

# DOCUMENTS

## THE GOOD, BAD AND THE UGLY



Richard L. Scheff, Esquire  
Montgomery, McCracken, Walker & Rhoads  
123 S. Broad Street  
Philadelphia, PA 19109

# WHY ARE BAD DOCUMENTS CREATED?

- Unintended Meaning
- Author Covering Himself
  - Advise Superiors
  - Bottom Line: I'm Not Responsible
- Evidence of Guilt
- Looks Bad But Really is Not
  - Idle Chatter Unrelated to Conduct Under Investigation
  - Evidence of Intent

# PRIMARY OFFENDERS

- Handwritten Notes
- Internal Memos
- Marginalia
- E-Mail

# HANDWRITTEN NOTES

- Traditional
- Saved in Folder
- Not to Others
- Frequently Discarded

# INTERNAL MEMOS

- Intended to be Sent
- Not External – Casual
- Commonly Used By Author to Cover Himself

# MARGINALIA

- Notes in the Margins
- Stream of Consciousness
- Drafts Saved

# E-MAILS

- Dangerous/Casual
- Ultimate Stream of Consciousness
- Replaces Telephone Conversations, Office Meetings, and Hall Chatter
- Intended to be Sent
  - No Control Once It is Sent
  - Passed Around the World
- Never Discarded
  - Is it Deleted or is it Saved for Eternity
  - Folders/Permanent Files
- Substitute for Correspondence File

**#1 AWP:**

**THE RAMBLINGS OF A MID-LEVEL  
PHARMA EXECUTIVE**



Approx 2-3 yrs ago, there was a subpoena

We never changed AWP because the law dept. said that the states have known for yrs that AWP was not a valid price. It was a suggested/price. We have no way, <sup>estimated</sup>

of knowing what wholesalers sell. For us to change it @ that point could make <sup>(AWP)</sup> us look guilty.

Govt contention is that we are <sup>manipulating</sup> the price to create a longer spread between AMP + AWP so the pharmacist will ~~have~~ <sup>make</sup> a higher profit by buying our

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We never changed AWP because the law dept. said that the states have known for yrs that AWP was not a valid price. It was a suggested/estimated price. We have no way of knowing what wholesalers sell [REDACTED]. AWP, for us to change it @ that point make us look guilty.

Govt contention is that we are manipulating the price to create a longer spread between AMP & AWP so the pharmacist will make a higher profit by buying our [REDACTED].

# **#2 BUSINESS AS USUAL IN PHILADELPHIA**

- Bribes/Payoffs Masked As Campaign Contributions
- Company Cannot Do it
- Employees/Consultants Reimbursed

**fedEx. USA Airbill** FedEx Tracking Number

811364696593

Form I.D. No.

0210

Sender's Copy

From (please print and press hard)

12-7-99

Sender's FedEx Account Number

Eric

Phone (703)

Company

Address

EISENHOWER AVE

Dept./Floor/Suite/Room

ALEXANDRIA

State VA

ZIP 22304

Your Internal Billing Reference Information (Optional) (First 24 characters will appear on invoice)

\$3000. Contrib. Check

To (please print and press hard)

Joe

Phone (215)

City

Bait & Tackles Taxidermy

State

Delaware Avenue

Check here if residence

Extra charge applies for FedEx Express Saver

ZIP of FedEx location, SE if address here

(We Cannot Deliver to P.O. Boxes or P.O. ZIP Codes)

Dept./Floor/Suite/Room

Havertown

State PA

ZIP 19083

For HOLD at FedEx Location check here

☐ Hold Weekday (Not available with FedEx First Overnight)

☐ Hold Saturday (Not available at all locations. Available for FedEx Priority Overnight and FedEx 2Day only)

For WEEKEND Delivery check here

☐ Saturday Delivery (Available for FedEx Priority Overnight and FedEx 2Day only)

☐ NEW Sunday Delivery (Available for FedEx Priority Overnight only)

Conditions, Declared Value, and Limit of Liability - By using this Airbill, you agree to the service conditions in our current Service Guide or U.S. International Service Guide. Both are available on request. SEE BACK OF THIS AIRBILL FOR INFORMATION AND ADDITIONAL TERMS. FedEx is not responsible for any claims in excess of \$100 per package whether of loss, damage, or delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, and document your

actual loss in a timely manner. Your right to recover from us for any loss includes intrinsic value of the package, loss of sales, interest, profit, attorney's fees, costs, and other forms of damage, whether direct, incidental, consequential, or special, and is limited to the greater of \$100 or the declared value but cannot exceed actual documented loss. The maximum declared value for any FedEx Letter and FedEx Pak is \$500. Federal Express may, upon your request, and with some limitations, refund all transportation charges paid. See the FedEx Service Guide for further details.

ations?

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The World On Time.

4a Express Package Service Packages under 150 lbs. Delivery commitment may be later in some areas.

☒ FedEx Priority Overnight (Next business morning)

☐ FedEx Standard Overnight (Next business afternoon)

☐ FedEx First Overnight (Earliest next business morning delivery to select locations) (Higher rates apply)

☐ FedEx 2Day (Second business day)

☐ FedEx Express Saver (Third business day)

FedEx Letter Rate not available. Minimum charge: One pound rate.

