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1	IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON	
2	IN AND FOR THE COUNTY OF WHATCOM	
3	FRANK S. KING, as the Personal)	
4	Representative of the Estate )	
5	of WADE B. KING, and FRANK S. )	
6	KING and MARY L. KING, )	
7	individually, and TRACY K. )	
8	BELL, individually, and JASON )	
9	KING, individually, )	
10	)	
11	Plaintiffs, )	NO. 99-2-01467-3
12	)	
13	vs. )	(CONSOLIDATED)
14	)	
15	OLYMPIC PIPE LINE COMPANY, a )	
16	foreign corporation, EQUILON )	DEPOSITION UPON ORAL
17	PIPELINE COMPANY, LLC, a )	EXAMINATION
18	foreign corporation, EQUILON )	
19	ENTERPRISES, LLC, a foreign )	DOUGLAS BEU
20	corporation; and FRED )	VOLUME I
21	CROGNALE, FRANK HOPF, RON )	
22	BRENTSON and JOHN DOES, )	
23	)	Taken at
24	Defendants. )	
25	)	701 Fifth Avenue

\_\_\_\_\_) ) Seattle, Washington  
 ) \_\_\_\_\_  
 OLYMPIC PIPE LINE COMPANY, a )  
 foreign corporation, EQUILON )  
 PIPELINE COMPANY, LLC, a ) REPORTED BY: Katie McCoy,  
 foreign limited liability ) RPR, CSR  
 company; and EQUILON )  
 ENTERPRISES, LLC, a foreign ) DATE TAKEN: October 4, 2001  
 limited liability company, )  
 )  
 Third-Party Plaintiffs, )  
 )  
 v. )  
 )  
 IMCO GENERAL CONSTRUCTION CO., ) KATIE McCOY, RPR, CSR  
 A domestic corporation, and ) 10020-A Main Street  
 JOHN DOE DEFENDANTS ONE ) Suite 273  
 THROUGH FOUR, ) Bellevue, WA 98004  
 ) 206-622-6897  
 Third-Party Defendants. )  
 2

1 APPEARANCES:  
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KATIE McCOY, RPR, CSR

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17 Also Present: Bob Davis  
Frank Hopf  
18 Sally Carley  
Aaron Millspaw (Videographer)

19  
20  
21  
22  
23  
24  
25

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1 SEATTLE, WASHINGTON: THURSDAY, OCTOBER 4, 2001

2 9:14 A.M.

3 --ooOoo--

4 (Exhibit Nos. 399 and 400 were  
5 marked.)

6 MR. MILLSPAW: This is the deposition of  
7 Doug Beu on this 4th day of October, 2001. We are at  
8 701 Fifth Avenue, Suite 6100. My name is Aaron  
9 Millspaw, the videographer from ProVideo of Seattle.  
10 The case number is 99-2-01467-3 in the matter of Frank  
11 King, et al., vs. Olympic Pipe Line, in the Superior  
12 Court of the State of Washington in the county of  
13 Whatcom.

14 MR. BENINGER: Present on behalf of  
15 plaintiffs is David Beninger.

16 MR. TOLLEFSON: Val Tollefson for Olympic  
17 Pipe Line.

18 MS. HARING: Christina Haring for Richard  
19 Klasen.

20 MR. VERWOLF: Nick Verwolf for the Equilon  
21 entities.

22 MR. SCANLAN: Terry Scanlan for Earth Tech.

23 MS. CARLEY: Sally Carley for Ron Brentson.

24 MS. MOCK: Lisa Mock for Fred Crognale.

25 MR. FANDEL: Mike Fandel for Arco.

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1 MR. WOLFE: John Wolfe for Frank Hopf who is  
2 present.  
3 MR. PLATIS: Harry Platis for Tsiorvas.  
4 MR. MAHLER: Bob Mahler. I represent the  
5 witness, Mr. Beu.

6  
7 DOUGLAS BEU, witness herein, being first  
8 duly sworn on oath, was  
questioned and testified as  
9 follows:

10 EXAMINATION

11 BY MR. BENINGER:

12 Q Mr. Beu, would you please state your name and spell  
13 your last name for the record.

14 A Douglas Dean Beu. Last name is spelled B, as in boy,  
15 E-U.

16 Q Your current address is what?

17 A -----

18 Q Telephone contact there is what?

19 A -----

20 Q Who are you currently working for?

21 A Equilon Pipeline.

22 Q In what capacity?

23 A As a staff engineer.

24 Q When did you start with Equilon Pipeline Company as a  
25 staff engineer?

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1 A I think the effective date was May 15th of 2000.

2 Q Had you been employed by Equilon Pipeline before May  
3 15th, 2000?

4 A Yes.

5 Q When did you first start with Equilon Pipeline?

6 A When I was at Olympic up here and Equilon was formed.

7 Q Equilon, I think, came into existence in 1998, January  
8 of 1998. Is that your recollection as well?

9 A Things were a little fuzzy back then as far as all  
10 that. I didn't have to, I guess, concern myself a  
11 whole lot with it because I was really up here, and I  
12 think you may be right. That's when some of it  
13 started coming around, but I think the actual  
14 effective date seemed like it was April of '99, but I  
15 don't know for sure.

16 Q In fact, there may have been a switchover in employees  
17 that occurred a year after the company actually came  
18 into being and started running the operation. I don't  
19 know if that's important or not for us, so I'm going  
20 to move on to another question.

21 And the question is, in June, 1999, when the  
22 rupture and fire occurred in Whatcom County, who were  
23 you employed by then?

24 A I was employed by Equilon, I guess. Again, it's been  
25 a while. It was a little fuzzy back then as far as



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- 1 being Equilon Pipeline or Equilon Enterprises or  
2 whatever. I guess I'm not real sure.
- 3 Q In your mind were you able to distinguish between the  
4 two entities, Equilon Pipeline and Equilon  
5 Enterprises?
- 6 A I don't know what you mean by distinguish between  
7 them. I know they were two entities. I don't know  
8 that it mattered as far as my work effort went which  
9 one was which.
- 10 Q Do you know in June, 1999, as to which one you were  
11 actually employed by, Equilon Enterprises or Equilon  
12 Pipeline?
- 13 A No, I really don't.
- 14 Q I put together a -- I didn't put together. I marked  
15 as an exhibit Exhibit No. 400 that has been produced  
16 to us as a, looks in the lower right-hand corner, an  
17 organization chart of Equilon Pipeline Company as of  
18 May, 1999. Do you see that?
- 19 MR. VERWOLF: I think it says, as far as  
20 this chart, Olympic Pipe Line Company.
- 21 MR. BENINGER: Yes. What did I say?
- 22 MR. VERWOLF: You said Equilon.
- 23 Q I'm sorry. Olympic Pipe Line Company in the lower  
24 right-hand corner. Do you see that?
- 25 A Yes.

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- 1 Q And there's two different key codes that they use.  
2 One talks about Equilon employees and then the other  
3 key code is for those people who might be supervisors.  
4 Do you see that?  
5 A Yes.  
6 Q And yours is listed up near the upper left-hand corner  
7 as a supervisor key code and an Equilon employee key  
8 code; is that correct?  
9 A That's correct.  
10 Q Was that correct back in May and June, 1999, that you  
11 were a supervisor and an employee of Equilon, whether  
12 it's Equilon Enterprises or Equilon Pipeline Company?  
13 A That's correct.  
14 Q Does the organization chart of Olympic Pipe Line  
15 Company, does that look consistent with your  
16 recollections as to the organization chart in May,  
17 June, 1999?  
18 A It's one of them that was proposed, one of several.  
19 Never really functioned this way.  
20 Q How did it function then, at least for your  
21 capacities? You were an operations manager designee,  
22 correct?  
23 A Yes, that was my title, operations manager.  
24 Q How did the flow chart function for the operations  
25 manager position?

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1 A Richard Klasen never really reported to me.

2 Q Who did he report to?

3 A He reported to Craig Hammett.

4 Q Which is over on the technical engineering side,  
5 correct?

6 A Yes.

7 Q Other than the designee of Richard Klasen being in the  
8 loop between you as a supervisor and the different  
9 field operations coordinators, is there anything else  
10 that is different in practice as it was supposed to be  
11 set out as the hierarchy?

12 A Well, as far as I know, everything else is right.

13 Q I'm going to take a quick break and get ourselves some  
14 water and then I'm going to move into talking about  
15 your job and job duties and responsibilities.

16 MR. MILLSPAW: Going off the record, the  
17 time is approximately 9:20.

18 (Recess taken at 9:20 a.m.)

19 MR. MILLSPAW: Going back on the record.

20 The time is 9:24.

21 BY MR. BENINGER:

22 Q Before I get into a little bit about your background  
23 and things, I'd like to bring us to May, June, 1999,  
24 and tell us what Equilon, either the pipeline company  
25 or Equilon Enterprises, but Equilon entities' role was

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1 in Olympic Pipe Line.  
2 MR. VERWOLF: Objection, no foundation.  
3 A It was one of the owners of Olympic.  
4 Q Is that all?  
5 A As far as I was concerned, that was all.  
6 Q You were an employee of Equilon Pipeline or Equilon  
7 Enterprises, you're not certain which one, in May,  
8 June, '99, correct?  
9 A Right.  
10 Q What were you doing if Equilon was just simply an  
11 owner?  
12 A I was on loan from them to Olympic.  
13 Q You were on loan to do what?  
14 A I reported to Frank, to, I think, you know, provide  
15 some, I guess, guidance.  
16 Q You were on loan to provide guidance to whom?  
17 A To the employees that reported to me.  
18 Q And on the chart here all these people that are  
19 underneath you are employees that would report to you,  
20 correct?  
21 A Not directly, but yes.  
22 Q Either directly or indirectly, that whole pile of  
23 people that looks like the majority of the company are  
24 people that would have reported to you, Doug Beu,  
25 correct?

00012

- 1 MR. MAHLER: Beu.
- 2 A Correct.
- 3 Q And you, Doug Beu, were the employee of Equilon,  
4 either Enterprises or Pipeline Company, for which all  
5 these employees of Olympic would report to in May and  
6 June of 1999, correct?
- 7 A Yes.
- 8 Q And you were reporting to the person above you who was  
9 Frank Hopf; is that correct?
- 10 A That's correct.
- 11 Q And, again, Mr. Hopf was an employee of Equilon  
12 Enterprises or Equilon Pipeline Company, correct?
- 13 A Correct.
- 14 Q So, in essence, all of the employees listed on the  
15 flow chart, whether it was Olympic employees or  
16 Equilon employees, reported to an Equilon manager,  
17 Frank Hopf, correct?
- 18 A Correct.
- 19 MR. VERWOLF: Objection, argumentative.
- 20 Q Somebody brought up here that you may not have  
21 foundation to know what Equilon's role was in this,  
22 but you were employed by Equilon, correct?
- 23 A Yes.
- 24 Q And you reported to an Equilon supervisor, correct?
- 25 A Yes.

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- 1 Q And all the people that are in this flow chart below  
2 you right here -- in fact, I'll circle the whole thing  
3 on Exhibit No. 400 that I've circled in blue,  
4 everybody there except for Richard Klasen reported to  
5 you as the operations manager employed by Equilon in  
6 May, June, 1999, correct?  
7 A Yes.  
8 Q How long were you going to be on loan to this company,  
9 this Equilon Company, or, excuse me, on loan from  
10 Equilon to Olympic?  
11 A I had no termination date.  
12 Q So you were on loan indefinitely?  
13 A Until they found something else for me to do.  
14 Q And there had been no plans for them finding anything  
15 else for you to do up until June, 1999?  
16 A Apparently not. I was there.  
17 Q And how long had you been with Olympic Pipe Line?  
18 A I got there in, I think the end of January of '97.  
19 Q And that was before Equilon was formed?  
20 A Yes.  
21 Q So you couldn't have been loaned by Equilon to Olympic  
22 when you first started with Olympic, right? That  
23 couldn't have happened?  
24 A That's right, Olympic didn't -- I mean Equilon wasn't  
25 an entity at that time.

00014

- 1 Q When you first started with Olympic what was your  
2 position?
- 3 A I had the same position.
- 4 Q The same one, operations manager?
- 5 A Yes.
- 6 Q And all these same group of people, gosh, there must  
7 be 50, 60 some employees, all reported to you?
- 8 A No.
- 9 Q How many people reported to you when you first started  
10 with Olympic?
- 11 A I can't remember exactly.
- 12 Q The majority of those people?
- 13 A Probably the majority of them, yes.
- 14 Q Let me do it this way: When you first started with  
15 Olympic before Equilon even came into existence to  
16 loan anybody anywhere and you were the operations  
17 manager, which of that group of people that I circled  
18 did not report to you?
- 19 A The Control Center, Ron Brentson and those under his  
20 direct report, and there may be some new hires. I  
21 don't know that you're interested in that particular  
22 part, but there may be some people who hired during  
23 this period that didn't report to me when I first got  
24 there. Richard Klasen didn't.
- 25 Q So as we look at this list, the people that didn't

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1 report to you when you were first hired by Olympic and  
2 before Equilon ever came into existence was Richard  
3 Klasen and then the people underneath Ron Brentson  
4 under the Products Movement category people, correct?  
5 A Right, and also Dan Swatman didn't.  
6 Q And he's the IT specialist?  
7 A Right.  
8 Q Anyone else?  
9 A And Rick Kiene didn't, but he was a new hire and I  
10 covered that.  
11 Q Did the IT specialist, whoever it was before Dan  
12 Swatman, did they report to you or was that a new  
13 position?  
14 A I'm sorry, the new hire was Rick Kiene, not Dan  
15 Swatman. Dan Swatman was there when I got there, but  
16 he did not report to me.  
17 Q So Richard Klasen didn't report to you, the operations  
18 coordinator. Dan Swatman, the IT specialist, didn't  
19 report to you when you first started, and the people  
20 underneath Ron Brentson in the Products Movement  
21 category did not report to you when you first started,  
22 correct?  
23 A That's correct.  
24 Q When did these category of people, the controllers,  
25 the Products Movement people, the IT specialist and



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1 the quality assurance people, when did they begin to  
2 report to you?

3 A I believe it was about the time just before the  
4 incident, a month. I think it was sometime in May of  
5 '99.

6 Q Why was that change made?

7 A I requested that -- we were having some difficulties  
8 and I requested to Frank that Ron Brentson be put  
9 under me so we could get the field people and the  
10 Control Center people more in alignment, and the only  
11 way I would take Ron is if I had Richard.

12 Q I'm going to break it down. What difficulties were  
13 you having that you mentioned?

14 A The field people and the Control Center people were  
15 not seeing eye to eye on things, like the Control  
16 Center operators wanted the field operators to call  
17 them whenever they went to a facility and so they  
18 would know somebody was there. And then they would  
19 call them again whenever they left, which seemed  
20 reasonable to me, but the field operators didn't want  
21 to do that if they weren't going to effect a device at  
22 the Control Center that people would see, and I felt  
23 like it was not an unreasonable request. I wanted it  
24 to happen and I tried numerous times to see that it  
25 was happening and to enforce that, and it was kind of

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- 1 falling to deaf ears.
- 2 Q Who ears were being deafened?
- 3 A I couldn't tell you specifically, but some of the  
4 supervisors as well as the operators didn't agree with  
5 the practice.
- 6 Q You mean the supervisors such as Ron Brentson who was  
7 a supervisor --
- 8 A No, no, Dave Justice -- at the time it was Al White.  
9 Al White had the position that Don Gregor has in this  
10 chart.
- 11 Q So the people that you felt your requests were falling  
12 on deaf ears were the field operations people  
13 underneath Dave Justice, correct?
- 14 A Yes, and the ones under Don Gregor.
- 15 Q They were the various people that coordinated the  
16 north field operations and the south field operations?
- 17 A Yeah, and that wasn't necessarily everyone. If one  
18 doesn't, then --
- 19 Q It was enough that you felt you wanted to have a  
20 change?
- 21 A Yes.
- 22 Q And the change was to bring Ron Brentson and the  
23 controllers, product controllers, underneath your  
24 supervision?
- 25 A Right.

00018

- 1 Q Who did they report to before you?
- 2 A Ron Brentson reported to Frank.
- 3 Q And by Frank you mean who?
- 4 A Frank Hopf.
- 5 Q And so this organizational chart was Ron Brentson and  
6 the product control people reported directly to Frank  
7 Hopf, correct?
- 8 A Yes.
- 9 Q And when you made the changeover so that they began  
10 reporting directly to you, what additional training  
11 did you have to pursue, if any?
- 12 A Training for myself?
- 13 Q Yes.
- 14 A I didn't pursue any additional training for myself.
- 15 Q If you were going to be supervising the product  
16 controllers you needed to know their operations,  
17 correct?
- 18 A Ron Brentson supervised them.
- 19 Q But you supervised Ron Brentson and, therefore,  
20 indirectly all of the people underneath him, correct?
- 21 A Indirectly.
- 22 Q So did you have any knowledge as to what the  
23 controllers did or didn't do in their jobs?
- 24 A I had some knowledge of what they did.
- 25 Q How did you gather that knowledge?

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- 1 A Visiting with Ron Brentson and the controllers and  
2 visiting in the Control Center.
- 3 Q Did you ever operate?
- 4 A Oh, no.
- 5 Q So when you're talking visiting, you're just going to  
6 the Control Center looking around a little bit and  
7 chit-chatting?
- 8 A I wouldn't say chit-chatting. Watching them operate.
- 9 Q Did you actually get training from Ron Brentson as to  
10 what these people do or don't do?
- 11 A No, not training. We had discussions about what they  
12 did.
- 13 Q Were these passing discussions or did you actually sit  
14 there and go through some sort of an instruction as to  
15 what these people do or don't do and what's expected  
16 of them, what they're required to do, or was it just  
17 as you were having a cup of coffee and you were  
18 talking with --
- 19 A No, it wasn't that at all. We had discussions about  
20 some of the problems that were encountered and that  
21 sort of thing.
- 22 Q Were you talking about particular problems then when  
23 you had any discussions as to what the controllers do  
24 or were you actually trying to get educated as to what  
25 their job was or wasn't?

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- 1 A Well, you know, obviously I was trying to get educated  
2 but not educated to the point where I could operate  
3 the pipeline.
- 4 Q Did these discussions and this education you talked  
5 about into what the controllers do or don't do or  
6 should or shouldn't do, did that come before you  
7 decided to make the change that they came under your  
8 supervision or was it after that time?
- 9 A Would you repeat that?
- 10 Q Sure. I'm trying to get a time frame as to when you  
11 were trying to get educated as to what the operation  
12 controllers did, and did that come before they came  
13 under your supervision or after they came under your  
14 supervision?
- 15 A It was before. I had discussions before they came  
16 under my supervision. It was, I guess, not at that  
17 time my intent to try to get them under my  
18 supervision, you know, during this time, but I tried  
19 while I was at Olympic to learn as much about Olympic  
20 as I could.
- 21 Q And in '97 when you started with Olympic, what sort of  
22 training did you go through to get an understanding as  
23 to what happens there?
- 24 A None.
- 25 Q No training at all when you first started with

00021

1 Olympic?

2 A Well, I visited with the people that were under my  
3 jurisdiction. I had asked Frank when I first got  
4 there, I guess when I was headed there, if he had some  
5 sort of training program in mind so I could get up to  
6 speed, you know, at various locations, have them tell  
7 me what went on, and he thought that would be a good  
8 idea but it never happened.

9 Q When you say Frank, do you mean --

10 A Frank Hopf.

11 Q And at the time when you started in 1997, was Mr. Hopf  
12 the vice-president and general manager of the Olympic  
13 Pipe Line?

14 A I believe that was his title.

15 Q Do you know who he was employed by then?

16 A He was employed by Texaco Trading & Transportation,  
17 Inc.

18 Q And, obviously, he couldn't have been loaned by  
19 Equilon when you started in '97 because Equilon wasn't  
20 in existence, correct?

21 A That's correct.

22 Q Do you know how long he had been at Olympic Pipe Line  
23 before you got there in '97?

24 A Not exactly. I think, I believe he came in '89, but  
25 I'm not real sure.

00022

1 Q Do you know how long he was intended to just be loaned  
2 to Olympic Pipe Line?  
3 A No, I don't.  
4 Q And by the time you left in 2000, was there any  
5 indication that his loan time was coming to an end or  
6 he was leaving as well?  
7 A He actually left before I did.  
8 Q And where did he go?  
9 A He went to Houston.  
10 Q Is he in the same company you are now?  
11 MR. VERWOLF: Objection, no foundation.  
12 A I don't know whether he's working for Equilon Pipeline  
13 or Equilon Enterprises, so I don't know that.  
14 Q Is he working for one of those two companies, as you  
15 understand?  
16 MR. VERWOLF: Objection, no foundation.  
17 A Somewhere within the Equilon umbrella.  
18 Q How do you know that?  
19 A How do I know that?  
20 Q Yes, sir.  
21 A He's -- let's see, how do I know that. He works in  
22 the Luminon project that's part of Equilon.  
23 Q How do you know that? I mean these fellows say you  
24 don't know what the heck you're talking about, you got  
25 no foundation. How do you know?

