Appendix H

Ron Burt, Olympic – Interview and Deposition Transcripts
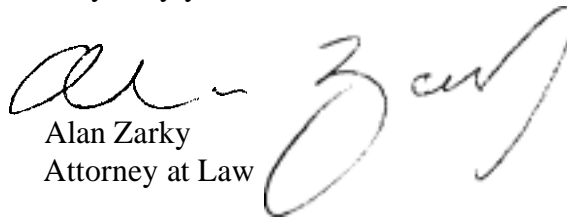
August 20, 2001

Allan C. Beshore
Investigator-In-Charge
National Transportation Safety Board
490 L'Enfant Plaza East S.W.
Washington, D.C. 20594-2000

      Re: Pipeline Rupture and Fire, Bellingham, Washington, DCA-99-MP-008

Dear Mr. Beshore:

     Mr. Burt has now reviewed the transcript from the interview that Safety Board investigators conducted on October 3, 2000. Enclosed is the corrected page. If you have any questions, please contact me.

          Very truly yours,

          Alan Zarky
          Attorney at Law

AZ:mp
Enclosure
cc: Ron Burt

1   him?

2   MR. BURT: Not that there was a weak spot in

3   the line.

4   MR. SAGER: What about the rupture?

5   (Pause)

6   MR. BURT: Well, I mean I believe the rupture

7   would have never happened if the line wouldn't have

8   been ~~leaking~~ weakened.

9   (Pause)

10   MR. SAGER: How long would you estimate as --

11   given your experience as a controller, how long do you

12   think it was between the time *of* the rupture and the

13   time that you and Kevin were aware there was a problem?

14   MR. BURT: I have no idea.

15   MR. SAGER: None?

16   MR. BURT: No. I mean it had to have been

17   some time while the computers were down so I don't know

18   what length of time that was. 30 minutes to an hour, I

19   guess.

20   MR. SAGER: That's all ▮ have. Thanks.

21   CHAIRMAN BESHORE: I think I want to just

22   follow up on one of your questions with maybe one

23   that's similar to one of your questions. In terms of,

24   I think, what we were trying to get at here was, was

25   there anything that could have been done to recognize

1   CHAIRMAN BESHORE: Let's go off the record

2   here, Ed.

3   (Pause)

4   INTERVIEW OF RONALD DAVID BURT

5   CHAIRMAN BESHORE: Mr. Burt, I'd like you --

6   my name is Allen Beshore. I'm with National

7   Transportation Safety Board. I'm the lead investigator

8   into the pipeline rupture and fire that occurred in

9   Bellingham in June of 1999. I want to thank you for

10   coming in today and answering a few questions that we

11   might have for you

12   We're going to start out. I'm going to ask

13   you some questions, and when I run out of questions or

14   when I need a moment to collect my thoughts I'm just

15   going to go ahead and we're going to go around the

16   table and each of these folks may have some follow-up

17   questions for you.

18   So I'd like for them to go around and

19   introduce themselves so that you know who they are and

20   who they -- who they're with.

21   MR. ZIMMERMAN: I'm Cliff Zimmerman. I'm an

22   accident investigator also with the National

23   Transportation Safety Board.

24   MR. SCHAU: I'm Jerry Schau. I'm with BP

25   Pipeline.

1   MR. PARRISH: I'm Johnny Parrish with Daniel,

2   formerly Brooks Petroleum -- or Fisher-Rosemont

3   Petroleum.

4   MS. IMHOF: I'm Patti Imhof with IMCO General

5   Construction.

6   MR. KATCHMAR: Peter Katchmar, U.S. DOT,

7   Office of Pipeline Safety.

8   MR. SMYTH: Geoff Smyth, City of Bellingham.

9   MS. PILKEY-JARVIS: Linda Pilkey-Jarvis with

10   Department of Ecology.

11   MR. BARBER: I'm Tony Barber with the U.S.

12   EPA.

13   MR. CASH: Jim Cash with the Safety Board.

14   MR. SAGER: Eric Sager with the Safety Board.

15   MR. ZARKY: And I didn't get all those. I'm

16   assuming that a transcript's going to --

17   CHAIRMAN BESHORE: Yes.

18   MR. ZARKY: -- everyone's presence, okay.

19   CHAIRMAN BESHORE: Yes. And Mr. Burt, you

20   h ve a epresentative with you here today. If he could

21   introduce himself?

22   MR. ZARKY: Alan Zarky, A-L-A-N, Z-A-R-K-Y.

23   CHAIRMAN BESHORE: And you have -- we have

24   your contact information --

25   MR. ZARKY: Yes.

1   CHAIRMAN BESHORE: -- with the reporter so

2   that'll be in the record.

3   If you could, just state your full name,

4   please?

5   MR. ZARKY: Maybe before we proceed the

6   record should reflect here, although I obviously have

7   the correspondence from you, the situation under which

8   **Mr.** Burt submits to testimony.

9   CHAIRMAN BESHORE: Okay. Do you have a COPY

10   of the --

11   MR. ZARKY: I --

12   CHAIRMAN BESHORE: We could identify that as

13   an exhibit if -- into the record.

14   (Pause)

15   CHAIRMAN BESHORE: Do you have additional

16   copies?

17   MR. ZARKY: I --

18   CHAIRMAN BESHORE: If you don't we can have

19   one made.

20   (Pause)

21   CHAIRMAN BESHORE: Okay.

22   MR. ZARKY: I'm not sure -- so maybe could

23   you make sure that you return the copy of those to me?

24   CHAIRMAN BESHORE: We'll just have -- what

25   we'll do is detach the compulsion order --

1   MR. ZARKY: Okay.

2   CHAIRMAN BESHORE: -- if that's okay?

3   MR. ZARKY: That's fine. I don't have

4 another copy of that.

5   CHAIRMAN BESHORE: And we'll identify that as

6 Burt Exhibit 1 for the record, and we'll -- we'll give

7 you the rest of that packet back.

8   (The document referred to was

9   marked for identification as

10   Burt Exhibit 1 and was

11   received *in* evidence.)

12   CHAIRMAN BESHORE: If you could just state

13 your full name --

14   MR. ZARKY: Well, that -- then I guess I'd

15 just like to make the link that the -- the Board has

16 ordered Mr. Burt to testify and the Exhibit 1 is the

17 order by which he's ordered to testify pursuant to 18

18 *USC* 6002.

19   CHAIRMAN BESHORE: Correct.

20   MR. ZARKY: Okay.

21   CHAIRMAN BESHORE: And then, should the

22 record --

23   MR. ZARKY: We're all Set.

24   (Laughter)

25   CHAIRMAN BESHORE: Ron, if you could just

1   give us your full name, please?

2   MR. BURT: Ronald David Burt.

3   CHAIRMAN BESHORE: And if you could, just

4   start and outline some of your -- your educational

5   background for us.

6   MR. BURT: High school diploma. I got a

7   business college degree from -- College of Business.

8   That's about it.

9   CHAIRMAN BESHORE: Is that an Associate of

10   Arts degree?

11   MR. BURT: No, it's a private business

12   school.

13   CHAIRMAN BESHORE: Okay. Let's go to your --

14   your role with -- with Olympic Pipeline. When --

15   when -- when were you hired and just kind of outline

16   what your -- your history with the company is?

17   MR. BURT: March of '86 I was hired into the

18   maintenance department and spent, I don't know, a

19   couple weeks there. Then they started training me to -

20   - in field operations. And I spent, I don't know,

21   roughly eight months or so in there, then started

22   training in the control center and have been in there

23   ever since.

24   CHAIRMAN BESHORE: Okay. So you went into

25   the control center in '87?

1   MR. BURT: Early '87, yeah.

2   CHAIRMAN BESHORE: Okay. And you've been in

3   there ever since?

4   MR. BURT: Yes.

5   CHAIRMAN BESHORE: Okay. Who do you report

6   to?

7   MR. BURT: Rick Roston.

8   CHAIRMAN BESHORE: Okay. As of June 10th of

9   1999, who did you report to?

10   MR. BURT: Ron Brentson.

11   CHAIRMAN BESHORE: Okay. Most of what I'm

12   going to ask you about is probably prior to June 10th

13   of 1999, so if that's not clear at any time just --

14   just ask me. But I think probably most of my questions

15   are going to be as of that point in time, so.

16   Let's just -- let's just go to the day of the

17   accident and what you can recall about -- about June

18   10th. Do you remember when you reported for duty that

19   day?

20   MR. BURT: Yeah, it was about 3:00 in the

21   afternoon.

22   CHAIRMAN BESHORE: What was your -- what was

23   your normal shift?

24   MR. BURT: Six at night to six in the

25   morning.

1   CHAIRMAN BESHORE: So why did you report

2   early for duty that night?

3   MR. BURT: The guy that was working needed to

4   get off early so I came in early for him

5   CHAIRMAN BESHORE: So you were -- were you on

6   duty then until six a.m. on the 1oth?

7   MR. BURT: Well, on the 11th.

8   CHAIRMAN BESHORE: No, I'm sorry. The

9   morning of the 10th, were you on duty till six in the

10   morning and then report back --

11   MR. BURT: Yes.

12   CHAIRMAN BESHORE: -- at three in the

13   afternoon?

14   MR. BURT: Correct.

15   CHAIRMAN BESHORE: And then you were on from

16   three in the afternoon on the 10th to six a.m. on the

17   11th?

18   MR. BURT: Correct.

19   CHAIRMAN BESHORE: I just wanted to make sure

20   I was clear on that.

21   Okay. So let's -- let's just start. When

22   you got to work what were your first -- first actions

23   when you came in at three?

24   MR. BURT: Sit down at the control center.

25   And the guy that had been running the line turned --

1   turned the shift over to me.

2   CHAIRMAN BESHORE: Who was that?

3   MR. BURT: Dave Smith.

4   CHAIRMAN BESHORE: And what kind of verbal

5   interaction did you have with Dave in terms of did he

6   fill you in on what was going on?

7   MR. BURT: Yeah, just, you know, who you're

8   pumping out of, who you're pumping to, that kind of

9   stuff.

10   CHAIRMAN BESHORE: Do you remember who that

11   was?

12   MR. BURT: I remember the Anacortes, one of

13   those refineries. I don't remember exactly which one.

14   CHAIRMAN BESHORE: And do you remember

15   which -- I mean you were -- I mean you were operating a

16   specific segment of the system, is that --

17   MR. BURT: Yeah.

18   CHAIRMAN BESHORE: -- correct understanding?

19   MR. BURT: I was operating the Anacortes to

20   Portland.

21   CHAIRMAN BESHORE: Okay. Could you just kind

22   of briefly describe to us what that consists of?

23   MR. BURT: The pipeline that runs from

24   Anacortes to Renton, then the 14-incher runs to

25   Portland.

1   CHAIRMAN BESHORE: Okay. And there were

2   basically two -- two sections of the system in terms of

3   -- of operation, is that correct understanding?

4   MR. BURT: Correct. There's two -- two

5   pipelines.

6   CHAIRMAN BESHORE: Okay. And can you just

7   briefly describe the other section that you were not

8   operating?

9   MR. BURT: I believe that day it was running

10 from the Arco Refineries to -- to Renton.

11   CHAIRMAN BESHORE: The Arco Refinery's in

12 Cherry Point?

13   MR. BURT: Correct.

14   CHAIRMAN BESHORE: Now, were you familiar

15 with both of the two systems?

16   MR. BURT: Yes.

17   CHAIRMAN BESHORE: And you -- did you operate

18 both systems on given days or --

19   MR. BURT: Yes.

20   CHAIRMAN BESHORE: Okay. So you were

21 familiar with both. Was there some routine?

22   MR. BURT: Basically, every other day we

23 switched.

24   CHAIRMAN BESHORE: Okay. So you switched.

25 Did you normally have the same co-worker on your -- on

1   your shift? Were you guys on the same schedule?

2   MR. BURT: Not the guy at 3:00, no. But at

3   six, my normal shift, that controller is who I

4   generally work with.

5   CHAIRMAN BESHORE: And who was that?

6   MR. BURT: Chris Herrera.

7   CHAIRMAN BESHORE: Okay. So Chris came in at

8   six?

9   MR. BURT: Correct.

10   CHAIRMAN BESHORE: And who did you replace?

11   MR. BURT: Kevin Divid.

12   CHAIRMAN BESHORE: So you were working with

13   Kevin from three to six?

14   MR. BURT: Correct.

15   CHAIRMAN BESHORE: And did Kevin leave at

16   six?

17   MR. BURT: I don't know if he left exactly at

18   six. I think he hung around for a while, but I -- I

19   don't know exactly when he left.

20   CHAIRMAN BESHORE: Okay. That -- we'll get -

21   - we'll get to that. I'm kind of getting ahead of

22   myself here a little bit.

23   So let's just kind of go through -- okay.

24   You -- you reported for duty, you got a brief hand-off

25   from -- from Dave, and then what did you -- what did

1   you do at that point on?

2   MR. BURT: Generally, if you sit down you,

3   you know, rough out all the batch changes you're going

4   to be doing for the day. There's a series of routine

5   things. Check the top of your sheets for -- to make

6   sure the -- the batches written up there are correct,

7   that kind of thing. I don't know. There's several

8   things you do.

9   CHAIRMAN BESHORE: Okay. So you were -- you

10   were -- you started out by doing these things?

11   MR. BURT: Yes.

12   CHAIRMAN BESHORE: And at some point in time

13   did you notice things were not normal?

14   MR. BURT: Yes.

15   CHAIRMAN BESHORE: What -- what -- what

16   happened?

17   MR. BURT: I don't remember exactly what

18   happened. I was putting in a set point in at one of

19   the stations and noticed that it wasn't -- the computer

20   wasn't responding.

21   CHAIRMAN BESHORE: Do you remember what

22   command you issued?

23   MR. BURT: I don't remember exactly what

24   command it was. It was a set point, close the control

25   valve a little bit or open it a little bit or something

1   like that. I don't remember exactly what it was.

2   CHAIRMAN BESHORE: Do you remember what

3   station it was?

4   MR. BURT: No.

5   CHAIRMAN BESHORE: What did you -- what did

6   you do at that point?

7   MR. BURT: You know, I -- the cabin that the

8   computers appeared to be, you know, not responding

9   correctly. And I got up and went into -- down the hall

10   and in the computer room to tell them.

11   CHAIRMAN BESHORE: How long would that take

12   to walk in there?

13   MR. BURT: Two seconds, two or three seconds.

14   CHAIRMAN BESHORE: And who was in there?

15   Anyone?

16   MR. BURT: Lloyd Tyken.

17   CHAIRMAN BESHORE: Was anybody else in the

18   computer room?

19   MR. BURT: Not that I could see.

20   CHAIRMAN BESHORE: What did you mention --

21   what'd you tell Lloyd at that point?

22   MR. BURT: I just opened the door real quick

23   and stuck my head in and told him that the computers

24   weren't responding right. And he said he'd look into

25   it.

1   CHAIRMAN BESHORE: Okay. YOU mentioned you

2 might have mentioned something to -- to Kevin. Did he

3 respond in any way?

4   MR. BURT: Not that I -- I can't remember

5 really responded, just kind of like, yeah, okay, you

6 know. Like he knew or I don't know. He didn't really

7 say he knew, but just, okay, he heard me type of thing.

8   CHAIRMAN BESHORE: So you didn't really have

9 a give-and-take conversation, it was just a comment --

10   MR. BURT: Right.

11   CHAIRMAN BESHORE: -- kind of thing? Okay.

12 And at what point -- at that point then what did you --

13 did you do at that point then?

14   MR. BURT: Then I went back into the control

15 center and went back to doing the routine stuff that we

16 usually always do when we first sit down.

17   CHAIRMAN BESHORE: Did you try and initiate

18 any more commands into the system?

19   MR. BURT: Not at that point I didn't.

20   CHAIRMAN BESHORE: You could tell what was --

21 was happening by what you could see visually on the --

22   MR. BURT: NO, it just, YoU know, just

23 appeared it was, you know, not -- not bringing us any

24 information back. It was just like it was frozen or

25 something

1   CHAIRMAN BESHORE: So you were -- did YOU --

2   were you -- were you looking at the screen to see if

3   the numbers were updating --

4   MR. BURT: Right.

5   CHAIRMAN BESHORE: -- what had happening, is

6   that --

7   MR. BURT: Correct.

8   CHAIRMAN BESHORE: Okay. And you don't

9   recall what Kevin was doing in this --

10   MR. BURT: No.

11   CHAIRMAN BESHORE: -- process?

12   MR. BURT: Mm-mm.

13   CHAIRMAN BESHORE: HoW far apart are YOU

14   guys?

15   MR. BURT: Anywhere from four to eight feet.

16   CHAIRMAN BESHORE: Do you have a lot of

17   routine contact throughout a -- a shift with your co-

18   worker or is that --

19   MR. BURT: Not -- not really to do if the

20   lines were running unless, you know, unless he has a

21   problem. Sometimes he'll ask. Generally, when you're

22   first sitting down you're pretty busy getting all the

23   stuff done to line out your shift for the day, and at

24   that point we hardly ever talk.

25   CHAIRMAN BESHORE: Okay. So in -- okay. All

1   right. So what happened at that point then after --

2   after that? Do you -- do you recall?

3   MR. BURT: The next thing I recall is it

4   appeared the computers were trying to fail over to the

5   backup system.

6   CHAIRMAN BESHORE: How did you notice -- make

7   -- what -- what -- what was happening that gave you

8   that -- that indication?

9   MR. BURT: They -- they go to like a -- a

10   vector screen. It's like a screensaver-looking deal.

11   And then they come back up.

12   CHAIRMAN BESHORE: Okay. So your display

13   screens are rebooting --

14   MR. BURT: Right.

15   CHAIRMAN BESHORE: -- more or less --

16   MR. BURT: Correct.

17   CHAIRMAN BESHORE: Okay. Did the -- did

18   things come back up at that point in time?

19   MR. BURT: It's like they -- it's like part

20   of the screens came back up. Some of 'em did and some

21   of 'em didn't. So it's like some of 'em rebooted and

22   some of 'em didn't.

23   CHAIRMAN BESHORE: Could you -- could you

24   tell when that screen came up what was happening on --

25   on, you know, the -- the section of pipeline you were

1   responsible for looking at?

2   MR. BURT: Well, I mean it appeared to still

3   be the same. I mean I was running a -- you know, it

4   was a pretty steady line so there wasn't really

5   anything changing.

6   CHAIRMAN BESHORE: Did you watch to see if

7   you could see the numbers being updated once that fail-

8   over happened or could you tell?

9   MR. BURT: Yeah, and I don't -- they weren't

10   updated at that point.

11   CHAIRMAN BESHORE: Did you try and issue any

12   commands or functions after that fail-over?

13   MR. BURT: No.

14   CHAIRMAN BESHORE: Okay. Then -- what

15   happened at that point after -- let me ask you this.

16   What kind of a time frame are we -- are we talking, do

17   you think? In terms of --

18   MR. BURT: From the time I first noticed?

19   CHAIRMAN BESHORE: Yeah. From the time you

20   got back to mentioning the problem to Lloyd maybe back

21   in?

22   MR. BURT: Oh, it -- maybe five minutes, I

23   think. I don't know. It wasn't very long.

24   CHAIRMAN BESHORE: Before you started to see

25   the fail-over?

1   MR. BURT: Yeah.

2   CHAIRMAN BESHORE: Okay. And then the

3   screens kind of came back up. What -- what happened at

4   -- you say part of 'em came back up.

5   MR. BURT: Well, some of 'em stayed on that

6   -- that vector thing, and some of 'em went to the

7   vector screen and then came back up to what -- what

8   they were supposed to fail over to.

9   CHAIRMAN BESHORE: Okay. And when you say --

10   are you talking about -- I guess you've got -- how many

11   monitors do you actually --

12   MR. BURT: Oh, it was like four.

13   CHAIRMAN BESHORE: Okay. So probably like

14   two monitors still had the screensaver --

15   MR. BURT: Yeah. I think it was about half,

16   yeah.

17   CHAIRMAN BESHORE: Can you change screens if

18   all -- monitors to look around to see if you could --

19   not at that point?

20   MR. BURT: No.

21   CHAIRMAN BESHORE: Okay. Then at -- then

22   what happened after that?

23   MR. BURT: Well, as they were trying to do

24   that fail-over, Lloyd came into the room and walked

25   around and took a look at 'em. And you know, I don't

1   know if he said anything or not. It seems like he said

2   something like, you know, don't issue any commands

3   right now until they come back up.

4   CHAIRMAN BESHORE: Okay.

5   MR. BURT: And then he seen that it wasn't

6   working and he went back to the computer room.

7   CHAIRMAN BESHORE: Did -- was Kevin there at

8   that point, too? Did he --

9   MR. BURT: Yes.

10   CHAIRMAN BESHORE: -- did he acknowledge that

11   instruction from Lloyd, if you recall?

12   MR. BURT: I don't recall him acknowledging

13   it.

14   CHAIRMAN BESHORE: Okay. But he was in there

15   when Lloyd came in?

16   MR. BURT: I -- I don't remember exactly for

17   sure if Lloyd actually said that or not, but that's

18   generally what they would tell us to do. That's

19   generally why we don't start flipping screens around.

20   CHAIRMAN BESHORE: Okay. But you didn't do

21   any --

22   MR. BURT: No.

23   CHAIRMAN BESHORE: -- anything -- okay. And

24   then -- and then -- then Lloyd left again?

25   MR. BURT: Yes.

1   CHAIRMAN BESHORE: And then -- then what

2   happened after -- after that?

3   MR. BURT: Then the next thing I remember

4   happening is the computers -- I can't remember if they

5   just continued that fail-over or if they failed over

6   again. One of the two happened. But they -- they

7   started work -- all the screens came back up and, you

8   know, we were able to see the pipeline. And it

9   appeared to be trying to work but real slowly.

10   CHAIRMAN BESHORE: What did -- what did you

11   do at that point? Did you -- could you tell what data

12   you were getting on your section of line?

13   MR. BURT: Yeah. I looked over my section of

14   line real quick, and sometime in that period Kevin had

15   left the control room so I brought his line up real

16   quick, just switched formats to take a look at his line

17   'cause he wasn't in there and noticed that, you know,

18   all his pumps were shut down except for a pump at

19   Woodinville.

20   CHAIRMAN BESHORE: Okay.

21   MR. BURT: So I -- I initiated that pump to

22   shut down. And the command went through but I never --

23   I never seen it -- any indication on the screen that

24   the pump actually shut down. And then at that point

25   Kevin walked back into the room just as I was doing

1   that, and I told him what I'd done, and he went back to

2   his line and I switched back to my line.

3   CHAIRMAN BESHORE: And yours seemed to be

4   fine? There was nothing unusual on your segment of --

5   MR. BURT: No.

6   CHAIRMAN BESHORE: -- the systems? Okay.

7   Then the -- at that point there would have been no

8   pumps running on Kevin's segment, is that correct? You

9   shut down the last --

10   MR. BURT: Well, I initiated the shut-down.

11   I don't -- I told Kevin, I said, I -- I initiated it to

12   shut down but I don't know for sure if the command went

13   through or what. It was like the computers were

14   running slow and the -- it went through but it hadn't

15   come back giving us a response that it had actually

16   shut clown.

17   CHAIRMAN BESHORE: Is there -- I mean is

18   there some kind of time frame that's normal for you --

19   I mean is that normally a quick process that you --

20   MR. BURT: Yeah.

21   CHAIRMAN BESHORE: -- an acknowledgement

22   right back that it's --

23   MR. BURT: Yeah, usually a few seconds.

24   CHAIRMAN BESHORE: Okay. And you -- how long

25   do you think you -- you observed that where you didn't

1   get back --

2   MR. BURT: Probably maybe five -- five to 10

3   seconds. And then Kevin walked in and he took it over,

4   so I switched back to keeping mine -- my line.

5   CHAIRMAN BESHORE: Okay. And do you -- do

6   you know -- and then -- okay. Let's go on with what --

7   what you started to do at that point on your -- your

8   line. Did you have anything that you needed to -- to

9   do or in terms of your system to prepare for something?

10   MR. BURT: No, nothing that required, you

11   know, putting a command through the computer. I

12   basically, you know, just kept an eye on it to see if

13   everything looked normal and -- and went back to doing

14   the paperwork I was doing.

15   CHAIRMAN BESHORE: Okay, So you didn't

16   really have any --

17   MR. BURT: I didn't have any changes coming

18   up right then.

19   CHAIRMAN BESHORE: Okay. So you -- you kind

20   of went back to your paperwork?

21   MR. BURT: Yes.

22   CHAIRMAN BESHORE: And did you -- did you

23   observe what -- what Kevin was doing at that point? Or

24   do you --

25   MR. BURT: No, I really don't know what Kevin

1   was doing. I was -- was doing -- you know, when you

2   first come in there and you're doing all that paperwork

3   you're pretty just focused on that. And unless he

4   comes over and grabs me and says, I need you to look at

5   this, you know, I pretty much just pay attention to

6   what I'm doing.

7   CHAIRMAN BESHORE: Did you -- did you, you

a   know, observe his -- his mannerisms at all? Did he

9   appear to be anxious about something? Could you tell?

10   MR. BURT: I couldn't tell.

11   CHAIRMAN BESHORE: And he didn't have any

12   verbal interaction with you at that point?

13   MR. BURT: Not that I can recall.

14   CHAIRMAN BESHORE: Okay. So that -- did

15   anybody else come into the control room in any of this

16   time frame, do you recall?

17   MR. BURT: I don't remember anybody coming in

18   but Lloyd, but you know, I've had people tell me they

19   came in but I don't remember that happening.

20   CHAIRMAN BESHORE: Did Lloyd came back in to

21   see if the computers were functioning okay after -- I

22   mean he came in the first time. We talked about that.

23   But did he come back in --

24   MR. BURT: I --

25   CHAIRMAN BESHORE: -- to look at --

1   MR. BURT: -- I believe he did, but I don't

2   -- I can't actually remember for sure if he did or

3   didn't, but I think he did.

4   CHAIRMAN BESHORE: Okay. So you don't recall

5   specifically --

6   MR. BURT: No.

7   CHAIRMAN BESHORE: -- any conversation with

8   him? You know, he didn't elaborate on what he'd found

9   or --

10   MR. BURT: No.

11   CHAIRMAN BESHORE: -- what he'd done or

12   anything like that?

13   MR. BURT: No.

14   CHAIRMAN BESHORE: Okay. And you're working

15   on your paperwork. At what point in time did something

16   else maybe happen?

17   MR. BURT: Well, the next thing I remember

18   is, you know, Kevin saying he was going to repressure

19   his line. And I don't know -- like I said, I don't

20   know if he's saying it to me or just saying it. A lot

21   of times they'll kind of talk to themselves as they're

22   running the line. But I heard him say that, that he

23   was going to repressure his line.

24   CHAIRMAN BESHORE: Had he -- had he left the

25   control room at any time between, you know, when you

1   went back to your paperwork and when he made that --

2   that comment?

3   MR. BURT: The only time I remember him

4   leaving is when I said before, before I'd brought his

5   line up and then he came back in at that point.

6   CHAIRMAN BESHORE: Okay. And once you --

7   once he came back in you don't recall him leaving again

8   --

9   MR. BURT: No.

10   CHAIRMAN BESHORE: -- prior *to* making that

11 comment that he was going to repressure his line?

12   MR. BURT: No.

13   CHAIRMAN BESHORE: Did you -- do you know if

14 he began to -- to do that?

15   MR. BURT: I didn't actually watch him do it,

16 but yeah, I mean he -- I believe he brought in the -- a

17 pump or something and began to repressure it.

18   CHAIRMAN BESHORE: Okay. So you -- you were

19 under the impression that he was beginning that -- that

20 process?

21   MR. BURT: *Yes*.

22   CHAIRMAN BESHORE: Had anybody entered the

23 control room at that point in time besides the two of

24 you that you can recall?

25   MR. BURT: Not that I remember.

1   CHAIRMAN BESHORE: So he didn't have -- as

2   far as you can -- I mean as far as you can recall, he

3   didn't have a conversation with a supervisor or

4   somebody like that about repressuring the pipeline?

5   MR. BURT: Not while we were in the control

6   center. Not that I know of.

7   CHAIRMAN BESHORE: Do you recall any -- any

a   -- him making any phone calls?

9   MR. BURT: I know earlier he'd been on the

10   phone quite a bit. I don't -- don't know who, but I

11   know he'd been on the phone.

12   CHAIRMAN BESHORE: Was that during the fail-

13   over and some of these other things or even prior to

14   that?

15   MR. BURT: No, it was during the fail-over

16   and, you know, most of the time he was in there he was

17   on the phone to somebody that I remember.

18   CHAIRMAN BESHORE: Was that common?

19   MR. BURT: Yeah.

20   CHAIRMAN BESHORE: So you -- you guys -- in

21   terms of your duties did spend quite a bit of time on

22   the phone?

23   MR. BURT: Yeah, there's always people

24   calling in with station checks or shippers calling in

25   or, you know, there's -- on day shift there's quite a

1   bit of phone traffic.

2   CHAIRMAN BESHORE: Was there -- when --

3   incoming calls for example, was there some delineation

4   between which of the two of you might answer the phone?

5   MR. BURT: Not really.

6   CHAIRMAN BESHORE: Which -- whoever was

I   available to answer just kind of picked up the phone?

a   MR. BURT: Right. And I don't -- you know, I

9   don't recall if the phone rang. I -- I don't remember

10   the phone ringing, so I don't know if he called out or

11   what.

12   CHAIRMAN BESHORE: Okay. All right. And

13   then at what point in time did you -- you become aware

14   that there may be more or something else unusual going

15   on?

16   MR. BURT: Well, the next thing I remember

17   happening is there was an alarm saying that something

18   like Ferndale number two shut down on low suction.

19   CHAIRMAN BESHORE: Okay. And that came --

20   did that come across your -- the bottom of your screen?

21   MR. BURT: Well, I seen it -- it does, but

22   generally, there's an alarm screen between us and

23   generally we look up there 'cause it's a lot bigger.

24   CHAIRMAN BESHORE: And there's an audible

25   alarm that actually goes off?

1   MR. BURT: Yes.

2   CHAIRMAN BESHORE: And that, I guess,

3   naturally would prompt you to look up at that screen,

4   is that --

5   MR. BURT: Yes.

6   CHAIRMAN BESHORE: -- accurate?

7   MR. BURT: Yes.

8   CHAIRMAN BESHORE: Do you remember any other

9   alarms?

10   MR. BURT: At that point, that's the -- the

11   only one I can remember happening.

12   CHAIRMAN BESHORE: And that one was, I'm

13   sorry, Ferndale shutting down on low --

14   MR. BURT: Yeah, I think it was -- I think it

15   was Ferndale -- one of the pumps shutting down on low

16   suction. It said not the station, just one of the

17   pumps.

18   CHAIRMAN BESHORE: Okay. All right. And

19   then -- let me -- let me ask you just in general. Can

20   you -- can either person monitoring either of the two

21   stations, can you see the entire system? Or -- I mean

22   in other words, if you -- when you -- when you pulled

23   up Kevin's pipeline, for example, to see where pumps --

24   and you noticed that no pumps were running except at

25   Woodinville, were you right at your own console on your

1 own screen? Or --

2   MR. BURT: Yes.

3   CHAIRMAN BESHORE: Okay. So you can access

4 all the information from the entire pipeline from

5 either work station?

6   MR. BURT: I can switch screens to access

7 either line, yes.

8   CHAIRMAN BESHORE: Okay. So you didn't have

9 to actually roll your chair over --

10   MR. BURT: No.

11   CHAIRMAN BESHORE: -- to Kevin's work

12 station? That's -- that was my -- that was my

13 question.

14   Okay. So what did -- what happened as a

15 result of this -- this alarm? Did you -- did you do

16 anything or was that --

17   MR. BURT: I didn't do anything. I just --

18 you know, Kevin didn't really say anything so I just

19 mentioned to him that if Ferndale went down on low

20 suction to make sure he'd seen the alarm. And you

21 know, again, he didn't -- I don't remember if he said

22 anything or not. But then I said something to him like

23 -- like, you know, I don't remember my exact words, but

24 it was something like, you know, that control valve up

25 there's been acting up, you know. It's been running

1   kind of slow, you know.

2   So I said something like that to him. I

3   don't remember exactly what. It was something like

4   that.

5   CHAIRMAN BESHORE: Was that -- and that was a

6   control valve at Ferndale?

7   MR. BURT: Yes.

8   CHAIRMAN BESHORE: Was that like a -- a

9   discharge and --

10   MR. BURT: Yes.

11   CHAIRMAN BESHORE: -- discharge -- excuse me.

12   A control valve on the discharge side coming out of

13   Ferndale?

14   MR. BURT: Yeah, but controls and discharge

15   our suction.

16   CHAIRMAN BESHORE: Okay. All right. And you

17   don't recall him, you know, acknowledging or responding

18   in any --

19   MR. BURT: Well, I think he -- he

20   acknowledged it somehow but he didn't really say

21   anything. You know, and then -- you know, then he

22   would have --

23   (Pause)

24   MR. BURT: He -- I don't know. I went blank

25   all of a sudden.

1   CHAIRMAN BESHORE: Did his mannerisms change

2   in any way? Did he -- did he seem to become under --

3   under more stress?

4   MR. BURT: He --

5   CHAIRMAN BESHORE: Or more --

6   MR. BURT: He seemed to be intently staring

7   at his screen. I mean like he wasn't -- like he put me

8   on ignore.

9   CHAIRMAN BESHORE: Okay. So he was -- he

10   seemed to be focused on whatever it was he was doing?

11   MR. BURT: Yes.

12   CHAIRMAN BESHORE: Not -- you don't really

13   know the details of all that, but he was focused on --

14   MR. BURT: Yes.

15   CHAIRMAN BESHORE: -- on what he was doing?

16   Appeared to be. Okay. And then let's -- let's just go

17   on then and --

18   MR. BURT: Well, --

19   CHAIRMAN BESHORE: -- what happened after

20   that?

21   MR. BURT: Well, basically, after I said that

22   to him he -- you know, I can't remember if he said, I

23   know, or acknowledged that the control valve wasn't

24   working right or whatever. But I brought his screen up

25   again 'cause -- I don't know why I did but I guess

1   'cause he was staring so intently at it I'm like,

2   "What's going on?"

3   So I brought his screen up again and I said

4   something to him like, well, Kevin, there ain't no

5   pressure at Ferndale. And he -- he just kind of

6   acknowledged and said, you know -- he didn't really say

7   anything again. He was just intently staring at it.

8   Then he -- he just kind of said, I think I got a

9   problem, I'm closing -- I'm closing all the block

10   valves. And then that's what he did, I assume.

11   CHAIRMAN BESHORE: Okay. So that -- when you

12   say you didn't notice any pressure at Ferndale, is that

13   on a suction, discharge?

14   MR. BURT: I don't remember. It was -- when

15   the stage -- when the pump went down on low suction

16   there was no pump running so it was across the board.

17   CHAIRMAN BESHORE: Okay. SO it was a

18   static --

19   MR. BURT: Right.

20   CHAIRMAN BESHORE: -- pressure at Ferndale --

21   MR. BURT: Right.

22   CHAIRMAN BESHORE: -- that you noticed?

23   MR. BURT: And I just -- I don't even

24   remember what the pressure was. I remember thinking

25   that it's low enough to where how could you run the

1   pump?

2   CHAIRMAN BESHORE: And you mentioned that and

3   he's immediate -- his immediate response was, you know,

4   I think I got a problem and I need to shut things down,

5   or was there some --

6   MR. BURT: Well, that basically shut it down

7   when that pump went down.

8   CHAIRMAN BESHORE: Okay.

9   MR. BURT: I mean that was -- except for the

10   booster pumps up Cherry Point and stuff, that was the

11   only thing running. And he just -- yeah, immediately.

12   Like, yeah, I need to shut -- I need -- I'm going to

13   close my block valves, then.

14   CHAIRMAN BESHORE: Yeah. I was -- I mean

15   what I was asking was between your -- you know, this --

16   this -- you noticing no pressure, you mentioning

17   something, and his response, I was just trying to --

18   MR. BURT: Oh, yeah. That was immediate.

19   CHAIRMAN BESHORE: I mean it was just an

20   immediate --

21   MR. BURT: Yeah.

22   CHAIRMAN BESHORE: -- right away? It wasn't

23   five minutes later or something?

24   MR. BURT: No. From -- I'd say from the time

25   that he got the alarm, you know, it was, you know,

1   within a minute or two. It wasn't very long.

2   CHAIRMAN BESHORE: And then he -- he said he

3   was -- do you know what he did to shut the -- the

4   system down? No pumps were running, I guess.

5   MR. BURT: He said -- he told me he was going

6   to close the block valves up there.

7   CHAIRMAN BESHORE: Okay. And -- and then

8   what did -- what happened at that point?

9   MR. BURT: Well, then Ron Brentson somewhere

10   right in that point walked into the room, and he went

11   over and was conferring with Kevin and they were -- I

12   don't know what they were doing. They were over at one

13   of the far screens, and it looked like they were

14   trendsing something up or doing something, but you

15   know, basically when Ron came in I went back to my

16   pipeline 'cause I figured he doesn't need my help if

17   Ron's there.

18   CHAIRMAN BESHORE: When Ron come -- came in,

19   did he -- did he appear like he knew already there was

20   some problem that he was checking into? Or did --

21   MR. BURT: No.

22   CHAIRMAN BESHORE: you know, Kevin say, hey

23   Ron, I need to look -- do you recall?

24   MR. BURT: I don't recall. He just -- I just

25   remember him coming in and I remember him -- him and

1   Kevin sitting over -- over at the far screen together

2   bringing trends or something up on it. I don't know

3   exactly what but something.

4   CHAIRMAN BESHORE: And you couldn't over --

5   you didn't overhear or --

6   MR. BURT: No.

7   CHAIRMAN BESHORE: -- their conversation?

8   You went back to your --

9   MR. BURT: I went back to my screens and

10   basically had my back to 'em.

11   CHAIRMAN BESHORE: Okay. And then it -- at

12   what -- I guess at that point did you -- did you think

13   you had a leak or what -- what were your thoughts going

14   through your -- through your head at that point, Ron?

15   MR. BURT: I didn't know what was wrong. All

16   I knew was, you know, -- I mean Kevin looked like he

17   thought something was wrong. **All** I knew was that there

18   wasn't much pressure up there and I was -- thinking

19   that, you know, what happened to the pressure? I mean

20   how could he run that pump?

21   CHAIRMAN BESHORE: What -- I mean what kinds

22   of thoughts of what-ifs were going through your --

23   through your head? Anything?

24   MR. BURT: Well, it all happened pretty

25   quick. You didn't really have time to have what-ifs.

1   I mean it's -- then the phone rang, and it was, --

2   CHAIRMAN BESHORE: Okay.

3   MR. BURT: -- you know, Rick Kiene on the

4   phone.

5   CHAIRMAN BESHORE: And you -- you answered

6   that call, is that correct?

7   MR. BURT: Yes.

8   CHAIRMAN BESHORE: And it was -- was Rick

9   that called in?

10   MR. BURT: Rick called in, and he said

11   something like, you know, I'm -- he wanted to know if

12   we had a pipeline up in Watcum Creek. You know, and I

13   said yes, and he said that he was up there -- I forget

14   what he said -- visiting a friend or something and that

15   he was above the -- the creek somewhere and that, you

16   know, he said it looked to him like the -- the creek

17   was full of gasoline. And so I -- I put him on hold

18   for a second and told Ron and Kevin that and then went

19   back on the phone with -- with him.

20   CHAIRMAN BESHORE: What were their -- what

21   was their response?

22   MR. BURT: Just -- I think Ron -- you know,

23   they'd already isolated the line by that time, I

24   believe. I mean they had -- I think they had the block

25   holes going closed, so I think at that point -- they

1 didn't really say anything to me. They just -- I think

2 Ron got up to go over and notify whoever, the manager

3 or somebody, I guess. He -- I believe he got up and

4 left the room to go tell somebody.

5   CHAIRMAN BESHORE: Ron Brentson did?

6   MR. BURT: I believe so.

7   CHAIRMAN BESHORE: Okay. What did you --

8 what did you report back to Rick? Any --

9   MR. BURT: I just went back to Rick and tried

10 to get some more details with exactly where he was and,

11 you know, and then Rick said that he was going to go

12 down towards the creek and see if he can see where the

13 source was coming from. And then we kind of hung up

14 the phone. And I can't remember if it hung or -- it

15 seems like he got cut off somehow 'cause I think he was

16 on a cell phone.

17   CHAIRMAN BESHORE: Okay. So at that point in

18 time it was just you and Kevin now back in the control

19 room? Ron Brentson had left?

20   MR. BURT: Yeah. I can't remember exactly

21 when he left, if he left -- sometime right in there

22 he'd left the control center

23   CHAIRMAN BESHORE: Okay. And what happened

24 at that point in time?

25   MR. BURT: Nothing, really. We just kind

1   of -- I kept monitoring my line and Kevin was still

2   busy trying to trend things up. We didn't really talk

3   about anything. And then Rick called back, you know,

4   and said he was -- I don't know what he said. He said

5   he was down closer to the creek or something. Then he

6   said he'd seen it ignite, and he was basically running

7   trying to get up the hill away from the creek.

8   CHAIRMAN BESHORE: Okay. And you answered

9   that call too, right?

10   MR. BURT: Yes.

11   CHAIRMAN BESHORE: Okay. So you were -- he

12   was on the phone with you, I guess, when it ignited,

13   more or less?

14   MR. BURT: Yes.

15   CHAIRMAN BESHORE: So he got -- he was

16   evacuating the area?

17   MR. BURT: Yeah.

18   CHAIRMAN BESHORE: Okay. And then you --

19   were you still on the phone with him when you reported

20   that on into home? Or what happened at that point I

21   guess is my question.

22   MR. BURT: He -- he stayed on the phone while

23   he was trying to run up this hill, I guess. It sounded

24   like it was a hill. I mean he was breathing pretty

25   hard. And then, you know, I don't know -- I don't know

1   what happened. The phone hung up or something or I

2   told him to get off it and get out of there. I -- I

3   can't remember exactly what happened, but you know,

4   basically then -- then things are kind of -- I don't

5   even remember what happened. I mean the room was

6   filling full of people and, you know, we were making a

7   lot of phone calls to get operators out and notify the

8   chief of that area and lots of stuff like that.

9   CHAIRMAN BESHORE: Okay. So were you -- were

10   you making phone calls then to -- I mean --

11   MR. BURT: Yeah. I was making 'em. I -- I

12   think Kevin was making 'em, too. I don't know who

13   else. I think Ron was back in the room by then. I

14   think he just went out long enough to notify somebody

15   and then came back in. And I don't remember for sure

16   if he -- I can't remember if he left the room to notify

17   somebody or if he called 'em on the phone or what, but

18   it seems like he left the room and came right back in.

19   CHAIRMAN BESHORE: And that was -- was that -

20   - that was right after they, I guess, determined that

21   you -- they had -- you guys had a leak?

22   MR. BURT: That was right after Rick called,

23   yeah, the first time.

24   CHAIRMAN BESHORE: Okay. So --

25   MR. BURT: Somewhere in there.

1   CHAIRMAN BESHORE: -- you think he went off

2   to notify people and you know -- don't know who but --

3   MR. BURT: No. I -- yeah, I don't know who.

4   I assume Frank and it seemed like -- I can't remember.

5   I don't know. I can't remember, but it seemed like all

6   of a sudden there was a lot of people coming in. I

7   don't remember who came in or who didn't.

8   CHAIRMAN BESHORE: Okay. Have you -- have

9   you ever reviewed the event log from the -- the day of

10   the accident from this time frame at all since the

11   accident?

12   MR. BURT: No.

13   CHAIRMAN BESHORE: Do you -- let me -- let me

14   go back to kind of to where we -- and just kind of ask

15   you a little bit about if you were to restart the

16   pipeline for -- okay. Let's -- let's go -- you noticed

17   all the pumps were shut down and then you shut down the

18   Woodinville pump, okay?

19   MR. BURT: Mm-hmm.

20   CHAIRMAN BESHORE: Let's just go and say this

21   is a hypothetical and you're the one looking at this

22   section of -- of pipeline. You know, what -- what

23   would you do to start checking into what might have

24   happened and -- and go about restarting the pipeline

25   and how would that process work?

1   MR. BURT: I don't know. A lot of that just

2   depends on what Kevin was seeing. I -- I would assume

3   he normally -- you'd normally go through your, you

4   know, alarms that had been coming in and -- 'cause when

5   the computer came back up, I mean there was a lot of

6   alarms coming in. It was like it was processing a lot

7   of alarms. You know, generally then, I guess if you

8   think everything looks okay you'd start -- start the

9   little pump up there and start to repressure it.

10   CHAIRMAN BESHORE: Did you see any of those

11   -- those alarms when you looked at the --

12   MR. BURT: I --

13   CHAIRMAN BESHORE: -- at the screen at all?

14   MR. BURT: Nothing that I remember. I just

15   remember pages and pages of alarms cycling through

16   there. I mean they were going through so fast you

17   couldn't hardly even read 'em.

18   CHAIRMAN BESHORE: Okay. And you didn't go

19   in and try and read all of 'em or look into 'em or --

20   MR. BURT: Just the ones I was bringing up

21   because to -- to acknowledge alarm you have to go to a

22   station. And I was going to the different stations on

23   my pipeline that, you know, might have given out an

24   alarm and seeing if anything was wrong there and

25   acknowledging that.

1   CHAIRMAN BESHORE: Okay. So you -- you go

2   station by station then, more or less? You pull up

3   that screen for the station, for example, and then

4   you -- you may have four or five alarms at that

5   station?

6   MR. BURT: You may, but I don't remember

7   having hardly any alarms 'cause my line had been, you

8   know, running normal.

9   CHAIRMAN BESHORE: Okay. So most of these

10   alarms were on his -

11   MR. BURT: Yeah. You get a lot of alarms any

12   time a pump shuts down or a valve closes or anything

13   like that.

14   CHAIRMAN BESHORE: What about -- what about

15   communication failures? Do they show up as an alarm?

16   MR. BURT: Yes.

17   CHAIRMAN BESHORE: And that does the same

18   thing? That -- that beeps and shows up as an alarm on

19   your joint screen?

20   MR. BURT: Yes.

21   CHAIRMAN BESHORE: Okay. All right. Let's

22   just -- let's just -- and I'm -- I'm not asking, I

23   guess, specifics about this -- this day now. I'm kind

24   of in more of a general mode. You would -- you would

25   be reviewing those alarms and from those various alarms

1   then you could hopefully get a handle on what had

2   caused those -- those pumps to -- to shut down and kind

3   of -- is that how you would approach that?

4   MR. BURT: Yeah. And at the time it seemed

5   like the -- you know, I don't -- I don't know if the

6   alarms were, you know, were right. I mean the

7   computers were down. I don't know if they were just --

8   I don't know. It's hard to explain. I mean they

9   didn't -- I didn't really go through 'em, so they --

10   yeah, generally, I would -- I would go through the

11   alarms and make sure there's nothing there.

12   CHAIRMAN BESHORE: And you're not sure if

13   there wasn't, you know, extra alarms that really had no

14   significance just because there were computer problems?

15   You just -- you just don't know?

16   MR. BURT: I don't know.

17   CHAIRMAN BESHORE: Okay. Let's -- and let's

18   go into the -- into the restart type sequence and kind

19   of walk me through that. You checked your alarms and

20   now you're comfortable that you understand what

21   happened and why -- I'm assuming you would check the

22   alarms and want to be comfortable that you knew what

23   happened to bring the system down before you tried to

24   start it back up, is that a correct assumption?

25   MR. BURT: Yeah. I don't know if the alarms

1   necessarily tell you what brought the computer down

2   You know, they're just basically telling that, you

3   know, this pump shut down, you know, such a discharge

4   valve cycle, whatever. That kind of thing.

5   CHAIRMAN BESHORE: Okay. Yeah. I wasn't

6   talking about the computer going down. I was talking

7   about the system --

8   MR. BURT: Oh, the line?

9   CHAIRMAN BESHORE: -- pipeline going down.

10   MR. BURT: Okay. Well, yeah, that's what I

11 -- that's what I would generally do.

12   CHAIRMAN BESHORE: Okay. But you -- you

13 would -- okay. Maybe -- maybe I -- maybe I didn't have

14 a clear enough question there. You would want to be

15 comfortable -- maybe -- maybe -- maybe -- would you

16 want to be comfortable knowing what caused the line to

17 shut down? Would that be important to you to restart

18 it?

19   MR. BURT: Yes.

20   CHAIRMAN BESHORE: And you would definitely

21 want to make sure, I would assume, or would you, that -

22 - I guess maybe you wouldn't fully understand why it

23 went down, but you would want to make sure that there

24 wasn't some problem before you start it back up? *Am*

25 I -- am I talking two different things or am I talking

1 about the same thing?

2   MR. BURT: No, I -- I would want to do that,

3 yes.

4   CHAIRMAN BESHORE: Okay. And would you

5 normally bring this to -- to Ron's attention, Ron

6 Brentson, before you were to restart your line? Is

7 that something you would need to bring to your

8 supervisor's attention?

9   MR. BURT: I don't -- I think -- I guess that

10 just depends on if you felt you knew why it shut down

11 or not.

12   CHAIRMAN BESHORE: Would you bring it to his

13 attention?

14   MR. BURT: Today I would.

15   CHAIRMAN BESHORE: Okay. I guess -- I don't

16 want to mischaracterize your answer. At that point in

17 time you might bring the line back up or you -- I mean

18 with or without, depending upon what you found during

19 your assessment?

20   MR. BURT: Yes.

21   CHAIRMAN BESHORE: You wouldn't necessarily

22 feel obligated in which case to get his approval before

23 you restarted the line as of June 10th in your own

24 mind?

25   MR. BURT: Yeah, it depended on what you

1   found.

2   CHAIRMAN BESHORE: Okay. And then just --

3   let's just go through the process of starting the line

4   back up. How do you -- what's your -- what's your --

5   where do you start? What do you look at?

6   MR. BURT: Generally, you start it -- you

7   call Arco. We don't have control of their boosters.

8   So you'd call Arco and have 'em bring on a booster

9   pump. And then you'd bring on the Cherry Point pump.

10   And then you'd bring on the pump at Ferndale.

11   CHAIRMAN BESHORE: What are you looking at as

12   you're bringing these pumps on line?

13   MR. BURT: You're watching the flow rate and

14   the pressure coming on down the line at that point.

15   CHAIRMAN BESHORE: Okay. SO you're looking -

16   - for example, you start the Cherry Point up?

