

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 JOSEPH J. RUNFOLA
18 MAY 22, 2006
19 (CORRECTED)

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Page 2

1 ORAL VIDEOTAPED DEPOSITION OF JOSEPH J. RUNFOLA,
 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 May 22, 2006, from
 5 10:12 a.m. to 3:14 p.m., before Stephanie Barringer,
 6 Certified Shorthand Reporter in and for the State of
 7 Texas, reported by stenographic means at the offices
 8 of Fulbright & Jaworski, 1301 McKinney, Suite 5100,
 9 Houston, Texas, pursuant to the Texas Rules of Civil
 10 Procedure and the provisions stated on the record or
 11 attached hereto.
 12 Since this deposition has been realtimed 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 realtimed 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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1 THE VIDEOGRAPHER: On the record

2 May 22, 2006, at 10:12 a.m., beginning Tape 1.

3 (Witness sworn.)

4 MR. COON: Okay. Before we begin

5 the questioning, Counsel, I assume we have the same

6 agreement as with other depositions, the witness

7 will sign?

8 MR. BROWN: Yes.

9 MR. COON: And in the event we

10 don't receive a signed copy, we can utilize an

11 unsigned at trial, if necessary.

12 MR. BROWN: As per the Rules.

13 MR. COON: And objections as to

14 form and response, as per the Rules?

15 MR. BROWN: Yes.

16 JOSEPH J. RUNFOLA,

17 having been first duly sworn, testified as follows:

18

19 EXAMINATION

20 Q. (BY MR. COON) Good morning. Could I

21 have you introduce yourself to the ladies and

22 gentlemen who may be watching your testimony by

23 videotape by stating your name and address, please,

24 sir?

25 A. My name is Joseph James Runfola,

Page 8

1 160 Barracuda, Hitchcock, Texas 77563.

2 Q. Are you a married man, sir?

3 A. Yes, sir.

4 Q. Kids?

5 A. Yes, sir.

6 Q. What does your wife do?

7 A. She is a housewife.

8 Q. Do you go by JJ?

9 A. My friends call me JJ.

10 Q. Mr. Runfola, we've asked you to come up

11 here today to give us testimony regarding our

12 investigation into the BP plant explosion March,

13 2005. And you're in attendance here today pursuant

14 to a subpoena duces tecum and in that regard I

15 first want to attach it to the record today as

16 Exhibit 335 and ask a few questions of you

17 regarding the subpoena.

18 (Exhibit Number 335 marked for

19 identification.)

20 Q. (BY MR. COON) There were a number of

21 things that we asked to be provided to us before

22 your deposition today and from other witnesses that

23 we have talked to, the general deal has been that

24 the witnesses have gotten in touch with the

25 attorneys for BP and they have procured documents

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1 responsive to the subpoena. So in that regard,

2 have you done anything to look at the subpoena or

3 been told what was attached and the things that you

4 needed to help them round up responsive to the

5 service?

6 A. Could you repeat that and speak up? My

7 ears are popping from the elevator here.

8 Q. We have the subpoena attached to this

9 deposition notice --

10 A. Right.

11 Q. -- and it asks to produce certain

12 documents, statements, other things that would be

13 relevant to the discovery, so the first question we

14 have of you is: Have you looked at the subpoena or

15 talked to the attorneys about the subpoena to

16 produce documents responsive?

17 A. To produce document -- I don't understand

18 what you are asking.

19 Q. Okay. Have you -- have you met with the

20 attorneys regarding your deposition today?

21 A. Yeah.

22 Q. Okay. Have they given you a copy of

23 what's in front of you as Exhibit 335?

24 A. Yeah. They gave me a copy of the

25 subpoena.

<p style="text-align: right;">Page 10</p> <p>1 Q. Okay. Did you look at it to see the 2 types of things that we wanted you to bring to the 3 deposition or produce before your deposition? 4 A. I wasn't required to bring anything to 5 this deposition. 6 Q. Okay. Did you meet with the lawyers 7 about any documents that you may have in your 8 position, e-mails, statements, anything of that 9 nature? 10 A. The only thing I looked at was a 11 statement that I made, I don't know five, six 12 months ago. 13 Q. Okay. Did you meet with the lawyers or 14 anyone to discuss what it was that you needed to 15 try to round up that may be responsive to the 16 subpoena? 17 MR. BROWN: Counsel, I will -- 18 MR. COON: If we will -- 19 MR. BROWN: -- represent on behalf 20 of the defendants that we have collected 21 Mr. Runfola documents responsive to the subpoena 22 and have produced them to plaintiffs' counsel. 23 Q. (BY MR. COON) Okay. So you haven't 24 personally worked with the lawyers to try to find 25 out what it is that we were asking to produce and</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. (BY MR. COON) Okay. Well, that's 2 probably some communication issues between BP's 3 attorneys and yourself, sir. I am not blaming you 4 or faulting you, but we have asked the witnesses to 5 look at the subpoena and help the attorneys get the 6 information that was requested. So we 7 understand -- as I understand what you are saying 8 today is that the lawyers did not effectively 9 communicate to you that they needed you to 10 personally look at the subpoena and round up the 11 documents to the extent you knew of the existence 12 of some? 13 MR. BROWN: I am going to object 14 to the form and instruct the witness not to discuss 15 what he talked to the lawyers about. 16 MR. COON: We can move on. 17 Q. (BY MR. COON) Okay. We will move on. 18 Mr. Runfola, before you came to 19 the deposition today, did you have an opportunity 20 to meet with attorneys regarding the subject matter 21 of your testimony today? 22 A. Could you please repeat that? I am 23 sorry. 24 Q. Yes, sir. Can you not hear me or 25 understand?</p>
<p style="text-align: right;">Page 11</p> <p>1 are relying on the lawyers? I am just trying to 2 find out because typically the witness has looked 3 at the subpoena, understood what he was to produce 4 and help the lawyers do it. And if this was a 5 circumstance where y'all did it for him, fine. I 6 just need to know whether or not he's been involved 7 in helping get those documents. 8 A. I am not sure I understand what you are 9 asking, but they gave me this subpoena. 10 Q. Yes, sir. 11 A. Told me that I was going to be here today 12 to make a deposition. 13 Q. Okay. 14 A. Okay. They asked me some questions about 15 a statement that I made. That's a written 16 statement. 17 MR. BROWN: Wait. Don't talk 18 about what you have talked to the lawyers about. 19 That's privileged attorney/client communication. 20 Correct me if I am wrong, but I think he is just 21 asking: To your knowledge have you produced all 22 documents that are listed in the subpoena as far as 23 documents to be produced. 24 A. I wasn't required to produce any 25 documents.</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Yeah, I am having a hard time hearing. 2 When I came up in the elevator my ears pop, and I 3 do work in a refinery so, I mean, kind of speak up 4 a little bit, please. 5 Q. Before you came to your deposition today, 6 did you meet with the lawyers regarding what it was 7 that you would be testifying about? 8 A. Yes. 9 Q. Could you tell us about how many times 10 you met with them and the amount of time involved 11 in each meeting? 12 A. I have met with them twice, and it was 13 probably a couple of hours each time. 14 Q. Okay. And have you reviewed any 15 documents, e-mails, statements, reports, studies, 16 anything else in preparation for your deposition 17 today? 18 A. Only the statement that I made previous, 19 like five, six months ago. 20 Q. And who was that statement given to? 21 A. Joe Dekelaita was one of them, and I 22 can't remember the lady's name. Oliver, I think, 23 was her last name. 24 Q. We have a copy of one, and we will mark 25 another copy once we make one, but does that look</p>

<p style="text-align: right;">Page 14</p> <p>1 like the statement that you gave in the past? 2 A. Neiderhofer. It looks like my statement. 3 Q. Okay. Have you looked at the -- any 4 other documents the final fatal report that BP 5 generated last year, the OSHA reports, the CSB 6 report, any of those things? 7 A. I believe I may have skimmed over the 8 first report that came out and, you know, and the 9 very last final report, I kind of glazed over it; 10 but I really haven't paid too much attention to it 11 to be honest. It's just something I am trying to 12 put behind me. 13 Q. Have you talked to any of the other 14 witnesses who have given deposition testimony in 15 this case about what was discussed in the 16 depositions, or have you been told what other 17 people have said in their depositions? 18 A. No. 19 MR. COON: Counsel, we have a copy 20 of the August -- it looks to be the August 30, 21 2005; and the best I can tell in looking at it, the 22 one that we received is actually a regenerated 23 transcript. If you look here the page lines seem 24 to be more compressed than the original statement. 25 I don't know if there is another one out there that</p>	<p style="text-align: right;">Page 16</p> <p>1 A. This appears to be my resume. 2 Q. Well, if you want to refresh your memory 3 by referencing that, feel free to do it; but the 4 next thing I need to ask you is to walk us through 5 your educational background and then your work 6 history. So first let's go back to your 7 educational background going through high school 8 and college. Can you briefly summarize that for 9 us? 10 A. Sure. I dropped out of high school as a 11 junior. I got my GED. The following semester I 12 went to Alvin Community College. At the time I 13 thought I wanted to be an air-conditioning tech and 14 decided that wasn't for me. And so I went to work 15 for Brown & Root, I guess -- I don't -- it was back 16 in the mid to late '80s and I went -- I was working 17 at Amoco and I started out as a green helper, not 18 knowing anything in the instrument department. 19 Q. Which plant was that? 20 A. Texas City refinery. 21 Q. Okay. 22 A. Okay. And so I started taking classes 23 for instrumentation. I took a few courses at 24 College of the Mainland and then later on went to 25 San Jac. I probably have -- I probably have enough</p>
<p style="text-align: right;">Page 15</p> <p>1 has each page blocked out. It is numbered here. 2 It looks like it was given in a deposition format, 3 but I am going to use this one unless you guys know 4 there is another one that is the original and we'll 5 just reference this and I will attach one once we 6 get another clean copy at the break. Okay? 7 MR. BROWN: Sure. 8 Q. (BY MR. COON) Mr. Runfola, the interview 9 statement that you told us about a few minutes ago 10 is one that is dated August 30, 2005. Is that 11 consistent with about the time that you gave the 12 statement? 13 A. I just have to agree, yes, because I 14 really don't remember the exact day I gave the 15 statement. 16 Q. Have you given a deposition before? 17 A. No. 18 Q. As part of the subpoena today, we asked 19 to have produced a copy of your personnel file and 20 it included your resume, and I want to tender that 21 to you as your next exhibit. 22 (Exhibit Number 336 marked for 23 identification.) 24 Q. (BY MR. COON) This is 336 to your 25 deposition. This is a resume that you prepared?</p>	<p style="text-align: right;">Page 17</p> <p>1 courses in instrumentation and electrical to make 2 two certifications. And that's pretty much my 3 educational background. 4 Q. And have you actually received a 5 certification? 6 A. No. 7 Q. Have you received any additional training 8 in your field since going to work at BP Amoco? 9 A. Yes. 10 Q. Can you tell us the general types of 11 training that you get and the areas that it 12 involves? 13 A. The instrumentation training was 14 basically review of what I have already had, I have 15 already experienced; but I have been given some 16 pretty good electrical training on MOVs, relay 17 logic and motor controls. And they have courses 18 that are taught by selected instructors from BP. 19 They teach at College of the Mainland. We can get 20 on our computer in our intranet and sign up through 21 VTA for training courses. 22 Q. Have you had experience with the DCS 23 systems? 24 A. Yes. 25 Q. Have you received any training on the DCS</p>

<p style="text-align: right;">Page 18</p> <p>1 systems from the manufacturers? 2 A. No. 3 MR. BROWN: Objection, form. 4 Q. (BY MR. COON) Mr. Runfola, do you have 5 additional experience with just generic -- what I 6 will call generic process safety management, not 7 specific to instrumentation? 8 A. Can you ask that again, please? 9 Q. Yes, sir. 10 Do you have some general 11 understanding as to process safety management in a 12 general context, not just instrumentation but just 13 in the general context of PSM? 14 MR. BROWN: Objection, form. 15 A. I have general knowledge of process 16 safety, but not necessarily how a particular 17 process unit works. 18 Q. (BY MR. COON) Have you had any training 19 or education with respect to the rules and 20 regulations in process safety management from 21 either the API or the department of energy or OSHA? 22 A. BP has their own policies and procedures 23 that we follow. Now, I don't understand why -- I 24 mean that would be -- I would imagine that they 25 would base their policies on that.</p>	<p style="text-align: right;">Page 20</p> <p>1 startups, shutdowns. I worked with the mechanical 2 group. We rebuilt compressors and pumps. 3 So initially I was hired there as 4 an instrument fitter to bend tubing but since it 5 was research and we were all like one small family, 6 I assisted with all the other disciplines. That's 7 where I started learning instrumentation and 8 electrical, how process units started -- shut down. 9 And I did some research projects for four different 10 groups of engineers and basically their job was to 11 develop polymer specifications that was requested 12 by certain companies. 13 And other times -- Mont Belvieu 14 was the mother of that, Exxon Mont Belvieu. When 15 they would have problem with their reactors, we 16 would call them chunking up, they would start 17 plugging up, they would send samples of their 18 catalysts. And we would try to find, basically a 19 cure. They would try to find a catalyst that would 20 turnaround their process upset. 21 When I left Exxon BPC, I went to 22 Lyondell Channelview. 23 Q. What year was this, ballpark? 24 A. Man, I am really bad with dates. I can 25 give you chronological order; but I can't really</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Okay. This is not anything that you have 2 been personally trained in to know and understand 3 what federal regulations or state regulations may 4 be as they relate to process safety management? 5 A. Yes, we have training on Title Five and 6 that covers a lot, but there are policies that in 7 training that we receive that, you know, that 8 inform of of new environmental regulations. 9 Q. You know enough about process safety 10 management to know that it's critical in the 11 petrochemical industry? 12 A. Yes. 13 Q. And that failure for a company to 14 exercise competent process safety management 15 procedures and techniques puts people at risk? 16 A. Yes, it can. 17 Q. We skipped over -- before you went back 18 to Amoco, just walk us, kind of, briefly through 19 the other places that you worked before you ended 20 up back at Amoco. 21 A. When I left Amoco, I went to work for 22 Exxon BPC which is a polymer research. They make 23 polypropylene and polyethylene, and there I worked 24 with people of all disciplines I&E techs, 25 electricians, operators, which I assisted with</p>	<p style="text-align: right;">Page 21</p> <p>1 give you dates. 2 Q. Okay. 3 A. I don't really pay attention to dates too 4 much. 5 Anyway, I went to work for 6 Lyondell Channelview and I was an instrument fitter 7 there and I ran tubing for an entire group of 8 instrument techs. And since I was really good at 9 running tubing fast, I would tube up the 10 instruments for them and they would let me do the 11 calibrations. I did a lot of troubleshooting, 12 boiler management systems and vibration, fin-fan 13 systems. 14 Different techs had different 15 responsibilities. There was another tech who was 16 in charge of tank farm, so I did a lot of level 17 controls with him. He did Varec level controls. 18 And there was other techs that were in charge of 19 the refrigeration section. And because all the 20 hydrocarbons were real light, all the valves would 21 freeze up. So I had a lot of problems with the 22 valves freeze up. We had to do a lot of steam 23 tracing and stuff like that. 24 And from, let's see, Lyondell 25 Channelview, I've worked at Bayer in Baytown. I</p>

6 (Pages 18 to 21)

<p style="text-align: right;">Page 22</p> <p>1 worked there as an instrument foreman on a boiler 2 that they installed. 3 I have worked at GB Bioscience, 4 Uvalde and I-10. That was a -- that was a 5 mechanical integrity project. What we did was 6 researched their old documents to put together 7 instrumentation loops and red line P&IDs. And we 8 would basically write procedures for safety 9 critical instrumentation. 10 And I also worked at Lyondell 11 Citgo and that was a mechanical integrity project. 12 And we did a lot of P&ID walk downs because they 13 were lacking a lot of documentation. They actually 14 had equipment out there that didn't have any 15 equipment numbers whatsoever. So I had to 16 determine what the equipment numbers were by new 17 and old P&IDs because in some cases they would 18 split the units and make them into other units. 19 Anyway, on top of that job, we did 20 nomenclature for SAP basically naming instruments 21 and equipment. They had little acronyms they would 22 want to use. And, let's see, one job that I am 23 really proud of is I worked for TASC. We were 24 subcontracted under Kent US. It was a Saudi Aramco 25 project that ABB got. And basically we built and</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Let's see. I went to Chocolate Bayou. I 2 think it was Equistar. I was running conduit for 3 analyzers. And then after that, I went to Valero 4 and there I was an I&E tech contract; but I worked 5 with Valero side by side in their I&E. I worked 6 there about nine months. 7 And what I failed to mention is, 8 in between all those jobs I probably dug ditches, 9 welded garbage Dumpsters. Whatever it took to make 10 it. I've worked for James Davidson at one point in 11 time. We did high mass lighting for the Hardy 12 tollway, the Sam Houston tollway and the 1764. 13 Q. In looking over your resume, sir, there 14 was -- it appeared there were a lot of different 15 contractors at a lot of different job sites. So I 16 take it you have a pretty well rounded experience 17 working for different contractors and have 18 acclimated to the customs and habits of a lot of 19 different petrochemical plants. Would that be fair 20 to say? 21 A. I am not sure I understand the last part 22 of your question. Say that again. 23 Q. Okay. You have worked at a lot of 24 different petrochemical plants over the years? 25 A. Right.</p>
<p style="text-align: right;">Page 23</p> <p>1 assembled one of the largest DCS and PLC systems in 2 the world that is now in operation at Hawaii of 3 Saudi Aramco -- Hawaii of Saudi Arabia. But Aramco 4 owns it. Saudi Aramco. 5 But that job there started from 6 basically they had electricians that did all the 7 wiring. We built the subracks, assigned all the 8 addresses to the process cards. I assembled the 9 test equipment. We labeled and inspected all the 10 wires, simulated all the signals to and from the 11 DCS. I actually had an opportunity to work with 12 engineering on building graphics. 13 I tested heavy equipment, Bentley 14 Nevada 3500, did all the vibration and the thrust 15 bearing and the RPMs. I simulated all that with 16 the function generator, oscilloscope and power 17 supply. They let me build graphics. It was a very 18 good learning experience which is probably what got 19 me into my position today. 20 Q. Did the DCS's systems and the Saudi job 21 involve equipment that had built-in safety 22 interlocks? 23 A. Absolutely. 24 Q. And where did you go after you completed 25 that job?</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. And I take it you have gotten used to how 2 each of those plants tend to operate management 3 styles and operational styles? 4 A. Somewhat, yes. 5 Q. What is the overall basis of going from 6 job to job? You work for a lot of different 7 contractors at a lot of different plants. Did most 8 of those jobs just play out? They were specific 9 jobs for a specific time? 10 A. That's it, I was a contractor. 11 MR. BROWN: Objection, form. 12 A. I am a contractor, was a contractor. 13 Q. (BY MR. COON) And then when did you land 14 over at BP Texas City? About 2001? 15 A. Yes. 16 Q. And what were you hired in -- and that 17 was -- was that the first job you would have had 18 that you just call a permanent job for the on site 19 employer? 20 A. What I failed to mention is, I spent 21 three years at Exxon BPC. I spent about three 22 years at Lyondell Channelview. And I missed one 23 job in there. I did work at Exxon Mont Belvieu as 24 an I&E tech somewhere in there, and that was 25 actually the mother plant of the research center I</p>

7 (Pages 22 to 25)

