

Appendix G

Ken Roberts, 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:

KENNETH ROBERTS

The above-entitled matter came on for
hearing, pursuant to notice at 8:00 a.m.

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
GEOFFRY M. SMYTH
ROBERT MAHLER

I N D E X

WITNESS:

Kenneth Roberts

E X H I B I T S

NUMBER	IDENTIFIED	RECEIVED
Roberts Exhibit 1	10	
Roberts Exhibit 2	11	
Roberts Exhibit 3	18	
Roberts Exhibit 4	21	
Roberts Exhibit 5	23	

P R O C E E D I N G S

(8:00 A.M.)

MR. BESHORE: Mr. Roberts, I would like to thank you for coming in this morning and answering some questions for use.

My name is Allen Beshore. I am the lead investigator for the National Transportation Safety Board with the accident that occurred in Bellingham, Washington on June of 1999. And we are going to start off, I am going to ask you a few questions, go through some things. When I either run out of questions or when I just need a chance to collect my thoughts, then I am just going to go around the table and see if any of these folks have follow-up questions for you. Since they are going to be asking you questions, I would like for them to go around and introduce themselves and who they are affiliated with, so that you know.

MR. ROBERTS: Okay.

MR. SCHALL: I am Jerry Schall with B.P.

MR. PARRISH: I am Johnny Parrish from Daniel, formerly Fisher Rosemont Petroleum.

MS. IMHOF: I am Patti Imhof with IMCO General Construction.

MR. KATCHMARZ: I am Peter Katchmarz with the Office of Pipeline and Safety, USDOT.

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

3 MS. PILKEY-JARVIS: I am Linda Pilkey-Jarvis
4 with the Department of Ecology.

5 MR. BARBER: I am Tony Barber, with the U.S.
6 C.P.A.

7 MR. SAGER: I am Eric Sager. I am with the
8 Safety Board.

9 MR. BESHORE: Ken, you have a representative
10 here with you today, if he could just identify himself,
11 please.

12 MR. MARTIN: Michael Martin, appearing with
13 Ken Roberts.

14 MR. BESHORE: Thank you.

15 EXAMINATION BY MR. BESHORE:

16 Q Ken, could you state your full name?

17 A Yes, Kenneth Dwayne Roberts.

18 Q And Ken, if you could just briefly describe
19 your educational background for us?

20 A I have a GED from high school that I got in
21 Vietnam. All my pipeline experience has been on the
22 job training. I have been with them for the last 18
23 years.

24 Q Okay. That was my next question. If you
25 could just go through your roles and your history with

1 Olympic Pipeline for us, please?

2 A Okay. I started with Olympic Pipeline, like
3 I say 18 years ago in Anacortes. I worked there on
4 the job training for about six months and then I
5 transferred up to Ferndale. And I have worked out of
6 Ferndale Station for the remainder of my time with them
7 so far.

8 Q And how long has that been, I am sorry, I
9 didn't --

10 A That has been since '82.

11 Q Since '82 you have been there at Ferndale.
12 And that is where you report to this, well, as of June
13 of '99, that was your reporting location in Ferndale?

14 A Yes, sir.

15 Q Is it still at Ferndale?

16 A Yes.

17 Q Did your roles change throughout that period
18 of time from, by roles, I mean, did your
19 responsibilities, did your title, did your duties
20 change or what would they be as of June of 1999?

21 A Our duties are basically the same, however,
22 with that section of the line shut down, I am doing a
23 lot of my work now out of the Anacortes area. We go
24 down there and help with those out rater, with best
25 changes and maintenance.

1 Q Okay. I guess my question was, you know,
2 since you have been assigned to Ferndale, have you
3 changed duties or responsibilities or roles or have you
4 had the same basic job description for that entire
5 period of time.

6 A Okay. I am sorry. Yeah, basically the same
7 type of activities.

8 Q What is your title?

9 A I am a field specialist 5.

10 Q And I guess would you be considered a field
11 employee if we were using that terminology?

12 A Yes, basically.

13 Q Okay. Who do you report to?

14 A I report to David Justice.

15 Q Did you report to Dave in June of 1999?

16 A Yes, I did.

17 Q For how long did you report to Dave prior to
18 June of '99, do you recall?

19 A I don't, I am going to guess at least a year
20 or two, but I am not sure when David came up to be the
21 north end Supervisor.

22 Q Okay. And let's go back to, if we could,
23 just get started and go back to 1993 and 1994. Well,
24 let me rephrase that.

25 Let's just go back. When was the first, oh,

1 I am sorry.

2 A Excuse me, Dave has been my supervisor for
3 about the last eight or 10 years.

4 Q Eight or 10 years.

5 A He was still my supervisor in '94, '95.

6 Q Okay. Did his title or his position change
7 then a year or two before June '99, is that correct?

8 A No, I don't think so. He just, he had just
9 made a physical change from working out of the Renton
10 office to working up at Bayview.

11 Q Okay. Fine, thank you. I appreciate that.

12 I guess when was the first time that you
13 recall going down into the water treatment plant at, do
14 you recall?

15 A No, I don't recall the first time. I have
16 been there for locates and to check the pipeline
17 crossing the creek, but I couldn't give you an idea of
18 the, what time that would have been.

19 Q I guess, I have you been in there prior to,
20 well, I am going to ask you about 1993, 1994
21 construction project, obviously. But, had you been in
22 the water treatment plant prior to that point in time,
23 do you recall?

24 A Yes, I have.

25 Q So, you were familiar with the area, familiar

1 with it?

2 A Yes.

3 Q Do you recall any specific construction
4 projects or things that you had done in, not that you
5 had done construction projects, but do you remember any
6 specific projects or anything that was done down in
7 there prior to the Dakin-Yew Project?

8 A I think we have been in there before to
9 relocate, to remark the line. But, I don't remember
10 any specific construction projects.

11 Q Okay. So you had gone in there to locate
12 the pipe, but you don't remember what for?

13 A Right.

14 Q All right. Well, let's go into, let's just go
15 ahead and start talking about the water treatment plant
16 project. How did you become involved with that
17 project, do you recall, Ken?

18 A I am not sure how I got the notification,
19 whether it was through the Utility Locate Center, the
20 One Call System, or whether the contractor called us
21 directly. Sometimes as the project is being designed,
22 they will notify Olympic and we will go to their
23 preconstruction meetings or pothole so they can shoot
24 their grades, their elevations off the pipe and design
25 their work around us.

1 Q Do you recall if there were any
2 preconstruction meetings on that project?

3 A I thought we went to a preconstruction
4 meeting in Bellingham at City Hall.

5 Q When you say "we", would that be, who else
6 besides you would that be?

7 A Well, the other fellow I work with is Kevin
8 Wittmer. He works out of Ferndale Station with me. And
9 I thought that Kevin and I had both attended a
10 preconstruction meeting at City Hall for that project.

11 Q Would anybody else from Olympic have been in
12 attendance besides the two of you?

13 A Not that I recall. There could have been.

14 Q Do you recall with who you met with regarding
15 the project?

16 A No, I don't.

17 Q But, you believe it was at City Hall in
18 Bellingham?

19 A There was a note in my planner as to the date
20 and time of the preconstruction meeting and that is the
21 only reason I have a recollection of that.

22 Q Okay. So, in preparation, or since the
23 accident, I guess and in reviewing things, you came
24 across those notations and that is what you are going
25 by as recollection.

1 A I remember going to City Hall and I thought
2 it was for that particular project, that particular
3 preconstruction meeting.

4 Q Okay. And then that is reflected also in
5 some notes that you have taken that would confirm that.

6 A Yes.

7 Q Then you mentioned pot holing, do you recall
8 doing that on this particular project? Not doing the
9 work, I mean, do you recall work being done?

10 A Yes, we located the diagrams that changed,
11 indicated that I was there and pot holed for the
12 project.

13 Q Okay. There again, you are referring to a
14 record, correct? Do you recall that in your mind or
15 are you --

16 A No, I don't recall it.

17 MR. BESHORE: And well, let's go ahead then
18 and get, did you have Exhibit 1, Michael? We will go
19 ahead and identify a couple of exhibits here.

20 (The document referred to
21 was marked for identification
22 as Roberts Exhibit 1.)

23 MR. BESHORE: Exhibit 1 would be the
24 Compulsion Order from National Transportation Safety
25 Board for your testimony today. And Mr. Martin is

1 looking for that.

2 I will go ahead mark as Exhibit number 2, I
3 am going to go ahead and mark all seven pages, I think
4 as Exhibit number 2.

5 (The document referred to
6 was marked for identification
7 as Roberts Exhibit 2.)

8 MR. BESHORE: These are diagrams of changes
9 that were provided by Olympic Pipeline and I would to
10 give you a copy of them to look through, regarding the
11 water treatment plant construction and some, four of
12 those pages are diagrams of, excuse me, five of the
13 pages are diagram of changes. The other two pages are
14 a week maintenance and exposed pipe report for a total
15 of seven pages.

16 If you could look through those, just to
17 familiarize yourself with them and then I will ask a
18 couple of questions, if I might.

19 (Pause.)

20 BY MR. BESHORE:

21 Q Have you had a chance to review those, Ken?
22 I don't want to rush you.

23 A Yes.

24 Q Are those the same diagrams of changes that
25 you have been, that you have reviewed and found and are

1 familiar with?

2 A I have seen two of these before, the other
3 ones are new to me.

4 Q Okay.

5 A I recognize, of course, the one that I made
6 out from the pot holing that was done and also this one
7 from, that Kevin did for the 72 inch line.

8 Q Okay. Can you read the page numbers off the
9 bottom of those for me? There is a little number
10 stamped on the bottom, of the ones you are familiar
11 with, if you could.

12 A Are you referring to this 108?

13 Q Yes.

14 A And 356.

15 Q 108 and 356.

16 A Yes.

17 Q Let me revise Exhibit 2 then, just some
18 pages, if I could.

19 You are not familiar with the remainder of
20 these pages?

21 A I haven't seen those before.

22 Q You haven't seen those before, okay.

23 MR. BESHORE: All right. Then we will enter
24 two pages into Exhibit 2 and it be pages 356, and pages
25 108 from the information that Olympic provided

1 previously to us. Page 356 is a diagram of changes,
2 date of completion is dated 2/18, well, never mind, we
3 will go through that, but --

4 (Pause.)

5 MR. BESHORE: All right. I will go ahead and
6 give those back to you, Ken.

7 BY MR. BESHORE:

8 Q So, let's talk about the pot holing for a
9 minute.

10 So, you don't have a specific recollection,
11 you don't recall in your mind these events, but your
12 recollection, you are acting off the documents then
13 based on your -- That might not have been a clear
14 question. Let me try again.

15 You are not recalling the events in question.
16 You are basing your recollection off of documents that
17 you have reviewed since the accident, is that correct?

18 A That is right.

19 Q Okay. If you could just look at the
20 documents. Explain to us what pot holing would be?

21 A Okay. Pot holing is digging down and
22 actually exposing the top of the pipeline so you know
23 that is where the line is and then you can shoot your
24 elevations off of that.

25 Q Now, in this particular, in this scenario,

1 would pot holing be something Olympic would do? Would
2 you bring out a backhoe and do it or would you, would
3 somebody else do it?

4 A No, the contractor provides the equipment and
5 the labor. Olympic is just there to locate the pipe.
6 Of course, make sure that it doesn't get hit and then
7 update our records as we do that, as to the elevations
8 of the pipe.

9 Q Okay. So, they are under your direction and
10 your oversight?

11 A Yes.

12 Q Okay. But, you don't recall that specific
13 activity?

14 A Not really, no.

15 Q You don't recall whether it would have a
16 contractor, whether it would have, you know, City of
17 Bellingham people?

18 A By the looks of this, you know, Paul Simplot
19 from the City of Bellingham was the inspector, with
20 Public Works. So, I would assume from this that Public
21 Works was out there with their equipment, along with
22 Paul Simplot and we went ahead and dug.

23 Q All right. Now, what would be, what is the
24 other diagram of changes referring to that Kevin
25 prepared?

1 A Okay. This is for a crossing of a 72 inch
2 steel water line. The contractor was IMCO.

3 MS. IMHOF: I am sorry, you said the
4 contractor IMCO?

5 THE WITNESS: Yes.

6 MS. IMHOF: Thank you.

7 BY MR. BESHORE:

8 Q Do you recall that, okay, let me ask you a
9 couple of questions this way.

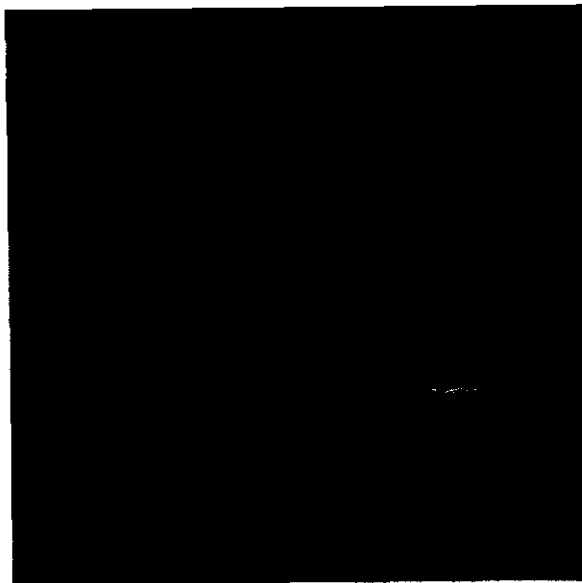
10 Now the diagram of changes, is that a form
11 that is completed at the, when the line has been
12 crossed and the project is completed, basically, the
13 crossing?

14 A It is completed as, as the line is crossed,
15 you make out this diagram to reflect the latest changes
16 on our right of way. So, if we dig up our pipeline
17 again, we know there is a 72 inch line there, where it
18 is in relation to our line and we are not going to dig
19 into it.

20 Q Okay. So, the diagram of changes that you
21 prepared when pot holing was to update your records on
22 the depth of the pipeline, because nothing else
23 changed, is that --

24 A Not only to update our records, but so the
25 contractor and the people designing the work, knew

Insert to pg 15. ACB 7/19/01



1 where our pipeline was and could design their work
2 either above or below it. When we need to have at
3 least 12 inches over our pipeline or above it. So, we
4 have room to work around our line, if we need to dig it
5 up.

6 Q Okay. I guess what I am, what my question
7 is, is going to when a diagram of changes form is
8 actually prepared?

9 A It is prepared when there is any new work
10 that is on our right of way.

11 Q Okay. So, if there is a project, for
12 example, this 72 inch water line and obviously that
13 didn't go in a day. It was an extended project. Would
14 that form, just one of the forms be completed for the
15 entire crossing project or would a form be prepared,
16 you know, several forms throughout the process?

17 A Whoever was there that saw the completion of
18 the 72 inch water line would fill out the diagram
19 change.

20 Q Okay. Thank you.

21 Now, let's back up a little bit and go from
22 when you did the pot holing, do you recall what
23 happened next in the project as far as your
24 involvement?

25 A No, I don't.

1 Q Do you recall when you next went down to the
2 water treatment plant?

3 A No, I don't recall a specific time.

4 Q Well, rather than a specific, you know, month
5 of that kind of thing, do you remember what was
6 happening in the project, or what prompted you to go
7 back down to the water treatment plant next time?

8 A When they started the work, we were aware
9 that there was going to be digging over the pipeline.
10 We met with IMCO representatives at the preconstruction
11 meeting and afterwards at their office. We let them
12 know what our right of way stipulations were and that
13 we needed to be on site any time they dug on the right
14 of way and how they could notify us of that. And then
15 from there, either they would call us and tell us they
16 would be working over the line and Kevin or I would
17 show up so we could, so they could do their digging.
18 Or if we didn't hear from them occasionally, we would
19 stop into the project and check.

20 Q Okay.

21 A We also had a patrol plane flying the line
22 weekly, weather permitting, and he would annotate on
23 his report if there was something new in that area.

24 Q Would that be the same meeting that was at
25 City Hall that you recall?

1 A I have got two action memos that I filled out
2 for IMCO Construction. I thought the first one I
3 filled out was with Greg Burress at the preconstruction
4 meeting, which would have been at City Hall. From,
5 from there, for some reason we were sent to the IMCO
6 office, well, I know why we were sent there. We had to
7 get a set of plans for our engineer to approve. And I
8 think at that time I had Greg or Chris Hart fill out
9 action memos also, when I picked up the plans.

10 Q Okay. And Chris Hart and Greg Burress are
11 both IMCO or were IMCO employees at that time?

12 A Yes.

13 MR. BESHORE: Let me do this, let me show you
14 this here. We will mark that as Exhibit 3, I think.

15 (The document referred to
16 was marked for identification
17 as Roberts Exhibit 3.)

18 BY MR. BESHORE:

19 Q And that, is that an action memo?

20 A Yes.

21 Q But, that is not the action memo, that is not
22 either of the two action memos that you are referring
23 to, is it?

24 A No, this is from Jill Wheeler, from Associate
25 Earth Sciences.

1 Q Do you recall that action memo?

2 A Yes.

3 Q Is that your handwriting on there?

4 A I think it is.

5 Q Is there --

6 A There is no signature on this one.

7 Q What is the page number in the corner?

8 A It says 10725.

9 Q Thank you. Is there a signature spot on that
10 form for the Olympic person to sign?

11 A Not on this particular form. It has been cut
12 off.

13 Q Okay. Is there a backside to that form
14 or --

15 A Yes.

16 Q And that is not on the --

17 A No. The backside of this form tells our
18 right of way stipulations and requirements.

19 Q Okay. And that is printed, is this a
20 triplicate form kind of thing that is --

21 A This is a duplicate form.

22 Q Okay.

23 A Contractor gets a copy and then Olympic keeps
24 a copy and sends it down to Renton.

25 Q And you recall two specific action memos that

1 you prepared that were signed by Chris Hart and Greg
2 Burress, correct?

