

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

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Interview of: WILLIAM BRUCE NICKERSON

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

Tuesday,
July 25, 2017

APPEARANCES:

RAVI CHHATRE, Investigator in Charge
National Transportation Safety Board

MATTHEW MCKENZIE, Attorney
National Transportation Safety Board

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

MICHAEL LEONARD, Quality Assurance Professional
Colorado Oil & Gas Conservation Commission

MATTHEW LEPORE, Director
Colorado Oil & Gas Conservation Commission

DOUG PRUNK, Fire Investigator
Frederick-Firestone Fire Protection District

DAVID PUC CETTI, Fire Investigator
Frederick-Firestone Fire Protection District

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

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I N T E R V I E W

1
2 MR. CHHATRE: Good afternoon. Today is Tuesday, July 25th,
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.

8 My name is Ravi Chhatre. I am with the National
9 Transportation Safety Board located in Washington, D.C., and I am
10 investigator in charge of this accident. The NTSB investigation
11 number for this 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 and identifying any typographical errors. The
16 transcripts may be posted in NTSB's public docket.

17 Also, I would like to inform Mr. Brue Nickerson 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. Please
21 state for the record your full name, spelling of your name,
22 organization you work for and your title, business contact
23 information such as mailing address or email, and whom you have
24 chosen to be present with you during your interview.

25 MR. NICKERSON: My name is William Bruce Nickerson,

1 W-i-l-l-i-a-m. Bruce, B-r-u-c-e, Nickerson, N-i-c-k-e-r-s-o-n. My
2 title is Town Manager, Town of Firestone, Colorado. I have chosen
3 not to bring anybody with me today on my own accord. And, and the
4 contact -- it's [REDACTED].

5 MR. CHHATRE: Thank you for that.

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

10 MR. AJIBOYE: My name is Gbenga Ajiboye, G-b-e-n-g-a,
11 A-j-i-b-o-y-e. I'm an General Engineer with Office of Pipeline
12 Safety, which is PHMSA. My contact number is [REDACTED]. My
13 email is [REDACTED].

14 MR. LEONARD: Mike Leonard. I'm the Quality Assurance
15 Professional from Colorado Oil & Gas Conservation Commission.
16 First name, common spelling. Last name's Leonard, L-e-o-n-a-r-d.
17 Phone, [REDACTED]. Email address is [REDACTED]
[REDACTED].

19 MR. LEPORE: Matt Lepore, Director at Colorado Oil & Gas
20 Conservation Commission, spelling is M-a-t-t, last name
21 L-e-p-o-r-e. Telephone number [REDACTED]. Email [REDACTED]
[REDACTED].

23 MR. PRUNK: Doug Prunk with Frederick-Firestone Fire
24 Protection District. Fire Investigator. It's D-o-u-g, P-r-u-n-k.
25 Contact information is [REDACTED], [REDACTED], and [REDACTED]

1 [REDACTED]
2 MR. PUC CETTI: Dave Puccetti, P-u-c-c-e-t-t-i, Frederick-
3 Firestone Fire, Fire Investigator. Phone number's [REDACTED].
4 Business address is [REDACTED].

5 MR. McBRIDE: David McBride. I'm Vice President of Health,
6 Safety & Environment for Anadarko Petroleum Corporation. That's
7 [REDACTED].com. Phone number's
8 [REDACTED]. Physical address is [REDACTED].

9 [REDACTED].
10 MR. McKENZIE: My name's Matt McKenzie, attorney with the
11 National Transportation Safety Board in their Office of General
12 Counsel at Headquarters, located at [REDACTED],
13 [REDACTED] Email's [REDACTED].
14 [REDACTED]. Phone's [REDACTED].

15 MR. CHHATRE: Thank you very much.

16 INTERVIEW OF WILLIAM BRUCE NICKERSON

17 BY MR. CHHATRE:

18 Q. Mr. Nickerson, just for the record, give us some of your
19 experience, education, background for the record.

20 A. Education? I have a degree in landscape architecture and
21 environmental planning from Utah State University. I have been in
22 the development and construction business, both privately and ,
23 for the last decades or so, and have worked with the town,
24 particularly in planning and development review and economic
25 development.

