

5
10-14-06



"Kathleen Burns"
<burnskathy@earthlink.net>

10/15/2006 11:25 PM

Please respond to
<burnskathy@earthlink.net>

To "jackie.henderson" <jackie.henderson@alexandriava.gov>

cc

bcc

Subject FW: Re: Update on VPC's SUP Request & Tomorrow's BSVCA Meeting

Please pass this on to the Mayor and City Council members, regarding the Oct. 16 hearing.

Mr. Kehoe is a long-time BSVCA Block Captain.

Kathleen Burns, president, BSVCA
burnskathy@earthlink.net
1036 N. Pelham St.
Alexandria, VA 22304

----- Original Message -----

From:

To: geoffrey.goodale@pillsburylaw.com; kathleen.burns@bsvca.net;
scott.hendley@bsvca.net; marianne.hetzer@bsvca.net; donna.williams@bsvca.net;
mike.hicks@bsvca.net; kristin.stone@bsvca.net; joe.grigg@bsvca.net;
randy.krause@bsvca.net; bea.marx@b

Cc: sjdkelly@comcast.net; jwetz@erols.com; cgeisner@comcast.net;
geisner@comcast.net; jcbzx@mindspring.com; cadejoy@comcast.net;
ken956@comcast.net; christracvez@msn.com; onetiredaddy@yahoo.com;
viney.barbara@epamail.epa.gov; **Sent:** 10/15/2006 5:21:00 PM

Subject: Re: Update on VPC's SUP Request & Tomorrow's BSVCA Meeting

What a disappointment to learn the Council deferred a vote on the Virginia Paving SUP.

There is no health or environmental issue here. I've lived here for over 30 years and so have many others. No deaths, or sicknesses or injuries have occurred as a result of this company's operations.

Lets get off this case and get on to some more pressing problems.

Bill Kehoe
4611 Strathblane Place
Alexandria VA 22304
PH: 703.751.6416
PGR: 703.705.9462
FAX: 703.370.5886
E-mail: KehoeFD@aol.com

5
10-14-06



<contactus@countrybrief.com>

10/15/2006 07:38 PM

Please respond to
<contactus@countrybrief.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Thank you

COA Contact Us: Thank you

Time: [Sun Oct 15, 2006 19:38:41] IP Address: [68.55.38.200]

Response requested:

First Name: Aimee
Last Name: Fluitt
Street Address: PO Box 22606
City: Alexandria
State: VA
Zip: 22304
Phone: 703-370-2372
Email Address: contactus@countrybrief.com
Subject: Thank you

Comments: My husband and I live in Cameron Station, and we wanted to thank everyone on the City Council for their patience in listening to both sides of the dispute over the SUP for Virginia Paving. We were both in attendance on Saturday for the meeting, and we thought you showed considerable patience. The residents of Cameron Station were not always polite when they spoke; their arguments were not always coherent, but you appeared to be listening and considering the arguments of each speaker. We haven't heard yet what the resolution was, but we did appreciate your commitment to the process, and we wanted to thank you.



"Susana Carrillo"
<carrillo.susana@gmail.com>
10/14/2006 06:06 PM

To <alexvamayor@aol.com>, <delpepper@aol.com>,
<councilmangaines@aol.com>, <council@krupicka.com>,
<ahmacdonald@his.com>, <tomothylovain@aol.com>,
cc

bcc

Subject Letter on Virginia Paving Company

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10-14-06

Dear Mayor Bill Euille and City Council:

Please deny Virginia Paving Company's request for a new Special Use Permit (SUP). I am opposed to them being allowed to work 130 nights a year with a night production cap of 650, 00 tons/year. This amount is equal to their typical actual daytime production. With this plant working day and night, we will have twice the amount of foul odors, noise and dirt than we do now. We will not be able to enjoy outside activities as much at night since nighttime pollution hovers close to the source and we will be exposed to polluted air.

It is laudable that Virginia Paving is willing to add additional air pollution equipment, but it comes at the price of reducing our quality of life. The Virginia Paving Company was initially placed in the area many years ago, when the area was predominantly industrial base. The City of Alexandria by allowing residential constructions, transformed the area into primarily of a residential character. Both cannot coexist, especially with the continued violations of the original SUP. Those violations should be addressed. We are not willing to coexist with a plant that doubles its heavy industrial output by working around the clock.

Please deny this SUP request.

Sincerely,

Susana Carrillo
475 Cameron Station Boulevard
Alexandria, Virginia 22304

5
10-14-06



<pbgv@comcast.net>

10/14/2006 08:25 AM

Please respond to
<pbgv@comcast.net>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Paving Company

COA Contact Us: Paving Company

Time: [Sat Oct 14, 2006 08:25:21] IP Address: [70.174.7.41]

Response requested:

First Name: phyllis
Last Name: miller
Street Address: 278 Murtha St
City: alexandria
State: va
Zip: 22304
Phone: 7035673367
Email Address: pbgv@comcast.net
Subject: Paving Company
Comments: Please do not allow the paving company to continue to work 24/7. The pollution is not something that we need in our wonderful city.
Thanks,
Phyllis Miller

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10-14-06



<Hisbsns1@earthlink.net>

10/14/2006 08:11 AM

Please respond to
<Hisbsns1@earthlink.net>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: VA Paving's request to operate 24/7 from April 1
through November 1

**COA Contact Us: VA Paving's request to operate 24/7 from April 1
through November 1**

Time: [Sat Oct 14, 2006 08:11:11] IP Address: [207.69.137.21]

Response requested:

First Name: Jerome
Last Name: Bryant
Street Address: 919 Harrison Circle
City: Alexandria
State: VA
Zip: 22304
Phone: 703-370-6012
Email Address: Hisbsns1@earthlink.net
Subject: VA Paving's request to operate 24/7 from April 1
through November 1
Dear City Officials,

Good morning. As a resident of Summers Grove,
I am contacting you to ask that you please not
approve VA Paving's request to operate 24/7 from
April 1 through November 1. Thank you.

Comments:

Sincerely,

J. Bryant

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10-14-06



"Holder, Alexander, LtCol,
NII/DoD-CIO"
<Alexander.Holder@osd.mil>
10/14/2006 06:55 AM

To <alexvamayor@aol.com>, <delpepper@aol.com>,
<councilmangaines@aol.com>, <council@krupicka.com>,
<ahmacdonald@his.com>, <paulcsmedberg@aol.com>,
cc <jackie.henderson@alexandriava.gov>
bcc
Subject VA Paving Company--NO

TO: Alexandria City Council

I'm a resident of Cameron Station and father of a preschooler. My wife and I want to add our voices to the community civic association in opposing granting the Virginia Paving Company any increased usage permits.

We're concerned about the foul smell and, even more importantly, the increased pollution that would result. Please vote "NO" to VA Paving's request, enforce the existing regulations, and force the company to remedy the existing violations.

Thanks,

Alexander Holder
327 Fucci Ct.
Alexandria VA 22304

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10-14-06



"Frank."
<frathgeb@hotmail.com>
10/13/2006 09:15 PM

To <alexvamayor@aol.com>, <delpepper@aol.com>,
<councilmangaines@aol.com>, <council@krupicka.com>,
<ahmacdonald@his.com>, <paulcsmedberg@aol.com>,
cc
bcc
Subject say NO to VA Paving SUP

Mayor and City Council:

Please deny Virginia Paving Company's request for a new Special Use Permit (SUP) at your Council public hearing meeting this Saturday. I am opposed to them being allowed to work 130 nights a year with a night production cap of 650, 00 tons/year. This amount is equal to their typical actual daytime production. With this plant working day and night, we will have twice the amount of foul odors, noise and dirt than we do now. We will not be able to enjoy outside activities as much at night since nighttime pollution hovers close to the source.

It is laudable that Virginia Paving is willing to add additional air pollution equipment, but it comes at the price of reducing our quality of life. We realize that we must coexist with the plant and are willing to continue to coexist under current SUP conditions, which limit operations to daylight hours. We are not willing to coexist with a plant that doubles its heavy industrial output by working around the clock.

Please deny this SUP request.

Frank Rathgeber
5108 Donovan Drive, 401
Alexandria, VA 22304

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10-14-06



rgH - wa4usb
<wa4usb@ARRL.NET>

10/13/2006 05:46 PM

Please respond to
<wa4usb@ARRL.NET>

To <jackie.henderson@alexandriava.gov>

cc

bcc

Subject Virginia Paving SUP

I am opposed to any expansion of Virginia Paving's operation. Although a Fairfax County resident my family and I are impacted by both the VP operation and the waste disposal plant. Damage has been done to my garden by fallout from both facilities.

The traffic obstruction caused by several heavily loaded trucks, using both lanes, going both north and south on Van Dorn street tears up the pavement and blocks traffic.

The spillage also damages the roadway. When they milled S. Van Dorn at Courteny Avenue, they apparently damaged the traffic signal detector which now cycles the light 24/7.

There is no need for such heavy industry to be located in a residential area.

Please fully enforce all current regulations.

Thank you,
Richard G. Harman
5810 Pratt Ct.
Alexandria, VA 22310



"Kreidler, Bruce E"
<bruce.e.kreidler@lmco.com>
10/16/2006 05:58 PM

To <jackie.henderson@alexandriava.gov>
cc Chad Milburn <cmilburn@cmc-management.com>,
<SKreidler@aol.com>
bcc

Subject Virginia Paving's Application for Amended Special Use Permit

5
10-14-06

Mr. Mayor and Members of the Council,

I wanted to express my thanks for the public hearing this past Saturday concerning the Special Use Permit requested by Virginia Paving. It must have been a real endurance test for the Council, both mentally and physically. With that in mind, I will keep this email brief.

It's my understanding that you intend to resolve the issue this week during a working session in which you will receive input from the City's Health Department and the school system. While I'm glad that these agencies finally are involved, I don't believe their inputs are required to conclude the matter.

As I noted in my comments to the Council on Saturday, the issue is not one of absolute health or safety standards. If it were, you might have sufficient supporting data now to justify a decision in favor of Lane Construction. Such a decision however would not resolve the matter. The issue must be resolved in terms of being "good neighbors." If it is not and the SUP is approved on "technical" grounds, the matter will come back to haunt both the City and its residents.

It's clear that the West End is changing, with City blessing and approval. It's also clear that Virginia Paving has not changed despite new ownership. The City Attorney stated the opinion on Saturday that Lane Construction knowingly had and was continuing to operate in non-compliance. What faith should we have in expectations that they will change their modus operandi? Why should anyone believe that they will change their stripes and become good neighbors?

And even if Virginia Paving were to adhere to the restrictions in the proposed SUP, doubling their effective hours of operation clearly will exacerbate the negative aspects of heavy industry in close proximity to densely populated residential areas and schools. These residential developments and schools apparently are highly desired by the City. You cannot have it both ways.

Concerning potential future development of the West End, not does expanded Virginia Paving operations seem counterproductive, one might argue it unethical for the City to allow Lane Construction investment in expanded operations prior to completion of the forthcoming West End development study.

It seems that Council at this time has but one reasonable, logical choice and that is to disapprove Virginia Paving's application for an amended Special Use Permit.

Sincerely,

Bruce E. Kreidler
5027 Waple Lane
Alexandria, VA 22304

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10-14-06

Dear city clerk,

Please remove my Speaker
Form (Matthew Natale) From the List
(Va Paving Item)

I will NOT be able to stay & speak.

My comments for the public record
are underneath. I thank you for
removing my speaker form.

All the best,

Matthew Natale

10/14/06

Good morning Mr. Mayor, Members of Council and staff. Thank you for your willingness to serve. Today, you will hear many perspectives. I'd like to offer a different one, one I did not hear at the Planning Commission hearing, partially because it was not the right forum.

Before I spoke at the Planning Commission hearing, as I was walking the halls, I saw those yellow t-shirts you see here today. Of course, from their conversations it seemed as if they were mostly Va Paving employees. And they have every right to attend. Each one of those shirts represents a job, an income earned, and a family supported. And that is good.

And these jobs for folks who work with their hands. Good honest blue collar work. Their work is necessary for our economy and to administer some of the basic and unglamorous functions of City governance.

We want more jobs in our City and diverse jobs, too, to accommodate a wide range of skills and needs. As a policy making body, Council has an obligation to look at matters such as this with a broad perspective, which includes impact on local economy. Perhaps this is part of thinking here.

I submit to you this is the wrong way to help business in Alexandria. One, we all know the City never would allow an asphalt plant to be built so close to a residential neighborhood all things being equal, even with the obvious logistical advantages. It is only quirk of history that it is so. With the re-development of the West End on the horizon, entrenching this type of use the wrong way to go. You could say the larger cause of helping business would be helped by saying NO today.

The right way to help business is one the City Council has already embraced, the Small Business Task Force. I

serve on that task force. This vital initiative is currently reviewing ways to streamline City's functions to make Alexandria a more business friendly environment. And also to make it less expensive and less complicated.

Most small business owners do not have the money to hire national public relations firms, sometimes not even a lawyer, and certainly not to perform public opinion polling like this applicant. It is small business which needs help - not this company. No matter what happens today, they are doing okay to say the least.

Please vote no. Thank you.

5
10-14-06



"arthur impastato"
<aimpastato@earthlink.net>

10/17/2006 03:32 PM

Please respond to
<aimpastato@earthlink.net>

To <alexvamayor@aol.com>, <delpepper@aol.com>, <council@krupicka.com>, <councilmangaines@aol.com>, <ahmacdonald@his.com>, <paulcsmedberg@aol.com>, cc <ignacio.pessoa@alexandriava.gov>, <richard.josephson@alexandriava.gov>, <jackie.henderson@alexandriava.gov>, <jb900@yahoo.com>, bcc

Subject RE: Virginia Paving - October 17, 2006 Submission for the Record by the Cameron Station Civic Association

Dear Mayor Euille and Members of City Council:

I attach hereto the submission filed with the City Clerk today by the Cameron Station Civic Association ("CSCA") that sets forth new material facts (disclosed at the October 14 City Council hearing and subsequent to our submission of October 11) that clearly warrant City Council to completely reevaluate its position on Virginia Paving Company's ("VA Paving") request to amend its SUP.

These new material facts demonstrate that more information is needed before the CSCA can comment on any specific proposed SUP conditions and we, therefore, withdraw all previous comments on the SUP conditions that were submitted on August, 23, September 27 and October 11, 2006. Shocking new material disclosures such as the fact that Newton Asphalt and VA Paving were blatantly violating the current SUP condition restricting nighttime paving for more than twenty years and that they had not been candid about being aware of this provision in their SUP warrant the imposition of significantly more harsh and stringent SUP conditions. It is important that the City take this opportunity to send a clear message to other businesses like VA Paving that have a complete disregard for the law that they will not be rewarded for such conduct and that outrageous corporate conduct such as theirs will not be tolerated in our great City.

Lastly, we applaud Councilman Ludwig's attempt at the October 14th hearing to seek and have additional public hearings. This matter is far too serious not to consider ways in which our citizens will have ample time and opportunity to comment in a public venue on any proposed SUP conditions.

Respectfully submitted,

Arthur A. Impastato
Member of the Board
Cameron Station Civic Association



aimpastato@earthlink.net va paving - Cameron Station Civic Association October 17 2006 letter submission.doc

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10-14-06

Arthur A. Impastato
Member of the Board
Cameron Station Civic Association
239 Medlock Lane
Alexandria, VA 22304

telephone: 703-963-7503
facsimile: 703-567-5075
aimpastato@earthlink.net

October 17, 2006

VIA E-MAIL AND HAND DELIVERY

Mayor William Euille and Members of City Council
301 King Street
Alexandria, VA 22314

Re: Virginia Paving Company Request to Amend its SUP, Application # 2005-0042

Dear Mayor Euille and City Council Members:

I am writing this letter, on behalf of the Cameron Station Civic Association ("CSCA"), to supplement our submission dated October 11, 2006 in order to set forth additional material facts disclosed during the October 14, 2006 public hearing and those that have come to our attention subsequent to the date of our October 11 submission.

CSCA respectfully requests that this letter be made part of the record in the above-referenced matter.

