

**NO PETRO-CHEMICAL STORAGE TANKS
ON OUR WEST BANK**



A nuisance may be merely the right thing in the wrong place, like a pig in the parlor instead of the barnyard.
Village of Euclid v. Amber Realty, 272 US 365 (1926)

A Compendium of Citizen Concerns

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INTRODUCTION



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The authors of this compendium are a diverse group of Mobilians united in our desire to "Make Mobile Better." We are a cross section of the community comprised of doctors, lawyers, engineers, business owners, and residents unified by our love for Mobile and determination for our city to prosper in every sense of that word. Many of us believed in Mayor Dow's "String of Pearls" and invested in downtown Mobile in reliance on the "New Plan for Mobile." We believe that Mobile should stay true to the promises our leaders have made about the direction they will take our City. This compendium demonstrates why and how following the Recommendations of the Above Ground Oil Storage Tank Subcommittee would damage the health, welfare and property of loyal citizens without providing compensatory value.

We appreciate the work of the Above Ground Oil Storage Tank Subcommittee. They are volunteers who have clearly devoted a lot of time to this project. They are honorable people but they do not represent our interests. The Subcommittee Report correctly notes that the City does not have the authority to change state or federal law. However, City leaders do have both the right and the duty to determine whether a permissive project is in the best interest of the community and if so under what conditions. Those are local questions that involve a risk/benefit analysis and the City's vision for its future.

Unfortunately, the Subcommittee Recommendations do not provide the mechanism for a proper risk/benefit analysis. The Subcommittee aptly observes that

"The design and construction of above ground oil storage tanks is not within the expertise or purview of the Planning Commission."

In spite of that honest concession, the Subcommittee issued recommendations that fail to provide a mechanism for equipping the Planning Commission and civic leaders with facts necessary to make the risk/benefit analysis inherent in allowing a dangerous industry to locate near a densely populated area. By contrast, in 2013 when MAWSS was considering the proposal of Plains All American Pipeline to locate a crude oil pipeline within the Big Creek Lake Watershed it hired the global engineering, construction firm KBR to prepare an assessment of the project. We applaud MAWSS for its due diligence but we

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would prefer that the cost of such an assessment be borne by the developer who seeks permission to profit from a risky activity not the public who are put at risk by that venture.

For a proper risk/benefit assessment the decision maker must be able to compare the economic benefit of a project against any harm or potential risk inherent in the project. The Recommendations do not require a developer to disclose the number of jobs, the amount of tax or the direct economic impact the proposed project will generate. To argue, as Keep Mobile Growing does, that petroleum is vital to our region is a red herring. Of course the petroleum industry is valuable but that is not the issue. The question is what economic impact this particular project will have on our community.

Similarly, on the risk side of the equation the Recommendations provide no mechanism for approximating the negative externalities inherent in the proposed project. What effect will the proposed project have on the health of the citizens, property values, future development of historic areas like Africatown, and the quality of life for citizens and tourists alike?

Media reports are replete with recent examples of catastrophic failures associated with the storage and transportation of petroleum all across the US and the world. We must acknowledge the possibility of such a failure happening in Mobile and take all reasonable measures to protect our citizens, our property and our future. What would happen if one or more of the tanks exploded or ruptured? Our experience with Deep Water Horizon reminds us that we must plan for disaster. There is no provision in the Recommendations that is designed to ensure that those who stand to profit from the storage tanks have resources committed to answer to the community for the damages that result from a major failure. As of April 20, 2014, BP reported that it had paid \$27 billion in clean-up costs, fines and settlements. Is there a risk our developer could not, or would not, pay for the damage it caused? Those are negative externalities which are discussed in this compendium and must be quantified to prevent Mobile from “buying a pig in a poke”.

In this compendium doctors addresses the health consequences of petrochemical tanks, engineers discuss volatile organic compounds and the consequence if Mobile were to become a “nonattainment zone.” Business owners and residents express their sense of betrayal at the thought of the Planning Commission increasing the burden of noxious odors and associated negative impacts that more petroleum storage tanks will have on our community. Leaders for decades have promised to develop our potential as a vibrant hub of economic activity with a dynamic downtown where arts, history, entertainment, waterfront and quality of life attract visitors, tourists and new residents. For this vision to be realized we must fully utilize our history and natural resources while protecting them from industrial degradation.

This compendium also relies upon the real estate appraisal principle of “highest and best use.” Mobile is making historic progress in revitalizing downtown and the surrounding areas. As we do so we must be mindful of the key role our waterfront can play in economic development and the quality of life in our area if our west bank was developed in a family friendly way. Our waterfront provides opportunity. With proper development the time will come when the owners of petrochemical storage tanks in the vicinity of downtown will recognize a greater economic opportunity by converting from storage to recreational activity.

We cannot be both Port Author, Texas and Charleston, South Carolina. The land uses are in conflict and we have been promised Charleston. Petroleum is a shrinking industry and Mobile is at a crossroad.

What we are over the next thirty years depends upon whether our leaders honor the picture they have consistently painted of Mobile as a thriving hub of culture, arts and entertainment.

A proper risk/benefit analysis will surely result in recognition that the best way forward is for Mobile to remain true to the vision it has created and loyal to those who have relied upon that vision.

Very truly yours,

Pete Burns

ZONING

NO PIGS IN THE PARLOR

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March 15, 2015

TO THE PLANNING COMMISSION

CITY OF MOBILE, ALABAMA

Re: *Expansion of Volatile Crude Storage*

Dear Commissioners:

I write to join other Mobilians who oppose the further expansion of above-ground storage tanks on the west bank of the Mobile River, and in Africatown. I have lived and worked in Mobile's central business district for most of my adult life. My husband and I currently live and work in a building we purchased and renovated on Dauphin Street in the 1980s. We moved to DeTonti Square in 1994 where we reared our three children, and built a house for my mother. My mother, and her house, are within the evacuation zone for oil train derailments and explosions, as established by United States Department of Transportation. My house and office are within the impact zone, as is most of downtown Mobile. You can find your zone at: <http://explosive-crude-by-rail.org>

Professionally, I am a lawyer. My practice is primarily in the area of local government law. I have consulted with and provided legal advice to city councils, planning commissions, boards of adjustment and architectural review boards. I am past president of the Alabama Municipal Lawyers Association, and have been certified as a Local Government Fellow by the International Municipal Law Officers Association. I have also been qualified as an expert in local law by the federal district court in Mobile.

On the pages that follow, engineers, physicians, and other experts will detail the public health and safety hazards, and the environmental degradation that goes hand in hand with the transport, storage and handling of petroleum products. Besides the real and present danger posed by these products, residents and business owners like myself are rightly concerned about depressed property values, a declining quality of life and a residential exodus to the eastern shore. Anecdotal reports from the real estate community confirm that some agents are already steering potential residents away from downtown.

Make no mistake--the volatile crude which is the subject of this compendium (such as condensate and diluted bitumen) is extremely dangerous.¹ While it is true that Mobile has granted conditional use permits to some crude oil storage tanks over the years, this activity has never been allowed by right in any district, nor has it ever been permitted on the grand scale that is being proposed here. The sheer increase in the number of tanks in recent years, and the prospect of more being added, is alarming to the thousands of residents and small businesses in and around the downtown area who invested here on the promises contained in the “New Plan for Mobile” and other visionary documents committing Mobile to restoring its historic urban core.

As noted by the Citizens Ad Hoc Committee, “Quality of Life” means that Mobile’s citizens want to:

enjoy the economic, living and recreational opportunities afforded by our beautiful and historic City. Clean air, clean water, high quality jobs from a vibrant economy, safety, personal health and a healthy environment are expected. The Mobile Delta, our rivers and bays must be protected to continue providing recreation, aesthetic and economic opportunities for all. Our City leaders must include all affected in considering responsible and sustainable development.

Ad Hoc Committee Report, March 26, 2014, p.1.

Despite industry claims to the contrary, Mobile has never allowed petroleum products, whether traditional crude oil or the newer and more volatile products coming here from Canada and North Dakota, to be permitted as a matter of right.² Under the current code, the Chart of Permitted Uses states that “petroleum, petroleum products, manufacture, distribution and storage” may be allowed only when the Commission specifically grants a special approval, also known as Planning Approval.³

¹ <http://www.nrdc.org/energy/files/tarsandssafetyrisks.pdf>

² See, e.g. 1897, 1937, 1947, 1951, and 1955 *Code of Ordinances for the City of Mobile*. For a well-documented historical discussion of petroleum storage in Mobile see McSwain, “Fire Hazards and Protection of Property: Municipal Regulation of the Storage and Supply of Fuel Oil in Mobile, Alabama 1894-1910,” *Journal of Urban History* 2002: 28; 599 (<http://juh.sagepub.com>).

³ In Mobile, this special approval process is called “Planning Approval”. It differs from “special exceptions” only in the forum for decisions; the latter being sent to the Board of Adjustment. In other jurisdictions it is known as conditional use permitting. In any case, the whole point of these types of approvals is to insure that a proposal conforms to prescribed standards so that *ad hoc* decision-making may be avoided.

The Council has asked for your input. With respect, in my view, there is only one recommendation that this Commission needs to make to the City Council--no more tanks on our banks. The tanks are not in keeping with the New Plan for Mobile, pose significant dangers for our citizens and are not appropriate in residential areas.

It is no answer to claim that the transport, handling and storage of petroleum is subject to federal and state regulation. This is *our* community--and it is the duty of our elected leaders to insure that the unique requirements of this community are served.

Sincerely yours,

Wanda J. Cochran

PETROCHEMICAL STORAGE TANKS – WHAT ARE THE TRUE COSTS?

The Subcommittee Recommendations do not address or try to quantify the negative externalities which are inherent in this project. The economic principle of negative externalities requires that a decision maker consider the impact an activity will have on third parties. For instance, a late night music venue in a residential neighborhood would keep some residents awake at night. To allow the music venue to operate in a residential neighborhood would deprive residents of their right to an undisturbed night's sleep. That would be a negative externality that could be avoided by locating the club in an entertainment area.

The negative externalities associated with above ground storage tanks are much more complicated and dangerous than those associated with late night music. Petrochemical storage tanks are associated with higher cancer rates, explosions, leaks, reduced quality of life, lower property values and they create a stigma that inhibits other development.

Those who promote petrochemicals in heavily populated areas argue that the risks of leaks, spills, derailments or explosions are slim because the industry is motivated to protect its product. History belies that argument. Certainly their products are valuable and obviously, the petrochemical industry has no incentive to spill product. Neither did BP, Exxon, Plains All American Pipeline, CNR, ARC, Chevron or any of the other companies which have experienced derailments, leaks, explosions or other environmental catastrophes.

The Subcommittee Recommendations do not require a risk/benefit analysis before the Planning Commission considers a proposal. If those Recommendations are adopted the hapless neighboring property owners will be saddled with persuading the Planning Commission that the harm of a proposed project outweighs its benefits. Like a scud missile attack such proposals are inexpensive for the developer to launch but can be devastating to the community if the attack succeeds. Every such attack drains the affected property owners of momentum necessary to keep their communities moving forward.

