



5
10-14-06

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

GREGORY A. WHIRLEY
ACTING COMMISSIONER

July 26, 2005

The Honorable William D. Euille
Mayor, City of Alexandria
106 East Nelson Avenue
Alexandria, VA 22301-2036

Dear Mayor Euille:

This is to follow up on our phone conversation today regarding the City Council's action in June restricting any night-time paving by Virginia Paving Company from its Courtney Avenue plant, with the exception of paving related to the Wilson Bridge Project. As you know, Virginia Paving Company is VDOT's contractor for this year's interstate paving work.

Heavy traffic volumes on our interstate system along with major construction at the Springfield Interchange and Wilson Bridge make daytime paving operations practically impossible. Therefore, we strongly encourage our contractor to work at night.

We currently have about \$2.5 million worth of work remaining on portions of I-395 and the Beltway that will require 70 nights to complete. Limiting paving operations to mid-day and weekends would require 110 days to get the same work done. That means the contractor would be working into November when temperatures can drop below 50 degrees, the minimum temperature needed to pave. In addition, if Virginia Paving is not permitted to use the Courtney Avenue plant at night, they will have to haul the asphalt from considerable distances. The closest plant is in Sterling, some 30 miles and 45 minutes from I-395. Hauling hot asphalt 45 minutes or longer seriously compromises the quality of the asphalt.

In closing, we request that Virginia Paving Company be permitted to continue night-time paving operations using the Courtney Avenue plant to complete scheduled work on I-395 and the Beltway. In addition, we ask that all interstate projects within or adjacent to the City of Alexandria be permitted to use the Courtney Avenue plant for night-time operations under the revised Special Use Permit scheduled for consideration in September.

Thank you and please let me know if there is additional information I can provide.

Sincerely,

Dennis C. Morrison
District Administrator
Northern Virginia District

Copy: Renée Hamilton
Albert Rollins

WE KEEP VIRGINIA MOVING



5
10-14-06

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

DAVID S. EKERN, P.E.
COMMISSIONER

October 13, 2006

The City Council
City of Alexandria
301 King Street
Alexandria, Virginia 22301-2036

The Honorable William D. Euille, Mayor
The Honorable Redella S. Pepper
The Honorable Ludwig P. Gaines
The Honorable K. Rob Krupicka

The Honorable Andrew H. Macdonald
The Honorable Paul C. Smedberg
The Honorable Joyce Woodson

Re: October 14, 2006 Public Hearing Docket Item 5

Dear Honorable Members:

The Virginia Department of Transportation (VDOT) supports Virginia Paving Company's request to be able to provide paving services during nighttime hours. Night paving is of critical importance to VDOT as it builds and repairs roads in this congested region. Paving at night is a way of reducing congestion and pollution from idling cars compared to paving during the day. Night paving allows us to maintain the viability of our transportation network at lower cost and less disruption to the broader Northern Virginia community. For history purposes, attached is our July 26, 2005, letter to Mayor William D. Euille.

VDOT is also concerned about retaining the Alexandria asphalt plant as a viable business in its current location. Although VDOT does not currently have an active contract with the plant, it is very likely that we will undertake road projects in the next few years within the service area of that plant. Having the plant in operation gives us the opportunity to receive competitive bids from the few suppliers able to service that area, lowering the cost to the taxpayer of road construction.

Sincerely,

A handwritten signature in black ink that reads "E. E. Hull".

E. E. Hull, Deputy
District Administrator

Copy: Mr. Dennis C. Morrison
Ms. Renée N. Hamilton

5
10-14-06



<psottile@steptoe.com>

10/13/2006 01:34 PM

Please respond to
<psottile@steptoe.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: Virginia Paving SUP request--please deny this.

COA Contact Us: Virginia Paving SUP request--please deny this.

Time: [Fri Oct 13, 2006 13:34:08] IP Address: [63.88.112.229]

Response requested:

First Name: Patricia
Last Name: Sottile
Street Address: 5120 Donovan Drive # 307
City: Alexandria
State: VA
Zip: 22304
Phone: 7035664804
Email Address: psottile@steptoe.com
Subject: Virginia Paving SUP request--please deny this.
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 650,000 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.

Comments:

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.
Thank you,

P.J. Sottile

5
10-14-06



"Goodale, Geoffrey M."
<geoffrey.goodale@pillsburylaw.com>

10/13/2006 04:01 PM

To alexvamayor@aol.com, macdonaldcouncil@msn.com,
council@krupicka.com, paulcsmedberg@aol.com,
delpepper@aol.com, councilmangaines@aol.com,
cc jackie.henderson@alexandriava.gov, geoff.goodale@gmail.com

bcc

Subject Comments Regarding VPC's SUP Amendment Request (SUP
#2005-0042); Docket Item #5

Dear Mayor Euille and Members of the City Council:

Attached please find correspondence in which I provide comments for your consideration as you evaluate how to handle the special use permit ("SUP") amendment request of the Virginia Paving Company ("VPC"). As discussed in my letter, I urge the City Council (the "Council") to defer consideration of VPC's request and to establish a joint task force to be comprised of representatives from the Council, City staff, VPC, and the community (the "Joint Task Force") to work on more thoroughly and carefully evaluating important issues relating to VPC's request.

Such action is necessary, because numerous questions still remain as to whether the granting of the SUP amendment request would result in significant health or environmental problems. Moreover, as discussed in my letter, such action would go a long way towards restoring the trust of Alexandria's citizens in the City's planning process, which many have felt has been somewhat biased in this particular case.

Since VPC would not be able to engage in substantial night paving operations until April 2006 under the terms of the proposed amended SUP, which limits night paving operations from April through October, deferral of VPC's request would not be detrimental to VPC. Conversely, deferral of the request would provide the City with the opportunity to obtain and analyze actual test data, which will be critical in fully and accurately analyzing major health and environmental issues.

Thank you for your consideration of my comments. I respectfully request that this e-mail and the attached document be included in the record relating to this proceeding, and accordingly, I am including the City Clerk as a "cc" recipient on this e-mail. If you have any questions regarding my comments and recommendations, please do not hesitate to contact me at work (202-663-8415) or at home (702-212-9355).

Respectfully submitted,

Geoffrey M. 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@gmail.net

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counc001.PDF

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10-14-06



<jbutler@nachri.org>

10/13/2006 03:56 PM

Please respond to
<jbutler@nachri.org>

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: Virginia Paving SUP

COA Contact Us: Virginia Paving SUP

Time: [Fri Oct 13, 2006 15:56:03] IP Address: [65.201.149.75]

Response requested:

First Name: Jim
Last Name: Butler
Street Address: 406 Skyhill Road
City: Alexandria
State: VA
Zip: 22314
Phone: 703.797.6018
Email Address: jbutler@nachri.org;butlers2@erols.com
Subject: Virginia Paving SUP

Do not approve the SUP request as presented.

As you know, there are many unhappy citizens who have worked hard on the issue of the VA Paving SUP to get their point across. They are concerned about air and water quality problems, pollution and noise and fear that an industrial plant this close to a school and a City park is not healthy and should be limited in operation or closed.

I do not live in a neighborhood near the plant, so for the last year as Federation leader I have focused on the City's decision-making process and enforcement of environmental regulations, something that the Council can do something about.

Past decisions have come back to haunt us.

Clearly, citizens do not understand why such a facility is located next door to major residential development, a school and a park, and is allowed to continue in operation.

When Cameron Station and Summers Grove were approved by past City Councils and then

built, these issues badly needed to be addressed. We know that studies were done then, but some clearer vision about the future should have been in the minds of past decision-makers. We hope that current decision-makers – members of Council – will have more foresight that your predecessors, that you make wise decisions, and that you strictly enforce any new requirements that are adopted.

Your decision on this application must keep in mind planning for West Eisenhower, which, as you know, is the next big shoe to drop relating to this part of the City and its current mix of industrial, commercial and residential components.

What mix should be allowed in the future?

Clearly the city needs industry and commercial development, not just residential, to maintain a vibrant City, and to help with tax base diversification, it nothing else. Whatever you do with this application, I urge you to factor in the upcoming study of the long-range future of this area and fully involved the citizens in the planning, as generally this body has done in recent years, but has not done very well in recent meetings.

