

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

ENBRIDGE OIL SPILL
MARSHALL, MICHIGAN *

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

* * * * *

Interview of: BARRY L. REBER

Unified
Marshall,

Command
Michigan

Sunday,
August

1, 2010

The above-captioned matter convened, pursuant to notice,
at 11:31 a.m.

BEFORE:
Accident

LARRY BOWLING
Investigator

APPEARANCES:

LARRY BOWLING, Accident Investigator
National Transportation Safety Board

[REDACTED]

CHUCK KOVAL, Chairman
Environmental Response
N y Board

[REDACTED]

DUANE KLABUNDE, Supervisor of Compliance
Enbridge Pipelines [REDACTED]

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I N T E R V I E W

(11:31 a.m.)

1
2
3 MR. BOWLING: All right. We're on the record. The
4 recorder's going. We've got -- this is Larry Bowling with the
5 National Transportation Safety Board. We are still on site at the
6 Unified Command in Marshall, Michigan and we're going to be
7 interviewing Lieutenant Barry Reber with the State of Michigan
8 State Police, Risk Management Division, District 5. And with me,
9 participating in the interview is -- to my left.

10 MR. KOVAL: Chuck Koval, Chairman -- Environmental
11 Response Chairman.

12 MR. KLABUNDE: Duane Klabunde, Enbridge Pipelines, [REDACTED]
13 [REDACTED], Supervisor of Compliance.

14 MR. BOWLING: Okay. And for the record, we don't have a
15 representative from the EPA on our group.

INTERVIEW OF BARRY L. REBER

16
17 BY MR. BOWLING:

18 Q. Lieutenant, for the record, would you just give me your
19 full name and your business mailing address, please?

20 A. Barry L. Reber. I'm a lieutenant with the Michigan
21 Department of State Police, Emergency Management in the Homeland
22 Security Division. My work address is [REDACTED]
23 [REDACTED].

24 Q. Okay. Thank you. Barry, from a standpoint, is it --
25 can I call you Barry?

1 A. Yes. Absolutely.

2 Q. Okay. From the standpoint of the interview, you
3 understand we're doing a safety investigation and the interview is
4 being recorded on an MP3 file, correct?

5 A. Yes.

6 Q. Okay. Thank you. Just without spending a lot of time,
7 we know you have some meetings you've got to get to, can you give
8 me just a quick background on your qualifications that got you
9 from out of high school to the position you're in now,
10 qualifications you possess?

11 A. You want college education or, I mean, what --

12 Q. Your training and background.

13 A. Oh, okay. A year and a half of college. I was a police
14 officer in Three Rivers, Michigan starting in 1973 for 14 years.
15 I went into the Department of State Police in 1987. I've been
16 with them 23 years now. I've worked -- my first post was Houghton
17 Lake Post. My second post was the Detroit Freeway Post, then the
18 White Pigeon Post. Then I worked for several years in -- well,
19 for about a year undercover narcotics. Then I worked for an
20 organized crime unit in Lansing and then for the attorney
21 general's office in Lansing on a money laundering unit.

22 Q. Wow.

23 A. Before coming to Paw Paw, I was a traffic service
24 sergeant and then transferring into or being promoted into
25 Emergency Management Division some six years ago.

1 I've worked too many days in a row, you can probably
2 tell.

3 Q. Okay. We would -- we haven't really explained the
4 purpose of our investigation.

5 A. No, you haven't.

6 Q. For a time standpoint I'm just going to be very brief,
7 but you know the NTSB is an independent agency within the Federal
8 Government.

9 A. Yes.

10 Q. We -- under the Independent Safety Board Act, we report
11 to Congress. Our primary responsibility is to look at causes or
12 probable causes of incidents and the factors surrounding those
13 situations and trying to find potential areas for improvement or
14 recommend to the appropriate organization, whether it's a state
15 agency, a federal agency or a, you know, municipality or what have
16 you, or a company, things that could prevent a recurrence of that.
17 And that's all this interview is. We're safety investigators and
18 we're hoping to get some information from you regarding the
19 state's initial response, once the state was notified via the NRC
20 that the pipeline rupture had occurred.

