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**ENVIRONMENTAL IMPACT ORDINANCE  
FINDING ON MILLHOUSE ROAD (AKA PAYDARFAR) SITE  
SOLID WASTE TRANSFER STATION APPLICATION:**

In accordance with the provisions of the Orange County Environmental Impact Ordinance (EIO) the following report details staff's review of an initial Environmental Assessment (EA) and the issuance of a Finding of No Significant Impact (FONSI) for the project, and associated material, as referenced herein.

**Introduction:**

Olver Incorporated (hereafter 'the consultant') submitted a project, on behalf of the Orange County Solid Waste Management department, relating to the possible development of a Solid Waste Transfer Station within Orange County on property owned by Orange County.

As part of this project the consultant completed an Environmental Assessment (EA) for the site, in accordance with the provisions of the County EIO.

The following review and assessment of the EA has been completed by Orange County Planning staff, in accordance with the provisions of the EIO.

**Millhouse Road (west side, formerly known as the Paydarfar Site) Solid Waste Transfer Station – Site Specifics:**

The property is comprised of 10 acres plus adjacent offsite access easements owned by Orange County and is contiguous to the Eubanks North landfill. The site is located off of Millhouse Road approximately ½ mile north of Eubanks Road (see Exhibit A of EA). An existing easement on adjacent property owned by Orange County will provide access to the site. Surrounding property is owned by Orange County (68 acres to the north and west and 114 acres to the south [the closed portion of the landfill]) and the

Town of Chapel Hill (4 acres to the east). The site is located in the vicinity of the Town Of Chapel Hill's Operations Center (see Attachment A).

The site is under Orange County planning jurisdiction and is zoned Rural Buffer (RB). It is also designated as Rural Buffer on the Orange County Comprehensive Plan Land Use Element Map. The site is located contiguous to the Chapel Hill Transition Area, as defined in the Joint Planning Land Use Plan.

The site is not located within a water/sewer service area, as denoted on the Water Sewer Management Planning and Boundary Agreement (WSMPBA). However, it is located immediately adjacent to the service area boundary. The site may be served via a private ground absorption septic system and individual well reviewed and approved by the Orange County Health Department. If all parties to the WSMPBA agree that the use is an "essential public facility" the site could have public water and sewer service by OWASA. (Please refer to Attachment B for a copy of the Water Sewer Management Planning and Boundary Agreement Map).

In accordance with the Orange County Zoning Ordinance, specifically Section 4.3 *Table of Permitted Uses*, staff has determined that a Solid Waste Transfer Station, in this specific case, represents a *governmental facilities and office buildings* which is listed as a use permitted by right within the RB zoning district. In order for a Solid Waste Transfer Station to be developed on the property, the project will have to go through the administrative site plan review/approval process detailed within Article 14 of the Orange County Zoning Ordinance.

Based on existing mapping data, as well as field observations completed by the County Erosion Control (EC) staff during an inspection occurring in August of 2009, no water features were identified on the site (see Appendix A of EA). Additionally, no jurisdictional wetlands or streams under Section 404 of the Clean Water Act were found on the site (see Appendix B of EA).

A cultural resources literature review and field reconnaissance was also completed for the site by TRE, a subcontractor of Olver. The literature search identified no previously recorded archaeological sites, historic structures, or cemeteries on or adjacent to the site. The field reconnaissance revealed the structural remains of the ca. 1980 Francis Chan house (no historical significance) and a second structure in poor condition that had been moved to the property sometime between ca. 1972 and 1993. The structure is "almost certainly ineligible for the NRHP" (National Register of Historic Places). (See Appendix C of EA).

Additionally, a Threatened and Endangered Species Survey (contained in Appendix D of the EA) concluded that the project is expected to have "No Effect" on any threatened or endangered species.

### **Environmental Assessment:**

In September 2009, staff was presented with a rough concept plan detailing the possible development of a Solid Waste Transfer Station on the site. The concept plan indicated that there would be approximately ten (10) acres of land disturbing activity associated with the project, including the proposed access road off of Millhouse Road.