The discovery of new material facts clearly warrant City Council to completely reevaluate its position on Virginia Paving Company's ("VA Paving") request to amend its Special Use Permit ("SUP") and to have access to complete information on new issues brought to light at the October 14, 2006 public hearing.¹ To do otherwise would be to herald to all other Alexandria businesses that have a complete disregard for the law that not only will they not be punished for their conduct, but they will be rewarded.

On numerous occasions, including in our October 11 submission, the Mayor and City Council have been put on notice of Virginia Paving Company's ("VA Paving") violations of federal, state and city water pollution regulations, violation of three special use permit ("SUP") provisions,² Fire Code violations,³ violations of property rights and

¹ The CSCA believes that this matter is too serious to be left to a public work session. It is also inappropriate to have such a serious matter voted on by City Council without adequate time for citizens to comment on any modifications made to any proposed SUP conditions. We also strongly believe that a vote by City Council on this matter should be held again in the context of a public hearing.

² Linda Bolton, a VA Paving employee, testified on October 14 that VA Paving and its predecessor, Newton Asphalt, had been violating their SUP provision prohibiting nighttime operations for no less than twenty years! See page 4 of our October 11 submission for a description of all three SUP violations by VA Paving that are listed in the City Attorney Office letter of October 26, 2004.

³ As indicated by Katy Cannady at the October 14 hearing, that it could appear to be negligent to allow a company like VA Paving to greatly increase annual production and work 24/7 when the City Attorney's Office cited them in its October 26, 45660361.1

potentially numerous and ongoing violations of the Zoning Ordinance for, among other things, possibly being a public nuisance.⁴ As noted, these new material facts may potentially establish a case for a nuisance action against VA Paving,⁵ but they also raise extremely serious questions about the reliability of the air quality modeling done and the conclusions therein. The October 14th hearings also establish for the record that the issues of greater importance to the majority of Alexandrians that live near these two asphalt plants owned by VA Paving are nuisance issues such as odor, dust and noise. The record of this hearing further establishes that of greater importance than what questionable air modeling may or may not show are land development and land use issues such as whether it is appropriate to have intensification of heavy industrial uses in an area that is residential and has elementary schools and whether such heavy industrial intensification is compatible with the City's goal to revitalize and redevelop the West End of Alexandria.⁶

As many members of the Executive Committee stated at the October 14 public hearing, we have always valued coexistence between business and homeowners and the ability of families to enjoy the American dream of home ownership. We have actively promoted the expansion of both our neighborhood coffee shop and daycare center, the addition of a new restaurant and been proactive in helping other new developments in and around Cameron Station. However, unlike these businesses, VA Paving wants to greatly increase a heavy industrial use which will prevent us from the use and enjoyment of our homes by greatly increasing the public nuisance it has been creating all along of dust, odor and noise.

The new material facts presented at the October 14 hearing and those of which the CSCA became aware of subsequent to its October 11, 2006 submission warrant a complete reevaluation of the entire SUP request. The new material facts are as follows:

1. Victoria Hebert, President of the Cameron Station Home Owners Association, made a submission on October 12, 2006 to City Council in which she disclosed the following alarming news, "[m]any residents have expressed...a desire to move not only out

(footnote 3 continued) 2004 letter for 15 Fire Code violations, primarily relating to the storage and handling of hazardous materials. The City is also aware that US Filter stores large quantities of recycled oil on VA Paving's property. Further, as a consequence of Ignacio Pessoa's public statements at the October 14, VA Paving is on notice that VA Paving has the legal responsibility for insuring compliance by the US Filter facility on its premises of all applicable conditions to its SUP.

⁴ See Section 4-1206 (B) of the Zoning Ordinance.

⁶ Sections 11-504 (B) (10) and (16) allow City Council to consider whether VA Paving's request to amend its SUP will have any substantial or undue adverse effect upon or will be incompatible with "use or enjoyment of adjacent and surrounding property," the "character of the neighborhood," and "land use and land development considerations."

of Cameron Station, but the city of Alexandria if this SUP is approved”⁷;

2. VA Paving publicly admitted at the October 14 hearing to the facility having violated for twenty years the prohibition in its current SUP against nighttime operations;
3. Ignacio Pessoa, the City Attorney, indicated that VA Paving could not reasonably rely on certain statements made in a February 2001 letter from the City as to whether or not they were aware at time of purchase about the prohibition in the current 1960 SUP against nighttime operations because they were given a copy of the 1960 SUP at around this time⁸;
4. Dr. Mary Harper, a health statistician, said at the October 14 public hearing that air quality modeling in this matter was flawed for a number of reasons, including the fact that it did not include “observational data” such as the testimony on this day from numerous citizens complaining of odor, dust and noise⁹;
5. Several speakers at the October 14 hearing stated that the School Board and teachers and other individuals in the Alexandria school system had been told by City officials they could not take a position on VA Paving¹⁰;
6. Dr. Sarah Reid, a physician, stated at the October 14 hearing that asphalt plants like VA Paving emit PM10 and other particulates and that numerous studies have shown that even amounts below EPA standards can cause premature death and cancer.¹¹ She said

⁷ The October 12 – 19, 2006 “Alexandria Homes” section of the Alexandria Times featured a cover article titled “Cameron Station makes its Mark.” Does the city really want to ruin such a highly touted growing neighborhood so a habitual violator like VA Paving can be rewarded for unlawful conduct by increasing profits by more than 54%?

⁸ VA Paving’s public statements to the effect it did not know about the SUP prohibition against nighttime operations are, at best, characterized as “incorrect.”

⁹ Additional reliable testimony to this effect can be obtained from the tapes the City has maintained of the community meetings on May 10 and September 18, 2006.

¹⁰ This, if true, could constitute unlawful conduct on the part of city officials.

¹¹ A September 29, 2006 letter signed by the seven nationally prominent members of the Clean Air Scientific Advisory Committee (“CASAC”) to Stephen Johnson, Administrator of the EPA, that was quoted at the October 14 hearing by Councilman Macdonald and submitted for the record by Mindy Lyle, President of the CSCA, states, among many other things, that “there is clear and convincing scientific evidence that significant adverse human-health effects occur in response to short-term and chronic particulate exposure at below 15 ug/m3, the level of the current annual PM2.5 standard...consensus scientific opinion that the decision to retain without change the annual PM2.5 standard does not provide an ‘adequate margin of safety’...requisite to protect the public health....leaving parts of the population of this country at significant risk of adverse health effects from exposure to fine PM...there is no science, medical or public health group that disagrees ...” Unfortunately, both modelers seem to feel that there is an adequate margin of safety in their calculations. Obviously, you are now all on actual notice that this may not be the case. Dr. Laura Green of Cambridge issued a November 28, 2005 document titled “Do Current Airborne Concentrations of Particulate Matter (PM) from Coal-Fueled Power Plants Harm Health?” and

that small children are affected the most by such particulates. She added that asphalt plants also emit other extremely harmful toxins like carbon monoxide, nitrous oxide, sulfur dioxide and polycyclic aromatic hydrocarbons.;

7. Dave Sullivan said at the October 14th hearing, that the “margin of error” on the air quality modeling done was off by a factor of “plus or minus 50 percent.” This means that the margin of error is “statistically significant” – or, in plain English, the results are unreliable.;
8. Dave Sullivan also stated at the October 14th hearing that the baseline for the air modeling was calculated incorrectly. This would again skew the data and make it less reliable.¹²; and,
9. Perhaps another VA Paving employee summed this all up more simply and eloquently than any other person at the October 14 hearing, “No way I’d move in next to an asphalt plant!”

As a consequence of all the foregoing, it is obvious that the proposed SUP conditions must be made significantly more stringent. Accordingly, the Executive Committee withdraws all of its previous comments on the SUP conditions that were submitted on August 23, September 27 and October 11, 2006. At this point, with additional information from the October 14th hearing, we believe that more information is needed before we can comment on any proposed SUP conditions.

In sum, the Cameron Station Civic Association, the Cameron Station Community and the West End of Alexandria, would like to co-exist with VA Paving as they have with many other businesses in the area. However, we also want to be able to enjoy the use of our homes and the nearby parks without having VA Paving creating even more of a public nuisance or having to fear that we will be harmed to an even greater extent if this plant significantly increases production. This fear is real and founded on the many disturbing new material facts that the CSCA has become aware of since its October 11, 2006 submission

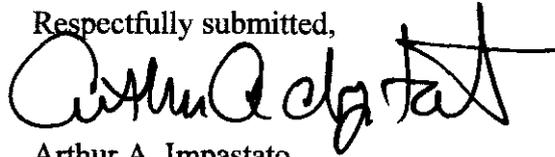
(footnote 11 continued) she amazingly concluded the answer to this question was, “No.” These are the people advising you that there are no adverse health effects. None of them are doctors and some of them appear to be far a field from the mainstream of scientific opinion. The Executive Committee again reminds the Mayor and City Council, as noted at page 3 of our October 11, 2006 submission, that the Aero report issued in March 2006 discloses that, under the new SUP conditions, there will be no improvement to PM10, and both PM2.5 and sulfur dioxide (SO2) will increase. The Aero report AND the staff report both disclose that currently VA Paving exceeds National Ambient Air Quality Standards for PM2.5 and SO2 and that they will exceed the new PM2.5 24-hour standard by more than 65%. There is an elementary school less than 100 yards from the two asphalt plants. Do you really want to be making a decision on the record that may later possibly be introduced into the record of a “different kind of proceeding” ?

¹² Our October 11, 2006 submission notes this and other obvious errors in the modeling. See page 14 to 16.

Page 5

Should you have any questions relating to the foregoing, I can be reached by phone (703-963-7503), by mail (239 Medlock Lane Alexandria, Virginia 22304) or by e-mail (aimpastato@earthlink.net).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Arthur A. Impastato". The signature is stylized with a large initial "A" and a long horizontal stroke extending to the right.

Arthur A. Impastato

5

10-14-06

Arthur A. Impastato
Member of the Board
Cameron Station Civic Association
239 Medlock Lane
Alexandria, VA 22304

telephone: 703-963-7503
facsimile: 703-567-5075
aimpastato@earthlink.net

October 11, 2006

VIA E-MAIL AND HAND DELIVERY

Mayor William Euille and Members of City Council
301 King Street
Alexandria, VA 22314

Re: City Council October 14, 2006 Public Hearing Docket Number 5 – Virginia Paving

Dear Mayor Euille and City Council Members:

I am writing this letter, on behalf of the Executive Committee of the Cameron Station Civic Association (“Executive Committee”), in order to set forth omitted facts, correct misstatements and inaccuracies and thereby provide the Mayor and members of City Council with a more balanced discussion of relevant information than is the case with respect to the staff report to City Council on Virginia Paving Company’s (“VA Paving”) request to amend their Special Use Permit (“SUP”).¹

Please be advised that I have not attempted to flag each and every omission, misstatement or inaccuracy in the staff report, but rather I have tried to identify those that I believe may have a material effect on the outcome of this matter. On behalf of the Executive Committee, I respectfully request that this letter and all four attachments be made part of the official record for purposes of the above-referenced matter.

Executive Summary

The Executive Committee wants to state up front for the record that we do and have always valued coexistence between business and homeowners and the ability of families to enjoy the American dream of home ownership. On behalf of our membership, we have actively promoted the expansion of both our neighborhood coffee shop and daycare center and been proactive in helping get a restaurant set up in the community. However, unlike these businesses, VA Paving wants to double a heavy industrial use which will prevent us from the use and enjoyment of our homes by greatly increasing the public nuisance it has been creating all along of dust, odor and noise. We believe that the core values of coexistence with business and enjoyment of the American dream of home ownership can both be accomplished by vigorous enforcement of the current SUP and

¹ During the hearing before the Planning Commission on this matter on October 3, 2006, both Commissioners Dunn and Fossum made comments on the record to the effect that the staff report was one of the most unbalanced presentations that they had ever read in their numerous years on the Commission.
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denying the request to change it which would greatly diminish our ability to enjoy our community.

Since the staff report is unbalanced and is an advocacy piece for VA Paving, the Executive Committee believes that, in order for each of you to make what will undoubtedly be a momentous political decision, you need to have all of the facts and not just some of them. Discussed in much more detail in this letter are the following points that we believe firmly warrant denial of VA Paving's request to amend its SUP by doubling its production:

1. The SUP Amendment will improve the level of some toxins, but increase the levels of others;
2. VA Paving is currently in violation of three SUP conditions and four state or city regulations;
3. A decision now on VA Paving will impact the West Eisenhower Avenue Small Area Plan and give an unfair advantage to VA Paving over other business interests who wish to develop the West End of our city;
4. The current SUP prevents nighttime asphalt production;
5. The new proposed SUP conditions will dramatically increase nighttime truck traffic;
6. There are substantial benefits to denying the request for an amended SUP;
7. The 74 proposed SUP conditions lack rapid and effective enforcement, do not require state of the art and best management practices at VA Paving and unnecessarily expose children to health risks;
8. The City has been on notice of VA Paving's violation of the SUP provision prohibiting nighttime operations since at least June 30, 2004;
9. VA Paving is not located in an area zoned for heavy industrial use and may be violating the requirements for Zone I where it is located;
10. VA Paving is a newcomer to the neighborhood and it should have been on notice that its two plants were located near a school and many communities;

11. Reasonable questions can be raised as to whether the air emissions modeled reflect reality;
12. The City Zoning Ordinance permits City Council to consider adverse impacts that VA Paving's request to amend its SUP will have on the use or enjoyment of nearby property, the character of the neighborhood, traffic conditions and land use and land development.

1. The SUP Amendment Will Improve the Level of Some Toxins, but Increase the Levels of Others

The Executive Summary of the staff report incorrectly posits that the SUP amendment "presents an opportunity for dramatically enhanced environmental protection."² In fact, under the SUP amendment, there will be no improvement with respect to PM10, and PM2.5 and sulfur dioxide (SO₂) will increase.³ Moreover, VA Paving is already above National and Virginia Ambient Air Quality Standards ("NAAQS") for PM2.5 as well as for SO₂. Further, even after all upgrades, VA Paving will be significantly above the newly enacted EPA annual PM2.5 standard of 35 micrograms per cubic meter ("ug/m³").⁴ It also appears that the area of exceedance for PM2.5 may include Tucker Elementary School and Boothe Park.⁵ Based on the Aero Engineering Services Report, the only toxins for which levels improve for all relevant NAAQS standards with the SUP amendments are carbon monoxide, lead and nitrous oxide.⁶

² Any omissions, inaccuracies or misstatements noted herein that are in the Executive Summary also occur in the main text of the staff report. Accordingly, I am not going to repeat my comments on the same point each time it applies in the main body of the report.

³ Table 2-5 on page 2-5 of Aero Engineering Services Report (which is attached as Appendix D to the staff report) ("Aero Report") shows that annual PM10 will remain at 14 tons, annual PM2.5 will rise from 8 to 9 tons and annual SO₂ will rise from 36 to 43 tons. Further, the staff report, at page 18, acknowledges that the modeling shows exceedance of National Ambient Air Quality Standards for PM 2.5 and SO₂, but then tries to dismiss these important findings. Under these circumstances, it is reasonable to ask why we are even considering VA Paving's request to double its production when the modeling shows they currently exceed levels on two harmful compounds.

⁴ The Aero Report states in the executive summary that "PM2.5, annual impacts exceed the NAAQS by no more than 1.3 micrograms per cubic meter; this area of noncompliance is also limited, extending to approximately 150 meters [i.e. about 450 feet] from the northeast fence line, along an arc of approximately 200 meters [i.e., about 600 feet]." This "area of noncompliance" would appear to include Boothe Park and Tucker Elementary School. Further, Table 3-1 at page 3-3 in the Aero Report discloses that the "total maximum impact" for PM2.5 for "24-hour" would be 58 which is 165% above the new 35ug/m³ PM2.5 24-hour standard. Significantly, this same table shows that "background" PM2.5 accounts for only 35.3ug/m³ of the total of 58ug/m³ and the remainder, 22.7ug/m³, comes from VA Paving (about 38%).

⁵ See footnote 3 above.

⁶ See Table 3-1 at page 3-3 of the Aero Report.

2. VA Paving is Currently in Violation of Three SUP Conditions and Four State or City Regulations

The Executive Summary of the staff report states that “[t]here are no violations of local, state or federal environmental regulations in the operation of the plant (except that the facility is not in compliance with their existing SUP condition related to construction of stormwater basins).” The way this is phrased could easily lead one to believe that VA Paving has remedied all of its many violations and that the modeling studies do not show that, as is the case, VA Paving is already above NAAQS standards for PM2.5 and SO2.