Community meetings on this topic have not been well handled – ask any citizen who has attended the May and/or the October community meetings on VA Paving. Citizens will tell you that staff exceeded the scheduled presentation times and that citizens were last on the list of participants both times. Then their comments were countered every time a controversial statement came up. Long staff or expert rebuttals of many citizen comments exceeded the time restrictions that evidently applied to average citizens but not to them.

Comments: This approach does not encourage reasoned dialogue, it just makes people mad.

The Planning Commission and P & Z staff need to exert more control over the nature and agenda of such meetings that touch on their area of responsibility, even if the primary presenters do not come from the Planning and Zoning staff or the Commission is not present. In fairness, I want to add, that problems such as this do not occur in meetings conducted by the Planning Commission and usually not in meetings run the P & Z staff. They know how to run effective meetings with

citizens, so my advice is to do so all the time.

I want to close with comments about any SUP or license for an industrial facility that raised questions about health, or the public safety or welfare.

About nine months ago, the Federation approached the City to change its procedures and act to prevent future neglect of SUP enforcement on questions arising from industrial uses – similar to those being discussed here tonight.

As you may know, the response was action by the Planning and Zoning Department. It has done a paper review of current SUPs that allow uses that may have health and public safety impacts for City residents. They have identified several uses that could cause problems: such as – emissions from dry cleaners, the asphalt plant, concrete mixing and stone crushing yards, freight, fuel and junk yards, recycling facilities, transit maintenance yards – in other words, any use that can negatively affect air quality, produce obnoxious odors, smoke or fumes, noise or any contaminants to air, water or soil.

Staff tells us that they have inspected several sites that have such operations and have cited some operators for violations.

For this type of use, the Federation has asked for more frequent inspections, higher standards for granting or renewing such special use permits and better and earlier notification of surrounding neighbors of such uses as soon as any problems arise.

P & Z has developed a draft and shared it with other City departments urging that the City firm up a tougher, more affirmative procedure and policy regarding such activity. It is my understanding that in coming weeks this fall, the Council will be asked to review these plans and concur that a much more aggressive and consistent enforcement plan of action become standard for such uses in the City.

This is a step in the right direction and we urge its adoption soon. More and more, citizens are going to insist on higher standards and more frequent reviews on any and all SUP requests and frequent reviews of current SUPs of this nature in the future. We will all benefit from it.

Thank you.

Statement of Michael E. Hobbs
before the
City Council
on behalf of the
Alexandria Federation of Civic Associations
October 14, 2006

Special Use Permit #2005-0042
Virginia Paving Company

Thank you, Mayor Euille, Vice Mayor Macdonald, and members of Council; I am Michael Hobbs, Co-Chair of the Alexandria Federation of Civic Associations, speaking on behalf of the Federation.

The Federation is a coordinating group for our member associations all across Alexandria. As such, it is not our purpose to substitute our opinion on substantive issues for that of our member associations which may be most affected, but rather to reenforce and support their efforts. So we do not appear today to represent a position on the Virginia Paving SUP, but we do note that many of Alexandria's community associations, and of their citizen members, will be speaking before you, and we urge your most serious and responsive consideration of their comments, questions and concerns.

Our members have suggested several important public policy questions which you will need to address as you consider this application.

First, how will the City's action on this particular application fit into the larger context of its goals for the soundest and most effective possible redevelopment of the West End? Will expansion or extension of this heavy industrial use advance or impair the objective of diversifying and improving the West End with expanded commercial, residential and recreational uses?

Second, for what purposes, if any, should the City permit substantial intensification of industrial uses in areas which, with the City's encouragement, have over time become largely residential, educational and recreational in character?

Third, if there is any significant difference of opinion as to whether an applicant's operations may have negative impacts on the health and safety of Alexandria's citizens, or other "nuisance" impacts, then is it appropriate for the City to authorize such operations before those questions have been unequivocally resolved?

And finally, how can the City provide unmistakable assurance to its citizens that any protections that are written for their interest will be rigorously and consistently enforced?

We are very much interested in the process by which the City conducts its investigation of issues such as this: how it frames the issues, how it gathers the information necessary to support a responsible conclusion, how it ascertains and reflects the interest and the wishes of its citizens,

and how it administers and enforces its decisions on matters of public policy and regulation, once arrived at—in particular, on matters affecting the general welfare and common interest of citizens throughout Alexandria.

In that regard, we must say that we share the concern that others have expressed—including some members of the Planning Commission—about the process by which this recommendation has come to you. Whether intended or not, that process has given the appearance that the City has been acting, not as an impartial investigator, not as the guardian of the public interest, but as an advocate for its preferred conclusion. If this application is viewed as an “us against them” proposition, with the city management and Council being “us” and the city’s concerned citizens being “them”—then we have all lost, whatever the outcome. There is no “victory” for the City if the Council adopts a sharply-contested staff recommendation only at the cost of seriously compromising the public’s confidence and trust.

We do not assert that we have the dispositive answers to these questions. But we do believe that their importance to the people of Alexandria and to the City that serves them goes even beyond their importance to the particular case before you.

Thank you for your consideration.

City of Alexandria, Virginia

MEMORANDUM

DATE: OCTOBER 13, 2006

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: WILLIAM SKRABAK, CHIEF, DIVISION OF ENVIRONMENTAL QUALITY, T&ES *WJS*

SUBJECT: RESPONSE TO VICE MAYOR MACDONALD'S QUESTIONS REGARDING VA PAVING AND MR. BENNETT'S EMAIL TO THE CITY COUNCIL

In response to Vice Mayor Macdonald's email dated October 10, 2006 to the staff that contained several questions regarding VA Paving and to also address Mr. Bennett's email dated October 11, 2006 to the City Council, City staff requested our air quality consultants (Maureen Barreett of Aero Engineering and Malay Jindal of Mactec, the same consultants that City has used throughout this process and for Mirant) to respond to the issues raised in these emails.

Attachment 1 provides answers to Vice Mayor Andrew Macdonald's questions regarding Va Paving. The answers to the questions in this document came from different departments and/or the applicant and are attributed accordingly in this compilation.

Attachment 2 is a memo from the City consultants addressing the issues raised by Mr. Bennett concerning evaluating the 1960 SUP baseline scenario with no night time operations. The additional analysis shows that the proposed SUP will result in substantial air quality benefits compared to the original 1960 SUP with no night time shift operations. As a result staff continues to believe that the proposed SUP is a better alternative at addressing air quality and the community's other environmental concerns when compared to the original 1960 SUP.

Attachment 1: Answers to Vice Mayor Andrew Macdonald's questions regarding VA Paving

Attachment 2: Memo from City Consultants addressing the issues raised by Mr. Bennett concerning evaluating 1960 SUP baseline scenario with no nighttime operations.

cc: James K. Hartmann, City Manager
Rich Baier, P.E., Director, T&ES

Responses to Questions (dated 10/10/2006) from Vice Mayor Andrew H. Macdonald

Question 1 A) In a table, summarize total estimated (using emission factors) and calculated (if based on stack tests) annual emissions of all Criteria Pollutants, PAHs, volatile HAPs, and metal HAPs under current conditions. Note: combine total VOCs, PAHs, etc, from all sources in the plant.

B) Compare these numbers with amounts allowed under DEQ permit, and also with estimated emissions if proposed City-recommended SUP conditions are implemented.

C) Estimate the total projected annual emissions (similar categories) assuming that the plant used natural gas rather than oil to produce asphalt.

