

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: DAVID AUSTIN

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

Friday,
July 30, 2010

The above-captioned matter convened, pursuant to notice,
at 5:06 p.m.

BEFORE: KARL GUNTHER
Accident Investigator

APPEARANCES:

KARL GUNTHER, Accident Investigator
DANA SANZO, Accident Investigator
National Transportation Safety Board

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

JAMES BUNN, General Engineer
BRIAN PIERZINA, General Engineer
U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration
Central Region
Kansas City, Missouri

[REDACTED]
[REDACTED]

JAY A. JOHNSON, Senior Compliance Specialist
Enbridge Energy Company, Inc.

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

TOM TIDWELL
U.S. Fish and Wildlife Service
Midwest Region

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of David Austin:	
By Mr. Gunther	4
By Mr. Pierzina	8
By Mr. Johnson	11
By Mr. Pierzina	11
By Ms. Sanzo	15
By Mr. Pierzina	16
By Mr. Johnson	19
By Mr. Pierzina	20

I N T E R V I E W

(5:06 p.m.)

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2
3 MR. GUNTHER: I'm Karl Gunther from the National
4 Transportation and Safety Board. We're doing interviews for an
5 accident that occurred in Marshall, Michigan on July 26, 2010.

INTERVIEW OF DAVID AUSTIN

BY MR. GUNTHER:

7
8 Q. What I'd like you to do first is get your name, address,
9 and phone for the record.

10 A. David Austin, [REDACTED]
11 [REDACTED]

12 Q. And could you give your job title and company
13 affiliation?

14 A. I'm a firefighter for Marshall Township Fire Department.

15 Q. And could you just go ahead and describe what you did, I
16 guess, probably starting Sunday night and then move on?

17 A. I don't know specific times at this point. The alarm
18 office would have the specific times, but --

19 Q. Do the best you can.

20 A. We were dispatched for an odor investigation on Division
21 Drive between 16 Mile Road and Old 27 South. Actually, the city
22 of Marshall were dispatched before us. They determined it wasn't
23 in their -- in the city, so they dispatched -- had us dispatched
24 to check our portion of the township. I went out with our
25 captain, Rick Bonney, and we initially went to the Natural Gas

1 substation on Division Drive between 16 and Old 27. I noticed
2 that there was nothing outside of normal around the substation.

3 So, we continued on to the east and came across another
4 odor, a different odor. We traveled through the industrial park
5 area on the west side of Old 27, smelled a strong odor that we
6 thought was a petroleum-based product. That was just our opinion.

7 We couldn't find the source, so we crossed Old 27, went through
8 the industrial park area, and the smell dissipated. It was gone
9 within a block of getting in there. We drove around that first
10 block into the industrial park, found a fuel -- a manufacturer of
11 fuel components. So, we thought well, if it was a petroleum-based
12 smell, let's walk around this establishment, this facility. So,
13 we walked around their factory. We didn't smell anything.

14 We got back in our vehicle. We headed back towards the
15 intersection of Division and Old 27. We came across the odor
16 again. So, we went around a location on the southeast corner of
17 that intersection of 16 and Old 27 -- of Division and Old 27. We
18 walked around that facility. We felt like we were in the right
19 area, but we couldn't find the source. We called Marshall City
20 from that location to have them come out and bring a gas meter,
21 which they did. They met us out there.

22 Shortly after they arrived, another vehicle pulled up,
23 which it was a white pickup truck with an Enbridge logo on the
24 door. A gentleman got out and asked what we were -- if we were
25 looking for the natural gas smell, and we said that's what we were

1 dispatched for. He commented, and he stopped at the substation
2 and didn't smell anything out of the ordinary.

3 My captain said at that time that he -- that we thought
4 it was a petroleum-based smell. We all three agreed to that. The
5 city didn't really participate in this part of the conversation,
6 but we all agreed that there was a petroleum-based product in the
7 air. My captain at that point says it smells like a crude smell.
8 The Enbridge employee said it smells like number 6 crude is what
9 he said. Truthfully, at that point, I just -- I removed that from
10 my mind, because I didn't realize there was crude that ran through
11 Marshall. So, I thought that it can't be crude. It must be
12 something else.