As City staff is well aware, Rich Baier informed me (at a meeting on August 17 at which Jim Hartmann and many members of City staff were present), that VA Paving has only remedied 15⁷ of 22 violations listed in the October 26, 2004 letter from the City Attorney’s Office.

The remaining 7 violations which have never been remedied consist of: 1 violation of the Virginia Water Control Law for “[d]ischarge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances”; 3 violations concerning “[c]onditions of the Special Use Permit that are currently not in compliance” relating to (1) the prohibition against “operations of the plant that require exit or entrance of vehicles from the plant during hours of darkness or inclement weather or Sundays and holidays,” (2) not having “satisfactory settling basins” designed “to prevent discharge of silt, asphalt etc into Back Lick Run,”⁸ and (3) “[p]ossible intensification of the use if the State grants the current application for an amendment to the state permit to increase their through[p]ut from 840K to 1 Million ton”⁹; 1 violation of the Alexandria Environmental Offenses Ordinance for unlawfully dumping “any waste on any property, in any waters or in any sanitary or stormwater system, except as authorized by law or by applicable permit”; 1 “possible encroachment onto City owned property”; and 1 count of “[d]amage to City right of way at various intersections caused by asphalt spillover and accumulation.”

⁷ The 15 violations that have to date been remedied all relate to violations of the Fire Code and primarily with respect to storage and handling of hazardous materials.

⁸ VA Paving has been in violation of the SUP conditions set forth in items (1) and (2) since they bought the plant in early 2001. The violation of the settling basin requirement, in essence, means that VA Paving must go back to the drawing board and develop a “Storm Water Management Plan.” The EPA cited VA Paving for two Clean Water Act violations and one of them was for not having a “Storm Water Pollution Prevention Plan.” I am not an expert on the Clean Water Act, but it would seem, based on plain English, that these two stormwater management plans must have some overlap and, if they do, it is possible that VA Paving is again in violation of the Clean Water Act.

⁹ Section 11-509 of the Zoning Ordinance states that any “change in the nature of the use or any enlargement, extension or increase in the intensity” of a use requires a “separate special use permit issued by the City.” An increase in production is both an intensification and an increase in the use of VA Paving’s facility. I am unaware of VA Paving having ever sought an amendment to its SUP prior to the initial filing of such an amendment in early spring of 2005. Accordingly, its request to the State to be permitted to increase production from 840 to 1 million tons (described in the October 26, 2004 City Attorney Office letter to VA Paving), its request to the State (likely sometime in 2004) to be permitted to increase annual production to 1.5 million tons which was granted in February 2005 and any other such requests by VA Paving since it bought the plant in 2001 could arguably violate Section 11-509.

It is worth noting that this October 26, 2004 City Attorney's Office letter, among many other things, states that "these violations present *public health issues* that need to be *addressed without delay*." (Emphasis added) City staff has seen fit not to address all 22 violations "without delay" and the outstanding violations have simply been folded into the proposed SUP conditions without any meaningful consequence to VA Paving other than imposing on them the "harsh penalty" of allowing them to double their typical annual production of 500,000 to 600,000 tons a year¹⁰ to 1.2 million tons a year.¹¹

Is this really the signal we want to send to others who violate their SUPs as well as health and safety violations – don't worry, we'll do nothing in the way of fines or shutting you down and will reward you for violating the law by supporting you in increasing your revenues at the expense of the citizens who we are supposed to be serving? – I hope not.

3. A Decision now on VA Paving Will Impact the West Eisenhower Avenue Small Area Plan and Give an Unfair Advantage to VA Paving Over Other Business Interests who Wish to Develop the West End of our City

The Executive Summary of the staff report states that the "broader question about the future of industrial uses in the West End will be considered in the context of the West Eisenhower Small Area Plan study, not the proposed amendment to Virginia Paving's SUP." I am unaware that City Council has held public hearings and taken the position articulated by the staff.

Indeed, if City Council were to go along with what staff proposes, it would be the proverbial "cart leading the horse." If City Council decided to grant the SUP amendment, it is necessarily also making a public determination that intensification of a heavy industrial use in an area zoned for "light to medium industrial use"¹² is appropriate in the West End. Once such a decision is made, it would be inconsistent for the City to later take the position in the West Eisenhower Small Area Plan that *industrial uses are inappropriate* in this area when it had decided that *intensification of heavy industrial uses is appropriate*. I would also point out that City Council should consider such policy

¹⁰ The figure of 500,000 to 600,000 tons a year was provided by Bill Skrabak at the October 3, 2006 Planning Commission hearing. VA Paving's plant manger told me at a meeting on August 17, 2006 (at which City staff was present) that their typical annual production ranged from 600,000 to 700,000 tons a year and that in 2005 and in 2006 their annual production was about 600,000 tons a year. Accordingly, the fact that VA Paving is permitted to produce 1.5 million tons of asphalt a year does not mean it could ever do so without aggressively selling the nighttime excess capacity that would exist if this SUP amendment request were granted. City staff using this permitted figure of 1.5 million tons a year to say the proposed SUP conditions cut VA Paving's production is false, misleading and a red herring. VA Paving has never even been able to reach 900,000 tons a year when it was blatantly violating the current SUP condition prohibiting nighttime operations. If the current SUP is finally *fully* enforced, it will not be able to pave at night and will have no realistic way to double production as it now seeks to do.

¹¹ Condition 1, set forth at page 27 of the staff report, allows VA Paving to produce up to 1.2 million tons a year.

¹² VA Paving is located in Zone I which Section 4-1201 of the Zoning Ordinance describes as an area established for "light to medium industrial use...in areas of the city which will not negatively impact adjacent neighborhoods." Unfortunately, many "adjacent neighborhoods" like Cameron Station have been "negatively impacted" by VA Paving's operations which have generated dust, odor and noise for many years.

issues during its deliberations and the City Zoning Ordinance specifically permits consideration of land development issues in determining whether or not to grant amendments to an SUP.¹³

Moreover, very careful consideration must be given by City Council as to whether intensification of a heavy industrial use is consistent with the City's plan to redevelop the entire West End and make it the "gateway" to our City. Do we want a plant spewing smoke night and day to be the "vision" for our "gateway?" -- I doubt it.

Lastly, it is my understanding, based on testimony at the October 3rd Planning Commission hearing by Mindy Lyle (President of the Cameron Station Civic Association), that she is personally aware of a number of developers who have been asked by City staff to postpone their plans for development until a West Eisenhower Small Area Plan is completed. If this is so, then I believe that City Council should consider whether it is fair to allow a habitual violator like VA Paving to go ahead with its plans to double production while others are not even allowed to get their foot in the door for proposals for redevelopment that could generate much more revenue to the City than the less than \$300,000 VA Paving pays annually in taxes.¹⁴

4. The Current SUP Prevents Nighttime Asphalt Production

A myth the staff has perpetuated for more almost two years is that the current SUP only prohibits nighttime truck traffic. In this staff report, there is at least a further admission that the current SUP "effectively prohibits nighttime truck traffic and therefore nighttime road paving." However, the SUP also has the effect of preventing asphalt production all night long since asphalt must be kept and spread while at very high temperatures. VA Paving's plant manager told me during a plant tour I took on August 24, 2005 that their silos can keep asphalt hot enough for about three to four hours and another asphalt expert (who wishes to remain anonymous) confirmed this is the case with respect to hot mix plants like VA Paving's. The current SUP prohibits nighttime traffic during hours of darkness so that the earliest time a truck could pick up asphalt would be around 7AM¹⁵ which means that the latest time VA Paving could produce asphalt would be three to four hours earlier or 3AM or 4AM. Thus, from the time it begins to get dark at night (at around 7PM) until around 3AM, VA Paving is not able to produce asphalt.

Another reason why the current SUP does in fact limit nighttime operations is that, if that wasn't the case, why would VA Paving need to seek an amendment to its

¹³ Section 11-504 (B) of the Zoning Ordinance sets forth three considerations City Council must take into account and sixteen considerations City Council may take into account when deciding whether to approve an SUP application. Among many listed items the City Council may consider are "the character of the neighborhood" and "[s]uch other land use and land development considerations the city determines are appropriate and relevant to the application under review." (See Sections 11-504 (B) (10) and (16))

¹⁴ Based on the City's response to question 3 of the "Answers to Community Questions Posed at the 5/1/5/06 Community Meeting," VA Paving only paid \$293,972 in taxes in 2005.

¹⁵ Item 4 of VA Paving's SUP amendment request filed in 2006 states that the "paving season...occurs from April 1 through November 1." Given there is a paving season of only seven months, the time it is dark would not change dramatically.

SUP? It is already permitted by VA DEQ to produce 1.5 million tons a year, so why doesn't it just go ahead and do so? The obvious answer is that it can't without doubling production through working at night. Similarly, why is it that VA Paving has been limited to only about 600,000 tons a year in 2005 and 2006 and had a record year of 900,000 tons in 2004? The answer is again quite obvious – City Council severely curtailed its nighttime work in 2005 and 2006, but not in 2004 when VA Paving was routinely violating its SUP.

5. The New Proposed SUP Conditions Will Dramatically Increase Nighttime Truck Traffic

The Executive Summary in the staff report states that the “new SUP conditions will also allow some nighttime vehicular traffic to and from the plant.” The fact is that, if City Council approves the request for an amended SUP, then nighttime traffic will increase dramatically.¹⁶ Based on information from VA Paving's plant manager, the average truck at the facility can haul between 15 and 17 tons of asphalt per load. If the new SUP is approved, VA Paving will be allowed to produce 650,000 tons of asphalt just at night¹⁷ in addition to being able to produce 550,000 tons during the daytime since the new SUP conditions would allow VA Paving to double its normal annual production to 1.2 million tons a year. Accordingly, there would now be 38,235 trucks (i.e., 650,000 divided by 17 tons per truck) entering and 38,235 trucks exiting the plant onto Van Dorn Street during the seven month paving season which occurs from April 1 to November 1. This is more than one truck entering and exiting the plant each night every one and a half minutes! – i.e., the new SUP conditions cap nighttime production to 5,000 tons which you divide by 17 tons (to get the number of trucks per night) and then divide by 7 (night hours would be from approximately 7p.m. to 5 a.m.).

It is important to recognize that severe congestion is caused by trucks entering and exiting VA Paving because each time a truck exits the plant to make a left hand turn a red light is tripped on Van Dorn Street stopping traffic. I do not know the precise number of trucks currently entering and exiting the plant at night, but it is likely minimal since City Council appropriately severely curtailed nighttime operations at its public hearings in June of 2005 and 2006.¹⁸ The SUP amendment, if approved, will ensue that we have traffic congestion at night *and* during the day.

¹⁶ Sections 11-504 (B) (10) of the Municipal Code allows City Council to consider “traffic conditions” in its deliberations on whether to approve an SUP. This dramatic increase in nighttime traffic may also pose a safety concern since Van Dorn is the sole access street for many communities to hospitals. Safety issues are required to be taken into account by City Council in granting any SUP change. See Section 11-504 (A) (1).

¹⁷ Condition 4 of the new proposed SUP conditions at page 27 of the staff report allows “130 nighttime shifts per calendar year” and condition 2 (on the same page of the staff report) caps nighttime production to “5,000 tons in any one shift.” Accordingly, 130 nighttime shifts times 5,000 tons per night equals 650,000 tons. This amount of nighttime production is 50,000 tons more than VA Paving has produced in any typical year. See footnote 10 above.

¹⁸ See page 8 of the staff report which briefly describes the actions taken by City Council in 2005 and 2006.

6. There are Substantial Benefits to Denying the Request for an Amended SUP

The Executive Summary fails to note both the pros and cons for each of the two options it believes City Council has and perpetuates the myth that the old SUP does not have the effect of curtailing all nighttime operations, including the production of asphalt. There are substantial benefits that *will be* gained by denying the request for an amended SUP which outweigh those that *might be* achieved by granting such a request. In the interests of providing City Council with a more balanced account of the facts and issues, I set forth below a number of the benefits that will follow by denying the request for an amendment to the SUP. These *known benefits* far outweigh those that *may occur* if the amendment to the SUP were approved.

First, as noted and explained above, nighttime production and nighttime traffic would be significantly curtailed under the current SUP. The benefits of lessening nighttime production are substantial as Dave Sullivan has repeatedly told me and others that air pollution from nighttime operations is greater at night than during the day by a factor of 20 to 1.

Second, both City staff and the Virginia Department of Environmental Quality (“VA DEQ”) have power to enforce environmental and/or safety regulations affecting the plant’s operations. The current SUP already has adequate enforcement provisions, provided, of course, that City staff finally *fully* enforces them. The fact that the current SUP’s enforcement provisions are adequate is demonstrated by the fact that City staff chose to lift virtually verbatim the key enforcement provision in the current SUP and place it in condition 27 of the new proposed SUP conditions.¹⁹ Moreover, VA DEQ also regulates VA Paving through the conditions set forth in its permit to VA Paving and through its enforcement of the federal Clean Air Act and Clean Water Act. In addition, the City’s Zoning Ordinance would permit the City to shut the plant down if it was determined to be creating a public nuisance.²⁰

Third, the current SUP will not enable VA Paving to double its typical annual production of 600,000 tons a year by also allowing it to produce another 650,000 tons at night. As discussed above, nighttime production increases air pollution by a factor of 20 to 1. Accordingly, any reduction of nighttime paving is a net benefit to the surrounding communities.

¹⁹ The enforcement language in the current SUP states that “[i]n the event that the plant is found to be creating a public nuisance or a public health problem, operations will be suspended by the company until satisfactory corrections are made in accordance with further recommendation of the Virginia State Bureau of Industrial Hygiene and the Alexandria Health Department.” The only change made to this language in condition 27 was to weaken this provision by adding the ambiguous phrase, “as determined by the City of Alexandria,” after the words “public health problem.” See condition 27 at page 34 of the staff report.

²⁰ Section 4-1206 (B) would enable the City to revoke VA Paving’s SUP and thereby shut the plant down if it conducts its operations (as it has been doing since it bought the plant in 2001) “in a manner which would render it noxious or offensive by reason of dust...odor [or] noise.”

Fourth, a doubling of production also means that there will be a dramatic increase in public nuisances like dust, odor and noise coming from the plant regardless of any plant upgrades. In fact, Dave Sullivan has told me that it is his opinion that VA Paving will never be able to restrict nuisances to its plant boundaries.

Fifth, there is no need to change the status quo because, according to the staff report and the air quality modeling report done by Cambridge Environmental, Inc.,²¹ VA Paving's current operations are in compliance with the law and are not causing significant health problems with respect to air pollution. In this regard, the staff report says there are "no actual violations of local, state or federal environmental regulations in the operation of the plant." Cambridge's report states (at pages 28 to 29) that "U. S. EPA's study of hot mix asphalt production led the Agency to conclude that these facilities are minor sources of air pollution...In other words, U. S. EPA determined that additional controls or emissions reductions, beyond those already in place, were not required." Therefore, if you want to stake your life on what City staff and Cambridge are saying, there is no need to change a thing at VA Paving since it is a hot mix asphalt plant (which are not major sources of air pollution) and since it is currently violating no environmental laws.

Sixth, there is no net benefit to the City if it allows VA Paving to double its production. Based on a meeting on August 25, 2006 with Doug McCobb, Deputy Director of Operations for TE&S, it is my understanding that the City buys approximately 20,000 tons of asphalt a year from VA Paving.²² VA Paving owns two asphalt plants at the facility in Alexandria – one that produces 600 tons an hour and one that produces 400 tons an hour. Since VA Paving can produce 1,000 tons an hour it would only take *two ten hour days* for them to *produce 100% of the City's annual asphalt requirements*. City contracts represent less than 4% of all of VA Paving's contracts – the vast majority are for Fairfax, Arlington and private contractors. Does it make sense for Alexandria residents to suffer double the nuisance and more pollution so that VA Paving can reap huge profits by paving the streets for others? If these other cities or private contractors need asphalt paving at night, then they can buy it from one of the more than five local asphalt producers nearby, from one of VA Paving's other four plants or use a mobile asphalt plant.

