

Appendix O

David Justice, Olympic -- Interview Transcript

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

Changes to the deposition of David Justice

Page 7, line 12 – 4308 Kiowa Drive, Mount Vernon, Washington

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD

In the Matter of:
PIPELINE RUPTURE and FIRE
BELLINGHAM
JUNE 1999

Recorded Interviews of:
DAVID JUSTICE

March 13, 2001

BEFORE:

ALLAN C. BESHORE
NTSB, Chairman
PETER KATCHMAR, Pipeline Safety
LINDA PILKE-JARVIS, Ecology
JERRY SCHAU, B.P. Pipelines
GEOFFRE SMYTH, City of Bellingham
STEVEN WRIGHT, Brooks Petroleum

n behalf of Mr. Justice:

JOHN ZULAUF, ESQUIRE

ORIGINAL

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P R O C E E D I N G S

(1:30 a.m.)

1
2
3 INVESTIGATOR BESHORE: Dave, my name is Allan
4 Beshore. I'm with the NTSB, and I'm the Lead
5 Investigator into the pipeline fire that happened at
6 Bellingham, Washington in June of 1999.

7 I want to thank you for coming in and
8 answering some questions for us today.

9 And what we're going to do this is I'm going
10 to start out, I'm going to ask you some questions.
11 Then, when I run out of questions or just need to
12 collect my thoughts, we're going to go around the table
13 and some of these other folks might have some questions
14 for you.

15 So I want them to introduce themselves and
16 tell you who they're with.

17 MR. BARBER: My name is Anthony Barber. I'm
18 with the U.S. EPA.

19 MR. KATCHMAR: Peter Katchmar, DOT-OPS.

20 MS. PILKE-JARVIS: Linda Pilke-Jarvis with
21 the Department of Ecology.

22 MR. SCHAU: I'm Jerry Schau with B.P.

23 MR. SMYTH: Geoff Smyth from the City of
24 Bellingham.

25 MR. WRIGHT: Steve Wright, Brooks.

1 EXAMINATION

2 BY MR. BESHORE:

3 Q And, just for the record, could you state
4 your full name, please?

5 A David Justice.

6 Q And do you have a representative with you,
7 David?

8 A Yes, I do.

9 MR. ZULAUF: For the record, John Zulauf,
10 representing Dave Justice.

11 BY MR. BESHORE:

12 Q And you're employed by who, Dave?

13 A By BP, currently.

14 Q Well, prior to that, you were employed by?

15 A Olympic Pipeline.

16 Q How long have you been -- let's just start
17 out and describe when you started and just kind of
18 trace the history, if you could, of your background.

19 A I started with Olympic Pipeline in January
20 16, 1973, and worked in the Portland-Vancouver area as
21 a Field Operator doing BAS changes and that type of
22 work.

23 And then moved up to this area and worked
24 over at CTAC Airport. Moved up here about 1986-87,
25 something like that. I worked over at the airport for

1 several years.

2 And then in about 1990 worked in the control
3 center for about a year. Came out of the control
4 center as an area supervisor in the Central Area.

5 And several years after that, they combined
6 the pipeline into just two area, a North and a South
7 area. And then the North Area was moved in under the
8 Central Area.

9 And, currently, I'm with BP. I'm a
10 Reliability-Centered Maintenance Coordinator.

11 Q At the time of the accident, what was your
12 title at that point?

13 A At that point, it was North Area Supervisor,
14 or Coordinator. I don't remember which. One or the
15 other. Both were the same.

16 Q Just what were your duties primarily, and
17 what was under your oversight?

18 A Well, the area under my oversight at the time
19 was this, like I said, the Central Area and the North
20 Area. And duties were more or less as an
21 administrative type of supervisor and coordinator.
22 Working with different departments, coordinating work,
23 coordinating tie-in type work. Administrative work,
24 such as approving invoices, that type of thing, tools,
25 supplies, that type of thing like that.

1 Q What kinds of activities would fall under
2 Operations or Maintenance versus Construction, maybe?

3 A Operations work is a field operator who had
4 currently, at that time, worked on fuel delivery
5 things, quality assurance type issues, right-of-way
6 type of things.

7 And maintenance folks worked on equipment
8 repairs and preventative maintenance type things.
9 Inspections, and things like that.

10 Q And that fell under your area as well?

11 A Maintenance? No. At that time, the
12 maintenance people worked for Jim Cargo. Reported to
13 Jim Cargo.

14 Q Okay. And who did you report to at the time
15 of the accident, yourself?

16 A Doug Bue.

17 Q And how many people did you have reporting to
18 you? Do you recall?

19 A Eight or nine.

20 Q Do you know who they were?

21 A Yeah, the North Area, Ken Roberts, Kevin
22 Whitmar, Perry Delauba, Hawley Williamson, Deana Oyen.

23 Down here in the Central Area there was
24 Darnell Richards, Mark Banker, Mark Kruger -- I take
25 that back. I think Mark Kruger was reporting to the

1 Engineering group at that time. Dominic Erico. I
2 think that was about it.

3 Q Now were you in that role back in the '94-'95
4 time frame when the water treatment plant was being
5 constructed? Or was that --?

6 A Yes.

7 Q So, at that point in time, Ken and Kevin were
8 reporting to you?

9 A Yes. Yes, sir.

10 Q Well, let's just -- what can you recall about
11 the beginnings of that project? When did you become
12 aware of the project?

13 A I wasn't really aware of that project so
14 much. Olympic at the time when Texaco came on, they
15 started an operation of empowerment, of people being
16 empowered.

17 And that kind of took the supervisor as a
18 traditional supervisor might be thought of, as a person
19 directing people's work, it didn't fall in that
20 respect.

21 With the empowerment theory, the people that
22 operated in the area, such as Kevin or Ken, they were
23 primarily responsible for the Ferndale-Cherry Point
24 area, and right-of-way work from about milepost 36,
25 which is Allyn Station, on north of Cherry Point.

1 And all of the operators, not just
2 themselves, but they all were assigned areas of
3 responsibility. And they were empowered to run their
4 areas. And they pretty much planned their own work.

5 They coordinated their work as far as right-
6 of-way work as in the water treatment plant work. They
7 pretty much planned and coordinated that work
8 themselves. And it wasn't an issue of I scheduled
9 their work or anything like that kind of thing.

10 Q How about like plan review? Was that like
11 between them and the Engineering group, or would that
12 go through you?

13 A That didn't go through me. That was part of
14 the idea of the empowerment theory. People -- it
15 wasn't the chain of command type of a thing.

16 So things that they had with right-of-way
17 things, if there were reviews or something, that would
18 be done directly with the right-of-way department or
19 Engineering, or something. That wasn't something that
20 really went through me.

21 Not to say that I might not have heard, "Hey,
22 I'm coming down," or "Hey, I've got some paperwork in
23 and being reviewed," or something. "Yeah, okay, fine,"
24 you know.

25 Q Do you recall much about the project?

1 A No.

2 Q Did you have -- I don't know that you -- did
3 you get like updates or any of that --

4 A No.

5 Q -- kind of thing from Kevin or Ken?

6 A No.

7 Q Or regular --?

8 A No.

9 Q Do you recall any problems?

10 A No, I don't recall any problems.

11 Q Now let's talk about the Bay View station for
12 a little while, and I was down. Were you involved in
13 the design of the Bay View facility?

14 A No, I wasn't.

15 Q Were you involved in the construction
16 activities around the facility?

17 A No, sir.

18 Q So you were over operational issues, is that
19 correct, once the facility was being brought on line?

20 A We were over that facility once it was
21 brought on line to try to operate it, yes.

22 Q And once that occurred, can you describe some
23 of the issues that arose operationally once that
24 facility came on line?

25 A Well, one of the issues that was a pretty big

1 issue with most everybody was they hadn't established
2 any standard operating procedures for that facility.

3 And so in the case of operating it, issues
4 such as floating tanks -- I don't know if you're
5 familiar with going in and out of a tank at the same
6 time, how to bring batch changes in and out of the
7 facility.

8 And a lot of that stuff was primarily
9 dispatch issues, the controllers. They operate the
10 line remotely, as I'm sure you probably know.

11 And so a lot of those type issues with how
12 they would operate, bring different products in and out
13 of the facility, standard operating procedure for that
14 hadn't been established at that point in time.

15 Some of the other issues we had there were
16 some problems with the surge valves not operating
17 correctly. Primarily, those were the major -- and the
18 idea that a terminal, really nobody at Olympic other
19 than CTAC terminal, which operates differently than
20 that type of terminal, nobody here had any experience
21 or training really with operating a terminal of that
22 nature.

23 Q Well, do you know whether the design intent
24 to float in and out of tanks?

25 A The intent of that terminal, as I understood

1 it, is my understanding, perception of it, was so that
2 Olympic could in time work towards fungible fuels.

3 So, if you're pumping, you know, regular
4 grade unleaded gasoline, every shipper would have the
5 same spec. So, you know, you could mix fuels.

6 Now the idea as I understood it was they'd be
7 able to pump out of the refineries at any type of rate
8 and pump south from Bay View at a more ratable rate.
9 Say, a constant 6,500-6,000 barrels an hour, let's just
10 say.

