

1 CAUSE NO. 05CV0337
2 MIGUEL ARENAZA, ELIZABETH) IN THE DISTRICT COURT
RAMON, DAVID G. CROW and)
3 JUANITA G. CROW, et al.)
))
4 VS.) 212TH JUDICIAL DISTRICT
))
5 BP PRODUCTS NORTH AMERICA)
INC., B.P. CORPORATION)
6 NORTH AMERICA INC., DON)
PARUS, AND JE MERIT)
7 CONSTRUCTORS, INC.) GALVESTON COUNTY, TEXAS

8
9 CAUSE NO. 05CV0337-A
10 IN RE: BP AMOCO EXPLOSION) IN THE DISTRICT COURT
MARCH 23, 2005)
11 COORDINATED DISCOVERY) 212TH JUDICIAL DISTRICT
PROCEEDINGS)
12) GALVESTON COUNTY, TEXAS

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15 *****

16 ORAL VIDEOTAPED DEPOSITION OF
17 MARTIN RISINGER
18 MARCH 1, 2006

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Page 2

1 ORAL VIDEOTAPED DEPOSITION OF MARTIN RISINGER,
 2 produced as a witness at the instance of the
 3 Plaintiffs and duly sworn, was taken in the
 4 above-styled and numbered cause on March 1, 2006,
 5 from 10:12 a.m. to 5:55 p.m., before Stephanie
 6 Barringer, Certified Shorthand Reporter in and for
 7 the State of Texas, reported by stenographic means at
 8 the offices of Fulbright & Jaworski, 1301 McKinney,
 9 Suite 5100, Houston, Texas, pursuant to the Texas
 10 Rules of Civil Procedure and the provisions stated on
 11 the record or attached hereto.

12 Since this deposition has been realtmed and you
 13 may be in possession of a rough draft form, please be
 14 aware that there may be a discrepancy regarding page
 15 and line numbers when comparing the realtime draft
 16 and the final transcript. Also, please be aware that
 17 the realtime screen and the unedited, uncertified
 18 rough draft transcript may contain untranslated
 19 steno, a misspelled proper name and/or nonsensical
 20 English word combinations. All such entries are
 21 corrected in the final certified transcript. There
 22 also may be persons receiving the realtmed feed
 23 outside of the deposition room, but the reporter has
 24 given this access only to known attorneys of record
 25 and/or their experts.

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16	dated 12/4/02, Subject: Stop
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20	BPISOME00065344
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22	dated 2/11/02, Subject: ISOM
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1 THE VIDEOGRAPHER: On the record

2 March 1st, 2006, at 10:12 a.m., beginning Tape 1.

3 MARTIN RISINGER,

4 having been first duly sworn, testified as follows:

5

6 EXAMINATION

7 Q. (BY MR. KEBODEAUX) Would you state your

8 name, please.

9 A. Martin Eugene Risinger.

10 Q. Mr. Risinger, my name is Keith Kebodeaux,

11 and I am one of the attorneys representing

12 plaintiffs in a case arising -- in cases arising

13 out of the March 23, 2005 explosion. You

14 understand that, correct?

15 A. Yes, sir.

16 Q. And we are here today at the offices of

17 Fulbright & Jaworski in Houston, Texas to take your

18 deposition, correct?

19 A. Yes, sir.

20 Q. And have you given any depositions

21 before?

22 A. Yes, sir, I have.

23 Q. How many times have you given a

24 deposition?

25 A. Once before.

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1 Q. Okay. You understand that we are in an
 2 informal setting in some ways and that we will be
 3 taking breaks and the like, but that your testimony
 4 is just as if you were giving it before a judge and
 5 jury and the answers that you give me will be typed
 6 up along with a video which will be taken. Do you
 7 understand that?
 8 A. Yes, I do.
 9 Q. Okay. And any -- or all of that could be
 10 used as evidence in trial of this case. Do you
 11 understand that?
 12 A. Yes, sir.
 13 Q. For that reason it's important that you,
 14 obviously, give me truthful answers to questions
 15 that you understand. If you don't understand a
 16 question, if you will let me know, I will reask it.
 17 Okay?
 18 A. Yes, sir.
 19 Q. You have given one deposition in your --
 20 in your career?
 21 A. Yes, sir.
 22 Q. Okay. Have you ever testified at a
 23 trial?
 24 A. No, I don't think so.
 25 Q. I am going to get some background

Page 11

1 information from you.
 2 You are how old?
 3 A. I am 49.
 4 Q. Okay. And where do you live?
 5 A. I live in Dickinson, Texas.
 6 Q. Okay. What's your address there?
 7 A. 2360 Mary Lane.
 8 Q. Are you a married man?
 9 A. Yes, sir.
 10 Q. Okay. Do you have any children?
 11 A. I have two.
 12 Q. Okay. Are they at home, or are they now
 13 out of the home?
 14 A. No, they are on their own.
 15 Q. Okay. You are employed by whom at this
 16 time?
 17 A. BP.
 18 Q. Do you know what entity is on your
 19 paychecks, what the name of the entity is?
 20 A. I believe it says, "BP Production
 21 Company."
 22 Q. At this time what is your position at BP?
 23 A. I am a turnaround superintendent.
 24 Q. Now, how long have you worked for BP or
 25 its predecessor at the Texas City refinery?

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1 A. Since 1976, August.
 2 Q. So you hired on with Amoco in 1976?
 3 A. Yes, sir.
 4 Q. And then when it became BP, you continued
 5 there?
 6 A. Yes, sir.
 7 Q. And have you ever worked at any sites
 8 other than the Texas City facility?
 9 A. For BP? Is that your question?
 10 Q. For BP.
 11 A. When it was a chemical plant, I worked in
 12 a chemical plant as we were combining to be a site.
 13 So I worked in refining and in the chemical plant
 14 and then I have traveled for Amoco Oil and done
 15 work in some of their other plants.
 16 Q. Okay. So your traveling has been for
 17 Amoco and not during your time with BP?
 18 A. Yes, sir, that's correct.
 19 Q. The deposition that you have given, what
 20 was the subject matter of that case?
 21 A. An accident that happened at an AU2 unit
 22 in 2003 or '4. I can't remember.
 23 Q. Okay. And what was the nature of that
 24 accident?
 25 A. A fall.

Page 13

1 Q. Did it involve a fatality, a death?
 2 A. Yes, it did.
 3 Q. Okay. Do you recall the name of the man
 4 that was killed?
 5 A. Mr. Trevino.
 6 Q. Who was he employed by?
 7 A. Coke Glitz.
 8 Q. Coke?
 9 A. Coke Glitz.
 10 Q. Glitz?
 11 And at the time of the incident
 12 that resulted in Mr. Trevino's death, what was your
 13 job position at BP?
 14 A. I was the turnaround superintendent.
 15 Q. Now, in connection with the March 23,
 16 2005 explosion, have you given any statements?
 17 A. No, sir, I haven't. Well, I have to
 18 investigative committees.
 19 Q. Have you given statements to the internal
 20 investigation committee?
 21 A. Yes, sir, that's what I was referring to.
 22 Q. Okay. Those were typed up by a court
 23 reporter, as you recall?
 24 A. There was a court reporter at some of
 25 them but some of them there wasn't -- there weren't

Page 14

1 reporters there.
 2 Q. How many times have you met with
 3 representatives of the internal investigation
 4 committee?
 5 A. Three or four times.
 6 Q. Do you recall the names of the persons
 7 with whom you met?
 8 A. The first meeting one of the gentleman
 9 there were -- was Adams. I don't remember the
 10 names of the other people. There were about four
 11 or five people there, though.
 12 Q. And you were asked questions, and you
 13 gave responses?
 14 A. Yes, sir.
 15 Q. And have you seen typed transcripts of
 16 any of those meetings with the investigation
 17 committee?
 18 A. During an OSHA interview, I saw a partial
 19 of one.
 20 Q. Okay. Do you know how many written
 21 transcripts exist of your interviews with the
 22 investigation committee?
 23 A. No, sir, I don't.
 24 Q. Have you met with representatives of
 25 OSHA?

Page 15

1 A. Yes, sir, I did.
 2 Q. Was it in the -- how many times?
 3 A. Just once.
 4 Q. Okay. Do you recall the names of the
 5 people you met with?
 6 A. No, sir. I -- it's a one time meeting.
 7 I don't recall their names.
 8 Q. And did you have an attorney present?
 9 A. Yes, sir.
 10 Q. Who was your attorney?
 11 A. I can't remember his name either.
 12 Q. Was there a court reporter and a
 13 transcription made of your statement?
 14 A. With OSHA?
 15 Q. Yes, sir.
 16 A. Yes, sir, there was.
 17 Q. So it was in a question and then an
 18 answer format, and it was transcribed by someone?
 19 A. Yes, sir.
 20 Q. Okay. And have you seen that statement?
 21 A. No, sir, I have not.
 22 Q. During the OSHA interview, you saw some
 23 portion of a transcript of your interviews or
 24 interview with the investigation -- a BP
 25 investigation committee?

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1 A. Yes, sir, that's correct.
 2 Q. Okay. It was shown to you by someone?
 3 A. I requested to see it after they asked
 4 some questions.
 5 Q. Okay. What prompted you to request to
 6 see the statement? Can you recall?
 7 A. The questions that they were asking. I
 8 couldn't recall the full statement, so I asked to
 9 see the document.
 10 Q. Okay. What I am trying to find out is if
 11 you recall the subject matter that prompted you to
 12 ask to see the statement. Was there a specific
 13 subject matter?
 14 A. I have answered so many questions I am
 15 not -- I really can't recall exactly what it was
 16 that made me want to see that document.
 17 Q. Perhaps it was questions about prior
 18 incidents at the F-20 blowdown stack? Does that
 19 jog your memory?
 20 A. No, sir, it wasn't that.
 21 Q. Okay. Have you met with representatives
 22 of the Chemical Safety Board?
 23 A. Yes, sir.
 24 Q. On how many times?
 25 A. Five or six occasions.

Page 17

1 Q. Okay. Did you have an attorney present
 2 during those interviews?
 3 A. Yes, sir.
 4 Q. Were you asked questions and then gave
 5 answers?
 6 A. Most of them were question and answers.
 7 Some of it was just conversations.
 8 Q. Okay. Were some of the interviews
 9 transcribed by a court reporter or recorded in some
 10 manner?
 11 A. There was no court reporter at any of
 12 those interviews. They taped it.
 13 Q. Taped it? Okay.
 14 Have you seen any written-up or
 15 typed transcriptions of those interviews between
 16 you and representatives of the Chemical Safety
 17 Board?
 18 A. No, sir, I haven't.
 19 Q. Have you given any recorded statements to
 20 anyone else about the March 23, 2005 explosion?
 21 A. No. Just OSHA and the Chemical Safety
 22 Board and the internal review team.
 23 Q. Now, in preparation for your deposition
 24 today, did you review any portion of the statements
 25 that you have given to OSHA, CSB or the internal

Page 18

1 investigation committee?
 2 A. No, sir.
 3 Q. Did you review any documents in
 4 preparation for your deposition today?
 5 A. I read the final report.
 6 Q. Did you review any other documents?
 7 A. No, sir, I haven't.
 8 Q. When did you read the final report?
 9 A. A week ago.
 10 Q. When I asked if you reviewed any
 11 documents in preparation for your deposition, I
 12 include in that question anything that you may have
 13 been able to access by computer. Did you review
 14 anything in the nature of computer records in
 15 preparation for this deposition?
 16 A. No, sir.
 17 Q. How much time did you spend reading the
 18 final report?
 19 A. I would guesstimate, about two hours.
 20 Q. Did you make any notes on the version
 21 that you were reading?
 22 A. No, sir, no written. Just mental notes.
 23 Q. Was there anything in the final report
 24 that you recall disagreeing with as we sit here
 25 today?

Page 19

1 A. I had different views of some of the
 2 issues that were stated in there.
 3 Q. Could you identify the issues that come
 4 to mind?
 5 A. Mainly the training that we do.
 6 Q. Any others?
 7 A. No, sir, nothing in particular.
 8 Q. What was different in your view of the
 9 training as opposed to what was in the final
 10 report?
 11 A. Well, from just my own past experience,
 12 we do the training in groups, and we do gun drills
 13 as a group. And as I remember, there were some
 14 notations in there that no evidence of the gun
 15 drills were apparent; but I participated in the gun
 16 drills on various units.
 17 Q. When was the last time that you
 18 participated in gun drills on the ISOM unit?
 19 A. I wouldn't be able to give you a date.
 20 Q. A year?
 21 A. 2003.
 22 Q. Have you brought any documents with you
 23 today to your deposition?
 24 A. No, sir, I didn't.
 25 Q. Did you review the interim report issued

Page 20

1 by the BP committee at any time?
 2 A. Yes, I did.
 3 Q. When did you read the interim report?
 4 A. Probably two days or so after it came
 5 out.
 6 Q. Have you maintained any kind of personal
 7 notes or diaries regarding the March 23, 2005
 8 incident and the aftermath?
 9 A. No, sir.
 10 Q. Have you met with attorneys as part of
 11 your preparation for your deposition today?
 12 A. Yes, I did.
 13 Q. Okay. I am not asking you what was said
 14 by you or by them, but I would like to know how
 15 many times you met with attorneys in preparation
 16 for this deposition.
 17 A. On three occasions.
 18 Q. How much time -- would that be three
 19 different days?
 20 A. Yes, sir.
 21 Q. How much time did you spend with
 22 attorneys preparing for your deposition on each of
 23 those three days?
 24 A. The first day, approximately, six hours.
 25 The second day, about four hours; and the third

Page 21

1 day, about four hours.
 2 Q. When did these meetings begin in
 3 preparation for your deposition? Approximately, by
 4 date is what I am asking you.
 5 A. I believe it was the 22nd or 23rd, the
 6 28th and, maybe, the 26th.
 7 Q. Of February?
 8 A. Yes.
 9 Q. Okay. Now, in connection with the
 10 interviews you gave with OSHA and the Chemical
 11 Safety Board, did you meet with attorneys to
 12 prepare for those interviews?
 13 A. Yes, I did.
 14 Q. Did you meet with attorneys before each
 15 interview?
 16 A. Yes, sir.
 17 Q. In preparation for the interviews?
 18 A. Yes, sir.
 19 Q. So if you met with the Chemical Safety
 20 Board five or six times, and you probably had five
 21 or six meetings with attorneys before those
 22 interviews?
 23 A. Yes, sir.
 24 Q. Okay. And then you had a meeting before
 25 your interview with OSHA?

Page 22

1 A. Yes, sir.
 2 Q. Did you meet with attorneys before any of
 3 your interviews with the internal investigation
 4 committee?
 5 A. No, sir.
 6 Q. Could you give me an idea of how many
 7 hours were spent preparing for the interviews with
 8 OSHA and the Chemical Safety Board with attorneys?
 9 A range would be fine.
 10 A. No more than 20 minutes before each
 11 meeting.
 12 Q. Where did you grow up, Mr. Risinger?
 13 A. In Dickinson.
 14 Q. Dickinson? Okay.
 15 And you went to high school there?
 16 A. Yes, sir, I did.
 17 Q. Graduated in what year?
 18 A. '75.
 19 Q. Okay. Did you work anywhere before you
 20 hired on at Amoco?
 21 A. Yes, sir.
 22 Q. Where did you work?
 23 A. I worked for a small mineral oil
 24 manufacturing company in Dickinson. I worked in
 25 various hay fields. I drove cattle trucks and

Page 23

1 trailers for a local of mine for a livestock barn.
 2 Q. What year did you hire on with Amoco?
 3 A. '76, 1976.
 4 Q. And what position did you hire on as?
 5 A. Operator of the coking complex.
 6 Q. What was the next position that you held?
 7 A. A shift supervisor. We call them
 8 "foremens" at that same complex.
 9 Q. What unit?
 10 A. The coking complex.
 11 Q. The coking complex? Okay.
 12 What was the next position that
 13 you held?
 14 A. I went back to an operator in '83. I
 15 went to the CAT feed hydrotreater for a startup
 16 there, commissioning a new unit.
 17 Q. Okay. What was the next position that
 18 you held?
 19 A. I went into our IT group and helped with
 20 the conversion of the older units to a computerized
 21 control system.
 22 Q. What units were being converted to a
 23 computerized control system?
 24 A. Cokers, pipestills A and B, alkylation
 25 units two, acid plant, CAT cracker one, two and

Page 24

1 three. Those are the ones that I participated in.
 2 Q. Did you participate in any conversion on
 3 the ISOM unit --
 4 A. No, sir.
 5 Q. -- or AU2 or ARU?
 6 A. No, sir.
 7 Q. And that was approximately what year?
 8 A. '86.
 9 Q. What was the next position that you held?
 10 A. East Plant coordinator.
 11 Q. What year?
 12 A. '86, I believe.
 13 Q. And the next position after East Plant
 14 coordinator?
 15 A. I took a supervisors job at pipestills 3A
 16 and 3B.
 17 Q. I'm sorry, you said, "A supervisors
 18 position"?
 19 A. Yes, sir.
 20 Q. What was the title?
 21 A. It was a supervisors position for
 22 pipestills 3A and 3B.
 23 Q. About what year was that?
 24 A. '87.
 25 Q. Okay. What was the next position that

Page 25

1 you held?
 2 A. I believe I went to the cokers around
 3 '89.
 4 Q. In what capacity?
 5 A. I was a shift supervisor.
 6 Q. Okay. And the next position after
 7 serving as a shift supervisor at the cokers?
 8 A. In 1996, I was placed on a technical
 9 advisory committee for the ultracracker unit.
 10 Q. What would your job title have been at
 11 that point?
 12 A. I was still a supervisor.
 13 Q. Are the cokers part of the West Plant?
 14 A. No, sir, they are an East Plant.
 15 Q. Is the ultracracker part of the West
 16 Plant?
 17 A. Yes, sir.
 18 Q. So is 1996, when you first came to the
 19 West Plant?
 20 A. Yes, sir.
 21 Q. And give me a thumbnail sketch of what
 22 you were doing as a supervisor at the ultracracker
 23 in 1996?
 24 A. Myself and three other persons were doing
 25 a technical review of that process and of the

Page 26

1 operation of that process in an effort to aid the
 2 unit in a longer operation, safer operation.
 3 Q. "Longer operation," you mean longer
 4 operation without a turnaround?
 5 A. No, sir. The longer operation without
 6 incidents.
 7 Q. Was this assignment prompted by some
 8 events, to your knowledge?
 9 A. Yes, sir.
 10 Q. What event?
 11 A. They had had some difficulty with staying
 12 on stream.
 13 Q. Have there been safety issues?
 14 A. No, sir. They were more in the nature of
 15 the operating personnel there.
 16 Q. What do you mean by that?
 17 A. Issues that they had with -- it was very
 18 varied. Some were the length of time that those
 19 operations had been there. Some of it was they had
 20 people nearing retirement. We were studying to see
 21 how many more people -- staffing study, was there
 22 enough people there to operate the unit for save
 23 startups and shutdowns. We were also looking at
 24 how the unit performed when it was on stream.
 25 Q. Were you looking at the training of the

Page 27

1 operating personnel?
 2 A. That was a part of it.
 3 Q. And you actually participated in a
 4 staffing study to determine if the unit was staffed
 5 at an adequate and safe level?
 6 A. We didn't -- I didn't participate in the
 7 study. We just reviewed.
 8 Q. And your advisory committee also looked
 9 at safe startups and shutdowns?
 10 A. The procedures that they were using, yes.
 11 Q. What was the next position that you held?
 12 A. An optimization supervisor for the East
 13 Plant.
 14 Q. About when did you become optimization
 15 supervisor for the East Plant?
 16 A. About '99.
 17 Q. And then what was the next position that
 18 you held?
 19 A. Operation superintendent for ISOM, ARUs
 20 and AU2.
 21 Q. ISOM, ARU and AU2 are all part of the
 22 West Plant, correct?
 23 A. At that --
 24 Q. Or at that point in time?
 25 A. The physical location is in the East --

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1 is in the West Plant. They were in the chemical
 2 plant, as far as the management.
 3 Q. When you became operations
 4 superintendent?
 5 A. Yes.
 6 Q. Okay. And what year was that?
 7 A. 2001, about July.
 8 Q. Was this the first time in July of 2001
 9 that you assumed any duties with respect to the
 10 ISOM, AU2 and ARU units?
 11 A. Yes, it was.
 12 Q. Okay. In July of 2001, the ISOM unit had
 13 not been designated as part of the West Plant. Is
 14 that a fair statement?
 15 A. It's in the West Plant, the physical
 16 location. It had been part of the West Plant for
 17 many years. When the -- when it became a site --
 18 when the plant became a site and the chemical plant
 19 was brought into the refinery, those units were
 20 deemed as chemical units.
 21 Q. Let me go at it this way. Currently the
 22 West Plant is a business unit?
 23 A. Yes, sir.
 24 Q. Okay. Was this designation of the West
 25 Plant as a business unit something that was in

Page 29

1 existence in July of 2001?
 2 A. No, sir.
 3 Q. Okay. When did the designation of the
 4 West Plant as a business unit occur, approximately?
 5 A. It was after I left the unit. Maybe
 6 2004.
 7 Q. Okay.
 8 A. Just an estimate.
 9 Q. When did you leave the ISOM, ARU, AU2
 10 unit?
 11 A. July of 2003, approximately.
 12 Q. When you became operation superintendent
 13 at ISOM in July of 2001, to whom did you report
 14 directly?
 15 A. David Pierpoline.
 16 Q. And what was his position?
 17 A. He was an aromatics manager.
 18 Q. Did you report directly to anyone else?
 19 A. No, sir.
 20 Q. Do you know who Mr. Pierpoline's
 21 reporting line went to at that time?
 22 A. I really can't remember but...
 23 Q. Okay.
 24 A. I think it was Don Parus.
 25 Q. Who reported directly to you when you

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1 became operations superintendent at the ISOM in
 2 July, 2001?
 3 A. The asset supervisors.
 4 Q. And was there an asset supervisor for
 5 each unit?
 6 A. No, there is an asset supervisor for that
 7 complex.
 8 Q. The AU2, ARU and ISOM?
 9 A. Yes, sir.
 10 Q. And who was that at that time?
 11 A. There were six.
 12 Q. Do you recall who they were?
 13 A. Charlie Logan, Paul Trapp, Kim Ravey,
 14 Melvin Castillo. There was another one. I can't
 15 remember his name. And then we added some during
 16 the period of time that I was there.
 17 Q. Okay. Who do you recall adding?
 18 A. Tony Higgins and another -- and another
 19 person from the chemical plant. I can't recall his
 20 name.
 21 Q. Between July of 2001 and July of 2003
 22 when you were at the ISOM unit, what other
 23 positions did you hold besides operations
 24 superintendent?
 25 A. That was it.

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1 Q. Okay.
 2 A. But it was asset superintendent.
 3 Q. Okay. I thought earlier you told me
 4 operations. Did I -- did I just -- or did your
 5 title change?
 6 A. An operations superintendent was the --
 7 it's a -- it's a position; but the unit itself,
 8 there were two groups that ran the units. It was
 9 an optimization group and an asset group, and I was
 10 an asset superintendent.
 11 Q. Okay. Before you came to the ISOM unit
 12 in July of 2001, had you had any post high school,
 13 formal education in the nature of vocational school
 14 or college?
 15 A. No, sir.
 16 Q. Okay. Had you had any other formal
 17 education through or sponsored by BP or Amoco?
 18 A. Yes, sir.
 19 Q. Had you had any training in process
 20 hazard -- process safety management?
 21 A. Yes, sir.
 22 Q. Before July of 2001?
 23 A. Yes, sir, as an operator.
 24 Q. Had you -- had you received any training
 25 in process safety management before July of 2001 as

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1 a manager or supervisor?
 2 A. I filled in as a step-up superintendent
 3 on several of those other units, and there was some
 4 training that was issued along those lines.
 5 Q. In your capacity as supervisor or
 6 management before July, 2001, had you actually
 7 taken any process safety management courses?
 8 A. No, sir.
 9 Q. Okay. So the training that you are
 10 talking about was on the job?
 11 A. Well, it's actually a -- was a written
 12 test and verbal test.
 13 Q. Before July, 2001, had you received any
 14 training regarding management of change?
 15 A. I don't recall that.
 16 Q. I take it then you don't recall ever
 17 having taken responsibility for initiating a
 18 management of change before July of 2001?
 19 A. I would say that's correct.
 20 Q. Is it also true that you had not
 21 participated in a management of change evaluation
 22 before July, 2001?
 23 A. No, sir. We -- I had sat in on some
 24 MOCs --
 25 Q. Okay.

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1 A. -- that were done.
 2 Q. Sat in as a supervisor?
 3 A. Supervisor or operator.
 4 Q. But you've had no training regarding how
 5 to do one, correct?
 6 A. No formal training.
 7 Q. Before July, 2001, had you sat in any MOC
 8 evaluations regarding facility siting or trailer
 9 siting?
 10 A. No, sir.
 11 Q. Before July, 2001, had you participated
 12 in any process hazard analyses that had been
 13 conducted?
 14 A. Yes, I had.
 15 Q. In what capacity?
 16 A. As a team member of the hazard analysis
 17 that was being done.
 18 Q. Before July, 2001, had you received any
 19 training in conducting process hazard analyses?
 20 A. Not in leading, but in participating.
 21 Q. Okay. So you had received no training
 22 regarding how to lead a process hazard analysis,
 23 but you had as a participant?
 24 A. Yes, sir.
 25 Q. Before July, 2001, had you ever acted as

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1 a process hazard analysis leader? I take it "no"?

2 A. No, sir.

3 Q. And you had never led an MOC process,

4 correct --

5 A. That's correct.

6 Q. -- before July of 2001?

7 Had you had any HAZOP training

8 before July, 2001?

9 A. I would say yes. We were issued training

10 on what the HAZOP process was.

11 Q. And how would you describe that process?

12 A. I would say VTA, virtual training

13 assistant program that you go in and take tests

14 through.

15 Q. Computer program?

16 A. Yes, sir.

17 Q. Okay. Had you participated in any

18 process hazard analysis revalidation studies before

19 July of 2001?

20 A. Yes, I had.

21 Q. As a member of management?

22 A. As a member of the HAZOP team for the

23 different units.

24 Q. I take it that before July of 2001, you

25 had never participated in a process hazard analysis

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1 or an MOC or a HAZOP with respect to the ISOM, AU2

2 and ARU units. Would that be true?

3 A. That's correct.

4 Q. Okay. Before July of 2001, when you came

5 to the ISOM unit, had you been a member of any

6 plant committees?

7 A. No, sir.

8 Q. Before July of 2001, had you ever

9 attended any multi-day schools relating to safety?

10 A. Yes, sir, we had formal hands on training

11 prior to that.

12 Q. Were those all on-site, or did some of

13 them take you other places?

14 A. Some were on-site, and some were

15 off-site.

16 Q. Okay. Were any sponsored -- were any of

17 your safety courses or training put on or presented

18 by entities outside of BP?

19 A. Yes, sir, they were.

20 Q. Okay. Earlier you said that you had

21 traveled to other Amoco facilities during your

22 tenure with Amoco, right?

23 A. Yes, sir.

24 Q. Okay. What facilities did you -- do you

25 recall traveling to?

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1 A. The Whiting refinery, a gas plant in

2 Evanston, Wyoming, Whitney Canyon.

3 Q. Is that it, that you recall?

4 A. Yes, sir, I believe so.

5 Q. After Amoco was acquired by BP, did you

6 travel to any BP facilities other than the Texas

7 City facility?

8 A. No, sir.

9 Q. As asset superintendent of the ISOM, ARU

10 and AU2 units, how would you describe your

11 responsibilities?

12 A. An asset superintendent was responsible

13 for the routine budget and creation of that, for

14 the reliability of the equipment and the

15 availability of the equipment.

16 Q. What about safety?

17 A. Also for the safe operation of the unit.

18 Q. Did the asset superintendent have any

19 process safety management responsibilities?

20 A. Yes, sir.

21 Q. How would you describe your process

22 safety management responsibilities as operations

23 superintendent?

24 A. As an asset superintendent, you -- there

25 is a system that action items are put into called

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1 "Tracts," and we monitor and respond to items that

2 are issued through that system.

3 Q. How would you define process safety

4 management -- or let me restate the question. What

5 is your understanding of the proper definition of

6 process safety management?

7 A. I don't know if I can quite understand

8 what you are asking me.

9 Q. I am really just trying to understand

10 what you -- I am trying to find out what you

11 understand process safety management to be.