1 Q. Thank you very much.

2 With the Town of Firestone, what were your responsibilities
3 before you became the town manager?

4 A. I was a consulting planning director for the town for 22
5 years, probably.

6 Q. Thank you. Now, in terms of any development in the town,
7 just walk us through the process. As whoever wants to develop
8 some parcel of land, and build homes, apartment, what process the
9 person has to go.

10 A. Okay. So, to kind of give you a big picture, when I started
11 with the town, a few decades ago, in that realm, the town was very
12 small. It was about 500 homes. So, about 1,500 population. The
13 town Board was fairly sophisticated in terms of their educational
14 background and experience. And they wanted to bring in someone
15 that could help them create a community that would not be
16 landlocked.

17 At the time, the town of Frederick, Colorado was very
18 aggressive on annexations, and so the board wanted -- the town
19 Board, at the time, wanted to figure out how they could be sure to
20 capitalize a quote front door to the community, and that was to
21 ultimately move the town from its existing location all the way
22 out to the interchange at I-25.

23 So, we created a series of development regulations that
24 offered a very flexible land development process, and land-use
25 controls to all types of development. We were trying to focus on

1 commercial. But originally, residential was the first type of
2 development that came along.

3 The town, at the time, was kind of hidden. It was off I-25 a
4 few miles. It was full of dairy farms and feed lots and county
5 roads. But we had a developer that wanted to build a golf course.
6 And so, that's specifically why was brought in, to help bring that
7 to fruition.

8 And so, we created a -- I think this is probably the most
9 important point -- we created a planned unit development zoning
10 process, which, and I'll be a little specific here, because I
11 think it might help you to understand it. In Colorado, at least
12 in a statutory town, we're a statutory town. We don't have a
13 charter. We are home -- we're not home rule. So, we decided that
14 under State statute that we would utilized the planned unit
15 development authority of the State law. And for any property over
16 two acres at the time, and that subsequently shrunk to one acre,
17 that gives the Town Board and the Planning Commission,
18 particularly a lot of flexibility in land use controls. And then
19 we assign to the planned unit development zoning district a land
20 use category, which is outlined in our regulations. So, the
21 category is anything from residential low, residential medium,
22 residential high, commercial, employment, which is industrial.
23 And so, that's pretty much how we have progressed over the years.
24 And it hasn't changed.

25 What we call hard zoning is you are zoned commercial one, you

1 can build whatever you want to build without a building permit.
2 Under a PUD system, you have to go through review by the Planning
3 Commission. And then with a referral from the Planning Commission
4 you go to the Town Board of Trustees public hearings.

5 And to further that comment, it's a three-step process under
6 the PUD zoning. You go, first, to a -- well, it's a multiple
7 stage. You go to a pre-application conference. Usually we have a
8 pre-pre-application conference where you come in and say hey, I
9 want to do this or that with my property. And then we set up a
10 pre-application conference where we give a specific checklist of
11 what items you need to submit. And then we go to either a
12 preliminary development plan, or a preliminary plat or both.
13 Then, that can be combined with another plan, which is a final
14 development plan final plat.

15 And associated with each one of those steps is a different
16 type of land use agreement. It might be an annexation agreement,
17 which I forgot to mention. And before you can be under the
18 auspices of the town, you need to be annexed into the jurisdiction
19 of the town.

20 And then the three different steps, outline, development
21 plan, which is basically, for your reference, would be a bubble
22 plan. You know, like a residential here, commercial here, park
23 here, something like that. Then you would have the preliminary
24 plans, which would be very preliminary, maybe showing horizontal
25 alignments of utilities and streets and things like that. But not

1 detailed vertical. And then the final is where everything is
2 complete. And then you got to get building permit if you want to
3 build anything.

4 So, it's multiple stages. I hope that helps a little bit.
5 But it's -- there's public hearings all throughout the process.