11 In being able to do that, a lot of the cost
12 with operating the pipeline when it comes to power is
13 turning on and off motors.

14 So, if you can run cost in flow, you're not
15 bringing on enough motors, reducing cost, and that way
16 we wouldn't be so, uh, tied in to the refineries.

17 If a refinery would shut down for some
18 reason, we would still be able to operate the pipeline
19 out of tankage.

20 One of the things with that was we weren't
21 all totally fungible fuel. So, if you're on fungible
22 fuel, you could float the tanks in and out but, yet,
23 there was a lot of fuels that were still being pumped
24 segregated.

25 And so you would tight line, basically by-

1 pass your tankage, and tight-line through the facility.

2 Q When you were tight-lining, was that when you
3 were experiencing more of your operational issues?

4 A Yes.

5 Q And more problems, basically?

6 A Yes. Yes. Yes. Yes. Most of the time, I
7 don't really recall ever getting into much of a mode of
8 floating tanks but, primarily, it was all tight-lined
9 through the facility, as I recall.

10 Q Okay, so you really hadn't gotten to the
11 point where you had the fungible fuels where you could
12 take advantage of being able to --?

13 A No, not really.

14 Q Let's talk about the surge relief valves a
15 little bit. You mentioned that as one concern.

16 Now you were aware that there were problems
17 with the valve closures and the surge relief valves.
18 Maybe, you could just explain what you understood the
19 problems to be at that --

20 A Well, the --

21 Q -- point in time.

22 A The surge relief valves, basically, they
23 didn't operate correctly at pressures they were set to
24 relieve at which, if I remember correctly, I think
25 inside of the terminal, they were set for 650 or 700

1 pounds to relieve.

2 And primarily to protect that piping inside
3 that terminal. And that was kind of one of the issues.

4 I couldn't understand and others couldn't
5 understand why they would build a 300-pound series
6 tight-line system on a 600-pound series pipeline.

7 And so that was why the surge valves were in
8 place, to protect that less pressure-rated series
9 piping.

10 And like I said, the problem with the surge
11 valves, they, for whatever reason -- I don't know --
12 they wouldn't relieve at the pressures they were set to
13 relieve at. And that was a problem.

14 Q Do you know what activities were going on to
15 try to understand what the problem was and fix it?

16 A The mechanical people -- when we would have
17 those problems, the mechanics, they would try to reset
18 them as far as coming with a deadweight tester, check
19 the settings on them.

20 To my knowledge, they would find them set at
21 the same settings. They would, you know, check them.
22 And if I recall, they ended up finding in the pilots I
23 believe on those that there were some springs that were
24 the wrong setting for that pilot.

25 And so they ended up changing out some

1 springs, if I remember, on those. But, even at that,
2 we still had trouble. For whatever reason, I don't
3 know. Maybe, the wrong type of surge valve for that
4 application. I don't know.

5 But, they never did work very well.

6 Q Did Ron report to you at this point in time,
7 Ron Greenridge?

8 A No, he did not.

9 Q Or Ken Carlson?

10 A No, they didn't report to me then.

11 Q Who did they report to at that point in time?

12 A They reported to Jim Carvel.

13 Q Do you recall I mean in the period of time
14 between when the station was commissioned and the
15 accident how often, for example, Ron had been in there
16 working on those relief valves?

17 A Oh, I don't remember that.

18 Q Was it once? Was it more? When you said
19 several times, you --

20 A I believe, several times, they looked at them
21 because we would have trouble with them. And if they
22 didn't relieve, operators up there would mention it,
23 "Hey, these valves didn't go off again."

24 And the mechanics would take a look at them
25 or check settings. I know that after -- even after

1 that, when we were looking, trying to figure those out,
2 that they were looking at them quite often.

3 How many times exactly, I don't remember.

4 Q Okay, but you do have a memory that they were
5 there quite --

6 A They looked at them, yes.

7 Q This topic, was it ever discussed like in any
8 of the management meetings that you were involved in as
9 a supervisor? Where this problem was concerned, it was
10 discussed among managers?

11 A You know, I don't recall that, Allan, if it
12 was or not in any of the meetings.

13 Q How about any meetings it may have been done,
14 you know, at Bay View where you were debugging it, or
15 this kind of thing? Was it a topic of conversation, do
16 you recall?

17 A I don't recall but it was a problem and I
18 would think that we probably must have talked about it.
19 I don't recall any specific conversations about it.

20 Q Well, if the pressure increased and the
21 incoming block valve, for example, closed and shut the
22 line down, was that something that, you know, you would
23 ask one of the -- somebody to look into? Was that
24 something dispatch would ask them to look into?

25 I mean, at whose request would they be

1 investigating this relief valve?

2 A Okay. Now relief valve, or incoming block
3 valve? You mentioned two. You've asked me two
4 different things here.

5 Q Well, when the surge valves, the surge relief
6 valves, did not hold the pressure down, you know, as
7 they were intended to do, then a lot of times that
8 resulted in the block valve closing.

9 Is that correct?

10 A It could have, yes.

11 Q But, I guess when it was noticed that the
12 pressure, that the set point of the relief valve was
13 exceeded, you know, who was the one that brought that
14 to someone's attention and asked that the technicians
15 or whoever check that out?

16 Was that something you would do?

17 A That would not be something I would commonly
18 do. The operator at Bay View -- for an example, if
19 Deana or Perry or Hawley went out, you know, and
20 noticed it, they would more than likely get with Ron
21 and say, "Gees, you know, hey, that block, or that
22 check valve -- relief valve didn't operate. We need to
23 look at it, you know."

24 Or, if they may have mentioned it to me, I
25 probably would have went to Jim Cargo and says, "Hey,

1 Jim, we had trouble with that surge relief last night.
2 Can you get Ron or somebody to go up and take a look at
3 it."

4 And here, again, with the empowerment thing,
5 pretty much, those folks generally ran and operated and
6 the problems and things that they had there, they would
7 just deal directly with a maintenance person.

8 So, in that sense, as a supervisor, once
9 again, it was kind of not a chain of ladder, you know,
10 type of thing. They just would deal directly with
11 whoever they felt should look at it.

12 Q Okay, but it was an operational type issue
13 then? That operations person at the terminal may
14 notice and bring to the attention of the --

15 A Of the maintenance guy, yes. Yes.

16 Q Okay. I mean was there any paperwork
17 generated during that process, or is this a verbal
18 process?

19 A There may have been and I don't recall.
20 There may have been some maintenance logs or something
21 like that generated, a trouble report. You know, "Hey,
22 had trouble with such-and-such a problem. Reported it
23 to..." for example, they'd report it to Ron Greenridge.

24 And then sometimes on those deals, they would
25 send me a fax copy of those things so that I could look

1 at them. And then I would a lot of times pass those on
2 to Jim Cargo, "Hey, Jim, just for your information.
3 Just want to let you know we had this problem here,
4 that appears here, that Ron's been notified of. Just
5 to let you know."

6 Q Did -- I had a thought and I just totally
7 lost it.

8 A To go on with it, I don't recall any of those
9 coming through pertaining to the surge valves. You
10 know what I mean? But that would, if there was
11 something documented like that, that more than likely
12 would have been the form it would have taken.

13 Q Now in terms of establishing the set points
14 and this and that kind of thing, who would have --
15 would that have been something you would have been
16 involved in, or is that --

17 A That would be an engineering function.

18 Q So that would come from Craig or Richard?

19 A Or the -- I think it was Jacobs Engineering
20 that did the engineering work on that. And whether
21 they recommended the set points, you know, for those,
22 or whether it was Craig or who, I don't know.

23 Q At some point, did you become aware that
24 there was more parts than just the strings that were
25 recommended to be replaced in these surge relief

1 valves?

2 A No. In fact, I really wasn't aware or
3 involved with what they needed to replace. You know,
4 that was a maintenance function at the time and it
5 wasn't something I was involved with what they were
6 doing to try to remedy the problem.

7 Q So, that would be before the accident. How
8 about after the accident? Did you have any --?

9 A That they were replacing other parts or
10 pieces? I really wasn't involved with what they
11 replaced other than -- and it was like conversation and
12 stuff, "Well, we had to replace some springs," and that
13 kind of thing.

14 To my knowledge, that's all I really remember
15 them talking about replacing were some springs.

16 INVESTIGATOR BESHORE: Okay.

17 (A pause.)

18 Well, rather than sit here and look through
19 my notes, why don't I just go ahead and see if Tony has
20 any questions.

21 E X A M I N A T I O N

22 BY MR. BARBER:

23 Q Where are you located at physically? Where's
24 your office at?

25 A Right now?

1 Q Well, let's talk about June 10, '99 and
2 before.

3 A My office was located here in Renton.

4 Q But, you supervised the North Area?

5 A Yes.

6 Q So how often were you up around the different
7 stations, and so forth?

8 A Well, I would, as a general rule, I would try
9 to go up there about once a week. But, many times, it
10 would turn out to be maybe a couple of times a month up
11 in that area.