12 A. Well, it's a system in which the

13 operating procedures and guidelines are documented

14 and issued and training comes from it. It's kind

15 of the principle of operations for the units. It

16 also has guidelines for mechanical operations.

17 Q. Have -- it has to do with safety as it

18 relates to the operation of the unit. Would that

19 be true?

20 A. Yes, and the mechanical reliability of

21 the units.

22 Q. Have you ever had an occasion to read the

23 OSHA regulations that define and establish process

24 safety management requirements?

25 A. Well, I have read some OSHA standards and

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1 I don't know if -- I can't quote a particular one.
 2 Q. Do you -- do you know if you have read
 3 any of the process safety management regulations?
 4 A. I don't recall reading them.
 5 Q. During your time at the ISOM unit, 2001
 6 to 2003, did you ever teach management of change to
 7 other employees?
 8 A. No, sir.
 9 Q. Did you ever teach process hazard
 10 analysis to other employees?
 11 A. No, sir, I did not.
 12 Q. Did you ever teach process safety
 13 management precepts to other employees?
 14 A. No, sir.
 15 Q. Would it be fair to say that during that
 16 time period you were not qualified to serve in a
 17 role as teacher of process hazard analysis,
 18 management of change and process safety management?
 19 A. Yes, sir.
 20 Q. You are agreeing with me?
 21 A. Yes, sir, I wasn't qualified to teach it.
 22 Q. Okay. I will come back to this later,
 23 but you indicated -- I want to find out a little
 24 about this. You indicated that you as
 25 operations -- asset superintendent had some budget

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1 responsibilities?
 2 A. Yes, sir.
 3 Q. And you called it the routine budget?
 4 A. Yes, sir.
 5 Q. What is the routine budget?
 6 A. It consist of maintenance moneys for
 7 spending, for salaries. It has a portion in there
 8 for safety. It has moneys for reward recognition.
 9 There is probably a couple I am missing; but,
 10 basically, it's for the maintenance and operations
 11 of the unit.
 12 Q. Are you in the course of -- of serving in
 13 the ISOM from 2001 to 2003, did you acquire some
 14 understanding of the difference in variable and
 15 fixed costs?
 16 A. Yes, sir.
 17 Q. Okay. On the routine budget, is it all
 18 variable or is some portion of it fixed? If that's
 19 a meaningful question?
 20 A. Well, the budget that we set is a -- only
 21 a guideline for spending, a target that we set for
 22 ourselves. We can pull money from the variable
 23 budget or from the fixed budget if needed.
 24 Q. From 2001 to 2003, were you the lead man
 25 in terms of setting the routine budget for the ISOM

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1 AU2 and ARU?
 2 A. I wouldn't say I was the lead man. I
 3 participated with the other superintendents in the
 4 division, and we made the evaluations of what the
 5 cost to operate the units were from historical
 6 records and from known work that we would be doing
 7 the next year.
 8 And then we set priorities for
 9 spending in the division from -- we ranked our
 10 safety issues, our mechanical reliability and
 11 mechanical availability and assigned the dollars
 12 out to various units as a team.
 13 Q. There was only one asset superintendent
 14 on the ISOM from July of 2001, to July of 2003.
 15 That was you?
 16 A. Yes, sir.
 17 Q. But then there were several asset
 18 supervisors?
 19 A. Yes, sir.
 20 Q. And in terms of ultimate responsibility
 21 for the things you just described, were you the
 22 person with ultimate responsibility on those units?
 23 A. For the budget?
 24 Q. Yes, sir.
 25 A. I wouldn't say that I had the ultimate

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1 responsibility. I shared that with the division
 2 superintendents and the division manager.
 3 Q. Okay.
 4 A. The division manager actually would set
 5 the total amount of spend for that area.
 6 Q. Okay. I am sorry. You said, "You shared
 7 it with the division manager," and who else?
 8 A. The other operating superintendents in
 9 that area. So the West Plant.
 10 Q. So we are referring to the West Plant?
 11 A. Yes, sir.
 12 Q. And between July of 2001, and July of
 13 2003, the division manager was whom?
 14 A. Bob Smith.
 15 Q. Okay. And then it was handed over to
 16 Willie Willis?
 17 A. Yes, sir.
 18 Q. Were you on the ISOM unit when it was
 19 transformed to Willie Willis -- or transferred to
 20 him?
 21 A. I believe I was for a very short time.
 22 Q. Okay. And so the division manager, Bob
 23 Smith, would have set the total spending on the
 24 West Plant?
 25 A. Yes, sir.

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1 Q. Is that the total spending on everything,
 2 capital, maintenance, operations, safety?
 3 A. Not the capital portion.
 4 Q. Okay. Is the "routine budget" -- is that
 5 your words or is that a term of art?
 6 A. That's actually a term that's used for
 7 maintaining --
 8 Q. Okay.
 9 A. -- the units.
 10 Q. I want to get in my mind the different
 11 kinds of budgets. So the routine budget is what
 12 you have described to me?
 13 A. Yes, sir.
 14 Q. And then there is a capital budget?
 15 A. Yes, sir.
 16 Q. What other types of budgets exist?
 17 A. There is a variable.
 18 Q. Okay. There is a routine, the capital,
 19 the variable and what else?
 20 A. That's pretty much it.
 21 Q. What is the fixed cash cost budget?
 22 A. Well, fixed cash cost is in that routine
 23 budget.
 24 Q. Is the capital what's also referred to as
 25 the Capex?

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1 A. Yes, sir.
 2 Q. What experience did you have in budgeting
 3 before July 1, 2000 -- or July of 2001?
 4 A. I helped the superintendents at the
 5 pipestills with budgeting, at the coker complex and
 6 at the ultracracker. I was an interim
 7 superintendent there during part of my time that I
 8 spent at the ultracracker.
 9 MR. KEBODEAUX: We need to change
 10 tapes, and we have been going about an hour. So if
 11 you want to take a break --
 12 MR. GALBRAITH: Let's take a
 13 break.
 14 MR. KEBODEAUX: Okay.
 15 THE VIDEOGRAPHER: Off the record
 16 at 11:09 a.m., ending Tape 1.
 17 (Recess taken.)
 18 THE VIDEOGRAPHER: On the record
 19 11:21 a.m., beginning Tape 2.
 20 Q. (BY MR. KEBODEAUX) Mr. Risinger, I think
 21 you told me that there was an actual line item for
 22 safety matters in the routine budget that you
 23 participated in.
 24 A. There were -- there was moneys for safety
 25 related items.

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1 Q. And if I were to want to go back and look
 2 at what happened with the routine budget from
 3 July 1 -- or from July, 2001, to July, 2003, what
 4 documents should I look at? Can you describe them?
 5 MR. GALBRAITH: Objection, form.
 6 It's been a long time without that.
 7 MR. KEBODEAUX: On the record.
 8 Q. (BY MR. KEBODEAUX) What I am looking for
 9 is: Are there titles of documents that exist that
 10 show what the forecast budget was, routine budget
 11 and what the actual expenditures were?
 12 A. Yes, sir, there is. I just don't know
 13 the names of them.
 14 Q. During your time at the ISOM unit, who
 15 would you look to with process safety management
 16 questions or issues?
 17 A. Mr. Bill Ralph.
 18 Q. And did you have occasion to do that?
 19 A. Yes, sir, we did.
 20 Q. Now, before you arrived at the ISOM unit,
 21 were you familiar with what a blowdown stack is?
 22 A. Yes, sir.
 23 Q. Okay. Is a -- are all blowdown stacks
 24 vent to atmosphere systems?
 25 A. Are you asking me if all of them in the

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1 refinery or all of them --
 2 Q. Is the nature of a blowdown stack that it
 3 vents to atmosphere?
 4 A. Most.
 5 Q. Were you familiar with any blowdown
 6 stacks that vented to atmosphere before you came to
 7 the ISOM unit?
 8 A. Yes, sir.
 9 Q. Okay. What blowdown stacks were you
 10 familiar with that vented to atmosphere?
 11 A. The coking unit, pipestill 3A, 3B,
 12 alkylation units and the ultracracker.
 13 Q. What was the first one you named? I have
 14 got pipestill, 3A and B, alkylation, ULC. You said
 15 "coker"?
 16 A. Yes, sir, coker.
 17 Q. Is a blowdown stack that vents to
 18 atmosphere part of a relief system?
 19 A. It can be.
 20 Q. Okay. Before you came to the ISOM unit
 21 in 2001, did you have knowledge of any instances
 22 where any blowdown stack at the refinery in Texas
 23 City had vented hydrocarbons to atmosphere?
 24 A. Yes, sir.
 25 Q. Is that called an "upset condition"?

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1 A. No, sir.
 2 Q. They are designed -- the blowdown stacks
 3 at the refinery are designed to vent relief
 4 pressure to atmosphere, correct?
 5 A. They are. Some are part of a process.
 6 Q. Before 2001, did you have knowledge of
 7 any blowdown stacks that had vented to atmosphere
 8 in such a way that it created a vapor cloud of
 9 hydrocarbons?
 10 A. No, sir.
 11 Q. Had you ever heard of such a thing
 12 happening at the refinery?
 13 A. No, sir.
 14 Q. Had you ever heard of any such thing
 15 happening at any other refineries?
 16 A. No, sir, I hadn't.
 17 Q. Is it true that there was communication
 18 between the Texas City refinery and other BP
 19 refineries about accidents and injuries and safety
 20 matters?
 21 A. Yes, sir, there is a system to show
 22 incidents on a global basis.
 23 Q. Okay. Here's what I am getting at. The
 24 Texas City refinery didn't operate insulated from
 25 all other BP facilities in respect to safety, did

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1 it?
 2 A. I don't believe so.
 3 Q. There was exchange of information about
 4 safety issues and safety problems and injuries
 5 amongst the different BP facilities, correct?
 6 A. Globally, yes, sir.
 7 Q. Globally. How would that communication
 8 take place?
 9 A. Usually through e-mails.
 10 Q. Before July of 2001, did you have
 11 knowledge of any incidents at other BP facilities
 12 where a blowdown stack had either overflowed or
 13 produced a vapor cloud of hydrocarbons?
 14 A. I saw an overflow of a coker blowdown
 15 stack.
 16 Q. When you say you saw it, do you mean you
 17 physically saw it or you became familiar with that
 18 having happened somewhere else?
 19 A. I saw the results of the overflow.
 20 Q. Where did the overflow occur?
 21 A. The coking complex there at Texas City.
 22 Q. Texas City. When did that occur,
 23 approximately?
 24 A. Well, I can't -- it was the mid Eighties.
 25 Q. What type of vessel overflowed?

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1 A. It was a blowdown stack.
 2 Q. Okay. And was the blowdown stack, I
 3 guess, clearly a vent to atmosphere system?
 4 A. Yes, sir.
 5 Q. Okay. And it vented vapors to atmosphere
 6 and liquids to where?
 7 A. Liquids to a sealed system.
 8 Q. Okay. A sewer or some type of sewer
 9 system?
 10 A. A collection system.
 11 Q. And was the system that we are talking
 12 about designed so that if there was excess or
 13 overpressure that the relief would take place and
 14 the vapors would be vented to atmosphere through
 15 the blowdown stack and liquids would be vented to
 16 this closed system? Was that the design?
 17 MR. GALBRAITH: Objection, form.
 18 A. Yes, sir.
 19 Q. (BY MR. KEBODEAUX) Now, what overflowed
 20 the blowdown stack in the coker -- let me make sure
 21 I understand where this happened.
 22 Tell me the name of the unit.
 23 A. Coker.
 24 Q. Okay. And do you know the name or the
 25 number of the blowdown stack?

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1 How many blowdown stacks are in
 2 the coker unit?
 3 A. There is only one blowdown stack.
 4 Q. This was the one?
 5 A. Yes, sir.
 6 Q. Is it still in existence?
 7 A. Yes, sir, it is.
 8 Q. What overflowed the blowdown stack in the
 9 coker in the 1980's?
 10 A. Resid.
 11 Q. What?
 12 A. Resid.
 13 Q. R-e-s-i-d?
 14 A. R-e-s-i-d, resid.
 15 Q. What is resid?
 16 A. It is the bottom of a barrel of crude,
 17 the heavy oil.
 18 Q. Is it flammable in liquid form?
 19 A. It could be.
 20 Q. Okay. Is it more flammable in vapor
 21 form?
 22 A. It would take an extremely high
 23 temperature to vaporize it.
 24 Q. Okay. So the overflow was of a liquid?
 25 A. Resid and water.

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1 Q. Were you working on that unit at the
 2 time?
 3 A. Not when it actually overflowed. I was
 4 off shift.
 5 Q. Okay. But you were assigned to that
 6 unit?
 7 A. I was assigned to that unit.
 8 Q. What was your position at that time?
 9 A. I believe I was an operator.
 10 Q. Was the unit in a shutdown mode or
 11 startup mode or just routine operations when this
 12 occurred?
 13 A. Routine operations.
 14 Q. Do you have an understanding of
 15 mechanically what happened to cause the overflow of
 16 the blowdown stack in the coker?
 17 A. Yes, sir, I do.
 18 Q. Tell me your understanding.
 19 A. The coke drum overfilled and what's known
 20 in the industry as a "foam over." As the pressure
 21 went up on the drum, there is a scrubber system
 22 that can be lined up off of the coke drums. That
 23 system was overfilled because of the foam over and
 24 then they switched to the stack to quench the rest
 25 of the vapor coming off of the drum. The water and

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1 the hot vapor combined and overflowed the stack.
 2 Q. Okay. So sort of the first step in this
 3 process was that the coke drum began overfilling?
 4 A. It's what's called a "foam over."
 5 Q. Okay.
 6 A. It's -- it's not necessarily in a liquid
 7 form. It's in a gaseous form like bubbles on a
 8 coke bottle.
 9 Q. But you get a pressure excursion?
 10 A. Yes, sir, a pressure excursion.
 11 Q. Or spike in the pressure?
 12 A. Yes.
 13 Q. And a spike in the pressure that you
 14 don't want in that vessel, right?
 15 A. Yes, sir.
 16 Q. And you don't want it for safety reasons
 17 and equipment reasons, right?
 18 A. Yes, sir. It can shut the unit down.
 19 Q. And could it rupture the drum?
 20 A. In order for it to rupture the drum, it
 21 would require a failure of multiple safety systems
 22 that are in place.
 23 Q. Okay. But one of the safety systems that
 24 was in place to try to avoid the hazard of a
 25 rupture is a relief system, correct?

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1 A. Yes, sir.
 2 Q. All right. And so as this coke drum
 3 began foaming over, the next step in the relief
 4 system is -- is what?
 5 A. Switching to a blowdown off the drum to a
 6 scrubber system, another unit.
 7 Q. I am confusing the scrubber with the
 8 blowdown stack. Are they one in the same?
 9 A. No, sir.
 10 Q. Okay. So the next step when this
 11 happened was to switch to a scrubber?
 12 A. Yes, sir, to try to help relieve the
 13 pressure.
 14 Q. Okay. And so this foam over would be
 15 going to a scrubber?
 16 A. Yes, sir.
 17 Q. Tell people like me what a scrubber is.
 18 A. It's a unit that receives liquid in a hot
 19 phase and then is quenched by cool liquid to turn a
 20 vapor back into a liquid phase and in that process
 21 it will drop the pressure.
 22 Q. Okay. And in this instance in the 1980's
 23 the scrubber was overwhelmed?
 24 A. Yes.
 25 Q. Okay. And it wasn't able to reduce the

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1 pressure sufficiently through the quenching water
 2 or system to fix the problem?
 3 A. It's not a quenching water on the
 4 scrubber. It's an oil.
 5 Q. Okay.
 6 A. But it couldn't reduce the pressure, and
 7 so it liquid filled.
 8 Q. Okay. And what happened then?
 9 A. The board operator switched over to the
 10 blowdown stack, which is a secondary containment
 11 system.
 12 Q. Do you know who that board operator was
 13 on that day?
 14 A. No, sir, I don't.
 15 Q. Okay. Do you know who the head of that
 16 coker unit was on that day?
 17 A. No, sir. I just can't recall.
 18 Q. Okay. You don't remember the names of
 19 any of the supervisors out there?
 20 A. Well, Don Hale was a supervisor there.
 21 Q. Don Hale?
 22 A. Don Hale.
 23 Q. Okay.
 24 A. Myself. I think I was a supervisor or an
 25 operator. It would be Jim Vowel.

Page 54

1 Q. Jim what?
 2 A. Vowel.
 3 Q. With a V?
 4 A. V-o-w-e-l.
 5 Q. Okay.
 6 A. But I don't know who was on that day.
 7 Q. Now, the -- once the board operator
 8 switched to the stack, you mean the blowdown stack?
 9 A. Yes, sir.
 10 Q. And this blowdown stack, is it a similar
 11 structure to the F-20 blowdown stack involved in
 12 this incident?
 13 A. Yes, sir, it is.
 14 Q. Okay. It has an opening to atmosphere;
 15 is that true?
 16 A. Yes, sir.
 17 Q. Does it have an opening to vent liquids
 18 to a closed system?
 19 A. Yes, sir.
 20 Q. Is that like a gooseneck, or do you
 21 recall?
 22 A. The coker doesn't have a gooseneck on the
 23 bottom of the tower.
 24 Q. How did the blowdown stack in the coker
 25 vent liquids to the closed system?

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1 A. It has a drain pipe directly off the
 2 bottom.
 3 Q. Okay. Now, on this day in the 1980s, did
 4 the blowdown stack overflow with resid?
 5 A. When the hot vapor, which is resid, hit
 6 the stack with the water, they actually put enough
 7 water in there to carry it overhead, fill the
 8 column. So the cool down resid and the water went
 9 out the top.
 10 Q. Okay.
 11 A. Overflow.
 12 Q. Was the water something that was added
 13 automatically or was that an operator decision, if
 14 you know?
 15 A. Well, an operations person has to add the
 16 water.
 17 Q. So in this instance, there was a physical
 18 overflow of the blowdown stack and out of the top
 19 of it came liquid?
 20 A. Yes.
 21 Q. Okay. At any point in this process was
 22 there a safety hazard?
 23 A. Well, the water's pretty hot.
 24 Q. Was there any potential for the resid to
 25 ignite?

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1 A. It would have been very low. It takes
 2 very high temperature to vaporize it.
 3 Q. Is this resid something that people
 4 should be exposed to from a toxicological or
 5 environmental aspect?
 6 A. I don't know about as far as toxic. I
 7 don't think so; but environmentally, it's a thick
 8 viscous material.
 9 Q. Is this something that had to be reported
 10 to regulatory authorities?
 11 A. Yes, sir.
 12 Q. Okay. Do you see any comparisons between
 13 what happened that day and what happened on
 14 March 23, 2005 with the F-20 blowdown stack?
 15 A. It's a different operation to the stack.
 16 Q. Well, I am going to ask you two
 17 questions. First, I am going to ask you what was
 18 different about how it happened. But first, I want
 19 to ask you what was similar.
 20 Are there any similarities between
 21 what happened at the coker unit, physically, and
 22 what happened at the F-20 blowdown stack?
 23 A. They both overflowed.
 24 Q. Okay. They both overflowed with liquids,
 25 right?

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1 A. Yes, sir.
 2 Q. And the liquids contained hydrocarbons,
 3 correct?
 4 A. Yes, sir.
 5 Q. And they both overflowed as a result of
 6 overflowing another vessel. Would that be true?
 7 A. In the coker it's -- it does go overhead,
 8 but it's in a vapor and then condensed; whereas,
 9 the ISOM, it was an overflow of liquid.
 10 Q. Okay. When the liquid overflowed the
 11 coker blowdown stack, was it -- did it spurt out or
 12 can you describe what you saw?
 13 A. Well, I wasn't there when it went over,
 14 but they said it just ran over.
 15 Q. Was there any type of evacuation?
 16 A. No, sir.
 17 Q. Was there an investigation?
 18 A. That, I don't know.
 19 Q. Okay. Do you have any knowledge as to
 20 whether the foam over was a result of any board
 21 operator error?
 22 A. I can't recall what was actually
 23 attributed to the start of the foam over.
 24 Q. Was there any board operator error
 25 attributed to the actions after the start of the

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1 process?
 2 A. At the cokers?
 3 Q. Uh-huh, yes.
 4 A. It's just been too long. I don't recall.
 5 Q. Was there any mechanical failure involved
 6 in this foam over and spill over?
 7 A. Well, that I -- I can't recall.
 8 Q. Okay.
 9 A. I don't remember what caused the foam
 10 over.
 11 Q. Did the unit have to be shut down?
 12 A. I believe we did.
 13 Q. Now, again before July of 2001, when you
 14 came to the ISOM, did you have any direct or
 15 indirect knowledge of any other blowdown stacks at
 16 any BP facility that had overflowed?
 17 A. No, sir.
 18 Q. Okay. This is --
 19 A. Just the coker.
 20 Q. This one incident?
 21 A. Yes, sir.
 22 Q. You have not heard about other instances
 23 at other facilities?
 24 A. No, sir.
 25 Q. Okay. After coming to the ISOM unit in

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1 July of 2001, you became familiar with the F-20
 2 blowdown stack and the raffinate splitter?
 3 A. Yes, sir.
 4 Q. Is raffinate a flammable substance?
 5 A. Yes, sir, it is.
 6 Q. Is it highly flammable?
 7 A. Yes, sir, it is.
 8 Q. And, I guess, it's flammability -- strike
 9 that.
 10 In your mind, is raffinate that is
 11 not contained a hazardous substance?
 12 A. It would depend on where it was
 13 contained.
 14 Q. In general, is losing containment of
 15 raffinate something that is a safety concern or
 16 hazard, depending upon how much and where it is?
 17 A. Again, it would depend on how it was
 18 contained. If it was just in an open vessel or an
 19 open drum, if it was contained in an area where you
 20 didn't have ignition sources or oxygen, it wouldn't
 21 be a concern.
 22 Q. Okay. Would you agree that a vapor cloud
 23 of raffinate in a unit with ignition sources is
 24 highly hazardous to human beings?
 25 A. It would be hazardous.

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1 Q. When you have a release to the atmosphere
 2 of raffinate vapor, does that present safety
 3 concerns?
 4 A. Yes, sir.
 5 Q. Okay. Depending upon how much is
 6 released and where, correct?
 7 A. Yes, sir.
 8 Q. And so the goal is always to keep this
 9 raffinate contained, correct?
 10 A. It's to keep it within the vessels.
 11 Q. Now, the F-20 blowdown stack is an
 12 overpressure protection system, correct, or relief
 13 system?
 14 A. It's part of a relief system.
 15 Q. And it is intended that its role be to
 16 vent to atmosphere raffinate if necessary, correct?
 17 A. Yes, sir. The reliefs valve -- some of
 18 the relief valves go there.
 19 Q. And when you get a vent of raffinate to
 20 atmosphere, is one of the hazards the formation of
 21 a vapor cloud?
 22 A. It could be if it was uncontrolled.
 23 Q. Okay. Well, by definition isn't it
 24 uncontrolled if you are venting it just to the
 25 atmosphere?

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1 A. No, sir, not necessarily. It can be
 2 quenched.
 3 Q. Okay. Quenched by, in this particular
 4 situation, a water quenching system?
 5 A. Yes, sir.
 6 Q. Except on March 23, 2005, the water
 7 quenching system was not operable. Did you know
 8 that?
 9 A. No, sir, I didn't.
 10 Q. Okay. Someone at that unit at the
 11 supervisory level should have known that, correct?
 12 MR. GALBRAITH: Objection, form.
 13 A. If it had been reported to them.
 14 Q. (BY MR. KEBODEAUX) The water quenching
 15 system at the F-20 blowdown stack should have been
 16 operable on March 23, 2005. Would you agree with
 17 that?
 18 A. Yes.
 19 Q. Now, is the F-20 blowdown stack at the
 20 ISOM unit, is it safety critical equipment?
 21 A. Could you define for me what you mean by
 22 "safety critical equipment"?
 23 Q. Safety critical equipment is a term that
 24 I obtained from BP documents. And so the reason I
 25 am asking you is because I thought that it was a BP

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1 term. If you are not familiar with what safety
 2 critical equipment is in the BP refinery, that --
 3 you can tell me that.
 4 A. My understanding of safety critical
 5 equipment would be a relief device such as a relief
 6 valve.
 7 Q. Do you agree that the F-20 blowdown stack
 8 was safety critical equipment?
 9 A. Some of the relief valves go to the
 10 stack. Some go to atmosphere. Some go to
 11 self-contained systems. It would all be relative
 12 to what was going to that stack.
 13 Q. During your -- well, when the -- when
 14 there was a vent to atmosphere of raffinate, that's
 15 going to produce heavier than air vapors, right?
 16 A. Yes, sir.
 17 Q. Okay. In other words, it's known or it
 18 was known prior to March 23, 2005, by BP that if
 19 you have a vent of raffinate vapor out of the F-20
 20 blowdown, those vapors are going to be heavier than
 21 air, true?
 22 A. Raffinate venting to the atmosphere would
 23 be heavier than air.
 24 Q. And so the natural physical inclination
 25 of that vapor is to want to settle down to the

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1 ground level?
 2 A. Yes, sir.
 3 Q. And that -- I mean, that is a known
 4 physical fact, right?
 5 A. Yes, sir.
 6 Q. Okay. Do you know what other --
 7 obviously the raffinate splitter relieved to the
 8 blowdown stack that we are talking about?
 9 A. Yes, sir, it does.
 10 Q. And it's my understanding there were two
 11 other processes that relieve to the F-20 blowdown
 12 stack. Do you know what those were?
 13 A. I don't recall what they are.
 14 Q. While you were at the ISOM unit, was
 15 there ever an analysis to determine whether the
 16 capacity of the F-20 blowdown stack in its relief
 17 system was sufficient to handle an overpressure or
 18 overflow from the raffinate splitter?
 19 A. I don't recall that being done, but there
 20 was some RV studies being done at the West Plant.
 21 I just don't recall the specifics for that unit.
 22 Q. But -- okay. So you don't -- should a
 23 study have been done of the F-20 blowdown stack at
 24 some point before March 23, 2005 to determine
 25 whether it was -- had the capacity to handle a

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1 relief situation?
 2 A. I would say, yes, sir.
 3 Q. Going back to the coker for a minute.
 4 Were any changes made to the coker blowdown stack
 5 after that incident?
 6 A. No, sir, they weren't.
 7 Q. Now --
 8 A. To my knowledge. I left that unit. So
 9 they could have changed it after it.
 10 Q. Right.
 11 Do you believe from a safety
 12 standpoint -- well, if the blowdown stack is part
 13 of a relief system, a relief system is part of the
 14 process safety. Is that true?
 15 A. Yes, sir, I would say so.
 16 Q. Okay. And what a relief system
 17 anticipates or foresees are situations where there
 18 is overpressure or overfilling of a vessel and you
 19 have to relieve that overpressure or overfilling;
 20 is that true?
 21 A. Yes, sir.
 22 Q. Okay. And so I take it for the objective
 23 for overpressure and overfilling not to occur, but
 24 industry recognizes that it's going to happen?
 25 A. There is --

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1 MR. GALBRAITH: Objection, form.
 2 A. There is a possibility.
 3 Q. (BY MR. KEBODEAUX) Okay. And that's why
 4 you have a relief system, correct?
 5 A. Yes, sir.
 6 Q. All right. Now, I need to know of any
 7 times that you ever heard of the F-20 blowdown
 8 stack releasing vapors that settled to the ground
 9 level at the ISOM unit. Have you ever heard of
 10 such a thing happening?
 11 A. Only since March 23rd when it happened.
 12 Q. Are you saying that the only time that
 13 you have heard of it happening was the March 23rd
 14 incident?
 15 A. Yes, sir.
 16 Q. Okay. And you have never heard that the
 17 blowdown stack either overfilled, overflowed or
 18 formed a vapor cloud other than on March 23, 2005?
 19 A. Out of the top of the stack, yes.
 20 Q. Okay. But you have, obviously, heard
 21 that some sort of a vapor cloud or overfilling
 22 occurred in a different way at the blowdown stack
 23 other than out of the top. Is that what you are
 24 suggesting to me?
 25 A. No, sir. I know of high liquid levels in

