



# Preserve Rural Orange.org

P.O. Box 1314 CARRBORO, NC 27510

May 14, 2009

Dear Orange County Commissioners and Staff:

I'm writing to urge you to perform due diligence by thoroughly examining potential environmental and economic impacts before deciding whether to purchase property and build a waste transfer station on Candidate Site 056, the Howell property in rural Bingham Township. In order to address environmental concerns and provide full information on possible impacts to county citizens, an environmental impact statement should be prepared as proposed at the April 21st commissioners' meeting, and the items listed below should be completed and made publicly available before making any decision to acquire the property.

The following items have not yet been completed or disclosed regarding Site 056:

1. Fuel storage plans for refueling earth moving equipment and trucks
2. Water storage plans for firefighting purposes (gallons needed and source for filling tank to be at required level when operations begin)
3. \*Soil test and full account of septic system usage plans (EA application lists usage by 8 employees but does not include up to 70 drivers per day)
4. Archaeological survey
5. Army Corps of Engineers wetlands survey
6. Alternative transfer, haul and disposal evaluation and cost analysis based on Site 056 seller's offer (143 acres at \$21,00 per acre)
7. Carbon footprint of a transfer station operating at the proposed site
8. Future plans for proposed site
9. Driving routes and disposal location
10. Costs to taxpayers, county and towns

*\*In 1981 results of preliminary soil tests throughout the property led the environmental health department to conclude:*

*"The potential for development of that particular property using subsurface ground absorption sewage disposal systems would seem highly unfeasible because of the severely limited conditions."*

I'd also like to inquire about the term "enhanced environmental assessment" on the agenda for tonight's work session. Please specify whether county staff are currently

developing an environmental impact statement (EIS) as described in the attached Orange County Environmental Impact Planning Ordinances, a process which examines potential impacts and alternatives in greater detail than an environmental assessment (EA). County, state and federal laws define an EA and EIS, but I have not found any references to or definitions of an "enhanced" EA. My understanding is that the county has completed the EA of Site 056, except for a wetlands survey by the Army Corps of Engineers.

At the April 21st BOCC meeting, Commissioner Barry Jacobs commented that the county should be held to the same standards it would apply to any other project applicant. There was discussion of requiring an EIS and following the meeting, I contacted Barry to clarify what had been agreed upon. He confirmed that the commissioners directed staff to pursue the equivalent of an EIS, because staff indicated that some of the work toward an EIS was already underway or completed.

A completed EIS would provide citizens with a full account of potential impacts of the proposed transfer station on the property and surrounding community. Under the county ordinance, EIS requirements include a public hearing, a completed EA document, a full exploration of alternatives with a description of direct and indirect effects and consequences of the proposed activity, and a description of possible conflicts with federal, state and local plans, policies and controls for the affected area.

Please note Orange County's EIS requirements in excerpted sections below from the attached document:

## **Chapter 40 ENVIRONMENTAL IMPACT**

### **Sec. 40-1. Purpose; intent.**

(b) The intent of this chapter is to provide a mechanism for full disclosure of anticipated impacts of developments and to make such information publicly available so that citizens of the county may have input into developmental issues before they become moot.

### **Sec. 40-3. Applicability.**

The county reserves the right to require preparation of an EIS pursuant to this subsection

(c), notwithstanding a FONSI on the part of federal or state agencies.

### **Sec. 40-4. Review of environmental documents.**

(b) Review of EIS.

(3) Upon completion of the advertised 15-day review period, and upon receipt of comments from the state clearinghouse when applicable, all comments will be compiled and summarized by

planning staff.

(4) The EIS, along with all comments received during the review period, shall be presented for public hearing concurrently with the development project. If a public hearing before the board of commissioners is not required for approval of the development project, a special hearing may be scheduled. The hearing shall take place no later than 30 days after the close of the public review period or receipt of comments from the state clearinghouse, whichever is later.

(5) The board of commissioners shall receive the EIS and all comments as information only. The information presented may be used only to determine compliance with specific development standards established in the zoning ordinance or subdivision regulations.

(6) No action shall be taken on the development project until after the EIS has been presented to the board of commissioners.

#### **Sec. 40-5. Technical requirements for an EIS.**

(a) Purpose. The primary purpose of an EIS is to serve as a decision-making tool to ensure that the purposes and policies defined in the North Carolina Environmental Policy Act (G.S. 113A-1 et seq.) are given full consideration in the ongoing programs and actions of state and local government. It should provide a full and fair discussion of significant environmental impacts and should inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the environment.

(c) Format and content. An EIS should contain the following:

(3) Document. A completed EA document.

(5) Alternatives, including proposed activity.

Based upon information and analysis presented in the following sections on the affected environment and environmental consequences, the environmental impacts of the alternatives, including the proposed activity in comparative form. To the extent possible, the comparison of alternatives should quantify how the purpose and need would be satisfied by each alternative and the proposed activity. It should also:

a. Explore and evaluate all reasonable alternatives;

- b. Discuss the reasons for the elimination of alternatives from detailed study;
- c. Include appropriate mitigation measures not already included in the alternatives;
- d. Describe the environment of the areas to be affected and the environment to be created by the alternatives under consideration; which description should be no longer than is necessary to understand the effects of the alternatives;
- e. Describe environmental consequences, such as:
  - 1. Direct effects and significance;
  - 2. Indirect effects and significance;
  - 3. Possible conflicts between the proposed activities and the objectives of federal, state and local plans, policies and controls for the affected area;

**Sec. 40-6. Enforcement.**

(a) Injunctions and equitable relief. Pursuant to the provisions of G.S. 153A-123(d) and (e), the county may seek an injunction or other appropriate equitable remedy against any violation of this chapter or to require compliance with any provision of this chapter.

(b) Effect on other permits and actions. Construction or installation of any major development project shall not commence until subsequent to the filing of a FONSI or acceptance of the final EIS by the board of commissioners. The EIS shall be presented to the board of commissioners pursuant to public hearing procedures established in section VII of the Orange County Subdivision Regulations, and Article 20 of the Orange County Zoning Ordinance.

Thank you for your attention to these matters.

Sincerely,

Laura Streitfeld

--

Laura Streitfeld  
Steering Committee  
Preserve Rural Orange  
Phone (919) 801-7294