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January 10, 2020

E-mail and Overnight Mail

City of Howell
Board of Zoning Appeals
c/o Timothy R. Schmitt
611 E. Grand River
Howell, Michigan 48843

Re: 645 Lucy Road--New Scrap Processing Facility/Request for Variances

Dear Board Members:

I am writing to reflect the position of several property owners identified below in opposition to the request of Padnos Iron and Metal (“Applicant”) for variances to: (1) allow a scrap metal shredding operation to occur outdoors rather than entirely enclosed in a building as required by the City’s Zoning Ordinance; and (2) permit the use of gravel for outdoor storage areas and vehicular travel on the site instead of a hard surface (asphalt) required by the Zoning Ordinance. As explained below, the Applicant cannot meet the requirements for either variance, whether the variances are characterized as use or dimensional variances.

A. Background—The Property, Zoning and Master Plan

The Property at issue consists of 3 parcels—tax parcel 06-100-002 is approximately 11 acres and has been used as a salvage yard by Applicant’s predecessor in interest; tax parcel 06-300-005 is approximately 5 acres and appears to have also been used in part for the existing salvage yard; and tax parcel 06-100-005 is approximately 40 acres. This latter crescent-shaped property is vacant and was formerly owned by the City (the “City Parcel”). See aerial depicting property locations attached as **Appendix 1**. Applicant proposes to expand the salvage operations onto the City Parcel and install, among other things, a massive metal processing facility (the “Metal Shredder”). Access to the Property is located on Lucy Road, an unpaved, narrow public road.

The Applicant’s Property is zoned I-2 or general industrial. But it is surrounded by a variety of different land uses and zoning classifications. The entire eastern boundary of the property abuts land in Genoa Township. A portion of the abutting land is zoned General Commercial in Genoa Township while the remainder of abutting land in Genoa is zoned public recreation. On the other

side of the public recreation property there are single-family homes along Chilson Road on land zoned for residential use. Most of the land on the west side of Lucy Road across from the proposed scrap metal shredding operation is vacant and is owned by Marion Township, but located in the City and is zoned for single-family residential use by the City. There are a mixture of uses, including industrial, commercial and residential, located north of the Property up to Grand River. To the south between the Applicant's Property and I-96, there is land zoned light industrial. The crescent shape City Parcel wraps around a former, now closed City landfill along Lucy Road.

Not only is there a diverse mixture of surrounding land uses to consider, but there are other unique circumstances involving these properties that should be addressed. The City Parcel was obtained by the City from Genoa Township through a Contract for Conditional Transfer of Property under Michigan Public Act 425 (the "Genoa Act 425 Agreement"), a copy of which is included in **Appendix 2**. The City Parcel was originally envisioned to be a City park. That Agreement states that the purpose of the land transfer was for the City to provide municipal city and water services to the area in order to create jobs and additional development. Indeed, the Agreement provides that it was intended to foster "quality economic development to benefit the respective communities." (Appendix 2.)

The Genoa Act 425 Agreement also contained a commitment by Howell to protect adjacent residential properties in Genoa Township from adverse impacts of development. More specifically paragraph 6 states:

That the CITY shall use the powers of its existing zoning ordinance to afford reasonable protection to residential properties located in the TOWNSHIP adjacent to the area being transferred to the CITY. As part of this commitment, the CITY shall use its existing site plan review powers to buffer industrial and commercial uses from TOWNSHIP residential uses.

The City's recently adopted 2015 Master Plan is consistent with its commitment to Genoa with respect to future development of Applicant's Property (more particularly the former City Property). The Property is included in the so-called "Loop Road Area." This area is specifically planned as an "employment district." The Master Plan states that the "Eastern portions of the area is partially developed as industrial. The City has the opportunity to further develop this portion of the Loop Road Area as an employment district with a focus on sustainability of development." Master Plan at p. 78. The Master Plan goes on to explain that the "Loop Road area has significant development potential which will bring economic growth and sustainability focus to the Howell area. The City recognizes that the challenges posed by the Study will require comprehensive planning and innovative design to accomplish the vision for the destination and employment district." Master Plan, at p. 80. As explained below, the City has yet to rise up to the challenges

posed by and vision of its Master plan, as well as completely ignored its contractual obligations to Genoa Township and others.¹

B. Applicant's Proposed Massive Metal Shredding Operation

After acquiring the Property earlier in 2019, the Applicant submitted a request for special land use and site plan approval to expand the existing salvage yard and connect it to the City Parcel and construct or erect a massive outdoor metal shredder to process scrap metal materials, including automobiles. The metal shredder will be 65 feet high and located adjacent to a 46 foot masonry control structure. The shredder and new building would be located on the City Parcel near the Genoa Township property line and close to single-family residences along Chilson Road. According to the application for special use approval, the shredder “is a processing facility that will size and sort a variety of mixed incoming ferrous scrap items.”

Because of the potential negative impacts of such an operation, it is not permitted as of right even in the I-2 district, but rather requires special land use approval as a salvage yard under Section 4.06 of the Zoning Ordinance. More important, the Zoning Ordinance mandates that “**all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.**” (Emphasis added.)

Because of the potential adverse impacts of a special land use, Michigan law requires that the City hold a public hearing on the use. Further, the approval of a special land use must comply with standards “that insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use. The standards shall also insure that the land use or activity is consistent with the public health, safety and welfare of the local unit of government.” MCL 125.3504(2).

The Planning Commission held a public hearing on the site plan and special land use request on November 20, 2019. Dozens of people appeared to speak in opposition to the special land use, including the Township Manager from Genoa Township, who expressed concerns about the significant impact on neighboring properties related to noise, traffic, truck turning movements, the lack of approved sewer and water service, and potential violation of the Genoa Act 425 Agreement. See meeting minutes attached as **Appendix 3**. Others commented on the poor condition of Lucy Road to service such an intense operation—Lucy Road being a narrow, unpaved, and poorly maintained road—as well as noise, vibration, pollution and traffic issues also associated with the use. Based upon information submitted by the Applicant, the metal shredder can process

¹ Howell also entered into an Act 425 Agreement with Marion Township in 1987 regarding nearby property which provides in paragraph 6 the same kind of protections for residential properties as imposed in the Genoa Act 425 Agreement. And, as stated above, Marion owns substantial acreage directly across Lucy Road from the Property at issue, which is zoned single-family residential by the City.

approximately 160 gross tons per hour, which, in more graphic terms, could be 80 cars/hour. The Applicant did not submit a traffic report and its disclosures regarding traffic, particularly the number of heavy trucks that would use and tear up unpaved Lucy Road, were vague at best. While it appears from the site plan that the shredder operation might be located in a wetland area, no wetland information was provided and no environmental impact statement was presented.

It should have been clear that this most intense industrial operation—which was not permitted as of right in any zoning district; located in the midst of a variety of zoning districts, including residential; which may be in violation of contractual commitments with two adjacent communities; and is not consistent with the goals and objectives for this land as set forth in the City’s recently adopted Master Plan—was not appropriate. Yet the Planning Commission approved the special land use by a vote of 5 to 2. It did so without making any findings of fact as required by the City’s Zoning Ordinance and the Michigan Zoning Enabling Act.

While that decision by the Planning Commission is not before this Zoning Board, even more incredulous, the Applicant wants to conduct this operation in violation of the bedrock protective standard that forms an integral part of the approved use—that it be conducted within a completely enclosed building. Further, while the City’s Zoning Ordinance requires that material storage areas and service drives be paved with a hard service, the Applicant seeks a variance from that requirement as well. This paving requirement is clearly intended to reduce dust and noise from the operation and the impact of any leakage or spill of chemicals. As explained below, the Applicant cannot satisfy the requirements for a variance and the request should be denied.

C. The Variance Requests Should Be Denied

The first consideration this Board must make is whether the variances requested are more in the nature of use or dimensional variances. While we believe that the variance to eliminate the requirement that the operation be conducted entirely within a building is properly characterized as a use variance, the request fails to meet the standards for either type of variance as described below.

“Non-use [or dimensional] variances are not concerned with the use of the land but, rather, with changes in a structure’s area, height, setback, and the like.” *Grabow v Macomb Twp*, 270 Mich App 222, 226 (2006). Such variances typically involve setback requirements, landscaping restrictions, lot coverage, height regulations, parking, access, etc. Use variances, on the other hand, “permit the use of the land which the zoning ordinance otherwise proscribes.” *Grabow*. In this case, the requirement that the operations be conducted within a completely closed building is integrally related to the use and described as part of the use itself in the Zoning Ordinance. It goes to the heart of the use. This should be compared to other dimensional regulations that appear elsewhere in the Zoning Ordinance applicable to all uses within the Zoning Ordinance, such as height and setbacks. In this case, it is clear that the request to operate the shredder outside of an enclosed building is properly characterized as a use variance while the request to avoid the paving requirement would be more in the nature of a non-use or dimensional variance.

1. The request to operate the shredder outside of an enclosed building fails to meet the requirements for a use variance.

In order to obtain a use variance, the Applicant must demonstrate **unnecessary hardship** and each of the following: (a) that the property cannot be reasonably used for the purposes permitted in the zoning district; (b) that the appeal results from the unique circumstance peculiar to the property and not from general neighborhood conditions; (c) that the use requested by the variance would not alter the essential character of the area; and (d) that the alleged hardship has not been created by any person having an interest in the property. City Zoning Ord. at 12.04 (e). None of the criteria can be met here.

The Property can plainly be used for purposes permitted in the zoning district. There are numerous other industrial and business uses permitted on the Property. The proposed use is not one permitted as of right and the Applicant has no entitlement to the use, particularly to an entitlement of the use in a manner that varies from the key protective conditions established in the Zoning Ordinance. There is no evidence presented that the equipment cannot be enclosed within a building. To the contrary, there are companies that specialize in constructing enclosures for scrap metal and automobile shredders and there are locations throughout the country where such shredding equipment has been enclosed. *See Appendix 4* hereto.