13 The Enbridge employee said that there were some valves
14 behind the building on the northwest corner of that intersection
15 of Division and Old 27. He thought maybe we should check that
16 area. We agreed. We went over there. There is a tank farm there
17 that holds petroleum products, gasoline, and so on. And the
18 valves were on -- were next to their property. So, we walked --
19 we drove over there, walked around that property, didn't smell
20 anything out of the ordinary. The odor still was not a gasoline
21 smell. It was something totally different. It was an oil of some
22 sort.

23 The city came across with us. They did some air
24 monitoring. We sent them down another road which went back to some
25 other facilities, and that's where I thought it was the strongest

1 to begin with. And he came back out and found nothing. It read
2 nothing on his meter as far as flammable products go. So, at that
3 point, we called our -- my captain called the alarm office and let
4 him know we were going to clear. There was still this smell in
5 the air of a petroleum based or a crude product in the air, but we
6 could not find the source to that product. Enbridge being on
7 scene like they were, we thought he would check their property.
8 You know, he at one point stated that he checked the substation at
9 the corner of Division and 16 Mile Road. It's set back a ways.
10 He said he drove back in there and didn't see anything out of the
11 ordinary. But we left at that point.

12 Q. And was this Sunday night?

13 A. This was Sunday night.

14 Q. Yeah.

15 A. We were dispatched, and the initial dispatch was right
16 around 10:00.

17 Q. I've got the -- which one of those would be you, or are
18 you one of those?

19 A. Well, that wasn't us. I don't know if any of these were
20 me.

21 Q. Okay, that's Marshall City. I mean, are you dispatched
22 from somewhere else?

23 A. We're dispatched out of the same location they are, but
24 we're not Marshall City. We're Marshall Township. They went on
25 the initial call. It was in their jurisdiction, so they went out

1 and did the initial call and then recommended that we would be --
2 that we were dispatched, because it was in the township.

3 Q. Do you know roughly what time it was?

4 A. No, between 10:00 and 10:30.

5 Q. Okay, and the Enbridge employee, do you know who you
6 talked to?

7 A. No idea. I would recognize him, but I have no idea who
8 he was. I didn't ask for his identification. I saw the pickup he
9 drove in. He jumped out, got out of the car and, you know, first
10 told us that he checked those sites on Division, those natural gas
11 sites. You know, we're -- I live in that area, and throughout the
12 year, we're called out numerous times for odor investigations from
13 the natural gas smell that's at those substations. But when we
14 got there, you know, we've all been and smelled the smell of
15 natural gas. It was not natural gas, and we indicated that to the
16 Enbridge employee, and he agreed. And we all discussed what we
17 thought it was. And I'd never smelled crude before. I just know
18 it smelled different. It was more of a petroleum-based. My
19 captain, I don't know if he smelled crude, but he first mentioned
20 oh, it smells like crude, and the Enbridge employee says it smells
21 like number 6 crude is what he said.

22 BY MR. PIERZINA:

23 Q. I apologize for stepping in. My name is Brian Pierzina
24 with PHMSA. What time were you out doing this?

25 A. We were initially dispatched somewhere between 10:00 and

1 10:30. I don't know the exact times. The alarm office could help
2 with that. But I mean, I'm sorry I'm not prepared with that, but
3 I was called while I was at work that I was coming here.

4 Q. So, between 10:00 and 10:30, you're responding to what's
5 reported as a --

6 A. Odor investigation.

7 Q. Odor investigation.

8 A. In the area of Division Drive and 16 Mile Road.

9 Q. And the Enbridge employee that you met in a pickup
10 truck, was he also -- did it appear to you that he was also
11 investigating an odor complaint?