00023

1 A I've never seen his check to see, you know, that's  
2 what it is, but that's what I've been told.  
3 Q You've been told that by other people that work in  
4 your same company that both you all work for?  
5 A I believe that's correct.  
6 Q And you don't have to report to him anymore though, do  
7 you?  
8 A That's correct.  
9 Q Who do you report to now?  
10 A I report to John Niemeyer.  
11 Q And he's down in League, Texas?  
12 A Houston. I live in League City.  
13 Q I'm not from there. How far is League City from  
14 Houston?  
15 A About 45 minute bus ride, whatever that is. 60 miles  
16 an hour.  
17 Q Do you know how many other -- let me back up. When  
18 Equilon took over or came into existence, how was it  
19 that you became an Equilon employee? And I'm going to  
20 use Equilon as either the Pipeline or Enterprises  
21 because you weren't certain which one or both of them  
22 you were working for, correct?  
23 A Yeah, I guess I'm not sure now. I may have been  
24 certain then but memory fades, I think, with age and  
25 time. How did I come to work for them?



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1 Q Let me do it this way: In '97 you were employed  
2 directly by Olympic Pipe Line; is that right?  
3 A No, I was Texaco Trading & Transportation, Inc.  
4 Q And you were then working for Olympic Pipe Line in  
5 that capacity as an employee?  
6 A I was loaned to Olympic working for Frank.  
7 Q When did you first hear this word "loaned"?  
8 A I can't tell you when I first heard it, but I think I  
9 was in discussions with another employee down there  
10 and he told me that's the way it was, so --  
11 Q At the time though had you been told you were just on  
12 loan?  
13 A No, I wasn't told that.  
14 Q You were told you were employed by either Texaco or  
15 Equilon but you were working for Olympic Pipe Line,  
16 correct?  
17 A Yes.  
18 Q And when Equilon came into existence, how was it that  
19 you started to get paid by Equilon, one of the Equilon  
20 companies?  
21 A Let me see if I understand your question. I was a  
22 Texaco Trading & Transportation employee and Texaco  
23 and Shell downstream merged to form Equilon, and  
24 people would bid on the various jobs and Frank told me  
25 that if I wanted to stay there, I would continue in my

00025

1 present capacity.  
2 Q What did you have to do?  
3 A Nothing. What do you mean what did I have to do?  
4 Q What did you have to do to continue in your present  
5 capacity and get paid from Equilon instead of TTTI?  
6 A I don't know that I had to do anything different.  
7 Q And basically from your perspective, you just  
8 continued on doing what you were doing which was  
9 serving as the operations manager for Olympic Pipe  
10 Line with all these various people we've talked about  
11 under your supervision, correct?  
12 A Correct.  
13 Q And when you started to get paid from Equilon, they  
14 didn't, like, pull you off the job and then say now  
15 we're going to loan you back to the job or anything  
16 like that, did they?  
17 A No.  
18 Q They never told you that you were going to be some  
19 loaned employee rather than just a regular operations  
20 manager, right?  
21 A They never said that.  
22 Q But in your capacity as an employee of Equilon you  
23 continued to manage the employees in the various  
24 operations, including product movement and field  
25 operations, north, south and central, and the

00026

1 mechanical and electrical operations for the company,  
2 right?  
3 A Yes, they fell under me.  
4 Q And later on before the June, 1999, rupture and  
5 explosion, you also took on the management of the  
6 quality assurance, the IT specialist and the  
7 measurement coordinator, correct?  
8 A The measurement coordinator had always reported to me.  
9 The job that Rick Kiene has was created when we hired  
10 him.  
11 Q I thought you said he replaced somebody?  
12 A No, he didn't replace somebody. He was a new hire is  
13 what I said.  
14 Q Sorry about that. New hire in a new position?  
15 A Yes.  
16 Q So all the various people reported to you and you, in  
17 essence, managed them in the operations of Olympic  
18 Pipe Line on behalf of Equilon Enterprises or Equilon  
19 Pipeline, correct?  
20 A Well, I feel like, yeah, in order to maintain the  
21 operations of Olympic.  
22 Q Do you know why you were employed by somebody  
23 different than the Olympic Pipe Line itself?  
24 A No.  
25 Q Did it seem strange to you that here you are in charge

00027

1 of the operations and the operations manager for all  
2 these various departments and the majority of the  
3 company; yet, you weren't an employee of that company?  
4 A Yes, it did seem strange.  
5 Q Did you ask anyone about that?  
6 A Yes. That's where I learned about the loaned  
7 employee.  
8 Q And was that before or after the rupture and fire?  
9 A Before.  
10 Q Who told you about the loaned employee stuff?  
11 A I believe I was talking to Brian Connolly.  
12 Q And he was a Business Planning & Development person  
13 who was actually employed by Olympic by this chart?  
14 A Well, it's faded out but if you look at it, you can  
15 see that it's shaded.  
16 Q So he might have been an Equilon person as well?  
17 A That's correct.  
18 Q How many on the chart here, how many of the people  
19 that you understood were employed by Equilon and  
20 managing Olympic Pipe Line?  
21 MR. VERWOLF: Objection, compound.  
22 A Well, it shows to be five.  
23 Q And that would be, the names, please?  
24 A Craig Hammett, Dan Yount, Doug Beu, Brian Connolly and  
25 Frank Hopf.

00028

- 1 Q And all the Equilon employees were in the management  
2 positions; is that right?
- 3 A Brian Connolly was not. He had nobody reporting to  
4 him.
- 5 Q He sort of managed his own department?
- 6 A I don't know that I agree to that, but I guess, you  
7 know, he -- I'm not sure exactly what he did, to be  
8 honest with you. I know he handled some of the, I  
9 think, accounting functions or business -- I don't  
10 know exactly what he did.
- 11 Q What was your job as operations manager? What did  
12 that mean that you did? And let's do it before you  
13 took on the supervision of the Products Movement and  
14 the IT.
- 15 A Initially, I just tried to figure out what was going  
16 on and so I dealt with the three supervisors that  
17 reported to me, Dave Justice, Jim Cargo and Al White  
18 at that time.
- 19 Q And Al was there in place of Don Gregor?
- 20 A Yes, he handled the south operations.
- 21 Q Did you have a job description or anything?
- 22 A I've never seen it.
- 23 Q What were you told you were supposed to be managing as  
24 the operations manager?
- 25 A I don't know that anybody really told me. You know,

00029

1           here's, you know --  
2    Q       Here's some 50 some employees, go to it?  
3    A       Something like that.  
4    Q       Did that seem unusual to you?  
5    A       Not really. It seemed to happen quite a bit.  
6    Q       With this company?  
7    A       No, in my career.  
8    Q       And I'm going to cover your career in a second here,  
9            but so did you have to kind of develop your own job  
10           description then as to what you were supposed to be  
11           doing as an operations manager?  
12   A       I suppose that's right, probably in my head. I don't  
13           know whether I wrote anything down.  
14   Q       Let me go a little slower, if I could. In '97 when  
15           you started, what were you told was expected of you as  
16           an operations manager?  
17   A       I don't recall any discussion that lent itself to  
18           that.  
19   Q       Were you just given a title and free rein to go do  
20           what you saw fit?  
21   A       Well, you know, I guess basically, probably. Not  
22           necessarily free rein, but, you know, try to figure  
23           out what the company's all about. There's a lot of  
24           manuals to read and that sort of thing, so obviously  
25           when you first get a new job, you're pretty busy.

00030

1 Q I understand that with these manuals that they had --  
2 we may talk about that a little later -- there was no  
3 training program for you to be able to go through the  
4 manuals with a trainer of any kind; is that right?  
5 MR. VERWOLF: Objection, argumentative.  
6 A That's correct.  
7 Q I didn't mean to be arguing with you on that. I think  
8 we both agree that there was no training program in  
9 place for you as the operations manager to get  
10 training on all the various manuals from this company,  
11 right?  
12 A That's correct.  
13 Q And we probably both agree that when you first started  
14 there was no training program even to drive you around  
15 and let you know physically where the pipeline runs  
16 and where the different parts of it are, right?  
17 MR. VERWOLF: Objection, argumentative.  
18 A Well, I went with the supervisors and went around up  
19 and down the line, learned about the various stations  
20 and pipeline route, that sort of thing.  
21 Q You had to do that on your own, right?  
22 A Yes.  
23 Q Because there was no training program in place by the  
24 Equilon people or the people that Equilon took over,  
25 this Texaco company, to train even someone as high up

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1 as you, the operations manager, on what's going on  
2 with this company; is that right?  
3 A That's correct.  
4 Q They did have some manuals and things, right?  
5 A Yes.  
6 Q But those were just kind of laying around and people  
7 were just expected to pick them up and learn them as  
8 they go?  
9 A I don't know whether I would say they're just laying  
10 around. There was bookcases in my office with  
11 manuals.  
12 Q So manuals were stuck in a bookcase in an office and  
13 you were just expected to pull them out sometime and  
14 learn and read them and figure out what they were,  
15 right?  
16 A I suppose. I don't know that that was the  
17 expectation. I felt like that was the prudent thing  
18 to do.  
19 Q You didn't even know if the company expected you to  
20 pull the manuals down from whatever shelf they were on  
21 and learn them, right?  
22 A Yeah, I had to get them myself.  
23 Q And there was no test that was given to you as to  
24 whether you learned anything from the manuals or not?  
25 A That's correct.



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- 1 Q There were no instructors that were there to either go  
2 and ask questions as to what this all means in one  
3 central place, nothing like that?
- 4 A That's correct.
- 5 Q No coordination as to the various manuals so that you  
6 knew how one fit together with the other one. It's  
7 just something you had to figure out on your own?
- 8 A It wasn't that hard to figure out.
- 9 Q For someone like you it wasn't that hard to figure out  
10 that was industrious and bright, correct?
- 11 A I don't know. I guess I don't know about someone like  
12 me, but it wasn't that difficult for me.
- 13 Q Everyone that you've come across that you're managing  
14 here, and we've taken a number of depositions, frankly  
15 aren't as industrious and bright as you are, correct?
- 16 MR. VERWOLF: Objection, argumentative.
- 17 A I really can't say because I wasn't here at the  
18 depositions and I don't know -- there were a lot of  
19 bright people that worked for Olympic and, you know, I  
20 don't know that I can agree or disagree with what you  
21 said.
- 22 Q As to how easily they would be able to just pull down  
23 a manual from a shelf in some office and learn what  
24 their jobs were, you actually never had the  
25 opportunity to walk through the manuals and try to

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1 train any of this whole group of employees, did you?  
2 A No, I didn't.  
3 Q And you never had the opportunity to give a test on  
4 the manuals and what they were supposed to do and not  
5 do for the job for any of this group of 50, 60  
6 employees, were you?  
7 A I did -- we developed -- were working on a manual and  
8 I did test some of them.  
9 Q You were working on a manual?  
10 A Yes.  
11 Q So you didn't actually have a manual that was done by  
12 the time the fire and rupture occurred?  
13 A We had pieces of it but not the whole thing. That  
14 was -- but I guess you're saying I never tested any of  
15 them and I couldn't agree with that because I did test  
16 some of them on parts that we had completed.  
17 Q You tested some people on some parts of a manual that  
18 was never fully completed, right?  
19 A Yes.  
20 Q And who did you test on some parts of a manual that  
21 was never completed?  
22 A The parts we tested on were completed.  
23 Q Okay.  
24 A But generally it was new hires that we would hire and  
25 we needed to do certain things within the first four

00034

1 months that they were working for us to see whether or  
2 not they were understanding the job and the safety  
3 requirements and the math and that sort of thing.

4 Q The older hires, the people that had been there before  
5 '97 or so, did you ever test them as to what their  
6 level of knowledge was or experience was or safety  
7 awareness was?

8 A No.

9 Q Do you think that would be a prudent thing to do, to  
10 figure out, these people that you essentially had  
11 inherited as the operations manager, to figure out how  
12 strong or weak the weakest link in that employee chain  
13 might be?

14 A No, I don't think -- and I assume you're talking about  
15 a written test. I think you can talk to people and  
16 find out a lot of information. I don't know that I  
17 would consider that a test, but -- I don't know that  
18 there's any of these people that I hadn't talked to to  
19 see, I guess, my own self what kind of employee they  
20 were.

21 Q When I use the phrase an employee chain is only as  
22 strong as the weakest link, what does that mean to  
23 you?

24 A Nothing.

25 Q Doesn't conjure up any sort of --

00035

- 1 A I understand a chain is only as strong as the weakest  
2 link, but I don't know about an employee chain because  
3 in an employee chain there are others that can take  
4 over and perform some of the duties that the others  
5 didn't. I mean they can. I don't know that that  
6 happened necessarily.
- 7 Q So in order for that to work though, you have to have  
8 built in redundancies that one employee, if they  
9 failed, that the other people there would be there  
10 filling in, taking over to make sure that it wasn't  
11 catastrophic, correct?
- 12 A They'd have to understand a person's job, right.
- 13 Q Did you have a manual or procedure on that to make  
14 sure you had these people with built in redundancies  
15 so the weakest link wasn't going to be fatal?
- 16 A I don't think there were any written procedures on  
17 that.
- 18 Q Did you have, let's say, simulated emergencies to be  
19 able to test people to see how they'd perform?
- 20 A Yes.
- 21 Q You did do that?
- 22 A Yes.
- 23 Q How often would you have done those?
- 24 A I really don't remember. It seemed like there may  
25 have been two or three a year.

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1 MR. WOLFE: I'm sorry, what was that answer?  
2 THE WITNESS: Seemed like two or three a  
3 year.  
4 Q And were these done by Olympic or were they done by  
5 the DOE?  
6 A I think -- well, they were done by Olympic but they  
7 were done in coordination with Department of Ecology.  
8 Q So these were the Department of Ecology requirements  
9 on sort of testing and training; is that right?  
10 A Correct.  
11 Q I'm trying to think of anything that Olympic had  
12 separate to be able to train or develop people's  
13 skills in an emergency so that the weakest link isn't  
14 fatal. Did Olympic have anything like that?  
15 A I guess I don't understand -- to me, the part that I  
16 just talked about was what Olympic did. You know, we  
17 participated in the drills.  
18 Q By the Department of Ecology?  
19 A Yes. They didn't -- the Department of Ecology really  
20 didn't -- well, participate kind of as an overseer but  
21 Olympic was the one that did it.  
22 Q Because they were required to do it by the DOE, right?  
23 A Right.  
24 Q So is it true that Olympic only did the minimum amount  
25 of simulation and training that was required by the

00037

1 DOE?

2 A I guess I don't know exactly how to answer that.  
3 There's other, there was other training that went on  
4 that wasn't required by the DOE. I don't know about  
5 emergency training. I think that might be what you're  
6 talking about, but I guess if there was, I probably  
7 wasn't aware of it, but there may have been.

8 Q And if you weren't aware of it as the operations  
9 manager in charge of all this, do you think anyone  
10 else would be more aware of it and they just wouldn't  
11 have reported it to you? Kept a secret from you for  
12 some reason?

13 MR. VERWOLF: Objection, argumentative.

14 A I don't know. There was other stuff that went on. I  
15 think engineering did a lot as far as coordinating  
16 emergency drills.

17 Q Did the emergency training that you did with the DOE,  
18 did that actually help train controllers, operations  
19 controllers as to how to spot a potential emergency or  
20 abnormal condition and what to do, how to react to it?

21 A I guess at the time we did those they didn't report to  
22 me, but I believe that they were a part of the drill  
23 and they knew what was going on with the drills, so I  
24 think, yeah, it probably would have helped them.

25 Q These drills, how long did they last for?

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- 1 A Various times. All day, half a day.
- 2 Q Not more than a day, right?
- 3 A I believe that's right. I can't think of one that
- 4 lasted more than a day, other than in preparation and
- 5 probably critique afterwards. That would have been
- 6 more than a day.
- 7 Q Would you do the critique?
- 8 A No, the Department of Ecology did the critique.
- 9 Q So other than the, was it a seminar that DOE would put
- 10 on? Essentially wasn't that what it was? It was a
- 11 seminar they put on every year?
- 12 A I wouldn't have called it a seminar.
- 13 Q What did you call it?
- 14 A A drill.
- 15 Q Where would the drill take place?
- 16 A Took place varying places. There was no set place for
- 17 it. We had one at Arco's Cherry Point Refinery, their
- 18 emergency room up there, and we had one, I think up on
- 19 Lake Sammamish, a deployment drill.
- 20 Q Deployment drill, was that for a spill response?
- 21 A Right.
- 22 Q Was the emphasis on most of this DOE training on spill
- 23 response response to a problem?
- 24 A Yes.
- 25 Q How much training though was there then? And where

00039

1 were you getting the training, is a better question  
2 for me first. Where were you getting the training of  
3 what to do to prevent a spill?  
4 A Well, we had a trainer come out of the Department of  
5 Transportation put on a day long training class on the  
6 DOE 195 rules, and those were designed to prevent  
7 releases.  
8 Q How often was this done, a DOT trainer coming out and  
9 training on Federal 195 rules to prevent releases?  
10 A It happened one time while I was there.  
11 Q And you were there for how many years?  
12 A Three.  
13 Q And did the DOT person that came out, was that before  
14 or after the rupture and fire in June, 1999?  
15 A Before.  
16 Q How long before?  
17 A I don't know. A year, year and a half, I guess. That  
18 would be a guess.  
19 Q And they were there for a day?  
20 A I believe it was an all day affair.  
21 Q Did the DOT test the Olympic employees as to their  
22 knowledge of the Federal 195 rules?  
23 A I don't believe there was a test included in that.  
24 Q Did the Olympic folks test the employees as to their  
25 understanding of the one day training they got from



00040

1 the DOT on the Federal 195 rules?

2 A I recall no test.

3 Q Was there ever a test given by the Olympic folks to  
4 the employees on the Federal 195 rules on spill  
5 prevention?

6 A I believe so. I believe there was a computer training  
7 that had 195 rules associated that we used up until, I  
8 guess, just before Equilon was formed. They were  
9 available out of the Denver office, computer assisted  
10 training. That's not the name of it but, anyway, it  
11 had 195 rules on it. It was just about 195 rules, and  
12 there was tests involved in that.

13 Q Was that for all the employees to take?

14 A Yes.

15 Q And did they all --

16 A Yeah, all had to do with operations.

17 Q Did all the operators have to take this test or was it  
18 something they could decide to do or not do as they,  
19 sort of like with the manuals, they just sort of take  
20 it off the shelf at some point in time?

21 MR. VERWOLF: Objection, argumentative and  
22 compound.

23 MS. HARING: Objection, compound.

24 A I never saw the results so I guess I can't answer you  
25 whether every one of them had taken that.

00041

- 1 Q And the problem is, when these tests were done a year,  
2 year and a half before the rupture and fire, you  
3 weren't supervising that operation and control  
4 department, correct?
- 5 A That's right.
- 6 Q And that's why you wouldn't have seen the results and  
7 you wouldn't have known how competent or incompetent  
8 the controllers may or may not be on spill prevention?
- 9 A Probably right.
- 10 Q Do you recall during the three some years that you  
11 were there with Olympic any time when Olympic put the  
12 employees through an actual simulated emergency or  
13 abnormal condition that might lead to a spill to see  
14 how they would react and respond to that?
- 15 A No, I think in the context that you're talking about.  
16 We simulated a spill one time by taking fluid out and  
17 putting it in a vac truck, more to test for leak  
18 detection system rather than to see how the employees  
19 would react.
- 20 Q When was this where you did a test to see -- you were  
21 trying to see if you took fluid out of the line as to  
22 how the leak detection system would work?
- 23 A Right.
- 24 Q And how did the leak detection system work?
- 25 A Everybody seemed to be pleased with it. Seemed to be

00042

1           able to detect a very small leak in pretty short  
2           order.  
3    Q       When you say small leak, how much fluid did you take  
4           out of the line?  
5    A       I don't remember, but it wasn't much, but I don't  
6           remember the figure. Obviously, a vac truck didn't  
7           hold that much and it was well before it was full.  
8    Q       How much does a vac truck hold?  
9    A       I don't know exactly.  
10   Q       And is it as big as these tanker trucks that carry  
11           fuel up and down I-5?  
12   A       It's not that big.  
13   Q       Where was this done?  
14   A       Down south somewhere. I don't recall the exact  
15           location.  
16   Q       In the leak detection system, what were the parameters  
17           of sensitivity as to how much loss of fluid it could  
18           or couldn't detect before it would sound an alarm?  
19   A       I don't know.  
20   Q       Do you know if it was not very sensitive for things  
21           below five percent loss?  
22   A       I think it was, if memory serves, there was somewhere  
23           close to like a one percent, but I don't really recall  
24           but that number seems to stick in my mind.  
25   Q       Do you know if the system was set up so that it may be

00043

1 not able to detect leaks up to five percent, up to one  
2 percent, up to any percentage? Did you know when you  
3 were the operations manager as to how sensitive that  
4 leak detection system was?

5 A No.

6 Q And as a result you probably didn't train anybody as  
7 to the fact that the leak detection system may not  
8 operate for leaks that may be below a certain amount,  
9 correct?

10 A Well, I didn't train anybody on the leak detection  
11 system.

12 Q And you're not aware of any training on the leak  
13 detection system that was done so that operators would  
14 know that you might have a leak of up to one or five  
15 percent of the fuel passing through the line and the  
16 leak detection system wouldn't pick it up?

17 A I'm not aware of any training that talked about that.

18 Q And before you left had you started the process to put  
19 together a manual or some training program for the  
20 operators so that they knew what the parameters of  
21 sensitivity were of the leak detection system, or  
22 other sort of measuring and safety devices were?

