



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

October 22, 2009

Ms. Carolyn Phillips, Township Clerk
Benton Charter Township
1725 Territorial Road, Suite B
Benton Harbor, Michigan 49022

Dear Ms. Phillips:

Enclosed is a public notice on the Benton Charter Township (BCT) water withdrawal permit application prepared under the provisions of Part 327, Great Lakes Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The permit application, which was originally received by the Department of Environmental Quality (DEQ) on August 31, 2009, requested authorization for a large quantity withdrawal of 12.0 million gallons per day (MGD) from Lake Michigan to serve as a public water supply source for BCT.

As you are aware, application for a water withdrawal permit is required under Part 327 for a large quantity withdrawal of 2 MGD or greater. The information submitted meets the application requirements for a water withdrawal permit per Part 327. Having determined the application is complete, Part 327 requires public notice of the permit application. In accordance with the DEQ, Water Bureau public notice requirements, it is hereby requested you post the enclosed public notice at the entrance to your premises, and at the shoreline property parcel in Rocky Gap Park, section 13 of Benton Township, Berrien County, where a "shore well and pumping station" will be constructed. Posting of the public notice should be no later than October 28, 2009.

If you have any comments or questions with regards to this correspondence or the public notice and opportunity to comment requirements, please contact Mr. Brant Fisher, Environmental Engineer Specialist, Water Withdrawal and Contamination Investigation Unit, Drinking Water and Environmental Health Section, Water Bureau, at 517-241-1415, or you may contact me directly.

Sincerely,

Wm. Elgar Brown, Chief
Drinking Water and Environmental Health Section
Water Bureau
517-241-1359

BF:WEB:DLR

Enclosure: Public Notice

cc/enc: Berrien County Local Health Department
Mr. Frank J. Ruswick, Jr., Special Assistant to the Director, DEQ
Mr. William Creal, DEQ
Mr. James K. Cleland, DEQ
Mr. Brant Fisher, DEQ
DEQ, Water Bureau, Kalamazoo District Office

****PUBLIC NOTICE****
Benton Charter Township submits application
for a new large quantity withdrawal
October 22, 2009

The Department of Environmental Quality (DEQ) has received a permit application for a proposed withdrawal of surface water from Lake Michigan by Benton Charter Township (BCT). The proposed large quantity withdrawal would be from a Lake Michigan intake to be constructed at latitude 42.139 and longitude -86.479. The project is to include construction of a shore well and pumping station at a parcel in Rocky Gap Park, section 13 of Benton Township, T.04S, R.19W, Berrien County.

The proposal will result in the withdrawal of water from Lake Michigan for a community water supply for BCT. Currently, this area is serviced by the city of Benton Harbor water system through a withdrawal from Lake Michigan at a location approximately 3,800 feet from the proposed withdrawal site. The proposed BCT intake would withdraw a maximum of 8,330 gallons per minute, or 12 million gallons per day (MGD) from an intake located approximately 3,900 feet from shore.

Under amendments made to Part 327, Great Lakes Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), a person who intends to make a large quantity withdrawal of over 2 MGD is required to submit a permit application for the proposed withdrawal. Part 327 requires the permit application include the following:

- Place and source of the proposed withdrawal
- Location of any discharge or return flow
- Location and nature of the proposed withdrawal or existing water user
- Estimated average annual and monthly volumes and rates of withdrawal
- Estimated average annual and monthly volumes and rates of consumptive use from the withdrawal
- Submittal of an application fee in the amount of \$2,000

The BCT application was originally received by the DEQ on August 31, 2009, and the above mentioned information provided. The DEQ reviewed the BCT permit application and determined the application was insufficient relative to recently adopted criteria applicable to large quantity water withdrawals of more than 2 MGD per requirements of Part 342, Great Lakes-St. Lawrence River Basin Water Resources Compact (Compact), of Act 451. The criteria relate to the efficient use of water and water supplies; economic, social and environmental development, source supply potential, the possible occurrence of an adverse resource impact (ARI), and the restorative measures. Specific language regarding the criteria can be found in Section 4.11, Decision-Making Standard of the Compact, a copy of which can be found at <http://www.michigan.gov/deqwateruse>. Also, as of January 1, 2009, the approval of a NILQW greater than two MGD requires the person making the withdrawal to "self certify" compliance with environmentally sound and economically feasible water conservation measures developed by the applicable water user's sector.

The DEQ requested the submittal of additional information relative to the criteria identified in the Compact and certification by BCT on the water conservation measures applicable to the public water supply sector in correspondence dated September 10, 2009. Response to the request was received from BCT and their consultant on September 18, 2009, and October 7, 2009. Upon receipt of the additional information, the BCT permit application for a large quantity water withdrawal from Lake Michigan was considered complete.

The proposed withdrawal by BCT is considered a new withdrawal of 12 MGD and is to serve the public water supply needs of BCT and their customers. The withdrawn water will be discharged through National Pollutant Discharge Elimination System permits to a location on the St. Joseph River that is within the Lake Michigan watershed. Accordingly, the withdrawal is considered an in-basin use with all of the water, less consumptive use, returned to the Great Lakes Basin.

Under Part 327, the issuance of a permit requires a determination by the DEQ that the large quantity withdrawal will likely not cause an ARI. An ARI is likely when a water withdrawal is projected to result in a lowering of lake levels to an extent such that the ability of the lake to support the characteristic fish populations would be functionally impaired. The DEQ is also required to provide a public comment period of not less than 45 days before making a determination on the evaluation.

Copies of the large quantity withdrawal permit application, including the information submitted to satisfy the requirements of the Compact, and this public notice may be obtained via the internet at either <http://www.michigan.gov/deq> or <http://www.michigan.gov/deq/0,1607,7-135-3313---,00.html> within the Announcements section under the heading "Public Notice for Proposed New Large Quantity Withdrawal – Benton Charter Township." Comments related to the proposed large quantity withdrawal received by December 11, 2009, may be considered in the decision to issue or deny the permit for the proposed large quantity withdrawal. Persons desiring information regarding the permit process or procedures for commenting should contact Mr. Brant O. Fisher, Water Withdrawal and Contamination Investigation Unit, Drinking Water and Environmental Health Section, Water Bureau, DEQ, P.O. Box 30273, Lansing, Michigan, 48909-7773, at 517-241-1415, or at fisherb@michigan.gov.