

**STATE OF MICHIGAN**  
**BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

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**In the matter of the application of WOLVERINE )  
PIPE LINE COMPANY for authority under )  
1929 PA 16 to construct, operate and maintain a )  
pipeline for the transportation of liquid petroleum )  
products. )  
\_\_\_\_\_ )**

Case No. U-13225

**PREFILED REBUTTAL TESTIMONY  
OF  
KEVIN P. BOWMAN**

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DYKEMA GOSSETT • A PROFESSIONAL LIMITED LIABILITY COMPANY • 800 MICHIGAN NATIONAL TOWER • LANSING, MICHIGAN 48933-1742

1 **Q<sub>1</sub> PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 **A<sub>1</sub>** My name is Kevin P. Bowman. My business address is 1990 Parnall Road, Jackson,  
3 Michigan 49201.

4  
5 **Q<sub>2</sub> WITH RESPECT TO YOUR TESTIMONY IN THIS DOCKET, BY WHOM ARE**  
6 **YOU EMPLOYED AND IN WHAT CAPACITY?**

7 **A<sub>2</sub>** I am Township Supervisor of Blackman Township in Jackson County, Michigan.

8  
9 **Q<sub>3</sub> PLEASE SUMMARIZE YOUR BACKGROUND AND EXPERIENCE.**

10 **A<sub>3</sub>** I am a 1979 graduate of Western Michigan University, where I earned a Bachelor of  
11 Science Degree in Printing Management. Following graduation from Western Michigan  
12 University, I have been employed by Chelsea Bookcrafters as a Cost Estimator and  
13 Informational Technology Specialist (1979 - 1985); by Electronic Data Systems in

1 Lansing, Michigan, as a Systems Engineer and Senior Systems Engineer (1985 - 1991);  
2 and by Consumers Energy Company in Jackson, Michigan, as a Senior System Engineer -  
3 Information Technology (1991 - 2001) and as Electric Mapping and Records Supervisor  
4 (2001 - Present).

5  
6 From a public service perspective, I was appointed to the Blackman Township Planning  
7 Commission in 1987; elected to the Blackman Township Board of Trustees in 1991; and  
8 elected and re-elected Supervisor of the Blackman Township Board of Trustees in 1995  
9 and 2000, respectively. I am past Chairman of the Jackson County Geographical  
10 Information System. I was Supervisor of the Blackman Township Board of Trustees at  
11 the time of the June 7, 2000 incident.

12  
13 **Q<sub>4</sub> WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

14 **A<sub>4</sub>** In their evidentiary presentations, both the City of Lansing and the Michigan Public  
15 Service Commission Staff made repeated references to the “pipeline break near Jackson,  
16 Michigan” (Martin, p 3 , line 46), “the Blackman Township mishap” (Laird, p 3, line 17),  
17 “the Blackman Township incident” (Laird, p 5, line 12), “the unfortunate spill in  
18 Blackman Township” (Mazuchowski, p 11, line 4), *etc.* Specifically, City of Lansing  
19 witnesses Martin, Laird and Ruff make assumptions and representations based on their  
20 perception of what they believe happened in Blackman Township. For the most part, the  
21 City of Lansing’s representations and assumptions on what happened in Blackman  
22 Township are based on mis-information, dis-information or scare tactics that have little

1 to do with reality. On the other hand, the presentation of Michigan Public Service  
2 Commission Staff witness Mazuchowski is accurate.

3  
4 The purpose of my testimony is to provide an *accurate* representation from the  
5 perspective of one who was in the eye of the proverbial storm. Specifically, my testimony  
6 will address the following:

- 7  
8 ¶<sub>1</sub> A brief background on Blackman Township and the June 7, 2000 incident;
- 9  
10 ¶<sub>2</sub> A description of how Wolverine Pipe Line Company (“Wolverine”) worked with  
11 Blackman Township and a host of governmental and voluntary groups to form an  
12 effective partnership in emergency management to minimize environmental  
13 damage and residential dislocation;
- 14  
15 ¶<sub>3</sub> A retrospective perspective which leads me to conclude that Wolverine was an  
16 excellent corporate citizen, that remaining environmental damage is negligible,  
17 that economic growth has not been adversely affected and that the vast majority  
18 of residents were well served by the effective partnership in emergency  
19 management between Wolverine, Blackman Township and the other organization  
20 which responded to the incident.

