

ATTACHMENT 27 – *INTERVIEW OF ENBRIDGE BAY CITY PLM SUPERVISOR*

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: MICHAEL COLLIER

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

Friday,
July 30, 2010

The above-captioned matter convened, pursuant to notice,
at 8:40 a.m.

BEFORE: KARL GUNTHER
Accident Investigator

APPEARANCES:

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I N T E R V I E W

(8:40 a.m.)

1
2
3 MR. GUNTHER: Are you guys ready? All right. Yeah, I'm
4 Karl Gunther from National Transportation Safety Board. We're
5 here investigating an oil spill that occurred in Marshall,
6 Michigan on July 26, 2010.

INTERVIEW OF MICHAEL COLLIER

BY MR. GUNTHER:

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

11 A. Michael Collier. Work address or home address?

12 Q. Either one.

13 A. Work is 3751 Mackinaw Road, Bay City, Michigan 48706.
14 Phone number is 989-684-0160 at extension 20.

15 COURT REPORTER: Mr. Gunther, could we have everybody go
16 around -- I'm sorry to interrupt -- and just state their names?

17 MR. GUNTHER: Sure.

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

19 MR. PIERZINA: Brian Pierzina, PHMSA Central Region.

20 MR. JOHNSON: Jay Johnson, Enbridge.

21 MR. COLLIER: Mick Collier.

22 MR. GUNTHER: Karl Gunther.

23 MR. TOBIAS: Sean Tobias, Enbridge.

24 COURT REPORTER: Thank you.

25 BY MR. GUNTHER:

1 Q. Okay, can you go ahead and describe the actions from the
2 beginning that you took during the oil spill and carry all the way
3 through?

4 A. From the first call that I received?

5 Q. From the first call you received and everything you did
6 afterwards.

7 A. Okay.

8 Q. And what you saw.

9 A. I was called at 11:30 from Bill and Tom that Ben and
10 Jeff were checking for an oil leak in Marshall, Michigan. I was
11 at Stockbridge, Michigan. Normally, I am in Bay City, but I was
12 at Stockbridge, Michigan getting ready for a job that was going to
13 occur over that way.

14 So, from 11:30 then, I drove to Marshall and got on the
15 road. At 11:45 I got a call from I think it was Bill that they
16 have confirmed that there was oil. So, I told the boys, Jeff -- I
17 think Jeff was who I talked to -- to get some boom in the water
18 and get the suck trucks there as fast as we can. I called my guys
19 from Bay City to get a suitcase. And Jim Kryler (ph.) is one of
20 my employees with the vac truck. He was driving the vac truck, so
21 he got that, and he took off from there. I called Randy Roach to
22 see if he had workers in the area and what availability they had
23 for materials such as mats, trucks; where one of my contractors I
24 normally deal with, Dick Worth (ph.), where his Madison workers
25 were in relation to the Marshall area.

1 I called Baker Tank to get some frac tanks and see what
2 they had for vac tankers. Another guy that I called on my end was
3 Justin Anderson, one of my pipeliners out of Bay City. Run home
4 and grab a suitcase. Him and Ron Skrocki, grab a suitcase and
5 told them when they get back to call me and tell them what vehicle
6 to bring and what equipment to bring.

7 When Justin got back, I had him bring a pickup and a
8 light plant (ph.) to get them on site. Ron Skrocki, I had him
9 throw a couple of well plusses on the gang truck and had him bring
10 the boom trailer down. So, those were en route. I talked to Mike
11 Paradise from Escanaba and just say we had a leak down here;
12 we're going to be looking for some assistance. So they were
13 getting people sent home to get some suitcases. I talked to him
14 for a bit.

15 At about 12:27, I call the control center to confirm
16 that the valves were closed at the station and the first one
17 downstream. They told me that valves at mile post 607.66-6-V was
18 closed. That was the station valve, the upstream. And the
19 nearest one downstream is mile post 610, and that was confirmed.

20 I called Terra Contracting at 12:36. I talked to Rich
21 Walsh and then a Steve Kaplan about availability of frac tanks,
22 vac tankers, anything he could get me. He said he had four 3000
23 vac trucks, so I ordered them, and they were going to be en route.
24 They probably wouldn't get there for a few hours. They were in
25 Kalamazoo, so they were mobilizing and coming that way.

1 I talked to Brian Fish I think on 15 1/2 Mile. I think
2 I met up with Brian Fish. It might have been on Division Drive
3 first, because Brian asked me who was the person on site, the
4 incident commander, and I said I will be for now, and we have some
5 people coming down. My boss, Bill and Tom, were en route at that
6 time. So, I talked to him, and he informed me that it was in the
7 Kalamazoo River at that point already.

8 BY MR. PIERZINA:

9 Q. What time was that?

10 A. That was 12:49.

11 BY MR. JOHNSON:

12 Q. And Brian Fish is the one that told you that?

13 A. Brian Fish told me that, because he lives right there,
14 so he told me that it was in the Kalamazoo.

15 BY MR. PIERZINA:

16 Q. In the Kalamazoo, and that was at 12:49?

17 A. That's what I wrote on my notes.

18 BY MR. GUNTHER:

19 Q. And we're talking Monday, right, the 26th?

20 A. Monday.

21 MR. JOHNSON: Yeah, and that's -- like I just wanted to
22 clarify that. Mick didn't see it. He was told by Brian Fish.

23 MR. COLLIER: Yeah, yeah, I didn't see it.

24 BY MR. PIERZINA:

25 Q. All right, and Brian wasn't -- couldn't remember what

1 time, so that's --

2 A. Yeah, yeah, I think -- I honestly think we met on
3 Division Drive, because then when we went to 15 1/2 Mile is when I
4 met Derrick Dunham, and he was at 15 1/2 Mile is where I met him.
5 And he started asking me questions about who I had coming and
6 what, and I said -- I told him to give him a quick fill-in on what
7 I knew to this point. And then he was starting to write down a
8 bunch of stuff, and he wanted me to, you know, tell him exactly
9 who I had coming. I said I don't have a lot of time to talk to
10 you right now because I'm trying to organize this and get moving
11 with trucks and people. I said if you want a copy of my notes
12 after this, I will gladly give them to you, but right now, I'd
13 really like to get down below. And we talked about having a
14 unified command and a command post, and I said my boss was on the
15 way down at that time, and that they would be on site -- I think I
16 told him 2:00, possibly -- and that they would set up and meet
17 with him, and they would set up -- the command post would be set
18 up at our PLM shop, and they would meet there and set up a unified
19 command. So, that's what I told Derrick at that time. Very
20 receptive to that.

21 Q. What time was that? What time did you talk with
22 Derrick?

23 A. 1:30, because we talked about a press release later and
24 possibly get the unified command and the press release jointly set
25 up at 5:00. From there, I talked to Mike Paradise at 2:00, and he

1 was sending three men with a boom truck or the gang truck, pickup
2 with a lung and a vacuum truck. At 2:29, I talked to Terra, and
3 they had all our tankers available that they would be sending.
4 They'll check. They had a 300 series excavator with a skimmer on
5 it, and I told them to bring that too.

6 At 2:45, I was at the Ceresco Dam, and I had been with
7 the Battle Creek fire chief. I don't remember his first name. It
8 was Mr. Holt. He was a Battle Creek fire chief HazMat team, and
9 we went over there, because they had a boat in the water and they
10 were putting an absorbent boom in. So, we went over there, and
11 him and I hooked up and drove around the sites that we could find
12 to access, because he knew the area very well, so I asked him to
13 ride with me. And we went over it.

14 I told him the Ceresco Dam area was not a good place to
15 put in a boom right off the bat in the immediate time frame
16 because there was no access points. He had his little boat in
17 there, and with the current, they could barely make headway doing
18 anything.

19 Q. What did you have for oil at the time there at Ceresco
20 Dam?

21 A. Ceresco Dam they were just seeing a sheen, and it wasn't
22 even a full sheen. It was just sheen, here and there spots.

23 Q. All right, thanks.

24 A. So, we then went around to the other site, which would
25 be the Waddles Park or Heritage Park, I guess they call it. We

1 call it Waddles now, but it was the Heritage Park. About that
2 time, 3:00, our Bay City vac truck arrived, and they started
3 sucking oil on Division Drive. From there on, we had frac tanks
4 at Baker -- from Baker from Toledo arriving. We had two tanks,
5 frac tanks, one at 4:30 and then two more at 5:30. And I have
6 notes here, one more at 6:30. So, we had frac tanks there. They
7 delivered them to Marshall station.

8 Q. How many frac tanks total?

9 A. Four.

10 Q. Four, and that was at what time?

11 A. The first one was at 4:30, and then the other ones
12 arrived at 5:30 and 6:30.

13 Q. Okay, so by 6:30, you had four frac tanks?

14 A. Yeah. From there, it gets --

15 MR. JOHNSON: I'm just wondering if maybe that's about
16 where you wanted to get for that first day? I mean, otherwise,
17 because Mick has been on site ever since then. I mean, he can
18 keep going with all the updates, but is that about probably where
19 we want to go?

20 MR. GUNTHER: No, keep going.

21 MR. COLLIER: Well, my notes get sketchy too, because
22 then I was in the boats in the water putting boom in and so I
23 didn't keep notes then.

24 BY MR. PIERZINA:

25 Q. Right, and he had people probably taking over at

1 different points. So, you're in an operational mode along with --
2 how many -- so, by 6:30 Monday evening, how many Enbridge people
3 do you think, I mean roughly, do you think were on site and
4 responding?

5 A. I'd say by 6:30, you'd had to have 10 to 12, 14, because
6 I've got to count in the electricians and the mechanics now, and
7 by 6:30, I'd say a minimum of 14.

8 Q. Okay, how about contractors?

9 A. At that point, we had some from Terra. The Baker Tank
10 folks were just dropping trucks off, our local ones.

11 BY MR. JOHNSON:

12 Q. And just ballpark, we know you weren't counting people,
13 but --

14 A. I'd say another 6 to 10, just a ballpark figure.

15 BY MR. PIERZINA:

16 Q. Okay, and were people -- by 6:30, did you have
17 contractors deploying boom, or was it all Enbridge?

18 A. I think at that point, it was all Enbridge.

19 Q. All Enbridge deploying boom?

20 A. Yeah.

21 Q. Okay.

22 A. When some of the Terra folks arrived when we were
23 setting up, I know I grabbed some of them to throw them in boats
24 with us to deploy boom at the Heritage Park site at 9 Mile and G
25 Drive.

1 Q. Okay, this is like from after 6:30?

2 A. I think it was before 6:30.

3 Q. Before 6:30?

4 A. Yeah, because we were at the Ceresco Dam at 3:00, and
5 that's where we were bringing equipment over. We were working our
6 way downstream, trying to get ahead of everything and make sure we
7 were far enough ahead.

8 Q. Okay.

9 BY MR. GUNTHER:

10 Q. And Ceresco Dam, can you spell Ceresco?

11 A. C-e-r-e-s-c-o.

12 BY MR. PIERZINA:

13 Q. Were you deploying boom also, Mick, or were you --

14 A. I had Jeff and Ben initially, and wherever they could
15 put boom in, put boom in on these ditches and culverts on the way
16 down. So, that would have been at Division Drive, and I don't
17 think they put anything at 16. I think they were at 15 1/2 Mile.

18 MR. JOHNSON: And that's Jeff Ron and Ben Camp for the
19 records, so they know who you're talking about.

20 BY MR. GUNTHER:

21 Q. Okay, what formal training do you have?

22 A. For hazardous response?

23 Q. Yeah.

24 A. I'm a materials specialist. I think it's a level 4 they
25 call it, hazardous material specialist. My employees are

1 technicians, and I'm a specialist.

2 Q. Okay. Again, you have classes for this and training?

3 A. Training every year, yes. We've had our HAZWOPER
4 training for the year already. It happens usually in the winter.

5 Q. And do you take written or oral exams, or --

6 A. Written exams.

7 Q. Okay. And are you qualified under OQ.?

8 A. Yes.

9 Q. How many years experience do you have?

10 A. I'm a 34-year employee.

11 Q. Okay, and what did you first observe when you arrived on
12 the site?

13 A. I arrived at A Drive first, and the oil was coming down
14 the stream. I didn't know the name of it. And oil was coming
15 down there pretty heavy. I could see breaks in the water -- to
16 see water, I'm sorry, but it was still pretty heavy.

17 Q. Did you observe anything out of the ordinary on the
18 spill, anything unusual, I mean other than the spill?

19 A. Well, I mean, each area is unique.

20 Q. Did you see any like -- how about damage to the
21 environment, wildlife? Did you see anything like that?

22 A. Well, naturally, just the oily grass. When you're in a
23 slough, all the grass hangs on -- excuse me, oil hangs onto the
24 grass. So, that's always just something that you've got in the
25 back of your mind when you see a spill. Oil coming down the

1 ditch, you know that -- I know this area, so I know that that's
2 all slough upstream of that, and wow, this is a mess.

3 Q. Okay.

4 BY MR. PIERZINA:

5 Q. Mick, let's back up just -- did you have any work-
6 related responsibilities, say, over the weekend Saturday or
7 Sunday?

8 A. Nothing that I worked, no.

9 Q. Okay, so you weren't doing, you know, anything related
10 to preparing to take pigs or --

11 A. Oh, I'm sorry, that yes. Well, I didn't call in. I
12 called in Monday morning to see, because we were going to be
13 receiving pigs at Stockbridge. So, Rusty was on vacation, so I
14 was going to help cover for that. So, yes, I called Monday
15 morning to ask if the schedule had changed much, because I know
16 when we left on Friday, I know there was going to be pigs coming
17 into Stockbridge on Tuesday morning, so I wanted to make sure that
18 was still on schedule because my employees and the Marshall
19 employees were going to work together on that project.

