

July 21, 2023

**TRANSMITTAL VIA EMAIL 07/21/2023**

Mr. John Ozoga  
Michigan Department of Environment, Great Lakes, and Energy  
Materials Management Division  
Bay City Office  
401 Ketchum St, Suite B  
Bay City, Michigan 48708

**NOTIFICATION OF REMEDY SELECTION PURSUANT TO 40 CFR 257.97(A) FOR THE JC WEADOCK  
BOTTOM ASH POND COAL COMBUSTION RESIDUALS (CCR) UNIT; WASTE DATA SYSTEM NUMBER  
395457**

Dear Mr. Ozoga,

Please find enclosed the "Final Selection of Remedy Report for the former JC Weadock Bottom Ash Pond CCR Unit" as a requirement of §257.97(a) of the federal Coal Combustion Residuals (CCR) Rule. This notification is being made pursuant to requirements in § 257.106(h) which specifies documentation prepared recording the public meeting for corrective measures assessment required in 257.96(e) and the remedy selection.

Please feel free to contact me with any questions or clarifications regarding this submittal.

Sincerely,



Harold D. Register, Jr., P.E.  
Sr. Principal Environmental Engineer  
Risk Management  
Phone: (517) 788-2982  
Email: [harold.registerjr@cmsenergy.com](mailto:harold.registerjr@cmsenergy.com)


cc: Ms. Lori Babcock, EGLE Bay City District Office  
Mr. Mike Quigg, EGLE Bay City District Office  
Mr. Jim Arduin, EGLE Materials Management Division, Lansing  
Ms. Margie Ring, EGLE Materials Management Division, Lansing  
Mr. Joe Firlit, Consumers Energy  
Ms. Darby Litz, TRC

Mr. John Ozoga  
"Notice of Remedy Selection for JC Weadock Bottom Ash Pond"  
July 21, 2023  
Page 2



Enclosures:

(Consumers Energy Company, July 2023). "JC Weadock Bottom Ash Pond Coal Combustion Residual (CCR) Unit 40 CFR 257.97(a) Selection of Remedy Letter Report."

**To:** Operating Record 

**From:** Harold D. Register, Jr.  
Risk Management

**Date:** July 21, 2023

**Subject:** JC Weadock Bottom Ash Pond Coal Combustion Residual (CCR) Unit  
40 CFR 257.97(a) Selection of Remedy Letter Report

**CC:** Heather Prentice, Risk Management

Consumers Energy (CE) has prepared this Final Selection of Remedy Report for the former JC Weadock Bottom Ash Pond CCR Unit as a requirement of §257.97(a) of 40 CFR Parts 257 and 261, Disposal of Coal Combustion Residuals from Electric Utilities, under Subtitle D of the Resource Conservation and Recovery Act (RCRA), also known as the Coal Combustion Residuals (CCR) Rule. The Weadock Bottom Ash Pond was formerly the primary settling/detention structure for the National Pollutant Discharge Elimination System (NPDES) Treatment System prior to discharge and temporary storage for CCRs prior to disposal in one of the on-site, licensed disposal facilities. The JC Weadock Power Plant discontinued operation in May 2016 and in April 2018 Consumers Energy ceased hydraulic loading to the former bottom ash pond. The Weadock Bottom Ash Pond dewatering and excavation work to remove CCR was completed between February and July 2020. The location of the former bottom ash pond is shown on Figure 1.

Per §257.97(a), this Report describes the remedy selected along with how the remedy meets the standards set forth in §257.97(b) for the Weadock Bottom Ash Pond, which had triggered an Assessment of Corrective Measures (ACM) under the CCR Rule. The ACM is required pursuant to §257.96 whenever an Appendix IV constituent has been detected at a statistically significant level exceeding the established federal groundwater protection standard (GWPS). CE reported statistically significant exceedances above the GWPS within the certified compliance well network for two Appendix IV constituents, beryllium and lithium, in the "Notification of Appendix IV Constituent Exceeding Groundwater Protection Standard per §257.95(g)" (Consumers Energy Company, January 2019).

Unit with GWPS Exceedance	Constituent	# of Downgradient Wells Observed
Weadock Bottom Ash Pond	Beryllium	1 of 4
	Lithium	1 of 4

Subsequently, the “*Assessment of Corrective Measures Report*” (ACM) (TRC, September 2019) was completed on September 11, 2019, for the Weadock Bottom Ash Pond. Five remedial approaches were evaluated and presented based on source control by removing CCR in the former bottom ash pond. Semi-annual progress reports have been prepared in accordance with §257.97(a) to describe progress toward selecting and designing remedies and are available on the CE CCR Rule Compliance Data and Information public-facing website.

Source removal was completed in 2020. The extent of the Weadock Bottom Ash Pond excavation area and former wet ash boundary are shown on Figure 1 along with the monitoring well network. Groundwater monitoring and nature and extent evaluation performed subsequent to source removal demonstrates successful attainment of the GWPS using ACM Alternative 2a: Source Removal with Post Remedy Monitoring and there are no adverse effects on human health or the environment from either surface water or groundwater due to the CCR management at the former bottom ash pond.

## **Pond Closure and Source Removal**

CE worked with qualified professional engineers (QPEs) and the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to achieve closure objectives under both the Federal CCR Rule and the Michigan Part 115-Solid Waste Management of the Natural Resources and Environmental Protection Act, 1194 PA 451, as amended (Part 115). CE prepared and submitted to the EGLE a closure work plan for the Weadock Bottom Ash Pond (Weadock Bottom Ash Pond Work Plan; Golder, April 2018) and a Response Action Plan (Consumers Energy, March 2019) developed for the Weadock Bottom Ash Pond and Weadock Landfill in accordance with Part 115. These plans were developed in anticipation of supporting the ACM that would be necessary for evaluating and selecting a remedy for the Weadock Bottom Ash Pond.