4b Express Freight Service Packages over 150 lbs. Delivery commitment may be later in some areas.

☐ FedEx Overnight Freight (Next business day)

☐ FedEx 2Day Freight (Second business day)

☐ FedEx Express Saver Freight (Up to 3 business days)

(Call for delivery schedule. See back for detailed descriptions of freight services.)

5 Packaging

☒ FedEx Letter (Declared value limit \$500)

☐ FedEx Pak

☐ FedEx Box

☐ FedEx Tube

☐ Other Pkg.

6 Special Handling

(One box must be checked)

Does this shipment contain dangerous goods? ☐ No ☐ Yes

(No per standard shipper's Declaration)

☐ Yes (Shipper's Declaration not required)

☐ Dry Ice

Dry Ice, 2 UN 1845

☐ Cargo Aircraft Only

\*Dangerous Goods cannot be shipped in FedEx packaging

7 Payment

Bill to: ☒ Sender (Account No. in Section 1 will be billed)

☐ Recipient

☐ Third Party

☐ Credit Card

☐ Cash/Check

FedEx Account No.

Credit Card No.

Exp. Date

Total Packages

Total Weight

Total Declared Value\*

\$ 00

\*When declaring a value higher than \$100 per shipment, you pay an additional charge. See SERVICE CONDITIONS, DECLARED VALUE, AND LIMIT OF LIABILITY section for further information.

8 Release Signature

Your signature authorizes Federal Express to deliver this shipment without obtaining a signature and agrees to indemnify and hold harmless Federal Express from any resulting claims.

321

WCSL 0299 Rev. Date 7/98 Part #153023ps ©1994-98 FedEx PRINTED IN U.S.A.

0087151332

DATE \_\_\_\_\_  
\$25000. Contrib. Check

PHL  
2000

**PRIVATE & CONFIDENTIAL  
MEMORANDUM**

**To:**  
**From:**  
**Date:** January 11, 2000  
**SUBJECT:** PHL Audit

---

The following page is a letter received by Joe International Airport. The letter is informing future.

via Certified Mail from the Philadelphia that an audit is expected in the near

Joe has requested that his expenses not be a part of our finances in Philadelphia for this audit. He informed me yesterday that it is in the "City Charter" that airport (city) officials are not to be taken out to lunches, dinners, etc. Obviously, on his expenses it shows that he has wine and dined certain individuals from the City.

We certainly don't want to create any more speed bumps in Philadelphia than we already must cross. If you have any questions or if you would like to discuss this further, please don't hesitate to call. Thanks.

[REDACTED]

[REDACTED] The letter is informing  
future.

that an audit is expected in the near

Joe has requested that his expenses not be a part of our finances in Philadelphia for this audit. He informed me yesterday that it is in the "City Charter" that airport (city) officials are not to be taken out to lunches, dinners, etc. Obviously, on his expenses it shows that he has wine and dined certain individuals from the City.

[REDACTED]



CC:

FAX TRANSMISSION

|                            |               |
|----------------------------|---------------|
| To: Brian                  | From: Sam     |
| Company:                   | Fax: 781-     |
| Fax:                       | Date: 1/12    |
| Re: Urgent Expense Check - | # of Pages: 2 |

Joe is working on an issue  
for us in PHL.

He needs to be reimbursed  
for an expense he had. He does not  
want this paid as a bonus,  
but as an expense -

Eric agrees and approves.

Please Fed Ex to Joe tonight.

WSH

Joe ... is working on an issue  
for us in PHL.

He needs to be reimbursed  
for an expense he had. He does not  
want this paid as a bonus,  
but as an expense -



## Unknown

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**From:** Bernard  
**Sent:** Friday, March 07, 2003 6:29 PM  
**To:** Eric  
**Subject:** RE: Presentation for

absolutely. I wouldn't bother making these "direct" comments to you if I didn't think you weren't able to 1) cope with them and 2) learn from them. You do have my trust and I look forward to our continued and fruitful collaboration. I will look at your presentation this week end and get back to you on Monday. Have a great week end  
Bernard

-----Original Message-----

**From:** Eric  
**Sent:** Friday, March 07, 2003 6:25 PM  
**To:** Bernard  
**Subject:** Presentation for

Bernard,

I appreciate your concern and position regarding my draft document regarding Philadelphia. As you can imagine, Philadelphia has always been and continues to be a challenge in doing business the right way. For you and me, I want and expect to approach business in the proper way. I take your comments as a continued breadth of fresh air in comparison with the way I was expected to conduct business in PHL previously. In other words, do it the right way or don't do business there at all. I continue to learn, grow and hopefully excel in my duties for and trust that you continue your faith in my abilities. I will chalk this issue up as "if you aren't making mistakes, you aren't working."

Enclosed is the draft presentation I plan to send to JoMo on Monday (3/10).

<< File: Draft Presentation 2-13-03.ppt >>

Sincerely,  
Eric

Eric  
Regional Vice President

As you can imagine, Philadelphia has always been and continues to be a challenge in doing business the right way. For you and me, I want and expect to approach business in the proper way. I take your comments as a continued breadth of fresh air in comparison with the way I was expected to conduct business in PHL previously. In other words, do it the right way or don't do business there at all.

