


City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 9, 2006

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: CONSIDERATION OF REPORT ON ENABLING CERTAIN SENSITIVE EVENING AND NIGHT PAVING PROJECTS TO BE SCHEDULED FOR THE SUMMER AND PERMITTING VIRGINIA PAVING TO OPERATE AFTER HOURS TO DO THIS WORK

ISSUE: Consideration of authorizing night paving of City arterial and major collector streets.

RECOMMENDATION: That City Council authorize the City Manager to:

- (1) Approve night paving of City arterial and collector streets, listed below, during the hours of 7:30 p.m. to 5:30 a.m. Sunday - Thursday nights this summer as part of the City's street paving program for FY 2007. The order of priority of the proposed work is provided in two tiers below.
- (2) Consider the following City paving projects and determine if staff should (a) proceed with night paving for Tier 1 projects only, or (b) proceed with night paving for the projects in both Tier 1 and Tier 2.

Tier 1 projects - highest priority (streets with high daytime traffic volume)

North Patrick Street from Queen Street to Second Street

Mount Vernon Avenue from Braddock Road to Commonwealth Avenue

Jefferson Davis Highway from Four Mile Run Bridge, City/Arlington County Line, South to E. Glebe

Tier 2 projects - medium priority

King Street from Cedar Street to Janney's Lane

Duke Street from Diagonal Road to Daingerfield Road

- (3) Issue a noise variance permit to the contractor for milling and paving at night;
- (4) Permit Virginia Paving to produce the asphalt necessary for this work between the hours of 7:30 p.m. and 5:30 a.m.; and

- (5) Note that the June 28, 2005 Council approval for Woodrow Wilson Bridge night paving is still in effect. The bridge paving is expected to take place in July, October and November.

DISCUSSION: Last month Virginia Paving requested that consideration of its special use permit be deferred until fall to enable them to work with the community on issues of concern (Attachment 1). Virginia Paving also noted that it would be necessary to ask Council to consider authorizing priority night-time operations for City projects as it did last June (Attachment 2).

Staff has identified the high and medium priority paving projects that are arterial and collector on streets that have high day-time traffic volumes.

For safety reasons, minimizing disruptions to residential neighborhoods and reducing traffic congestion, there is a need to pave arterial and collector streets in the City during night time hours. Washington, D.C., Arlington, and Fairfax Counties pave arterial streets at night.

Day time paving can only occur between the morning and evening rush hour traffic. This only allows approximately five hours per day of day time paving opposed to 10 hours for night time paving. Night time paving substantially reduces neighborhood disruption, is more cost effective because of lower paving contract costs, as well as lower traffic control set up costs and is safer to carry out with the significantly lower traffic volumes on the City's arterials and collector streets. The paving of the above referenced City streets will necessitate operation of the plant at night (Sunday-Thursday) for a period of two months most likely starting in late August.

This night time paving docket item is necessitated due to the deferral of Virginia Paving's special use permit application, as their request in their amended special permit was to allow night time work, including trucks entering and exiting the plant. Virginia Paving had requested this amendment to their existing 1960 special use permit which does not allow trucks to enter or leave the plant during the "hours of darkness." Over the past two years, staff from several departments (Planning & Zoning, Code Enforcement, T&ES, City Attorney, and RPCA) have been working with the applicant and the community in order to address a myriad of land use, environmental and quality of life issues. At the request of the community, Virginia Paving deferred the June hearings before the Planning Commission and City Council in order to include the additional dialogue with the community. A determination by Council on Virginia Paving's request to amend their existing special use permit is scheduled for September. During this period, this item, if approved, would be allowing night time paving for City projects.

Last June for the City's FY 2006 paving of City arterial streets Council also authorized night paving (see attached minutes, docket item, and letter, Attachments 3, 4 and 5). At that time Council also authorized night paving for Woodrow Wilson Bridge related paving projects. That authorization remains, so there will also be Woodrow Wilson Bridge related night time paving (and Virginia Paving night operations) in the months ahead. City staff has asked VDOT for a schedule, but has been told that it is too early for VDOT to know specifically when Woodrow Wilson Bridge night paving will be needed. However, VDOT has indicated there will need to be some night paving in July, and then some night paving in October and November.

FISCAL IMPACT: There is no additional cost to the City budget for night time paving. However if night time paving of the lighted arterial and collector streets was not authorized, then City paving contract and traffic control cost would increase above that budgeted.

ATTACHMENTS:

Attachment 1. Letter from Mary Catherine Gibbs to Planning and Zoning Director Eileen Fogarty dated May 19, 2006

Attachment 2. Memorandum from Assistant City Attorney Christopher Spera to City Manager James K. Hartmann dated May 19, 2006

Attachment 3. Excerpt of Minutes from the June 28, 2005 City Council meeting

Attachment 4. Docket item from June 28, 2005

Attachment 5. Letter from Mary Catherine Gibbs to the Mayor and Members of City Council dated June 28, 2005

STAFF:

Richard J. Baier, P.E., Director, Transportation & Environmental Services

Richard Josephson, Deputy Director, Planning & Zoning

Douglas McCobb, P.E., Deputy Director, Operations, Transportation & Environmental Services

Christopher Spera, Assistant City Attorney

HART, CALLEY, GIBBS & KARP, P.C.

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OF COUNSEL
CYRIL D. CALLEY

RETIRED
ROBERT L. MURPHY, 2001

May 19, 2006

Ms. Eileen Fogarty, Director
c/o Mr. Richard Josephson, Deputy Director
Department of Planning & Zoning
City Hall, Room 2100
Alexandria, Virginia 22314

Re: Special Use Permit #2005-0042
Virginia Paving Company, 5601 Courtney Ave.

Dear Mr. Josephson:

In response to the concerns that were made by the community during the public meeting held on May 15th, Virginia Paving Company requests that the above-referenced item be rescheduled from the June Planning Commission docket to the September Planning Commission docket. In our continuing commitment to be a good neighbor, Virginia Paving feels it would be appropriate to discuss its application and the extensive environmental testing already completed in more detail with the Community so that there is a better understanding of our operations and the benefits to the community from approval of our SUP application.

We look forward to continuing to work with your office over the summer.

Very truly yours,


Mary Catherine Gibbs


cc: Mr. Dennis Luzier, Assistant District Manager, Virginia Paving Company
Mr. Mark A. Schiller, District Manager, Virginia Paving Company
Mr. Jay Cruickshank, Vice President Legal and Safety, Lane Construction Corp.

City of Alexandria, Virginia

MEMORANDUM

DATE: May 19, 2006

TO: James K. Hartmann
City Manager

FROM: Christopher P. Spera 
Assistant City Attorney

SUBJECT: Deferral of Hearing re Amended SUP for Virginia Paving
Asphalt Plant, 5601 Courtney Avenue

As you directed at the Wednesday, May 17, 2006 meeting with relevant staff from T&ES, Parks, Planning, Code Enforcement and the City Attorney's Office, I contacted Mary Catherine Gibbs, counsel for the applicant, to determine if, in light of the public comment at the May 15, 2006 public meeting held at the Beatley Library, the applicant would agree to an additional deferral of the hearings on this application by the Planning Commission and City Council from the current June dates.

I communicated this suggestion to the applicant's attorney on Wednesday afternoon. Ms. Gibbs had to speak with her client, and ultimately got back to me with her client's position late Thursday afternoon. According to Ms. Gibbs, Virginia Paving is willing to defer the matter for hearing by Planning Commission and City Council in the fall. They are willing to use the additional time to continue to respond to community inquiries regarding their plant and the terms of an amended SUP and to actively engage in public outreach. She understood that the City was going to share more specific drafts of proposed SUP conditions with the community over the same period of time and also engage in additional dialogue with the community regarding the application and the community's concerns.

She further indicated that the applicant would seek to have City Council extend the interim operating permission it granted to the plant last summer for limited nighttime and weekend operations. (You will recall that last June, City Council granted the applicant interim authorization for limited nighttime/weekend work for certain specific projects.) This proposed interim authorization would be limited to specific projects for the City of Alexandria and public works projects for the Wilson Bridge/VDOT, plus emergency work. Ms. Gibbs also indicated that she would reach out to community leaders from Cameron Station to attempt to secure their assent, or at least non-opposition, to the interim authority sought by the applicant.