But even if that were not the case, then this particular Property is not a suitable site for such an operation, being surrounded by lands zoned residential, commercial and recreational. One of the key considerations for a special land use is its **location** within a zoning district. See Zoning Ordinance at Section 3.03(e). If the requirements of the Ordinance designed to protect neighboring properties cannot be met at a particular location, the use should more appropriately be located in the heart of a heavy industrial district, surrounded by other heavy industrial land uses and zoning. If no such land is available in Howell, there are numerous other more appropriate locations in southeast Michigan.

Moreover, there is nothing unique or peculiar to the Property that supports the variance request. It is a large, relatively flat parcel of land. Indeed, there is an important factor here that is unique to the Property that supports denial of the variance—that the land was obtained from a neighboring community and is the subject of commitments to that community regarding the mutual objectives for its future use and protections of other remaining residential properties in the adjacent community.

Further the use would alter the essential character of the area. While there are industrial uses scattered in the area, there are also various other non-industrial uses and the City has a vision for the area as set forth in its Master Plan. Expanding this most intense and impactful use on 40 acres of land alters the essential planned character of the area and would plainly impact and discourage the other mixed uses desired by the City. While the site has historically been used as a scrap metal salvage yard, the addition of a scrap metal and automobile shredder is a significant change in

intensity of use, as well as environmental and community impacts. Scrap metal and automobile shredding operations, such as that proposed for this site are known to cause harmful air emissions, fires and explosions, water and soil contamination, excessive noise and vibrations as well as increased truck and vehicular traffic. (See **Appendix 5**). Without an enclosure as required by the Zoning Ordinance, these environmental and community impacts will go largely unabated. As indicated above, the Planning Commission in considering and approving a special land use permit for this facility, made no findings of fact, did little to no independent research on the potential impacts posed by a scrap metal and automobile shredder and instead, relied on unsupported statements and assurances of the Applicant.

This proposed use is a significant change in intensity from prior uses and will undoubtedly change the essential character of the area. There are many other less impactful industrial uses that could be placed on this Property that would not discourage further development of other nearby properties and would create the employment opportunities sought by the City as set forth in its Master Plan. Indeed, Marion Township, the owner of the residential zoned property on the west side of Lucy Road across from the proposed new operations, is in the process of seeking appraisals for valuing the land for potential sale for residential development. Applicant's project, most particularly if developed in a manner that avoids the protection of a building and paved road and laydown surfaces, could impact the value and marketability of that residential land and may even discourage residential developers from pursuing development.

Finally, the last criteria has no application to the circumstances here. This criteria applies where there are unique features on the Property that physically prevent or interfere with compliance with a requirement. No such unique features exist here.

In sum, there is no "unnecessary hardship" here that would justify the Applicant's failure to comply with the most important use criteria intended to mitigate harm from noise, dust, vibration, odor and other external impacts of operating such heavy equipment in the district.

2. The request to operate the shredder outside of an enclosed building and not pave outdoor storage and vehicular access areas fails to satisfy the requirements for dimensional variances.

In order to obtain a dimensional variance, the Applicant must demonstrate **practical difficulty** and meet at least each of the following requirements: (a) the restrictions unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome; (b) the variance would do substantial justice to the Applicant as well as other property owners in the district; (c) the plight of the property owner is due to the unique circumstances of the property; and (d) the alleged hardship has not been created by any person presently having an interest in the property. City Zoning Ord. at 12.04 (e). A showing of mere inconvenience is not sufficient to justify a variance. *Nat'l Boatland, Inc. v Farmington Hills Zoning Bd of Appeals*, 146

Mich App 380, 389-391 (1985). It should be self-evident that these requirements cannot be satisfied.

Again, as stated in more detail above, the Applicant is not prevented from the using the Property for a permitted purpose. There is nothing that prevents the owner from complying with the requirements mandated for even allowing this special land use on the Property. The owner can pave the areas required under the ordinance and enclose the shredder in a building. While the Applicant may try to argue that such requirements are unnecessarily expensive, that is not a proper basis upon which to grant a variance.

The paving requirement is in the Ordinance for specific purposes and there is no basis to conclude that they are not necessary or useful here. Paving reduces the noise and dust generated by heavy truck traffic and equipment utilizing the site. It allows better control of environmental hazards, including spills, that may accompany the operation. This is even more important given the site's proximity to wetland areas.

There is certainly no basis to conclude that the variances would do substantial justice to surrounding property owners. In fact, just the opposite would occur. Rather than enclose the operation and pave the required parts of the site, adjacent property owners would now be exposed to more noise, odor, vibration, dust and environmental hazards and other impacts than they would have if the ordinance requirements were satisfied, let alone the negative impact such an improperly exposed use and operation could have on the value, marketability and future uses of their properties. Such operations are known to experience significant fire and environmental hazards which are described more fully in the appeal of the special land use filed by Livingston County Catholic Charities with this Board and the materials supporting that appeal, all of which are incorporated herein by reference.

As explained above, there are no unique circumstances regarding this Property that justify the variances. There is more than sufficient room and no topography or natural features that would prevent or interfere with complying with the requirements of the Zoning Ordinance.

For the reasons stated above and the other materials submitted and included in the record, we respectfully request that the Board deny the requested variances. This letter has been approved and authorized by the following neighbors and interested parties—Livingston County Catholic Charities, Matem, LLC, Genoa Township and Marion Township. We appreciate your consideration of this information.



City of Howell
January 10, 2020
Page 8

Sincerely,

DYKEMA GOSSETT, PLLC

A handwritten signature in cursive script, appearing to read "Alan M. Greene".

Alan M. Greene

cc: Brad Strader, MKSK Planning
Mike Archinal, Genoa Township
Mark T. Robinson, Livingston County Catholic Charities
Jamie K. Stewart, Esq.
Bob Hanvey, Marion Township

APPENDIX 1

APPENDIX 1





Digitized from Spring 2015
 Parcel lines are a representation only.
 Not intended for survey purposes.

225 112.5 0 225 450 675
 Feet
 Enter Map Title


Livingston County, Michigan
 Information Technology Department
 G.I.S. Division 517.548.3230

Legend

- Soil areas which include wetland soils
- Wetlands as identified on NWI & MIRIS maps
- Wetlands as identified on NWI & MIRIS maps & soil areas which include wetland soils

APPENDIX 2

APPENDIX 2


 * 2010R-011881 *
2010R-011881
 RECORDED ON
 04/16/2010 04:49:37PM
 SALLY REYNOLDS
 REGISTER OF DEEDS
 LIVINGSTON COUNTY, MI 48843
 RECORDING: 20.00
 RECON: 1.00
 PAGES: 7

7

CITY OF HOWELL – GENOA CHARTER TOWNSHIP
CONTRACT FOR CONDITIONAL TRANSFER OF PROPERTY
PUBLIC ACT 425 OF 1984

This contract made on the 21st day of December, 2009 between the City of Howell, a Michigan Municipal Corporation, 611 E. Grand River Avenue, Howell, MI 48843 (hereinafter referred to as "CITY") and the Genoa Charter Township, a Michigan Charter Township, 2911 Dorr Road, Brighton, Michigan 48116 (hereinafter referred to as "TOWNSHIP").

WHEREAS, the CITY and TOWNSHIP have considered the factors contained in Section 3 of Act 425 of 1984, as amended (MCL 124.23), and desire, through cooperation, to foster quality economic development to benefit the respective communities and to bring about enhancement of tax base, providing municipal sewer and/or water services to the area involved, create needed jobs and the probability of additional development in the area would be greatly increased; and

WHEREAS, the only feasible way to provide these economic enhancements is to be through a cooperative contract between the TOWNSHIP and the CITY to provide that this area come under the jurisdiction of the CITY; and

WHEREAS, the CITY and TOWNSHIP have carefully considered the factors required by Section 3 of Public Act 425 of 1984; and

WHEREAS, the TOWNSHIP and CITY wish to cooperate to encourage economic development for the area and enhance the financial stability of both the TOWNSHIP and CITY;

NOW THEREFORE, by authority of Act 425 of the Public Acts of 1984 and in consideration of the promises, covenants and conditions hereinafter set forth, the parties agree as follows:

04-16-10 16:47 RCVD

1. That the TOWNSHIP consents in advance to the transfer of parcels within the following described area to the CITY:

(See attached legal descriptions)

2. That the CITY agrees to accept the transfer of parcels within the above described area for any purpose allowed under Public Act 425 of 1984, as amended, upon execution of this agreement and filing of this agreement with the office of the Great Seal for the State of Michigan. The City shall make available the usual CITY services to said property, including municipal

sewer and water services.

3. Following transfer, the CITY shall have full jurisdiction, including the powers of taxation, over the transferred area in perpetuity.

4. In recognition of its role in the formulation of this agreement and its continuing involvement and responsibilities for the property, the CITY and TOWNSHIP agree that, commencing in the year in which the first transfer of property pursuant to this contract takes place, and every year thereafter during the term of this agreement, and subject to the terms of this agreement, the City shall pay to the Township two (2) mills all ad valorem property taxes, real and personal, which the CITY collects for its own general operating fund purposes only, and which are attributable to the transferred properties at the time limits required herein. The CITY shall transmit to the TOWNSHIP its share of such revenues annually on November 1st and shall, as part of its annual audit, provide the TOWNSHIP with an audited annual statement of such revenue. The CITY hereby guarantees the TOWNSHIP will receive no less revenue from the transferred parcels than that which it would have received each year from said parcels as if this agreement did not exist. The CITY agrees that any tax abatement granted to a parcel or to personal property shall not reduce the monies otherwise due and payable to the TOWNSHIP according to the above stated formula and the CITY alone shall bear the reduction in tax revenues because of its grant of tax abatements.

5. That no other assets or liabilities shall be divided between the CITY and the TOWNSHIP as a result of the transfer involved in this contract.

6. That the CITY shall use the powers of its existing zoning ordinance to afford reasonable protection to residential properties located in the TOWNSHIP adjacent to the area being transferred to the CITY. As part of this commitment, the CITY shall use its existing site plan review powers to buffer industrial and commercial uses from TOWNSHIP residential uses.