Before the Planning Commission seriously considers any project with significant potential adverse effects the Planning Commission should have a thorough economic analysis performed by an independent and reputable consulting firm at the expense of the developer. The Above Ground Oil Storage Tank Subcommittee recommended increasing the fee for a Planning Approval application in an Enhanced Scrutiny Area to \$1,500. That is a step in the right direction but woefully inadequate.

The fee should be sufficient to fund an analysis by a bonded independent expert consulting firm, like KBR, who would determine the impact a proposed project would have on the community. Properly done, that analysis would consider many factors including construction related risks, operational related risks, the impact on air, water, health and the economic stimulus the project would create. The expense of creating the report would deter developers from presenting ill-conceived proposals and having such a report would equip the Planning Commission to make a prudent decision about whether to approve the project.

One goal of the contributors to this compendium is to identify negative externalities that must be quantified before an objective decision can be made in this case.

PETROCHEMICAL PLANTS AND
NEGATIVE EXTERNALITIES
AIR POLLUTION

John Anderson P.E.

TO THE MOBILE PLANNING COMMISSION SUBCOMMITTEE
ON ABOVE-GROUND STORAGE TANKS

March 16, 2015

I am John Anderson and I reside in Semmes, Alabama. I have been a practicing registered Professional Engineer for 38 years in the State of Alabama and I have held the position of Engineering and Maintenance Manager at the Scott Paper Company facility in Mobile, Alabama and was the Director of Engineering and the Environmental Manager at the Sappi Fine Paper operation in Muskegon, Michigan for a number of years. I am currently a Project Manager involved in an environmental project to gather and incinerate a large quantity of VOC emissions at a facility in Louisiana.

As a teenager in Mobile in the 1950's, I rode with my uncle on a gasoline delivery truck, filling the tank truck at the Gulf Oil Terminal in Mobile (now the Plains All American terminal) and delivering gasoline and diesel fuel to filling stations, nurseries, small business and Hosea O. Weaver's business on Howells Ferry Road.

Back then there was no vapor control at truck loading and unloading facilities, no EPA and no Clean Air Act. However, these regulations made improvements to our air quality and did not shut down the filling stations, nurseries small businesses and Hosea Weavers business, we learned to adapt and added a few emission control systems!

I remember the brown hazy skies of the 1950's and 1960's and the clean blue skies of the late 1970's 10 years after the Clean Air Act was passed by a Richard Nixon, a Republican President.

In the decade of the 1990's when International Paper and Scott Paper Companies operated two large pulp mills in Mobile and Kerr- McGee Chemical Corporation operated in Theodore the average Ozone level in Mobile was 81ppb. For the past ten years since all three of these facilities have been shut down due to air pollution laws, Mobile County and Baldwin County have had an average Ozone Level of 71ppb with a high of 74ppb. The current EPA maximum Ozone Limit of 75 ppb (8-hour average) was set by the George Bush Administration and the EPA in 2008.

Currently the Obama Administration and the EPA are considering lowering the Ozone limit to between 60 to 70 ppb a reduction from the current 75ppb maximum limit.

What does all this have to do with Above Ground Storage Tanks on the east and west side of the Mobile River?

If additional above ground petroleum storage tanks are built in Mobile without vapor recovery equipment as is currently allowed by the Alabama Department of Environmental Management, Alabama Air Pollution Control Program, Division 335-3 paragraph 335-3-6-.01 states: "Sources with a potential VOC emission rate of less than 100 tons per year are exempt from any VOC controls." If 100 new tanks are built in the Mobile downtown area on the east side of the river with up to an additional 100 tons or 200,000 pounds of VOC emissions per tank the added VOC emissions in Mobile will be increased up to 10,000 tons or 20,000,000 pounds per year. The impact of this level of VOC emission will make the air in our community intolerable. Is this something we want for Mobile?

Current EPA VOC emissions data indicates that approximately 18 tons or 36,000 pounds of VOCs are emitted in the Mobile Area each year. Would it be reasonable to think that if we allow the VOC emission levels to be increased by 550 TIMES that the Ozone will go up in Mobile?

If the current EPA maximum Ozone limit is maintained at 75ppb and 100 new petroleum tanks are built in Mobile it is very likely that Mobile and Baldwin County will become an Ozone Non-Attainment Area.

If the Obama Administration and the EPA reduce the maximum Ozone emission limit to 60 ppb or 70ppb Mobile and Baldwin County will become an Ozone Non-Attainment Area without any new tanks being built.

Ozone Non-Attainment Area

What are the consequences of becoming an Ozone Non-Attainment zone?

1. Plans to build new plants in Mobile & Baldwin County will be put on hold. This will have a huge negative impact on our economy!
2. Expansion of existing plants will require all new VOC emissions to be offset with new Best Available Technology VOC control equipment on the existing processes.
3. Environmental Permits will require EPA review and take 12 to 24 months for approval.
4. Existing plants and small businesses will be required to start reporting their VOC and NOx emissions monthly and Continuous Emission Monitors (CEMS) will be required for large emission sources.
5. You and I will be subject to annual automobile tail pipe testing fees and higher cost fuel in the summertime.
6. Federal Highway Funds will be frozen. Federally funded Highway projects will be halted. The new I-10 Bridge will not be built. New paving projects will require a VOC emission control plan before they start work.
7. Economic Growth will come to stop in Mobile and Baldwin Counties until the Ozone Level is reduced below the maximum level 75ppb or possibly 60-70 ppb if the limit is lowered.

8. Before an area can be reclassified as an Attainment area it must have reduced Ozone levels for three full years. It must also have an Ozone Emission Maintenance Plan describing how the Ozone levels will be maintained below the maximum level.

9. How many existing jobs will at risk by an Ozone Non-Attainment ruling for Mobile and Baldwin County?

Mobile County Baldwin County

Manufacturing – 18,614 3,934

Natural Resource – 1,240 670

Construction – 9,147 2,654

Recommendations

1. Adopt the Ad Hoc Committee's Report's recommendations.
2. Require VOC Vapor collection on all new above ground petroleum storage tanks built in the Mobile area.
3. Follow the design guidelines that Mr. Bill Cutts is using for the American Tank & Vessel tank farm design, e.g. VOC Vapor emission control, Tanks elevated above the 100 year Flood Plain and on-site Fire suppression systems.

PLEASE MAKE THE RIGHT CHOICE FOR THE FUTURE OF MOBILE.

John Anderson P.E.

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PETROCHEMICAL PLANTS AND
NEGATIVE EXTERNALITIES
WATER POLLUTION

June 10, 2015

Dear Subcommittee & Planning Commission Members,

I am submitting this letter in regard to the proposed development of Above Ground Petroleum Storage Tanks to voice my opposition to the expansion of petroleum tank farms in the Mobile area. In the least, if tank farm projects are approved, then I support the Ad Hoc Committee's recommendations, especially those related to increased safety requirements and a buffer zone.

I came to the city of Mobile to attend Spring Hill College and loved the area so much that I decided to stay and have now been a citizen for 11 years. I'm currently 28 years old and one of the main reasons I stayed is for the natural beauty we have in our area. Additionally, I love the culture, events and activities available, and the friendships I've made. Two years ago I got married and as my husband and I plan for a family, the future of Mobile as a healthy and vibrant city is very important to us. Following my graduation, I came to work at the Dauphin Island Sea Lab for the regional ocean group, the Gulf of Mexico Alliance, supporting environmental education across the 5 Gulf States. One of the things I came to realize is those that work with the environment are very good at communicating with others who are passionate about the environment, but connecting with a more diverse group of individuals with differing perspectives was not as strong. That realization helped lead me to a position with a local nonprofit, the Downtown Mobile Alliance where I felt I could learn a lot more about urban development and have a positive impact on my local community. I had great opportunities in engaging with a variety of stakeholders and broadened my understanding of how the downtown area's success is vital to the overall city's success. I left that position in April of 2014 to pursue a job as a Nature Guide with 5 Rivers Delta Safaris. In working with environmental education for 3 years I found that people are more willing to learn about something once they have a passion for it and outdoor adventure is an excellent way to start that passion. Not only that, but outdoor adventure and environmental education are excellent tools for inspiring people to be stewards of the world around them. The Mobile-Tensaw Delta is a treasure and is one of the most biodiverse places on the planet. Boasting more turtle, crawfish, salamander, and carnivorous plant species than anywhere in the world. Eco-tourism opportunities abound in Mobile's backyard and are currently expanding.

As for me, I have been researching the expansion of the oil industry in our area, specifically tar sands and bakken crude, since August of 2013 and I have gone beyond research and been actively involved in a variety of ways. I will now share with you the facts I've learned through both research and personal experience as an argument to support my stance of opposition to the expansion of tank farms. Both Canadian Tar Sands and Bakken Crude Oil are currently coming into the City of Mobile via rail on a regular basis and the proposed tank farm projects will only increase rail traffic⁴. Bakken Crude Oil is a concern because it is extremely volatile and it is the type of oil involved in the train explosion in Quebec which killed 47 people and resulted in a half-mile evacuation zone⁵. Canadian Tar Sands is a concern for many reasons, but I will point out the main concern is that if spilled in water, it is extremely difficult to

⁴ Article: Mobile to receive Canadian oil, but no refining downtown. By: Ben Raines. Link: http://blog.al.com/live/2012/11/mobile_to_receive_canadian_oil.html

⁵ Article: Canada Says Quebec Rail Crash Crude Not Properly Labeled. By: Andrew Mayeda. Link: <http://www.bloomberg.com/news/articles/2013-09-11/canada-transport-board-seeks-better-labels-for-dangerous-goods>

remove⁶. These tank farms are located near Mobile's waterways and both the Mobile Bay area and the Mobile-Tensaw Delta are extremely important water bodies. According to Bob Shipp, head of marine sciences at the University of South Alabama, "From Mobile Bay to the coast of Louisiana is probably the richest area in the northern Gulf, and the northern Gulf is one of the richest marine ecosystems in the world." Not only that, but the bay connects with the Gulf and "the Gulf of Mexico is responsible for about 75 percent of the U.S. seafood supply."⁷ In fact, Alabama's seafood industry boasts more than \$336 million annually to the state's economy⁸. By placing tank farms with minimal safety regulations required, the likelihood of a spill in Mobile's waterways is of great concern. As an example, a tar sands oil spill in the Kalamazoo River in 2010 took over 4 years to clean up and the costs to do so exceeded \$1.21 billion⁹. Also, both of these types of oil contain benzene which is a known human carcinogen that causes birth defects, leukemia, anemia and other blood disorders, especially in the young and old¹⁰.