I will continue to keep you apprised of any additional communications to me from the applicant's attorney. Please contact me if you have any additional questions.

Copies To:

Rich Baier, T&ES

Bill Skrabak, T&ES

Eileen Fogarty, P&Z

Rich Josephson, P&Z

Aimee Vosper, Parks

Art Dahlberg, Code Enforcement

Ignacio Pessoa, City Attorney

**JUNE 28, 2006
ITEM 34
MEETING MINUTES**

34. City Staff Update on City Enforcement of Special Use Permits:

- (a) General Enforcement
- (b) Bishop Ireton High School
- (c) Virginia Paving Company

(A copy of the City Manager's memorandums dated June 27, 2005, are on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No's 1, 2 and 3 of Item No. 34; 6/28/05, and is incorporated as part of this record by reference.)

Planning Director Fogarty made a presentation of the staff reports, beginning with the issue of general enforcement.

Council received the report on general enforcement.

Planning Director Fogarty next made a presentation of the staff report on the Bishop Ireton High School athletic field and answered questions of Council concerning the prospective students at the sports camps, increase in noise and parking problems and enforcement of the special use permit.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, Council received the status report for Bishop Ireton High School. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

Planning Director Fogarty next made a presentation of the staff report on Virginia Paving Company, and along with Transportation and Environmental Services Director Baier and City Attorney Pessoa, answered questions of Council.

Mary Catharine Gibbs, representing Virginia Paving, appeared to answer questions of Council concerning nighttime paving.

A MOTION WAS MADE by Vice Mayor Pepper, seconded by Councilman Gaines, to take immediate action on "A" the SUP #398's prohibition of nighttime vehicle activity, at the Virginia Paving Facility and for "C" to continue to require Virginia Paving to complete the environmental review and testing its agreed to perform, and if Virginia Paving wants a hearing in September for an SUP, but will now have to stop the night work.

There were questions from Council regarding Alexandria's ability to repair its roads, the Woodrow Wilson Bridge project, noise pollution, air quality and cost impact to the City for asphalt products from an outlying supplier.

Mark Schiller, district manager, Virginia Paving, appeared to answer questions of Council.

A SUBSTITUTE MOTION WAS MADE by Councilman Krupicka, seconded by Councilman Macdonald, to adopt "B," which then asks staff to come back to Council and the community (Cameron Station) with exactly the definition and types of products that are allowed that are in the best interest of the community with regard to health and safety of the community.

After discussion and questions, Mayor Euille noted that Councilman Macdonald, as seconder of the substitute motion, removed his second to the substitute motion, and that Councilman Gaines, as seconder of the original motion, has removed his second to the original motion.

A MOTION WAS MADE by Councilwoman Woodson, seconded by Councilman Smedberg, to adopt "B" with the following immediate changes: that it take immediate action on the SUP #398's prohibition on nighttime, weekend and holiday vehicle activities, except as to work on the Woodrow Wilson Bridge or attachment 3, which is the list of projects, or for emergency repairs.

A SUBSTITUTE MOTION WAS MADE by Vice Mayor Pepper to adopt "A" but also include that in case of emergencies or doing work that needs to be done on the streets that have already been named in attachment 3. The motion failed for lack of a second.

The voting on the main motion was as follows:

Woodson	"aye"	Pepper	"no"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Macdonald	"aye"	

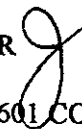
EXHIBIT NO. 134 c
6-28-05

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 27, 2005

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: VIRGINIA PAVING ASPHALT PLANT, 5601 COURTNEY AVENUE

ISSUE: Citizen complaints regarding vehicular traffic at the Virginia Paving asphalt plant in violation of the terms of the plant's Special Use Permit.

RECOMMENDATION: That City Council ask staff to take one of the following actions:

- A. Take immediate action on the SUP #398's prohibition on nighttime vehicle activity at the Virginia Paving facility; or
- B. Take immediate action on the SUP #398's prohibition on nighttime vehicle activity, except as to that work which is most critical for the public health, safety and welfare, such as work on the Woodrow Wilson Bridge; or
- C. Require Virginia Paving to complete the environmental review and testing it has agreed to perform, hold the SUP for hearing in September, and delay enforcement of the condition until that time.

DISCUSSION: During the public comment portion of Council's June 21, 2005, public hearing, representatives of Cameron Station asked Council to act immediately on the conditions of Virginia Paving Company's SUP. Council requested this memorandum and that staff address these complaints at Council's June 28 meeting.

Virginia Paving SUP Condition

Virginia Paving, formerly Newton Asphalt, has been in operation in the City at its current location for 45 years. It is located on Courtney Avenue, east of South Van Dorn Street just south of the intersection with South Pickett Street.

SUP Violation

When the asphalt plant was established in Alexandria, it required Council approval by SUP. SUP No. 398 (attached), approved in 1960, contains the following language, which is one of the few

limitations included in the permit, and which was recommended as a matter of traffic safety by the City's Director of Traffic:

That no operation of this plant requiring exit or entrance of vehicles be permitted after hours of darkness or during inclement weather or on Sundays or holidays.

The restriction neither generally limits the operation of the plant nor sets hours of operation for the plant. However, it does limit plant operation with respect to vehicular traffic to and from the plant - primarily the trucks that transport the removed asphalt road surface to the plant to be recycled and those that take the newly manufactured asphalt from the plant for installation on the roadway being repaved. The limitation has to do with vehicular traffic related to asphalt-making operations, not the production of the asphalt itself, which can take place at any time.

Although this condition was imposed on the plant back in 1960, the City has no record of any complaints regarding violation of this condition since the plant has been in operation. Since the City's enforcement system historically has been complaint-driven, and there have been no complaints regarding vehicular traffic at the plant after dark, the City has never taken an enforcement action against the facility regarding after hours vehicular traffic.

Current Contracts

Virginia Paving currently provides asphalt paving service from its Alexandria plant for the City, the federal government, VDOT, other local governments, and the private sector. According to Virginia Paving, some of these paving contracts, including ones for the Woodrow Wilson Bridge Project, the Springfield Interchange, and Fairfax County contain requirements for paving at night in order to reduce the impact on traffic when a repaving project is in process. Virginia Paving also has contracts with the City of Alexandria. These contracts require that paving take place between 9:00 AM and 3:30 PM, but contract modifications are sometimes granted to allow paving at night. See the attached list of current contracts with the City. Asphalt paving generally requires relatively warm weather, so the spring and summer tend to be the plant's busiest months.

Citizen and City Concerns

Over the last year, with the near completion of Cameron Station as a residential neighborhood, there have been an increasing number of complaints from Cameron Station residents regarding:

- air quality
- odors
- noise
- smoke and soot

In response to these complaints, the City staff investigated potential sources of the problems, and researched the SUP, including the violation of the above condition. Staff has also focused on a series of other issues, primarily environmental, in order to require Virginia Paving to address potential environmental damage, both past and future, by the plant. Specific issues which have

been part of the investigation include:

- air emissions, including odors
- noise
- storm water management
- asphalt spillage
- maintenance
- building and fire code violations
- Resource Protection Area (RPA) buffer
- underground storage tanks
- storage and disposal of oil and hazardous materials

While the above issues pertain to industrial uses generally, and are regulated in large part by the Commonwealth, Virginia Paving's violation of its SUP gave the City the opportunity to comprehensively review and improve the facility, with the potential of bringing it to a higher level than required by its state permits. In fact, Virginia Paving is in compliance with all applicable Virginia Department of Environmental Quality standards regarding air emissions. While there was a fine assessed at one point by the EPA, this fine was related to the lack of a storm water management plan, and not to any emission from the plant. The City is investigating the compliance status of other site discharges.

Proposed Amendment to SUP

When staff reviewed Virginia Paving's violation of its condition regarding traffic limitations, it advised both the plant and residents about the violation. In response, on March 29, 2005, Virginia Paving, filed an application to amend its SUP, specifically the restriction on nighttime vehicle travel. The applicant originally sought to have its application heard in June of 2005, and to limit the scope of the hearing to the nighttime driving issue, but the hearing was deferred by staff until September in order to be able to address the broad scope of improvements that the neighbors are concerned about and that the plant seems willing to address.

