

EXHIBIT NO. 1

22
11-28-06

City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 20, 2006
TO: THE HONORABLE MAYOR AND MEMBERS OF COUNCIL
THROUGH: JAMES K. HARTMANN, CITY MANAGER *J*
FROM: RICH JOSEPHSON, ACTING DIRECTOR, PLANNING AND ZONING *RJ*
SUBJECT: VIRGINIA PAVING SUP

At the City Council Work Session on November 6, 2006 to discuss Virginia Paving, staff provided information regarding enforcement of conditions of the proposed SUP as well as answers to specific questions raised by Council members about the operations of the asphalt plant. Council members also received written and verbal testimony from the Alexandria Department of Health and the Alexandria Public Schools regarding operations of the asphalt plant and its impact on public health and the nearby public school (see November 3, 2006 Memo and attachments).

During discussion of the SUP, Council members offered possible amendments to the proposed SUP conditions and instructed staff to create a "Matrix" summarizing these conditions. Council also received language for a potential "sunset" provision from the City Attorney (see attached Proposed Revisions and email from City Attorney).

Staff posted the Matrix on the Department of Planning and Zoning Website and also emailed the Matrix to interested City residents. To date, staff is aware that Council has received comments from the Cameron Station Civic Association and Virginia Paving (copies attached).

Staff will be available at Council's regular meeting on November 28, 2006 to answer any additional questions that may arise. In the interim, please let us know if there is any other information you need.

ATTACHMENTS:

- Attachment 1. Revisions Proposed by Councilmember Lovain
- Attachment 2. Revisions Proposed by Councilwoman Pepper
- Attachment 3. E-mail from City Attorney, Ignacio Pessoa
- Attachment 4. Matrix
- Attachment 5. November 17, 2006, letter from Mindy Lyle, President of Cameron Station Civic Association
- Attachment 6. November 17, 2006, letter from Arthur A. Impastato
- Attachment 7. November 17, 2006, letter from Mary Catherine Gibbs on behalf of Virginia Paving
- Attachment 8. Phased Construction Plan - Virginia Paving

**REVISIONS PROPOSED BY COUNCILMEMBER LOVAIN
TO THE RECOMMENDED CONDITIONS ON THE
VIRGINIA PAVING AMENDED SPECIAL USE PERMIT (SUP)**

Condition #1: Annual Production Limits: Reduce the initial yearly maximum on hot mix asphalt production of 900,000 tons per year to **850,000 tons per year**. Reduce the yearly maximum after all air pollution controls have been installed as scheduled from 1.2 millions tons per year to **980,000 tons per year**.

Discussion: Virginia Paving produced 761,000 tons in 2005, about average for recent years ('04: 907K; '03: 719K; '02: 650K; '01: 847K). Under these revisions, production would increase 12 percent initially over 2005 levels and an additional 17 percent after all pollution controls have been installed.

Condition #2: Daily Production Limits: Reduce the maximum daily production rate from 10,000 tons per day to **8,000 tons per day**. Reduce the maximum production from any one nighttime shift from 5,000 tons to **4,000 tons per nighttime shift**.

Discussion: This revision would reduce both the maximum daily production limit and the maximum nightly production limit by 20 percent from the amended SUP as proposed.

Condition #4: Maximum Annual Number of Nighttime Shifts: Reduce the maximum number of nighttime shifts per calendar year from 130 nights to **110 nights per year**.

Discussion: This 15 percent reduction from the amended SUP as proposed would limit Virginia Paving nighttime work to 30 percent of all nights over the course of a year and probably less than half of the nights during peak paving season.

New Condition: Annual Production Limit from Nighttime Shifts: Limit the amount of annual production during nighttime shifts to no more than **275,000 tons**, e.g. by adding, at the end of Condition #1, the following: "Hot mix asphalt production shall be limited to 275,000 tons per year during nighttime shifts as defined in Condition No. 4 below."

Discussion: The amended SUP as proposed permits the production of as much as 650,000 tons from nighttime shifts (5000 tons X 130 days). This revision would reduce that maximum by 58 percent. If Virginia Paving worked all 110 nights permitted, their average production per night would be 2,500 tons (vs. the potential 5,000 tons under the amended SUP as proposed). If they produced at the maximum nightly production levels every possible night, they would use up their annual production limit from nighttime shifts after 69 nights.

Motion by Councilwoman Pepper

Mr. Mayor, I move that City Council adopt the following amendments to Conditions 1, 4, 5, and 74, and add new conditions 59A and 75, as follows:

1. This special use permit is issued to Virginia Paving Company of Alexandria, Virginia, a division of Lane Construction Corporation, only (hereinafter, VA Paving). VA Paving shall limit its hot mix asphalt production to a yearly maximum of ~~900,000~~ 700,000 tons per year until all air pollution controls have been installed as scheduled in this Special Use Permit. Thereafter, the hot mix asphalt production shall be limited to ~~1,200,000~~ 900,000 tons per year.
4. Virginia Paving shall limit its nighttime work to ~~130~~ 30 nighttime shifts per calendar year, excluding emergency work required to maintain public health, safety and welfare, as authorized by the Director of Transportation and Environmental Services. A record shall be maintained on site for the days/shifts on which nighttime work was conducted. Work conducted from 9 ~~6~~ pm to 5 am will be considered as nighttime shift. A partial shift work will be counted as 1 nighttime shift work for the purposes of this condition.
5. All night time production at VA Paving shall be limited ~~for government customers to contracts with the City of Alexandria and VDOT, and the Maryland State Highway Administration (MDSHA) for work on the Woodrow Wilson Bridge construction project only (Federal, State transportation agencies or local governments).~~ Night time production ~~for and servicing of non-government or other government entities from this facility is not permitted.~~
- 59A. VA Paving shall pay the City \$126,000 per year for two years, commencing 30 days after approval of this SUP, for compliance monitoring and enforcement of the terms and conditions of this SUP.
74. The hours of operation for the asphalt plant shall be limited to 5:00 a.m. to ~~9:00~~ 6:00 p.m. Monday through Saturday. In addition, when undertaking ~~State or Local Government projects pursuant to a contract with the City of Alexandria and VDOT, and MDSHA for work on the Woodrow Wilson Bridge construction project only during the paving season (April 1 to November 1), the facility may also operate from 9:00~~ 6:00 p.m. to 5:00 a.m. Sunday through Friday. During nighttime hours, ~~the application shall not engage in private paving production for and servicing of non-government or other government entities from this facility is not permitted.~~
75. Compatibility with Eisenhower West Small Area Plan and sunset provision. City Council shall review this SUP, conduct a public hearing, and determine if the continued operation of this use is compatible with the Eisenhower West Small Area Plan (SAP) and implementing zoning amendments, anticipated for adoption in 2009, and with the ensuing and foreseeable development and redevelopment in the area. Such public hearing shall be held, and determination made, on or about December 31, 2012 (about five years from the date of approval of this SUP). In the event Council determines that the continued operation of the use is compatible with such SAP, implementing zoning and/or

development or redevelopment, the use may continue, subject to the terms and conditions of this SUP, and such additional terms and conditions as the Council may adopt, including without limitation a new or revised sunset date. In the event Council determines that the continued operation of the use is not compatible with such SAP, implementing zoning and/or development or redevelopment, the use, and all related and tenant operations on or within the site, shall terminate at such time as the Council shall determine, which shall not be sooner than December 31, 2016 (about seven years after adoption of the SAP), nor longer than December 31, 2018 (about nine years after adoption of the SAP).

Ignacio Pessoa/Alex
11/07/2006 10:49 AM

To Jackie Henderson/Alex@Alex
cc
bcc
Subject Fw: Draft Va Paving "sunset" provision

This is what council passed out.

----- Forwarded by Ignacio Pessoa/Alex on 11/07/2006 10:47 AM -----

Ignacio Pessoa/Alex
11/06/2006 03:48 PM

To City Council
cc
Subject Draft Va Paving "sunset" provision

Attached is a draft "sunset" provision, if Council wishes to include such a provision in the SUP.

The rationale for this provision is that approval of the SUP today should not limit Council's discretion and ability to end this use, if that is Council's decision, when the new Eisenhower East Small Area Plan is adopted in two years. If no SUP were approved today, and the SAP were to be adopted in two years calling for abatement of the plant, the use would have seven years from adoption of the SAP to shut down (nine years from today), plus, possibly, an additional two years for litigation, should the plant challenge the SAP (i.e., nine years from the adoption of the new SAP or eleven years from today).

The draft provision calls for a review of the SUP by Council five years from today, i.e., three years after the anticipated adoption of the new SAP. Thus, the SAP process need not directly address the continuation of this SUP, and there will be three post-SAP years for development or redevelopment in accord with the new SAP to occur.

At that review, Council can allow the plant to continue, if this use is compatible with the neighborhood, or require the use to shut down if it is not compatible. If Council were to decide on a shut down, the plant could continue only for the balance of the seven to nine year abatement period after the SAP is adopted, as specified by council. Since the sunset provision is part of the SUP, the applicant would not be able to challenge the provision separately.

Thus, the SUP could be approved, allowing the environmental improvements to be implemented in exchange for night paving, subject to what ever volume and time limits are specified in the SUP, but without affecting the termination date for the plant, should Council ultimately decide as part of the SAP process that this use should cease operations at this location.

Let me know if you have any questions.

75. Compatibility with Eisenhower West Small Area Plan and sunset provision. City Council shall review this SUP, conduct a public hearing, and determine if the continued operation

of this use is compatible with the Eisenhower West Small Area Plan (SAP) and implementing zoning amendments, anticipated for adoption in 2009, and with the ensuing and foreseeable development and redevelopment in the area. Such public hearing shall be held, and determination made, on or about December 31, 2012 (about five years from the date of approval of this SUP). In the event Council determines that the continued operation of the use is compatible with such SAP, implementing zoning and/or development or redevelopment, the use may continue, subject to the terms and conditions of this SUP, and such additional terms and conditions as the Council may adopt, including without limitation a new or revised sunset date. In the event Council determines that the continued operation of the use is not compatible with such SAP, implementing zoning and/or development or redevelopment, the use, and all related and tenant operations on or within the site, shall terminate at such time as the Council shall determine, which shall not be sooner than December 31, 2016 (about seven years after adoption of the SAP), nor longer than December 31, 2018 (about nine years after adoption of the SAP).

COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
SUP CONDITIONS AS ORIGINALLY RECOMMENDED BY STAFF

Condition	Sponsor			
	LOVAIN	PEPPER	KRUPICKA	MACDONALD
SUP No. 1 (Annual production cap of 900k tons prior to improvements)	Reduce annual production limit to 850k tons prior to improvements	Reduce annual production limit to 765k tons prior to improvements		Reduce annual production limit to 700k tons, with recommended improvements
SUP No. 1 (Annual production cap of 1.2M tons after improvements)	Reduce annual production limit to 980k tons after improvements	Reduce annual production limit to 900k tons after improvements		Reduce annual production limit to 700k tons, with recommended improvements
SUP No. 1 (No annual restriction on nighttime shift production)	As a subset of annual production limit, limit annual nighttime shift production to 275k tons			
SUP No. 2 (10k ton daily production limit)	Reduce daily production limit to 8k tons			Reduce daily production cap to 5k tons
SUP No. 2 (5k ton nighttime daily production limit)	As a subset of daily production limit, reduce nighttime production to 4k per day			No separate cap on nighttime production (falls under daily 5k cap)

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Attachment 4

COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
SUP CONDITIONS AS ORIGINALLY RECOMMENDED BY STAFF

Condition	Sponsor			
	LOVAIN	PEPPER	KRUPICKA	MACDONALD
SUP No. 4 (Maximum of 130 nighttime production shifts)	Reduce maximum number of nighttime production shifts to 110 nights per calendar year	Reduce maximum number of nighttime production shifts to 30 nights per calendar year		No restriction on number of nighttime production shifts
SUP No. 4 (Nighttime shift includes work between 9:00 p.m. and 5:00 a.m.)		Nighttime production shift will include any work performed between 6:00 p.m. and 5:00 a.m.		
SUP No. 5 (Nighttime production limited to work for federal and state transportation agencies and local governments)		Nighttime production limited to work for City of Alexandria, VDOT, or Wilson Bridge work for Maryland Highway Administration		
SUP No. 9 (Use of No. 2 oil only for drum dryers on Code Red air quality days)		Further restrictions on plant operations on poor air quality days (US EPA Air Quality Index Red, Purple or Maroon)	Further restrictions on plant operations on poor air quality days (US EPA Air Quality Index Red, Purple or Maroon)	
SUP No. 59 (Staff proposal after staff report and proposed conditions were issued)		Applicant to contribute \$126k annually to City to defray cost of new enforcement staff		
SUP No. 74 (normal hours of operation are from 5:00 a.m. to 9:00 p.m.)		Normal hours of operation are from 5:00 a.m. until 6:00 p.m.; also restates and amplifies		SUP No. 74 (normal hours of operation are from 5:00 a.m. to 9:00 p.m.)

**COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
SUP CONDITIONS AS ORIGINALLY RECOMMENDED BY STAFF**

Condition	Sponsor			
	LOVAIN	PEPPER	KRUPICKA	MACDONALD
		limitation on government customers (SUP No. 5 above)		
NEW CONDITION No. 75 (No sunset date in original proposed terms)		Public hearing to be held in late 2012 to determine compatibility of continued use of plant with Eisenhower West Small Area Plan, for either issuance of revised SUP or determination of final sunset date for plant, to be no sooner than 12/31/16 and no later than 12/31/18	Public hearing to be held in late 2012 to determine compatibility of continued use of plant with Eisenhower West Small Area Plan, for either issuance of revised SUP or determination of final sunset date for plant, to be no sooner than 12/31/16 and no later than 12/31/18	
New Term No. 76 (Clarification of applicability of terms)			Virginia Paving is responsible for compliance with all generally applicable terms regarding noise, odor, water quality and light for any tenant operations on the property	

Note: At the work session, Councilman Krupicka mentioned that he preferred the enforcement language in the 1960 SUP to the language set forth in proposed SUP Term No. 27. Councilman Krupicka has dropped that proposed modification, based upon the City Attorney's determination that the language from the 1960 SUP and Proposed term No. 27 are substantively identical.

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CAMERON STATION CIVIC ASSOCIATION, INC.

5235 Tancreti Lane
Alexandria, VA 22304
703-567-9827
lylema@comcast.net

November 17, 2006

Mayor and City Council
City of Alexandria
301 King Street
Alexandria, VA

Dear Mayor and City Council;

We ask that you make a decision on Virginia Paving that, to the extent possible, settles the matter in a way that does not shift substantive decision-making to a subsequent Council. In that regard, we recommend that you send a clear message to Virginia Paving, the community and future Councils as to your current intentions and what you expect to be the outcome of your decision in future years.

We have studied, reviewed, discussed and considered all the information before us. We have tried to be as objective as possible based on the totality of information in our possession. In this letter, we offer our comments on the matrix proposals and offer a matrix column of our own. However, after all is said and done, we believe the best course of action for Council to take is:

- Deny the SUP request
- Make a clear statement that you anticipate that Virginia Paving will be deemed a non-complying land use at the end of the West Eisenhower planning process

We recommend this course of action because:

- This sends a clear, unambiguous message to all parties as to your intentions and all parties can plan accordingly
- Under any proposed matrix scenario, the community will not experience immediate benefits; "improvement" will be completed in two years. In this two year period, the community will experience effects of increased production, increased night-time production, and more pollution and associated effects. Under the current SUP, the community will not experience the effects of any night-time production and market conditions are such that there will be little or no increase in total production. Total pollution will be less.
- The alleged air quality improvements, while arguably better than now, do not compensate for the increased odors, noise, traffic, etc. that would accompany increased total production and night-time production
- Dave Sullivan has warned (including in the public hearing) that the proposed odor suppression technology may not work

- The current operations meet acceptable EPA standards and will have to in the future.
- VDEQ has imposed operational controls on the plant before, such as limiting their production to ten hours per day, five days per week and requiring certain procedures to control fugitive emissions. If needed, the City could ask VDEQ to impose other reasonable controls in the future.
- Virginia paving is likely to not agree with what we consider to be reasonable and acceptable operating limits. Better they are required to stay within the current SUP than for the City to settle for high limits.

Our comments on the matrix proposals follow this letter.

We are sending a separate document to the City Staff, City Attorney and City Council which addresses the proposed conditions. We apologize for the length and what some may view as the complexity of the document, but we hope you understand and appreciate the need to be precise regarding the wording of condition revisions.

Sincerely,



Mindy Lyle
President
Cameron Station Civic Association

**COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
SUP CONDITIONS AS ORIGINALLY RECOMMENDED BY STAFF**

Condition	Lovain	Pepper	Krupicka	McDonald	Cameron Station
SUP No. 4 (Nighttime shift includes work between 9:00 p.m. and 5:00 a.m.)		Nighttime production shift will include any work performed between 6:00 p.m. and 5:00 a.m.			
SUP No. 5 (Nighttime production limited to work for federal and state transportation agencies and local governments)		Nighttime production limited to work for City of Alexandria, VDOT, or Wilson Bridge work for Maryland Highway Administration			Nighttime production limited to work for City of Alexandria, VDOT, or Wilson Bridge work for Maryland Highway Administration
63 SUP No. 9 (Use of No. 2 oil only for drum dryers on Code Red air quality days)		Further restrictions on plant operations on poor air quality days (US EPA Air Quality Index Red, Purple or Maroon)	Further restrictions on plant operations on poor air quality days (US EPA Air Quality Index Red, Purple or Maroon)		Further restrictions on plant operations on poor air quality days (US EPA Air Quality Index Red, Purple or Maroon) closing on these days
SUP No. 16 (Trucks and all equipment owned and operated by VA Paving)					All trucks, front end loaders and other diesel equipment owned, leased, contracted or otherwise used by VA Paving/Lane Construction shall meet this condition.
SUP No. 59 (Staff proposal after staff report and proposed conditions issued)		Applicant to contribute \$126k annually to City to defray cost of new enforcement staff			Applicant to contribute \$126k annually to City to defray cost of new enforcement staff

COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
SUP CONDITIONS AS ORIGINALLY RECOMMENDED BY STAFF

Condition	Lovain	Pepper	Krupicka	McDonald	Cameron Station
SUP No. 1 (Annual production cap of 900k tons prior to improvements)	Reduce annual production limit to 850k tons prior to improvements	Reduce annual production limit to 765k tons prior to improvements		Reduce annual production limit to 700k tons, with recommended improvements	Reduce annual to no more than 600k tons prior to improvements.
SUP No. 1 (Annual production cap of 1.2M tons after improvements)	Reduce annual production limit to 980k tons after improvements	Reduce annual production limit to 900k tons after improvements		Reduce annual production limit to 700k tons, with recommended improvements	Reduce annual production limit to 700k tons, with recommended improvements.
SUP No. 1 (No annual restriction on nighttime shift production)	As a subset of annual production limit, limit annual nighttime shift production to 275k tons				Limit annual nighttime shift productions to 25k prior to improvements and 50k after improvements.
hl SUP No. 2 (10k ton daily production limit)	Reduce daily production limit to 8k tons			Reduce daily production cap to 5k tons	Reduce daily production cap to 5 tons
SUP No. 2 (5k ton nighttime daily production limit)	As a subset of daily production limit, reduce nighttime production to 4k per day			No separate cap on nighttime production (falls under daily 5k cap)	No separate cap on nighttime production (falls under 5k tons)
SUP No. 4 (Maximum of 130 nighttime production shifts)	Reduce maximum number of nighttime production shifts to 110 nights per calendar year	Reduce maximum number of nighttime production shifts to 30 nights per calendar year		No restriction on number of nighttime production shifts	Reduce maximum number of nighttime production shifts to 30 nights per calendar year

**COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
SUP CONDITIONS AS ORIGINALLY RECOMMENDED BY STAFF**

Condition	Lovain	Pepper	Krupicka	McDonald	Cameron Station
SUP No. 74 (normal hours of operation are from 5:00 a.m. to 9:00 p.m.)		Normal hours of operation are from 5:00 a.m. until 6:00 p.m.; also restates and amplifies limitation on government customers (SUP No. 5 above)		SUP No. 74 (normal hours of operation are from 5:00 a.m. to 9:00 p.m.)	Normal hours of operation are from 5:00 a.m. until 6:00 p.m.; also restates and amplifies limitation on government customers (SUP No. 5 above)
NEW CONDITION No. 75 (No sunset date in original proposed terms)		Public hearing to be held in late 2012 to determine compatibility of continued use of plant with Eisenhower West Small Area Plan, for either issuance of revised SUP or determination of final sunset date for plant, to be no sooner than 12/31/16 and no later than 12/31/18	Public hearing to be held in late 2012 to determine compatibility of continued use of plant with Eisenhower West Small Area Plan, for either issuance of revised SUP or determination of final sunset date for plant, to be no sooner than 12/31/16 and no later than 12/31/18		Public hearing to be held in late 2012 to determine compatibility of continued use of plant with Eisenhower West Small Area Plan, for either issuance of revised SUP or determination of final sunset date of plant, to be no sooner than 12/31/16 and no later than 12/31/18
New Term No. 76 (Clarification of applicability of terms)			Virginia Paving is responsible for compliance with all generally applicable terms regarding noise, odor, water quality and light for any tenant operations on the property		Virginia Paving is responsible for compliance with all generally applicable terms regarding noise, odor, water quality and light for any tenant operation on the property

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Note: At the work session, Councilman Krupicka mentioned that he preferred the enforcement language in the 1960 SUP to the language set forth in proposed SUP Term No. 27. Councilman Krupicka has dropped that proposed modification, based upon the City Attorney's determination that the language from the 1960 SUP and Proposed term No. 27 are substantively identical.