7. That the CITY agrees that it will not require the owners or property within the conditionally transferred areas whose properties are served as of the date of this agreement by adequately functioning septic disposal systems or potable water wells to connect to the City's wastewater treatment system or water supply system until either such existing system fails or the property is otherwise compelled to connect to the CITY'S systems by lawful order of the Livingston County Health Department, the State of Michigan Health Department, or the Michigan Department of Environmental Quality, whichever occurs first.

8. That in the event the CITY does not comply with the requirements of Paragraph 4 of this Contract, the TOWNSHIP shall notify the CITY in writing of exactly how the CITY has not complied with the requirements of Paragraph 4. Said notice shall be personally served on the Howell City Clerk and also personally served on the Howell City Mayor or the Howell City Manager. Failure of the CITY to comply with the requirements of Paragraph 4 within 180 days from the date said notice was served as described herein, shall, at its option, entitle the TOWNSHIP to the return of the transferred area. The remainder of the Contract provisions may

be enforced by the TOWNSHIP by means of other civil actions, including declaratory judgments and injunctive relief from the Livingston County Circuit Court.

9. That this Contract shall be recorded, within 30 days of the date of its execution, with the Michigan Secretary of State and the Livingston County Register of Deeds.

10. That all agreements and covenants contained herein are severable, and in the event any of them, with the exception of those contained in Paragraphs 1- 4, shall be held to be invalid by any court having subject matter jurisdiction, this Contract shall be interpreted as if such invalid agreements or covenants were not contained herein.

11. That this Contract shall continue in effect for a period of fifty (50) years from the date of execution of this Contract. At the end of this fifty (50) year period the transferred property shall continue to remain permanently in the jurisdiction of the CITY.

IN WITNESS WHEREOF:

CITY OF HOWELL

[Signature]
SHERYL ANNE BOAK
Notary Public, State of Michigan, County of Livingston
My Commission Expires July 6, 2015
Acting in the County of Livingston

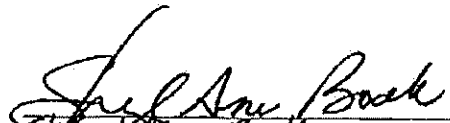
[Signature]
By: Geraldine Moen *Geraldine K. Moen*
Its Mayor *G.K. Moen*

[Signature]
SHERYL ANNE BOAK
Notary Public, State of Michigan, County of Livingston
My Commission Expires July 6, 2015
Acting in the County of Livingston

[Signature]
By: Jane Cartwright *Jane L. Cartwright*
Howell City Clerk

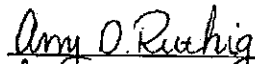
STATE OF MICHIGAN)
)ss
COUNTY OF LIVINGSTON)


On this 21 day of December, 2009, before me a Notary Public in and for said County, personally appeared Geraldine K. Moen and Jane L. Cartwright to me known to be the Mayor and City Clerk of the City of Howell, who being by me duly sworn, did say that they executed the foregoing City of Howell-Genoa Township contract for conditional transfer of property on behalf of the City of Howell by authority duly vested in them by the Howell City Charter.

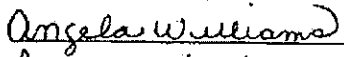

 Sheryl Anne Boak Notary Public
 Livingston County, Michigan
 My Commission expires: 7-6-2015

IN WITNESS WHEREOF:

GENOA CHARTER TOWNSHIP


 Amy D. Ruthig

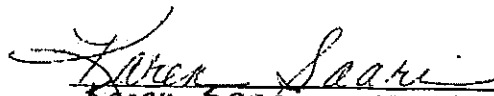

 By: Gary A. McCririe
 Its Supervisor


 ANGELA WILLIAMS


 By: Paulette A. Skalarus
 Its Clerk

STATE OF MICHIGAN)
)ss
 COUNTY OF LIVINGSTON)

On this 21st day of December, 2009, before me a Notary Public in and for said County, personally appeared Gary McCririe and Paulette A. Skalarus to me known to be the Supervisor and Clerk of the Genoa Charter Township, who being by me duly sworn, did say that they executed the foregoing City of Howell-Genoa Charter Township contract for conditional transfer of property on behalf of the Genoa Charter Township by authority duly vested in them by law.


 Karen Saari Notary Public
 Livingston County, Michigan
 My Commission expires: 10-4-2011

GENOA CHARTER TOWNSHIP/CITY OF HOWELL
425 AGREEMENT PROPERTY DESCRIPTIONS
(SEE PARAGRAPH 1)

1. Land in the Township of Genoa, Livingston County, Michigan described as: Beginning at the NW corner of Section 6, T2N, R5E, thence South 2403.2 feet along the West line of Section 6; thence South 80 deg 45' East 870.00 feet; thence South 519.00 feet to the East & West 1/4 line of Section 6; thence East 285.00 feet along the 1/4 line to the West line of the Ann Arbor Railroad right-of-way, North 5 deg 38' East 1168.8 feet; thence Northerly along the arc of a 3 deg 3' curve left a distance of 1110.9 feet along said railroad; thence North 28 deg 15' West 952.00 feet; thence West 594.00 feet along the Section line of Section 6 to the point of beginning, excepting therefrom the North 495.0 feet of the West 1/2 of the Northwest quarter of Section 6 West of the railroad, containing 60.7 acres of land, more or less.

Tax Code No. 4711-06-100-005

2. Brockway Property (Liber 2039, Pages 0248-0249)

Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

A part of the Northwest fractional 1/4 of Section 6, T2N, R5E, Michigan described as follows: Commencing at the Northwest Corner of Section 6; thence along the West line of said Section 6, and the centerline of Lucy Road, (66 foot wide Right of Way), due South, 2397.71 feet (previously recorded as 2403.2 feet), to the POINT OF BEGINNING of the Parcel to be described ; thence 78 deg 29' 40" E, 860.43 feet (previously record as S 80 deg 45' E, 870 feet); thence due South 521.08 feet (previously recorded as 519 feet); thence along the East-West 1/4 line of said Section 6, N 89 deg 42' 26" W, 574.99 feet (previously recorded as West 578 feet); thence along the Northerly line of the CSX Railroad (100 foot wide Right of Way), N 55 deg 42' 23" W, 324.58 feet (previously recorded as N 54 deg 40' W, 323 feet); thence along the West line of said Section 6, and the centerline of Lucy Road,, due North, 506.88 feet (previously recorded as 510.2 feet), to the point of beginning, containing 11.15 acres, more or less, and subject to the rights of the public over the existing Lucy Road. Also subject to any other easements or restrictions of record.

Part of Tax Code No. 4711-06-100-006

3. Wheelock Associates Limited Partnership Property (Liber 3731, Page 0121)

Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

Outlot A of "Bachman's Subdivision", as recorded in Liber 7 of Plats, Page 14, Livingston County Records.

Tax Code No. 4711-06-101-002

- 4. Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

Lots 1, 2, 3, 4, 5, 6, 7 of "Bachman's Subdivision", as recorded in Liber 7 of Plats, Page 14, Livingston County Records.

Tax Code No. 4711-06-101-003
 Tax Code No. 4711-06-101-004
 Tax Code No. 4711-06-101-005
 Tax Code No. 4711-06-101-006

Any and all lands of Lots 1, 2, 3, 4, 5, 6, 7 of "Bachman's Subdivision" located in Oceola Township are not included in this agreement

- 5. All that part of Outlot B of "Bachman's Subdivision", as recorded in Liber 7 of Plats, Page 14, Livingston County Records, lying in Genoa Township.

Tax Code No. 4711-06-101-007
 Tax Code No. 4711-06-101-008

- 6. Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

All that part of the Northwest 1/4 of the Southwest 1/4 of Section 6, T2N R5E, South of the Pere Marquette Railroad and West of the Ann Arbor Railroad containing 24 acres of land, more or less.

Tax Code No. 4711-06-300-002

- 7. Property situated in the Township of Genoa, Livingston County, Michigan

Being part of the Southwest 1/4 of the Southwest fractional 1/4 of Section 6, Town 2 North, Range 5 East, Michigan, described as follows: Beginning at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 6, Town 2 North, Range 5 East, Michigan; thence South 460 feet along the centerline of the highway; thence East to the Westerly right of way line of the railroad; thence Northerly along the Westerly right of way line of the railroad; thence Northerly along the Westerly right of way line of the railroad to the North line of the Southwest 1/4 of the Southwest fractional 1/4; thence Westerly along the North line of the Southwest 1/4 of the Southwest fractional 1/4 to the point of beginning

Commonly known as: 945 Lucy
Tax Number: 4711-06-300-003

8. Land in the Township of Genoa, County of Livingston, State of Michigan, to wit:

A part of the Southwest part of the Southwest fractional 1/4 of Section 6, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as: Beginning at the Southwest corner of said Section 6; thence North 386 feet along the centerline of highway; thence North 89 degrees 38 minutes East 225.97 feet; thence South 386 feet; thence South 89 degrees 38 minutes West 225.97 feet to the point of beginning, EXCEPTING THEREFROM that part conveyed for highway purposes in Liber 402, page 610, Livingston County Records.

Tax Code No. 4711-06-300-004

9. Parcel No. 1

Part of the Southwest fractional 1/4 of Section 6, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southwest Corner of said Section 6; thence along the West line of said Section 6, the centerline of Lucy Road and the Genoa-Marion Township Line, N 00 deg 42' 43" W, 386.00 feet, to the Point of Beginning of the Parcel to be described; thence continuing along the said West line of said Section 6 and the centerline of Lucy Road, N 00 deg 42' 43" W, 338.90 feet; thence N 89 deg 31' 12" E, 913.51 feet; thence along the West Line of the Ann Arbor Railroad (100 feet wide) S 05 deg 10' 50" W, 724.32 feet; thence along the North line of I-96 (Limited Access Highway) N 84 deg 59' 30" W, 616.24 feet; thence along a line previously surveyed and monumented, N 00 deg 42' 43" W, 325.02 feet; thence along a line previously surveyed and monumented, S 88 deg 59' 48" W, 225.97 feet, to the Point of Beginning; Containing 12.10 acres of land, more or less, and subject to the rights of the public over the existing Lucy Road. Also subject to any other easements or restrictions of record.

