



Bay Disposal & Recycling is requesting a change in our Conditional Use Permit. Please find below a description of the current use and a description of the proposed use.

CURRENT USE

In 2011, Bay Disposal & Recycling applied for and received a conditional use permit for our facility located at 310 E Street in Copeland Industrial Park. The permit was to allow us to purchase and install recycling equipment to process single stream recyclables and commercial recyclables. The use permit came with specific conditions (attached). Upon receiving approval from the City of Hampton, we were required to apply for a state permit. In November 2011 we received the state permit (Permit-By-Rule #588). Once you receive a state permit, your facility gets random inspections to insure you are not only abiding by the operating plan provided to the state but are also abiding by the conditions imposed by the local municipality.

The facility generally accepts single stream recyclables and other commercial recyclables and construction and demolition debris (CDD). No organic waste, other than incidental amounts, are accepted. Single stream recyclables include such materials as glass, plastic bottles, newspapers, aluminum cans, apartment wastes and commercial recyclable dry wastes such as cardboard, office paper, shrink wrap and open container loads of CDD wastes. No crushing, grinding or otherwise altering of CDD waste occurs, other than what is required to bale or load the material for transport. Non-recyclable material is loaded out and transported to a permitted disposal facility. All sorting, processing and temporary storage of material and bales occurs within the building. Outside storage, with the exception of vehicles, is prohibited.

In October 2018, Bay Disposal & Recycling shut down the recycling processing line due to a continuous decline in recyclable commodity values that made it cost prohibitive to operate. Unfortunately, we had to lay off approximately 25 people in the process. Currently, we are transferring single stream to other processing facilities and capturing cardboard and baling it.

At the present time we are using approximately 20% of the 70,000 square feet available to us.



PROPOSED USE

Bay Disposal & Recycling would like to continue to deliver the same materials described above that is permitted under our existing Conditional Use Permit. However, in order to continue to make this facility sustainable, we are asking for a use permit change that would allow us to deliver material that contains garbage and food waste (currently prohibited in Section 4b of our use permit). Once delivered, we would extract cardboard and scrap metals from the material and haul the residue to a permitted landfill facility or waste to energy facility. Should we be able to change our use permit, we would have to do the following renovations:

On the southeast side of the original building, we would raise the roof to match the height of our CDD operation, install beams to allow us to have a clear span dumping area and remove current roof supports in place. The existing loading docks would be filled in to ground level to allow access to the new tipping floor. We would add a large overhead door to prevent material from escaping the facility and would add an odor neutralizing system that prohibits any odor from escaping the facility. ALL material delivered to this facility will be loaded into trailers and will not be left on the floor overnight. This, in addition to a scheduled pest control program and regular floor cleaning, prevents an influx of pests and rodents.

Trucks would enter the facility thru the E Street entrance, weigh in and go into the facility to dump. There is enough queuing capacity to handle a minimum of 10 trucks without getting near the roadway. We would anticipate no more than 5 trucks on site delivering material at any given time. Since all our trucks return to this facility every afternoon, the only additional traffic would be approximately 10 trucks making one additional trip to the facility throughout the day.

Bay Disposal & Recycling would provide screening along the entire fence area to the south of the facility (adjacent to Mulholland).

Although Section 4e of our current use permit prohibits any outdoor storage except for vehicles and empty containers, this change would, occasionally, require the parking of loaded transfer trailers overnight.

The change in our permit would allow us to rehire approximately 4 additional employees.

Bay Disposal & Recycling currently operates two facilities (Norfolk and Smithfield) that accept this type of material and have never had any issues with our neighbors or with the State Department of Environmental Quality. In fact, our Norfolk operation was recently nominated by Campostella Heights Civic League for the Best Community Partner Award.

Conditions for Bay Disposal Recycling Sorting Center Changes from UP #1071-2011 to UP #1090-2013

1. Issuance of Permit

- a. The Use Permit applies only to *310 E Street [LRSN 1000080]* Bay Disposal Inc, as the operator of a recycling sorting center and is not transferable to another operator or location.

2. Location

- a. ~~The Use Permit applies only to 310 E Street [LRSNs 1000080 and 13002089].~~

2.3 Hours of Operation

- a. The hours of delivery and removal of material by truck shall be between the hours of 6:00AM and 11:00PM Monday through Friday and 6:00AM and 6:00PM Saturday and Sunday.
- b. The hours of operation within the building shall be between the hours of 5:00AM and midnight Monday through Sunday.
- c. Maintenance of equipment internal to the building may occur after standard operating hours Monday through Friday.

