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Consumers Energy Hides Coal Ash Leaks, Puts People at Risk

FOIA request shows Consumers Energy violated state rules

BAY CITY – A controversial Bay City coal plant violated state law when it failed to monitor hazardous coal ash at its two landfills in the Saginaw-Bay area and report leaks that potentially endangered people, the citizens group Lone Tree Council said today.

The coal ash landfills belong to Consumers Energy, which operates the Karn-Weadock facility near Bay City. Coal ash leachate containing arsenic, boron, lithium and sulfate – all toxic chemicals linked to serious illnesses – have been previously discharged into Saginaw Bay from the sites.

“Consumers Energy’s coal ash cover-up only puts local families at greater risk, highlighting the fact that Michigan must slam the brakes on coal and turn to more clean energy,” Lone Tree Council President Terry Miller said. “Coal is killing Michigan jobs and coal ash is poisoning our water, land and air. Michigan must invest in more clean energy and energy efficiency now to protect our families, end our dangerous dependence on coal and create good-paying jobs for our working families.”

The Lone Tree Council obtained documents through the Freedom of Information Act (FOIA) showing that Consumers Energy received a notice of violation July 1, 2010. The notice from the Michigan Department of Natural Resources and Energy read, in part: “Unfortunately, the inaction by Consumers Energy to notify the Department of sampling challenges, and lack of first quarter sampling, and lack of monitoring of potentiometric levels, are all violations of each landfill’s approved HMP and operating license.” (Emphasis is in the original DNRE letter)

According to the DNRE, Consumers Energy’s Karn-Weadock complex failed its first quarter 2010 reporting requirements to monitor discharges from its toxic ash landfills. Consumers Energy had reached agreement with the state to monitor locations where groundwater from the ash landfills mixes with water in Saginaw Bay. Consumers Energy failed to comply with its hydrogeological monitoring plan, which is part of its operating license. Consumers Energy was also cited for failure to notify the DNRE that it couldn’t meet its requirements.

Consumers Energy has two landfills on Saginaw Bay: a 292-acre site and a 172-acre site. These landfills contain bottom ash and fly ash from decades of coal burning on the mouth of the Saginaw River. The ash was converted to slurry and piped to the landfills. Historically the landfills were unlined and the utility failed to create a barrier between bay water and groundwater from the sites. The utility received several variances to allow creation of these landfills in coastal marshes and state bottom lands. Testing ordered by the state in 2002 showed levels of arsenic that exceeded water quality levels leaching from the landfills into the bay, as well as other contaminants. The utility has since negotiated a response that included a barrier at the Weadock site and additional monitoring. A barrier at the Karn landfill is presently being explored by the company and the state.

“We applaud the DNRE for holding Consumers Energy accountable,” Miller said. “We cannot allow Consumers Energy to brazenly sweep its toxic coal ash problems under the rug.”

The notice of violation comes on the heels of national pressure to put coal ash residues under federal law as hazardous waste. The U.S. Environmental Protection Agency has recently issued two approaches: one would regulate coal ash as toxic waste and another would essentially leave the level of regulation up to individual states. The EPA is conducting hearings in locations around the country as well as taking comments.