

Appendix F

Kevin Wittmer, Olympic - Interview Transcript

Pipeline Rupture and Fire
Bellingham, Washington
June 10, 1999
DCA-99-MP-008

NATIONAL TRANSPORTATION SAFETY BOARD

 In the Matter of: *
 *
 NATIONAL TRANSPORTATION *
 SAFETY BOARD INVESTIGATION *
 of the PIPELINE ACCIDENT *
 OCCURRING IN BELLINGHAM, *
 WASHINGTON, ON JUNE 10, 1999 *

Thursday,
October 5, 2000

INTERVIEW OF:

KEVIN WITTMER

The above-entitled matter came on for
hearing, pursuant to notice.

BEFORE: ALLEN BESHORE,
NTSB

ALSO PRESENT FOR NTSB:

CLIFF ZIMMERMAN
 ERIC SAGER
 JAMES CASH

ALSO PRESENT:

PATTI IMHOF
 ALAN ZARKY
 RICHARD HANSEN
 DIONE MAZZOLINI
 ANTHONY BARBER
 LINDA PILKEY-JARVIS
 MICHAEL MARTIN
 JON R. ZULAUF
 GEOFFREY M. SMYTH
 ROBERT MAHLER

RECEIVED
 NTSB OFC OF JUDGES
 WASHINGTON, D.C.
 2000 OCT 13 P 3:23

I N D E X

WITNESS:

Kevin Wittmer

E X H I B I T S

NUMBER	IDENTIFIED	RECEIVED
Wittmer Exhibit 1	11	
Wittmer Exhibit 2	11	
Wittmer Exhibit 3	13	

P R O C E E D I N G S

(11:30 a.m.)

1
2
3 MR. BESHORE: On the record. My name is Allen
4 Beshore, from NTSB, National Transportation Safety
5 Board lead investigator into the pipeline rupture that
6 occurred in Bellingham, Washington on June 10, 1999.
7 So, I want to thank you for coming in today and
8 answering some of my questions for us.

9 And we are going to start out and I am going
10 to ask some questions of you and then when I run out of
11 questions, or when I need to stop and just collect my
12 thoughts, then we are going to go around the room and
13 some of these other folks will have follow up questions
14 for you.

15 Since they will be asking you questions, I
16 would like them to go ahead and identify themselves so
17 you know who they are, and who they are with.

18 MR. SCHALL: I am Jerry Schall, B.P. Pipeline.
19

20 MR. PARRISH: Johnny Parrish with Daniel,
21 formerly --

22 MS. IMHOF: I am Patti Imhof, IMCO General
23 Construction.

24 MR. KATCHMARZ: I am Peter Katchmarz with
25 Pipeline Safety, U.S. D.O.T.

1 MR. SMYTH: Geoffrey Smyth, City of
2 Bellingham.

3 MR. BARBER: Tony Barber, U.S EPA.

4 MR. SAGER: Eric Sager, NTSB.

5 MR. BESHORE: Linda Pilkey-Jarvis with
6 Washington Department of Ecology, she will be back here
7 in just a minute.

8 Mr. Wittmer, you have a representative with
9 you also.

10 MR. MARTIN: My name is Michael Martin, I am
11 appearing here with Kevin Wittmer.

12 EXAMINATION KEVIN WITTMER:

13 BY MR. BESHORE:

14 Q If you could just state your full name?

15 A Kevin Wittmer.

16 Q Okay. And if you could briefly describe
17 your educational background for us, Kevin?

18 A A couple of years of college, one year of
19 bible school in Minneapolis, and that is about it.

20 Q Do you have a high school diploma?

21 A Yes, I do.

22 Q Was your college education, did you get some
23 degree of any formalized work?

24 A No.

25 Q What were your studies generally in?

1 A Agriculture, geography and chemistry.

2 Q Okay. If you could just kind of describe
3 your history with the Olympic Pipeline for us?

4 A I was hired March 21, 1982. At that time it
5 was mainly operations and quality control issues, valve
6 changes, valve -- at Ferndale, inside the -- Cherry
7 Point Station is outside of the B.P. refinery now.
8 Also operation at ~~Anacortes~~ and at Allen Station off
9 of Highway 20. And that has changed, just guessing,
10 probably eight or ten years ago. We were given right
11 of way, locates crossings, and so on.

12 Q You are also stationed in Ferndale?

13 A Yes, my station is Ferndale Station where I
14 am headquartered.

15 Q Have you been there since 1982?

16 A Ferndale Station? Yes.

17 Q Let's, and who do you report to?

18 A David Justice.

19 Q Can you recall, Kevin, the first time you
20 ever went down into the Bellingham water treatment
21 plant?

22 A Not the first time.

23 Q Do you recall being there, I am going to ask
24 you about the project at Dakin-Yew, so, prior to that,
25 do you recall ever being down into the water treatment

1 plant area for --

2 A No, it was a long time ago. I can't, I can't
3 remember that.

4 Q Do you know that you were there at any point?

5 A When this project was going on?

6 Q No, prior to the project.

7 A Oh, I am sure I would have had to have been
8 there.

9 Q But, you don't recall any specific reason?

10 A Specific reason or specific date, no.

11 Q Okay. Well, then let's jump into Dakin-Yew
12 project. Do you recall how you became involved in that
13 project?

14 A Yes. First time we heard of it, Ken Roberts
15 and myself, went to the IMCO office and I ran into Mark
16 Stouter who I knew because he attends our church. I
17 don't remember the other engineer that was going over
18 the detailed plans of the project. That was the first
19 meeting that I ever went to.

20 Q Do you remember what happened, occurred at
21 that meeting occurred?

22 A Oh, they showed us some prints, and they said
23 they were going to be crossing our lines as far as the
24 detail. I don't remember what line or where or that.
25 But, I do know that they were going to be crossing our

1 pipeline.

2 Q And that was at IMCO offices?

3 A Yes.

4 Q Do you recall whether that project had
5 already been to your Engineering Department and
6 evaluated by Olympic?

7 A I don't, I think that was the beginning.
8 So, I think that was just step one and I don't remember
9 if that had already been approved by Engineering or
10 not.

11 Q Do you recall when that meeting occurred?

12 A No. I don't remember the date.

13 Q Do you recall the approximate time frames
14 prior to the start of the project, any kind of terms?

15 A No, I can't recall. What month, even. I
16 just remember going there with Ken Roberts.

17 Q All right. But, you recall that being pretty
18 well in advance of the project start.

19 A Yes.

20 Q Do you recall any other meetings that
21 occurred after that one?

22 A No, I don't really remember any other
23 meetings I attended after that one.

24 Q Do you recall the first time you went down to
25 the water treatment plant area in regards to that

1 project?

2 A The first time? No, I can't recall the first
3 time I went down there.

4 Q What is the first recollection you have of
5 that project --

6 A Well, there are two specific things that I
7 remember of that project. The one was when they
8 uncovered our pipeline for the utilities that would be
9 going under our pipeline. So, I am pretty confident,
10 I am not 100 percent sure, Calvin Vanderhole was
11 operating a big excavator. And they were uncovering
12 our pipeline because they were going to cross with
13 utilities under our line, and I was standing in the
14 ditch and it was about, the center of our pipe would
15 have been about eye level to me, so, I was down in the
16 hole. And I do remember that our wrap, looking
17 downstream of the pipe, roughly three o'clock there was
18 wrap that was not adhere to the pipe. So, I cut the
19 wrap off, and made the repair. The pipe underneath the
20 wrap was not damaged. That is one recollection.

21 The other recollection I have is being
22 notified, because I was out there, how many days, I
23 know I was there one day for sure, and after that I
24 don't know if I was back the same day, but I was
25 overseeing excavation of work, and I was sitting in

1 comparison to our pipeline, I don't know if I was east
2 or west of the line, but I was looking down because
3 they were digging close to our line, within 10, 15 feet
4 and I was there to make sure that they did not touch
5 our pipeline with that equipment. So, I remember it
6 was a hot day and I was sitting out on a hill, looking,
7 overseeing the excavation.

8 Those are the two that I recall.

9 Q Let's go to the second one, first.

10 Do you recall them exposing the pipeline at
11 all in that process?

12 A When I was there overseeing? I don't
13 remember, I don't remember or recall, I don't think
14 they did any excavation over a line at that time. I
15 was just there to make sure that they were, they were
16 digging, I think what I remember is close to our line
17 and I was there to make sure that they didn't get any
18 closer or possibly damage our line. As far as
19 uncovering our line, I don't think so, but I am not 100
20 percent sure. I was just overseeing.

21 Q Do you recall what they were excavating?

22 A No. The reason I remember exposed pipe, I
23 get a mental picture in my mind. Now, crossings that
24 go over the top of our line, where a pipe is not
25 exposed, we do many of those and they don't stick in

1 my mind. But, when you expose the pipe and you inspect
2 the pipe, those stick in my mind. Those are pretty
3 clear in my mind.

4 Q Okay. Now, there again this second
5 excavation, was it a large excavation?

6 A When they were exposed, when I was there when
7 they exposed our pipeline?

8 Q No, well, no, I was actually thinking that
9 they --

10 A Second example, when I was sitting up and
11 just overseeing, I don't remember the details as to
12 what I was overseeing. I just remember being there.
13 It was a hot day and I was sitting up making sure,
14 nearest I can remember, that the equipment does not
15 come close to our line.

16 Q Okay. Now, let's talk about the, your other
17 recollection. You say that, well, looking towards the
18 downstream, would that be towards the south?

19 A Yes.

20 Q Back in towards --

21 A Right.

22 Q At three o'clock there was a despondent
23 coding that you repaired.

24 A Right.

25 Q Now, is there a form that you complete when

1 you do that work?

2 A Yes, exposed pipe report.

3 Q Okay. So --

4 A It should be on file.

5 Q Okay. Would that be, would that be this
6 report here?

7 (Pause.)

8 THE WITNESS: Yes, it says repairs were made,
9 wrap at the bottom of pipe, coating is in good
10 condition. I remember it being three, four, o'clock,
11 you know, on the side.

12 MR. BESHORE: Okay. If I could just have
13 that. That I will mark as Exhibit Wittmer 2. As an
14 administrative matter, Exhibit Wittmer 1 would be the
15 compulsion order for Mr. Wittmer to appear here today
16 providing testimony.

17 (The documents referred to
18 were marked for identification
19 as Wittmer Exhibit 1 and 2.)

20 MR. BESHORE: For everybody in attendance
21 here, this is pages 110 and 111 that were provided
22 previously although the original copy of the back was
23 this. And the report is dated August 12 of 1994 and it
24 is a Leak, Maintenance and Exposed Pipe Report.