21 A. Okay.

22 Q. And general milestones and so forth. And, I guess, with
23 that --

24 A. That -- you're talking about the state's response once
25 NRC notified them. I may not be able to help you --

1 Q. Okay.

2 A. -- with that because I'm a field --

3 Q. Right.

4 A. -- supervisor. What I'm -- the way I'm notified,
5 typically, is through a local emergency management coordinator.

6 Q. Okay.

7 A. I have 10 emergency management programs in my district
8 in Southwest Michigan and, normally, if there is an incident of
9 some type, I'm notified by them. Now, sometimes, as in this case,
10 I was notified by operations -- Michigan State Police operations.

11 Q. Okay. So the Michigan State Police operations group
12 notified you?

13 A. Yes, sir.

14 Q. When was that?

15 A. That was on Monday --

16 Q. Okay.

17 A. -- the 26th and I'm thinking the time was about 3:15
18 p.m.

19 Q. Okay. All right. And basically you --

20 A. I can get the exact time for you.

21 Q. That's fine. We're just at generalities at this point.

22 A. Okay.

23 Q. From what you were notified of the situation from the
24 operations -- is it a branch or department with the State Police?
25 Operations Branch?

1 A. It's -- well, operations -- Michigan State Police
2 operations is 24/7 --

3 Q. Okay.

4 A. -- a desk, and they field all calls for support from --

5 Q. Okay.

6 A. -- both Michigan State Police and local and county law
7 enforcement. And by specialist units, I mean like dive teams and
8 helicopters and --

9 Q. Okay.

10 A. -- ES teams, our SWAT team.

11 Q. Okay. So --

12 A. K-9s.

13 Q. -- this came through from the operations --

14 A. The operations desk.

15 Q. The operations --

16 A. Yes.

17 Q. -- desk there at around 3:15?

18 A. Yes, sir.

19 Q. And do you recall what the extent of the -- that message
20 that was conveyed at that time to you was?

21 A. Yes. They -- I was told by the lieutenant on duty that
22 there was an extremely large oil spill in --

23 Q. Okay.

24 A. -- Marshall, Michigan. He gave me some of the
25 particulars and said that he would send the NOC list (ph.).

1 Q. Okay.

2 A. I told him I would be in contact with my local emergency
3 management coordinator in Calhoun County.

4 Q. And who was that?

5 A. That's Durk Dunham.

6 Q. Durk Dunham.

7 A. D-u-r-k, D-u-n-h-a-m.

8 Q. All right. He's with Calhoun County?

9 A. Yes, sir.

10 Q. All right.

11 A. Calhoun County Emergency Management. And I immediately
12 left for the scene.

13 Q. Okay. Did -- so you immediately deployed to -- en route
14 to Marshall?

15 A. Yes, sir.

16 Q. Okay. And as far as your responsibilities with the
17 emergency -- or as the emergency management coordinator, what
18 responsibilities do you have at that position with regard to state
19 assets, as far as management of them?

20 A. Typically, if the duty officer for the State Emergency
21 Operations Center has not already been notified, I make that
22 notification.

23 Q. Okay.

24 A. In this case, the lieutenant advised me that the state
25 duty officer had already been advised.

1 Q. Okay. So at this point you were aware, at least to your
2 knowledge, that the State Emergency Operations Center had been --
3 someone up the chain had been notified?

4 A. Yes, sir.

5 Q. Okay. All right. So you got a hold of Mr. Dunham with
6 the --

7 A. Yes.

8 Q. -- Calhoun Emergency Management Group?

9 A. Yes.

10 Q. Or, I guess, the leader department, but what was his --
11 was he aware of the situation at that time?

12 A. Yes, sir.

13 Q. He was?

14 A. Yes.

15 Q. And did he expand further?

16 A. Yeah. Well, he gave me a little more information. He
17 told me he was at the Enbridge office and guided me in there, gave
18 me quick directions.