# **#3 3-2-1 LIFT-OFF**

**THE CASE OF THE EXPLODING  
ACID TANK**

# FACTS

- Refinery Explosion
  - Tank 393
  - Held Sulfuric Acid
  - 90,000 Gallons of Acid
- Mid-July 2001 Explosion
  - Killed Two Workers
  - Dumped 86,000 Gallons of Sulfuric Acid into River
  - Fish Kill

# CRIMINAL INVESTIGATIONS

- DOJ
- EPA
- OSHA
- Fire Marshall
- State Police

COMPANY AND INDIVIDUALS

# WHAT CAUSED THE EXPLOSION?

- Leaks in Tank?
- Failure to Inspect?
- Hot Work in Wrong Place?
- Other?

# REFINERY

- Earned 10 Million Profit
- ANNUALLY?
- QUARTERLY?
- MONTHLY?
- WEEKLY?

DAILY

# BAD DOCUMENTS

Leaks in Tank  
Failure to Inspect



# MY CLIENT

- Sr. Refinery Executive
- Knew of Leaks In Tank
- Knew Tank Overdue for Inspection
- Scheduled for Spring 2001
- Decided to Postpone/Cancel the Inspection Due to “Financial Constraints”

\_\_\_\_\_

\_\_\_\_\_

| Year | End of 2000 | End of 2001 | End of 2002 | End of 2003 | End of 2004 | End of 2005 | Total 2001-2005 |
|------|-------------|-------------|-------------|-------------|-------------|-------------|-----------------|
|------|-------------|-------------|-------------|-------------|-------------|-------------|-----------------|

|               |             |             |             |             |             |             |              |
|---------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
|               | \$2,825,000 | \$3,910,000 | \$2,900,000 | \$3,315,000 | \$2,180,000 | \$2,340,000 | \$14,645,000 |
| Tanks Overdue | 27          | 10          | 5           | 3           | 1           |             |              |

**TANK MAINTENANCE & WASTE DISPOSAL FRD TEAM**  
**IDEAS FROM - MARCH 27, 2000**

- Apply RBI (Risk Based Inspection) to tanks due for inspection in '00. May result in a longer inspection interval for some tanks.
- Find ways to send hazardous waste materials to Cokers or other appropriate "recycle" / disposal units.
- Find ways to extract solids prior to tank opening.
- "Package" work for lower cost.
- Reduce number of tanks (accept some level of inventory risk).
- One tank maintenance budget.
- Consolidate tanks. Eliminate smaller tanks and build larger ones if cost effective.
- Firm commitment on tank maintenance premises (i.e., premises regarding regulatory compliance, painting/coating, etc).
- Optimize existing tankage.
- Rework drainage and apply cathodic protection to push out inspection intervals.
- Clean idle tanks fully (haz waste issues – what's not classified as haz waste now might be when you finally get around to cleaning heels – much more expensive.
- Review desired run lengths.
- Good scope definition and prioritization.
- Consolidate maintenance and waste disposal contracts across the Alliance.
- Competitive bidding.
- Set tank maintenance budgets on firm premises rather than "leftovers".
- Clearly define regulatory guides across the Alliance.
- Set tank maintenance schedules and stick to them.
- Sell off tank assets if more economical for others to operate.
- Focal point for tank maintenance – "process owner" for the entire Alliance.
- Send money.
- Find ways to minimize waste volumes.
- Take more regulatory risk.

**TANK MAINTENANCE & WASTE DISPOSAL FRD TEAM**  
**IDEAS FROM** \_\_\_\_\_ **- MARCH 27, 2000**

- Apply RBI (Risk Based Inspection) to tanks due for inspection in '00. May result in a longer inspection interval for some tanks.

- Take more regulatory risk.

DELAWARE CITY REFINERY  
INSPECTION DEPARTMENT

393-TC-9

SULFURIC ACID STORAGE  
47'D X 32'H

UNIT  
13

INSPECTOR \_\_\_\_\_

DATE 7/3/2000

REFER TO IR#99-819 & IR#00-326

FINDINGS:

MAINTENANCE REPORTED A LEAK ON THE WEST SIDE OF THIS TANK.

IR# 00-326 (DATED 4/6/2000) RECOMMENDED:

1. USING AN EPOXY PATCH TO STOP THE LEAK.
2. THEN TO RAISE THE LEVEL 3 FEET ABOVE WHERE THE LAP PATCH IS TO BE INSTALLED.
3. WELD A 12" X 28" X 5/16" CARBON STEEL PATCH OVER AREA MARKED WITH YELLOW CRAYON.

THE EPOXY PATCH WAS INSTALLED, BUT THE CARBON STEEL PATCH WAS NOT  
INSTALLED PER IR# 00-326.

FAILURE OF THE EPOXY PATCH WAS THE CAUSE OF THE LEAK.