25 BY MR. BESHORE:

1 Q Kevin, could you, okay, you prepared the
2 report?

3 A Yes.

4 Q Is that correct?

5 A Yes.

6 Q All right. Based on your repair of the pipe.

7 A Right.

8 Q Now, just as a question on this type of,
9 exposed pipe report, is that completed any time the
10 pipeline has been exposed?

11 A Yes.

12 Q Is there one prepared for that?

13 A Yes.

14 Q Did you prepare any other exposed pipe
15 reports for this project?

16 A Not, not to my knowledge.

17 Q Have you since seen any other exposed pipe
18 reports for the Dakin-Yew Project?

19 A I don't think I have. I can't recall any.

20 Q Whether you completed them or not, but you
21 haven't seen any others?

22 A No.

23 Q Okay.

24 MR. BESHORE: Let me go ahead, while we doing
25 the exhibits, ask you to take a look at this. It is

1 page 109, it is marked as a diagram of changes. And
2 then also do you recognize that, Kevin?

3 THE WITNESS: Yes.

4 MR. BESHORE: Okay. I am going to mark that
5 as Exhibit Wittmer number 3.

6 (The document referred to
7 was marked for identification
8 as Wittmer Exhibit 3.)

9 BY MR. BESHORE:

10 Q And you had prepared that report, is that
11 correct?

12 A Yes.

13 Q And what does that diagram of changes, just
14 detail for us?

15 A That details the crossing of 24 inch steel
16 water line, four inch PVC water line, two inch PVC
17 water line that went under Olympic pipeline.

18 Q Okay. And there is a sketch there that
19 shows all those crossings.

20 A Yes.

21 Q Is that the utilities crossings that you were
22 referring to when you ended up repairing the coating?

23 A Yes.

24 Q Are those the same crossings?

25 A That is where the pipeline was exposed.

1 Q Okay.

2 A And I remember, I don't think the repairs
3 were that big in size. I can't remember exactly how
4 big, six inches, or smaller, if I remember, possibly
5 two close together. I think one was a little bigger
6 than the other one.

7 Q Did you, how did you repair the coating?

8 A I don't remember exactly how I repaired it at
9 that time, but we would have cut off the old wrap, put
10 and inspected the pipe, itself, cleaned it and we put,
11 would have put a CT primer on, let the setup and then
12 we would have put some CT enamel and a bucket on and
13 then I would have put a wrap, I just put a wrap, like a
14 half saddle over the top.

15 Q All right. Let me show you another diagram of
16 changes referred to, actually it was already part of
17 Roberts Exhibit 2. Do you recall that diagram of
18 changes?

19 A I recall a diagram of change. Now this one I
20 don't have any memory of the work that went on.

21 Q All right, you recognize the form.

22 A Oh, yes.

23 Q And you prepared the form.

24 A Yes.

25 Q But, that doesn't jog your memory as to the

1 work that was done, that you based that form on?

2 A Not this one. This one was one of those
3 where plenty of clearance, 72 inch line going over the
4 top of our line, and it is a big line, but I just don't
5 have any memories of this one.

6 Q Okay. That was page 108 for those looking
7 on that. Like I said, that was part of Roberts Exhibit
8 number 2.

9 I think what I would like to do here is just
10 spend a little, if we could, just kind of take a pause
11 and I am going to show you a packet of photographs. If
12 you could just take a little time and look through
13 those photographs. They were taken of the project.
14 And maybe that would help jog your memory.

15 (Pause.)

16 (Tape change.)

17 MR. BESHORE: Go ahead and go back on the
18 record, Ed.

19 BY MR. BESHORE:

20 Q Having had a chance to review these
21 photographs, Kevin, did that jog your memory at all on
22 the project or any of the visits that you had on the
23 project?

24 A No, that was a big project and that went on
25 for quite some time, and looking at the pictures really

1 didn't jog my memory into anything specific.

2 Q Did you recognize in any of the photographs
3 Olympic pipeline in there?

4 A Well, it could be possibly our line, but
5 looking at the photographs, it would still be kind of a
6 guess on my part, if that is really our line or if that
7 is a water line or --

8 Q You don't recall where the 72 inch --

9 A No, I have no memory of crossing 72 inch
10 other than the diagram had changed, that I made up,
11 that says I was there and --

12 Q The utility crossings that you referenced in
13 the other diagram, that you do recall, repairing the
14 coating, did you, do any of these photographs depict
15 that location?

16 A No. Not that I could tell in there, no.

17 Q There was a large diameter kind of water tee,
18 I don't know if you noticed it in the photographs.

19 A I saw that.

20 Q Do you recall seeing that at all --

21 A No.

22 Q -- during your visits to the site.

23 A No, my only two recollections were on the
24 exposed pipe and when I was overseeing activity I think
25 close to our line. Those were the two that I can

1 remember.

2 Q Okay. So you just remember the pipe, seeing
3 the pipe exposed on one occasion.

4 A Yeah, it was, our pipe was exposed, I don't
5 know the distance, but it was not just a, you know, we
6 are talking quite a few feet when our line was exposed.
7 So, it was significant. It made an impression in my
8 mind.

9 Q You guys reduce the pressure on the pipe when
10 that much of it is stripped out?

11 A Not generally. If it is exposed and hanging
12 in the air, I would, you know, too many feet, which it
13 really hasn't been determined, but I would make a phone
14 call to at the time, I think, Bob Burnett, you know,
15 and they would make a clarification as to if we need
16 some support or what we need to do. And I don't
17 remember if I pursued that or not. I don't have any
18 recollection of that.

19 Q Okay. Aside from the forms that were
20 completed, did you take any notes on, you know, a log
21 or anything like that that you kept on when you went by
22 and when --

23 A I have a daily planner that I would, you
24 know, take notes as to where I had been for the day and
25 who I talked to and who I saw, but that was awhile ago

1 and my planner was thrown in the dumpster before the
2 incident in Bellingham. So, I have no records of my
3 planner.

4 Q Okay. So, any notes you did take are no
5 longer.

6 A Right.

7 Q Do you recall how often you were on the site
8 there?

9 A It would just be a guess. I know that
10 project was not just left alone, you know, during the
11 week, I would stop in, this is just a guess, two, a
12 couple of times, maybe three times unannounced. And
13 then if Greg Burress would contact me and say, we are
14 going to be digging close to your line, you know, at
15 the time it seemed like we had good communication with
16 Greg, because he, you know, we would stop in there and
17 check with him and see what was going on. If they were
18 getting close to our line or and then we would go about
19 our other business.

20 Q Do you recall contacting any other foreman,
21 any other personnel?

22 A No.

23 Q Most of your interaction that you recall was
24 with Greg.

25 A Yes.

1 Q Do you recall any specific equipment
2 operators?

3 A Calvin Vander^Ppoole.

4 Q And you say he was excavating when these
5 crossings went under the pipeline you think.

6 A I think he was the operator, yeah. A very
7 good operator. And that is the first time I really
8 worked with Calvin because he was exposing our line and
9 his equipment, I think was sitting to the west of our
10 line, and it was a deep hole and he was very, very
11 careful and very good at what he did. This piece of
12 equipment of was very big. And he didn't touch our
13 pipeline when he exposed our line.

14 Q Okay. Have you talked to Calvin since the
15 accident?

16 A Nothing specific about the incident. In
17 church, after the incident, you know, I would say,
18 yeah, it is too, I don't remember what we discussed,
19 but it wasn't anything being specific about this work
20 up there.

21 Q Okay. Do you recall any other equipment
22 operators?

23 A No.

24 Q Were there, did you see anything in this
25 project that caused you concern?

1 A No, I don't, I don't, I can't think of
2 anything. We were notified, we were there, we were
3 stopping in, I say I was stopping in occasionally. At
4 the time we, I thought everything was going smoothly.

5 Q Okay. So you were comfortable with Greg and
6 your working relationship with them.

7 A Comfortable with Greg, and comfortable with
8 Calvin as the operator because he was very, very good
9 at what he did, conscientious and at the time, you
10 know, I felt we had good rapport, had our pagers, you
11 know, I gave him all the information where he could get
12 ahold of me, and so I had no reason to think that
13 anything was going on that we weren't aware of.

14 Q But, you would classify this as a big
15 project?

16 A Yes.

17 Q Okay. Do you recall any telephone line
18 repairs?

19 A No.

20 Q Do you recall any water line repairs?

21 A No.

22 Q Do you recall any other, you know, repairs,
23 aside from your repairing the coating, do you recall
24 any other utilities repairs, anything else at all?

25 A No, nothing.

1 Q Now, the coating repairs that you did, was
2 that necessary because of the excavation activity or --

3 A No. That was just, probably, I don't know
4 what caused it. It was just a wrap, probably moisture
5 got underneath the wrap and caused it to not adhere to
6 the pipe.

7 Q Okay.

8 A But, it was just, like it was just bubbled,
9 you know.

10 Q So, it wasn't necessarily the result of some
11 damage as it was being dug up, I guess is my question?

12 A No, no. When I was there and we uncovered
13 the pipe, the excavator did not touch the pipe.
14 Nothing, nothing came in contact with the pipe.

15 Q Okay. Were there any other projects that
16 you recall in the vicinity of the water treatment plant
17 or excavation activities that were not being done by
18 IMCO, but by somebody else?

19 A In the area? No, I don't, I don't recall.

20 Q And you didn't recall any specific projects
21 prior to Dakin-Yew, is that correct?

22 A Correct. Possibly Steve ~~Rakmich~~ ^{REIKMUTH}, you know,
23 and I don't know where, but I do remember and I don't
24 know what month or what year, but possibly digging up
25 or was going to dig up to inspect an anomaly.

1 Q Was that after the Dakin-Yew Project?

2 A I don't remember if it was before or after,
3 but I just recall that Steve ~~Rakmuth~~ ^{REIKMUTH} was going out and
4 was going to be looking at possible anomalies. And I
5 think that was somewhere between Lakeway, and ~~Watkin~~ ^{WHATCOM}
6 Creek, but where I have no idea and what month or what
7 year, I don't know if it was before the incident or
8 after, I don't remember.

9 Q All right, let's talk about since the
10 Dakin-Yew Project. Do you recall any other
11 construction or excavation activities down in the water
12 treatment plant area?

13 A No, I don't.

14 Q Do you recall when your next trip was down in
15 there after the Dakin-Yew Project was complete?

16 A After it was complete. No.

17 Q Had you been back into that area prior to
18 June 10 of '99?

19 A I can't remember being back in there for
20 anything.

21 Q Okay. So, you may have, but you don't
22 remember.

23 A I don't remember. As far as going in there
24 for locates or crossings or, I can't remember.

25 Q Okay. In your conversation with, well, hold

1 it, let me just start over. Sorry.

2 What I have got, there is 10 one call tickets
3 that were marked as Roberts Exhibit number 5 and what I
4 would ask, Kevin, if you could look through those for
5 me and see if any of those tickets jogs your memory on
6 anything.