Now that the types of oil have been addressed, it is important to note the transportation issues related to bringing these petroleum products to the City of Mobile. According to data from the federal Pipeline and Hazardous Materials Safety Administration (PHMSA), 2014 set a new high with 141 "unintentional releases," of crude oil transported by rail. By comparison, between 1975 and 2012, U.S. railroads averaged just 25 spills a year¹¹. In fact, a train carrying tar sands that was bound for Mobile derailed in January 2014 and shut down a section of Hwy. 98 for two days¹². These accidents have been so frequent and severe that the Department of Transportation announced its new rulings for oil by rail in May. Due to the impacts of these accidents and the fact they are still occurring regularly, many Senators are calling for a bill with higher safety rules than the ones originally proposed.¹³ Also, a lawsuit has been filed to challenge the new rules for its many shortcomings.¹⁴ Local and state governments are seeking out alternative options for ensuring its citizens' protection. The latest example has been the state of New York in succeeding in opposing an oilsands by rail facility in Albany because of strong vocal

⁶ Article: A Dilbit Primer: How It's Different from Conventional Oil. By: Lisa Song. Link: <http://insideclimatenews.org/news/20120626/dilbit-primer-diluted-bitumen-conventional-oil-tar-sands-Alberta-Kalamazoo-Keystone-XL-Enbridge>

⁷ Article: Where the rivers meet the sea, the Mobile-Tensaw Delta, is important on a global scale. By: Ben Raines. Link: http://www.al.com/news/index.ssf/2014/11/americas_amazon_where_the_rive.html

⁸ Website: Gulf & South Atlantic Fisheries Foundation. Economic Information. Link: <http://www.gulfsouthfoundation.org/about/represent>

⁹ Article: New price tag for Kalamazoo River oil spill cleanup: Enbridge says \$1.21 billion. By: Mark Bugnaski. Article: http://www.mlive.com/news/grand-rapids/index.ssf/2014/11/2010_oil_spill_cost_enbridge_1.html

¹⁰ Website: Centers for Disease Control & Prevention. Facts About Benzene. Link: <http://www.bt.cdc.gov/agent/benzene/basics/facts.asp>

¹¹ Article: Oil Train Spills Hit Record Level in 2014. By: Tony Dokoupil. Link: <http://www.nbcnews.com/news/investigations/oil-train-spills-hit-record-level-2014-n293186>

¹² Article: Mobile-bound train derailed in Mississippi; fuel oil leaks prompt evacuation, highway closure. By: The Associated Press. Link: http://blog.gulflive.com/mississippi-press-news/2014/01/mobile-bound_train_derails_in.html

¹³ Article: Senate Dems seek stronger oil train safety rules. By: Timothy Camma. Link: <http://thehill.com/policy/energy-environment/236901-senate-dems-seek-stronger-oil-train-safety-rules>

¹⁴ Green Groups Sue DOT over oil-by-rail regulations. By: Jennifer A. Dlouhy. Link: <http://fuelfix.com/blog/2014/12/02/green-groups-sue-dot-over-oil-by-rail-regulations/#13853101=0>

concerns from citizens due to the many negative impacts from this type of industrial development.¹⁵ In South Portland, Maine for example an ordinance was enacted which bans the export of non-refined fuel from its port¹⁶. These types of developments are being proposed in port cities across the U.S. and the cities that are diligently working to make decisions based on quality of life and safety are succeeding at preventing these projects from being carried out. Also, California is a state that has been enacting new laws to regulate the oil industry as it grows there and new developments begin¹⁷. The Missouri Department of Natural Resources Permit to Construct the Marquis Terminal mandated Capture and Control System conditions including Vapor Collection System and Open Flame Air Assisted Smokeless Flare requirements for handling Bakken Crude¹⁸. As mentioned above, the benzene in these oil products is a threat to public health. Benzene is a VOC and it is released into the air in the transport, storage, and refining of these oil products, unless there are special requirements in place for VOC capture. Mobile has been selected by the oil industry for many reasons and the main ones are the proximity to the Pascagoula Refinery, including transport via the new pipeline that goes through the Big Creek Lake Watershed, and being at the end of the Canadian National Rail line. It is imperative that Mobile's decision makers address public safety and health when it comes to the transport and storage of petroleum products.

Finally, I would like to point out that we are in the year 2015 and the opportunities for clean, renewable energy are enormous. According to Professor Eric Martinot, the senior research director with the Institute for Sustainable Energy Policies in Tokyo, "For the last three years, since 2010, global investment in renewable energy has exceeded investment in fossil fuels and nuclear power generation capacity¹⁹." The cities that are embracing this truth and working to seek out clean energy companies to settle in their area are experiencing great gains not only to their economy, but across many aspects of quality of life. One idea that I proposed at the Map for the Future Workshop is to create a renewable energy training facility comparative to AIDT which trains locals for the ship building industry. In recruiting renewable, clean energy facilities to settle here, the proposition of creating a training facility could be a valuable part of that recruitment process. Being in my late 20s I understand why many other people around my age seek out alternative places to live. When it comes to smart growth and a vision for the future, it is important that Mobile's decision makers look at the long term impacts of proposed developments and weigh them against alternatives. There are individuals who are concerned about Mobile projecting an anti-business attitude if they vote against tank farm developments or increased safety regulations. Whereas, I say a selective attitude is one of true leadership, one that recognizes the

¹⁵ Article: New York State Blocks Oilsands-By-Rail Facility In Albany. By: Daniel Tencer. Link: http://www.huffingtonpost.ca/2015/06/02/new-york-oil-sands-facility-blocked_n_7494114.html

¹⁶ Article: Maine's tar sands oil ban a win for activists. By: David Abel. Link: <http://www.bostonglobe.com/metro/maine/2014/07/22/maine-council-vote-block-shipment-tar-sands-oil-bolsters-hopes-pipeline-foes/ivhZmkiFcSc9IQ167I2QaN/story.html>

¹⁷ Article: As Oil by Rail Gains Momentum, Is California On Track to Protect Human Health and the Environment? By: Jayni Hine. Link: <http://legal-planet.org/2014/03/28/as-oil-by-rail-gains-momentum-is-california-on-track-to-protect-human-health-and-the-environment/>

¹⁸ Website: Missouri Department of Natural Resources. Marquis-Missouri Terminal, LLC Permit. Link: <https://www.dnr.mo.gov/env/apcp/permits/marquis-hayti012cp.pdf>

¹⁹ Article: The case for optimism about a renewable energy future. By: Alli Gold. Link: <http://newsoffice.mit.edu/2013/the-renewable-energy-future>

best options for a city and pursues those, versus allowing companies to develop locally that have proven risks and minimal benefits.

Continuing, the voices of the people who live closest to the proposed tank farm projects need to be the ones most considered. One community specifically, Africatown, has been inundated by heavy industry and they have a vision for their future that doesn't include tank farms. I have spent time with citizens of this community and formed great friendships; I stand by this community and its efforts to grow their community in a healthy and vibrant way. The Tank Farm project at the old International Paper location is one that if developed, has great potential to further harm and limit Africatown. Furthermore, federal guidelines recommend a minimum of 1,200 feet from residences and in relation to the proposed tank farms in Mobile, with the absence of a local setback ordinance, the developments could be as close as 600 feet. That is why I mentioned in my introductory paragraph that in the least, I support the Ad Hoc Committee's recommendations if these projects end up being approved.

I support the Planning Commission in rejecting the expansion of petroleum storage tank farms. This decision is the best one when it comes to safety, health, and quality of life for the City of Mobile and all its citizens. Also, when it comes to an ecosystem as precious as ours, it is a responsible and visionary decision. Lastly, on a global scale related to the climate, it is the best decision. I thank you for receiving my words and am hopeful they will be helpful for you in opposing the expansion of petroleum tank farms.

Sincerely,

Valerie Longa

214 Upham Street

Mobile, AL 36607

PETROCHEMICAL PLANTS AND
NEGATIVE EXTERNALITIES
SPILLS, EXPLOSIONS AND DERAILMENTS

March 9, 2015

OPEN LETTER

Mobile Alabama, Oil Transport and Storage

D. Balzaretto - de.balzaretto@gmail.com – March, 2015

I am a Doctor in Chemical Engineering. For decades, I have been working in chemical specialties processing industries including pipeline design and safety issues concerning transportation of oil and natural gas.

Presently, several initiatives seek to expand the transport and storage of petroleum in areas within and in vicinities to Metropolitan Mobile. The transport will consist mostly of shale oil which contains higher flammable proportions of volatile compounds than conventional petroleum associated with greater risks of catastrophic accidents. A recent series of lethal railroad disasters reported by the press illustrate this point. It should be noted that evacuation zones that straddle railroad tracks used for crude oil transport are at least one mile wide – the implication being that similar accidents could have devastating impacts of large areas - most of urban Mobile falls within the “Blast Zone”. Since all transport and storage of oil is associated with accidental leaks, spills, and ongoing evaporation of volatile toxins, such impacts must be anticipated.

In addition to the existing economic impact study commissioned by the Mobile Chamber of Commerce from Auburn University, a separate independent and competent study is needed to define risks specific to this community in its particular circumstances. A risk-analysis is inherently multi-disciplinary since beyond economics, engineering, environment, safety, and health must be analyzed concurrently, among other issues.

My personal understanding is that elected officials charged to uphold the well-being of the population in Metropolitan Mobile have, thus far, not been provided with a comprehensive independent risk assessment of potential impacts of expanded oil transport, storage and processing on this community.

March 19, 2015

Mobile Planning Commission
Department of Urban Development
P.O. Box 1827
Mobile, AL 36633

Dear Sir/Madam:

As a resident of Midtown Mobile and a teacher of math and chemistry for 30 years, I am concerned about the increase in oil storage capacity being considered by the city and how it will affect the health of our community. Proposed storage increases, combined with existing storage capacity, will translate into around 5 million barrels, an amount equal to the BP disaster, all sitting within a mile of downtown Mobile. Every state along the Gulf Coast is knocking at the door of British Petroleum seeking monetary losses in the hundreds of millions of dollars from that spill which was composed of a much lighter oil with fewer volatile organics than the material coming into these storage tanks. A spill in the confined waters of Mobile Bay would be far longer lasting, were it the same viscosity. But the source of this material is Bakken shale oil and the Canadian tar sands.

Bakken oil has a large amount of volatile organics and gases that contribute to its explosive nature. The Material Safety Data Sheet analysis of this material measures 1.2% by volume of benzene, 1.2% by volume toluene, 1.2% by volume ethylbenzene and 1.2% by volume xylene. As the summer heat warms these tanks, these dissolved gases will be vented into the air and prevailing southeast winds will carry the gases over the most populated areas of Mobile. Ground level ozone will form as benzene reacts with other gases. Furthermore, benzene is highly carcinogenic and is a known leukemia-causing agent. Toluene, ethylbenzene and xylene are known to cause birth defects. We already have a continuous sprinkling of coal dust over the city from the coal terminal. The addition of these pollutants will certainly result in an increase in respiratory problems for our children.

Oil from the Canadian tar sands is so thick that it must be heated or mixed with solvents, usually benzene, before it will flow in a pipeline. When spilled into water, the mixture of heavy oil with lighter volatile solvents floats for a time until the solvents evaporate and the heavier crude sinks to the bottom making cleanup much more costly than convention oil spills. A spill in the Kalamazoo River in 2010 in Michigan of around 26,000 barrels, a fraction of Mobile's proposed storage capacity, has cost an estimated \$1.21 billion as of November 2014, and is not yet complete. Bacteria that digests oil after a spill, as occurred with the BP Horizon spill, requires a much longer time to decompose the heavier tar sands oil. Since these tank farms are all within 10 feet of mean high tide it is reasonable to assume a tidal surge from a hurricane will put water around these tanks. Any debris from the state docks or the many industries along the river, a loose barge for example, will cause great damage to the tanks and result in a catastrophic spill.

