

November 6, 2013



**VIA FIRST CLASS U.S. MAIL**

Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611, Ben Franklin Station  
Washington, D.C. 20044-7611

Director, Water Enforcement Division  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
Mail Code 2243A  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

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). The attached spreadsheet 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 2013. The daily coal combusted and ash discharged was calculated using the 2012 average daily coal use and the average ash content of the 2013 coal supply, as required by the Amended Consent Decree. 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.

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

Very truly yours,

A handwritten signature in blue ink that reads "Charles R. Leonard". The signature is written in a cursive style with a large, sweeping initial "C".

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

Attachment

**Lake Michigan Carferry Service / Civil Action No. 1:13-cv-317 JTN  
Amendment To Consent Decree Reporting Requirements; Paragraph 43C.  
Ash Discharge Report for October 2013**

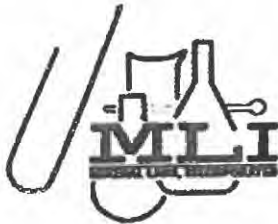
The daily coal combusted and ash discharged was estimated using the 2012 average daily coal use and the average coal ash content of the coal used in 2013 as required by the Amended Consent Decree.

Approximately 303 NT of coal from the inventory of 2012 was utilized in 2013. Included within these documents is the 2012 Coal Supply/Ash Analytical Report. 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	2012 Coal Usage Per Trip	Weighted Avg. Coal Ash Content	Avg. Est. Coal Ash Discharge	
10/1/2013	2 RT	57.518 NT	5.95%	3.42 NT
10/2/2013	2 RT	57.518 NT	5.95%	3.42 NT
10/3/2013	2 RT	57.518 NT	5.95%	3.42 NT
10/4/2013	2 RT	57.518 NT	5.95%	3.42 NT
10/5/2013	2 RT	57.518 NT	5.95%	3.42 NT
10/6/2013	2 RT	57.518 NT	5.95%	3.42 NT
10/7/2013	1 RT 1 OW	57.518 NT	5.95%	3.42 NT
10/8/2013	1 RT	57.518 NT	5.95%	3.42 NT
10/9/2013	1 RT	57.518 NT	5.95%	3.42 NT
10/10/2013	1 RT	57.518 NT	5.95%	3.42 NT
10/11/2013	1 RT	57.518 NT	5.95%	3.42 NT
10/12/2013	1 RT	57.518 NT	5.95%	3.42 NT
10/13/2013	1 RT	57.518 NT	5.95%	3.42 NT
Beginning Inv.	303 NT Est.	Utilized	303 NT	8.69% Ash
Purchases	9849 NT	Utilized	<u>9549 NT</u>	<u>5.86% Ash</u>
		Total Utilized	9852 NT	5.95% Ash
				Combined Weighted Avg.
Ending Inv.	300 NT Est.			