Response: (Provided by City Consultants, and T&ES Staff)

Pollutant	Estimated Emissions Under Various Scenarios					
	Virginia DEQ ⁽¹⁾	Current Operations ⁽²⁾		Proposed SUP ⁽³⁾		Proposed SUP with Natural Gas in Dryers
	(tons/yr)	(tons/yr)	(tons/day)	(tons/yr)	(tons/day)	(tons/yr)
PM-10	18.1 <small>(Stacks only. No limits on fugitive emissions)</small>	14 <small>(Includes stacks and fugitives)</small>	0.24 <small>(Includes stacks and fugitives)</small>	14 <small>(Includes stacks and fugitives)</small>	0.09 <small>(Includes stacks and fugitives)</small>	10
PM-2.5	No limits on stack or fugitive emissions	8 <small>(Includes stacks and fugitives)</small>	0.18 <small>(Includes stacks and fugitives)</small>	9 <small>(Includes stacks and fugitives)</small>	0.07 <small>(Includes stacks and fugitives)</small>	6
CO	77.5	53	1.1	55	1.1	55
NO ₂	21.9	19	0.40	20	0.36	13
SO ₂	52.3	36	0.84	39	0.33	3
VOC	2.0	11	0.23	8	0.16	8
Lead	No limit	Not estimated for the modeling analysis		0.52	0.0002	Similar to Proposed SUP with Oil in Dryers ⁽⁵⁾
Formaldehyde	2.3 ⁽⁴⁾			2	0.04	
Acrolein	No limit			0.02	0.0003	
1,3-Butadiene				0.001	5.5e-6	
Benzene				0.2	0.006	
Acetaldehyde				0.8	0.016	
Quinone	1.2 ⁽⁴⁾			1.7	0.016	

(1) Virginia DEQ operating permit only limits emissions from the dryer and heater stacks.

(2) Based on 2004 actual production, i.e., 900,000 tons of asphalt.

(3) Based on the proposed SUP limit of 1,200,000 tons per year of asphalt.

(4) These limits are for the dryer stacks only.

(5) Approximately equivalent to emissions with oil combustion because 1,3 butadiene and acrolein are from mobile sources, and for other HAPs the No. 2 fuel oil and natural gas emission factors are equivalent for the plants, which are the larger source of HAPs. See Table A-10 for full list of HAP emissions from each of the source groups at the facility.

The emissions listed above for the proposed SUP scenario are based on maximum allowable production of 1,200,000 tons of asphalt per year. The actual emissions are expected to be smaller because actual production will most likely be less than the allowable limit. However, the City's dispersion modeling analysis was based on maximum allowable production. Therefore, the emissions used in the modeling were greater than would be expected in any given year. Even at the maximum allowable production levels, the City's modeling showed that modeled impacts are significantly smaller than the impacts from the baseline 2004 operations. This is because there are other air quality improvements of the proposed SUP that are not captured in the above emission estimates, but are reflected in the modeled impact. Please see the Table 1 of Attachment 2.

Question 2: *Does the DEQ air permit establish total emission limits for the entire plant (or does it regulate individual parts of the plant)? What is not regulated?*

Response: (Provided T&ES Staff)

The facility's State Operating Permit places emission limits on the heaters and dryers. There are a wide variety of requirements placed on the plant's operations, including but not limited to onsite equipment, controls, monitoring, production rates, fuel specifications, fuel limits, emission rates, opacity, recordkeeping and offsite impacts. However, there is no quantitative limits on fugitive emissions in the state permit. Fugitive emissions are controlled only to the extent of the existing control equipment and existing operational practices. Please note that under the proposed SUP, there are many additional improvements and controls targeted at controlling fugitive emissions.

Question 3: *What chemicals have been measured directly in stack tests? How many tests have been conducted?*

Response: (Provided by City Consultants and T&ES Staff)

There were 4 separate stack tests since 1996. Majority of these tests included particulates only, however in 2004 CO, NO₂, and THC (Total hydrocarbons) were also included.

Question 4: *How much will the "blue smoke" technology reduce particulate emissions, etc?*

Response: (Provided by City Consultants and T&ES Staff)

Blue Smoke will reduce particulate emissions by 99% at the loadout area, for a total emission reduction for the proposed SUP scenario of 9.9 tons.

Question 5: *Summarize all "current" SUP, DEQ and NAAQS permit/regulatory violations, etc.*

Response: (Provided by City Staff)

Virginia Paving was in violation of the prohibition against night-time vehicular traffic set forth in the 1960 SUP, but has ceased such activity over a year ago, except as specifically permitted by City Council for specific paving projects. Virginia Paving is also in violation of the requirement in the 1960 SUP for settling basins, which is being addressed through a comprehensive storm water management BMP plan, which will be implemented whether the SUP is amended or not. The City is not aware of any current violations of the Virginia DEQ permit or NAAQS permit/regulatory related violations.

Question 6: *Graph production levels at the plant from 1960 to present.*

Response: (Provided by VA Paving)

Va. Paving has production records for their ownership years and back to 1995, which was provided previously. Virginia Paving doesn't have any other production information prior to this.

Year	Production (Tons of Asphalt)	Notes
2005	761,203	Va. Paving Co.
2004	907,684	Va. Paving Co.
2003	719,160	Va. Paving Co.
2002	650,143	Va. Paving Co.
2001	847,000	Va. Paving Co. (April 2001) Includes Newton Asphalt
2000	521,981	Newton Asphalt
1999	655,188	Newton Asphalt
1998	554,014	Newton Asphalt
1997	690,752	Newton Asphalt
1996	497,807	Newton Asphalt
1995	579,225	Newton Asphalt

Question 7: *When was the plant expanded?*

Response: (Provided by VA Paving)

The plant wasn't expanded. In fact, according to Mr. Miller of Newton Asphalt, there were four plants at this facility in the 1970's. Plant One was ordered in 1979 to consolidate two of the plants on site at that time. Plant 2 was installed in the mid-1990's which consolidated the two other plants that were on site after Plant One was installed. Both of the current, technologically advanced plants now located on site were installed as a consolidation of prior-existing plants.

Response: (Provided by City's P&Z)

While staff is generally aware that the plant has been reconfigured since 1960 - for example, the plant once had four batch plants rather than the two it now has - we are not aware of any changes that could fairly be characterized as an "expansion" of the plant. The most recent change was in the mid-90's when one of the batch plants was modified to have a counter flow drying drum.

Question 8: *Have other cities and/or states established a minimum distance between asphalt plants and homes, schools, etc?*

Response: (Provided by City staff)

Many counties and cities have recently adopted ordinances related to the location of asphalt plants relative to schools and residences. These ordinances apply to new asphalt plants. Existing asphalt plants are typically allowed to continue operation and are considered to be grandfathered from the ordinance. For example, the Watauga County, North Carolina ordinance states that a pre-existing asphalt plant "which does not conform to this ordinance may continue so long as the use is not discontinued for more than two years." These ordinances prevent construction of new asphalt plants near residences,

schools, hospitals, child-care centers, etc. For example, Ashe County, North Carolina, prohibits a new asphalt plant from locating within 1,000 feet of a residence. Similarly, Ashe and Jackson Counties in North Carolina prohibit a new asphalt plant from locating within 1,320 feet (¼-mile) of a school or daycare facility. Watauga County, North Carolina requires that a new plant be a minimum distance of 1,500 feet from a school or daycare facility.

Response: (Provided by VA Paving)

There are over 3600 asphalt plants in the country. Many are in urban areas and near schools and residential areas. The fact that schools and residential areas are built near existing plants should serve as an indicator that they are minor sources of emissions. The National Asphalt Pavement Association (www.hotmix.org) is a source of information on asphalt plants nationally. The modeling was based on high production and still showed acceptably small impacts. Virginia Paving will provide further information as soon as they complete their review of similar operations in urban areas.

Question 9: *Summarize all unresolved modeling issues? (Community, VA Paving, City)*

Response: (Provided by City staff)

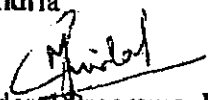
The City used the same modeling consultants for VA Paving as was used for analyzing impacts from Mirant. Va Paving also conducted independent modeling which was reviewed by the City's consultants. All modeling was reviewed and commented upon by Community's consultant, David Sullivan. Staff and City's consultants do not believe that there are any unresolved modeling issues.

ATTACHMENT 2


MEMORANDUM

To: William Skrabak / T&ES
City of Alexandria

Date: October 13, 2006

From: Malay Jindal 
MACTEC Federal Programs, Inc.

