

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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HOUSE EXPLOSION IN FIRESTONE,  
COLORADO, APRIL 17, 2017

\* Accident No.: DCA17FP005

\* \* \* \* \*

Interview of: MIKE LEONARD

Frederick-Firestone Fire Protection  
District Business & Education  
Center  
8426 Kosmerl Place  
Longmont, Colorado

Thursday,  
July 27, 2017

## APPEARANCES:

RAVI CHHATRE, Investigator in Charge  
National Transportation Safety Board

GBENGA AJIBOYE, General Engineer  
Pipeline and Hazardous Materials Safety Administration  
(PHMSA)

DAVID PUCETTI, Fire Investigator  
Frederick-Firestone Fire Protection District

DOUG PRUNK, Division Chief of Life Safety  
Frederick-Firestone Fire Protection District

DAVID McBRIDE, Vice President of Health, Safety &  
Environment  
Anadarko Petroleum Corporation

MATTHEW LEPORE, Director  
Colorado Oil & Gas Conservation Commission  
(On behalf of Mr. Leonard)

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I N T E R V I E W

1  
2 MR. CHHATRE: Good afternoon. Today is Thursday, July 27,  
3 2017. We are currently at Frederick-Firestone Fire Protection  
4 District's Business and Education Center, located at 8426 Kosmerl  
5 Place, Longmont, Colorado. We are meeting regarding the  
6 investigation of explosion of house located at 6312 Twilight  
7 Avenue, Firestone, Colorado, that occurred on April 17, 2017. My  
8 name is Ravi Chhatre. I am with National Transportation Safety  
9 Board located in Washington, DC., and I'm Investigator in Charge  
10 for this accident. The NTSB investigation number for this  
11 accident is DCA17FP005.

12 I would like to start by notifying everyone present in this  
13 room that we are recording this interview, and we may transcribe  
14 it at a later date. Transcripts will be provided directly to the  
15 Interviewee for review and identifying any typographical errors.  
16 The transcripts may be posted in NTSB's public docket.

17 Also, I would like to inform Mr. Mike Leonard that you are  
18 permitted to have one other person present with you during the  
19 interview. This is a person of your choice, your supervisor,  
20 friend, family member or if you choose, no one at all.

21 Please state for the record your full name, spelling of your  
22 name, organization you work for and your title, your business  
23 contact information such as mailing address, and whom you have  
24 chosen to be present with you during your interview.

25 MR. LEONARD: Mike Leonard. That's M-i-k-e L-e-o-n-a-r-d.

1 I'm the Quality Assurance Professional for the Colorado and Gas  
2 Conservation Commission. Denver address is [REDACTED]  
3 [REDACTED] Cell phone number [REDACTED]. E-mail  
4 address is [REDACTED] And I've chosen  
5 Matt Lepore to be here during the interview.

6 MR. CHHATRE: Thank you for that.

7 Now I would like to go around and have each person introduce  
8 themselves. Please state your name, spelling of your name, your  
9 title and the organization that you represent and your business  
10 contact information, starting from my left.

11 MR. AJIBOYE: My name is Gbenga Ajiboye, G-b-e-n-g-a  
12 A-j-i-b-o-y-e. I'm a general engineer with the Office of Pipeline  
13 Safety, Western Region PHMSA. My contact number is [REDACTED]  
14 [REDACTED], and my e-mail is [REDACTED].

15 MR. PRUNK: Doug Prunk, Fire Investigator, Frederick-  
16 Firestone Fire Department, [REDACTED],  
17 [REDACTED], [REDACTED].

18 MR. PUCETTI: Dave Pucetti, Frederick Firestone Fire  
19 Protection District, Fire Investigator. Last name is  
20 P-u-c-c-e-t-t-i. Mailing address is [REDACTED],  
21 [REDACTED]. Phone number is [REDACTED].

22 MR. LEPORE: Matt Lepore, Director of the Colorado Oil and  
23 Gas Conservation Commission, [REDACTED],  
24 Colorado,  
25 80203. Telephone [REDACTED]. E-mail [REDACTED].

1 And I am also here as the representative for Mr. Leonard.

2 MR. McBRIDE: David McBride, Vice President, Health, Safety  
3 and Environment for Anadarko Petroleum Corporation. Phone number  
4 [REDACTED]. It's [REDACTED]. Physical  
5 address [REDACTED].

6 MR. CHHATRE: Thank you very much.

7 INTERVIEW OF MIKE LEONARD

8 BY MR. CHHATRE:

9 Q. Mr. Leonard, for the record, tell us your education  
10 background your experience.

11 A. I've had some college. Ten years experience on well  
12 servicing and completion service units, rigs. Three years as  
13 District Manager for Flynn Engineering in Southeast Colorado,  
14 overseeing well servicing and completion rigs, and well field  
15 construction crews. Thirteen years in oil field construction,  
16 direct construction, direct oversight of crews. Certificates, I  
17 hold several FEMA Incident Command certificates. I hold a  
18 certificate from Top Corp. It's a collaboration of University of  
19 Pennsylvania, University of Texas, Austin, and Colorado School of  
20 Mines for regulatory inspection. Hold -- I have certificates in  
21 opacity, odor recognition and stormwater management inspection. I  
22 also have almost 10 years in volunteer firefighting and EMS.

23 Q. Okay. That's quite impressive. Tell me in your current  
24 capacity what are your duties at the COGCC?

25 A. My duties vary quite a bit. Start with tasks as assigned.

1 Sorry. I do all the initial training of the new inspectors,  
2 monitor their progress, their processes, review all the standard  
3 operating procedures for the Field Inspection Group. I'm the OIT  
4 liaison between the Field Inspection Group and the OIT Group. I  
5 also liaison between the Inspection Group and the Engineering  
6 Group and the Environmental Group.