None of the oil coming into Mobile is useable in its crude form but must be refined. Its ultimate destination is a refinery along the Gulf Coast. So from a practical standpoint, this material should be unloaded at the refinery. It is being unloaded here due to the extra cost of rail transport to the Pascagoula Chevron refinery. The citizens of Mobile are being asked to bear the risks of living with an increase in air pollution and the potential of a catastrophic oil spill in our bay so the owners of the facilities can enjoy a modest gain. This is grossly unfair.

Francis Johnson
26 McPhillips Ave
Mobile, AL 36604
Email: frjohn2@bellsouth.net

June 3, 2015

“Exposure to oil may reasonably be anticipated to cause death, disease and infection, behavioral abnormalities, cancer, genetic mutation, endocrine disruption, miscarriage or birth defects, and other physiological malfunctions in exposed organisms, including humans.”

Dr. Rikki Ott Ph.D (Biology)

Commercial Fisher, Prince William Sound, Alaska

There is a general conception that above ground oil storage tanks are these benign structures that safely sit in place awaiting the transfer of their contents. I too had at one time accepted this idea without investigation; but after spending months of doing some in-depth research, I found that this is a dangerous misconception. Perhaps it was after discovering much of the same information I am about to share here that the Citizens Advisory Committee on Above Ground Oil Storage tanks decided to make the recommendations on setbacks and other restrictions that it set forth in its report.

In the professional Journal of Loss Prevention in the Process Industries (Vol. 19, Issue 1, January 2006) Drs. James Chang and Cheng-Chung Lin reviewed **242 storage tank accidents** in industrial facilities and came to these conclusions:

33% of accidents were caused by lightning.

30% of accidents were caused by error in operation and maintenance.

85% involved fire and explosion sending toxic fumes into the air.

Among other causes were equipment failure, sabotage, crack and rupture, leak and line rupture, static electricity, and open flames.

Severe storms and flooding are also causes of storage tank accidents, and these often have catastrophic results.

On June 19, 2006, an estimated **three million gallons of waste oil** were released into the Calcasieu River in Louisiana from a tank at the Citgo Refinery there. The “protective” booms failed and the Calcasieu Lake was also contaminated.

On September 17, 2013, flooding waters knocked an oil storage tank off its well pad. It toppled over and spilled its contents into the flood waters which then contaminated a trailer park.

The United States Coast Guard released the following statistics after hurricanes **Rita** and **Katrina**:

3.78 million gallons of oil were released into Cox Bay from damaged storage tanks at Bass Enterprises Production Company in Louisiana, and **another 460,000 gallons** spilled from its facility in Point La Hache.

A storage tank at the Murphy Oil facility in Chalmette, LA was “dislodged from its foundation, lifted, and damaged.” The families in 1,700 homes had to be evacuated.

A tank at the Chevron Empire facility in Buras, LA was “still bleeding oil” in October. Again, the so called “protective” booms failed. The **990,000 gallons of oil** that seeped into surrounding wetlands were then “burnt off,” again sending toxic fumes into the air.

During the storms, there were **44 separate oil spills** into navigable waterways of Louisiana from tanks belonging to Shell, Chevron, Murphy Oil, Sundown Energy, Venice Energy Services, and Bass Enterprises among others.

11 million gallons of oil were released into the navigable waterways of Louisiana during those two storms.

540 oil spills were counted across the Gulf Coast.

I spoke with two insurance adjusters who were sent to Chalmette, and they told me that they recorded oil stains on the ceilings of some of these homes. I would like to point out that none of the “numerous governmental regulations” cited at public hearings by members of the local lobbying group, Keep Mobile Growing, protected any of these waterways, homes, or people from any of the consequences of the oil spills cited above. I am gravely concerned that the same may happen in Mobile if storage tanks are allowed just a few miles from downtown Mobile and directly across from Africatown, De Tonti Square, Orange Grove, and other residential neighborhoods.

Here in Mobile, AL, on September 1 of 2011, an oil storage tank was “overfilled” and “for an unknown reason” a rainwater drain valve was left opened allowing the oil to spill into Mobile River. “Crews raced to clean up the spill” before Hurricane Lee paid its visit. (MPR, Sept. 3, 2011)

Port Authority Director, Jimmy Lyons, reported that 42,000 gallons had spilled from the tank. The Coast Guard estimated the spill at more than **275,000 gallons** and had collected **more than 88,000 gallons** by the time the article cited above went to press. The company declined to comment. Under estimating an oil spill is commonplace as we know from experience with the BP disaster here and the recent spill by Plains All America in California.

It would seem to be the very nature of oil companies to misrepresent the truth about oil spills. After the Gulf Coast Asphalt explosion on March 30, 2009, **more than a million gallons** of

oil were discovered underneath the asphalt. Gulf Coast Asphalt filed a lawsuit against Chevron Oil for “intentionally hiding” the oil from them during the sale of the property.

Given that maintenance is a major cause of oil spills, it is important to look at the record of the companies that will be involved in an increase of oil transportation and storage here in Mobile.

Plains All American was fined \$44 million for multiple spills from pipelines and storage tanks into the navigable waterways Louisiana, Texas, Oklahoma, and Texas from June of 2004 to September of 2007. The consistent complaint was corrosion due to lack of maintenance and oversight. On June 11, 2013, a Plains pipeline poured 122 barrels of oil into the drinking water reservoir of Bay Springs, MS. True to fashion, the company “grossly” underestimated the spill. Plains All America continues to have an abysmal record which includes five incidents in California in 2014 alone. The company has been the target of 20 federal enforcement actions since 2006. A Los Angeles Times analysis of federal data calculated that “Plains' rate of incidents per mile of pipe is more than three times the national average.” Only four companies recorded more infractions.

Canadian National Railways is just as suspect. The Train Safety Board of Canada reported that CN failed to report more than 1,700 main- and non-main-track accidents including more than 100 collisions and an explosion. A review of the Transportation Safety Agency of Canada revealed that the company averaged more than 500 accidents per year from 2004 to 2014. A search of train accidents uncovers multiple CN accidents involving oil tank cars from 2012 to the present date. The placement of oil storage tanks in downtown Mobile will result in an increase of CN trains carrying highly explosive Bakken crude and Western Canadian heavy crude (tar sands) through our neighborhoods, by our schools, and into downtown Mobile. Given its record, it is not advisable to entrust CN with such a serious task.

The directive given to the ten member Citizens Advisory Committee on Above Ground Oil Storage Tanks was to investigate and propose restrictions to such facilities in Mobile that would ensure our safety. The committee of engineers, businessmen (big and small), Mobile Baykeeper, and everyday citizens met for three months to study and discuss this issue. They recommended setbacks of 2,500 feet from residential areas. Given that accidents are going to happen, a fact that even Plains All America admits in its SEC report, it seems highly ill-advised to allow the placement of oil storage tanks anywhere near residential areas or downtown Mobile.

Herbert A. Wagner, M.Ed.
732 Jemison St.
Mobile, AL 36606
(251) 656-9327

KATRINA AND RITA OIL SPILLS

Hurricanes Katrina and Rita caused 540 separate oil spills throughout the Gulf Coast. A look at the biggest of those spills:

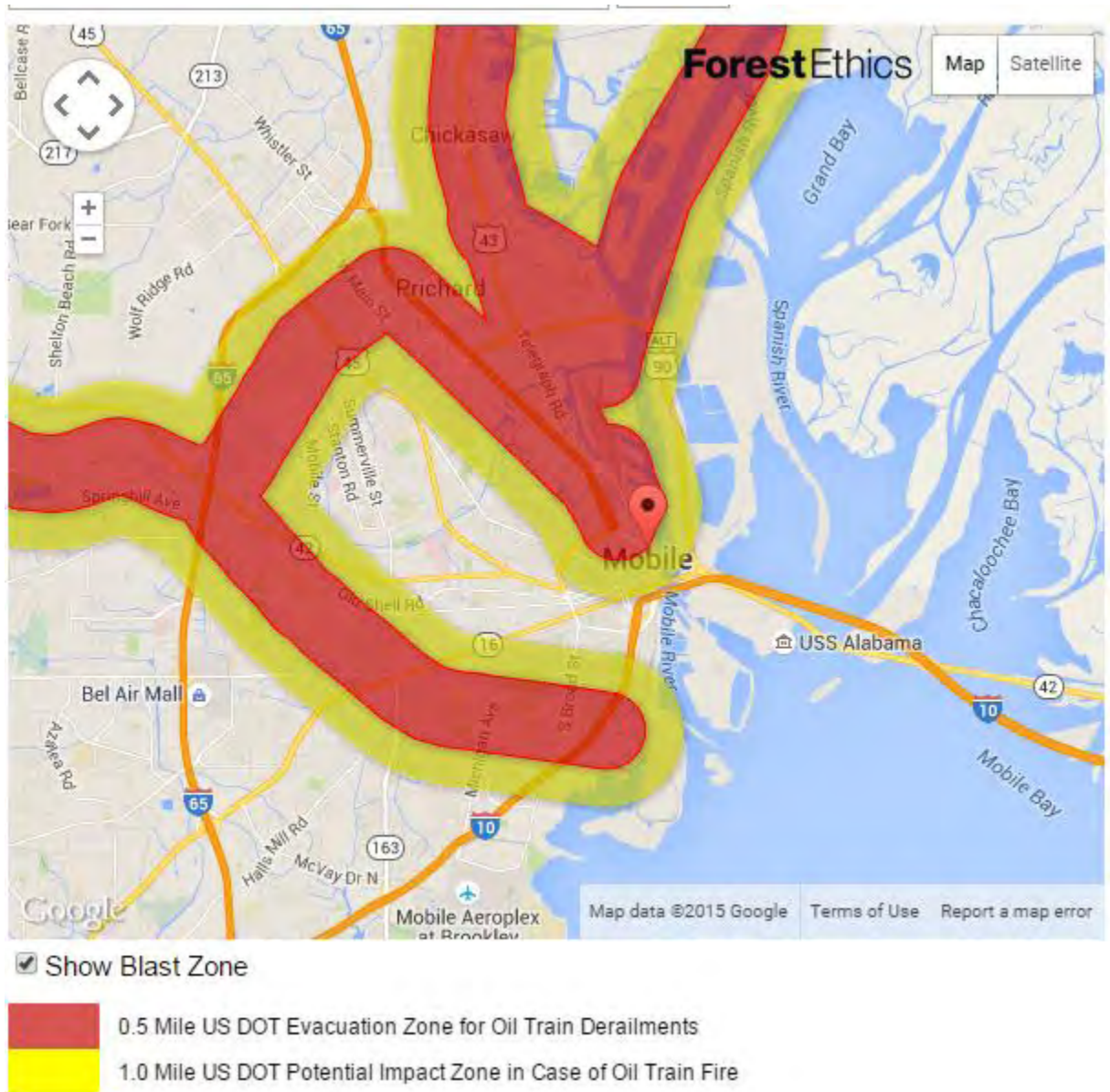
Company	Oil spilled IN GALLONS
Bass Enterprises Production Co. (Cox Bay)	3.78 million
Shell (Pilottown)	1.05 million
Chevron (Empire)	991,000
Venice Energy Services Co. (Venice)	840,000
Murphy Oil Corporation (Meraux)	819,000
Bass Enterprises (Pointe a la Hache)	461,000
Chevron (Port Fourchon)	53,000
Shell Pipeline Oil (Nairn)	13,440
Sundown Energy (West Potash)	13,000
Numerous other small spills	About 3 million
TOTAL: 11 million	

Sources: Former LSU energy researcher in Oceanography magazine, NOAA

THE TIMES-PICAYUNE

Oil Train Blast Zone

The United States Department of Transportation has determined that in the event of an oil car derailment a half-mile evacuation zone should be enforced. If there is an oil train fire the DOT has determined that the potential Impact zone is 1 mile. As you can see from the map below with red for derailment and yellow for fire most of downtown is at risk as is Wilmer, Saraland and beyond.