6 Now, that's different than oil and gas, where we just have a
7 specific section of our Municipal Code. And I do not recall off
8 the top of my head what the title is. But it's -- it deals with
9 oil and gas specifically. And that's different than the land use
10 development, surface development stuff.

11 And there's not a lot of regulations. We can -- I'll answer
12 any questions you guys want about our code. But it's very minimal
13 in terms of -- there is public hearings associated with it. But
14 it's not the same as a surface use development.

15 Q. So, if I understand the process, and, especially -- let's
16 just focus on the ground zero house, development that --

17 A. Oak Meadows.

18 Q. Oak Meadows.

19 A. Um-hum.

20 Q. So, and, I guess, we learned little bit earlier what the
21 process went through. But I just want you tell us again what they
22 would have to do to come to the state of finally building the
23 house.

24 A. You want me to answer that?

25 Q. Yeah.

1 A. Okay. Oak Meadows was an interesting project, because it was
2 early on in Firestone's growth. We annexed the property to the
3 south. And then Oak Meadows came along, and the developer's name
4 was Joe Tarantino. And he brought that forward, and wanted to do
5 the entire -- it's about 160 quarters per quarter or section. I
6 don't know exactly the acres. But pretty much that. And he
7 wanted to develop a mobile home park there. And that went to the
8 Board.

9 And I was concerned as the town advisor, consultant, about
10 Little Firestone, there was a sewer district, and there was a
11 water district. And I just said a target, you know, we were --
12 the term is drive until you qualify. So, there were, outside the
13 metro area, inexpensive property, the ability to put trailer parks
14 everywhere. And I was concerned that that wouldn't meet the goals
15 of the town in terms of long-term fiscal responsibility.

16 So, I suggested that they didn't approve the trailer park.
17 So, they continued the hearing, and he came back with we now have
18 as a mixed-use plan. There's single family residential, multi-
19 family housing, and then commercial. And so, that's how it ended
20 up after it went through the Planning Commission hearings and the
21 Town Board hearings.

22 The single family was the first to be developed, which is
23 very common. And the Twilight Avenue was -- and hopefully Dave
24 Lindsay provided you with the information on this. If not, we can
25 get it for you. But I don't know when Twilight Avenue was

1 actually developed. I know it was towards the later stages of the
2 houses. There's was a lot of houses there before Twilight got
3 developed. I think, if I remember correctly, Mark's house was
4 built a few years ago. I -- that's kind of something like that.

5 And we can get you -- and if you don't mind highlighting
6 anything we can provide you, we're happy to do it. I think it was
7 later on in the process. So, to try to anticipate some of the
8 things that you might want to know from me, you would want to
9 know, I think how do we deal with oil and gas, and how that
10 interacts. Is that fair?

11 Q. Um-hum.

12 A. Okay. We look at them, I think it's fair to say, as a
13 separate -- I mean, you got the surface you, and you got the sub-
14 surface use. There was one case we had in -- what was the name of
15 the development? Booth Farms. It's another subdivision in
16 Firestone. We had a situation where we had an oil and gas special
17 use permit, that's what we call our Town of Firestone processing
18 is special use permits, for oil and gas well applications. We had
19 that going on at the same time as we had a developer that wanted
20 to do platting right next to the wells. So, the town attorney's
21 advice was let's just have the hearings all at the same time, so
22 we can just talk this out. Because we didn't have -- you know, if
23 it's a week or two, you know, like surface use is one week, and
24 the oil and gas is the next week, and then the surface use gets
25 approved, it would just be very complicated. So, what we did is

1 just opened up the hearings. I think we -- I'm not sure about
2 this. I do recall -- or my recollection is that we opened them at
3 the same time so that we could just talk about it.

4 And the way they ended up is they worked it out with keeping
5 the lots away from the proposed well sites, and that was the only
6 time we really had that kind of conflict that I recall where it
7 was like so -- the timing was so close together.

8 But special use permits are -- they go through Planning
9 Commission and the Town Board, but there's very little oversight
10 that the town is involved with.