Subject: Virginia Paving Modeling
Analysis

Maureen Barrett 
AERO Engineering Services

The purpose of this memorandum is to address a comment raised recently by Mr. Joe Bennett of the Cameron Station Civic Association regarding the assumptions used by the City in performing a dispersion modeling analysis of air pollutant emissions from the Virginia Paving facility. The modeling analysis was performed by Ms. Maureen Barrett of AERO Engineering Services and reviewed by Mr. Malay Jindal of MACTEC. The following describes the analysis conducted, discusses the results of the analysis, and presents estimated impacts that respond to Mr. Bennett's comments.

Mr. Bennett commented that the City did not address a scenario in which the operations at the Virginia Paving facility would be limited by the 1960 Special Use Permit (SUP). The estimated impacts presented in this memorandum for such a scenario show that the benefits of the proposed SUP outweigh any restrictions imposed by the 1960 SUP.

1. Dispersion modeling is a mathematical predictive tool used to assess air quality impacts of pollutants from a source of emissions, such as an industrial facility. U.S. EPA has the primary responsibility for developing dispersion models and providing guidance on how these models should be applied and in what situations they can be used. While some of the guidance is specific, almost prescriptive, other guidance allows expert user judgment based on experience and knowledge of the source being analyzed.
2. Under U.S. EPA guidelines for dispersion modeling analyses, the intent is to assess worst-case impacts that can be expected from the facility's operations. These worst-case impacts are then compared against published air quality standards and guidelines. These impacts can also be used to compare one modeled scenario against another to see the relative difference in impacts.
3. Dispersion modeling can also be used to assess historical impacts from a facility's operations. The intent of such analyses is often to estimate the potential worst-case exposure that could have occurred during the operational period being modeled. For these analyses, actual operations at a facility are simulated to the extent possible. Where actual data are not available, conservative assumptions (i.e., that tend towards over-estimation of impacts) are made in order to arrive at a meaningful worst-case assessment.

Memorandum to Mr. William Skrabak / T&ES
October 13, 2006
Page 2

4. Ultimately, the primary purpose of modeling is to assess whether the predicted worst-case impacts from a facility are expected to be in compliance with the ambient air quality standards and guidelines. This determination is used to support the decision to permit the facility's operations, i.e., decisions related to setting emission limits, requiring pollution controls, mitigating impacts, and establishing operational limits. The operational scenario that is permitted must meet the ambient air quality standards and guidelines. Typically, such an analysis is required for major sources. Minor sources, such as Virginia Paving, are not generally required to conduct modeling analyses under Virginia DEQ regulations.
5. During the review of Virginia Paving operations, the City asked Virginia Paving to propose an operating scenario that would comply with the ambient air quality standards and guidelines, and perform modeling to demonstrate compliance. The City also asked Ms. Barrett to perform an independent modeling analysis of the scenario developed by Virginia Paving. This modeling was analogous to that typically required by Virginia DEQ for permitting of major sources. Subsequent to this analysis, the City negotiated further improvements in the proposed scenario, such as lowering the sulfur content of No. 2 oil used at the facility from 0.5% to 0.05% by weight. The scenario finally proposed in the SUP is comprised of negotiated operational and emission limits, and pollution control measures, that ensure compliance with the ambient standards and guidelines at maximum allowable operational and emission rates.
6. In addition to analyzing the above-mentioned proposed "SUP scenario," the City also wanted to evaluate historical impacts from the Virginia Paving facility. The City's intent for this analysis was to assess the worst-case impacts to which the community was potentially exposed. Therefore, the City asked Ms. Barrett to also perform modeling of a worst-case "baseline scenario." The facility's operations during 2004 were selected for this modeling because during that year, the facility produced a greater amount of asphalt than other past years. Ms. Barrett's modeling for this baseline scenario showed violations of the ambient air quality standards.
7. For the modeling analyses performed by Ms. Barrett, standard U.S. EPA guidelines were used. The EPA guideline model "AERMOD" was applied which, according to EPA, is the best suited model for this type of source and its surroundings. Guidelines for AERMOD are mostly prescriptive and were followed. AERMOD is a relatively new model and one aspect of the EPA's guidelines for this model changed during the months when this analysis was conducted. An analysis of the changed guideline was performed by re-running the model, and it revealed no significant difference in impacts compared to the original modeling.
8. The main difference between the "baseline" and "SUP" scenarios was that each scenario was modeled with its respective operational data and emission rates. All other inputs were identical, such as meteorological data, receptor locations, terrain elevations, etc. This provided for a meaningful comparison of the two scenarios. The impacts from the two scenarios are presented in the attached Table 1, along with the results from the

Memorandum to Mr. William Skrabak / T&ES
October 13, 2006
Page 3

modeling performed by Virginia Paving. As shown, the proposed SUP scenario reflects a marked improvement over the baseline scenario.

9. A comment has been raised recently by Mr. Joe Bennett of the Cameron Station Civic Association that the City's modeling analysis does not address the impacts from the facility that would be expected if the proposed SUP is not approved and therefore Virginia Paving would be limited in its operations by the current SUP issued in 1960. The 1960 SUP prohibits exit and entry of trucks during nighttime. While the 1960 SUP does not prohibit nighttime operation of the facility, Mr. Bennett has commented that prohibition on nighttime truck traffic effectively precludes nighttime operation because asphalt cannot be stored more than three hours after production. Therefore, asphalt production cannot begin any more than three hours before sunrise. While this may be true, the City believes that other operations can occur at night such as preparation activities, aggregate delivery by train, on-site unloading and handling of aggregate, and RAP crushing. Furthermore, under this scenario asphalt production can effectively begin before sunrise and therefore there will be nighttime emissions from those operations as well. These are all sources of particulate matter emissions, which have been a primary concern of the community. For this reason, the City did not consider a scenario where operations are allowed to continue under the 1960 SUP. The City believes that the added benefits of the proposed SUP far outweigh any benefits that would be achieved by prohibiting nighttime truck traffic to and from the facility.
10. Among the many benefits of the proposed SUP, there are several significant benefits worth mentioning. The proposed SUP will reduce emissions of almost every pollutant expected to be emitted from the facility. None of these reductions are required under the 1960 SUP. The proposed SUP requires better dispersion by raising stack heights, which would not be achieved under the 1960 SUP. The proposed SUP specifies discrete measures to reduce odor, noise and lighting problems, which are also community's concerns and which are not required under the 1960 SUP. Overall, the proposed SUP provides greater benefits than the 1960 SUP.
11. Limiting the facility to daytime operation only under its current configuration (i.e., the baseline analysis without the controls implemented under the proposed SUP) results in air quality impacts that are either equivalent to or greater than air quality impacts under the proposed SUP scenario. The table below shows impacts for most of the criteria pollutants and covers a range of averaging periods, i.e., 3-hour, 24-hour and annual averages. These are based on annual daytime production ranging from 700,000 to 900,000 tons per year (called the 1960 SUP), versus an annual production of 1.2 million tons per year under the proposed SUP. For the 1960 SUP, these impacts assume 12 hours of daily operation, limited to the period of 5 AM to 5 PM. This effectively reduced daily production to 12,000 tons per day.

Memorandum to Mr. William Skrabak / T&ES
 October 13, 2006
 Page 4

Pollutant	Averaging Period	1960 SUP Scenario ^{(1),(2)} ($\mu\text{g}/\text{m}^3$)	Proposed SUP Scenario ^{(1),(2)} ($\mu\text{g}/\text{m}^3$)
SO ₂	3-Hour	1,142	345
	24-Hour	253	133
	Annual ⁽³⁾	57 - 77	36
PM-10	24-Hour	170	81
	Annual ⁽³⁾	12 - 16	11
PM-2.5	24-Hour	44	23
	Annual ⁽³⁾	4 to 5	<1
NOx	Annual ⁽³⁾	17 - 22	17

⁽¹⁾ Not including monitored background.

⁽²⁾ For the purposes of comparison between the two SUP alternatives, all results presented here were derived using site-specific land-use characteristics and 2000-2004 meteorological data.

⁽³⁾ Range in impact reflects range in estimation of annual production of 700,000 to 900,000 tons.