EGLE approved the Weadock Bottom Ash Pond Work Plan on December 20, 2018 based on the expectation that a report documenting the removal activities and certifying solid waste has been removed in accordance with the work plan would be submitted at the completion of activities. Subsequently, EGLE approved the Response Action Plan on May 14, 2019 based on the anticipated submittal of the ACM. Consumers Energy completed the excavation activities in July 2020 and submitted final documentation of CCR removal, including certification from a qualified professional engineer (QPE), to the EGLE in the “*JC Weadock Generating Facility Bottom Ash Pond CCR Removal Documentation Report*” (CCR Removal Documentation Report) (Golder, August 2020) to satisfy requirements for completing the removal of solid waste. The CCR Removal Documentation Report satisfied requirements under the response action plan to remove identified sources of contamination on a schedule that required consideration of

concentrations of hazardous substances, rate of migration, and risks to human health and the environment. The CCR Removal Documentation Report was approved by EGLE on November 30, 2020, and rendered the need for a solid waste operating license in addition to the JC Weadock Disposal Area Solid Waste Operating License No. 9640 (Weadock Landfill License) (EGLE, March 2021) unnecessary.

As detailed in the CCR Removal Documentation Report, the Weadock Bottom Ash Pond was dewatered and CCR excavation occurred from late February 2020 through July 2020. CCR from the former bottom ash pond was excavated to at least the elevation of the base of CCR established by plant drawings and verified through soil borings. Following initial excavation, CCR removal was verified visually at nodes established according to EGLE guidance “*Sampling Strategies and Statistics Training Materials for Part 201 Cleanup Criteria (S3TM)*”. If any CCR were visible, additional material was removed. When no CCR or only trace amounts of CCR remained, a colorimetric analysis using a digital colorimeter to precisely measure the color of a soil sample was developed to confirm CCR removal. Sampled grid nodes passed colorimetric confirmation testing if the remaining surface contained no more than 10 percent CCR material. Grid nodes which did not pass colorimetric testing were further examined by microscopy. Microscopic analysis confirmed that these grid nodes contained no more than 10 percent CCR material. If the remaining surface at a grid node was confirmed to contain more than 10 percent CCR material, additional excavation was performed until a surface that could pass the performance criteria was achieved. These multiple lines of evidence confirmed that all CCR material was removed from the Weadock Bottom Ash Pond.

Following CCR removal, the Weadock Bottom Ash Pond excavation was backfilled with clean fill to promote stormwater drainage and minimize the potential for ponding of surface water. The surface was vegetated to minimize erosion and any future maintenance of the restored area. An overview of the excavation boundary and associated monitoring well layout is included in Figure 1.

## Remedy Selection Assessment Activities

Since the initiation of the assessment monitoring program in May 2018, CE continues to monitor the Weadock Bottom Ash Pond CCR unit semiannually for Appendix III and IV constituents in conformance with §257.90 - §257.98, which includes semiannual assessment monitoring in accordance with §257.95 to monitor post-source removal groundwater conditions and inform the remedy selection. The annual groundwater monitoring reports are available on the CE public-facing website.

Beryllium and lithium concentrations in groundwater have decreased following CCR removal and have remained below the GWPS at each well within the certified monitoring well network since the removal activities were completed in July 2020. The ACM and the 2022 Annual Report also show that nature and extent analysis of groundwater monitoring downgradient from the Weadock Bottom Ash Pond CCR unit further demonstrates that there are no adverse effects on human health or the environment from either surface water or groundwater due to the CCR management at the Weadock Bottom Ash Pond (TRC, July 2023).

## **Statistically Significant Evidence that Clean-Up Criterion is Met**

Statistical comparison of the groundwater data collected in the downgradient monitoring wells to the GWPS demonstrates that the clean-up criterion (i.e. GWPS) has been met. Per the USEPA's Unified Guidance (USEPA, 2009), in compliance/assessment, the statistical comparison is made to determine whether groundwater concentrations have increased above the established compliance standard. In corrective action, the statistical test is used to determine whether concentrations have decreased below a clean-up criterion or compliance level. In compliance/assessment monitoring, the lower confidence limit [LCL] is of primary interest, where an increase of the LCL above the GWPS is what triggers corrective action. Whereas the upper confidence limit [UCL] is most important in corrective action, where a UCL below the GWPS demonstrates that the compliance criterion has been met.

As discussed above, beryllium and lithium concentrations at JCW-MW-15009 triggered corrective action (i.e. LCL exceeded the GWPS) at the Weadock Bottom Ash Pond. As shown in Charts 1 through 4 below, beryllium and lithium concentrations in groundwater have decreased post-CCR removal (between October 2020 and May 2022) are statistically below the GWPS, with the UCL below the GWPS in all four of the compliance monitoring wells located downgradient of the former Weadock Bottom Ash Pond. This provides statistically significant evidence demonstrating that the CCR removal activities were effective in addressing beryllium and lithium concentrations associated with former bottom ash pond activities.

