



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



PHILLIP D. ROOS
DIRECTOR

August 23, 2023

VIA ELECTRONIC FILING

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Dear Secretary Bose:

SUBJECT: Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Comments on Consumers Energy Corporation - Federal Energy
Regulatory Commission (FERC) Projects P-2436, P-2450, P-2453,
P-2449, P-2447, P-2448, P-2599, P-2580, P-2452, and P-2468

EGLE is requesting FERC staff to investigate and remediate water quality issues persistent at Consumers Energy Corporation hydroelectric projects on the Manistee, Muskegon, and Au Sable Rivers.

The Michigan Hydro Relicensing Coalition has recently completed an investigation into water quality deviations and found consistent deviations from FERC Article 405 conditions. Consumers Energy Corporation performed their own more detailed analysis providing similar results. Water quality limits set forth in Article 405 are consistently exceeded, despite efforts to improve water quality using engineering solutions on the Mio, Tippy, Hodenpyl, and Croton Dams. In most cases, projects with upwelling systems averaged higher monthly water temperatures as compared to pre-upwelling system water temperatures.

While the Article 404 conditions allow for the licensee to improve water quality where limits in Article 405 are not being met, it does not seem to explicitly allow those limits to be exceeded. These rivers are high quality trout streams capable of supporting coldwater fish and are protected by Michigan's Part 4 Rules, Water Quality Standards (WQS), promulgated under Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Regulation of these hydropower projects remains the responsibility of the FERC. EGLE requests that the FERC require Consumers Energy Corporation to bring these projects into compliance with the Article 405 conditions, at a minimum. Additionally, EGLE recommends the goal of compliance with Michigan's WQS as a means to protect the river's designated uses (Rule 100). EGLE will deny subsequent applications for Clean Water Act Section 401 Water Quality Certification submitted by federal projects that do not consistently meet WQS.

If you have any questions, please contact Douglas Bridges, Lake Michigan Unit, Surface Water Assessment Section, Water Resources Division, at 517-245-3079; BridgesD3@Michigan.gov; or EGLE, P.O. Box 30458, Lansing, Michigan 48909-7958; or you may contact me.

Sincerely,

A handwritten signature in black ink that reads "Michael Alexander". The signature is written in a cursive style with a large initial "M".

Michael Alexander, Manager
Surface Water Assessment Section
Water Resources Division

cc: Douglas Bridges, EGLE
Gary Kohlhepp, EGLE