Staff has viewed the SUP application as an opportunity to address plant issues that were not part of the original SUP, such as buffers to the adjacent stream, measures to control noise and odor, stormwater management, and other neighborhood impacts. Staff from Planning, T&ES, Code Enforcement and the City Attorney's Office therefore have engaged in an extended dialogue with the plant representatives, working with Virginia Paving on a broad based environmental plan directed at the environmental issues, as well as those that formed the overwhelming majority of the residents' complaints since the development of Cameron Station – air quality, smoke, odor and soot.

There is Virginia Paving environmental testing going on that will conclude in late July, and which should supply the City with sufficient data to respond accurately and fully to citizen concerns and to best fashion conditions for the continuing operation of the plant. The attached recent letter

from Mary Catherine Gibbs, counsel for Virginia Paving, outlines in detail the work that will be accomplished in response to the City's requirements.

In order to allow that work to continue, and in order to allow the plant to continue night operations to satisfy their existing contracts, including a contract for paving for the Woodrow Wilson Bridge construction project, staff has held final action on the SUP condition regarding late night or Sunday vehicular activity until Council's September public hearing meeting. Staff will be meeting with Virginia Paving representatives throughout the summer to review the specific actions to be taken regarding noise, odors, stormwater management and hours of operation.

Conclusion

The issue for Council is whether it wishes to direct staff to take action on the SUP condition immediately, which will curtail any nighttime traffic by the plant. Again, this will result in creating issues with regard to existing paving contracts. Additionally, it is anticipated that such action could further exacerbate traffic congestion when such paving is done during the day.

The Council may also determine that immediate elimination of all nighttime plant traffic is advisable, except for the most crucial public projects, such as the Woodrow Wilson Bridge and Springfield Interchange.

Alternatively, Council may wish to wait to learn the results of Virginia Paving's extensive testing and investigation over the summer, so that there is sufficient information to answer questions about environmental issues, including noise, odors, other air emissions and water management, and to act on this matter in the context of the SUP amendment application, which is now scheduled for hearing in September.

ATTACHMENTS:

Attachment 1. SUP No. 398

Attachment 2. Gibbs' June 21 letter

Attachment 3. City of Alexandria Existing Asphalt Contract Work

STAFF:

Eileen Fogarty, Director, Planning and Zoning

Richard J. Baier, P.E., Director, Transportation & Environmental Services

William Skrabak, Division Chief, Environmental Quality

Arthur Dahlberg, Code Enforcement

Ignacio Pessoa, City Attorney

Christopher Spera, Assistant City Attorney

C.M. Form No. 1

Attachment 1

APPLICATION

for

SPECIAL USE PERMIT, ART. X, ORD. 708

Alexandria, Va., February 10, 1960

TO THE CITY MANAGER:

The undersigned hereby applies for a Special Use Permit under the provisions of Article X, Ordinance 708, as follows:

Name of Applicant: Newton Asphalt Company, Incorporated
 Name of Owner: Contract owner - Alexandria Bituminous Corporation
 Premises located at: Courtney Avenue, Alexandria, Va. (Map No. 46, Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)
 Use requested: Asphalt Plant

Miller, J. J.

John Thorpe Richards
 (Signature of Applicant) John Thorpe Richards,
 Atty. for Alexandria Bituminous Corp.
 102 N. Fairfax St., Alex., Va.
 (Address)
 Te6-7400
 (Telephone Number)

(DO NOT WRITE BELOW THIS LINE)

Application received 2/18/60 Fee Paid 2/18/60 Amount 7.00 Date of Council Hearing 2/23/60

Advised on 2/18/60 Adjoining property owners notified 2/18/60

Referred to Planning Commission 2/18/60 Report received 2/23/60

Traffic Board 2/18/60 Report received 2/23/60

Health Dept. 2/18/60 Report received 2/23/60

Fire Prevention 2/18/60 Report received 2/23/60

Building Inspector 2/18/60 Report received 2/23/60

Public Works 2/18/60 Report received 2/23/60

March 8, 1960 -- referred to Planning Commission for further reports in re Health and public

APPROVED BY COUNCIL: nuisance aspects. DENIED ON: March 22, 1960 see over for motions

SPECIAL USE PERMIT

ISSUED UNDER THE PROVISIONS OF ARTICLE X, ORD. 708

No. 398

Permission is hereby granted to Newton Asphalt Company, Incorporated to use

property located at Courtney Avenue, Alexandria, Va.

for the following purpose: Asphalt Plant

and under the following conditions: Asphalt Plant

RECEIVED
 CITY CLERK'S OFFICE

From John Thorpe Richards
 for Newton Asphalt Company, Incorporated

(Date)

CITY MANAGER

Applicant

March 22, 1960

1st motion -- in view of the action on Item No. 11 it would not be proper to consider this application.

2nd motion -- Deferred action on SUP #398 until the next Regular Meeting of Council on April 12, 1960 at which time the Public Hearing will be held on the above emergency rezoning Ordinance

April 12, 1960 -- Granted, subject to the recommendations and requirements of the various City departments.

SPECIAL USE PERMIT REQUIREMENTS SHEET

Applicant Horton Asphalt Company, Inc. Application No. 378
 Location Lots 2, 3, 4 & 5 of Courtney Avenue
North side of Courtney Ave. 500' east of Date February 26, 1960
South 1st North Street.
 Use Requested Asphalt plant

RECOMMENDATIONS:

Department of Traffic Control: If request is granted, it be granted subject to the following: That exits and entrances to the property be approved by the Directors of Public Works and Traffic. That, if in the opinion of the Director of Public Works, a bond should be required for the damages to street and keeping same clear, that it be required. That all trucks serving this asphalt plant comply with maximum load limits. That such signs that may be deemed appropriate by the Director of Traffic be supplied and the cost for installation and maintenance of same be born by the applicant. (over)

Department of Health: This company has a good record of cooperation and compliance with Health Department recommendations. Their plant presently located on Mill Road was demolished in July 1956. Control of dirt, smoke, odor and industrial waste has been satisfactory since that time. If request is granted, it be granted subject to the following: (1) Detail plans for installation must receive approval of the Alexandria Health Department in consultation with the Bureau of Industrial Hygiene of the Virginia Department of Public Works. If request is granted, it be granted subject to the (over)

1. Applicant to make necessary arrangements with Fairfax County Sanitary Sewer Dept. for sewer service.
2. Any realignment, dredging, or improvement of Back Lick Run to be subject to approval of Director of Public Works. (over)

Fire Prevention Bureau: Approved to location only - Any buildings to be constructed plans must be submitted.

Department of Construction & Inspection: At such time as drawings are presented of the subject installation, they will be reviewed for the purpose of ascertaining if they are in compliance with all the applicable regulations which are enforced by this department.

Alexandria Planning Commission: Recommendations granted to Horton Asphalt Company, Inc., subject to the recommendations of the various interested departments; and if approved by City Council, the special use permit be valid in advance until a certificate of occupancy has been issued bearing a certification of compliance with their recommendations by all city departments.

Others:

Application was denied by City Council on _____.

Application was approved by City Council on 4/12/60 subject to compliance with recommendations of the various City Departments, Commissions and Boards as outlined above. The Department Heads shall certify that all work recommended by them has been completed on the application for Certificate of Occupancy.

NOTE: Granting of a special use permit by Council does not constitute issuance or permission to operate. A Certificate of Occupancy must be issued by the Department of Construction and Inspection and all necessary licenses and other permits must be obtained.

Fire Department

operation of this plant requiring exit or entrance of vehicles be
noted after hours of darkness or during inclement weather or on Sundays
holidays.

Continued Public Works Department

1. Arrangements to be made with City Manager for paving of Courtney Drive.
2. Satisfactory settling basins to be provided to prevent discharge of silt,
mud, etc. into Backlick Run.

Continued Health Department

State Health Department. (2) Environmental sanitation factors in this operation
shall be checked periodically by Health Department Sanitarians. (3) In 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.

SPECIAL USE PERMIT REPORT

From: Department of Planning

Application No. 398

To: Traffic
(Department)

Date February 18, 1960

Applicant Newton Asphalt Company, Incorporated - John Thorne Richards, Atty.
for Alexandria, Bituminous Corp., 102 N. Fairfax St. Te 5-7400

Location Lots 2, 3, 4, & 5 of Courtney Avenue - north side of
Courtney Avenue 400 feet east of South Van Dorn Street

Use Requested Asphalt Plant

This request has been set for hearing before City Council on March 8, 1960
and it is requested that you submit a report and recommendation on this request
to this office not later than February 23, 1960.

