



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

November 21, 2019

Mr. Ellis Mitchell
City of Benton Harbor
200 Wall Street
Benton Harbor, Michigan 49022

WSSN: 00600
County: Berrien
Supply: Benton Harbor

Dear Mr. Mitchell:

SUBJECT: VIOLATION NOTICE - Reporting for Lead and Copper

The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Drinking Water and Environmental Health Division (DWEHD), records show that the city of Benton Harbor is in violation of the Safe Drinking Water Act, 1976 PA 399, as amended (Act 399); specifically, R 325.10710d, *Reporting requirements for lead, copper, and corrosion control*, of the 1979 Administrative Code.

In accordance with the above rule, a supplier of water shall submit a sample copy of the Consumer Notice of Lead and Copper Results in Drinking Water (consumer notice) along with certification that the notification was distributed as required. EGLE must receive these documents within three months following the end of the monitoring period.

An email was sent to the certified operator-in-charge of the city of Benton Harbor's water system (operator) on September 23, 2019, notifying them that EGLE had not received the consumer notice for the samples collected during the monitoring period of January 1, 2019, through June 30, 2019. This email included the deadline for the required document. The operator responded with a Public Education Certificate of Distribution, not the consumer notice that was required. Another email was immediately sent informing the operator that the correct document was not attached, and there were no additional submittals. The city of Benton Harbor was also notified of this requirement in an email and letter regarding the lead action level exceedance dated July 24, 2019.

On July 10, 2019, your operator submitted pages 1 and 2 of the required lead and copper report form. However, the "Consumer Notice of Lead and Copper Results" certification form on page 3, along with an example consumer notice, was not submitted to EGLE as required.

EGLE's investigation is considered complete. The city of Benton Harbor has been out of compliance since September 29, 2019, and must return to compliance. To return to compliance, you must submit a complete sample copy of the consumer notice along with the certification that the notification has been distributed as required within 30 days of the date of this letter.

This violation must be included in your 2019 Consumer Confidence Report, which is due to your residents and EGLE by July 1, 2020.

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EGLE is authorized under Section 7 of Act 399, MCL 325.1007, to issue fines for public water supply monitoring and reporting violations. There is no fine at this time; however, failure to submit the consumer notice a second time within 12 months will result in a fine of \$200. Additional violations are subject to fines of increasing amounts. If you would like more information on the DWEHD administrative fines policy, please feel free to contact me.

If you have any factual information you would like EGLE to consider regarding the violation identified in this Violation Notice, please provide it in a written response to your District within 30 days of the date of this letter.

We anticipate and appreciate your cooperation in resolving this matter. If you have any questions regarding this Violation Notice, please contact me at JacksonH@Michigan.gov; Lead and Copper Unit, DWEHD, EGLE, P.O. Box 30817, Lansing, Michigan 48909-8311; or at the phone number provided below.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Jackson", written in a cursive style.

Heather Jackson, Environmental Quality Analyst
Lead and Copper Unit
Community Water Supply Section
Drinking Water and Environmental Health Division
517-242-3997

cc: Mr. Michael O'Malley, City of Benton Harbor
Mr. Ernie Sarkipato, EGLE