

ATTACHMENT 26 – *INTERVIEW OF ENBRIDGE MANAGER OF PIPELINE SERVICES*

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: BILL BURDEAU

Hampton Inn
17256 Sam Hill Drive
Marshall, Michigan

Wednesday,
October 27, 2010

The above-captioned matter convened, pursuant to notice,
at 10:30 a.m.

BEFORE: PAUL STANCIL
Accident Investigator

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I N T E R V I E W

(10:30 a.m.)

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3 MR. STANCIL: My name is Paul Stancil. I'm a hazardous
4 materials accident investigator with the National Transportation
5 Safety Board.

6 MR. KOVAL: I'm Chuck Koval, pipeline investigator with
7 NTSB.

8 MR. BUNN: I'm Jim Bunn with PHMSA, Central Region.

9 MR. KLABUNDE: Duane Klabunde, Supervisor of Compliance
10 for Enbridge, North Dakota.

11 MR. JOHNSON: Jay Johnson, Senior Compliance Specialist,
12 Superior, Wisconsin.

13 MR. BURDEAU: Bill Burdeau, Manager of Pipeline
14 Services, Chicago Region.

INTERVIEW OF BILL BURDEAU

BY MR. STANCIL:

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16
17 Q. Okay, Bill. Paul Stancil, here. What I'd like to do is
18 just have you give us a narration, an overview of all of the
19 activities that you participated in, your role in the emergency or
20 initial response to this accident here in Marshall, Michigan.
21 Just begin with the time when you were notified of a release and
22 all of the actions that you took, including the first and second
23 day of the response.

24 A. Okay, very good. I was notified by Tom Fridel of the
25 release at approximately 10:45 a.m. Central Time, 11:45 Eastern

1 Time, on July 26th. At that time the discussion was very brief.
2 It was, "We have a release out in Marshall approximately at
3 milepost 608. Can you go home, get a bag, come back here, and
4 we'll ride together," so that I could field some of the calls that
5 were coming in or calls that needed to be made while Tom was
6 driving.

7 So immediately after being notified by Tom, I in turn
8 contacted all the other PLM supervisors within our region and
9 notified them that we did have a release and that they were to
10 immediately get their crews mobilized and equipment mobilized and
11 head directly to Marshall. That happened at approximately between
12 11:00 and 11:15 a.m. Central Time. And once again, I keep
13 specifying Central Time because I know there's a discrepancy
14 between some of the documentation that's been presented, that
15 being all the time in Eastern Time.

16 So anyway, I got back to the office probably -- well, I
17 only live a short distance from the office, so I was probably back
18 to the office between 11:30 and quarter to 12:00 Central Time, and
19 immediately Tom and I jumped in his truck and left. Now, Tom's
20 house is somewhat on the way heading east toward Marshall, so we
21 swung past his house. He picked up a bag for himself, and then we
22 got on the road. So I would say we were probably on the road
23 headed to Marshall between 12:00 and 12:15 Central Time.

24 During that time there were a couple of calls that came
25 in, one from Leon Zupan, the VP of operations, and that was a

1 short discussion. It was mainly what time do you anticipate
2 getting there, which we informed him it would be probably 3:30,
3 4:00 by the time we got there, Eastern Time. So then I contacted
4 Vince, and that was basically just -- Vince Kolbuck, who was back
5 in the office, and just basically reminding him that we needed to
6 get the internal reports out, we needed to get the calls made to
7 National Response Center, and once again, a short discussion, and
8 that was about it.

9 Then it was probably around, oh, I'm thinking around
10 12:30, somewhere in that time frame, that the control center
11 called and indicated that they had received a call from Brian Fish
12 from Michigan DNR, and that he was requesting a call back. So I
13 called Brian Fish back, and we just chatted briefly. He was
14 actually out at the Kalamazoo River at that point and, you know,
15 he was reporting that there was oil on the river, and that was --
16 you know, once again, it was when do we anticipate getting there?
17 We told them, and he said fine, we'll hook up when we got there.

18 And then the last call that I -- well, I shouldn't say
19 the last call, there was another call that came into the control
20 center, and I don't recall the gentleman's name, but he was with
21 Michigan DNR as well and apparently worked for Brian Fish. So
22 when I got this gentleman's name and number and called him back, I
23 informed him that I had already spoken with Brian, and he was
24 like, okay, that's great, no further questions; just kind of fill
25 us in as things progress.

1 The last call that I remember making was to Mick
2 Collier, our PLM supervisor that was the first to arrive on scene,
3 and he was, as I recall at that point, he was at the I-94 bridge
4 at the Kalamazoo River, at the I-94 bridge, and had indicated that
5 that was, he thought anyway at that time, around the leading edge
6 of the oil. And that was probably -- gosh, I want to say that was
7 probably about 12:45, 1:00 time frame.

8 Q. Central Time?

9 A. Central Time, yeah. And that was pretty much it until
10 we arrived on site.

11 When we arrived on site, I immediately began working
12 with -- well, Tom and I had discussed along the way the rules for
13 the incident command structure, so when I arrived I immediately
14 got the board out and started filling in the names as to who was
15 responsible in what areas. Then it became an issue, or I
16 shouldn't say an issue, but I began notifying some of our
17 emergency response contractors that were in our directory, asking
18 them to begin mobilizing the equipment and manpower, and as I
19 recall, it was somewhat of a whirlwind going on.

20 We began the preparations, I guess you'd say, for
21 gathering up as much information as we could at the time for a
22 7:00 p.m. briefing, I believe it was, Eastern Time. At that point
23 there were a couple of EPA representatives that were at that
24 meeting. I recall one of them, their name being Brian. I don't
25 recall the other guy. I know they had a couple of different

1 Brians, but these two gentlemen, basically there wasn't a whole
2 lot of I guess you'd say support. It was more from the standpoint
3 of observation, sitting back and seeing what we were doing, and
4 indicating that they had the capability to take over the response
5 efforts at any point in time.

6 There were -- I was then given responsibility as
7 nightshift incident commander through the night, and I do recall
8 having another discussion with these individuals later on in the
9 evening that, you know, we really needed to increase our efforts,
10 otherwise they could take this response over. And that was -- I
11 shouldn't say fine with me, but it was just, you know, I didn't
12 look at it one way or another with those guys. It was more a case
13 of, hey, I don't think that we -- my personal feeling was, hey, I
14 don't think that we should be taking sides at this point; let's
15 all work together toward the same common goal. And as time went
16 on, they became more cooperative, and we all kind of meshed
17 together a little better, but in those early stages there was a
18 little bit of friction.

19 But then as I worked through the nightshift it was just
20 a matter of trying to get out as much boom as we possibly could in
21 various locations downstream, and then that was gathering up more
22 data through the night in preparation for a little larger 9:00
23 a.m. briefing, I think it was, Eastern Time, the next morning, and
24 at that point our senior management had arrived and were present
25 for the 9:00 a.m. meeting. So I guess in the grand scheme of

1 things, my involvement was probably rather minimal in comparison
2 to others, but that was pretty much it as far as I recall.

3 Q. I reviewed your timeline and went through some of the
4 documentation, and maybe you could help us clarify a few issues
5 here. You were initially managing the incident from the Griffith,
6 Indiana office. Is that -- where is your office located?

7 A. That is where our office is located, yes. And when the
8 calls came in to Tom, he walked down the hall, informed me, and
9 then from that point we got Vince involved in staying back and
10 making calls while Tom and I started heading eastward to Marshall.

11 Q. Now, according to your timeline, there's an entry that
12 says that Tom initiated a call to Enbridge senior management. Who
13 did that involve? That would have been at 11:55 a.m. Eastern
14 Time.

15 A. Yeah, that would have been to his superiors, which would
16 be Rich Adams, who is the U.S. VP of operations, and then
17 ultimately to Leon Zupan, who is VP of all operations, all liquids
18 operations.

19 Q. And so what sort of instruction or contact was involved
20 there? Was it just simply a notification we got this release, or?

21 A. As far as I know -- I wasn't involved in those calls,
22 but typically it's notification that we do have a leak, we do have
23 oil on the ground, we are beginning to mobilize crews. And I'm
24 sure the discussion revolved around how fast is regional
25 management heading out there and when do you anticipate being

1 there? But I wasn't directly involved in either of those
2 conversations that Tom had.

3 Q. You mentioned that you had a discussion with Vince about
4 making internal reports and following the NRC report?

5 A. Yes.

6 Q. What instructions did you give Vince about the NRC
7 report?

8 A. It was just that we've got our timelines, you know, that
9 we need to make sure that we get these notifications in, in a
10 prompt manner. Certainly we want to make sure that we're getting
11 good information as well, so it was, okay, let's get a little bit
12 more information before we make these calls but be cognizant of
13 the time frames that we need to get these calls made within.

14 Q. Did Vince consult with you as to what information would
15 be appropriate to provide to the NRC?

16 A. He did. We were concerned about trying to make sure
17 that the volume out estimate was accurate. So he did some
18 calculations between mainline valves, and that was how that was
19 determined, and then it was just a matter of -- you know, we have
20 an internal structure as well as far as reporting, and it was
21 getting those reports in to make sure that all of senior
22 management was notified and so on and so forth.

23 The discussion that I had with Vince was, it seemed like
24 an eternity, but I don't think it was more than about 30 seconds
25 to 45 seconds. And he's been involved in that whole process

1 before, so he knew the routine. It was just a matter of, okay,
2 let's not lose sight of this; we've got to make sure that this
3 gets done.

4 Q. He knew there was some deadline that --

5 A. Yes.

6 Q. -- that the report needed to be in by, and that was how
7 long?

8 A. We needed to report to NRC within two hours, and so it
9 was more a reminder than anything else.

10 Q. Okay.

11 A. Don't forget about this because they know how time just
12 passes when things like this go on, so.

13 Q. Now also looking at your timeline, there was a
14 conversation with PHMSA, a Mr. Hans Shieh. Was that you that made
15 that contact?

16 A. Don't recall that name at all.

17 Q. Did you have any contact with PHMSA?

18 A. No, I did not.

19 Q. Okay.

20 MR. JOHNSON: I did.

21 MR. STANCIL: You did? Go ahead and tell us.

22 MR. JOHNSON: Well, and as NTSB found out, the NRC
23 doesn't always get the information out maybe as fast or as
24 complete, so Enbridge had done courtesy calls to the Central
25 Region or Southwest, if that's applicable, to say, you know,

1 here's what's going on, just want to give you guys a heads up, you
2 know, as soon as we hear something.