12 A. Yes, yes.

13 Q. Okay.

14 A. We didn't ask for Enbridge to come out and help us. He
15 just arrived. He arrived at the southeast corner of Old 27 and
16 Division. He was just there. He pulled up, got out of his car,
17 and said he was here investigating an odor. He'd checked that
18 substation, and he apparently knew we were there. He knew we were
19 already there. That's all I --

20 Q. Can you describe who, you know, what this employee
21 looked like?

22 A. 5'8", 5'10", I would say stocky but not overweight, you
23 know, medium build, I guess, not overweight. It was dark at
24 night, so I would -- if I had to guess hair color, I would say
25 it's a light color or gray colored hair. I don't know. I just

1 remember him being not the biggest guy in the world, and I'm not
2 the biggest guy, but he wasn't a very tall gentleman.

3 MR. GUNTHER: Roughly, how old was he?

4 MR. AUSTIN: I'd say early to mid-50's would be my
5 guess.

6 MR. GUNTHER: Okay.

7 MR. PIERZINA: You know, I'm sure we'll ultimately be
8 able to determine who that is.

9 MR. GUNTHER: Yeah, I would think.

10 MR. JOHNSON: There's a lot of people. You said it was
11 a car or --

12 MR. GUNTHER: He said a white pickup truck.

13 MR. AUSTIN: He had a white pickup truck, and he pulled
14 up in that truck and stepped out of the car and walked up to us,
15 and we had that conversation about what we were smelling.

16 MR. GUNTHER: And it was you and your chief, right?

17 MR. AUSTIN: It was me and my captain, Rick Bonney.

18 MR. GUNTHER: And your captain.

19 MR. JOHNSON: Was it -- your captain is who?

20 MR. AUSTIN: Rick Bonney. And also there on scene with
21 us was John Travis from Marshall City Fire Department. He came
22 out with the gas meter. He was there. I don't remember him being
23 part of the conversation, but I know he was there.

24 MR. JOHNSON: What's he from?

25 MR. AUSTIN: Marshall City Fire Department, John Travis.

1 BY MR. PIERZINA:

2 Q. Okay, and so, and this was so, 10:30-ish Sunday night,
3 and ultimately, you couldn't find the source of the odor, and so
4 do you remember what time you cleared the scene?

5 A. I'm estimating around 11:00.

6 Q. Around 11:00 p.m. on Sunday night.

7 A. That's an estimation. So, it's in that range anyway.

8 BY MR. JOHNSON:

9 Q. Jay Johnson from Enbridge. Just -- and I hate to harp
10 or whatever -- Enbridge has, you know, pickup trucks. They've got
11 like a mechanic's box, stake, and when you say a pickup truck --

12 A. I remember a pickup truck. I don't remember a box on
13 the back or utility boxes. I just remember a white pickup truck
14 that said Enbridge on the side. I don't remember what brand. I
15 just remember a pickup. And the thing is, you know, I was there,
16 and I wasn't -- I didn't feel like I needed to remember all of
17 this stuff. I wasn't taking notice oh, I need to remember this
18 vehicle. I remember a pickup truck. I remember the word Enbridge
19 on the side, because that's what I -- that's the first thing I saw
20 when he pulled up.

21 BY MR. PIERZINA:

22 Q. Do you work in the area?

23 A. Do I work in the area?

24 Q. Yeah, in this area.

25 A. In Marshall, I'm from Marshall.

1 Q. Okay, I'm just curious. You know, Enbridge has
2 employees in the area. Have you seen Enbridge trucks?

3 A. I have not. I have not. In fact, when I got back to
4 the station afterwards, and we were discussing what we had found
5 out there and that an Enbridge employee came up, I had a hard time
6 pronouncing the word Enbridge, because I'm not familiar with the
7 name Enbridge or Enbridge or however it's pronounced. And I was
8 corrected by one of the firefighters, and he says, it's Enbridge.
9 And okay, it's Enbridge then.

10 Q. Okay, and so, in fact, even after you cleared and you
11 went back to the station, you guys talked about, you know, the
12 looking for it?