17   MR. BURT: You're looking for pressure to get

18   Ferndale --

19   CHAIRMAN BESHORE: You're looking at

20   discharge at Cherry Point and you're looking at the

21   suction at Ferndale?

22   MR. BURT: Suction at Ferndale.

23   CHAIRMAN BESHORE: And then when you're

24   seeing pressure at Ferndale?

25   MR. BURT: You would bring another pump

1   there.

2   CHAIRMAN BESHORE: And then you just move on

3   down the line?

4   MR. BURT: Yeah.

5   CHAIRMAN BESHORE: Okay. If -- if you're in

6   the process -- and this may not even be a -- a fair

7   question, but are you looking at pressure ranges, for

8   example, if you start at Cherry Point and then

9   Ferndale, you know, is there a range of pressure you're

10   expecting to see at Bayview?

11   MR. BURT: At Bayview?

12   CHAIRMAN BESHORE: Well, yeah. If you bring

13   up Cherry Point.

14   MR. BURT: Yeah.

15   CHAIRMAN BESHORE: YoU know, your pressure

16   builds at Ferndale, then you bring up Ferndale, then

17   you're going to see a pressure at Bayview at some point

18   coming into Bayview, right?

19   MR. BURT: Yeah.

20   CHAIRMAN BESHORE: Is there a range of

21   pressure you're looking for there that would make sense

22   to you as you're starting the line back up?

23   MR. BURT: Yeah. Not -- not necessarily at

24   Bayview because, I mean, basically, you're packing the

25   whole line unless you've got valves closed.

1   CHAIRMAN BESHCRE: Okay. So you're looking

2   at the pressure on past Bayview?

3   MR. BURT: I mean I -- you know, I'd be

4   looking at, you know, Bayview just watching the

5   pressures coming up as it should. I mean I don't look

6   for a particular pressure.

7   CHAIRMAN BESHCRE: Okay. SO you're not

8   looking for a particular pressure at Bayview. Are you

9   looking on down the stream?

10   MR. BURT: Just -- you know, I'm looking for

11   a particular pressure to, you know, just to come up and

12   hold. And then when it comes up to a certain amount

13   then, you know, you'd be bringing on another pump.

14   CHAIRMAN BESHCRE: Is there some number

15   that --

16   MR. BURT: Well, generally, if --

17   CHAIRMAN BESHCRE: -- you'd be looking for?

18   MR. BURT: Well, generally, at Bayview you'd

19   be probably looking at it at Allen because that's the

20   next -- you know, Bayview's just kind of a booster --

21   little booster pump. So generally, if you're going to

22   start up the whole line you're going to be watching the

23   pressure at Allen, and then when you get enough

24   pressure you can bring on a pump there.

25   CHAIRMAN BESHORE: Would you bring on that

1   pump before you brought on the booster at Bayview?

2   MR. BURT: Generally.

3   CHAIRMAN BESHORE: Okay. And what -- all

4   right. What would -- what would a normal -- what would

5   a normal inlet pressure at Bayview be?

6   MR. BURT: I don't know. With a normal --

7   normal shutdown, probably, I don't know, three or four

8   hundred pounds maybe.

9   CHAIRMAN BESHORE: Okay. I guess it depends

10   -- and it -- and I realize that it depends on how your

11   line's configured and all that kind of thing, but I was

12   just wondering if when your line's running and you're

13   pumping -- pumping product -- say you've got Bayview

14   running as --

15   MR. BURT: Oh, while it's running?

16   CHAIRMAN BESHORE: What kind of normal --

17   MR. BURT: It -- it depends.

18   CHAIRMAN BESHORE: -- inlet -- is it going to

19   vary considerably? Or is there some --

20   MR. BURT: It's going to vary.

21   CHAIRMAN BESHORE: -- range there that's --

22   MR. BURT: No, it varies quite a bit, you

23   know. If you're going into Renton DF it seems like the

24   pressure was pretty low at Bayview. And if you're

25   going into Seattle and Field it'd be, you know, quite a

1   bit of pressure there. I mean it varies quite a bit.

2   CHAIRMAN BESHORE: Okay. Now, as a

3   controller you're also -- you're also operating or

4   introducing a drag-reducing agent, is that -- is that

5   correct?

6   MR. BURT: Yes.

7   CHAIRMAN BESHORE: Now, is that -- is that

8   something that -- do you guys have guidelines on when

9   you're -- when you're interjecting the drag-reducing

10   agent and when you -- when you quit? Is there

11   something that tells you when to do these things?

12   MR. BURT: Just as far as what product we can

13   put it into and what product we can't.

14   CHAIRMAN BESHORE: Okay. *You* can't put it

15   into jet fuel?

16   MR. BURT: Correct.

17   CHAIRMAN BESHORE: The other products you can

18   put it into?

19   MR. BURT: Yes.

20   CHAIRMAN BESHORE: But I guess I'm -- I'm --

21   my question's a little more maybe -- maybe general than

22   that. In terms of -- is there guidance on when you

23   should be injecting drag-reducing agent?

24   MR. BURT: Just -- nothing -- just history

25   type of guidance of when we need it and when we think

1   we don't. There's nothing to say you -- you will it in

2   here, you won't put it in there.

3   CHAIRMAN BESHORE: Okay. So you're -- you're

4   -- you're looking at your pressure profile and, you

5   know, you're -- maybe you're packing a little bit of

6   something. You may decide *to* interject or inject,

7   excuse me, a drag-reducing agent?

8   MR. BURT: Yeah. Or a lot of times it's

9   based on, you know, what are you going to be doing in

10   eight hours? Because it takes a while for that stuff

11   to react.

12   CHAIRMAN BESHORE: Would it -- is there

13   normally -- in your preference, is it normally

14   something to -- to be injecting as much as possible?

15   MR. BURT: Not as much as possible. Just as

16 much as you think you need to -- to go the rate.

17   CHAIRMAN BESHORE: Okay. If you're -- if

18   you're -- switching, for example, from Renton to --

19   to -- what's the -- the Arco refinery? If you're

20   switching into the Arco refinery, is that something

21   you're going to reduce the injection of drag-reducing

22   agent to make that switch?

23   MR. BURT: No, the refineries don't really

24   have anything to do with it. You know, it's -- it's --

25   it's used more than -- I mean it's used on the main

1 line more than anything. It's used on the other lines

2 a little bit -- than the -- it doesn't have anything to

3 do with really what refinery you're coming out of.

4   CHAIRMAN BESHORE: No, I was thinking in

5 terms of -- more in terms of what you're delivering

6 into. Well, yeah, what I'm getting at is if you're

7 switching delivery locations, is -- you know, is there

8 some procedural reason why you would quit -- quit

9 injecting the drag-reducing agent?

10   MR. BURT: None except for turbine fuel

11 coming.

12   CHAIRMAN BESHORE: Okay. All right. So you

13 would stop if you got jet coming down --

14   MR. BURT: Yes.

15   CHAIRMAN BESHORE: Well, what happens when

16 you quit injecting the drag-reducing agent?

17   MR. BURT: Over a length of time the pressure

18 starts building.

19   CHAIRMAN BESHORE: Is that a fairly quick

20 process or does it take some period of time?

21   MR. BURT: It takes quite a while.

22   CHAIRMAN BESHORE: NOW. you -- YOU -- you've

23 been a -- been a controller for a long time. Let's go

24 back to, if we could, to -- just a couple general

25 questions. When -- when repairs are made to the

1   pipeline, how -- how do the controllers -- how do the

2   controllers know that a potential repair's going to be

3   made? Is there a line outage sheet that you guys are

4   given? I mean how does that process work where you're

5   notified of potential line that's being shut down?

6   MR. BURT: You mean like a line's going to be

7   shut down so a repair can be made, something like that?

8   CHAIRMAN BESHORE: Right, right. A scheduled

9   repair, not a -- not an emergency repair.

10   MR. BURT: Generally, there's a -- a write-

11   up, I guess, made on it and given to us. It depends on

12   what the repair is, though. Sometimes, you know, they

13   just say, you know, we're going to do this repair. If

14   it's anything lengthy that, you know, has something to

15   do with how they want us to shut the line down, that

16   kind of thing, then they'll give us a write-up on it.

17   CHAIRMAN BESHORE: Okay. I'm not -- I'm not

18   making my -- my questions very clear, and I apologize

19   for that. And it depends on the -- the type of repair,

20   I'm sure, that's going to be made, but if the line is

21   going to be taken down and place out of service, is

22   there some form that's generated that comes in to you

23   all or is that just -- you're told by the paperwork at

24   the beginning of your shift, for example, that the

25   line's going to be shut down at 400 -- 4:00 to do this?

215

1   MR. BURT: Yeah, it'll -- it'll say on the

2   schedule it's going to be shut down. Generally, we'll

3   get a -- you know, ahead of time an e-mail that, you

4   know, in two or three days this work's going to be

5   done. But there's not an actual form that I can think

6   of that's filled out and sent to us.

7   CHAIRMAN BESHORE: Okay. Do you know -- do

8   they -- do they -- and maybe you don't know, but do

9   they shut the line down to fill in sleeves -- repair

10   sleeves on the pipeline?

11   MR. BURT: I don't know. If -- I don't know.

12   It seems like a lot of that stuff they don't shut down

13   but they reduce pressure. I don't know exactly what

14   they do that for and what they don't.

15   CHAIRMAN BESHORE: Okay. And for a pressure

16   reduction, obviously, you guys are aware that they --

17   you have to reduce the pressure on a certain section?

18   MR. BURT: Yes.

19   CHAIRMAN BESHORE: And then you -- you

20   configure the system however you have to for the

21   pressure reduction, correct?

22   MR. BURT: Yes.

23   CHAIRMAN BESHORE: Okay. Let's talk about a

24   couple of -- of -- of issues around -- around Bayview

25   Station and the installation of the facility. And did

1   you have any -- any input in the design of the

2   facility?

3   MR. BURT: No.

4   CHAIRMAN BESHORE: Did you notice any changes

5   in operations or any additional concerns once the

6   facility was commissioned?

7   MR. BURT: There was concerns about the

8   reduction of pressure that we were allowed to go

9   through Bayview with.

10   CHAIRMAN BESHORE: Okay. Because of the

11   design and the -- the valves being -- the facility

12   being rated to a lower pressure, is that what you're --

13   MR. BURT: Yes.

14   CHAIRMAN BESHORE: Okay. Did -- did these

15   concerns -- I mean how did those concerns manifest

16   themselves operationally? Did you -- did you have some

17   problems trying to operate the pipeline as a result of

18   the facility?

19   MR. BURT: Yeah, there were -- you know,

20   there was a more shut-downs due to it probably until we

21   learned what we could do and what we couldn't do, I

22   guess.

23   CHAIRMAN BESHORE: By shut-downs, are you

24   talking about the block valve in the Bayview closing?

25   MR. BURT: Yes.

1   CHAIRMAN BESHORE: And did that happen to you

2   while you were operating the system at some point in

3   time?

4   MR. BURT: I don't really recall. I mean I'm

5   sure it did but I don't remember it happening. Most of

6   the time that Bayview was running I was training

7   somebody and we most of the times went away from it. I

8   went to -- you know, basically went to the line that

9   didn't involve Bayview.

10   CHAIRMAN BESHORE: Oh, okay. You were

11   training somebody else so --

12   MR. BURT: Yes.

13   CHAIRMAN BESHORE: -- when you were doing

14   that training you wanted to train them on the other

15   part of the system?

16   MR. BURT: Yeah, I wanted them to, you know,

17   become familiar with the paperwork and the other stuff

18   before they got involved with Bayview.

19   CHAIRMAN BESHORE: Was that because Of some

20   additional operational difficulties that were going on

21   with Bayview?

22   MR. BURT: Yeah

23   CHAIRMAN BESHORE: Okay. 'Cause it was -- it

24   was hard to learn, I guess?

25   MR. BURT: Sure.

1   CHAIRMAN BESHORE: Did -- and there were

2   several e-mails, and I -- I have 'em if we want to talk

3   about 'em, but my questions are -- are general, I

4   think. And concerning a control valve issue at

5   Bayview, are you familiar with that -- with that issue

6   in terms of control valves and such and set pressures?

7   MR. BURT: I don't -- you know, I heard

8   things about control valves fighting each other and

9   stuff, but I don't sound familiar with it.

10   CHAIRMAN BESHORE: Okay. Let's back up, I

11   guess, to valve -- the valve closing, the block valve

12   at Bayview. You don't recall a specific time that that

13   happened to you while you were operating the system

14   or -- or do you?

15   MR. BURT: I don't recall an exact time, but

16   I'm sure it must have happened. But I don't -- I can't

17   -- I can't picture, yeah, this happening this date.

18   CHAIRMAN BESHORE: Well, I guess my -- my

19   question was if you could recall what was -- what was

20   going on at the time on the system that you were doing

21   that -- when this happened?

22   MR. BURT: I don't remember. It seems like,

23   you know, Bayview depleted Allen Station on a power

24   bump or something like that. You know, send a surge of

25   pressure that would close that valve, something like

1   that. I don't recall exactly, though.

2   CHAIRMAN BESHORE: Now, did you -- did YOU

3   guys discuss these -- these concerns amongst -- amongst

4   the controllers? I mean was this something that was

5   verbalized between you all?

6   MR. BURT: Yeah, we -- yeah, I'd say we

7   discussed it.

8   CHAIRMAN BESHORE: I mean did ever -- all the

9   other -- the controllers that you discussed it with

10   share -- I mean was this a universal concern amongst

11   the folks that --

12   MR. BURT: Yes.

13   CHAIRMAN BESHORE: Did others share with your

14   their experiences when the valve closed and what they

15   were trying to do?

16   MR. BURT: I'm sure they did, but I don't

17   remember any incidences or exact conversations about

18   that.

19   CHAIRMAN BESHORE: Okay. SO you don't recall

20   the specific times or when this happened or what was

21   going on?

22   MR. BURT: Not really, no.

23   CHAIRMAN BESHORE: Did -- did you guys -- did

24   you, I guess, ever report this to -- to anybody in

25   terms of it was a concern of yours?

1   MR. BURT: Again, I don't remember any exact

2   incidences but I'm -- seems like, yeah, I'd report it

3   to Ron Brentson when he came in the room if I'd had a

4   problem with it.

5   CHAIRMAN BESHORE: Did you send him an e-mail

6   at any point? Do you recall that?

7   MR. BURT: I don't think I did. I think it

8   was more just telling him this is what happened, you

9   know, that kind of thing.

10   CHAIRMAN BESHORE: Would -- I mean would -- I

11   guess would you view this as kind of a big concern?

12   MR. BURT: It was -- it was a concern because

13   it was uncomfortable to operate, but I wouldn't have

14   felt -- I -- I didn't feel like it was a dangerous

15   concern.

16   CHAIRMAN BESHORE: Okay. But in terms of

17   operations, I mean when this -- when this upset

18   happened and this valve closed, I mean it causes --

19   doesn't it cause a controller kind of some grief --

20   MR. BURT: Oh, sure.

21   CHAIRMAN BESHORE: -- in terms of what you've

22   got to go through to get back on line and stuff?

23   MR. BURT: Yes.

24   CHAIRMAN BESHORE: Okay. So that's your --

25   that's what you characterized, I guess, is discomfort

1   or whatever as -- operationally but not necessarily

2   safety?

3   MR. BURT: Yes.

4   CHAIRMAN BESHORE: Did you have any other

5   operational concerns with the -- the Bayview facility

6   that you can think of that come to mind now?

7   MR. BURT: Not that I can -- I can think of

8   except just that it was, you know, it was different.

9   It was something we weren't used to so you had to

10   really think about what you were going to do every

11   time.

12   CHAIRMAN BESHORE: Were you given guidance on

13   the differences in, you know, Bayview as opposed to

14   what you were normally used to in operations? I mean

15   did you receive training?

16   MR. BURT: You know, there was some, you

17   know, blueprints on the wall we can look over and that

18   kind of stuff. And you know, there wasn't like an

19   actual classroom session or nothing like that. You

20   know, they had a field trip up there that they took us

21   up there and showed us around. That kind of stuff.

22   CHAIRMAN BESHORE: Okay. Well, you're --

23   you're -- you're -- you know, you're an experienced

24   guy. You've been in there for a long time. I mean do

25   you feel like you're comfortable by reviewing the

1 blueprints that -- that you know what you need to know

2 to -- to fully operate that and .understand that

3 facility?

4   MR. BURT: Yeah, 'cause I mean it's still

5 just valve swings and, you know, this is how much

6 pressure you can do there and, you know, it's just how

7 long it takes the valve to swing and these are

8 sequenced and, you know, that kind of stuff. It just

9 took -- you know, the rest of it we knew by heart, this

10 is what happens. Bayview you had to stop and make

11 sure, you know, you know what's going to happen before

12 you did anything.

13   CHAIRMAN BESHORE: Would you consider it

14 trickier to -- I mean --

15   MR. BURT: Yes. Just because of being

16 unfamiliar with it.

17   CHAIRMAN BESHORE: Did you become more --

18 more familiar and more comfortable with it in the six

19 months?

20   MR. BURT: I never really did because I never

21 really went over there. But --

22   CHAIRMAN BESHORE: Okay. Fair enough. What

23 about -- what about procedures? Did -- did -- did --

24 was the procedures updated to reflect the -- the

25 facility at Bayview? I mean the -- the procedures you

1   were given as a controller to follow.

2   MR. BURT: The procedures as far as how the

3   valves swing and all that kind of stuff? Or --

4   CHAIRMAN BESHORE: Yeah. The procedures for

5   controlling the pipeline, and I -- you know, maybe I'm

6   talking more generic rather than specific. Were

7   there -- were there specific procedural changes that

8   were necessary that were developed because of the

9   installation at Bayview that you're aware of?

10   MR. BURT: I don't know if they were

11   developed, but there was, you know, there was a -- a

12   place in the intranet that you could go to and, you

13   know, look up how the valves swung, what valve is

14   sequenced with what valve, that kind of stuff.

15   CHAIRMAN BESHORE: Was there any -- and you

16   don't -- I mean you -- it may have been mentioned. You

17   said to -- to Ron Brentson these -- some of these

18   concerns. What -- what was his -- you know, what was

19   his response to you?

20   MR. BURT: He seemed concerned, too. You

21   know, it seems like I, you know, heard him saying that

22   he's voicing our concerns at meetings.

23   CHAIRMAN BESHORE: Was there ever any -- any

24   resolution to these concerns that you feel like

25   happened to your satisfaction?

1   MR. BURT: No, not really.

2   (Pause)

3   CHAIRMAN BESHORE: Let's talk about training

4   just a little bit if we -- if we could. Ron, have

5   you -- have you had any recent -- I asked you about

6   since Bayview, but I mean have you had any other recent

7   -- do you guys have an ongoing training education

8   program that -- that you're retrained, you know,

9   refresher things like that up to June 10th, '99?

10   MR. BURT: Again, nothing that's really, you

11   know, I would say classroom type of stuff. Just, you

12   know, on -- you know, on-the-job type of stuff.

13   CHAIRMAN BESHORE: And you were training

14   others at this point in time -- so in recent -- recent

15   times, is that correct?

16   MR. BURT: Yes.

17   CHAIRMAN BESHORE: Do you have -- did you

18   have annual performance reviews and this kind of thing

19   to feedback your -- get feedback from your supervision?

20   MR. BURT: I personally haven't had one for

21   quite a while. But --

22   CHAIRMAN BESHORE: Do you recall how long

23   that had been?

24   MR. BURT: Quite a few years. I don't know

25   exactly how many, but quite a few years.

1   CHAIRMAN BESHORE: So it had been a while

2   since you sat down with your supervisor and went

3   through that process?

4   MR. BURT: Yes.

5   CHAIRMAN BESHORE: There was -- was there an

6   informal process? I mean maybe it wasn't a review

7   but --

8   MR. BURT: No, not really.

9   CHAIRMAN BESHORE: HOW was -- how was Ron as

10   a supervisor? How would you characterize his

11   management approach, management style?

12   MR. BURT: Oh, I thought he was, you know,

13   very knowledgeable. He was, you know, a guy that you

14   could call at, you know, any time and he would, you

15   know, be there to help you if you wanted.

16   CHAIRMAN BESHORE: Was he receptive to -- to

17   suggestions, input from you all?

18   MR. BURT: Yes.

19   CHAIRMAN BESHORE: He -- he was easily

20   approachable?

21   MR. BURT: Easily, yeah.

22   CHAIRMAN BESHORE: Okay. So you liked

23   working for him?

24   MR. BURT: Yes.

25   CHAIRMAN BESHORE: How was -- how's -- how

1   was morale around the -- the office?

2   MR. BURT: I don't know. As far as the

3   control center I think it was generally pretty good.

4   CHAIRMAN BESHORE: So the -- okay. Was there

5   a general sense of frustration about some of these

6   concerns with Bayview? I mean was this something that

7   caused everybody some frustration?

8   MR. BURT: Oh, yeah. As far as Bayview was

9   concerned, yeah.

10   CHAIRMAN BESHORE: Okay. Do you know -- do

11   you know why -- what was actually done to try and

12   investigate what was really going on at the facility

13   and -- and what -- what, if anything, needed to be

14   changed to help you guys out with the operational

15   concerns?

16   MR. BURT: I don't know any specifics. It

17   seems like they went up there and, you know, did a lot

18   of work with the control valves and, I don't know,

19   trying different things with 'em. And it seems like

20   they were up there quite a few times, you know,

21   calibrating surge reliefs and that kind of stuff.

22   CHAIRMAN BESHORE: But you don't remember

23   specific times or specific reasons for those?

24   MR. BURT: No.

25   CHAIRMAN BESHORE: What about -- I just had a

1   question and I totally lost my train of thought, so --

2   (Pause)

3   CHAIRMAN BESHORE: I'll come back to that in

4   a little bit.

5   (Pause)

6   CHAIRMAN BESHORE: Oh. The way in which

7   Bayview is configured, can you -- can you explain how

8   -- could you reopen that valve from the control center

9   once it did close, the inlet relief -- the inlet -- the

10   inlet block valve into the Bayview Station?

11   MR. BURT: I believe we could. I believe it

12   was just a shut-down that we could reopen.

13   CHAIRMAN BESHORE: Did that depend on whether

14   -- on how it shut down, whether it was a -- overall

15   facility shut-down? Do you recall?

16   MR. BURT: I don't remember, to tell you the

17   truth, exactly what it was.

18   CHAIRMAN BESHORE: Okay. I think I'm going

19   to go ahead at this point and see if Cliff has any

20   questions. Cliff?

21   (Pause)

22   CHAIRMAN BESHORE: Yeah, let's take a quick

23   break. Okay. Go off the record.

24   (Brief recess)

25   CHAIRMAN BESHORE: All right. Cliff, let's

1   go ahead if you have some questions.

2   MR. ZIMMERMAN: Hi, Ron. I'm Cliff

3   Zimmerman. I'm going to change the subject and explore

4   some other areas for a few minutes. Are you familiar

5   with the O & M manual for -- for Olympic Pipeline?

6   MR. BURT: The OMPM?

7   MR. ZIMMERMAN: Yeah. What -- what -- what

8   exactly is it called?

9   MR. BURT: OMPM. Operation, maintenance, and

10   procedure manual.

11   MR. ZIMMERMAN: And does it have the

12   procedures in it that you follow in the control center?

13   MR. BURT: Yeah, for the most part.

14   MR. ZIMMERMAN: How -- how detailed is it --

15   yes, I know you can't write everything, but how -- how

16   detailed is it as far as responses to abnormal

17   operating conditions, for instance?

18   MR. BURT: It's fairly detailed, I guess.

19   MR. ZIMMERMAN: Does it -- does it tell you

20   when you see certain conditions that you're supposed to

21   take certain actions? Is it that detailed?

22   MR. BURT: On some things, yes.

23   MR. ZIMMERMAN: Have you spent quite a bit of

24   time reading that manual?

25   MR. BURT: Prior to June 10th?

1   MR. ZIMMERMAN: Yes.

2   MR. BURT: Not really.

3   MR. ZIMMERMAN: Was it revised prior to June

4   10th?

5   MR. BURT: I believe so. They were, you

6   know, supposedly revising it constantly here and there.

7   I -- I think it was. I don't know exactly.

8   MR. ZIMMERMAN: We understand from one of the

9   other people we were talking to that there was a new *O*

10 & M manual put into effect in March of 1999 just before

11 a DOT audit, and it was basically a Texaco -- Texaco

12 Transportation Company manual that was updated with,

13 you know, Olympic's name and then put into place. Do

14 you recall that occurring?

15   MR, BURT: Yeah, it seems like I remember

16 they were doing that.

17   MR. ZIMMERMAN: And what kinds of -- what

18 kinds of changes in the procedures resulted from that

19 change?

20   MR. BURT: I don't know. I don't remember.

21 I can't -- I don't know exactly what changes were made.

22   MR. ZIMMERMAN: Do you -- do YOU seem to

23 recall in general that the procedure manuals were the

24 same?

25   MR. BURT: In general they were probably the

1   same. I mean there was more stuff added to it, I

2   guess, but I don't know the specifics of what was added

3   and what wasn't.

4   MR. ZIMMERMAN: Well, again, I -- I recognize

5   that -- you know, like I'm not asking for a sheet-by-

6   sheet comparison. I know we can't do that now, but --

7   MR. BURT: It seemed generally the same to

8   me, but the same type of stuff.

9   (Pause)

10   MR. ZIMMERMAN: Did anyone do any training on

11   that manual with you?

12   MR. BURT: Not that I can remember.

13   (Pause)

14   MR. ZIMMERMAN: How -- how often did you run

15   the -- the 16-inch line that utilized Bayview Station?

16   How often would you actually run that line? Weekly

17   or --

18   MR. BURT: Well, the general --

19   MR. ZIMMERMAN: -- once a month?

20   MR. BURT: The general procedure was every

21   other day you switched lines. But either -- either

22   line could utilize Bayview.

23   MR. ZIMMERMAN: Either line? Either the 16-

24   inch or?

25   MR. BURT: Or the 20-inch.

1   MR. ZIMMERMAN: Or the 20-inch?

2   MR. BURT: Yes.

3   MR. ZIMMERMAN: So did you operate Bayview

4   Station often then while you were operating either one

5   of those lines?

6   MR. BURT: I didn't because I was training

7   that guy, so I basically, you know, would go to the

8   line that wasn't dealing with Bayview.

9   MR. ZIMMERMAN: Does that mean that you would

10   trade with the other guy that was -- the other operator

11   that was on duty so that you could -- you could train

12   on the line that -- that didn't have Bayview operating?

13   MR. BURT: Yeah. Generally, when you're

14   training somebody you got the leeway of taking whatever

15   line you want.

16   MR. ZIMMERMAN: Oh.

17   MR. BURT: It doesn't go to the every-other-

18   day thing.

19   MR. ZIMMERMAN: Okay. I understand now.

20   Now, since you rarely took that line did you gain any

21   familiarity with the valve closings at Bayview by

22   talking to your fellow controllers?

23   MR. BURT: Yeah, I -- I can't remember if

24   they'd mention it or not. I mean I -- I heard about

25   'em closing here and there.

1   MR. ZIMMERMAN: What kind of problems did

2   they -- would -- did they indicate they were having on

3   the line? Maybe there were -- there were more than one

4   thing going on, I really don't know. But what kind of

5   issues they -- they discovered?

6   MR. BURT: Like I said at one point, it seems

7   like they were having an issue with the control valves

8   fighting each other. And you know, but a lot of the

9   issues was just when you lose a pump downstream of

10   Bayview, say at Allen, well, the pressures there would

11   head and spike up and shut that -- that valve.

12   (Pause)

13   MR. ZIMMERMAN: Did Ron voice some concerns

14   about -- about the -- the meetings that he -- that he

15   needed to -- to effect changes that would help operate

16   the pipeline better, you mentioned that earlier, who --

17   who would be the person that would fix those problems?

18   Do you know?

19   MR. BURT: I don't know who the exact person

20   would be.

21   MR. ZIMMERMAN: No, not experts. I didn't

22   mean that. I meant who in the -- in the operations

23   organization would be responsible for going out there

24   and effecting changes at Olympic?

25   MR. BURT: I don't know if there was an exact

1   person. I assume they would sit around and have their

2   meeting and discuss it and come up with a plan of

3   attack. Who would actually, you know, initiate the

4   change, I don't -- I'm not sure.

5   MR. ZIMMERMAN: When -- when you had a

6   problem with a particular facility not operating

7   correctly, would you call out a technician yourself or

8   would you go through the supervisor if you recognized

9   that something wasn't operating properly?

10   MR. BURT: It depends on what the problem

11   was. Sometimes we'd -- generally, we would call out a

12   field operator first and they would determine if they

13   needed a mechanic, an electrician, or whatever they

14   need out there. But generally, our first call would be

15   to a field operator.

16   MR. ZIMMERMAN: Okay. And if they did need a

17   mechanic or technician, who was empowered to call those

18   --

19   MR. BURT: Usually the field operator would

20   call 'em

21   MR. ZIMMERMAN: Oh, okay.

22   (Pause)

23   MR. ZIMMERMAN: When you did have any

24   abnormal operations on any of the lines, what -- what

25   was your procedure for reporting -- recording those?

1   MR. BURT: Depends on what -- what the

2   abnormal problem was. You know, there was, you know,

3   generally, depending on what it was, you'd call your

4   supervisor. That depends on what it was, you know. I

5   don't think you'd call 'em on every one.

6   MR. ZIMMERMAN: Would you record all of 'em?

7   Were any methods there to record?

8   MR. BURT: They had -- Aqualon used what they

9   called a outage log, and you're supposed to record 'em

10   in there. And it wasn't just abnormal, it was anything

11   that affected, you know, lost revenue or that kind of

12   thing, a pump shutting down or anything.

13   MR. ZIMMERMAN: Did you -- where were those

14   outage logs kept?

15   MR. BURT: There was a book in the control

16   center.

17   MR. ZIMMERMAN: There were individual sheets

18   on each item that you made a report on? Is that --

19   MR. BURT: Yeah, there was a sheet with,

20   like, individual lines that you'd fill out.

21   MR. ZIMMERMAN: So it wasn't a separate sheet

22   for each outage? It wasn't that big of a form?

23   MR. BURT: No.

24   MR. ZIMMERMAN: Has that procedure been

25   changed?

1   MR. BURT: Yes, we went back to our old

2   procedure of keeping a log book.

3   MR. ZIMMERMAN: Okay. What type -- what type

4   of book is that?

5   MR. BURT: It's like a spiral notebook.

6   MR. ZIMMERMAN: Spiral notebook? And so, you

7   just -- do you -- do you just put in the words, what --

8   what the issue is -- specific format to report things

9   on?

10   MR. BURT: Yeah.

11   (Pause)

12   MR. ZIMMERMAN: Did the company have a --

13   well, let me -- let me start -- did -- do you have any

14   control when a main computer is switching to the backup

15   computer? Do you have any control --

16   MR. BURT: While it's switching?

17   MR. ZIMMERMAN: While it's switching. And

18   how long does that switch-over period take?

19   MR. BURT: Generally, just a few seconds.

20   MR. ZIMMERMAN: A few seconds?

21   (Pause)

22   MR. ZIMMERMAN: Does the company have a -- a

23   policy of how long to run without communications?

24   MR. BURT: Yes.

25   MR. ZIMMERMAN: What is that policy?

1   MR. BURT: I believe it's at an operating

2   facility one hour. At a, like, pump station type of

3   thing three hours. That kind of thing. Then you have

4   to have it manned.

5   MR. ZIMMERMAN: If you don't have -- does

6   that mean you wouldn't have any communications, any

7   feedback, from -- from any device at that station you'd

8   be allowed to operate it for an hour?

9   MR. BURT: Well, you'd have battery backup

10   till the batteries go dead. You could -- you would get

11   information back.

12   MR. ZIMMERMAN: Oh, okay. So the power's out

13   then, but you still have communications with the --

14   MR. BURT: Yes.

15   MR. ZIMMERMAN: But those are two different

16   things. Tell me about the difference between --

17   MR. BURT: Well, --

18   MR. ZIMMERMAN: -- power being out and being

19   on battery backup and not having any communication?

20   MR. BURT: Well, if you just lose

21   communications, no, you don't -- you can't see any

22   devices there.

23   MR. ZIMMERMAN: Right.

24   MR. BURT: If you lose power, you have

25   communications for a certain amount of time till they

1   go out, too. But I'm not sure what that time is.

2   MR. ZIMMERMAN: SO -- so if you actually have

3   total loss of communication with that station, is there

4   a company policy on that?

5   MR. BURT: Yeah. Like I said, an hour for

6   operating facilities and like three hours for a pump

7   station. I believe that's what it is.

8   MR. ZIMMERMAN: **Is** that something that --

9   that you recall being written in the -- in the

10   operations manual also?

11   MR. BURT: Yeah. Yeah. Yeah, I'm sure it's

12   in there.

13   MR. ZIMMERMAN: Were you ever --

14   (Pause)

15   MR. ZIMMERMAN: Were you ever given any

16   training on the operations manual, not -- not just the

17   new one but on the older one?

18   MR. BURT: Just, you know, from my original

19   training. I mean there's on-the-job type of training

20   when I was being trained in there.

21   MR. ZIMMERMAN: And did -- did you have any

22   retraining sessions over the years?

23   MR. BURT: Not in that.

24   MR. ZIMMERMAN: But did you have retraining

25   sessions in -- regarding other issues related to

1   operating the pipeline?

2   MR. BURT: I don't know about issues. There

3   was some hydraulic classes we were given and there was

4   a leak detection class we went to in Houston.

5   MR. ZIMMERMAN: Any other formal training

6   that they got some of the controllers together and, you

7   know, staged training or any -- anything?

8   MR. BURT: No, not really.

9   MR. ZIMMERMAN: Okay. Thank you. That's all

10   I have for right now.

11   CHAIRMAN BESHORE: Jerry?

12   MR. SCHAU: Just one question, Ron. The

13   procedures for Bayview. You said that when they

14   brought Bayview up you had blueprints on the walls and

15   from what you were describing it sounded like the valve

16   swings and all that at Bayview are pretty well detailed

17   in the procedure manual. Is that correct?

18   MR. BURT: I believe they were in there when

19   Bayview started, yeah.

20   MR. SCHAU: So you could -- somebody said

21   earlier that the procedures were done in October.

22   Bayview didn't start till December. So there were --

23   but you -- you must have looked at those procedures and

24   you were comfortable with 'em from reviewing 'em that

25   you could understand how Bayview was operating or how

1   it's supposed to operate?

2   MR. BURT: Yeah, I didn't have -- you know,

3   the uncomfortable part was most stations I can look and

4   I know what valves by sight. Bayview I had to actually

5   look 'em up and --

6   MR. SCHAU: And trace 'em --

7   MR. BURT: -- and trace 'em and that kind of

8   thing.

9   MR. SCHAU: Do you know if you were running

10   DRA on June 10th?

11   MR. BURT: I don't remember.

12   MR. SCHAU: YOU don't --

13   MR. BURT: More than likely some place I was

14   on my line.

15   MR. SCHAU: Do you know what the other line

16   was?

17   MR. BURT: I don't.

18   MR. SCHAU: All I have.

19   CHAIRMAN BESHORE: Johnny?

20   MR. PARRISH: Nothing,

21   CHAIRMAN BESHORE: Patti?

22   MS. IMHOF: Maybe I misunderstood, Ron. I

23   was just -- Allen keeps saying that you've been a

24   controller for a long time or -- keeps saying. But you

25   said that a couple of times. And I thought I

1   understood that you started in that position in '97.

2   MR. BURT: '87.

3   MS. IMHOF: '87, oh. Okay. That was what I

4   totally didn't understand. That is a long time. Okay.

5   So you were working for Olympic and you were

6   in the control room back when the Dacon U project was

7   going on where we were working -- on that?

8   MR. BURT: Okay.

9   (Laughter)

10   MS. IMHOF: Did that mean anything to you or

11   were you aware the work was going on? Did you know

12   that our company, IMCO, was working there?

13   MR. BURT: I don't remember hearing that, no.

14   MS. IMHOF: Okay. So there wasn't any

15   interaction between your work in the control room and

16   any kind of excavation that was going on in the

17   neighborhood of --

18   MR. BURT: There might have been. I don't

19   remember it, though.

20   MS. IMHOF: **All** right.

21   CHAIRMAN BESHORE: Peter?

22   MR. KATCHMAR: Yes. Hi, Ron. Really just

23   one questions 'cause these guys have been pretty

24   thorough with you. In the field when -- when they're

25   going to lock out a piece of equipment, do they contact

1   and coordinate that with the operations control center?

2   MR. BURT: Yes.

3   MR. KATCHMAR: Okay. Are you aware of any

4   piece of equipment, safety equipment, at Bayview ever

5   being locked out, personally?

6   MR. BURT: Not that I can remember.

7   MR. KATCHMAR: Okay. **All** right. That's all

8   I have.

9   MR. SMYTH: Hi, Ron. Geoff Smyth. I just

10   wanted to ask two more questions, kind of what Patti

11   was going down. You mentioned that if they're going to

12   -- or Allen -- someone mentioned about if they're going

13   to put a band on the pipeline you would have a low

14   pressure situation. You would operate the pipeline in

15   a low pressure condition? Is -- certain excavations

16   might be low pressure?

17   MR. BURT: I -- I don't know -- I don't know

18   what's going on in the field when they do them, but

19   there are times they call us and say that we can only

20   have 300 pounds here for whatever reason.

21   MR. SMYTH: And do you have records of that?

22   Is that kept like on a -- on a record that it's lowered

23   because of a field situation and not because of a

24   operational situation like something to do with the

25   pipeline? Maybe the product you're putting through

1   there more as opposed to there's something -- we have

2   something going on in the field and you need to lower

3   it. Is that defined somewhere?

4   MR. BURT: Not unless they do it in the

5   field.

6   MR. SMYTH: Okay.

7   MR. BURT: Or unless somebody put it on an

8   outage form.

9   MR. SMYTH: So when you see it you just said

10   between these hours I must operate at some -- some

11   pressure, and you -- and you realize it's something

12   going on out in the field?

13   MR. BURT: Yes.

14   MR. SMYTH: But from -- from what you

15   understand, if a pipeline was to be exposed during some

16   excavation, in your best knowledge, would you get --

17   understand that you might operate that pipeline at a

18   lower pressure?

19   MR. BURT: While it's exposed?

20   MR. SMYTH: Correct.

21   MR. BURT: It's possible. I don't know.

22   MR. SMYTH: You wouldn't know if it was

23   exposed or not? You would just know that you're

24   operating at a lower pressure due to the field?

25   MR. BURT: Well, a lot of times they tell us,

1   but we don't necessarily know. I don't remember every

2   time whether it's lower the pressure 'cause it's

3   exposed or lower the pressure 'cause they're welding or

4   what.

5   MR. SMYTH: Right.

6   MR. BURT: I don't remember exactly why they

7   do it. Yeah, generally, when they call they tell us

8   what work they're doing.

9   MR. SMYTH: Okay. Because during the --

10   during the Dacon U construction project the -- your --

11   the pipeline was exposed for days. So I'm curious to

12   know that if that was the case maybe on one of your

13   shifts you would have realized that the whole day

14   you've -- you operated that pipeline at a lower

15   pressure?

16   MR. BURT: I don't remember doing it on my

17   shift.

18   MR. SMYTH: Okay. Okay. And then the last

19   question that I have, on the leak detection what -- you

20   had a class in Houston, you said?

21   MR. BURT: That was just -- that was on

22   general leak detection.

23   MR. SMYTH: So that person that you were

24   training, the new person, did they have that same

25   class? Do all -- did Olympic send all their operators

1   who were coming on early to a similar leak detection

2   class or -- or how --

3   MR. BURT: Not necessarily.

4   MR. SMYTH: So then, if you were an operator,

5   is it expected that you would have a leak detection

6   class?

7   MR. BURT: I don't know if it's expected,

8   but, you know -- you know, we went because I guess the

9   opportunity was there, but I wouldn't say everybody

10 that's trained had a leak detection class.

11   MR. SMYTH: Do you think they should? From

12 an -- being an operator, do you think that's -- do you

13 think it's important that you would go to a leak

14 detection class?

15   MR. BURT: Personally, I think that as long

16 as you've discussed with 'em what a leak looks like I

17 don't think the class does much more than that.

18   MR. SMYTH: Okay. That -- that's all I have.

19   CHAIRMAN BESHORE: Linda?

20   MS. PILKEY-JARVIS: Hi. Who -- who was it

21 that you were training over those months that you

22 talked about? You referred to a couple times.

23   MR. BURT: Tracy -- Tracy Greene.

24   (Pause)

25   MS. PILKEY-JARVIS: Ron, have you ever had

1   the Scata slow-down occur before June loth? Was that

2   ever a problem before?

3   MR. BURT: I don't remember it being a

4   problem, no.

5   MS. PILKEY-JARVIS: You don't recall having a

6   slow response time with the Scata before June loth?

7   MR. BURT: Well, it depends on what you mean

8   by that. I mean there were times when it would take an

9   extra couple seconds to bring back data, but it wasn't

10   like -- like what happened on June 10th.

11   MS. PILKEY-JARVIS: Have you ever had both

12   the computers fail at the same time before June loth?

13   MR. BURT: Yes.

14   MS. PILKEY-JARVIS: How -- in what time

15   period prior to that?

16   MR. BURT: I don't -- several years.

17   MS. PILKEY-JARVIS: You mean it happened

18   several years ago?

19   MR. BURT: Before June loth, yes.

20   MS. PILKEY-JARVIS: One time?

21   MR. BURT: Well, the one time they didn't

22   fail. There was a power outage that basically shut off

23   all the power to Renton so there was no computers. The

24   other time was shortly after they first put in the

25   Scata system. And there -- I don't remember what

1   happened. There was some kind of a problem.

2   MS. PILKEY-JARVIS: HOW did you respond to

3   the computer failure those other two times that may

4   have been different or similar to what happened on June

5   10th? In other words, you know, did you, you know,

6   involve a supervisor and a decision to restart the line

7   after the failure? Or how was it different?

8   MR. BURT: I think when the power outage

9   occurred that the supervisor was there most of the

10   time. I don't remember -- I don't remember exactly,

11   but the time before that it was like late at night and

12   the supervisor came down and basically got the computer

13   going again.

14   MS. PILKEY-JARVIS: Came -- the supervisor

15   came down 'cause you called him?

16   MR. BURT: Yes.

17   (Pause)

18   MS. PILKEY-JARVIS: I wondered if you could

19   help me understand a little bit more about the -- the

20   valves, the relief valve and the -- the block valve. I

21   -- I'm kind of having trouble understanding the

22   sequence of events. You said that it seemed like the

23   sequence of events would be there'd be a pressure surge

24   from Allen and then, you know, ultimately there'd be

25   the blocked valve closure. You also said that you have

1   looked at the blueprints so you have an understanding

2   of where the relief valves or closure valves are at the

3   Bayview Station. When a relief valve opens to relieve,

4   does that set off an alarm at your station -- at your

5   computer station?

6   MR. BURT: Yes.

7   MS. PILKEY-JARVIS: Is it a visual thing or

8   an audio thing?

9   MR. BURT: Both.

10   MS. PILKEY-JARVIS: It's both? How about

11   when the blocked valve closed? Same thing?

12   MR. BURT: Yes.

13   MS. PILKEY-JARVIS: Okay. Are there other --

14   so -- so when you're coming up -- when this pressure

15   surge is coming back from the Allen Station but prior

16   to the surge or the pressure increasing to the point

17   that it closes the blocked valve, are there other

18   relief valves sort of in the system, the pipeline

19   system, that it would have to -- the pressure surge

20   would, you know, go through before it gets to that

21   point? If that -- does that make any sense? It's like

22   I'm --

23   MR. BURT: Do you mean are there --

24   MS. PILKEY-JARVIS: -- a non-engineer so I

25   know I'm not asking this --

1   MR. BURT: Are there relief valves between

2   Allen and Bayview?

3   MS. PILKEY-JARVIS: Right.

4   MR. BURT: No. Just at Bayview.

5   MS. PILKEY-JARVIS: No, within Bayview.

6   Within Bayview.

7   MR. BURT: Oh, I think there's -- yeah, I

a   think there's a -- an incoming relief valve and an

9   outgoing, and I think there's a relief valve inside

10   Bayview some place.

11   MS. PILKEY-JARVIS: So at least three relief

12   valves and then --

13   MR. BURT: Something like that.

14   MS. PILKEY-JARVIS: -- and then a blocked

15   valve? And would -- in the sequence of events, when

16   the pressure surges from Allen, you know, would you

17   typically get an alarm that's showing that the

18   different relief valves are relieving prior to the

19   blocked valve closing?

20   MR. BURT: Well, some -- generally, it

21   happens almost simultaneously. I mean it happens all

22   at once.

23   MS. PILKEY-JARVIS: Okay.

24   MR. BURT: 'Cause the surge goes through so

25   fast.

1   MS. PILKEY-JARVIS: Like how fast?

2   MR. BURT: You know, I've heard the speed of

3 sound. I don't know. I can't tell you miles per hour.

4   MS. PILKEY-JARVIS: Mm-hmm. So, I'm not

5 trying to put words in your mouth, but you -- you --

6 typically, when this sequence of events would happen

7 you would get an alarm on the relief valves, the three

8 relief valves and then the blocked closure -- blocked

9 valve closure? So they all happen?

10   MR. BURT: Yes.

11   MS. PILKEY-JARVIS: Okay.

12   MR. BURT: If it triggers the relief valves.

13 Sometimes if you go through so fast that it may just

14 trigger 'em for a second. And then as the pressure

15 comes down then they go off.

16   MS. PILKEY-JARVIS: Okay.

17   (Pause)

18   MS. PILKEY-JARVIS: Have you ever, in the

19 period of time that you have been a controller and

20 operator, had a -- the leak detection alarm go off?

21   MR. BURT: Yes.

22   MS. PILKEY-JARVIS: And have you ever had it

23 go off because it did detect a leak?

24   MR. BURT: No.

25   MS. PILKEY-JARVIS: So you've had it go off

1   and it -- it would be a false alarm?

2   MR. BURT: I don't know if I'd say it was a

3   false alarm. It was -- back then they had it fine-

4   tuned so tight that it would pick up any deviation in

5   meters or stuff like that.

6   MS. PILKEY-JARVIS: What -- what does "back

7   then" mean?

8   MR. BURT: Before June 10th.

9   MS. PILKEY-JARVIS: Okay. So how many times

10   do you think that that happened to you personally?

11   MR. BURT: I don't know. I don't know. I

12   have no idea.

13   MS. PILKEY-JARVIS: Five?

14   MR. BURT: Maybe.

15   MS. PILKEY-JARVIS: 10?

16   MR. BURT: Probably not, no.

17   MS. PILKEY-JARVIS: Five in how many years?

18   MR. BURT: I don't know. I don't know how

19   long that thing was installed. I don't know. In a few

20   years.

21   MS. PILKEY-JARVIS: Okay.

22   MR. BURT: Couple years, I guess

23   MS. PILKEY-JARVIS: Okay.

24   (Pause)

25   MS. PILKEY-JARVIS: You said that this was

1   the -- at least the second day into your shift that

2   week, I don't -- was it more than the second day? Was

3   it the third day or the second day?

4   MR. BURT: I -- to tell you the truth, I

5   don't remember which it was. I'm just -- into my

6   shift.

7   MS. PILKEY-JARVIS: Okay. But -- but you --

8   for -- I just wanted to clarify. You were off at six

9   a.m. that morning; then you went home and came back at

10   three p.m. that afternoon?

11   MR. BURT: Yes.

12   MS. PILKEY-JARVIS: Were you tired?

13   MR. BURT: Not really. Not any more than you

14   usually are.

15   MS. PILKEY-JARVIS: Was that an unusual event

16   for you to work that many hours or to come in early and

17   fill in for somebody?

18   MR. BURT: Yes.

19   (Pause)

20   MR. BURT: I mean I got -- I got the same

21   amount of sleep I would always get.

22   MS. PILKEY-JARVIS: Okay.

23   (Pause)

24   MS. PILKEY-JARVIS: I think that's all my

25   questions. Thanks.

1   CHAIRMAN BESHORE: Tony?

2   MR. BARBER: Hi. Ron, I'm Tony Barber.

3 Cliff was asking you earlier about how long you could

4 operate without communications, data communications.

5 And I just wasn't clear on that point whether you're

6 talking about the one to three -- one hour and three

7 hours. Is that before and up to the incident or

8 talking about after the incident or both?

9   MR. BURT: I believe it's both. I think

10 that's -- that's always pretty much stayed the same.

11   MR. BARBER: Okay. I guess with regard to --

12 to the safety relief valves, how often would you say do

13 you recall a relief valve having given some indication

14 of -- of relieving pressure at Bayview in any of the

15 three there?

16   MR. BURT: How often? I -- I don't know

17   MR. BARBER: DO you remember -- do you

18 remember it happening at all while you were on duty?

19   MR. BURT: Yeah, it seems like I seen it

20 happen while the other guy was running the line type of

21 thing, but I don't -- I don't really remember for sure.

22   MR. BARBER: On other parts of the -- the

23 pipeline that you've operated in the past in your 13

24 years there, have you had relief valves lift at other

25 stations or on other parts of the pipeline that -- that

1   have given you an indication of relief valve lifting?

2   MR. BURT: Yes.

3   MR. BARBER: How -- do you have an -- in

4   general how often that would happen?

5   MR. BURT: Not -- not real often. Generally,

6   it happened, if it happened, was at Portland, you know,

7   more than any place.

8   MR. BARBER: Was there anything special or

9   anything unusual that an operator would -- would

10   generally do after a relief valve had lifted, either

11   documentation-wise or any special checks that they

12   would make or anything like that?

13   MR. BURT: That a field operator would do?

14   MR. BARBER: No, I should have specified a

15   controller -- controller -- controller? Is that your

16   title?

17   MR. BURT: Yeah. It just depends. If it

18   actually put, you know, product in the tank you'd have

19   to account for it. You know, as long as it didn't lock

20   out the station or something you'd just, you know,

21   maybe notate it in the outage book. That kind of

22   thing.

23   MR. BARBER: Has your understanding of the --

24   the indication, what -- do you know what -- what

25   actually gives you an indication of a relief valve

1   lifting? *Do* you understand whether it's just the

2   pressure reaching this -- the -- the set point of the

3   relief valve or whether it's flow through the relief

4   valve that gives you --

5   MR. BURT: What actually gives me the alarm?

6   MR. BARBER: Yeah.

7   MR. BURT: I don't know.

8   MR. BARBER: so if -- if a relief valve was

9   supposed to lift and didn't lift, do you -- do you know

10   how you would, if any way, detect that?