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22 **Q<sub>5</sub> ARE YOU BEING COMPENSATED BY WOLVERINE FOR YOUR**  
23 **TESTIMONY IN THIS PROCEEDING?**

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A<sub>5</sub> No, I am not.

**Q<sub>6</sub> PLEASE DESCRIBE BLACKMAN TOWNSHIP.**

A<sub>6</sub> Blackman Township, which borders Jackson, Michigan, is a community with approximately 20,000 residents, of approximately 33 square miles. It varies from rural/farming to urban/commercial and industrial. Its state equalized valuation approximates \$1 billion.

**Q<sub>7</sub> PLEASE ADDRESS THE REFERENCES TO BLACKMAN TOWNSHIP IN CITY OF LANSING WITNESS MARTIN’S TESTIMONY.**

A<sub>7</sub> I noticed two references to Blackman Township in Mr. Martin’s testimony. They are excerpted below:

“I have reviewed the . . . the Michigan State Police’s Emergency Management Division Report on the Wolverine pipeline break near Jackson, Michigan.” (Martin, p 3, line 46).

“The Wolverine Pipeline Company, during the pipeline break near Jackson, Michigan did not shut down the pipeline for approximately four hours.” (Martin, p 4, line 65).

Immediately following the first except, Mr. Martin testifies as to “the catastrophic failure of the pipeline”. If Mr. Martin is suggesting that the Blackman Township incident somehow supports his “catastrophic failure” presentation, I totally disagree with his assessment. In fact, *within minutes*, an effective partnership in emergency management was formed – and the Blackman Township community was well served by this

1 partnership. The pipeline was shut down in a timely and orderly manner; residents were  
2 quickly relocated, as required; and Wolverine picked up all reasonable costs, frequently  
3 more than it was asked to pick up.

4  
5 It should be noted that we were in constant contact with Wolverine representatives,  
6 including Les Cole and Wolverine's President, Bob Luckner, both of whom arrived at the  
7 site on the day of the incident. Just prior to our first community presentation, three days  
8 after the incident, to communicate the status of remediation to understandably concerned  
9 residents, Mr. Luckner asked me what Wolverine could do to relieve the community's  
10 anxiety. My response was that Wolverine could reduce anxiety by committing to provide  
11 a safe and reliable water supply for the 1,500 or so affected residents. Mr. Luckner asked  
12 me for an approximate cost and I told him I had no fixed number in mind, but \$1 million  
13 or \$2 million did not seem out of the picture. Mr. Luckner immediately agreed and we  
14 shook hands on this commitment before an auditorium full of people. Nothing was put  
15 in writing at that, and no lawyers were involved. Wolverine kept its commitment and  
16 more. Wolverine covered the costs of all governmental agencies, approximately  
17 \$500,000, and voluntarily paid approximately \$3.6 million to construct and install water  
18 mains in order to connect homes in the area to the municipal water system.

19  
20 With respect to residential dislocation, it should be noted that Wolverine initiated  
21 Operation Return Home by which 10% of affected residents were safely returned to their  
22 homes by the end of the first day (Friday, June 7, 2000), 50% by the end of the second

1 day, 80% by the end of the third day, 95% by the end of the fourth day, and 99% by the  
2 end of the fifth day (Tuesday, June 13, 2000).

3  
4 Since the incident, Wolverine has assisted us in repeatedly testing the ground water and  
5 wells. By our records, at least 400 wells have been checked, and the well at each  
6 residence has been tested several times. Based on the results of this testing of samples  
7 taken from the wells, there have been no instances of contamination. Our water supply  
8 remains safe and reliable.

9  
10 With respect to Mr. Martin's suggestion that Wolverine did not shut down the pipeline  
11 for approximately four hours, that is contrary to what I viewed in the eye of the storm.  
12 Wolverine's response was immediate, *i.e.*, the spill occurred at 8:45 a.m., Wolverine's  
13 Dallas Control Center recognized the problem and the line was immediately shut down  
14 and blocked in. The only reference I know of to four hours is the time it took to  
15 completely drain the product between remotely controlled valves.