Note: The revisions to condition changes suggested by the Cameron Station Civic Association are included in a separate document provided to Council, City Staff and the City Attorneys office.

Note: Revised enforcement condition language can be found in the supplemental submission.

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CAMERON STATION CIVIC ASSOCIATION, INC.

5235 Tancetti Lane
Alexandria, VA 22304
703-567-9827
lylema@comcast.net

November 17, 2006

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

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

Dear Mayor Euille and City Council Members:

I am writing this letter, on behalf of the Cameron Station Civic Association ("CSCA"), to supplement our submissions dated October 11 and 17, 2006 in order to: (a) provide reasons why it is better to deny the request by Virginia Paving Company ("VA Paving") to amend its current 1960 Special Use Permit ("SUP") and concurrently make a statement for the record that City Council will determine that VA Paving's asphalt operations and all related and tenant operations on or within the property are uses that are incompatible with the West Eisenhower Small Area Plan; and, (b) urge, should the request to amend the SUP not be denied, that certain needed revisions and additions be made to the proposed SUP conditions.¹ In order to assist the City, we have attempted to draft the language for the revisions and additions we are requesting be made to the proposed SUP conditions.

The CSCA respectfully requests that this letter and our separately submitted cover letter and comments submitted today on the "Council's Proposed Revisions to Virginia Paving SUP Conditions as Originally Recommended by Staff" that was provided to the CSCA by City staff on November 13, 2006 (the so called "Matrix") be included as part of the record in the above-referenced matter.

Executive Summary

We believe the better approach is to deny the request by VA Paving to amend their SUP and concurrently make a statement for the record that City Council will determine that VA Paving's asphalt operations and all related and tenant operations on or within the property are uses that are incompatible with the West Eisenhower Small Area Plan. Issuing such a statement for the record will send a clear, unambiguous message to all parties so that they can make appropriate plans for the future.

Denial is the better approach because the benefits gained by denying the request far outweigh those of having a new SUP that allows the intensification of a heavy industrial use in an area that is residential, with schools and is slated for redevelopment.

There are many benefits that can be achieved by denying VA Paving's request to amend its SUP such as but not limited to curtailing traffic congestion that would occur *both* during the day and at night under the proposed SUP, not rewarding VA Paving for being a habitual violator of federal, state and city regulations by allowing them to essentially double what they could produce if they were finally required to abide by the terms of the current 1960 SUP,² not increasing air pollution at night, which is worse by a factor of 20 to 1, and not doubling nuisances such as odor, dust and noise. Since the City of Alexandria ("City") only requires about 20,000 tons of asphalt a year, the City's needs can easily be met without VA Paving increasing the amount of asphalt it could produce if it were required to abide by the terms of its current 1960 SUP. In addition, the City's air quality consultant has said that VA Paving currently meets National Ambient Air Quality Standards ("NAAQS").

Should City Council decide to approve VA Paving's request to amend its SUP, then a number of revisions and additions will have to be made to the 74 proposed SUP conditions. With the exception of our suggested revisions to condition 16 (particle traps for all trucks), all of the additions and revisions we suggest come from conditions referenced in the Matrix. The revisions and additions needed in order to have meaningful enforcement and to minimize the pollution and nuisances that will be generated by any increases in this heavy industrial use are as follows:

1. **Condition 1 – (annual production cap)** - This condition must be revised to limit annual production to VA Paving's annual average permitted daily production of 600,000 tons, which would be sufficient, as was the case in 2006, to cover the needs of the City of Alexandria and work on the Woodrow Wilson Bridge project. After all plant upgrades are installed and verified by the City to be working properly, then VA Paving can be permitted to increase production to 100,000 tons over its annual average permitted daily production to 700,000 tons a year.³ These annual production totals are fair, particularly since VA Paving's additional revenues from its knowing violation of its current SUP ban on nighttime operations were over \$34.5 million for the period 2001 to 2005.⁴ It also should not be rewarded for its numerous violations of state and city regulations, Clean Water Act violations and violations of its permit issued by the Virginia Department of Environmental Quality. For each 100,000 tons VA Paving is given above the suggested 600,000 tons annually, it would generate \$4.45 million in revenues⁵ -- a sum of money that its habitual violation of law does not warrant, particularly since it already reaped \$34.5 million from its illegal conduct to date. The annual production totals also provide incentives for VA Paving to complete plant upgrades while not being so high as to appear to reward a habitual violator of the law for knowingly violating their current SUP prohibition against nighttime operations.
2. **Condition 2 (daily and hourly production caps)** – This condition must be revised as set forth in Andrew Macdonald's revision to this proposed condition so that the daily levels of pollution and nuisances from VA Paving are reduced. Under Mr. Macdonald's proposal, daily production would be limited to 5,000 tons. The daily production limit will likely cause no burden to VA Paving since it is our understanding that, while the two asphalt plants' capacity is rated at 1,000 tons an hour, they are not 100% efficient and cannot achieve this

hourly production rate. In addition, based on data from VA Paving for the period June to September 2006, they did not produce more than 4,167 tons on any given day.

3. **Condition 4 (total days annually for nighttime work)** – This condition must be revised as set forth in Del Pepper’s revision to this proposed condition so that the total nights worked by VA Paving during the year is consistent with the amount of nighttime work permitted by City Council in its decision on June 13, 2006, which is about thirty days. Thirty days allows sufficient time for VA Paving to take care of all of the City’s annual paving and emergency paving requirements as well as work on the Woodrow Wilson Bridge project given that VA Paving, if it so desired, could produce all of the City’s annual asphalt requirements of 20,000 tons in four days at the limit of 5,000 tons per day.⁶
4. **Condition 5 (limits on who nighttime work can be done for)** – This condition must be revised as set forth in Del Pepper’s revision to this proposed condition so that nighttime work is properly limited to City projects and projects for the Woodrow Wilson Bridge project which would be consistent with City Council’s decisions on June 28, 2005 and June 13, 2006 and also be consistent with VA Paving’s request to amend the SUP.⁷
5. **Condition 16 (particle traps for trucks and other vehicles)** – The air pollution upgrade of installing particle traps for trucks described at proposed SUP condition 16 should apply to all trucks. Condition 16 now only applies to vehicles “owned and operated by VA Paving.”⁸
6. **Condition 27 (the main enforcement provision)** – This condition must be placed, as City staff agreed to do,⁹ in the “Enforcement” section of the 74 proposed conditions rather than left in the “Air” section because one could argue that it only applies to air pollution violations by VA Paving since it is placed in that section of the conditions. In addition, revisions need to be made to specify what constitutes a public nuisance or health problem, give the power to enforce and remedy violations to the Director or Code Enforcement and require VA Paving to eliminate whatever is causing a public nuisance or health problem within a thirty day period.
7. **Condition 74 (hours of operation)** – This condition must be revised as suggested by Del Pepper and in her proposed revisions to this condition. Her revisions provides for 12 hour work days rather than 14 hour workdays. Her revisions also make sure that this condition is consistent with her revisions to condition 4 since they limit night work to work for the City and to work on the Woodrow Wilson Bridge.
8. **New Condition Requiring VA Paving to Pay for SUP Monitoring and Enforcement Costs (Condition 59 on the Matrix)** – Given the fact that the projected costs for monitoring and enforcing the very complex 74 proposed SUP conditions will be \$126,000 per year for the first two years, it is only fitting that, as City staff has recommended, VA Paving be required to pay for these extraordinary expenses, particularly since it will reap an additional \$4.45 million in revenue each year after all upgrades are installed.¹⁰

9. **New Condition Capping Annual Nighttime Production (Condition 1 on the Matrix)** – Given the fact that Dave Sullivan has said that nighttime pollution is worse than daytime pollution by a factor of 20 to 1 (primarily because there is little wind at night to disperse pollution), it is very important that nighttime production be kept to a minimum. The evening is also the time of day when almost all residents at Cameron Station and the other nearby communities are home and would most likely be cognizant of nuisances like odor and noise. VA Paving’s annual nighttime production should be limited to 25,000 tons a year until it has made all plant upgrades and those upgrades have been verified by the City to be working. After all upgrades have been verified by the City to be working, then VA Paving should be permitted to produce no more than 50,000 tons a year at night. Tim Lovain had suggested that a cap on nighttime annual production be added to the SUP conditions.
10. **New Condition Requiring VA Paving Cease all Operations on Code Red Days (Condition 9 on the Matrix)** – It is not uncommon for jurisdictions to ask people to cease activities which increase air pollution on days that are Code Red or worse. VA Paving is a known polluter and should be required to cease *all operations* on Code Red days. The proposals of Del Pepper and Rob Krupicka that are set forth in the Matrix both would require the inclusion of a condition providing for “[f]urther restrictions on plant operations on poor air quality days (US EPA Air Quality Index Red, Purple or Maroon).”
11. **New Sunset Clause Condition for VA Paving (Condition 75 on the Matrix)** - City Attorney Ignacio Pessoa made it clear at the City Council public work session and in the November 3, 2006 memorandum from James Hartmann to the Mayor and City Council (“Nov. 3 Memo”) that he strongly advises the addition of a sunset provision and his proposed sunset clause is included in the proposals from Del Pepper and Rob Krupicka. The CSCA strongly feels that a sunset provision must be included and that, if one is not, City Council must deny VA Paving’s request to amend their SUP in full. Mr. Pessoa “concluded that approving the special use permit for Virginia Paving, without a condition which limits the duration of the SUP’s validity, will likely restrict the City’s future ability to rezone the property for more compatible uses, and to make the new zoning effective in a timely fashion commensurate with the anticipated redevelopment of the surrounding area.”¹¹ The City zoning ordinance allows City Council to consider land use and land redevelopment issues in the context of amending or approving an SUP¹² and it is clear City Council should do so here because it is obvious that intensification of a heavy industrial use is not compatible with the surrounding community and would impede redevelopment in the West End of the City.
12. **New Condition Holding VA Paving Responsible for US Filter Complying with Relevant SUP Conditions on Noise, Odor, Water Quality and Light (Condition 76 on the Matrix)** – Currently, the City only has a letter agreement from Siemens that would need to be enforced by Court order. That agreement also does not cover all proposed SUP conditions concerning noise, odor, water quality and lighting contained in proposed SUP conditions 3, 6, 11, 45, 49, 50, 52, 55, 56, 57, 59, 60, 61 and 62. In order to ensure that US Filter does all that is required under the proposed SUP conditions that apply to them, VA Paving must be held responsible for their compliance and a new SUP provision must be added to accomplish this as contemplated under a proposed SUP condition by Rob Krupicka.

City Council Should Deny VA Paving's Request to Amend its SUP

The CSCA believes there are substantial benefits that *will be* gained by denying the request for an amended SUP which outweigh those that *might be* achieved by granting such a request. In addition and as a matter of fairness, City Council should make a statement for the record that it will determine that VA Paving's asphalt operations and all related and tenant operations on or within the property are incompatible with the West Eisenhower Small Area Plan. Set forth below are a number of benefits that will follow by denying the request for an amendment to the SUP. These *known benefits* far outweigh those that *may occur* if the amendment to the SUP were approved.

If City Council denies this request by VA Paving to amend its SUP, it will not be caught in the dilemma of approving the intensification of a heavy industrial use before deciding on the West Eisenhower Small Area Plan and before considering the effect such intensification of heavy industrial uses would have on future redevelopment plans for the West End of Alexandria. Many City Council members have told us and said at public hearings or work sessions that they would likely no longer want heavy industrial uses to continue on VA Paving's current property and would rezone that area in the context of developing the West Eisenhower Small Area Plan. Indeed, City Attorney Ignacio Pessoa has stated that approving the SUP for VA Paving without a sunset provision, "will likely restrict the City's future ability to rezone the property for more compatible uses, and to make the new zoning effective at the time that anticipated redevelopment of the surrounding area occurs."¹³

Nighttime production would be significantly curtailed under the current SUP. The benefits of lessening nighttime production are substantial since, as Dave Sullivan stated at the October 14, 2006 City Council public hearing, pollution from nighttime operations is greater at night than during the day by a factor of 20 to 1. Under the proposed SUP conditions, VA Paving could produce up to 650,000 tons of asphalt a year at night¹⁴ which is much more than its average annual daytime production during 2001 to 2006 of 597,000 tons.

The benefits of denying this request by VA Paving to amend its SUP from a traffic congestion standpoint are also significant. Assuming VA Paving were allowed to produce 1.2 million tons of asphalt a year as contemplated under proposed SUP condition 1, the annual total of trucks entering and exiting the plant at night would be over 72,000¹⁵ with over 61,000 entering and exiting the plant each year during the day. These trucks enter the plant from and exit onto the already heavily congested Van Dorn Street and, any that turn left from the plant onto Van Dorn Street, also trip a red light further increasing congestion. There are many homes now that have been built near VA Paving's two plants whose only access to hospitals and other health facilities is by Van Dorn Street. Accordingly, it does not make sense to further disrupt traffic so that a habitual violator of the law like VA Paving can reap huge profits at the expense of law abiding citizens.

VA Paving's activities would be adequately regulated if its request to amend its SUP were denied. Both City staff and the Virginia Department of Environmental Quality

("VA DEQ") have power to enforce environmental and/or safety regulations affecting the plant's operations. In the past, VA DEQ has imposed limits on VA Paving's hours of operation and on fugitive emissions. The current SUP already has adequate enforcement provisions. The fact that the current SUP's enforcement provisions are adequate is demonstrated by the fact that City staff chose to lift virtually verbatim the key enforcement provision in the current SUP and place it in condition 27 of the new proposed SUP conditions.¹⁶ Moreover, VA DEQ also regulates VA Paving through the conditions set forth in its permit to VA Paving and through its enforcement of the federal Clean Air Act and Clean Water Act. In addition, the City's Zoning Ordinance would permit the City to shut the plant down if it was determined to be creating a public nuisance.¹⁷

A denial of VA Paving's SUP request would mean that there would not be a doubling of production which, in turn, means that there will also be a dramatic increase in public nuisances like dust, odor and noise coming from the plant regardless of any plant upgrades. In fact, Dave Sullivan has told the CSCA that it is his opinion that VA Paving will never be able to restrict nuisances to its plant boundaries.

There is no need to approve VA Paving's request to amend its SUP and change the status quo because, according to the staff report and the air quality modeling report done by Cambridge Environmental, Inc.,¹⁸ VA Paving's current operations are in compliance with the law and are not causing significant health problems with respect to air pollution.¹⁹ Under these circumstances, it would appear unfair to ask VA Paving to make plant upgrades when they are not needed.

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

If City Council denies VA Paving's request to amend its SUP, then the current much more simple and effective SUP would remain in effect. The current SUP would be much easier to monitor and much more economical to enforce. The 74 new proposed SUP conditions are very complex and would require a significant number of City staff to monitor and enforce. City staff currently estimates that the annual cost of monitoring and enforcing the 74 proposed SUP conditions will be \$126,000 per year for the first two years alone.²⁰ In addition, there is a great deal of well founded skepticism in our and other communities in Alexandria as to whether City staff has the resources and

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willingness to enforce 74 new and very complex SUP conditions when they refused to *fully* enforce those in the current SUP.

Required Revisions and Additions to SUP Conditions

We believe the detriments already outweigh the few benefits that may be obtained if VA Paving's request to amend its SUP is approved and that the better course of action is to deny the request and issue a clear, unambiguous statement for the record that VA Paving's asphalt operations and the operations of its tenant's will be deemed non-complying uses in connection with City Council's deliberations on the West Eisenhower Small Area Plan. However, should City Council wish to approve the request by VA Paving, it should require changes be made to the proposed SUP conditions as suggested below that will provide meaningful enforcement and minimize the pollution and nuisances that will be generated by VA Paving's two asphalt plants if they are allowed to increase their heavy industrial use. City Council should aggressively press VA Paving to make our suggested changes to the proposed SUP conditions and, if VA Paving threatens to revoke its SUP request, City Council should be prepared to let them do so because your constituents who elected you to office believe that we would be much better off under the old 1960 SUP.

With the exception of our suggested revisions to condition 16 (particle traps for all trucks), all of our suggested additions and revisions come from conditions referenced in the Matrix. In order to assist the City, we have attempted to draft language for the revisions and additions we are requesting be made to the proposed SUP conditions.

Condition 1 (annual production cap) – This condition must be revised since it currently greatly rewards VA Paving for being a habitual violator of the law. As City Council knows, the EPA cited VA Paving for two violations of the Clean Water Act in 2004, the City Attorney sent a letter to VA Paving on October 26, 2004 citing them for 22 violations and threatening to shut them down unless the violations were *addressed without delay*, and the Virginia Department of Environmental Quality cited VA Paving for two violations of its permit, including having exceeded its annual permitted production limit for all of 2004 by June 2004. VA Paving has reaped more than \$34.5 million in benefits alone by knowingly violating its SUP prohibition against nighttime operations²¹ and each 100,000 tons it is allowed to produce over its average annual permitted daily production of 597,000 tons rewards them by giving them another \$4.45 million.²² Further, the total tons of pollutants go up with increased production²³ as do nuisances such as dust, odor and noise.

At the outset and until such time as all plant upgrades have been installed and verified by the City to be working, VA Paving should not be allowed to produce more than 600,000 tons a year which is close to their average annual permitted daily production of 597,000 tons and, as in 2006, would be sufficient to cover all of the City's annual asphalt needs (i.e., 20,000 tons) and enough for the Woodrow Wilson Bridge project. Then, as a reward for installing all upgrades contemplated under all the other

SUP conditions, VA should be allowed to produce no more than 700,000 tons a year which is 100,000 tons a year more than their average annual permitted daily production.

Given these considerations, condition 1 must be revised as follows: "This Special Use Permit (hereinafter, SUP) is issued to Virginia Paving Company of Alexandria, Virginia, a division of Lane Construction Corporation, only (hereinafter, VA Paving). VA Paving shall limit its hot mix asphalt production to a yearly maximum of 600,000 tons per year until such time as all plant improvements contemplated in this SUP have been verified by the City of Alexandria to have been installed. Once the City of Alexandria has verified that all such plant improvements have been installed, the hot mix asphalt production shall be limited to 700,000 tons a year."

Condition 2 – (daily and hourly production caps) – This condition must be revised as set forth in Andrew Macdonald's proposal so that the daily production levels are sufficiently reduced to minimize pollution and nuisances. Further, Mr. Macdonald's proposal should not place any burden on VA Paving as it is our understanding that, while their two plants are rated to produce 1,000 tons an hour, they cannot actually produce that amount of asphalt since the plants are not 100% efficient. In addition, based on production data from VA Paving for the period June to September 2006, VA Paving never produced more than 4,167 tons on any given day. This year is the only year since VA Paving bought the plant in 2001 that their annual production levels will be close to their annual average permitted daily production of 597,000 tons.

