



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

August 30, 2023

VIA EMAIL AND U.S. MAIL

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

WSSN: 600
County: Berrien
System: Benton Harbor

Dear Ellis Mitchell:

SUBJECT: VIOLATION NOTICE – 2022 Consumer Confidence Report (CCR)

The records of the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Drinking Water and Environmental Health Division (DWEHD), show that Benton Harbor is in violation of the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399); specifically, R 325.10412, *Annual consumer confidence reporting; effective dates*, of the 1979 Administrative Code.

In accordance with the above rule, a community water supply shall directly deliver its CCR by July 1 annually to its customers, the local health department, and EGLE. These requirements were outlined in the letter that accompanied Benton Harbor's 2023 Monitoring Schedule and in a CCR reminder letter sent in May 2023. EGLE's records show that Benton Harbor did not submit the 2022 CCR to EGLE by July 1, 2023, as required.

EGLE's investigation consisted of a review of DWEHD files for the 2022 CCR. EGLE's investigation found that Benton Harbor did not meet all aspects of the CCR delivery requirements. The certificate of distribution accompanying the 2022 Benton Harbor CCRs indicates the delivery to EGLE on July 10, 2023.

DWEHD is authorized under Section 7 of Act 399, MCL 325.1007, to issue fines for public water supply reporting violations. There is no fine for this violation. However, failure to report a 2023 CCR by July 1, 2024, as required, will result in a \$200 fine. If you would like more information on the DWEHD's administrative fines policy, please contact me.

If you have any factual information you would like EGLE to consider regarding this Violation Notice, please provide it in a written response to this office by September 30, 2023.

Ellis Mitchell
Page 2
August 30, 2023

EGLE anticipates and appreciates your cooperation in resolving this matter. If you have any questions regarding this Violation Notice, please contact me at HendersonR7@Michigan.gov; Technical Support Unit, Community Water Supply Section, DWEHD, EGLE, P.O. Box 30817, Lansing, Michigan 48909-8311; or at the phone number provided below.

Sincerely,

A handwritten signature in black ink that reads "Randi Henderson". The signature is written in a cursive style with a large initial "R".

Randi Henderson, Environmental Quality Analyst
Technical Support Unit
Community Water Supply Section
Drinking Water and Environmental Health Division
517-899-4974

Enclosure
cc/enc: Abul Ahmed, F&V Operations
Ryan VanDerWoude, EGLE