



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

March 23, 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 the City of Benton Harbor

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, as amended (Act 399); R 325.10717d, *Collection and analysis of samples for per- and polyfluoroalkyl substances*; and R 325.10734, *Required reporting to the department of the 1979 Administrative Code*.

In accordance with the rules cited above, a supplier of water shall collect samples during the initial monitoring period of August 3, 2020 through February 3, 2021, have them analyzed for PFAS compounds, and report the results to this office unless the EGLE laboratory performs the analysis and reports the results. Your specific monitoring requirements were outlined in a letter sent to the City on or about September 21, 2020. Our records show that the City did not conduct PFAS monitoring required during the initial monitoring period. Our investigation consisted of a review of DWEHD files for laboratory reports received for compliance monitoring. If you have conducted the required monitoring, please submit your results immediately.

Our investigation is considered complete. The City was out of compliance beginning February 4, 2021, and must return to compliance. To return to compliance the City must collect one sample from the entry point by May 3, 2021, and have it analyzed for PFAS. Submit the report of analysis to this office unless you use the EGLE laboratory.

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, 2022, you may want to use your CCR as the vehicle to post the PN, as long as the 2021 CCR is delivered to your customers within 12 months of learning of this violation.

EGLE 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 PFAS 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 DWEHD administrative fines policy, contact me at the email address listed below.

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If you have any questions regarding this Violation Notice, please contact me at kleinj1@michigan.gov; or 616-250-1053; 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 'Jeremy Klein', with a stylized flourish at the end.

Jeremy Klein, Environmental Quality Analyst  
Grand Rapids District Office  
Drinking Water and Environmental Health Division

Enclosure

cc: Mr. George Regan, F&V Operations