After review of the concept plan, and the various provisions of the EIO, staff concluded that:

1. The proposed development project is not listed as being exempt from the preparation of an EA,
2. The proposed land disturbing activities are over the 40,000 square foot threshold detailed within Section 2.2.3 of the EIO requiring the submission and completion of an EA, and
3. The project is proposed on a parcel(s) of property over two (2) acres in area.

For these reasons, staff required the completion of an EA as a prerequisite step to a future formal site plan application submission and review process.

The EA application for the site, completed by the consultant and their sub-consultants, was prepared in accordance with the Orange County EIO and followed the State Environmental Policy Act (SEPA) application guidelines to provide staff additional information regarding environmental impacts of the project.

Other than the 40,000 square feet triggering mechanism, there are no other criteria in the Orange County EIO that would require preparation of an EA. Furthermore, the project as proposed would not require an EA under the State Environmental Policy Act (SEPA) because the anticipated amount of waste to be handled is less than 350 tons per day.

The scope of the EA prepared by the consultant exceeds that which would be necessary in order to meet normal EA criteria application requirements. This enhanced EA assessment was created to address a higher level of detail requested by the Board of County Commissioners as part of the review of this site (please refer to Attachment C for a table breaking down the various EA review requirements).

### **Environmental Assessment – Clearinghouse Review Process:**

On October 2, 2009 planning staff prepared a memo to the State Clearinghouse requesting that the project be entered into the State Environmental Review Clearinghouse for publication (i.e. public notification) and distribution to various State agencies in order to solicit their informal review and comment since an EA does not

require State review. However, to collect the best amount of review and comment at this stage of the project, staff sent the EA through the Clearinghouse process.

The consultant hand delivered the materials to the Clearinghouse in Raleigh on October 2, 2009.

The project was assigned State Application Number 10-E-0000-0124 and was published on October 9, 2009. During the 30-day review State agencies submitted their comments to the coordinator. The review period closed on November 9, 2009. Staff received comments back from the Clearinghouse on November 16, 2009.

Following is a summary of the various comments relating to the development of the site received as part of the EA review process:

Agency/Staff Respondent:	Comment(s):
<b>North Carolina Department of Environment and Natural Resources</b>	
Environmental Review Coordinator Melba McGee	Cover letter only.
North Carolina Natural Heritage Program Harry LeGrand	Heritage Program has no record of significant natural communities, significant natural heritage areas, or conservation/managed areas in the project area.
<b>NCDENR Division of Waste Management</b> Dexter Matthews, Director	
East Regional Compliance Branch Ted Cashion, Supervisor	A Solid Waste Management Facility permit from the Division's Solid Waste Section must be secured. The Hazardous Waste Section has no objection to the proposed project.
Superfund Section S. Franch, Environmental Chemist	Recommends that any well be installed in the northern one third of the parcel in order to comply with the 500-foot distance requirement from landfills.

<p style="text-align: center;">Solid Waste Section Jason Watkins, Central District Supervisor</p>	<p>Acknowledges the following areas of potential concern:</p> <ul style="list-style-type: none"> <li>• The proposed Transfer Station facility is adjacent to the closed Orange County C&amp;D landfill which has shown exceedances of the 2L groundwater standards in its monitoring system. If the proposed facility were to utilize the existing potable well on the property regularly, it could potentially cause the contamination plume to migrate (be pulled) towards the proposed facility.</li> <li>• The proposed facility location is in close proximity to the Rogers Road community that has raised concerns about the placement of any future Solid Waste facilities in this area.</li> </ul>
<p style="text-align: center;">Shawn McKee Compliance Officer</p> <p style="text-align: center;">Chris Marriott Environmental Senior Specialist</p>	<ul style="list-style-type: none"> <li>• Monitoring wells at the closed unlined Orange County C&amp;D landfill have shown constituents above the NC2L standards for inorganics (may be naturally occurring). The increased water from an on-site well may change regional groundwater conditions by creating a cone of depression and drawing water mounded in the water mass towards the property line between the landfill and transfer station.</li> <li>• The Rogers Road community (approx. 0.5 miles away) has been very vocal of the existing adjacent MSW landfill.</li> </ul>
<p><b>NCDENR Division of Environmental Health</b></p>	
<p style="text-align: center;">Public Water Supply Section Michael Douglas, Regional Supervisor</p>	<p>What is the projected on-site visits that will be able to access the drinking water?</p>
<p style="text-align: center;">Public Water Supply Section Raleigh Regional Office Jim McRight</p>	<p>Completed checklist.</p>