20 Q. Okay. So, and that was Monday morning, that was the
21 first time that you'd called to make -- you know, to check on the
22 schedule?

23 A. Yes.

24 Q. Did you receive any e-mails or phone calls over the
25 weekend as far as schedule changes?

1 A. No.

2 Q. All right. You had a good weekend?

3 A. Well, yeah. I knew it was going to be the next week
4 challenging. It was a challenge to get that pig in the line, so
5 that was the bigger thing. So, I knew -- and we had training
6 scheduled for Wednesday, so I was more concerned about getting my
7 employees to the training that we had. We had excavation training
8 scheduled in Marshall for Wednesday, and so this pig was coming
9 in, and I was more concerned at that point with getting the pig in
10 with my employees at the training also. So, that's what I was
11 juggling.

12 Q. Uh-huh, okay. So, Monday morning you called on the
13 schedule. Who do you call to --

14 A. Our line 6 operator.

15 Q. The line 6 operator at the Edmonton Federal Center?

16 A. At the Edmonton, yes.

17 Q. Okay, do they -- do you get e-mails, you know, as far as
18 schedules or schedule changes?

19 A. We have contractors working with us that would have sent
20 out an update. I didn't check that at the beginning. I just
21 called the operator to see if the line was on schedule for that,
22 and there was a scheduled shutdown, is what they told me.

23 Q. All right, sounds good.

24 BY MR. JOHNSON:

25 Q. So, what time did you call him?

1 A. 6:30 a.m. on Monday morning.

2 BY MR. PIERZINA:

3 Q. Eastern time?

4 A. Eastern time. I got a gal. I don't know her name, but
5 it was a gal operator.

6 Q. Okay, so 6:30 local time you called the control center.
7 What did they tell you?

8 A. They said the line was down at that time and they had
9 some troubles just with pressures, and that's about all she
10 related to me. And so, I says okay, well, I'll just wait and you
11 guys get it figured out, and I'll give you a call later. So, at
12 that time, my employees are coming in and I'm trying to organize
13 my day to get them going.

14 Q. Sure. And you're at Stockbridge?

15 A. I'm at Bay City.

16 Q. You're at Bay City at 6:30?

17 A. Yes.

18 Q. And basically getting ready to head to Stockbridge it
19 sounds like?

20 A. Well, we weren't expecting pigs until Tuesday.

21 Q. Oh, okay.

22 A. So, I was going to -- I told all my boys on Friday to
23 bring a suitcase, and I had two guys coming in from vacation.
24 That's why on the initial call they didn't have suitcases, because
25 they were on vacation the prior week. I had my one employee, Jim,

1 had a suitcase, so when I called him, he could come right away.
2 But so I was more concerned with trying to get that organized for
3 my dayshift, and so, that's why I was calling up early. If the
4 pigs were coming in early, then they would go home, get a
5 suitcase, and we'd come back. If not, they could go down on
6 Tuesday. So, that's what I was kind of organizing.

7 Q. Okay. And you were, I'm assuming, filling in because
8 Rusty was on vacation?

9 A. Rusty is on vacation. Ben was relieving for him, but I
10 was helping out also, just because we were going to be working
11 together that week.

12 BY MR. JOHNSON:

13 Q. I'm just curious if Rusty was here, would you have sent
14 your guys down and Rusty would have handled the pig, or would
15 you --

16 A. Yes. Yes.

17 Q. Okay.

18 BY MR. PIERZINA:

19 Q. So, let's still stay within that, you know, period of,
20 you know, finding out that you've got oil, and to the 6:30, 6:30
21 or so --

22 A. Time frame.

23 Q. So, you're trying to assess the situation and deploy
24 resources. Did you get an opportunity to get back at all and see
25 how things were going behind you?

1 A. No, I was trying to stay out ahead is what I was trying
2 to do. Trying to still figure how I could put something in at
3 Ceresco. We had had Randy Roach, I think, was around there at
4 that time trying to find an access road into the Ceresco Dam. We
5 were really hoping to put something in the Ceresco Dam area,
6 because it was a wider area, wide open kind of a thing, and the
7 water was somewhat slower. So, we were trying to find an area,
8 and the whole area around there is fairly soft. So, to put a boat
9 in, we couldn't land the boat. That was our biggest problem. And
10 our boats need a little bit of water to draft, just to get them
11 in. We couldn't just grab them and throw them in there by hand.
12 And the other part of that, even if we could, then we couldn't get
13 the trailer down close enough.

14 Q. Boom trailer?

15 A. Boom trailer at that point without enough bodies to drag
16 the boom to the boat, so that was a problem.

17 Q. Okay. So, your communications with the status of the
18 spill and the progression of the oil, are you keeping apprised of
19 that through phone and radio contact?

20 A. Just with Tom and Bill, phones.

21 Q. Okay.

22 A. We used phones predominantly, yes.

23 Q. Okay.

24 A. At some point Rusty was on site, too, very early on, and
25 he was dealing with the front end down by Division Drive, and I

1 was trying to put booms in the water ahead of him.

2 Q. Okay. And did I ask, did you put any boom in?

3 A. Yes, at -- well, I had Jeff and Ben put in boom at 15
4 1/2 Mile, and I think they put in some at Division immediately to
5 try and slow it down. And then I got my first boom in down by the
6 Heritage Park. They had absorbent boom in, that the Battle Creek
7 HazMat team put in, at the Ceresco Dam, but they had to put it in
8 too far up and it's not going to be very effective. And then not
9 knowing the volume coming down, we wanted to put a hard boom in.
10 We just had not had a hard boom in there yet.

11 Q. Okay. And that was -- that was the Calhoun County or
12 Battle Creek Fire Department --

13 A. HazMat team.

14 Q. -- HazMat team's resources, and they're pretty much
15 deployed independently of your resources?

16 A. Correct, yes.

17 Q. Were you able to offer them input, you know, as far as
18 what they were doing or coordinate?

19 A. We talked to them, and they just -- well, they came out
20 with a response boat that they use that had -- I think it was a 15
21 horse motor and a rubber boat, response boat. So, I know that
22 would not pull anything we wanted. Like even if I could get boom
23 to them to pull it because they had a boat in the water, it would
24 not pull what we had to do to get a hard boom in the water,
25 because they pull pretty hard. So, that's why I said that I'm not

1 going to use this site right now and jumped down farther where the
2 chief said that this Heritage Park had a landing. So, that's why
3 we went down there immediately and put some in down there.

4 Q. And did you find a spot where, you know, it slows down a
5 little bit?

6 A. It didn't slow down hardly at all. It was just a great
7 spot to put a boom because we could access it.

8 Q. Gotcha.

9 A. And put in a good hard boom, you know, a line of
10 defense.

11 Q. And that's a spot where you could collect whatever or,
12 you know --

13 A. It was a great collection spot. We could channel some
14 of the oil if when it gets down there from the -- we actually tied
15 off to the -- if this was the I-94 bridge abutment, so I tied off
16 to that and brought a boom into the park right there, which was
17 flooded, but we could still get boom in, and that was where we
18 could get our back trucks in for great access for recovery.

19 Q. Okay, so this is the one that you can see just on the
20 north side of 94?

21 A. Correct. Correct.

22 Q. Okay.

23 BY MR. JOHNSON:

24 Q. You were talking about who came out with the smaller
25 boat. What group was that?

1 A. That was the Battle Creek HazMat Response Team, and
2 they're out of Battle Creek, and they were over at the Ceresco Dam
3 when I got there.

4 Q. Okay. So, you know, HazMat, I'm just guessing they're
5 not really geared up for river work, based on the size of their
6 boats?

7 A. No. No.

8 Q. Okay.

9 A. This was just more of a like an observation boat, I
10 guess is what I would call it, because it was one of those rubber
11 raft type deals.

12 Q. Okay.

13 BY MR. PIERZINA:

14 Q. Can you characterize for me, because I don't have a good
15 picture, how you deployed the boom at Heritage Park, like, you
16 know, I know you said you anchored it on the 94 bridge abutment,
17 so would that be on the --

18 A. The abutment, yes. That would have been on the
19 eastbound lanes.

20 Q. Can you draw it?

21 A. There's a double abutment. Sure.

22 Q. Well, actually, let's just explain it, because that will
23 be a better record. We can draw it out later.

24 A. Okay.

25 Q. So, on the eastbound lanes?

1 A. There's a bridge abutment in the center of the river.

2 Q. Okay. So, and you did that -- did you do that on the
3 east or west side of the river?

4 A. There it's more of a north/south.

5 Q. Okay.

6 A. And it would have been on the south side, trying to
7 catch as much as I could. We went upstream with the boat to see
8 if I could anchor, but knowing we had such a long boom, I wanted
9 to get one in as much as I could across the river. So, this one
10 would have been a two-thirds of the river that I could put a boom
11 in from the south and go into Heritage Park, which would go kind
12 of north.

13 Q. And end up on the park side with your downstream into
14 your boom?

15 A. Into the parking lot, actually. It was flooded there.

16 Q. Okay.

17 A. The parking lot was flooded, so we thought, if nothing
18 else, we had great tie-off points there, so we could anchor our
19 booms to the -- oh, they have guardrail over there to keep people
20 from driving into the river and the asphalt parking lot. So, that
21 was all flooded, but we could still bring boom into there and we
22 could park our trucks there, vacuum trucks to suck up oil. So, I
23 thought that was a great spot.

24 Q. Right, and so as far as any product coming down the
25 river, it's going to channel right to where you can get your

1 vacuum equipment and --

2 A. Yes, put up a skimmer.

3 Q. Okay. And a skimmer. And -- okay. And I don't know
4 the answer. How did that deployment work for you guys?

5 A. The boom we put in there, the river was very fast, very
6 swift. Again, it was flooded over. It was still rolling some
7 underneath the skirt. Now, at the very beginning, we had no oil.
8 And then after when the oil actually did start to show up, it was
9 rolling underneath the skirt, but it was still running on the
10 backside of the boom, so the boom was effective. It was just
11 pooling in a different area. Instead of pooling in front of it,
12 it was pooling right behind it, and it was holding it there. So,
13 that's why we left that boom in place and we continued to suck oil
14 there.

15 Q. Okay.

16 A. We put another boom in from the other side of the river
17 -- excuse me, from the park area to the north side of the river at
18 that point too, but that boom was not very effective because it
19 was too short of an angle across the river. It was more
20 perpendicular to the river, and the river being so fast there, it
21 didn't work. But I didn't have them take it out, because we
22 wanted to take the resources other places and put some more boom
23 in a different area. So, we left that boom in there. From a
24 picture standpoint, it didn't look very good, but I didn't want to
25 take the time to take it out.

1 Q. That's understandable. So, did you get to a point where
2 you had -- did you use up all the boom that you had and were
3 waiting for more boom?

4 A. We were getting more boom trailers on site. I don't
5 remember exactly which ones were there, but we had put out two to
6 three feet -- 200 to 300 feet of boom, and we were getting down to
7 where we were down to 100-foot sections. So, we needed to make
8 sure we had the new trailers coming in. We had Anson, which they
9 do, but we like use it as a 200-foot boom right off the bat. So,
10 we wanted to make sure that somebody used that boom while we broke
11 them apart, just so that we had enough boom to go across. We
12 didn't want to get stuck where we needed a 300-foot boom and we
13 only had 200. So that's where we were at.

14 Q. Okay.

15 A. I think the trailer we had still had 100 feet of boom
16 left in it.

17 Q. All right.

18 A. We did deploy a third boom there to the boat landing at
19 that site, so there was actually three when they left with the
20 boat.

21 Q. Okay.

22 A. We had a 24-foot -- or I think it was 24. It was a
23 marathon boat. It's a flat-bottom boat, no engine. That's what
24 we set the anchors with.

25 Q. Okay. And I know this might step over some important --

1 you know, you've been responding for the last, you know, week or
2 so. But I think as of Tuesday morning, I think we had heard that,
3 you know, the -- you know, overall the incident response or
4 incident command identified improvements to the boom, you know,
5 improvements that could be made to the boom that was deployed.
6 Are you familiar with any of those? I mean, as they kind of look
7 at what they've got, you know, are you aware of, you know, changes
8 that needed to be made and, you know, were you involved in trying
9 to help improve that, or were you still -- were you just working
10 downstream?

11 BY MR. JOHNSON:

12 Q. Where was your -- when did you come off shift the first
13 day?

14 A. I think I came off shift --

15 Q. You know, some of that stuff may be documented.

16 A. I don't recall right exactly. I wrote down some hours I
17 thought I worked, but I think I worked until 4:00 a.m. Yeah, I
18 think I worked until 4:00 a.m. on Tuesday morning.

19 Q. Okay.

20 A. I don't think I know of any improvements we were making.
21 I think at that point I was still running through Battle Creek
22 trying to find a place to put a good boom anchorage there also.
23 So, we were running through again talking with the chief. We went
24 down to kind of the area of the spillway because he knows that
25 area, and I kept him with me for a fair amount of time because he

1 knows the area better than me. So, we went through there, and we
2 checked. Kind of like the concrete spillway, it's great access,
3 but it's so fast through there, it's like double the velocity.
4 So, we tried to find something else and we had some talking about
5 the Linear Park area and how we could set up in there because the
6 water, it's about double the width of most places, but it's a lot
7 slower. So, that's where we were trying to set up, and that's
8 where we were working to set up.

9 BY MR. PIERZINA:

10 Q. Okay, and so something like Linear Park that's twice as
11 wide but slower, how much boom would you need to, you know, boom
12 out that effectively?

13 A. Probably 400 to 600 feet.

14 Q. 400 to 600 feet?

15 A. Yeah.

16 BY MR. JOHNSON:

17 Q. The time, just so you know, and I've got it in my notes
18 -- in fact, I can tell you how much you put in because you were
19 pulling boom that one time.

