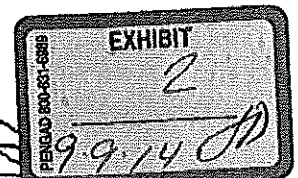


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## Energy firm convicted in Walnut Creek pipeline blast that killed 5

Henry K. Lee, Chronicle Staff Writer

Published 4:00 am, Friday, September 21, 2007

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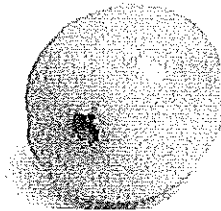
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Chronicle / Eric Luse

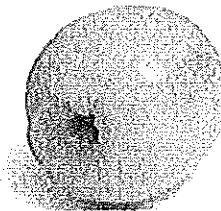
Police officers on Wednesday, Nov. 10, 2004, cordon off the site of a Tuesday explosion in Walnut Creek, Calif. Two people remained missing Wednesday, after an underground fuel pipeline exploded when it was struck accidentally by a construction crew extending a water line. The two missing were part of a construction team that accidentally hit a fuel pipeline. (AP Photo/San Francisco Chronicle, Eric Luse)  
 MAGS OUT MANDATORY CREDIT Metro#Metro#Chronicle#11/13/2004#ALL#5star#0422460631 Photo: ERIC LUSE

## These Foods Kill Your Brain



Shocking video reveals NASA doctor's secret for improving brain health and what Big Pharma doesn't want you to know. (video)

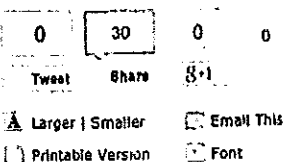
## These Foods Kill Your Brain



Shocking video reveals NASA doctor's secret for improving brain health and what Big Pharma doesn't want you to know. (video)



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An energy company was convicted Friday of six felony counts and will pay \$15 million in connection with a 2004 gasoline pipeline explosion in Walnut Creek that killed five construction workers and injured four others.

Attorneys for KMGP Services Co. Inc., a subsidiary of Kinder Morgan Energy Partners, entered no-contest pleas before Superior Court Judge Terence Bruiniers in Martinez.

The company will pay a \$10 million fine in the criminal case, involving violations of the state labor code, and \$5 million to end a related civil prosecution, Deputy District Attorney Lon Wixson said.

"We're happy with it," said Wixson, who filed charges against the company Thursday after a lengthy investigation. "We think it's fair. We think it's appropriate."

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Tom Bannigan, president of Kinder Morgan's products pipeline business, said in a statement, "We extend our deepest sympathies to the families and individuals affected by this tragic accident. While it can never make up for the losses associated with this incident, we hope that accepting our share of responsibility and reaching these settlements will help bring closure to this matter."

The families of the five men who were killed and others who were injured by the blast have reached separate civil settlements totaling at least \$69 million with Kinder Morgan and other companies that were involved in the incident, including Mountain Cascade Inc. of Livermore, a contractor for the East Bay Municipal Utility District.

Only the subsidiary of Kinder Morgan, the nation's largest underground fuel shipper, was criminally charged.

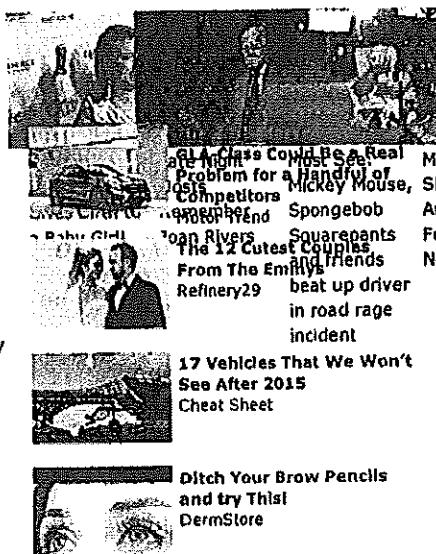
The explosion occurred Nov. 9, 2004, when a Mountain Cascade backhoe operator was installing a water-district main near Newell Avenue and South Broadway and punctured a high-pressure Kinder Morgan pipeline.

The plea agreement signed by Kinder Morgan says the company was the "proximate cause of the puncture of the line and of the deaths and injuries that resulted from the incident." As part of the agreement, the company's employees must fully inspect its pipelines during excavation and conduct an audit of its training procedures.

Kinder Morgan had failed to mark a bend in the Walnut Creek line, according to state workplace safety regulator Cal/OSHA, which found the Houston company primarily at fault and fined it \$140,000. The state fire marshal fined Kinder Morgan \$500,000. The company has appealed both fines.

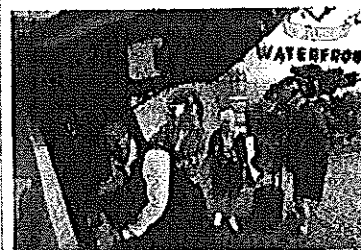
Killed in the blast were project foreman Tae Chin "Gene" Im, 47; Javier Ramos, 35; Israel Hernandez, 36; Victor Rodriguez, 26; and Miguel Reyes, 43. The fireball also seriously injured welders Jeremy Knox and Roger Paasch, pipe fitter Miguel Fuentes and crane operator Patrick Farley.

David "Max" Beach, the attorney for Reyes' family, said Friday that Reyes had been killed because the company "did not take safety seriously."



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He said Reyes' relatives were grateful that the Kinder Morgan subsidiary had been prosecuted, but added, "It's impossible to say whether the resolution brings any measure of satisfaction to the Reyes family."

John Anton, an Oakland attorney who represented the families of Rodriguez and Hernandez, said, "Considering the misconduct, which was always egregious and is now criminal, and the loss of life that resulted, I can't say that I'm satisfied. I will say that Kinder Morgan, however reluctantly, stepped up to the plate and acknowledged, in both the civil and now the criminal litigation, the horrible blunders that its people made."

Last year, the federal Pipeline and Hazardous Materials Safety Administration's Office of Pipeline Safety and Kinder Morgan agreed that the company would provide system-wide safety upgrades in six Western states. The upgrades were expected to result in as much as \$90 million worth of safety improvements.

The \$5 million in the civil case will be divided among the county, a state and county prosecutors' fund for worker-safety investigations, the sheriff's office for its use in improving radio communications, the city of Walnut Creek and the Contra Costa County Fire Protection District.

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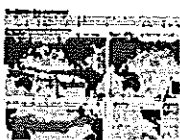
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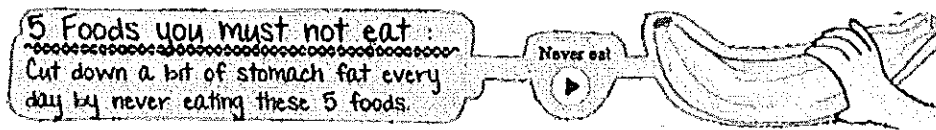
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