If you want to see whether your home, school or business is in an evacuation or impact zone follow this link, then type the address into the search box: <http://explosive-crude-by-rail.org/#>.

**PETROCHEMICAL PLANTS AND
NEGATIVE EXTERNALITIES
HEALTH HAZARDS**



Bernard H. Eichold II, M.D., Dr.P.H., F.A.C.P.
Health Officer

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Connie Hudson, President, County Commission

February 5, 2015

Urban Development Department
Government Plaza Building
Attn: Planning Commission
P.O. Box 1827
Mobile, AL 36633

Ref: Above Ground Fuel Storage Tanks

Dear Commission:

Since ground level ozone (created by chemical reactions between oxides of nitrogen (NOx) and volatile organic compounds (VOC) in the presence of sunlight) is a significant health hazard, the Mobile County Health Department emphasizes the need to limit VOC and release of noxious odor:

1. All new storage tanks and devices that transfer fuel with volumes in excess of 10,000 gallons or more must have a vapor system.
2. Since all existing 100,000 gallon and larger tanks located in the city limits need maintenance, require the installation of vapor recovery system by 2040.

We recommend the Commission review/consider:

1. Using the California Standards (as they are amended) for bulk fuel including vapor recovery, construction design, set back distances, and density of volatile liquid storage.
2. The new Federal Emergency Management Agency (FEMA) flood maps which will be released in the next four to six months.

Since data supports a significant increase in rail transportation of oil along with a marked increase in major accidents, does the Mississippi Export Railroad Company, Moss Point, MS have the land and ability to develop tank farms in close proximity to Chevron and use the Plains All American Pipeline to transport product to the Port of Mobile? On a daily basis would attracting increased rail capacity of oil to MS avoid hundreds of train cars (30,000+ gallons each) of volatile liquids coming to downtown Mobile and crossing Big Creek Lake, our drinking water supply, thereby making our community healthier and safer for everyone?

I do not believe the Mobile Fire and Rescue Department has the equipment to extinguish a million gallon above ground fuel storage tank fire. Should the industry be required to have equipment capable of such task if they build new tanks in downtown? If the answer is no, should our community "plan" be for future tank farms to be located away from the populated area and use pipelines to bring flammable products to the point of export/import?

The mission of the Mobile County Health Department is to promote, improve, and protect the health of Mobile County.

Sincerely,

Bernard H. Eichold II, M.D., Dr.P.H., F.A.C.P.
Health Officer

BHE:vw

Dr. Charles Rodning

UNIVERSITY OF SOUTH ALABAMA

DEPARTMENT OF SURGERY



USA HOSPITAL SYSTEM
HEALTH SERVICES FOUNDATION

March 12, 2015

Mobile Planning Commission
Department of Urban Development
P. O. Box 1827
Mobile, AL 36633

Dear Sir/Madam:

As a resident of the County of Mobile for over 30 years and as a licensed physician and surgeon within the State of Alabama, I wish to express great concern regarding the health and safety of your constituents and my patients in reference to the industrial development proposed for the County of Mobile. The citizenry and I are very concerned about the importation of crude petroleum products for storage and distribution, including products (e.g., tar sands) transmitted by rail from Canada. We are also concerned about the construction of pipelines under the Mobile River and through the watershed that supplies the fresh water to our community and the proposed construction of storage tank farms in flood-prone areas. The potential for spillage and contamination of our environment and the threat to health and safety of your constituents and my patients are not acceptable.

The Alabama State Docks and the industrial development on the eastern and western shores of the southern terminus of the Mobile River are massive. It dwarfs downtown Mobile, the Orange Grove neighborhood, and Africa Town. It borders the ecologically sensitive Mobile – Tensaw Delta. The shorelines are devoid of green space, *flora*, and *fauna*, and are inaccessible to the citizenry and tourists. Proposals to construct additional railways, pipelines, storage tank farms, and terminals are incompatible with revitalization and gentrification of downtown Mobile and Prichard, the health and safety of adjacent neighborhoods, and the ecological preservation and protection of the Delta.

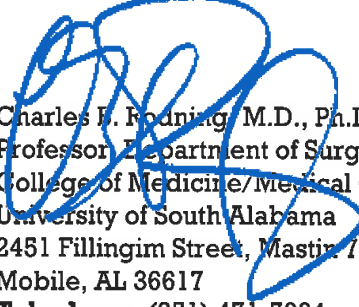
The health hazards of exposure to crude petroleum products and diluents are well documented. The hazards are acute and chronic, immediate and cumulative, inflammatory and carcinogenic, and involve every organ and system (D'Andrea MA, Reddy K: Health risks associated with crude oil spill exposure. *American Journal of Medicine* 2014; 127(9):886e9-13; *et hoc genus omni*). Additionally, the risk of mechanical trauma and thermal injury associated with an explosion in the blast zone is very real.



Mobile Planning Commission
March 12, 2015
Page Two

The purported mission of the City of Mobile states "We respect the dignity and worth of our citizens and value the diversity of culture, heritage and history within our community" The epigram of the County of Mobile is "Service, Leadership, Innovation." The Seal of the Office of the Governor propounds *Audemus Jura Nostra Defendere* (L., "we dare to defend your rights"). Collectively, we must ensure preservation of our culture, heritage, history, environment, health, and quality of life. Your constituents solicit your support in these regards and look forward to communication from you.

Respectfully yours,



Charles H. Rodning, M.D., Ph.D., F.I.C.S., F.A.C.S.
Professor, Department of Surgery
College of Medicine/Medical Center
University of South Alabama
2451 Fillingim Street, Mastin 716
Mobile, AL 36617
Telephone: (251) 471-7034
Fax: (251) 471-7482
E-mail: crodning@health.southalabama.edu

CBR/bmp
Attachments

Dr. Ralph Pfeiffer



Photograph of Big Creek Railroad Trestle

Vascular Specialists of Mobile, P. C.

S. TIMOTHY STRING, M.D. (1939 - 1997)

RALPH B. PFEIFFER, JR., M.D.

171 MOBILE INFIRMARY BOULEVARD

MOBILE, ALABAMA 36607

251/432-0558

FAX: 251/432-0554

www.vascularmobile.com

March 23, 2015

City of Mobile Planning Commission
205 Government Street, Suite #3
Mobile, AL 36602

Dear City of Mobile Planning Commission:

Enclosed is a photo of the railroad trestle over Big Creek where 100+ explosive Bakken crude and toxic Canadian tar sands oil tankers pass daily. Unless you pass an ordinance that effectively prohibits the construction of any new oil tank farms, there will be 300-500 tank cars daily crossing this trestle.

A derailment over the Big Creek trestle will immediately contaminate Big Creek Lake and effectively cut off the water supplied to the city of Mobile; all of its citizens, and businesses.

Each one of these rail cars is a rolling bomb, as demonstrated in six derailments and explosions in the past three years. Downtown Mobile and thousands of homes, churches, and businesses are in the kill zone of these trains as they pass through our city.

Any new ordinances of the planning commission are required to "provide safety from fire" and to "create conditions favorable to health". Therefore, any new tank farms with their associated health and fire risks should be prohibited.

I urge you to effectively zone out any new oil tank farms that would add to the ten million barrels of oil already stored upriver from city hall three feet above mean high tide waiting for a Katrina.

Is 26 permanent jobs worth the risk of a catastrophic conflagration?

Sincerely,



Rip Pfeiffer, M.D.

Clinical Professor of Surgery, USA Medical Center
Past President, Medical Society of Mobile County



OPEN LETTER
MOBILE, ALABAMA - PROMOTION OF PETROCHEMICAL INDUSTRIES
PREGNANCIES – BIRTH DEFECTS – CANCER – PUBLIC HEALTH
A professional and personal perspective
W. Wertelecki, M.D. - genfir3@gmail.com – February, 2015.

I am a physician board-certified in Pediatrics and Medical Genetics. For decades, my work in Alabama and Europe has focused on pollution impacts upon the health of pregnant women and child development. As a former University of South Alabama Chairman and Professor of the Department of Medical Genetics, I established a birth defects surveillance system across South Alabama – only South Alabama and 9 other states could contribute such data for the CDC to set U.S. standards of birth defects rates. Currently, my work concerns Chernobyl radiation and birth defects, and comparative implications in post-Fukushima Japan. Our online reports include those published by the U.S. Academy of Pediatrics, N.Y. Academy of Medicine and Japanese Society of Teratology journal “Congenital Anomalies”.

Recent past and present proposed industrial initiatives impacting Metropolitan Mobile, led me to conclude of a coordinated effort to expand the petro-chemical and coal industries which are inherently among the most dangerous, polluting and detrimental to communities such as Mobile. Petro-chemical pollutants are premier causes of miscarriages, birth defects, mental retardation, neurologic, respiratory disorders, childhood leukemia, and cancer. It is well documented that air, water, soil pollution and ozone levels in Metropolitan Mobile already are severe and that when permissible ozone levels are lowered in the near future, industrial expansions in Mobile may become limited. Risks associated with petro-chemicals relate to chronic leaks and transportation accidents. Some examples underscore this point – an explosion of a barge in Mobile in front of a passenger ship which of boarded by passengers could have resulted in a disaster - the idle Mobile Cruise Ship is now more than before likely to remain so. The immolation area associated with oil tank explosions is nearly a mile, not a “set-back” of 1,000 feet between tanks and inhabited or schools structures as proposed. A recent rupture of a “certified as sound” oil-pipeline, similar to the brand-new pipeline near the water supply of Mobile, should be a reminder that the corporate regrets currently being offered in Santa Barbara, California, will not suffice to provide safe drinking water to Mobilians, nor is such corporation likely to incur the costs it may unleash. Health impacts are not contained by a 1,000 feet “set back” as proposed – all petroleum tanks leak. In this context, it is worth noting press reports of cancer clusters in Baldwin County and that the Alabama Public Health Department admitted its lack of resources and expertise to investigate. The reputation of the petro-chemical industry is so low that any emphasis on its expansion in Metropolitan Mobile is likely to reduce its index of quality of life, already among the lowest in the U.S. Also, such expansions will have a negative impact on the tourism industry and ability to recruit alternative cleaner industries.