Dennis E. Cahill
Dennis E. Cahill
Director of Planning.

ACTION OF DEPARTMENT

Date: February 23, 1960

Facts pertaining to request

Recommendations: If request is granted, it be granted subject to the following

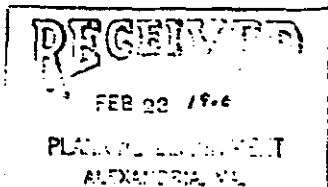
That exits and entrances to the property be approved by the Directors of Public Works and Traffic.

That, if in the opinion of the Director of Public Works, a bond should be required for the damages to street and keeping same clean, that it be required.

That all trucks serving this asphalt plant comply with maximum load limits.

That such signs that may be deemed appropriate by the Director of Traffic be supplied and the cost for installation and maintenance of same be born by the applicant.

That no operation of this plant requiring exit or entrance of vehicles be permitted after hours of darkness or during inclement weather or on Sundays or holidays.



K.W. Smith
K.W. Smith, Director of Traffic
Department Head

SPECIAL USE PERMIT REPORT

From: Department of Planning

Application No. 398

To: Public Works
(Department)

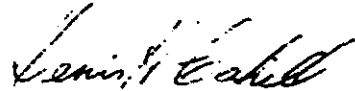
Date February 18, 1960

Applicant Newton Asphalt Company, Incorporated - John Thorpe Richards, Atty.
for Alexandria Bituminous Corp., 102 N. Fairfax St. Te 6-7400

Location Lots 2, 3, 4, & 5 of Courtney Avenue - north side of Courtney
Avenue 100 feet east of South Van Dorn Street

Use Requested Asphalt Plant

This request has been set for hearing before City Council on March 8, 1960
and it is requested that you submit a report and recommendation on this request
to this office not later than February 23, 1960.


Denis H. Cahill
Director of Planning.

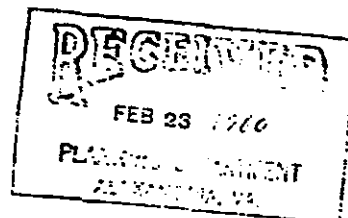
ACTION OF DEPARTMENT

Date: February 19, 1960

Facts pertaining to request

Recommendations: If request is granted, it be granted subject to the following

1. Applicant to make necessary arrangements with Fairfax County Sanitary Sewer Dept. for sewer service.
2. Any realignment, dredging, or improvement of Back Lick Run to be subject to approval of Director of Public Works.
3. Arrangements to be made with City Manager for paving of Courtney Drive.
4. Satisfactory settling basins to be provided to prevent discharge of silt, asphalt, etc. into Back Lick Run.




Department Head

ICIAL USE PERMIT REPORT

From: Department of Planning

Application No. 398

To: Fire Prevention
(Department)

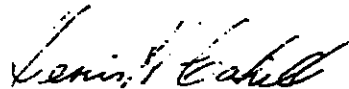
Date February 18, 1960

Applicant Newton Asphalt Company, Incorporated - John Thorne Richards, Atty.
for Alexandria Bituminous Corp., 102 N. Fairfax Street Te 6-7400

Location Lots 2, 3, 4, & 5 of Courtney Avenue - north side of Courtney
avenue 400 feet east of South Van Dorn Street

Use Requested Asphalt Plant

This request has been set for hearing before City Council on March 8, 1960
and it is requested that you submit a report and recommendation on this request
to this office not later than February 23, 1960.


Denis H. Cahill
Director of Planning.

ACTION OF DEPARTMENT

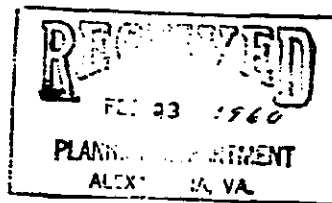
Feb. 23, 1960

Date: _____

Facts pertaining to request

Recommendations: If request is granted, it be granted subject to the following

Approved to location only- Any buildings to be constructed -
plans must be submitted.




Department Head

SPECIAL USE PERMIT REPORT

From: Department of Planning

Application No. 398

To: Health
(Department)

Date February 18, 1960

Applicant Newton Asphalt Company, Incorporated - John Thorpe Richards, Atty.
for Alexandria Bituminous Corp., 102 N. Fairfax Street Te 6-7400

Location Lots 2, 3, 4, & 5 of Courtney Avenue - north side of Courtney
Avenue 400 feet east of South Van Dorn Street

Use Requested Asphalt Plant

This request has been set for hearing before City Council on March 3, 1960
and it is requested that you submit a report and recommendation on this request
to this office not later than February 23, 1960.

Denis H. Cabill
Denis H. Cabill
Director of Planning.

ACTION OF DEPARTMENT

Date: February 25, 1960

Facts pertaining to request

This company has a good record of cooperation and compliance with Health Department recommendations. Their plant presently located on Mill Road was remodeled in July 1956. Control of dust, smoke, odor and industrial waste has been satisfactory since that time. Recommendations: If request is granted, it be granted subject to the following

- (1) Detail plans for installation must receive approval of the Alexandria Health Department in consultation with the Bureau of Industrial Hygiene of the Virginia State Health Department.
- (2) Environmental sanitation factors in this operation shall be checked periodically by Health Department Sanitarians.
- (3) In 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.

G. J. McLaughlin
Department Head

Attachment 2

HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

HARRY P. HART
MARY CATHERINE H. GIBBS
HERBERT L. KARP

TELEPHONE (703) 836-5757
FAX (703) 548-5443
hcgk.law@verizon.net

OF COUNSEL
CYRIL D. CALLEY

RETIRED
ROBERT L. MURPHY, 2001

June 21, 2005

Via Hand-Delivery

Mr. Christopher Spera
Assistant City Attorney, City of Alexandria
City Hall
301 King Street, Room 1300
Alexandria, VA 22314

Re: Virginia Paving Company Asphalt Plant, 5601 Courtney Avenue
Status Report

Dear Mr. Spera:

In further cooperation with the City of Alexandria, this letter is provided as a status report on the measures implemented or planned by Virginia Paving Company related to several issues at its Asphalt Plant located at 5601 Courtney Avenue including: 1) Air emissions; 2) Noise; 3) Water and 4) Stream Buffer/RAP pile size.

1) Air emissions:

Virginia Paving will engage the services of RAMCON Environmental, a nationally recognized expert in air emissions testing¹, to perform air emissions testing on its stacks. RAMCON did such testing last summer for Virginia Paving, and determined at that time that Virginia Paving was well within their VDEQ permitted emission levels. To respond to concerns of nearby residents regarding potential emission issues from their facilities, they will engage RAMCON to perform additional particulate testing. The tests will begin in the second week of July. Virginia Paving will make the results available to the City as soon as they are provided by RAMCON.

Virginia Paving is committed to installing emission controls that exceed the Best Available Control Technologies (BACT). They already utilize the BACT for asphalt plant

¹ RAMCON Consulting has a history of over twenty eight (28) years in air emissions testing and environmental consulting. Enclosed please find material downloaded from their website regarding their professional experience.

emissions by providing a filtration baghouse on the stacks. However, in response to concerns raised by the Staff, Virginia Paving intends to spend nearly a half a million dollars on the purchase and installation of further controls on the silo storage bins, a state-of-the-art Blue Smoke Control System, which should further eliminate emissions and odors. Virginia Paving is currently working with the manufacturer on the design of this system and anticipates issuing a purchase order for such technology by the end of July 2005. Installation of such technology, if approved by Staff, will take up to four months from that time. This technology has primarily been used in areas of California.

2) Noise/Odor:

a) Noise: Virginia Paving has engaged the services of Wyle Laboratories² to do a comprehensive noise study of the associated noises affiliated with its operation. Testing will take place for twenty four hours a day for a five to seven day period beginning on Wednesday, June 22, 2005, and will test the various noise levels at several boundaries of the site, most importantly those closest to the residential areas near the site. Train noise will also be measured and compared to provide on-site vs. off-site noise and source comparison. The results of those tests will be made available to the City as soon as Virginia Paving receives them.