<p style="text-align: right;">Page 66</p> <p>1 the bottom where it was pumped out. 2 Q. In the bottom of the blowdown stack? 3 A. Yes, sir. 4 Q. Now, on the blowdown stack at the F-20 5 there is a -- there is a 6-inch gooseneck, correct? 6 A. There is a gooseneck at the bottom. 7 Q. And that gooseneck has a -- when you were 8 there, had a valve on it, if you know? 9 A. I don't recall that but... 10 Q. Do you recall that the gooseneck -- that 11 a valve being chained open on the gooseneck at the 12 F-20 blowdown stack? 13 A. I really just can't remember the exact 14 set up. There may have been a valve. 15 Q. But we can agree that the purpose of that 16 gooseneck in the F-20 blowdown stack is to vent 17 liquids to the sewer? 18 A. Yes, it goes to a secondary containment 19 system. 20 Q. And then the vapors go out the top? 21 A. They go up the stack and then you would 22 quench them. 23 Q. Okay. And ideally the quenching is to 24 try to -- 25 A. To knock the vapor down.</p>	<p style="text-align: right;">Page 68</p> <p>1 bottom of the tower that was not functioning 2 properly so it filled to the gooseneck level and 3 overflowed to the sewer. Instead of being pumped 4 to a pump out. 5 Q. When it -- When it -- do you know how 6 high up the blowdown stack the gooseneck is 7 situated? 8 A. Not exactly, but I would approximate. 9 Q. Okay. 10 A. About 4 or 5 feet. 11 Q. And of course the way the blowdown stack 12 is designed, that's -- most of any liquid is -- the 13 capacity is toward the bottom; is that right? 14 A. Yes, sir, in the very bottom. 15 Q. What caused the overflowing or the high 16 liquid level in the F-20 blowdown stack that day? 17 A. I believe they were taking a piece of 18 equipment out of service and they were actually 19 draining it to the blowdown stack. 20 Q. Is that what is called "deinventorying"? 21 A. Yes. 22 Q. When it was reported to you that there 23 was a high liquid level in the F-20 blowdown stack, 24 what action did you take? 25 A. We sent that resid pump out for a</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Okay. Try to eliminate the vapor. 2 And the quenching in the F-20 3 blowdown stack was done with water? 4 A. Yes, sir. 5 Q. Now, you were telling me that you had 6 either observed or heard of high liquid levels in 7 the F-20 blowdown stack before March 23, 2005; is 8 that correct? 9 A. Yes, sir. 10 Q. Did you hear of it, or did you observe 11 it? 12 A. I was informed of it. 13 Q. Okay. Tell me: How many times you were 14 informed of high liquid levels in the F-20 blowdown 15 stack before March 23, 2005. 16 A. Just one occasion. 17 Q. Okay. Who informed you? 18 A. A supervisor on the unit. 19 Q. And who was that? 20 A. That's the one I can't remember his name. 21 Q. Okay. What happened to cause the high 22 liquid level in the -- or what was reported to you 23 to have caused the high liquid level in the F-20 24 blowdown stack? 25 A. There is a reciprocating pump on the</p>	<p style="text-align: right;">Page 69</p> <p>1 rebuild. 2 Q. How did you -- what did you do to remove 3 the remaining liquid that was in the F-20 blowdown? 4 A. Well, once it overflows, it's still well 5 within the controllable range on the bottom of the 6 tower. 7 Q. Okay. Did the high level alarm go off? 8 A. I can't say that for a fact. 9 Q. Should it have gone off? 10 A. I don't think so. 11 Q. From -- from your standpoint, did the 12 high liquid level in the F-20 blowdown stack that 13 day in the overflow to the sewer present any safety 14 issues? 15 A. None whatsoever. 16 Q. Was any leaked out in the process of 17 going to the sewer? 18 A. No, sir. 19 Q. What was the liquid that was in there? 20 Water and what else? 21 A. I don't recall that. I don't remember 22 which vessel they were deinventorying so... 23 Q. Do you know -- or did you know that on 24 March 23, 2005, the gooseneck at the F-20 blowdown 25 stack was corroded such that it permitted the</p>

<p style="text-align: right;">Page 70</p> <p>1 leakage of liquid hydrocarbons or raffinate? 2 A. No, sir. I wouldn't have known that. 3 Q. Okay. That should not have been the 4 case. Do you agree? 5 A. I would say that if you had a corroded 6 line out you needed to address it. 7 Q. From a safety standpoint and an 8 environmental one, correct? 9 A. Environmental, but it -- there are other 10 containment devices that could keep it from 11 becoming a safety issue. 12 Q. When -- do you remember the month and the 13 year that this occurred? 14 A. I want to say it was in 2002 on an outage 15 that we took to repair a leaking exchanger. 16 Q. Earlier, I was asking you about any 17 instances where blowdown stacks overflowed at any 18 other site. Do you have any knowledge of an 19 incident in August of 2004, at the ultracracker 20 where a blowdown stack overflowed? 21 A. I don't remember hearing about it. 22 Q. Is my mention of it to you the first 23 recollection that you have of this happening? 24 A. You know, I remember them -- people 25 talking about the ultracracker blowdown stack; but</p>	<p style="text-align: right;">Page 72</p> <p>1 people are going to talk to some extent, right? 2 A. Yes, sir. 3 Q. And I am asking you if you have heard 4 anywhere that there have been prior incidents at 5 Texas City before March 23, 2005, did you hear 6 about any such instances after March 23, 2005, 7 involving blowdown stacks overflowing or forming 8 vapor clouds? 9 A. No, sir. 10 Q. Okay. At the F-20 blowdown stack, do you 11 have any direct or indirect knowledge of any vapor 12 clouds ever forming at ground level around the 13 blowdown stack? 14 A. No, sir. 15 Q. In one of its reports, the Chemical 16 Safety Board stated that there had been four 17 instances before March 23, 2005, where vapor clouds 18 had formed at ground level in proximity to the 19 blowdown stack. Have you ever heard that? 20 A. No, sir, I haven't. 21 Q. Do you deny that that occurred, or you 22 just don't know? 23 A. I didn't have any knowledge of it. 24 Q. Okay. While you were at the ISOM unit 25 from 2001 to 2003, you were aware of the 8-inch</p>
<p style="text-align: right;">Page 71</p> <p>1 I am thinking it was mainly because there was 2 benzene issues to the atmosphere out of it, not 3 necessarily overflowing. 4 Q. Do you remember people talking about the 5 blowdown stack at the ultracracker before August of 6 2004 -- I am sorry, before March 23, 2005, or 7 afterwards? 8 A. I really don't remember a discussion 9 about the ultracracker blowdown stack overflowing, 10 just that venting to the atmosphere was high on the 11 benzene for our benzene regulations. 12 Q. So you don't recall diesel overflowing at 13 the ultracracker? 14 A. No, sir. 15 Q. Okay. Now, since March the 23rd of 2005, 16 have you heard any instances of a blowdown stack at 17 Texas City or anywhere else overflowing or causing 18 a vapor cloud at ground level or to use a term that 19 I have seen puking? 20 A. Since March? 21 Q. Yes. 22 A. No, sir, I don't know. No, sir. 23 Q. I am not asking if it's happened since 24 March 23, 2005. Here's what I am trying to find 25 out. Obviously, after an event like this occurs,</p>	<p style="text-align: right;">Page 73</p> <p>1 chain valve that was used to relieve pressure? 2 A. Which -- I have to ask you which chain 3 valve? 4 Q. The 8-inch that was used to relieve 5 pressure on the raffinate splitter, the one that's 6 mentioned in the final report? 7 A. Oh, yes, sir. 8 Q. Okay. You know which valve I am 9 referring to? 10 A. Yes, sir, I do. 11 Q. And you know that -- and you knew while 12 you were there from 2001 to 2003, that that 8-inch 13 valve was used by operators, personnel to relieve 14 pressure on the raffinate splitter? 15 A. Well, actually, no, I hadn't. Since that 16 incident, I have heard that. 17 Q. So you didn't know that before? 18 A. No, sir, I didn't. 19 Q. Did you read the section of the fair -- 20 the final report -- let me restate it. 21 Did you read the section of the 22 final report that indicated that there had been 23 prior incidents at the F-20 blowdown stack? 24 A. I saw that in there. 25 Q. Okay. Did you -- did you have knowledge</p>

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1 of any of those incidents?
 2 A. No, sir, I didn't. Only of the overfills
 3 that we spoke of.
 4 Q. Do you recall the February 9, 2002
 5 incident where the scrubber tower relief valve
 6 released 56 pounds of vapor to the F-20?
 7 A. I remember reading that, I think, in that
 8 report that it was --
 9 Q. Had you ever heard of that before the
 10 report?
 11 A. I really didn't recall that incident but,
 12 I read it in that report.
 13 Q. What about the March 25, 2004 incident
 14 reported, where the DIH tower relief valves lifted
 15 to the F-20 blowdown drum during an upset due to
 16 power failure?
 17 A. No, sir, I didn't have any knowledge of
 18 that.
 19 Q. What about a January 9, 2003 release of
 20 liquid hydrocarbons to the F-20 blowdown drum
 21 during temporary outage preparation?
 22 A. Yes, sir, that is --
 23 Q. Is that the incident?
 24 A. -- the one that I was speaking of
 25 earlier.

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1 Q. Okay. There -- as you know in the final
 2 report there are a number of incidents that span
 3 from 1991 to 2005, that -- February of 2005, that
 4 BP identifies in regard to the F-20 blowdown stack.
 5 Do you recall reading that?
 6 A. I read that, yes, sir.
 7 Q. Do you have any idea of how the
 8 investigation committee became aware of each of
 9 these incidents?
 10 A. The -- when the shift supervisors that
 11 are on fill out a report and then the investigation
 12 is usually started, initiated through the asset
 13 superintendents at the time or optimization
 14 superintendents.
 15 Q. And so each of these incidents should
 16 have been investigated?
 17 A. Yes, sir.
 18 Q. And there should be what kind of a report
 19 in existence?
 20 A. An incident investigation report.
 21 Q. When you left the ISOM unit in 2003, were
 22 you aware that there had not been a full unit
 23 relief valve study since 1986 on that unit?
 24 A. I may have been. I know we had talked
 25 about doing those relief valve studies, so they are

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1 done usually when the units are changed in some
 2 manner.
 3 Q. Okay. But did you, or did you not know
 4 that there had not been a full unit RV study since
 5 1986?
 6 A. Again, I just can't recall if that had
 7 been -- I don't remember it being a major issue for
 8 us. It was -- it may have been something that we
 9 had plans to do, but I don't really recall if it
 10 was in the plan to do it.
 11 Q. Isn't a full unit RV study critical from
 12 a safety standpoint?
 13 A. Not necessarily. The process hasn't
 14 changed, then it wouldn't. As long as the process
 15 doesn't change your RVs and ratings and their
 16 capacities wouldn't change either.
 17 Q. But, in fact, the process had changed at
 18 the ISOM numerous times since 1986, correct?
 19 A. Now, that, I don't know.
 20 Q. Well, wasn't it re-rated from 70 pounds
 21 down to 40 pounds in 2003?
 22 A. Yes, it was.
 23 Q. Would that not be a process change?
 24 A. In those relief valves in their relief
 25 systems there should have been in a study, but not

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1 a full blown for the entire unit.
 2 Q. Okay. And the reason that you wanted
 3 those relief valves studied is for safety reasons?
 4 A. For flow, right, to make sure they can
 5 handle the capacity.
 6 Q. You have to know if your relief system
 7 can handle the capacity, right?
 8 A. Yes, sir.
 9 Q. And would it be irresponsible, in your
 10 view, for the management of a refinery to operate
 11 units without knowing whether the relief valve and
 12 relief system has the capacity to do its job?
 13 A. We should know what the relief valves are
 14 rated for and what they can pass.
 15 Q. I mean, it's a safety issue, right?
 16 A. It could be a safety issue.
 17 Q. And if you don't know if your relief
 18 system can do the job and you operate a unit, that
 19 is not a responsible way to proceed. Do you agree
 20 with that?
 21 A. Yes, sir, I believe I would agree with
 22 that.
 23 Q. And, in fact, it's reckless to some
 24 extent, correct, because you don't know what the
 25 consequences can be?

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1 A. I wouldn't say it was reckless, but
 2 that's something that we do routinely follow up on
 3 when we make changes.
 4 Q. And to knowingly operate units without
 5 being aware of whether the relief system is up to
 6 the job is a -- a safety issue, correct?
 7 A. It could be.
 8 Q. Well, it's not permissible, is it?
 9 A. No, sir.
 10 Q. You are agreeing with me it is not?
 11 A. That it's not permissible.
 12 Q. Now, before March 23 of 2005, did you
 13 have knowledge of any blowdown stacks at the Texas
 14 City refinery having been removed from service?
 15 A. I think we probably had some that were
 16 replaced in kind.
 17 Q. Which ones had been replaced in kind?
 18 A. I really don't know that for a fact, but
 19 I remember some blowdown stacks being talked about.
 20 Q. Who was talking about them?
 21 A. It was at the cokers. There was some
 22 metal thinning issues with the stack, and I believe
 23 they replaced the stack. But I wasn't there at the
 24 time, but I know a lot of the people that work
 25 there. And I just remember the operations people

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1 talking about it.
 2 Q. When you say "replaced in kind," what
 3 does replaced in kind mean?
 4 A. A carbon copy or an exact copy of
 5 something being replaced, the tower, drum, stack.
 6 Q. Do you know of any blowdown stacks that
 7 were eliminated before March 23, 2005, at the Texas
 8 City facility?
 9 A. No, sir, I don't.
 10 MR. GALBRAITH: We are about an
 11 hour and about lunch. Is this an okay time, or do
 12 you want to finish up something.
 13 MR. KEBODEAUX: We can break.
 14 MR. GALBRAITH: Okay.
 15 THE VIDEOGRAPHER: Off the record
 16 12:18 p.m., ending Tape 2.
 17 (Recess taken.)
 18 THE VIDEOGRAPHER: On the record
 19 at 11 -- 1:16 p.m., beginning Tape 3.
 20 Q. (BY MR. KEBODEAUX) Mr. Risinger, we took
 21 a lunch break; and now we are resuming now.
 22 Earlier we talked about the overflow at the
 23 blowdown stack at the coker that you were aware of
 24 at the time it happened, correct?
 25 A. Yes, sir.

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1 Q. And then I asked you if you were aware or
 2 had ever been aware of the August incident where
 3 the blowdown stack at the ultracracker overflowed,
 4 and you were not aware of that?
 5 A. No, sir.
 6 Q. Okay. As TAR superintendent or
 7 turnaround superintendent that was the position
 8 that you held in August of 2004, correct?
 9 A. Yes, sir.
 10 Q. And can you explain why you would not
 11 have known about the overflow of the blowdown stack
 12 in the ultracracker unit that occurred in August of
 13 2004?
 14 A. I don't --
 15 MR. GALBRAITH: Objection, form.
 16 A. I don't -- I am not really sure where I
 17 was at that time. We really do turnarounds on a
 18 lot of different units.
 19 Q. (BY MR. KEBODEAUX) Would you agree with
 20 me that process safety management, one of the
 21 elements or components of it is learning from
 22 things that happen?
 23 A. Yes, sir.
 24 Q. And sharing --
 25 A. Yes, sir.

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1 Q. -- experience?
 2 And so the way the system should
 3 work is that it should record that these events
 4 took place and people should use these events when
 5 they are assessing process safety and particularly
 6 the what if scenarios, correct?
 7 A. That's how the system is set up.
 8 Q. One of the components of process safety
 9 management is you try to envision catastrophes and
 10 look and foresee catastrophes and bad outcomes,
 11 true?
 12 A. I believe it is, yes.
 13 Q. And you would agree with me that the
 14 coker blowdown stack overflowing and the
 15 ultracracker blowdown stack overflowing were
 16 significant events?
 17 A. I guess it's what your definition of
 18 "significant events" are. There was the coker
 19 stack, I saw that as an environmental event. It
 20 wasn't necessarily a big safety issue.
 21 The blowdown stack at the
 22 ultracracker, other than our discussion here, I
 23 haven't had -- I mean, I don't know about the
 24 report. I wasn't on the committee that
 25 investigated it.

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1 Q. Doesn't it represent a failure in the
 2 process safety management process itself that you
 3 didn't know about this incident at the ultracracker
 4 blowdown stack?
 5 A. No, sir, I wouldn't say that because we
 6 have a lot of reporting that comes out
 7 electronically. And even though I may open it and
 8 glance at it, there is enough of them that I can't
 9 remember every incident that we have because we
 10 record small incidents and large.
 11 Q. Can we agree that when an overflow -- I
 12 am sorry, when a blowdown stack overflows that what
 13 distinguishes it from -- as perhaps an
 14 environmental from a safety hazard is what's coming
 15 out of the blowdown stack?
 16 A. No, sir, I wouldn't agree with it because
 17 if the area is roped off and all the safety
 18 precautions are taken care of prior to an overflow
 19 or in a situation where you think you may have that
 20 happen, then the safety aspects have been addressed
 21 prior to the event.
 22 Q. So in other words, if you have people --
 23 if you have controlled the ignition sources and you
 24 have controlled the locations of people, that would
 25 be significant to you?

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1 A. Yes, sir, if you have them -- those items
 2 addressed prior to.
 3 Q. Would you agree with me that the incident
 4 at the ultracracker blowdown stack and the incident
 5 at the coker blowdown stack at least indicate that
 6 it's possible for those types of stacks to overflow
 7 with liquids?
 8 A. Yes, sir.
 9 Q. Okay. Would you agree with me that it
 10 should have been recognized that it was also
 11 possible that the blowdown stack at the raffinate
 12 splitter could overflow with liquid?
 13 A. Yes, sir.
 14 Q. Just like the blowdown stacks at the
 15 coker and the ultracracker, it was possible that
 16 the blowdown stack at the F-20 or the ISOM unit
 17 could overflow with liquid, right?
 18 A. That is a possibility.
 19 Q. And the instances or the occurrences at
 20 the coker and the ultracracker should have alerted
 21 people to that possibility, correct, management
 22 specifically?
 23 A. At a high level, I would say yes.
 24 Q. Okay. When you say "a high level," what
 25 do you mean?

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1 A. The PSM group, the people that would
 2 coordinate those happenings and investigate.
 3 Q. Okay. Can you put a name on that? Bill
 4 Ralph?
 5 A. It would be his group.
 6 Q. So the process safety management people
 7 at BP should have been able to look at the incident
 8 at the coker and the ultracracker blowdown stacks
 9 and see that it was also possible that we could
 10 have an overflow of liquid at the blowdown stack at
 11 the raffinate splitter, true?
 12 A. Again I would have to say not
 13 necessarily, because there is a big timeframe
 14 between when those incidents happen and the people
 15 that are on those committees and the people that do
 16 the incident investigations change. So there is a
 17 potential for a lack of communication because of
 18 the personnel changes that occur.
 19 Q. But that's a breakdown in the process,
 20 isn't it, lack of communication, in the system?
 21 A. I would say so, yes.
 22 Q. Because a system is supposed to be
 23 designed so that there is continuity of
 24 communication whether or not the faces change,
 25 right?

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1 A. I would say, yes, sir.
 2 Q. So it was certainly known or should have
 3 been known that it was possible for the raffinate
 4 splitter to overflow and overflow the blowdown
 5 stack before March 23, 2005, true?
 6 A. It -- yes, it should be known that it is
 7 a possibility.
 8 Q. Okay. And process safety management and
 9 process hazard analysis requires management to use
 10 a what if analysis, right?
 11 A. That's one of the tools that's used.
 12 Q. And a what if analysis takes into account
 13 what is possible, not just what is probable,
 14 correct?
 15 A. If the correct --
 16 MR. GALBRAITH: Objection, form.
 17 A. -- what if scenario is used, then, yes.
 18 Q. (BY MR. KEBODEAUX) Now, in this instance
 19 I take it you would agree that the what if scenario
 20 in the process hazard analyses related to the ISOM
 21 should have looked at an overflow of the blowdown
 22 stack?
 23 MR. GALBRAITH: Objection, form.
 24 A. They could have. They probably should
 25 have in looking back. I don't know -- I wasn't a

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1 part of that investigative group. I wasn't part of
 2 that what if. So I don't know what form they used.
 3 There is a chance that they -- that it didn't come
 4 up though.
 5 Q. (BY MR. KEBODEAUX) Well, let's talk
 6 about what was known before March 23 of 2005.
 7 A. Okay.
 8 Q. What was known to management at some
 9 level of BP was that the coker blowdown stack had
 10 overflowed, true?
 11 A. Some management.
 12 Q. What also was known to some management at
 13 BP was that the ultracracker blowdown stack had
 14 overflowed, correct?
 15 A. That's what you told me, is that the
 16 ultracracker blowdown stack.
 17 Q. Yes.
 18 A. That's the knowledge I have of it.
 19 Q. And if that did happen, it should have
 20 been known to management, true?
 21 A. That it did happen, yes.
 22 Q. Yes, sir.
 23 And then the third thing that was
 24 well-known was that raffinate was highly flammable
 25 and hazardous, correct?

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1 A. It is flammable.
 2 Q. Would you agree with me that if you -- if
 3 you have an overflow of the blowdown stack at F-20
 4 with raffinate liquid, that is a potential
 5 catastrophe?
 6 A. The potential is there.
 7 Q. I mean, that -- and that's something that
 8 was possible to know before March 23, 2005, true?
 9 A. Possible to know, yes.
 10 Q. Now, we talked earlier about some other
 11 incidents, and I think you told me you were only
 12 aware of one incident where there was a leak of
 13 liquid during the deinventory process at the
 14 blowdown stack at the ISOM unit?
 15 A. I recall those after I looked at that
 16 final report that they were in there.
 17 Q. Now, the final report listed a number of
 18 incidents that occurred, right?
 19 A. Yes, sir.
 20 Q. Now, the system of process safety
 21 management should have taken into account those
 22 previous incidents, correct?
 23 MR. GALBRAITH: Objection, form.
 24 Q. (BY MR. KEBODEAUX) I will ask it
 25 differently.

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1 Is it proper for the process
 2 safety management system to ignore prior incidents
 3 at the blowdown stack in evaluating the hazards of
 4 the blowdown stack?
 5 A. If they have knowledge of it, if it's
 6 recalled while they are doing that what if, then,
 7 yes.
 8 Q. Well, but -- but for the manage -- the
 9 investigation committee to identify these different
 10 incidents, there had to have been knowledge of it
 11 somewhere at BP, true?
 12 A. That's true.
 13 Q. And if the system was working, every one
 14 of these incidents should have been investigated
 15 true?
 16 A. That's true.
 17 Q. And then the knowledge of these incidents
 18 should have been used in evaluating the hazards of
 19 the blowdown stack, correct?
 20 A. They are used in evaluating the hazards,
 21 but it may not be specifically for a piece of
 22 equipment.
 23 Q. Would it be appropriate to ignore known
 24 safety incidents -- assume with me that there were
 25 four times where vapor clouds formed at ground

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1 level at the F-20 blowdown stack, a vapor cloud of
 2 raffinate. If you assume that happened, would it
 3 be appropriate to ignore that history when
 4 evaluating the hazards of the blowdown stack?
 5 MR. GALBRAITH: Objection, form.
 6 A. No, sir, it wouldn't be.
 7 Q. (BY MR. KEBODEAUX) In fact, that would
 8 be reckless and in disregard for safety, would it
 9 not?
 10 MR. GALBRAITH: Objection, form.
 11 A. If it were known.
 12 Q. (BY MR. KEBODEAUX) You are agreeing with
 13 me?
 14 A. Yes, sir.
 15 Q. If it were known. Okay.
 16 So -- because the presence of
 17 vapor clouds of raffinate at ground level presents
 18 a probable hazard of great injury to life and limb
 19 if there are ignition sources, correct?
 20 MR. GALBRAITH: Objection, form.
 21 A. Not so much probable, but there is a
 22 possibility.
 23 Q. (BY MR. KEBODEAUX) Well, Willie Willis
 24 said that if there is a vapor cloud at ground level
 25 of raffinate it will find an ignition source. Do

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1 you agree with that statement?
 2 A. No, sir, I don't.
 3 Q. Okay. Do you agree there were ignition
 4 sources, multiple ignition sources on March 23,
 5 2005?
 6 A. Well, I know there was at least one.
 7 Q. Aren't there actually furnaces that were
 8 in operation, or do you know?
 9 A. Well, I don't know that.
 10 Q. Okay. Now, during your tenure at the
 11 ISOM between 2001 and 2003, did you participate in
 12 any process hazard analyses or revalidations?
 13 A. I don't think I personally participated,
 14 but I probably assigned some people to participate.
 15 Q. Okay. Do you recall during that
 16 timeframe any discussion of going from a blowdown
 17 stack; that is, a vent to atmosphere system, to a
 18 closed system?
 19 A. This is for a project that was being
 20 worked at the time called Clean Streams.
 21 Q. Do you recall in 2002, discussion about
 22 stopping hydrocarbons to open blowdown stacks and
 23 sewers?
 24 A. The discussions were about benzene
 25 emissions from an environmental reasoning.

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1 (Exhibit Number 169 marked for
 2 identification.)
 3 Q. (BY MR. KEBODEAUX) Let me hand you
 4 Exhibit 169 and ask you to take a look at it for a
 5 moment?
 6 MR. GALBRAITH: Is this it?
 7 MR. KEBODEAUX: Yes.
 8 Q. (BY MR. KEBODEAUX) Do you recall this
 9 e-mail dated December 4, 2002?
 10 A. This was in an e-mail? Is that what you
 11 are asking me, if this was an e-mail?
 12 Q. Do you recall ever seeing this e-mail?
 13 A. No, sir.
 14 Q. All right. Have you had a chance to look
 15 at it?
 16 A. I glanced at it. I haven't read it.
 17 Q. Okay. Is it true that in 2002 that BP
 18 refinery was committed to eliminating hydrocarbons
 19 to open blowdown stacks and the sewer system?
 20 A. I am sorry. I was reading that. Can you
 21 ask that again?
 22 Q. Is it correct that in 2002 BP had
 23 determined to eliminate oil to the blowdown stack
 24 and the sewer by going to a closed relief system?
 25 A. Well, I know there was a project

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1 initiated, Clean Streams, to do that.
 2 Q. Now, was the whole point of eliminating
 3 hydrocarbons to the sewer just environmental?
 4 A. Yes, sir, to my recollection that's what
 5 it was.
 6 Q. Okay.
 7 (Exhibit Numbers 170 and 171
 8 marked for identification.)
 9 Q. (BY MR. KEBODEAUX) Let me hand you
 10 Exhibit 171 and I will ask you if you have ever
 11 seen Exhibit 171 before.
 12 A. (Examines documents.)
 13 Q. Do you recognize Exhibit 171?
 14 A. I don't recognize it, but I remember this
 15 initiative.
 16 Q. Okay. Did this initiative to stop oil to
 17 the sewer have any application to the F-20 blowdown
 18 stack?
 19 A. No, really it didn't because the F-20
 20 blowdown stack has an oily water separator,
 21 gathering separator, after the gooseneck. So there
 22 is a system in place that pumps the hydrocarbon
 23 off. Where it does relate to the F-20 is if your
 24 oily water separators are not working which they
 25 speak about oily water separator in this document,

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1 to maintain them in a good working condition.
 2 Q. Do you know whether the oily water
 3 separator was working on the day that this
 4 explosion occurred?
 5 A. No, sir, I don't know that.
 6 Q. Now, is it your testimony that the stop
 7 oil to the sewer program was driven by
 8 environmental concerns?
 9 A. Yes, sir.
 10 Q. Would you look at the page that's Bates
 11 stamp 155473?
 12 A. (Complies.)
 13 Q. Does it state that, "Hydrocarbons in the
 14 underground sewer are a safety concern"?
 15 A. That's what it says.
 16 Q. Does it say, "In the mid 1970's an
 17 explosion/fatality occurred when a employee drove
 18 into a vapor cloud that resulted from hydrocarbons
 19 from the sewer"?
 20 MR. GALBRAITH: Objection, form.
 21 A. Yes, it does.
 22 Q. (BY MR. KEBODEAUX) Was that information
 23 that, obviously, was know to BP, British Petroleum,
 24 before March 23 of 2005?
 25 MR. GALBRAITH: Objection, form.

