

On July 17, 2013, the Board of Commissioners approved the following amendments to the Fulton County Zoning Resolution, Article III Definitions and Article IV General Provisions with the addition of **Article 4.18 Environmentally Adverse Uses** as follows:

**ARTICLE III**

**DEFINITIONS**

**3.3.5**

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~~Environmentally Adverse. Any use or activity which poses a potential or immediate threat to the environment and/or is physically harmful or destructive to living beings as described in the Executive Order 12898 regarding Environmental Justice. (Added 02/07/01) **DELETE**~~

Environmentally Adverse Use. Any use or activity which poses a potential or immediate threat to the environment and/or is physically harmful or destructive to living beings. Without limiting the generality of the foregoing, the following uses are specifically declared to be environmentally adverse:

(1) All uses listed in Zoning Resolution Article 4.18., Section 4.18.3;

(2) All uses that will result in the discharge of any chemical listed in any of the following publications:

- a. The Environmental Protection Agency's List of Hazardous Air Pollutants as included in the Clean Air Act Amendments of 1990, including any modifications or amendments thereto;
- b. The Environmental Protection Agency's List of Toxic Pollutants prepared in accordance with the Clean Water Act as codified at 40 C.F.R. 401.15 of the Code of Federal Regulations, including any modifications or amendments thereto; or,
- c. The Environmental Protection Agency's List of Priority Pollutants prepared in accordance with the Clean Water Act as codified at 40 C.F.R. 423, Appendix A, of the Code of Federal Regulations, including any modifications or amendments thereto.

(3) All uses that will require the issuance of a permit by or will be otherwise subject to regulations promulgated by either the Environmental Protection Agency or the State of Georgia Environmental Protection Division.

~~Environmentally Stressed Community. A community exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses. (Added 09/01/04) **DELETE**~~

Environmentally Stressed Community. Any existing residential development (single family dwelling, duplex dwelling, triplex dwelling, quadruplex dwelling, townhouse dwelling or multifamily dwelling), any portion of which is located within ½ mile of an existing pollution point as identified by the U.S. Environmental Protection Agency's Envirofacts website found at [www.epa.gov/enviro/](http://www.epa.gov/enviro/)

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Pollution Point. The location of an air pollution source (AFS report\*), CERCLA site (CERCLIS report\*), HSI site (RCRA report\*), NPDES site (PCS/ICIS report\*), landfill, RCRA site (RCRA report\*), solid waste landfill, TRI site (TRI report\*), or known reported environmental violation. (\*Found at Envirofacts website: [www.epa.gov/enviro/](http://www.epa.gov/enviro/))

## ARTICLE IV

### GENERAL PROVISIONS

#### **Article 4.18 ENVIRONMENTALLY ADVERSE USES**

##### **4.18.1 ACCEPTABLE SEPARATION DISTANCE**

A. If a property is the subject of a rezoning, use permit or land disturbance permit (limited to only those land disturbance permits tied to a new business location) which involves the development of an Environmentally Adverse Use as listed in Section 4.18.3 and any portion of such property is located within a ½ mile of an Environmentally Stressed Community, the acceptable separation distance referenced in that Section shall be required.

B. If a property is the subject of a rezoning, use permit or land disturbance permit (limited to only those land disturbance permits tied to a new business location) which involves the development of an Environmentally Adverse Use that is not specifically listed in Section 4.18.3 and any portion of such property is located within a ½ mile of an Environmentally Stressed Community, an acceptable separation distance may be required after completion of an Acceptable Separation Distance Review by the Fulton County Department of Planning and Community Services, in collaboration with the Fulton County Department of Health and Wellness.

##### **4.18.2 DETERMINATION OF THE ACCEPTABLE SEPARATION DISTANCE FOR ENVIRONMENTALLY ADVERSE USES NOT LISTED IN 4.18.3**

When determining whether an identified Environmentally Adverse Use not listed in 4.18.3 should be subject to an acceptable separation distance or other regulation by Fulton County, the Department of Planning and Community Services, in its discretion, may consult those Environmental Protection Agency documents referenced in the definition of Environmentally Adverse Use as well as the following:

- (1) The Environmental Protection Agency (Technology Transfer Network, Health Research, Air and Radiation, and National-Scale Air Toxic Assessment);
- (2) Agency for Toxic Substances and Disease Registry (Minimal Risk Levels List and the Division of Toxicology and Environmental Medicine, Scientific Assessments and Consultations documents); and
- (3) The U.S. Department of Housing and Urban Development's Acceptable Separation Distance Guidebook, Office of Planning and Development Environmental Planning Division.

Findings of the Acceptable Separation Distance Review shall designate a prescribed acceptable separation distance from Environmentally Stressed Communities based on the data utilized in determining the uses adverse status and otherwise identified herein.

If a proposed use is subject to the Acceptable Separation Distance Review process, the County's

response and the results of the Acceptable Separation Distance Review will be provided to the applicant within ten (10) business days of the County's acceptance of a complete Acceptable Separation Distance Review submission. The Office of Planning and Community Services in collaboration with the Fulton County Department of Health and Wellness shall determine when such submissions are deemed complete.

