

**EPA/EEI Member Meeting
In Person Meeting - EPA Offices
Monday, April 14, 2025
12:25 PM**

1. Meeting Logistics

- **Location** - EEI staff and DTE will meet with Steven Cook and OLEM staff at EPA Offices
- **Format** - This session is intended to be an open dialogue where DTE can speak and engage with EPA on a suite of CCR issues, with a specific focus on compliance with the drainage and stabilization requirements for CCR units closing in place, specifically, EPA guidance on the identification and elimination of free liquids.
- **Proposed Agenda**
 - Introductions
 - Executive Summary
 - Priority Introduction
 - Background and History
 - DTE Priorities Discussion
 - Free Liquids (Priority)
 - State Program (If time allows)
 - Site Specific Closure Standard (If time allows)

2. Executive Summary

DTE is focused on collaborating with the EPA on critical regulations, such as CCR, where changes will enhance generation flexibility while promoting grid reliability, maintain affordable rates for our customers, and environmental protection, all of which contribute to America's energy dominance and independence.

To achieve these goals, DTE is pursuing opportunities to find resolution in key regulatory requirements of the Coal Combustion Residuals (CCR) rule. As discussed at Edison Electric Institute's Environmental Executive Advisory Committee's meeting on March 6th 2025, utilities, contractors and consultants are having difficulty complying with 40 CFR 257.102(d) due to conflicting statements in EPA's April 22, 2024 memo. DTE raised some site-specific concerns to Mr. Cook at the meeting and Mr. Cook asked that we follow up with EPA in the coming weeks to further discuss the concerns. Therefore, we have requested this meeting to discuss the issue of free liquids as this is a near term compliance item that needs resolution to advance a key closure project for DTE. We are seeking resolution from EPA that will provide a clear pathway to compliance.

3. Background

DTE is currently in negotiations with potential contractors to dewater and close a CCR surface impoundment at DTE's Monroe Power Plant (MONPP) in accordance with the closure in place performance standard at 40 CFR 257.102d. The unit, a fly ash basin (FAB), was constructed as a water treatment and permanent ash storage pond for fly ash slurry generated at MONPP in Monroe, Michigan. The plant has a capacity of 3200 MW and is DTE's largest generation asset. Construction of the FAB was completed in 1974 and ash slurry was first pumped to the FAB in

January 1975. In December of 2023, receipt of all waste at the FAB, including CCR, ceased. The FAB covers approximately 410 acres (310 football fields), its perimeter embankment is approximately 3.5 miles long, 30 to 44 feet in height, and 215 feet wide at its base. Hydrogeological investigations completed in 1970, 1973, 1974, 1994, 2016, and 2020 have demonstrated that the extensive glacially compacted natural clay deposits underlying the unit and the compacted clay embankment are consistently present across the unit and are of sufficiently low hydraulic conductivity to act as an excellent natural clay liner that isolates the FAB from the uppermost aquifer.

Additionally, extensive characterization has proven that absolutely no connection exists between the uppermost aquifer and the FAB. The FAB is not in contact with groundwater and DTE will close the unit via closure in place.

We currently have a fully executable closure plan and schedule that has been through the RFP process and is ready to be contracted.

4. Priority / Issue Topic Information

Free Liquids

DTE developed a dewatering performance standard that was included in the RFP as a requirement for qualified contractors to incorporate into their bids. This design specification was based on regulatory text and definition of free liquids (40 CFR 257.53), and incorporating guidance from EPA's April 22, 2024, memo titled Considerations for the Identification and Elimination of Free Liquids in Coal Combustion Residuals Surface Impoundments and Landfills (Free Liquids Memo).

All qualified contractors submitted exceptions to the dewatering performance standard. Dewatering industry expert contractors and consultants who submitted bids have performed pilot studies and dewatering modeling.

- No contractor can meet the dewatering performance standard based on the Free Liquids Memo.
- Contractors can meet a dewatering performance standard based on Free Liquids being readily separable under ambient temperature and pressure.

The only path forward is to base dewatering performance standards on "elimination of free liquids" and not the Free Liquids Memo.

DTE is meeting with EPA to discuss a potential resolution to the issue detailed above.

State Program

DTE acknowledges and supports EPA Administrator Zeldin's initiative for cooperative federalism. DTE has supported the Michigan Department of Environment, Great Lakes and Energy (EGLE) in developing a CCR program. We are interested to engage with EPA and discuss how DTE can support establishment of such a program.

Site Specific Closure Standard

As announced on March 12, DTE acknowledges that EPA is reviewing the Legacy-Coal Combustion Residual Management Units rule for potential near term and long-term resolutions to address compliance challenges. For DTE, the issue related to free liquids compliance is a near term priority as regulatory timelines for compliance have started. EPA's commitment to review the rule for potential long term compliance resolutions, such as site-specific closure standards, are also of interest to DTE and we would like to discuss how we can engage EPA on this effort.