11 We have had -- and I think Matt can -- he might know the
12 history of Firestone a little bit. We've had tremendous
13 cooperation with the oil and gas industries, Anadarko, Encana,
14 there's a variety of operators or sub-surface owners. And rather
15 than get up -- when I would make the presentations, I would get up
16 and talk about the positive things that the oil and gas industry
17 does for not only the local communities, but for the State. And
18 so, we would try to cooperate in getting them through.

19 In reciprocation for that, the oil and gas companies had
20 volunteered to do a list of what we call conditions of approval.
21 And they were things that you would have to incorporate in your
22 operational plan. And they were kind of -- I mean the things -- I
23 really we had the right to control, and I think Dave could jump in
24 on this, is we had the right to control access. Not to regulate.
25 Excuse me, not to control or object to, but just cooperate and

1 regulate on access to be sure it was safe, the locations were
2 safe, and the ingress and egress was not going to cause a conflict
3 because of sight distance on either the roadway or whatever.

4 Other than that, we had a standard set of what we called
5 standard conditions of approval. And it would be things like
6 please don't unload your steel pipe, casing pipe at night, where
7 it's really loud, you know. And please route your traffic with
8 the least disruption. And they volunteered to do all of those
9 things. And it's been a very comfortable working relationship.

10 Hopefully that helps.

11 Q. So, essentially, when the, I guess, subsurface mineral
12 rights, and the surface rights, what is expected of the developer
13 in terms of how close they can be with the wells, or the piping?
14 Are the pipings required to be marked?

15 A. What we have done over the years is tried to follow COGCC
16 regulations in terms of setbacks from the well versus the driller
17 -- there's two different types of -- I'm sure you know this, but
18 there's a setback if you want to drill a well. And there's a
19 setback if you want to build a road or a house. And so -- or
20 build any kind of building. And I think there's different
21 categories in terms of if it's an operation that has public
22 involvement like a church, or a synagogue, any religious
23 institution, or a public assembly. That distance, I think, is
24 greater in terms of drilling the well. But we've always used 150
25 feet as the setback, because that was the original COGCC setback.

1 And, again, this is all stated in our Municipal Code. And we do
2 it to the lot line, not to the building. So, if it's a single
3 family lot, we would set it back to the lot line.

4 And the drillers -- we didn't really do that. They were
5 approve -- and I think they typically got a one year permit to
6 drill the well, you know, it lasts for a year. And we often put
7 in our conditions of approval one year or whatever was the
8 extension from COGCC to drill the well. So --

9 Q. For the land builder print -- from the conception or pre-pre-
10 application to finally giving he final green light to go ahead and
11 build it, what is a typical timeframe? If there is typical.

12 A. Well, for commercial, it could be very quickly. For a
13 residential, it, I would say, gosh, Dave, I don't know, maybe nine
14 months to -- I mean, that's an average. Because some of them --
15 it really depends on the engineer. Because if you miss up the
16 grading, you could find yourself messing around for a long time.
17 If you -- you know, you get a good set of plans, it could be four
18 months, something like that.

19 Q. Okay. That quick?

20 A. Yeah. Yeah. Commercial could even be much quicker. But
21 that's usually just one lot, one building.

22 Firestone was noted as the fastest growing community in
23 Colorado in the 2010 census. So, we got the right people in the
24 right place to try to be sure that everything got properly
25 approved. We sent out the referrals. In fact, we require

1 everything to go to the Fire District. And if they say no, then
2 it's no. And if we -- and we send it to the Sanitation District.
3 We -- if it warrants it, we send it to the Colorado Department of
4 Highways. Sometimes we send it to COGCC. But that was optional.