Virginia Paving has already taken steps to limit the noise associated with its operation. The plant already provides an enclosed air burner designed to capture most of the noise from the production process and absorb it internally. Additionally, sound attenuators or mufflers on batchers have been installed to diminish noise from the plant. Virginia Paving has taken other steps to limit the noise associated with its operation at night by not unloading from freight cars during nighttime hours.³ Virginia Paving has also installed signs at its site ordering the truck drivers to take care to limit noise from their own trucks on the site at night. Virginia Paving is looking into modifying the routes taken by the trucks within the site to limit the need for the back-up beeper. In addition, Virginia Paving is generating a train receiving log to monitor track aggregate delivery times.

b) Odor: On June 14, 2005, Virginia Paving installed an automated mixture system that feeds an odor absorbing material, Ecosorb, into the production process and helps eliminate odors from the asphalt mixing process. In fact, operation personnel have reported a noticeable difference in the smell around the plant since last week. In addition, Virginia Paving's installation of better than BACT technology on the top of the silos will further eliminate odors from being released based upon the advanced controls installed to eliminate fugitive emissions.

² Wyle Laboratories, Acoustic Research and Consulting, is located at 2001 Jefferson Davis Highway, Suite 701, Crystal Plaza, Arlington, VA 22202. Enclosed find material from their website regarding their experience.

³ Aggregate which is delivered via these freight cars is merely a combination of small and large rocks, not coal.

3) Storm Water Management:

As part of the Full Environmental Baseline Study obtained by Virginia Paving through an independent environmental consultant, Greenfield International Corporation⁴, and submitted to the City on March 31, 2005, Virginia Paving has developed a proposed Storm Water Management Plan that includes the installation of a super silt fence, a stone filter, a settling basin and an oil/water separator, as well as additional berming and channeling of water to the settling basin. A proposed Storm Water Management Plan was submitted to the City on June 20, 2005 for review and comment. Virginia Paving has committed to achieving Best Management Practices for automotive related uses as requested by the City. Virginia Paving is committed to install a full functioning storm water management system within 6 months of receiving approval from the City for their plan/design.

Virginia Paving has already taken the following measures to improve storm water runoff conditions prior to implantation of the full Storm Water Management Plan as well as beautifying the stream itself:

a) As part of the Adopt-A-Stream program in the Commonwealth of Virginia, Virginia Paving, Virginia Paving's walks a ¼ mile stretch of Backlick Run twice a year to clean up the stream bed of trash and other materials.⁵

b) Best Management Practices (BMPs), identified in Virginia Paving's "Short Term Work Plan," submitted to the City on February 4, 2005, for stormwater runoff are being utilized in interim prior to sediment basin design approval and construction. Virginia Paving has provided a temporary settling basin with check dams to slow stormwater. The storm water runoff is filtered through a silt fence initially, and then an infiltration bed of crushed stone.

c) Virginia Paving has a current Stormwater Pollution Prevention Plan (SWPPP) and VPDES General Permit for Storm Water Discharge Associated with Industrial Activity in place. The SWPPP sets out measures to reduce and eliminate the discharge of contaminated storm water.

4) Stream Buffer/RAP pile size:

Virginia Paving has committed to increasing the current buffer between its RAP pile and the top of the streambed of Backlick Run to 25 feet at a minimum by September 1, 2005 and to install landscaping within that buffer area in consultation with City Staff. Virginia Paving has already begun to move the pile back from where it has historically been located and has hired a landscape architect to draft a landscape plan for submission by mid- to late-July, 2005. Virginia Paving is also committed to installing an earth berm upon design approval.

⁴ Enclosed please find material from Greenfield's website regarding their professional experience.

⁵ A copy of Virginia Paving's certificate from the Adopt-A-Stream program is also enclosed.

5) Conclusion:

Virginia Paving has taken significant steps to maintain and even improve the condition at its Asphalt Plant at 5601 Courtney Avenue which is in compliance with all of its State DEQ and Federal EPA permits for all matters, including emissions. We note that Virginia Paving's 2004 EPA citation was for a violation for not having a Stormwater Pollution Prevention Plan, and for no other reason. Virginia Paving has provided the EPA with such a plan, paid a fine, and is now in compliance.⁶ In this one of the last remaining industrial areas of this City, Virginia Paving has committed to being an even better neighbor by installing measures that exceed the Best Available Control Technologies for its industry, including state-of-the-art Blue Smoke technology on its silos. It is important to note that Virginia Paving is located within approximately half-mile radius of at least six other industrial uses in close proximity to the residences that have been built within the last five years, including two State landfills, a Virginia Department of Transportation operations facility, Vulcan Materials Company, and the City's Waste to Energy Plant. This remains a vibrant industrial area.

Virginia Paving remains committed to making any and all improvements to their operation deemed necessary to maintain and/or exceed the best available control technologies for this site. Virginia Paving encourages the City to continue to visit and observe the improvements that have already been made, and will continue to be made. Please do not hesitate to contact me with any questions or comments.

Very truly yours,


Mary Catherine Gibbs

Enclosures

cc: Mr. Richard Josephson, Deputy Director, Planning & Zoning
Mr. Richard Baier, Director, T&ES
Mr. Dennis A. Luzier, Plant Manager, Virginia Paving Company
Mr. Mark A. Schiller, Assistant District Manager, Virginia Paving Company
Mr. Jay S. Cruickshank, Vice President Legal and Safety, The Lane Construction Corp.

⁶ See the Full Environmental Baseline Study at page 7. A copy of the closure letter from the EPA is also enclosed.

In 1983, A Leaking Underground Storage Tank (LUST) was discovered on the site, and in accordance with the corrective action plan (CAP) #168, it is expected that clean closure for this LUST site will be achieved by September 2005.



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RAMCON Environmental has a history of over twenty eight (28) years in air emissions testing and environmental consulting. RAMCON Environmental has the capability to provide testing professionals and consulting engineers for the most demanding projects. We know the regulations, the methods, the equipment and the processes. We are driven to excel, demanding more of ourselves than required.

Proud to be a member of the following professional organizations:



K Standards Worldwide



National Asphalt Pavement Association



In US EPA regulations:

- NSPS
- PSD
- Title V
- BACT
- MACT
- RCRA
- CERCLA
- SARA 313

In US EPA Protocol / NIOSH / OSHA / NCASI Methods.
The professionals at RAMCON execute these methods routinely.
Adept at applying methodologies for your specific needs.

Driven to Excellence In Service

RAMCON Environmental, the professionals, the specialists suited to meet your Environmental Consulting and Air Emissions Testing needs.

1. Experienced Consultants in NSPS, PSD, BACT, MACT, RCRA, CERCLA, NESHAP, and SARA 313 for reporting requirements, equipment modification, and compliance.
2. Full capability air emissions measurement services including preparation and submittal of pre-test sampling protocols, regulatory compliance and consultation.
3. Real-time measurement of THC, SO₂, CO, NO_x, O₂, and CO₂ providing on-site test results with continuous emission gas analyzers.
4. Relative Accuracy Test Audits (RATA) for continuous emission monitoring systems as established in EPA Part 60 Performance



Specifications and EPA Part 75 regulations.

5. Predictive Emissions Monitoring System (PEMS) development and certification using neural network technology. (Pavilion Technologies, Inc. - Software CEM)

6. Gas Chromatography analysis using direct interface (on-site) sampling technique for Hazardous Air Pollutants, Total Reduced Sulfur (TRS), Specific VOC's for all industry categories.

7. Isokinetic measurement of Particulate Matter, Multi-metals, Dioxins/Furans, PAH's, PCB's, semi-volatiles, Aldehydes/Ketones, Ammonia, and Acid gases.

8. Air emissions compliance determinations for many process types and designs including Boilers, Furnaces, Catalytic Cracking Units, Turbines, Incinerators, Kilns, Dryers, Reactors, and Distillation Columns.

9. Efficiency determinations for all major air pollution control systems and technologies: Baghouses, Scrubbers, Cyclones, Electrostatic precipitators, Afterburners, and RTO's.

