



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
GRAND RAPIDS DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

January 12, 2021

VIA EMAIL AND U.S. MAIL

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

VIOLATION NOTICE
WSSN: **00600**

Dear Mr. Mitchell:

SUBJECT: Violation Notice - Monitoring and Reporting for Synthetic Organic Compounds

The Department of Environment, Great Lakes, and Energy (EGLE), Drinking Water and Environmental Health Division (DWEHD), records show that the City of Benton Harbor (City) is in violation of the Safe Drinking Water Act 1976 PA 399); R 325.10717, *Collection and analysis of samples for synthetic organic chemicals.*, as amended (Act 399) of the 1979 Administrative Code.

In accordance with the rules cited above, a supplier of water shall collect samples every quarter from the entry point to distribution (EPTD) after treatment, have them analyzed for synthetic organic compounds (SOC), and report the results to this office unless the EGLE laboratory performs the analysis and reports the results. The City's specific monitoring requirements were outlined in your 2020 Monitoring Schedule, sent to you on or about February 6, 2020. Our records show that the City collected SOC samples on December 11, 2019, March 23, 2020, June 28, 2020, and July 28, 2020, however the samples were taken from raw water before treatment, rather than from treated water from the plant tap. Our investigation consisted of a review of DWEHD files for laboratory reports received for compliance monitoring.

Our investigation is considered complete. While the above SOC samples were collected from the raw water tap instead of the EPTD tap, they have indicated zero detections for this set of chemicals. Furthermore, the City has now collected four consecutive quarterly samples that encompass the two consecutive peak quarters (second and third). **The City's request to reduce monitoring is acknowledged and we anticipate requesting the City conduct SOC sampling in the second and third quarters of 2021, prior to a full reduction to triennial sampling as in years past.**

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, 2021, 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.

Mr. Ellis Mitchell
Page 2
January 12, 2021

EGLE is authorized under Section 7 of Act 399, MCL 325.1007, to issue fines for public water supply monitoring and reporting violations. Further failures to monitor for SOC within 12 months may result in penalties. Furthermore, failure to issue a public notice for this violation may result in penalties. Additional violations are subject to fines of increasing amounts. If you would like more information on the DWEHD administrative fines policy, contact me at the email address listed below.

If you have any questions regarding this Violation Notice, please contact me at sarkipatoe@michigan.gov; or 616-307-0261; or EGLE, DWEHD, Grand Rapids District Office, 350 Ottawa Avenue, NW, Unit 10, Grand Rapids, Michigan 49503.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernie Sarkipato". The signature is written in a cursive, flowing style.

Ernie Sarkipato, P.E.
Surface Water Treatment Specialist
Engineering Unit
Drinking Water & Environmental Health Division

Enclosure

cc: Mr. George Regan, F&V Ops
Mr. Jeremy Klein, EGLE