

June 25, 2026
Project No. 2501555

Kent Walters
Materials Management Division
Michigan Department of Environment, Great Lakes, and Energy
350 Ottawa Avenue N.W., Unit 10
Grand Rapids, MI 49503-2341

**Re: Request for Closure Extension Rev02
Ponds 0-8 and Bottom Ash Pond CCR Surface Impoundment
Former B.C. Cobb Generation Facility
Muskegon, Michigan**

Dear Mr. Walters:

GEI Consultants of Michigan, P.C. (GEI) is submitting this revised Request for Closure Extension to Michigan Environment, Great Lakes, and Energy (MI-EGLE) for the Ponds 0-8 and Bottom Ash Pond coal combustion residual (CCR) surface impoundment at the former B.C. Cobb Generation Station. This request is on behalf of Muskegon Environmental Redevelopment Group, LLC (MERG), and presents the history of closure activities at the existing CCR surface impoundment, timeframes for closure of the existing surface impoundment in accordance with 40 CFR Part 257.102(f), and provides a narrative discussion that demonstrates the basis for a closure extension per 40 CFR Part 257.102(f)(2)(i) due to factors beyond the facility's control.

This revision includes an updated figure that includes the Ponds 0-8 and Bottom Ash Pond revised license area and updates misquoted text from an EGLE letter dated April 4, 2024.

Closure History

In accordance with §257.71(a), liner system certification reports were submitted in October 2016 by Golder Associates for Ponds 0-8 and the Bottom Ash Pond at the former B.C. Cobb Generation Station. This report confirmed the existing CCR surface impoundment was unlined and were thereby subject to the requirements of §257.101(a) for the closure or retrofit of existing unlined CCR surface impoundments. Notification of Intent to Close both CCR surface impoundments was placed in the facility's operating record on March 30, 2018, as required by §257.101(a)(2). This notification commenced closure activities and the self-implementing closure schedule per §257.102(f)(1)(ii).

The Notification of Intent to Close and the written Closure Plan were submitted in February 2018. On October 16, 2018, MI-EGLE, formerly the Michigan Department of Environmental Quality, issued a letter where they concurred that the Closure Plan removed all CCR that were considered to be regulated solid waste under Part 115 Solid Waste Management of the Natural Resources and Environmental Protection

Act, 1994 PA 451, as amended (NREPA). The work was planned to be completed by no later than March 1, 2023, complying with the five-year closure timeframe in accordance with §257.102(f)(1)(ii) for the wetted areas of Ponds 0-8 and the Bottom Ash CCR surface impoundment. The Closure Plan also indicated that a two-year deadline extension could be obtained as outlined in §257.102(f)(2)(ii)(A). This deadline extension would extend the closure deadline to March 1, 2025.

MERG initiated Closure Construction of the CCR surface impoundments in June 2020 by installing a soil-bentonite slurry wall in the perimeter embankments adjacent to the Discharge Channel and the north branch of the Muskegon River to aid in site dewatering. Dewatering began in July 2020 and was pumped to the site treatment system, and ultimately, the NPDES permitted outfall into the Discharge Channel.

Closure by removal field verification activities were performed by HDR Michigan, Inc. (HDR) of Ann Arbor, Michigan. Removal of the CCR began in August 2020 and was completed in May 2022. CCR removal was confirmed with the following three lines of evidence:

- Survey confirmation by comparison of excavation grades to known elevation of CCR from previous site characterizations and engineering records
- Photographic documentation at random grid nodes
- Colorimetric/Microscopic quantification of CCR content at random grid nodes to confirm CCR removal

It is important to note that the Closure Plan only included the CCR material placed in Ponds 0-8 and the Bottom Ash Pond. The perimeter berms were not included in the 2018 Closure Plan as it was understood that the berm materials would be treated separately, since the berms were placed as structural fill prior to Part 115 NERPA P.A. 451 (Solid Waste Management Act) being enacted.

A CCR Removal Report was submitted to MI-EGLE on September 19, 2022. CCR Removal Report Supplemental No. 1 was submitted to MI-EGLE on December 7, 2022. Additional excavation and confirmation sampling was conducted at locations that did not meet removal requirements. The CCR removal documentation was accepted by MI-EGLE on April 11, 2023. Two additional supplemental reports were submitted to MI-EGLE detailing the reverification of locations potentially impacted by sloughing events along the perimeter berms. The additional supplemental reports were both accepted by MI-EGLE on February 20, 2024.

