

Topics for weekly discussion:

- Microsoft Teams meeting

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Good morning, adding Ms. Bosscher and Ms. Porter per Eric's request. See below for Teams link and call-in number.

1. Water System Overview
2. ALE / Corrosion Treatment Update
3. ACO Progress Update
4. Joint onsite visit discussion
5. Other Discussion

Ernie Sarkipato, P.E.  
Surface Water Treatment Specialist  
Drinking Water and Environmental Health Division  
Michigan Department of Environment, Great Lakes, and Energy  
616-307-0261  
[www.Michigan.gov/communitywater](http://www.Michigan.gov/communitywater) <<http://www.michigan.gov/communitywater>>

[Click here to join the meeting <https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_YzU0OGMzMNwQnJE0MC0YzlmLWlwMmEtY2RlZGRiYjliYTgz%40thread.v2/0?context=%7b%22id%22%3a%22d5f67087-3777-42ad-966a-892ef4722d51%22%2c%22Oid%22%3a%22561a1a99-9d5a-4472-997b-f120d804079%22%7d%>](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YzU0OGMzMNwQnJE0MC0YzlmLWlwMmEtY2RlZGRiYjliYTgz%40thread.v2/0?context=%7b%22id%22%3a%22d5f67087-3777-42ad-966a-892ef4722d51%22%2c%22Oid%22%3a%22561a1a99-9d5a-4472-997b-f120d804079%22%7d%&)

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MICHIGAN DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY

# City of Benton Harbor Water System

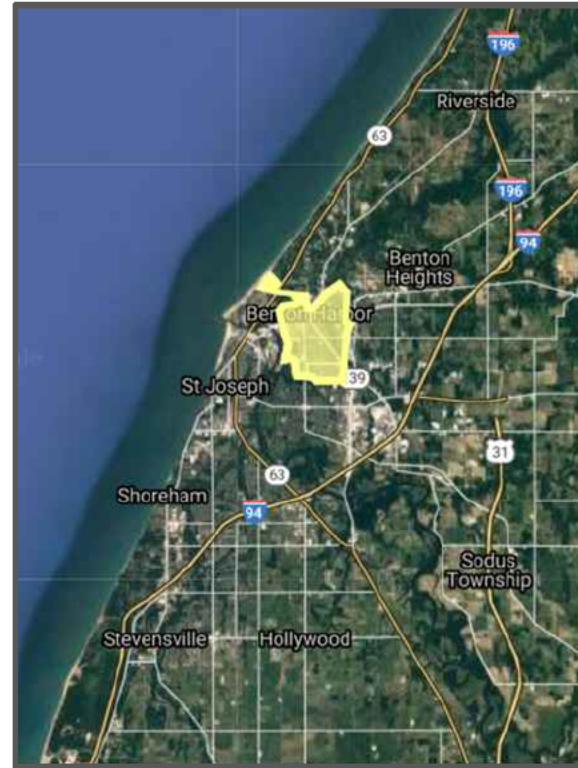
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Water System History and  
Compliance and Enforcement Update

September 2, 2021

# City of Benton Harbor

- Population ~ 10,000
- WTP expansion to 12 MGD
- Loss of Wholesale Customer (Twp)





# 2018

- Near turbidity violation → Compliance Communication
- TOC treatment technique violation, jar testing
- **Sanitary Survey**
- **Lead ALE**



# 2018

## Sanitary Survey

- Shift in EGLE approach
- 8 Significant Deficiencies
- 4 Minor Deficiencies
- Lack of TMF

## Lead ALE

- No change in source/tmnt
- Tier 1 locations?
- 30 Samples\*
- 22** ppb 90<sup>th</sup> percentile

\* 1st liter only per Michigan regulations

# 2019

## SS->ACO

- Moved Alum Feed
- SCADA and chlorine analyzer
- Hired a new Distribution operator (started rate collecton)
- Four extension requests

## Lead ALEs

- Corrosion Treatment Installed in March
- Finished Water Meter Installed
- Two more lead ALEs\***
- Monitoring violations (lack of samples: 46 (2020-1), then 39 (2020-2))

\* Michigan's 1st/5th liter sampling methodology began in 2019

# Alum underfeed

First identified in Sept 2019

-Operators forgot to  
turn on alum manually

-Repeated in Nov 2020

-Repeated in May 2021  
*(crypto sampling of distribution)*



**FILTER AND BOIL WATER ADVISORY  
FOR CITY OF BENTON HARBOR RESIDENTS**

 +  =   
**Filter or Flush      Boil      Consume**

Remember to filter and boil any water that will go into your mouth, such as drinking water, cooking water, baby formula, ice, brushing your teeth, etc.

**We advise that you replace your filter cartridge after the boil water advisory is lifted. Here's where you can go for a filter cartridge or water filter:**

- 1 Visiting the Berrien County Health Department Benton Harbor office at 2149 E Napier Ave., Monday-Friday from 8:30am-5pm.
- 2 Calling the Berrien County Health Department at 1-800-815-5485 Water Response Hotline to request a replacement filter or cartridge be mailed to your home.
- 3 Visiting the Spectrum Health Lakeland Center for Better Health at 100 W. Main Street, Benton Harbor. The Center is open Monday-Saturday, but hours of operation vary by day. See [shlcenterforbetterhealth.org](http://shlcenterforbetterhealth.org) or call 269.408.2258 for updated business hours.

[www.bchdmi.org](http://www.bchdmi.org) | 1-800-815-5485

 **BERRIEN COUNTY  
HEALTH DEPARTMENT**  
Protecting Health. Improving Quality of Life.

# 2020

## ACO

- EGLE changes strategy after talks with city/F&V
- Amended ACO: focus on TMF Capacity Study
- Hired a new Operator in charge (contract operations firm)

## Lead ALEs

- EGLE directs adjustment to Corrosion Treatment in March
- Used volunteers to get required # of samples
- Two more lead ALEs**

# 2021

## ACO

- EGLE funded TMF study is underway, due Feb 7, 2022
- Focusing on SOP development
- ACO items hinge on TMF:
  - cross connection
  - valve & hydrant
  - financial revenues

## Lead ALE

- EPA funded corrosion study is underway, wrapping up '22
- Refocusing sampling locations to known lead service lines and done by in-house staff for current round
- PO4 levels finally reach 3.0 mg/L
- Continued lead ALE

# TMF Study: Workflow & References



\*Consider referencing Effective Utility Management (EUM), AWWA G100, G200, G400, Partnership for Safe Water

EPA info:

<https://nepis.epa.gov/Exe/ZyPdf.cgi?Dockey=P100MEW9.txt> (assessing capacity)

<https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=2000284Z.txt> (EPA Handbook for Developing Capacity)

<https://www.epa.gov/dwcapacity/technical-managerial-and-financial-tmf-capacity-resources-small-drinking-water-systems-0>



# Public Communication from City of BH

## Lead Communications

- 10/24/2018 – Press Conference
- 10/24/2018 – Public Advisory
- 11/29/2018 – Public Education
- 1/24/2019 – Public Meeting
- 7/29/2019 – Public Advisory
- 8/28/2019 – Public Education
- 1/22/2020 – Public Advisory
- 2/26/2020 – Public Education
- 7/4/2020 – Public Advisory
- 8/2020 – Public Education (missed section of town)
- 1/3/2021 – Public Advisory
- 2/2021 – Public Education
- 7/1/2021 – Public Advisory
- 8/28/2021 – Public Education

## Other Water Communications

- 8/1/2018 – missed E Coli PN
- 8/7/2018 – TOC removal PN
- 12/1/2018 TOC removal PN
- 7/1/2019 - CCR included many violations
- 7/1/2020 - CCR included many more violations
- 12/1/2020 – Boil Water Advisory
- 2/1/2021 – Missed PE distribution PN
- 6/1/2021 – Boil Water Advisory
- 7/1/2021 – CCR included many violations

# Enhanced Outreach

- Gather Stakeholders
- Identify roadblocks
- Make a plan
- Communicate

**Benton-Michiana Spirit**  
Community Newspaper  
Serving the Michiana Area, Benton Harbor and Southwest Michigan to South Bend, Indiana

## Working Together to Reduce Lead Exposure in Benton Harbor

You may have been informed that recent testing discovered a problem with high lead levels in tap water in Benton Harbor. State and local partners are working together to make sure that you have the information needed to protect your family. This fall, we will hold a three-part series in the Benton Spirit Community Newspaper to share an overview of when we discovered lead in water in Benton Harbor, what we're doing to support to community residents and what's being done to address the issue and remove lead service lines in Benton Harbor. The Benton Harbor Community Water Council, the City of Benton Harbor, Berrien County Health Department, Andrews University, Freshwater Future, and the Benton Spirit Community Newspaper, along with the Office of the Clean Water Public Advocate, Michigan Department of Environment, Great Lakes, and Energy, and the Michigan Department of Health and Human Services are joining forces to ensure that Benton Harbor residents have access to information and free resources to reduce lead in water.

**What actions have been taken since the City learned of the lead issue in tap water?**

Though the water treatment plant is relatively new, Benton Harbor's water distribution system is about 100 years old, with much of the original infrastructure still in use, including water mains and service lines. It is known that a high number of lead service lines were installed in the first half of the 20th century and many homes built before the 1960s are likely to have lead service lines or pipes that pose a health risk to residents.

Elevated lead levels were first discovered during routine testing in 2018. The first action that was taken was to tell Benton Harbor residents that there were elevated levels of lead in the drinking water and how to protect themselves by running their water, and/or, by obtaining a lead-reducing water filter. The Berrien County Health Department (BCHD) began providing filters in 2019. The Michigan Department of Health and Human Services provides the funding for the filter and BCHD provides staffing and locations to distribute the filters.

**For help with securing a water filter, go to:**  
[berriencounty.org/15588/City-of-Benton-Harbor](http://berriencounty.org/15588/City-of-Benton-Harbor)


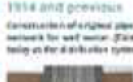

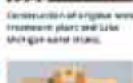

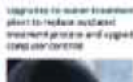
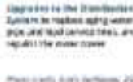
The City installed corrosion control treatment to help reduce the amount of corrosivity of the water, which will reduce lead levels, and has begun the process of replacing lead service lines (estimated to be 3,011 lines). This is an important step because the best way to reduce lead levels is by removing the sources of lead in the system. The City has also increased the monitoring of lead and copper. The City is now sampling twice as many homes as they were previously, and they are sampling those homes more often (every six months instead of every three years). This sampling is done so that everyone knows the levels of lead and copper in the system, and to show when the corrosion control treatment has become effective in lowering the levels of lead.

**Can I get my water tested for lead? If so, how?**

To determine if your home qualifies to be included in City testing please call lead service lines, call Mike at 268-3433 or 268-3433. If your home isn't eligible for the compliance program, there are other options for testing. The City may be able to connect you to a certified lab, if you are already connected a certified lab. A list of certified labs is available at [www.michigan.gov/egle](http://www.michigan.gov/egle).

*If you would like to join state and local partners to help spread the word about lead efforts in Benton Harbor, email [EGLE-CleanWater@michigan.gov](mailto:EGLE-CleanWater@michigan.gov).*

### CITY OF BENTON HARBOR Water System History

 Construction of water tower at Benton Harbor, helping to keep pressure in the system and provide water for fire fighting.	 1954 and previous construction of original pipe network for well water (State help on the distribution system).
 1990 Upgrades to water treatment plant to update equipment, including pumping and chemical treatment.	 1950 Construction of original water treatment plant and to be shut down later.
 2011-2013 Loss of Township customers results in reduced loss of water.	 2010 Upgrades to water treatment plant to reduce outdated equipment and update control system.
	 2020 Upgrades to the distribution system to reduce aging water pipe and lead service lines, and replace the water tower.

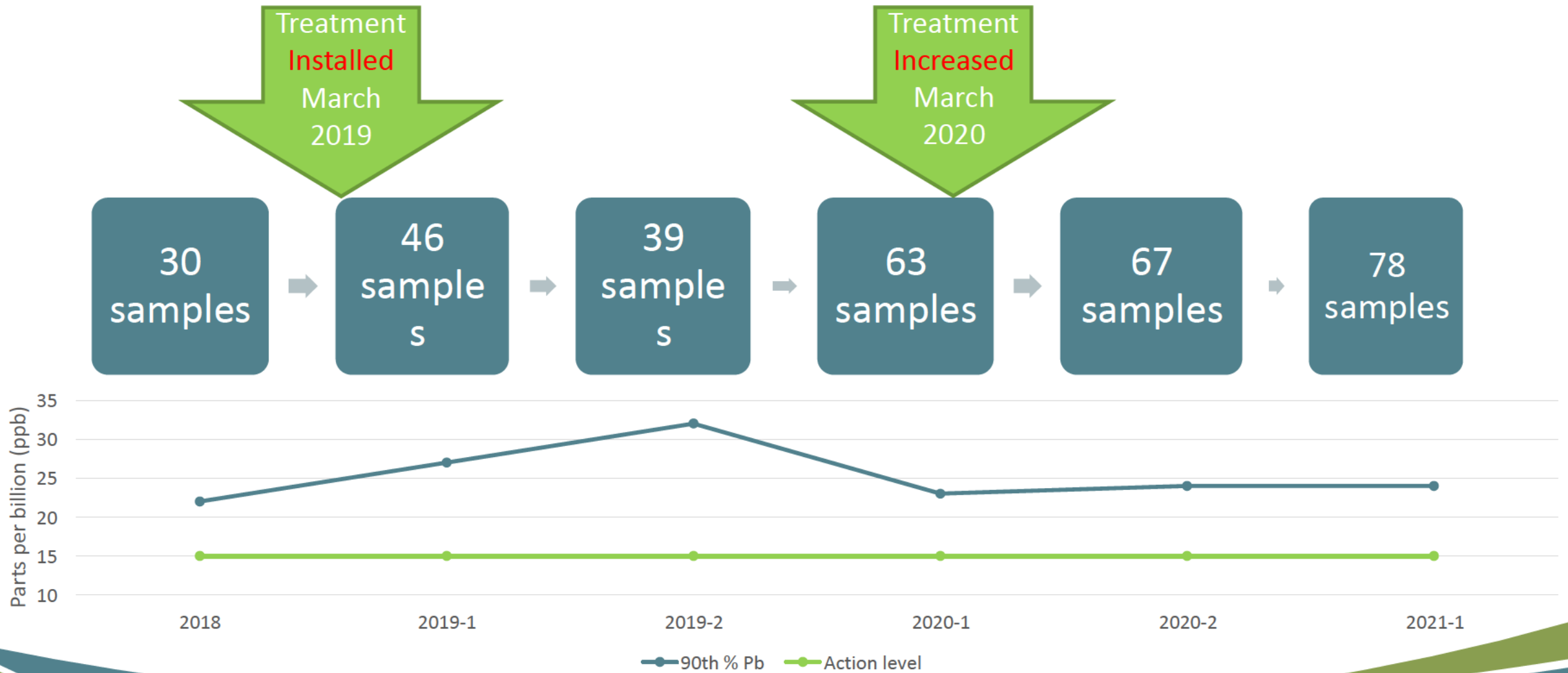
Lead service lines: 2018 Photo credit: Scott Williams, 2020



# Progress - ACO

- Complete a water rate study
- Maintain water plant computer system
- Install flow metering capability at the plant
- Employ a full-time water distribution operator
- Installed corrosion control treatment
- Improved treatment chemical injection at WTP
- Begin implementing SOP for staff (startup, filter backwash)

# Timeline



# What's Been Done on Lead?

- **Work closely with partners to communicate to public**
- Water filters are FREE to all residents through State/Local Health Department
- *Installed* treatment to help corrosion
- *Increased* treatment to help corrosion
- Started identifying lead service lines
- Started replacing lead service lines
- Begin corrosion treatment STUDY

# Trends

- Disinvestment/Deferred Maintenance → Re-investment
- Lack of Organization → Better recordkeeping, less violations
- Inability to Manage → Communication & Accountability



MICHIGAN DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY

## Questions?

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### Contact Info:

Michael Bolf, [bolfm@michigan.gov](mailto:bolfm@michigan.gov), 906-630-4107

Ernie Sarkipato, [sarkipatoe@michigan.gov](mailto:sarkipatoe@michigan.gov), 616-307-0261



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[Click here to join the meeting <https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_YzU0OGMzNWQ6tNjEOMC00YzlmLWlwMmEtY2RlZGRiYjliYTgz%40thread.v2/0?context=%7B%22id%22%3A%22d5fb7087-3777-42ad-966a-892ef4722d51%22%2C%22Oid%22%3A%22561a1a99-9d5a-4472-997b-f1120d804079%22%7D](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YzU0OGMzNWQ6tNjEOMC00YzlmLWlwMmEtY2RlZGRiYjliYTgz%40thread.v2/0?context=%7B%22id%22%3A%22d5fb7087-3777-42ad-966a-892ef4722d51%22%2C%22Oid%22%3A%22561a1a99-9d5a-4472-997b-f1120d804079%22%7D)

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**From:** [Poy, Thomas](#)  
**To:** [Oswald, Eric \(EGLE\)](#)  
**Subject:** Benton Harbor  
**Date:** Friday, July 23, 2021 12:40:21 PM

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**CAUTION: This is an External email. Please send suspicious emails to [abuse@michigan.gov](mailto:abuse@michigan.gov)**

Eric: I hear from upper management that the Benton Harbor water tower issue raised by Rev. Pinkney is under control and that you're meeting with the city to talk about their asset management plan. If you need/want any assistance or participation from R5, feel free to let us know.

Tom

---

Tom Poy  
Ground Water and Drinking Water Branch  
USEPA - Region 5  
(312) 886-5991

**From:** [Thurston, Brian \(EGLE\)](#)  
**To:** [Murphy, Elizabeth](#)  
**Cc:** [Oswald, Eric \(EGLE\)](#); [Sarkipato, Ernest \(EGLE\)](#); [Bolf, Michael \(EGLE\)](#)  
**Subject:** City of Benton Harbor - Joint Inspection  
**Date:** Thursday, August 19, 2021 9:48:06 AM

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Good morning Beth,

Thank you for the discussion this morning regarding our inquiry for a joint enforcement inspection and your staff's tentative availability on September 13, 14, and 15 for this inspection in Benton Harbor.

The EGLE lead is Ernest Sarkipato [SARKIPATOE@michigan.gov](mailto:SARKIPATOE@michigan.gov) 616-307-0261 for the City of Benton Harbor.

Ernie is in the field today conducting a sanitary survey at another surface water facility.

If you should have any questions with this e-mail please contact me to discuss.

Sincerely,  
Brian E. Thurston, P.E.  
Field Operations Section Manager  
Drinking Water and Environmental Health Division  
Michigan Department of Environment, Great Lakes, and Energy  
231-590-3430 | [thurstonb@michigan.gov](mailto:thurstonb@michigan.gov)  
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**From:** [Oswald, Eric \(EGLE\)](#)  
**To:** [Keatley, Aaron \(EGLE\)](#)  
**Subject:** FW: City of Benton Harbor - Joint Inspection  
**Date:** Thursday, August 19, 2021 9:59:00 AM

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FYI on another potential joint inspection.

Eric

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**From:** Thurston, Brian (EGLE) <THURSTONB@michigan.gov>  
**Sent:** Thursday, August 19, 2021 9:48 AM  
**To:** Murphy, Elizabeth <Murphy.Elizabeth@epa.gov>  
**Cc:** Oswald, Eric (EGLE) <OswaldE1@michigan.gov>; Sarkipato, Ernest (EGLE) <SARKIPATOE@michigan.gov>; Bolf, Michael (EGLE) <BOLFM@michigan.gov>  
**Subject:** City of Benton Harbor - Joint Inspection

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Ernie is in the field today conducting a sanitary survey at another surface water facility.