12 I always tried to get up there at least once
13 a month to visit and be involved with the safety
14 meetings and stuff like that. And, like I said, I
15 tried to get up there once a week, usually, on a
16 Wednesday or a Thursday, but not always. I'd not
17 always make it.

18 Q How often would you see Jim Cargo?

19 A Oh, I would see Jim Cargo pretty much every
20 day because his office and mine were pretty much right
21 beside each others in the warehouse over here in
22 Renton.

23 Q The people you supervised, did you do
24 performance reviews... periodically?

25 A Uh-huh.

1 Q Did you have a standard company-provided type
2 set of criteria guidelines that you used to evaluate
3 their performance?

4 A What they gave us was a form, you know, with
5 different categories in it. And there again we've
6 changed those forms so many times I don't even remember
7 what all the categories were in them.

8 But, there were specific categories that you
9 would, you know, kind of rate how you felt the people
10 performed in that. And then there was a section where
11 you could write comments, and that type of thing.

12 Q And when you did the performance reviews with
13 the folks that you supervised, did they come down to
14 Renton, or did you go up to where they're at, usually?

15 A Usually, for the guys up there, I would go up
16 to their area, up there, and meet with them up there.

17 Q Did you ever train any of them, of the field
18 operators? Did you ever participate in their training?

19 A Training in what respect?

20 Q Physically.

21 A In the work that they did, do you mean?

22 A No. Most all of those fellows up there had
23 been around a long time. They were trained in what
24 they did before I was their supervisor or any of that.

25 MR. BARBER: I'm in about the same boat you

1 were in.

2 INVESTIGATOR BESHORE: Peter?

3 E X A M I N A T I O N

4 BY MR. KATCHMAR:

5 Q Hi, David. I just have a couple of
6 questions.

7 You talked about the purpose of Bay View as
8 the fungibility of the products. Can you remember what
9 products were or weren't fungible at the time?

10 A You know, I...

11 Q This is before the accident.

12 A Yeah. The only product at the time, and it's
13 been fungible for years, was jet fuel. And that's the
14 result of our operating the CTAC terminal where they
15 had put out a fungible fuel spec for all the refiners
16 because it was all mixed there.

17 They were working on trying to get the
18 unleaded gasolines fungible, and everything. But, I'll
19 tell you, I don't think that they had all the refiners
20 yet on fungible fuels other than the jet fuel, which
21 had been fungible for years and years.

22 Q I understand that you said that it wasn't
23 normal supervision?

24 A Yeah.

25 Q But, being the Northern Area team leader,

1 supervisor or whatever, did you get any heat from the
2 controllers, like: Why can't you get your guys to get
3 that Bay View Station running right? Or anything like
4 that?

5 Did anything like that come up?

6 A You know, no, not really other than they
7 would ask me, you know, not in a sense of putting me--

8 Q Well, I just, you know: Can't you get your
9 guys to do something?

10 A Primarily, in conversations, and sometimes I
11 would be addressed in an e-mail, gees, we had... to
12 myself. And a lot of times would go to myself, to the
13 dispatch group, to electrical tech group, describing a
14 problem that they maybe have.

15 As coming to me and again in the empowered
16 thing, I looked at it more as, okay, this is for my
17 information. And, okay, we're having this problem. I
18 see it's gone to the electrical people. They're
19 probably working on it.

20 And then the operators up there, you know,
21 "Hey, I see you had this problem. Somebody..."

22 "Oh, yeah, we talked to the electrical
23 department. Yeah, we talked to Jeff Barry," or a
24 mechanic, "Oh, yeah, we talked to Ron."

25 Okay, so they're working on it. Okay.

1 In conversations with some of the
2 controllers, you know, the guys that go, "Jesus, we
3 don't have any SOPs for the place. What are we
4 supposed to do," you know?

5 My understanding with the SOP stuff was all
6 of that had been delegated out. In fact, the SOP for
7 Bay View, I believe Dave Smith was working on that.

8 And a lot of those procedures for the
9 dispatch group, which that was for their primary
10 operation, Dave Smith or Ron Brenson had been working
11 on that stuff.

12 And, you know, all I could tell them is, you
13 know, "Guys, I heard that Ron or Dave is working on
14 them," and that kind of thing. "You know, I don't know
15 what to do."

16 At points in time, that would kind of be the
17 conversation. Not in the sense like you're going,
18 Jesus, do something about this," I mean because those
19 guys knew how the company operated.

20 And that, you know, more or less, it was a
21 cry for help: God, is there anything you can do to
22 help us try to get these issues resolved? You know.

23 Q Are you familiar with the DOT Code 195,
24 Department 95?

25 A Memorized?

1 Q No, not memorized. You know, you brought up
2 the standard operating procedures. And somebody had
3 done something. Okay, there were procedures that
4 mentioned Bay View. But, I understand that they
5 weren't, you know, detailed operational procedures for
6 the controllers.

7 But, do you remember anybody ever bringing up
8 the fact that, you know, we're supposed to have
9 procedures before we go and commission this station?

10 A You know, I don't recall any specific
11 conversation with anybody particular about that. But I
12 think that everybody knows that, yes, you're supposed
13 to have that before you go into operation.

14 I mean, yeah, that's --

15 Q That makes sense.

16 A That's a regulation. But, it's kind of one
17 of those things when people up here tell you, "Hey,
18 we're going to run it, boys, figure it out and we'll
19 work on getting these procedures in place for you."

20 Q You do it.

21 A You go ahead and do it.

22 Q My next question is was there some kind of
23 urgency to get this thing on line so that corners were
24 cut for some reason or another?

25 A As I recall, and I don't recall the exact

1 meeting or the exact date, but it was prior to tying in
2 the facility, my perception was that management wanted
3 to get it tied in and get product in that terminal
4 before the end of the year, which would have been, uh,
5 before January '99, to take advantage of tax
6 advantages.

7 Q Okay.

8 A You know, and I don't -- like I said, I'm not
9 a business administrator or that. But, there was some
10 comment, "Boy, if we can get this on, then we can
11 get..."

12 Q Save some money, yes.

13 A "...save some money," yeah.

14 Q Interesting.

15 (A pause.)

16 I think that's all I've got for right now.
17 Thanks.

18 E X A M I N A T I O N

19 BY MS. PILKE:

20 Q Let me just follow up on that last question.

21 When you heard things about the rush to get
22 the station on line relating to maybe a tax issue, did
23 you ever hear things about getting Bay View on line
24 relating to the Cross-Cascades project?

25 A That was one of the reasons for building Bay

1 View. In some conversations, if they had Bay View in a
2 terminal, again, they could run at a more ratable flow.

3 So, if they ever did get the Cross-Cascades
4 built, they would be able to, they believed, run a more
5 ratable flow for operating there and operating down the
6 whole pipeline.

7 So it was kind of tied up with that, but we
8 were quite a ways away in my opinion from getting
9 Cross-Cascades to go. I don't believe that was really
10 the driver to get Bay View on prior to 1999. You know,
11 the first of the year.

12 Q Okay. So maybe I can ask this more
13 specifically. Did you hear conversations about a
14 desire to get Bay View on line prior to getting too far
15 into the Cross-Cascades process, so that the Bay View
16 terminal wouldn't then be tied up in the Cross-Cascades
17 process?

18 In other words, you know, people who were
19 overseeing or involved in the decision-making about
20 whether the Cross-Cascades project would go forward,
21 that they wouldn't then consider the Bay View terminal
22 as part of that process?

23 MR. ZULAUF: Do you understand the question?

24 (Laughter.)

25 MR. JUSTICE: No, not entirely. I don't--

1 MS. PILKE: Do you want me to restate it?

2 MR. JUSTICE: Yeah, that would probably help.

3 BY MS. PILKE:

4 Q What is your understanding about the
5 relationship between the Bay View terminal and the
6 Cross-Cascades project?

7 A Just so if they had a terminal they could
8 operate out of, they could operate at a more ratable
9 flow rate. When Cross-Cascades was built, that they
10 would have a terminal in place so that they could, you
11 know, constantly have a constant flow rate and wouldn't
12 be tied up by the refineries, and that kind of thing.

13 Q What was the timing of the start of the idea
14 to construct the Bay View station, you know, in
15 relation to the timing of the Cross-Cascades project?

16 Do you recall?

17 A You know, I don't recall. But, I believe the
18 inception of that whole business was probably pretty
19 close. I mean several years down, early nineties, they
20 had talked about the idea of a Cross-Cascades pipeline
21 and a terminal, that kind of thing.

22 Q Thank you.

23 A Does that help?

24 Q Yeah, that helps.

25 You know, I'm still not very clear about what

1 your job was. I'm just not clear about it. I mean you
2 talked about administrative supervision and you listed
3 the people who were under you.

4 But, the part that's not clear to me was, you
5 know, how you interacted with their work and in what
6 way you managed it and supervised it.

7 A I didn't really supervise their work. And
8 that's why I say in the tradition of a traditional
9 supervisor, it wasn't like that at all. I didn't
10 supervise them.

11 They supervised themselves. They made their
12 own daily work schedules out. They coordinated for the
13 most part their own work amongst themselves.