Tax Code No. 4711-06-300-008

10. Land in Section 6, T2N, R5E, Genoa Township, Livingston County, State of Michigan, commencing at the West 1/4 corner of Section 6; thence East 266.60 feet to the Easterly right-of-way of the C & O Railroad and the point of beginning; thence Southeasterly along said right-of-way 892.00 feet, more or less, to the Westerly right-of-way of the Ann Arbor Railroad; thence Northeasterly along said right-of-way 505.00 feet more or less, to the East-West 1/4 line of Section 6; thence West 862.75 feet to the point of beginning, containing 4.25 acres more or less.

Tax Code No. 4711-06-300-009

Drafted by: Dennis L. Perkins, P.C., 105 E. Grand River, Howell MI 48843

Return to: Jane Cartwright, Howell City Clerk, 611 E. Grand River, Howell MI 48843

APPENDIX 3

APPENDIX 3

**City of Howell
Planning Commission
November 20, 2019
611 E. Grand River Avenue
Howell, MI 48843**

The regular meeting of the Planning Commission was called to order by Chairman Streng at 7:00 p.m.

COMMISSIONERS PRESENT: Paul Streng, Maryanne Vukonich, Mayor Nick Proctor, Robert Spaulding, Jan Lobur, Erin Britten and Chelsea Dantuma.

ALSO PRESENT: Community Development Director Timothy Schmitt and Administrative Assistant Tonya Hubbard.

Others in Attendance: City Attorney Dennis Perkins, Interim City Manager Erv Suida, Police Chief George Basar, DDA Director Kate Litwin, Myrl Hawkins, Carole Gardner, Shannon Bastian, Gary Jennings, Jonny Jirasek, Andrew Buckner, Mary Buckner, Dan Brockway, Mark Robinson, Donald Parker, Greg Tormanen, John Beale, Jane Thierfeldt, Deborah Tschirret, Scott Tschirret, John Gardner, Sharron Gardner, Lindsay Abbott, Laura Webber, Brent Bender, Gary Coulier, Paula Coulier, Sean Bradley, Karrie Martin, Jennifer Urbib, Bill Schuster, Chris Schuster, Suzi Snyder, Matthew Brunn, Michael Archinal, Paul Rogers, Jaclyn Jirasek, Richard Holcomb, Linda Holcomb, Duane Brown, Esther Brown, Joyce Fisher, Timothy Sullivan, Duane Stokes, Tammy Beal, Bella Sines, Kathryn Tuck, Mike Merritt, Eliza Merritt, Sandy Cortez, Don Cortez, Gary Emerick, Laura Toms, Clarkson Warden, Jeannette Ambrose, Michael Mulvahill, Scott Ryba, Kathy Ryba, Mike Archer, Mary Archer, Elizabeth Garvey, Jeff Hansen, Kelly Hansen, Penny Jones, Donna Kramer, Dennis Flynn, Dean Norton, Vern Brockway.

APPROVAL OF MINUTES, OCTOBER 16, 2019 REGULAR MEETING

MOTION by Lobur, SUPPORT by Proctor, "To approve the October 16, 2019 regular Planning Commission meeting minutes as presented." MOTION CARRIED (7-0).

CALL TO THE PUBLIC

None.

STAFF REPORT

Community Development Director Schmitt informed the commission that fliers for the Designing Great Neighborhoods kick off meeting will be going out soon with a meeting being held on December 2nd and encouraged them to attend as well as invite others. He added that Michigan State University is using this as a research project to look at new ways of public input.

The Redevelopment Ready Communities (RRC) consultants will be hosting a meeting and invites will be going out soon for the RRC Priority Site, the former Holkins lot.

Staff is actively working with the State of Michigan regarding the test results from Diamond Chrome; once the results are available, they will be shared with the community. A public meeting

is scheduled for November 21, 2019 at Parker Middle School to provide information on this issue and discuss next steps in the process.

Community Development Director Schmitt introduced Paul Rogers, a volunteer with the Howell Area Junior Baseball Association (HAJBA) who spoke on the updates to Bennett Field. Mr. Rogers outlined restoration plans including new concession stands, dugouts and correcting a drainage issue. Mr. Rogers explained that the use of signs and banners will be seasonal and will come down after the season ends. Chairman Streng recognized the work going into the project.

PUBLIC HEARING #19-31 – 645 LUCY ROAD – SITE PLAN & SPECIAL LAND USE – PADNOS IRON AND METAL

Chairman Streng introduced the agenda item and opened the public hearing at 7:11 p.m.

Community Development Director Schmitt stated the applicant is requesting an expansion to the existing salvage yard with the addition of an industrial shredder. The property is currently zoned I-2, General Industrial; the zoning of surrounding properties was also reviewed. The applicant will need Board of Zoning Appeals approval to allow for the outdoor shredding equipment and the use of gravel rather than asphalt or concrete for several outdoor storage areas. Mr. Schmitt presented staff concerns and stated the shredder will be screened very well by the natural terrain of the property and the former City landfill, which will remain in perpetuity. Concerns relating to air quality, noise control and traffic that staff received were also reviewed.

Keith Noblett, Padnos Iron & Metal, introduced his company, indicated they work to protect the environment, are in the process of obtaining storm water and air quality permits from the state, and reviewed their experience developing Brownfield sites. Mr. Noblett presented their inspection process including hazardous materials, training on fire prevention equipment, noise control noting the natural screening and decibel readings which are within the city's ordinance, and their commitment to direct traffic eastbound. The traffic count report on Lucy Road was also discussed and Mr. Noblett reviewed their operation in Holland, Michigan. Commissioners questioned the review by the Howell Area Fire Authority, truck traffic on Lucy Road and ordinance requirements as well as safety issues on enclosing the shredder.

Chairman Streng opened the floor for public comment.

- Don Parker, 502 Chandler, indicated this was a massive automotive shredder that would process 160 gross tons per hour and expressed concerns with noise, potential fire hazards, traffic, dust and hazardous material. Mr. Parker requested denial of the site plan and SLU which he believed would have a negative impact on downtown.
- Mark Robinson, Executive Director Catholic Charities, expressed concern with the potential noise and traffic associated with the outdoor shredder.
- Vern Brockway, 6503 Oak Grove, discussed concerns relating to vibration and noise, and also stated that Lucy Road can handle the weight and he was in favor of the use proposed by Padnos.

- Richard Holcomb, 940 Lucy, questioned the traffic, hours of operation, and if they would do anything about the condition of Lucy Road stating his biggest concern was that the road could not handle the heavy trucks.
- Mary Buckner, 964 Lucy, stated Lucy Road had deteriorated and was concerned there was not enough room on the site for the processing.
- Bella Signs, 840 Lucy, stated concerns with traffic on a dead end street, vibrations, air quality, and its effect on future housing values.
- Stephanie Miklos, 417 Fowler, expressed concern with traffic and potential fires.
- Andy Buckner, 964 Lucy, stated the viaduct is not wide enough for more traffic; when it floods Grand River it is down to one lane. Lucy Road needs a total rebuild to accommodate truck traffic.
- Dan Brockway, 386 Lucy, stated his support for the use proposed by Padnos however noted Lucy Road needs to be paved.
- Liza M, 603 E. Sibley, discussed air quality and potential carcinogens associated with this type of shredder.
- Scott Niblock, 139 Inverness, presented a risk vs. reward standpoint and stated he doesn't think the risk of problems is worth the reward of increased tax base for a gain of \$70,000.
- Jacklyn Jirasek, 617 N. Court, expressed concern with the effects on public health in the future, stated she doesn't trust state regulations and doesn't support the Padnos operation.
- Laura Webber, 550 W. Dieterle, noted concerns with noise, impact on the environment, and air quality.
- Mike Archinal, 551 Indian Oaks (Genoa Township Manager), questioned the distance between structures and the closest piece of equipment, the difference between the Lansing and Holland operations, traffic volumes, water/sewer service, and referenced the due diligence included in the 425 agreement between the City and Genoa Township
- Gerry Warden, 215 Livingston, discussed traffic and the impact of dust on the wetland.
- Gary Emerick, 933 Whitley Circle, stated the operation is not good for the community; air quality will hurt the festival population, and questioned why the shredder cannot be enclosed.
- Dean Norton, 420 Lakeshore Pointe, expressed concern with the processing of 160 tons of material per hour and questioned the number of cars per trailer, haulers used, additional noise from trucks themselves, and the impression the operation will have on visitors.
- Penny Jones, 304 W. Brooks, reiterated the same concerns and questioned why the public is just now hearing about it.
- Ron Zupko, 442 Browning, suggested more due diligence be completed to consider all factors before a decision is made.
- Gary Jennings, 550 Roselane, stated his opposition to the Padnos operation noting traffic and rail use.

Keith Noblett explained potential vibrations and the use of isolation pads. He further described the shredding process and noted the actual shredder is electric, loaders run on diesel. It is possible to process 160 tons per hour however it depends on regulations outlined in the state permit. He also discussed air quality, truck styles, the amount of outbound vehicles, the welding process used for repairs, and stated an enclosure is possible however not practical.

Discussion followed with Planning Commissioners on fire protection, the inspection process on inbound material, regulations on hours of the shredding operation, and on site storage.

- Elizabeth Garvey, 403 Lake, stated there was no commercial benefit to the City of Howell.
- Jennifer Urbin, 210 E. Grand River Apt. B, questioned torching and the effect on air quality, road problems and frost laws.
- Richard Lim, 2676 Laurel Ridge Lane, questioned Padnos world class terminology
- Candy Jones, 2066 Pine Ridge Meadow Ct., questioned air quality if the shredder was enclosed.
- Linda Holcomb, 940 Lucy, inquired about the zoning and proposed hours of operation.
- Carrie McClain, 619 N. State, questioned when the new technology was developed.
- Mike Archer, 178 Lakeshore Vista, expressed concern with traffic.
- Dennis Flynn, 2731 Laurel Ridge Lane, inquired about road frontage and the Latson Road exit.
- Lindsay Abbott, 666 Illinois, expressed her opposition to the request.
- Dan Lowe 2441 Norton, discussed extending water service and his opposition to the request.

