



B&SE Case No.: 89-07 1025 Oakwood
Decision Date: November 27, 2007
Effective Date: December 11, 2007

Marathon Petroleum Company
c/o David A. Rzyzi
Mannik & Smith Group, Inc.
2365 Haggerty Road South
Canton, MI. 48188

Your Request To: Upgrade & Expand an Existing Oil Refinery by Constructing a Fuel Grade Coker, a Hydrogen Plant, a Sulfur Recovery Complex, & Related Facilities. Also Construct Five new Buildings: Maintenance Shop, Area Team Building, Operator Work Station Building, & Primary & Secondary Gate Guard Shacks on an Approximately 22 Acre Site in an M-5 (Special Industrial) District.

At: 1025 Oakwood

Which Property Is Zoned M-5 and Legally Described As:

SEE ATTACHED LEGAL DESCRIPTION

Has been processed in accord with the provisions of Section(s) 61-3-201, 61-2-81 through 61-2-85, 61-10-103(4) & 16-16-201 of the Zoning Ordinance and conditionally approved, provided you comply with all conditions stated on the last pages of this letter and subject to periodic review and possible revocation should the conditions not be fulfilled.

This conditional approval will become effective December 11, 2007.

However, the Zoning Ordinance provides the right to file a written appeal to this decision with the Buildings and Safety Engineering Department prior to the effective date of this decision, whereupon the entire file will be referred to the Board of Zoning Appeals for public hearing and final decision. A fee may be required for an appeal to the Board of Zoning Appeals. **All appeals must be made in person at the Zoning Counter, 4th Floor, Coleman A. Young Municipal Center.**

It shall be the responsibility of the person or organization who files an appeal, or his/her duly authorized representative, to attend the public hearing held by the Board of Zoning Appeals and to give proper testimony, under oath, as to why the original decision of this Department should not take effect.

If no written appeal is filed prior to the effective date of this decision, the conditional approval shall be deemed final.

This conditional approval has been given after providing an opportunity for parties in interest to express their views on your proposal at the public hearing held August 29, 2007. Full consideration has been given to all comments, opinions and statements received.

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The Buildings and Safety Engineering Department has also made field inspections of the premises, has investigated the land use and zoning of the subject property and surrounding area and has received the report of the Solid Waste Facility Review Committee.

This request was also reviewed by the Industrial Review Committee since the proposed use is a high intensity industrial land use.

Although there was significant opposition to the proposed land use at the public hearing of August 29, 2007 there was also considerable support. Opposition centered upon health & safety concerns & worries over historic levels of pollution in Southwest Detroit. Although such concerns are understandable & legitimate, Marathon has provided documented evidence of meeting or exceeding environmental standards. The Industrial Review Committee (IRC) has also recommended approval of the proposed project.

It is the opinion of B&SE that this proposal is consistent with the letter & spirit of the Zoning Ordinance and can be operated in such a manner so as not to be a nuisance of any kind. To this end appropriate and significant safeguards have been added to the conditions of approval

Accordingly, we have found that:

The specified findings of the Detroit Zoning Ordinance have been properly satisfied in this instance.

In view of the above, it is the opinion of this Department that the conditional granting of your request would be appropriated and could be accomplished without adversely affecting the surrounding land use and development.

NOTE: THIS LETTER IS NOT A PERMIT

If no appeal is made within the prescribed time, you must:

1. Pick up one verified copy of this letter from the Buildings and Safety Engineering Special Land Use Process Office, Room 407, Coleman A. Young Municipal Center.
2. Present the verified copy to the Wayne County Register of Deeds.
3. Present proof of registration from the Wayne County Register of Deeds to the Buildings and Safety Engineering Zoning Counter when applying for the necessary permit.

Please call 224-1317 (on or after the effective date of this grant) before coming down to pick up your verified copy of this letter. When you come down, you must be prepared to sign a statement attesting to the fact that you have received this grant, have read the conditions of approval, and agree to abide by all of the conditions contained therein. If someone else is to secure your letter and permits, they must have with them a letter of authorization, signed by you and notarized, giving them the authority to secure the agreement statement on your behalf.

