



GRETCHEN WHITMER
GOVERNOR

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

GRAND RAPIDS DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

October 5, 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 – Failure of Monitoring Equipment

The Department of Environment, Great Lakes, and Energy (EGLE), Drinking Water and Environmental Health Division (DWEHD) has identified the City of Benton Harbor (City) is in violation of the Michigan Safe Drinking Water Act 1976 PA 399, as amended (Act 399); R 325.10720, *Filtration and disinfection; filtration sampling requirements*; R 325.10720a, *Filtration and disinfection; reporting and recordkeeping*; and R 325.11502 *Monthly operation reports of public water supplies employing treatment*, of the 1979 Administrative Code. These violations follow an onsite meeting on September 9, 2020 and subsequent communications with the City, and are detailed below along with public noticing requirements.

Chlorine Analyzer

In accordance with the rules cited above, a Subpart H (surface water) supplier of water serving at least 3301 persons shall continuously monitor the chlorine residual at the Point of Entry (POE) to the distribution system, and report the lowest daily results to this office. The City was cited in the 2018 sanitary survey for a significant deficiency for failure to monitor for residual disinfectant at an entry point to the distribution system (EPTD) on a continual basis. A new chlorine analyzer was installed in the water treatment plant laboratory to resolve this significant deficiency. During the September 9, 2020 site inspection, the chlorine analyzer was found to be reading 0.2 mg/L, and showing an error signal. While the above rule allows five (5) days for repairs, the analyzer was not working for at least 19 days. *The repeated nature of this violation adds to concerns over technical and managerial capacity of the water supply.* **The City has resolved this violation by verifying the chlorine analyzer was fixed and working properly as of September 21, 2020. Please ensure the analyzer is maintained in proper working order and the lowest daily values are being recorded. Finally, notify EGLE if future problems occur.**

Individual Filter Turbidimeters

A supplier of water who employs conventional or direct filtration shall conduct continuous monitoring of turbidity for each individual filter. Further, the rule states, Supplies shall record the results of individual filter monitoring every 15 minutes. Systems must keep records from individual filter turbidity monitoring for at least three (3) years. DWEHD recently requested the City to submit turbidity data when observing higher turbidities on the Monthly Operating Report (MOR) for the month of August 2020. The City indicated a lack of available turbidity data at the individual filter locations, and noted computer equipment failures for the lack of 15-minute data as required by R 325.10720. The City provided hourly IFE data read manually by the shift

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operators, which verifies the water quality but also the inaccuracy of the computer recorded turbidities. **To resolve this violation, the City must verify the SCADA and historian have been fixed or upgraded and demonstrate the ability to record each IFE turbidimeter data every 15-minutes.**

The City is directed to respond to this violation notice within 15 days of receipt, and propose a timeline for correction not to exceed thirty (30) days of the date of this letter.

EGLE's investigation is considered complete. The violation began on September 9, 2020 and will continue until the above actions are completed. If you have any factual information you would like us to consider regarding the violation identified in this letter, please provide it in a written response requested above. It is our intention to work with the City on resolving this issue, restoring adequate capacity to operate the water system in compliance with Act 399. We anticipate and appreciate your cooperation in resolving this matter.

Administrative rule R 325.10404 requires that suppliers provide public notice 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 public notice. Please notify your consumers by May 31, 2021 and send us a signed and dated copy of the issued notice within 10 days of distribution. This violation must be included in your 2020 Consumer Confidence Report (CCR) due by July 1, 2021. You may want to use your CCR as the vehicle to post the public notice, if the CCR will be delivered to your customers within 12 months of learning of this violation.

If you have any questions regarding this Violation Notice, please contact feel free to call the number below at your earliest convenience.

Sincerely,



Ernie Sarkipato, P.E.,
Surface Water Treatment Specialist
Grand Rapids District Office
Drinking Water and Environmental Health Division
616-307-0261

Enclosure

cc: Ms. Kimberly Thompson, Clerk, City of Benton Harbor
Mr. Mike O'Malley, Water Superintendent, City of Benton Harbor
Mr. Brian Thurston, Field Operations Manager, EGLE
Ms. Maureen Nelson, Enforcement Specialist, EGLE
Mr. Mike Bolf, P.E., Engineering Unit Supervisor, EGLE