Chairman Streng closed the public hearing at 9:05 pm.

Mayor Proctor talked about Padnos' competition and stated that traffic shouldn't worsen based on what Padnos is doing now on site and what traffic it is generating. Commissioner Spaulding questioned containing the equipment in a building, discussion followed on feasibility. Commissioner Lobur asked about BZA and the process. Further discussion occurred about how long the property and the area used for scrapping had been zoned industrial. Mayor Proctor noted the use was anticipated in this zoning district.

MOTION by Proctor, SUPPORT by Britten "To approve the Site Plan and Special Land Use application (#19-30) for 645 Lucy Road and the vacant property to the north, parcel ID numbers 4717-06-100-005, 4717-06-100-002, and 4717-06-300-005 to allow for an expansion of the existing salvage yard, including the addition of a new outdoor metal shredder, subject to the following conditions:

1. **The State of Michigan Air Quality permit shall be issued prior to any construction commencing on the site.**
2. **Board of Zoning Appeals approval to allow for the outdoor shredding equipment and the use of gravel rather than asphalt or concrete for several outdoor storage areas and vehicular maneuvering on the site.**
3. **The proposed construction and use shall meet all applicable ordinance standards.**
4. **Building permits shall be acquired for all work on the site.**
5. **No burning of any kind shall be permitted on site.**
6. **The applicant shall clarify the outdoor storage areas on the site plan and provide more details of what is proposed to be stored where.**
7. **No equipment and/or vehicles shall be visible from the adjacent property and/or roadway.**

8. **Semi-trailers and other similar vehicles may not be used as temporary storage facilities**
9. **The owners shall meet all the standards for Environmental Performance and Design Standards of Article 8 of the Zoning Ordinance.**
10. **Operation of the shredder shall be restricted to Monday through Friday 7:00 am to 5:00 pm.**
MOTION CARRIED (5-2) Members Spaulding and Vukonich opposed.

NEW BUSINESS

Chairman Streng suggested a resolution be drafted in appreciation of Deanna Robson. **MOTION by Spaulding, SUPPORT by Proctor, "To draft a resolution in appreciation of Deanna Robson." MOTION CARRIED (7-0).**

ADJOURNMENT

MOTION by Spaulding, SUPPORT by Britten, "To adjourn the meeting at 9:30 p.m." MOTION CARRIED (7-0).

Tonya Hubbard, Administrative Assistant

APPENDIX 4

APPENDIX 4

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[GRAND RAPIDS](#)

Video: Scrapyard fire, smoke cover areas of Walker, Grand Rapids

Updated Apr 03, 2019;
Posted Aug 03, 2010

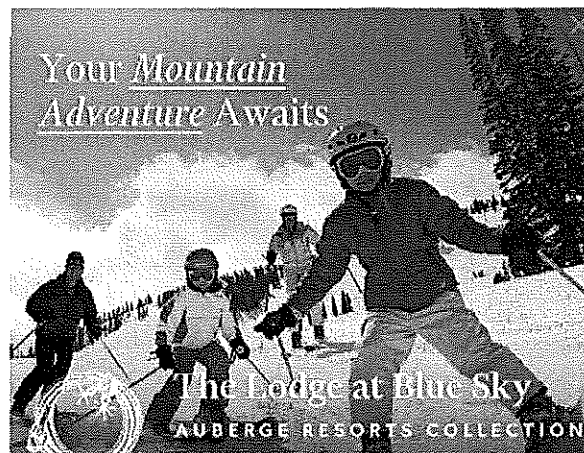
By [Heidi Fenton | hfenton@mlive.com](#)

Fire at scrapyard

WALKER -- Billows of thick, black smoke clouded the air over parts of Walker and northeast Grand Rapids this afternoon, spreading over I-96 as curious travelers slowed to see the scrap fire at Louis Padnos Iron & Metal scrapyard.

Near the site on Turner Avenue NW, the intersection was so thick with smoke that motorists pulled over to watch the blaze.

Firefighters from Walker and Grand Rapids worked to battle a fire deep inside a pile of scrap steel, sheet iron, car bodies and old appliances.



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Walker Police Sgt. John Paasch said the fire was reported around 2:30 p.m. Grand Rapids firefighters were first on the scene, he said, and Walker firefighters immediately followed. Paasch said no one was injured in the blaze, but expected authorities to be on the scene into the evening.

Workers could be seen using trucks to pick apart the pile, digging in to find the source of the flames. Paasch said several "small explosions" had happened within the burning material while he was on the scene.

Allen Tomes, Padnos' director of operations, said the burning material was feed for a nearby shredder. Maintenance crews had been working inside that shredder, located west of the scrap pile, and noticed smoke shortly before authorities arrived.

Since scrap metal burns at such a high temperature, Tomes said he did not anticipate much of a financial loss from the day's events. Most of what burned, he said, was rubber and the insides of car bodies.

Tomes was not sure how the blaze started, but said it may have been due to ignitable fluids or the hot, humid temperatures.



"It could be somebody left a fuel tank inside a car," he said.

Tomes said employees are trained to make sure all the fuel is emptied before cars are

GRAND RAPIDS

Overnight fire was third blaze at Padnos scrap yard in Grandville

Updated Apr 03, 2019;
Posted Oct 07, 2011

By [Julie Hoogland | jhoogland@mlive.com](mailto:jhoogland@mlive.com)



Press file photo

GRANDVILLE -- Grandville firefighters spent four hours early today putting out a scrap metal fire at the Louis Padnos Iron and Metal Co. -- the third blaze at the Grandville processing facility within a year.

Heat-sensors and other surveillance tools were installed after the previous fires, but the equipment malfunctioned earlier this week because of a power surge, company spokesman Scott Wolters said.

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Bay-Arenac ISD

12.18.19 | Bay City, MI (48706)

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"We're at a loss ourselves to know what's causing it, but we don't think it's vandalism or arson," Wolters said.

The malfunction "happened at the worst possible time," he said.

Eighteen firefighters worked the scene, 3485 Viaduct St. SW, between 1 and 5 a.m., and firefighters are returning today to investigate, Grandville Fire Chief Michael May said.



"It was several large piles of scrap metal, but it wasn't nearly as spectacular as it looked," the chief said.

The fire did spark odor complaints from Jenison and Walker residents, but the materials are not hazardous, he said.

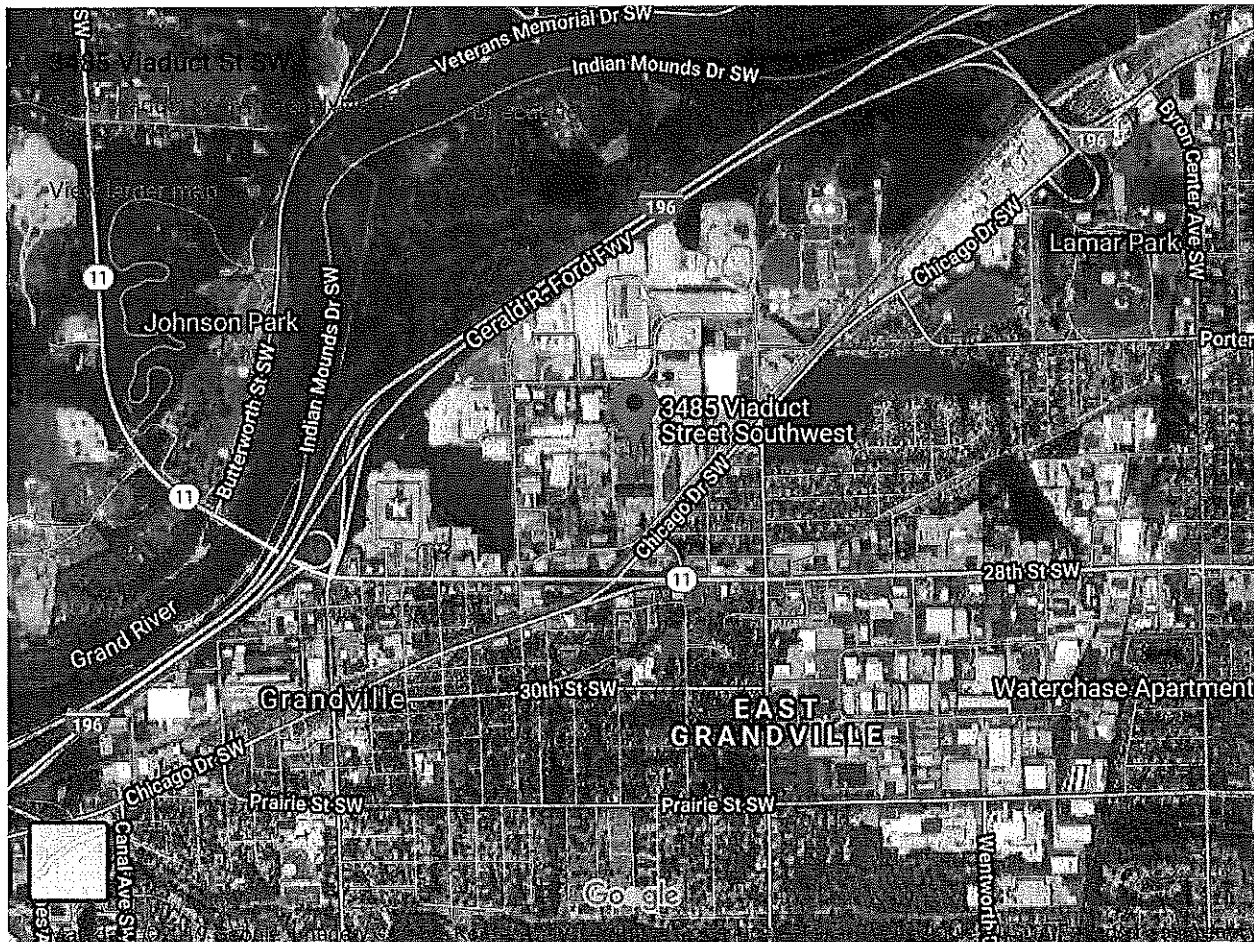
"I would not call it suspicious at this point, but the investigation is still pending," he said.