7 UNIDENTIFIED SPEAKER: Tell him what OIT is.

8 MR. LEONARD: Office of Information Technology. I'm sorry.  
9 OIT.

10 BY MR. CHHATRE:

11 Q. Have you done any inspections yourself?

12 A. Yes, I have.

13 Q. And the well in question near the ground zero, have you  
14 inspected that well in your capacity in the past?

15 A. I inspected it recently after the -- yes.

16 Q. Okay. But not before?

17 A. No.

18 Q. Now during your typical inspection how long, I mean, do you  
19 do inspections per well, per operator? How does that work?

20 A. Inspections are per location.

21 Q. Say that again.

22 A. They are per location.

23 Q. Okay. Okay.

24 A. So there would be an inspection of the well, and then an  
25 inspection of the related tank battery or facility for that well.

1 Q. So the well itself and the related tank battery for the well?

2 A. Correct.

3 Q. Okay. And typically what is involved in the inspection?

4 If there is something that's typical.

5 A. A typical inspection involves overall observation for trash,  
6 debris, weeds, stormwater issues, leaks both visible, audible,  
7 inspection the production to make sure the production reporting is  
8 up and current, any previous inspections that may have had  
9 findings, to see if those findings were corrected.

10 Q. Okay. So just walk me through a inspection of a well. So  
11 you arrive. Do you -- after you do your inspection, what happens  
12 next?

13 A. So all our inspections are submitted electronically. We have  
14 an inspection form that is designed to walk an inspector through  
15 an inspection. So each tab in that inspection form has certain  
16 areas that need to be filled out to either remind or to document  
17 all what the inspector sees.

18 Q. So it's like a standard --

19 A. We have a, yes, we have a standard electronic form that's in  
20 every -- every inspector has the same form in their computer.

21 Q. And each field is required to be completed?

22 A. Not each field is required to be completed. Each field that  
23 is pertinent to that inspection. Because there are certain fields  
24 in there that are related to the Environmental Group. So when  
25 it's -- and they're pertinent to environmental inspections.



1 Q. Okay.

2 A. Okay.

3 Q. So can we request a blank sheet? Mail it to me.

4 A. That is difficult for us to do unless Mr. Lepore has already  
5 done that. Because it's held in the -- it's held in our computers  
6 in a Microsoft format that it's hard to -- it prints out as a PDF  
7 not --

8 Q. I'll be happy using a printed copy too. It doesn't matter.  
9 It doesn't have to be electronic.

10 A. There's no other way to send it other than electronic.

11 Q. Okay. That is fine too.

12 A. Yeah.

13 Q. What I'd like is just a typical blank and maybe typical  
14 filled.

15 A. Okay. I can provide you with the guidance document --

16 Q. Okay.

17 A. -- on how to fill out a form.

18 Q. Great, okay.

19 A. Okay.

20 Q. Can you also provide me a typical filled form on the wells  
21 and battery?

22 A. So you would like one that was already filled out?

23 Q. Yeah. I mean I --

24 A. Non-specific, but to see, yeah, okay.

25 Q. Yeah.

1 A. Yes, I can do that.

2 Q. Yeah. Okay. Go ahead. So you look for all these things,  
3 and you find deficiency or you find problems. What happens next?

4 A. So if a deficiency, a potential noncompliance is found,  
5 there's a place on the form a comment can be made, and then a  
6 corrective action can be issued.

7 Q. Okay.

8 A. And then a corrective action date is applied. We do have a  
9 standard corrective action matrix, which is available on our  
10 website for many of the common noncompliance issues. We follow  
11 that standard language and that date.

12 Q. Okay. And besides asking the operator to correct it, do you  
13 issue fines for them for failing to meet the requirements or?

14 A. The Field Inspection Unit does not issue fines. We will do a  
15 follow-up inspection. At the time of that follow-up inspection,  
16 if the noncompliance issues have not been met, they may or may not  
17 be referred for enforcement. It depends on the severity.

18 Q. Okay. So if an operator has a noncompliance, the first  
19 chance operator has just to correct it. There is no financial  
20 consequences for them for failing. They all know what is  
21 expected, right?

22 A. There are some infractions that are referred to enforcement  
23 immediately.

24 Q. Okay.

25 A. Okay. There's an enforcement matrix that has been published

1 by the COGCC that would be a Class 3 violation. It's a mandatory  
2 referral for enforcement.

3 Q. Okay. And who does the enforcement?

4 A. Our --

5 Q. You are the inspector. You find a --

6 A. Correct. We have an Enforcement Group.

7 Q. And they do that.

8 A. Yes.

9 Q. Okay. And do you know do they assess any financial fines to  
10 the operators?

11 A. So the Enforcement Group has to go through the process of  
12 issuing the Notice of Alleged Violation, and then the operator is  
13 issued the Notice of Alleged Violation, and then there's a  
14 consultation period. I mean, I don't know quite how to explain  
15 this, but there's a period the Enforcement Group says this is the  
16 fine. The operator can agree to an administrative order on  
17 consent or they can say, no, we didn't do that, and they can have  
18 a full hearing in front of the Commission.

19 Q. Okay. So the -- does the Enforcement Group do they need  
20 somebody else's approval before they can levy the fine?

21 A. For the --

22 Q. I do not understand --

23 A. -- the Enforcement Group does not levy the fine. The  
24 Enforcement Group -- what's the word I'm looking for?

25 Q. Recommends.

1 A. Recommends. Well, not recommends, but is saying staff  
2 recommends that the Commission finds this. The Commission  
3 actually levies the fine.

4 Q. Okay. And tell me about the Commission. Are these elected  
5 people, nominated people?

6 A. They're appointed by the Governor. There's a specific --  
7 there's specific parameters that they must fit into, okay. And  
8 that's all on the website. They're nominated by the Governor and  
9 appointed, and approved by legislature.