3 So Vince had called me. We have -- Bill talked about
4 two things. We have an internal reporting structure, and that
5 certainly let's senior management know, but it let's all of the
6 support groups know too; so right away environment, compliance,
7 and all the -- engineering, the other operating entities, so that
8 goes out. And then Vince called me because that's what he does,
9 and then I got with, you know, the compliance group and we put
10 calls in, and then immediately calls came back. So I was the one
11 having conversation with Central Region on that one.

12 MR. STANCIL: Okay. And were they just inquiring as to
13 more details?

14 MR. JOHNSON: Well, what do you know so far, which was
15 very little, and they get even less from the NRC. So they get a
16 notice that Enbridge has got a release; what's going on? So they
17 call us. So we try to do that in advance to let them know. It's
18 kind of tough to be sitting there, if you're basically PHMSA, and
19 sometimes they'll get a call from Washington, "What's going on?"
20 And it doesn't behoove us to have our regulator in the dark, so,
21 you know, it's a courtesy call.

22 MR. STANCIL: Were you able to give them any additional
23 information beyond what was in the NRC report at that time?

24 MR. JOHNSON: You know, I honestly didn't look at the
25 NRC report at that time.

1 MR. STANCIL: Uh-huh.

2 MR. JOHNSON: I had gotten an update from Vince that
3 there was a spill and the area where it was; it had gotten in the
4 creek and it was in the Kalamazoo River. It was very near the
5 PLM. We had people responding. There was potentially boom in the
6 water. It was that type of information. And that it was, you
7 know, a sizeable leak is what I had mentioned to them. And that's
8 kind of what I got back from Vince, you know, kind of where we got
9 the estimate for the volume out, which is a big concern for
10 everyone in the early stages of the release. And I believe Brian
11 Pierzina called me back from PHMSA. So I was probably the person
12 most in contact with PHMSA earlier on.

13 MR. STANCIL: And similarly a few minutes later there
14 was a call from the EPA, I think an on-scene coordinator, Brian
15 Schlager. Was that the same thing?

16 MR. JOHNSON: And that wasn't to me. That would maybe
17 have been to Vince. I don't honestly know.

18 MR. BURDEAU: Yeah, I don't recall that name either.
19 The only person in a regulator role that I spoke with was Brian
20 Fish.

21 MR. STANCIL: Okay.

22 MR. BURDEAU: And the other guy from Michigan DNR that I
23 don't recall his name.

24 MR. BUNN: I can fill in a little bit more from the
25 PHMSA side because I was in Oklahoma City at the time, and I was

1 notified to catch a plane by probably 2:30 Central Time that
2 afternoon to respond, and Brian was already on the way, so.

3 MR. STANCIL: Okay, good.

4 BY MR. STANCIL:

5 Q. Mr. Burdeau, can you explain what Enbridge's leak
6 reporting system is? I guess it's an internal --

7 A. Yes. It's an internal reporting document or database,
8 and basically that is the method for the internal notification
9 that Jay was referring to and that I was referring to, to notify
10 the different entities within Enbridge: senior management,
11 compliance, environment, safety, that there has been an incident.
12 And so that is something that we -- there's timelines associated
13 with that in getting that out as well, and we generally try to get
14 that out within an hour.

15 Q. Okay. I noticed on your timeline, I think at 2:19 p.m.
16 Eastern Time there was a message sent; is that correct? Is that
17 the notification?

18 A. 2:19?

19 Q. 1:19 Central?

20 MR. JOHNSON: As far as to the NRC?

21 MR. STANCIL: No, this is the leak reporting system
22 notification.

23 MR. BURDEAU: That time frame sounds about right. I
24 don't have that other timeline in front of me, but that sounds
25 about right.

1 MR. STANCIL: Some of your times are in pipeline time.

2 Some are in --

3 MR. JOHNSON: Do you understand the four different time
4 zones we're in?

5 MR. STANCIL: Explain it to me.

6 MR. JOHNSON: We had it released in Eastern Daylight
7 Time. Bill and Vince and company are in Central Daylight Time.
8 The control center is located in Mountain Daylight Time. The
9 pipeline clock runs on Mountain Standard Time. So there's
10 actually four time zones that we're in.

11 MR. STANCIL: Okay, now I'm really confused.

12 MR. JOHNSON: That's why I thought we'd go there.

13 MR. STANCIL: All right. Well, if that time is
14 incorrect, let me know. I have, I believe it was 2:19 p.m.
15 Eastern Time. I'm going by the accident time, the local time
16 here. If that's not correct, let me know.

17 BY MR. STANCIL:

18 Q. It also indicated, looking at your timeline, I believe,
19 again, 2:19 p.m. Eastern Time on July 26th it states, "Enbridge
20 mobilizes its environmental department for mobilization or for
21 deployment to the site." What did that involve?

22 A. That likely would have --

23 MR. JOHNSON: Maybe I can better answer that because I
24 was with them.

25 MR. BURDEAU: Okay. I was --

1 MR. JOHNSON: That was --

2 MR. BURDEAU: That was the guys from Superior, right?

3 MR. JOHNSON: -- three people from Superior that came
4 down. We chartered a flight, and Karl Beaster -- we had three
5 environment, we had two compliance, and we had a right-of-way.
6 So, basically that -- we mobilized them. You know, we got a
7 flight. We were into Marshall approximately 8:00 Eastern.

8 MR. STANCIL: And what role did the environmental
9 department have? I mean it's obvious, but did -- these three
10 folks, were they incident management or?

11 MR. JOHNSON: They were put on the incident command
12 chart under the environment and looking at the cleanup.

13 MR. STANCIL: Okay.

14 MR. JOHNSON: If you will. I mean, it wasn't cleanup at
15 that point, but that's their role from the environment side on the
16 incident command chart.

17 BY MR. STANCIL:

18 Q. What time did you and Tom arrive at the Marshall site?

19 A. It was approximately 4:00 p.m. Eastern Time.

20 Q. And did Tom assume the role of incident commander at
21 that time?

22 A. He did. And then that was transferred to me for the
23 nightshift.

24 Q. Okay. So you were a nightshift commander?

25 A. Yes.

1 Q. He was dayshift commander. And were you the overall
2 incident commander for the scene?

3 A. For the nightshift on the 26th through the 27th, yes.

4 Q. Okay. And --

5 A. Then by that time the next day, senior management had
6 arrived and the structure changed, and I went into more of a
7 regional support role, and I believe Tom shifted over to
8 nightshift incident commander, and Rich Adams took dayshift
9 incident commander.

10 Q. Okay. And that occurred when?

11 A. That would have been on Tuesday the 27th.

12 Q. Okay. And you mentioned that you had called all of the
13 PLM offices to get their resources on scene. Did they respond to
14 you with arrival times for their equipment and personnel?

15 A. They did throughout the evening. Some of them had some
16 significant distances to travel. The guys from Fort Atkinson,
17 which is near Madison, Wisconsin; and Vesper, which is up more the
18 middle of the state, they didn't arrive, I don't believe, until it
19 was somewhere close to midnight. The Bay City crew was probably
20 -- outside of the Marshall guys, the Bay City crew was the first
21 to arrive, and then shortly thereafter, the guys that came from
22 Griffith, where our office is, Griffith, Indiana. We did have
23 crews from Canada up near Sarnia that arrived somewhere in the
24 10:00 p.m. to midnight range. They had a little bit of delay at
25 the border crossing, but they arrived at around that time as I

1 recall.

2 And there was just contact made, "Where you guys at,"
3 you know, "Approximately when you going to get here," that type of
4 discussion was going on through the evening until they arrived.

5 Q. And in addition to personnel, what equipment -- did they
6 all bring similar --

7 A. Boats, skimmers, boom, their boom trailers. Basically,
8 I mean, each crew has an emergency response trailer that's stocked
9 and ready to go, and so, you know, in addition to those trailers
10 and that type of equipment, vacuum trucks, just any and everything
11 that they had a driver available to drive down here.

12 Q. Okay. Do you know how many HAZWOPER-trained emergency
13 response employees Enbridge had available to draw from?

14 A. Well, all of our PLM crews are HAZWOPER trained. Our
15 technicians are HAZWOPER trained. So --

16 Q. What's your resource pool there? How many people do you
17 have?

18 A. Let's see, I would say within the Chicago region we've
19 probably got in the neighborhood of 50 employees between PLM and
20 technicians within the area or within the region that are HAZWOPER
21 trained.

22 MR. KLABUNDE: I believe the region-specific FRPs also
23 outline exactly how many --

24 MR. JOHNSON: I just did a quick count. I'd say about
25 35 pipeliners, 15 techs; you've got five other engineering. So

1 that right there, I mean up to 55, so. You know, just a ballpark
2 of what I think you're looking for.

3 MR. STANCIL: Yeah. Okay.

4 MR. JOHNSON: They also had HAZWOPER training and
5 operator-qualified trained people. I only talked about work
6 construction, some of the other folks. We had sleeving projects
7 running on 6P at the same time, so they were able to pull those
8 people in almost immediately because they were within, you know, a
9 half-hour's drive. So, if you will, HAZWOPER and OQ trained
10 contractors were available.

11 MR. BURDEAU: I forgot all about that. Yeah, you're
12 right.

13 BY MR. STANCIL:

14 Q. Going back to the first meetings that you had with the
15 EPA, could you relate what those conversations were in a little
16 more detail?

17 A. They were very brief conversations. They -- as I
18 alluded to, it was more along the lines of, you know, why don't we
19 have more boom out at such and such a time, or by the time we had
20 the 7:00 briefing, how much boom did we have out, why did we only
21 have that amount, and why didn't we have more. By the time the
22 9:00 a.m. meeting came the next day, why didn't we have more out.

23 There was a point where the two individuals -- and once
24 again I don't have their names; I know one of them was Brian and
25 the other guy I don't recall his name, but he was probably the

1 more vocal of the two, that they sat me down in the middle of the
2 night and said, you know, we're just trying to give you a heads up
3 that this is getting a lot of attention with NEPA, maybe one step
4 short of the Whitehouse type of, up through the chain, and that
5 they are strongly considering taking over this whole effort. And
6 I said, I understand completely; you know, we're continuing to
7 mobilize contractors, and OSROs from all across the Midwest.
8 Actually outside of the Midwest. We were engaging Garner
9 Environmental at that point.