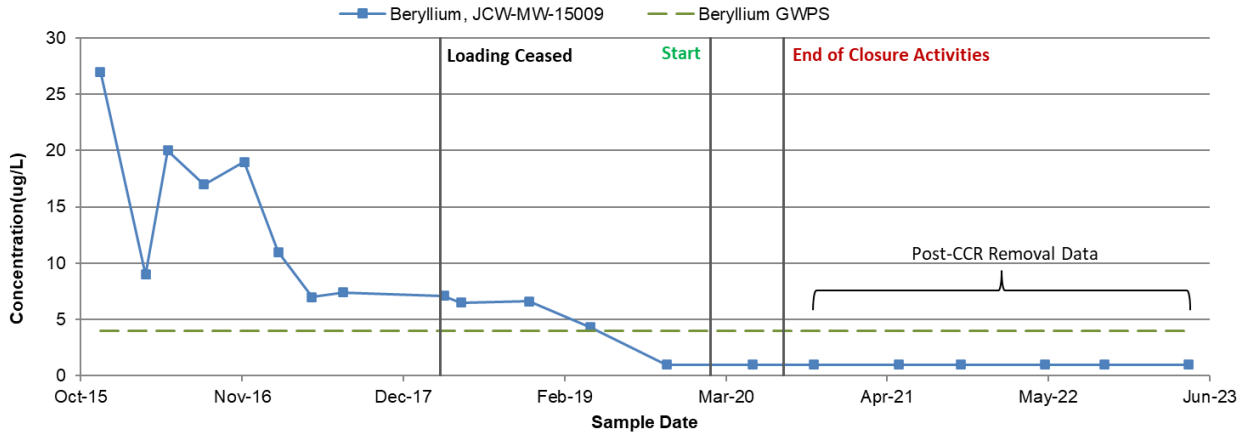


Chart 1: JC Weadock Bottom Ash Pond - Beryllium vs GWPS at JCW-MW-15009

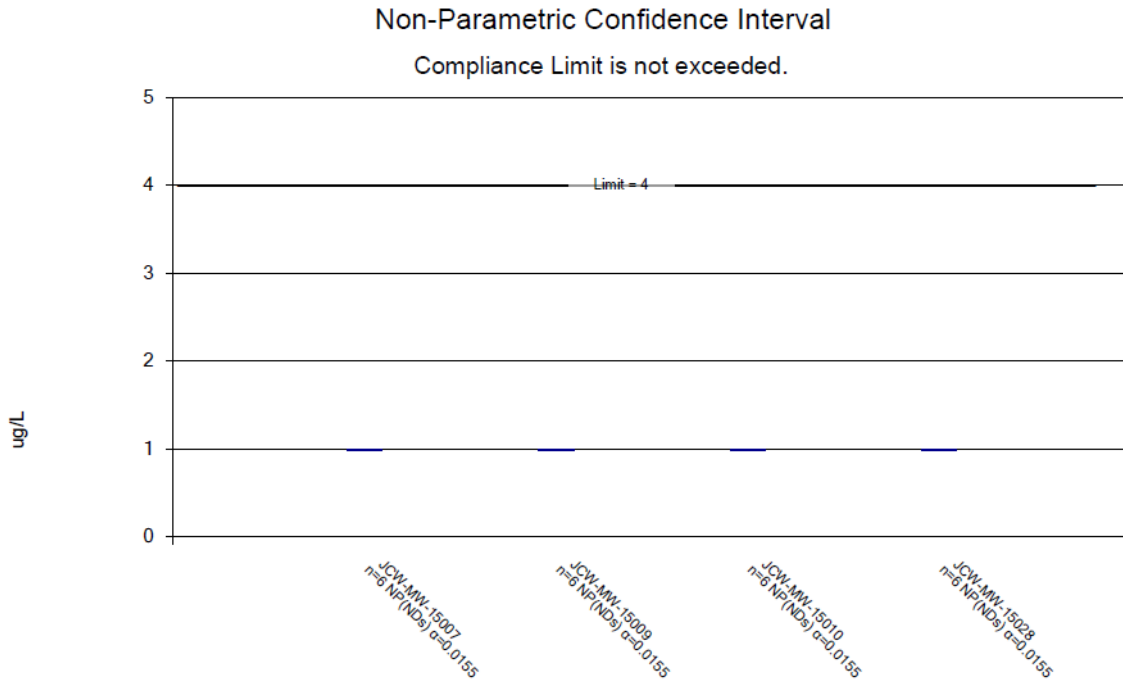


Chart 2: Post-CCR Removal Confidence Intervals (99%) for Beryllium at Groundwater Compliance Wells

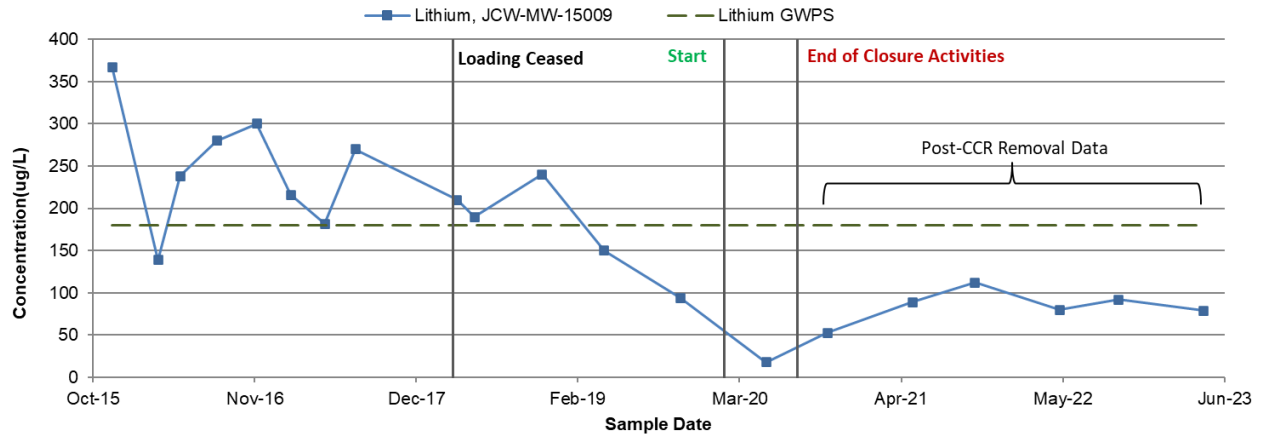


Chart 3: JC Weadock Bottom Ash Pond - Lithium vs GWPS at JCW-MW-15009

### Parametric and Non-Parametric (NP) Confidence Interval

Compliance Limit is not exceeded. Per-well alpha = 0.01 except as noted. Normality Test: Shapiro Wilk, alpha based on n.

