



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

April 8, 2020

VIA EMAIL AND U.S. MAIL

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** - Monitoring and Reporting for Lead and Copper

The records of the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Drinking Water and Environmental Health Division (DWEHD), show that the city of Benton Harbor (City) is in violation of the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399); specifically, R 325.10710a, *Lead and copper in tap water; monitoring requirements*.

In response to a 2018 lead action level exceedance (ALE), the City is required to conduct lead and copper tap sampling at 60 sites every six months, have the samples analyzed for lead and copper, and report the results and associated reporting form to EGLE. These requirements were outlined in an October 22, 2018, lead ALE notice letter. EGLE records show the City collected valid lead and copper compliance samples from 39 of the required 60 sites during the July 1 through December 31, 2019, monitoring period.

EGLE's investigation consisted of a review of DWEHD files for laboratory reports received for compliance monitoring. EGLE's investigation into this violation is considered complete. The City was out of compliance on January 1, 2020. **To return to compliance, the City must collect samples from 60 sites in the distribution system during the monitoring period of January 1 to June 30, 2020**, have them analyzed for lead and copper, and submit the results and associated reporting form to EGLE.

Administrative Rule R 325.10404, *Tier 3 public notice; form, manner, and frequency of notice*, of Act 399 requires that suppliers provide public notice, not later than 12 months after learning of a violation, by mail or direct delivery and by any other means reasonably calculated to reach customers not normally reached by mail. Enclosed is a sample public notice.

Please notify your consumers by April 8, 2021, and send us a signed and dated copy of the issued notice within ten days of distribution. This violation must be included in your 2019 Consumer Confidence Report (CCR), which is due by July 1, 2020. You may use your 2019 CCR as the vehicle to post the public notice provided the CCR will be delivered to the City's customers within 12 months of learning of these violations.

Mr. Ellis Mitchell

Page 2

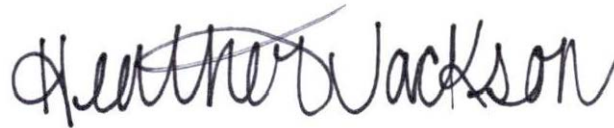
April 8, 2020

EGLE is authorized under Section 7 of Act 399, MCL 325.1007, to issue fines for public water supply monitoring and reporting violations. Because this violation occurred within 12 months of the previous violation, **the City will soon receive an invoice under separate cover for a fine of \$200.** Furthermore, failure to issue a public notice for this violation may result in a fine of at least \$200 per event. Additional violations are subject to fines of increasing amounts. If you would like more information on the DWEHD's administrative fines policy, contact me at the email address listed below.

If you have any factual information you would like the EGLE to consider regarding the violations identified in this Violation Notice, please provide it in a written response to this office by May 8, 2020.

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

Sincerely,

A handwritten signature in black ink that reads "Heather Jackson". The signature is written in a cursive style with a large, sweeping initial "H".

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

Enclosure

cc/enc: Mr. Michael O'Malley, City of Benton Harbor

cc: Mr. Mike Bolf, P.E., EGLE  
Mr. Brandon Onan, P.E., EGLE  
Ms. Maureen Nelson, EGLE  
Mr. Ernie Sarkipato, EGLE