



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

June 8, 2023

Dear Petitioners:<sup>1</sup>

I am writing in regard to the U.S. Environmental Protection Agency's response to drinking water concerns in Benton Harbor, Michigan ("Benton Harbor" or "City"), which were the subject of your September 2021 petition to the Agency.<sup>2</sup>

Federal, state, and local response efforts over the past 20 months have improved the safety of Benton Harbor's drinking water and helped to protect residents from exposure to lead. The Benton Harbor Public Water System ("System" or "PWS") has **not experienced a lead action level exceedance** ("ALE") 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. Moreover, to date, the City has **replaced 100% of the lead service lines** ("LSLs") in Benton Harbor – approximately ten times faster than the City would be required by federal and state regulations to replace its LSLs. In addition, the City has **demonstrated that all terms of the federal Unilateral Administrative Order have been satisfactorily completed**. As a result, EPA is terminating its November 2, 2021, Unilateral Administrative Order ("UAO") under Section 1414(g) of the Safe Drinking Water Act ("SDWA").

EPA has worked on a number of fronts to address drinking water concerns in Benton Harbor. Representatives of EPA meet regularly with the community, participated in local resource fairs, and have visited the community several times. EPA also exercised, and will continue to exercise, our oversight role and enforcement authority to protect public health. In all these endeavors, we

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<sup>1</sup> Reverend Edward Pinkney, Benton Harbor Community Water Council; Nicholas Leonard and Erin Mette, Great Lakes Environmental Law Center; Jeremy Orr and Cyndi Roper, NRDC; Nayyirah Shariff, Flint Rising; Sylvia Orduño, People's Water Board Coalition; Maureen Taylor, Michigan Welfare Rights Organization; Melissa Mays, Water You Fighting For; Elin Betanzo, Safe Water Engineering, LLC; Marian Kramer, Highland Park Human Rights Coalition; Michelle Martinez, Michigan Environmental Justice Coalition; Gail Philbin and Rhonda Anderson, Sierra Club Michigan Chapter; Dr. Mona Hanna-Attisha; Mary Brady Enerson, Clean Water Action; Mara Herman, Ecology Center; Jill Ryan, Freshwater Future; Daryl Jordan, East Michigan Environmental Action Council; Linda Campbell, Detroit People's Platform; Yanna Lambrinidou and Paul Schwartz, Campaign for Lead Free Water; Liz Kirkwood, For Love of Water; and Mona Monroe-Younis, Environmental Transformation Movement of Flint.

<sup>2</sup> Petition for Emergency Action under the Safe Drinking Water Act, 42 U.S.C. § 300i and 42 U.S.C. § 300j-1(b), to Abate the Imminent and Substantial Endangerment to Benton Harbor, Michigan Residents from Lead Contamination in Drinking Water (September 9, 2021). Previous communications regarding the petition include letters dated October 5, 2021 (acknowledging your correspondence transmitting the petition), February 16, 2022 (outlining the comprehensive federal, state, and local response actions taken), and July 19, 2022 (addressing environmental justice concerns), as well as numerous meetings and other engagements between EPA and petitioners since September 2021.

have strived to provide the greatest possible level of transparency and have encouraged transparency by our state and local partners. Among other actions, EPA has:

- Provided oversight and support of state efforts to address the immediate and pressing needs of the community, including provision of free emergency water and filters
- Ordered the City to immediately correct certain alleged violations and to come into compliance with SDWA and the National Primary Drinking Water Regulations (“NPDWRs”)
  - EPA decided the SDWA Section 1414(g) UAO was the most appropriate response given the totality of the circumstances and required the City to take several immediate and longer-term actions to protect residents of Benton Harbor.
  - EPA provided the City the services of a compliance advisor to provide direct, one-on-one technical assistance to the System operators.
  - EPA conducted three separate inspections of the PWS between September 2021 and March 2022 and engaged in weekly meetings with the state and PWS to ensure compliance with SDWA and the NPDWRs.
- Conducted a large-scale drinking water study in Benton Harbor
  - EPA deployed a team of more than 15 scientists and supporting personnel to Benton Harbor, along with significant laboratory and remote personnel resources, to conduct three studies: (1) a filter study focused on evaluating faucet and pitcher filters to make sure they were reducing lead as expected; (2) a sequential study to determine the sources of lead within the plumbing, from the tap, throughout the home, to the service line; and (3) a particle study to determine the size and type of small particles in drinking water.
  - After analyzing water samples from more than 200 homes, results show that, when used properly, filters are effective at reducing lead in drinking water.
  - Additional details regarding the study can be found on EPA’s [Benton Harbor, Michigan, Drinking Water Study Results website](#), and the final report, including all data collected during field efforts, is published in EPA’s [Science Inventory database](#).
- Awarded \$5.6 million to Benton Harbor under a Water Infrastructure Improvements for the Nation Act grant to replace LSLs and conduct a corrosion control study
- Provided the state with technical assistance regarding the installation, monitoring, and refinement of corrosion control treatment in Benton Harbor
- Worked with state and local partners to develop clear, consistent, and up-to-date information, including notifications to inform and advise residents

In addition, EPA will coordinate with the City to access its Fiscal Year 2023 Congressional Directed Spending project. Congress has appropriated \$800,000 to Benton Harbor for improvements to its PWS.

Michigan’s state agencies, in coordination with EPA where appropriate, have also taken several important steps to address drinking water concerns in Benton Harbor. Among other actions, the Michigan Department of Environment, Great Lakes, and Energy (“EGLE”), the Michigan

Department of Health and Human Services, and the Berrien County Health Department have:

- Funded and coordinated ongoing free bottled water distribution and made certified water filters available to all Benton Harbor residents
- Worked with a local pediatrician to monitor blood level trends to keep kids safe
- Helped Benton Harbor secure more than \$18 million for LSL replacements on an expedited timeline
- Offered free home lead inspections and helped residents fix, remove, or replace sources of lead (e.g., plumbing, paint, dust), including in-home plumbing and fixtures
- Supplemented Benton Harbor's required public notification efforts to inform residents of lead ALEs by hosting community town halls, creating a Benton Harbor Water Outreach Task Force, and developing updated communication materials and dedicated content on the statewide [MI Lead Safe website](#)
- Monitored compliance with an existing state Administrative Consent Order
- Participated in and supported EPA's large-scale drinking water study in Benton Harbor

EPA recognizes that long-term financial challenges may persist in Benton Harbor. In its role as the SDWA primacy agency, EGLE will continue to work with the City to maintain compliance with applicable requirements, including overseeing implementation of the System's plan for ensuring necessary technical, managerial, and financial capacity to operate and maintain the PWS in compliance with state drinking water regulations. EPA will continue to oversee compliance of public water systems in Michigan, including monitoring state and local efforts to improve the situation in Benton Harbor and assessing the need for additional actions, through routine coordination with EGLE.

This concludes the Agency's response to your September 2021 petition to the Agency. Thank you again for your engagement on these important issues.

Sincerely,

**DEBRA  
SHORE**

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DEBRA SHORE  
Date: 2023.06.08  
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Debra Shore  
Regional Administrator  
& Great Lakes National Program Manager  
US EPA Region 5