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Sincerely,  
Brian E. Thurston, P.E.  
Field Operations Section Manager  
Drinking Water and Environmental Health Division  
Michigan Department of Environment, Great Lakes, and Energy  
231-590-3430 | [thurstonb@michigan.gov](mailto:thurstonb@michigan.gov)  
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**From:** [Thurston, Brian \(EGLE\)](#)  
**To:** [Murphy, Elizabeth](#)  
**Subject:** FW: Follow up on voicemail left earlier today  
**Date:** Tuesday, August 24, 2021 2:46:00 PM

---

Here is our nominations for technical assistance.

If you should have any questions with this e-mail please contact me to discuss.

Sincerely,  
Brian E. Thurston, P.E.  
Field Operations Section Manager  
Drinking Water and Environmental Health Division  
Michigan Department of Environment, Great Lakes, and Energy  
231-590-3430 | [thurstonb@michigan.gov](mailto:thurstonb@michigan.gov)  
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**From:** Bishop, Heather (EGLE) <[BishopH@michigan.gov](mailto:BishopH@michigan.gov)>  
**Sent:** Tuesday, August 24, 2021 11:00 AM  
**To:** Thurston, Brian (EGLE) <[THURSTONB@michigan.gov](mailto:THURSTONB@michigan.gov)>  
**Subject:** RE: Follow up on voicemail left earlier today

Hi Brian,

I am very excited about the opportunity for this assistance. Please see our list of supplies below. These supplies were selected for managerial/technical/financial capacity issues, ongoing enforcement, new MCL violations, ongoing water system service agreement discussions, and operator training needs.

- a. Eau Claire—Need technical assistance on follow through with survey requirements, lead ALE requiremenets, and multiple lead and copper rule violations. They were also selected for a needs survey, and the EPA contractor is starting to set up appointments for the supplies in our district to do that work. Kevin and I were discussing joining the contractor for the needs survey in this particular case, so we can gain a better understanding of what is going on.
- b. Countryside Mobile Home Park—PFAS MCL (received sample results that will trigger MCL violation 8/20). Supply is owned and managed by an older woman, who's husband passed away earlier this year. Her husband previously managed their parks. So she is overwhelmed with the responsibility of managing this park, plus two others (all in our district), and we are unsure the best path to resolve the violation. She could benefit from some technical assistance in determining a solution, and just overall water supply

management. She is working with Jason Laney as an OIC, so he could potentially benefit from training as well.

- c. Paw Paw Apts—"found supply" lots of compliance issues—they have contracted Glen Terry of RCAP as an operator, so they do have assistance through RCAP, but there are many issues to work through.
- d. Southtown—firm capacity issues, isolation, in an ACO and management not communicative; they are fulfilling the requirements of the ACO, but we are spending a lot of time reminding them of deadlines to keep them in compliance with it. JB Garrett is the operator, and he could benefit from some overall training, including development of SOPs, ERPs, what is his responsibility vs owner responsibility, etc. He operates a lot a systems in our district, so training for JB has the potential to improve multiple systems.
- e. KLSWA—managerial and financial capacity and cross connection deficiency for issues with existing water system agreement with member communities. Each member community owns the infrastructure within the municipal boundaries, and then the authority operates and manages the combined systems. They are committed to a new water system agreement, and could use some assistance preparing it.
- f. Burr Oak—managerial, technical and financial capacity issues, under state financial oversight due to audit issues—tower controls have issues, and we have asked three times to have them repaired; newer operator is on the right track, but could use some training.
- g. White Pigeon—investigating treatment (currently no treatment), chronic historic bacteria issues likely due to biofilm in the system, newer operator staff could use some training
- h. Meadow Woods—facility operations, better understanding of their water supply, lead ALE activities, construction without a permit. We would like to give facility staff some more confidence and understanding of the act, and improve communications with our office. They could benefit from SOPs for maintenance, when to boil, what samples need to be collected following maintenance work, etc.
- i. Colony Bay—three wells: one has high nitrates, including historic results over the MCL, two have arsenic over the MCL; one arsenic well runs to the system with the nitrate well. Owner is condo association, and they rely on their operator (JB Garrett) to take care of the water system. There is a severe lack of understanding of how the system is deigned to work, it wasn't built to the permit, and needs correction. Cass County water system is available for connection, but the condo association seems hesitant to connect. They have some options for correction, but if they don't connect, they need some SOPs, and other plans developed for better management and operator oversight of the system.

If you need any additional supplies, please let me know. We felt these were the highest priority.

Heather

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**From:** Thurston, Brian (EGLE) <[THURSTONB@michigan.gov](mailto:THURSTONB@michigan.gov)>

**Sent:** Thursday, August 19, 2021 11:09 AM

**To:** Bishop, Heather (EGLE) <[BishopH@michigan.gov](mailto:BishopH@michigan.gov)>

**Subject:** Follow up on voicemail left earlier today

**Importance:** High

Good morning Heather,

Region 5 inquiry:

As we discussed earlier today, if you have any systems in / around Benton Harbor (SW Michigan) that would benefit from a circuit rider type assistance that you could recommend, I would appreciate your list.

Beth is looking for up to 6 small or medium sized community water supplies. Assistance would be technical or compliance issues such as training, SOP development, compliance assistance on operations and maintenance.

If you should have any questions with this e-mail please contact me to discuss.

Sincerely,  
Brian E. Thurston, P.E.  
Field Operations Section Manager  
Drinking Water and Environmental Health Division  
Michigan Department of Environment, Great Lakes, and Energy  
231-590-3430 | [thurstonb@michigan.gov](mailto:thurstonb@michigan.gov)  
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**From:** Murphy, Elizabeth <[Murphy.Elizabeth@epa.gov](mailto:Murphy.Elizabeth@epa.gov)>  
**Sent:** Thursday, August 19, 2021 10:52 AM  
**To:** Thurston, Brian (EGLE) <[THURSTONB@michigan.gov](mailto:THURSTONB@michigan.gov)>  
**Cc:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>; Sarkipato, Ernest (EGLE) <[SARKIPATOE@michigan.gov](mailto:SARKIPATOE@michigan.gov)>; Bolf, Michael (EGLE) <[BOLFM@michigan.gov](mailto:BOLFM@michigan.gov)>  
**Subject:** RE: City of Benton Harbor - Joint Inspection

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Thanks Brian. Looking forward to working with you on this.

As we discussed earlier today, if you have any systems in / around Benton Harbor that would benefit from a circuit rider type assistance that you could recommend, I would appreciate your list.

Thank you,  
Beth Murphy



Elizabeth W. Murphy, MPH  
(she/her/hers)  
Chief, Section 3  
Water Enforcement & Compliance Assurance Branch  
US Environmental Protection Agency  
77 W. Jackson Blvd.  
Mail Code ECW-15J  
Chicago, IL 60604-3590  
[Murphy.Elizabeth@epa.gov](mailto:Murphy.Elizabeth@epa.gov)  
phone: (312) 353-4227  
1-800-621-8431 x 34227  
fax: (312) 980-8745

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---

**From:** Thurston, Brian (EGLE) <[THURSTONB@michigan.gov](mailto:THURSTONB@michigan.gov)>  
**Sent:** Thursday, August 19, 2021 8:48 AM  
**To:** Murphy, Elizabeth <[Murphy.Elizabeth@epa.gov](mailto:Murphy.Elizabeth@epa.gov)>  
**Cc:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>; Sarkipato, Ernest (EGLE) <[sarkipatoe@michigan.gov](mailto:sarkipatoe@michigan.gov)>; [bolfm@michigan.gov](mailto:bolfm@michigan.gov)  
**Subject:** City of Benton Harbor - Joint Inspection

Good morning Beth,

Thank you for the discussion this morning regarding our inquiry for a joint enforcement inspection and your staff's tentative availability on September 13, 14, and 15 for this inspection in Benton Harbor.

The EGLE lead is Ernest Sarkipato [SARKIPATOE@michigan.gov](mailto:SARKIPATOE@michigan.gov) 616-307-0261 for the City of Benton Harbor.

Ernie is in the field today conducting a sanitary survey at another surface water facility.

If you should have any questions with this e-mail please contact me to discuss.

Sincerely,  
Brian E. Thurston, P.E.  
Field Operations Section Manager  
Drinking Water and Environmental Health Division  
Michigan Department of Environment, Great Lakes, and Energy  
231-590-3430 | [thurstonb@michigan.gov](mailto:thurstonb@michigan.gov)  
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**From:** [Oswald, Eric \(EGLE\)](#)  
**To:** [Onan, Brandon \(EGLE\)](#); [Sarkipato, Ernest \(EGLE\)](#)  
**Subject:** FW: ORD Assistance with CCT in Benton Harbor  
**Date:** Tuesday, September 14, 2021 8:43:00 PM

---

I think we have Cornwell's plan that we can share with them?

Eric

---

**From:** Bauer, Candice <[bauer.candice@epa.gov](mailto:bauer.candice@epa.gov)>  
**Sent:** Tuesday, September 14, 2021 5:04 PM  
**To:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Subject:** RE: ORD Assistance with CCT in Benton Harbor

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Hi Eric We chatted here internally and with ORD management. Initial indications are that ORD will be able to provide some assistance. We are going to put together a bit of a summary describing the ask to ORD and will help to get channel relevant information to them with our thoughts (i.e., sharing the initial data you provided). As such, it would be helpful if we can get the general timing on when the study plan will be available for review as a first step and we will get this moving with ORD.

Sorry for the delay in getting back on this.  
Candice

---

**From:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Sent:** Wednesday, September 08, 2021 2:33 PM  
**To:** Bauer, Candice <[bauer.candice@epa.gov](mailto:bauer.candice@epa.gov)>  
**Subject:** ORD Assistance with CCT in Benton Harbor

Candace, we are very interested in consulting with ORD on the CCT process we are working in Benton Harbor. I believe we finally have a stable level of corrosion control treatment in the system but have had some sampling challenges in the city. A study has been awarded by the city and is underway. Can you provide assistance in reaching out to ORD and seeing if they would be willing to take a look at the effort and data we have gathered so far.

Eric

**From:** [Fong, Tera](#)  
**To:** [Oswald, Eric \(EGLE\)](#)  
**Subject:** FW: Water Crisis in Benton Harbor  
**Date:** Wednesday, July 21, 2021 10:59:07 AM

---

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Good morning, Eric. Following up on your discussion yesterday with Mike Harris, do you have any information on the status of this project? I think one question to us was to explore a convening of parties to rethink the project, so understanding where this is in the planning/construction phase would be helpful.

Thanks!

**From:** Rev Edward Pinkney [REDACTED] [@sbcglobal.net](mailto:[REDACTED]@sbcglobal.net)  
**Date:** July 19, 2021 at 5:56:49 PM CDT  
**To:** Hunter Elizabeth [REDACTED] [@gmail.com](mailto:[REDACTED]@gmail.com), Elin Betanzo  
<[elin@safewaterengineering.com](mailto:elin@safewaterengineering.com)>, smorduno [REDACTED] [@gmail.com](mailto:[REDACTED]@gmail.com)>, Ron Singleton  
<[rsingleton@cityofbentonharbormi.gov](mailto:rsingleton@cityofbentonharbormi.gov)>, juanita Henry <[jhenry@bhcity.org](mailto:jhenry@bhcity.org)>, "Rev Dr  
Don J. Tynes" <[bhhc@dr.com](mailto:bhhc@dr.com)>, Ellis Mitchell <[emitchell@bhcity.us](mailto:emitchell@bhcity.us)>,  
[greenk1@michigans.gov](mailto:greenk1@michigans.gov), [sarkiptoe@michigan.gov](mailto:sarkiptoe@michigan.gov), StrongR1  
<[StrongR1@michigan.gov](mailto:StrongR1@michigan.gov)>, [nicholas.leonard@glelc.org](mailto:nicholas.leonard@glelc.org), "Sabater, Juan"  
<[Sabater.Juan@epa.gov](mailto:Sabater.Juan@epa.gov)>, "Cisar, Elizabeth" <[Cisar.Elizabeth@epa.gov](mailto:Cisar.Elizabeth@epa.gov)>, "Newton,  
Cheryl" <[Newton.Cheryl@epa.gov](mailto:Newton.Cheryl@epa.gov)>, Mary Adams <[madams@bhcity.us](mailto:madams@bhcity.us)>, Edward Isom  
<[eisom@cityofbentonharbormi.gov](mailto:eisom@cityofbentonharbormi.gov)>, Ruthie Haralson  
<[rharalson@cityofbentonharbormi.gov](mailto:rharalson@cityofbentonharbormi.gov)>, Eugene Anderson  
<[\[REDACTED\]@yahoo.com](mailto:[REDACTED]@yahoo.com)>, [REDACTED] [@gmail.com](mailto:[REDACTED]@gmail.com), "Oswald, Eric  
(EGLE)" <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Subject:** Water Crisis in Benton Harbor

To Whom it may concern:

Please take the time to look into this very serious problem as soon as possible.

Thank you

Rev Edward Pinkney

**From:** [Walts, Alan](#)  
**To:** [Strong, Regina \(EGLE\)](#); [Oswald, Eric \(EGLE\)](#)  
**Cc:** [Murphy, Elizabeth](#); [DiCosmo, Nefertiti](#); [Smith, Molly](#); [Triantafillou, Kathy](#); [Poy, Thomas](#)  
**Subject:** Inviting EGLE to meeting w/ Rev Pinkney (Benton Harbor)  
**Date:** Wednesday, July 28, 2021 3:43:24 PM

---

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Hi Regina and Eric – Region 5 would like to invite EGLE to a meeting requested by Reverend Edward Pinkney. It's currently planned for Aug 4<sup>th</sup> at 2 Central, but we can look for a new time if needed; it's important to us that you be at the table. CC-ed are the folks who are planning to attend for R5.

Happy to discuss as needed – cell is (312) [REDACTED]

Best,  
Alan

---

Director, Tribal and Multi-media Programs Office (TMPO)  
U.S. EPA, Region 5  
Phone: (312) 353-8894

**From:** [Walts, Alan](#)  
**To:** [Strong, Regina \(EGLE\)](#); [Oswald, Eric \(EGLE\)](#)  
**Subject:** Letter from Rev Pinkney FW: Emergency Help  
**Date:** Tuesday, August 10, 2021 10:00:14 AM

---

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Good morning – reaching out to coordinate on our response. What do you think is the best way to approach that? Thanks

---

Director, Tribal and Multi-media Programs Office (TMPO)  
U.S. EPA, Region 5  
Phone: (312) 353-8894

---

**From:** Rev Edward Pinkney [REDACTED]@sbcglobal.net>  
**Sent:** Tuesday, August 10, 2021 7:49 AM  
**To:** Newton, Cheryl <Newton.Cheryl@epa.gov>; smorduno <[REDACTED]@gmail.com>; Elin Betanzo <elin@safewaterengineering.com>; Nicholas.Leonard <nicholas.leonard@glelc.org>; Cyndi Roper <croper@nrdc.org>; Walts, Alan <walts.alan@epa.gov>; Oswald, Eric (EGLE) <OswaldE1@michigan.gov>; Eugene Anderson <[REDACTED]@yahoo.com>; TYWONA PALMER <[REDACTED]@gmail.com>  
**Subject:** Emergency Help

Good Morning Cheryl Newton

The City of Benton Harbor have had another Public Advisory for the city Drinking Water. If you are serious about helping the residents of Benton Harbor, who need help immediately. let me know.

Rev Edward Pinkney

**From:** [Bauer, Candice](#)  
**To:** [Oswald, Eric \(EGLE\)](#)  
**Cc:** [Fong, Tera](#)  
**Subject:** RE: Benton Harbor Meeting  
**Date:** Friday, August 27, 2021 3:40:46 PM

---

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Thanks so much Eric. I let Diane Russel know to forward the invite to you to the 9/2 Flint Communication Workgroup meeting when it comes out next week and you can loop in appropriate folks.

Candice

---

**From:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Sent:** Friday, August 27, 2021 1:04 PM  
**To:** Bauer, Candice <[bauer.candice@epa.gov](mailto:bauer.candice@epa.gov)>  
**Subject:** RE: Benton Harbor Meeting

We would certainly be willing to participate in the meeting. Just let me know when. Thanks,

Eric

---

**From:** Bauer, Candice <[bauer.candice@epa.gov](mailto:bauer.candice@epa.gov)>  
**Sent:** Friday, August 27, 2021 1:59 PM  
**To:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Cc:** Bosscher, Valerie <[bosscher.valerie@epa.gov](mailto:bosscher.valerie@epa.gov)>; Porter, Andrea <[porter.andrea@epa.gov](mailto:porter.andrea@epa.gov)>  
**Subject:** RE: Benton Harbor Meeting

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Thanks Eric.

Why don't we plan on Val trying to attend your BH meeting next week then if she is available? I really appreciate the outreach there.

And, I know we had talked about the upcoming Flint Communications Workgroup call next week (9/2) and you had not been aware of it. We have been directed to attend (likely will be Andrea and Tom Speth) with regards to technical questions. It would be great if EGLE technical folks would also be able to attend so we are all hearing the same questions and answers. Is that a possibility? Our RA is engaging in planning for this and I am sure she will want an update as to whom is attending early next week. So, if you have thoughts on this "ask", it would be great to hear... I am still waiting



on the actual invite/time and would be able to share the long list of questions that were presented to us.

Happy Friday.

Candice

---

**From:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>

**Sent:** Friday, August 27, 2021 9:31 AM

**To:** Bauer, Candice <[bauer.candice@epa.gov](mailto:bauer.candice@epa.gov)>

**Cc:** Bosscher, Valerie <[bosscher.valerie@epa.gov](mailto:bosscher.valerie@epa.gov)>; Porter, Andrea <[porter.andrea@epa.gov](mailto:porter.andrea@epa.gov)>

**Subject:** RE: Benton Harbor Meeting

These are internal to EGLE for our staff. I do attend these meetings every week to stay up to date.

Eric

---

**From:** Bauer, Candice <[bauer.candice@epa.gov](mailto:bauer.candice@epa.gov)>

**Sent:** Friday, August 27, 2021 10:25 AM

**To:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>

**Cc:** Bosscher, Valerie <[bosscher.valerie@epa.gov](mailto:bosscher.valerie@epa.gov)>; Porter, Andrea <[porter.andrea@epa.gov](mailto:porter.andrea@epa.gov)>

**Subject:** RE: Benton Harbor Meeting

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No worries Eric. I was going to follow-up with you and Tera next Monday anyway as for next steps. Can you let me know if the BH meetings are internal to EGLE or if they are with BH as well?

Perhaps it would be good for one of us to attend the first meeting (or two?) if my folks are available and then we can regroup as well as to how best to coordinate and provide technical assistance moving forward.

Thanks for reaching out!!!

Candice

---

**From:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>

**Sent:** Friday, August 27, 2021 9:06 AM

**To:** Bauer, Candice <[bauer.candice@epa.gov](mailto:bauer.candice@epa.gov)>

**Cc:** Bosscher, Valerie <[bosscher.valerie@epa.gov](mailto:bosscher.valerie@epa.gov)>; Porter, Andrea <[porter.andrea@epa.gov](mailto:porter.andrea@epa.gov)>

**Subject:** Benton Harbor Meeting

Candice, we jumped the gun a bit and invited Val and Andrea to our Benton Harbor meeting next

week. Our intent is to give you a quick, 10 minute, summary of what we have been doing in Flint and then hold our normal update meeting.

Let me know if this is ok.

Eric

**From:** [Sarkipato, Ernest \(EGLE\)](#)  
**To:** [Bolf, Michael \(EGLE\)](#); [Nelson, Maureen \(EGLE\)](#); [Onan, Brandon \(EGLE\)](#); [VanDerWoude, Ryan \(EGLE\)](#); [bosscher.valerie@epa.gov](mailto:bosscher.valerie@epa.gov); [Porter, Andrea](#)  
**Cc:** [Bolt, Jennifer \(EGLE\)](#); [Oswald, Eric \(EGLE\)](#); [Thurston, Brian \(EGLE\)](#); [Ruch, Suzann \(EGLE\)](#); [Krisztian, George \(EGLE\)](#)  
**Subject:** RE: Benton Harbor Weekly Check-in  
**Date:** Friday, September 10, 2021 8:58:00 AM  
**Attachments:** [Lab Exterior.pdf](#)  
[Lab Pit Piping.pdf](#)  
[Lab Wet Interior.pdf](#)

---

Eric,

To follow up on your questions at yesterday's weekly meeting, please note the following:

1. Dixon provided sandblasting test results, showing no lead from the exterior, interior, or even pit piping.
2. Water tower project appears to be:
  - a. Installation of new isolation valve Monday, 9/13.
  - b. Removal of the altitude valve and install of spool piece is scheduled for 9/15.
  - c. Following will be filling/chlorination/testing. This would probably put a realistic time frame around 9/20 to be back online.