10 Q. Okay. And how many are on the Commission?

11 A. There are 11, 12.

12 UNIDENTIFIED SPEAKER: Nine.

13 MR. LEONARD: Nine. Sorry.

14 BY MR. CHHATRE:

15 Q. Nine. Okay. Nine commissioners.

16 A. It changes so often.

17 Q. Okay.

18 A. Sorry.

19 Q. That's okay.

20 UNIDENTIFIED SPEAKER: It hasn't changed since 2008,  
21 but --

22 MR. LEONARD: Well, yeah.

23 BY MR. CHHATRE:

24 Q. So nine commissioners, and do they have to vote in public or  
25 they vote in private?

1 A. It's all vote in public.

2 Q. Okay. And the majority carries or you need two-third or how  
3 does that work?

4 UNIDENTIFIED SPEAKER: If you don't know, say you don't know.

5 MR. LEONARD: I don't know.

6 BY MR. CHHATRE:

7 Q. Okay. That is fine.

8 A. Yeah, I --

9 Q. (Indiscernible) okay. Now tell me how often the Enforcement  
10 Group's recommendation is approved by the Commission?

11 A. I don't know. I don't have that --

12 Q. So and then -- inspector really never know what happens to  
13 his or her recommendation.

14 A. An inspector is part of the process. We are considered the  
15 Technical Advisement Team, okay. So we're part of the process.  
16 We would know at the end whether it was approved or not approved  
17 or it went to a fine or not to a fine.

18 Q. But do you have to testify to the Commissioners before they  
19 make their decision?

20 A. At times.

21 Q. I mean, when I say you, I'm talking about the inspector  
22 who --

23 A. Yes.

24 Q. -- made the recommendation.

25 A. There is a potential for that, yes.

1 Q. But not -- they don't always -- you don't have to be there.  
2 They don't listen to the inspectors per se?

3 A. Oh, yes, they do. Yeah.

4 Q. But if you are not required to appear, how would they listen?

5 A. It would be up to the Enforcement Group whether to ask the  
6 inspector to be there or not.

7 Q. Okay. And the Enforcement Group is appointed or is career  
8 employees?

9 A. They're staff.

10 Q. They are staff. Okay. And who do they report?

11 A. They report to their manager, who reports to Mr. Lepore.

12 Q. Okay. Maybe just make a note for -- maybe you can --

13 A. You want, you want --

14 (Simultaneous comments.)

15 A. -- the org chart? You've got the org chart.

16 UNIDENTIFIED SPEAKER: The org chart you requested  
17 previously, and it's been provided.

18 MR. CHHATRE: Yeah. It's there. Okay, great. That helps.

19 BY MR. CHHATRE:

20 Q. Now in your case, you have been there for a long, long time.  
21 Do you remember how many times your recommendation for a fine was  
22 made against any operator, and what percentage of that was carried  
23 through the Commission?

24 A. I don't remember.

25 Q. Do you know if any had happened?

1 A. Yes. There have been, yes.

2 Q. It did happen. Okay.

3 A. Yes.

4 Q. Do you remember anybody has asked for any fine against  
5 Anadarko?

6 A. Yes.

7 Q. And was that carried through?

8 A. There have been, yes.

9 Q. Okay. Now part of the inspections, and this will be any  
10 inspector, are they required to check the well head piping or all  
11 the -- I guess well have different piping, flow lines, return  
12 lines, whatever the terminology may be, that Point A to Point B  
13 like from well to the battery, does it match? Is that a part of  
14 inspection?

15 A. No.

16 Q. So the operator can have like in this case a pipeline -- a  
17 pipe missing from the well head going to the battery because the  
18 1-inch return line is showing on the well in question that there  
19 is no 1-inch coming to the battery. Is that a part of the  
20 inspection that to make sure everything is functioning properly as  
21 designed or not?

22 A. No.

23 Q. So the errors on the operator's part will not get caught  
24 pretty much.

25 A. There's no way to know if it's an error or not.

1 Q. That's what I'm saying. You are not looking at it. So if  
2 there is an error, it will not get caught. I'm not saying there  
3 is error every time, but if there is an error it may --

4 A. Potentially, no.

5 Q. Okay. So as far as the wells go, tell me (indiscernible)  
6 each well location is required to be fenced?

7 A. No.

8 Q. Does the COGCC consider that as a potential hazard situation?

9 A. There are fencing rules in place, but those are determined by  
10 when the well was drilled and where the well is at and surface  
11 owner request.

12 Q. Okay.

13 A. So there are fencing requirements in place, yes, but there  
14 are various other caveats that fall into that.

15 Q. Can you elaborate? And the reason I'm asking you, I'll be  
16 very specific. I mean I -- coming here I just saw a well right in  
17 the middle of the road, absolutely no fence at all with a ladder  
18 going up --

19 A. Okay.

20 Q. -- 10, 15 feet.

21 A. I can speak to that specific well.

22 Q. Okay. Go ahead.

23 A. It was drilled prior to the requirement to -- it was drilled  
24 prior to the building of the development around it, so it is not  
25 considered a setback area.



1 Q. But the risk is still the same, is it not?

2 A. All I can speak to is the rule.

3 Q. That's what I'm asking you. The rule, the rule for fences  
4 consider this, right? Otherwise why would you require a fence?

5 A. I have to agree, but the rule is written to --

6 Q. I understand --

7 A. -- that that does not need a fence.

8 Q. -- the rules.

9 A. Yeah.

10 Q. My question for that particular well is the risk is still the  
11 same whether it's built today or it's built 50 years ago.

12 A. Potentially, yes.

13 Q. Okay. But there is no provision in the regulation to have  
14 the fence for each well, whether it's built today or it's built 50  
15 years ago.