RECOMMENDATIONS:

1. CLEAN UP THE AREA TO BE REPAIRED AND FOLLOW THE RECOMMENDATIONS NOTED IN IR# 00-326.
2. THIS TANK TO BE TAKEN OUT OF SERVICE AS SOON AS POSSIBLE FOR AN INTERNAL INSPECTION DUE TO THE CORROSION ON THE SHELL.
3. OPERATIONS SUPERVISOR TO WRITE TRAP WORK ORDER TO HAVE REPAIRS COMPLETED.
4. HAVE WORK ORDER # SENT TO THE INSPECTION DEPARTMENT AND M&C FOR FOLLOW-UP.

CC:  
DM&U  
ZONE 3  
UNIT 13

KEY WORD= LEAK

RSB 7/3

NO. 00-508  
PAGE 1 OF 2

FM048

DELAWARE CITY REFINERY  
INSPECTION DEPARTMENT

393-TC-9

SULFURIC ACID STORAGE  
47'D X 32'H

UNIT  
13

INSPECTOR \_\_\_\_\_

DATE 7/3/2000

2. THIS TANK TO BE TAKEN OUT OF SERVICE AS SOON AS POSSIBLE FOR AN  
INTERNAL INSPECTION DUE TO THE CORROSION ON THE SHELL.



July 2000

---

I believe the subject tank is in your area and that we have had at least two leaks in the recent past. What are we doing to assure that we will not have another problem here?

Richmond

ns



July 2000

---

**Subject:** RE: Tank 393

Bill,

Can you develop a tank program so that we can go out for bids and establish blanket contracts for:

1) Tank Cleaning, 2) Tank double bottoms, and 3) Internal coating and exterior coating of roofs ?

---

**Subject:** RE: Tank 393

When can this tank be removed from service? (IR# 00-508 recommends that it be removed from service as soon as possible.) Please issue a work order to open, clean, inspect and repair the tank.

We need to bid the neutralization and cleaning of the Tank 393. We did a similar job on Tank 398, in 1998.

---

**Subject:** RE: Tank 393

Richie -

The most recent leak on this tank was caused by the last repair not being correctly completed. An epoxy patch was applied, but the recommended carbon steel patch overlay was not installed. The complete repair has now been installed.

This tank is due for inspection in July-00. Once we get the acid inventory down we will plan to take the tank out of service, clean and inspect.

Tony.

---

Subject: RE: Tank 393

The most recent leak on this tank was caused by the last repair not being correctly completed. An epoxy patch was applied, but the recommended carbon steel patch overlay was not installed. The complete repair has now been installed.

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Subject: RE: Tank 393

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When can this tank be removed from service? (IR# 00-508 recommends that it be removed from service as soon as possible.)

August 09, 2000 4:45

ERIC,

I RECEIVED YOUR E-MAIL. I BROUGHT UP THE UNSAFE CONDITION REPORTS TO STEVE WHEN HE WAS HERE BECAUSE I HAD NOT HEARD ANYTHING FROM ANYONE. ON THE FRONT COVER OF THE UNSAFE CONDITION REPORT TABLET IT STATES THAT A REPRESENTATIVE FROM THE JOINT SAFETY AND HEALTH COMMITTEE AND /OR THE FIRE AND SAFETY DEPARTMENT WILL CONTACT YOU AS SOON AS POSSIBLE. NO ONE HAD CALLED OR E-MAILED ME. NO ONE EVEN LET ME KNOW THAT THEY HAD RECEIVED THE REPORTS.

I WAS NOT ABLE TO OPEN YOUR TOP TEN LIST UNTIL THIS WEEK. I SEE YOU HAVE CLEAN UP AREA AND REPLACE PLATES SOUTH OF ACID TANK FARM. DOES THIS INCLUDE PUTTING THE HOSES BACK IN THE TRENCHES? I DO NOT SEE WHAT ANCHORING THE COLLECTION BOX GRATES IN THE TANK FARM WOULD FALL UNDER. ALL IT WOULD TAKE TO SECURE THEM WOULD BE A POST INSERTED IN THE GROUND IN THE MIDDLE OF EACH SIDE. THE GRATE WOULD NOT BE ABLE TO SHIFT AROUND BUT YOU COULD LIFT IT IF YOU NEED TO HAVE EISCO CLEAN THE BOXES. IT WOULD ALSO LET PEOPLE KNOW WHERE THE GRATES WERE IF THEY WERE COVERED WITH SODA ASH OR SNOW. YOU COULD THEN AVOID WALKING ON THEM.

I REALIZE THAT YOU DO NOT HAVE CONTROL OF WHEN MAINTENANCE DOES THE REQUESTED WORK. THE MANPOWER SHORTAGE IS NO EXCUSE. AN UNSAFE CONDITION IS STILL AN UNSAFE CONDITION. MAINTENANCE NEEDS TO TAKE CARE OF THE PROBLEMS. IF THE REFINERY MANAGEMENT IS SERIOUS ABOUT SAFETY BEING THE NUMBER ONE PRIORITY THEY WILL SEE TO IT THAT THE WORK IS DONE. REFINERY MANAGEMENT HAS CAUSED THE MANPOWER SHORTAGE BY LAYING OFF THE CRAFT PEOPLE.

THANKS FOR TAKING THE TIME TO FILL ME IN ON WHAT IS GOING ON.