Leaders of “Partners for Growth”, “Keep Mobile Growing”, and “Partners for Environmental Progress”, among others, proclaim to support the aim to enhance the quality of life and economy of this community. Concurrently, these leaders endorse the facilitation of expansions

of the petro-chemical industry and often cite an Auburn University economic benefits study commissioned by the Mobile Chamber of Commerce. This study, largely kept secret, virtually ignores risks in general and, as far as I can tell, ignores completely health risks including those to pregnant women and development of children, populations that are much more sensitive to petro-chemical toxins. Such risk factors are beyond the capacity of economists to address. A competent, independent, and multi-disciplinary study concerning risk factors to this community is critical before elected officials can make responsible decisions. The “tank farms” are a smaller component of a large issue which must be considered in the context of an overall development plan for Metropolitan Mobile which I believe is obsolete and its update has been, perhaps systematically neglected. (20120606)

To the Planning and Zoning Committee:

Having recently returned to Mobile after a 35 year absence, I have become increasingly concerned with the proposal to place above-ground petroleum storage tanks near vibrant residential areas. As a physician (neurological surgeon), I am also familiar with the closures of pulp mills during the 1990s, mandated in large measure because of justifiable health concerns. Not only did the surrounding area experience a striking increase in hematologic cancers (i.e. lymphoma and leukemia among the young in particular); I well recall the noxious fumes emitted by the mills during the period of my former residence here in 1980. I mention the latter, because having come from Kansas City where above-ground storage tanks of all sorts were plentiful virtually precluded any residential development near them for the same reason.

Mobile is currently experiencing a resurgence in restoration architecture, both residential and commercial, near the very area of the tanks' proposed placement. In my view that will be counterproductive to such vital ongoing development. Yet speaking as a physician, an even more important concern is the well-documented health-care issues associated with shale and crude oil chemical contamination, whether in the air, water, or ground soil. Both types of oils contain significant concentrations of benzene (among other deleterious by-products), well recognized to be carcinogenic for humans.

Despite assurances that the possibility of untoward occurrences is allegedly slight should zoning ordinances be modified to accommodate petrochemical storage tanks near residential areas on the West Bank, the recent track-record nationwide tragically affirms that accidental leaks, spills, and explosions are on the rise—and strikingly so. If located in the area proposed, the so-called “collateral damage” would not only be immense, but would have longstanding negative repercussions on the environment.

As such, I second my medical colleagues' previously voiced concerns, and would favor moving the tanks' location to the already established industrial zone in the Range Line/Theodore area.

Sincerely,

Bert E. Park, MD²⁰

²⁰ Dr. Park is Board-Certified in Neurological Surgery

PETROCHEMICALS AND FEDERAL INTERVENTION

2/5/2015

To: Mobile City Council Members and the Mayor of Mobile

From: Joshua Grantham
Staff Attorney
The Center for Fair Housing
602 Bel Air Blvd Ste. #7
Mobile, AL 36606
jgrantham@sacfh.org
251-479-1532

Re: Future Industrial Development in the Africa Town Community

The approval of any further industrial development in the Africa Town community would be in conflict to the policy recommendations laid out in the City of Mobile's Analysis of Impediments to Fair Housing Choice published on July 30th, 2012. Such actions could lead to a Fair Housing Administrative Complaint, federal civil litigation, and or both. The outcomes of these possible actions could have significant consequences and repercussions affecting the City of Mobile's Community Development Block Grants. (See attachment, *Affirmatively Furthering Fair Housing: Using the Fair Housing Act to Forge More Racially and Economically Integrated Communities*)

The Center for Fair Housing would like to provide the leadership of the City of Mobile with information about your obligation in this matter to enable you to make informed decisions regarding development in the Africa Town Community. We will lay out some basic information about the obligation to Affirmatively Further Fair Housing (AFFH) and the interplay of that obligation with CDBG money. We will then provide some suggestions for you to consider involving future development of this area.

What is an Analysis of Impediments to Fair Housing Choice?

Your obligation to AFFH begins with the Analysis of Impediments to Fair Housing Choice (AI). A CDBG recipient must certify that they will AFFH as a requirement to receive the federal funding. To foster compliance with fair housing law, the U.S. Department of Housing and Urban Development (HUD) requires Community Development Block Grantees to assess housing markets and practices and their own legal and administrative structures regarding their support for fair housing. These analyses are intended to provide the platform for expanded affirmative actions to achieve fair housing.

This Analysis of Impediments to Fair Housing Choice (AI) involves the following:

- ☐ An extensive review of the City of Mobile's laws, regulations and administrative policies, procedure and practices;
- ☐ An assessment of how those laws affect the location, availability and accessibility of housing;

- ☐ An evaluation of public and private conditions affecting fair housing choice for all protected classes; and
- ☐ An assessment of the availability of affordable, accessible housing in a range of unit sizes.

Recommendations for actions to reduce or eliminate impediments and attain fair housing are subsequently based on these analyses.

*42 U.S.C. §5304(b)(2): “Any grant under [the CDBG program] shall be made only if the grantee certifies to the satisfaction of the Secretary that ... the grant will be conducted and administered in conformity with the Civil Rights Act of 1964 [42 U.S.C. 2000a et seq.] and the Fair Housing Act [42 U.S.C. 3601 et seq.], and the grantee will affirmatively further fair housing.”

*A grantee is “required to submit a certification that it will affirmatively further fair housing, which means that it will (1) conduct an analysis to identify impediments to fair housing choice within the jurisdiction; (2) take appropriate actions to overcome the effects of any impediments identified through that analysis; and (3) maintain records reflecting the analysis and actions in this regard.” 24 C.F.R. § 570.601(a)(2)- 24 CFR § 91.225(a).

What the AI says about the Africa Town community?

“The Africa Town Redevelopment Plan *should seek to assist the poor community retain its historically significant character and improve quality of life for residents.* As the site of the last (and also illegal) slave ship landing in the U.S., Africa Town occupies an important and historic locale in Mobile, Southern and U.S. history.....The Africa Town Redevelopment Plan should seek to assist the poor community retain its historically significant character and improve quality of life for residents. As the site of the last (and also illegal) slave ship landing in the U.S., Africa Town occupies an important and historic locale in Mobile, Southern and U.S. history.”

“Any proposed Africa Town Redevelopment Plan should include an assessment of the clarity of residents and property owners’ titles before many more steps are taken. The objectives should be to assist residents secure clear titles, *to aid them in fully understanding the planned revitalization, to enable them to participate in the development of plans and to help them recognize the impact changes will have on their particular property’s value.* In addition, because there are current rumors of recent predatory property acquisitions, the redevelopment plan should prioritize ascertaining land ownership records and, if necessary, *take the requisite steps to activate eminent domain powers in order to preserve the residential integrity of Africa Town.*”

The Center for Fair Housings findings of the City of Mobile's actions compared to the AI

We see in no way how granting approval for further industrial development assists the community to retain its historically significant character or improve the quality of life for the residents. Secondly, industrial development in no way seeks to preserve the residential integrity of Africa Town. Lastly, we believe that any land use applications or plans should be placed on hold until the revitalization plan (with residents input) has been developed and approved.

We also would like to bring to your attention that there are simple recommendations made in the AI that the City has failed to act on. One example of this is to amend the City's Fair Housing Code to bring it up to date with all of the federally protected classes. In two and one half years since the AI's publishing, the City has failed to include disability and familial status as protected classes in the City's codes. We believe this could be interpreted as strong evidence showing the City of Mobile's lack of regard for their obligation to AFFH.

Another example is the makeup of public boards and commissions. The AI addresses this issue specifically stating;

“African Americans were underrepresented on the Mobile Planning Commission, the Board of Zoning Adjustment, the Codes Advisory Commission and the Historic District Development Commission. Women are underrepresented on the Planning Commission, the Board of Zoning Adjustment and the Codes Advisory Commission. As there are no shortages of qualified women and African American persons, rough balance should be a goal for major appointed boards and commissions.”

Was the Mayor aware of this prior to making his new appointments to the Planning commission? The City of Mobile's leadership must understand their obligations to AFFH and make serious efforts to address the recommendations of the AI. We are here to assist the City of Mobile assure its compliance with federal regulations.

The Center for Fair Housing's Recommendations of action to be taken immediately

The AI states that an Africa Town revitalization plan should be made. The residents have clearly voiced their opinion on this subject and have already begun their own planning with the formation of the Africatown Community Development Corporation. The community is adamant on preserving and revitalizing Africatown, with the understanding that the amount of resources required will go beyond the City's means. Denying them a legitimate role in

developing plans for this community is in direct conflict with enabling residents to participate in development plans.

Formally give that authority to the Africa Town CDC and you will kill two birds with one stone. First, a revitalization plan will be made and it will involve the community residents because the Africa Town CDC is composed of community residents and leaders.

We also recommend that the City Council and the Mayor's office work immediately to amend the City's Fair Housing Ordinance to include the recommendations of the AI. Note that the Center for Fair Housing has attempted to assist the City in the process, most notably that last time was in 2014.

Lastly we recommend the City Council immediately refrain from approving any further applications for industrial development in the Africa Town Community. A new zoning and comprehensive plan is recommended to ensure that the Africa Town community can retain its historical and residential character.

We thank you for your time in reviewing this. Should you have any questions please feel free to reach out to us for questions.

Respectfully,

Joshua Grantham, Esq.
Staff Attorney
The Center for Fair Housing

Sources:

Accessible Housing: An Analysis of Impediments to Fair Housing in Mobile (p. 122-123), Dr. Larry Keating, Melissa Mailloux, Marketek Inc., July 30th, 2012

42 U.S.C. §3600 et. al.

42 U.S.C. §5304(b)(2)

24 C.F.R. § 570.601(a)(2)

24 CFR § 91.225(a)

ENVIRONMENTAL JUSTICE

Mobile Environmental Justice Action Coalition
Demands Equity and Inclusion
in the Municipal Planning Process

According to the U.S. Environmental Protection Agency, Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across the nation. This will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work. In this sense, community leadership must exercise what can be described as “planning justice”.

Despite Mobile, Alabama being an apparent destination for much of the continent’s tar sands oil transport, ensuring environmental justice does not appear to be a priority. Here in our very ecologically diverse Mobile-Tensaw Delta, we are still reeling from the devastation wrought by the BP deep water drilling disaster. Yet in 2012, close on the heels of that unresolved catastrophe, we learned that there were plans to put the local drinking water reservoir in jeopardy by running an oil pipeline through its watershed. That pipeline corporation, Plains Southcap, threatened and coerced Mobile County residents out of their property with zero public participation in that planning process by using highly controversial criteria set by the Army Corp of Engineers allowing them to sidestep the Clean Water Act’s public hearing provisions.