23 MR. VERWOLF: Objection, ambiguous. Who is  
24 referred to as operators?

25 A No, I wasn't involved in putting a manual together on

00044

1 that.

2 Q When we talked about operators, did you understand I  
3 was talking about the controllers, the product  
4 movement operators, the people that are responsible  
5 for insuring that the naptha or the diesel or whatever  
6 other flammable fuels could be in the line that's  
7 going to be traveling down, that those people  
8 understood what the equipment parameters were as to  
9 whether they could detect a leak or not detect a leak  
10 just by the instruments and leak devices?

11 MR. TOLLEFSON: Objection, compound.

12 MR. VERWOLF: Compound, argumentative.

13 A No, I didn't understand that's who you were talking  
14 about, but I knew it to be all of them, including  
15 them.

16 Q When you said no, there was no training or manuals put  
17 together for the operators to understand the leak  
18 detection sensitivities and how much fluid could be  
19 leaking out and they'd never get it, there was nothing  
20 for either the product operators or the field  
21 operators or the supervisor of those people that you  
22 were aware of by the time you left?

23 MR. VERWOLF: Objection, compound, misstates  
24 his testimony.

25 A There was nothing that I worked on or was aware of

00045

1 that talked about that.

2 Q This computer training, was that something that could  
3 be done on site here in Renton or someplace in the  
4 state of Washington or did any of the employees that  
5 wanted to get the computer training have to go off  
6 site to some other state?

7 A Which computer training? Are you talking about the  
8 DOT training I was talking about?

9 Q Yes, sir, the 195 site.

10 A Yes, that was on diskette that could be moved  
11 anywhere.

12 Q Did you have the diskette here in the state of  
13 Washington?

14 A I didn't, no.

15 Q Did somebody at Olympic?

16 A It was my understanding they did.

17 Q During the time that you were the operations manager  
18 for the supervision of products movement, did you know  
19 where this diskette was?

20 A No.

21 Q Did you ever run the program yourself?

22 A Yes, but not in, not in the state of Washington.

23 Q Where did you do it and when did you do it?

24 A I did it in Hobbs, New Mexico, and San Angelo, Texas,  
25 and Houston, Texas.

00046

- 1 Q Before or after the rupture and fire?  
2 A Before.  
3 Q Did you take the test yourself?  
4 A Yes.  
5 Q How did you do?  
6 A I passed it.  
7 Q Did they have a grading system or was it just  
8 pass/fail?  
9 A No, there was a grading system on it that you had to  
10 get, I think, above a certain grade. I think it was  
11 above a 90 to pass. Since then all they worry about  
12 is pass/fail but, yeah, there was a grading system on  
13 it.  
14 Q Were you able to pass it the first time?  
15 A Yes.  
16 Q And was there a booklet or anything or was it just a  
17 program that you worked through?  
18 A It was just a program.  
19 Q And did you bring yourself, bring the program back to  
20 Washington so you could have it available for the  
21 people under your command?  
22 A No.  
23 Q Why not?  
24 A I didn't know I needed to.  
25 Q By need, you mean the federals required it or not but

00047

1           how about for safety practices? Didn't you think it  
2           would be a nice safety procedure to have to be able to  
3           bring it back and train all the people on what the  
4           rules and requirements are for their job?  
5    A       Well, it was developed for TTTI out of Denver. I  
6           guess distributed to all the, you know, all the  
7           offices under their jurisdiction, if you will. I  
8           don't know if it's jurisdiction, but, anyway, all the  
9           field offices, and so I assumed everybody had it  
10          because everywhere I had been they had it.  
11   Q       You'd never seen it up in the state of Washington,  
12          right?  
13   A       No.  
14   Q       Three some years that you were the operations manager,  
15          you never saw this program anywhere in the state of  
16          Washington, right?  
17   A       That's right.  
18   Q       And you didn't know if anyone had it or didn't have it  
19          here, correct?  
20   A       That's right.  
21   Q       You didn't know if anyone had ever used it or not used  
22          it here?  
23   A       Well, I think I heard references made to it from  
24          people here, but, no, I don't know.  
25   Q       You didn't know if anyone ever took it and passed or



00048

- 1 failed it here, right?
- 2 A That's right.
- 3 Q And that continued all the way up for the three some
- 4 years that you were the operations manager, both
- 5 before and after the rupture and fire, correct?
- 6 A That's correct.
- 7 Q And again, the Federal 195 rules that are part of this
- 8 training, computer training program, helped to train
- 9 and ensure spill prevention, correct?
- 10 A Right.
- 11 Q And most of the training that you all got from the DOE
- 12 every year was on how to respond to spill, reaction
- 13 after a spill has occurred, what are we going to do
- 14 with it, cleanup and things, correct?
- 15 A Right.
- 16 Q Now, earlier you said that when you were going to take
- 17 the operations, the controllers, the product movement
- 18 controllers, underneath your supervision, you wouldn't
- 19 do it without Richard Klasen?
- 20 A Right.
- 21 Q Why?
- 22 A People at Olympic seemed to respond to the things he
- 23 said. I had people ignore me when I'd give
- 24 instructions.
- 25 Q Let me see if I get this right. You were essentially,

00049

1 as far as the operation goes, you were the second in  
2 command, right?

3 A That's right.

4 Q And if I'm understanding, as the second in command,  
5 you were essentially the right-hand person for Frank  
6 Hopf, the general manager, correct?

7 MR. VERWOLF: Objection, argumentative.

8 A Right.

9 Q And even though you were the second in command and the  
10 person in charge pretty much day-to-day of operations,  
11 yet the people underneath you had a tendency to ignore  
12 you?

13 A Yes.

14 Q Why?

15 A I'd like to know the answer to that myself, but  
16 essentially they'd been doing this for, at this  
17 location for years and they had no need for me,  
18 apparently.

19 Q Which might explain why they didn't train you very  
20 much either?

21 MR. VERWOLF: Objection, argumentative.

22 MR. WOLFE: Objection, argumentative.

23 A Could be.

24 MR. WOLFE: Could we take a break for about  
25 five minutes?

00050

1 Q Did you many times feel you were just kind of a  
2 figurehead there, given a title of operations manager  
3 but kind of overlooked?  
4 A Yes.  
5 Q How did that make you feel?  
6 A Pretty bad.  
7 Q Did it raise some concerns for you as to what you were  
8 really doing there or who is really in control in this  
9 thing?  
10 A Sure.  
11 Q Did you report that to anyone?  
12 A Sure.  
13 Q Who?  
14 A I talked, reported it to Frank Hopf.  
15 Q What were you told?  
16 A I don't know that I was told anything.  
17 Q By the time that you were able to leave were you glad  
18 to leave the company and things here?  
19 A Yes.  
20 Q Why?  
21 A I was hoping for something better.  
22 Q By better, do you mean better pay or something with a  
23 little more respect and a little safer?  
24 MR. VERWOLF: Objection, compound,  
25 argumentative.

00051

1 A I don't know that safer was the issue. I think  
2 something that would make me feel useful.  
3 MR. BENINGER: We'll take a little break  
4 right now and go off the record.  
5 MR. MILLSPA W: Going off the record. The  
6 time is 10:19.  
7 (Exit Mr. Scanlan.)  
8 (Recess taken at 10:19 a.m.)  
9 MR. MILLSPA W: Back on the record. The time  
10 is 10:35.  
11 BY MR. BENINGER:  
12 Q We left off with some discussions on your role,  
13 position, and I'd like to talk a little bit more about  
14 why you felt it was important to have Richard Klasen  
15 that would be in the loop if you were to take over the  
16 supervision of the controllers under Ron Brentson.  
17 A Okay, well, he was well respected.  
18 MR. TOLLEFSON: I'm going to object to --  
19 there's not a question pending at this point. You  
20 indicated you wanted to talk about that.  
21 Q I think you and I understood each other, but could you  
22 tell me a little bit why you felt Richard Klasen was  
23 essential to have in the loop if you were to take over  
24 Ron Brentson and the controllers?  
25 A Richard, I guess, was well respected throughout

00052

- 1 Olympic and I guess he had worked at quite a few of  
2 the jobs. I don't know, not every one, but he worked  
3 quite a few and he understood the operation very well  
4 and people couldn't pull the wool over his eyes as  
5 easily as they could mine, I felt. So that's  
6 primarily why I wanted him, because, I guess, I had a  
7 lot of respect for Richard and I knew he wouldn't lie  
8 to me or trick me or whatever. I felt like he would  
9 be a good person to have as a right-hand man.
- 10 Q Did you feel like you had been lied to or tricked or  
11 deceived a little bit by some of the other people who  
12 were underneath you, whether they were supervisors or  
13 employees?
- 14 A I can't think of a particular instance, but, yeah,  
15 there were some things that I felt like that I  
16 couldn't rely on somebody being forthright and honest  
17 with me in all the instances.
- 18 Q You must have had some concerns with Ron Brentson or  
19 the people underneath him if you felt that it was  
20 essential to have Richard Klasen if you felt you were  
21 going to have to start supervising them; is that  
22 right?
- 23 A Yes.
- 24 Q Tell me about those concerns.
- 25 A Well, since I didn't understand their jobs

00053

1 specifically, I needed somebody that did that would be  
2 honest with me and explain things, how things really  
3 were, and get things done, and not only a help from  
4 the Control Center part, but also from operations.  
5 Q And --  
6 A Field operations.  
7 Q Did you feel Richard Klasen would be the person that  
8 would be able to fit that bill?  
9 A Yes.  
10 Q You were given the title of operations manager. In  
11 reality, did Richard Klasen do a lot of management  
12 type work?  
13 A No, I didn't feel that way.  
14 Q He was listed down as the operations coordinator.  
15 A He never actually filled that role.  
16 Q What role was he filling? Aside from what his titles  
17 were, what role was he filling?  
18 A He was actually working for Craig Hammett as an  
19 engineering assistant, and this was drawn up to show  
20 him over there. He never actually moved into this  
21 role working for me.  
22 Q If he was an engineering assistant, why would he have  
23 so much knowledge of the different parts of the  
24 company and respect in the company?  
25 A I think I said that he had, he had worked in several

00054

1 different jobs within Olympic.  
2 Q Let me ask a little bit about your background. Tell  
3 me about your schooling, if you would, please.  
4 A I've got a Bachelor of Science in electrical  
5 engineering from Texas A & I University.  
6 Q What year?  
7 A 1976.  
8 Q Other than yourself, were there any other people with  
9 engineering degrees that were working for Olympic?  
10 A Yes.  
11 Q Who else?  
12 A Craig Hammett, Frank Hopf.  
13 Q Anyone else?  
14 A I think that's it, as far as I know. Rose Ann Martir,  
15 M-A-R-T-I-R.  
16 Q Anyone else besides the four of you, yourself, Craig  
17 Hammett, Frank Hopf and Rose Ann Martir?  
18 A Not on this list. There were others, I guess, that  
19 preceded here. When I came there there was another  
20 engineer. I can't think of his name off the top of my  
21 head, but on this list that's it.  
22 Q On the operations side were you the only engineer?  
23 A Yes.  
24 Q Frank Hopf, tell me what sort of involvement he would  
25 have on any of the day-to-day operations.

00055

- 1 A I, I don't know. I can't really think back, what you  
2 mean by day-to-day operations. There wasn't any  
3 day-to-day operations involvement.
- 4 Q Was he there on site in the Control Center? What was  
5 his role?
- 6 A He had an office in Renton and he would be there  
7 sometimes. Sometimes he wouldn't. It was that kind  
8 of job.
- 9 Q That's what I'm trying to figure out. What was he  
10 doing as general manager? Was he politicking? Was he  
11 administrative type things? Was he involved in  
12 hands-on supervision and checking up on people? What  
13 sort of role did he play?
- 14 MS. HARING: Objection, compound question.
- 15 A A variety of roles, I think. Some instances he was  
16 involved in operations, some in engineering, some in  
17 maintenance. He was over the whole company so he  
18 needed to know what was going on.
- 19 Q Would you describe him as a hands-on manager or not?
- 20 MR. VERWOLF: Objection, ambiguous,  
21 undefined term.
- 22 A I don't know that I would describe him that way.  
23 Others may, but I don't know that I necessarily would.  
24 Q Why not?  
25 A Why or why not? I don't know why not. Maybe because



00056

1 I didn't work close enough with him to really  
2 understand that. I don't know.  
3 Q What sort of feelings did you have for Frank Hopf?  
4 A He is a hell of a nice guy, I'll tell you that.  
5 Q You don't have any animosity or nothing like that?  
6 A No, I don't. I mean he meant well. I think he worked  
7 very hard at improving Olympic. I have no animosity  
8 for him at all. I guess I felt like he didn't do me a  
9 good service in not training me when I went up there,  
10 but he was busy doing other things so I overlook a lot  
11 of that.  
12 Q Fred Crognale, what's he?  
13 A He is another Olympic employee. I don't know what  
14 position he holds right now. He at one time, I think  
15 he was the president of Olympic, I think is the title  
16 he held, among others.  
17 Q As the president of Olympic, Olympic, the pipeline, is  
18 entirely in the state of Washington; is that right?  
19 A No, it's not.  
20 Q A little part of it goes into Portland?  
21 A Yes.  
22 Q But 390 some miles are in the state of Washington?  
23 A Okay.  
24 Q Is that right?  
25 A I don't know whether there's 390 or 389, I don't know,

00057

1 but the majority is in the state of Washington.

2 Q The four refineries that supply it with fuel product  
3 are in the state of Washington?

4 A Yes.

5 Q And the head control center, the eyes and ears of the  
6 operations of the pipeline, are in the state of  
7 Washington?

8 A Yes.

9 Q And all these people that worked underneath you, the  
10 majority of the company, all were in the state of  
11 Washington; is that right?

12 A Yes, the majority were in the state of Washington.

13 Q Where was President Fred Crognale located?

14 A I understand he was in Houston.

15 Q The president of Olympic Pipe Line, Fred Crognale, was  
16 located in Houston, Texas?

17 A Yes.

18 Q So while everybody else and all the operations were in  
19 the state of Washington, the president of Olympic Pipe  
20 Line conducted his business from Houston, Texas?

21 MR. VERWOLF: Asked and answered.

22 Q Is that right?

23 A Yes.

24 Q How often would you see the president of the company  
25 from Houston?

00058

1 A Not often.  
2 Q Was he there once a week?  
3 A I didn't see him once a week, but people came and went  
4 that I didn't see. I didn't see everyone that came  
5 there each time they came.  
6 Q But when the president came, that's probably somebody  
7 that would be at least a little memorable as to when  
8 they're coming in and out?  
9 A A lot of times I wasn't told, so he may have come and  
10 gone and I didn't know about it.  
11 Q So of the one, two, three, four, five of Equilon  
12 management team, sometimes when the president would  
13 come in, the operations manager wouldn't be told about  
14 it?  
15 A That's correct.  
16 Q Why not?  
17 A I don't know why I wasn't told. You have to ask who  
18 didn't tell me, but I don't know.  
19 Q Did you ever ask, look, I'm the guy who you stuck in  
20 charge of operations. When the president comes in,  
21 isn't he at all interested in operations? Doesn't he  
22 want to talk to me?  
23 A No, I never said that.  
24 Q Did you get the feeling though that the president, who  
25 was most of the time in Houston, when he would make

00059

1 his cameo appearances in Washington, that he wasn't  
2 interested in operations?

3 MR. VERWOLF: Objection, argumentative.

4 A I didn't feel that way at all.

5 Q How much time would he spend with you in operations?

6 A He never spent any time with me in operations.

7 Q Maybe we're confused. The president of the company,  
8 Fred Crognale, how much time did he spend with you in  
9 operations?

10 A None. I wasn't confused. He spent no time with me in  
11 operations.

12 Q Never?

13 A Not to my knowledge.

14 Q Did you ever get to meet him when he came up?

15 A Yes, I met him.

16 Q When you did meet with him would it be just to have  
17 drinks with him or show him around the town or what  
18 would you do? Anything to do with the business?

19 A It was at the office and I guess one time we had a, I  
20 can't remember whether it was before or after the  
21 incident, we were all in the conference room and he  
22 put on a meeting. It may have been when he first  
23 became president, talked to everybody, held a meeting,  
24 but it was never, you know, I guess like you were  
25 referring to, kind of a one-on-one or in a small

00060

1 group.  
2 Q Did he seem to be knowledgeable about the operations  
3 of the pipeline?  
4 A I had no basis to know that.  
5 Q He really spent such little time with you, you didn't  
6 know if he knew much about the pipeline here at all?  
7 A I didn't know whether he knew or not because I didn't  
8 spend any time with him.  
9 Q When he'd come in would he fly in in his own jet?  
10 A I don't know that. I didn't --  
11 Q Did he ever come in unannounced or was there always  
12 some announcement as to when he was coming in or you  
13 don't know?  
14 A I don't know.  
15 Q Who did Mr. Crognale, who did he replace as president?  
16 A I think it was Rick Peterson.  
17 Q And where did Peterson live? Peters or Peterson?  
18 A Peterson. I think -- I don't really know, to be  
19 honest with you, where he lived.  
20 Q In Washington or some other state again?  
21 A Some other state.  
22 Q Did he spend about as much time as Mr. Crognale?  
23 A Probably a little less.  
24 Q Less than Crognale?  
25 A He wasn't president for very long.

00061

1 Q How long was Mr. Crognale president?  
2 A I really don't know.  
3 Q Do you know if he was president before or after the  
4 Equilon came into existence?  
5 A Well, he wouldn't have been president before it came  
6 into existence.  
7 Q Wouldn't have been president before Equilon came into  
8 existence?  
9 A That's right, because he was with Shell and Shell had  
10 no ties with Olympic until Equilon was formed.  
11 Q Did the president, President Crognale, of this  
12 company, did he have an engineering background?  
13 A I don't know.  
14 Q Do you know if his background was more money,  
15 finances?  
16 A I, I, I don't know. I really don't.  
17 Q After you received your B.S. in engineering in '76  
18 what did you do?  
19 A I went to work for Texaco City Service Company in  
20 Tulsa, Oklahoma.  
21 Q Texaco City Service --  
22 A Yes.  
23 Q -- Pipeline Company, and was that a part of the Texaco  
24 conglomerates?  
25 A Yes, it was a joint ownership pipeline owned by,

00062

- 1 obviously, Texaco and City Service, and Texaco was the  
2 operator and I was actually a Texaco City Service  
3 employee.
- 4 Q You understand from your background in the pipeline  
5 and refining industry that there may be owners of a  
6 refinery or pipeline and there may be managing  
7 entities; is that right?
- 8 A Yes.
- 9 Q And for this Texaco City Service Pipeline, who owned  
10 it?
- 11 A Texaco and City Service, 50 percent each.
- 12 Q Who managed it?
- 13 A Texaco.
- 14 Q For Olympic Pipe Line in June, 1999, do you know who  
15 owned it?
- 16 A Yeah, probably don't know the exact percentages, but  
17 it was --
- 18 MR. VERWOLF: Objection, no foundation.
- 19 A Equilon, Arco and GATX.
- 20 Q And who managed it?
- 21 MR. VERWOLF: Calls for a legal conclusion.
- 22 A Olympic is who I understand managed it themselves.  
23 That's what I was told.
- 24 Q And your role was to be the -- I guess the four  
25 managers that we've talked about, the one, two, three,

00063

1 four, five of the top managers were employed by whom?  
2 A Equilon.  
3 Q So did Equilon then manage it with their five managers  
4 that they had on site?  
5 MR. VERWOLF: Objection, asked and answered,  
6 calls for a legal conclusion.  
7 A I only know what I was told. I know you'd like me to  
8 say something else, but actually I was told Olympic  
9 operates itself. It may appear different, but that's  
10 what I was told and that's, I guess, what I have to  
11 answer. I don't know what else to say.  
12 Q No, no, whatever it is, it is. The president, the  
13 executive officers were employed by Equilon, correct?  
14 MR. VERWOLF: Objection, calls for a legal  
15 conclusion.  
16 A Yes.  
17 Q One of them was out of state. That was the president.  
18 He was out of state in Houston where Equilon has its  
19 main offices, right?  
20 A Yes.  
21 Q And the other one who was the Equilon employee, the  
22 vice-president, was Frank Hopf who was employed by  
23 Equilon and located here, correct?  
24 MR. VERWOLF: Compound, calls for a legal  
25 conclusion.



00064

- 1 A Right.
- 2 Q The other ones that we've talked about were Hammett,  
3 Yount, yourself and Connolly, and they were the  
4 various managers for the operations, all employed by  
5 Equilon, correct?
- 6 MR. VERWOLF: Same objections.
- 7 A There were other people that supervised that were not,  
8 so I can't really say all, you know, the managers or  
9 all the supervisors were Equilon employees. Some were  
10 and --
- 11 Q Looks like the top ones, looks like they were all  
12 pretty much Equilon employees, the top managers, is  
13 that right?
- 14 MR. VERWOLF: Same objection.
- 15 A Not really. Karen Grein showed up there and she was  
16 an Olympic employee.
- 17 Q She did the administrative stuff? She was the  
18 supervisor of administrative stuff, right?
- 19 A At this particular time, that's correct.
- 20 Q She basically had the Human Resources part underneath  
21 her, correct?
- 22 A That was, yeah, that was one of the things she had  
23 under her.
- 24 Q As the Equilon manager of operations, could you hire  
25 and fire people?

