



GRETCHEN WHITMER
GOVERNOR

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



DANIEL EICHINGER
ACTING DIRECTOR

April 12, 2023

VIA E-MAIL

Ellis Mitchell
City of Benton Harbor
200 Wall Street
Benton Harbor, Michigan 49022

WSSN: 00600

Dear Ellis Mitchell;

SUBJECT: City of Benton Harbor (City); Violation Notice (VN)
Monitoring and Reporting for Disinfectants and Disinfection Byproducts
(DBP)

Department of Environment, Great Lakes, and Energy (EGLE), Drinking Water and Environmental Health Division (DWEHD), records show that the City is in violation of the Safe Drinking Water Act, 1976 PA 399, as amended (Act 399); specifically, 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 R 325.10719e, *Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors; monitoring requirements*; a supplier of water shall collect two samples every three months at the collection sites, and during the months specified in the Monitoring Plan for Community Water Supplies – Disinfectants and Disinfectant Byproducts (SSP), have them analyzed for trihalomethanes (TTHM) and haloacetic acids (five) (HAA5), and report the results to EGLE, unless the EGLE laboratory performs the analysis and reports the results. EGLE records show the City did monitor for TTHM's and HAA5's during the month of January 2023. However, the specified month in the monitoring plan is February. Therefore, the samples taken in January cannot be counted for compliance.

The City's specific monitoring requirements were outlined in the 2023 Monitoring Schedule, sent in early 2023, and the City's SSP. EGLE's investigation consisted of a review of DWEHD files for laboratory reports received for compliance monitoring. If the required monitoring was conducted, please submit the results immediately.

EGLE's investigation is considered complete. The City was out of compliance on March 1, 2023, and must return to compliance by sampling at DBP1 (Bluewater Thermal) and DBP2 (B&Z Construction) during the month of May 2023, and submitting to this office the lab reports from this monitoring.

Administrative Rule R 325.10404, *Tier 3 public notice; form, manner, and frequency of notice*, of Act 399, requires that suppliers provide public notice (PN) not later than twelve months after learning of a violation, by mail or direct delivery, and by any other means reasonably calculated to reach customers not normally reached by mail. Enclosed is a sample PN.

Please notify your consumers by April 12, 2024, and send to this office, a signed and dated copy of the PN that you post within ten days of posting the PN. Since this violation must be included in the City's 2023 Consumer Confidence Report (CCR), due by July 1, 2024, you may want to use the CCR as the vehicle to post the PN, if the CCR will be delivered to the City's customers within twelve months of learning of this violation.

The DWEHD has imposed a fine's policy for public water system monitoring and reporting violations. There is no fine for this violation. However, failure to conduct monitoring, as required during the next twelve months, will result in a fine of \$1,000 per day up to a maximum of \$10,000. Additionally, failure to issue a PN for this violation may result in a fine of at least \$1,000 per event. Additional violations are subject to fines of increasing amounts. If you would like more information on DWEHD's administrative fine's policy, please contact me.

If you have any factual information you would like EGLE to consider regarding the violation identified in this VN, please provide it in a written response to this office by May 12, 2023. EGLE anticipates and appreciates your cooperation in resolving this matter.

If you have any questions regarding this VN, please contact me at 517-648-7662, or by e-mail at VanDerWoudeR@Michigan.gov.

Sincerely,

Ryan VanDerWoude
Environmental Quality Analyst
Drinking Water and
Environmental Health Division
517-648-7662

cc/enc: Abul Ahmed, F&V
Rob Jones, F&V
Mike Bolf, EGLE
Summer Groomes, EGLE
Erin Russell, EGLE