10. Complete knowledge of the ever changing regulations and how they effect your facility.



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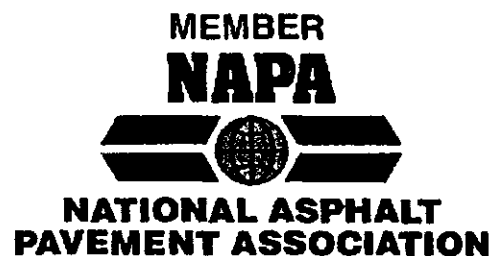
RAMCON Environmental has performed literally thousands of stack testing and consulting projects on Batch, Drum-Mix, and Hybrid asphalt facilities; ranging from Wet-scrubber and fabric filter technology, alternative fuel applications, and storm water requirements. RAMCON is considered the industry standard for air emissions sampling and consulting in the materials industry. Providing sampling and consulting for 28 years. RAMCON Environmental has been an active member of NAPA for 25 years providing support and guidance for environmental challenges facing the industry.

Manufacturers of Asphalt facilities often request our service for performance testing of new installations.

- Astec
- Cedar Rapids
- CMJ
- ALMix

RAMCON Environmental services include:

- Set-up consulting
- Process optimization
- Stack testing
- Permit application
- Annual report requirements



Ramcon W.D. Sawyer
1625 HWY 70, Kingston Springs, TN 37082
(615) 952-5451 Office • (615) 952-5411 Fax



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The Wyle Acoustics Group provides a wide range of professional services concerned principally with acoustics, vibration, and their allied technologies, including services to the aviation industry. Since its inception in 1963, Wyle has completed thousands of projects in areas as diverse as aircraft noise, railroad and railyard noise, acoustical design of buildings, highway noise, sonic boom studies, research into the effects of noise on people, specialized noise and vibration studies, and active noise control.

Today, the group is among the world's largest and most diversified acoustical consulting group and maintains a staff of more than 50 professionals, many with advanced degrees in their area of specialty.

Wyle's goal is to understand each client's unique goals and requirements and to continually strive to provide each client with innovative, yet practical and cost-effective, solutions. Wyle maintains an international reputation for technical excellence as they continue to serve clients as diverse as:

- NASA
- Federal Aviation Administration
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- U.S. National Park Service
- Airports
- Federal, state, and local government agencies
- U.S. Navy, Air Force and Army
- Industrial and manufacturing organizations
- Railroad industry
- Architects, engineers, and planners

Wyle provides services in the following areas:

- [Acoustic Research](#)
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(Photo courtesy of

- Industrial Noise Control
- Military Operations
- Surface Transportation

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Greenfield International, a woman and minority owned company, was established in 1994. We are a comprehensive environmental management, engineering, technical, and remedial services company. Greenfield International consists of a diverse team of associates including environmental managers, engineers, scientists, and specialists. Our team of professionals average over 20 years of direct professional level environmental experience. This team provides extensive environmental consulting services in environmental program and project management. Our capabilities and services include environmental policy development and strategic planning, requirements and risk determinations, program and project development, implementation and support, budget and funding determinations, operational and environmental investigation, risk assessment, mitigation, engineering, design, and monitoring, and program and project assessment, auditing, and quality assurance.

Greenfield International has extensive experience in developing, implementing, and executing environmental programs and mitigative measures in private and commercial operations, academic and research institutions, and Federal, State, and local programs including the Department of Defense. Our success continues to be founded on our unparalleled ability to rapidly assess environmental requirements, determine where real risks exist, and institute efficient, technically, and economically sound solutions to environmental challenges faced by all organizations in today's environmentally sensitive cultural and business climate.

Greenfield International has identified considerable cost savings within existing agencies' environmental programs, and saved our clients millions of dollars while assisting them in the efficient and effective management and mitigation of environmental and occupational hazards. Rapidly assessing real risk and proactive allocation of resources is our main effort to help eliminate negative environmental conditions and concerns. We provide the client with a full complement of environmental services allowing a streamlined proactive approach to environmental hazard identification and mitigation.

Our Vision

Environmental considerations are an integral part of routine business for all organizations today. Successful businesses have operating and capital investment budgets for environmental assessment and control...

Key Individuals

- Soe Aung
- Thidar Lwin
- John Love
- King Troensegaard
- Thein Aung
- Win Pe

Certificate of Appreciation

Stewardship **Virginia**

presented to
Virginia Paving Company's
Alexandria Asphalt Facility


Thank you for taking part in Stewardship Virginia. Your spirit of volunteerism and commitment to citizen stewardship have contributed to conserving and enhancing Virginia's lands and waters. Your contribution helps ensure the health of our waterways for present and future generations.

May 26, 2005

date


Mark R. Warner
Governor




W. Tayloe Murphy, Jr.
Secretary of Natural Resources

APR 1 1 2005
copy for (GAW)
ret. - JSC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Received
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
APR 11 2005
Legal Department
Lane

Mr. Jay S. Cruickshank, Vice President Legal
Lane Industries Incorporated
965 East Main Street
Meriden, CT 06450

APR 07 2005

cc: MAG
HWR
DAL
JAH
RB
CDM
NRH
GAB

Re: Amended Administrative Order
Docket No. CWA-03-2004-0064DN
NPDES Permit No. PAR706118

Dear Mr. Cruickshank:

This agency has completed a review of its enforcement docket. Based on that review, the above referenced Administrative Order is officially closed.

We look forward to your continued compliance. Any noncompliance with your National Pollutant Discharge Elimination System (NPDES) permit or the Clean Water Act (CWA) could result in the initiation of an enforcement action against you pursuant to the federal enforcement provisions set forth in Section 309(a) of the CWA, 33 U.S.C. Section 1319(a).

Thank you for your cooperation in this matter. If you have any questions, please contact Ms. Gilda Coker at (215) 814-5432.

Sincerely,

Angela McFadden

Angela McFadden, Acting Chief
NPDES Branch
Office of Compliance and Enforcement

cc: John D. Bowden, Northern Region VA DEQ
James R. Collier, DC DOH
Terry Pallas, PA DEP

2002

LANE CONST CORP

06/21/2005 08:43 FAX 1 413 566 9224

City of Alexandria
Existing Asphalt Contract Work - Summer/Fall 2005

- King - from ~ Janneys to Walnut
- Van Dorn - Edsall to Duke
- Henry - Queen to Duke
- Patrick - Queen to Duke
- Duke - Daingerfield to Henry

34c
6-28-05

HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET
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OF COUNSEL
CYRIL D. CALLEY

RETIRED
ROBERT L. MURPHY, 2001

HARRY F. HART
MARY CATHERINE H. GIBBS
HERBERT L. KARP

June 28, 2005

Via Hand-Delivery

Mayor William D. Euille and Members of City Council
c/o City Clerk and Clerk of Council
301 King Street, Room 2300
Alexandria, VA 22314

Re: Docket Item #34c
June 28, 2005 City Council Meeting

Dear Mr. Mayor and Members of City Council:

This firm represents Virginia Paving, the current owner and operator of an asphalt facility in use in the city for some 45 years. Virginia Paving has been working for several months with members of the City's Planning & Zoning, Transportation & Environmental Services, and the City Attorney's offices. Over several collegial sessions, we have listened to and acknowledged the need to address the concerns of the City and its citizens as expressed to us by Staff.

Virginia Paving desires to be a good neighbor to the increased residential density surrounding it, and recognizes that some revisions of its operating procedures may be necessary. However, as an ongoing enterprise with current contractual obligations (including to the City of Alexandria), it also requires time to formulate and implement those changes which will have the most beneficial effect on all concerned. Further, several of the steps the City Staff has endorsed Virginia Pavingr taking involve environmental studies, including runoff, noise, and particulates. These require some time to complete and analyze, a fact which various City agencies and Staff members have acknowledged. (See Hartmann memo, p. 3-4).

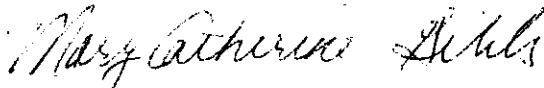
As Virginia Paving continues to work in good faith with the City, we simply ask that the City Council let Staff do the same. We believe it is proper, as well as most effective in achieving an end result, to honor the initial suggestion of Staff and defer any action on the Virginia Paving SUP until the Council reconvenes in September. (See Hartmann memo, p. 4).