00065

- 1 A I didn't feel as though I could, no.
- 2 Q Why not?
- 3 A I guess brought up through the ranks, you know, I'd go  
4 to my boss and if I needed to hire people, I don't  
5 think I've ever fired anybody, but I'd make  
6 recommendations.
- 7 Q So who would the hiring come from then? If you  
8 recommended somebody to be hired, would that come from  
9 your boss, Frank Hopf, with Equilon?
- 10 A Yes, I'd make a recommendation to him and he'd give me  
11 the go-ahead and I'd do it.
- 12 Q And when you would recommend and then hire the folks  
13 underneath you at Olympic Pipe Line, would you tell  
14 them that they were Equilon employees or Olympic  
15 employees or would you distinguish that at all?
- 16 A They were Olympic employees. I don't know that I ever  
17 tried to distinguish it. I think they understood they  
18 were Olympic employees.
- 19 Q So as an Equilon employee yourself, you understood  
20 that you could hire people for Olympic Pipe Line?
- 21 A I'd make recommendations to hire for Olympic Pipe  
22 Line.
- 23 Q And you'd get the authority from another Equilon  
24 employee?
- 25 A Yes.

00066

- 1 Q To hire people for Olympic Pipe Line?  
2 A Yes.  
3 Q Now, Texas City Service Pipeline, what was your role  
4 there?  
5 A I was an engineer.  
6 Q What type of engineering did you do there?  
7 A Electrical.  
8 Q All?  
9 A I did some things, had to do with hydraulics.  
10 Q How long did you work for them?  
11 A Two and a half years.  
12 Q Why did you leave?  
13 A I was transferred to Houston to work for the Texas  
14 Pipeline Company.  
15 Q When you say transferred, is that because you were  
16 still working for the managing partner of Texaco?  
17 A Yeah, that's my understanding.  
18 Q So as the managing partner of the Texaco City Service  
19 Pipeline, the Texaco folks then retained your  
20 employment but transferred you to another place; is  
21 that right?  
22 A That's right.  
23 Q Where did they transfer you?  
24 A To Houston.  
25 Q And in what capacity were you working then?

00067

- 1 A As an engineer.
- 2 Q Pipelines or some other capacity?
- 3 A Pipeline.
- 4 Q Which pipeline there?
- 5 A The Texas Pipeline Company had several pipelines that  
6 I worked on.
- 7 Q So this was directed for the Texas -- or Texaco  
8 Pipeline Company or Texas Pipeline Company?
- 9 A The Texas Pipeline Company.
- 10 Q Were you stationed at one of the particular pipelines  
11 or did you service all of them?
- 12 A I was in the engineering group. We serviced all of  
13 them.
- 14 Q How long did you work there?
- 15 A Several years in varying capacities in that office  
16 until late in '91, probably August of '91, something  
17 like that.
- 18 Q What happened then?
- 19 A I was transferred to Texaco City Service Pipeline  
20 Company in Hobbs, New Mexico.
- 21 Q Same company you started with, just a different  
22 location?
- 23 A No, this is Texas New Mexico Pipeline Company.
- 24 Q I thought you said Texaco City Service Pipeline  
25 Company in Hobbs, New Mexico?

00068

- 1 A No, Texas New Mexico Pipeline Company in Hobbs, New  
2 Mexico.
- 3 Q Was Texaco the managing agent then? Is that why you  
4 called it a transfer?
- 5 A Yes. That's not why I called it a transfer, but they  
6 were the operator of Texas New Mexico Pipeline  
7 Company.
- 8 Q Why did you call it a transfer?
- 9 A I guess because I was transferred, is what I was told,  
10 being transferred, so I called it a transfer.
- 11 Q Same company was transferring you over to another  
12 company to work in?
- 13 A To another company that -- yes.
- 14 Q And what was your job then at the Texaco New Mexico  
15 Pipeline Company?
- 16 A I was the assistant district manager.
- 17 Q What did that mean that your operations included?
- 18 A Initially, I didn't have any operations  
19 responsibility. It's been so long ago it's hard to  
20 say exactly what it was that I did. Four months later  
21 my boss left so I took over the office and pipelines  
22 that Hobbs, New Mexico had, took over the day-to-day  
23 oversight responsibility but reported to the district  
24 manager in San Angelo.
- 25 Q So during this time period you went from assistant

00069

1 district manager to district manager?  
2 A No, I was the assistant district manager but I  
3 reported to a different district manager at a  
4 different location. He had half the operations and I  
5 had half the operations.  
6 Q Were you a hands-on manager rather than an  
7 administrative role?  
8 A Yes.  
9 Q As a hands-on manager did that also include  
10 operations?  
11 A Yes.  
12 Q And what was your job then to do? To actually manage  
13 and supervise the operations and all the other  
14 components of the pipeline operation?  
15 A Right.  
16 Q How long did you do that?  
17 A Probably did two and a half years.  
18 Q Did you get trained on how to be a manager?  
19 A I've been to a couple different schools on management.  
20 Q Did the Texaco run company down there, the Texas New  
21 Mexico Pipeline, did they have manuals and training  
22 programs for their employees on the operation of the  
23 pipeline?  
24 A I'm sure they did. I don't recall that they had  
25 nearly as many manuals as Olympic had. Olympic was

00070

1 much better defined for the operations.  
2 Q Olympic had a lot more manuals than the Texaco New  
3 Mexico Pipeline Company; is that right?  
4 A Right.  
5 Q But they didn't have much of a training program, did  
6 they?  
7 A It seemed good to me because it was the best I'd seen  
8 since I've been in the pipeline industry.  
9 Q Is that --  
10 A There are a lot of things about it I didn't like.  
11 Q Is that sort of like saying this program was the  
12 tallest of all the pigmies?  
13 MR. VERWOLF: Objection, argumentative.  
14 A Yeah, I don't know.  
15 Q You talked about what the training was, which there  
16 really wasn't anything at the Olympic Pipe Line  
17 Company for the three years you were there,  
18 essentially?  
19 MR. VERWOLF: Objection, mischaracterizes  
20 evidence.  
21 A I think I said that there was training there. We had  
22 the guy from DOT come in.  
23 Q DOT and DOE, all outside people. No internal training  
24 really, was there?  
25 A Well, we had safety training and DOT training once a

00071

1 month that Karen would put on. She was at the time in  
2 charge of safety training and maintaining records and  
3 things like that.

4 Q And did the Texas New Mexico Pipeline Company, they  
5 didn't even have that?

6 A We had a monthly safety meeting with training.

7 Q What was different? The DOT or DOE didn't come in and  
8 do anything down there?

9 A Yeah, we didn't have that. We did have spill drills  
10 but they were, I think, probably limited to once a  
11 year, and they weren't run by an outside agency. We  
12 ran those ourselves and critiqued ourselves.

13 Q In a real spill would the spill response team be run  
14 by an outside agency or by the company itself like  
15 Olympic?

16 A We had -- it was a different kind of pipeline. It was  
17 a crude gathering which is much different than the  
18 mainline products, and we had spills quite regularly.  
19 Back in the, probably ten years ago, we had about one  
20 a day, so as far as handling spills, it was nothing  
21 unusual to us, nothing we needed any outside guidance  
22 on.

23 Q Because you were spilling and having to clean yourself  
24 up all the time?

25 A That's right.



00072

- 1 Q So you were able to gets lots of training because you  
2 made lots of spills?
- 3 A That's right. I guess that's right.
- 4 Q And at Olympic you had fewer spills but less training?  
5 MR. VERWOLF: Objection, misstates the  
6 evidence.
- 7 Q True?
- 8 A I don't know that I'd necessarily agree with it, but  
9 that's true that we had less training. I don't know  
10 that the actual spills that we had at Tex New Mex were  
11 really training. It would be considered training.  
12 They were part of the job. When I was there we went a  
13 whole month once without a leak and put on quite a  
14 party. We thought that was great.
- 15 Q While you were at Olympic Pipe Line, did they ever go  
16 a whole year without a leak?
- 17 A I don't know. I guess I can't think back that we did.
- 18 Q By the way, back on the DOE training on the, what you  
19 talked about was primarily spill response type  
20 training, correct?
- 21 A The DOE was for spill response, right.
- 22 Q In fact, of the spill response, the vast majority of  
23 that was dealing with like barges in the water and  
24 water type spills rather than spills at, spills at  
25 refineries rather than spills from pipelines, correct?

00073

- 1 A That's not my understanding. My understanding is we  
2 didn't talk about spills with barges as far as --  
3 Q Barge cleanups and all the rest of that barge and  
4 water activity?  
5 A We didn't have any barges. Why would we be concerned  
6 with that?  
7 Q So the DOE training you're saying was primarily  
8 dealing with spill response with pipelines rather  
9 than --  
10 A Right.  
11 Q And you understood that your pipeline ran through a  
12 lot of creeks and waterways that would go out to the  
13 Sound or the ocean?  
14 A Sure.  
15 Q And so you need to know how to deal with all the  
16 spillup or cleanup from spills that would go into the  
17 ocean, right?  
18 A Sure.  
19 Q And you're saying the DOE training wasn't focused on  
20 that?  
21 A No. I said it wasn't focused on barges, cleaning up  
22 barge spills.  
23 Q Okay, but was it focused on cleaning up spills in the  
24 open waters, primarily?  
25 A Well, I can't say that it was. You know, we had

00074

1 spills on a lake -- we didn't have spills on a lake  
2 but we had drills on a lake and that is what I would  
3 consider to be open water.  
4 Q After '91 what did you do?  
5 A After '91 I was transferred to San Angelo, Texas.  
6 Same company, just transferred over there.  
7 Q How long were you there?  
8 A I was there for three years, so --  
9 Q What capacity?  
10 A Same capacity.  
11 Q That would have been up to about '96?  
12 A Yeah, the beginning of '97 when I came here.  
13 Q And then you were transferred from the San Angelo,  
14 Texas, here?  
15 A That's my understanding.  
16 Q So still with Texaco companies and they just moved you  
17 up here?  
18 A Right.  
19 Q And in San Angelo, Texas, were you working as a  
20 manager of operations type manager?  
21 A Initially, but then my boss took over all the  
22 operations and I took over engineering and safety and  
23 that sort of thing.  
24 Q So you managed safety, engineering and operations with  
25 San Angelo, Texas?

00075

1 A Not operations. He took over the operations.  
2 Q So you were safety and engineering?  
3 A Safety and engineering and admin.  
4 Q When you were at San Angelo, did you have a spill once  
5 a day there?  
6 A No.  
7 Q You were getting a little better?  
8 A I said about ten years ago. We did a lot better as  
9 time went on, so when I was in Hobbs we didn't have it  
10 that often. When I was at Tex New Mex we didn't have  
11 them that often, but what I was trying to say is it  
12 was common for us to have releases.  
13 Q Even in San Angelo?  
14 A Even in San Angelo.  
15 Q Do you remember a spill in '92 in New Jersey?  
16 A No.  
17 Q No training, no special notice on that?  
18 A Maybe if you could be more specific. I may have heard  
19 of it. I don't know. Give it a shot.  
20 Q Did NTSB ever provide any training for you after a  
21 spill in '96 or '92? Don't remember that?  
22 A No.  
23 Q As the safety manager for San Angelo, any sort of  
24 training programs you put in there?  
25 A I had a fellow that worked for me that provided

00076

1 training for the employees.  
2 Q You kept in place whatever was there?  
3 A Kept in place whatever was there.  
4 Q Did you add anything to the safety program that was in  
5 place in San Angelo?  
6 A No, I didn't add anything.  
7 Q What did the program consist of, the safety program  
8 consist of there?  
9 A I can't remember specifically all the things that we  
10 trained on.  
11 Q The same kind of stuff that the Olympic folks trained  
12 on that we just talked about?  
13 A Pretty much.  
14 Q Pretty much DOE, DOT type training and once a month  
15 meeting?  
16 A Of course, we didn't have DOE there, but safety  
17 training, you know, had to do with necessity for  
18 hardhats and safety glasses and eye protection, hand  
19 protection, that sort of thing, that kind of safety.  
20 Q How about safety like in spill prevention? Any  
21 training there in spill prevention?  
22 A No.  
23 Q Are spills kind of an accepted part of doing business?  
24 A It's, it used to be more so than it is now. We're  
25 obviously trying to conduct business much more

00077

1 prudently, but in a gathering system, too, you didn't  
2 have catastrophic spills particularly. Your spills  
3 were limited to just a couple of barrels out in a  
4 pretty desolate area.  
5 Q Do you understand why you got transferred up here?  
6 A Do I understand why?  
7 Q Yes, sir.  
8 A I think I do.  
9 Q Why?  
10 A Because I wasn't getting along with my boss and Frank  
11 wasn't getting along with Lonnie and so we wanted to  
12 do a job swap, and Lonnie was initially going to go to  
13 work on another project before he came down to San  
14 Angelo and they probably never really suspected he'd  
15 come down there, but that was the reason, I  
16 understand.  
17 Q So who did you replace?  
18 A Lonnie Nusz.  
19 Q Was this -- did you get there before or after the Ebby  
20 Slough spill?  
21 A It was after.  
22 Q Lonnie Nusz, was the Ebby Slough spill part of the  
23 reason he was getting transferred?  
24 A I don't know.  
25 Q How quickly after the Ebby Slough spill did you get

00078

1 transferred over?  
2 A I'm not sure when the Ebby Slough spill was.  
3 Q When you came in was there any special training done  
4 on lessens learned from the Ebby Slough spill?  
5 A Not to me, no.  
6 Q Any special training that you were aware of that  
7 resulted from the Ebby Slough spill?  
8 A Not that I understand.  
9 Q Any sort of policies or procedures adopted, sort of a  
10 lessons learned type response to the Ebby Slough spill  
11 that you're aware of?  
12 A Not that I was aware of.  
13 Q Was the Ebby Slough spill even talked about very much  
14 when you came over?  
15 A Not very much, but I did hear about it.  
16 Q How did you hear about it?  
17 A It was with Jim Cargo and we went by that area and he  
18 showed me where it was and talked about it a little  
19 bit.  
20 Q As far as, though, learning from that mistake or that  
21 experience, was anything done to get all the rank and  
22 file people, all these 50, 60 some people underneath  
23 you to get them to learn from that at all?  
24 MR. VERWOLF: Objection, no foundation.  
25 A Could you ask that again?

00079

- 1 Q Sure. When you came over were you aware of anything  
2 that was done to get the rank and file people to use  
3 the Ebby Slough spill somehow positively, to learn  
4 from it and to make sure it doesn't happen again?  
5 MR. VERWOLF: Same objection.  
6 A I wasn't aware of anything like that.  
7 Q The Ebby Slough spill never became any sort of  
8 teaching tool at any of the monthly meetings or any  
9 sorts of training that you had?  
10 A Not that I recall.  
11 Q What was Lonnie Nusz' job title when you came in?  
12 A I believe it was operations manager.  
13 Q Same job title as you had or you took over, correct?  
14 A Right.  
15 Q Do you know if he had either more responsibility or  
16 more defined job role or more power?  
17 A No, I don't.  
18 Q Did you feel like you had more power and authority at  
19 the other job that you had at San Angelo, Texas?  
20 A Yes.  
21 Q Who made the decision to transfer you?  
22 MR. VERWOLF: Objection, no foundation.  
23 A I don't know. I wasn't there when that decision was  
24 made.  
25 Q Who informed you of the decision?



00080

1 A I think it was Frank that informed me that I had  
2 gotten --  
3 Q Frank Hopf?  
4 A Yeah, Frank Hopf, informed me that I had gotten the  
5 job. I was informed initially about the possibility  
6 from Ed Murray who's the vice-president with Texaco  
7 Pipeline, Inc., and the president of Texas New Mexico  
8 Pipeline Company.  
9 Q Was this a transfer that you had to do or could you  
10 stay where you were?  
11 A My understanding is I had a choice.  
12 Q Of?  
13 A Of staying where I was or coming up here.  
14 Q And why did you choose to come?  
15 A I thought it would be -- I'd heard -- I guess I'd  
16 heard of Frank. I'd met him once. Seemed like a nice  
17 person and I felt like it would be a good experience  
18 to work for -- I could learn a lot working for him,  
19 and I really wanted to come up here.  
20 Q Why weren't you getting along with your boss?  
21 A I didn't feel like he had the company's best interest  
22 at heart and I had always worked for people that  
23 worked very hard for the company and he rarely came to  
24 the office. He was building a house and he was out  
25 there doing that all the time and kind of turned over

00081

1 everything to others in the company, and I guess it  
2 kind of rubbed me the wrong way to see somebody that  
3 was in charge of a facility that wasn't interested in  
4 its well-being.

5 Q So he returned a lot of the responsibilities over to  
6 you at the time?

7 A And others.

8 Q So you went from a job where you had too much  
9 responsibility to a job where you had too little  
10 responsibility; is that right?

11 MR. VERWOLF: Objection, argumentative.

12 A No, that's not actually right. At the time I left up  
13 there his house had already been built and I had  
14 talked to somebody about his lack of enthusiasm for  
15 his job and I guess he kind of got put on the carpet,  
16 so the two of us kind of went head to head for a while  
17 and I didn't have that much responsibility there. I  
18 felt like I needed to, felt like it would be in my  
19 best interest to leave.

20 Q Did you have more responsibility there or here?

21 A There.

22 Q And you didn't feel like you had very much  
23 responsibility even there?

24 A That's right. Well, I had more, I guess, probably  
25 had -- well, had more authority there.

00082

1 Q Did you learn a lot from Frank Hopf here?  
2 A Not as much as I would have like to have, no.  
3 Q What do you think you did learn from him?  
4 A Probably a lot of things. I can't think of anything  
5 off the top of my head that I learned from him.  
6 Q Nothing at all?  
7 A Well, I'm sure there's lots of things. I don't know.  
8 You get in these kind of things and put on the spot  
9 and your brain kind of turns to mush.  
10 Q We're going to have a break pretty soon and maybe  
11 think about it over the break and see if there's maybe  
12 something you learned from him.  
13 Why don't you think you learned as much as you  
14 had hoped to from Frank Hopf?  
15 A I hoped that our working relationship would have been  
16 a lot closer. I was maybe anticipating when I came up  
17 here and it seems as though it wasn't very close at  
18 all.  
19 Q Did you talk to Mr. Nusz as to why he was having  
20 trouble with the relationship with he and Mr. Hopf?  
21 A I did a few times, but I don't know that I felt like  
22 all that was valid so I discounted a lot of it.  
23 Q Like what?  
24 A I can't think about our exact conversations and all  
25 that sort of thing, but I know he was pretty

00083

1 frustrated with some of the things Frank did. He  
2 works pretty long hours and trying to get things done  
3 and Frank would shoot him down on some of the things  
4 he wanted to do, which was Frank's prerogative. He  
5 was the boss, right? I've lived in that sort of  
6 thing, too, so I understand from both sides how it  
7 feels, but --

8 Q When you were there did you think Mr. Hopf was busy  
9 with the Cascade Pipeline project?

10 A Sure, he was busy with it.

11 Q Were you involved in that?

12 A No.

13 Q And the Cascade Pipeline, that was a project. It was  
14 nothing that was actually in operations, was it?

15 A That's right.

16 Q Did you feel like you worked long hours when you were  
17 with Olympic Pipe Line here?

18 A No, I didn't work what I would consider long hours.

19 Q Why not?

20 A I don't know why not. I guess that has generally not  
21 been my style, to work long hours.

22 Q Did you feel like you were trying to get things done  
23 and having them shot down like Mr. Nusz had complained  
24 about?

25 A Not so much, no, but understanding the way Lonnie

00084

- 1 worked, I then decided I wasn't going to plow ahead  
2 and do some of those things and make those mistakes  
3 and have Frank mad at me.
- 4 Q Did Mr. Nusz relate that Frank had been mad at him,  
5 Mr. Hopf had been mad at him about something?
- 6 A Well, I don't know necessarily mad may be the right  
7 word, but disagreed with him with some of the things  
8 Lonnie did.
- 9 Q Did you feel like you had good communication with  
10 Mr. Hopf?
- 11 A I felt like it needed to be better. There were a lot  
12 of times I couldn't get access to him.
- 13 Q Did you all work on improving the communication  
14 between you?
- 15 A I think we said we would several times, but I don't  
16 know that it ever really came about.
- 17 Q How about with the other supervisors that you were in  
18 charge of, Gregor, Cargo and Justice and later  
19 Brentson, did you feel you had good communications  
20 with them?
- 21 A I feel like I did, yes.
- 22 Q And with Mr. Brentson, did you have much communication  
23 with him before he was under your supervision?
- 24 A No.
- 25 Q Did you feel once he was under your supervision for

00085

1           those several months, that you needed Klasen there any  
2           longer? I know you wanted him to be there at the  
3           beginning, but did you feel like you needed him after  
4           you were starting to supervise Brentson and the other  
5           people?  
6    A       Yes.  
7    Q       Why?  
8    A       I wasn't -- didn't feel like I was being cooperated  
9           with.  
10   Q       By whom?  
11   A       Some of the people in the Control Center.  
12   Q       Ron Brentson?  
13   A       No, not so much Ron. I think that from what I  
14           understand or from what my feelings are, that he did,  
15           he responded very well to me and kept me informed,  
16           that sort of thing.  
17   Q       Who were some of the people, the controllers that you  
18           felt weren't responding to you, the operations  
19           manager?  
20   A       Well, let me see. I think one particular instance I  
21           can think of off the top of my head, I guess I had  
22           kind of a run-in with Lloyd Tiekens at one instance,  
23           but I think that was after the incident.  
24   Q       How about before? Any problems with any of these  
25           folks before?