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1 A. I would say if it's in this document
 2 someone in the organization knew it.
 3 Q. (BY MR. KEBODEAUX) Do you know what
 4 incident they are referring to in the 1970's when
 5 someone drove into a vapor cloud?
 6 A. No, sir, I don't.
 7 Q. Did you read in the final report that
 8 there were instances before March 23, 2005 where
 9 the relief valves lifted on the raffinate splitter?
 10 A. Yes, sir, I recall that.
 11 Q. Did you also read that there were
 12 instances that was known where there were pressure
 13 excursions in the raffinate tower?
 14 A. I don't remember if I remember reading
 15 that or not but...
 16 Q. If there were pressure excursions in the
 17 raffinate tower and there were instances where the
 18 relief valves lifted on the raffinate splitter,
 19 would both of those occurrences make it more
 20 important from a safety standpoint that BP know and
 21 understand whether the system had the capacity to
 22 handle the relief from the raffinate splitter?
 23 A. I believe that they did know that, that
 24 we do know that.
 25 Q. How did you know that --

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1 A. The relief valves.
 2 Q. -- before March 23, 2005?
 3 A. Whenever the tower was re-rated, they
 4 went back and looked at the relief valve ratings.
 5 Q. Did they do any evaluation of the
 6 capacity of the blowdown stack itself?
 7 A. Well, I didn't do the study, but I doubt
 8 that the capacity of the blowdown stack was looked
 9 at. The capacity that the RVs could pass was
 10 probably what they concentrated on.
 11 Q. So if you only look at the RVs; that is,
 12 the relief valves, you really don't know the
 13 capacity of the system to achieve the relief that's
 14 required; is that true?
 15 A. Unless it's --
 16 MR. GALBRAITH: Objection, form.
 17 A. -- previously known before they did the
 18 calculations.
 19 Q. (BY MR. KEBODEAUX) Can we agree that, in
 20 order to understand whether your relief system has
 21 the capacity to do the job, at some point a
 22 complete study has to be done?
 23 A. There is a -- at some point they go
 24 through and revalidate, but, typically, that's when
 25 you have a ten year run. Or you have inspection

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1 reasons to change RVs, and/or you change the
 2 ratings on equipment within the unit.
 3 Q. Can we agree that an up-to-date study of
 4 the relief system should have been in place before
 5 March 23, 2005, with respect to the raffinate
 6 splitter?
 7 A. I don't know what the timing should have
 8 been for that study. I only know that we do them,
 9 and I am not real sure what the frequency is.
 10 Q. Can we agree that before BP should be
 11 operating a unit, it should have a current -- a
 12 relief study that is current and tells BP whether
 13 the relief system is sufficient?
 14 A. Yes, sir.
 15 Q. Okay. And to operate a system without a
 16 study that is current would be irresponsible and
 17 reckless, true?
 18 A. Only if the information that you had
 19 wasn't correct.
 20 Q. And the things that determine whether it
 21 is up-to-date is whether the operating conditions
 22 have changed, whether the process has changed,
 23 whether the equipment has changed, correct?
 24 A. Yes, sir.
 25 Q. Now, are you aware of -- strike that.

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1 (Exhibit Number 173 marked for
 2 identification.)
 3 Q. (BY MR. KEBODEAUX) Let me hand you
 4 Exhibit 173 and ask if you recognize that document?
 5 A. It looks familiar to me.
 6 Q. It doesn't have a date on it, but I
 7 believe that because it addresses budgetary items
 8 in 2003 that it would have been created at some
 9 point either in or before 2003. Do you agree with
 10 that?
 11 A. Yes, sir.
 12 Q. And what is it? Is it a capital projects
 13 ten year plan for the ARU, AU2 and ISOM?
 14 A. That's what it says.
 15 Q. Now, on the second page, does it identify
 16 a capital cost for going to a flare system on the
 17 ISOM?
 18 A. Yes, it does.
 19 Q. And what is the cost associated with
 20 doing that?
 21 A. It says 5.5 million.
 22 Q. And what year is indicated?
 23 A. 2009.
 24 Q. Did you work on any of the budgetary
 25 issues relating to going to a flare system at the

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1 ISOM?
 2 A. No, sir, I didn't.
 3 Q. So you don't know -- or do you know who
 4 would have produced this document?
 5 A. I don't know the individual. I know the
 6 group would be the capital projects group.
 7 Q. Okay. And am I reading it correctly that
 8 it was intending that -- or it was proposing a
 9 capital project that would be completed at the year
 10 2009?
 11 A. That's the way I read it.
 12 Q. Okay. Can you determine from this
 13 exhibit whether or not this capital project was
 14 approved in whole or in part?
 15 A. No, sir, I cannot.
 16 Q. In order to determine that, what would we
 17 need to look at?
 18 A. I don't know that I know that.
 19 Q. In general, would you agree that a vent
 20 to flare system is preferable to a vent to
 21 atmosphere system for environmental reasons?
 22 A. For environmental reasons, yes.
 23 Q. Because a vent to atmosphere does exactly
 24 that? That's what the blowdown stack did, it vents
 25 hydrocarbons to the atmosphere?

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1 A. Yes, sir.
 2 Q. Whereas a closed relief system contains
 3 it and burns it off at a flare?
 4 A. Yes, sir.
 5 Q. Now, from a safety standpoint, would you
 6 agree that a closed relief system is probably safer
 7 than a vent to atmosphere system?
 8 A. I don't know that I would necessarily
 9 agree that it's safer. They both have potential
 10 for overflows.
 11 Q. Okay. And is the potential for an
 12 overflow in a flare system a hazard?
 13 A. Yes, sir.
 14 Q. Okay. Tell me what happens when there is
 15 an overflow on a flare relief system that presents
 16 a hazard.
 17 A. I can give you a couple of different
 18 scenarios, if that's what you are asking.
 19 Q. Okay.
 20 A. One would be a hydrocarbon overflow,
 21 which in that event you would have liquid on fire
 22 falling on the surrounding areas, which could then
 23 ignite other fires.
 24 You can also have a purge gas flow
 25 to a flare that would put out that tip and have the

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1 same resulting consequences where you have
 2 hydrocarbon going to the atmosphere in a liquid
 3 form.
 4 Q. And these are known hazards of a flare
 5 system?
 6 A. I would say yes.
 7 Q. And they are known -- they were known,
 8 generally, before March 23, 2005?
 9 MR. GALBRAITH: Objection, form.
 10 A. Yes, sir.
 11 Q. (BY MR. KEBODEAUX) Now, were there
 12 opportunities to tie the raffinate splitter relief
 13 system into a flare system before March 23, 2005?
 14 A. There may have been. I would have to go
 15 back and look at all the outage times for the ISOM.
 16 Q. Do you know whether there was an
 17 opportunity to tie in the raffinate relief system
 18 to the new flare system at AU2 in 1995?
 19 A. No, I don't know that.
 20 Q. Have you ever heard that?
 21 A. Just from you now.
 22 Q. When you read it in the final report, it
 23 didn't bring recollection to you?
 24 A. Well, I don't really remember reading it
 25 in the final report; but if it's in there, no, it

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1 didn't. I wasn't in that end of the plant in '95,
 2 so I wouldn't have knowledge of it.
 3 Q. If the raffinate splitter relief had been
 4 to a flare closed vent system or closed system
 5 relief system, would this catastrophe have probably
 6 not have occurred?
 7 A. I would really have a hard time saying
 8 "yes" or "no" to that because without knowing the
 9 details of how much liquid went out the stack, what
 10 the volumes were, where that flare would have been
 11 located, you know, were there people around, there
 12 are so many unknowns that I really couldn't say.
 13 (Exhibit Number 172 marked for
 14 identification.)
 15 Q. (BY MR. KEBODEAUX) Let me hand you
 16 Exhibit 172 please and ask you if this is an e-mail
 17 from Mr. Higgins to various people, including you,
 18 dated September 13, 2002?
 19 A. Yes, sir, I remember that.
 20 Q. Okay. Is it asking for ideas on how to
 21 eliminate the vent of hydrocarbon vapors out of the
 22 F-20 blowdown stack?
 23 A. That's what it says. It was to eliminate
 24 the -- mainly the liquid, to minimize it out of the
 25 stack, also.

<p style="text-align: right;">Page 102</p> <p>1 Q. I am sorry. I didn't understand you. 2 A. Mr. Higgins sent this out trying to get 3 some brain storming going on how we could reduce 4 the amount of hydrocarbons that were going over to 5 the F-20 blowdown stack because of some 6 environmental regs that we were trying to comply 7 with. 8 Q. And your understanding that it was really 9 addressing both liquids and vapors? 10 A. Mainly liquids but -- 11 Q. Okay. 12 A. That I remember. 13 Q. And then it sets forth some of the ideas 14 that have already been generated, right? 15 A. Yes, sir. 16 Q. One was to tie in the F-20 to the ULC 17 flare via the S-3 vent line? 18 A. Yes, sir. 19 Q. What is the ULC flare, the ultracracker 20 flare? 21 A. Yes, sir. 22 Q. What is the S-3 vent line? 23 A. S-3 is a maintenance drum on the unit. 24 Q. Was that a viable possibility? 25 A. When we looked at it, it really wasn't.</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Because it's known that that vapor would 2 tend to settle, correct? 3 A. If it went out the top of the stack; but 4 remember, there is a quench system there to -- to 5 control that vapor, also. 6 Q. Right. Do you recall in the final report 7 reading that the quench system was out of service 8 on the date of this fire? 9 A. No, sir; but I remember you telling me 10 that. 11 Q. Okay. What about the second idea of 12 tying in the F-20 to the AU2 flare via the NDU 13 flare line? Was that a viable alternative? 14 A. Not at the time because the flare was in 15 service; and we would have had to have taken some 16 units -- we would have shut down some units to do 17 it, which creates the hazard of shutting down and 18 starting up units, which is also -- was greater 19 than the environmental issue that we were facing. 20 Q. So there are hazards to just shutting -- 21 shutting down and starting up units? 22 A. Yes, sir. 23 Q. And there is also economic costs, true? 24 A. Yes, sir. 25 Q. Did anyone, to your knowledge, do any</p>
<p style="text-align: right;">Page 103</p> <p>1 It created some other hazards. There was some 2 black flow hazards that -- 3 Q. Hazards -- what type of hazards? 4 A. That could cause an overpressure to our 5 system from the ultracracker. 6 Q. Do you know what the estimated cost of 7 tying in the F-20 to the ultracracker flare line 8 was? 9 A. No, sir, we didn't look into it any 10 further once we recognized that there was a greater 11 hazard in doing it than not doing it. 12 Q. And what were the hazards of not doing 13 it? 14 A. That we would have -- the vapors some 15 vapors still going out the F-20 blowdown stack. 16 Q. All right, sir. 17 A. It's an environmental issue. 18 Q. Well, it's also a safety issue, though is 19 it not? 20 A. No, it wasn't a safety issue. We 21 monitored the vapor that is venting there. So very 22 small amounts. 23 Q. Well, depending upon the amount of the 24 vapor though, it could be a safety issue, true? 25 A. If there was a high volume, yes.</p>	<p style="text-align: right;">Page 105</p> <p>1 kind of economic analysis of the cost of shutting 2 down the AU2 in order that the F-20 blowdown stack 3 could be tied in to the AU2 flare? 4 A. No, sir. Once we determined that it was 5 not really a viable solution, we didn't do that. 6 Q. Well, what made it less than viable was 7 the fact that the unit was in operation? 8 A. No, sir, the fact that we would have had 9 to shut it down and start it up created what we 10 considered as a team would be a greater safety 11 risk. 12 Q. Were there any times between the date of 13 this e-mail, September of 2002, and March 23, 2005, 14 when the unit was shut down and afforded an 15 opportunity to tie in to the AU2 flare via the NDU 16 flare line? 17 A. None while I was there. I don't know 18 about after I left. 19 Q. Okay. The third alternative is, "Install 20 a temporary blowdown/pump out header and route to 21 frac tanks." Do you see that? 22 A. Yes, sir. 23 Q. Can you describe what that proposal is, 24 physically? 25 A. Yes, sir, a frac tank is a -- kind of a</p>

<p style="text-align: right;">Page 106</p> <p>1 self-contained vessel that can -- has nozzles on it 2 where you can put liquid in and capture that 3 liquid, which can then be transferred by pumps or 4 drains to another system for its final destination. 5 Q. Was this proposal or idea rejected? 6 A. No, that's what we used. As I recall, 7 that's what we used. 8 Q. So -- so what was installed then? 9 A. Some hoses and those frac tanks. 10 Q. Did that eliminate the problem of venting 11 vapors to atmosphere? 12 A. It reduced it greatly. The liquid didn't 13 go to the stack, so it reduces the vapors that can 14 come out the top. 15 Q. The hoses would have run from where? 16 A. -- they were going from the -- well, 17 there are several drums there that drain over to 18 that S-3 drum. 19 Q. Here's my precise question. 20 Were the hoses going from the 21 blowdown stack or from some -- 22 A. The S-3. 23 Q. From the S-3? Okay. 24 Were you trying to bleed off the 25 liquids before it got to the blowdown stack?</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. Okay. And this was done while you were 2 asset superintendent? 3 A. Yes, sir, they were building that unit, 4 the NDU. 5 Q. And, physically, how much distance was 6 there between the blowdown stack and the NDU flare 7 line? 8 A. I would guess about 40 yards. 9 Q. And you are saying that it would have 10 required a shutdown of AU2 to tie it into the NDU 11 flare line? 12 A. Yes, sir. 13 Q. Well, to activate the flare line once it 14 was built, wasn't there going to have to be a 15 shutdown? 16 A. No, sir, because the -- the NDU was built 17 with -- it had block valves there to isolate -- 18 there was isolation valves between that unit and 19 that flare. What they did was purge that with 20 nitrogen to get the air out of the line and then 21 you open the blocks up and tie it together. X ray 22 the block valves and make sure they are open. 23 Q. And that process could not be used to tie 24 in the F-20 -- 25 A. No, because the --</p>
<p style="text-align: right;">Page 107</p> <p>1 A. Yes, sir. 2 Q. Okay. The fourth alternative, install a 3 temporary flare from F-20. Was that alternative 4 rejected and if so, for what reason? 5 A. The main reason was it would have taken 6 a -- we didn't know where to site the flare was the 7 first thing. We didn't really have a good place to 8 put it and then being able to route that material 9 to a temporary flare would require quite a bit of 10 piping. 11 Q. Did anyone do -- 12 A. We weren't sure that we could get a 13 flare, either. 14 Q. Was there an opportunity to tie in the 15 blowdown stack or the raffinate splitter relief to 16 the NDU flare line in 2002? 17 A. Not the actual tie-in. It was discussed, 18 but the -- but the AU2 unit was still operating. 19 So that would have required a shutdown of that unit 20 which was, as I stated before, we felt was more 21 hazardous than using the S-3 drum for draining. 22 Q. Well, the NDU flare line was constructed 23 in a way that it ran close to the F-20 blowdown 24 stack? 25 A. Fairly close, yes, sir.</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. -- to the NDU? 2 A. -- the line that they were then tying in 3 to was in service. 4 Q. Did anyone do an economic analysis of the 5 cost of tying it in? 6 A. Not that I know of. 7 Q. And the same question. Do you know 8 whether there were any opportunities after 2002, 9 when the -- the A -- the AU2 was down and this 10 could have been done? 11 A. We -- when I was a turnaround 12 superintendent, we did a turnaround on AU2 in, I 13 believe, it was 2004. 14 Q. So there was an opportunity when the AU2 15 was down when the F-20 could have been tied in to 16 the NDU flare line? 17 A. I am not sure of that because I think the 18 NDU was then running, so then you had that line in 19 the flare. 20 Q. So you are not sure one way or the other? 21 A. I am really not. 22 Q. Do you have any estimate of what the cost 23 would have been for the actual fittings to do it? 24 I mean, the physical materials and labor. 25 A. I am thinking about the line size. Just</p>

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1 give me a minute --
 2 Q. Sure.
 3 A. -- I will come up with that.
 4 Probably between 50 and \$60,000
 5 for the fittings, the tie-ins and the labor.
 6 Q. So from a physical standpoint, the N --
 7 the F-20 blowdown stack could have been tied in to
 8 the NDU flare line for an outlay of 50 to \$60,000?
 9 MR. GALBRAITH: Objection, form.
 10 A. Probably.
 11 Q. (BY MR. KEBODEAUX) Now, the different
 12 alternatives that we have just discussed, which
 13 were the ones in the e-mail, then the NDU flare
 14 line, these are distinguishable from the Clean
 15 Streams project?
 16 A. Yes, sir.
 17 Q. Okay. Would you tell us how the Clean
 18 Streams project was different by telling -- why
 19 don't you just tell me how the Clean Streams
 20 project proposed to deal with the relief system
 21 that was at F-20?
 22 A. I don't know that. The Clean Streams,
 23 when it came out to us, we were basically asked if
 24 we could do the tie-ins during the turnaround. The
 25 full scope of the Clean Streams was not ever really

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1 relayed to me.
 2 Q. Okay.
 3 A. They were just wanting to know if they
 4 could do the tie-ins.
 5 Q. When you say "the tie-ins," what are you
 6 referring to?
 7 A. Physically put in a block and bleed
 8 system so that the piping can be ran at a later
 9 date.
 10 Q. So do you know how the piping was
 11 proposed to be run?
 12 A. No, sir, only that -- you know, what we
 13 did is evaluate -- if we could take those pieces of
 14 equipment out during the outage and make the
 15 tie-ins so that future Clean Streams could be
 16 routed in to either a flare system -- out of the
 17 blowdown, pump out systems. There were quite a few
 18 tie-ins, if I remember right.
 19 Q. When you say "tie-ins," what would be
 20 tied in to -- where would the tie-ins have been
 21 installed?
 22 A. They were installed on the -- mainly on
 23 the bottoms of drums and then the pump out systems
 24 that go to the stack so that you had a place to
 25 then route new pipe to a flare or to a -- an

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1 aboveground system.
 2 Q. Okay. So in effect, you would be
 3 bypassing the blowdown stack?
 4 A. Yes, sir. You would be eliminating a
 5 blowdown stack to the atmosphere.
 6 Q. And your group was asked whether this
 7 could be done during what outage, 2003?
 8 A. I think it was 2003.
 9 Q. And was the conclusion that, yes, it
 10 could be done?
 11 A. Yes, sir.
 12 Q. Was it done?
 13 A. Yes, sir, we put the tie-ins in.
 14 Q. Do you know what the cost of the tie-ins
 15 were?
 16 A. No, sir, I don't. I probably did at the
 17 time, and I can't recall that.
 18 Q. Were there ever any tie-ins installed
 19 that would have enabled -- had it been determined
 20 that there would be a tie-in to the NDU flare line,
 21 were there any tie-ins installed that would have
 22 been workable for that project?
 23 MR. GALBRAITH: Objection, form.
 24 A. None that I recall.
 25 Q. (BY MR. KEBODEAUX) Were you involved in

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1 the Clean Streams project?
 2 A. Only from doing these tie-ins, not in the
 3 concepts of what was its purpose.
 4 Q. Did you --
 5 A. The projects group did that.
 6 Q. Did you work on any element of the
 7 budget?
 8 A. No, sir.
 9 Q. Do you have any firsthand knowledge as to
 10 why it was terminated?
 11 A. No, sir.
 12 Q. Do you know when it was terminated?
 13 A. No, sir.
 14 Q. Earlier, when we were discussing the
 15 various options in the e-mail and several times you
 16 said, "we" determined this or that, who is "we"?
 17 A. The -- typically it's the unit shift
 18 supervisors and the optimization group, the guys
 19 that actually helped run the unit.
 20 Q. Was there a man named Resch, R-e-s-c-h,
 21 in any way involved in the Clean Streams?
 22 A. Not that I remember.
 23 Q. What is Clean Streams two versus Clean
 24 Streams? Do you know?
 25 A. No, sir, I don't.

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1 Q. Were you aware that one reason that
 2 the -- that a flare line could not be rerouted to
 3 the AU2 was because there was no up-to-date relief
 4 valve study?
 5 A. No, sir, I wasn't aware of that.
 6 Q. What is the PDS? Do you know what the
 7 PDS is?
 8 A. I really don't. There are so many
 9 acronyms I would have to know what that stood for.
 10 Q. You had some involvement in capital
 11 budgeting from time to time, correct?
 12 A. We would -- my role was to present things
 13 that I felt needed capital moneys applied to them.
 14 Q. Okay. So did you ever participate in the
 15 evaluation of the net present value of a capital
 16 project?
 17 A. No, sir.
 18 Q. Do you know if a capital project was
 19 proposed that only had an environmental benefit or
 20 only had a safety benefit, do you know how the
 21 present value of such a project was determined?
 22 A. No, sir, I don't.
 23 Q. While you were at the ISOM unit from 2001
 24 to 2003, there were deferrals of turnarounds,
 25 correct?

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1 A. I am not sure if we deferred an ISOM
 2 turnaround or not. We took out a couple of outages
 3 while I was there.
 4 Q. When turnarounds are deferred, is it
 5 usually driven by a desire to save costs?
 6 A. No, sir. Typically when we defer a
 7 turnaround, it's logistics of how many we are doing
 8 at one particular time. So if a unit has been down
 9 and the inspections' records show that you still
 10 have available time to do a turnaround before the
 11 inspection dates are up and you have other units
 12 that that might be the requirement while they are
 13 coming down, that's typically why they get moved.
 14 It's a prioritization of the units that need to
 15 come down for inspection reasons.
 16 Q. We have been talking about the time that
 17 you were at the ISOM unit as the asset
 18 superintendent but you left there in 2003 and you
 19 became the turnaround superintendent?
 20 A. Yes, sir.
 21 Q. For the entire plant?
 22 A. Yes, sir.
 23 Q. And what date did that occur or what
 24 year?
 25 A. July of 2003. That's as close as I can

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1 recall.
 2 Q. Would you look at Exhibit 170 and tell me
 3 if you have ever seen such a document before?
 4 MR. GALBRAITH: Do you have an
 5 extra?
 6 MR. KEBODEAUX: Yeah.
 7 A. Yes, sir, I have seen these documents.
 8 Q. (BY MR. KEBODEAUX) Is this a form for a
 9 release to a blowdown drum?
 10 A. No, it's actually a -- anytime we have
 11 a -- certain vapors that are classified as "light
 12 ends" such as benzene, there is a pounds per year
 13 that we meet an environmental reg for. And so any
 14 time that we have a release, small or large, they
 15 fill these out so they can report to the state what
 16 the releases are, the amounts.
 17 MR. KEBODEAUX: Okay. We are at a
 18 point where we need to change the tape, so we may
 19 as well take a quick break.
 20 THE VIDEOGRAPHER: Off the record
 21 at 2:15 p.m., ending Tape 3.
 22 (Recess taken.)
 23 THE VIDEOGRAPHER: On the record,
 24 2:32 p.m., beginning Tape 4.
 25 Q. (BY MR. KEBODEAUX) Mr. Risinger, I have

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1 placed on the overhead a plot plan from the final
 2 report but I am not going to mark as an exhibit but
 3 we will have it here for reference.
 4 At the time of the fire and
 5 explosion, March 23, 2005, you were the turnaround
 6 superintendent for the entire plant; is that right?
 7 A. No, sir, for the ultracracker turnaround.
 8 Q. Just --
 9 A. At that time.
 10 Q. Okay. You were over a turnaround that
 11 was in progress at the ultracracker?
 12 A. Yes, sir.
 13 Q. And on the overhead the ultracracker is
 14 here at the bottom of the overhead, correct?
 15 A. Yes.
 16 Q. It's to the north of the ISOM unit?
 17 A. Yes, sir.
 18 Q. You are aware that there was a turnaround
 19 trailer for JE Merit that was positioned east of
 20 the NDU unit, correct?
 21 A. It was a projects trailer there, right
 22 where you are putting your finger.
 23 Q. Right.
 24 The people that were working in
 25 that trailer were working on what project?

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1 A. On the ultracracker motorization project
 2 for the 100-J.
 3 Q. They were not working on a project at the
 4 ISOM unit, correct?
 5 A. No, sir, they weren't.
 6 Q. The motorization project at the
 7 ultracracker, did it come under the turnaround?
 8 A. No, sir, it ran in parallel with it.
 9 Q. Who was the, I guess for want of a better
 10 term, the head of the motorization project from
 11 BP's standpoint?
 12 A. The project manager for the project, the
 13 100-J motorization with Andy McWilliams.
 14 Q. Who initiated the management -- was a
 15 management of change required in order to place the
 16 JE Merit trailer that's shown on the overhead?
 17 MR. GALBRAITH: Objection, form.
 18 A. Yes, sir, they are.
 19 Q. (BY MR. KEBODEAUX) Okay. Had you ever,
 20 before 2004, done a management of change on the
 21 siting of a trailer?
 22 A. Yes, sir. Not me personally, but I
 23 assign people to participate in the MOCs.
 24 Q. How did you become aware that a JE Merit
 25 trailer was going to get positioned over to the --

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1 I guess, the north of the catalyst warehouse?
 2 A. Andy McWilliams and Jack Skufca
 3 approached me and asked if that area was open, if
 4 we were going to put anything in there; and I told
 5 him we weren't.
 6 Q. Did they tell you why they wanted to
 7 know?
 8 A. Yes, sir. They wanted to place their
 9 project trailers in that area.
 10 Q. Trailers, plural?
 11 A. Yes, sir.
 12 Q. Did you become aware that an MOC had been
 13 initiated, a management of change, for the siting
 14 of the JE Merit trailer?
 15 A. We discussed who would go out and get it
 16 in some of our pre-turnaround meetings before the
 17 actual start, and Andy and his group said they
 18 would do that.
 19 Q. And when you say "go out and get it," do
 20 you mean initiate the management of change?
 21 A. Yes, sir, to initiate the management of
 22 change.
 23 Q. When you say, "We discussed this in
 24 pre-turnaround meetings," you are talking about
 25 who? Who?

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1 A. All of the turnaround team and various
 2 support groups that attend those pre-TAR meetings.
 3 Q. Did you have any direct role in the MOC
 4 for the JE Merit trailer?
 5 A. They asked if I could have one of my
 6 mechanical guys sit in on the MOC, and I agreed to
 7 that.
 8 Q. And whom did you designate to sit in on
 9 the MOC of the trailer?
 10 A. Randy Osborne.
 11 Q. And what is Randy Osborne's -- or what at
 12 that time was Randy Osborne's position?
 13 A. He was one of the turnaround execution
 14 coordinators.
 15 Q. When you say you had him sit in, does
 16 that mean that he reported back to you regarding
 17 the management of change?
 18 A. No, sir, only that he attended as a
 19 mechanical representative so that if they needed
 20 some questions answered from a mechanical
 21 standpoint, they'd have someone available there.
 22 Q. Did you know that the ISOM was down at
 23 the time you were asked whether that space was
 24 available for trailers?
 25 MR. GALBRAITH: Objection, form.

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1 A. I can't say that I did or I didn't. I
 2 just don't remember it being down.
 3 Q. (BY MR. KEBODEAUX) At some point while
 4 the trailers were in that area, did you become
 5 aware that the ISOM was down?
 6 A. Yes, sir.
 7 Q. Who had primary responsibility for the
 8 management of change for the siting of the JE Merit
 9 trailer?
 10 A. That, I really don't know. There's areas
 11 in the refining that -- there's operations areas,
 12 there's utility areas, oil movements has areas. So
 13 outside of units can be considered as a utility or
 14 an oil movement area. That particular area, I am
 15 not sure of. I believe it's -- I really don't know
 16 whose area that is.
 17 Q. Now, at the time of the ultracracker shut
 18 down or turnaround, was the NDU in operation or was
 19 that shut down?
 20 A. I don't know that.
 21 Q. Did you ever review copies of the
 22 management of change documents relating to the
 23 JE Merit trailer?
 24 A. No, sir, I didn't.
 25 Q. Did Mr. Osborne report back to you

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1 regarding the MOC?
 2 A. Only that he had attended.
 3 Q. You understood when Skufca and McWilliams
 4 asked you that they wanted to put a trailer or more
 5 than one trailer in the area that is north of the
 6 catalyst warehouse, correct?
 7 A. I don't think I understood your question.
 8 Q. I thought you told me Skufca and
 9 McWilliams asked you if that space was available to
 10 place trailers?
 11 A. Yes, sir, they did.
 12 Q. So you understood what their intent was?
 13 A. Yes, sir, that they were wanting to use
 14 that area to place trailers.
 15 Q. How many trailers did you understand they
 16 were going to place there?
 17 A. Well, I really didn't go into how many.
 18 We -- what we typically do is once we have an MOC
 19 for an area, then we put however many we need in
 20 that area.
 21 Q. You know in this case there was only one
 22 MOC and that was for the JE Merit trailer and then
 23 seven additional trailers were added?
 24 A. Yes, sir, I know that.
 25 Q. And are you telling me that it was the

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1 practice that up until that time if you had one MOC
 2 to go ahead and situate additional trailers?
 3 A. Yes, sir.
 4 Q. Okay. And that was known by management?
 5 MR. GALBRAITH: Objection, form.
 6 A. That was what those of us that had to go
 7 get the MOCs, that's what we believe.
 8 Q. (BY MR. KEBODEAUX) Do you have a
 9 different understanding now?
 10 A. Yes, sir, I do.
 11 Q. What is your understanding now?
 12 A. That each trailer -- occupied trailer has
 13 to have an MOC done on it.
 14 Q. All right. So to place multiple trailers
 15 in the area of the catalyst warehouse using one MOC
 16 was a violation of BP procedures?
 17 MR. GALBRAITH: Objection, form.
 18 A. I would say, yes, sir.
 19 Q. (BY MR. KEBODEAUX) And who, ultimately,
 20 should have known that placing multiple trailers
 21 with one MOC close to the catalyst warehouse was a
 22 violation of BP procedures? What person or job
 23 description should have known that?
 24 A. Well, the PSM group, those people, they
 25 usually help us when we do those and that would be

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1 the people that we would rely on to share that
 2 information with us.
 3 Q. Did you believe that it was a reasonable
 4 and safe idea to place trailers in the area of the
 5 catalyst warehouse?
 6 A. Yes, I did, going on our past practices.
 7 Q. Were there any trailers situated there at
 8 the time that Skufca and McWilliams approach you --
 9 approached you?
 10 A. I don't recall any of them being there.
 11 There had been previous to that.
 12 Q. When was the last time that there were
 13 trailers situated in that area?
 14 A. All during the construction of the NDU.
 15 Q. Now, you can see that according to this
 16 diagram from the final report the JE Merit trailer
 17 was approximately 150 feet from the F-20 blowdown
 18 stack, correct?
 19 MR. GALBRAITH: Objection, form.
 20 A. Yes, sir. That's what it shows.
 21 Q. (BY MR. KEBODEAUX) You understood at the
 22 time that Skufca and McWilliams proposed using this
 23 site that the blowdown stack was fairly close to
 24 the site of the trailers, correct?
 25 MR. GALBRAITH: Objection, form.