7 (Pause.)

8 MR. BESHORE: Let's go back on the record.

9 THE WITNESS: The one pot holing, I remember
10 seeing a diagram that Ken did where they pot holed in
11 three locations, west of the water filtration plant,
12 but I don't know, I think it was after they made the
13 90, and was heading south, but, I don't know where. I
14 remember Ken seeing a diagram that he had produced as
15 far as how deep and they did that for surveying for
16 elevation design work.

17 BY MR. BESHORE:

18 Q So that would have been prior to the project.

19 A Prior, yeah. Right.

20 Q Let me ask you specifically about one year,
21 this would be 6-93, just to take another look at that
22 and see, if you notice the date on there, and see if
23 that jogs anything, your memory.

24 (Pause.)

25 THE WITNESS: January 2 '96. No, that doesn't

1 ring a bell in my mind.

2 BY MR. BESHORE:

3 Q That would have been after, you know, the
4 project was pretty substantially completed, correct?

5 A Right.

6 Q You don't recall going back out there for any
7 reason?

8 A No, I don't.

9 Q Is your practice, when you get a ticket like
10 that, and you go and do a line locating, is it your
11 practice to make any notations on that or --

12 A Yes.

13 Q And what happens to that document then, do
14 you turn it in to somebody?

15 A Yes. We fax it a copy down to the right of
16 way office in Renton and we keep a copy at the station
17 also. And that would, if it is not a conflict, we will
18 put the date, N/C for no conflict and then our
19 initials. If it is a conflict, or if there is a, then
20 we will write on there, met on site or work will be 15
21 foot of pipeline to the east or we will have a comment.
22 But, if it is not conflict, we will put down no
23 conflict and send it in.

24 Q Okay. And you normally will make a notation
25 on these sheets?

1 A Yes.

2 Q That is your practice.

3 A Yes.

4 Q All right. Let's talk, let me ask you again
5 then about your conversation with Steve ~~Rakmuth~~ ^{REIKMUTH}. You
6 mentioned that he was, had talked about potentially
7 digging out an anomaly in that area.

8 A I don't recall conversation. I am just
9 remembering like hearing about it, that he was, you
10 know, that he was going to be out and inspecting
11 possible anomalies that smart pig had determined they
12 need to look at. That is all I remember.

13 Q You don't remember any conversation about
14 your knowledge, for example, of the, you know, the
15 water treatment plant and how it was configured, any
16 discussion along those lines?

17 A No, no.

18 Q Would you have, I mean, do you have any other
19 knowledge of any other internal inspection runs that
20 were performed on Olympic system?

21 A No. I don't. I was in on them. We would
22 run them, when we would run them from Ferndale to
23 Allen, I would have to be out at Ferndale to help load
24 them, and then when they are launched, there is a
25 tracking crew that follows, we run the dummy pig first

1 and then a smart pig after that. And we have, I don't
2 know how many we have run since I have been with
3 Olympic. I don't know. We have run a few of them, you
4 know, but year and I don't remember when they ran
5 them. I just remember, you know, I know I have been
6 there to help load them up and launch them out.

7 Q This conversation about Steve going out
8 there, was that the latest run that would have been
9 done prior to June '99?

10 A I can't recall when. I really don't
11 remember.

12 Q Okay. But, in terms of any subsequent
13 excavations resulting from those internal inspections,
14 are you involved in that in any way?

15 A No. I would say, well, I have to go back,
16 because after the incident, I was involved in going out
17 and inspecting possible anomalies inside Tosco
18 Refinery, they had some where we have to figure out so
19 many feet from this point and then we dig it up and
20 inspect. But, prior to that, I wouldn't go out on any
21 digs and that was handled by Construction Department.
22 But, since, after the incident, they were busy doing
23 other work, so, they asked me to help in locating that,
24 so I did.

25 Q Okay. Did you ever, do you know if that

1 excavation was ever performed, that, you know, Rakmith
2 intended to do?

3 A I have no idea. I don't know.

4 Q Have you ever heard any reason why it wasn't
5 or --

6 A No, I have no idea if it was done or if it
7 wasn't done or, I don't know.

8 Q How about since the accident in June, have
9 you had any discussions about that anomaly or what
10 might or might not have been done?

11 A No, I haven't. I haven't pursued, pursued
12 any information on that. I didn't want to go there,
13 you know, what I know that is information that I don't
14 need to know.

15 Q Let me ask you about Bayview Station and kind
16 of your, kind of switch gears here a little bit. What,
17 I guess, what, if any, responsibilities do you have in
18 terms of working within Bayview facility?

19 A Are we talking prior to incident or --

20 Q No, we are talking prior.

21 A Prior. Limited. Very, very limited as far
22 as what I would, what I would do down there. My area
23 of responsibility was Ferndale, Cherry Point and the
24 right of way down to Allen Station. So, I just was
25 basically familiar with the tanks and the valves, but

1 not very familiar at all with that station.

2 Q Do you have any occasion to do any work on
3 any relief valves?

4 A No.

5 Q Or work with somebody or help somebody work
6 on them?

7 A No.

8 Q How about opening and closing any valves
9 within Bayview, did you have occasion to do that?

10 A This was -- I know we did facility checks
11 there, and you know, I don't, I don't remember
12 specifically if I opened or closed tank valves or
13 manifold valves or not, but we did quite a few facility
14 checks there, so, I am just guessing that I would have
15 been involved with opening and closing, you know,
16 valves, and also to remove scrapers, which come from
17 Ferndale, you know, I would have to open and close and
18 isolate the receiver to take out the scraper.

19 Q Okay. Besides from the routine pig runs,
20 did you have, would you have ever had occasion to go
21 out and work on the, the receiver valves or open and
22 close them for any other reason?

23 A No, other than removing scrapers, or if I had
24 a purpose for being there, then I would isolate and
25 remove the scraper.

1 Q Were you ever, you know, sent out there to,
2 you know, do that in the event of some emergency?

3 A No, I don't believe so. I am way up north,
4 so they would contact other people closer to the
5 station that are more familiar with that, you know, I
6 would be a last resort contact.

7 Q Now, who did you report to?

8 A David Justice.

9 Q For how long had you reported to Dave prior
10 to June '99?

11 A Oh, it would be just a guess. Prior to that,
12 seven, eight years, I am guessing.

13 Q How was Dave to work for?

14 A Good. We, prior to the incident, we had our
15 vary of responsibility, Ken and myself, being Ferndale
16 and Cherry Point, and we took care of our area. We
17 took care of the job that was needed to be done. So,
18 we had limited involvement with our supervisor unless
19 there was reason or complications or we needed decision
20 on a matter that would be, he would need to make.

21 Q You work pretty closely with Ken, I take it.

22 A Yes.

23 Q Were either one of you or were either or the
24 other of you kind of a lead role and the other guy kind
25 of reporting to him, or were you both on equal,

1 basically equal footing and co workers?

2 A On equal, equal footing and we have always
3 worked well together, very good together and we keep
4 each other informed, communications has always been
5 great with him. The way we work is, we work 10 days,
6 and then we have four days off. So, every other
7 weekend, either Ken is off or I am off. And on the
8 four dayer when we come back to work, we would always
9 let that person know what he is coming back for or what
10 jobs he had to do or whatever the case may be with
11 right of way. We keep each other very well informed.

12 Q Okay. How is morale around the facility, at
13 Ferndale?

14 A Now?

15 Q No, as of June of '99, how as everybody's
16 morale?

17 A Before the incident?

18 Q Yes.

19 A I don't know, I am no, it was good, I would
20 say.

21 Q Obviously from your, I assume morale was not
22 as good now as it was.

23 A Well, I don't know. It depends on who you to
24 speak to and how you look at. What are you referring
25 to, the incident or the change in B.P. or what

1 specifically?

2 Q Well, I didn't really specifically refer to
3 anything. I just kind of inferred from your, from your
4 expression that morale now was not as good as morale
5 prior to the accident. And I don't know why that would
6 be. I didn't, I was just curious. Is that true?

7 A I don't know. I don't know if I can really,
8 if I am a good judge of morale now compared to then.

9 Q Okay.

10 MR. BESHORE: I think at this point in time
11 why don't we break for lunch, and go off the record and
12 then when --

13 (Whereupon, at 12:15 p.m., a lunch break was
14 taken.)

15 MR. BESHORE: Before I break, I think I was
16 pretty much finished up with any of the questions I was
17 going to ask, so we will start. Jerry, do you have any
18 questions?

19 MR. SCHALL: Only one. Can you tell us what
20 the normal practices are for line locate? Just kind of
21 walk us through when you get a locate.

22 THE WITNESS: Line locate. I will take that
23 locate that comes in and we will go out to the address
24 and we are familiar with most of the addresses and the
25 roads. We know where the pipeline lays, so we will go

1 out and determine if it is going to be a conflict,
2 where they will cross with utilities, or not a
3 conflict. If it is close to our line, we will mark it.
4 And if it is going to cross our line, we will contact
5 contractor and make arrangements, make it known to him
6 that we will have to be there, that we will have to be
7 present when they cross our pipeline. We will set up a
8 time to meet with the contractor, and at that time they
9 will cross with the utility and we will take stationing
10 for our diagram a change that will be submitted to
11 Renton and our file at Ferndale.

12 MR. SCHALL: What paperwork do you complete?
13 Basically this one?

14 THE WITNESS: Did we look at that one? Is
15 that action memo.

16 MR. SCHALL: Action memo.

17 MR. BESHORE: We didn't look at that.

18 THE WITNESS: Diagram of change would be.

19 MR. SCHALL: Okay. What about when there is
20 excavation in the right of way, what is the policy?

21 THE WITNESS: Policy, excavation in the right
22 of way, that we will be present.

23 MR. SCHALL: Present all the time whenever
24 they are digging.

25 THE WITNESS: Right.

1 MR. SCHALL: Okay. I don't have anything
2 else.

3 MR. BESHORE: Johnny, any questions?

4 MR. PARRISH: No, I don't have.

5 MR. BESHORE: Patti, how about you?

6 MS. IMHOF: Yes, I do have some questions.

7 Kevin, can you describe for me, or to tell me
8 what happens when pot holing is done?

9 THE WITNESS: You want me to describe how we
10 pot hole to locate the pipeline?

11 MS. IMHOF: Yes.

12 THE WITNESS: We will hook up our locator, and
13 locate the pipeline. At that time we will have,
14 usually the equipment is provided by the contractor,
15 when there is going to be pot holing or measurements.
16 Equipment will be set up, and we will probe initially
17 before we start digging, to make sure that we are not
18 shallow. We have got a five foot probe, so we go down
19 as far as we can. And then we will start excavating.
20 We will take 16 to 20 inches or bucket full and then we
21 will be back in the hole probing. And we just continue
22 on with that format until we get down and we probe
23 across our pipeline 16 inches wide so you will hit it
24 many different times, so you know how deep you are. We
25 get down to 20, 20 inches, 20, 24 inches, we will stop

1 at that time and they will send a swamper down in the
2 hole to start digging out so that we can uncover the
3 top of the pipe. Once the top of the pipe is
4 uncovered, usually a survey crew will be there to take
5 elevations off the top of the pipe.