13 A. Um-hum.

14 Q. Okay.

15 A. It's an odor we've never smelled before. I have never
16 smelled that odor before, and we couldn't find the source of it.
17 You know, hindsight, now I know there's crude that runs through
18 our area. I didn't know there was a crude line that ran through
19 Marshall, and I have lived there all my life. I knew there was
20 natural gas. I know there's gasoline products. I didn't know
21 there was a crude line. So again, when they mentioned -- he
22 mentioned my chief or captain mentioned crude, and Enbridge
23 employee says number 6 crude, which I don't know even today what
24 that is, or what the difference is, or if there's a difference, I
25 wrote it off. Well, we don't have that. We have gasoline. We

1 have natural gas. That's all I know of.

2 Q. Knowing what you know now, do you know where the
3 Enbridge pumping station is just east of 69 and south of Division?

4 A. Yes.

5 Q. Is that in Marshall Township or is that --

6 A. That's in Fredonia Township.

7 Q. Fredonia Township, so that would not be part of your --

8 A. My jurisdiction.

9 Q. Your jurisdiction.

10 A. The Enbridge employee did state that he checked that
11 location.

12 Q. Okay, gotcha. Now, I'm just -- you know, there's
13 programs in place to I'll say liaison with emergency responders
14 and such. And there's, you know, meetings held, you know, to
15 discuss pipelines and emergency response and things like that.
16 And I just -- it doesn't sound like you've ever probably attended
17 one?

18 A. I've never known. I've been in this department for ten
19 years. Now, I'm not an officer. I've been in this department for
20 actually eleven years. And I don't know of a training or meeting
21 regarding our pipeline in our area that I've ever -- I've not been
22 around to one.

23 Q. Okay.

24 A. If Fredonia holds those, I've never been invited to it,
25 because I'm not aware.

1 Q. And it's probably not a part of this interview, but I
2 guess well, it'd be nice to know if you've never been to one,
3 don't know if you've ever been invited to one. And we'll
4 determine, I think we'll ultimately find out that they're held,
5 you know, where and stuff like that.

6 A. Sure.

7 Q. And I guess with -- how about let me just ask you. With
8 the other pipeline operators in the area, do they ever get, you
9 know, invited to training with -- I'll name them. I think there's
10 Panhandle Eastern very nearby, Michigan Gas and Utilities,
11 Consumer's Energy.

12 A. No, the only training we've ever had on gas, on any gas
13 at all has been through Crystal Flash.

14 Q. Crystal Flash?

15 A. Crystal Flash, which is propane, and it's on their
16 trucks. It's on, you know, the levies, and, you know, if we have
17 a propane leak in a tank and it's on fire, how do you put it out,
18 those type of things. We've never had training from any of those
19 that you've listed.

20 Q. Can you give us the name of your fire chief?

21 A. Steve Riggs.

22 Q. Steve Riggs?

23 A. Riggs, R-i-g-g-s.

24 Q. Okay, Steve Riggs, okay. And let me ask you this, your
25 Marshall Township Fire Department, how do you -- how often do you

1 change fire chiefs, or is that an appointed position, elected
2 position?

3 A. It's an appointed position by our Board. I've been on
4 for eleven years, and I've had two chiefs.

5 Q. Okay.

6 A. Steve has been the chief for my guess nine years, eight,
7 nine years.

8 Q. Okay, so, you know, sometimes they change, and it may
9 take a year or two to catch up with, you know, the database of
10 fire chiefs and such?

11 A. Yeah.

12 BY MS. SANZO:

13 Q. Can you just describe what resources from the fire
14 department have been used in the response to the accident?

15 A. What resources did we use for that response?

16 Q. Yes, um-hmm.

17 A. To the accident or the odor investigation?

18 Q. To after the accident, what resources you might have on
19 standby at the scene?

20 A. Right now, all we have is we have our medical rig or our
21 grass rig, and we have two firefighters with gear. And we're on
22 standby for medicals and, I guess, anything else that would happen
23 for any 911 call in that area we're on standby for. We're not
24 doing -- we're not participating in any cleanup or anything like
25 that.