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CONDITION OF APPROVAL

The following specified conditions are hereby made an integral part of the Buildings and Safety Engineering Department's approval of the described matter:

1. That occupancy of the premises without full compliance with all of the following conditions is unlawful and contrary to the provisions of the zoning Ordinance and is subject to penalties as provided in Section 69.0000 of the Ordinance, which may include the revocation of this grant and/or daily fine of \$250-500, for not complying with these conditions.
2. Please be advised that failure to comply with the conditions listed herein shall subject you to fines pursuant to City Code Sec. 35.5.
3. That this entire grant be recorded by the applicant with the Wayne County Register of Deeds and further, that proof of such recording be presented to the Director of the Buildings and Safety Engineering Department when applying for the necessary permit.
4. That the proper permit and Certificate of Occupancy be secured from the Buildings and Safety Engineering Department before making use of the premises as herein described and further, that failure to obtain such permit by **June 11, 2008** will thereby invalidate and terminate this grant.
5. That this operation be conducted in such a manner as to not create a nuisance of any kind to the surrounding neighborhood.
6. That the entire parcel be kept free of rubbish, debris and weeds, including the adjoining public areas between the sidewalk and the curb. The entire parcel shall be maintained in a neat and orderly manner at all times.
7. This grant is only for the continuing use of the premises as an upgraded Oil Refinery including construction of a Fuel Grade Coker, a Hydrogen Plant, a Sulfur Recovery Complex, & Related Facilities. Also construction of five new buildings: maintenance shop, area team building, operator work station building, & primary & secondary gate guard shacks on an approximately 22 acre site in an M-5 (special industrial) district.
8. That full compliance be made with all applicable Code and Ordinance requirements unless modified by conditions of this grant.
9. That a "Certificate of Maintenance of Grant Conditions" be obtained annually by the owner/operator of the subject premises/use; and further, that the proper application for such Certificate be filed with the Buildings and Safety Engineering Department no later than each annual anniversary of the final certificate of occupancy.

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CONDITION OF APPROVAL CONTINUED

10. That fully dimensioned drawn to scale final site floor & elevation plans & related construction documents for the subject development be in general accord with the submitted preliminary plans identified as Detroit Coker Project 16 sheets submitted June 18 & Sheets SK-SP-1 & SK-SP-2 revised 6/25/07, and be submitted prior to the issuance of the necessary permits by the Buildings and Safety Engineering Department. Such final site plans shall have properly incorporated all site improvement requirements of this Grant.
11. That fully dimensioned drawn to scale final floor plans of all buildings on site be submitted to the Detroit Health Department for proper review and approval in connection with the requirements of condition #23.
12. That vehicular access to and from the subject property be limited to Oakwood & other access as approved by the Traffic Engineering Division of the Department of Public Works.
13. That employee and customer parking areas and vehicle storage areas shall be paved with concrete or asphalt and graded and drained in accordance with the City Plumbing Code. Any unpaved area of the site shall be landscaped. All landscaped materials shall be maintained, properly irrigated, and separated from paved access by a six-inch curbing to ensure maintenance of the plant material. The landscaping material shall include grass, trees, and bushes. The berm area between the site and the public Right-of -way and set back areas shall be landscaped with grass, trees, and bushes.
14. That there be no open storage of any garbage, rubbish or debris with the exception of coke generated by the operation. All such materials shall be kept within the building(s) until removed from the site, or be kept within onsite covered containers of sufficient size and quantity to properly contain all discarded garbage, rubbish or debris resulting from this operation. The location of any such container(s) shall be clearly shown and properly identified on the final plans.
15. That there be no or display of portable signs on any public sidewalk or street or on any adjacent berm area.
16. That all steps as necessary be taken by the owner/operator to provide security as required by the Department of Homeland Security both at and in the vicinity of this use, including if necessary, electronic surveillance and/or security personnel. Barbed wire fencing may be established as required/specified by the Department of Homeland Security.
17. That all windows be kept clean, and that the windows and exterior walls of the building and the enclosing fences or walls be kept clean and free of "pasted up" signs or fabric banners or graffiti.
18. That all applicable licenses be obtained from the Licensing Division of the Consumer Affairs Office, 156 Coleman A. Young Municipal Center.