6 MS. IMHOF: And who generally does the, who
7 might be, the contractor be who would do the pot
8 holing?

9 THE WITNESS: I don't think it is really, any
10 contractor as long as they supply the equipment. And
11 if they want the pot hole, pot holing done to determine
12 elevation. We just have to be there to ensure the
13 safety of the pipeline.

14 MS. IMHOF: Are you there is your own
15 construction crew is doing the pot holing?

16 THE WITNESS: If our own construction crew,
17 they will be supervised within Olympic?

18 MS. IMHOF: Yes.

19 THE WITNESS: Oh, I will not have to be
20 present, just an Olympic representative will have to be
21 present for pot holing.

22 MS. IMHOF: Okay. Have you seen the pipe
23 that was removed from, well, the pipe that ended up
24 rupturing and exploding?

25 THE WITNESS: I saw it from a distance. I

1 have seen pictures of it, but I haven't really seen it
2 up close.

3 MS. IMHOF: Okay. Have you ever heard of
4 Mark Graham?

5 THE WITNESS: I have heard of his name, yeah,
6 I heard that he had some testimony regarding damage to
7 the pipe, but that is all I know.

8 MS. IMHOF: You don't know specifically what
9 his testimony was?

10 THE WITNESS: No.

11 MS. IMHOF: Okay.

12 THE WITNESS: And I don't know him personally.

13 MS. IMHOF: Okay. Have you heard other
14 rumors about specific testimony?

15 THE WITNESS: Nothing specific. Maybe you can
16 refresh my memory?

17 MS. IMHOF: No, I mean, that is really the one
18 I am familiar with, too. I just wondered if you had
19 heard of any others other than that particular one.

20 THE WITNESS: No, I haven't.

21 MS. IMHOF: Do you, what is your opinion of,
22 why do you think that the finger has been pointed at
23 IMCO in regards to it must be our, I mean, we have been
24 pointed out by Olympic as being the backhoe, the
25 contractor, who damaged the pipeline?

1 THE WITNESS: Well, this is, you just want my
2 opinion?

3 MS. IMHOF: Yes.

4 THE WITNESS: My opinion was that when that
5 tee that was installed over our pipeline, I don't know
6 exact distance, between there and our pipeline, were
7 six to eight inches, location of that and that was
8 installed in '94, and once that was laid, our pipeline
9 is below it, so I believe that the damage had to have
10 occurred before that piece of pipe was installed over
11 us.

12 MS. IMHOF: Okay.

13 THE WITNESS: So, in my opinion that kind of
14 implicates IMCO Construction as to who caused the
15 damage.

16 MS. IMHOF: So, in your opinion, you think
17 that one of our operators, I mean, the charge that has
18 been made against us is that we did the damage and then
19 covered it up. Do you think that we did the damage and
20 knew we did the damage and covered it up?

21 THE WITNESS: Yes.

22 MS. IMHOF: Okay. Thanks.

23 MR. BESHORE: Pete?

24 MR. KATCHMARZ: Hi, Kevin. Did you do the
25 diagram of change for the, when they put the 72 inch

1 line above the Olympic pipeline?

2 THE WITNESS: Right.

3 MR. KATCHMARZ: Did you actually physically go
4 down and measure the distance between the Olympic
5 pipeline and the 72 inch?

6 THE WITNESS: I don't recall, like I said, I
7 don't remember, I don't remember that project at all.
8 I would have had to have stood on one side of that 72
9 inch line and since we did not uncover our line, I
10 would have to have had probed down to locate our line,
11 and then measure the distance from there to the bottom
12 of the 72 inch line to come up with the separation.
13 Does that make sense?

14 MR. KATCHMARZ: You are saying that they did
15 not uncover the Olympic pipeline prior to putting that
16 72 inch line in?

17 THE WITNESS: At that location.

18 MR. KATCHMARZ: Okay. If I may, can I get
19 some of these pictures and show -- I will show you some
20 of these pictures and just see if you can identify --

21 MR. BESHORE: Be sure you identify the page
22 and which picture it is you are discussing.

23 MR. KATCHMARZ: Okay. On page number two,
24 the bottom picture, does this appear to be the 72 inch
25 line?

1 THE WITNESS: Yes.

2 MR. KATCHMARZ: Would you think that that was
3 the Olympic pipeline underneath it?

4 THE WITNESS: It could be or it could be a
5 water line.

6 MR. KATCHMARZ: Okay. There is a water line
7 right in there, too?

8 THE WITNESS: I think there is. From this
9 picture I can't say.

10 MR. KATCHMARZ: Okay. This picture is, we
11 are looking like down the ditch, back towards the
12 windowed side of the Dakin-Yew pump station, and then
13 on page three, on the left side, it is a little bit
14 closer shot, I guess, of that same picture, and the one
15 on the right side as well, is even a closer shot of
16 that same picture. And there is really no way to tell
17 if that is the Olympic pipeline or not?

18 THE WITNESS: I, you know, I can't tell from,
19 I can't tell from it, because I think there is, see,
20 that is a, I think that is a water line, the angle.

21 MR. KATCHMARZ: Okay. Now we are on page
22 four, on the right, on the left side picture.

23 THE WITNESS: That one, this I think is our
24 pipeline.

25 MR. KATCHMARZ: Okay. The left side picture

1 shows the bottom of the 72 inch and then it shows a
2 perpendicular pipe that was in the previous pictures,
3 and then there is another pipe directly under that, and
4 that is the one that Kevin is saying is probably the
5 Olympic pipeline.

6 Okay, now at what point do you think you
7 would have created this particular, the diagram of
8 change?

9 THE WITNESS: Well, they would have had to
10 have brought that 72 inch line across our line.

11 MR. KATCHMARZ: Okay.

12 THE WITNESS: And I would have been able to
13 take some measurements, standing on one side of it,
14 probing down and getting the depth on my rod from the
15 ground and then measuring to the bottom of their line,
16 their --

17 MR. KATCHMARZ: Okay. But, you feel like you
18 would have physically measured that distance?

19 THE WITNESS: Yes, I do.

20 MR. KATCHMARZ: Okay. And do you have any
21 recollection of being out on the job site?

22 THE WITNESS: No.

23 MR. KATCHMARZ: You know, if this is the
24 Olympic pipeline, it is obviously uncovered.

25 THE WITNESS: Right. Yeah, no, the only

1 exposed pipe that I remember was the one we discussed
2 earlier.

3 MR. KATCHMARZ: Okay.

4 THE WITNESS: And I don't remember seeing our
5 pipe uncovered anywhere else.

6 MR. KATCHMARZ: Okay. Now, on page five, it
7 appears to be an even closer shot of the one with the
8 two pipelines in it. Can you, can you identify the
9 Olympic pipeline in this picture?

10 THE WITNESS: I am thinking that ours would be
11 this one right here, the second one down.

12 MR. KATCHMARZ: The lower one.

13 THE WITNESS: The lower one.

14 MR. KATCHMARZ: Okay. And then on page six,
15 the picture on the left hand side, the bottom of those
16 pipelines has ductual written on it, do you think this
17 other pipeline would be the Olympic pipeline?

18 THE WITNESS: Not from this picture, I
19 wouldn't make a guess.

20 MR. KATCHMARZ: Okay. All right. Thank you.

21 MR. BESHORE: Okay.

22 MR. KATCHMARZ: Kevin, you mentioned before
23 that you were out there two, three times a week perhaps
24 during this Dakin-Yew Project. At anytime when you
25 were out there, did you ever see a concrete truck?

1 THE WITNESS: No that I can remember, no.

2 MR. KATCHMARZ: Did you ever see a telephone
3 company truck?

4 THE WITNESS: No, can't remember.

5 MR. KATCHMARZ: Do you have any knowledge of
6 any other utilities in the area of being hit?

7 THE WITNESS: No.

8 MR. KATCHMARZ: Do you have any knowledge of,
9 on your segment of pipeline at any time, anywhere, of
10 your pipeline being hit and not repaired?

11 THE WITNESS: What segment are we talking,
12 Ferndale, Cherry Point --

13 MR. KATCHMARZ: The whole --

14 THE WITNESS: The whole pipeline?

15 MR. KATCHMARZ: Anytime during your 16 year
16 tenure with Olympic Pipeline?

17 THE WITNESS: No. My knowledge is when I
18 heard of pipeline being hit, there are procedures. We
19 notify dispatcher to shut the pipeline down. They shut
20 it down, taking away as much pressure as they possibly
21 can and we inspect the pipe, determine depth, damage
22 and at that time it is determined whether we are
23 cleared to restart or if we need other repairs.

24 MR. KATCHMARZ: Okay. Are you aware of any
25 other backhoes being in this area of the Dakin-Yew

1 Project other than for that project?

2 THE WITNESS: No. There were two that I can
3 remember and I just remember the big one, the big John
4 Deere and another, oh, I can't think of the brand name
5 right now, orange, very common.

6 MR. KATCHMARZ: Okay. In general, do you
7 have enough work to do for Olympic Pipeline?

8 THE WITNESS: Yes.

9 MR. KATCHMARZ: Are you overworked?

10 THE WITNESS: At times.

11 MR. KATCHMARZ: Does anything ever fall
12 through the cracks that you can't do?

13 THE WITNESS: No.

14 MR. KATCHMARZ: Does anything ever get pushed
15 back?

16 THE WITNESS: Pushed back?

17 MR. KATCHMARZ: Yeah, you make priorities, I
18 can't get to this, I will do that next week, I need to
19 do this this week?

20 THE WITNESS: I would notify my supervisor if
21 there was a situation that would come up where I
22 couldn't be somewhere or do something and he would make
23 the call.

24 MR. KATCHMARZ: Okay. In a global
25 perspective, you have been with Olympic Pipeline for a

1 long time, how many different companies has operated
2 the pipeline, in your tenure?

3 THE WITNESS: Started Mobil and then Shell,
4 then Texaco, and Echelon, and currently B.P.

5 MR. KATCHMARZ: B.P. Okay, you were hired in
6 under Mobil?

7 THE WITNESS: Yes.

8 MR. KATCHMARZ: Okay. What would you say the
9 management style was of the Mobil operation? As
10 compared to prior to 19, or June of '99 with, who is
11 that Echelon?