16 A. There are provisions for newer fences for newer wells in  
17 certain areas.

18 Q. Okay.

19 A. Yes.

20 Q. In certain areas also, not blanket.

21 A. It's not blanket, no.

22 Q. What areas are required to have fences?

23 A. It's in a designated --

24 UNIDENTIFIED SPEAKER: Can I interrupt?

25 MR. CHHATRE: Sure.

1 UNIDENTIFIED SPEAKER: Would you like to look at the rule  
2 while you answer the question?

3 MR. CHHATRE: Or you can get back to me. I'm not saying you  
4 remember these things, but I just want to kind of --

5 UNIDENTIFIED SPEAKER: Do you know the number of the rule?

6 MR. LEONARD: It is in the 604 series.

7 MR. CHHATRE: Here, hold on. I think I may be able to help  
8 you on that.

9 UNIDENTIFIED SPEAKER: And also for the record, Ravi, we have  
10 provided you a full list --

11 MR. CHHATRE: I understand.

12 UNIDENTIFIED SPEAKER: -- a full stat of COGCC rules.

13 MR. CHHATRE: Some of these things I mean they are -- I just  
14 need an interpretation of the inspector.

15 MR. LEONARD: That's not enough.

16 BY MR. CHHATRE:

17 Q. It's not enough?

18 A. That's pipeline.

19 Q. Okay.

20 A. Fencing rules --

21 Q. Then I cannot help you.

22 A. Fencing rules are in the 604 series.

23 Q. Then I cannot help you. Okay.

24 UNIDENTIFIED SPEAKER: Do you want to look through the  
25 computer?

1 MR. LEONARD: I don't have to.

2 UNIDENTIFIED SPEAKER: All right.

3 MR. LEONARD: Because it's in the 604 designated setback area  
4 rules, and it has to be in a designated setback area. And if the  
5 well was not drilled prior to 2009, it is not --

6 BY MR. CHHATRE:

7 Q. That's all right, you can just get back to me on that. I  
8 don't need the answer right now. I just -- as long as I can get  
9 it. Okay.

10 A. Yeah.

11 Q. Yeah, some of these things can be complicated, and nobody is  
12 expected to remember each section of the rules. So I just want to  
13 make sure there's rule or there may not be rule. That's all I'm  
14 looking at, at this point. Okay. So if you find infraction, how  
15 much time an operator is given to correct the infraction?

16 A. It depends on the infraction.

17 Q. Okay. So you notify the -- again, when I'm saying you, I'm  
18 talking about the inspector notifies the operator that these are  
19 the infractions. And when operator collects those, they submit  
20 something to you, to COGCC, that is corrected, not corrected  
21 or?

22 A. We have an avenue. We have an electronic form that's called  
23 a Field Inspection Response Report. The operator can send an  
24 electronic form saying they have corrected that particular or  
25 those particular infractions.

1 Q. Can the operator, I guess, dispute the citations?

2 A. Sure. Yes.

3 Q. So they have the (indiscernible) before you when you proceed  
4 to the fine or enforcement.

5 A. They can dispute it, but it will go to the Enforcement Group  
6 and --

7 Q. They will make the decision.

8 A. Yes.

9 Q. Okay.

10 A. Well, maybe. It may go on to the Commission.

11 Q. Oh, even the dispute about the infraction goes to the  
12 Commission? Okay.

13 A. Yes, it may.

14 Q. Okay. Understand. Now, and this may have (indiscernible)  
15 abandoned lines. What are the really -- what requirement is an  
16 operator wants to abandon a flow line, return line, any of those?

17 A. Currently, they have to notice COGCC that they're abandoning  
18 the line, and then they have to abandon it according to the 1100  
19 Series rules.

20 Q. Okay. And can you just for the record tell us in a nutshell  
21 what the caveat of that rule is or the requirement capping,  
22 filling?

23 A. No. They have to remove it to 3 feet below ground level or  
24 the depth of the line.

25 Q. Okay. And that is after this accident, right, this 3 feet

1 below the ground?

2 A. No. I don't know -- no, the rule was prior to that, but I  
3 don't know when it was put in place.

4 Q. That's fine. It was before that.

5 A. Yes. And they have to seal both ends of it, have to purge  
6 it, make sure there's no product in it, seal both ends of it.

7 Q. Do you roughly know when that rule came into effect?

8 A. I do not.

9 Q. Okay. But it's in the regulations.

10 A. It's in the regulations today.

11 Q. Okay. Do you believe it was -- it existed in 2003? It was  
12 even -- or you don't remember?

13 A. I do not know.

14 Q. Okay.

15 A. I wasn't with the agency then.

16 Q. Oh, okay.

17 A. I started in 2006.

18 Q. Okay. (Indiscernible) I mean the COGCC has jurisdiction only  
19 for flow lines, jurisdiction only for return lines or you have  
20 jurisdiction for all the piping up to? Explain the jurisdiction  
21 to me a little bit.

22 A. I believe COGCC has jurisdiction everything from the well  
23 head to the first point of sale of product.

24 Q. Okay. Every (indiscernible)?

25 A. Yes.

1 Q. Does COGCC clarifies for the operators as to all of the  
2 terminology? Like some agencies will have definition for  
3 different pipe lines -- all the terminology, flow line, return  
4 line.

5 A. There are definitions in our rules.

6 Q. And does that include return lines?

7 A. I don't remember.

8 Q. Okay. Now does COGCC considers return line and flow line  
9 interchangeable, same or different?

10 A. It has been defined recently as the same.

11 Q. Okay. When you say recently you mean before the accident,  
12 after the accident?

13 A. After.

14 Q. Okay. Do you recall that there were distinction before the  
15 accident on these lines?

16 A. I don't recall.

17 Q. Okay. So each inspector has a latitude then to consider  
18 whether they are same, they are different? Either to inspect  
19 these lines or not inspect these lines.

20 A. Correct.

21 Q. Okay. But does COGCC expect the operator to inspect all  
22 piping at a well facility or not?

23 A. Yes.

24 Q. Are the lines required to have cathodic protection if they  
25 are metal lines like steel?

1 A. Cathodic protection is not directly called out in the rules.

2 Q. Okay. Is coating called out in the rules?

3 A. Not directly.

4 Q. Does the rule require them to provide some degree of cathodic  
5 protection or corrosion protection just say?

6 A. The rule requires them to be adequate for their use. I can't  
7 state the rule exactly, but --

8 Q. Okay.

9 A. -- there's no specific engineering, specific engineering  
10 design for the line in the rule. It says it must meet basic  
11 engineering, the engineering standards.

