



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
GRAND RAPIDS DISTRICT OFFICE



C. HEIDI GRETHUR
DIRECTOR

August 1, 2018

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

VIOLATION NOTICE
WSSN: 00600

Dear Mr. Watson:

SUBJECT: Violation Notice - Monitoring and Reporting for E. coli

The Department of Environmental Quality (DEQ), Drinking Water and Municipal Assistance Division (DWMAD), records 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 325.10720b, *Enhanced treatment for Cryptosporidium; source water monitoring*; and R 325.10734, *Required reporting to the department of the 1979 Administrative Code*.

In accordance with the rules cited above, a supplier of water shall collect samples at least every two weeks, have them analyzed for E. coli, and report the results to this office. Your specific monitoring requirements were outlined in your LT2ESWTR Sampling Plan. Our records show that you did not conduct E. coli monitoring within two days of March 7, 2018, as per the sampling plan. Our investigation consisted of a review of DWMAD files for laboratory reports received for compliance monitoring. If you have conducted the required monitoring, please submit your results immediately. Further, the City failed to report numerous E. coli monthly sample results that started in October of 2017 until April 25, 2018. A second submittal of data occurred on June 29, 2018. Act 399 requires sample results be reported to the DEQ within 10 days after the end of the first month following the month when the sample is collected.

Our investigation is considered complete. The City was out of compliance for the monitoring violation on March 10, 2018, and has since returned to compliance through sampling on March 21, 2018. The reporting violation began on December 11, 2017, and was returned to compliance when the City submitted lab reports for all of the sampling done from October 11, 2017 through June 27, 2018. Please note, since these samples are required to be analyzed by a certified laboratory, actual lab results must be submitted in addition to the summary included with your Monthly Operation Report.

Administrative rule R 325.10404 requires that suppliers provide public notice (PN) not later than one year after learning of the violation, by mail or direct delivery and by any other means reasonably calculated to reach other persons regularly served by the system. Enclosed is a sample PN. Since this violation must be included in your Consumer Confidence Report (CCR), due by July 1, 2019, you may want to use your CCR as the vehicle to post the PN, since the CCR should be delivered to your customers within 12 months of learning of this violation.

The DEQ is authorized under Section 7 of Act 399, MCL 325.1007, to issue fines for public water supply monitoring and reporting violations. Failure to monitor for E. coli a second time within 12 months will result in a fine of \$200. Furthermore, failure to issue a public notice for this violation will result in a fine of at least \$200. Additional violations are subject to fines of

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increasing amounts. If you would like more information on the DWMAD administrative fines policy, contact me at the email address listed below.

If you have any questions regarding this Violation Notice, please contact me at kleinj1@michigan.gov; or 616-250-1053; or DEQ, DWMAD, Grand Rapids District Office, 350 Ottawa Avenue, NW, Unit 10, Grand Rapids, Michigan 49503.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Klein', with a stylized flourish at the end.

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

JK:kw

Enclosure

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

[Water Operator: This TEMPLATE is provided for your convenience and may not meet all requirements for your situation. Contact your DEQ drinking water staff to ensure you publish an appropriate public notice that meets all content and delivery requirements. *Italicized text is required verbatim.* Edit as necessary the paragraphs that describe the situation or how you are resolving it.]

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for the City of Benton Harbor

*We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During March 2018 we did not complete all monitoring or testing for E. coli bacteria and therefore cannot be sure of the quality of our drinking water during that time. However, this violation **does not** pose a threat to your supply's water.*

What should I do? There is nothing you need to do at this time. This is not an emergency. You do not need to boil water or use an alternative source of water at this time. Even though this is not an emergency, as our customers, you have a right to know what happened and what we did to correct the situation.

The table below lists the contaminant we did not properly test for, how often we are supposed to sample for this contaminant, how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date we collected follow-up samples.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	Date additional samples were (or will be) taken
E. Coli Bacteria	1 sample / 2 weeks	0	March 7, 2018	March 21, 2018

What happened? What is being done? We inadvertently missed taking a sample within this required sampling period. We are making every effort to assure this does not happen again. Samples taken since then show that all results met acceptable limits.

For more information, please contact [Water supply contact] at [phone number], or the Michigan Department of Environmental Quality at 616-356-0500.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by the City of Benton Harbor.

CERTIFICATION:

WSSN: 00600

I certify that this water supply has fully complied with the public notification regulations in the Michigan Safe Drinking Water Act, 1976 PA 399, as amended, and the administrative rules.

Signature: _____ Title: _____ Date Distributed: _____