5 Q. Just curiosity, 500 homes and 1,500 population, do you
6 remember what year was that?

7 A. I would say 2009, maybe.

8 Q. 2009, 1,500 population?

9 A. Uh-huh.

10 Q. Now --

11 UNIDENTIFIED PERSON: 1,500 population.

12 MR. NICKERSON: Well, we had 500 homes.

13 UNIDENTIFIED PERSON: Not 2009.

14 MR. NICKERSON: Oh, not 2009. No, no, no. Sorry. 2003.

15 MR. CHHATRE: Okay.

16 MR. NICKERSON: Is that right? Does that sound right?

17 UNIDENTIFIED PERSON: I, yeah.

18 MR. NICKERSON: Yeah.

19 BY MR. CHHATRE:

20 Q. Roughly. I'm not -- this is, I'm just curious to see the
21 fastest growth as far as --

22 A. Actually, no. No, wait a minute. No, no, no. that's wrong.
23 Let me think, so '97.

24 Q. '97.

25 A. Yeah.

1 Q. Okay.

2 A. Sorry.

3 Q. That's okay. That, and now that I have that question, do you
4 know what the current population is?

5 A. About 13,500.

6 Q. Okay.

7 MR. NICKERSON And it's 2017, right, Dave?

8 BY MR. CHHATRE:

9 Q. Can you maybe explain to me what is a statutory town? What's
10 this, you know, what other options? This is a statutory town.

11 A. This would be a legal question, but I -- there's a statutory
12 town, which means we can impose ordinances, law, that's more
13 restrictive than the State law. But we can't be more permissive
14 than the State law. So, we basically follow the rules that the
15 State has on the books for small towns. Bigger cities, I know the
16 city I live in, Arvada, City of Arvada, it's a home rule town.
17 So, they adopt their own charter. And they can do -- they have a
18 lot more flexibility with fees, and the way they operate than we
19 do.

20 Q. So, they can be more, I guess, less stringent --

21 A. Yes.

22 Q. -- than the State regulations?

23 A. Yes. Yep. And that I would refer you to our town attorney
24 to help you with that.

25 Q. Sure. No.

1 A. Yeah.

2 Q. I'm just curious.

3 And did -- I think you already answered that, but I'll ask
4 you again anyways. Are the developers required to tell the
5 homeowners, or somehow identify any underground piping? In fact,
6 typically, one call will have -- if you make one call, locate
7 request, and all the commercial gas, electricity people will come
8 and mark lines. When they are production pipelines may not get
9 marked. Is that a correct statement, or --

10 A. I would put it this way. I don't know if that's incorrect.
11 But -- and hopefully you've got the technical side of it from the
12 town engineer. But when we know of a gas flow line, we -- our
13 policy, the town's policy, has been, and continues to be, that we
14 require it to be in a tract. And that's the surface developer
15 asks, you know, when they bring in a -- let's say it's
16 residential, just on this, Oak Meadows, they would -- if there was
17 an active flow line, they would be required to put it in a
18 separate tract.

19 Now, it may cross public streets. And the town engineer
20 works that out with the oil and gas operators, usually not
21 parallel, but perpendicular to the extent possible. Very often
22 they're relocated. Historically, and, you know, I think these
23 gentlemen from COGCC would know, and Anadarko would know that
24 historically they -- this was a farming community. And the flow
25 lines were all over the place. I mean, it's just very common. It

1 wasn't -- as long as they could plow it and plant wheat or
2 something like that, there wasn't an issue.

3 When the surface developer came in to develop the property,
4 they would be required to show the existing flow lines and put
5 them in a specific tract that would be owned by the HOA or the
6 developer, but not the town, per say, so that we identified where
7 they were.

8 And I know, in this particular case with Oak Meadows, there
9 was a separator or gathering facility in the northwest corner of
10 the property that the line that has caused the issue had -- I
11 think, and this is my speculation, headed in that direction, and
12 then was rerouted in a different direction and put into either a
13 tract or in public property where we knew where it was.

14 Q. That's all I have. Thank you for the help.

15 A. I hope so. I'm trying to help you guys.

16 BY MR. AJIBOYE:

17 Q. This is Gbenga from PHMSA. Yeah, I'm going to ask about the
18 rerouting thing. Do you have any information, the reason why the
19 line that was rerouted, the one that went up north?