Seventh, based on a document provided to me by VA Paving at a meeting on August 23, 2006 titled "Phased Construction Plan Updated on 22 Aug 06" which

²¹ Cambridge's report is Appendix "A)" to the staff report.

²² It is worth noting that, at the Planning Commission hearing on this matter on October 3rd, Commissioner Fossum quoted from a memo provided to her by Jim Hartmann which said that the City had three contracts on asphalt and that one of those involved a "sole source" contract with VA Paving for asphalt purchases to the effect that the City must buy all asphalt from VA Paving. The reason given is that the superpave system the City adheres to requires getting asphalt from producers that are geographically closest. I have extensively researched superpave and have found no such requirement. In addition, I have been told by two separate government procurement experts that geographic location is not a valid legal reason for granting a sole source contract. Accordingly, an investigation should be made into the propriety of the City entering into a sole source contract with VA Paving as it appears it may not be a legally enforceable contract and may be in violation of the government procurement code.

provides information on completion dates and how much has to date been completed on all upgrades noted in the new proposed SUP conditions, more than half of the upgrades relating to air pollution were either totally or 70% complete. In addition, a number of the upgrades relating to water pollution, landscaping and noise have been fully completed. It can be expected that since August 22, 2006 many more upgrades have been either completed or are more than 50% completed. Therefore, VA Paving has already installed many upgrades and it is unlikely to spend money taking out those more than 50% completed. The City could get additional upgrades if it were to insist VA Paving complete all remedial actions for the outstanding seven violations of the 22 that were listed in the City Attorney Office letter to VA Paving of October 26, 2004. Further upgrades could be obtained if City staff were to enforce VA Paving's current violations of the Zoning Ordinance for creating a public nuisance.²³

Eighth, if City Council denies VA Paving's request to amend its SUP, then the current much more simple and effective SUP would remain in effect. The 74 new proposed SUP conditions are very complex and would require a significant number of City staff to monitor and enforce. In addition, there is a great deal of well founded skepticism in our and other communities in Alexandria as to whether City staff has the resources and willingness to enforce 74 new and very complex SUP conditions when they refused to *fully* enforce those in the current SUP.

7. The 74 Proposed SUP Conditions Lack Rapid and Effective Enforcement, do not Require State of the Art and Best Management Practices at VA Paving and Unnecessarily Expose Children to Health Risks²⁴

While I know the staff has been trying to work with VA Paving to get conditions that address issues articulated by my fellow Alexandrians, they fall short in many important ways.²⁵ The Executive Summary makes many claims about the 74 new proposed SUP conditions not all of which can be supported based on the facts. These 74

²³ See e.g., Section 4-1206 (B) of the Zoning Ordinance.

²⁴ It is worth noting that the staff report on page 5 states that the new proposed conditions "require state of the art air quality enhancements and best management practices that will address air emissions and odors." Further, VA Paving's plant manager told me that they had already installed odor preventing equipment this year. My house is located on the farthest side of Cameron Station from VA Paving, but, at 6:30a.m. on May 10, 2006, I could smell asphalt in the den of my home and, at 4 p.m. on September 25, 2006 I could smell asphalt while sitting at a park bench on the far side of Ben Brenman Park – about 100 yards further away than my home is from the plant.

²⁵ The staff report, at page 4, notes that the departments of Transportation and Environmental Services, Planning and Zoning, Code Enforcement, and Recreation, Parks and Cultural Activities were consulted and worked together on developing the new proposed SUP conditions. However, a glaring omission is the fact that the Director of the Department of Health was never consulted on this matter. It is our understanding that the Director of Public Health has been extensively involved in the Mirant plant matter which involves serious health issues. It was shocking to learn in a very recent conversation with the Health Director that he had asked City staff to be involved on the VA Paving matter, but City staff chose not to do so. In fact, the Director informed us that the first communication he had with anyone was with Rich Baier in October 2006 – way too late for him to be meaningfully involved. The fact that the Director of the Department of Health has been excluded from the VA Paving is nothing short of outrageous. This matter, among many other things, is about health concerns and new SUP conditions 3, 27 and 60 all include the involvement of the Health Director or his department.

conditions do not provide for rapid and effective enforcement, do not require state of the art and best practices at VA Paving and unnecessarily expose children to health risks.

I provided comments to City staff on behalf of the Executive Committee of the Cameron Station Civic Association with respect to the 74 new proposed SUP conditions on two separate occasions. The most recent submission of comments was made on October 9, 2006. (See **Attachment 1**) Rather than repeat all that is set forth in these most recent comments, I will summarize them directly below.

Condition 1 should be revised to reflect actual production levels attained by VA Paving so that, at first, they are allowed to produce up to the normal annual production rate of 600,000 tons a year and then, after it is confirmed all upgrades are up and working, they would be allowed to produce up to 900,000 tons a year which is more than the maximum annual production they have ever been able to achieve.

Condition 4 should be revised to limit nighttime paving to a maximum of 30 days (one month) during the paving season of April 1 to November 1. This would be consistent with the limitations imposed on nighttime operations by City Council on June 13, 2006.

Conditions 5 and 74 should be revised to more closely reflect what VA Paving specifically asked for in its SUP request and be consistent with limitations imposed by City Council in June 2005 and 2006. This can be accomplished by limiting both nighttime production and hours of operation at night to only projects for VDOT on the Woodrow Wilson Bridge project and for the City of Alexandria.²⁶

Conditions 7, 8, 9 and 10 should be revised to require VA Paving to use clean natural gas rather than regular oil and waste oil which numerous studies have shown emit heavy metals and dioxins when burned. City staff stated at the City Council work session that 70 to 90% of all asphalt plants use natural gas. The City staff report states (at page 4) that the new proposed SUP conditions “will make the plant a state of the art operation, second to none in the region.” How can this be true if we are not making a habitual violator like VA Paving use what 70 to 90% of the industry is using – natural gas? This gaping omission in the conditions must be fixed.

Conditions 16, 39, 40 and 42 should be revised so they cover all trucks going in and out of the plant since these conditions now only apply to 50% of all trucks – those owned by VA Paving. A simple way to accomplish 100% compliance with these conditions would be to require that VA Paving agree it will not allow any such trucks onto it premises that don't meet the requirements set forth in conditions 16, 39, 40 and 42.

²⁶ The staff report confirms that the applicant's request is limited to VDOT and the City of Alexandria as it states at page 6 that the “applicant's proposal would permit the entry and exit of vehicles during the nighttime and weekend hours when supplying asphalt materials to government projects, i.e., for the Virginia Department of Transportation and the City of Alexandria that require night work.”

Condition 27 should be revised since it is the key enforcement provision and it currently is deficient. Provisions must be added that include very specific deadlines for determinations on whether or not something rises to the level of a public nuisance or health problem and the person or body that will make such a determination needs to be set forth with specificity as the condition now just states that "City of Alexandria" will do so. It would also be advisable to set forth with specificity what type(s) of complaint(s) might rise to the level of a public nuisance or health problem warranting closure of the plant.

Conditions 28a and 28b need to be deleted in their entirety since they are unacceptable as they would have children exposed to harmful PM2.5 coming from VA Paving *for three years* before the City takes any action. Condition 28 then should be revised to require VA Paving, by the end of this year, to have a plan approved for dealing with its exceedance of the current PM2.5 standard at locations at or near Tucker Elementary School and a plan approved by the end of this year for how it will achieve compliance with the new EPA PM2.5 standard which cuts the current standard by almost 50%.

Condition 61 should be revised to include monetary penalties on VA Paving for missing any deadlines set forth in any condition and for cessation of operations (not just nighttime operations) for not achieving certain key conditions that are set forth therein.

A provision should be added requiring VA Paving to cease all operations on Code Red days.

A provision should be added allowing for revocation of VA Paving's SUP should the City find it has falsified any document it is required to maintain as part of any of the conditions.

Lastly, a sunset provision should be added. In addition to the fact that VA Paving has been cited by EPA for two violations of the Clean Water Act, the City Attorney's Office cited them with 22 violations and the likelihood that they are currently a public nuisance and are also violating the Zoning Ordinance, the staff report itself also provides ample justification for a sunset provision. At page 23, the staff report states that the "history of land use planning in this area of Alexandria reflects two traditional land use principles" and that one of them is that "industrial and residential uses should be separated physically." On page 24, the staff report states that the "original purpose of zoning was to separate all incompatible uses." Accordingly, we should not deviate from long established land use planning and zoning principles just to accommodate the greed of a heavy industrial use that is in an area zoned for "light to medium industrial use," particularly not if that company, like VA Paving, is a habitual violator of the law.

8. The City Has Been on Notice of VA Paving's Violation of the SUP Provision Prohibiting Nighttime Operations Since at Least June 30, 2004²⁷

The statement made in the staff report that "the City has no record of any complaints regarding violation of the condition" limiting nighttime operations "since the plant has been in operation and prior to the submission of this application" does not comport with my contemporaneous notes from meetings or my recollection. VA Paving did not file a request to amend its SUP until the spring of 2005. I attended a meeting on June 30, 2004 (more than eight months before VA Paving filed its application) with Mindy Lyle, Joe Bennett, Victoria Hebert, Rich Baier and Bill Skrabak at Tempo Restaurant (at which I took notes) and Mindy Lyle told them VA Paving was operating in violation of the SUP provision prohibiting nighttime operations. Bill Skrabak stated then that they would investigate this and get back to us. City staff did, in fact, conduct an investigation as a result of this meeting with them. However, we did not find out they had until we discovered, by blind luck in August 2005, a copy of the infamous October 26, 2004 City Attorney Office letter charging VA Paving with no less than 22 violations as a result of a City investigation of them conducted in September 2004. Moreover, I was present at numerous other meetings with City staff dating back to at least 2002 where we complained about bad odors and black particles accumulating in homes, and Ms. Lyle recalls such conversations going back to about 2000.

9. VA Paving is not Located in an Area Zoned for Heavy Industrial Use and May be Violating the Requirements for Zone I Where it is Located

The staff correctly states at page 8 that VA Paving's two asphalt plants are located in Zone I. However, the staff neglects to set forth what the requirements for Zone I are. Section 4-1201 of the Zoning Ordinance Code states that Zone I is established for "*light to medium industrial use...in areas of the city which will not negatively impact adjacent neighborhoods.* (Emphasis added) Section 4-1206 (B) of the Zoning Ordinance also contains "use limitations" that say "no use shall be conducted in any manner which would render it noxious or offensive by reason of *dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.*" (Emphasis added)

Anyone such as me who attended the community meetings on VA Paving on May 15 and September 18, 2006 (they are also on tape on the City web site) heard numerous complaints by Cameron Station residents about dust and odor and from Summers Grove residents about noise. It seems to me, based on the plain meaning of the words in the sections of the Zoning Ordinance quoted above, that VA Paving is currently in violation of the Zoning Ordinance and has been for many years.

²⁷ The statement made at page 6 of the staff report that "there are no conditions that limit the operation of the plant or set hours of operation for the plant" is incorrect as amply discussed in item 4 above in this letter.

10. VA Paving is a Newcomer to the Neighborhood and it Should Have Been on Notice That its Two Plants Were Located Near A School and Many Communities

The staff report correctly notes at page 10 that VA Paving acquired two asphalt plants in 2001. Accordingly, contrary to certain ludicrous assertions made at the Planning Commission hearing that VA Paving was here first, Cameron Station was here first – not them. The first residents moved into their homes here in 1998 – three years before VA Paving. Neither I nor anyone else I know was told by any real estate agent about these two asphalt plants. Further, unlike is the case for Summer's Grove, Cameron Station's SUP did not require such disclosure be made.²⁸ For those of us who were aware of this plant, they had a reasonable expectation that VA Paving was a law abiding corporate citizen and not causing harm by violating federal, state and local water pollution regulations, fire code regulations and many other laws discussed amply above.

Accordingly, VA Paving was on notice of the nature of the area in which its two plants were located and had and still has an obligation to conduct its operations in a lawful manner and not to increase odor, dust and noise or harm children and other residents by doubling production by seeking to work night and day.

11. Reasonable Questions can be Raised as to Whether the Air Emissions From VA Paving that Were Modeled Reflect Reality

I will state up front that I am not an expert on modeling or on air quality, but I do have basic math skills. Accordingly, I will point out below just a few observations based on simple math which I believe raise some doubt as to what the actual situation is with respect to air quality in neighborhoods near VA Paving.

It is important to recognize that models are just that – models and not actual data taken by testing.²⁹ The testimony of a modeling expert at the Planning Commission, Jordan Berliner, was most instructive on this point. He noted that, based on modeling, the levies around New Orleans were found to be sufficient. He then noted that the models were proven to be wrong after Katrina hit.

Unlike the staff report, which spends over eight pages (not, of course including attachments) on air quality modeling, I will keep my discussion on these matters relatively brief since there are more important issues at stake involving lax enforcement of an SUP by City staff, nuisance issues and land use issues such as the appropriateness of intensifying heavy industrial uses in an area that is residential and has schools and the affect that such intensification will inevitably have on redevelopment in the West End of Alexandria.

²⁸ See e. g., staff report at page 23.

²⁹ It should be noted that the Cameron Station Civic Association had repeatedly asked VA Paving to conduct soil sampling and testing of the black particles accumulating in homes in Cameron Station and in Summers Grove. After strong indications on the part of VA Paving that it would do so, it informed the Cameron Station Civic Association on August 17 that it would not. The soil testing could have determined whether or not VA Paving is a source of dioxins and the particulate testing could have determined whether or not these black particles were harmful and coming from VA Paving.

Page 11 of the staff report states that “results from... stack tests were used to establish the emission limits listed in table 1 for the asphalt plant.” I looked at the stack emission tests and found something very strange. I recalled that at the May 15, 2006 community meeting on VA Paving that VA Paving’s presentation had a slide noting asphalt needed to be heated to around 300 to 325 degrees. I then looked at the last five pages of the stack test report which is titled “Source Sampling for Criteria Gaseous Pollutant Emissions Hot Mix Asphalt Plant Virginia Paving Company Alexandria, Virginia August 25-27, 2004” and lists temperatures for each of the two plants. For “Plant 1” the “mix temp.” ranged from 253 to 287 and for “Plant 2” the “mix temp.” ranged from 220 to 245. I noticed that it did not make sense that the mix temperatures for the two plants would be so different and that it also did not make sense that the highest mix temperature for either plant was well below what VA Paving said was needed to make asphalt, 300 to 325 degrees. I asked someone who is an expert if this made any difference and was told it did since, by lowering the temperature, you will lower the amount shown for emissions of volatile organic compounds (“VOC”). Maureen Barrett of Aero Engineering (the City’s consultant) prepared a report in August 2006 that shows, in a table on page 4, that if you don’t use these strange stack tests and use factors approved by the EPA, the amount of VOCs go up from 8.4 tons to 32.4 tons – an increase of 284%.³⁰ It might be appropriate to ask the distinguished modelers from Cambridge for an explanation of these strange mathematical discrepancies.³¹

Since City staff did not include this important report by their consultant as an attachment to the staff report, I attach it hereto as **Attachment 2**. Further, since City staff also did not include the report by Dave Sullivan, the independent consultant asked to be retained by the Cameron Station Civic Association, I attach it hereto as **Attachment 3**.³²

³⁰ This jump in VOCs is not the only mathematic oddity. The September 13, 2006 memo from Cambridge shows (at page 8) that, if you use low wind speeds like those that actually occur in Cameron Station (and were not used in the modeling), then the “1-hour maximum total formaldehyde impacts might increase by almost 40%.” (See attachment “6” to the staff report which contains a copy of this memo). It is worth noting that contrary to the assertion in the staff report (at page 9) that this September 13 memo and one written by Cambridge on August 28 were requested by the staff, these memos were requested as a consequence of a meeting scheduled on August 17 at the request of Dave Sullivan. Mr. Sullivan had requested such a meeting because he had become aware at a meeting on July 11, 2006, at which I was present, that serious issues still remained at that late date as to whether or not the modeling had been done correctly.