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



# MINERAL LABS INC.

Box 549  
 Salyersville, Kentucky 41465  
 Phone (606) 349-6145

## Certificate of Analysis

<b>COMPANY REQUESTING ANALYSIS:</b>			<b>Date Analyzed:</b>		5/1/2013
C. Reiss Coal/PO# 118-13 2525 Harrodsburg Rd., Suite 130 Lexington, KY 40504			<b>Lab No.</b>		013024854
			<b>Sampled By/Type:</b>		Lab/Car Top
ID: Lancer: PO# 118-13: Permit# P105: LA# 142: TL# L342:					
<b>PROXIMATE ANALYSIS</b>		<b>As Received</b>	<b>Dry Basis</b>	<b>ULTIMATE ANALYSIS (ASTM D5373)</b>	
% Moisture (3302)		5.66		Moisture	5.66
% Ash (D3174)		5.86	6.21	Carbon	75.00
% Volatile (D3175)		36.44	38.63	Hydrogen	4.89
% Fixed Carbon (Calculated)		52.04	55.16	Nitrogen	1.46
B.T.U (D5885)		13340	14140	Sulfur	1.00
M.A.F.B.T.U. (Calculated)		15076		Ash	5.86
% Sulfur (D4239)		1.00	1.08	Oxygen (diff.)	6.13
SO <sub>2</sub> (lbs.)		1.50			
Ash lbs./btu		4.39			
<b>SULFUR FORMS (ASTM D2492)</b>			<b>As Received</b>	<b>Dry Basis</b>	
% Pyritic Sulfur		xxxxx	xxxxx		
% Sulfate Sulfur		xxxxx	xxxxx		
% Organic Sulfur		xxxxx	xxxxx		
% Total Sulfur		xxxxx	xxxxx		
<b>FUSION TEMPERATURE OF ASH (D1857)</b>			<b>Reducing (°F)</b>	<b>Oxidizing (°F)</b>	
Initial Temp.		2640	xxxxx		
Softening Temp. H=W		2700+	xxxxx		
Hemispherical Temp. H=1/2 W		2700+	xxxxx		
Fluid Temp		2700+	xxxxx		
T-250 Temp. of Ash		2800			
Base/Acid Ratio		0.1455			
Fouling Factor		0.0557			
Slagging Factor		0.1542			
<b>WATER SOLUBLE ALKALIES (Reported in %)</b>					
CaO		xxxxx			
K <sub>2</sub> O		xxxxx			
Na <sub>2</sub> O		xxxxx			
			<b>MINERAL ANALYSIS (ASTM D4328)</b>		<b>% Wt. Ignited Basis</b>
			Silicon dioxide	SiO <sub>2</sub>	50.41
			Aluminum oxide	Al <sub>2</sub> O <sub>3</sub>	30.06
			Titanium dioxide	TiO <sub>2</sub>	1.69
			Iron oxide	Fe <sub>2</sub> O <sub>3</sub>	7.67
			Calcium oxide	CaO	1.69
			Magnesium oxide	MgO	0.70
			Potassium oxide	K <sub>2</sub> O	1.51
			Sodium oxide	Na <sub>2</sub> O	0.38
			Sulfur trioxide	SO <sub>3</sub>	0.97
			Phosphorus pentoxide	P <sub>2</sub> O <sub>5</sub>	0.11
			Strontium oxide	SrO	0.27
			Barium oxide	BaO	0.17
			Manganese oxide	MnO	0.02
			Undetermined		4.35
			Beryllium ppm (ASTM D6367)		2.75
			Chlorine ppm (ASTM D4268)		xxxxx
			Mercury ppm (ASTM D6722)		0.04
			Oxidation (ASTM D5263)		xxxxx
			Selenium ppm (ASTM D6367;MOD)		xxxxx
			Free Swelling Index (D725)		4
			Equilibrium Moisture (ASTM D1412)		xxxxx
			Grindability Index (D409)		xxxxx
Submitted By: <i>Shelinda Matthews</i>					

# COAL PURCHASED IN 2013

## 2012 Coal Supply/Ash Analytical Report

Date	Company	Analysis Report	N/T Coal	Coal %	Ash %
4/13/11	Manitowoc Public Utilities	MC Mining (SGS)	7762.66	79.9%	8.49%
8/21/08	Utah American Energy, Inc.	Horizon Labs	1400	14.4%	10.62%
1/20/10C.	Reiss Coal Co.	SGS	<u>553.34</u> 9716 N/T	5.7%	<u>6.54%</u> Avg. 8.69%

Average ash content of coal is 8.69%.

N/T = Net Ton

**2012 Coal Loads to Lake Michigan Carferry**

**Date Tickets Hrs Chgd # of Loads 28T loads Total Tons E.Kentucky**  
 Beginning 2012 approximately 7560 tons of stoker coal left  
 May billed for 380.8 tons of Stoker coal