20 A. Yeah.

21 BY MR. PIERZINA:

22 Q. Well, that was going to be my question is did you have
23 what you needed available?

24 A. I think we had more boats and booms showing up then. I
25 was thinking Franz was there because Franz was with us working on

1 that.

2 Q. 400 feet of boom was being pulled at the time at Linear
3 Park?

4 A. At Linear Park.

5 MR. JOHNSON: Upstream at Linear Park. He was -- his
6 update to me was he had a vac truck there and he was pulling the
7 400 feet of boom.

8 BY MR. PIERZINA:

9 Q. And did 400 feet get you across at the angle you needed
10 to be a good diversion?

11 A. I was not out there at the time. I think that was
12 Franz.

13 Q. Okay.

14 A. And he was working on it.

15 Q. And Franz is?

16 A. Franz Prueggor, one of our field informants.

17 Q. Field informant.

18 BY MR. JOHNSON:

19 Q. He came in from Westover?

20 A. Westover, Westover, Ontario.

21 BY MR. PIERZINA:

22 Q. Okay. All right.

23 A. All right. So, I left him in charge there, and I went
24 back upstream to check out at the Linear Park -- not the Linear
25 Park, the Heritage Park to see how effective we were over there

1 and if the oil had reached there.

2 Q. Had the oil reached there by the time you got back
3 there?

4 A. I'm assuming so. I don't recall. I don't recall.

5 Q. Okay, all right.

6 BY MR. JOHNSON:

7 Q. At that time, I know Brian asked a question and you
8 talked about some recommendations were being made for maybe
9 ineffective boom or inefficient boom. Was that boom that was
10 running perpendicular still in the water at that time, you hadn't
11 removed it, right?

12 A. No, no, it actually was there for quite a while.

13 Q. One second.

14 A. That was there actually quite a while it was there.

15 Q. Yeah.

16 A. And like I say, it looked like heck, but I didn't want
17 to take the time to move it, and it was not one of the long ones.
18 It was just like 150 feet.

19 BY MR. PIERZINA:

20 Q. And just, you know, we've talked to some of the guys,
21 and if I recall the exact statement, you know, it was they were
22 responding, things were happening fast. And they may have said,
23 you know, they threw a boom out or whatever, and I'd just like to
24 be clear. You know, are you aware of any boom deployments that, I
25 mean, that strike you as, you know, why did our guys do this or

1 did they, you know, as far as you know, you know, do it as well as
2 they could with the circumstances that they could?

3 A. I think what the biggest problem that we had is the
4 water was so high and fast. That's why just to throw a boom in
5 the water with an anchor would be ineffective. It wouldn't hold.
6 You'd have to put too much anchorage on it with this water in
7 certain areas. So, what we -- that's why that bridge abutment, a
8 good solid thing to reference from and hook to, the same way with
9 the upstream of the I-94 bridge. No real good area to throw off
10 of the banks and tie off to a tree with the water being so fast,
11 and so we tried right off the bat to put basically a deflection or
12 a diversion -- I don't know, whatever you want to call it -- just
13 to bring the oil over to us by the park area. We were trying to
14 get it pushed over to us over there.

15 Q. So, with what you know about the boom that was deployed
16 by, let's say, again, you know, by Monday night or something like
17 that, you know, give me maybe the top three locations where you
18 had boom that you thought were the most effective, you know,
19 getting the best bang for your buck, I guess.

20 A. I would say the ones that would have the most bang for
21 the buck would be at the Heritage Park and then at the Linear Park
22 area.

23 Q. The Linear Park area, which is farther downstream from
24 Heritage Park?

25 A. In Battle Creek, in Battle Creek.

1 Q. In Battle Creek?

2 A. That's right in Battle Creek, yeah, along Jackson and
3 20th would be specific.

4 Q. Okay. That might have been referred to as the 20th
5 Street bridge?

6 A. Okay. Yes, that's the area I'm talking about, Linear
7 Park.

8 Q. Okay. Were you involved at all in trying to boom off at
9 Morrow Lake, you know, where the Kalamazoo runs into Morrow Lake?

10 A. No. No.

11 Q. Okay. That was other --

12 A. We tried to put a boom in that first night, Monday
13 night, at Burnham and Riverside was an area. Access was a
14 problem. We couldn't get a boat in, but we did try to put in boom
15 by walking across the bridge and trying to pull the boom across
16 from the bank, and we tried to do that the first night, but the
17 river was just too swift there, and the bridge abutment underneath
18 kept eating up the boom. And I'll say eating up the boom, but it
19 was too much for us to do, and we tried to put a truck on it to
20 pull the boom in, like with a block and tackle, and still
21 ineffective. It wasn't collecting anything, so we pulled that one
22 out, and that's when we went to the 20th Street to see if we could
23 get it over there instead.

24 MR. PIERZINA: All right, I'll step back. Jay, you
25 know, you may ask some questions or Jim?

1 MR. JOHNSON: Actually, I kind of jumped in, Brian, like
2 we've been doing lately. And I think he did a -- I think he's got
3 it nailed. So, I'm okay, because I think he's --

4 BY MR. GUNTHER:

5 Q. Have you been staying with the cleanup effort? I've
6 heard somewhere that the oil has been contained. Is that
7 verified?

8 A. Well, I think it's not down to Morrow Lake is the
9 ultimate goal, and that's -- yes.

10 Q. So, I mean, like I said, it's been contained?

11 BY MR. JOHNSON:

12 Q. Maybe the other one, Mick, and I know that wasn't your
13 end, that's where Mike Paradise was --

14 A. Yes.

15 Q. -- but they contained it on the site of the release?

16 A. Oh, yes, there's four flumes in there right now.

17 Q. So, that nothing is leaving the original site?

18 A. No.

19 Q. So, it's just a matter of containing what's in the
20 river, and it's not past the boom into Morrow Lake?

21 MR. GUNTHER: My understanding -- okay --

22 MR. JOHNSON: In fact, I heard the EPA on the radio this
23 morning refute what the governor said yesterday, and that's pretty
24 aggressive.

25 MR. GUNTHER: Oh, you say that's -- because I've heard

1 that it's been contained.

2 MR. PIERZINA: Well, we're on the record here, folks.

3 Let's --

4 MR. JOHNSON: No, but, I mean, that's coming from the
5 EPA, not from Enbridge.

6 BY MR. GUNTHER:

7 Q. Well, yeah, like I said, I just wanted to verify that it
8 was contained.

9 A. Yes, and from the time Rusty got on site --

10 Q. Or at least as far as you guys now.

11 A. From the time that I showed up, Rusty was handling the
12 head end around my division, and I was working with the boys
13 trying to get booms in the water on the downstream end. So, I was
14 chasing it that way, and he was working on the head end. And I
15 know Rusty early on put a flume in out into the area by the leak
16 site, not necessarily exactly by the leak site, but where the oil
17 had migrated south, made it a way around a little tree line, and
18 then he found a good area to put a flume in, so he put a flume in.

19 BY MR. JOHNSON:

20 Q. Yeah, and I think that was a four pipe?

21 A. Four pipe, four 10-inch pipe.

22 Q. I remember that from the early days, Brian, maybe.

23 A. Four 10-inch pipes.

24 Q. Karl wasn't here, so that was early on, and that was
25 being maintained. And then since then, they put a second one in.

1 A. Actually, I think they have four in right now.

2 BY MR. GUNTHER:

3 Q. Do you have any idea about the volume yet?

4 A. No.

5 Q. No? How many vac trucks have you got working?

6 A. I guess I don't know. Today, you mean?

7 Q. Yeah, right now.

8 MR. JOHNSON: There is a list that's being given to
9 unified command twice a day of all the equipment, the FETA boom
10 and everything else. If that's not being given to here, then we
11 need to get a copy of that.

12 MR. GUNTHER: No, I just wanted to know what he's aware
13 of.

14 BY MR. GUNTHER:

15 Q. So, like I said, to your knowledge, the oil has been
16 contained, and that you don't have an idea of the volume, is that
17 correct?

18 A. That's correct.

19 Q. Okay.

20 BY MR. PIERZINA:

21 Q. One thing maybe what's -- you say that you're from Bay
22 City. That's your crew, but you're familiar with this area
23 because?

24 A. I was a pipeline foreman here for six, seven years, so I
25 know this area well.

1 Q. And that helped, I'm sure.

2 A. Yes, it did. When it got into the Kalamazoo around
3 Nestle, the Battle Creek area -- I don't know exactly over there,
4 but I know where my pipeline goes. So, that's why I used Chief
5 Hoyt to help me check out that area.

6 MR. GUNTHER: Okay, any more questions?

7 MR. PIERZINA: I bet you we could come up with some, but
8 I think we have to keep moving, and we've got Rusty coming. He'll
9 be able to fill in some blanks.

10 MR. COLLIER: Anything else? And I'm trying not to be
11 vague, to the best of my recollection.

12 MR. PIERZINA: No, you've done real good.

13 MR. GUNTHER: No, you've been very helpful. Okay, cut
14 if off.

15 MR. COLLIER: If there's anything else you need from me,
16 let me know.

17 (Whereupon, at 9:24 a.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: ENBRIDGE OIL SPILL
 MARSHALL, MICHIGAN
 Interview of Michael Collier

DOCKET NUMBER: DCA-10-MP-007

PLACE: Coldwater, Michigan

DATE: July 30, 2010

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

Amy Shankleton-Novess
Certified Electronic Reporter

Debbie Mizell
Transcriber

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: MICK COLLIER

Hampton Inn
17256 Sam Hill Drive
Marshall, Michigan

Tuesday,
October 26, 2010

The above-captioned matter convened, pursuant to notice,
at 10:25 a.m.

BEFORE: PAUL L. STANCIL
Accident Investigator

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I N T E R V I E W

(9:15 a.m.)

1
2
3 MR. STANCIL: Okay. We'll go around the table and
4 introduce ourselves. My name is Paul Stancil. I'm a hazardous
5 materials accident investigator with the National Transportation
6 Safety Board.

7 MR. KOVAL: Chuck Koval, pipeline investigator with
8 NTSB.

9 MR. BUNN: Jim Bunn with PHMSA, Central Region.

10 MR. KLABUNDE: Duane Klabunde, Enbridge, North Dakota,
11 supervisor of compliance.

12 MR. JOHNSON: Jay Johnson, Senior Compliance Specialist
13 with Enbridge, Superior, Wisconsin.

14 MR. COLLIER: Mick Collier, Pipeline Supervisor, out of
15 Bay City, Michigan.

16 COURT REPORTER: Thank you.

INTERVIEW OF MICK COLLIER

17
18 BY MR. STANCIL:

19 Q. Okay. Mick, you were previously interviewed on July
20 30th, and at that time, you provided a lot of detailed information
21 about how you were notified of the oil spill by Bill Burdeau and
22 then filled in as a supervisor for Rusty Smith, who had been on
23 vacation at that time. And you provided us a lot of information
24 about phone calls and contacts that you made and getting the
25 response up and moving and an overview of what you did that day.

1 And so rather than rehash all of that, I think, instead, we'll ask
2 some specific questions that sort of flesh out a few areas that we
3 had some question about or to clarify some issues.

4 You mentioned that you had made a number of calls to
5 other PLM offices, Bay City, Escanaba, et cetera. Were you the
6 one making requests for additional help from the other PLM
7 offices?

8 A. Not specifically right off the bat. I called everybody
9 to see what they had available, not knowing how big a spill we had
10 at this time. You know, sometimes, it's a smaller leak, and we
11 don't need the people to come from that many hours away. But I
12 usually call up to check to make sure what was available and to be
13 ready to respond, that we have an incident that we're responding
14 to, to take a look at, and if they were available, then they can
15 make resources available to us.

16 Q. Did you coordinate mobilization of the other PLMs with
17 Vince Kolbuck?

18 A. I did not.

19 Q. No?

20 A. No.

21 Q. And were you making these calls to the other offices as
22 you were responding?

23 A. Yes.

24 Q. And what sort of commitments were you getting?

25 A. From Escanaba, I think they had a fair amount of

1 resources between boats and trailers and manpower. That's the one
2 that's closest to me, and that's why we talked -- and I think
3 Vince might have even touched base with him first and -- because I
4 think Mike called me and asked what's going on, and, you know, I
5 think, at that time, I said, well, I'm en route. I don't know for
6 sure myself. That was early on. That would have been before
7 12:30, I think, or 12:40.

8 Q. So were all of these calls made before you actually
9 arrived on scene?

10 A. Correct.

11 Q. Okay. And where did you respond from?

12 A. Actually, when I got the call, I was over in
13 Stockbridge, Michigan. We were getting ready to receive pigs this
14 week -- or that week -- for the -- I think it was an MFL tool that
15 we were going to receive into Stockbridge, and that was the first
16 time I had been receiving pigs into Stockbridge, so I wanted to
17 make sure and familiarize myself with that, so I went down early.

18 Q. Did you keep track of when other personnel from the
19 other offices arrived?

20 A. Not really, no.

21 Q. Okay. On that first day, can you tell me who arrived
22 from the various PLM offices?

23 A. On my notes that I had, I had some notes that said
24 Escanaba arrived later in the evening. I have some that say Fort
25 Atkinson later, on Monday night to Tuesday morning, when we put

1 boom out in at 20th and Jackson and over by Burnham and Riverside.

2 Some of those people came down -- and why I'm fuzzy on
3 that is I don't know if they responded to the leak site and that's
4 where some of that manpower was diverted, or when I was putting
5 boom in, then they came to me. And that was coordinated
6 through -- when they showed up on site out of the command post,
7 then they were diverted to whichever site.