3 A Yes. When we meet with the contractor, we
4 ask them about the action memo. We go over the right
5 of way stipulations and requirements that are on the
6 back of the memo. They talk about things, well, our 24
7 inch clearance between their utilities and ours. It
8 also stipulates that if you have a power crossing,
9 their power needs to be in conduit and red cement. In
10 the remarks column here on the bottom, we always put
11 OPL is required on site and needs 48 hours notice prior
12 to digging on the right of way. And they are given our
13 phone numbers when to contact us, so we can be out
14 there when they dig. *THE CONTRACTOR SIGNS THE FORM AND KEEPS
A A COPY.*

15 MR. BESHORE: Okay. Can I have that one
16 back? And I am going to label this one Exhibit Roberts
17 number 3.

18 Can we go off the record just for a second,
19 please?

20 (Off the record.)

21 MR. BESHORE: Mr. Martin and Mr. Roberts have
22 just provided me with a couple of documents that we are
23 going to go ahead and attach as Exhibit Roberts 4.

24

25

1 (The document referred to
2 was marked for identification
3 as Roberts Exhibit 4.)

4 MR. BESHORE: And go ahead, these are two
5 action memos that Ken was just referring to in his
6 talk. And let me look them over here just a minute if
7 I could.

8 (Pause.)

9 BY MR. BESHORE:

10 Q If you could just kind of identify the dates
11 for us? Oh, if you could, give us, there is an OPL
12 page number down there.

13 A We have 107-1341.

14 Q And the other one?

15 A And that is 107-1343.

16 Q And there is no number that is similar to the
17 other ones you read earlier. There are several
18 designations of numbering systems.

19 Anyway, never mind that question, I am sorry.
20 We will not at this point.

21 And those are the action memos that you just
22 referring to, one to Chris Hart, and one to, one to
23 Greg Burress, correct?

24 A Yes.

25 Q What are those dates on those?

1 A The one for Chris Hart was January 13 '94.

2 Q And do you recall was that, that was the
3 result of the meeting that you were discussing?

4 I apologize, you talked about getting one
5 when you took some drawings over and you talked about
6 another one at a meeting and I was just trying to
7 figure out which was which. I don't recall.

8 A Okay. The one dated January 13th with Chris
9 Hart was probably, I am thinking we probably went to
10 his office to get the plans to send down to our
11 engineer, when we became aware of this project. And
12 the later one in March, I would think would be the
13 preconstruction meeting before the job.

14 MR. BESHORE: If I could just go ahead and
15 make these an exhibit.

16 MR. MARTIN: Before sure to make copies.

17 MR. BESHORE: Yes, we will be sure and make
18 copies for you.

19 BY MR. BESHORE:

20 Q Okay. I apologize for a little bit of the
21 confusion, but we had not seen those documents.

22 What I was going to do now is to, we have got
23 several one call tickets and what I will ask you to do
24 is look through these. Let's see there is a total I
25 have here of, 10 tickets. And if you could just look

1 through them and see which ones you are familiar with
2 and have seen before, then we will maybe talk about
3 those and I will identify those based at that time for
4 the rest of you.

5 (Pause.)

6 BY MR. BESHORE:

7 Q Do you recognize all of those?

8 A I know what they all pertain to. I am not
9 sure I, yeah, I guess I recognize this.

10 Q Do they all pertain to this project?

11 A Yes.

12 Q And some of them have notations on there.
13 Did they jog your memory in any way, in particular,
14 some of them?

15 A Yes.

16 MR. BESHORE: What I will do is go ahead and
17 mark these 10 pages as Exhibit Roberts 5.

18 (The documents referred to
19 were marked for identification
20 as Roberts Exhibit 5.)

21 MR. BESHORE: For everybody's reference that
22 is page 107-28, 107-05, 107-03, 107-02, 106-93, 107-16,
23 107-18, 107-20, 107-21, 107-24.

24 MR. MARTIN: Those numbers are the
25 confidential.

1 MR. BESHORE: Those are the confidential, do
2 not copy.

3 MR. MARTIN: The other two numbers recently
4 given to us were the Olympic Pipeline numbers,
5 107-1343, 107-1341, which are not similar sequence to
6 the ones. Okay.

7 MR. BESHORE: Based on that designation, they
8 have not been provided to us previously. Okay.

9 BY MR. BESHORE:

10 Q Let me go ahead and give you back these,
11 these one call tickets and let's just kind of talk
12 about them in general maybe and maybe specifics.

13 Look through them here kind of quickly.

14 (Pause.)

15 BY MR. BESHORE:

16 Q Do you recall who Christian Engineering was?

17 A No, I don't.

18 Q Okay. Let's go ahead and 107-24, that page
19 was called in by whom?

20 A This was Jill Wheeler, a geologist, from
21 Associate Earth Sciences.

22 Q Okay. And would that correspond, Ken, to
23 the action memo that we had here with the same firm
24 marked as Exhibit 3?

25 A Yes, it would.

1 Q Okay. If I could just have those back.

2 (Pause.)

3 BY MR. BESHORE:

4 Q And then I want to also then, let's look
5 at -- Let's go ahead and look at these two and those
6 are 7-20, I think and 7-21. And if you could, those
7 were both placed by the same firm, right?

8 A Yes.

9 Q Do you recall the context of those meetings?

10 A This looks like we were locating the line for
11 their design work.

12 Q Do you recall that specific activity?

13 A No.

14 Q And what were the dates, approximately, what
15 were the dates of those two?

16 A On 4/8/93, both of them are ~~66~~ the same date.

17 Q And are those your notes on there?

18 A Yes, they are my notes.

19 Q Okay. All right. Now, let's go ahead and go
20 to 7-28. And that one there was called in by whom at
21 that point?

22 A This was Bob Pride, with Barrett Consultant
23 Group.

24 Q Do you recall what that activity was
25 associated with?

1 A No, I don't recall.

2 Q Okay. Let's go to 107-18. And I meant to
3 cover these in chronological order, I am sorry. This
4 is 107, what did I just use as the number?

5 MR. MARTIN: This one is --

6 THE WITNESS: One, oh, seven, one, eight.

7 MR. MARTIN: You have 28.

8 MR. BESHORE: Two eight. 107-28 was dated in
9 June of '93. And the one I handed you is 7-18,
10 correct, just now?

11 THE WITNESS: Yes.

12 BY MR. BESHORE:

13 Q And what is the date on that one?

14 A Two, twelve, '93.

15 Q And do you recall that activity there?

16 A No, I don't recall.

17 Q Do you recognize the notes that are made on
18 there?

19 A Yes, these are my notes, and on the 18th it
20 says we pot holed the line, the Olympic line in three
21 places. And this was a design for the 72 inch water
22 line and installation. And that they would, they will
23 notify before they dig. They will notify OPL. And
24 that a diagram of change has been made.

25 Q Would that be the same pot holing that we

1 talked about previous, this diagram of change refers us
2 to?

3 A I think it would be, yes.

4 Q Okay. I believe that leaves us four, 7-05,
5 7-16, 7-02, oh, I am sorry, 7-03 and 6-93. And let me
6 just give these to you here. Look back through them
7 real quickly.

8 (Pause.)

9 BY MR. BESHORE:

10 Q Ken, do you recall the specifics around any
11 of those tickets there?

12 A No, I don't.

13 Q Were they all called in by the same party?

14 A No, these are, they are from the same
15 company.

16 Q Same company, but maybe different callers.

17 A From different parties. You have got Greg
18 Burress. John Avena is from IMCO also and then we have
19 Greg Burress, Calvin Vanderpol, Chris Hart.

20 Q You don't recall the specific activities
21 associated with any of those tickets?

22 A No, I don't.

23 Q They are all from IMCO.

24 A They are.

25 Q Were they all, if you could look at the

1 dates, I will just ask if they were all within the time
2 frame that the Dakin-Yew Project was going on to your
3 recollection?

4 A They were. I was going to say when I do a
5 diagram, or a locate request, which is one of these, if
6 I am the locator, I go ahead and put my remarks on the
7 sheet and send it back to Renton. So, there is no
8 indication that I have seen these before.

9 Q Okay. So, since they are blank, you don't
10 think they probably were ones that you responded to?

11 A No, I would have had some type of annotation
12 on there if they were mine.

13 Q Okay. Would there, do you recall ever going
14 to this area for any activity by IMCO that was not
15 associated with the Dakin-Yew Project?

16 A No.

17 Q Now, do you recall how, you mentioned that
18 you would either, you or Kevin, would either go down
19 when called by or when a one call was placed, or I
20 guess also IMCO would contact you directly, is that
21 correct, without going through the one call system?

22 A That is right.

23 Q Would you have notes of those calls or was
24 that to you directly or somebody else within Olympic?

25 A They would have had our pager numbers and

1 also our office number at Ferndale Station. So, I
2 wouldn't have a note of that, except possibly in my
3 planner.

4 Q Do you keep personal logs of how often you
5 were on the, you know, at the project, what might have
6 been going on at the time, this kind of information?

7 A Yes, I have notes as to when I visited there.

8 Q Can we get a copy of those notes?

9 MR. MARTIN: Are you talking about your day
10 planner?

11 THE WITNESS: Yes.

12 MR. MARTIN: We can arrange that.

13 MR. BESHORE: Okay.

14 BY MR. BESHORE:

15 Q Do you have approximate numbers of times
16 that, I guess I am trying to get a sense, what I am
17 trying to get a sense for is how frequently you or
18 Kevin or you, personally, were at the project.

19 A I don't know how frequently. My planner, my
20 planner mentions times where I am there to do an
21 inspection or if I am going to check on an aerial
22 patrol report. So, if there is a specific reason for
23 me to have gone there, usually I will make a note or an
24 appointment in my planner. But, there may have been
25 times that I just dropped in to see what was going on,

1 if I hadn't heard from the contractor in awhile.

2 Q And you may not have made a notation of that
3 type of thing?

4 A That is right.

5 Q You mentioned the patrol pilot. Would he
6 report, I mean, obviously there is a lot of activity in
7 this area, would the pilot be able to identify or would
8 he report something different than that activity? Or
9 would he just report the fact that the project was
10 still underway?

11 A He would report that the project was
12 underway, but I would think that if he, if one week he
13 flew and then the next week he flew again, and the line
14 was exposed, that would be reported.

15 Q Do you recall that happening?

16 A No, I don't recall, but that is not to say it
17 didn't happen.

18 Q I was just wondering if you recalled the
19 pilot reporting anything that you weren't aware of
20 already from another source, if you recall that ever
21 happening?

22 A No, I don't recall that happening.

23 Q Okay. Do you recall the pipe, I mean, do
24 you recall any damage occurring to the pipeline?

25 A No.

1 Q You mentioned several employees based on the
2 one call tickets. Do you recall, you know, specific
3 equipment operators? Did you talk to those guys?

4 A I remember talking to an equipment operator
5 out there, but I don't remember his name. This was
6 towards the beginning of the project. Probably within
7 the first few days when they started digging.

8 Q So, most of your interaction was with the
9 foreman, would that be true?

10 A Well, for the most part, unless they were
11 actually digging, then, yeah.

12 Q And you mentioned Greg Burress, do you
13 remember any other foreman out there?

14 A No.

15 Q You mentioned talking to one of the
16 excavators, do you recall if he was the guy that was
17 usually on the hoe at the time you happened to come by
18 or do you recall different equipment operators?

19 A No, I don't recall different operators out
20 there. I don't recall most of that work. So, I think
21 I was probably there the first day or two when they
22 initially started digging.

23 Q It was a long time ago.

24 Maybe this will help jog your memory. What I
25 am, what I will do is ask you, this is previously

1 identified as and I am going to just refer to Franklin
2 Exhibit A from July 14 of '99. And that was Tom
3 Franklin from Barrett Construction. And this was an
4 exhibit attached to part of his interview. And what,
5 what basically it is, is some photographs that Mr.
6 Franklin took during the water treatment plant
7 construction. And what I would do is just ask you to
8 look through those pictures and kind of see if any of
9 those photographs jog your memory. If you don't have a
10 copy of those, I can probably get those to you, also.
11 I don't know that.

12 (Pause.)

13 MR. BESHORE: Back on the record.

14 BY MR. BESHORE:

15 Q Ken, you have been looking through some
16 photographs from the water treatment construction
17 project. Did any of those jog your memory?

18 A I can't say I recognize any of this with
19 possibly the exception of one of these t's, but I am
20 not certain.

21 Q Okay. What, I believe there is a page
22 number down in the corner.

23 A That would be bottom picture on page 13.

24 Q All right. And the T, is that something you
25 feel like you might have seen some activity when you

1 were out there?

2 A Again, I am not sure. I just don't know.

3 Q Can you identify, you know, Olympic's
4 pipeline in any of those photographs?

5 A I can't, I can't be certain from the --
6 (Pause.)

7 THE WITNESS: There are a couple on page 10
8 that look like they could possibly be Olympic's line,
9 but I wouldn't say for certain that they are.

10 BY MR. BESHORE:

11 Q Is there more pipe shown on there?

12 A No, it is the only pipe in the ditch.

13 Q Do you believe that might be the Olympic
14 Pipeline?

15 A It is a possibility, but I don't know.

16 Q Do you recognize any of the other ones, any
17 of the other, do you see Olympic lines in any of the
18 other photographs or do you recognize any of the other
19 aspects of the construction at all?

20 A This one on page seven, it looks like that
21 could be Olympic lines, but without a marker ^{OR} a better
22 picture, I wouldn't say for sure that it is Olympic
23 Pipeline.

24 Q Is the right or the left photo?

25 A It is right photo.

1 Q Okay.

2 A A lot of these could be, but I am not going
3 to say that they are or they are not based on these
4 pictures because it is too hard to tell from them. I
5 can't be certain.

6 Q Do you recall seeing the 72 inch water
7 pipeline being constructed?

8 A No, I don't recall it being constructed.

9 Q Do you recall any excavation for the pump
10 station facility?

11 A I am sure I was there during the
12 construction, but I don't recall.

13 Q Now, you recalled seeing the diagram of
14 changes, I guess, that Kevin, Kevin prepared for the 72
15 inch water line, but you don't recall that project at
16 all, or seeing that part of the construction, I guess?

17 A No, I don't.

18 Q Now, would you consider this in terms of,
19 would this be considered a large construction project?

20 A Yes.

21 Q So, this would be something that you guys
22 would be very aware of and interested in, I would
23 assume.

24 A Yes.

25 Q Would this be, I am still trying to get a

1 feel for how often, you know, you might have visited
2 the facility. Would this be something that you would
3 check on on a daily basis, either you or Kevin?

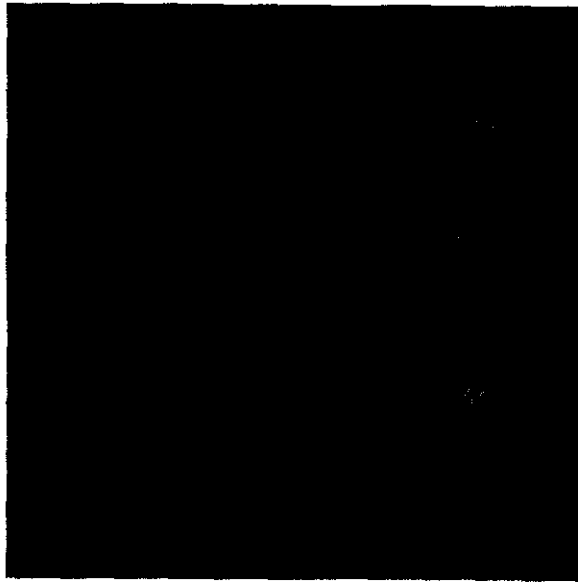
4 A No. There is a lot of work going on in that
5 big construction area all simultaneously. And a lot of
6 it is not happening on with the pipeline. What we are
7 basically interested in, is when they are removing dirt
8 from over the line, and that is when we need to be out
9 on site. So, so, that is when we needed to be notified
10 and be out there, is when they were actually removing
11 dirt over the line.

12 Q Okay. You relied on the contractor to know
13 where the pipeline was, to let you know if there was
14 activity going to be within, I don't remember how many
15 feet you mentioned earlier, or was there a footage
16 designation?

17 A I don't remember for sure, Allen. I want to
18 say within 10 foot of either side of the line, but I am
19 not sure now. No, we just didn't rely on the
20 contractor. ^{INSET:} Again, we had our patrol plane and we
21 would also make unannounced visits to the site.

22 Q On any of those unannounced visits, do you
23 recall seeing evidence that there had been excavation
24 activity in the vicinity of the pipeline that you had
25 not been aware of?

Insert to pg 35. ACB₉₁₁₀₁



1 A No, I don't, because I would have wanted to
2 talk to the foreman about that, and I don't recall
3 that.

4 Q Is that something, would you, would you
5 require them to dig it back up if you noticed that, so
6 you could inspect the pipeline? I mean, what would
7 your policy be in that case?

8 A That is the policy, if somebody works over
9 the pipeline when you are not present, you need to have
10 them dig it up to make sure that the line has not been
11 hit.

