**MARATHON VARIANCE REQUEST 2020**

* A public hearing on the request was held on July 29, 2020 via Zoom. Approximately 65 people attended the hearing including three members representing the applicant.
* Several submittals were considered as part of the variance request including: all of the supporting documents submitted by Marathon along with the variance application, four hundred ninety-seven form letters of support submitted by Marathon with the application, one additional letter of support from Coking.com also submitted with the application, three letters of support mailed to BSEED, fourteen letters or e-mails opposed to the granting of a variance, one letter neither supporting or opposing, a letter from Marathon dated 08/07/20 providing a response to comments from the public hearing, and a memo from the Detroit Health Department.
* The variance request was denied on October 27, 2020 primarily because the air monitoring study that was conducted as part of the variance request was too short in duration (9 days) to adequately reflect emission rates at the coke pit over the course of a year, 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.
* Overall, there were three deficiencies with the variance request application that were cited as reasons for denial: Marathon did not provide pertinent demographic data such as whether minority or impoverished populations would be impacted by the variance as required by Section 42-2-232(2); Marathon has not demonstrated that issuance of the variance will not create a public nuisance or adversely impact the surrounding area, surrounding environment, or surrounding property uses as required by Section 42-2-232(4); and Marathon did not provide an acceptable statement regarding the person’s current status as related to the subject matter of the variance request as required by Section 42-2-232(8).
* In addition to the three deficiencies cited, the street sweeping program described in the supporting documents submitted with the variance application does not comply with the requirements of the ordinance.
* Marathon must immediately limit the pile height inside the containment walls to 10 to 15 feet below the top of the walls.
* Within 180 days of the October 27, 2020 date of the decision letter, Marathon must submit an Enclosure Plan in accordance with Section 42-2-202 of the Code to BSEED for review.
* Within 2 years of the October 27, 2020 date of the decision letter, Marathon must complete construction of the enclosure for the petroleum coke storage pit as required by Section 42-2-203 of the Code.
* BSEED has requested an opinion from the Law Department regarding whether the Code allows Marathon to submit another variance request for this same provision of the Code.

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