³¹ One of these distinguished modelers from Cambridge wrote a document dated November 28, 2005 titled, “Do Current Airborne Concentrations of Particulate Matter (PM) From Coal-Fueled Power Plants Harm Health?” In this document, this distinguished modeler takes the position that current airborne concentrations of particulate matter (PM) from coal-fueled power plants do “not” harm health. I do not know if this document was prepared for someone representing Mirant, but it is highly likely that this is so given certain references in the document. In addition to the Harvard School of Public Health which is noted in the Cambridge document, the EPA also shares contrary views about the harmful effects of PM. In its September 19, 2006 press release announcing new significantly reduced standards for PM2.5, the EPA states that PM2.5 causes “premature deaths, heart attacks” and “aggravated asthma” in “people with heart and lung disease.” The distinguished modeler from Cambridge who wrote the report above is the same person writing the reports in this matter and telling us not to worry about any health risks from VA Paving.

³² It is worth noting that, among many other things, Mr. Sullivan did not conduct separate air quality modeling and all he did was opine if the “modeling methods” used by Cambridge and Aero were “generally sound and consistent with standard EPA modeling practice.” Mr. Sullivan also noted an important area excluded from evaluation in the modeling that was done. His letter states that “potential nuisance affects were not evaluated as part of this review.”

The other mathematical oddity I came across had to do with the numbers used to calculate what is called the “baseline.” VA Paving has stated in its application numerous times that it is a seasonal business and that the paving season lasts from April 1 to November 1. The current SUP prohibits operations on Sunday and holidays and when it’s dark on Monday through Saturday. In addition, as noted before, VA Paving’s typical annual production is about 600,000 tons a year. Further, VA Paving can produce 1,000 tons an hour. However, on page one of the Aero Report, it states that the baseline was calculated assuming “24,000 and 900,000 tons per day and year, respectively.” Nowhere in the report does it say that the baseline just took the paving season as opposed to a full calendar year. If the baseline were to be based on reality, then it would be based on a daily limit of no more than 14,000 tons a day (the current work day of 14 hours times 1,000 tons an hour they can produce) and no more than 600,000 tons a year (the typical annual production) and not have those results then divided by the twelve months in a year as opposed to the seven months which comprise the paving season.

What does this all mean? It means the benefits in decreasing air pollution, after all upgrades, may be overstated in the reports. For example, lets theoretically assume that use of a true baseline would show that yearly emissions of arsenic (which asphalt plants emit) are 6 tons a year and that, after all upgrades, they go down to 5 tons a year. Under this scenario, you could say that, after upgrades, arsenic is reduced by about 17%. If, however, you have an unrealistic baseline and it theoretically shows that yearly emissions of arsenic are 10 tons a year and that, after upgrades, they go down to 5 tons a year, then you can say that, with upgrades, arsenic emissions will drop by 50% rather than what they actually drop by which is 17%.

12. The City Zoning Ordinance Permits City Council to Consider Adverse Impacts that VA Paving’s Request to Amend its SUP Will Have on the Use or Enjoyment of Nearby Property, the Character of the Neighborhood, Traffic Conditions and Land Use and Land Development

The staff for some inexplicable reason chose only to set forth a portion of Section 11-540 of the City Zoning Ordinance that sets forth factors for City Council to consider when determining whether or not to deny a request to change an SUP. In order to rectify this apparent oversight by the staff, I attach a complete copy of Section 11-504 as **Attachment 4**.

The portion staff chose to set forth is 11-504 (A). They did not set forth the 16 factors listed in Section 11-504 (B) which are materially relevant to the case at hand. Pursuant to Section 11-504 (B), City Council “may take into consideration,” among many others, “the following factors where it determines that such factors are relevant and such consideration appropriate”:

1. Whether the proposed use will have any substantial or undue adverse effect upon or will be incompatible with “the use or enjoyment of adjacent and surrounding property”

2. Whether the proposed use will have any substantial or undue adverse effect upon the “character of the neighborhood”
3. Whether the proposed use will have any substantial or undue adverse effect upon “traffic conditions”
4. Whether the proposed use will have any substantial or undue adverse effect upon “other matters affecting the public health, safety and general welfare” and
5. “Such other land use and land development considerations the city determines are appropriate and relevant to the application under review.”

Concluding Remarks

In sum, the members of the Executive Committee of the Cameron Station Civic Association would like to co-exist with VA Paving as they have with many other businesses in the area. In fact, our civic association actively supported the expansion of both the coffee shop and daycare center in our community and actively supported the building of a new restaurant here. However, we also want to be able to enjoy the use of our homes and the nearby parks without having VA Paving creating even more of a public nuisance or having to fear that we will be harmed to an even greater extent if this plant doubles production. This fear is real and founded on the modeling done by Aero and on my independent research which shows that asphalt plants like the two owned by VA Paving spew forth into both our air and water numerous known carcinogens. There are also many critical policy issues that must be considered such as whether it is appropriate to have intensification of heavy industrial uses in an area that is residential and has schools and whether such heavy industrial intensification is compatible with the City’s goal to revitalize and redevelop the West End of our City.

You are all elected officials in our system of government which is for the people and by the people. This City government, I hope, is premised on these principles rather than on the principle of promoting corporate greed at any cost to the voting public.

You are required to consider nuisance, policy and safety and health issues, but there is something more we ask you consider. We know that many of you have children. Please ask yourselves this, if you and your family were living here, would you want an asphalt plant running day and night? – of course you wouldn’t. So, this is really not a very hard decision to make after all since it just requires doing the right thing -- let’s leave well enough alone and deny the amended SUP.

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Should you have any questions relating to the foregoing, I can be reached by phone (703-963-7503), by mail (239 Medlock Lane Alexandria, Virginia 22304) or by e-mail (aimpastato@earthlink.net).

Respectfully submitted,

A handwritten signature in black ink that reads "Arthur A. Impastato". The signature is written in a cursive style with a large initial "A" and a long horizontal stroke at the end.

Arthur A. Impastato

Attachment 1

From: arthur impastato
To: richard.josephson@alexandriava.gov
Cc: alexvamayor@aol.com; delpepper@aol.com; councilmangaines@aol.com; rob@krupicka.com; smedbergpc@aol.com; ahmacdonald@his.com; timothylovain@aol.com; mindylyle@comcast.net; jb900@yahoo.com; geoffrey.goodale@pillsburylaw.com; geoff.goodale@bsvca.net; jghebert@comcast.net; rich.Baier@alexandriava.gov; christopher.spera@alexandriava.gov; jim.hartmann@alexandriava.gov; paulcsmedberg@aol.com; valerie.peterson@alexandriava.gov; william.skrabak@alexandriava.gov
Date: 10/9/2006 3:51:56 PM
Subject: RE: Additional Comments on SUP Conditions by the Executive Committee of the Cameron Station Civic Association

Dear Rich:

By this e-mail, I am responding to your memo of October 3, 2006 and supplementing the comments sent to you on August 23 and September 27, 2006 from several members of the Executive Committee of the Cameron Station Civic Association ("CSCA") on the SUP conditions being proposed as part of Virginia Paving Company's ("VAP") request to amend their current SUP. These proposed SUP conditions are set forth at pages 27 to 46 of the City staff report to City Council.

The comments below relate solely those proposed SUP conditions that are critical to having a meaningful set of conditions. Without certain revisions and additions, the new proposed SUP conditions lack rapid and effective enforcement, do not require state of the art and best practices at VAP or unnecessarily expose children to health risks. Such revisions or additions are as follows:

1. Revising condition 1 to reflect actual production levels attained by VAP by allowing VAP to produce 600,000 tons and then a cap of 900,000 tons, after it is confirmed all upgrades are up and working;
2. Revising condition 4 to limit nighttime paving to 30 days (one month) during the paving season of April 1 to November 1
3. Revising conditions 5 and 74 to reflect more closely what VAP specifically asked for in its SUP request and be consistent with limitations imposed by City Council in June 2005 and 2006, by limiting both nighttime production and hours of operation at night to only projects for VDOT for the Woodrow Wilson Bridge and for the City of Alexandria;
4. Revising conditions 7, 8, 9 and 10 to reflect that VAP should be required to use natural gas (instead of oil which is a pollutant) as City staff has said is used by 70 to 90% of all asphalt plants;
5. Revising conditions 16, 39, 40 and 42 so that they cover all trucks and not just the 50% of them that use the facility that are owned by VAP;
6. Revising conditions 28, 28a and 28b so as to require VAP to by the end of the year to have a plan approved for dealing with its exceedance of the current PM2.5 standard at locations at or near Tucker Elementary School and a plan approved by the end of the year for how it will achieve compliance with the new EPA PM2.5 standard which cuts the current PM2.5 standard by almost 50%;
7. Revising condition 27 which is the central enforcement provision to include specific deadlines for determinations of whether or not something is a public nuisance or health problem and spell out with specificity which person or entity has the authority and responsibility for making such determination;

8. Revising condition 61 to include daily monetary penalties on VAP for missing any deadlines set forth in any condition and for cessation of operations for not achieving certain key conditions;
9. Adding a condition that the plant be shut down on Code Red days;
10. Adding a provision allowing for revocation of VAP's SUP should the City find it has falsified any document it is required to maintain as part of any of the conditions; and
11. Adding an appropriate sunset provision.

Please be advised that, while we have not repeated a number of suggested revisions that we had set forth in our September 27 comments to City staff on the proposed conditions and apparently were rejected by City staff, that does not mean they would not be warranted. Moreover, in no way should the comments set forth below be viewed as signifying that the CSCA agrees to VA Paving's request to **amend its SUP or that the CSCA views that it is realistic to expect that City staff can adequately monitor and enforce the 74 SUP conditions which are vastly more complex than the current SUP conditions (which, to date, have never been fully enforced).** Lastly, lack of comment on any of the 74 proposed SUP conditions should not be interpreted as acceptance or acquiescence to such conditions.

For ease of reference, I have separated our comments into two sections – one on current SUP conditions and one on proposed additional SUP conditions. Further, with respect to the section on current SUP conditions, the numbers used correspond to the condition number set forth at pages 27 to 46 of the staff report to City Council.

COMMENTS ON CURRENT SUP CONDITIONS

Condition 1.

Bill Skrabak said at the October 3rd Planning Commission hearing that VAP typically only produces 500,000 to 600,000 tons of asphalt any given year. VAP's plant manager has told the CSCA that the only year VAP produced anywhere near 900,000 tons was in 2004 (when VAP was violating the current SUP prohibition on nighttime operations). VAP's plant manager also told the CSCA that it produced about 600,000 tons in 2005 and will likely produce about slightly less than that amount in 2006 (in 2005 and 2006, City Council appropriately severely curtailed nighttime operations). Accordingly, this item should be revised to delete the reference to "900,000 tons per year" and replace that reference with, "600,000 tons a year." In addition, the reference to "1,200,000 tons a year" should be deleted and replaced with, "900,000 tons a year." These changes will ensure that the City is not rewarding VAP for violating its SUP and many other City and state regulations by allowing a doubling of its typical annual production.

Condition 4.

Allowing "130 nighttime shifts per calendar year" is unacceptable and this wording should be deleted and replaced with, "30 nighttime shifts per calendar year."

According to VAP, its paving season is only from April 1 to November 1. Allowing them 130 days of nighttime work means that they would be allowed to work at night for more than 4 of 7 months of their entire paving season -- most of it coming during the summer when air pollution is at its worst. In addition, under this scenario, VAP could produce a total of 650,000 tons per year solely by working at night (e.g. 5,000 per day limit times 130 days = 650,000) which is about 50,000 tons more a year than they produced in all of 2005 and will produce in all of 2006.

Dave Sullivan has told the CSCA that nighttime production is more detrimental to air quality by a factor of 20 to 1 because at night there is no to very little wind to prevent localization of air pollution. In this specific case, Tucker Elementary School would be in the zone of danger from such VAP nighttime operations. By allowing VAP to produce up to 650,000 tons just at night, the City would also be allowing VAP to double the amount of public nuisances they cause such as odor, dust and noise. Dave Sullivan has told the CSCA that it is his belief that there is no way VAP will ever be able to limit public nuisances to the limits of its property. In addition, a cap of 30 days of nighttime paving during the paving season would be

consistent with the limits imposed on nighttime paving by City Council at its hearing on June 13, 2006.

Conditions 5 and 74.

VAP's SUP at item 4 states that "their contracts with VDOT, either as contractor or subcontractor, and with the City of Alexandria, require paving at night...Approximately 20% of their overall work is required to be done at night by VDOT or the City...As a result, they need to operate the plant to generate asphalt for THESE PROJECTS at night and trucks need to be able to deliver the hot mix asphalt at night during the paving season, which occurs from April 1 through November 1." (Emphasis added) VAP in item 6 of its SUP application states that for purposes of proposed additional hours requested, those hours would only be during the paving season and "only when undertaking State or Local Government projects (i.e. VDOT, City of Alexandria, etc.)." Nowhere in its SUP application does VAP request that it be able to do night work for the "federal" government. City Council, at public hearings on June 28, 2005 and June 13, 2006, appropriately limited VAP's nighttime operations to those for paving for the City of Alexandria and for Wilson Bridge projects by VDOT. Accordingly, condition 5 must be revised to read that "All night time production at VA Paving shall be limited solely to work for the City of Alexandria or for work for VDOT on the Woodrow Wilson Bridge project." The last sentence that is part of condition 5 needs no revision.

For the same reasons as articulated with respect to condition 5, condition 74 also must be revised. The first and third sentences in condition 74 need no revision. However, the second sentence needs to be revised to read, "In addition, when undertaking projects for the City of Alexandria or for VDOT with respect to the Woodrow Wilson Bridge project during the paving season (April 1 to November 1), the facility may also operate from 9:00 p.m. to 5:00 a. m. Sunday through Friday.

Conditions 7, 8, 9 and 10.

Conditions 7, 8, 9 and 10 need to be revised to delete all references to any type of oil (virgin, No.2, distillate, etc.) and replace those references with the words "natural gas." The staff report at page 4 states that the SUP conditions "require state of the art air quality enhancements and best management practices that will address air emissions and odors (not addressed in the current permit)." Page 30 of the staff's presentation at the September 26, 2006 City Council work session states that "70-90% of asphalt plants burn Natural Gas."

Accordingly, since the stated goal of the SUP conditions with respect to air emissions is to adopt "state of the art air quality enhancements and best management practices" and since "70-90% of asphalt plants burn Natural Gas" it is logical that VAP should be required to refrain from using oil (which is known to produce heavy metals and dioxins when burned) and use natural gas which is much cleaner and is now an industry best practice.

Conditions 16, 39, 40 and 42.

These conditions all relate to upgrades for trucks. Page 10 of the staff report states that VAP has "20 trucks in its fleet and 20 trucks are operated by independent companies." All trucks must be required to abide by conditions 16, 39, 40 and 42 otherwise these provisions will not meet the stated purposes of these items since 50% of the trucks will not be subject to them. VAP can be required not to allow any trucks onto its property that do not have the upgrades noted in conditions 16, 39, 40 and 42. In fact, Ms. Gibbs said at the October 3rd Planning Commission hearing that VAP had turned away trucks that hadn't met some specific condition they had wanted all trucks to abide by.

Conditions 28, 28a and 28b.

Condition 28 needs revision given that the air quality modeling done in March 2006 by AERO Engineering Services shows (See page 1 and Table 3-1) that VAP is exceeding the current annual PM2.5 standard of 15ug/m3. A new second to last sentence in condition 28 needs to be added that would state, "VA Paving shall be required to demonstrate by November 30, 2006 that the facility is not causing exceedance of the annual PM2.5 standard of 15 ug/m3 and, if it is, it must cease all operations until it submits a plan to eliminate the exceedance of the annual PM2.5 standard and has such plan approved by T&ES. "

With respect to conditions 28a and 28b, both are unacceptable since they expose children for three years to extremely harmful PM2.5 coming from VAP. Both data in the Cambridge and AERO reports show that VAP, even after all upgrades contemplated in the SUP conditions are done, will exceed the new 24-hour

EPA PM2.5 standard of 35 ug/m3 by almost 100%. No studying is required to determine if VAP is and will be in noncompliance with the new PM2.5 standard – it will not. We already have that information in these two reports. Accordingly, conditions 28a and 28b need to be deleted in their entirety and in their place inserted, "VA Paving shall be required to submit a plan to eliminate the exceedance of EPA's new 24-hour PM2.5 standard of 35 ug/m3 and have that plan approved by T&ES no later than December 31, 2006. If the plan submitted is not approved by T&ES, then VA Paving shall cease all operations until such plan is approved by T&ES."

