



Buildings, Safety Engineering
& Environmental Department

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 401
Detroit, Michigan 48226
WWW.DETROITMI.GOV

BSEED Case No.: MRC2018-02525
Property Address: 1300 S. Fort Street
Decision Date: April 22, 2019

Owner/Applicant

Marathon Petroleum Company LP
Greg Bennethum
1300 S. Fort
Detroit, MI 48217

Request: To seek a variance from certain provisions of the Bulk Solid Material Ordinance (Article V, Chapter 22 of the 1984 Detroit City Code) regarding the storage and handling of bulk solid materials on a 58.4 acre site in an M4 (Intensive Industrial District) Zoning District.

Location: N S FORT N 12.99 FT 241 THRU 46 AND VAC STREETS & ALLEYS ADJ & EXC FORT ST AS WD OAKWOOD HOME SUB L34 P26 PLATS, W C R 20/413 101 THRU 118 141 THRU 175 W 1/4 176 177 AND VAC STREETS & ALLEYS ADJ & EXC PENN R R R/W J V BREVPORT FORT STREET SUB L32 P98 PLATS, W C R 20/414 ALSO THAT PART OF PRIVATE CLAIMS 119,524 AND 50. DESC AS BEG AT INTERSEC N LN P C 524 AND E LN SCHAEFER HWY 120 FT WD TH N 43D 45M 49S W 400.69 FT TH N 40D 30M 49S W 196.41 FT TH S 28D 47M 51S W 10.83 FT TH N 38D 40M 39S W 460.23 FT TH N 40D 12M 19S W 12.99 FT TH N 68D 13M 51S E 832.20 FT TH S 21D 46M 9S E 14.05 FT TH WLY ALONG N LN GRAYFRIARS AVE 90 FT TH SLY ALG W LN TRACTOR AVE 179 FT TH ELY ALG S LN VAC ALLEY ADJ 40 FT TH SLY ALG W LN TRACTOR AVE 101 FT TH WLY ALG N LN WARING AVE 60 FT WD 610 FT TH SLY ALG W LN NORTHAMPTON AVE 160.75 FT TH WLY ALG N LN OF FORT ST 880 FT TH NLY ALG E LN OF TORONTO AVE 50 FT WD 946.11 FT TO SOUTH LINE DUMFRIES AVE TH ELY 310 FT TO E LN OF DETWILER AVE 50 FT WIDE TH NLY ALG E LN DETWILER AVE 30 FT TO N LINE OF DUMFRIES AVE TH WLY 360 FT TO THE W LN OF TORONTO AVE 50 FT WD TH SLY ALG W LN TORONTO AVE 976.16 FT TO N LN OF FORT ST TH ALG N LN FORT ST 159.20 FT TH S 62D 01M 15S W 513.01 FT TH S 76D 42M 06S W 166.83 FT TH N 89D 29M 30S W 171.39 FT TH N 66D 02M 08S W 47.43 FT TH N 54D 42M 24S W 306 FT TO POB 20/--- 58.645 ACRES 2,554,576 S

The current legal use of the property is 'Oil Refinery' The applicant is requesting a variance from the following provisions of the City Code:

- | | |
|-----------------|--|
| Sec. 22-5-16(c) | Opacity measurement test method |
| Sec. 22-5-20(a) | Wind monitor location |
| Sec. 22-5-22(d) | Rumble strips for outgoing material transport trucks |

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Sec. 22-5-29	Roadway cleaning
Sec. 22-5-40	Enclosure of Carbonaceous Bulk Solid Materials
Sec. 22-5-41	Enclosure Plan
Sec. 22-5-42	Enclosure Requirements
Sec. 22-5-71	Enclosure Deadline
Sec. 22-5-72	Enclosure Reporting

This proposal was reviewed by Buildings, Safety Engineering & Environmental Department as required by Section 22-5-62 of the Detroit City Code.

This request has been processed in accordance with the provisions of Sections 22-5-60, 22-5-61, 22-5-62, and 22-5-64 of the Detroit City Code and the following submittals were considered as part of this request:

1. Marathon Detroit Refinery City of Detroit Bulk Solid Material Ordinance Application for Variance prepared by David T. Roland and Greg Bennethum of Marathon Petroleum Company LP and dated 08/31/2018.
2. Fugitive and Coke Handling Dust Control Guide prepared by Marathon Petroleum Company LP, Michigan Refining Division dated 08/23/2018.
3. Seventy-seven letters opposed to the variance, zero letters in support. One hundred and ninety-two comments without attached letters posted on the City of Detroit website; one hundred and eighty-nine comments opposed to the variance, 2 comments in support of the variance, and one comment neutral on the variance.

Our department held a public hearing on 01/23/2019. Notice of this hearing was published in the Detroit Legal News on 01/08/2019 and mailed to 30 property owners within 300' of the subject site. Eighteen people attended the public hearing including three members representing the applicant.

After careful consideration of the letters and public comments enumerated above and received pursuant to Section 22-5-64, and in accordance with Section 22-5-62 (a), the requirements of the variance application have not been met per Section 22-5-61, specifically:

- A. **22-5-61(b) A description of the process or activity for which the variance is requested, including pertinent data on location, size, and the population and geographic are affected by, or potentially affected by, the process or activity;** Marathon described the size and location of the process that generates petroleum coke, but rather than describe the demographics of the population or the geographic area potentially affected by the process or activity, they gave an inadequate statement about how there are no established neighborhoods within 2,000 feet and provided that they have no visible emissions from their process so their operation does not affect any local populations.
- B. **22-5-61(d) A demonstration that issuance of the variance will not create a public nuisance or adversely impact the surrounding area, surrounding environment,**

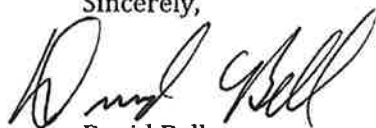
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or surrounding property uses; Marathon's argument is based on their assertion that since the coker unit has been operating since 2012 there have been no **visible** emissions and they have not caused a public nuisance. They have offered no analytical data or air monitoring data of any sort that would conclusively show that there are no fugitive dust emissions from the coke pit; they have not demonstrated that the opacity test method that they are employing is equivalent to the method required by the ordinance; they have not demonstrated that a wheel wash station alone is comparable to rumble strips coupled with a wheel wash station as required by the ordinance; they rightfully point out that their current road cleaning schedule of twice per month is responsible for reductions in total particulate emissions and PM10 emissions, but they fail to demonstrate that a daily street sweeping schedule, as required by the ordinance, would not result in even greater reductions in particulate emissions.

Therefore, this request is DENIED and is effective immediately.

Should the Applicant obtain new evidence or proof of changed conditions, the Applicant may apply for a new variance, in accordance with Sec. 22-5-60 *et seq.* (Article V, Chapter 22 of the 1984 Detroit City Code).

Sincerely,



David Bell
Director

DB/JJM