12. For the other criteria and hazardous air pollutants, impacts from both the 1960 SUP and proposed SUP scenario show wide margins between impacts and standards. Therefore, on the basis of impacts of all of the criteria pollutants and hazardous air pollutants from this facility, we believe that the proposed SUP is a better alternative than the 1960 SUP.

Memorandum to Mr. William Skrabak / T&ES
 October 13, 2006
 Page 5

TABLE I
Modeled Air Quality Impacts
Virginia Paving Company, Alexandria, Virginia

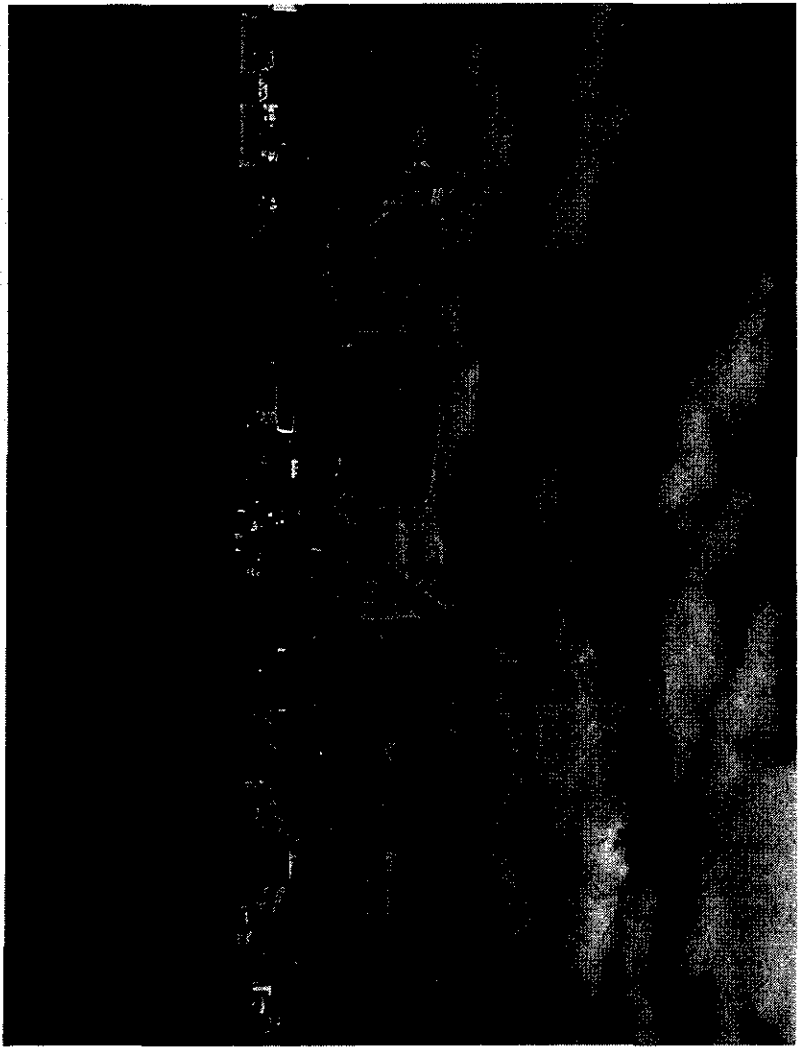
Pollutant	Averaging Period	Monitored Background Concentration ($\mu\text{g}/\text{m}^3$)	City's Baseline Scenario ($\mu\text{g}/\text{m}^3$)	City's SUP Scenario ($\mu\text{g}/\text{m}^3$)	VA Paving's SUP Scenario ($\mu\text{g}/\text{m}^3$)	NAAQS or SAAC ($\mu\text{g}/\text{m}^3$)
CRITERIA POLLUTANTS						
PM-10	24-Hour	43	346	124	102	150
	Annual	19	35	30	25	50
PM-2.5	24-Hour	35	125	58	68	65
	Annual	13	18	16	16	15
NOx	Annual	45	74	63	54	100
CO	1-Hour	4,580	7,467	5,817	5,202	40,000
	8-Hour	3,206	4,820	3,887	3,668	10,000
SO ₂	3-Hour	238	2,508	583 ⁽¹⁾	534	1,300
	24-Hour	60	648	193 ⁽¹⁾	194	365
	Annual	16	58	52 ⁽¹⁾	54	80
Lead	Quarter	0.013	0.040	0.030	0.015	1.5
HAZARDOUS AIR POLLUTANTS						
Lead	1-Hour	n/a	n/a	0.1	n/a	7.5
	Annual	n/a	n/a	0.007	n/a	0.3
Formaldehyde	1-Hour	n/a	n/a	27 ⁽²⁾	14.6	62.5
	Annual	n/a	n/a	0.24	0.21	2.4
Acrolein	1-Hour	n/a	n/a	0.2	n/a	17.3
	Annual	n/a	n/a	0.02	n/a	0.46
1,3 Butadiene	1-Hour	n/a	n/a	0.09	n/a	1,100
	Annual	n/a	n/a	0.004	n/a	44
Benzene	1-Hour	n/a	n/a	3.0	n/a	1,600
	Annual	n/a	n/a	0.2	n/a	64
Acetaldehyde	1-Hour	n/a	n/a	9.3	n/a	6,750
	Annual	n/a	n/a	0.7	n/a	360
Quinone	1-Hour	n/a	n/a	1.5	0.73	22
	Annual	n/a	n/a	0.7	0.01	0.8

⁽¹⁾ Reflects a sulfur content of 0.05% in No. 2 oil as required in the proposed SUP. The corresponding impacts listed in the City's SUP staff report are based on 0.5% sulfur content in No. 2 oil. The City negotiated a lower sulfur content subsequent to the analysis presented in the staff report.

⁽²⁾ Uses 1991 Reagan Airport data that includes wind speeds in the 1.0 to 1.5 meter per second range.

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10-14-06

VIRGINIA PAVING Special Use Permit



City Council, October 14, 2006



Special Use Permit Request

- Amend condition from 1960 SUP that prohibits nighttime vehicular traffic**

- Increase stack height to 20 meters**



Considerations for Proposed SUP

- Difficult case involving coexistence of long-standing industrial use, allowed by zoning and Master Plan, and nearby residential uses**

- Amendment presents opportunity to enhance environmental protection**

- No violations of local, State or Federal environmental regulations (except for nighttime truck traffic and stormwater settling basins)**

- Existence of plant and other industrial uses in southwest corner present land use questions that will be considered as part of the West Eisenhower Avenue Small Area Plan study, not the proposed SUP amendment**



SUP Process

- Two-year process**
 - Numerous meetings with community and applicant**
 - Extensive analysis of environmental impacts by City staff and three consultant groups (the City used the same consultants as for Mirant)**
 - Planning Commission recommended approval 6-1**
-



Environmental Issues & Concerns

Raised by community since 2000

- Air Quality**
 - **Emissions**
 - **Fugitive PM (dust)**
 - **Ambient Impacts**
- Odors**
- Noise**
- Lighting**
- Stormwater**
- Proximity of plant to school/park**



New SUP Conditions Will:

- Restrict hours**
 - Require air pollution control equipment and air quality enhancements above and beyond those required by State and Federal regulations**
 - Require regular testing and monitoring of operations**
 - Require best management practices for stormwater management**
 - Require noise abatement measures**
 - Provide additional screening, buffering, and lighting controls**
 - Require a production cap (900,000 annual tons until all improvements implemented, then cap at 1,200,000 annual tons)**
 - Require more extensive enforcement procedures, such as penalties for specific conditions, annual review, and community outreach**
-



IF SUP IS DENIED:

- The plant would continue to operate with the existing SUP:**
 - **A stormwater management system would be installed**
 - **Night time vehicular activity would stop**
 - **Night time operation (heating and mixing) would continue**

 - The additional environmental controls, addressing air quality, noise, odors and other community concerns, would not be required.**

 - No production cap, except the 1,500,000 tons stipulated in State Operating Permit.**
-



IF SUP IS APPROVED:

- Night time operations permitted according to Condition #74 (Federal, State, Local governments, April 1 to November 1).**
 - Night time paving limits traffic impacts to larger citizenry.**

