



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

July 27, 2020

VIA E-MAIL

The Honorable Dan Lauwers
State Senator
State Capitol
P.O. Box 30036
Lansing, Michigan 48909-7536

The Honorable Rick Outman
State Senator
State Capitol
P.O. Box 30036
Lansing, Michigan 48909-7536

Dear Senator Lauwers and Senator Outman:

SUBJECT: Edenville Dam Failure

Thank you for your letter of July 17, 2020, regarding the Edenville Dam failure, the internal department events and inspections that preceded it, and new ways to improve how dams are monitored and maintained. We share your interest in taking actions that will help prevent similar events in the future.

The Department of Environment, Great Lakes, and Energy (EGLE) has compiled the information you have requested. Please note that some of the correspondence references documents that are protected as Critical Energy Infrastructure Information (CEII) and cannot be shared by EGLE staff. Those documents can be requested from the Federal Energy Regulatory Commission (FERC) through their CEII Freedom of Information Act (FOIA) process or directly from the dam owner, Boyce Hydro Power, LLC. Please let us know if you have questions regarding this information or would like to set up a time to discuss it.

In follow up to our interest in preventing similar events in the future and in response to a directive from Governor Gretchen Whitmer, EGLE is taking several actions:

- In cooperation with the FERC, an independent third-party team comprised of dam safety experts has been assembled to investigate and produce a report on all contributing factors of the Edenville Dam failure and emergency response efforts during and immediately following the event. The investigation will be consistent with FERC dam failure investigation procedures along with the Dam

Failure Investigation Guideline produced by the Association of State Dam Safety Officials' (ASDSO) Dam Failure Investigation Committee.

- EGLE has requested the ASDSO to do an independent review of Michigan's Dam Safety Program to provide professional guidance to improve the performance and management of the program and to evaluate the mission, objectives, and policies and procedures of the program.
- The administration is establishing a Michigan Dam Safety Task Force comprised of state and federal agencies, local governments, and affected stakeholders to review dam safety issues in Michigan and provide recommendations on policy, budgetary, legislative, and enforcement reforms that can help prevent failures in the future. The task force will develop a report summarizing their observations and proposing recommendations to the Governor for program improvements (regulatory, financial, and programmatic) that would help ensure that Michigan dams are appropriately maintained, operated, and overseen to ensure the safety of Michigan's citizens and aquatic resources.
- EGLE was able to obtain an exception to the current hiring freeze to hire an additional staff engineer in our Dam Safety Program. As you are aware, the program is currently functioning with two engineers and a supervisor. As mentioned above, further recommendations on adequate staffing for the program will be included in the program review and task force initiatives.

If you need further information or assistance, please contact Ms. Teresa Seidel, Director, Water Resources Division, at 517-284-5470; SeidelT@Michigan.gov; or EGLE, P.O. Box 30458, Lansing, Michigan 48909-7958; or you may contact me.

Sincerely,



Liesl Eichler Clark
Director
517-284-6700

cc: Senator Ed McBroom
Mr. Aaron B. Keatley, Chief Deputy Director, EGLE
Ms. Sarah M. Howes, Legislative Liaison, EGLE
Ms. Teresa Seidel, EGLE

STATE SENATOR
DAN LAUWERS
Energy and Technology Committee, Chair



STATE SENATOR
RICK OUTMAN
Environmental Quality Committee, Chair

July 17, 2020

Director Liesl Eichler Clark
Michigan Department of Environment, Great Lakes, and Energy
Constitution Hall
525 West Allegan Street
P.O. Box 30473
Lansing, MI 48909-7973

Dear Director Clark,

We write you today to respectfully request certain documents from your department related to the Edenville Dam collapse and the internal department events and inspections that proceeded it.

As you are aware, the Michigan Senate has been monitoring and reviewing the incidents surrounding the recent failure of the Edenville Dam. This event and the subsequent information provided describing how it came to be has shown that much more can be done to try and prevent such a catastrophe in the future. To that end, we appreciate the willingness of the Department and staff to testify before the Joint Senate Committee hearings hosted by the Senate Committee on Energy and Technology and the Senate Committee on Environmental Quality. Please know we are dedicated to continuing to review this situation and finding new ways to improve how state government monitors the structure and maintenance of our dams.

The purpose of the request for documents contained in this communication is to learn and review how the Michigan Department of Environmental Quality (DEQ), now the Department of Environment, Great Lakes, and Energy (DEGLE), developed, established, implemented, and executed policies and initiatives to address the ownership of the Edenville Dam and the review of proposals to remedy its well-established structural flaws. With DEGLE's vital responsibility of ensuring the safety and well-being of Michigan's environment and the residents that reside in it, it is our opinion that more thorough review of the Department's response to this tragedy can only help strengthen and preserve its effectiveness moving forward.

As chairmen of the committees, we greatly appreciate your cooperation. We trust that the requests below will not present an issue and look forward to reviewing the information you are able to provide. Accordingly, we respectfully request the following:

1. All communications exchanged among DEQ/DEGLE staff related to the transfer of licensing and regulatory authority of the Edenville Dam to the state of Michigan between June 1, 2017 and June 30, 2020.
2. All communications exchanged between DEQ/DEGLE staff and the Federal Energy Regulatory Commission related to the transfer of licensing and regulatory authority of the Edenville Dam to the state of Michigan between June 1, 2017 and June 30, 2020.

3. All communications exchanged between DEQ/DEGLE staff and any agent or representative of Boyce Hydro, including Lee Mueller, relating to any structural deficiencies of the Edenville Dam between June 1, 2017 and June 30, 2020.
4. All communications exchanged between DEQ/DEGLE staff and any agent or representative of the Four Lakes Task Force relating to the ownership of the Edenville Dam, any structural deficiencies of the Edenville Dam, proposals for repair or removal of the Edenville Dam, and any attempts to obtain public or private funds in order to repair or remove the Edenville Dam.
5. Any recorded public complaints or statements DEQ/DEGLE received concerning the ownership or structural deficiencies of the Edenville Dam between June 1, 2017 and June 30, 2020.

Furthermore, please provide documents in a form that is reasonably usable, such as fully unitized and text-searchable PDF's or native files, and in native format for Excel/spreadsheets and database files.

We make these requests in good faith and look forward to the Department's cooperation. We have also been in communication with Senate Committee on Oversight Chairman, Ed McBroom, regarding this matter. He shares our interest in reviewing these documents and hopes they can be obtained without issue. We look forward to working with you to continue our review of this situation, as we share the common goal of a cooperative and productive exchange of information in order to ensure the safety and well-being of Michigan residents and our environment.

Finally, within 10 days of receipt of these requests, please provide the information requested, or at the very least, agree to do so by a certain date.

To the extent you have any questions or concerns about the information requested, please do not hesitate to contact our offices. Thank you for your time and careful attention to this matter.

Sincerely,



Senator Dan Lauwers
Chairman
Senate Committee on Energy & Technology



Senator Rick Outman
Chairman
Senate Committee on Environmental Quality

Cc: Senator Ed McBroom