Date	Tickets	Hrs Chgd	# of Loads	28T loads	Total Tons	E.Kentucky				
10/1/2012	655899	1	3	28	84		2	3		130
10/2/2012							2			
10/3/2012	765851	1.75	4	28	112		2	4		
10/4/2012	765582	1.5	2	28	56		2	2		
10/5/2012										
10/6/2012	765853	1.5	3	28	84		2	3		
10/7/2013		5.75	12		336		2			
10/8/2012	765854	1.5	3	28	84		2	3		
10/9/2012										
10/10/2012	765855	1.75	2	28	56		3	2		
10/11/2012	765856	2	3	28	84		3	3		
10/12/2012	765857	1.25	2	28	56		2	2		
10/13/2012	765858	1.25	2	28	56		2	2		
10/14/2012		7.75	12		336		2			
10/15/2012	665859	2.5	4	28	112		2	4		
10/16/2012	765860	1	1			25.40	2	25.4		1
10/17/2012	765861	1.5	2			49.43	2	49.43		2
10/18/2012	765862	1.75	2			50.12	2	50.12		2
10/19/2012	765863	1.5	2			48.71	2	48.71		2
10/20/2012	765864	1	1	28	28		2		1	
10/21/2013		9.25	12			173.66	2			
10/22/2012	765865	1.75	4	28	56	51.10	2	51.1	2	2
10/23/2012	765866	1.5	2			50.49	2	50.49		2
10/24/2012	765867	1.75	2			50.81	2	50.81		2
10/25/2012	765868	1.75	2			50.13	2	50.13		2
10/26/2012	765869	1.25	1			50.17	2	50.17		2
10/27/2012	765870	1	2	28	28		2		1	
10/28/2013		9	13			252.70	2			
10/29/2012	765871	1.5	3	28	28	49.58	2	49.58	1	2
<b>TOTALS FOR OCTOBER 2012</b>						475.94	26/56			161
11/1/2012	765872	2	3	28	28	51.32	2	51.32	1	2
11/2/12	765873	2.5	3	28	56	26.08	2	26.08	2	1
		4.5		448		77.40	2/4	553.34	36	22
<b>TOTALS FOR NOVEMBER 2012</b>						77.4				
Bill for Reiss Stoker Coal					over est on dock 202.1	930.66		7,762.66		
Bill for Westridge Coal						140		1,400.00		
Bill for E Kentucky Stoker Coal						553.34		553.34		
Sailed 156 out of 163 days made 493 trips burned 9663 tons of coal							9,716.00	53Tons dock inventory Nov 2012		
Add 5 days of steam in port prior to sailing dates						168		57.517		



Analysis Report

January 20, 2010

C REISS COAL CO  
PO BOX 188  
GREEN BAY WI 54306

Page 1 of 1

ATTN: KATHY MEESE

Client Sample ID:	Black Diamond Stoker Retest	Sample ID By:	C. Reiss Coal Company
Date Sampled:	Jan 12, 2010	Sample Taken At:	Green Bay
Date Received:	Jan 13, 2010	Sample Taken By:	C. Reiss Coal Company
Product Description:	COAL		

SGS Minerals Sample ID: 491-1042277-001

	<u>Method</u>	<u>As Received</u>	<u>Dry</u>	<u>DAE</u>
Moisture, Total %	ASTM D3302	5.83		
Ash %	ASTM D3174	6.54	6.94	
Sulfur %	ASTM D4239 Method B	0.89	0.94	
Gross Calorific Value	BTU/LB	13141	13955	14996
Carbon %	ASTM D5373	71.91	78.36	
Hydrogen %	ASTM D5373	5.08	5.37	
Nitrogen %	ASTM D5373	1.14	1.21	
Oxygen %	ASTM D5373 (by diff)	8.63	9.18	

*Vanessa Chambliss*

Vanessa Chambliss  
Branch Manager

SGS North America Inc | Minerals Services Division  
15130 Van Drunen Road, South Holland, IL | (708) 331-2900 | (708) 333-3060 | www.sgs.com/minerals

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Analysis Report

June 26 2011

MC MINING LLC  
HC 57 box 515  
Pilgrim  
KY 41250  
US

Page 1 of 1

ATTN: Teresa  
ACCTS PAYABLE

Client Sample ID: L525  
Date Sampled: Jun 26 2011  
Date Received: Jun 26 2011  
Product Description: COAL

Sample ID By: SGS Minerals Services  
Sample Taken At: MC Mining  
Sample Taken By: Mechanical  
Sample ID: Kocn Carbon  
No. of Cars: 93