- New SUP conditions, when implemented, will reduce impacts, place production caps, improve operational practices, and result in significant new pollution control equipment.**

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10-14-06

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

OF COUNSEL
CYRIL D. CALLEY

RETIRED
ROBERT L. MURPHY, 2001

October 13, 2006

The Honorable William D. Euille, Mayor
and Members of City Council
City Hall, 301 King Street, Room 2300
Alexandria, VA 22314

Re: Docket Item No. 5, SUP No. 2005-0042
Virginia Paving Company Asphalt Plant, 5601 Courtney Avenue

Dear Mr. Mayor and Members of Council:

Based upon discussions with Staff, the following are agreed changes to the conditions of the Special Use Permit referenced above:

Condition No. 16:

All on-site diesel engines, front end loaders, trucks and other diesel equipment owned and operated by Va Paving shall install 90% efficient particle traps. The installation of particle traps on half (50%) of this equipment shall be completed no later than October 31, 2006, starting with the largest engines, and on the remaining equipment no later than December 31, 2006. In addition, all dump trucks owned and operated by Va. Paving will be replaced with new trucks that will meet the new 2007 Tier III EPA standard for emissions from diesel engines within three years of approval. Va. Paving will replace one third of the existing trucks each year between 2007 and 2009.

Condition No. 74 was changed by the Planning Commission and that change wasn't reflected in the conditions for City Council. That condition should read as follows:

The hours of operation for the asphalt plant shall be limited to 5:00 a.m. to 9:00 p.m. Monday through Saturday. In addition, when undertaking Federal, State or Local Government roadway projects 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. During nighttime hours, the applicant shall not engage in private paving.

The Honorable William D. Euille
and Members of City Council
October 13, 2006
Page 2

Please incorporate these changes in your action on October 14, 2006.

Very truly yours,

A handwritten signature in black ink that reads "Mary Catherine Gibbs". The signature is written in a cursive, flowing style.

Mary Catherine Gibbs

cc: Mr. Richard Josephson, Acting Director, Planning & Zoning
Mr. Richard Baier, Director, T&ES
Mr. Dennis A. Luzier, Assistant District Manager, Virginia Paving Company

DOCKET 5

Nadine,

This is the message you should read on Saturday. I'm not certain if you have testified before. For this meeting please be there at 9:00 am so that you can get a seat. We know from the planning commission that VA Paving will bring in all of their workers, both employee and contractors and try to fill the hearing room. When you walk into the door at the table on the left you will find a speakers form. Please fill it out and mark the resident box and speaking on behalf of "self". I'm sure that Joe or Art will have someone near the table to answer any questions. They are turned into the first person at the dias on the left. Thanks for participating.

My name is Nadine Bacaj. I live at 5116 Donovan Drive, in Cameron Station.

Jordan Berliner, an Alexandria resident, prepared the following statement/ Jordan is unable to be here this morning/ but asked that his statement be read at this hearing./

J.B. → I heard the testimony of the staff in their report/ at the Planning Commission meeting on October 3, 2006/ A great deal of what they said in support of the permit/ was based on Modeling,/ including information relevant to potential hazards to our health/

Rich Baier, Director, Transportation and Environmental Services, testified at the Planning Commission meeting that/ if this were a case in court,/ no judge would accept an argument based on modeling/ and not solely based on facts/ I feel the same way./ As a former research scientist, I am aware that modeling is based on assumptions/ and is no better than those assumptions/ I am painfully aware of how often models are incorrect, inaccurate, or just plain wrong/

In New Orleans, based on their modeling/ the Army Corps of Engineers said the levees would hold during Hurricane Katrina/ They were wrong/ What if the assumptions in this situation are wrong?

How certain are you about the correctness of the modeling and the assumptions?/

Unless you are absolutely sure, I urge you to reject this Special Use Permit. ← J.B.,

Thank-You

Nadine, if you have any other statement you want to add I would suggest that you add it at the very beginning before you read Jordan's statement. Finish with his which will probably take about 1 minute. Again, thanks for participating.

Mindy

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10-14-06



J Bennett <jb900@yahoo.com>
10/13/2006 04:30 PM

To Jackie Henderson <jackie.henderson@alexandriava.gov>
cc <sarareid@comcast.net>, Dave Sullivan
<sull_env@ix.netcom.com>
bcc

Subject Scientific Advisory Committe Letter on New Standards

History:

 This message has been forwarded.

Jackie Henderson
City Clerk

Please see that Council members receive copies of this letter, that it be made part of the official record of the Virginia Paving docket item, and that copies be made available for the public. Thank you.



Joe Bennett CASAC_Letter_Sept_29_2006.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460

OFFICE OF THE ADMINISTRATOR
SCIENCE ADVISORY BOARD

September 29, 2006

EPA-CASAC-LTR-06-003

Honorable Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Subject: Clean Air Scientific Advisory Committee Recommendations Concerning the
Final National Ambient Air Quality Standards for Particulate Matter

Dear Administrator Johnson:

We, the seven members of the Clean Air Scientific Advisory Committee (CASAC or Committee), are writing to express our serious scientific concerns regarding the public health and welfare implications of EPA's final primary (health effects) and secondary (welfare effects) National Ambient Air Quality Standards (NAAQS) for airborne particulate matter (PM). As you know, the CASAC is mandated by the Clean Air Act to provide scientific advice on the setting of these standards that are intended to protect both public health and public welfare, and in the case of the protection of public health, to do so with "an adequate margin of safety." The Committee has conscientiously fulfilled its duty in providing our best scientific advice and recommendations to the Agency. Regrettably, however, EPA's final rule on the NAAQS for PM does not reflect several important aspects of the CASAC's advice.

In its letter dated June 6, 2005, the CASAC recommended that the 24-hour standard for $PM_{2.5}$ be decreased from 65 micrograms per cubic meter ($\mu g/m^3$) to 30–35 $\mu g/m^3$. We are pleased with the Agency's decision in the final PM NAAQS rule to decrease the daily primary $PM_{2.5}$ standard to a level consistent with the CASAC's recommendation (35 $\mu g/m^3$), as this decrease will provide additional health protection in some cities. In addition, we recommended a decrease in the annual primary $PM_{2.5}$ standard from 15 $\mu g/m^3$ to 13–14 $\mu g/m^3$. However, the CASAC is concerned that EPA did not accept our finding that the annual $PM_{2.5}$ standard was not protective of human health and did not follow our recommendation for a change in that standard.

The CASAC recommended changes in the annual fine-particle standard because *there is clear and convincing scientific evidence that significant adverse human-health effects occur in response to short-term and chronic particulate matter exposures at and below 15 $\mu g/m^3$, the level of the current annual $PM_{2.5}$ standard.* The CASAC affirmed this recommended reduction in the annual fine-particle standard in our letter dated March 21, 2006 concerning the proposed rule for the PM NAAQS, in which 20 of the 22 members of the CASAC's Particulate Matter

Review Panel — including all seven members of the chartered (statutory) Committee — were in complete agreement. While there is uncertainty associated with the risk assessment for the PM_{2.5} standard, this very uncertainty suggests a need for a prudent approach to providing an adequate margin of safety. *It is the CASAC's consensus scientific opinion that the decision to retain without change the annual PM_{2.5} standard does not provide an "adequate margin of safety ... requisite to protect the public health" (as required by the Clean Air Act), leaving parts of the population of this country at significant risk of adverse health effects from exposure to fine PM.*

Significantly, we wish to point out that the CASAC's recommendations were consistent with the mainstream scientific advice that EPA received from virtually every major medical association and public health organization that provided their input to the Agency, including the American Medical Association, the American Thoracic Society, the American Lung Association, the American Academy of Pediatrics, the American College of Cardiology, the American Heart Association, the American Cancer Society, the American Public Health Association, and the National Association of Local Boards of Health. Indeed, to our knowledge there is no science, medical or public health group that disagrees with this very important aspect of the CASAC's recommendations. EPA's recent "expert elicitation" study (Expanded Expert Judgment Assessment of the Concentration-Response Relationship Between PM_{2.5} Exposure and Mortality, September 21, 2006) only lends additional support to our conclusions concerning the adverse human health effects of PM_{2.5}.