10 So we're -- it was more a case of the people that we had
11 engaged had not arrived yet. And, you know, their attitude was
12 simply that they should already have been here; they should have
13 been here within the first couple of hours. So the question was
14 kind of posed to them that what would you do differently, and they
15 really didn't have much of an answer, so.

16 And that was really -- there wasn't a whole lot of
17 negative discussion. There may have been more friction elsewhere,
18 but not certainly with me. And I understood their concerns, and
19 we had the same concerns. We were just trying to get the flow of
20 oil stopped and begin recovering oil as fast as we could.

21 Q. What answer were you able to provide them when they
22 asked why didn't you have a certain amount of boom out?

23 A. We had out as much boom as we had available to us from
24 the immediate, the more localized contractors that we had engaged
25 already and all of our PLM. So as we -- the discussion revolved

1 around more the strategic locations of these, of the boom that was
2 being placed. We did have some accessibility issues at various
3 locations, and so it required us to go further downstream to find
4 suitable access in order to get boom out. So that was really the
5 gist of the discussions that we had.

6 Q. Did they want you to do anything differently than what
7 you were doing?

8 A. I didn't get the impression that they did. I know that
9 they were under the gun as well. They were under a lot of
10 pressure from their higher-ups, and so it was -- everybody was
11 looking for information at that point, and no information was good
12 enough at that point either. It was just, more than anything, I
13 think we were beginning at that point to get on the same page
14 that, hey, we're in this together, any resources that you have
15 available to get out on the river, you know, gladly, let's get
16 them out there; this is what we have out there right now, and
17 we've got tons more on the way.

18 Q. Were they satisfied with the information you were giving
19 them about where your resources were located and how much was
20 there and what was coming?

21 A. They seemed to be at some points and then at other
22 points that didn't seem to be good enough. So I think as they
23 continued to get more pressure from their senior management, then
24 that's when they applied the pressure to us and said, hey, this
25 isn't enough.

1 But all in all, the guys were understanding of the
2 situation. They were reasonable, at least in the conversations
3 that I had with them.

4 Q. You --

5 MR. JOHNSON: There seemed to be, and I'm going to pick
6 on Jim a little bit too, both EPA and PHMSA on day two, they were
7 looking for more information. They wanted bigger, they wanted
8 maps and, you know, where are you with this. And, you know, our
9 resources for creating the GIS maps and that had not arrived yet.

10 Everyone was answering to somebody. Certainly Jim and
11 company were answering back to Kansas City, who was answering to
12 Washington; the EPA was, and everyone wanted more information.
13 They -- you know, to make sure we're ahead of it.

14 Tuesday is when the EPA was very concerned and the
15 direction came, I'll say to me at that time, Bill, about the lake.
16 We talked to Bill Palmer this morning and it's like, "What are you
17 doing about the lake? We told you about the lake. What are you
18 doing about the lake?" And even though that was 20-some miles
19 ahead, you know, I would have to say that was their biggest
20 concern that they expressed to me was the lake; keep it from the
21 lake and keep it from the Superfund site on the far side of the
22 lake.

23 MR. BURDEAU: That's a good point. That was something
24 that they specifically brought up to me in that middle of the
25 night discussion that we had was that, you know, "The lake is our

1 main concern here. We can't reach the lake. What are you guys
2 doing about it?" And we had crews out there upstream of the lake
3 installing boom as we were speaking, so.

4 MR. JOHNSON: Yeah, Mick and his guys. And Mick was the
5 guy that was reporting back to us for the three hour meetings for
6 the course of the first evening. They were constantly ahead of
7 the sheen and the oil in Battle Creek. They say they were jumping
8 between bridges and -- you know, we didn't get that far. We got
9 to the first bridge last night on the tour, but they were jumping
10 ahead and going ahead, and as you talked with Mick, you know, he
11 was going ahead with local officials to look for places to go in.
12 We talked about that water intake. We looked at that, and then,
13 of course, as Bill explained, we got on the lake Tuesday
14 afternoon/early evening with boom. So that was a big part of
15 their concern.

16 BY MR. STANCIL:

17 Q. Okay, Bill, do you know what the furthest downstream
18 extent of the oil spill was? How far did it get?

19 MR. JOHNSON: In the entire leak, Bill; not just the
20 first three days.

21 BY MR. STANCIL:

22 Q. Yeah, not talking about the first day, but in its
23 entirety how far did it go?

24 A. It got to -- let me see here. It basically got to the
25 mouth of Morrow Lake. I know we had -- by the 7:00 p.m. briefing

1 on the 27th we had 2,000 feet of boom installed at Morrow Lake,
2 and then we continued to add more boom --

3 MR. JOHNSON: Do you know, did the sheen or the oil ever
4 get that far? Do you know that?

5 MR. BURDEAU: I don't know that for a fact. I had heard
6 that it did and then I had heard that it didn't. So I know the
7 discussion or the reports that we got from the governor's office
8 was that she flew over and they found sheen on Morrow Lake, and
9 then our helicopter, which I never got up in actually, but our
10 helicopter pilot and various others that had flown over there
11 indicated that there was no evidence of any sheen on the lake.
12 But I do know that we got to the mouth of the lake with boom, and
13 that would have been by the evening meeting on the 27th.

14 BY MR. STANCIL:

15 Q. Do you know if there was any, how far any confirmed
16 amount of oil had traveled downstream?

17 A. No, I don't have knowledge of how far it got down.

18 MR. JOHNSON: We could probably get that from Bob Steede
19 or Mike Koby.

20 MR. BURDEAU: Probably Bob Steede for sure, yeah.

21 BY MR. STANCIL:

22 Q. How long were you on site as an incident commander?
23 What period of time?

24 A. As an incident commander, it was just for that first
25 night.

1 Q. And then you were?

2 A. Then I was -- as I indicated, there were some more
3 senior management that came in and Tom was shifted to nightshift
4 incident commander; Rich Adams took over as dayshift incident
5 commander; and I was moved into more of a regional support role.

6 Q. And how long were you present on the spill site?

7 A. And then after that I was shifted into a planning role
8 and a couple of other various roles on the ICS, but I was on site
9 -- let's see, the 26th, I believe I left on the 6th of August and
10 I was returned back to the office to address and oversee the rest
11 of Chicago Region issues, and then also to begin with the
12 information requests that were coming in from the various
13 regulating agencies.

14 Q. You mentioned that once you arrived in Marshall you
15 started contacting environmental response contractor services?

16 A. Yes.

17 Q. Is that when you first decided that it was necessary to
18 supplement the Enbridge personnel?

19 A. We had actually -- Tom and I had actually had some
20 discussion about that on the ride up as to who we were going to
21 contact. It really didn't -- the magnitude of the situation, we
22 didn't have a great grasp on it until we actually got there, but
23 some of those calls were initiated as we were traveling -- well,
24 no, I take that back. It wasn't until I actually got on site that
25 I started calling Bay West and, oh, I'm trying to think of who

1 else. Bay West comes to mind because I was in contact with them
2 most of the evening. There was -- I didn't make the actual
3 contact for Garner, but there was discussion about contacting
4 Garner. We had some discussion on Clean Harbors and Young's
5 Environmental, and I wasn't specifically involved in contacting
6 any of those folks, but somebody else did during this whole
7 evening process, so.

8 Q. Who made the decisions to launch these companies?

9 A. Both Tom and myself. Ultimately Tom.

10 Q. And that was based on what? The feedback he was getting
11 from the field or --

12 A. Just getting more equipment on site, getting more boom
13 out in the water, or getting more boom here so that we could get
14 it out on the water, and essentially following our emergency
15 response directory and utilizing the contractors that we had
16 available to us.

17 Q. Now, you have two OSROs listed in your facility response
18 plan, Bay West and Garner. I believe Garner is out of Houston; is
19 that right?

20 A. Yes.

21 Q. And Bay West is out of Minnesota?

22 A. Minneapolis.

23 Q. Minneapolis. And you activated Bay West?

24 A. Yes.

25 Q. You were the one that called them. And what response

1 did you get?

2 A. Obviously, they're a long ways away. They had
3 approximately a 10 or 11 hour drive, but I was in -- Brian
4 Murdock, I believe, was the guy's name that I was in touch with,
5 and Brian was very responsive. He actually -- when he didn't hear
6 from me within a period of time he called me and said, "Hey, where
7 are we at on this? We need to get these guys out of here. Is
8 there anything else that you need?" So, I think by the time we
9 actually got Bay West rolling from Minnesota, it probably would
10 have been in the early evening sometime, 8:00, 9:00 Central Time,
11 before they even got rolling I think.

12 Q. Was there any problem with them gathering the resources
13 that you needed, either Bay West or any of the other OSROs?

14 A. Obviously, they had some limitations. They didn't have
15 -- you know, if we wanted them to send 50 guys, they didn't have
16 50 right then. They might have been able to get 50 within a few
17 days, but they were cooperative from the standpoint of sending all
18 that they had available or at least what they indicated that they
19 had available to us at that time, which for Bay West I believe
20 ended up being 20 guys, a few boats and emergency response
21 trailers, and I don't know exactly how much boom they sent, but it
22 was a significant amount of boom. And that would have been in the
23 initial stages, and then they followed up with more after that.

24 Q. Did any of the companies you contacted report that they
25 had resources committed elsewhere?

1 A. I believe Heritage Environmental was pretty booked up.
2 They really weren't able to provide much.

3 MR. JOHNSON: I think we had some also from Garner of
4 course also had a fair amount on the Gulf.

5 MR. BURDEAU: Yes. I didn't have any specific
6 discussions with Garner, so I don't know what they were able to
7 provide initially for this response. I did talk to them in
8 regards to something else, but that's not what we're here to talk
9 about.

10 BY MR. STANCIL:

11 Q. Did they actually send anybody ultimately? Garner?

12 A. Yes, they did. I don't know how much manpower and
13 equipment they sent in their initial response, but I do know that
14 they were on site and they were on site within -- I want to say it
15 was by Thursday. Possibly Wednesday night.

16 MR. JOHNSON: There were tracking sheets done twice a
17 day for manpower and equipment that was on site, so there was
18 updates that --

19 MR. BURDEAU: But that didn't really start until
20 Wednesday.

21 MR. JOHNSON: Till about Thursday.

22 MR. BURDEAU: Wednesday/Thursday time frame.

23 MR. STANCIL: Yeah, that's, like you said, it started
24 Wednesday, and so prior to that I don't really have documentation.