<p style="text-align: right;">Page 26</p> <p>1 worked for at 5200 Bayway Drive, research center. 2 But I am not sure what you are driving at. 3 Q. Well, this job that you had with BP Texas 4 City, was that the first time you were working 5 directly for the facility as opposed to a 6 contractor? 7 A. Yes. 8 Q. And when you hired on there, was that a 9 union position? 10 A. Yes. 11 Q. Was that through the local PACE hall at 12 the time or OCAW hall? 13 A. I hired in through Certified. That was 14 my first union job. 15 Q. And when you went out to BP, what were 16 your responsibilities initially? 17 A. Initially I was on the turnaround crew, 18 and we did some capital projects, installation of 19 new instrumentation. Excuse me. 20 I installed a PLC in which I 21 terminated; and I did a lot of running conduit, 22 pulling wire. Before I actually got on the unit, 23 they had a vacuum tower project over in the 24 pipestills and they had a lot of problems with 25 making this new system work, and I actually</p>	<p style="text-align: right;">Page 28</p> <p>1 you worked out there before at any of those units, 2 the four units we are talking about are AU2, ISOM 3 ARU and the NDU? 4 A. Yes. 5 Q. Could you tell us generally the types of 6 things that you would do on those units in the 7 years prior to being permanently assigned there? 8 A. We would assist with startup and 9 turnarounds. We would calibrate valves, 10 instrumentation, troubleshoot loops that may have 11 needed attention during a shutdown or before a 12 shutdown or whatever the case may be. We helped 13 them bring the units up. 14 Q. And did you have a reporting supervisor 15 during that timeframe? 16 A. When I was still on the turnaround crew? 17 Q. Yes, sir. Back before you were 18 permanently assigned out there? 19 A. Yes, it was -- Gerald Lenning and Kevin 20 Husband was the first one, but he got promoted. 21 Then it was Gerald Lenning. 22 Q. Okay. And then once you were permanently 23 assigned out there, what did you do? What changed 24 with the roles? 25 A. Well, I became directly responsible to</p>
<p style="text-align: right;">Page 27</p> <p>1 diagnosed the problem and figured out what it was 2 and got the system to work, which saved them like, 3 I don't know, \$14,000 a week or a month. They gave 4 me an attaboy for it. 5 Q. When were you assigned full-time to the 6 ISOM area? 7 A. After I spent a year in turnaround, then 8 I interviewed and became a unit technician for AU2, 9 ISOM, NDU, and ARU. 10 Q. I think the NDU was built in, what, 2003? 11 A. I couldn't tell you. 12 Q. Was it completed by the time you were put 13 over in that area? 14 A. They were just finishing up completion. 15 Q. Had you worked in that area before, just 16 general I&E work? 17 A. In NDU? 18 Q. Yeah. 19 A. No. 20 Q. NDU or ISOM or ARU or AU2, that area of 21 the complex? 22 A. Okay. Restate your question. There is a 23 time conflict here. 24 Q. Yes, sir. Before you went out in 2003 as 25 a permanent assignment to the ISOM, NDU area, had</p>	<p style="text-align: right;">Page 29</p> <p>1 maintain and keep those units running safely. 2 Q. And how many people worked in your 3 department at that time? 4 A. When I first hired in, there was -- there 5 was three of us; but Kim Astin, I think he went 6 back to the turnaround group. And Charlie Johnson, 7 he was stepping up pretty frequently for the 8 supervisor, which left me on my own a lot. 9 Q. Who were you supposed to be reporting to? 10 A. Leonard Morrison is who I did report to. 11 (Exhibit Number 337 marked for 12 identification.) 13 Q. (BY MR. COON) Mr. Runfola, we have next; 14 what's marked as Exhibit 337. This is kind of a 15 flowchart of the managerial hierarchy at the plant 16 starting with Willie Willis at the top. I don't 17 know if you have seen these before. But basically 18 this is the West Plant hierarchy. If you look at 19 the top, you have Willie Willis and then you have 20 all the a little branches. If you look at the 21 right you have Mr. Paduh. And I am just trying to 22 get a proper flow. But if you turn to the next 23 page in the right column is a listing of the other 24 people who are on the ISOM unit and your name is 25 listed there.</p>

<p style="text-align: right;">Page 30</p> <p>1 A. Okay. So what are you saying? 2 Q. After you look at that. The question I 3 have is: Does that, to the best of your 4 recollection, accurately reflect the chain of 5 command as it related to your department flowing 6 back up to Mr. Willis? 7 A. I don't have this document memorized. I 8 can tell you that, you know, Leonard Morrison is my 9 supervisor. I can tell you that Ray Hawkins is the 10 superintendent, and I knew that Willie Willis was 11 the West Plant manager and John Paduh was my 12 bosses' boss. I mean, it's not really important 13 for me to know who all is who there. 14 Q. Okay. Did you ever report to anyone as 15 part of the normal chain of command to anyone other 16 than Morrison? 17 A. Yes. On late Fridays or on the weekends 18 when we worked, I reported to either Hawkins or 19 Breedlove or Paul Trapp or whoever was in charge at 20 the time and we would work for them. They would 21 take care of our time and give us the job 22 assignments. 23 Q. Did you work shift work out there or 24 pretty much straight days? 25 MR. BROWN: Objection, form.</p>	<p style="text-align: right;">Page 32</p> <p>1 have had out there? 2 A. It's my first salaried position ever. I 3 have been a contractor most of my life. 4 (Brief interruption.) 5 (Discussion off the record.) 6 THE VIDEOGRAPHER: Off the record, 7 10:46 a.m. 8 (Recess taken.) 9 THE VIDEOGRAPHER: On the record 10 10:52 a.m., beginning Tape 2. 11 Q. (BY MR. COON) Mr. Runfola, we took a 12 break for a minute for the court reporter to handle 13 some technical difficulties, I guess; but I want to 14 back up on a couple of things. 15 First, when I talked to you awhile 16 ago if you worked at a union hall when you first 17 went to work out at BP Texas City in 2001 or so, 18 was that an IBEW hall that you worked for? 19 A. I have never been associated with IBEW. 20 Q. Okay. I was just trying to figure out 21 what union you worked for. 22 A. IBEW is electrical. 23 Q. Okay. Which union would you have worked 24 with out there, was it PACE? 25 A. Yeah, after I hired on at BP, I think it</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Mostly straight days; but sometimes 2 during startup they would need crews to work, you 3 know, night shift to cover the units. 4 Q. (BY MR. COON) After you took this job in 5 2003, did you retain that for the next two years 6 until now or has something changed? Had any 7 additional promotions? 8 A. Well, to explain that question in full, 9 when I hired in BP, the day they interviewed me for 10 an I&E tech, my dream and my real goal was to 11 maintain, work on and program DCS and PLC and they 12 explained to me that if I worked hard, that 13 eventually there would be opportunities to possibly 14 move into one of those groups. And so ever since 15 they hired me as an I&E tech, I had been inquiring 16 with the process control group and engineers on how 17 to get into that group, who was hiring, what 18 projects were coming up and when there would be 19 openings. And just within the last seven months, I 20 have been given an opportunity or a promotion to be 21 a process control tech and this is my fifth time to 22 inquire into that job, and now I have the position. 23 Q. Is that a salaried position? 24 A. Yes, sir. 25 Q. Is that the first salaried position you</p>	<p style="text-align: right;">Page 33</p> <p>1 was after six months, then I was able to join the 2 union which was PACE. 3 Q. And you stayed a member of PACE until you 4 received this promotion to a salaried position in 5 the last year? 6 A. Yes. 7 Q. With the salaried position, are there 8 other incentives that come with it? 9 I've heard people talk about a VPP 10 program. Do you have any kind of incentives 11 attached to your salary? 12 A. Everybody gets VPP, hourly and salary. 13 Q. Is there anything else that attaches to 14 your position as an incentive? 15 MR. BROWN: Objection, form. 16 Q. (BY MR. COON) Do you get stock options 17 or some other kinds of benefits? 18 A. No. 19 Q. One of the thing I wanted to ask you 20 before we proceeded, do you have any family members 21 that work out at BP, either in-house or contract? 22 A. I have -- they are actually distant 23 cousins of my father. 24 Q. And what did they do out there? 25 A. I believe one is a -- some kind of</p>

<p style="text-align: right;">Page 34</p> <p>1 supervisor for either ultracracker or UU3. It's 2 Frank Palermo. And Steve Palermo, he is some kind 3 of superintendent for heavy equipment. 4 Q. Are you kin to a gentleman named Charles 5 Runfola? 6 A. That's my brother. 7 Q. Was he an employee or contractor out 8 there when the explosion occurred? 9 A. He was a contractor for Merit, I believe. 10 Q. Do you know what he did at that time? 11 A. I think he was doing instrument fitting. 12 Q. Do you know whether or not he filed any 13 type of claim associated to the explosion? 14 A. I believe he has. 15 Q. Have you ever talked to him about it or 16 his attorneys? 17 A. We don't really get along that well. We 18 are kind of not on good terms. 19 Q. I take the answer to that question was 20 "no"? 21 A. No, we don't really talk that much. 22 Q. Okay. In working out at Amoco, have you 23 received any type of capital budgeting experience 24 where you meet and discuss budgeting issue? 25 MR. BROWN: Objection, form.</p>	<p style="text-align: right;">Page 36</p> <p>1 know that is because when I was a contractor out 2 there when I very first went to work for Amoco we 3 worked there for a small project. I think it was 4 still Ultraformer Number 1. I don't know. 5 Q. Do you know when that unit had been 6 built? 7 A. I don't know exactly. I know it was 8 possibly the '30s maybe, '40s. 9 Q. Okay. You knew that the system that 10 attached to it was a vent stack as opposed to a 11 flare for emissions? 12 A. To be honest I was in charge of four 13 units. I could tell you that ARU made benzene and 14 toluene. And AU2 made paraxylene. I knew that 15 ISOM made octane booster and probably hexes or 16 something. And NDU was -- the new gasoline unit 17 was going to take extra amounts of sulfur out of 18 gasoline to pass new regulations. 19 But as far as any really process 20 knowledge of how everything worked, I was doing -- 21 it was very difficult because I had four units; and 22 to learn one entire process, if that's all you 23 worked on, would take at least a couple of years. 24 It's very difficult to know four processes. 25 Q. When you went out there in 2003 with the</p>
<p style="text-align: right;">Page 35</p> <p>1 A. Budgets are not my concern. 2 Q. (BY MR. COON) Have you ever been 3 involved in the budgetary meetings or any other 4 kind of meetings that they had where they discuss 5 the capital expenditures or operational budgets? 6 A. Not to my knowledge. 7 Q. Have you had any investigations 8 experience at BP Texas City? 9 A. Can you clarify that, be more specific? 10 Q. Yes, sir. Just investigating upsets, 11 injuries, things like that that need to be 12 reported. 13 A. No, I have never been a part of any 14 investigation team. 15 Q. Do you know very much about the history 16 of the Texas City facility, like when it was built, 17 those types of things? 18 A. No. 19 Q. Do you know when the ISOM unit was built? 20 A. I don't know the exact date, but I know 21 it's pretty old. 22 Q. Do you know what was there before the 23 ISOM unit? 24 A. I think it was an ultraformer. I think 25 it was Ultraformer Number 1. And the only reason I</p>	<p style="text-align: right;">Page 37</p> <p>1 permanent assignment to work those four units, did 2 anybody go through with you the history of upsets 3 or other problems they may have had on any of those 4 units. I mean, obviously the NDU had not had any 5 problems since it was brand-new, but the other 6 three? 7 A. No. 8 Q. Did you know anything about any 9 fatalities that had occurred on the three units 10 that had already been built there before the NDU? 11 A. Before the ISOM explosion, there was -- 12 there was a -- there was a valve. I don't 13 remember. It was in the ISOM that I worked on and 14 we was having a lot of problems with it. And about 15 the fifth time I worked on it, I was pretty upset 16 because it would jump up and down like a 17 jackhammer. It was real scary. So I was talking 18 to the operators that were in AU2 control room 19 which controls ISOM and, you know, you have 20 different shifts of operators. It just happened to 21 have been one certain shift and they told me that a 22 man had burned a life there before and one man had 23 got severely burned because, from what I 24 understand, the flanges were only four bolted. 25 They wasn't -- by a contractor which supposedly was</p>

<p style="text-align: right;">Page 38</p> <p>1 Brown & Root and that they didn't put all the 2 necessary bolts. And I am not sure exactly how the 3 story went, but I think that valve was jumping up 4 and down or something and came loose. The operator 5 got sprayed, and he went to go shut off a pump or 6 something and that's when he caught fire and burned 7 to death. And when I learned that the valve I was 8 working on, that somebody had died. I was pretty 9 upset.</p> <p>10 Q. Was that still the same type of valve 11 assembly when you were working on it, the four bolt 12 type valve?</p> <p>13 A. Let me explain what it was. There was 14 probably six to eight -- it's a flange. It has six 15 to eight holes. Okay. Supposedly the contractors 16 that put the valve in, they put four bolts versus 17 the full six or eight.</p> <p>18 Now, when I was working on it, it 19 had all the bolts in it and it was a brand-new 20 valve; but the problem with the valve was that it 21 was not the right application. It needed a -- it's 22 called an equal percentage valve is what was 23 required by Fisher, who does valve sizing.</p> <p>24 What we had was an RFCA or 25 something like that where we all sat down with all</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Yes.</p> <p>2 Q. Did you know anything about any of the 3 other fatalities that occurred in the years past at 4 BP Texas City?</p> <p>5 MR. BROWN: Objection, form.</p> <p>6 A. Well, I was friends with Bo Moore who got 7 burned up in UU3. What happened there, from what I 8 understand, it was a hidden danger that nobody 9 could have foreseen and somehow they had all the 10 valves blocked in and supposedly all the bleeds 11 open to where there would be no pressure.</p> <p>12 From what I understand happened is 13 when you have got a gate valve, you depend upon the 14 stem, the position of the stem to determine where 15 the valve is really closed. Well, since it was 16 very high pressure, I would say possibly 17 2500 pounds, there was some rust or corrosion 18 embedded in the seat of the valve that was blocking 19 off the immediate process danger and when they 20 started breaking these bolts, that came loose and 21 they got burned. Two of them died, and one of them 22 lived --</p> <p>23 Q. (BY MR. COON) Had you --</p> <p>24 A. -- by any means nobody could have seen 25 that coming, neither could the crafts person or</p>
<p style="text-align: right;">Page 39</p> <p>1 the superintendents, engineers, I&E and Doug 2 Schuller, a valve specialist, and we discussed the 3 problem with that valve and we came to the 4 conclusion that an equal percentage valve would be 5 better because the valve was going immediately into 6 this tower and it was getting back surge pressure 7 and then you have pressure from the pumps on each 8 side. So it was causing a jackhammer effect, and 9 this equal percentage valve would alleviate that 10 problem.</p> <p>11 And for the fact that valve tech 12 valve that was in there was -- it was operating at 13 minimum pressure, but all the other valve techs in 14 the unit were working just fine. It was just a bad 15 application. So we put a Fisher valve in there 16 which requires only 30 psi of air so that would 17 ensure that this valve would have no problem 18 working. And they put the valve in there and it 19 worked great. We never had another problem with 20 it, but it did upset me that nobody had told me the 21 previous history of the -- of the valve.</p> <p>22 Q. Well, and that is something you just want 23 to know for your own safety and protection if there 24 are things like that that had happened in the past, 25 right?</p>	<p style="text-align: right;">Page 41</p> <p>1 supervision.</p> <p>2 Q. Had you been in a position to observe 3 corrosion issues that were in the ISOM area before 4 the explosion in March?</p> <p>5 A. You can visibly see that they had 6 fiberglass patches on pipes and I, myself, had 7 discovered three major leaks in the ISOM where it 8 looked like water running out of a pipe and it 9 turned out to be hydrocarbon.</p> <p>10 Q. Mr. Runfola, when you went to work there 11 in 2001 or even at some point after you went to 12 work there, were you ever made aware of the history 13 of a fatality out at that plant occurring ever year 14 to 18 months for the last 30 years?</p> <p>15 MR. BROWN: Objection, form.</p> <p>16 A. The fatalities I knew about I told you 17 about and I am not real big on statistics, but I 18 imagine you can review the history of any chemical 19 plant and refinery and probably find a lot of 20 fatalities. You know, we're not making ice cream. 21 It is pretty dangerous in chemical plants and 22 refineries.</p> <p>23 MR. COON: Objection to the 24 responsiveness.</p> <p>25 Q. (BY MR. COON) I guess the question is:</p>

<p style="text-align: right;">Page 42</p> <p>1 Did you know there had been other fatalities that 2 had occurred out there other than the ones you 3 personally knew about? 4 A. No. 5 Q. Did you participate in any kind of 6 studies on behalf of BP into the overall condition 7 of the ISOM unit before the explosion in March of 8 2005? 9 A. No. My job is an I&E tech. I maintain 10 instrumentation for operations. That's what I do, 11 or what I did. 12 Q. Could you be more specific about what 13 your responsibilities are today? 14 A. My responsibilities today? 15 Q. Yes, sir. 16 A. It is to maintain, program and repair 17 DCS, PLC systems that actually run the plant, that 18 do control safety and instrumentation systems and 19 interlocks. But since I am pretty new to the 20 group, the programming and behind a lot of 21 experience that I will need, as anyone that would 22 go into my group, I am being sent to Honeywell 23 school in Phoenix, Arizona to learn the 24 fundamentals and eventually advanced controls to do 25 my job. But because of my well-rounded</p>	<p style="text-align: right;">Page 44</p> <p>1 A. -- calibration of new installed valves, 2 calibration of MOVs -- MOVs contain contacts and 3 stuff. Sometimes they go bad. You have to clean 4 them, repair them, replace them, whatever. 5 Instrumentation calibrations. We 6 have done calibrations of critical instrumentation. 7 I have -- I have done more work specifically on ARU 8 because I worked in ARU more than I did any other 9 unit, but when I had the opportunity I would 10 replace or repair any instrument that I had the 11 opportunity to. 12 Q. (BY MR. COON) Did you get to develop a 13 working relationship with the people that worked in 14 the control rooms, Mr. Briggs and Ms. Detmar and 15 people like that? 16 A. Absolutely. I worked very closely with 17 operations, process engineering and process 18 control. I would go above and beyond my job to get 19 them information they needed to make instrument run 20 correct and troubleshoot problems that they had in 21 the past to help them eliminate any kind of process 22 problems. 23 Q. Did you know anything about a project 24 that's called the project Clean Streams around 25 2003?</p>
<p style="text-align: right;">Page 43</p> <p>1 instrumentation experience with DCS in all the past 2 jobs and education, that's given me a very big jump 3 on what I am doing now. 4 Q. Is this an area of responsibility for the 5 West Plant or the whole facility or a certain area? 6 A. Actually, we're called infrastructure. 7 And it pertains to oil movements, the docks, the 8 environmental facility, and utilities which is 9 power to -- power distribution, steam, utility 10 distribution. 11 Q. Did you ever have an opportunity to work 12 in the ISOM control room before the explosion of 13 March, 2005 to familiarize yourself with the system 14 utilized there? 15 A. That was my -- 16 MR. BROWN: Objection, form. 17 A. -- unit, yes. 18 Q. (BY MR. COON) And could you tell us 19 examples of types of things that you would work on 20 as it relates to the control room in those units? 21 Just kind of walk us through the typical day or 22 week and what you would do out there? 23 A. We've done -- 24 MR. BROWN: Objection, form. Go 25 ahead.</p>	<p style="text-align: right;">Page 45</p> <p>1 A. I didn't know anything about it then. I 2 know very little about it now, but it is actually 3 part of one of my projects to this present day. 4 Q. What's involved in that project now? 5 A. The best I can tell you is they are 6 putting in a new precipitator in the CAT three to 7 knock out the catalyst that hits the atmosphere and 8 the precipitation or condensation will be shipped 9 from -- by a pipe from CAT three to the 10 environmental facility, and we'll clean that water 11 up before it's released to the bay. 12 And the other part of that, that I 13 know of, is highly advanced program controls in the 14 flares that have recently been installed and that 15 have already been installed. It's a sophisticated 16 control of natural gas and steam that enters the 17 flares that cleans up the exhaust going to the 18 atmosphere so that we can get the cleanest burn 19 possible. 20 Q. After there were three more fatalities in 21 2004, the plant manager, Mr. Parus, hired in a 22 consulting company to review a number of matters at 23 the plant. It's called the Telos Group. Are you 24 familiar with them? 25 A. Never heard of them.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q. Do you recall being asked to participate 2 in a survey or give statements to anyone in late 3 2004 regarding attitudes, perceptions regarding 4 safety, training, education, equipment, things of 5 that nature? 6 A. Yes, they have given us surveys to answer 7 from time to time, maybe once or twice a year. 8 Q. Do you have any recollection as to 9 whether or not you particularly participated in 10 this Telos Group survey in late 2004? 11 A. I can't -- I can't tell you for sure. 12 Q. Have you ever heard about that before 13 today? 14 A. No. 15 Q. The Telos Report? 16 A. I don't know what Telos represents. 17 Q. I want to turn our attention for a few 18 minutes, if I can, to March 23, 2005. And could 19 you tell us -- just start the day. I take it you 20 were working that day? It was, I believe, a 21 Wednesday. 22 A. I couldn't tell you what day it was. The 23 best I can remember of that day is right after 24 lunch I was sitting with Randy Epler and Howard 25 Powell; and we were in the AU2 maintenance</p>	<p style="text-align: right;">Page 48</p> <p>1 Mangrum and Teddy, they are two elderly fellows, 2 they were standing around just delirious. They 3 didn't know what happened. And they asked me where 4 am I going? What are you going to do? I told them 5 I am going to get the hell out of here. Follow me. 6 And so we went out the back of the AU2 maintenance 7 which is out the east side we crossed the catwalk 8 and we started heading across the AU2 flair yard 9 because it was -- now it is fenced in but it was 10 wide open. And Teddy was hurt. He was limping. 11 He was holding his back and leg and I offered to 12 help carry him, and Charles Abernethy had him on 13 one side and one of the other two guys had him and 14 we all made off together. Once we got to the end 15 of the flare yard, we figured we had ran far 16 enough, but there was still explosions going on as 17 we were running. 18 Q. Were you aware that the ISOM unit was 19 down at the time? 20 A. Yeah, it was down for a turnaround. 21 Q. Had you been involved in working on that 22 turnaround? 23 A. Previous to the turnaround, we had tested 24 critical instrumentation, what we could test. But 25 we couldn't test all the critical instrumentation</p>
<p style="text-align: right;">Page 47</p> <p>1 building, which is about 150 yards away from the 2 ISOM. In between the ISOM and the AU2 maintenance 3 building is the cooling tower and the AU2 control 4 room. 5 And we were discussing, you know, 6 just whatever people talk about after lunch, just 7 joking around. And all I remember is seeing -- it 8 was like a blurry wave, kind of like your vision 9 got blurry. And then we heard a real deep thud 10 that sounded like a rose-torch when you light it 11 up. I don't know if you have ever heard a torch 12 light, but that's what it sounded like, but like a 13 giant -- well, that did have somewhat of a 14 concussion but it wasn't really severe but it was 15 scary. And the two guys, they hit the floor and I 16 ran for the locker room. And Randy was trying to 17 grab my leg to pull me down because those guys knew 18 what was coming. I didn't. And I ran for the door 19 and when I opened the door, that's when the 20 explosion hit and half -- half of that safety glass 21 that's got the wires in it disintegrated in my 22 face. And I inhaled -- all I seen was this huge 23 black cloud. Everything got black. I coughed up a 24 lot of crap. 25 And I ran outside, and David</p>	<p style="text-align: right;">Page 49</p> <p>1 because there was certain instrumentation that had 2 to be tested when the unit was down, otherwise we 3 would trip the unit or there was a huge possibility 4 we could shut the unit down. So we were waiting 5 for ISOM to be shut down to test the rest of our 6 criticals. 7 Q. And were you able to test them all? 8 A. No. 9 Q. Why not? 10 A. The day that we were given priority to 11 test the remaining criticals before the startup, I 12 was coming back from NDU. I had just -- was 13 troubleshooting some kind of instrument they were 14 having problems with and me and Eddie Martinez had 15 met on the side of ISOM, and I said, "Well, are you 16 ready to get those criticals?" He said, "They are 17 not going to let us do them." I said, "What do you 18 mean?" He said, "Scott Yerrell said they are not 19 going to let us finish testing the criticals, that 20 they are going to start the unit up and run it." 21 So at that point in time Eddie and 22 I went to Leonard Morrison and told him the 23 situation and Leonard said he would take care of 24 it, and he said to go to ARU because ARU was really 25 the bulk of our work. That unit was down, and</p>

