



GRETCHEN WHITMER  
GOVERNOR

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



PHILLIP D. ROOS  
DIRECTOR

August 12, 2023

VIA EMAIL

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

WSSN: 00600  
County: Berrien  
System: Benton Harbor

SUBJECT: Request to Reduce Monitoring for Lead and Copper

The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Drinking Water and Environmental Health Division (DWEHD), received a letter from the City of Benton Harbor (City) that was dated and received on July 26, 2023, by email to Mike Bolf, Supervisor, Engineering Unit, DWEHD. Due to the good progress related to the City's service line replacement program status and recent sampling range values for lead and copper, the city submitted an official request to reduce the number and frequency of lead and copper monitoring. Staff from EGLE's Lead and Copper Unit, Engineering Section, and Division management discussed and evaluated your request.

EGLE sent the City an annual monitoring schedule in February of 2023 which outlined the requirement to sample once per six-month period in 2023 for lead and copper in the amount of 60 sites, according to the administrative rules promulgated under the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 33); specifically, R 325.10710a, *Lead and copper in tap water; monitoring requirements*.

EGLE acknowledges the City's diligence in removing all the lead service lines in their system and commends them for completing this task over the last 18 months. EGLE does not dispute the city's interpretation of the rules related to the provisions for reduced monitoring, but due to the heightened concerns in Benton Harbor about lead exposure, we continue to exercise our authority under Act 399 to require *increased* monitoring. While the City has reported values for lead and copper under the Action Level (AL) for the last four consecutive monitoring periods, only during the last monitoring period were strictly Tier 3 sites, single-family residences with copper plumbing with lead solder installed before July 1988, used for calculation of the 90<sup>th</sup> percentile. As DWEHD cited in the March 10, 2023, response to the City's request for reduced monitoring, we are requiring results from two 6-month rounds of monitoring from 60 sites following substantial completion of lead service line removal before considering a reduction in monitoring. The purpose of tap monitoring for lead and copper is to get a sense of corrosion rates throughout the system. The downward trend in the recent 90<sup>th</sup> percentile values are a positive indication of the city's lead reduction

efforts. Another round of 60 sites will provide data to verify the results continue to consistently meet action levels.

The City must continue sampling 60 sites for at least this monitoring period, July 1- December 31, 2023. The authority for this determination is Act 399, R 325.10732, *Specific testing frequencies, sample locations and parameters*.

DWEHD recognizes the City's population has declined in recent years. According to US Census data, the City's population is now below 10,000. DWEHD acknowledges that Act 399, R 325.10710a allows for a reduction in standard monitoring sites from 60 to 40. This will be taken into consideration after results and paperwork from the current monitoring period are submitted and reviewed.

As a reminder, the sites listed in the City's updated list of sample sites dated July 24, 2023, are listed in order of priority according to the highest risk criteria. These should be targeted as such to maintain as much consistency as possible through each monitoring period moving forward. If there are any changes to the sampling site plan, those should be updated and submitted to DWEHD prior to sampling for the next monitoring period. Any sites that are not served by a lead line should be sampled using the first draw, one bottle sampling process. If you need updated instructions or reporting forms, please visit [www.michigan.gov/lcr](http://www.michigan.gov/lcr).

If you have any questions regarding this letter, please contact me at [BolfM@Michigan.gov](mailto:BolfM@Michigan.gov); Engineering Section Manager, DWEHD, EGLE, 1504 West Washington, Marquette, Michigan 49855; or at the phone number provided below.

Sincerely,

Michael Bolf, P.E., Manager  
Engineering Section  
Drinking Water and Environmental  
Health Division  
906-630-4107

cc: Darold Harlan, F&V Operations  
Rob Jones, F&V Operations  
Summer Groomes, EGLE  
Lisa Anderson, EGLE  
Jeni Bolt, EGLE  
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