMES K. VOYLES, Attorney at Law

Present from the law firm of Green Espel:

LARRY D. ESPEL, Attorney at Law

SUSAN K. WIENS, Attorney at Law

I N D E X

EXAMINATIONS:

By Mr. Kriens: page 5, 6, 7, 13

By Ms. Hayes:

By Mr. Berger:

KOCH JOB HISTORY: pages 5-6

CURRENT POSITION: page 5

1 MR. BERGER: I just have a little intro
2 part that I've been reading for everyone here. As
3 you are probably aware, a civil investigation is
4 focusing on Koch Refinery operations. We are
5 conducting a civil investigation that's focusing on
6 Koch Refinery operations and on a number of
7 pollution environmental-related issues that came to
8 light during April of this year during an inspection
9 by the MPCA. We are seeking your cooperation in
10 obtaining information related to those issues and
11 situations. And we would like you to know at this
12 time that you're not obligated to answer these
13 questions at this time. This is totally voluntary
14 on your part. The information we obtain in this
15 investigation may be used in a civil, criminal or
16 administrative enforcement action in the future. Do
17 you have any questions about that?

18 THE INTERVIEWEE: No.

19 MR. KRIENS: My name is Don Kriens.
20 Mark, could you describe what your history is with
21 Koch Refinery and the jobs that you have, including
22 your current position?

23 THE INTERVIEWEE: All the way back from
24 day one?

25 MS. HAYES: Yes.

1 THE INTERVIEWEE: I started here in
2 March of '79. Worked in the crude unit until '86,
3 sometime in '86. At that time, I went to what was
4 then products handling. And actually I have been
5 there ever since, up until recently, with 41
6 thousand. Now I moved into a position of
7 reliability center manager for the last month.

8 EXAMINATION BY MR. KRIENS:

9 Q. What type of positions did you have when you worked
10 in these areas?

11 A. Okay. In the crude unit, I started out as a relief,
12 then No. 2 operator, then board person and then to
13 No. 1 operator. And then after, at that time, I had
14 went over to the pumping department and was a pumper
15 for, I'm guessing, four years, five years. I don't
16 even remember.

17 MS. HAYES: Is pumping the same as
18 products handling?

19 THE INTERVIEWEE: Yes, pumping is a part
20 of products handling. And I think it was around
21 '90, '91, I'm not even -- I'd have to go back and
22 look when I took the pumper foreman job. I went
23 from pumper foreman to unit supervisor in the
24 pumping area. I had the loading group and the
25 pumpers. And after that, I went to process owner,

1 still in the same department, still in products
2 handling, process owner and I had the order office,
3 the acid plant, pumpers and loaders; I think that's
4 pretty much it.

5 EXAMINATION BY MR. KRIENS:

6 Q. Okay. We'll pull out the, let's see. So would
7 that -- would this be where that would be located,
8 process owner, on this chart (indicating),
9 operations department?

10 A. Yes.

11 Q. In connection with this particular unit area or
12 these units, production units, was this, like -- is
13 this also involved with sort of a shift supervisor,
14 this is actually something above that or is that
15 how it works?

16 A. Is there shift supervisors in here? Is that what
17 you're asking?

18 Q. Right.

19 A. There's no shift supervisors in this one.

20 MS. WIENS: Down here (indicating).

21 THE INTERVIEWEE: Oh, okay. You're
22 talking refinery shift supervisors that cover the
23 whole refinery?

24 MR. KRIENS: Right.

25 THE INTERVIEWEE: Yeah, I had, I guess I

1 was responsible for their development. It wasn't
2 real close involvement. I mean, they had to report
3 to somebody.

4 EXAMINATION BY MR. KRIENS:

5 Q. Who would those be, any particular ones?

6 A. All of the shift supervisors. Now they're getting
7 broke up and going into reliability centers. So
8 I've had the shift supervisors for probably six
9 months, if that.

10 Q. Would other process owners also have that same
11 relationship with the shift supervisors as well?

12 A. No.

13 Q. You know, for example, Brian Roos in the process
14 owner of the wastewater treatment plant, boiler
15 house, utilities, so on, would he have had
16 responsibility over the shift supervisors?

17 A. Huh-uh, no. The shift supervisors you see on that
18 list, it's a group of, I don't know, there must be
19 maybe 12 or 16 of them in there. There's two of
20 them to a shift that cover the whole refinery on
21 off-hours is what it is.

22 Q. Right.

23 A. And Brian Roos he had what area, water plant, boiler
24 house, that shift supervisors on off-hours would
25 manage that area.