8 Q. Okay. So how long were you operating on your own that
9 first day?

10 A. I would say 2:30, 3:30, somewhere in there, in the
11 afternoon. I was on site at approximately 12:40 and talked to --
12 oh, I think Dirk Dunham was around 1:30-ish, and I think I told
13 him they'd be on site within a couple hours. So they were en
14 route when I had talked to them, so just a matter of coming from
15 Griffith, which, you know, is basically an hour and a half --
16 well, two hours.

17 Q. Okay. Mick, did you think that the initial response
18 with the other pipeline maintenance offices would have been enough
19 to -- at the time, would that have been enough to deal with the
20 oil spill, or was there a decision made that you needed oil spill
21 response organizations to supplement the response?

22 A. When I got the call, naturally, we don't have like frac
23 tanks and a lot of vac trucks, so that's why I called up -- well,
24 one of the people right off the bat was Terra, to find out how
25 many vac tankers they had, and Baker Tank for frac tanks. So I

1 had immediately called those people and had them start bringing
2 equipment right away, because we don't have a lot of that material
3 around on site that our PLM crews have. But like our PLM crews
4 out of Griffith has the vac truck, Escanaba's got a vac truck,
5 we've got a vac truck, Rusty had a vac truck, so --

6 (Off the record.)

7 (On the record.)

8 BY MR. STANCIL:

9 Q. I'm sorry, Mick. If you could continue?

10 A. So, yeah, we don't have a -- you know, we've got some
11 vac trucks available to us but no frac tanks for oil storage, so
12 that's why I immediately called our contractors that we normally
13 have in our directory.

14 Q. Now, these contractors that are in your emergency
15 response directory, is that part of your facility response plan?

16 A. I guess facility, yeah, it's our -- like every year, we
17 do our Hazmat training, so we go through our emergency response
18 directory, and everything is in there that we need for our
19 response, our outside contractors, government agencies, PLMs.
20 Everything's in there, so that's why we have those listed, so then
21 you can just go down the grocery list there and start calling
22 contractors.

23 Q. Did any of these contractors report that their resources
24 were committed elsewhere or had any problem getting you what you
25 needed?

1 A. No, not in the initial stages. Like we're talking
2 Monday, 12:30, 1:00, you know. I had -- well, like Baker, I
3 think, had committed four fracs by the end of that day, and Terra
4 had some. And I didn't call like Young's Environmental and Marine
5 Pollution Control and some of the other contractors. I think that
6 was out of the Griffith office, so the initial ones that I had
7 dealt with and like Dick Worth, and more for manpower. That's the
8 ones that I dealt with immediately to get on site.

9 Q. Okay. You mentioned that you called Baker Tank and
10 Terra Contracting to get the frac tanks, excavators, skimmers, is
11 that correct?

12 A. Yes.

13 Q. Were there any other contractors that you called besides
14 those two?

15 A. There was Terra, Baker, I know right off the bat. Those
16 are the two -- oh, K & D was another one, but I don't think I
17 called K & D. That was just on my list to call, and these other
18 contractors had everything I needed for immediately taking care of
19 the business. But K & D is another contractor we use out of Bay
20 City but a little farther away is all.

21 Q. Was that on the first day?

22 A. Yes.

23 Q. And what did you ask them for?

24 A. K & D is usually just the same thing. What's available?
25 And, actually, I do not have on my notes that I confirmed that

1 they had anything.

2 Q. Okay. On that first day, can you give me an idea -- you
3 mentioned you had a certain number of frac tanks and personnel.
4 What were the total amount of contracted resources that you
5 brought in on that first day?

6 A. I think Baker Tank -- and they're strictly a contract
7 that brings in frac tanks, so that would be just truck drivers and
8 the frac tanks, and I think we had four of those on the first day.
9 Terra had vac tankers. I think they had four 3,000-gallon vac
10 tankers, and those I ordered at 1:10 and that they would be
11 delivered, I think, by 3:30 -- start delivering. Yeah, between 3
12 and 4:00 that they could have those on site.

13 So those were the two big ones that I was calling and
14 using right off the bat, and I don't remember for sure if Terra
15 had, oh, frac tanks. At 2:29, when I talked to Terra again, they
16 said they had all the tankers were available, and that's when they
17 were talking about, also, their 300 Series excavator with a
18 skimmer that we put at Wattles Park.

19 Q. Okay. Did you call any other oil spill response
20 companies?

21 A. I didn't. At that point, that was the big ones that I
22 talked to right off the bat. And I have in my notes that, by 3:30
23 in the afternoon -- and I don't know if this is in talking with
24 Vinnie or somebody else, but we had Superior Environmental had
25 some boom.

1 And, again, I apologize. These are just my notes
2 written down. It's kind of sketchy, but I did have Superior
3 Environmental as another contractor. And then, by the afternoon,
4 Young's Environmental had been there -- or, excuse me. Young's
5 Environmental showed up with some manpower so we could go work
6 over at Burnham and Riverside, to put boom in there. So Young's
7 Environmental had two vac trucks, and I would say, at that point,
8 they had four men.

9 And then, later that night, you know, that 11 to 12:00
10 timeframe, that's when some of the other personnel from Escanaba
11 PLM and Fort Atkinson PLM -- Griffith crew, I know they were
12 closer, and I know they were showing up on site, but whether they
13 were at the leak site or where exactly they were, I do not know.
14 That was handled with Vinnie right through the Griffith office, so
15 I don't know where those fellows or employees ended up.

16 I know, later in the evening, after midnight, and
17 working till one, two in the morning, then the Fort Atkinson PLM
18 crew showed up with us over there at the boat launch at 20th and
19 Jackson, along with some of the Vector folks. At 2:30 a.m., I
20 have Brian Frierson, who is out of the Fort Atkinson area, working
21 with us.

22 MR. JOHNSON: Yeah, and, actually, we have -- that's
23 Steve Sleaver. That's his crew. We've got him on interview for
24 tomorrow, just so you're aware.

25 MR. STANCIL: Okay. Got it.

1 MR. COLLIER: We did have Franz Pruegger from Westover
2 also showing up with manpower and equipment, and he was with us at
3 11:00, putting boom in at Burnham and Riverside -- or 11:30,
4 somewhere in there.

5 BY MR. STANCIL:

6 Q. Could you spell Franz's last name?

7 A. P-r-u-e-g-g-e-r.

8 Q. Okay. Okay. Anyone else that showed up?

9 A. Franz brought with him, I think, four employees with
10 himself, so I think there was four right off the bat.

11 Q. Any other pipeline offices arriving in the first --

12 A. We had the Ironwood crew, too, I'd heard, but I don't
13 know right off the bat if they were coming in and taking a break
14 and then coming out to relieve us, but I had heard that they were
15 en route, too, because I actually do have some of the Ironwood
16 crew later the next day, helping us out.

17 Q. Okay. How many vacuum trucks did Enbridge have at the
18 scene during the first two days?

19 A. I know for a fact we had the Bay City PLM, the Marshall
20 PLM, and I didn't see it, but the Griffith PLM. We had Escanaba
21 PLM. I don't know if the Ironwood -- I guess I don't know what
22 time they showed up, because I physically didn't see them, and,
23 you know, they could have been working, I just don't know. But
24 there was Ironwood and there was Fort Atkinson. And, again, the
25 last one we have is Vesper, so I'm sure they were there.

1 Personally did not see them right away. I see those vehicles were
2 parked different areas, you know, through the week itself, the
3 week of the 26th to the 30th, but I just couldn't tell you exactly
4 when they arrived.

5 Q. Now, each one of those facilities, did they have one
6 truck or many trucks?

7 A. They usually have one truck.

8 Q. One truck.

9 A. PLM crews have one truck, 40 to 60 barrels.

10 Q. Forty- to 60-barrel capacity?

11 A. Correct.

12 Q. Okay. Now, again, on that first day, did you call Bay
13 West?

14 A. No, I did not.

15 Q. Okay. Did you receive any information about their
16 response or --

17 A. I know that they're in our response book, but Bay West
18 is usually, to me, based out of Minnesota, so response for me is
19 not that good, so I tried to get as much local as I could.

20 Q. Was there a main or a primary oil spill response
21 contractor for the overall response?

22 A. In our ERD there is Bay West, I think, is what they
23 usually have listed. But, again, when I was in Minnesota, we had
24 Bay West, which was a local at that point, but around here, I
25 don't see too much for Bay West, so I have my local contractors

1 that I use, and we exercise regularly, so it's a good working
2 relationship, so that's why I called them first.

3 Q. Did you receive an adequate response from the oil spill
4 response organizations, in general? Were they responsive with
5 what you needed?

6 MR. JOHNSON: That would be Bay West and Garner for
7 Mick's --

8 MR. STANCIL: Oh, okay.

9 MR. JOHNSON: And you're talking the first three days,
10 so, I mean --

11 MR. STANCIL: Yeah, I mean --

12 MR. JOHNSON: So, within the first three days, were
13 those two helpful to you, those two contractors?

14 MR. COLLIER: Bay West and Garner?

15 MR. JOHNSON: Yeah. I mean, no is an okay answer. I
16 don't want to lead --

17 MR. COLLIER: Yeah, no, I didn't see any of them at all,
18 so -- for what I was doing.

19 BY MR. STANCIL:

20 Q. They were requested to respond, but they had not showed
21 up during the first --

22 A. Again, for the areas I was working, you know, it's not
23 unusual not to see somebody, either. Like I knew a lot of the
24 people were here, just by rumor that so-and-so was here, so-and-so
25 was here, but not physically seeing them.

1 Q. Well, let me rephrase the question. Did you request
2 resources that you couldn't get from these organizations?

3 A. Well, I think what I request -- I usually just ask them,
4 what do you have, and whatever they can send me is what they've
5 got, you know, because any day of the week -- like Baker Tank does
6 a lot of frac tanks for refineries, so if they had all their frac
7 tanks committed to a refinery, I'd have to go to somebody else.
8 But, at that point, no, nobody really told me they didn't have
9 anything that they couldn't respond with, no.

10 Q. And in terms of what was able to get to you, was it
11 adequate to do the job that you needed to have done?

12 A. Well, naturally, knowing what I know now, no. But you
13 can never have enough. And that's the same thing with the first
14 day on Division Drive, when I drove up. Naturally, I didn't want
15 any oil going out of that culvert, and there was no way I could
16 stop it all right at that particular moment in time; so, in that
17 respect, I tried to do everything we could right there with our
18 vac trucks, but one 60-barrel vac truck, knowing that all that oil
19 was going by, wasn't going to catch it all, so -- but the
20 contractors that I used, I thought the response to get those
21 contractors there -- like at the frac tanks.

22 So that first guy fills a 60-barrel vac truck, whether
23 it's fully oil or water, you know, because you're going to suck up
24 a lot of water right off the bat, too -- having that frac tank
25 there was pretty important to me, and they showed up -- I think

1 the first one was around 2:30, 3:00-ish, because I know, when my
2 vac truck was ready to dump, frac tanks were arriving on site, and
3 I think that was right around 3:00 on that first day. So that was
4 very important to me because, if I've got a vac truck that's not
5 in use, that's sitting there, waiting for somebody, it's no good
6 to me at all. You know, it's more frustration.

7 So, when we had the frac tanks show up, that's a big
8 relief because then we can dump -- takes about 15 minutes to dump,
9 and that guy can be back, cleaning up oil immediately, so --

10 Q. So there was no delay with the vac trucks because that
11 you had adequate frac tank capacity?

12 A. Yes, yes.

13 Q. Now, you mentioned this issue with Division Drive. Is
14 that where the slug of oil got through?

15 A. Yes.

16 Q. Can you describe what happened there?

17 A. Well, when I got on site -- and it was about 12:30,
18 12:40-ish, and I got to the site, and I was on my way to the
19 station just to see what was going on over that way, where they
20 had figured that the leak was out in the field, but seeing if
21 there was anything near there. So I stopped there and noticed
22 that there was so much water out there, that whole area was
23 flooded, and that water was just boiling out of there; but, on top
24 of the water was approximately three to four inches of oil, is
25 what I noted right then. I took a stick and I tried to keep

1 working my way down into the oil to see if I could bring up water,
2 and I did bring up water, so I figured there was about three to
3 four inches of oil there. So that's why my vac truck, first one
4 there from Bay City, we put right there to get the oil, as much as
5 we could, so it wouldn't go any farther down.

6 Q. Was there any type of containment there to hold the oil
7 back?

8 A. No. That area is kind of low and swampy, marshy, and I
9 thought about trying to dump something there, but it would just
10 back everything up and flow over the road, the water was coming so
11 fast through there. Never seen it flow that fast through that
12 culvert before, because I had lived in this area, so I kind of
13 knew this area, anyways, and never seen the water run that fast
14 before through there.

15 Q. Is there anything that could have been done to contain
16 the oil that you could think of?

17 A. At that point -- and I've thought of this many times
18 over afterward from an overview in my mind of what I would have
19 tried to do is put some sort of plywood over the top third of the
20 culvert to try and push it down, to try and back up some of the
21 oil. Now, just knowing from experience that you can only get so
22 much oil piled up before it finally will still go underneath that.

23 But, naturally, the first responder looked at it and,
24 okay, we've got to hurry up and just keep going and catch this
25 oil. We don't want it to keep going farther down the river -- or

1 this creek at that particular time.

2 So, later on, taking a view at it from an overview,
3 noting that that was a nice steel culvert, and if we had some sort
4 of plywood, maybe we could have backed up -- would have backed up
5 that oil into that marshy area, but it would have let the water go
6 by and maybe we could have kept more of the oil up to that part,
7 yes.

8 Q. And is that something that you just -- you didn't really
9 consider that at the time or --

10 A. Well, normally, what we've done in the past, and drawing
11 on experience, I would have plugged that culvert off completely.
12 I would have just plugged it off. I'd have got a backhoe in there
13 or a couple loads of dirt, rock, and plugged it. And we have done
14 that in the past. Works very effectively. But, with the water on
15 such a high level, just knowing I couldn't -- I couldn't stop it
16 there.