19 Q. Okay. And what about as far as the extent of the spill?
20 Was he already aware of the extent of the spill at that time, as
21 far as the magnitude or the -- do you recall any other
22 conversation?

23 A. No, I don't.

24 Q. Okay.

25 A. No, I don't.

1 Q. All right. So you departed around 3:15 from Paw Paw?

2 A. Yes, sir.

3 Q. And about what time did you arrive on scene?

4 A. I would have said about 4:00.

5 Q. Okay. And from that point, what was -- from your
6 perspective, what was going on with the site?

7 A. Well, as far as what? I guess I don't understand.

8 Q. Had the site been secured? I mean, as far -- were they
9 taking steps to secure the site from -- you know, along the river
10 as far as -- or assessments being made with regard to the amount
11 of oil, the potential air quality in and around the areas, were
12 water intakes being shut down?

13 A. Well, I went right to the office. At that point in time
14 they were getting ready to start a briefing.

15 Q. Okay.

16 A. You know, an incident briefing. And I know they had a
17 sign-in sheet up, or at least I think they had a sign-in sheet,
18 but I do know that Michigan DNR was there, the DNRE. I believe
19 EPA was there. I'm trying to remember the other agencies that
20 were present. Multiple agents -- agencies. Calhoun County
21 Emergency Management was on the scene.

22 Q. Okay.

23 A. But this was in the office.

24 Q. You say the office. This is the office of Calhoun
25 Emergency Management?

1 A. No. This is the Enbridge office.

2 Q. Oh, the Enbridge office. Okay.

3 A. Yeah.

4 MR. KLABUNDE: Pipeline maintenance shop?

5 MR. REBER: Yes. On Leggitt?

6 MR. KLABUNDE: Yeah.

7 BY MR. BOWLING:

8 Q. Okay. All right. And at that point, there was a brief
9 being performed you said, or conducted?

10 A. They were getting ready to start a briefing, if I
11 recall. Yes.

12 Q. Okay. With regard to the emergency management
13 coordinator, does it fall within your district's office
14 responsibility for the establishment of evacuation orders or
15 securing of water intakes? How does that work with your office?

16 A. Typically, those evacuation orders are issued by local
17 emergency management, by county --

18 Q. Okay.

19 A. -- emergency management.

20 Q. Okay. And so -- but the state would provide assistance
21 or --

22 A. Yes.

23 Q. -- recommendations? Okay.

24 A. Yes.

25 Q. Okay. How strong is your team on site, as far as depth?

1 What do you have from your office currently involved in the
2 Unified Command right now?

3 A. Well, currently, we have myself and one other district
4 coordinator from Grand Rapids.

5 Q. Okay.

6 A. My first lieutenant from Lansing. We have multiple
7 staff here from division.

8 Q. Okay.

9 A. We have a PIO. I can't tell you everyone that's here --

10 Q. Right.

11 A. -- but they're coming and going.

12 Q. Okay. As far as the deployment and utilization of state
13 assets, whether they're uniformed officers doing crowd control or
14 traffic management or site preservation or whether it's state
15 first responders, do you facilitate and coordinate that or is that
16 done --

17 A. No.

18 Q. How is that done within the state organization?

19 A. That's usually done through operations.

20 Q. Through Operations Branch?

21 A. Yes, sir.

22 Q. Okay. So then you're working in coordination with the
23 State Operations Center or the Michigan State Police --

24 A. Yeah.

25 Q. -- Operations Center?

1 A. You know, I think we need to clarify that question
2 because on a typical day-to-day basis I'm not involved with --

3 Q. Okay.

4 A. -- deployment of uniforms to a site.

5 Q. Okay.

6 A. That would be operations.

7 Q. Okay.

8 A. I'm not a uniform guy.

9 Q. Right.

10 A. I'm -- yeah.

11 Q. Doing the suit and tie thing now.

12 A. Right.

13 Q. Yeah.

14 A. Right.

15 Q. But now, as far as the calls for the deployment of
16 those, that is made up the operations' chain of command?

17 A. Usually. Yes, usually.

18 Q. Okay.

19 A. That would be made at a higher level based upon
20 recommendation and request --

21 Q. Okay

22 A. -- of local emergency management. If local emergency
23 management cannot address the incident, address the problem with
24 the resources that they have, with the manpower that they have,
25 then they typically ask for a local declaration, an emergency or

1 disaster declaration, they ask the state for assistance.