00086

1 A No, because I didn't press any issues because I didn't  
2 have Richard there so I wasn't going to press those  
3 issues.

4 Q You didn't feel comfortable pressing any of the  
5 management type issues with any of the controllers  
6 without Richard Klasen being present?

7 A That's right. That's why I asked for him.

8 MR. BENINGER: Why don't we take a break  
9 right now.

10 MR. MILLSPAW: Going off the record. The  
11 time is 11:28. This is the end of tape 1.

12 (Recess taken at 11:28 a.m.)

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AFTERNOON SESSION

2:00 P.M.

--ooOoo--

CONTINUED EXAMINATION

MR. MILLSPAWE: We're going back on the

record. The time is 2:00.

BY MR. BENINGER:

Q A couple background things. What was the actual date that you started with Olympic Pipe Line?

A I don't remember the actual date. It was the end of January, something like the 27th. The effective date was actually February 1st, but I showed up a few days early.

MR. BENINGER: I'm going to mark this as an exhibit.

Q Do you have children?

A -----

Q -----

A -----

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Q -----

A -----

Q -----

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A -----



00088

1 (Exhibit No. 401 was marked.)

2 Q Showing you Exhibit No. 401, we don't have a lot of  
3 copies. Sorry about that. Once you've had a chance  
4 to look at that, let me know and I'll ask you some  
5 questions.

6 (Pause in the proceedings.)

7 Q Do you recognize Exhibit 401?

8 A Not specifically. It may have been a handout at the  
9 training that I told you about, but it's been a lot of  
10 years.

11 Q Do you recall attending the training that was put on  
12 by the Department of Transportation in Renton on  
13 Pipeline Safety Seminar, February 19th and 20th, 1997,  
14 a couple weeks after you started?

15 A I remember attending the former transportation seminar  
16 in Renton. If you say those are the dates, those are  
17 the dates. I don't recall exact dates, but I attended  
18 one and I assume it was this one.

19 Q And I was just getting the dates off the top of the  
20 document.

21 A I understand. I'm telling you I don't remember them,  
22 if this was it.

23 Q Would the materials set forth here be similar to the  
24 materials that would have been covered at the  
25 Department of Transportation seminars that you talked

00089

1 about earlier, part of the training that Olympic would  
2 have been through?

3 MR. VERWOLF: Objection, no foundation.

4 A Yeah, I assume that's what was covered. You know,  
5 it's been a few years.

6 Q And the very back page of this came with the  
7 materials. It's an order form for pipeline safety  
8 publications, disks and videos. Do you see that?

9 A Yes.

10 Q Under the publications down here they talk about the  
11 1994 National Pipeline Safety Summit, New Jersey. Did  
12 you read that?

13 A I see that.

14 Q And they've got a video as well to the National  
15 Pipeline Safety Summit, New Jersey?

16 A Yes.

17 Q In 1994 would you have been an operations manager?  
18 Would that have been at the San Angelo facility?

19 A I was not an operations manager. I was assistant  
20 district manager.

21 Q Which meant that you were in charge of the operations,  
22 amongst other things, right?

23 A '94. In '94 I was not in charge of operations there.

24 I was in charge of the office, I believe, but anyway,

25 I was close to the operations.

00090

- 1 Q Did you attend this 1994 Pipeline Safety Summit?  
2 A No.  
3 Q Did you receive materials on this 1994 National  
4 Pipeline Safety Summit?  
5 A I don't remember receiving materials on it.  
6 Q How about after the seminar in Renton on February 19th  
7 and 20th, 1997, did Olympic Pipe Line order either the  
8 video or the safety publications from the 1994  
9 National Pipeline Safety Summit?  
10 A I don't remember if they did.  
11 Q And you never saw either any videos, publications, at  
12 Olympic Pipe Line from the 1994 National Pipeline  
13 Safety Summit?  
14 A I don't recall seeing it.  
15 Q Do you recall ordering any of these publications that  
16 are listed on this page and provided to the Olympic  
17 people who went to the February 19th and 20th, 1997,  
18 Pipeline Safety Seminar by the Department of  
19 Transportation?  
20 MR. TOLLEFSON: Object to the lack of  
21 foundation.  
22 A I didn't order any of these.  
23 Q You don't know of anyone at Olympic Pipe Line that  
24 would have ordered any of these; is that right?  
25 A That's right.

00091

1 Q I'm going to ask you about another document that I  
2 showed you that I haven't marked yet because I was  
3 going to see if you knew anything about that. It's  
4 called "Operations & Maintenance". Do you know  
5 anything about that?

6 A Yes.

7 Q I'll mark it if you do know something about it and  
8 we'll have to make copies of this.

9 MR. VERWOLF: 402?

10 MR. BENINGER: Yes.

11 (Exhibit No. 402 was marked.)

12 Q Can you tell me what this is? I've seen a bunch of  
13 different copies, for whatever reason. I don't know  
14 if it was marked a bunch of different times or if it  
15 was an evolving process because I haven't compared  
16 each and every one of them, but can you tell me what  
17 402 is?

18 A Yes, it was in preparation of DOT's operative  
19 qualification rule. It wasn't in effect at the time  
20 we started preparing this, but Frank understood that  
21 that rule was coming down the pike and he asked me to  
22 work on a manual that would meet that qualification.

23 Q So at the time of the rupture and fire in June, 1999,  
24 was this document, Exhibit 402, entitled  
25 "Qualifications & Maintenance" -- "Operations &

00092

1 Maintenance Qualification Manual," was that something  
2 that was in effect? Had it been adopted by Olympic  
3 Pipe Line?

4 A It was not complete but we were using it, the parts  
5 that were complete.

6 Q Is this what you talked about giving some tests on  
7 some parts of a manual that you were putting together  
8 earlier?

9 A Yes.

10 Q And is what we have here, 402, is that the completed  
11 part of it or do you remember?

12 A It's part of the completed part. Part of the whole  
13 process are the tests and the tests are not here, test  
14 questions.

15 Q Did Olympic have a manual that had been adopted? You  
16 talked about a number of manuals but had those manuals  
17 been adopted by Olympic as their policies and  
18 procedures?

19 MR. TOLLEFSON: Object to the form of the  
20 question.

21 MR. VERWOLF: Objection, vague.

22 A I don't know exactly what you mean by adopted, but  
23 Olympic used a lot of the old Shell manuals for  
24 qualifying mechanics and electricians. This was, I  
25 guess, kind of based off some of those as far as the

00093

1 format.  
2 Q Why were you putting together this "Operations &  
3 Maintenance Qualification Manual"?  
4 A To try to meet the DOT rule that had not yet gone into  
5 effect.  
6 Q Was this computerized?  
7 A What do you mean computerized?  
8 Q Was it on the computer?  
9 A Yes, that was a document on the computer.  
10 Q You talked about hard copies of manuals being on a  
11 shelf, a bookshelf of some sort. Did Olympic also  
12 have all those manuals digitized and available on  
13 computer?  
14 A I don't think so. I never saw them if they did.  
15 Q Did you have a computer in your office?  
16 A Yes.  
17 Q And was it the computer that -- what system did they  
18 use, the Orbit system, to communicate?  
19 A I don't know what you mean by system they used, the  
20 e-mail system or --  
21 Q Yes.  
22 A It was something else. It was -- while I was there we  
23 used three different e-mail systems during the period.  
24 I can't remember --  
25 Q Did they use an Orbit system to track any projects or

00094

1 no?  
2 A I'm not familiar with Orbit system. This is the first  
3 I've heard of it. I don't know what it is or what it  
4 does.  
5 Q The computer system itself, you never pulled up any of  
6 the manuals on the computer system?  
7 A No, I don't believe so. I think my answer was that  
8 they weren't there. I don't think I pulled them up.  
9 Q Let me move you to about December, January, 1998,  
10 December and January, 1999, Bayview Station. What do  
11 you know about Bayview?  
12 A What did I know at the time or what do I know now?  
13 Q What did you know at the time? And I'll ask you what  
14 you know now, but what did you know at the time,  
15 January and December? Were you involved in putting  
16 that in, getting it running, anything like that?  
17 A No, I wasn't involved in that. I went to one of the  
18 early meetings, I don't know if it was the first  
19 meeting or what, but I went to one of the early  
20 meetings and I was never, for some reason, invited  
21 back or was never informed that they were having  
22 meetings so I didn't go to any of the Bayview  
23 meetings. I knew very little about the facility or  
24 the design. I did stop by the location from time to  
25 time and looked at it, but I never did have a, any

00095

- 1 diagrams on what the piping was supposed to be like or  
2 configuration or anything like that.
- 3 Q We talked earlier about you being one of only a couple  
4 people in the company that had an engineering  
5 background, correct?
- 6 A Right.
- 7 Q And Bayview would have been part of your operations?
- 8 A Right.
- 9 Q And as I understand it, even though you, as the  
10 operations manager and one of the few engineers, you  
11 weren't provided with any of the engineering diagrams  
12 for Bayview Station?
- 13 A That's right.
- 14 Q And none of the other design features of Bayview  
15 Station?
- 16 A Right.
- 17 Q And you were only invited to one of the meetings  
18 regarding Bayview Station before it was on line?
- 19 A Correct.
- 20 Q And you were never invited back to any of the other  
21 meetings on Bayview Station?
- 22 A That's correct.
- 23 Q Did you think that was unusual?
- 24 A I did.
- 25 Q Did you voice that to anyone?



00096

- 1 A Yes, yes.
- 2 Q Who?
- 3 A I went to Craig Hammett and asked him for a set of  
4 drawings and he said he didn't have a spare set at  
5 that time. He said when I get them I'll give them to  
6 you, so I asked him again and got the same answer.  
7 And this was a few weeks later and so I went to Frank  
8 and said it and he said this is kind of how Craig is,  
9 and I still didn't get them and I was a little upset,  
10 but, then again, I'd been upset before.
- 11 Q So Bayview starts to come on line and are you involved  
12 in getting it up and running and testing it out?
- 13 A No, Craig worked with Dave Justice on that.
- 14 Q Why weren't you involved as the operations manager and  
15 only one of the other handful of engineers around?
- 16 A It was never explained to me why.
- 17 Q Did you ask anyone?
- 18 A No, I tried to become involved. I went there and  
19 tried to follow them around but I didn't get to see  
20 what their game plan was or anything like that.  
21 Obviously, if I didn't have a set of drawings, there  
22 wasn't much I could do to get involved in the start-up  
23 of Bayview.
- 24 Q Even when they were doing the start-up they still  
25 wouldn't share a set of drawings with you?

00097

- 1 A No.
- 2 Q How difficult would it be for Mr. Hammett to make  
3 another set of drawings?
- 4 A I don't know.
- 5 Q All they've got to do is copy them, don't they?
- 6 A I think they order them from the printer. It's not  
7 all that difficult.
- 8 Q Not very expensive, I would assume?
- 9 A I don't think expense had anything to do with it.
- 10 Q So the Olympic folks didn't get any of your background  
11 and knowledge and training and experience, none of  
12 that input into what was going on with Bayview; is  
13 that right?
- 14 A That's accurate, yes, sir. That's right.
- 15 Q Even when you tried to make yourself available for the  
16 start-up, they basically let it be known that you  
17 weren't that welcome?
- 18 A That's right.
- 19 Q So you weren't really included in the start-up,  
20 testing and making sure things get up and running  
21 correctly?
- 22 A That's correct.
- 23 Q Did Bayview start to have some problems that you  
24 became aware of?
- 25 A There were some problems that I became aware of. I

00098

1 don't know that they were what I would really consider  
2 operational problems. There were some -- but there  
3 were some problems, yeah.

4 Q How did you become aware of it?

5 A I guess I got some e-mails that there were some things  
6 that didn't work right and that sort of thing.

7 Q At that point were you being included as to help solve  
8 any of the problems of the things that weren't working  
9 right?

10 A Not necessarily all of them, but some of them that I  
11 guess people kept me informed of.

12 Q Other than keeping you informed, was anyone coming to  
13 you and saying, look, you're an engineer; you've got  
14 years and years of experience; you're an operations  
15 manager; this is affecting your operations? Did they  
16 solicit your input and experience in trying to solve  
17 some of these problems or were they just keeping you  
18 informed?

19 A I think they were just keeping me informed, was kind  
20 of my opinion.

21 Q Do you know why that's going on?

22 A No, but that had been pretty much my, what had been  
23 happening to me ever since I'd been at Olympic, so it  
24 was standard operating procedure. I don't know why.

25 Q Did you have a personality problem with any of the

00099

- 1 people?
- 2 A I don't know. It didn't seem so. I got along pretty  
3 well with them, I thought.
- 4 Q They just didn't want to take advantage of your  
5 experience and education and background?
- 6 A That's the way it seemed.
- 7 Q Did you come to learn about some problems with some of  
8 the valves, unintended closures of the valves?
- 9 A No, not until after the incident.
- 10 Q How about uncommanded closure of the valves? You  
11 didn't learn about that until after the incident?
- 12 A That's correct.
- 13 Q You knew if there were valves that were closing that  
14 were unintended or uncommanded, that that should have  
15 been logged? You knew that?
- 16 MR. TOLLEFSON: Objection, lack of  
17 foundation.
- 18 A Sure, yeah.
- 19 Q And nobody made you aware of these things happening  
20 with the valves or any logging of the problems and  
21 malfunctions with the valves?
- 22 A That's correct.
- 23 Q How did you feel -- you learned about it afterwards,  
24 didn't you?
- 25 A Yeah.

00100

- 1 Q How did you feel when you learned that there was a  
2 number of times in which that was going on?  
3 MR. VERWOLF: Objection, argumentative.
- 4 A Well, I, of course, felt pretty bad. I talked to  
5 somebody who said they weren't really unintentional  
6 closures. They were, the valve in question, I don't  
7 know what number it was, but it was intended to go  
8 closed and we relied on that, so what people were  
9 saying was an unintentional closure really wasn't  
10 unintentional or wasn't uncommanded. It was commanded  
11 by the control system.
- 12 Q It was unanticipated though, wasn't it?  
13 A No, because it was programmed in so you have to  
14 anticipate those things. That is what I was told.
- 15 Q What was your response?  
16 A Well, of course when it was explained to me why, you  
17 know, you don't want to, of course, run your line  
18 slack so you close the valve when the line goes down.  
19 It made perfect sense because there's a hill just  
20 before it gets to Bayview. If you leave that end  
21 open, you're not going to be able to stop flow and it  
22 could have gone into the tank and overflowed the tank.  
23 That's what I was told. It made perfect sense.
- 24 Q You didn't have a problem with it?  
25 A No, I didn't have a problem with it. This is already

00101

1 after the incident so, you know. The part I did have  
2 a problem with --  
3 Q Go ahead. What part did you have a problem with?  
4 A There wasn't a relief valve outside of that block  
5 valve to relieve flow when that valve did go to closed  
6 and you had high pressure.  
7 Q Is that something you felt should have been there?  
8 A Yeah.  
9 Q Is that something you would have been able to spot had  
10 you been given the drawings before the start-up?  
11 A I think so. Throughout my career that was standard  
12 operating procedure. When you go into a facility and  
13 you have a block valve there going into -- you change  
14 ANSI ratings on your equipment, you have a relief  
15 valve.  
16 Q Why is that?  
17 A So you don't overpressure your lower rated equipment.  
18 Q What's the concerns on overpressuring the lower rated  
19 equipment?  
20 A You'd have a release.  
21 Q What do you mean a release?  
22 A You would leak through the flanges and things like  
23 that, through the -- primarily through flanges. The  
24 flanges is only rated for certain pressure and if you  
25 have a higher pressure, it expands them.

00102

- 1 Q So you could have some equipment malfunctions?
- 2 A I don't know about equipment malfunctions so much
- 3 as -- well, yeah, flanges would be equipment so, yeah,
- 4 you could.
- 5 Q You could overpressurize the lines?
- 6 A Yes.
- 7 Q You could, in essence, stress test some of the weakest
- 8 points?
- 9 A Sure.
- 10 Q And you could cause things to either rupture or fail?
- 11 A Yes, if you have a release. I don't know about --
- 12 Q If they rupture or fail you can have the product,
- 13 whether it's gas or jet fuel or whatever it is, end up
- 14 spilling and discharging out of the line into the
- 15 environment?
- 16 A Yes.
- 17 Q So you knew back in December and January of 1998,
- 18 1999, that without this relief valve before the block
- 19 valve, that you could have some problems that could
- 20 potentially result in overpressurization of the line,
- 21 ruptures and leaks?
- 22 MR. VERWOLF: Objection, no foundation.
- 23 A I knew that you needed a relief valve there to keep
- 24 that from happening, yes.
- 25 Q And one of these fellows over here said you don't have

00103

1 a foundation for knowing that.

2 MR. VERWOLF: Do you want me to explain my  
3 objection?

4 Q Do you want to tell him why, with your experience and  
5 background, that you know what you're talking about,  
6 whether block valves should have a relief valve  
7 upstream? Tell him why you know all this.

8 A That has been my training.

9 Q How long have you been in this field?

10 A 25 years.

11 Q What's your education?

12 A Electrical engineer.

13 Q So these are things that are particularly sensitive to  
14 you, based upon your background and training, that are  
15 things that are necessary in order to safeguard a  
16 line?

17 A In this particular instance.

18 MR. VERWOLF: Objection, no foundation.

19 Q In this particular instance?

20 A Well, when you're going from mainline 600 ANSI  
21 equipment into lower rated, it was standard procedure  
22 to put a relief valve in.

23 Q If you had been given access to these plans by  
24 Mr. Hammett or Mr. Hopf or any one of the Olympic  
25 employees, is this something you would have been



00104

1 looking for, based upon your background and training  
2 and knowledge, that this should have been a standard  
3 procedure?  
4 A I don't know that I would necessarily have been  
5 looking for that. I think I would look through the  
6 whole thing to see what the operation's going to be.  
7 This isn't the thing I would be looking for.  
8 Q That is one of the things that you would have been  
9 either looking to see if it was there or see if it was  
10 absent?  
11 A I think so, yeah.  
12 Q Had you been given the plans as you requested in order  
13 to do your job as the operations manager, what would  
14 you have done if you had seen these plans and saw  
15 there was no relief valve where you felt it should  
16 have been?  
17 A I think I would have brought it to someone's  
18 attention, probably both Frank and Craig's.  
19 Q Even though other types of things had been brought up  
20 to these people's attention in the past and been shot  
21 down, I guess you said, from Mr. Nusz?  
22 A Sure, but -- may have been shot down again, I don't  
23 know, but I'd bring it to somebody's attention.  
24 Q How important do you think, in the operation of a line  
25 like this, a relief valve is in the area that you

00105

1 indicated?

2 MR. TOLLEFSON: Objection, lack of  
3 foundation.

4 A Well, I think it's important.

5 Q Maybe tell this fellow, what's your basis for  
6 thinking --

7 MR. TOLLEFSON: My name is Val Tollefson,  
8 Mr. Hopf. I'm not "this fellow".

9 Q This is Val Tollefson. He represents Olympic Pipe  
10 Line. He represents some of the people that refused  
11 to give you the plans so that you could do your job  
12 before a rupture occurred and a fire occurred that  
13 killed three people. That's who this fellow is, and  
14 this fellow says you don't have a foundation, you  
15 don't have a basis to be talking about these things.

16 So I'm asking you, as the attorney for the  
17 parents, is what's the basis for you to say that these  
18 things are significant and important and something  
19 that Olympic Pipe Line, their people, should have  
20 known about in a timely fashion?

21 MR. TOLLEFSON: The objection is to the  
22 failure of Mr. Beninger to lay the foundation for his  
23 question. Go ahead.

24 Q Go ahead, sir. Tell him why you know what the heck  
25 you're talking about.

00106

1 A Well, I guess it's just been based on training and  
2 prior experience. High pressure coming into tank  
3 farms and have it relieve into tanks rather than cause  
4 other damage.

5 Q After the fire and explosion that killed three people,  
6 were you able to look through the plans?

7 A Yes.

8 Q What other design defects did you learn about?

9 A I don't know that I can really recall any just off the  
10 top of my head now.

11 Q The most prominent thing you can recall is the lack of  
12 this valve or the relief valve?

13 A That's the most prominent that I thought that needed  
14 to be in there.

15 Q Were there any other things that you can recall?

16 A Not that I can recall right now.

17 Q Why was Bayview circumvented after this tragedy?

18 A Why did we bypass it?

19 Q Why did you bypass it?

20 A I don't know that I really remember exactly why. I  
21 think maybe -- I don't know. I really don't.

22 Q You weren't, again, included in the decision-making  
23 process as to whether Bayview was going to be  
24 attempted to be used or whether it was bypassed after  
25 the fire and explosion?

00107

- 1 A No, I wasn't.
- 2 Q Why not?
- 3 A I don't know. I think you're asking the wrong person  
4 that question, why I wasn't included.
- 5 Q Did you think that was odd that you weren't going to  
6 be included in this facility that was part of your  
7 area of supervision and management?
- 8 A Based on, I guess, my prior working here, it probably  
9 wasn't odd.
- 10 Q Did you ask anybody about why you weren't going to be  
11 involved in the decision as to whether to use Bayview  
12 or not?
- 13 A No, I didn't.
- 14 Q Did you tell anybody about your concerns with the  
15 plans, that there wasn't a valve upstream of the block  
16 valve or relief valve?
- 17 A I didn't know there wasn't until after.
- 18 Q And after did you talk to anybody about that, why it  
19 wasn't there?
- 20 A I think there were some discussions about that and the  
21 feeling was it would have been too difficult to set  
22 and if it would have started relieving, you might not  
23 have been able to close it and again it would have  
24 filled up the tank and overflowed the tank, so they  
25 were concerned about that.