16  
17 Later in my testimony, I will address the numerous governmental, public and private  
18 entities that joined hands almost immediately to form the effective partnership which  
19 resolved the situation. The point to be made here is that in the early hours, I kept a close  
20 eye on Wolverine's hour-by-hour interactions with the emergency management team to  
21 see if Wolverine would try to cut costs and not keep its commitment. Instead, Wolverine

1 went beyond what I believe it was required to do. Simply stated, Wolverine was an  
2 outstanding corporate citizen.

3  
4 **Q<sub>8</sub> DO YOU HAVE ANY OTHER COMMENTS ON MR. MARTIN'S**  
5 **PRESENTATION?**

6 **A<sub>8</sub>** Yes, I do. At page 4 of his testimony, Mr. Martin addresses the strain on city resources  
7 of having to respond to a problem. Mr. Martin apparently assumes that the City of  
8 Lansing would be left to its own resources without any assistance from Wolverine or  
9 governmental agencies. Our experience was the opposite, *i.e.*, within minutes, hours and  
10 days, a coordinated team was formed to assist the community and to coordinate the  
11 required response.

12  
13 As I stated above, Wolverine shut down and secured the pipeline within minutes. Within  
14 three hours of the spill, members of the Environmental Protection Agency were on site  
15 monitoring. Within six hours of the spill, members of the United States Coast Guard  
16 Atlantic Strike Force, based in New Jersey, commenced operations in Jackson. At the  
17 height of operations, more than 300 personnel were on site working.

18  
19 Governmental health and human services agencies included the Ingham County Health  
20 Department, the Jackson County Health Department, the Michigan Department of  
21 Community Health - Bureau of Epidemiology, the Michigan Department of  
22 Environmental Quality, the Red Cross of South Central Michigan, the U.S. Environmental

1 Protection Agency, the U.S. Coast Guard - Atlantic Strike Force. Also from the public  
2 sector, major contributors were Blackman Township elected officials and staff, the  
3 Jackson County Administrator's Office, Jackson County Animal Control, the Jackson  
4 County Equalization Department, the Jackson County Fair, the Jackson County Road  
5 Commission, and the Northwest School District.

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7 From a public safety perspective, major contributors included Blackman Township Public  
8 Safety, the Michigan State Police, Fire Marshall Division, the Onondaga Fire Department,  
9 the Parma-Sandstone Fire Department, the Rives-Tompkins Fire Department, the Spring  
10 Arbor Township Fire Department and the Summit Township Fire Department.

11  
12 Private entities pitched in. Food and beverage was provided by Krogers, Marinos, Meijer  
13 and Sam's Club. Emergency transportation services were provided by the Jackson Transit  
14 Authority, the Northwest School District, and the Car Co. We also had major assistance  
15 from the Cascades Humane Society, Consumers Energy, Elks Lodge No. 113, Emmons  
16 Service, Marine Pollution Control, Northwest Refuse, R.J. Michaels Advertising Agency,  
17 Ripstra & Scheppelman Engineers and Surveyors and, obviously, Wolverine.

18  
19 As noted above, Wolverine reimbursed Blackman Township for all costs associated with  
20 the spill. The payments were wire transferred within 24 hours of the requests. Wolverine  
21 also reimbursed other governmental agencies, upon submission of bills.  
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**Q, PLEASE ADDRESS THE REFERENCES TO BLACKMAN TOWNSHIP IN CITY OF LANSING WITNESS LAIRD’S TESTIMONY.**

A, I noticed four references to Blackman Township in Mr. Laird’s testimony. They are excerpted below:

“ . . . my opinion relates to the following documents which I have reviewed: . . . 5) incident report and documentation pertaining to the Blackman Township mishap.” (Laird, p 3, line 17).

“It is significant to recall that the Wolverine Blackman Township incident was caused by a weld failure as stated in Wolverine’s Answers to Interrogatories.” (Laird, p 5, line 20).

“The history of pipeline operations is full of instances where the inspection methods were insufficient to deal with pipeline problems that are inherited from start-up or developed during subsequent service. The Blackman Township incident is example of this.” (Laird, p 10, line 10).

“A major break should be easy to detect, but a major break produces much damage quickly and the quality of the response to the Blackman incident does not encourage me.” (Laird, p 11, line 7).

To my knowledge, Mr. Laird never even visited Blackman Township. For reasons discussed above, his criticism of “the quality of the response to the Blackman incident” is without basis.