11   MR. BURT: I don't know if I could.

12   (Pause)

13   MR. BURT: You know, the only way I could

14   detect it is if I knew the pressure still locked into

15   the station higher than whatever the relief valve's

16   supposed to relieve.

17   MR. BARBER: Okay. Thank you, Ron.

18   CHAIRMAN BESHORE: Jim?

19   MR. CASH: I'm Jim Cash. Can -- can we just

20   step through the -- the timing? I -- I kind of lost

21   track of the timing between when the computer started

22   to slow down. I think the first thing you said was the

23   -- you tried to put a set point in there and it didn't

24   take it7

25   MR. BURT: Yeah, something like that. I

1   don't remember exactly what I did, but --

2   MR. CASH: Okay.

3   MR. BURT: -- something like that.

4   MR. CASH: All right. So it was basically

5   not responding at all? It wasn't like it was slow, it

6   just didn't --

7   MR. BURT: It just didn't respond at that

a   point.

9   MR. CASH: Okay. And then you said you went

10   in to -- to talk to -- to tell Lloyd that it wasn't

11   responding. How -- how much time was that, do you

12   think, between the -- when you initiated the set point

13   or whatever it was to --

14   MR. BURT: Oh, it was --

15   MR. CASH: -- till you went in there?

16   MR. BURT: -- almost immediately.

17   MR. CASH: A minute?

18   MR. BURT: Yeah.

19   MR. CASH: And you don't know what he was

20   doing at the time? He was --

21   MR. BURT: I don't know what he was --

22   MR. CASH: -- he was just there?

23   MR. BURT: He was sitting at a computer.

24   MR. CASH: Terminal. You don't know if he

25   had -- you don't know where he was and -- and whether

1   it was only one or only two machines that was running?

2   MR. BURT: I don't know. There's an

3   indication on our screens of which one's running, but I

4   don't generally even look at that.

5   MR. CASH: Okay. All right. Then you said

6   the next thing that happened was that you got the

7   reboot screen off the -- the consoles?

8   MR. BURT: Yes.

9   MR. CASH: How -- how long was it between

10   that -- that you went in there and said to look into it

11   to Lloyd till you got the reboot screen, do you think?

12   MR. BURT: I don't know, I'd say roughly

13   five minutes, 10 minutes, something like that.

14   MR. CASH: And then they didn't -- didn't

15   respond? Or two of 'em came back and two of 'em

16   didn't, is that what you said? And then I think the

17   next thing was that you said then everything came back

18   and it appeared to be normal response, and that's when

19   you switched over to look at the other guy's pipeline

20   and all that. How much time do you think It was

21   between the reboot screens till it appeared normal?

22   MR. BURT: I don't remember. It was several

23   minutes. 15, 20 minutes maybe. I -- I don't know.

24   (Pause)

25   MR. CASH: Are you -- are you ever there when

1   -- I think they do a normal switch-over every week to

2   go from one machine, make it the prime, and the other

3   one the secondary. I think -- Monday or something like

4   this?

5   MR. BURT: Yeah, I've been there when they've

6   done that.

7   MR. **CASH:** What does that -- what does that

8   appear to you? Do they let you know it's coming or

9   they just do it?

10   MR. BURT: NO, they tell us.

11   MR. **CASH:** What -- and what does your -- can

12   you go through the sequence of what -- what changes,

13   what doesn't change?

14   MR. BURT: It's -- it's like what happened

15   there. It was just a normal fail-over that goes

16   through this generic vector type screen. And then, you

17   know, it stays there for a second or two then comes up

18   to the other computer.

19   MR. **CASH:** So it only takes four or five

20   seconds, 10 seconds?

21   MR. BURT: Yeah, something like that.

22   MR. **CASH:** So it just picks right up where it

23   left off?

24   MR. BURT: Yes.

25   MR. **CASH:** Or it knows what screen you were

1   on and everything looks the same?

2   MR. BURT: I think --

3   MR. CASH: Do you have to reconfigure?

4   MR. BURT: I don't -- I think you have to --

5   I think you've got to log on and then repick up your

6   screen. I don't -- I think. I don't really remember

7   for sure.

8   MR. CASH: But you've been through that a

9   hundred times probably?

10   MR. BURT: Well, probably not that many times

11   but I've -- I have seen it in the past.

12   MR. CASH: 13 years? When you normally come

13   in do you -- does -- does everybody have their own

14   personal preference as far as what screens -- you know,

15   like when you took over from the other guy at three, he

16   had it set up a certain way. Do you just use that or

17   do you -- do you have your own --

18   MR. BURT: You have your own --

19   MR. CASH: -- way of configuring?

20   MR. BURT: Well, you do but, generally,

21   everybody uses the what we call a start-up format. And

22   that's usually always on one computer on one screen.

23   Your other screens are -- can be a personal choice.

24   But most people, you always use the start-up display on

25   the one screen.

1   MR. CASH: And then do most people have the

2   same other three screens?

3   MR. BURT: No, it varies, you know. Some

4   people put up individual formats for whatever station

5   they want to watch or some people put up segment

6   displays. Some people put up a trend that they want to

7   watch. It just depends on what's happening on your

8   line.

9   MR. CASH: Do you remember on June 10th when

10   you took over at three did you have to change --

11   MR. BURT: Screens?

12   MR. CASH: -- screens?

13   MR. BURT: I didn't. Not at that point.

14   MR. CASH: Okay.

15   (Pause)

16   MR. CASH: When -- when you get the -- the --

17   the alarms, do the individual screens change at all?

18   You know, the applicable screen that you're using that

19   goes into alarm, do the colors change or the parameters

20   change?

21   MR. BURT: Not the individuals. There's just

22   a little --

23   MR. CASH: If the pressure goes into alarm

24   for a high-pressure, low-pressure, or --

25   MR. BURT: Oh, it --

1   (Pause)

2   MR. BURT: Yeah, I think it -- it blinks or

3   something. It doesn't actually change, but --

4   MR. CASH: Do people -- they don't rely on

5   that? I mean does it -- does it make -- does it build

6   so it draws your attention to whichever one it is or do

7   you have to know that -- do you have to know from the

8   alarm message where to look?

9   MR. BURT: Both. 'Cause if you got the

10   start-up display up some alarms you have to go to the

11   individual station format to see it. It's not

12   necessarily showing on the start-up display.

13   MR. CASH: Okay. When -- when they were

14   building the screens, were you involved at all with

15   building the screens for the Bayview Station, say, when

16   they brought that on line?

17   MR. BURT: No.

18   MR. CASH: Is that done in-house? Do you

19   know who does that?

20   MR. BURT: I believe it was -- I believe it

21   was done in-house

22   MR. CASH: But you don't know who does that?

23   MR. BURT: It was probably a series of people

24   working on it.

25   MR. CASH: Is -- is there -- when you guys

1   start using those, do you remember if there was a lot

2   of errors or, you know, having to debug the screens

3   'cause the -- they weren't showing what they were

4   supposed to be showing?

5   MR. BURT: I don't remember that, no.

6   MR. **CASH:** So it was a relatively smooth

7   transition?

8   MR. BURT: It seems like it was, yeah.

9   MR. **CASH:** Do you find many errors when you

10   use the screens? I mean a lot of 'em you've probably

11   been using for years so you probably got all the bugs

12   worked out, but if somebody builds a new one is it

13   usually relatively error-free?

14   MR. BURT: Yeah. Usually.

15   (Pause)

16   MR. **CASH:** This is out of my area, but I --

17   when everybody's talking about the leak detection

18   class, was that pre-accident or post-accident?

19   MR. BURT: Pre.

20   MR. **CASH:** Pre?

21   MR. BURT: Yes.

22   MR. **CASH:** Oh, okay. I -- I thought I read

23   somewhere that everybody went to a leak detection class

24   after the accident.

25   MR. BURT: They did. But there was one

1   before --

2   MR. CASH: One before?

3   MR. BURT: -- too.

4   (Pause)

5   MR. CASH: Do you experience many false

6   alarms? I mean that -- that you consider bogus,

7   nuisance?

8   MR. BURT: Not really, no.

9   MR. CASH: So most of 'em are -- are

10   legitimate?

11   MR. BURT: They're legitimate. Some of 'em I

12   don't know if it's necessary to have 'em, but they're

13   legitimate alarms of something happening.

14   MR. CASH: Okay. So did -- are most of 'em -

15   - you know, the nuisance alarms worked out, you know,

16   that like a 2PPSI change might solve most of the

17   nuisance alarms so they raise the limit a little bit?

18   Do you know if that happens a lot? I mean tweaking 'em

19   a little bit so they don't -- they --

20   MR. BURT: No.

21   MR. CASH: -- border out of that nuisance

22   category in our --

23   MR. BURT: No, not -- not something like

24   that. I'd say something like, you know, you print a

25   ticket and now you get, you know, a couple alarms

1   telling you you printed a ticket. You know, **I** don't

2   need to know I printed a ticket. I'm the one that did

3   it.

4   (Laughter)

5   MR. BURT: That sort of thing. But not as

6   far as pressure changes.

7   MR. **CASH:** So is it -- the alarm -- the field

8   alarms and stuff are pretty well set?

9   MR. BURT: Yeah.

10   MR. **CASH:** And you don't get nuisance --

11   something you don't expect or --

12   MR. BURT: Not really, no.

13   MR. **CASH:** When you do a normal shut-down, do

14   you -- does it generate the alarms also, like a low

15   pressure and -- **I** mean stuff you expect to happen

16   because I did that? Or does it know --

17   MR. BURT: Yeah. No, it generates it.

18   MR. **CASH:** It does? Okay. So you do see

19   these alarms with some regularity every time you --

20   MR. BURT: Yeah.

21   MR. **CASH:** -- configure something different?

22   MR. BURT: Yeah.

23   MR. **CASH:** **All** I got.

24   **CHAIRMAN** BESHORE: Eric?

25   (Pause)

1   MR. SAGER: What's your date of birth?

2   MR. BURT: 8/28/59.

3   (Pause)

4   MR. SAGER: Aside from the leak detection

5 classes -- class that you took -- you just took one, is

6 that correct?

7   MR. BURT: There was one before June 10th and

8 one after.

9   MR. SAGER: And did you take both?

10   MR. BURT: Yes.

11   MR. SAGER: Aside from those classes, have

12 you had any formal training? That means classroom or

13 somebody sitting down and -- and talking specifically

14 with you about abnormal situations -- controller?

15   MR. BURT: There was one we had after June

16 10th.

17   MR. SAGER: What was that --

18   MR. BURT: Hmm?

19   MR. SAGER: What was that like? What did --

20 wh t did that include?

21   MR. BURT: It was just people going over

22 the -- the manual. You know, it was more of like a

23 scenario thing. If you had this scenario what would

24 you do? That kind of thing.

25   MR. SAGER: Do you remember any of the

1   scenarios?

2   MR. BURT: I think they were stuff like, you

3   know, a valve closing unexpectedly for no reason, that

4   kind of stuff.

5   MR. SAGER: What would they tell YOU?

6   MR. BURT: Well, they'd have you go up and

7   tell 'em what you would and then they would, you know,

8   everybody would discuss, you know, whether you should

9   have done that or not or what else you should have done

10   and that kind of thing.

11   MR. SAGER: And who were the other people

12   that were there who would discuss it?

13   MR. BURT: All the controllers were there, I

14   think. I don't remember who -- I think Frank Hopf was

15   there and Ron Brentson was there. I think -- it seems

16   like Aqualon had somebody there from -- from Houston.

17   MR. SAGER: And how long did this training

18   period last?

19   MR. BURT: I think it was most of the day,

20   like eight hours.

21   MR. SAGER: was it required for people to

22   attend?

23   MR. BURT: I believe so.

24   MR. SAGER: And that's the only abnormal

25   situation training that you can recall?

1   MR. BURT: Yes.

2   MR. SAGER: Except for the leak detection?

3   (Pause)

4   MR. SAGER: When you told Kevin that you had

5 shut down Woodinville, what did he say?

6   MR. BURT: I don't think he said anything.

7 He just came over and sat down and started running his

8 line.

9   MR. SAGER: Do you think he approved of it?

10   MR. BURT: Yeah, I'd say so. That'd be a

11 normal -- normal action to do.

12   MR. SAGER: Have you worked with Kevin

13 before?

14   MR. BURT: Yes, but not very often.

15   MR. SAGER: About how often would you say

16 you've worked with him?

17   MR. BURT: Oh, maybe, I don't know, five

18 times maybe, if that.

19   MR. SAGER: And that's five full shifts?

20   MR. BURT: Yeah, maybe, I don't know. I

21 normally don't work with Kevin.

22   MR. SAGER: DO you recall the last time you

23 worked with him --

24   MR. BURT: No.

25   MR. SAGER: -- before June 10th?

1   MR. BURT: No.

2   MR. SAGER: Is it because it was so long ago

3 or just nothing outstanding comes to mind?

4   MR. BURT: Probably both.

5   MR. SAGER: What kind of a guy is he?

6   MR. BURT: Kevin's a good guy. What kind of

7 a guy is he? He's -- he's a good guy. He's an

8 excellent controller.

9   MR. SAGER: Is he excitable?

10   MR. BURT: No.

11   MR. SAGER: Would you describe him as laid-

12 back, easy-going?

13   MR. BURT: Yes.

14   MR. SAGER: Does he ever get excited?

15   MR. BURT: I've never seen him get excited.

16   MR. SAGER: Has anybody ever told you that he

17 did?

18   MR. BURT: No.

19   MR. SAGER: If he were concerned about

20 something that was happening on his segment of the

21 pipeline, what would you expect him to do, from your

22 experience with him?

23   MR. BURT: I don't know. Depends on what

24 he's concerned about. Generally, he doesn't -- he just

25 takes care of it. Usually he doesn't say anything to

1   you, really.

2   MR. SAGER: How long has he been a

3   controller?

4   MR. BURT: I don't know. Probab Y 8, 19

5   years.

6   (Pause)

7   MR. SAGER: Who do you think knows more: you

8   or him?

9   (Laughter)

10   MR. BURT: I don't know. I can't answer

11   that.

12   (Pause)

13   MR. SAGER: Did you make any notes what was

14   going on as the incident progressed on June 10th?

15   MR. BURT: The only notes I made was a

16   after -- after it happened and we were making phone

17   calls, I'd jot down who I called and what time.

18   MR. SAGER: After what happened?

19   MR. BURT: After the -- after Rick Kiene

20   called in and told us, you know, that the thing ignited

21   and that kind of stuff.

22   MR. SAGER: After the ignition is when you

23   started --

24   MR. BURT: Yes.

25   MR. SAGER: -- taking notes? Were you

1 supposed to make notes or was this something you did on

2 your own?

3   MR. BURT: That's generally what we would do

4 is jot down notes as to what time people called in and

5 that kind of stuff and transfer 'em to a -- a log.

6   MR. SAGER: Would you then give that log to

7 someone?

8   MR. BURT: Yeah, generally.

9   MR. SAGER: To who?

10   MR. BURT: Ron Brentson, I guess.

11   MR. SAGER: And what would he do with it?

12   MR. BURT: I don't know.

13   MR. SAGER: Have you ever gone through this

14 before?

15   MR. BURT: The --

16   MR. SAGER: Where you had to make notes on

17 a -- for incident?

18   MR. BURT: Yes.

19   MR. SAGER: And what happened?

20   MR. BURT: I made my notes, filled out the

21 emergency response form thing, and given it to Ron

22 Brentson, I believe.

23   MR. SAGER: And you never heard any more

24 about it?

25   (Pause)

1   MR. BURT: Depends on what it was. Yeah,

2   they'd come in and talk about it but as -- you mean as

3   far as the actual form?

4   MR. SAGER: Yeah, and the notes. Does

5   anybody go over them with you? "What happened here,

6   Ron? Why did you -- why did you do this? Why did you

7   call this particular supervisor?" Or whatever.

8   MR. BURT: No, I've never had anybody go over

9   'em like that with me.

10   MR. SAGER: So from your best recollection,

11   once you've written 'em up and put them on the log,

12   that's the end of it from what happened in the prior

13   incident?

14   MR. BURT: Yes.

15   MR. SAGER: Okay. You mentioned that you

16   thought Ron had come in and was trending something up.

17   And this occurred at what point in the incident?

18   MR. BURT: Just shortly after we got the

19   alarm that Ferndale went down on low suction, and

20   they -- Kevin said he was going to close the block

21   valves. Then he walked right there some place.

22   MR. SAGER: And what does "trending something

23   up" mean?

24   MR. BURT: Trending -- you can trend

25   pressures or gravities or rates or anything you want.

1   It actually shows a static trend in the line, what's --

2   what's happening.

3   MR. SAGER: Why would you do that?

4   MR. BURT: TO get a history of what was going

5   on.

6   MR. SAGER: And can you specify how long a

7   history you would want to get when you're trending

8   something up?

9   MR. BURT: Well, probably till before the --

10   before whatever it is you're looking at happened.

11   MR. SAGER: And that will tell you, depending

12   upon what you're trending, what happened in a -- in a

13   given period of time up until the current point in

14   time, is that right?

15   MR. BURT: Well, I don't know if it'll tell

16   you what happened, but it'll tell you, you know, if

17   you're trending a pressure it'll tell you what your

18   pressures did.

19   MR. SAGER: That's what I meant. Which --

20   MR. BURT: Yeah.

21   MR. SAGER: -- the history Of the pressures.

22   MR. BURT: Correct.

23   MR. SAGER: And what happened to the

24   pressures, okay.

25   MR. BURT: Assuming you have communications

1   MR. SAGER: Presumably.

2   MR. BURT: Yeah.

3   MR. SAGER: Did that surprise you that they

4   were doing that, that they were trending something up?

5   MR. BURT: No, that's pretty normal.

6   MR. SAGER: I wondered why you recall that

7   because there's so little that you seem to recall with

8   some certainty?

9   MR. BURT: I have no idea.

10   MR. SAGER: And you're really not certain

11   about that. You just happen to recall it, all right.

12   Is that something you would have recommended doing?

13   MR. BURT: Yes. If you don't know what --

14   what was going on, yeah.

15   (Pause)

16   MR. SAGER: Would a supervisor have told you,

17   while this was going on, while the trending was going

18   on, for you to mind your own counsel, to work on your

19   own segment of the line if you were to have come over

20   and watched what was going on?

21   MR. BURT: I don't think he would actually

22   tell me that but he'd probably leave it up to my

23   discretion to know if I could come over there or not.

24   MR. SAGER: You wouldn't expect any kind of a

25   punitive reaction?

1   MR. BURT: No.

2   MR. SAGER: Unless there was something that

3   was going on that you should have been --

4   MR. BURT: Yes.

5   (Pause)

6   MR. SAGER: When Rick said that he was going

7   to go back to the creek and see where the gas was

8   coming from, did that cause you any alarm or concern?

9   MR. BURT: Yes.

10   MR. SAGER: Why?

11   MR. BURT: Well, 'cause it could be a

12   dangerous situation.

13   MR. SAGER: For?

14   MR. BURT: For Rick.

15   MR. SAGER: And did you tell him that?

16   MR. BURT: I don't believe I told him that.

17   I believe the phone cut out.

18   (Pause)

19   MR. SAGER: Why was Bayview built and put on

20   line?

21   MR. BURT: Supposedly to -- I don't know. I

22   guess they felt it would help us run the line smoother.

23   It was -- if you lost a refinery you could come out of

24   Bayview instead and it would reduce some down time, I

25   guess.

1   MR. SAGER: Did that actually work that way?

2   MR. BURT: I don't feel it did.

3   MR. SAGER: And why not?

4   MR. BURT: It just never really seemed that

5   it happened or we needed to do that.

6   MR. SAGER: So we never really had the

7   opportunity to -- for it to fulfill its purpose as --

8   MR. BURT: No.

9   MR. SAGER: -- as you've described it?

10   MR. BURT: Yes.

11   MR. SAGER: How many people have you trained

12   as a controller to be controllers?

13   MR. BURT: How many people have I actually

14   had in there or how many people have actually became

15   controllers?

16   (Pause)

17   MR. SAGER: Have you been assigned to train

18   anyone from start to finish?

19   MR. BURT: Yes.

20   MR. SAGER: And how many of those persons

21   have you trained that way?

22   MR. BURT: The ones that have actually made

23   it from start to finish, one.

24   MR. SAGER: And why did some of those not

25   make it from start to finish?

1   MR. BURT: There were several reasons. Some

2   of 'em -- several of 'em were -- I don't know if they

3   were really meant to be trained from start to finish.

4   They were field operators that were getting cross

5   training. One of 'em was a lady that was just about --

6   had just about completed or finished when she had a

7   baby that died, and she chose not to come back. Tracy

8   Greene basically ended his training when the incident

9   happened, and he never came back in again.

10   MR. SAGER: Have you had any training for how

11   to train?

12   MR. BURT: Not really. Just, you know, just

13   on-the-job type of stuff. No formal training.

14   MR. SAGER: Are you asked during the training

15   by anyone how your trainees are doing?

16   MR. BURT: Yes.

17   MR. SAGER: And who asks you?

18   MR. BURT: Ron Brentson.

19   MR. SAGER: Can you phrase how he might put

20   the question to you?

21   MR. BURT: "How are they doing?"

22   MR. SAGER: Does he have any specific kinds

23   of things he's looking for when he asks a question like

24   that?

25   MR. BURT: I don't think so. Just your

1   general opinion of how the guy's doing.

2   MR. SAGER: When you have your controller who

3   completed the -- your trainee who completed the cycle

4   of training and became a regular controller, did you

5   evaluate that controller, his performance, before he

6   became a regular controller?

7   MR. BURT: Do you mean did I fill out a form

8   or something?

9   MR. SAGER: Did you fill out a form? Did you

10 talk with anyone about him?

11   MR. BURT: Just with Ron Brentson.

12   MR. SAGER: And was that talking -- specific

13 talk that was addressing where this person was and is

14 he ready to go now into regular service?

15   MR. BURT: Yes.

16   MR. SAGER: How detailed were you asked to --

17 to go -- how many -- how many details were you asked to

18 give?

19   MR. BURT: Not really any details. Just

20 whether he was ready to go or not.

21   MR. SAGER: And you said?

22   MR. BURT: I said no.

23   MR. SAGER: And you said no, he was not ready

24 to go?

25   MR. BURT: Yes.

1   MR. SAGER: And what happened?

2   MR. BURT: He's a controller.

3   (Pause)

4   MR. SAGER: Have you had to work with him

5   since?

6   MR. BURT: Off and on. Not very often but

7   here and there.

8   MR. SAGER: Was he doing okay?

9   MR. BURT: He's doing okay.

10   MR. SAGER: I'd like to shift gears a little

11   bit to another topic, another kind of topic. After the

12   explosion of June 10th, did anyone ask you to give a

13   urine specimen?

14   MR. BURT: No.

15   MR. SAGER: Do you know if anyone asked Kevin

16   or Ron to give urine specimens?

17   MR. BURT: I know Kevin did. And I believe

18   Lloyd did. I don't know about Ron.

19   MR. SAGER: Did anyone talk to you about it?

20   About your giving a specimen?

21   MR. BURT: I don't think so.

22   MR. SAGER: Would you have, if asked?

23   MR. BURT: Yes.

24   MR. SAGER: How did you come to fill in at

25   3:00 in the afternoon on the 10th? What's the --

1   what's the history of that? How's -- how long did you

2   know you were going to be filling in? Who did you

3   tell? who told you you were going to fill in, things

4   like that?

5   MR. BURT: The -- basically, what happened

6   was the guy that was working, me and him swapped three

7   hours. He worked three hours for me, I worked three

8   hours for him that day.

9   MR. SAGER: He had worked for you that day?

10   MR. BURT: Not that day but another day. He

11   worked prior to that.

12   MR. SAGER: It was just a deal you made

13   between yourselves?

14   MR. BURT: Yes.

15   MR. SAGER: Is this permissible to do without

16   a supervisor's consent?

17   MR. BURT: Yes.

18   MR. SAGER: Has there been any limit as to

19   how many hours you can work For someone else and make -

20   - and add those onto your own hours?

21   MR. BURT: I haven't seen an actual limit,

22   no.

23   MR. SAGER: Just a common sense kind of

24   thing?

25   MR. BURT: Yes.

1   MR. SAGER: Do you know if anyone's worked

2   more than three hours and added that onto their 12-hour

3   shift?

4   MR. BURT: I've never heard of anybody doing

5   it.

6   MR. SAGER: Has any supervisor or anyone

7   tasked with training or conducting safety meetings ever

8   spoken to controllers and to you about fatigue and

9   performance?

10   MR. BURT: No.

11   MR. SAGER: HOW many hours do you normally

12   sleep?

13   MR. BURT: Do I normally sleep when I'm on

14   shift?

15   MR. SAGER: Yeah.

16   MR. BURT: Usually six.

17   MR. SAGER: And when you get off shift, how

18   many hours do you normally sleep?

19   MR. BURT: On my days Off?

20   MR. SAGER: Yeah.

21   MR. BURT: I'd say probably seven or eight.

22   (Pause)

23   MR. SAGER: Did you have a leak detection

24   system that was operating on the 10th at the center?

25   MR. BURT: Yes.

1   MR. SAGER: What kind of a leak detection

2   system is it?

3   MR. BURT: I don't know that much about it.

4   It takes pressures and meters and temperatures and all

5   that into it and compares it against a static line

6   condition that it -- like a threshold that it has. And

7   if there's a deviation it declares a leak.

8   MR. SAGER: Has it ever declared a leakage?

9   MR. BURT: Yeah.

10   MR. SAGER: Did it do so accurately?

11   MR. BURT: Well, it wasn't a leak. It was

12   like a meter problem or that kind of thing.

13   MR. SAGER: Do you put a lot of credibility

14   in it, personally?

15   MR. BURT: I do today.

16   MR. SAGER: Did you on the 10th?

17   MR. BURT: No.

18   MR. SAGER: Did the other controllers?

19   MR. BURT: No.

20   MR. SAGER: Why not?

21   MR. BURT: Because I think they had it so

22   fine-tuned to catch every little thing that it was, you

23   know, going off too often.

24   (Pause)

25   MR. SAGER: The manuals that you have in the

1   center to work with, including the -- I think you

2   characterized it as the operation, procedure, and

3   maintenance manual that's on the intranet, do you have

4   any hard-copy manuals aside from that for reference?

5   MR. BURT: Aside from those?

6   MR. SAGER: Yeah. "Those," you mean there's

7   two? An operation, procedure, and maintenance manual,

8   is that two manuals?

9   MR. BURT: No, it's all included in one.

10   MR. SAGER: Okay. Is there a standard

11   operating procedures manual?

12   MR. BURT: Yeah.

13   MR. SAGER: Is that in hard-copy form or is

14   that on the computer also?

15   MR. BURT: That's hard copy.

16   MR. SAGER: All right. What's different

17   about that manual from the operating procedures that

18   are in the electronic version?

19   MR. BURT: I don't think there is an

20   electronic version of that one.

21   MR. SAGER: Well, that's what I mean. What -

22   - what's the difference between the hard copy, standard

23   operating procedures, and the operating procedures and

24   maintenance manual that's on the intranet?

25   MR. BURT: I'm -- I'm not sure -- do you mean

1 -- they're -- they're not the same manual.

2 MR. SAGER: Right. What's the difference?

3 MR. BURT: Well, the one's, you know,

4 basically procedures like abnormal procedures and what

5 to do. The other one's procedures like, you know, if

6 you're going to, say for example, start up, shut down

7 the Aqualon refinery, start up the Tesoro refinery. It

8 tells you -- steps you through how to do it.

9 MR. SAGER: And which is which?

10 MR. BURT: The operation, maintenance, and

11 procedure manual's the one that gives you procedures on

12 how to do different things.

13 MR. SAGER: All right.

14 MR. BURT: HOW to, you know, what your

15 pressures are supposed to be, that kind of stuff. The

16 other one's the one that tells you how to do batch

17 changes and that kind of stuff.

18 MR. SAGER: And are abnormal procedures

19 included in both of these?

20 MR. BURT: No. Just in the operation,

21 maintenance, and procedure manual.

22 MR. SAGER: Is there such a thing -- do you

23 recognize spiral -- a spiral notebook by name?

24 MR. BURT: Yes.

25 MR. SAGER: What is it?

1   MR. BURT: It's a log book, spiral notebook

2   that we keep track of things on, things that happen.

3   MR. SAGER: Like what?

4   MR. BURT: You know, if somebody goes to a

5   facility, when they showed up, when they leave, you

6   know, if a pump shuts down, if anybody's doing work,

7   that kind of stuff.

8   MR. SAGER: Were there any entries in that

9   spiral notebook from the incident on the 10th?

10   MR. BURT: On the 10th we weren't using one.

11   We were using the -- Aqualon's outage report form.

12   MR. SAGER: Is there a reason why you were

13   not using the spiral notebook on the 10th?

14   MR. BURT: Just, I guess, 'cause they were

15   using their outage report form instead.

16   MR. SAGER: Who decides that?

17   MR. BURT: I guess Aqualon came out with it

18   and said, you know, we want you to use this -- this.

19   MR. SAGER: And how long had that been going

20   on?

21   MR. BURT: Several years.

22   MR. SAGER: Do you know if Kevin had any

23   medical problems?

24   MR. BURT: None that I know of.

25   MR. SAGER: How old is he?

1   MR. BURT: He's probably 42, **43** I'd say.

2   MR. SAGER: Have you ever seen him taking any

3   pills?

4   MR. BURT: No.

5   MR. SAGER: Have you ever seen him sleep on

6   the job?

7   MR. BURT: Not when I've worked with him.

8   MR. SAGER: Is he a hard worker?

9   MR. BURT: Yes.

10   MR. SAGER: When he's working really hard,

11   how would you know it?

12   MR. BURT: How would I know it?

13   MR. SAGER: Yeah. If you looked over and saw

14   him working hard, what would the signs be for him?

15   MR. BURT: I don't know if there would be.

16   Probably if he's not talking to me, I guess. I don't

17   know. There weren't many visible signs.

18   MR. SAGER: When you came in and took Mr.

19   Smith's place, did he say hello?

20   MR. BURT: Mr. Smith?

21   MR. SAGER: No. Did Kevin say hello?

22   MR. BURT: Oh, I don't remember. I imagine.

23   MR. SAGER: Did you make any small talk?

24   MR. BURT: **I** imagine. **I** really don't

25   remember.

1   MR. SAGER: Would it be likely that you would

2   initiate the small talk or he would?

3   MR. BURT: It could go either way.

4   MR. SAGER: Do you know if he was going

5   through any major changes in his life? Divorce?

6   MR. BURT: No.

7   MR. SAGER: Sickness?

8   MR. BURT: Nothing that I know of.

9   MR. SAGER: Sickness of the spouse?

10   MR. BURT: No.

11   MR. SAGER: Did he ever talk to you about

12   anything stressful in his life?

13   MR. BURT: No.

14   MR. SAGER: Are you undergoing any stressful

15   period -- were you undergoing any stress at that time?

16   MR. BURT: No.

17   (Pause)

18   MR. SAGER: I'll just -- is it possible to

19   get hard copies from this -- from the -- from the

20   screens --

21   MR. BURT: Yes.

22   MR. SAGER: -- center?

23   MR. BURT: You can print 'em, yes.

24   MR. SAGER: Are there any screens that are

25   prohibited for -- does management prohibit the use of

1   any screens, any particular screens in the center?

2   MR. BURT: Nothing that I'm aware of.

3   MR. SAGER: Are there any procedures that

4   they prohibit?

5   MR. BURT: Procedures?

6   MR. SAGER: In the center. Controlling

7   procedures.

8   MR. BURT: I'm not sure what you mean.

9   MR. SAGER: Are there any things that are

10   prohibited that you're not -- are there anything -- is

11   there anything that you're not supposed to do as a

12   controller when you're operating the line that's a

13   matter of policy?

14   MR. BURT: Well, anything that would go

15   against the procedures manual.

16   MR. SAGER: can you give us some examples?

17   MR. BURT: You're not supposed to, you know,

18   go above your -- whatever your maximum discharge

19   pressure is, that kind of stuff.

20   MR. SAGER: Are there any screens that you're

21   not supposed to use?

22   MR. BURT: Not that I know of.

23   MR. SAGER: Are there any screens that you're

24   supposed to keep up?

25   MR. BURT: Nothing that you're required to

1   keep up, but it's generally accepted that you keep a

2   start-up display up at all times.

3   (Pause)

4   MR. SAGER: What do you think happened on the

5   10th that caused the leak and caused the -- the pumping

6   -- going on as long as it did?

7   (Pause)

8   MR. BURT: Well, I think the -- you know, it

9   was a series of events that caused the computers to go

10   down. And whatever caused that to happen, you know,

11   sent a surge up the pipeline and, you know, blew it out

12   in a weak spot.

13   (Pause)

14   MR. SAGER: Do you think there was any way to

15   find that out before Kevin finally found that he had a

16   problem?

17   MR. BURT: Any way to find out the -- that

18   there was a weak spot in the line?

19   MR. SAGER: -- cause it to -- it to rupture?

20   MR. BURT: Yeah, if the -- you know,

21   supposedly the backhoe people that hit it, if they

22   would have reported it it would have been replaced.

23   MR. SAGER: What about from -- from the

24   controller's point of view, was there anything the

25   controller could have foreseen that would have told

1   him?

2   MR. BURT: Not that there was a weak spot in

3   the line.

4   MR. SAGER: What about the rupture?

5   (Pause)

6   MR. BURT: Well, I mean I believe the rupture

7   would have never happened if the line wouldn't have

8   been leaking.

9   (Pause)

10   MR. SAGER: How long would you estimate as

11   given your experience as a controller, how long do you

12   think it was between the time of the rupture and the

13   time that you and Kevin were aware there was a problem?

14   MR. BURT: I have no idea.

15   MR. SAGER: None?

16   MR. BURT: No. I mean it had to have been

17   some time while the computers were down so I don't know

18   what length of time that was. 30 minutes to an hour, I

19   guess.

20   MR. SAGER: That's all I have. Thanks.

21   CHAIRMAN BESHORE: I think I want to just

22   follow up on one of your questions with maybe one

23   that's similar to one of your questions. In terms of,

24   I think, what we were trying to get at here was, was

25   there anything that could have been done to recognize

1   the fact that a rupture had occurred prior to

2   restarting the pipeline? Regardless of what you

3   believe caused the rupture itself.

4   (Pause)

5   MR. BURT: Probably not from the control

6   center but maybe physically going to Ferndale and

7   looking at a pressure trend. Maybe something like

8   that.

9   CHAIRMAN BESHORE: Do you think if you were

10   operating this section of pipeline that you would have

11   been able to recognize that a rupture had occurred

12   prior to restart?

13   MR. BURT: I don't know.

14   CHAIRMAN BESHORE: Did you -- did you observe

15   a PLDS alarm at all or an alert, I guess, on -- on the

16   accident sequence on -- on June 10th? Did you ever see

17   that come across the screen?

18   MR. BURT: I never seen it, no.

19   CHAIRMAN BESHORE: Is there a difference in

20   display or anything, the audible alarm, between, you

21   know, a leak alert and the PLDS system and any other

22   kind of alarm that's coming into this -- to the system?

23   MR. BURT: There's a -- there's a difference

24   in the audible alarms as far as what they call a

25   priority one alarm, and that's one of those -- but

1   there was -- you know, there could have been several of

2   those coming through at the same time. But not -- the

3   leak detection alarm doesn't have something separate

4   from everything else.

5   CHAIRMAN BESHORE: Okay. But it's a

6   considered -- it's considered a priority one alarm but

7   there are other --

8   MR. BURT: Yeah.

9   CHAIRMAN BESHORE: -- things that are also

10   considered a priority one alarm?

11   MR. BURT: Yes.

12   CHAIRMAN BESHORE: Okay. You mentioned Tracy

13   Greene never came back to work. Is that -- did I

14   misunderstand what you -- what you said there? After

15   the -- the accident on June 10th?

16   MR. BURT: He came back to work, just not in

17   the control center.

18   CHAIRMAN BESHORE: Well, do you -- he just

19   didn't want any part of it or do you know why --

20   MR. BURT: No, they -- I think they put him -

21   - they needed him to do work up in Bellingham.

22   CHAIRMAN BESHORE: Okay. So they --

23   MR. BURT: He was doing logistics type of

24   stuff.

25   CHAIRMAN BESHORE: So because of other

1　workloads he just never was reassigned to the control

2　room, is that --

3　　　　　MR. BURT: Yes.

4　　　　　CHAIRMAN BESHORE: Did -- when you're

5　operating the 20-inch line through Bayview, did you

6　have similar operational concerns, issues. with the

7　valving and other things that you observed with the 16-

8　inch line through Bayview?

9　　　　　MR. BURT: *Yes.*

10　　　　CHAIRMAN BESHORE: Okay. So you still had

11　operational issues associated with which ever line --

12　　　　MR. BURT: Yes.

13　　　　CHAIRMAN BESHORE: -- because of Bayview? It

14　wasn't just specific to the 16-inch?

15　　　　MR. BURT: Right.

16　　　　CHAIRMAN BESHORE: Did -- are you aware of a

17　block valve ever closing on that line coming into

18　Bayview? Do you recall?

19　　　　MR. BURT: I -- I think it happened on both

20　lines.

21　　　　CHAIRMAN BESHORE: Okay. So you think this

22　happened on either/or line?

23　　　　MR. BURT: Yes.

24　　　　CHAIRMAN BESHORE: Are they separate pressure

25　monitoring systems or -- they're entirely separate

1   systems going through Bayview, right? There's no

2   commingling of the product streams within Bayview or

3   there wasn't on June 10th?

4   MR. BURT: Yeah, that's correct.

5   CHAIRMAN BESHORE: Okay, So a pressure upset

6   on the 16-inch is not going to cause the incoming block

7   valve on the 20-inch to close, for example?

8   MR. BURT: Correct.

9   CHAIRMAN BESHORE: They're separate? Is the

10   controller's manual -- this operations manual for

11   controllers, is that the same as the standard

12   operations procedure? Is that something --

13   MR. BURT: I think that's --

14   CHAIRMAN BESHORE: -- I'm not going to mark

15   this as an exhibit, but do you recognize this --

16   MR. BURT: Yeah, I think that --

17   CHAIRMAN BESHORE: -- operation --

18   MR. BURT: -- that's something different.

19   CHAIRMAN BESHORE: That's something

20   different?

21   MR. BURT: Yeah.

22   CHAIRMAN BESHORE: So there's another

23   document called "standard operating procedures" that

24   goes into more detail on --

25   MR. BURT: It's --

1   CHAIRMAN BESHORE: -- specifics of operating,

2   you know, a particular line segment or a particular

3   station, is that --

4   MR. BURT: Not so much a line segment, more

5   as to do with actual batch change procedures. You

6   know, ball game procedures going from gas to fuel, that

7   kind of thing.

a   CHAIRMAN BESHORE: "Ball game." Somebody

9   used that term earlier. Can you explain -- you're not

10   watching the ball game on the monitor? You're talking

11   something --

12   MR. BURT: That's gas. Anytime you go gas to

13   fuel or fuel to gas in the pipeline.

14   CHAIRMAN BESHORE: Oh, okay. Now, at some

15   point you -- on June 10th you shut down your system --

16   your -- your part of the pipeline, is that correct?

17   MR. BURT: Correct.

18   CHAIRMAN BESHORE: And when -- when did that

19   occur?

20   MR. BURT: It was -- I don't know what the

21   time frame was, but five, 10 minutes after -- after the

22   call from Rick Kiene saying it had ignited.

23   CHAIRMAN BESHORE: Okay. So once -- once you

24   realized there was a leak, did you initiate that shut-

25   down or did you request approval?

1   MR. BURT: I -- I asked -- I asked Ron

2   Brentson first if I should shut it down.

3   CHAIRMAN BESHORE: And he -- he said yes?

4   MR. BURT: Yes.

5   CHAIRMAN BESHORE: And then you shut it

6   down --

7   MR. BURT: Yes.

8   CHAIRMAN BESHORE: -- successfully, I guess?

9   MR. BURT: Yes.

10   CHAIRMAN BESHORE: Was it possible to shut

11   the -- the pipeline down through Bayview without

12   causing some kind of upset to close this valve?

13   MR. BURT: Yes.

14   CHAIRMAN BESHORE: Okay. So you could, if

15   you were planning a shut-down and shutting down the

16   pipeline in a planned, laid-out fashion, you could

17   successfully --

18   MR. BURT: Sure.

19   CHAIRMAN BESHORE: -- do that without closing

20   this block valve?

21   MR. BURT: Yes.

22   CHAIRMAN BESHORE: Were you able to do that -

23   - any of your --

24   MR. BURT: I don't remember. I'm sure I was.

25   CHAIRMAN BESHORE: And I believe you

1   mentioned that, you know, you think the valve closed

2   while you -- while it was -- while you were operating

3   at some point in time, you don't remember any

4   specifics. But is that correct? *Am* I --

5   MR. BURT: What valve?

6   CHAIRMAN BESHORE: The incoming block valve

7   into Bayview. I'm sorry. On the 16-inch.

8   MR. BURT: Oh, that I think it might have

9   closed while I was running it? Yeah.

10   CHAIRMAN BESHORE: Correct.

11   MR. BURT: I'm -- I'm -- I mean it'd be

12 unreasonable to believe it didn't, but --

13   CHAIRMAN BESHORE: Well, you knew it was an

14 issue. You knew --

15   MR. BURT: Yeah.

16   CHAIRMAN BESHORE: -- you had that concern.

17 Did you ever -- do you remember ever filling out an

18 outage log or filling out a -- recording it --

19 recording it in any fashion in written form?

20   MR. BURT: I don't remember doing it in any

21 specific incident, but that would be what I would do.

22   CHAIRMAN BESHORE: Would you -- would you

23 consider that an abnormal operation in terms of the

24 operations and maintenance manual?

25   MR. BURT: It'd be considered an unintended

1   valve closure, I guess.

2   CHAIRMAN BESHORE: So you view that as a --

3   in your personal belief as of June loth, you would view

4   that as an abnormal operation?

5   MR. BURT: Yes.

6   CHAIRMAN BESHORE: And then that, according

7   to the procedure, needs to be logged somewhere?

8   MR. BURT: Yes.

9   CHAIRMAN BESHORE: Did you -- is -- I'm kind

10 of hit-and-miss. Sorry. I'm just trying to tie up

11 some loose ends that I've been taking notes on here,

12 so. You did not create an emergency log on June 10th,

13 is that correct?

14   MR. BURT: Correct.

15   CHAIRMAN BESHORE: Have you ever seen one

16 from June 10th?

17   MR. BURT: I haven't, no.

18   CHAIRMAN BESHORE: Do you know if anybody

19 developed one at all?

20   MR. BURT: I -- I thought somebody did, but I

21 don't know.

22   CHAIRMAN BESHORE: And you gave what notes

23 you took to, you believe, Ron Brentson?

24   MR. BURT: I don't remember that. I believe

25 he picked 'em up, but I really don't know.

1   CHAIRMAN BESHORE: You have no idea -- you

2   haven't seen 'em since? You don't have any idea of

3   what happened to them?

4   MR. BURT: No.

5   CHAIRMAN BESHORE: Nobody's asked you to

6   explain your notes to them? Okay. This leak detection

7   class -- excuse me. The leak detection class prior to

8   the June 10th event, was that the one that was like in

9   1990?

10   MR. BURT: Yes.

11   CHAIRMAN BESHORE: In any of the discussions

12   that -- that you recall or any of the concerns that

13   were expressed between you and all and what not with --

14   with Bayview, do you remember anybody being concerned

15   about the functionality of the relief valves at

16   Bayview?

17   MR. BURT: No, I don't remember anybody being

18   concerned about it.

19   CHAIRMAN BESHORE: Whether or not they were

20   working properly?

21   MR. BURT: No.

22   CHAIRMAN BESHORE: And you understand from

23   the schematics of Bayview and the pipeline drawings

24   that these relief valves were in place to avoid -- or

25   to relieve the pressure so that this block valve

1   doesn't close, right?

2   MR. BURT: Not necessarily. I understand it

3   to, you know, relieve the pressure if it was trapped in

4   there.

5   CHAIRMAN BESHORE: Okay. So your -- your

6   understanding wasn't necessarily that the relief valves

7   were like some first --

8   MR. BURT: No.

9   CHAIRMAN BESHORE: -- level of protection?

10   The block valve was some second level of protection?

11   MR. BURT: Right.

12   CHAIRMAN BESHORE: That wasn't your

13   understanding?

14   MR. BURT: No. It was -- it was always my

15   understanding that if, you know, the block valve went

16   closed and you still got the pressure in there then it

17   would relieve it. But, you know, it was really never

18   explained to me. That's just what I understood.

19   CHAIRMAN BESHORE: Now, after the accident,

20   and I guess this is really just applying to the 20-inch

21   through Bayview, I understand the -- that there were

22   some modifications done in particular with the -- is it

23   now easier to operate the pipeline system through

24   Bayview?

25   MR. BURT: Well, basic -- Bayview's bypassed.

1   CHAIRMAN BESHORE: Now it's bypassed

2   entirely, right?

3   MR. BURT: Right.

4   CHAIRMAN BESHORE: But for some period of

5   time you operated the 20-inch through Bayview, right?

6   MR. BURT: Yes.

7   CHAIRMAN BESHORE: From Anacortes?

8   MR. BURT: Yes.

9   CHAIRMAN BESHORE: Now, was it ever operated

10   after the modifications were -- some of the control

11   valves were taken off line, if -- if I understand

12   correctly. Maybe you can help me there. Is that your

13   understanding?

14   MR. BURT: Yeah, I believe they took out of -

15   - yeah. Something like that. I don't know exactly

16   what they did to the -- it seems like they did take off

17   some control valves.

18   CHAIRMAN BESHORE: Did that make it easier to

19   operate? Did that alleviate some of the -- the issues?

20   MR. BURT: I don't remember noticing a big

21   difference.

22   CHAIRMAN BESHORE: Okay. So you still had

23   concerns operating the 20-inch through there?

24   MR. BURT: Sure.

25   CHAIRMAN BESHORE: Were those ever alleviated

1   before they just bypassed the whole facility?

2   MR. BURT: My concerns?

3   CHAIRMAN BESHORE: Well, the operational

4   issues that you were concerned about. *I* mean did they

5   ever fix those concerns or did it just get to the point

6   where they bypassed the whole facility and that's how

7   they addressed those issues?

8   MR. BURT: I think they just bypassed it.

9   (Pause)

10   CHAIRMAN BESHORE: Now, you mentioned that if

11   you, you know, you were restarting the facility and

12   what not that you would have to contact whatever

13   refinery was providing product. And do you recall at

14   all if -- that being done by Kevin, any contact between

15   him and --

16   MR. BURT: I don't -- I don't remember him

17   doing it, but --

18   CHAIRMAN BESHORE: You mentioned he was on

19   the phone quite a bit, but you have no -- no

20   recollection at all what he was talking about on the

21   phone?

22   MR. BURT: No.

23   CHAIRMAN BESHORE: HOW far is Ron Brentson's

24   office from the control room?

25   MR. BURT: I don't know. 50, 70 feet,

1   something like that.

2   CHAIRMAN BESHORE: Can he see into the

3   control room from his office?

4   MR. BURT: No.

5   CHAIRMAN BESHORE: Does he come in on a

6   frequent basis? Is he in there for --

7   MR. BURT: Yeah.

8   CHAIRMAN BESHORE: He'd be in just -- you

9   know, is he in there for hours a day? Is he in there

10   for --

11   MR. BURT: No, I wouldn't say hours. But he,

12   you know, generally comes through in the morning and a

13   couple times during the day.

14   CHAIRMAN BESHORE: Okay. So he has kind of a

15   routine he follows?

16   MR. BURT: I don't know if it's any exact

17   routine, you know. Sometimes he's in there, you know,

18   doing stuff, trending stuff. But generally, he just,

19   you know, comes through and asks how things are going,

20   that kind of thing.

21   CHAIRMAN BESHORE: When it -- if -- in the

22   event that the block valve at Bayview started to close,

23   is that going to shut down all the rest of the pumps on

24   the system7

25   MR. BURT: It'll, yeah, shut down -- well,

1   eventually, yeah. Do you mean does it automatically

2   shut 'em down?

3   CHAIRMAN BESHORE: Right. I mean -- Well, I

4   guess my point is -- it shuts the line down for all

5   practical purposes? You end up having to shut

6   everything down and start it all back up, is that

7   correct?

8   MR. BURT: Yeah, unless it's a case that

9   you're doing what they call "floating a tank" back

10   then, that you were coming out of a tank at Bayview at

11   the same time. Then you could foreseeably have that

12   block valve go closed and all your north-end pumps

13   would go -- shut down, and you could continue out of

14   that Bayview tank.

15   CHAIRMAN BESHORE: Okay, All right. And

16   then you'd have -- before June 10th they did that on

17   occasion --

18   MR. BURT: Yes.

19   CHAIRMAN BESHORE: So it would definitely

20   affect the upstream facilities?

21   MR. BURT: Definitely.

22   CHAIRMAN BESHORE: But not necessarily on

23   downstream would it automatically knock everything down

24   if you were pulling out of a tank?

25   MR. BURT: Correct.

1   (Pause)

2   CHAIRMAN BESHORE: Bear with me just a minute

3   here. I'd like to go back through here and just make

4   sure I got everything.

5   (Pause)

6   CHAIRMAN BESHORE: Okay. Does anybody have

7   any follow-ups? Cliff?

8   MR. ZIMMERMAN: I just have a few, mercifully

9   short. How long had it been, Ron, since you had

10   trained someone before Tracy Greene?

11   MR. BURT: I don't know. I'd say a year,

12   maybe, something like that.

13   MR. ZIMMERMAN: Were you asked if you wanted

14   to be a trainer?

15   MR. BURT: Yeah, I was asked if I would train

16   him.

17   MR. ZIMMERMAN: And why were you selected to

18   train?

19   MR. BURT: I don't know. 'Cause Ron likes

20   the way I train people.

21   MR. ZIMMERMAN: Had he ever discussed with

22   you why he was selecting you over other people?

23   MR. BURT: Not really, no.

24   MR. ZIMMERMAN: IS it a job you enjoy?

25   MR. BURT: I don't know if I'd say enjoy it.

1   It's -- it's a challenge.

2   MR. ZIMMERMAN: Okay.

3   (Laughter)

4   MR. BURT: But I -- I wouldn't say I enjoy

5   it.

6   MR. ZIMMERMAN: Okay. That's all I have.

7   CHAIRMAN BESHORE: Linda?

8   MS. PILKEY-JARVIS: Just one question.

9   Sorry. You said that if product was relieved into a

10   tank after a relief valve operated that you needed to

11   account for product. So does that mean that when a

12   relief valve operated you would automatically look at a

13   tank to see if there was a corresponding increase in

14   product in the tank?