25 MR. JOHNSON: I would have to say Clean Harbors probably

1 had the brunt of the --

2 MR. BURDEAU: Clean Harbors and Young's.

3 MR. JOHNSON: Yeah.

4 MR. BURDEAU: Young's Environmental was huge for us.
5 They came out of their Grand Rapids office with a significant
6 amount of equipment and boom. And another one was Terra
7 Environmental that ended up being a big player for us as well.

8 BY MR. STANCIL:

9 Q. Now, do you have contract arrangements with these OSROs
10 or did you have to negotiate all of that during the course of the
11 incident?

12 A. We did have contract arrangements with Garner and with
13 Bay West, and the others I believe we just did some negotiation
14 with them over the phone. I'm not sure that there was a whole lot
15 of negotiating at that point, but found that they were very
16 cooperative, very helpful.

17 Q. Was there any delay created by the fact that you didn't
18 have any prearranged contract or --

19 A. Not that I was aware of, although I wasn't -- at that
20 particular time, outside of Bay West and the discussions that I
21 had with Brian Murdock, I wasn't involved with those, contacting
22 those folks. We had somebody that was involved in logistics at
23 that point that was making a lot of those contacts. I believe it
24 was Jim Helhowski actually that was involved with logistics --

25 MR. JOHNSON: All I know is by midnight on day one I had

1 anything I wanted from Terra, Clean Harbors, and Young's. So the
2 contracts were in place by midnight because I was using them non-
3 stop in planning.

4 MR. BURDEAU: Yeah.

5 BY MR. STANCIL:

6 Q. What was the response time -- you mentioned that Bay
7 West had an 11-hour travel time. What sort of response time do
8 you expect from the OSROs to get to an incident like this?

9 A. Well, certainly we'd like them to be available to have
10 the resources in place as soon as possible. I'm thinking that
11 three to four hours is probably more realistic, which we did have
12 help from some of our more Michigan-localized contractors
13 certainly within that time frame.

14 MR. JOHNSON: Maybe I can answer that for you, Bill,
15 because I've worked with that a little bit on our response plan.

16 MR. BURDEAU: Oh.

17 MR. JOHNSON: The OSRO contractors also need to provide
18 us with lists of local contractors to provide that response. So
19 those are the ones that we take from our own knowledge from the
20 locals and from the OSRO provided, and that's what goes into the
21 emergency response directory for these contractors that Bill was
22 calling, the Young's, the Clean Harbors, and everything else. So
23 our OSRO contractor, let's just say it's Garner in this case, out
24 of Houston, cannot get here that fast, but they've provided us
25 with people all along our line that can respond.

1 MR. STANCIL: They're in a subcontractor relationship
2 or --

3 MR. JOHNSON: No. Then we have chosen to -- in our
4 Cushing Region they are subcontracted through Garner. In our
5 other regions where we have PLM, we basically have a three tier
6 approach where we have our PLMs first for pipeline maintenance,
7 then the contractors that we would sign, like we did in this case,
8 and then we would bring Garner in. So that's the way the contract
9 for Superior and Chicago Region is done with the OSRO. And the
10 Cushing Region where we don't have pipeline maintenance
11 facilities, then Garner has contracted those subs.

12 MR. STANCIL: I've got a question here. I'm not sure,
13 if you can't answer it, maybe Jim or Jay or you could direct me to
14 the proper person. The facility response plan requirement in the
15 regulation, it's in 49 CFR 194.115. Are you familiar with that at
16 all?

17 MR. JOHNSON: I am.

18 MR. STANCIL: You are. It directs the operator to
19 identify the resources necessary to respond to a worst case
20 discharge, and in your response plan, if I'm -- I see that there's
21 two figures listed there, but the most recent one seems to be that
22 Enbridge is determined the worst case discharge for pipeline 6B to
23 be about 26,000 barrels. Can you explain how you determine what
24 level of resources are necessary to respond to the worst case
25 discharge in order to comply with that regulation? That's a

1 difficult question.

2 MR. JOHNSON: Yes, and I'm not going to even attempt to
3 answer. That would be one where we would get Jason Bovair (ph.)
4 to answer that.

5 MR. BURDEAU: Yeah, I --

6 MR. JOHNSON: I know where the number comes from, but I
7 don't know, you know, how we say we can respond to it because, of
8 course, it's whether it's on land or water and it's two complete
9 different scenarios.

10 MR. STANCIL: Those are --

11 MR. JOHNSON: I mean in Chicago Region 6B, we have, like
12 I say, the three tier approach.

13 MR. STANCIL: All right, the regulation has that three-
14 tiered requirement for the 12, 36, and 60 hour, but it doesn't
15 really specify how you determine what levels are necessary; am I
16 correct?

17 MR. JOHNSON: We have within our response plan, we have
18 a chart showing our times for where are PLM facilities are located
19 with drive-times of where it takes them to get. So that's how we
20 meet the first one. The second one, the second tier is our
21 contractors listed in the emergency response directory, and then
22 our third tier would be your Garner when they would spill. That
23 would be your 60 hours.

24 MR. STANCIL: I see.

25 MR. KLABUNDE: Response zone times --

1 MR. JOHNSON: The response zone times, yes.

2 MR. STANCIL: So the first tier is your response; the
3 second tier, local contractor responses; and the third tier are
4 the OSROs?

5 MR. JOHNSON: For this region, yes.

6 MR. STANCIL: Got it.

7 BY MR. STANCIL:

8 Q. Are you aware of the advisory that PHMSA issued back on
9 June 23rd? It notified facility response plan holders that in
10 light of the Deepwater Horizon spill to review and update plans
11 within 30 days. Did that apply to Enbridge?

12 MR. KLABUNDE: Yes, it did.

13 MR. BURDEAU: Yes, it did.

14 MR. STANCIL: And what sort of update did you do to your
15 plan?

16 MR. KLABUNDE: Jason Bovair -- I know speaking with my
17 region and I believe it was done at every region -- I had contact
18 with him via our region, that we were to go through our facility
19 response plans. And I know the advisory spoke that you're
20 supposed to get with your OSROs to make sure that they didn't have
21 anything they couldn't provide due to the fact that they were
22 involved with the Deepwater Horizon spill. So I know from my
23 region's standpoint, I contacted the OSROs and had discussions
24 with Garner and Bay West, and they didn't feel that, even though
25 they had some resources deployed, specifically Garner, that they

1 didn't feel that they still didn't have the appropriate resources
2 to respond on our behalf. Bay West, I don't recall if they had
3 anything specifically deployed, but they didn't feel that they
4 would be limited at all, and neither did Garner with -- they
5 didn't have as much boom, but they still felt they had plenty of
6 boom necessary to respond to a worse-case discharge in our
7 scenario. And they were limited maybe on a couple of their bigger
8 boats, but otherwise, they felt they could still respond.

9 So that information I put together for our region. I
10 responded to Jason Bovair, who headed that up, and I know Jason
11 sent the overall Enbridge response collectively for all of the
12 regions to PHMSA, because he sent me a copy of that letter that he
13 did submit. So I know we did that assessment as a company.

14 MR. JOHNSON: And Garner is the OSRO for all of the
15 regions within the U.S., is the primary.

16 MR. BURDEAU: And I did the same exercise with Jason as
17 well for Chicago Region, and as Duane indicated, we got the same
18 response basically, that our OSROs felt that they were fully
19 capable of meeting our needs.

20 BY MR. STANCIL:

21 Q. How do you feel about the level of response you received
22 from your OSROs?

23 A. I think we have to have some further discussions with
24 them. I think that it, for the role that they played in the event
25 that took place, we probably could have gotten a little better

1 service from them, a little better resources provided to us, but I
2 think in the whole three-tiered scenario that we have, the ones
3 that really came through for us were the more localized emergency
4 responders. As I indicated, the Young's and the Terra, and the
5 Clean Harbors, obviously they had shorter distances to travel and
6 were able to get on site quicker, but they were the real backbone
7 of that whole response effort.

8 Q. Is there a specific shortcoming that you can identify
9 with regard to any of your OSROs?

10 A. I'm sorry. I should have silenced my phone.

11 Shortcomings, I think more than anything the -- we
12 probably need to find some additional OSROs that are a little bit
13 more geographically -- geographically what?

14 MR. JOHNSON: Located.

15 MR. BURDEAU: Yeah, geographically situated for our
16 Chicago Region. While Bay West and Garner are very valuable and
17 capable resources, we should probably seek out some that are
18 closer to Michigan and New York and Ohio for the eastern area.
19 Bay West certainly can handle the Wisconsin and Illinois
20 situations a little bit more reasonably from where they're
21 located, but I think that's a good takeaway for us, a good
22 learning.

23 BY MR. STANCIL:

24 Q. Do you foresee any changes to your facility response
25 plan in that area?

1 A. Absolutely.

2 MR. JOHNSON: It's actually one of the first times we're
3 going to start looking at that is we have the pipeline technical
4 committee meets the first week in December, and one of the things
5 we look at in that group, because that's the group that does the
6 responding, is, you know, any incidents we've had and how do we
7 address that, and then the person in charge, if you will, Book 7,
8 is at that one, and I think a lot is going to come out. So that's
9 already scheduled.

10 MR. KLABUNDE: I think just to add to the OSRO
11 conversation, I know when we did that assessment for the PHMSA
12 advisory, you know, both Garner and Bay West were very up front
13 about the fact that they knew being a far distance away from, at
14 least my region, similar to this region, that they said, "Hey,
15 look, we'll be able to respond, but at the same time, if we're
16 your first contact, we will be subbing contractors in those areas,
17 or you can just utilize contractors in those areas until we are
18 able to respond." So, you know, they were realistic about that on
19 the phone, at least when I spoke with them.

20 BY MR. STANCIL:

21 Q. Bill, are you aware of any further refinement to the
22 figure on the amount of oil released?

23 A. No, I have not heard of any adjustment to that.

24 MR. JOHNSON: That, I'm going to say right now is about
25 to be completed. We are unable to do the final numbers on that

1 until the actual batches arrived at their location. Now that that
2 has happened, I'm sure they're fine-tuning that number, about to
3 be adjusted in the NRC report. And what happens there is we know
4 the batches, the size of the batches that were in the line. So we
5 know how much product it took to fill the line after the repair
6 was done, but until the batch lands, let's just say it's a 20,000
7 barrel batch that lands, and only say 3,000 barrels come in, and
8 then the next batch, how much is that batch missing; that's how we
9 do it. We can say, okay, these much of the batches were missing
10 along with this much went into the line to do line-fill,
11 therefore, that's how much came out of the pipe.

