



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

August 10, 2022

VIA EMAIL AND U.S. MAIL

Ellis Mitchell, City Manager
City of Benton Harbor
200 East Wall Street
Benton Harbor, Michigan 49022

WSSN: **00600**
System: City of Benton Harbor

Dear Ellis Mitchell:

SUBJECT: Extension of Deadlines Set Forth in Paragraph 2.14 of The First Amended Administrative Consent Order (ACO), ACO-399-07-2019

This letter serves as a follow-up to your August 1, 2022, letter sent (via electronic communication) to the Department of Environment, Great Lakes, and Energy (EGLE), which sought an extension from a deadline you agreed to upon entering ACO-399-07-2019, with EGLE, on August 7, 2020.

Paragraph 2.14 – Technical, Managerial, and Financial Capacity (TMF) Study

The City submitted a draft TMF Study, completed by Fleis & VandenBrink Engineering, on February 7, 2022. EGLE acknowledged the City's compliance with this extended deadline. However, the TMF Study was not approved at that time, as additional steps were needed, as outlined in EGLE's letter to the City dated May 5, 2022. EGLE requested a revision to the TMF Study, no later than August 3, 2022, with a proposal for closing the financial gaps identified in a letter dated May 20, 2022. The City requested an extension of the August 3, 2022 deadline be granted for March 10, 2023 for completion of the TMF Study in order to coordinate the content and recommendations of the on-going Water System Alternative Analysis (AA) and the TMF Study in the letter dated August 1, 2022.

*The City's request for extension of the deadline to **complete the TMF Study by March 10, 2023, is hereby approved.*** Please note, additional ACO items are triggered by the completion of the TMF study, namely Paragraphs 2.8, 2.10 (a) and (b), 2.15 (a) and (b).

Please be advised that, per Paragraph 1.3 of the ACO, the City of Benton Harbor remains obligated to pay stipulated penalties for failure to comply with a specific deadline set forth in the Compliance Schedule or EGLE Approval of Submittals of the ACO, including the extended deadline set forth above.

If you have any questions, please contact me at 906-630-4107 or by email at BolfM@Michigan.gov.

Sincerely,

Michael Bolf, P.E.
Engineering Section Manager
Drinking Water and Environmental Health Division

Attachment

cc: Mayor Marcus Muhammad, City of Benton Harbor
Rob Jones, Fleis & Vanderbrink Operations
Darold Harlan, Fleis & Vanderbrink Operations
Eric J. Oswald, EGLE
George Krisztian, EGLE
Maureen Nelson, EGLE
Erin Russell, EGLE
Summer Haught, EGLE