17 Again, going down to the next road, too, the same thing.
18 It was just flowing so fast through there that it wouldn't plug it
19 up.

20 Q. Would constructing a plywood cofferdam, as you
21 described, is that something that you had the capability to do,
22 or --

23 A. No, no. We didn't have anything in our boom trailers to
24 do that. Again, thinking out loud after the fact, I will have, in
25 my own trailer, something of that nature, yes, because I recognize

1 the need for it and hadn't done that before, but -- but, again,
2 it's kind of a Catch-22 because, once the oil gets so thick, it
3 will still just wash underneath.

4 Q. Unless you pump it or keep it pumped, it's going to --

5 A. Correct.

6 Q. -- build up and carry underneath the --

7 A. Keep going, yeah. And the other thing is the velocity
8 of the water might have just taken it, anyways. But all I was
9 going to do is put a plywood over the top third of the culvert,
10 just slide it down and kind of make it adjustable, is what I
11 was --

12 MR. JOHNSON: I'm just trying to understand. So you'd
13 slide it down till the water --

14 MR. COLLIER: Underneath --

15 MR. JOHNSON: -- pushed the oil back?

16 MR. COLLIER: Yes, just hold the oil.

17 MR. JOHNSON: Okay.

18 MR. COLLIER: Nobody's got anything like that, but just
19 thinking out loud after the fact, you know, that maybe would have
20 helped us. Even if it saved X number of barrels in that first
21 area, it would have been a lot better. So we will have something
22 made up in our boom trailer in there --

23 BY MR. STANCIL:

24 Q. Is that something you just thought of, or is that a
25 strategy that you've trained on before?

1 A. Well, just a lot of this stuff is improvisation, because
2 you're there. And, yes, we have proven equipment that we use all
3 the time, but each site is so specific that this would have worked
4 good for this particular situation, because we had four-foot steel
5 culverts there. Like a lot of other places, you've got concrete
6 is a little harder. They have a foot that goes out for erosion,
7 and you can't put it there at all then.

8 But, in this particular case, like I said, afterward,
9 from a high-level view when I looked at it, I thought, well, if I
10 could have had this, maybe I'd have saved a little more oil on
11 this end and not going down, but --

12 Q. Now, when you were there at Division Drive, was that the
13 leading end of the big slug that was there?

14 A. Yes, yes, or what I perceived to be at that point, until
15 I got farther down.

16 Q. And the bulk of the oil had not yet gotten to the
17 confluence of the two rivers?

18 A. No.

19 Q. Okay. Was there any other containment below that, like
20 oil boom or absorbent boom?

21 A. Well, they had some on 15½ Mile Road. They had one of
22 our eight-inch booms, plastic hard containment booms, yes, they
23 had that deployed. Actually, they had that deployed before I went
24 to Division Drive, so I drove Division and then went around and
25 checked 16 Mile and then 15, and I met up with the boys at 15½

1 Mile Road.

2 Q. Now, are those locations upstream or downstream of
3 Division?

4 A. Downstream.

5 Q. Downstream?

6 A. It would be -- I don't know if you're -- the numbering
7 system, that would have been -- B-2 would have been Division,
8 three, four, they were at four.

9 Q. Okay.

10 A. And five would have been the confluence.

11 Q. Okay. Mick, were you the initial incident commander at
12 the scene?

13 A. Yes.

14 Q. And for how long did you serve in that role?

15 A. If I had to guess, I'd say an hour or two. I met with
16 Dirk Dunham at 15½ Mile Road, and he asked me that, and I think
17 Brian Fish from the MDNRE asked me, also. So I just mentioned
18 that I would be until my boss and, you know, boss bosses showed
19 Tom and Bill were on the road from Griffith, Indiana, and then
20 they would be coming down, set up an incident command center at
21 our 455 Leggitt address.

22 Q. Did you have any contact with the fire departments that
23 were at the scene?

24 A. The only one at that particular point -- and I'm talking
25 about 1:30, now -- the only one that I had any dealings with would

1 have been a little bit farther down when we went to the Ceresco
2 Dam, where I met up with the Battle Creek Hazmat team, where they
3 had some boom already out with their smaller boat. Yes, that's
4 the ones. I don't remember there being any -- the Marshall Fire
5 Department. There might have been. I just don't remember.

6 Q. And this fire department, what was it, Battle Creek --

7 A. Battle Creek.

8 Q. -- Fire Department --

9 A. Yes.

10 Q. -- at Ceresco Dam, they were the ones who were
11 attempting to deploy some boom?

12 A. Yes, they were putting out 50 feet of absorbent boom,
13 and they had a small rubber raft boat, not very big motor, I think
14 like a 15-horse motor. Wasn't very big.

15 MR. JOHNSON: Was that on day one, afternoon, or day
16 two?

17 MR. COLLIER: Day one, yep, day one. Now, I assumed
18 they had gotten a call from somebody, because they were from
19 Battle Creek, or they got called immediately, because they were at
20 the Ceresco Dam, which is a great collection point, except that
21 the accessibility at that particular point in time was no good.

22 BY MR. STANCIL:

23 Q. There was no way to get a vehicle there to recover any
24 oil?

25 A. Well, the ground was so soft, it was all saturated.

1 Anything we could just drive through somebody's yard to get to it,
2 we would have buried our trucks, and then the boat would have been
3 sitting there. So we knew -- or at least I knew I couldn't do
4 anything there. I had no boat landing. So that's what made it
5 kind of frustrating right off the bat. They had that rubber boat,
6 so they just grabbed four guys and threw it in the water. It
7 worked pretty easy.

8 Q. I remember noting that you had met with Officer Brian
9 Fish. I believe he is a conservation officer with the Department
10 of Natural Resources. Was that the first thing you did when you
11 arrived?

12 A. Actually, I met with him -- he was driving the roads,
13 and he met me there, and he asked me, I think, specifically, who
14 was the incident commander, and has the flow been shut off? And I
15 told him, yes, it had been shut down and we closed the river valve
16 and the station valve and that everything was down.

17 Q. Was he in contact with his dispatch center, or did you
18 give him any information about the incident to relay up the line?

19 A. He just asked some questions, just pretty much local
20 questions, and he was actually the one that told me that the oil
21 was in the Kalamazoo.

22 Q. Now, you're talking about not the big slug of oil but --

23 A. Sheen.

24 Q. Sheen?

25 A. Sheen or --

1 Q. Did the state offer any assistance to you in containing
2 the oil?

3 A. No.

4 Q. Now, these other oil booms that had been deployed prior
5 to your arrival, did you look at them and assess whether they were
6 effective?

7 A. The only one that I saw -- I saw two of them. I take
8 that back. I saw the one at 15½ Mile, and that was just a piece
9 of eight-inch boom, and it was one of our 200-footers, and I told
10 them to cut it. You know, we only needed about 50 feet there, at
11 the most, because that river is so narrow there. Even with flood
12 stage, it was out a ways, but it wasn't so big. So I had them cut
13 it just because I knew we'd need it farther down the road, more of
14 that boom there.

15 And then we had some in -- and this was -- they put in
16 before I got on site. The Marshall PLM crew had put some on site
17 at the confluence, at A Drive, B-5, and upstream of that, just a
18 little farm lane that went back -- and I think they named that
19 later 4.7 or something like that -- B-4.7, a little farm road that
20 went back to the creek. They had a little clean area for a park
21 for themselves.

22 Q. Now, considering the conditions that existed that day
23 with the flood, were these oil booms realistically going to do
24 anything?

25 A. Well, they'd hold some back, yes, but you'd have to have

1 a vac truck there collecting the oil immediately because, once the
2 oil got too deep, again, it would just roll underneath, yes.

3 Q. Did they have vac trucks tending the booms?

4 A. At that time, on 15½ Mile, yes.

5 Q. They did?

6 A. Yep.

7 Q. You met with Rusty Smith, at some point, to coordinate
8 the upstream response and the downstream response?

9 A. Yes.

10 Q. Could you give me an idea how you strategized to deal
11 with this spill?

12 A. Well, he had been gone, naturally, on vacation, so we
13 had talked, I think, in my travels to Marshall, and said, I don't
14 know how big it is yet, so why don't you get here, and we'll both
15 take care of this. If it's nothing, then I'll take over, and you
16 can leave and continue on your vacation.

17 But, naturally, when I got on site, noticed it was a
18 little bit bigger than just a quick cleanup, so he showed up on
19 site. He ran home, got his clothes ready to go and met up on
20 site. So we met over by Division and kind of determined then that
21 he would do the upstream end by the leak and see if he could put
22 some flumes in that way, and I would take resources and keep
23 continuing downstream to get ahead of the oil. So that's what I
24 did, and he went upstream.

25 Q. And what resources did you have with you at that time to

1 deal with the downstream side?

2 A. At that time, I only had my -- excuse me, the Marshall
3 PLM crew with their boat and boom.

4 Q. How many people?

5 A. Probably four, because we were using the electricians
6 and mechanics at that time, also, that were on site, so we were
7 using those, and then went over to the Ceresco Dam. And then
8 around 3:00 -- 2:00, I think, one of my employees came from Bay
9 City, Jim Craigler (ph.). I think he was on site around 2:00, so
10 he had another 60-barrel vac truck, and we put him at Division.

11 And then I went downstream to look at the Ceresco Dam
12 area to see if we could put anything in there. The Squaw Creek
13 area, trying to see if we could put in some boom around there,
14 even going through landowners' properties just to hurry up and put
15 in some more boom.

16 Again, the biggest problem or failure we had at that
17 particular time was the rain. It had rained so much prior to that
18 that I couldn't get anything even close to the river to deploy
19 boom. And even if you get your truck in there one time and get
20 the boom out, that's fine, but we couldn't even get close to the
21 river, so --

22 Q. Where were you getting the boom from that you were
23 using?

24 A. Marshall's trailer first. They had some in there. And
25 then my trailer from Bay City would be second, and that would be

1 showing up.

2 Q. Okay. Did you have an adequate amount of boom to deal
3 with the --

4 A. Between the two trailers, I think we had a thousand
5 feet. We carry a 500-foot boom, just hard boom, and then a couple
6 hundred feet of absorbent boom, which -- and the trailer size we
7 have, that fills up the trailer, with all the other response
8 materials we have in there.

9 Q. Okay. Next to you on the table is a map, an overview of
10 the area.

11 A. Uh-huh.

12 Q. Can you recite the locations where you installed oil
13 boom on that first day? And what I'm going to ask you to do is
14 discuss them one by one, and start with the letter "C" to indicate
15 the first place that you installed boom, and then continue on with
16 that.

17 A. Okay.

18 Q. There's a marker pen --

19 MR. JOHNSON: You can just take a Sharpie right there.

20 MR. STANCIL: Or a Sharpie, yeah.

21 BY MR. STANCIL:

22 Q. So where was the first place that you installed oil
23 boom?

24 A. Well, the first place that I installed it, naturally,
25 was on farther downriver, but when I was with the boys to begin

1 with, before I got on site, they had installed some at 15½ Mile
2 Road, which, when they first originally found the leak and
3 discovered the leak, they were doing that before I got on site.
4 So that was one at the confluence, they put an absorbent boom at
5 the confluence, and --

6 Q. And I think what we'll do is discuss that with them
7 later --

8 A. Okay.

9 Q. -- when we talk to them later, so let's just talk about
10 what you did as far as --

11 A. Okay.

12 Q. -- once you got on scene.

13 A. So, once I got on scene, I worked the river, trying to
14 find out the closest that I could to the leak site, put a boom in.
15 Couldn't put one in at 15 Mile Road bridge, which has a boat
16 launch there, because the river was so high that, just looking at
17 it, we couldn't steer the oil over to the boat launch area.

18 So I looked around that area, looked on the downstream
19 side, couldn't find anything, and then just basically started
20 going down, and every road that I could find to put an access boom
21 in -- and biggest problem I had -- and that's where I said,
22 talking earlier, that it took quite a while to get that first boom
23 in, hard boom on the Kalamazoo River, because I was trying to find
24 good locations to put in boom that's accessible by heavy equipment
25 to recover the oil.

1 Finding nothing upstream of the Ceresco Dam, I met with
2 Chief Hoyt at the Ceresco Dam and went around to the Ceresco Dam
3 areas. Couldn't find, really, too much around there because of
4 the soft soil conditions. Went farther downstream on the
5 Kalamazoo River, places that he thought of. We went through some
6 backyards of landowners, talked to a few landowners, just if there
7 was any other place where they knew that had a boat launch, and
8 finally settled on we're just going to hurry up and put one in
9 down by the Wattles Park area.

10 Went there, nice park area. The park was partially
11 flooded, the parking lot was partially flooded because of the high
12 water, so asked the chief, while we were waiting for my equipment
13 to show up, if we could use his small boat, and I would put a
14 cable around one of the bridge abutments to tie off the boom. So
15 then we did that, and then our boom trailer arrived. That would
16 have been the Marshall PLM boom trailer, with a boat, and we put
17 that first boom into the Wattles Park area, and that was later in
18 the afternoon on Monday.

19 Q. Okay. And could you indicate on the map with a "C"
20 where that location is?

21 A. Actually going to be this area right here.

22 Q. Okay. And is that also known as Heritage Park?

23 A. Correct, yes.

24 Q. That's Wattles Park?

25 A. Wattles Park, Heritage Park. Which would you prefer I

1 refer to --

2 Q. Whatever it's called. I don't -- I'm not local.

3 A. They're both --

4 Q. Okay.

5 A. In the old days, it was one, and -- let's call it
6 Heritage Park.

7 Q. Okay. You referred to it before as Heritage Park, I
8 believe, and --

9 A. Yeah, yep.

10 Q. So when was that boom installed? What time?

11 A. I think it was between 4:30 -- and this is a guess
12 because I don't have it as an exact time. I'd say between 4:30,
13 5:30, somewhere in there.