12 Q. So if an operator chooses not to have any corrosion  
13 protection, it will not be an infraction?

14 A. Potentially could be if there were a problem with the line  
15 and they didn't meet the standard. That as the rule is written.

16 Q. Okay. Do you recall any, in the past, any instances where  
17 the flow line, return line had any corrosion issues, the line is  
18 leaking?

19 A. Yes.

20 Q. Can you with all your broad experience can you tell me how  
21 many incidences, what year? Numerous? Under 10, more than 10,  
22 hundreds?

23 A. I cannot. I don't have that, you know, that number.

24 Q. Is there somewhere you can document that, that we can go back  
25 and, you know, find the data that shows at least in that 5 years

1 how many small leaks occurred?

2 A. There is a potential for that, and potentially in the spill  
3 reporting, and with the Integrity Group, yes.

4 Q. So there's an integrity group that will be keeping track?

5 A. Correct.

6 Q. Of those.

7 A. Correct.

8 Q. And is that because of infraction that maybe you guys can  
9 recommend for fine or I mean --

10 A. That would be up to the Integrity Group and the Enforcement  
11 Group.

12 Q. Okay. Let me back up. Has any of the inspectors recommended  
13 the operators to be -- to the Enforcement Group to levy a fine  
14 because they have four leaks in one year?

15 A. I don't know.

16 Q. Is there a guideline that so many infractions from one  
17 operator is pretty serious enough to levy a fine?

18 A. Not to my knowledge.

19 Q. Nothing clearly stated. Is there a requirement in the  
20 regulation that says operator that thou shall operate your  
21 facility safely?

22 A. Yes.

23 Q. Specifically state that?

24 A. Not in those words, but yes, there's a requirement to operate  
25 the facility in a safe manner.



- 1 Q. I'm not trying to put you on the spot, but if there is a  
2 requirement, expectation, how that expectation is conveyed to the  
3 operator if it's not in the rule?
- 4 A. It is in the rule.
- 5 Q. So what -- okay.
- 6 A. If I can see your --
- 7 Q. Oh, absolutely. This one I can help you, right?
- 8 A. Sure. So in 1101B each component of a pipeline shall be  
9 designed and installed to prevent failure from corrosion and  
10 withstand anticipated operating pressure. Okay.
- 11 Q. How they do that is up to them?
- 12 A. Correct.
- 13 Q. Okay.
- 14 A. And then in 1102A, each operator shall take reasonable  
15 precautions to prevent failures, leakage and corrosion.
- 16 Q. Okay.
- 17 A. Okay. So that's how -- safe operation.
- 18 Q. You did a (indiscernible) testing requirement --
- 19 A. Yes.
- 20 Q. -- on the piping that involves the well (indiscernible).
- 21 A. There is a flow line testing requirement.
- 22 Q. Okay.
- 23 A. That's in 1101E.
- 24 Q. Okay.
- 25 A. And they have to be tested to maximum anticipated operating

1 pressure, every year.

2 Q. Every year.

3 A. Yes.

4 Q. And if the line fails, are they required to report it to  
5 COGCC?

6 A. They will report it because it would potentially become a  
7 spill at the time of the failure.

8 Q. But does it say that you have to report it or --

9 A. I don't think it does.

10 Q. Okay. So the line can fail, but COGCC will not know that  
11 potentially.

12 A. Potentially, yes. No.

13 Q. They would not know?

14 A. They would not.

15 Q. Okay.

16 A. Yes.

17 Q. Now, again, after the accident now you treat everything same,  
18 but what about the return lines? Are the return lines special  
19 tested?

20 A. Yes, now.

21 Q. No. I mean before the accident.

22 A. Probably not.

23 Q. And to be honest with you, I didn't make it clear. All my  
24 questions are really referring to before the accident.

25 A. Okay.

1 Q. Nothing after the accident. Because that's the future,  
2 right? What existed at the time of the accident is what I'm  
3 interested in.

4 A. Before the rule said -- before the accident, the rule said  
5 all flow lines had to be tested.

6 Q. And you said you already had the guidelines for what is  
7 considered flow line for the operators, right? Before the  
8 accident.

9 A. We have a definition of flow line. That's in our  
10 definitions.

11 Q. So return line -- you as an inspector, does that return line  
12 meets the requirement for flow line or it does not?

13 A. I don't remember the exact definition. I'd have to read the  
14 definition.

15 Q. Okay. But you guys never -- as an inspector, you never  
16 inspected the return line or treated return line as a flow line.

17 A. That's correct. We did not.

18 Q. Okay. So I guess is it reasonable to assume that COGCC did  
19 not treat return line for the pressure testing?

20 A. I can't speak for all of COGCC. All I can speak for is what  
21 I've done and what I've related --

22 Q. The reason I ask you that because you are the trainer.

23 A. Correct.

24 Q. And that's -- so whatever you tell them is kind of going to  
25 be followed, right?

1 A. That's correct.

2 Q. That's the only reason I asked you that question  
3 (indiscernible).

4 A. Yeah.

5 Q. So I guess it is reasonable to say that you did not tell them  
6 treat it the same way?

7 A. That's correct.

8 Q. So it is reasonable to assume that, and they would not be  
9 treating that the same way?

10 A. That would be correct.

11 Q. Okay. Is it a multi-year requirement for the flow lines that  
12 it has to be carbon steel, plastic?

13 A. The requirement is it has to handle whatever --

14 Q. Okay.

15 A. -- material and pressure --

16 Q. But not specific --

17 A. There's no specific --

18 (Simultaneous comments.)

19 Q. -- the operator to do that.

20 A. To engineer their own line, yes.

21 Q. Okay. This is the last question for me, and I'm passing on.  
22 The statistics, the data, do you guys keep statistics of the  
23 events that -- not like this, I mean, this is a major accident,  
24 but if there is a product that leaked several barrels of fluid,  
25 some pinhole leaks or there's a small fire with no fatality? Are

1 those documented?

2 A. So there are, there are two documentations. There is a spill  
3 report for spills, and then accident reports as well are  
4 documented in a separate form.