12 THE WITNESS: Yeah. I don't know, you are
13 asking for my opinion.

14 MR. KATCHMARZ: Yes. Let me ask you a
15 specific question. Was there more supervision, less
16 supervision, more paperwork or less paperwork?

17 THE WITNESS: Under Mobil, I worked under Dave
18 ~~Lokey~~ ^{LUCKI}, and he was an enforcer more or less, different
19 policy than Dave Justice. So, he would give specific
20 direction as to what to do now and what to do next.
21 Under Dave Justice, it was ~~Echelon~~ ^{EQUILON} policy, we had more
22 freedom to run, do what we needed to get the job done.

23 MR. KATCHMARZ: Okay.

24 THE WITNESS: We were told we were empowered.

25 MR. KATCHMARZ: Okay. How about Shell?

1 THE WITNESS: Well, Shell, David Justice, we
2 had a different manager who was above Dave Justice and
3 he was, I thought, he got things done. He was an
4 action type guy. And I can't think of his name right
5 now, but --

6 MR. KATCHMARZ: I don't need names, I am
7 looking for, you know, the attitude out at the
8 pipeline.

9 THE WITNESS: Yeah. So, definitely different,
10 they were different. I can only go by who my
11 supervisor, you know, immediate supervisor is as far
12 as --

13 MR. KATCHMARZ: Were they more strict than
14 before?

15 THE WITNESS: Meaning Mobil versus ~~Echelon~~ ^{EQUILON}
16 or --

17 MR. KATCHMARZ: Mobil versus, just before the
18 incident, or the years before the incident, and then
19 Shell just before the years before the incident.

20 THE WITNESS: Well, see we had, I had
21 different roles. Under Mobil, I was in Operations. So
22 we had paperwork for strainer maintenance and you know
23 different type of paperwork. And then under Shell, I
24 think, we got right of way under Shell, so that gave us
25 diagram of changes, pilot reports, exposed pipe

1 reports, paperwork to go with that. And that continued
2 on with Texaco and ~~Echelon~~ ^{EQUILON}. Under the Shell, they were
3 strict enforcers on safety, wear hard hats and on and
4 on and on. This was enforced. ~~Echelon~~ ^{EQUILON} had enforcement
5 on safety on paper, but did not enforce. More or less
6 just said, please don't do it again. B.P., from what
7 I --

8 MR. KATCHMARZ: That is okay, I don't need
9 B.P. right now.

10 THE WITNESS: Okay.

11 MR. SMYTH: Seriously, I am talking up to the
12 incident.

13 Okay. So, from Shell to Texaco then, can
14 you characterize from Shell to Texaco? You said Shell
15 was more strict?

16 THE WITNESS: Safety wise?

17 MR. KATCHMARZ: Well, I am talking globally.

18 (Tape change)

19 MR. KATCHMARZ: Globally, whole attitude.

20 THE WITNESS: Globally, I can't really go back
21 that far and say it would be my opinion, you know, how
22 everybody, how this was operated --

23 MR. KATCHMARZ: I am talking just yourself, in
24 your job, were you required, were your supervisors more
25 strict under Shell than they were under Texaco?

1 THE WITNESS: No, David Justice has always
2 been the same under Shell, Texaco, ~~Echelon~~ ^{EQUILON}.

3 MR. KATCHMARZ: Okay. Did you have to fill
4 out your paperwork more thoroughly under Mobil and
5 Shell than under Texaco or ~~Echelon~~ ^{EQUILON}?

6 THE WITNESS: No, I believe the paperwork has
7 always been filled out about the same. I don't see
8 any, you know, any changes.

9 MR. KATCHMARZ: Okay. Okay. Do you always
10 respond to an aerial reports that are called into you?

11 THE WITNESS: Yes.

12 MR. KATCHMARZ: Always.

13 THE WITNESS: Always.

14 MR. KATCHMARZ: Okay. My question is, my
15 question goes to, if you know that that project is
16 going on and you know, you have been down there, would
17 you respond to that area?

18 THE WITNESS: Yes. Aerial report, we will
19 check on that within two or three days. So, we were
20 checking on that project weekly, two to three days,
21 myself, not including, I don't know what Ken did. So,
22 if the aerial report says work continues, we are aware
23 of that project. It is no, aerial report is to
24 identify, you know, areas to bring it to our attention
25 and then we can identify whether we are aware of it,

1 have checked it, have reported it.

2 MR. KATCHMARZ: Okay. Thank you very much.

3 MR. BESHORE: Geoffrey?

4 MR. SMYTH: Hi, Kevin, how are you doing.

5 MR. MARTIN: Just one second.

6 (Pause.)

7 MR. BESHORE: All right. Let's go back on the
8 record.

9 Geoffrey, do you have questions?

10 MR. SMYTH: Yes, I just have a couple of
11 Kevin.

12 Kevin, you have been there since the early
13 '80s, could you explain what your understanding is of
14 the relationship that Olympic has with the City of
15 Bellingham over the years? And what would be your
16 opinion on that?

17 THE WITNESS: City of Bellingham. Well, any
18 specific area, I work, you know --

19 MR. SMYTH: Well, I mean, like, for example, I
20 mean, you have large portion of that section of
21 pipeline running through our city limits. I mean, when
22 dealing with people who work for the City of
23 Bellingham, what kind of a relationship have you had?

24 THE WITNESS: Well, I have dealt with Gary
25 Hoppler, I think is his last name.

1 MR. SMYTH: Okay.

2 THE WITNESS: An inspector for the City of
3 Bellingham, and he is a great guy. I had a good
4 working relationship with him. And his, he would
5 always emphasize safety precautions with our pipeline,
6 so, and then I worked with, Leonard, I haven't met, but
7 he is county. Only, only opinion I have is really with
8 Gary Hoppler, and that is, it was a good working
9 relationship with him.

10 MR. SMYTH: Okay. And for the areas of your
11 right of way that are on City owned property and you
12 need to access to it, did you have any issues with ever
13 not being able to get access or getting access whenever
14 you needed to?

15 THE WITNESS: Access, meaning construction to
16 get on, to look --

17 MR. SMYTH: Anything.

18 THE WITNESS: No, I have never had, I have
19 never had an issue.

20 MR. SMYTH: Do you know of any issues being
21 raised that you are aware of?

22 THE WITNESS: No. I am not aware of any.

23 MR. SMYTH: So, any time you went to like
24 ~~Watkin~~ ^{WHATCOM} Creek area, or you wanted to go to ~~Watkin~~ ^{WHATCOM} Falls
25 Treatment Plant, there was no issue as to getting

1 access to those rights of way?

2 THE WITNESS: No, not --

3 MR. SMYTH: So, if you wanted to bring some
4 equipment in there, do any work there, you felt that
5 there wouldn't be any problem with that?

6 THE WITNESS: That is just my opinion. Now,
7 Construction Department would, you know, look get in
8 touch, have more dealings with the City than I do.
9 Yes.

10 MR. SMYTH: Okay.

11 Going back to the, before the actual
12 construction would take place or took place at
13 Dakin-Yew, when did you first see a set of plans?

14 THE WITNESS: I don't know, I don't know when
15 I saw the first set of plans, what month, what year, I
16 just don't, I would take a stab and --

17 MR. SMYTH: Was it normal for you to see the
18 plans by going to the contractor or talking to your
19 Engineering Department or how did you normally know
20 when something like this was going to happen?

21 THE WITNESS: Well, I remember them showing us
22 the plans at their office. What month, year, I don't
23 know. So, they, in turn, would send their plans to our
24 engineer in Renton, who would approve or whatever goes
25 on there, and then he would generally send us a copy or

1 we would get a copy of the final prints that we could
2 go on.

3 MR. SMYTH: So, you could use those prints,
4 you know, when you went out to the site?

5 THE WITNESS: Yes.

6 MR. SMYTH: Okay. Now, if during the
7 construction of the project, something were to change,
8 would you have on site knowledge of that potentially
9 and then have to pass it onto the Engineering
10 Department or would Engineering come to you and say,
11 something has changed, be aware of this in the field?
12 How did that interact?

13 THE WITNESS: I have no idea. We had the
14 original plans that were approved by Engineering that
15 we were going off of. If any changes were made, I am
16 not aware of them.

17 MR. SMYTH: But, you would expect that
18 Engineering would tell you then.

19 THE WITNESS: Yeah, I would expect that they
20 would let us know.

21 MR. SMYTH: So, if you were on the site,
22 whether it be this construction project or one out in
23 the county or somewhere else, and something was
24 different than what you saw in the set of plans, do you
25 have the authority to make on site field changes?

1 THE WITNESS: No, I do not have.

2 MR. SMYTH: And who would you call then for
3 that?

4 THE WITNESS: I would call, I would call our
5 Engineering Department in Renton.

6 MR. SMYTH: Okay.

7 THE WITNESS: Notify them.

8 MR. SMYTH: And would you notify your
9 supervisor or something, Dave Justice?

10 THE WITNESS: Yes, I would notify my
11 supervisor, Engineering Department, what is going on.

12 MR. SMYTH: But, you could stop work, though,
13 if you felt that it was unsafe, you had, you could stop
14 work and say, hey, I don't feel comfortable with this,
15 until maybe our Engineering Department looks at it?

16 THE WITNESS: Unsafe, I have the authority
17 to --

18 MR. SMYTH: Unsafe.

19 THE WITNESS: Unsafe.

20 MR. SMYTH: But, a design change or --

21 THE WITNESS: A design change, I wouldn't be
22 able to stop work on a design change. I would notify
23 people.

24 MR. SMYTH: Okay. When you go to a
25 construction project, whether it be the Dakin-Yew or

1 any other construction project, is there a policy in
2 Olympic Pipeline to take some photographs of what is
3 going on?

4 THE WITNESS: There isn't a policy, but we
5 have a digital camera that we do have, that we do use.

6 MR. SMYTH: And did you have that camera
7 during the Dakin-Yew Project?

8 THE WITNESS: No, we didn't.

9 MR. SMYTH: Did you take any photographs
10 during the Dakin-Yew Project?

11 THE WITNESS: No, I did not.

12 MR. SMYTH: Do you know of any other
13 photographs in Olympic that might exist from that
14 project?

15 THE WITNESS: No, I do not.

16 MR. SMYTH: Were you ever asked to go to any
17 weekly meetings or any construction meetings regarding
18 the Dakin-Yew Project?

19 THE WITNESS: Were we ever asked?

20 MR. SMYTH: Yes, did anyone from Olympic say,
21 hey, there is a weekly meeting, maybe you or Ken should
22 attend it?

23 THE WITNESS: No.

24 MR. SMYTH: You didn't attend any weekly
25 meetings, that you can remember?

1 THE WITNESS: No. And I don't believe that I
2 was, I can't remember being asked to attend any
3 meetings.

4 MR. SMYTH: Do you know if like a supervisor
5 might have attended something like that or someone?

6 THE WITNESS: I don't know.

7 MR. SMYTH: Could you just explain a little
8 bit to me, I am unclear, you said you do four 10s, is
9 that, what was, you do four 10s?