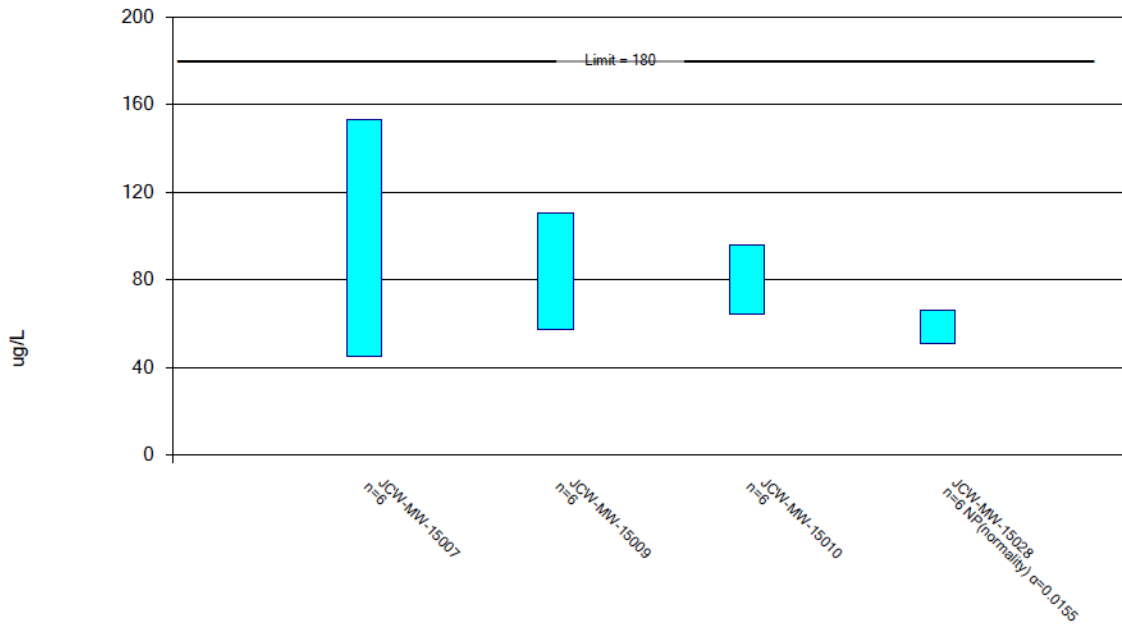


Chart 4: Post-CCR Removal Confidence Intervals (99%) for Lithium at Groundwater Compliance Wells



## Final Remedy Selection

The ACM Report identified source removal as the primary corrective action for the Weadock Bottom Ash Pond and retained five technically feasible groundwater management alternatives for further evaluation to address the potential for residual beryllium and lithium:

- Source Removal with Post Remedy Monitoring
- Source Removal with Groundwater Capture/Control
- Source Removal with Impermeable Barrier
- Source Removal with Active Geochemical Sequestration
- Source Removal with Passive Geochemical Sequestration

The remedial action alternatives evaluation presented in the ACM shows that the first three alternatives have the most favorable evaluated qualities relative to effectiveness ratings compared to the last two alternatives that rely upon geochemical sequestration. CE used an adaptive management strategy for recommending the selection of the final groundwater remedy for the Weadock Bottom Ash Pond in coordination with the specified CCR source material management strategies discussed in the ACM. Under this remedy selection strategy, measures that remove source material, reduce infiltration, and/or minimize the potential for future migration during the closure process may be implemented to address existing conditions followed by monitoring and evaluation of the performance after closure, while adjusting the corrective measure remedy, as needed, to achieve the remedial goals. Data collected post-CCR removal at the former bottom ash pond have demonstrated the relative effectiveness of the Source Removal with Post Remedy Monitoring corrective action alternative, leading to final remedy selection.

Per the CCR Rule, the final selected remedy needs to meet the standards of §257.97(b), which specifies that remedies must:

- Be protective of human health and the environment;
- Attain the groundwater protection standard as specified pursuant to §257.95(h);
- Control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of constituents in Appendix IV to this part into the environment;
- Remove from the environment as much of the contaminated material that was released from the CCR unit as is feasible, taking into account factors such as avoiding inappropriate disturbance of sensitive ecosystems; and
- Comply with standards for management of wastes as specified in §257.98(d).

Based on the CCR removal and data collected as part of the assessment activities performed to date at Weadock Bottom Ash Pond, CE has selected "Source Removal with Post Remedy Monitoring" as the final remedy. This remedy is demonstrated to meet the standards of §257.97(b) as follows:

Be protective of human health and the environment: As detailed above, the Weadock Bottom Ash Pond has been dewatered and CCR has been removed to a level where post-excavation concentrations would not be reasonably expected to exceed health-based criteria. Post-remedy monitoring demonstrates the effectiveness of the CCR removal in protecting human health and the environment with all downgradient groundwater compliance and nature and extent well concentrations below the GWPS.

Attain the groundwater protection standard as specified pursuant to §257.95(h): Semiannual groundwater monitoring data demonstrate that beryllium and lithium concentrations at JCW-MW-15009 were the only Appendix IV constituents to have exceeded their respective GWPSs. Following CCR removal, concentrations of all Appendix IV constituents are below the GWPS in the four downgradient compliance monitoring wells. Statistical evaluation of the results using confidence interval analysis, in accordance with the procedures and performance standards set forth in § 257.93(f) and (g), demonstrates that the upper confidence limits of beryllium and lithium are currently below the GWPS and will likely continue for the required three years post-remedy.

Control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of constituents in Appendix IV to this part into the environment: As described above and in the CCR Removal Documentation Report, with certification from a QPE and written concurrence from the EGLE, all bottom ash has been removed from Weadock Bottom Ash Pond based on multiple lines of evidence.

Remove from the environment as much of the contaminated material that was released from the CCR unit as is feasible, taking into account factors such as avoiding inappropriate disturbance of sensitive ecosystems: Water extraction was achieved at locally excavated "low points" that served as a sump where a sump pump was dropped and continuously operated for the duration of excavation activities. CCR from the Weadock Bottom Ash Pond was excavated to at least the established elevation of the base of CCR and additional lines of evidence were used as detailed above and in the CCR Removal Documentation Report to ensure removal of CCR material.

Comply with standards for management of wastes as specified in §257.98(d): Bottom ash has been removed from the Weadock Bottom Ash Pond. Excavated CCR has been placed in the adjacent Weadock Landfill that is constructed with a fully enclosed soil-bentonite slurry wall keyed into a competently confining clay unit. Monitoring performed quarterly under EGLE-approved Hydrogeological Monitoring Plan confirms the competency of the enclosure (TRC, February 2021).

## Conclusion

The Source Removal with Post Remedy Monitoring remedy for the Weadock Bottom Ash Pond has been formally selected per §257.97 to meet the performance standards set forth in §257.97(b). Further, the remedy evaluation factors set forth in §257.97(c) have been considered in the context of the CCR Removal Documentation Report that demonstrates CCR removal has been completed in 2020 to prevent further releases of Appendix IV constituents into the environment. Additionally, groundwater monitoring data collected post-remedy, presented in the 2020 through 2022 Annual Groundwater Monitoring Reports and recent monitoring in 2023, demonstrates the effectiveness of the source removal in attaining the GWPS and being protective of human health and the environment. Therefore, the schedule for implementing and completing the remedy required by §257.97(d) can be summarized as follows:

Source Removal	February 2020 – July 2020
Post-Removal Groundwater Monitoring	August 2020 until GWPS achieved for 3 years
Start Post-Removal Performance Review	January 2021
Remedy Completion Certification	Upon meeting GWPS consecutively for 3 years

Finally, a public meeting was conducted on June 12, 2023, that provided at least 30-days for comments to be received prior to the final remedy selection, as required under §257.96(e). Enclosed is the public notice that was published on May 28, 2023 in the Sunday Edition of the Bay City Times publicizing the public meeting for interested and affected parties and an affidavit from the publisher authenticating its publication. Also enclosed is the Charter Township of Hampton Board of Trustees Agenda dated June 12, 2023 that includes a Consumers Energy Presentation for Bottom Ash Pond Closure under New Business and the Regular Minutes of Meeting from the June 12, 2023 meeting and presentation indicating questions and comments

from individuals. These questions were reviewed and not found to influence the proposed remedy selection. No questions were received by Consumers Energy during the required 30-day period following the public meeting prior to selecting the final remedy.