3. Licensure

The operator shall secure and maintain any required licensure with the Virginia Department of Environmental Quality (DEQ).

4. Operation

- a. The operator will only deliver single stream recycling products, such as glass, plastic bottles, newspapers, and aluminum cans, and commercial recyclable dry waste, such as cardboard, office paper, and shrink wrap, and open container loads of construction debris to the facility. While construction debris may be sorted and transported to and from this facility, crushing, grinding, or altering the material other than is necessary to bail the material is expressly prohibited. Any incidental non-recyclable waste will be hauled out and disposed at a permitted facility.
- b. Other than as incidental waste, garbage, food waste and organic waste, meaning a type of solid waste consisting of organic materials including, but not limited to processed and unmanipulated manures, grass, clippings, leaves, brush, tree prunings, logs, tree stumps and other yard, landclearing or vegetative waste, shall not be delivered and/or processed at this facility.
- c. Hazardous waste, radioactive/nuclear waste, and/or biohazardous waste materials are prohibited on site.
- d. All sorting, processing, or temporary storage of materials shall occur within the building.

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- e. Outdoor storage, *except for the parking of vehicles and empty containers as expressly permitted in these conditions, other than the parking of vehicles*, is prohibited.
- f. The operator shall keep the property outside the facility free and clear of transported materials and litter, and take measures to avoid stray materials or litter from escaping onto adjacent properties.

3. Site Development

- a. ~~New development shall occur in substantial conformance with the conceptual site plan with the project title "Recycling Center" and drawing title "Conceptual Site Plan" by VHB, Inc. dated March 1, 2011. As noted on the drawing, the 30,000 square foot building may be developed in a separate phase after the concrete apron, storm water BMP, and landscape screening.~~
- b. ~~The landscape screening shall be installed in the areas shown on the conceptual site plan with the project title "Recycling Center" and drawing title "Conceptual Site Plan" by VHB, Inc. dated March 1, 2011. The landscape screening shall consist of evergreen shrubs and/or hedges forming a series of continuous rows with the existing parking lot and public right of way on one side and the proposed new building on the other.~~

4. Building Materials

- a. ~~The "30,000 SF, Future Building," as shown on the conceptual site plan with the project title "Recycling Center" and drawing title "Conceptual Site Plan" by VHB, Inc. dated March 1, 2011, shall be finished in materials, metal siding and brick, and color, neutral earth tones, complementing the existing building. Using a greater proportion of brick than is on the current building is acceptable.~~

5. Lighting

- a. ~~All outdoor lighting shall be focused downward and inward and full cut off to prevent spillover onto adjacent properties.~~

5. Vehicle Parking and Container Storage

- a. *The parking of vehicles used in the transport and delivery of material shall occur behind the front façade of the building on any side facing a public right-of-way.*
- b. *Containers shall be stored in an area behind the front facade of the building on any side facing a public right-of-way.*
- c. *Containers shall not be stored any closer than five (5') from an adjacent property line.*
- d. *All stored containers must be clear of material.*
- e. *Any container stored on site must be stored in an area screened from view of the public right-of-way and adjacent properties by a six foot tall opaque fence or vegetation which achieves the same affect.*

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6. Screening
A short, continuous evergreen hedge row (2.5 to 4 feet in height) shall be established and maintained along the public rights-of-way (E Street and 58th Street) to screen operations at the sides and back of the building.

7. Inspection
The facility will be available for inspection by the Zoning Administrator and/or designee during operational hours. The facility and operation shall be subject to a stop work order by the Zoning Administrator and/or designee in order to investigate or verify in concert with any state or federal agency any violation, real or alleged, of any federal, state, or local law or ordinance and deed restrictions affecting the property.

8. Nullification
A use permit shall automatically expire and become null and void under any of the conditions set forth in section 20-12 of the zoning ordinance.

9. Revocation
Notwithstanding any condition or provision of this use permit to the contrary, the use permit may be revoked for violation of any terms or conditions of the use permit as set forth in chapter 20 of the zoning ordinance.

~~Failure to comply with any of the above conditions shall justify revocation of the Use Permit by City Council.~~

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