Page 2
June 28, 2005

If Council chooses Option B of the City Manager's recommendations, Virginia Paving requests that you instruct Staff to phase-in the action. Phasing-in will permit Virginia Paving to make the appropriate accommodations to its operations to comply with Council's action, as this is different from what was originally suggested by Staff as part of the deferral. It is important for Council to be aware that there are substantial financial implications to this action as well as the potential for logistical impacts on City Streets.

As always, Virginia Paving remains committed to continuing to work with the City towards a reasonable solution in this case.

Very truly yours,



Mary Catherine H. Gibbs

MCG/eah

cc: Mr. Richard Josephson, Deputy Director, Planning & Zoning
Mr. Richard Baier, Director, T&ES
Mr. Christopher Spera, Assistant City Attorney
Mr. Dennis A. Luzier, Plant Manager, Virginia Paving Company
Mr. Mark A. Schiller, Assistant District Manager, Virginia Paving Company
Mr. Jay S. Cruickshank, Vice President Legal and Safety, The Lane Construction Corp.

27
6-13-06



<geoff.goodale@bsvca.net>

06/13/2006 01:44 PM

Please respond to
<geoff.goodale@bsvca.net>

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

cc

bcc

Subject COA Contact Us: Docket No. 27 for Meeting of June 13 (Virginia Paving)

COA Contact Us: Docket No. 27 for Meeting of June 13 (Virginia Paving)

Time: [Tue Jun 13, 2006 13:44:45] IP Address: [204.227.246.28]

Response requested: ☐

First Name: Geoffrey
Last Name: Goodale
Street Address: 493 Naylor Place
City: Alexandria
State: VA
Zip: 22304
Phone: 703-212-9355
Email Address: geoff.goodale@bsvca.net
Subject: Docket No. 27 for Meeting of June 13 (Virginia Paving)
Dear Mayor Euille and Members of the City Council:

As a member of the Executive Board of the Brookville-Seminary Valley Civic Association (BSVCA), I wish to voice concerns regarding the possibility of allowing the Virginia Paving Company (VPC) to engage in additional night paving operations this summer. As discussed below, given the deep level of concern that many citizens have expressed relating to VPC's operations, it would seem appropriate for the City Council to consider VPC's new request at a public hearing, but if this is not possible due to timing considerations, then the City should do everything possible to ensure that night paving operations are performed by VPC in as limited a manner as possible.

To begin with, numerous civic associations, including the BSVCA, expressed considerable concern about VPC's operations at the Community Meeting that was held at the Beatley Library on May 15, 2006. As such, it would be

very beneficial for the City Council to consider VPC's new request at a public hearing where concerned citizens could voice their concerns directly to the City Council.

Comments:

If it is not possible to hold a public hearing due to timing considerations, then the City Council should do everything that it can to address the concerns that have been raised by the community. Taking these concerns into consideration, the City Council should take several actions. First, the City Council must seriously consider whether to grant VPC's new request at all in light of its long record of non-compliance with the original SUP. Second, if the City Council decides to grant the VPC's new request at all, it should do so in as minimal a way as possible; the City should only allow night paving operations for truly essential City projects (e.g., the Mt. Vernon Avenue and Jefferson Davis Highway projects). Third, the grant should be conditioned upon VPC bringing its operations into full compliance with the original SUP as soon as possible.

Your consideration of the above comments is greatly appreciated. If you have any questions regarding my comments, please feel free to contact me.

Sincerely yours,

Geoff Goodale

Work Tel. No.: (202) 663-8415

Work E-Mail: geoffrey.goodale@pillsburylaw.com

Home Tel. No.: (703) 212-9355

Home E-Mail: geoff.goodale@bsvca.net



<djwpecic@comcast.net>

06/13/2006 02:00 PM

Please respond to
<djwpecic@comcast.net>

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

cc

bcc

Subject COA Contact Us: VA Paving Request by the City of Alexandria

COA Contact Us: VA Paving Request by the City of Alexandria

Time: [Tue Jun 13, 2006 14:00:49] IP Address: [204.108.8.5]

Response requested: []

First Name: John

Last Name: Pecic

Street Address: 5821 Pearson Lane

City: Alexandria

State: VA

Zip: 22304

Phone: 7038237845

Email Address: djwpecic@comcast.net

Subject: VA Paving Request by the City of Alexandria

Hello Council, As President, Summer's Grove HOA, I wanted to add my community's concern over the City of Alexandria's request to allow extended hours by VA Paving. Let me try to keep this message short and to the point.

VA Paving is the City's preferred paver and their location helps keep paving costs down for the City. As a taxpayer, this is important to all of us. Let me let you know that we are NOT trying to get rid of or close-down VA Paving.

As a concerned community, like others in our area, we are concerned about the extended hours the City has requested for VA Paving.

For more than 6 months, we and the other communities, have been working with VA Paving on a satisfactory solution to their operation, including extended hours, noise and air pollution, and increased traffic. VA Paving admits that approximately 20% of their business is generated by the City of Alexandria. Since most of their business is outside of the City, the associations want to curtail the extended hours that they have been operating outside of their own SUP.

Please reconsider the request to circumvent the working groups progress on the issue of extended hours by NOT allowing VA Paving to operate outside the current SUP.

Please allow the City, VA Paving, and the concerned local associations the opportunity to work together and come up with a solution acceptable to all concerned. Thank you, John W. Pecic, PhD - President, Summer's Grove HOA @ 703-823-7845

From: J Bennett
[Add to Address Book]
To: Richard.Josephson@alexandriava.gov
Cc: "art impastato" , bjscott36@yahoo.com, "Jim Butler" , geoff.goodale@bsvca.net, "joe bennett" , mindyllye , john pecic , Rich.Baier@alexandriava.gov, zina.raye@verizonbusiness.com
Subject: Re: VA Paving summer work
Date: Tuesday, June 13, 2006 12:47:13 PM [View Source]

Rich,

Thanks for the info. I understand your and Rich B's words, but am not clear what message you're trying to get across. I can speculate, but think it better to gain an understanding first hand. I think it would be good for you and Rich B to meet face-to-face with the addressees of this e-mail and discuss the explicit and implicit message.

Joe Bennett

--- Richard.Josephson@alexandriava.gov wrote:

> I think that Rich Baier's point is that there are other uses in
> this
> industrial area that generate impacts
> that have an effect on nearby homeowners, not just Virginia Paving.
> Certainly Virginia Paving is one of
> those uses, however, it and the other industrial uses pre-dated the
> nearby
> residential developments. The
> City recognized that there may be potential issues when Summers

> Grove
> development was approved.
>
> FYI, The following are conditions 8 and 9 of the
Special Use Permit
> (#95-0153) granted on January 20,
> 1996 to the applicant of the Summers Grove
development. Staff
> expressed
> concern in the report to the
> Planning Commission and Council at the time
this request was being
> considered, concerning potential
> complaints about noise, air pollution, and odors
from the nearby
> industrial
> uses. These conditions were
> included to provide notice to potential buyers of
Summers Grove
> about these
> uses and their potential
> impacts.
>
> 8. The applicant shall present a disclosure
statement to
> potential
> buyers disclosing the following to the
satisfaction of the
> Director
> of P&Z and the City Attorney:
>
> A) That heavy industrial uses, the City
Waste-To-Energy
> Plant, the
> Police Firing Range and Metrorail tracks and
other
> railway
> operations are located within the immediate
vicinity of
> the
> project, are permitted to continue indefinitely,
and
> will
> generate truck traffic, including empty garbage
trucks
> emanating odors, on the public streets
surrounding the
> project.
>
> B) That Eisenhower Avenue is a major
four-lane arterial
> and that
> future traffic is expected to increase significantly
on
> it as
> development along Eisenhower Avenue

continues.

>

> The disclosure statements shall be signed by purchasers to

> acknowledge they

> are aware of these facts, and the developer shall provide a copy to

> the

> City prior to the release of each CO. (P&Z)

>

> 9. The developer shall notify prospective buyers, in its

> marketing

> materials of the following:

>

> A) the location of visitor parking spaces, that availability of

> such visitor parking is limited, and that residents are

> prohibited from parking in the visitor parking spaces

> and will

> be subject to towing should they violate this

> restriction.

>

> B) that all parking, loading and unloading of vehicles,

> including

> automobiles, moving vans, furniture delivery trucks,

> etc., is

> strictly prohibited on Eisenhower Avenue, Van Dorn

> Street and

> the Metro Road and is subject to penalty, including

> fines.