The piles that burned are car parts processed during the scrap metal recycling process, Wolters said.

He said the company will continue efforts to fix the facility's fire problem, which

temperatures is rising," he said.

"We're going to continue to have that system in place, and we'll review again why in the past year we've had a problem we weren't having previously."



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Flames shoot more than 80 feet into the air at Padnos yard in Walker

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Flames shoot more than 80 feet into the air at Padnos yard in Walker

Posted: 4:24 AM, Jul 01, 2016
Updated: 2:16 PM, Jul 01, 2016
By: [FOX 17 News](#)



FOX 17 Morning News



WALKER, Mich. -- Workers at Padnos Iron and Metal were moving scrap items into a shredder late Thursday night when a fire ignited that sent flames shooting 80 to 100 feet into the air. Walker fire units arrived shortly after midnight and had a difficult time due to layers of scrap metal in the ignited pile, said Walker Fire Department Battalion Chief Don Munn.

Rain helped a bit, but not much, and the wind changed direction several times as crews fought the fire, delaying their efforts against the blaze that much more. "When we would move a pile and we would start hitting on what's burning, then the wind would shift, and it would start the pile that we just moved on fire. So, we were kind of fighting ourselves," said Munn.

Even lightning worked against the firefighters, but Munn credited a dispatcher for helping with updates on the location of incoming storms.

There was nothing toxic in the scrap despite the presence of appliances and even vehicles. Padnos removes chemicals such as coolants and fuel from scrap before shredding it, Munn said.



Smoke and steam continues to billow hours after the fire began

All of the Padnos workers are accounted for, and there are no reported injuries.

Fire crews had several hours more of working on completely dousing the fire, said Munn at 5 a.m. One problem, he said, was that the scrap contained some magnesium, which spreads the fire when water hits it.

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Nearly 50 arrested in human trafficking sting near Metro Detroit

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Shooting in Grand Rapids leaves man in critical condition

GRAND RAPIDS

Smoke billowing from machine and scrap fire at Padnos recycling yard

Posted Oct 26, 2019



A U.S. 131 traffic camera at Leonard Street captured smoke from a metal recycling yard fire at 2125 Turner Ave. NW in Grand Rapids

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By [John Tunison | jtunison@mlive.com](mailto:jtunison@mlive.com)

WALKER, MI -- Fire crews were battling a scrap metal recycling yard fire at 2125 Turner Avenue NW



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The fire was reported about 2:20 p.m. Saturday, Oct. 26.

Firefighters were told that a sorting machine in a yard caught fire, which then caught some surrounding scrap on fire.

Firefighters from Walker and Grand Rapids were at the scene.

Heavy smoke could be seen on a traffic camera at U.S. 131 at Leonard Street.

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The treatment of auto shredder residue today

[Waste Automotive Front Page](#)

While approximately 75 percent (by weight) of a vehicle is recyclable, the EPA stated that an estimated 1 million tons of auto shredder residue could be recovered for fuel, saving \$20 million annually.

by [MAURA KELLER](#)

The auto recycling industry has become highly regulated in the U.S. by government environmental regulatory agencies, on the federal, state, county and municipal levels.

When end-of-life vehicles are recycled by shredding via shredder plants, there is a large amount of residue left over. Referred to as automotive shredder residue or ASR, it contains mostly non-metallic materials like plastics, rubber, wood, paper, textile, leather or glass. The primary organic and inorganic chemical constituents of concern found in ASR include: polychlorinated biphenyl (PCBs), metals such as lead and cadmium and total petroleum hydrocarbons (TPH). In addition, lower levels of volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs) may also be found.

Dan Flynn, litigation partner at Dinsmore and Shohl LLP, who focuses on OSHA matters, said there are a number of key issues and challenges pertaining to auto shredder residue faced by recyclers. The exact composition of ASR will vary based by vehicle, as well as the dismantling and recovery procedures of the salvage facility where the vehicle was shredded. If not properly stored and disposed of, toxic substances within the ASR may leach into surrounding soil and groundwater. And depending upon its composition, ASR may also be flammable.

“ASR can pose safety and environmental hazards that recyclers need to manage,” Flynn said. The biggest debate often associated with managing ASR is whether to dispose of the non-metallic ASR generated in recycling operations or whether the non-metallic ASR can be economically recycled for another use.

“OSHA standards play a role in how ASR is managed because the ASR often contains a number of contaminants regulated under OSHA’s general air contaminant standard – the z-listed contaminants – and chemical-specific standards, such as lead,” Flynn said. Recyclers that have robust safety and industrial hygiene programs, however, are generally able to ensure that all of their employees can manage ASR in a safe and healthful manner.

Over the years, recyclers have been able to move forward with plastic recycling operations with increasing certainty that the feedstock and operations will comply with EPA’s regulations.

“Recyclers are now coming up with various innovative ways to capture more of the ferrous and nonferrous metal from the recycling operations and ways to recycle the plastics found in ASR,” Flynn said.

Environmentally Speaking

ASR, also called auto fluff, has long been deposited into landfills, resulting in millions of tons of waste each year. According to the EPA, approximately 75 percent (by weight) of a vehicle is composed of metals that are recycled. The remainder – auto shredder fluff is disposed of primarily in landfills.

In fact, the U.S. EPA stated that approximately one million tons of ASR could be recovered for fuel, which would reduce carbon dioxide emissions and conserve around one million tons of coal each year, as well as avoid landfilling, resulting in an annual savings of \$20 million.

Of course, many hazardous chemicals are used in the manufacturing and maintenance of automobiles. According to the Blue Ridge Environmental Defense League in North Carolina, a review of ASR auto fluff by the Ecology Center in Michigan found several toxic contaminants in fluff. Studies completed by the German EPA and the U.S. EPA report that auto fluff contains mercury, lead, cadmium, chromium, arsenic, polyvinyl chloride and PCBs. The state of California considers auto fluff a hazardous waste requiring special disposal.

An EPA study of emissions from fires at ASR landfills and stockpiles, stated, “A number of these stockpiles have caught fire, resulting in the emission of numerous air pollutants.” This study concluded that, “substantial quantities of air pollutants are emitted.” and “cadmium, copper, lead and zinc were found in significant quantities.”

That’s why, the EPA is pushing vehicle manufacturers to design vehicles with recovery in mind and to reduce toxic and hazardous constituents in vehicle shredding.

The top environmental concerns are whether polychlorinated biphenyls (PCBs) potentially contained in the plastics found in ASR are excluded from the Toxic Substances Control Act (TSCA)’s regulations. The EPA banned the manufacture of PCBs in 1979 after research linked PCBs to cancer and other health threats to the immune, reproductive, nervous, and endocrine systems.

Section 6(e) of the Toxic Substances Control Act generally prohibits the manufacture, processing, distribution, and use of polychlorinated biphenyls (PCBs), but a list of “excluded PCB products” have been classified by EPA as suitable for use, processing, and distribution. Those products must typically have concentrations of PCBs less than 50 parts per million (40 C.F.R. pt. 761.20(a) and (c)).

“Recyclers can utilize the Voluntary Procedures for Recycling Plastics from Shredder Residue set forth by the Institute of Scrap Recycling Industries, Inc. and approved by the EPA,” Flynn said. “If recyclers choose to implement other procedures, they must be able to demonstrate that the feedstock and residue consists only of excluded polychlorinated biphenyls (PCB) products.”

Back in 2013, the EPA was approached by the Institute of Scrap Recycling Industries, Inc. regarding separation, recycling, use and distribution of recycled plastics from shredder residue recovered from metals recycling facilities. After finalizing an interpretation of regulations governing the management and recycling of polychlorinated biphenyls, the EPA provided interpretations that will allow for plastics to be recovered during the recycling process as long as the materials do not contain levels of PCBs exceeding 50 parts per million. This new interpretation may reduce the amount of ASR that is landfilled each year by more than one million tons and may also help improve the material recovery rate for end of life vehicles to more than 90 percent.

Specially, the EPA report stated, “EPA is adopting the generic 50 ppm exclusion for the processing, distribution in commerce, and use, based on the Agency’s determination that the use, processing, and distribution in commerce of products with less than 50 ppm PCB concentration will not generally present an unreasonable risk of injury to health or the environment.”

And on the state level, more attention is being paid to ASR regulations and recycling of ASR components. Recyclers and scientists have been searching for ways to recycle and reuse ASR. Currently several states allow the use of ASR as an alternative daily landfill cover, which limits odors and prevents trash from blowing away.

In Carroll, County, Indiana, for example, a new facility is taking shape whereby plastic components within ASR will be converted into diesel fuel. GEP Fuel & Energy Indiana and its partner U.S. Energy Logistics recently broke ground on the

\$350 million facility, which will house both a recycling center and a plastics-to-renewable diesel refinery. Local officials expect the facility to create more than 250 jobs by 2020.

At the Carroll County facility Camden Recycling, LLC will focus on recycling plastic car parts, making it the largest auto plastic recycling center in the country – and the first-ever in the U.S. to convert plastic into fuel.

Because ASR is full of plastics, which are made of petroleum, it also has the potential for use as a fuel supplement in cement kilns.

The California Department of Toxic Substances Control (DTSC) also has developed a method for processing ASR for use as fuel for cement kilns. According to the DTSC, the process results in a mix of ASR that has a heating value of about 13,240 Btu per pound, which is higher than most types of coal. The DTSC also found that processing and using all of California's ASR for cement kilns would save automobile recyclers and shredders \$20 million per year by avoiding landfill costs and would save cement manufacturers \$50 million each year through reduced energy costs.

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Richmond Scrap Metal Company Cited For Air Quality Violations After Toxic Fire

February 6, 2018 at 2:10 pm Filed Under: Air Quality Violation, Bay Area Air Quality Management, Fire, Richmond, Scrap Metal



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RICHMOND (CBS SF) — Two air quality violations have been leveled against a metals company after a fire broke out last week at its Richmond facility, Bay Area Air Quality Management District officials said Tuesday.