Given these considerations, condition 2 must be revised as follows: "VA Paving shall limit its hot asphalt production rate to a maximum of 1,000 tons per hour and 5,000 tons in any 24 hour period."

Condition 4 (total days annually for nighttime work) – This condition must be revised as set forth in Del Pepper's proposal (with a slight revision to clarify that emergency work will be solely for the City and other minor edits) so that the total nights worked each year is consistent with the amount of nighttime work permitted by City Council in its decision on June 13, 2006, which is about thirty days. A reduction in nighttime work is essential since Dave Sullivan stated at the October 14, 2006 City Council hearing that pollution during nighttime operations were worse by a factor of 20 to 1 than daytime operations. In addition, City staff has stated that the "highest impacts are generally found to occur between midnight and 8:00am."²⁴ From a nuisance standpoint, nighttime hours are when the vast majority of people who live in the vicinity are at home and will sense nuisances like noise and odor. In addition, if it so desired, VA Paving could produce all of the City's annual asphalt requirements of 20,000 tons in four days at the limit of 5,000 tons per day.²⁵

Given these considerations, condition 4 must be revised as follows: "VA Paving shall limit its nighttime work to thirty (30) nighttime shifts per calendar year, excluding emergency roadway repair work performed for and at the direction of the government of the City of Alexandria required to maintain public health, safety and welfare, as authorized by the Director of Transportation and Environmental Services. A record shall

be maintained on site for the days/shifts on which nighttime work was conducted. Work conducted from 9:00 pm to 5:00 am will be considered as one nighttime shift. A partial shift of work will be counted as one nighttime shift of work for the purposes of this condition.”

Condition 5 (limits on who nighttime work can be done for) – This condition must be revised as set forth in Del Pepper’s proposal so that nighttime work is properly limited to City projects and work on the Woodrow Wilson Bridge project. Such a revision would be consistent with the decisions made by City Council on June 28, 2005 and June 13, 2006 to limit VA Paving’s nighttime work. It would also be consistent with the original request in VA Paving’s SUP filing which the City staff report summarizes as, “applicant’s proposal would permit the entry and exit of vehicles during nighttime and weekend hours when supplying asphalt materials to government projects, i.e., for the Virginia Department of Transportation and the City of Alexandria that require night work.”

Given these considerations, condition 5 must be revised as follows: “All night time production (defined as asphalt produced from 6:00 pm to 5:00 am) at VA Paving shall be limited to work performed for and at the direction of the government of the City of Alexandria, and to work performed for and at the direction of the Virginia Department of Transportation (VDOT) or the Maryland State Highway Administration (MDSHA) for the Woodrow Wilson Bridge construction project. Night time production and night time delivery of asphalt from this facility to non-government of the City of Alexandria projects or to VDOT or MDSHA projects that are not for the Woodrow Wilson Bridge is not permitted.”

Condition 16 (particle trap for trucks and other vehicles) – As currently drafted, condition 16 only applies to the 50% of trucks using VA Paving’s facility that are owned by VA Paving and it must be revised to cover all trucks.²⁶

Given these considerations, the words “owned or operated by VA Paving” in condition 16 should be deleted and in their place inserted “whether or not owned and operated by VA Paving.”

Condition 27 (the main enforcement provision) – As agreed to by City staff, ²⁷condition 27 must be placed in the “Enforcement” section of the SUP conditions. Condition 27 is currently placed in the “Air” section of the current 74 proposed SUP conditions and, by doing so, the City runs the unnecessary risk that VA Paving could interpret this fact to mean that this condition is strictly limited to concerns relating to air pollution and not to water pollution or nuisances. In addition, condition 27 has no time deadlines for decision making, does not assign responsibility for decision making to a specific individual, allows for no meaningful involvement by citizens in the enforcement process or have any real teeth with respect to punitive action that can be taken against VA Paving for violations of SUP conditions.

Given these considerations, condition 27 must be revised as follows: "On or around April 1 of each year, VA Paving shall provide all current occupants of dwellings at Cameron Station and Summers Grove with a notice setting forth (1) the daytime hours during which the plant will be in operation, (2) the publicly available web site and/or phone number at which notice of all planned nighttime operations will be posted 24 hours prior to the time that such operation shall occur, (3) the 24-hour hot-line number of the person at the plant to whom all nuisance (odor, noise, dust, etc.) or health related complaints are to be reported, and (4) a complete list of the nuisance or health related complaints that have been reported to this hot-line number whenever they occur. Such notice shall be provided in hard copy and may be provided via regular mail or hand delivery. All complaints made to the hot line shall 24-hour hot-line shall be posted on a publicly available web site within 24 hours of the time the complaint is received with a notation of when the complaint was received and the nature of the complaint. The information on complaints received on the hot-line shall remain on the publicly available web site for at least one full year. VA Paving shall provide the Director of Code Enforcement (CE) with a copy (either by e-mail or facsimile) of all nuisance and health related complaints received on the 24-hour hot line setting forth when each complaint was received and the nature of the complaint no later than 24-hours after such complaint was received.

In the event the Director of CE determines that the plant is creating a public nuisance by reason of dust, odor noise, etc., based on direct observation and/or complaints received, VA Paving shall suspend all operations until satisfactory corrections are made in accordance with further recommendation of the Director of CE. For purposes of this SUP condition, the Director of CE must make a determination of whether the plant is creating a public nuisance and set forth steps VA Paving must take to eliminate the public nuisance within five (5) days of direct observation of a public nuisance or receiving a complaint that the plant is creating a public nuisance. VA Paving must complete all steps to eliminate such public nuisance problem within thirty (30) days from the date of the determination by the Director of CE. Should VA Paving not complete all steps to eliminate such public nuisance problem within the said (30) day period, City Council shall docket the case for review for the next available docket and impose appropriate monetary and/or other penalties upon VA Paving, including but not limited to revocation of its SUP.

In the event that the plant is found to be creating a public health problem (by reason of exceeding current or proposed (1) National Ambient Air Quality Standards, (2) Virginia Fire Code regulations or other federal, Virginia or City of Alexandria (City) safety regulations, or (3) federal, Virginia or City water pollution regulations), as determined by the Director of CE, in consultation with the Director of Alexandria Health Department (AHD), VA Paving shall suspend all operations until satisfactory corrections are made in accordance with further recommendation of the Director of CE in consultation with the Director of AHD. For purposes of this condition, the Director of CE must make a determination of whether the plant is found to be creating a public health problem and make a determination of what steps VA Paving must take to eliminate the

public health problem within five (5) days of observing a public health problem or receiving a complaint that the plant is creating a public health problem. VA Paving must complete all steps to eliminate such public health problem within thirty (30) days from the date of the determination by the Director of CE. Should VA Paving not complete all steps to eliminate such public health problem within said thirty (30) day period, City Council shall docket the case for review for the next available docket and impose appropriate monetary and/or other penalties upon VA Paving, including but not limited to revocation of its SUP.”

Condition 74 (hours of operation) – This condition should be revised as suggested in Del Pepper’s proposal in order to make it consistent with her proposed revisions to condition 5. Ms. Pepper’s proposed revisions provide for 12 hour work days rather than 14 hour work days and clarify that nighttime work is limited to that done for the City and for work on the Woodrow Wilson Bridge project. In addition, so as not to allow VA Paving to work 24 hours, seven days a week during the paving season, and thereby emit large amounts of pollutants over a short period of time with commensurate nuisances, such 24 hour work periods should last no more than three days in a row.

Given these considerations, condition 74 must be revised as follows: “The hours of operation for the asphalt plant shall be limited to 5:00 a.m. to 6:00 p.m. on Monday through Saturday. In addition, when undertaking a project performed for or at the direction of the government of the City of Alexandria or for or at the direction of VDOT or MDSHA for the Woodrow Wilson Bridge project during the paving season (April 1 to November 1), the facility may also operate from 6:00 p.m. to 5:00 a.m. on Sunday through Friday. When working 24 hours a day, VA Paving shall not be allowed to operate on a 24 hour a day schedule for more than 72 hours consecutively without a break of at least 24 hours in between each such 72 consecutive hours of operation. During nighttime hours, the plant shall not engage in any production or delivery of asphalt for non-government of the City of Alexandria projects or for VDOT or MDSHA projects that are not for the Woodrow Wilson Bridge.”

New Condition Requiring VA Paving to Pay the Cost of Monitoring and Enforcing the SUP (Condition 59 on the Matrix) – A new condition must be added as suggested by Del Pepper that would require VA Paving to pay the significant and extraordinary cost of monitoring and enforcing the 74 very complex proposed SUP conditions. Ms. Pepper’s proposal is consistent with the recommendation set forth in the October 13, 2006 City staff memorandum to the Mayor and City Council on SUP enforcement issues which states that the cost of monitoring and enforcing the proposed SUP conditions “is estimated at \$126,000 per year for the first two years...I recommend we recover these costs from Virginia Paving on a quarterly or annual basis based on actual costs incurred by the City.” This new condition is fair given that once VA Paving installs all plant upgrades and is allowed go from producing 600,000 to 700,000 tons a year, it will increase annual revenues by more than \$4 million.

Given these considerations, a new condition must be added as follows: "VA Paving shall pay the City \$126,000 per year for two years, commencing 30 days after approval of this SUP, for compliance monitoring and enforcement of the terms and conditions of this SUP."

New Condition Capping Annual Nighttime Production (Condition 1 on the Matrix) – Given the fact that Dave Sullivan, the CSCA's air quality expert, stated at the October 14, 2006 City Council hearing that nighttime pollution is worse than daytime pollution by a factor of 20 to 1 (primarily, as is the case at Cameron Station, that there is little or no wind at night to disperse any air pollution), it is very important that nighttime production be kept to a minimum. The evening is also the time of day when the vast majority of Cameron Station and Summers Grove residents are at home and likely to be cognizant of nuisances from the VA Paving asphalt plants like odor and noise. Tim Lovain's proposal would include a cap on annual nighttime production.

Given the above considerations a new condition must be added or the following could be added as part of condition 1: "VA Paving shall limit its nighttime hot mix asphalt production to a yearly maximum of 25,000 tons per year until such time as all plant improvements contemplated in this SUP have been verified by the City of Alexandria to have been installed. Once the City of Alexandria has verified that all such plant improvements have been installed, the nighttime hot mix asphalt production shall be limited to 50,000 tons a year."

New Condition Requiring VA Paving to Cease all Operations on Code Red Days (Condition 9 on the Matrix) - It is not uncommon for jurisdictions to ask its citizens to cease activities which increase air pollution on Code Red days. Both Del Pepper and Rob Krupicka contemplate the addition of such a new condition in their proposals set forth in the Matrix. This new condition can replace in full what is now contained in condition 9 or be written as a new condition.

Given these considerations, a new condition must be added as follows: "VA Paving shall not produce asphalt during any time on days that the Air Quality Index value for the Alexandria/Region exceeds 151 (Codes Red, Purple and Maroon) for ozone and particulate matter, as identified on EPAs AIRNow web site. The Department of T&ES shall, on a quarterly basis, review VA Paving's daily production records to ensure that VA Paving did not produce asphalt at any time on days when the AQI exceeds 151 and a penalty of \$100,000.00 United States dollars shall be imposed on VA Paving for each and every such violation."

New Sunset Clause Condition (Condition 75 on the Matrix) – The Matrix shows that both the proposal by Del Pepper and by Rob Krupicka would include a new sunset clause condition. Moreover, City Attorney Ignacio Pessoa has made it clear that a sunset condition must be included. The CSCA strongly recommends that a sunset condition be added to the SUP and that, if it is not, the request by VA Paving to amend its SUP should be denied. Mr. Pessoa "concluded that approving the special use permit for Virginia Paving, without a condition which limits the duration of the SUP's validity, will

likely restrict the City's future ability to rezone the property for more compatible uses, and to make the new zoning effective in a timely fashion commensurate with the anticipated redevelopment of the surrounding area."²⁸ The City Zoning Ordinance allows City Council to consider land use and land development issues in the context of a request to amend an SUP and City Council should do so here.²⁹ It is also important that any sunset condition also apply to US Filter's oil recycling facility located on VA Paving's property and Mr. Pessoa's draft sunset condition discussed directly below includes language that would cover US Filter.

Given these considerations, a new condition must be added as suggested by Ignacio Pessoa in his November 6, 2006 e-mail at 3:48 PM to the Mayor and City Council titled "Draft VA Paving 'Sunset Provision': "Compatibility with Eisenhower West Small Area Plan and Sunset Provision: City Council shall review this SUP, conduct a public hearing, and determine if the continued operation of this use is compatible with the Eisenhower West Small Area Plan (SAP) and implementing zoning amendments, anticipated for adoption in 2009, and with the ensuing and foreseeable development and redevelopment in the area. Such public hearing shall be held, and determination made, on or about December 31, 2012 (about five years from the date of approval of this SUP). In the event Council determines that continued operation of the use is compatible with such SAP, implementing zoning and/or development or redevelopment, the use may continue, subject to the terms and conditions of this SUP, and such additional terms and conditions as Council may adopt, including without limitation a new or revised sunset date. In the event Council determines that the continued operation of the use is not compatible with such SAP, implementing zoning and/or development or redevelopment, the use, and all related and tenant operations on or within the site, shall terminate at such time as Council shall determine, which shall not be sooner than December 31, 2016 (about seven years after adoption of the SAP), nor longer than December 31, 2018 (about nine years after adoption of the SAP)."

New Condition Holding VA Paving Responsible for US Filter Complying with Relevant SUP Conditions on Noise, Odor, Water Quality and Light (Condition 76 on the Matrix) - Consideration must be given to ensuring that the US Filter oil recycling facility located on VA Paving's property ("US Filter") does not contribute to air or water pollution or to nuisances like foul smelling natural gas odors, noise or glaring lights. Since US Filter is not owned by VA Paving and only leases space from VA Paving, City staff appropriately obtained a letter agreement dated October 30, 2006 from US Filter's parent company, Siemens, in which it agreed to do certain things to try and minimize the permeation of foul natural gas odors from this facility. However, it appears based on a review of the 74 conditions currently proposed for VA Paving's SUP that conditions 3, 6, 11, 45, 49, 50, 52, 55, 56, 57, 59, 60, 61 and 62, as they are revised above, may also be applicable and should be applied and agreed to by US Filter. As suggested in a proposal by Rob Krupicka, the best way to ensure compliance by US Filter to those proposed SUP conditions that apply to them is to hold VA Paving responsible for their compliance and creating a new SUP condition to that effect.

Given these considerations, a new condition must be added as follows: "VA Paving shall take all necessary steps to ensure compliance with conditions 3, 6, 11, 45, 49, 50, 52, 55, 56, 57, 60, 61 and 62 by all tenants on or within its property and shall be held legally responsible for any and all violations of said SUP conditions by such tenants."

Concluding Remarks

The CSCA strongly believes that the detriments already outweigh the few benefits that may be obtained if VA Paving's request to amend their SUP is approved. City Council should deny VA Paving's request to amend its SUP and concurrently make a statement for the record that City Council will determine that VA Paving's asphalt operations and all related and tenant operations on or within the property are uses that are incompatible with the West Eisenhower Small Area Plan.

In the event City Council decides to approve VA Paving's request to amend the SUP, it should require our suggested changes to the proposed SUP conditions be made in order to provide meaningful enforcement and minimize the increased pollution and nuisances that will be generated by VA Paving's two asphalt plants if they are allowed to ramp up their heavy industrial use. With the exception of our suggested revisions to condition 16 (particle traps for all trucks), all of our requested changes to the proposed SUP conditions come from conditions referenced in the Matrix. Accordingly, City Council needs to aggressively represent the interests of its constituents to make our requested changes to the proposed SUP conditions and, if VA Paving threatens to revoke its SUP request, City Council should be prepared to let them do so because your constituents who elected you to office have informed you that we would be much better off under the old 1960 SUP.

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

Respectfully submitted,


Arthur A. Impastato

¹ Unless noted otherwise, references in this letter submission to "proposed SUP conditions" are to the 74 proposed SUP conditions listed at pages 27 to 46 of the staff report prepared in connection with the October 14, 2006 City Council public hearing on the above-referenced matter.

² VA Paving's annual average permitted daily production during the period 2001 to 2006 (the period when they owned the two asphalt plants) is 597,000 tons. VA Paving's plant manager publicly stated at the November 6, 2006 City Council work session that VA Paving will produce about 550,000 to 600,000 tons in 2006. The response to question 3 on page 4 of the Nov. 3 Memo states that "they produce about 20% of their annual production for transportation from their facility at night." Page 5 of the Nov. 3 Memo sets forth the combined daily and nighttime (prohibited production under the 1960 SUP) annual

production totals for the period 2001 to 2005. Assuming VA Paving will produce 600,000 tons in 2006, VA Paving's average annual combined daily and nighttime production is 747,000 tons. Twenty percent of 747,000 is 149,400 tons which number represents the average annual nighttime production by VA Paving (i.e., production in violation of their current 1960 SUP). Therefore, if you subtract 149,400 tons from 747,000 you come up with 597,600 tons which number represents the annual average permitted daily production had VA Paving not been continually violating its 1960 SUP. Since, under condition 1 of the proposed SUP conditions, VA Paving could produce 1.2 million tons a year that means VA Paving would be allowed to more than double the amount of asphalt they could produce if they were required to abide by their current SUP. The CSCA is unaware of any jurisdiction whose policy it is to reward habitual violators like VA Paving by allowing them to reap increased profits to the detriment of law abiding citizens.

³ Based on combined annual daily and nighttime production records provided by VA Paving for 2001 to 2005 that are set forth in the Nov. 3 Memo and on the statement by VA Paving's plant manager at the City Council work session on November 6, 2006 that VA Paving will produce a combined annual daily and nighttime production of about 550,000 to 600,000 tons in 2006, VA Paving's average annual daily production for the period of 2001 to 2006 is 597,000 tons. See endnote 2 above.

⁴ See endnote 21 below.

⁵ See endnote 22 below.

⁶ At a meeting with CSCA representative's on August 25, 2006, Doug McCobb, Deputy Director of Operations for T&ES, said that the City buys approximately 20,000 tons of asphalt a year from VA Paving and VA Paving's two asphalt plants can produce 1,000 tons an hour. Therefore, at a limit of 5,000 tons per day, VA Paving could produce the City's 20,000 ton annual requirement in four days.

⁷ The staff report prepared in connection with the October 14, 2006 City Council hearing states that the "applicant's proposal would permit the entry and exit of vehicles during nighttime and weekend hours when supplying asphalt materials to government projects, i. e., for the Virginia Department of transportation and the City of Alexandria that require night work."

⁸ Any condition limiting the condition to vehicles "owned and operated by VA Paving" would exclude 50% of all vehicles entering and exiting the two asphalt plants. As noted at page 10 of the staff report prepared for the October 14 City Council hearing, "[a]ccording to the applicant, there are 20 trucks in its fleet, and 20 trucks operated by independent companies that haul asphalt from its plant."

⁹ The October 3, 2006 memorandum from Rich Josephson to the Planning Commission states that "CSCA stated that Condition #27...should be incorporated into the enforcement conditions for the entire SUP...For clarity purposes, this condition will be incorporated into the Enforcement conditions."

¹⁰ City staff's memorandum dated October 13, 2006 to the Mayor and City Council states that the increased costs to the City for monitoring and enforcing the 74 proposed SUP conditions "is estimated at \$126,000 per year for the first two years...I recommend we recover these costs from Virginia Paving on a quarterly or annual basis based on actual costs incurred by the City."

¹¹ See pages 1, 2, 3 and 4 of the Nov. 3 Memo.

¹² See Section 11-504 (B) (16).

¹³ See page 2 of the Nov. 3 Memo.

¹⁴ Currently proposed SUP condition 4 allows "130 nighttime shifts per calendar year" and current proposed SUP condition 2 caps nighttime production to "5,000 tons in any one shift." Accordingly, 130 nighttime shifts times 5,000 tons per night equals 650,000 tons.

¹⁵ Response to question 18 on page 11 of the Nov. 3 Memo states that the average truck can haul 18 tons of asphalt. Therefore, the total annual nighttime production of 650,000 tons divided by 18 tons gives you 36,111 trucks and doubling that number to 72, 222 gives you the total annual number of trucks entering and exiting the plant.

