

US EPA ARCHIVE DOCUMENT

November 11, 2014

VIA FIRST CLASS U.S. MAIL

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
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Director, Water Enforcement Division
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U.S. Environmental Protection Agency
Mail Code 2243A
1200 Pennsylvania Ave., NW
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Director, Water Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Blvd. (W-15J)
Chicago, IL 60604

Re: *United States v. Lake Michigan Trans-Lake Shortcut, Inc., d/b/a Lake Michigan Carferry Service and S.S. Badger*, No. 1:13-cv-317, DOJ Case No. 90-5-1-1-10771 (W.D. Mich.)

Dear Sir or Madam:

The attached document constitutes the report required by Paragraph 43C of the Amended Consent Decree in *United States v. Lake Michigan Trans-Lake Shortcut, Inc., d/b/a Lake Michigan Carferry Service and S.S. Badger*, Civil Action No. 13-00317 (W.D. Mich. entered into Oct. 10, 2013). It reports the number of trips the Badger made between Manitowoc and Ludington, an estimate of the average amount of coal used to operate the Badger, and an estimate of the average amount of coal ash discharged for each day of operation in October 2014. As you know, Paragraph 43C of the Amended Consent Decree requires that we use the 2013 average daily coal use and 2014 average ash content of the coal supply. As a result, this figure does not reflect current ash generation or discharge levels and is used only to meet the reporting requirements of Paragraph 43C. It may not be used for determining compliance with any other provision of the Consent Decree, including Appendix B.



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Please do not hesitate to contact me if you have questions or require additional information.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Charles R. Leonard'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles R. Leonard
Vice-President, Navigation
Lake Michigan Carferry Service

Attachment

**Lake Michigan Carferry Service/ Civil Action No. 1:13-cv-317JTN
Amendment to Consent Decree Reporting Requirements; Paragraph 43C
Ash Discharge Report for October 2014**

The daily coal combusted and ash discharged was estimated using the 2013 average daily coal use and the average coal ash content of the coal used in 2014 as required by the Amended Consent Decree. The lab analysis of coal purchased for use during the 2014 Operating Season can be found attached to our April 9, 2014 and September 22, 2014 submissions. Per Paragraph 43C of the Amended Consent Decree, this calculation shall only be used for compliance with Paragraph 43C, and shall not be used for purposes of complying with any other provision of the Consent Decree, including Appendix B. In particular, these estimated figures do not reflect the actual amount of coal ash discharged, nor the amounts of chemical constituents, if any, contained in the ash. The most recent figures that describe and analyze the actual amount of coal ash discharged and its constituents, as compared to other sources on Lake Michigan, can be found at <http://www.epa.gov/region5/water/npdestek/badger/pdfs/application/badger-app-cc.pdf>.

Date Sailed		2013 Coal Usage Per Day	Weighted Avg. Coal Ash Content	Avg. Est. Coal Ash Discharge
10/1/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/2/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/3/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/4/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/5/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/6/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/7/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/8/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/9/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/10/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/11/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/12/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/13/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/14/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/15/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/16/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/17/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/18/2014	0 RT	60.1 NT	5.77%	3.47 NT
10/19/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/20/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/21/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/22/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/23/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/24/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/25/2014	1 RT	60.1 NT	5.77%	3.47 NT
10/26/2014	1 RT	60.1 NT	5.77%	3.47 NT

**Lake Michigan Carferry Service/ Civil Action No. 1:13-cv-317JTN
Amendment to Consent Decree Reporting Requirements; Paragraph 43C
Ash Discharge Report for October 2014**

Beginning Inv.	200 NT*	Utilized	200 NT	5.77% Ash
Purchases	1150 NT*	Utilized	<u>850 NT</u>	5.77% Ash
		Total Utilized	1050.00 NT	
Ending Inv.	300 NT Est.*			

RT = Round Trip NT = Net Ton Est. = Estimate Inv. = Inventory
Vessel Travels Between Ludington, MI and Manitowoc, WI

* These figures are and have been estimated based on visual inspections and billing statements from LMC's coal supplier and will be reconciled at the end of the year.