12 MR. STANCIL: When do you expect to have those?

13 MR. JOHNSON: I would say shortly because, you know,
14 those batches have landed now, and that's a concern from PHMSA,
15 from NTSB, from EPA, so on and so forth, so.

16 BY MR. STANCIL:

17 Q. Bill, when you arrived on-scene at about 4:00, did you
18 tour any of the area and evaluate any of the containment activity?

19 A. I did not. As I indicated before, I didn't even get up
20 in the helicopter. Tom did, and while Tom was up doing that, I
21 was back at the PLM shop, which served as the incident command
22 post at that point, and was organizing the ICS and trying to
23 gather data from the field and whatnot in preparation for the 7:00
24 briefing. And I did not get out through the evening as well.

25 Q. Were you involved in determining what oil containment

1 strategies would be used at any of the locations?

2 A. I was involved in discussions with that, but mainly our
3 field supervisors were fully capable of handling that and they
4 did.

5 Q. They were basically on autopilot just doing what they
6 knew to do?

7 A. Yes.

8 Q. Did you have any interaction with local or state
9 government officials during the first couple of days?

10 A. I did have some very brief discussions when I arrived,
11 both Tom and I, with Dirk Dunham, who was the Calhoun County
12 emergency management director, I believe is his title, and then
13 throughout the evening or later on in the evening, I think it was
14 probably at the midnight briefing or maybe the 3:00 a.m. briefing,
15 there was a senior police officer that was here from the county
16 sheriff's department, I guess it was, and there was --

17 MR. JOHNSON: Matt. Captain Matt.

18 MR. BURDEAU: Yeah.

19 MR. JOHNSON: I can't remember his last name.

20 MR. BURDEAU: I can't remember his last name either.

21 MR. JOHNSON: I was trying to think of him the other
22 day, yesterday.

23 MR. BURDEAU: But he, as we were having crews out
24 downstream in the Battle Creek areas and whatnot, there were just
25 some security concerns and things like that that we discussed, but

1 it was a very brief conversation with him as well. Just more from
2 the standpoint of informing him that these were going to be the
3 time intervals for the briefings, by all means he was welcome to
4 attend if he chose to. And that was pretty much it as far as, you
5 know, any of the local regulators that I specifically talked to.

6 BY MR. STANCIL:

7 Q. Did they express any concerns to you or did you address
8 their concerns?

9 MR. JOHNSON: We had that county health guy, too. He
10 was the one that put the signs up to keep people away from the
11 rivers and stuff like that. It was in our Tuesday meeting. Maybe
12 you don't remember that.

13 MR. BURDEAU: I don't remember that.

14 MR. JOHNSON: There was a guy from the local health
15 authority. I can't remember his name. Maybe you do, Jim, but
16 that was a guy that worked kind of with us in those meetings, too.

17 BY MR. STANCIL:

18 Q. With respect to the evacuation is where I'm going. Did
19 they consult with you on that or discuss any needs for the
20 evacuation?

21 A. They didn't with me specifically. I mean, as they
22 attended the briefings and found out where the leading edge of the
23 oil was and where we were installing boom, I think they may have
24 dealt more directly with our right-of-way folks as far as
25 evacuations, but I didn't have any specific discussions with

1 anybody regarding evacuations in specific areas.

2 Q. Was that being operated sort of outside the unified
3 command? Was that a government function solely versus --

4 A. More or less, yeah.

5 Q. -- an incident management function?

6 A. Yeah, it was.

7 Q. Okay.

8 MR. JOHNSON: Yeah, it was all out of the pipeline
9 maintenance facility. The right-of-way department was there also.
10 They were the one working with the county health department and
11 the sheriff's department, you know, getting the air readings back
12 and basically finding -- the word had went out immediately that
13 anyone that was concerned about being in their homes with the
14 vapors, we would put them up. So immediately the right-of-way
15 department, who flew down with us on the first night, were putting
16 people up in motels immediately. They didn't look at evacuation
17 that first night. They just offered anyone who wanted to leave
18 could leave until they could get the proper readings and
19 everything else, so.

20 MR. STANCIL: Who hired the contractor? Was it CTEH?

21 MR. JOHNSON: I believe that was the environment
22 department that hired them. Our environment department.

23 BY MR. STANCIL:

24 Q. So they were doing the air monitoring and the water
25 sampling and they were reporting back the results to the

1 environment department, and then what was done with that data?

2 A. That information was offered up at each one of the
3 briefings that we had, and they just began collecting all of that
4 and keeping it in a database, but --

5 Q. Was there any use for that data as far as the on-water
6 response activities? Did it drive any decision making on your
7 part?

8 A. It did as time went on. In the first day and a half
9 that I was involved as incident commander, it really didn't come
10 into play there, but further on the monitoring levels certainly
11 did. Where we had higher than normal levels, it did play a role
12 in the decision making as far as the incident command structure
13 was concerned and how we were going to address those.

14 Q. With respect to employee safety or --

15 A. Yeah. But there wasn't -- as I indicated, in the
16 initial day and a half that I was acting as incident commander, we
17 hadn't even really gotten to the point of getting the monitoring
18 out there yet, at least to the levels that CTEH was providing
19 later on.

20 Q. I understand also that EPA had their start contractor
21 doing some contesting and --

22 A. Yes, they did.

23 Q. Did they share the results of that with you?

24 A. As I recall, they did have some when they had the floor,
25 so to speak, in the briefings, they did provide some information

1 to that effect, and whether or not there were any sidebar
2 conversations that took place specifically with those individuals
3 from start, I wasn't involved in those at that point, but there
4 may have been.

5 Q. Why did the EPA hire contractors to supplement your
6 response?

7 A. I can only assume that they did because they felt that,
8 as I indicated earlier, that, you know, that our response wasn't
9 as good as they wanted it to be. I don't know that for a fact. I
10 think they were operating independently at first, and it wasn't
11 until probably by Wednesday when we really started to begin a more
12 of a unified structure, but I don't have a good answer for why
13 they did that. It certainly wasn't anything that they shared with
14 us at that point the first couple of days anyway.

15 Q. They did not consult with you that they were bringing in
16 additional resources and deploying them at various locations?

17 A. Not within the first day and a half. It was after that
18 that they -- that I guess the message got sent that, you know, we
19 were going to have this unified structure, and at that point I do
20 recall them saying that we were going to supplement with some of
21 our contractors as well, and some of their contractors were the
22 same as our contractors. But in the very early stages there
23 seemed to be more of a division between Enbridge and EPA than
24 there was a unified scenario.

25 Q. So are you saying that there was not a unified command

1 initially?

2 A. I didn't feel there was.

3 Q. Officially --

4 A. Not certainly within the first day and a half.

5 Q. Officially was there a unified command?

6 A. Not that I was made aware of.

7 Q. Was it better described as an Enbridge incident command?

8 A. Yes.

9 Q. So you were unilaterally running the operation?

10 A. We were certainly for the first day and a half and well
11 into day two, yes.

12 MR. JOHNSON: When you say unilaterally, do you mean
13 they were doing theirs and we were doing ours? As they didn't --

14 MR. STANCIL: You were doing yours and that was, and
15 that was --

16 MR. BURDEAU: They were observing.

17 MR. STANCIL: And they were observing?

18 MR. JOHNSON: That, I think is -- because I know they
19 didn't have anyone, they didn't have any boom in the water until
20 Thursday.

21 MR. STANCIL: The EPA?

22 MR. JOHNSON: The EPA.

23 BY MR. STANCIL:

24 Q. Okay. And we understand that they took charge of
25 Division E3. Was there any other location you're aware of that

1 they were responsible for?

2 A. You know, I don't have that specifically in my notes,
3 but I know that there were locations that were identified on maps
4 that were specific EPA locations.

5 Q. Uh-huh.

6 A. Let me see if I do have anything in here. I think the
7 only thing that I have as far as locations for boom deployment
8 were the Enbridge --

9 MR. JOHNSON: Well, within the first three days. I mean
10 if you wanted an overall, I can certainly get you a map of that
11 that would show where all of the boom locations were and which
12 ones were EPA.

13 BY MR. STANCIL:

14 Q. Yeah, I'm going beyond just the initial part here. I
15 just was curious as to why EPA selected certain locations. Was
16 there any particular reason for that?

17 A. I can't answer why they chose those specific locations
18 to put boom out versus any others. I think, if I remember
19 correctly, we ended up having about 33 boom locations, and I want
20 to say the EPA-specific or just strictly EPA locations, there
21 might have been 5 or 6 of that total.

22 Q. Looking at the incident action plans, you all issued
23 some in-house -- Enbridge issued some IAPs beginning on, I
24 believe, the first or second day of the response, going on through
25 that first week, and then I think on July 31st you stopped issuing

1 the plans. What happened there?

2 A. That would have been when the unified command took over
3 the distribution of those plans. I believe, if I'm not mistaken,
4 that that structure didn't come into play until probably late
5 Wednesday or Thursday of the first week. I don't believe that
6 took place. Enbridge wasn't using that structure initially, so I
7 want to say it was probably Wednesday at the earliest, maybe
8 Thursday before that plan was put in place.

9 Q. Of the first week?

10 A. Of the first week, yes.

11 Q. Okay. I have the first incident action plan that was
12 released by the EPA, or at least with their signature on it, was
13 July 31st.

14 A. Okay.

15 Q. Does that help you?

16 A. Let's see. The 26th --

17 MR. JOHNSON: Would it have been like Saturday?

18 MR. BURDEAU: Yeah, that may have been accurate.

19 MR. JOHNSON: Things kind of run together.

20 MR. BURDEAU: Yeah. That may have been accurate
21 actually. I was thinking that it was a little bit earlier than
22 that, that that whole process began to be used, but when the
23 actual unified command was structured and begun, it may have
24 actually been that time frame.

25 MR. JOHNSON: Yeah, July 31st was a Saturday.

1 BY MR. STANCIL:

2 Q. And do you know why it took that long to get the unified
3 command together?

4 A. No, I do not. I'm trying to think of what role I was in
5 at that point because I had three or four different roles, and I
6 was -- I know that outside of the initial day and a half when I
7 was nightshift incident commander, my roles after that, once more
8 senior management arrived, were more support roles than anything
9 else, and so I wasn't privy to the discussions at that point with
10 EPA regarding unified command and the initiation of that whole
11 structure. But I do -- now that you say the 31st, that probably
12 is a more accurate figure as to when that took place. I know we
13 were gathering information in support of that type of structure,
14 but I don't think that it was officially put in place until then.

