



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GRAND RAPIDS DISTRICT OFFICE



Heidi Grether  
DIRECTOR

August 17, 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 for Total Organic Carbon (TOC)

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 325.10719e, *Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors; monitoring requirements*; of the 1979 Administrative Code.

In accordance with the rules cited above, a supplier of water shall collect samples every month, have them analyzed for TOC, and report the results to this office. Your specific monitoring requirements were outlined in your 2018 Monitoring Schedule, sent to you on or about January 10, 2018, and amended via letter dated April 18, 2018. Our records show that the City collected TOC samples on May 21, June 28, and July 1, 2018, however these samples did not meet thermal preservation requirements and cannot be considered for compliance. Our investigation consisted of a review of DWMAD files for laboratory reports received for compliance monitoring.

Our investigation is considered complete. The City must obtain valid results from a laboratory certified by the state for TOC analysis in order for the samples to be counted for compliance.

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

Mr. Darwin Watson

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

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Klein', with a large loop 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