

BHD Operations Facility

Performance Standards Evaluation Report

The proposed BHD Operations Facility is located on Garrison Oak Drive within the Garrison Oak Technical Park, which is a previously-approved industrial park.

Delineation of the zoning district: Parcel 4-05-06800-02-1100-00001 is located in district IPM-2 – Industrial Park Manufacturing Zone – Business and Technology Center.

Project Description: The project is intended to provide an operations facility for Blue Hen Disposal. The project will provide parking and storage areas for collection trucks and containers, and it will also feature office space and a garage for truck maintenance. Also included is a fuel pump and tank system for refueling of the collection vehicles. It is important to note that this is an operations facility – it is not a disposal facility. There will be no storage or disposal of the collected waste on-site. Generally the drivers will come to the facility in the morning in their personal vehicles. They will then take the collection vehicles out to collect waste and recycling. All waste and recycling collected throughout the day will be taken to a landfill or Delaware Solid Waste Authority Transfer Station prior to the vehicle returning to the BHD Operations Facility. At the end of the shift, the empty collection vehicle is returned to the site, and the driver returns home with their personal vehicle. The collection vehicle operation is not anticipated to have any significant sources of noise, air pollution, objectionable odor, nor environmental byproducts.

The garage is for Blue Hen Disposal vehicle maintenance and repair. It is not a commercial mechanic shop. The work performed within the garage is similar to that of a typical mechanic's shop, and the mechanics will work typical business hours. The equipment within the garage will be similar in nature to a typical mechanic's shop and will not be significant sources of odor, air pollution, noise, nor environmental byproducts beyond typical automotive fluids. Any oil, waste, or other items associated with vehicle maintenance and repair will be disposed of in accordance with relevant regulations. Similarly, the on-site fuel tank and pump is only for the use of Blue Hen Disposal vehicles.

The proposed office space will operate as any typical small office during normal business hours. There will be no sources of noise, air pollution, objectionable odor, nor environmental byproducts associated with the office space.

The site does not feature actual manufacturing or production. As such, many of the elements of the Performance Standards may not be relevant. It should be noted that despite the Industrial Park Manufacturing Zoning, the anticipated impacts on items such as noise, air pollution, and environmental risks are not significant.

In accordance with Appendix B, Article 3 – Section 20A.5, All uses within district IPM-2 are subject to performance standards as set forth in Article 5, Section 8. This section is listed below along with descriptions of compliance.

8.1) Dangerous and Objectionable Elements:

No land or building in any zone shall be used or occupied in any manner so as to cause any

one or more of the following conditions to exist and to be dangerous, injurious, noxious or offensive beyond the boundaries of such premises in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises: Fire, explosive or other hazard; noise, or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness or electromagnetic disturbance; glare, liquid or solid refuse or waste; traffic congestion causing roadways or intersections in the surrounding highway network to fall below acceptable levels of comfort and convenience; or other substance, condition or element (referred to hereinafter as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence. **The proposed project will not produce any dangerous or objectionable elements. The project does feature an on-site fuel system that will be designed and installed in accordance of all applicable Delaware State Fire Marshal and Delaware Department of Natural Resources regulations. There are not anticipated to be any significant traffic impacts associated with this development application. These items are described in greater detail in the following subsections.**

8.2) *Uses requiring performance standards review procedure:*

Those uses in the C-3, IPM, IPM2, IPM3, and M zones and uses accessory thereto, which are specified as being subject to performance standards review procedure, are subject to the procedure specified in article 5, section 8.6 in obtaining a site plan approval. The city planner may require other uses, whether existing or proposed and regardless of the particular zoning district, to submit to the performance standards review procedure when there exists reasonable grounds to believe that a proposed use is in violation, or is likely to violate, the performance standards, in which event, the property owner shall comply with [the] performance standards review procedure.

It is understood that this project, which is within district IPM2 will require a performance standards review. This letter is to serve as compliance statements to satisfy this requirement.

8.3) *Enforcement provisions applicable to other uses:*

Even though compliance with the performance standards procedure in obtaining a site plan approval is not required for some proposed uses, initial and continuing compliance with the performance standards themselves is required of every use, and provisions for enforcement to ensure continued compliance with the performance standards shall be invoked by the city planner against the property owner, tenant, or other responsible party if there are reasonable grounds to believe that performance standards are being violated by a particular activity or use.

It is understood that these performance standards are perpetual in nature, and that future compliance with these standards will be required and enforced by the city.

8.4) *Nonconforming uses:*

Certain uses established before the effective date of this ordinance and nonconforming as to performance standards shall be given a reasonable time in which to conform therewith,

as provided in article 7, section 1.53.

This section is not applicable to this application for new development.

8.5) Performance standards regulations:

Where the following regulations overlap regulations of the Delaware Department of Natural Resources and Environmental Control or other state or local agencies, the more restrictive regulations shall apply in case of a conflict:

It is noted that the more stringent regulations will apply in the event of a conflict.

51. Fire and explosion hazards:

All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of the state and local laws and regulations shall also apply.

As previously described, this proposed site plan does include a bulk diesel storage tank and dispenser. This will be designed and installed in conformance with all relevant regulations including State Fire Marshal, City of Dover, and Delaware Department of Natural Resources. Some safety measures that will be included are emergency shutoff buttons, a tank overfill alarm, an automatic overfill pump shutoff, and double-lining on the tank to prevent spills/leaks. There will also be fire extinguishers around the site, and each truck contains a fire extinguisher and spill kit inside the cab.

The garage will include storage of some flammable materials typically associated with automotive maintenance such as motor oil. These items will be stored using appropriate safety measures.

52. Radioactivity or electromagnetic disturbance:

No activities shall be permitted which emit dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

There are no anticipated radioactive or electromagnetic disturbances with this development application.

