

Deposition Testimony of:

David Rainey

Date: June 2, 2011

Created by:



www.indatacorp.com

Page 11:13 to 11:15

00011:13 DAVID RAINEY,
14 having been first duly sworn, testified as
15 follows:

Page 17:10 to 17:13

00017:10 Could you tell me what your job
11 was on April 20th, 2010?
12 A. I was vice president of
13 exploration for the Gulf of Mexico.

Page 23:09 to 24:10

00023:09 Q. Did you change jobs after
10 April 20th, 2010?
11 A. I became part of the response.
12 So I was deputy incident commander in Robert
13 under Doug Suttles through the end of June.
14 And then the first week of July, after the
15 July 4 holiday, I started a new role as vice
16 president of Science, Technology, Environment
17 and Regulatory Affairs for the Gulf Coast
18 Restoration Organization.
19 Q. What is the Gulf Coast
20 recovery -- or Restoration?
21 A. Restoration. That's the
22 separate organization that BP set up to carry
23 out the -- after the -- beyond response into
24 restoration. So to deal with the restoration
25 of the Gulf Coast and the aftermath of the
00024:01 incident.
02 Q. Would that restoration be in the
03 global sense? And I'll just describe that
04 for you. Environmental issues, community
05 issues, health issues, the entire impact or
06 perceived impact of the April 20th, 2010
07 event?
08 A. That's correct.
09 Q. That's a fair statement?
10 A. Yeah.

Page 129:10 to 130:09

00129:10 Did you have any kind of role in
11 the post April 20th, 2010 containment,
12 cleanup, well control or any other activity
13 after the DEEPWATER HORIZON catastrophe?
14 A. From April -- from the Friday
15 after the incident when we set up the unified
16 area of command at Robert through to the end
17 of June, I was deputy incident commander in
18 Unified Area Command.

19 Q. Who did you report to?
20 A. To the Unified Command, which
21 was -- Doug Suttles is the incident
22 commander, Admiral Landry initially, and
23 various other admirals through the process as
24 the FOSC. And then there were various
25 members of staff on-scene coordinators,
00130:01 representatives of Transocean, all sat on
02 that Unified Command. As a deputy I reported
03 up to that group.
04 Q. Okay. And how long did you
05 serve as deputy incident commander?
06 A. Through the end of June.
07 Q. And at the end of June did you
08 move to your new job?
09 A. I did.

Page 134:18 to 136:05

00134:18 Q. Were these the only calculations
19 you did with respect to discharge of barrels
20 per day?
21 A. No.
22 Q. Did you do them throughout your
23 tenure at the incident command center?
24 A. No, actually I only did the
25 calculations on the -- I was experimenting on
00135:01 the 26th and the early part of the 27th. I
02 landed on a methodology late on the 27th, did
03 the calculations for the 27th and then handed
04 it over to an individual who was in the
05 science room to carry out the calculations
06 from that point on.
07 The calculations using the
08 methodology that we finally agreed, landed
09 on, were carried out through April the 30th.
10 At that point there was a major
11 storm came in and we were not -- we weren't
12 able to fly the overflights to get a view of
13 the surface expression of the oil and then
14 when the storm passed we had fog for several
15 days. So there was a gap of about a week
16 where we weren't able to do anything.
17 When the fog finally cleared,
18 the expression of the oil on the surface had
19 reached such a scale that the overflights on
20 airplanes were unable to create a map. You
21 see, these calculations are based on
22 essentially maps of how much of the slick was
23 sheen, how much of it was dull oil and how
24 much was dark oil.
25 When we got visibility again,
00136:01 the slick had got so big that the only way we
02 could actually see it was by satellite, and
03 we had no fidelity that we could use to do

04 those calculations. These calculations were
05 not done in this manner after April the 30th.

Page 145:20 to 147:10

00145:20 Q. Okay. Okay. Take that. Thank
21 you. I'm going to mark this as Exhibit 3212.
22 (Exhibit No. 3212 was marked.)

23 Q. (BY MR. CERNICH) I apologize
24 for the problems with the attachments.
25 Hopefully we won't continue to run into that,
00146:01 but of course we will.

02 Okay. If you'll turn to Tab 6,
03 please. This is an e-mail from yourself
04 dated Tuesday, April 27th, to Ian Cavanaugh,
05 Subject: spill vol 4-27.

06 And who is Mr. Cavanaugh?

07 A. His role in BP is he's the
08 technology vice president for subsurface and
09 wells. His role in the response by this time
10 was I think best described as science advisor
11 to the incident commander in Houma.

12 Q. And were you sending -- do you
13 recall sending this e-mail to Mr. Cavanaugh?

14 A. I don't actually recall doing
15 it. Of course, I've seen the documents
16 and --

17 Q. Okay. And were you sending this
18 to Mr. Cavanaugh like the -- like when you
19 sent the other e-mail to Ms. Wallace to
20 distribute for a meeting?

21 A. No. This is -- this is later.
22 This is after the meeting.

23 Q. Okay.

24 A. My belief is, and this -- this
25 is reconstructed from looking at the
00147:01 documents and my notes, is that Ian would
02 have been on the 4:30 telecom, and he simply
03 expressed interest as a scientific advisor
04 for Houma in what I was doing, and he thought
05 it might help him as he was working in Houma
06 to assist in planning and applying
07 dispersants.

08 Q. So he was using this -- using
09 these numbers to consider how much dispersant
10 he was going to --

Page 147:15 to 147:17

00147:15 A. My belief is he thought it might
16 be useful, but I don't know what he did with
17 it after he got it.