12 Q Do you recall any, any telephone line repairs
13 that occurred?

14 A No.

15 Q Do you recall any repairs to any pipelines
16 that occurred during the project, whether they be
17 Olympic, what they be any other?

18 A No, I would be aware if Olympic line was
19 repaired, because either Kevin or I would have been
20 involved in that.

21 Q Okay. So you don't recall any damage to or
22 repairs to Olympic Pipeline during that project?

23 A No.

24 Q Would that include coating repairs?

25 A That is right.

1 Q Do you recall any damage being done to any
2 other facilities aside from Olympic that required
3 repair?

4 A No.

5 Q Do you recall any other activity or any other
6 that you were aware of in the vicinity of the water
7 treatment plant that was not a part of the water
8 treatment plant project that occurred during that time
9 frame? Did you understand my question? It was kind of
10 a long one.

11 In other words, was there any other projects
12 going on in that vicinity during that time frame that
13 the Dakin-Yew Project was being constructed, that you
14 are aware of?

15 A No.

16 Q Now, after the Dakin-Yew Project was
17 completed, when was the next time do you recall going
18 to the water treatment?

19 A I don't know when that would have been.

20 Q Would it have been before the accident on
21 June 10th?

22 A Oh, yeah, I am sure the water treatment
23 manager -- for other locates since then, for some work
24 that they were doing, I believe on the tanks, quite a,
25 a couple of hundred west of the Olympic right of way

1 and talked to the manager there, Bill Harris, maybe,
2 and located our line throughout there just because that
3 is what we do on a locate. But, I don't know what date
4 that would have been.

5 Q And that was some work on some tanks.

6 A Yes.

7 Q Did that involve any underground work?

8 A Apparently, yes.

9 Q But, not on your right of way?

10 A Right.

11 Q And you don't recall any other activity in
12 that vicinity around your pipeline prior to June 10th
13 of 1999?

14 A I think maybe we were called out for some
15 additional fencing that they put up. We located for
16 that.

17 Q Around the parameter of the plant?

18 A No, on the inside, between the control
19 building and the tanks. I think they were closing off
20 that part of the right of way that was on the south
21 side of their control building.

22 Q Well, let me give you back this one locate
23 ticket, 106-93 and ask, I meant to ask you about that
24 earlier, but the date on that ticket, the ticket was in
25 early '96. Do you recall that activity at all or being

1 aware of that activity?

2 A I am not sure. I have gone out there and
3 talked to Bill Evans on a few different occasions about
4 where their work was in related to our line. And when
5 then I had to locate our line, but I am not sure if
6 this was one of those or not.

7 Q What was the notation of what work was being
8 performed?

9 A This was an excavation for a valve.

10 Q And again it is by IMCO, correct?

11 A Yes, by Chris Hart.

12 Q But, that doesn't jog your memory as to
13 something that was kind of different, a different time
14 frame than the main part of that project?

15 A Well, yeah, this looks like they had to go
16 back in and make a repair. Without my notes on this, I
17 would say that I didn't see the diagram, or the locate
18 notice.

19 Q Okay. And you recall some fence work. Is
20 there any other work that you recall in the vicinity of
21 the water tank treatment plant or any other trips or
22 visits you made prior to June 10 of '99?

23 A Not that I recall.

24 Q I am going to change gears a little bit, I
25 think.

1 Were you aware of internal smart pig runs
2 that were conducted by Olympic?

3 A Yes.

4 Q In '96 and '97.

5 A Yes.

6 Q Would that be something that you would
7 participate in?

8 A I would participate in the loading and
9 unloading and possibly tracking of the smart pig, yes.

10 Q Would you be involved at all in the
11 evaluation and the results?

12 A No.

13 Q Would you involved at all in the scheduling
14 of any investigations or any repairs as a result?

15 A No.

16 Q Would you be sent out to locate the line if
17 those repairs were anticipated?

18 A In some cases I would and in others not. It
19 just depended on maybe how busy the Construction
20 Department was at the time.

21 Q But, normally the Construction Department
22 would go out and locate the pipeline before they did
23 they work themselves or would they --

24 A In a lot of cases, they would locate their
25 own dig ups, yes.

1 Q Do you recall ever going back into the water
2 treatment plant to locate the pipeline in anticipation
3 of any excavations by Olympic?

4 A I may have, but I am not sure.

5 Q Do you recall any discussions about
6 potentially excavating in the vicinity of the water
7 treatment plant?

8 A Yes, I had had a discussion with, I believe,
9 Richard, who was the engineer's assistant, and about
10 some dig ups that they were doing in the Ferndale area.
11 And I thought there was some discussion about a
12 possible dig up in the water treatment plant. But, I
13 think, I don't know where in the water treatment plant
14 that was suppose to be.

15 Q Do you recall any of the specifics of the
16 conversation aside from where and when? But, I mean,
17 it is something that was coming right up?

18 A No, he may have mentioned that there was
19 an anomaly in there, but at the time it wasn't severe
20 enough to excavate.

21 Q Did you have any conversation, did he ask you
22 for, "Ken; you have been down there in, can you tell me
23 what is there" kind of a thing?

24 A I don't remember that, no.

25 Q A conversation in terms of, was this prior to

1 June 10th of 1999, this conversation that you are
2 recalling?

3 A Yes. Usually when Richard would run the
4 smart pig, or they would run the pig through our area,
5 if they find a lot of anomalies, that is more work for
6 me, because I am loading, and, you know, and maybe
7 doing the locates and the dig ups. So, I will ask him,
8 how many anomalies did you find, you know, what is
9 going on, are you going to be digging up the line or
10 what.

11 Q And --

12 A And I think that is how the conversation came
13 about. "Yeah, we found some here and there was one in
14 the water treatment place, you know, but we are not
15 digging that one up yet."

16 Q Was it in terms of we are not digging that
17 one up yet or we are not digging that one up at all?

18 A I don't know.

19 Q Did you ever have any follow-up conversation
20 on why that had never been done?

21 A No.

22 Q How about since June 10th? Not just with
23 Richard, but with anybody?

24 A Yeah, I think that has come up. However, I
25 don't know who I have talked to about that.

1 Q Do you recall why, what was the reason given,
2 why was it not done, do you recall?

3 A I am sorry, say that again?

4 Q I mean, based on this conversation, why had
5 this not been excavated, do you recall what the
6 discussion was?

7 A Well, I think Richard told me that it didn't
8 meet the criteria to be excavated.

9 Q That was prior to June 10th.

10 A Yes.

11 Q Okay. So, after June 10th, I guess what I
12 am getting at is, were there reasons discussed for not
13 having performed this excavation and what was that
14 reason, if you know?

15 A I don't think I discussed that with Richard
16 after June 10th about why it wasn't dug up.

17 Q So you had no conversation with Richard after
18 June 10th?

19 A No.

20 Q But, you said you had other conversations
21 with people about why, about it not being dug up, so,
22 what I am asking is what was the reason given in those
23 conversations for not performing excavation?

24 A Well, maybe I, I think if the anomaly came up
25 in another conversation since then, it would have been

1 "is that something that could have potentially caused
2 our problem up there." That would have been the
3 discussion.

4 Q Okay. So, it wasn't, I guess I am going
5 back to my original thought. So, you didn't inform
6 somebody else, I mean, you know, that Richard told you
7 it didn't meet the criteria during these conversations,
8 is that correct?

9 A Yes.

10 Q That is correct that you didn't have that or
11 that you did? I am sorry.

12 A That is right, I didn't inform somebody else
13 that Richard said it didn't meet the criteria.

14 Q So, I guess the reason for, in your mind then
15 the reason for not performing this excavation never
16 changed between what you originally told and any follow
17 up conversations, discussions, anything.

18 A That is right.

19 Q Okay. Let's talk about, let's change gears
20 again and talk about Bayview Station, if we could for a
21 little while.

22 What technical role do you have in terms of
23 activities at Bayview Station?

24 A Well, I guess my role there has changed a
25 little bit since the incident in Bellingham, you know,

1 we are an operator shorter there now then we were
2 before, so, Kevin and I will go down to the Anzacortes
3 area and help out in that area. As it is we will go
4 down there and check the facility for leaks and
5 pressure and make sure everything is all right, pull
6 samples and inspect tanks.

7 Q Okay. That is because Diana has left, is
8 that correct?

9 A Yes.

10 Q So, you guys are kind of taking turns more or
11 less filling in for her departure.

12 A Right.

13 Q Let's talk about prior to June 10th, or at
14 that point, I guess, in time, a little bit about
15 Bayview Station and it being installed and the crude
16 condition. Did you have any involvement in that
17 activity? Did you have any involvement in the
18 construction of Bayview Station?

19 A No.

20 Q Did you have occasion to respond to
21 maintenance requests, that kind of thing, at Bayview
22 Terminal?

23 A No, I didn't.

24 Q Did you ever do any, did you ever operate any
25 valves at Bayview Terminal?

1 A Yes, I have.

2 Q Which valves did you operate, do you recall?

3 A Tank inlet, outlet valves, manifold valves,
4 station inlet and outlet.

5 Q The operation of these valves is in terms of
6 some kind of routine inspection out there?

7 A Well, sometimes, yeah. In the case of the
8 screeners, loading and unloading scrapers and that
9 stuff. Making the line ups to delivery out of a tank
10 or into a tank.

11 Q Okay. You mentioned the inlet valves,
12 obviously those are operated during the pigging
13 activities.

14 A Yes, but this was basically during the start
15 up of the station, when we were doing most things,
16 manually.

17 Q Okay. What time frame was that, do you
18 recall?

19 A No, I don't.

20 Q All right. Let's go back to the inlet valves
21 in terms of, your duties, I guess, was running pigs and
22 things like that. You are involved in the pig -- is
23 that correct? I am not talking smart pigs now, I am
24 talking about your regular pig run.

25 A Yes.

1 Q As part of that role you are operating inlet
2 valves into Bayview?

3 A Yes, we will bypass that incoming, what used
4 to be the incoming trough and unload our scraper there.

5 Q Okay. Do you do that manually or do the
6 controllers --

7 A We do that manually.

8 Q Did you ever have any other occasions aside
9 from these types of pig runs to operate those valves at
10 Bayview?

11 A Just during the facility checks, when we are
12 checking the equipment to make sure it is all
13 functioning properly, we will, yes.

14 Q Okay. Did you get called out ever to go
15 back, go out and open that valve?

16 A No.

17 Q Did you ever work on the relief valves at
18 Bayview?

19 A No.

20 Q Do you know which one was relief valve 1919?

21 A I believe that is the incoming one from the
22 Ferndale line, but I am not positive.

23 Q You never had occasion to adjust that valve,
24 work on that valve or do anything with that valve?

25 A No, that wouldn't be up to an operator. That

1 would be a mechanic.

2 Q Okay. I guess I just want to be clear. You
3 were never, were you ever sent to Bayview to check into
4 any kind of maintenance concerns that anybody had with
5 the valve?

6 A No, I have never been called out there.

7 Q Did you ever go out with Ron Greenwich and
8 work together with him on valves or anything in that
9 facility, do you recall?

10 A I don't, well, since the problem at
11 Bellingham, I have worked with Ron a little bit out
12 there, but maybe gracing valves or something like that.
13 Taking the air out of the valves. But, Ron will do the
14 maintenance on the valves.

15 Q But, you don't recall ever anything with Ron,
16 or even any of the other valve technicians, or whatever
17 their title might be, prior to June of '99 at the
18 Bayview Terminal?

19 A No.

20 Q There have been expressed by others so far,
21 you know, people had concerns about the ability to
22 operate Bayview Terminal once it was commissioned. Do
23 you recall having any concerns about the operation used
24 around Bayview?

25 A Did I have concerns, personally, about the

1 operation of Bayview, is that what you are asking?

2 A That is the first question.

3 Q No, I don't think so.

4 Q Did others express to you concerns that they
5 had about the operation of Bayview Terminal?

6 A Yes.

7 Q More than one individual?

8 A Yes, I would guess.

9 Q Would you characterize it as kind of a
10 general sense of concern that employees in general had
11 about the operation of Bayview?

12 A No, I don't think I talked to enough people
13 about it to say the employees in general.

14 Q The concerns that you heard expressed, did
15 they revolve around -- valves?

16 A No, it didn't. I think it was more or less
17 just the operation of the station expressed by the
18 controllers operating the line.

19 Q So, the concerns you heard were primarily
20 from the operation controllers.

21 A Yes.

22 Q You don't recall any specific concerns from
23 the mechanics or --

24 A No.

25 Q -- other operators or Diana, or any of these

1 other folks had conversations with you?

2 A No, I don't.

3 Q You mentioned the Construction Department
4 earlier. Are they stationed at, I mean, at Ferndale?

5 A No, the Construction Department was run out
6 of Renton, Renton Station. We do have a construction
7 person now in the north end who was working out of
8 Bayview.

9 Q Was he working out of Bayview on June 10th,
10 as of the accident?

11 A If he was, I am not sure. I don't know.

12 Q Okay. But, most of the construction people
13 are out of Renton.

14 A Yes.

15 Q So, they don't report, you don't have daily
16 contact, I guess is what I am getting at. You don't
17 see them every day report for duty with you on a daily
18 basis.

19 A Like I say, we have one in the area now, and
20 he usually reports into Bayview or to the construction
21 site, so, I wouldn't see him on a day to day basis
22 anyway.

23 Q Ken, let's talk a little bit about training.
24 You have been at Ferndale since '83, is that correct?

25 A No, since mid '84.

1 Q Eighty four. Okay.

2 And your role has essentially remained more
3 or less the same, right?

4 A Yes, more or less.

5 Q When you started, what kind of training did
6 you receive?

7 A It was on the job training, going around with
8 another operator and he would show you the routine of
9 how to do things.

10 Q Did you have any formalized training in terms
11 of classroom type training classes with Olympic?

12 A Well, yeah, we get a lot of classroom
13 training. In the way of first aid, CPR, Haz ~~Mop~~^W, you
14 know, spill prevention and response.

15 Q Is this training pretty much, is this like
16 safety meeting type training or is this a more involved
17 course?

18 A It is more involved.

19 Q But, you also then have safety meetings.

20 A Weekly safety meetings.

21 Q How long do those generally last?

22 A About an hour.

23 Q Are they mandatory in your shop at Ferndale?

24 A Well, no, taking care of the pipeline comes
25 first. If there is somebody crossing, then you go to

1 the crossing. Unless you have a real good reason, then
2 you are at the safety meeting.

3 Q But, they are held at Ferndale?

4 A No, they are held at Bayview.

5 Q Bayview, as of June 10th they were held at
6 Bayview of '99, or they are now?

7 A As of June 10th, prior to June 10th they were
8 held Allen Bayview area.

9 Q Okay. All right. Thank you.

10 Were they conducted generally by Dave or was
11 there --

12 A Dave, Dave was giving the safety meetings,
13 the operators were also giving safety meetings and
14 occasionally somebody from Renton would come up and
15 give a meeting.

16 Q And you were encouraged to attend unless you
17 had some other good reason not to.

18 Let me ask you about, do you have your own
19 PC, do you have a desk and a dedicated office space?

20 A Yes.

21 Q Do you have a PC of your own in that space?

22 A I have got a laptop, yes.

23 Q And that is dedicated to you?

24 A Yes.

25 Q So you are always, you always have

1 availability, it is not something you share with
2 another.

3 A That is right, I have my own.

4 Q Do you carry the operations and maintenance
5 manual? Do you have a copy of it?

6 A No, you have to be at a facility where you
7 can dial in and get it.

8 Q Okay. So, you don't have a hard copy?

9 A That is right, I don't.

10 Q But, it is available if you are at a facility
11 through the --

12 A Yes.

13 Q Okay. How is Dave as a supervisor?

14 A Pretty good.

15 Q Pretty good --

16 A I have had a lot worse.

17 Q Okay. So he was pretty receptive of input
18 from you, pretty open and approachable, is that fair?

19 A Yes.

20 Q How was the morale there at Ferndale amongst
21 the folks?

22 A Well, up until this Bellingham incident, I
23 think it was pretty good.

24 Q So, no big complaints that you recall?

25 A No, nothing major stands out.

1 Q Let me back up. After Bayview was
2 commissioned, or prior to it, I guess, but in terms of
3 the Bayview facility, did you even attend some kind of
4 briefing on, you know, the facility, how it was laid
5 out, anything in particular you had to be aware of if
6 you were responding to an event there?

7 A Yes, we have had training down there in
8 regards to the fire system. We have had the fire
9 departments in there, cross trained with them. And we
10 have gone to fire training school up in Canada for
11 Bayview. We have had, before we started up the
12 facility, went through the, a regular DOT checklist of
13 all the valves and all the alarm features.

14 Q All this that you mentioned was prior to the
15 accident?

16 A Yes.

17 Q And I am looking specifically for operational
18 events, you know, not necessarily, what I am looking
19 for, this is different than what you are familiar with,
20 this type of valve, this type of thing. Do you recall
21 anybody going through that kind of detail? Operation,
22 how things are laid out?

23 A Do you want to say that again?

24 Q Well, you mentioned fire protection system
25 was different, I guess, or you got some training in the

1 fire protection system. What I am asking is did
2 somebody come in and review the layout of the piping,
3 the valving, this kind of thing --

4 A Oh, yes.

5 Q For you at Bayview, any kind of a training
6 format session.

7 A Yeah, I think that was mostly David Justice,
8 but, you know, he got together with the operators, and
9 we walked through the facility, you know, these are
10 your tank inlets, these are your tank outlets, you
11 know, recirculation lines, projection pumps. And he
12 kind of covered the equipment at the station, and the
13 valves.

