

Clean Green Headquarters Zoning and Use Regulations

Planned use for the facility

The facility will be operated as a facility for non-hazardous materials that are collected in bulk from the Triangle vendors, and adapted for re-use. Items collected include:

- Used glycol – Is recycled using a reverse osmosis process and then resold to numerous vendors
- Automotive oil filters- residual oil is drained then the filters are crushed and sold as scrap metal to a steel foundry
- Used Automotive motor oil – collected from filters and sold as a fuel product
- Used vegetable oils – processed and sold as biofuels to dealers
- No hazardous materials are collected or processed as defined by the state and Federal EPA.

All material is collected, recycled and resold with a turn over period that does not exceed 5 days. The maximum amount of fluid collected is 10,500 gallons that has a containment area capable of holding 74,800 gallons at one time. This exceeds the EPA requirement of 1.5 times of holding area for liquid stored.

Maximum amount of waste materials contained are:

- Motor Oil 5,000 gal
- Vegetable Oil 2,000 gal
- Antifreeze 3,000 gal
- Bio diesel 500 gal (processed from waste material)

Maximum amount of waste materials located inside the building

- Antifreeze 1,000 gal in processing system
- Motor Oil 200 gal in processing system
- Vegetable Oil 300 gal in processing system
- Bio diesel 100 in holding tank after being processed

Unified Development Ordinance – Durham North Carolina

Section 5.1 Use table

5.1.2 Use Table

Light Industrial – Permitted in Industrial, except for Notes in Section 5.3.6.D
Warehouse and Freight Movement – Permitted in Industrial
Waste Related Services – Permitted in Industrial with a MSUP

5.2 Use Categories

5.2.7.A *Light Industrial Services – Permitted in Industrial by right*

Regional Recycling Center
Storage area used for manufacturing
Accessory Uses
Associated offices
Ancillary indoor storage

5.2.7.D *Warehouse and Freight Movement – Permitted in Industrial by right*

Principle Uses: **Bulk Storage, including nonflammable liquids**, feed/grain storage, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store.

Outdoor Storage Yard

Uses not included: Solid or Liquid waste transfer or composting (see Waste-Related Service)

5.2.7.E *Waste Related Service – Requires a MSUP*

Manufacture and production of goods from composting organic material
Recyclable material storage, including construction material
Recycling Center
Transfer Station

Accessory Use:
Recycling of material
Repackaging and shipment of by-products

Section 5.3 Limited Use Standards

5.3.6.D *Light Industrial Uses*

Light Industrial Uses shall be permitted in accordance with the use table in Section 5.1 Use Table, subject to the following:

1. The following light industrial uses shall not be allowed
 - a. Equipment rental
 - b. Maintenance yard or facility; and
 - c. **Regional Recycling Center [this contradicts Section 5.2.7.A]**
2. No outdoor operations or storage shall be visible from the street.

The Use Classification has been deemed (non-hazardous by the reviewing Fire Inspector). Does not require a Sprinkled Building or any special submission requirements as required by Section 5.3.6.C.

This then classifies this use for an Industrial Zoned District (I), which this site is zoned currently as.

Definition of Terms

Regional (adjective): Of or pertaining to a particular region; sectional

Region (noun): Tract, part, or space, lying about and including anything; neighborhood, vicinity, sphere.

Regional (adjective): (1) Affecting a particular region: Localized, (2) of, relating to, characteristic of, or serving a region

Source: "regional." Merriam-Webster Online Dictionary. 2010.

Recycle (noun): To treat or process (used or waste materials) so as to make suitable for reuse, To alter or adapt for new use without changing the essential form or nature of, to use again in the original form or with minimal alteration, to cause to pass through a cycle again, the act or process of recycling

Recycle (verb): to undergo reuse or renewal; be subject to or suitable for further use, activity, etc.

Source: Dictionary.com

Recycle (Noun): the process of recycling

Recycle: (verb): To pass again through a series of changes or treatments: as (a) to process in order to regain material for human use. (b) to reuse or make (a substance) available for reuse for biological activates through natural processes of biochemical degradation or modification.