Based on numerous studies, poor air quality affects to a much greater degree the old, those with pulmonary problems and young children (since they do not have fully complete immune systems). Therefore, the CSCA is hopeful that you or members of the Planning Commission and City Council will take much more care before exposing Alexandria's children to PM2.5 which the EPA news release says causes "premature deaths, heart attacks" and "aggravated asthma" in "people with heart and lung disease."

Condition 27.

Condition 27 is arguably the most important enforcement provisions yet its scope is narrowed to just air quality issues. Item 27 should be listed as one of the "Enforcement" provisions set forth at pages 41 and 43 of the staff report as the October 3, 2006 memo from you states will be done.

In addition, this item should spell out that it covers "public nuisances such as but not limited to odor, dust and noise", to "public health problems, including but not limited to Fire Code and Virginia and City water and air pollution regulations."

Given that VAP has violated the Clean Air Act and was cited by the City Attorney's office in October 2004 for 22 violations serious enough to close the plant (only 15 of those violations – those dealing with the Fire Code – have been fixed to date), a timeline needs to be set forth in this condition with respect to when "the City of Alexandria" is to make a finding of a public nuisance or health problem and that timeline should be no longer than 10 days after "discovery" of the public nuisance or health problem.

Also, it should be spelled out which government official will make a determination that something is a public nuisance or health problem since the condition now only says it will be the "City of Alexandria." We would suggest that the "Director of T&ES, in consultation with the Director of the Alexandria Health Department" ("AHD") be given the responsibility for determining if there is a public nuisance or health problem. There should also be a very specific time period for all activity needed by the City to be completed for the plant to have to cease operations until satisfactory corrections are made and that period should be no more than 30 days.

Condition 61.

Should any deadline in any of the conditions be missed regardless of the circumstances, a daily monetary fine of \$10,000 a day should be imposed such as is the case for most contractors. In addition, failure to comply with conditions 13 and 14, as well as is currently proposed for conditions 11, 12, 17 and 18, should result in cessation of not only nighttime operations but all operations.

PROPOSED ADDITIONAL SUP CONDITIONS

1. Companies such as asphalt plants should not be allowed to operate on Code Red days and other jurisdictions have imposed such requirements. Further, it is the CSCA's understanding that there have been only two Code Red days in the last year. Accordingly, a new condition should be adopted stating that "VA Paving shall not produce asphalt during any time on dates that the Air Quality Index value for Alexandria/Region ('AQI') exceeds 151 (Codes Red, Purple and Maroon) for ozone and particulate matter, as identified on EPA's AIRNow web site. The Department of T&ES shall on a quarterly basis review VA Paving's daily production records to ensure that VA Paving did not produce asphalt at any time on days when the AQI exceeds 151 and a \$100,000 penalty shall be imposed on VA Paving for each and every such violation." There is no reason this condition cannot be added since all construction contracts have a weather/act of God clause and this condition would meet such a contract condition.

2. Penalties in the form of revocation of its SUP should be imposed on VAP if it is found to be falsifying records required to be kept under any of the conditions.

3. A sunset provision should be included requiring VA Paving to cease all operations and move from its present location within ten years. It is the CSCA's understanding that Virginia Concrete has a sunset provision in its SUP so that this is something the City has done in the past. In addition, owing to the continuous nuisance that VA Paving has been causing for over six years with respect to odor, dust and noise, it may be in violation of the Zoning Ordinance (Sections 4-1201 and 4-1206 (B)) since it has "negatively impact[ed] adjacent neighborhoods" and has conducted its operations in a manner as to violate the use limitations prohibiting "dust...odor...noise..." It may also be in violation of its current SUP provision (which the staff cribbed from for item 27) which states that "In the event the plant is found to be creating a public nuisance or a public health problem, operations will be suspended by the company until satisfactory corrections are made..." VAP is also in exceedance of the current PM2.5 65ug/m3 standard and will be in exceedance of the new 35ug/m3 PM2,5 standard. As if this wasn't enough, VAP was cited by EPA in 2004 for two violations of the Clean Water Act and the City Attorney's office cited them for a total of 22 violations in 2004. For all the foregoing reasons, it would be prudent to include a sunset provision for a company such as this that has had a history of violating the law.

Respectfully submitted,

Arthur Impastato
Member of the Board
Cameron Station Civic Association
aimpastato@earthlink.net

Attachment 2

Responses to Richard Ward and Arthur Impastato's Questions on Virginia Paving's Proposed Impacts (relayed by David Sullivan)

1. Meteorological data for the worst-case periods: Tables 1(a) through 1(e) (attached) shows selected meteorological data that occurred during each of the 24-hour periods for which PM10 impacts are highest for all of the Virginia Paving (VP) sources combined, for each of the years 2000 through 2004, respectively, for the proposed revised SUP scenario. These data show that the average wind speed ranges from 2.4 to 3.2 meters per second (about 5 to 6 miles-per-hour at the height of the National Weather Service's anemometer at Reagan National), and average wind direction ranges from 184 to 233 degree (winds from the south to southwest). Among the five years, the number of calm hours (wind speed and wind direction both equal to zero) during the 24-hour periods ranges from 1 to 8 for these five years.

While Mr. Ward and Mr. Impastato requested that 24-hour impacts be determined using a 1 mile per hour wind speed (equal to about ½ meter-per-second), that analysis is not possible due to inherent conflicts with air quality modeling tools; nor is it an analysis that is required by US EPA's air quality modeling guidelines. Inherent conflicts arise both out of the inability to run AERMOD in a screening mode (where one defines input wind direction and speed; AERMOD's screening version is not yet available for use by other than regulatory agencies)¹ and the inability to change the input wind speed to AERMOD without changing other surface parameters that are representative of, or concurrent with, very low wind speeds.

Additionally, experience with and recent review of recommended screening tools indicates that model simulation with wind speeds lower than 1.5 meter-per-second (about 3 miles-per-hour) is either not recommended or practical. For example, US EPA's SCREEN3² model's hard-coded minimum wind speed equals 1.5 meters per second. Additionally, for analysis of worst-case releases from toxic pollutants US EPA requires the use of a 1.5 meter-per-second wind speed as a "worst-case" condition.³ Previous experience with screening models that depend on integration of the equations of motion to propagate the plume indicates that when wind speeds lower than 1.5 meters-per-second are used as input, application of the model leads to back-tracking of the plume's motion, an unrealistic result that leads to inconclusive model results.

While the value of the threshold wind speed of the National Weather Services' anemometer at Reagan National may be the reason why wind speeds less than 1.5 meter-per-second are not present in the AERMOD surface meteorological data files, the inherent conflict between model integration algorithms and very low wind speed input may also be the explanation: the upstream AERMET preprocessor may identify wind speeds with values in this low wind speed range and set both the wind speed and direction for that hour equal to zero so that AERMOD then processes these data as calm conditions. Calm conditions are processed in AERMOD according to the procedure

¹ Conversation with Dennis Lohman, Meteorologist, US EPA Region III, July 31, 2006.

² www.epa.gov/ttn/scram. SCREEN3 is considered the screening version of ISC3.

³ www.epa.gov/owow/assess/assessments/transport/assess/assess.htm and www.epa.gov/ttn/scram

recommended by US EPA's "Guideline on Air Quality Models."⁴ This procedure responds to the difficulty in applying Gaussian dispersion models for very low wind speeds by disregarding these periods in the calculation of concentrations.

In its application of five years of meteorological data obtained from the nearest National Weather Service (NWS) station to evaluate the maximum potential ambient impacts from the proposed facility, this analysis conforms to recommended procedures detailed in US EPA's "Guideline on Air Quality Models." Meteorological observations from Reagan National are considered adequately representative of the conditions at the Virginia Paving site, due to the proximity between and similarity of terrain at the two sites, i.e., more specifically the absence of significant complex terrain at either site. By applying a five-year data set from a representative NWS site, variability in model estimates due to meteorological data input should be reduced.⁵

2. Soil Sampling (for dioxin compounds) and 3. Concerns regarding dioxin and other heavy molecular weight compounds:

Maximum potential emissions of total PCDD/PCDF (the sum of the total tetra through octa dioxin and furans) using US EPA's AP-42⁶ emission factors for hot mix asphalt plants were calculated (see the attached Table 2). Emissions were calculated only for the processes of the recycled fuel oil dryer, and for the hot oil heater system because US EPA does not provide PCDD/PCDF emission factors from the load-out, yard and storage silos, nor from vehicles (as detailed in US EPA's MOBILE6.2 mobile source emission factor model). For the proposed revised SUP scenario, maximum potential emissions equal 0.004 lbs per year. Ambient impacts of these emissions were not evaluated due to the absence of any Virginia Department of Environmental Quality (VDEQ) significant ambient air concentration (SAAC) guideline or US EPA Integrated Risk Information System⁷ standard of exposure for this class of pollutants.

4. Concerns regarding 2004 stack test data; and 5. Emissions from recycled fuel Oil:

AERO's analysis of the emissions and impacts for VP's proposed revised SUP used stack test data for only a limited number of sources at the site, and only for a limited number of pollutants from those sources. US EPA-reported emissions factors were used for the balance of all sources and pollutants. More specifically, stack test data were only used to calculate the short-term and annual emissions and impacts for PM₁₀, PM_{2.5}, CO, and VOCs from the counter-flow batch mix plants. The table below shows that US EPA factors were used for all other sources and pollutants.

⁴ "Appendix W to Part 51 - Guideline on Air Quality Models," 40 CFR Ch. 1 (7-1-03 Edition).

⁵ *Ibid.*

⁶ "AP-42, Fifth Edition, Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point and Volume Sources," (Section 11.1 Hot Mix Asphalt Plants Updated April, 2004), US EPA, at www.epa.gov/ttn/chief/ap42/ch11.

⁷ www.epa.gov/iris. At the IRIS site, US EPA provides chronic inhalation exposure levels that represent non-observed-adverse-effect levels for certain hazardous pollutants.

<u>Plant Source of Emissions</u>	<u>Pollutant</u>	<u>Emissions Based on:</u>	<u>Impacts Based on:</u>
Counterflow Dryers	PM ₁₀ and PM _{2.5}	Stack test (2005)	Stack tests (2005)
	Carbon monoxide	Stack test (2004)	Stack test (2004)
	NO ₂	Stack test (2004)	Stack tests (2004)
	SO ₂	Sulfur in fuel and AP-42 ⁸ factors.	Sulfur in fuel and AP-42 factors.
	VOCs	Stack test (2004), increased by more than 10%.	No impacts assessed (no ambient standard defined)
	Hazardous Air Pollutants	US EPA's AP-42	US EPA's AP-42
Heater	All pollutants:	US EPA's AP-42	US EPA's AP-42
Yard and Asphalt Load-out and Storage	All pollutants:	US EPA's AP-42	US EPA's AP-42
Aggregate Handling and Piles	All pollutants	US EPA's AP-42	US EPA's AP-42
Emissions from Vehicle Engines.	All pollutants:	US EPA's MOBILE 6.2 and US EPA's "Hot Mix..." Report ⁹	US EPA's MOBILE 6.2 and US EPA's "Hot Mix..." Re port.
Emissions from Roads due to Vehicles.	All pollutants:	US EPA's AP-42	US EPA's AP-42

The table below shows the maximum potential annual emissions of VOCs from all of the processes at the facility, calculated using two procedures: a) with US EPA's AP-42 emission factors for the asphalt plants, i.e., 0.044 lb per gallon of recycled fuel oil, and b) using the stack test results for each of the asphalt plants. Note that the emission factors that are applied for the stack test are slightly higher than the average results of the stack tests.¹⁰ For either calculation procedures, annual VOC emissions of the facility do not exceed major source permitting thresholds.

⁸ "AP-42, Fifth Edition, Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point and Volume Sources," (Section 11.1 Hot Mix Asphalt Plants Updated April, 2004), US EPA, at www.epa.gov/ttn/chiefl/ap42/ch11.

⁹ "Hot Mix Asphalt Plants Emission Assessment Report," prepared Emissions Monitoring and Analysis Division, Office of Air Quality Planning and Standards, US EPA, December, 2000.

¹⁰ "Source Sampling for Criteria Gaseous Pollutant Emissions Hot Mix Asphalt Plant," Virginia Paving Company August 25-27 2004.

Facility Processes	Annual VOCs (tons) Using Stack Test Data	Annual VOCs (tons) Using Strictly AP-42 Factors
Counter-flow mix plant and hot oil heater.	1.5	25.4
Yard, load-out, storage silos.	6.3 (no test data avail.)	6.3
Vehicles.	0.6 (no test data avail.)	0.6
Aggregate handling and piles.	0.	0.
Total Facility:	8.4	32.3
Major source threshold¹¹:	50	50

It is important to iterate that a) all impacts of hazardous air pollutants were calculated on the basis of US EPA's AP-42 emissions factors, not on stack test results, and b) the calculation of VOCs emissions is only used to provide an annual emission value that then determines what permitting requirements apply to the facility, and c) in this case, permitting requirements are no less stringent if stack test results are used for VOCs emission factors.

6. Formaldehyde: US EPA's AP-42 and MOBILE 6.2 emission factors for formaldehyde were applied to calculate maximum potential short-term and annual emissions from all processes for the proposed revised SUP scenario. Maximum annual potential impacts were then derived using AERMOD for the year 2002 (one of the years for which impacts are greatest for the asphalt plant sources, which contribute the larger of the formaldehyde-emitting sources' impacts). US EPA's National Air Toxics Assessment's estimates of regional ambient background levels of formaldehyde were added to the maximum facility impact. Note that the procedure whereby ambient levels of hazardous air pollutants are added to a sources' impacts before comparing to VDEQ significant ambient air concentration (SAAC) guidelines does not conform to VDEQ guidance, because the process to define SAAC guidelines levels includes factors that make the addition of background levels redundant.¹²

Table 3 (attached) shows maximum potential impacts for formaldehyde, including estimated background levels, for the proposed revised SUP scenario. Maximum potential impacts of formaldehyde for the facility, calculated using US EPA-recommended emission factors, do not exceed the SAAC guidelines for formaldehyde.

7. Clayton and Cary Studies: (pending discussion of the emission factors and their applicability to VP's sources).

¹¹ "Regulations for the Control and Abatement of Air Pollution (9 VAC 5 Chapters 50/90), Commonwealth of Virginia, State Air Pollution Control Board, relayed by VDEQ's K. Sebastianski, July, 2006; described as "almost final," these regulations are expected to be published in the Virginia Register shortly and will at that time be labeled final.