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1 A. It wasn't something that I considered at
 2 the time.
 3 Q. (BY MR. KEBODEAUX) Okay.
 4 A. I know that it's there, but it wasn't
 5 something that I looked at.
 6 Q. And you didn't consider the fact that you
 7 had seen a blowdown stack overflow in 19 -- in the
 8 1980's in the coker?
 9 A. No, sir, it never -- I never recalled it
 10 at the time.
 11 Q. Did you have any knowledge that the ISOM
 12 unit was going to be shut down for some period of
 13 time while those trailers were situated there?
 14 A. No, sir, I didn't.
 15 Q. At some point while the trailers were
 16 there, did you become aware that the ISOM was shut
 17 down?
 18 A. Yes, sir, just through casual
 19 conversation.
 20 Q. Shouldn't that have been -- shouldn't it
 21 be part of the system that you should have been
 22 advised that the ISOM was going to be shut down?
 23 A. I would say yes.
 24 Q. Because you already told us that startups
 25 and shutdowns are both dangerous times on the unit,

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1 correct?

2 MR. GALBRAITH: Objection, form.

3 A. They are hazardous, hazardous times.

4 Q. (BY MR. KEBODEAUX) And so at some point

5 while the trailers were situated there next to the

6 ISOM unit, you became aware that the ISOM unit was

7 shut down, true?

8 A. Yes, sir.

9 Q. And you also became aware that the ISOM

10 unit was going to have to come back up?

11 A. No, sir, I didn't know when it was coming

12 up.

13 Q. You knew that it would at some point.

14 You just didn't know the precise date and time?

15 A. Yes, sir.

16 Q. Okay.

17 A. Well, I assumed that.

18 Q. So at some point, you knew that these

19 trailers were very close to a unit that was going

20 to be brought back up or started up, correct?

21 A. Well, not necessarily because we -- we

22 were finishing the turnaround before they were

23 ready to come up. We were at its end. We might

24 have moved those trailers out had the startup been

25 postponed.

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1 Q. So you don't know the exact date and

2 time; but you knew at some point the ISOM would be

3 started up and that it would be hazardous, correct,

4 when it was?

5 A. There is --

6 MR. GALBRAITH: Objection, form.

7 A. There is a potential.

8 Q. (BY MR. KEBODEAUX) And had you been told

9 that the ISOM was starting up, would it have been

10 reasonable for you to advise the people working in

11 the trailers that were adjacent to the ISOM unit?

12 A. Yes, sir. We would have notified them.

13 Q. So if it had been communicated to you

14 that ISOM was going to -- to start back up, you

15 would have what? Evacuated those trailers?

16 A. No, not necessarily. We would have just

17 let everybody know, heighten awareness, check with

18 operations of the unit. We more than likely --

19 typically, what we do is we barricade the roads

20 around those units.

21 Q. Who should have communicated that --

22 well, should that have been communicated to you or

23 to Skufca and McWilliams or to all of you?

24 A. There is a --

25 MR. GALBRAITH: Objection, form.

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1 A. -- a protocol for notification. The

2 operations folks, typically, it's in their startup

3 procedures, generally, to notify the surrounding

4 units. Those surrounding units would then have

5 notified us as the turnaround.

6 Q. (BY MR. KEBODEAUX) Where did the system

7 fail in communicating? Do you know?

8 A. No, sir, I don't know.

9 Q. Do you know what persons were responsible

10 for communicating that the ISOM was going to be

11 restarted?

12 A. No, sir, I don't know the individuals.

13 Q. Do you know now?

14 A. I have an idea.

15 Q. Who do you think was responsible for

16 that?

17 A. Whoever the operations supervisor was

18 that was on that that day the -- typically, the

19 board operator. They have a sign off sheet that

20 they will call and notify either the shift

21 directors or the individuals on the surrounding

22 areas.

23 Q. You said the "operations superintendent"?

24 A. Supervisor.

25 Q. Supervisor. Who was that on March 23,

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1 2005?

2 A. I don't know that.

3 Q. Do you believe that these trailers were

4 situated in an area where they were exposed to

5 overflow or vapor releases from the F-20 blowdown

6 stack?

7 A. I do --

8 MR. GALBRAITH: Objection.

9 A. -- now.

10 Q. (BY MR. KEBODEAUX) Well, shouldn't that

11 have been noted before the MOC was issued?

12 A. All I can say is hindsight is 20/20. I

13 mean, it just wasn't recognized at the time.

14 Q. What wasn't recognized at the time?

15 A. That the stack would overflow like that.

16 Q. Whether the stack overflowed or not, it

17 wasn't safe and prudent to have trailers that close

18 to an ISOM unit when it was being restarted; is

19 that true?

20 MR. GALBRAITH: Objection, form.

21 A. I wouldn't say that. We've had them

22 there for the 30 years I've been there without

23 incident.

24 Q. (BY MR. KEBODEAUX) Because there has not

25 been a catastrophe --

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1 A. No.
 2 Q. -- it is safe to --
 3 A. No incidents.
 4 Q. Do you know who the operations'
 5 superintendent was who was responsible for
 6 authorizing the trailer siting to proceed after the
 7 MOC was conducted?
 8 MR. GALBRAITH: Objection, form.
 9 A. I believe I read it in that final report.
 10 It was Ray Hawkins.
 11 Q. (BY MR. KEBODEAUX) Is a blowdown stack
 12 part of a process unit, the ISOM process unit?
 13 A. Yes, sir.
 14 Q. So really the closest process unit to
 15 these trailers was not the NDU, it was the F-20
 16 blowdown stack in the ISOM. Would you agree with
 17 that?
 18 A. There was a couple of other towers there
 19 that are probably the same distance besides the
 20 blowdown stack.
 21 Q. Towers at the NDU?
 22 A. No, they are on the ISOM.
 23 Q. On the ISOM?
 24 So really the closest process unit
 25 to these trailers was the ISOM?

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1 A. Yes, sir.
 2 Q. Not the NDU?
 3 A. Yes, sir.
 4 Q. So if the NDU states that the -- I am
 5 sorry. If the MOC states that the NDU was the
 6 closest process unit to the trailers, you would
 7 disagree with that?
 8 A. Well, yes, sir.
 9 Q. Do you know who the asset coordinator was
 10 on the ISOM unit on March 23, 2005?
 11 A. I think it was Paul Trapp, but that may
 12 have changed after I left.
 13 Q. Do you agree that it was the asset
 14 coordinator's responsibility to inform operating
 15 personnel that the -- the ISOM was going to be
 16 restarted?
 17 A. Could you ask that again, please?
 18 Q. Whose responsibility was it at the ISOM
 19 unit to notify people in the area that the ISOM was
 20 going to be restarted?
 21 A. The unit shift supervisor and then the
 22 board operator's more than likely who would be
 23 delegated that task.
 24 Q. Did you ever advise the ISOM
 25 superintendent that these trailers would be placed

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1 in the area between the ISOM and NDU?
 2 A. No, sir, I didn't.
 3 Q. Was that a responsibility of yours?
 4 A. No, sir. It would have been the project
 5 manager that requested it, which was
 6 Andy McWilliams.
 7 Q. Now, I think you indicated that it really
 8 wasn't foreseeable that this blowdown stack
 9 presented a danger to the trailers that were
 10 situated close to the catalyst warehouse, in your
 11 opinion?
 12 MR. GALBRAITH: Objection, form.
 13 A. No, sir, I just stated that -- that I
 14 didn't foresee it.
 15 Q. (BY MR. KEBODEAUX) Okay.
 16 A. I can't speak for the people on the team.
 17 I don't know what they reviewed.
 18 Q. Do you know whether BP ever implemented a
 19 policy of prohibiting placing trailers in flare
 20 yards?
 21 A. Yes, sir, I was made aware of that.
 22 (Exhibit Number 175 marked for
 23 identification.)
 24 Q. (BY MR. KEBODEAUX) Would you look at
 25 Exhibit 175? If you will look at the bottom, it's

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1 Bates Number 84071.
 2 Is it correct -- first of all, can
 3 you identify this document that's attached as
 4 Exhibit 170 -- is it 5?
 5 A. 175, yes, sir.
 6 Q. Can you tell us what this is?
 7 A. It looks to be the minute meetings of a
 8 Texas City process safety committee.
 9 Q. Okay. If you look at the page that I
 10 have asked you to look at, does it reflect that
 11 Mr. Ralph raised an issue regarding a past practice
 12 of allowing flare yards to be used as lay down and
 13 turnaround trailer yards?
 14 A. Yes, sir, I am reading that.
 15 Q. Does it also state that at the time of
 16 this meeting of the process safety committee there
 17 was no formal policy governing that practice?
 18 A. That's the way it reads.
 19 Q. Now, what's the date of this document?
 20 A. November 6th, 2002.
 21 Q. And do you know, in fact, that a formal
 22 policy was adopted that restricted the use of flare
 23 lay down yards -- I am sorry, flare yards as areas
 24 to put turnaround trailers?
 25 A. No, sir, I don't know that.

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1 Q. Do you know why Mr. Ralph, Bill Ralph,
 2 head of process safety management, was suggesting a
 3 rule prohibiting turnaround trailers in flare
 4 yards?
 5 MR. GALBRAITH: Objection, form.
 6 A. No, I don't. I mean, I know what -- I
 7 know what I think, but I don't know what he
 8 actually used as the basis for recommendation of
 9 that.
 10 Q. (BY MR. KEBODEAUX) What's your opinion
 11 as to why there should be a rule prohibiting
 12 placing trailers in a flare yard?
 13 MR. GALBRAITH: Objection, form.
 14 A. Because of the potential of the heat and
 15 the overflow of the flare that we spoke of earlier.
 16 Q. (BY MR. KEBODEAUX) For safety reasons,
 17 correct?
 18 A. Yes, sir.
 19 Q. And the safety reason would be that if
 20 the flare overflowed or purged gas, it could result
 21 in injuries to people?
 22 A. Yes, sir. The liquid overflow came to
 23 the ground.
 24 Q. Wouldn't the very same logic for having a
 25 rule against trailers in flare yards apply to

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1 having trailers close to blowdown stacks that -- to
 2 which raffinate is vented?
 3 MR. GALBRAITH: Objection, form.
 4 A. I would say that it could.
 5 Q. (BY MR. KEBODEAUX) In fact, if you are
 6 going to have a rule against putting trailers in
 7 flare yards, you ought to have a rule against
 8 putting trailers close to blowdown stacks. Do you
 9 agree?
 10 A. If the hazard's identified, yes.
 11 Q. I mean, that was certainly something that
 12 was knowable back in 2002, correct?
 13 MR. GALBRAITH: Objection, form.
 14 A. I would agree that it should have been
 15 recognized.
 16 Q. (BY MR. KEBODEAUX) I mean, it was known
 17 that you could overflow or over -- maybe overflow
 18 is a wrong word, overflow a flare, back in 2002,
 19 true?
 20 A. Yes, sir.
 21 Q. And so equally it should have been known
 22 that you could overflow a -- a blowdown stack,
 23 true?
 24 A. I agree.
 25 Q. So it's your view that the process safety

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1 management committee should have also looked into a
 2 rule back in 2002, about where turnaround trailers
 3 were situated close to blowdown stacks?
 4 MR. GALBRAITH: Object to form.
 5 A. Well, I am not on the committee, but I
 6 would think that that's something that they should
 7 have recognized.
 8 Q. (BY MR. KEBODEAUX) I mean, it's the same
 9 concerns about human life and the same concerns
 10 about overfilling, true?
 11 MR. GALBRAITH: Objection, form.
 12 Q. (BY MR. KEBODEAUX) And they apply to
 13 flares and to blowdown stacks, true?
 14 MR. GALBRAITH: Objection, form.
 15 A. It could apply to a lot of different
 16 equipment, not just flares or blowdown stacks.
 17 Q. (BY MR. KEBODEAUX) But it does apply to
 18 flares and blowdown stacks, doesn't it?
 19 MR. GALBRAITH: Objection, form.
 20 A. It could.
 21 (Exhibit Number 176 marked for
 22 identification.)
 23 Q. (BY MR. KEBODEAUX) Would you look at
 24 Exhibit 176 for just a moment?
 25 MR. KEBODEAUX: I am sorry. I

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1 don't have an extra.
 2 MR. GALBRAITH: It's all right.
 3 Q. (BY MR. KEBODEAUX) Do you recognize
 4 Exhibit 176?
 5 A. I am trying to read it here.
 6 Q. All right.
 7 A. Yes, sir, I vaguely remember it.
 8 Q. Okay. It's a policy for the 2005
 9 turnaround; is that true?
 10 A. No, sir. It's a document that Rod Price
 11 issued to help clarify what would need to be -- the
 12 rules that we would use to comply with using the
 13 flare yard for a material lay down yard and work in
 14 there.
 15 Q. So it's applying to the ultracracker
 16 flare yard, right?
 17 A. Yes, sir, it is.
 18 Q. And it -- basically, it says that storing
 19 materials is permissible, but no personnel tents or
 20 other personal -- personnel occupancy will be
 21 allowed, correct?
 22 A. Yes, sir.
 23 Q. And on the second page, there is a
 24 diagram, correct?
 25 A. Yes, sir, there is.

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1 Q. And there in the center of the diagram,
 2 basically, is the materials lay down yard where
 3 personnel tents and personnel occupancy was not
 4 allowed, correct?
 5 A. Well, people enter the area, drop off
 6 materials and leave, but they don't stay there.
 7 Q. "No personnel occupancy" would mean that
 8 nobody could put a turnaround trailer in that flare
 9 yard, true?
 10 A. True.
 11 Q. Okay. So, I mean, one consequence of
 12 this plan that is Exhibit 176 was that there were
 13 to be no trailers situated in the ultracracker
 14 flare yard, right?
 15 A. Yes, sir.
 16 Q. Okay. And that was for safety reasons,
 17 correct?
 18 A. Yes, sir.
 19 MR. GALBRAITH: Objection, form.
 20 Q. (BY MR. KEBODEAUX) Now, do you know what
 21 the two circles are on the diagram, what they
 22 represent?
 23 A. No, sir, I don't.
 24 Q. Okay. I am going to hand you
 25 Exhibit 177.

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1 (Exhibit Number 177 marked for
 2 identification.)
 3 MR. KEBODEAUX: And actually do
 4 you think we could shoot a couple of copies of this
 5 real quickly?
 6 MR. GALBRAITH: I would hope so,
 7 but I don't know. I am a guest here, too. Do you
 8 want to take a break and do that?
 9 MR. KEBODEAUX: It will advance
 10 the cause if we do that.
 11 MR. GALBRAITH: Huh?
 12 MR. KEBODEAUX: It will advance
 13 the cause.
 14 THE VIDEOGRAPHER: Off the record
 15 at 3:06 p.m.
 16 (Recess taken.)
 17 THE VIDEOGRAPHER: On the record
 18 3:19 p.m., beginning Tape 5.
 19 Q. (BY MR. KEBODEAUX) Mr. Risinger, I have
 20 marked Exhibit 177; and if you look at it, the
 21 pages at the bottom right corner are numbered one
 22 through 18 and those are the numbers that I will
 23 refer to with this exhibit rather than the long
 24 Bates number. Okay?
 25 A. Yes, sir.

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1 Q. I don't need you to read all of this
 2 because I will point you to some sections, but do
 3 you recognize this 18 page document?
 4 A. No, sir, I don't.
 5 Q. Do you think you have ever seen it?
 6 A. No, sir, I don't recall it.
 7 Q. Do you have any idea as to who or what
 8 department produced it, created it?
 9 A. No, sir, I really don't.
 10 Q. In your experience at BP, have you
 11 ever -- have you ever known when a unit was being
 12 started up for there to be an order to evacuate any
 13 adjacent trailers or work areas of nonessential
 14 personnel?
 15 A. Since March 23rd, yes.
 16 Q. What about before March 23rd? Are you
 17 aware of any situations where in starting up a unit
 18 nonessential, adjacent personnel were advised to
 19 evacuate or move to some other area?
 20 A. Yes, sir, there were some isolated times
 21 when we did that.
 22 Q. Can you give me some idea of the
 23 circumstances?
 24 A. Post turnaround, when the unit was
 25 starting up after a turnaround, we would move all

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1 nonessentials out of the area.
 2 Q. Okay. And would that mean people who
 3 were not involved in the startup?
 4 A. Yes, sir, typically.
 5 Q. Would it mean people who were not
 6 involved in the startup who were situated in
 7 trailers or lay down yards close to the unit?
 8 A. I don't remember a specific time where
 9 we, like, evacuated trailers. Mainly moved people
 10 off of the operating units.
 11 Q. So there is historical precedent for
 12 getting nonessential people away from a unit that
 13 is being started up, correct?
 14 A. Yes, sir, there is.
 15 Q. And on the day -- on March 23, 2005,
 16 would you say that the people that were in the
 17 JE Merit trailer were not essential personnel?
 18 MR. GALBRAITH: Objection, form.
 19 Q. (BY MR. KEBODEAUX) Nonessential to the
 20 startup of the ISOM?
 21 A. Yes, sir, I would.
 22 Q. And was there any reason, to your
 23 knowledge, that those people could not have been
 24 told to evacuate that trailer because of the
 25 startup of the ISOM?

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1 A. They could have been told. I don't think
 2 they would have been.
 3 Q. You don't think they would have been?
 4 A. No, sir, I don't.
 5 Q. If you look at page 4 of this document,
 6 Paragraph 4-6, it states Mark Risinger -- do you go
 7 by Mark?
 8 A. Mark or Martin.
 9 Q. You do? Okay.
 10 "Mark Risinger was aware of risks
 11 of blowdown stack and as ultracracker turnaround
 12 superintendent did not prevent trailer location,
 13 paren, this includes other personnel as well, close
 14 paren."
 15 Do you know who wrote this
 16 statement?
 17 A. No, sir, I don't.
 18 Q. Is that statement, true?
 19 A. No, sir, it's not.
 20 Q. Do you know what information -- do you
 21 have any reason to believe that this document was
 22 created by someone other than a BP, British
 23 Petroleum, employee?
 24 A. I don't have knowledge of the document or
 25 how it was created.

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1 Q. Is this the first time that you have
 2 been, I guess, I use the word "confronted" with
 3 this statement?
 4 A. Yes, sir.
 5 Q. Okay. Have you been disciplined or
 6 reprimanded in any way since this incident --
 7 A. No, sir.
 8 Q. -- March 23rd?
 9 Did you have to have any meetings
 10 with Kathleen Lucas or Willie Willis or any of
 11 those folks to determine your -- whether you would
 12 be reprimanded or disciplined?
 13 A. No, sir.
 14 Q. Okay. So if you look at this statement,
 15 you would disagree where it says, "Risinger was
 16 aware of risks of the blowdown stack," or would you
 17 agree with it?
 18 A. I would disagree with it.
 19 Q. I mean, there were some risks of the
 20 blowdown stack that you were aware of, correct?
 21 A. None that I had thought about at the
 22 time.
 23 Q. Would you agree with the part of the
 24 statement that as ultracracker turnaround
 25 superintendent did not prevent trailer location?

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1 You certainly did not prevent the trailer location,
 2 true?
 3 A. No, sir.
 4 MR. GALBRAITH: Objection, form.
 5 A. They were not my trailers.
 6 Q. (BY MR. KEBODEAUX) Some part of the
 7 statement is true and that is you did not prevent
 8 the trailer location, correct?
 9 MR. GALBRAITH: Objection, form.
 10 Q. (BY MR. KEBODEAUX) And your position is
 11 that it wasn't your responsibility. Is that a fair
 12 statement?
 13 MR. GALBRAITH: Objection to form.
 14 A. That's true.
 15 Q. (BY MR. KEBODEAUX) Let me see if I can
 16 get that in one question. You agree that you did
 17 not prevent the trailer location, but you deny that
 18 it was your responsibility; is that true?
 19 MR. GALBRAITH: Objection, form.
 20 A. I did not prevent those trailers from
 21 being placed there, but I did not have control over
 22 those trailers being placed there.
 23 Q. (BY MR. KEBODEAUX) And who did?
 24 A. The projects group.
 25 Q. Skufca and McWilliams or someone over

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1 them?
 2 A. They were the people that initiated the
 3 MOCs, yes.
 4 Q. Look on page 8, please. Under
 5 Paragraph 3-1, do you see the statement, "Risinger
 6 showed poor judgment in siting the trailer even
 7 with knowing the hazards of the blowdown stack"?
 8 MR. GALBRAITH: On 3-1?
 9 MR. KEBODEAUX: Yes.
 10 A. I see the -- I see where it's written.
 11 Q. (BY MR. KEBODEAUX) Okay. You would deny
 12 that statement and say that you did not site the
 13 trailer?
 14 A. I would disagree with the statement.
 15 Q. Look at the next sentence where it says,
 16 "Investigation team conclusion, poor management
 17 judgment in leaving a process safety manager in
 18 place for ten years, someone tends to get blind
 19 versus bringing in someone with a fresh view."
 20 Do you see that?
 21 A. Yes, sir.
 22 Q. Who would that process safety manager be?
 23 A. I would assume they are talking about
 24 Bill Ralph.
 25 Q. Do you agree with that statement?

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1 A. No, sir, I do not.
 2 Q. Why do you disagree with it?
 3 A. Because he, in staying that position, has
 4 gained a great deal of expertise.
 5 Q. Do you know what the MAR is that's
 6 referenced in the next sentence in that paragraph?
 7 A. No, sir, I don't.
 8 Q. Okay. Management assessment of risks,
 9 you don't know what that is?
 10 A. That sounds familiar, yes, sir.
 11 Q. Did you participate in that study at all?
 12 A. No, sir.
 13 Q. Look on page 12, please.
 14 A. (Complies.)
 15 Q. In Paragraph 8-1, it states that one MOC
 16 was initiated under NDU and one under ULC.
 17 Is it the MOC for the JE Merit
 18 that was initiated under NDU and then the other set
 19 of trailers under ULC?
 20 MR. GALBRAITH: Objection, form.
 21 A. I was reading it as you were asking the
 22 question.
 23 Q. (BY MR. KEBODEAUX) I am sorry.
 24 A. Could you ask it again?
 25 Q. There were two groups of trailers.

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1 A. Yes, sir.
 2 Q. And one was near the catalyst warehouse
 3 and that MOC was initiated under the NDU? Is that
 4 your understanding?
 5 A. Yes, sir.
 6 Q. And then there was another MOC initiated
 7 under the ultracracker for some other trailers
 8 between the ultracracker and the ISOM. Does
 9 that -- is that correct?
 10 A. Yes, sir, partially. They were for the
 11 ultracracker turnaround trailers.
 12 Q. So those trailers you did have
 13 jurisdiction over?
 14 A. Yes, I did.
 15 Q. So if these statements are referring to
 16 the trailers that were initiate -- that were placed
 17 under the ultracracker MOC, then you would have had
 18 control over those trailers, correct?
 19 A. Well, I would have had people assigned to
 20 participate in the MOC and then place the trailers.
 21 Q. Look under Paragraph 12. Or I am sorry,
 22 8, hyphen, 6 on the same page. The last sentence
 23 states that, "The frequency and severity of
 24 previous ISOM incidents was not transferred
 25 adequately. Previous incidents that were reported

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1 were not investigated with corrective actions
 2 identified to prevent recurrence."
 3 Do you know what that is referring
 4 to?
 5 A. No, sir, I don't.
 6 Q. Were there incidents on the ISOM that
 7 were not reported and investigated?
 8 A. Not to my knowledge.
 9 MR. KEBODEAUX: Pass the witness.
 10 * * *
 11 EXAMINATION
 12 Q. (BY MR. WERNER) Good afternoon,
 13 Mr. Risinger. My name is John Werner. I am an
 14 attorney with Reaud, Morgan & Quinn; and I
 15 represent the mother and the estate of Ryan
 16 Rodriguez. You know who Ryan is, right?
 17 A. Well, I think I recognize the name.
 18 Q. I had read somewhere, I thought, that you
 19 were involved somehow in the efforts to try to save
 20 his life after the explosion; is that correct?
 21 A. I am not trying to be obstinate, but I
 22 can't hear very well and I am having a hard time
 23 hearing you.
 24 Q. Sure. Were you involved in the efforts
 25 to try and save his life after the explosion?