14 Q Okay. Well, I think I am going to go ahead
15 and see if any of the other folks in the room have some
16 questions.

17 Jerry?

18 MR. SCHALL: Just for clarification.

19 You said your title was ~~SM-5~~. *FS-5*

20 THE WITNESS: Yes.

21 MR. SCHALL: What were you --

22 THE WITNESS: I was an operation technician.

23 MR. SCHALL: You were operations?

24 THE WITNESS: Technician.

25 MR. SCHALL: Technician. What were your

1 responsibilities, what kind of duties did you have? I
2 wasn't quite clear.

3 THE WITNESS: Well, normally we go in the
4 morning and check the station, check all the equipment,
5 check all of our transmitting devices to make sure that
6 Renton is reading the same thing that we are sending.

7 MR. SCHALL: (inaudible)

8 THE WITNESS: At Ferndale and Cherry Point. We
9 have preventive maintenance on the units that we do
10 assist the assist the mechanics with oil changes, clean
11 air filters. We replace strainer baskets, drain down
12 the kruger and pull out the spear and rotate that and
13 so, there is a lot of different things. We also have
14 responsibility for right of way from our Cherry Point
15 Station to Allen Milepost 37. And that is all the
16 crossings as well as --

17 MR. SCHALL: That is all --

18 THE WITNESS: Yes.

19 MR. SCHALL: Okay.

20 THE WITNESS: And rust removal. We will
21 supervise the contractors when we have an area that
22 needs to be mowed. We also run scraper pigs, load and
23 unload them.

24 And besides, besides that we are doing
25 quality control test on diesel, jet fuel, gasolines.

1 MR. SCHALL: So, mostly all -- Let me ask
2 this.

3 The facility that you were assigned, you were
4 responsible --

5 THE WITNESS: Our Cherry Point Station.

6 MR. SCHALL: Okay.

7 THE WITNESS: And Ferndale, but we also assist
8 the operators at Anacortes, Allen Station and Bayview
9 Terminal.

10 MR. SCHALL: So you have Ferndale and Cherry
11 Point primarily, but you go to Anacortes, Bayview and
12 Allen.

13 THE WITNESS: Yes.

14 MR. SCHALL: Is that what it is? Somebody is
15 primarily assigned there.

16 THE WITNESS: Yes, we are helping, you know,
17 when people are on days off, have gone to a meeting
18 somewhere.

19 MR. SCHALL: It is routine maintenance. You
20 wouldn't go to down Anacortes and do station checks?

21 THE WITNESS: Normally we wouldn't.

22 MR. SCHALL: Okay. Can you tell me about
23 when you, you had some involvement with this project at
24 the water treatment plant.

25 THE WITNESS: Yes.

1 MR. SCHALL: And you worked with IMCO.

2 THE WITNESS: Can I back up for just a minute,
3 though?

4 MR. SCHALL: Okay.

5 THE WITNESS: Back in '94, though, routinely,
6 we would go down Anwacortes and work out of those
7 stations. That was before we had hired that last
8 operator, Diana Owen.

9 MR. SCHALL: Okay. You did some locating out
10 and -- at the water treatment plant. So, obviously you
11 were working with IMCO.

12 THE WITNESS: Yes.

13 MR. SCHALL: How were they, just generally, to
14 work with? I mean, are they -- what was your
15 impression of them?

16 THE WITNESS: I found them to be cooperative.
17 I remember calling Greg to set up a time to do some
18 excavation and his equipment wasn't ready, but he said
19 he would call me back, you know, when it was available,
20 and he did. So, I don't have anything negative that I
21 remember about working with him.

22 MR. SCHALL: So, is it fair to say that when
23 you were working the line -- those kinds of things?

24 THE WITNESS: As far as I know, yes.

25 MR. SCHALL: As far as you know.

1 What is that procedure, what is the procedure
2 before digging around the line? You mentioned earlier
3 that -- Any time --

4 THE WITNESS: Any time there was digging going
5 on, on the right of way, Olympic representative should
6 be there. Because this job was so big, we couldn't be
7 there 48 hours, 24 hours a day. So, of course, we
8 talked to our supervisor about it. He is the one that
9 sets the work schedule. And he said be there before
10 they cross the line or while they cross the line. So,
11 it seems to me they could work up to about 10 foot on
12 each side of the line and then, to get any closer, they
13 going to have to call us.

14 MR. SCHALL: Okay. When you got to that last
15 10 feet, that is -- they pretty good about getting to
16 you when they were closer, as far as you know?

17 THE WITNESS: As far as I know.

18 MR. SCHALL: When you get to that last 10 feet
19 then, what goes on? Can you kind of describe that for
20 me?

21 THE WITNESS: Okay. Even though we have
22 already pot holed and we know the depth of the line, we
23 go ahead and probe anyhow. We generally probe two or
24 three foot deep and have them take on one foot and then
25 probe again until you get down within two foot of the

1 line and then they can hand dig.

2 MR. SCHALL: They hand dig.

3 THE WITNESS: Or they can dig next to the
4 line, mark the site of the line and they can dig next
5 to it deeper then the line and snuff that off into the
6 ditch.

7 MR. SCHALL: Okay.

8 (Tape change.)

9 MR. SCHALL: When you were explaining to Allen
10 about things you depend on for locating the lines, like
11 during excavations, you mentioned the aerial reports.
12 How do the aerial reports work? Have you looked at
13 those logs from the pilots, or just how does that
14 process work with the pilots going across?

15 THE WITNESS: Yes, he is suppose to fly the
16 line weekly, I believe. And every time he flies the
17 line, he has to fill out a report. I think that report
18 is called into Renton or to George ~~Coesman~~ ^{GUZMAN} and as he is
19 flying, if he sees something that is out of the
20 ordinary or equipment working on the right of way, he
21 will call that in right away and someone will go out at
22 that time and investigate. But, that report is sent to
23 George ~~Coesman~~ ^{GUZMAN} and George sends that out to the area
24 that is affected. And when we get that report, we have
25 to go out to the site and investigate, find out what is

1 going on, whether they are going to cross us or whether
2 they have crossed us.

3 MR. SCHALL: Do you remember getting any
4 reports around water treatment plant from the control
5 pilot?

6 THE WITNESS: I am sure there were reports
7 that came in, yes.

8 MR. SCHALL: And these be in Olympic records,
9 because it was in this log, is that correct?

10 THE WITNESS: Yes.

11 MR. SCHALL: Okay. You mentioned, I just
12 want to be sure I got this right, you only mentioned
13 two occasions that you were aware of that there was
14 construction in the vicinity of the water treatment
15 plant since '94. One of them was when they were
16 working on tanks, and weren't in the right of way. And
17 one when they were putting in some additional fencing
18 between the control building and the tanks, is that
19 correct?

20 THE WITNESS: Yes.

21 MR. SCHALL: Okay. Is that the only two that
22 you are aware of, or that you can recall?

23 THE WITNESS: That is all I recall, yes.

24 MR. SCHALL: Okay. That is it.

25 MR. BESHORE: Johnny?

1 MR. PARRISH: I don't have.

2 MR. MARTIN: I just want to tell Kevin to cool
3 things for a --

4 MR. BESHORE: Sure. Why don't we just go
5 ahead and take a break. It may be a little longer than
6 that.

7 (Whereupon, a short recess was taken.)

8 MR. BESHORE: Back on the record.

9 Patti, do you have some questions?

10 MS. IMHOF: Ken, do you maintain a record or
11 log or generally maintain a record or a log of all
12 their, the visits they make to a site in response to
13 excavation calls? Is there a formal?

14 THE WITNESS: I am sorry, you are talking
15 about the locating notice?

16 MS. IMHOF: Right.

17 THE WITNESS: Yes.

18 MS. IMHOF: Okay. So, there is some kind of
19 a log or record that you view.

20 THE WITNESS: Right, they go into, when they
21 come into a central area, they are sorted and sent out
22 to the area that is going to the locates. In our case,
23 I will go out and do the locate, determine whether it
24 is going to be a conflict or not, okay. Make my
25 annotation on the sheet and then I will send that back

1 to our right of way person, so, they have that on file.

2 MS. IMHOF: Okay. Do you have any idea why
3 it has been decided by Olympic that IMCO damaged the
4 pipe when we were working on Dakin-Yew?

5 THE WITNESS: Well, because of the scratches
6 in the pipe when they dug it up. If the line was
7 damaged when we were there, Patti, we would make the
8 repair at the time. That is why we are out there to
9 protect the line because anybody that works around
10 pipelines, know that if you scratch it, it is
11 eventually going to come loose and come apart and have
12 a leak.

13 MS. IMHOF: I guess I am trying to figure out
14 why the decision was made that the damage was done by
15 IMCO and our excavators and during that time period
16 because it seems to me there has been a lot of backhoes
17 working around your pipe and do you have any idea why
18 the focus has been on our company and the work we did?

19 THE WITNESS: I think that was because
20 probably the last excavation in there that we are aware
21 of, in the vicinity of where the leak took part in
22 relation to IMCO's work.

23 MS. IMHOF: Okay. Have you ever heard of
24 Mark Graham?

25 THE WITNESS: I think I have heard that name.

1 MS. IMHOF: Can you tell me what you heard?

2 THE WITNESS: No.

3 MS. IMHOF: Have you heard the rumor that Mark
4 Graham is the person who was the subcontract employee
5 who said, "Oh, yeah, I was there when IMCO hit the
6 line." Have you heard that rumor?

7 THE WITNESS: Okay. That is where I have
8 heard that, yes.

9 MS. IMHOF: Okay. I mean, that is the rumor
10 I heard, that is the reason that the focus is on us
11 because there is a guy who made that statement. So, I
12 was just wondering if you heard the same rumor.

13 THE WITNESS: I have heard that rumor.

14 MS. IMHOF: Okay. And did you know that we
15 did do damage or have a broken water line while we were
16 working at Dakin-Yew? Were you aware of that when we
17 were working there?

18 THE WITNESS: Yes, I think that was, I think I
19 saw a report in somebody's diary, that indicated that.

20 MS. IMHOF: Okay. Do you --

21 THE WITNESS: I am not sure, but --

22 MS. IMHOF: Do you remember it happening when
23 we were actually working, were you aware of it?

24 THE WITNESS: No.

25 MS. IMHOF: So, your knowledge of it is since

1 June 10th?

2 THE WITNESS: Right.

3 MS. IMHOF: Okay. Thanks.

4 MR. BESHORE: Peter?

5 MR. KATCHMARZ: Yes, sir. In talking about
6 the excavations down around the Dakin-Yew, could you go
7 over how these, these action memos are tracked, you
8 know, your paperwork trail and all of that? Could you
9 go over that a little bit?

10 THE WITNESS: Yes. When I go out on a, to
11 meet a contractor, okay, I will have him fill out the
12 action memo. And then what we do is we end up putting
13 the Julian date up in the top right hand corner. And I
14 believe that is the date they are using in Renton to
15 keep track of that. But, anyhow, I fax that copy back
16 to our right of way office, so, they always have a
17 copy. Of course, it is only the front. And then I
18 keep a copy at Ferndale.

19 MR. KATCHMARZ: Okay. Do you go back, do you
20 keep them in action file or some kind of an active file
21 where you go back and look at them periodically, or
22 update them?

23 THE WITNESS: Yes, Kevin and I will discuss
24 these since we work in the same area and are likely to
25 be on the same job. So, Kevin and I will talk about

1 what is going on on the job, and then when it is
2 finished, we will, you know, we will fill out the
3 paperwork and send it back in.

4 MR. KATCHMARZ: Okay. In looking at these
5 two, actually the one marked OPL 107-1341, you have
6 remarks down here that say "will need to be present
7 when digging on ROW, right of way, 48 hours prior
8 notice." And then it says, "job still pending 3/1/94
9 KW." Who is KW?

10 THE WITNESS: That is Kevin Wittmer.

11 MR. KATCHMARZ: Okay. So, they, on 1/13/94
12 when this form was filled out, I guess it went into
13 some sort of a file and then for some reason on March
14 1st of '94, Kevin made this note that said it was still
15 pending.

16 THE WITNESS: Yes.

17 MR. KATCHMARZ: That means to you what?

18 THE WITNESS: We probably hadn't heard from
19 the contractor, hadn't been over there, and hadn't saw
20 any excavation, so he probably called them, and said,
21 hey, "what is going on with this, you were suppose to
22 dig and you haven't, when are you going, when will the
23 job start."

24 MR. KATCHMARZ: Okay. Now if you look at the
25 other one, 107-1343, just above the remarks it says,

1 commencement date and it looks like at sign and a
2 comma, and then first April for water lines, KDR.

3 THE WITNESS: Yes. It looks like I also
4 called over to find out when are you going to dig and
5 they told me about the first week in April.

6 MR. KATCHMARZ: Okay. Is that what that is,
7 an at sign.

8 THE WITNESS: At about, yeah, at.

9 MR. KATCHMARZ: Okay. At about first of
10 April, okay.

11 How many years had you been on the job on
12 this line segment?

13 THE WITNESS: Sixteen and a half years.

14 MR. KATCHMARZ: Sixteen and a half years. Had
15 there been any other major excavations on this whole
16 line segment, that you are aware of?

17 THE WITNESS: Yes.

18 MR. KATCHMARZ: And where was that?

19 THE WITNESS: ~~Winter Heights~~ **WINDTREE HEIGHTS** Phase II off of
20 Iowa Street.

21 MR. KATCHMARZ: Is that a development, housing
22 development?

23 THE WITNESS: Yes. Also up ~~Rideo Drive~~ **ALVARADO DRIVE**, pass
24 the ~~Costal~~ **KULSHAN** School off Milepost 16. That whole
25 subdivision, Olympic Pipeline runs right down the road

1 in that subdivision. We work with Valley Paving all the
2 while they were doing all the storm and roads and all
3 of that.

4 MR. KATCHMARZ: Did they uncover your line a
5 lot?

6 THE WITNESS: Did they uncover it a lot?

7 MR. KATCHMARZ: Did they cross your line or
8 have to excavate --

9 THE WITNESS: During their sewage crossings,
10 yes.

11 MR. KATCHMARZ: Okay. And was there any
12 difference between this project and those projects,
13 were you out there more or were they more responsive to
14 you then these people down here at the water treatment
15 plant were or can you compare them, contrast those
16 projects?

17 THE WITNESS: When we worked with Valley
18 Paving ^{of ALVARADO} ~~out of El Dorado~~, they were doing the sewer
19 crossings and we might do a crossing today and then be
20 done for three or four days and they would call us back
21 and we would come back and do a crossing.

22 MR. KATCHMARZ: Okay. When you go these
23 meetings, do you make the statement specifically to
24 these contractors that whenever you are getting close
25 to our line, like you said before within 10 feet, you

1 need to call us within 48 hours, you make that
2 statement to them, correct?

3 THE WITNESS: Yes.

4 MR. KATCHMARZ: Okay. Did, do you know of
5 any time that they, anyone got close to your line and
6 covered it up before you got back or you were out there
7 to observe it? My question is was the line uncovered
8 and left uncovered and then you left the site, was the
9 line always uncovered and you were there to see it
10 covered?

11 THE WITNESS: I don't recall that, Pete, but
12 typically if the line is exposed, and the crossing is
13 not completed today, before the contractor is allowed
14 to backfill, we have to be allowed to inspect our
15 coating to make sure that the pipe wasn't damaged and
16 can repair it if it had been.

17 MR. KATCHMARZ: Okay. Do you remember
18 specifically making that statement to these excavators
19 or the contractor, or whoever you would have been
20 dealing with? "Do not cover our line before we get to
21 see it." Or did you feel like that was just
22 understood?

23 THE WITNESS: I don't remember making that
24 statement. However --

25 MR. KATCHMARZ: You feel as it was understood.

1 THE WITNESS: Yes.

2 MR. KATCHMARZ: Okay.

3 THE WITNESS: But, I probably made the
4 statement.

5 MR. KATCHMARZ: Okay. And, did you trust
6 these contractors?

7 THE WITNESS: I had no reason not to trust
8 them. Greg was calling me, scheduling equipment and
9 telling me when he was going to dig. So, yes, I
10 trusted them.

11 MR. KATCHMARZ: Okay. So, how many times do
12 you think that they would have called and said, you
13 know, we are getting close to your line tomorrow or
14 next week or whenever, was it regular, pretty regular?

15 THE WITNESS: If they weren't calling us,
16 Pete, then we would have called them to find out the
17 progress of the job, when they might, so we could
18 schedule our own work.

19 MR. KATCHMARZ: Okay. Concerning your work
20 out there, do you have a lot to do on a daily basis,
21 and we are talking prior to the incident, you know,
22 that whole, you know, '98, or excuse me, '93, 94 time
23 frame, were you real busy?

24 THE WITNESS: Yeah, we are busy.

25 MR. KATCHMARZ: Do you have too much to do?

1 THE WITNESS: Do I have too much to do?

2 MR. KATCHMARZ: Do things not get done on a
3 regular basis? Do you have to put things off to do
4 other things?

5 THE WITNESS: Yes, the floor might ^{not} get mopped
6 or swept because we have something else to do, but the
7 important things, the pipeline, protecting the pipeline
8 comes first. Everything else can wait.

9 MR. KATCHMARZ: Okay.

10 THE WITNESS: Is that --

11 MR. KATCHMARZ: Yes.

12 Were you aware back at that time frame of any
13 other damage done to any other utilities on the
14 Dakin-Yew Project?