15   MR. BURT: Yes. And to see if the valve was

16   still relieving.

17   MS. PILKEY-JARVIS: Is that what -- asked if

18   you can ever recall specifically, you know, following

19   that procedure at Bayview when you saw relief valves

20   operating, but your recollection's been kind of vague

21   so I don't know if you can answer that.

22   MR. BURT: I don't recall.

23   MS. PILKEY-JARVIS: But it is an automatic

24   procedure?

25   MR. BURT: To account for the barrels?

1   MS. PILKEY-JARVIS: Yeah.

2   MR. BURT: Yeah. If -- if the barrels

3   actually were there. I mean sometimes it -- it

4   relieves and you don't actually get a barrel in the

5   tank. It's like it's such a quick surge that it pops

6   open and pops closed before anything actually runs

I   through it.

8   (Pause)

9   MS. PILKEY-JARVIS: Okay.

10   CHAIRMAN BESHORE: Jim?

11   MR. CASH: Just one question to follow up

12   Eric. When he asked you about what you thought caused

13   the -- the -- the pipeline to rupture, and I -- I think

14   you said -- and that's why I wanted to clarify this --

15   that -- that you thought that the pressure spike -- not

16   necessarily the rupture, but the pressure spike was

17   caused by the Scata failure? Is that --

18   MR. BURT: I believe that had a lot to do

19   with it, yes.

20   MR. CASH: Do you -- do you have any idea why

21   or what -- what part of the failure -- was it doing

22   things that it was not being commanded to do? Or was

23   it acting on its own?

24   MR. BURT: The Scata system?

25   MR. CASH: Yeah. What -- what aspect -- I

1 mean, you know, you said earlier that you could run for

2 hours without a -- the computer up. Why --

3   MR. BURT: Well, in -- in this instance what

4 I heard later was that, you know, prior to the computer

5 failure Kevin had swung from Renton DF to Seattle DF.

6 And when that happens you're going 8000 barrels an hour

7 into Renton. When you swing to Seattle it backs the

8 line up.

9   MR. CASH: So it was a combination of an

10 operator doing something and then losing the control of

11 the system?

12   MR. BURT: Losing control and not being able

13 to --

14   MR. CASH: Okay.

15   MR. BURT: -- complete what he was supposed

16 to be doing.

17   MR. CASH: Okay. So it was kind of bad

18 timing?

19   MR. BURT: Yes.

20   MR. CASH: Not necessarily you thought that

21 the Scata was doing things on its own?

22   MR. BURT: No. No.

23   MR. CASH: Which you've never experienced,

24 right?

25   MR. BURT: No.

1   MR. CASH: Okay.

2   (Pause)

3   CHAIRMAN BESHORE: Okay. I have --

4   (Laughter)

5   CHAIRMAN BESHORE: You mentioned that you had

6   -- training somebody and at the end of their training

7   period you were asked for evaluation and basically said

8   no, they're not ready. Was that -- I mean they were

9   made a controller against your advice? They basically

10   ignored your --

11   MR. BURT: I believe they were -- they were

12   put with another person to train for a while, and then

13   they were made a controller.

14   CHAIRMAN BESHORE: Okay. So they did receive

15   some additional training after your evaluation with

16   somebody else?

17   MR. BURT: Yes.

18   CHAIRMAN BESHORE: Before they were elevated

19   into that position?

20   MR. BURT: Yes.

21   CHAIRMAN BESHORE: And you said that YOU

22   thought they --

23   MR. BURT: Yes.

24   CHAIRMAN BESHORE: Is there anything else

25   that we haven't asked you about that you've thought

1   about over the last 15 months that you feel like may be

2   of benefit for us to know to help us with our

3   investigation?

4   MR. BURT: Not that I can think of off hand.

5   CHAIRMAN BESHORE: Okay. Thank you.

6   MR. ZARKY: One -- can you get one copy faxed

7   to you or something and have it attached as an exhibit

8   rather than my letting *go* of it?

9   CHAIRMAN BESHORE: I can go make it -- we can

10   go make a copy --

11   MR. ZARKY: Oh --

12   CHAIRMAN BESHORE: -- what we did earlier.

13   MR. ZARKY: Okay. Fine.

14   CHAIRMAN BESHORE: Yeah. Are we off the

15   record, Ed?

16   (Whereupon, at 6:05 p.m., on October 3, 2000,

17   the hearing was adjourned.)

18

19

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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.

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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 Ronald Burt has been called to testify or provide other information in this matter;

2. That Ronald Burt 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 Ronald Burt 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 Ronald Burt 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, Ronald Burt 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 _____14th_____ day of _____September_____, 2000.
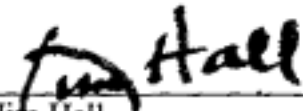
_____Jim Hall_____

Jim Hall
Chairman

Exhibit Burt #1

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF WHATCOM

KATHERINE DALEN, individually
and as the Personal
Representative of the Estate
of STEPHEN M. TSIORVAS, and as
Guardian ad Litem for ANDREW
R. TSIORVAS and GEORGE K.
TSIORVAS; and KYRIAKIE
TSIORVAS,

    Plaintiffs,

vs.

OLYMPIC PIPE LINE COMPANY, a
foreign corporation, EQUILON
PIPELINE COMPANY, LLC, a
foreign corporation, EQUILON
ENTERPRISES, LLC, a foreign
corporation; and FRED
CROZNALE, FRANK HOPF, RON
BRENTSON and JOHN DOES,

    Defendants.

OLYMPIC PIPE LINE COMPANY, a
foreign corporation, EQUILON
PIPELINE COMPANY, LLC, a
foreign limited liability
company; and EQUILON
ENTERPRISES, LLC, a foreign
limited liability company,

    Third-Party Plaintiffs,

v.

IMCO GENERAL CONSTRUCTION CO.,
a domestic corporation, and
JOHN DOE DEFENDANTS ONE
THROUGH FOUR,

    Third-Party Defendants.

NO. 99-2-01468-1

DEPOSITION UPON ORAL
EXAMINATION

RON BURT
VOLUME I

Taken at

701 Fifth Avenue
Seattle, Washington

REPORTED BY: Katie McCoy,
RPR, CSR

DATE TAKEN: August 31, 2000

---

1   FRANK S. KING, as the
2   Personal Representative of the
    Estate of MACK B. KING, and
3   FRANK S. KING and MARY L.
    KING, individually, and TRACY
4   K. BELL, individually, and
    JASON KING, individually,

5   Plaintiffs,

6   vs.   NO. 99-2-01467-3

7   OLYMPIC PIPE LINE COMPANY, a
8   foreign corporation, EQUILON
    PIPELINE COMPANY, LLC, a
9   foreign corporation, EQUILON
    ENTERPRISES, LLC, a foreign
10 corporation, and FRED
    CROZNALE, FRANK HOPF, RON
11 BRENTSON and JOHN DOES,

12   Defendants.

13 OLYMPIC PIPE LINE COMPANY, a
    foreign corporation, EQUILON
14 PIPELINE COMPANY, LLC, a
    foreign limited liability
15 company; and EQUILON
    ENTERPRISES, LLC, a foreign
16 limited liability company,

17   Third-Party Plaintiffs,

18 vs.

19 IMCO GENERAL CONSTRUCTION CO.,
    a domestic corporation, and
20 JOHN DOE DEFENDANTS ONE
    THROUGH FOUR,

21
22   Third-Party Defendants.

23   KATIE McCOY, RPR, CSR
24   10020-A Main Street, Suite 273
            Bellevue, Washington 98004
25   (206) 622-6897

          KATIE McCOY, RPR, CSR   Page 2 of 265
                (206) 622-6897

---

1   APPEARANCES:

2   For the Plaintiffs   DAVID BENINGER
    Tsiorvas and King: Luvera, Barnett, Brindley,
3   Beninger & Cunningham
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4   6700 Columbia Center
                              Seattle, WA 98104
5
    For the Plaintiff   DAMON PLATIS
6   Tsiorvas: Platis Law Firm
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7   Lynnwood, WA 98036-6725

8   For the Defendant   NICK S. VERNOLE
    Equilon: Davis Wright Tremaine
9   10500 N.E. 8th Street
                              suite 1800
10   Bellevue, WA 98004

11 For the Defendant   RICHARD ALLEN
    Olympic Pipe Line: CHRIS NICOLL
12   Cozen & O'Connor
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14
    For the Defendant   JOHN W. WOLFE
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17
    For the Defendant   LAURENCE FINEGOLD
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                              Seattle, WA 98101
20
                              (CONTINUED)
21
22

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          KATIE McCOY, RPR, CSR   Page 3 of 265
                (206) 622-6897

---

1   APPEARANCES (CONTINUED)

2   For the Defendant   MICHAEL R. SPAAN
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3   1031 West 4th Avenue
                              Suite 504
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5   For the Defendant   DOUGLAS NEGEL
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                              Seattle, WA 98121-1445

8   For Mr. Burt: ALAN ZARKY
9   Huditzky & Zarky, P.S.
                              803 Waterfront Place One
10   1011 Western Avenue
                              Seattle, Washington 98104-1040

11 Also Present: Bob Davis

12
13
14
15
16
17
18
19
20
21
22

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          KATIE McCOY, RPR, CSR   Page 4 of 265
                (206) 622-6897

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Mr. Beninger   7

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224 Letter to Mr. Zarky from U.S.
     Attorney dated 7/24/00 6   4

225 Offer of Employment for
     Mr. Burt 6   4

(RON BURT - BY MR. BENINGER)

SEATTLE, WASHINGTON: THURSDAY, AUGUST 31, 2000
                    9:53 A.M.
                   --oOOoo--
          (Exhibit Nos. 223 - 225 were
          marked.)

          MR. DAHL: This is the videotaped portion in
the deposition of Ron Burt. My name is Steve Dahl. I
am the videographer from Pro Video Seattle located at
80 South Washington, Suite 200, in Seattle,
Washington, 98104.

          This deposition is being recorded this 31st
day of August, 2000. The time is approximately 9:53
a.m., and we are at 701 Fifth Avenue, the 61st Floor,
in Seattle, Washington.

          This deposition is being recorded in the
matter of Katherine Dalen, et al., vs. Olympic Pipe
Line Company, et al., Case No. 99-2-01468-1, in the
Superior Court of the State of Washington, County of
Whatcom, and was noticed by David M. Beninger.

          Will counsel please identify themselves for
the record and will the court reporter please swear in
the witness.

          MR. BENINGER: This is David Beninger here
on behalf of the surviving family members.

          MR. ZARKY: Alan Zarky on behalf of

(RON BURT - BY MR. BENINGER)

---

1   Mr. Burt.
2   MR. NICOLL: Chris Nicoll on behalf of
3   Olympic Pipe Line.
4   MR. ALLEN: Dick Allen for Olympic Pipe
5   Line.
6   MR. VERWOLF: Nick Verwolf for Equilon
7   Enterprises and Equilon Pipeline Company.
8   MR. FINEGOLD: Larry Finegold for Ron
9   Brentson.
10   MR. WOLFE: John Wolfe Frank Hopf.
11   MR. SPAAN: Mike Spaan for Fred Crogale.
12   MR. PLATIS: Deron Platis for Kyriacos
13   Tsiorvas.
14   MR. WEIGEL: Doug Weigel on behalf of Imco
15   General Construction.
16
17   RON BURT,   witness herein, being first
18   duly sworn on oath, was
19   questioned and testified as
                          follows:
20   EXAMINATION
21   BY MR. BENINGER:
22   Q   Good morning, Mr. Burt. I introduced myself shortly
23   before the deposition started. Do you understand I
24   represent the surviving family members of the
25   explosion and fire in Bellingham, correct?

---

1   A   Yes.
2   Q   I'm going to ask you several questions today, quite a
3   number of questions. We'll be here for the better
4   part of the day. If you need to take a break or
5   anything, you just let me know, okay?
6   A   Okay.
7   Q   Could you please state your name for the record.
8   A   Ron Burt.
9   Q   Spell your last name.
10   A   B-U-R-T.
11   Q   Your address is what, sir?
12   A   ████████████████████████████████
13   Q   Telephone number is what?
14   Q   ██████████████████
15   Q   Social security number?
16   A   ██████████
17   Q   Do you subscribe to any newspaper?
18   A   The Valley paper.
19   Q   Is that it? Seattle Times or the Seattle P-I, you
20   don't subscribe to those?
21   A   No, the Enumclaw local paper.
22   Q   What's your current occupation?
23   A   Operations controller.
24   Q   For whom?
25   A   Olympic Pipe Line Company.

1 Q Back in June, 1999, that we're here about, what was
2   your occupation?
3 A Operations controller.
4 Q For whom?
5 A Olympic Pipe Line Company.
6 Q Were you on duty that day?
7 A Yes.
8 Q As operations controller it's your job to operate the
9   pipeline?
10 A Yes.
11 Q It's your job to operate the pipeline in a safe and
12   efficient manner?
13 A Yes.
14 Q If the pipeline wasn't safe you wouldn't operate the
15   pipeline, would you?
16 A No.
17 Q Why did three boys get killed June 10th, 1999?
18   MR. VERNOLF: Objection, no foundation.
19   MR. NICOLL: Same objection. Form of the
20   question.
21 A Because there was an explosion and they were there.
22 Q Why was there an explosion?
23 A I don't know exactly. The product got out of the
24   pipeline and ignited.
25 Q It's unsafe for the product to get out of the

1   pipeline, isn't it?
2 A Yes.
3 Q So why was the product out of the pipeline?
4   MR. NICOLL: Objection, lack of foundation.
5 A Because there was a hole in the pipeline.
6 Q Why was there a hole in the pipeline?
7 A I don't know.
8   MR. NICOLL: Same objection.
9 Q It's unsafe to have a hole in the pipeline midline,
10   isn't it?
11 A Yes.
12 Q Why was there a hole in the pipeline to allow product
13   to get out of the pipeline to burst into an explosion
14   and kill three boys?
15 A I don't know.
16 Q Are you continuing to operate that pipeline?
17 A Yes.
18 Q You would agree with me that the conditions that
19   pasted when the product left the pipeline, exploded,
20   killed three boys, was unsafe, correct?
21 A Yes.
22 Q So how do you know it's safe now?
23 A Well, that pipeline isn't being operated right now.
24 Q How do you know that there couldn't be a hole in
25   another part of the pipeline that's going to cause

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1   product to leave the pipeline, burst into flames and
2   kill more people?
3 A I don't know for sure.
4 Q Do you know even -- if you're not for sure, do you
5   know at all whether this pipeline can be operated
6   safely now?
7   MR. VERNOLF: Objection, argumentative.
8 A I feel it can be.
9 Q Why?
10 A I just do.
11 Q I need to know why. Did you feel it was safe before
12   the explosion that killed three boys on June 10th,
13   1999?
14 A Yes.
15 Q Have there been significant changes that have been
16   made since then that have somehow guaranteed that this
17   isn't going to happen again?
18   MR. VERNOLF: Objection, argumentative.
19   MR. NICOLL: Argumentative, foundation.
20 Q Have there been significant changes since June 10th
21   that would assure you that this pipeline can be
22   operated safety?
23   MR. VERNOLF: Same objection.
24   MR. NICOLL: Same.
25 A I don't know what you mean by significant. There have

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1   been changes.
2 Q What changes have been made since June 10th that you
3   believe guaranteed the safeness of this pipeline?
4 A The computer has been updated. I don't know if
5   anything ever guarantees the safety of anything.
6 Q Other than the upgrade to the computer, any other
7   changes that you can think of relating to safety that
8   have been made since the June 10th, 1999, catastrophe?
9 A Well, we've had some additional training.
10 Q Other than a computer upgrade and some additional
11   training to the operators, anything else that you
12   believe that's been made as a result of safety since
13   June 10th, 1999, and the death of three boys?
14 A They've run, run several tool scopes through the line.
15   They've hydrotested parts of it.
16 Q Anything else?
17 A Not that I can think of at the moment.
18 Q Let's go through this a little bit. Do you believe
19   that the computer problems or the computer lack of
20   upgrades before June 10th, 1999, was a causation or a
21   causative factor in allowing a release of product from
22   the line and killing three boys?
23   MR. ALLEN: Objection, no foundation.
24   MR. VERNOLF: No foundation.
25 A I don't know. I'm not a computer expert.

1   I   How do you think the upgrade to the computer somehow
2   made the line safer?
3   A   Seems to make it work better.
4   Q   You were having problems with the computer then before
5   June 10th, 1999; is that right?
6   A   I wouldn't say problems.
7   Q   What sort of concerns with the computer did you have
8   before as far as it not working very well?
9   A   Occasionally there was a slowdown.
10   Q   How often did that happen, a slowdown on the computer,
11   before June 10th, 1999?
12   A   I don't know how often.
13   Q   Once a week, once a month?
14   MR. NICOLL: Objection, asked and answered.
15   A   I don't know.
16   Q   Was the slowdown to the computer happening as often as
17   the uncommanded valve closures at Bayview Station?
18   MR. NICOLL: Objection, lack of foundation,
19   asked and answered.
20   A   Could you repeat that?
21   Q   Sure. Were the slowdowns to the computer before June
22   10th, 1999, happening as often as the uncommanded
23   valve closures to Bayview Station?
24   MR. NICOLL: Same objections.
25   A   I don't know.

1   I   I mean you were there when these slowdowns to the
2   computer occurred, weren't you?
3   A   Sometimes.
4   Q   Is the reason you don't know because it's been so long
5   or you don't remember or why?
6   A   That's probably part of it.
7   Q   What?
8   A   It's been a long time ago. I don't remember exactly,
9   you know, if they were or not.
10   Q   It's only been 14 months since the explosion that
11   killed these three boys. Do you think that that
12   amount of time has somehow clouded your memory as to
13   what was happening with the computer around that time
14   period?
15   A   I don't know. I don't remember a lot of problems with
16   the computer back then.
17   Q   The problems we're talking about are the slowdowns
18   with the computer. When was that occurring?
19   A   Exactly when, I don't know.
20   Q   Give me a ballpark. The month before this
21   catastrophe, the week before this catastrophe, the
22   days before this catastrophe, when?
23   A   Well, there's been slowdowns with the computer
24   periodically, you know, here and there, for 15 years.
25   You know, as long as I've been in there, now and then

1   it would happen.
2   Q   That's what I want to know is how often. Is it
3   happening once a year over those 15 years, twice a
4   year, once a month?
5   A   I don't know.
6   Q   Why don't you give me your best estimate as to what
7   you do know about the slowdowns to the computer.
8   A   Depends what you mean by a slowdown.
9   Q   What do you mean by a slowdown, sir? That was your
10   term.
11   A   A slowdown could mean it takes an extra three or four
12   seconds to get information back.
13   Q   What else could it mean?
14   A   It could mean it slow down to where it's not giving
15   you any information back.
16   Q   How often does it slow down where it's not giving you
17   any information back in the couple years before June
18   10th, 1999?
19   A   Very rarely.
20   Q   What do you mean by very rarely? Once a week, once a
21   month?
22   A   No. I can't recall a time it really did that.
23   Q   That was something you just made up then or what are
24   you talking about here when you talked about there's
25   these slowdowns to the computer?

1   MR. NICOLL: Objection, argumentative.
2   A   Like I said, a slowdown to me could mean a lot of
3   different things. It could mean it's bogged down a
4   little bit. It takes a little bit longer to get
5   information back.
6   Q   I mean are we talking less than 50 times that this
7   happened or more than 50 times that there was a
8   bogdown to the computer before June 10, 1999?
9   Q   To where it just slowed down a little bit to get the
10   information?
11   Q   A little bit or a lot.
12   A   Those are two different questions. A little bit, it
13   happens every now and then. Where it slows down a
14   lot, I can't think of a time it happened before that.
15   Q   So the first time that the computer bogged down,
16   failed, if you would, was June 10th. 1999? Is that
17   what I'm hearing you say?
18   MR. NICOLL: Objection, lack of foundation
19   and mischaracterizes the testimony.
20   Q   Go ahead.
21   A   I didn't say the computer failed. You know, it
22   appeared to slow down but --
23   Q   Are you aware of any time that the computer slowed
24   down to the point that it was unresponsive?
25   A   Yes.

1 Q When?

2 A What date? I don't know what date.

3 Q Give me a time frame, sir.

4 A I don't know, several years before that.

5 Q On one occasion or more than one?

6 A Two occasions that I can think of.

7 Q What was the reason for the slowdown or shutdown?

8   MR. NICOLL: Objection, lack of foundation.

9 A At one point a main power cable in Renton was cut and

10   they lost the computers.

11 Q The other time?

12 A The other time was several years prior to that,

13   shortly after they probably put in the SCADA system

14   and I don't know what happened. Somebody did

15   something on the computer and it caused it to slow

16   down.

17 Q Slow down as to the pint of being unresponsive?

18 A Yes.

19 Q And then the times where it just slowed to the pint

20   where it was being slowly responsive, are we talking

21   less than 50 or more than 50 times in the couple years

22   prior to June 10th?

23 A Less than 50.

24 Q Less than 25 or more than 25?

25 A I don't know. I'd say probably somewhere around 25.

---

1   I really don't know.

2 Q And on these 25 occasions where the computer slowed

3   down in the couple years prior to the June 10th, 1999,

4   catastrophe, what was done to try to figure out the

5   problem?

6   MR. NICOLL: Objection, mischaracterizes the

7   testimony.

8 Q Go ahead.

9   MR. VESNOLF: Objection, no foundation.

10 A I don't know.

11 Q Did you report the slowdown?

12 A Sometimes.

13 Q And sometimes you wouldn't report the slowdown?

14 A Well, just because information comes back a second or

15   two slower doesn't necessarily mean we would report

16   it.

17 Q Is there any protocol that's set up or procedures

18   that's set up as to when you should report the

19   computers being slow in responding?

20 A Not if it's, you know, barely slowed down.

21 Q What's the determination from Olympic Pipe Line as to

22   whether you have a bare slowdown, a major slowdown, a

23   moderate slowdown?

24   MR. NICOLL: Objection, lack of foundation.

25 A I don't know if there is. Probably just our opinion.

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1   I don't know.

2 Q Who would you report a computer problem of any sort

3   to?

4 A Ron Brentson.

5 Q And is he some computer expert?

6 A I don't know.

7 Q Why would you report it to him?

8 A Because he was my immediate supervisor.

9 Q Who was the computer person? Did you have a technical

10   support person for the computers?

11 A When?

12 Q Well, let's say six months before June 10th, 1999.

13 A I don't know if we had a -- I don't know. There was a

14   guy that worked in there and maintained them. I don't

15   know if that was his actual job title.

16 Q I didn't ask you if it was a job title. Who was the

17   person who was responsible for the technical problems

18   with the computer at any time before June 10th?

19   MR. NICOLL: Objection, lack of foundation.

20 A There was a time period that Todd Smith was working in

21   there. I don't know how much before June 10th that

22   was.

23   And what did you understand or your working knowledge

24   as to his expertise with computers?

25 A I don't know what his expertise is.

(RON BURT - BY MR. BENINGER)

1 Q If you had a computer problem would you report it to

2   him?

3 A If he happened to walk in the room we'd mention it to

4   him.

5 Q But if h? didn't you wouldn't go out of your way to

6   notify him there was a problem with the computer?

7 A Generally, I'd notify Ron Brentson.

8 Q Would there be entries or logs of the number of time

9   you would have reported a problem with the computer

10   prior to June 10th?

11 A Possibly, and sometimes we just verbally told him.

12 Q Verbally told Brentson?

13 A Yes.

14 Q What sort of upgrades were made to the computer?

15 A I don't know.

16 Q How do you know it's safer or not?

17 A I don't. I guess I just assume it is.

18 Q What sort of training have you had since June, 1999,

19   that you believe makes you, the operator, safer?

20 A We've had some hydraulic classes. Had a leak

21   detection class in Houston, that kind of thing.

22 Q Anything else other than the hydraulics class and the

23   leak detection class in Houston?

24 A I believe we did some computer modules. We were

25   tested, took a test.

21

1	Q	That was a 20 question test?
2	A	There was a couple different tests. I think one of
3		them was somewhere around 20 questions.
4	Q	Did you pass all the tests?
5	A	Yes.
6	Q	What were your scores on the tests?
7	A	I think a hundred percent on one and 90, or something
8		like that, on the other.
9	Q	Let's go back through the training then that you feel
10		somehow made the operators safer since June 10th,
11		1999. First one you mentioned was the hydraulics
12		class, correct?
13	A	Yes.
14	Q	How long a class was that?
15	A	I believe it was most of the day.
16	Q	So just one day?
17	A	Yes.
18	Q	And did you have an outside expert come in to teach
19		that class?
20	A	I believe there was a couple people there, one of them
21		from Equilon.
22	Q	Who was that?
23	A	I can't think of his name.
24	Q	Did Frank Hopf put on the seminar?
25	A	Frank Hopf was there.

22

1	Q	He's from Olympic, isn't he?
2	A	Yes.
3	Q	Was the general manager or vice-president of Olympic
4		at the time?
5	A	Yes.
6	Q	And what was the problem with hydraulics that you
7		believe led to the rupture and explosion that killed
8		three people?
9		MR. NICOLL: Objection.
10		MR. VERMOLF: Argumentative. Assumes facts
11		not in evidence.
12	Q	Go ahead.
13	A	I don't know if I believe there was a problem with
14		hydraulics.
15	Q	How does this one day class on hydraulics taught by
16		one of the people that worked for Olympic Pipe Line,
17		how did that somehow make the operators safer and
18		avoid another recurrence of this happening?
19		MR. NICOLL: Objection, mischaracterizes his
20		prior testimony.
21	A	I don't know if I believe that the hydraulics is what
22		caused it to happen.
23	Q	So having a class on hydraulics, is that going to
24		somehow prevent this from happening again?
25		MR. VERMOLF: Objection, argumentative.

23

1	A	It may help you to recognize it.
2	Q	Recognize what?
3	A	That something's happening.
4	Q	Was there a problem recognizing something was
5		happening on June 10th, 1999?
6	A	I don't know.
7	Q	You were there, weren't you?
8	A	Yes.
9	Q	Was there a problem recognizing that something was
10		happening on June 10th, 1999?
11	A	I wasn't running that line. I don't know what was
12		happening.
13	Q	You don't know what was happening?
14	A	I was running a different system.
15	Q	I'm sorry, you were on the same system, weren't you,
16		just running different parts of the pipeline?
17	A	I was running a completely different line.
18	Q	The segment I was being run by Kevin Dyvig, correct?
19	A	Correct.
20	Q	And the operators in the control room, they share
21		information if they have problems, don't they?
22	A	Not necessarily. Depends what they consider the
23		problem to be.
24	Q	You have a potential leak. You're going to share
25		information on that, aren't you?

24

1	A	Nobody did that day.
2	Q	They didn't?
3	A	No.
4	Q	So what you're saying is that you were not shared with
5		any information on a potential leak in the line from
6		Kevin Dyvig; is that correct?
7	A	Correct.
8	Q	And as a result, you didn't step in to make any
9		changes or offer any suggestions or do anything to
10		assist with that situation; is that right?
11		MR. NICOLL: I'm going to object on the
12		basis that it's a compound question.
13	Q	Go ahead.
14	A	I don't know. You have to break that down. Say that
15		again. I mean --
16	Q	Sure. Why don't I do it this way: What all did you
17		do to help out Mr. Dyvig in handling the situation
18		where gasoline, hundreds of thousands of gallons of
19		gasoline rushed out of a pipeline and killed three
20		people?
21		MR. NICOLL: Objection, argumentative.
22	A	At the time we didn't know hundreds of thousands of
23		gallons of gasoline were rushing out of the pipeline.
24	Q	When did you learn that?
25	A	After we got a phone call from somebody in the area.

1 Q You didn't know there was a leak at all until you got
2 a phone call from somebody in the area?
3 MR. NICOLL: You mean you, him, right?
4 A I didn't know, but I wasn't on ttnt line.
5/6 Q And there was no alarm ttnt care across on your screen
to let you know that there was a problem with ttnt
7 line?
8 A As far as a leak?
9 Q As far as any problem with that lire?
10 A well, at what time? I mean there was --
11 Q Any pint in tire. On June loth, 1999, were you
12 telling me you never got an alarm on your screen down
13 at the little reader section at the bottom that lets
14 you know that there was a problem on segment 1
15 somewhere along there?
16 MR. NICOLL: David, do you mean before they
17 got the phone call?
18 Q Go ahead.
19 A I mean we have lots of alarms on the screens. At what
20 tire? What alarms?
21 Q You do? You get a lot of alarms on the screen? On
21 June 10th you were getting?
23 A Yeah, me get alarms.
24 Q Do you get a lot of alarms on June l o t h p were
25 getting?

1 A Depends on what period.
2 Q Let's say the two hours before the explosion occurred
3 that killed three boys.
4 MR. NICOLL: Objection, argumentative.
5 Q Did you get a lot of alarms?
6 A I wasn't there the two hours before.
7 Q Where were you?
8 A I was at home.
9 Q Who was on your shift the two hours before this
10 occurred?
11 A Dave Smith.
12 Q So my understanding is that you went home and Dave
13 Smith took over for you at the time that the leak
14 occurred?
15 MR. NICOLL: Objection, mischaracterizes.
16 A No.
17 Q Let me back up here. What was your shift on June
18 10th?
19 A My normal shift was 6:00 at night to 6:00 in the
20 morning.
21 Q What was your shift on June 10th was my question?
22 A well, I came in early so I was there at 3:00 in the
23 afternoon.
24 Q Until when?
25 A 6:00 in the morning.

1 Q So p were there from 3:00 in the afternoon on June
2 10th, correct?
3 A Correct.
4 Q And you stayed there all the way until when?
5 A 6:00 in the morning.
6 Q Okay, and so at 3:00 in the afternoon, were you
7 there -- let me ask, when did the explosion occur?
8 A I don't know exactly.
9 Q Rough ballpark?
10 A 3:30, 4:00.
11 Q Would you agree with me that the explosion probably
12 occurred around 5:00, not when the leak occurred, but
13 when it actually caught fire and killed those three
14 boys?
15 MR. NICOLL: Objection.
16 Q It was around 5:00?
17 A I don't remember the exact tire frame.
18 Q When did the leak occur?
19 MR. NICOLL: Objection, lack of foundation.
20 A I don't know.
21 Q When did you first learn there was a leak?
22 A When I received the phone call.
23 Q Tell me exactly on June 10th, 1999, from the tire you
24 got there, everything that you did that day. 3:00
25 when you got there, were there any problems with the

1 computers?
2 A No.
3 Q that were you doing when you got on duty?
4 A I had the shift turned over W me. I started doing
5 several things, the routine I usually do when I come
6 on shift.
7 Q Which is what?
8 A Making up my batch changes for the day, checking the
9 top of my sheets to make sure they're made out
10 correctly, just basically glancing over the sheets to
11 see if, you know, see if everybody's got tines, a lot
12 of things like that.
13 Q How long did this process take?
14 A Generally it takes the first hour to two hours of your
15 shift.
16 Q You're actually running the segment of the line you're
17 responsible for?
18 A Yes.
19 Q So you're doing this. filling out sheets and
20 sure the tines are correct and doing that while you're
21 still watching your screens and operating your portion
22 of the line?
23 A Correct.
24 Q And the moment that you start to operate your portion
25 of the line started when on June loth?

1   A   At the same time you're doing that stuff.

2   Q   3:00?

3   A   I don't know if it was 3:00. Between 3:00 and 3:15,

4   somewhere in there.

5   Q   Why did you come in at 3:00 instead of your normal

6   time at 6:00?

7   A   Because the guy that was working needed to get off

8   early for some reason so he asked me to come in.

9   Q   Were you going to work an extra long shift?

10   A   Yes.

11   Q   Were you involved with any of the potential buyers who

12   were on site on June 10th?

13   A   No.

14   Q   Did you take part in any dinners or briefings or

15   anything like that for the potential buyers?

16   A   No.

17   Q   Were you aware that there were potential buyers on

18   site?

19   A   Not at that time.

20   Q   When did you learn that?

21   A   I'd heard that there was going to be some people

22   around there but I didn't know they were there while I

23   was there.

24   Q   So you learned before June 10th that there were going

25   to be some potential buyers in and around the

1   pipeline, correct?

2   A   Yeah. I didn't know they were going to be there on

3   that day. I'd heard they were going to be in the area

4   sometime that week.

5   Q   What did you hear?

6   A   That there were going to be some potential buyers

7   around.

8   Q   Did that influence you at all in anything you were

9   supposed to do?

10   A   No.

11   Q   Your work schedule involved?

12   A   No.

13   Q   Why were you informed there were potential buyers

14   then?

15   MR. NICOLL: Objection, speculation.

16   A   I don't think I was actually informed. It was just a

17   rumor that was going around.

18   Q   Why would there be a rumor on something of that

19   nature?

20   MR. NICOLL: Same objection. Calls for

21   speculation.

22   A   There always is.

23   Q   There's always rumors when people are coming out to

24   buy a portion of the pipeline?

25   A   Generally.

1   Q   The controllers, do they talk an awful lot about

2   people buying the pipeline or people operating the

3   pipeline?

4   A   People buying or operating?

5   Q   Or operating. Let's start with buying. Did the

6   controllers talk a lot about potential buyers to the

7   pipeline?

8   A   No, because there's generally not a lot of potential

9   buyers.

10   Q   Do the controllers talk a lot about the people who are

11   operating the pipeline?

12   A   You mean the management company?

13   Q   Management or any of the other controllers?

14   A   I wouldn't say they talked a lot.

15   Q   But they do talk?

16   A   Well, sure.

17   Q   They do talk about safety issues, correct?

18   A   Yeah, if -- yeah, if they feel there are any, they

19   talk.

20   Q   If you're having these discussions on potential buyers

21   and these rumors on potential buyers for the pipeline,

22   you'd certainly have a lot of talks about safety

23   problems with the pipeline, wouldn't you?

24   MR. VERWOLF: Objection, argumentative.

25   MR. ALLEN: Objection, and foundation.

1   A   I don't know what the buyers have to do with the

2   safety issues.

3   Q   Exactly. The safety issues would be a much higher

4   priority to the controllers than potential buyers,

5   wouldn't they?

6   MR. VERWOLF: Objection, argumentative.

7   A   Sure.

8   Q   In fact, if there were going to be rumors and

9   discussions, there would be a lot more rumors and

10   discussions among the controllers about safety issues

11   than there would be about potential buyers, correct?

12   MR. NICOLL: Objection, assumes facts not in

13   evidence.

14   A   I don't know.

15   Q   After this occurrence, have you had a lot of

16   discussions about the safety issues with the other

17   controllers?

18   A   Not really.

19   Q   Why not?

20   A   Well, I don't know, I don't know. I mean just the

21   general ones we always have.

22   Q   Like what?

23   A   Just, I don't know if they're safety issues. Just,

24   you know, we discuss what happened on your shift, that

25   kind of thing.

a:

Q How many shifts have you been on when you've killed three people?

MR. NICOLL: Objection, argumentative.

A I haven't been on any.

Q So would you agree that this would be a pretty unusual shift that you were on when these people were killed?

A Yes.

Q So did you just follow your normal chit-chatting after this shift or did you actually have some discussions about why three people died when you were operating the pipeline?

MR. NICOLL: Objection, argumentative.

A I'm sure we had discussions.

Q I want to hear about those discussions then. Not just general chit-chat stuff, but I want to hear about the discussions you had as to why three people died when you were operating the pipeline. Who did you talk to?

A I don't remember any exact discussions.

Q Why not?

A I just don't.

Q It's been too long?

A I don't know.

Q It's not important to you?

A Sure, it's important.

MR. NICOLL: Objection, argumentative.

Q Then why can't you remember the discussions you had as to why three people died when you were operating the pipeline?

MR. NICOLL: Objection, argumentative.

A I don't remember exact conversation. I just don't.

Q Can you remember any conversations?

A We just discussed it.

Q Who's we?

A Well, everybody.

Q When?

A I don't know.

Q All the time, at one special meeting? When did you discuss this?

A Well, mostly be with whoever you're working with.

Q Tell me who that you were working with that you talked about this with.

A I don't know. I worked with several people. I mean mostly Chris Herrera but -- he was mostly my partner.

Q Have you talked with Chris Herrera about why this occurred?

A I'm sure we talked something about it. I don't remember our exact conversations.

Q Don't you have regular safety meetings?

A Yes.

Q When do those occur?

A Monday every week.

Q Did you bring it up at any of the Monday of every single week during a safety meeting as to why this occurred or what happened here that three people died?

A I didn't.

Q Did anybody?

A I don't know.

Q Why wouldn't you bring it up?

A A lot of times I wasn't at those safety meetings.

Q You mean you just don't go to the safety meetings?

A Depending on when your shift is.

Q You must have gone to one of the safety meetings in the last year?

A Yeah, maybe, but generally we're on shift and we don't necessarily going to the safety meetings.

Q So as I understand, when the controllers are on shift they don't necessarily go to the weekly safety meetings; is that right?

A Yeah, depending upon what shift you're on.

Q And you're not required to go to a weekly safety meeting; is that right?

A Nobody required me to.

Q Have you ever been required to go to a regular safety meeting?

A No. There's been, there's been a few meetings that

---

they would come in and have it while we're on shift, that kind of thing.

Q Did they have one -- you mean "they" being the management for Olympic Pipe Line?

A Yes.

Q Did they have one regarding this accident?

A Not that I remember.

Q Have they had special meetings set up before where there's been near misses or leaks in the pipeline?

A I think they've had some meetings on near misses.

Q Why would they have a meeting on a near miss?

MR. NICOLL: Objection, calls for speculation. Lack of foundation.

A I don't know why. Just to discuss it, I guess.

Q What's the purpose of discussing it?

A Just to talk about it. I don't know. I've never been involved with one.

Q What's the purpose to talk about it though? Why spend your time talking about a near miss?

A I guess so it doesn't happen again.

Q So you'd have discussions on near misses for it to be a learning tool so that it doesn't happen again, correct?

A I guess.

Q And how many of these sort of discussions on near

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1   misses do you recall in the last couple years?
2 A I don't know.
3 Q They would actually not be an informal discussion, but
4   there would actually be a meeting that would be held
5   with some of the management of Olympic Pipe Line,
6   correct?
7 A I guess, yeah.
8 Q What do you mean you guess? Did you go to it or did
9   you skip that one, too?
10 A Well, we weren't -- it wasn't, it wasn't something
11   everybody attended. Just the people that were
12   involved with the near miss would go.
13 Q You were involved in this, not a near miss, but in
14   this actual catastrophe, weren't you?
15   MR. NICOLL: Objection, vague.
16   MR. BENINGER: What's vague about that?
17   MR. NICOLL: Explain what you mean by
18   involved. I think he said he was running a different
19   line. He wasn't consulted. Nobody told him that
20   there was a leak. The first he knew that there was a
21   leak was when there was a telephone, so I'm just
22   having trouble with the word "involved".
23 Q You were running a portion of the pipeline when it
24   ruptured, weren't you?
25 A No.

(RON SURT - BY MR. BENINGER)

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1 Q You weren't running any of this pipeline when it
2   ruptured?
3 A Not the pipeline that ruptured.
4 Q The pipeline we're talking about is the Olympic Pipe
5   Line, all segments of the pipeline. You understand
6   that?
7 A They're two completely separate lines.
8 Q When you say separate, you mean there's two physically
9   separate lines but they all go to the same place,
10   don't they?
11 A They can all go through the same place.
12 Q In fact, they all have to go through the same place,
13   don't they?
14 A Sure.
15 Q So you're located at the same place that they all go
16   through, aren't you?
17 A Yes.
18 Q And you're involved in the Control Center to make sure
19   you have complete control of the operations for that,
20   not only the Control Center, but all product that
21   flows through the Control Center, correct?
22 A No, I'm responsible for the separate line I'm running.
23   The other controller is responsible for the other
24   line.
25 Q And the two have to work together to make sure this

(RON SURT - BY MR. BENINGER)

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1   entire line is running safely, don't they?
2 A Not necessarily.
3 Q Is the system set up so that the controllers operate
4   independent of each other and don't share information
5   when operating the entire length of this pipeline?
6   MR. WESSLY: Objection, compound.
7   MR. NICOLL: Same objection.
8 A I don't know. You'd have to rephrase that.
9 Q Sure. Are you encouraged to work together to share
10   information so that the entire pipeline can be
11   operated safely when you're in the control room?
12 A It's not necessary to share information.
13 Q Well, let me ask you this: Is an alarm, if you're
14   working on segment 1, does an alarm that would occur
15   on the mainline splash up on your screens?
16 A It's generally one alarm screen between us.
17 Q There's also a readerboard or a ticker tape at the
18   bottom of your screen, isn't there?
19 A Yes.
20 Q Why didn't you tell me about that?
21   MR. NICOLL: Objection, argumentative and
22   mischaracterizes the testimony.
23 A Didn't know you asked about it.
24 Q I just asked about alarms and all you talked about was
25   the center alarm panel. You also get an alarm that

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1   comes up on the bottom of your screen, don't you, sir?
2 A Yes.
3 Q And the alarm that comes up on the bottom of your
4   screen is not only for the line you're controlling,
5   but also for the line being controlled by the other
6   operator, correct?
7 A Correct.
8 Q So that information is shared between operators no
9   matter which segment of the line they're operating,
10   correct?
11 A That information is shared.
12 Q And those alarms would deal with leaks, correct?
13 A Possibly.
14 Q Not possibly. They would deal with leaks. If there
15   was a leak on a section of the line, no matter if you
16   were involved on it or not, it would show up on your
17   screen, wouldn't it?
18 A Yeah, if the alarm comes through it would show up
19   there.
20 Q And the reason it would come through is because you
21   need to be aware of what's going on, not just on your
22   line, but any other potential problems on other
23   segments of the line, correct?
24   MR. NICOLL: Objection, calls for
25   speculation.

1 A Not necessarily. Shows up there so, I don't know why
a   it does.
3 Q You've never been trained to know why alarm would
4   show up at the bottom portion of your screen?
5   MR. NICOLL: Objection. Mischaracterizes
6   his testimony.
7 A I don't know. They just show up there because that's
8   where they show up but, you know.
9 Q You don't know what you're supposed to do when you
10   find an alarm show up at the bottom of your screen?
11 A Sure, I know what I'm supposed to do. If it deals
12   with my line I take care of it.
13 Q And if it doesn't you can ignore it?
14 A I make sure the guy I'm working with knows about it,
15   too, and he deals with it.
16 Q So you do have some responsibility, no matter if it's
17   your segment of the line or the other one, if an alarm
18   comes up, to share information and make sure they're
19   doing their job as well, correct?
20 A Just as far as making sure he's aware of the alarm.
21 Q And, in fact, once you make them aware of the alarm,
22   can you simply forget about the fact that there was an
23   alarm on the other segment of the line or are you also
24   responsible to make sure something is done to resolve
25   that alarm?

1 A Only if he indicates that he needs help.
2 Q You have no further follow-up with it if it's not your
3   segment of the line?
4 A Not really.
5 Q What do you mean "not really"?
6 A Well, I'm not responsible to go over there and, you
7   know, make him do something. I mean generally he
8   would just do it.
9 Q And would the alarm clear before it's been resolved?
10   MR. NICOLL: Objection, vague.
11 A Generally, you have to acknowledge the alarm.
12 Q So you would still have on your screen an alert or an
13   alarm showing up if there was a problem in the line
14   until it's actually been acknowledged and resolved by
15   someone else, correct?
16   MR. VERWOLF: Objection, compound.
17 A Correct.
18 Q And the reason it continues to show up on your screen
19   is what, sir?
20   MR. NICOLL: Objection, lack of foundation.
21 A Because that's just the way they work it. The alarms
22   come in on all the screens.
23 Q Why? Why on your screen if it doesn't apply to your
24   line?
25   MR. NICOLL: Objection, lack of foundation.

(RON BURT - BY MR. BENINGER)

1   Asked and answered.
2 A I guess so I can alert that guy if he doesn't see it.
3 Q Chris Herrera, is he still working for the company?
4 A No.
5 Q Why not?
6 A He was -- they wanted him to take another position and
7   he declined.
8 Q What other position?
9 A I don't know. Working out at maintenance, I guess.
10 Q Why were they removing him as a controller and placing
11   him in maintenance?
12   MR. NICOLL: Objection, lack of foundation.
13 A Because they came in one day and seen him with his
14   eyes closed.
15 Q Sleeping at the control room?
16 A No, I don't think he was sleeping.
17 Q Meditating?
18 A He just had his eyes closed for a couple minutes when
19   the new manager walked in.
20 Q That had been a problem with different controllers in
21   the past, having their eyes closed while they were
22   working in the control room?
23 A No.
24 Q Have you ever seen other people do that?
25 A Close their eyes?

1 Q Close their eyes for a couple minutes.
2 A Sure.
3 Q While they're on duty?
4 A Now and then you close your eyes to rest them.
5 Q For a couple minutes?
6 A Blink them, that kind of thing.
7 Q That's a couple fractions of a second.
8 A Well, I've never sat there and timed them. I don't
9   know exactly.
10 Q Somebody must have timed Chris Herrera if they noticed
11   he had his eyes closed for a couple minutes when he
la   was on duty, correct?
13 A That was a rough thing. The manager walked in, his
14   eyes were closed and that was all there was.
15 Q Yeah, I bet that was kind of rough for him. This
16   timing of this happened after three people died by
17   operations of the pipeline, correct?
18   MR. NICOLL: Object, argumentative.
19   MR. VERWOLF: Object, argumentative.
20 A Correct.
21 Q So after three people died in the catastrophe up in
22   Bellingham, one of the controllers on duty then has
23   new management come in and they catch him with his
24   eyes closed for a couple minutes, right?
25   MR. NICOLL: Objection, argumentative.

1 A Correct.

2 Q Did the fact that three people died by the operations

3   of the pipeline, did that cause some pretty

4   fundamental changes with the way operators do their

5   jobs?

6   MR. NICOLL: Objection, argumentative, calls

7   for speculation, lacks foundation.

8 A The way the controllers do their jobs?

9 Q Right.

10 A Not really. Maybe as far as there's only one line

11   running.

12 Q So all it did is reduce the amount of work that they

13   had, correct?

14 A Correct.

15 Q But did it cause people to be more aware of safety or

16   more concerned about safety or sleeping less on the

17   job or anything like that?

18   MR. NICOLL: Objection, compound question,

19   asks for speculation.

20 A I think we've always been concerned with safety.

21 Q Chris Herrera included?

22 A Yes.

23 Q Had there been any heightened concerns on safely

24   operating this pipeline by the controllers after three

25   people were killed by the operations?

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1   MR. NICOLL: Objection, argumentative.

2 A Sure.

3 Q What respect?

4 A No respect. I mean it made us more aware of what

5   could happen.

6 Q You weren't aware before that sleeping on the job or

7   being there resting your eyes for a few minutes closed

8   or not paying strict attention to the policies and

9   procedures could result in people dying?

10   MR. NICOLL: Objection, mischaracterizes the

11   testimony and is argumentative and is compound.

12 A No, we were always aware of that, but we didn't do

13   that.

14 Q What actually did it make you more aware of, the fact

15   that there was this explosion and three people dying?

16 A Just, I don't know. I don't know how to answer it.

17 Q Only you would know so I'm asking you, what made you

18   more, have a heightened safety concern?

19 A I've always had a, you know, heightened safety

20   concern. I mean it's not just like it all of a sudden

21   happened.

22 Q Have you had any more of a concern for safety since

23   this occurred?

24 A I don't know. I mean I've always had a concern for

25   safety.

(RON BURT - BY MR. BENINGER)

1 Q what caused this leak besides a hole in the pipe?

2   MR. NICOLL: Objection, lack of foundation.

3 A I don't know.

4 Q If you don't know, how do you know that it's not going

5   to happen again?

6   MR. NICOLL: Objection, argumentative.

7 A I don't know.

8 Q what are you doing then to figure it ah?

9   MR. NICOLL: Him personally?

10 A What am I personally doing? I'm just running my line

11   the teat I can.

12 Q You were running the line the best you could back on

13   June 10th, 1999, as well, correct?

14 A

15 Q And on a portion of the line there was a hole and a

16   leak, correct?

17 A

18 Q And you've run that portion of the line before,

19   segment 1, haven't you?

20 A Yes.

21 Q And you've run segment 1 since then?

22 A I don't think segment 1 has really run since then.

23 Q So both controllers now are just running the mainline?

24 A One controller is running it. The other guy is just

25   as a back-up.

(RON BURT - BY MR. BENINGER)

1 Q The controller now is just serving as a back-up? One

2   controller runs it and — is just serving as a

3   back-up?

4 A Yes. in case you need help or something.

5 Q And that's different than the way it was done before?

6 A Yeah. Before two lines were running.

7 Q Segment 1 encompassed which portion of the line?

8 A The north end of the line into Renton, Seattle or

9   sea-lac.

10 Q Both lines?

11 A No. Depending on what refinery you're coming out of.

12   You could come out of either refinery.

13 Q Which lines was segment 1 coming out of? All of the

14   north end? Both lines north of Renton?

15 A Depends on where you were in the schedule. It was

16   either the Anacortes Refineries to Renton, Seattle,

17   Sea-lac, or the Ferndale Refineries to Renton,

18   Seattle, Sea-lac.

19 Q You have -- the line from the Anacortes Refinery is

20   still in operation, isn't it?

21 A Yes.

22 Q Is that considered segment 1 or the mainline?

23 A It's considered segment 1 when it's going to segment

24   1.

25 Q The line from, segment 1 then runs from Anacortes to

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1 Bayview to Renton?
2 A Yes.
3 Q So what happens then when you have that line operating
4   and from Renton south operating?
5 A Then it's considered the mainline.
6 Q And if before this, before June 10th -- actually,
7   define for me what you consider to be the mainline and
8   segment 1 More June 10.
9 A Same thing. Segment 1 is the line that feeds Seattle,
10   Sea-Tac and Renton, depending on which refineries are
11   feeding that line. I mean it's a 16 inch line that
12   runs into Seattle, Sea-Tac and Renton.
13 Q From the northern refineries, from Ferndale and Cherry
14   Point?
15 A Or from Anacortes.
16 Q So any product that goes down the 16 inch line was
17   considered segment 1?
18 A Into, yeah, into Seattle, Sea-Tac and Renton.
19 Q How about product that came down the 20 inch line
20   north of Renton? Was that segment 1?
21 A No, it was the mainline because it continued on to
22   Portland.
23 Q So you have -- the 20 inch line was always considered
24   the mainline More June 10th?
25 A Yes.

