



July 30, 2025

Eric J. Oswald, Director
Drinking Water and Environmental Health Division
Department of Environment, Great Lakes, and Energy
Constitution Hall – 525 W. Allegan Street
P. O. Box 30473
Lansing, MI 48909-7973

Dear Sir:

This letter is in response to the ACO letter that was sent and signed prematurely in error by myself before we had an opportunity to review it or discuss it with EGLE. The City respectfully request that you disregard that signature.

Since that time, the City staff and our plant operator F &V have begun discussions on July 21. The ACO letter contained a number of items with July 31 deadlines that are impossible to meet, and we request that those deadlines be extended. Please see the enclosed attachment from our city engineer that provides proposed extension dates and considerations. It also contained items related to the City buying water from someone else, which we consider a settled matter. Within the last two years, EGLE in earlier communications asked the City to determine whether it would buy water or operate its own facility which the City Commission voted unanimously to operate its own water plant. EGLE had also asked the City to determine whether it would operate the plant itself with its own employees or contract it out. That too was decided and the City laid off its operations staff. Subsequently, the Commission directed City Manager Little to negotiate a contract with F & V to operate the facility which ensured that properly certified personnel were in place. We were disappointed to see this reappear in the current ACO letter and respectfully request that these matters be removed.

Manager Little and the City representatives will continue to work with EGLE to try and address whatever concerns that you have as it is our goal to provide safe, quality drinking water to our citizens.

Sincerely,
City of Benton Harbor

A handwritten signature in black ink, appearing to read "Marcus Muhammad".

Marcus Muhammad
Mayor

Enclosure: 7-22-2025 Email from Abonmarche Engineer, Jason Marquardt

200 EAST WALL STREET * P.O. BOX 648 * BENTON HARBOR, MI 49022 * (269) 927-8400

From: Jason Marquardt <jmarquardt@abonmarche.com>

Sent: Tuesday, July 22, 2025 3:15 PM

To: Russell, Erin (EGLE) <RussellE@michigan.gov>; Bolf, Michael (EGLE) <BOLFM@michigan.gov>; Brady, Donal (EGLE) <BradyD6@michigan.gov>; Wright, Emily (EGLE) <WrightE4@michigan.gov>; Alex Little <alittle@bhcity.us>; Darold L. Harlan <dharlan@fv-operations.com>

Cc: rrice <rrice@cityofbentonharbormi.gov>; Matt Hosier <mhosier@fv-operations.com>

Subject: RE: ACA Discussion

All,

Here are my brief notes from our discussion yesterday on 7/21 between the City and EGLE. I've simply summarized them based on the ACO (attached) numbered items.

- **2.7** – The City respectively requests that the reporting period begins October 31 and continues on the schedule as listed. It may be a challenge to provide the information prior to July 31, 2025 for submittal for information related to rate collection, etc.
- **2.8** – The cross connection draft plan is completed, however, July 31st, may limit our ability to complete the draft and submit to EGLE. The City would like to extend this timeframe another month and work to submit this earlier as soon as the draft is completed. In addition, in lieu of monthly reports, the City would like to request EGLE change the requirement to quarterly, as work on the cross-connection program may sit for several months, which in return, quarterly reports can be provided. This will also match the current vendor expectations of them providing quarterly reports.
- **2.10** – No change is requested
- **2.12** – No change is requested
- **2.14a** – No change is requested and October 31, 2025 can be the first anticipated submittal related to this task
- **2.14b** – Much discussion was provided by the group to eliminate this from the ACO requirements. EGLE was planning on reviewing with their groups to develop what discussions further would be warranted for this item.
- **2.14c** – The City respectively requests to extend this deadline out at least 1 month to August 31, 2025. There should be no issue on getting this prepared, expect for the timing of the initial due date of July 31, 2025.
- **2.14d** – The City respectively requests consideration to move this deadline out further to allow work to proceed (along with further discussion of reprioritizing interconnect improvements). We discussed moving the date to December 31, 2026 to coincide with the date grant funding will expire.
- **2.14e** – These improvements listed in this item are items that have been currently bid as a part of the next water plant project. The City respectively requests that the deadline be extended to December 31, 2026 to allow for the project to be awarded and built after award and throughout 2026 before the funding expires.

- **2.14f** – No change in date is requested. Additionally, we discussed if the purchasing of these components could be included in the current grant funding package.
- **2.14g** – No change in date is requested, however, it was discussed that current improvements will still likely be underway, and preparation of the next CIP projects may require an extension depending on where the City will be with current construction progress on many of the projects listed in 2026.

Thanks and let me know if you have any questions.

Jason W. Marquardt, PE

Senior Project Manager

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