

ATTACHMENT 20 – *INTERVIEW OF MI DNRE CONSERVATION OFFICER*

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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ENBRIDGE OIL SPILL
MARSHALL, MICHIGAN

* Docket No.: DCA-10-MP-007

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Interview of: BRIAN FISH

Conference Room
Holiday Inn Express
630 East Chicago Street
Coldwater, Michigan

Thursday,
July 29, 2010

The above-captioned matter convened, pursuant to notice,
at 9:08 a.m.

BEFORE: KARL GUNTHER
Accident Investigator

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<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Brian Fish:		
By Mr. Gunther		4
By Mr. Nicholson		10
By Mr. Bunn		13
By Mr. Pierzina		13
By Mr. Johnson		16
By Mr. Nicholson		20

I N T E R V I E W

(9:08 a.m.)

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3 MR. GUNTHER: I'm Karl Gunther of the National
4 Transportation Safety Board. We are here doing interviews related
5 to an action that occurred in Marshall, Michigan on July 25th,
6 2010.

INTERVIEW OF BRIAN FISH

BY MR. GUNTHER:

7
8
9 Q. Could you please give your name, address, and phone
10 number for the record?

11 A. Brian Fish. Address is
12 Michigan .

13 Q. Okay, could you give your job title and affiliation?

14 A. I am a state conservation officer with the State of
15 Michigan, Department of Natural Resources and Environment.

16 Q. Could you please -- basically can you describe what you
17 did related to these spills? Start from the beginning and just go
18 through it?

19 A. On the morning of July 26th, 2010, I woke up to a strong
20 smell of what I thought was gas at the time at my house. And
21 walked outside and walked around my house, and I knew there was
22 quite a scent, so I called the gas company; I reported a leak.
23 They responded to my house very quickly and the gas company
24 representative told me that he didn't think it was gas, it was
25 petroleum, and they were up to 10 calls at that time and they were

1 trying to find out what was going on too. But he had his detector
2 and was quite confident it wasn't natural gas. He said, "If I
3 find it, Officer Fish" -- we take our marked vehicles home with
4 us, so he saw my truck in the driveway and realized I was in law
5 enforcement -- he said, "I'll come back and let you know."

6 And I was in the house putting on my uniform, and within
7 a few moments he was back at my door saying the fire department
8 was at Division Drive between 16 Mile and Old 27 in Marshall,
9 south of Marshall, and that there was oil in Talmadge Creek.

10 I responded down there immediately, and the creek was
11 running black and the smell was very strong, and I asked if
12 anybody there of the first responders knew where it was coming
13 from. None of them did. They said that the -- someone from the
14 oil company -- they did not have a name -- had been there, and
15 they were trying to make sure that it was, in fact, turned off.

16 I never saw an oil company representative at the creek.
17 I got in my vehicle and started driving around to the industrial
18 park, which is on the east side of the creek. I drove back in and
19 I couldn't find any sign of the pipeline or equipment; went back
20 to the Talmadge Creek at Division Drive location, and firefighters
21 were still there waiting for somebody from the oil company. I
22 went back up to the industrial park planning to park my vehicle
23 and walk in, and I ran into a gentleman from Enbridge named Mick.
24 At this moment I can't remember his last name. I have his card.
25 He assured me the line was off.

1 I called -- I went over to Leggitt Road to Enbridge's
2 offices. It was chained shut. I got the 800 number from the sign
3 out in front to report leaks. I called that, spoke to the leak
4 response center. They assured me someone would call me right
5 back. Someone did. That was Tom, who was then the incident
6 commander, I believe, and he assured me the pipeline was shut off
7 but it was ruptured, and what was coming out was gravity feed from
8 what remained in the pipeline.