14 If they had -- if they had problems or issues
15 that they couldn't work out with themselves or other
16 work groups, then they would come to me and go, "Hey,
17 we're having a little problem with this or that. Could
18 you help us out here?" That type of thing.

19 In some senses, the people really operated
20 without a supervisor. It was more of -- how did Frank
21 put it? He looked at us to disseminate information.

22 So, in the sense of you're in a staff meeting
23 or management had things they wanted to get out to the
24 working people, he would maybe talk to you about it,
25 "Hey, can you let these people know we're going to do

1 this or do that?"

2 But, day to day operations didn't -- was not
3 really involved in that at all.

4 Q Did that make it difficult for you to
5 evaluate people if you were so unfamiliar with their
6 work?

7 A Uh, the way I would evaluate people, and it
8 didn't make it difficult in the sense that if they
9 operated their assigned area of responsibility without
10 too much problem, if it wasn't a case of where other
11 work groups were coming to me and going, "Hey, so-and-
12 so up there, boy, I just can't work with the guy. You
13 know, I can't."

14 Or they were having problems performing their
15 daily work, or coordinating their daily work. If they
16 took care of all of that, my perception was, you know
17 what? They're doing a pretty darned good job, you
18 know.

19 So it was kind of evaluating more on could
20 they manage their day to day business.

21 Q Another role that I might envision a manager
22 having would be participation in the Operations and
23 Maintenance Manual, or maybe any other kind of manual
24 that the company kept.

25 Did you have involvement in the Operations

1 and Maintenance Manual?

2 A In writing it or reviewing it, or in what
3 respect?

4 Q Any involvement in the Operations and
5 Maintenance Manual?

6 A Not really. Not as far as writing Operation
7 and Maintenance Manuals, no.

8 Q Did you read it?

9 A Did I read it? Yes. Yeah, I would read it.
10 And we started a program. One of the things that we
11 tried to start doing was reviewing that with everybody
12 on a more regular type basis.

13 An Operation and Maintenance Manual at
14 Olympic is a description of how things work at
15 facilities. A list of the valves and things that are
16 at a facility. What constitutes an alarm. And that
17 kind of thing.

18 But I didn't -- I didn't write those, no.

19 Q So you didn't necessarily write it but you
20 did read it, and you reviewed it with folks on a
21 regular basis?

22 A On a somewhat regular basis. We didn't do --
23 we weren't very good at reviewing manuals. And that
24 was one of the problems with Olympic at the time and
25 has been for years was updating manuals and getting

1 manuals updated.

2 And a lot of times, that would fall to Ron
3 Brenson. He for quite some time would update manuals.
4 And then he fell out of that role.

5 Richard Klassen worked on updating manuals.
6 And then he kind of fell out of that role. And
7 primarily, those were the people that updated the
8 manuals and wrote the manuals up.

9 Q When someone would update the manual, how did
10 you find out that it had been updated?

11 A Usually, they would send out a page. You
12 know, a revised page with that revision. And we had --
13 we had books out there. And you would just get them in
14 the mail and, you know, revision to page so-and-so, you
15 know, throw this page out and insert this page. That
16 type of thing.

17 Q Did the folks who you supervised have
18 involvement in internal inspection work that was done
19 on the lines?

20 A Internal inspection work as in running smart
21 PIGS, running tools?

22 Q Yes.

23 A The only thing that those people would do was
24 help with draining down a launcher or a receiver.
25 Tracking, sometimes tracking the tool as it's going

1 down the line. But that would be the extent of it,
2 just station operations type of stuff, loading,
3 unloading, that kind of thing.

4 Q Did any of the folks who you supervised have
5 involvement in work that was done to the pipeline after
6 an inspection had been done and an anomaly had been
7 determined?

8 A That they were involved in what way?
9 Inspecting the site or something like that? No.

10 Q Any involvement.

11 A No. No, primarily, that fellow in the
12 Construction group.

13 Q Primarily who?

14 A The Construction group.

15 Q Do you recall the times over the years that
16 internal inspections had been done on the Olympic line
17 in your area?

18 A Oh, how many times they had been done? Is
19 that what you're asking?

20 Q Do you recall internal inspections being done
21 on the line in your area?

22 A Oh, yes. Oh, yes. They've run several
23 different times throughout the years.

24 Q How would you be notified that an internal
25 inspection was going to be done?

1 A Engineering would -- that was generally a
2 pretty good-sized project, so to speak, to run them.
3 So, Engineering, they were in charge of organizing
4 that.

5 And that would be the kind of thing, you
6 know, talk about what I would do as a coordinator or as
7 a supervisor. Engineering would go:

8 "Hey, David, you know we're going to run an
9 inspection tool from Allyn Station to Renton, or from
10 Ferndale to Allyn. We want to run it on this date.
11 You know, we're going to have the guys up there at such
12 and such a time. Could you get a hold of the field
13 operator and ensure that they'll be there to help us,
14 you know, load the thing? And then be sure that
15 somebody's..."

16 So, in that sense, you know, pass on that
17 information to them, let them know. They may say:

18 "Hey, we're running an inspection tool. You
19 know, we need somebody to kind of help us track it. Do
20 you got anybody? Could you get a hold, talk to them
21 guys up there and see if somebody could maybe help us
22 track the thing or something? We've got a couple of
23 guys here but, boy, we could sure use another person to
24 help us, you know."

25 "Yeah, sure, I'll get a hold of one of them,

1 see if they -- see what their schedule is, see if they
2 can work it out to work with you."

3 That kind of thing.

4 Q Do you recall the inspection that was done in
5 1991?

6 A No, I don't. No.

7 Q Do you recall the inspection that was done in
8 1996?

9 A No. I mean specifically no. I know we did
10 one in '96. I don't recall what type of tool it was we
11 ran or anything, and I don't recall specifically, you
12 know, when we ran it.

13 Q The one done in 1997?

14 A In '97. I don't recall the one in '97.

15 Q Do you recall --

16 A I believe -- I believe we ran, if I recall at
17 all, I think we ran two different types of tools, one
18 type in '96 and a different type then a year or so
19 later.

20 Q Do you recall hearing conversations or being
21 told what the results were from either the '97 or the
22 '96 inspection?

23 A There was conversation. And that was
24 something that Engineering, again, would work and
25 interpret the information off of that.

1 And, you know, specific conversation about it
2 I don't recall. But I know that, you know, that
3 Richard, he was primarily the guy that would work with
4 the inspection tool people.

5 And, you know, he'd say, "Oh, gees, we had
6 some anomalies out here, or here. Had something here.
7 And we're going to have to get out and check it."

8 But, there, again, it wasn't something that I
9 was involved with because the Construction guys would
10 go out and do those dig-ups.

11 And they were pretty much on their own to do
12 that. It wasn't something like, hey, David, we're
13 going to be digging here or there. I mean it was just
14 they would be out there and they'd just be doing their
15 inspections and stuff like that.

16 Q If a spill, an oil spill, were to happen in
17 your area of operation, would you have gotten involved
18 in that?

19 A Uh-huh.

20 Q In what way? What would be your role?

21 A I would have been notified that we, you know,
22 have a spill. Uh, and if they -- if they needed help
23 or needed people to respond to it, would have been in
24 contact with people to respond to it.

25 Q Would you have been involved in determining

1 the cause and determining a course of action to repair
2 and prevent?

3 A No. Primarily, that would have been
4 something that -- the cause of that, that would have
5 been an Engineering issue where they would have, hey,
6 what happened, I mean, unless it was something obvious.

7 For instance, if you had a flange leaking or
8 something like that, you know, they had a flange
9 leaking. Well, you know, what... and then it would be,
10 again, Engineering, Maintenance people, Construction
11 people, "Well, what do you do to fix it?"

12 "Well, I don't know. We'd better first look
13 and see if the gasket failed. Okay, if the gasket,
14 we'll put a new gasket and tighten it up."

15 You know, that type of thing.

16 Q Do you recall if the company had some way of
17 documenting when causes were determined in making
18 changes to company procedure?

19 A Company procedures for what?

20 Q Whatever the cause may have been.

21 A For a leak or something? Well, that kind of
22 information went to Bill Mulky. And he would then
23 write a report on that kind of thing. You know, "50
24 barrel spills" and any spill to... or something, I mean
25 that has to be reported.

1 And Bill was the guy in charge of collecting
2 that information and generating that type of report.

3 Q Did you say that your office was right next
4 door to Jim Cargo?

5 A Uh-huh. Yeah. I mean for the most part. He
6 was, you know, we had offices and mine was here and his
7 was in here (indicating), next door.

8 Q Do you know what was the method that Olympic
9 used for Engineering to let the Construction people
10 know that inspection work needed to be done on the
11 pipeline after an anomaly had been discovered?

12 A No. Other than just to go talk to him or
13 something like that, I don't know. I don't know any
14 other way that they would have done it, you know.

15 I would think, my thought would be, and just
16 knowing Richard Klassen, I would think he probably
17 would have a list of them that needed to be dug up and
18 probably go to Jim Cargo and say, "Hey, Jim, you know,
19 we need to get some guys out to check these."