2 Q. Okay.

3 A. And vice versa -- and, you know, to add onto that, the
4 state, if it recognizes that it doesn't have the resources that it
5 needs, the governor will ask for a presidential declaration.
6 Obviously, that's for federal resources.

7 Q. Right. Has the state declared this a disaster?

8 A. The -- yes.

9 Q. The governor has?

10 A. The state has. Yes.

11 Q. Right.

12 A. And they're asking for federal.

13 Q. All right. And that federal request hasn't been
14 answered yet, or do you know?

15 A. I don't.

16 Q. Okay.

17 A. To the best of my knowledge, it has not.

18 Q. All right. The database that, I think Captain Sands had
19 talked to me earlier today, referred to as E Team.

20 A. Yes.

21 Q. What is that an acronym for?

22 A. I can tell you what it is.

23 Q. All right.

24 A. It is an incident management system that the state
25 purchased and uses for all critical incidents. It has a training

1 site on it that we use for exercises.

2 Q. Okay.

3 A. It's a web-based system, which allows trained and
4 passworded users to access from wherever they want.

5 Q. Okay. As far as the state's -- from the perspective of
6 your office, actually, the emergency management coordinator,
7 where's your comfort level with the assets being deployed to
8 mitigate the spill at present? Are you -- do you feel the assets
9 are in place? Do you feel you need more? Do you feel there are
10 too many here?

11 A. Obviously, living and working in this area, I would have
12 liked to have seen a lot more resources because the people that
13 are being affected are people that I know.

14 Q. Okay.

15 A. And, of course, my number one concern is the health and
16 safety of the public that I serve. So when you ask that question,
17 I would say probably it wouldn't matter how many resources were
18 deployed, it's not enough.

19 Q. Right. Yeah. And it's always --

20 A. I apologize for that. That's --

21 Q. No. No. That's --

22 A. Because I allowed personal feelings --

23 Q. Yeah.

24 A. -- to get in there, but I am more -- yes. I'm
25 definitely more comfortable now that I see some improvement in the

1 situation. Yes.

2 Q. Well -- and on that topic, I want -- this was the 26th
3 of July or Monday when you basically -- somewhere around 1600, you
4 were on site at the PLM office, which is the pipeline maintenance
5 office on Leggitt Road, I guess. That's what they call it, the
6 Enbridge office there; it's PLM, right, is what they call it?

7 MR. KOVAL: Yeah. Pipeline maintenance. Right.

8 MR. KLABUNDE: Correct.

9 BY MR. BOWLING:

10 Q. When you were on that -- on site there, you mentioned
11 that you looked around and you saw some persons from other
12 agencies and I think you mentioned, you said that there was
13 possibly somebody from the EPA?

14 A. I --

15 Q. Do you recall?

16 A. Possibly, but I can't say for sure.

17 Q. Okay.

18 A. That may have been the next day.

19 Q. Okay.

20 A. That may have been the next day.

21 Q. So that would have been Tuesday possibly?

22 A. Yeah. Again --

23 Q. Yeah.

24 A. -- I would just check those sign-in sheets.

25 Q. We're going to grab those up. In fact, I think --

1 A. Yeah.

2 MR. BOWLING: Are you making us a copy of those, the
3 sign-in sheets for the Enbridge briefs on Monday -- this is Larry
4 Bowling and I'm asking our Enbridge rep.