9 I went back down to Division Drive at Talmadge Creek at
10 the leak, and the firefighters told me that they had heard from a
11 passerby, I think it was, and I'm not sure about that, that the
12 marsh upstream from where we were standing was full of oil.
13 Obviously, with the Department of Natural Resources, not only the
14 creek, the people, but the marsh is also important to us. So I
15 started walking in, and one of the firefighters opened the
16 adjacent farm gate. We drove in together, Firefighter Meyers
17 (ph).

18 We drove -- oh, I also had for a short time an Enbridge
19 company employee with me. He and I couldn't find the source. We
20 found the creek upstream and the marsh with the oil in it. We
21 separated at that time. He walked back out -- or he rode out with
22 one of the firefighters that had came along. Firefighter Meyers
23 and I then went in, and I walked up the creek alongside of the
24 adjacent marsh area to try to gauge how far the marsh was
25 involved. We eventually found a site on Talmadge Creek where

1 standing on -- in the marsh to the right was running clear water,
2 to the left was oil. So we took that to be at least the point
3 where oil was entering the water. We don't know, of course, where
4 it broke. If it traveled underground, that's completely out of my
5 bailiwick. So we marked that site and came back out, and by that
6 time Enbridge staff was starting to show up along the roadside,
7 and we fell back to a position of keeping the public out and
8 allowing the people who knew what they were doing to address it.

9 I checked with central dispatch to make sure they had
10 all the information and help they needed, and I spoke with the
11 central dispatch assistant director who checked on her computer
12 and told me that the smells, the complaints regarding the smell
13 had actually started the night before at 9:51 hours according to
14 their computer printout. The fire department and local police
15 were dispatched and didn't understand what was going on. It was
16 dark at 10 minutes to 10:00 at night. They couldn't see that the
17 creek may or may not have been involved at that time. The odor
18 was quite strong, and apparently they didn't take any other action
19 until the firefighters and the gas company notified me the next
20 morning.

21 Q. Okay. Did you --

22 MR. JOHNSON: Can I ask here or no?

23 MR. GUNTHER: No, you'll get your turn.

24 MR. JOHNSON: Okay.

25 BY MR. GUNTHER:

1 Q. Did you call local authorities or Enbridge on the
2 spill --

3 A. When I drove over to Leggitt Road, I called Enbridge's
4 local -- or I'm sorry, I called their 800 spill number. That
5 would have been sometime after 10:00, and --

6 MR. JOHNSON: In the morning?

7 MR. FISH: In the morning, 10:00 a.m.

8 MR. JOHNSON: Okay.

9 BY MR. GUNTHER:

10 Q. When did you first observe the oil spill?

11 A. It would have been right in the neighborhood of -- I
12 don't even know now. I would guess when I walked up it would have
13 probably been after I went to Leggitt Road, so between 10:00 and
14 11:00. When I first got there and saw the creek?

15 Q. Yeah, saw the oil.

16 A. That would have been my first time through there.
17 Honestly, I don't know. Everything was a rush at that point.
18 Between 10:00 and 11:00 is the best I can give you.

19 Q. And that's on the 25th or 26th?

20 A. That would have been the 26th.

21 Q. Okay. What kind of formal training do you have?

22 A. For what? Thirty-one years in law enforcement, a
23 graduate of the Basic Police Academy, the Advanced Police Academy,
24 two and a half years undercover in dope, State Police
25 Investigation School, Advanced Investigation School, federal and

1 state law enforcement experience in drug enforcement. I've been a
2 detective for I don't even know how many years until I went back
3 in uniform to do this job. You know, 31 years of ongoing law
4 enforcement experience.

5 Q. Okay. That was the next one, experience you have 31
6 years. Do you have any idea of the volume of the crude oil? You
7 know, did it seem like a lot, a little?

8 A. Numerically I couldn't guess. It did seem like a lot to
9 me.

10 Q. Okay. Did you observe any crude oil in the river or the
11 creeks?

12 A. Yes.

13 Q. Can you describe any environmental damage that you
14 observed?

15 A. Well, the plant life was turning black, and at the base,
16 and I mean, no, at that moment there weren't dead critters in the
17 area or anything like that. I don't -- there isn't anything more
18 specific other than the oil going through there and the plants
19 being stained.