**4.18.3 MINIMUM ACCEPTABLE SEPARATION DISTANCE REQUIREMENTS BETWEEN ENVIRONMENTALLY ADVERSE USES AND THE NEAREST ENVIRONMENTALLY STRESSED COMMUNITY**

The uses listed in the following chart are hereby declared to be Environmentally Adverse Uses for purposes of this Article. If a proposed Environmentally Adverse Use is not specifically listed in the following chart, the determination of whether that use should be subject to an acceptable separation distance or other regulation by Fulton County will be made through an Acceptable Separation Distance Review as referenced in Article 4.18.2.

Use	Description of Use/Industry	Anticipated Impacts				Distance as measured from the point source to the nearest property line of an Environmentally Stressed Community
		Gaseous	Noise	Dust	Odor	
Ammunition production includes explosives and fireworks	Manufacture of ammunition, explosives and fireworks		x			½ mile
Animal feed manufacturing	Manufacture of animal feed from grain and other food products		x	x	x	1,500 feet
Concrete manufacturing; Concrete batching plant or manufacturing cement products (bricks)	Concrete is mixed, prepared or treated - up to 5,000 tons per year		x	x		1,500 feet
Concrete manufacturing; Concrete batching plant or manufacturing cement products (bricks)	Greater than 5,000 tons per year		x	x		½ mile
Cement or lime manufacturing works - use of furnace or kiln	Production of cement clinker or lime or cement clinker, clay, limestone or similar is ground or milled	x	x	x	x	½ mile

Use	Description of Use/Industry	Anticipated Impacts				Distance as measured from the point source to the nearest property line of an Environmentally Stressed Community
		Gaseous	Noise	Dust	Odor	
Ceramic goods manufacturing	Premises on which ceramic kitchen or table was or other non-refractory ceramic products are made	x	x	x	x	1,500 feet
Chemical blending or mixing	Chemicals or chemical products are blended, mixed or packaged	x	x	x	x	1,500 feet
Chemical fertilizers	Manufacture or artificial fertilizers	x	x	x	x	½ mile
Chemical manufacturing	Chemical products are manufactured by a chemical process	x	x	x	x	½ mile
Chemicals -Sodium cyanide manufacturing	Production of sodium cyanide	x	x	x		½ mile
Chemicals - Sodium silicate manufacturing	Production of sodium silicate		x	x	x	½ mile
Chemicals - Sulphuric acid	Production of sulphuric acid	x	x	x	x	½ mile
Chemicals - Titanium dioxide pigment plant	Production of titanium dioxide (Cl2)	x	x	x		½ mile
Chemicals storage (minor)	Non-bulk storage of chemicals	x			x	1,000 feet
Chemicals storage (bulk/major)	Bulk storage of acids, alkalis or chemicals	x				½ mile
Chlor-alkali works	Manufacture of caustic soda and chlorine	x	x		x	½ mile
Clay bricks or ceramic/ refractory products works	Premises on which fired-clay bricks, tiles, pipes or pottery are manufactured	x	x	x	x	½ mile
Composting facility	Outdoor uncovered, regularly turned windrows		x	x	x	½ mile for manures, mixed food/putrescible & vegetative food waste; 1,500 feet for biosolids; 500 feet for green waste
Composting facility	Outdoor covered, turned windrows		x	x	x	½ mile for manures, mixed food/putrescible & vegetative food waste 800 feet for biosolids; 500 feet for green waste

Use	Description of Use/Industry	Anticipated Impacts				Distance as measured from the point source to the nearest property line of an Environmentally Stressed Community
		Gaseous	Noise	Dust	Odor	
Composting facility	Outdoor covered windrows with continuous aeration		x	x	x	1,650 feet for manures, mixed food/putrescible & vegetative food waste; 800 for biosolids; 500 feet for green waste
Composting facility	Enclosed windrows with odor control		x	x	x	800 feet for manures, mixed food/putrescible & vegetative food waste; 500 feet for biosolids
Composting facility	In-vessel composting with odor control		x	x	x	500 feet for manures, mixed food/putrescible & vegetative food waste; 500 feet for biosolids
Crematorium	Reduction of human or animal remains to ashes by incineration		x	x		1,000 feet
Crushing of building materials	Crushing or cleaning of waste building or demolition material		x	x		½ mile
Fiberglass reinforced plastic manufacturing	Using Low Styrene Emissions (LSE) resins			x	x	500 feet
Formaldehyde	Formaldehyde production	x	x		x	1,000 feet
Glass or glass fiber works	Premises on which glass or glass fiber is produced	x	x	x		1,500 feet
Incineration	For biomedical, chemical or organic waste	x	x	x	x	½ mile
Incineration	For plastic or rubber waste	x	x	x	x	½ mile
Incineration	For waste wood		x	x	x	1,000 feet
Industrial gases	Production, processing, refining or storage of industrial gases	x	x		x	1,200 feet (explosive) 500 feet (non-explosive)
Industrial gases	Commercial / retail outlets	x	x			1,200 feet (explosive) 500 feet (non-explosive)
Joinery & wood working premises	Production of wooden furniture household items such as doors, kitchen fittings, flooring & mouldings		x	x	x	300 feet