Furthermore, the CASAC was completely surprised at the decision in the final PM NAAQS to revert to the use of PM₁₀ as the indicator for coarse particles. In our September 15, 2005 letter, the CASAC recommended a new indicator of PM_{10-2.5}, which EPA put forward in its proposed rule for the PM NAAQS. The option of retaining the existing daily PM₁₀ standard of 150 µg/m³ was not discussed during the advisory process, and in fact the CASAC views this as highly-problematic since PM₁₀ includes both fine and coarse particulate matter. The Committee acknowledges the need for the Agency to increase its understanding of the health risks of coarse particles and is concerned that ongoing dependence on PM₁₀ sampling as an imprecise measure of coarse particulate matter will provide inadequate information on coarse PM concentrations, compositions and exposures in both urban and rural areas. However, the CASAC agrees that having a standard for PM₁₀ is better than no standard at all for coarse particles, and was pleased with the Agency's decision against offering exemptions to specific industries (*i.e.*, agricultural, mining) in its regulation of coarse particles.

With respect to the secondary PM standard, the decision was made "to revise the current PM secondary standards by making them identical in all respects to the revised suite of primary PM standards." In our June 6, 2005 letter, the CASAC affirmed the recommendation of Agency staff regarding a separate secondary fine particle standard to protect visibility. This sub-daily secondary PM_{2.5} standard is a better indicator of visibility impairment than the 24-hour primary standard. The CASAC wishes to emphasize that continuing to rely on primary standards to protect against all PM-related adverse environmental and welfare effects assures neglect, and will allow substantial continued degradation, of visual air quality over large areas of the country.

In summary, the Agency has rejected the CASAC's expert scientific advice with regard to lowering the level of the annual primary fine particle (PM_{2.5}) standard and establishing a new

coarse particle (PM_{10-2.5}) standard — both of which are consistent with the recommendations of the nationally-recognized science, medical and public health groups such as those cited above — and, in addition, EPA has not followed our advice in setting a separate secondary PM_{2.5} standard. We note that, since the CASAC's inception in the late 1970s, the Agency has always accepted the Committee's scientific advice with regard to final NAAQS decisions. In view of this, we question whether you have appropriately given full consideration to CASAC's expert scientific advice — obtained through open, public processes — in your final decisions on the PM NAAQS.

The CASAC shares a common goal with EPA to protect the public health and welfare. We earnestly hope that the Agency's future consideration of the CASAC's scientific advice with respect to standard-setting for the criteria air pollutants will prove more fruitful in achieving that very important goal.

Sincerely,

/Signed/

Rogene Henderson, Ph.D.
Chair, Clean Air Scientific Advisory Committee
Scientist Emeritus
Lovelace Respiratory Research Institute
Albuquerque, NM

/Signed/

Mr. Richard L. Poirot
Environmental Analyst
Vermont Agency of Natural Resources
Waterbury, VT

/Signed/

Ellis Cowling, Ph.D.
University Distinguished Professor At-Large
North Carolina State University
Raleigh, NC

/Signed/

Frank Speizer, M.D.
Edward Kass Professor of Medicine
Channing Laboratory
Harvard Medical School
Boston, MA

/Signed/

James D. Crapo, M.D.
Professor, Department of Medicine
National Jewish Medical and Research Center
Denver, CO

/Signed/

Barbara Zielinska, Ph.D.
Research Professor
Desert Research Institute
Reno, NV

/Signed/

Frederick J. Miller, Ph.D.
Cary, NC
Consultant

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10-14-06

Phillip Johnson

From: Philip Johnson
Sent: Friday, October 13, 2006 4:24 PM
To: 'wmeuille@wdeuille.com'; 'ahmacdonald@his.com'; 'Ludwig@gainwithgaines.com'; 'rob@krupicka.com'; 'delpepper@aol.com'; 'smedbergpc@aol.com'; 'timlovain@timlovain.com'
Subject: Pro Virginia Paving from a Cameron Station Resident

FAX#: 703-838-6433

✓
City of Alexandria
City Clerk
Re: Docket #5

Dear Council Members:

I would like you to know that not all Cameron Station Residents are opposed to the amendment to its Special Use permit that is coming before the Council tomorrow morning. The apparent pressure you are under to not approve the amendment, given the signs put up by the "Alexandrians" that live in this community, must be intense.

Given that, I hope that you will consider, that there other interests to be served other than the transient residents, which are here today and gone tomorrow. Consider the multitude of for sale signs that you see here, and it is pretty evident this is not a rock solid stable community of "Alexandrians". Even so, these segments of the community seem to get their way on any issue that they are against.

As you know, Virginia Paving, and its' predecessor, have been at that location long before Cameron Station was ever imagined. Presumably, they have been a good corporate citizen, paying their taxes and employing people. Their modest request to extend the work day seems to be reasonable and welcome considering the congestion that continues to grow in the city. Their agreement to invest \$2,000,000 into their infrastructure to upgrade their facility demonstrates their good faith efforts to make this work. In short, they have gone the extra mile to show that they are an excellent corporate citizen.

I am a life long resident of this city and former business owner. I have no personal ax to grind in this decision, except that I hope we respect and value our businesses as much as we do the transient population that are passing through.

Sincerely

Phil Johnson
5257 Bcssley Place
Alexandria, VA 22304

10/13/2006

City of Alexandria, Virginia

5
10-14-06

MEMORANDUM

DATE: OCTOBER 13, 2006

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMANN, CITY MANAGER *J*

FROM: RICHARD BAIER, DIRECTOR, TRANSPORTATION AND ENVIRONMENTAL SERVICES *R. Baier*
RICHARD JOSEPHSON, ACTING DIRECTOR, PLANNING AND ZONING *RJ*

SUBJECT: VIRGINIA PAVING SUP ENFORCEMENT

Virginia Paving is requesting approval of a Special Use Permit to allow nighttime vehicular traffic at their existing plant on Courtney Avenue. Staff is recommending approval subject to compliance with 74 conditions. Council has requested that staff provide a strategy for enforcement of these conditions.

The attached Virginia Paving Enforcement Matrix provides a description of each condition, identifies the department primarily responsible for recommending the condition and includes the compliance schedule for each condition. The conditions fall into two major categories: 1) Conditions that require ongoing enforcement, and 2) Conditions that have a specific deadline for compliance. Of the 74 recommended conditions, 32 require ongoing enforcement, some of which include daily, weekly and monthly inspections by City staff. The remainder have specific deadlines for compliance.

Staff proposes to enforce these conditions through a comprehensive program, including team inspections carried out by staff from five agencies: Transportation and Environmental Services, Planning and Zoning, Code Enforcement, Recreation, Parks and Cultural Activities and the Health Department. While most of the conditions have been recommended by T&ES and will have to be verified by T&ES staff, coordination and timing of the inspections will be provided by Planning and Zoning staff. Once the time specific conditions have been completed, most of which will occur in the first two years after approval of the SUP, staff will be tasked with ongoing enforcement of the remaining 32 conditions. These conditions will require regular frequent inspections. Additional T&ES staff resources will be required to supplement regular staff. One new T&ES inspector will be needed in order to verify compliance with the conditions on a timely basis and in accordance with the SUP. This inspector will provide both unscheduled and

scheduled inspections for the conditions concerning construction and the environment. The inspector will possess currently utilized by the Department of T&ES on the Mirant (PRGS) case. This professional will be versed in State and Federal National Ambient Air Quality Standards (NAAQS) as well as City Code requirements. Other department staff from Code Enforcement, Planning and Zoning, Recreation, Parks and Cultural Activities, Fire and Police will augment the inspections/enforcement as necessary.

The fiscal impact of this effort is estimated at \$126,000 per year for the first two years and includes initial start up and equipment costs. Cost in subsequent years will depend on the number of scheduled inspections and complaints. I recommend we recover these costs from Virginia Paving on a quarterly or annual basis based on actual costs incurred by the City. If Council concurs, this should be added as an additional condition.

Please let us know if you have any comments or questions.

