



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
DRINKING WATER AND ENVIRONMENTAL HEALTH DIVISION



PHILLIP D. ROOS
DIRECTOR

July 31, 2025

VIA ELECTRONIC MAIL

The Honorable Marcus Muhammad
City of Benton Harbor
200 East Wall Street
Benton Harbor, Michigan 49022

Dear Mayor Muhammad:

SUBJECT: Extension of Deadlines Set Forth in Paragraphs 2.7, 2.8, and 2.14.c of
Second Amended Administrative Consent Order (AACO),
AACO-399-07-2019(2); City of Benton Harbor; WSSN: 00600

This letter serves as a follow-up to your July 30, 2025, 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 AACO-399-07-2019(2), with EGLE, on June 26, 2025.

Paragraph 2.7 of the AACO reads as follows:

Starting July 31, 2025, and then not later than October 31, January 31, April 30, and July 31 of each year this Second Amended Consent Order remains in effect, the City shall submit to the DWEHD, in writing for review, rate collection and other information to demonstrate progress of the implemented rate collection program, which was implemented under Paragraph 2.7 of the First Amended Consent Order and shall continue to implement the rate collection program required in that order. Each submittal shall include the following information from the previous quarter:

- (a) Volume of water billed to City customers and dollars invoiced to City customers
- (b) Revenue received from water billing

You requested an extension to complete the requirements of Paragraph 2.7. Your request of an extension of the deadline in Paragraph 2.7 is granted. The new deadline is **October 31, 2025**.

Paragraph 2.8 of the AACO reads as follows:

Not later than July 31, 2025, the City shall submit to the DWEHD, in writing, for review and approval, a cross-connection control program meeting the requirements of Act 399. The program shall include, but not be limited to, the following: inspections and backflow prevention device testing to be completed for all customer

classes, activities to be completed each year during initial implementation of the program, and the frequencies for reinspection, and assembly testing completed to maintain the program. The City's program shall conform to the DWEHD's Cross Connection Rules Manual, 4th Edition. The City shall submit to the DWEHD, in writing, monthly program progress reports. The DWEHD will notify the City, in writing, of approval or any deficiencies in the submittal. Following receipt of the DWEHD's approval, the City shall immediately implement the program.

You requested an extension to complete the requirements of Paragraph 2.8. Your request of an extension of the deadline in Paragraph 2.8 is granted. The new deadline is **September 30, 2025**. You also requested a reduction in frequency of the progress report submittal from monthly to quarterly. The reduction in frequency has been granted to quarterly. The progress reports are due **October 31, January 31, April 30, and July 31 of each year** this Second Amended Consent Order remains in effect.

Paragraph 2.14.c of the AACO reads as follows:

Not later than July 31, 2025, the City shall submit to the DWEHD, in writing, proof of payment for critical water system services including, but not limited to contracts for operations, chemical suppliers, controls and instrumentation, engineering, construction, sludge management, etc. The City shall advise the DWEHD within 14 days of making any substantive changes to these contracts while this Second Amended Consent Order remains in effect. During that same time period, the City shall continue to make all payments required under the contracts.

You requested an extension to complete the requirements of Paragraph 2.14.c. Your request of an extension of the deadline in Paragraph 2.14.c is granted. The new deadline is **September 30, 2025**.

You also requested to remove the language under Paragraph 2.14.b. of the AACO. Paragraph 2.14.b of the AACO reads:

In October 2022, Benton Harbor completed an alternatives analysis at the direction of U.S. EPA. In this document, some alternatives were not fully analyzed for their potential financial impact. While the City is not obligated by this order to implement either of the following alternatives, the City shall complete a financial analysis of operating costs for options listed below and provide the analysis to EGLE for review by December 31, 2025:

- i. Becoming a direct wholesale customer of the city of St. Joseph
- ii. Joining the Southwest Michigan Regional Sanitary Sewer and Watermain Authority and purchasing water from the city of St. Joseph

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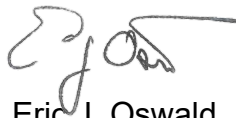
To identify the true operating costs, the analysis must use rates negotiated between the two parties. The report must include a basis for the negotiated rate as well as a documentation of the negotiation process, participants, and facilitator(s). The financial analysis shall be accomplished by an independent, third part vendor and may be eligible for reimbursement by the state.

Please be advised that EGLE is denying the request to remove this language from the AACO. This effort is essential to provide information for potential future decisions and also establishes rates should the city of Benton Harbor (Benton Harbor) require use of this option as a backup water supply in the event there is a disruption of service in the Benton Harbor system.

Please be further advised that, per Paragraph 1.3 of the original ACO, Benton Harbor may be 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 Maureen Nelson at 5147-242-8328; NelsonM2@Michigan.gov; or EGLE, P.O. Box 30817, Lansing, Michigan 48909-8311.

Sincerely,



Eric J. Oswald, Director
Drinking Water and Environmental Health Division
517-643-2543
OswaldE1@Michigan.gov

Attachment

cc/att: Alex Little, City of Benton Harbor
Aaron Keatley, Chief Deputy Director, EGLE
Brian Thurston, EGLE
Brandon Onan, EGLE
Erin Russell, EGLE
Michael Bolf, EGLE
Matthew Allen, EGLE
Maureen Nelson, EGLE
Donal Brady, EGLE
Emily Wright, EGLE

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