



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

March 26, 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 Total Organic Carbon (TOC)

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 325.10719e, *Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors; monitoring requirements*; 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 every month, have them analyzed for TOC, 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 your 2021 Monitoring Schedule. Our records show that the City did not conduct TOC monitoring required during the monitoring period of February 1, 2021 to February 28, 2021. 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 March 1, 2021 and must return to compliance. To return to compliance the City must collect one paired sample before March 31, 2021, have it analyzed for TOC, and submit the results to EGLE.

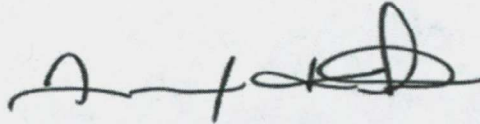
Administrative rule R 325.10404 requires that suppliers provide public notice (PN) not later than one year after learning of the violation, by mail or direct delivery and by any other means reasonably calculated to reach other persons regularly served by the system. Enclosed is a sample PN. Since this 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, *if the 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 TOC 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.

Mr. Ellis Mitchell
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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, N.W., Unit 10, Grand Rapids, Michigan 49503.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeremy Klein', with a stylized, looped 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