Ernie Sarkipato, P.E.  
Surface Water Treatment Specialist  
Drinking Water and Environmental Health Division  
Michigan Department of Environment, Great Lakes, and Energy  
616-307-0261  
[www.Michigan.gov/communitywater](http://www.Michigan.gov/communitywater)

-----Original Appointment-----

**From:** Sarkipato, Ernest (EGLE)  
**Sent:** Thursday, January 7, 2021 8:47 AM  
**To:** Sarkipato, Ernest (EGLE); Bolf, Michael (EGLE); Nelson, Maureen (EGLE); Onan, Brandon (EGLE); VanDerWoude, Ryan (EGLE); Val Bosscher; Porter, Andrea  
**Cc:** Bolt, Jennifer (EGLE); Oswald, Eric (EGLE); Thurston, Brian (EGLE); Ruch, Suzann (EGLE); Krisztian, George (EGLE); Murphy, Elizabeth; DiCosmo, Nefertiti  
**Subject:** Benton Harbor Weekly Check-in  
**When:** Thursday, September 9, 2021 3:30 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** Microsoft Teams Meeting

Topics for weekly discussion:

1. Summary of external weekly meeting
2. ACO Progress
3. Corrosion Treatment
4. LCR Compliance

## 5. Financial

---

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## ANALYTICAL LABORATORY REPORT

Thursday, July 22, 2021

Page 1 of 2

**CUSTOMER:** Seven Brothers Painting, Inc.  
50805 Rizzo Drive  
Shelby Township, MI 48315

**DATE RECEIVED:** Tuesday, July 13, 2021  
**PO/PROJECT #:**  
**SUBMITTAL #:** 2021-07-13-006

**LAB NUMBER: AD14072****Sampled By:** Bryan Deater**Date Sampled:** 7/10/21**Job Location:** Benton Harbor, MI 650,000 Double Ellipse**Sample Description:** Abrasive**Sample Identification:** 1**Preparation Method:** EPA 1311, 3010A (TCLP for Metals)**Analysis Method:** EPA 6010C-M (ICP-AES Method for Determination of Metals)**Date Analyzed:** Friday, July 16, 2021

ELEMENT	RESULT	MAXIMUM ALLOWABLE	REPORTING LIMIT (RL)
Arsenic	< RL	5.0 ppm	0.20 ppm
Barium	4.0 ppm	100 ppm	0.20 ppm
Cadmium	< RL	1.0 ppm	0.030 ppm
Chromium	< RL	5.0 ppm	0.050 ppm
Lead	< RL	5.0 ppm	0.10 ppm
Selenium	< RL	1.0 ppm	0.20 ppm
Silver	< RL	5.0 ppm	0.050 ppm

**Preparation Method:** EPA 1311 (TCLP for Metals), EPA 7470A**Analysis Method:** EPA 7470A (Mercury in Liquid Waste -- Manual Cold-Vapor Technique)**Date Analyzed:** Friday, July 16, 2021

ELEMENT	RESULT	MAXIMUM ALLOWABLE	REPORTING LIMIT (RL)
Mercury	< RL	0.20 ppm	0.00050 ppm

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# ANALYTICAL LABORATORY REPORT

Thursday, July 22, 2021

Page 2 of 2

**CUSTOMER:** Seven Brothers Painting, Inc.  
50805 Rizzo Drive  
Shelby Township, MI 48315

**DATE RECEIVED:** Tuesday, July 13, 2021  
**PO/PROJECT #:**  
**SUBMITTAL #:** 2021-07-13-006

Unless otherwise noted, the condition of each sample was acceptable upon receipt, all laboratory quality control requirements were met, and sample results have not been adjusted based on field blank or other analytical blank results. Individual sample results relate only to the sample as received by the laboratory.

**Tests Reviewed By:** David Johnson, Project Manager

Reporting Limit (RL): The lowest concentration of analyte in a sample that can be reported with a defined, reproducible level of certainty. This value is based on the lowest standard used for instrument calibration and must be at least twice the MDL.

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- **OH:** Ohio Department of Health Lead Poisoning Prevention Program, Approval #E10013 ([www.odh.ohio.gov](http://www.odh.ohio.gov))
- **National Environmental Laboratory Accreditation Program (NELAP)**  
**NY:** State of New York Department of Health, Laboratory ID#11609 (Serial # 63045-63049) (518-485-5570)  
**LA:** State of Louisiana Department of Environmental Quality, Laboratory ID#180321 (Certificate 05036) ([www.deq.louisiana.gov](http://www.deq.louisiana.gov))  
**OK:** Oklahoma Department of Environmental Quality, Laboratory ID#9993 (Certificate 2020-074) ([www.deq.state.ok.us](http://www.deq.state.ok.us))

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Suspended Particulates: PM10 / TSP	40 CFR 50 Appendix J / 40 CFR 50 Appendix B	NY, LA
Lead in Airborne Dust	40 CFR 50 Appendix G	A2LA, LA
Lead in Airborne Dust	NIOSH 7300	A2LA, OH, NY, LA
Metals in Airborne Dust	NIOSH 7300	A2LA

### Solid Chemical Materials

Element/Test	Method	Accreditation(s)
TCLP	EPA 1311(Sample Preparation Method)	NY, LA, OK
Lead in Soil	EPA 3050B/ EPA 6010C	A2LA, OH, NY, LA, OK
Lead in Paint	EPA 3050B/ EPA 6010C	A2LA, OH, NY, LA
Lead in Paint	ASTM D 3335-85A/ EPA 6010C	NY
Lead in Dust Wipes	EPA 3050B/ EPA 6010C	A2LA, OH, NY, LA
Ignitability	EPA 1010A	NY
pH	EPA 9045D	NY

### Non-Potable Water / Analysis by ICP

Element/Test	Method	Accreditation(s)
Arsenic	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Barium	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Cadmium	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Chromium	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Copper	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Lead	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Mercury	EPA 245.1 Rev.3/ EPA 7470A	NY, LA, OK
Nickel	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Selenium	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Silver	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Zinc	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Cobalt	----	----
Manganese	----	----
Acid Digestion	EPA 3010A	NY, LA

### Solid Chemical Materials

Method	Accreditation(s)
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
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Telephone: (706) 374-3221

E-Mail: frank.rohman@dixonengineering.com

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Date/Time: 7/13/21 11:27

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Page:

10/16/18 Form

✓ AT 7.13.21

CHAIN of CUSTODY for WASTE DISPOSAL  
DIXON ENGINEERING, INC.

CONTRACTOR SIGNATURE: \_\_\_\_\_

CONTRACTOR: Seven Brothers Inc

BILLING ADDRESS: 50805 Rizzo Dr Shelby Twp.

TELEPHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

All samples will be sent to:

CCC&L

4403 Donker Ct., SE

Kentwood, MI 49512

PH 616-940-3112; Fax 616-940-8139

CCC&L LAB: # \_\_\_\_\_

Contractor listed will be invoiced for testing  
Reports to be sent to Dixon Engineering, Inc.

PROJECT: Benton Harbor MI 650,000 Double Ellipse

MATRIX: Spent Abrasive

METALS: TCLP-RCRA (8 metals)

Sampled by: \_\_\_\_\_

Date/Time 7/10/2021  
Bryan Deater 8:00 a.m.

Sample ID/Location: \_\_\_\_\_

Exterior

Comments: Random Sampling from waste receptacle

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Received by: \_\_\_\_\_ Date/Time: \_\_\_\_\_

Relinquished by: \_\_\_\_\_ Date/Time: \_\_\_\_\_

Rec'd. for Lab by: \_\_\_\_\_ Date/Time: \_\_\_\_\_

Courier: \_\_\_\_\_

DIXON ENGINEERING, INC.

1104 Third Ave.

Lake Odessa, MI 48849

Ph. 616-374-3221 - Fax 616-374-7116



## ANALYTICAL LABORATORY REPORT

Thursday, August 26, 2021

Page 1 of 2

**CUSTOMER:** Seven Brothers Painting, Inc.  
50805 Rizzo Drive  
Shelby Township, MI 48315

**DATE RECEIVED:** Thursday, August 19, 2021  
**PO/PROJECT #:**  
**SUBMITTAL #:** 2021-08-19-004

**LAB NUMBER: AD15494****Sampled By:** Bryan Deater**Date Sampled:** 08/16/2021**Job Location:** Benton Harbor, MI 650,000 Double Ellipse**Sample Description:** Abrasive**Sample Identification:** 1**Preparation Method:** EPA 1311, 3010A (TCLP for Metals)**Analysis Method:** EPA 6010C-M (ICP-AES Method for Determination of Metals)**Date Analyzed:** Friday, August 20, 2021

ELEMENT	RESULT	MAXIMUM ALLOWABLE	REPORTING LIMIT (RL)
Arsenic	< RL	5.0 ppm	0.20 ppm
Barium	5.0 ppm	100 ppm	0.20 ppm
Cadmium	< RL	1.0 ppm	0.030 ppm
Chromium	< RL	5.0 ppm	0.050 ppm
Lead	< RL	5.0 ppm	0.10 ppm
Selenium	< RL	1.0 ppm	0.20 ppm
Silver	< RL	5.0 ppm	0.050 ppm

**Preparation Method:** EPA 1311 (TCLP for Metals), EPA 7470A**Analysis Method:** EPA 7470A (Mercury in Liquid Waste -- Manual Cold-Vapor Technique)**Date Analyzed:** Friday, August 20, 2021

ELEMENT	RESULT	MAXIMUM ALLOWABLE	REPORTING LIMIT (RL)
Mercury	< RL	0.20 ppm	0.00050 ppm

GPI Laboratories, Inc. has obtained accreditation under the programs detailed on the final page of the laboratory report. The accreditations pertain only to the testing performed for the elements, and in accordance with the test methods, listed in the scope of accreditation table. Testing which is performed by GPI Laboratories, Inc. according to other test methods, or for elements which are not included in the table fall outside of the current scope of laboratory accreditation.

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# ANALYTICAL LABORATORY REPORT

Thursday, August 26, 2021

Page 2 of 2

**CUSTOMER:** Seven Brothers Painting, Inc.  
50805 Rizzo Drive  
Shelby Township, MI 48315

**DATE RECEIVED:** Thursday, August 19, 2021  
**PO/PROJECT #:**  
**SUBMITTAL #:** 2021-08-19-004

Unless otherwise noted, the condition of each sample was acceptable upon receipt, all laboratory quality control requirements were met, and sample results have not been adjusted based on field blank or other analytical blank results. Individual sample results relate only to the sample as received by the laboratory.

**Tests Reviewed By:** David Johnson, Project Manager

Reporting Limit (RL): The lowest concentration of analyte in a sample that can be reported with a defined, reproducible level of certainty. This value is based on the lowest standard used for instrument calibration and must be at least twice the MDL.

GPI Laboratories, Inc. has obtained accreditation under the following programs:

- **National Lead Laboratory Accreditation Program (NLLAP)**  
**A2LA:** American Association for Laboratory Accreditation (Certificate 5033.01) ([www.a2la.org](http://www.a2la.org))
- **OH:** Ohio Department of Health Lead Poisoning Prevention Program, Approval #E10013 ([www.odh.ohio.gov](http://www.odh.ohio.gov))
- **National Environmental Laboratory Accreditation Program (NELAP)**  
**NY:** State of New York Department of Health, Laboratory ID#11609 (Serial # 63045-63049) (518-485-5570)  
**LA:** State of Louisiana Department of Environmental Quality, Laboratory ID#180321 (Certificate 05036) ([www.deq.louisiana.gov](http://www.deq.louisiana.gov))  
**OK:** Oklahoma Department of Environmental Quality, Laboratory ID#9993 (Certificate 2020-074) ([www.deq.state.ok.us](http://www.deq.state.ok.us))

Testing which is performed by GPI Laboratories, Inc. according to test methods, or for elements which are not included in the table below fall outside of the current scope of laboratory accreditation. Customers are encouraged to verify the current accreditation status with the individual accreditation programs by calling or visiting the appropriate website for the applicable program.

## SCOPE OF ACCREDITATION

### Air and Emissions

Element/Test	Method	Accreditation(s)
Suspended Particulates: PM10 / TSP	40 CFR 50 Appendix J / 40 CFR 50 Appendix B	NY, LA
Lead in Airborne Dust	40 CFR 50 Appendix G	A2LA, LA
Lead in Airborne Dust	NIOSH 7300	A2LA, OH, NY, LA
Metals in Airborne Dust	NIOSH 7300	A2LA

### Solid Chemical Materials

Element/Test	Method	Accreditation(s)
TCLP	EPA 1311(Sample Preparation Method)	NY, LA, OK
Lead in Soil	EPA 3050B/ EPA 6010C	A2LA, OH, NY, LA, OK
Lead in Paint	EPA 3050B/ EPA 6010C	A2LA, OH, NY, LA
Lead in Paint	ASTM D 3335-85A/ EPA 6010C	NY
Lead in Dust Wipes	EPA 3050B/ EPA 6010C	A2LA, OH, NY, LA
Ignitability	EPA 1010A	NY
pH	EPA 9045D	NY

### Non-Potable Water / Analysis by ICP

Element/Test	Method	Accreditation(s)
Arsenic	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Barium	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Cadmium	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Chromium	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Copper	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Lead	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Mercury	EPA 245.1 Rev.3/ EPA 7470A	NY, LA, OK
Nickel	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Selenium	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Silver	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Zinc	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Cobalt	----	----
Manganese	----	----
Acid Digestion	EPA 3010A	NY, LA

### Solid Chemical Materials

Method	Accreditation(s)
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 3050B	NY, LA

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Send To:  
GPI Laboratories, Inc.  
4403 Donker Court, Grand Rapids MI 49512-4054  
(616) 940-3112 | GRLabInfo@gpinet.com | www.gpinet.com

FOR LAB USE ONLY

Properly Contained ☒ YES  
Adequate Quantity ☒ YES  
Received on Ice ☒ YES  
Temp: C/F (Therm #13/ ) pH:

Company:

Seven Brothers  
Painting

Address:

50805 Kirtland Dr.  
Shelby Twp, MI

Company Contact: Amber Rohman

Telephone: (261) 374-3221

E-Mail: amber.rohman@sevenbrotherspainting.com

P.O./Proj #:

Location: Benton Harbor, MI  
650,000 Double  
ET, p52

Comments:

Matrix  
☐ Paint Chips ☐ Wipe  
☐ Soil ☐ Filler  
☒ Abrasive ☐  
☐ Wastewater

TCLP (Waste)

☐ Lead  
☐ RCRA (8) Metals

Metals Content

☐ Lead  
☐ Lead, Cad., Chrome.  
☒ RCRA (8) Metals

Other Tests

☐ pH (Corrosivity)  
☐ Ignitability  
☐ VOC (Method 24, etc)

Turnaround Time

☐ Same Day  
☐ Rush  
☐ Standard

GPI Labs accepts Visa, MasterCard, and American Express. \*Accelerated Turnaround is not available for every test. Please call for information.

Laboratory ID

Sample Number

Date/Time Sampled

Sample Identification / Location:

Special Instructions:

Wipes

Area wiped (sq.ft.)

Air Sampling

☐ TSP ☐ PM10  
☐ 37 mm Cassette  
Minutes Flow Rate

Sampled By (Please print): Bryan Deater

Received by:

Date/Time:

Date Submitted: 8/18

Signature: Amber Rohman

Received by:

Date/Time:

Relinquished Date/Time:

Method of Shipment:

Relinquished Date/Time:

Received for Laboratory by: Anna Foraster

Date/Time: 8/19/21 11:55

Submittal #: 2021-08-19-004

Page.

10/16/18 Form

AT 8.19.21

WIP  
8.19.21

CHAIN of CUSTODY for WASTE DISPOSAL  
DIXON ENGINEERING, INC.

CONTRACTOR SIGNATURE: [Signature]

CONTRACTOR: Seven Brothers Inc

BILLING ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

All samples will be sent to:

CCC&L

4403 Donker Ct., SE

Kentwood, MI 49512

PH 616-940-3112; Fax 616-940-8139

CCC&L LAB: # \_\_\_\_\_

Contractor listed will be invoiced for testing  
Reports to be sent to Dixon Engineering, Inc.

PROJECT: Benton Harbor MI 650000 Double Ellipse

MATRIX: Spent Abrasive

METALS: TCLP-RCRA (8 metals)

Sampled by: [Signature]

Date/Time 9:00 a.m. 8/16/2021

Sample ID/Location: Pit Piping

Comments: Random Sampling from waste receptacle

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Received by: \_\_\_\_\_ Date/Time: \_\_\_\_\_

Relinquished by: \_\_\_\_\_ Date/Time: \_\_\_\_\_

Rec'd. for Lab by: \_\_\_\_\_ Date/Time: \_\_\_\_\_

Courier: \_\_\_\_\_

DIXON ENGINEERING, INC.

1104 Third Ave.

Lake Odessa, MI 48849

Ph. 616-374-3221 - Fax 616-374-7116

## ANALYTICAL LABORATORY REPORT

Tuesday, August 17, 2021

Page 1 of 2

**CUSTOMER:** Seven Brothers Painting, Inc.  
50805 Rizzo Drive  
Shelby Township, MI 48315

**DATE RECEIVED:** Thursday, August 12, 2021  
**PO/PROJECT #:**  
**SUBMITTAL #:** 2021-08-12-004

**LAB NUMBER: AD15220****Sampled By:** Bryan Deater**Date Sampled:** 8/10/21**Job Location:** Benton Harbor, MI, 650,000 Double Ellipse**Sample Description:** Spent Abrasive**Sample Identification:** 1 - Benton Harbor, MI 650,000 Double Ellipse (Wet Interior)**Preparation Method:** EPA 1311, 3010A (TCLP for Metals)**Analysis Method:** EPA 6010C-M (ICP-AES Method for Determination of Metals)**Date Analyzed:** Friday, August 13, 2021

ELEMENT	RESULT	MAXIMUM ALLOWABLE	REPORTING LIMIT (RL)
Arsenic	< RL	5.0 ppm	0.20 ppm
Barium	5.0 ppm	100 ppm	0.20 ppm
Cadmium	< RL	1.0 ppm	0.030 ppm
Chromium	< RL	5.0 ppm	0.050 ppm
Lead	< RL	5.0 ppm	0.10 ppm
Selenium	< RL	1.0 ppm	0.20 ppm
Silver	< RL	5.0 ppm	0.050 ppm

**Preparation Method:** EPA 1311 (TCLP for Metals), EPA 7470A**Analysis Method:** EPA 7470A (Mercury in Liquid Waste -- Manual Cold-Vapor Technique)**Date Analyzed:** Friday, August 13, 2021

ELEMENT	RESULT	MAXIMUM ALLOWABLE	REPORTING LIMIT (RL)
Mercury	< RL	0.20 ppm	0.00050 ppm

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# ANALYTICAL LABORATORY REPORT

Tuesday, August 17, 2021

Page 2 of 2

**CUSTOMER:** Seven Brothers Painting, Inc.  
50805 Rizzo Drive  
Shelby Township, MI 48315

**DATE RECEIVED:** Thursday, August 12, 2021  
**PO/PROJECT #:**  
**SUBMITTAL #:** 2021-08-12-004

Unless otherwise noted, the condition of each sample was acceptable upon receipt, all laboratory quality control requirements were met, and sample results have not been adjusted based on field blank or other analytical blank results. Individual sample results relate only to the sample as received by the laboratory.