15 THE WITNESS: Not that I recall, no.

16 MR. KATCHMARZ: Okay. You did mention to
17 Patti that you were aware of the a water line break.

18 THE WITNESS: This was, no, this was after the
19 fact.

20 MR. KATCHMARZ: Oh, that was the fact.

21 THE WITNESS: I told Patti I read that in the
22 diary.

23 MR. KATCHMARZ: Oh, okay. I am sorry.

24 On one of these one calls, it was 106-93, it
25 was the one that Allen had you look at and it said

1 excavating for valve. It was date 1/2/96.

2 THE WITNESS: Yes.

3 MR. KATCHMARZ: And you had mentioned at the
4 time that you thought they were going to repairing
5 something. What made you think that they would be
6 repairing something?

7 THE WITNESS: Well, I am -- I didn't know at
8 the time, but that is what I am saying now based on
9 that, the work had already taken place, so, it looks
10 like they probably had gone back to, to work on
11 something that was installed before.

12 MR. KATCHMARZ: Okay. But, you don't, nobody
13 told you at the time when you went out there to locate,
14 you met with the contractor and he said, oh, we have
15 got to back and fix something.

16 THE WITNESS: No, I don't even know that I
17 went out there, Pete, because my, I don't have any
18 notes the locate notice.

19 MR. KATCHMARZ: Because there is no notes on
20 this particular page, do you think anyone from OPO went
21 out there?

22 THE WITNESS: I have no way of knowing.

23 MR. KATCHMARZ: Were you ever out on the site
24 that you can remember, Ken, when they were pouring
25 concrete, when there was a big concrete truck there?

1 THE WITNESS: I don't think so, no.

2 MR. KATCHMARZ: Nothing to remember there.

3 Do you know what the DOT manual is?

4 THE WITNESS: Yes.

5 MR. KATCHMARZ: Had you ever received any
6 specific training on the procedures that are in that
7 manual that apply to you?

8 THE WITNESS: Yes.

9 MR. KATCHMARZ: Can you tell me how that
10 training went? What circumstances you received that
11 training?

12 THE WITNESS: Probably an annual review. DOT
13 195.

14 MR. KATCHMARZ: How would that work?

15 THE WITNESS: How would it work?

16 MR. KATCHMARZ: I am picking up that you want
17 me to explain myself a little more, so I will.

18 Did you know that you were suppose to follow
19 the procedures in that manual?

20 THE WITNESS: Yes.

21 MR. KATCHMARZ: Okay. So, did someone just
22 tell you to go read the manual and become familiar with
23 it or was there a safety meeting where all the guys
24 were pulled in and they said, let's, okay, everybody
25 read this section. Do you have any questions on it or

1 what, you know, do you have any questions as to why we
2 are doing these things?

3 THE WITNESS: Okay. We will cover parts of
4 that manual occasionally in safety meetings. I guess I
5 am not suer what you are after, Pete.

6 MR. KATCHMARZ: Okay. That is good enough.
7 If that is what it was, just safety meetings? This
8 safety meeting is specifically to go over the DOT
9 manual, that is really the only times you ever went
10 over the manual?

11 THE WITNESS: No, we are required to go
12 through that annually, I believe and, and we have
13 refresher training at, you know, every year.

14 MR. KATCHMARZ: What does that refresher
15 training, how would it work? Would David Justice just
16 tell you to go read the manual or would he bring
17 everybody into review it or your section of it, or how,
18 that is what I am asking, how would that work?

19 THE WITNESS: Okay. In the past, towards the
20 end of the year, they would decide, the safety person
21 would decide which subjects that needed to be covered
22 and they would be, they would come up to each area,
23 Allen Station at the time, and we would sit down as a
24 group, and go through those, those training topics that
25 weren't covered. Okay.

1 MR. KATCHMARZ: You mentioned that you were,
2 one of your duties was loading and unloading of the
3 scraper pigs.

4 THE WITNESS: Yes.

5 MR. KATCHMARZ: Where would those scraper pigs
6 run from and to? Where would you load them and where
7 would you take them out?

8 THE WITNESS: We would load at Cherry Point,
9 take them out at Ferndale, reload them again at
10 Ferndale, and run them down to Bayview.

11 MR. KATCHMARZ: Okay. Would you be one of
12 the people that took them out at Bayview?

13 THE WITNESS: I may be, it just depends on how
14 many on the work load, who was available, who was on
15 days off and all that.

16 MR. KATCHMARZ: Was there anytime that you did
17 not take the pigs out at Bayview?

18 THE WITNESS: Yes.

19 MR. KATCHMARZ: Okay. Do you remember any
20 damage to any of those scraper pigs at any time when
21 you ever did take them out at Bayview?

22 THE WITNESS: I remember of hearing, hearing
23 about damage to a scraper pig, not one of the smart
24 pigs, but one of the regular scraper pigs. I didn't
25 see it, but I was told of the damage.

1 MR. KATCHMARZ: Do you remember when you, when
2 this, you were told about this?

3 THE WITNESS: No, I don't.

4 MR. KATCHMARZ: Do you remember what the
5 damage to the tool was, the pig?

6 THE WITNESS: No.

7 MR. KATCHMARZ: Do you remember discussions of
8 what may have caused the damage to the pig?

9 THE WITNESS: Well, usually if it is damaged,
10 there is going to be an obstruction somewhere,
11 something that it hit.

12 MR. KATCHMARZ: Okay. What, you obviously
13 know what a scraper pig looks like, what could be
14 damaged on a scraper pig?

15 THE WITNESS: Well, the nose could be damaged,
16 the front cups could be damaged.

17 MR. KATCHMARZ: It is a very hard
18 polyethylene, right?

19 THE WITNESS: Yes.

20 MR. KATCHMARZ: And what is in-between the
21 front and back?

22 THE WITNESS: Scrapers and the wire brushes,
23 disks.

24 MR. KATCHMARZ: Okay. But, you don't
25 remember what they said was damaged?

1 THE WITNESS: No, I don't.

2 MR. KATCHMARZ: All right. Okay. Whenever
3 you took the pigs out, did you ever get any sludge
4 along with those pigs?

5 THE WITNESS: Yes, occasionally.

6 MR. KATCHMARZ: One other thing, in talking
7 about the aerial reports, did you always respond when
8 Mr. Goosman would call up and say that the pilot said
9 there was construction on the line or were there any
10 times that you said, yeah, we know about that project.
11 We have already talked to them and we don't have to go
12 out there?

13 THE WITNESS: If you are aware of the project,
14 then there may have been times when we didn't, but we
15 probably would have called the contractor and said,
16 hey, you are still digging, are you doing something
17 new?

18 MR. KATCHMARZ: Are you close to our line?

19 THE WITNESS: Yes.

20 MR. KATCHMARZ: Okay. Thank you very much,
21 sir.

22 THE WITNESS: You are welcome.

23 MR. BESHORE: Geoffrey.

24 MR. SMYTH: Hi, Ken. Could you explain the
25 Construction Department and the Engineering Department

1 back in 1993, '94, like who was in charge of those
2 departments and how they interacted with you for the
3 Olympic Pipeline?

4 THE WITNESS: I didn't have much to do with
5 the Engineering Department. However, they would be the
6 ones to review the plans when we got plans for an
7 upcoming project. Normally, we would get our plans and
8 send them down Bob Burnett, who was the right of way
9 specialist. And he would, he and the engineer would
10 look at the plans and approve more, decide what needed
11 to be changed. Jim Cargo at the time was the head of
12 the Construction Department, I believe. And if, you
13 know, if Jim needed help on the right of way, if they
14 were shorthanded, he would call the operators in that
15 area and ask for help. If we were shorthanded and
16 couldn't get to a crossing or a locate, we could get
17 help through Jim Cargo, if he had somebody available,
18 they would come up and do the crossing.

19 MR. SMYTH: Okay. And when you say
20 department, it could just be one person, it may not be
21 two or three or four? When I think of a department, I
22 think of many people, one person in charge of the
23 department. So, would Jim Cargo be the only person in
24 the Construction Department?

25 THE WITNESS: It was a small department.

1 There was Jim Cargo, Sam Gallant either was a corrosion
2 technician at the time.

3 MR. SMYTH: Right.

4 THE WITNESS: I believe we still had Scott,
5 Scott Simmons working for them, who was also in
6 corrosion. Steve Reichm^uith was construction. Bill
7 Anderson. So, there were four or five different people
8 in the Construction Department.

9 MR. SMYTH: Okay. Who, and so you mentioned
10 Bob Burnett, who was in charge of the Engineering
11 Department back then, in 1993, do you remember?

12 THE WITNESS: No, that was right prior to
13 Craig Hammett coming in and I can't remember the
14 engineer's name.

15 MR. SMYTH: Okay. With that, you mentioned
16 that the engineers would make changes or something to a
17 set of plans. Were you then notified of those changes?
18 I mean, how involved were you looking at a set
19 construction plans that were going to relate to
20 activities around your pipeline? Was there a lot of
21 coordination between the field people and Engineering
22 Department on that?

23 THE WITNESS: No, there was hardly any. They
24 would be reviewed in Renton, and then if there was a
25 major change, then Bob would call us and say, hey, you

1 know, this has got to be changed, but it is not
2 something we reviewed with them.

3 MR. SMYTH: Okay. And then would you get a
4 copy of those plans, so when you showed up on site, you
5 knew what you expected to see on site, what the
6 contractor should or shouldn't be doing based on an
7 approved set of plans?

8 THE WITNESS: Sometimes we would if we
9 requested them, sometimes we wouldn't.

10 MR. SMYTH: And did you have a set of plans
11 for the Dakin-Yew Project in the Ferndale office?

12 THE WITNESS: I had a set of plans for that.
13 I don't know if they came back from Renton after they
14 were approved or an extra set that I didn't send to
15 Renton to be approved.

16 MR. SMYTH: Okay. How many times in your
17 recollection, from remembering the project or looking
18 at the plans, did IMCO have to cross your pipeline for
19 that project? Do you know?

20 THE WITNESS: Four to five times, I believe.

21 MR. SMYTH: Okay. Now, referencing your
22 ability to show up on site and do that work, can you
23 explain like your time sheets? How do you keep track
24 of your time for Olympic, I mean, if you work in
25 Ferndale for the whole day, do you write down that you

1 are in Ferndale that whole day and there is a code that
2 you write down for that and they know where you are at?
3 Or if you go out of your job area, like you go to
4 Anwacortes, do you have a different code you write down
5 for that?

6 THE WITNESS: Yes, that is pretty much how it
7 works. You have a code for each facility. One for
8 different portions of the right of way that you are on.

9 MR. SMYTH: And so, if you were at the
10 treatment plant in 1993, 1994, would you have a
11 specific code related to that project site?

12 THE WITNESS: No, the time would have been
13 charged to right of way in the Ferndale area.

14 MR. SMYTH: Okay.

15 THE WITNESS: But, not, not --

16 MR. SMYTH: Not specifically the project.

17 Okay.

18 So you could be anywhere on that line that
19 day?

20 THE WITNESS: That is right.

21 MR. SMYTH: David Justice, do you remember him
22 ever showing up out to the water treatment plant?

23 THE WITNESS: No.

24 MR. SMYTH: Did he ever ask you what your
25 perception of the project was? Did he ever ask you how

1 things were going? Explain, give him some insight of
2 what was happening out there?

3 THE WITNESS: No, not that I recall.

4 MR. SMYTH: Is it normal for a supervisor not
5 to show up on site on a project of that scale?

6 THE WITNESS: Yeah, I think it is normal.

7 MR. SMYTH: Did David ever ask you to attend
8 any weekly meetings that might have been held on the
9 site, weekly construction meetings to kind of go over
10 what was happening or what was going to happen in the
11 future?

12 THE WITNESS: Held on which site?

13 MR. SMYTH: The water treatment plant site?

14 THE WITNESS: No.

15 MR. SMYTH: Did you ever attend any weekly
16 meetings anywhere else other than the water treatment
17 plant that were related to this project?

18 THE WITNESS: With the exception possibly of
19 the preconstruction meeting, no.

20 MR. SMYTH: Okay. And you weren't asked to
21 attend any, no one ever asked you to attend any
22 meetings?

23 THE WITNESS: No.

24 MR. SMYTH: All right. Let's switch gears a
25 little bit. So, you have been up there for 15, 16

1 years in that section of the pipeline, is that correct?

2

3 THE WITNESS: Yes.

4 MR. SMYTH: Could you explain what your
5 perception of the relationship is with Olympic and the
6 City of Bellingham for this section of pipeline that is
7 in our city limits? What is your perception of the
8 relationship that you have with Olympic and the City?
9 I mean, are we easy to work with? Do we get along?
10 You know, what has it been over the years?

11 THE WITNESS: We haven't had any problems with
12 the City. As far as I know we had a good working
13 relationship.

14 MR. SMYTH: And you never had any difficult
15 accessing your right of way on any city property or
16 there was never any incidents you can remember where
17 you tried to get on your right of way and involvement
18 in City property limited that ability?

19 THE WITNESS: No.

20 MR. SMYTH: And so, if you had to get on site
21 at the water treatment plant, noting that it was gated
22 at certain areas, you could always make it, you could
23 always get in?

24 THE WITNESS: Yes, I have had the operator
25 there let me in before.

1 MR. SMYTH: And so you, physically had someone
2 let you in, you didn't have a key, there wasn't any set
3 key that you were given to come onto your right of way?

4 THE WITNESS: Not at that time, no.

5 MR. SMYTH: Okay. So, then if in 1996 or
6 '97, you had the, the Olympic Pipeline had to do some
7 dig ups in the water treatment plant area, it is your
8 perception that there would be nothing between Olympic
9 and the City that would have kept you from coming in
10 there and actually bringing equipment in and doing a
11 dig up?

12 THE WITNESS: That is right.

13 MR. SMYTH: Okay. Have you ever operated a
14 piece of heavy equipment?

15 THE WITNESS: Yes.

16 MR. SMYTH: And could you explain what?

17 THE WITNESS: I tried to operate a backhoe
18 before. I ran around on the property.

19 MR. SMYTH: Okay. So, not, Olympic has never
20 asked you to operate a piece of equipment?

21 THE WITNESS: No, no, I am not an operator, I
22 wouldn't do that.

23 MR. SMYTH: Okay. But, you have been around
24 the construction of pipelines enough to know about how
25 equipment is operated? You have seen heavy equipment

1 operation before?

2 THE WITNESS: Yes.

3 MR. SMYTH: Okay. And you mentioned to Allen
4 that you had some knowledge of an operator being on
5 site, but you didn't know if it was the same operator
6 continuously that was there or if it was an operator
7 change that might, there was operator change going on.

8 THE WITNESS: Right.

9 MR. SMYTH: And you can't recall any specifics
10 about how operations were being done at the water
11 treatment plant in 1993 and 1994?

12 THE WITNESS: No.

13 MR. SMYTH: All right. Now, if you did show up
14 on site, on a construction site, and they were doing
15 something that was different or not what you understood
16 it to be, could you make a field change right there?
17 Did you have the authority from Olympic to say, hey,
18 you are not doing what you are suppose to be doing or
19 your pipe is too close to our pipeline, it needs to be
20 five feet further away? Could you make decisions and
21 calls right on site or did you have to call back and
22 get some approval from other Olympic supervisor or
23 management person?

24 THE WITNESS: I couldn't let them get closer
25 than our minimum clearances, no, that is not my call.

1 I would have to get approval for that.

2 MR. SMYTH: Okay. And so, if something like
3 that happened, then you would make a call back and tell
4 somebody what is going on and would they make a phone
5 approval or would they require somebody to come out and
6 inspect other than yourself or how would that normally
7 work in your organization?

8 THE WITNESS: They would probably review the
9 plans and see what, you know, what is going in relation
10 to the plans. I guess I am not sure, I know there is
11 not, for a major change it would have to be approved by
12 somebody higher than me.

13 MR. SMYTH: So, originally, there was a set of
14 plans approved by your organization that had a, had
15 some sort of pipeline crossings, and then during the
16 construction project, there as a field change that
17 might have done where there might have been another
18 crossing done to your pipeline. That would need to go
19 back down and get approval from your office, is that
20 correct?

21 THE WITNESS: No.

22 MR. SMYTH: No?

23 THE WITNESS: No, not, not, not if we were
24 still within the safe requirements of the pipeline.
25 Not if it still met our stipulations.

1 MR. SMYTH: And your stipulations are 10 feet
2 horizontal and 12 inches vertical up or down on the
3 pipeline?

4 THE WITNESS: Yes, at least 12 inches
5 vertical.

6 MR. SMYTH: So, if during the construction
7 project they had to, somebody had to put a new water
8 main over your pipeline, that wasn't originally
9 approved over your pipeline, you would ensure that it
10 had to be 12 inches above your pipeline?

11 THE WITNESS: Yes.

12 MR. SMYTH: Would you physically get into the
13 trench to measure that, to make sure it was 12 inches
14 above the pipeline?

15 THE WITNESS: We have to make sure that we
16 have our clearance, yes.

17 MR. SMYTH: So, with that, if a 20 inch water
18 tee had to be placed over Olympic pipeline, somebody
19 from Olympic would have jumped in the trench and
20 physically measured that it was 12 inches above the
21 Olympic pipeline?