5 Q. Okay.

6 A. Supplied by the operator.

7 Q. And do you keep statistics for the operators that this is my  
8 problem operator have too many leaks on the flow lines or this is  
9 a good operator, no leaks?

10 A. I don't, no.

11 Q. I mean, when I say --

12 A. And the reason I say I don't know is I don't keep those  
13 statistics.

14 Q. But does the COGCC keep that?

15 A. I don't know if any of the other groups do or not.

16 Q. And does the form have some way of documenting that there are  
17 leaks and the operator -- I'm just trying to get the leak report  
18 -- to be specific for Anadarko are there too many leaks or no  
19 leaks or?

20 A. Well, first of all, the word too many is confusing.

21 Q. Because --

22 A. That's relative.

23 Q. But to me anything more than one is too many. Because --

24 A. Okay.

25 Q. Every operator should be --

1 A. Let me back up. You could find out how many leaks Anadarko  
2 had.

3 Q. Okay. Great. And that's all I have.

4 A. Okay.

5 MR. LEPORE: Ravi, I'm sorry. You guys weren't here. I have  
6 to leave, in like 13 minutes. So if we could break with the  
7 traditional format, could I ask some follow-up questions of Mike  
8 that relate to your questions?

9 MR. CHHATRE: Absolutely.

10 MR. LEPORE: Rather than go around.

11 MR. CHHATRE: Sure.

12 MR. LEPORE: Okay. Because it's hard to --

13 MR. CHHATRE: Now let me ask you this.

14 MR. LEPORE: Yeah.

15 MR. CHHATRE: Do you prefer, I mean, I can only ask you, but  
16 I mean do you prefer that we not continue if the person you have  
17 chosen has to leave or?

18 MR. LEONARD: I don't have a problem with it.

19 MR. CHHATRE: Okay, do you, the supervisor?

20 MR. LEPORE: I prefer to be here when you ask him.

21 MR. CHHATRE: Okay. So --

22 MR. LEPORE: And other people do too so.

23 MR. CHHATRE: Okay. So maybe because your time is limited  
24 here, why don't you go ahead and ask your follow-up questions.

25 MR. LEPORE: Yeah, okay.

1 MR. CHHATRE: And then if you have to go, and then we'll  
2 either have to reschedule or do it via phone or teleconference or  
3 something like that. Because and the reason I'm telling everybody  
4 because once I go back on this particular accident, I may not be  
5 able to spend practically significant time at all because I have  
6 something else that -- on my plate that I need to clear up.

7 MR. LEPORE: Sure.

8 MR. CHHATRE: Tomorrow is workable, and if we are done early,  
9 then we can do that. I'm just leaving up to you guys.

10 UNIDENTIFIED SPEAKER: Let's just see how we do. Let's --

11 MR. CHHATRE: Anybody have any --

12 UNIDENTIFIED SPEAKER: Yeah. Let's just do what you need to  
13 do, and we'll go from there.

14 MR. LEPORE: Okay.

15 MR. CHHATRE: Okay. Go ahead. Identify and proceed.

16 MR. LEPORE: My name is Matt Lepore. I'm the Director of the  
17 Colorado Oil and Gas Conservation Commission, and I'm serving as  
18 Mr. Leonard's representative today.

19 Mike, you gave --

20 MR. CHHATRE: I'm sorry to interrupt, sorry. But you are not  
21 asking questions as his representative. You are asking questions  
22 as a party representative.

23 MR. LEPORE: Okay.

24 MR. CHHATRE: Okay. Just want to make sure. As his, as a  
25 person, coming with him you cannot ask any questions to him.

1 MR. LEPORE: Okay.

2 MR. CHHATRE: I just want to make sure for the record.

3 BY MR. LEPORE:

4 Q. When did you start at COGCC?

5 A. October 2006.

6 Q. And would you tell us the different positions you've held at  
7 COGCC since 2006?

8 A. I'm sorry. I should have added that in my experience. I  
9 spent 3 years as a field inspector in eastern Colorado; 4 years as  
10 a field inspection supervisor in southern Colorado; and then the  
11 last 4 or so years as the quality assurance professional.

12 Q. Thank you. You talked about an inspection for that had --  
13 it's electronic. And is that inspection form available to  
14 inspectors in the field when they are doing an inspection?

15 A. Yes.

16 Q. Are there different kinds of inspections that inspectors do?

17 A. Yes.

18 Q. Could you list a few of the different kinds of inspections  
19 that are done?

20 A. There's a standard producing well inspection. There are  
21 drilling inspections. There are stimulation inspections. We do  
22 complaint inspections. If there's a -- work-over operations or  
23 maintenance operations, we do work-over inspections, cementing  
24 inspections.

25 Q. And regardless of the different kind of inspection, do the



1 inspectors use the same electronic form?

2 A. Yes, but different portions of the form.

3 Q. Okay. Thank you. And in which of those different kinds of  
4 inspections that you identified -- let me just say it differently.  
5 Are there some of those different types of inspections where  
6 looking at the well head and the related production facilities  
7 might not be part of the inspection?

8 A. Yes.

9 Q. So, for example, if somebody was doing a stormwater  
10 inspection or a reclamation inspection would they look at the flow  
11 lines and the production facilities?

12 A. Potentially, no.

13 Q. Okay. I think we've agreed to produce the guidance document  
14 for the field inspection report. Is that right?

15 A. That's correct.

16 Q. Okay. And that helps to understand how that form is used?

17 A. Yes. It outlines for the inspector how to use the form, and  
18 what -- when to use what portions.

19 Q. Okay. Are our field inspection reports available online --

20 A. Yes.

21 Q. -- for completed inspections?

22 A. Yes, they are.

23 Q. So if someone wanted to look at inspections of Anadarko wells  
24 over the last umpteen years, they could find those online?