## Tests Reviewed By: Katie Root, Quality Manager

Reporting Limit (RL): The lowest concentration of analyte in a sample that can be reported with a defined, reproducible level of certainty. This value is based on the lowest standard used for instrument calibration and must be at least twice the MDL.

GPI Laboratories, Inc. has obtained accreditation under the following programs:

- **National Lead Laboratory Accreditation Program (NLLAP)**  
**A2LA:** American Association for Laboratory Accreditation (Certificate 5033.01) ([www.a2la.org](http://www.a2la.org))
- **OH:** Ohio Department of Health Lead Poisoning Prevention Program, Approval #E10013 ([www.odh.ohio.gov](http://www.odh.ohio.gov))
- **National Environmental Laboratory Accreditation Program (NELAP)**  
**NY:** State of New York Department of Health, Laboratory ID#11609 (Serial # 63045-63049) (518-485-5570)  
**LA:** State of Louisiana Department of Environmental Quality, Laboratory ID#180321 (Certificate 05036) ([www.deq.louisiana.gov](http://www.deq.louisiana.gov))  
**OK:** Oklahoma Department of Environmental Quality, Laboratory ID#9993 (Certificate 2020-074) ([www.deq.state.ok.us](http://www.deq.state.ok.us))

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## SCOPE OF ACCREDITATION

### Air and Emissions

Element/Test	Method	Accreditation(s)
Suspended Particulates: PM10 / TSP	40 CFR 50 Appendix J / 40 CFR 50 Appendix B	NY, LA
Lead in Airborne Dust	40 CFR 50 Appendix G	A2LA, LA
Lead in Airborne Dust	NIOSH 7300	A2LA, OH, NY, LA
Metals in Airborne Dust	NIOSH 7300	A2LA

### Solid Chemical Materials

Element/Test	Method	Accreditation(s)
TCLP	EPA 1311(Sample Preparation Method)	NY, LA, OK
Lead in Soil	EPA 3050B/ EPA 6010C	A2LA, OH, NY, LA, OK
Lead in Paint	EPA 3050B/ EPA 6010C	A2LA, OH, NY, LA
Lead in Paint	ASTM D 3335-85A/ EPA 6010C	NY
Lead in Dust Wipes	EPA 3050B/ EPA 6010C	A2LA, OH, NY, LA
Ignitability	EPA 1010A	NY
pH	EPA 9045D	NY

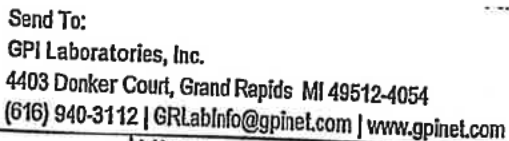
### Non-Potable Water / Analysis by ICP

Element/Test	Method	Accreditation(s)
Arsenic	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Barium	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Cadmium	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Chromium	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Copper	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Lead	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Mercury	EPA 245.1 Rev.3/ EPA 7470A	NY, LA, OK
Nickel	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Selenium	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Silver	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Zinc	EPA 6010C/ EPA 200.7 Rev 4.4	NY, LA, OK
Cobalt	----	----
Manganese	----	----
Acid Digestion	EPA 3010A	NY, LA

### Solid Chemical Materials

Method	Accreditation(s)
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
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EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 6010C	NY, LA, OK
EPA 3050B	NY, LA

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FOR LAB USE ON	
Property Contained	YES
Adequate Quantity	YES
Received on Ice	YES
Temp: C/F (Therm #13/ )	pH:
P.O./Proj#:	
Location: Benton Harbor, MI 650,000 Double Ellipse	
Comments: *Entered as TCLP per Dixon COC - M.S. 8/12/21	

[illegible]

Sampled By (Please print): Bryan Decker

Date Submitted: 8/11/2021

Signature: Linda Lanna

Received by:

Date/Time:

Relinquished Date/Time:

Received by:

Date/Time: \_\_\_\_\_

Relinquished Date/Time:

**Method of Shipment:**

Received for Laboratory by: Mae S. C.

Date/Time: 8/12/21

Submital #: 2021-08-12-004

10/16/18 Form

✓ AT 8.12.21



2021-08-12-004

CHAIN of CUSTODY for WASTE DISPOSAL  
DIXON ENGINEERING, INC.

CONTRACTOR SIGNATURE:

*Frank Darro*

CONTRACTOR:

7 Brothers Inc

BILLING ADDRESS:

50805 Rizzo Dr. Shelby Twp., MI 48315

TELEPHONE:

FAX:

All samples will be sent to:

CCC&L

4403 Donker Ct., SE

Kentwood, MI 49512

PH 616-940-3112; Fax 616-940-8139

CCC&L LAB: #

Contractor listed will be invoiced for testing  
Reports to be sent to Dixon Engineering, Inc.

PROJECT:

Benton Harbor MI 650,000 Double Ellipse

MATRIX:

Spent Abrasive

METALS:

TCLP-RCRA (8 metals)

Sampled by:

Date/Time

Bryan Deaver 8:30 AM 8/10/2021

Sample ID/Location:

Wet Interior

Comments:

Random Sampling from waste receptacle

Submitted by:

Date:

Signature:

Received by:

Date/Time:

Relinquished by:

Date/Time:

Rec'd. for Lab by:

Date/Time:

Courier:

DIXON ENGINEERING, INC.

1104 Third Ave.

Lake Odessa, MI 48849

Ph. 616-374-3221 - Fax 616-374-7116



**From:** [Fong, Tera](#)  
**To:** [Oswald, Eric \(EGLE\)](#)  
**Subject:** RE: Benton Harbor  
**Date:** Friday, August 13, 2021 10:49:32 AM  
**Attachments:** [image002.png](#)

---

**CAUTION: This is an External email. Please send suspicious emails to [abuse@michigan.gov](mailto:abuse@michigan.gov)**

Thanks, Eric

---

**From:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Sent:** Friday, August 13, 2021 9:44 AM  
**To:** Fong, Tera <[Fong.Tera@epa.gov](mailto:Fong.Tera@epa.gov)>  
**Subject:** Fwd: Benton Harbor

Here's a listing of efforts

Eric

---

**From:** Onan, Brandon (EGLE) <[OnanB@michigan.gov](mailto:OnanB@michigan.gov)>  
**Sent:** Tuesday, August 10, 2021 1:07 PM  
**To:** Oswald, Eric (EGLE)  
**Subject:** RE: Benton Harbor

Yes, this is a good list of overall items that EGLE has provided to Benton Harbor to help address public health issues and compliance in some way. It doesn't really get at the where we are in terms of regulation requirements with them, but I'm also not quite ready with that information just yet. Kris Philip and I are going to start putting a summary doc and timeline together soon.

Thanks,

Brandon Onan, P.E.  
Lead and Copper Unit Supervisor  
Drinking Water & Environmental Health Division  
Michigan Department of Environment, Great Lakes, and Energy  
(p) 616.307.6736  
[onanb@michigan.gov](mailto:onanb@michigan.gov)

---

**From:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Sent:** Tuesday, August 10, 2021 11:06 AM  
**To:** Onan, Brandon (EGLE) <[OnanB@michigan.gov](mailto:OnanB@michigan.gov)>  
**Subject:** FW: Benton Harbor

Are you ok with this? Going to shoot this to Aaron today.

Eric

---

**From:** Sarkipato, Ernest (EGLE) <[SARKIPATOE@michigan.gov](mailto:SARKIPATOE@michigan.gov)>  
**Sent:** Tuesday, August 10, 2021 8:51 AM  
**To:** Bolf, Michael (EGLE) <[BOLFM@michigan.gov](mailto:BOLFM@michigan.gov)>; Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Cc:** Thurston, Brian (EGLE) <[THURSTONB@michigan.gov](mailto:THURSTONB@michigan.gov)>; Onan, Brandon (EGLE) <[OnanB@michigan.gov](mailto:OnanB@michigan.gov)>  
**Subject:** RE: Benton Harbor

Mike's list is very comprehensive. Only a couple additions/notes below in **red**, please take or leave as you see fit. I changed EGLE to DWEHD except where appropriate (funding, alum sludge issues).

Also, added **EPA** to list of parties consulted to make change to corrosion control treatment (Brandon, looking at you for that one).

-Ernie

---

**From:** Bolf, Michael (EGLE) <[BOLFM@michigan.gov](mailto:BOLFM@michigan.gov)>  
**Sent:** Monday, August 9, 2021 4:32 PM  
**To:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Cc:** Sarkipato, Ernest (EGLE) <[SARKIPATOE@michigan.gov](mailto:SARKIPATOE@michigan.gov)>; Thurston, Brian (EGLE) <[THURSTONB@michigan.gov](mailto:THURSTONB@michigan.gov)>; Onan, Brandon (EGLE) <[OnanB@michigan.gov](mailto:OnanB@michigan.gov)>  
**Subject:** Benton Harbor

Eric,

DWEHD has provided extensive technical, managerial, and financial assistance to the city of Benton Harbor for a number of years. With 24 other water systems in District 93, this has resulted in a very disproportionate amount of time spent on oversight of one water system. While the help is justified, the extra time takes away from important oversight activities in other communities. The 2018 sanitary survey identified a number of deficiencies and significant deficiencies. Later in **October of 2018**, the city also experienced the Pb/Cu AL exceedance, which still persists today. These events can serve a starting point and below I've highlighted efforts that are above and beyond standard oversight.

#### General Efforts

- DWEHD conducted **14** onsite visits during 2018 and 2019 as well as a sanitary survey, prior to the **COVID-19 pandemic** (Note, goal of once per quarter).
- Attended multiple city commission meetings **to inform local officials and** discuss the need for and importance of the ACOs.
- Modified our entire communication method to accommodate the city manager's request. Nearly all DW EGLE communication goes through Ernie Sarkipato, which changes our normal workflow process.
- Provided multiple reminders for many ACO deadlines. In many cases, DWEHD had to prompt the city to provide written requests for extensions when due dates were approaching.

- Negotiated a revised ACO when it became clear that the city's lack of TMF was the central barrier to progress.
- DWEHD drafted a conceptual guidance document for development of RFP for a TMF Capacity Study
- DWEHD sought and tracked funding source for TMF study (Affordability and Planning Grant through EGLE)
- To ensure ongoing progress on improving revenue, DWEHD drafted language for a commission resolution to approve the new rate collections procedure.
- DWEHD organized multiple inter-divisional discussions and communications at EGLE to provide guidance on how to properly manage treatment residuals. We determined during a WTP visit the city had been illegally disposing them, resulting in many follow-up meetings about how to properly dispose of residuals.
- DWEHD established weekly internal meetings with to track progress, monitor enforcement deadlines, and to brief management.
- DWEHD drafted wording for two boil water advisories and walked the city through response measures.
- DWEHD went through the time consuming process of revoking the previous OIC's certification and preparing for a contested case. The OIC's conduct did not meet Part 19 requirements and the city did not initiate action against him. This action has resulted in new contract operations that do meet Part 19 Rules.
- After the OIC's license was revoked, the city brought in contract operators. Since that time, we have held **32 weekly** operations **update** meetings with the city and the operators **to ensure projects are in progress and to notify of any upcoming compliance requirements**. This level of oversight is way beyond what is typical with other water systems. For example, we walked them through all the considerations they need to make when taking the water tower out of service for maintenance, how to establish operational SOPs, how to ensure accountability of shift operators, and how to sequence treatment equipment maintenance projects.
- Worked with previous OIC on a plan to move coagulation to intended location (rapid mix) per ACO requirement, and conducted additional inspections/review when a permit was not obtained prior to starting the work.
- Worked with previous OIC on a plan to install a working chlorine analyzer on the plant tap, then cited violation for lack of maintenance when it was found not working again 18 months later.
- Arranged communications with raw water intake dive contractor following transition of OIC, to help ensure the intake project would progress as planned.

#### Lead/Copper Specific Efforts

- The corrosion control engineer and surface water treatment engineer helped plan/design a phosphate feed system to **quickly** provide a level of protection, while the city pursued a formal CC study. This work is normally done by a consultant, but due to a lack of TMF capacity and the need for public health protection, DWEHD stepped in to help immediately. Installed in Feb 2019, this was entirely funded by pilot grant funds administered by EGLE. **The work also included installation of a finished water meter, as required by the ACO.**
- Helped arrange and attend an in-person townhall meeting following the first ALE.

DWEHD scoured treatment data to look for any changes in source or treatment that may have cause the ALE.

- DWEHD worked closely work local pediatrician and state/local health to identify any increasing trends in blood lead levels following the ALE.
- The city's former water operator opposed the number of Pb/Cu samples required by DWEHD. In the interest of public health protection, the state has maintained the 60 sample requirement.
- DWEHD staff went onsite to collect WQP samples and trained city operators on how to do it.
- Due to an inability to collect enough Pb/Cu samples, DWEHD, DHHS, and the LHD worked with local community members with outreach to promote sampling.
- DHHS and LHD provides POU filters free of charge for anyone in the city.
- Helped organize and attend a virtual townhall meeting in 2020 during COVID-19 pandemic, for continuing ALE.
- By Feb 2020, the CC treatment was not effective so EGLE consulted with the city, EPA, and Cornwell Engineering. This resulted in DWEHD requiring an change in the phosphate chemical feed and a change in dose.
- DWEHD informed the city of a \$5.6M EPA grant to support the study and replace LSLs. DWEHD provided assistance and reminders to the city to ensure the grant application was submitted on time. DWEHD contacted EPA and advocated for Benton Harbor to get the grant, which they successfully received.
- Due to the city's lack of TMF, DWEHD staff drafted the RFP wording for the CC study. We also answered questions bidders had on the RFP and helped score the bids.
- DWEHD staff aided the city in applying for a DWAM grant for LSL verification and Asset Management activities.
- DWEHD staff worked with the city to transition from tracking Pb/Cu samples using site codes to physical addresses. This improved the ability to track compliance and to evaluate treatment effectiveness.
- DWEHD staff, including the DW Public Advocate and EJ Coordinator, worked with local advocates and community members to create a special Task Force to develop educational materials to inform residents how to reduce their lead exposure risk.

Michael Bolf, P.E.

Engineering Unit Supervisor

Drinking Water and Environmental Health Division

Michigan Department of Environment, Great Lakes, and Energy

906-630-4107 (mobile) | [bolfm@michigan.gov](mailto:bolfm@michigan.gov)



**From:** [Murphy, Elizabeth](#)  
**To:** [Thurston, Brian \(EGLE\)](#)  
**Cc:** [Oswald, Eric \(EGLE\)](#); [Sarkipato, Ernest \(EGLE\)](#); [Bolf, Michael \(EGLE\)](#)  
**Subject:** RE: City of Benton Harbor - Joint Inspection  
**Date:** Thursday, August 19, 2021 10:52:24 AM

---

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Thanks Brian. Looking forward to working with you on this.

As we discussed earlier today, if you have any systems in / around Benton Harbor that would benefit from a circuit rider type assistance that you could recommend, I would appreciate your list.

Thank you,  
Beth Murphy

Elizabeth W. Murphy, MPH  
(she/her/hers)  
Chief, Section 3  
Water Enforcement & Compliance Assurance Branch  
US Environmental Protection Agency  
77 W. Jackson Blvd.  
Mail Code ECW-15J  
Chicago, IL 60604-3590  
[Murphy.Elizabeth@epa.gov](mailto:Murphy.Elizabeth@epa.gov)  
phone: (312) 353-4227  
1-800-621-8431 x 34227  
fax: (312) 980-8745

Report Environmental Violations <https://www.epa.gov/enforcement/report-environmental-violation-general-information>

---

**From:** Thurston, Brian (EGLE) <[THURSTONB@michigan.gov](mailto:THURSTONB@michigan.gov)>  
**Sent:** Thursday, August 19, 2021 8:48 AM  
**To:** Murphy, Elizabeth <[Murphy.Elizabeth@epa.gov](mailto:Murphy.Elizabeth@epa.gov)>  
**Cc:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>; Sarkipato, Ernest (EGLE) <[sarkipatoe@michigan.gov](mailto:sarkipatoe@michigan.gov)>; [bolfm@michigan.gov](mailto:bolfm@michigan.gov)  
**Subject:** City of Benton Harbor - Joint Inspection

Good morning Beth,

Thank you for the discussion this morning regarding our inquiry for a joint enforcement inspection

and your staff's tentative availability on September 13, 14, and 15 for this inspection in Benton Harbor.

The EGLE lead is Ernest Sarkipato [SARKIPATOE@michigan.gov](mailto:SARKIPATOE@michigan.gov) 616-307-0261 for the City of Benton Harbor.

Ernie is in the field today conducting a sanitary survey at another surface water facility.

If you should have any questions with this e-mail please contact me to discuss.

Sincerely,  
Brian E. Thurston, P.E.  
Field Operations Section Manager  
Drinking Water and Environmental Health Division  
Michigan Department of Environment, Great Lakes, and Energy  
231-590-3430 | [thurstonb@michigan.gov](mailto:thurstonb@michigan.gov)

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**From:** [Oswald, Eric \(EGLE\)](#)  
**To:** [Walts, Alan](#); [Strong, Regina \(EGLE\)](#)  
**Cc:** [Murphy, Elizabeth](#); [DiCosmo, Nefertiti](#); [Smith, Molly](#); [Triantafillou, Kathy](#); [Poy, Thomas](#)  
**Subject:** RE: Inviting EGLE to meeting w/ Rev Pinkney (Benton Harbor)  
**Date:** Wednesday, July 28, 2021 3:47:00 PM

---

That time work for me and is blocked off on my schedule.

Eric

---

**From:** Walts, Alan <walts.alan@epa.gov>  
**Sent:** Wednesday, July 28, 2021 3:43 PM  
**To:** Strong, Regina (EGLE) <StrongR1@michigan.gov>; Oswald, Eric (EGLE) <OswaldE1@michigan.gov>  
**Cc:** Murphy, Elizabeth <Murphy.Elizabeth@epa.gov>; DiCosmo, Nefertiti <dicosmo.nefertiti@epa.gov>; Smith, Molly <Smith.Molly@epa.gov>; Triantafillou, Kathy <triantafillou.kathy@epa.gov>; Poy, Thomas <poy.thomas@epa.gov>  
**Subject:** Inviting EGLE to meeting w/ Rev Pinkney (Benton Harbor)

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Hi Regina and Eric – Region 5 would like to invite EGLE to a meeting requested by Reverend Edward Pinkney. It's currently planned for Aug 4<sup>th</sup> at 2 Central, but we can look for a new time if needed; it's important to us that you be at the table. CC-ed are the folks who are planning to attend for R5.

Happy to discuss as needed – cell is (312) [REDACTED].

Best,  
Alan

---

Director, Tribal and Multi-media Programs Office (TMPO)  
U.S. EPA, Region 5  
Phone: (312) 353-8894

**From:** [Walts, Alan](#)  
**To:** [Oswald, Eric \(EGLE\)](#); [Strong, Regina \(EGLE\)](#)  
**Cc:** [Murphy, Elizabeth](#); [DiCosmo, Nefertiti](#); [Smith, Molly](#); [Triantafillou, Kathy](#); [Poy, Thomas](#)  
**Subject:** RE: Inviting EGLE to meeting w/ Rev Pinkney (Benton Harbor)  
**Date:** Wednesday, July 28, 2021 4:07:56 PM

---

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Thanks

---

Director, Tribal and Multi-media Programs Office (TMPO)  
U.S. EPA, Region 5  
Phone: (312) 353-8894

---

**From:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Sent:** Wednesday, July 28, 2021 2:48 PM  
**To:** Walts, Alan <[walts.alan@epa.gov](mailto:walts.alan@epa.gov)>; StrongR1 <[StrongR1@michigan.gov](mailto:StrongR1@michigan.gov)>  
**Cc:** Murphy, Elizabeth <[Murphy.Elizabeth@epa.gov](mailto:Murphy.Elizabeth@epa.gov)>; DiCosmo, Nefertiti <[dicosmo.nefertiti@epa.gov](mailto:dicosmo.nefertiti@epa.gov)>; Smith, Molly <[Smith.Molly@epa.gov](mailto:Smith.Molly@epa.gov)>; Triantafillou, Kathy <[triantafillou.kathy@epa.gov](mailto:triantafillou.kathy@epa.gov)>; Poy, Thomas <[poy.thomas@epa.gov](mailto:poy.thomas@epa.gov)>  
**Subject:** RE: Inviting EGLE to meeting w/ Rev Pinkney (Benton Harbor)

That time work for me and is blocked off on my schedule.