SUE

August 09, 2000 4:45

UNSAFE CONDITION REPORTS

I REALIZE THAT YOU DO NOT HAVE CONTROL OF WHEN MAINTENANCE DOES THE REQUESTED WORK. THE MANPOWER SHORTAGE IS NO EXCUSE. AN UNSAFE CONDITION IS STILL AN UNSAFE CONDITION. MAINTENANCE NEEDS TO TAKE CARE OF THE PROBLEMS. IF THE REFINERY MANAGEMENT IS SERIOUS ABOUT SAFETY BEING THE NUMBER ONE PRIORITY THEY WILL SEE TO IT THAT THE WORK IS DONE. REFINERY MANAGEMENT HAS CAUSED THE MANPOWER SHORTAGE BY LAYING OFF THE CRAFT PEOPLE.

**From:** (Tony)  
**Sent:** Friday, December 08, 2000 6:17 AM  
**To:** (Joseph)  
**Cc:** (Bill)  
**Subject:** FW: Tank Maintenance FRD - Tank Coordinator Initiative

---

Joe - fyi note from "Tank Champion Coordinator"

Were there specific action items for DCR to pursue from October Tank FRD meeting? If so what is status?

I will reply with 12/12 as only date I can make the conference call. Would like you to be part of that discussion (you need to know every detail of any tank strategy).

I think our main concern for 2001 is the budget. With mandated work we could not afford the budget cuts that have been made. I think I would like to review our tank plan with tank FRD representatives in detail and see if there are areas for cost reduction / work avoidance. If we cannot see how to get the work done for the prescribed budget we need to make aware as soon as possible.

Tony.

Friday, December 08, 2000 6:17 AM

FW: Tank Maintenance FRD - Tank Coordinator Initiative

I think our main concern for 2001 is the budget. With mandated work we could not afford the budget cuts that have been made. I think I would like to review our tank plan with tank FRD representatives in detail and see if there are areas for cost reduction / work avoidance. If we cannot see how to get the work done for the prescribed budget we need to make aware as soon as possible.



## Tank Program 2001 Budget Review

|                              |             |
|------------------------------|-------------|
| Total Budget                 | \$3,115,000 |
| Miscellaneous, Non-T/A Items | \$500,000   |
| Tank T/A's                   | \$2,615,000 |

### 2000 Carry-overs

| Tank #    | Work Left                                    | Cost      |                   |
|-----------|--|-----------|-------------------|
| 3         | Seals, Roof, Hydrotest, Floor Coating, Close | \$80,000  |                   |
| 12        | Floor Coating, Close                         | \$75,000  |                   |
| 74        | Install Blinds, Strip Insulation, Demolish   | \$250,000 | Original estimate |
| 163       | Seals, Roof, Close                           | \$30,000  |                   |
| 223       | Roof Repairs, Coating, Temp Float, Close     | \$30,000  |                   |
| 262       | Clean, Demolish                              | \$40,000  |                   |
| 285       | Seal, Roof Coating, Floor Coating, Close     | \$250,000 | → \$150,000       |
| 330       | Repair Floor, Clean Out, Close               | \$7,500   |                   |
| 553       | Pull Scaffold, Close                         | \$5,000   |                   |
| Sub-Total |  | \$767,500 |                   |

### EPA Tanks

| Tank #    | 2002 Carry-over           | Cost        |
|-----------|---------------------------|-------------|
| 1         |                           | \$600,000   |
| 6         | Approximately 75% in 2001 | \$450,000   |
| 166       |                           | \$200,000   |
| 243       | Approximately 67% in 2001 | \$117,250   |
| 244       |                           | \$100,000   |
| 248       |                           | \$600,000   |
| Sub-Total |                           | \$2,067,250 |

### Seal Repairs (EPA Mandated)

| Tank #    | Work Scope                                   | Cost      |
|-----------|--|-----------|
| 182       | 90' of rim angle is detached, corroded chime | \$200,000 |
| Sub-Total |  | \$200,000 |

Tank must be removed from service by 2/18/01

### Leaking Roof Drains

| Tank #    | Cost     |
|-----------|----------|
| 135       | \$25,000 |
| 181       | \$25,000 |
| 224       | \$25,000 |
| Sub-Total | \$75,000 |

Total of Above Tanks \$3,109,750  
Total Over Budget (\$494,750)

Tanks listed below are not included in this total

### Tanks Overdue from 2000

| Tank #    | Original Due Date | Cost      |
|-----------|-------------------|-----------|
| 150       | Jul-98            | \$125,000 |
| 551       | Jan-72            | \$50,000  |
| Sub-Total |                   | \$175,000 |

Delay until 2002, after Tank 243 finishes  
Tank has not been inspected in 39 years

### Other Tanks

| Tank #    | Service          | Cost      |
|-----------|------------------|-----------|
| 263       | Gasoline         | \$175,000 |
| 317       | Glycol           | \$15,000  |
| 319       | Solvent Slops    | \$20,000  |
| 321       | Fresh/Spent Acid | \$25,000  |
| 323       | Quench Water     | \$25,000  |
| 340       | Demulsifier      | \$10,000  |
| 393       | Fresh/Spent Acid | \$75,000  |
| 417       | Ammonia          | \$10,000  |
| 550       | Product C-9      | \$50,000  |
| Sub-Total |                  | \$405,000 |