<p style="text-align: right;">Page 50</p> <p>1 there was a lot of work going on. They were 2 replacing towers. They were putting a whole new 3 line of instrumentation in, valves, alarms. There 4 was a lot going in ARU. We had to be involved in 5 it. 6 Q. Mr. Runfola, in your statement you were 7 talking to the people who were asking you questions 8 about a backlog of repairs that was already out at 9 the ISOM unit. Do you recall what you were talking 10 about, what the backlog of repairs for that unit 11 would have been? 12 A. Backlog? 13 MR. BROWN: Objection, form. 14 A. The only backlog would be something that 15 I may have worked on and made a mental note of or a 16 maintenance note of in my little black books where 17 I kept notes of things that we may have worked on, 18 but we couldn't repair it or we were waiting on 19 parts to repair it. That would be the only thing 20 as far as a backlog that I could recall as my 21 mental -- or something that I personally wrote 22 down. 23 Q. (BY MR. COON) When you talked to your 24 supervisor that morning, Mr. Morrison, regarding -- 25 maybe I need to back up some.</p>	<p style="text-align: right;">Page 52</p> <p>1 you were going to work on some critical 2 instrumentation while it was down and you were told 3 by Mr. Yerrell that they were starting the unit up? 4 A. That was not the day of the explosion. 5 Q. Okay. 6 A. That was -- I don't know maybe two or 7 three days prior. We had tested maybe five or six 8 criticals as a guess, but we had -- I think we had 9 half the criticals tested and there was the other 10 half that needed to be tested, required the unit to 11 be shut down so we wouldn't shut the unit down in 12 the process of testing the criticals. 13 Q. Did it frustrate you that the company had 14 made the decision to start the unit back up without 15 you and your crew having an opportunity to complete 16 the inspect involved in critical instrumentation? 17 MR. BROWN: Objection, form. 18 A. Yes, it upset me. 19 Q. (BY MR. COON) Did you complain to anyone 20 about that? 21 A. Yes, we complained to Leonard Morrison. 22 Q. Do you know if Mr. Morrison took this 23 upstairs to anyone else? 24 A. I don't know. 25 Q. Did you feel that they were putting the</p>
<p style="text-align: right;">Page 51</p> <p>1 You said you guys were going out 2 to check some critical -- safety critical systems 3 or something. What were you trying to look at that 4 day? 5 MR. BROWN: Objection, form. 6 Q. (BY MR. COON) Was it critical alarms? 7 A. Are you talking about the day I met Eddy 8 Martinez? 9 Q. The morning of the explosion. 10 A. The morning of the explosion I really 11 don't remember. All I remember is after lunch when 12 the explosion happened. I remember I was probably 13 working in ARU. I was on standby for ISOM if they 14 needed anything just standby for AU2 or NDU, but 15 the bulk of our work was in ARU. ARU is probably 16 four times the size of ISOM, and there was an 17 extreme amount of work going on there. 18 Q. But you told me a while ago you were 19 going to work on some critical instrumentation at 20 the ISOM. 21 Did I misunderstand you? 22 A. When? At what point in time? 23 Q. That day. 24 I thought earlier in your 25 testimony you said that you went over to the ISOM,</p>	<p style="text-align: right;">Page 53</p> <p>1 unit people at risk in starting the system back up 2 without completing the critical instrumentation 3 tests? 4 MR. BROWN: Objection, form. 5 A. They were putting everybody at risk. 6 Q. (BY MR. COON) Had you had those kind of 7 problems in the past working out there at other 8 units -- 9 MR. BROWN: Objection, form. 10 Q. (BY MR. COON) -- or even at the ISOM? 11 A. In the past -- 12 MR. BROWN: Objection, form. 13 A. In the past they had started units up 14 without I&E, and it came a point in time to where I 15 got upset and I threw the work orders down in front 16 of operations and I told them, do you know what? 17 You start these units up and shut them down without 18 I&E you can repair them without I&E. And I went 19 and took that to my supervisor, Leonard Morrison, 20 and a sometime after that like the next time they 21 started up ARU or shut it down they started 22 involving I&E. They started getting us more 23 involved in it, and this was prior to the 24 explosion. 25 As you can imagine, it was my unit</p>

<p style="text-align: right;">Page 54</p> <p>1 and I take pride in what I do and I wanted to make 2 sure not just criticals, but all the 3 instrumentation. I worked hard and especially in 4 ARU. I replaced a lot of new instrumentation. I 5 put some new applications in ARU that solved level 6 problems that they don't have any more to help keep 7 the unit on spec and to keep it from having upsets. 8 Q. (BY MR. COON) Did it frustrate you 9 working out there in dealing with the management 10 above you in getting the things that you needed to 11 do your job effectively? 12 MR. BROWN: Objection, form. 13 A. They gave me what I needed to do my job 14 effectively, but I wanted test equipment that was 15 certified to test equipment according to ISO 9002. 16 I was wanting to test instrumentation as I learned 17 from other places that were actually ISO 9002 18 certified and that requires certified test 19 equipment. 20 But that doesn't stop me from 21 doing my job. I mean, with my experience, you 22 know, I can tell if you this test equipment is 23 working good or not or the chances of it being 24 inaccurate. And as far as the units that I worked 25 on, it's not extremely critical on most</p>	<p style="text-align: right;">Page 56</p> <p>1 MR. BROWN: Objection, form. 2 A. I have seen, you know, some ratty looking 3 instrumentation. For example they had a proximity 4 switch wired to a valve, which is something that I 5 could have repaired if given the time to get the 6 part. I have seen fiberglass patches on piping and 7 as you know I have discovered three major leaks in 8 the ISOM. So, yeah I was concerned about it. 9 Q. (BY MR. COON) Did you ever address those 10 with other people in management? 11 A. Absolutely. 12 Q. Who were the people that you attempted to 13 go to try to get their attention to fix some of 14 these problems that you observed? 15 A. I addressed whoever was supervision in 16 AU2 at the time. It could have been Breedlove. It 17 could have been Charlie Logan, Scott Yerrell. I 18 addressed Ray Hawkins, Willie Willis. 19 Q. Did you get the impression that it was 20 just going in one ear and out the other or that 21 they had other pressures to keep the units running 22 or keep the budgets down. Did you get any read on 23 why it was they wouldn't respond as they should 24 have to your concerns? 25 MR. BROWN: Objection, form.</p>
<p style="text-align: right;">Page 55</p> <p>1 applications to have, you know, precise test 2 equipment but it would be nice. But there are 3 other units out there that have high pressure, very 4 hazardous material like alky three that, you know, 5 I would almost guarantee that they are using 6 certified test equipment and that they are, you 7 know, following all the procedures. 8 Q. (BY MR. COON) With respect to the ISOM 9 unit, you told us earlier it was one of the -- I 10 think you described it was the older unit. It had 11 a lot of problems, didn't it, with maintenance just 12 in terms of its condition? 13 MR. BROWN: Objection, form. 14 A. I don't know as far as problems with 15 maintenance. I know as far as my job, I didn't get 16 to repair and work on all the things that I would 17 have liked to have done because I felt it needed 18 more work in some areas. 19 Q. (BY MR. COON) And, in fact, I think you 20 had described in your statement that you felt the 21 ISOM was a piece of junk? 22 A. Absolutely. 23 Q. And it had -- you could visualize it 24 where chunks of concrete would fall off the pipe 25 racks. You had seen some of that before?</p>	<p style="text-align: right;">Page 57</p> <p>1 A. Well, Willie Willis and Ray Hawkins, when 2 we got those guys, when they came on our units, 3 they were doing a lot to fix the units up. They 4 were coming out of their way to discuss issues with 5 us, and they would follow up on an issue if you 6 gave them an issue. They would come out of their 7 way to talk to you. 8 Q. (BY MR. COON) If you were getting that 9 type of response, then why was it that there was so 10 much deferred maintenance and problems out at the 11 unit? 12 MR. BROWN: Objection, form. 13 A. My job isn't coordinating maintenance. 14 If I see a problem in the units, I would tell 15 operations. I would tell a superintendent if they 16 were around. I would tell my supervisor. I would 17 notify another I&E tech because we didn't always 18 get the same work orders. I would pass on 19 information to another tech. Hey, you know, this 20 is what I found with that instrument. If you get 21 the job, you'll have an idea of what's going on. I 22 wasn't really into planning or coordinating or what 23 was going on with everything in maintenance. 24 Q. (BY MR. COON) What kind of problems were 25 you guys having keeping track of the critical</p>

<p style="text-align: right;">Page 58</p> <p>1 instrumentation and the history associated with it? 2 MR. BROWN: Objection, form. 3 A. The main problem we had was lack of 4 documentation on ARU and ISOM and we didn't have 5 any procedures on ARU or ISOM for testing critical 6 instrumentation, but that doesn't mean we couldn't 7 test them. What it -- what a procedure is is a 8 combination of I&E's job and operation's job and 9 together it forms a job scope so when we are out in 10 the field together, you as an operator know what I 11 am going to do and me as an I&E tech, I know what 12 you have to do to put this equipment in a certain 13 state so I can test it. 14 Q. (BY MR. COON) So they just left you with 15 a gap in communications? 16 MR. BROWN: Objection, form. 17 A. It does leave a certain amount of gap in 18 communications. 19 Q. (BY MR. COON) To your knowledge, was 20 this something that was ever addressed with 21 management? 22 MR. BROWN: Objection, form. 23 Q. (BY MR. COON) People above you? 24 A. Yes. Yes, we confronted them about lack 25 of procedures and documentation.</p>	<p style="text-align: right;">Page 60</p> <p>1 MR. BROWN: Objection, form. 2 A. Sight glass is your primary element of 3 level, but you have to know how to properly read a 4 sight glass. Just because there is a level in the 5 sight glass, doesn't mean it's a good level. You 6 have to monitor that level and if it's perfectly 7 still, there is a good chance that sight glass is 8 plugged up; but if you see the level move like the 9 water would in a swimming pool, up and down, that's 10 a good indication that that's a good level in sight 11 glass. That level in the sight glass is your 12 reference to any other instrumentation. 13 Q. (BY MR. COON) Were you aware of 14 occasions in which maintenance conditions were such 15 that the sight glass was hard to read because it 16 was dirty? 17 MR. BROWN: Objection, form. 18 A. Particularly in ARU and ISOM there were 19 some sight glasses that were difficult to read, but 20 they weren't impossible to read, but they were 21 difficult. 22 (Discussion off the record.) 23 Q. (BY MR. COON) Mr. Runfola, in your 24 statement you had also lodged some general 25 complaints about the type of equipment you had been</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. You talked about some of this being 2 tracked in a database, the document? 3 A. Right. 4 Q. The Honeywell Document and that, in your 5 opinion, there was a lot of instability issues 6 associated with tracking information that way? 7 A. Yeah, Document is a software database 8 designed by Honeywell, and it was very unstable. 9 It would lock up, and they would lose data a lot. 10 And when I say lose data, the data we would enter 11 as far as when we tested something and what we 12 tested. Sometimes we had to go back and retest 13 things to re-enter the data because they lost it. 14 And supposedly there is supposed to be procedures 15 in Document and there are procedures in Document 16 for some units, but unfortunately on my units there 17 was no procedures in document. 18 Q. Okay. You also worked on the level 19 indicators at the ISOM unit? 20 MR. BROWN: Objection, form. 21 A. I worked on level indicators in all four 22 units. 23 Q. (BY MR. COON) What was your observations 24 with respect to utilizing these sight glasses on 25 the towers?</p>	<p style="text-align: right;">Page 61</p> <p>1 provided -- I'll want to just bring a few of them 2 up to your attention. You were talking about 3 testing equipment that hadn't been certified? 4 MR. BROWN: Objection, form. 5 Q. (BY MR. COON) Do you recall your 6 discussions with the -- 7 A. Right. 8 Q. Can you lab elaborate on that? 9 MR. BROWN: Objection, form. 10 A. That's going back to ISO 9000. I was 11 wanting to get our system of testing more up to 12 standard, today's standard in the industry, ISO 13 9000 which when you have certified test equipment 14 basically you have let's say this piece of 15 equipment that is either certified and it has a 16 reference number. Okay. And so if you have a 17 piece of like a gauge or something that you want to 18 use on instrumentation, you can compare it to this 19 certified piece of equipment; and you would have a 20 traceable reference number. What I was trying to 21 do was set up in ISOM it was basically a place of 22 documentation and a place to work, but I was trying 23 to set up an I&E shop in ISOM which I was about 24 halfway there and basically use my skills that I 25 had used in mechanical integrity programs that I</p>

16 (Pages 58 to 61)

<p style="text-align: right;">Page 62</p> <p>1 worked to set up critical instrumentation loop 2 folders and documentation. And I wanted certified 3 test equipment so when a tech calibrated a specific 4 piece of equipment, it would go down on a document 5 and the reference number of that certified 6 instrument would also be documented. 7 So if something happened, if we 8 seen some kind of inconsistency with 9 instrumentation, we could reference it back to a 10 certain instrument. And that's basically ISO 9000. 11 That's the standard of the industry. 12 Q. (BY MR. COON) What I had seen in your 13 statement you had complaints for instance where you 14 knew the document was unreliable and unstable. And 15 so you just wanted filing cabinets and a place to 16 store everything? 17 A. Right. 18 MR. BROWN: Objection -- 19 Q. (BY MR. COON) And you had resistance 20 from management just getting file cabinets and a 21 plates to set up a backup system, didn't you? 22 MR. BROWN: Objection, form. 23 A. I had no support from my immediate 24 supervisor, but I did have support from operations. 25 Actually, I kind of went around behind his back and</p>	<p style="text-align: right;">Page 64</p> <p>1 I&E issues? 2 MR. BROWN: Objection, form. 3 A. I would have thought that they would have 4 been more organized, but that was just the ISOM 5 unit and that AU2 maintenance area. I worked in, 6 you know, coker. I worked in a resid. I worked in 7 alky three. And when I was in the turnaround group 8 and those techs are a lot more organized. There 9 was techs out there that had certified test 10 equipment, that had filing cabinets with documents 11 in it, you know, they had the equipment in the 12 facilities that they needed to perform their job. 13 Q. (BY MR. COON) Do you know why the ISOM 14 unit tended to be this red-headed stepchild? 15 A. Well, it wasn't just the ISOM. It was 16 all four units, and no, I don't know. 17 MR. BROWN: Objection, form. 18 A. The best guess I could make is that there 19 was too much responsibility for everybody from 20 maintenance to operations to management, everybody 21 was understaffed and there is a lot of 22 responsibility with four units. 23 Q. (BY MR. COON) Do you know why that 24 understaffing had occurred? 25 MR. BROWN: Objection, form.</p>
<p style="text-align: right;">Page 63</p> <p>1 used operations to get this shop set up. 2 Ray Hawkins actually purchased me a PC for I&E 3 because we were in a shop, AU2 maintenance, you got 4 pipe fitters, machinist, I&E, welders. It's like 5 15 people for one PC. And I needed another PC so I 6 approached Ray Hawkins and he said he would 7 purchase one for us. 8 Q. (BY MR. COON) And in addition to having 9 to scramble and get a personal computer there were 10 also I think some phone issues just trying to get 11 setup with the phone? 12 A. Yeah, we needed a phone. 13 MR. BROWN: Objection, form. 14 A. As an I&E tech, you know, there's times 15 where you need to talk to vendors, engineers, 16 whatever. And we all had to share the same phone 17 and in the AU2 maintenance shop, they had a phone 18 in one room and PC in the other and everybody knows 19 in today's time you need a phone and a PC right 20 next to each other. So we were requesting a phone 21 in the -- that I&E shop that I was organizing. 22 Q. (BY MR. COON) Well, when you came out 23 there in 2003 with full-time responsibility for 24 that area, was it surprising to you that there was 25 so much disarray and disorganization in tracking</p>	<p style="text-align: right;">Page 65</p> <p>1 A. I don't have any idea. 2 Q. (BY MR. COON) Do you know if there had 3 been reductions in force out at those units through 4 attrition and layoffs and other means? 5 MR. BROWN: Objection, form. 6 A. Not in the time I was there. 7 Q. (BY MR. COON) Are you aware any of 8 significant budgetary cuts that went into place at 9 BP Texas City around 1999 or 2000? 10 A. No. 11 Q. Did you know in the control room that 12 there used to be two board operators in the ISOM 13 area? 14 MR. BROWN: Objection, form. 15 A. No. The only thing I know is that they 16 had one board operator for AU2 and one board 17 operator for ISOM. 18 Q. (BY MR. COON) Did you know in the unit 19 where Mr. Briggs was working that day, that used to 20 be a position held by two board operators? 21 MR. BROWN: Objection, form. 22 A. I didn't know that. 23 Q. (BY MR. COON) Did you know that 24 management had made a decision to reduce that to 25 one board operator over the objections of the union</p>