**North Carolina Wildlife Resources Commission**

Piedmont Region Coordinator  
Habitat Conservation Program  
Shari L. Bryant

Okay with proposal and provides three recommendations to further minimize impacts to aquatic and terrestrial wildlife resources.

- New developments exceeding 10% imperviousness should include stormwater controls designed to replicate and maintain hydrographic condition at the site prior to change in landscape.
- Use landscaping that consists of non-invasive native species and Low Impact Development (LID) technology. Using native species instead of ornamentals should provide benefits by reducing the need for water, fertilizers, and pesticides. Using LID technology in landscaping will not only help maintain the predevelopment hydrologic regime, but also enhance the aesthetic and habitat value of the site.
- Sediment and erosion control measures should be installed prior to any land clearing or construction. These measures should be routinely inspected and properly maintained. Excessive silt and sediment loads can have numerous detrimental effects on aquatic resources including destruction of spawning habitat, suffocation of eggs, and clogging of gills of aquatic species.

**Other Agencies**

**Triangle J COG**  
Clearinghouse Coordinator  
Lana Hygh

No comment

<p style="text-align: center;"><b>North Carolina Department of Cultural Resources State Historic Preservation Office</b> Clearinghouse Coordinator Renee Gledhill – Earley</p>	<p>No comment</p>
<p style="text-align: center;"><b>NC Crime Control &amp; Public Safety – Division of Environmental Management – Floodplain Mapping Program</b> Clearinghouse Coordinator</p>	<p>No comment</p>
<p style="text-align: center;"><b>NC Department of Transportation</b> Clearinghouse Coordinator</p>	<p>No comment</p>

Please refer to Attachment D for all detailed comments received concerning the review of the EA.

**Staff Assessment:**

Staff did not receive comments from various State or local agencies indicating that the project should not move forward or indicating any irreparable environmental harm as the result of the proposed development.

None of the agencies recommended any changes to the project other than recommending that any water supply well be located in the northern one third of the parcel, recognizing the concerns of the Rogers Road community, recognizing the NC2L groundwater monitoring results at the landfill, requesting that consideration be given to using native species landscape varieties and Low Impact Design technologies, and commenting on stormwater controls. These ideas will be incorporated into the site plan if the site is chosen.

After reviewing all submitted comments, and reviewing the EA prepared by Olver Incorporated, the Orange County Planning Department hereby makes a **FINDING OF NO SIGNIFICANT IMPACT** in accordance with the provisions of the EIO for the aforementioned project based on the following:

1. Staff has not received any comment indicating that there will be significant environmental harm to the site or surrounding property if developed as proposed.
2. The site can be developed to minimize environmental impacts to the maximum extent practicable.

3. According to the information staff has available, at the writing of this document, there are no regulatory compliance issues with the project as currently proposed.
4. The project does not meet the criteria within the Orange County EIO for the completion of an Environmental Impact Statement.
5. Staff has determined that the project is consistent with the provisions of the EIO.

As a result of this finding, an Environmental Impact Statement (EIS) **shall not** be required.

EA Review/Report Completed by: Perdita Holtz – Planner III

Sufficiency Review Completed By:

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Craig Benedict, AICP  
Planning Director – Orange County

Date: \_\_\_\_\_