20 MS. PILKE: Okay, thank you. That's all I
21 have.

22 INVESTIGATOR BESHORE: Jerry, do you have any
23 questions?

24 MR. SCHAU: I don't.

25 INVESTIGATOR BESHORE: Geoff?

1 MR. SMYTH: I did, just a couple.

2 EXAMINATION

3 BY MR. SMYTH:

4 Q You were down here in Renton for most of the
5 nineties, did you say? Is that right?

6 A Uh-huh, yes.

7 Q Did you guys have like weekly or monthly
8 staff management/supervisor meetings? When did -- like
9 you said Frank said this is what you're going to do,
10 you're going to disseminate information.

11 Did you have like a one-time meeting with
12 him, or did you guys have weekly meetings, or monthly
13 meetings?

14 A You know, it varied. Sometimes, we'd go
15 along and have weekly meetings. And then sometimes it
16 would go and you would have maybe monthly meetings.
17 And sometimes it would go and maybe you wouldn't have
18 meetings for several months.

19 There was no set time for meetings. Kind of
20 more or less at Frank's whim.

21 Q Were you asked to participate in those
22 meetings?

23 A Yes.

24 Q Did you feel comfortable that you could come
25 forward with issues or problems?

1 A Yes. Yes.

2 Q So --

3 A Not to say that I felt a lot of confidence
4 that things would come --

5 (Laughter.)

6 -- raising their shoes, you know what I mean.

7 Q Right.

8 A But I felt comfortable enough to say, "Hey,
9 you know, we've got an issue here, guys. I think we
10 need to do something about it. Huh? What do you
11 think?"

12 But, generally, walk away and think, well,
13 probably nothing will be done.

14 Q Do you remember a meeting where you might
15 have had some discussions about training on the new Bay
16 View station and the lack there of it? Or did you ever
17 report that up from what you knew of your field
18 operators coming and talking to you? Did you go higher
19 with that?

20 A You know, I don't -- I can't recall
21 specifically the meetings. And I can't recall
22 specifically who all was there. But I know, in staff
23 meetings, that there were times when those issues were
24 brought up, like:

25 "Hey, you know, we don't have any standard

1 operating procedures here. We don't, you know, we
2 don't have maybe as adequate a training here. Would it
3 be possible to maybe have somebody who's operated a
4 terminal like this within Texaco or Equilon come out
5 here?" You know? "It's needed."

6 And of course really not getting anywhere.

7 Q You said "we". Was that the sentiment from
8 the operators and their supervisor?

9 A It was -- well, me being the supervisor of
10 the operators.

11 Q Field operators. But I mean from the control
12 room operators, were they expressing the same things?

13 A Yes.

14 Q So it was kind of a collective whole from the
15 people who were doing the work?

16 A Yes. Yeah.

17 Q Okay. I guess I just wanted to go back a
18 little bit to the Kevin and Ken relationship that you
19 have and maybe explore that a little bit, too.

20 Your involvement from, you've been in the
21 pipeline business, you said, since the seventies?

22 A Uh-huh.

23 Q What type of -- you knew that there was going
24 to be some construction going on at the water treatment
25 plant in Bellingham. Is that correct?

1 A You know, I don't recall ever being aware of
2 any construction going up there at the time. And
3 there, again, it was like Kevin and Ken, and those two
4 guys, that was one area you talked about appraisals.
5 You talked about being aware of what.

6 Those two guys operated that area. That was
7 one area I never even gave a second thought about
8 because those two were so on top of the field
9 operations and what they did.

10 And it was more or less, "Hey, guys, run it."
11 I mean that was the way the company, how Frank wanted
12 to operate the company. He wanted it run in such a
13 manner where anybody didn't have to feel like they had
14 to go through a chain of command to get anything done.

15 His belief at the time was that just slowed
16 down the process. That just, you know, as long as
17 people could just work directly.

18 And so the work they did -- right-of-way
19 work, construction work -- if they had anything like
20 that going on, it wasn't something that they came to me
21 and said, "Hey, we're doing this," or "We're doing
22 that." They just took care of it.

23 And if they had issues or a construction
24 project that needed drawings reviewed or something,
25 they would work directly with right-of-way people or

1 Engineering group, or whoever.

2 And, many, many times -- in fact, I would say
3 probably I never was in that loop unless just in
4 passing conversation. You know, "Well, what are you
5 going today?" Or something, you know. Just, "Well,
6 I've got to go out here."

7 But, I don't recall anything specifically
8 about work going on at the water treatment plant.

9 Q You didn't -- no one would come to you and,
10 you know, you operate a pipeline and part of that
11 construction project had a section of your pipeline
12 exposed for weeks while it was under operation.

13 That was never discussed in any meeting? Is
14 that something that normally happens to a pipeline?
15 That you have someone go in there and expose your
16 pipeline and then you continue to operate like that?

17 A Uh-huh.

18 Q That's just -- that goes on a lot?

19 A That goes on quite a bit, yes. Yes, up and
20 down this pipeline where you have big sewer projects
21 going on, or you have construction projects going on.
22 New housing areas being built. You know, a lot of
23 things like that, it's not uncommon for a section of
24 pipe to be somebody working around it for weeks,
25 possibly months at a time, with places where it could

1 be exposed or open.

2 And as a general rule, when that happens, if
3 they're going to be working back around your pipe and
4 stuff, then the contractor will call you and go, "Hey,
5 you know we're up here." "Yeah, I know you're up
6 there. I was out there two weeks ago."

7 "Well, we're going to be back working around
8 your line. Like you to come up."

9 "Okay, well, I'll be up there."

10 And that's when something like that's going
11 on, that's generally how that works.

12 Q And you said Kevin or Ken never mentioned
13 anything about Bellingham?

14 A You know, not to say that they didn't. But I
15 sure don't recall anything specific about it.

16 Q And then just one last question to go back on
17 what Linda said. In these staff meetings that you
18 might or may not have had at some times back in the
19 mid-nineties, was there any discussion of level of
20 defects or numbers of defects?

21 Or, "Gees, the last time we paved it, we only
22 found one. Now we've found like fifty."

23 Were those things discussed in your staff
24 level type meetings, the company as a whole? Or was
25 that just left to the Engineering Department to figure

1 out?

2 A That was primarily left to the Engineering
3 Department. I don't recall anything specifically as
4 far as in staff meetings. You know, them saying,
5 "Gosh, the last time we ran out we only saw this many,
6 now we see this many."

7 That was kind of internal amongst the
8 engineering folks that, you know, talked about...

9 MR. SCHAU: That's all the questions I have.

10 INVESTIGATOR BESHORE: Steve?

11 MR. WRIGHT: No, I don't have any questions.

12 INVESTIGATOR BESHORE: I have a couple here
13 just to kind of backtrack.

14 E X A M I N A T I O N

15 BY MR. BESHORE:

16 Q You talked I guess about empowerment. I
17 guess, were you comfortable with that kind of an
18 operation? In an overall way? Or did you feel like
19 you should have been getting more involved with things,
20 or were you comfortable with that level of involvement?

21 A Uh, you know, at some points in time, I felt
22 like, boy, it would be nice to be more involved. But,
23 yet, on the same hand, all of the folks that worked in
24 my work group, they were all very competent people.

25 And it wasn't something that I really saw a

1 problem with. In some respects, it was real nice for
2 them -- for kind of a feeling of being able to work
3 with the people you needed to work with.

4 Sometimes, the worst thing that could happen
5 is when you have to go through a big chain of command
6 to get something done.

7 And when I started with Olympic, with Mobil,
8 it was that way. And so you ask this guy, do you need
9 this? Hey, I need this, and hey. By the time it gets
10 to this, well, part of what you needed doesn't get
11 there.

12 And so it was kind of a -- kind of Frank
13 thought, well, hey, let's try this. You know? And
14 within the industry, I think empowerment was becoming
15 the word "empowerment", you know.

16 And so, "We're going to try it here." So
17 that's kind of what got us started.

18 And for the most part, it worked in some
19 respects pretty well. I don't think it was a perfect
20 situation, by no means. But it worked in some respects
21 pretty darned good.

22 Q Who were you reporting to at the time of the
23 accident?

24 A To Doug Bue.

25 Q Okay. Now the empowerment, did that work its

1 way up? In other --

2 A Uh-huh.

3 Q -- words, did you feel the power to do what
4 you needed to do in your area?

5 A Uh-huh.

6 Q Do you feel like Doug felt like he was
7 empowered to do what he needed to do? I'm assuming
8 that he reported to Frank 'Hoff'?

9 A Yeah, he did. I don't know how Doug felt. I
10 can't speak for him. But, my opinion is he probably
11 did not.

12 Q So you feel like Frank maybe had more
13 involvement than Doug had with you? For example?

14 A Yes.

15 Q Now how was Doug to work for?

16 A He was okay to work for in the respect that
17 he didn't supervise me (laughing). You know what I
18 mean. It was pretty much Doug -- Doug just left me
19 alone to -- to do whatever I needed.