5 MR. KLABUNDE: I -- has it been it requested? I don't
6 know.

7 MR. BOWLING: No. We'll put it on there.

8 MR. KLABUNDE: Not at this time if it --

9 MR. BOWLING: Okay.

10 MR. KLABUNDE: -- hasn't been requested --

11 MR. BOWLING: I didn't know --

12 MR. REBER: The ones to check, there were two -- and
13 again, I apologize --

14 BY MR. BOWLING:

15 Q. No problem.

16 A. -- because my days are running together. But Jeff
17 Kimball (ph.) from EPA and a compatriot were there and I don't
18 recall if that was late Monday night, the 26th, or -- you know,
19 when I first saw them.

20 Q. Right.

21 A. Or if it was maybe the next day.

22 Q. Okay.

23 A. But Jeff can tell you. Yeah.

24 Q. All right. Well, do you recall -- Jeff Kimball with EPA
25 was on site. What about -- you said there was somebody else from

1 the EPA that you recall seeing?

2 A. He had a partner with him.

3 Q. Okay.

4 A. Yeah. And I don't remember his name.

5 Q. All right.

6 A. Right.

7 Q. As far as the Coast Guard assets, when's the first time
8 you recall seeing Coast Guard assets on site?

9 A. I don't recall that.

10 Q. That's fine. EPA assets, we mentioned -- and when I say
11 assets, I'm referring to either vehicles, equipment or in this
12 case, personnel. Jeff Kimball was at that meeting.

13 A. Yes. If I recall correctly.

14 Q. Okay.

15 A. I believe he was. Yes.

16 Q. At the Enbridge facility. Maybe he had a teammate or an
17 assistant with him, another person with the EPA team.

18 A. Yeah. And again, I don't remember if that was on the
19 26th or the 27th.

20 Q. Okay. At that point, from your understanding, who was
21 running -- who was lead in response to the spill, EPA or the
22 company?

23 A. Enbridge.

24 Q. Enbridge. Okay. And why do you say Enbridge? Why was
25 it -- that clear?

1 A. They had started -- well, actually, at that very first
2 meeting, they had started drawing up an incident command system --

3 Q. Okay.

4 A. -- with people, you know, filling in the appropriate
5 personnel. The spokesperson for the briefing was from Enbridge.

6 Q. Okay.

7 A. Yeah, yeah. I would say Enbridge was in charge --

8 Q. Okay.

9 A. -- of the response and recovery. At that time it was
10 response.

11 Q. Did the -- at any time did the EPA make any
12 announcements about their game plan, their future response plans,
13 how many resources they were bringing in or what their intentions
14 were that you recall?

15 A. Well, those may have been in meetings that I was not
16 privy to.

17 Q. Okay.

18 A. But I know that they did -- EPA was acting in a way as
19 oversight. At least, I got that impression --

20 Q. Right.

21 A. -- that they were monitoring what was going on and they
22 did make some recommendations. What recommendations they made
23 exactly, I can't tell you.

24 Q. Okay. And Jeff Kimball would be the person to --

25 A. Yes, Jeff Kimball and if I -- the other guy, I've seen

1 on nights here. He's working the -- but yeah, there was a pair.

2 I apologize for not remembering his name.

3 Q. No, that's fine. We blindsided you with the interview,

4 so --

5 A. Well, the problem is you just -- during the course of an

6 event like this, you meet so many people and it's just --

7 Q. And it's endless.

8 A. Right.

9 Q. There's no break. I understand.

10 I think, from the standpoint of my questions, actually,

11 that's been very helpful and that fills in some gaps. Let me see

12 what the NTSB team may --

13 MR. BOWLING: Do you have anything, Chuck, specifically?

14 MR. KOVAL: No.

15 MR. BOWLING: Okay. Enbridge?

16 BY MR. KLABUNDE:

17 Q. Just, I guess, to -- point of clarification. So you

18 said around 3:15 on the 26th, you feel was the date you were

19 notified and you arrived at the PLM around 4:00?

20 A. Yeah.

21 Q. And at that time --

22 A. I'm sorry. Yes.

23 Q. And at that time you said Enbridge was setting up a

24 command post or incident command center of some kind?