The same Houston-based pipeline corporation was permitted to run another pipeline through the school yard of the Mobile County Training School, the first black public high school in the state of Alabama and the pride and joy of the Africatown community, a historic district of national significance according to the National Register of Historic Places. All of these actions occurred despite vociferous opposition by elected and grassroots community leadership, who were all denied even a token dissenting voice in the decision-making process for which “equal access” is mandated.

The dark side of petrochemical expansion through its extreme extraction, transport, and storage includes nearly weekly reports of accidents, spills, and explosions: from the BP Deepwater Horizon/Macondo disaster; to the 47 fiery deaths suffered in Lac-Mégantic, Quebec; to the lives permanently poisoned in Mayflower, Arkansas; to the Aliceville, Alabama petrochemical train derailment and spill; and all points in between. The petrochemical industry considers these consequences to be “externalities,” and therefore, they are counted as acceptable risks. However, their victims certainly consider them to be travesties of justice.

Along with any potential benefits, we must recognize and factor into our decision-making ALL of the costs to households and small businesses of the petrochemical industry doing its dirty business in our residential neighborhoods, including:

- the deterioration of human health due to increased air quality contamination through fugitive emissions;

- the quality of life impacts to aesthetics, recreation, noise, and foul odors;
- the socio-economic trends of decreasing property values paired with increasing traffic, insurance rates, road maintenance costs, and crime;
- the catastrophic risks to life itself posed by such developments, not only to our friends and families, but also to our fragile, irreplaceable ecosystem.

Only then can we make decisions that are just for all members of our urban environments, human and non-human alike.

How Africatown's uniquely rich heritage is threatened by systematic exclusion in these processes has not been respected. Having been founded by the survivors of the Clotilde, the last documented slaveship smuggled into the United States, historical trauma lives on vividly in Africatown today. Descendants of the slave-owning Meaher family continue to claim vast tracts of land in and around the community despite oral and written record of the Meaher family deeding these former plantation lands to the freed Clotilde survivors during Reconstruction. In fact, the Plains' "Mobile Terminal" tank farm at Magazine Point, from which Plains Southcap's pipeline system originates, rests on Meaher-descendant-owned land, held as the Chippewa Lakes LLC. Like the other nearby residents, the descendants of the 110 freed Africans, many of whom grew up and still reside in Africatown, certainly have not been invited into the decision-making process with respect to how these heavy industrial facilities surround and blight the community.

Following a series of community meetings in Africatown in 2013, the Mobile Environmental Justice Action Coalition (MEJAC) was founded by Africatown residents and their regional allies to defend the neighborhood's rich heritage and precious lives from industrial incursion. A proposed above ground petrochemical storage tank farm and railroad terminal spurred MEJAC into immediate action in finding just redress to Africatown's profound grievances after nearly a century of heavy industrial disrespect to the quality of life and well-being of its residents.

To protect Africatown residents from further injustice, MEJAC demands immediate cessation to building above ground petrochemical storage tanks on the west bank of the Mobile River. Furthermore, to protect all of Greater Mobile's residents from the unacceptable risks associated with living in close proximity to above ground petrochemical storage and transport facilities, MEJAC objects to building any such facilities closer than ½ mile from any home, school or church in areas beyond our west bank.

Paraphrasing from the preamble of the Earth Charter, "The protection of Mobile Bay's vitality, diversity, and beauty is a sacred trust". Of equal importance is the fair and just treatment of all citizens, regardless of perceived differences such as income or ethnic background. The people in closest proximity to the proposed petrochemical developments on the Mobile River have spoken with a resounding "NO" to above ground petrochemical storage and transit facilities near their homes and neighborhoods. MEJAC stands with them.

The Mobile Environmental Justice Action Coalition's mission is to engage and organize communities in order to defend our inalienable rights to clean air, water, soil, and human rights to health and safety; and to take direct action when government fails to do so, ensuring community self-determination.

MOBILE'S PARLOR

ENTREPRENEURS

Downtown is the parlor of this area. When friends come to visit they invariably want to spend some time enjoying the activities available in downtown Mobile. We encourage people to come downtown by hosting Mardi Gras, Bay Fest, Go Daddy Bowl, Senior Bowl, the Market in the Square, pole vaulting in the streets and more parades than you can count. As we attempt to lure more and more people to our community we must consider the effect the smell of petroleum will have on our efforts. Remember the paper mills?

Mobile's potential is boundless and new restaurants and businesses are opening routinely. The energy from these establishments and projects is synergetic.

Mobile is experiencing a renaissance with an ever growing throng of people coming downtown to enjoy the fine restaurants, art, cultural events and lively entertainment options that are available. We have devoted substantial public dollars to our beautiful parks, museums, Fort Condi, the Battleship, Exploreum, and soon to open Maritime Museum. We are striving to repurpose the Cruise Terminal or attract a new cruise ship. Options for the Civic Center are being explored. All of these projects will be imperiled if we degrade out air quality but that is not a betrayal - it is a business decision for a public body to make.

Betrayal is what will happen to the citizens who have invested substantial sums of money developing homes and businesses based upon the vision our leaders painted. For decades the "String of Pearls" the "New Plan for Mobile" and other campaigns have depicted the future of our downtown as a family friendly and healthy place with a vibrant future. Betrayal is what the residents of Africatown will experience if they are forced to endure yet another onslaught against their property values because petroleum industry investors are allowed to enhance their profits at the expense of their neighbors.

The letters and petitions that follow are a cry for loyalty and consistency from residents and business owners who believed the promises and invested in our city. They metaphorically "grabbed the rope" and are still holding on. The question is whether the City is going to follow coach Dennis Franchione's example and abandon his team or demonstrate integrity and be fair to those who have invested downtown.²¹ As a community we cannot expect prosperity if we betray those who have invested in the vision our leaders have created.

²¹ http://www.sportsargumentwiki.com/index.php?title=Dennis_Franchione

To Whom It May Concern,

My husband, Bob, and I are long-time residents of De Tonti Square Historic District, living in a restored historic home on State Street. We are also the owners of Wintzell's Restaurants located in Downtown Mobile and throughout Mobile and Baldwin Counties. For many years we have invested in Mobile and our community. Needless to say we have a vital interest in the environmental, economic and cultural health of downtown Mobile and its surrounding communities. I am writing this letter, for both of us, expressing our opposition to additional above ground chemical and petroleum storage tanks in the downtown and Africatown areas of Mobile.

Many people more qualified than my husband and I can, and hopefully will, address the health and safety consequences of transporting and storing dangerous chemicals near residential communities.

However, Bob and I are well qualified to describe the odor that emanates from the petrochemical tanks on Blakeley Island. Roughly three times a week when we walk outside we are struck with the unmistakable stench of petroleum. We are not scientists, but we are convinced that inhaling those vapors cannot be good for us. Furthermore, as professionals in the hospitality industry, we can confirm that tourists are reluctant to vacation in an area where the air quality is suspect.

Mobile is a beautiful city with an impressive array of attractions and a wide assortment of popular activities including Mardi Gras, Senior Bowl, Go Daddy Bowl, Bay Fest and more. We have parks and museums downtown along with fine dining and high quality entertainment to attract and amuse our visitors. Tourism is a major part of our economy and it would be a mistake to damage our popularity as a tourist destination in pursuit of a dying industry.

Sincerely,

Buffy Donlon
Wintzell's Restaurants



May 28, 2015

Dear Downtown Mobile Planners:

The situation with the oil tanks is very simple. You either want a growing vibrant downtown full of people, restaurants and shops or do you want a downtown full of industry? You cannot have both. We already have a coal terminal which is difficult to deal with (I have to power wash my business once a month and I am having to repaint the outside of my building the second time this year) and adding oil tanks is only going to increase the difficulty in doing business in downtown Mobile because it will decrease people from wanting to visit due to the smell and the danger involved with them.

I welcome any business downtown that works in harmony with its surrounding businesses and people, but I do not support the oil tanks because if we continue to allow them to be built near downtown, the smell will become too much for people to want to deal with and it will kill any chance of building a vibrant downtown we have been working on for so long.

Sincerely,

John Serda

Founder

Serda's Coffee Co.

PO Box 118

Mobile, AL 36601

AN OPEN LETTER

As a businessman with a vested interest in downtown Mobile, with direct daily contact with citizens who come to Midtown and Downtown, and whose business depends on that citizen traffic, my interest is a vibrant, safe, people-friendly area. I do not oppose business, of course. However, in most successful cities, the heaviest industry is kept suitably separate from where people live, work, and recreate.

I support a downtown that respects small business and the daily people-traffic needed for those businesses, and my business, to succeed. I believe that would require the consideration of downtown aesthetics, good air quality, health and safety for young and old alike. These are reasonable and achievable expectations. In general, I would not be in favor of any downtown/waterfront development where the disadvantages to Mobile and her people would outweigh the advantages. Finally, because I have business interests in both Mobile and Baldwin Counties, I support restrictions which protect the waters that join the two counties.

A handwritten signature in black ink, appearing to read "John Thompson". The signature is fluid and cursive, with a large, stylized initial "J" and a long, sweeping horizontal line extending to the right.

John Thompson, owner
Callaghan's, Mobile
Manci's, Baldwin County



To Whom It May Concern

June 8th, 2015

I am a business owner in Downtown Mobile. With The Noble South restaurant, and the purchase of the building in which the restaurant is housed, I have invested in downtown Mobile. I chose this location and the concept (farm to table) as a way to reinvest in downtown Mobile and the greater Mobile area as a whole. Thus, we hope to operate in a way which positively impacts the health, welfare, and culture of all Mobile's citizens by offering food which is sourced from local & regional farms that have a positive impact on our environment and foodways.

It would be a great contradiction of our original mission statement if we did anything but oppose the expansion of oil tanks along the river. It is my belief that these would negatively impact the aesthetics, air quality, and safety of residents, businesses, and visitors to downtown Mobile. These are the people who make up my customer base. We strongly support all businesses coming to downtown who can help us ensure a safe and healthy environment. And we urge our city planners to only approve those businesses who will not negatively impact our growing and thriving downtown and the environment surrounding it.

Sincerely,

Chris Rainosek
Owner
The Noble South Restaurant

June 10, 2015

To: City of Mobile Planning Commission,

From: Russ Adams

Re: above ground storage tanks.

I have been a downtown resident and property owner for over 15 years. My bookstore is very near the waterfront, so the proposed expansion of the above ground storage tanks across the river concerns me.

If these tanks could be dangerous, pollutant to our air quality, or most important seen to be dangerous by current and prospective businesses and homeowners, I feel this will negatively impact the development of downtown Mobile. For years, downtown has been considered 'dangerous' but with these on-site, it could truly be a threat to our health.

I already experience coal dust on the exterior of my home at 161 S. Dearborn Street, so any more potential pollutants would affect the value of my home and business. Also, I recently purchased a building at 257 St. Francis Street which I will be converting into my residence. This is even closer to the waterfront and would be more affected by any pollution.

Please reconsider this matter, on behalf of both the downtown residents and business owners as well as all concerned Mobilians.