SGS Minerals Sample ID: 521-1128575-001

	Method	As Received	Dry	DAF
Moisture, Total %	ASTM D3302/D2961	4.30		
Ash %	ASTM D3174/D5142	8.48	8.88	
Sulfur %	ASTM D4239 Method B	0.80	0.84	
Gross Calorific Value BTU/LB	ASTM D5865	12997	13581	14903

Tests	Result	Unit	Method
lb. of SO2 / Million Btu @ 100%	1.24	—	ASTM D5865

SIEVE ANALYSIS ASTM D4749

Passing	Retained on	% Weight	CUMULATIVE RESULTS	
			% Retained	% Passing
—	1/4" Rd	91.70	91.70	8.30
1/4" Rd	0	8.30	100.00	0.00

Janet Stump  
Branch Manager

SGS North America Inc. Minerals Services Division  
1615 Mining Circle Road, Princeton, NJ 08542 | 1 (800) 432 0511 | 1 (609) 437-4087 | www.sgs.com/minerals

Minerals are a finite resource. We are committed to responsible mining and environmental stewardship.

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CONFIDENTIAL

The C Reiss Coal Company  
P O Box 188  
Green Bay, Wisconsin 54305

### Sales Acknowledgement

To: Manitowoc Public Utilities  
P O Box 1090  
Manitowoc, Wisconsin 54221-1090

Negotiated Date: 04/13/2011  
Agreement: 102875

Buyer Contact

Manitowoc Public Utilities  
Nilaksh Kothari  
Phone: 920-696-4381 Fax:

Seller Contact

The C Reiss Coal Company  
Mark Cummings  
Phone: 920-436-7600 ext 14 Fax: 920-436-7605

The C Reiss Coal Company (Seller) agrees to sell and deliver, and Manitowoc Public Utilities (Buyer) agrees to purchase and accept as per the following

**PAYMENT TERMS:** Net 30 days from Invoice Date

**PRODUCT:** MC Mining Scott's Branch  
**DELIVERY TERMS:** FOB Destination  
**ORIGIN:** Toledo Dock  
**DESTINATION:** Manitowoc Public Utilities  
**TITLE TRANSFER:** Manitowoc Public Utilities  
**PERIOD:** 6/1/2011 to 07/31/2011  
**DELIVERY METHOD:** VESSEL  
**QUANTITY:** 10,000.00 net ton(s) Approximately  
**PRICE(S):**

COMMODITY PRICE \$130.55 USD/net ton

**QUALITY:** Per the following specifications

	TYPICAL	MEASUREMENT REJECTION REJECTION	
		BASIS	MIN MAX
MOISTURE (%)	6 - 7	As Received	
ASH (%)	8 - 9	As Received	
VOLATILE (%)	35 - 36	As Received	
BTU (BTU/LB )	12,900	As Received	
SULFUR (%)	< 1.00	As Received	
FUSION (F* )	2700		
HGI (PIS )	43		
SIZING (IN )	1 1/2 x 1/4		
BOTTOM SIZE (IN )	1/4 x 0 - 10%		

WESTRIDGE COAL  
DELIVERED 8/11/08  
12,923.00 TON.



General Offices: P.O. Box 995 Price, Utah 84501 435-637-4343  
Laboratory: 545 East 100 North Price, Utah 84501

Submitted to:  
UtahAmerican Energy, Inc  
Westridge  
P.O. Box 1077  
Price, Utah 84501

August 21, 2008

Date Sampled: 8/19/2008  
Date Received: 8/19/2008

Sample Identification:  
Joe Block for MPU  
Loaded 8/19/08

Sampled By: SCT  
Identification By: WRR1

Analysis Report #: Composite 70820, 70844, 70922

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### CERTIFICATE OF ANALYSIS

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#### Proximate

	As Received Basis	Dry Basis
% Moisture	6.38	-----
% Ash	10.62	11.34
% Volatile Matter	32.75	34.99
% Fixed Carbon	50.25	53.67
	<hr/> 100.00	<hr/> 100.00
% Sulfur	1.16	1.24
Btu/Lb.	12345	15186
Moisture Ash Free Btu/Lb.	14873	
Mercury ppm	0.0786	

Respectfully Submitted,  
HORIZON LABORATORIES

Laboratory Manager