



Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 1126
Detroit, Michigan 48226

Phone 313•224•3400
Fax 313•224•4128
www.detroitmi.gov

Memorandum to: City Council
From: Mayor's Office
Date: February 14th, 2020
Regarding: Response to Community Concerns Regarding Detroit River Collapse

The purpose of this memorandum is to update the members of City Council on the actions that Mayor Duggan's administration has taken to address shoreline collapse into the Detroit River, which occurred on or around November 27th, 2019, at 5851 W. Jefferson.

Actions re: Current Owners/Operators

Law Dept has filed lawsuits against both the owner of the site (Revere Dock) and the operator (Detroit Bulk Storage). The pending litigation establishes a channel of communication among the attorneys for the City, owner and occupant; it will also allow the City to require the Defendants to explain or justify delays in their work to repair the problems on the property. Revere Dock has responded. Both continue to be fined \$5,600 per day, pending the removal of materials from the site, in accordance with EGLE's requirements. EGLE rejected the operator's last remediation proposal for the site.

Inspections of Seawall Structures

In response to this incident, BSEED will conduct annual seawall inspections of all riverfront commercial properties in addition to requiring an engineer's evaluation of the seawall every 5 years.

BSEED has completed the visual inspections of all commercial seawalls along the river and have issued 6 violations notices to address current issues. 152 property owners were issued letters requiring an engineering evaluation of their seawall. Of 152 owners, 9 have shared current engineering evaluations, 7 have committed to completing evaluations.

Public Information

BSEED has a current list of heavily contaminated parcels along the Detroit and Rouge Rivers that will be made publically available by March 30th on our website. We will update it in July and annually going forward after conferring with EGLE, EPA, and other relevant agencies.

We will establish a centralized website to contain all updates, testing results and policy changes coming as a result of this incident and ensuring that all relevant documents are available on the site by March, 2020. These documents should address concerns regarding the security, stability, and safety of the site as noted above.



Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 1126
Detroit, Michigan 48226

Phone 313•224•3400
Fax 313•224•4128
www.detroitmi.gov

Emergency Response

DHEM has a new agreement with our local partners (MSP, Coast Guard, EPA and EGLE) to notify us regardless of the severity of an issue from "their" vantage point. Working on a similar agreement with Ontario, Provincial Emergency Management. (Currently, their protocol is to "ONLY" notify the State.)

DHEM has filed the proper form with the National Response Center (NRC) to request direct notifications (instead of through the State) on incidents reported to them that affect the City of Detroit and the surrounding area.

DHEM is currently putting forward an RFP for an "URGENT" community notification system, to supplement our "EMERGENCY" community notification system.

DHSEM has attended community meetings (and will be scheduled to attend more) and registered residents for our Ready-Op system, which allows us to send certain notifications to them via voice call, email and text simultaneously.

Finally, DHEM has placed a registration form on our DHEM website to register more residents for this type of Ready-Op notification and DHEM are preparing a public service announcement to advise residents of that DHEM website registration.

Review of Bulk Storage Ordinance

While our initial analysis indicates that this event was not a result of gaps in the ordinance, we are analyzing the current structure of the ordinance to determine whether any modification should be made to ensure that we are doing the most that we can to protect public and environmental health and safety. BSEED does not believe that this ordinance is the appropriate place to insert geotechnical aspects of a site, since the main objective of the ordinance is to regulate and control fugitive dust. Existing sections of the Property Maintenance code could be better used to achieve the desired goal. We will pass our recommendation onto the City Council Public Health and Safety Committee, after being reviewed by the Law Dept.