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1 Q And the 16 inch line was considered segment 1?
2 A Yes.
3 Q And also included in segment 1 was the spur from
4   Renton that would go over to Sea-Tac, correct?
5 A Correct.
6 Q Any other portion of that that was considered segment
7   1?
8 A The spur that went to Seattle and the spur that went
9   to Renton DF.
10 Q The segment 1, how did you decide who was going to be
11   working the mainline and segment 1 before June 10th?
12 A We just alternated every day.
13 Q So all controllers had to be fully familiar with both
14   operations on the mainline and segment 1, correct?
15 A Yes.
16 Q And before June 10th you had one person for each
17   portion of that line, one person on the mainline and
18   one person running segment 1, correct?
19 A Correct.
20 Q Now you have two people running the mainline, correct?
21 A You have one person running it, basically, and the
22   other guy is there to help if you need him to help.
23 Q Did you need help? Did you need two people running
24   the mainline?
25 A Not necessarily.

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1 Q You say not necessarily. You either do or you don't.
2   Do you?
3   MR. NICELL: Object as argumentative.
4 A Well, I can run it without help, yes.
5 Q Is it more efficient and safely operated by having two
6   people being able to run the mainline?
7 A Not really. It just takes some of the workload off
8   you.
9 Q Do you need to have some of the workload off you to
10   run the mainline?
11 A No.
12 Q Then why have two people run it now?
13   MR. NICELL: Objection, asks for
14   speculation. Lack of foundation.
15 A I don't know why.
16 Q Did you ask anybody, why are we having two people run
17   this now when we only had one person before we killed
18   three people?
19   MR. NICELL: Objection, argumentative.
20 Q There must have been some direction that came down and
21   said you're now going to have two people running the
22   mainline instead of the one person that we had before.
23   Was there any direction like that?
24 A No.
25 Q When they told you they were going to have two people

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1 running the mainline, two controllers running the
2 mainline, did you ask any questions why, why do we
3 need this, what are we doing, anything like that?
4 A No, because one person is running it. The other guy
5   is in there doing other things, I guess.
6 Q Why do you have another person in there who is doing
7   other things when you didn't have a person there
8   before just doing other things?
9   MR. NICELL: Objection. Asks for
10   speculation, lack of foundation.
11 A I don't know.
12 Q Have you questioned anybody about that?
13   MR. NICELL: Asked and answered.
14 A No.
15 Q Why not?
16 A I just haven't.
17 Q Has it been talked about at any safety meetings or at
18   of the meetings?
19 A No.
20 Q That's a pretty fundamental change, isn't it, that you
21   have two people that are involved in running one line.
22   MR. VESSELF: Objection, mischaracterizes
23   the evidence.
24 Q Go ahead.
25 A You don't really have two people. I mean one person

1 is running the line. The next day the other person
2 is. They alternate back and forth.
3 Q But they're both there for the shift, aren't they?
4 A Yes.
5 Q So what's the back-up person's title?
6 A Operations controller.
7 Q And what's the primary operator's title?
8 A Same thing.
9 Q So you have two operations controllers and now the way
10 they do it is one person is on duty and the other one
11 is just kind of serving as back-up?
12 A Yes.
13 Q Was Chris Herrera, was he serving as back-up when he
14 had his eyes closed or sleeping?
15 A Yes.
16 Q And so that's what is happening now, the back-up
17 person, they just don't have enough work to keep them
18 busy during the shift?
19 A No.
20 Q Was he tired? Were his eyes physically tired from
21 watching the main person do their job? Is that why he
22 had to rest his eyes?
23   MR. NICOLL: Objection, calls for
24 speculation, lack of foundation.
25 A I don't know.

1 What were you told about the back-up person closing
2 his eyes or taking a rest or going to sleep?
3   MR. NICOLL: Do you mean Herrera?
4 Q I assume when Herrera was fired you were informed as
5 to why he was fired and told it was not proper for the
6 back-up person to close his eyes, correct?
7   MR. VIDMOLF: Objection. Based on
8 assumption.
9 A I didn't say he was fired.
10 Q He was demoted to maintenance, correct?
11 A Yes.
12 Q And were you told anything about why he was being
13 demoted that, look, even if you're serving as a
14 back-up, you've got to keep your eyes open to watch
15 what the primary person is doing?
16 A Were we physically told that? No, I think that's
17 understood.
18 Q Are the two people busy now?
19 A Not as busy as when two lines were running.
20 Q Do they keep themselves busy?
21 A For the most part.
22 Q Is that job more properly, running the mainline, more
23 properly served by having two people do it rather than
24 one?
25   MR. NICOLL: Objection, lack of foundation.

1 A Basically one person is running it. That hasn't
2 changed.
3 Q What is the other person doing then?
4   MR. NICOLL: Objection, asked and answered.
5 A Like I say, he is there to back you up.
6 Q Just waiting for you to slip or you to fall or you to
7 have some problem that you can't deal with?
8 A Answering phone calls or doing whatever.
9 Q So why would you have a controller answering phone
10 calls? Why wouldn't you get a receptionist?
11 A Because they would just have to transfer the phone
12 calls to us.
13 Q What kind of phone calls are you getting that keeps
14 this back-up person busy?
15 A I didn't say it kept them busy.
16 Q Is the back-up person busy or not?
17 A He's not real busy but he's there.
18 Q Have you said, look, this back-up person isn't real
19 busy. Why do we just have him sitting there?
20 A No.
21 Q Have you questioned why you have somebody that's not
22 real busy, a controller, sitting there?
23 A No.
24 Q Do you know who's made the decision that you need a
25 back-up person now?

1 A No.
2 Q And so your shift now, every other day you're serving
3 as a back-up person; is that right?
4 A Yes.
5 Q You're still making the same amount of money?
6 A Yes.
7 Q And that is, what, ███████
8 A Yes.
9 Q Why are you making less than Lloyd Tieken?
10 A I don't know. I don't know what Lloyd makes.
11 Q When you were hired on -- are you negotiating for a
12 higher raise, too?
13 A No.
14 Q Did you know that Mr. Tieken is going to negotiate for
15 a higher amount of money after he finishes his
16 deposition?
17 A I haven't discussed it with Lloyd.
18 Q Are you making the same amount now for BP as you were
19 making for Equilon or Olympic Pipe Line?
20   MR. NICOLL: Objection, mischaracterizes.
21 A Base salarywise I am.
22 Q They haven't given you a raise or anything?
23 A No.
24 Q Did you normally get a raise if you ran the pipeline
25 safely?

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 1    A    We got a yearly raise.
 2    Q    Did you get a yearly raise this year?
 3    A    When the last raises came up I got a raise.
 4    Q    Same, normal raise?
 5    A    Yeah.
 6    Q    And is the raise based upon your performance?
 7              MR. NICOLL:  Objection, lack of foundation.
 8    Q    Pardon me?
 9    A    I guess.  I don't know how they base it.
10    Q    So the Olympic Pipe Line would evaluate your
11         performance over the previous year and determine
12         whether or not they were going to give you a raise
13         based upon that performance, correct?
14              MR. NICOLL:  Objection, lack of foundation.
15    A    I don't know how they came up with the raises.
16    Q    Your performance was evaluated, wasn't it?
17    A    I mean somebody didn't come in and, you know, look at
18         everything I do.  I don't know if they evaluated me or
19         not.
20    Q    You don't know if you were evaluated once a year on
21         your performance?
22    A    If they did, they didn't say anything to me about it.
23    Q    You never had a yearly review to talk about your
24         performance and what you'd been doing right or wrong?
25    A    No.
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 1    Q    Do you know if the raise that you received was just
 2         based upon survival or was it based upon performance?
 3              MR. NICOLL:  Objection, argumentative, and
 4         lacks foundation and calls for speculation.
 5    A    I don't know what it was based upon.
 6    Q    But you did receive it for even this last year when
 7         three people were killed, correct?
 8    A    Yes.
 9              MR. NICOLL:  Objection, argumentative.
10    Q    Correct?
11    A    Correct.
12    Q    Same amount as you had received every other year?
13    A    I don't know if it was -- I don't remember the same --
14         basically the same amount.  Probably not exactly.
15    Q    When were the bonuses paid out?
16              MR. NICOLL:  Objection, vague, lacks
17         foundation, mischaracterizes earlier testimony.
18    Q    Go ahead.
19    A    I don't remember.  I think we got our bonus in
20         February, March, something like that.
21    Q    Of this year?
22    A    Yes.
23    Q    How much was your bonus?
24    A    I don't remember the exact amount.  I think it was
25         somewhere around $700.
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 1              MR. ALLEN:  Let's take a break.
 2              MR. DAHL:  Going off the record.  The time
 3         is approximately 10:51 a.m.
 4                   (Recess taken at 10:51 a.m.)
 5              MR. DAHL:  Back on the record.  The time is
 6         approximately 11:04 a.m.
 7    BY MR. BENINGER:
 8    Q    Let me switch gears a little bit if we could.  What
 9         have you done to prepare for this deposition?
10    A    I'm had a short meeting with my counsel.
11    Q    You have independent counsel; is that what I
12         understand?
13    A    Yes.
14    Q    Who is that?
15    A    Alan Zarky.
16    Q    Is that somebody you had known before this case?
17    A    No.
18    Q    Is that someone you've paid for or has your company
19         paid for him?
20    A    The company pays for him.
21    Q    Do you know why they feel you need counsel?
22    A    I don't know if they feel I need it.  They just
23         offered it if I wanted it.
24    Q    Why did you feel like you wanted it?
25    A    I felt like if they were going to pay for him, then I
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 1         wanted to have somebody to talk to.
 2    Q    Have you met with anybody else besides your counsel?
 3    A    A couple of the Olympic Pipe Line lawyers were there.
 4    Q    When was this meeting?
 5    A    Monday.
 6    Q    How long did it last?
 7    A    About three hours.
 8    Q    What was actually discussed during the meeting?
 9              MR. NICOLL:  Objection.  I'm instructing you
10         not to answer on the grounds of privilege.
11              MR. BENINGER:  Are you claiming this is your
12         client?
13              MR. NICOLL:  I'm claiming that in my
14         representation of the company, I have a right to
15         confidential and privileged communications with
16         company employees.
17              MR. BENINGER:  Wright vs. Group Health says
18         only a managing or speaking agent, so designate him --
19              MR. NICOLL:  No, no.  Wright vs. Group
20         Health doesn't talk about that.
21              MR. BENINGER:  Absolutely Wright vs. Group
22         Health talks about managing or speaking agents.
23              MR. NICOLL:  Why don't you take it up with
24         the court and we'll move on.
25              MR. BENINGER:  No, no.  We're not going to
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1 move on. If you're going to give him an instruction
2 not to answer of a person who you don't -- is not a
3 managing or speaking agent and therefore a client, I
4 need to know that now. We need to know that now and
5 resolve it now, so you need to make the designation
6 now. Either he is or he isn't.
7 　　　　MR. NICOLL: That's not true. I disagree
8 with your view of *Wright vs. Group Health*. *Wright vs.*
9 *Group Health* -- *Wright by Wright vs. Group Health* is a
10 case that dealt with whether or not a party can have
11 ex parte communications with nonspeaking agents of
12 another party knowing that the corporate entity —
13 represented. It **did** not deal with the extent of the
14 right of an attorney representing the corporation to
15 have privileged communications with any employees.
16 The Upjohn case extends the privilege all the way down
17 to the least of the employees, and so you and I
18 disagree.
19 　　　　MR. BENINGER: Upjohn case was a federal
20 case which was rejected by the *Wright vs. Group Health*
21 case. In addition, in *Wright vs. Group Health*, they
22 made it very clear that *a lawyer could not give*
23 instructions not to talk to the other side to people
24 who are not clients, meaning managing or speaking
25 agents *of* that lawyer.

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1 　　　　So for you to now give an instruction to
2 this client not to answer a question, you're either
3 deeming him to be a client and, therefore, a managing
4 or speaking agent, or you have done an improper
5 instruction not to answer to somebody who you have no
6 control over. So you need to make a decision. Are
7 you instructing this witness not to answer this
8 question?
9 　　　　MR. NICOLL: I am instructing this witness
10 not to answer the question.
11 　　　　MR. BENINGER: We will take that up and it
12 will be at your peril because I will ask for terms for
13 that. I do want you to know that.
14 　　　　MR. NICOLL: I understand.
15 BY MR. BENINGER:
16 Q　Now, for three hours you met with lawyers for Olympic
17 　Pipe Line; is that correct?
18 A　No, I met with my lawyer and there was a couple
19 　Olympic Pipe Line lawyers there, also.
20 Q　Your lawyer wasn't able to tell you what was going on
21 　in this case, was he?
22 A　No, but nobody told me what was going on.
23 Q　Why did you meet for three hours?
24 　　　　MR. NICOLL: I'm going to object because
25 　that, I think, still gets into what it was that was

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1 discussed in that meeting and I don't think that's a
2 proper question, and I'm instructing him not to answer
3 that question.
4 　　　　MR. BENINGER: Will you instruct him not to
5 answer as to any and all the specifics as to time, all
6 the people who were present, what was said, what
7 wasn't said, during that meeting?
8 　　　　MR. NICOLL: What was said and what wasn't
9 said. The time of the meeting and the people present
10 in the meeting, you can ask him about that.
11 　　　　MR. BENINGER: The specifics as to what went
12 on, the basis of your objection and instruction is the
13 attorney/client privilege; is that right?
14 　　　　MR. NICOLL: Attorney/client privilege and
15 work product, yeah.
16 　　　　MR. BENINGER: And what about the work
17 product do you think would enable you to keep this
18 witness from answering a question?
19 　　　　MR. NICOLL: Well, I am able to, and, in
20 fact, have to and am obliged to, be able to have
21 conversations with employees of the company in order
22 to represent the company.
23 　　　　MR. BENINGER: So why is that work product
24 that would be protected from disclosure?
25 　　　　MR. NICOLL: Well, the things that I say, my

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1 mental thoughts and impressions or anybody else who
2 might have been in the room would certainly constitute
3 our work product.
4 　　　　MR. BENINGER: It would be waived if it
5 wasn't through a third party, correct?
6 　　　　MR. NICOLL: I'm not going to agree with
7 that. In fact, we don't really have to get into a
8 discussion about this. I'm telling you the basis for
9 the objection. I think it's a proper objection and
10 I'm instructing him not to answer about the substance
11 of what we talked about.
12 BY MR. BENINGER:
13 Q　Was anyone present besides lawyers?
14 A　No.
15 Q　So there were three lawyers that you had a meeting
16 　with for three hours on Monday?
17 A　Yeah. I don't think they were all there the whole
18 　time, but at the most there was three.
19 Q　And no one else was present besides you three in
20 　total?
21 A　This gentleman came in later. I'm not sure if he's a
22 　lawyer. He was right at the end of it.
23 　　　　MR. FINEGOLD: I'll stipulate.
24 Q　Did you review any documents?
25 A　Just some -- there was one or two training documents

1   that I reviewed and a subpoena thing.

2   Q   You mean a training document from the company?

3   A   Yes.

4   Q   What sort of training documents, a manual?

5   A   No. It was just a, I think it was the test that I'd

6   taken, the deal that showed that I'd taken a computer

7   modules and that kind of thing.

8   Q   This would have been the tests that you did after the

9   June 10th occurrence, correct?

10   A   Correct.

11   Q   Any other documents you reviewed?

12   A   No.

13   Q   Did you review any statements or deposition from

14   Mr. Tieken?

15   A   No.

16   Q   Did you review the training manual?

17   A   No.

18   Q   Did you review the controller manual?

19   A   No.

20   Q   You are familiar with the Operations Manual for

21   Controllers, aren't you?

22   A   Not word for word.

23   Q   I'm not going to ask you word for word, but you are

24   familiar with the policies and procedures set out in

25   the Operations Manual for Controllers, correct?

---

1   A   Correct.

2   Q   And you're familiar with the standards that you're

3   supposed to perform your job under as set forth in the

4   Operations Manual for Controllers, correct?

5   A   Correct.

6   Q   You're familiar with what you're supposed to do in

7   abnormal situations?

8   A   Like I said, I don't know if word for word. Sometimes

9   if I feel it's an abnormal circumstance, I'll bring up

10   the manual and look at it.

11   Q   Where is your manual?

12   A   It's on a computer.

13   Q   Is it on -- what computer program is it on, the one

14   that you have at the office or at home?

15   A   No, it's on a separate PC in the Control Center.

16   Q   And everyone has access to that separate PC?

17   A   Everyone --

18   Q   All the controllers?

19   A   Yeah.

20   Q   And you can pull up on the -- is there a certain file

21   name in which this file is saved under?

22   A   Um, yeah.

23   Q   What's it called?

24   A   I think it's under, it's a section of the Operation

25   and Procedure Manual, I believe.

(RON BURT - BY MR. BENINGER)

1   Q   How do you access it then on this terminal?

2   A   We go to the, I don't know, they call it the Olympic

3   Intranet site. and click on the Operations,

4   Maintenance and Procedure Manual site and pick

5   "Abnormal Operations".

6   Q   And it sets forth all the conditions that are

7   considered abnormal?

8   A   Yes.

9   Q   Is it identical to the hard manual, Operations Manual

10   for Controllers?

11   A   I don't know. I assume it is.

12   Q   When was it last updated?

13   MR. NICOLL: Which one, the Intranet or --

14   Q   The computer.

15   MR. NICOLL: Objection, lack of foundation.

16   A   Prior to June 10th or just last updated?

17   Q   Last updated.

18   A   I think the updated parts of it, after June 10th

19   sometime.

20   Q   What parts?

21   A   I don't know exactly.

22   Q   Anything to do with abnormal conditions?

23   A   I believe some of that was updated.

24   Q   For what?

25   A   I don't know. I'd have to look at it.

(RON BURT - BY MR. BENINGER)

1   Q   When was the last time you looked at it?

2   A   well. I usually look at it, you know, *virtually* every

3   time I'm on a down shift.

4   Q   What do you mean "a *earl* shift"?

5   A   I'm on the line that's not running. I'm the back-up

6   guy.

7   Q   So you're going to the manual every other day?

8   A   Not always, but sometimes I skim through it.

9   Q   I thought it was *virtually* every other down shift?

10   A   Yes, but I don't look at it every other down shift.

11   Q   Why would you access it every other *earl* shift then?

12   A   Just to try to be more familiar with it.

13   Q   Was this your practice before --

14   A   M.

15   Q   -- the catastrophe in June as well?

16   A   M.

17   Q   How often did you access the manual before June 10th?

18   A   I'd say roughly every couple months.

19   Q   Is there an instruction now that the controllers are

20   supposed to be using some of their back-up time to

21   become familiar with the manual?

22   A   It's not an exact order from it, no.

23   Q   How does it come *earl* then, a recommendation to do it

24   by management?

25   A   No, I do it because I feel it's important to do it.

1 Q Why didn't you do it before if it was important to do?
2 A I did it before, just not as often.
3 Q Every couple months you'd only access it before,
4   correct?
5 A Correct.
6 Q If it was important to do, why wouldn't you do it
7   before then on a more regular basis?
8 A I don't know why.
9 Q Do you think that you have more time now to become
10   familiar with the manuals and what's required?
11 A Yea.
12 Q Do you think that if you're accessing it basically
13   every other day, do you think you're more familiar
14   with the manual and what's required of you now than
15   you were before June 10th?
16 A Yea.
17 Q I mean you wouldn't be having to access it that often
18   if there wasn't a lot that you needed to learn in the
19   manual, correct?
20   MR. VERNOLF: Objection, argumentative.
21 A I don't know if it's a lot to learn. A lot of it is
22   so you're familiar with where to go to find it easier.
23 Q You had some concerns on where to find certain things
24   before June 10th?
25 A No, I didn't have concerns.

1 Q You had problems on where to find certain things in
2   the manual before June 10th?
3 A No.
4 Q So what is it now that requires you to go in there
5   every other day to look at the manual?
6   MR. NICOLL: Objection, asked and answered.
7 A Nothing requires me to. I just do it because that's
8   what I feel like. That's what I feel I want to do.
9 Q How long have you been involved in operations of a
10   pipeline?
11 A 13, 14 years.
12 Q Why don't you give me, if you could, your background
13   starting with high school.
14 A High school degree.
15 Q And then after that, what sort of college?
16 A I went to a business college.
17 Q For how long?
18 A I think it was a year or two.
19 Q Did you get a degree of any kind?
20 A Yes.
21 Q In what?
22 A Just a business degree at the college.
23 Q What college?
24 a Knapp College of Business.
25 Q Knapp?

A Yeah.
Q How do I spell that?
A I think it's K-N-A-P-P.
Q You went there for a year or a year and a half, right?
A Yeah, something like that.
Q Do you know how to spell the name?
A I believe I just told you.
Q And that was your belief. Are you certain that's the
   way you spell the name of this college you went to for
   a year and a half?
      MR. NICOLL: Objection, argumentative.
A Not exactly sure. I believe that's the way it is.
Q Where is this college out of?
A I think they had a campus in Auburn and Tacoma.
Q Which one did you go to?
A Auburn.
Q What year was that?
A I don't know. Somewhere around '80.
Q Was it a general business degree? Is that what you
   got?
A It was a Knapp College of Business degree.
Q Which means what?
A Means it was a degree from that business college.
Q Did you pursue any other formal education beyond that?
A No.

1 Q How did that get you into operating a pipeline?
2 A I don't believe it did.
3 Q Did any of the courses or anything at Knapp Business
4   School qualify you to operate a pipeline?
5 A No.
6 Q Then how did you get into operating pipelines?
7 A I got a job with the company and moved into the
8   Control Center.
9 Q Which company?
10 A Olympic Pipe Line Company.
11 Q When did you start with them?
12 A '86.
13 Q What did you do between 1980 and 1986?
14 A I had several jobs.
15 Q Such as?
16 A Worked for Pacific Car & Foundry for a while. Worked
17   for Kenworth Truck Company for a while.
18 Q Any others?
19 A No, I think I worked with some carpet layers for a
20   short time.
21 Q So at Pacific Car & Foundry, what did you do there?
22 A Worked in the Ford shop.
23 Q Doing what?
24 A They make parts.
25 Q Were you making parts?

1   A   Yeah.

2   Q   Why were you going to do the part making if you had a

3   degree from this Knapp College?

4   A   Because it was a fairly good paying job.

5   Q   And then Kenworth, what did you do at Kenworth?

6   A   Worked on the assembly line.

7   Q   Doing what?

8   A   Did a lot of different things. Put the trucks

9   together.

10   Q   Assembling the trucks?

11   A   Yes.

12   Q   And then did you use your business degree at all at

13   Kenworth either?

14   A   No.

15   Q   How about as a carpet layer? What were you doing

16   there?

17   A   I was doing several things.

18   Q   On the business side or laying carpet?

19   A   Laying carpet.

20   Q   Anything on the business side?

21   A   No.

22   Q   Any other jobs that you had before you went to work

23   for Olympic Pipe Line?

24   A   That's all I can think of right now.

25   Q   1986 was the first time you were hired for Olympic

1   Pipe Line?

2   A   Yes.

3   Q   What did you get hired as?

4   A   Out in the Maintenance Department.

5   Q   What are you doing in the Maintenance Department?

6   A   Doing a lot of right-of-way work mostly.

7   Q   Meaning what?

8   A   Painting signs, stuff like that.

9   Q   Anything else besides painting signs?

10   A   Oh, they do a lot of weed-eating, different things

11   like that.

12   Q   How did you go from painting signs and weed-eating to

13   operating a pipeline?

14   A   They asked me if I wanted to train in, as a field

15   operator so I started cross-training as a field

16   operator.

17   Q   How long was your training as a field operator?

18   A   Roughly three to four months.

19   Q   Did you go to some special school or classes or is

20   this just on-the-job?

21   A   On-the-job.

22   Q   What was your job as a field operator?

23   A   I never really had a job as a field operator. I was

24   just training out there and, you know, learning what

25   they do.

1   Q   Did you ever work as a field operator?

2   A   A little bit.

3   Q   For how long?

4   A   I don't remember. Not very long. A couple months

5   maybe.

6   Q   Then what happened?

7   A   Then he had an opening in the Control Center so I went

8   in there.

9   Q   What made you qualified to work in the Control Center,

10   any of the assembly line work that you had done or

11   laying carpet or painting signs, anything like that?

12   MR. VERNOLF: Objection, argumentative.

13   A   No, none of that would have made me qualified.

14   Q   Then how were you qualified to go to work in the

15   Control Center?

16   A   Well, I didn't go straight in there and start running

17   the pipeline. I went in there and started training.

18   Q   Was training meaning you were doing on-the-job

19   training?

20   A   Yes.

21   Q   So you were actually assisting to run the pipeline at

22   that point?

23   A   Yes.

24   Q   So you did actually go in and start running the

25   pipeline?

1   A   With the guy overseeing my every move.

2   Q   How long did the guy stand over your shoulder and

3   oversee your every move?

4   A   How long each day?

5   Q   And for how many days?

6   A   Roughly about four months.

7   Q   So for four months you had somebody -- basically,

8   there were three people in the control room for four

9   months, correct?

10   A   Correct.

11   Q   And who was your supervisor?

12   A   Right when I first went there, Will Hood.

13   Q   Will Hood?

14   A   Yes.

15   Q   How long did he last with you?

16   A   Do you mean who was my trainer or my supervisor?

17   Q   Was it your trainer or your supervisor or are they

18   different?

19   A   The supervisor of the Control Center was Will Hood.

20   My trainer was Al White.

21   Q   And who stood and watched over your shoulder for

22   roughly four months?

23   A   Al White.

24   Q   Was he there every day you worked?

25   A   Yes.

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1   Q   All shifts?

2   A   Yes.

3   Q   So every moment of every shift he was there for four

4   months?

5   A   Yes.

6   Q   Did you go through any sort of simulations on how to

7   handle emergencies or how to handle abnormal

8   conditions during this four month training?

9   A   No simulations.

10 Q   How did you then learn how to handle abnormal

11   conditions?

12 A   Mostly just they would say, you know, what would you

13   do in this situation and p ' d tell them, that kind of

14   thing.

11 Q   just sort of informal questions and answers?

16 A   Yes.

1: Q   Any testing that you went through?

18 A   No.

19   MR. NICOLL: About handling abnormal

20   situations? Is that what you mean?

2:          MR. BENINGER: He answered the question.

2:          MR. NICOLL: I object to the question

2:      because it was vague. I mean, David, when you say any

2/   training on the heels of having asked a question like

2:      that, I think it's important to clarify.

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1   Q   Did you go through any other courses?

2   A   During that four months?

3   Q   Yes, during the four months.

4   A   Not that I recall. Mostly just on-the-job training.

5   Q   Were you tested on the manual and your familiarity

6   with the manual governing operations for controllers?

7   A   During that four months?

8   Q   Yes, sir.

9   A   No.

10 Q   How about after you took over operating the pipeline

11   on your own? Were you ever tested on your knowledge

12   and familiarity with the manual?

13 A   No.

14 Q   Who then made the determination that you were

15   qualified to run the pipeline?

16 A   Al White.

17 Q   And was that just based upon his watching you run it

18   day in and day out?

19   MR. NICOLL: Objection, asks for

20   speculation.

21 A   Basically then, yeah.

22 Q   Do you have any certifications at all that would

23   qualify you to run a pipeline?

24 A   What do you mean by certifications?

25 Q   Have you ever been certified by any outside agency?

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1   A   No.

2   Q   When did you become qualified to be a controller?

3   A   Roughly four months after I started the training.

4   Q   When would that have been?

5   A   Somewhere early '87.

6   Q   Have you gone through any refresher training or

7   courses since early '87 when you were operating the

8   pipeline on your own up until June 10th?

9   A   There was a leak detection class we went to in

10   Houston. We did some of the computer modules. There

11   was a couple hydraulic classes that we took.

12 Q   This would have all been before June 10th?

13 A   Yes.

14 Q   The leak detection class in Houston, when was that?

15 A   I don't know. Somewhere in -- I don't know. Roughly

16   '90 to '95, somewhere in there.

17 Q   Mr. Tieken indicated yesterday it was before he came

18   to work in 1994. Would that be approximately the time

19   period?

20   MR. VERMLF: Objection, argumentative.

21 A   I believe it was before he came to work.

22 Q   Was it just a one time experience?

23 A   Before June 10th?

24 Q   Yes, sir.

25 A   Yes.

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1   Q   Did you actually operate on a simulator?

2   A   Yes.

3   Q   And what was the purpose of the leak detection class?

4   A   To help you be able to recognize what a leak looks

5   like.

6   Q   Did the detection devices that were available down in

7   the class in Houston, were those the same as you had

8   on the Olympic Pipe Line?

9   A   What do you mean?

10 Q   The type of detection devices that were used on the

11   simulator, were they the same as the detection devices

12   you have on the Olympic Pipe Line?

13 A   They didn't really have detection devices. It was,

14   you know, you watched your pressures and that kind of

15   thing and you made a determination.

16 Q   So you were trying to be able to identify leaks based

17   upon the readings for flow rate, pressure, gravity,

18   those types of things?

19 A   Yes.

20 Q   And those would be the same instrumentation that you

21   have available to you with the SCADA system for

22   Olympic Pipe Line, correct?

23 A   Some of the same.

24 Q   What other types of, I guess I want to call it

25   devices, do you have for leak detection on the Olympic

1 Pipe Line besides your normal flow rates and pressure
2 readings and those things?
3 A There's a leak detection system that they've
4 installed.
5 Q Before June, 1999?
6 A Yes.
7 Q Is that part of the SCADA system?
8 A I don't know if it's part of it.
9 Q Can it run independent of the SCADA system?
10 A I don't know.
11 Q If SCADA goes down are you going to be able to get any
12   alarms or notifications that there's been a leak from
13   this leak detection system?
14 A No.
15 Q Why not?
16 A Because if SCADA slows down we don't read anything
17   from it.
18 Q You don't read anything from SCADA?
19 A If it slows way down. If it's just a little bit of a
20   slowdown we do, but depends what you mean by slowing
21   down.
22 Q I'm back in the leak detection. Can the leak
23   detection system you just talked about operate
24   independent of the SCADA system?
25 A I'm not -- I don't know.

1 Q If the SCADA system goes down are you able to access
2   the leak detection system?
3 A I believe we can go over and look at it.
4 Q Is it going to give you up-to-date readings?
5 A Yes.
6 Q So --
7 A As far as I know.
8 Q So it is independent of SCADA then?
9 A I believe it's independent of SCADA, but if there's an
10   alarm on it, it doesn't come through SCADA.
11 Q So the leak detection system that you're aware of can
12   operate whether or not the SCADA system is operable,
13   correct?
14 A I believe it's still running.
15 Q And it will still provide you alarms if it detects a
16   leak whether or not SCADA is operable, correct?
17 A It doesn't provide us alarms through our alarm screen.
18 Q Will it provide any sort of alarm?
19 A I believe if you go over to it you can look through it
20   and find an alarm. I'm not sure though.
21 Q The leak detection system, what sort of alert or
22   alarms are sounded? Is there an audible alarm?
23 A Yes.
24 Q Is there a visual alarm?
25 A Only through SCADA though.

1 Q The audible alarm is not through SCADA, correct?
2 A I believe it is.
3 Q So then does the leak detection system, does it
4   operate and provide you information independent of
5   SCADA or not?
6 A It runs independent of SCADA, I believe, but I'm not
7   an expert in it. I believe it's still running
8   independent of SCADA, but the information it provides
9   us, alarms, that kind of thing, comes through SCADA.
10 Q So if SCADA runs down you don't receive any
11   information from the leak detection system; is that
12   what I understand?
13 A You don't receive any information through SCADA.
14 Q Any other way?
15 A I believe you can walk over to the leak detection and
16   look at the screen and still get information.
17 Q So there's an independent screen from the leak
18   detection system that's independent of SCADA; is that
19   right?
20 A Yes.
21 Q And that screen, will it flash alarms if there's a
22   problem?
23 A I don't know if it flashes alarms or it just shows an
24   alarm. I don't remember.
25 Q What do you mean you don't remember? It's still in

1   use, isn't it?
2 A Yes.
3 Q What do you mean you don't remember?
4 A Well, if we get an alarm on it, it comes through SCADA
5   and we go over and look at it.
6 Q What about if SCADA is down? If SCADA goes down is
7   your procedure then to go and have somebody monitor
8   the leak detection system and screen that's there?
9 A I don't think there's an exact procedure that says
10   that.
11 Q Is that your understanding of what should be done?
12 A Well, we, you know, if SCADA goes down we use a lot of
13   different tools. That would be one of them.
14 Q Why are you going to the leak detection screen when
15   SCADA goes down?
16 A Just to see if it's showing anything.
17 Q What other things do you do when SCADA goes down?
18 A I don't know. It depends what you mean by going down.
19   Do you mean just a brief slowdown or --
20 Q Do you have different protocols that you're supposed
21   to follow for a brief slowdown vs. when it goes down?
22 A Brief slowdown you're not losing any information.
23   You're still seeing your pipeline.
24 Q So there would be no reason to even go to the leak
25   detection screen, correct?

1 A   Not unless you felt there was.

2 Q   Let's go tack to what we were talking about. When you

3   have a problem with the SCADA system and it goes down,

4   what's the protocol?

5 A   Again, I don't know what you mean by going down.

6 Q   Why don't you define for me the different protocols

7   that are set up within Olympic Pipe Line for handling

8   any sort of concerns with the computer system, meaning

9   the SCADA system. Do they separate them out?

10 A   M.

11 Q   Okay, then just tell me the system then that's used

12   for any sort of problem with the computer system.

13   MR. NICOLL: Object on the basis of

14   foundation.

15 A   Well, if it's -- I mean if you think your information

16   is coming back a little bit slower, I mean you

17   don't -- it's totally different than not getting any

18   information tack at all.

19 Q   I just want to know the protocol. I want to know the

20   standards that are set up, so tell me the standards.

21   MR. NICOLL: Same objection. Lack of

22   foundation.

23 A   Standards for what? If you're not getting any

24   information back on your screens?

25 Q   Yeah.

---

1   If you're not getting any information back, you know,

2   the first thing you'd do is check out, you know, I'd

3   check out my line and make sure I know I'm not about

4   to have a batch change that I have to do. Then you'd

5   probably notify somebody.

6 Q   So if SCADA goes down, isn't one of the first things

7   you do is try to shut down the line?

8 A   No.

9 Q   Why not?

10 A   Because if you're not getting any information back,

11   you have no control over shutting down the line.

12 Q   So you just leave the line running?

13 A   Yes.

14 Q   Then what do you do, call your supervisor?

15 A   Yes.

16 Q   Do you run to the leak detection screen to see what's

17   going on there?

18 A   If you feel there's a problem, yes.

19 Q   How do you know if there's a problem or not if your

20   system is down and you're not going to get any alarms,

21   so how do you know?

22 A   It depends on how long it's been down.

23 Q   It's been down -- have you been trained in what to do

24   when a computer has problems?

25 A   Just on-the-job type of training.

---

1 Q   Okay, what on-the-job training have you had? How many

2   times has the computer gone down that you've teen

3   trained?

4 A   It very rarely has ever gone down.

5 Q   Has it ever gone down?

6 A   I think I told you before, I'm seen it gone dun

7   twice.

8 Q   During those two times did you go through special

9   training on how to deal with that situation?

10 A   Not special training, no.

11 Q   Did you go through any training on how to deal with

12   that situation in the future?

13 A   M.

14 Q   So you haven't been trained then on what to do when a

15   computer goes down; is that right?

16 A   Well, except for, you know, we know our procedure,

17   call somebody, get somebody out there that know

18   something about it.

19 Q   Anything other than just calling somebody?

20 A   We know, you know, you're supposed to get operators

21   out to man the facilities if you can, that kind of

22   thing.

23 Q   So call some supervisor and call to get other

24   operators out in the field; is that right?

25 A   Uh-huh.

---

1 Q   Does that mean yes?

2 A   Yes.

3 Q   And that's it?

4 A   That's basically it.

5 Q   Are the operators instructed to close valves and shut

6   the system down?

7 A   Depends what the situation is.

8 Q   Can pumps be operated outside of the SCADA system?

9 A   From the field.

10 Q   So pumps up at the refinery could still be pumping out

11   product when the computer is down?

12 A   Yes.

13 Q   And so the operators in the control room would simply

14   just let that continue on?

15 A   Depends what the situation is.

16 Q   The computer's down.

17 A   Yeah.

18 Q   So tell me the different situations that you would

19   keep the pumps going or not keep the pumps going if

20   the computer is down.

21 A   Well, if you feel your line's been running pretty

22   steady all along, then you would leave it running.

23 Q   Why?

24 A   You don't have no control over shutting it down.

25 Q   Can you make a phone call to the pumps?

1 A   To what pump?

2 Q   Any of the pumps at the refineries or anywhere that a

3   product is being pumped?

4 A   You can make a call to the refineries.

5 Q   Can you have them shut the line down?

    A   Yes.

7 Q   But you wouldn't do that if you thought the line was

8   ping pretty good before the computer crashed?

9 A   Correct.

10 Q   Is the SCADA system basically your eyes and ears for

11   the operations of this pipeline?

12 A   Yes.

13 Q   And so if the SCADA goes down, you're essentially

14   blinded and deaf as to what's ping on in the line,

15   correct?

16 A   Yes.

17 Q   Would you drive a car if you couldn't see or hear?

18 A   No.

19 Q   But you feel it was safe to drive and operate a

20   pipeline if the computer system goes down so you can't

21   see or hear anything that's sing on in that line?

22 A   well, it's safer than just shutting down one end of

23   the pipeline and hoping the rest goes down, too.

24 Q   You don't have a system set up so that you can slut

25   down the pipeline in the case of an emergency?

---

1   MR. NICOLL: Object, mischaracterizes the

2   testimony.

3 A   Well, there's a system set up, you know. If you shut

4   down the refinery the rest is going to go down, too,

5   one by one.

6 Q   What if you have a power outage at the Control Center,

7   no more power, do you have a system set up so you can

8   shut down that line?

9 A   Just the same as we've been talking about.

10 Q   You call a supervisor, call operators to try to get

11   out in the field, and in the meantime the line just

12   keeps running; is that right?

13 A   Yes.

14 Q   You're not aware of any system set up to handle -- I

15   mean that would be an emergency if the power went out,

16   correct?

17 A   Well, generally if the power goes out you lose your

18   pumps, too, so that's going to shut your line down.

19 Q   If the power goes out in Renton would you lose the

20   pumps up in Ferndale?

21 A   No.

22 Q   If the power goes out in Renton would you lose the

23   pumps in Anacortes?

24 A   No.

25 Q   If the power goes out in Renton would you lose the

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1   pumps in Woodinville?

2 A   M.

3 Q   If the power goes out in Renton would you lose the

4   pumps in Bayview?

5 A   No.

6 Q   You really wouldn't lose the pumps, would you, sir?

7 A   Eventually you would.

8 Q   Eventually when the product runs dry and you can't get

9   it any further, correct?

10 A   well, no, if you lose the pumps in Renton it's going

11   to go down. It'll hit where the pressure is and it'll

12   go down.

13 Q   SO what you're saying is the system will shut down

14   because you'll have pressure surges because the

15   product can't get pushed through Renton, correct?

16 A   Correct.

17 Q   And so that's the way that the system was set up is

18   that you let it shut itself down automatically with

19   pressure surges while you're calling your other

20   operators and calling your supervisors? Is that what

21   you understand the procedure was?

22 A   Well, in that procedure you'd probably call the

23   refinery and have them shut their pumps down.

24 Q   Wait a minute. In what procedure?

25 A   If you lose Renton.

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1 Q   So now we're back to there's a power outage and you're

2   now saying that you remembered one of the other steps

3   in the procedure to deal with this is you're supposed

4   to call the refineries?

5   MR. NICOLL: Objection, argumentative.

6 A   This is two different procedures.

7 Q   What do you mean two different procedures? Power

8   outage in Renton.

9 A   In the original procedure there was no power outage.

10   We just were blind so we couldn't see it. It's two

11   different scenarios.

12 Q   Now, you've got a power outage so the pumps weren't

13   working in Renton?

14 A   Yes.

15 Q   In that case you're going to do something more.

16   You're going to call the refineries, correct?

17 A   Correct.

18 Q   What about you have a power outage. Are you able to

19   remote control the operating of the valves?

20 A   At anywhere on the pipeline?

21 Q   Anywhere.

22 A   Yes.

23 Q   How do you do that?

24 A   Well, we couldn't if there was a power outage because

25   the SCADA system would be down.

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1 3   That's what I just asked you. If you have a power
2   outage are you able to remotely control the valves
3   anywhere along the pipeline?
4 A   No.
5 Q   Do you have a back-up power supply?
6 A   There's a back-up just for communications.
7 Q   There's no back-up power supply to be able to run the
8   SCADA system or the pipeline; is that right?
9 A   It just runs the SCADA system for a short time.
10 Q   Have you had power outages in Renton?
11 A   Not very often.
12 Q   I didn't ask if you had them very often. I asked if
13   you ever had them.
14 A   Yes.
15 Q   And the whole system crashes?
16   MR. NICOLL: Objection, vague.
17 A   I don't know the whole system. What do you mean the
18   whole system?
19 Q   Your ability to operate the pipeline. Are you cut off
20   from your ability to operate the pipeline every time
21   there's been a power outage in Renton?
22 A   Yes.
23 Q   How many times has this occurred before June, '99?
24 A   Only once that I can think of.
25 Q   And there were no additional systems put in, physical

1   equipment put in place to help serve as a back-up
2   power supply after that occurrence?
3 A   Um, like I said, there is some kind of a back-up power
4   supply, but I believe it only just runs your
5   communications.
6 Q   But do you know that or not? As a controller who's
7   got to be dependent upon the SCADA system as its eyes
8   and ears, do you know whether it's going to run or not
9   run in the event of a power outage?
10 A   It's going to run for a short time.
11 Q   How long?
12 A   I don't know exactly.
13 Q   Do you have an hour? Do you have two minutes? What
14   do you have?
15   MR. NICOLL: Objection, asked and answered.
16 A   I don't know.
17 Q   Wait a minute. You're running this pipeline, correct,
18   as a controller; is that right?
19 A   Yes.
20 Q   You're dependent upon the SCADA system to be your eyes
21   and ears to operate the pipeline safely, correct?
22 A   Correct.
23 Q   And that SCADA system is dependent upon electrical
24   power for it to keep giving you the information to
25   serve as your eyes and ears, correct?

1 A   Correct.
2 Q   So it's pretty critical for you to know just what's
3   going to cause those eyes and ears to go blind and
4   deaf, isn't it?
5 A   Yes.
6 Q   And it's pretty critical for you to know just how long
7   you may be blinded and deaf with that SCADA system
8   before there's back-up power, correct?
9 A   Well, it is critical to know about. I can't tell you
10   exactly.
11 Q   Tell me about. About how long do you have if there's
12   a power outage that you can continue to operate off of
13   the SCADA system so you're not blind and deaf in
14   running this pipeline?
15 A   I don't know, 30 minutes, hour. I don't know.
16 Q   Are these just wild guesses or something that you're
17   trained in as an operator so that you know the
18   capacities of your system?
19 A   I'm not trained in it.
20 Q   Is there anything more important for you to do —
21   job safely as an operator & the ====system
22 A   That's pretty important.
23 Q   Is there anything more important than that? Anything
24   more important for you to do your job safely than the
25   SCADA system

1 4   No.
2 Q   And if I'm understanding, you don't know if the SCADA
3   system operates or doesn't operate if there's a power
4   outage, correct?
5   MR. NICOLL: Objection, mischaracterizes his
6   testimony.
7 Q   You don't know that for sure, do you?
8 A   I know we get information for a certain amount of
9   time.
10 Q   What you don't know is how much time you get
11   information; is that right?
12 A   Correct.
13 Q   And are you able then to do operations during this
14   period of time when there's a power outage and the
15   system's still operating?
16 A   At Renton we couldn't because of the power outage
17   but --
18 Q   Wait a minute. The SCADA system, are you saying that
19   for you to remotely control valves and do any of the
20   other operations, that those don't have a back-up?
21   Only the acquisition portion, the data acquisition
22   portion of the SCADA system is operable?
23 A   I don't know what you mean. Can you say that again?
24 Q   Sure. What portions of the -- the SCADA system stands
25   for what? SCADA means what?

1 A Supervisory control acquisition data or something like
2   that.
3 Q And data acquisition, correct?
4 A Yeah.
5 Q And are all the supervisory control portions of the
6   SCADA system operable as well as the data acquisitions
7   portions of it operable following a power outage for a
8   certain period of time?
9 A I think so.
10 Q You look like you're guessing at that. Are you
11   guessing or are you saying that from knowledge that it
12   does?
13 A I'm not sure what you're saying. Are you saying can
14   we see other parts of the pipeline during power outage
15   at Renton?
16 Q If you have a power outage at Renton, what do you know
17   you can do on that pipeline following the outage?
18 A I -- I think they can see other parts of the pipeline
19   but I'm not sure. I haven't been in that situation.
20 Q You haven't teen trained for that situation?
21 A M. No exact training, m.
22 Q Not an exact training, no general training at all in
23   what you CHI and can't do in a situation if you have a
24   power outage in Renton?
25 A I think it's been discussed.

1 Q Do you think or you know?
2 A I'm sure it's been discussed, but I can't think of any
3   specifics.
4 Q Was it discussed just generally like these rumors
5   about people buying the line or were there specific
6   meetings set up where it was discussed?
7 A I think there was -- seems like it was part of the
8   hydraulic classes after June 10th that we discussed;
9   some of that stuff.
10 Q How about before June 10th? Was there any discussion
11   of what's going to happen if there was a power outage
12   and your ability to see and hear what's going on with
13   this line?
14 A Not that I recall.
15 Q The power outage that you did have at Renton, how long
16   ago was that?
17 A I don't know. It was several years ago.
18 Q Now, in addition to a power outage, the computer
19   itself can crash, can't it?
20 A Um, it could, yeah, it could quit working.
21 Q And what happens when the computer quits working? Are
22   you specifically trained in what you can do then?
23 A Nothing, no specific classroom training.
24 Q How about on-the-job training? Did you have
25   on-the-job training where they shut the computer down

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1 and you were supposed to figure out what you CHI do
2 and not do?
3 A They didn't actually do that while I was on-the-job
4   training, no.
5 Q Did you have any type of training as to what you can
6   expect and what you can do if the computers failed?
7 A Basically, if they failed blind, you can't see
8   anything.
9 Q I know that. I know how serious it is. I just want
10   to know what you're going to do in response to it?
11 A Again, it depends on, you know, if your line's teen
12   running steady or what's going on in your pipeline.
13 Q Is that just your judgment or ia that what the
14   policies ad procedures that have been trained to you
15   to make that decision once you become blind and deaf
16   with the SCADA system going down?
17 A That's my judgment.
18 Q Have you been specifically trained to what you can do
19   and not do or should do or not do in the event that
20   the SCADA system goes down for any reason?
21 A M, I have not been specifically trained.
22 Q Even after June 10th you haven't had that t-------
23 A Again, I think maybe it was part of that one class
24   that they discussed a little bit.
25 Q In hydraulics? That hydraulics class you went to.

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1 this one day class you went to afterwards?
2 A Yes.
3 Q But you're not sure it really was or wasn't discussed?
4 A I can't recall exactly.
5 Q How long ago was that?
6 A I don't know. Shortly after June 10th. I don't
7   remember exactly.
8 Q And so within the last year you can't remember this
9   training course you went to as to whether they
10   discussed what's going to happen if there's a power
11   outage or what's going to happen if the SCADA system
12   goes down?
13 A They discussed a lot of things. I don't remember.
14 Q Did they discuss too much for you to remember at this
15   seminar?
16   MR. NICOLL: I'm going to object. It's
17   argumentative.
18 A I don't know.
19 Q If there was a discussion on what happens when the
20   computer goes down and the power goes down, was it
21   less than five minutes?
22 A I don't know. I don't -- I can't remember the
23   specific discussion.
24 Q You can't remember if it really even was discussed,
25   correct?

1 A   I don't remember exactly if we did or didn't.

2 Q   What's your worst fear when you're operating that

3   pipeline?

4 A   A leak situation.

5 Q   Is your worst fear a leak situation and you not know

6   about it? Would that be even worse?

7 A   Sure.

8 Q   Would it be pretty fearful for you to operate that

9   system blind and deaf?

10 A   Yes.

11 Q   On the priority of things that are of concern to you,

12   what's probably the thing that would be the most

13   concerning -- you would be the fact that you would not

14   know what's going on in the operations of your

15   pipeline?

16 A   Yes.

17 Q   Can you think of anything worse as an operator than

18   being blind and deaf and not knowing what's going on

19   when you're trying to operate that pipeline?

20 A   No.

21 Q   What contingencies or what procedures have you

22   implemented to take care of that worst fear of trying

23   to operate that pipeline blind and deaf?

24 A   That I personally implemented?

25 Q   You personally first. We'll start with that.

1 A   Nothing really.

2 Q   How about the company? What has the company done to

3   help you with this worst fear you have of operating

4   that pipeline blind and deaf with the system, SCADA

5   system being down?

6 A   They haven't really done anything.

7 Q   Is another enormous fear that you would have is if the

8   SCADA system was giving you misleading information?

9 A   Yes.

10 Q   So not only would you be blinded and deaf in some

11   situations, but in another situation if you're so

12   dependent on SCADA, it's giving you misleading

13   information, that would be a major concern, wouldn't

14   it?

15 A   Yes, if that happened.

16 Q   And what training have you had to double check the

17   accuracy of the information coming over SCADA?

18 A   None really.

19 Q   What do you do to double check the accuracy of the

20   information coming over SCADA?

21 A   We don't really do anything to double check it.

22 Q   So you operate this thing completely dependent. This

23   pipeline, you operate this pipeline completely

24   dependent upon the information coming to you from the

25   SCADA system, correct?

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1 A   Yes.

2 Q   Do you think that's safe?

3 A   I don't know.

4   MR. NICOLL: Objection. Asks for a legal

5   conclusion.

6 Q   I want your opinion. Do you think it's safe?

7 A   It's always been, the information we've gotten has

8   always been reliable except when it's not coming in.

9 Q   Except when three people died, right?

10   MR. NICOLL: Objection, argumentative.

11 A   At that time we weren't getting any information.

12 Q   That then is the same problem that I have before.

13   When you're not getting any information you're blind

14   and you're deaf, aren't you?

15 A   Yes.

16 Q   Do you think that not having a system set up so that

17   you don't operate that pipeline blind and deaf is

18   safe?

19   MR. NICOLL: Objection, mischaracterizes the

20   testimony. Assumes facts not in evidence.