The overwhelming majority of the residents were well served by that response. I find it interesting to note that, with one exception, no one from the City of Lansing ever contacted me to discuss Blackman Township’s experience with Wolverine during the

1 June 2000 incident. I did receive one call requesting data on impact on property values;  
2 and when I responded that property values have actually increased, with commercial  
3 expansion, the individual never called me back. There is a small minority of vocal  
4 residents who want more from Wolverine, and it is my understanding that these are the  
5 only persons contacted by the interveners. I do not believe them to be representative of  
6 our community.

7  
8 I have not been quiet in praising Wolverine's action during the following the June 2000  
9 incident. Obviously, being this vocal subjects me to some criticism. However, in  
10 November 2000, only five months after the June 2000 incident, the residents of Blackman  
11 Township conducted an election which could be viewed as a referendum on my position.  
12 Of the three elected positions (Supervisor, Clerk and Treasurer), I was the only one  
13 without opposition, and I garnered more votes than any elected official in Blackman  
14 Township, including any candidate for the Board of Trustees. I view this as support for  
15 my perspective on the impact of our effective partnership in emergency management.

16  
17 **Q<sub>10</sub> PLEASE ADDRESS THE REFERENCES TO BLACKMAN TOWNSHIP IN CITY**  
18 **OF LANSING WITNESS RUFF'S TESTIMONY.**

19 **A<sub>10</sub>** I noticed two references to Blackman Township in Mr. Ruff's testimony. They are  
20 excerpted below:

21 "It also illustrates the land uses that may be affected by  
22 actual or perceived land value impacts on the surrounding  
23 lands, especially in light of the Blackman Township

1 pipeline rupture that occurred within the last few years.”  
2 (Ruff, p 4, line 5).  
3

4 “Mr. Mazuchowski further testifies on pages 4-6 of Part II  
5 the basic impacts of the Blackman Township pipeline  
6 catastrophe, the number of leaks that occur from pipelines  
7 and the associated damage from those leaks.” (Ruff, p 6,  
8 line 11).  
9

10 If Mr. Ruff is relying on Blackman Township’s experience for “actual or perceived land  
11 value impacts”, he is seriously misinformed. I have noticed no harmful economic impact  
12 since the spill. If anything, Blackman Township residents now have a higher quality of  
13 life. There have been 22 new homes constructed in the immediate area of the June 2000  
14 incident, and people are still investing in Blackman Township. I have lived within a half  
15 a mile from the spill site for over 20 years, my children play there, and I am delighted to  
16 live there.

17  
18 With respect to Mr. Ruff’s testimony referencing Mr. Mazuchowski’s testimony, I  
19 understand that (i) such reference is to Mr. Mazuchowski’s testimony for a different line  
20 in a different docket number and (ii) Mr. Mazuchowski’s testimony in this docket  
21 supports the proposed line using the MDOT I-96 right-of-way.  
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23 **Q<sub>11</sub> PLEASE ADDRESS THE REFERENCES TO BLACKMAN TOWNSHIP IN**  
24 **MICHIGAN PUBLIC SERVICE COMMISSION STAFF WITNESS**  
25 **MAZUCHOWSKI’S TESTIMONY.**

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A<sub>11</sub> I noticed one reference to Blackman Township in Mr. Mazuchowski's testimony. It is excerpted below:

"The unfortunate spill in Blackman Township, almost two years ago, of a larger diameter higher pressure pipeline than proposed now by Wolverine, has shown with proper planning and emergency procedures, significant damage to the environment can be minimized. No water wells were contaminated and the spill posed minimal permanent damage to the environment. Wolverine recovered 80% of the product lost and has removed and replaced, as much as practical, the contaminated soil around the site of the leak and nearby creek bank. Wolverine is monitoring the area and continuing to work with the MDEQ. Wolverine has shown that with the help of the Federal, State and Local officials, they can effectively contain a leak and protect the public as well as their source of drinking water."  
(Mazuchowski, p 11, line 4).

I agree with Mr. Mazuchowski's presentation. It is an accurate portrayal of the aftermath of the spill and its impact on our community.

**Q<sub>12</sub> DOES THIS CONCLUDE YOUR TESTIMONY?**

A<sub>12</sub> Yes, it does

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