Use	Description of Use/Industry	Anticipated Impacts				Distance as measured from the point source to the nearest property line of an Environmentally Stressed Community
		Gaseous	Noise	Dust	Odor	
Pressurized Gas retailing with above ground tanks	Pressurized gas storage & handling at retail outlets	x				1,200 feet
Pressurized Gas retailing with underground tanks	Pressurized gas storage & handling at retail outlets	x				600 feet
Livestock sale yard or holding pen	Holding of live animals pending sale, shipment or slaughter		x	x	x	½ mile
Metal coating	Metal products are powder-coated or enameled		x	x	x	500 feet
Metal coating - industrial spray painting	Site of which spray-painting is conducted inside a spray booth		x	x	x	500 feet
Metal coating - industrial spray painting	Work is conducted in the open (no spray booth)		x	x	x	½ mile
Metal fabrication	Sheet metal, structural metal and iron and steel products - up to 50,000 tons per year		x	x		1,500 feet
Metal finishing	Galvanizing	x	x	x	x	1,500 feet
Metals -Foundries (metal melting or casting)	Ferrous metals (alloys)		x	x	x	1,500 feet
Metals - Iron ore smelting	Production of iron from iron ore	x	x	x	x	½ mile
Metal smelting, refining, fusing, roasting, recycling scrap metal, or processing works	Where metal, metal ores, concentrates or wastes are treated to produce metal (other than iron & aluminum); scrap metal is fragmented or melted to recover metal (including lead battery reprocessing)	x	x	x	x	650 feet up to 100 tons per year; 1,650 feet between 100 & 1,000 tons per year; ½ mile greater than 1,000 tons per year
Paints and Inks	Blending and mixing	x	x		x	500 feet for water based; 1,000 for solvent based
Paints and Inks	Manufacturing	x	x		x	1,500 for water based, ½ mile for solvent based

Use	Description of Use/Industry	Anticipated Impacts				Distance as measured from the point source to the nearest property line of an Environmentally Stressed Community
		Gaseous	Noise	Dust	Odor	
Pesticides Manufacturing	Herbicide, insecticide or pesticide manufacture by a chemical process	x	x	x	x	½ mile
Pharmaceuticals	Production including veterinary products		x		x	½ mile
Plaster manufacturing	Plaster, plasterboard, gyprock or other products comprised wholly or mostly of gypsum are made		x	x		600 feet
Pulp, paper or paperboard manufacturing	Manufacture of paper pulp, wood pulp, kraft paper, kraft paperboard, cardboard paper or paperboard	x	x	x	x	½ mile
Straw pulp and paper mill	Processing cereal straw and mixing with waste paper to produce container board	x	x		x	½ mile
Recycling - chemicals or oil (includes bio- and petro- based oil)	Waste liquid hydrocarbons or chemicals are refined, purified, reformed, separated or processed	x			x	½ mile
Recycling - scrap metal	See "Metal smelting"					
Recycling - Used tire storage and recycling	Premises on which used tires are crumbled, granulated or shredded	x	x	x		½ mile
Rendering works	Animal matter is processed or extracted for use as fertilizer, stock food or other purposes		x		x	½ mile
Resins, manufacturing	Polyester resins manufacture	x	x	x	x	½ mile
Resins manufacturing	Rubber & synthetic resins manufacture	x	x	x	x	½ mile
Rubber products manufacturing	Using either organic solvents or carbon black	x	x	x	x	1,500 feet
Slaughter House	Killing of animals for human consumption		x	x	x	½ mile

Use	Description of Use/Industry	Anticipated Impacts				Distance as measured from the point source to the nearest property line of an Environmentally Stressed Community
		Gaseous	Noise	Dust	Odor	
Tannery	Treatment and drying of animal skins, leather and artificial leather - using sulphide process	x	x		x	½ mile
Tannery	Treatment and drying of animal skins, leather and artificial leather – small premises, non-sulphide		x		x	1,000 feet
Textile production - artificial & synthetic fiber manufacturing or treatment	Cellulose nitrate, viscose fiber, cellophane, artificial rubber or other man-made textiles manufacture	x	x	x		1,500 feet
Textile production - carpet making & other forms of manufacturing, milling or production of natural fibers	Manufacture, bleaching, dyeing or finishing of cotton, linen, woolen yarns & other natural textiles		x		x	1,000 feet
Textile operations - chemical or physical processes	Using carbon disulphide (CS <sub>2</sub> ) as a solvent	x	x		x	½ mile
Textile operations - chemical or physical processes	Using other substances		x		x	1,500 feet
Timber preserving premises	Timber preservation by chemical means, including chromated copper arsenate (CCA)		x	x	x	1,500 feet
Used tire storage	Premises on which used tires are stored, no retail operation			x		½ mile
Truck Terminal	Buses, trucks and other heavy vehicles depot	x	x	x		600 feet
Wood-board manufacturing (including MDF plants)	Premises on which particleboard or chipboard is fabricated or manufactured		x	x	x	½ mile