¹² Conversation with Ken McBee, Air Quality Modeler, and Tamara Thompson, Permits Manager, of VDEQ, May 2006

Table 1a. SURFACE MET. DATA FOR WORST-CASE 24-HOUR IMPACTS OF PM10 - YEAR 2000

YR	MO	DY	JD	HR	SENS. HEAT FLUX	FRIC. VELOC	VEL. SCALE	POT. TMP GRAD.	HT CONV. BNDLAY	HT MECH LAYER	MONIN OB LEN	SURF. ROUGH. LEN.	BOWEN RATIO	ALBEDO	REF WIND SPD	WIND DIR.	WIND REF. HT	AMB. TMP	TMP. REF. HT.
0	1	1	1	1	-8.5	0.105	-9	-9	-999	79	12.4	0.58	1.19	1	1.5	171	10	278.1	2
0	1	1	1	2	-16.7	0.148	-9	-9	-999	130	17.3	0.58	1.19	1	2.1	198	10	277	2
0	1	1	1	3	-8.6	0.105	-9	-9	-999	79	12.4	0.58	1.19	1	1.5	204	10	276.4	2
0	1	1	1	4	-8.6	0.105	-9	-9	-999	79	12.3	0.58	1.19	1	1.5	203	10	275.9	2
0	1	1	1	5	-16.8	0.148	-9	-9	-999	130	17.3	0.58	1.19	1	2.1	183	10	275.9	2
0	1	1	1	6	-8.6	0.105	-9	-9	-999	79	12.3	0.58	1.19	1	1.5	202	10	275.9	2
0	1	1	1	7	-34.2	0.392	-9	-9	-999	565	159.7	0.58	1.19	1	3.1	205	10	276.4	2
0	1	1	1	8	-14.5	0.25	-9	-9	-999	299	97.8	0.58	1.19	1	2.1	203	10	275.9	2
0	1	1	1	9	-5.7	-9	-9	-9	-999	-999	-99999	0.56	1.2	0.52	0	0	10	276.4	2
0	1	1	1	10	3	-9	-9	-9	5	-999	-99999	0.56	1.2	0.4	0	0	10	277	2
0	1	1	1	11	70.5	-9	-9	-9	78	-999	-99999	0.56	1.2	0.36	0	0	10	278.1	2
0	1	1	1	12	16.7	0.238	0.345	0.017	89	267	-73	0.58	1.19	0.34	1.5	166	10	280.4	2
0	1	1	1	13	76.7	0.272	0.762	0.015	208	326	-23.6	0.58	1.19	0.34	1.5	153	10	282.5	2
0	1	1	1	14	67.8	0.534	0.772	0.005	245	898	-203	0.58	1.19	0.35	3.6	169	10	285.4	2
0	1	1	1	15	46.4	0.333	0.702	0.009	270	474	-72.1	0.58	1.19	0.38	2.1	202	10	285.9	2
0	1	1	1	16	0.1	0.436	0.091	0.006	269	661	-8888	0.58	1.19	0.46	3.1	174	10	284.2	2
0	1	1	1	17	-24.5	0.486	-9	-9	-999	777	421.2	0.58	1.19	0.68	3.6	181	10	284.2	2
0	1	1	1	18	-39.4	0.701	-9	-9	-999	1349	789.6	0.58	1.19	1	5.1	167	10	283.8	2
0	1	1	1	19	-40.1	0.471	-9	-9	-999	792	234.7	0.58	1.19	1	3.6	194	10	282.5	2
0	1	1	1	20	-999	-9	-9	-9	-999	-999	-99999	0.56	1.2	1	0	0	10	283.1	2
0	1	1	1	21	-14.3	0.251	-9	-9	-999	289	100	0.58	1.19	1	2.1	170	10	280.4	2
0	1	1	1	22	-18.7	0.219	-9	-9	-999	236	50.7	0.58	1.19	1	2.1	182	10	281.4	2
0	1	1	1	23	-999	-9	-9	-9	-999	-999	-99999	0.56	1.2	1	0	0	10	280.9	2
0	1	1	1	24	-18.7	0.219	-9	-9	-999	236	50.7	0.58	1.19	1	2.1	170	10	281.4	2
AVERAGE WIND SPEED (METERS PER SECOND), DIRECTION (DEGREES) = :															2.4	184.1			
NUMBER OF CALMS =															5				

Table 1b. SURFACE MET. DATA FOR WORST-CASE 24-HOUR IMPACTS OF PM10 - YEAR 2001

YR	MON	DAY	JD	HR	SENS. HEAT FLUX	FRIC. VELOC	VEL. SCALE	POT. TMP GRAD.	HT CONV. BNDLAY	HT MECH LAYER	MONIN OB LEN	SURF. ROUGH. LEN.	BOWEN RATIO	ALBEDO	REF WIND SPD	WIND DIR.	WIND REF. HT	AMB. TMP	TMP. REF. HT.	
1	10	20	293	1	-14.9	0.264	-9	-9	-999	312	112.2	0.65	1.21	1	2.1	206	10	283.8	2	
1	10	20	293	2	-20.2	0.237	-9	-9	-999	266	69.9	0.67	1.11	1	2.1	230	10	283.1	2	
1	10	20	293	3	-8.8	0.11	-9	-9	-999	93	13.6	0.65	1.21	1	1.5	190	10	284.2	2	
1	10	20	293	4	-8.9	0.111	-9	-9	-999	85	13.8	0.67	1.11	1	1.5	246	10	282.5	2	
1	10	20	293	5	-9	0.111	-9	-9	-999	85	13.8	0.67	1.11	1	1.5	244	10	281.4	2	
1	10	20	293	6	-20.3	0.237	-9	-9	-999	265	59.2	0.67	1.11	1	2.1	240	10	281.4	2	
1	10	20	293	7	-8.9	0.111	-9	-9	-999	94	13.9	0.67	1.11	0.68	1.5	245	10	281.4	2	
1	10	20	293	8	20	0.332	0.247	0.005	27	441	-165.9	0.67	1.11	0.32	2.1	220	10	283.8	2	
1	10	20	293	9	87.5	0.427	0.647	0.005	112	642	-80.6	0.65	1.21	0.21	2.6	194	10	285.9	2	
1	10	20	293	10	136.9	0.507	0.89	0.005	185	829	-85.9	0.65	1.21	0.18	3.1	167	10	288.1	2	
1	10	20	293	11	175.4	0.648	1.081	0.005	260	1198	-140.1	0.65	1.21	0.16	4.1	164	10	291.4	2	
1	10	20	293	12	195.8	0.379	1.601	0.005	758	605	-25.2	0.59	1.31	0.18	2.1	116	10	294.2	2	
1	10	20	293	13	191.4	-9	-9	-9	1228	-999	-99999	0.63	1.21	0.17	0	0	10	295.4	2	
1	10	20	293	14	175.4	-9	-9	-9	1337	-999	-99999	0.63	1.21	0.17	0	0	10	296.4	2	
1	10	20	293	15	135.3	0.64	1.744	0.005	1419	1176	-174.7	0.65	1.21	0.18	4.1	174	10	295.9	2	
1	10	20	293	16	76.8	0.694	1.462	0.005	1473	1329	-393.9	0.65	1.21	0.23	4.6	172	10	294.9	2	
1	10	20	293	17	0.9	0.527	0.338	0.005	1468	906	-8888	0.65	1.21	0.38	3.6	173	10	293.1	2	
1	10	20	293	18	-43.6	0.398	-9	-9	-999	591	130.5	0.65	1.21	1	3.1	171	10	290.9	2	
1	10	20	293	19	-21.2	0.202	-9	-9	-999	242	35.3	0.65	1.21	1	2.1	208	10	290.4	2	
1	10	20	293	20	-8.9	0.11	-9	-9	-999	90	13.4	0.65	1.21	1	1.5	156	10	289.2	2	
1	10	20	293	21	-20.9	0.189	-9	-9	-999	189	29.2	0.65	1.21	1	2.1	196	10	288.8	2	
1	10	20	293	22	-9.1	0.111	-9	-9	-999	87	13.6	0.67	1.11	1	1.5	219	10	288.1	2	
1	10	20	293	23	-9.1	0.111	-9	-9	-999	85	13.6	0.67	1.11	1	1.5	235	10	287.5	2	
1	10	20	293	24	-20.8	0.187	-9	-9	-999	188	28.4	0.65	1.21	1	2.1	207	10	287	2	
AVERAGE WIND SPEED (METERS PER SECOND), DIRECTION (DEGREES) = :																2.4	198.8			

NUMBER OF CALMS =

2

Table 1c. SURFACE MET. DATA FOR WORST-CASE 24-HOUR IMPACTS OF PM10 - YEAR 2002

3 8.03N 7 7.13W UA ID: 937 34 SF ID: 13743 OS ID: 0 VE RSION 4300

2	MO	DY	JD	HR	SENS. HEAT FLUX	FRIC. VELOC	VEL. SCALE	POT. TMP GRAD.	HT CONV. BNDLAY	HT MECH LAYER	MONIN OB LEN	SURF. ROUGH. LEN.	BOWEN RATIO	ALBEDO	REF WIND SPD	WIND DIR.	WIND REF. HT	AMB. TMP	TMP. REF. HT.
2	12	7	341	1	-16.8	0.147	-9	-9	-999	129	16.9	0.57	1.11	1	2.1	246	10	268.8	2
2	12	7	341	2	-16.8	0.147	-9	-9	-999	129	16.9	0.57	1.11	1	2.1	230	10	268.8	2
2	12	7	341	3	-8.7	0.105	-9	-9	-999	79	12.2	0.58	1.19	1	1.5	200	10	268.1	2
2	12	7	341	4	-32.6	0.286	-9	-9	-999	352	65	0.57	1.11	1	2.6	216	10	267.5	2
2	12	7	341	5	-8.7	0.105	-9	-9	-999	110	12.2	0.58	1.19	1	1.5	204	10	267.5	2
2	12	7	341	6	-32.6	0.286	-9	-9	-999	352	65	0.57	1.11	1	2.6	230	10	267.5	2
2	12	7	341	7	-16.5	0.147	-9	-9	-999	140	17.2	0.57	1.11	1	2.1	225	10	267	2
2	12	7	341	8	-8.3	0.105	-9	-9	-999	78	12.6	0.57	1.11	0.74	1.5	230	10	265.9	2
2	12	7	341	9	4.4	0.439	-9	-9	-999	668	-1724.5	0.58	1.19	0.48	3.1	204	10	267	2
2	12	7	341	10	46.3	0.66	-9	-9	-999	1234	-562.3	0.58	1.19	0.39	4.6	187	10	269.9	2
2	12	7	341	11	74.4	0.598	-9	-9	-999	1069	-259.7	0.57	1.11	0.35	4.1	234	10	272	2
2	12	7	341	12	89.8	0.602	-9	-9	-999	1075	-219.8	0.57	1.11	0.34	4.1	226	10	273.8	2
2	12	7	341	13	93	0.608	-9	-9	-999	1086	-216.7	0.58	1.19	0.34	4.1	189	10	274.9	2
2	12	7	341	14	71.1	0.601	-9	-9	-999	1071	-275.1	0.58	1.19	0.35	4.1	194	10	275.4	2
2	12	7	341	15	40.6	0.878	-9	-9	-999	1891	-1508.1	0.58	1.19	0.39	6.2	184	10	275.9	2
2	12	7	341	16	-4.1	0.711	-9	-9	-999	1412	7959.5	0.57	1.11	0.48	5.1	212	10	276.4	2
2	12	7	341	17	-59.1	0.532	-9	-9	-999	927	230.4	0.57	1.11	0.74	4.1	213	10	275.9	2
2	12	7	341	18	-33.3	0.286	-9	-9	-999	415	63.7	0.58	1.19	1	2.6	201	10	274.2	2
2	12	7	341	19	-16.8	0.148	-9	-9	-999	152	17.2	0.58	1.19	1	2.1	208	10	274.9	2
2	12	7	341	20	-62.2	0.534	-9	-9	-999	896	220.7	0.58	1.19	1	4.1	196	10	273.8	2
2	12	7	341	21	-33.1	0.284	-9	-9	-999	404	62.4	0.57	1.11	1	2.6	216	10	273.8	2
2	12	7	341	22	-33.1	0.284	-9	-9	-999	348	62.4	0.57	1.11	1	2.6	219	10	273.8	2
2	12	7	341	23	-52.8	0.453	-9	-9	-999	701	159.1	0.57	1.11	1	3.6	215	10	273.8	2
2	12	7	341	24	-999	-9	-9	-9	-999	-999	-99999	0.56	1.2	1	0	0	10	273.8	2

AVERAGE WIND SPEED (METERS PER SECOND), DIRECTION (DEGREES) = :

3.2 212.1

NUMBER OF CALMS =

1

Table 1d. SURFACE MET. DATA FOR WORST-CASE 24-HOUR IMPACTS OF PM10 - YEAR 2003

3 8.03N 7 7.13W UA ID: 937 34 SF ID: 13743 OS ID: 0 V ERSK 4300

YR	MO	DY	JD	HR	SENS. HEAT FLUX	FRIC. VELOC	VEL. SCALE	POT. TMP GRAD.	RT CONV. BNDLAY	RT MECH LAYER	MONIN OB LEN	SURF. ROUGH. LEN.	BOWE N RATIO	ALBEDO	REF WIND SPD	WIND DIR.	WIND REF. HT	AMB. TMP	TMP. REF. HT.	
3	12	31	365	5	-16.7	0.147	-9	-9	-999	129	17.1	0.57	1.11	1	2.1	267	10	274.2	2	
3	12	31	365	2	-16.7	0.147	-9	-9	-999	129	17.1	0.57	1.11	1	2.1	252	10	274.2	2	
3	12	31	365	3	-8.5	0.105	-9	-9	-999	78	12.2	0.57	1.11	1	1.5	265	10	274.2	2	
3	12	31	365	4	-999	-9	-9	-9	-999	-999	-99999	0.56	1.2	1	0	0	10	274.2	2	
3	12	31	365	5	-999	-9	-9	-9	-999	-999	-99999	0.56	1.2	1	0	0	10	273.8	2	
3	12	31	365	6	-999	-9	-9	-9	-999	-999	-99999	0.56	1.2	1	0	0	10	273.8	2	
3	12	31	365	7	-8.3	0.105	-9	-9	-999	78	12.5	0.57	1.11	1	1.5	223	10	273.1	2	
3	12	31	365	8	-32.2	0.288	-9	-9	-999	355	66.9	0.57	1.11	1	2.6	244	10	272	2	
3	12	31	365	9	-7.8	0.351	-9	-9	-999	478	503.2	0.57	1.11	0.52	2.6	243	10	274.2	2	
3	12	31	365	10	32.6	0.326	-9	-9	-999	428	-95.7	0.58	1.19	0.4	2.1	209	10	277	2	
3	12	31	365	11	70.1	0.8	-9	-9	-999	1070	-278.9	0.58	1.19	0.36	4.1	203	10	278.1	2	
3	12	31	365	12	86.1	0.667	-9	-9	-999	1250	-311.1	0.57	1.11	0.34	4.6	210	10	280.4	2	
3	12	31	365	13	89.2	0.667	-9	-9	-999	1254	-301.2	0.57	1.11	0.34	4.6	213	10	281.4	2	
3	12	31	365	14	77.3	0.534	-9	-9	-999	914	-178.1	0.57	1.11	0.35	3.6	221	10	282.5	2	
3	12	31	365	15	44	0.874	-9	-9	-999	1878	-1369.9	0.57	1.11	0.38	6.2	225	10	282.5	2	
3	12	31	365	16	4.9	0.644	-9	-9	-999	1247	-4948.3	0.57	1.11	0.46	4.6	224	10	282	2	
3	12	31	365	17	-62.5	0.61	-9	-9	-999	1100	328	0.57	1.11	0.68	4.6	230	10	280.9	2	
3	12	31	365	18	-58	0.533	-9	-9	-999	901	235.8	0.57	1.11	1	4.1	227	10	279.9	2	
3	12	31	365	19	-31.6	0.291	-9	-9	-999	414	70.4	0.57	1.11	1	2.6	233	10	280.4	2	
3	12	31	365	20	-16.5	0.147	-9	-9	-999	151	17.3	0.57	1.11	1	2.1	237	10	280.9	2	
3	12	31	365	21	-32.7	0.288	-9	-9	-999	351	64.6	0.57	1.11	1	2.6	239	10	279.2	2	
3	12	31	365	22	-16.5	0.147	-9	-9	-999	140	17.2	0.57	1.11	1	2.1	252	10	279.9	2	
3	12	31	365	23	-16.5	0.147	-9	-9	-999	129	17.2	0.57	1.11	1	2.1	244	10	278.8	2	
3	12	31	365	24	-16.5	0.147	-9	-9	-999	129	17.2	0.57	1.11	1	2.1	238	10	278.8	2	
AVERAGE WIND SPEED (METERS PER SECOND), DIRECTION (DEGREES) = :															3.1		233.3			
NUMBER OF GALMS =															3					