20 Q. Did you observe anything unusual?

21 A. Well, the strong smell. The smell is overpowering. My
22 home is probably a mile and a half from that site, maybe not that
23 far, but conservatively, and the smell was terrible by midmorning.

24 MR. GUNTHER: Do you got any questions, Matt?

25 MR. NICHOLSON: Yeah, I do.

1 MR. GUNTHER: Okay.

2 BY MR. NICHOLSON:

3 Q. We'll start with, you say your home is a mile and a half
4 from that site. Can you be more specific? Division Road or?

5 A. Division where Talmadge Creek crosses Division Drive.

6 Q. You're about a mile and a half from there?

7 A. As the crow flies probably not quite that much. My home
8 is between 15 1/2 -- you have to know how the roads are laid
9 out -- between 15 Mile and 15 1/2 Mile Road on A Drive, and that
10 would be one mile north and a mile to the west of the creek and
11 Division Drive intersection.

12 Q. And let's go back to your timeline. You said July 26th
13 you woke up to the smell of natural gas, or what you thought was
14 natural gas, and you reported that to 911 as a leak?

15 A. No. To the gas company's leak line.

16 Q. And what time was that then?

17 A. I didn't record it. I don't know what time it was.

18 Q. What time do you normally get up?

19 A. Well, our alarm goes off at 6:00, and I was just
20 pattering around the house, and I'm going to say it was 9:00-ish,
21 and that's absolutely a guess. I don't know.

22 Q. I understand. You said you located the placard that had
23 the number for Enbridge. And where was that placard, was it on a
24 pipe marker or did you say that was at a station?

25 A. No, it was on the gate around their facility on Leggitt

1 Road.

2 Q. Leggitt Road. Okay. You mentioned the first person you
3 met was a Mick with Enbridge?

4 A. First Enbridge employee was Mick.

5 Q. And he assured you that the valve was isolated at that
6 point, right?

7 A. I don't know what you mean by isolated. He told me the
8 pipes, the valves had been closed.

9 Q. And after that you met up with the fire department?

10 A. They were there when I arrived.

11 Q. So they were already there?

12 A. Right.

13 Q. But you mentioned another employee from Enbridge that
14 you walked the line with?

15 A. I drove him around back in there.

16 Q. But you don't have a name of that?

17 A. I don't. He was an African-American gentleman, small
18 stature. He also assured me the line was closed, the valves were
19 closed. He said he works at the -- I believe he said he worked at
20 the station, which was immediately west of the leak that we found.

21 MR. NICHOLSON: Okay. We've got him, I think.

22 MR. JOHNSON: Darrell Carter.

23 BY MR. NICHOLSON:

24 Q. That's Darrell Carter.

25 A. Darrell? Okay. I'm sure he told me his name. Things

1 were happening very quick at that time. They were all super
2 cooperative. I mean it wasn't like I had to badger anybody for
3 information or anything.

4 Q. Good. So then about the time you were meeting up with
5 Mick and driving Darrell around, where are we in our time frame
6 there?

7 A. I don't know how many trips I made around looking for
8 things. I would guess late morning by that point.

9 Q. Because you called Enbridge at 10:00. Were you driving
10 Mick around prior to the 10:00 a.m.?

11 A. No, I didn't drive Mick around.

12 Q. I mean -- I'm sorry.

13 A. We bumped into each other in our respective vehicles.

14 Q. That was before 10:00 a.m.?

15 A. I don't know that for sure.

16 Q. You're not sure? Okay.

17 A. I wasn't recording times.

18 Q. Okay.

19 A. I'm certain if it comes down to it, I'm sure the gas
20 company records what time they get emergency calls, and then when
21 I called our dispatch up in Lansing, you know, for the pollution
22 reporting system to kick in, all of those are time stamped as
23 well, so all of those times are available at some point. And I
24 have a printout for the 21:51 call to dispatch reporting the
25 smell. Although yesterday's downpour kind of caught me; I was out

1 with backpack and chasing geese, and everything's wet. So I can
2 get it printed out again; that's not a problem.

