

Department of Natural Resources and Environment, Water Bureau  
**LARGE QUANTITY WATER WITHDRAWAL PERMIT**  
Issued under Part 327  
Great Lakes Preservation, Natural Resources and Environmental Protection Act  
1994 PA 451, as amended

In accordance with Part 327, Great Lakes Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), authority is hereby given to withdraw water from the waters of the State of Michigan as described herein. This permit is issued in reliance on information supplied in the corresponding application and other information as may have been supplied by the permit applicant in support of that application.

PERMIT NUMBER: **2010-001**

DATE ISSUED: February 8, 2010

Permittee Name and Address: Benton Charter Township  
1725 Territorial Road, Suite B  
Benton Harbor, Michigan 49022

Location Information

County where Water Withdrawal is Located: Berrien County  
Township Name, Town, Range and Section: Benton Township, T.04S, R.19W, Sec 12

**The activity authorized by this permit is subject to the following limitations and conditions:**

**Section A. Authorizations and Coverage Provisions**

1. **Water Withdrawal is restricted to the following sources, locations and rates above the baseline capacity established with the DNRE:**

<b>Water Withdrawal Source</b>	<b>Latitude and Longitude (decimal degrees)</b>	<b>Withdrawal Rate</b>
Lake Michigan	42.139, -86.479	12 million gallons per day / 8,333 gallons per minute

2. **Approval Conditions**

- a) In the permit application process Benton Charter Township certified they will conform to the "Guidelines for Generally Accepted Water Management Practices for the Public Water Supply Sector," which are posted on the Department of Natural Resources and Environment (DNRE) Web site at <http://www.michigan.gov/deqwateruse>. As a condition of this authorization, Benton Charter Township will be required to submit an annual report on the status of their implemented conservation measures. The report shall be submitted to the chief of the Drinking Water and Environmental Health Section, Water Bureau (WB), DNRE.
- b) A permit under the Safe Drinking Water Act, 1976 PA 399, as amended (Act 399), and rules must be obtained prior to commencing with the construction of facilities necessary to implementation of the withdrawal. As a condition of this authorization, Benton Charter Township will be required to submit a report to the chief of the Drinking Water and Environmental Health Section, WB, DNRE describing the conservation measures they have implemented and the status of same prior to issuance of the Act 399 construction permit.

**Section B. Reporting and Record Keeping****1. Environmental Impacts**

The permittee is required to immediately contact the DNRE, WB, at 517-241-1415 if an Adverse Resource Impact (ARI) occurs in association with the water withdrawal authorized by this permit. An ARI is defined in section 32701(1)(a)(vii) of the NREPA as "Decreasing the level of a lake or pond with a surface area of 5 acres or more through a direct withdrawal from the lake or pond in a manner that would impair or destroy the lake or pond or the uses made of the lake or pond, including the ability of the lake or pond to support characteristic fish populations, or such that the ability of the lake or pond to support characteristic fish populations is functionally impaired."

**2. Water Use Report**

Water Use Reporting for a Public Water Supply is implemented through the annual reporting required under Act 399.

**Section C. Liability****1. Noncompliance**

Commencing the water withdrawal authorized herein confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized by this permit shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, the DNRE may initiate criminal and/or civil proceedings to correct deficiencies, protect natural resource values, and secure compliance with law.

**2. Limitations**

This permit does not convey property rights in water, or other real or personal property, authorize any injury to private property or invasion of public or private rights, or waive the necessity of obtaining any other applicable federal, state, or local permit or approval.

**3. Indemnification**

The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representatives of the permittee, undertaken in connection with this permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.

Rebecca Humphries, Director  
Department of Natural Resources and Environment

By: Original Signed by Wm. Elgar Brown  
Wm. Elgar Brown, P.E., Chief  
Drinking Water and Environmental Health Section  
Water Bureau