<p style="text-align: right;">Page 66</p> <p>1 a few years prior to this incident? 2 A. I didn't know that either. 3 Q. Did you know Mr. Trapp? 4 A. Yeah, Paul Trapp. 5 Q. Did you know that Mr. Trapp -- let me 6 back up. 7 Did you know that the union filed 8 a grievance against BP in 2001 for not at least 9 having two board operators in the unit when they 10 were starting a unit up? 11 A. I didn't know that. 12 Q. Did you know that Mr. Trapp personally 13 requested that management provide two board 14 operators in the control room after the NDU system 15 went in in 2003? 16 MR. BROWN: Objection, form. 17 A. I didn't know that either. 18 Q. (BY MR. COON) And did you know that that 19 request was rejected? 20 MR. BROWN: Objection, form. 21 A. I didn't know. 22 Q. (BY MR. COON) Do you think Mr. Trapp was 23 prudent in requesting that two board operator be in 24 there after the NDU system was tied in to it? 25 MR. BROWN: Objection, form.</p>	<p style="text-align: right;">Page 68</p> <p>1 manual for machinists and I&E so NDU wasn't a 2 problem. AU2, it has pretty much everything you 3 need in the control room. It's ARU and ISOM, guess 4 because of their age, I don't know, but they are 5 lacking documentation severely as far as 6 instrumentation and electrical. Now, they have 7 operation procedures and stuff like that and on 8 certain equipment, you know. That's really for 9 operations. 10 Q. Well, and with ISOM being an older unit 11 you had talked in your statement about problems 12 with some of the equipment like the J2 compressor. 13 Do you recall that? 14 A. Yes. 15 MR. BROWN: Objection, form. 16 Q. (BY MR. COON) What were the problems 17 with the J2 compressor? 18 MR. BROWN: Objection, form. 19 A. Basically they told us that they were 20 going to shut the J2 down or J1. I don't remember 21 which. I think there is two of them. There is J1 22 and J2. Which one are we talking about? Excuse 23 me. 24 Q. (BY MR. COON) It just says here in your 25 statement you had said the J2 compressor was a</p>
<p style="text-align: right;">Page 67</p> <p>1 A. What I can tell you about Paul Trapp is 2 when they said they didn't have the money for 3 certain instrumentation, he would put his neck on 4 the line and buy it anyway for me because I could 5 convince him that I could solve process issues and 6 unit upsets, particularly the ARU with level 7 applications, and he would -- he spent \$10,000 on 8 each instrument on three or four different 9 occasions with me convincing him that I could solve 10 solutions. 11 Paul Trapp, he would spend the 12 money if he had the absolute power, and he would 13 put his butt on the line for it if he could. 14 Q. (BY MR. COON) Do you know why they have 15 so few reference materials for you guys in the ISOM 16 unit? 17 MR. BROWN: Objection, form. 18 A. Reference... 19 Q. (BY MR. COON) Well, in your statement 20 you talk about there was limited access through 21 manuals either the OEM manuals or the SOP manuals. 22 A. They built NDU brand new so they had an 23 entire filing cabinet with hard copies of all the 24 loops and manuals you need on NDU, okay, and before 25 they finished it, I requested that we get every</p>	<p style="text-align: right;">Page 69</p> <p>1 piece of junk. 2 MR. BROWN: Objection, form. 3 A. The J2? 4 Q. (BY MR. COON) Yes, sir. 5 A. I believe -- It is a piece of junk. I 6 don't think it ever worked, right. If I am not 7 mistaken the J2, let's see, it was designed for one 8 application and they re-engineered it for another 9 application; but we had a lot of problem with it. 10 We could never get it to run right. 11 Q. Was there anything that could have been 12 done about it, replacement or redesigning? 13 MR. BROWN: Objection, form. 14 A. The best I could understand, they had an 15 engineer come out; and we worked on it, replaced 16 valves, replaced instrumentation. We replaced 17 hundreds of thousands of dollars on internal parts, 18 and the guy told him, you know, there is people 19 that use this pump for this application but it 20 really isn't designed for it so you are not really 21 going to get the life out of it you are expecting. 22 In other words it will run, it will do a good job 23 but it's just not going to last a long time. 24 Q. (BY MR. COON) Do you know if they ever 25 discussed just going back and re-engineering it</p>

<p style="text-align: right;">Page 70</p> <p>1 properly?</p> <p>2 A. No. I mean, we all hoped they would</p> <p>3 either do away with it or put something new in it</p> <p>4 because it was a real pain.</p> <p>5 Q. Tell me about this Loveland system.</p> <p>6 MR. BROWN: Objection, form.</p> <p>7 A. Loveland they used on the coker which</p> <p>8 when I was in the turnaround group I went to the</p> <p>9 coker and worked for a little while and a tech</p> <p>10 showed me, you know, that they connect this</p> <p>11 Loveland calibrator to a transmitter and when they</p> <p>12 do a calibration the Loveland records whether it</p> <p>13 passes or fails. Okay. And then they take that</p> <p>14 calibrator and they download that information in to</p> <p>15 Honeywell Document, the database.</p> <p>16 Q. (BY MR. COON) That was the database you</p> <p>17 had said was unstable and unreliable?</p> <p>18 A. Yes, sir. At ISOM, NDU, AU2, ARU we</p> <p>19 basically entered in a manual event. We would</p> <p>20 enter it in as yes, it passed or failed versus the</p> <p>21 test equipment downloading the information. So we</p> <p>22 were utilizing it, the Database, but we didn't</p> <p>23 actually utilize test equipment that they provided</p> <p>24 for it and we weren't really using it the way it</p> <p>25 was designed to be used.</p>	<p style="text-align: right;">Page 72</p> <p>1 basically the software -- if you didn't enter</p> <p>2 things in exact order, it would just lock up. So</p> <p>3 if you said, "Oh, no, I didn't want to click that,"</p> <p>4 you would try to go back and click something else</p> <p>5 it would lock up. You would have to shut the whole</p> <p>6 computer down, start it up again and re-log in to</p> <p>7 the database and start over. So it was real</p> <p>8 annoying, and he thought that if we got some</p> <p>9 training it may help. We didn't really think it</p> <p>10 would make a difference. We just thought it was a</p> <p>11 piece of junk.</p> <p>12 Q. A lot of stuff in that ISOM unit seemed</p> <p>13 to be a piece of junk.</p> <p>14 A. There were some things --</p> <p>15 MR. BROWN: Objection, form.</p> <p>16 A. It needed work.</p> <p>17 Q. (BY MR. COON) The control room itself at</p> <p>18 the ISOM, you told us earlier you were familiar</p> <p>19 with safety interlocks?</p> <p>20 A. Somewhat, yes.</p> <p>21 Q. And it's our understanding there were no</p> <p>22 safety interlocks for the ISOM unit?</p> <p>23 MR. BROWN: Objection, form.</p> <p>24 A. Okay. First of all, I would have to</p> <p>25 fully understand the process of that unit, and I</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. Did BP provide adequate training for you</p> <p>2 and the other I&E guys on the utilization of the</p> <p>3 Loveland system?</p> <p>4 MR. BROWN: Objection, form.</p> <p>5 A. Leonard had talked about or made attempts</p> <p>6 to get us training on it, but they had some</p> <p>7 problems with turnover on the person that actually</p> <p>8 took care of Loveland and Document. And I think</p> <p>9 they lost the guy that was really their expert on</p> <p>10 it, and the person that took the -- his place, I</p> <p>11 believe they had to go through a pretty stiff</p> <p>12 learning curve to figure out what was going on, how</p> <p>13 it worked and all the issues with up loading and</p> <p>14 downloading information and why it was locking up.</p> <p>15 There was some software issues involved with it, I</p> <p>16 am pretty sure.</p> <p>17 Q. (BY MR. COON) And as a result of all of</p> <p>18 that you guys never really got good training on the</p> <p>19 Loveland system?</p> <p>20 A. No. We didn't, but other techs have.</p> <p>21 Q. Is that something that you ever</p> <p>22 complained to anyone in management, Mr. Morrison or</p> <p>23 anyone else?</p> <p>24 A. Yeah, we brought it up to Leonard a</p> <p>25 couple of times, and explained to him that</p>	<p style="text-align: right;">Page 73</p> <p>1 would have to have been several years on that unit</p> <p>2 with testing criticals and have some knowledge of</p> <p>3 process control to fully understand if there was an</p> <p>4 interlock system and how it worked.</p> <p>5 Q. (BY MR. COON) Did you have any dealings</p> <p>6 with Ms. Detmar regarding what was and wasn't on</p> <p>7 the Honeywell system in there and what could be</p> <p>8 added to it with software packages like safety</p> <p>9 interlocks?</p> <p>10 A. If we ever had any questions or needed</p> <p>11 any help, Bobbie was a very good source of help.</p> <p>12 She would go out of your way to help you with any</p> <p>13 kind of problem or question you had and in the same</p> <p>14 token, I would do the same with her. I worked real</p> <p>15 close with her in operations and engineering on any</p> <p>16 kind of problems they had.</p> <p>17 Q. Would it be fair to say that with respect</p> <p>18 to your role in I&E that whether a system did or</p> <p>19 didn't have safety interlocks or should or</p> <p>20 shouldn't have it, that really wasn't your issue?</p> <p>21 A. That is a whole other professional</p> <p>22 discipline of its own. People that design and</p> <p>23 implement SIS, safety instrumentation systems,</p> <p>24 typically those people have 20 plus years in</p> <p>25 engineering and they have way more experience than</p>

<p style="text-align: right;">Page 74</p> <p>1 I have, but I do understand the systems if I could 2 study it.</p> <p>3 Q. Now let's go to the trailers. I 4 understand from your statement that you had some 5 things to say about the trailer siting out -- that 6 was in place at BP at the time of this explosion. 7 Do you recall talking about those things in your 8 statement?</p> <p>9 MR. BROWN: Objection, form.</p> <p>10 A. Yes. The initial concern was a trailer 11 under DDU flare because it was very obvious. I 12 mean, when you see a trailer 5 feet away from a 13 flare; and you know from past experiences that 14 flares occasionally spew over and fire hits the 15 ground, that's why they have a designated area 16 where there is nothing. Just ground, caliche rock, 17 no grass, nothing.</p> <p>18 Q. (BY MR. COON) They want the flares 19 isolated in the area so that if liquid does come 20 out and fires drop down to the base, nothing gets 21 burned other than dirt?</p> <p>22 A. Right.</p> <p>23 Okay. Now, the trailers between 24 NDU and ISOM, that was also an issue.</p> <p>25 Q. Okay. Let's take them one at a time</p>	<p style="text-align: right;">Page 76</p> <p>1 THE VIDEOGRAPHER: Off the record 2 at 11:49 a.m., ending Tape 2. 3 (Recess taken.) 4 THE VIDEOGRAPHER: On the record, 5 1:11 p.m., beginning Tape 3. 6 Q. (BY MR. COON) Mr. Runfola, we took a 7 lunch break. And we left off, and we were just 8 about to discuss some trailer siting issues. 9 We talked very briefly about the 10 trailer locations immediately adjacent to some 11 flares. 12 A. Right. 13 Q. And I wanted to follow up with you more 14 specifically there. 15 Which units did these flares tie 16 to? 17 A. The DDU flare, I imagine. It ties to the 18 DDU. 19 Q. Okay. 20 A. And in some cases, I think they have 21 other flares that tie in to other units, but I am 22 not really familiar with that. The AU-2 flare ties 23 in with the AU-2. I mean, those are the only ones 24 I am really familiar with. 25 Q. Okay. Had you observed trailers parked</p>
<p style="text-align: right;">Page 75</p> <p>1 because you talked about both. Let's talk about 2 these trailers that you had observed parked in the 3 immediate vicinity of flares.</p> <p>4 A. Okay.</p> <p>5 Q. Okay. You had observed that before while 6 you were working out there?</p> <p>7 A. Yes.</p> <p>8 Q. And you had expressed a concern to 9 management about the potential risk associated with 10 parking these temporary trailers under these 11 flares?</p> <p>12 MR. BROWN: Objection, form.</p> <p>13 A. Absolutely.</p> <p>14 Q. (BY MR. COON) Could you tell us who you 15 talked to about that and what your expressed 16 concerns were?</p> <p>17 A. We expressed it to AU2 supervisors, my 18 supervisor, the superintendent and Willie Willis.</p> <p>19 THE WITNESS: Do you mind if I 20 take a break?</p> <p>21 MR. COON: Yes, sir. This is a 22 good time to take a break and pick back up.</p> <p>23 MR. BROWN: Take a lunch break 24 now?</p> <p>25 MR. COON: We can.</p>	<p style="text-align: right;">Page 77</p> <p>1 in the immediate vicinity of both of those flares, 2 both the DDU and the AU-2?</p> <p>3 MR. BROWN: Objection, form.</p> <p>4 A. Specifically the DDU.</p> <p>5 Q. (BY MR. COON) Now, you were not a 6 general safety person out there, were you?</p> <p>7 A. No.</p> <p>8 MR. BROWN: Objection, form.</p> <p>9 Q. (BY MR. COON) But nonetheless you still 10 were able to observe something you perceived to be 11 a significant safety hazard at the facility and 12 just called it to the other person's attention 13 because you felt it was the right thing to do?</p> <p>14 A. Yes.</p> <p>15 Q. And in this case with respect to the 16 trailers that were immediately adjacent to the 17 flare coming from the DDU, you actually went to 18 other people in management to express your concern?</p> <p>19 A. Yes.</p> <p>20 Q. And the concern was that you could have a 21 vapor cloud come out of that flare and actually 22 then have liquid coming down that would ignite and 23 come all the way back down to the ground and catch 24 whatever was by the flare at the base on fire?</p> <p>25 MR. BROWN: Objection, form.</p>

<p style="text-align: right;">Page 78</p> <p>1 A. That's true, but typically, you know, 2 they build a flare yard. There is nothing supposed 3 to be within so many feet of the flare. That's why 4 they make a flare yard. And there is just caliche 5 rock, nothing that will burn. And they had this 6 particular trailer was -- man, I want to say it 7 looked pretty close 6, maybe 10 feet away from the 8 flare. 9 Q. (BY MR. COON) And your concern as I 10 understand it, was that you were aware that 11 sometimes the flares could puke hydrocarbons out 12 and ignite in liquid form and come raining down -- 13 A. Yes. 14 Q. -- and spiral onto the ground? 15 MR. BROWN: Objection, form. 16 A. That particular trailer underneath the 17 flare at the DDU, if they were to have a process 18 upset, there is the possibility that in the event 19 that they don't have enough steam or whatever the 20 case may be in the process, there is the 21 possibility that the flare can spew over and fire 22 would hit the ground at the trailers under the DDU 23 flare. 24 Q. (BY MR. COON) And do you know who owned 25 those trailers?</p>	<p style="text-align: right;">Page 80</p> <p>1 DDU trailer underneath the flare because at the 2 time, I didn't know what the blowdown drum was. I 3 didn't understand the process. I didn't know that 4 it was supposed to be some kind of form of a flare 5 or whatever. I didn't know what it did. Okay. 6 But I did have a concern because I knew ISOM was in 7 poor condition, okay. 8 Q. (BY MR. COON) Yes, sir? 9 A. And that the trailers between ISOM and 10 NDU, it was -- it was just too close of a proximity 11 for one unit that's running and one that they are 12 going to startup. 13 Q. And this -- the trailers we're talking 14 about that are parked by the ISOM, those are the 15 ones, the Merit trailer and the Fluor trailer, that 16 were destroyed in the explosion? 17 MR. BROWN: Objection, form. 18 A. Yes. That -- to the best of my 19 knowledge, I thought it was just a JE Merit 20 trailer. I didn't know if Fluor was there or not. 21 Q. (BY MR. COON) Are you aware of more than 22 one trailer being destroyed in the fire? 23 MR. BROWN: Objection, form. 24 A. Best I remember it was like one long 25 extended double-wide trailer. I don't know if</p>
<p style="text-align: right;">Page 79</p> <p>1 A. No, I don't know. 2 Q. Were these contractor trailers, or were 3 they utilized for BP personnel? 4 MR. BROWN: Objection, form. 5 A. Okay. The trailers that I had issues 6 with were the one under the DDU flare, the trailer 7 between ISOM and NDU in which both of those had 8 contractors. And I was concerned with the trailer 9 that they parked in front of AU-2 which that was 10 all BP personnel. So I had concerns for all three 11 of those trailers and both parties which were 12 contract and BP. 13 Q. (BY MR. COON) And these were all 14 trailers that, to the best of your knowledge, 15 occupied personnel for either BP or for contract 16 workers? They weren't just storage trailers. 17 People would work out of them? 18 A. That's true. 19 Q. And I think that you said in your 20 statement your concern was that if the fire came 21 out of one of the flare into liquid form and went 22 down to the ground and it would catch the trailers 23 on fire and the people would burn to death? 24 MR. BROWN: Objection, form. 25 A. That remark was specifically towards the</p>	<p style="text-align: right;">Page 81</p> <p>1 there was more than one trailer, but it was very 2 long and it was double wide. It looked like it 3 could have been two double-wide trailers, you know, 4 connected together. You know, it was a big 5 trailer. 6 Q. (BY MR. COON) Had you had any training 7 in trailer siting out at the BP facility? 8 A. No. 9 Q. Had you had any training in trailer 10 siting at any of the other places that you had 11 worked at before going to BP? 12 A. No. I am an I&E tech -- 13 Q. Okay. 14 A. -- or that's what I did. 15 Q. Were you aware that BP did have some 16 requirements with respect to trailer siting? 17 A. Not at BP, but I know from other places 18 that I worked that trailers were not allowed within 19 so many feet of an operating unit because most of 20 the contract work I done, units were shut down, 21 okay, or they were new -- new construction. So 22 they would allow trailers so many feet within the 23 area. 24 Q. Did you know that BP had a requirement 25 that trailers be located no closer than 350 feet</p>

<p style="text-align: right;">Page 82</p> <p>1 from a unit?</p> <p>2 MR. BROWN: Objection, form.</p> <p>3 A. I had no knowledge of that.</p> <p>4 Q. (BY MR. COON) Do you know that BP has</p> <p>5 admitted that they were violating their own</p> <p>6 standards with respect to trailer siting in this</p> <p>7 particular case?</p> <p>8 MR. BROWN: Objection, form.</p> <p>9 A. That's what I have heard.</p> <p>10 Q. (BY MR. COON) Did you know anything</p> <p>11 about a word called the MOCs or management of</p> <p>12 changes that are utilized at BP to locate trailers</p> <p>13 in a particular place?</p> <p>14 A. Could you please repeat that?</p> <p>15 Q. Yes, sir. Have you heard of something</p> <p>16 called a management of change or MOC?</p> <p>17 A. Yes.</p> <p>18 Q. Are you familiar with the use of the MOCs</p> <p>19 at the BP facility?</p> <p>20 A. Somewhat. My understanding is that an</p> <p>21 MOC, if you are going to make a change in equipment</p> <p>22 that if it's not exactly in like and kind, if it</p> <p>23 strays from the original design that you are</p> <p>24 supposed to have an MOC to review this equipment,</p> <p>25 to make the change or install it.</p>	<p style="text-align: right;">Page 84</p> <p>1 respect to all of them because we raised all of</p> <p>2 them as a concern, not just one specifically.</p> <p>3 Q. Okay. And now with the trailers that</p> <p>4 were located by the ISOM unit, who do you recall</p> <p>5 complaining to other than Mr. Hawkins and</p> <p>6 Mr. Willis? Was there anybody else in management</p> <p>7 that you -- first you had expressed a concern to</p> <p>8 and then I will follow up with with some additional</p> <p>9 questions.</p> <p>10 A. John Paduh, David Breedlove, Scott</p> <p>11 Yerrell, Charlie Logan, operators that were in</p> <p>12 AU-2. The only one I can remember expressing it to</p> <p>13 would have been Rick Hughes because he's highly</p> <p>14 knowledgeable and respected. And, you know, I</p> <p>15 spoke with a lot of issues with Rick, so I can</p> <p>16 particularly remember his name as an operator.</p> <p>17 Q. Now, these trailers had been located near</p> <p>18 the ISOM unit for many months before the explosion,</p> <p>19 I think going back to the summer of '04 or fall of</p> <p>20 '04?</p> <p>21 A. Right.</p> <p>22 Q. And anybody that was in management out</p> <p>23 there would have been able to observe them. They</p> <p>24 weren't like hidden from view really, were they?</p> <p>25 Weren't they kind of in the middle...</p>
<p style="text-align: right;">Page 83</p> <p>1 And from what I understand, which</p> <p>2 I didn't understand before the explosion, but what</p> <p>3 I understand now is supposedly they would also do</p> <p>4 an MOC on a policy, which I didn't realize that's</p> <p>5 what they did.</p> <p>6 Q. And in this case, were you ever made</p> <p>7 aware that BP did not adhere to their MOCs with</p> <p>8 respect to locating and occupying the trailers that</p> <p>9 were involved in this explosion?</p> <p>10 MR. BROWN: Objection, form.</p> <p>11 A. Well, earlier I described to you that I</p> <p>12 brought my concerns to Ray Hawkins and Willie</p> <p>13 Willis on the trailers, right?</p> <p>14 Q. (BY MR. COON) Yes, sir.</p> <p>15 A. Okay. Well, Willie Willis came back and</p> <p>16 followed up on my concerns; and he told me that,</p> <p>17 basically, it was out of his hands, that the people</p> <p>18 who put the trailers in place had MOCed the policy</p> <p>19 or they reviewed the policy or they did a process</p> <p>20 hazard analysis something to that extent and that</p> <p>21 it was out of his hands.</p> <p>22 Q. Okay. Now, was this with respect to the</p> <p>23 trailers located by the ISOM unit or the DDU or</p> <p>24 both?</p> <p>25 A. I mean, I would imagine that it was in</p>	<p style="text-align: right;">Page 85</p> <p>1 A. No. See what brought up the issue is, I</p> <p>2 want to say, let's see, 2002, I started working at</p> <p>3 AU-2 well, they were just finishing up NDU. So it</p> <p>4 wasn't an operating unit, okay. ISOM was in</p> <p>5 operation while they were checking out NDU --</p> <p>6 contractors were checking instrumentation. Well,</p> <p>7 the main concern, other than that they were too</p> <p>8 close to the units, is that they were going to be</p> <p>9 near the unit that close during the startup.</p> <p>10 A startup is the most critical</p> <p>11 time of a unit because you have got flows,</p> <p>12 pressures and temperatures that are swinging one</p> <p>13 way or another and the unit's unstable.</p> <p>14 And since ISOM, you know, looked</p> <p>15 pretty ratty, looked like it still needed a lot of</p> <p>16 work, you know. When a unit looks like that; and</p> <p>17 they start it up, you are pretty cautious. Any</p> <p>18 unit you are cautious but, you know, a little alarm</p> <p>19 goes off in your head saying you want to be a</p> <p>20 little more cautious with a unit like this when you</p> <p>21 are starting it up.</p> <p>22 And so at one point in time, it</p> <p>23 could have been three days to a week before the</p> <p>24 explosion. I went into those trailers looking for</p> <p>25 a friend of mine, Scott Kilbert; and he wasn't</p>