### **Enclosures**

Figure 1 – Site Plan with Monitoring Well Locations

Qualified Professional Engineering Certification

Bay City Times Newspaper Legal Ad Notice. May 28, 2023.

Charter Township of Hampton Board of Trustees Agenda. June 12, 2023.

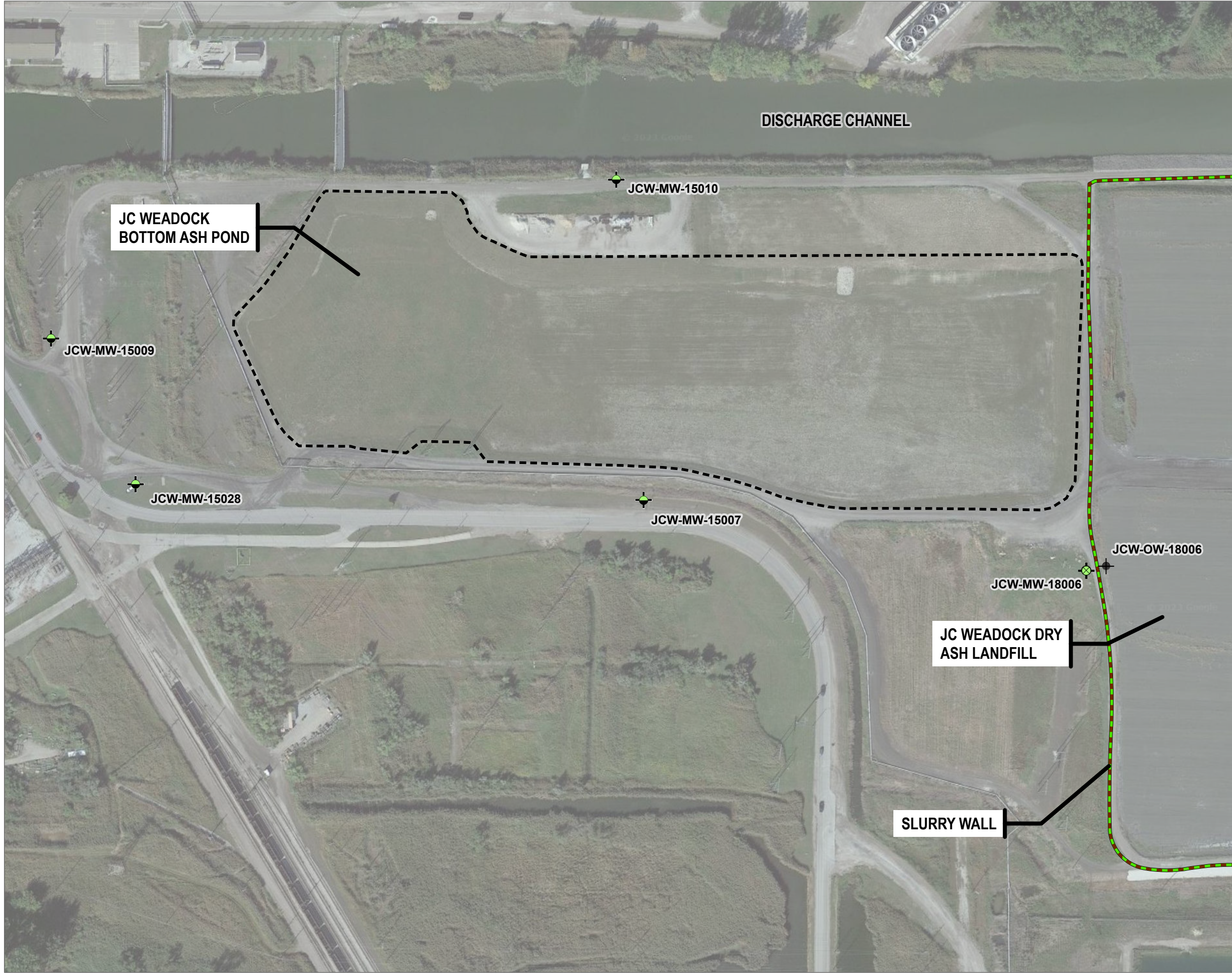
Charter Township of Hampton Board of Trustees Meeting Minutes for June 12, 2023.

References

## **Enclosures**

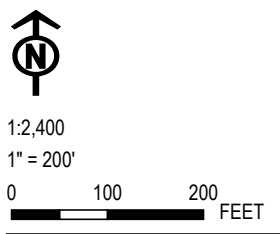


Coordinate System: NAD 1983 StatePlane Michigan South FIPS 2113 Feet Intl; Map Rotation: 0  
-- Saved By: EYPSILANTIS on 7/12/2023, 12:30:57 PM; File Path: T:\1-PROJECTS\Consumers\_Energy\464096\_Weadock.aprx; Layout Name: 464096-001-001



- LEGEND**
- JCW BOTTOM ASH POND MONITORING WELL
  - JCW LANDFILL HMP WELL
  - MONITORING WELL (STATIC WATER LEVEL ONLY)
  - APPROXIMATE CCR EXCAVATION BOUNDARY (NOTE 3)
  - SLURRY WALL (APPROXIMATE)

- NOTES**
1. BASE MAP IMAGERY FROM NEARMAP, (10/3/2022).
  2. MONITORING WELL AND SLURRY WALL LOCATIONS PROVIDED BY CEC; SG21733SHT2 REV.B.DWG DATED 11/21/2018.
  3. EXCAVATION BOUNDARY BASED UPON FIGURE 3: CCR REMOVAL DOCUMENTATION - SAMPLE GRID NODES, REV. C, DATED 08/26/2020.



