

EXHIBIT 1

AMENDMENT TO CONSENT DECREE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:13-cv-317 JTN
)	
LAKE MICHIGAN TRANS-LAKE)	Honorable Janet T. Neff
SHORTCUT, INC., d/b/a LAKE MICHIGAN)	
CARFERRY SERVICE and S.S. BADGER,)	
)	
Defendant.)	
)	

AMENDMENT TO CONSENT DECREE

WHEREAS, the plaintiff and the defendant signed a proposed Consent Decree that was lodged with the Court on March 22, 2013 [Doc #2-1];

WHEREAS, the plaintiff on March 27, 2013, published notice of lodging and invited comment on the proposed Consent Decree for a period of thirty days;

WHEREAS, the Department of Justice received numerous comments with respect to the proposed Consent Decree; and

WHEREAS, the Parties have consented to entry of the proposed Consent Decree as amended by this Amendment to Consent Decree,

NOW, THEREFORE, without any admission of fact or law, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. The Consent Decree lodged on March 22, 2013 [Doc #2-1], is amended as follows:
 - a. The Stipulated Penalty described at Paragraph 47(a) of the Consent Decree is revised to read:

\$3,000 per Operating Day on which a discharge occurs for the first seven such days of discharge; \$6,000 per Operating Day for each day thereafter.

- b. The following new Paragraph 33A is inserted after Paragraph 33 of the Consent Decree:

33A. Until LMC permanently ceases the discharge of coal ash or coal ash slurry in accordance with this Consent Decree, LMC must exercise best efforts, as measured by what is economically practicable, to use stoker coal with an ash content no greater than 6.25% and a mercury content no greater than 0.05 parts per million. Best efforts include seeking bids for stoker coal to be used after the 2013 Operating Season from no less than six reputable and representative coal suppliers for the sale of stoker coal who can deliver such coal to a coal dock available to LMC.

- c. The following new Paragraphs 43A, 43B, and 43C are inserted after Paragraph 43 of the Consent Decree:

43A. Within 15 days after entry of this Consent Decree, LMC must report the ash, mercury, and sulfur content of coal purchased for the 2013 Operating Season. If the coal supply comes from a different mine in the course of the season, LMC shall obtain as soon as possible a coal analysis from the supplier that documents the ash, mercury, and sulfur content and shall submit the analysis to EPA no later than 3 business days after receipt of the analysis.

- 43B. On or before the first day of the 2014 Operating Season, LMC must report the ash, mercury, and sulfur content of coal purchased for the 2014 Operating Season. If the coal supply comes from a different mine in the course of the season, LMC shall obtain as soon as possible a coal analysis from the supplier that documents the ash, mercury, and sulfur content and shall submit the analysis to EPA no later than 3 business days after receipt of the analysis.
- 43C. Starting on the day after entry of this Consent Decree, LMC shall submit to EPA, within 15 days after the end of each calendar month during which the Badger operates, reports that contain daily entries setting forth (a) the number of trips the Badger made between Manitowoc and Ludington on each day of the reporting month; (b) an estimate of the average amount of coal used to operate the Badger each day of the reporting month; and (c) an estimate of the average amount of coal ash discharged per operating day during the reporting month. For purposes of the monthly reporting required by this Paragraph 43C, LMC shall calculate daily coal combusted and ash discharged using the prior year's average daily coal use but the current year's coal ash content. This calculation shall only be used for compliance with this Paragraph 43C, and shall not be used for purposes of complying with any other provision of this Consent Decree including Appendix B.

- d. The Consent Decree Violation set forth at Paragraph 47(d) of the Consent Decree is revised to read:
- d. Failure to comply with effluent limitations and relevant standards as required by and set forth in Paragraph 33A of this Consent Decree or in sections II and III of Appendix A of this Consent Decree.
2. As so amended, the Consent Decree lodged on March 22, 2013 [Doc #2-1], is approved and entered as a judgment of the Court.


So ordered and entered this 10th day of October, 2013.

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge

Signature Page for Amendment to Consent Decree, *United States v. Lake Michigan Trans-Lake Shortcut, Inc.*

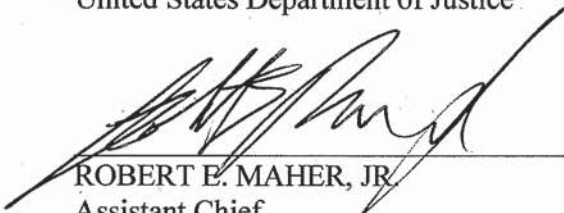
FOR THE UNITED STATES OF AMERICA

Dated: 9/11/13



ROBERT G. DREHER
Acting Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

Dated: 9/13/13



ROBERT E. MAHER, JR.
Assistant Chief
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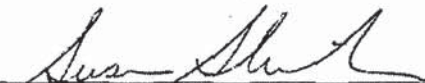
Dated: _____

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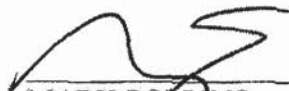
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FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY


Dated: 9/6/13


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Dated: 9/6/13


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FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Dated: Sept 5, 2013



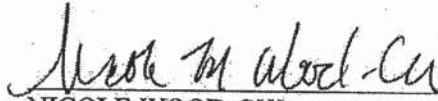
SUSAN HEDMAN
Regional Administrator
United States Environmental
Protection Agency, Region 5

Dated: Sept 3, 2013



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FOR LAKE MICHIGAN TRANS-LAKE SHORTCUT, INC., d/b/a LAKE MICHIGAN
CARFERRY SERVICE

Dated: 8-29-13


ROBERT MANGLITZ
President and Chief Executive Officer

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COUNSEL FOR LAKE MICHIGAN TRANS-LAKE SHORTCUT, INC., d/b/a LAKE MICHIGAN CARFERRY SERVICE

Dated: 8/29/13



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