00108

- 1 Q It would only overflow the tank if the pump kept  
2 running from up north?
- 3 A Not necessarily. You've got a lot of fuel uphill, so  
4 it would all come downhill.
- 5 Q If you don't have other check valves and block valves?  
6 A Check valve wouldn't have done any good. It was all  
7 flowing the same way.
- 8 Q So was it a choice that the Olympic people made as to  
9 not to put a relief valve upstream of the block valve  
10 that you thought should have been there?
- 11 MR. TOLLEFSON: Objection, lack of  
12 foundation.
- 13 A I don't know who made the choice.
- 14 Q The people you talked to about it were aware that it  
15 wasn't there before the fire and rupture on June 10,  
16 1999; is that right?
- 17 MR. TOLLEFSON: Objection, lack of  
18 foundation.
- 19 A Well, they didn't say they were but I assumed they  
20 were, but that was maybe just an assumption on my  
21 part.
- 22 Q Was that the assumption that you gathered from your  
23 conversations and interactions with them afterwards  
24 when you raised this issue with them?
- 25 A Right. I didn't necessarily raise the issue with

00109

- 1           them, but I think I was involved in discussions with  
2           them. I don't know that I raised the issue, but the  
3           issue was there.
- 4   Q       Did you learn why Bayview was being bypassed from  
5           anyone?
- 6   A       I believe if memory serves, it was bypassed by DOT  
7           order.
- 8   Q       But after the DOT orders were lifted, Olympic then had  
9           the choice as to whether they were going to use this  
10          facility or not. Do you know why they bypassed it?
- 11   A       No, I didn't know they did after.
- 12   Q       This was a 20 to 30 million dollar facility. Is it  
13          common in the industry to build a facility like this  
14          and then just bypass it?
- 15   A       One wouldn't think so.
- 16   Q       But you were never informed as to the reasons why a 20  
17          to 30 million dollar facility couldn't be used and  
18          instead they decided to bypass the whole thing?
- 19   A       I guess I wasn't aware that they were bypassing the  
20          whole thing.
- 21   Q       At the time you were operations manager up until the  
22          time you left?
- 23   A       I think it was for the DOT order. I believe it was  
24          the DOT order.
- 25   Q       Did you ever learn where the first choice to locate

00110

- 1 that pump station at Bayview was?
- 2 A I knew there were other choices. I don't know. Other  
3 locations picked. I don't know that I know where the  
4 first one was.
- 5 Q Do you know if Arlington was another choice as to --
- 6 A I've heard that name before.
- 7 Q Do you know why Olympic decided not to go with the  
8 designs for Arlington of the pump station? Instead  
9 moved it over to Bayview?
- 10 A No, I don't.
- 11 Q Do you know if there were changes that were made to  
12 accommodate the geographical features of Bayview vs.  
13 Arlington in the designs?
- 14 A No.
- 15 Q Do you know if Arlington would have been a better site  
16 based upon the topography there?
- 17 MR. VERWOLF: Objection, no foundation.
- 18 A I'm not sure where Arlington is.
- 19 Q Did you ever learn, in addition to the lack of relief  
20 valves that you talked about, but that some of the  
21 other valves that were there in the Bayview Station  
22 had been manipulated, changed, the settings changed  
23 and things like that?
- 24 A Yeah, I had heard that the relief valves for the main  
25 lines that came into the station were ordered with

00111

1 incorrect settings. I guess they were set to relieve  
2 at 100 psi and so they had to change out the springs  
3 to get them to relieve at the higher pressure.  
4 Q Were you involved in the decision to order those?  
5 A No.  
6 Q Were you involved in the decisions to alter them?  
7 A No.  
8 Q This would have been under operations though, right?  
9 A Right.  
10 Q Why weren't you included in the decision to have  
11 somebody actually go in and alter a valve?  
12 A Probably for the same reason I wasn't included in the  
13 other decisions that were made.  
14 Q So whoever it was didn't take advantage of your  
15 knowledge and experience and background in helping to  
16 make the decision as to how best to run that station?  
17 A That's correct.  
18 Q And they didn't involve your knowledge and experience  
19 and background in how best to handle any problems that  
20 they foresaw with things like valves at that station?  
21 A Yeah, they didn't include me.  
22 Q Were the valves that were there designed to take the  
23 additional pressures that were being placed on them;  
24 do you know?  
25 A No, I don't. I may not even understand the question.



00112

1 Additional pressures? I don't know what additional  
2 pressures you're talking about.

3 Q You have valve with a pressure setting at 100 psi and  
4 as you understand it, the company made the decision,  
5 the company meaning the people that excluded you, made  
6 the decision to go on in and manipulate that valve and  
7 alter the settings to allow it to function at a  
8 higher --

9 A The valve is an ANSI 600. It could have handled the  
10 pressure.

11 Q So the change was the particular type of springs that  
12 were going to be used?

13 A That's correct.

14 Q And who was the one that was involved in making the  
15 decision to alter those springs in the valve?

16 A I don't know. I wasn't there.

17 Q Did you learn later as to who made that decision?

18 A No, I don't know who made the decision.

19 Q On a facility like this, is that an engineer's  
20 function to make that call as to altering springs and  
21 valves and pressure settings from whatever was  
22 provided or is that just a maintenance person's?

23 A That would be an engineer that would do that setting.

24 Q And you weren't included in that decision, right?

25 A That's right.

00113

- 1 Q So that would have left either Mr. Hopf or Mr. Hammett  
2 or Rose Ann Martir to make that decision for the  
3 company; is that right?
- 4 A That's right.
- 5 Q Do you know who was sent out to actually do the  
6 physical manipulations and alterations of this valve  
7 and spring?
- 8 A I believe it was Ron Greenidge.
- 9 Q Have you talked with Ron about what he did and why he  
10 did it?
- 11 A Yeah, sometime back.
- 12 Q Do you recall what he said?
- 13 A Yeah. Well, he said they couldn't get the facility  
14 operating because it would just relieve into the tank,  
15 so he shut down so he could change that spring and set  
16 them.
- 17 Q Did you get from him as to who asked him to do it?  
18 That's not something he could just do on his own, is  
19 it?
- 20 A No, Craig was involved in it.
- 21 Q Craig Hammett?
- 22 A Yeah. I don't know whether he made the decision about  
23 the setting or whether he recommended to Frank. I  
24 don't know. I wasn't there.
- 25 Q Given the fact this was, this type was an engineering

00114

- 1 deal, it would either be Craig Hammett or Frank Hopf?  
2 They're the only ones with the engineering background  
3 that would have been involved in that; is that right?  
4 MR. VERWOLF: Objection, no foundation.  
5 Q To have the engineering background that would have  
6 been involved in those kind of decisions, since it  
7 wasn't a business planning and development type thing  
8 that commonly would handle it, it would either be  
9 Frank Hopf or Craig Hammett, correct?  
10 A I assume so.  
11 Q Did Greenidge ever indicate to you that he had left  
12 some things out when he put the valve back together?  
13 A No.  
14 Q Did he know he had done anything like that?  
15 A No.  
16 Q Did you learn later that had happened?  
17 A No.  
18 Q That reminds me, you knew that OPS issued a fine to  
19 Olympic regarding what occurred here, probable  
20 violations and fines?  
21 A I heard that. I haven't read it.  
22 Q That was my question. Did Olympic take that and post  
23 it for people, all the employees to see and learn from  
24 it?  
25 A That may have happened after I left because I don't

00115

- 1 know what Olympic did.
- 2 Q But you never saw it, did you?
- 3 A I don't recall ever seeing it.
- 4 Q They never gave a copy to you to pass out to all the  
5 people underneath you so they could learn from it and  
6 improve and avoid it from happening?
- 7 A I don't have any people under me anymore.
- 8 Q How about before you left? Had you received anything  
9 on that?
- 10 A I don't recall ever receiving anything on that.
- 11 Q Had, in fact, your job as operations manager, had you  
12 been given any information to be able to deliver to  
13 all your 50 to 60 people underneath you to help them  
14 learn what mistakes had been made and learn from those  
15 mistakes so they don't do it again? Anything given  
16 out by the company to you to give to the people?
- 17 A I don't remember anything. There may have been, but I  
18 don't remember anything.
- 19 Q Were you asked to participate in any investigation by  
20 the company to try to learn what had happened here and  
21 make sure it doesn't happen again?
- 22 A No.
- 23 Q Did you find that to be unusual?
- 24 A No.
- 25 Q Why not?

00116

- 1 A I was involved in another investigation.  
2 Q Which one?  
3 A NTSB.  
4 Q And were you involved with the NTSB on behalf of  
5 Olympic?  
6 A Yes.  
7 Q And the company was doing an internal investigation?  
8 You understood that?  
9 A Yes.  
10 Q And you were the company representative to the NTSB  
11 investigation, right?  
12 A Correct.  
13 Q And was it your goal just to be ears and listening and  
14 report back what they said or were you supposed to  
15 help them figure out what went on?  
16 A I was to -- actually both.  
17 Q So you were supposed to help the NTSB figure out what  
18 went wrong and also report back to the company what  
19 the NTSB was learning; is that right?  
20 A Right.  
21 Q In order to perform your job to help or assist the  
22 NTSB, you needed information to be able to give to  
23 them, right?  
24 A Right.  
25 Q And are you telling me the company didn't share with

00117

1 you any of their own investigation so you could help  
2 the government to figure out what went wrong?  
3 A That's correct.  
4 Q Did you ask the company for some of this stuff?  
5 A Not their investigation stuff. I asked for the things  
6 that the NTSB had asked me to get for them.  
7 Q So you were just serving as the middle person for the  
8 NTSB's request from the company; is that correct?  
9 A Correct.  
10 Q The company, even though they knew you were trying to  
11 assist the NTSB in trying to figure out what happened,  
12 never shared with you their investigative materials or  
13 their interviews and statements with employees; is  
14 that right?  
15 A That's correct.  
16 Q You knew they had been talking to the employees to try  
17 to figure out what went on?  
18 A I did? I don't think -- I didn't know that.  
19 Q You didn't know that the company was trying to figure  
20 out what was going on by talking to people?  
21 A Well, not all the employees. Some probably.  
22 Q Some of them. The key ones, right?  
23 A I would imagine.  
24 Q And did you know that the NTSB was trying to talk to  
25 the employees as well, many of the key employees to

00118

1 figure out what went on?

2 A Yes.

3 Q And you knew those employees were taking the 5th and  
4 not giving any information to the NTSB?

5 A Yes.

6 Q You knew that included Craig Hammett? He wasn't  
7 giving any information to the NTSB? He was taking the  
8 5th Amendment?

9 A I don't recall that. I don't recall exactly who all.

10 Q Who did you know? There were a number of people for  
11 the company that were taking the 5th Amendment,  
12 correct?

13 A Seemed like there were five at the time I was involved  
14 in that.

15 Q Who were those people?

16 A I don't recall off the top of my head. Of course,  
17 obviously Ron Brentson and Kevin Dyvig. Seemed like  
18 Lloyd may have been one of them.

19 Q Lloyd Tieken?

20 A Yes, may have been, and maybe Ken Roberts and Kevin  
21 Wittmer. That would have been six, so somewhere -- I  
22 think those were the people.

23 Q Did you know this was frustrating the NTSB's  
24 investigation, people taking the 5th?

25 MR. TOLLEFSON: Objection, lack of

00119

1 foundation.

2 A I knew they were awfully frustrated with that fact.

3 Q And this gentleman over here, Mr. Tollefson, says you  
4 don't have a foundation for that statement. How did  
5 you know that the NTSB --

6 MR. TOLLEFSON: Mr. Beu, the gentleman over  
7 here, Mr. Tollefson, doesn't believe you don't have  
8 the foundation. The gentleman over here,  
9 Mr. Tollefson, believes Mr. Beninger, again, as he  
10 routinely does, has failed to lay the foundation. You  
11 can go ahead and answer the question if you can.

12 Q I guess he wants to know how you knew that the NTSB  
13 was frustrated by the way Olympic was assisting with  
14 the investigation by the federal government?

15 A It was told to me several times by Allen Beshore.

16 Q Was he the chief investigator for the NTSB?

17 A I believe that was his title. He was in charge of the  
18 investigation.

19 Q Were these people from Olympic Pipe Line who were  
20 frustrating the NTSB investigation into what went on  
21 here, what went wrong, were they still employed by  
22 Olympic while they were refusing to answer questions?

23 A Yes.

24 Q And they kept doing their job while refusing to answer  
25 questions to the federal government?



00120

- 1 A I believe that's right.
- 2 Q Were there any discussions that you were aware of  
3 within Olympic that say, look, you're in charge of  
4 operations here and maybe we need to replace some of  
5 these people with people who will not only do their  
6 job, but will assist the government in figuring out  
7 what happened here, and we'll put these people on  
8 administrative leave? Did that ever come up?
- 9 A No, not to me.
- 10 Q Are you aware of it coming up to anybody in the  
11 company that decisions were being made that say, look,  
12 we've got to get people that cannot only do their job,  
13 but will also assist the government and not take the  
14 5th Amendment; let's put these people on  
15 administrative leave and get some new people in here?  
16 Did that get brought up to anybody?
- 17 A Not to my knowledge. I don't know what got brought up  
18 to everybody else.
- 19 Q How long -- when you left the area here, did you still  
20 stay involved in assisting the NTSB?
- 21 A No, no.
- 22 Q Why not?
- 23 A I guess I wasn't asked to.
- 24 Q You're still working for Equilon though, right?
- 25 A Yes.

00121

- 1 Q So if you were asked to, you would have remained with  
2 the NTSB and helped to conclude the investigation that  
3 you started out as Olympic's representative, right?  
4 A Say that again.  
5 Q Sure. If Equilon had asked you to continue on in that  
6 same role as the company representative for the NTSB  
7 to help them figure out what went wrong here, you  
8 would have continued doing that, wouldn't you?  
9 MR. VERWOLF: Objection, no foundation.  
10 A Sure.  
11 Q They never asked you to do it?  
12 A That's right.  
13 Q They took you off, transferred you out of state with  
14 them and they cut you off from basically any more  
15 involvement with the NTSB?  
16 A That's right.  
17 Q How long were you serving as the company's  
18 representative and assistant to the NTSB?  
19 A I don't know the exact date I started, but I finished  
20 about the time I transferred to Houston.  
21 Q Did the company, were they dissatisfied with the way  
22 you were being forthright and honest with the NTSB?  
23 A I don't believe they were.  
24 Q And you were forthright and honest with the NTSB,  
25 weren't you?

00122

- 1 A Sure.
- 2 Q Did they give you any explanation as to why you were  
3 being taken off as the representative to the NTSB?
- 4 A No, I didn't feel like they needed to because I was  
5 being transferred away, new job role.
- 6 Q Is this a job promotion for you?
- 7 A Oh, no.
- 8 Q Demotion?
- 9 A No, it was a lateral, I guess.
- 10 Q Back on the Exhibit No. 402, which is the "Operations  
11 & Maintenance Qualification Manual", that would have  
12 to incorporate Bayview Station in the operations  
13 there, wouldn't it?
- 14 A It was going on. It had not at this time.
- 15 Q If you were in charge of having to draft the  
16 "Operations & Maintenance Qualification Manual",  
17 Exhibit 402, how would you be able to complete it  
18 without some knowledge of the operations at Bayview?
- 19 A You wouldn't, obviously.
- 20 Q Wasn't Bayview an essential element, I guess a  
21 critical component of the Olympic Pipe Line system?
- 22 MR. VERWOLF: Objection, vague and  
23 ambiguous.
- 24 A I don't know what critical necessarily means. It was  
25 a component of the system just like all the other

00123

1 facilities.

2 Q Bayview was actually one of those ones where all the  
3 product from either the two northern refineries or two  
4 refineries in Anacortes had to pass through to get  
5 down to Seattle or Portland or anywhere else, didn't  
6 it?

7 A That's correct. Well, yeah, after it was built it  
8 did, but before that, of course, it got down here  
9 without Bayview so I don't know that -- it obviously  
10 wasn't critical to the operation of Olympic.

11 Q Before it was built?

12 A Right.

13 Q After it was built it was critical because everything  
14 passed through it?

15 A Okay, yeah. It wasn't any more critical than any of  
16 the other facilities but, yeah, all the product passed  
17 through it.

18 Q And as I understand it, the company was, on the one  
19 hand, not giving you the drawings or diagrams or  
20 knowledge of the station in order to help put into the  
21 manual, but on the other side, expecting you to draft  
22 the manual and the "Operations & Maintenance  
23 Qualifications Manual"; is that right?

24 A Yeah, and I don't mean to say that they weren't going  
25 to give me the information eventually. It's just that

00124

1 they hadn't at that time.

2 Q They hadn't at least from December all the way up to  
3 June, so at least six months while it was in  
4 operation, right?

5 A Right.

6 Q This thing is a couple years in the makings, isn't it?

7 A Something like that.

8 Q So in the couple years you had been there that this  
9 thing was being budgeted, planned, drafted, built and  
10 then started up, they hadn't given you any information  
11 on it even though you asked a number of times?

12 A That's right.

13 Q And then in the six months it was operating where  
14 there were problems with the operation, they still  
15 didn't give you any of the drawings and things for you  
16 to assist with, right?

17 A Right.

18 Q And there were no plans in the immediate future from  
19 June, '99, for them to give you that so you can figure  
20 out what was going on there or even complete your  
21 manual, right?

22 MR. TOLLEFSON: Objection, lack of  
23 foundation.

24 A And I don't know what the plans were, exactly when I  
25 would have gotten them.

00125

1 Q Did your transfer out of the state of Washington for  
2 Equilon have anything to do with the June, 1999, fire  
3 and rupture or your work afterwards as a witness with  
4 Allen Beshore of the NTSB?  
5 A I'm sure that if the fire and rupture hadn't happened,  
6 I would still be working here.  
7 Q Why?  
8 A Because when Frank's replacement came he wanted  
9 somebody else other than me working for him.  
10 Q Why?  
11 A He didn't know me and it was never explained.  
12 Q He didn't know a lot of the people that were in this  
13 company, right?  
14 A Right.  
15 Q But he kept on people who had taken the 5th Amendment  
16 like Ron Brentson, right? Does that mean yes?  
17 A I'm sorry, yes.  
18 Q And he kept on people taking the 5th Amendment like  
19 Kevin Dyvig, correct?  
20 A Yes.  
21 Q And they kept on people taking the 5th Amendment like  
22 Richard Klasen?  
23 A Yes.  
24 Q And they kept on people taking the 5th Amendment like  
25 Craig Hammett until they gave him kind of a sweetheart

00126

- 1 deal to work as a consultant?
- 2 A Okay.
- 3 Q You know that?
- 4 A I didn't know that.
- 5 Q You didn't know they gave him a deal to come on back
- 6 as a consultant?
- 7 A No, I didn't.
- 8 Q With an hourly wage that would pay him more in a year
- 9 than he was making before?
- 10 A No, I didn't.
- 11 Q And Craig Hammett was the one that was pretty much in
- 12 charge of getting Bayview up and running, right?
- 13 A Yes.
- 14 Q Seem kind of odd to you that the person responsible
- 15 for getting Bayview up and running after this rupture
- 16 and fire gets, in essence, a deal to come back as a
- 17 consultant at a higher wage than he was making?
- 18 A I don't know that anything seems odd to me anymore.
- 19 Q With this company?
- 20 A Well, with anything.
- 21 Q Are you aware of anybody who was disciplined as a
- 22 result of any of the events that led up to this
- 23 rupture occurring and a fire that killed three people?
- 24 Anyone in the company that was disciplined at all?
- 25 A I don't know of anyone.

00127

- 1 Q Were you involved in the pig runs in '97 at all?  
2 A No.  
3 Q How about, '96 would have been before you, but '97  
4 there would have been some pig runs and then some digs  
5 that were being scheduled as a result of those. Were  
6 you involved in those at all?  
7 A No.  
8 Q Were you involved in the decision to cancel the order  
9 to dig up and inspect the area where the rupture  
10 occurred two years later?  
11 A No.  
12 Q Do you have any knowledge on that at all?  
13 A Knowledge on what?  
14 Q On the decision to cancel the excavation of the pipe  
15 to inspect the anomalies found in the area that  
16 ruptured in June, 1999?  
17 A Just what I read in the paper.  
18 Q Now, you said if the rupture and fire hadn't occurred  
19 that you'd probably still be there with Olympic?  
20 A I would assume that's right.  
21 Q And did anyone place any blame on you for this  
22 happening?  
23 A Not to my knowledge.  
24 Q I mean frankly, if people had kept you informed and  
25 allowed you to do your job, you might very likely have



00128

1 caught this design error in time to fix it before this  
2 ever happened?

3 MR. VERWOLF: Objection, argumentative,  
4 speculative.

5 A Is that a question?

6 Q Yes, sir.

7 A Sounds more like a statement. I don't know what would  
8 have happened. I don't know. It's hard to say what  
9 might have happened if.

10 Q If you had been given a chance to do your job?

11 A Right. I hopefully would have raised the issue.  
12 Whether or not it would have been taken with a grain  
13 of salt or not, I don't know, so I don't know if  
14 anything would have been different.