22 THE WITNESS: Yeah.

23 MR. SMYTH: Did you physically do that during
24 the construction of Dakin-Yew?

25 THE WITNESS: I don't remember doing that.

1 MR. SMYTH: Okay. But, somebody from Olympic
2 should have measured that it was at least 12 inches
3 above the pipeline.

4 THE WITNESS: Yes.

5 MR. SMYTH: So, when you show up on
6 construction sites --

7 THE WITNESS: When you were, excuse me, when
8 you were digging out for that tee in the first place,
9 we would have known how close were getting to the
10 pipeline.

11 MR. SMYTH: Okay. We, as in IMCO
12 Construction?

13 THE WITNESS: Olympic Pipeline.

14 MR. SMYTH: Okay. Okay. And then any other
15 crossings, you would have measured, too, if they were,
16 or if the crossings were above the tolerance of 12
17 inches, say four feet, you may not have needed to
18 measure four feet, because four feet is above your 12
19 inches, correct?

20 THE WITNESS: That is correct.

21 MR. SMYTH: Let's, a couple more things here.
22 One, whether it was 1993 or 1996 or 2000, when you go
23 on a site to inspect the contractor, does Olympic have
24 a policy of taking photographs of the work to document
25 what is being done?

1 THE WITNESS: No, there is not a policy.

2 MR. SMYTH: Do you take photographs to protect
3 the interest of Olympic Pipelines?

4 THE WITNESS: I have started to take
5 photographs, yes.

6 MR. SMYTH: And that is, when did you start
7 doing that?

8 THE WITNESS: Within the last two months.

9 MR. SMYTH: Okay. And so, to your knowledge,
10 you didn't take any photographs in 1993 or 1994?

11 THE WITNESS: No.

12 MR. SMYTH: Are you aware of any photographs
13 that exist from Olympic relating to the Dakin-Yew
14 Construction Project?

15 THE WITNESS: Not from Olympic, no.

16 MR. SMYTH: Okay. Could you kind of explain
17 to me the Valley Paving thing? When did that take,
18 when did that subdivision go in? Off of ~~El Dorado~~^{ALVARADO}
19 Street in Bellingham?

20 THE WITNESS: I don't know, that is 10 or 15
21 years ago, at least.

22 MR. SMYTH: So, at least in the mid '80s,
23 maybe.

24 THE WITNESS: Yes.

25 MR. SMYTH: And you have a pretty good,

1 remembering knowledge base for the sewer crossings and
2 things like that?

3 THE WITNESS: Do I?

4 MR. SMYTH: Yes, do you? I mean, you
5 mentioned that they did sewer crossings and things like
6 that and storm lines and roads.

7 THE WITNESS: Yes.

8 MR. SMYTH: So you feel pretty confident that
9 you remember that project?

10 THE WITNESS: I remember that project, yes.

11 MR. SMYTH: I am just having a hard time
12 understanding, that project was in 1985, 1984, 1986,
13 yet, Dakin-Yew was in 1993, 1994, and you can remember
14 somebody doing storm line streets, sewer crossings on a
15 subdivision but you have a difficult time recalling
16 what has been going on at the Dakin-Yew pump station
17 six, seven years ago.

18 THE WITNESS: Well, I think the difference is,
19 I work with the same person on the excavator just about
20 that whole job. We also stripped out 300 foot of
21 pipeline where they were putting a road over us, 12
22 inches over us. That was a pretty uncomfortable time.
23 That stands in my mind.

24 MR. SMYTH: That is fair.

25 THE WITNESS: And also had a hard time with

1 the soil there. It was real, real rocky, and they were
2 breaking it out with a chipping hammer on the end of
3 their excavator. The things that are real unusual
4 stand out. The day to day stuff, doesn't stay in my
5 mind.

6 MR. SMYTH: Okay. But, okay.

7 Were you aware that the, I mean, the
8 Dakin-Yew Project obviously involved crossing your
9 pipeline, that one of the segments was they excavated
10 underneath your pipeline.

11 THE WITNESS: Was I aware of that?

12 MR. SMYTH: Yes.

13 THE WITNESS: Well, I am not sure, but I
14 wouldn't be surprised.

15 MR. SMYTH: So, in your 15 years of working on
16 that section, if a contractor was going to excavate
17 underneath your pipeline, expose your pipeline, and the
18 pipeline was going to be in operation, that wouldn't,
19 that is just normal day to day operations to you?

20 THE WITNESS: Yes, we don't shut down the
21 pipeline because it is going to be exposed because of
22 an operator going to dig underneath it.

23 MR. SMYTH: I understand.

24 THE WITNESS: Okay.

25 MR. SMYTH: But --

1 THE WITNESS: But, if we are there and that
2 operator hits the pipeline, then it is shut down and we
3 inspect it and repair the damage if there is any.

4 MR. SMYTH: Okay. Okay. That is all I
5 have. Thanks, Ken.

6 THE WITNESS: You are welcome.

7 MR. BESHORE: Linda?

8 MS. PILKEY-JARVIS: I don't think I have any
9 questions. Thanks.

10 MR. BESHORE: Tony?

11 MR. BARBER: Just going back to a little bit
12 to the scraper pig runs.

13 THE WITNESS: Yes.

14 MR. BARBER: What are, who decides when and
15 how often does the scraper pig get run through the
16 lines?

17 THE WITNESS: We were running the scraper pigs
18 bi-weekly, to clean the inside of the line, and that
19 was determined by our quality control specialist at the
20 time.

21 MR. BARBER: Has that been pretty consistent
22 over the years that you have worked for Olympic? Has
23 it changed over the years?

24 THE WITNESS: This has changed over the years.
25 We have only started the scraper pig program within the

1 last five or six years, I believe. Prior to that we
2 would launch a spear between different products and
3 that would kind of isolate those and clean the inside
4 line at the same time.

5 (Tape change.)

6 MR. BARBER: You mentioned that you heard of
7 at least one incident of maybe a scraper pig being
8 damaged during the use. Do you remember more than one
9 incident of hearing that it happened? Or more than one
10 scraper pig being damaged?

11 THE WITNESS: I don't remember that, but it
12 could have happened and I wasn't told about it.

13 MR. BARBER: Do you recall who you heard it
14 from that the scraper pig had been damaged or how you
15 heard that?

16 THE WITNESS: No, but I am going to assume it
17 was one of the operators at Bayview that unloaded it.
18 Typically, if I send a pig down from Ferndale, then I
19 will unload at Bayview and pull the pig out and inspect
20 it myself. That doesn't always happen, though.

21 MR. BARBER: I can't recall if it has been
22 asked before, but have you ever seen a scraper pig that
23 has been run through the lines that has been damaged --
24 have you ever seen one of the scrapers that had been
25 damaged in some way?

1 THE WITNESS: I think I have seen pictures of
2 damaged.

3 MR. BARBER: From Olympic Pipeline or
4 elsewhere?

5 THE WITNESS: From Olympic. But, I am not
6 sure what segment of lines.

7 MR. BARBER: What kind of damage existed on
8 the scraper pig that you saw pictures of?

9 THE WITNESS: I don't remember.

10 MR. BARBER: Do you remember when you saw
11 those pictures?

12 THE WITNESS: No.

13 MR. BARBER: You mentioned part of your
14 regular job duties include a change out, cleaning
15 strainers, is that correct?

16 THE WITNESS: Yes.

17 MR. BARBER: Have you ever seen any foreign
18 matter or what kinds of foreign matter might you see in
19 those strainers when you change them out and clean
20 them?

21 THE WITNESS: Well, you could get broken
22 glass. We have had foam material, things like that.

23 MR. BARBER: Have you ever seen any, any
24 personals or anything like that, that got caught in the
25 strainer --

1 THE WITNESS: Yes, I have.

2 MR. BARBER: Do you know what kind of records
3 are kept for the scraper pig runs -- kept somewhere.

4 THE WITNESS: Yes, they are kept out in the
5 facility. And it was to do with the date they launched
6 it, the size of the pig, what segment it was launched
7 in.

8 MR. BARBER: What kind of records are those?
9 Are they single sheets for each run or --

10 THE WITNESS: Yes, it is a single sheet. It
11 has got where it was loaded and the size, which size,
12 and what segment of line it was launched in.

13 MR. BARBER: Thanks, I don't have anything
14 else.

15 MR. BESHORE: Eric?

16 MR. SAGER: I don't have anything.

17 MR. BESHORE: I have just a couple more here.

18 This goes back to Dakin-Yew Project. Do you
19 recall ever coming out and noticing the pipeline --
20 basically to where the pipeline, the pipeline location
21 was not apparent?

22 THE WITNESS: No, I don't. If we would have,
23 we would have relocated the line.

24 MR. BESHORE: So, if you noticed the markings
25 were no longer readily detectable by the contractor,

1 you would have relocated the pipe?

2 THE WITNESS: Yes.

3 MR. BESHORE: You don't recall that specific
4 occurrence?

5 THE WITNESS: No, I don't.

6 MR. BESHORE: When you went out to the
7 construction project, did you always get out, you know,
8 go, make yourself visible, I guess, so people realized
9 you were there and they knew who you were?

10 THE WITNESS: I would walk down to that, that
11 driveway that drops down to the lower part and from
12 there you could observe to the south the pipeline and
13 the pump station over to the left.

14 MR. BESHORE: Would people usually acknowledge
15 you, you know, your presence there?

16 THE WITNESS: Well, they may or may not, if
17 they were walking by, they would, you know, they might
18 say hi or whatever. I don't know.

19 MR. BESHORE: I guess my question is, were
20 you, did you like wave -- a job, did they know who you
21 were, that kind of thing?

22 THE WITNESS: No, I didn't --

23 MR. BESHORE: So, they were aware that, you
24 know, Olympic was checking on them.

25 THE WITNESS: No.

1 MR. BESHORE: You can't, you couldn't remember
2 any specific out breakers, but, did you, do you recall
3 standing there and observing an operator working on any
4 particular occasions during the project?

5 THE WITNESS: Not over the line, or I would
6 have had to been there or they would have been working
7 without our knowledge. So, the work would have been,
8 being done in the pump station or over some other part
9 of the project.

10 MR. BESHORE: As far as you can recall, when
11 you were watching any excavation activities, did the
12 operators appear good operators, did you see anything
13 that would cause you concern in terms of, I am talking
14 about the actual excavation, but specifically about
15 any --

16 THE WITNESS: Nothing sticks out in my mind,
17 no.

18 MR. BESHORE: You mentioned earlier in respond
19 to one question, that you had conversation with Richard
20 about, that was Richard ^{KLASEN} ~~Clausen~~?

21 THE WITNESS: Yes.

22 MR. BESHORE: You also mentioned the diary
23 that you had seen. Is that your own notes that we have
24 already asked for or is that another?

25 THE WITNESS: I keep my own diary, but, that

1 you have already seen.

2 MR. BESHORE: Okay. We are talking about,
3 because you mentioned that you reviewed a diary that
4 said that, and I am wondering if that is your own diary
5 or you reviewed somebody else's notes or --

6 THE WITNESS: No, I have seen some job notes
7 from IMCO Construction, I believe, that that annotated
8 the damage to the line, to the water line.

9 MR. BESHORE: Oh, oh.

10 THE WITNESS: That is what I am talking about.

11 MR. BESHORE: That is what you talking about,
12 some notes there. Okay.

13 Does anybody else have any follow up
14 questions?

15 MR. KATCHMARZ: Yes.

16 MS. IMHOF: Ken, I am still curious, I guess,
17 about the pot holing. Who does the pot holing?

18 THE WITNESS: The contractor or the engineer
19 could do it, if they are designing the work. But, it
20 is always done with Olympic since you are digging on
21 the right of way.

22 MS. IMHOF: What kind of equipment is used?

23 THE WITNESS: It depends on what you have at
24 your disposal, whether it is a backhoe or an excavator.

25 MS. IMHOF: And do you usually, do you do

1 shoring when you pot hole, so that somebody gets down
2 into the ditch that you are digging, shoring the -- pot
3 hole?

4 THE WITNESS: Well, if it was deep enough you
5 would have to. In that case over there, we weren't
6 that deep to where we had to any shoring, to best I
7 remember.

8 MS. IMHOF: So, if you don't do shoring, you
9 get into the ditch, how do you --

10 THE WITNESS: You do get down into the ditch.
11 First, you locate the pipe with an electronic locator,
12 that tells you about roughly where the pipe is within a
13 foot or two. And then you start your hole with an
14 iron bar, you probe that into the ground and then you
15 take a smaller diameter probe and probe further into
16 the hole with that. Okay. And once you do that, you
17 probe down two or three feet, you know you haven't hit
18 the line there, so you let the backhoe take off a foot
19 cover and you probe again. So you keep going down a
20 foot at a time, until you actually find the line.

21 MS. IMHOF: Do you ever hit the line while you
22 are pot holing or has anybody ever hit a line while
23 they are pot holing?

24 THE WITNESS: I haven't hit a line while I was
25 pot holing, but it happens, yes.

1 MS. IMHOF: Well, you would never be the
2 person doing the operating anyway, would you? I mean,
3 you said you have never been --

4 THE WITNESS: No, but I would be the
5 responsible person out there.

6 MS. IMHOF: You would be the inspector on
7 that, okay.

8 Were you aware of the tee valve being moved
9 closer to the Olympic Pipeline?

10 THE WITNESS: No.

11 MS. IMHOF: Okay. Have you seen the pipe
12 that was removed after the explosion? Have you seen
13 what it looked like?

14 THE WITNESS: I have seen a picture of it.

15 MS. IMHOF: And have you seen other pipe with
16 anomalies, is that the only pipe you ever seen with
17 anomalies or have you seen other pipe with anomalies?

18 THE WITNESS: Well, I wouldn't call this an
19 anomaly, but the pipeline was blown open, it was split.
20 I have seen anomalies, yes.

21 MS. IMHOF: Okay. But, I mean, on the
22 picture that you saw, could you see like the scratches
23 and scrapes and the bumps and bruises? Have you seen
24 the detail of the what that pipe looked like that blew
25 up, that ruptured and exploded?

1 THE WITNESS: I don't think I have seen that
2 one, Patti.

3 MS. IMHOF: Okay. I was just wondering if
4 you had seen a comparison to other pipe that also have
5 been damaged.

6 THE WITNESS: No, I haven't.

7 MS. IMHOF: Okay. Thank you.

8 MR. BESHORE: Peter?

9 MR. KATCHMARZ: Yes, Ken, I just have a couple
10 of questions for the record, really.

11 One thing is about the 72 inch water line,
12 and the distance between OPL's line and that line.
13 Were you the one that was out there and that diagram
14 had changed?

15 THE WITNESS: No.

16 MR. KATCHMARZ: Okay.

17 THE WITNESS: Kevin.

18 MR. KATCHMARZ: How big is the hole when you
19 pot holed? Do you remember? You said it was big
20 enough to get into, does that mean you stripped it back
21 20 feet or five feet, how big is that hole? Do you
22 know?

23 THE WITNESS: It will depend on the depth of
24 the pipe.

25 MR. KATCHMARZ: Okay. Do you remember how

1 deep the pipe was on these three pot holes?

2 THE WITNESS: No, but my sheet will say, I
3 believe. I think we are talking maybe five or six foot
4 deep.

5 MR. KATCHMARZ: Okay. So, if it is five or
6 six foot deep, what is the diameter of the hole in your
7 estimation?

8 THE WITNESS: Well, it is going to be five
9 foot deep and the hole is going to be four, five foot
10 wide.

11 MR. KATCHMARZ: And how much of the length of
12 the pipe would be actually be physically exposed?

13 THE WITNESS: All we need to do, Pete, is find
14 the top. Make sure --

15 MR. KATCHMARZ: So, you have to make the hole
16 big enough for a person to get down in there, is that
17 right?

18 THE WITNESS: Oh, yeah, yeah, because you are
19 going to dig, the last 18 inches you are going to dig
20 by hand anyhow.

21 MR. KATCHMARZ: That is right, okay.

22 Okay. Are you aware of any other large
23 mechanical backhoes in the immediate area of the
24 pipeline of the Dakin-Yew water project, other than
25 IMCO Construction?

1 THE WITNESS: No, not other than IMCO.

2 MR. KATCHMARZ: When you were down there, did
3 you ever see telephone company trucks?

4 THE WITNESS: I don't remember, I may have. I
5 don't know why that would stand out if I did, Pete.

6 MR. KATCHMARZ: Okay. One last question.
7 Are you aware of any one ever hitting the Olympic
8 pipeline at any time, anywhere while you were on site?

9 THE WITNESS: No.

10 MR. KATCHMARZ: Thank you.

11 MR. SMYTH: I have two, Allen.

12 Do you know of any other person besides
13 yourself or Kevin that, from Olympic that visited the
14 project site during the construction?

15 THE WITNESS: There could have been others,
16 but I am not aware of any.

17 MR. SMYTH: So, if somebody came up from
18 Renton, they wouldn't necessarily call you, you might
19 be, they wouldn't call you and say, meet us on the
20 site?

21 THE WITNESS: That is right.

22 MR. SMYTH: Has Kevin, to your, Wittmer, to
23 your best recollection, during that project or anytime
24 shortly thereafter, mentioned anything about IMCO
25 Construction, about when he was on site?

1 THE WITNESS: Mentioned anything about IMCO
2 Construction?

3 MR. SMYTH: During the construction project or
4 shortly thereafter, did you ever have any conversations
5 with Kevin about his perception of the project, what he
6 might thought? Did you guys talk about when you went
7 back to Ferndale? Did you ever discuss the project
8 with him?