10 THE WITNESS: Right. Four days, four 10 days
11 straight.

12 MR. SMYTH: Oh, four 10 day straight.

13 THE WITNESS: Ten days straight and then four
14 days off.

15 MR. SMYTH: And did that, is that how your
16 work practice has always been? I mean, was that back
17 in 1993?

18 THE WITNESS: Yeah, I think it has been.

19 MR. SMYTH: So, then you would be working for
20 Olympic on a Saturday or a Sunday?

21 THE WITNESS: Yes.

22 MR. SMYTH: Did you make any visits to the
23 Dakin-Yew Project site on a weekend, do you remember?

24 THE WITNESS: I don't remember.

25 MR. SMYTH: Did you hear of any work going on

1 up there on a weekend?

2 THE WITNESS: No, I didn't hear of any work
3 going on on the weekend.

4 MR. SMYTH: When you would show up on site,
5 did you report to anyone? Tell anyone you were there?

6 THE WITNESS: I would get with Greg Burress,
7 he was my contact.

8 MR. SMYTH: So, he knew when Olympic, when
9 someone from Olympic, when yourself or Ken would be
10 there.

11 THE WITNESS: Yes, he knew Ken and myself, and
12 we were basically the two that were overseeing the
13 project.

14 MR. SMYTH: Okay. When was the first time
15 you heard about the tee construction, the 16 by 28 tee
16 construction or heard about --

17 THE WITNESS: Heard about. Well, it was ~~about~~ ^{AFTER}
18 the incident.

19 MR. SMYTH: The incident being June 10th?

20 THE WITNESS: Yes.

21 MR. SMYTH: So, during the construction
22 project, you never heard about it?

23 THE WITNESS: No.

24 MR. SMYTH: And so, you are unaware of any, I
25 guess, diagram of changes that might have been made

1 regarding that tee, which was over the Olympic
2 pipeline?

3 THE WITNESS: No.

4 MR. SMYTH: Does that surprise you?

5 THE WITNESS: Yes. They crossed, that was a
6 crossing over a pipeline.

7 MR. SMYTH: Right.

8 THE WITNESS: Ken or myself should have been
9 around then, but there is, I don't know what, he has no
10 memory, I don't remember being out there, and ever
11 seeing that.

12 MR. SMYTH: Just a couple quick more.

13 Were you, were you at the -- Plant on June
14 10th?

15 THE WITNESS: Yes.

16 MR. SMYTH: What was your, were you there
17 after June 10th, I mean, did you, did you have a role,
18 did Olympic give you a role for the incident related?

19 THE WITNESS: Well, being an emergency
20 responder, first person on site, takes on the
21 responsibility and incident commander for the project
22 until they are relieved. So, that was my role until I
23 was relieved by Frank ^{Hoff}~~Kaufman~~.

24 MR. SMYTH: And after that what did you, what
25 did they have you do?

1 THE WITNESS: After that, I was, we walked the
2 creek taking -- I don't remember specifically what I
3 did after that.

4 MR. SMYTH: How about a week after, did they
5 assign you back to Ferndale and say --

6 THE WITNESS: Yeah, I don't know what the time
7 frame was, but, yeah, I was relieved of the project
8 there. At what time, I don't remember. So, I was
9 pretty much, once they relieved me from there, I didn't
10 go back there.

11 MR. SMYTH: Did they ask you immediately after
12 that or any time, maybe a week or so after that, or at
13 any time during the initial excavation of the project,
14 if you had any, could remember anything about what
15 might have been going on right there to help with the
16 progress --

17 THE WITNESS: Who asked?

18 MR. SMYTH: Anyone from Olympic asks you?

19 THE WITNESS: No.

20 MR. SMYTH: That is all I have got. Thanks.

21 MR. BESHORE: Linda?

22 MS. PILKEY-JARVIS: I have a couple of
23 questions.

24 Allen asked you earlier about your
25 recollection of time that the pipe was exposed as one

1 of the two incidents that you remember clearly. He
2 asked you how much pipeline was exposed and you weren't
3 very descriptive in your answer. So, I wonder if you
4 could think about it a little bit more and maybe
5 offer --

6 THE WITNESS: Well, if I could look at the
7 diagram of change, I could calculate off of that, about
8 how many feet of our pipe was exposed.

9 (Pause.)

10 THE WITNESS: I have got five, five feet
11 between roughly the 24 inch and the two inch and the
12 four inch PVC, but I know we were exposed more than
13 five feet, because we had shoring and sloping issues
14 that we had to cut the bank back, so I would say 10 to
15 18, just guessing.

16 MS. PILKEY-JARVIS: Ten to 18 feet?

17 THE WITNESS: Yes.

18 MS. PILKEY-JARVIS: You have written on the
19 diagrams of change information about distances, for
20 example, the one that is dated August of '94, there is
21 a milepost number and then it also says, 834 plus --
22 Can you tell me, you know, about that kind of numbering
23 system. I am not really sure what the terminology
24 would be, but how accurate is that, how do you know
25 what those numbers are?

1 THE WITNESS: Well, we go off of our chart,
2 which has for instance the PI 842 plus 03, that PI is
3 where the pipeline makes a turn.

4 MS. PILKEY-JARVIS: Right.

5 THE WITNESS: So, we know that location is on
6 our map, and we have that reference that we can
7 reference. So, we take our measurements from that
8 point to the crossings, to determine those numbers.

9 MS. PILKEY-JARVIS: So, the company has maps
10 that have various reference points along the pipeline
11 and you physically measure from that and that is how
12 you, that would be a fairly accurate number because
13 this 843 plus those six, because you have measured it.

14 THE WITNESS: Right.

15 MS. PILKEY-JARVIS: Okay. Thank you.

16 I am fairly confused about your, your
17 response earlier about your opinion about how and when
18 the damage to the pipe occurred. I appreciate the fact
19 that you are willing to offer -- You have obviously
20 thought about it. I wonder if you could kind of go
21 over that a little bit more for me. What I heard you
22 say was that when the tee cross, the tee crossing was
23 installed, that the damage had to have occurred before
24 that.

25 THE WITNESS: Yes. Our pipeline was below the

1 tee. How many inches would just be a guess, six to
2 eight inches. So, that tee was installed over our
3 pipeline, to cross our pipeline. So, in my mind I am
4 thinking how else could the damage have occurred, you
5 know, after installation. We are talking six, eight
6 inches in-between. How is any piece of equipment going
7 to get in-between there and damage our pipeline?

8 MS. PILKEY-JARVIS: Do you have an opinion
9 about how far back in time it may have occurred before
10 that crossing was done?

11 THE WITNESS: Before that crossing?

12 MS. PILKEY-JARVIS: Yes, before that time,
13 before 1994, when this tee was installed?

14 THE WITNESS: Well, I don't have an opinion as
15 to, as to the damage occurring before the 24 inch tee
16 installation, no, I don't have an opinion on that. And
17 my opinion is that the damage occurred when installing
18 the 24 inch tee, being that we had relatively close
19 clearances and that it was hide^N from us, I believe that
20 is when the damage occurred.

21 MS. PILKEY-JARVIS: To your knowledge, that
22 portion of the pipeline where the rupture occurred, was
23 not exposed at any point during the, of the
24 construction of the other water main pipes?

25 THE WITNESS: Not to my knowledge.

1 MS. PILKEY-JARVIS: Okay. Let me ask you a
2 question on a different subject.

3 What is your understanding of the purpose in
4 constructing the Bayview Station?

5 THE WITNESS: You want my opinion on why they
6 constructed the Bayview? Well, I think that was built
7 to accommodate a pipeline that would run across
8 Cascades, which has since gone away.

9 MS. PILKEY-JARVIS: How would it have
10 accommodated the cross Cascades?

11 THE WITNESS: As far as volume through, I have
12 no idea. I just remember that it was kind of in
13 conjunction with the cross Cascades, that is all, that
14 I heard about.

15 MS. PILKEY-JARVIS: Okay. You are
16 speculating that just the timing of it is what linked
17 it to the cross Cascades or did you have conversations
18 with people where you talked about --

19 THE WITNESS: No, I didn't have conversations.
20 I just heard that, the rumor.

21 MS. PILKEY-JARVIS: Okay. That is all my
22 questions. Thank you.

23 MR. BESHORE: Tony?

24 MR. BARBER: Hi. Earlier when you were
25 talking about pot holes, if I heard you right, you said

1 a swamper would get into the hole. Can you tell me
2 what swamper is?

3 THE WITNESS: He is somebody that will get
4 down in the hole with a shovel and he will dig and move
5 the dirt to uncover the pipe.

6 MR. BARBER: With regard to scraping, scraper
7 pigs, did you participate in any of those activities?

8 THE WITNESS: Yes.

9 MR. BARBER: Who else participated in that?

10 THE WITNESS: When we are talking scrapers, we
11 are not talking smart pigs. I want to make sure I
12 understand. What is your --

13 MR. BARBER: Scraper pigs.

14 THE WITNESS: Scraper pigs or the brush pigs
15 that we have. Okay and Ken Roberts and myself, Perry
16 Dalaba, Holly -- ~~Diana~~ **DEANNA OIEN** ~~Wayne~~, we are in Operations, so
17 we take care of floating, launching scraper pigs.

18 MR. BARBER: What is your role or was your
19 role before the incident when using those scraper pigs?
20 What is your job?

21 THE WITNESS: Load, launch.

22 MR. BARBER: Do you recover as well?

23 THE WITNESS: Yes, at Bayview, we would go
24 down because at that time they would go into Bayview
25 and we would take them out there.

1 MR. BARBER: Do you keep track of the
2 condition of the pig before it goes in and after it
3 comes out?

4 THE WITNESS: Yes, we record before we launch
5 the condition of the pig, size of the cups, brush and
6 so on. And then the person that removes the scraper is
7 suppose to record cup dimensions and brush size and so
8 on.

9 MR. BARBER: Have you ever seen one damaged
10 from cutting through the pipe?

11 THE WITNESS: Yes.

12 MR. BARBER: What kind of damage have you seen
13 on them?

14 THE WITNESS: Oh, rubber, rubber chunks of the
15 scraper torn out or gashes all the way down through and
16 we have even put a steel plate on the nose of the cone
17 to determine, you know, if it is hitting it, damage,
18 damage.

