



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

October 15, 2021

VIA EMAIL AND U.S. MAIL

Mr. Ellis Mitchell, City Manager
City of Benton Harbor
200 East Wall Street
Benton Harbor, Michigan 49022

WSSN: 00600
County: Berrien
Supply: Benton Harbor

Dear Mr. Mitchell:

SUBJECT: **VIOLATION NOTICE** - Monitoring and Reporting for Water Quality
Parameters (WQP)

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 (Benton Harbor) is in violation of the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399); R 325.10710b, *Monitoring requirements for water quality parameters*; and R 325.10734, *Required reporting to the department*, of the 1979 Administrative Code.

In accordance with the above rules, Benton Harbor shall collect WQP samples from ten sites every quarter from the distribution system, and from the entry point to the distribution system (EPTDS) every two weeks. Samples must be analyzed for pH, alkalinity, calcium, conductivity, temperature, chloride, sulfate, and orthophosphate in the distribution system and for pH, alkalinity, calcium, conductivity, temperature, chloride, sulfate, and orthophosphate dosage and residual at the EPTDS. Benton Harbor's specific monitoring requirements are outlined in your Annual Monitoring Schedules sent each year.

EGLE records show that Benton Harbor met distribution WQP monitoring requirements from 2019 through 2020. However, during the January 1 to June 30, 2021, monitoring period Benton Harbor sampled the required ten sites once, but failed to complete, in full, the second round of sampling at the same ten locations. Benton Harbor collected orthophosphate residual, chloride, sulfate, and chlorine residual from only five of the required ten locations, missing pH, alkalinity, conductivity, calcium, and temperature. Furthermore, EGLE records show that monitoring requirements have not been fully met at the EPTDS since the monitoring period beginning July 1, 2019. While most WQPs were sampled daily at the EPTDS (exceeding the requirement of once every two weeks), sulfate and conductivity were not consistently analyzed at the EPTDS as required for each of the following monitoring periods:

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July 1 to December 31, 2019
January 1 to June 30, 2020
July 1 to December 31, 2020
January 1 to June 30, 2021
July 1 to December 31, 2021 (current monitoring period)

Benton Harbor is currently out of compliance. To return to compliance, WQP samples must be collected and analyzed for ALL parameters (listed above), at least quarterly in the distribution system and at least every two weeks at the EPTDS for the entire six-month compliance period of January 1, 2022, to June 30, 2022.

EGLE's investigation consisted of a review of DWEHD files and laboratory reports received for compliance monitoring. EGLE's investigation is considered complete.

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 other persons regularly served by the system. Enclosed is a sample public notice. In the interest of informing the public timely, EGLE requests **Benton Harbor notify its consumers by December 15, 2021, and send the DWEHD a signed and dated copy of the issued notice within ten days of distribution.** This violation must be included in your 2021 Consumer Confidence Report, which is due by July 1, 2022.

EGLE is authorized under Section 7 of Act 399, MCL 325.1007, to issue fines for public water supply monitoring and reporting violations. There is no fine for this violation. However, failure to conduct monitoring, as required in the future may result in a \$200 fine. Additionally, 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. Please contact me if you would like more information on the DWEHD's administrative fines policy.

To help prevent future monitoring violations, and to help prepare for the upcoming designation of optimal ranges for WQPs, we encourage Benton Harbor to develop a formal Standard Operating Procedure (SOP) to train and guide water operators on the collection and analysis of WQPs. The SOPs should outline the frequency, location, and methodology for the sample collection, and specify the laboratory instrumentation and methodologies for the analyses.

If you have any factual information you would like EGLE to consider regarding the violation identified in this Violation Notice, please provide it in a written response to this office by November 15, 2021.

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EGLE anticipates and appreciates your cooperation in resolving this matter. If you have any questions regarding this Violation Notice, please contact me at SarkipatoE@Michigan.gov; Engineering Unit, Community Water Supply Section, DWEHD, EGLE, 350 Ottawa Avenue NW, Grand Rapids, Michigan 49503; or at the phone number provided below.

Sincerely,

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

Ernest Sarkipato, Distribution Engineering
Specialist
Community Water Supply Section
Drinking Water and Environmental Health
Division
616-307-0261

Enclosure

cc/enc: Mr. Abul Ahmed, Fleis & Vandenbrink Engineering
Mr. Brandon Onan, EGLE
Mr. Ryan VanDerWoude, EGLE