9 THE WITNESS: Well, yeah, initially. You
10 know, we discussed how much time it was going to be to
11 take to be out there all the time, and you know, we
12 need to talk to Dave and he also remarked that he knew
13 one of the guys that was driving one of the big
14 excavators. But, nothing, nothing that --

15 MR. SMYTH: Okay. So, during that eight
16 months or a year, he didn't come back one day and say
17 anything that you can remember in a positive or
18 negative toward the company or toward the project?

19 THE WITNESS: No.

20 MR. SMYTH: Okay. That is all I have.
21 Thanks.

22 MS. PILKEY-JARVIS: Just one question. I am
23 wanted to go back to something that Allen had been
24 asking you about, at the beginning, and this was
25 discussions that have occurred since the June accident

1 about the reasons why the anomaly out in that area was
2 not dug up. So, what you, if I heard you correctly,
3 what you said was you recall that it wasn't dug up
4 because an anomaly was not serious enough, not deemed
5 to be serious enough to dig. And then you told Allen
6 that there have been discussions, you have been
7 involved in discussions post to June 10th incident
8 about the anomaly and why it may or may not have been
9 dug up. In fact, people we have talked to in the last
10 couple of days have brought this up, too. So, I just
11 want to kind of give you enough time to think about
12 that and answer thoughtfully whether anybody has
13 mentioned any other reason post June 10th why the
14 anomaly wasn't dug up?

15 THE WITNESS: No, I don't think so.

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

17 MR. KATCHMARZ: I have one more question.

18 And it was written right here and I missed
19 it. I would like to just ask you about the management
20 of Olympic Pipeline over the years. When you first
21 started who was operating this pipeline system?

22 THE WITNESS: Mobil.

23 MR. KATCHMARZ: Can you give us just a little
24 bit on their management style, the culture at Olympic
25 Pipeline when Mobil was operation?

1 THE WITNESS: Well, I think Mobil had a pretty
2 good grasp on what was going on. They were involved.
3 They would come out and visit the stations. They would
4 come out to Ferndale and Cherry Point. Our operations
5 manager, Glenn Hogan, would be out there. He would
6 talk to the people, see what was going on.

7 MR. KATCHMARZ: Was there more paperwork
8 involved at that time?

9 THE WITNESS: No, I think there was probably a
10 lot less.

11 MR. KATCHMARZ: Was there more or less
12 supervision at that time?

13 THE WITNESS: A lot more.

14 MR. KATCHMARZ: A lot more direction?

15 THE WITNESS: Yeah, you could say that.

16 MR. KATCHMARZ: Okay. And then who took over
17 from Mobil?

18 THE WITNESS: Oh, we have had so many, many
19 operators. I believe Shell came after Mobil.

20 MR. KATCHMARZ: What was the culture like with
21 Shell?

22 THE WITNESS: A lot of meetings, a lot of
23 paperwork. Although our operations manager, Jim
24 Prince, was out in the field a lot, he knew what the
25 employees were doing.

1 MR. KATCHMARZ: Again, a lot more supervision?

2 THE WITNESS: I think so.

3 MR. KATCHMARZ: A lot more direction? Let me
4 ask this. In that supervision and direction question,
5 accountability to a supervisor, did they make you more
6 accountable to them with paperwork and things of that
7 nature?

8 THE WITNESS: I am not sure the paperwork has
9 decreased. That is, you know, we are doing more
10 paperwork now than ever.

11 MR. KATCHMARZ: Post June 10th you are talking
12 about?

13 THE WITNESS: What is that?

14 MR. KATCHMARZ: Post June 10th you are talking
15 now?

16 THE WITNESS: Yes.

17 MR. KATCHMARZ: Okay.

18 THE WITNESS: And while Shell was here, then I
19 changed supervisors, David Justice was put in charge of
20 the north area operations, although he worked out of
21 Renton.

22 MR. KATCHMARZ: Okay. Shell had the
23 operation for a year, I think, '91.

24 THE WITNESS: Something like that, yeah.

25 MR. KATCHMARZ: And then who took over?

1 THE WITNESS: Then we had the merger and --

2 MR. KATCHMARZ: Wasn't it Texaco first for a
3 number of years?

4 THE WITNESS: Okay. We had Texaco with Frank
5 ~~Hof~~ Hof was the manager at that point, when Shell came in
6 afterwards, Frank changed over and went with Shell, so
7 he stayed the manager.

8 MR. KATCHMARZ: I am sorry, let's slow down
9 and go back.

10 First it was Mobil.

11 THE WITNESS: Yes.

12 MR. KATCHMARZ: Then Shell took over for a
13 year approximately '90, '91. And then Texaco took over
14 in '92, is that correct, to your recollection?

15 THE WITNESS: Yes, to the best I can remember.

16 MR. KATCHMARZ: Okay. So, after and then we
17 know it is Mobil, Shell for a short time, and then
18 Texaco for a few years and then the merger happened
19 with Texaco and Shell, so ~~Echelon~~ ^{EQUILON} took over.

20 THE WITNESS: Yes.

21 MR. KATCHMARZ: Okay. What was the change,
22 you explained the change between Mobil and then to
23 Shell, what was the change between Shell to Texaco?
24 More supervision, less supervision, more paperwork,
25 less paperwork?

1 THE WITNESS: I don't think I noticed a big
2 difference out in the field.

3 MR. KATCHMARZ: You were still required to do
4 a lot of the, same paperwork?

5 THE WITNESS: Yes.

6 MR. KATCHMARZ: The paperwork pretty much
7 remained the same.

8 THE WITNESS: Yes.

9 MR. KATCHMARZ: Okay. Okay. Now, ~~Echelon~~ ^{EQUILON}
10 comes in and how has it been since ~~Echelon~~ ^{EQUILON}? More
11 paperwork, more supervision, less paperwork, less
12 supervision, more direction, less direction?

13 THE WITNESS: Well, more supervision, I think.
14 They moved David Justice up north a little bit closer
15 to his area or in his area, instead of working out of
16 Renton. More paperwork. I think more training, more
17 in the way of training.

18 MR. KATCHMARZ: Again, this is all prior to
19 June 10th, you are speaking?

20 THE WITNESS: I think so, yes.

21 MR. KATCHMARZ: Okay. All right. Okay.
22 Thank you. I am done now.

23 MR. BESHORE: I think what, I don't want to
24 put words in Peter's mouth, but I think what he was
25 getting to the point was it a looser operation under

EQUILON

1 ~~Echelon~~ prior to June 10th then the previous
2 management?

3 THE WITNESS: I don't think so. We still had
4 basically the same responsibilities and the same
5 documentation and I don't know if that has changed.

6 MR. BESHORE: You mentioned under one of these
7 management companies that they spend a lot of time in
8 the field. I am trying to understand your operations
9 in the field and that kind of thing. Did that continue
10 on into the Echelon era?

11 THE WITNESS: No, that, it is hard for them
12 office folks to get all the way up to Ferndale and
13 Cherry Point sometimes to see what is going on.

14 MR. BESHORE: Well, I guess I am drawing kind
15 of a sense of, from you that and I don't want to put
16 words in your mouth, but I drew a sense from you by the
17 way you answered the question that you appreciated the
18 fact that management had been more involved in the
19 operations, is that fair?

20 THE WITNESS: Yes.

21 MR. BESHORE: And it sounded like something
22 that you missed perhaps a little bit or that you were
23 disappointed in that down turn, is that fair?

24 THE WITNESS: Yes, that is fair.

25 MR. BESHORE: Okay.

1 MR. KATCHMARZ: One other statement, question,
2 please. Specifically as to the, how the management
3 relates to the procedures and the paperwork and all
4 that, are you aware back in the early days, let's say,
5 back when Mobil and Shell were operating the pipeline,
6 were you aware of the pigging procedures, the scraper
7 and the procedures requiring you to log the condition
8 of the pig going in and the condition of the pig coming
9 out and what came out with it?

10 THE WITNESS: No, not what came out with it.

11 MR. KATCHMARZ: Any debris or, you don't
12 remember that?

13 THE WITNESS: No.

14 MR. BESHORE: Okay. And you answered a
15 question that was very strongly worded from Peter, and
16 I just want to make sure I understand, everybody
17 understood the question. It was basically, and asked,
18 had you ever been out on the project and witnessed
19 Olympic pipeline being hit, and you said no. And I am
20 wondering if that, you have never seen Olympic pipeline
21 ever hit or --

22 THE WITNESS: Oh, yes, I have, it has been hit
23 when I was in charge of the job.

24 MR. BESHORE: I wanted to clarify that. But,
25 to your knowledge, it has never been hit, and then not

1 repaired.

2 THE WITNESS: That is right.

3 MR. BESHORE: I just wanted to clarify that.

4 And also you mentioned that you thought Kevin
5 knew one of the operators from IMCO personally. Was
6 that Calvin?

7 THE WITNESS: Yes.

8 MR. BESHORE: They were neighbors or
9 something.

10 THE WITNESS: I believe they go to church
11 together, see each other at church or neighbors, yeah.

12 MR. BESHORE: Okay. And is there anything
13 else that you are aware, Ken, that we haven't asked you
14 about that you feel like might be of use or importance
15 to us?

16 THE WITNESS: No, I don't think so.

17 MR. BESHORE: Okay. Thank you, Ken.

18 (Whereupon, the witness was excused.)

19 MR. BESHORE: We appreciate your time.

20 Off the record.

21 (Whereupon, the interview was concluded.)

1
2 REPORTER'S CERTIFICATE

3 This is to certify that the attached
4 proceedings before: NTSB
5

6
7 In the Matter of:

8 PIPELINE ACCIDENT
9

10
11
12 were held as herein appears and that this is the
13 original transcript thereof for the file of the
14 Department, Commission, Administrative Law Judge
15 or the Agency.

16 EXECUTIVE COURT REPORTERS, INC.
17 1320 Fenwick Lane, Suite 702
Silver Spring, MD 20910
(301) 565-0064

18

Official Reporter

19 Dated: OCTOBER 2000
20
21
22
23
24
25



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 Kenneth Roberts has been called to testify or provide other information in this matter;
2. That Kenneth Roberts 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 Kenneth Roberts 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 Kenneth Roberts 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, Kenneth Roberts 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 17th day of September, 2000.



Jim Hall
Chairman

Exhibit Roberts #1

DIAGRAM OF CHANGES

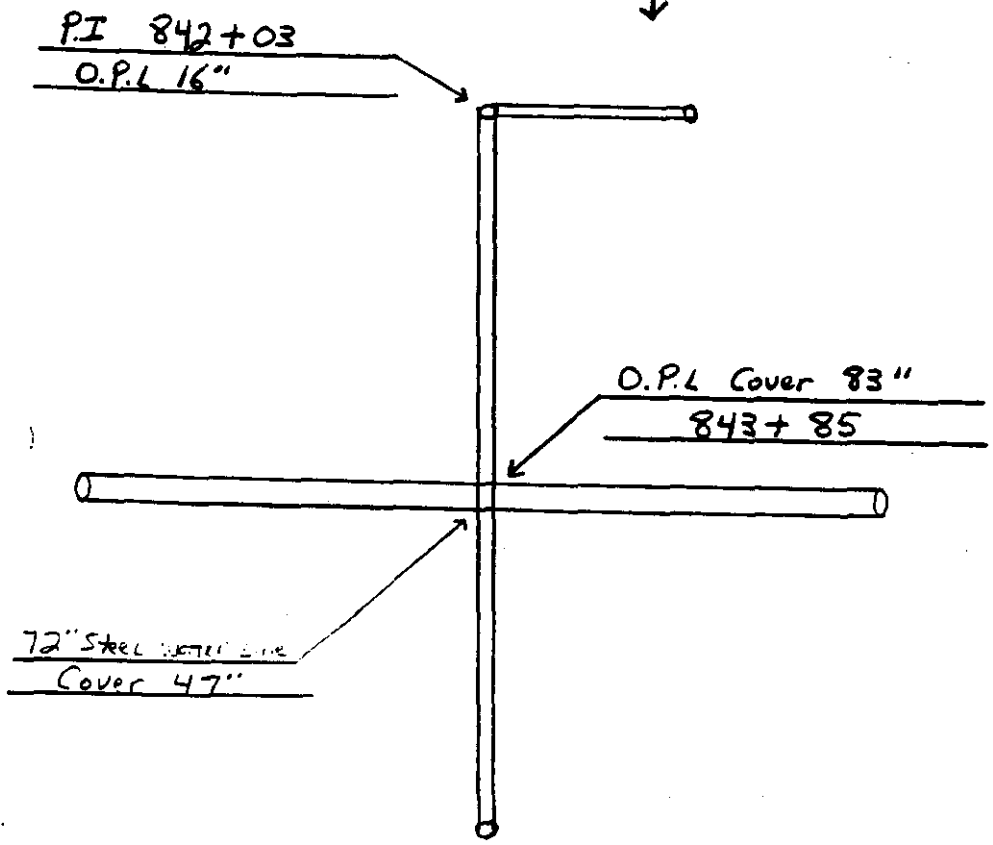
0-10(8-80)

✓ 11675

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

Bal. on Map	2 Inch	3 Inch	4 Inch	8 Inch	8 Inch	10 Inch
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 No. _____
 Date Made 5-27-94 Made By Kevin Wittmer Approved Jan Sulland



Locate/Memo Action # 94171210
 Date of Completion 5-19-94
 MP Number 15.7
 Contractor Imco Cast
 Foreman/Lead person Greg Burgess
 Description of work Installing
72" water line above
Olympic 16" Pipe line.

Note: 36" Separation below
water line and O.P.L. L.R.

 Stationing 843+85
 Sta. taken from P.I. 842+03

 Exposed Pipe Report # _____
 Signature Kevin Wittmer

PIPE TEST DATA

Pressure Test No. _____ Test Pressure _____ PSIG
 Date Of Test _____ Length Of Test _____ Hrs. _____ Min. 0000108
 Accuracy to _____ Code _____ Working Pressure _____ PSI

PIPE DATA

Stationing From	Stationing To	Take Up or Lay	Non or Used Pipe	Size O.D.	P.E or S.E	Type of Mig.	Specified Grade	Weight	Wall Thick-ness	Coating	Person Who Made Welds

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06-02-93 10:56AM

OLYMPIC PIPE LINE COMPANY

2319 LIND AVENUE, S.W.
P.O. BOX 1800
RENTON, WASHINGTON 98057

ACTION MEMO

WARNING
PETROLEUM PIPELINE
Olympic Pipe Line Company
IN CASE OF EMERGENCY CALL COLLECT
206-226-8880
24 HOUR EMERGENCY NUMBER

Accidental damage due to excavation equipment or other outside forces can rupture our pipeline and cause fire or explosion resulting in serious injury, death and extensive property damage.

Upon your notification to Olympic, arrangements will be made to locate and identify our utilities. We must monitor all construction activity near our pipeline.

Olympic Pipe Line Company acts responsibly to protect the public's health and safety. All provisions and prescribed penalties as provided under Washington State House Bill Number 857, (an act relating to underground utilities) shall be enforced to the extent of the law in cases of damage or disputation.

I understand the provisions as provided and agree to the General Right-Of-Way Stipulations and requirements as stated on the reverse side.

BY: [Signature]
Contractor/Representative

Date: 6-2-1993

Title/Position

"ONE CALL" Yes No

ASSIGNED NUMBER: 93222049

=====

DATE: 6-2-1992 TIME: 09:30 (AM) (PM)

INDIVIDUAL (NAME): Jill Wheeler PHONE NO.: _____

COMPANY/CONTRACTOR: ASSOC. EARTH SCIENCES PHONE NO.: 827-7701

LOCATION OF WORK: 3201 Arbor Ct. - West Side Water Treatment Plant

TYPE OF WORK: Exploration Borings, West of OPL Pipeline

COMMENCEMENT DATE: 6-3-1993 COMMENCEMENT TIME: 08:00

REMARKS: Keep Equipment at least 6' away (East or West) of OPL

Exhibit Roberts #3

010725
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OLYMPIC PIPE LINE COMPANY

2319 LIND AVENUE, S.W.
P.O. BOX 1800
RENTON, WASHINGTON 98057

FE-94-13-01

ACTION MEMO

WARNING
PETROLEUM PIPELINE

Olympic Pipe Line Company
IN CASE OF EMERGENCY CALL COLLECT
206-226-8880
24 HOUR EMERGENCY NUMBER

Accidental damage due to excavation equipment or other outside forces can rupture our pipeline and cause fire or explosion resulting in serious injury, death and extensive property damage.

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I understand the provisions as provided and agree to the General Right-Of-Way Stipulations and requirements as stated on the reverse side.

BY: Chris Hart Date: 1-13-94
Contractor/Representative
PROJECT MGR. ONE CALL Yes
Title/Position No
ASSIGNED NUMBER: _____

DATE: 1-13-1994 TIME: 14:30 (AM)
INDIVIDUAL (NAME): Chris Hart. PHONE NO.: 671-3936 (PM)
COMPANY/CONTRACTOR: Emco Const. PHONE NO.: _____
LOCATION OF WORK: Mile Post 15.8 water treatment plant.

TYPE OF WORK: 72" WATERLINE, 24" ductile 12" ductile WATER-
LINE installation.

COMMENCEMENT DATE: _____ COMMENCEMENT TIME: _____

REMARKS: will need to be present when digging on R.O.W.
48 hrs. prior notice Job still pending. 3-1-94 KW.