3 Q. I think that's all I have. I wanted to just clarify the
4 timeline a little bit. That's all I've got for now.

5 MR. GUNTHER: Okay, PHMSA.

6 BY MR. BUNN:

7 Q. I'm Jim Bunn with the PHMSA Central Region, and do you
8 know the name of the gas company?

9 A. Our area gas company is Consumer's Power, I believe.

10 MR. BUNN: That's all I have. Thank you.

11 BY MR. PIERZINA:

12 Q. I'm Brian Pierzina, also with PHMSA.

13 A. What's PHMSA? I don't know.

14 Q. The Pipeline and Hazardous Materials Safety
15 Administration of the U.S. Department of Transportation.

16 A. Okay, thank you.

17 Q. So did you go downstream at all from Talmadge Creek at
18 Division Road? Did you look into the extent of how far that oil
19 may have gotten?

20 A. I didn't. We had firefighters that we sent to
21 respective crossings.

22 Q. After you concluded with the search around the area
23 where you met up with the Enbridge folks and confirmed there was a
24 leak, what did you do after that?

25 A. As a police officer, that limited my abilities to help.

1 I stayed there and tried to be helpful as far as calling people,
2 getting the right people to respond. I have no expertise in these
3 things. I just tried to be there with a radio to call the
4 firefighters if an ambulance was needed, to make sure pollution
5 emergency was notified. My chain of command, the environmental
6 people, I try to be a pipeline for things that needed -- to get
7 things done on our side of the world, but, you know, that
8 technically limits my ability.

9 Q. Certainly. No, and that's not an issue at all. I just
10 would like to have a sense of how the rest of your day progressed,
11 and if you ever got, you know, further downstream towards the
12 Kalamazoo River or --

13 A. Oh, I do, I live -- Talmadge Creek runs two doors from
14 my house where it meets. I live on the Kalamazoo River, so it's
15 Dr. Cassen right next to me. And then Tom -- I'm sorry I can't
16 remember his last name. I'm operating on very little sleep, and
17 I'm sure you are too. Anyway, two doors from my door is where
18 Talmadge Creek hits the river, so I was very concerned. And we're
19 all on well water in the area. I mean, there's a lot of things
20 going on there, so I was checking it as often as I could get up in
21 the area. And when they opened the command center at the Leggitt
22 Road facility, that's pretty much where I stayed to keep my
23 command structure in the loop.

24 I called Lansing making sure everybody knew. We
25 recently recombined into both Department of Natural Resources and

1 Environment again, so all of our communications which we had up
2 until about 10 years ago had separated, and I just wanted to make
3 sure both sides of the house knew what was going on. So I
4 attended every meeting I could at Enbridge, and then got on the
5 radio or the telephone to let our upper staff people know what was
6 going on.

7 Q. Do you know at what time oil actually started getting
8 into the Kalamazoo River?

9 A. I don't, but we can retrieve it, I believe, because it
10 was on the radio between the firefighters, myself, and central
11 dispatch, and all of that stuff is time-stamped, so we can get it
12 if you have to have it.

13 Q. We would like that. Do you know whether it was in the
14 Kalamazoo River at the time that you were meeting with the
15 Enbridge folks at Division?

16 A. Yes. We got the call that the fire department said it
17 was in the Kalamazoo before I went to Enbridge.

18 Q. Before you went to Enbridge?

19 A. I'm nearly certain that was the case, yes.

20 Q. And that would have been approximately what time?

21 A. Okay, I think they told me they were going to have their
22 first meeting at 5:00. So I got up there prior to that, so I know
23 that firefighters advised me before 5:00, and I would guess it was
24 well before. I think I was still down on Division when that call
25 went out, but I'm thinking three days ago, I'm not -- it wouldn't

1 be fair to tell you that I know for sure what time it was.