<p style="text-align: right;">Page 86</p> <p>1 there in his office. And there was probably four 2 or five, maybe six guys standing around. And I 3 expressed to them that, you know, I am the I&E tech 4 for these units here and that ISOM is my unit and 5 it's a pretty raggedy unit. And I said, "It would 6 be a good idea if y'all contacted operations to 7 find out when they are going to start this unit up 8 because you don't want to be here during the 9 startup." Okay. 10 And I couldn't tell you who those 11 people were. I have never seen them before in my 12 life. And when I left there, I expressed the same 13 concerns, you know, to whoever it was I seen at the 14 time in operations. It could have been any one of 15 the people I had mentioned if they had been there. 16 There's a lot of time's gone by. It's hard to 17 remember exact specific times and events but... 18 Q. Did you know there had been a fire out at 19 that ISOM unit in 1986? 20 A. I wasn't -- 21 MR. BROWN: Objection, form. 22 Q. (BY MR. COON) Did you know there was 23 another one in 1987? 24 A. No. 25 MR. BROWN: Objection, form.</p>	<p style="text-align: right;">Page 88</p> <p>1 hydrocarbon and that's one of the pipes that has a 2 fiberglass patch on it. Excuse me. 3 Well, we discovered a leak. We 4 reported it to operations. Tom Cash made the 5 scene, barricaded off the area, we handed it over 6 to him and fire trucks and people, you know, 7 arrived and they took care of the situation. 8 But as far as the blowdown drum 9 and any incident around the blowdown drum, that was 10 the only thing that I have ever experienced or know 11 about it is that there was a leak on the piping 12 that goes into the blowdown drum. 13 Q. Mr. Runfola, there has been a lot of 14 investigation on this particular unit by OSHA, 15 Chemical Safety Board and even BP and there are a 16 number of things that have been found out to have 17 been pre-existing problems at the ISOM unit. I 18 want to go through some of those and see if you 19 were aware of any of them. Okay? 20 A. Okay. 21 Q. Things that have been noted was that 22 there was a lack of proper low alarms from a design 23 standpoint. 24 Do you know anything about that? 25 MR. BROWN: Objection, form.</p>
<p style="text-align: right;">Page 87</p> <p>1 A. I wasn't aware. 2 Q. (BY MR. COON) And another one in 1988? 3 MR. BROWN: Objection, form. 4 A. I wasn't aware. 5 Q. (BY MR. COON) Did you hear about a fire 6 in 1994 and there was release of vapors from the 7 F-20? 8 MR. BROWN: Objection, form. 9 A. No. 10 Q. (BY MR. COON) Did you know in 1999 there 11 was another fire out at the ISOM unit? 12 A. '99? I wasn't aware of that. 13 Q. Are you aware of any times in the past 14 where hydrocarbons have vented out of that drum, 15 formed a vapor cloud at ground level posing an 16 explosion risk? 17 A. The only thing I know pertaining to the 18 blowdown drum, which I didn't know that's what it 19 was -- when I was working for the turnaround crew, 20 we were doing some work in ISOM and that was the 21 first leak that I discovered was -- there was a 22 pipe that runs east and west from AU-2 or some 23 other unit and it goes to the ISOM blowdown drum 24 and it makes a 90 and it goes up and goes in. 25 Well, at the bottom of that elbow it was leaking</p>	<p style="text-align: right;">Page 89</p> <p>1 A. Lack of proper low alarms? 2 Q. (BY MR. COON) Yes, sir. 3 A. I had no knowledge of the lack of. 4 Q. Okay. Well, we know that there was a 5 lack of interlocks on the -- in the control room. 6 And I think you had previously testified you were 7 aware that there were no safety interlock on that 8 system? 9 MR. BROWN: Objection, form. 10 A. No, previously I testified that I had 11 four units. 12 Q. (BY MR. COON) Yes, sir. 13 A. And I may have actually tested interlocks 14 or critical instrumentation, but I couldn't tell 15 you by design or by application that that unit was 16 deficient of any kind of safety instrumentation 17 system because I had too large a responsibility to 18 know all that. 19 Q. Was there a complaint by other people out 20 there such as yourself about understaffing to do 21 the job properly? It seemed like a lot of people 22 had too much work to do. 23 MR. BROWN: Objection, form. 24 A. We had brought up issues because in some 25 circumstances if ISOM or AU-2 had a problem, we had</p>

<p style="text-align: right;">Page 90</p> <p>1 operators that had to come from other units to 2 assist these operators because there wasn't enough 3 operations to handle any kind of a situation in the 4 units. 5 Q. (BY MR. COON) Was this something that 6 was relatively common knowledge out there where you 7 were working, that there was a lot understaffing? 8 MR. BROWN: Objection, form. 9 A. Among the workforce people, yeah, as an 10 I&E tech, if you were working, you would realize 11 that, you know, four units and even four 12 technicians is still understaffed. 13 Q. (BY MR. COON) And as a tech, just with 14 your department, did you or other guys in your 15 group ever complain to other people in management 16 that y'all were overworked and understaffed? 17 A. Yes, sir, all the time. 18 Q. Who would you typically complain to? 19 A. The people we typically seen at the time. 20 You know, our supervisor Leonard Morrison. His 21 boss was -- previously was Mike Maze, but I didn't 22 really see him that often. John Paduh, we 23 complained to him, but John Paduh would actually 24 come out of his ways to see us. And he would 25 address issues and -- him and Willie Willis.</p>	<p style="text-align: right;">Page 92</p> <p>1 BP, both in management and hourly, and reading 2 through it -- I understand first, you have never 3 read the Telos Report, have you? 4 A. I don't know what a -- I have never even 5 heard of a Telos Report until you mentioned it. 6 Q. Okay. Well, that report came out in 7 January, 2005 and it was one that was done at the 8 request of BP by outside consultants, but it 9 involved talking to many, if not the majority, of 10 the personnel at BP -- 11 A. Okay. 12 Q. -- in the fall of 2004. And in reading 13 through it, there were a lot of generalized 14 complaints that people would make to management 15 that they didn't have enough staff, that the 16 equipment was being deferred, the turnarounds were 17 being extended, those types of complaints and the 18 responses that are listed in Telos indicate that a 19 lot of times management was telling them that it 20 wasn't in the budget or they didn't have the money 21 for it. 22 Did you ever have hear any 23 complaints of that nature yourself? 24 MR. BROWN: Objection, form. 25 Object to the sidebar.</p>
<p style="text-align: right;">Page 91</p> <p>1 And in some cases, they could 2 address the issues and get them taken care of 3 immediately and then there was other issues like 4 understaffing that Willie would follow-up on, 5 Purdue would follow-up on, but they would say, you 6 know, it's going to take some work. We're talking 7 to them. There is other people expressing -- you 8 know, that we know we are understaffed, but they 9 were trying to take care of the issues. 10 Q. Did you know whether or not the budgets 11 that were allocated to the various units had a role 12 in the understaffing that the people charged with 13 units just weren't given enough money to hire the 14 people they needed? 15 MR. BROWN: Objection, form. 16 A. Man, I was an I&E tech. I did the best 17 to do my job. I worked with people as a team 18 player, with operations, other techs, process 19 engineering, process control, superintendents. I 20 did whatever I could to make it in my power a 21 better place to work. I had no knowledge of 22 budgets or anything like that. 23 Q. (BY MR. COON) Well, in the Telos Report 24 which is a summary of a lot of interviews conducted 25 of over a thousand of the personnel that worked at</p>	<p style="text-align: right;">Page 93</p> <p>1 A. In some cases I complained like on ARU or 2 ISOM that let's say they had a date they were going 3 to start the unit up, right, on ISOM or ARU or AU-2 4 whatever the unit may be. And I had planned to fix 5 certain things on the unit that were not just given 6 to me as a work order but things I knew that needed 7 to be worked on, that they hadn't put in their 8 scope of work. 9 And a lot of times they would move 10 the start date up of the unit ahead which leaves 11 you less time. And I would complain and say, "Hey, 12 you know, y'all move these turnaround dates up to 13 start the unit up early; and you don't give us 14 enough time to fix anything." 15 So I mean, I didn't know there was 16 a company-wide complaint of this; but I had made 17 that complaint and expressed my concerns to 18 immediate supervision, be it my maintenance 19 supervisor or operations. 20 Q. Going back to the ISOM unit, some of the 21 other complaints that have been noted from the 22 other investigations was that the high alarms were 23 not working properly on that unit. 24 Do you know anything about that? 25 MR. BROWN: Objection, form.</p>

<p style="text-align: right;">Page 94</p> <p>1 A. The high alarms? 2 Q. (BY MR. COON) Yes, sir. 3 A. Which specific high alarms? 4 Q. It's my understanding the high alarms on 5 the tower. 6 A. Okay. 7 MR. BROWN: Objection, form. 8 A. I mean, at the time and before the 9 explosion, I couldn't have told you the number of 10 that tower. I couldn't have told that you it was a 11 raffinate tower, and I couldn't have told you that 12 was the E-1101. Only after the fact, being 13 interviewed by CSB, OSHA, BP union lawyers and the 14 BP company lawyers that I know what E-1101 is now. 15 The E-1101, prior to the 16 explosion, possibly six months, I had worked on it. 17 Okay. The first time I found it, it was -- it was 18 a high level alarm. It was disabled. And how I 19 found it was disabled is because I climbed the 20 tower. I couldn't get the cap off to actuate the 21 switch. So I went into a junction box and alarms, 22 you get an alarm on an open circuit. So I pulled 23 the wire, I called the operator and said, "Hey, do 24 you have an alarm?" He said, "no." 25 I put my meter on there, I see</p>	<p style="text-align: right;">Page 96</p> <p>1 replaced a switch, which was an old style mercury 2 switch and I put a sealed hermetic switch in there 3 and I thought it was good. 4 So the fifth time, approximately, 5 I went out to work on it, they said they were still 6 having problems. And I had already beat the cap 7 off, replaced the switch; and I knew the circuit 8 worked. And so I said, "Well, everything 9 electronically is working. There is only one thing 10 that could be wrong with this and that it's either 11 the rod is sticking or the float has a hole in it." 12 And I don't remember if the system 13 was closed where I couldn't rod it or they didn't 14 want me to float it because they didn't want to 15 contaminate the process with water or what the case 16 may have been. So I told them, I said, "We need to 17 pull this instrument to have it worked on." So I 18 had an operator. We blocked in the process valves. 19 We opened up the bleed, but the process valves 20 didn't block in. And so that means we couldn't 21 pull the instrument. 22 So from that point on, we knew the 23 process valves needed to be replaced. So I told 24 the operator. I told my supervisor. I wrote it 25 down in details on my work order that, "Hey, they</p>
<p style="text-align: right;">Page 95</p> <p>1 voltage; so I say, "Hey, you know, the loop is 2 good. He's got voltage. It's an open circuit. He 3 should have an alarm." So I went onto the board 4 and I called up that alarm, and it had been 5 disabled on the board. And so I enabled it on the 6 board. And he got the alarm. 7 Q. (BY MR. COON) To get disabled does 8 somebody have to manually deactivate it, or is that 9 something that can happen on its own from an 10 electrical malfunction or something? 11 A. Typically you could just go into the DCS, 12 call up that tag number and you can actually 13 deactivate the point to where you wouldn't see a 14 visual or audio or you can deactivate the alarm to 15 where you would hear no audio. But I think you 16 would see a visual on the graphics if you had the 17 page up. 18 Q. Do you know what, if anything, was wrong 19 with that alarm on the date of the explosion? 20 A. Okay. Now we are talking about the 21 E-1101 tower? 22 Q. Yes, sir. 23 A. After receiving a work order on it 24 several times, I would say approximately five 25 times. The last time I worked on it, I had already</p>	<p style="text-align: right;">Page 97</p> <p>1 are going to replace those valves and when they 2 shut the unit down to replace those valves, excuse 3 me, we need to send that -- that level switch out 4 for repair." And that was it. It was out of my 5 hands. That was the last I heard or seen from it. 6 Q. Was that something that should have been 7 done during that last turnaround before the 8 explosion? 9 MR. BROWN: Objection, form. 10 A. In my opinion, it should have been done 11 then or if they had the opportunity, I don't know 12 the timeframe, they may have -- well, that's right. 13 They had to decommission that unit. So the only 14 way they could replace that switch was if the tower 15 was hydrocarbon free. 16 And so, yeah, it would have had to 17 have been this last turnaround that ISOM had 18 because, from what I understand, it was the first 19 time in a long time that they hydrocarbon freed 20 that unit. So, yes, that switch should have been 21 repaired and pulled, and those valves should have 22 been replaced during that outage. 23 Q. (BY MR. COON) Mr. Runfola, you had a 24 pretty good understanding that hydrocarbons present 25 a fire and explosion hazard before this incident of</p>

<p style="text-align: right;">Page 98</p> <p>1 March 23. Fair statement? 2 A. I would have to say that's common sense. 3 Q. And as I read through your statement, 4 this is something that you had expressed a concern 5 to other people in management, particularly as it 6 related to ISOM unit. It was an old, raggedy unit 7 and you felt, because of its condition, that it 8 posed a fire and explosion hazard particularly in 9 startup mode? 10 MR. BROWN: Objection, form. 11 Q. (BY MR. COON) Is that correct? 12 MR. BROWN: Objection, form. 13 A. I expressed concerns that the ISOM unit 14 was in poor condition, in my opinion, and that it 15 needed work done on it. And that I felt that it 16 had proposed more of a hazard than maybe the other 17 units that I worked on during the startup. That's 18 why I expressed my concerns about the people in the 19 trailers that were between the two units. 20 Q. (BY MR. COON) In lodging some of the 21 concerns and complaints you had from your 22 statement, you had indicated that one of the 23 responses was that they would not give you the 24 money. Could you elaborate on that more? 25 MR. BROWN: Objection, form.</p>	<p style="text-align: right;">Page 100</p> <p>1 trailers but the fact that we found a skid that had 2 three 1-ton HCL bottles and the straps that hold 3 the HCL bottles on to the skid were frayed. 4 And so my concern was, well, if a 5 company will ship 1-ton HCL bottles in on a skid 6 with freight straps, how do we know that they are 7 inspecting their bottles correctly that they are 8 putting 1-ton of HCL in. 9 So, you know, I thought that it 10 should be brought to the attention of, I guess, 11 shipping and receiving to inspect these kind of 12 skids and inspect straps and maybe if they had some 13 way of telling if their bottles had been, you know, 14 recently inspected that I would -- I would suggest 15 that they follow-up on that before letting anything 16 in our refinery. 17 Q. And what happened after you expressed 18 those concerns with the -- those bottles? 19 A. Well, we discovered after the explosion 20 that they moved the bottles and they -- it appeared 21 like that they didn't do anything as far as secure 22 the bottles to the skid. 23 Q. Did you have much of an understanding of 24 the differences between the vent stack systems that 25 were in use at some of the units versus the flares</p>
<p style="text-align: right;">Page 99</p> <p>1 A. I would have -- I might have made a loose 2 term statement, but I was referring to allowing 3 spending on instrumentation for us to install or 4 replace. In other words during an outage or shut 5 down, if I walked through ISOM and I seen something 6 that I knew needed to be replaced or repaired and 7 not necessarily operations or management, you know, 8 give me the money to spend on it, to fix it. 9 That's what I was trying to say. 10 Q. (BY MR. COON) And in going back to these 11 trailers, you had also talked about Mr. Kim Astin 12 and your understanding that Mr. Astin had also 13 personally -- and maybe even formally lodged some 14 concerns about the trailers to Mr. Ralph. 15 Do you recall that? 16 MR. BROWN: Objection, form. 17 A. He told me that he was going to send an 18 e-mail to Bill Ralph. 19 Q. (BY MR. COON) Mr. Astin told you this? 20 A. Yes, Kim Astin told me that he was going 21 to send an e-mail to Bill Ralph expressing his 22 concerns about these trailers and one other thing, 23 I guess, they were HCL bottles. I don't know if 24 that was included in that e-mail or not, but both 25 Kim and I both had concerns about not only the</p>	<p style="text-align: right;">Page 101</p> <p>1 that were utilized by the others? 2 MR. BROWN: Objection, form. 3 A. Can you please repeat that? 4 Q. (BY MR. COON) Yes, sir. I am trying to 5 get a better understanding what have you know and 6 don't know about the atmospheric relief system. 7 A. Okay. 8 Q. Being the flares versus vent stacks. Do 9 you know much about the difference between the two 10 and why one would be utilized versus another? 11 A. I know what a flare is. I know what its 12 purpose is for, and I have worked on flare systems. 13 I know what a furnace stack is. I know what it 14 does, and I know what its purpose is. 15 Blowdown drum, prior to the 16 explosion I didn't even -- I didn't even know what 17 a blowdown drum was. I didn't know what its use 18 was. And to be honest, if I had of known what the 19 blowdown drum was, I would have probably tried to 20 stay clear of it. 21 Q. Well, were you ever made aware of what 22 BP's own internal investigation had found with 23 respect to utilizing vent stacks and blowdown drums 24 as opposed to flares? 25 MR. BROWN: Objection, form.</p>

26 (Pages 98 to 101)

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1 A. Can you say that again, please?
 2 Q. (BY MR. COON) Yes, sir. You understood
 3 that BP conducted their own investigation as to why
 4 this explosion occurred?
 5 A. Right. After the explosion.
 6 Q. Sure.
 7 A. Okay.
 8 Q. Are you aware that one of the findings
 9 that BP concluded through their own investigation
 10 was that using the vent stacks was an inappropriate
 11 system because flares were much safer?
 12 MR. BROWN: Objection, form.
 13 A. Yes, I would agree.
 14 Q. (BY MR. COON) Were you aware that in
 15 1986 -- first of all, let me back -- were you aware
 16 that the reason that vent stack was there was
 17 because BP was able to tie in the ISOM unit to a
 18 pre-existing vent stack from the unit that was
 19 there before and circumvent environmental
 20 regulations?
 21 MR. BROWN: Objection, form.
 22 A. I was not aware of any of that.
 23 Q. (BY MR. COON) Were you aware that in
 24 1986 BP had their own policy statement called PSS
 25 Number 6 which mandated the replacement of vent

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1 stack blowdown drums whenever feasible as part of
 2 major construction projects?
 3 MR. BROWN: Objection, form.
 4 A. I was not aware of that.
 5 Q. (BY MR. COON) Were you aware that in
 6 1997, even though they had that policy statement in
 7 place at BP Texas City, that they completely
 8 replaced that entire vent stack and blowdown drum
 9 with another one as a result of corrosion and did
 10 not convert to flare at that time?
 11 MR. BROWN: Objection, form.
 12 A. I have no knowledge of any of that.
 13 Q. (BY MR. COON) Were you aware that in
 14 2003 when they built the NDU unit that it tied to a
 15 flare, and they actually had designed the ISOM to
 16 run from the blowdown drum to that same flare and
 17 decided to avoid doing so at that time?
 18 MR. BROWN: Objection, form.
 19 A. I had no knowledge of that.
 20 Q. (BY MR. COON) Were you aware that in
 21 1992 a similar occurrence happened where
 22 hydrocarbons came out of a vent stack at another
 23 unit, formed a vapor cloud at ground level which
 24 posed an explosion risk and that OSHA came out and
 25 investigated and cited BP for that release?

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1 MR. BROWN: Objection, form.
 2 A. I was not aware of that.
 3 Q. (BY MR. COON) And did you know in 1992
 4 at the time of that citation that they were
 5 admonished by OSHA to consider a safer substitute
 6 for vent stack which was to convert to a flare?
 7 MR. BROWN: Objection, form.
 8 A. No, I wasn't aware of that.
 9 Q. (BY MR. COON) Were you aware of any of
 10 the other atmospheric releases that formed vapor
 11 clouds from other vent stacks around that BP
 12 facility over the years?
 13 MR. BROWN: Objection, form.
 14 A. No, only after the fact, after the
 15 explosion, my father had mentioned to me that he
 16 had worked around that blowdown drum and that it
 17 had spewed over and that he had to run from it
 18 before.
 19 Q. (BY MR. COON) And that was at the ISOM
 20 unit?
 21 A. Yes, sir; but that was after the
 22 explosion that I knew this.
 23 Q. Did he tell you when that had happened?
 24 A. No.
 25 Q. And this was your father-in-law?