20 A. That was at the request of the surface developer. I mean, in
21 his plans, he showed us his site plan for his property, his
22 surface rights. I don't know if they had a surface use agreement
23 with any of the operators. That's pretty common. We call them
24 SUAs, Surface Use Agreement, and they're a document that sets
25 forth parameters for the surface and sub-surface users.

1 The Town of Firestone owns a half a section about a mile and
2 a half south of this property, and we have an SUA with Encana Oil
3 and Gas for the operation of their wells on the surface that we
4 own. So, we're used to that. And they involve all sorts of
5 different parameters. I imagine there's one here. But it would
6 be something to check out. I don't recall off the top of my head.

7 But the reason it was relocated is because the existing line,
8 that went from the well that we think is at issue, or at least I
9 think it is, and to the other facility in the northwest corner of
10 that quarter section wasn't in optimum location for the
11 development of the surface. Because the houses would have been --
12 you know, they would have had to create a big diagonal kind of
13 route from the well to the facility.

14 So, I think they worked it out with the oil and gas operator
15 to relocate it to a different direction that would be more
16 convenient for surface use.

17 Q. And, now, was this something that you guys discussed in
18 the -- was it town hearing for this, or --

19 A. Yes.

20 Q. And it was thoroughly discussed?

21 A. It's part of the package. It wasn't -- it's very common for
22 us to deal with these kind of oil and gas situations. I mean,
23 it's hard to think of a big development that didn't have some sort
24 of relationship with oil and gas. So this is mostly a platting
25 issue. It's not necessarily a land-use issue. It's more of a

1 regulation to get -- just being sure that everything is taken care
2 of on the plat.

3 Q. So, your code, your city code requires that if such
4 relocation is to be done, the city engineer has to supervise it,
5 would that be something that you guys would discuss during the
6 hearing?

7 A. Yes. It wouldn't be a major disclosure. But it would be on
8 the plans that the Planning Commission and the Town Board see.
9 That would be -- it would be part of the submittal if you will.
10 It wouldn't -- I mean, usually when we go to public hearings for
11 land use stuff, and let's just focus on residential on this
12 particular case, we talk more about access, you know, well, first
13 of all, location, types of land use, the density, traffic studies,
14 hydraulic analysis, you know. But we don't get into every little
15 minutiae in the public hearing. But it's on the plans. It's
16 shown on the plans that the Planning Commission gets and the Town
17 Board receives for action.

18 So, it's part of the submittal and part of the approval for
19 any tract of land that's going to be specifically designated for a
20 flow line or a gas line, or any kind of line. I mean, we have --
21 there's more than just oil and gas lines. We have a NORAD line
22 that runs right through the middle of town. And they fly it twice
23 a day, I think, with helicopters to -- because it goes up to
24 Cheyenne. I mean, it's a big deal. So, we definitely have to
25 deal with that kind of stuff. So, we -- and there's gasoline

1 lines that go through the town. There's a lot of electrical
2 lines. And they're all shown on the plat.

3 Q. Since you have been around this city for this long, because
4 we went through some rules online with the city, do you have an
5 idea of timeline when these rules came into effect, especially
6 with the oil and gas? Say, for example, when locating an
7 abandoned line, for example?

8 A. I just know that that title in the Town Code has been there
9 ever since I've been there. And so, it may have been modified a
10 couple of times. But that's been the standard operating procedure
11 since I've been around. So, I don't know how far before me.
12 But --

13 Q. Well, if you can give a ballpark, would you say that probably
14 precede the development of Oak Meadows, right?

15 A. Uh-huh.

16 Q. So, which means when this development was coming up, that
17 regulation or requirement was already there.

18 A. I believe so.

19 Q. And is there a way the town council checked if these rules
20 have been adhered to? Do you guys have mechanism to check? Say,
21 for example, if pipe needs to be relocated and your engineer is
22 not there, do you guys get to know?

