



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
BAY CITY DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

May 20, 2021

Mr. Colby J. Cottick  
Fuel Handling and Technical Services Manager  
Consumers Energy Company, Karn Complex  
2680 Weadock Highway  
Essexville, Michigan 48732

Dear Mr. Cottick:

SUBJECT: Violation Notice; JC Weadock Disposal Area, Consumers Energy Company; Bay County; Waste Data System Number 395457

On May 4, 2021, Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD) staff conducted an inspection of a residential property at 871 Tacey Road, Essexville, Michigan, located less than one mile from JC Weadock Disposal Area, which is located at 2742 North Weadock Highway, Essexville, Michigan. The purpose of the inspection was to evaluate JC Weadock Disposal Area's compliance with Part 55, Air Pollution Control, and Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, Michigan Compiled Laws 324.11501 *et seq.*; the administrative rules promulgated pursuant to Part 55 (Part 55 Rules) and Part 115 (Part 115 Rules); and the Solid Waste Disposal Area Operating License number 9640 issued to Consumers Energy Company on March 11, 2021. This inspection was done, in part as a follow-up to a complaint filed with EGLE on May 3, 2021, which alleged coal combustible residuals (CCR) blowing from JC Weadock Disposal Area onto a residential property.

As a result of the inspection, the Air Quality Division (AQD) and MMD have determined that JC Weadock Disposal Area is in violation of the following at the above referenced location:

- 1. Part 55, R 336.1901 Air contaminant or water vapor; prohibition. Rule 901(b).**

**Notwithstanding the provisions of any other rule, a person shall not cause or permit the emission of an air contaminant or water vapor in quantities that cause, alone or in reaction with other air contaminants, unreasonable interference with the comfortable enjoyment of life and property.**

**2. Part 55, R 336.1370 Collected air contaminants. Rule 370 (1)**

**Collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air.**

**3. Part 115, R 299.4315 Type III landfill operating requirements; control of dust and blowing papers. Rule 315 (5):**

**Measures shall be provided to control fugitive dust, odors, and other emissions at a type III landfill. These measures shall be sufficient to ensure that the operation of the landfill will not produce any emission that results in a violation of Part 55 of the Act.**

EGLE staff observed CCR on the exterior of the home as well as patio furniture, air conditioner, hot tub, boat, and children's play furniture. Section 11519a requires that the owner or operator of a coal ash landfill or impoundment maintain a fugitive dust control plan that complies with 40 CFR 257.80(b) and is certified by a registered professional engineer pursuant to R 299.4910(9) of the part 115 rules. Consumers Energy Company must evaluate the current fugitive dust plan and amend where necessary it to prevent these violations from reoccurring.

Consumers Energy Company must immediately initiate any actions specified above and other actions necessary to correct the cited violations. Additionally, please submit documentation to this office regarding those actions taken, or to be taken, to address the violations listed above by **June 21, 2021**.

At a minimum, your response should explain the cause of the violations, the actions taken to correct the violations, what steps are being taken to prevent reoccurrence of the violations, and the duration of the violations, including whether the violations are ongoing. If the violations are not resolved by the date of your response, your response should include a work plan that describes what equipment will be installed, procedures that will be implemented, processes or process equipment that will be shut down, or other actions that will be taken and by what dates these actions will take place to resolve the violation.

Your response may include additional information relevant to the violations observed for evaluation. EGLE will evaluate your response, determine Consumers Energy Company's compliance status at the above-referenced location, and notify you of this determination. This Violation Notice does not preclude, nor limit, EGLE's ability to initiate any other enforcement action under state or federal law, as deemed appropriate.

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EGLE anticipates and appreciates your cooperation in resolving this matter. If you have any questions, please contact us at the telephone numbers below or by e-mail at HareC@michigan.gov or BabcockL4@michigan.gov.

Sincerely,



Chris Hare  
District Supervisor  
Air Quality Division  
989-280-4733



Lori Babcock  
Senior Geologist  
Materials Management Division  
989-460-7352

cc: Mr. Caleb Batts, Consumers Energy Company  
Mr. Michael E. Gruber II, Consumers Energy Company  
Mr. Harold Register, Jr., Consumers Energy Company  
Mr. Phil Roycraft, EGLE  
Mr. Gary Schwerin, EGLE  
Ms. Margie Ring, EGLE  
Ms. Mary Ann Dolehanty, EGLE  
Dr. Eduardo Olaguer, EGLE  
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