¹⁶ The enforcement language in the current SUP states that "[i]n the event that the plant is found to be creating a public nuisance or a public health problem, operations will be suspended by the company until satisfactory corrections are made in accordance with further recommendation of the Virginia State Bureau of Industrial Hygiene and the Alexandria Health Department." The only change made to this language in condition 27 was to weaken this provision by adding the ambiguous phrase, "as determined by the City of Alexandria," after the words "public health problem." See condition 27 at page 34 of the staff report.

¹⁷ Section 4-1206 (B) would enable the City to revoke VA Paving's SUP and thereby shut the plant down if it conducts its operations (as it has been doing since it bought the plant in 2001) "in a manner which would render it noxious or offensive by reason of dust...odor [or] noise."

¹⁸ Cambridge's report is Appendix "A)" to the staff report.

¹⁹ It is worth noting that a hot-mix oil-fired plant like VA Paving would be considered to be a major source of air pollution by the EPA if it were to produce 1,538,461 tons of asphalt a year. See April 4, 2002 article by Virginia Rest titled "More Asphalt Plants now Need Title V Permits." Assuming it were permitted by VA DEQ to do so, since the two plants owned by VA Paving can produce 1,000 tons an hour and the paving season is 261 days a year if you exclude weekends (See response to question 18 on page 11 of the Nov. 3 memo) VA Paving could produce a total of 6,264,000 tons a year if it worked 24 hours a day solely on weekdays. If it only worked 10 hour days on weekdays it could produce a total of 2,610,000 tons a year. Both of these annual totals are well above the totals to be considered by EPA to be a major source of air pollution.

²⁰ See page 2 of the October 13, 2006 memorandum from Jim Hartmann to the Mayor and City Council titled "Virginia Paving SUP Enforcement" attached as an exhibit to the Nov. 3 Memo.

²¹ The response to question 3 on Page 4 of the November 3, 2006 memorandum from Jim Hartmann to the Mayor and City Council sets forth the annual daily and nighttime production totals for VA Paving for the period 2001 to 2005 which is 3,885,190 tons. Page 3 of this same memo for the same question states that 20% of their annual production is nighttime production. Accordingly, 20% of 3,885,190 tons is 777,038 tons which amount represents the total tons produced at night by VA Paving in violation of their current SUP. On August 25, 2006 Doug McCobb, Director of Operations for the Alexandria Department of Transportation and Environmental Services and the person directly in charge of buying the asphalt from VA Paving, informed the CSCA that the base price for asphalt to the City from VA Paving was \$44.50 a ton. Therefore, \$44.50 times 777,038 equals \$34.5 million which number represents the total revenues during the period from 2001 to 2005 to VA Paving from its illegal nighttime operations.

²² 100,000 tons multiplied by \$44.50 per ton (the City's purchase price from VA Paving for its asphalt) equals \$4.45 million.

²³ A chart prepared in mid-October 2006 by City staff and Aero Engineering (the City's air quality consultants) shows that annual tons of PM 2.5, carbon monoxide, nitrous dioxide, and sulfur dioxide go up even after all upgrades are installed by VA Paving.

²⁴ See response to question 7 on page 7 of the November 3, 2006 memorandum from Jim Hartmann to the Mayor and City Council.

²⁵ See endnote 6 above.

²⁶ Page 10 of the staff report states that "[a]ccording to the applicant, there are 20 trucks in its fleet, and 20 trucks operated by independent companies that haul asphalt from its plant."

²⁷ See endnote 7 above.

²⁸ See pages 1, 2, 3 and 4 of the Nov. 3 Memo.

²⁹ See Section 11-504 (B) (16).

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Attachment 7

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

ATTORNEYS AND COUNSELLORS AT LAW

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HERBERT L. KARP

November 17, 2006

*Rec'd 11/17/06
SPM
B. E. E. E.*

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

Re: SUP No. 2005-0042, Virginia Paving Company, 5601 Courtney Avenue

Dear Mr. Mayor and Members of Council:

This letter is provided as the formal response from the Virginia Paving Company on the condition changes proposed by City Council members at their work session on November 6, 2006, and incorporated into the Matrix entitled "Council's Proposed Revisions to Virginia Paving SUP Terms As Originally Recommended [by] Staff" with regard to the above-referenced Special Use Permit amendment application.

Virginia Paving Company has reviewed the Matrix and the proposed revisions to the conditions as recommended by Staff and the Planning Commission. At this time, Virginia Paving Company agrees to the changes to the conditions proposed by Councilman Lovain in their entirety.

Virginia Paving cannot agree to Councilwoman Pepper's changes to Condition No. 59 unless the following alternative is substituted with regard to the cost of enforcement of the SUP:

Virginia Paving shall reimburse the City for the actual cost the City incurs in enforcing the conditions of this SUP, in an amount not to exceed \$50,000.00 per year for the first two years and a maximum of \$25,000.00 per year thereafter.

Virginia Paving cannot agree to the other changes proposed by Councilwoman Pepper, nor those proposed by Vice-Mayor MacDonald. The reductions proposed by both Councilwoman Pepper and Vice-Mayor MacDonald do not make it financially viable for Virginia Paving to make the more than \$1.8 million commitment for capital improvements that are an integral part of the amended SUP.

The Honorable William D. Euille
and Member of City Council
November 17, 2006
Page 2 of 3

At this time, Virginia Paving Company cannot agree to the proposed New Condition No. 75 regarding a sunset provision.

With regard to the proposed changes from Councilman Krupicka, Virginia Paving would propose the following language for New Condition No. 76:

Virginia Paving is responsible for compliance with all generally applicable terms codes and ordinances regarding noise, odor, water quality and light for any tenant operations on the property. If any tenant on the property is found by the City of Alexandria to be the cause of a violation of the applicable codes and ordinances regarding noise, odor, water quality and light as referenced above, that tenant's operations shall be modified, and if necessary ceased, until such modifications are made, to ensure compliance with the above-referenced codes and ordinances as reflected in the terms of their lease with the tenant.

In addition, as has been consistently understood throughout the deferrals of this application, any and all dates for completion of the agreed upon improvements need to be changed to reflect the two month deferral from September to November 2006 in accordance with the attached Construction Schedule.

Finally, Virginia Paving proposes the following changes to the conditions regarding odor to be consistent with the standard odor conditions in other special use permits:

Cond. No. 3:

Virginia Paving shall control odors, smoke and any other air pollution from operations at the site, and prevent them from leaving the property ~~or~~ and becoming a nuisance to neighboring properties, as determined by the Department of T&ES, in coordination with the Director of Department of Health.

Cond. No. 6:

For control of odors, VA Paving shall use low-odorous additive or, upon proposal to and approval by Department of T&ES, another equally effective approach such that odors from the facility are ~~not detectable beyond facility boundaries~~ prevented from leaving the property and becoming a nuisance to neighboring properties, as determined by the Department of T&ES, in coordination with the Director of Department of Health. Since effectiveness of these additives is highly dependent of their usage in manufacturer's recommended quantities, VA Paving shall maintain records on site that demonstrates that these additives are being used

The Honorable William D. Euille
and Member of City Council
November 17, 2006
Page 3 of 3

as per manufacturer's recommendations. The records will include amount of additive used, compared to production and use of asphalt cement.

If the above-stated changes are made to the conditions as currently proposed, Virginia Paving can agree to all the conditions in the amended SUP. If any other non-agreed upon changes are incorporated into any motion to adopt the amended SUP, Virginia Paving withdraws their application.

Please do not hesitate to contact me with any questions or comments. Virginia Paving looks forward to a final vote on their application on November 28, 2006.

Very truly yours,


Mary Catherine Gibbs

Enclosure

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

EXHIBIT NO. 2

22
11-28-06

~~W/S~~
~~11/6/06~~

City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 3, 2006

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

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

FROM: RICH JOSEPHSON, ACTING DIRECTOR, PLANNING AND ZONING *RS*
 RICH BAIER, DIRECTOR, TRANSPORTATION AND ENVIRONMENTAL SERVICES *R Baier*

SUBJECT: VIRGINIA PAVING, SUP#2005-0042

At the hearing on October 14, 2006, the City Council deferred consideration of SUP#2005-0042 for Virginia Paving in order to provide time for staff to address specific concerns and conditions raised at the public hearing. Some of the concerns expressed at the hearing included: enforcement, hours of operation, the number of days for nighttime production, potential long-term impacts, particulate matter, the level of output, and the need for comments from the Health Department and Alexandria Public Schools. Some Council members referenced specific conditions that they considered to be in need of revision, including Conditions #1 (production limit), #4 (number of nighttime shifts), #5 (allowable nighttime work), #27 (suspension of operations for public nuisance/health issues), #59 (quarterly compliance report from applicant), and #74 (hours of operation). Many of these concerns are discussed in the attached responses to specific questions received from Council members since the hearing.

This memo also provides a discussion of the impact of approval on future zoning decisions, and additional detail on the enforcement strategy that was discussed in the memo to Council dated October 13, 2006, and was of particular concern to Council. The memo also discusses what can be regulated through the existing SUP, and provides an overview of community benefits proposed as part of the proposed SUP.

IMPACT OF APPROVAL ON FUTURE ZONING DECISIONS

One of the issues of concern has been what impacts the granting of the Virginia Paving Special Use Permit will have on the future zoning and use of the Virginia Paving property. We expect the Eisenhower West Plan to be completed in the next 24 months. It is very important that City Council preserve its flexibility to determine the long-term use of the Virginia Paving property.

The City Attorney has concluded that approving the special use permit for Virginia Paving, without a condition which limits the duration of the SUP's validity, will likely restrict the City's future ability to rezone the property for more compatible uses, and to make the new zoning effective at the time that anticipated redevelopment of the surrounding area occurs.

The City Attorney advises that, in order to minimize the risks or impacts of approving this SUP on City Council's discretion to make future planning and zoning decisions in this area of the City, Council should include a condition in this SUP which unequivocally limits the duration of the permit's validity. Such a condition can either terminate the SUP automatically as of a date certain, or reserve to City Council the authority to terminate the SUP at a specified future date, in the event Council reasonably determines that continuation of the use is incompatible with the new Eisenhower West Small Area Plan.

Absent such a condition, the City Attorney advises that Council could defer action on this SUP until such time as the planning process has been completed, or until it at least has progressed to the extent that Council can reasonably determine that approval of the SUP, and continuation of the use, will not be incompatible with the new small area plan for Eisenhower West. Staff does not recommend deferring action on this SUP, since it would result in continuing with the conditions in the 1960 SUP without the environmental benefits of the proposed SUP.

(For more detail, see response to question #2 in attached staff responses).

ENFORCEMENT

Policies for the City's SUP enforcement program have undergone significant changes over the past couple of years, which can be attributed in part to the Virginia Paving case. In the past, enforcement of SUPs was generally complaint driven. Because there were no complaints related specifically to the SUP conditions at Virginia Paving, staff was not aware of the violations regarding traffic and stormwater settling basins that existed at the plant, both under the prior owner, Newton Asphalt, and the current owner, Virginia Paving, which has owned the plant since approximately 2000. The community has been very concerned about enforcement of a new SUP given this history.

In 2005, the Department of Planning and Zoning (P&Z) implemented new enforcement procedures for SUPs, which includes inspections of all properties with SUPs every three years, so that any potential violations can be caught without having to be specifically reported by a complaint. Enforcement procedures and penalties for violations of the zoning ordinance, including SUPs, are outlined in Section 11-200 of the zoning ordinance, and will be discussed later in this memo. In addition to this new policy, the proposed SUP conditions identify a comprehensive enforcement strategy specific to Virginia Paving that goes beyond the new standard three-year review.

ENFORCEMENT MANAGEMENT

Enforcement of the SUP will be coordinated by P&Z, although enforcement of most of the conditions will require review by T&ES. As discussed in the October 13, 2006 memo to Council, additional T&ES staff resources will be required to supplement existing 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.

The fiscal impact of the enforcement effort, including a new staff position, 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. Staff recommends recovering 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 SUP condition.**

ENFORCEMENT CONDITIONS IN PROPOSED SUP

The conditions of the proposed SUP for Virginia Paving go beyond the now standard enforcement procedures in three ways: (i) more frequent inspections; (ii) stricter penalties for violations of conditions, including additional opportunities for City Council review, and loss of nighttime paving privilege for violations of specific conditions; and (iii) a reporting, monitoring and community outreach responsibility for the applicant.

Inspections

To ensure on-going compliance, staff has recommended conditions that require more frequent inspections of the plant. Condition #60 requires an inspection for compliance with the SUP two times within the first year after approval, and annually thereafter. The plant inspections will be conducted jointly by the Departments of Planning and Zoning and Transportation and Environmental Services, Code Enforcement, the Health Department, and the City's outside consultants who are air-quality experts. Violations found on these inspections may result in a review of the SUP by City Council, as discussed later in this document. Inspections also will be conducted to ensure implementation of date-specific improvements.

Staff will also inspect the premises, if warranted, in response to complaints. Code Enforcement has a 24-hour Nuisance Hotline for citizens with complaints, and appropriate enforcement personnel will respond accordingly. In addition, with the new enforcement staff position initially assigned to the Virginia Paving SUP enforcement, that person will be monitoring Virginia Paving's operation on a regular basis, including regular unannounced inspections during the day and night.

To ensure that all enforcement-related personnel are aware of the various conditions of the SUP, staff will prepare a compliance checklist that will familiarize staff with the conditions that include limitations on various operations, including odors, noise and hours. Staff will prepare a second comprehensive air pollution inspection form for conditions related to air-quality, which will be utilized by Environmental Quality staff in conjunction with outside consultants in SUP enforcement.

Penalties for Violations

The zoning ordinance identifies the procedures for enforcement of its regulations, and penalties for violations, including for SUPs. Beyond standard enforcement procedures outlined in the ordinance, SUPs often will have additional enforcement measures as conditions, including the now standard one-year review condition. In response to community concerns regarding SUP enforcement at Virginia Paving, staff has recommended a comprehensive penalty structure based on existing zoning ordinance procedures, future opportunities for City Council to review the SUP, as well as added penalties for violations of those conditions that are vital to achieving the goal of improved environmental quality.

Zoning Ordinance

Section 11-207(A)(10) of the zoning ordinance identifies violation of a SUP condition as a class five civil violation, for which the penalty is \$50 for the first violation, \$100 for a subsequent violation of the same requirement, and \$500 for a third violation within any one 12-month period. The fine can be assessed on a daily basis after the initial 10 day notification period.

For failure to comply with the conditions of the SUP, Section 11-506(A) of the zoning ordinance states that after notice and public hearing, the City Council may revoke or suspend any Special Use Permit approved by it. Staff may refer the SUP to City Council for revocation, and will do so if there are continued and persistent violations.

City Council Review

Condition #60 provides an opportunity for a future review of the SUP by City Council if:

- (a) There have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community;
- (b) The Planning and Zoning director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; or
- (c) The director has determined that there are problems with the operation of the use and that new or revised conditions are needed.

This condition provides the opportunity for the case to be brought back to City Council for review if a violation is observed and confirmed as part of the interdepartmental inspection process. During the review, unforeseen issues may be addressed and additional conditions may be considered by City Council. This specific opportunity for City Council to review and potentially revise the SUP is in addition to the ability for City Council to, at any time, consider revocation or suspension of the SUP for failure to comply with the conditions of the SUP, as outlined in Section 11-506(A) of the zoning ordinance. The SUP condition includes a requirement that the surrounding community

be notified of the annual review inspection. Staff will prepare a report for Council regarding its findings for the annual review, regardless of whether the SUP is docketed for hearing.

Penalty for Violation of Specific Conditions of Proposed SUP

In addition to those penalties outlined in the zoning ordinance and in the review condition, the proposed SUP includes added penalties for noncompliance with specific conditions of the SUP. Staff identified those conditions that are most critical in improving the environment, reducing the impact of the plant on the neighboring properties, and require the most investment by Virginia Paving. These conditions include #11 (Blue Smoke Control system), #12 (low-NOx burners), #13 (tank vent condensers), #14 (Fugitive Emissions Control Systems) and #17 (increase height of drum dryer exhaust systems to 20 meters). Condition #61 of the proposed SUP requires that violation of any of these conditions, without prior advance notice of a reasonable basis for delay, requires Virginia Paving to immediately cease all operations involving the night-time exit and entrance of vehicles from the site, and within 30 days, staff will docket the case for review and potential action by City Council on the next available Council docket.

Suspension of Operations if Public Nuisance or Health Problem

Condition #27 requires that if the plant were found to be creating a public nuisance or public health problem as determined by the City, the plant must suspend all operations until satisfactory corrections are made in accordance with further recommendation of the Director of Transportation and Environmental Services in consultation with the Director of Alexandria Health Department. This condition is also in the existing SUP #931. Based upon the evidence and information available to date, the City Attorney has concluded that the existing operation would not be considered to be an actionable public nuisance or rise to the level of an actionable public health problem.

Reporting

In addition to staff-initiated inspections specified in the SUP, the applicant will be responsible for reporting information to staff on a regular basis. Condition #58 requires that Virginia Paving maintain daily production and site activity information and provide it to the City on a monthly basis. Condition #59 requires Virginia Paving to provide the City a Quarterly Report that provides the status of all projects required by the SUP. In addition, the records that are required by the conditions will be submitted along with this quarterly report, and after all the capital projects are installed, the BMP reporting requirements will be made annually.

Testing and Monitoring

In order to assess the efficacy of the proposed air-quality improvements and to ensure the plant's on-going compliance with air quality standards, staff has recommended on-going testing and monitoring. Condition #25 requires that Virginia Paving conduct stack tests for PM2.5, PM10, NOx, SOx, and CO emissions. Two tests are required by 2009, and thereafter the tests must be conducted at least once every five years. The results of the stack tests are to be submitted to the City within 90 days of when the tests are conducted.

In addition, Condition #28(a) requires that the City continue operating the PM10 monitor at Samuel Tucker Elementary School until three years of valid data have been collected. The City is required to determine the 98th percentile of these data, per the NAAQS, and then multiply that value by 75%, to impute a 98th percentile value for PM2.5. The condition insures that Virginia Paving will be required to demonstrate that it is not causing any exceedances of any new or modified National Ambient Air Quality Standards and is addressing the newly adopted standard for PM2.5 ahead of EPAs scheduled 2015 enforcement date for the new standard.

Community Outreach

A critical element of monitoring operations at Virginia Paving is ensuring on-going dialogue with the community. Condition #62 requires that the applicant designate an employee to monitor compliance with all conditions of the SUP. Condition #63 requires a community relations function, with two meetings each year to be scheduled with the community to discuss operations and to attempt to resolve any problems, conflicts or issues identified by the community related to the plant's operations. The meetings are required to be held with representatives from the surrounding residential communities and notice of the meetings is required to be given to these communities as well as to the Department of Planning and Zoning and Transportation and Environmental Services. In addition, Condition #41 requires that Virginia Paving establish a 24-hour hotline, available for residents to call to register any complaints.

CODE ENFORCEMENT

In addition to enforcement procedures outlined in the ordinance, the Code Enforcement Bureau has procedures in place to enforce codes related to public safety and welfare, and nuisance issues. For nuisance issues, citizens can contact the 24-hour Nuisance Hotline (703-836-0041). Hotline staff will assist in determining whether an immediate investigation is required by on-duty police, fire or code personnel, or whether the investigation will be referred to Code staff the next regular business day. Code staff will determine the appropriate city agency for follow-up on all referrals.

ALTERNATIVE TO SUP APPROVAL

If Council **denies or defers** the SUP request or proposes SUP conditions that result in the applicant deciding to withdraw its application:

- The plant will continue to operate with the existing SUP conditions from the original 1960 permit.
 - Trucks would be prohibited from entering or leaving the plant after dark, in inclement weather, or on Sundays or holidays.
 - The plant would be allowed to *operate* during nighttime hours if it does not involve trucks coming or going; permitted nighttime work includes heating and mixing of asphalt and other non-vehicular operations at the plant.
 - The plant would be required to install settling basins.