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1 A. I may have been. There were a lot of
 2 things happening at that time and it was pretty
 3 traumatic. So I am not sure, you know, if I saw
 4 the picture, something to jog my memory a little
 5 bit, it may be.
 6 Q. Let's put it this way. Do you remember a
 7 young man who was found alive by Pat Nickerson?
 8 MR. GALBRAITH: Objection, form.
 9 A. No, sir, I don't.
 10 Q. (BY MR. WERNER) What was your
 11 involvement in the efforts to try and save the
 12 people who had survived the blast?
 13 A. Shortly after the blast, I arrived at the
 14 site and saw that we had a lot of people trapped in
 15 the debris in and around the area. There were a
 16 number of people standing around trying to figure
 17 out what to do.
 18 So I had the turnaround radio; and
 19 I sent a couple of my guys to the site, had them
 20 set up a little triage unit in the -- a fab tent
 21 that was located west of there. I had them call
 22 the guards to open up the gates on Grant Avenue and
 23 reroute the ambulances that were coming. Then I
 24 called them and had them start bringing in some
 25 heavy equipment to help us remove the debris to get

<p style="text-align: right;">Page 150</p> <p>1 the people out that we couldn't just pick up out of 2 the debris. 3 We started one by one as back 4 boards arrived, taking people from the debris and 5 putting them on the back boards, and then we had 6 people standing down below the debris pile that 7 were carrying them out to the ambulances. 8 Q. And who were the two people that you 9 remembered that helped set up the tent? 10 MR. GALBRAITH: Objection, form. 11 A. Well, I was -- I was actually in the area 12 where the blast was. The tent was about a hundred 13 yards or so from me. So I don't actually know who 14 set that up. 15 Q. (BY MR. WERNER) Well, you had mentioned 16 that there were two men that you first contacted? 17 A. Yes, sir. 18 Q. Somehow got them working on that? 19 A. That's -- 20 Q. Who is that? 21 A. Richard Morton had a radio and Randy 22 Osborne had a radio. 23 Q. And what were their positions? 24 A. They are -- they are turnaround execution 25 coordinators. They actually run the turnarounds.</p>	<p style="text-align: right;">Page 152</p> <p>1 everybody, living or dead, who was found was, 2 basically, taken as a first step to that triage 3 area about a hundred yards away unless they could, 4 obviously, walk themselves to safety somewhere? 5 MR. GALBRAITH: Objection, form. 6 A. I don't know. 7 Q. (BY MR. WERNER) Well, was it at least 8 the people that you were helping to try and rescue? 9 Was that the plan for them? 10 A. Once we passed the people to the other 11 people that were standing by, then I really don't 12 know where they went, you know. It's kind of 13 around the corner of the unit. I wasn't looking 14 that direction. 15 Q. Was Pat Nickerson in the area that you 16 were or was he around the corner? 17 A. I don't recall seeing Pat Nickerson. 18 Q. What about Willie Willis? 19 A. I never remember seeing him at the site. 20 Q. Okay. Did you ever get to the sort of 21 what I will call the "triage area" about a hundred 22 yards away around the corner? 23 A. Yes, sir. 24 Q. About when? 25 A. Maybe 9:00 or so that evening.</p>
<p style="text-align: right;">Page 151</p> <p>1 Q. And about, as best as you can recall, how 2 long after the explosion is this that you talked to 3 these two guys and start getting that set up? 4 A. 12 minutes. 5 Q. Now, you mentioned ambulances. Are these 6 private ambulances, or is this part of the BP 7 on-site response team? 8 A. I would say it was both. I remember 9 private ambulances, Gold Star -- 10 Q. Gold Star? 11 A. -- I believe. 12 Q. What sort of BP on-site ambulances or 13 emergency personnel would there be? 14 A. There were EMTs that arrived at the site. 15 Q. Refinery EMTs, right? 16 A. Yes. Refinery EMTs and then Texas City 17 fire department, I believe, had I think I remember 18 seeing some EMTs a little later that were Texas 19 City fire department EMTs. 20 Q. Other than Gold Star, do you remember any 21 of the other ambulance services that actually got 22 into the staging area that had been set up about a 23 hundred yards away? 24 A. I don't remember the names. 25 Q. And is it my understanding that</p>	<p style="text-align: right;">Page 153</p> <p>1 Q. Okay. 2 A. After we had found everybody we could. 3 Q. And had everybody been removed from the 4 triage area, in other words, all the victims been 5 either been taken by ambulance somewhere here or 6 there? 7 MR. GALBRAITH: Objection, form. 8 A. I don't think so. 9 Q. (BY MR. WERNER) Were there -- about how 10 many people do you remember there at that point? 11 A. As I remember, there was one man on the 12 table; and one man on the side of the road. 13 Q. Living or deceased? 14 A. Deceased. 15 Q. Did you ever talk with Pat Nickerson 16 about what he saw that day? 17 A. No, sir. 18 Q. Have you heard things reported to you 19 about Ryan or just a person sort of calling out for 20 help on the radio after the explosion? 21 MR. GALBRAITH: Objection to form. 22 A. The best I can recall the only person 23 that I remember -- I remember some of the 24 ultracracker operators telling me that, I think, it 25 was Jack Skufca was calling on the radio.</p>

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1 Q. (BY MR. WERNER) In terms of -- well,
 2 when you finally went to the triage area, what was
 3 it that -- was that sort of the end of the search
 4 and rescue at the trailer site itself?
 5 A. What was going on was that a -- an
 6 outside rescue team was brought in, and we were
 7 asked to go and set up the barricades around the
 8 entire accident site. So they -- they removed us
 9 from the search at that point.
 10 Q. Do you know how many people had been
 11 found, the people who died in the explosion?
 12 A. 13.
 13 Q. So there were two more later found by the
 14 outside search and rescue team?
 15 A. Yes, sir, the next day.
 16 Q. Did you hear about a young man, I am
 17 going to tell you I think the evidence is going to
 18 show was Ryan, who was actually put on a -- put in
 19 an ambulance at some point; but then at some point
 20 removed?
 21 MR. GALBRAITH: Are you finished
 22 with the question?
 23 Q. (BY MR. WERNER) Have you heard about
 24 that sort of a situation?
 25 MR. GALBRAITH: Objection, form.

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1 A. No, sir.
 2 MR. WERNER: If we can let's just
 3 take a five-minute break, if that's okay.
 4 MR. GALBRAITH: Okay.
 5 THE VIDEOGRAPHER: Off the record
 6 at 3:44 p.m.
 7 (Recess taken.)
 8 THE VIDEOGRAPHER: On the record
 9 3:56 p.m.
 10 Q. (BY MR. WERNER) Mr. Risinger, you talked
 11 about that there had been a flare in the pipestill
 12 Number 3. Do you recall that?
 13 A. A flare in pipestill Number 3?
 14 Q. Sure. Or is there -- what's your
 15 recollection of what's there?
 16 MR. GALBRAITH: What's there?
 17 MR. WERNER: Sure.
 18 MR. GALBRAITH: Objection, form.
 19 Q. (BY MR. WERNER) A flare versus a
 20 blowdown stack.
 21 A. I am sorry. I just don't understand your
 22 question.
 23 Q. Sure. At pipestill Number 3, wasn't
 24 there some discussion during Clean Streams of
 25 converting a blowdown system into a flare system,

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1 or is that beyond your Clean Streams?
 2 A. No, I don't have any knowledge of that.
 3 Q. Okay. When did you first hear about the
 4 idea of converting the F-20 blowdown, basically,
 5 having what used to be vented to the F-20 blowdown,
 6 having those hydrocarbons sent to a flare instead?
 7 A. The Clean Streams project.
 8 Q. Had it never come up before then?
 9 A. Not with me.
 10 Q. Okay. Who do you think would be in
 11 the -- sort of the business, their job
 12 responsibilities of looking at that sort of a
 13 project?
 14 MR. GALBRAITH: Objection, form.
 15 A. In the current timeframe?
 16 Q. (BY MR. WERNER) In the 2001, 2002, 2003
 17 timeframe.
 18 MR. GALBRAITH: Objection, form.
 19 A. It would be the project -- I am not
 20 trying to be vague, but the project is headed by a
 21 manager.
 22 Q. (BY MR. WERNER) When you say --
 23 A. I don't know who it was at that time, but
 24 that project manager they -- they initiate all
 25 projects throughout the system.

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1 Q. When you say "projects," you are
 2 referring to capital projects, correct?
 3 A. Yes, sir.
 4 Q. A capital project is something that goes
 5 beyond the routine budget and has to be done
 6 through a separate system; is that correct?
 7 A. Yes, sir.
 8 Q. And as I understand it, any sort of a
 9 capital project starts, essentially, with an idea,
 10 right?
 11 A. Basically, yes.
 12 Q. There is actually -- BP has a -- a system
 13 in place for taking projects from idea all the way
 14 into implementation, correct?
 15 A. Yes, sir, I believe that's so.
 16 Q. At what stage again when you are an asset
 17 superintendent type person, I guess, if you come up
 18 with an idea you can start that process all by
 19 yourself, correct?
 20 MR. GALBRAITH: Objection, form.
 21 A. I could.
 22 Q. (BY MR. WERNER) Sure.
 23 Or somebody who worked for you
 24 could bring the idea to you, correct?
 25 MR. GALBRAITH: Objection, form.

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1 A. Yes.

2 Q. (BY MR. WERNER) And I take it that

3 anybody within the plant from Mr. Parus all the way

4 down to the first new employee is able to bring

5 forth an idea to you as the asset superintendent,

6 correct?

7 MR. GALBRAITH: Objection, form.

8 A. Well, it could be to me or any number of

9 people, engineers. There is a lot of people that

10 develop the ideas.

11 Q. (BY MR. WERNER) But whoever develops the

12 ideas, eventually they have to reach to your level

13 of management and then higher, right?

14 MR. GALBRAITH: Objection, form.

15 A. I guess what I am trying to say is it

16 doesn't have to go through me.

17 Q. (BY MR. WERNER) Sure.

18 A. The ideas can be generated for projects.

19 Q. It could go through you? It could go

20 through another path?

21 A. Yes.

22 Q. But if the idea were to go through you,

23 where would you go up the line, in other words, to

24 try to get it to the attention of the capital

25 projects group?

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1 A. Through the division manager.

2 Q. And who would that have been in the 2002,

3 2003 time period?

4 A. Bob Smith.

5 Q. And if you will refresh my recollection,

6 where does the division manager fit into the big

7 scheme? In other words, who's -- who is his boss?

8 Who directly reports to him?

9 MR. GALBRAITH: Objection, form.

10 A. Okay. His boss would be the plant

11 manager. His direct report's would be the

12 superintendents in his area.

13 Q. (BY MR. WERNER) Now, where -- would

14 Willie Willis, for instance, would he be above or

15 below that person?

16 A. Willie Willis is a division manager.

17 Q. Okay. So the MDL is that another word

18 for division manager?

19 A. Yes, sir.

20 Q. Okay. So eventually it gets to the --

21 all of the ideas, as you understand the system,

22 generally, assuming they make it through the

23 different levels of management, get to the MDL

24 level eventually, correct?

25 MR. GALBRAITH: Objection, form.

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1 A. Typically, that's true.

2 Q. (BY MR. WERNER) And for instance, the

3 idea to take the F-20 blowdown drum out of service

4 and redirect those hydrocarbons to a flare is one

5 possible idea that somebody could have had,

6 correct?

7 MR. GALBRAITH: Objection, form.

8 A. Yes, sir.

9 Q. (BY MR. WERNER) And in fact, we know

10 certainly from Mr. Higgins' e-mail back in

11 September of 2002 that it was not only an idea; but

12 it was a directive to do something to get rid of

13 the hydrocarbon vapors in the F-20 blowdown,

14 correct?

15 MR. GALBRAITH: Objection, form.

16 A. No, sir.

17 Q. (BY MR. WERNER) Okay.

18 A. It was not a directive. It was a

19 request.

20 Q. Well, somebody had the idea that it would

21 be a good thing to do that, correct?

22 MR. GALBRAITH: Objection, form.

23 A. For environmental purposes, yes.

24 Q. (BY MR. WERNER) Well, don't you agree

25 that there are safety advantages to having a flare

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1 versus a blowdown open to the atmosphere system?

2 MR. GALBRAITH: Objection, form.

3 A. No, sir, I don't completely agree with

4 that. They both have potentials for problems.

5 Q. (BY MR. WERNER) But the potential

6 problem for the flare can be readily dealt with by

7 simply having the flare taken out to a place where

8 it's away -- sufficiently far away from personnel

9 that if the hydrocarbons catch fire and overflow or

10 if there is a release that people are not injured

11 and people are not killed, correct?

12 MR. GALBRAITH: Objection, form.

13 A. Again, I would have to disagree with you.

14 It's my opinion that that's not always the case.

15 Q. (BY MR. WERNER) Explain that. Why do

16 you say, "That's not always the case"?

17 MR. GALBRAITH: Objection, form.

18 A. Because I can recall instances where

19 flares have overflowed that had significant impact.

20 Q. (BY MR. WERNER) What's the most recent

21 instance you can think of where a flare overflowed

22 and there was significant impact?

23 A. I don't know the year. I was an operator

24 at the cokers and a number two flare had an

25 incident. So it was in that timeframe.

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1 Q. And what was the impact of that incident?
 2 A. The liquid that fell out of it fell onto
 3 a process unit and caused that unit to catch on
 4 fire.
 5 Q. Was anybody killed in that incident?
 6 A. No, they were not.
 7 Q. Was anybody injured in that incident?
 8 A. That, I don't know.
 9 Q. What's another incident that you can
 10 think of in the past where there has been a problem
 11 with a flare?
 12 A. The Number 1 flare, which is our 3-pound
 13 flare had a similar incident. Again, I don't know
 14 the exact date.
 15 Q. What was the result of that incident in
 16 terms of something was burned or something like
 17 that?
 18 A. Well, it's adjacent to the fire
 19 department. It sent a lot of equipment in the area
 20 of the fire department. It was at night so nobody
 21 was at the fire department.
 22 Q. So nobody was killed, correct?
 23 A. No, sir.
 24 Q. Nobody was injured?
 25 A. No, sir.

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1 Q. And in either of those cases, the only
 2 potential for death or injury was because the flare
 3 was located near personnel, correct?
 4 MR. GALBRAITH: Objection, form.
 5 A. That's true.
 6 Q. (BY MR. WERNER) And so it follows that
 7 if the flare, a flare that's located away from
 8 personnel is not going to pose a hazard to people
 9 in terms of injury or death, correct?
 10 MR. GALBRAITH: Objection, form.
 11 A. If it's far enough away.
 12 Q. (BY MR. WERNER) That's right. If it's
 13 far enough away, it can overflow and puke out and
 14 catch fire and it may light up the sky; but nobody
 15 is going to be injured, correct?
 16 A. It would be the same with a blowdown
 17 stack if it was located off the unit.
 18 Q. But when you put people next to a
 19 blowdown stack or a flare, then potentially you
 20 have the potential for injury, correct?
 21 MR. GALBRAITH: Objection, form.
 22 A. Yes, sir.
 23 Q. (BY MR. WERNER) And that's why -- I
 24 mean, how -- how long did it take you to recognize,
 25 just from your years out there working, that

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1 putting people near a blowdown stack or a flare is
 2 potentially going to cause injury or death?
 3 MR. GALBRAITH: Objection, form.
 4 A. Probably the same time I realized
 5 hydrocarbons were flammable.
 6 Q. (BY MR. WERNER) Pretty quickly, correct?
 7 MR. GALBRAITH: Objection, form.
 8 A. There is a potential.
 9 Q. (BY MR. WERNER) Do you all out in the
 10 field rely on process safety management, the
 11 process safety management team to oversee safety
 12 issues such as keeping people and blowdown drums
 13 separated?
 14 MR. GALBRAITH: Objection, form.
 15 A. I don't know if I quite understand what
 16 your question is.
 17 MR. GALBRAITH: Then --
 18 A. They are not on the units doing that.
 19 Q. (BY MR. WERNER) What's not on the units
 20 doing that?
 21 A. The PSM group.
 22 Q. The PSM group though is supposed to be
 23 looking at the situation, laying down the
 24 procedures, laying down rules that everyone can
 25 follow so that it will be a safe situation,

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1 correct?
 2 MR. GALBRAITH: Objection to form.
 3 A. That group and others review and look at
 4 all the process safety in the refinery, yes.
 5 Q. (BY MR. WERNER) Well, at the refinery
 6 level the buck stops with the process safety group?
 7 MR. GALBRAITH: Objection, form.
 8 Q. (BY MR. WERNER) Or does it go higher
 9 than that?
 10 MR. GALBRAITH: I --
 11 A. I think there is a group of people and
 12 the process safety group is part of the management
 13 team to look at safe refinery operations.
 14 Q. (BY MR. WERNER) Is the process safety
 15 group considered to be part of the upper management
 16 team?
 17 A. Yes, sir.
 18 Q. From your perspective, regardless of what
 19 the technical lines of authority are in the BP
 20 organizational chart, you-all view process safety
 21 management as being up at the highest levels up
 22 with Mr. Parus and Mr. Willis and Ms. Lucas,
 23 correct?
 24 MR. GALBRAITH: Objection, form.
 25 A. No, sir. The way I view them is as a

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1 group that makes and creates recommendations and
 2 guidelines for us to follow and helps in setting
 3 the policies.
 4 Q. (BY MR. WERNER) And that group, though,
 5 the resources it has, the emphasis that it's
 6 projects get is something that is set by people at
 7 levels even higher than them, correct?
 8 MR. GALBRAITH: Objection, form.
 9 A. It could be.
 10 Q. (BY MR. WERNER) There are people who are
 11 in the process of production. They are trying to
 12 produce oil and chemicals; but there are decisions
 13 being made at levels far higher than them about how
 14 they are going to do it, how much they can do, what
 15 they can spend on it, right?
 16 MR. GALBRAITH: Objection, form.
 17 A. The input at the -- from the operations
 18 teams, maintenance teams all the way up, that
 19 information is sent upward so that those groups can
 20 help to make decisions on the different processes,
 21 what will run, how much, temperatures and things of
 22 that nature, yes.
 23 Q. (BY MR. WERNER) And they make decisions
 24 about how much money will be available to spend on
 25 different projects, correct?

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1 MR. GALBRAITH: Objection, form.
 2 A. They set the upper limits. They set the
 3 upper limits, yeah.
 4 Q. (BY MR. WERNER) Who is "they"? At what
 5 level are we talking about, to your understanding,
 6 when we say "they" or is it just --
 7 MR. GALBRAITH: Objection, form.
 8 Q. (BY MR. WERNER) Go ahead.
 9 MR. GALBRAITH: Objection, form.
 10 A. You have to be a little more specific.
 11 Q. (BY MR. WERNER) Sure.
 12 A. I mean, I don't understand what you are
 13 asking me.
 14 Q. Sure. Do you know who it is when you say
 15 "they set upper limits"? Do you know who it is you
 16 are talking about when you say "they"?
 17 MR. GALBRAITH: Objection, form.
 18 Q. (BY MR. WERNER) By title?
 19 A. The managers, plant management, vice
 20 president of refining, president of refining. It
 21 could be all the way up to Sir John Browne himself.
 22 Q. People -- those decisions are being made
 23 at levels much higher than your own, correct?
 24 MR. GALBRAITH: Objection, form.
 25 A. Well, we feed them the information so

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1 they can make a call.
 2 Q. (BY MR. WERNER) Part of that call
 3 yesterday in the deposition of Norine Stein, she
 4 mentioned a little bit about negotiations that go
 5 on at the capital projects group level and higher
 6 about how much funding there will be, what projects
 7 will be funded. Have you ever been involved in
 8 those negotiations?
 9 A. No, sir.
 10 Q. Are you aware that those negotiations go
 11 on at least by report?
 12 MR. GALBRAITH: Objection, form.
 13 A. No, sir, not really.
 14 Q. (BY MR. WERNER) Well, how do you have a
 15 sense that there are some negotiations going on at
 16 some level --
 17 MR. GALBRAITH: Objection --
 18 Q. (BY MR. WERNER) -- higher than your own?
 19 MR. GALBRAITH: Objection, form.
 20 He just said he didn't. Now you are saying, "How
 21 did you?"
 22 A. I just understand that the budgeting
 23 process is evaluated, you know, at very, very -- at
 24 various levels.
 25 Q. (BY MR. WERNER) Have you ever been told

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1 about a particular project that was -- didn't
 2 survive one of these negotiations about budget?
 3 MR. GALBRAITH: Objection, form.
 4 A. No, sir, not -- not directly.
 5 Q. (BY MR. WERNER) All right. Well, my
 6 follow-up question is then, how indirectly?
 7 MR. GALBRAITH: Objection, form.
 8 A. If a project is stopped, if I was
 9 involved in it I may ask what the status is of it,
 10 and if it had been postponed or moved to a
 11 different time segment for us to adjust the
 12 planning for it.
 13 Q. (BY MR. WERNER) Have you been told that
 14 those projects were moved or adjusted because of
 15 budgetary reasons?
 16 MR. GALBRAITH: Objection, form.
 17 Q. (BY MR. WERNER) Or what reasons were you
 18 given for why projects were started and then not
 19 completed?
 20 MR. GALBRAITH: Objection, form.
 21 A. Usually it's the timing, the specific
 22 timing for units to come down so that the
 23 turnarounds can be accomplished on them. Sometimes
 24 that's because of the availability of the unit
 25 because of inspections that might be due. So there

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1 may be a project started on one unit and they
 2 determined that another one has a higher priority
 3 that inspection might be coming up and might be due
 4 so then they would postpone the project on the one
 5 that was going to be moved out.
 6 Q. (BY MR. WERNER) Who as you understood it
 7 when you were the asset manager, who would you make
 8 your requests to in a particular budget cycle about
 9 getting some -- a particular project approved or
 10 not approved?
 11 A. I was never an asset manager.
 12 Q. Excuse me. An asset supervisor.
 13 A. I would speak to the unit superintendent.
 14 Q. And who would that have been, in the
 15 2003 --
 16 MR. GALBRAITH: Objection, form.
 17 Q. (BY MR. WERNER) -- 2002 time period?
 18 MR. GALBRAITH: Objection, form.
 19 A. Well, I had two actually. Dave
 20 Pierpoline and then Rich Peltier.
 21 Q. (BY MR. WERNER) Did Mr. Peltier ever
 22 discuss with you that, basically, there was --
 23 there were what Ms. Stein referred to yesterday as
 24 negotiations that would go on at levels at the
 25 capital projects group?

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1 MR. GALBRAITH: Objection, form.
 2 A. No, sir, not -- not really.
 3 Q. (BY MR. WERNER) All right. Mr. Risinger
 4 have you -- do you believe that people like
 5 Mr. Willis have an unlimited budget to make
 6 expenditures on capital budgets?
 7 MR. GALBRAITH: Objection, form.
 8 A. No, I don't.
 9 Q. (BY MR. WERNER) Okay. Do you believe
 10 that there are projects that they would like to do
 11 that don't get approved for monetary reasons?
 12 MR. GALBRAITH: Objection, form.
 13 A. Well, I don't have knowledge of them.
 14 Q. (BY MR. WERNER) Do you have the ability
 15 to draw a conclusion from your 30 years out at the
 16 refinery?
 17 MR. GALBRAITH: Objection, form.
 18 Don't answer that.
 19 MR. WERNER: I will ask it again.
 20 Q. (BY MR. WERNER) How long have you been
 21 out at that refinery?
 22 A. It will be 30 years in August.
 23 Q. Okay. In 30 years have you come to a
 24 conclusion based on your experience out there
 25 working your way up through management about

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1 whether or not there are projects that get killed
 2 because of money?
 3 MR. GALBRAITH: Objection, form.
 4 A. I am just thinking about the different
 5 projects that I have worked on. I know that
 6 projects have started and then stopped, but I am
 7 not in the projects group. So I am not really
 8 privy to know or even understand why they stop
 9 other than for -- like the reasons that I
 10 explained. Something might be put off until a
 11 later date. They do prioritize projects.
 12 Something that had a -- a say a high safety concern
 13 might take precedence over an environmental project
 14 or a "like to have" type project.
 15 Q. (BY MR. WERNER) Safety should take
 16 precedence over other projects, correct?
 17 MR. GALBRAITH: Objection, form.
 18 A. It depends on what the reasoning behind
 19 it, why it's called a "safety project."
 20 Q. (BY MR. WERNER) Well, safety should
 21 certainly take precedence over simply a financial
 22 project, right?
 23 MR. GALBRAITH: Objection, form.
 24 A. I would have to see what the reasoning
 25 was behind it to answer "yes" or "no."

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1 Q. (BY MR. WERNER) Well, what kind of
 2 safety is not important enough to take precedence
 3 over a financial project?
 4 MR. GALBRAITH: Objection, form.
 5 A. It would be an individual's preference of
 6 say where a safety shower was located, where a
 7 safety light was put. If there were already lights
 8 there and they want to change the color from green
 9 to yellow, then we might prioritize a -- another
 10 initiative over that.
 11 Q. (BY MR. WERNER) What about a safety
 12 project that had the effect of taking a blowdown
 13 stack or taking a flare away from personnel? Is
 14 that the kind of project that should ever go behind
 15 an economic project?
 16 MR. GALBRAITH: Objection, form.
 17 A. In my opinion, I would say that knowing
 18 what we know now, no.
 19 Q. (BY MR. WERNER) In 2004, would you have
 20 answered it differently and said, "I think that
 21 economics should take precedence over a project
 22 that moves people, personnel away from blowdown
 23 stacks"?
 24 A. I may have.
 25 Q. Would you rely on people above you with a

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1 greater safety and process safety experience than
 2 you to make their own decision about that issue?
 3 A. I don't know if I would rely on them, but
 4 I would definitely appreciate their input.
 5 Q. In terms of the different ideas that were
 6 discussed in Exhibit 172, one of them was to tie in
 7 the F-20 to the AU2 flare via the NDU flare line;
 8 is that correct?
 9 MR. GALBRAITH: Objection, form.
 10 Q. (BY MR. WERNER) And if you want to look
 11 at this.
 12 A. I need to see the --
 13 MR. GALBRAITH: It's a number.
 14 A. -- the document if I could.
 15 Q. (BY MR. WERNER) 172.
 16 A. Could you reask that question, please?
 17 Q. Sure. In that memo in 19 -- excuse me,
 18 in 2002 there are different options that are
 19 discussed about how to potentially re-route the
 20 hydrocarbons away from the F-20 blowdown drum and
 21 one of them is to connect it to the NDU flare line,
 22 correct?
 23 A. Yes, sir.
 24 Q. And I think you told me that the NDU
 25 flare line was only 40 yards away, more or less, or

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1 you told Mr. Kebodeaux that?
 2 A. Basically.
 3 Q. And as I understand it, there was
 4 consideration given to the relative risks of
 5 keeping it as it was versus putting it to the NDU
 6 line, correct?
 7 A. Yes, sir.
 8 Q. And I thought I had in my notes, was the
 9 reason that you said it was not a viable solution
 10 was because you would have had to have shut down
 11 the NDU?
 12 MR. GALBRAITH: Objection, form.
 13 A. AU2 actually.
 14 Q. (BY MR. WERNER) To do what?
 15 A. To be able to tie in to that flare.
 16 Q. To tap in to the flare line?
 17 A. Yes, sir.
 18 Q. What's a hot tap?
 19 A. A hot tap is a -- it's actually a machine
 20 that can bore a hole in the line. It's a long --
 21 it's kind of a complicated process, but it's a
 22 machine that can bore a hole in an active line.
 23 Q. That's what the hot tap machine is for,
 24 right, connecting in to an active line?
 25 A. It is.

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1 Q. Hot tap machines are used around the
 2 refinery on a daily basis?
 3 A. I wouldn't say that.
 4 Q. A weekly basis?
 5 A. I don't know that either.
 6 Q. Okay. But it's certainly available if
 7 you want one right?
 8 MR. GALBRAITH: Objection --
 9 A. They are available, but not without
 10 hazards.
 11 Q. (BY MR. WERNER) What sort of hazards do
 12 you associate with a hot tap machine?
 13 A. You can have an explosion. You can have
 14 a fire. You can have an open hole there that's the
 15 size of the hot tap machine.
 16 Q. Well, then why would you ever use a hot
 17 tap machine at all?
 18 MR. GALBRAITH: Objection, form.
 19 A. There is a process in place where you
 20 evaluate the risk versus the need to do a hot tap,
 21 which is typically done with a -- there is a formal
 22 procedure that you go through all the way up to the
 23 plant manager to use not only the hot tap but a
 24 stopple has to work with the hot tap machine to
 25 stop the flow.

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1 Q. (BY MR. WERNER) When is the last time
 2 you have been involved in a hot tap procedure?
 3 A. We're in the process of evaluating one
 4 now for an outage that we are in.
 5 Q. What is going to be the purpose of that
 6 hot tap? In other words, why would you want to
 7 have a hot tap?
 8 A. It's to tie in an existing line from
 9 CAT 1 into a flare.
 10 Q. And why do you want to do that?
 11 A. I actually don't know why. There -- it's
 12 a job note that I have as a turnaround super. We
 13 will look at it. I don't know the -- what their
 14 reasoning is behind it.
 15 Q. All right. Do you understand it to be a
 16 safety reasoning or just a production reasoning?
 17 MR. GALBRAITH: Objection, form.
 18 A. It's not on the job note that I recall,
 19 so I don't know the reason why they are doing the
 20 hot tap.
 21 Q. (BY MR. WERNER) Have you ever seen a hot
 22 tap done for production reasons?
 23 A. When you say "production reason," can you
 24 explain that a little bit more?
 25 Q. Sure. To increase production, to keep

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1 production going, to tie a new unit in to an old
 2 unit.
 3 A. I don't know that I have ever seen anyone
 4 tie a new unit in to an old unit, but for
 5 production reasoning, yes.
 6 Q. For what? What sort of production reason
 7 can you think of?
 8 A. We did one on pipestill 3B to tap into a
 9 cooler water line so that we could provide an
 10 alternate cooling source for some exchangers.
 11 Q. And what would have happened if you
 12 weren't able to provide that alternative cooling
 13 source?
 14 A. We would have had to reduce the rates at
 15 the pipestill.
 16 Q. By 5 percent, 10 percent, 2 percent?
 17 MR. GALBRAITH: Objection, form.
 18 A. I don't recall that.
 19 Q. (BY MR. WERNER) And I take it that
 20 was -- when was that done about, ballpark?
 21 A. I would say in the early Nineties.
 22 Q. And was that approved by all the
 23 different levels of management?
 24 A. Yes, it was.
 25 Q. Was that performed safely?