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1 A. My father.
 2 Q. Your father. And when did he work out
 3 there?
 4 A. I think he retired maybe ten years ago,
 5 after 26 years.
 6 Q. Okay. And what did he do out there?
 7 A. He was a pipefitter, boilermaker and
 8 rigger.
 9 Q. Does he still live in the Texas City
 10 area?
 11 A. No, he lives in Dickinson.
 12 Q. And his name is?
 13 A. Gabriel Runfola.
 14 Q. Did you have any other family members
 15 that had ever worked out at BP Texas City?
 16 A. Not that I know of, but I've got a big
 17 family.
 18 (Exhibit Number 338 marked for
 19 identification.)
 20 Q. (BY MR. COON) Mr. Runfola, we have what
 21 is now marked as Exhibit 338. And this, I think,
 22 is a copy of the statement that you previously gave
 23 to the investigators for BP, and I want you to look
 24 at it if you can, sir, and make sure that that is,
 25 in fact, the statement that you gave and attach it

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1 to the record.
 2 MR. BROWN: Make sure it is all
 3 there.
 4 A. (Examines documents.)
 5 It appears to be it.
 6 Q. (BY MR. COON) Okay. That is it? Is
 7 that the statement that you actually looked at and
 8 reviewed for refreshing your memory before
 9 testifying today?
 10 A. I spent about 15 minutes just, kind of,
 11 reading over it --
 12 Q. Okay.
 13 A. -- this morning. I didn't really study
 14 it. Just basically to see that it was my words.
 15 Q. And in your opinion in thumbing through
 16 it, those were your words.
 17 A. In some cases I may have been a little
 18 emotional and kind of made one or two blanket
 19 statements that weren't necessarily fully true, or
 20 let's say accurate. Like for an example, that when
 21 I told Willie Willis, Ray Hawkins, you know, about
 22 the trailers and they just didn't do anything.
 23 Well, he did follow-up; and he did give me the
 24 answer that, you know, basically these guys went
 25 through the policy and there wasn't nothing he

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1 could do.
 2 And previously to that, you've got
 3 to understand that prior to the explosion, we were
 4 excited to have Ray Hawkins, Willie Willis and John
 5 Paduh because for the first time these people were
 6 asking us what we need. And they were spending a
 7 lot of money on like the ARU, they were rebuilding
 8 the towers. I entered a mean for ARU; and I got
 9 this corporate guy, whoever he was, to allot
 10 \$360,000 for instrumentation on the ARU.
 11 But you have to understand when
 12 these guys got here, you know, you are looking at
 13 20 years of lack of maintenance; and they were
 14 trying to do what they could with the money they
 15 had and the time they had to get things fixed.
 16 Q. I want to turn your attention briefly to
 17 one thing that you just said, Mr. Runfola,
 18 regarding Mr. Willis and the trailer siting.
 19 You understand Mr. Willis had a
 20 very important role at the West Plant?
 21 A. I know that he was a West Plant manager.
 22 Now, what his job entails, I couldn't really tell
 23 you.
 24 Q. Are you aware that Mr. Willis had the
 25 authority to relocate those trailers if he chose to

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1 do so?
 2 A. I am not aware --
 3 MR. BROWN: Objection, form.
 4 A. -- of that.
 5 Q. (BY MR. COON) Are you aware today or
 6 have you been made aware that irrespective of what
 7 Mr. Willis told you that the reality was that those
 8 trailers had never been properly commissioned to
 9 locate there?
 10 MR. BROWN: Objection, form.
 11 A. I never knew that.
 12 Q. (BY MR. COON) Is today the first time
 13 that you heard the fact that those trailers had not
 14 been approved for occupancy by BP's own
 15 requirements and PHAs?
 16 MR. BROWN: Objection, form.
 17 A. Yes.
 18 Q. (BY MR. BROWN) So if Mr. Willis told you
 19 there was nothing that he could do and that all the
 20 paperwork had been done, it was properly complied,
 21 that would have been a misstatement?
 22 MR. BROWN: Objection, form.
 23 A. Given what you just told me, yes.
 24 Q. (BY MR. COON) Do you know who had the
 25 general responsibility at BP for that particular

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1 area, that geographic area between those two units?
 2 MR. BROWN: Objection, form.
 3 A. Can you explain what -- a little further?
 4 Q. (BY MR. COON) Yes. From a BP personnel
 5 standpoint, who would have been charged with the
 6 responsibility, the overall responsibility for
 7 safety in that area?
 8 MR. BROWN: Objection, form.
 9 A. I couldn't tell you.
 10 Q. (BY MR. COON) I want to call your
 11 attention to another one of the areas in your
 12 statement near the back. You had expressed some
 13 degree of frustration over what you were seeing in
 14 the newspaper about what BP was saying after the
 15 explosion as it related to the people that they
 16 were blaming.
 17 Do you recall talking about that
 18 in your statement?
 19 MR. BROWN: Objection, form.
 20 A. The very first, I guess, report that BP
 21 made that I read, it appeared that -- or gave me
 22 the impression that they were trying to blame the
 23 I&E department or instrumentation. And I took it
 24 personally.
 25 And obviously, I wasn't the only

<p style="text-align: right;">Page 110</p> <p>1 one that got that impression because I have met 2 people here and about that kind of expressed the 3 same thing; and I find myself having to tell a 4 story to people of how I busted my butt to try to 5 make things right in these units. 6 And that, you know, there wasn't 7 just a bunch of yayhoos running around in the I&E 8 department who didn't know what they were doing. 9 We were actually trying to make a difference and do 10 our job. But it made me mad that other people 11 actually believe that and still do to this day. 12 Q. (BY MR. COON) Did you feel that the 13 lower leveled personnel out there, the bottom tier 14 salary and the hourly people out there, working on 15 the ISOM unit were generally conscience about their 16 job? 17 A. Yeah, we had some really good people. As 18 a matter of fact, they fired two of our best 19 operators. 20 Q. As a result of this incident? 21 A. Supposedly. 22 Q. And who was that? 23 A. Steve Adams, Andy Tenhaaf. And in my 24 opinion if those two guy wouldn't have been out 25 there, this situation would have been a lot worse.</p>	<p style="text-align: right;">Page 112</p> <p>1 him Gibby. I was really fond of those operators. 2 They really helped me a lot, and it hurts me to see 3 that those two are gone. 4 Q. Were you ever made aware of the interim 5 Chemical Safety Board findings that were released 6 in October of 2005? 7 MR. BROWN: Objection, form. 8 Q. (BY MR. COON) There was a big town hall 9 meeting down there at that time? 10 A. I didn't attend any town hall meeting or 11 anything. You have to understand, you know, it's 12 been a lot of stress for me and it's hard to deal 13 with sometimes, but I don't really pay attention to 14 the media and town hall meetings and reports and 15 all that. I really just want to put this behind me 16 to be honest. 17 Q. Did you know any of the individuals that 18 died in the explosion? 19 A. No. 20 Q. Did you know any of the personnel, 21 contract or BP personnel, that were injured in the 22 explosion? 23 A. My brother. 24 Q. You talked earlier about people that you 25 gave a statement to or talked to; and in addition</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. You know Mr. Trapp in his deposition has 2 said that he has continued to talk to these guys 3 and that he basically felt that they had been made 4 scapegoats by BP -- 5 MR. BROWN: Objection, form. 6 Q. (BY MR. COON) -- has he ever told 7 anything like that to you? 8 MR. BROWN: Objection, form. 9 A. I haven't heard Paul Trapp tell me 10 anything like that, but the hourly people and 11 maintenance people have that opinion that, you 12 know, these two operators were used as scapegoats. 13 Q. (BY MR. COON) Do you share in that 14 opinion? 15 A. Not knowing exactly everything that 16 happened in detail, I somewhat share that opinion; 17 but like I said, I don't know everything that 18 happened in detail. But I would find it hard to 19 believe that these two guys were negligent or 20 didn't pay attention because I depended on them 21 greatly as an I&E tech and they have assisted me 22 several times. 23 Tom Cash, another one of them and 24 Rick Hughes, those -- and I can't remember his 25 name. A Hispanic guy. He's -- Gilbert. We call</p>	<p style="text-align: right;">Page 113</p> <p>1 to this statement that we've attached that you 2 looked at a few minutes ago, you said something 3 about talking to the CSB. 4 A. Talking to them? I have had probably 5 four or five interviews with them. 6 Q. Do you know if they transcribed those 7 statements? Did they record them or take notes or 8 anything? 9 A. They got recordings. 10 Q. Have you ever asked to have a copy of 11 your prior statements to the CSB? 12 A. I wouldn't have any reason to have a copy 13 of them. OSHA has a copy from their interview. 14 Dekelaita, and I forget her name. That's the same 15 statement you are looking at. 16 Q. Yes, sir, this one here (indicating)? 17 A. I believe that was recorded also. 18 Q. Would you extend permission for the 19 attorneys in the case to get copies of the 20 statements that you have given to the other 21 investigative authorities, being the CSB and OSHA 22 to the extent they have any transcripts of those 23 statements? 24 A. Me give authority? 25 Q. Yes, sir.</p>

<p style="text-align: right;">Page 114</p> <p>1 A. I don't see why not.</p> <p>2 Q. Mr. Runfola, after this incident a number</p> <p>3 of things have changed out at BP. Is that a fair</p> <p>4 statement?</p> <p>5 A. A lot of things have changed out there</p> <p>6 for the good.</p> <p>7 Q. And one of the things that was changed</p> <p>8 was the immediate relocation of all of these</p> <p>9 trailers in proximity to flares and vent stacks</p> <p>10 including one that, I think, that you had expressed</p> <p>11 a concern about that were immediately adjacent to</p> <p>12 the DDU? Are you familiar with that? The</p> <p>13 relocation of the trailers and mandate and moving</p> <p>14 them 500 feet from flares?</p> <p>15 MR. BROWN: Objection, form.</p> <p>16 A. If I am not mistaken, trailers are</p> <p>17 totally eliminated out of the plant. I don't</p> <p>18 believe there are any trailers in our plant</p> <p>19 whatsoever now.</p> <p>20 Q. (BY MR. COON) And they also changed the</p> <p>21 regulations or policies with respect to contractors</p> <p>22 vehicles in the plants, didn't they?</p> <p>23 A. Yes.</p> <p>24 Q. And were you aware that the -- it is</p> <p>25 believed that the source of the explosion in this</p>	<p style="text-align: right;">Page 116</p> <p>1 MR. BROWN: Objection, form.</p> <p>2 A. I wasn't told that's why they built it,</p> <p>3 but it was obvious that they built it for that</p> <p>4 reason and other reasons. For the fact that there</p> <p>5 is -- it's such a large place and there is so much</p> <p>6 work going on that they are overcrowded. You know,</p> <p>7 all of our buildings, the NOB, the SOB, the GOB</p> <p>8 they just don't have the room for BP personnel or</p> <p>9 the contract. So they had to utilize an off-site</p> <p>10 building which, in this case, is a good thing.</p> <p>11 Q. (BY MR. COON) Did you ever have an</p> <p>12 opportunity to personally meet with Mr. Parus, the</p> <p>13 BUL at that plant?</p> <p>14 A. No, actually I met the guy before him. I</p> <p>15 can't tell you his name. I can't remember. But he</p> <p>16 was a -- he was a pretty straightforward guy. And</p> <p>17 Parus, from what I have seen of him and heard of</p> <p>18 him, he seemed to be, you know, a pretty concerned</p> <p>19 by. He didn't -- you wouldn't think that he was</p> <p>20 somebody that just didn't care about anything, you</p> <p>21 know.</p> <p>22 Q. Other than the people that worked out at</p> <p>23 the ISOM unit on the date in question that were</p> <p>24 terminated in mid May after the initial fatal</p> <p>25 report came out, are you aware of any one else</p>
<p style="text-align: right;">Page 115</p> <p>1 case was a contractor truck that was operating,</p> <p>2 running adjacent to the vent stack and blowdown</p> <p>3 drum?</p> <p>4 MR. BROWN: Objection, form.</p> <p>5 A. From what I heard, it could have been a</p> <p>6 car. It could have been a welding machine, but</p> <p>7 eventually it would have found a source of ignition</p> <p>8 whether it been a car or a welding machine. It was</p> <p>9 only a matter of time.</p> <p>10 I mean, it's possible that if</p> <p>11 those cars weren't there that they may have found</p> <p>12 it in time to shut it down to where it wouldn't</p> <p>13 have found a source of ignition, but I am not</p> <p>14 qualified to tell you if they could or couldn't.</p> <p>15 Q. (BY MR. COON) Now, at some point after</p> <p>16 this explosion also I think BP acquired some off</p> <p>17 side location to relocate a lot of their management</p> <p>18 people at a closed Wal-Mart building or something?</p> <p>19 MR. BROWN: Objection, form.</p> <p>20 A. Yes, sir. It's called the TCO.</p> <p>21 Q. (BY MR. COON) Did you have an</p> <p>22 understanding that the reason that they created</p> <p>23 this off-site location for these other management</p> <p>24 personnel was to reduce the risk of them being</p> <p>25 harmed in another explosion out at that plant?</p>	<p style="text-align: right;">Page 117</p> <p>1 being disciplined out at that plant for their role?</p> <p>2 A. No.</p> <p>3 Q. Did you know Mr. Barnes?</p> <p>4 A. Barnes?</p> <p>5 Q. Joe Barnes?</p> <p>6 A. Joe Barnes? What did he do?</p> <p>7 Q. I think he had a head role with HSSE.</p> <p>8 A. No, I didn't know Joe Barnes.</p> <p>9 Q. Do you know what happened to Don Parus?</p> <p>10 A. He is a plant manager. I was a</p> <p>11 maintenance, I mean, you know, you see him at</p> <p>12 important meetings; but I didn't know him</p> <p>13 personally.</p> <p>14 Q. Do you know what happened to him after</p> <p>15 the fatal report came out?</p> <p>16 A. No.</p> <p>17 Q. Any rumors as to what happened to him</p> <p>18 after the fatal report came out?</p> <p>19 MR. BROWN: Objection, form.</p> <p>20 A. I don't know where he is, or what he did.</p> <p>21 Q. (BY MR. COON) You knew at some point he</p> <p>22 was no long the business unit leader for that</p> <p>23 facility?</p> <p>24 A. Right. They -- I guess it's Maclean.</p> <p>25 Q. Yes.</p>

<p style="text-align: right;">Page 118</p> <p>1 A. Or McCullen, that's who they brought in. 2 Q. Any rumors that you heard about as to why 3 Mr. Parus was replaced? 4 MR. BROWN: Objection, form. 5 A. I don't know why they took him out. 6 Q. (BY MR. COON) We have received 7 additional documents per the subpoena request and 8 it has a cover letter, but this looks like this was 9 sent by Mr. Ralph. This is the gentleman you 10 talked about before -- 11 A. Okay. 12 Q. -- being your process safety. He sent 13 this to the CSB. And it is a -- it looks like a 14 copy of a bunch of personal notes, and it's 15 intimated that they are notes that you had made. 16 So why don't you look at those please so we can 17 prove them up? 18 MR. BROWN: Can we take a break 19 for a minute? 20 MR. COON: Okay. 21 THE WITNESS: Yeah, that would be 22 good. 23 THE VIDEOGRAPHER: Off the record 24 at 2:03 p.m., ending Tape 3. 25 (Recess taken.)</p>	<p style="text-align: right;">Page 120</p> <p>1 per page, then it's all here. If they only copied 2 some of it, then it's whatever they copied out of 3 seven books. 4 Q. Well if we look at that, it starts out -- 5 it looks like it's pretty much in chronological 6 order by the dates. This would have been like a 7 little three by five spiral note pad or something 8 that you had kept in your pocket? 9 A. No. They are just little black hard back 10 books like little notes -- for notes. 11 Q. Okay. If you thumb through there -- just 12 go through the first few of them and if you look at 13 the dates, did you have a different one for each 14 date or did you just fill them out on certain dates 15 for certain reasons? The reason I am asking -- 16 A. I may have missed days, you know; but for 17 the most part, I kept notes that I felt that I 18 would need if I had to go back and work on a job. 19 Or if it were some kind of information that I need 20 to relate to another tech or something. 21 Q. Okay. If we can just go through the 22 first few so I have a better understanding of what 23 it is. The first one is out of your book dated, 24 what, 9/10/03. 9/30. I am reading it upside down. 25 A. Right. So there may have been some that</p>
<p style="text-align: right;">Page 119</p> <p>1 (Exhibit Number 339 marked for 2 identification.) 3 THE VIDEOGRAPHER: On the record 4 2:15 p.m., beginning Tape 4. 5 Q. (BY MR. COON) Mr. Runfola, we have in 6 front of you what's marked, I believe, as 7 Exhibit 339. 8 A. Yes. 9 Q. We have taken a break so you could go 10 back and look through it and identify it for us. 11 Are you prepared to do so now? 12 A. Yes. 13 Q. And what is Exhibit 339 other than the 14 cover letter? 15 A. Exhibit 339 looks like my maintenance 16 notes. They are these little black books that I 17 keep detailed information of the work that I do. 18 Q. Is what's reflected there a copy of all 19 of the notes that you kept as personal information 20 of what you do out there or daily diaries or 21 anything? Do you have some other records? 22 A. I had seven little black books. I turned 23 them over to CSB. I turned them over to OSHA, but 24 I didn't think OSHA wanted them. And I turned them 25 over to the BP union. And if they copied them page</p>	<p style="text-align: right;">Page 121</p> <p>1 I lost or thrown away that may have had -- maybe I 2 felt that there wasn't nothing important in there. 3 Q. Okay I -- 4 A. Maybe I lost them. Because, I mean, I 5 went to work for BP in 2001, so... 6 Q. Well, the first question I had of you is: 7 In looking at those can you tell whether or not 8 that is a complete copy of all seven of your 9 notebooks? 10 A. I couldn't tell you if it was or wasn't 11 not without sitting there page for page -- 12 Q. Yeah. 13 A. -- with my books. 14 Q. Well, did your books start before 15 September of '03? 16 A. I couldn't tell you. It's not something 17 I studied by the date or anything. 18 Q. Right. The last one on there, again I 19 believe they are in chronological order. The last 20 one was sometime I believe in the middle of 2004. 21 April 5, '04. 22 A. Okay. 23 Q. Do you recall doing any more or keeping 24 any more notes after that date? Do you think that 25 might be the last entry from your last book?</p>

<p style="text-align: right;">Page 122</p> <p>1 A. Everything that I had that I felt was 2 important at the time, I turned over to CSB or 3 OSHA, whoever it was. 4 Q. So for us to make sure that we have a 5 copy of all of the notes that you made available, 6 we could go back to one of the other persons that 7 you provided all of them to see if they match up 8 with what you have in front of you? 9 A. I still have the seven books in my 10 position if y'all want them. Y'all are welcome to 11 them. 12 Q. Yes, sir, I think we would like to 13 request a copy of the seven -- 14 MR. BROWN: I think you already 15 have them, but if you don't -- 16 MR. COON: Unless that's it. 17 A. They have been copied by I think, three 18 different groups. CSB has a copy. BP lawyers have 19 a copy and the BP union has a copy. So, I mean -- 20 Q. (BY MR. COON) We will see if we can find 21 it from one of those sources, if not, we might -- 22 A. I mean, y'all might compare. 23 MR. BROWN: Yeah, I think they 24 have already been produced, but we will verify and 25 we will get you a set whether it's a second set or</p>	<p style="text-align: right;">Page 124</p> <p>1 passwords and personal information about myself 2 that I didn't want distributed throughout any 3 person. 4 Q. Sure. And maybe I gave some 5 misinterpretation as to personal. I am just 6 talking about did you make notes, just your 7 comments about observations out there? It looks 8 like out of these notes here, everything is mostly 9 just numbers. 10 A. These notes were kept for me or any other 11 person that may have to go back and work on this 12 instrumentation. Because sometimes when you are 13 given a job task, it's not something that's easily 14 solved. You may have to, you know, investigate 15 what the problem is. You may find termination 16 points. You may find equipment numbers that are 17 associated. Any information with that job I wrote 18 down for a reference because let's say, today I 19 work on this but tomorrow something else is a 20 priority. So I don't get back to this job until 21 maybe a week or two later. 22 So these were -- these were 23 detailed reference notes for me personally to work 24 on something; or if I found out something had a 25 consistent problem and I wasn't sure what it was, I</p>
<p style="text-align: right;">Page 123</p> <p>1 whatever. 2 A. I asked Joe Dekelaita, and he said he 3 copied it page for page. And so, I don't know if 4 that's the copy you have is the one Joe Dekelaita 5 copied or if you have the one that CSB made. I am 6 not sure. 7 Q. (BY MR. COON) Well, this is a copy in 8 front of you that was -- apparently what was sent 9 to CSB -- 10 A. Okay. 11 Q. -- by Mr. Ralph; but again, I don't know 12 if that's all of your notes or just some of them 13 that are responsive to a particular issue -- 14 A. There is. 15 Q. And I take it you can't tell -- 16 A. If there is any doubt in your mind, I 17 would be happy to give you the seven black books to 18 copy or just whatever. 19 Q. Did you tend to make personal notes in 20 them like, "This is screwed up" or "We need to fix 21 this"? 22 A. As far as personal there was, you know, 23 my Social Security number, maybe passwords that I 24 have changed. But at the time I requested that, 25 you know, that be kept confidential because I had</p>	<p style="text-align: right;">Page 125</p> <p>1 wrote it down so that when I got back to it, maybe 2 I could find out what was wrong with it. That's 3 all these were for. These weren't, you know, to 4 describe anything as you were trying to say. 5 Q. These weren't like personal diaries -- 6 A. No. This -- 7 Q. -- to just reflect your thoughts about 8 working out there on a day-to-day basis? This was 9 specific to referencing the work started and/or 10 completed? 11 A. This is documentation that I may have 12 retrieved off of a spec sheet if there was a spec 13 sheet available, I wrote that information down or 14 maybe I got the information from process control or 15 the process engineers or maybe I discovered it on 16 my own. 17 I wrote this down for my use and 18 for the use sometimes of process control like you 19 may see orifice plate IDs. As I worked on flows, I 20 wrote down detailed information; and I shared my 21 information with engineering so that we could work 22 together and try to create some kind of database 23 and so we could alleviate problems. 24 Q. Mr. Runfola, you have been very patient 25 with us today, sir. So I would like to wrap up</p>

