

Update on the Edenville Dam- August 2017

In our August 2016 update, we reported that work on the Tobacco River auxiliary spillway was stalled. The Michigan DEQ had engaged the Michigan Attorney General to charge numerous violations of environmental law at the Edenville site. Today we report that the Michigan AG action continues, but the proceedings are generally not public information.

There was a near-disaster at the Oroville Dam in California last Spring. The dam was overtopped due to heavy spring runoff and nearly failed. FERC regulates this dam. FERC has notified Boyce that there will be special inspections of similar dams nationwide, including the Boyce dams. A Board of Consultants was convened to decide how to rehabilitate the Oroville Dam. One of those Consultants appears to have the same name as a former Consultant for the Boyce dams. That Boyce Consultant resigned from the Boyce Board of Consultants and a replacement has been proposed.

Frank Christie is the engineer who supervised Boyce dam operations for many years. Mr. Christie retired at the end of May, 2017. Boyce has submitted a resume for a replacement engineer and FERC has approved.

FERC issued a Compliance Order to Boyce on June 17. A Compliance Order is the last step FERC takes before imposing penalties such as fines or loss of license to operate a hydroelectric facility. In the order, FERC noted numerous violations of the Commission's regulations and the dam's operating license. These violations included failing to increase the spillway capacity of the dam, performing unauthorized dam repairs, performing unauthorized earth-moving activities, failing to file an adequate Public Safety Plan, failing to provide the required public recreation facilities, improperly restricting public access, failing to acquire the necessary property rights and failure to comply with the Water Quality Monitoring Plan.

The Compliance Order gave Boyce deadlines to submit design packages and schedules for new auxiliary spillways on both the Tobacco and Tittabawassee river sides of the dam, as well as proof that Boyce has the property rights necessary to perform the work. There were also deadlines for implementing fully automated water quality monitoring at all Boyce dams, submitting plans and a schedule for dam modifications to meet FERC safety standards for handling the Probably Maximum Flood, plans and a work schedule for repairs to deteriorating walls at the Tobacco spillway, provide reasonable public access to project lands in compliance with the operating license and construct all the recreational facilities required in the license.

The deadlines for some of the requirements have been extended by as much as 2 months due to the changes in engineers, but none of the current extensions run beyond Feb, 2018. As always, the real questions are:

- How will FERC enforce the deadlines?
- Will actual construction take place? If it does, when will it happen and how will the lake be affected?

Wixom Lake Association will continue to follow this situation and keep you advised via our website and email distribution list.