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CONDITION OF APPROVAL CONTINUED

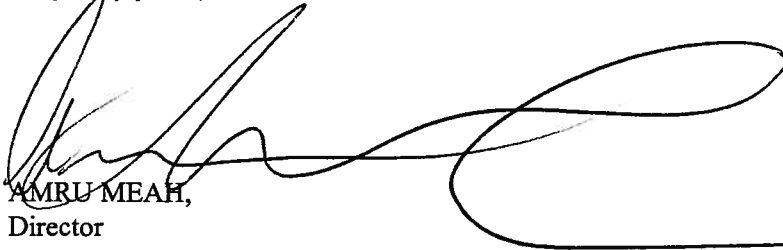
19. That all buildings on-site be constructed to or brought up to all applicable Building and Safety Codes (if occupied), or be properly demolished. All required permits shall be obtained.
20. All lighting sources, including canopy, perimeter, and flood lighting shall be stationary and shielded or recessed so that the light is deflected away from adjacent properties and public right-of-ways.
21. That all steps as necessary be taken to prevent the harboring of rodents and other vermin on site including trapping and baiting.
22. That there be no open burning of anything anywhere on-site with the exception of up to four flares with pilot flames which must comply with safety requirements.
23. That all of following requirements and recommendations of the various Department/Agency members of the Industrial Review Committee be followed. Any duplication of conditions and any conflict between these conditions and the preceding conditions shall be resolved by the B&SE Zoning Administrator or B&SE's Director or the Director's Designee:
 - A. Marathon (MPC) shall provide the Department of Environmental Affairs (DEA) with a copy of the final approved air emission permit received from MDEQ.
 - B. MPC shall provide DEA with a copy of the UST closure report.
 - C. MPC shall provide DEA with initial and final analytical results from the lagoon excavation and a diagram showing the excavation limits.
 - D. MPC shall provide DEA with a copy of the report on impacts to endangered and threatened species being prepared by Cambridge Environmental.
 - E. MPC shall install a minimum of four air monitoring stations around the refinery.
 - F. MPC shall install dust control and fire mitigation systems as outlined in their response to IRC list of concerns and dated October 3, 2007.
 - G. The designated truck routes shall avoid residential streets/areas.
 - H. MPC shall receive support for the location of proposed curb cuts at the site from DPW, Traffic Engineering Division.
 - I. MPC shall comply with the signage requirements of the zoning ordinance. No billboards are permitted.

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CONDITION OF APPROVAL CONTINUED

- J. The subject property shall be maintained in a neat and orderly appearance at all times. The parcels and adjacent public property & right-of-way shall be kept free of rubbish, debris, and weeds.
- K. MPC shall provide & cause to be installed secure wrought iron type or chain link fencing along the entire property line of the site.
- L. MPC shall comply with Section 61-14-221 of the zoning ordinance or an alternative landscape plan per (section 61-14-248). The parking area adjacent to the vehicle entrance (west side of property) shall be landscaped to buffer the parking lot from Oakwood.
- M. MPC shall stripe the parking lot: Parking spaces shall be 9x20 (minimum) feet and aisles shall be (minimum) 20 feet wide.
- N. MPC shall provide site lighting which shall not shine onto adjacent uses.
- O. Any dumpsters shall be contained within buildings or contained within opaque masonry dumpster enclosures with opaque gates.

Very truly yours,



AMRU MEAH,
Director

AM/et

DESCRIPTION OF PROPERTY: Part of Private Claims 37, 50 and 667, and all of Lots 1, 2 and 3, "Hunter's Subdivision" of part of Private Claim 37, between Oakwood Avenue and the Michigan Central Railroad (Now Consolidated Railroad), Ecorse (Now City of Detroit), Wayne County, Michigan, as recorded in Liber 24, Page 54 of Plats, Wayne County Records, described as:

Commencing at the intersection of the southerly line of Oakwood Boulevard and the easterly line of Consolidated Railroad right of way and proceeding thence along the southerly line of Oakwood Boulevard, being the northerly line of Lots 1, 2 & 3 of said "Hunter's Subdivision" N 71 degree 46' 53" East 1549.22 feet; thence along the southerly line of Oakwood Avenue the following two (2) courses: 1) South 41 degree 59' 07" East 18.50 feet; and 2) North 72 degree 14' 11" East 316.15 feet; thence South 14 degree 31' 17" East 112.40 feet; thence South 31 degree 13' 55" West 1214.88 feet; thence along the easterly line of Consolidated Railroad right of way the following two (2) courses; 1) along a non-tangent curve to the right having a radius of 1591.81 feet, central angle 21 degree 07' 38", the chord bears North 69 degree 54' 24" West 583.64 feet, a distance of 586.96 feet along the arc; and 2) North 59 degree 06' 19" West 740.18 feet being the westerly line of Lots 1, 2 and 3 of said "Hunter's Subdivision" to the point of beginning. Contains 22.174 Acres and is subject to easements and restrictions of record.