15 Q. How about the site safety plan? Was there any issues
16 with having an overall site safety plan that everyone was abiding
17 by?

18 A. I wouldn't say there were any issues per se. I think in
19 the initial stages there was maybe a bit of confusion as far as
20 getting everybody on the same page, but I don't recall there being
21 any specific issues regarding the site safety plan. None that
22 were brought up to me specifically anyway.

23 Q. Did you have any contact with the Coast Guard about
24 that? They had some folks on scene?

25 A. The Coast Guard was represented at the briefings, but as

1 I recall, in any of the briefings that I was involved with, they
2 really didn't have much to offer, much to say. I can't recall
3 anytime that they actually offered anything.

4 MR. JOHNSON: Probably the evening, the Tuesday evening,
5 we were -- we had two safety people on, started Tuesday night. We
6 had two during the day. We had two going.

7 MR. BURDEAU: Yes.

8 MR. JOHNSON: So we went to two safety, Enbridge safety
9 coordinators on that day and night. Literally Tuesday we had two
10 on the day and two night guys came and that -- and they were doing
11 basically, if you will, site safety plans specific to the release
12 site and to the boom sites, and they were basically going to each
13 site. We started training for all of the contractors we brought
14 in on --

15 MR. BURDEAU: Wednesday.

16 MR. JOHNSON: -- Wednesday. We brought in literally --
17 I know the doctor and the folks to do the half-mask and the
18 respirator training, and that was done every hour on the hour for
19 the longest period of time.

20 MR. BURDEAU: Well, we had our Chicago Region safety
21 coordinator on site the first day. I mean, he was here by early
22 evening on Monday the 26th, and then as Jay indicated, we ended up
23 having two per shift by Tuesday, so.

24 MR. KLABUNDE: Prior to our IT group being here and all
25 of the maps being created and everything else for some of that, I

1 know I provided the electronic site safety plans for every site to
2 you guys, but -- I recall when I got them, I don't recall who I
3 got them from, but the statement was, "Look, these are generic.
4 They're filled out for every site." However, to get the layout to
5 the description of the site, you're going to have to go to the
6 site to see it because they were hand-drawn at the time, so.

7 MR. JOHNSON: Yeah, they were actually on the -- yeah,
8 you would have a boom trailer. You saw like in the boom trailer
9 yesterday afternoon where they would actually draw with the
10 marker, you know, where the hot zone, cold zones, you know, what
11 the additional PPU has required at each site. So our personnel,
12 our pipeline supervisors are trained to do that, and then support
13 on days and nights from two safety personnel.

14 BY MR. STANCIL:

15 Q. At about that time when the first incident action plan
16 was issued, I see that Mr. Zupan was the representative in the
17 unified command as the Enbridge incident commander?

18 A. That would probably be correct, yes.

19 Q. And Tom Fridel who was the initial incident commander
20 was moved somewhere else. What was the reason for that?

21 A. I have no idea. I suspect it was just that as more
22 senior management arrived on site that they assumed different
23 roles.

24 MR. JOHNSON: I think a big part of the unified command
25 is, you were in the unified command and then we had, you know, if

1 you will, people, leaders at the pipeline maintenance facility.
2 So unified command kind of gives you an incident commander there,
3 then you've got one, you know, back at the worksite. So you've
4 got some real duplication and efforts. You need someone that's
5 running it. At that time it was our pipeline maintenance
6 facility, and you needed that representative in the unified
7 command.

8 BY MR. STANCIL:

9 Q. So did you maintain your incident command structure
10 after the unified command was in place?

11 A. Yes.

12 Q. So you were running that parallel with the unified
13 command?

14 A. Yes. As people came in and assumed different roles, you
15 know, those names were designated on the incident command chart.

16 Q. So did it mesh well with the unified command or were
17 there any conflicts?

18 MR. JOHNSON: It was made to mesh with it. So
19 basically, if you will, the person would -- let's just say it was
20 Tom Fridel, would report to Leon. So yeah, that was I would say
21 seamless. It was done in conjunction with unified command
22 structure.

23 MR. BURDEAU: Yeah, I didn't notice any or hear of any
24 conflicts that might have existed there.

25 BY MR. STANCIL:

1 Q. And the flow of information was good between the two
2 groups?

3 A. As far as I could tell. I mean I never left the PLM
4 shop, or the quote/unquote, "incident command post," so I didn't
5 get involved with any of the meetings off site with unified
6 command, so I'm assuming that that was just a seamless line of
7 communication. Leon certainly attended all of the briefings that
8 took place at the PLM shop, and then he further communicated that
9 onward, I'm sure.

10 MR. STANCIL: Do you need to change the tape?

11 THE COURT REPORTER: I'm all set.

12 MR. STANCIL: Okay.

13 MR. JOHNSON: Yeah, in fact the meetings were scheduled
14 that way, so Leon and the group that reported to unified command
15 could get the information from the folks at the PLM facility and
16 then go to the unified command and/or vice versa. I'm not 100
17 percent sure which ones. And I know some of the meetings went,
18 the shift updates for instance were at 6:00 and 6:00, so then they
19 would have that update and they could give the information to --

20 MR. BURDEAU: At a 7:00 or an 8:00, yeah.

21 MR. JOHNSON: -- the folks who then were at the 7:00
22 meeting.

23 MR. BURDEAU: Yeah.

24 BY MR. STANCIL:

25 Q. Okay. And just to touch base with you on the response

1 resources maintained by Enbridge, your own equipment, are you
2 planning to make any changes in the types or the amounts of oil
3 spill response equipment that you stockpile at the various PLM
4 shops? Anything learned from this incident that would impact
5 that?

6 A. That's certainly being evaluated, and as Jay indicated,
7 will be further evaluated at our PLM technical committee meeting
8 in December.

9 Q. Do you see the need for any specific changes there?

10 A. Quite frankly, I haven't been able to discuss with all
11 of our PLM supervisors individually what they felt their learnings
12 were out of this and needs might be. I have to do that in
13 preparation for this technical meeting in December, but that -- we
14 haven't had that specific discussion amongst ourselves yet, just
15 because we haven't had the opportunity to meet yet.

16 MR. JOHNSON: We haven't had the incident post-mortem
17 yet.

18 MR. BURDEAU: No.

19 MR. JOHNSON: I mean that's a big component of that.

20 MR. STANCIL: Is that scheduled yet?

21 MR. JOHNSON: Not that I'm aware of. In your free time,
22 Bill.

23 MR. BURDEAU: Okay. I'll jot that down.

24 BY MR. STANCIL:

25 Q. During the response, actually on July 27th, the EPA

1 issued a removal order to Enbridge, and as part of that order it
2 required you to submit eight separate plans. Are you familiar
3 with that?

4 A. I knew that they had made the request for the plans. In
5 the role that I was filling at that time, I wasn't involved in the
6 creation of those plans, but I'm sure someone with the support
7 documentation was there.

8 Q. Okay. The resources that Enbridge devoted to crafting
9 these plans, these were environment department folks and
10 contractors?

11 A. Yes.

12 Q. Was your attention focused on getting these plans or
13 helping getting these plans together?

14 A. Mine specifically was not.

15 Q. Anyone else in the operation side of the response?

16 A. I'm trying to think back who was involved at that point.
17 Outside of the environment group. As far as Bob Steede --

18 MR. JOHNSON: I'm thinking Bob Steede, Karl Beaster, and
19 Greg Mill (ph.) was down from Canada.

20 MR. BURDEAU: Right.

21 MR. JOHNSON: I'm just trying to think. Kurt Spence. I
22 mean I could just name off all of the environmental people.

23 MR. STANCIL: Right, and then they --

24 MR. JOHNSON: And then the contractor that Bob Steede
25 hired from southern Michigan, I'll say, that had experience with

1 putting those together.

2 MR. BURDEAU: I can't think of anybody from the
3 operations side that might have been assisting them.

4 MR. JOHNSON: Would Jim Sweeny by any chance help with
5 that?

6 MR. BURDEAU: Jim was here and gone after a day or two.

7 MR. JOHNSON: Okay.

8 MR. BURDEAU: He had some back issues or something that
9 he just needed -- he wasn't able to be on site for very long.

10 MR. JOHNSON: And that's a person out of the Griffith
11 area that has a bit of an environment background. Otherwise the
12 environment, there isn't region-specific environment people.
13 There's a core group of people in our spare office, and within
14 there they have region responsibilities, but they work out of
15 Superior, and they all basically mobilized down to Marshall when
16 this happened. So that's where the, it's not -- it's operation
17 support folks, so if you will, Karl Beaster I know, and Shane
18 Yokum are two people --

19 MR. BURDEAU: Right.

20 MR. JOHNSON: -- from the Superior office that are
21 designated as Chicago Region environment support. So in that
22 aspect, Chicago Region's people were working on that plan, but not
23 out of the operations response group.

24 MR. BURDEAU: Right. And I'm not even sure that Jim
25 Sweeny was here that first week.

1 MR. JOHNSON: I just remember him being here.

2 MR. BURDEAU: He was here. Actually it was his brother
3 Mike that I was referring to that had the issues that he needed to
4 leave within a day or two, but Jim was here, but I don't believe
5 he was even here within the first week.

6 BY MR. STANCIL:

7 Q. All right. What did these plans do for you? Were they
8 something that you needed or used during the response?

9 A. Initially it provided a little more confusion, but once
10 we had a clearer understanding of what the plans entailed, I don't
11 recall it being any type of an issue. It was just information
12 that was needed that we sought out and gathered at each of the
13 locations.

14 Q. Did it help you to understand what the endpoints would
15 be, what was expected?

16 A. Certainly in the grand scheme of things, yeah. Once
17 again, from my perspective and from the role that I was in, it
18 really didn't; it didn't provide or detract from anything. I had
19 my specific marching orders and that plan really didn't impact it
20 much.