Delay until Crude S/D  
Tank has holes in shell at 33'  
Delay until Crude S/D  
Tank has not been inspected in 31 years



# Tank Program 2001 Budget Review

Total Budget

\$3,115,000

340  
393

Fresh/Spent Acid

\$75,000

Tank has holes in shell at 33'

417  
550

Product C-9

\$50,000

Tank has not been inspected in 31 years

551

Jan-72

\$50,000

Tank has not been inspected in 39 years

## Tank Program Goals Weeks of 1/8/00 & 1/15/00

- Tank 3 – Inspect roof. Install new seals. Perform WFMP of door sheet welds.
- Tank 8 – Inspect roof and roof drain plug. Determine why oil is still leaking onto roof.
- Tank 12 – Insulate roof with concrete blankets and install second steam heater. Begin sandblasting floor. Zarnas will work 7 days a week until coating is finished.
- Tank 74 – Install blinds. Engineering is writing work scope for insulation removal contract.
- Tank 163 – Inspect floor repairs. Clean floor. Inspection to mark additional patches to allow for a 10-year run. Install coflexip roof drain. Zarnas to complete sandblasting and priming roof.
- Tank 182 – Tank will be removed from service 2/16/01 for a full internal inspection due to bad seal.
- Tank 223 – Complete roof repairs. Continue temperature float fabrication. Inspect new floor.
- Tank 243 – When will this tank be available for blinding?
- Tank 245 – Install manhead with sample point attached when level is low enough.
- Tank 262 – Is this tank empty? Open and clean.
- Tank 285 – Complete clean out. Install new seal. Set up heater and demudifier and wrap bottom course with insulation.
- Tank 330 – Inspect floor and bottom of shell. Repair per IR. Install ladder for inspection of roof.
- Tank 553 – Engineering to develop bid package for double floor after request is approved by management. Remove scaffold.
- Tank 583 – Tank will be removed from service 2/2/01 to repair seal. / 30 day extension / perform work during Mettand 3/d

PJK

### Tanks due to be removed from service in January, 2001:

- 243 – Gasoil – 1/? – EPA Tank
- 224 – Alkylate – 1/15 (after Tank 223 is returned to service – roof drain leaks)
- 248 – Hydrocracker Feed – 1/22 – EPA Tank

### Tanks due to be removed from service in February, 2001:

- 319 – Glycol (Tetra unit) – 2/5
- 348 – Caustic (WWTP) – 2/5
- 393 – Fresh/Spent Acid – 2/5
- "B" Sand Filter – 2/5

### Tanks due to be removed from service in March, 2001:

- 1 – Crude – 3/19 – EPA Tank (after Tank 12 is returned to service)
- 181 – Gasoline – 3/12 (roof drain leaks)
- 321 – Acid – 3/15
- 323 – Quench Water – 3/5

\*x Mr 285 coating fiberglass \$162,000 > vinyl ester coating (no protection against under side pot corrosion)  
\$123,000 > coal tar equivalent

**Tank Program Goals  
Weeks of 1/8/00 & 1/15/00**

**Tanks due to be removed from service in February, 2001:**

- 393 – Fresh/Spent Acid – 2/5

## Tank Program Goals Weeks of 2/5/01 & 2/12/01

- Tank 3 – Complete secondary seal installation. *Review reports before close up T212.* Clean out for hydrotest. Close and begin filling.
- Tank 12 – Zamas complete finish coating floor. Replace 2 pressure/vacuum vent valves. Strap tank.
- Tank 74 – Asbestos insulation removal bids due 2/5. Demolition cost for this tank and tank 262 are ~\$35,000. Does this included decontamination costs?
- Tank 163 – Clean floor. Install 18 additional floor patches. DNREC inspection on 2/8/01. Clean out and close up/pull blinds. → *Strap today. No hydro required (Seal respect...)*
- Tank 182 – Remove tank from service no later than 2/18/01. *hugs down*
- Tank 223 – Hydrotest. Start draining. → *Witness tomorrow / Hookup Godwin*
- Tank 243 – Clean tank.
- Tank 245 – Install manhead with sample point attached when level is low enough.
- Tank 248 – Strip asbestos and install blinds. Open manheads and sample sludge in tank. ← *Sample Bids 2/19*
- Tank 262 – Clean from manhead. Open roof manheads after tank is clean. *- Kansas*
- Tank 285 – Insulate roof with concrete blankets. Waterproof seal. Dry out tank. Set up and begin sandblasting. *- Allstate*  
*- PSI*
- Tank 330 – Install pressure/vacuum vent. Valve is due in 2 weeks.
- Tank 553 – Engineering to develop bid package for double floor after request is approved by management. Remove scaffold.
- Tank 583 – Install blinds and open. Clean out. Inspect and repair seal. DNREC inspection scheduled for afternoon of 2/8/01 (Thursday). Pull blinds after inspection. *Bent roof legs & shaves*
- B Sand Filter – Clean out. Install scaffold and inspect. *photos in seal / install springs (20)*
- 12-D-12 – When will this tank be blinded?

