



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

August 13, 2020

Ms. Rebecca Fleury
City of Battle Creek
10 N. Division Street Suite 111
Battle Creek, Michigan 49014

WSSN: 00450
County: Calhoun

Dear Ms. Fleury:

SUBJECT: Treatment Technique Violation for Failure to Maintain Corrosion Control
Treatment within Required Range

The Department of Environment, Great Lakes, and Energy (EGLE), Drinking Water and Environmental Health Division (DWEHD), records show that the City of Battle Creek (Battle Creek) is in violation of the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399) under Rule 604f governing *Treatment techniques for lead and copper* of the 1979 Administrative Code.

Rule 604f states that a water system is out of compliance if it has excursions for a DWEHD specified parameter on more than nine (9) days during a six-month period. An excursion occurs when the daily value for one or more of the water quality parameters measured at a sampling location is outside the DWEHD designated range. Battle Creek was informed of these ranges in the sanitary survey letter dated May 5, 2005. During the monitoring periods indicated below, Battle Creek had more than 9 (nine) excursion days.

Monitoring period	Location	Excursion days
January 1 – June 30, 2020	Point of entry	15 days

The EGLE investigation consisted of a review of water quality parameter data and Monthly Operating Reports. Our investigation is considered complete. The violation began January 1, 2020 and will continue until the water quality parameter sample results meet the required ranges for a six-month monitoring period. Battle Creek must have nine (9) or less excursion days in the next monitoring period of July 1 to December 31, 2020, in order to return to compliance.

Rule 403, *Tier 2 public notice; form, manner, and frequency of notice*, of Act 399, requires that, not later than 30 days after learning of the violation, suppliers provide public notice by mail or direct delivery and by any other means reasonably calculated to reach other persons regularly served by the system. Enclosed is a sample public notice. **Please notify your consumers not later than September 13, 2020, and send us a signed and dated copy of the issued notice within ten (10) days of distribution.** This violation must be included in your 2020 Consumer Confidence Report (CCR), due by July 1, 2021.

EGLE is authorized under Section 7 of Act 399, MCL 325.1007, to issue fines for public water supply monitoring and reporting violations. Failure to issue a public notice for this violation will result in a fine of at least \$1000. Additional violations are subject to fines of increasing amounts. If you would like more information on the DWEHD administrative fines policy, contact me at the phone number or e-mail listed below.

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If you have any factual information you would like us to consider regarding the violation identified in this VN, please provide it in a written response by **September 13, 2020**.

We anticipate and appreciate your cooperation in resolving this matter. If you have any questions regarding this VN, please contact me at ReyesK@michigan.gov ; or at the phone number below.

Sincerely,

A handwritten signature in black ink that reads "Katelyn Reyes". The signature is written in a cursive, flowing style.

Katelyn Reyes
District Engineer
Kalamazoo District Office
Drinking Water & Environmental Health Division
269-216-1691

KMR:ne

Enclosure: Public Notification Template

cc/enc: Mr. Perry Hart, Water Superintendent, City of Battle Creek
Mr. Robert Koehn, Chief Pumping Station Operator, City of Battle Creek