- 1 Q. Right. Okay.
- 2 A. And they would manage the whole refinery, actually
3 any part of it; FCC area, the pumping, what I have
4 and off-hours they would control that, also.
- 5 Q. So they would control all areas. In the case of
6 Ruth Estes -- let's see, she's under A.D. Connell,
7 but would you have also had some --
- 8 A. Angus was there before me.
- 9 Q. Oh, in this capacity?
- 10 A. Yeah.
- 11 Q. Okay. So this was the 19 -- January 10, '97
12 organizational chart and you're here (indicating)
13 and Angus was in another group then?
- 14 A. When this chart was developed, it was all
15 transitioning, so I think you probably see a lot of
16 overlap.
- 17 Q. So would she have reported to various people?
- 18 A. At that time, if Angus was here -- she still
19 reported to Angus. None of them reported to me
20 until Angus started to phase out, but there was a
21 little overlap at times. I don't know if that makes
22 any sense.
- 23 Q. I kind of understand, I'm just having difficulty
24 following it totally. Do you think in, like,
25 November, December '96, January, February of '97,

- 1 would she have then reported to Angus or A.D.
2 Connell?
3 A. Oh, at that time I would say, yes. I don't think
4 they reported to me until probably sometime around
5 May.
6 Q. All right.
7 A. It didn't happen overnight.
8 Q. May of this year?
9 A. This year, '97.
10 Q. So during those periods it looks like she reported,
11 as it states on here, to Mr. Connell.
12 A. Back at that time, yes.
13 Q. In those capacities of the shifties, as you
14 mentioned, they go through the plant on weekends or
15 is it weekends and on off-hours, too?
16 A. All off-hours. They're here around the clock.
17 They're here on days, also, but on off-hours they're
18 in charge of the plant.
19 Q. That's what I was trying to understand.
20 A. During the normal, what you call the normal hours
21 routine 8:00 to 4:00, whatever you want to call it,
22 there's unit supervisors that manage their own
23 units. During the day, what these people do is they
24 coordinate all the moves in the refinery. If
25 there's a change in process, they'll call the shift

1 supervisor and try to funnel everything through him
2 so things don't get, we're not making changes, five
3 different people telling the board operator what to
4 do. We try to funnel everything through him.

5 Q. So on off-hours they run the plant and that would
6 include the evening starting at --

7 A. They work a 12-hour shift, so it's 7:00 to 7:00.
8 7:00 in the morning, 7:00 at night; 7:00 at night to
9 7:00 in the morning; seven days a week, 365 days a
10 year.

11 Q. So at 7:00 at night they -- is this correct then
12 that they control the plant or run the plant, as you
13 say?

14 A. Uh-huh.

15 Q. And that would apply on weekends as well?

16 A. Yes.

17 Q. Now, what types of decisions are they allowed or
18 charged with to make in terms of running the plant?
19 And, I guess, to follow-up on that to maybe make it
20 a little more clear, are they -- do they receive
21 guidance from the management of the refinery as to
22 how they should conduct operations and what types of
23 decisions they are allowed to make or not make?

24 A. I'm not clear exactly on what you're looking for,
25 but there are guidelines. There's guidelines that

- 1 everybody goes by, but as far as operations, there
2 are guidelines.
- 3 Q. Let me try to give an example. I'm trying to get at
4 one area in particular. In the -- safety operates
5 the hydrant system, as we understand it, and the
6 fire water system manages the pond levels, at least
7 managed it during the recent couple of years. And
8 the question is, would they have on their own
9 volition or would they be authorized to make a
10 decision to use the fire water system to discharge
11 wastewater or discharge water from the fire water
12 ponds, let's say?
- 13 A. Would they have that authority; is that what you're
14 asking?
- 15 Q. Right.
- 16 A. I don't know if they would have that authority, but
17 I don't know if they would -- if they're going to
18 make a decision like that, normally it's a phone
19 call. They always call somebody. They don't
20 normally make a decision like that on their own.
- 21 Q. Who would they call?
- 22 A. Anything along those lines they would call
23 environmental.
- 24 Q. So in the event -- this is a question. If they had
25 a, let's say they've determined that they would like

- 1 to discharge water or wastewater from the fire water
2 pond or any of the fire water ponds via the hydrant.
3 Is it correct then that they would normally call
4 environmental to get a decision from them as to
5 whether they should do that or not?
- 6 A. It's a practice, yes, that's a normal procedure.
- 7 Q. Okay. Do you know about any specific incidents in
8 connection with that type of activity where that was
9 done, water was discharged via the hydrant system?
- 10 A. No, I can't think of any.
- 11 Q. But as you understand it, the procedure would be for
12 the shifties on the off-hours to call the
13 environmental department to determine whether they
14 should do that or not do that?
- 15 A. I would say, yes.
- 16 Q. In this case, with Ruth Estes, would she have also
17 contacted Mr. Connell to determine if that was an
18 acceptable procedure, do you know?
- 19 A. I don't know why she would even bring it -- I mean,
20 I don't know what we're looking for.
- 21 Q. Well, let's say again if she was, in this case, Ruth
22 Estes was faced with a decision whether to discharge
23 via the hydrants of water, would, in addition to
24 calling the environmental department, would she have
25 also called anyone else such as Mr. Connell or other

1 management or is that a normal procedure?