No  
update

### Tanks due to be removed from service in January, 2001:

- 224 – Alkylate – 1/15 (after Tank 223 is returned to service – roof drain leaks)

### Tanks due to be removed from service in February, 2001:

- 182 – Gasoline – 2/16 – EPA Seal Leak (after Tank 163 is returned to service)
- 348 – Caustic (WWTP) – 2/13

### Tanks due to be removed from service in March, 2001:

- 1 – Crude – 3/19 – EPA Tank (after Tank 12 is returned to service) *lower legs !!*
- 181 – Gasoline – 3/12 (roof drain leaks – after Tank 182 is returned to service)

### Tanks not removed from service due to financial constraints:

- 263 – Gasoil – 2/5
- 319 – Glycol Stops – 2/5
- 393 – Fresh/Spent Acid – 2/5
- 323 – Quench Water – 3/5
- 321 – Acid – 3/15

**Tank Program Goals**  
**Weeks of 2/5/01 & 2/12/01**

**Tanks not removed from service due to financial constraints:**

- **393 – Fresh/Spent Acid – 2/5**

## Tank Program Goals Weeks of 2/12/01 & 2/19/01

- In 2 prep inspection - lower legs.*
- Tank 3 - Complete secondary seal installation. Clean out for hydrotest. Close and begin filling. *→ 2 shifts 2nd seal.*
  - Tank 12 - Remove roof insulation after coating cures. Have DNREC inspect seal. Strap tank. Clean out and close tank. *← Review QC docs from contractor. / Strap next wk.*
  - Tank 74 - Strip insulation when? *→ Contract being sent to Diamond Hunkeler / Superior Scaffolding.*
  - Tank 163 - Clean out and close up/pull blinds. *← today/ blind into tonight*
  - Tank 182 - Remove tank from service no later than 2/18/01.
  - Tank 223 - Drain tank. Open manheads and clean out. Zarnas begin sandblasting and coating roof. (
  - Tank 243 - Clean tank. (Still cleaning ~ our laborers; where disposing) *→ to landfill.*
  - Tank 245 - Install manhead with sample point attached when level is low enough.
  - Tank 248 - Open manheads and sample sludge in tank Cleaning bids due 2/19. *Pull liquid with Eisco ↓ where to.*
  - Tank 262 - Clean from manhead. Retest material in tank for benzene. Initial test results indicate 20 *ppm benzene*, threshold for non-hazardous is .5 ppm. Need to know what current levels are before deciding on a cleaning method. *Water & Solids (hazardous)*
  - Tank 285 - Waterproof seal. Dry out tank. Clean ~30 roof legs that are leaking oil. Set up and begin sandblasting.
  - Tank 330 - Install pressure/vacuum vent. Valve is due in 1 week.
  - Tank 348 - Install blinds and open manheads. Clean for entry. *Caustic / stress relieved*
  - Tank 553 - Engineering to develop bid package for double floor after request is approved by management. Remove scaffold.
  - Tank 583 - DNREC inspection scheduled for afternoon of 2/12/01 (Monday). Pull blinds after inspection. *→ Seal work → passed inspection.*
  - B Sand Filter - Clean out. Install scaffold. Zarnas to sandblast. *Coal Tar Epoxy*

### Tanks due to be removed from service in January, 2001:

- 224 - Alkylate - 1/15 (after Tank 223 is returned to service - roof drain leaks)

### Tanks due to be removed from service in February, 2001:

- 182 - Gasoline - 2/16 - EPA Seal Leak (after Tank 163 is returned to service)

### Tanks due to be removed from service in March, 2001:

- 1 - Crude - 3/19 - EPA Tank (after Tank 12 is returned to service)
- 181 - Gasoline - 3/12 (roof drain leaks - after Tank 182 is returned to service)

### Tanks not removed from service due to financial constraints:

- 263 - Gasoil - 2/5
- 319 - Glycol Slops - 2/5
- 393 - Fresh/Spent Acid - 2/5
- 323 - Quench Water - 3/5
- 321 - Acid - 3/15