Sims Metal Management was issued a public nuisance violation and an illegal open burning violation after a fire Jan. 30 at its scrap metal recycling yard at 600 S. Fourth St.

Fines and penalties are under review and will be levied in the future, air district officials said.

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The fire started at about 5 p.m. and led to a shelter-in-place order for residents in the nearby area.

Elevated levels of benzene, a carcinogen, were found in the air near the fire and at an air pollution monitor at Point Richmond.

"The Air District is continuing to investigate this incident for all potential air quality violations in collaboration with Contra Costa Health Services and other agencies," district executive officer Jack Broadbent said in a statement.

Flames burned a large scrap metal pile, sending heavy black smoke into the air and resulting in air quality complaints from residents and local authorities.

Air district officials said that there were road closures and limited evacuations in addition to the shelter-in-place order, all of which prompted the public nuisance violation.

The violation for illegal burning was leveled against the company because it should have prevented the fire.

Dr. David Goldstein, Contra Costa Health Services deputy health officer, said it's difficult to say there was no negative health affects from the elevated levels of benzene.

But "the real concern would be long-term exposure" and the elevated levels did not last long enough for residents to be exposed to benzene "long-term," Goldstein said.

Sims Metal Management spokeswoman Jill Rodby said, "We will need to review the notices and work cooperatively with the agency to address its concerns."

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Bay Area In 2010s: Soaring Real Estate Prices Ending The California Dream



Oakland Homeless Moms Can Remain In Occupied Home For Now

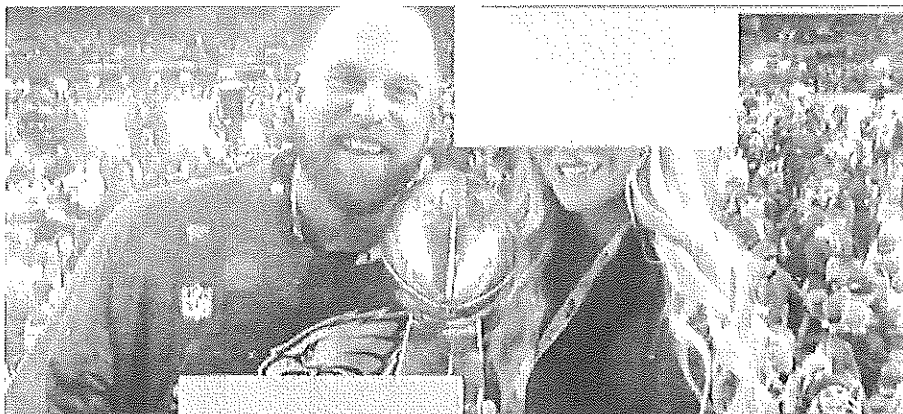


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Judge Stalls California's New Gig Law For Independent Truckers

Comments



APPENDIX 5

APPENDIX 5

**Technical Support Document
for
Draft Air Emission Permit No. 14100076-101**

This technical support document (TSD) is intended for all parties interested in the draft permit and to meet the requirements that have been set forth by the federal and state regulations (40 CFR § 70.7(a)(5) and Minn. R. 7007.0850, subp. 1). The purpose of this document is to provide the legal and factual justification for each applicable requirement or policy decision considered in the preliminary determination to issue the draft permit.

1. General Information

1.1 Applicant and stationary source location

Table 1. Applicant and source address

Applicant/Address	Stationary source/Address (SIC Code: 5093)
EMR USA 143 Harding Ave Bellmawr, New Jersey 08031-2430	Northern Metals, LLC 13196 Hancock Street SE Becker, MN 55308
Contact: Thomas Swafford Phone: 651-328-8825	

1.2 Facility description

Northern Metals, LLC in Becker ("Permittee" or "facility") is a proposed scrap metal recycling facility. The facility will operate a shredder, associated ferrous processing equipment, a metal recovery plant (MRP), an end-of-life vehicle (ELV) process, and a community metals receiving center. The main sources of air emissions are the shredder, ferrous process, MRP, and fugitive dust from paved roads and material handling. The shredder, ferrous process, and MRP will be enclosed in buildings and controlled by particulate matter control devices. The shredder will also be controlled by a thermal oxidizer. Fugitive dust will be mitigated by sweeping, watering and other best management practices as required by the facility's fugitive dust control plan.

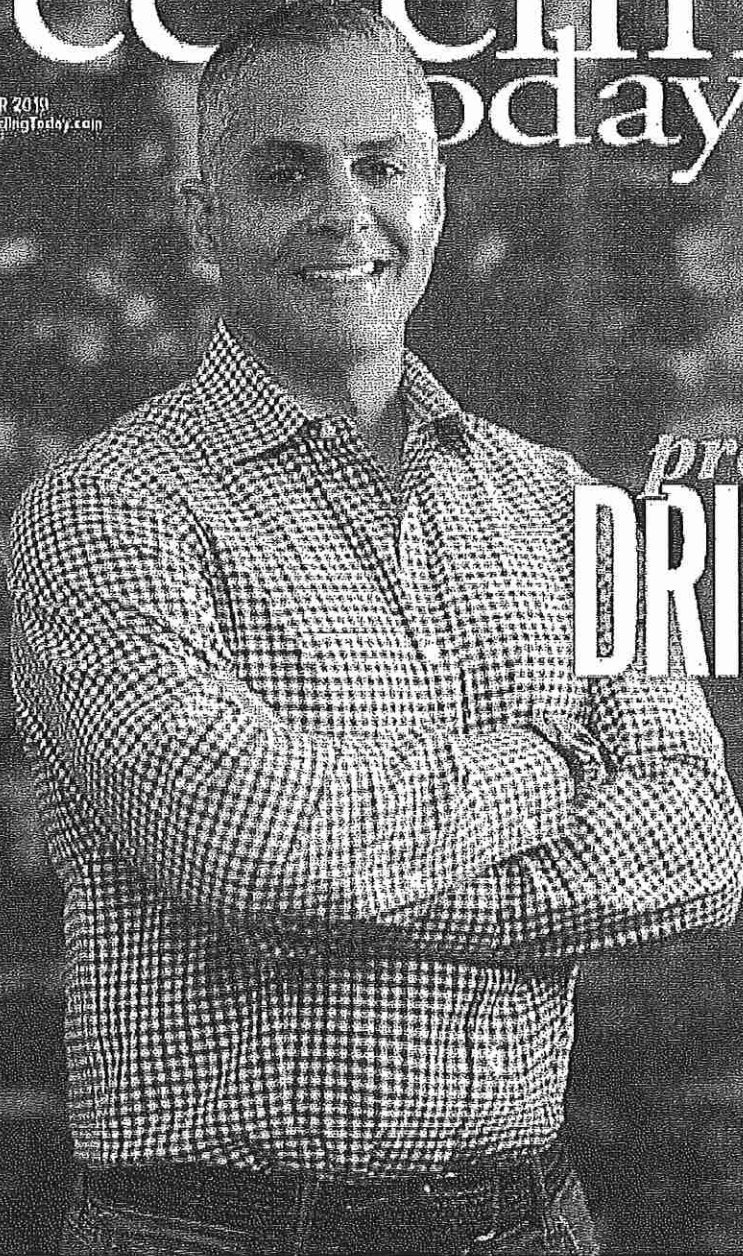
General description of the proposed process

- 1. Scrap receiving.** Northern Metals will receive scrap by truck and occasionally by rail from contracted suppliers. Northern Metals will also receive scrap from the public through its community metals receiving center.
- 2. Inspection and depollution.** Northern Metals' suppliers certify that their loads are free of hazardous or unacceptable materials. Hazardous or unacceptable materials are defined by the facility's feedstock control plan, which is Appendix C of the permit. Northern Metals will inspect all loads and segregate hazardous or unacceptable materials or reject loads that are found to contain hazardous or unacceptable materials. Northern Metals will also accept unprocessed vehicles at its ELV process. The ELV process will remove all fluids, refrigerants, batteries, lead-containing parts, catalytic converters, tires, mercury switches, and shredding hazards from the vehicle prior to shredding.
- 3. Shredding.** Scrap that is free of hazardous and unacceptable materials will be loaded onto a conveyor using a crane and conveyed into the shredder building. The shredder will break down the scrap in to small pieces.
- 4. Downstream ferrous processing.**

FERROUS SCRAP MARKETS TREND DOWNWARD IN 2019 | PAPER RECYCLING SUPPLEMENT | SCREEN MAINTENANCE ADVICE

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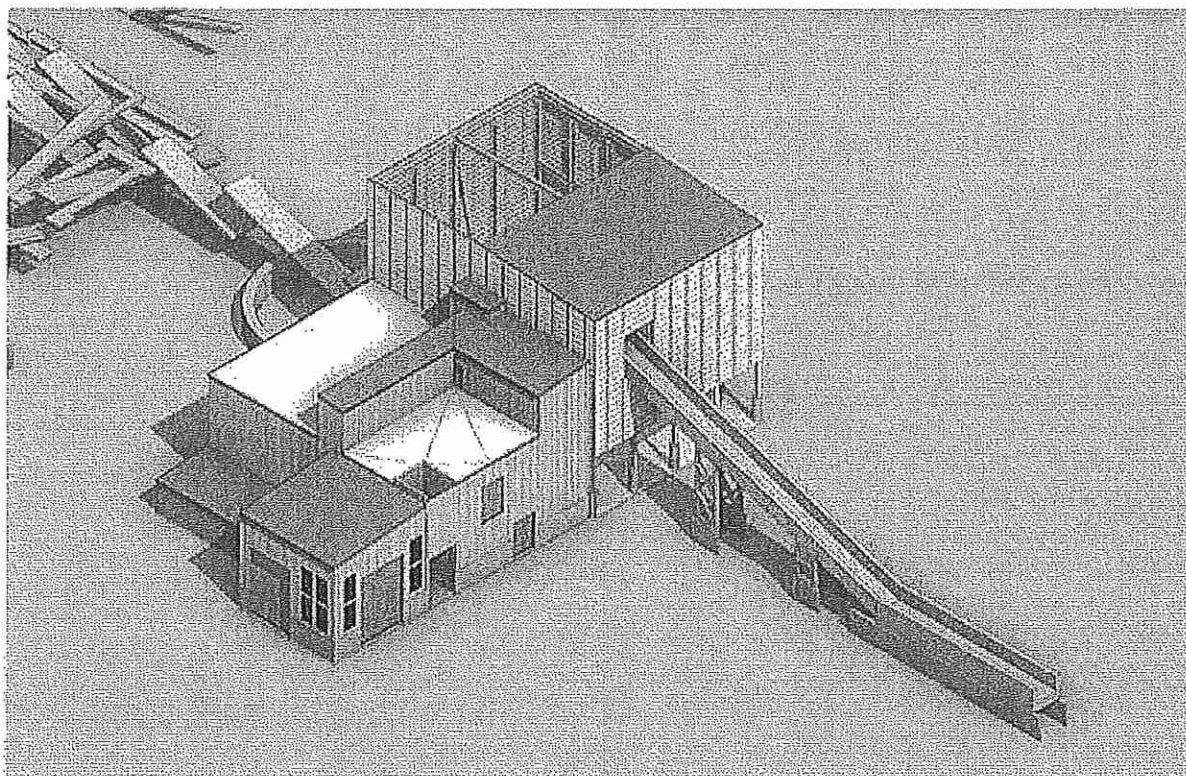
process **DRIVEN**