PROJECT: <b>CONSUMERS ENERGY COMPANY JC WEADOCK POWER PLANT ESSEXVILLE, MICHIGAN</b>	
TITLE: <b>SITE PLAN WITH CCR MONITORING WELL LOCATIONS</b>	
DRAWN BY: E. YPSILANTIS	PROJ. NO.: 464096
CHECKED BY: R. JORDAN	<b>FIGURE 1</b>
APPROVED BY: D. LITZ	
DATE: JULY 2023	
1540 EISENHOWER PLACE ANN ARBOR, MI 48108-3284 PHONE: 734.971.7080	
FILE:	464096_Weadock.aprx



A CMS Energy Company

Date: July 21, 2023

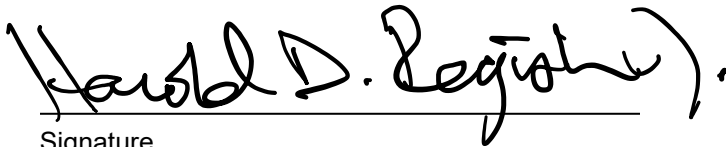
To: Operating Record

From: Harold D. Register, Jr., P.E. 

RE: JC Weadock Bottom Ash Pond CCR Unit  
40 CFR 257.97(a) Selection of Remedy Engineering Certification

Professional Engineer Certification Statement [40 CFR 257.97(a)]

I, Harold D. Register, Jr., being a registered Professional Engineer in the State of Michigan do hereby certify to the best of my knowledge, information, and belief that the information contained in the "JC Weadock Bottom Ash Pond Coal Combustion Residual (CCR) Unit; 40 CFR 257.97(a) Selection of Remedy Letter Report" dated July 21, 2023 was developed pursuant to §257.97 and has been prepared with recognized and generally accepted good engineering practices.



Signature

July 21, 2023

Date of Certification

Harold D. Register, Jr., P.E.

Name

6201056266

Professional Engineer Certification Number



07/21/2023

### References

Consumers Energy (July 2023). JC Weadock Bottom Ash Pond Coal Combustion Residual (CCR) Unit; 40 CFR 257.97(a) Selection of Remedy Letter Report.

MICHIGAN GUN LAWS

# Orders ‘can’t be ignored’: State, courts have final say

Continues from A1

Conversely, a judge could end the order early if there is sufficient evidence risk protection measures are no longer needed.

**‘CONSTITUTIONAL’ COUNTIES**

For Livingston County Sheriff Mike Murphy, the outline and intent of the bills don’t matter — he has indicated he will not enforce them.

In an April 24 Facebook video, Murphy spoke at length about why he found the premise of red flag laws unconstitutional, questioning why only demonstrating a preponderance of evidence — and not the higher standards of probable cause, or beyond a reasonable doubt — was necessary to grant an order.

He also took issue with how the courts could really prove a person was lying in filing a risk order frivolously, saying “if somebody truly believes something — whether it’s true or not, in our mind — how can you say that they knowingly and intentionally made a (false) accusation ... How can we prove that? You can’t.”

The sheriff’s comments came the same day Livingston County’s Board of Commissioners unanimously approved a resolution vowing not to put any public resources behind enforcing restrictions on firearm ownership within their jurisdiction.

Murphy did not respond to a request for comment by time of publication, and in his April video, he noted that he was “not talking any more on this particular issue. That’s how I feel.”

“We have never, ever been able to legislate our way out of a crisis. That’s not how it works,” Murphy said in the video statement. “You can make all the laws in the world and people are still going to do evil things. People are still going to do bad things.”

Ottawa County, too, passed its resolution declaring the area a “constitutional county” during its Tuesday board of commissioners meeting.

Commissioner Joe Moss posted to Facebook the resolution “resolves to protect the individual freedoms of the people of Ottawa County as outlined in the constitutions



Flint resident Steven Doak, left, gathers alongside other open-carry advocates at the State Capitol in 2019 to advocate for gun rights in Lansing. *Jake May MLive.com*

of the United States and the state of Michigan.” “We are committed to protecting freedom, parental rights and American values in Ottawa County,” Moss wrote.

Whether this will compel Ottawa County Sheriff Steve Kempker to disregard the law, when in effect, is unclear. His office did not respond to requests for comment.

**ENFORCING ENFORCEMENT**

April Zeoli, policy core director with the University of Michigan’s Institute for Firearm Injury Prevention, said

that, in her years of studying gun policy across the country, she has yet to see a sheriff ignore a risk protection order granted by a judge.

“This is a court order, and it can’t be ignored,” said Zeoli, also an associate professor of health management and policy at the university. “Sheriffs have to enforce it. ... I’ve heard sheriffs announce they won’t do it, but I have never heard of a circumstance in which there are court orders and then the sheriff says they won’t do it.”

She added officers making blanket statements regarding nonenforcement could have a sort of chilling effect on order usage.

There also are other agencies, besides locally elected sheriffs, capable of enforcing extreme risk protection orders.

Danny Wimmer, press secretary for the Department of Attorney General, said in a statement that while the law requires a law enforcement agency to enforce the order, that agency “does not need to be the most local authority.”

For example, Lansing police, the Ingham County Sheriff’s Department or the Michigan State Police could respond to an order issued against someone living in Lansing.

“The designation is made by the judge receiving the petitioner, which would be the judge overseeing the family court division of the circuit court in whichever county the petition is filed,” Wimmer wrote. “Because the designated agency must have jurisdiction over the respondent, the agencies a judge may designate for any individual do not change based on where the petition is filed or which judge receives it.”

Attorney General Dana Nessel echoed the sentiment on Monday, before Whitmer signed the red flag package.

“And for those in law enforcement who refuse to enforce these important orders, let me say this loudly and clearly: I will make certain that I find someone with jurisdiction who will enforce these orders,” she said.