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1 with a few more questions.
 2 First since we have covered a lot
 3 of ground going back to this morning, is there
 4 something that has come up during the course of the
 5 day where you have now had a chance to reflect on
 6 an answer and just say, you know, now that I think
 7 about it that answer said it backwards or something
 8 and you want to clarify? Anything jumping out at
 9 you?
 10 MR. BROWN: Did you want to
 11 clarify about the documents, and what you did to
 12 produce documents?
 13 THE WITNESS: Okay.
 14 A. The question you asked -- the first
 15 question, I believe it was.
 16 Q. (BY MR. COON) Yeah, the documents under
 17 the subpoena.
 18 A. I am sorry. I didn't understand it.
 19 But, yeah, these were the documents that I produced
 20 and any e-mails that I had on a PC was taken by an
 21 investigation team. I don't know who but, you
 22 know, I did all I could to provide what I had to
 23 any investigation team, not just BP; OSHA, CSB.
 24 Q. Okay. So I guess it's fair to say that
 25 when I was asking you this morning early on if you

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1 produced documents responsive to the subpoena. You
 2 had, maybe not directly from this subpoena in
 3 particular, but you had attempted to cooperate with
 4 the investigative authorities whether they were
 5 internal or external over the last year?
 6 A. Absolutely. I was trying to do the best
 7 that I can to give the information that I have to
 8 help make a change for the better.
 9 Q. And in doing that, Mr. Runfola, is there
 10 something that we should have covered today that
 11 you needed to tell us about you thought it was
 12 important for the investigation, and we just
 13 haven't thought to ask you the right question or
 14 the right line of questions or in the right manner
 15 to let us know something that you think we all
 16 should know as part of our investigation?
 17 A. I can't think of anything that I hadn't
 18 already been asked. I mean, y'all covered
 19 everything that CSB covered, that OSHA covered,
 20 that Dekelaita, the union covered. And, like I
 21 said, I would just like to put all this behind me.
 22 And now that all this has happened, BP has made a
 23 big change and they are going in the right
 24 direction. It's just not going to happen over
 25 night.

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1 MR. COON: Well, thank you, sir.
 2 I don't have any further questions.
 3 Mr. Werner? Let's go off the
 4 record just second just to get an idea of the time.
 5 THE VIDEOGRAPHER: Off the record
 6 at 2:25 p.m.
 7 (Recess taken.)
 8 THE VIDEOGRAPHER: On the record,
 9 2:31 p.m.
 10 * * *
 11 EXAMINATION
 12 Q. (BY MR. WERNER) Good afternoon,
 13 Mr. Runfola. My name is John Werner. I am an
 14 attorney with Reaud, Morgan, and Quinn in Beaumont;
 15 and we represent the mother and the estate of Ryan
 16 Rodriguez who was one of the young men who was
 17 killed in the Merit trailer. Do you understand,
 18 generally?
 19 A. Yes, sir.
 20 Q. Okay. I am going to try not to go back
 21 over sort of the specific things that you said, but
 22 I want to follow up on a couple of things that you
 23 talked about.
 24 A. Okay.
 25 Q. And I will tell you just for background,

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1 I've sat through a lot depositions and I
 2 appreciate, sort of, your candor and your plain
 3 spokeness today. And for instance, you talked
 4 before about going up to Willie Willis and telling
 5 him that you had concerns about where the trailers
 6 were from a safety perspective.
 7 Do you remember that?
 8 A. Yes.
 9 Q. Okay. And it struck me, and I don't know
 10 if it strikes you that that's pretty brave of a
 11 relatively new hourly employee who's not a safety
 12 professional to go up to a fellow as high up as
 13 Willie Willis and say, "I think there is a danger
 14 here. Can you do something about it?"
 15 And do you -- did you see yourself
 16 as being sort of a little bit courage in that?
 17 MR. BROWN: Objection, form.
 18 A. Not at all. I was looking out for the
 19 safety of myself and others.
 20 Q. (BY MR. WERNER) Okay. To you it came
 21 sort of naturally?
 22 A. I would hope it would come natural to
 23 anybody.
 24 Q. That was going to be my follow-up
 25 question. Did Mr. Willis say anything back to you

<p style="text-align: right;">Page 130</p> <p>1 about, you know, I have heard a lot of this; or, 2 you know, you are the first person who has come up 3 to me and said, "Boy, this is potentially 4 dangerous"? What was his, sort of, reaction in 5 that respect? 6 A. Like I said previously, myself and other 7 people in my group have brought up issues to Willie 8 and we call them bitch sessions, but they would -- 9 they would come by and try to find out what issues 10 were going on with the maintenance and operations. 11 And they would come out of their way and they would 12 come back with the resolution or tell you, you 13 know, "Hey, there is really nothing we can do at 14 this time, or we are working on it; or yes, we have 15 got a solution and it's taken care of." 16 And so in that short of period of 17 time, the track record that John Paduh and Willie 18 Willis and Ray Hawkins had set with my personal 19 opinion was that, you know, if you tell them 20 something, they are going to take it somewhere and 21 they are going -- if they can't solve it, they will 22 at least give you an answer of what took place or 23 they are still looking into it. 24 Q. But you understood, I take it, that they 25 had their constraints, just like you were at a</p>	<p style="text-align: right;">Page 132</p> <p>1 e-mail or approached him personally and told him my 2 concerns. 3 Q. (BY MR. WERNER) When you talked about 4 "we" in these sessions that y'all would talk about 5 with Mr. Willis and some of the other senior 6 management and tell them the problems y'all were 7 having, who were some of the other people in "we" 8 who, like you, were willing to sort of, you know, 9 be up front with these high level managers? 10 MR. BROWN: Objection, form. 11 A. Sometimes we were in a group, a 12 maintenance group that I worked out of AU-2 13 maintenance when I brought up the issues and other 14 times I was by myself. At some times I was with 15 Kim Astin. 16 Q. (BY MR. WERNER) Who? 17 A. Kim Astin. 18 Q. All right. 19 A. I never felt intimidated where, you know, 20 I didn't feel like, you know, I could bring up a 21 safety issue. 22 Q. What I am getting at though is, I am sure 23 you would agree with me, that some people for 24 whatever reason, they don't want to get involved in 25 something that's not they're direct concern or</p>
<p style="text-align: right;">Page 131</p> <p>1 certain level and you could bring your concerns up 2 only so far that they had constraints, and they had 3 levels that they had to try to get to as well. 4 Did you understand that? 5 MR. BROWN: Objection, form. 6 A. I never really thought about it, but when 7 I approached these people I figured they were high 8 enough in management level that they could get the 9 message to whoever the proper person was to handle 10 the situation. 11 Q. (BY MR. WERNER) And I take it then, you 12 relied on whoever it was at that higher level, 13 higher than Willie Willis, if something needed to 14 be done that could only be done at that level that 15 if Mr. Willis couldn't do it, then that higher 16 person would get it done because it was a serious 17 concern? 18 A. If Willie -- 19 MR. BROWN: Objection, form. 20 A. If Willie Willis hadn't come to me that 21 day and told me that he had looked into the 22 situation with the trailers and that the people 23 that put the trailers in there did the review, if 24 he hadn't done that, I would have went to the plant 25 manager personally. I would have sent him an</p>	<p style="text-align: right;">Page 133</p> <p>1 maybe they are not as comfortable speaking out as 2 you are, they are not likely to say something in 3 these sessions or maybe not likely to attend these 4 sessions, but then there are other people like 5 yourself, like the gentleman you just said, who are 6 more willing to go to these people, who would have 7 gone to Don Parus if they felt it was necessary 8 from a safety standpoint. And I am just trying to 9 get an idea if you can give me some names so that 10 we don't waste our time talking to the people who 11 never really -- you know, who never brought these 12 concerns in the first place. 13 MR. BROWN: Objection, form. 14 A. That was kind of a long answer but -- 15 MR. BROWN: It was a question, 16 theoretically. 17 A. Yeah, what -- what specifically are you 18 asking me? 19 Q. (BY MR. WERNER) I am asking you: Who do 20 you think are the people who from your experience 21 were the ones who were most likely and did most of 22 the, sort of, talking to the senior management in 23 telling them what their concerns were and who would 24 have been, in your opinion, willing to have gone to 25 Don Parus if that's what they thought was</p>

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1 necessary?
 2 MR. BROWN: Objection, form.
 3 A. I would have to think as a company, you
 4 know, these people communicated. And like I said,
 5 my track record with Willie, Ray Hawkins, John
 6 Paduh, they would follow-up on issues. Not with
 7 just me but other people in operations and other
 8 people in maintenance.
 9 And the impression I was given
 10 when Willie came to me and explained to me on his
 11 follow-up with the trailers is that it was -- the
 12 impression I was under was maybe it was out of his
 13 hands that it was somebody's doing above him or
 14 maybe an equal or something where he kind of gave
 15 me the impression like he didn't really have the
 16 power or something.
 17 Q. (BY MR. WERNER) And that's not -- and I
 18 hear what you are saying and one of the things you
 19 sort of, you talked about before is I am not going
 20 to try to get into why Willie said that and who he
 21 might have talked to and, sort of, the truth of
 22 that. What I want to get into really is more who
 23 are the people like Kim Masson?
 24 A. Astin.
 25 Q. Kim Astin?

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1 A. Astin.
 2 Q. Okay. And is that a he or a she?
 3 A. It's a he.
 4 Q. Okay. Other people like Mr. Astin, who
 5 had been sort of out spoken about wanting to get
 6 things changed and willing to speak up, you know,
 7 willing to say, "This is what we think needs to be
 8 done," and then. So we have got yourself,
 9 Mr. Astin. Who else would you think would sort of
 10 be in that category?
 11 MR. BROWN: Objection, form.
 12 A. I couldn't tell you. I mean, this guy I
 13 worked with closely. When we brought the issues
 14 up, the other I&E techs they would agree, they
 15 would say, "Yeah, that's not right," or, "Yeah, we
 16 need to do something about it." I mean, we may
 17 have initiated the conversation, but we by far
 18 weren't the only people that commented on it.
 19 I mean, whether it was in a small
 20 group or a safety meeting, you know, if you brought
 21 the issue up everybody would comment or agree,
 22 yeah, you know, we've got a problem.
 23 Q. (BY MR. WERNER) And that's what I am
 24 getting at is who would be sort of the leaders or
 25 the initiators if anybody other than you and

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1 Mr. Astin as opposed to somebody who just sort of
 2 said, "Yeah, that's right. What these guys were
 3 saying. I agree."
 4 MR. BROWN: Objection, form.
 5 A. You know, there was probably other
 6 people, but with everything I have been through,
 7 all the time, all the different jobs, people,
 8 places, and all the people that I worked with then
 9 in that immediate group, there is a lot of faces.
 10 Q. (BY MR. WERNER) Okay.
 11 A. I just couldn't tell you exactly who.
 12 Q. That's fine.
 13 You talked about these sort of
 14 sessions. Were they on a regular basis, or would
 15 Mr. Willis just drop in once in a while and say,
 16 "Hey, guys, ladies, what's on your mind?" How did
 17 that -- how would they sort of come about?
 18 MR. BROWN: Objection, form.
 19 A. Well, we had weekly safety meetings, and
 20 we had monthly safety meetings. Typically, the
 21 weekly safety meetings we would meet in the AU-2
 22 control room sometimes -- excuse me, ARU control
 23 room. And you could have anyone from almost any
 24 level appear at those safety meetings. The only
 25 person I haven't seen personally was John Browne;

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1 but I mean, I have seen some people from England
 2 show up at those safety meetings and they would
 3 actually ask if we had any concerns or issues.
 4 This was prior to the explosion.
 5 I mean, and people would express, you know,
 6 whatever they thought might have been a safety
 7 concern at the time; but sometimes Willie or Paduh
 8 would be in these meetings. And, yeah,
 9 sometimes -- and pretty often Paduh and Willie
 10 would come out of their way, no scheduled safety
 11 meeting and, you know, ask us if we had any
 12 problems, if everything was going all right; or
 13 they would drop by to inform us of the resolution
 14 of a problem that we had brought up earlier. Or to
 15 tell us, "Hey, you know, we are still working on
 16 that," or, "Hey, right now there is nothing we can
 17 do about it."
 18 Q. (BY MR. WERNER) Okay. Did those three,
 19 Hawkins and Willis and Paduh come in around the
 20 same time or was some of them already there when
 21 you got there?
 22 A. I think it was Hawkins first, and then I
 23 think it was Willis and then Paduh; but when we got
 24 these people, it was a big change in management.
 25 You could tell that, you know, suddenly people

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1 wanted to know what your issues were. You know,
 2 this was before the explosion.
 3 You could tell that, hey, you
 4 know, there are people that care and they are
 5 trying to get something done. And we would tell
 6 them, "Well, you need to replace this, you need to
 7 fix this." They would say, "Well, they allotted
 8 us, you know, \$30 million this turnaround and we
 9 spent 40 or 50." And so a lot of their concerns
 10 was like asbestos abatement.
 11 And they can give you \$10 million
 12 to abate asbestos and you look at the \$10 million
 13 worth of work and you think, man, that isn't very
 14 much; but a lot of that stuff was very, very
 15 expensive. And I believe they were doing the best
 16 they could do with the money at the time.
 17 Q. And that's what I was sort of trying to
 18 get at about the higher levels.
 19 I assume you would agree with me
 20 that safety is Number 1 and money shouldn't stand
 21 in the way of safety, agreed?
 22 A. I agree.
 23 Q. And yet I think you had just from what
 24 you have told me a sense that at some level, who
 25 knows how high, who knows where, there just wasn't

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1 enough money being allocated to the refinery to get
 2 done what needed to be done, correct?
 3 MR. BROWN: Objection, form.
 4 Q. (BY MR. WERNER) Or at least that's what
 5 you were being told by Mr. Willis?
 6 MR. BROWN: Objection, form.
 7 A. I was never told that by Willis.
 8 Q. (BY MR. WERNER) Okay. You had said
 9 something about they came back and said, "Well, you
 10 know, we only had 30 million; and we ended up going
 11 over budget?
 12 A. That was just an example.
 13 Q. Okay.
 14 A. Because, you know, you can't spend more
 15 than you make. So when you have a turnaround and
 16 you have hundreds of units, okay. And your
 17 spending -- they spent 65 million in the pipestills
 18 and they were only supposed to spend 30 million, I
 19 believe. And the ARU is something comparable to
 20 that. They were only supposed to spend maybe 30,
 21 40 million. They wound up spending 60, 65 million.
 22 So they were already spending way more than they
 23 were supposed to, from what I heard.
 24 Q. But you understood though that certainly
 25 by 2002, 2003, 2004, 2005, British Petroleum the

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1 corporation was showing in the net profits of
 2 billions of dollars per year. I know you are not a
 3 budget financial guy, but did you have that
 4 appreciation?
 5 MR. BROWN: Objection, form.
 6 A. I wasn't -- I'm not into corporate
 7 business or news and all that.
 8 Q. (BY MR. WERNER) Well, put it this way.
 9 If the facts were to show that in 2004, British
 10 Petroleum the corporation earned after paying its
 11 taxes and its bonuses and its stock options
 12 literally billions of dollars net profit, would
 13 that surprise you?
 14 MR. BROWN: Objection, form.
 15 A. They are a worldwide company. I would
 16 think they make billions of dollars.
 17 Q. (BY MR. WERNER) If that were true, then
 18 would you think there is any reason whether it cost
 19 a hundred thousand dollars to do the safety --
 20 needed safety things or a hundred thousand or a
 21 hundred million dollars, should money have stood in
 22 the way for a company if it was making billions of
 23 dollars a year to do needed safety improvements?
 24 MR. BROWN: Objection, form.
 25 A. Okay. The best I can tell you is, they

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1 found problems because they started increasing
 2 inspection. And as they found critical problem
 3 with the unit like ARU they rebuilt four or five
 4 towers there. When they started inspecting they
 5 started realizing, hey, we have problems. So when
 6 they had their next turnarounds, they were spending
 7 the money.
 8 I don't believe they knew
 9 everything that was wrong with it. Just like you
 10 don't know everything that is wrong with your car.
 11 Just because it is making one noise, there could be
 12 other things wrong with it. But what they knew and
 13 found to be wrong, it appears to me they made an
 14 effort to correct it.
 15 Q. (BY MR. WERNER) And again, but you
 16 recognize in all fairness that's based on what
 17 you're seeing, that's based on what you're being
 18 told and you don't necessarily know what
 19 discussions are taking place at these higher levels
 20 where decisions are being made.
 21 A. I don't know their finances.
 22 MR. BROWN: Objection, form.
 23 Q. (BY MR. WERNER) Okay.
 24 A. I can tell you that as an I&E maintenance
 25 tech those four units and a couple other units

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1 around me that they were increasing inspection and
 2 for the first time if I worked on a flow
 3 instrument, I could have access to an inspector
 4 that would inspect the small piping coming off to
 5 my instrument so when I put a wrench on there and
 6 turn that fitting that didn't twist off.
 7 So we were starting to get
 8 meticulous because we knew that certain parts of
 9 the unit were kind of starting to wear. And they
 10 were starting to inspect a lot of things. And when
 11 they found things wrong with inspection, they were
 12 spending the money to fix it. Now, I don't know
 13 how much was wrong, how much they was allowed to
 14 spend. All I can tell you is what I seen.
 15 Q. But you also saw that there was still a
 16 lot of room for improvement, right? I mean, you
 17 talked about 20 years of lack of maintenance. And
 18 I know you weren't there, so you are, kind of
 19 repeating some hearsay about that. But you
 20 recognize that there had been a history of lack of
 21 maintenance, correct?
 22 MR. BROWN: Objection, form.
 23 A. I could tell you by the looks of some
 24 units, ISOM and ARU, that it took a period of years
 25 for them to get in that condition.