15 Q Based upon your own review of the plans and  
16 investigation, as well as all the time you spent with  
17 the NTSB assisting as the company's representative and  
18 assisting the federal government in figuring out what  
19 went wrong here, what do you think was the cause of  
20 the rupture and fire?

21 A I think it was the damaged pipe.

22 Q Anything else?

23 A Well, obviously it was a series of events, but I guess  
24 I was told by one of our metallurgists that piping  
25 damage like that was not a matter of if it was going

00129

1 to rupture. It was a matter of when because it  
2 continued to weaken until finally it would get weak  
3 enough until the pressure in the pipe would meet that  
4 lowered threshold and you would have a release.  
5 Q Third party damage is something that happens in  
6 pipelines, doesn't it?  
7 A Unfortunately, that's the number one cause of releases  
8 in the pipeline industry.  
9 Q And the industry has known that for years and years?  
10 A That's right.  
11 Q They know that not only third party damage but milling  
12 defects, installation damage, all those things can  
13 cause problems with the pipes that can lead to  
14 ruptures, correct?  
15 A Sure, that's correct.  
16 Q So what's the standard operating procedure to prevent  
17 that, catch them before they kill?  
18 A There was one call systems that the contractor should  
19 call and the company goes out to, has a representative  
20 on site when there's digging around the line.  
21 Q So the company, the policy is the company should have  
22 a representative on site any time there's digging  
23 around the line; is that right?  
24 A Yes.  
25 Q And the pipeline company representative is supposed to

00130

1 be, function in there as the eyes and ears to make  
2 sure that pipeline doesn't get hit?

3 A That's correct.

4 Q So other than the company having a representative any  
5 time any work's being done around the pipe, what else  
6 is standard operating procedure to prevent a weakness  
7 in the pipe from turning into a rupture that kills?

8 A Well, when the pipe is first put in you  
9 hydrostatically test it to ensure it can hold the  
10 kinds of operating pressure it's going to be subjected  
11 to.

12 Q Is that safe to do?

13 A Yes.

14 Q If done right, hydrostatically testing a line is safe  
15 to do?

16 MR. TOLLEFSON: What's the question, David?  
17 I didn't hear the end of the question.

18 Q If done right, hydrostatically testing is safe to do?

19 A Yeah, I would think. I don't see any problems with  
20 it. It's done all the time without a lot of  
21 incidents.

22 Q Without a lot of incidents?

23 A Yeah, I don't know of any hydrostatic test that's  
24 caused a problem.

25 Q So you're not aware of any hydrostatic test that has

00131

- 1 caused a problem with any of the lines in the United  
2 States?
- 3 A Of course, I'm not aware of all the hydrostatic tests  
4 in the United States either, but, yeah, I'm not aware  
5 of any.
- 6 Q And the hydrostatic testing is done all the time,  
7 isn't it?
- 8 A I don't know about all the time. It's usually done at  
9 the end of construction and sometimes in between.
- 10 Q So why would they do it at the end of construction?
- 11 A To ensure that the pipeline is sound before they put  
12 it in operation.
- 13 Q So when the pipeline's first laid, one of the standard  
14 operating procedures is to hydrostatically test the  
15 line to make sure that the line is safe and sound,  
16 correct?
- 17 A Yes.
- 18 Q And that's to catch any milling defects, to catch any  
19 installation damage; is that right?
- 20 A That's part of it.
- 21 Q If there's other construction to the line, the line's  
22 standard operating procedure is to hydrostatically  
23 test it again, again to catch if there's any  
24 installation defects or defects in any work around the  
25 line, correct?

00132

- 1 A You hydrostatically test the section of the line that  
2 you're putting in.
- 3 Q Or is being worked on or around, correct?
- 4 A I don't know what kind of work you're talking about.
- 5 Q What would you be talking about? Would it be standard  
6 procedure to hydrostatically test the line after doing  
7 work on the line?
- 8 A I don't know that I necessarily understand the  
9 question, but we hydrostatically tested lines after a  
10 number of years when we had corrosion concerns and  
11 wanted to see if the line would hold up, not here but  
12 at other locations.
- 13 Q So to combat corrosion which occurs over time, that  
14 would be another reason to hydrostatically test the  
15 line?
- 16 A Yes, if you had concerns and wanted to test the line  
17 to see if it was going to hold.
- 18 Q How about from dents or gouges, other types of damage  
19 to the integrity of the line? Do you hydrostatically  
20 test again as a standard operating procedure in order  
21 to ensure the safety of the line?
- 22 MR. TOLLEFSON: Objection, vague, lack of  
23 foundation.
- 24 A General practice with dents and gouges is to cut them  
25 out, not to hydrostatically test them to see if

00133

1 they'll hold because they weaken. They don't stay  
2 static.

3 Q If you learn about a dent or a gouge, you should take  
4 it out, shouldn't you?

5 A Depending on the severity, and there are guidelines in  
6 the ASTM for that.

7 Q ASMEs?

8 A ASME, whatever. There's guidelines to show you.

9 Q As the operations manager were you aware of what the  
10 guidelines were for removing a pipe that had a dent or  
11 a gouge?

12 A No.

13 Q That's something that the company hadn't trained you  
14 on?

15 A That's right.

16 Q And as the operations manager, were you trained on the  
17 standards to inspect a pipe for corrosion deficiencies  
18 as to what that level would be?

19 A No.

20 Q What were you trained on as to Olympic's operating  
21 procedures as to when a line should be excavated and  
22 inspected or repaired?

23 A I wasn't trained on Olympic's lines for that sort of  
24 thing. That was an engineering function.

25 Q So you as the operations manager hadn't been trained

00134

1 as to what the defects in the line would be that would  
2 cause the line to be shut down, inspected or repaired;  
3 is that right?  
4 A That's correct.  
5 Q Were you trained in how to visually inspect the line  
6 to see whether or not it had an integrity problem?  
7 A No.  
8 Q I assume you never did any training then of any of the  
9 field operators underneath your supervision as to how  
10 to properly inspect a line to determine if there was a  
11 dent or gouge or stripping of the coating that would  
12 cause problems?  
13 A That's correct.  
14 Q On a gouge, was the standard operating procedure in  
15 the industry that there's zero tolerance? It has to  
16 be replaced if there's a gouge that's found?  
17 A I've never been trained on that. I really don't know  
18 what that is.  
19 Q And you weren't trained with Olympic as to what sort  
20 of tolerance they had for dents and gouges in the  
21 line?  
22 A That's correct.  
23 Q What's the purpose of smart pigging?  
24 A I've never been schooled in smart picking. Obviously,  
25 it's to look at the line, but there's different kinds

00135

- 1 of tools, I understand, for looking for different  
2 things.
- 3 Q So as the operations manager of Olympic for three  
4 years you'd never been given training on the purpose  
5 of smart pigging?
- 6 A That's correct.
- 7 Q And you'd never -- were you ever given any of the  
8 results from any of the smart pigs that had been done?
- 9 A No.
- 10 Q Did you find that to be unusual, that you as the  
11 operations manager were never given any results from  
12 the testing that had been done of the lines that made  
13 up your operation?
- 14 A I didn't find it unusual at all, no.
- 15 Q Is it something you would want to know as an  
16 operations manager to ensure the safety of your line?
- 17 A I would have liked to have learned that.
- 18 Q Did you know if there were any defects, anomalies that  
19 had been found in the course of your line that you  
20 were operating as a manager of before June, 1999?
- 21 A I was aware that there were some that were found that  
22 we had repaired and then we ended up going in and  
23 evacuating the line and cutting out those repairs and  
24 putting in good pipe.
- 25 Q How many times had that been done?



00136

- 1 A I don't know that I counted them.
- 2 Q Do you know if all the defects had been done?
- 3 A I don't know.
- 4 Q Do you know what the criteria was that was being used  
5 as to which ones would be dug up and which ones would  
6 be ignored?
- 7 A No, I didn't.
- 8 Q Do you know if, in fact, some were being dug up and  
9 some defects were being ignored?
- 10 A No, I did not know.
- 11 Q Do you think that's something you should know as the  
12 operations manager that there's defects that have been  
13 found in your line and some are being dug up and  
14 replaced and some are big ignored?
- 15 A Yeah, I would have like to have known and found that  
16 to be interesting.
- 17 Q You might have also found that to be not only  
18 interesting, but maybe critical in how your line was  
19 going to be operated as to knowing what the defects  
20 were, how many there were and how bad they were?
- 21 A Would have been very interesting.
- 22 Q It would have been very critical information as the  
23 operations manager to safely operate the line to know  
24 the number, the severity and the location of defects  
25 in the line?

00137

- 1 A Yes.
- 2 Q And you weren't given any of that information?
- 3 A I was not.
- 4 Q Do you feel a lot of times that your job as the  
5 operations manager with Olympic Pipe Line in large  
6 part was just a figurehead just drawing a check?
- 7 A Yes.
- 8 Q When we talk about contributing factors to why this  
9 pipeline ruptured and there was an explosion and three  
10 people died, do you think that not utilizing you to  
11 all your benefits and background and training may have  
12 played a role, of them circumventing you?
- 13 A Again, I can't speculate on something that may have  
14 happened or may not have happened. It's difficult to  
15 say. I would have certainly hoped that I could have  
16 made a difference, but I can't promise you that it  
17 would have made a difference. I don't know.
- 18 Q We talked about ways to prevent damage to the pipe.  
19 One is that a pipeline representative is supposed to  
20 be there any time there's work around the pipe,  
21 correct?
- 22 A Right.
- 23 Q What was your standard as to what required the  
24 presence of an Olympic Pipe Line representative to be  
25 present? How close to the line could people be

00138

1 working before an Olympic Pipe Line person was  
2 required to be there?  
3 A I don't know if I recall anything as far as how many  
4 feet away or -- I don't recall what the standard was.  
5 Q Was there a standard that Olympic had as to when an  
6 Olympic Pipe Line representative was supposed to be  
7 present during any work around the pipeline?  
8 A I thought I'd read at one time it was one of the  
9 documents that was maintained by Bob Burnett that he  
10 had that was part of a training for people as far as  
11 right-of-way.  
12 Q But was it part of the training for you as the  
13 operations manager, the person in charge of all those  
14 people who may be doing some right-of-way or  
15 inspection work? Were you given that training as to  
16 what the standard was for having a pipeline  
17 representative present?  
18 A No, I wasn't.  
19 Q And I assume then you never trained anyone as to what  
20 the requirements were as to when a pipeline  
21 representative was supposed to be present?  
22 A That's correct, I did not.  
23 Q But that's one of the first ways that a pipeline  
24 company can utilize to prevent damage to a pipeline,  
25 the type of damage that's the largest cause of

00139

- 1 ruptures, correct?
- 2 A Right.
- 3 Q Another one is to hydrostatically test the line,  
4 correct?
- 5 A Yes.
- 6 Q And another one would be to react to defects, dents,  
7 gouges, corrosion problems with the pipe itself and  
8 excavate it and inspect it, correct?
- 9 A I would think that would be one.
- 10 Q And you don't know what Olympic's policy or procedure  
11 was on inspecting, excavating and inspecting the lines  
12 for dents, gouges and defects, correct?
- 13 A That's correct.
- 14 Q You'd never been trained in that?
- 15 A That's right.
- 16 Q And you never trained any of the majority of people  
17 that were underneath your supervision?
- 18 A That's right.
- 19 Q Hydrostatically testing the line, what was Olympic's  
20 policy on hydrostatically testing the line?
- 21 A We hydrostatically tested the pieces that went into  
22 the line and we didn't routinely hydrostatically test  
23 the whole thing.
- 24 Q You didn't?
- 25 A No.

00140

- 1 Q Did you have any procedure to hydrostatically test the  
2 whole thing?
- 3 A Not to my knowledge.
- 4 Q So the only thing you're aware of is when it was first  
5 put in it was hydrostatically tested and that was it?
- 6 A Yes.
- 7 Q And the likelihood of corrosion causing a problem  
8 would be very minimal at that point?
- 9 A Yes.
- 10 Q The likelihood of third party damage would be very  
11 minimal other than the people who put the pipe in the  
12 ground?
- 13 A Yes.
- 14 Q And so with time, any reasonable person would expect  
15 the pipeline to be subjected to corrosion and exposure  
16 to third party people working around their line,  
17 correct?
- 18 A Well, not necessarily. The pipe is pretty well  
19 protected from corrosion and whenever you do a dig,  
20 you look for that sort of thing to see if the pipe is  
21 being subject to corrosion.
- 22 Q You've still got to monitor it though, right?
- 23 A Sure.
- 24 Q It's going to happen. The covering and things on it  
25 can become exposed with movement of the earth or

00141

1 physical manipulation by people who are working around  
2 the pipe, correct?

3 A Can be, yes.

4 Q So you need to be diligent in making sure you're on  
5 top of what's going on in the line to watch out for  
6 corrosion or damage to the line?

7 A Yes.

8 Q One way to help you with this task of being on top of  
9 what's going on with your line over time is smart pig  
10 testing?

11 A Yes.

12 Q And, again, none of the smart pig testing that had  
13 been done was shared with you, the operations manager,  
14 correct?

15 A Correct.

16 MR. TOLLEFSON: Can we take a break at some  
17 convenient time?

18 MR. BENINGER: This would be fine.

19 MR. MILLSPA W: Going off the record. The  
20 time is 3:09.

21 (Recess taken at 3:09 p.m.)

22 MR. MILLSPA W: Going back on the record.

23 The time is 3:21.

24 BY MR. BENINGER:

25 Q Mr. Beu, I don't think I asked you this, but in your

00142

1 position as operations manager for Olympic Pipe Line,  
2 what were you being paid?  
3 A Roughly, I think a little less than \$10,000 a month.  
4 Q So roughly a little less than \$120,000 for the year?  
5 A Yes.  
6 Q Let me ask you about the day, June 10th, 1999, okay?  
7 I understand you were on a, I'll call it a site visit,  
8 a sales visit with people who were thinking about  
9 buying portions of the pipeline?  
10 A Not portions of the pipeline. They were going to buy  
11 stock in the pipeline.  
12 Q Do you know whose stock they were going to buy?  
13 A I believe Arco was interested in selling their shares,  
14 and GATX indicated that if Arco sold, they might be  
15 interested in selling, too.  
16 Q The potential purchasers were who?  
17 A I really don't remember. There were several different  
18 companies that came with us, but I can't remember all  
19 of them.  
20 Q Did Buckeye Pipeline come at some point in time?  
21 A I can't remember. I really can't.  
22 Q On the day of this fire and explosion were the Kinder  
23 Morgan people with you?  
24 A I don't remember specifically who was there.  
25 Q Tell me, whoever the folks were, they were people who

00143

1 were thinking about buying some stock in the pipeline?  
2 A That's right.  
3 Q And tell me what went on that day. What were you  
4 doing?  
5 A I went over with Frank to a conference room in a hotel  
6 and he put on a talk about the line and maps and that  
7 sort of thing, and we got into a van and I believe  
8 there wasn't enough room so we used his car, too, and  
9 we toured the pipeline. Richard Klasen came with us  
10 and he drove the van and I sat in the back. Frank  
11 drove his car and we went and drove up to Allen  
12 Station and Bayview Station.  
13 Q Who did the tour around Bayview Station?  
14 A I don't know that there was -- I guess -- I don't know  
15 who gave the tour around Bayview Station.  
16 Q I'm assuming it wasn't you?  
17 A It wasn't me. I could guess but there would be no  
18 sense in guessing because I really don't know.  
19 Q Do you recall roughly what time you were at Bayview  
20 Station?  
21 A Early afternoon. Early, mid afternoon. I don't  
22 really recall the exact time we were there.  
23 Q Where were you when you actually heard that there was  
24 a potential leak in the pipeline?  
25 A I was in the van and I think we were somewhere close



00144

1 to Tukwila. I think Interurban, close to that  
2 intersection, Interurban, 405, somewhere right around  
3 there.  
4 Q Were you heading on back to the Renton Control  
5 Station?  
6 A At that time we were going to take them back to the  
7 hotel and then go to Renton, but, yes, when we heard  
8 that we went directly back to Renton.  
9 Q What was the stop you had made just before you were  
10 enroute to the Tukwila area?  
11 A I believe the facility just prior to that was Bayview.  
12 Q So you had come from Bayview and you were heading on  
13 back down to drop these folks off at their hotel and  
14 then going to go to the Renton Control Center; is that  
15 right?  
16 A That's correct.  
17 Q How did you hear that there was a potential leak?  
18 A I don't know whether it was on the unicator or -- I  
19 guess it was either on the unicator or the pager. May  
20 have been the unicator.  
21 Q What did you hear?  
22 A That we had a potential release at Whatcom Creek.  
23 Q Who was calling this in?  
24 A I didn't recognize the name. Somebody in the Control  
25 Center but I didn't recognize the name -- recognize

00145

- 1 the voice, I'm sorry.
- 2 Q You were being called from the Control Center?
- 3 A Right. Richard was with me and he was being called,  
4 too, as well.
- 5 Q Were you both being called or paged or whatever it was  
6 at the same time?
- 7 A Roughly the same time.
- 8 Q Was this directed to the both of you or was it just a  
9 general call going out?
- 10 A I don't remember.
- 11 Q Do you recall what exactly was said?
- 12 A Not exactly what was said, but it was what I said  
13 earlier, roughly, that there was a potential release  
14 at Whatcom Creek.
- 15 Q Did you take these people that were buying the line up  
16 to see where it was so they could get a good eye's  
17 view as to what the response plan was and the  
18 equipment and things that Olympic had?
- 19 A No.
- 20 Q These people were here to look at the operations of  
21 the pipeline, right, to buy it?
- 22 A To buy stock in it.
- 23 Q To buy stock in the pipeline?
- 24 A Right.
- 25 Q And so Olympic, you were trying to assist with the

00146

1 sale of that by showing off the pipeline to these  
2 people?  
3 A You're not talking about after the release, taking  
4 them back up there?  
5 Q Yeah. I want to know after the release if -- I mean,  
6 you showed the good stuff on the pipeline. Did you  
7 show, gee, here's the equipment we got to handle these  
8 spills and, folks, you're fortunate. You're here when  
9 there's a potential spill. Let's go see the  
10 equipment, let's see our response and all that?  
11 A No, that never happened.  
12 Q When you got the call there was a potential leak what  
13 did you do then? Did you shuffle these people to the  
14 hotel?  
15 A I think I heard we'd give them the van and let them  
16 drive to their hotel. We didn't try to shuffle them  
17 to the hotel.  
18 Q I mean you just didn't get out of the van or did you?  
19 A Yes.  
20 Q So you got out of the van at the Tukwila interchange  
21 and then what?  
22 A I said we went back to Renton.  
23 Q You went directly back to Renton?  
24 A We went back to Renton.  
25 Q And gave them the van to drive back to the hotel

00147

- 1 rather than seeing the company in action?
- 2 A Yes, that's my understanding, and I didn't give them  
3 the van personally. I wasn't there when they did. As  
4 soon as I got there I went in the Control Center.
- 5 Q Did you all give them the option to say, you know,  
6 there's a release. Do you want to see how we handle  
7 it?
- 8 A There was no such option given.
- 9 Q Do you want to see what you're buying, folks? Come  
10 on. You didn't give them that option?
- 11 A I didn't, no.
- 12 Q Did you even tell them there was a potential leak?
- 13 A Yes, I did. They heard it in the van.
- 14 Q And didn't they want to stay and figure out what this  
15 thing is that they're buying?
- 16 A Well, I don't think anybody bought it.
- 17 Q Afterwards they sure didn't, did they?
- 18 A That's right.
- 19 Q But at the time when they were thinking about buying  
20 it, I mean they were there to do a due diligence,  
21 weren't they?
- 22 A Yes.
- 23 Q And due diligence is they need to do their homework to  
24 figure out exactly what it is they're buying?
- 25 A Yes.

00148

- 1 Q Good, bad and otherwise?
- 2 A I think they did it right then.
- 3 Q So you think when the call came in that there was a  
4 release, that completed their due diligence and they  
5 were ready to go back?
- 6 A I would assume.
- 7 Q And you then went to the control station and what did  
8 you do? What is your role? I know that your role is  
9 in charge of basically everything as the operations  
10 manager for operations, but what is your role in a  
11 spill?
- 12 A In the prior drill I was the incident commander in the  
13 one we had prior to that. In this one in discussions  
14 with Frank, he felt like he ought to be the incident  
15 commander so I really didn't have a role at that  
16 point.
- 17 Q Do you know why the change was made?
- 18 A Well, because it was a serious event and he felt like  
19 he ought to take control of it.
- 20 Q So it's okay to practice it, you being the incident  
21 commander, but they didn't have enough confidence in  
22 you to do it when it came down to a real thing?
- 23 MR. VERWOLF: Objection, argumentative.
- 24 A He didn't say it that way, no.
- 25 Q Isn't that the way you felt?