21 A   No, it's not -- well, it could be safer, I guess, if

22   you had another system.

23 Q   Why don't we go back to the day of the incident and

24   talk about what you ---- doing there operating this

25   thing for a period of time blind and deaf, okay?

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1   MR. WOLFE: Excuse me, David, it's about

2   five to 12. It sounds to me like you're going to go

3   into -- this will be a lengthy subject. Do you want

4   to break for an hour and come back?

5   MR. BENINGER: Sure, we can do that.

6   MR. DAHL: Would you like to stop the tape

7   and flip the tape so we're ready to go next time?

8   we're almost at the end of this one.

9   MR. BENINGER: That will be fine.

10   MR. DAHL: This is the end of tape No. 1 in

11   the deposition of Ron Burt. The time is 11:53 a.m.

12   Going off the record.

13   (Exit Mr. Platis and Mr. Allen.)

14   (Lunch recess taken at 11:53 a.m.)

AFTERNOON SESSION

1:11 P.M.

--oo0oo--

MR. DAHL: Back on the record. This is the beginning of tape No. 2 in the deposition of Ron Burt. The time is approximately 1:11 p.m.

CONTINUED EXAMINATION

BY MR. BENINGER:

Q   Mr. Burt, we're back on the record now. Is there anything that you remembered over the lunch hour or things that you want to correct that you stated this morning?

A   No.

Q   Let me then bring you back, focus your mind back on the June 10th time period, 1999, okay?

A   Okay.

Q   It's my understanding that on that day you were going to come in earlier than your normal shift?

A   Yes.

Q   Your normal shift was a 12 hour shift from 6:00 a.m. to 6:00 p.m.; is that correct?

A   Yes.

Q   And you were going to be working a 15 hour shift on that day; is that right?

A   Yes.

Q   During your 12 hour shift, how do you deal with lunch hours and bathroom breaks and those sort of things? Who comes in and monitors your stations?

A   Nobody.

Q   So if you only have two people in the room and you go to take breaks and lunches and dinners and things like that during 15 hours, there's times in which your segment of the line, whether it's the mainline or segment 1, is going to be left unmanned?

A   No, we don't take lunches or breaks unless we go to the bathroom. That would be it.

Q   So the way that the company has it set up is that for 12 hours you sit in front of various screens with no lunch, no real break; is that correct?

A   Well, we eat in front of the screens.

Q   So there's no break that they actually give you for the 12 hours; is that right?

A   Correct.

Q   So you were planning on working 15 hour shifts with no break on the day that this catastrophe occurred?

A   Yes.

Q   And the only time you would take a break is if you actually have to go to the bathroom; is that right?

A   Correct.

Q   Do they give you a catheter or something there or do

you actually leave the station and go?

MR. NICOLL: Objection, argumentative.

A   The bathroom is in the room.

Q   So you don't actually leave the room then; is that correct?

A   Correct.

Q   So you actually just -- well, do you close the door or are you supposed to leave the door open so you can still watch the screens while you go to the bathroom?

A   We close the doors.

Q   Are there any protocols as to how long you're able to take a bathroom break?

A   No.

Q   During the time that you're in the bathroom with the door closed, who is monitoring your station?

A   Nobody is actually staring at it.

Q   Is the other operator or controller who is there, are they supposed to be watching yours as well as theirs?

A   They're not really staring at it. If there was an alarm they would bring it up and take a look.

Q   How would they know if there was an alarm if it was on your segment of the line?

A   Because the alarm screen is between us. We can both see it.

Q   And you're supposed to be looking at the alarm screen

regularly?

A   When an alarm appears up there.

Q   How do you know if an alarm appears on the alarm screen?

A   There's an audible alarm and it shows up on the screen.

Q   So any time an alarm is activated, there is both a visual on the screen as well as an audible alarm?

A   Yes.

Q   So both controllers, no matter where the alarm is going to be, any time the alarm is sounded they have to look at the alarm screen to see where it is; is that correct?

A   Yes.

Q   And in addition, at the bottom of their screen it comes across a little notification for an alarm as well, correct?

A   Yes.

Q   The 15 hours, is there any company policy about not working more than 12 hours?

A   No.

Q   How many days a week do you work or did you back then?

A   It varies. Basically three one week and four the next.

Q   So back in June of 1999, you had been working three

1 days or four days per week 12 hour shifts?
2 A Yes.
3 Q And why would one week be three days of 36 hours and
4 one week be four days?
5 A That's just the way the rotation was.
6 Q Do you know how many days you had been working prior
7 to June 10th, 1999?
8 A I don't recall without looking at a work schedule.
9 Q The day was a Thursday. Would you normally have
10 worked on both days on either side of the Thursday, on
11 Wednesday and Friday?
12 A Generally, I would have worked the two days prior.
13 Q So on the Wednesday and the Tuesday you would have
14 been working, correct?
15 A Correct.
16 Q And do you remember if the week of June 10th you were
15 actually working on the Tuesday and Wednesday, on the
16 8th and the 9th of June?
19 A I believe so.
20 Q Were you working those 12 hour shifts then?
21 A Yes.
22 Q And when you eat at the screen at the station, are you
2 still supposed to be performing your job while you're
24 eating or how does that work? Are you allowed to take
25 a break and eat at your leisure or no?

1 A No, we're still performing our job.
2 Q You took over early for Dave Smith m June 10th; is
3 that right?
4 A Yes.
5 Q When you get there at about 3:00, were you used to
6 having your dinner about 3:00?
7 A M, not really.
8 Q When did you usually eat before your night shift?
9 A Generally 1:00 in the afternn.
10 Q So you had followed that schedule m June 10th?
11 A I bm't recall.
12 Q Were you ill? Did you have any physical problems at
13 all on June 10th?
14 A M.
15 Q So everything was fairly normal, a normal day before
16 you got there; is that right?
17 A Yes.
18 Q And when you get there to relieve Dave Smith, do you
19 know what functions were going m?
20 A As far as --
21 Q at's he do. what's going on with the line?
22 A What's Dave Smith
23 Q Yeah.
24 A He was running his final hour and checking the sheets,
25 making sure everything balanced.

1 Q And what was Kevin Dyvig doing when you came in?
2 A I bm't know exactly what he was doing. I assume he
3 was running his hour, too.
4 Q When you get on shift like that, don't you try to
5 figure out what operations are going m so you know
6 what's happening m both parts of the line?
7 A M, just basically on the line you're going to be
8 running.
9 Q You don't inquire ar look in to see what the deli —
10 schedules are and the flow   may be and those
11 sorts of things on both parts of the line?
12 A No, just on the line you're going tote running.
13 Q Why do you just look at the line you're going to be
14 running?
11 A Because that's the me I was going to be running.
11 Q Is the procedure that when there's going to be a shift
1 change, that the new controller should look to see
18 exactly what's going on on both lines?
19 A M.
2 Q When you took over for Dave Smith, how much longer was
2 Kevin Dyvig going tote remaining m?
2 A Three hours.
2 Q To the end of his shift?
2 A Yes.
2 Q And then who was going to take over for him?

4 I believe Chris Herrera was coming in, but I don't
2 remember for sure.
3 Q Chris, where is he working now; do you know?
4 I don't know.
5 Q So you show up at 3:00 and you start -- what do you
6 do? Why don't you walk me through that day.
7 A Well, he turns the shift over, gives you an overview
8 of what's going on.
9 Q I don't want to talk in general. I want to talk in
10 specifics now. What happened when you got there that
11 day?
12 A That's what he does. He gives you an overview of
13 what's going on on the line, who you're delivering out
14 of, who you're delivering to.
15 Q Who did you understand you were delivering out of?
16 A I don't recall now. It was the Anacortes Refinery. I
17 don't remember if it was Equilon or Tesoro. One of
18 the two.
19 Q Was it a nice day out?
20 A I don't know.
21 Q Do you recall the day at all?
2 A I recall specifics during the day but I don't recall
23 the whole day.
24 P What sort of planning did you have to make for doing a
25 15 hour shift with no meal breaks?

1   A   What kind of planning?
2   Q   Yes.
3   A   You mean prior to showing up at work?
4   Q   Right. That's when you'd do the planning, wouldn't
5   you?
6   A   I don't know. Sleep and come into work.
7   Q   So you get into work and everything is still normal
8   when you first show up; is that right?
9   A   Yes.
10   Q   And what does Dave Smith tell you exactly as to what's
11   going on?
12   A   I don't remember exactly what he told me.
13   Q   What do you remember that you were doing when you show
14   up at work?
15   A   I remember I'm doing what I always do when I show up
16   to work. I don't remember the exacts of who I'm
17   coming out of or who I'm delivering to that long ago.
18   Q   Is the fact that it's been 14 months, is that hard for
19   you to remember this day?
20   A   Yes.
21   Q   Even though this day probably stands at like no other
22   day in your life, correct?
23   A   The details of who I was going to and who I was
24   delivering out of don't stand at.
25   Q   Did you make an Emergency Log?

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1   A   No.
2   Q   You're supposed to make an Emergency Log, aren't you?
3   A   I believe somebody else did.
4   Q   Do you know if somebody else did?
5   A   I think Kevin did but I don't know for sure. Seems
6   like he was.
7   Q   Let me go back to my question. The controllers during
8   an emergency are supposed to prepare an Emergency Log,
9   aren't they?
10   A   Yes.
11   Q   And the Emergency Log is supposed to contain what kind
12   of information?
13   A   What happened, who you called, when you called them,
14   that kind of stuff.
15   Q   And that would be to be able to create a record so
16   that 14 months later people wouldn't be able to say,
17   gee, I just don't remember and there would be no
18   documentation as to what occurred, correct?
19   A   Correct.
20   Q   Did you make an Emergency Log yourself?
21   MR. WOLFE: I'm sorry, counsel, I didn't
22   hear the question.
23   Q   Did you make an Emergency Log yourself?
24   A   No.
25   Q   Why not?

(RON HURT - BY MR. HENINGER)

1   Because I believed Kevin was.
2   Q   What did you do to verify that Kevin was making an
3   Emergency Log?
4   A   I didn't do anything to verify. I believe I seen him
5   doing it, but I don't remember exactly.
6   Q   If he didn't do it it would be your responsibility to
7   do it, correct?
8   A   Yes.
9   Q   So what did you do though to make sure that it was
10   done either by Kevin or by somebody else, an Emergency
11   Log?
12   A   Seems like -- I don't know what I did. I ————
13   like I   one being made or I would have did one, I
14   would think.
15   Q   Or you should have done one you would think, correct?
16   A   Yes.
17   Q   And you didn't do one in this case, right?
18   A   I assume because I thought one was being done.
19   Q   And you know that making assumptions can be the bane
20   of any operator's existence, correct?
21   MR. VERWOLF: Objection, argumentative.
22   Q   Correct?
23   A   Possibly.
24   Q   In fact, you're trained not to make assumptions but to
25   actually go on actual facts, aren't you, in operating

(RON HURT - BY MR. HENINGER)

1   this pipeline?
2   A   Depends on what you're talking about.
3   Q   Is there any point that you're trained to make
4   assumptions on, other than that the SCADA system
5   should be giving you accurate information?
6   A   Not in the actual facts of running the pipeline.
7   Q   Have you ever seen an Emergency Log for June 10th?
8   A   I -- not after June 10th.
9   Q   The only thing you thought you saw was something that
10   Kevin was filling out?
11   A   Yes.
12   Q   When would he have been filling that out?
13   A   Sometime afterwards.
14   Q   That day or another day?
15   A   No, that day.
16   Q   And did you take any notes or make any notes yourself
17   as to what occurred that day?
18   A   I jotted down in the notepad who I talked to and what
19   time.
20   Q   Where is that notepad?
21   A   I don't know.
22   Q   What have you done with that notepad?
23   A   I believe I gave it to Ron Brentson.
24   Q   Do you believe that or did you actually give it to
25   him?

1 A I'm pretty sure I gave it to him.

2 Q Did you keep any copies of it?

3 A No.

4 Q Have you ever seen this notepad since?

5 A No.

6 Q Do you know where else the notepad might be?

7 A No.

8 Q Whose notepad was it?

9 A It was a notepad sitting in the control room.

10 Q Why did you write down those items on the notepad?

11 A So that they could be put on an Emergency Log later.

12 Q Why wouldn't you give it to Kevin Dyvig then, if he

13 was doing the Emergency Log, instead of Ron Brentson?

14 A I don't know.

15 Q It seems to me that if you really did think Kevin

16 Dyvig was preparing an Emergency Log, that you would

17 have given him your notes to put into there instead of

18 somebody else.

19 MR. NICOLL: Objection, argumentative. Not

20 a question.

21 Q Doesn't that make sense?

22 MR. NICOLL: Objection, argumentative.

23 A No, I said I thought he was making one. I don't

24 remember if he filled out the actual form or somebody

25 else did

1 Q Did you think he was making an Emergency Log at the

2 time or not?

3 A I don't remember.

4 Q Did you think Ron Brentson was making an Emergency Log

5 at the time?

6 A Well, sometimes we, you know, jot that stuff down in

7 the notepads and somebody else transfers it to the

8 Emergency Log.

9 Q The making of the Emergency Log is really the

10 controller's job though, isn't it?

11 A The keeping of the information is.

12 Q The supervisor's job isn't to prepare the Emergency

13 Log, is it?

14 A Not normally.

15 Q Then why in this case would you give your notes to

16 your supervisor rather than you preparing the

17 Emergency Log?

18 A I don't know. I said I think I did. I don't remember

19 exactly who I gave them to.

20 Q Is it possible you gave it to Kevin Dyvig?

21 A Possible.

22 Q Is it possible you gave it to Chris Herrera?

23 A No.

24 Q Is it possible you gave it to Ron Brentson or Frank

25 Hopf?

1 A Kevin or Ron, I would assume.

2 Q Why would you assume that?

3 A Because they're the ones, Kevin was there and so was

4 Ron.

5 Q Going back to when you first got on the shift. Did

6 Dave Smith tell you there had been any problems with

7 computers or slowdowns with the computer information

8 at all?

9 A No.

10 Q Had there been any alarms that you talked about during

11 his shift?

12 A No.

13 Q You talked earlier about alarms going on regular. Do

14 alarms sound pretty regular on your job?

15 A Yes.

16 Q How often are you getting an alarm?

17 A Virtually every time you do something.

18 Q How do you clear the alarm?

19 A You go to the page and acknowledge it.

20 Q Is it a one step process that you can just delete it

21 off the screen?

22 A Depends on what screen you're on.

23 Q Tell me some of the different screens as to what you

24 can do to get rid of the alarm.

25 A Well, generally you have to go to the format of that

1 actual station and then acknowledge the alarm.

2 Q So how long does it take for you just to acknowledge

3 it and clear the alarm?

4 A A couple seconds.

5 Q How often during a one hour shift are the alarms going

6 on?

7 A Depends on what you have going during that hour.

8 Q Give me some examples.

9 A Well, if you're starting and stopping pumps quite a

10 bit, then you get more alarms. If you're swinging

11 valves then you get more alarms. If you don't have

12 anything going on then you don't.

13 Q Can you have 20, 30 alarms going on in an hour?

14 A It's possible.

15 Q 60 alarms going on in an hour?

16 A Anything's possible.

17 Q Is it likely? Does that happen that you have an alarm

18 a minute going on during certain procedures?

19 A Not normally.

20 Q So about an alarm every two minutes, 30 alarms in an

21 hour? Is that normal?

22 A There is no normal.

23 Q Throughout a day you have certain things that get

24 repeated, don't you?

25 A What do you mean?

1 Q Certain procedures that you do day in and day out,
2   don't you?
3 A Well, not exact procedures. I mean you swing to
4   different shippers. You swing out at different
5   shippers.
6 Q But you're doing some of the main, same main functions
7   on the line. The shipper may change and the name of
8   the product in the line may change, but the functions
9   that you're doing are pretty much the same,
10   transferring from one line to the other, opening and
11   closing valves, monitoring the flows, monitoring the
12   pressures, correct?
13 A Yes, but how many times you do that an hour isn't
14   always the same.
15 Q And on a typical day, would you have alarms that are
16   going on, let's say, 30 times an hour throughout the
17   course of the day?
18 A There is nothing typical. I mean there is not a
19   typical day.
20 Q Some days that can happen and some days it doesn't?
21 A Yes.
22 Q And on the days that it's going on 30 times an hour,
23   are you getting both an audible alarm as well as a
24   visual alarm?
25 A Yes.

1 Q And each time you have to just go through and do the
2   acknowledgement to clear the alarm, correct?
3 A Yes.
4 Q And those alarms are coming up not just for your
5   segment of the line, but for the fellow that's with
6   you in the control room on his segment of the line as
7   well, correct?
8 A Correct.
9 Q So you could have 30 alarms going off an hour on your
10   line and you could also have 30 alarms going off, on
11   the fellow that's with you, an hour, on his alarm,
12   correct?
13 A It's possible.
14 Q Does that happen?
15 A I don't know. I don't count them.
16 Q Is that a rough ballpark?
17 A Well, depends on what day it is and what's going on
18   that hour.
19 Q Has that happened before?
20 A That I've had 60 alarms in an hour?
21 Q Yes, sir, both you and the other person.
22 A I'm sure it's happened at some point.
23 Q Is that a high amount, 60 alarms between the two of
24   you on the lines?
25 A I'd think so.

(RON BURT - BY MR. BENINGER)

1 Q I mean you either know so or you don't. You're the
2   one that's there, so I just want to know from your
3   experience, is it a high amount or not?
4 A Depends on what day it is, what happened, what's going
5   on in that hour.
6 Q Some days does that happen?
7 A It's possible.
8 Q I don't want to know if it's possible or not. I want
9   to know, on some days does it happen?
10 A Have we ever had 60 alarms in one hour?
11 Q Yes.
12 A Sure.
13 Q How often does that happen?
14 A I don't know.
15 Q Once a week, once a month, once every other day?
16 A I don't know.
17 Q Does it happen usually one time throughout the day
18   that you're there? During a shift of one hour it's
19   like that?
20 A It could.
21 Q Does it?
22 A Nothing's the same. I mean you never know.
23 Q Well, I understand. Sometimes your eyes are closed
24   and sometimes they're not, right?
25   MR. NICELL: Objection, argumentative.

(RON BURT - BY MR. BENINGER)

1 A I didn't say that.
2 Q You never close your eyes when you're supposed to be
3   watching the screen during a 12 hour shift with no
4   real break?
5 A Sure, I blink.
6 Q I'm not saying blink. I mean you blink now. We all
7   blink. You close your eyes and rest your eyes for
8   some extended period of time; do you do that?
9 A I -- not really, no.
10 Q Okay. You're able to watch a screen for 12 hours
11   continuously with nothing but a quick bathroom break
12   and not need to rest your eyes at all? Is that what
13   I'm hearing you saying?
14 A I'm not sitting there with my eyes closed if that's
15   what you mean.
16 Q How are you resting your eyes then?
17 A You blink. You close them for a few seconds and open
18   them.
19 Q Going back to the alarms. Do you ever turn the volume
20   down on the audible alarms?
21 A No.
22 Q Who regulates the volume on that?
23 A I don't know.
24 Q Have you seen other controllers turn the volume down
25   on the audible alarm?

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1	A	I've never seen anybody do it.
2	Q	The visual alarms that come off, are there lights in
3		the room that stand for an alarm?
4	A	No.
5	Q	So the only roomwide alarm is the audible alarm; is
6		that right?
7	A	Yes.
8	Q	And then otherwise the alarms are confined to whatever
9		screen or terminal they may be at; is that correct?
10	A	Yes.
11	Q	Molthe ——— itself, are there any sort of
12		flashes that go on or color coding that goes on to let
13		you know there's an alarm?
14	A	On the alarm screen there is.
15	Q	What happens on the alarm screen?
16	A	The alarm ——— in and an audible sound goes off and
17		it flashes up on the screen.
18	Q	By flashing up on the screen, does it just appear on
19		the screen or does it continuously flash on the screen
20		until it's teen acknowledged and cleared?
21	A	It continuously flashes.
22	Q	Until it's been acknowledged and cleared?
23	A	Yes.
24	Q	And who decides whose job it is to acknowledge and
25		clear that alarm?

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1	A	Depends if the alarm is for your line or his line.
2	Q	So it's dependent upon whoever's line the alarm goes
3		to as to whether you're going to acknowledge and clear
4		it though, correct?
5	A	Yes.
6	Q	So can you clear the alarm screen that's at the
7		bottom, the alarm line that's at the bottom of your
8		screen?
9	A	That's -- when you acknowledge the alarm page, it
10		acknowledges that one, too. They're tied together, I
11		believe.
12	Q	But can you clear from your screen the alarm codes
13		that are at the bottom of your screen?
14	A	If there's something on my line and I go to that page,
15		yes, I can acknowledge it.
16	Q	When you check in before your shift do you go through
17		the alarm codes that have happened that day?
18	A	I just, I glance through the alarm screen that's up
19		there to see if there's any, anything still in alarm.
20	Q	You mean any alarm that has not been acknowledged?
21	A	It's been acknowledged but it's still up there.
22	Q	Why would it still be an alarm if it's been
23		acknowledged?
24	A	Because it could be a low tank that still shows an
25		alarm but it's been acknowledged so it's not flashing

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1		anymore.
2	Q	So if it was a low tank, before you acknowledge and
3		clear the alarm, you should verify just exactly what's
4		causing the low reading of the alarm, correct?
5	A	Yes.
6	Q	And once that has been accomplished you would then
7		acknowledge it on the screen so that it would stop
8		flashing?
9	A	Yes.
10	Q	Once it's stopped flashing, how do we know it's teen
11		verified and corrected or just left uncorrected?
12	A	Well, if somebody acknowledges it, I assume they
13		verified it.
14	Q	And if they verified it, it's either something that
15		needs correction or rot; would that be right?
16	A	And it's something that they've looked at.
17	Q	And so why are you looking on the screen as to the
18		things that are rot flashing when you first come on
19		shift?
20	A	Just so I know what's still an alarm and what iw't.
21	Q	When you got on shift this day, did you check the
22		alarm screen on June 10th?
23	A	I'm sure I did.
24	Q	Do you recall doing that?
25	A	I don't recall actually doing it, m.

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1	Q	Do you recall what you were wearing that day?
2	A	No.
3	Q	Do you recall what Dave Smith or Kevin Dyvig were
4		wearing that day?
5	A	No.
6	Q	Do you recall if they were on a meal break when you
7		came in there?
8	A	No, they weren't. We don't get meal breaks.
9	Q	Whether they were eating their meal?
10	A	No.
11	Q	Do you recall if one of them was in the bathroom or
12		not?
13	A	I don't recall.
14	Q	Were both of them present in the control room when you
15		came in?
16	A	I believe so.
17	Q	How long was it before you actually physically took
18		over for Dave Smith?
19	A	Roughly five, ten minutes.
20	Q	Now, he was supposed to -- you were supposed to start
21		the shift at 3:00; is that right?
22	A	Yes. Well --
23	Q	Did you get there right at 3:00?
24	A	Something like that.
25	Q	What were your arrangements?

1   A   well, I was going to come in early for him and he was
2   going to go home.
3   Q   Just early?
4   A   Approximately three hours early.
5   Q   So you were supposed to be there approximately 3:00 so
6   he could get off shift right about then; is that
7   right?
8   A   Yes.
9   Q   Did you get there early so he could leave right at
10   3:00?
11   A   I don't remember. I think I got there right about
12   3:00.
13   Q   And do you know why he needed you to take over for
14   him?
15   A   No.
16   Q   Did he have an appointment or something to go to?
17   A   I don't know. I didn't ask.
18   Q   Is it common for you to work 15 hour shifts?
19   A   Not common, no.
20   Q   Out of a regular month, how often would you be working
21   a 15 hour shift?
22   A   I'd say maybe three times, four times a year.
23   Q   And when you do that, I mean that's going to make an
24   extra long shift for you, correct?
25   A   Yes.

1   Q   And when Dave Smith asked if you could take over, you
2   didn't ask why he needed the time off early?
3   A   No.
4   Q   You just said, yeah, I'll do it?
5   A   Yeah.
6   Q   And the arrangement was to be there roughly 3:00 so
7   you could do the switchover; is that right?
8   A   Yes.
9   Q   And it took you about five to ten minutes to go
10   through the paperwork and look through the vari --
11   screens before you were able to take over for
12   Mr. Smith?
13   A   Yes.
14   Q   During the five to ten minutes that you were there,
15   were there any alarms that went on?
16   A   I don't remember.
17   Q   Was the computer working?
18   A   Yes.
19   Q   The SCADA system was operating correctly, right?
20   A   As far as I know it was.
21   Q   And were there any audible alarms that sounded?
22   A   I don't remember.
23   Q   Any visual alarms that went off?
24   A   I don't remember.
25   Q   Were there any product changes that you all were

1   having to institute on your line or Dyvig's line?
2   A   I don't remember on my line. I don't know what Kevin
3   was doing on his line.
4   Q   You don't remember or you just never learned?
5   A   That's not part of the shift turnover.
6   Q   So are you saying you never learned what he was doing
7   or did you learn and you're just not remembering it
8   now?
9   A   No, I never learned.
10   Q   So when you stepped on, you were just trying to get up
11   to speed as to what was going on on segment 1 or a
12   the d i n e ; is that right?
13   A   Yes.
14   Q   And approximately what time did you take over
15   physically for Dave Smith?
16   A   Somewhere between 3:00, 3:15, I think.
17   Q   What did you start doing?
18   A   Just my normal routine to get up to speed on his line.
19   Q   I thought you did that in the first five to ten
20   minutes?
21   A   No, that's only a shift turnover.
22   Q   How long does it take you to get up to speed as to
23   what's going on?
24   A   Generally, it's an hour to two hours to look through
25   everything.

1   Q   So while you're supposed to be monitoring the activity
2   that's going on with the line, the first hour to two
3   hours you're trying to figure out what went on with
4   the line before, on the shift before; is that right?
5   A   No, what's going to happen on your shift coming up.
6   Q   Why does it take an hour to two hours to figure out
7   what's going to happen on your shift when you're that
8   far into your shift?
9   A   There's just a lot of batch changes and different
10   things you have to do.
11   Q   How do you figure out what's going to -- who's going
12   to be responsible for the batch changes that would
13   occur during the first hour to two hours on your shift
14   then?
15   A   I'm responsible for them.
16   Q   So you need to learn that, what, in the first five to
17   ten minutes?
18   A   Anything coming up in the next hour or so.
19   Q   So part of the shift change is to try to figure out
20   what's going on in the next hour to two hours; is that
21   right?
22   A   Yes.
23   Q   During the shift change what did you learn was going
24   on in the next hour to two hours on the mainline?
25   A   I don't remember exactly what was going on.

1 Q Do you remember exactly what was going on at all
2   during this day?
3 A Certain things.
4 Q When you take over shift, what's the first thing you
5   remember?
6 A The computers appeared to be slowing down.
7 Q This is right as soon as you start?
8 A No, that was -- I don't know. I don't know a time
9   frame. Say 15, 20 minutes later.
10 Q So this would be during the 15 to 20 minutes after you
11   have taken over the shift?
12 A Yes.
13 Q You notice the computers are slowing down?
14 A Yes.
15 Q How do you notice that?
16 A I don't remember. I was doing something on the line.
17   Whether I was switching formats or putting in a set
18   point someplace, I don't remember, but it was not
19   accepting it.
20 Q So it's not that it wasn't -- that it was slowing
21   down. It wasn't accepting it at all?
22 A At that point it wasn't.
23 Q It was nonresponsive, correct?
24 A Yes.
25 Q Now, was there a period of time before it was

1 nonresponsive, being the computer, that it was slowly
2 responding?
3 A Not that I know of. I hadn't tried to do anything.
4 Q So the correct terminology should not be slowly
5   responsive or slowing down. The first thing you
6   noticed of a problem with the computer, it was
7   w i v e ; is that right?
8 A Yes.
9 Q What did you do when you noticed the computer was
10   nonresponsive?
11 A I mentioned it to Kevin.
12 Q What did he say?
13 A He just -- I don't remember what he said. He
14   acknowledged my, that he had seen it. I don't
15   remember his exact words.
16 Q Was the computer slowing down for him as well?
17 A I don't know. I imagine.
18 Q Did you tell him that the computer was nonresponsive
19   first or did he tell you the computer appeared to be
20   nonresponsive?
21 A I believe I told him.
22 Q And do you recall what time that was?
23 A No.
24 Q Did you have that, write that down in the, whatever
25   that notebook that you were doing?

1 A No.
2 Q Why not?
3 A Because that was for an Emergency Log and at that time
4   we didn't think there was an emergency.
5 Q You mean at the time that you were preparing the
6   notebook you didn't think there was an emergency?
7 A Not something that would go in an Emergency Log.
8 Q What did Kevin -- what did either one of you do
9   regarding the fact that the computer was
10   nonresponsive?
11 A I got up and went into the computer room.
12 Q Wait a minute. You're not supposed to leave the
13   control room, are you?
14 A We can leave the control room.
15 Q You can?
16 A Yes.
17 Q The directions are that you can leave the control
18   room? To do what?
19 A To do whatever, you know, we think we have to do.
20   There's no directions that say we have to stay in the
21   control room.
22 Q Okay. Why did they put the bathroom in the control
23   room then?
24 A I guess for easy access.
25 Q You don't think it would just be as easy to have it

1 right outside the control room?
2 A There is one outside.
3 Q Why don't you use that one?
4 A Because there's one in the control room.
5 Q You went to leave the control room to go where?
6 A To the computer room.
7 Q How far away is that?
8 A Through the door and probably ten feet down the hall.
9 Q Why did you decide to go to the computer room?
10 A I don't know. I just did.
11 Q Did you discuss this with Kevin Dyvig and decide that
12   that's what needed to be done?
13 A No, I just got up and said I'm going to the computer
14   room to tell him that it's slowing down.
15 Q Who is then supposed to monitor your station?
16 A Nobody was monitoring it. There was nothing going on
17   at that point.
18 Q How long had there been nothing going on at your
19   station?
20 A I think since I sat down.
21 Q So for 15 minutes or so?
22 A Yeah.
23 Q So ever since you sat down, there was nothing going on
24   at your station?
25 A I mean nothing that had been -- no batch changes

1 coming up immediately or anything like that.

2 Q How long had it been that there had been no readings,

3 nothing responding back from the SCADA system?

4 A I don't know that. I don't know.

5 Q Had you been getting readings off the SCADA system up

6 until the point that you tried to input information

7 and it was nonresponsive?

8 A I don't know what the exact time I quit getting

9 readings. It was sometime before that I quit.

10 Q Sometime before you took steps to try to put something

11 in the system you stopped getting readings from the

12 SCADA system, correct?

13 A I assume that. I'm sure it wasn't at the exact point

14 I put it.

15 Q I don't want you to assume anything. I want to know

16 from your knowledge what occurred. You understand

17 that?

18 A Uh-huh.

19 Q Yes?

20 A Yes.

21 Q So tell me exactly when the system stopped providing

22 you information, and we'll go back again. At roughly

23 3:00 you showed up in the computer room or in the

24 control room, correct?

25 A Yes.

---

1 Q And five to ten minutes you did not sit down but you

2 were simply reading different paperwork and the alarm

3 screen, correct?

4 A Yes.

5 Q And then approximately ten minutes into your showing

6 up in the room you actually sit down to take over

7 controls, correct?

8 A Yes.

9 Q And how long after you sat down to take over controls

10 did you stop getting information?

11 A I don't know exactly.

12 Q Five minutes?

13 A I don't know.

14 Q Ten minutes?

15 A I don't know.

16 Q Ten hours?

17 A No.

18 Q You know something then, right?

19 A Sure.

20 Q So then how long after you sat down is your best

21 estimate as to when you stopped getting information

22 from the computer to do your job?

23 A First time I noticed it was when I tried to input

24 something.

25 Q You just said earlier that you had noticed earlier you

---

1 weren't getting information. Is that true or not

2 true?

3 MR. NICOLL: Objection, mischaracterizes.

4 MR. ZARKY: Totally mischaracterizes his

5 testimony.

6 A I don't recall noticing that.

7 MR. NICOLL: In fact, you chastised him for

8 assuming, as I recall.

9 MR. BENINGER: That's right. That's what he

10 said. He assumed that it did it before.

11 MR. ZARKY: And you told him that he said a

12 few minutes ago that it did happen, so you're --

13 MR. BENINGER: Who are you and who are you

14 talking here for? You're not a party to this

15 litigation. You can make objections that have to do

16 with privilege and that's it. If you're going to

17 interject one more time I'll have you removed. Do we

18 have a clear understanding of that?

19 MR. ZARKY: No.

20 MR. VERWOLF: If you have him removed you

21 have to remove his client.

22 MR. BENINGER: No, I don't have to remove

23 his client. If he's trying --

24 MR. ZARKY: You're abusing him, you're

25 telling him the exact opposite of what he said.

---

1 MR. BENINGER: I have not abused him at all

2 and I haven't told him the exact opposite of anything.

3 I'm trying to figure out from him what his story is

4 now and so I want to hear what his story is. You

5 don't have authority to speak, period. You're not a

6 party. You haven't appeared, and so let's be real

7 clear on that.

8 MR. ZARKY: Have me removed. Call in the

9 marshals.

10 BY MR. BENINGER:

11 Q I want to go back to when you first noticed a problem

12 with the system on getting any information. Is it

13 before or after you tried to input information?

14 A When I tried to input information, that's the first

15 time I noticed.

16 Q What happens at that point? Is that about 15 minutes

17 after you've sat down in the chair?

18 A Roughly.

19 Q How long is it then before you go to the computer room

20 to try to tell them that there's a problem?

21 A I went in there immediately.

22 Q Is that within two seconds?

23 A Could have been five. I don't really know.

24 Q You first talked to Kevin Dyvig, correct?

25 A I didn't talk to him. I just said, you know, there

1 appears to be something wrong, and I went up and went
2 to the computer room.
3 Q Did you ask him if he was having problems?
4 A I don't remember.
5 Q Did you ask him if he knew what was going on?
6 a I don't remember.
7 P Did you ask him if this had been going on throughout
8 the last nine hours of his shift?
9 A No.
10 Q You just simply told him there's a problem and you got
11 up and left?
12 A Yes.
13 Q Did you ask him to watch over your information?
14 A No.
15 Q How did you know that this wasn't going to come right
16 back on line then?
17 A I didn't know.
18 Q How did you know it wasn't just slowly responding
19 instead of being nonresponsive?
20 A Because it wouldn't accept whatever it was I was
21 trying to do.
22 Q Were you able to check to see if it was receiving any
23 information, any of the flow data or pressure
24 readings?
25 A We weren't receiving anything.

1 Q And did you check that before or after you tried to
2 input data?
3 a Well, after I tried to input data and it wouldn't
4 accept it, then I looked at that stuff, too.
5 Q And how did you look at that stuff?
6 A Watched the pressures to see if they're updating.
7 Q And were you able to determine how long it had been
8 since they were updated?
9 A No.
10 Q How could you tell if they were updated or not?
11 A Because they change.
12 Q Constantly?
13 A Yes.
14 Q And so after you tried to input data, do you recall
15 what that data was that you were trying to input?
16 A I don't recall.
17 Q Did you think maybe what you were trying to do caused
18 the system to lock up?
19 A No.
20 Q Do you have any understanding as to why the system had
21 locked up?
22   MR. NICOLL: At that time?
23   MR. BENINGER: Yes.
24 A I don't know. I don't know that it had locked up. It
25 just appeared to be nonresponsive.

1 Q Were you able to do any other functions?
2 A No.
3 Q Were you able to get any other readings?
4 A M.
5 Q Why wouldn't you think it had locked up?
6   MR. NICOLL: Object to the form of the
7 question. Vague.
8 Q Is there a difference in your mind of nonresponsive
9 and locked up?
10 A I don't know. I don't know what was wrong. All I
11 know is it wasn't working.
12 Q And had this happened before in the couple days you
13 had been working before?
14 A M.
15 Q Was this th? first time in a month or so before this
16 that th? computer had been locked up or nonresponsive?
17 A Yeah, I don't remember it happening.
18 Q Is the procedure that as soon as one data entry is not
19 complied with, that you immediately go to the computer
20 room?
21 A There is no exact procedure.
22 Q Why didn't you use a phone?
23 A Because I chose not to.
24 Q Why not?
25 A I don't know.

1 Q Did you know someone was in the computer room?
2 A No.
3 Q So you left your station to go someplace that you
4 didn't even know if someone was going to be there?
5 A Yes.
6 Q Is it always manned, the computer room?
7 A No.
8 Q Is it manned during the night shift?
9 A No.
10 Q So normally when you're working, the computer room is
11 not manned at all, is it?
12 A Well, generally there's somebody there during day
13 shift but not always.
14 Q During your shift, which had been night shift, no one
15 is in the computer room, is there?
16 A Not at night shift.
17 Q And this portion happened to carry over into the day
18 shift for a while, correct?
19 A Correct.
20 Q And, in fact, how often had you gone to the computer
21 room before this?
22 A Not very often.
23 Q Had you ever gone to the computer room before this?
24 A Yes.
25 Q For what?

1 A. I don't know. To say hi. No specific reason.
2 Q You wouldn't be saying hi to anyone when you were on
3   the night shift, correct?
4 A No.
5 Q Because there's no one there on the night shift?
6 A Correct.
7 Q So when is tha last time you had been in tha computer
8   room before June 10th?
9 A I don't know.
10 Q A——
11 A I have no idea.
12 Q Five years before?
13 A I have no idea.
14 Q Could it be ten years before was the last time you'd
15   been in the computer room?
16 A I'm sure sometime within ten years I'd been in there.
17 Q And the time that you went in there was just to say hi
18
19 A I don't remember e.
20 Q You don't even remember going in the computer room
21   before, do you?
22 A I know I'd been in there before.
23 Q For what purpose?
24 A I don't remember.
25 Q How many times do you think you'd been in there?

1 A I don't know. Several times over 15 years.
2 Q How about in the last five years before this?
3 A I don't know.
4 Q Can you give me any reason for at any time you ever
5   went to the computer room before this?
6 A No specific reason.
7 Q No specific recollection of anyone being in there when
8   you were there?
9 A Sometimes there is. Sometimes there isn't.
10 Q So back to where we are. You chose to abandon your
11   station and go to the computer room not knowing if
12   anyone was there or not, correct?
13   MR. NICOLL: Objection, argumentative,
14   mischaracterization.
15 Q Is that right?
16   MR. NICOLL: Harassing.
17 A I don't consider I abandoned my station. I chose to
18   go to the computer room.
19 Q And who did you expect to find there?
20 A I didn't know.
21 Q And did you actually go to the computer room?
22 A Yes.
23 Q Who did you talk to?
24 A Lloyd.
25 A And Lloyd should recall you coming on in and talking

1   to him?
2 A I guess.
3 Q What did you say to Lloyd?
4 A That there appeared to be a problem with the computer.
5 Q Did he know there was one?
6 A I don't know if he knew or me. He just said he'd
7   look into it.
8 P Did he say I'm dealing with it or I'm taking care of
9   it right now?
10 M I don't remember him saying that.
11 Q Did he ask you, what is the problem?
12 A I believe I just told him that it's unresponsive.
13 Q Did you say unresponsive or did you say slowly
14   responding?
15 A I believe I said it won't accept my information.
16 Q Did you let him know that there was no information
17   coming back?
18 A I don't know if I did or not.
19 Q How long did this conversation go?
20 A A couple seconds.
21 Q Then what did you do?
22 A Went back to the Control Center.
23 Q What happened when you got back there?
24 A Told Kevin that I'd talked to Lloyd and he was going
25   to look into it, and I went back to doing my, what I'd

1   been doing.
2 Q What was Lloyd Tielsen doing when you went into the
3   computer room?
4 A I don't know what he was doing. He was sitting at a
5   computer.
6 Q Was he sitting in front of the terminal?
7 A I believe so.
8 Q Was he inputting data or did he have his eyes closed?
9 A No, his eyes wasn't closed.
10 Q How did you know that?
11 A Because I could see him.
12 Q Were you actually looking at him when you walked in or
13   were you looking at his back when you walked in?
14 A I think I was looking at his ear.
15 Q Do you know what sort of data entry he was doing at
16   the time?
17 A No.
18 Q But he was doing some sort of data entry on the
19   computer?
20 A I don't know what he was doing on the computer.
21 Q When you got back to the control room, how long were
22   you sitting there without any information updated?
23 A Several minutes.
24 Q What did you do during this time?
25 A I was doing what I was doing before, getting my batch

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1 changes ready, that kind of thing.
2 Q Did you go to the leak detection screen?
3 A M.
4 Q Why?
5 A I don't know.
6 Q That's what you were supposed to do, wasn't it?
7 A I suppose if you thought there was a serious problem.
8 Q You didn't know what the problem was, did you?
9 A M.
10 Q Did you call the supervisor?
11 A No.
12 Q That's what you're supposed to do, isn't it?
13 A I don't know.
14 Q That's what we talked about earlier. If the computer
15   goes down or is unresponsive, you're supposed to call
16   your supervisor, aren't you?
17 A No, I told Lloyd. I figured he would take care of it
18   or call the supervisor.
19 Q Lloyd wasn't a controller at the time though, was he?
20 A No.
21 Q The controller's job if a computer goes down or is
22   unresponsive is to call the supervisor, iw't it?
23 A I don't know. The controller's job, I guess, is to
24   try to get it fixed. I didn't call the supervisor.
25 Q That wasn't my question. The controller's job if the

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1 computer becomes unresponsive is to call the
2 supervisor, isn't it?
3 A Yes.
4 Q You didn't do that. did you?
5 A M.
6 Q Did you assume again maybe Kevin Dyvig will do it?
7 A I assumed if Lloyd couldn't handle it he'd do it.
8 Q But he wasn't a controller, right?
9 A M.
10 Q The information is down for how many minutes do you
11   think, the SCADA system is off?
12 A I don't know.
13 Q Five minutes?
14 A No, more than that.
15 Q Ten minutes?
16 A Probably ten, 15, I don't know.
17 Q Did you call the supervisor at any time during this
18   ten to 15 minutes?
19 A M.
20 Q Did you go back to the computer room and say, Lloyd,
21   what the heck's going m?
22 A No.
23 Q Did you ask Kevin, Kevin, what do you think is going
24   on here?
25 A I don't remember. I don't remember if I talked to

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1 Kevin or not.
2 Q Did you take a break?
3 A No.
4 Q You just started looking through paperwork during this
5   ten to 15 minutes?
6 A Pretty much.
7 Q At any time during the ten to 15 minutes that the
8   whole system ie down, did you go and look at the leak
9   detection system?
10 A No.
11 Q Who else was in the control room with you besides
12   Kevin Dyvig during this time that the system is down?
13 A I don't remember anybody being in there.
14 Q So for this ten to 15 minutes you're basically blinded
15   at that point, correct?
16 A Yes.
17 Q And deaf. You can't hear anything either, correct?
18 A Yes.
19 Q And you're still running the line though, right?
20 A Yea.
21 Q Who was in the computer room with Lloyd, anyone?
22 A I don't remember anybody being in there.
23 Q Where is Ron Brentson during this time?
24 A I don't know where he was.
25 Q Did you try to call anybody else to ask them what's

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1 going on?
2 A No.
3 Q You just sat and waited there for Lloyd to get back to
4   you?
5 A Like I said, I was doing my work, you know, checking
6   all my stations, all that kind of stuff.
7 Q What did you hear next once you stopped doing your
8   work?
9 A The next thing I remember is it appeared the computers
10   were trying to fail over and Lloyd came into the
11   Control Center and walked around and looked at the
12   screens and it looked like they partially failed over.
13 Q What do you mean by fail over?
14 A Fail over to the back-up computer.
15 Q And so was this after the ten to 15 minutes that the
16   failover occurs?
17 A Yeah, roughly.
18 Q So you have roughly ten to 15 minutes in which the
19   computer is down, correct?
20 A Something like that.
21 Q And then at the end of the ten to 15 minutes you have
22   the computers try to go on to a failover to move over
23   to the back-up system, correct?
24 A Yes.
25 Q How do you know this failover is going on?

1	A	Because the screens go to like a, I don't know, it's
2		like a screen saver, Vector type of screen. Then they
3		come back up on your line.
4	Q	And they come back up when the new computer is on
5		line?
6	A	Yes.
7	Q	Now, did Lloyd Tieken come in before or after the
8		screen showed that it was in a failover mode?
9	A	I believe while they're doing it.
10	Q	Did he say what was going on?
11	A	No, he just walked around and looked at the screens
12		and, you know, I think I said something like it
13		doesn't appear to be working, and he went back to the
14		computer room.
15	Q	What doesn't appear to be working?
16	A	The failover.
17	Q	So he was in the control room, Lloyd Tieken was in the
18		control room after the failover occurred and the
19		back-up system was trying to come on line, correct?
20	A	Yes.
21	Q	And you weren't receiving any information at that
22		point from the back-up system; is that right?
23	A	I don't know if I was or wasn't. I don't think I was.
24		Half the screens were still in their screen saver mode
25		and half of them were up.

1 Q So for the ten to 15 minutes or so you basically were
2   operating the system blind, correct?
3 A Yes.
4 Q And when the back-up system comes on, you still don't
5   have any more clarity. You're not able to see or hear
6   anything different tote able to run your line,
7   correct?
8 A Correct.
9 Q How long is it in the back-up mode?
10 A What do you mean the back-up mode?
11 Q Lloyd comes in. He is looking at things and then the
12   back-up tries to come on line, correct?
13 A Yes.
14 Q And you say to him it doesn't seem to be working?
15 A Yes.
16 Q What does he say back to you?
17 A I don't think he said anything. He just went back to
18   the computer room.
19 Q What's Kevin doing during this time, Kevin Dyvig?
20 A I don't know what Kevin's doing. He was looking at
21   his line. I don't know what he was doing exactly.
22 Q Was he able to get information on his screens?
23 A M.
24 Q Then how could he look at his line?
25 A He was looking at the information he did have.

(RON BURT - BY MR. BENINGER)

1 Q He's looking at 15 minute old information?
2 A I don't know. He might have been on the phone, too.
3   I really don't remember.
4 Q Well, do you recall if he was on the phone
5   specifically to anybody?
6 A He was on the phone sometime during all that. I don't
7   remember exactly when.
8 Q Do you know who he was on the phone to?
9 A No.
10 Q Did you ask him who he was on the phone to?
11 A No.
12 Q You're down for ten to 15 minutes operating this
13   pipeline blind and deaf and you don't ask Kevin, hey,
14   Kevin, do you think maybe we ought to get somebody
15   else in here like Supervisor Brentson or somebody?
16   You don't ask him that at all?
17 A No.
18 Q Did he say to you, Burt, what do you think, we ought
19   to try to get someone else in here that maybe knows
20   what they're doing or should we just keep riding this
21   line blind and deaf?
22 A He really didn't say anything about it.
23 Q You guys didn't communicate at all about the fact that
24   you're operating this pipeline without any eyes or
25   ears from the computer system; is that right?

(RON BURT - BY MR. BENINGER)

1 A Yes.
2 Q How long were you just going to keep doing that?
3 A I don't know.
4 Q Indefinitely?
5 A Probably not.
6 Q What would it have taken then for you to actually call
7   the supervisor or do something different?
8 A I don't know. I guess if, you know, Lloyd would have
9   said he couldn't get it going again.
10 Q How long were you going to give Lloyd Tieken to get it
11   going again?
12 A I don't know.
13 Q We know it was going to be at least 15 minutes, right?
14 A Probably.
15 Q Actually, it was. Ten to 15 minutes is what you were
16   giving him to get it going, correct?
17 A Yes.
18 Q And you had no immediate plans to call anybody else or
19   do anything else when he left the control room,
20   correct?
21 A Correct.
22 Q How long did you have planned that you were just going
23   to give him to keep fiddling around with it to see if
24   he could get it back on, another half hour?
25   MR. NICOLL: Object to the characterization.

1   A   I don't know.
2   A   An hour?
3   A   I don't know.
4   Q   Would you have left it for the rest of your shift?
5   A   Probably not.
6   Q   How long would you have left it for then?
7   A   I can't tell you exactly how long.
8   Q   For half your shift? Would you have allowed it to be
9   half the shift when you were operating this computer
10   or operating this system with the computers down?
11   A   Probably not.
12   Q   How about another hour? Would you have allowed it for
13   an hour to be operating the system with the computer
14   down?
15   A   I don't know.
16   Q   How about two hours? Would you operate it for two
17   hours with the system down, with the computer down and
18   keep operating the system?
19   A   I don't know.
20   Q   What's the protocol for how long you should operate
21   the system with the computers down?
22   A   I don't know. Without looking at the manuals, I'm not
23   sure what it is.
24   Q   So even after you studied the manuals every other day
25   for the last year, you still don't know how long you

---

1   should keep operating the system with the computers
2   down?
3   A   I don't have all that information memorized.
4   Q   I mean one of the things we talked about being one of
5   your worst nightmares was the fact that you were
6   operating the system blind and deaf with the computers
7   being down, correct?
8   A   Correct.
9   Q   So I'm not talking about all this other information.
10   I'm talking about one of your worst nightmares. How
11   long would you be operating that system, based upon
12   what you've been trained, with the computers down?
13   A   I can't guess what I would have done back then.
14   Q   What are you supposed to do?
15   A   Like I said, I don't know. Without looking at these
16   manuals, I don't know.
17   Q   If I give you the manual would it help you find it?
18   Why don't I do that. Give you one of these manuals.
19   Here's the Operations Manual for Controllers. Now,
20   that's something you've been studying for the last
21   year or so, isn't it?
22   A   Yes.
23   Q   Go ahead and find it real fast then, the part, because
24   I think one of the things you said as to why you've
25   been reading this so diligently every other day is so

---

1   you were able to find things, right?
2   A   Uh-huh.
3   Q   Is that correct? Does that mean yes?
4   A   Yes.
5   Q   So could you find it for us as to what the manual
6   calls for as to how you operate the system and how
7   long you operate the system with the computer down?
8   (Pause in the proceedings.)
9   A   Okay.
10   Q   Go ahead. Do you have an answer now?
11   A   What was the question?
12   Q   What were you looking up?
13   A   Huh?
14   Q   What were you looking up?
15   A   What to do when both computers fail.
16   Q   And have you figured that out now?
17   A   Control Center supervisors should be notified.
18   Q   Does it tell you how long you're supposed to wait
19   before you notify the Control Center supervisor?
20   A   Says he should be notified immediately.
21   Q   What does immediately mean to you?
22   A   Right away.
23   Q   Within a few seconds?
24   A   Yes.
25   Q   What's the purpose of doing that?