Addendum

TO: Council Member Raquel Castañeda-López

THRU: Council President Brenda Jones

FROM: David Bell, Director, BSEED
Hilton Kincaid, Homeland
Security
Joel Howrani Heeres, Director, Office of
Sustainability Gary Brown, Director, DWSD

DATE: February 17, 2020

RE: **Old Revere Copper Site Collapse**

Please respond to the following questions and requests regarding the November 27, 2019 partial collapse of the old Revere Copper site into the Detroit River:

1. What updates have been made to the City's emergency notification system following the Revere site collapse?
 - a. *DHEM has a new agreement with our local partners (MSP, Coast Guard, EPA and EGLE) to notify us regardless of the severity of an issue from "their" vantage point. Working on a similar agreement with Ontario, Provincial Emergency Management. (Currently, their protocol is to "ONLY" notify the State.)*
 - b. *DHEM has filed the proper form with the National Response Center (NRC) to request direct notifications (instead of through the State) on incidents reported to them that affect the City of Detroit and the surrounding area.*
 - c. *DHEM is currently putting forward an RFP for an "URGENT" community notification system, to supplement our "EMERGENCY" community notification system.*
 - d. *DHSEM has attended community meetings (and will be scheduled to attend more) and registered residents for our Ready-Op system, which allows us to send certain notifications to them via voice call, email and text simultaneously.*
 - e. *Finally, DHEM has placed a registration form on our DHEM website to register more residents for this type of Ready-Op notification and DHEM are preparing a public service announcement to advise residents of that DHEM website registration.*
2. Provide a timeline for all inspections that BSEED performed at the Revere site since 2015.

Construction Inspection Timeline

A footings inspection was approved on 9/21/2017

A foundation inspection was approved on 9/26/2017



A slab inspection was approved on 9/27/2017

A follow up inspection was performed and they were allowed to proceed on 10/30/2017

Environmental Affairs Inspection Timeline

Three inspections were performed on 12/06/2019, 01/10/2020, and on 02/13/2020, which covered the initial conditions after the collapse, Bulk Solid Materials Storage, and monitoring of continuing response measures.

Property Maintenance Inspection Timeline

Emergency Inspection was performed on 12/06/2019

Emergency Inspection was performed on 12/09/2019

Emergency Re-Inspection was performed on 12/18/2019

Compliant Inspection was performed on 01/06/2020

Ticket Posting Inspections performed Monday- Friday beginning 01/09/2020

Emergency Inspection was performed on 01/15/2020

Compliant Inspection was performed on 02/04/2020

3. Provide an overview of BSEED's review of the Revere Dock restoration plans submitted to EGLE and the Army Corps, including any recommendations. *The restoration plan is not due until March 30, 2020*
 - a. Additionally, Revere Dock was requested to submit an Interim Response Plan by January 24, 2020, outlining any plans to ensure that no further contaminated soils and aggregate are discharged into the Detroit River. Provide BSEED's review of this Interim Plan. *Environmental Affairs provided comments on the interim plan but in general agrees with EGLE and EPA. The plan that Revere is developing will not be implemented until it can be shown to adequately address the main issues – evaluation of site stability, erosion control, characterization of the sloughed material and sediments, due care measures to prevent direct contact exposures, and geotechnical evaluation of tiebacks, in-water materials and the site surface.*



As additional data is made available, we may have additional comments.

4. Provide the Office of Sustainability's strategy for coordinating with EGLE and EPA on environmental concerns moving forward to ensure sufficient communication.
EGLE and EPA coordinate with Environmental Affairs. Not the Office of Sustainability.
5. Will any the fines assessed to Revere Dock for their storage of aggregate without a permit be deposited into the Public Health Fund?
Yes, the Bulk Solid Storage fine totaling \$1000.00, will go to Public Health Fund.
6. Regarding water and drainage fees, how much has been billed and paid by Revere Dock since purchasing property from the City in 2015? Please include both 5851 and 5701 W Jefferson. What are DWSD's plans for collecting payment?
Revere Dock has been billed and has paid \$43,000 for drainage charges on the property since purchasing the property in 2015.
7. Please describe what measure are being taken to stop further erosion of contaminated material into the Detroit River.

The 5-foot turbidity curtains remain in place and have been inspected daily since installation of the erosion control blankets. They remain intact and in good condition.

The 20-foot Turbidity Curtains were removed this week during river material characterization activities and will not be replaced.