25 A. Yes, they could.

1 Q. Thank you. Does the Field Inspection Report identify  
2 issues of noncompliance?

3 A. Yes.

4 Q. Does the COGCC have an enforcement guidance policy?

5 A. Yes.

6 Q. Is it available online?

7 A. Yes.

8 Q. Do you know whether the COGCC keeps statistics data about  
9 enforcement hearings and orders on an annual basis?

10 A. Yes, I believe so.

11 Q. And do you know if those are available online?

12 A. Yes, they are.

13 Q. You talked a little bit about -- or Ravi asked you about the  
14 inspection process, and then the process that occurs when an  
15 alleged noncompliance is identified. And I want to ask you a  
16 couple of questions about that. You said inspectors don't issue  
17 fines. Is that right?

18 A. That's correct.

19 Q. What does an inspector do when there is an issue of  
20 noncompliance and the operator has failed to correct the  
21 identified noncompliance typically?

22 A. So in the first instance, the inspection report would not  
23 only contain text documentation, it will also contain photo  
24 documentation. A follow-up inspection the issues of noncompliance  
25 would contain text documentation showing -- or observing that the

1 noncompliance had been -- not had been attained, and photo backup,  
2 photo observation would also be included on the report.

3 Q. When an incident of noncompliance is identified, are there  
4 -- is the operator typically given a period of time to come into  
5 compliance?

6 A. Yes.

7 Q. Are those periods of time to come into compliance  
8 standardized?

9 A. In many cases, yes.

10 Q. So on the Field Inspection Report, would it indicate to the  
11 operator the time in which they were expected to come into  
12 compliance for a given noncompliance issue?

13 A. Yes.

14 Q. And if they came into compliance within that period, what  
15 would happen?

16 A. The follow-up inspection report would indicate that the  
17 corrective actions had been met.

18 Q. Would there be enforcement at that point, further  
19 enforcement?

20 A. In most cases, no. There are cases where enforcement may in  
21 a mandatory situation, a mandatory -- where am I -- in the  
22 enforcement matrix if it was mandatory potentially there could  
23 still be enforcement even though that was met.

24 Q. Okay. I want to come back to that distinction between those  
25 mandatory violations and the others, but I want to finish this

1 other part first which is so we've talked about the scenario where  
2 operator does come into compliance within the allotted time. Now  
3 let's talk about the scenario where the operator does not come  
4 into compliance within the corrective action phase. What happens  
5 in that case? So I've given the operator X number or X amount of  
6 time to correct. We go back, inspect. They are still not in  
7 compliance. Now what happens?

8 A. So that -- first of all the corrective action date is not  
9 extended by the inspector. Usually contact is made with the --  
10 another inspection report is made. Documentation showing  
11 noncompliance. And there are the three levels of mandatory -- or  
12 two levels of mandatory and discretionary enforcement, depending  
13 on the issue. Usually the operator is contacted by the inspector  
14 to find out why compliance was not made.

15 Q. And what happens after that?

16 A. Well, potentially the operator could be moving towards that  
17 compliance, which may or may not be -- then the inspector may or  
18 may not refer that for enforcement, okay, or the inspector may  
19 refer it for enforcement, and the Enforcement Group works with the  
20 operator and says, all right, you are heading towards compliance,  
21 you know, get there. And a warning letter can be -- at that time  
22 a warning letter may be issued.

23 Q. So in the case where the operator has not come into  
24 compliance, it gets referred to enforcement, is that correct?

25 A. Usually, yes.

1 Q. And what does -- what are the paths that enforcement, the  
2 Enforcement Group can go down at that point?

3 A. They can go down the path of a warning letter to the operator  
4 or a Notice of Alleged Violation.

5 Q. Say a little bit more about a Notice of Alleged Violation.

6 A. So the Notice of Alleged Violation, once it becomes a Notice  
7 of Alleged Violation, it will move down, for lack of a better  
8 term, the path of enforcement, potential path for fines.

9 Q. How, if you know how -- what are the ways in which a Notice  
10 of Alleged Violation can be resolved?

11 A. The operator can resolve it with a compliance plan through  
12 the Enforcement Group. They can sign an administrative order of  
13 consent agreeing to the NOAV, or it can go in front of the  
14 Commission.

15 Q. What's the difference in your -- how would you describe the  
16 difference between the AOC, Administrative Order on Consent, and a  
17 hearing in front of the Commission?

18 A. So an AOC, the operator is -- to put it in layman's terms,  
19 the operator is paying the traffic ticket and moving on. Moving  
20 in front of the Commission, the operator is going in front of the  
21 judge for an official judgment.

22 MR. CHHATRE: AOC?

23 MR. LEONARD: Administrative Order on Consent. And if it  
24 goes to the Commission, and the Commission finds against the  
25 operator, that's an Order Finding Violation, an OFV.

1 BY MR. LEPORE:

2 Q. Would another way to describe an AOC be that it is a  
3 settlement the operator has reached with the staff?

4 A. Yes.

5 Q. Does the Commission have to approve the settlement?

6 A. Yes.

7 Q. And for the Order Finding Violation, this hearing process  
8 that you described as going before the judge, is that -- would you  
9 -- is it fair to describe that as an adjudicatory hearing?

10 A. Yes.

11 Q. And might the Commission impose a penalty as a result the  
12 adjudicatory hearing?

13 A. Yes.

14 Q. And the settlement also could include a penalty.

15 A. Yes, it could.

16 Q. And Ravi asked you about witnesses, inspectors being  
17 witnesses. If the matter is settled, there's no hearing and  
18 therefore no witnesses, is that right?

19 A. In most cases, that's correct.

20 Q. In that case, would an inspector maybe discuss with the  
21 enforcement staff the facts of the case and give an opinion about  
22 an appropriate penalty and things like that?

23 A. Yes.

24 Q. And then if there's an adjudicatory hearing in front of the  
25 Commission, then might an inspector serve as a witness?

1 A. Yes.

2 Q. Okay. I have very little time left. I want to touch on the  
3 fencing requirements. In your experience, are there safety  
4 aspects associated with fencing that might actually counsel  
5 against having fencing for the safety considerations of workers  
6 onsite?