2 Q. And that's fair enough. Who do you think would be the
3 best person or which agency would be the best person to try to
4 find that time at which it got into the Kalamazoo?

5 A. I can call the assistant director of 911 and see if she
6 can actually give us a complete copy of that day's tape, if you'd
7 like, and most of that's time stamped. They print out copies all
8 of the time for emergency incidents, so it's completely routine.

9 MR. GUNTHER: That would be valuable.

10 MR. FISH: Oh, I'll get it. It's my ex-wife. It's no
11 problem.

12 MR. BUNN: Thank you very much.

13 MR. GUNTHER: Enbridge?

14 BY MR. JOHNSON:

15 Q. I'm Jay Johnson with Enbridge. I appreciate all you've
16 done.

17 A. Sure.

18 Q. I've got just some questions because, you know, I don't
19 honestly know. I've been trying to track this myself, so I
20 appreciate your time. Are you a landowner?

21 A. Yes.

22 Q. So then you get landowner packets and whatnot?

23 A. Packets?

24 Q. Packets. You get -- when I say a landowner, an Enbridge
25 landowner. Do we have right of way on your property?

1 A. Oh, I'm not an Enbridge landowner, no.

2 Q. Okay, all right. My mistake then. Because I knew you
3 were pretty close. I didn't know if you were a landowner or not.

4 A. No.

5 Q. Do you get public awareness information from Enbridge?

6 A. No. The only reason I knew Enbridge was there is
7 because I've been the game warden in this county or that county
8 for so many years, I was there when the last pipeline went
9 through, so I was aware of that. But, you know, in my line of
10 work, I don't interact -- the people at the environmental side of
11 our house would, but I don't.

12 Q. Okay. So then, I guess, are you involved -- you or your
13 department involved in any of the Enbridge emergency response
14 exercises?

15 A. I am not, and I can't tell you the environmental side as
16 well.

17 Q. And that's okay. Just curious if you were. You said
18 Mick. I'm not --

19 A. That would be the first Enbridge employee.

20 Q. Yeah, I'm just -- could it have been Whit? I'm just
21 trying to think. We're going to have --

22 A. I've got his card out in my car. I can tell you for
23 certain. I was grabbing cards as fast as I could.

24 Q. Because that's a little confusing for me.

25 A. It's the same gentleman that I helped pick boom

1 locations on the river, and he was running the boom crews Monday
2 night.

3 Q. It could have been Mick Collier?

4 A. That I believe it is.

5 Q. Okay.

6 A. Mustached? Balding, grey hair?

7 Q. Yeah.

8 A. I mean, I can see his face, and I've got his card
9 downstairs, but --

10 Q. Yeah, I would like just to confirm that. If you could
11 come back and get us that, that'd be great.

12 A. Sure.

13 Q. And from what you're telling me, it sounds like Mick
14 Collier. But we also have a Brian Whittaker out there, Whit --

15 A. No. It was -- I'll get his card and confirm it, but I'm
16 confident that's who it was.

17 Q. Okay, that'd be awesome. Appreciate that.

18 A. I know he was from Bay City.

19 Q. Yeah, that's Mick. Thank you very much. Now, you
20 talked about your call center, central dispatch?

21 A. There is one 911 central dispatch that takes care of
22 Calhoun County.

23 Q. Okay. You said they were receiving odor calls Sunday
24 evening?

25 A. Yes. Right.

1 Q. How would I go about, or maybe you know, do they, you
2 know, when they get those calls do they call the local utilities?
3 Do you know that?

4 A. No, I don't know that. I know she told me they had the
5 fire department down there, and I'm also pretty confident she told
6 me they had law enforcement down there in the area, nobody knew
7 where it was coming from. You know, it's not like they dispatched
8 them to Talmadge Creek. They had a smell in the area, and they
9 were sending people out to try to figure that out.