2 A. I don't know if that's the procedure. But I don't
3 know if she would want to call Angus for this. She
4 would call environmental.

5 MR. KRIENS: That's all I wanted to find
6 out. Thank you. That's all I have on that. Thank
7 you very much.

8 MS. HAYES: Anything else? I have
9 nothing.

10 EXAMINATION BY MR. KRIENS:

11 Q. I've just got one other question that has to do with
12 the hydrotesting of tanks. Have you been
13 responsible or in a group that was responsible for
14 that hydrotesting?

15 A. Yes, we have hydrotested tanks. And I've been
16 involved.

17 Q. Are some of those tanks located down by the
18 wastewater plant that would be hydrotested?

19 A. Down in the water plant area?

20 Q. Not in the plant but around that general area. I
21 guess that would be the north side of the plant.

22 A. North side of the tank or north side of the water
23 plant?

24 Q. Of the refinery, approximate to the wastewater
25 plant.

- 1 A. South of it, yeah. I have hydroed some tanks south
2 of it.
- 3 Q. In the hydrotesting of those tanks, do any of those
4 tanks, where do they discharge to? What would be
5 the potential discharge points of the hydrotest
6 water?
- 7 A. Probably with the storm water. It would depend, a
8 hydrotest of a tank, anytime we hydroed a tank, we
9 cleared it with environmental where we would put the
10 hydro water.
- 11 Q. Okay. Was any of the water released to the lower
12 lagoon area; do you know which one I mean by that?
- 13 A. Yeah, down below, yes.
- 14 Q. There was water released to that area? Does that go
15 via a pipe into there?
- 16 A. Yes. It was probably, I can't remember which tank
17 now, but we did hydro some there down in that area.
- 18 Q. Is tank 18 one of them? That's what I have on some
19 notes I had.
- 20 A. I remember hydroing 18, but I don't -- if I remember
21 right, I thought 18 went, being as close as it was,
22 I thought we had put that in 7A or something in
23 there, if I remember right.
- 24 Q. That may be, I just had it on some notes. I'm not
25 sure about that either. So do -- some of the tanks

- 1 were discharged to the lower lagoon. Do you know
2 what the procedure is with environmental? I mean,
3 you say you contact them and they authorize that;
4 is that right?
- 5 A. Yeah, we make a phone call to environmental and get
6 approval.
- 7 Q. Do you know what, what they do after that's released
8 to the lower lagoon?
- 9 A. Normally, it is pumped right back up and we have a
10 sump pump down there that's normally pumped right
11 back up into the plant.
- 12 Q. Into the --
- 13 A. I think if I remember right now, I'm not a hundred
14 percent sure. But, I thought it would discharge up
15 into the front end of the equalization basins, if I
16 remember right, somewhere in that area.
- 17 Q. I think that's right. I think they had that
18 capability. It has some restrictions because the
19 piping is small.
- 20 A. It's not very big pipe.
- 21 Q. And limits the flow. Did they normally, you know,
22 pump the equivalent volume of the hydrotest water;
23 in other words, the certain volume is put into there
24 and do they make sure that that equivalent volume is
25 pumped out?

1 A. I can't tell you that because I wasn't down on that
2 end of it, operating that part, so I really don't
3 know. From what I can remember, that was always
4 kept pumped out as much as possible, but that's all
5 I know.

6 MR. KRIENS: That's the only additional
7 thing. That's fine. Thank you.

8 MS. HAYES: Thanks a lot for your time,
9 Mark.

10 (WHEREUPON, the interview concluded at
11 approximately 1:25 p.m.)
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1 STATE OF MINNESOTA

CERTIFICATE

2 COUNTY OF HENNEPIN

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I, KIMBERLY J. HORMANN, hereby certify that I reported the interview of MARK TESSIER on the 20th day of November, 1997, in 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

That the foregoing transcript of 16 pages is a true and correct transcript of my stenographic notes in said matter, transcribed under my direction and control;

10

11

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

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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;

17

18

WITNESS MY HAND AND SEAL this 5th day of December, 1997.

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Kimberly J. Hormann
Notary Public

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