19 MR. BARBER: When is the last time that you
20 remember seeing a damaged scraper?

21 THE WITNESS: I can't remember any specific
22 month or date. It hasn't been recently. Last year,
23 plus.

24 MR. BARBER: That is all the questions I have.
25 Thanks.

1 MR. BESHORE: Eric, do you have any questions?

2 MR. SAGER: Kevin, what is your job title?

3 THE WITNESS: Field specialist 4.

4 MR. SAGER: And was that your job title on
5 June 10th?

6 THE WITNESS: No, it wasn't.

7 MR. SAGER: What was your job title on June
8 10th?

9 THE WITNESS: Operation technician III.

10 MR. SAGER: And are you senior to or
11 subordinate to Ken Roberts --

12 THE WITNESS: Well, it has changed, so --

13 MR. SAGER: On June 10th?

14 THE WITNESS: I was the same as Ken Roberts.

15 MR. SAGER: Okay. Have you had a chance to
16 see the damage to the pipeline after the --

17 THE WITNESS: From a distance, yes, and by
18 pictures. I have not had a close up look of damage to
19 the pipe.

20 MR. SAGER: Can you describe the damage that
21 you saw?

22 THE WITNESS: Yeah, I will try. It appeared
23 that the pipe split, split apart. Distance just
24 roughly was say 26 inches along, relatively close to
25 the top of the pipe. It looked like it was just opened

1 up four or five inches, and I am guessing.

2 MR. SAGER: And was that near the damage that
3 we have been talking about that was perhaps done during
4 the excavation?

5 THE WITNESS: Well, I haven't really got a
6 close up to look to, I don't know, I have heard that
7 their pipe had been hit with something and dragged,
8 okay. And I don't know that, because I am just hearing
9 that rumor.

10 MR. SAGER: You did not see where the hit and
11 dragging was in photographs?

12 THE WITNESS: Well, I saw a picture of,
13 somebody took a picture of the pipe going through the
14 center and there was like dimples, two dimples inside
15 the pipe where it looked like something had come down
16 hard on the pipe causing it to be bent in. That I did
17 see, on a picture.

18 MR. SAGER: Did you have, from what you have
19 seen, can you make, do you have an opinion as to what
20 may have caused that damage?

21 THE WITNESS: Yes. I believe a heavy piece of
22 equipment struck the pipe, and removed and dragged on
23 the pipeline.

24 MR. SAGER: What part, what piece of equipment
25 do you --

1 THE WITNESS: Well, a big piece of equipment.

2 MR. SAGER: Excavator?

3 THE WITNESS: Excavator, yes.

4 MR. SAGER: What part of the excavator would
5 you expect to cause that damage?

6 THE WITNESS: Teeth. Hit and drag teeth off
7 of, a big piece off an excavator.

8 MR. SAGER: Is that the kind of strike you
9 would expect, is that the kind of damage that you would
10 expect to occur if the operator of the equipment was
11 taken by surprise?

12 THE WITNESS: No, I don't believe so.

13 MR. SAGER: And that is something that could
14 have occurred if he was expecting to strike an object
15 or he was trying to be careful not to strike an object?

16 THE WITNESS: I think he hit it by accident,
17 not knowing possibly that it was there, to start with,
18 but then this looked like it was hit more than once,
19 so, I don't know if he possibly thought it was a rock,
20 I don't know. I really don't have a cut and dry
21 opinion. I believe that it was hit and damaged and I
22 believe that it was damaged at the time of
23 construction. And it is outside of my expertise as to
24 how big of equipment may have done it and so on.

25 MR. SAGER: Was there any reason for the

1 opening of that area up by the excavator to have been
2 hidden from you or your company?

3 THE WITNESS: Could you say that again? I am
4 not real clear on the question.

5 MR. SAGER: Was there any reason for the
6 company that was doing the excavation, or the foreman,
7 to have hidden from you that they were going to open up
8 the hole in that area?

9 THE WITNESS: No. I see no reason why they
10 would have to hide that from us.

11 MR. SAGER: How would they have hidden from
12 you that they caused this damage of the pipeline?

13 THE WITNESS: Doing it when we are not
14 present, I guess. I found out, I don't know how many
15 months on the second shift, that they had added a
16 second shift and well after the incident had occurred,
17 did I hear that they added a second shift. I don't
18 know when that second shift started or ended. But, we
19 informed them that if they were going to be digging, it
20 didn't matter, Saturday, Sunday, late, early, whenever,
21 if they were digging near our pipeline, that we need to
22 be there. That was the condition. That was the terms.
23 They were aware of it. And they hide this work from
24 us. We had no, I had no idea that this work was being
25 done, and it was done hidden from us completely,

1 without our knowledge.

2 MR. SAGER: Do you have any idea why it was
3 hidden?

4 THE WITNESS: Absolutely no idea. In my mind
5 it just doesn't make sense. Damaged the pipe, covered
6 it back up, and let it go for years, and years until
7 something like this happens, where there are deaths,
8 and now, oh, if they would have notified us, we would
9 have been there, if the pipe would have, even if they
10 would have damaged the pipe, and then notified us, we
11 could still have taken care of it. But, we were not
12 notified. It was hidden from us. We had no knowledge.
13 How can you do anything when you don't know?

14 MR. SAGER: How did you find that there was an
15 alternate shift or a second shift?

16 THE WITNESS: That was through Michael.

17 MR. SAGER: Michael?

18 THE WITNESS: Michael Martin.

19 MR. SAGER: Okay. And when did you find that
20 out?

21 THE WITNESS: I don't remember what, like I
22 said, it was after the incident, months, I would just
23 be guessing, six months after the incident.

24 MR. SAGER: Okay. That is all I have right
25 now. Thanks.

1 MR. BESHORE: Anybody else have any questions?

2 MR. KATCHMARZ: I have got one, Kevin.

3 When you did that diagram of change on the 72
4 inch pipe crossing, would you have gotten down in the
5 ditch to physically look at the pipe to determine if
6 there was any damage done?

7 THE WITNESS: I wasn't aware that our pipe was
8 uncovered on the 72 inch.

9 MR. KATCHMARZ: Okay.

10 THE WITNESS: You are asking me --

11 MR. KATCHMARZ: Okay. After seeing these
12 pictures, and you thought that was probably the Olympic
13 pipeline, and it was obviously exposed. But, at the
14 time you didn't know that.

15 THE WITNESS: Absolutely not, no. The only
16 exposed pipe that I was out on, was on the exposed pipe
17 report that I filled out. A 72 inch, I have no exposed
18 pipe report that went with it. I had no knowledge they
19 uncovered our line. The only knowledge I had is they
20 went over the top of our line.

21 MR. KATCHMARZ: I see. Okay.

22 MR. BESHORE: Okay. Geoff.

23 MR. SMYTH: I just got one. Did you ever go
24 to the site after, like to see the ruptured section
25 being exposed?

1 THE WITNESS: Yes, I was there intermittently
2 to see the uncovering of the piece of pipe that was --

3 MR. SMYTH: And seeing them pull out the pipe,
4 things like that?

5 THE WITNESS: I don't think I was there when
6 they removed the tee. I was there when they were
7 digging away our pipe.

8 MR. SMYTH: Okay. So, you saw --

9 THE WITNESS: I was just popping in and out.

10 MR. SMYTH: And so, you might have, you were
11 there when they were, they were trying to find the
12 damaged section of pipe and pull that out, the damaged
13 section of it.

14 THE WITNESS: Correct.

15 MR. SMYTH: Did you show up after that and see
16 any of the construction, laying of the new section of
17 Olympic's pipeline?

18 THE WITNESS: No, I was, I don't remember. I
19 may have stopped in there occasionally to see what was
20 going on, but I don't remember in detail laying new
21 pipe or this or that.

22 MR. SMYTH: Do you remember the personnel
23 tried to remove the Olympic pipeline for the
24 investigation?

25 THE WITNESS: Do I --

1 MR. SMYTH: Do you remember that? When they
2 tried to removed it, they were digging, what were they
3 doing to get the pipeline out of the ground?

4 THE WITNESS: I remember three of our
5 construction guys, Mike Moanen, Bill Anderson, and Leif
6 ~~Lebenk~~^{LEBLANCK} is the hole, uncovering, removing the dirt to
7 get to the damaged pipe. That is all I remember.

8 MR. SMYTH: Do you remember seeing them using
9 a rotator hammer to get a section of your pipe out?

10 THE WITNESS: No. I don't remember that. I
11 didn't see that.

12 MR. SMYTH: Okay.

13 MR. BESHORE: I have just got a couple of
14 quick follow-ups.

15 I think some of the thing, we talked about
16 whether or not your line was exposed in the 72 inch, I
17 want to understand, I want to make sure I understand.
18 You basically got the distance from the bottom of the
19 excavation to the top of the Olympic pipe by --

20 THE WITNESS: Probing, correct.

21 MR. BESHORE: And you could measure from there
22 out to the 72 inch.

23 THE WITNESS: To the bottom of the 72 inch
24 line.

25 MR. BESHORE: So, you could make your

1 measurements without your pipe being exposed.

2 THE WITNESS: Correct.

3 MR. BESHORE: Okay. Do you recall any time
4 when you went out on the project when Greg Burress
5 wasn't there?

6 THE WITNESS: I don't remember, I don't recall
7 that he wasn't there. I don't remember.

8 MR. BESHORE: Do you, is there any specific
9 company policy that you are aware of that delineates in
10 this type of project how often it should be inspected
11 or visited?

12 THE WITNESS: No, not to my knowledge.

13 MR. BESHORE: Okay.

14 MR. KATCHMARZ: One follow up to Allen's
15 previous question. When you probed to measure the
16 distance between Olympic pipeline and the bottom of the
17 72 inch pipeline, could you have been hitting the CDF
18 that was put down there?

19 THE WITNESS: You know, I don't, I don't
20 recall that. I do have on that diagram a change that I
21 have got 36 inches of separation, so, if I would have
22 put that down, I believe that I would have been pretty
23 confident that I was beyond our pipe.

24 MR. KATCHMARZ: Okay.

25 MR. BESHORE: All right. Then I will ask if,

1 Linda, was your hand waving?

2 MS. PILKEY-JARVIS: No, oh, no.

3 MR. BESHORE: Then I will ask, Kevin, if there
4 is anything else that you can think of that we haven't
5 asked you about, that you feel might be useful and
6 important to us in our investigation?

7 THE WITNESS: Nothing at this time.

8 MR. BESHORE: Okay. Thank you.

9 THE WITNESS: Thank you.

10 MR. BESHORE: Off the record.

11 (Whereupon, the interview was concluded.)



National Transportation Safety Board

Washington, D.C. 20594

In the Matter of the National Transportation Safety
Board Investigation of the Pipeline Accident Occurring
in Bellingham, Washington, on June 10, 1999.

