



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

WARREN DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

January 16, 2020

CERTIFIED MAIL – 7019 1120 0001 7762 6864
RETURN RECEIPT REQUESTED

Detroit Bulk Storage, Inc.
Mr. Noel Frye, Vice-President Sales
P.O. Box 600
Marine City, Michigan 48039

Dear Mr. Frye:

SUBJECT: Compliance Communication: Notice of Section 20107a of Part 201 Obligations
Former Revere Copper and Brass
5851 West Jefferson, Detroit, Wayne County, Michigan 48209
EGLE Site ID No. 82000136

The Department of Environment, Great Lakes, and Energy (EGLE) has received your “Compliance Communication: Notice of Section 20107a of Part 201 Obligations” correspondence (Correspondence) dated January 10, 2020, submitted in response to EGLE’s Compliance Communication dated December 11, 2019, for property located at 5851 West Jefferson, Detroit, Wayne County, Michigan (Property). The Compliance Communication requested documentation that demonstrated Detroit Bulk Storage, Inc., (DBS) is in compliance with their obligations with respect to the hazardous substances and the environmental conditions present at the Property that are regulated under Section 20107a of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Pursuant to Section 20107a of Part 201 and Part 10 of the Part 201 Administrative Rules (collectively, commonly referred to as “due care”), a person who owns or operates property that he or she has knowledge is contaminated is required to undertake measures to protect the public health, safety, and welfare (i.e., due care) with respect to hazardous substances present in groundwater and soil, and vapor at the Property. This includes having gathered sufficient information to evaluate and determine the exposure pathways that may pose an unacceptable risk at the Property. As well as, sufficient information that demonstrates and documents that necessary response activities have been undertaken to prevent or mitigate all unacceptable exposures. In accordance with 20107a (1) persons who are owners or operators of contaminated property are required to comply with the requirements of 20107a(1)(a-f). EGLE records indicate Revere Dock, LLC has been the owner of the Property since October 23, 2015.

DBS was requested to undertake response activities as necessary to mitigate off property risks resulting from erosion of surface soils at the property as required in the Part 201 Administrative Rules, Rule 1013(1)(b). In addition, due to the exposed soils at the river’s edge, the potential direct contact risk resulting from the erosion of contaminated soils into the Detroit River was requested to be evaluated and addressed on an expedited basis.

The Correspondence stated that Revere Dock, LLC is the lead for undertaking actions at the Property and has ensured that access to the Property is restricted and that the soils above direct contact are not accessible in the areas where adequate cover is not present due to fencing. It should

be ensured by both DBS and Revere Dock, LLC that these areas remain secured with regular inspection and maintenance of the fencing.

Revere Dock, LLC's due care submittal to EGLE stated that in the area of the bank failure that gravel cannot be placed as a cover in all areas due to geotechnical concerns with the added weight of the gravel. Revere Dock, LLC also stated that 200 linear feet of a five-foot curtain had been placed which "surround the bank failure area" and that 400 linear feet of a 20-foot curtain will be placed during the week of January 30, 2020.

Please be aware that an aerial photo of the Property on January 13, 2020, shows the five-foot curtain does not surround the area of the bank failure and EGLE staff observed this as well on January 14, 2020. The southern portion of the bank collapse is not protected adequately from erosion or for direct contact from river users. DBS is not in compliance with their due care obligations. Additional measures should be implemented immediately to satisfy DBS's due care obligations.

Additionally, EGLE staff have noted the presence of a potential sinkhole adjacent to the area of the collapse. The sinkhole is developing rapidly in size and EGLE has concerns that the sinkhole is allowing additional materials from the Property including aggregate and contaminated soils to enter the Detroit River. EGLE also has serious concerns that the sinkhole may ultimately collapse into the Detroit River and allow for additional aggregate and contaminated soils to enter the Detroit River. EGLE recommended to Revere Dock, LLC that they conduct an expedited evaluation of the sinkhole and develop a plan to prevent further discharges of contaminated soils and aggregate into the Detroit River currently and in the future.

DBS stated in their due care submittal that an Interim Response Plan would be submitted to EGLE on January 24, 2020. EGLE informed DBS that the Interim Response Plan should include an assessment of the sinkhole and proposed measures to ensure further contaminated soils and aggregate are not discharged into the Detroit River.

The files containing the information used to prepare this Compliance Communication are located in EGLE's Warren District Office. All correspondence and reports regarding this matter should be sent to my attention at the EGLE-RRD Warren District Office at 27700 Donald Court, Warren, Michigan 48092-2793. If you have any questions regarding this Compliance Communication, please contact me.

Sincerely,



Paul Owens, District Supervisor
Warren District Office
Remediation and Redevelopment Division
586-235-6990
owensp@michigan.gov

Enclosure

cc: Ms. Beth Vens, EGLE
Mr. Joshua Scheels, EGLE
Mr. Erik Gurshaw, EGLE
Ms. Krista Reed, EGLE