20 He didn't -- Doug didn't get involved very
21 much in what was going on.

22 Q So he didn't interfere with you.

23 A No, no. No.

24 Q Was he competent, knowledgeable?

25 A Yeah, I would think so. Yeah.

1 Q So you were comfortable with him as whatever,
2 your supervisor leading the group that he led?

3 A Yeah, I didn't have any reservations about
4 Doug.

5 Q How about Frank?

6 A What are you asking me about Frank?

7 Q Well, how was he as a manager to you?

8 A In my opinion, he was a pretty poor manager.

9 Q In what respects?

10 A Uh, I guess in the respect that a lot of
11 times when issues were brought up to Frank, as some
12 we've discussed here -- standard operating procedure
13 for Bay View, problems that were maybe day to day
14 problems that you'd bring up to Frank. Talk about
15 staff meetings, bringing up, "Hey, we've got a problem
16 here, Frank." Or maybe conflicts within the work
17 groups.

18 Frank would never address those issues. Day
19 to day operations, Frank didn't seem to be or want to
20 be very involved with them. If you had issues -- I
21 know people, other people, you know, you talk about the
22 smoke shack or something.

23 They go, "Oh, man, I went and talked to Frank
24 about this or that." And even myself at staff meetings
25 bringing up things -- standard operating procedures or

1 things that I perceived as maybe being wrong:

2 "Hey, Frank. You know, gosh, can you help us
3 do something about it?"

4 "Yeah, yeah, I'll get on that."

5 And you'd never hear nothing more about it.
6 So, in that respect, I don't -- I don't think he was a
7 very good manager.

8 And then on the one hand, he would promote
9 empowerment to the company as a whole. But, then in
10 some respects he didn't practice that himself.

11 As in the case with Doug. I think Doug was
12 pretty capable. I mean you ask about did Doug feel
13 empowered. Uh, I think there were things that Doug
14 would like to have done, would have tried to do, things
15 that he felt would be better.

16 But, if it wasn't on Frank's agenda, so to
17 speak, then you wouldn't get anywhere with it.

18 So, you know, Frank in some respects would
19 talk one thing, that this was great, but some things,
20 he kind of wanted to keep his fingers on. And maybe he
21 didn't always have the right idea.

22 But, if you didn't tell Frank sometimes what
23 he wanted to hear, shit, you just forget it.

24 Q Well, let's take the standard operating
25 procedures just kind of as an example. Was it a -- I

1 mean he just didn't put a priority on whoever was going
2 to be doing that to do it? Would that be --?

3 A Uh-huh. Uh-huh.

4 Q Or was he planning on doing it himself?

5 A You know, I'd heard at one time that he'd
6 said to somebody, "Well, I'll do it. I'll do it
7 myself." Now I don't know if that, you know, again one
8 of them smoke shack conversations, or passing in the
9 hall, you know:

10 "Hey, where we getting on these SOPs," you
11 know, or something?

12 "I guess Frank's going to do them now, you
13 know. And, you know, that kind of thing.

14 And that, you know, there again, Frank was a
15 hard guy to figure out. And, again, it's my opinion.
16 He was a tough guy to figure out. I've been in
17 meetings with him where the majority of the people
18 there believed this is what should be done.

19 This is how we should deal with the
20 situation. And if it wasn't what Frank wanted to hear,
21 or if it wasn't how he thought, he'd kind of hammer at
22 the group until finally it's like 5:30 at night and
23 you've been there all day, and you go, "All right,
24 Frank, whatever you want. It's okay. Fine. Let's go
25 home." You know?

1 Q How long had Frank been there? Do you
2 remember when he came on board?

3 A Yeah, he came in 1989. He was with Shell Oil
4 at the time.

5 Q Well, that was kind of leading into my next
6 question. Was there some -- I mean was there like a
7 morale issue that was kind of held over from the
8 mergers, you know, Shell/Texaco group, that kind of
9 thing?

10 A Morale in Olympic prior to Shell coming and
11 then Texaco, this was a darned good place to work. And
12 people were very happy.

13 Q And that was under Mobil.

14 A Under Mobil, yes.

15 So here again how do you, you know, a
16 comparison of morale issues and operating the company?

17 Here you have Mobil that was a very heavy-
18 handed chain of command. You don't do anything unless
19 you're told to do it. And people were pretty happy
20 under that.

21 And then you get into the Shell and Frank and
22 the empowerment thing. And morale started going down.
23 My thought in conversation with people and my own
24 feelings of morale towards the company was Frank would
25 not deal with issues that were important to people.

1 He wouldn't set out -- you know, empowerment
2 to me can be a good tool. But, you need to have
3 guidelines. You need to have some guidance. You need
4 to have some direction. And that was something that
5 Frank didn't provide very well.

6 And so, in that respect as a manager, he was
7 pretty poor in that. And he was pretty wishy-washy in
8 that. If it was something he didn't want to deal with,
9 you know, if you came to him, he'd probably say, "Well,
10 yeah, you're empowered to deal with it."

11 So then if you dealt with it the way you
12 thought but, in turn, it wasn't the way he thought it
13 should have been dealt with, then one of his kind of
14 favorite sayings was:

15 "That's not what I envisioned. What are you
16 doing? That's not..."

17 "Well, God, you told me and I came and asked
18 you and you said, well, you're empowered. I handled
19 it, you know."

20 And so when that happens to you, your morale
21 pretty soon it's just like, gees, what am I doing here,
22 you know?

23 And I'll tel you what. That was very common
24 for Frank to do that.

25 Q Well, my sense from talking to others that

1 we've talked to and I guess from what you said before
2 with your folks was there was an overall level of
3 frustration.

4 A Uh-huh.

5 Q That people were experiencing trying to deal
6 with some of these issues that were coming up.

7 A Yes.

8 Q Would that be a pretty fair point of view?

9 A Yes. Yes.

10 MR. SMYTH: That's all I have.

11 MR. BESHORE: Does anybody have any -- Pete?

12 E X A M I N A T I O N

13 BY MR. KATCHMAR:

14 Q David, did Olympic ever bring in an outside
15 consultant to deal with these issues? Management
16 issues? Employee relations issues, whatever?

17 A Yes. Now an outside to deal with what kind
18 of issues? Let me ask you that first.

19 Q Management issues. I guess after Shell came
20 on and then immediately, I guess 18 months later, went
21 to Texaco.

22 A Uh-huh. Okay. If -- I think what you're
23 asking me is issues about management and team type of
24 things. They did bring a consultant on. And the
25 morale issue in the company was brought up to Frank

1 more than once by people.

2 Would say, "Frank, we've got a morale problem
3 out here." You know, "People don't feel this --"

4 And as is common, I believe, in my
5 experience, so the manager, he goes out and he starts
6 asking the work guy, "Hey, is everything okay?"

7 Well, here's the manager, you know? What are
8 you going to say? "No. I think you're a jerk and this
9 place stinks."

10 (Laughter.)

11 "No." What do you say to the manager: "Oh,
12 everything is swell. Oh, yeah, it's great. Oh, yeah,
13 everything's good. Yeah."

14 So then Frank would come back to me and go
15 "You guys are nuts. There's no morale problem out
16 there. I was out and talked to them. By golly, you
17 know, everything's fine."

18 So, in time, they had, as most companies did,
19 diversity training. So they did that. And they
20 brought in a consultant to do that. And I don't
21 remember the consulting firm but the two gentlemen that
22 came, one's name was Roy -- Roy Brown, I think. And
23 the other guy was Federico something. I don't remember
24 his last name.

25 But they were contractors, you know, that did

1 that type of training. And one of the issues that came
2 out of the diversity classes were morale issues.
3 People, you know, in conversation in diversity would
4 talk about this or that.

5 And so these two guys kind of started looking
6 at things and go, "You know, there's a bigger problem
7 going on here than the diversity thing. That's not a
8 problem here. There's some other issues."

9 So I don't know how it all went about. But,
10 pretty soon, before you know it, these guys are coming
11 to get with Frank's staff, supervisor staff. And we
12 started meeting with these consultants about
13 communications within the staff.

14 You know, you guys don't communicate very
15 well. We think there is some morale issues and it's
16 because you folks don't even get along, you know. And
17 that type of thing.

18 So, in the sense, Pete, of the question you
19 asked, there were some consultants brought in to try to
20 help Frank's team work more together as a team. And
21 some of the things that were brought up in those
22 consulting classes was that Frank wasn't very eager to
23 listen to people unless they told him what he wanted to
24 hear.

25 And, you know, that created quite a stir.

1 And then, after that, they went on their merry way
2 because Frank determined: Oh, we've got this handled.
3 We've got this under our belts, boys. We don't need
4 them any more. We'll handle it ourselves.

5 And, of course, things started nose-diving
6 again because Frank really hadn't changed. I mean...
7 so that was the only time really that there was ever a
8 consultant.

9 And that may not have been exactly what you
10 were asking, Pete, but in --

11 Q That's exactly what I was asking. That's the
12 answer I was looking for.

13 Okay, so these guys came in and found the
14 problem. And they're the ones that came up with the
15 fact that Frank wouldn't listen unless it was something
16 that he wanted to hear?