**“I’ve heard sheriffs announce they won’t do it, but I have never heard of a circumstance in which there are court orders and then the sheriff says they won’t do it.”**

*April Zeoli, University of Michigan’s Institute for Firearm Injury Prevention*

**ST. LAURENT BROTHERS SPECIALS**  
MAY 28-JUNE 3

Fresh Roasted Nuts • Hand Dipped Chocolates  
All Natural Peanut Butter

<p>ST. LAURENT BROTHERS MILK OR WHITE CHOCOLATE PRETZEL CLUSTERS</p> <p><b>\$17<sup>20</sup></b> LB. <small>Reg. \$21.49 LB.</small></p>	<p>DARK CHOCOLATE MINT BALLS</p> <p><b>\$6<sup>00</sup></b> LB. <small>Reg. \$7.49 LB.</small></p>	<p>ST. LAURENT BROTHERS CINNAMON ALMONDS</p> <p><b>\$8<sup>00</sup></b> LB. <small>Reg. \$9.99 LB.</small></p>
--	--	--

For Curbside Call 893-7522 or 1-800-BUY-PNUT  
THIRD & WATER ST. • BAY CITY

Open: Mon-Sat. 10-8 Sun 11-5

**CONSUMERS ENERGY PUBLIC MEETING**

**Hampton Township Administration offices**  
June 12, 2023 • 7 p.m.

Consumers Energy will host a public meeting concerning the JC Weadock Bottom Ash Pond Coal Combustion Residuals Unit and Consumers Energy’s assessment of corrective measures for the surface impoundment under the Coal Combustion Residuals rules. During the meeting, Consumers Energy will discuss the surface impoundment, work completed to date to remove all coal ash and close the surface impoundment, data compiled about the surface impoundment, and our assessment of corrective measures.

The public meeting will be held at 7 p.m. on Monday, June 12 at the Hampton Township Administration offices, 801 W. Center Road in Essexville.

6-12-23

**Consumers Energy** Count on Us®

## Making tomorrow safer.

**Tomorrow is on.**

The Great Lakes are a vital source of water, life and play for all of Michigan. That’s why we’re committed to their safety and environmental protection. With the Great Lakes Tunnel Project we’re taking extra precautions in the Straits, making a safe pipeline even safer. Placing Line 5 within the Great Lakes Tunnel will eliminate any risk of an anchor strike.

While the tunnel is being built, we’ve added additional safety measures—including hi-def cameras and a marine monitoring/alert system—at our 24/7 Maritimes Operation Center. Safety in the Straits is our top priority. We’re committed to keeping the Great Lakes safe for generations to come.

Learn more at [enbridge.com/line5tunnel](http://enbridge.com/line5tunnel).







# AFFIDAVIT OF PUBLICATION

1642 Yosemite Dr., Lansing, MI 48917  
517.372.2424 solutions@mediaplacementone.com



Advertiser: Consumers Energy

Date of order: May 23, 2023

Contact: Melissa K. Harris

This is to certify that the Public Notice scheduled to run in the newspaper listed ran as the placement details below and proof of publication is attached.

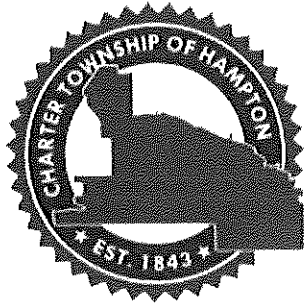
Newspaper Name: Bay City Times

Run Date	Ad Size	Caption/Position/Special Instructions
5/28/2023	2 col. x 3"	CONSUMERS ENERGY PUBLIC MEETING- Hampton Township Administration offices

Signed by *Diana Davis* (MP1/MANSI Representative)  
Date: May 28, 2023

Notary Public:  
Signed by *James R. Tarrant* (Notary Public)  
Date: May 28, 2023

**JAMES R. TARRANT**  
**NOTARY PUBLIC – STATE OF MICHIGAN**  
**COUNTY OF VAN BUREN**  
My commission expires April 12, 2029  
Acting in the County of Ingham



**AGENDA  
CHARTER TOWNSHIP OF HAMPTON  
MONDAY, JUNE 12, 2023  
REGULAR MEETING  
7:00 P.M.**

Terri Close Supervisor  
Fran DeWyse Clerk  
Donna Samyn Treasurer  
Emily Benchley Trustee  
Barry Kenniston Trustee  
Steve Wisniewski Trustee  
Pam Wright Trustee

**CALL MEETING TO ORDER, PLEDGE TO THE FLAG & INVOCATION**

**ROLL CALL:**

**APPROVAL OF AGENDA/CHANGES TO AGENDA:**

**APPROVAL OF MINUTES:** A. Regular Meeting 5/22/2023

**COMMUNICATIONS:** A. May 2023 DPW Report  
B. Fire Department Performance

**AUDITOR'S REPORT:** Wisniewski & Kenniston

**OPEN TO THE PUBLIC:**

**OLD BUSINESS:** None

**NEW BUSINESS:** A. Consumers Energy Presentation-Botton Ash Pond Closure  
B. Weinlander-Fitzhugh 2022 Audit Presentation  
C. Summer 2023 Special Assessment List

**STANDING COMMITTEE REPORTS:**

**ATTORNEY'S REPORT:**

**OFFICER/TRUSTEE/DEPT. HEAD/COMMISSIONER REPORTS:**

- **CLERK:** A. May 2023 Revenue/Expense Report
- **TREASURER:**
- **TRUSTEES:**
- **SUPERVISOR:**
- **PUBLIC WORKS SUPERINTENDENT:**
- **PUBLIC SAFETY DIRECTOR:**
- **COUNTY COMMISSIONER:**

**OPEN TO THE PUBLIC:**

**ADJOURNMENT:**

**REGULAR MEETING MINUTES**  
**June 12, 2023**

The regular meeting of the Charter Township of Hampton Board of Trustees was called to order at 7:00 p.m. by the Supervisor.

**PRESENT:** Kenniston, Benchley, Wright, Wisniewski, DeWyse, Samyn, Close

**ABSENT:** None

**ALSO PRESENT:** Hewitt & 21 people in the audience

**APPROVAL OF AGENDA:** Motion by Wisniewski to approve the agenda as presented, supported by Benchley. Motion carried.

**APPROVAL OF MINUTES:** Motion by Benchley, seconded by Wisniewski, to approve the regular meeting minutes from May 22, 2023 and waive the reading.  
Motion carried.

**COMMUNICATIONS:** Motion by Wisniewski, supported by Wright, to receive the May 2023 DPW Report and the note praising Fire Department personnel and waive the readings.  
Motion carried.