---

1   A   I guess so he can come in and advise us.
2   Q   Did you actually have to look at the manual to know
3   you should have been notifying the Control Center
4   supervisor immediately when the computers went down?
5   A   Sometimes they want to be notified immediately and
6   sometimes they don't.
7   Q   Is that listed under "Abnormal Conditions"?
8   A   Yes.
9   Q   And so the computers going down would be an abnormal
10   condition, correct?
11   A   Yes.
12   Q   And you should have been able to recognize that back
13   in June of 1999, correct?
14   A   Yes.
15   Q   What do you do with an abnormal condition? Do you
16   continue to operate the line blind and deaf?
17   A   Depends on the situation.
18   Q   Computers go down. What do you do? Computers go
19   down. It's an abnormal situation. You continue to
20   operate the line blind and deaf in accordance with
21   your manual?
22   A   Do you want to read it?
23   Q   No, I want to know what you knew at the time because
24   you were trained on this manual at the time, weren't
25   you?

1 A Not really trained on it.

2 Q You weren't really trained on your manual as to what

3   to do with an abnormal condition such as the computer

4   going down, correct?

5 A We just read through it periodically.

6 Q And that was not any requirement even, was it?

7 A It's not like something they checked up on us to see

8   if we were doing it.

9 Q So it's not likely you were doing it very often, is

10   it?

11 A I did it fairly often.

12 Q Let me see. When is the last time before June 10th

13   that you actually read through the manual?

14 A I don't know. Roughly every couple months.

15 Q And even after reading it every other day for the last

16   year, you still had to read to look up to know what to

17   do when the computer goes down; is that right?

18 A Yes.

19 Q If the computers go down, how are you going to look up

20   what to do on your manual?

21 A It's a little tough.

22 Q So now you've got the computers all going down and you

23   can't even get access to your manual because that's on

24   the computers, right?

25   MR. NICOLL: Object, mischaracterizes his

---

1   testimony. Lack of foundation.

2 A Just because SCADA goes down doesn't mean our PCs

3   aren't running.

4 Q Okay. You have a power outage and everything's gone?

5 A We wouldn't have access to the PCs either.

6 Q So you wouldn't be able to access a manual, would you?

7 A No.

8 Q That's why you get trained in what goes on with the

9   manual and you go through training on it so it becomes

10   something that's second nature for these abnormal

11   conditions and emergency conditions, correct?

12 A Okay.

13 Q Don't you agree with that?

14 A Well, there's a lot of stuff in these manuals, you

15   know. We got the manuals so we know where to look.

16 Q And if the computer system goes down, that's one of

17   the things that you can't look at the manual, can you?

18 A Not unless you have a hard copy.

19 Q Do you have a hard copy in the control room?

20 A I don't believe so.

21 Q You didn't even -- when the computer went down, you

22   didn't even access a hard copy or an Intranet copy of

23   your manual, did you, to figure out what you should

24   do?

25 A No.

(RON BURT - BY MR. BENINGER)

1 Q And if you'd done that you would have known to call

2   the control room supervisor right away, correct?

3 A Correct.

4 Q Does a manual even tell you how long you can operate a

5   system blind or does it say if the computers fail you

6   should shut the system down?

7 A I don't think it says. I don't know.

8 Q It is an abnormal condition though for the computers

9   to go down that run the SCADA system, right?

10   MR. NICOLL: Object to the extent it calls

11   for a legal conclusion.

12 Q Golly sakes, that wouldn't be a legal conclusion,

13   would it? Whether or not the computers go down is an

14   abnormal condition. That's what you were trained in,

15   weren't it?

16   MR. NICOLL: I object to the extent that

17   calls for a legal conclusion.

18 Q Isn't that correct?

19 A I don't know.

20 Q Weren't you trained in being able to recognize

21   abnormal conditions? Weren't you?

22 A (Witness shook head negatively).

23 Q You don't know?

24 A Not really. Just on-the-job type of training.

25 Q On-the-job type of training that you had for these

(RON BURT - BY MR. BENINGER)

1   four months, did they have ever any abnormal

2   conditions that they presented to you?

3 A No.

4 Q So you didn't really get much training in being able

5   to identify abnormal conditions, correct?

6 A No.

7 Q And abnormal conditions isn't something that lawyers

8   make up. That's actually part of the manual here that

9   talks about abnormal conditions, right?

10 A Yes.

11 Q And they also talk about emergency conditions,

12   correct?

13 A Yes.

14 Q And one of the reasons that you have this is because

15   although abnormal conditions are infrequently

16   encountered, the controller is expected to recognize

17   and understand these conditions and react quickly,

18   correct?

19 A Correct.

20 Q And that's a line that I just read right out of the

21   abnormal procedures manual, page 15 of your controller

22   procedures manual, correct?

23 A Yes.

24 Q And it says, quote, "The controller is expected to be

25   familiar with the following abnormal procedures," end

1   of quote. It says that, doesn't it?
2 A Yes.
3 Q And it talks about a number of them, including
4   unintended mainline valve closures, correct?
5 A Yes.
6 Q And it talks about the computers going down, correct?
1 A Yes.
8 Q And those are things that you were supposed to have
9   been familiar with and be able to recognize before
10   June 10th, 1999, correct?
11 A Yes.
12 Q And in an abnormal condition, the lines should be shut
13   down and you shouldn't operate blindly if the
14   computers are down, correct?
15   MR. NICELL: Object, compound question.
16 Q Correct?
17 A Say that again.
18 Q Sure. In an abnormal condition caused by the
19   computers going down, the lines should be shut down,
20   correct?
2 A It's a little hard to shut it down if you can't see
22   it.
23 Q So you think you just simply keep operating it? Is
24   that what you think you do?
25 A Yes.

---

1 Q And you're going to just keep operating it until the
2   computers come back on line or someone takes over your
3   shift; is that right?
4 A Depends on what's going on.
5 Q Is there a way to be able to shut down the line from
6   the control room without the SCADA system?
7 A No.
8 Q To be able to shut down the line what do you have to
9   do without the SCADA system?
10 A From the Control Center?
11 Q You're not going to leave the Control Center, are you?
12 A No.
13 Q So how do you initiate a shutdown of the line?
14 A You don't.
15 Q Do you call your supervisor to do that?
16 A Yes.
17 Q Is that why the manual is set up for you to
18   immediately notify the supervisor if your eyes and
19   ears are taken away from you with the SCADA system
20   being down?
21 A Yes.
22 Q On June 10th, with your operating understanding as to
23   what your procedures called for, would you have
24   allowed that system to keep operating with the SCADA
25   system down and without calling your supervisor for

---

1   more than two hours?
2   MR. NICELL: Objection, calls for
3   speculation.
4 A I don't know.
5 Q For more than three hours?
6   MR. NICELL: Same objection.
7 A I don't know.
8 Q More than six hours?
9   MR. NICELL: Same objection.
10 A I don't know. I assume I wouldn't.
11 Q Why not?
12 A Because.
13 Q Because why?
14 A Because he would need to know that by then.
15 Q Why?
16 A To advise us on what to do.
17 Q Why would he need to know after six hours rather than
18   after 15 to 20 minutes?
19 A I don't know.
20 Q No explanation at all?
21 A Well, you know, the first few minutes you're doing
22   other things, you know, to make sure you're not
23   overfilling the tank and that kind of stuff.
24 Q You have no control over filling the tank with the
25   SCADA system down, do you?

---

1   No, but I have control over calling a shipper and
2   saying, hey, you'd better find another tank to swing
3   to or something like that.
4 Q You don't even know if the tank is being overfilled
5   with the SCADA system down, do you?
6 A I have a pretty good idea compared to how much room
7   they turn in and how much we've delivered to them.
8 Q And so the first thing you're doing is looking through
9   to see if you need to notify shippers in creating an
10   emergency situation, correct?
11 A Yes.
12 Q Did you notify any shippers?
13 A No.
14 Q Did Mr. Dyvig notify any shippers?
15 A I don't know.
16 Q Now, the failover to the back-up system occurred, I
17   want to bring you there, after about 15 minutes, ten
18   to 15 minutes with this system down, correct?
19 A It tried to occur.
20 Q How long -- and Lloyd Ticken comes in and then leaves
21   the room. We've talked about that, correct?
22 A Yes.
23 Q What happens after that?
24 A The next thing I remember is that it appeared the
25   computers were coming up and starting to work again.

1 Q mu long had that been?

2 A several minutes.

3 Q When you say several, do you mean several as in five
4 to ten or several as in ten to 15 again?

5 A Probably ten to 15 again.

Q So we have anywhere from 20 to 30 minutes in which the
7 computer system are completely down; is that right?

a A They're unresponsive, yes.

9 Q Is there a difference between down and unresponsive?

10 A well. as far as I'm concerned, they're not working.

11 Q Okay. There's 20 to 30 minutes in which the computer
12 system that runs the SCADA, your eyes and ears, is not
13 working, correct?

14 A Yes.

15 Q And during that next block of ten to 15 minutes do you
16 go back to Lloyd Tieken and say what's going on,
17 Lloyd?

18 A M.

19 Q Do you call your supervisor then?

20 A M.

21 Q Did you call any shippers or anyone else then?

22 A I didn't have my need to.

23 Q Did you see if Kevin's doing anything then?

24 A M.

25 Q Did you talk with Kevin at all fathis 20 minutes to

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1 half hour?

2 A Not really.

3 Q And so both of you are just sitting there. Neither
4 one of you is calling the supervisor or doing anything
5 else to operate the system?

6 MR. NICOLL: Object. Compound question.

7 Q Is that right?

8 A No, I'm not just sitting there. I'm, like I said,
9 before, doing all the other stuff I do, trying to get
10 it done.

11 Q The other stuff was just simply looking through the
12 paperwork to see the status of the shippers, whether
13 they had been delivering or not, correct?

14 A That and a lot of other things. Making batch changes,
15 stuff like that.

16 Q But you weren't about to make any batch changes, were
17 you?

18 A No, but I'm roughing them up for my shift.

19 Q So the computer's down, the system's not operating and
20 you're roughing up for your shift batch changes down
21 the line; is that right?

22 A Yes.

23 Q How many batch changes did you expect that day?

24 A I don't remember exactly. Seems like somewhere around
25 15.

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1 Q And how soon was the next batch change due from the
2 time that the computer first went down?

3 A I don't remember that either. A couple, three, four
4 hours. I don't remember exactly.

5 Q How were you first told that the computer's starting
6 to come back alive?

7 A How am I first told?

a Q Yes.

9 A I seen the screens coming back up.

10 Q What do you see on the screens?

11 A My pipeline.

12 Q Numbers starting to flow?

13 A Yeah, a little bit, but it was acting real sluggish.

14 Q By acting sluggish, do you mean the data was being
15 conveyed to you in a slow manner?

16 A Yes.

17 Q Did you go in and try to input other commands?

18 A No.

19 Q So how long did you watch the screens with it being
20 slow?

2: A For quite a while.

2: Q What's quite a while? More than several minutes?

2: A Until they come back up to speed and were running.

2: Q What's quite a while then?

2! A I don't know. It was a few minutes. I don't remember

1 exactly.

3 2 Another five to ten minutes, ten to 15? What are you
3 talking about?

4 A Probably five to ten.

5 Q So we now have the computer being down for 25 to 40
6 minutes before it's back up to what you would consider
7 the operating speed that was appropriate, correct?

a A Yes.

9 Q Did you go then and ask Lloyd Tieken as to what was
10 the reason for this, what's going on?

11 A M.

12 Q Did you at any point in this 25 to 40 minutes check
13 the leak detection system?

14 A M.

15 Q Why not?

16 A I don't know.

17 Q You're supposed to, aren't you?

18 A Yeah.

19 Q Did you get my alarms during this 25 to 40 minutes in
20 which the computer's either down or not up to normal
2 capacity?

2 A Not until they started coming up to normal capacity.

2 Q And then during the time that it was slowly coming up
24 to normal capacity, did you get some alarms?

2! A Several.

1 Q   What sort of alarms?

2 A   I don't remember. Pages of them.

3 Q   Pages and pages of alarms came on?

4 A   Uh-huh.

5 Q   When the computer came back; is that right?

6 A   Yes.

7 Q   What did you do? Did you acknowledge every single one

8   of those alarms?

9 A   I didn't.

10 Q   Who did?

11 A   I don't know.

1a Q   Did anyone?

13 A   A lot of them just kept -- were just cycling through

14   there.

15 Q   And if they're cycling through, are you still supposed

16   to acknowledge those and verify them?

17 A   Yes.

18 Q   Did you do that?

19 A   Not every alarm.

20 Q   Did you verify and acknowledge any of the alarms?

21 A   No, I don't remember exactly what I did.

22 Q   You just cleared most of the alarms, didn't you?

23 A   Probably, yeah.

24 Q   Because you didn't acknowledge them and you didn't

25   verify them. You just cleared them, correct?

---

1 A   I don't remember.

2 Q   Isn't that what happened, that you Cleared almost all

3   the alarms that were coming up after the system came

4   up?

5 A   I don't remember exactly what I did.

6 Q   You don't? You really truly don't remember at this

7   point in time when the system comes up as to what you

8   do with the pages and pages or alarms?

9 A   I don't remember what I did with all of them.

10 Q   Do you remember what you did with most of them?

11 A   I don't remember.

12 Q   You actually cleared most of them without

13   acknowledging or verifying them, didn't you?

14 A   I don't remember if I did or, you know, they got

15   Cleared. I don't remember actually doing it.

16 Q   If it wasn't you, who else would it have been that

17   cleared the alarms without acknowledging them or

18   verifying them?

19 A   Kevin could have.

20 Q   Did anyone else sneak into that control room and do

21   it?

22 A   I doubt it.

23 Q   So the only people that would have Cleared those

24   alarms was you and Kevin Dyvig, correct?

25 A   Yes.

---

1 Q   And what happened was, whether it was you or Kevin

2   Dyvig, almost all the alarms, the pages and pages that

3   came up after the computer system came back on line,

4   were simply cleared without being acknowledged or

5   verified, correct?

6 A   I don't know if that happened to all of them but some

7   of them, yes.

8 Q   Almost all of them, correct?

9 A   I don't know.

10 Q   In fact, can you remember one alarm, one alarm that

11   came up after the computer supposedly came back up to

12   speed, that you or Kevin Dyvig actually acknowledged

13   and verified before clearing it?

14 A   No, I can't remember any specific alarm.

15 Q   Not a single one?

16 A   No.

17 Q   How long do you think it took you to clear all these

18   pages and pages of alarms?

19 A   I don't know.

20 Q   Five minutes?

21 A   I don't know.

22 Q   Ten minutes?

23 A   I have no idea.

24 Q   What do you mean you have no idea? You were there,

25   weren't you?

---

1 A   Yes.

2 Q   And the alarm log screen is right there, isn't it?

3 A   Yes.

4 Q   So how long did it take for you to get it all cleared

5   from your screen and the alarm log screen?

6 A   I don't remember.

7 Q   Could it have been 15 minutes you were working on just

8   clearing them all?

9   MR. NICOLL: I'm going to object because

10   it's mischaracterizing his earlier testimony.

11 Q   Go ahead.

12   MR. NICOLL: Unless you're talking you as in

13   either one of you.

14 Q   Go ahead.

15 A   I don't remember.

16 Q   Do you turn -- the audible alarm is probably screaming

17   at this point, isn't it?

18 A   For a short time.

19 Q   Do you close that down? Did you turn it off?

20 A   No.

21 Q   Did you just leave it screaming?

22 A   Yes.

23 Q   And then once you're able to clear them all off,

24   that's when it would stop, right?

25   MR. NICOLL: Object to the form of the

1   question. Mischaracterizes his testimony.

2 Q Right?

3   MR. NICOLL: He hasn't testified that he

4 cleared the alarm.

5 Q Right?

6 A I don't know who cleared the alarm, but once they were

7 cleared, it would stop, yes.

8 Q And so the alarm only went for a short period of time

9 you Mid? The audible alarm only went for a short

10 period of time is what you said, right?

11 A I don't know how long it went.

12 Q Actually, you just testified it was a short period of

13 time, didn't you?

14 A I don't know if it was a few minutes or what.

15 Q So when you said short period of time there, it could

16 be as long as a few minutes that the alarm was blaring

17 before it was turned off; is that right?

18 A The alarm was never turned off.

19 Q Before the sound turned off, correct?

20 A Yes.

21 Q And you were able to get all the alarms by clearing

22 them all, either you or Mr. Dyvig, whoever did it,

23 once you cleared them all you were able to get the

24 alarm to stop sounding before you started to return to

25 your business, correct?

---

1 A Yes.

2 Q And once you returned to business, what did you do?

3   I started going through my formats and stuff.

4 Q What do you mean "your formats"?

5 A Each station, each screen, seeing if everything looked

6 normal.

7 Q Did it look normal?

8 A Yes.

9 Q So the flow rates looked normal?

10 A Yes.

11 Q The pressure looked normal?

12 A Yes.

13 Q Everything on your segment of the line looked normal;

14 is that right?

15 A Yes.

16 Q Did you start to get new alarms coming on when Kevin

17 Dyvig started to go through his screens?

18 A I don't remember.

19 Q When did you learn that Kevin Dyvig's screens didn't

20 look normal?

21 A First time, probably when the computers first started

22 coming up.

23 Q Why were you looking at his screen?

24 A Because he wasn't in them.

25 Q Where did he go?

(RON BURT - BY MR. BENINGER)

1 A I don't know.

2 Q He left the room and didn't tell you?

3 A I don't remember if he told me or not. He may have

4 said, hey, I'm going down the hall to the computer

5 room. I don't remember him saying anything.

6 Q Are you making up the fact that he might have been

7 going to the computer room?

8 A No, I'm just saying I don't know where he went.

9 Q Are you making up the fact that he said he was going

10 to the computer room? Is that something that you just

11 made up or is that something you recall him saying?

12   MR. NICOLL: Object, argumentative,

13 mischaracterizes his testimony.

14 A I told you I don't know where he was going.

15 Q Did he say to you I'm going to the computer room or is

16 that something you just made up?

17 A I don't recall him saying that. I don't know what he

18 said.

19 Q So you just made that up then?

20   MR. NICOLL: Objection. You know that's not

21 what he testified to before.

22   MR. ZARGY: It was a hypothetical example.

23   MR. NICOLL: That's exactly right. He

24 didn't make up any --

25   MR. ZARGY: And it was clear to everyone

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1 else in the room.

2   MR. BENINGER: It may not be clear to me and

3 it may not be clear to my people who I represent who

4 have lost their kids, so you might think something is

5 clear, but it may not be.

6 Q Going back to you, what did he say when he left the

7 room?

8 A I don't recall what he said.

9 Q Is it proper procedure for one of the controllers to

10 leave the room without notifying the other one as to

11 where he's going or what he's doing?

12 A No.

13 Q Why did he allow that to happen here?

14 A I already told you, he may have said something to me.

15 I don't recall if he did or didn't.

16 Q Who was supposed to be monitoring his station while he

17 was gone?

18 A I guess, if anything came up, me.

19 Q And so you were, in fact, when the computers came back

20 on line, looking at both his numbers as well as your

21 numbers on your system to determine if anything was

22 right or wrong, correct?

23 A No, when the computers came back up I brought his

24 screen up just for a second.

25 Q What do you mean just for a second? Were you going to

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1   monitor his screen or not when he was gone?

2 4   He came back into the room just about the same time

3   that the computers were coming back up.

4 Q   Do you know how long he was going to be gone for?

5 A   No.

6 Q   So you bring up his screens and you have a chance to

7   look at the numbers and see that they're not right?

8 A   Yes.

9 Q   And what did you say at that point?

10 A   I just told him, it looks like his line was shut down.

11   I told him what I did and he took it over.

12 Q   So at least during the time in which the computers are

13   coming back up to speed and you've got the alarms

14   going, you're the only one in that control room; is

15   that right?

16 A   Yes.

17 Q   So is it likely you were the one that was going

18   through and clearing all the alarms without

19   acknowledging them or verifying them since you were

20   the only one there?

21   MR. NICOLL: Objection. Calls for

22   speculation, mischaracterizes his testimony.

23 A   At that point there was no alarm coming in. They

24   didn't start coming in until Kevin had came back into

25   the room, basically.

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1 Q   That's when all the alarms, the pages and pages

2   started to go off?

3 A   Yes, sometime right around then.

4 Q   So you have the current data coming in on both the

5   computer that you're monitoring before he comes back

6   in, correct?

7 A   I don't know if it was current or not. The screens

8   had just came up and I was waiting to see what was

9   going on.

10 Q   What screen was it that you were looking at on Dyvig's

11   line, the mainline or the segment?

12 A   The start-up display.

13 Q   What about the start-up display did you think was

14   unusual?

15 A   Nothing except for the fact that all the pumps but one

16   were shut down.

17 Q   Why would the pumps be shut down if the system was

18   operating?

19 A   I don't know.

20 Q   What did you do to figure it out?

21 A   I didn't do anything. Kevin came in and he took over

22   his line again.

23 Q   Is it usual to have all the pumps but one be down?

24 A   No.

25 Q   How unusual is that?

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1 A   The line shuts down quite often.

2 Q   Why does the line shut down quite often?

3 A   Could be a lot of reasons.

4 Q   So does the line shut down without, say, automatically

5   quite often?

6   I don't know. I don't know what you mean by

7   automatically. I mean it --

8 Q   This time the line must have shut down automatically

9   because you didn't shut the line down, did p?

10 A   No.

11 Q   Kevin Dyvig didn't shut the line down, did he?

12 A   No.

13 Q   So it must have shut down automatically, correct?

14 A   Yes.

15 Q   How often does the line shut down automatically, let's

16   say in the six months before this catastrophe?

17 A   Portion of it shuts down all the time. The whole line

18   would be unusual because generally we shut down the

19   rest of it.

20 Q   How often would the line, all the pumps in the line

21   shut down but one like you had here when the screens

22   came back up?

23 A   Virtually never, because we would have control of it.

24 Q   So this is an extremely rare mi unusual situation for

25   all the pumps to be down but one; is that right?

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1 A   Yes.

2 Q   Can you think of any other time in the 14 or 15 years

3   that you were either working on painting and doing

4   weed whacking or controlling this system in which all

5   the pumps but one have been down?

6 A   All but one, well, no, because generally we shut them

7   down.

8 Q   Where was the one pump that was operating?

9 A   Woodinville.

10   MR. ZARKY: Counsel, if you don't stop the

11   derogatory comments about weed whacking --

12   MR. BENINGER: Again, I don't care to hear

13   from you or not.

14   MR. ZARKY: If you don't stop the derogatory

15   comments about weed whacking, you won't be hearing

16   from him.

17   MR. BENINGER: I don't care to hear from you

18   either though, sir, so if you need to break, you can

19   go out and take a break and do what you want but we'll

20   continue on with the deposition without your

21   interference.

22   MR. ZARKY: I'm telling you if you don't

23   stop insulting my client, he is not going to put up

24   with it.

25 Q   Was part of your job weed whacking?

1   A   When?

2   Q   When you first came to work for the company?

3   A   Yes.

4   Q   And for the period of time before you actually started

5   to work as a controller your job was to weed whack,

6   wasn't it?

7   A   Yes.

8   Q   And that wasn't insulting for you, was it? I mean

9   they didn't give you that job to be insulting, did

10   they?

11   A   No.

12   Q   And it's not insulting for the other people on

13   maintenance to do weed whacking, is it?

14   A   I don't know. You'd have to ask them.

15   Q   I mean they don't send people out and punish them to

16   do weed whacking. That's part of the normal practices

17   and procedures for people in maintenance, correct?

18   A   Yes.

19   Q   And that would be including the people that do

20   maintenance, as well as the controllers that might get

21   sent down like Chris Herrera to go to maintenance,

22   correct?

23   A   Yes.

24   Q   Back to where we were before we were interrupted. Did

25   you talk with Kevin Dyvig about this extremely unusual

---

1   situation in which all the pumps are down but one?

2   A   Well, I just told him all the pumps were down but the

3   one.

4   Q   And what was his response?

5   A   He came around, looked at his line.

6   Q   Did you go look at the leak detection system?

7   A   No.

8   Q   Did you check the alarm board to see if there might be

9   a leak that would account for this?

10   A   No.

11   Q   Did you do anything to try to figure out why all the

12   pumps were down but one?

13   A   No. I went back to monitoring my line.

14   Q   Your line's down, too, because the pumps are down,

15   right?

16   A   No, my line's running.

17   Q   Why is your line running if all the pumps are down

18   except for the Woodinville pump?

19   A   The pumps on his line are down, not my line.

20   Q   I thought you said all the pumps but one were down.

21   Just all of them on the mainline were down?

22   A   No, all the pumps on segment 1.

23   Q   Your pumps were still operating?

24   A   Yes.

25   Q   Did you check the leak detection system to find out if

---

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1   A   there had been a leak?

2   A   I think I already said yes. Or no, I mean.

3   Q   Which one, yes or no?

4   A   No.

5   Q   So after you find this unusual situation where all the

6   pumps on the line are down except for one, you didn't

7   check the leak detection system?

8   A   No.

9   Q   Did you check the alarms to see if there was a leak

10   code?

11   A   No.

12   Q   Why not?

13   A   I didn't feel I had a problem with my line.

14   Q   Were you only thinking about your line at that point

15   in time?

16   A   Yes.

17   Q   So even if there was a leak, all you were worried

18   about was whether it was on your line or not?

19   A   At that time, yes.

20   Q   And if people were just clearing off the alarms, do

21   you know if anyone saved the alarm that was related to

22   a leak?

23   A   I don't know.

24   Q   Do you even know if there was an alarm for a leak that

25   was sounding when the computers came back on?

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1   A   I never seen one.

2   Q   Do you remember looking to see if there was one or not

3   though?

4   A   No.

5   Q   So whether it was there or not, you wouldn't know

6   because you didn't look?

7   A   That's correct.

8   Q   And whoever cleared it, whether it was you or Kevin

9   Dyvig, cleared the leak alarm or any of the other

10   alarms that may have been on there without ever

11   verifying it one way or the other, correct?

12   MR. NICOLL: Objection to the extent it

13   calls for speculation.

14   A   I don't know. Some of them maybe.

15   Q   Actually, all of them would have to be cleared in

16   order to get the alarm to stop sounding, right?

17   A   Yes.

18   Q   So all of them were eventually cleared within a few

19   minutes of the start-up, correct?

20   A   Yes.

21   Q   And --

22   MR. NICOLL: Excuse me. When you said

23   start-up, you mean the computers coming back up?

24   MR. BENINGER: The computers coming back up

25   yes.

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1 Q Once Kevin Dyvig comes in and takes over his, you go
2   back to monitoring your portion of the line, correct?
3 A Correct.
4 Q Anything unusual in your portion of the line?
5 A No.
6 Q The flow rates were all consistent?
7 A Yes.
8 Q Pressure rates?
9 A Yes.
10 Q Volumes all fine?
11 A Yes.
12 Q You checked all those?
13 A I was checking them, yes.
14 Q How long would it take you to check through those to
15   see if they were within normal limits or not?
16 A I don't know. Several minutes.
17 Q And you did that?
18 A I was doing it, yes.
19 Q You were doing it and then what?
20 A Then I was doing my normal business.
21 Q Did you do it? And you check through all the systems
22   to make sure they were normal?
23 A Yes.
24 Q So you did complete that then, correct?
25 A Yes.

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1 Q And then you went back to business as usual, correct?
2 A Yes.
3 Q When did you first learn that there was a problem?
4 A A problem other than his line shutting down?
5 Q Did you ever learn that the line came back?
6 A What do you mean?
7 Q That his line came back on, that the pump started
8   again in his line?
9 A He mentioned to me he was going to repressure his
10   line.
11 Q Did he tell you why the pumps were down?
12 A No.
13 Q Did you ask him why the pumps were down?
14 A No.
15 Q Why would he tell you he was going to repressurize
16   them then?
17   MR. NICOLL: Objection, speculation.
18 A I don't know.
19 Q That was the extent of that conversation was that he
20   just leaned over to you and said out of the blue I'm
21   going to repressurize my lines?
22 A Yeah.
23 Q You didn't have some conversation going back and
24   forth, hey, Kevin, did you figure out this extremely
25   rare condition why all but one of your pumps were

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1   down?
2 A No.
3 Q Anything of that nature?
4 A No.
5 Q Had you found out from Lloyd Tieken as to what was
6   wrong with the computer systems when Kevin leaned over
7   and said I'm going to repressurize my line?
8 A No.
9 Q Had you talked to your supervisor at all?
10 A No.
11 Q Do you know where he was?
12 A No.
13 Q Did Kevin say he talked to the supervisor at all?
14 A He didn't say.
15 Q How long was Kevin gone?
16 A Five, ten minutes maybe.
17 Q Five to ten minutes Kevin Dyvig was gone before the
18   lines started back up again?
19 A Yes.
20   MR. NICOLL: Just to be clear, before the
21   computer?
22 Q Kevin Dyvig was gone from the control room five to ten
23   minutes before the computer came back up to normal
24   operating status, correct?
25 A Something like that. I don't know exactly.

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1 Q What happens when he tells you he was going to
2   repressurize the line?
3 A Nothing happens.
4 Q By the way, did he leave and ask anyone if it was okay
5   to repressurize the line again?
6 A I don't know.
7 Q Did he call anyone to ask if it was okay to
8   repressurize the line?
9 A I don't know.
10 Q Do you know what he did do to verify that it was okay
11   to repressurize the line?
12 A No.
13 Q The supervisor wasn't there though, correct?
14 A Correct.
15 Q And you're not aware of any calls or instructions to
16   the supervisor to be able to repressurize the line,
17   correct?
18 A Not that I know of, but I don't know.
19 Q If all pumps but one shut down, what's supposed to be
20   done before you restart those?
21 A Depends on why they shut down.
22 Q So, number one, are you supposed to investigate why
23   they shut down?
24 A Yes.
25 Q How do you investigate why they shut down?

1 P I guess you'd have to go through the event log and see
2   if you can see why they shut don.
3 Q The event log is not going to tell you anything
4   because the computer's teen don, correct?
5 A Correct.
6 Q So in this situation how do you go through to
7   determine why the pumps hen? don?
8 A I can't really.
9 Q So you're about to restart pumps that have teen don
10   and you're not able to verify as to why they went
11   down?
12   MR. FINEGOLD: Mischaracterizes his
13   testimony, and I can be here.
14   MR. BENINGER: I understand that. In what
15   respect?
16   MR. WOLFE: He wasn't about to restart any
17   pumps.
18 Q So Kevin Dyvig --
19   MR. WOLFE: It would help if) a mold.
20   rather than using the "royal we", delineate people.
21   We've had this confusion quite a bit.
22 Q The line's about to te restarted and there is no way
23   to verify why the pumps were down, correct?
24 A Correct.
25 Q Now, if you see an operator or a controller in the

1   control room about to violate company policy and
2   procedures, are you supposed to step in and do
3   something about that?
4 A I suppose if I know for sure he's going to do that.
5 Q Is safety every controller's responsibility?
6 A Yes.
7 Q So when I'm talking safety, it's appropriate to use
8   the "royal we" in the control room because all
9   controllers are responsible for safety, correct?
10 A Correct.
11 Q So when we're talking about a safe operating procedure
12   like bringing pumps on line without verifying whether
13   they've been down or not, that's not only the person
14   who's responsible for it, but anyone else that knows
15   those pumps have been down and the system's incapable
16   of verifying as to why they went down, correct?
17 A I don't know. I just figured it was his line and it
18   was his --
19 Q I didn't ask you what you figured. I want to know
20   whether your role as a controller, if you know pumps
21   have been down and you know they can't be verified as
22   to why they went down and you know the policy is you
23   must verify them before they're restarted, you've got
24   a responsibility for the safe operation of that line
25   and those conditions as well, don't you?

(RON BURT - BY MR. BENINGER)

1 A Well, I don't think there's anything that says you
2   have to verify why they went don.
3 Q That's your procedure, isn't it, sir?
4 A Well, yeah.
5 Q And that's just common sense, that you would verify
6   why it went down before you would start it backup,
7   right?
8 A Yes.
9 Q And so again to my question, if you know that the
10   pumps are down, you know you can't verify why they
11   went down and you get a warning from your co-worker
12   that he is about to start those things back up without
13   verifying any of these, you've got a responsibility
14   far safety as well, don't you?
15 A They weren't my pumps so I figured that was his
16   responsibility.
17 Q But you know there's a safety problem here ad that's
18   your responsibility as well, iw't it?
19   MR. VERNOLF: Objection, argumentative and
20   repetitious.
21 A I didn't know there was a safety problem. All I know
22   is the pumps are down.
23 Q And you know the procedures require you to verify as
24   to why they went down before you restart, correct?
25 A Yes.

(RON BURT - BY MR. BENINGER)

1 Q And you know it was impossible for Kevin Dyvig to
2   verify as to why the pumps went down?
3   MR. VERNOLF: Objection, calls for
4   speculation.
5   MR. NICOLL: I join that objection.
6 Q Correct?
7   MR. BENINGER: Katie, could you read that
8   back?
9   (The question was read back.)
10 A Yes, that's something you should do.
11 Q And you know when Kevin Dyvig gave you a warning he
12   was about to repressurize the lines by turning the
13   pumps on, correct?
14 A Correct.
15 Q And at that point in time you knew that it was
16   impossible for him to have verified and completed his
17   duty to make sure this is not a problem but can be
18   safely done, correct?
19   MR. VERNOLF: Objection, no foundation.
20   MR. NICOLL: Calls for speculation.
21 A I don't know what Kevin verified or didn't verify.
22 Q You have a responsibility at that time to make sure he
23   didn't violate procedures and start this pump up
24   before there had been verification, didn't you?
25 A My responsibilities at that time were to run my line.

3 Each Olympic Pipe Line employee has a responsibility
   to make sure that there's not an abnormal condition
   occurring, correct?
A Correct.
Q Each Olympic Pipe Line employee has a responsibility
   to make sure that an emergency situation is not going
   to be instituted, correct?
A Correct.
Q Each Olympic Pipe Line employee has a responsibility
   to make sure they prevent any releases from occurring,
   correct?
A Yes.
Q The pipeline or the pumps could be shut down because
   or potential release, couldn't they?
A Could be.
Q You don't know one way or the other without mi——
   if that's   the   went down, correct?
A Correct.
Q So each employee has a responsibility to ensure that
   the operations of the pipeline are done safely,
   correct?
      MR. WOLFE: Object. That's argumentative
   and has absolutely nothing to do with this gentleman's
   operation of the pipe on his line.
      MR. BENINGER: Actually, counsel, it's not

argumentative. It's from the forward of the policies
and procedures.
      MR. WOLFE: It's argumentative as you
   postured the question to this witness. You're asking
   him to confirm your theory of a case. It becomes
   argumentative.
Q Go ahead, sir. Ask if you need to get the question
   back again.
A Yes.
      (The question was read back.)
A Yes.
Q And if there's any reason to believe that a release
   might occur or has occurred, the pipeline system
   should be immediately shut down and promptly
   investigated, correct?
      MR. WOLFE: What's the question? Are you
   just reading the policy statement or are you asking a
   question?
Q Correct?
      MR. WOLFE: There's no question. Object.
   There's no question pending.
      MR. VERWOLF: Same objection.
A What's the question?
Q Want me to read it to you? I'll have her read it back
   to you.

      (The question was read back.)
A Correct.
Q When Kevin Dyvig gave you the warning that he was
   going to repressurize the pipeline, did you take any
   steps to prevent him from doing that?
      MR. FINKOLD: Object to the
   characterization.
      MR. NICOLL: I agree. Object.
A No.
Q Why not?
A I felt he was a qualified controller and I was more
   concerned with my own line to make sure there wasn't a
   problem on it.
Q Does it turn out he was a qualified controller?
A In my opinion, Kevin is a qualified controller.
Q How about BP's opinion?
A I don't know.
Q Have they decided to take him off his job?
A Yes.
Q Did they have concerns about whether he was a
   qualified controller?
      MR. NICOLL: Objection, calls for
   speculation.
A I don't know why they chose to take him off.
Q You weren't shared any of the things that they gave

out at their press conference they called?
A Just what I read in the newspaper.
Q What newspaper was that?
A I don't remember, Seattle Times. I don't remember.
Q You read that article in The Seattle Times on their
   press conference?
A I believe so.
Q And that article in The Seattle Times, did they
   express, they meaning BP, express their concerns as to
   whether they felt he was a qualified operator and
   capable of running that line?
      MR. VERWOLF: Objection, misstates the
   article.
A I don't remember exactly what the article said.
Q Do you remember in general terms as to whether there
   were concerns about the people in the control room?
A I don't remember that.
Q And that would have been directed at you as well,
   correct?
A Yes.
Q Has anyone from BP told you they were concerned about
   your decisions that you made and what you did in the
   control room on this day?
A No.
Q Has anyone told you they were concerned about the

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1 decisions that were made by Kevin Dyvig?

2 A No.

3 Q Has anyone told you that they expected different

4 things to have been done in the control room on the

5 day of this?

6 A No.

7 Q So as far as you were concerned, and the other

8 controllers are concerned, what was done here is

9 appropriate?

10   MR. NICOLL: Wait a minute now. Compound

11 question and asks for speculation as to what other

12 controllers are concerned with.

13 Q Go ahead.

14 A Could you repeat it again?

15 Q I'll have her read it back.

16   (The question was read back.)

17 A I don't know what other controllers think, but I don't

18 know, and I don't know really what Kevin was doing so

19 I can't say if it was appropriate or not.

20 Q You knew he was about to repressurize the line without

21 verifying why the pumps were down, correct?

22 A Correct.

23 Q You know that's not appropriate, is it?

24 A No.

25 Q And you allowed that to happen though, didn't you?

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1 A If he didn't verify it.

2 Q You allowed it to happen, didn't you?

3 A I didn't allow anything to happen.

4 Q Did you take any steps to prevent him from

5 repressurizing that line?

6 A No.

7 Q Did you call your supervisor and say, wait a minute,

8 the pumps were down. We cannot verify why they went

9 down. It's possible they went down because of a leak,

10 and is it okay for us to restart the line?

11   MR. NICOLL: Object, compound question.

12 A The pumps on Kevin's line? No, I didn't.

13 Q For all the pumps but one to go down on a line, can

14 you think of any other reason that would occur other

15 than a leak?

16 A Sure. If you lose power at the refinery and they lose

17 their pumps, they go down.

18 Q Other than a leak and to lose power at the refinery,

19 can you think of any other reason why all the pumps on

20 a line would go down but one?

21 A Close the control valve up at the refinery, the

22 station closes, shuts off the flow.

23 Q Anything other than to lose power at the refinery or

24 to have a control valve at the refinery close or a

25 leak, anything else as to why all the pumps but one

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1 would go down on a line?

2 A If the refinery closes off their tank accidentally.

3 Q Any other reason other than a leak or something to do

4 with the refinery losing power, control valve or

5 closing a tank at a refinery?

6 A It's possible if something happened at other

7 downstream stations, too.

8 Q Okay, anything else other than something at a station

9 or the refinery or a leak?

10 A No, nothing I can think of right now.

11 Q And on the line that Kevin Dyvig was running, how many

12 refineries contributed to that?

13 A What do you mean?

14 Q How many refineries were supplying product to that

15 line?

16 A There's two refineries that are capable of supplying

17 product.

18 Q Are there telephones in the other stations for Olympic

19 Pipe Line?

20 A Yes.

21 Q And there's telephones at the refinery, correct?

22 A Yes.

23 Q And so to take care of one, two, three, four of the

24 five conditions that could possibly cause all the

25 pumps but one to go down, we're just a phone call

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1 away, correct?

2 A Well, generally there's nobody at our stations but --

3 Q We nobody at the Olympic pipe Line stations to be

4 able to call them?

5 A Correct.

6 Q So Olympic has these stations that are set up that in

7 the event of an emergency, that there's nobody that's

8 actually there running those stations to turn the

9 pumps on or off?

10   MR. NICOLL: Objection, assumes facts that

11 he hasn't testified about. Lack of foundation.

12 Q Is that right?

13 A Yes.

14 Q And is that why you have to call in field -- ti --

15 to go out to these stations in order to be able to

16 turn the pumps on or off because there's no one there?

17   MR. FINEGOLD: You mean operators, not

18 operatives. It's not an undercover operation.

19 Q Do you know if any calls were made to the refinery to

20 determine if any pumps but one were down?

21 A I don't know.

22 Q Did you ask Kevin, look, did you call the ref -- to

23 figure out why those pumps went down, because if it's

24 not something at the refinery or one of our stations,

25 then it's probably a leak?

1 A Did I ask him that, no.

2 Q Did you do anything to help try to verify that this
3 wasn't a leak, the reason that all the pumps were
4 down, that it was something else?

5 A M.

6 Q Is there a way to te able to look on your screens to
7 determine whether or not there was -- all the pumps
8 were down was due to something at the refinery vs. a
9 leak?

10 MR. NICOLL: Object, compound question.
11 Confusing.

12 A No.

13 Q If the Woodinville pump was running, would that let
14 you know that the refineries were still providing
15 product?

16 A M.

17 Q Why not?

18 A Because it's downstream.

19 Q It's downstream of the refineries?

20 A Yes.

21 Q How many pumps were down; do you know?

22 A All of them.

23 Q How many are there?

24 A I don't know, eight.

25 Q Where does Woodinville fit in that line?

1 A It's the farthest downstream.

2 Q So the fact that the Woodinville pump was operating at
3 least far a period of time, actually, if the pumps at
4 the refinery were all down, how long would it take for
5 the line to clear and the Woodinville pump to h
6 having no product?

7 A I don't know. It could take -- I don't know. Depends
8 on how much pressure he's got in his line.

9 Q A couple minutes?

10 A No. Could be ten to 30 minutes.

11 Q Is there a way to te able to check on the leak
12 detection system to see if the reason that the pumps
13 were down was due to a leak rather than some problem
14 at the refinery or something downstream?

15 A Yes. I guess.

16 Q How?

17 A You could check to see if it's declaring a leak.

18 Q Did you do that?

19 A No.

20 Q Did you ask Kevin if he did that?

21 A No.

22 Q When Kevin told you he was going to repressurize the
23 line did you even look on the screen to see if the
24 leak detection system was sounding an alarm?

25 A M.

1 Q If you had once cleared the alarm from the leak
2 detection system or somebody cleared the alarm from
3 the leak detection system, does it keep coming back up
4 and coming back up once it's teen cleared?

5 A I don't know.

6 Q my" ever teen trained as to what happens in the
7 situation of a leak in which the alarm goes and if you
8 clear it or don't clear it without verifying it?

9 A We've had a little hit of training on it.

10 Q When was that?

11 A A little bit before June 10th and a little bit after.

12 Q When you say a little hit, how much training did you
13 get?

14 A Before June 10th, maybe an hour.

15 Q When would that have been?

16 A I don't know exactly.

17 Q Within, before or after Lloyd Tishon had been employed
18 with the company?

19 A After.

20 Q Within the year or so before would you have had some
21 training on the leak detection system?

22 A A year or so before June 10th?

23 Q Yes, sir.

24 A I believe so.

Q Who would have conducted that training?

1 A I believe Todd Smith.

2 Q And Todd Smith is another controller, correct?

3 A He was.

4 Q Is he anymore?

5 A M.

6 Q Why not?

7 A He's got a new job working with computers.

8 MR. WOLFE: Can we take a break?

9 MR. BENINGER: Sure.

10 MR. DAHL: This is the end of tape No. 2 in
11 the deposition of Ron Burt. The tine is approximately
12 2:57 p.m. Going off the record.

13 (Recess taken at 2:57 p.m.)

14 MR. DAHL: Back on the record. This is the
15 beginning of tape No. 3 in the deposition of Ron Burt.
16 The tine is approximately 3:10 p.m.

17 BY MR. BENINGER:

18 Q Mr. Burt, I'd like to go back now to you're in the
19 control room and Kevin Dyvig tells you that he is
20 going to repressurize his line. Okay? What's the
21 next thing that you recall?

22 A The next thing I recall is seeing an alarm, seeing

1 A Yes.

2 Q Where do you see this alarm that says low suction?

3 A On the alarm screen.

4 Q On the stand-alone alarm log or is it coming across

5   the bottom of your screen?

6 A The stand-alone.

7 Q Do you hear an alarm sounding as well?

8 A Yes.

9 Q Do you first then realize there's a problem you need

10   to look at with the alarm sounding or were you

11   actually watching the alarm log?

12 A No, I heard the sound and that made me look at the

13   alarm log.

14 Q What does low suction indicate?

15 A Means not very much suction, pressure.

16 Q Is that a concern?

17 A Can be.

18 Q For what?

19 A Can be several things.

20 Q Like what?

21 A In this case, his pump was shutting down.

22 Q So low suction alarm can indicate that you're about to

23   have a pump shutdown?

24 A No, in this case it was -- yes, it can indicate a pump

25   is shutting down, yes.

---

1 Q So a low suction alarm can indicate that a pump is

2   about to shut down, correct?

3 A Yes.

4 Q What else can it indicate?

5 A It can indicate a leak.

6 Q What else can it indicate?

7 A That's about it.

8 Q With the pump about to shut down, what are the causes

9   for that?

10 A Well, the alarm was the pump shutting down because of

11   low suction.

12 Q So really is the low suction alarm telling you that

13   there may be a leak?

14 A No, not necessarily.

15 Q What else is it telling you?

16 A In this case it told me that his pump was shutting

17   down.

18 Q And what are the reasons why the pump was shut down

19   uncommanded?

20 A Because in this case, because his control valve wasn't

21   operating correctly to hold suction.

22 Q What other reasons would the pump shut down

23   uncommanded?

24 A There's lots of reasons.

25 Q Tell me. That's why I asked you the question. I want

(RON BURT - BY MR. BENINGER)

1   to know.

2 A The reasons why a pump would shut down uncommanded?

3   It would shut down because of too much pressure.

4 Q We've got a low suction alarm that comes on, and

5   that's telling you that the pump is shutting down,

6   correct?

7 A Well, the pump's shut down because of the low suction

8   alarm.

9 Q The low suction alarm tells you one of two things,

10   that you either have a leak or that the pump is being

11   shut down, correct?

12 A It doesn't tell you anything. It just indicates no

13   pressure in the station.

14 Q And the indication of low pressure tells you what?

15 A Well, like in this case?

16 Q In general, not in this case. I want to know in

17   general. An indication of low suction tells you what

18   as an operator?

19 A That you don't have as much pressure in the line.

20 Q And the reasons for that are what?

21 A Because you've lost pressure upstream.

22 Q From a leak?

23 A Possibly.

24 Q Or from a pump going down?

25 A Possibly.

(RON BURT - BY MR. BENINGER)

1 Q Anything else?

2 A Tank going closed.

3 Q Anything else?

4 A The refinery losing their booster pumps.

5 Q Anything else?

6 A Anything going closed upstream of the low suction.

7 Q What order do you begin verifying the reason why the

8   low suction alarm came on?

9   MR. NICOLL: In general or this low suction

10   alarm?

11 Q In general.

12 A When do I start verifying why it came on?

13 Q What order?

14 A What do you mean what order?

15 Q Of these potential factors as to why a low suction

16   alarm would be sounded, which order do you start to

17   verify which one it was that caused the alarm?

18 A Depends on if you think you know why there's an alarm

19   there.

20 Q Did you think you knew why the Ferndale low suction

21   alarm came on here?

22 A Yes.

23 Q What was that?

24 A Well, I thought it was because a bigger pump was

25   coming on and his control valve didn't work and it

1 went down to low suction.

2 Q Because the control valve didn't work?

3 A Yes.

4 Q So that would be the first place that you would start

5 to verify why the alarm came on, is to check the

6 status of the control valve, correct?

7 A That's what it looked like to me, but I wasn't running

8 the line.

9 Q How did it look like that to you? Did you actually

10 check one of the screens or check something?

11 A No, just because, you know, it said the pump was

12 coming on and it went down to low suction. That's

13 something that happens every now and then.

14 Q So it looked to you from just those two things that a

15 control valve didn't operate?

16 A Yes.

17 Q And where would you look to see if that was correct or

18 not?

19 A It would be kind of -- I don't know if you could look

20 to see if that was correct.

21 Q How do you verify if that was the cause?

22 A By asking Kevin.

23 Q I'm not asking in particular here. I want to know how

24 do you verify that the cause of the low suction alarm

25 being sounded was due to a control valve not

1 operating?

2 A I guess you could look at the difference in pressure

3 between suction and discharge, see if it was

4 controlling.

5 Q And that would let you know whether the problem was

6 because of the control valve?

7 A Not exactly, but it would tell you if it was operating

8 or not before the pump came on.

9 Q So when you saw the alarm, the Ferndale low suction

10 alarm, what did you do?

11 A I mentioned to Kevin that he lost Ferndale on low

12 suction.

13 Q He didn't know that?

14 A Yeah, he knew it. I was just verifying that he'd seen

15 it.

16 Q Why are you verifying that he'd seen it?

17   MR. BENINGER: Mr. Zarky, if you're going to

18 sit here, please, no more goof-offs, no more slapping

19 your hand to your forehead, no more shaking your head,

20 no more animations or antics, please. You're

21 disturbing the deposition.

22   MR. ZARKY: Don't give me instructions,

23 counsel.

24   MR. BENINGER: Are you going to agree not to

25 do any more of these antics or not?

1   MR. ZARKY: I don't agree that I've done any

2 antics.

3   MR. BENINGER: You have and you know it.

4 You just slapped your forehead and you know that as

5 well, so you're not going to try to say, as an officer

6 of the court, that you haven't been doing that.

7 correct?

8   MR. ZARKY: I haven't engaged in any antics.

9   MR. BENINGER: Again, why don't I have it

10 read back before Mr. Zarky decided to slap his

11 forehead.

12   (The question was read back.)

13 Q You state that you were just, you were telling

14 Mr. Dyvig about the Ferndale 1a, suction alarm to

15 verify that he had seen it. Why were you doing that?

16 A Just to make sure he'd seen it.

17 Q Why didn't you verify with him that he wasn't starting

18 these pumps before he knew why they were all down?

19   MR. NICOLL: Objection, assumes facts not in

20 evidence.

21 A Well, that wasn't an alarm. I was just verifying that

22 he had seen the alarm on his line.

23 Q Did you try to find out yourself as to what triggered

24 the Ferndale 1a, suction alarm?

25 A No.

1 Q Did you find out from Mr. Dyvig what triggered the low

2 suction alarm?

3 A No, not for sure.

4 Q What do you mean not for sure? Did you find out

5 anything from him as to what triggered the low suction

6 alarm?

7 A No.

8 Q Did he respond back to you as to that he knew the

9 alarm was going or it's under control or anything?

