



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
GRAND RAPIDS



C. HEIDI GREYER
DIRECTOR

June 18, 2018

Mr. Darwin Watson
City of Benton Harbor
200 Wall Street
Benton Harbor, MI 49022

WSSN: 00600

Dear Mr. Watson:

SUBJECT: VIOLATION NOTICE – Failure to Issue Public Notice

The records of the Department of Environmental Quality (DEQ), Drinking Water and Municipal Assistance Division (DWMAD), show that the City of Benton Harbor (City) is in violation of the Safe Drinking Water Act 1976 PA 399, as amended (Act 399); R 325.10403, *Tier 2 public notice; form, manner, and frequency of notice* of the 1979 Administrative Code.

In accordance with this rule, a water supply that has a treatment technique violation shall provide public notice (PN) as soon as practical, but no later than 30 days after the supply learns of the violation. Additionally, the supply shall repeat the notice every three months as long as the violation exists. Finally, the supply is required to submit to the DEQ a certification that it fully complied with the public notice requirement, including a copy of the notice distributed, within 10 days of issuing the PN. DEQ records show that the City was notified of the PN certification requirement in the *Treatment Technique Violation Notice – Failure to Meet Organic Carbon (TOC) Removal* letter, dated April 18, 2018. The PN certification deadline was May 18, 2018. The DEQ has not received the PN certification; therefore, the City has not complied with the PN requirement as of the date of this violation.

The DEQ investigation is considered complete. This violation began on May 19, 2018, and will continue until the City returns to compliance. To return to compliance, a public notice of the treatment technique violation must be issued as soon as possible and no later than **July 18, 2018**. A copy of the PN and certification must be sent to the Grand Rapids District Office within 10 days of posting the public notice. If you issued the PN as directed, and only failed to provide a copy and certification to the DEQ, written proof of the distribution must be provided immediately.

The DEQ is authorized under Section 7 of Act 399, MCL 325.1007 to issue fines for public water supply monitoring and reporting violations. You will soon receive, under a separate cover, an invoice for a fine of \$400 for failing to issue a PN. Furthermore, failure to issue the PN by the above due date will result in a fine of at least \$800. Additional violations are subject to fines of increasing amounts. If you would like more information on the DWMAD administrative fines policy, contact the Grand Rapids District Office.

If you have any factual information you would like us to consider regarding the violation identified in this notice, please provide it in a written response by July 15, 2018.

Mr. Darwin Watson
Page 2
June 18, 2018

The DEQ anticipates and appreciates your cooperation in resolving this matter. If you have any questions regarding this Violation Notice, please contact me at kleinj1@michigan.gov; DEQ, DWMAD, Grand Rapids District Office, 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49503-2341; or at the phone number provided below.

Sincerely,



Jeremy Klein, Environmental Quality Analyst
Grand Rapids District Office
Drinking Water and Municipal Assistance Division
616-250-1053

JK:kw

cc: Mr. Michael O'Malley, City of Benton Harbor
Mr. Jon Bloemker, DEQ (via email)