10 Q. And you already asked what the gas company -- okay, and
11 my question there was any idea who called the fire department, but
12 that would have been your central dispatch?

13 A. They would have dispatched the fire department. The
14 printout I have doesn't have the caller's name on it, and I don't
15 know if they have that or not. I can -- you know, I would have
16 thought it would have been on the printout, but I don't know that.

17 Q. Maybe I didn't hear it right or maybe -- I don't even
18 know what it is; it's like a 2150 report or --

19 A. No, that was the time. I'm sorry, military time. 9:51,
20 I think, is when the call came in.

21 Q. Okay. I just didn't --

22 A. I'm sorry.

23 Q. No, that's okay. I just thought I missed something
24 there.

25 A. It was civilian and militaristic blurs.

1 MR. JOHNSON: No problem whatsoever. I think that's it.

2 MR. GUNTHER: Fish and Wildlife?

3 MR. TIDWELL: No questions.

4 MR. GUNTHER: Anybody else got any questions?

5 BY MR. NICHOLSON:

6 Q. Now, you're going to provide us -- you said you had some
7 cards of the people you met up with?

8 A. Sure. If you want to take a break, I'll get them right
9 now.

10 Q. Sure. Well, when we're finished here I think we'll
11 collect those. And then the 911 information, was that an action
12 item for you?

13 A. Yeah, I made myself a note. I'll call her. I can call
14 her anytime you want me to and arrange for a tape.

15 Q. Okay.

16 A. Do you want to give me some time parameters? You know,
17 this is a 24/7 taping system. It goes on forever. So my
18 suggestion, would you like to start at like 9:00 p.m. the night
19 before and go for 24 hours, or what would you like to do?

20 MR. PIERZINA: Why don't we go from 6:00 p.m. on the
21 25th to 6:00 p.m. on the 26th?

22 MR. FISH: I have no idea how they'll handle that, but
23 I'll tell her that's what we need.

24 MR. PIERZINA: And I'm sure that the volume, you know,
25 once this release was confirmed, you know, late morning on the

1 26th, that the call volume probably skyrocketed, and I don't know
2 how much of that is valuable to us, but the time that the oil
3 entered the Kalamazoo from Talmadge Creek is important.

4 MR. FISH: They can isolate the various agencies, I
5 think. It's been years since I've had to get a tape, but we can
6 forget the other county -- you know, it's dispatching for what,
7 eight or nine agencies in the county, so you don't want Albion
8 City and Battle Creek City, and Springfield. Anybody who's not
9 involved we can just isolate, right?

10 MR. GUNTHER: Right.

11 MR. NICHOLSON: Yes, that would be fine. Yeah, if you
12 could cut that down.

13 MR. GUNTHER: Right.

14 MR. FISH: You don't want to listen to all their man
15 with a gun calls and all that stuff.

16 MR. NICHOLSON: And is this a transcript or an actual
17 tape?

18 MR. FISH: It would be a tape recording. Well, nowadays
19 it may be an electronic digital thing, but --

20 MR. NICHOLSON: Is there just a transcript of any of
21 that?

22 MR. FISH: No. Somebody would have to print that all
23 out and type that.

24 MR. GUNTHER: We can do that.

25 MR. FISH: No, she gave me a printout of their computer

1 dispatch times, and that's just a computer assisted dispatching
2 system where the times come out, not the actual, "Hey this is
3 happening or that's happening." You'll have to actually listen to
4 the recording for that.

5 MR. NICHOLSON: Okay.

6 MR. GUNTHER: Okay, any more questions? All right,
7 let's go off the record.

8 (Whereupon, at 9:34 a.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: ENBRIDGE OIL SPILL
 MARSHALL, MICHIGAN
 Interview of Brian Fish

DOCKET NUMBER: DCA-10-MP-007

PLACE: Coldwater, Michigan

DATE: July 29, 2010

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been compared to
the recording accomplished at the hearing.

Amy Shankleton-Novess
Official Reporter

Kristen Shankleton
Transcriber