Eric

---

**From:** Walts, Alan <[walts.alan@epa.gov](mailto:walts.alan@epa.gov)>  
**Sent:** Wednesday, July 28, 2021 3:43 PM  
**To:** Strong, Regina (EGLE) <[StrongR1@michigan.gov](mailto:StrongR1@michigan.gov)>; Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Cc:** Murphy, Elizabeth <[Murphy.Elizabeth@epa.gov](mailto:Murphy.Elizabeth@epa.gov)>; DiCosmo, Nefertiti <[dicosmo.nefertiti@epa.gov](mailto:dicosmo.nefertiti@epa.gov)>; Smith, Molly <[Smith.Molly@epa.gov](mailto:Smith.Molly@epa.gov)>; Triantafillou, Kathy <[triantafillou.kathy@epa.gov](mailto:triantafillou.kathy@epa.gov)>; Poy, Thomas <[poy.thomas@epa.gov](mailto:poy.thomas@epa.gov)>  
**Subject:** Inviting EGLE to meeting w/ Rev Pinkney (Benton Harbor)

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Hi Regina and Eric – Region 5 would like to invite EGLE to a meeting requested by Reverend Edward Pinkney. It's currently planned for Aug 4<sup>th</sup> at 2 Central, but we can look for a new time if needed; it's important to us that you be at the table. CC-ed are the folks who are planning to attend for R5.

Happy to discuss as needed – cell is (312) [REDACTED].



Best,  
Alan

---

Director, Tribal and Multi-media Programs Office (TMPO)  
U.S. EPA, Region 5  
Phone: (312) 353-8894

**From:** [Oswald, Eric \(EGLE\)](#)  
**To:** [Walts, Alan](#); [Strong, Regina \(EGLE\)](#)  
**Subject:** RE: Letter from Rev Pinkney FW: Emergency Help  
**Date:** Tuesday, August 10, 2021 10:29:00 AM

---

Not sure about a change in response on my end as this is a continuation of the action level exceedance and is not a change in conditions there. My staff will assist in any way we can.

Eric

---

**From:** Walts, Alan <walts.alan@epa.gov>  
**Sent:** Tuesday, August 10, 2021 10:00 AM  
**To:** Strong, Regina (EGLE) <StrongR1@michigan.gov>; Oswald, Eric (EGLE) <OswaldE1@michigan.gov>  
**Subject:** Letter from Rev Pinkney FW: Emergency Help

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Good morning – reaching out to coordinate on our response. What do you think is the best way to approach that? Thanks

---

Director, Tribal and Multi-media Programs Office (TMPO)  
U.S. EPA, Region 5  
Phone: (312) 353-8894

---

**From:** Rev Edward Pinkney [REDACTED] <[\[REDACTED\]@sbcglobal.net](mailto:[REDACTED]@sbcglobal.net)>  
**Sent:** Tuesday, August 10, 2021 7:49 AM  
**To:** Newton, Cheryl <[Newton.Cheryl@epa.gov](mailto:Newton.Cheryl@epa.gov)>; smorduno [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>; Elin Betanzo <[elin@safewaterengineering.com](mailto:elin@safewaterengineering.com)>; Nicholas.Leonard <[nicholas.leonard@glelc.org](mailto:nicholas.leonard@glelc.org)>; Cyndi Roper <[croper@nrdc.org](mailto:croper@nrdc.org)>; Walts, Alan <[walts.alan@epa.gov](mailto:walts.alan@epa.gov)>; Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>; Eugene Anderson [REDACTED] <[\[REDACTED\]@yahoo.com](mailto:[REDACTED]@yahoo.com)>; TYWONA PALMER <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>  
**Subject:** Emergency Help

Good Morning Cheryl Newton

The City of Benton Harbor have had another Public Advisory for the city Drinking Water. If you are serious about helping the residents of Benton Harbor, who need help immediately. let me know.

Rev Edward Pinkney

**From:** [Walts, Alan](#)  
**To:** [Oswald, Eric \(EGLE\)](#); [Strong, Regina \(EGLE\)](#)  
**Subject:** RE: Letter from Rev Pinkney FW: Emergency Help  
**Date:** Tuesday, August 10, 2021 10:52:46 AM  
**Attachments:** [Aug 9 letter from Rev. Pinkney.pdf](#)

---

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(Attaching a pdf of the incoming letter, to make it easier to read/circulate.)

Thanks Eric. Agree there doesn't seem to be a need for change to the substance of the response action. Here's what I'm seeing as asks/questions in the letter:

1. Explaining the process for determining ALEs, in particular why there is a 25-day period between sampling and notification
2. EPA/EGLE help Benton Harbor communicate the latest ALE to residents
3. Can EGLE provide "raw lead sample data" to communicate scope of lead contamination?  
(Note: recognizing PII issues w/ this, as well as the issue of whether this data would answer the question of scope)
4. EPA intervention and direct assistance w/ filtration (Note: we're already following up on this from the Aug 4<sup>th</sup> call.)

Best,  
Alan

---

Director, Tribal and Multi-media Programs Office (TMPO)  
U.S. EPA, Region 5  
Phone: (312) 353-8894

---

**From:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Sent:** Tuesday, August 10, 2021 9:29 AM  
**To:** Walts, Alan <[walts.alan@epa.gov](mailto:walts.alan@epa.gov)>; StrongR1 <[StrongR1@michigan.gov](mailto:StrongR1@michigan.gov)>  
**Subject:** RE: Letter from Rev Pinkney FW: Emergency Help

Not sure about a change in response on my end as this is a continuation of the action level exceedance and is not a change in conditions there. My staff will assist in any way we can.

Eric

---

**From:** Walts, Alan <[walts.alan@epa.gov](mailto:walts.alan@epa.gov)>  
**Sent:** Tuesday, August 10, 2021 10:00 AM  
**To:** Strong, Regina (EGLE) <[StrongR1@michigan.gov](mailto:StrongR1@michigan.gov)>; Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Subject:** Letter from Rev Pinkney FW: Emergency Help

---

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Good morning – reaching out to coordinate on our response. What do you think is the best way to approach that? Thanks

---

Director, Tribal and Multi-media Programs Office (TMPO)  
U.S. EPA, Region 5  
Phone: (312) 353-8894

---

**From:** Rev Edward Pinkney <[REDACTED]@sbcglobal.net>  
**Sent:** Tuesday, August 10, 2021 7:49 AM  
**To:** Newton, Cheryl <[Newton.Cheryl@epa.gov](mailto:Newton.Cheryl@epa.gov)>; smorduno [REDACTED]@gmail.com>; Elin Betanzo <[elin@safewaterengineering.com](mailto:elin@safewaterengineering.com)>; Nicholas.Leonard <[nicholas.leonard@glelc.org](mailto:nicholas.leonard@glelc.org)>; Cyndi Roper <[croper@nrdc.org](mailto:croper@nrdc.org)>; Walts, Alan <[walts.alan@epa.gov](mailto:walts.alan@epa.gov)>; Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>; Eugene Anderson [REDACTED]@yahoo.com>; TYWONA PALMER [REDACTED]@gmail.com>  
**Subject:** Emergency Help

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Rev Edward Pinkney



**BENTON HARBOR COMMUNITY WATER COUNCIL**  
1940 Union Street, Benton Harbor, Michigan 49022  
BHCWC.org

*Sent Via Email*

August 9, 2021

Environmental Protection Agency, Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

Dear Acting and Deputy Regional Administrator Cheryl Newton,

Thank you for the immediate reply to the letter I sent on July 22, 2021, regarding serious concerns with drinking water in Benton Harbor, Michigan. With your help, on August 4<sup>th</sup> the Benton Harbor Water Council (BHCWC) and its partners<sup>1</sup> met with several Region 5 drinking water program and enforcement staff, and Michigan Environmental, Great Lakes, and Energy (EGLE) officials regarding several urgent matters, including maintenance and painting of the city's water tank.

We learned good news from Eric Oswald, Michigan Drinking Water Environmental Health Director, that the water tank was remediated for lead in the 1990's and has no detectable lead now. EGLE will continue to monitor the project for deficiencies and fugitive dust. In response to BHCWC's concerns about drinking water quality, Mr. Oswald reported that EGLE continues to monitor and discuss "complex surface water treatment" and corrosion controls with Benton Harbor water utility operators and city officials. We look forward to EGLE sharing their documentation of the 1990's remediation project and the data they have collected during the current tank restoration project.

After our call concluded on August 4, Benton Harbor residents were notified of Benton Harbor's 6<sup>th</sup> consecutive lead action level exceedance in 3.5 years, with 11 of 78 samples collected over the lead action level of 15 ppb. We were surprised that these data were not shared during our call regarding the ongoing urgency of communication and intervention for the residents of Benton Harbor. We are also surprised at the timing of the announcement. Samples were due to EGLE on July 10. The 25-day delay in notifying the residents of Benton Harbor does not seem to be appropriate to the scale and scope of this ongoing water quality emergency. To date, only one media outlet has shared the mandatory public advisory required in the state of Michigan. As in so many lead action level exceedances before, this magnitude of outreach is insufficient. EPA and EGLE must provide greatly enhanced assistance in communicating the most recent lead action level exceedance with the community and ensure that every household in Benton Harbor has reliable access to safe water through lead reducing filters. Benton Harbor is the only community in Michigan to have 3 consecutive years, let alone 3.5 years of lead action level exceedances. It is time to provide the interventions and assistance that residents of Benton Harbor have needed for this entire time. We request that EGLE provide a copy of the raw lead sample data immediately so we can better understand the ongoing scope of lead contamination in our city.

---

<sup>1</sup> Great Lakes Environmental Law Center, Michigan Welfare Rights Organization, Natural Resources Defense Council, People's Water Board Coalition, and Safe Water Engineering.



In the council's determination -- and that of more than 50 residents who gathered on July 10<sup>th</sup> for a community drinking water and lead education event by BHCWC and its partners -- the community of Benton Harbor requires more EPA intervention and direct assistance for safe drinking water. Specifically, these are the immediate issues that believe must be addressed by EPA as drinking water program and enforcement officials continue to contemplate and pursue options with local water utility and government operators. Residents can no longer tolerate the cumulative health impacts of lead risks in the drinking water through

Benton Harbor Community Water Council strongly requests discretionary, emergency grants to:

1. Purchase and provide a faucet-mounted water filtration system for each of the 5,800 residences in Benton Harbor. For homes with old kitchen faucets that cannot fit a new faucet-mounted filter, provide for a new faucet and/or a filtered pitcher.
2. Acquire and deliver water filter hardware, plus provide training and installation assistance to residents and complete a documentation form for the database project in item 3.
3. Work with the Berrien County Health Department to develop a water filter database to document households that have been provided with water filter hardware, replacement filters, and community education for public health and safety. There is no complete public record of homes that have received filters from any source.

#### Proposed budget

Cost Item	Quantity	Cost Per Home	Subtotal
Faucet-mounted filters and 2 replacement filters; New kitchen faucet to accommodate faucet-mounted filter, if needed, because of old faucet.	5,800	\$100	\$580,000.
BHCWC acquisition and delivery of lead filter hardware, plus training and installation assistance to residents; obtain authorizations and data documentation.	5,800	\$50	\$290,000.
Data coordination with Berrien County Health Dept for new lead filter database; data and technical support.	5,800	\$20	\$116,000.
		Subtotal	\$986,000.
Grant administration: 7%	1 year		\$69,020.
		Total	\$1,055,020

Ms. Acting and Deputy Regional Administrator, we know you are greatly concerned with the drinking water crisis in Benton Harbor as presented to you. We look forward to your positive reply to help the residents of this small Michigan town address the inequitable and environmentally unjust drinking water conditions that have plagued us for far too long.

We are hopeful that the improved communication we have witnessed by EPA and EGLE officials will help to correct shortcomings and long-standing problems with our local water utility. Meanwhile, we are counting on the EPA to help us provide the safe drinking water that our vulnerable community needs, especially the children, seniors, people with disabilities, and people with chronic diseases and illness, including lasting effects of COVID-19.

Thank you for time and consideration of our much-needed proposal.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rev. Ed Pinkney", written in a cursive style.

Rev. Edward Pinkney

President, Benton Harbor Community Water Council

Cc:

A. Walts, EPA Region 5

E. Oswald, EGLE

**From:** [Walts, Alan](#)  
**To:** [REDACTED]@gmail.com  
**Cc:** [Rev Edward Pinkney](#); [Strong, Regina \(EGLE\)](#); [Murphy, Elizabeth](#); [DiCosmo, Nefertiti](#); [Smith, Molly](#); [Triantafillou, Kathy](#); [Poy, Thomas](#); [Oswald, Eric \(EGLE\)](#); [Elin](#); [REDACTED]@gmail.com; [Moody, Jonathan](#); [Anderson, Victoria](#); [Cyndi Roper](#); [Nicholas \(Nick\) Leonard](#)  
**Subject:** RE: Meeting w/ Rev. Pinkney and others - Benton Harbor  
**Date:** Wednesday, August 4, 2021 1:29:08 PM

---

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Thanks Sylvia, and sorry again for getting this wrong on the calendar.

Best,  
Alan

---

Director, Tribal and Multi-media Programs Office (TMPO)  
U.S. EPA, Region 5  
Phone: (312) 353-8894

---

**From:** Sylvia Orduno <[REDACTED]@gmail.com>  
**Sent:** Wednesday, August 04, 2021 7:54 AM  
**To:** Walts, Alan <[walts.alan@epa.gov](mailto:walts.alan@epa.gov)>  
**Cc:** Rev Edward Pinkney <[REDACTED]@sbcbglobal.net>; StrongR1 <[StrongR1@michigan.gov](mailto:StrongR1@michigan.gov)>; Murphy, Elizabeth <[Murphy.Elizabeth@epa.gov](mailto:Murphy.Elizabeth@epa.gov)>; DiCosmo, Nefertiti <[dicosmo.nefertiti@epa.gov](mailto:dicosmo.nefertiti@epa.gov)>; Smith, Molly <[Smith.Molly@epa.gov](mailto:Smith.Molly@epa.gov)>; Triantafillou, Kathy <[triantafillou.kathy@epa.gov](mailto:triantafillou.kathy@epa.gov)>; Poy, Thomas <[poy.thomas@epa.gov](mailto:poy.thomas@epa.gov)>; Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>; [elin@safewaterengineering.com](mailto:elin@safewaterengineering.com); [REDACTED]@gmail.com; Moody, Jonathan <[moody.jonathan@epa.gov](mailto:moody.jonathan@epa.gov)>; Anderson, Victoria <[Anderson.Victoria@epa.gov](mailto:Anderson.Victoria@epa.gov)>; Cyndi Roper <[croper@nrdc.org](mailto:croper@nrdc.org)>; Nicholas (Nick) Leonard <[nicholas.leonard@glelc.org](mailto:nicholas.leonard@glelc.org)>  
**Subject:** Re: Meeting w/ Rev. Pinkney and others - Benton Harbor

Thanks for the update, Alan.

After seeing the Thu, 8/5 invite a few days ago, I scheduled something else for today from 3-4pm ET / 2-3pm CT. I'll arrange to make 1/2 of this meeting.

Also, I've added Nick Leonard, GLELC; and Cyndi Roper, NRDC to this invite who are part of Rev. Pinkney & BHCWC advocacy group, along with me. I'm not sure of their availability today, although they were prepared for tomorrow.

Thanks,

Sylvia Orduño  
Michigan Welfare Rights Organization



People's Water Board Coalition  
sent via phone

On Aug 4, 2021, at 7:21 AM, Walts, Alan <[walts.alan@epa.gov](mailto:walts.alan@epa.gov)> wrote:

Apologies everyone – this meeting is intended to be today, I made a mistake on the invitation and set it for 8/5. I hope that today's meeting time still works for everyone – please let me know if this causes a problem.

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<mime-attachment.ics>

**From:** [Bauer, Candice](#)  
**To:** [Oswald, Eric \(EGLE\)](#)  
**Subject:** RE: ORD Assistance with CCT in Benton Harbor  
**Date:** Tuesday, September 14, 2021 5:03:36 PM

---

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Hi Eric We chatted here internally and with ORD management. Initial indications are that ORD will be able to provide some assistance. We are going to put together a bit of a summary describing the ask to ORD and will help to get channel relevant information to them with our thoughts (i.e., sharing the initial data you provided). As such, it would be helpful if we can get the general timing on when the study plan will be available for review as a first step and we will get this moving with ORD.

Sorry for the delay in getting back on this.  
Candice

---

**From:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Sent:** Wednesday, September 08, 2021 2:33 PM  
**To:** Bauer, Candice <[bauer.candice@epa.gov](mailto:bauer.candice@epa.gov)>  
**Subject:** ORD Assistance with CCT in Benton Harbor

Candace, we are very interested in consulting with ORD on the CCT process we are working in Benton Harbor. I believe we finally have a stable level of corrosion control treatment in the system but have had some sampling challenges in the city. A study has been awarded by the city and is underway. Can you provide assistance in reaching out to ORD and seeing if they would be willing to take a look at the effort and data we have gathered so far.

Eric

**From:** [Thurston, Brian \(EGLE\)](#)  
**To:** [Anderson, Victoria](#)  
**Subject:** RE: Original ACO Benton Harbor  
**Date:** Thursday, August 5, 2021 8:19:00 AM  
**Attachments:** [City of Benton Harbor Signed ACO and Transmittal Letter.pdf](#)

---

Good morning Victoria,

Attached is the document you requested.

If you should have any questions with this e-mail please contact me to discuss.

Sincerely,  
Brian E. Thurston, P.E.  
Field Operations Section Manager  
Drinking Water and Environmental Health Division  
Michigan Department of Environment, Great Lakes, and Energy  
231-590-3430 | [thurstonb@michigan.gov](mailto:thurstonb@michigan.gov)  
[Follow Us](#) | [Michigan.gov/EGLE](#)



---

**From:** Anderson, Victoria <[Anderson.Victoria@epa.gov](mailto:Anderson.Victoria@epa.gov)>  
**Sent:** Wednesday, August 4, 2021 3:53 PM  
**To:** Thurston, Brian (EGLE) <[THURSTONB@michigan.gov](mailto:THURSTONB@michigan.gov)>  
**Subject:** Original ACO Benton Harbor

**CAUTION: This is an External email. Please send suspicious emails to [abuse@michigan.gov](mailto:abuse@michigan.gov)**

Good afternoon Brian,

Could I be provided with the original copy (2019) of the Benton Harbor ACO?

Thank you!

Victoria Anderson  
Life Scientist  
Water Enforcement & Compliance Assurance Branch  
US Environmental Protection Agency  
77 W. Jackson Blvd.  
Mail Code ECW-15J  
Chicago, IL 60604-3590

[anderson.victoria@epa.gov](mailto:anderson.victoria@epa.gov)

phone: (312) 353-4367



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



C. HEIDI GRETHNER  
DIRECTOR

March 8, 2019

CERTIFIED MAIL

The Honorable Marcus Muhammad  
Mayor of Benton Harbor  
200 East Wall Street  
Benton Harbor, Michigan 49022

Dear Mayor Muhammad:

SUBJECT: Administrative Consent Order (ACO); City of Benton Harbor;  
WSSN: 00600

Enclosed please find a fully executed ACO between the City of Benton Harbor and the Department of Environmental Quality (DEQ), Drinking Water and Municipal Assistance Division (DWMAD), regarding the water supply at the City of Benton Harbor. The compliance schedule in this ACO is meant to bring the water supply into compliance with the Michigan Safe Drinking Water Act, 1976 PA 399, as amended. The effective date of the ACO is March 5, 2019.