10 A No. I just said to him that sometimes that control

11 valve reacts sluggishly and --

12 Q You said that or he said that?

13 A I said that, and he didn't really say anything. He

14 was just staring at his screen.

15 Q Did the alarm get cleared?

16 A I don't remember. I think so.

17 Q Did the sound stop?

18 A Yes.

19 Q So the alarm must have got cleared then?

20 A I guess, yes.

21 Q And do you know what was done to verify that the cause

22 of the Ferndale low suction alarm was not due to a

23 leak?

24 A I don't think at that point anything was done.

25 Q Did you go to check the leak panel to see whether or

1   not that was coming up?

2 A No.

3 Q Was there an alarm that came up for leaks at that

4   **Pint?**

5 A Not that I remember.

6 Q Is that something you think you'd remember?

7 A Probably.

8 Q Had you ever had a leak alarm come up before?

9 A None that I'd seen.

10 Q Ever, the entire time you've been working?

11 A Yes.

12 Q You'd never seen a leak alarm come up?

13 A In the entire time I've been in the Control Center?

14 Q Yes, sir.

15 A Yea. I'M seen one.

16 Q How many times do the leak alarms come on?

17 A I don't know. Two or three maybe.

18 Q Were those actual leaks or were they false alarms?

19 A They were, I wouldn't say they were false alarms.

20   They detected a variance in the, that the model picked

21   up and alarmed.

22 Q Was there an actual leak though?

23 A No.

24 Q So it was a false alarm. It wasn't a leak and the

25   leak alarm came on; is that right?

1 A Well, the leak alarm detected other things besides

2   just leaks.

3 Q What else does the leak alarm detect besides leaks?

4 A If you've got a meter that's malfunctioning, that kind

5   of stuff.

6 Q When you told Mr. Dyvig that the Ferndale low suction

7   alarm was on and that it's sometimes slow to respond,

8   what did he appear like? Was he under control?

9 A Was Kevin under control?

10 Q Yes, sir.

11 A Yes, he was looking at his line.

12 Q Was he acting normal?

13 A I would say he was acting concerned about something.

14 Q How do you know that?

15 A I don't know that. He just, that's my opinion.

16   That's what he looked like.

17 Q What do you base that on?

18 A Just, just personal experiences.

19 Q Did you observe him?

20 A I looked at him quickly, yeah.

21 Q So it was based on your observations that you thought

22   he was concerned about something?

23 A Yeah.

24 Q Did you ask him what are you concerned about? What's

25   going on, anything like that?

1 A I don't know if I actually asked him that. I just

2   told him what I'd seen and, you know, that the control

3   valve reacted slowly and, you know, and I brought up

4   the screen and looked at it real quick to see what he

5   was so concerned about.

6 Q What did you see?

7 A I seen very little pressure at Ferndale Statim.

8 Q Did you notice anything else of significance?

9 A No.

10 Q What screen were you looking at?

11 A I think the Ferndale Statim screen.

12 Q Did you say anything to him after you looked at the

13   Screen?

14 A I just said, you know, basically you don't have no

15   pressure there.

16 Q So it was actually no pressure at the Ferndale

17   Station; is that right?

18 A well, very little pressure. I don't remember the

19   exact amount.

20 Q What did he say back to m?

21 A He said, I don't remember exactly what he said.

22   Something to the effect of he thinks he has a problem

23   and he's closing the block valves.

24 Q Why would you close the block valves under those

25   conditions?

1 A Isolate the line.

2 Q Why would you want to isolate the line just because of

3   the low suction alarm?

4 A In case there's a potential leak.

5 Q Did you suspect there was a potential leak when he

6   told you he was going to close the block valves?

7 A At that pint I would suspect that, yes.

8 Q Did you suspect that?

9 A I don't remember suspecting anything. I just knew he

10   had a problem there.

11 Q When was the first time you suspected that there may

12   be a leak?

13 A Well, almost immediately after all that -- well, a

14   little bit later the phone rang and, you know, the guy

15   told me there was.

16 Q Is that the first time you suspected there was a leak

17   when somebody told you there actually was a leak?

18 A well, I suspected when I looked at the station tint

19   there could be. I don't know. I didn't know what was

20   going on.

21 Q At what pint was this? When you looked at the

22   Ferndale Statim is when you first suspected there

23   could be a leak?

24 A Yes.

25 Q How about when you saw all the pumps but one down, did

1 you suspect there could be a leak then?
2 A No.
3 Q all up until the pint that the Ferndale alarm came
4   on, you had no suspicions that there might be a leak?
5 A No.
6 Q What were you thinking the reason was that all the
7   pumps but one were down on the line?
8 a I didn't have any idea.
9 Q No suspicions?
10 a No.
11 Q Was it anything that you gave consideration to at all
12   at the tine as to what the cause or that could be?
13 a No, I was more concerned with my line.
14 Q Was your line having problems?
15 a No.
16 Q So at the tine there was only one line that was having
17   problems and that was the mainline, correct?
18   MR. NICOLL: Object to the form of the
19   question. It's not been established. Assumes facts
20   not in evidence.
21 Q Is that correct?
22 a Well, I don't know. at that tine I didn't b i t was
23   having problems.
24 Q all the pumps being down but one is a potential
25   problem, isn't it?

1 a Potential.
2 Q And it's potential because you don't know if they were
3   manually closed or if they automatically closed,
4   correct?
5 A Correct. I don't know why they went down.
6 Q If they automatically closed all but one, that could
7   indicate a potential problem, couldn't it?
8 A Could indicate it.
9 Q In fact, what's the other things other than a problem
10   with one of the valves or shutdown, an unscheduled
11   shutdown at one of the refineries that it would
12   indicate other than a leak?
13 A With all the pumps being down but one?
14 Q Yes.
15 a I think we already went through that whole list. Like
16   I Mid, it could be a lot. Problem at the refinery,
17   problem at a station shutting down.
18 Q All of it would have to do with the problem though,
19   wouldn't it?
20 A Yes.
21 Q So with all the pumps but one being down, that tells
22   you there's a problem, right?
23 a Yes.
24 Q And when the computer comes back on, there's only one
25   line that has a problem and that's the line that Kevin

1 Dyvig's on, correct?
2   MR. NICOLL: I'm going to object again
3   because it assumes facts not in evidence.
4 Q Go ahead.
5 a I guess.
6 Q ad at that pint did you suspect that the problem was
7   a leak?
8 a at what point?
9 Q The pint that you know all the pumps are down but one
10   which tells you there's a problem. Did you suspect
11   that the problem was due to a leak?
12   MR. NICOLL: Assumes facts not in evidence.
13   Again, I object. Mischaracterizes, form of testimony.
14 a I already said that I didn't suspect there was a leak
15   at that point.
16 Q If you had suspected there was a leak, you should have
17   checked the leak control panel, correct?
18 A Yes.
19 Q The first indication that you had -- actually, the
20   first tine that you confirmed that there was a leak
21   was when you were told by Mr. Kiene; is that correct?
22 a Yes.
23 Q ad at that point in time you knew there was a leak?
24 a It sounded like there was, yes.
25 Q Who did k talk with?

1 A Me.
2 Q And what did you tell him?
3 A I --
4 Q What did he say to you?
5 A He said to me that he was in the Whatcom Creek area
6   and that he was, I don't know where, somewhere above
7   the creek, and he said there was an appearance of
8   gasoline running down the creek and he wanted to know
9   if we had a pipeline in that area.
10 Q He didn't know if there was a pipeline in the area?
11 A I don't know. That's what he asked me.
12 Q Did you know if there was a pipeline in that area?
13 A I didn't know exactly where it was laid through there,
14   but I knew it was somewhere through there.
15 Q How do you figure cut where your pipeline is?
16 a You mean exact location in the ground?
15 Q Yeah.
18 a I don't know exactly where every piece of the pipeline
1!   is.
21 Q So if somebody calls you in the Control Center and
21   says, look, I'm seeing a bunch of gasoline, do we have
2:    a pipeline in the area, are you able to tell them yes
2:    or no?
24 A Not for every area without looking it up.
25 Q Where would you look it up?

1   A   In one of tha manuals.

2   Q   Are those manuals that you could look up where the

3   pipeline is in the control room?

4   A   Yes.

5   Q   What manual would you find that in?

6   A   One of the, I don't know what it's called. One of the

7   manuals they got back there that show all tha graphics

8   where the pipeline lays.

9   Q   There's a manual that you have in the control room

10   that shows where all the pipeline is located?

11   A   Yea.

12   Q   How thick is ttnt manual?

13   A   Pretty thick.

14   Q   Can you show me with —— hands?

15   A   (Indicating).

16   Q   It's a manual about four to six inches thick?

17   A   Yes.

18   Q   And it's contained in the control room and it has

19   nothing but graphics as to where the pipeline is

20   located?

21   A   Yes. I think there's other things in it, too, but --

22   Q   M you recall what that is?

23   A   The other things in it?

24   Q   No, the name of it or some designation ttnt I would

25   use to get a copy of that?

---

1   A   I don't know offhand. I can't think of what they call

2   it.

3   Q   What did you tell Mr. Kiene?

4   A   I basically just put him on hold real quick and turned

5   to Kevin, and at that point Ron Brentson was also in

6   there and I told them what he said.

7   Q   When did Ron Brentson come in?

8   A   Shortly just after the low suction alarm.

9   Q   So how long from the low suction alarm until you get a

10   call from Kevin Dyvig?

11   MR. NICOLL: Rick Kiene.

12   Q   Rick Kiene, sorry.

13   A   I'd say maybe, I don't know, one to five minutes,

14   something like that. Not very long.

15   Q   Why did Ron Brentson show up?

16   MR. NICOLL: Objection, calls for

17   speculation.

18   A   I don't know why he showed up.

19   Q   Is it usual for the supervisor to pop in?

20   A   Yeah.

21   Q   Had you or anyone else called him to come in?

22   A   Not me.

23   Q   Are calls regarding potential leaks always directed to

24   the control room?

25   A   Do you mean from -- well, depends on who's calling. I

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1   mean depends on what number they use.

2   Q   M you know if he was called -- did they call directly

3   to p or was he patched in to you?

4   A   I don't know.

5   Q   16 the control room number that you would answer a

6   number that's listed at each of the stations?

7   A   Yes.

8   Q   What did you tell Mr. Dyvig and Mr. Brentson why you

9   had Rick Kiene on the phone?

10   A   Just basically that where he was at and what he had

11   said.

12   Q   Did they respond back to you?

13   A   They didn't really respond. They were over looking at

14   Kevin's line and they just acknowledged that they

15   heard me.

16   Q   Now, Rick Kiene wants to know whether or not your

17   pipeline is in that area, correct?

18   A   Correct.

19   Q   Were you able to respond back to him?

20   A   Yeah. I told him there was.

21   Q   How did you know that?

22   A   Because I know there's a pipeline that runs through

23   the ——. I didn't know exactly where it ran,

24   but I told him we had one in that area somewhere.

25   Q   Now, did you tell him that once you conveyed the

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1   information to Brentson and Dyvig or before you told

2   them what Kiene said?

3   A   I, I think before I just basically gave him an

4   acknowledgement that, yes, there's a pipeline in ttnt

5   area somewhere and I put him on hold.

6   Q   And what exactly did you say to Mr. Dyvig and

7   Mr. Brentson?

8   A   That Rick Kiene was up in the Whatcom Creek area and

9   that he seen product running in the creek.

10   Q   Did you use the word product?

11   A   I believe so.

12   Q   Did you say that there was a huge release of gas?

13   A   M, I think I just said what I just told you.

14   Q   Did he tell you that there was a huge release of

15   gasoline?

16   A   Rick Kiene?

17   Q   Yes.

18   A   M.

19   Q   Did he tell you how much product was in the creek?

20   A   He didn't give me no volumes. He just said there

21   appeared to te product running in the creek.

22   Q   Did he sound concerned to you?

23   A   Yes.

24   Q   Did he sound to the pint of being upset?

25   A   I dn't know if he sounded upset at that pint. He

1   sounded concerned.

2   Q   Did you get any response back from Mr. Dyvig or

3   Mr. Brentson?

4   A   Nothing except for acknowledgement that they heard me.

5   Q   Then what did you do?

6   A   Then I went back to the phone with Rick Kiene.

7   Q   And said?

8   A   And tried to get some more details from him exactly

9   where he was at.

10 Q   Did you ask him what he was seeing and how much volume

11   there was?

12 A   He didn't know really how much volume. He just

13   said --

14 Q   So you asked him that then?

15 A   I think I asked him where you're at, you know, if you

16   can see where it's coming out of, where it's coming

17   from, that kind of thing. I don't remember exactly

18   what I asked him.

19 Q   Were you writing any of this down on that notepad you

20   talked about?

21 A   I think I just jotted down what time he called.

22 Q   But did you write down as to where he was, I mean

23   these details you said you were talking to him about?

24 A   I think just the Whatcom Creek area.

25 Q   So you did write that down somewhere?

---

1   A   I believe so.

2   Q   What would you have written it on?

---

1   located?

2   A   No.

3   Q   So he didn't know whether you even had a pipeline in

4   the area and you didn't know where it was in relation

5   to where he was giving you the directions he was

6   standing, correct?

7   A   No, I already indicated to him that we had a pipeline

8   in the area.

9   Q   Whereabouts in the area from where he was standing?

10 A   I don't know.

11 Q   You didn't look up where the pipeline was on a map

12   when you had him on the phone, correct?

13 A   Correct.

14 Q   Woburn Street Bridge, that's where I'm standing.

15   Where's the pipeline located?

16 A   Where is the pipeline located?

17 Q   Yes.

18 A   Runs through the park. I don't know exactly where

19   it's located.

20 Q   I'm at Woburn Street Bridge by Whatcom Creek. Where

21   do I go to find the pipeline?

22   MR. NICOLL: Asked and answered.

23 A   Are you saying that's what he said to me?

24 Q   No. Where do I go to find the pipeline? That's where

25   I'm at. Where do I go to find the pipeline?

---

1   A   He didn't ask me that.

2   Q   I'm asking you right now. Where do I go to find the

3   pipeline? I'm on Woburn Street Bridge over Whatcom

4   Creek. Where do I go to find the pipeline?

5   A   I would have to look in a manual.

6   Q   Any idea where it is?

7   A   Not exactly, no.

8   Q   North, south, east or west?

9   A   Not really.

10 Q   Miles away, yards away?

11 A   I don't know exactly where every piece of the pipeline

12   lays.

13 Q   Miles away, yards away from that location, where's the

14   pipeline?

15 A   I don't know.

16 Q   So you didn't give him any information as to where it

17   was in location to where he was, where the pipeline

18   was, correct?

19 A   No.

20 Q   Did you get his telephone number?

21 A   I didn't need it. He was on a cell phone so we have

22   that.

23 Q   You knew what cell phone he was on?

24 A   Well, I assume it's the one he's always on.

25 Q   Why would you assume that?

1 A   Because that's the one he always uses.

2 Q   Always uses when?

3 A   When he calls us.

4 Q   You mean when he's working?

5 A   Yes.

    Q   Was he working?

7 A   I don't think so.

8 Q   Why would he be using a work cell phone?

9 A   Because that's what most people carry with them.

10 Q   On and off jobs?

11 A   Generally.

12 Q   No company policy that for your private calls you can

13   use the work cell phone and for your company calls you

14   can use the work cell phone?

15 A   No.

16 Q   Is that done? People are using it for the private and

17   work calls?

18 A   I don't know.

19 Q   Where did you have his cell phone number?

20 A   It's on the list sheet with all the other cell phones.

21 Q   In the control room?

22 A   Yes.

23 Q   Did you ask him why he was there?

24 A   No. I believe, I think that the first time he called

25   he mentioned that he was there visiting a friend.

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1 Q   So when he called he actually told you why he was in

2   the area?

3 A   I think he said something about he was there visiting

4   a friend.

5 Q   And he just happened to notice that there was gasoline

6   in the creek?

7 A   That's what -- yeah, that's what he said.

8 Q   Had he been sent out to look in that area for any

9   problems?

10 A   Not to my knowledge.

11 Q   Had you called any of the field operations people?

12 A   I haven't.

13 Q   And you're not aware of any field operations people

14   being called during the time that the computer was

15   down or up until the point that you got a call from

16   Rick Kiene?

17 A   I wasn't aware of it, no.

18 Q   Do you know what his job was, Rick Kiene?

19 A   He's involved with quality control.

20 Q   Where?

21 A   For the whole pipeline.

22 Q   Where is he stationed out of?

23 A   Up north, the north end of the line.

24 Q   Where?

25 A   Bayview, I believe.

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3   Bayview is Mount Vernon area?

2 A   Yes.

3 Q   Did you ask him what he was doing up in Bellingham?

4 A   No.

5 Q   When you hung up with Rick Kiene what did you do?

6 A   I believe I went back to keeping an eye on my line.

7 Q   Did you talk with Mr. Brentson or Mr. Dyvig?

8 A   M. They were basically discussing it with themselves

9   and I, you know, didn't want to distract them.

10 Q   Did you check the leak detection terminal to see if

11   there was a leak reported?

12 A   M.

13 Q   Did you check the alarm system to see if there was a

14   leak reported?

15 A   No.

16 Q   So you're, at this point in time you're pretty certain

17   that there's a leak now in the pipeline, correct?

18 A   In Kevin's pipeline.

19 Q   And you just go back to looking at your pipeline and

20   not worrying about what's going on with the other

21   ones?

22 A   It's not that you're not worried, but it doesn't make

23   the situation any better to ignore your own pipeline.

24 Q   I agree with that. but the more minds looking at the

25   problems and the more eyes, maybe the quicker you're

---

1   able to solve if there's a problem, correct?

2 A   I think it was established that there was a problem.

3 Q   So at that point when you got the call it had pretty

4   well been established there was a leak, correct?

5 A   Yes.

6 Q   m you know where the leak was?

7 A   Whatcom Creek area.

8 Q   At that point, right when you hung up the phone then,

9   what steps were being made to contain the leak?

10 A   Well, the block valves had already been closed,

11 Q   Before you got the phone call?

12 A   Yes. the, so it had already been isolated.

13 Q   So you had the conversation with Kevin Dyvig that he

14   was going to close the block valves, correct?

15 A   He said that he was going to, yes.

16 Q   How long does that usually take to close the block

17   valves?

18 A   Depends on what kind of operator's on them, but

19   generally a minute to two minutes.

20 Q   If he closed the block valves on his portion of the

21   line, is that going to affect the portion of the line

22   you were monitoring?

23 A   No.

24 Q   Are there any procedures that are then placed, put in

25   place when block valves are Closed in that fashion on

1 the whole segment of the line?
2 A Procedures?
3 Q Yeah. Are there any special procedures that then kick
4 into place when one's going to close block valves
5 unscheduled?
6 A Well, the line's shut down so it's close the block
7 valves to isolate the line.
8 Q How did the line get shut down?
9 A By the low suction alarm at Ferndale.
10 Q That closed the line down?
11 A Yeah. I don't know. I assume that's the only pump he
12 was running.
13 Q Why do you assume that?
14 A Because he was repressuring the line.
15 Q Is that the first one that you start to repressurize
16 it?
17 A Well, generally the refinery booster and then Cherry
18 Point and then that one.
19 Q So Ferndale would have had a couple other pumps
20 running then?
21 A Not at Ferndale. Upstream of Ferndale at Cherry
22 Point.
23 Q So how would you shut those pumps down then in order
24 to do the block valves? You would have to shut the
25 pumps down before you do the block valves, correct?

1 A Correct.
2 Q Were you aware that he was shutting the pumps down?
3 A I don't remember visually seeing him do it, but I
4 assume that's what he did, yeah.
5 Q Are there any alarms that sound when the pumps are
6 being shut?
7 A Generally.
8 Q Did you see that alarm then that the pumps were being
9 shut?
10 A I think so, but I don't recall seeing it now.
11 Q And that would be an alarm that would sound as well,
12 correct?
13 A Yes.
14 Q So we would have the pumps being shut with an alarm
15 coming with those upstream of Ferndale, correct?
16 A Well, one pump.
17 Q I thought you said there were two? Were there one or
18 two pumps upstream of Ferndale?
19 A There's one pump at Cherry Point and then the refinery
20 has booster pumps that we can't see or control.
21 Q And if you do the one pump up at Cherry Point, are the
22 booster pumps going to be activated or not?
23 A No.
24 Q So the booster pumps could continue to run while the
25 main pump is off up at Cherry Point?

1 A They can, yes.
2 Q Do they?
3 A Yes.
4 Q They're not tied into each other?
5 A No.
6 Q So if you have a problem at the Cherry Point pump
7 station, the booster pumps could still be running?
8 A Yes.
9 Q And you can't control that at all?
10 A M.
11 Q Who does?
12 A The Arco Refinery.
13 Q And that would pressurize the line downstream from
14 that booster pump?
15 A Very little. They're not very big pumps.
16 Q But it would?
17 A Well, not really. A little bit. Maybe from the
18 ref—— to Cherry mint or Ferndale a little bit.
19 Q So h "l" shut the line down up north there, you
20 actually have to physically call up to the Arco folks
21 and let them know they have to slut the booster pumps
22 down, too?
23 A Yes.
24 Q So if Kevin Dyvig was going to slut this line down, he
25 would have had to have shut off the pump up at Cherry

1 mint,
2 A Correct.
3 Q And then he would have had to slut Ferndale pump off,
4 correct?
5 A It was already shut off.
6 Q It had slut off automatically or was it just low on
7 suction like you said earlier?
8 A M, it slut off on the la, suction.
9 Q So you had actually watched the screens when it had
10 slut off, correct?
11 A No.
12 Q How are you aware that it was shut off and not just
13 operating on low pressure?
14 A Because it said the pump at Ferndale shut down on low
15 suction.
16 Q That's what the alarm tells you, it's not just low
17 suction, that it's already shut down?
18 A I think it says the pump's shut down and right after
19 that is a lo, suction alarm.
20 Q So there would be two alarms that come through?
21 A Yeah, I believe so.
22 Q Did you react to the first alarm that you saw or was
23 it the second alarm that you saw when you said to
24 Dyvig, hey, do you know that you're on low suction?
25 Did you tell him you're not on low suction, the pumps

1 actually down?

2 A They're virtually simultaneously. It's at the same

3 time.

4 Q And then the block valve procedure starts to be

5 initiated, correct?

6 A Correct.

7 Q How many block valves are there on that portion of the

8 line?

9 A Back then?

10 Q Yes.

11 A I think there was a couple.

12 Q A couple as in how many?

13 A Two, I believe.

14 Q Where were they located?

15 A I think there was one at mile post 7. I can't

16 remember. Maybe just one.

17 Q And I mean that portion of the line is something that

18 it was every other day you were responsible for

19 operating or every other week you were responsible for

20 operating back in June of 1999?

21 A Every other day.

22 Q So you think that the only block valve was located at

23 mile post 7?

24 A I don't know. Seems like there was two of them there.

25 Maybe one at 7 and one at 28. I can't remember.

1 Q Are you just guessing?

2 A I don't remember for sure.

3 Q So you're just guessing on 28 or not, on mile post 28?

4 A I believe there was one there at 28.

5 Q Would both those block valves or one of those block

6 valves or however many there were, would they be shut

7 down with individual commands or could you shut down

8 all the block valves, however many there happened to

9 be?

10 A No, it would be individual.

11 Q And you don't remember as to whether there were one or

12 two block valves that one would have to shut down to

13 isolate that portion of the line?

14 A I don't remember exactly. I think there's two.

15 Q How many are there now?

16 A Several.

17 Q How many is several?

18 A I don't know. There's, I don't know, I don't know

19 exactly. Four, five, I don't know.

20 Q Ron, you've got an emergency. You've got to isolate

21 that line and stop the block valves. How many do you

22 have?

23 A I'd bring up that section of the line and I could see

24 them.

25 Q Even if the computer's not operating?

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1 A Yes.

2 Q You could see it?

3 A Well, I could see the format, yes.

4 Q Do you know how many field people you're going to have

5 to send out to physically close those lines if the

6 computer's down?

7 A Well, I could bring it up and I could see how many I

8 need to, yes.

9 Q What about if your computer's down?

10 A Just if the computer's slowed down you can still see

11 the format.

12 Q The computer's shut down, locked up.

13 A You can still see the screen, the last thing that's on

14 it.

15 Q Power outage occurs. How many people are you going to

16 have to send out for the block valves?

17 A I don't know.

18 Q One, two, ten, what are you going to tell them?

19 A Tell them they need to go to the block valves up

20 there.

21 Q And they're going to say to you where are they and how

22 many are there. What are you going to say?

23 The field operators up there know. They maintain

24 those block valves every day supposedly. They know

25 where they are.

(RON BURT - BY MR. BENINGER)

1 Q So you're going to have to hope they know where they

2 are? You're not going to be able to tell them, are

3 you?

4 A Am I going to be able to tell them exactly where they

5 are? No.

6 Q Even right today you don't know where they are?

7 A Not exactly.

8 Q You don't know how many there are?

9 A Not without looking.

10 Q When you close the block valve that's unscheduled, is

11 there an alarm that goes on?

12 MR. VINSHELD: Objection to the form of the

13 question.

14 A When it goes closed by itself or when I close it?

15 Q When you close it.

16 A Yeah, there's an alarm that tells you it's going

17 closed.

18 Q Does it also have an alarm when it goes closed by

19 itself?

20 A I believe so, yes.

21 Q So either way you have an alarm, don't you?

22 A Yes.

23 Q Did you see the alarms for the block valves appear if

24 Mr. Dyvig was actually closing those?

25 A I don't recall actually seeing the alarms but --

1 Q They would come across the bottom *of* your screen,
2 wouldn't it?
3 A Well, yeah.
4 Q It would also be available at the alarm terminal
5 that's between you and Mr. Dyvig, correct?
6 A Yes.
7 Q An3 do you recall seeing that at any point in tine,
8 the block valves being closed?
9 A I dn't -- I can't, I can't specifically remember
10 seeing that, m.
11 Q When Kiene calls, are you able to tell him that the
12 line's down?
13 MI. NICOLL: Object to the form *of* the
14 question. It's vague. Are you asking him what he
15 said or what he could have said?
16 Q What you could have said. Are you *able* to tell him
17 the line's down?
18 A When he called the first tine?
19 Q Yea. *sir.*
2c A I dm't believe I told him that, m.
21 Q Did you know when he first called as to whether or n
a the pumps had been shut down and the block valves we
23 either closed or being closed?
24 A I knew that Ferndale had gone down. I seen the alar
25 Kevin said k was closing in the block valves so I

---

1 didn't actually see him do it.
2 Q Did you *see* the alarms for the block valves closing?
3 MR. NICOLL: Objection, asked and answered.
4 A I dn't specifically remember seeing it, no.
5 Q An3 you didn't tell Rick Kiene at that point in time
6 that you were shutting down the line or that you were
7 blocking anything off, did you?
8 A I wasn't shutting down the line, but, no, we didn't
9 discuss it.
10 Q Dyvig was shutting down the line. wasn't he?
11 A Yes.
12 Q Did Rick Kiene call back again?
13 A *Yes.*
14 Q How many tines did he call back?
15 A Just the one other time, I think.
16 Q Why did he call back?
17 MR. NICOLL: Calls for speculation, lack of
18 foundation.
19 A I dn't know.
20 Q You dn't know why he called?
21 A No.
22 Q What did he say to you?
23 A I think he just called back to tell me he's going down
24 by the creek.
25 Q You knew that from the first tine you talked to him,

---

1 didn't you?
2 A Well. he said that's what he was planning on doing.
3 Q So he called you back and *said now Im* really going to
4 do it?
5 A He called me to tell me that he was down there. I
6 dn't remember.
7 Q Actually called to tell you he was down by the creek?
8 A I dm't know how close to the creek he was, but he
9 called to say something like that.
10 Q What *did* he say the second time he called?
11 A I dn't remember exactly what he said.
12 Q What did he say as best as you remember?
13 A All I remember is something to the point *of* he's down
14 somewhere near the creek. I dm't know exactly where
15 he was, and then k said that, then he got ell excited
16 and said he seen it ignite.
17 Q How long *after* the first call did you get *the* second
18 call?
19 A I dm't know. Five, ten minutes. I don't know.
20 Q And did you know what he was doing in between those
21 tines?
22 A No.
23 Q *Did you* call him back in between those times?
24 A No.
25 Q The only instructions that you had given to him was

---

1 that what you told him in the first call, which was
2 you *diwt* really give him any instructions to do
3 anything, correct?
4 A Correct.
5 MI. FINEGOLD: Object to the form of the
6 question.
7 Q An3 you had left off the *first* call with him that he
8 was simply going to go down towards the creek,
9 correct?
10 A Yes.
11 Q You *diwt ask* him to call you back and notify you
12 with anything, correct?
13 A I dn't know if I told him that or, you know, if he
14 said he'd call me back.
15 Q Did you ask him to inspect the line?
16 A No.
17 Q *Did* ask you him to go see *if he* could find the leak on
18 the pipeline itself?
19 A M.
2c Q Did anyone else in the m a s k him to do that?
21 A M.
22 Q Did anyone else call him back before hi6 second call?
23 A Not that I know of.
24 Q Were there other phone calls that came in between the
25 first and the second call from Mr. Kiene?

1 A   From other people? I don't remember.

2 Q   So you don't remember if there were any other calls

3   that came into the control room between the first call

4   from Mr. Kiene and the second call from Mr. Kiene,

5   correct?

6 A   Correct.

7 Q   So after the first call with Mr. Kiene, what are you

8   doing?

9 A   I'm, like I said, watching my line.

10 Q   Did anyone call 911?

11 A   Not that I know of.

12 Q   If there's a leak what's supposed to occur?

13 A   You're supposed to isolate the segment.

14 Q   What else?

15 A   Call 911.

16 Q   Who was working on isolating the segment?

17 A   Kevin.

18 Q   Why didn't you or Mr. Brentson call 911 then?

19   MR. NICOLL: Object, assumes facts not in

20   evidence. Mischaracterizes former testimony.

21 A   I don't think, I don't think Ron was even in there

22   until the segment had been isolated.

23 Q   Wait a minute, I thought you said Ron was in there

24   when Kiene called you?

25 A   Yes.

---

1 Q   So when Kiene calls you, you determined at that point

2   that there's a leak, correct?

3 A   Yes.

4 Q   And so was the segment isolated at that point?

5 A   Well, it was before that point that Kevin said he was

6   going to close the block valves.

7 Q   But when Kiene calls you and you've determined there's

8   a leak then, is the segment isolated?

9 A   Are the block valves closed? I don't know. I don't

10   know exactly when they went closed.

11 Q   When you hung up the phone, why didn't you pick up the

12   phone immediately and call 911?

13 A   I don't know.

14 Q   Isn't that your job?

15 A   Yeah.

16 Q   Did you even think about that?

17 A   No.

18 Q   Why not?

19 A   I don't know. There's a lot going on. I just didn't

20   think about it.

21 Q   Wait a minute. I thought all you were doing was going

22   back to monitor your line which was having no

23   problems, correct?

24 A   Correct.

25 Q   So where was all the stuff that was going on that kept

---

(RON BURT - BY MR. BENINGER)

1   you from doing your job here?

2 A   I don't know.

3 Q   Did Brentson say call 911?

4 A   No.

5 Q   Did he call 911 himself?

6 A   I don't know.

7 Q   Did they have a problem in isolating the line?

8 A   I don't know.

9 Q   Did you look at any of the screens to see what they

10   were doing to isolate the line?

11 A   No.

12 Q   Did you look on your screen to see if the block valve

13   alarm had come on?

14 A   No.

15 Q   It would have come across the bottom of your screen

16   though, right?

17 A   Yes.

18 Q   Do you recall seeing the block valve alarm coming on

19   when you got off the phone with Kiene?

20   MR. NICOLL: Objection, asked and answered.

21 A   I don't recall seeing it.

22 Q   What did you do then between the first and the second

23   calls with Mr. Kiene?

24 A   Like I said, I was watching my line.

25 Q   Anything other than watching your line?

(RON BURT - BY MR. BENINGER)

1 A   No.

2 Q   What was going on with Dyvig and Brentson?

3 A   They were looking at a screen. I don't know exactly

4   what they were doing.

5 Q   There was, what, how much time in between, five to ten

6   minutes in between Kiene's calls?

7 A   Roughly.

8 Q   During this time are you saying anything to these

9   folks as to, look, is there a leak, what are we doing

10   with the leak, how bad is it, anything like that?

11 A   No, they were discussing something amongst themselves

12   and I didn't interrupt them.

13 Q   Did you hear what they were discussing?

14 A   I couldn't hear what they were saying.

15 Q   How far away from you were they?

16 A   Probably eight feet.

17 Q   Were they whispering?

18 A   No, but their backs were to me and my back was to

19   them.

20 Q   Did they sound like they were concerned about

21   something?

22 A   Yes.

23 Q   Were they, the voices agitated?

24 A   I don't think they were really agitated. They were

25   just discussing something.

1 Q Were they calm?

2 A I don't know.

3 Q You don't know if they were calm and just going about
4   business as usual or not?

5 A I don't know. I can't judge whether they were calm or
6   not by their voice.

7 Q You can't judge whether they were calm or not by their
8   voice?

9 A No. I could barely even hear them.

10 Q They were eight feet away and you could barely hear
11   them in the control room?

12 A Yeah.

13 Q Why was that, because the alarm was going on so loud?

14 A No.

15 Q Why could you barely hear these people talk about --
16   at this point you think it's an emergency situation,
17   correct?

18 A Because they were talking to each other with their
19   back to me. I couldn't hear them.

20 Q You think this was an emergency situation, correct?

21 A Correct.

22 Q If they were just eight feet away, why is it that you
23   couldn't hear these two people that were discussing
24   what was going on in the emergency situation?

25 A I don't know why.

1 Q You didn't hear anything they said?

2 A No.

3 Q Did you ask them any questions? Say, look, how bad is
4   this, do you need me to help with anything, anything
5   like that?

6 A No, I think the only thing I asked them was should I
7   shut my line down.

8 Q What did they say?

9 A I think Ron said yes.

10 Q Did he tell you at that point why?

11 A Because, not why, just that's generally what we do.

12 Q Then why did you have to ask him?

13 A Because he was sitting there.

14 Q If you generally are supposed to do that, why didn't
15   you just start implementing those procedures?

16 A Because he was sitting there so I asked him.

17 Q Why do you generally have to shut your line down?

18 A I think just to isolate it in case they need any help.
19   I got a free hand to help them instead of having to
20   watch my line.

21 Q Do you generally shut your line down in the case of a
22   leak?

23 A My line?

24 Q Yes, sir.

25 A Yes.

Q So when you got off the phone with Kiene, why didn't
   you start to implement steps to shut your portion of
   the line down?

      MR. NICOLL: Can I interrupt? I wasn't sure
   if there was a confusion in the last question and
   answer. I wasn't sure if he thought you were asking
   if he generally shuts his line down if there's a leak
   in his line or if he generally shuts his line down if
   there's a leak in the other segment. That was
   confusing.

      MR. BENINGER: Fair enough.

Q Do you generally shut your line down if there's a leak
   in another segment?

A Generally, yes, eventually we do.

Q What do you mean eventually? What's the protocol call
   for?

A I don't know if there is a protocol. It's not
   something you -- I don't think there's a write-up
   saying you have to do it.

Q You used the word generally. Where does the word
   generally come from? From your training?

A No.

Q From your understanding of the policies and procedures
   in the company?

A I don't know.

1 Q Where did the word generally come from when you said
2   we generally shut the line down?

3 A That's generally what we do.

4 Q Generally to what? m leaks in any part of the line?

5 A There hasn't been that many leaks in the line so --

6 Q Then where did you come up with this generally we ell&
7   the line down if there's a leak in another part of the
8   line?

9 A That's generally what we've done through experience.

10 Q How many times have there been leaks in the line where
11   you've had to shut another portion down?

12 A I don't know.

13 Q More than five?

14 A I don't know.

15 Q More than ten?

16 A That I personally had to?

17 Q Yes, sir.

18 A I don't think I've seen -- it depends m where the
19   leak is, a lot of it.

20 Q Wait a minute. I thought that m matter where the
21   leak is, you generally ell& all portions of the line
22   down?

23 A Well, yeah, generally it's to help out, but it's not
24   something that's in writing that we have to do.

25 Q So it's up to operator discretion as to whether

1   they're going to shut their line down in case of a

2   leak somewhere else in the line?

3 A   I guess.

4 Q   But the operators generally err in favor of shutting

5   *their* line down?

6 A   Yes.

7 Q   Why, when you got off the phone the first time with

8   Kiene, didn't you generally shut your line down?

9 A   I don't know.

10 Q   How long did it take between the time you first got

11   off the phone and determined there was a leak and you

12   asked the question to Mr. Brentson as to whether you

13   should shut your line down?

14 A   Five, ten minutes.

15 Q   So you waited five to ten minutes before you thought,

16   jee, maybe I should shut my line down, too?

17 A   Yes.

18 Q   Or were you actually sitting a, that thought for five

19   or ten minutes after you got off the phone with Kiene?

20 A   M, I think after five to ten minutes I thought, well,

21   maybe I should shut my line down.

22 Q   So the first time that it clicked in to you to follow

23   this general procedure to shut the line down was five

24   to ten minutes after you had confirmed from Kiene that

25   there was a leak, correct?

1 A   I don't know if it's general procedures. It's

2   something that we do sometimes.

3 Q   No, no, it's something that you do generally, correct?

4 A   Sometimes, yes.

5 Q   Sometimes you don't do it?

6 A   Well, I don't know. Like I said, there's -- I've

7   never seen enough leaks to say that.

8 Q   The problem is, aren't you all trained on what to do

9   if there's a leak rather than trying to learn from

10   your experience in dealing with a leak?

11 A   We're trained on what to do on our line.

12 Q   And your line would include what to do in case there's

13   a leak, correct?

14 A   I mean if the leak is on my line.

15 Q   And you're not trained what to do if the leak's on

16   another portion of the line?

17 A   There isn't any specific training saying what to do if

18   the other guy has a leak.

19 Q   You've never had any training like that, huh?

20 A   No.

21 Q   Have you ever been told that you need continued

22   emphasis of investigation into abnormal line

23   activities in order to continue with your potential

24   success in the company?

25 A   Have I been told what? Say that again.

(RON BURT - BY MR. BENINGER)

1 Q   mid that you need continued emphasis of investigation

2   into abnormal line activities to assist in your

3   success with the company?

4 A   I don't recall being told that.

5   MR. FINEGOLD: David, it's almost ten after.

6   MR. BENINGER: Four?

7   MR. FINEGOLD: Yea.

8   MR. BENINGER: Why don't we do this: I'm

9   going to walk through a little bit more as to what

10   occurred that day and then we'll have to call it a

11   day. Is that fair enough?

12   THE WITNESS: Sure.

13 Q   You get the second call from Kiene. let me go back.

14   Brentson tells you that you don't need to shut your

15   portion of the line down; is that correct?

16 A   No.

17 Q   What does he say?

18 A   He didn't say anything. I asked him if he wanted me

19   to shut my portion of the line down.

20 Q   And he never responded?

21 A   He said yes.

22 Q   He said he did —t you to shut your line down?

23 A   Yes.

24 Q   And did you do that?

25 A   Yea.

(RON BURT - BY MR. BENINGER)

1 Q   And after you did that what did you do?

2 A   Then I basically started answering phone calls.

3 Q   Did you actually make a phone call at that pint to

4   911?

5 A   No.

6 Q   Who made the phone call to 911?

7 A   I don't know.

8 Q   Did you ever do that?

9 A   No.

10 Q   What phone calls did you get?

11 A   I don't remember. There was several phone ale.

12 Q   Did you try to restart the pumps or did anyone try to

13   restart the pumps before you shut your line down?

14   MR. NICOLL: Which pumps?

15 Q   Any pumps on the north part of the line?

16 A   m segment 1?

17 Q   Yes, *sir*.

18 A   No.

19 Q   How do you know that?

20 A   Just during the repressure, as far as I know.

21 Q   Once you shut your line down, what calls are you

22   getting?

23 A   I don't know. There were several calls and we were

24   making several calls.

25 Q   Who were you calling?

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1	A	Frank Hopf, the operators up in that area.
2	Q	Why are you calling Frank Hopf?
3	A	To notify him.
4	Q	Of what?
5	A	That there's a leak.
6	Q	And who is he with?
7	A	Olympic Pipe Line.
8	Q	Who was he with at the time? Did he have the
9		potential buyers with him?
10	A	I have no idea.
11	Q	Is he escorting them around?
12	A	I don't know.
13	Q	Do you get ahold of Frank Hopf?
14	A	I don't remember if I called him exactly or who I
15		called, but we were making a list of those kind of
16		calls.
17	Q	Did you call the Coast Guard?
18	A	I don't remember calling the Coast Guard.
19	Q	Did you call the response team?
20	A	I didn't.
21	Q	Did you call the MazOp people?
22	A	I didn't.
23	Q	Well, did you call anyone to get out to try to help
24		with the spill that's occurring?
21	A	Well, generally we call the, whoever the incident

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1		commander is and they take care of all that.
2	Q	Incident commander? Who is that?
3	A	I don't know who it was. I believe Frank Hopf.
4	Q	Is that why you called Frank Hopf, because you
5		believed he was the incident commander?
6		MR. NICOLL: Object to the form of the
7		question. Mischaracterizes earlier testimony.
8	A	I don't remember exactly who the incident commander
9		was at that time. I believe it was Frank and that's
10		why he would be one of the people that was called.
11	Q	And then you expect him to coordinate the response,
12		spill response?
13	A	Not him alone but him and his team of people.
14	Q	So how long after you received the first call from
15		Kiene did you call the incident commander?
16	A	I don't know.
17	Q	It was after the second call you got from Kiene,
18		correct?
19	A	Correct.
20		MR. NICOLL: I assume you mean by you, to
21		the group of people in there?
22	Q	The group was only three people that were in the
23		control room?
24	A	Yes.
25	Q	You, Dyvig and Brentson?

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1	A	Yes.
2		MR. BENDIXER: Why don't we quit for today
3		and then we'll pick up again.
4		MR. DAHL: This adjourns the deposition of
5		Ron Burt. The time is approximately 4:12 p.m. and
6		this is the end of tape No. 3. Pro Video Seattle in
7		Seattle, Washington will retain the original
8		videotapes. Here ends the deposition.
9		(The deposition of RON BURT
		adjourned at 4:12 p.m.)

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1	A F F I D A V I T
2	
	STATE OF WASHINGTON)
3	) ss.
	COUNTY OF KING)
4	
5	
6	I have read my within deposition and the same is true
7	and accurate, save and except for changes and/or
8	corrections, if any, as indicated by me on the CORRECTIONS
9	sheet hereof.
10	
11	
12	
13	_____
	RON BURT
14	
15	SUBSCRIBED AND SWORN to before me on this
16	_____ day of _____, 2000.
17	
18	
19	
20	_____
	Notary Public in and for
21	the State of Washington
22	
23	My commission expires_____

C E R T I F I C A T E

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I, KATIE McCOY, Certified Shorthand Reporter
licensed in the State of Washington, License No. 299-06
MC-CO-YK-M521R3, and a Notary Public in and for the State of
Washington, do hereby certify that the foregoing proceeding
was reported by me and was thereafter transcribed under my
direction into typewriting; that the foregoing is a full,
complete and true record of said proceeding.

I further certify that I am not of counsel or
attorney for either or any of the parties in the foregoing
proceeding and caption named, or in any way interested in
the outcome of the cause named in said caption.

In witness whereof, I have hereunto set my hand
and affixed my seal this day.

Date: September 4, 2000

_____
Notary Public in and for
the State of Washington
My commission expires 6/13/02

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF WHATCOM

KATHERINE DALEN, individually and as)
the Personal Representative of the Estate of)
STEPHEN M. TSIORVAS, and as)
Guardian ad Litem for ANDREW R.)
TSIORVAS and GEORGE K. TSIORVAS;)
and KYRIACOS TSIORVAS,)
)
                             Plaintiffs,)
)
               v.)
)
OLYMPIC PIPE LINE COMPANY, a)
foreign corporation, EQUILON PIPELINE)
COMPANY LLC, a foreign corporation,)
EQUILON ENTERPRISES, LLC, a foreign)
corporation, and FRED CROGNALE,)
FRANK HOPF, RON BRENTSON)
and JOHN DOES,)
)
                        Defendants.)
_____)
)
OLYMPIC PIPE LINE COMPANY. a)
foreign corporation, EQUILON PIPELINE)
COMPANY LLC, a foreign limited liability)
company; and EQUILON ENTERPRISES)
LLC, a foreign limited liability company,)
)
               Third-Party Plaintiffs,)
)
               v.)
)
IMCO GENERAL CONSTRUCTION CO.,)
a domestic corporation, and JOHN DOE)
DEFENDANTS ONE THROUGH FOUR,)
)
              Third-Party Defendants,)
_____)

NO. 99-2-01468-1

NOTICE OF VIDEOTAPED
DEPOSITION OF RON BURT

Burt
EXHIBIT NO. 223
K. McCoy

LUVERA, BARNETT
BRADLEY, BENINGER & CUNNINGHAM
ATTORNEYS AT LAW

NOTICE OF VIDEOTAPE DEPOSITION
OF RON BURT - 1
U:\CATHY\Olympic\depositions\burt.dep

6700 BANK OF AMERICA TOWER CENTER • 701 FIFTH AVI
SEATTLE, WASHINGTON 98104
(206) 467-6090

FRANK S. KING, as the Personal
Representative of the Estate of WADE B.
KING, and FRANK S. KING and MARY
L. KING, individually, and TRACY K.
BELL, individually, and JASON KING,
individually,

                  Plaintiffs,

       vs.

OLYMPIC PIPE LINE COMPANY, a
foreign corporation, EQUILON PIPELINE
COMPANY LLC, a foreign corporation,
EQUILON ENTERPRISES, LLC, a foreign
corporation, and FRED CROGNALE,
FRANK HOPF, RON BRENTSON
and JOHN DOES,

                  Defendants.

OLYMPIC PIPE LINE COMPANY, a
foreign corporation, EQUILON PIPELINE
COMPANY LLC, a foreign limited liability
company; and EQUILON ENTERPRISES
LLC, a foreign limited liability company,

          Third-Party Plaintiffs,

       V.

IMCO GENERAL CONSTRUCTION CO.,
a domestic corporation, and JOHN DOE
DEFENDANTS ONE THROUGH FOUR,

         Third-Party Defendants,

NO. **99-2-01467-3**

NOTICE OF VIDEOTAPE
DEPOSITION OF RON BURT

    TO: RONBURT

AND TO: DAN DUBITZKY AND ALAN ZARKY

    YOU AND EACH OF YOU, PLEASE TAKE NOTICE that pursuant to Rule **30** (a)(8)

Washington Rules of Civil Procedure, the deposition upon oral examination of the following named

to be recorded on videotape and by stenographic means, will be taken at the request of the Plaintiffs:

NOTICE OF VIDEOTAPE DEPOSITION
OF RON BURT - **2**
U:\CATHY\Olympic\depositions\burt.dcp

WITNESS: **Ron Burt**
DATE: **Thursday, August 31, 2000**
TIME: **9:30 a.m.**
PLACE: Luvera , Brindley, Beninger & Cunningham
Bank of America Tower
701 Fifth Avenue, Suite 6700
Seattle, Washington 98104

The deposition upon oral examination is subject to continuance or adjournment from time to time or place to place until completed, and to be taken on the grounds and for the reason the said witness will give evidence material to the establishment of the plaintiffs' case, and is directed to bring items responsive to the attached Subpoena Duces Tecum pursuant to Washington Rule of Civil Procedure 30(b)(1).

DATED this _____ day of July, 2000.

LWERA, BARNETT,
BRINDLEY, BENINGER & CUNNINGHAM

_____
DAVID M. BENINGER, WSBA 18432
PAUL N. LUVERA, WSBA 849
Attorneys for Plaintiffs

DUBITZKY & ZA~ Y. P.S.

JUL 2 6 2000

RECEIVED

Please **reply to:**
Lawrence Lincoln
Assistant **United States Attorney**
Direct Line: (206) 5534127

601 Union Street. Suite 5100
Seattle, Washington 98101

Tel: (206) 553-7970
Fax: (206)553-0755

July 24, 2000

Alan zarky
Dubitzky & **Zarky,**P.S.
803 Waterfront Place One
1011 Western Avenue
Seattle, WA 98104

    Re: <u>Your client: Ronald Burt</u>

Dear **Mr.** Zarky:

    We understand that certain parties to the state civil lawsuit against the Olympic Pipe Line Company are seeking to obtain statements from your client, Ronald Burt.

    The United States Attorney's Office agrees that any statements made by Mr. Burt in connection with the civil lawsuit will not be used against him, either directly or indirectly, in any criminal case brought by the United States Attorney's Office, with the exception of knowing false statements or perjury which may be used for any purpose.

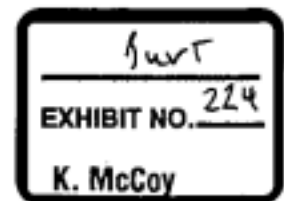   Please feel free to contact me if you have any questions.

        Sincerely,

        KATRINA C. PFLAUMER
        United States Attorney

        LAWRENCE LINCOLN

        Assistant United States Attorney

U.S. Department of Justice

United States **Attorney**
Western District of Washington

Please reply to:
Lawrence Lincoln
Assistant United States Attorney
Direct Line: (206) 553-4127

601 Union Street, Suite 5100   Tel: (206) 553-7970
Seattle, Washington 98101   Fax: (206) 553-0755

April 25, 2000

By **Facsimile and Mail**

Alan Zarky
Dubitzky & Zarky, P.S.
803 Waterfront Place One
1011 Western Avenue
Seattle, WA 98104

  Re: Your clients: Byron Bums and Ronald Burt

Dear Mr. Zarky:

  I understand that the National Transportation Safety **Board** may **wish** to *speak* with your clients Byron **Burns** and Ronald **Burt** in connection with the **NTSB** investigation into the causes of the Olympic pipeline rupture on June **10, 1999.**

  This letter **is** to confirm that the United States Attorney's Office agrees that any statements **made** by your clients to representatives of the National Transportation Safety Board concerning the subject of **the** NTSB investigation will not be **used against** your clients, either directly or indirectly, in any criminal **case as** provided by 18 **U.S.C.§** 6002. This agreement is intended to be coextensive with the immunity previously provided to your clients, and, hence, does not extend to perjury or intentional false statements.

  Please feel free **to contact me** *if you have any* questions.

         Sincerely,

         KATRINA C. PFLAUMER
         United **Stata** Attorney

         LAWRENCE LINCOLN
         Assistant United States Attorney