Evolving Federal CCR Regulatory Framework Constitute Factors Beyond Facility Control

MERG received an email from MI-EGLE on July 28, 2020, that indicated “EPA has informed EGLE that closure by removal may not be complete when leaving CCR waste in the outer berms of Ponds 0-8”. This determination reflects the evolving federal CCR regulatory framework, particularly the expansion of closure requirements through recent rulemaking including the May 2024 Legacy CCR Surface Impoundments and CCR Management Units Final rule and represents circumstances beyond MERG's control under §257.102(f)(2)(i).

The 2018 Closure Plan and Closure Plan execution in 2020 proceeded under the regulatory framework in effect at that time, where berm materials were understood to be structural fill, not subject to CCR closure requirements. Since the original closure plan development, the federal CCR regulatory framework has undergone significant evolution:

- **Legacy CCR Surface Impoundments Rule (May 2024):** EPA finalized comprehensive regulations for inactive surface impoundments at inactive facilities, expanding the scope of materials subject to CCR closure requirements
- **CCR Management Units (CCRMU) Provisions:** New regulatory category established for CCR materials previously not regulated under the 2015 CCR Rule
- **No Beneficial Use Exemption for Pre-2015 Placement:** The broad CCRMU definition includes prior beneficial use projects which are now subject to the Legacy CCR Rule.
- **Expanded Closure Definitions:** Evolving EPA guidance and state implementation expanding the scope of materials and areas considered part of CCR surface impoundments

Based on the referenced regulatory changes above, MERG is proposing to revise the final closure plan to include the ash used to construct the berms prior to 1968 as part of the Pond 0-8 and Bottom Ash Pond CCR surface impoundments footprint subject to closure under §257.102(c). Once this change is finalized, the addition of the berms as part of the CCR surface impoundment subject to closure is now greater than 40 acres in size, allowing for additional extended timeframes to complete closure specified in §257.102(f)(1)(ii).

This regulatory evolution represents a fundamental change in the scope of closure requirements since the Notification of Intent to Close both CCR surface impoundments was placed in the facility's operating record on March 30, 2018, and constitutes factors beyond the facility's control.

Closure Timeframes

Figure 1 – Site Plan identifies the licensed Ponds 0-8 and Bottom Ash Pond acreage to be approximately 48.7 acres. Pursuant to §257.102(f)(2)(ii)(B), *"CCR surface impoundments larger than 40 acres may extend the timeframe to complete closure of the CCR unit multiple times, in two-year increments. For each two-year extension sought, the owner or operator must substantiate the factual circumstances demonstrating the need for the extension. No more than a total of five two-year extensions may be obtained for any CCR surface impoundment."*

With the additional acreage of the perimeter berm, the Ponds 0-8 and Bottom Ash Pond area is now greater than 40 acres and therefore extends the maximum closure deadline to March 1, 2033, pursuant to §257.102(f)(2)(ii)(B).

Request for Closure Extension

In accordance with §257.102(f)(2)(ii)(B), MERG is requesting an extension for the closure of the Ponds 0-8 and Bottom Ash Pond CCR surface impoundment, which would extend the closure of the CCR surface impoundment to March 1, 2027.

We understand that an extension request was required to be posted on or before March 1, 2023, and on or before March 1, 2025. These extension requests were missed due to the evolving federal CCR regulatory framework that required revised CCR unit/permit boundaries with MI-EGLE. MI-EGLE provided a letter dated May 13, 2026, where MI-EGLE agreed that “MERG is allowed no more than five two-year extensions since it is larger than 40 acres as outlined in 257.102(f)(2)(ii)”. As a result of the site circumstances and the MI-EGLE closure extension alignment provided in the May 13, 2026, letter, MERG asks this this extension request be honored on its March 1, 2025 due date.

Additional time is required to close the CCR surface impoundment in accordance with the MI-EGLE letter dated November 12, 2024, which states in section 2.1, "To close the site, according to option (a), the site must remove all “CCR from the Unit, CCR mixed with soils, and CCR included in the berms, liners, or other unit structures”... due to the presence of ash remaining in the berms, the site does not meet this closure standard.”

On March 10, 2025, MERG retained engineering services from GEI to prepare a revised closure plan and contract documents (design plans and specifications) associated with the berm closure. MERG anticipates closing the perimeter berms by removal of CCR following the requirements of §257.102(c). At a minimum, this closure extension request will provide MERG time to assess closure options, coordinate the removal of conflicting public infrastructure in the berms, revise the 2018 Closure Plan to include the berms, and obtain required state and federal permits.