If you have any questions regarding the ACO, please contact me at 616-490-9590; lachancea1@michigan.gov; or DEQ, P.O. Box 30817, Lansing, Michigan 48909-8311.

Sincerely,

Amy Lachance  
Assistant Division Director  
Drinking Water and Municipal Assistance  
Division

Enclosure

cc: Mr. Darwin Watson, City of Benton Harbor  
Mr. Eric J. Oswald, DEQ  
Mr. Brian Thurston, DEQ  
Mr. Mike Bolf, DEQ  
Mr. Ernie Sarkipato, DEQ  
Mr. Dave Willard, DEQ

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DRINKING WATER AND MUNICIPAL ASSISTANCE DIVISION

ADMINISTRATIVE CONSENT ORDER

In the matter of:

DWMAD Order No. ACO-399-07 -2019

SECTION I

FACILITY OWNER/OPERATOR

NAME City of Benton Harbor		OWNER <input checked="" type="checkbox"/>	OPERATOR <input type="checkbox"/>
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS BUSINESS IDENTIFICATION NUMBER			
ADDRESS 200 East Wall Street			
CITY Benton Harbor	STATE Michigan	ZIP CODE 49022	
CONTACT NAME/TITLE Darwin Watson, City Manager		PHONE # 269-927-8408	

FACILITY NAME AND LOCATION

FACILITY NAME Benton Harbor Public Water Supply		WATER SUPPLY SERIAL NUMBER 00600
FACILITY OWNER IF NOT IDENTIFIED ABOVE City of Benton Harbor		
ADDRESS 200 East Wall Street		
CITY Benton Harbor	STATE Michigan	ZIP CODE 49022
COUNTY Berrien		
CONTACT NAME Darwin Watson		PHONE # 269-927-8408


- 1.1 This document results from allegations by the Department of Environmental Quality (DEQ), Drinking Water and Municipal Assistance Division (DWMAD). The DEQ alleges that the City of Benton Harbor, owner/operator of the city's public water supply, is in violation of the Safe Drinking Water Act, 1976 PA 399, as amended (Act 399), and the administrative rules promulgated thereunder.
- 1.2 Specific violations are referenced in the DEQ Significant Deficiency Violation Notice (SDVN) attached to this Administrative Consent Order (Consent Order) as Exhibit A. The Owner/Operator and the DEQ agree to resolve the violations set forth therein through entry of this Consent Order. The Owner/Operator agrees to resolve all compliance issues set forth in Exhibit A in accordance with the requirements contained in this Consent Order. This Consent Order, in its entirety, shall consist of Section I, the attached Sections II, III, and IV, Exhibit A, and any other referenced attachments, exhibits, or appendices. This Consent Order shall be considered null and void if it does not include, at a minimum, Sections I, II, III, and IV and Exhibit A. The Owner/Operator further agrees that this Consent Order shall become effective on the date it is signed by the DWMAD Director, designee of the DEQ Director.



- 1.3 The Owner/Operator agrees to pay a civil fine of \$500 per day for failure to complete corrective actions as specified in Section II, Compliance Schedule, unless an extension has been approved under Section 4.14. Failure to make a timely payment constitutes a violation of this Consent Order.
- 1.4 The Owner/Operator agrees to make payment of all funds due pursuant to this agreement by certified check made payable to the "State of Michigan" and mailed to the Accounting Services Division, Cashier's Office for the DEQ, P.O. Box 30657, Lansing, Michigan 48909-8157. To ensure proper credit, all payments made pursuant to this Consent Order must include "Payment Identification Number RMD90044" on the check. The Owner/Operator agrees not to contest the legality of the civil fine.

Signatories

DEPARTMENT OF ENVIRONMENTAL QUALITY




Eric Oswald, Director  
Drinking Water and Municipal Assistance Division

5-mar-19

Date

I undersigned CERTIFY that I am fully authorized by the party identified above to enter into this Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it. I further attest that all information provided herein is accurate and true.

CITY OF BENTON HARBOR



Marcus Muhammad, Mayor

2/25/2019

Date

## SECTION II - COMPLIANCE SCHEDULE

IT IS THEREFORE AGREED AND ORDERED THAT the Owner/Operator shall take the following actions to prevent further violations of Act 399 and the administrative rules promulgated thereunder and/or to correct the significant deficiencies identified in the SDVN attached to this Consent Order as Exhibit A.

- 2.1 Submit to the DWMAD a completed rate study from a qualified professional consultant, along with a plan to implement rate increases as recommended by the study, no later than April 1, 2019.
- 2.2 Upgrade the water plant supervisory and data acquisition (SCADA) system to allow for storage and easy access to required regulatory data including turbidity and chlorine, alarming for regulatory minimum levels, and potentially automation of some water plant operations, no later than April 1, 2019.
- 2.3 Install metering capabilities on the finished water no later than April 1, 2019.
- 2.4 Make necessary improvements to the water treatment facility in order to have a functioning and reliable continuous chlorine analyzer on the finished water tap no later than April 1, 2019.
- 2.5 Obtain an adequately licensed operator in charge, solely dedicated to the water distribution system, no later than April 1, 2019.
- 2.6 Submit a proposal for optimal corrosion control treatment or a corrosion control study to the DWMAD no later than April 31, 2019.
- 2.7 Submit to the DWMAD an implementation plan for a consistent and equitable rate collection program to minimize the number of unpaid bills and streamline the collections process, no later than May 1, 2019.
- 2.8 Submit an updated cross connection program for DWMAD approval, incorporating the City's plan for implementing control of residential accounts, and for obtaining adequate personnel to implement the City's cross connection control program, no later than June 1, 2019.
- 2.9 Install necessary modifications at the water treatment plant to inject coagulant chemical at a DWMAD-approved rapid mix location, and develop a standard operating procedure for feeding coagulant, no later than June 1, 2019.
- 2.10 Submit a plan to the DWMAD for inventorying and ongoing maintenance of distribution valves and hydrants, no later than June 1, 2019.
- 2.11 Conduct professional inspection of the elevated tank interior and exterior no later than June 30, 2019.
- 2.12 Install working mussel control system at the intake no later than June 30, 2019.
- 2.13 Repair filter to waste valves no later than January 1, 2020.



Sections III and IV of this Consent Order shall not be altered in any way, including adding or eliminating any language, striking terms or parts of terms, retyping in whole or in part, or using a different format. Any changes to this document without written approval from the DEQ renders the Consent Order null and void.

### SECTION III - STIPULATIONS

The Owner/Operator and the DEQ stipulate as follows:

- 3.1 The DEQ is authorized to enter this Consent Order requiring the Owner/Operator to comply with state law under Section 15 of Act 399.
- 3.2 The Owner/Operator consents to the issuance and entry of this Consent Order and stipulates that the entry of this Consent Order constitutes a final order of the DEQ and is enforceable as such under the appropriate provisions of state law identified in this Consent Order. The Owner/Operator agrees not to contest the issuance of this Consent Order and that the resolution of this matter by the entry of this Consent Order is appropriate and acceptable.
- 3.3 The Owner/Operator and the DEQ agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by the Owner/Operator that the law has been violated.
- 3.4 The Signatory to this Consent Order on behalf of the Owner/Operator agrees and attests that he/she is fully authorized to ensure that the Owner/Operator will comply with all requirements under this Consent Order.
- 3.5 The Owner/Operator shall achieve compliance with the aforementioned regulations in accordance with the requirements contained in Section II of this Consent Order.

### SECTION IV - GENERAL PROVISIONS

The Owner/Operator and the DEQ further stipulate as follows:

- 4.1 With respect to any violations not specifically addressed and resolved by this Consent Order, the DEQ reserves the right to pursue any other remedies to which it is entitled for any failure on the part of the Owner/Operator to comply with the requirements of Act 399 and the administrative rules promulgated thereunder.
- 4.2 The DEQ and the Owner/Operator consent to enforcement of this Consent Order in the same manner and by the same procedures for all final orders entered pursuant to the provisions of Act 399.
- 4.3 This Consent Order in no way affects the Owner/Operator's responsibility to comply with any other applicable local, state, or federal laws or regulations.
- 4.4 The DEQ reserves its right to pursue appropriate action, including injunctive relief to enforce the provisions of this Consent Order, and applicable statutory fines for any violation of this Consent Order.
- 4.5 Nothing in this Consent Order is or shall be considered to affect any liability the Owner/Operator may have for natural resource damages caused by the

Owner/Operator's acts or omissions at the facility. The State of Michigan does not waive any rights to bring an appropriate action to recover such damages to the natural resources.

- 4.6 In the event the Owner/Operator sells or transfers the facility, he/she shall advise any purchaser or transferee of the existence of this Consent Order in connection with such sale or transfer. Within 30 calendar days, the Owner/Operator shall also notify the DWMAD Engineering Unit, in writing, of such sale or transfer, the identity and address of any purchaser or transferee, and confirm the fact that notice of this Consent Order has been given to the purchaser and/or transferee. The purchaser and/or transferee of this Consent Order must agree, in writing, to assume all of the obligations of this Consent Order. A copy of that agreement shall be submitted to the DWMAD Engineering Unit within 30 days of assuming the obligations of this Consent Order.
- 4.7 The provisions of this Consent Order shall apply to and be binding upon the parties to this action and their successors and assigns.
- 4.8 This Consent Order constitutes a civil settlement and satisfaction as to the resolution of the violations specifically addressed herein; however, it does not resolve any criminal action that may result from these same violations.

#### Reporting

- 4.9 The Owner/Operator shall make all submittals and written notifications required by this Consent Order, to the DWMAD Engineering Unit, DEQ, Grand Rapids District Office, 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49503. The cover letter with each submittal or notification shall identify the specific paragraph and requirement of this Consent Order that the submittal or notification is intended to satisfy.
- 4.10 The Owner/Operator shall verbally report any violation(s) of the terms and conditions of this Consent Order to the DWMAD Engineering Unit Supervisor at 231-590-3430 by no later than the close of the next business day following detection of such violation(s) and shall follow such notification with submittal of a written report within five business days following detection of such violation(s). The written report shall include a detailed description of the violation(s), as well as a description of any actions proposed or taken to correct the violation(s). The Owner/Operator shall report any anticipated violation(s) of this Consent Order to the above-referenced individual in advance of the relevant deadlines whenever possible.

#### Retention of Records

- 4.11 Upon request by an authorized representative of the DEQ, the Owner/Operator shall make available to the DEQ all records, plans, logs, and other documents required to be maintained under this Consent Order or pursuant to applicable laws or rules. All such documents shall be retained by the Owner/Operator for at least a period of three years from the date of generation of the record unless a longer period of record retention is required by the applicable law or its rules.

#### Right of Entry

- 4.12 The Owner/Operator shall allow any authorized representative or contractor of the DEQ, upon presentation of proper credentials, to enter upon the premises of the facility at all



reasonable times for the purpose of monitoring compliance with the provisions of this Consent Order. This paragraph in no way limits the authority of the DEQ to conduct tests and inspections pursuant to Act 399 and the administrative rules promulgated thereunder or any other applicable statutory provision.

#### DEQ Approval of Submittals

- 4.13 For any work plan, proposal, or other document, excluding applications for permits or licenses, that are required by this Consent Order to be submitted to the DEQ by the Owner/Operator, the following process and terms of approval shall apply:
- a. All work plans, proposals, and other documents required to be submitted by this Consent Order shall include all of the information required by the applicable statute and/or rule and all of the information required by the applicable paragraph(s) of this Consent Order.
  - b. In the event the DEQ disapproves a work plan, proposal, or other document, it will notify the Owner/Operator, in writing, specifying the reasons for such disapproval. The Owner/Operator shall submit, within 30 days of receipt of such disapproval, a revised work plan, proposal, or other document that adequately addresses the reasons for the DEQ's disapproval. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the Owner/Operator, in writing, of this disapproval.
  - c. In the event the DEQ approves with specific modifications, a work plan, proposal, or other document, it will notify the Owner/Operator, in writing, specifying the modifications required to be made to such work plan, proposal, or other document prior to its implementation and the specific reasons for such modifications. The DEQ may require the Owner/Operator to submit, prior to implementation and within 30 days of receipt of such approval with specific modifications, a revised work plan, proposal, or other document that adequately addresses such modifications. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the Owner/Operator, in writing, of this disapproval.
  - d. Upon DEQ approval, or approval with modifications, of a work plan, proposal, or other document, such work plan, proposal, or other document shall be incorporated by reference into this Consent Order and shall be enforceable in accordance with the provisions of this Consent Order.
  - e. Failure by the Owner/Operator to submit an approvable work plan, proposal, or other document, within the applicable time periods specified above, constitutes a violation of this Consent Order and shall subject the Owner/Operator to the enforcement provisions of this Consent Order.
  - f. Any delays caused by the Owner/Operator's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter the Owner/Operator's responsibility to comply with any other deadline(s) specified in this Consent Order.
  - g. No informal advice, guidance, suggestions, or comments by the DEQ regarding reports, work plans, plans, specifications, schedules, or any other writing submitted

by the Owner/Operator will be construed as relieving the Owner/Operator of his/her obligation to obtain written approval, if and when required by this Consent Order.

#### Extensions

- 4.14 The Owner/Operator and the DEQ agree that the DEQ may grant the Owner/Operator a reasonable extension of the specified deadlines set forth in this Consent Order. Any extension shall be preceded by a written request to the DWMAD Engineering Unit no later than ten business days prior to the pertinent deadline and shall include:
- a. Identification of the specific deadline(s) of this Consent Order that will not be met.
  - b. A detailed description of the circumstances that will prevent the Owner/Operator from meeting the deadline(s).
  - c. A description of the measures the Owner/Operator has taken and/or intends to take to meet the required deadline(s).
  - d. The length of the extension requested and the specific date on which the obligation will be met.

No change or modification to this Consent Order shall be valid unless in writing from the DEQ and, if applicable, signed by both parties.

#### Termination

- 4.15 This Consent Order shall remain in full force and effect until terminated by a written Termination Notice (TN) issued by the DEQ. Prior to issuance of a written TN, the Owner/Operator shall submit a request consisting of a written certification that the Owner/Operator has fully complied with the requirements of this Consent Order and has made payment of any fines required in this Consent Order. Specifically, this certification shall include:
- a. The date of compliance with each provision of the compliance program in Section II of this Consent Order, and the date any fines or penalties were paid.
  - b. A statement that all required information has been reported to the DWMAD Engineering Unit.
  - c. Confirmation that all records required to be maintained pursuant to this Consent Order are being maintained at the facility.

The DEQ may also request additional relevant information. The DEQ shall not unreasonably withhold issuance of a TN.

Exhibit A  
Administrative Consent Order

Enforcement Type

Significant Deficiency Violation Notice

Issue Date

October 3, 2018





RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GRAND RAPIDS DISTRICT OFFICE



C. HEIDI GRETHER  
DIRECTOR

October 3, 2018

CERTIFIED MAIL

Mr. Marcus Muhammad, Mayor  
Mr. Darwin Watson, City Manager  
City of Benton Harbor  
200 Wall Street  
Benton Harbor, MI 49022

**SIGNIFICANT DEFICIENCY VIOLATION NOTICE**  
WSSN: 00600

Dear Sirs:

SUBJECT: City of Benton Harbor (City) - Water System Sanitary Survey and Significant Deficiency Violation Notice – Financial and Managerial Capacity

This letter will confirm meetings with Benton Harbor staff on multiple dates in 2017 and 2018; representing the Department of Environmental Quality (DEQ), Drinking Water and Municipal Assistance Division (DWMAD), and summarize the subsequent review and discussion of the water supply facilities serving the City of Benton Harbor (City). The purpose of these meetings and subsequent review is to evaluate the water system with respect to the requirements of the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399). Findings from the survey, listed below, have led to the determination the water supply currently lacks the financial and managerial capacity to meet all the requirements of Act 399. Findings of significant deficiency have been identified as having the potential to introduce contamination to the public water supply and must be addressed within 120 days or be outlined in a corrective action plan and schedule approved by this office.

Since the previous sanitary survey in 2015, staff at the City of Benton Harbor have made significant efforts to maintain and improve the historically neglected water system. The distribution pipe network alone represents \$124 million in replacement value, according to the 2017 asset management program by Abonmarche. Along with the City's complex treatment plant, this represents a significant challenge for the City in terms of maintenance costs. Proper care and maintenance of the system is necessary to protect the health of all customers.

The major findings below indicate a number of areas needing immediate attention by the City, many of which have the potential to impact public health by allowing or introducing contamination to the water supply. Of utmost importance, a review of financial information finds the City presently lacks an adequate financial mechanism to conduct necessary improvements or hire necessary staff to properly maintain and operate the water system. We strongly advise the City to work with a qualified financial consultant to identify the revenue necessary to support operation and maintenance and to implement effective revenue collection methodologies. Investment from the City's rate payers is essential for resolving the below (significant) deficiencies and for ensuring the long term vitality of the water system assets.

The following table summarizes our findings from our survey of the water system:

Survey Element	Findings
Source	Deficiencies Identified
Treatment	Significant Deficiencies Identified
Distribution System	Significant Deficiencies Identified
Finished Water Storage	Deficiencies Identified
Pumps	Recommendations made
Monitoring & Reporting	Significant Deficiencies Identified
Management & Operations	Significant Deficiencies Identified
Operator Compliance	Recommendations made
Security	No Deficiencies or Recommendations
Financial	Significant Deficiencies Identified
Other	Significant Deficiencies Identified

The following significant deficiencies are violations of Act 399 with the potential to allow or introduce contamination to the public water supply, and must either be resolved within 120 days or be included in an approved corrective action plan.

- D1. Our review included the City's asset management program, submitted in December 2017, as well as the bill payment and collections process. Current revenues are not sufficient to cover capital improvement costs, and necessary improvements identified in this survey are likely to increase operations and maintenance costs beyond the current revenues. In addition, the current water bill collection process is inadequate and creates a significant drain on staff resources and time, which would be better spent towards resolution of significant deficiencies and performance of routine maintenance activities. In order to maintain the required financial capacity to operate a public water supply, the City must:
- Conduct a rate study with a qualified professional consultant, and implement findings to generate sufficient revenue to cover costs.
  - Implement a consistent and equitable program to minimize the number of unpaid bills, and streamline the collections process.
- D2. An increasing trend in the number of violations of Act 399 in the past year indicates the need for increased managerial oversight of the water supply. In addition, maintenance of the water plant and distribution system components is severely lacking. The lack of separate designated distribution and plant managers prevents staff from spending adequate time and energy on managing the water system. In order to maintain the managerial capacity to operate the public water supply and meet the requirements of Act 399, the City must hire separate certified operators to oversee the distribution system and the water treatment facility.



D3.R 325.11008 (2) requires a sufficient primary coagulant dose shall be added to create a settleable or filterable floc at all times. Currently the City adds coagulant to an injection point in the raw water influent pipe rather than the engineered rapid mix basins in the new plate settler building. It has become apparent, through a near violation of turbidity standards in February of 2018, as well as an ongoing treatment technique violation of R 325.10610c, this coagulation practice is not acceptable to meet the requirements of Act 399. Lack of proper mixing also impacts the pathogen removal credit awarded to properly operated conventional treatment facilities. **Adequate rapid mix for the primary coagulant must be installed.**

The current raw water pH of Lake Michigan is above the optimum operating range of the City's current coagulant, aluminum sulfate. At these elevated pH ranges, iron based coagulants, such as ferric sulfate or ferrous sulfate may be more suited for creating a settleable or filterable floc. The City should hire a consultant to explore the steps necessary to explore a switch of the primary coagulant.