COMPULSION ORDER

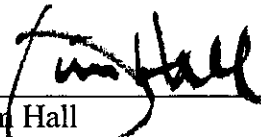
It appearing to the satisfaction of the Chairman of the National Transportation Safety Board:

1. That Kevin Wittmer has been called to testify or provide other information in this matter;
2. That Kevin Wittmer has refused or is likely to refuse to testify or provide other information, on the basis of his privilege against self-incrimination;
3. That in the judgment of the Chairman of the National Transportation Safety Board, the testimony or other information from Kevin Wittmer may be necessary to the public interest; and
4. That this order has been issued with the approval of the Attorney General or her designated representative, pursuant to 18 USC Section 6003 and 28 CFR Section 0.175.

NOW, THEREFORE, IT IS ORDERED, pursuant to 18 USC Section 6002 and 6004, that Kevin Wittmer appear and give testimony or provide other information which he has refused or is likely to refuse to provide or give on the basis of his privilege against self-incrimination as to all matters about which he may be questioned in this matter.

IT IS FURTHER ORDERED that in accordance with the provisions of 18 USC Section 6002, Kevin Wittmer shall forever be immune from the use of such testimony or information or any information directly or indirectly derived from such testimony against him in any prosecution, penalty or forfeiture, either State or Federal or otherwise; but the witness shall not be exempt from prosecution for perjury, giving a false statement or contempt committed while giving testimony or producing evidence under this order.

Dated this 12th day of September, 2000.



Jim Hall
Chairman

Exhibit Wittmer #1

OLYMPIC PIPE LINE CO.
Leak, Maintenance, and Exposed Pipe Report

Date 3-12-94

Report Number 111-06-C

IDENTIFICATION

Area FE-AL 16" M.L. Loc. Code 77202

Distance & Direction from Nearest Facility: 15.7 miles South
East of Ferndale Station

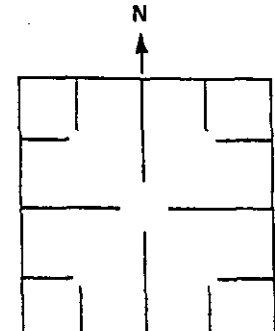
Distance & Direction from Nearest M.P. 3/10 m. N. of M.P. 16.

Line Size 16.00 Wt. 52.36 W.T. .312 Grade SL x 52

Location & County (Sec.-Twp.-Rg. or Survey-Block-Section No.) Bellingham
Whatcom Sec 28 T33N R3E

Operating Pressure of Line is 1440 psi.

Last Hydrostatic Test Number: #08



Sketch: Show M.P. Location, Mag. Anodes Installed, Test Point Installed, Leak, etc.

LEAK REPORT

R.O.W. Number: _____ Date of Leak: _____

Leak Reported by: _____ Date Repaired: _____

Cause of Leak: _____ Type of Fluid Lost: _____

Total Barrels Lost: _____ Barrels Recovered: _____ Net Barrels Lost: _____

Area of Property Damaged: _____ Extent of Damage: _____

Damage Estimate (other than OPLCo. Property): \$ _____

Type & Method of Cleanup: _____

Tenant/Landowners Name, Address & Phone Number: _____

D.O.T. Report Required: _____ If Yes, Date Information Furnished to Renton Office: _____

REPORTS MADE TO GOVERNMENT AGENCIES:	DATE FILED
_____	_____
_____	_____
_____	_____

REPORT PREPARED BY: Kevin Wittmer TITLE: _____

REMARKS: _____

REMARKS: _____

Date: _____ Supervisor _____

REMARKS: _____

OPL 1000098

CONFIDENTIAL
DO NOT COPY

Date: _____

0000110

Exhibit Wittmer #2

MAINTENANCE REPORT

in for Maintenance: _____

Permanent or Temporary Repair-Method Used: _____

Universal Transfer # _____

Installed: Yes _____ No _____ If yes; Footage _____, Type _____, Weight _____

_____, Grade _____ Replacement Coating Type _____

Hydrostatic Test Number _____

Qualified Welders Name _____ Welding Inspectors Name _____

EXPOSED PIPE REPORT

was exposed between Station Number 843+04 and Station Number 843+14 due to Installing
1" Steel water line, 4" PVC water line, 2" PVC water line

average depth of cover was 30" inches. Type of Soil Rock (shale)

Is there evidence of Corrosion? Yes _____ No X. Corrosion, if present, was internal _____ external _____, or both and was
determined to be active _____ inactive _____. Type of corrosion was Pitting _____ General _____. Corrosion was present on the
_____, bottom _____, side _____ of the pipe.

GENERAL CORROSION: Size of Pits: _____ Depth of Pits: _____ Number Pits Per Foot _____

RESIDUAL CORROSION: Remaining Wall Thickness of the pipe is _____ inch.

What existing type of coating is CT Primer CT Enamel. The condition of the coating is Good - Repairs
were made and a wrap was made on the bottom of pipe. Coating is in Good Condition
Is existing coating bonded to Pipe? YES Distance to nearest rectifier or anode is 2.2 miles north to Rect. for MP13.5

Post Accident Review: _____

Signed: [Signature]
Date: 8-19-94

Title: Gen'l Asst. Supv.

DIAGRAM OF CHANGES

0-1016-01

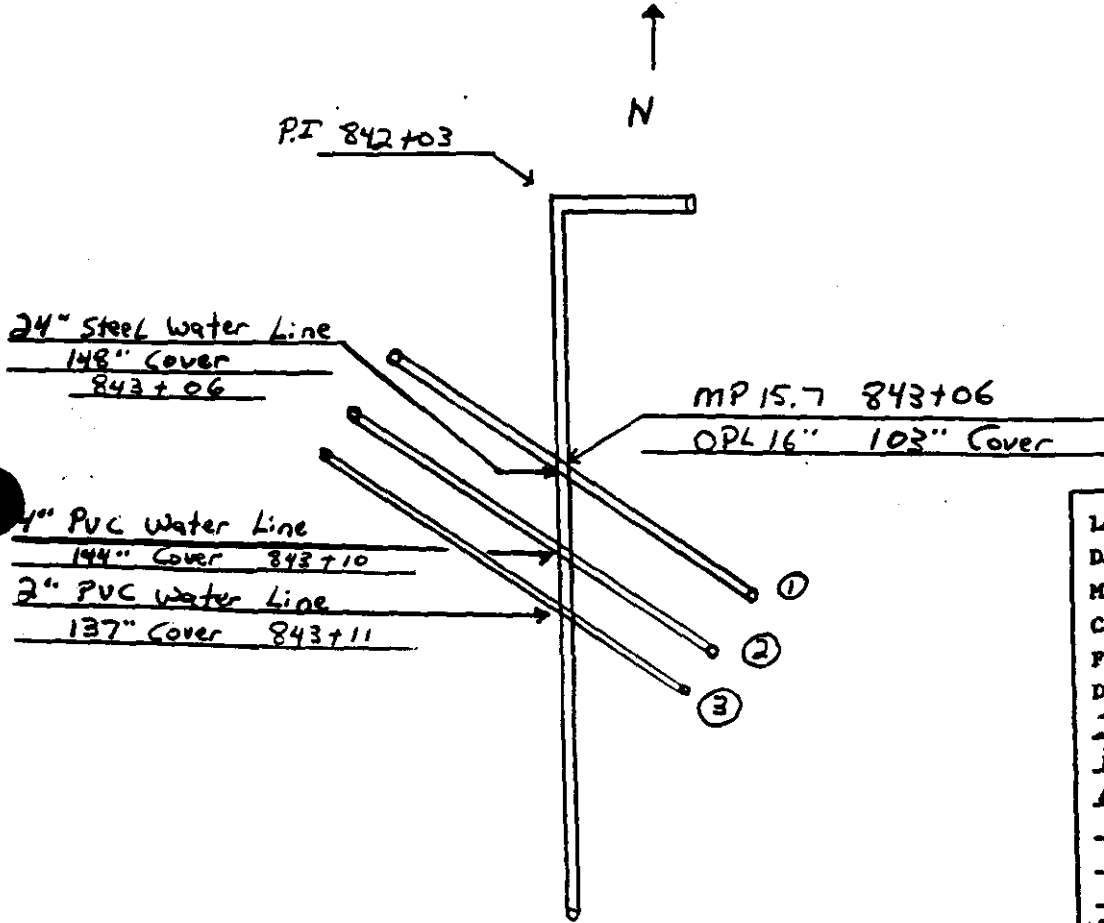
VVV

(1683)

PIPE---LAID, in RED. TAKEN UP, in BLACK crossed with RED.
TANKS---Make NEW numbers in RED. OLD numbers in BLACK.

	2 inch	3 inch	4 inch	6 inch	8 inch	10 inch
Bal. on Map						
Net Pipe Taken Up						
Net Pipe Laid						
Bal. on Map						

Diagram No. S-100-7 Location MP 15.7 Map No. RACK 1 County Whatcom State WA
 Pipe Taken Up -- AFE No. _____ Transfer Nos. _____
 Pipe Laid -- AFE No. _____ Transfer or Order Nos. _____
 Date Made 8-12-94 Made By Kevin Wittmer Approved Samuel Gallant



Locate/Memo Action # 94171210
 Date of Completion 8-11-94
 MP Number 15.7
 Contractor Taco Contract
 Foreman/Lead person Greg Ruyter
 Description of work Installed 24" Steel water Line, 4" PVC and 2" PVC water Lines Below O.P.L. P.O.P.L.R.
 Stationing 843+06 843+10 843+11
 Sta. taken from win P.I. 842+03
 Exposed Pipe Report # 111-06-94
 Signature Kevin Wittmer

PIPE TEST DATA

Pressure Test No. _____ Test Pressure _____ PSIG **0000109**
 Date Of Test _____ Length Of Test _____ Hrs. _____ Min.
 8-12-94 1g to _____ Code _____ Working Pressure _____ PSI

PIPE DATA

Stationing From	Stationing To	Take Up or Lay	New or Used Pipe	Size O.D.	P.E or S.E	Type of Mfg.	Specified Grade	Weight	Wall Thickness	Coating	Person Who Made Welds

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Exhibit Wittmer #3

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August 2, 2001

Alan Beshore
NTSB
490 L'Enfant Plaza East, SW
Washington, DC 205-94-2000

Re: Transcripts of testimony before the NTSB

Dear Alan:

Enclosed please find the corrected transcripts from interviews of Michael Martin's clients, Jim Cargo, Ken Roberts, Todd Smith, Kevin Wittmer and Ken Huff, before the NTSB.

As related to you in a phone message of August 1, 2001, Ron Greenidge's transcript will be forthcoming. He has been on vacation and I will forward the corrected version as soon as I receive it.

Very truly yours,

SIDERIUS LONERGAN & MARTIN, LLP



Renee Eskenazi

Enclosures