



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
KALAMAZOO DISTRICT OFFICE



STEVEN E. CHESTER
DIRECTOR

May 26, 2009

Mr. Chuck Dobbins, City Manager
City of New Buffalo
City Hall
224 West Buffalo
New Buffalo, Michigan 49117

Dear Mr. Dobbins:

Thank you for your letter dated May 13, 2009. We have also received and reviewed copies of correspondence between Mr. Edward Oldis and the City of New Buffalo, as well as correspondence between Mr. Oldis and Mr. Terrence J. Hodnik, P.E., of NIES Engineering Inc. and directly from Mr. Oldis on May 19, 2009.

This letter is to clarify the Department of Environmental Quality's (DEQ), Land and Water Management Division's (LWMD) position concerning the City of New Buffalo's proposed upgrades to their water treatment plant. It is the LWMD's understanding that the only work proposed for the Low Lift Pump Station (LLPS) is the replacement of two valves and a standby generator. Nothing associated with the water intake, pump house building, or rock revetment shore protection is proposed to be modified. The major work associated with the water system upgrade will actually occur within the water treatment plant. If this is the case, no permits would be required from the LWMD.

It is true the LWMD sent a letter to the U.S. Army Corps of Engineers (USACE) dated May 26, 1998, concerning the intake and the LLPS. In that letter, the LWMD requested the USACE re-examine the shoreline erosion rates in the area in question. We do not know if this re-examination occurred. Our letter recommended that the City of New Buffalo commence planning to relocate the intake structure and pump house. We also acknowledge you were not copied on this letter.

The federal government has twice paid for shore protection for the LLPS. Our concern is that shore erosion will continue along this area. This on-going process, combined with high lake levels and another storm with "extremely high energy wave action" could again threaten or destroy shore protection and the LLPS. In addition, the LLPS and shore protection will contribute a greater adverse impact on adjacent properties as erosion continues. You indicate that you consider the shore protection as a permanent solution. We disagree. All shore protection requires periodic maintenance and the wave action from a large storm can severely damage or destroy the structure.

If in the future the LLPS, intake, or rock revetment need significant repair, we would recommend you consider relocation of the pump house as a feasible and prudent alternative to repairing the revetment in place. The availability of federal funding to

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repair the shore protection again or to rebuild the LLPS may be an unreliable alternative.

It is our assumption that you are working with the DEQ's Water Bureau, Drinking Water Program, concerning permitting requirements for the water treatment plant upgrades and we will copy them on this correspondence.

I trust this clarifies our position on your proposed water treatment system upgrades, but if you have other questions, do not hesitate to contact Kameron Jordan of our Kalamazoo District Office at 269-567-3565 or at jordank@michigan.gov, or you may contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin Jannereth", with a stylized flourish at the end.

Martin Jannereth

Chief

Lakes, Streams and Shoreland Sections

517-335-3458

cc: Mr. Terry Hodnik, NCES Engineering, Inc.
Mr. Edward Oldis
Mr. Tom O'Byran, USACE
Mr. Kameron J. Jordan, DEQ
Mr. Gary Wozniak, DEQ