BY OPLCO.: Ken Rolod. 384-4231 OPL 1071341

Exhibit Roberts #4

OLYMPIC PIPE LINE COMPANY

2319 LIND AVENUE, S.W.
P.O. BOX 236
RENTON, WASHINGTON 98057

ACTION MEMO

**WARNING
PETROLEUM PIPELINE**

Olympic Pipe Line Company
IN CASE OF EMERGENCY CALL COLLECT
206-226-8880
24 HOUR EMERGENCY NUMBER

Accidental damage due to excavation equipment or other outside forces can rupture our pipeline and cause fire or explosion resulting in serious injury, death and extensive property damage.

Upon your notification to Olympic, arrangements will be made to locate and identify our utilities. We must monitor all construction activity near our pipeline.

Olympic Pipe Line Company acts responsibly to protect the public's health and safety. All provisions and prescribed penalties as provided under Washington State House Bill Number 857, (an act relating to underground utilities) shall be enforced to the extent of the law in cases of damage or disputation.

I understand the provisions as provided and agree to the General Right-Of-Way Stipulations and requirements as stated on the reverse side.

BY: [Signature] Date: _____
Contractor/Representative
Title/Position
"ONE CALL" Yes
No
ASSIGNED NUMBER: 94122971

DATE: 3-25-1994 TIME: 14:45 (AM) (PM)
INDIVIDUAL (NAME): GREG BURESS PHONE NO.: 738-6809
COMPANY/CONTRACTOR: FMCO General Const. PHONE NO.: _____
LOCATION OF WORK: 3201 ARBOR CT. (WATER FILTRATION PLANT)

TYPE OF WORK: NEW CONSTRUCTION. INSTALL WATER PIPELINES TO NEW WATER TANK.

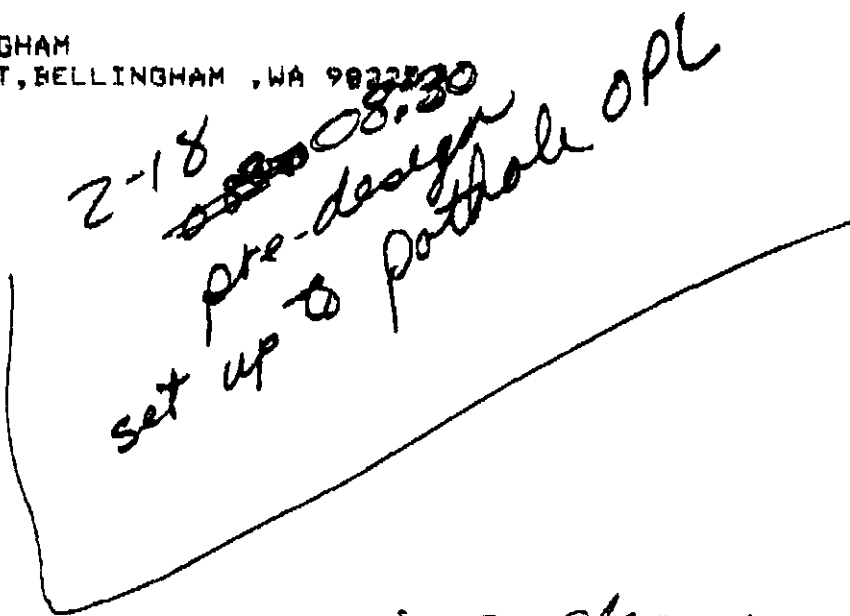
COMMENCEMENT DATE: APRIL 1st COMMENCEMENT TIME: _____
FOR WATER LINES KOR.

REMARKS: NOTIFY Olympic Pipeline US hrs before grading or crossing O.P.L. (384-4231).

BY OPLCo.: [Signature] OPL 1071343

16.2

(UTILITIES URG LOC CTR - WA) 02/12/93 13:05:27PT
 -0044 -1280 -3261 -5730
 037-ESQHF5PL 026-RELOCING 040-RSOLDPIPE 225-SWRUUSWEST
 REQUEST NO..93074342 TIME..13:03 DATE..02/12/93 COUNTY..WHATCOM.WA
 MUNICIPALITY....BELLINGHAM (INSIDE)
 STREET ADDRESS..3201 ARBOR CT
 Property Owner: C/O BELLINGHAM ///T38N R3E S28 6W CP PL8
 TYPE OF WORK....POTHOLING PIPELINE
 EXTENT OF WORK..LOCATE OLYMPIC PIPELINE R/W ON THE W SIDE OF WATER
 FILTRATION PLANT IN 3 LOCATIONS MARKED IN BLUE - INCL
 R/W AND EASEMENTS
 CALLER.....JAY
 TITLE.....FOREMAN
 START DATE..02/18 START TIME..8:00 A
 PHONE N.....676-6850
 L BACK...8-5
 CONTRACTOR..CITY OF BELLINGHAM
 ADDRESS.....2221 PACIFIC ST, BELLINGHAM ,WA 98225



2-18-93 Potholed OPL line in 3 places.
 Future 72" WATER LINE INSTALLATION.
 Will notify O.P.L.
 Ken Roberts

NOTE DIAGRAM OF CHANGE for O.P.L. line depth..

Ken.
 Exhibit Roberts #5

010718
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04-13-93 07:23AM

PO1

04.08.93 03:18 PM *OPL R. O. W. DEPT.

PO1

(UTILITIES URG LOC CTR - WA) 04/08/93 13:49:00PT
 -0044 -1280 -3261 -5730
 031-ESOHPSPL 024-RDLELOCINC 039-RSOHOLPIPE 558-SWRUUSWEST
 REQUEST NO..93154404 TIME..13:45 DATE..04/08/93 COUNTY..WHATCOM.WA
 MUNICIPALITY....BELLINGHAM (INSIDE)
 STREET ADDRESS..LAKEWAY DR/SILVER BEACH RD
 P/O:ACTUAL SITE IS IN WHATCOM FALLS PARK//T:38N, R:3E, S:28, Q:SW//CP-FLS
 TYPE OF WORK...ENGINEERING DESIGN//SITE IS AT CITY OF
 EXTENT OF WORK..BELLINGHAM WATER TREATMENT PLANT BUILDING IN WHATCOM
 FALLS PARK//LOCATE ENTIRE 200' BY 300' AREA W OF
 BUILDING, E OF TREE LINE, S OF ACCESS RD, N OF S END
 CALLER.....PETE HARRISON
LAND SURVEYOR
 DATE..04/12 START TIME..2:00PM
 PHONE N.....734-1144
 CALL BACK...7:15-4:30
 CONTRACTOR..CHRISTENSON ENGINEERING
 ADDRESS.....LAKEWAY DR/SILVER BEACH RD,BELLINGHAM ,WA
 OF BUILDING///INC R/W AND EASEMENTS

16.0

This is the design work for 72" water line. Flagged opt north of building, west side of bldg + s w corner.

✓ w/c at this time.

[Handwritten Signature]

4-12-93 @ 13:26

010720

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04-20-93 09:28AM

04.08.93 03:18 PM *OPL R. O. W. DEPT.

P08
P01

(UTILITIES URG LOC CTR - WA) 04/08/93 13:49:00PT
 -0044 -1280 -3261 -5730
 031-ESOHFSPL 024-RDLELOCINC 039-RSOHOLPIPE 558-SWRUUGWEST
 REQUEST NO.,93154404 TIME.,13:45 DATE.,04/08/93 COUNTY.,WHATCOM,WA
 MUNICIPALITY....BELLINGHAM (INSIDE)
 STREET ADDRESS..LAKEWAY DR/SILVER BEACH RD
 P/O:ACTUAL SITE IS IN WHATCOM FALLS PARK//T:36N, R:3E, S:28, Q:SW//CP-PLS
 TYPE OF WORK....ENGINEERING DESIGN///SITE IS AT CITY OF
 EXTENT OF WORK..BELLINGHAM WATER TREATMENT PLANT BUILDING IN WHATCOM
 FALLS PARK//LOCATE ENTIRE 200' BY 300' AREA W OF
 BUILDING, E OF TREELINE, S OF ACCESS RD, N OF S END
 CALLER.....PETE HARRISON
LAND SURVEYOR
 DATE..04/12 START TIME..2:00PM
 PHONE #.....734-1144
 CALL BACK...7:15-4:30
 CONTRACTOR..CHRISTENSON ENGINEERING
 ADDRESS.....LAKEWAY DR/SILVER BEACH RD,BELLINGHAM ,WA
 OF BUILDING///INC R/W AND EASEMENTS

16.0

✓ This is the design work for 72" water
 line. Flagged opt north of building, west
 side of Bldg + SW corner.

W/C AT this time.
 Ken Robert
 4-12-93 @ 13:26

010721
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BARRETT ACC. in Bellevue will draw up
 the plans and send a copy to O.P.L. ATTN:
 BOB BURNETT. PER: PETE HARRISON 4-14-93 @ 09:04

Ken Robert

0F-02-93 10:56AM

DE 25.93 02:29 PM *OPL R. O. W. DEPT.

P01

MP 16

(UTILITIES URG LOC CTR - WA) 05/25/93 13:48:31PT
 -0044 -1280 -3261 -5730
 022-ESOHPSFL 011-RDLOCING 029-RSDHOLPIPE 243-SURUUBWEST
 REQUEST NO..93222049 TIME..13:45 DATE..05/25/93 COUNTY..WHATCOM,WA
 MUNICIPALITY...BELLINGHAM (INSIDE)
 STREET ADDRESS..SILVER BEACH RD/LAKEWAY DR
 Property Owner: WHATCOM FALLS TREATMENT PLANT///PLS: T38N,R3E,S28
 TYPE OF WORK...EXPLORATION BORINGS
 EXTENT OF WORK..PLEASE MEET ON SITE ON START DATE AND TIME FOR LOCATE
 INSTRUCTIONS//PLEASE CALL IF UNABLE TO MEET
 CALLER.....JILL WHEELER
 TITLE.....GEOLOGIST
 START DATE..06/02 START TIME..9:00 AM
 PHONE N.....827-7701
 CALL BACK...8-5
 CONTRACTOR..ASSOC. EARTH SCIENCES
 ADDRESS.....911 5TH AV SUITE 100,KIRKLAND ,WA 98033

✓ Talked with Geologist on site. Flagged
 OPL line. She will keep equipment
 and borings + 6' from OPL.

N/c *[Signature]*

010724

6-2-93

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161

(UTILITIES URG LOC CTR - WA) 06/28/93 11:27:07PT
 -0044 -0550 -1280 -3261
 -5730 032-ESOHPSPL 022-RULELOCINC 027-RSONOLPIPE
 -SWRU

***** SHORT *****

REQUEST NO..93270757 TIME..11:26 DATE..06/28/93 COUNTY..WHATCOM,WA
 MUNICIPALITY....BELLINGHAM (OUTSIDE)
 STREET ADDRESS..LAKEWAY DR/SILVER BEACH RD

Property Owner: CITY OF BELLINGHAM WATER TREATMENT PLANT WORK IS DIRECTLY
 T. OF WORK....N OF ABOVE INTER/1/4 MI N ON SILVERBEACH.
 AT OF WORK..RD JUST B/4 PARK TURN L OF GRAVEL RD GO TO WATER
 TREATMENT PLANT PLEASE MEET AT TREATMENT PLANT
 AT 9:30 ON 06-29

CALLER.....BOB PRIDE
 TITLE.....PRINCIPLE
 START DATE..06/29 START TIME..9:30
 PHONE N.....455-9494
 CALL BACK...8-5
 CONTRACTOR..BARRETT COUNSOLTANT GROUP
 ADDRESS.....10800 NE 8TH FLR 7, BELLEVUE, WA 98004

✓ MET WITH BOB PRIDE ON SITE @ 09:45. ALL WORK
 WILL BE + 15' WEST OF OPL. LINE. NO CONFLICT.

6-29-93

Ken

4

1260* -3261* -5730* -ESOH*
 RDLE* 025-RSOH*OLPIPE -SWRUX
 -ORIG COPY- ICY-41 03/23/94 15:56:03PT
 REQUEST NO..94122971 TIME..15:34 DATE..03/23/94 COUNTY..WHATCOM,WA
 MUNICIPALITY....BELLINGHAM (INSIDE)
 STREET ADDRESS..3201 ARBOR CT
 PROPERTY OWNER:BELLINGHAM WATER FILTRATION PLANT AT WHATCOM FALLS
 TYPE OF WORK....NEW CONSTRUCTION
 EXTENT OF WORK..LOC 600' INTO LOT FROM NW CORNER OF LOT
 INCL R/W AND EASEMENTS
 CALLER.....GREG BURRESS TITLE.....SUPT
 START DATE..03/25 START TIME..3:45
 PHONE #.....738-6809 CALL BACK...
 CONTRACTOR..IMCO GENERAL CONSTRUCTION SELF NOTE...N/A
 ADDRESS.....4509 GUIDE MERIDIAN, BELLINGHAM, WA 98226

010702

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1280*
RDLE*

-3201*
-RSON*

-5730*
-SWRUX

057-ESOH*PSPL

-ADDT*L COPY- LLW-SO 04/25/94 16:31:17PT

REQUEST NO..94171210 TIME..14:49 DATE..04/25/94 COUNTY..WHATCOM,WA

MUNICIPALITY....BELLINGHAM (INSIDE)

STREET ADDRESS..3201 ARBOR CT

PROPERTY OWNER: CITY PLS U/K

TYPE OF WORK....EXCAVATING FOR PIPELINE

EXTENT OF WORK..LOC ENTIRE E SIDE OF TREATMENT PLANT INC R/W AND
EASEMENTS

CALLER.....CALVIN VANDERPOL TITLE.....FOREMAN

START DATE..04/27 START TIME..3:00

PHONE #.....738-0809

CALL BACK...7-5:30 M-TH

CONTRACTOR..IMCO GENERAL CONSTRUCTION

SELF NOTE...N/A

ADDRESS.....4509 GUIDE MERIDIAN, BELLINGHAM, WA 98226

010703

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~~-1230*~~
~~RDLE*~~

-3201*
-RSON*

-5730*
-SWRUX

003-ESOH*PSPL

-ADDT'L COPY- EAH-49 05/13/94 09:09:42PT

REQUEST NO..94202002 TIME..07:20 DATE..05/18/94 COUNTY..WHATCOM,WA
MUNICIPALITY.....BELLINGHAM (INSIDE) PREVIOUS REQ NO..94122971

STREET ADDRESS..3201 ARBOR CT

PROPERTY OWNER:BELLINGHAM WATER FILTRATION PLANT AT WHATCOM FALLS

TYPE OF WORK.....NEW CONSTRUCTION

EXTENT OF WORK..LOC 600° INTO LOT FROM NW CORNER OF LOT

INCL R/W AND EASEMENTS

CALLER.....GREG BURRESS TITLE.....SUPT

START DATE..05/20 START TIME..5:00

PHONE #.....735-0509

CALL BACK...

CONTRACTOR..IMCO GENERAL CONSTRUCTION

SELF NOTE...N/A

ADDRESS.....4509 GUIDE MERIDIAN, BELLINGHAM, WA 98220

REMOVED BY GREG B

010705

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-0550*
-ESOH*

-128U*
011-RDLE*LOCINC

-3201*
-RSOH*

-5730*
-SWRUX

**** ON SITE ****

FR -55 10/17/94 11:39:14PT

REQUEST NO..94420690 TIME..11:21 DATE..10/17/94 COUNTY..WHATCOM,WA

MUNICIPALITY....BELLINGHAM (INSIDE)

STREET ADDRESS..3201 ARBOR CT

PROPERTY OWNER:CITY OF BELLINGHAM /NO PLS// CITY WATER TREATMENT PLANT

TYPE OF WORK....INSTALLING FENCE

EXTENT OF WORK..CREW ON SITE /SEE JOHN AVENA FOR LOC INSTRUCTIONS
//ESPECIALLY CONCERNED ABOUT TELEPHONE CABLE

CALLER.....JOHN AVENA TITLE.....FOREMAN

START DATE..10/17 START TIME..1:00

PHONE #.....206-738-6809

CALL BACK...8-5

CONTRACTOR..IMCO GENERAL CONSTRUCTION INC

SELF NOTE...N/A

ADDRESS.....4509 GUIDE MERIDIAN, BELLINGHAM, WA 98220

010716

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... BELLINGHAM
... BELLINGHAM
... CALLER MISSED CALL FROM
... PLEASE CALL BACK ASAP

~~-1234*~~ -1230* -3261* -5730*
-RSOH*PSPL -ROLE* -RSOH* -SURUX
RVC-18 01/02/96 10:26:39PT
REQUEST NO..960100319 TIME..10:04 DATE..01/02/96 COUNTY..WHATCOM.WA
MUNICIPALITY....BELLINGHAM (INSIDE)
STREET ADDRESS..3201 ARBOR CT
Property Owner:CITY OF BELLINGHAM//PLS NA
TYPE OF WORK....EXCAVATING FOR VALVE
EXTENT OF WORK..PLEASE SEE BILL EVANS AT PLANT FOR LOCATE INFO.
CALLER.....CHRIS HART TITLE.....SUPER
START DATE..01/11 START TIME..10:00
PHONE #.....360-671-3936 CALL BACK...8-5
CONTRACTOR..IMCO GENERAL CONSTREUCTION SELF NOTE...N/A
ADDRESS.....4509 GUIDE MERIDIAN, BELLINGHAM, WA 98226

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MICHAEL G. MARTIN
FRANK R. SIDERIUS
ANNA M. ROBINSON
MICHAEL E. SIDERIUS

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