Regency Technologies, headquartered in Stow, Ohio, embraces process throughout its electronics recycling and reuse operations.

[]

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A concept drawing of General Iron's enclosed auto shredder to be installed at its new yard on Chicago's south side.

City of Chicago, General Iron reach agreement on the company's relocation

General Iron to decommission its yard on the north side of Chicago.

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September 12, 2019



Posted by DeAnne Toto

Auto Shredding Ferrous Legislation & Regulations Nonferrous

The administration of Chicago Mayor Lori Lightfoot, working with Alderman Brian Hopkins and Alderman Susan Sadlowski-Garza, has provided an update on its efforts to work with scrap processor and auto shredder operator General Iron Industries Inc. regarding operations at its existing facility at 1909 North Clifton Ave., which will cease operations in 2020. In 2021, Reserve Management Group (RMG), Cleveland, will relocate the business to a new facility to be developed at that company's existing location on Chicago's south side.

"The agreement reached this week with General Iron will make way for an exit plan that will ensure the company continues to meet all regulatory standards and prioritizes protecting public health and the environment while it winds down operations at its north side facility," according to a press release issued by the Lightfoot administration.

The agreement is designed to increase transparency for the community and all stakeholders, establish clear expectations for the parties involved and set the stage for the transition from the company's current site to a new and expanded metal recycling plant in 2021, the news release states.

"The city's new agreement with General Iron will ensure the company meets all applicable environmental regulations and operating requirements under its current permit and will provide a clear timeline for its eventual relocation," says corporation counsel Mark Flessner.

The new agreement lays out a series of additional requirements for General Iron to fulfill to ensure a safe and manageable relocation and to maintain its operating agreement with the city. First, General Iron must continue to adhere to all applicable legal and environmental requirements. Second, the company must cease all metal recycling operations by Dec. 31, 2020, and post signage informing the public of the closure near the plant's entrances at least one month prior to ceasing operations. Finally, effective immediately, the company must provide traffic control to mitigate congestion during rush hour and manage truck congestion so as not to impede neighboring businesses.

"I accept the plan developed by both the city and General Iron to ensure my community and all stakeholders have a clear path forward on the decommissioning of the facility next year," says Alderman Brian Hopkins, 2nd Ward. "This agreement provides our community a clearer understanding of the plan for the company's transition, takes appropriate action to address the significant traffic congestion issues caused near the facility and will allow us to look ahead to focus on the priorities of the North Branch Corridor and the 2nd Ward."

As part of its move to a new south side facility, the company will adopt new environmental features at its new recycling facility, which will feature an enclosed auto shredder equipped with suction hood, high-efficiency filters, solar panels and air-monitoring technologies. The move also is expected to create new jobs for the community and make way for apprenticeship opportunities.

“After working alongside the city and General Iron to carefully review the company’s proposal, we are confident in the current plans to protect the environmental health of our community while allowing additional jobs for our residents,” says Alderman Susan Sadlowski-Garza, 10th Ward. “I commend the city of Chicago for taking the initiative to broker this agreement that will give all parties even greater assurance that the company will exhaust all environmental measures as part of its relocation and expansion to the 10th Ward.”

The company has taken steps to bolster its environmental practices and facility features by adding new equipment, including the first regenerative thermal oxidizer (RTO) and scrubber at a Chicago recycling facility in 2019. These features will be transferred to and placed into operation at the new site.

“We are grateful for the mayor and her team’s leadership in forging an appropriate compromise to support the continuity of the critical service that General Iron has performed for more than a century,” says Adam Labkon, vice president of General Iron. “We are excited that this new venture, led by RMG, will continue providing more than 100 jobs and critical metal recycling services.”

General Iron and RMG have a plan that will allow RMG to acquire all business and assets of General Iron at its Lincoln Park site. Both companies entered into a strategic agreement in July that will relocate the facility to its new location on the south side.

“We appreciate the city’s assistance in helping us to move forward with building a new, state-of-the-art facility to complement RMG’s existing recycling operations on the city’s south side,” says Steve Joseph, president of RMG. “We expect to create nearly 800 on- and off-site construction jobs, and we are committed to protecting the environment and public health and safety as the business transitions from the north side to our longtime southside home.”

To facilitate a productive partnership and continued cooperation, the city and General Iron have committed to an ongoing process allowing the parties to resolve issues or concerns during the transition, the press release notes.

Hiring/retention

emissions

ReLieVe project receives EU funding

Funding will accelerate the development of a lithium-ion battery recycling sector in Europe.

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September 12, 2019



Posted by Kelly Maile

International Recycling News Financial

Dust Buster: Wilkinson to enclose shredder to quiet noise, trap emissions

By GARY LONG, The Brownsville Herald | Posted: Sunday, February 28, 2010 12:00 am

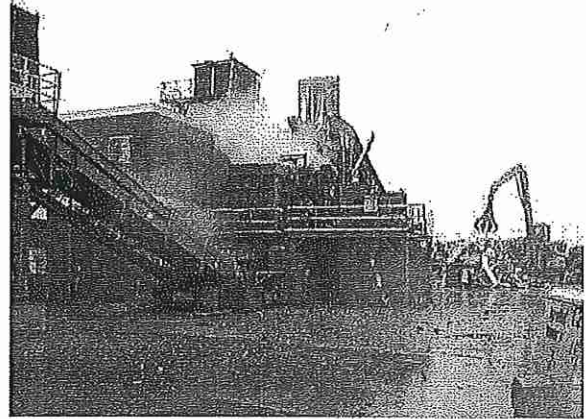
Construction is under way at Wilkinson Iron & Metal on a structure to enclose, quiet and contain emissions from a \$4 million metal shredder that has caused disruption at nearby Victoria Heights Elementary School.

The 70-foot by 45-foot building will be 50 feet tall and is designed to trap virtually all particulate emissions from the shredder, owner Jim Wilkinson said last week. The shredder has been operating since May at Wilkinson's scrap metal recycling yard at 3145 E. 14th St.

In October, Victoria Heights Principal Michael Moreno filed a complaint with the Texas Commission on Environmental Quality, concerned about the watery eyes and scratchy throats reported by students and staff at the school after the shredder started operating.

TCEQ monitored the school grounds and the Wilkinson yard from Oct. 23 to Nov. 23, concluding that the air contained a high enough concentration of iron oxide — essentially rust — to constitute a clean-air violation, according to the TCEQ report on its investigation.

The athletic fields and open-air gymnasium at Victoria Heights, 2801 E. 13th St., butt up against the Wilkinson yard. In addition to complaints about watery eyes and scratchy throats, coaches have said it's almost impossible to make themselves heard during outdoor athletics when the machine is running. Teachers complain it's hard to keep students focused on their lessons because of the noise.



Dust Buster: Wilkinson to enclose shredder to quiet noise, trap emissions

Metal shredding operations continue at Wilkinson Iron & Metal on E. 14th Street in Brownsville. Wilkinson is in the process of enclosing its \$4 million shredder with a soundproof building to cut down noise and trap emissions.

Moreno reported the noise situation to the BISD Police Department after an explosion, which appeared to come from the shredder, rocked the campus last fall.

Moreno said he was glad to hear that Wilkinson is taking steps to quiet the shredder and eliminate the mist of electric-smelling metallic dust that often wafts over his campus. He said fourth-graders at the school will take their TAKS writing test Wednesday and he hopes the machine will be quiet that day.

Last year Victoria Heights students scored high enough on the Texas Assessment of Knowledge and Skills to earn the Texas Education Agency's best rating of exemplary. They hope to repeat the performance this year.

At Wilkinson, contractors are sinking pilings 10 feet into the ground to hold posts for the building. Plans call for twin heavy-gauge tin walls six inches apart. Foam insulation will be pumped into the gap to soundproof the building, Wilkinson said.

"They're telling us the building will be up in 21 days," Wilkinson said. "It's supposed to eliminate 70 percent of the noise ... and all that dust will fall down inside that building. It should quiet us down, as well as keep the emissions down."

As a first step, Wilkinson has put up a 30-foot wall along its boundary with Victoria Heights to cut down some of the noise and dust.

Wilkinson said the shredder would have to shut down during construction of the enclosure. The lost production and the cost of the building represent a "substantial" expense that Wilkinson said he is glad to absorb to address public health and safety concerns.

Meanwhile, Moreno's original complaint to the TCEQ is "wending its way through the regulatory process," agency spokeswoman Andrea Morrow said. Eventually there will be an agreed order

between Wilkinson and the TCEQ stating what the two parties agree needs to be done to address the complaint. It likely will formalize what has by then already been done, she said.

The fact that Wilkinson took action on its own would act to minimize any fine assessed against the company, Morrow added.