1 Q. Have there been other area fire departments that have
2 assisted your department with the standby at the scene?

3 A. Fredonia, I mean, it's really we're helping Fredonia.
4 This was -- this happened in their jurisdiction, and we were asked
5 to take care of our portion, which it's in our township, but it's
6 really their call, because the call happened in Fredonia Township.
7 We're more mutual aid for them right now.

8 MR. PIERZINA: Now, what -- did we say what address was
9 called in, or, you know, what specific area you were dispatched to
10 investigate?

11 MR. AUSTIN: The initial call, and I don't know if you
12 have any 911 records, but the initial call was we have an odor
13 investigation at your station. That Marshall City is on location,
14 and there's an odor of -- there's an odor investigation, a leak at
15 your station. I got to the station thinking the leak is within my
16 fire station. That's how the call came across.

17 MR. JOHNSON: Oh, and it was odor investigation at your
18 station, as in your fire station?

19 MR. AUSTIN: My fire station. Yeah, we have two fire
20 stations, and I didn't know which fire station they're talking
21 about, but I respond to Station number 1. So, I went there first.

22 BY MR. PIERZINA:

23 Q. And where -- can you help us out where these are?

24 A. Station 1 is on the -- do you want an address or do you
25 want --

1 Q. Sure.

2 A. I don't have the address, but it's -- Station 1 is on
3 the east side of Marshall. Station 2 is north of Marshall.
4 Station 1 is closer to I-69 and Michigan Avenue. Station 2 is out
5 north of I-94 and Old 27. So, two different locations, but I
6 respond to Station number 1, which is over by I-69 and Michigan
7 Avenue. It's on Myron Avery Drive. I respond there.

8 I went there expecting a natural gas leak inside my
9 station. Now, the cities, they store an ambulance at our Station
10 number 1, so I thought maybe one of their employees was getting
11 the ambulance inside, and there's an odor. So, I get there. My
12 captain, Rick Bonney, was already there. I walked in, and I said
13 where is the leak, and he says the leak is not here. And Eric
14 Dale, another firefighter walked in right behind me and said
15 where's the leak. And Rick says the leak is not here. It's on
16 Division Drive between 16 and Old 27.

17 So, we got in the truck, and that's where we went. I
18 don't think they ever stated on the alarm office transmission that
19 it was between 16 Mile Road and Old 27 on Division. The call was
20 an odor investigation at your station.

21 MR. JOHNSON: And then they sent Eric Dale and said it
22 was on Division Drive and where?

23 MR. AUSTIN: Rick Bonney said it was on Division Drive
24 between 16 and Old 27, because he was monitoring our 800 radio,
25 our 800 megahertz radio. We're not dispatched on 800, but he was

1 monitoring that on the way to the station, and he was getting out
2 of the traffic, oh, it's out there. The city is clearing from it
3 right now. We need to go check it out.

4 MR. BUNN: And the Enbridge employee said he was out
5 there investigating the odor?

6 MR. AUSTIN: Yes, yeah, he was there on odor
7 investigation, and he had already checked those, the natural gas
8 lines, and they seemed fine to him, which we all agreed with.

9 BY MR. PIERZINA:

10 Q. Did you smell any odor when you got to your station?

11 A. No, no, I live between this whole, you know, where this
12 all happened. I live between it and our station, and I couldn't
13 smell it at home.

14 MR. JOHNSON: You could?

15 MR. AUSTIN: I could not smell it at home. Even Monday
16 when I left for work, I don't recall the smell of any of that in
17 the air.

18 BY MR. PIERZINA:

19 Q. But you smelled it over at Division?

20 A. Definitely smelled it over there. As soon as we got --
21 on Sunday, we didn't -- the odor didn't start really until after
22 we got past the natural gas substation between 16 and Old 27.
23 That's -- we got through that. Then we got the smell of petroleum
24 in the air. But at that point, it hadn't made it even to the
25 highway yet. The odor hadn't made it that far yet. We felt like

1 we were in the area. We definitely felt like we were in the right
2 area. We just couldn't find the source.