53. Noise:

The maximum sound pressure level radiated by any use or facility (other than transportation facilities open to the public) at the property line shall not exceed the values in the designated octave bands given in [the following] table I, after applying the corrections shown in [the following] table II. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z243-1944, American Standards Association, Inc., New York, N.Y., and American Standard Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, N.Y., shall be

used).

There is not anticipated to be any significant sources of excessive noise associated with this development application. The loudest anticipated noises will only be the sound associated with the operation of the collection trucks, which will only be on site as they begin and end their routes.

54. *Vibration:*

No vibration shall be permitted which is discernible without instruments at the property line.

There is not any anticipated vibration associated with this development application's operations.

55. *Smoke.*

No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyrighted 1954 (being a direct facsimile reduction of the standard Ringlemann chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 2 on said chart maybe emitted for four minutes in any 30 minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color, but with an apparently equivalent opacity. Any emission shall be in conformance with air pollution regulations of the Delaware Department of Natural Resources and Environmental Control.

There are not any anticipated smoke emissions associated with the development application. The only anticipated emissions are the typical emissions from vehicles. Fuel and engine technologies have been consistently improving over decades to have cleaner emissions. However at the moment, automotive emissions are unavoidable, and the vehicles associated with the BDH Operations Facility will be providing a much needed service in the area.

56. *Odors:*

No emission shall be permitted of odorous gases or other offensive odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any offensive odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, Odor Thresholds, in chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Association, Inc., Washington D.C., and said manual and/or table as subsequently amended.

There are no anticipated odors associated with this facility. As previously described, the facility is a base of operation for waste collection. There will not be waste stored nor disposed of on-site. The trucks will be emptied at a Delaware Solid Waste Authority landfill or transfer station prior to returning to the facility at the end of the day. Trucks are not parked at the facility with full or partial loads of trash, and they are power washed every other week to remove any dirt buildup.

Blue Hen Disposal currently operates a facility in Long Neck that is adjacent to a residential neighborhood. This facility has never received odor complaints and has been in operation since 1972.

57. Fly ash, dust, fumes, vapors, gases, and other forms of air pollution:

No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling, at any point, and/or which does not conform to air pollution regulations of the Delaware Department of Natural Resources and Environmental Control, and, in no event, any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grain per cu. ft. of the conveying gas resulting from combustion. Standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air.

There will not be any significant vapors, gases, dust, ash, or other forms of air pollution associated with this development application.

58. Glare:

No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted. This restriction shall not apply to signs otherwise permitted by the provisions of this ordinance.

There are no anticipated sources for glare associated with this application.

59. Liquid or solid wastes:

No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, except in accord with standards approved by the Delaware Department of Natural Resources and Environmental Control, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.

As previously described, the fuel tank and pump will be permitted by DNREC and will have safety measures to prevent potential leakage. The stormwater runoff for this application is anticipated to be similar in nature to a typical parking lot and office.

As also described previously, this application does not storage nor disposal of the collected waste. The collection vehicles will empty the collected waste at a landfill or Delaware Solid Waste Authority Transfer Station prior to returning to the BHD Operations facility.

60. Traffic congestion:

When, in the surrounding highway network, operating conditions are at or near the design capacity level beyond which would result in functional failure of the surrounding highway network. All speeds are reduced to a low, but relatively uniform value. Freedom to maneuver within the traffic stream is extremely difficult, and it is generally accomplished by forcing a vehicle or pedestrian to "give way" to accommodate such maneuvers. Comfort and convenience levels are extremely poor,

and driver or pedestrian frustration is generally high. Operations at this level are usually unstable, because small increases in flow or minor perturbations within the traffic stream will cause functional failures beyond acceptable levels. (The conditions described in this [sub]section are also used to describe "level of service E" as defined by the highway capacity manual developed by the transportation research board, dated 1985.)

It should be noted that the industrial park's DeIDOT entrance already contemplated trip generation when the industrial park was designed. The initial PLUS letter for the Garrison Oak Technical Park indicates that traffic generation estimates may be as high as 18,000 daily trips for the park.

Regardless of the DeIDOT estimates, the anticipated traffic generated for this development application would not be considered significant per DeIDOT standards (a threshold that DeIDOT identifies as less than 200 ADT/day). The facility as it currently is intended to operate upon construction is anticipated to generate approximately 135 average daily trips. As verified in the parking calculations, there are anticipated to be 27 employees. There are anticipated to be 15 collection vehicles in weekday operation when the facility opens. As a result, there will be 30 trips for the collection vehicles and 30 trips for the drivers of those vehicles to get to the facility. There are 12 additional employees beyond the drivers. According to ITE's trip generation manual, a small office building (Land Use 712) with 12 employees would generate approximately 75 Average Daily Trips. This gives a total of 135 average daily trips associated with the application based on the current operations of the facility.

The facility does have room for future expansion, but most of the expansion is anticipated to be additional trucks and drivers. Each truck added into operation would add 4 additional trips (the driver coming to work, the truck leaving the site, the truck returning to the site, and the driver leaving work). This means that another 16 trucks would need to be added before the anticipated trips generated by the site would be above 200. The company would outgrow the site before it could possibly reach 500 vehicles per day, which is the threshold for a TIS.

The traffic generated by the site is anticipated to be very minimal and will not significantly impact the surrounding area. Furthermore, the overall industrial park entrance design and TIS should include adequate provisions for this use.

Signed Affidavit:

"I am aware of the performance standards required by Article 3, Section 8, and I have read and understand these standards. I hereby agree to always conform to the applicable standards."

A handwritten signature in blue ink, appearing to read 'Shannon Argo', with a large, stylized loop at the end.

Shannon Argo (Trash Gurls, LLC)