7 A. Yes.

8 Q. Can you say a little bit more about that?

9 A. It could be a confined space issue, lack of access, egress.

10 Q. And you described in the situation that Ravi asked you about  
11 a well that was drilled before development around it happened, and  
12 I think my understanding was that you were saying, you know, there  
13 wasn't a fencing requirement because there was nobody around the  
14 well. Is that --

15 A. So the well in question that he explained is in the middle of  
16 a street. The street splits on both sides of it. There are other  
17 wells in this subdivision that are closer to homes that are  
18 fenced.

19 Q. Do you think the street was there when the well was drilled?

20 A. It was not.

21 Q. So there's a different risk profile perhaps at the time the  
22 well was drilled that maybe the fence seemed less important.

23 A. That's correct.

24 Q. And our rules don't typically act retroactively. Is that a  
25 fair statement?

1 A. That's correct.

2 Q. Look real quickly at the 1100 series rules. You referenced  
3 1101B, which talks about design. Would you just read it, please?

4 A. Yeah. Each component of a pipeline shall be designed and  
5 installed to prevent failure from corrosion and to withstand  
6 anticipated operating pressure and other loadings without  
7 impairment of its service ability. Pipe shall have sufficient  
8 wall thickness or to be installed with adequate protection to  
9 withstand anticipated external pressure in loads that will be  
10 imposed on the pipe after installation.

11 Q. Is it your understand that that rule, while not prescribing  
12 cathodic protection or a coating, does require the pipe to  
13 function effectively in its intended use?

14 A. Yes.

15 Q. And if that pipe failed, would this potentially be a rule  
16 that the Agency would cite as a violation to the operator for not  
17 meeting this rule?

18 A. Yes.

19 Q. Would you read 1102A, please, A1.

20 A. A, Maintenance, 1. Each operator shall take reasonable  
21 precautions to prevent failures, leakage and corrosion of  
22 pipelines.

23 Q. Thank you. Would you read A2, please?

24 A. Whenever an operator discovers any condition that could  
25 adversely effect the safe and proper operation of its pipeline it



1 shall correct within a reasonable time. However, if the condition  
2 is of such nature that it presents an immediate hazard to persons  
3 or property, the operator shall not operate the affected part of  
4 the system until it has been corrected -- corrected the unsafe  
5 condition.

6 Q. Thank you. So if, again, if a flow line failed, is 1102A1 a  
7 rule that the Commission might cite as the operator violated  
8 because it did not take reasonable precautions to prevent  
9 failures, leakage or corrosion?

10 A. Yes.

11 Q. Have you seen that happen?

12 A. Have I seen the -- are you asking have I seen the Commission  
13 cite an operator?

14 Q. For violation of that rule.

15 A. Not to my recollection.

16 Q. Okay. If we wanted to find that, could we do a database  
17 search?

18 A. Yes, we could.

19 Q. Okay. And 1102A2 that you also read about discovery of  
20 certain conditions, is it your understanding of that rule that if  
21 an operator identified a leak, for example, during a pressure  
22 test, that 1102A2 would require that operator to respond to that  
23 leak in order to prevent further harm to safety and the  
24 environment?

25 A. Yes.

1 Q. Ravi asked you about numbers of leaks that operators have,  
2 and while philosophically we'll agree that a single leak is too  
3 many, we know leaks happen. We also know that in Colorado we have  
4 500 operators, some of whom operate literally one well or two  
5 wells, and some of whom operate thousands of wells. Does counting  
6 just the number of leaks seem like a reasonable way to you to make  
7 a determination about whether an operator is having too many  
8 leaks?

9 A. No.

10 Q. Why?

11 A. I think you have to investigate to see what type of leaks  
12 they're having and why they're having leaks.

13 Q. Does the number of wells an operator operates have anything  
14 to do with that calculation?

15 A. No.

16 MR. LEPORE: Okay, that's all. I'll stop there. I'm sorry.  
17 I've really got to go.

18 MR. CHHATRE: That's okay. No issues. I guess what we'll  
19 have to do then is pick up where we left, and I appreciate you  
20 being flexible on that. Are you going to attend tomorrow?

21 MR. LEPORE: Let me see what I've got tomorrow.

22 MR. CHHATRE: Okay.

23 MR. LEPORE: Actually, I could do tomorrow afternoon. No  
24 -- got to go.

25 MR. CHHATRE: (Indiscernible).

1 MR. LEPORE: I really cannot do the morning tomorrow.

2 MR. CHHATRE: Okay.

3 MR. LEPORE: What time do you have to leave?

4 MR. CHHATRE: Well, we are (indiscernible) tomorrow, but --

5 MR. LEPORE: Oh, in the morning?

6 MR. CHHATRE: In the morning.

7 MR. LEPORE: Okay, yeah.

8 MR. CHHATRE: That's what I told you.

9 MR. LEPORE: Right, the (indiscernible) people, right. No,  
10 I'm sorry, I can't do the morning.

11 MR. CHHATRE: So, okay, then we'll just pick up, and we'll  
12 have different venues to do that. I guess some of these questions  
13 may get asked again because of the time gap.

14 MR. LEPORE: Sure.

15 MR. CHHATRE: So just be patient with us.

16 Anybody have anything to add?

17 If not, then I'll go off the record.

18 UNIDENTIFIED SPEAKER: Do you guys have videoconferencing  
19 capability? Because --

20 MR. CHHATRE: Do you have anything you want to ask --

21 UNIDENTIFIED SPEAKER: No.

22 MR. CHHATRE: Okay. Off the record.

23 (Whereupon, 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: HOUSE EXPLOSION IN FIRESTONE,  
COLORADO, APRIL 17, 2017  
Interview of Mike Leonard

ACCIDENT NO.: DCA17FP005

PLACE: Longmont, Colorado

DATE: July 27, 2017

was held according to the record, and that this is the original,  
complete, true and accurate transcript which has been transcribed  
to the best of my skill and ability.

*7/27/17*  
\_\_\_\_\_  
Kather  
Transcriber