21 MR. JOHNSON: I would say, you know, and my take on it
22 was it dealt more with the cleanup and where we would be with the
23 cleanup at certain times. They were putting those plans together
24 at the same time we were chasing oil. I mean operations was still
25 trying to stop the oil and, you know, quite honestly, we'll stop

1 the oil before we worry about cleaning up where the oil has been.
2 So, you know, it was a path that needed to be set, but operations'
3 true focus and the contractors were stopping the oil. I mean, we
4 had not stopped the oil yet when we had already started getting
5 some marching orders on, you know, "You need to be done cleaning
6 this up by September 29th." We're still chasing it on the river.

7 MR. STANCIL: All right. And -- I lost my thought
8 there.

9 MR. JOHNSON: And Bill's group also was starting to put
10 together the plan to get into where the defect pipe was, and
11 that's a sizeable undertaking, the excavation of that, if you
12 will, the oily area, and protecting the nearby pipelines and just
13 -- you know, so that's two areas that operations, Bill's group,
14 was responsible for that are, if you will, separate from cleanup
15 activities, which normally in Enbridge it is done by contractors.
16 You know, we do the emergency response, we do the repair, we put
17 the line back into service, but we're not necessarily geared to do
18 cleanup. We found during the cleanup activities, as we talked
19 with our guys yesterday, that certainly those cleanup crews work
20 better with Enbridge supervision, but I think that's a fair
21 statement of how our people are trained. I mean, and the other
22 releases I've been at, when the line is up and running and things
23 are in place, we keep a crew there to supervise, but you're
24 bringing the experts on cleanup.

25 BY MR. STANCIL:

1 Q. This scenario with developing the plans and such, is
2 this a procedure that you've been through before?

3 A. Not me personally, no.

4 MR. JOHNSON: I don't believe the company has before.
5 Not that I'm aware of. I know when we created one for the
6 Romeoville leak, Bob Steede said it was going to be a lot easier
7 because he had a template to go from, from Marshall.

8 BY MR. STANCIL:

9 Q. Bill, have you been incident commander on other spills
10 before this?

11 A. I had been. The incident was very minor in comparison.
12 I was incident commander of a leak that we had on New Year's Day
13 2007 up in Owen, Wisconsin, and it was in a frozen, wide open
14 field. It was just minute in comparison to what we're talking
15 about here.

16 Q. How many other oil spills have you been involved in?

17 A. I've been with Enbridge for six years, and outside of
18 the Owen leak we had a couple of minor leaks at facilities that I
19 was involved with, but prior to that, that was it. The Owen leak
20 was the biggest that I had been involved with up until Marshall
21 occurred.

22 Q. And your prior experience prior to Enbridge, have you
23 done anything like this before?

24 A. No. My prior experience before Enbridge was more on the
25 light oils side, more of a terminal background, and engineering

1 and construction project management.

2 Q. Okay. Have the cleanup costs been totaled yet?

3 A. I don't think that they've been totaled yet. I know
4 many of the invoices are still being reviewed, and I don't think
5 they're even close to a total yet. I know they've got a good
6 number --

7 Q. Is there a projected --

8 A. -- good estimated numbers, but --

9 Q. What's the estimate for the cleanup?

10 A. I haven't even heard what the estimates are. As I
11 indicated, I've been removed from this project for the most part
12 since after the first two weeks to be responsible for other
13 Chicago Region operations activities and then got involved in the
14 Romeoville leak, but outside of helping to prepare a timeline for
15 our CEO for his hearing, that was my only other involvement with
16 Marshall until now.

17 MR. STANCIL: Maybe, Jay, you could add this to
18 something we would be interested in having for the report, the
19 total cleanup cost when available and total property damages if
20 those figures are available.

21 MR. JOHNSON: 3- to 400 million is what I saw the press
22 print. Is that close enough?

23 MR. STANCIL: Not for my report.

24 MR. JOHNSON: I like to respond quickly if I can.

25 BY MR. STANCIL:

1 Q. Okay, Bill, is there any advice you can give us on what
2 worked very well on this response or what didn't work so well?

3 A. Certainly. Our -- I personally feel that our internal
4 crews did an outstanding job with the initial response. I think
5 that one thing that we probably need to look at might be to have
6 some specific and strategic locations identified where we might
7 have a boom box or a boom on a reel type of setup at specific
8 control points where it's a matter of just getting out there with
9 a boat and pulling the boom out as opposed to mobilizing a trailer
10 in there and having to pull the boom out. That might be something
11 that we can look at to significantly improve our ability to get
12 boom out faster.

13 Certainly we've got to look at -- even further at our
14 OSROs and maybe a more geographically, a better geographic
15 scenario as far as our OSROs are concerned. And to look at the
16 more regional emergency response contractors that we have and
17 their capabilities as well.

18 Those are all great takeaways from an event like this,
19 but as I indicated, with this being my second major -- first
20 major, I guess you'd say, leak response, and second involvement in
21 the incident commander role, those would be the takeaways that I
22 came away with. But I think in any situation it can be critiqued
23 that, of those that are out there that, "Why didn't you do this?
24 Why didn't you do that?" You can Monday morning quarterback
25 forever. I think we responded very well in this case. That's my

1 own personal feeling, and I don't have a whole lot of background
2 to compare that against, so maybe that opinion is biased, but that
3 would be about it from my perspective.

4 MR. STANCIL: Okay. Chuck?

5 BY MR. KOVAL:

6 Q. How did you get the waivers to bring all the heavy
7 equipment in?

8 A. The waivers for?

9 Q. The roads to bring the heavy equipment across the roads
10 and things?

11 A. Oh, the permits?

12 Q. Uh-huh.

13 A. Some of that I know is taken, that responsibility anyway
14 I believe is handled with our environmental groups. They go and
15 get a lot of the permitting issues handled for us. But you know
16 what, I don't have a good answer for that.

17 MR. JOHNSON: You know, I answered it somewhat
18 yesterday, is that, you know, when the governor declared a state
19 of emergency, it took some of the guidelines off from --

20 MR. BURDEAU: The road restrictions that might otherwise
21 be there.

22 MR. JOHNSON: Yes, although in this case there were no
23 road restrictions. So I mean, where we went in we didn't need
24 special permits. We did haul some equipment after hours, and then
25 we had the sheriff's department leading us in. In these

1 locations, that wasn't a concern. Certainly a different time of
2 the year based on, you know, a freeze up or things like that, or
3 maybe some bridges and so on and so forth, we didn't have that as
4 an issue. And for the most part, the heavy equipment was brought
5 in at the release site off of Division there and were able to take
6 down the river. The other areas where we were putting boats and
7 things like that in on the river, that wasn't extremely large
8 equipment.

9 Kind of a unique follow up, there was areas where you
10 just flat out could not get equipment in and they brought it in
11 with helicopter, between road and helicopter. And some of the
12 oxbows on the river where we were cleaning it up and hauling the
13 contaminated soils off with that, you just cannot get in there
14 with equipment, so.

15 MR. KOVAL: With regard to the helicopters, was there
16 any communication with the Coast Guard and the EPA and their helos
17 flying over the site?

18 MR. JOHNSON: I would just say based on FFA
19 requirements. You know, there's full radio communication and they
20 have to follow their flight plans.

21 MR. KLABUNDE: We had somebody handling air patrol from
22 an Enbridge chopper perspective, but I --

23 MR. JOHNSON: I mean that's within what pilots are
24 required to do with their license and --

25 BY MR. KOVAL:

1 Q. Did you have any -- all of these local agencies and
2 things and all of this interaction, were there any concerns about
3 that? Anything you would recommend for some other pipeline
4 company or in a similar spill?

5 A. Concerns as far as the communication?

6 Q. Yes. Especially this one was so large, and the
7 communication and the dealings with all of these different
8 agencies? There's 20-plus agencies, I believe.

9 A. Once again, from my perspective and not ever being
10 involved in an incident of this magnitude, I felt the
11 communication flow was pretty good amongst the regulators and the
12 fact that they sent their representatives to the various briefings
13 and the floor was pretty much open for discussion, it didn't
14 appear to me anyway from that perspective that there was a lack of
15 communication. Certainly in situations like this there's, you
16 know, how much is too much? You can never have enough
17 communication, but it appeared to me as though those that were
18 involved and those that needed to be involved, the communication
19 was pretty good.

20 MR. KLABUNDE: One thing I guess I would like to speak
21 on from that perspective was in dealing with a lot of the
22 regulators, you know, Jay and myself, one thing I think that could
23 definitely have been improved on collectively from all of the
24 agency standpoint is if representatives from those agencies could
25 all get together and decide what information they were going to

1 request, because so many of the agencies were asking for the same
2 information, but they were asking different people at different
3 times, different days, different locations. Where if, then we
4 said, you know, Duane or Jay is the go-to guy for regulatory
5 information, or from an Enbridge standpoint go to Duane for
6 information, here's the key contact for NTSB, here's the key PHMSA
7 contact. If those groups could get together initially and decide
8 as a group, this is the documentation we all would like to see,
9 versus kind of how it transpired -- I think we got there
10 eventually and built this FTP site and everything else, but that
11 probably could have been a little smoother and something this
12 large down the road.

13 MR. BURDEAU: That's a great point. I wasn't looking at
14 it from that perspective from the information requests that were
15 coming in. I was looking at it mainly from my time on site. So
16 on site I didn't see that there was too much of an issue with
17 communication conflicts between the different regulators, but
18 that's a great point. When I was back in the office and as far as
19 dealing with the information requests that were coming in, we were
20 getting basically the same questions that were coming in from
21 PHMSA and from NTSB and from EPA and from the House of
22 Representatives, and so streamlining that would be great.

23 MR. JOHNSON: I think on site what helped early on was
24 we, we as in Enbridge, had people out here so we had two to four
25 compliance folks out here that dealt with NTSB and PHMSA. We had

1 health and safety to deal with the health departments, and we had
2 environment to deal with the EPA's and those. So we had enough
3 people on the ground from different agencies and you kind of pair
4 up, if you will. That happened relatively early on and so it's --
5 you know, Chuck knew to come to me; Jim knew to come to me, or,
6 you know, as we got later in the week I kind of lost track of
7 time, too, Bill. It was like that's the trailer you went to.

8 One of the things that, certainly if you go over to our
9 incident command and you see Government City, I call it, it's all
10 the trailers, all of the agencies came in and with a fair number
11 of people and kind of were looking to Enbridge to find a place to
12 reside. So, you know, boy, we were jammed pretty quick. It's --
13 you know, we talked about, you know, EPA came in and they said,
14 you know, "We need an office."

