



DEPARTMENT OF
Buildings, Safety Engineering &
Environmental

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BSEED Case No.: MRC2018-02525
Property Address: 1300 S. Fort Street aka 1025 S. Oakwood Blvd
Decision Date: October 27, 2020

Owner/Applicant

Marathon Petroleum Company LP
Jeremy Beasley
1300 S. Fort aka 1025 S. Oakwood Boulevard
Detroit, MI 48217

Request: To seek a variance from Section 42-2-303 of the Detroit City Code regarding the storage and handling of bulk solid materials on a 58.4 acre site in an M4 (Intensive Industrial) 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. 42-2-203

Enclosure Requirements



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This proposal was reviewed by Buildings, Safety Engineering & Environmental Department as required by Section 42-2-233 of the Detroit City Code.

This request has been processed in accordance with the provisions of Sections 42-2-231, 42-2-232, 42-2-233, and 42-2-235 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 E. Leaver and Jeremy Beasley of Marathon Petroleum Company LP dated 02/21/2020.
2. Fugitive and Coke Handling Dust Control Guide prepared by Marathon Petroleum Company LP, Michigan Refining Division dated 02/19/2020.
3. Marathon Detroit Refinery Petroleum Coke Handling Fact Sheet
4. Marathon Michigan Department of Environmental Quality Air Quality Division Renewable Operating Permit Revised 09/12/2016.
5. Examination of Potential Offsite Impacts of Petroleum Coke Particulate at Marathon Detroit Refinery prepared by Dr. Ali Lashgari and Scott Evans dated 10/20/2019.
6. Atmospheric Dispersion Modeling Analyses Petroleum Coke Processing and Handling Operations Marathon Petroleum Company, Detroit Refinery prepared by Barr Engineering Co. dated November 2019.
7. Four Hundred Ninety-seven form letters submitted by Marathon with their Variance Request application in support of the variance; One additional letter of support from Coking.com also submitted by Marathon with their application; Three letters of support mailed to Buildings, Safety Engineering and Environmental Department; Fourteen letters or emails opposed to the granting of a variance; One letter that did not say whether it was in support or opposition to the granting of a variance.
8. A letter From Marathon Petroleum Company LP, Michigan Refining Division dated 08/07/2020 providing a response to comments from the July 29, 2020 public hearing.
9. Comments from the Detroit Health Department recommending to deny the variance request on covering the pile at this time, and recommending, as an interim control, an immediate limit on pile height inside the containment walls so that the pile must stay 10 – 15 feet below the top of the walls.

Our department held a public hearing on 07/29/2020. Notice of this hearing was published in the Detroit Legal News on 07/14/2020 and mailed to 32 property owners within 300' of the subject site.

Approximately sixty-five people attended the public hearing, including three members representing the applicant.



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After careful consideration of the submittals enumerated above and received pursuant to Section 42-2-235, and in accordance with Section 42-2-233 (a), the requirements of the variance application have not been met per Section 42-2-232, specifically:

- A. **42-2-232(2) 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;** In the decision letter dated April 22, 2019 from Marathon's first variance request, Marathon was cited for failing to provide the pertinent demographic data for the population likely to be affected by Marathon's activity. Once again, in this second variance request package, Marathon provided only population numbers for the surrounding communities which could be potentially affected by the process or activity and neglected to provide the pertinent demographic data for this vulnerable area that has a long history of being impacted by environmental justice issues. Marathon failed to provide any discussion of whether minority or impoverished populations are located in the affected areas or potentially affected areas and in what numbers or percentages. This is pertinent data to the requested variance.

- B. **42-2-232(4) A demonstration that issuance of the variance will not create a public nuisance or adversely impact the surrounding area, surrounding environment, or surrounding property uses;** Marathon has provided additional information on its emissions, but the data submitted is selective and insufficient. The limited time (only 9 days) of the air monitoring study was too short in duration to adequately reflect emission rates at the coke pit and therefore fails to demonstrate conclusively that a public nuisance or adverse impact to the surrounding area, surrounding environment, or surrounding property uses is not being created. In addition, no wind speed data was provided for the limited time period of the study. This information is critical to understanding the risks associated with the emission source. Continuous real-time data collection for one month per sampling event, during four consecutive sampling events over a period of at least one year (*i.e.*, spring, summer, fall & winter) to ensure correlations and relationships remain valid with the monitoring location(s) would give a more accurate picture of the true emissions over the course of the year.

- C. **42-2-232(8) A statement regarding the person's current status as related to the subject matter of the variance request;** There was no statement provided regarding the person's current status as related to the subject matter of the variance request in the application, as required. Marathon only provided another description of their process, its emissions controls, that the emissions controls are considered the best in the refining industry for petroleum coke handling at a delayed coker unit, and how granting the variance will not pose a nuisance or health risk to surrounding communities.

In addition to the deficiencies found in in the application package cited above, Marathon stated within the body of the application that they use a street sweeper to clean roads within a quarter mile of the



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facility according to the required schedule, however the attached Fugitive Dust Plan states that the street sweeper will be used as needed and the Enhanced Street Sweeping Program description says that the identified roads will be swept twice per calendar month. This does not comply with the ordinance, which requires that street sweeping take place not less than one time daily when the facility is open for business or they must document in a log that the roads are free and clear of any material. For these reason, the applicant has failed to meet the requirements found in Section 42-2-232 of the Detroit City Code.

Therefore, this request is DENIED and is effective immediately.

The Applicant shall submit to Buildings, Safety Engineering and Environmental Department for review, an Enclosure Plan in accordance with Section 42-2-202 of the Detroit City Code within 180 days of the date of this decision letter. The Applicant shall subsequently complete construction of the enclosure required by Section 42-2-203 within two (2) years of the date of this decision letter.

Sincerely,

A handwritten signature in black ink, appearing to read "David Bell".

David Bell
Director

DB/JJM