> Loading and unloading of vehicles shall be permitted

> only on

> the private streets, alleys, and driveways within the

> development.

>

> C) that there are heavy industries to the north and an

> incinerator

> to the east which may not be controlled beyond current

> levels.

>

> D) that the site is surrounded by roads on which the

> number of

> vehicles including heavy trucks and garbage trucks can

Comments:

> be
> expected to increase in coming years. (P&Z)
>
> Rich Josephson
> Deputy Director
> Department of Planning and Zoning
> City of Alexandria
> 301 King Street
> Alexandria, VA 22314
>
> Phone: 703-838-4666, x 302
>
>
>
>
> J Bennett
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>
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> To
> 06/12/2006 03:37
> ,
> PM
>
>
> cc
> 'art impastato'
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> ,
> 'Jim
> Butler'
> ,
> ,
> 'joe
> bennett' ,
>
> mindyllye
> ,
> john pecic
>
> ,
> Rich
> Josephson
>
>
> > > ,
>
>
> Subject
> Re: VA Paving summer work
>
> Rich,
>
> As I understand the issue related to Summer's
Grove - and they can

- > speak to it better than I - they had to sign waivers related to
- > noise
- > complaints. That tells me two things:
- > 1) The City was aware that there would be noise issues related to
- > VA
- > Paving before Summer's Grove was approved, and chose not to do
- > anything about it other than ask people to sign waivers. Nobody
- > seems to doubt that there were and are noise problems.
- > 2) Other developments nearby, pre and post Summer's Grove, did not
- > have to sign waivers, and they are also affected by noise.
- >
- > It's been some time since I read the paving contract with VA
- > Paving,
- > but I seem to remember the contract I read several years ago reads
- > that VA Paving can request to do some nighttime paving, but the
- > request has to be approved by the City. I don't recall that it
- > gave
- > the City any right to request that it's work be done at night.
- >
- > Joe
- >
- > --- Rich.Baier@alexandriava.gov wrote:
- >
- > > All...I do not want anyone to think that this item is being
- > > requested by Va
- > > Paving but rather the City is requesting it as has been done for
- > > arterial
- > > roads and collector roadways as in the past. I think that this
- > is
- > > a very
- > > difficult item in that one area of the City is impacted or
- > another
- > > considering the daytime and night-time paving issue before
- > council.
- > >
- > > I do want to note that with regard to the nuisance relating to
- > > trucks--the
- > > Planning and Zoning staff recommended

when the Summers Grove
> > development
>
=== message truncated ===



<kyledooley@Comcast.net>

06/13/2006 03:26 PM

Please respond to
<kyledooley@Comcast.net>

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

cc

bcc

Subject COA Contact Us: VA Paving SUP

27
6-13-06

COA Contact Us: VA Paving SUP

Time: [Tue Jun 13, 2006 15:26:56] IP Address: [206.229.31.42]

Response requested: ☐

First Name: Kyle
Last Name: Dooley
Street Address: 5822 Pearson Lane
City: Alexandria
State: VA
Zip: 22304
Phone: 7033700440
Email Address: kyledooley@Comcast.net
Subject: VA Paving SUP

I am on the Board of Directors for Summers Group .

Comments:

The sudden nature of the vote on allowing VA paving to break their SUP smells of corruption even as VA paving has gone out of their way to tell us they had nothing to do with it. Then what is the motivation? Where did it come from? Why would the city initiate such a vote? It is not their business and it would be improper for them to do so. If this has occurred their should be an investigation into why someone from the city has interest in VA Paving. Something improper is going on.

I expect that the SUP others signed when moving to the area will be null and void should VA paving escape from theirs. They are dependent on each other as they set the frame work for the conditions around where we live. Changing that for one changes it for all. Vulcan will surely expect to work 24 hours. Residents who signed SUP's should be released from theirs as well.

27

Mr. Mayor:

I move that City Council approve the City Manager's recommendation as to night paving and enforcement of the existing terms of Virginia Paving SUP No. 398, with the following modifications:

1. That night paving shall be authorized for the listed Tier 1 projects, and emergency repairs as authorized by the Director of T&ES, only. *4 weeks*
2. That city staff take immediate ^{enforcement} action on SUP No. 398's prohibition on nighttime vehicle activity associated with all other work and projects, including the Woodrow Wilson Bridge project.

*Except for mid July lane changes. July 14-16
3 days.*

27
6-13-06

HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

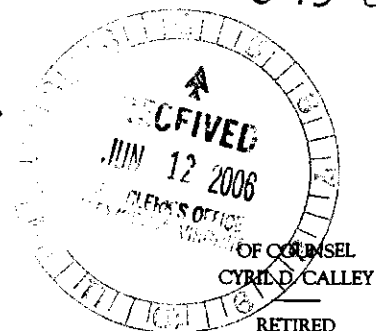
307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757

FAX (703) 548-5443

hcgk.law@verizon.net

HARRY P. HART
MARY CATHERINE H. GIBBS
HERBERT L. KARP



RETIRED
ROBERT L. MURPHY, 2001

June 12, 2006

The Honorable William D. Euille, Mayor
and Members of City Council
c/o Ms. Jackie M. Henderson, City Clerk and Clerk of Council
301 King Street, Room 2300
Alexandria, VA 22314

RE: Docket Item No. 27, June 13, 2006 City Council Docket
Nighttime Paving

Dear Mr. Mayor and Members of Council:

Virginia Paving is aware of the above-referenced request on your docket from the Department of Transportation and Environmental Services in the hope of best facilitating paving of City streets in a cost-effective and least disruptive manner. After review of the above-referenced docket item, Virginia Paving wants to take this opportunity to inform the City Council of its intent to take the summer months to get more information out to the community so that they can better address the concerns raised by the Community at the meeting held on May 15th. We are in the process of setting up a number of information sessions at which community questions can be answered and concerns discussed openly.

As you are aware, Virginia Paving requested deferral until September of their application to amend their Special Use Permit to permit the entrance and exit of vehicles at night during a limited portion of the year. During the summer, Virginia Paving intends to hold at least two community meetings for those interested at Samuel Tucker School. The dates and times of those meetings are tentatively scheduled for June 24th and July 29th. Confirmation of those and any other meetings will be provided to the community as a whole.¹ Information is also being provided through a number of other means, including Virginia Paving's web site relating to the Special Use Permit, individual meetings as requested, and dissemination of answers to questions in writing at libraries, coffee shops, and other locations frequented by the community. Virginia Paving has also offered to conduct plant tours to interested members of the community (five dates are being offered and will be publicized).

¹ Please see attached flyer for first community meeting.

The Honorable William D. Euile, Mayor
And Members of City City Council
June 12, 2006
Page 2

Please feel free to contact me if you have any questions.

Very truly yours,

A handwritten signature in cursive script, reading "Mary Catherine Gibbs".

Mary Catherine Gibbs

Enclosure

cc: Mr. Richard Josephson, Deputy Director, Planning & Zoning
Mr. Richard Baier, Director, T&ES
Mr. Dennis A. Luzier, Assistant District Manager, Virginia Paving Company
Mr. Mark A. Schiller, District Manager, Virginia Paving Company
Mr. Jay S. Cruickshank, Vice President Legal and Safety, The Lane Construction Corp.
Ms. Mindy Lyle, Cameron Station Civic Association
Ms. Zeena Raye, Summers Grove Community Association
Ms. Elizabeth Wright, Holmes Run

THE VIRGINIA PAVING COMPANY

INVITES YOU TO ATTEND

A COMMUNITY OPEN HOUSE

TO DISCUSS ITS APPLICATION TO AMEND
ITS
1960 SPECIAL USE PERMIT

SATURDAY, JUNE 24TH, 2006

2:00 p.m. to 4:00 p.m.

Samuel Tucker School
435 Ferdinand Day Drive
Alexandria, VA 22304

EVERYONE IS WELCOME!



VIRGINIA PAVING COMPANY

Division of The Lane Construction Corporation

(Visit their website @ <http://www.laneconstruct.com/AboutUs/Environmental.aspx>)

Mr. Mayor:

27
6-13-06

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*Except for mid July lane changes. July 14-16
3 days.*