- If the plant were found to be creating a public nuisance or public health problem as determined by the City, the plant must suspend all operations until satisfactory corrections are made. *Based upon the evidence and information available to date, the City Attorney has concluded that the existing operation would not be considered to be an actionable public nuisance or rise to the level of an actionable public health problem.*
- The additional environmental benefits conferred by the more stringent and more up-to-date conditions, which afford the City a greater opportunity to regulate the plant and address concerns of area residents would **not** be achieved.
- There would be no production caps except the 1,500,000 tons annual limit set forth in the State Operating Permit.
- There is little incentive for the plant to install and no ability for the City to require the additional pollution control equipment and practices set forth in the proposed agreed conditions.
- The City would have less access to production data and other records that would help investigate community complaints or concerns.
- The City would have less ability to regulate odors.
- The City would either pay more for its paving by using another asphalt supplier who is able to produce and deliver at night.

COMMUNITY BENEFITS

As discussed in the staff report, the environmental controls that would be required as part of the proposed SUP will greatly exceed existing controls on the plant. Staff worked with the applicant and community on crafting conditions that would specifically address community concerns of air quality, odors, noise and other issues. Besides the environmental benefits that the proposed conditions include, there are still other requirements in the proposed SUP that would benefit the community. The applicant will be required to install significant landscaping enhancements on and around the site that will better screen operations, and provide stream restoration (Conditions #64-#67). In addition, the applicant has agreed to grant the City an option for a public access easement for continuation of a multi-use trail on Virginia Paving property along the property line (Condition #69). The trail along Backlick Run was identified by the Open Space Steering Committee as a critical link to trails in adjacent Fairfax County, and is part of the City of Alexandria's Bicycle Trail Master Plan. Finally, the enforcement strategy outlined in the proposed SUP greatly exceeds that which is currently possible under existing zoning regulations and the 1960 SUP, bringing greater assurance that the City will ensure compliance with the proposed conditions.

Attached for your reference are the responses to questions raised by Council, memos from the Alexandria Health Director, the Alexandria Superintendent of Schools, the Counsel for Virginia Paving Company, and Rich Baier and Richard Josephson on Virginia Paving SUP Enforcement, and the staff report.

Staff:

Richard Josephson, Acting Director, Planning and Zoning;
Rich Baier, Director, Transportation and Environmental Services;
William Skrabak, Division Chief, Division of Environmental Quality;
Lalit Sharma, Program Supervisor, Division of Environmental Quality;
Christopher Spera, Assistant City Attorney;
Aimee Vosper, Landscape Architect Supervisor, Recreation, Parks and Cultural
Activities;
Laura Durham, Open Space Coordinator, Recreation, Parks and Cultural
Activities; and
Valerie Peterson, Urban Planner III, Department of Planning and Zoning.

NOVEMBER 3, 2006

**ATTACHMENT 1: RESPONSES TO QUESTIONS FROM COUNCIL MEMBERS
ABOUT THE VIRGINIA PAVING SPECIAL USE PERMIT**

Subsequent to the City Council hearing on October 14, 2006, staff received specific questions from Council members on various issues. Those questions are identified below, followed by staff's responses.

1. Discuss the issue of odor at Virginia Paving.

Based on complaints from residents, the City staff has, during the course of review of this SUP, through inspection and other investigations identified various operations and sources at the Virginia Paving Plant that are potential sources of odors. On occasion the staff has noticed odors in the area, followed them and traced their origin to the operations at Virginia Paving and/or U.S. Filter. The odors emanating from the Virginia Paving facility have the typical asphalt characteristics, while those emanating from U.S. Filter have typical oil characteristics. Based on this, and working with Virginia Paving, the City has outlined several conditions to address odor control in Virginia Paving's proposed SUP for odor control. The City has been consulting with U.S. Filter, which operates on Virginia Paving's property, regarding their odor control measures and received a commitment from them to address their odor sources. The City staff has prepared the following matrix of odor sources and proposed controls for both Virginia Paving and U.S. Filter. (See table on next page).

Odor Source		Odor Control Measure	Proposed SUP Condition No.	Proposed Compliance Date
VA Paving Asphalt Cement Storage Tanks		Vent Condensers, Steel Wool Filters or equivalent control*	13	Sep 30, 2006
VA Paving Asphalt Plant No. 1	Asphalt product	Low-odor anti-strip additive or equivalent approach*	6	Effective Immediately
	Product silo	Blue Smoke Control	11	Dec 31, 2006
	Product conveyor & loadout	Fugitive Emission Control System (vented to Blue Smoke Control)	14	Sep 30, 2007
VA Paving Asphalt Plant No. 2	Asphalt product	Low-odor anti-strip additive or equivalent approach*	6	Not specified
	Product silo	Fugitive Emission Control System (vented to drum dryer)	11	Jul 30, 2007
	Product conveyor & loadout	Fugitive Emission Control System (vented to drum dryer)	14	Jun 30, 2008
Product Trucks		Low-odor anti-strip additive or equivalent approach*	6	Effective Immediately
		Covered trucks	None ^{&}	Current ^{&}
U.S. Filter [#] (located on Virginia Paving property)	RFO Loading	Use vapor recovery to prevent discharge to atmosphere	N/A [#]	Dec 31, 2006
	RFO Storage Tanks	Installed pressure loaded vapor conservation valves	N/A [#]	Aug 2006
	Vibrating Screen Area	Upgrade to air-tight design and route to vapor recovery system	N/A [#]	Jan 31, 2007
	Biofilter Area	Enhance current bio-filter by installing effective cover and route exhaust through a carbon bed	N/A [#]	Feb 28, 2007
Plantwide		City Ordinance – Control odor and prevent it from leaving property or becoming a nuisance to neighboring properties	3	Perpetual

* Any alternate equivalent control method must be approved by the City prior to its use.

& Use of truck covers is a standard practice in the asphalt industry. Covers help control odor and maintain the desired product temperature during delivery.

The City staff has been working with U.S. Filter regarding these control measures and received commitments for these controls. N/A = Not applicable.

The City, because of the condition prohibiting odors off the property in the proposed SUP, has the right to require additional controls in the future if the proposed controls in the SUP are found to be insufficient to eliminate odor from the Virginia Paving facility. The City staff will continue to conduct qualitative surveys in the area, monitor complaints to estimate the effectiveness of the odor control measures in the future.

Also see response to question #19.

2. **What is the impact of approving the special use permit for Virginia Paving on any future zoning decisions for the property as we study this area in the future? How does it relate to the length of time this use can be there? Are there things that Council needs to do to minimize the risks or impacts to the City?**

The City Attorney has concluded that approving the special use permit for Virginia Paving, without a condition which limits the duration of the SUP's validity, will likely restrict the City's future ability to rezone the property for more compatible uses, and to make the new zoning effective in a timely fashion commensurate with the anticipated redevelopment of the surrounding area.

Under the Alexandria Zoning Ordinance, in the event the Virginia Paving site were to be rezoned to a zone which does not permit the current use, the existing plant would become a nonconforming use as defined by Zoning Ordinance Section 12-201. As such, it would be allowed to continue to operate for a period of time, although the use must eventually be abated. Under the general rule, once a use becomes a nonconforming use, the nonconforming use must be discontinued within seven years after the City provides notice of nonconformity to the owner of the property (See Zoning Ordinance Section 12-214(A)). During this seven-year abatement period, the property owner may apply for a special use permit to continue the use for a longer period of time, provided the nonconforming use serves the nearby neighborhood and is compatible with other uses in the nearby neighborhood (See Zoning Ordinance Section 12-214(A)(2) and (3)). Alternatively a property owner may petition City Council to extend the seven-year abatement period if the property owner believes it cannot make a fair and reasonable return on its investment in the property within the seven-year period provided by the ordinance (See Zoning Ordinance Section 12-214(A)(5)). These nonconforming use abatement provisions derive from the City's Charter authority.

However, in reliance upon an approved SUP which is not limited in duration, and upon the expenditures made to bring the use into compliance with the new SUP, Virginia Paving can be expected to argue that it has a "vested right" under Va. Code Section 15.2-2307 such that any rezoning would not be applicable for the remaining life of this use. If successful, this argument would trump the City's abatement authority, and allow the plant to continue operation so long as physically able. In the alternative, Virginia paving can be expected to argue that, under the controlling law, an extension of the seven-year abatement period is required to allow recoupment of

the recent investment made in upgrading the plant, and that the useful life of the improvements is longer than seven years. A reviewing court is likely to consider either or both of these arguments sympathetically, in the event this SUP is approved without a durational limit, and such action is then followed by a zoning amendment which requires the use to cease operation. In summary, the City's arguments for abating an obsolete or obsolescent plant would be considerably more persuasive than the arguments for abating a plant which has been recently modernized at the City's behest.

Thus, the City Attorney advises that, in order to minimize the risks or impacts of approving this SUP on City Council's discretion to make future planning and zoning decisions in this area of the City, Council should include in this SUP a condition which unequivocally limits the duration of the permit's validity. Such a condition can either terminate the SUP automatically as of a date certain, or reserve to City Council the authority to terminate the SUP at a specified future date, in the event Council reasonably determines that continuation of the use is incompatible with the new land use plan. Absent such a condition, Council could defer action on this SUP until such time as the planning process has been completed, or has at least progressed to the extent that Council can reasonably determine that approval of the SUP, and continuation of the use, will not be incompatible with the new land use plan. Staff does not recommend deferring action on this SUP.

3. According to Virginia Paving, what are its annual nighttime and daytime production rates from 2001 to the present?

Information obtained from Virginia Paving indicates that they produce about 20% of their annual production for transportation from their facility at night. Hopefully the applicant can provide some kind of actual breakdown. However, it is important to remember that the existing SUP allows the plant to produce asphalt at night, but not to have night-time vehicular traffic in and out of the plant. Accordingly, the plant could be in production starting at 2:00 a.m. to make asphalt for pick up by trucks at daybreak at 6:00 a.m. without violating the 1960 SUP. It would be useful to know what has been the historical asphalt production from the plant that was shipped out of the plant at night.

Response Provided by Virginia Paving

Virginia Paving has production records for their ownership years and back to 1995, which was provided previously. Virginia Paving has not provided any other production information prior to this and it does not separate daytime and night time production.

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

4. **Graph the daily (daytime and nighttime) seasonal production rates from 2001 to the present.**

See response to question #3.

5. **Per Vice Mayor Macdonald's conversation with Maureen Barrett: Ask Aero Engineering to try to model the maximum seasonal (spring, summer, fall, winter) "day-time" and annual "day-time" concentration levels of the criteria pollutants and other major hazardous chemicals at Tucker Elementary, etc, using actual production data.**

Input variables: Use the maximum annual "day-time" production level for the years that VA Paving has operated the plant (above.) If this data is not available assume that yearly production levels do not exceed 600,000 tons per year. Use actual maximum reported seasonal "day-time" production rates to predict the maximum daily concentrations of the pollutants of concern. If the concentrations of PM 2.5 exceed 35 ug/cubic meter at sites where people may be exposed to the asphalt "fumes," adjust the production levels and run the model again. What is the maximum safe "day-time" production level? Can it be determined?

How much additional pollution is likely to be generated by night-time paving operations? Use the maximum reported yearly and daily "night-time" production levels.

To the extent possible, predict what the maximum and minimum "hourly" concentrations of key pollutants might be.

Response: Vice Mayor Macdonald asked City staff and consultants several questions via e-mail on October 23, 2006. The above three questions reflect Vice Mayor's primary concerns pertaining to the modeling analysis conducted by the City to date for the Virginia Paving facility. To discuss this concern, the City staff and consultants met with Vice Mayor Macdonald on October 26, 2006.

The response to these three questions is based on discussions with the Vice Mayor on October 26, 2006. Vice Mayor Macdonald requested the City staff to address daily PM-2.5 impacts that would be expected based on reasonable actual daily production levels and assuming that the air quality improvements and pollution controls required by the proposed SUP are implemented. In particular, Vice Mayor Macdonald wanted to find out if the facility's daily impacts at, say 5,000 tons per day, would show compliance with the newly promulgated 24-hour PM-2.5 standard of $35 \mu\text{g}/\text{m}^3$. While the facility's actual production is dependent upon demand, we obtained recent data from the facility that showed that production levels ranged from approximately 4,000 to 5,000 tons per day, about half of which occurred at night.

In its modeling analysis, the City had analyzed the proposed SUP scenario assuming 10,000 tons per day production, including both daytime and nighttime production. Therefore at 5,000 tons per day, the impacts are expected to be less. For emissions that are directly dependent upon production rates, such as the drum mixer dryers, product silos, and asphalt delivery trucks, the impacts would be reduced by half. However, other emissions, such as from aggregate handling, are not entirely tied to the asphalt production schedule because these sources are dependent on several other factors including the railroad delivery schedule. Using the modeling results for the proposed SUP scenario, we estimate that the maximum modeled 24-hour average PM-2.5 impacts from the Virginia Paving facility for a 5,000 tons per day production rate would be in the range of 12 to $14 \mu\text{g}/\text{m}^3$, including other nearby sources. When added to a monitored background concentration of $35.3 \mu\text{g}/\text{m}^3$, the total impact would be in the range of 47 to $49 \mu\text{g}/\text{m}^3$. These impacts are in compliance with the current PM-2.5 standard of $65 \mu\text{g}/\text{m}^3$. Please note that although EPA has promulgated a new standard of $35 \mu\text{g}/\text{m}^3$, the standard is not effective until Virginia DEQ has adopted it in their State Implementation Plan (SIP) and EPA has approved the SIP. That process will take several years (currently planned to be in 2015) and is similar to the process for adopting the current PM-2.5 standard of $65 \mu\text{g}/\text{m}^3$, for which states are required to submit their SIPs to EPA by April 2008. Please also note that the monitored background value used in the modeling analysis is above the new standard of $35 \mu\text{g}/\text{m}^3$ and therefore any modeled impact would show exceedance of the standard. This monitored background, however, represents the 98th percentile over three years of data (2002 through 2004). A majority of the time, the monitored background concentration is smaller than this value. The City used the value of $35.3 \mu\text{g}/\text{m}^3$ in its analysis because the modeling was designed to address worst case impacts in accordance with EPA and Virginia DEQ guidelines.

With respect to the annual impacts of PM-2.5, the City staff explained, and Vice Mayor Macdonald agreed, that the modeling conducted to date provides sufficient

confidence that impacts at actual annual production would be less than the various modeled annual production levels. The City has modeled three annual production levels to date, i.e., 1,200,000 tons day/night production, 900,000 day/night production, and about 700,000 tons daytime-only production. At all of these production levels, the annual PM-2.5 impact from the Virginia Paving facility was about $1.0 \mu\text{g}/\text{m}^3$ or less, i.e., the level at which these annual impacts are considered insignificant under EPA and Virginia DEQ regulations.

6. How much additional pollution is likely to be generated by night-time paving operations? Use the maximum reported yearly and daily “night-time” production levels.

See response to question #5.

7. What’s the worst time of year and day to produce asphalt? Why?

While there is some variability within various sources at the facility, e.g., stacks versus fugitive sources, the highest impacts are generally found to occur during the months of October through April. This is based on the conservative modeling that assumed emissions to occur throughout the year. In reality, Virginia Paving’s production occurs mostly during warmer months, and therefore, the actual impacts are expected to be less than those predicted by the model. On a daily basis, the highest impacts are generally found to occur between midnight and 8:00 am, with some exceptions. Again, this is based on the conservative assumption that the production can occur at any time during the day. Please note that under the current 1960 SUP, Virginia Paving can start daily production in the early morning hours and store it in silos prior to delivery at sunrise. Therefore, the highest short-term impacts under the 1960 SUP can also be expected to occur in the early morning hours.

8. To the extent possible, predict what the maximum and minimum “hourly” concentrations of key pollutants might be.

See response to question #5.

9. What chemicals are found in “blue smoke” and the odors it creates? How effective are these filters?

Blue Smoke emissions typically occur during silo filling and truck loadout operations. The predominant constituent of Blue Smoke is hydrocarbons, categorized as total organic compounds. The condensation of these hydrocarbons forms small droplets that appear as “Blue Smoke.” A significant portion of these hydrocarbons is aromatic creating the characteristic asphalt odor. Since the Blue Smoke is released as droplets, it is regulated as particulate matter emissions. Therefore, use of filters is the best emissions control method. The manufacturer of the six-stage filtration device claims an efficiency of 99% control. Under the proposed SUP, Virginia Paving will be

required to demonstrate the control efficiency of this device after installation. Because of the high control efficiency of this device, the City expects a significant reduction in odor from these operations at the facility. Please note that Virginia Paving will install this device on Plant 1, i.e., the larger of the two asphalt plants at the facility. For Plant 2, Virginia Paving plans to collect Blue Smoke and duct it to the drum dryer burner. Since Blue Smoke is primarily hydrocarbons which will readily combust, this is also an effective control method and will contribute to odor reduction.

10. What can we do to verify that the plant is not releasing harmful amounts of key pollutants? Conduct yearly stack tests? Run the models again?

Vice Mayor Macdonald asked what the City can do to verify that the facility is not releasing harmful amounts of key pollutants. In the October 26, 2006 meeting with the Vice Mayor, the City staff explained the various provisions in the proposed SUP designed to prevent pollution from the facility. In addition, the proposed SUP requires Virginia Paving to perform stack testing to verify its emission levels. At the present time, the City does not expect any further modeling that will be required for verification purposes because actual emissions measured from these stack tests are expected to be less than the emissions modeled to date. However, stack tests are required according to the schedule laid out in the proposed SUP conditions. Furthermore, the City has initiated particulate matter monitoring at a location near Tucker Elementary School that will be used to verify ambient levels of PM-10 and estimate PM-2.5 concentrations. Based on three years of monitoring at this location, Virginia Paving will be required to address any PM-2.5 concentrations that are found to exceed NAAQS.

11. Why were there no comments from both the Health Department and the School System included in the staff's recommendation for the SUP request?

The SUP application, subsequent supporting documents, and staff report were all routed to the Health Department for comment. The comment from the Health Department on the application was that they did not have comments. Staff contacted the principals and PTA president regarding the application and community meeting. Dr. Konigsberg and Superintendent Perry will be at Council's November 6 worksession to respond to questions.

12. What do we know about U.S. Filter's relationship with Virginia Paving? Do they operate under the same current SUP? If not, should they have a separate SUP and what is their product/service?

U.S. Filter is an unaffiliated tenant operating as an oil recycling facility on a portion of the Virginia Paving site. There is no common ownership between the companies, although Virginia Paving purchases some of the recycled oil that US Filter produces for use in heating its asphalt dryer drums. From a zoning perspective, US Filter's operation is a grandfathered use that did not require an SUP when it commenced

operations as a tenant on the site under prior ownership of the site (Newton Asphalt). Co-location of oil recycling facilities and asphalt plants is a use recommended/approved by the federal EPA because it provides a nearby user of the recycled oil.

City Council approved a SUP for two office trailers at US Filter on May 18, 1991. The SUP applies only to the location of office trailers on the site, and not to U.S. Filter's operations. Staff is not aware of violations to this SUP.

The modeling performed by the City for evaluating the emissions did incorporate U.S. Filter as one of the interacting sources. Additionally, the City staff has investigated the odors in the area surrounding Cameron Station and has traced the source of odors to the Virginia Paving and the U.S. Filter facilities. For this reason, the City concluded that it is best to control odors at the source. The proposed SUP contains several provisions to control the various odor sources at the Virginia Paving facility. Additionally, the City has been working with U.S. Filter regarding control of their odorous emissions and has received commitment from US filter to address their odor sources. The odor matrix presented above under response to question #1 shows the various proposed odor controls.

Upon implementation of these measures, the City will continue to conduct surveys in the future on a regular basis and continue to respond to citizen complaints. Additionally, Virginia Paving will be required to establish a telephone hotline and to address all complaints received at that hotline. The City, because of the condition prohibiting odors off the property in the proposed SUP, has the right to require additional controls in the future if the proposed controls in the SUP are found to be insufficient to eliminate odor from the Virginia Paving facility. The City staff will continue to conduct qualitative surveys in the area, monitor complaints to estimate the effectiveness of the odor control measures in the future.

13. Has a study/survey of neighborhood odors been undertaken? If not, why not?

See response to question #1.

14. It was alleged by a Virginia Paving employee that the company has been engaged in night work for more than 20 years. Is this, indeed, a fact and were they ever cited accordingly?

Staff is not aware of when the plant began having night-time traffic in and out of the plant. Since the City's SUP enforcement process was historically complaint-driven and there was never a complaint regarding this practice, the City was never called upon to enforce the condition of the SUP regarding night-time vehicular traffic. When staff became aware of the violation, it alerted Virginia Paving, which subsequently filed the SUP amendment.