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1 Q. (BY MR. WERNER) And it would take,
 2 presumably, years to get it back into proper
 3 condition?
 4 A. Yeah, it's not going to be over night.
 5 Q. But -- and here's where I am going with
 6 room for improvement. They still kept running the
 7 units, right? Somebody at some level could have
 8 made that decision. We are going to stop this
 9 unit. We are going to lose some money, but we are
 10 going to take the time and we are going to get it
 11 fixed and we are going to get those critical alarms
 12 inspected before we start it back up, right?
 13 MR. BROWN: Objection, form.
 14 A. They have people that make decisions on
 15 when units start and when they run. Now, whether
 16 those people know everything involved, I don't
 17 know. I don't know if they have a detailed
 18 information of recommended maintenance or things
 19 that need to be fixed. My job was an I&E tech.
 20 Q. (BY MR. WERNER) I understand.
 21 A. I would report what I found, and I worked
 22 with an immediate group.
 23 Q. But you would expect that they would have
 24 the procedures in place to get this knowledge for
 25 your own personal safety as well as for your

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1 co-workers, right?
 2 MR. BROWN: Objection, form.
 3 A. Well, you know, personal safety, it can
 4 rely on whether they shut a unit down to work on
 5 it; but personal safety also starts with, you know,
 6 with me. You know, I did the best I could with
 7 what I had and what I found to repair things.
 8 Now, there was times that I felt
 9 there was instrumentation or things that still
 10 needed to be repaired and they would start the unit
 11 up and they would say we can fix it on daily
 12 routine maintenance. But personally, I felt it
 13 would be easier to repair it while they were down.
 14 Now, whether they knew if there
 15 was something critical that needed to be repaired
 16 and had to be done during the shutdown, I couldn't
 17 tell you that. I don't know that. But all I know
 18 is what I found to be wrong, I reported it; and if
 19 I could fix it in the time I was allotted, I would
 20 fix it.
 21 Q. (BY MR. WERNER) But ultimately whether
 22 or not you had that time was a decision being made
 23 by somebody at that level?
 24 A. Above me.
 25 Q. Right. Maybe close to above you. Maybe

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1 far above you?
 2 MR. BROWN: Objection, form.
 3 A. I don't know how it works.
 4 Q. (BY MR. WERNER) Well, you know you had a
 5 boss, right?
 6 A. Right.
 7 Q. And your boss had a boss, right?
 8 A. Right.
 9 Q. We go up to Willie Willis, but even he
 10 has a boss, Don Parus, right?
 11 A. Right.
 12 Q. And then Parus has a boss.
 13 Do you even know who Parus' boss
 14 was?
 15 MR. BROWN: Objection, form.
 16 A. It's not really important for me to know
 17 who his boss is.
 18 Q. (BY MR. WERNER) I understand. And then
 19 somewhere at the end of the line comes Lord Browne?
 20 A. Right.
 21 Q. You had testified before that you made
 22 some notation on the work order -- this is going
 23 back to when you were told well, we're going to
 24 start the unit up. You are not going to have time
 25 to do this. Could you elaborate a little more,

<p style="text-align: right;">Page 146</p> <p>1 what was this work order? Are you talking about a 2 piece of paper? Was it some kind of a computer 3 notation? What did you write, that sort of thing? 4 MR. BROWN: Objection, form. 5 A. As far as work orders, any work order 6 that I received, anything that I found on that job, 7 if I repaired it, if there was parts on order or if 8 I couldn't figure out what the problem was, I wrote 9 detailed notes at the bottom of the work order 10 which is just usually one, maybe two pages. 11 Q. (BY MR. WERNER) Okay. 12 A. And it's got about a paragraph worth of 13 lines for comments. And then sometimes I would 14 fill that paragraph up. Sometimes not. Sometimes 15 I would add on another page. 16 Q. Are you talking about a little piece of 17 paper? Not a computer screen? You are talking 18 about -- 19 A. No, this is a physical piece of paper -- 20 Q. Okay. 21 A. -- that I would write detailed notes of 22 the equipment or instrumentation that I worked on. 23 And I would turn it in to my supervisor. Sometimes 24 I would sign the bottom of these just verifying 25 that that was me. This is not verifying that the</p>	<p style="text-align: right;">Page 148</p> <p>1 went to Larry Morrison -- Lenny Morrison? 2 A. Leonard Morrison. Yes. 3 Q. Did I get that, right? 4 A. Yeah. 5 Q. Okay. Can you, again, just elaborate a 6 little bit on what happened when you told this to 7 Mr. Morrison, what did he get back to you? Sort of 8 like what was the response as you described 9 Mr. Willis came back to you with? 10 A. Best I remember is Leonard Morrison said, 11 "I will take care of it." He said, "Go to ARU." 12 He handed us a stack of work orders and instrument 13 lists. And we went to ARU because there was a lot 14 of work to be done at ARU. Actually, that's where 15 the bulk of our work was ARU. 16 Q. And I think this was -- you described it 17 as being a couple of days, two or three, more or 18 less days before the explosion? 19 MR. BROWN: Objection to form. 20 A. The best I can remember it was -- it 21 could have been two or three days prior to the 22 explosion. 23 Q. (BY MR. WERNER) Sure. Did you ever hear 24 back from Mr. Morrison? In other words, after he 25 had said, "y'all go off and go work on the NDU,"</p>
<p style="text-align: right;">Page 147</p> <p>1 job is complete; but it's verifying that I looked 2 at it and this is what I found, that was a solution 3 or whatever it may have been. 4 Q. Okay. And when you say your supervisor, 5 that would be Lenny Morrison? 6 A. Yes, sir. 7 Q. And do you know what Mr. Morrison would 8 ordinarily do with those, in terms of 9 recordkeeping, BP recordkeeping, as far as you 10 know? 11 A. I don't know what he did with them. 12 Q. And you had mentioned that you and Eddie 13 Martinez went up to Mr. Morrison because you wanted 14 to test those remaining criticals, but you were 15 being told that, no, unit was being started up 16 ahead of time. Do you recall that? 17 MR. BROWN: Objection, form. 18 A. I am sorry. Can you please repeat that? 19 Q. (BY MR. WERNER) Sure. According to my 20 notes, you said that you were going -- you had a 21 day that you were basically set aside to test the 22 remaining critical alarms on the ISOM unit; but 23 that you were told that, you know, they are not 24 going to let us do it. They are going to start it 25 back up instead and that you and Eddie Martinez</p>	<p style="text-align: right;">Page 149</p> <p>1 did he ever come back and say, you know, "Here's 2 why they are starting it up," or "We are going to 3 get to it next week?" Was there any follow-up of 4 that conversation either way? 5 A. To the best of my knowledge, I don't 6 remember any follow-up. 7 Q. Okay. Did you ever hear back from 8 Ray Hawkins about the trailers? In other words, 9 you talked about how Mr. Willis came back to you 10 and said it was out of his hands, whatever you 11 testified to before. Did you ever hear back from 12 Mr. Hawkins? 13 A. Actually on the day that Willie came back 14 and followed-up, after he left I went and spoke 15 with Mr. Hawkins and told him what Willie said. 16 And he goes, "Yeah, that seems -- that seems to be 17 the issue is that these guys went through an MOC or 18 a PHA on this policy and they put the trailers 19 there." 20 And I told Hawkins, I said, "So 21 who is this guy?" 22 And he said it was 23 Martin Risinger. 24 I said, "Well, what's he doing?" 25 He said, "Well, he's the head guy</p>

<p style="text-align: right;">Page 150</p> <p>1 in the turnaround group." 2 And I said, "so what does he have 3 more stroke than you? I mean, you are the 4 superintendent." 5 And he goes, "Unfortunately, he is 6 like an equal and, you know, we don't want the 7 trailers any more than you do, but right now it's 8 kind of like our hands are tied." 9 And so I don't know if he said it 10 in those exact words. 11 Q. Sure. 12 A. But that's kind of the message I got from 13 Willie and Hawkins. And, you know, they were kind 14 of disappointed with the answer they had to give 15 me. They didn't seem happy or like not concerned 16 or, you know, they were pretty sincere about it. 17 Q. And that's one of the things that I was 18 going to ask you was: Did Mr. Willis or 19 Mr. Hawkins ever give you a -- well, you told me 20 about they told you about sort of what I am going 21 to call the bureaucratic answer which is that this 22 other guy followed this other procedure and so it's 23 out of my hands. 24 Did they ever give you any sort of 25 a logical answer like, "Let me tell you,</p>	<p style="text-align: right;">Page 152</p> <p>1 correctly, that basically you had been to different 2 refineries and different plants; but that you 3 didn't even know what a blowdown drum was until 4 after the explosion; is that correct? 5 A. That's correct. 6 Q. How did you come to find out what this -- 7 do you know when that blowdown drum was first put 8 in? 9 MR. BROWN: Objection, form. 10 A. I don't have any knowledge. 11 Q. (BY MR. WERNER) How did you first come 12 to find out what this piece of equipment was and 13 whether it was cutting edge versus ancient; or, you 14 know, what is a blowdown drum? 15 MR. BROWN: Objection, form. 16 A. After the explosion, after the 17 investigation, after the talk, you know, I have 18 talked with operations. They have explained to me, 19 you know, what a blowdown drum -- other people who 20 knew or understood the process, explained to me 21 what it was. And basically, it was an old 22 technology for a flare, but I didn't know that 23 prior to the explosion. Prior to the explosion I 24 didn't know what a blowdown drum was. 25 Q. (BY MR. WERNER) Did anybody talk about</p>
<p style="text-align: right;">Page 151</p> <p>1 Mr. Runfola, you don't need to be worried about it 2 because, you know, there could never be an 3 explosion at this particular blowdown drum." Or in 4 other words, did they do anything that made you 5 feel like it was any safer? 6 MR. BROWN: Objection, form. 7 A. I never heard anything with that kind of 8 attitude that you are saying or with that kind of 9 non-concern, I guess you would say. I am at a loss 10 of words. 11 But, you know, what I told you is 12 pretty much what they told me. 13 Q. (BY MR. WERNER) Sure. 14 A. And like I said, they were concerned and 15 they didn't brush me off and they seemed 16 disappointed with the answer they had to give me. 17 Q. And I asked along bad question, so let me 18 be more specific. Did anybody, Mr. Hawkins or 19 Mr. Willis, ever tell you anything that convinced 20 you that it was actually not as dangerous as you 21 thought it was? 22 A. No, they never said anything to that 23 extent. 24 Q. Okay. When did you first -- you talked a 25 little bit about, if I understand my notes</p>	<p style="text-align: right;">Page 153</p> <p>1 any times in the past that they had had an 2 opportunity to convert that old technology into a 3 newer technology or into a flare? And I know there 4 is hearsay to it. 5 A. I heard prior to the explosion, 6 pipefitters talking about a project that was 7 supposed to do away with the blowdown drum; but I 8 didn't know what process it involved or anything. 9 And I was really kind of confused because they was 10 laughing at the fact that they said that Risinger 11 wanted to put a cap on the blowdown drum and they 12 thought it was ridiculous. 13 And I didn't really understand why 14 they thought it was ridiculous. I didn't 15 understand anything about what they were talking 16 about. I just know that supposedly there was a 17 project that Risinger cut out that was supposed to 18 modify or change the blowdown drum, and that's all 19 I know about it. 20 Q. And when you say there was these 21 discussions before the explosion, you're saying 22 that even before the explosion happened you had 23 talked about, or you heard these pipefitters 24 talking, am I correct? 25 MR. BROWN: Objection, form.</p>

<p style="text-align: right;">Page 154</p> <p>1 A. I remember hearing one conversation -- 2 Q. (BY MR. WERNER) Sure. 3 A. -- with two pipefitters and they were 4 talking about that project and that's all I 5 remember. 6 Q. And I am just trying to focus on one 7 thing which is: Was this after the explosion 8 saying -- where they are talking about what 9 Risinger allegedly could have done before, or are 10 you saying that even before the explosion happened 11 you heard about it and then after the explosion 12 that kind of triggered your memory, hey, that's the 13 bow of the outcome? 14 A. I don't know. It could have been before, 15 or it may have been after. I can't really answer 16 to be specific, to be honest. 17 Q. Do you recall who the pipefitters were? 18 Do you recall their names? 19 A. Howard Powell and Teddy Robinson. 20 Q. And if I understand it correctly -- and I 21 know at your not a process guy particularly, but 22 they were -- they were talking about some plan to 23 get rid of the blowdown stack in the past and 24 Mr. Risinger's name again came up? 25 MR. BROWN: Objection, form.</p>	<p style="text-align: right;">Page 156</p> <p>1 known that they've converted from one unit to 2 another and expanded it because you could see new 3 parts. And I would have just guessed that it 4 wouldn't have been big enough to handle that whole 5 unit, but I didn't know that prior to the 6 explosion. 7 Q. (BY MR. WERNER) Do you know much about 8 relief valve studies? Does that sort of come into 9 your jurisdiction? 10 A. I have installed relief valves. 11 Q. Okay. 12 A. I know the purpose behind them. 13 Q. Do you know what a relief valve study is? 14 And the answer may be, I don't know -- 15 A. I have never been in a relief valve 16 study, but I can imagine you study the process of 17 the unit and you would have to determine where a 18 relief valve would be applicable or a flare would 19 be applicable or whatever piece of equipment. I 20 mean, I would have to say that would be done during 21 a -- some kind of conversion of the unit or the 22 building, initial construction of a unit. 23 Q. Or perhaps maybe the capacity of a valve? 24 That would be something that you would want to 25 know, correct?</p>
<p style="text-align: right;">Page 155</p> <p>1 A. All I remember from the conversation is 2 Risinger, a project on the blowdown drum and 3 something about him wanting to put a cap on it and 4 that it was totally ridiculous. And these guys 5 they have got a lot of years you know, 15, 20 years 6 out at the company. So I am sure they know what 7 they are talking about; but at the time, I had no 8 idea what they were talking about. 9 Q. (BY MR. WERNER) I was just trying to get 10 your best recollection. 11 When you said that -- I think you 12 said before that if you had known what a blowdown 13 drum was and sort of how it worked that you would 14 have steered clear of it. And I am pretty sure I 15 know the answer, but why? 16 MR. BROWN: Objection, form. 17 A. Well, for one, what I know now is that -- 18 you know, it's like if I knew -- if I had known now 19 what I known then or if I had known then what I 20 know now, I would have known that ISOM didn't have 21 a flare, okay, and I would have known that their 22 only means of venting in an emergency situation 23 would have been the blowdown drum. 24 And what very little knowledge 25 that I knew from the past of ISOM, I would have</p>	<p style="text-align: right;">Page 157</p> <p>1 A. Yeah, if I was studying RV and the 2 application to a process unit absolutely. You want 3 to know the aspects of all the process. 4 Q. Let me go -- take you back to a ground 5 you are more comfortable with, instrumentation, 6 I&E. Just a simple explanation for the jury: Why 7 even have a high level alarm on that splitter? Why 8 not just have a sight glass? 9 MR. BROWN: Objection, form. 10 A. On... 11 Q. (BY MR. WERNER) On the raffinate 12 splitter. The tower. 13 A. Okay. Now your question is why? 14 Q. Sure. Just -- can you explain just to 15 the jury like you are just sort of talking to a 16 green person and they say, "We have got a sight 17 glass. Why do we even need a high level alarm on 18 the tower?" How would you explain it to someone? 19 A. Sight glass is your primary element. 20 That is your most basic and most reliable 21 measurement and indication of level. Okay. 22 So whenever you have a question 23 about level, the first thing you do is verify your 24 sight glass and then you verify your other 25 instrumentation levels which is -- or level</p>

<p style="text-align: right;">Page 158</p> <p>1 transmitters which is your indication, secondary 2 indication against the sight glass. 3 And an experienced operator should 4 be able to look at a sight glass and tell if it's a 5 good level. If it's -- if the level is perfectly 6 still, it's a very high percent like 99 percent 7 chance that it's a bad level. If you see the level 8 moving in the sight glass like the water moves in a 9 swimming pool, that's a good indication that you 10 have a good level. 11 Q. What's the purpose of the high level 12 alarm, then, in the tower? 13 A. I don't know. 14 MR. BROWN: Objection, form. 15 A. I don't understand the process to know 16 what -- its function other than if they get a level 17 beyond this point that, you know, there's some 18 reason to be concerned. 19 Q. (BY MR. WERNER) And of course if I 20 understand it correctly, though, as you just said, 21 sight glasses can be unreliable, correct? 22 MR. BROWN: Objection, form. 23 Q. (BY MR. WERNER) Just as a for instance, 24 they can get dirty, right? 25 A. I have been able to detect levels of</p>	<p style="text-align: right;">Page 160</p> <p>1 single sight glass all the time to visually see 2 those levels so they have to rely on the 3 electronics, correct? 4 MR. BROWN: Objection, form. 5 A. From my past experience, when operations 6 has a question about a level, they either look at 7 the sight glass themselves or they call I&E out and 8 usually, if they have a question if they think 9 maybe the transmitter switch is not working, they 10 have already looked at the sight glass. And we go 11 out and we either support what they are saying or 12 we don't. 13 And we've got to prove -- it's 14 like a never ending battle between operations and 15 maintenance. You have got to prove that, you know, 16 they are wrong or your right and why your 17 instrumentation is accurate or not. 18 And they want to know that for 19 their own resources that their instrumentation is 20 working correctly. 21 Q. (BY MR. WERNER) Were there any other -- 22 you talked about the MOVs, motor operated valves. 23 Were there problems with the MOVs on the ISOM unit? 24 MR. BROWN: Objection, form. 25 A. Not that I know of.</p>
<p style="text-align: right;">Page 159</p> <p>1 dirty sight glasses. It's hard. You have to use 2 flashlight and it can be difficult; but I would say 3 out of probably hundreds of sight glasses that I 4 have looked at, I have only ran into one or two 5 that maybe you really couldn't -- that I couldn't 6 tell there was a level in there or not they were so 7 dirty. 8 Q. From a dirt perspective. You could also 9 have some sort of a plug or some sort of a problem 10 with the -- 11 A. Right. But that's how you can -- if your 12 sight glass is plugged up, you wouldn't see any 13 movement in the level of the glass. If there is a 14 good level, you will always see movement in the 15 level because it's just like a big swimming pool. 16 Big tank. It's never perfectly still. It always 17 bounces a little bit. That's a good indication of 18 a good level in a sight glass. 19 Q. But one of the reasons -- tell me if I'm 20 wrong. 21 One of the reasons you have 22 electronic instrumentation is because, for 23 instance, if you are starting up a unit; and you've 24 got one person at a control board trying to start 25 up a unit, they can't walk out and look at every</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. (BY MR. WERNER) What about on the other 2 units of the other four that you were looking at? 3 MR. BROWN: Objection, form. 4 A. Yeah, we had problems on MOBs with the 5 ARU. That I don't know if they didn't work. In 6 one case they had one that was replaced or 7 installed, but it had all the automatic controls 8 hooked up to it but they were still accessible by 9 operations. 10 Operations could actually climb up 11 there and open and close them. But if I remember 12 right, I guess there was maybe six MOVs in ARU and 13 maybe two out of six didn't work with automated 14 controls. 15 But before the explosion, we were 16 given a work order and we rebuilt the entire motor 17 controls for those MOVs, all the components with 18 brand-new wiring, brand-new electrical components. 19 They were calibrated and stroked and verified a 20 couple of times before they were brought up after 21 the -- the turnaround from ARU. So... 22 Q. (BY MR. WERNER) Back to the trailers for 23 a second. 24 After the explosion did anybody, 25 Risinger, Hawkins, Willis, ever come up to you and</p>

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

 5 JOSEPH J. RUNFOLA
 6

THE STATE OF _____)
 7
 COUNTY OF _____)
 8

9 Before me, _____, on this day
 10 personally appeared JOSEPH J. RUNFOLA, 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
 20
 21 style="text-align: center;">_____
 NOTARY PUBLIC IN AND FOR
 THE STATE OF _____
 22

My Commission Expires: _____
 23
 24
 25

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1 CAUSE NO. 05CV0337
 2 MIGUEL ARENAZA, ELIZABETH) IN THE DISTRICT COURT
 3 RAMON, DAVID G. CROW and)
 4 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 CAUSE NO. 05CV0337-A
 9 IN RE: BP AMOCO EXPLOSION) IN THE DISTRICT COURT
 MARCH 23, 2005)
 10 COORDINATED DISCOVERY) 212TH JUDICIAL DISTRICT
 PROCEEDINGS)
 11) GALVESTON COUNTY, TEXAS
 12 REPORTER'S CERTIFICATE
 ORAL VIDEOTAPED DEPOSITION OF
 13 JOSEPH J. RUNFOLA
 MAY 22, 2006

14 I, Stephanie Barringer, Certified Shorthand
 15 Reporter in and for the State of Texas, hereby
 certify to the following:
 16

That the witness, JOSEPH J. RUNFOLA, was duly
 17 sworn and that the transcript of the deposition is a
 true record of the testimony given by the witness;
 18

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

That the following is the computer-calculated
 21 amount of time used by each party at the time of the
 22 deposition:
 23 Mr. Coon (2 hours, 46 minutes)
 Mr. Werner (43 minutes)
 24 Attorneys for Plaintiffs
 25

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

FOR PLAINTIFFS JAIME ANDREADE, ET AL.:
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 22

That a copy of this certificate was served on
 23 all parties shown herein on _____ and
 filed with the Clerk.
 24
 25

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

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

8 Certified to by me on this _____ day of
9 _____

10 _____
11 Stephanie Barringer, CSR
12 Texas CSR 6198
13 Expiration: 12/31/06
14 U.S. Legal Support
15 Firm Registration: 122
16 519 N. Sam Houston Pkwy., Ste. 200
17 Houston, Texas 77060
18 Main number: 713/653-7100
19 Fax number: 713/653-7143
20
21
22
23
24
25

FILED IN PUBLIC
The original certified E-Transcript
file was electronically signed
using technology.

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. Christopher Dean at the Williams &
10 Bailey 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
21 Texas CSR 6198
22 Expiration: 12/31/06
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