



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO ATTENTION OF
ECW-15J

VIA ELECTRONIC MAIL

Ellis Mitchell
City Manager
City of Benton Harbor
200 East Wall Street
Benton Harbor, MI 49022
emitchell@bhcity.us

Re: Request for an Extension to Complete the Alternatives Analysis Report

On November 2, 2021, the United States Environmental Protection Agency (“EPA”) issued to the City of Benton Harbor (“the System”) a Unilateral Administrative Order (“Order”) under Section 1414(g) of the Safe Drinking Water Act (“SDWA”) to address violations of SDWA and the National Primary Drinking Water Regulations.

On January 13, 2022, EPA approved, pursuant to Paragraph 111(b) of the Order, the independent third-party selected by the System to assist with the completion of an Alternatives Analysis. The System was required, pursuant to Paragraph 111(d) of the Order, to complete the Alternatives Analysis Report within 180 days of approval of the independent third-party by EPA – July 12, 2022. On June 30, 2022, EPA sent a letter reminding the System of the July 12, 2022 deadline to complete the Report.

On July 8, 2022, the System submitted a request via email for an extension of the July 12, 2022 deadline to complete the Alternatives Analysis Report. The System requested an additional 60 to 90 days to complete the Report. The justification for the extension request is that the Capacity Study, required by the Michigan Department of Environment, Great Lakes, and Energy, will not be finalized until August 3, 2022. The System stated that it is important that the information in both the Capacity Study and the Alternatives Analysis Report are aligned; therefore, the System needs additional time following the August 3, 2022 deadline to incorporate the information from the Capacity Study into the Alternatives Analysis Report.

The System is required to produce an Alternatives Analysis that meets the scope identified in Paragraph 111 of the Order; specifically, “the Alternatives Analysis should use the information gathered to support development of the System’s Capacity Study required under the 2020 Amended ACO to identify, at a minimum, the following potential alternatives in an Alternatives Analysis Report.”

In response to the System’s request, EPA agrees to extend the July 12, 2022 deadline to complete the Alternatives Analysis Report, according to Paragraph 111(d) of the Order, by no more than 90 days. **The revised deadline to complete the Alternatives Analysis Report is October 10, 2022.**

You may direct any technical questions to Victoria Anderson at anderson.victoria@epa.gov and Jonathan

Moody at moody.jonathan@epa.gov. Your legal counsel may contact Matthew Russo at russo.matthew@epa.gov.

Sincerely,

Michael D. Harris
Director
Enforcement and Compliance Assurance Division

CC:

Marcus Muhammad, City of Benton Harbor
Elizabeth Murphy, EPA
Victoria Anderson, EPA
Jonathan Moody, EPA
Matthew Russo, EPA
Jacqueline Clark, EPA
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Erin Russell, EGLE
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