23 A. Yeah. We submit -- the process is the applicant, the
24 developer, submits the plans to the town, and they're typically
25 submitted as -- and this one was, I'm sure, with a licensed

1 Colorado civil engineer, at a minimum. And we usually have a
2 licensed traffic engineer. But definitely a civil engineer if it
3 has to do with platting.

4 And platting is our process to sub-divide the property into
5 develop-able lots. And so, during the platting process --

6 Q. Go ahead. Go ahead.

7 A. Okay. So, during the platting process is when different
8 tracts are identified. The town staff has a multiple review
9 process. We have planners, lawyers, engineers, and ultimately the
10 public has all of those documents that go through the process to
11 be sure that everything's in order.

12 And we get a title commitment. We require a title
13 commitment. So, we look for any existing easements, or anything
14 that's recorded. But we put the onus on the developer to --
15 ultimately the developer is the entity that's responsible to what
16 we call -- to comply with the burden of proof. The developer has
17 to prove that his application or her application is consistent
18 with not only our regulations, but with good engineering
19 practices, proper legal format and so forth. So, we review it
20 based on the representation that it's complete, accurate and true
21 to form.

22 Q. Now, finally, we have a little drawing here, and we have this
23 line that we're seeing, existing patina gas line to be relocated.
24 To your recollection, is there something (indiscernible)
25 relocation? When it was done, was it supervised? Was all that

1 was required by the town under the requirement, was it met in the
2 case of this particular subdivision?

3 A. I'll have to answer -- that's 20 years ago. So, I will
4 answer it this way, just to be fair. I don't know of anything
5 that would create the circumstance where we would not tell them to
6 do it appropriately. I mean, there was no variance. There was
7 nothing out of the ordinary from my recollection with this sub-
8 division.

9 Now, this wasn't the first sub-division. But, this was one
10 of the -- probably the third big subdivision in Firestone. And,
11 but we'd already done a big U.S. Home subdivision. We'd already
12 done -- we'd probably platted 1,000 home sites by the time we got
13 to this one. And so, we -- I think we handled this one just like
14 we handled every -- all the other ones.

15 Where, if you look at St. Vrain Ranch, which is just before
16 this, and the Ridge Crest, which was just before St. Vrain Ranch,
17 which are the big ones, like 500 homes, 500 homes. This was
18 handled the same way. Those were all handled in tracts or public
19 spaces in terms of relocating the flow lines to accommodate. And
20 all of this was done with the permission of, at that time, a
21 patina, right? I think. And in their cooperation. And I assume
22 there's a recorded Surface Use Agreement. I don't know off the
23 top of my head. But I would think that -- this is very common for
24 us, is the relocation of oil and gas lines to accommodate surface
25 development.

1 And, except for that one time, and that even got worked out,
2 we've had very little conflict between surface and the sub-surface
3 developers.

4 Q. So, if the Surface Use Agreement is available, is this
5 something you guys will have access to?

6 A. What now?

7 Q. Would you guys have access to the Surface Use Agreement if
8 it's available for this particular --

9 A. I can certainly check. A lot of times we don't. And this is
10 sort of a legal position on our part, is the town really isn't the
11 negotiator between the surface and the sub-surface users. Those
12 are two separate owners of property, real property. So we don't
13 require that. Because what happens is if you -- we could end up
14 being caught in the middle. If we say, hey, surface developer,
15 you have to get a Surface Use Agreement, or sub-surface user, you
16 have to get a Surface Use Agreement, we don't have that authority.
17 And we're going to find ourself right in the middle of two
18 landowner, real property interest. And so we've just tried to
19 stay out of that world.

20 A lot of times oil and gas developers would like us to
21 require a Surface Use Agreement. We get letters a lot requiring
22 it. But we don't -- that's not in our Code. We don't have a law
23 that say we need to tell one party to be authoritative over
24 another party. Without, we've kind of, so far, so good. We
25 haven't had to get into that world because I don't think we really

1 have any ground to stand on. If that makes sense.

2 Q. Okay. I will pass the ball.

3 MR. LEONARD: Thanks.

4 BY MR. LEONARD:

5 Q. Mike Leonard, Oil and Gas Commission. So when the line in
6 question was -- when the new line was laid, was a permit required
7 for that?

