



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 5**  
**77 WEST JACKSON BOULEVARD**  
**CHICAGO, IL 60604-3590**

REPLY TO ATTENTION OF  
ECW-15J

**VIA ELECTRONIC MAIL**

Ellis Mitchell  
City Manager  
City of Benton Harbor  
200 East Wall Street  
Benton Harbor, MI 49022  
emitchell@bhcitcity.us

**Re: Termination of Unilateral Administrative Order**

Dear Ellis Mitchell:

On November 2, 2021, the U.S. Environmental Protection Agency (EPA) issued a Unilateral Administrative Order ("Order") to the Benton Harbor Public Water System ("System"), PWS Identification Number MI0000600, under Section 1414(g) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3(g). The Order outlined specific steps necessary for the System to correct certain alleged violations and come into compliance with SDWA and the National Primary Drinking Water Regulations.

In April 2022, EPA sent a letter to the System regarding the Disinfection Profiling and Benchmarking requirements under Paragraph 110 of the Order. EPA sent the letter in response to an EPA compliance inspection and specific concerns with the methods of monitoring disinfection concentrations throughout the treatment plant. Following receipt of the letter, the System addressed EPA's concerns. The System has provided revised calculations and documentation which demonstrate that the treatment process is currently meeting the requirements of the Surface Water Treatment Rules, as required by Paragraph 110 of the Order. The System submitted its final Disinfection Profiling and Benchmarking Report on March 10, 2023, following twelve consecutive months of monitoring.

Following the submission of the final Disinfection Profiling and Benchmarking Report, the System has demonstrated to EPA that all terms of the Order have been satisfactorily completed. Therefore, the Order is hereby terminated. Terms of the Order included, but were not limited to, informing consumers when lead action level exceedances were detected in drinking water, implementing stricter requirements for improved monitoring of residual disinfectants and its byproducts, making filter repairs at the treatment plant, ensuring proper alarms are set for its

Supervisory Control and Data Acquisition (SCADA) system, and ensuring continuous monitoring devices are fully operable and maintained. In addition, 100% of lead service lines in Benton Harbor have been replaced since EPA issued the Order, and the System has not experienced a lead action level exceedance in any of its three most recent Lead and Copper Rule compliance monitoring periods (July to December 2021, January to June 2022, and July to December 2022).

Termination of this Order in no way relieves the System of the ongoing obligation to comply with the requirements of SDWA and its implementing regulations. The effect of this termination is limited to the requirements imposed under the Order. EPA reserves its authorities, both legal and equitable, under SDWA and any other statutory, regulatory, or common law authorities of the United States. The System should continue to work with the State of Michigan to maintain compliance with applicable requirements.

Thank you for your efforts to protect water quality. If you have any questions on this matter, please contact Victoria Anderson at [anderson.victoria@epa.gov](mailto:anderson.victoria@epa.gov) or Jonathan Moody at [moody.jonathan@epa.gov](mailto:moody.jonathan@epa.gov).

Sincerely,

**MICHAEL  
HARRIS**

Digitally signed by  
MICHAEL HARRIS  
Date: 2023.06.08  
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Michael D. Harris  
Director  
Enforcement and Compliance Assurance Division

cc:

Eric Oswald, EGLE  
Brian Thurston, EGLE  
Michael Bolf, EGLE  
Erin Russell, EGLE  
Summer Groomes, EGLE