14 Q. Okay. And, before, you mentioned that it had great
15 access, but the current was fast there. Did that present any
16 problem with withholding the oil?

17 A. I knew it was going to present a problem, but that was
18 the best place to have the first boom in there, so that's why we
19 still put it up. We actually put three booms in there, and I
20 helped put the first boom in and then instructed the employees to
21 put in --

22 (Off the record.)

23 (On the record.)

24 BY MR. STANCIL:

25 Q. Okay. So you said the boom was installed between 4:30

1 and 5:30 at Heritage Park. Were you there when the oil arrived at
2 that location?

3 A. No.

4 Q. Do you know when it got there?

5 A. I don't have that in my notes. The reason I say that is
6 I put the first boom out myself. I was helping the men put the
7 first boom out, and then, when they got the first one in, we had
8 put some anchor chains across some trees, and I wanted to criss-
9 cross the river with two more booms, and I went farther downstream
10 to find more locations.

11 So, when I came back, they had the three booms in place.
12 One was not very effective, boom number two. The river was too
13 swift, and I couldn't get a good enough angle across on it, but I
14 didn't want them to spend the time, because they would have had to
15 remove boom number three to get boom number two, so I said just
16 leave it in there for now. We will have to move it later, and we
17 want to keep going down river and find better locations.

18 Q. Did you leave someone there to recover the oil once it
19 got there?

20 A. Yes, we had the Terra group that were on site.

21 Q. And what did they have there to pull out the oil?

22 A. They had a vac truck, and they were trying to mobilize
23 that SedVac.

24 Q. I'm sorry, what was that?

25 A. They call it a SedVac, S-e-d-V-a-c. It's a 300 Komatsu

1 excavator with a skimmer on the end of it.

2 Q. Okay. But that was not there --

3 A. At that particular time, no. We were just using the
4 other.

5 Q. A straight vac truck?

6 A. Yep.

7 Q. Did it have a skimmer?

8 A. And I think we had one skimmer, yep.

9 Q. But, when you returned the second time, the oil still
10 had not yet gotten there?

11 A. I don't think so, no, no.

12 Q. Okay. So then where was the next place you installed a
13 boom?

14 A. We kept working farther downstream. One of the places
15 we checked out was the Burnham and Riverside. Great access, you
16 know, we can shut a road off and just work right off the bridge.
17 And I guess I don't know for sure who determined that I should put
18 one there, but that was after I had made a stop in at the command
19 post. And, again, I don't remember who said we should put one
20 there, but we ended up attempting to put a boom there, and we had
21 some -- the contractors were with us at that particular time.

22 I had checked out that one. There was a little spillway
23 by Dickman Road. There was the concrete -- oh, spillway, I guess,
24 for lack of a better term, where it goes through Battle Creek. A
25 lot of great access, but the velocity of the water going through

1 there was just too great to even attempt to put a boom in to do
2 any collection. I mean, we could boom across it all day, it just
3 wouldn't collect anything.

4 I spent a fair amount of time going through that area,
5 seeing if I could find a better place. And, again, looking
6 through my notes, when I looked at timelines, I must have spent a
7 fair amount of time doing that.

8 Q. Going back where you installed that second boom, could
9 you also mark that on the map with the letter "D", please?

10 A. Okay. Yeah, second and third would be by "D". And all
11 we were doing was criss-crossing the river with boom.

12 Q. Okay. I'm sorry. Go ahead, please, if you want to
13 continue with -- you said you were checking further downstream for
14 additional sites?

15 A. Yeah, so then we just kept working our way downstream.
16 Again, the chief was with me most of the way there because he knew
17 that -- well, he knew Battle Creek, so we worked together. I
18 think we made it all the way down -- the last place he was with me
19 was 20th and Jackson.

20 There's another park over there, Linear Park, they call
21 it. It's kind of a long, flat, broad area where the river
22 flattens out and the velocity goes down, so great area, boat
23 launch. It's just that it was quite a ways farther than I wanted
24 to put one, but, again, accessibility was a key here, and we
25 weren't finding very many accessible sites. So we jumped down and

1 that was later in the evening on that Monday night, Tuesday
2 morning, when we were putting boom down there.

3 I think I have in my notes that, at 11:00, we were
4 deploying at Burnham and Riverside and worked at that a fair
5 amount of time. We had contractors, we had the Westover PLM crew
6 with Franz, and worked at that for, I think, a couple hours, two
7 and a half hours, to really no good luck. We couldn't bring the
8 boom to where we wanted to collect the oil, so we pulled that boom
9 and then went down to 20th and Jackson, where that other broader
10 area is by Linear Park.

11 Q. Okay. Can you mark that with the letter "E" on your
12 map, please?

13 MR. JOHNSON: And we're out of map.

14 MR. COLLIER: Yep.

15 MR. STANCIL: We're off the map?

16 MR. COLLIER: Yep.

17 BY MR. STANCIL:

18 Q. Okay. So Linear Park was at 20th and Jackson?

19 A. Yeah. That's where the boat launch, I think, is, 20th
20 and Jackson, and then we could go upstream from there.

21 Q. Okay. Could you describe that area in a little more
22 detail? What did it -- where you installed the boom, what was the
23 logistics there?

24 A. The area is good accessibility. There was a nice bridge
25 abutment there, there was the boat launch, and then we could run

1 upstream. It wasn't -- Jackson Street is what runs alongside of
2 it. It's not that far from the river, and there's a walk path
3 down that way, part of the way, not all the way, but if we had to,
4 as long as we got the boat in the water, we could always park the
5 boom trailers on the road and then just pull the boom out, string
6 it out from there. So accessibility was great.

7 Q. You mentioned that location and the Heritage Park
8 location were your two best containment sites?

9 A. Correct.

10 Q. Did you do any additional booming that day, the first
11 day?

12 A. That takes us till probably three in the morning.

13 Q. Okay.

14 A. And then I went back to the command post to get
15 relieved, and I think I was off by 3 or 4:00. We had a briefing
16 there and to let them know what I had up to that point, and then
17 they had resources coming in, and they were going to go beyond me,
18 downstream of that area. We had talked about, oh, Augusta, I
19 think, was one of them a little farther down. Kalamazoo County
20 Sheriff had called in, and I think he had talked to Franz when we
21 were down on 20th and Jackson, and so we were talking about that
22 farther down.

23 Q. Okay. You attended the briefing at 3 a.m. Was that the
24 first one that you went to?

25 A. No, the first one, I think, was around 5 or 6:00 in the

1 evening, in the afternoon. We had one, I think, earlier than
2 that, and then that's when I went out.

3 Q. Can you tell me about the briefing, what was discussed,
4 what the plans were?

5 A. I think just booming strategies right off the bat, and
6 Rusty was at the leak site, and how many flumes he's installed
7 there. And that was one of the big things, to see if we could get
8 some flumes installed to stop any of the migration of the oil down
9 the Talmadge Creek, was the biggest thing there. And we had the
10 excavator at Marshall Station, so it was an easy thing to get that
11 down there to install a flume. Where he got the pipe, I do not
12 know, but I know he did.

13 And we did that, then we discussed the areas that we had
14 installed boom. Accessibility was a big problem, the velocity of
15 the river. That was the big thing. And then the command
16 structure was being set up then, and we put in some names in that
17 incident command structure there at the office, and that's where,
18 I assume, some of the people from the Griffith office were there,
19 calling more contractors. At that point, we kind of knew that it
20 was a bigger leak and just kept calling in contractors.

21 Q. Did you have any interaction with the state and federal
22 government officials at the command center, or did they direct any
23 of your activities?

24 A. Not for me, no. Tom was there, Bill was there, my
25 immediate supervisors. I'm trying to think -- I think Brian from

1 the -- I don't remember if that was the 6:00 or the later one. We
2 had some of the people, I think, from the EPA.

3 MR. JOHNSON: It was nine.

4 MR. COLLIER: Pardon?

5 MR. JOHNSON: It was at nine.

6 MR. COLLIER: Nine? Is that when it was? Okay. I
7 remember some of those, you know, gentlemen being there. I just
8 don't -- I remember the one -- I think it was the one gal, and I
9 don't remember if this was the first night or the second night on
10 one of our briefings, about the wildlife issues that we were going
11 to have out there. And I know that it was discussed at some
12 length, but they had that taken care of. They were going to get
13 some people in to take care of the wildlife. I guess that was one
14 of the things. But, you know, from my point of view, if we had a
15 contact, we just have somebody to call and they would take care of
16 that, we can continue on with our business. And at that point, I
17 didn't see any wildlife to speak of, so --

18 BY MR. STANCIL:

19 Q. Were there any sensitive sites that you were attempting
20 to protect? Did anybody convey any concerns to you about anything
21 like that --

22 A. I don't think there was, other than just the whole
23 sensitivity of being in the marshlands; and, from a pipeliner's
24 point of view, any time you have oil out on the wetlands, in the
25 river, it's never a good thing. And knowing that, you know,

1 that's always a heightened awareness of trying to protect the
2 environment.

3 And, again, same way with -- I could have put some sites
4 in around landowners' properties, but not talking to them, getting
5 permission, just bulldozing in there and dropping a boom in the
6 water. You know, we're instructed we have to talk to the
7 landowners and make sure we get this all in writing ahead of time,
8 which is all good stuff; it's just, when we're trying to catch oil
9 like that, I'm looking for quick, fast, and then we'll come back
10 and put in those extra, extra, extra booms, so --

11 Q. Yeah, I don't know how detailed your response plans are,
12 but does it drill down to the level of, you know, where you have
13 access to creeks to install containment or, you know, these sorts
14 of issues at the --

15 A. Yes.

16 Q. Those things are addressed in the plan?

17 A. In the plan, we have, you know -- well, the plan we have
18 on this particular area was for a release by the crossing of the
19 Kalamazoo River by our pipeline, which would be farther upstream
20 on the Kalamazoo. And, actually, like the 15 Mile Road site is
21 one of the sites identified as a location for a boom. The only
22 problem is, right now, we could put in a boom, but it's just that
23 the river being so high and fast or swift, that we couldn't
24 collect the oil where we wanted to. We would have to talk to
25 private landowners to be able to catch the oil, because that would

1 be the natural curve of the river.

2 Q. Where in the plan is this addressed where it gives you
3 specific booming strategies or --

4 A. Well, we have our -- oh, our --

5 MR. JOHNSON: Control point maps.

6 MR. COLLIER: Yeah, there you go.

7 MR. STANCIL: Control point maps, okay.

8 MR. COLLIER: Control point maps. There you go. And
9 they usually have three-hour, four-hour, five-hour.

10 BY MR. STANCIL:

11 Q. Do the control point maps address this particular area
12 where you were working?

13 A. I think the only one that I saw on that, specifically,
14 was the 15 Mile Road bridge. I personally didn't have the map in
15 my truck, since I was on the road, so I didn't go back to the shop
16 to look at it, no. I just knew that the flow of the river, and
17 that's where I was heading.

18 MR. STANCIL: Bear with me one second, please.

19 All right. I'm going to pass it to Chuck, and maybe
20 I'll follow up with a few more later here.

21 BY MR. KOVAL:

22 Q. With respect to the locations on the river, were there
23 any other agencies putting boom on the river, doing work on the
24 river, that you saw?

25 A. Just the Battle Creek Hazmat team had, you know, 50 foot

1 of absorbent boom, I think, is the only thing that I ever heard or
2 knew of. I don't think Marshall had anything that I know of. And
3 I only worked, basically, from the leak site down to like 20th and
4 Jackson, so if like in Kalamazoo County or somebody else, they
5 might have had some -- I just don't know, but --

6 Q. Any state people, any EPA? That was later?

7 A. Later.

8 Q. When did you see something with EPA?

9 A. The first time, I think, was where I kind of got tangled
10 up a little bit, was on 15 Mile Road Bridge. MPC was there, and
11 they were --

12 Q. NPC?

13 A. MPC, Marine Pollution Control. They had a vac truck
14 there, and since I -- at that particular timeframe, I was working
15 the B sites, day shift, B sites --

16 Q. Uh-huh.

17 A. B-2 through 5, and they were just downstream of my site,
18 and that's where I saw the first group. We kind of got into a
19 little bit of tussle there because they had a film crew, filming,
20 and we didn't -- I'm sorry -- a news crew -- I don't know if it
21 was Channel 13 or somebody, and there was a bunch of workers that
22 were standing on the bridge that didn't have what I perceived to
23 be proper PPE, and so I went over there and we had kind of a
24 heated discussion with the employees; and, finally, their boss
25 came over. They all went back and their boss came over, and I was

1 a little bit upset and voiced my displeasure at their attire,
2 since a film crew was here, and I said, this doesn't represent
3 Enbridge, and, you know, this is -- our core thing is to be safe,
4 and these people are walking around in shirtsleeves, no mitts, no
5 hard hats. One had a bandanna on. No safety glasses. And I was
6 pretty upset because that represents us, and we want to be safe
7 with everybody, and if they see this on a film crew, on the very
8 first part of the leak, it doesn't bode well for us, either. You
9 know what I mean? We want to be safe with these employees, and,
10 again, I didn't think they were safe.

11 So then I was instructed by this other gentleman that
12 he'd been up all night and he was a little bit ornery and that the
13 EPA had hired them to do this project, and I immediately got a
14 call from a Jeff Lippert --

15 MR. KOVAL: Jeff who?

16 MR. COLLIER: Lippert, is it?

17 MR. KOVAL: I don't know.

18 MR. JOHNSON: Could be.

19 MR. COLLIER: Yeah, and they had hired them, so I said,
20 well, okay. So we had some discussion there, but that was the
21 crew. And the next I come out, they did have proper PPE. So,
22 evidently, they maybe had just gotten there, but, again, with all
23 the press coverage, it didn't look too good being out there -- and
24 the one thing that was kind of nice -- and I know this sounds like
25 I'm beating up on them, but they were set up at that site that I

1 determined that I couldn't save any oil there or collect any oil,
2 and they had a vac truck running, and the only thing they had
3 going into their vac truck was organic material, just pond scum.