17 A Well --

18 Q And then once they told him that or once that
19 came out --

20 A It came out. I mean like sitting around like
21 this and they're in the room and they're going, well,
22 they'll go around the table, "Well, what seems to be
23 the problem?"

24 And, you know, then as everybody kind of
25 spoke about, well, what's the problem, what's the

1 problem, you know, and well, a lot of the answers were,
2 "You know, I don't know if I should say it or not, but,
3 Frank, you don't listen very well."

4 And, of course, you guys, you've been around.
5 That's like cutting your throat to say that to the
6 manager in most cases. Right? (Laughing).

7 So, but you know, in those meetings, Frank
8 would sit there and go, "Oh, yeah, well, you know,
9 maybe I don't. Maybe, yeah, maybe you're right."

10 And so, you know, you would discuss that and
11 Frank would go, "You know I'll try to do better and we
12 as a group need to try to do better."

13 And seemed accepting to try to do that. But
14 then after going through this training or whatever, you
15 know, he really didn't change much. It just, uh, he
16 would go to staff meetings and it was generally kind of
17 the same old routine. You know?

18 Q How long were the consultants there? What
19 kind of time frame? Months? Weeks?

20 A Months. Months.

21 Q Six months? Twelve months?

22 A You know, I don't -- Pete, I think they
23 started coming in like February and were there February
24 and came like once a month -- February, March, April,
25 May. Four or five times we met with them.

1 And, again, it was a number of times. It was
2 more than once or twice, you know.

3 Q What year did that occur? Do you remember?

4 A Ninety-eight. Ninety-eight. I think it was
5 '98. The winter into spring of '98.

6 Q How did required inspections get done? What
7 was the protocol for that?

8 A Required inspections --

9 Q Routine inspections, things like that?

10 A Generally, the people, if it was and we'll
11 use block valves inspections, the mechanics kept track
12 of when those were due. And Sandy Conlon, when she
13 came on, started helping people keep track of when
14 those were due.

15 Annual facility checks, the operators in
16 their areas would keep track of when those due. And
17 Sandy also again, you know, she a lot of times put out
18 a reminder, "Hey, you know it's coming due. You need
19 to get this done before such and such a date."

20 And not to say that at times in the past, you
21 know, sometimes, you'd say, "Oh, I need to do that next
22 month." Then it would get missed. And she would know
23 that she didn't get the paperwork in, so a reminder.

24 In that case, now there's a case there, she
25 would maybe more times than not send a reminder to me

1 about that:

2 Hey, David, you know I didn't receive the
3 facility check for Allyn station. You know, I don't
4 know. Could you maybe follow up on this and see if
5 Hawley and Perry, you know, got it done or just forgot,
6 or what?

7 And so there would be a case of where, you
8 know, "Okay, yeah, sure, Sandy. Yeah, I'll get a hold
9 of them," or call, "Hey, you guys, boy, you know that
10 was due last month. But I mean you still have a few
11 more months to get it done, you know, but we're past
12 our year."

13 "Oh, boy, Gees, better get it..." Yeah, you
14 know, that kind of thing.

15 Q In your opinion, was there enough to do? Too
16 much to do for your job?

17 A For my job?

18 Q Yeah.

19 A There was enough to do. There was enough.

20 Q Did you feel like other people were being
21 overworked or underworked? Or could you use five more
22 people?

23 A Out in the field, I think we could have maybe
24 used more people in certain areas out in the field.
25 And those were at some times, those issues would be

1 addressed to Frank in a staff meeting:

2 "Hey, you know, we're having some problems
3 here coordinating for this guy. You know, he's having
4 trouble."

5 And the issue would be a common issue in the
6 field with the operators would be their operations were
7 batch changes, quality assurance stuff versus their
8 right-of-way work.

9 And that would be like:

10 "You know, Frank, here's..." and something
11 that would kind of happen sometimes. Not always, but
12 at times. Say a guy, you've got a scheduled contractor
13 to do some work along your line or needs you out there
14 to locate your line or something like that.

15 So you go okay. You look at the pump
16 schedule and that's something. A pump schedule, it's a
17 moving target. I mean it depends on what happens up
18 and down the pipeline about certain times certain
19 things are going to happen.

20 So you could look at it today and tell a
21 contractor: Okay, the day after tomorrow, I've got to
22 be at Seattle at 10 o'clock because I've got a fuel-to-
23 gas change.

24 But I can be out there to meet you at noon,
25 do our business. Or, if you're exposing the line, I

1 can be there at noon.

2 Okay, so now day after tomorrow comes along.
3 Now, all of a sudden, the pump schedule has changed to
4 where you're out there at noon. But now maybe the
5 contractor for some reason is running late. Your
6 operation as an operator that was going to happen at 10
7 o'clock is now moved to 1:30 in the afternoon.

8 But, you've got to meet this guy at noon. So
9 you get out there at noon. Well, he's running a little
10 late.

11 So now, all of a sudden, you go, "Hey, you
12 know what? You're going to have to shut down here.
13 I've got to run and do this other job, but I'll be
14 right back. So don't do anything until I get back."

15 And there would be cases where the
16 contractor, most of them, would be pretty good. And
17 they'd go, "Okay, hey, I understand. Well, we'll go
18 work over here. When you get back, we'll finish here."
19 A crossing, or whatever. Whatever the case may be.

20 Most of them would be pretty good with that.
21 Some of them, the guy would get back over there and the
22 guy would have already done the work and covered the
23 line.

24 And you'd go, "Hey, you know, I asked you
25 could you just..."

1 "Oh, yeah, we had to get on. We can't wait
2 for you forever." So I mean then, if you knew they did
3 that, it's like, "Hey, you're going to have to uncover
4 that for me to take a look at it. We can't do that."

5 So there would be a conflict in workloads
6 like that where it would be nice to have a few extra
7 people to where you didn't have to get into that kind
8 of situation.

9 Q What would cause you to call Frank or Doug --
10 what would be something that was big enough that would
11 happen on your plate that you'd say, look, I've got to
12 go talk to... before I do anything with Frank?

13 A A leak. A leak. If we had problems with
14 product contamination. Something along those lines.
15 If we had maybe a serious equipment malfunction. You
16 have a pump.

17 You know, something that's going to cost big
18 bucks to repair or fix. I mean that's out of the
19 authority for me to write a check for it, you know, or
20 something like that.

21 And that was most any kind of big... but
22 then, again, the maintenance guys, those kinds of items
23 would fall to them, so they would talk to him.

24 But, you know, if I had to call Frank, which
25 I can't recall -- I can't recall anything other than if

1 we had a leak. I mean that was something Frank said,
2 "And, boy, if you have a leak or you spill some
3 product, I want to be notified immediately. Call me
4 immediately."

5 And otherwise, if it was anything --
6 equipment issues or quality issues, that would be dealt
7 with through Doug, and then Doug would talk to Frank if
8 he felt it necessary to.

9 Q Because of the way Frank was in your mind,
10 did you avoid talking to him, or avoid dealing with
11 him?

12 A No. I didn't. I didn't avoid dealing with
13 him. But I know early on, when I was first team
14 leader/supervisor/coordinator, whatever you want to
15 call it -- the name changed back and forth through the
16 years -- one of the things, I don't know if it was a
17 downfall or a plus or a minus, but I was pretty
18 outspoken.

19 And I was one of those guys that thought, you
20 know, I can change the world. I've got enough in me
21 that I can out-buck any manager because I believe in
22 what I'm doing. And I'll change -- I can change
23 things. I've got the ability to make things better for
24 people.

25 And that was one of my goals, to make things

1 better for the working guy, so to speak, because that's
2 what I have come from, you know.

3 And as time -- so in the respect of talking
4 to Frank or objecting to him, I didn't have any qualms
5 about doing that, but probably in time I was probably
6 on his list somewhere, I'm sure.

7 But, in time, a lot of the issues that I
8 would bring up, they would be, because it wasn't things
9 he wanted to here, it was things that maybe dealt with
10 conflicts, it was nothing would be done about them.

11 And so, in time, you just -- pretty soon it's
12 just like -- and it's something I hate to admit, but I
13 guess in time kind of felt like you're just beat.

14 You know, after going for years and beating
15 your head against the wall and not -- pretty soon, you
16 start going, "Man, my head's getting sore. Why even go
17 about it any more because the guy doesn't -- doesn't
18 care. So you just go on about your business and don't
19 fight it.

20 Q One other question I have is when did the
21 management style change start? Was it right when Shell
22 took over from Mobil? I guess you said that's when
23 Frank showed up?

24 A That's when Frank showed up. But that wasn't
25 when it started changing. It changed when Texaco came.

1 Q The empowerment thing?

2 A Yeah. When Texaco came.

3 Q So that was in '92?

4 A Ninety-two, '93, somewhere right in that
5 area. When Shell came, they had a -- Shell was still
6 pretty much chain of command oriented. And that was
7 kind of how we happened to work things.

8 And so '93, you know, maybe somewhere right
9 in there when this empowerment thing came along.

10 Q Did anybody check required documentation? It
11 doesn't appear -- you're saying about this empowerment
12 thing, you kind of really left these guys alone.

