

# Lawsuit Reveals Details In Deadly Refinery Blast

Tim Korte, Associated Press Writer

A survivor of a deadly explosion and fire at a southeastern New Mexico oil refinery has filed a lawsuit, saying the cause was a welding accident and that the plant operator failed to follow safety procedures.

Juan Carlos Hermosillo, also known as Elias Aleman, remained hospitalized Thursday with injuries from Tuesday's explosion at Navajo Refinery in Artesia, N.M.

The 24-year-old Hobbs man sustained multiple fractures to both arms, a broken hip and back, and facial cuts. He said the accident happened at a large tank partially filled with tar. He's seeking unspecified damages to be determined in a jury trial.

Navajo Refinery and its parent company, Dallas-based Holly Corp., didn't immediately return telephone messages seeking comment. Another defendant, Houston-based Total Safety Inc., declined to respond to the allegations in the lawsuit.

The 24-hour refinery, located at the intersection of two busy highways in Artesia, turns oil into diesel, gasoline, jet fuel and other products, including asphalt. The plant has the capacity to process about 95,000 barrels of oil a day, according to the U.S. Energy Information Administration.

According to the lawsuit, Navajo Refining failed to follow reasonable safety procedures and was negligent in authorizing work that led to the accident. The lawsuit also says Total Safety's representatives failed to inspect the site before the explosion.

Aleman's attorney, Noe Valles, said the worker had secured authorization permits earlier in the day to perform welding work on a 40-foot tank that is used to produce asphalt.

"As he returned to welding after lunch, Mr. Aleman ignited his welder and the tank exploded," Valles said.

Inspectors from the Occupational Safety and Health Administration were investigating.

Artesia police said the blast killed two men, with one body recovered at the site Tuesday. A second man was missing and presumed dead, but police Sgt. Lindell Smith couldn't say if that body had been recovered because police were no longer investigating.

"It has to do with industrial-type stuff, and we investigate crimes," Smith explained.

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The dead men were identified as Natividad Andajo of Odessa, Texas, and Victor Villa of Midland, Texas.

Aleman's complaint was filed in state District Court in Santa Fe.

Valles said details of the explosion were provided by Aleman, who is married with a 2-year-old daughter. The couple is expecting another child.

Asked why Aleman uses two names, Valles said, "because they have some legal implications." He declined to elaborate.

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