Table 1e. SURFACE MET. DATA FOR WORST-CASE 24-HOUR IMPACTS OF PM10 - YEAR 2004

YR	MO	DAY	JD	HR	SENS. HEAT FLUX	FRIC. VELOC	VEL. SCALE	POT. TMP GRAD.	HT CONV. BNDLAY	HT MECH LAYER	MONIN OB LEN	SURF. ROUGH. LEN.	BOWEN RATIO	ALBEDO	REF WIND SPD	WIND DIR.	WIND REF. HT	AMB. TMP	TEMP. REF. HT.										
4	10	7	281	1	-21.2	0.189	-9	-9	-999	189	28.7	0.67	1.11	1	2.1	235	10	283.8	2										
4	10	7	281	2	-35	0.31	-9	-9	-999	398	77.3	0.67	1.11	1	2.6	229	10	283.1	2										
4	10	7	281	3	-9.1	0.111	-9	-9	-999	127	13.5	0.67	1.11	1	1.5	220	10	283.8	2										
4	10	7	281	4	-9.1	0.111	-9	-9	-999	85	13.5	0.67	1.11	1	1.5	241	10	283.1	2										
4	10	7	281	5	-9.1	0.111	-9	-9	-999	85	13.5	0.67	1.11	1	1.5	246	10	283.1	2										
4	10	7	281	6	-999	-9	-9	-9	-999	-999	-99999	0.63	1.21	1	0	0	10	283.8	2										
4	10	7	281	7	-999	-9	-9	-9	-999	-999	-99999	0.63	1.21	0.58	0	0	10	283.8	2										
4	10	7	281	8	29.6	-9	-9	-9	36	-999	-99999	0.63	1.21	0.29	0	0	10	285.9	2										
4	10	7	281	9	99.3	0.423	0.708	0.006	129	633	-68.9	0.61	1.21	0.21	2.6	357	10	289.2	2										
4	10	7	281	10	155.8	0.375	0.964	0.007	207	529	-30.5	0.61	1.21	0.18	2.1	30	10	292	2										
4	10	7	281	11	194.1	0.305	1.271	0.008	382	390	-13.2	0.61	1.21	0.17	1.5	51	10	293.8	2										
4	10	7	281	12	214.8	-9	-9	-9	602	-999	-99999	0.63	1.21	0.16	0	0	10	295.4	2										
4	10	7	281	13	213.7	-9	-9	-9	795	-999	-99999	0.63	1.21	0.16	0	0	10	295.9	2										
4	10	7	281	14	193.8	0.311	1.727	0.007	962	398	-14	0.65	1.21	0.16	1.5	129	10	295.9	2										
4	10	7	281	15	153.2	0.643	1.652	0.008	1066	1187	-157.1	0.65	1.21	0.17	4.1	193	10	295.9	2										
4	10	7	281	16	100.9	0.564	1.462	0.008	1121	982	-160.8	0.65	1.21	0.2	3.6	195	10	295.4	2										
4	10	7	281	17	30.4	0.611	0.986	0.008	1141	1098	-679	0.65	1.21	0.31	4.1	178	10	294.2	2										
4	10	7	281	18	-48.7	0.485	-9	-9	-999	790	211.5	0.65	1.21	0.66	3.6	204	10	292	2										
4	10	7	281	19	-34.1	0.314	-9	-9	-999	426	81.7	0.67	1.11	1	2.6	240	10	293.1	2										
4	10	7	281	20	-32.8	0.312	-9	-9	-999	402	83.9	0.65	1.21	1	2.6	207	10	289.9	2										
4	10	7	281	21	-8.9	0.11	-9	-9	-999	128	13.5	0.65	1.21	1	1.5	205	10	290.9	2										
4	10	7	281	22	-9	0.111	-9	-9	-999	85	13.7	0.67	1.11	1	1.5	214	10	289.2	2										
4	10	7	281	23	-999	-9	-9	-9	-999	-999	-99999	0.63	1.21	1	0	0	10	288.1	2										
4	10	7	281	24	-999	-9	-9	-9	-999	-999	-99999	0.63	1.21	1	0	0	10	287.5	2										
AVERAGE WIND SPEED (METERS PER SECOND), DIRECTION (DEGREES) = :																													
NUMBER OF CALMS =																													

e 2. Plant Dryers, Lime Silo and Asphalt Cement Heaters - Maximum Potential Dioxin Emissions for Proposed Scenario.

In emissions assumed equal to zero for all other plant processes, because
 LE6 lists no PCDD/PCDF emissions and AP-42 lists not PCDD/PCDF
 emissions for load-out.)

	Short-term Factors (AP-42.1)						(AP-42.2)					
	PCDD/PCDFs (AP-42 value assumes no control)						PCDD/PCDFs (AP-42 value assumes no control)					
	lb/ton						lb/ton					
Dryer 1	3.0E-09	0	0	0	0	0	3.0E-09	0	0	0	0	0
Dryer 2	3.0E-09	0	0	0	0	0	3.0E-09	0	0	0	0	0
	lb/1000 gals						lb/1000 gals					
Htr 1	--	--	--	--	--	--	--	--	--	--	--	--
Htr1or2	2.3E-07	0	0	0	0	0	2.3E-07	0	0	0	0	0

	Rating, tons		Annual Limits		Type of Cntr	Stack Parameters(a)			
	Per hr	Per day	tpy or gpy	App. Cap.		dscf/hr	Tem	Dia.	Vel.
							at 75% load(a)	K	m.
Dryer (a)	600	6000	720,000	0.14	Bag.	2040354	364	1.66	7.41
Dryer (a)	400	4000	480,000	0.14	Bag.	698504	366	1.25	4.48
Silo	25 tons	6,000	no emissions -- process not used.						
	Rating		#2 Fuel Oil (gal/yr)	#2 Fuel Oil (gal/yr)	rain cap in place	589	0.43	0.001	
Hot Oil	MMBtu/hr	MMBtu/hr	0	25,000					no data

PCDD/PCDFs	Maximum Short-term Rates - gpc						Annual Rates - gpc					
	2.3E-07	0	0	0	0	0	3.1E-06	0	0	0	0	0
	1.6E-07	0	0	0	0	0	2.1E-06	0	0	0	0	0
	--	--	--	--	--	--	--	--	--	--	--	--
	1.2E-06	0	0	0	0	0	0	0	0	0	0	0
	--	--	--	--	--	--	--	--	--	--	--	--
Total tons per year:	1.3E-05	0	0	0	0	0	1.6E-06	0	0	0	0	0
Total lbs per year:	0.03	0	0	0	0	0	0.004	0	0	0	0	0

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1 T. 11.1-10 for waste-fuel-oil dryers, with no controls, and Table 11.1-13 for hot oil system fired w. no 2 oil (no waste fuel factor available).

Table 3. Maximum Potential Impacts of HAPs for Year 2002 vs. SAAC Guidelines (micrograms per cubic meter)
Proposed SUP Scenario

Facility Process ^(a)	formaldehyde		acrolein		1,3 butadiene		benzene		acetaldehyde		quinone		lead ^(h,j)	
	1-hour	annual (f)	1-hour	annual	1-hour	annual	1-hour	annual	1-hour	annual	1-hour	annual	1-hour	annual
Plant Dryer Stacks(a)	22.0	0.230	0.18	0.014	--	--	2.80	0.22	9.1	0.7	9.1	0.72	0.10	0.009
Heater	1.3	0.005	--	--	--	--	0.01	0.000	--	--	--	--	0.04	0.001
Load-out, Yard, Storage Silos	0.6	0.003	--	--	--	--	0.04	0.002	--	--	--	--	--	--
Unpaved Roads and Agg. Handling	1.3	0.010	0.10	0.004	0.04	0.002	1.00	0.04	0.81	0.03	--	--	--	--
Vehicles on Paved Roads	1.0	0.015	0.05	0.002	0.08	0.003	0.13	0.01	0.38	0.02	--	--	--	--
Material Storage Piles(b)	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total Facility Impact	22.6	0.24	0.200	0.016	0.09	0.004	2.9	0.22	9.3	0.7	9.1	0.70	0.11	0.007
Location of Maximum, meters	(230,193)	(50,175)	(230,193)	(50,108)	(-25,-75)	(75,-43)	(230,193)	(50,175)	(230,193)	(50,175)	(230,193)	(50,175)	(230,193)	(50,175)
Annual Background Value	--	1.96	--	0.18	--	0.13	--	2.0	--	1.1	--	4.5E-08	--	0.01
Total Maximum Impact^(c,d)	22.6	2.2	0.20	0.20	0.09	0.134	2.9	2.2	9.3	1.8	9.1	0.70	0.11	0.02
DEQ SAAC Guideline	62.5	2.4	17.3	0.48	1100	44	1600	64	6750	360	22	0.8	7.5	0.3

Notes:

(a) Dryer stacks also emit HCL. However, the ratio between emission rate to standard is more than two orders of magnitude less for HCL than it is for formaldehyde. Therefore, if the facility complies for formaldehyde, the facility complies for HCL.

(b) Material storage piles do not emit HAPs.

(c) Annual background concentrations are shown within the annual 'total maximum impact.' While monitoring results of HAPs are scarce, the US EPA's National Air Toxics Assessment program estimated modeled annual background concentrations of HAPs. This program's results for estimated ambient levels of HAPs in Arlington (results for Alexandria were not used for NATA), in micrograms per cubic meter, equal 1.96 for formaldehyde, 0.18 for acrolein, 0.13 for 1,3 butadiene, 2.0 for benzene, 1.1 for acetaldehyde, 4.5e-8 for quinone, and 0.013 for lead compounds, respectively. Short-term background HAP levels are not included here.

(d) For all pollutants except formaldehyde, annual impacts were derived using 1-hour rates; therefore, these results overstate maximum impacts for all processes.

(e) SAAC guidelines based on 1991/1992 TLVs and STEL's. These values are generally much less protective than SAAC guidelines based on 2005 TLVs and STELs.

(f) Values for lead are for the year 2000. Variation between the five years is much less than the difference between this maximum value and the standard.

(g) Values are shown only for processes with emissions of each particular pollutant.

(h) All impacts were modeled using hourly rates and monthly averages. Therefore, impacts presented here overstate expected quarterly impacts.

Attachment 3

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Alexandria, VA 22308
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703-780-4986 (fax)
selli_suv@ix.netcom.com

Sullivan Environmental

March 29, 2006

Ms. Mindy Lyle, President
Cameron Station Civic Association, Inc.
5235 Tancetti Lane
Alexandria, VA 22304

Regarding: *"Results of an Emission and Air Dispersion Modeling Study and Public Health Evaluation of the Virginia Paving Facility, Alexandria, Virginia"*

Dear Ms. Lyle:

Sullivan Environmental forwarded our comments to Virginia Paving on January 20, 2006 concerning the above referenced modeling analysis. In our comments, we identified several questions regarding the procedures followed in the modeling. In summary, we found the modeling methods to be generally sound and consistent with standard EPA modeling practice. Our questions primarily related to fugitive particulate emissions.

We have reviewed responses to our questions, which have been provided to us by Michael Ames of Cambridge Environmental. As you are aware, our most significant concern involved the overall adequacy of the modeling analysis relative to the "baseline" period in August 2004 when measured (limited) air quality data were available in the vicinity of Virginia Paving. The modeled concentrations for the baseline period were observed to be low compared to typical background levels for PM_{10} in the region. One complication of this review was that the special monitoring conducted in August 2004 did not correspond to the standard particulate sampling days covered by the regional PM_{10} monitors. Mr. Ames responded to our comment regarding "baseline" by conducting a statistical analysis of daily $PM_{2.5}$ data from Lee District Park, where the data were matched in time to the special study conducted in August 2004, in comparison to regional data for August 2004. In my judgment, he persuasively demonstrated, based on factoring the available $PM_{2.5}$ data, that the regional data for the sampling days in August during the special study had significantly higher concentrations than typical background values. Based on this review, the incremental increase in nearby measured PM_{10} concentrations was found to be within the range of expected uncertainty.

Considering the above supplemental analysis, and also with consideration for the margin available between the maximum ambient modeled concentrations and the applicable PM_{10} standards,

It is my opinion that the modeling adequately represents expected impacts from this facility. Although the record demonstrates that it is my opinion that the fugitive dust emission rates could be refined, as stated in my comments¹ of January 20, 2006, I am not recommending that the modeling be repeated on that basis, however, because I do not anticipate that the differences in methods would significantly affect the conclusions regarding modeled concentrations relative to national ambient air quality standards.

In my judgment, the modeling has provided a sound basis to conclude that the revised operations proposed for Virginia Paving would not be expected to adversely affect air quality relative to applicable national ambient air quality standards. It should be noted, however, that potential nuisance effects were not evaluated as part of this review. Based on discussions with staff from Virginia Paving, and its consultants, it is my understanding that a three year plan is being put into effect to further reduce the potential for nuisance complaints, e.g. odors, dustfall, etc. I would recommend that ongoing dialogue be maintained between Virginia Paving and the nearby community to ensure that these steps are as successful in controlling nuisance issues as they are expected to be in controlling emissions relative to the national ambient air quality standards. In my opinion, it would be helpful to all parties involved if representative onsite wind speed and wind direction data were collected either at Virginia Paving, or at the future particulate monitoring site near Tucker Elementary School, to clarify wind flow in this localized area. If feasible, such information would be useful for interpreting localized measured particulate data and in resolving potential future complaints should they occur.

Please call me at (703) 780-4580 if you have any questions regarding these comments.

Sincerely,



David A. Sullivan
Certified Consulting Meteorologist

¹ We have since agreed, however, that our comment regarding the monitoring height of wind data at Reagan National Airport was incorrect. There was conflicting documentation regarding the monitoring height, and we have since confirmed that the value used by Cambridge Environmental is correct.

Attachment 4

(e) Following notice of the application in a newspaper of general circulation in the city, no person has requested the director to forward the application to city council.

(2) Where the director approves an application under this section 11-503(F), sections 11-503(A) through (E) shall not apply to the application. However, where such application is not approved by the director, it shall be subject to the same procedural requirements of any other application for a special use permit. The director is authorized to issue regulations governing administrative approvals issued under this section 11-503(F).

11-504 Considerations on review.

(A) The city council may approve the application, provided all regulations and provisions of law have been complied with, if it finds that the use for which the permit is sought:

- (1) Will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
- (2) Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- (3) Will substantially conform to the master plan of the city.

(B) In reviewing the application, the city council may take into consideration the following factors where it determines that such factors are relevant and such consideration appropriate:

- (1) Whether the proposed use will adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.
- (2) Whether the glare of vehicular and stationary lights will affect the established character of the neighborhood, and to the extent such lights will be visible from any residential zone, whether measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed.
- (3) Whether the street size and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.
- (4) Whether the location and type of signs and the relationship of signs to traffic-control is appropriate for the site and whether such signs will have an adverse effect on any adjacent properties.
- (5) Whether adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
- (6) Whether the proposed use will adequately provide for safety from fire hazards, and have effective measures of fire control.
- (7) Whether the proposed use will increase the hazard to adjacent property from flood, increased runoff or water damage.
- (8) Notwithstanding any other provisions of the city code, whether the proposed use will have noise characteristics that exceed the sound levels that are typical of permitted uses in the zone.
- (9) Whether the proposed use will interfere with any easements, roadways, rail

lines, utilities and public or private right-of-way.

(10) Whether the proposed use will have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.

(11) Whether the proposed use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable zone regulations. In determining whether the proposed use will so dominate the immediate neighborhood, consideration may be given to:

(a) The location, nature, height, mass and scale of buildings, structures, walls, and fences on the site; and

(b) The nature and extent of landscaping and screening on the site.

(12) Whether the proposed use will destroy, damage, detrimentally change or interfere with the enjoyment and function of any significant topographic or physical features of the site.

(13) Whether the proposed use will result in the destruction, loss or damage of any natural, scenic or historic feature of significance.

(14) Whether the proposed use otherwise complies with all applicable regulations of this ordinance, including lot size requirements, bulk regulations, use limitations, and performance standards.

(15) Whether off-street parking and loading areas will be provided in accordance with the standards set out in Article VIII of this ordinance, and whether such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect.

(16) Such other land use and land development considerations the city determines are appropriate and relevant to the application under review.

11-505 Conditions and restrictions. In approving a special use permit, the city council may impose any conditions and restrictions that it determines are necessary and desirable to ensure that the use will further those considerations enumerated in section 11-504. If imposed, such conditions shall become part of the legal requirements of the special use permit and violations of or failure to conform to such conditions shall constitute violations of this ordinance and constitute cause to revoke the permit.

11-506 Duration of valid permit.

(A) *Revocation and suspension.* After notice and a public hearing, the city council may revoke or suspend any special use permit approved by it upon proof that the holder of the permit has failed to comply with any law, including, without limitation, the conditions subject to which the special use permit was granted.

(B) *Termination of use.* A special use permit shall cease to be valid if the use for which such permit is granted is not operated for a continuous period of two years or more.

(C) *Commencement of use required.*