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1 A. Yes, sir, it was.
 2 Q. With no incident?
 3 A. Yes, sir.
 4 Q. Have you ever heard of any directive
 5 since then that would say, "We can't use hot taps
 6 because they are dangerous"?
 7 A. No, sir.
 8 Q. When is the last time that you've
 9 experienced any sort of an incident in the middle
 10 of a hot tap procedure?
 11 MR. GALBRAITH: Objection, form.
 12 A. The last time?
 13 Q. (BY MR. WERNER) Yes, sir.
 14 A. It was in about 2002 at the ARU. We were
 15 trying to do a hot tap and stopple on a line there
 16 and they couldn't stopple the line so we wound up
 17 having to shut down to take the stopple machine off
 18 and make the repair.
 19 Q. Well, that sort of incident just affected
 20 production, right?
 21 MR. GALBRAITH: Objection, form.
 22 A. It did affect production, but it also
 23 increases your risk when you have to shut down a
 24 unit and start it back up.
 25 Q. (BY MR. WERNER) So just so I understand,

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1 nobody was, actually, directly injured because the
 2 hot tap procedure didn't go the way it was expected
 3 to, correct?
 4 A. That's true.
 5 Q. And although there was an increased risk
 6 because of the shutdown and the startup, I hope
 7 nobody was injured in that either, correct?
 8 A. No, there weren't.
 9 Q. And what was the purpose of that
 10 particular hot tap that you were trying to do in
 11 2002?
 12 A. Well, a solvent pump, I believe is what
 13 it was, that the suction block valve on it wouldn't
 14 hold and we needed to do a mechanical repair to the
 15 case so we were trying to isolate it for that
 16 repair.
 17 Q. And again, was this for the purpose of
 18 maintaining production?
 19 A. It was for the safety of the personnel.
 20 Also because we had a leak there that we couldn't
 21 totally isolate. So we needed to do a stopple to
 22 stop the flow so we could isolate it.
 23 Q. In terms of that particular hot tap, that
 24 was approved by Mr. Parus, you think?
 25 MR. GALBRAITH: Objection, form.

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1 A. If he was the plant manager, depending on
 2 if he was there or not. There are other people
 3 that he delegates his authority to.
 4 Q. (BY MR. WERNER) What's the approximate
 5 or what was -- well, let me ask you right now. You
 6 have got an action item right now with a hot tap.
 7 I think you told me that before.
 8 A. I have a job note.
 9 Q. A job note. What's the approximate cost
 10 for a hot tap?
 11 A. It varies with the size of the pipe.
 12 Q. Give me some for instances, and I know
 13 there will be some estimating in it.
 14 A. A 2-inch hot tap might cost you \$5000, a
 15 60-inch might cost you 160,000.
 16 Q. How much would a hot tap had cost if one
 17 had been proposed to put the flare into the NDU
 18 flare to get those hydrocarbons away from the F-20?
 19 MR. GALBRAITH: Objection, form.
 20 A. I would just approximate 50 maybe 60,000.
 21 Q. (BY MR. WERNER) Was there ever any
 22 discussion about requesting a hot tap to try and
 23 get the F-20 blowdown those hydrocarbons away from
 24 F-20 into the flare?
 25 A. We had discussed it; but as I stated

<p style="text-align: right;">Page 182</p> <p>1 earlier, the risk involved with it in having to 2 take the units down, we felt like exceeded the need 3 to do that. 4 Q. Well, but if you had done the hot tap 5 procedure, you wouldn't have had to have take the 6 units down, correct? 7 A. Well, on -- you have to maintain a flare 8 through a hot tap -- I am sorry, a flow. And what 9 that flow is is in most cases it's an inert like a 10 nitrogen purge. If you put that through that line, 11 you can put the flare out. 12 So those are the type of things 13 that are evaluated when you are talking about doing 14 a hot tap or a stopple you also have to look at 15 what could happen during that process. Pressure 16 surges would be another area of concern. So once 17 those were evaluated, we felt like it was safer not 18 to do the hot tap than to try to do it while those 19 other units were on stream. 20 Q. And again who's the "we" when we are 21 talking about we? 22 A. In that case it was my shift supervisor, 23 the unit operators. We also discussed it with like 24 Rich Peltier, the process safety group. 25 Q. So I take it all of those people</p>	<p style="text-align: right;">Page 184</p> <p>1 MR. GALBRAITH: Objection, form. 2 A. I really don't know how to answer that. 3 I mean it's -- theoretically, it's possible. 4 Q. (BY MR. WERNER) If the flare -- if the 5 flare system had been set up so that things weren't 6 being sent to the F-20 blowdown drum, the worse 7 thing that could have happened if there had been an 8 overfill would be that it would have happened out 9 at the NDU flare, correct? 10 MR. GALBRAITH: Objection, form. 11 A. The NDU doesn't have a flare -- the AU2 12 has a flare which the NDU is routed to. That 13 particular hot tap, if it had been done, would only 14 have provided a means for the blowdown stack, some 15 of the material, not all the material, to go into 16 that flare. So it wouldn't have been just a simple 17 matter of a hot tap. 18 You would also have to go back 19 into the ISOM and shut it down and change where 20 those streams were routed and how they were routed 21 over to the blowdown stack. There is not -- there 22 is more than one line that RVs and drains and the 23 drums all go to to get to the blowdown stack. 24 Q. (BY MR. WERNER) How would it have been 25 known what sort of capacity that line could handle</p>
<p style="text-align: right;">Page 183</p> <p>1 participated in a discussion about possibly using a 2 hot tap to get those hydrocarbons to that flare? 3 MR. GALBRAITH: Objection, form. 4 A. Well, the discussion was really a long, 5 you know, "should we do it" more than "could we do 6 it." 7 MR. WERNER: We need to just 8 change the videotape real quick. 9 THE VIDEOGRAPHER: Off the record 10 at 4:34 p.m., ending Tape 5. 11 (Recess taken.) 12 THE VIDEOGRAPHER: On the record, 13 4:36 p.m., beginning Tape 6. 14 Q. (BY MR. WERNER) Mr. Risinger, before the 15 break I think you had said there was -- the 16 question being discussed among yourself, other 17 managers, Mr. Peltier was not "could it be done," 18 but "should a hot tap be done" to get those 19 hydrocarbons away from F-20 into the NDU flare, 20 correct? 21 A. Yes, sir. 22 Q. As a simple matter of fact, isn't it true 23 that had that hot tap been done and those 24 hydrocarbons re-routed, that the tragedy in March, 25 2005 would not have occurred?</p>	<p style="text-align: right;">Page 185</p> <p>1 without up-to-date RV studies? 2 MR. GALBRAITH: Objection, form. 3 A. Which line? 4 Q. (BY MR. WERNER) The lines that fed into 5 F-20. 6 MR. GALBRAITH: Objection, form. 7 A. A large number of those lines are not 8 RVs. It's just drains. 9 Q. (BY MR. WERNER) And now this project 10 that was being discussed that's referenced in 11 there, that e-mail, is before the tie-ins were done 12 in the ISOM unit during the 2003 turnaround; is 13 that correct? 14 A. Yes, sir. 15 Q. Okay. After the tie-ins, were you 16 involved in having the tie-ins done to the ISOM 17 unit in the 2003 turnaround? 18 MR. GALBRAITH: Objection, form. 19 A. Yes, sir. The projects group brought us 20 a list of places that they wanted to tie in for 21 Clean Streams. We put those in during that outage. 22 Q. (BY MR. WERNER) And did you understand 23 that the goal of that project that was being 24 started by putting in the tie-ins was to get the 25 hydrocarbons away from F-20 to a flare?</p>

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1 MR. GALBRAITH: Objection, form.
 2 A. Not entirely. It was an environmental
 3 project to mainly to get benzene out of the sewers,
 4 not so much to take the venting out of the stack
 5 away; but to remove hydrocarbons, mainly benzene,
 6 from the sewer to keep it from getting in the
 7 water.
 8 Q. (BY MR. WERNER) Well, that may have been
 9 one of the results; but another result would have
 10 been to take those hydrocarbons away from F-20,
 11 correct?
 12 MR. GALBRAITH: Objection, form.
 13 A. As I remember it, that was part of it. I
 14 don't know that it was all of it.
 15 Q. (BY MR. WERNER) Well, you talked before
 16 about how if the hot tap had done 2000 -- been done
 17 in 2002, there might have been more work to do; but
 18 if the Clean Streams project that was presented
 19 started in the 2003 turnaround had been completed
 20 then all of the hydrocarbons would have gone away
 21 from F-20, correct?
 22 MR. GALBRAITH: Objection, form.
 23 A. I don't remember during the 2003
 24 turnaround those tie-ins. I want to say that was
 25 in an outage in 2002 for the Clean Streams tie-ins.

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1 Q. (BY MR. WERNER) All right. Whether it
 2 be in 2002 or 2003, the tie-ins were put in the
 3 ISOM for the Clean Streams project, correct?
 4 A. Yes, they were.
 5 Q. And they were going to tie in to a wet
 6 dry drum system down the line, correct?
 7 A. Yes, sir.
 8 Q. And from there to a flare, correct?
 9 A. That's the part I don't remember. I
 10 don't remember that it was going to be routed to a
 11 flare. I know there was talk about doing that. I
 12 know we had the drum built. I don't know what the
 13 projects team had discussed about where the final
 14 destination for that was going to be.
 15 Q. And you say that the drum was built and
 16 in fact, it's -- it was laying out in the layout --
 17 lay down yard for a couple of years, correct?
 18 A. Yes.
 19 Q. It's still there to this day, correct?
 20 A. As far as I know.
 21 Q. One drum or two?
 22 A. One.
 23 Q. Would you be surprised to find that over
 24 a million dollars was spent towards the project of
 25 getting the tie-ins done and the wet -- and the

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1 drum built and all of that?
 2 MR. GALBRAITH: Objection, form.
 3 A. No, sir, that wouldn't surprise me.
 4 Q. (BY MR. WERNER) From your experience,
 5 once a million dollars is spent on a project,
 6 doesn't that usually indicate an intent to follow
 7 through with that project as soon as reasonably
 8 practical?
 9 MR. GALBRAITH: Objection, form.
 10 A. No, sir, I wouldn't say that was so.
 11 Q. (BY MR. WERNER) How often have you seen
 12 a million dollars spent on a project that was then
 13 just let -- let go?
 14 MR. GALBRAITH: Objection, form.
 15 A. It would be speculating on my part, but
 16 several.
 17 MR. GALBRAITH: Are you asking for
 18 speculation?
 19 MR. WERNER: I want to know what
 20 he knows about --
 21 MR. GALBRAITH: Including
 22 speculation?
 23 MR. WERNER: -- projects. He can
 24 answer it any way he wants.
 25 MR. GALBRAITH: Okay. I don't

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1 think he wants speculation. Let me say that.
 2 Q. (BY MR. WERNER) In terms of a project
 3 like Clean Streams, that would have been decided
 4 ultimately whether to go forward or not at the
 5 capital projects group level; is that correct? Or
 6 lower?
 7 MR. GALBRAITH: Objection, form.
 8 A. I would say the final decision would be
 9 at the capital group level.
 10 Q. (BY MR. WERNER) Do you know -- well, did
 11 you come to hear at a certain point that the Clean
 12 Streams project on the ISOM had been killed?
 13 MR. GALBRAITH: Objection, form.
 14 A. Just recently. I mean, not -- not when I
 15 was there.
 16 Q. (BY MR. WERNER) Do you mean after the
 17 explosion?
 18 A. Yes, sir.
 19 Q. How did you -- what was your
 20 understanding about the project when you left?
 21 Just that it was still ongoing?
 22 A. Yes, sir.
 23 Q. Had anyone ever given you any indication
 24 that it was going to be stopped?
 25 A. No, sir.

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1 Q. Had anyone expressed to you any sort of
 2 reservation about, "Well, we are doing these
 3 tie-ins, but we really don't know. We may change
 4 our mind about it"?

5 MR. GALBRAITH: Objection, form.

6 A. Had they -- somebody said anything to me
 7 like that?

8 Q. (BY MR. WERNER) Yes, sir.

9 A. No, sir.

10 Q. Who was the person that you were dealing
 11 with looking above in terms of getting direction
 12 about what to do on the Clean Streams project?

13 A. A -- a project engineer actually
 14 contacted me. I would have to think a little bit
 15 to try and remember his name.

16 Q. Was the -- were the tie-ins completed
 17 successfully, in other words, you had the tie-ins
 18 in place, successfully?

19 A. Yes, sir.

20 Q. And we know that there was a drum built
 21 and put in a lay down yard where it may still sit
 22 to this day, correct?

23 A. Yes, sir.

24 Q. What was left to do to get those
 25 hydrocarbons away from F-20 and into a flare?

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1 MR. GALBRAITH: Objection, form.

2 A. I don't know that.

3 Q. (BY MR. WERNER) Well, from your
 4 experience?

5 MR. GALBRAITH: Don't answer that
 6 if that's a question.

7 Q. (BY MR. WERNER) You would have had to
 8 connect all the pipe -- all the -- all the tie-ins
 9 with pipe --

10 MR. GALBRAITH: Objection -- is
 11 that a question? Is that a question?

12 MR. WERNER: Not yet.

13 MR. GALBRAITH: Okay.

14 Q. (BY MR. WERNER) -- to get the piping set
 15 to the point where it would go to a flare,
 16 correct --

17 MR. GALBRAITH: Objection, form.

18 Q. (BY MR. WERNER) -- after it had been to
 19 the wet and dry drums?

20 MR. GALBRAITH: Objection, form.

21 A. I am sorry, I am confused.

22 Q. (BY MR. WERNER) Sure.

23 A. Could you maybe restate your question?

24 Q. After that turnaround work was completed,
 25 whether it was in 2002 or 2003, all the tie-ins

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1 were in place in the ISOM to reroute those
 2 hydrocarbons, correct?

3 MR. GALBRAITH: Objection, form.

4 A. Yes, sir.

5 Q. (BY MR. WERNER) They would had to have
 6 been rerouted then to a wet and dry drum system
 7 through the use of piping, correct?

8 MR. GALBRAITH: Objection, form.

9 A. No, sir, not necessarily.

10 Q. (BY MR. WERNER) Okay. How else would
 11 they have gotten there?

12 MR. GALBRAITH: Objection, form.

13 A. I am not the design person; but they can
 14 go through a series of vessels, block out type
 15 drums. They could go to quench systems. There
 16 is -- what I am trying to say is there is a lot of
 17 different options that were available to where it
 18 could go, how you could dispose of that material
 19 but I wasn't in the projects group and I don't have
 20 knowledge of what they discussed.

21 Q. (BY MR. WERNER) All of those options
 22 would involve taking the hydrocarbons away from
 23 F-20, correct?

24 MR. GALBRAITH: Objection, form.

25 A. Potentially, they could have done that.

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1 There is some options that -- things they could
 2 have done to the stack, also.

3 Q. (BY MR. WERNER) And you knew that the
 4 stack, F-20, the blowdown stack, was a problem,
 5 correct?

6 MR. GALBRAITH: Objection, form.

7 Q. (BY MR. WERNER) In terms of corrosion?
 8 MR. GALBRAITH: Objection, form.

9 A. Well, I know that it had had issues in
 10 the past.

11 Q. (BY MR. WERNER) It had been replaced
 12 from the bottom up, I mean, completely replaced a
 13 few years back, right?

14 MR. GALBRAITH: Objection, form.

15 A. I was told that the other day, yes.

16 Q. (BY MR. WERNER) Were you aware of the
 17 corrosion being so bad that people couldn't go in
 18 it during the 2003 turnaround because of the danger
 19 of metal falling on them?

20 A. I was aware that there was a thinning on
 21 the trays.

22 Q. A thinning so bad that people were told
 23 to stay out, that work could not be done inside of
 24 the F-20, correct?

25 MR. GALBRAITH: Objection, form.

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1 A. That was our recommendation that we not
 2 go in, that we do the work from the outside.
 3 Q. (BY MR. WERNER) And who made that
 4 recommendation?
 5 A. Myself and the supervisors that were
 6 running the turnaround and the engineering group
 7 along with the inspections group that notified us
 8 there were some trays down in there.
 9 Q. And did you concur in that recommendation
 10 not to have people go inside?
 11 A. Yes, sir.
 12 Q. And that was for a safety purpose and a
 13 safety purpose only, correct?
 14 MR. GALBRAITH: Objection, form.
 15 A. That's right.
 16 Q. (BY MR. WERNER) I mean, it was -- was
 17 that recommendation followed?
 18 A. Yes, it was.
 19 Q. Was there any discussion at that point
 20 about the future F-20, since it was again
 21 corroding?
 22 MR. GALBRAITH: Objection, form.
 23 A. Not at that time, but the stack walls
 24 itself wasn't the issue. It was only the internal
 25 trays.

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1 Q. (BY MR. WERNER) So by the time, I guess,
 2 the next turn around came, it would be even worse;
 3 and you, again, wouldn't be able to go inside of
 4 it, correct?
 5 MR. GALBRAITH: Objection, form.
 6 A. No, not necessarily. The drum might have
 7 just stayed exactly as it was for that period of
 8 time.
 9 Q. (BY MR. WERNER) Which wouldn't have made
 10 it any safer, it still would have been in your
 11 judgment, unsafe to go inside?
 12 MR. GALBRAITH: Objection, form.
 13 A. No, sir. Once we removed the trays, it
 14 would have been okay to go inside.
 15 Q. (BY MR. WERNER) Do you view, for
 16 instance, the decision to have the work done --
 17 MR. GALBRAITH: Pardon me. Why
 18 don't we take a break.
 19 MR. WERNER: Sure.
 20 THE VIDEOGRAPHER: Off the record
 21 at 4:51 p.m.
 22 (Recess taken.)
 23 THE VIDEOGRAPHER: On the record,
 24 4:57 p.m.
 25 Q. (BY MR. WERNER) If you were going to

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1 consider having a hot tap procedure done, is that
 2 something that is done internally or is that
 3 something that is contracted out?
 4 MR. GALBRAITH: Objection, form.
 5 A. Both.
 6 Q. (BY MR. WERNER) Okay. Who -- what's
 7 more likely, from your experience? What's been
 8 more common?
 9 MR. GALBRAITH: Objection, form.
 10 A. Can you reask the question?
 11 Q. (BY MR. WERNER) Sure.
 12 A. I just don't understand what you are
 13 asking me.
 14 Q. In, let's say, the last five years, is it
 15 more common that when a hot tap is done that it's
 16 done by BP employees or contracted out to some
 17 outside contractors?
 18 MR. GALBRAITH: Objection, form.
 19 (Brief interruption.)
 20 (Discussion off the record.)
 21 A. Contract, contractors.
 22 Q. (BY MR. WERNER) What are some of the
 23 contractors that you are aware of in the Texas City
 24 area that can do that kind of work?
 25 A. Team.

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1 Q. What is that?
 2 A. Team.
 3 Q. Okay.
 4 A. That's our primary.
 5 Q. Primary for hot taps, or primary for
 6 what?
 7 A. Yes, sir, hot taps.
 8 Q. Are they a specialty contractor?
 9 A. Yes, they are.
 10 Q. Specialize in hot taps that's -- they
 11 don't do anything else as far as you know, correct?
 12 MR. GALBRAITH: Objection, form.
 13 A. No, sir, they do machining work.
 14 Q. (BY MR. WERNER) Including hot taps?
 15 A. Yes, sir.
 16 Q. What other specialty contractors do hot
 17 tap work that you are aware of in the Texas City
 18 area?
 19 A. I think that's the only ones that I can
 20 think of.
 21 Q. Who -- if it were not done by a
 22 contractor, who would do it within BP?
 23 A. Our machinist group.
 24 Q. Anybody in particular?
 25 A. No, sir.

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1 Q. Give me -- if, for instance, you decide
 2 to go through with this hot tap that's being --
 3 this job action item, I apologize if I get the word
 4 wrong, who would you go to internally at BP if you
 5 wanted to talk to somebody in the machinist group?
 6 MR. GALBRAITH: Objection, form.
 7 A. Bill Limmer.
 8 Q. (BY MR. WERNER) And what's his job
 9 title?
 10 A. Superintendent of the shops.
 11 Q. And how many hot tap machines does BP
 12 own, in other words, have on the premises?
 13 A. I don't know.
 14 Q. One, more than one?
 15 MR. GALBRAITH: Objection, form.
 16 A. I don't know.
 17 Q. (BY MR. WERNER) Okay. You don't know if
 18 they own them or if they rent them or what it might
 19 be?
 20 A. No, sir, I don't know.
 21 Q. In September 2002 when these discussions
 22 were going on involving a bunch of people including
 23 Mr. Peltier about a possible hot tap, was this
 24 before or after the tie-ins were in place?
 25 MR. GALBRAITH: Objection, form.

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1 A. Before.
 2 Q. (BY MR. WERNER) After the tie-ins were
 3 in place, then would a hot tap have been necessary
 4 during the shutdown?
 5 MR. GALBRAITH: Objection, form.
 6 Q. (BY MR. WERNER) Let me rephrase that.
 7 You put the tie-ins in place
 8 during the turnaround that took place in 2003 or,
 9 maybe, 2002 at ISOM correct?
 10 A. Yes, we did.
 11 Q. If the money had been there and the work
 12 had been approved and whatever needed to be done at
 13 the capital project's group level had been done,
 14 would you have been able to do the entire tie in of
 15 those F -- of those ISOM hydrocarbons into the
 16 flare during the 2003 turnaround?
 17 MR. GALBRAITH: Objection, form.
 18 A. I don't know if we could have or not.
 19 Q. (BY MR. WERNER) What would have been any
 20 sort of a -- give me a why not.
 21 MR. GALBRAITH: Objection, form.
 22 Why don't you know what you don't
 23 know?
 24 Q. (BY MR. WERNER) I am asking, why would
 25 you not have been able to take those tie-ins, pipe

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1 them into some kind of a system whether it be
 2 knockout drums or quench system, wet dry drums and
 3 get those hydrocarbons away from F-20 while the
 4 2003 turnaround was going on?
 5 MR. GALBRAITH: Objection, form.
 6 A. There could be -- well, there could be a
 7 lot of possibilities why. I don't know what the
 8 project was trying to do.
 9 Q. (BY MR. WERNER) And Mr. Risinger, let
 10 me -- I am, maybe, using the wrong word when I talk
 11 about you. Maybe I ought to be talking about BP.
 12 Let's put it this way. If
 13 Mr. Peltier had come to you and said,
 14 "Mr. Risinger, we have the money, we have the
 15 approval, we have the equipment, we want to take
 16 those hydrocarbons away from F-20 during the 2003
 17 turnaround at ISOM. Can we do it?"
 18 Your answer would have been?
 19 MR. GALBRAITH: Objection, form.
 20 A. My answer would have been, "I have to get
 21 an engineering team to look at it and see what we
 22 could do."
 23 Q. (BY MR. WERNER) One of the things that
 24 the engineering team would look for would be an
 25 up-to-date RV -- RV study, right?

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1 MR. GALBRAITH: Objection, form.
 2 A. Not necessarily.
 3 Q. (BY MR. WERNER) How could you move
 4 that -- those hydrocarbons to a flare, any flare,
 5 without an up-to-date RV study?
 6 MR. GALBRAITH: Objection, form.
 7 A. I don't know that. That's why I would
 8 have to go to the engineers.
 9 Q. (BY MR. WERNER) George Matar, do you
 10 know who Mr. Matar is? He is with S & B?
 11 A. Yes.
 12 Q. Okay. Would Mr. Matar be somebody who
 13 you would go to to answer that question, "Can we do
 14 it without an up-to-date RV study" or "Do we need
 15 an up-to-date RV study?"
 16 MR. GALBRAITH: Objection, form.
 17 A. I wouldn't go to him, but the projects
 18 group might.
 19 Q. (BY MR. WERNER) Sure. Would you
 20 indirectly rely on Mr. Matar's conclusion either we
 21 do or do not need an updated RV study to answer the
 22 question?
 23 MR. GALBRAITH: Objection, form.
 24 A. It wouldn't be my place to rely on him.
 25 That's outside my area of control they're the

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1 projects. I don't do the projects.
 2 Q. (BY MR. WERNER) If Mr. Matar were to
 3 have testified that absent an up-to-date RV study
 4 it was simply -- could not put together a project
 5 to get those hydrocarbons to a flare, do you have
 6 any sort of personal knowledge to dispute that?
 7 MR. GALBRAITH: Objection, form.
 8 A. No, sir, I don't.
 9 Q. (BY MR. WERNER) When did you come to --
 10 well, were you aware at the time of -- when did you
 11 first become aware of the OSHA rule that was
 12 implemented in the early Nineties that required RV
 13 studies?
 14 MR. GALBRAITH: Objection, form.
 15 A. I don't recall that.
 16 Q. (BY MR. WERNER) Did you ever become
 17 aware that there was an OSHA rule requiring
 18 up-to-date RV studies?
 19 A. Actually, I guess not.
 20 Q. Who would you go to if you wanted to
 21 know, you know, is there an OSHA rule or is this
 22 lawyer just sort of making up something?
 23 A. I would rely on my unit engineers and the
 24 division engineers.
 25 Q. And who would those people have been at

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1 the ISOM in the 2002, 2003 time period who you
 2 would look to to answer the question about, "Does
 3 OSHA require an RV study?"
 4 A. It would have been David Buttram, Matt
 5 Kern would have been one of the engineers and
 6 Mr. Price. I can't think of his first name.
 7 Q. During that time period as an asset
 8 manager -- excuse me, an asset superintendent?
 9 Which one were you?
 10 A. Asset superintendent.
 11 Q. During that time period as an asset
 12 superintendent, did you have the authority to stop
 13 production on the unit?
 14 A. Yes, sir.
 15 Q. Had you known of a willful violation of
 16 an OSHA safety standard going on on the unit, would
 17 you have shut it down?
 18 MR. GALBRAITH: Objection, form.
 19 A. I can't answer "yes" or "no". I would
 20 have to know what the circumstances were and what
 21 the criticality of it was. I would have to
 22 evaluate it.
 23 Q. (BY MR. WERNER) Well, is having proper
 24 relief studies an issue of sufficient criticality
 25 that you would shut down the unit knowing that

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1 there was an OSHA safety violation of that type?
 2 MR. GALBRAITH: Objection, form.
 3 A. Again, I would consult my upper
 4 management if I -- if I saw that, then that's what
 5 I would do.
 6 Q. (BY MR. WERNER) And who would you
 7 consult at upper management?
 8 A. At that time, it would have been Bob
 9 Smith, Rich Peltier, David Pierpoline and then
 10 Willie Willis was there at the very end.
 11 Q. But if those people had told you, "We
 12 don't think it's critical enough. Yes, there is a
 13 willful OSHA safety violation going on, but we
 14 don't want to shut the unit down," you would have
 15 followed their recommendation?
 16 MR. GALBRAITH: Objection, form.
 17 A. Again, I would have to answer that it
 18 depends on what that situation was.
 19 Q. (BY MR. WERNER) Have you ever operated
 20 a -- the ISOM knowing of an OSHA safety violation?
 21 A. No, sir, not knowingly.
 22 Q. Have you ever shut one down because of
 23 what you perceived to be a sufficiently critical
 24 OSHA safety violation?
 25 A. No, sir.

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1 Q. Were you -- during the time period that
 2 you were over the ISOM, were you aware of problems
 3 with the emergency alarms, in other words, not
 4 the -- not the indicator alarms; but the things
 5 that would make sounds or lights or what have you?
 6 MR. GALBRAITH: Objection, form.
 7 A. I don't recall having the warning horns
 8 problems.
 9 Q. (BY MR. WERNER) Do you know of anybody
 10 who tried to sound the warning horn before the
 11 March, 2005 explosion?
 12 A. Yes.
 13 MR. GALBRAITH: Objection, form.
 14 Q. (BY MR. WERNER) And who was that?
 15 A. They sound them weekly on a routine.
 16 Q. I am talking about in the minutes before
 17 the actual explosion.
 18 A. Oh, no, I don't have any knowledge of
 19 that.
 20 Q. Well, who -- I thought you had said in
 21 one of your statements that one of your reports
 22 actually saw the hydrocarbons puking out over the
 23 top of the blowdown stack, blowdown drum --
 24 MR. GALBRAITH: Objection, form.
 25 Q. (BY MR. WERNER) -- correct?

