

September 10, 2014



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, DC 20044-7611

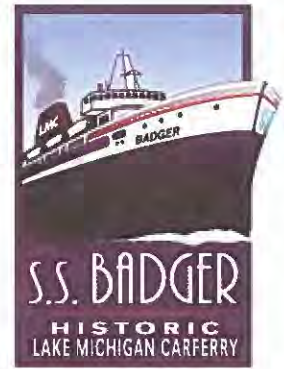
Director, Water Enforcement Division
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Director, Water Division
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Re: *United States v. Lake Michigan Trans-Lake Shortcut, Inc., d/b/a Lake Michigan Carferry Service and S.S. Badger*, No. 1:13-cv-317, 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 August 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.



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

Very truly yours,

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 43 C
Ash Discharge Report for August 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 submission. 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 | Weighted Avg. Coal Ash Content | Avg. Est. Coal Ash Discharge |
|--------------------|------------------------|---------------------------------------|-------------------------------------|
| 8/1/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/2/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/3/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/4/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/5/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/6/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/7/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/8/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/9/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/10/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/11/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/12/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/13/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/14/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/15/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/16/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/17/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/18/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/19/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/20/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/21/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/22/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/23/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/24/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/25/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/26/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/27/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |
| 8/28/2014 | 2 RT 60.1 NT | 5.71% | 3.43 NT |

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

| | | | | |
|-----------------------|--------------------|-----------------------|------------------------|-------------------------------|
| 8/29/2014 | 2 RT | 60.1 NT | 5.71% | 3.43 NT |
| 8/30/2014 | 2 RT | 60.1 NT | 5.71% | 3.43 NT |
| 8/31/2014 | 2RT | 60.1 NT | <u>5.71%</u> | <u>3.43 NT</u> |
| Beginning Inv. | 200 NT | Utilized | 200 NT | 5.71% Ash |
| Purchases | 1,625 NT | Utilized | <u>1,425 NT</u> | <u>5.71% Ash</u> |
| | | Total Utilized | 1,625 NT | 5.71% Ash |
| Ending Inv. | 200 NT Est. | | | Combined Weighted Avg. |

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