Sincerely,

Russ Adams
Owner, Bienville Books
109 Dauphin Street
Mobile, Alabama

Home, 161 S. Dearborn Street

251-377-5679 (cell)

THIRY & CADDELL, LLP
ATTORNEYS AT LAW

RICHARD L. THIRY
HENRY H. CADDELL
RENEE E. THIRY

1911 Government Street
Mobile, AL 36606
(251) 478-8880
Fax (251) 478-8885
Writer's E-mail address:
hhc45@bellsouth.net

June 10, 2015

Planning Commissioners
City of Mobile Planning Division
3rd Floor South Tower
205 Government Street
Mobile, AL 36602

RE: Proposed Permitting and Setbacks for
Above Ground Oil Storage Tanks

Dear Planning Commission:

I am writing to you to provide my comments on the above matter pending before the City of Mobile Planning Division. My urgent concerns are twofold:

(1) The proposed 1,000 foot setback for all storage tanks from residential and other developments is grossly inadequate. The storage tanks limited only by this setback will put an ultra-hazardous activity in the midst of areas where people live, work, worship and go to school. The inadequate setback will be inviting catastrophe. This hazard comes both from explosive, flammable nature of the storage substances but also pollution emitted by routine vapor releases and spills. The Planning Commission should stand up for the community by insisting that the storage tank is located well outside the range of any human habitation.

(2) My law office is located one block from railroad tracks at the Loop here in Mobile. The construction of extensive new storage tanks will bring about extensive new rail shipping of crude oil and petroleum products. The danger of this process is now well established. The Planning Commission should take this strongly under consideration and should refuse to allow the construction of the newly proposed oil storage tanks.

Page Two
City of Mobile Planning Division
June 10, 2015

Thanking you very much for your consideration I am

Sincerely yours,

A handwritten signature in cursive script that reads "Henry H. Caddell". The signature is written in dark ink and is positioned above the printed name.

HENRY H. CADDELL
Partner, Thiry & Caddell, LLP

HHC/jya



661 DAUPHIN ST. MOBILE, AL 36602 251-432-2453

To whom it may concern:

My brother and I have been in the entertainment and restaurant businesses in downtown Mobile since 1988. At that time, after the flight of the '60s and '70s, downtown was at its nadir of social and economic development. Since '88, I have seen and been a part of a resurgence only now truly getting a foothold with a chance for a greater leap forward. A new slew of petrochemical storage tanks on our waterfront would be a major shove back to all the progress that has been made, benefiting a small few at the expense of the city as a whole.

I take this as a financial and personal affront to what you could consider our life's work – developing businesses and creating jobs with an unerring belief in the social, cultural and economic value of downtown Mobile, AL.

The struggles of business and attracting tourism to this city are difficult enough without doing it under the shadow of a new blight. The historic setbacks of this city are fire, flood and poor city planning. Were it not for these factors, we would have a hub on par with our brother to the west, New Orleans. Plopping down some oil tanks on our shoreline would be one more great misstep, another resignation of inferiority to the great coastal cities of this country.

What's good for downtown is good for the city as a whole. To most visitors, including other industrial giants such as Airbus, downtown is both the face and the heart of what Mobile means to them. To bank on this one development is to not only bank on a declining industry, but to turn off other potential industries that can work with and for the community they would choose to call home.

What's more, as commercial and residential property owners, our ability to further grow and develop the downtown area will be adversely affected by short-sighted and potentially hazardous developments such as the one proposed. We've seen and survived Mobile as a ghost town. Not many others have. Not many others will.

Sincerely,

Jim Walker

MOBILE'S PARLOR

RESIDENTIAL

City of Mobile Planning Commission,

For the last 13+ years, I have invested heavily in Downtown Mobile properties with the sincere belief; our Downtown has and still is, making a tremendous recovery and will once again, be the prosperous downtown I remember as a child. My fondest memories is going Downtown with my grandmother, shopping at all the great stores, eating lunch at Morrison's, and going to a movie at the Saenger Theater, before catching the bus to go back to grandmother's house late Saturday afternoon.

I own one condo at St. Louis Lofts, three condos at Mattress Factory, and two condos at St. Francis Place.

One of the condo's I own at St. Francis Place is my second home which I am there two to three times each week.

As a property owner and a Realtor, for more than 30 years, who promotes and sells Downtown Mobile, I am concerned about the expansion of the above ground storage tanks behind the GM&O, with regard to expanding our tourism industry as well as encouraging people to open businesses and also encouraging home owners to live in our Downtown area.

If these tanks could be dangerous, pollutant to our air quality, or most important "perceived to be", by businesses, home owners, whether true or not, I worry about the perception and how it will affect promoting and expanding our downtown for new business and residential living.

I can still remember in my early years, the awful smell of the paper mills.

I continue to experience at my condo at St. Francis, coal dust that seeps thru the "old" windows I have and on my balcony, which is a content maintenance problem.

I request that you seriously consider my concerns above before making your decision on this expansion.

Sincerely,

Mickie Russell
Managing Broker
Roberts Brothers Eastern Shore 2011 to present
Former Owner of Dauphin Realty 1984 - 2011

**RESOLUTION IN OPPOSITION TO
ADDITIONAL CHEMICAL AND PETROLEUM STORAGE TANKS AND RAILCAR
FACILITIES ALONG THE WEST BANK OF THE MOBILE RIVER**

WHEREAS, the undersigned organizations support industry located near the Port of Mobile, such as AUSTAL, AIRBUS, and APM Terminals Mobile (i.e. the new container terminal), and,

WHEREAS, the undersigned organizations will continue to support new industry to the Port of Mobile so long as said industry is in harmony with the orderly and appropriate development of the neighboring residential and business communities, and,

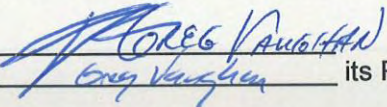
WHEREAS, additional chemical and petroleum storage tanks along the West Bank of the Mobile River are, in the undersigned organizations' opinions, not in harmony with the orderly and appropriate development of the neighboring residential and business communities, therefore,

BE IT RESOLVED that the undersigned organizations state their **opposition** to additional chemical and petroleum storage tanks along the West Bank of the Mobile River, as well as related rail car facilities,

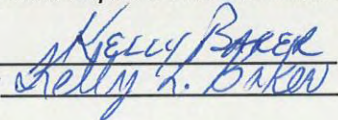
BE IT FURTHER RESOLVED that copies of this Resolution be transmitted to the Mayor of the City of Mobile, all members of the Mobile City Council, the Mobile City Planning Commission, the Mobile Urban Development Department, and the Downtown Mobile Alliance.

Approved and Adopted by:

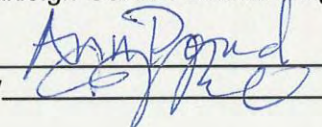
Church Street East Historic District Neighborhood Association:

By  its President

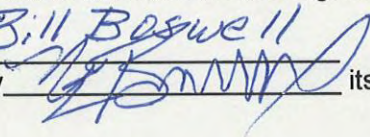
DeTonti Square Historic District Neighborhood Association

By  its President

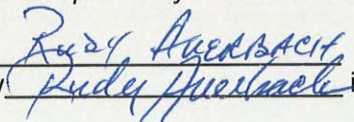
Oakleigh Garden District Neighborhood Association

By  its President

Leinkauf Historic District Neighborhood Association

By  its President

Old Dauphin Way Historic District Neighborhood Association

By  its President

Africatown

The Africatown Community has come together to voice a loud "NO" to any and all attempts to construct Oil Storage Tanks in, around or near our community and anywhere else in the city of Mobile, Alabama.

The Africatown Community is tired of being the dumping ground for heavy industries and potential toxic producing operations near our children, schools, churches and people. Our people are dying too young. Just today (3/18/15), the sister of a friend of mine called to say her brother died at the age of 61 of lung disease. A few weeks ago he was telling me how he was looking forward to his 62nd birthday so he could retire early. He never made it.

In 1945 both International Paper and Scott Paper expanded their operations right across the street from the Africatown Community here in Mobile, in plain view of children at school and on the playground. Pollution was so strong it would rust out a brand new car inside of two years if it was not washed every day. Ash would fall from the sky like "snow" in July. The smell was so strong it could not be washed out of your clothes.

By 1995 governmental pollution control laws got tougher and the two mills decided to move rather than spend money to improve their pollution control facilities. International Paper bulldozed their entire facility, while Scott sold out to Kimberly-Clark, who made improvements.

In October of 2012, Africatown was placed on the National Register of Historic Places in America and plans are to repair older homes and make Africatown part of the African-American Heritage Tour here in Mobile because of the historical value of being the place where the last shipment of slaves arrived in America. Our intent is to have Africatown resemble the way Williamsburg, Virginia is set up.

Besides being a threat to the safety, health and well-being of the residents of Africatown, SUPER OIL STORAGE TANKS, would de-value property values as well as take away from the scenery of the area as it stands today.

NO MORE TANKS ON OUR BANKS, is the rallying cry of ALL Africatown residents, natives, descendants and friends.

MAJOR JOE WOMACK JR. USMCR (ret.)

MOBILE'S WATERFRONT – HIGHEST AND BEST USE

We should encourage Blakeley Island to follow the example of what was once named “Tank Island”. Until 1996 an island across from Mallory Square in Key West was called “Tank Island” because it had been a navy fuel tank depot. Fortunately for that community – and the investors – developers turned the island into an upscale residential vacation property and changed its name to Sunset Key. The 27 acre development is so plush and beautiful that Oprah Winfrey rented all of the cottages to celebrate her 44th birthday.

With the arrival of Airbus, the new bridge and alternative forms of energy, Mobile would be much wiser to restrict further development of heavy industry downtown and promote reclaiming the property for upscale residential and tourist uses. Ideally, the owners could get a better return on their investment by relocating the tanks and selling to a developer or developing the property themselves. This may not be a near term reality but it will never happen if we continue giving tax credit to industries that are driving our community towards industrial pollution and away from our goal of being a thriving tourist friendly downtown.

Energy is important to our economy and we should not shut the door on petroleum. Residential and entertainment districts are simply not appropriate places for petroleum storage tanks. The negative externalities are too high as is the cost of opportunity lost.

CONCLUSION

It is undeniable that allowing additional petrochemical storage tanks as proposed will damage innocent residents, businesses and property owners. Fairness requires that the City be true to its promises and that it protect – not punish – those who have followed the vision out leaders have consistently communicated. Our leaders have portrayed Mobile as patterning itself after Charleston not Port Arthur.

Those who argue for additional petroleum storage tanks have made no effort to quantify:

- The harm additional tanks will cause to:
 - The health of those who live in close proximity to the storage tanks.
 - The economy of nearby businesses which depend upon tourist dollars.
 - The value of residential property located near the new tanks.
- The unfairness of allowing developers to:
 - Increase the rate at which residents are stricken with cancer.
 - Pollute the air and water of our community.
 - Increase their profits by casting their cost of their doing the backs of our citizens.

Consistency is a key to leadership. The Planning Commission must be loyal to the citizens and protect us from these assaults by continuing to lead us towards Charleston and away from Port Arthur.