



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

December 11, 2019

Via E-MAIL and CERTIFIED MAIL 7019 1640 0001 1123 0910

VIOLATION NOTICE
VN No. VN-010230

Mr. Davis Crace, Erickson's
2217 Lake Avenue
North Muskegon, MI 49445

Dear Mr. Crace:

SUBJECT: Violation Notice
Order to Restore
Complaint Submission No. HNV-Y8T9-C85H6
Site Name: 82-5851 West Jefferson Avenue-Detroit
Property Location: 5851 West Jefferson Ave, Detroit, Wayne County, MI 48209

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) Water Resources Division (WRD), conducted an inspection on December 6, 2019, at the above referenced parcel of property. The purpose of the inspection was to evaluate the property for compliance with Part 31, Water Resources Protection, and Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The property is located along the shoreline of the Detroit River and is currently occupied by Detroit Bulk Storage for the purpose of aggregate storage.

At the time of the inspection, the WRD staff observed that a bank failure occurred along approximately 200 feet of the property shoreline resulting in the discharge of sediment, fill material, aggregate and debris to the Detroit River. Please be advised that the unauthorized discharge of such material to waters of the State is a violation of Part 31 of NREPA.

Further, Section 324.30102 of Part 301 prohibits the fill of bottomland without first obtaining a permit from EGLE. A review of the WRD files indicates that no permits have been issued for this activity at the property. Therefore, it appears that this event has resulted in a violation of Part 301.

The violations identified in this Violation Notice are continuing and are violations of Part 31 and Part 301 of the NREPA. This letter is being sent to you because you have been identified as the property owner responsible for the property and therefore must take immediate action to achieve and maintain compliance with Part 31 and Part 301 of NREPA.

In consideration of the requirements of Part 301, the WRD has determined that a permit would not have been approved for this activity. Therefore, within **15 days** of the date of this letter, or a mutually agreed upon schedule, you must submit a restoration plan to bring the property into compliance with the requirements of Part 301. To comply with Part 301, you must complete the following actions:


1. Provide a restoration plan with a project completion schedule to remove all unauthorized fill material from the Detroit River.

2. Be advised that river sediments beneath the unauthorized fill material contains elevated concentrations of contaminants, and that project management procedures must be included with the restoration plan to adequately address this concern for the sediments. Sediment quality data can be provided to assist you with developing an approvable restoration plan.
3. Please consider an interim activity that would protect the now exposed shoreline from further erosion. Soil erosion measures such as silt fencing as well as up to and including the placement of riprap along the new water's edge in the 200-foot-long collapsed area.
4. Regulated activities in the Detroit River are prohibited until a restoration plan is submitted and approved in writing by EGLE. Please contact the WRD staff for assistance regarding required EGLE permits.

In addition to the above, if you have any information you would like the Department to consider regarding the violations identified in this Notice, please provide it with the written response.

We anticipate and appreciate your cooperation in resolving this matter. If you have any questions, you may contact Mr. Jeremy Richardson at 248-763-1664; EGLE-WRD, Warren District Office, 27700 Donald Court, Warren, MI 48092-2793 or you may contact me at the contact information listed below.

Sincerely,



Andrew J. Hartz
District Supervisor
Warren District Office
Water Resources Division
586-753-3867
Hartza@Michigan.gov

cc: Mr. Noel Frye, Detroit Bulk Storage (electronic)
Mr. Paul Max, BSEED (electronic)
Mr. Don Reinke, USACE (electronic)
Mr. Jon Russell, EGLE WRD, Lansing (electronic)
Mr. Mike Alexander, EGLE WRD, Lansing (electronic)
Ms. Melinda Steffler, EGLE WRD, Warren District Office (electronic)
Mr. Jeremy Richardson, EGLE WRD, Warren District Office (electronic)
Ms. Tracy Kecskemeti, EGLE MMD, Warren District Office (electronic)