As an additional control, Revere Dock installed erosion control blanketing (i.e. installed in approximate 8-foot by 100-foot lengths, secured with stakes) along the boundary of the bank failure area as depicted in the attached figure. The erosion control blankets/rolls were installed on February 8th. Although no erosion or elevated turbidity was observed in the bank failure area, additional erosion control blanketing was also installed immediately adjacent to the water line along the bank failure area on February 12th, based on observations made during the daily inspections, and to add additional protection against potential ice given the sub-zero temperatures forecasted for Friday 2/14.



An additional gravel berm was installed along the southern boundary of the bank failure area where water has accumulated (i.e. south of the pond area), to further control erosion and provide sedimentation control. Although visual monitoring completed by G2 in December 2019 and January 2020 documented that the topography of the bank failure area remains consistent, in the event that gravel covers determined to be ineffective, EGLE, the EPA, and the USACE would be notified and temporary sheet piling installed to stabilize the affected area.

Continued dialogue between the owner, EGLE, Environmental Affairs, and EPA is happening regularly to ensure corrective measures are adequate

8. Is a second sink hole developing to the west of the first sinkhole? If so, what steps are being taken to contain it?

There is not a sinkhole developing to the west of the first sinkhole. There is a retention pond to the east of 5851 W. Jefferson. The pond is permitted by EGLE and a GEO Technical Report for the site is required.

9. Provide an inventory of all contamination on the site that exceeds safe levels.

In the most recent data provided by EPA, only lead exceeded direct contact; however, it does not pose a risk because the site is closed to the public. Revere has installed measures to prevent public access – six foot chain link fence around the area that subsided; installed buoys from the river side to prevent access, and the entire site is fenced and gated for security. EPA will provide an update on data collected in January at the meeting on Tuesday.

10. I request that the results of any river soil contamination testing are publicly shared.

*Some data has already been posted and subsequent data will be posted on the EGLE website: <https://www.michigan.gov/egle/0,9429,7-135-3313-514057--,00.html>
And on the EPA website:*

https://response.epa.gov/site/site_profile.aspx?site_id=14606

11. Provide a copy of the purchase and development agreement with Revere Dock, and explain how the Purchaser was allowed to operate on the site without completing all development obligations.

Another copy of the development agreement is attached.



As you can see from the attachment, there are few development requirements stipulated in the written agreement. The biggest item at Section 1.1(e) requires construction of an approximately 45,000 square foot building included in the definition of "Improvements." Beyond that, there are no real obligations.

12. During purchase negotiations, it was noted that Erickson would landscape the Jefferson front of the property and provide adequate landscape to screen operations from view of Fort Wayne guests. Why was this not completed?
Section 4 of the development agreement is entitled "Landscaping," and it provides, "Developer will work cooperatively with the Planning & Development Department and the Buildings, Safety Engineering and Environment Department of the City of Detroit to develop an attractive and integrated site plan that will provide a landscape shield of its operations to visitors of Fort Wayne." This is not an "obligation" so much as a promise of cooperation in the future. The listed City departments are still able to ask the developer to cooperate in creating the landscape screen. Theoretically, the City could object to the absence of landscaping as contemplated by the agreement; however, the aforementioned promise of cooperation alone would be a thin justification for a lawsuit premised on the contract.
13. Thank you for agreeing to annual seawall inspections. I request that these inspections be performed by a third party selected by BSEED and paid for by the owner/operator.
The annual seawall inspections will be performed by BSEED inspectors. The required inspection needed for the Engineering Report will be performed by a third party and paid for by the owner/operator.
14. I request that the City maintain a publicly accessible list of heavily contaminated parcels along the Detroit and Rouge Rivers.
The list will be accessible on BSEED website by March 30, 2020.
15. Provide an opinion on whether Code § 42-2-214 should be amended to require deeper setbacks from waterways for outdoor storage piles. Currently piles are only required to be set back 25 feet from waterways.
Engineering reports required by BSEED Property Maintenance will determine where



Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 1126
Detroit, Michigan 48226

Phone 313•224•3400
Fax 313•224•4128
www.detroitmi.gov

material piles can be located on the site.

16. Is there currently any coordination between BSEED and the Coast Guard? Describe any opportunities for strengthening collaboration between these entities and institutionalizing a line of communication.

We believe the steps implemented by Homeland Security are the best way for the City to collaborate with the Coast Guard and other entities.