Attachment

cc: Jannine Pennell, Acting Director, Code Enforcement
Kirk Kincannon, Director, Recreation, Parks and Cultural Activities
David Baker, Police Chief
Gary Mesaris, Fire Chief

Virginia Paving SUP Enforcement Matrix October 14, 2006			
Condition #	Description	Responsible Department	Compliance Schedule
1, 2	Production limit	T&ES	Daily, weekly, monthly, and annual monitoring and reporting
3	Control of smoke, odors and air pollution	T&ES, Health	Regularly unannounced inspections; and follow-up inspections in response to complaints
4, 5	Limit on days and type of nighttime work	T&ES	Regularly unannounced inspections; and follow-up inspections in response to complaints
6	Odor control additives and record keeping	T&ES	Regularly unannounced inspections; and follow-up inspections in response to complaints
7, 8, 9, 10	Use of No. 2 fuel oil and record keeping	T&ES	Daily, weekly, monthly, and annual monitoring and reporting
11	Blue Smoke Control	T&ES	Test within 90 days of startup; installation complete by Dec 31, 2006 for Plant 1 and July 30, 2007 for Plant 2
12	Low NOx burners	T&ES	Install by October 30, 2006 for Plant 2 and December 31, 2007 for Plant 1
13	Tank Vent Condensers	T&ES	Install by September 30, 2006
14	Fugitive Emissions Control System	T&ES	Install by September 30, 2007 for Plant 1 and June 30, 2008 for Plant 2; certified within 180 days of startup
15	TSP Emissions	T&ES	Demonstrate compliance once every two years and submit report to Cit within 30 days; also, monthly visible emissions testing
16	Particle traps for Virginia Paving trucks and Equipment	T&ES	Traps installed on 50% of equipment by September 30, 2006 and remainder by December 31, 2006

Virginia Paving SUP Enforcement Matrix
October 14, 2006

<i>Condition #</i>	<i>Description</i>	<i>Responsible Department</i>	<i>Compliance Schedule</i>
17	Height of Drum Dryer Exhaust Stacks	T&ES	Increase height to 20 meters by January 31, 2007
18	Height of Hot Oil Heater Stack	T&ES	Increase height by 6 meters by October 31, 2006
19	RAP Crusher particulate matter emission control	T&ES	Install by December 31, 2006
20	RAP Crusher visible emissions	T&ES	Regularly unannounced inspections; and follow-up inspections in response to complaints
21	Water Spray twice daily	T&ES	Regularly unannounced inspections; and follow-up inspections in response to complaints
22	Pave truck access	T&ES	By October 31, 2006
23	Water Sprays and Enclosures	T&ES	By December 31, 2006
24	Control of Fugitive Dust	T&ES	Annual inspection and record keeping; first submittal by April 30, 2007
25	Stack Tests	T&ES	First test prior to August 31, 2007; second test prior to August 31, 2009; subsequent tests at least every 5 years; results submitted to City within 90 days
26	Permits from VDEQ	T&ES	For construction of required controls and operations
27	Determination of Public Nuisance/Public Health Problem	T&ES, Health	Regularly unannounced inspections; and follow-up inspections in response to complaints
28, 28a., 28b.	Changes to National Ambient Air Quality Standards (NAAQS)	T&ES	Operate PM10 monitor until 3 years of data is collected; if data indicate exceedance, require Virginia paving to demonstrate, within 90 days, that it is not causing the exceedance
29	Stormwater Management Facility	T&ES	Install by December 31, 2006

Virginia Paving SUP Enforcement Matrix
October 14, 2006

<i>Condition #</i>	<i>Description</i>	<i>Responsible Department</i>	<i>Compliance Schedule</i>
30A, 30B, 30C	Stormwater Management Best Management Practices	T&ES	Execute a maintenance agreement with the City
31	Asphalt Pile Buffer from Back Lick Run	T&ES	Regularly unannounced inspections; and follow-up inspections in response to complaints
32	Bank Stabilization Project	T&ES	To satisfaction of T&ES
33, 34, 35	Noise from operations	T&ES	Regularly unannounced inspections; and follow-up inspections in response to complaints
36	Noise from Norfolk Southern	T&ES	Regularly unannounced inspections; and follow-up inspections in response to complaints
37	Hours of operation of locomotive, rail unloading and RAP crusher	T&ES	Regularly unannounced inspections; and follow-up inspections in response to complaints
38	RAP pile dumping	T&ES	Regularly unannounced inspections; and follow-up inspections in response to complaints
39	Virginia Paving Truck noise	T&ES	Install backup alarms within 6 months of SUP approval; adjust truck routes to reduce noise
40	Tailgate noise	T&ES	On-site personnel and posting of signs
41	24 hour hotline	T&ES	Daily, weekly, monthly, and annual monitoring and reporting
42	Engine Idling	T&ES	Post signs limiting idling
43	Noise Reducing Mufflers	T&ES	Install on exhaust ports by November 30, 2006
44	Noise Review	T&ES	Review noise complaints 2 years after approval of SUP; may require sound barriers or all trucks to be equipped with ambient noise level back-up alarms

Virginia Paving SUP Enforcement Matrix
October 14, 2006

<i>Condition #</i>	<i>Description</i>	<i>Responsible Department</i>	<i>Compliance Schedule</i>
45	Disposal of Waste	T&ES	Regularly unannounced inspections; and follow-up inspections in response to complaints
46	Compliance with City Best Management Practices for auto related industries	T&ES	Daily, weekly, monthly, and annual monitoring and reporting
47	Auto and Equipment Repair inside building	T&ES	Regularly unannounced inspections; and follow-up inspections in response to complaints
48	Removal of tack deposits	T&ES	Removal of tack within 90 days of notice of problem
49, 50	Reduction of lighting and glare	T&ES	Daily, weekly, monthly, and annual monitoring and reporting
51	Maintenance of Locomotive	T&ES	Prevent oil leaks; replace locomotive by December 31, 2009
52	Maintenance of all on-site equipment	T&ES	Daily, weekly, monthly, and annual monitoring and reporting
53	Records for daily plant mix temperature readings	T&ES	Maintain for period of 5 years
54	Records for failures/pressure drops in baghouses	T&ES	Notify T&ES within 24 hours of failure or pressure drop
55	General Record Keeping	T&ES	Maintain all records on site for at least the most recent 5 year period
56	Correspondence	T&ES	Virginia Paving to copy City on all correspondence with VDEQ
57	Site inspection	T&ES	Regularly unannounced inspections; and follow-up inspections in response to complaints
58	Daily production and site activity reporting	P&Z	Provide on monthly basis
59	Quarterly Report	P&Z	Quarterly for capital projects; annually for BMPs

Virginia Paving SUP Enforcement Matrix
October 14, 2006

<i>Condition #</i>	<i>Description</i>	<i>Responsible Department</i>	<i>Compliance Schedule</i>
60	SUP Review	P&Z, T&ES, Code, Health	Every 6 months for first 2 years; and annually thereafter
61	SUP Compliance with conditions 11, 12, 13, 14, 17, 18	P&Z, T&ES, Code, Health	Violation without reasonable basis for delay shall cause cessation of nighttime vehicular operations and docketing of SUP for Council review
62	Designated Virginia Paving Compliance Contact Person	P&Z	Daily, weekly, monthly, and annual monitoring and reporting
63	Community Relations meetings	P&Z	2 times per year
64, 65, 66, 67, 68	Landscaping and site work	P&Z, T&ES, RP&CA	Provide plan for approval by P&Z, T&ES, RP&CA
69	Public access easement option for multi-use trail	RP&CA	Record option upon approval of SUP
70	Maintain height of Asphalt storage pile near S. Van Dorn Street not to exceed bridge	P&Z	Regularly unannounced inspections; and follow-up inspections in response to complaints
71	Asphalt and gravel pile spillage	P&Z	Regularly unannounced inspections; and follow-up inspections in response to complaints
72	Trucks stored in orderly fashion on site	P&Z	Regularly unannounced inspections; and follow-up inspections in response to complaints
73	Encroachment of parking area	P&Z	Relocate or apply for encroachment
74	Hours of operation - no private nighttime paving	P&Z	Daily, weekly, monthly, and annual monitoring and reporting