3 MR. BUNN: So, do you recall what the wind direction
4 was? Did you kind of consider that?

5 MR. AUSTIN: We called Marshall City from the scene
6 asking for wind direction, and they came back saying there isn't
7 one. So, we went to one of the businesses in industrial park who
8 had a smokestack, and it was blowing in the direction of northeast
9 from this building, particular building. It was going
10 northeasterly. But now knowing where the oil had spilled and
11 where we were, we were east of it. So, it shouldn't have -- you
12 know, according to the smokestack, it shouldn't have been blowing
13 in the direction it was blowing. So, but there wasn't any really
14 known wind that night. It was pretty much a stagnant night.

15 BY MR. PIERZINA:

16 Q. Well, that's a pretty strong smell. So, especially on a
17 stagnant night, you know, depending on your, you know, sensitivity
18 of your nose, you can --

19 A. Absolutely. But it was definitely, when I got home from
20 work on Monday, I was in Battle Creek all day, and I wasn't around
21 for any of the initial calls or response on Monday, but it was --
22 I had a hard time staying home Monday night. It was pretty bad.
23 Much worse than it was on Sunday night.

24 MR. GUNTHER: Okay, anyone have any more questions?

25 BY MR. JOHNSON:

1 Q. Oh, actually, I've got one. What was your name? You
2 said it to me, but I didn't write it down.

3 A. It's David Austin, A-u-s-t-i-n.

4 Q. Thanks, David. David, do we have a good note of the
5 other individuals that you were with, say, Sunday night?

6 A. Rick Bonney.

7 MR. BUNN: Rick Bonney was the captain.

8 MR. GUNTHER: Yeah, I've got all of that written down.

9 MR. JOHNSON: Okay, because we may --

10 MR. AUSTIN: John Travis.

11 MR. BUNN: John Travis, he's from the City.

12 MR. AUSTIN: He's from the City of Marshall's Fire
13 Department.

14 MR. GUNTHER: Yeah, Marshall City Fire Department,
15 right?

16 MR. AUSTIN: Yep. Those -- we were the only ones out
17 there Sunday night, those three plus Enbridge.

18 BY MR. PIERZINA:

19 Q. Yeah, before we let you go, and I apologize for this,
20 just so, you knew when you got over there on Division that what
21 you smelled was not natural gas. That was definitely not natural
22 gas odor?

23 A. Pretty confident, yeah.

24 Q. If you smelled natural gas, you know, I mean, you had
25 the natural gas odor that you could smell, and you couldn't find

1 anything, would you contact, you know, one of the pipeline
2 companies in?

3 A. We typically would call alarm office and have them
4 contact whatever -- those -- there's two substations on Division
5 Drive between 16 and Old 27. And both of those substations have a
6 different phone number and a different company to call. So, if we
7 were out there, and we had an odor on this side that was -- there
8 was something here, we would tell alarm office that you need to
9 contact so-and-so company. Yeah, we get these. In the
10 summertime, we don't get them very often. We get them quite often
11 throughout the wintertime when the air is dense. It goes across
12 the highway, and we get people calling it in. And we most
13 generally will advise alarm office to call whichever company is in
14 charge of that substation. But it wasn't a natural gas, so we
15 didn't ask them to on this occasion.

16 Q. Which is -- I mean, and it's important to do that,
17 because they, you know, you guys are professionals and responding
18 to accidents, but those guys are, you know, need to investigate,
19 you know, --

20 A. Absolutely.

21 Q. -- stuff involving their systems. And that's part of
22 what they try to do with meetings and liaison and, you know, is to
23 make sure that everybody talks about what they need to do and how
24 to recognize and respond to, you know, a leak or suspected leak.

25 A. Sure.

1 Q. And all that kind of stuff. So, that's -- it's really
2 important.

3 MR. GUNTHER: Okay, do you have any more questions? I
4 thank you for your help.

5 (Whereupon, at 5:33 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 David Austin

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
Official Reporter

Debbie Mizell
Transcriber