



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
DETROIT DISTRICT, CORPS OF ENGINEERS  
REGULATORY OFFICE  
477 MICHIGAN AVENUE  
DETROIT MI 48226-2550

December 18, 2019

Engineering & Technical Services  
Regulatory Office  
File No. LRE-2005-700250-U19

Steve Erickson  
Revere Dock LLC  
2217 Lake Avenue  
North Muskegon, Michigan 49445

Subject: UNAUTHORIZED DISCHARGE & RESTORATION ORDER  
DETROIT RIVER

Dear Mr. Erickson:

We are aware that on or about November 27, 2019, a portion of the bulkhead on property along the Detroit River owned by Revere Dock LLC at 5851 West Jefferson Avenue in Detroit, Michigan collapsed, allowing material to slump into the Detroit River. The bulkhead (reportedly a wooden pile structure with a concrete cap), substrate material on the bank of the property, and aggregate stockpiled in the property are presently filling a portion of the Detroit River, which is a navigable water of the United States. This slumped material constitutes an unauthorized discharge of fill material and refuse into navigable waters of the United States. We understand that Detroit Bulk Storage occupies and is doing business on the subject property.

In the Detroit River, as in all navigable waters of the United States, any construction or discharge of dredged and/or fill material must be authorized by the Department of the Army. The authority of the U.S. Army Corps of Engineers (Corps) to regulate construction or other work in navigable waters of the United States is contained in Section 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act, and regulations promulgated pursuant to these acts. Per Section 13 of the Rivers and Harbors Act (known as the Refuse Act), discharges of refuse into navigable waters such as the Detroit River are prohibited. The Corps has jurisdiction over the remediation of such discharges of refuse.

Under the aforementioned authorities, we hereby order Revere Dock LLC to restore the filled portions of the Detroit River to pre-discharge contours/conditions. The material discharged into the Detroit River without Corps' authorization and the portions of the failed bulkhead presently located in the Detroit River without Corps' authorization must be removed to an upland location and stored in a manner ensuring that none of the material may re-enter the Detroit River or other waters or wetlands. Restoration efforts must also include work that will stabilize the failed portions of the bank in order to prevent future bank-collapse incidents.

We are aware the Michigan Department of Environment, Great Lakes, and Energy (EGLE) issued a similar restoration order to Revere in a December 11, 2019 letter with instructions that all restoration efforts be documented in a restoration plan and that restoration activities may not commence unless and until the EGLE has approved the restoration plan. Revere and/or Detroit Bulk Storage may not commence restoration efforts in the Detroit River until the work has also received our written approval. Please provide us with a copy of the draft restoration plan concurrent with providing it to the EGLE. We agree with the EGLE's directive that removal of the slumped material in the Detroit River must be accomplished in manner that does not disturb or only minimally disturbs the river's sediments. We would also give favorable consideration to the implementation of interim erosion-control efforts such as described in the EGLE's December 11 letter.

Revere is required to sample the slumped material for contaminants and provide us the results so that we may determine if special dredging procedures will be required and if there are restrictions with respect to transporting and disposing of the dredged material. Revere's proposal to sample the slumped material should be included in the restoration plan to be submitted to the EGLE. We understand soundings of the slumped material were taken shortly after the bank collapse. Please forward a copy of the soundings to us within seven days after the receipt of this letter.

Any stabilization work will require authorization from the Corps and will also require authorization from the EGLE. The Corps and the EGLE use a joint application form, found on the EGLE's online permitting site known as MiWaters. Information on this application process can be found at: [https://www.michigan.gov/egle/0,9429,7-135-3313\\_71520\\_24403---,00.html](https://www.michigan.gov/egle/0,9429,7-135-3313_71520_24403---,00.html).

Although we expect Revere's and/or Detroit Bulk Storage's full cooperation in resolving this matter, we are obliged to inform you that unwarranted delays in fill removal or a subsequent lack of cooperation in removing the fill may result in our escalating our enforcement action on this matter. Our escalation of enforcement may include referral of the matter to our Office of Counsel for the initiation of legal action against the responsible parties. Any information you furnish us will become part of our official record and, as such, may be used against the responsible parties in any legal proceedings that may arise if this matter is not resolved per our standard regulatory procedures.

The Corps' point-of-contact for this matter is Donald Reinke. The restoration plan and soundings should be sent to Mr. Reinke's attention at the above address or at donald.t.reinke@usace.army.mil. Should you have any questions, please contact Mr. Reinke via e-mail or at 313-226-6812. In all communications, please refer to File Number LRE-2005-70250-U19.

Sincerely,

A handwritten signature in black ink that reads "Charles M. Simon". The signature is written in a cursive, slightly slanted style.

Charles M. Simon  
Chief, Regulatory Office  
Engineering & Technical Services

Copy Furnished

Detroit Bulk Storage  
EGLE  
USCG  
NOAA  
USACE Detroit Area Office, Rose  
USACE Detroit District, Wright  
Wayne County Department of Environment