D4.R 325.10720 (3) requires continuous monitoring for residual disinfectant at an entry point to the distribution system (EPTD) on a continual basis, and requires the minimum to be recorded for each day. The chlorine analyzer at the City's EPTD was reading less than 0.2 mg/L, the minimum required residual under R325.10611a(2)(b). The readings were identified as unreliable by the operator, and are not recorded as required above. Moreover, plant staff were not familiar with the operational setpoints necessary to achieve sufficient disinfection. **Accurate chlorine analyzer must be in place, minimum levels recorded daily and reported to the DEQ, and connected to SCADA with callout alarms in the event of low residual.**

D5.R 325.11404 requires a water supply to develop a comprehensive control program for the elimination and prevention of all cross connections. The program must include education, inspection, preventer testing in all customer sectors including residential. In addition, an annual report summarizing activities must be submitted to the DEQ. The City has insufficient staff to conduct any activities for the last few years, as evidenced by the lack of annual reporting. **The City must dedicate a trained staff person to implement this program or obtain a contract with a qualified professional company to implement the program.**

D6.R325.11108 requires a water supply to have sufficient valves in the distribution system to minimize interruptions in service and minimize sanitary hazards during construction or repairs. In addition, R 325.11111 requires adequate records be maintained on the distribution system components including hydrants and valves. The City has struggled to conduct necessary inventory and maintenance on valves in the system. **A plan for valve inventory and maintenance must be submitted, approved and implemented consistently.**

D7.R 325.11105 requires a water supply distribution system to maintain a minimum pressure of 20psi throughout the system during emergencies such as firefighting, and allows the department to prohibit installation of fire hydrants in areas where fire flow is not sufficient. From our discussion with staff and through the hydrant flow testing activities conducted during the reliability study, a number of hydrants in town have no flow or zero flow. This may be related to closed valves in the system, which significantly impacts public safety should an emergency occur. **A plan for hydrant inventory and maintenance must be submitted,**



approved and implemented consistently.

D8. The water plant's supervisory control and data acquisition (SCADA) system is in need of upgrades to achieve the following requirements:

- a. Storage and access to regulatory data such as EPTD chlorine residuals (R 325.10720), plant flow, and individual filter turbidity profiles (R10720a).
- b. Alarming capabilities to call out during unstaffed hours for low chlorine residual, low tower level, high turbidity at the filter confluence point and other undesirable conditions.
- c. Automation of water plant operations may be enhanced to allow staff to focus on maintenance activities.

The following deficiencies are also violations of Act 399, and must be resolved to return to compliance with Act 399.

D9. Install finished water meters at the water plant to facilitate accurate calculations and reporting of chemical treatment, calculation of non-revenue water, and more accurate calculation of CT.

D10. Significant amounts of unlined cast iron water main are in need of replacement. With funding in place, the City must prioritize replacement of old water main that is unreliable and undersized.

D11. The monthly operating report must accurately reflect the data collected at the water plant. For example, treated water has been estimated using raw water meters, and chlorine at the plant tap should be the minimum recorded for the day from the EPTD continuous analyzer as opposed to bench top analysis.

D12. Conduct a professional inspection on the elevated tank, including necessary maintenance and cleaning. This may be facilitated by installing variable frequency drive(s) on high service pumps, which would allow operating on pressure rather than on tower level.

If you have any information you would like us to consider regarding the significant deficiencies identified in this Significant Deficiency Violation Notice, please provide it in a written response by November 2, 2018.

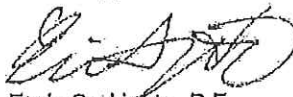
Representatives from the City and DEQ met on September 14, 2018 to discuss preliminary findings of the sanitary survey, and to begin discussion of a corrective action plan such as an administrative consent order (ACO), to return to compliance. It is understood that a significant amount of time will be required to address many of these issues. Therefore, we recognize that this ACO contains a schedule, which is both systematic and flexible, to bring the City back into compliance with the SDWA and providing a safe and reliable source of drinking water to its residents. Upon hearing from the City of its desire to move forward with an ACO, we will forward a draft ACO for the City's review and comment. At that time, DEQ staff will be available to meet with City officials to discuss the ACO in an attempt to execute it prior to the 120 day deadline.

Mr. Marcus Muhammad, Mayor  
Mr. Darwin Watson, City Manager  
Page 5  
October 3, 2018

A reliable supply of quality drinking water is critical to the growth and strength of any community. We are committed to working with the City to improve the water distribution system and treatment plant. With a strong commitment and swift effort from the City, we believe these deficiencies can be resolved and lead to long term water system sustainability.

We anticipate and appreciate your cooperation in resolving this matter. If you have any questions regarding this Significant Deficiency Violation Notice, please contact me by telephone at 616-307-0261; by e-mail at [sarkipatoe@michigan.gov](mailto:sarkipatoe@michigan.gov); or DEQ-DWMAD, 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49506.

Sincerely,



Ernie Sarkipato, P.E.,  
Surface Water Treatment Specialist  
Drinking Water and Municipal Assistance Division

Enclosure

cc: Berrien County Health Department  
cc/enc: Mr. Mike O'Malley, Operator in Charge, City of Benton Harbor  
Mr. Eric Oswald, Director, DEQ (via email)  
Ms. Sue Maul, Enforcement Specialist, DEQ (via email)  
Mr. Jon Bloemker, Engineering Unit Supervisor, DEQ (via email)

**From:** [Oswald, Eric \(EGLE\)](#)  
**To:** [Fong, Tera](#)  
**Subject:** RE: Water Crisis in Benton Harbor  
**Date:** Wednesday, July 21, 2021 2:31:00 PM

---

I thin we have this covered. Regina Strong, who is our environmental justice public advocate, followed up with Rev. Pinkney. Thanks,

Eric

---

**From:** Fong, Tera <[Fong.Tera@epa.gov](mailto:Fong.Tera@epa.gov)>  
**Sent:** Wednesday, July 21, 2021 2:29 PM  
**To:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Subject:** RE: Water Crisis in Benton Harbor

**CAUTION: This is an External email. Please send suspicious emails to [abuse@michigan.gov](mailto:abuse@michigan.gov)**

Eric, thanks very much. Appreciate the help on this.

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**From:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Sent:** Wednesday, July 21, 2021 1:28 PM  
**To:** Fong, Tera <[Fong.Tera@epa.gov](mailto:Fong.Tera@epa.gov)>  
**Subject:** RE: Water Crisis in Benton Harbor

Terra, see the attached emails for an update. Construction is well underway and is passed the point of being economical to shut down at this point. We will have discussions with the city on the cost but this may be completely reasonable if they expect another 20 years out of the tank.

We had our air quality folks inspect and they were satisfied with the controls in place to manage dust.

Records indicate any lead was removed in 1990. Contractor is sampling the material being removed to ensure it is not hazardous waste.

Eric

---

**From:** Fong, Tera <[Fong.Tera@epa.gov](mailto:Fong.Tera@epa.gov)>  
**Sent:** Wednesday, July 21, 2021 10:59 AM  
**To:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Subject:** FW: Water Crisis in Benton Harbor

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Good morning, Eric. Following up on your discussion yesterday with Mike Harris, do you have any information on the status of this project? I think one question to us was to explore a convening of parties to rethink the project, so understanding where this is in the planning/construction phase would be helpful.

Thanks!

**From:** Rev Edward Pinkney [REDACTED]@sbcglobal.net>  
**Date:** July 19, 2021 at 5:56:49 PM CDT  
**To:** Hunter Elizabeth <[REDACTED]@gmail.com>, Elin Betanzo <elin@safewaterengineering.com>, smorduno [REDACTED]@gmail.com>, Ron Singleton <rsingleton@cityofbentonharbormi.gov>, Juanita Henry <jhenry@bhcity.org>, "Rev Dr Don J. Tynes" <bhhc@dr.com>, Ellis Mitchell <emitchell@bhcity.us>, greenk1@michigans.gov, sarkiptoe@michigan.gov, StrongR1 <StrongR1@michigan.gov>, nicholas.leonard@glelc.org, "Sabater, Juan" <Sabater.Juan@epa.gov>, "Cisar, Elizabeth" <Cisar.Elizabeth@epa.gov>, "Newton, Cheryl" <Newton.Cheryl@epa.gov>, Mary Adams <madams@bhcity.us>, Edward Isom <eisom@cityofbentonharbormi.gov>, Ruthie Haralson <rharalson@cityofbentonharbormi.gov>, Eugene Anderson [REDACTED]@yahoo.com>, [REDACTED]@gmail.com, "Oswald, Eric (EGLE)" <OswaldE1@michigan.gov>  
**Subject: Water Crisis in Benton Harbor**

To Whom it may concern:

Please take the time to look into this very serious problem as soon as possible.

Thank you

Rev Edward Pinkney

**From:** [Fong, Tera](#)  
**To:** [Oswald, Eric \(EGLE\)](#)  
**Subject:** RE: Water Crisis in Benton Harbor  
**Date:** Wednesday, July 21, 2021 2:29:14 PM

---

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Eric, thanks very much. Appreciate the help on this.

---

**From:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Sent:** Wednesday, July 21, 2021 1:28 PM  
**To:** Fong, Tera <[Fong.Tera@epa.gov](mailto:Fong.Tera@epa.gov)>  
**Subject:** RE: Water Crisis in Benton Harbor

Terra, see the attached emails for an update. Construction is well underway and is passed the point of being economical to shut down at this point. We will have discussions with the city on the cost but this may be completely reasonable if they expect another 20 years out of the tank.

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Eric

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**From:** Fong, Tera <[Fong.Tera@epa.gov](mailto:Fong.Tera@epa.gov)>  
**Sent:** Wednesday, July 21, 2021 10:59 AM  
**To:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Subject:** FW: Water Crisis in Benton Harbor

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**From:** Rev Edward Pinkney <[\[REDACTED\]@sbcglobal.net](mailto:[REDACTED]@sbcglobal.net)>  
**Date:** July 19, 2021 at 5:56:49 PM CDT



**To:** Hunter Elizabeth [REDACTED]@gmail.com>, Elin Betanzo  
<elin@safewaterengineering.com>, smorduno <[REDACTED]@gmail.com>, Ron Singleton  
<rsingleton@cityofbentonharbormi.gov>, juanita Henry <jhenry@bhcity.org>, "Rev Dr  
Don J. Tynes" <bhhc@dr.com>, Ellis Mitchell <emitchell@bhcity.us>,  
greenk1@michigans.gov, sarkiptoe@michigan.gov, StrongR1  
<StrongR1@michigan.gov>, nicholas.leonard@glelc.org, "Sabater, Juan"  
<Sabater.Juan@epa.gov>, "Cisar, Elizabeth" <Cisar.Elizabeth@epa.gov>, "Newton,  
Cheryl" <Newton.Cheryl@epa.gov>, Mary Adams <madams@bhcity.us>, Edward Isom  
<eisom@cityofbentonharbormi.gov>, Ruthie Haralson  
<rharalson@cityofbentonharbormi.gov>, Eugene Anderson  
[REDACTED]@yahoo.com>, [REDACTED]@gmail.com, "Oswald, Eric  
(EGLE)" <OswaldE1@michigan.gov>

**Subject: Water Crisis in Benton Harbor**

To Whom it may concern:

Please take the time to look into this very serious problem as soon as possible.

Thank you

Rev Edward Pinkney

**From:** [Oswald, Eric \(EGLE\)](#)  
**To:** [Fong, Tera](#)  
**Subject:** RE: Water Crisis in Benton Harbor  
**Date:** Wednesday, July 21, 2021 2:27:00 PM  
**Attachments:** [FW Benton Harbor water tower blast cleaning.msg](#)  
[FW Benton Harbor water tower.msg](#)

---

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**Sent:** Wednesday, July 21, 2021 10:59 AM  
**To:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Subject:** FW: Water Crisis in Benton Harbor

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**From:** Rev Edward Pinkney [REDACTED] <[\[REDACTED\]@sbcglobal.net](mailto:[REDACTED]@sbcglobal.net)>  
**Date:** July 19, 2021 at 5:56:49 PM CDT  
**To:** Hunter Elizabeth [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>, Elin Betanzo <[elin@safewaterengineering.com](mailto:elin@safewaterengineering.com)>, smorduno [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>, Ron Singleton <[rsingleton@cityofbentonharbormi.gov](mailto:rsingleton@cityofbentonharbormi.gov)>, juanita Henry <[jhenry@bhcity.org](mailto:jhenry@bhcity.org)>, "Rev Dr Don J. Tynes" <[bhhc@dr.com](mailto:bhhc@dr.com)>, Ellis Mitchell <[emitchell@bhcity.us](mailto:emitchell@bhcity.us)>, [greenk1@michigans.gov](mailto:greenk1@michigans.gov), [sarkiptoe@michigan.gov](mailto:sarkiptoe@michigan.gov), StrongR1 <[StrongR1@michigan.gov](mailto:StrongR1@michigan.gov)>, [nicholas.leonard@glelc.org](mailto:nicholas.leonard@glelc.org), "Sabater, Juan" <[Sabater.Juan@epa.gov](mailto:Sabater.Juan@epa.gov)>, "Cisar, Elizabeth" <[Cisar.Elizabeth@epa.gov](mailto:Cisar.Elizabeth@epa.gov)>, "Newton, Cheryl" <[Newton.Cheryl@epa.gov](mailto:Newton.Cheryl@epa.gov)>, Mary Adams <[madams@bhcity.us](mailto:madams@bhcity.us)>, Edward Isom <[eisom@cityofbentonharbormi.gov](mailto:eisom@cityofbentonharbormi.gov)>, Ruthie Haralson <[rharalson@cityofbentonharbormi.gov](mailto:rharalson@cityofbentonharbormi.gov)>, Eugene Anderson <[\[REDACTED\]@yahoo.com](mailto:[REDACTED]@yahoo.com)>, [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>, "Oswald, Eric

(EGLE)" <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>

**Subject: Water Crisis in Benton Harbor**

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Thank you

Rev Edward Pinkney



---

From: Oswald, Eric (EGLE) []  
To: Strong, Regina (EGLE) [StrongR1@michigan.gov]; Dolehanty, Mary Ann (EGLE) [DOLEHANTYM@michigan.gov]; Browne, Elizabeth (EGLE) [BROWNEE@michigan.gov]  
CC:  
Subject: FW: Benton Harbor water tower blast cleaning  
Sent: Wednesday, July 21, 2021 10:17:41  
Attachment 1: image001.jpg  
Attachment 2: image002.png

---

Update – thanks Mary Ann!

Eric

From: Sarkipato, Ernest (EGLE) <SARKIPATOE@michigan.gov>  
Sent: Wednesday, July 21, 2021 10:10 AM  
To: Oswald, Eric (EGLE) <OswaldE1@michigan.gov>; Bolf, Michael (EGLE) <BOLFM@michigan.gov>; Krisztian, George (EGLE) <krisztiang@michigan.gov>  
Subject: FW: Benton Harbor water tower blast cleaning

Update from AQD inspection below. In short, no issues with the containment and Dixon inspector was onsite.

Further, records indicate the previous lead coating was already removed, so there is no expectation of lead being present.

We talked about the report with the City Manager, who would like EGLE to facilitate a meeting between the City, Abonmarche, F&V, and the BHCWC (Rev. Pinkney's Group).

Should I be drafting a response to this letter of concern?

Ernie Sarkipato, P.E.

Surface Water Treatment Specialist

Drinking Water and Environmental Health Division

Michigan Department of Environment, Great Lakes, and Energy

616-307-0261

www.Michigan.gov/communitywater <<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.michigan.gov%2Fcommunitywater&data=04%7C01%7COswaldE1%40michigan.gov%7Cbc0d143ae6074acf0f8c08d94c51363f%7Cd5fb7087377742ad966a892ef47225d1%7C0%7C0%7C637624733945756771%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6I6I1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=EteoO2iXjuZPMvk7AGCPiiccltBWrfT9ncPhEx0Id0%3D&reserved=0>>

From: Lane, Rex (EGLE) <LANER@michigan.gov <mailto:LANER@michigan.gov> >  
Sent: Wednesday, July 21, 2021 9:34 AM  
To: Yazzie, Cody (EGLE) <YazzieC@michigan.gov <mailto:YazzieC@michigan.gov> >  
Cc: Deskins, Matthew (EGLE) <DESKINSM@michigan.gov <mailto:DESKINSM@michigan.gov> >; Dolehanty, Mary Ann (EGLE) <DOLEHANTYM@michigan.gov <mailto:DOLEHANTYM@michigan.gov> >; Strong, Regina (EGLE) <StrongR1@michigan.gov <mailto:StrongR1@michigan.gov> >; Sarkipato, Ernest (EGLE) <SARKIPATOE@michigan.gov <mailto:SARKIPATOE@michigan.gov> >  
Subject: RE: Benton Harbor water tower blast cleaning

Hi Cody,

Thanks so much for going out on this complaint on short notice yesterday and for the quick investigative summary. I really appreciate it. Let me know when you've completed your complaint investigation report in MACES so I can forward it on to Ernie Sarkipato, DWEHD and other interested parties.

Thanks again,

Rex Lane

District Supervisor

Air Quality Division

Michigan Dept. of Environment, Great Lakes, and Energy (EGLE)

7953 Adobe Road, Kalamazoo, MI 49009

Cell: 269-312-1540/ <mailto:laner@michigan.gov> laner@michigan.gov

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Michigan.gov/EGLE

From: Yazzie, Cody (EGLE) <YazzieC@michigan.gov <mailto:YazzieC@michigan.gov> >  
Sent: Wednesday, July 21, 2021 9:25 AM  
To: Lane, Rex (EGLE) <LANER@michigan.gov <mailto:LANER@michigan.gov> >  
Subject: RE: Benton Harbor water tower blast cleaning

Hi Rex,

Just wanted to give you an update on this complaint. When I arrived at the water tower they did have the tower tarped off and covered. I spent about 15 minutes looking to see if I could observe any visible emissions coming off of the tower. I did not observe any during that time. I also drove around the surrounding roads looking for any fallout and also did not observe any fallout that I thought could be attributed to the blasting operation. I did go and talk to the foreman on the job and he showed me the filtration system they were using and the bags of the waste material that they were collecting. The site was clean and did not have any fallout debris. The site also had a third party inspector on site. When I talked to him he said making sure there was no fallout was part of what he was there for. He indicated that he hadn't observed any fallout or visible emissions while they were operating that day. I planned on writing the complaint report up as needing more complaints before any action could be taken.

If you have any questions just let me know.

Thanks,

Cody Yazzie

Environmental Engineer

Air Quality Division / Kalamazoo District Office

Michigan Department of Environment, Great Lakes and Energy (EGLE)

\*New Phone: 269-312-2754 | YazzieC@michigan.gov <mailto:YazzieC@michigan.gov>

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url=http%3A%2F%2Fwww.michigan.gov%2FEGLE&data=04%7C01%7COswaldE1%40michigan.gov%7Cbc0d143ae6074acf0f8c08d94c51363f%7Cd5fb7087377742ad966a892ef47225d1%7C0%7C0%7C637624733945776681%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=s%2B4UJcjA9NugPuoPIOXqHqfsbQX9Y%2BCDUohr3GNcZFW%3D&reserved=0>

From: Lane, Rex (EGLE) <LANER@michigan.gov <mailto:LANER@michigan.gov> >  
Sent: Tuesday, July 20, 2021 1:31 PM  
To: Dolehanty, Mary Ann (EGLE) <DOLEHANTYM@michigan.gov <mailto:DOLEHANTYM@michigan.gov> >  
Cc: Yazzie, Cody (EGLE) <YazzieC@michigan.gov <mailto:YazzieC@michigan.gov> >  
Subject: Benton Harbor water tower blast cleaning

Hi Mary Ann,

I just got off the phone with Cody and he's going to go out to the facility this afternoon.

Thanks Cody!

Rex Lane

District Supervisor

Air Quality Division

Michigan Dept. of Environment, Great Lakes, and Energy (EGLE)

7953 Adobe Road, Kalamazoo, MI 49009

Cell: 269-312-1540/ <mailto:laner@michigan.gov> laner@michigan.gov

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Michigan.gov/EGLE



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From: Oswald, Eric (EGLE) []  
To: Strong, Regina (EGLE) [StrongR1@michigan.gov]  
CC: Dolehanty, Mary Ann (EGLE) [DOLEHANTYM@michigan.gov]; Browne, Elizabeth (EGLE) [BROWNEE@michigan.gov]  
Subject: FW: Benton Harbor water tower  
Sent: Tuesday, July 20, 2021 11:14:51

---

FYI – more information prior to our conversation.