15 MR. BURDEAU: Well, they got an office.

16 MR. JOHNSON: They got an office. We had card tables
17 set up in the shop. I mean, we had people everywhere early on,
18 and at least half of it were the agencies looking for a place to
19 come in and regulate us, by God, and so that was -- it was pretty
20 amazing. And then EPA brought in their super trailer and, you
21 know, that was something, you know -- and then I ran into again in
22 Romeoville, that was something that I would say that, you know, I
23 would like to do different is, you know, when something -- if
24 something like this happened again is to find a location sooner so
25 people could be officed and -- you know, not that I'm trying to

1 hide anything from Jim, but I don't need Jim sitting next to me
2 when I'm trying to do my work, and you've got your regulators
3 sitting in the same area as you; that's a little intrusive. So
4 that would be something I would try to do in the future.

5 MR. STANCIL: Did you have a documentation specialist in
6 your unified command?

7 MR. JOHNSON: Yes, we did.

8 MR. STANCIL: Is that a person that --

9 MR. JOHNSON: Actually we had --

10 MR. STANCIL: -- that these agencies could go to?

11 MR. JOHNSON: We had documentation folks. I mean that's
12 something that the compliance group starts to do. We had two
13 people come in on day two to start providing that. It was
14 immediately more than two or four people could do, and we brought
15 in Burns & McDonnell (ph.), a firm that does documentation.
16 They're still here. When we had Romeoville we spun them out right
17 away. Literally we learned and acted at Romeoville the minute
18 that pipeline supervisor goes out, he's got a documentation person
19 just riding with him. So that was a learning from here that sadly
20 we already got to put in, in another location, so, from a
21 documentation standpoint. However, that was day three or four
22 before they were fully up and running.

23 MR. KOVAL: Did you get requests simultaneously from the
24 prosecutory arm of agencies and the mitigation arm of agencies?

25 MR. JOHNSON: I would -- I'm just -- can only speak for,

1 as Duane did. I mean NTSB and PHMSA had similar requests, you
2 know, both looking at the incident, you know, okay, what kind of
3 pipe is it, when did it go in, where was the well, what was the
4 ILI data? Very, very similar requests. Once NTSB came in and we
5 had the party system established, and we had the FTP site, then it
6 got a little bit, "Well, I asked for that, where is it?" And then
7 it got to be -- you can't just ask for it. We needed a request.
8 And NTSB was guilty of that. PHMSA was guilty of that. I was
9 guilty of that being, "Well, I asked you for that," and I'm like,
10 "Do you know how many things I was asked for?" If I didn't write
11 it down and chase it down -- and so that was a little bit broken
12 at the start of things is all of the requests coming in, and you
13 know, everyone's -- I think everyone was so concerned to find the
14 cause of the release, and we're still chasing oil.

15 It's almost, you know, I appreciate your concern and
16 what you're sent out to do. You know, I worked full two days
17 working on the leak and then, bang, come Wednesday I'm taken off
18 of it. So you've taken my operational expertise away to start
19 chasing down the cause of it, which we didn't even get the pipe
20 exposed for two weeks. Let's focus -- what's the concern here?
21 Let's stop the oil. The cause of the leak is not going to go
22 away. So maybe that's a little bit of ranting there, but --

23 MR. KLABUNDE: Yeah, we definitely -- to add to that, we
24 started the requests, those -- I need a more formal request, let's
25 have a -- whether it's through an e-mail with the 10 things you

1 need or an official form or something. And these guys were good
2 about, you know, even doing it handwritten, "Here, this is what I
3 need," type of thing, so.

4 MR. KOVAL: Jim?

5 MR. BUNN: I don't have any more.

6 MR. KLABUNDE: A couple of real quick questions I've
7 got.

8 BY MR. KLABUNDE:

9 Q. Outside of the unified command, daily reporting,
10 paperwork, reporting structure that kind of evolved, do you recall
11 the specific day that the EPA officially took the response over
12 from Enbridge?

13 MR. JOHNSON: Or did they?

14 BY MR. KLABUNDE:

15 Q. Or was there? Was there an official statement?

16 A. I had never heard an official statement that they had
17 taken over anything. There were implications that they had, but I
18 never saw an actual statement or heard a statement made that EPA
19 has taken over this response, and to this day I don't know if that
20 was ever done. As I said, there were a lot of implications made
21 that they had done so or were going to, but I, in the time that I
22 was there until the 6th of August, I don't recall there ever being
23 a statement or -- either a verbal or a written statement being
24 made to that effect.

25 Q. That's part of the reason I'm asking. I guess I don't

1 really fully understand how that normally works as far as you come
2 in with a piece of paper and stamp and say, "It's ours now," you
3 know, I don't know. I was just kind of curious about that, so.

4 Being one of the first incident commanders, I guess,
5 just what was your reaction to initial media, governor comments of
6 lack of initial response from Enbridge?

7 A. Well, as I started to allude to before, I think the
8 general impression right off the bat with the public and with the
9 government officials was, "You're not doing enough." You can
10 never do enough in situations like that, and somebody's not going
11 to be happy. I think those that might have been closer to the
12 situation and actually saw and could have some appreciation for
13 the efforts that were being made may have had a little different
14 attitude, but the -- it's pretty commonplace for the media to take
15 things and then twist them to whatever is going to sell the news,
16 and I think they had a great opportunity here to do that, and they
17 did it. Certainly the timing with elections, you know, coming
18 soon, and individuals' personal agendas had a lot to do with what
19 got out in the media.

20 And you know, it's unfortunate that the circumstances
21 that we were faced with, it was almost a Murphy's Law situation.
22 We had the heavy rains just prior, we had the flood conditions,
23 and the whole 911 at issue, and it was like everything was just
24 lined up for the perfect storm. No excuse, but it's just that
25 that was the way that it ended up being, and, you know, I

1 personally sat back and looked at it with the whole media blitz
2 and everything and I thought to myself that, you know, it's never
3 going to be good enough for somebody. It doesn't matter what you
4 do in this situation. You could do in your -- as far as your
5 response goes, you know, we could have stopped the flow of oil in
6 the first 12 hours and somebody would have said, well, you should
7 have did it in 10 or you should have done it in 8. So it's a lot
8 of opinions at that point.

9 I think certainly we've got learnings that we took away
10 from this that helped us at Romeoville and will continue to help
11 us in the future, but, you know, everybody's entitled to their own
12 opinions and I think the media had an opportunity and they seized
13 it here and cast a light on Enbridge as a company that, you know,
14 certainly following on the heels of the BP incident, it was made
15 out to be -- not that it wasn't a very, very serious and bad
16 situation; it was, but there wasn't enough focus on the efforts
17 that were made in those initial stages to get this incident, the
18 flow of oil stopped. And like I said, they just expanded on that
19 and took advantage of it and ran with it. It is what it is.
20 That's what their job is to do, is to create excitement in news
21 events.

22 Q. Have you seen anything in the last couple of months that
23 has made that perception maybe turn a little bit or improve?

24 A. I just saw a commercial on the TV this morning while I
25 was sitting out in the lobby, and it wasn't for any specific

1 candidate. I don't know, I didn't catch who actually the ad was
2 for, but it started off with, "Enbridge Energy spills 800,000
3 gallons of oil," and so and so. It was basically in an opposing
4 role for -- or an opposing position for one of the candidates that
5 supports big oil, so to speak, and it just started out with
6 Enbridge Energy spilled oil, and this guy is in support of big
7 oil, don't vote for this guy. And I was like, you know, why was
8 that necessary? But, I mean, that's what they do, so.

9 MR. KLABUNDE: All right. I don't have any more
10 questions. I do have one general statement. When we were talking
11 about Morrow Lake and how the sheen got to Morrow and -- something
12 should be said, more clarity on how far the sheen got. I know I
13 flew in the chopper on August 5th between 4:00 and 5:00 p.m., and
14 at that time I know that was nine days into it, but there was no
15 indication of sheen on the lake at that time, so.

16 MR. JOHNSON: Well, the Morrow Lake delta on the east
17 side of the lake is the limit of the affected area from Bob
18 Steede. So there was sheen that got to it --

19 MR. KLABUNDE: But not --

20 MR. JOHNSON: -- to the delta, but not to the lake.

21 MR. KLABUNDE: No more questions. Thanks.

22 MR. JOHNSON: I think as far as maybe to add to what
23 Bill said is, Enbridge did not get judged on their response
24 correctly because we were -- it was determined that in the minds
25 of everyone, and maybe correctly, that the release happened on

1 Sunday night and we didn't do anything until noon on Monday. So,
2 you know, that certainly has hurt our reputation from how we
3 respond standpoint. However, and certainly Paul, as you've heard,
4 you know, once we were aware that there was oil on the ground, our
5 response was I think outstanding. But once again, the way it's
6 portrayed, you know, Enbridge didn't respond for over 12 hours. I
7 mean we responded within minutes, and everything that did
8 certainly in the perfect storm go wrong, did go right in the one
9 aspect that it was right behind our pipeline maintenance facility,
10 so by God, we were able to get there pretty quick that way. So
11 that was at least one less checkmark against us.

12 But I have no questions for you, Bill. I've been tough
13 enough on you as it is.

14 MR. BURDEAU: Later.

15 MR. JOHNSON: Yeah, later.

16 BY MR. STANCIL:

17 Q. Bill, do you have anything you'd like to add? Any final
18 thoughts?

19 A. No. Well, other than the fact that I hope that I don't
20 have to experience one of these again. I think for a lot of folks
21 within Enbridge and even for regulators that are outside of
22 Enbridge, they just -- this may be something of a magnitude that
23 they've never experienced before. I certainly didn't. There were
24 many folks that had been with the company 20, 25, 30 years that
25 had never seen something like this, and hopefully never will

1 again. But you have to try to take away positives from every
2 situation, and certainly the learnings that we've taken away from
3 this will benefit us and make us better I think.

4 MR. STANCIL: Okay. Well, unless anyone has any
5 final --

6 MR. BUNN: That's our job.

7 MR. STANCIL: I think we'll end the interview at this
8 time. Thank you very much, sir. I appreciate your time today.

9 MR. BURDEAU: Thank you.

10 (Whereupon, at 12:40 p.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 Bill Burdeau

DOCKET NUMBER: DCA-10-MP-007

PLACE: Marshall, Michigan

DATE: October 27, 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 as recorded by Amy
Shankleton-Novess, certified electronic reporter.

Amy Shankleton-Novess
Official Reporter

Kristen Shankleton
Transcriber