**AUDITORS REPORT:**

Motion Kenniston, seconded Wisniewski, the following warrants be approved for payment:

#50961	Building Fund	\$ 81.57
#50935- #50996	General Fund	\$ 90,358.67
#4601- #4614	Sewer Fund	\$ 20,757.70
#1087	DDA Debt	\$ 500.00
#2132-#2142	Water Fund	\$ 12,580.11
#25	Garbage Fund	\$ 54,594.99
		<u>\$178,873.04</u>

**AYES:** Kenniston, Wisniewski, Benchley, Wright, DeWyse, Samyn, Close

**NAYS:** None

Motion carried.

**OPEN TO THE PUBLIC:** No one addressed the Board.

**OLD BUSINESS:** None.

**NEW BUSINESS:** Consumers Energy representatives gave a presentation regarding the closure of the bottom Ash Pond. The following people had questions/comments: Joe Janowicz, Steve Wisniewski, Terri Close, Sandy Stachowiak, Laurie Babcock, Terry Miller & Barry Kenniston.

Heather LaBean, from Weinlander-Fitzhugh, presented the 2022 audit.

Motion by DeWyse, supported by Benchley, to receive the 2022 audit as presented.

**AYES:** DeWyse, Benchley, Kenniston, Wright, Wisniewski, Samyn, Close

**NAYS:** None

Motion carried.

Motion by Wisniewski, supported by Kenniston, to add a total of \$73,029.14 to the 2023 summer tax roll as special assessments (list is attached as Attachment A).

**AYES:** Wisniewski, Kenniston, Benchley, Wright, DeWyse, Samyn, Close

**NAYS:** None

Motion carried.

**STANDING COMMITTEE REPORTS:** None.

**ATTORNEY REPORT:** No report.

**ENGINEER REPORT:** Not in attendance.

**OFFICER/TRUSTEE/DEPT. HEAD/COMMISSIONER REPORTS:**

**CLERK:** Reported on early voting regarding Proposal 2 from 2022.

Motion by Kenniston, supported by Wisniewski, to receive and waive the reading of the May 2023 Revenue/Expense report. Motion carried.

**TREASURER:** Reported there are 207 parcels delinquent from the 2022 tax roll. This is the most she has seen. Thanked Brenda Kenniston for preparing the wreath for the Memorial Day celebration.

**TRUSTEES:** No report.

**SUPERVISOR:** Chip and seal road work will begin next week. Letters were sent to the property owners on private drives that will not be plowed. Dependable Sewer has been working on the sewer lines at the Sr. Citizen's building.

**DPW ADMINISTRATOR BENCHLEY:** Finished chipping brush-had 7 loads and residents asked for 4 of the loads. Working with Bay County Department of Water and Sewer inspecting all the lift stations. Poured 2 cement slabs out at Finn Road Park for corn hole. Had 26 Miss Dig orders in the last 2 weeks. Will be working out at the Finn Road Park boat launch to remove a log and blow out some of the accumulated silt.

**PUBLIC SAFETY DIRECTOR BENCHLEY:** Had 315 calls for service, 52 traffic stops, 9 accidents, and 6 arrests since the last Board meeting. Had a fire out at Saginaw Bay Estates and assisted Essexville at a garage fire on Sharpe Street.

**COUNTY COMMISSIONER POIRIER:** Final disbursements for the Household Assistant Grant totaled over \$624,000.

**OPEN TO THE PUBLIC:** Sandy Stachowiak addressed the Board regarding the mowing of the ditches on Knight Road.

**ADJOURNMENT:** Motion by Wisniewski, supported by Benchley, to adjourn the meeting at 7:47 p.m. Motion carried.

Respectfully submitted:

Approved by:

---

Frances DeWyse, Clerk

---

Terri Close, Supervisor

## References

Consumers Energy Company. April 25, 2018. Initiation of Assessment Monitoring Program under §257.94(e)(3).

Consumers Energy Company. January 14, 2019. Notification of Appendix IV Constituent Exceeding Groundwater Protection Standard per §257.95(g), JC Weadock Bottom Ash Pond CCR Unit.

EGLE. December 2018. Consumers Energy Company D.E. Karn and J.C. Weadock Bottom Ash Closure Work Plans dated November 29, 2017.

EGLE. May 2019. Approval of JC Weadock Bottom Ash Pond Response Action Plan; JC Weadock Generating Facility (Facility); Waste Data System No. 395457.

EGLE. November 2020. Closure Certification, Consumers Weadock Complex (Weadock) Bottom Ash Pond, Bay County, Waste Data System No. 395457.

EGLE. March 2021. Consumers Energy Company, JC Weadock Solid Waste Disposal Area; Waste Data System Number 395457; License Number 9640.

Golder Associates. January 2018. JC Weadock Generating Facility Bottom Ash Ponds Closure Plan, Essexville, Michigan. Prepared for Consumers Energy Company.

Golder Associates Inc. April 2018. JC Weadock Generating Facility Bottom Ash Pond Closure Work Plan, West Olive, Michigan. Prepared for Consumers Energy Company.

Golder Associates. August 2020. JC Weadock Generating Facility Bottom Ash Pond CCR Removal Documentation Report. Prepared for Consumers Energy Company.

Michigan Department of Environmental Quality Remediation and Redevelopment Division. August 2002. Sampling Strategies and Statistics Training Materials for Part 201 Cleanup Criteria (S3TM).

TRC. September 2019. Assessment of Corrective Measures, Consumers Energy Company JC Weadock Bottom Ash Pond Coal Combustion Residual Unit. Prepared for Consumers Energy Company.

TRC. January 2020. 2019 Annual Groundwater Monitoring and Corrective Action Report, JC Weadock Power Plant, Bottom Ash Pond CCR Unit. Prepared for Consumers Energy Company.

TRC. January 2021. 2020 Annual Groundwater Monitoring and Corrective Action Report, JC Weadock Power Plant, Bottom Ash Pond CCR Unit. Prepared for Consumers Energy Company.

TRC. February 2021. Landfill Hydrogeological Monitoring Plan – JC Weadock Power Plant, Essexville, Michigan. Prepared for Consumers Energy Company.

TRC. January 2023. 2022 Annual Groundwater Monitoring and Corrective Action Report, JC Weadock Power Plant, Bottom Ash Pond CCR Unit. Prepared for Consumers Energy Company.

TRC. July 2023. First Semiannual 2023 Nature and Extent Data Summary, JC Weadock, Consumers Energy, Essexville, Michigan.

USEPA. 2009. Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance. Office of Conservation and Recovery. EPA 530/R-09-007.