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1 MR. GALBRAITH: Objection to form.
 2 You are not going to point him to
 3 anything in particular, right?
 4 MR. WERNER: I can if you want me
 5 to take a second and go get it.
 6 MR. GALBRAITH: I don't want you
 7 to.
 8 Q. (BY MR. WERNER) What is the Rocking R
 9 Compound?
 10 A. It is a turnaround facility.
 11 Q. And where is that located?
 12 A. The west end of the refinery against
 13 Grant Avenue.
 14 Q. And how long about has that been in
 15 place?
 16 A. Approximately, three years.
 17 Q. And why is it called the Rocking R?
 18 A. It was just a name given to it for
 19 identification purposes so people knew where to
 20 bring material or show up at meetings.
 21 Q. Is there an official name for that area
 22 that you know of?
 23 A. No, sir.
 24 Q. Prior to the explosion in March of 2005,
 25 were there always trailers in the Rocking R

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1 Compound?
 2 A. Always, no.
 3 Q. I am sorry it was the Rocking R Ranch,
 4 right; or just -- what did y'all call it?
 5 A. We call it the Rocking R Compound.
 6 Q. Okay. Were there more often than not
 7 trailers at the Rocking R Compound?
 8 A. That area was used, from time to time, as
 9 a lay down area and for housing people, trailers
 10 and stuff, when we were doing turnarounds in the
 11 West Plant.
 12 Q. Was that for contractor trailers or was
 13 that exclusively for the use of BP employees?
 14 A. It was both.
 15 Q. What contractors had been at the
 16 Rocking R Compound that you know of?
 17 A. During the construction of the NDU, Fluor
 18 had a trailer complex set up there.
 19 Q. After Fluor left, were there ever any
 20 contractors ever in the Rocking R Compound?
 21 A. Yes, sir.
 22 Q. Let me put it this way. At the time of
 23 the explosion, were there any contractor trailers
 24 at the Rocking R Compound?
 25 A. I don't believe so.

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1 Q. And when about did the contractors'
 2 trailers stop being in the Rocking R area?
 3 MR. GALBRAITH: Objection, form.
 4 A. I would have to go back and look at the
 5 MOC that we did to site our trailers there; but
 6 about April, May of '04.
 7 Q. (BY MR. WERNER) And what happened in
 8 April or May of '04 that caused the Rocking R to
 9 become completely BP trailers and no more
 10 contractor trailers?
 11 MR. GALBRAITH: Objection, form.
 12 A. Fluor finished the construction of the
 13 NDU and moved out.
 14 Q. (BY MR. WERNER) And how did it come
 15 about that a new MOC was done after Fluor had left?
 16 MR. GALBRAITH: Objection, form.
 17 A. Well, my turnaround group, we were
 18 looking at a place that was located kind of
 19 centrally for the West Plant turnarounds, so we
 20 went and made the request of the oil movements
 21 group which was the -- that was part of their area
 22 and then after all that -- after we got the
 23 paperwork and all done, we started setting up a
 24 little compound there so we could start doing
 25 turnarounds out of that area.

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1 Q. (BY MR. WERNER) Was there anything in
 2 the MOC, the April, '04 MOC, that allowed
 3 contractors trailers to come join you guys in the
 4 Rocking R?
 5 A. We had -- at that time we assumed that an
 6 MOC for an area was what was required, not so much
 7 for individual trailers; but there were trailers
 8 there, conference trailers and meeting trailers
 9 that we used both contractors and the BP team. So
 10 we shared them as conference trailers and meeting
 11 trailers.
 12 Q. Where had all these trailers been in
 13 let's say 2001, 2000 before the Rocking R Compound
 14 was set up? In other words, what did it replace?
 15 MR. GALBRAITH: Objection, form.
 16 A. I don't -- when the Fluor trailers --
 17 when they moved those trailers out, we moved ours
 18 in once that was done. I mean, we replaced -- we
 19 kind of took that area over.
 20 Q. (BY MR. WERNER) Was there ever any
 21 discussion about putting the Merit trailers and any
 22 of the other trailers that were involved in the
 23 ultracracker or the ISOM, you know, the turnaround
 24 work that was going on in March, 2005 in the
 25 Rocking R?

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1 A. Not that I recall.
 2 Q. Would you have been the person to have
 3 come to if, let's say, Merit wanted to put their
 4 trailers in the Rocking R; or who do you think
 5 would have been the right person?
 6 A. It would have been myself or one of my
 7 team leads.
 8 Q. And who would be the team leads who might
 9 have been approached instead of coming directly to
 10 you?
 11 A. It would be Randy Osborne or Richard
 12 Morton, but they would have notified me.
 13 Q. Was there any reason why, let's say, the
 14 Merit trailer couldn't have been put in the
 15 Rocking R?
 16 A. Yes, sir, it was full. There wasn't a
 17 place to put trailers. We were full.
 18 Q. And when you say, "We were full," I take
 19 it that the Rocking R area had all the trailers
 20 that could fit in that area?
 21 A. And have open for parking and access and
 22 egress to the buildings that we used to store
 23 materials, yes.
 24 Q. You testified earlier in the day that
 25 during the shutdown -- excuse me. During the

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1 turnaround work, in March of '05, either in March
 2 or maybe even a little bit earlier, you became
 3 aware that the ISOM had been shut down, correct?
 4 A. Yes.
 5 Q. Do you have an idea in terms of the
 6 timeframe? Was it a week before it was started
 7 back up, a month, two months?
 8 MR. GALBRAITH: Objection, form.
 9 A. No, sir, I really don't.
 10 Q. (BY MR. WERNER) How did you come to find
 11 that out? In other words, who told you that, "Hey,
 12 we shut down the ISOM yesterday, last week,
 13 whenever it was"?
 14 A. Just people talking, just overheard
 15 conversation.
 16 Q. Had you seen any evidence of barricading
 17 or warnings at all before it was shut down?
 18 A. None that I recall.
 19 Q. And you said, "I thought that the" -- you
 20 thought that the unit shift supervisors would
 21 likely be delegated the task of putting up the
 22 barricades and barricading the roads and all; is
 23 that correct?
 24 MR. GALBRAITH: Objection, form.
 25 A. They would have requested someone to do

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1 it. I mean, that would be their area of control to
 2 have it barricaded. They might not personally set
 3 the barricade.
 4 Q. (BY MR. WERNER) The unit shift
 5 supervisor?
 6 A. Right.
 7 Q. And who would be above the unit shift
 8 supervisor?
 9 A. The operating superintendent.
 10 Q. The operating superintendent, who would
 11 that have been at the ISOM in March, 2005?
 12 A. Ray Hawkins.
 13 Q. And then above Mr. Hawkins, who would be
 14 above that?
 15 A. I believe it was Willie Willis.
 16 Q. In terms of when you found out that the
 17 shutdown had occurred while the trailers were
 18 placed where they were, did you make any sort of a
 19 protest or put the Traction note or do anything,
 20 you know, to sort of let people know, "We shouldn't
 21 be shutting units down while there are trailers
 22 next to them"?
 23 A. Which trailers are you speaking of?
 24 Q. Well, let's talk about the Merit
 25 trailers. Did it occur to you that the Merit

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1 trailers were not in a good place for the ISOM to
 2 be shut down?
 3 A. No, sir, it didn't.
 4 Q. Okay. Other trailers though were within
 5 the ISOM battery limits, correct?
 6 MR. GALBRAITH: Objection, form.
 7 A. I don't know that.
 8 Q. (BY MR. WERNER) What trailers were you
 9 worried about?
 10 MR. GALBRAITH: Objection, form.
 11 A. I didn't have a concern about the
 12 trailers.
 13 Q. (BY MR. WERNER) Okay. Well, I had a
 14 note that said that you were concerned when you
 15 heard that a shutdown had taken place without
 16 you-all be told. Why is that?
 17 MR. GALBRAITH: Objection, form.
 18 A. Because it takes away the ability for me
 19 to understand what's happening around the area
 20 where I have people.
 21 Q. (BY MR. WERNER) And who, if anybody, did
 22 you go to to maybe not complain but to bring that
 23 to the attention that this information was not
 24 getting out?
 25 A. During our turnaround meetings that we

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1 held each day. The operations people for the
 2 ultracracker would have been the people that I
 3 conversed with about it.
 4 Q. Anybody in particular that you remember?
 5 A. Not in particular. There was a lot of
 6 people at those meetings.
 7 Q. What was their response, if any?
 8 MR. GALBRAITH: Objection, form.
 9 Q. (BY MR. WERNER) Yes, we did or sorry?
 10 MR. GALBRAITH: Objection, form.
 11 A. Well, those operations people are for the
 12 ultracracker. They would have been communicated
 13 back to the ISOM. So I don't know that.
 14 Q. (BY MR. WERNER) Well, the people that
 15 you talked to at the ultracracker, did they, from
 16 what they said, appear to agree that that was a
 17 problem, that y'all hadn't been informed of this?
 18 A. They agreed that we should have been
 19 informed.
 20 Q. But they never reported back to you what,
 21 if anything -- what response, if anything, they got
 22 from the ISOM people?
 23 A. No, sir, they didn't.
 24 Q. I want to show you a document that's
 25 previously been marked as Exhibit 35. Feel free to

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1 read every word of it or look over it generally.
 2 My first question is just going to
 3 be, generally, do you recognize what sort of that
 4 document that is?
 5 MR. GALBRAITH: Okay.
 6 A. Could you reask your question, please?
 7 Q. (BY MR. WERNER) Sure. Do you recognize
 8 what that form of a document is?
 9 A. I haven't seen one before, but I know the
 10 process.
 11 Q. Is that -- well, what's the process that
 12 you know or that you associate that with?
 13 A. A capital project.
 14 Q. Is that the kind of document, at least as
 15 you understand it, is created at the higher levels
 16 the capital projects group level or above, in terms
 17 of evaluating different projects?
 18 MR. GALBRAITH: Objection, form.
 19 A. Yes, sir, it is.
 20 Q. (BY MR. WERNER) Okay. And the initial
 21 CVP, what does the V stand for if you know?
 22 A. Value.
 23 Q. That appears to, if you take it at face
 24 value, discuss a capital value project that had
 25 been started in place in about the 2003 time

Page 216

1 period, correct?
 2 MR. GALBRAITH: Objection, form.
 3 Q. (BY MR. WERNER) And feel free to refer
 4 to it if you need to.
 5 A. It's not a capital value process. It's a
 6 common values process, and that is my understanding
 7 of the form that is generated for evaluation.
 8 Q. And that particular project that was
 9 being evaluated was a project that would have
 10 routed those hydrocarbons away from the F-20
 11 blowdown to a flare, correct?
 12 MR. GALBRAITH: Objection, form.
 13 A. That's how it appears to me.
 14 Q. (BY MR. WERNER) And it appears as if
 15 that project had progressed significantly, though
 16 not to final completion, correct?
 17 MR. GALBRAITH: Objection, form.
 18 A. There had been some progress on it.
 19 Q. (BY MR. WERNER) There were numbers in
 20 there suggesting that over a million dollars had
 21 been spent towards a project, correct?
 22 MR. GALBRAITH: Objection, form.
 23 A. That's what you had told me.
 24 Q. (BY MR. WERNER) Let me lean over for a
 25 second. If you take it at face value it shows that

Page 217

1 a million 297,000 -- excuse me, a million \$293,000
 2 had already been spent, correct?
 3 A. That's what this document shows.
 4 Q. And it shows that the total cost of the
 5 project, if you look above it, was estimated to be
 6 \$2.89 million plus or minus 10 percent, correct?
 7 MR. GALBRAITH: Objection, form.
 8 A. Yes, sir, that's what it shows.
 9 Q. (BY MR. WERNER) And it suggests that the
 10 project wasn't halfway completed, but it was, I
 11 guess, at least a quarter completed and, maybe,
 12 even a third completed?
 13 MR. GALBRAITH: Objection --
 14 Q. (BY MR. WERNER) If you accept those
 15 figures for what they say?
 16 MR. GALBRAITH: Objection, form.
 17 A. I -- just my lack of knowledge of it, I
 18 can't say what percent was complete.
 19 Q. (BY MR. WERNER) Okay. Well, if it
 20 was -- if it was a 2.9 million-dollar project and
 21 if you take this at face value, then they had
 22 already -- BP had already spent \$1.3 million,
 23 correct?
 24 MR. GALBRAITH: Objection, form.
 25 A. The math sounds right.

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1 Q. (BY MR. WERNER) And then that would
 2 leave about \$1.6 million to get that project done,
 3 correct?
 4 MR. GALBRAITH: Objection, form.
 5 A. It truly depends on what the term of
 6 completion is.
 7 Q. (BY MR. WERNER) I understand, but you --
 8 you appreciate that there are people at this level
 9 who are working with some awfully sharp pencils and
 10 they have got a plus or minus 10 percent in there
 11 but, you know, they try to be as precise with this
 12 as they can. Is that not your experience?
 13 MR. GALBRAITH: Objection, form.
 14 A. Well, I am not in the group. I don't
 15 have experience with them.
 16 MR. GALBRAITH: For the 12th time.
 17 Q. (BY MR. WERNER) This was a project that
 18 was identified at this high group level as having a
 19 health and safety component to it. Do you see that
 20 on the first page?
 21 MR. GALBRAITH: Objection, form.
 22 A. I see it is "health or safety."
 23 Q. (BY MR. WERNER) Is safety, from your
 24 experience, improving safety, is that an
 25 opportunity or is that a requirement?

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1 MR. GALBRAITH: Objection, form.
 2 A. Could you explain to me what you mean by
 3 "opportunity"?
 4 Q. (BY MR. WERNER) Well, if you see a
 5 chance to increase production by 60 barrels a day,
 6 that's an opportunity, right?
 7 A. Yes, sir.
 8 MR. GALBRAITH: Objection, form.
 9 Q. (BY MR. WERNER) If you see a chance to
 10 make the work environment safer for the people that
 11 work around there, that's a requirement, right?
 12 MR. GALBRAITH: Objection, form.
 13 A. Not necessarily. It -- it again goes
 14 back to what the priority is on the safety item.
 15 They could be very low priority all the way up to
 16 critically important.
 17 Q. (BY MR. WERNER) From your experience,
 18 any safety project that involves the containment
 19 direction and handling of highly hazardous
 20 hydrocarbons, like raffinate, is likely to be
 21 pretty high safety issue, correct?
 22 MR. GALBRAITH: Objection, form.
 23 A. It would depend on what is being defined
 24 as "hazardous" or "highly hazardous" and where it
 25 would be going, what are the circumstances.

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1 Q. (BY MR. WERNER) Let's start with the
 2 basics. Are you familiar with the OSHA definition
 3 of a "highly hazardous chemical"?
 4 A. No, sir, not intimately.
 5 Q. Okay. Do you know whether these
 6 raffinate products were considered to be highly
 7 hazardous under the OSHA safety definition?
 8 A. No, I don't know that.
 9 Q. Okay. Do you recognize that these
 10 raffinate products would vaporize at a relatively
 11 low temperature, in fact, at a -- you know, at
 12 ambient temperature on those days, if not all days?
 13 MR. GALBRAITH: Objection, form.
 14 A. There is a potential for them to go to
 15 vapor.
 16 Q. (BY MR. WERNER) Well, how -- how warm or
 17 how cold does it have to be for these raffinate
 18 products to go to vapor?
 19 MR. GALBRAITH: Objection, form.
 20 A. I don't have that right off the top of my
 21 head. I would have to, you know, look at the
 22 composition to tell you.
 23 Q. (BY MR. WERNER) The particular raffinate
 24 that was involved on March 23rd vaporized at air
 25 temperature, right?

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1 MR. GALBRAITH: Objection, form.
 2 A. Again, I don't know that.
 3 Q. (BY MR. WERNER) Are you involved in the
 4 discussions -- do you see it's checked "health or
 5 safety?" What distinction do you make in your mind
 6 between health and safety in terms of these
 7 different categories of sustaining and
 8 environmental and that sort of thing?
 9 MR. GALBRAITH: Objection, form.
 10 A. I am not in that group. I don't know
 11 what their rating and rankings, how they are set.
 12 Q. (BY MR. WERNER) Are you ever asked to
 13 categorize a particular idea as being about health
 14 and safety or environment or sustainability or
 15 whatever it might be?
 16 A. Yes, sir.
 17 Q. Okay. When you check that box, health
 18 and safety, what are you looking at to decide
 19 whether to check that box?
 20 MR. GALBRAITH: Objection, form.
 21 A. Any potential health risk to personnel or
 22 safety risk to the unit or personnel.
 23 Q. (BY MR. WERNER) That's talking about
 24 people, right?
 25 A. It could be.

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1 Q. Every other box of those nine boxes
 2 there -- well, I guess there is "other," but the
 3 other -- seven of those boxes don't talk about
 4 people. They talk about regulations or
 5 profitability or energy conservation, right?
 6 MR. GALBRAITH: Objection, form.
 7 A. That's what it appears to me.
 8 Q. (BY MR. WERNER) The box that gets
 9 checked when people's health and safety are
 10 involved is the one in the upper left-hand corner,
 11 right?
 12 MR. GALBRAITH: Objection, form.
 13 A. Not necessarily. It could be an
 14 environmental health that it's speaking about.
 15 Q. (BY MR. WERNER) Environmental though,
 16 that refers to complying with the law, doesn't it?
 17 MR. GALBRAITH: Objection, form.
 18 Q. (BY MR. WERNER) When you are asked to
 19 make that kind of a categorization at BP?
 20 A. Well, I can't honestly say. I'm not -- I
 21 don't know that.
 22 Q. From your personal experience, when you
 23 perceive something as an emissions risk for -- like
 24 getting an EPA violation, that's when you check
 25 "environmental," right?

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1 MR. GALBRAITH: Objection, form.
 2 A. I personally have never been asked to
 3 check these boxes or do the evaluation, so I just
 4 can't say.
 5 Q. (BY MR. WERNER) I would like you to
 6 look, if you wouldn't mind, at the signatures on
 7 page 6 and the project at page 1 was at the defined
 8 stage, which is next to it actually being executed,
 9 correct?
 10 MR. GALBRAITH: Objection, form.
 11 A. Yes, sir.
 12 Q. (BY MR. WERNER) In other words, at this
 13 point this decision is being made, do we do it or
 14 do we not do it?
 15 MR. GALBRAITH: Objection, form.
 16 A. In the CVP process, yes.
 17 Q. (BY MR. WERNER) It doesn't get to this
 18 stage until it is determined that it can be done
 19 right?
 20 MR. GALBRAITH: Objection, form.
 21 A. Well, I don't know that either.
 22 Q. (BY MR. WERNER) Okay. What was the
 23 recommendation made for this particular project
 24 that would have had the effect of taking the
 25 hydrocarbons away from the F-20 blowdown drum and

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1 sending them out to a flare?
 2 MR. GALBRAITH: Objection, form.
 3 A. Can I read it again?
 4 Q. (BY MR. WERNER) Yes, sir.
 5 MR. WERNER: Why don't we change
 6 the videotape while he is reading.
 7 THE VIDEOGRAPHER: Off the record
 8 at 5:42 p.m., ending Tape 6.
 9 (Recess taken.)
 10 THE VIDEOGRAPHER: On the record
 11 5:46 p.m., beginning Tape 7.
 12 A. (Examines documents.)
 13 Q. (BY MR. WERNER) Are you ready,
 14 Mr. Risinger?
 15 A. Sure.
 16 Q. Going to page 6, who was it that killed
 17 that project that would have gotten those
 18 hydrocarbons away from the F-20 blowdown drum and
 19 put to a flare?
 20 MR. GALBRAITH: Objection, form.
 21 Q. (BY MR. WERNER) The previous page.
 22 A. (Examines documents.)
 23 It looks like a team of people.
 24 Q. And who was on that team of people that
 25 made the decision to kill the project?

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1 MR. GALBRAITH: Objection, form.
 2 A. According to this document, it's
 3 Willie Willis, Tim O'Sullivan, Danny White, a name
 4 I can't say, Vijay Khemka, Paul Barnes, Kevin
 5 Zinke, George Matar, Ken Armstrong, Mike Womack,
 6 Paul Trapp, is the way I read it.
 7 Q. (BY MR. WERNER) Those are the people who
 8 were on the team, who were part of the team?
 9 A. According to this document.
 10 Q. And whose signature is at the bottom,
 11 next to the box -- the box that is checked "kill"?
 12 MR. GALBRAITH: Objection, form.
 13 A. There is no name next to that. There is
 14 one under it.
 15 Q. (BY MR. WERNER) Okay. Whose is that?
 16 A. That's Willie Willis.
 17 Q. And whose is in the place where it -- the
 18 gatekeeper stage decision, that's the one you are
 19 looking at, correct?
 20 MR. GALBRAITH: Objection, form.
 21 A. Yes, sir, Willie Willis.
 22 Q. (BY MR. WERNER) Okay. If you accept
 23 that document at face value, all that was needed to
 24 get the project done was money, correct?
 25 MR. GALBRAITH: Objection, form.

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1 A. I wasn't a part of that team, so I don't
 2 know that.
 3 Q. (BY MR. WERNER) Is that how you
 4 interpret that document and maybe Mr. -- somebody
 5 else can come in and say, "No, that's not -- he
 6 doesn't understand that document"?
 7 MR. GALBRAITH: Objection, form.
 8 A. That's what I am trying to say. I don't
 9 know. I don't understand the process they use.
 10 Q. (BY MR. WERNER) Do you see any -- when
 11 you read that, did you see any health or safety
 12 reason put forth that would make that a bad idea,
 13 in other words, some health or safety reason not to
 14 go forward with it?
 15 MR. GALBRAITH: Objection, form.
 16 Are you just trying to delay until
 17 you get the picture here or something, take up
 18 time, until you get the picture here? Because
 19 maybe we should take a break and get the picture
 20 here instead of doing this.
 21 MR. WERNER: I have got the
 22 picture.
 23 MR. GALBRAITH: Okay.
 24 A. Could you ask that question again,
 25 please?

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1 Q. (BY MR. WERNER) Is there anywhere in
 2 there or do you see any health or safety reason not
 3 to have gone forward with that, set forth in that
 4 document?
 5 MR. GALBRAITH: Objection, form.
 6 A. With what knowledge I have of it, I don't
 7 see a reason.
 8 Q. (BY MR. WERNER) And somebody somewhere
 9 checked that box that said that there was a health
 10 or safety reason to get it done, correct?
 11 MR. GALBRAITH: Objection, form.
 12 A. I will say health or safety reason.
 13 Q. (BY MR. WERNER) But whether you call it
 14 "health" or whether you call it "safety," it
 15 involves people, flesh and blood, right?
 16 MR. GALBRAITH: Objection, form.
 17 A. "Health" could be the health of the unit,
 18 also.
 19 Q. (BY MR. WERNER) Do you know who would be
 20 involved in creating a ten year plan for capital
 21 projects?
 22 A. Yes.
 23 Q. The same group of people who would be in
 24 the CVP?
 25 MR. GALBRAITH: Objection, form.

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1 Q. (BY MR. WERNER) Or a higher level?
 2 MR. GALBRAITH: Objection, form.
 3 A. The people actually change roles. The
 4 position of those people would be involved.
 5 Q. (BY MR. WERNER) Does it appear to you,
 6 if you take Exhibit 173 at face value, that there
 7 was a plan in place to do the same work of getting
 8 those hydrocarbons from F-20 to a flare except it
 9 was going to be done in 2009?
 10 MR. GALBRAITH: Objection, form.
 11 A. The way I read that ten year plan is that
 12 it's on the books to be looked at for the
 13 possibility of doing it and for the potential
 14 funding to be done by 2009.
 15 Q. (BY MR. WERNER) I am sorry. I didn't
 16 bring the colored ones today. I will show you a
 17 couple of pictures of Ryan and see if it helps
 18 refresh your recollection about whether you
 19 actually treated him --
 20 MR. GALBRAITH: Objection, form.
 21 Q. (BY MR. WERNER) -- or tried to help him.
 22 He was 28 years old, one of the
 23 youngest if not the youngest of the people who were
 24 killed.
 25 A. I don't recall seeing his face.

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1 MR. WERNER: Thank you, sir. I
 2 appreciate it.
 3 MR. GALBRAITH: We will reserve
 4 ours.
 5 THE VIDEOGRAPHER: Off the record,
 6 5:55 p.m., ending with Tape 7.
 7 (Deposition concluded.)
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Page 230

1 EXAMINATION
2 CHANGES AND SIGNATURE

3 PAGE LINE CHANGE REASON
4 _____
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MARTIN RISINGER

Page 231

1 I, MARTIN RISINGER, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.
4

MARTIN RISINGER

5 THE STATE OF _____)
6
7 COUNTY OF _____)
8

9 Before me, _____, on this day
10 personally appeared MARTIN RISINGER, known to me or
11 proved to me on the oath of _____ or through
12 _____ (description of identity card or other
13 document) to be the person whose name is subscribed
14 to the foregoing instrument and acknowledged to me
15 that he/she executed the same for the purpose and
16 consideration therein expressed.
17 Given under my hand and seal of office on this
18 _____ day of _____, _____.
19

NOTARY PUBLIC IN AND FOR
21 THE STATE OF _____

22 My Commission Expires: _____
23
24
25

Page 232

1 CAUSE NO. 05CV0337
2 MIGUEL ARENAZA, ELIZABETH) IN THE DISTRICT COURT
3 RAMON, DAVID G. CROW and)
4 JUANITA G. CROW, et al.)
5)
6 VS.) 212TH JUDICIAL DISTRICT
7)
8 BP PRODUCTS NORTH AMERICA)
9 INC., B.P. CORPORATION)
10 NORTH AMERICA INC., DON)
11 PARUS, AND JE MERIT)
12 CONSTRUCTORS, INC.) GALVESTON COUNTY, TEXAS
13 CAUSE NO. 05CV0337-A
14 IN RE: BP AMOCO EXPLOSION) IN THE DISTRICT COURT
15 MARCH 23, 2005)
16 COORDINATED DISCOVERY) 212TH JUDICIAL DISTRICT
17 PROCEEDINGS)
18) GALVESTON COUNTY, TEXAS
19 REPORTER'S CERTIFICATE
20 ORAL VIDEOTAPED DEPOSITION OF
21 MARTIN RISINGER
22 MARCH 1, 2006
23

24 I, Stephanie Barringer, Certified Shorthand
25 Reporter in and for the State of Texas, hereby
certify to the following:

That the witness, MARTIN RISINGER, was duly
sworn and that the transcript of the deposition is a
true record of the testimony given by the witness;

That the deposition transcript was duly
submitted on _____ to the witness or to the
attorney for the witness for examination, signature,
and return to me by _____.

That the following is the computer-calculated
amount of time used by each party at the time of the
deposition:
Mr. Kebodeaux (3 hours, 40 minutes)
Mr. Werner (2 hours)
Attorneys for Plaintiffs

Page 233

1 That pursuant to information given to the
2 deposition officer at the time said testimony was
3 taken, the following includes the parties of record:
4

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Page 234

1 APPEARANCES
(Continued)

2

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5 ELEAZAR CANTU, MARCO FIGEUEIROA,
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Page 235

1 APPEARANCES
(Continued)

2

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24

25

Page 236

1 APPEARANCES
(Continued)

2

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15 - and -

16 Mr. Graig Alvarez
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Fax: 713-651-5246
19 Telephone: 713-651-5151

20

21 That a copy of this certificate was served on
all parties shown herein on _____ and
filed with the Clerk.

22

23 I further certify that I am neither counsel for,
related to, nor employed by any of the parties in the
action in which this proceeding was taken, and
24 further that I am not financially or otherwise
interested in the outcome of this action.

25

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1

2 Further certification requirements pursuant to
Rule 203 of the Texas Code of Civil Procedure will be
3 complied with after they have occurred.

4

5 Certified to by me on this _____ day of
_____, _____.

6

7

8

9

10 _____

11 Stephanie Barringer, CSR
Texas CSR 6198
12 Expiration: 12/31/06
U.S. Legal Support
13 Firm Registration: 122
519 N. Sam Houston Pkwy., Ste. 200
Houston, Texas 77060
14 Main number: 713/653-7100
Fax number: 713/653-7143

15

16

17

18

19

20

21

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25

1 FURTHER CERTIFICATION UNDER TRCP RULE 203

2

3 The original deposition was/was not returned to
4 the deposition officer on _____.

5 If returned, the attached Changes and Signature
6 page(s) contain(s) any changes and the reasons
7 therefor.

8 If returned, the original deposition was
9 delivered to Mr. Jim Hart at the Williams & Bailey
10 law firm as the custodial attorney.

11 \$_____ is the deposition officer's
12 charges to the Plaintiffs for preparing the original
13 deposition and any copies of exhibits;

14 The deposition was delivered in accordance with
15 Rule 203.3, and a copy of this certificate, served on
16 all parties shown herein, was filed with the Clerk.

17 Certified to by me on this _____ day of
18 _____, _____.

19

20

Stephanie Barringer, CSR
Texas CSR 6198
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21

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