15. What measurements will be in place for "oil containment?"

Virginia Paving has a VPDES General Stormwater Permit from Virginia Department of Environmental Quality, which requires development and implementation of a Stormwater Pollution Prevention Plan. This plan addresses operational practices that addresses pollution concerns. This permit also has requirements of periodic sampling and testing of Stormwater discharges.

Additionally, the 1960 SUP as well as terms of the proposed SUP requires Virginia Paving to install a Stormwater treatment system. The stormwater treatment system that has been approved as part of the plot plan is a perlite media filter. Such a filter is targeted to address oil and grease as well as sediments. The design of the proposed filter chambers will also act as containments for any accidental spills of oils or discharges.

Virginia Paving is also subject to the requirements of the City's Fire Code (permits and inspections) with respect to storage and containment of the petroleum products, and currently meets those requirements.

16. The 1960 SUP required that "catch basins" be installed. Has this been verified to see if their installation is in place? If not in place, what should be required?

Staff believes that catch basins were at one time in place on the property, but were likely at some point covered over with recycled asphalt. The plant has submitted a new storm water treatment and control plan that goes far beyond the catch basin approach that was the best practice available in the 1960's.

Additionally, the 1960 SUP as well as terms of the proposed SUP requires Virginia Paving to install a stormwater treatment system. The stormwater treatment system that has been approved as part of the plot plan is a "perlite" media filter. Such a filter is targeted to address oil and grease as well as sediments. The design of the proposed filter chambers will also act as containments for any accidental spills of oils or discharges.

17. Should Virginia Paving withdraw its request for a new SUP, what other steps should be required for the health, safety and welfare of the community?

Based upon the information available at this time, the Office of the City Attorney does not believe that the plant, operating under the 1960 SUP, presents a case of public nuisance.

18. What will be the daily volume of trucks in and out of the plant –at 600 K tons; at 900 K tons; and at 1.5 M tons?

Although there may be community issues associated with night traffic, the level of service and movement of trucks and SOV associated with Virginia Paving night truck

traffic is beneficial to the City when compared to the trucks being on the roadway during the day.

Response Provided by Virginia Paving

Considering that VPC will operate approximately 261 days per year (365 total days – 104 weekend days), and that each truckload of asphalt weighs approximately 18 tons:

600 K tons/year = 127 trucks/day

900 K tons/year = 192 trucks/day

1.5 M tons/year = 319 trucks/day

All of the figures are calculated based on averages and approximations.

- 19. Address what methods are available for the measurement of noxious odors like those from Virginia Paving. How will we be able to measure progress in reducing these odors?**

Analysis of odor impacts is a qualitative process. Perception of odor is subject to two thresholds, i.e., a detection threshold at which the odor is first detected and a recognition threshold at which the type of odor can be identified. While odorous emissions can be readily identified at the source, odor detection in the atmosphere is subjective and largely depends on an individual's sense of smell. However, the City staff has investigated the odors in the area surrounding Cameron Station and has traced the source of odors to the Virginia Paving and the U.S. Filter facilities. For this reason, the City concluded that it is best to control odors at the source. The proposed SUP contains several provisions to control the various odor sources at the Virginia Paving facility. Additionally, the City has been working with U.S. Filter regarding control of their odorous emissions. The odor matrix presented above under response to Question No. 1 shows the various proposed odor controls.

Upon implementation of these measures, the City will continue to conduct surveys in the future on a regular basis and continue to respond to citizen complaints. Additionally, Virginia Paving will be required to establish a telephone hotline and to address all complaints received at that hotline. The City, because of the condition prohibiting odors off the property in the proposed SUP, has the right to require additional controls in the future if the proposed controls in the SUP are found to be insufficient to eliminate odor from the Virginia Paving facility. The City staff will continue to conduct qualitative surveys in the area, monitor complaints to estimate the effectiveness of the odor control measures in the future.

- 20. What is the Health Department's analysis of Virginia Paving's application? This analysis should include consideration of the following assessment:**

Northern Virginia's air is not healthy.

The American Lung Association last week gave failing marks to Fairfax County, Arlington County, Loudoun County and the City of Alexandria for air quality. The air

in Fairfax County is among the most polluted in the nation, leaving 250,000 people with cardiovascular disease and 76,000 citizens with asthma at risk of heart disease, lung cancer, asthma attacks and a shortened life span, according to the new report. Thousands of people die right here each year who would live longer if the air were cleaner. These include "sensitive groups," young children, senior citizens, the increasing number of people with asthma.
<http://www.connectionnewspapers.com/article.asp?article=65255&paper=59&cat=131>

Here is the study they're referring to:
http://lungaction.org/reports/SOTA06_stateozone.html?geo_area_id=51

See attached memo from the Alexandria Health Department.

- 21. Does the U.S. Filter oil recycling facility located on Virginia Paving Company's Courtney Avenue plant ("US Filter") have an SUP and, if so, what provisions in the SUP relate to environmental or safety issues?**

See response to question #12.

- 22. Has US Filter ever violated its SUP and, if so, for what reason(s) and when?**

See response to question #12.

- 23. At the recent public hearing, people from Summers Grove and City staff said that the organic filters used by US Filter to produce recycled oil emit foul natural gas odors. What steps has the City taken to ensure US Filter takes reasonable steps to mitigate the odor caused by them during the production of recycled oil?**

The City staff has been working with US Filter regarding possible odor control measures. As a result of these consultations, U.S. Filter has proposed several measures designed to control odorous emissions from their operations. These measures are listed in the odor control matrix presented above under response to question #1.

- 24. What toxins are released into the air and water by US Filter. What steps has the City taken to assure that the toxins released by US Filter do not exceed current or proposed EPA PM2.5 standards, or other federal, state or local water or air quality standards?**

The primary air pollutants from the U.S. Filter facility are organic compounds. However, there are a small amount of PM-2.5 emissions resulting from fuel combustion. These emissions were included in the modeling analysis conducted by the City. The predicted impacts were shown to be in compliance with the current PM-2.5 NAAQS. With respect to the proposed PM-2.5 NAAQS, please see response above to questions #5.

U.S. Filter has no stormwater discharges, it being a zero discharge facility. The facility collects stormwater on site and uses it in the cooling tower.

- 25. Did VA Paving exceed permitted annual tonnage limits in 2004 and, if so, what action was taken by VA DEQ?**

Prior to the issuance of the Feb 17, 2005 State Operating Permit (SOP), the Virginia Paving facility was limited to an annual production of 840,000 tons of asphalt, based on a rolling twelve-month total. During its review of the facility in 2004, the City staff noticed the possibility that Virginia Paving may have exceeded its production limit and brought it to the attention of the Virginia DEQ. Virginia DEQ noted the same in their inspection report (10/21/04) and Virginia Paving applied to Virginia DEQ for an SOP modification. Subsequently, Virginia Paving performed stack tests that formed the basis on which Virginia DEQ issued the new SOP in February 2005 with a new limit of 1.5 million tons of asphalt. The stack tests showed emission factors that were smaller than AP-42 factors. There was no enforcement action taken by Virginia DEQ.

- 26. Did Newton Asphalt ever approach City staff in 1998 alerting them to the fact that they intended to replace a small batch plant with a new more efficient counter rotating drum plant and, if so, would this have required an amendment to the SUP?**

Newton Asphalt did not approach City staff in 1998 regarding the replacement of a small batch plant. However, staff was aware of the upgrade because of the documents filed with the State, and determined that an amendment to the SUP was not required.

- 27. Provide the dates when any changes were made to the dryer mixers. A change for purposes of this question means a change in capacity (tons per hour) or type (e.g. batch, parallel flow, counter flow).**

Response Provided by Virginia Paving

As far as VPC is aware, through contacts with Mr. Miller of Newton Asphalt and from the one employee that was working at the plant during that timeframe, prior to 1978, there were at least four plants on the site. In 1979, Newton Asphalt ordered what is now Plant 1 to replace two other plants that existed on the site. Consequently, that installation resulted in no enlargement, extension or increase in intensity of this facility because this was merely a consolidation of two other plants based upon technological advancements. At some point between 1980 when Plant 1 was installed and the mid-1990's, two of the other plants were removed from the site. In the mid 1990's, Plant 2 replaced the original batch plant with the current counterflow drum dryer plant that exists today, however, the conveyer system remained. Although the current Plant 2 has the capacity to produce more mix per hour than the original batch plant, the conveyor system cannot handle any more mix than the

original batch plant produced. Any replacement of a parallel flow drum dryer with a counterflow drum dryer was not an "enlargement, extension or increase in intensity" of the plant. It is merely an improvement based upon technological advances that improve the emissions levels from the site itself.

28. **Provide the annual nighttime production tonnage totals for the period from 2001 through and including 2006. For purposes of this question, nighttime production means asphalt delivered to a truck during nighttime hours (e.g., production prohibited under the current SUP).**

See response to question #3.

29. **At the recent public hearing it was stated by Dr. Laura Green that what the daytime photograph Of VA Paving provided to each City Council member showed was "steam." According to Cambridge Environmental's studies, what besides steam is coming from the stacks?**

Other than steam, the emissions from the drum dryer stacks include products of combustion, particulate matter from the aggregate being dried, and organic emissions from asphalt. The products of combustion include criteria pollutants such as sulfur dioxide, nitrogen oxides, carbon monoxide, particulate matter, and volatile organic compounds. Some of the particulate matter and organic compound emissions are classified as hazardous air pollutants (HAPs) under EPA and Virginia DEQ regulations, such as trace metals and PAHs. The City's analysis included calculating emissions of all criteria pollutants and several HAPs from the facility and modeling these emissions to estimate compliance with NAAQS and Virginia's SAAC guidelines for HAPs.

30. **Based on the study by Maureen Barrett of Aero Engineering, does the area of exceedance for current annual PM2.5 standards include Boothe Park and/or Tucker Elementary School?**

The modeling analysis showed that the area of exceedance for the annual PM-2.5 impacts extends a short distance into Boothe Park, but does not extend to the Tucker Elementary School. The modeling is based on the 1.2 M tons of production on an annual basis. The modeling analysis was also based on the use of a conservative monitored background concentration that was very close to the annual PM-2.5 standard of $15 \mu\text{g}/\text{m}^3$. The estimated contribution from the Virginia Paving facility to these impacts is about $1.0 \mu\text{g}/\text{m}^3$, i.e., the level at which modeled impacts are considered to be insignificant.

31. **Assuming all upgrades contemplated by the new SUP provisions are installed and work as planned, what would be the highest annual production level that would result in complete compliance with all current and proposed National Ambient Air Quality Standards, including those for annual and 24-hour PM2.5 and for 3-hour SO2?**

Assuming that all measures in the proposed SUP are implemented and based on the conservative modeling analysis performed by the City, the predicted impacts at the proposed annual limit of 1.2 million tons of asphalt are in compliance with the current NAAQS. The short term impacts modeled by the City are based on the daily production limit of 10,000 tons per day and an hourly production limit of 1,000 tons/hour. These impacts were also shown to be in compliance with the NAAQS. With the respect to the new 24hour PM2.5 NAAQS of 35 $\mu\text{g}/\text{m}^3$, this standard will be effective in 2015 after Virginia DEQ has adopted it in their State Implementation Plan (SIP) and EPA has approved the SIP. Given that the monitored background value used in the modeling analysis of 35.3 $\mu\text{g}/\text{m}^3$ is above the new standard, any modeled impact would show exceedance of the standard. Given this non-attainment situation, it is expected that by 2015, Virginia DEQ will adopt other measures within its SIP to achieve overall air quality improvements within the region.

- 32. How many times have the bags in the baghouse been torn or otherwise broken and, therefore, not operating properly? How long a period were they not working for each noted incident?**

The City is not aware of torn or malfunctioning baghouse. Also see response to Question 33. Additionally refer to Virginia Paving response to this question.

- 33. What are the levels of toxins emitted if a bag in the baghouse were to break and would these emissions exceed National Ambient Air Quality Standards. Please include levels of dioxin, SO₂, formaldehyde, PM_{2.5}, PM₁₀, CO, NO₂, VOCs, lead, acrollein, butadiene, benzene, acetaldehyde and quinine?**

Virginia Paving's State Operating Permit (SOP) requires that the baghouse be working effectively when the plant is operating. The plant is required to be shut down in the event of a malfunction, such as a torn bag. Therefore, continued operation of the plant with a malfunctioning baghouse is a hypothetical scenario for which the City did not assess emissions. For the short duration during which the plant is being shut down, the City does not believe that the level of pollution will be sufficient to cause health concerns.

- 34. Has VA Paving obtained a new Stationary Source Permit to Modify and Operate from VA DEQ since the one they disclosed to City staff dated February 17, 2005 and, if so, why hasn't this been provided to City staff and City Council?**

VA Paving initiated some of the operational and physical changes as discussions progressed with the City staff regarding subject SUP. Facilities that have a State Operating Permit may be required to obtain amendments to their permit from the state because of any operational or physical changes at the facility. Such a permit amendment was requested by VA Paving on April 4, 2006, and an amended permit was issued by VADEQ on July 20, 2006. VA Paving has recently shared the permit

with the City Staff. The amended permit has the same annual throughput limit as their previous State Operating Permit i.e. 1.5 M tons/year.

- 35. Has the City undertaken a nuisance study of neighborhood odors? If so, what were the findings? If not, why was such a study not undertaken prior to Council's consideration of the SUP in question?**

See response to question #1.

- 36. What is the professional opinion of the City's Health Department with respect to the health impacts of the VA Paving plant and its proposed intensification?**

See attached memo from the Alexandria Health Department.

- 37. Why was the Alexandria Public School Schools silent on VA Paving's SUP? Were teachers and or administrators instructed or otherwise encouraged not to speak? Has the SUP application and proposed intensification been communicated to Tucker Elementary staff and parents of Tucker children?**

See attached memo from the Alexandria Public Schools.

- 38. What is VA Paving's relationship with U.S. Filter? To what extent is U.S. Filter contributing to odor and other nuisances experienced by Cameron Station residents and visitors? Should U.S. Filter, along with VA Paving, be subject to enhanced SUP regulation?**

See response to questions #12 and #1.

- 39. The 1960 SUP required that "catch basins" be installed? Have they? If not, why not?**

See response to question #16.

- 40. Is Virginia Paving compliant with "oil containment" requirements? If not, why not and when will they be?**

See response to question #15.

- 41. What will be the daily volume of trips in and out of the plant at 600K, 900K and 1.5M tons?**

See response to question #18.

- 42. Please provide a summary of important provisions (such as hours of work, production limits and other controlling factors other than emission levels) of VDEQ permits for Newton Asphalt and VA Paving over time.**

The Virginia Paving's existing and previous two state operating permits from VDEQ does not have any limitation on number of hours of work allowed per day. The current permit dated July 2006, and the earlier permit dated February 2005, has a throughput limit of 1.5 M tons/year and whereas the March 2004, and October 2003 permit had a throughput limit of 840,000 tons/year.

- 43. From available City, VDEQ, and other sources, please determine the size (in hourly ton capacity) of the various plants that have occupied the site since 1960.**

The existing plants together are rated at 1000 tons/hr (600 t/hr for plant 1 and 400 t/hr for Plant 2) and the units were rated similarly in the previous state operating permits on file since 2003. City has requested historic data from VA paving.

- 44. What additional conditions/controls does staff propose to recommend to address emission factors during the transition period between current operations and completed installation of new control equipment/techniques?**

The proposed SUP conditions limit the production to 900,000 tons/year until all proposed controls are installed.



ALEXANDRIA HEALTH DEPARTMENT

4480 King Street
Alexandria, VA 22302
www.alexhealth.com

CITY MANAGER'S OFFICE
ALEXANDRIA, VA

2006 NOV -2 P 2: 32



Charles Konigsberg, Jr., MD, MPH
Health Director

Telephone: 703-838-4400
Fax: 703-838-4038

DATE: NOVEMBER 1, 2006
TO: JAMES HARTMANN, CITY MANAGER
FROM: CHARLES KONIGSBERG, JR., MD, MPH, DIRECTOR
ALEXANDRIA HEALTH DEPARTMENT
SUBJ: HEALTH DEPARTMENT REVIEW OF VIRGINIA PAVING S.U.P.

In September 2006, the Alexandria Health Department (AHD) reviewed the proposed Special Use Permit (SUP) for Virginia Paving, indicating we had no comment. Based on our review of the SUP, there did not appear to be any significant potential health issues related to the Virginia Paving proposal. The proposal, even under worst-case scenarios, substantially met NAAQS standards. Implementation of the proposed SUP, by all accounts, would improve air quality. Since the Health Department's outdoor air quality staff was transferred to the Department of Transportation and Environmental Services in July 2000, the Health Department has primarily relied on the expertise of the T&ES staff with respect to outdoor air quality issues.

In response to City Council's request for additional comment by the Health Department, the AHD has sought the opinion of two experts on toxic materials within the Virginia Department of Health (VDH): Dr. Ram Tripathi, toxicologist with the VDH Division of Public Health Toxicology, and Ken Schoultz, certified industrial hygienist with the VDH Division of Emergency Preparedness and Response. Both Dr. Tripathi and Mr. Schoultz have reviewed the proposed SUP and conclude that emissions from Virginia Paving are unlikely to have any significant health impact on the adjacent residential community (please see attachments).

The Health Department has also received information on child respiratory illness from the Nursing Coordinator for the Alexandria City Public Schools, indicating that the incidence of asthma in students is the same or lower at Samuel Tucker Elementary School, than at other schools in the city.

In summary, the Health Department believes that the proposed Special Use Permit for Virginia Paving will improve air quality in the area surrounding the facility, rather than cause negative health effects.

If you have any further questions, I can be reached at (703) 838-4872.

Attachments (2)

cc: Michele Evans, Deputy City Manager
Bob Custard, Division Chief, AHD Environmental Health

CITY MANAGER'S OFFICE
ALEXANDRIA, VA
2006 NOV -2 P 2: 25



www.vdh.state.va.us

From Kenneth Schoultz <Kenneth.Schoultz@vdh.virginia.gov>
Date Wed, 18 Oct 2006 09:04:23 -0400
To Bob Custard <Bob.Custard@vdh.virginia.gov>
Subject Virginia Paving Company

Bob,

I have reviewed all of the material that you sent me relative to the proposed SUP ammendment for this site. It appears to me that the ammended condition language provides extensive improvements in the operation of this facility with no apparent significant downside. The pollutant modeling data for the baseline (existing) and the proposed SUV scenarios appear to be thorough and conclusive. Both the City and the company have put forth an extensive community outreach effort, and seem to have anticipated most objections/problems with provisions to minimize each of them.

Complaints related to nightttime operations (primarily odors) could possibly be more frequent because more neighbors will be home. However, Virginia Paving appears to have operated at night previously without major impacts and, to a limited extent, could legally operate prior to sunrise without the SUP ammendments (and thus without the enhanced controls).

All in all, I agree that this seems to be a favorable situation for the City.

Ken



COMMONWEALTH of VIRGINIA

Department of Health

ROBERT B. STROUBE, M.D., M.P.H.
STATE HEALTH COMMISSIONER

P O BOX 2448
RICHMOND, VA 23218

TTY 7-1-1 OR
1-800-828-1120

October 27, 2006

Robert W. Custard
Environmental Health Manager
Alexandria Health Department
4480 King Street
Alexandria, VA 22302

Dear Mr. Custard:

This is in reply to your email of October 17, 2006, to Khizar Wasti, Ph.D., Director, Division of Public Health Toxicology, regarding the potential health risks posed from emissions of air pollutants from the Virginia Paving Company (an asphalt plant) located at 5601 Courtney Avenue, Alexandria, Virginia. I have reviewed the reports submitted by you and evaluated the results of a dispersion modeling analysis of air pollutant emissions from the Virginia Paving facility.

Dispersion modeling is used to estimate the concentrations of pollutants in ambient air that will result from emissions at the facility. Under U.S. Environmental Protection Agency (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 established air quality standards and guidelines.