13 A Uh-huh.

14 Q I mean, if the manual said to document stuff,
15 nobody really checked to see if these guys documented
16 stuff?

17 A No.

18 Q Other than the required stuff like you said
19 for Sandy? She'd call and say, "Hey, I need these
20 valve records."

21 A Uh-huh.

22 Q Or valve inspections.

23 A Uh-huh, that's --

24 Q But I did note there was a whole lot of
25 requirements in the manuals for logging things. And I

1 asked for those log books and like "Well, we got rid of
2 those years ago."

3 A You know, that's some of the things in those
4 areas that, you know, and that there again, that's
5 where the empowerment thing probably isn't a good idea.

6 There was not a lot of oversight in areas
7 like that. You know, it's like, hey, this is working
8 okay. And so then everybody gets their own idea, well,
9 you know, or you forget to do it a few times. Pretty
10 soon, you don't do it, you know, at all any more.

11 And I didn't go and oversee that, you know,
12 to make sure that was being done.

13 MR. KATCHMAR: I think I beat that horse.

14 MR. BESHORE: Yes, Tony.

15 E X A M I N A T I O N

16 BY MR. BARBER:

17 Q Just to make sure I understand. At any time
18 during your career, were you at any way a supervisor
19 for either Lon Greenwich or Ken Carlson?

20 A Uh-huh.

21 Q When was that?

22 A I was their supervisor really from about
23 ninety -- there was a couple of years in there, '95 to
24 '97, '94 to -- there was a few years in there that I
25 was.

1 And that kind of happened because -- and this
2 kind of came along when they were -- and they did this
3 several times -- restructured the organization. So
4 they used to have a Maintenance supervisor and then a
5 Mechanical and an Electrical supervisor.

6 So those two gentlemen then, they were
7 getting their retirement and rather than replace them,
8 then they put the mechanical and electrical technicians
9 that were for an area just under the area supervisor,
10 who would have been myself.

11 But there again, it was still under all the
12 empowered thing. And so those guys kind of did their
13 own business and that kind of thing. But, technically,
14 they reported to me.

15 And then they restructured again and this was
16 shortly after Doug Bue came. And I don't remember when
17 it was he came. It was '97 or right in there. And
18 then they took all the maintenance guys, mechanical and
19 electrical for the whole pipeline, and then assigned
20 them to Jim Cargo, who at the time had the construction
21 people.

22 So then those guys all went and reported to
23 Jim for up until here when January of 2000, I think,
24 and then they went back to reporting to the area
25 supervisor.

1 And then, when BP came, they took the
2 maintenance group and then put them, all of the
3 maintenance guys, under a supervisor.

4 So it was kind of over the last ten years,
5 it's gone back and forth several different times
6 (laughing).

7 Q I forgot to ask you about the day of the
8 accident itself. Where were you at the time?

9 A At the time of the accident?

10 Q At the time of the accident, when I got a
11 page that we believed we had a problem, and I don't
12 remember exactly what the page was. It was a message
13 on my pager.

14 That we had a problem at Waukim Creek, I
15 believe gas or a leak, or whatever the wording was. I
16 was coming through Seattle up here because I had been
17 up at Allyn and Bay View area, just had gone up for the
18 day to just go visit folks, was up in that area and was
19 on my way coming back down to Renton station.

20 Q And did anything unusual happen when you were
21 at Bay View?

22 A Nothing that I recall. We were up there and
23 we kind of doing some clean-up up there. Perry
24 Delauba, myself, uh, I think Deana was there, and we
25 were kind of doing some clean-up around there that day.

1 Around the whole area picking up old skids and junk
2 laying around, because they were coming through with,
3 uh, some people from 'Kentermorgan', and I don't know
4 if there was another company with them.

5 But they were kind of giving a tour of the
6 line to some people who Frank was saying, "Oh, no,
7 they're not interested in buying this thing. Why,
8 we're just giving them a tour."

9 And the scuddle butt around was we were about
10 to get sold out probably. Or at least a new buyer
11 coming in and all that.

12 So we were up there, gone up just to visit
13 and they were doing some clean-up and stuff. I think I
14 left up there, it was sometime early afternoon, 1:30, 2
15 o'clock, 2:30, you know, somewhere, and was headed back
16 down here to Renton.

17 Q Then where did you go once you got the page?
18 What was your role then at that point?

19 A Well, when I first got the page that there
20 was a problem, and I don't -- I don't remember the
21 exact chain of events. I don't know if I got that page
22 and I called in to the control center and they said,
23 "Hey, we think up in Bellingham, 'Waukim' Creek, you
24 know, around milepost 16, we've got a leak or
25 something.

1 Or if I just went off that page because I
2 recall I called Ken Roberts, and I called Perry
3 Delauba. And I says, "Hey, guys, we've got a problem,
4 and I don't think this is a drill."

5 And I think I may have -- you know, I don't
6 recall things. I may have called the control center
7 and said, "Hey, what's this? I just got this page."

8 They says, "I know. This is serious. I
9 think we've got..."

10 And so I told them, "I'll try to get a hold
11 of some folks and get them headed up there with spill
12 equipment."

13 So I believe I talked to Perry and Ken
14 Roberts and told them, "Hey, get a hold of everybody up
15 there, you know, and I'll keep trying. But, if you
16 know where Jim Traphoffter, Jeff Barry..." I may have
17 talked to Jeff Barry. But I -- I talked to a couple of
18 the folks up there and says, "Hey, get spill equipment
19 and get the trailers and start heading up that way.
20 There's a problem."

21 And then I continued on coming on into
22 Renton. And then I got another page following that one
23 that said, "There's a fire," or "We have a fire now,"
24 or something like that.

25 And so I came on in to Renton here. Of

1 course, by the time I got in there, most of those guys
2 were already on their way there or some of them were.
3 And I'd heard this from the control center once I got
4 in there, "Hey, did those guys get up there?"

5 "Yeah, they're up in the area but they can't
6 get down to it. There's a fire." And of course by now
7 people have got TVs on, you know, and radios. And it's
8 like, oh, boy, it's a mess.

9 And we had trouble getting people in there
10 initially. The police had roads blocked off. And so
11 then I was then at Renton just helping whatever I could
12 do to help anybody -- get hold of people or whatever.

13 Q So your response activities were at Renton
14 then at that point of the night?

15 A Yeah. Yeah, I think I left I think by 1:30
16 or 2 o'clock in the morning. Things, they had moved
17 Frank and a bunch of them, Richard, a bunch of them had
18 taken a helicopter from Renton and gone up to
19 Bellingham.

20 And so more or less the response center moved
21 from Renton to Bellingham. And by 1:30 or 2 in the
22 morning, most everything had started being coordinated
23 out of Bellingham.

24 So I left there that evening, or morning by
25 then, and went home. Several others did. It pretty

1 much disbanded what was going on there.

2 MR. BESHORE: Does anybody else have any
3 further questions?

4 I'll just -- is there anything else that we
5 haven't asked you about that you feel like you can
6 share with us that might help us to do our job in
7 investigating what happened here?

8 MR. JUSTICE: You know, the one, and not
9 really, just something I'm curious about:

10 Why has there not been more focus on the
11 contractors that hit the line?

12 And I mean you don't have to answer it but
13 that's a question that I ask myself and I know other
14 people ask.

15 I mean evidence has it that EMCO hit the
16 line. And it seems odd that Olympic and us are
17 primarily under the microscope here. And, sometimes,
18 it don't seem fair, I guess.

19 MR. BESHORE: Okay.

20 MR. JUSTICE: Just a comment. Just a
21 thought.

22 MR. BESHORE: All right. Well, I'm sure that
23 will all be looked into.

24 MR. JUSTICE: I hope so.

25 MR. BESHORE: All right. Thank you.

1 MR. JUSTICE: You bet.

2 MR. BESHORE: We're off the record now.

3 (Interview concluded.)

4 MR. BESHORE: Just to go back on the record,
5 for the record, to enter an exhibit, Justice Exhibit A,
6 which is the Compulsion Order for David Justice to
7 appear.

8 (Whereupon, the above-
9 entitled document,
10 Exhibit J-A, was marked
11 for identification.)

12 MR. BESHORE: Having said that, then we'll go
13 back off the record.

14 (Whereupon, at 2:48 p.m., the Interview
15 concluded.)

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REPORTER'S CERTIFICATE

This is to certify that the attached proceedings before: NTSB

In the Matter of:

PIPELINE RUPTURE

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

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

Official Reporter

Dated: MARCH 13, 2001

EXECUTIVE COURT REPORTERS
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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 David Justice has been called to testify or provide other information in this matter;
2. That David Justice 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 David Justice may be necessary to the public interest; and
4. That this order has been issued with the approval of the Attorney General or his 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 David Justice 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, David Justice shall forever be immune from the use of such testimony or information or any information directly or indirectly derived from such testimony against him in any prosecution, penalty or forfeiture, either State or Federal or otherwise; but the witness shall not be exempt from prosecution for perjury, giving a false statement or contempt committed while giving testimony or producing evidence under this order.

Dated this 12th day of March, 2001.


Carol Carmody
Acting Chairman

JUSTICE EXHIBIT A