

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30755
LANSING, MICHIGAN 48909

BILL SCHUETTE
ATTORNEY GENERAL

August 27, 2012

Gary J. Kelterborn
Project Coordinator
One Energy Plaza
Jackson, MI 49201

Dear Mr. Kelterborn:

The Michigan Department of Attorney General and the Michigan Department of Environmental Quality (MDEQ) (collectively the State) are in receipt of the Termination Notice submitted by CMS Land Company and CMS Capital, LLC (collectively CMS) pursuant to Paragraphs 31.2 and 31.3 of the Agreement. The Termination Notice was dated July 17, 2012.

The State has reviewed the Termination Notice, 2012 PA 190 (effective June 20, 2012), and the MDEQ's Policy and Procedure for Evaluating Mercury in Groundwater Plumes Relative to the Groundwater Surface Water Interface Pursuant to Part 201 (effective June 20, 2012) (MDEQ Policy 09-014). The State concurs that 2012 PA 190 satisfies the triggering event described in Paragraph 31.2(a) for terminating certain obligations under the Agreement. Additionally, the State concurs that MDEQ Policy 09-014 satisfies the triggering event described in 31.2(b) for terminating certain obligations under the Agreement.

In accordance with Paragraph 31.2, the State concurs that CMS's obligations under Paragraphs 7.5, 7.6, 7.7, 7.8, 7.15, 7.17, 7.18, and Attachments K and L have terminated. CMS is now required to complete the Additional Obligations identified in Paragraph 7.27.

If you have any further questions please contact the MDEQ Project Coordinator, Mr. Robert Wagner at 989-705-3452.

Sincerely,

Handwritten signature of Danielle Allison-Yokom in cursive.

Danielle Allison-Yokom
Assistant Attorney General
ENRA Division
Telephone (517) 373-7540

Handwritten signature of Jim Sygo in cursive, including the date "Aug 17 2012".

Jim Sygo
Deputy Director
MDEQ
Telephone (517) 241-7394