The Virginia Paving facility is classified as a minor source of air pollution under the Virginia Department of Environmental Quality (VDEQ) and the EPA regulations. Virginia Paving Company operates on an air quality permit which was issued by the VDEQ on February 17, 2005. Because of its classification as a minor source, Virginia Paving Company is not required to conduct a dispersion modeling analysis of its emissions under the VDEQ regulations. However, based on concerns raised by the residents living near the facility, the City of Alexandria required Virginia Paving Company to perform a dispersion modeling analysis to ensure that the residents were not exposed to pollution levels that exceeded the National Ambient Air Quality Standards (NAAQS).

There is no indication from the submitted reports that the emissions are in excess of the permit issued by the VDEQ. It appears from the modeling analysis of air pollutants that the emissions are in compliance with the NAAQS and with the VDEQ's Significant Ambient Air Concentrations (SAAC).

Robert W. Custard
October 27, 2006
Page 2

These standards have a sufficient margin of safety built in and account for the general public being exposed to pollutants on a twenty-four hour basis, seven days a week.

In summary, based on the current available information, it is unlikely that the emissions of air pollutants from the Virginia Paving Company facility pose a significant risk to human health.

I trust this information will be of help to you. If you have any questions, please feel free to call me at (804) 864-8182.

Sincerely,

A handwritten signature in black ink, appearing to read "R.K. Tripathi". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ram K. Tripathi, Ph.D.
Toxicologist

Division of Public Health Toxicology



To: The Honorable Arthur Peabody and Members of the Alexandria School Board

2000 N. Beauregard Street
Alexandria, Virginia 22311

From: Rebecca L. Perry *Rebecca L. Perry*
Superintendent of Schools

Telephone: (703) 824-6600
Facsimile: (703) 824-6699
TDD: (703) 824-6666
www.acps.k12.va.us

Subject: Virginia Paving

Date: October 27, 2006 - Revised

As you are aware, Virginia Paving has applied to the City to amend their special use permit to allow an expansion of their operations at their site near Cameron Station. This expansion, if granted, would provide for increased hours of operation to include around the clock production. After review of numerous studies and information, the Alexandria Planning Commission voted 6-1 to approve the amendment to Virginia Paving's special use permit. The City Council will vote on this issue in the near future

Superintendent of Schools
Rebecca L. Perry

I have talked with City Manager, Jim Hartmann, and John Porter has talked with Dr. Charles Konigsberg of the Health Department. ACPS relies on the information from Transportation and Environmental Services as related to air quality. The appropriate City staff reviewed the data and request and support the decision of the Planning Commission.

School Board

Chairman
Arthur E. Peabody Jr.

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Blanche D. Maness

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Virginia Paving Company has been operating since the 1960's. It was in operation when the Tucker site was selected and approved by the City and the School Board. At that time, it was determined that this was a suitable site for a school. Tucker opened in 2000. Currently, Virginia Paving operates during the day as does the school. The request for longer operations would not affect the school unless, of course, the increase in operations caused a reduction in air quality or other unforeseen issues. About two years ago, the City permanently placed an air quality monitoring device at the school which they read and monitor and there have been no concerns from the City.

I also checked with our nurse coordinator to monitor asthma cases at the schools and discovered that Tucker does not have an increased number of students with asthma. In fact, the cases of asthma at Tucker (a large school) are smaller than the number of cases at George Mason.

I will continue to monitor this situation and will work closely with the City and the Health Department should concerns arise. At this point, I have no data or evidence that indicates that there are health concerns related to Virginia Paving's operations.

I am providing you with this information because a number of the speakers at the City Council were asking that the School Board become involved in this matter and I wanted to provide you with what information I have.

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

MEMORANDUM

TO: Jim Hartmann, City Manager
FROM: Virginia Paving Company, by Counsel
RE: Additional Questions from the Mayor and City Council
DATE: October 31, 2006

This memo provides Virginia Paving Company's response to the additional questions raised by the Mayor, the Vice Mayor and City Council members with regard to the Virginia Paving application to amend its existing 1960 SUP.

A. Questions from Mayor William D. Euille dated October 24, 2006:

1. Why were there no comments from both the Health Department and the School System included in the staff's recommendation for the SUP request?

VPC RESPONSE: If a response is requested by Council from the Virginia Paving Co. ("VPC"):

VPC assumes that neither the Health Department nor the Alexandria City Public Schools ("ACPS") had concerns about the VPC plant's presence on Courtney Avenue, and therefore made no comments. VPC has made telephone inquiries to both organizations and has received indications that they have not participated in the SUP process because they had no concerns. VPC welcomes any requests by City staff for formal input by the Health Department and ACPS.

2. What do we know about U.S. Filter's relationship with Virginia Paving? Do they operate under the same current SUP? If not, should they have a separate SUP and what is their product/service?

VPC RESPONSE: If a response is requested by Council from the Virginia Paving Co. ("VPC"):

VPC believes U.S. Filter has a separate SUP, obtained for a part of its operations in the 1980's. That facility is not a part of this application. That was and is appropriate since they are a separate company and operation.

3. Has a study/survey of neighborhood odors been undertaken? If not, why not?

VPC RESPONSE: If a response is requested by Council from the Virginia Paving Co. ("VPC"):

VPC believes that no survey have been undertaken because odor is subjective for the most part. Citizen-reports have at times either described different odors, or included different descriptions of a single odor. In addition, VPC continues to investigate citizen-reports of odors registered at times when the VPC plant was not in operation. VPC is currently looking into whether it is possible to establish more objective standards for identification and measurement of odors.

4. It was alleged by a Virginia Paving employee that the company has been engaged in night work for more than 20 years. Is this, indeed, a fact and were they ever cited accordingly?

VPC RESPONSE: If a response is requested by Council from the Virginia Paving Co. ("VPC"):

VPC believes that Newton Asphalt engaged in nighttime deliveries for many years before Virginia Paving Company took over in 2001. It is VPC's belief that the night paving was ordered by the city's Department of T&ES, the author of the condition, because the reason for the condition was eliminated when the overpass over the railroad tracks was constructed and Van Dorn Street became a four lane, traffic signalized road many years ago. The failure to remove the condition was a technicality. It should be noted that the operation of the facility has never been prohibited at night, only nighttime entry and exit of vehicles. The condition was "honored in its breach" in the same way as many other legal requirements.

5. What measurements will be in place for "oil containment?"

VPC RESPONSE: The oil program prevention measures at Virginia Paving Company fall specifically under the U.S. Environmental Protection Agency (EPA) regulated Spill Prevention Control and Countermeasures (SPCC) Program. Virginia Paving Company's SPCC Plan has been submitted and reviewed by the City of Alexandria, and Virginia Department of Environmental Quality (VDEQ). Our plan discusses explicit actions and procedures for oil containment.

6. The 1960 SUP required that "catch basins" be installed. Has this been verified to see if their installation is in place? If not in place, what should be required?

VPC RESPONSE: If a response is requested by Council from the Virginia Paving Co. ("VPC"):

VPC believes that the purpose for the "catch basins" is accomplished at this time, and has been since temporary measures were installed pursuant to the Short Term Work Plan provided by VPC back in January of 2005, pending the final approval of the stormwater management plan that has recently been approved by the City. As is required

by their State Stormwater Discharge Permit, VPC performs quarterly sampling of the water discharged from their site into Backlick Run, and there are no existing violations of that permit based upon such testing.

7. Should Virginia Paving withdraw its request for a new SUP, what other steps should be required for the health, safety and welfare of the community?

VPC RESPONSE: If a response is requested by Council from the Virginia Paving Co. ("VPC"):

VPC believes that should it withdraw its application, those steps that VPC has undertaken voluntarily are all that can be accomplished.

8. What will be the daily volume of trucks in and out of the plant: at 600 K tons?; at 900 K tons?; and at 1.5 M tons?

VPC RESPONSE: Considering that VPC will operate approximately 261 days per year (365 total days – 104 weekend days), and that each truckload of asphalt weighs approximately 18 tons:

600 K tons/year = 127 trucks/day

900 K tons/year = 192 trucks/day

1.5 M tons/year = 319 trucks/day

All of the above figures are calculated based on averages and approximations.

B. Questions from Vice Mayor Andrew Macdonald – dated October 23, 2006:

- 1) Please ask Virginia Paving to provide annual night-time and daytime production rates from 2001 –present.

VPC RESPONSE: VPC is working on this for the past two years of data available. VPC has to go back through paper receipts to look at times loadouts were delivered to trucks and it's a laborious process. That data will be provided shortly.

- 2) Graph the daily (day-time and nighttime) seasonal production rates over the same operating period.

VPC RESPONSE: See response to No. B-1 above.

- 3) Per my conversation with Maureen Barrett: Ask Aero Engineering to try to model the maximum seasonal (spring, summer, fall, winter) "day-time" and annual "day-time" concentration levels of the Criteria pollutants and other major hazardous chemicals at Tucker Elementary, etc, using actual production data.

Input variables: Use the maximum annual “day-time” production level for the years that VA Paving has operated the plant (above.) If this data is not available assume that yearly production levels do not exceed 600,000 tons per year. Use actual maximum reported seasonal “day-time” production rates to predict the maximum daily concentrations of the pollutants of concern. If the concentrations of PM 2.5 exceed 35 ug/cubic meter at sites where people may be exposed to the asphalt “fumes,” adjust the production levels and run the model again. What is the maximum safe “day-time” production level? Can it be determined?

VPC RESPONSE: If a response is requested by Council from the Virginia Paving Co. (“VPC”):

VPC believes all relevant modeling considered important by the experts and the City’s Department of Environmental Quality has been done. All production levels that have been considered are safe.

- 4) How much additional pollution is likely to be generated by night-time paving operations? Use the maximum reported yearly and daily “night-time” production levels.

VPC RESPONSE: For almost all of the emission sources at Virginia Paving, the overall emissions are dependent only on how much asphalt is produced. Therefore, if the maximum and/or average productions levels are identical for operation of the plant during the daytime only and for operation day and night, then the overall emissions from these sources would also be identical. For example, 10,000 tons of asphalt produced during daytime only hours would lead to the same amount of emissions as 10,000 tons of asphalt produced during both daytime and nighttime operations. If operation of the facility during nighttime hours leads to an increase in daily or annual production levels, the increased emissions would be proportional to the production increase. However, these production levels would be restricted to the limits imposed by the SUP.

The exceptions to this direct production-to-emissions relationship are fugitive PM emissions from batch and continuous aggregate dropping operations which are dependent on both production levels and on the wind speed, and fugitive PM emissions due to wind erosion which is assumed to be dependent on wind speeds only. For both of these sources, emission rates are higher when wind speeds are higher.

- 5) What’s the worst time of year and day to produce asphalt? Why?

VPC RESPONSE: There is no unsafe time to produce asphalt.

- 6) To the extent possible, predict what the maximum and minimum “hourly” concentrations of key pollutants might be.

VPC RESPONSE: Hourly impacts were modeled for pollutants which have hourly NAAQS, or for which the pollutant’s maximum modeled hourly emission rate

exceeds the *de minimis* level for exclusion from SAAC consideration. These pollutants were carbon monoxide for which the maximum modeled hourly impact from Virginia Paving is 622 $\mu\text{g}/\text{m}^3$, compared with the NAAQS of 40,000 $\mu\text{g}/\text{m}^3$; acrolein with a maximum modeled hourly impact from Virginia Paving of 0.12 $\mu\text{g}/\text{m}^3$, compared with a SAAC of 17.25 $\mu\text{g}/\text{m}^3$; formaldehyde with a maximum modeled hourly impact from Virginia Paving of 14.6 $\mu\text{g}/\text{m}^3$, compared with a SAAC of 62.5 $\mu\text{g}/\text{m}^3$; quinone with a maximum modeled hourly impact from Virginia Paving of 0.73 $\mu\text{g}/\text{m}^3$, compared with a SAAC of 22 $\mu\text{g}/\text{m}^3$; and lead with a maximum modeled hourly impact from Virginia Paving of 0.068 $\mu\text{g}/\text{m}^3$, compared with a SAAC of 7.5 $\mu\text{g}/\text{m}^3$. These values were reported in the Cambridge Environmental report and addendum of December 2005.

The minimum hourly impacts for these pollutants would be essentially zero.

- 7) What chemicals are found in “blue smoke” and the odors it creates? How effective are these filters?

VPC RESPONSE: The term “blue smoke” refers to emissions from the asphalt storage silos and tanks. The emissions are not smoke in the usual sense of the word because they are not generated by combustion, but are instead material that has volatilized from the hot asphalt and has either partially or totally condensed as it cooled. Table 1 lists the compounds in the EPA’s AP42 emission factors handbook as being emitted from asphalt storage silos and tanks, and/or from asphalt loadout operations.

Table 1. Compounds listed as being emitted by loadout, silo filling and asphalt storage operations in EPA’s AP42 emission factors handbook Tables 11.1-15 and 11.1-16.

Acenaphthene	Chloromethane	Methylene Chloride
Acenaphthylene	Chrysene	2-Methylnaphthalene
Acetone	Cumene	Naphthalene
Anthracene	Dibenz(a,h)anthracene	Perylene
Benzene	Ethylbenzene	Phenanthrene
Benzo(a)anthracene	Ethylene	Phenol
Benzo(a)pyrene	Fluoranthene	Pyrene
Benzo(b)fluoranthene	Fluorene	Styrene
Benzo(e)pyrene	Formaldehyde	Tetrachloroethene
Benzo(g,h,i)perylene	Hexane	Toluene
Benzo(k)fluoranthene	Indeno(1,2,3-cd)pyrene	Trichlorofluoromethane
Bromomethane	Isooctane	Xylenes
Carbon Disulfide	Methane	
Chloroethane	Methyl Ethyl Ketone (2-Butanone)	

For the purposes of modeling emissions of specific compounds from these sources, no collection efficiency was assumed for the “blue smoke” control systems because the systems’ manufacturer has no data regarding control efficiencies for organic compounds. Data available for the collection of particulate matter by the system’s filters indicate that the overall system is 99% efficient at controlling PM emissions.

- 8) What can we do to verify that the plant is not releasing harmful amounts of key pollutants? Conduct yearly stack tests? Run the models again?

VPC RESPONSE: Of the pollutants that have been assessed by Cambridge Environmental and AERO Engineering, only PM_{2.5} and SO₂ were found to approach or exceed NAAQS or SAAC levels. Emissions of these two pollutants are limited by various means within the SUP. With respect to PM emissions, a total suspended particulate dryer stack concentration limit of 0.03 grains per dry standard cubic foot is included in the SUP; the air quality modeling assumed emissions at this concentration. Scheduled testing of particulate matter emissions from the Virginia Paving dryer stacks are included in the SUP to ensure that the dryer stack emissions are below this level. Fugitive PM_{2.5} emissions from truck traffic, aggregate handling, RAP crushing, and erosion are very difficult to measure, and were estimated using EPA's AP42 emission factors for these sources. Various operational conditions such as roadway silt levels and watering frequency affect these emissions, and operational requirements are included in the SUP for most of these sources. It should be noted that since the time when the air quality modeling was performed, the EPA has proposed lower emission factors for fugitive PM_{2.5} based on more recent tests carried out specifically for evaluating fugitive PM_{2.5} emissions. If the modeling were repeated using the updated emissions factors, significantly lower PM_{2.5} impacts would be predicted than were found in the previous modeling.

The SO₂ impacts were found to exceed the 3-hour NAAQS in the AERO Engineering modeling but not in the Cambridge Environmental modeling. The 3-hour SO₂ standard is not a health-based, primary standard, but is a secondary standard designed to protect ecosystems, visibility, human-made structures, and other non-health related aspects of public welfare. Nevertheless, the sulfur content of recycled oil, distillate oil, and diesel fuel used at Virginia Paving are limited by conditions of the SUP, thus restricting the amount of SO₂ emitted from the facility to levels that will not lead to exceedances of the applicable standards.

C. Additional questions from Vice Mayor Andrew MacDonald forwarded from Cameron Station Civic Association dated October 27, 2006:

1. Does the US Filter oil recycling facility located on Virginia Paving Company's Courtney Avenue plant ("US Filter") have an SUP and, if so, what provisions in the SUP relate to environmental or safety issues.

VPC RESPONSE: If a response is requested by Council from the Virginia Paving Co. ("VPC"):

VPC believes U.S. Filter has its own SUP, to the extent that it needs one, and although it emits odors, it has no "unsafe" pollutants, and in fact, its emission levels are so low, the State Department of Environmental Quality determined it no longer needed an Air Permit.

2. Has US Filter ever violated its SUP and, if so, for what reason(s) and when.

VPC RESPONSE: Not that VPC is aware.

3. At the recent public hearing, people from Summers Grove and City staff said that the organic filters used by US Filter to produce recycled oil emit foul natural gas odors. What steps has the City taken to ensure US Filter takes reasonable steps to mitigate the odor caused by them during the production of recycled oil.

VPC RESPONSE: U.S. Filter has voluntarily agreed to implement additional measures to address its odor issues.

4. What toxins are released into the air and water by US Filter. What steps has the City taken to assure that the toxins released by US Filter do not exceed current or proposed EPA PM2.5 standards, or other federal, state or local water or air quality standards.

VPC RESPONSE: See response to No. C-1 above. U.S. Filter has voluntarily agreed to implement additional measures to address its odor issues.

5. Did VA Paving exceed permitted annual tonnage limits in 2004 and, if so, what action was taken by VA DEQ.

VPC RESPONSE: In 2004, Virginia Paving notified VDEQ of potential to go above permitted annual tonnage. Under VDEQ direction, a plan was developed to ensure compliance. Virginia Paving subsequently submitted an application to increase permitted annual tonnage. The application was processing within the department when VDEQ audited Virginia Paving's facility. Virginia Paving preformed regulatory supervised stack testing to obtain tangible data, which VDEQ used to determine emission levels as related to tonnage limitations. No emission limits were exceeded, therefore no action was taken by VDEQ.

6. Did Newton Asphalt ever approach City staff in 1998 alerting them to the fact that they intended to replace a small batch plant with a new more efficient counter rotating drum plant and, if so, would this have required an amendment to the SUP.

VPC RESPONSE: If a response is requested by Council from the Virginia Paving Co. ("VPC"):

VPC believes that Newton Asphalt applied to the State Department of Environmental Quality to change the equipment they use under their air permit. The State notified the City's Division of Environmental Quality, and at that time, the DEQ

notified the then Planning Director and Deputy Planning Director to determine if the installation of such equipment constituted an "intensification" of the use and they both said "no".

7. Provide the dates when any changes were made to the dryer mixers. A change for purposes of this question means a change in capacity (tons per hour) or type (e.g. batch, parallel flow, counter flow).

VPC RESPONSE: As far as VPC is aware, through contacts with Mr. Miller of Newton Asphalt and from the one employee that was working at the plant during that timeframe, prior to 1978, there were at least four plants on the site. In 1979, Newton Asphalt ordered what is now Plant 1 to replace two other plants that existed on the site. Consequently, that installation resulted in no enlargement, extension or increase in intensity of this facility because this was merely a consolidation of two other plants based upon technological advancements. At some point between 1980 when Plant 1 was installed and the mid-1990's, two of the other plants were removed from the site. In the mid-1990's, Plant 2 replaced the original batch plant with the current counterflow drum dryer plant that exists today, however, the conveyer system remained. Although the current Plant 2 has the capacity to produce more mix per hour than the original batch plant, the conveyor system cannot handle any more mix than the original batch plant produced. Any replacement of a parallel flow drum dryer with a counterflow drum dryer was not an "enlargement, extension or increase in intensity" of the plant. It is merely an improvement based upon technological advances that improves the emissions levels from the site itself.

8. Provide the annual nighttime production tonnage totals for the period from 2001 through and including 2006. For purposes of this question, nighttime production means asphalt delivered to a truck during nighttime hours (i.e., production prohibited under the current SUP).

VPC RESPONSE: See Response to No. B-1 above.

9. At the recent public hearing it was stated by Dr. Laura Green that what the daytime photograph of VA Paving provided to each City Council member showed was "steam." According to Cambridge Environmental's studies, what besides steam is coming from the stacks.

