

Send To Cc Bcc Subject FW: (2019-07-30) EGLE Permission to BLP for Continue Utilization of Unit 3 Surface Impoundments

From: Ring, Margie (EGLE) <RINGM@michigan.gov>
Sent: Tuesday, July 30, 2019 1:37 PM
To: Erik Booth <EBooth@ghblp.org>
Cc: Arthur Siegal <Asiegal@jaffelaw.com>; 'Pat Bowland' <pbowland@mpower.org>; Katie Abraham <kabraham@mpower.org>; Dave Walters <DWalters@ghblp.org>; Schinderle, Jack (EGLE) <SCHINDERLEJ@michigan.gov>; Browne, Elizabeth (EGLE) <BROWNEE@michigan.gov>; Clark, Alexandra (EGLE) <ClarkA37@michigan.gov>; Walters, Kent (EGLE) <WaltersK7@michigan.gov>; Unseld, Timothy (EGLE) <UNSELDT@michigan.gov>
Subject: RE: Documentation of Plant and CCR Pond Closure Activities

This will serve as confirmation from EGLE that the Grand Haven Board of Light and Power (GHBLP), JB Sims Generating Plant may continue utilizing the surface impoundments known as Ponds 3 A and B, while EGLE and GHBLP work toward a resolution of the compliance status of the facility. EGLE has opted to exercise enforcement discretion on the alleged violations given the facility's plan to cease operation in the near future (by June 1, 2020), and as long as 1) discussions continue on how to resolve current violations/meet future required dates for closure and associated activities (i.e. investigation/ground water issues/remedies) to EGLE's satisfaction (compliance program); and 2) GHBLP agrees to enter the compliance program into an enforceable document (Consent Order).

While these discussions are underway, EGLE sees no reason to prohibit operation of the generating plant. As indicated above, as long as GHBLP continues to work towards resolution of compliance issues at the plant, utilization of the associated active surface impoundments may continue. We are in receipt of the documentation provided by GHBLP regarding your commitment to a plan, as proposed by Golder Associates, toward addressing mitigation activities at the facility. Additionally, you have provided documentation as to the proposed operation and ultimate closure of the plant.

We look forward to continuing to work with you to resolve any outstanding compliance issues.

Margie Ring
State Solid Waste Engineering Coordinator
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Michigan Department of Environment, Great Lakes and Energy
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Send To Cc Bcc Subject FW: (2019-07-30) EGLE Permission to BLP for Continue Utilization of Unit 3 Surface Impoundments

From: Erik Booth <EBooth@ghblp.org>
Sent: Tuesday, July 30, 2019 9:45 AM
To: Ring, Margie (EGLE) <RINGM@michigan.gov>
Cc: Arthur Siegal <Asiegal@jaffelaw.com>; 'Pat Bowland' <pbowland@mpower.org>; Katie Abraham <kabraham@mpower.org>; Dave Walters <DWalters@ghblp.org>
Subject: Documentation of Plant and CCR Pond Closure Activities

Margie,

Based on our conversation this morning, I have included two documents. The first is a proposal, accepted and approved by the Board of Directors in March 2019, to provide engineering services to remediate and close the ponds following the retirement of the Sims Power Plant on June 1, 2020. Please note that there is a tentative schedule starting on page 22 but they just recently completed the wetland assessment report which is causing Golder to adjust the original proposed schedule. Mitigation activities will be conducted either in conjunction or following the demolition of the steam plant (depending on the time needed to receive the necessary permit approvals). Golder can provide an updated schedule based on where they are at during our meeting on Friday. The second document is the Board of Light and Power's Power Supply Plan which documents that capacity has been purchased to replace the retired Sims Power Plant for the planning year starting June 1, 2020.

This should provide the Department the necessary documentation to assure that the GHBLP is taking steps to properly retire this facility and close the ponds in accordance with the applicable environmental and capacity market requirements. We need assurance from the Department that we can continue operations.

Erik

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Subject FW: (2019-07-30) EGLE Permission to BLP for Continue Utilization of Unit 3 Surface Impoundments

From: Erik Booth

Sent: Tuesday, July 30, 2019 8:54 AM

To: Ring, Margie (EGLE) <RINGM@michigan.gov>

Cc: Arthur Siegal <asiegal@jaffelaw.com>; 'Pat Bowland' <pbowland@mpower.org>; Katie Abraham <kabraham@mpower.org>; Dave Walters <DWalters@ghblp.org>

Subject: FW: CCR Website additions: No Alternate Disposal Capacity Demonstration Documentation

Margie,

We have received no written correspondence to date from EGLE on whether we can continue operations in compliance with the MI CCR and Federal Rules despite multiple attempts to obtain this determination. We need a determination today by the Department that we can continue operating the Sims plant while we work this out. We have obligations with MISO to run the unit for the planning year and have an already established schedule. If we take the unit down due and make it unavailable then we will be violating the capacity obligations with MISO. Given that staff only recently raised this issue well after commitments were made for the capacity planning year, the Department has put us in an untenable situation.

You have verbally informed us that you want assurances that the Sims Plant is going to close and that is what is driving the Department's current actions. We have informed you that both the Board of Directors and City Council have voted to cease operations and retire the Sims Plant by June 1, 2020. However, if that documentation in their minutes is not adequate enough, we can also provide documentation that we have went to the market and purchased capacity for the MISO planning year starting June 1, 2020 which should provide the adequate documentation that Sims will not be an operational asset of the Board of Light & Power.

We are asking for the Department to immediately notify us if we can continue operations while we sort this out. I will follow up with a phone call at 9:00 am to discuss with you.

Erik



**Grand Haven
Board of Light & Power**
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