4 And so the river makes a bend there, and so all the oil
5 was still coming across, and it wasn't very much oil, necessarily,
6 because it was that Friday, and it was more of a sheen, heavy,
7 heavy sheen, and it was more collecting on the banks on the south
8 side, not on the north side. So that was my sarcastic remark to
9 them, and we parted ways, and the next time I come back, they did
10 have proper PPE up there, but --

11 Q. That was a contractor for EPA?

12 A. Yeah, it was -- they actually had an MPC, Marine
13 Pollution Control truck, and then they had -- I don't know if it
14 was Zircon -- I don't know. There was another contractor that had
15 hired MPC, so MPC was just one of the contractors hired by
16 somebody else that the EPA hired.

17 Q. Did they have benzene monitors down there, any kind of
18 air monitoring or --

19 A. I couldn't tell you that.

20 Q. I haven't heard anything about Garner Environmental
21 Services Company. Did Garner have any part in this incident?

22 A. They did but not to where I was involved. They kind of
23 came in after -- like I was working on the B sites, and I know
24 they were called and I saw their vehicles, but, again, I wasn't
25 involved with them very much at all. I couldn't even tell you

1 exactly the day that they arrived or got their call.

2 Q. So dealing with the state again, did you have any
3 dealings with the state at all? Did they offer any help?

4 A. Not that I can recall.

5 MR. JOHNSON: When you say the state, Chuck, do you have
6 an agency in mind, or do you mean --

7 MR. KOVAL: Yeah, the Emergency Management.

8 MR. COLLIER: I personally didn't, no. I just assumed
9 they were plugged into the command center. Again, I'm dealing
10 with the nuts and bolts and the response part on the ground, and,
11 you know, that's in the command center. And if it wasn't in the
12 briefings that we received daily, then I didn't have much to do
13 with it.

14 BY MR. KOVAL:

15 Q. With respect to your exercises, who led the tabletop
16 exercises that you had?

17 A. For our training that we had this year?

18 Q. Yes.

19 A. Put on by Eric Williams and Bryan Christ. They usually
20 put on the tabletop exercise that we have every year through each
21 area, so it's planned out, usually in February, and so we have our
22 HAZWOPER training and exercises at that point.

23 Q. And the tabletop exercises are at the Marshall PLM?

24 A. The one we have is in Bay City. At that particular
25 time, we had a bigger facility to get the people in for our area.

1 Q. So they came from Marshall to Bay City?

2 A. Yes.

3 Q. And you attended those --

4 A. Yes.

5 Q. -- tabletop exercises?

6 A. Yes.

7 Q. How did they apply to this accident? How could they --
8 how did they apply to this accident?

9 A. Well, the exercise, you know, like the emergency
10 response directory, right off the bat, the first thing that comes
11 to mind. We go through an exercise of, oh, different areas will
12 break out. We'll have different groups, and one group will take
13 the media, one part will take the cleanup, one part will deal
14 with, oh, disposal of the oil, just different scenarios. And each
15 year it's -- you know, you just break out into groups by different
16 numbers and -- so everybody gets a little different training.

17 One of the things that you do, too, is where do you find
18 your information and your emergency response directory? We've got
19 our DOT book for transportation of hazardous materials. We'll go
20 through the book, and, specifically, what are the chemical
21 properties of a certain substance that you'd have to worry about
22 if you came across it on the road or if you were transporting it.
23 So we just exercise different parts of the books that we deal with
24 every day.

25 And that's with our HAZWOPER training. It's our annual

1 refresher. Our employees are Hazmat technicians, and I'm a
2 specialist.

3 Q. You said the vac truck came from Bay City?

4 A. Yes.

5 Q. Do you have any other -- you know, you have some other
6 vac trucks, but did any others come in --

7 A. Well, each crew has one vac truck, predominantly for
8 maintenance aspects of our liquid pipeline. So Bay City had a vac
9 truck, Marshall had a vac truck, and then you've got one in
10 Escanaba, you've got one in Griffith, so the crews around the
11 areas have those.

12 Q. I didn't know Marshall had one.

13 A. Yes, yes.

14 Q. Okay.

15 A. Actually, it's Bay City's old one. They're trying to
16 get a new one, and they've got our older one.

17 Q. And Vesper's?

18 A. Vesper's got one, yes. I just don't know -- I think
19 that's a -- I'm just trying to think of how many barrels that was,
20 if that's a 50-barrel. The Fort Atkinson one's a bigger one.
21 That's like an 80-barrel.

22 Q. Did you bring in any temporary storage tanks or
23 anything?

24 A. Baker Tanks, the frac tanks, yes. Personally, I don't
25 have any. That's who I would call, normally.

1 Q. Yeah, but does Enbridge have any?

2 A. No, not frac tanks.

3 Q. But they do have some small storage tanks, right,
4 smaller? What do you call them, portable storage tanks?

5 A. Oh, 1,000-gallon porta-tanks?

6 Q. Yeah, they're the small --

7 A. Small. They're great for what they're designed for. If
8 you have a small spill where you have very little material coming
9 down, and you put a skimmer in there, and that puts that material
10 into the porta-tank, and then, once a day or whatever the need be,
11 the truck comes and sucks that out. So you're not tying up a
12 vacuum truck. It's just a skimmer, and they have a power unit
13 that just powers the skimmer, and then it usually puts it into
14 there, so --

15 Q. Okay. It's going to be on that --

16 A. Yeah, well, in this particular instance, it's great for
17 recovery at the later stages of the leak, so you don't tie up a
18 vac truck all the time. They're just a portable plastic tank,
19 metal frame. Fire departments use them all the time for water on
20 site.

21 MR. KOVAL: Jim?

22 MR. BUNN: Okay.

23 BY MR. BUNN:

24 Q. You've mentioned the high velocity of the streams and so
25 forth throughout this. Is there any other type of equipment you

1 could use for high-velocity containment?

2 A. You know, I don't know. High velocity is such a broad
3 definition. I don't mean to be evasive on that, but it's tough.
4 We always try to find an area where you can put your containment
5 booms where they do the maximum amount of recovery, so you always
6 try to find water that's as calm as could be, and so I personally
7 haven't seen too much out there for high velocity, no.

8 And, naturally, we train on rivers and streams, and we
9 know the capabilities of some of the booms. Like we have the St.
10 Clair River is a good one in question, because it's got a fairly
11 good velocity, so we know, when we put out in there -- again, it's
12 a little different situation because that river's much deeper, and
13 if you want to put containment boom in, it's easy because you'd
14 throw in more anchors to hold your boom down, and then you put in
15 a lot more deflection booms to get the oil over to you.

16 But, when you're dealing with a river that's so fast, if
17 you don't have good anchorage, you just keep losing your booms, is
18 the biggest problem I run into.

19 Q. Okay. And how far was it from Talmadge Creek down to
20 Heritage Park, approximately?

21 A. If I had to guess, I'd say four or five miles, anyways.
22 It's a ways.

23 MR. JOHNSON: Down the Kalamazoo?

24 MR. BUNN: Down the Kalamazoo?

25 MR. COLLIER: Yes.

1 MR. JOHNSON: And then, what, six of the creek but four
2 down the river?

3 MR. BUNN: Yeah, down the river for us. Okay.

4 BY MR. BUNN:

5 Q. At about what time do you think the oil got to the river
6 from the creek?

7 A. I'm just going by with what Brian Fish told me. He
8 said -- and I wrote it down -- 12:49, he said that the oil had
9 reached there. Now, I don't think that was the big slug; I think
10 that was the rainbows and the sheen --

11 Q. Sure.

12 A. -- that showed up, but I think, you know, from his
13 perspective, any oil -- a sheen is an oil, so -- and it is. It
14 is. But, I mean, the heavy stuff I don't think arrived till later
15 than that.

16 MR. KOVAL: You're speaking for the creek or for the
17 Kalamazoo?

18 MR. COLLIER: Where it comes into the Kalamazoo. The
19 Talmadge right there is the confluence on A Drive.

20 MR. JOHNSON: Doesn't Brian Fish live right there?

21 MR. COLLIER: Well, he said he lives on the river, and
22 the only thing I don't know of -- since I know that another couple
23 lives right at the confluence, I just assumed he must live a
24 little farther downstream.

25 MR. BUNN: Okay. That's all I have.

1 BY MR. KLABUNDE:

2 Q. Chuck had touched on tabletops and previous training.
3 Do you feel any previous training that you've had was helpful to
4 this initial response?

5 A. Again, training experience, you know, I'm kind of an
6 older, been-around pipeliner for quite a while, so all good
7 training -- I'll tell you the latest one, just thinking back, last
8 year, we had our employees go to boat-handling training, and we've
9 got some newer boats that have -- they're 24-foot Marathons and
10 harder to handle, and I think the boys are intimidated by that,
11 the bigger boats.

12 And we went to training over in Canada, put on by
13 Enbridge and ECRC. And, again, kind of plugging a little bit for
14 them, because I looked for some training like that sort in the
15 U.S., and it was harder to come by. Coast Guard, I had checked
16 with and couldn't find any that way, unless you're actually
17 joining the Coast Guard Reserve. But I was looking for some
18 training of that nature.

19 That came into play. That's the first one right off the
20 top of my mind that comes into play that they showed us how to
21 handle that larger boat with the twin screws, jet drives, little
22 harder to maneuver. And that worked out good because, when we
23 deployed that first boom, that river was pretty swift, and the
24 boys handled it well.

25 Q. So, with the boat training, does that include tips as to

1 how to deploy boom?

2 A. Yes, yes.

3 Q. Okay.

4 A. Forward, reverse, deployment, recovery, different
5 aspects of boom deployment, and different things. Now, that's
6 just kind of the latest one I was thinking, but, you know, all
7 the -- we've done many training exercises with the yearly training
8 exercise we do on the river, a different river every year or a
9 different area. We've done different places, which familiarizes
10 us with the area, for one, but it also different -- we get to
11 exercise different things, you know, like a stream on -- say if we
12 were doing the Talmadge Creek, we wouldn't use boats and booms and
13 this and that. And that's why we got big boats, we got little
14 boats, just a little bit of everything in our arsenal to do this
15 kind of --

16 Q. Would you personally have done anything differently
17 other than what you already mentioned with, you know, some
18 possibilities of a cofferdam -- and, again, hindsight, yeah --

19 A. Yeah, I mean, it's -- right off the bat, the biggest
20 thing that I said that I would have, that I felt bad that I
21 couldn't stop more of that oil at Division Drive, and if I had a
22 simple thing like plywood in my boom trailer. And nobody teaches
23 you that stuff. There's nothing out there. You know, their
24 training is mostly for boom, trying to put boom in, but when
25 you're in a marshy area, boom doesn't really play a real good,

1 effective deterrent for oil migration, so --

2 Q. I guess taking hindsight out of the question, do you
3 feel like you responded properly with the resources you had at the
4 time?

5 A. Well, again, it's hard to take that hindsight out of
6 there. I'd love to have another 20 vacuum trucks on that first
7 hour, but --

8 Q. Okay. You discussed control point maps and that they
9 were utilized. Are control point maps also utilized during prep
10 exercises, tabletop drills?

11 A. Yes, yes.

12 Q. Okay. And did you receive any direct instruction from
13 any state or federal agencies in the first few days? I think
14 we've discussed that, in group settings, they discussed some
15 things, so there was probably indirect direction to you guys, but
16 did you receive any direct --

17 A. I think the only one that I had was, again, this Jeff
18 Lippert from the EPA, and he wanted me to put one boom in upstream
19 of the B-2 site, just upstream of Division. There was a culvert
20 there, a steel culvert, and he wanted to put some boom and some
21 activity there. And we hadn't at that particular point because we
22 had been sucking oil off there the first two days, but after it
23 rained, that area got too soft to access, and we were having
24 better luck pulling the oil off at the other locations. But,
25 under his direction or whatever, I still went up there and put a

1 boom in, and we changed that out a few times.

2 Q. Okay. I guess kind of the last question I have to this
3 point is, is it your understanding that, in this type of a
4 scenario, that an OSRO would subcontract hire until their arrival,
5 anyway, based on the fact that Garner is located quite a ways to
6 the south of this area, obviously, and Bay West sounds like it's
7 out of the Minnesota area? Based on time, is it your
8 understanding that they would normally subcontract local
9 contractors, anyway, to respond?

10 A. Yes.

11 Q. And I guess, due to that, would that be a reason that
12 you had more direct contact with local contractors from the time
13 perspective versus calling an OSRO, who then would be calling a
14 subcontractor, anyway, to utilize resources in the area?

15 A. Yeah, I guess, from my point of view, I would never
16 call, you know, our OSRO person. I would only be calling my local
17 contractors that I knew were immediate in the area, just to have
18 the quicker response time. Because, if I have to make an OSRO
19 call and then they're calling around to see what's available, I
20 feel that I can have a faster response calling direct and getting
21 what I need immediately.

22 Q. And, also, I believe, per the plan, I think qualified
23 individuals -- whoever the qualified individuals are in the plan,
24 I think, I believe, are the only people that are permitted to
25 actually contact the OSROs, correct?

1 A. That could be. I mean, that's higher level than myself,
2 so I like to deal with my local contractors, anyway, because
3 they -- just for this particular reason. I usually deal with a
4 certain few, and then, if I have an issue or an incident, then I
5 know who to call right away. We've established a personal
6 relationship and -- to make a phone call and get that.