**Tank Program Goals  
Weeks of 2/12/01 & 2/19/01**

**Tanks not removed from service due to financial constraints:**

- **393 – Fresh/Spent Acid – 2/5**



**Tank Program Goals**  
**Weeks of 2/26/01 & 3/05/01**

*Fin 8 - Work until Friday / no oil remaining*

- Tank 3 – Complete secondary seal installation. Clean out for hydrotest. Close and begin filling. *→ 2 weeks*
- Tank 12 – Remove roof insulation after coating cures. Strap tank roof. Clean out and close tank. Pull blinds and return to service. *→ Strap today / Friday Hrs /*
- Tank 62 – Replace P/V vent valve.
- Tank 74 – Superior Scaffold to start scaffolding for insulation removal by Diamond Huntback.
- Tank 163 – When can we raise roof legs?
- Tank 182 – Install blinds and open manheads. Begin cleaning. There is an 18" line tied into the oval manhead. The block valve will need to be removed and a blind flange installed before entry is obtained. This line and nozzle should be modified during this outage (similar to Tank 162). *Eng Req*
- Tank 223 – Drain last 5' of water to WWTP. Open manheads and clean out. Zarnas begin sandblasting and coating roof.
- Tank 243 – Complete sandblasting internals. Clean out sand and inspect.
- Tank 245 – Install manhead with sample point attached when level is low enough.
- Tank 248 – EISCO to remove liquid layer from tank before cleaning contractor arrives. *– complete Mon/Tues*
- Tank 262 – Clean from manhead. Material sent out for testing; waiting on results.
- Tank 285 – Complete cleaning roof legs that are leaking oil. Grind old weld splatter on floor per coating inspector's instructions. Set up and begin sandblasting.
- Tank 553 – Engineering to develop bid package for double floor after request is approved by II 551/550 *→*
- B Sand Filter – Repair per IR. *Blind 12D-12 →*

**Tanks due to be removed from service in January, 2001:**

- 224 – Alkylate – 1/15 (after Tank 223 is returned to service – roof drain leaks)

**Tanks due to be removed from service in March, 2001:**

- 1 – Crude – 3/19 – EPA Tank (after Tank 12 is returned to service)
- 181 – Gasoline – 3/12 (roof drain leaks – after Tank 182 is returned to service)

**Tanks due to be removed from service in April, 2001:**

- C Sand Filter – 4/2
- 357 – Cuff Feed – 4/3

**Tanks not removed from service due to financial constraints:**

- 263 – Gasoil – 2/5
- 319 – Glycol Slops – 2/5
- 393 – Fresh/Spent Acid – 2/5
- 323 – Quench Water – 3/5
- 321 – Acid – 3/15



**Tank Program Goals  
Weeks of 2/26/01 & 3/05/01**

**Tanks not removed from service due to financial constraints:**

- **393 – Fresh/Spent Acid – 2/5**

>  
> -----Original Message-----  
> From: (Richmond)  
> Sent: Wednesday, May 30, 2001 7:56 AM  
> To: (Pat)  
> Subject: Fw: Tank 393

> FYH. We must figure out how to get this tank out of service for inspection.

> The history provided below supports an approach using extreme measures.  
> Develop a plan and then let's review.

>  
> Richmond  
>  
> Phone (302)  
> Pager (302)  
> Cellular (302)

>  
> -----Original Message-----  
> From: (Melanne)  
> Sent: Wednesday, May 30, 2001 6:57 AM  
> To: (Richmond)  
> Subject: Tank 393

>  
> I saw yesterday's M-21 for Tank 393 and didn't know whether you had any of this additional information.

> 1. weekly tank report that listing Tank 393 as one of the  
> tanks not removed from service due to financial constraints.  
> 2. IR 00-508 for a leak on the west side of tank. Inspection  
> recommended taking tank out of service as soon as possible for an internal  
> inspection due to corrosion on the shell.  
> 3. IR 00-326 for a leak. Inspection recommended taking tank out of  
> service as soon as possible for an internal inspection due to corrosion on  
> the shell.  
> 4. IR 99-819 for a leak. Inspection recommended taking tank out of  
> service as soon as possible for an internal inspection due to corrosion on  
> the shell.

>

**MM (Melanne)**  
**From:** (Mike)  
**Sent:** Friday, June 01, 2001 8:16 AM  
**To:** Amy)  
**Cc:**  
**Subject:** FW: Tk 393 Spent Acid Leak

---

Although this leak did not have to be reported to the National Response Center and the Delaware Response Center (less than 66 gallons) the leak was large enough so that it has to be reported internally (greater than 1 Bbl.). Once again, repeating the obvious, this tank should be taken out of service and repaired.

---

**Subject:** Tk 393 Spent Acid Leak

Attached is a Hydrocarbon release report. Please let me know if there is something else that needs to be filled out. I ran the calculation for the amount of spent acid that leaked to the ground which equals 61.2 gallons. The limit is 66 gallons of 99+%H<sub>2</sub>SO<sub>4</sub>. In other words, we didn't have a reportable quantity spill. I used an orifice calculation program so I can't forward the calculations electronically. A hardcopy of my calculations will be kept in my files. Let me know if you have any questions.

Amy :



Env Release  
Report52901spill\_....

**Sent:** Friday, June 01, 2001 8:16 AM

**Subject:** FW: Tk 393 Spent Acid Leak

Although this leak did not have to be reported to the National Response Center and the Delaware Response Center (less than 66 gallons) the leak was large enough so that it has to be reported internally (greater than 1 Bbl.). Once again, repeating the obvious, this tank should be taken out of service and repaired.

# What Happened?

- No Individual Prosecuted
- Company Charged with a Misdemeanor
- Paid \$10 Million Fine
- Small OSHA Penalty

# Why?

- Explosion Not Linked to Failure to Inspect
- Related to Failed Pump which No One Could Detect
- Created Unsafe Flammable Condition
- Hot Work Ignited Acid/Oxygen Mixture

# Bad Documents

- Can they be Eliminated?
- Can People Be Trained not to Write Them?

LET'S TAKE A BREAK  
AND ASK ROY