Eric

From: Eric Binkowski <ericbinkowski@dixonengineering.net>  
Sent: Tuesday, July 20, 2021 11:10 AM  
To: Sarkipato, Ernest (EGLE) <SARKIPATOE@michigan.gov>  
Cc: Bolf, Michael (EGLE) <BOLFM@michigan.gov>; Jason Marquardt <jmarquardt@abonmarche.com>; Darold Harlan <dharlan@fv-operations.com>; emitchell@bhcity.us; Oswald, Eric (EGLE) <OswaldE1@michigan.gov>; Sue J <rjones@fv-operations.com>  
Subject: RE: Benton Harbor water tower

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abuse@michigan.gov

Earnie,

I've talked with the contractor to reaffirm the requirements for use of the containment system to collect dust and debris from the abrasive blast cleaning operations. I also confirmed with our site observation technician that during his visits to the site, no dust escape was noted. It is not uncommon for the equipment on site to be running leading up to the time that the abrasive blast cleaning is to begin. I will also note that it is not uncommon for dust and debris to be present on the containment tarps and mechanism and dislodge during the raising and lowering of the system.

The information we have on file for the exterior coatings indicates that lead is not present in the coating film that is being removed from the exterior surfaces of the tank. The existing system was applied in 1990 after the previous coatings were removed by abrasive blast cleaning. Lead coatings were phased out before the 1990's and the system applied was an epoxy/urethane system similar to what is being used this time as well. We have taken a waste sample and are awaiting the results which would represent the due diligence required where coatings are being removed and disposed of during a rehabilitation project. When the results of the waste testing become available they will be reviewed and documented in the project file information.

Non-lead generated dust is to be confined to the property but it is considered a nuisance versus a hazard similar to dusts created during road or building demolition and construction.

As to the meeting, I already have a meeting scheduled from 2-4 pm today so I will not be able to attend as requested. Our site observation technician is scheduled to be onsite this afternoon to look at the completed blast cleaning before the application of the prime coat.

If you have additional questions, contact me at 616-292-1288

Thanks,

Eric

From: Sarkipato, Ernest (EGLE) <SARKIPATOE@michigan.gov <mailto:SARKIPATOE@michigan.gov> >  
Sent: Tuesday, July 20, 2021 9:31 AM  
To: Eric Binkowski <ericbinkowski@dixonengineering.net <mailto:ericbinkowski@dixonengineering.net> >  
Cc: Bolf, Michael (EGLE) <BOLFM@michigan.gov <mailto:BOLFM@michigan.gov> >; Jason Marquardt <jmarquardt@abonmarche.com <mailto:jmarquardt@abonmarche.com> >; Darold Harlan <dharlan@fv-operations.com <mailto:dharlan@fv-operations.com> >; emitchell@bhcity.us <mailto:emitchell@bhcity.us> >; Oswald, Eric (EGLE) <OswaldE1@michigan.gov <mailto:OswaldE1@michigan.gov> >; Sue J <rjones@fv-operations.com <mailto:rjones@fv-operations.com> >  
Subject: Benton Harbor water tower

[EXTERNAL]

Good morning Eric,

We have some concerned folks regarding the ongoing water tower work, in particular the management of dust. To help keep them informed, I am hoping to check on a few things with respect to this project:

-Is there confirmed (or assumed) presence of lead paint?

-Is the containment effectively controlling dust during removal activities, per project specifications? (see photo from Darold, and excerpt from project spec)

I am going to forward a meeting invite for today at 3PM, which is a weekly/recurring meeting with city officials. It would be great to get an update from Dixon at the beginning of the meeting!





**From:** [Fong, Tera](#)  
**To:** [Oswald, Eric \(EGLE\)](#)  
**Subject:** RE: Water Crisis in Benton Harbor  
**Date:** Wednesday, July 21, 2021 2:49:39 PM

---

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Thanks again

---

**From:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Sent:** Wednesday, July 21, 2021 1:32 PM  
**To:** Fong, Tera <[Fong.Tera@epa.gov](mailto:Fong.Tera@epa.gov)>  
**Subject:** RE: Water Crisis in Benton Harbor

I thin we have this covered. Regina Strong, who is our environmental justice public advocate, followed up with Rev. Pinkney. Thanks,

Eric

---

**From:** Fong, Tera <[Fong.Tera@epa.gov](mailto:Fong.Tera@epa.gov)>  
**Sent:** Wednesday, July 21, 2021 2:29 PM  
**To:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Subject:** RE: Water Crisis in Benton Harbor

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Eric, thanks very much. Appreciate the help on this.

---

**From:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Sent:** Wednesday, July 21, 2021 1:28 PM  
**To:** Fong, Tera <[Fong.Tera@epa.gov](mailto:Fong.Tera@epa.gov)>  
**Subject:** RE: Water Crisis in Benton Harbor

Terra, see the attached emails for an update. Construction is well underway and is passed the point of being economical to shut down at this point. We will have discussions with the city on the cost but this may be completely reasonable if they expect another 20 years out of the tank.

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to ensure it is not hazardous waste.

Eric

---

**From:** Fong, Tera <[Fong.Tera@epa.gov](mailto:Fong.Tera@epa.gov)>  
**Sent:** Wednesday, July 21, 2021 10:59 AM  
**To:** Oswald, Eric (EGLE) <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Subject:** FW: Water Crisis in Benton Harbor

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Good morning, Eric. Following up on your discussion yesterday with Mike Harris, do you have any information on the status of this project? I think one question to us was to explore a convening of parties to rethink the project, so understanding where this is in the planning/construction phase would be helpful.

Thanks!

**From:** Rev Edward Pinkney [REDACTED] <[\[REDACTED\]@sbcglobal.net](mailto:[REDACTED]@sbcglobal.net)>  
**Date:** July 19, 2021 at 5:56:49 PM CDT  
**To:** Hunter Elizabeth [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>, Elin Betanzo <[elin@safewaterengineering.com](mailto:elin@safewaterengineering.com)>, smorduno [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>, Ron Singleton <[rsingleton@cityofbentonharbormi.gov](mailto:rsingleton@cityofbentonharbormi.gov)>, juanita Henry <[jhenry@bhcity.org](mailto:jhenry@bhcity.org)>, "Rev Dr Don J. Tynes" <[bhhc@dr.com](mailto:bhhc@dr.com)>, Ellis Mitchell <[emitchell@bhcity.us](mailto:emitchell@bhcity.us)>, [greenk1@michigans.gov](mailto:greenk1@michigans.gov), [sarkiptoe@michigan.gov](mailto:sarkiptoe@michigan.gov), StrongR1 <[StrongR1@michigan.gov](mailto:StrongR1@michigan.gov)>, [nicholas.leonard@glelc.org](mailto:nicholas.leonard@glelc.org), "Sabater, Juan" <[Sabater.Juan@epa.gov](mailto:Sabater.Juan@epa.gov)>, "Cisar, Elizabeth" <[Cisar.Elizabeth@epa.gov](mailto:Cisar.Elizabeth@epa.gov)>, "Newton, Cheryl" <[Newton.Cheryl@epa.gov](mailto:Newton.Cheryl@epa.gov)>, Mary Adams <[madams@bhcity.us](mailto:madams@bhcity.us)>, Edward Isom <[eisom@cityofbentonharbormi.gov](mailto:eisom@cityofbentonharbormi.gov)>, Ruthie Haralson <[rharalson@cityofbentonharbormi.gov](mailto:rharalson@cityofbentonharbormi.gov)>, Eugene Anderson [REDACTED] <[\[REDACTED\]@yahoo.com](mailto:[REDACTED]@yahoo.com)>, [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>, "Oswald, Eric (EGLE)" <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>  
**Subject:** Water Crisis in Benton Harbor

To Whom it may concern:

Please take the time to look into this very serious problem as soon as possible.

Thank you

Rev Edward Pinkney

**From:** [Oswald, Eric \(EGLE\)](#)  
**To:** [Walts, Alan](#); [Strong, Regina \(EGLE\)](#)  
**Cc:** [Murphy, Elizabeth](#); [DiCosmo, Nefertiti](#); [Smith, Molly](#); [Triantafillou, Kathy](#); [Poy, Thomas](#)  
**Subject:** Re: Inviting EGLE to meeting w/ Rev Pinkney (Benton Harbor)  
**Date:** Wednesday, July 28, 2021 6:25:21 PM

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Looks like the meeting was set up for the 5th as opposed to the 4th?

Eric

**From:** [banco9342](#)  
**To:** [Walts, Alan](#)  
**Cc:** [Elin; Oswald, Eric \(EGLE\); Newton, Cheryl; Cyndi Roper; Jen Read; Strong, Regina \(EGLE\); Nicholas.Leonard; Sasy, Ninah \(DHHS\); \[REDACTED\]@gmail.com; sarkiptoe@michigan.gov; Sabater, Juan; Sylvia Orduño; Cisar, Elizabeth; greenk1@michigans.gov; Ron Singleton; Ruthie Haralson; \[REDACTED\]@gmail.com; Eugene Anderson; TYWONA PALMER](#)  
**Subject:** Re: Public Advisory for drinking water in the city of Benton Harbor:  
**Date:** Monday, August 16, 2021 10:58:20 AM

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Good Morning Alan

Thank you so much for taking the time to respond. I am taking this situation very seriously. I am very concern.

Please get back with me.

As soon as possible

Rev Pinkney

Sent from my Sprint Samsung Galaxy S8.

----- Original message -----

**From:** "Walts, Alan" <[walts.alan@epa.gov](mailto:walts.alan@epa.gov)>

**Date:** 8/16/21 10:45 AM (GMT-05:00)

**To:** Rev Edward Pinkney <[\[REDACTED\]@sbcglobal.net](mailto:[REDACTED]@sbcglobal.net)>

**Cc:** Elin Betanzo <[elin@safewaterengineering.com](mailto:elin@safewaterengineering.com)>, "Oswald, Eric (EGLE)" <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>, "Newton, Cheryl" <[Newton.Cheryl@epa.gov](mailto:Newton.Cheryl@epa.gov)>, Cyndi Roper <[croper@nrdc.org](mailto:croper@nrdc.org)>, Jen Read <[jenread@umich.edu](mailto:jenread@umich.edu)>, StrongR1 <[StrongR1@michigan.gov](mailto:StrongR1@michigan.gov)>, "Nicholas.Leonard" <[nicholas.leonard@glelc.org](mailto:nicholas.leonard@glelc.org)>, "Sasy Ninah (TREASURY)" <[sasyn@michigan.gov](mailto:sasyn@michigan.gov)>, smorduno <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>, sarkiptoe@michigan.gov, "Sabater, Juan" <[Sabater.Juan@epa.gov](mailto:Sabater.Juan@epa.gov)>, Sylvia Orduño <[\[REDACTED\]@yahoo.com](mailto:[REDACTED]@yahoo.com)>, "Cisar, Elizabeth" <[Cisar.Elizabeth@epa.gov](mailto:Cisar.Elizabeth@epa.gov)>, greenk1@michigans.gov, Ron Singleton <[rsingleton@cityofbentonharbormi.gov](mailto:rsingleton@cityofbentonharbormi.gov)>, Ruthie Haralson <[rharalson@cityofbentonharbormi.gov](mailto:rharalson@cityofbentonharbormi.gov)>, [REDACTED]@gmail.com, Eugene Anderson <[\[REDACTED\]@yahoo.com](mailto:[REDACTED]@yahoo.com)>, TYWONA PALMER <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>

**Subject:** Re: Public Advisory for drinking water in the city of Benton Harbor:

Rev. Pinkney --

Good morning, acknowledging receipt of this note as well as your 8/10 email and letter. EPA and EGLE are working to respond to this letter and we will follow up with you soon.

Best,  
Alan

On Aug 16, 2021, at 6:54 AM, Rev Edward Pinkney  
<[REDACTED]@sbcglobal.net> wrote:

Good Morning

The reason I am writing you . I have not received a reply. from any member of the (EPA or EGLE) I am very concern. about the Public Advisory that was sent out on August 4, 2021. What happen when lead enter the body. It is distributed throughout the organs such as the brain, kidney, liver, and bones. It is also stored in the teeth, where it can accumulate over time and mobilized into the blood and can expose a feus during pregnancy and result in miscarriage and birth defects. Lead is destroying our children. How Poisonous is lead, as it affects almost every organ in the body. The nervous system is affected , and lead toxicity has the most impact. I need to know , What is the next step? Please let me know you received this information.

Rev Edward Pinkney

<BHCWC funding letter to EPA Region 5\_EB.docx>

**From:** [Walts, Alan](#)  
**To:** [Rev Edward Pinkney](#)  
**Cc:** [Elin; Oswald, Eric \(EGLE\); Newton, Cheryl; Cyndi Roper; Jen Read; Strong, Regina \(EGLE\); Nicholas Leonard; Sasy, Ninah \(DHHS\); \[REDACTED\]@gmail.com; sarkiptoe@michigan.gov; Sabater, Juan; Sylvia Orduño; Cisar, Elizabeth; greenk1@michigans.gov; Ron Singleton; Ruthie Haralson; \[REDACTED\]@gmail.com; Eugene Anderson; TYWONA PALMER](#)  
**Subject:** Re: Public Advisory for drinking water in the city of Benton Harbor:  
**Date:** Monday, August 16, 2021 10:45:12 AM

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Rev. Pinkney --

Good morning, acknowledging receipt of this note as well as your 8/10 email and letter. EPA and EGLE are working to respond to this letter and we will follow up with you soon.

Best,  
Alan

On Aug 16, 2021, at 6:54 AM, Rev Edward Pinkney  
[REDACTED]@sbcglobal.net> wrote:

Good Morning

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Rev Edward Pinkney

<BHCWC funding letter to EPA Region 5\_EB.docx>



**From:** [Walts, Alan](#)  
**To:** [banco9342](#)  
**Cc:** [Elin; Oswald, Eric \(EGLE\); Newton, Cheryl; Cyndi Roper; Jen Read; Strong, Regina \(EGLE\); Nicholas.Leonard; Sasy, Ninah \(DHHS\) \[REDACTED\]@gmail.com; sarkiptoe@michigan.gov; Sabater, Juan; Sylvia Orduño; Cisar, Elizabeth; greenk1@michigans.gov; Ron Singleton; Ruthie Haralson; \[REDACTED\]@gmail.com; Eugene Anderson; TYWONA PALMER](#)  
**Subject:** Re: Public Advisory for drinking water in the city of Benton Harbor:  
**Date:** Monday, August 16, 2021 11:04:15 AM

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Good morning Reverend - I understand, and expect our water program will follow up with you soon.

Best,  
Alan

On Aug 16, 2021, at 9:58 AM, banco9342 [REDACTED]@sbcglobal.net> wrote:

Good Morning Alan

Thank you so much for taking the time to respond. I am taking this situation very seriously. I am very concern.  
Please get back with me.  
As soon as possible  
Rev Pinkney

Sent from my Sprint Samsung Galaxy S8.

----- Original message -----

From: "Walts, Alan" <[walts.alan@epa.gov](mailto:walts.alan@epa.gov)>  
Date: 8/16/21 10:45 AM (GMT-05:00)  
To: Rev Edward Pinkney <[REDACTED]@sbcglobal.net>  
Cc: Elin Betanzo <[elin@safewaterengineering.com](mailto:elin@safewaterengineering.com)>, "Oswald, Eric (EGLE)" <[OswaldE1@michigan.gov](mailto:OswaldE1@michigan.gov)>, "Newton, Cheryl" <[Newton.Cheryl@epa.gov](mailto:Newton.Cheryl@epa.gov)>, Cyndi Roper <[croper@nrdc.org](mailto:croper@nrdc.org)>, Jen Read <[jenread@umich.edu](mailto:jenread@umich.edu)>, StrongR1 <[StrongR1@michigan.gov](mailto:StrongR1@michigan.gov)>, "Nicholas.Leonard" <[nicholas.leonard@glelc.org](mailto:nicholas.leonard@glelc.org)>, "Sasy Ninah (TREASURY)" <[sasyn@michigan.gov](mailto:sasyn@michigan.gov)>, smorduno [REDACTED]@gmail.com>, sarkiptoe@michigan.gov, "Sabater, Juan" <[Sabater.Juan@epa.gov](mailto:Sabater.Juan@epa.gov)>, Sylvia Orduño [REDACTED]@yahoo.com>, "Cisar, Elizabeth" <[Cisar.Elizabeth@epa.gov](mailto:Cisar.Elizabeth@epa.gov)>, greenk1@michigans.gov, Ron Singleton <[rsingleton@cityofbentonharbormi.gov](mailto:rsingleton@cityofbentonharbormi.gov)>, Ruthie Haralson

<rharon@cityofbentonharbormi.gov>, [REDACTED]@gmail.com,  
Eugene Anderson <[REDACTED]@yahoo.com>, TYWONA PALMER  
[REDACTED]@gmail.com>

Subject: Re: Public Advisory for drinking water in the city of Benton Harbor:

Rev. Pinkney --

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Best,  
Alan

On Aug 16, 2021, at 6:54 AM, Rev Edward Pinkney  
<[REDACTED]@sbcglobal.net> wrote:

Good Morning

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Rev Edward Pinkney

<BHCWC funding letter to EPA Region 5\_EB.docx>

**From:** [Harris, Michael](#)  
**To:** [Oswald, Eric \(EGLE\)](#)  
**Cc:** [Fong, Tera](#); [Holst, Linda](#); [Nelson, Leverett](#)  
**Subject:** Water Crisis in Benton Harbor  
**Date:** Thursday, July 22, 2021 2:34:36 PM

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Hi Eric,

We are planning to let Rev. Edward Pinkney know that his concerns regarding exposure during the work on the water tower have been raised to EGLE. We will also inform him that EGLE plans on conducting an inspection for compliance with appropriate abatement procedures and we will inform him of the results of the inspection.

Could you let me know who from the City cc list below should be included in this communication?

Thank you.

Michael D. Harris  
Director, Enforcement and Compliance Assurance Division  
U. S. Environmental Protection Agency, Region 5  
[77 West Jackson Blvd.](#)  
[Chicago, IL 60604](#)  
[\(312\) 886-0760](#)

>> From: Rev Edward Pinkney <[REDACTED]@sbcglobal.net>  
>> Sent: Monday, July 19, 2021 5:55 PM  
>> To: Hunter Elizabeth <[REDACTED]@gmail.com>; Elin Betanzo <elin@safewaterengineering.com>; smorduno <[REDACTED]@gmail.com>; Ron Singleton <rsingleton@cityofbentonharbormi.gov>; Juanita Henry <jhenry@bhcity.org>; Rev Dr Don J. Tynes <bhhc@dr.com>; Ellis Mitchell <emitchell@bhcity.us>; greenk1@michigans.gov; sarkiptoe@michigan.gov; StrongR1 <StrongR1@michigan.gov>; nicholas.leonard@glelc.org; Sabater, Juan <Sabater.Juan@epa.gov>; Cisar, Elizabeth <Cisar.Elizabeth@epa.gov>; Newton, Cheryl <Newton.Cheryl@epa.gov>; Mary Adams <madams@bhcity.us>; Edward Isom <eisom@cityofbentonharbormi.gov>; Ruthie Haralson <rharalson@cityofbentonharbormi.gov>; Eugene Anderson <[REDACTED]@yahoo.com>; [REDACTED] <[REDACTED]@gmail.com>; Oswald, Eric (EGLE) <OswaldE1@michigan.gov>  
>> Subject: Water Crisis in Benton Harbor  
>>  
>> To Whom it may concern:  
>>  
>> Please take the time to look into this very serious problem as soon as possible.

>>

>> Thank you

>>

>> Rev Edward Pinkney

>>

>>

>>