We anticipate another extension will be placed in the facility operating record before March 1, 2027, to extend the Closure Deadline to March 1, 2029. We anticipate that the closure extension to March 1, 2029, will allow CCR removal within the perimeter berm and closure/decontamination documentation.

The following statement is included with this extension request pursuant to §257.102(f)(2)(iii).

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Continued Regulatory Compliance

During the extension period, MERG commits to maintaining full compliance with all applicable CCR regulations, including:

- Continued groundwater monitoring in accordance with §257.94 and §257.95
- Maintenance of financial assurance requirements under §257.106
- Regular updates to the publicly accessible CCR compliance website as required by §257.107
- Weekly inspections, monthly instrumentation monitoring, and annual inspections as required by §257.83
- Periodic structural stability and factor of safety assessments as required by §257.73(e)

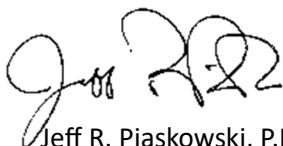
Closing

MERG is committed to completing the closure of the CCR surface impoundment, including the perimeter berms, expeditiously while maintaining the high standards of environmental protection and regulatory compliance. The requested extension is necessary due to factors beyond MERG's control, specifically the evolution of federal CCR regulations that expand the closure scope to include materials not previously subject to closure requirements and provides no exemptions for CCR beneficially used prior to 2015. The closure extension request represents the minimum time necessary to complete the required work safely and in compliance with applicable requirements.

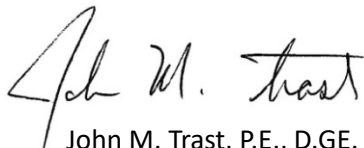
If you have any questions, please feel free to contact Jeff Piaskowski at 920.309.1548 or John Trast at 920.455.8299.

Sincerely,

GEI CONSULTANTS OF MICHIGAN, P.C.



Jeff R. Piaskowski, P.E.
Senior Consultant



John M. Trast, P.E., D.GE.
Senior Vice President/Waste Management Leader

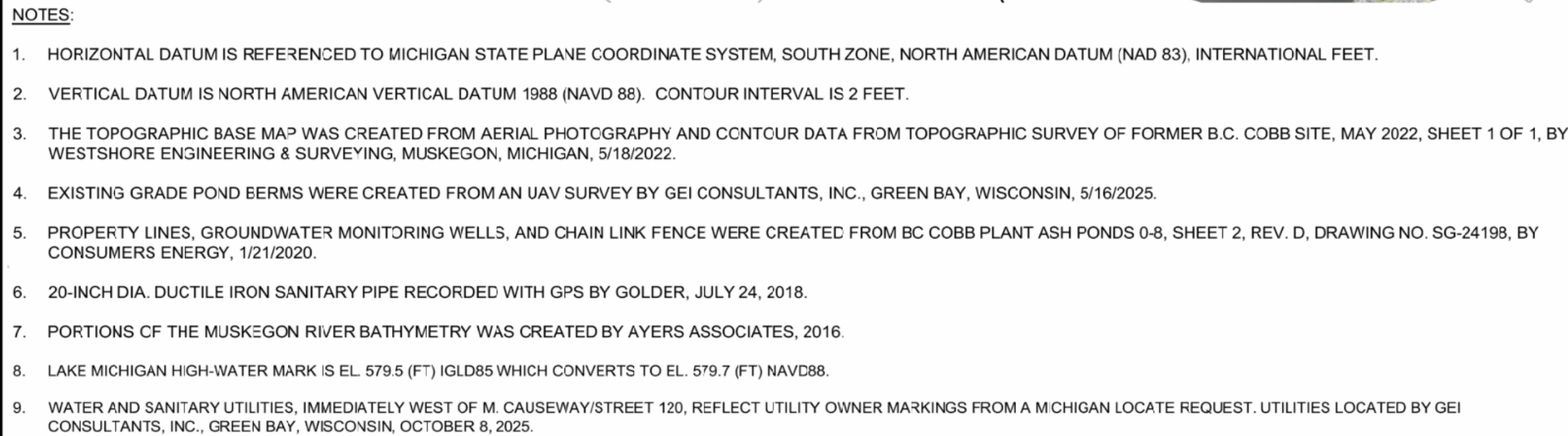
Figure 1 – Site Plan

cc: Timothy Unseld, MI-EGLE
Norman Divers, MERG, LLC

AJS/JRP

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Figure 1 – Site Plan



Attention:



If this scale bar does not measure 1" then drawing is not original scale.

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CROSS-SECTIONS

C-2

HEET NO.
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