8 A. I don't know of any permit that we use. Now, we do have
9 utility permits for -- mostly for street cuts or that kind of
10 stuff. And whether there was one provided, because it does go
11 across Oak Meadows Boulevard and then goes up north and crosses
12 Oak Meadows Boulevard twice. That would be a town engineer
13 question. I don't know.

14 But that would be the permit required.

15 The plat is where it really all comes together in the
16 construction plans or -- we call them utility plans.

17 Q. So, do you permit off the plat?

18 A. No. I mean, we could have a permit right now from Quest that
19 wanted to go -- or, you know, Xfinity that wanted to go somewhere,
20 or United Power. That's a separate permit to the --

21 Q. (Indiscernible)?

22 A. Yeah.

23 MR. LEONARD: Matt.

24 BY MR. LEPORE:

25 Q. Matt Lepore, COGCC. Mr. Nickerson, would you tell me what

1 your position was -- did you work -- were you an employee of
2 Firestone in 1998?

3 A. No.

4 Q. Who was your employer?

5 A. My own company. Nickerson Company, LLC.

6 Q. And Nickerson Company LLC was, served as a consultant to the
7 Town of Firestone?

8 A. Yes.

9 Q. My understanding from our earlier conversation with Mr.
10 Lindsay is that there were several developers over time involved
11 with the Oak Meadows --

12 A. Um-hum.

13 Q. -- subdivision?

14 A. Um-hum.

15 Q. Did you ever consult for any of those entities? And I guess
16 I should probably tell you who I think they were.

17 So, there was ST Firestone, Parkside Homes, Century
18 Communities, Hearth at Firestone. Those are the ones I learned
19 about from Mr. Lindsay.

20 A. No, I didn't ever work for any of those entities. Or anybody
21 associated with Oak Meadows in any way shape or form.

22 Q. Never were a consultant for them?

23 A. Nope.

24 Q. Or an employee?

25 A. I've never worked for any private interest that's worked in

1 the Town of Firestone, other than the Town of Firestone.

2 MR. LEPORE: That's all I have.

3 MR. CHHATRE: All right.

4 UNIDENTIFIED PERSON: Nothing here. Thank you very much.

5 MR. CHHATRE: I have no follow up questions. Nobody has.
6 Thank you so much for stopping by and being patient.

7 MR. NICKERSON: No. I appreciate this group getting
8 together. These are parties of interest. And to the extent that
9 the town, again, in any way, shape or form can help you avoid a
10 tragedy like this again, we're here to help. We're not here to
11 point fingers, either. We have a great relationship with COGCC,
12 all the oil and gas operators in Firestone. We have no issues.
13 And we're sorry this happened. And our hearts are broken. But
14 we'll get through it. And we'll, you, help you in any way we can.

15 And if some of those follow up questions and information,
16 we're happy to be of assistance. And, me or my staff will be
17 available any time.

18 MR. CHHATRE: Well, thank you for that. And I must state
19 that so far you guys have been more than helpful. So, I couldn't
20 ask for any more cooperation than what I'm already getting.

21 MR. NICKERSON: Okay. Well, that's good.

22 MR. CHHATRE: Appreciate it.

23 MR. NICKERSON: And, you know, it's going to take a while. I
24 understand your time schedule and your process. But we're happy
25 to consider any results that you find of this, and move forward in

1 cooperation with COGCC and Anadarko and everybody. Anadarko has
2 been a very close partner with the town on a lot of things. And
3 this issue just happened. And we're going to move forward and try
4 to do the best we can. So --

5 MR. CHHATRE: Thank you so much for the time.

6 MR. NICKERSON: Okay. I'm happy.

7 MR. CHHATRE: Off the record.

8 (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 William Bruce Nickerson

ACCIDENT NO.: DCA17FP005

PLACE: Longmont, Colorado

DATE: July 25, 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.



Karen Coen Brooks
Transcriber