*Source: "recycle." Merriam-Webster Online Dictionary. 2010.
<<http://www.merriam-webster.com/dictionary/recycle>>*

Case Studies

Jiffy Lube and other Oil Change Service Centers: Collects used motor oil, transmission oil, and brake fluid from outside their business (do-it-yourself), which is picked up and transported for recycling. This is permitted in non zoned Light Industrial or Industrial Site.

They are recycling center, and collect non-hazardous material for storage and transfer

Automotive Parts Retail Outlets

Advance Auto and other retail outlets collect batteries, oil, and other automotive fluids for pick up and eventual recycling. They are considered to be retail and are permitted in non light industrial or industrial zoned areas.

From Advance Auto Parts website

Advance Auto Parts encourages consumers to protect natural resources and underground drinking water supplies by properly disposing of used motor oil, transmission fluid, hydraulic oil, gear oil and power steering fluid at any Advance Auto Parts store.

<http://corp.advanceautoparts.com/english/services/recycling.asp>

Summary

The case studies are examples of local recycling centers that are not required to be located in an Industrial zoned area. These types of facilities are scattered around numerous retail, commercial zoned properties. It is from these locally recycling centers that our client is picking up from in a regional area (Durham, Wake, Orange, Chatham counties) and processes it into reusable material that is sold on the open market as a second generation usable product.

The fact that auto parts, auto maintenance shops are scattered, around the county in non industrial sites, store the same materials in less secure conditions than our intended client, should justify the approval of this site plan located in an Industrial Zoned area without the need for a MSUP. Our client is acting as a collector of materials as a recapture facility for used vehicular and food waste. None of these products are considered hazardous, by the state or federal EPA and all materials are collected, processed, and sold in a period of five days. No long term storage or containment is part of this recycling process/

The planned facility is to contain the following operations: Bulk storage [5.2.7.D], Outdoor Storage Yard [5.2.7.D], Storage area used for manufacturing [5.2.7.A],

accessory offices [5.2.7.A], Ancillary indoor storage [5.2.7.A], Outdoor storage yard [5.2.7.D], regional recycling center [5.2.7.A], all of these planned uses are permitted in an Industrial Zoned site. None of these uses require a MSUP, to accommodate this use. In addition the site will handle Non-Flammable liquids which can be housed on an Industrial site without incident.

As defined by accepted definitions listed hereto, the project should be classified as a Regional Recycling Center and permitted under Section 5.2.7.A as an allowed use with out needing a MSUP?

As outlined in the current UDO, the project should be listed as a 'regional recycling center' by definition with the approved accessory uses. The current text in the UDO states in Section 5.2.7.A that a Regional Recycling Center is permitted, however in the referenced Section 5.3.6.D.1.c it prohibits such use. This is in direct contradicting of each others Section in regards to the ability to constructs or locates a 'regional recycling center in this zoned area. With the contradiction in place it is our interpretation of the Code that we are permitted, to locate a regional recycling center in an Industrial district with no MSUP required.

Similar uses, Automotive service centers, and auto parts stores are permitted in much broader categories than Industrial with no concern for the public, health safety and welfare. The client is planning to exceed all safety standards in regards to this organization construction, operation and maintenance of the planned facility.

DOES NOT MEET THIS REQUIREMENT

Allowed uses in a Industrial Zoning District (I)

A Waste-Related Service as defined as a Transfer Station which is allowed use in an Industrial Zone Subject to meeting the requirements of 5.3.6.F as required per the 'L' Designation in the Use Table 5.1.1

Section 5.3.6.F:

1. The transfer station shall only handle waste that can be legally handled or disposed of in a solid waste landfill facility. This limitation shall not preclude use of the transfer station sit for collection, processing, storage, and transfer of recyclable materials or for other waste reduction activities.

2. The transfer station entrance driveway shall be located on a major thoroughfare located within 2,000 feet of an interstate highway interchange
3. There shall be at least 500 feet of separation between the transfer station facility (building and vehicular use areas adjacent to the building) and the nearest residential structure.
4. The facility shall conform to all applicable State and Federal Regulations.