25 A. I think. Yeah. It looked like they were starting to

1 get organized. I immediately -- my first responsibility with
2 something like that is to speak with my local emergency management
3 coordinator, be briefed by him and then, whoever else I can find
4 additional information from. Yeah. But it did look like it was
5 starting to get a little organization there. Yeah.

6 Q. Okay. I was just kind of trying to confirm the dates
7 because I know you had said you couldn't recall if it was the 26th
8 or 27th, but that --

9 A. Well --

10 Q. But that was really to whether or not you saw the EPA
11 there the 26th or --

12 A. Right.

13 Q. -- 27th.

14 A. Right. And maybe -- there was some organization and I
15 believe there was a spokesperson for Enbridge that night. If you
16 give me a couple minutes, I may have his name -- a card.

17 MR. BOWLING: Yeah, if you don't mind. Why don't we
18 break up for the interview now and we'll be here. I guess --

19 MR. REBER: Or if he can just mention --

20 MR. KLABUNDE: I wasn't here at the time, so --

21 MR. REBER: Okay. I thought --

22 MR. KLABUNDE: -- that's for --

23 MR. REBER: Okay. I thought I recognized you from being
24 there.

25 MR. BOWLING: For the record, Duane came in from North

1 Dakota --

2 MR. REBER: Okay.

3 MR. BOWLING: -- so he's kind of like coming in after us

4 too --

5 MR. REBER: Okay.

6 MR. BOWLING: -- before us, but after the incident.

7 MR. REBER: All right.

8 MR. BOWLING: But, Duane, you had another question?

9 MR. KLABUNDE: No. No, I don't.

10 MR. BOWLING: Okay. Chuck?

11 BY MR. KOVAL:

12 Q. Was Durk Dunham at that meeting?

13 A. Yeah. Yes, sir.

14 Q. Did he speak at that meeting?

15 A. The first night?

16 Q. Yes.

17 A. I don't recall if he did not or not.

18 Q. Okay. The second meeting then, I was there.

19 A. Yeah.

20 Q. And he --

21 A. I know of you.

22 Q. -- spoke.

23 A. Yeah.

24 BY MR. BOWLING:

25 Q. Barry, I think at this point -- I know you've got 100

1 things to do and I -- you actually -- it's been brief, but you
2 filled in a lot of good gaps --

3 A. Well, I hope so.

4 Q. -- for us.

5 A. I hope so.

6 Q. Before I wrap up the interview, I always turn the floor
7 over and you're probably a better interviewer than I am, of
8 course, with this experience level that you have, but I like to
9 turn the -- let the interviewee become the interviewer.

10 A. I just --

11 Q. Did we miss anything?

12 A. I -- it was very general.

13 Q. Okay.

14 A. If you -- I would think that you would want more
15 specific information and so much of that is going to be in E Team.
16 I am more than willing -- I mean, you guys know where I'm at. If
17 you need any more information during the course of investigation,
18 I'm here.

19 Q. We're probably going to get up to the EOC tomorrow.

20 A. Yeah.

21 Q. I just talked to our boss and he thought we could do
22 better things with our resource hours, but I think that we need to
23 get up there --

24 A. Well --

25 Q. -- just to get the E Team data alone.

1 A. -- it's a wealth of information.

2 Q. Right.

3 A. Just a wealth of information.

4 Q. So I think we'll do that, but if you run across that
5 card, please call me or -- and I'll come down and get it.

6 A. Larry Fredell (ph.)?

7 Q. Fredell.

8 MR. KLABUNDE: Tom.

9 MR. REBER: Tom Fredell. Okay. See, when you quit
10 trying to think about it, then that's when it comes to you.

11 MR. BOWLING: All right. Well, we'll go ahead and end
12 the interview and it was 23 minutes, so that's not bad. We're
13 doing good.

14 MR. REBER: Well, I appreciate it.

15 (Whereupon, at 11:55 a.m., the interview was concluded.)

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