00149

- 1 A No, I didn't, because I hadn't been here long enough  
2 to, I felt like, to understand the politics involved  
3 and all that sort of thing with all this.
- 4 Q At this point in time you'd only been here, what, two  
5 and a half years?
- 6 A A little less than that. Two years, I think. Two  
7 years and a few months.
- 8 Q February, March, April, May, June, so about two and a  
9 quarter years, two and a third years?
- 10 A Yeah.
- 11 Q At that point you didn't feel that the way the company  
12 had integrated you into the system and trained you,  
13 that you were properly trained in order to take over  
14 the role as the incident commander which you were  
15 assigned?
- 16 A I don't think I was trained as well as Frank was for  
17 the job.
- 18 Q The prior time when you had the training on this, had  
19 Frank been there at that prior training, Frank Hopf  
20 been there at that prior training?
- 21 A Yes.
- 22 Q So he knew what an incident commander, what was going  
23 on there, what he was supposed to do?
- 24 A Yes, he had been an incident commander in previous  
25 drills.

00150

1 Q So what role were you assigned then?  
2 A A liaison between the Fire Department there at the  
3 initial command center site near Whatcom Creek.  
4 Q Did you go into the Control Center when you first got  
5 there?  
6 A Yes.  
7 Q What did you do when you got in there?  
8 A Tried to see what was going on.  
9 Q When you got there had there been an explosion yet?  
10 A No.  
11 Q When you say try to see what was going on, did you  
12 actually go into the control room or into the computer  
13 room?  
14 A Not into the computer room.  
15 Q You went to the control room though?  
16 A Yes, correct.  
17 Q Who was in there when you got there?  
18 A I don't remember who all was in there. There were  
19 lots of people. I don't recall all of them.  
20 Q What were you able to figure out had been going on?  
21 A Not much at that point. Just trying to -- I think  
22 somebody said something about they ordered helicopters  
23 and they ought to be there so we need to get our  
24 stuff, so I went and got equipment to go, so I was on  
25 the first helicopter going up there.

00151

- 1 Q What equipment did you get to go?  
2 A Hardhat and goggles and that sort of thing, personal  
3 protective equipment.  
4 Q When you were in the van and told there was a leak,  
5 were you at that time made aware that it was a  
6 potential major leak?  
7 A It sounded like from the tone of their voice that it  
8 was big. You know, what's big in the scheme of  
9 things, but, yeah, it was not a small, pinhole leak.  
10 Q This was one that required some immediate action?  
11 A I don't know that any of them don't require immediate  
12 action, but, yes.  
13 Q Of the order of significance of about a four bell  
14 alarm in your mind?  
15 A It was pretty severe.  
16 Q In a situation like this, had you been trained as to  
17 whether or not you're supposed to try to restart the  
18 lines or not?  
19 A In a situation where it's been confirmed you have a  
20 release? Yeah, you don't restart the lines.  
21 Q How about when you're suspecting there had been a  
22 release?  
23 A There are instances where the leak detection system  
24 can give you a false alarm and this is somewhat common  
25 in the pipelines. We have a remote control that if it



00152

1       shuts down, the fluid column can actually break down  
2       and form kind of a gaseous state and it's pretty  
3       standard to start up and repack the line.  It's not  
4       uncommon.  
5   Q    Not uncommon at Olympic Pipe Line to restart the line  
6       after you get a leak detection alarm before you've  
7       gone out to visually inspect it to confirm there is or  
8       isn't a leak?  
9   A    I don't know about Olympic Pipe Line.  Again, we've  
10       talked about the lack of training I've had in the  
11       operations of Olympic so I can't tell you whether or  
12       not Olympic, whether it was standard for Olympic or  
13       not, but with where I've been before, that's what went  
14       on.  
15  Q    Where you'd been before there were places that had a  
16       leak a day?  
17  A    That's right.  
18  Q    In the Control Center, were you told anything about  
19       the computer problems?  
20  A    No.  
21  Q    Were you told anything about the reason why they  
22       suspected there was a leak?  
23  A    I believe they said Rick Kiene called and told them  
24       there was gasoline coming down the creek, and  
25       that's -- I believe I learned that at that point.

00153

- 1 Q Were you made aware as to whether anyone had tried to  
2 restart the pumps?
- 3 A No, I was not aware.
- 4 Q Who was in charge of the control room when you got  
5 there?
- 6 A Can you tell me what you mean by in charge of?
- 7 Q Sure, was it just chaos in the control room or was  
8 somebody actually in charge trying to keep an orderly  
9 state of affairs?
- 10 A I don't think I would consider it chaos in the control  
11 room. I don't believe I would consider it that. I  
12 think it was orderly.
- 13 Q Who was in charge?
- 14 A I don't know.
- 15 Q Was Ron Brentson there?
- 16 A Ron Brentson was in the control room.
- 17 Q Was anybody higher in authority than Ron Brentson in  
18 the control room before you got there?
- 19 A No.
- 20 Q Would you have expected Ron Brentson would be in  
21 charge of that control room?
- 22 A Yes.
- 23 Q Other than Ron Brentson, who else was in the control  
24 room? Was Kevin Dyvig there?
- 25 A I'm sure he was. I don't really recall, like I said,

00154

1           who all was in there, but I know he was on duty and I  
2           understand the history of the thing now, so he must  
3           have been there.  
4    Q       Did you know him before this, Kevin Dyvig?  
5    A       Did I know him before this? Yeah, I had met him. I  
6           don't know that I necessarily really had any  
7           conversations with him.  
8    Q       How about Ron Burt? Did you recognize him before  
9           this?  
10   A       Yes.  
11   Q       Any conversations with him?  
12   A       No, not specifically.  
13   Q       How long were you in the control room?  
14   A       Just a few minutes.  
15   Q       And then you went to go get your equipment transported  
16           up to Bellingham?  
17   A       That's correct.  
18   Q       Who did you go to Bellingham with?  
19   A       Frank Hopf and Richard Klasen.  
20   Q       Did you have discussions on the way up as to what went  
21           on?  
22   A       I don't think either of us knew what went on. I think  
23           we were trying to find out what was going on  
24           currently, you know, and --  
25   Q       Had the explosion occurred when you were in the

00155

1 helicopter?  
2 A I think the fire had been lit when we were in the  
3 helicopter.  
4 Q When you were in the control room had the fire been  
5 lit?  
6 A That's a little fuzzy. I really don't remember.  
7 Seems like I remember somebody saying something to the  
8 effect that there's a fire.  
9 Q When you were in the control room?  
10 A When I was in the control room.  
11 Q Do you know how much time had gone by from the time  
12 that you first got the call to the time that you got  
13 to the Control Center?  
14 A I didn't -- it wasn't long. I mean we drove straight  
15 there.  
16 Q Matter of minutes?  
17 A Matter of minutes, correct.  
18 Q And then at the time that you were at the Control  
19 Center, how long do you think went by before you  
20 learned that the leak had become a fire?  
21 A Again, not long. Maybe, you know, ten or 15 minutes,  
22 maybe longer. It's a long time ago. A lot has  
23 happened.  
24 Q On the way up to Bellingham did Frank Hopf and Richard  
25 Klasen talk about the fact that this may be in the

00156

1 same area that they decided not to dig up the three  
2 defects and anomalies in the pipe?  
3 A No.  
4 Q Had you been made aware during any time on that trip  
5 or on the day of this that, in fact, Richard Klasen  
6 and/or maybe Frank Hopf had made a decision not to dig  
7 up three defects in that area?  
8 A No, no, I hadn't been made aware of that.  
9 Q Did you know on the way up as to where the source of  
10 the leak was?  
11 A No.  
12 Q Were you in contact with Richard Kiene at any point in  
13 time to figure out what he was doing to figure out the  
14 source of the leak?  
15 A Man, no, I don't recall talking to Rick Kiene about  
16 the source of the leak.  
17 Q Were you ever able to determine how many gallons had  
18 actually leaked out of the rupture?  
19 A I've read, but I don't know that I've determined it.  
20 Q You never did?  
21 A There'd been a few numbers.  
22 Q Had you ever gotten information from either the NTSB  
23 or from the internal investigations from Olympic as to  
24 how many gallons had leaked?  
25 A I believe from Olympic it was reported to the NTSB how

00157

- 1 many gallons we felt like, and it went through me to  
2 the NTSB.
- 3 Q And what was that number?
- 4 A At one point I think it was 277,000 gallons.
- 5 Q Do you know if that was underreported or not?
- 6 A I don't know. It seems like the initial number was  
7 overreported and then there were actually fewer  
8 gallons out than what we initially reported. That's  
9 what I remember.
- 10 Q Is it common practice to underreport the amount of  
11 gallons that had been leaked?
- 12 MR. TOLLEFSON: Objection, lack of  
13 foundation, ambiguous.
- 14 A I don't think so. I don't know why anybody would do  
15 that.
- 16 Q Isn't there a criteria if 40 gallons or less are  
17 spilled, then you don't have to do certain things?
- 18 A That's not the criteria. I think the criteria used to  
19 be 50 barrels.
- 20 Q Barrels?
- 21 A But it's been reduced right now to something less than  
22 that. I think five gallons or five barrels or  
23 something like that. At the time I think it was 50  
24 barrels.
- 25 Q So --

00158

1 A There's some other things along there, too. That's  
2 just the volume.  
3 Q Less than 50 barrels, then you didn't have to report  
4 it and do certain things?  
5 A Yes.  
6 Q Do you know how the amount of gallons were calculated  
7 by Olympic?  
8 A I didn't do the calculations. I really don't know how  
9 they were done.  
10 Q When you got to Bellingham what did you do?  
11 A When I got to Bellingham we got in a police car and  
12 rode over to the site and --  
13 Q What site? I thought you didn't know where the leak  
14 was?  
15 A Well, when you fly up there you can see a big cloud,  
16 and the police knew where it was.  
17 Q Did you actually see the flames when you were flying  
18 there?  
19 A There were some still burning in the creek so there  
20 were flames there. By the time we got there there was  
21 nothing left really but the smoke. There weren't any  
22 high flames.  
23 Q How high was the smoke?  
24 A I don't -- it would be hard for me to estimate.  
25 Q Was it a clear day?

00159

- 1 A Yes, it was.
- 2 Q Did the smoke make it seem like clouds in the sky?
- 3 Was it that thick?
- 4 A Yes.
- 5 Q Black?
- 6 A Yes.
- 7 Q Did you see the fire actually on the creek bed of the
- 8 water when you were going by?
- 9 A Edge of the creek.
- 10 Q Did you see the trees and things that had been
- 11 scorched?
- 12 A Yes.
- 13 Q Were they all trees that had been scorched?
- 14 A Yes.
- 15 Q Did it lead you to believe that the fire when it had
- 16 been burning had been pretty high?
- 17 A Oh, yes.
- 18 Q How high would you think from what you observed?
- 19 A I would have guessed to the treetops at least.
- 20 Q Tall as telephone poles?
- 21 A I don't recall seeing any telephone poles around
- 22 there.
- 23 Q What were you able to observe as you flew by? Could
- 24 you tell where the rupture was?
- 25 A Well, we flew over it and you can see the extent of



00160

1 the burn area.  
2 Q How big is the burn area?  
3 A I don't recall. A couple miles, three miles. I don't  
4 really recall what the numbers were.  
5 Q A large area?  
6 A I'd say it was a large area.  
7 Q And could you see the swath of the fire and burn and  
8 devastation from the air?  
9 A Yes.  
10 Q Did it look like it had been pretty intense?  
11 A Yes.  
12 Q How could you tell that?  
13 A Well, from the burned trees.  
14 Q Did you make a pass over this area to try to figure  
15 out where the leak was coming from and whether it was  
16 still rushing out?  
17 A You really couldn't get that close to it to really  
18 see. If you could see product continuing to come out  
19 vs. the flame was about out, it was a pretty good  
20 assumption that the product wasn't really coming out,  
21 at least in any significant quantities at that point.  
22 Q Did you look when you were there, did any of the,  
23 Mr. Hopf or Mr. Klasen or yourself passing by, look to  
24 see if there had been people that had been injured or  
25 killed?

00161

- 1 A No, but what we did see is people on bicycles that  
2 dropped their bicycles and ran up to the edge of the  
3 creek and I couldn't figure out that action at all.  
4 It rather infuriated me that you have something like  
5 that happen and people rush to it rather than away  
6 from it.
- 7 Q You know that Mr. Kiene was an employee of Olympic,  
8 correct?
- 9 A Yes.
- 10 Q Did you know that he actually drove back and forth on  
11 the bridge a couple times when he smelled the smoke?
- 12 A I learned that later, yes. He didn't smell the smoke.  
13 He smelled the fumes, gasoline.
- 14 Q Smelled the fumes, yes. When you have fumes that are  
15 that heavy where you can actually see them, is there a  
16 concern from them being ignited from outside sources?
- 17 A He didn't tell me he actually saw the fumes. He said  
18 he thought he smelled it so he drove back through and  
19 he later thought about his action and thought that was  
20 the dumbest thing he could have done.
- 21 Q Why is that?
- 22 A You don't want to drive through -- if you're smelling  
23 gasoline, you don't want to take a vehicle through  
24 that area.
- 25 Q Because you can ignite it?

00162

- 1 A Yes.
- 2 Q Can sort of electrical currents ignite fumes that are  
3 heavy enough to smell?
- 4 A Can.
- 5 Q Can static electricity like rubbing pants together  
6 ignite it?
- 7 A Static electricity has been known to ignite  
8 hydrocarbons before.
- 9 Q Cell phone usage ignite hydrocarbons?
- 10 A I've never heard of that.
- 11 Q I see those stickers all the time at gas pumps saying  
12 don't use your cell phones. I assume it's because --
- 13 A I've never seen one of those stickers, but I don't use  
14 my cell phone around them anyway.
- 15 Q So what else did you observe as you were flying over  
16 to inspect the area? Saw the kids with their bikes  
17 right there in the path of this?
- 18 A The trouble is, they really weren't kids. They were,  
19 I think, young adults that rushed to the edge of the  
20 creek.
- 21 Q What else did you see?
- 22 A This old house that burned.
- 23 Q Was it still burning when you went by?
- 24 A Gosh, I can't remember. The Fire Department was out  
25 there at that time.

00163

1 Q Did it look like anyone from Olympic was coordinating  
2 activities there?  
3 A Yes.  
4 Q Who was in charge from Olympic out there? Could you  
5 tell?  
6 A I can't really remember. It was either Ken Roberts or  
7 Kevin Wittmer that was the on scene commander until  
8 Frank got there.  
9 Q You talked earlier about young adults, the bikes  
10 belonging to. When you say young adults what age are  
11 you talking?  
12 A Probably early 20s, would be my guess, but I was in a  
13 helicopter quite a ways away, but it didn't appear to  
14 be young kids.  
15 Q Young kids would be what age?  
16 A Young kids I would think would probably be under 18.  
17 Q Where did you end up landing the helicopter?  
18 A At the airport.  
19 Q How did you get from the airport to the Woburn Bridge?  
20 A The Bellingham police gave us a ride.  
21 Q They'd been called and advised as to who you were and  
22 to expect you?  
23 A I believe that's right.  
24 Q When you got to the scene what was your job role?  
25 A My job role, initially I didn't have one and I was

00164

- 1 assigned to be the liaison between us and the Fire  
2 Department there on site, so anything the Fire  
3 Department needed that we could do for them, we did.
- 4 Q Did you continue working for the Fire Department as  
5 the Olympic's representative to figure out what  
6 happened?
- 7 A No.
- 8 Q On the site there, were you kind of a facilitator then  
9 between the Fire Department and Olympic on the site?
- 10 A Yes.
- 11 Q That was that day, correct?
- 12 A Well, yes, actually that evening and all night.
- 13 Q And then what became your role?
- 14 A Then I went to work with the logistics group and tried  
15 to make arrangements to have equipment and people, I  
16 guess, like security to secure the park to keep people  
17 from coming in to see what was going on and that sort  
18 of thing. We coordinated getting in materials and  
19 stuff like that.
- 20 Q The first person on the scene is supposed to be the  
21 incident commander? Is that the way the system was  
22 set up?
- 23 A The on scene commander.
- 24 Q Was Kiene then the on scene commander?
- 25 A No, I don't think he ever assumed that role. I think

00165

1 it was either Ken or Kevin.

2 Q If Kiene was the first one on the scene, was he  
3 supposed to be the on scene commander if he was the  
4 first one there?

5 A I've never thought about that before.

6 Q Isn't that the way it's supposed to be?

7 A I guess that's probably the way it's designed to be.

8 I don't know that he had been trained for that though.

9 Q Exactly. You don't know if Mr. Kiene or Roberts or  
10 Wittmer or the others had been properly trained in  
11 what their roles were supposed to be as the first  
12 person on the scene would be the incident commander,  
13 correct?

14 MR. TOLLEFSON: Objection, lack of  
15 foundation.

16 A I believe that Ken and Kevin had been trained for that  
17 role in that drill we put on at Cherry Point. They  
18 assumed the initial on-the-scene commander role, one  
19 or the other or maybe both. I don't know. This stuff  
20 gets fuzzy going back, but they were the initial and  
21 then they turned it over to me in that drill.

22 Q When you all got to the scene, did somebody take over  
23 as the on scene commander?

24 A Frank did.

25 Q Were you present when the pipes were removed, the

00166

1 ruptured sections?  
2 A No, I wasn't there when they were actually taken out  
3 of the ground.  
4 Q Have you seen the ruptured sections of the pipe?  
5 A Yes.  
6 Q When did you see those?  
7 A I saw them after they had been removed and they were  
8 in the crate getting ready to have the crate closed up  
9 to send to the NTSB, and I went to Washington, D.C.  
10 and saw them when they were first uncrated there and  
11 then I went back when they did the metallurgical tests  
12 of them.  
13 Q What could you see on the pipes in the areas where  
14 they ruptured?  
15 A A lot of marks, deep gouges and dents and, of course,  
16 the fish mouth where the pipe failed.  
17 Q So you saw a lot of marks on the pipes that had  
18 ruptured in the area?  
19 A Yes.  
20 Q And that included deep gouges?  
21 A Yes.  
22 Q And that included dents?  
23 A Yes.  
24 Q When you say a lot of them, what do you mean by a lot  
25 of deep gouges and dents?

00167

- 1 A Whoever hit the line didn't do it once. They did it  
2 repeatedly.
- 3 Q Did they do it with just a dent or were there actual  
4 scrapings and gouges on it?
- 5 A Scrapings and gouges.
- 6 Q Were they all around the pipe?
- 7 A No, they were on the top.
- 8 Q And was the top of the pipe sort of the area where it  
9 ruptured as well?
- 10 A Yes.
- 11 Q How do you know the location of it? How do you know  
12 that was the top of the pipe?
- 13 A It was well marked.
- 14 Q So lots of deep gouges and dents you understood were  
15 located on the top of the pipe, correct?
- 16 A Yes, on the top section of the pipe.
- 17 Q And were these deep gouges and dents visible to  
18 anybody that was there to look at it?
- 19 A Well, sure. Anybody could have seen them.
- 20 Q Were they numerous enough and deep enough so that with  
21 a naked eye you could tell that there were gouges and  
22 dents there?
- 23 A Yes.
- 24 Q How far away do you think you could be to be able to  
25 see that there were gouges and dents there?



00168

1 A Well, I don't know. It depends on the lighting  
2 conditions and other factors, I'm sure.  
3 Q Normal day, daytime?  
4 A Well, I could certainly see them across the room.  
5 Q This room being about 30, 40 feet?  
6 A Yeah, if the pipe was sitting over there I could  
7 certainly see the dents and gouges on it.  
8 Q So from 30 to 40 feet with the naked eye you would be  
9 able to see lots of gouges and dents on the top part  
10 of the pipe?  
11 A Yes. You understand though that the pipe was already,  
12 when I saw it it had already been brought out of the  
13 ground. I don't know what, you know, dirt was on it  
14 inside and in the conditions to look in the ditch and  
15 see that sort of thing. I mean I don't know, but if  
16 the pipe were sitting on the other side of the room,  
17 we could all see it from here. We could all see the  
18 dents and gouges.  
19 Q I'm trying to figure out if somebody from Olympic had  
20 come out and dug up that pipe and went and looked at  
21 it, would those gouges and dents, the lots of them  
22 that you talked about, the deep gouges and dents, they  
23 would have been visible to somebody from Olympic if  
24 they had gone out and excavated to inspect that pipe,  
25 right?

00169

1 A Yes.

2 Q I mean there were that many of them and they were that  
3 noticeable that you would have expected any person,  
4 even from Olympic, to go out there and be able to see  
5 that if they had dug it up and inspected it?

6 A Yes.

7 MR. WOLFE: David, could I just interrupt  
8 here? I'm going to have to leave in about 20 minutes  
9 or so and we can only go until 5:00, so how much  
10 longer do you have?

11 (Discussion off the record.)

12 Q If this pipe had been dug up even a month before and  
13 had those same deep gouges and same dents on them and  
14 you had been asked to come out and look at it, what  
15 would you have done?

16 A Immediately shut the pipeline down.

17 Q Why?

18 A It would be an unsafe condition.

19 MR. BENINGER: Let me -- why don't we take a  
20 break now and make arrangements to try to get you back  
21 and figure out a good time with your schedule. Thank  
22 you, sir.

23 MR. MILLSPAW: Going off the record. The  
24 time is 3:59.

25 (The deposition of DOUGLAS BEU

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A F F I D A V I T

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF KING )

I have read my within deposition and the same is true  
and accurate, save and except for changes and/or  
corrections, if any, as indicated by me on the CORRECTIONS  
sheet hereof.

\_\_\_\_\_  
DOUGLAS BEU

SUBSCRIBED AND SWORN to before me on this  
\_\_\_\_\_day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Notary Public in and for  
the State of Washington

My commission expires\_\_\_\_\_