7 Q. Okay. No further questions. Thanks.

8 BY MR. JOHNSON:

9 Q. Maybe just a clarification. So this Jeff Lippert with
10 EPA, in the field, he asked you to place a boom, as opposed to
11 going through the command structure?

12 A. Yeah, he called me direct, because we had, again, had
13 that little discussion earlier, and so he had my number, and so he
14 called me and -- I'm just trying to think here.

15 Q. And that was -- I mean, that's enough of an answer for
16 me --

17 A. Well, yeah, no, I've got his name and number here, but,
18 again, it was just in my notes.

19 Q. I know Clean Harbors was there early on. Did you call
20 Clean Harbors, or did someone out of Griffith?

21 A. Somebody out of Griffith must have.

22 Q. All right.

23 A. Yep. Lot of different trucks that I didn't know.

24 Q. Okay. And I know, in the Griffith office, they were
25 calling other Enbridge areas and requesting their assistance, and

1 Mike Golman (ph.) out of the Superior Region said he called you,
2 and you described it as a full-blower. So, basically, people
3 were calling you on site? Was that a safe way to put it? To get
4 a flavor for what they needed to bring? You were the on site
5 expert?

6 A. Yeah, I think right off the bat. Yeah, I think right
7 off the bat, they did, and predominantly because, you know, we've
8 been on leaks before, big and small, and the big thing is you
9 bring in -- you can always over-populate the first couple days,
10 and I'd rather do that than not. And that's why, again, having
11 Rusty on vacation, yeah, come on in, we can always send you home.
12 Very minor. But I'd rather have more than less. I'd rather --
13 especially the frac tanks was a key. You know, if we didn't have
14 a frac tank of our own right off the bat -- we had these that were
15 available, they showed up, the vac trucks were full, we had a frac
16 tank there, and they dumped immediately, so --

17 Q. Now, Franz, you asked -- Paul had asked about Franz.
18 Franz and his crew came over. Are they able to bring equipment
19 from --

20 A. Yeah, they brought boats and a boom trailer.

21 Q. Okay.

22 A. Yep.

23 MR. JOHNSON: So the -- maybe for Paul's -- I guess,
24 update, Franz Pruegger and his crew, that's a pipeline maintenance
25 crew in eastern Canada that there's a permit for them to cross the

1 border and come in, and because of location-wise, they're able to
2 get here pretty quick. So to give you an idea on that.

3 One of the questions you asked Mick that was actually
4 something that was asked of me during the -- by one of the
5 government agencies is, was there any critical areas that they
6 wanted us to take special precautions of? And on the Kalamazoo,
7 where we were, there was only one water intake in that section.
8 It was down -- it's getting closer to Kalamazoo. I forget what
9 the name of the little town is there on the bend in the river. Do
10 you happen to know that?

11 MR. COLLIER: Augusta?

12 MR. JOHNSON: Augusta, yeah. They have a water intake
13 there. I had contractors go there on day two to verify that.
14 They put some boom around kind of their pump building, but the
15 actual well tips -- and I say well tips -- it's a water intake
16 that's on the river, but their intakes are 95 feet deep. So that
17 was the only area -- you know, you'd asked that question.

18 MR. STANCIL: Right.

19 MR. JOHNSON: That was -- if you will, that was one of
20 my responsibilities, so I thought I would answer that here.

21 MR. STANCIL: Okay.

22 MR. JOHNSON: And then that's the only thing I have,
23 Mick.

24 MR. COLLIER: Okay.

25 MR. KOVAL: How about the Superfund site? That's pretty

1 far downstream, but were you aware of that?

2 MR. JOHNSON: Once again, that was brought up by -- I'll
3 say local and state officials. That was brought up into the
4 incident command area. On Tuesday, they talked about the
5 Superfund site past the river -- or not -- the lake --

6 MR. KLABUNDE: Morrow Lake.

7 MR. JOHNSON: Morrow Lake. We've got people that are
8 going to call in, Adam Erickson, Bill Palmer. I had contractors
9 going down to Wattles Lake to put boom in, basically where the
10 river opens up into the lake, and when Adam Erickson arrived from
11 Superior Region, he took over the contractors that were working
12 there, and it was spelled out by Bill Palmer.

13 So we've got them dialing in tomorrow to talk about
14 that, because those -- if you will, that was the second one on the
15 areas that they wanted us to protect. You know, we, ourselves,
16 found the water intake, and they pointed out, you know, if you can
17 keep it out of the lake -- and on the far side of the lake is
18 where that Superfund site is -- everyone's better off. So
19 starting Tuesday, which is day two, late afternoon or early
20 evening, we started with contractors there.

21 And, basically, I turned it over to Adam when he arrived
22 there about 5:00 that day, and I don't know what he did, but I
23 know he got boom across, so that's why they're going to be dialed
24 in, so --

25 MR. COLLIER: Yeah, like the vac trucks and different

1 materials, once they had set up the command center, my assumption
2 was, then, they just blanketed with a bunch of contract -- like,
3 oh, Young's Environmental and Peolia (ph.), MPC, Plummer
4 Excavating -- or Plummer Environmental. I mean, there was just a
5 lot of people that showed up there that normally I hadn't seen
6 before, so I just assumed that that was all in the command
7 structure, getting that material.

8 MR. STANCIL: I have just a couple of extra questions,
9 if I may.

10 BY MR. STANCIL:

11 Q. Were you very focused on making these calls to these
12 contractors, initially, while you were on site, or were you more
13 focused on doing containment operations?

14 A. Unfortunately, I was calling them when I was driving
15 down the road, more than anything, and I called a few of them, I
16 think, while I was on site, you know, but I was -- once I got on
17 site, I was really trying to focus on getting that boom in the
18 river at the best location that I could.

19 Q. And you mentioned that, in hindsight, if you had more
20 vac trucks -- what would you have done with them? Where would you
21 have sent them?

22 A. Probably right at the head end, more on the head end.
23 And, again, in hindsight, I'd have had some of those flumes and
24 culverts a little farther upstream. Like they had the flumes in
25 immediately at the leak site area, which was great, and it would

1 have been nice if we could have put some more in down by -- not so
2 much Division, because that's just such a low swamp area right
3 there, but maybe one down by 16 Mile Road, there. I mean, we had
4 one early on, but if we could have had more there, maybe it would
5 have slowed it down farther, so --

6 Q. And that's before it entered the Kalamazoo?

7 A. Well, that's A Drive, but it would have been even before
8 that. This would be Site B-3.

9 Q. I see.

10 A. Yes.

11 Q. These are things that you wanted to have done at the
12 time, or just in hindsight?

13 A. Well, in hindsight. You know, initially, you try and
14 get your resources there as quickly as you can and then start
15 working on it, and that's what they did, but -- and, again, in
16 hindsight, with the amount of oil that was out here, coming down
17 the river --

18 Q. Is there anything that anyone could have done to get
19 those resources to you on that first day?

20 A. I think the response on that was pretty good. You know,
21 I always figure two- to three-hour response from a contractor is
22 pretty decent, because if they're an hour or two away and they
23 have to just grab their truck and run, that's not too bad.

24 Q. And were there calls that could have been made to get
25 more to you, or was it just a matter that -- travel time and

1 logistics?

2 A. I think travel time is -- yeah. You know, same way with
3 our own personnel. You know, they responded, I thought, pretty
4 quickly, like the Griffith and the Escanaba crews getting on the
5 road and getting down, and a lot of windshield time there to get
6 on site, yeah, so -- but having Kalamazoo -- you know, the larger
7 cities, that helps tremendously, too, because you've got a much
8 better base of people to pool from, contractors-wise. So
9 Kalamazoo having a good group there. Bay City-Saginaw has got
10 some, too, you know, with Bierlein and a few -- Gandy and a few
11 others, but that's a little farther away, too.

12 Q. It wasn't a matter of communication up the line to get
13 this ball rolling? Was that a problem?

14 A. No, because they -- it sounded like, from my point of
15 view, you know, when we needed something, in calling the command
16 center at that time, they had set up enough and had people
17 responding to get more resources, and kept calling in resources.

18 I know, even when I called Baker Tank -- I don't know if
19 it was later that night, Monday or Tuesday morning, Kevin had
20 called me back, I think is what it was, and he had said, what do
21 you got going on there, because everybody and their brother has
22 called me for tanks. So he said, if I had a hundred more, I could
23 have swapped them out there for you, so they were calling for more
24 than what the need was for, that's for sure, and that was with all
25 the different contractors that we had on site.

1 MR. STANCIL: Okay. Anyone else?

2 MR. JOHNSON: I do have one question.

3 MR. STANCIL: Sure.

4 BY MR. JOHNSON:

5 Q. I'm going to do my best to answering it in a non-leading
6 format, but I know the first evening and well into the second day,
7 as we worked around the clock -- let's just say I've known you
8 long enough. As far as the update meeting structure that the EPA
9 had asked for, did you find that detrimental to your getting your
10 job done?

11 A. Well, I guess I did the first night, and it wasn't the
12 EPA's -- it was either the first or second night. It wasn't the
13 EPA's fault, I don't think. It was the part of the
14 environmental -- the one gal that was in there and was talking
15 about the wildlife. And I -- don't get me wrong. Wildlife
16 preservation is a big part of us, anyways, but when the meeting
17 was there, naturally, I wanted to be out, working, to get more
18 done on the river, and in that respect -- and they were more --
19 kind of dragging on about the wildlife issues that are going to
20 come up. And that's great. I have no problem with that. I think
21 that's great. I think it just took up more time than it should
22 have in that particular meeting, at that particular time.

23 So I was a little bit frustrated because I was more
24 looking towards the door to get out of here to get going and --
25 but that got resolved. You know, I mean, like the next night,

1 that wasn't an issue because -- and, again, as every day goes on,
2 it gets more structured and everything gets more cut-and-dried,
3 but that first night or two, it was a little more chaotic.

4 MR. JOHNSON: And, you know, I can appreciate that
5 everyone wanted updates, but they put us on a three-hour update,
6 and then the update meetings lasted an hour.

7 MR. COLLIER: Yeah.

8 MR. JOHNSON: You get out there for an hour, and then
9 you've got to come back in and get your updates in, and until you
10 get your support structure set up, which was the next night --

11 MR. COLLIER: Yeah.

12 MR. JOHNSON: -- you know, maybe 36 hours later, it
13 seemed like it really took resources away from doing critical
14 work. So that's a Catch-22. You need updates, but you also need
15 your workers --

16 MR. STANCIL: And who was driving that schedule?

17 MR. JOHNSON: That was driven by the EPA, originally.
18 They went to a three-hour structure. They came in -- and you were
19 in there, too. They were, basically, threatening to take over the
20 response if we didn't do something.

21 When I first got there, they called us into Rusty's
22 office, and Mick was there and Rusty was there, and, basically,
23 there was two people from the EPA that all but threatened Tom
24 Fridel that, if he didn't do something more, they were going to
25 take it away from him -- or from Enbridge, and they would take

1 over the response. And I know, at one time, Tom Fridel said,
2 fine. What is your plan, then? And then they were like, no,
3 we're just telling you, we're giving you the courtesy. It's like,
4 you know, we're doing what we can right now. We'll give you an
5 update. But that was pretty confrontational early on, when we
6 certainly didn't need that.

7 MR. COLLIER: Yeah, you know, it's like --

8 BY MR. STANCIL:

9 Q. Did that have an impact on your activities, Mick?

10 A. You know, again, I'm just the boots-on-the-ground guy.
11 I want to get boom out there, I want to get working, I want to get
12 things efficiently done, and as long as the command center was
13 dealing with that, I'm a happy camper.

14 And, again, I'm not trying to beat up the wildlife
15 service at all. Brian Fish, who I met up there the first day,
16 right off the bat, you know, I think we've got a good working
17 relationship and, you know, nice guy. We talked about different
18 things and moved forward and what we had to do, and I think that
19 worked out really well.

20 Again, from my point of view, I was just the guy that
21 wanted to get boom in the water, I want to get working, and like I
22 say, it just seemed like it took too much time that first night.
23 Move on, move on, move on kind of thing.

24 Q. Do you have any other criticisms of what occurred or how
25 the response was run?

1 A. Oh, nothing big. I mean, there's always ways that we
2 can improve, and I'm sure there'll be a postmortem that we will
3 stand down and take care of business and what went well, what
4 didn't go well. We will take care of that, too, because there's
5 always things.

6 It's just like equipment, you know, you have all your
7 equipment at 100 percent, and you go out on the job site, and
8 might run for an hour, it might run for three days, and it might
9 run for ten minutes, if something is an issue there.

10 I think our performance on the equipment worked well.
11 Probably about the fourth or fifth day, we were getting equipment
12 in to replace some of the things that had broke, and that worked
13 out pretty good. But procurement is never fast enough, and by
14 that I mean we had good people working there and -- but, when
15 you're out there and you say, oh, hey, I need 49 shovels, well,
16 they can get it to you, it's just going to take them a few hours
17 or an hour to get it for you.

18 That's all -- and they worked very well, I think, so --
19 but, again, from a pipeliner on the ground, I always like to have
20 it done yesterday, and so you try to get demanding and move on,
21 so --

22 Q. Any other thoughts or concerns?

23 A. Nothing.

24 MR. STANCIL: Okay. Anyone else?

25 Then we'll call it an end for this interview, then.

1 MR. COLLIER: Well, hopefully, I've answered your
2 questions and taken care of any doubt or anything that might be
3 there.

4 MR. STANCIL: We appreciate your time, Mr. Collier.
5 Appreciate it.

6 MR. COLLIER: Thank you.

7 MR. KLABUNDE: Thank you, Mr. Collier.

8 (Whereupon, at 12:10 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 Mick Collier

DOCKET NUMBER: DCA-10-MP-007

PLACE: Marshall, Michigan

DATE: October 26, 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

Cheri Grissom
Transcriber