VPC RESPONSE: Components of the emissions from the Virginia Paving dryer stacks are primarily nitrogen (approximately 68%), water (approximately 20%), oxygen (approximately 9%), and carbon dioxide (approximately 3%), as well as much smaller amounts of various organic and inorganic compounds. Those compounds for which emissions from hot mix asphalt plants have been measured and tabulated by the EPA include the criteria pollutants (carbon monoxide, nitrogen dioxide, lead, and particulate matter (composition unspecified), and sulfur dioxide), as well as the specific compounds

listed in the various tables of the EPA's AP42 emissions factor handbook, chapter 11.1 Hot Mix Asphalt Plants.

10. Based on the study by Maureen Barrett of Aero Engineering, does the area of exceedance for current annual PM_{2.5} standards include Boothe Park and/or Tucker Elementary School.

VPC RESPONSE: Based on Figure 3-2 from AERO Engineering's January 2006 report it appears that the area of exceedance for the current annual PM_{2.5} NAAQS does not include Boothe Park and/or Tucker Elementary School.

11. Assuming all upgrades contemplated by the new SUP provisions are installed and work as planned, what would be the highest annual production level that would result in complete compliance with all current and proposed National Ambient Air Quality Standards, including those for annual and 24-hour PM_{2.5} and for 3-hour SO₂.

VPC RESPONSE: The annual production limits only affect the modeled annual average concentrations for PM_{2.5} and PM₁₀. The maximum modeled 24-hour average concentrations are governed by the daily production limits, and the maximum modeled 3-hour average SO₂ concentration is governed by the hourly production limit. The annual production limit of 1.2 million tons in the new SUP was calculated so that emissions from Virginia Paving, when added to measured background levels, would not lead to exceedances of the annual NAAQS for PM_{2.5} and PM₁₀. Similarly, the daily production limit of 10,000 tons in the new SUP was calculated so that emissions from Virginia Paving, when added to measured background levels, would not lead to exceedances of the daily NAAQS for PM_{2.5} and PM₁₀ that were in place at the time of the analysis. Based on Cambridge Environmental's modeling and the conditions of the SUP, the 3-hour SO₂ NAAQS will not be exceeded at an hour production rate of 1,000 tons per hour.

Because the 24-hour PM_{2.5} NAAQS has recently been reduced from 65 µg/m³ to 35 µg/m³ and the maximum measured fourth highest 24-hour PM_{2.5} background concentration near Virginia Paving is 35.3 µg/m³, no emissions from any source could be modeled to meet the standard. Under such a situation, a State Implementation Plan is used to address the issue on a county, state, or regional scale.

The 35 µg/m³ standard does not go into effect until 2015, when it is anticipated that air quality improvements, primarily from vehicles (both passenger and heavy trucks), will have made substantial improvements.

12. How many times have the bags in the baghouse been torn or otherwise broken and, therefore, not operating properly. How long a period were they not working for each noted incident.

VPC RESPONSE: Air Quality Control Equipment is inspected and maintained accordingly. The bag house and auger system is regularly inspected for deterioration,

emissions, and unusual occurrences. If an occurrence indicates maintenance, this takes place without delay. Virginia Paving changes all bag house bags annually. If a bag house bag shows wear it is replaced without delay.

13. What are the levels of toxins emitted if a bag in the baghouse were to break and would these emissions exceed National Ambient Air Quality Standards. Please include levels of dioxin, SO₂, formaldehyde, PM_{2.5}, PM₁₀, CO, NO₂, VOCs, lead, acrolein, butadiene, benzene, acetaldehyde and quinone.

VPC RESPONSE: The baghouses control emissions of the particulate and condensable pollutants PM_{2.5}, PM₁₀, lead, and dioxins only. Emissions of the other pollutants listed above would not be significantly affected by upset conditions in the baghouse.

14. Has VA Paving obtained a new Stationary Source Permit to Modify and Operate from VA DEQ since the one they disclosed to City staff dated February 17, 2005 and, if so, why hasn't this been provided to City staff and City Council.

VPC RESPONSE: As a part of the phased construction plan, Virginia Paving requested a permit amendment to allow for use of fugitive emission control technology, stack extensions, and the hot oil heater to sustain No. 2 low sulfur virgin oil usage. That permission was granted subject to the City's approval of this SUP Amendment. The existing Stationary Source Permit was renewed this past July 2006 under the same conditions.

D. Additional question from Councilman Lovain:

What methods are available for the measurement of noxious odors like those from Virginia Paving? How will we be able to measure progress in reducing these odors?

VPC RESPONSE: VPC is continuing to research the odor issue in an attempt to identify objective methods of measurement, recognizing that it would be in everyone's best interest to be able to set a standard to be measured against, if possible. See Also, VPC Response to No. A-3 above.


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 

FROM: RICHARD BAIER, DIRECTOR, TRANSPORTATION AND ENVIRONMENTAL SERVICES 
RICHARD JOSEPHSON, ACTING DIRECTOR, PLANNING AND ZONING 

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



ALEXANDRIA HEALTH DEPARTMENT
 4480 King Street
 Alexandria, VA 22302
 www.alexhealth.com

22
 11-28-06



Charles Konigsberg, Jr., MD, MPH
 Health Director

Telephone: 703-838-4400
 Fax: 703-838-4038

November 17, 2006

Richard W. Ward, Esq.
 5247 Tancreti Lane
 Alexandria, VA 22304

Dear Mr. Ward:

This letter serves as a response to your e-mail to the Alexandria Health Department on October 31, 2006 (Attachment #1).

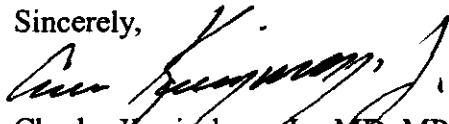
My staff and I have reviewed information regarding the Virginia Paving issue. While we recognize that air pollution is an issue throughout the area, the Virginia Department of Environmental Quality (DEQ) classifies Virginia Paving as a minor source of pollution.

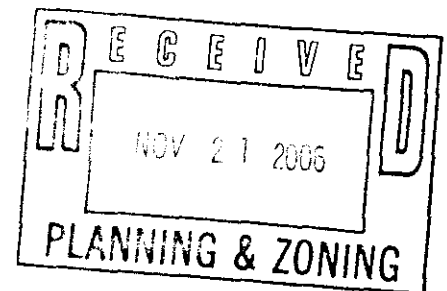
I am also informed that Cameron Station was sampled for dioxin in 1993, which was detected at levels below the EPA clean guidance, with no evidence of higher levels closer to the paving plant. It is my understanding that dioxin deposition as a result of the plant is not an issue.

We requested and received a review of Virginia Paving by the Virginia Department of Health's Division of Public Health Toxicology (Attachment #2). We have also reviewed data from the Virginia Cancer Registry regarding cancer incidence in the Cameron Station area. While the data do not go beyond 2002, we did not see any unusual patterns of cancers.

We are not planning to pursue or request any health-related studies in Cameron Station.

Sincerely,


 Charles Konigsberg, Jr., MD, MPH
 Health Director



Enclosures

cc: Richard Baier, Director, Transportation & Environmental Services
 ✓ Richard Josephson, Acting Director, Planning & Zoning

From "Ward ')" > Richard" <RWard@kenyon.com>

Sent Tuesday, October 31, 2006 2:02 pm

To Charles Konigsberg <Charles.Konigsberg@vdh.virginia.gov>

Cc Karen.Fujii@vdh.virginia.gov Dibby.Smith@vdh.virginia.gov

Bcc

Subject RE: Health issues re: Virginia Paving/Covanta

Dr. Konigsburg,

Thank you for your response, and for seeking data from the Virginia Cancer Registry. I agree with your statement that "cancers usually have a long incubation period...[it] commonly takes 10 to 30 years or more for cancer to develop to the point of being detectable." I am not making a contention that Virginia Paving, or any other environmental factor, is causing cancer per se in the Cameron Station Community. I am merely stating that the incidence of cancer appears to be unusual, and I have been researching various mechanisms which may have increased this detection of cancer.

One mechanism of particular concern is the abundance of dioxin producing sources in the vicinity of the Cameron Station development, including, but not limited to, Covanta, Virginia Paving, two crematoria, automobile traffic, and the possibility of residual ground contamination. It is noted that Virginia Paving had at one time promised to do dioxin testing of soils and homes, but has since backed down from that promise. It is also noted that according to EPA tests on a similar plant, Virginia Paving could be the largest producer of dioxins in all of Virginia. This analysis is available for your review if desired.

It is submitted that breast cancer and prostate cancer are well known to be related cancers. Furthermore, these cancers are known to be promoted by dioxin exposure (e.g., the federal government compensates victims exposed to dioxin-containing Agent Orange for developing prostate cancer -- see other references below). Ten to thirty years is not required for the promotion of a cancer, in fact, there is no reason that promotion of a cancer cannot occur almost immediately. Ironically, potential dioxin exposure may have saved some peoples' lives, as the exposure to dioxin may have caused cancers to be detected at an earlier time, i.e., prior to spreading of the cancers.

You also mention that "unfortunately, cancer is a very common disease, diagnosed in one out of three people." I also agree that cancer is a very common disease. However, as I am trained in statistics, I also find the incidence of five cases of cancer out of only thirteen houses very troubling, especially since four of the cancers are known to be related types. Furthermore, these cancers were diagnosed almost contemporaneously, i.e., within about a year of each other. About thirty to forty people lived in the thirteen houses during that year of interest. During that year, about 10% of the sample population was diagnosed with breast and/or prostate cancer. This number is statistically significant, and should be investigated thoroughly by the Alexandria Health Department. If you would need me to perform a statistical analysis, I can do so; however, to my knowledge and belief, the Virginia Department of Health is well staffed for such analyses.

You have "requested information from the Virginia Cancer Registry on cancer incidence in [my] census tract." A general census of cancer (as proposed) is not adequate, as the phenomena is localized, i.e., a prospective cancer "cluster". Furthermore, a census sample will be biased by the generally young age and good health of Cameron Station residents. Instead, an investigation needs to be made as to the potential formation of such cancer cluster. In addition, a significant effort should be made so as to determine the extent of such a prospective cluster, e.g., by a door to door health survey of potentially impacted areas.

The Trisomy-18 incidence provides even further anecdotal evidence of environmental exposure.

In isolation, a single occurrence is not statistically significant; however, that single instance is anecdotal evidence of the potential for an environmentally caused disease cluster. In the past few weeks, I have also been informed of another miscarriage on the same street (although in a different set of houses, a set of houses that now blocks the original thirteen houses from line-of-sight plant emissions). The cause of this miscarriage has not yet been determined.

You have also stated "[a] recent review by the Alexandria City Public Schools found that there is not a higher incidence of asthma at Samuel Tucker than at other schools in the city." This statistic in isolation has little probative value. Asthma can be caused by a number of factors, and can be worsened by a number of factors. My concern related to the worsening of asthma conditions. At the Public Hearing of October 14, a number of persons testified to worsened asthma conditions. Anecdotal information is important in this inquiry, and to my knowledge, no efforts have been made to determine whether asthma conditions are worsened by exposure to levels of particulate matter which potentially greatly exceed levels in surrounding areas.

According to the Code of Virginia, § 32.1-2, the purpose of the Department of Health, in part, is to "administer and provide a comprehensive program of preventive, curative, restorative and environmental health services, educate the citizenry in health and environmental matters, develop and implement health resource plans, collect and preserve vital records and health statistics, assist in research, and abate hazards and nuisances to the health and to the environment, both emergency and otherwise, thereby improving the quality of life in the Commonwealth." Through my e-mail of two weeks ago, I have requested that you "assist in research", "administer and provide a comprehensive program of preventative...services", and to investigate potential need to "abate hazards and nuisances to...health and to the environment". I appreciate your efforts to date; however, I respectfully request increased efforts so as to prevent further adverse effects from environmental hazards which appear to present in our community.

As I mentioned two weeks ago, I have performed extensive research into such potential causes or promotion of such cancer, and I formally request the opportunity to share that research with you and your colleagues. I would appreciate a timely response to this request, so as to eliminate the need to seek other assistance with this very important matter.

Thank you for your time and consideration,

Richard W. Ward, Esq.
5247 Tancreti Lane
Alexandria, VA 22304
202-220-4268 (W)
703-823-1495 (H)

Internet sources re: Dioxin/PCB links to prostate and breast cancer

http://www.foxriverwatch.com/prostate_studies.html (lists 17 studies linking PCBs to prostate cancer)

<http://www.brooks.af.mil/AFRL/HED/hedb/afhs/overview.html> (military study, based on Agent Orange exposure, finds increased prostate risk, among other effects)

http://prostate-help.blogs.com/prostatehelp/2004/12/vets_still_comp.html (government compensates Agent Orange exposed veterans for prostate cancer)

<http://www.medicalnewstoday.com/medicalnews.php?newsid=39958> (2006 study links endocrine

disruptors like dioxins to breast, prostate, and testicular cancers)

<http://www.protectingourhealth.org/newscience/prostate/2003-04peerreviewprostate.htm> (lists dioxins and cadmium as prominent causes of prostate cancer)

<http://www.msnbc.msn.com/id/4037340/> (Government admits link between Agent Orange and prostate cancer)

http://www.foxriverwatch.com/breast_cancer_pcb_s_pcb_dioxin_intro.html (numerous studies link PCBs and dioxins to breast cancer)

Text of attachment sent from Dr. Charles Konigsberg to Richard W. Ward on 10/31/06.

Dear Mr. Ward,

In response to your email of 10/17/06, the Alexandria Health Department has requested information from the Virginia Cancer Registry on cancer incidence in your census tract. It will take several weeks for the Registry to provide us with this specific information.

Unfortunately, cancer is a very common disease, diagnosed in one out of three people. However, the term cancer refers not to a single disease, but to a group of related yet different diseases. Specific toxic exposures are linked to specific types of cancer, not to cancer in general. In addition, cancers usually have a long incubation period. It commonly takes 10 to 30 years or more for cancer to develop to the point of being detectable. When looking for the cause of cancer, scientists typically consider exposures that took place at least ten years before the cancer was diagnosed

You also mentioned a case of aggravated asthma and one Trisomy-18 miscarriage in your neighborhood. I understand your concern; however, these are separate health events and unfortunately are not uncommon. Trisomy-18 occurs about once in every 4000 live births. Asthma is also common, and can be triggered by numerous factors. A recent review by the Alexandria City Public Schools found that there is not a higher incidence of asthma at Samuel Tucker than at other schools in the city.

Thank you for sharing your concerns with us.

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

From: Charles Konigsberg [<mailto:Charles.Konigsberg@vdh.virginia.gov>]
Sent: Tuesday, October 31, 2006 11:06 AM
To: Ward, Richard
Cc: Dobby.Smith@vdh.virginia.gov; Karen.Fujii@vdh.virginia.gov
Subject: Re: Health issues re: Virginia Paving/Covanta

Mr. Ward:

I have attached a response to your e-mail dated October 17, 2006 regarding health concerns in Cameron Station. When we get the information we have requested from the Virginia Cancer Registry, we will share that with you.

Charles Konigsberg, Jr., MD, MPH
Health Director
Alexandria Health Department

4480 King Street
Alexandria, VA 22302
703-838-4872 (voice)
703-838-4038 (fax)

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

From: "Ward, Richard" <RWard@kenyon.com>
Date: Tuesday, October 17, 2006 10:48 am
Subject: Health issues re: Virginia Paving/Covanta
> Dr. Konigsburg,

>
> I am a chemical engineer and a patent attorney who lives in close
> proximity to the Virginia Paving facility in Alexandria, VA. On my
> street, over a short period of time, there have been five reported
> cases of cancer, one case of aggravated asthma, and one Trisomy-18
> miscarriage. This is out of thirteen townhomes (built in 2000-01)
> that had unobstructed views of the Virginia Paving plant. Four of the
> cases of cancer were breast and/or prostate cancers. The fifth case
> was fatal pancreatic cancer. My primary care physician, and an
> occupational health physician to whom I was referred, indicated that
> these numbers appeared to be irregular. Furthermore, I did not go door
> to door asking about illnesses, these were word of mouth only --
> unusual health impacts could be much more widespread. I have put the
> City on notice of my concerns; however, they apparently have failed to
> follow up with you regarding these concerns. I would thus appreciate
> discussing the above with you in the near future.

>
> I have also been performing analyses to help explain possible
> mechanisms of pollution inducement of abnormal health conditions.
> I would like to
> share these possible routes with you as well.

>
> Thank you for your time and consideration,

>
> Richard W. Ward
> 5247 Tancreti Lane
> Alexandria, VA 22304
> (202) 220-4268 (W)
> (703) 823-1495 (H)

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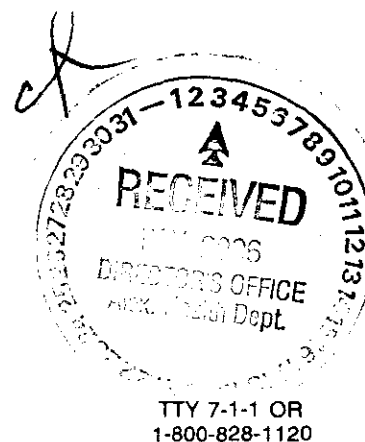


COMMONWEALTH of VIRGINIA

Department of Health

ROBERT B. STROUBE, M.D., M.P.H.
STATE HEALTH COMMISSIONER

P O BOX 2448
RICHMOND, VA 23218



TTY 7-1-1 OR
1-800-828-1120

October 27, 2006

Robert W. Custard
Environmental Health Manager
Alexandria Health Department
4480 King Street
Alexandria, VA 22302

Dear Mr. Custard:

This is in reply to your email of October 17, 2006, to Khizar Wasti, Ph.D., Director, Division of Public Health Toxicology, regarding the potential health risks posed from emissions of air pollutants from the Virginia Paving Company (an asphalt plant) located at 5601 Courtney Avenue, Alexandria, Virginia. I have reviewed the reports submitted by you and evaluated the results of a dispersion modeling analysis of air pollutant emissions from the Virginia Paving facility.

Dispersion modeling is used to estimate the concentrations of pollutants in ambient air that will result from emissions at the facility. Under U.S. Environmental Protection Agency (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 established air quality standards and guidelines.

The Virginia Paving facility is classified as a minor source of air pollution under the Virginia Department of Environmental Quality (VDEQ) and the EPA regulations. Virginia Paving Company operates on an air quality permit which was issued by the VDEQ on February 17, 2005. Because of its classification as a minor source, Virginia Paving Company is not required to conduct a dispersion modeling analysis of its emissions under the VDEQ regulations. However, based on concerns raised by the residents living near the facility, the City of Alexandria required Virginia Paving Company to perform a dispersion modeling analysis to ensure that the residents were not exposed to pollution levels that exceeded the National Ambient Air Quality Standards (NAAQS).

There is no indication from the submitted reports that the emissions are in excess of the permit issued by the VDEQ. It appears from the modeling analysis of air pollutants that the emissions are in compliance with the NAAQS and with the VDEQ's Significant Ambient Air Concentrations (SAAC).

Robert W. Custard
October 27, 2006
Page 2

These standards have a sufficient margin of safety built in and account for the general public being exposed to pollutants on a twenty-four hour basis, seven days a week.

In summary, based on the current available information, it is unlikely that the emissions of air pollutants from the Virginia Paving Company facility pose a significant risk to human health.

I trust this information will be of help to you. If you have any questions, please feel free to call me at (804) 864-8182.

Sincerely,

A handwritten signature in black ink, appearing to read "R. K. Tripathi". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ram K. Tripathi, Ph.D.

Toxicologist

Division of Public Health Toxicology



22
11-28-06

November 28, 2006

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

RE: Docket of November 28, 2006, Item # 22 SPECIAL USE PERMIT #2005-0042

Dear Mayor Euille and City Council Members:

On behalf of the Board of Directors of the Eisenhower Partnership, I am writing to indicate our support for the SUP amendment application by Virginia Paving Company. We commend the Council and all involved for their thoughtful consideration of this request.

The Eisenhower Partnership Board of Directors heard from Virginia Paving and Cameron Station representatives on the SUP amendment. We also reviewed materials from other interested parties and materials provided by the city. While we appreciate the concerns of residents residing near Virginia Paving, we believe the SUP amendment should be approved.

It is clear that Virginia Paving should be allowed to operate at night. Experts have determined the facility is not hazardous; and further, the company has made substantial improvements to their facility to make it cleaner. In addition, all citizens in the region benefit from having roads paved at night rather than during the day when the traffic disruption adversely impacts area workers, residents, businesses and schools.

Virginia Paving is a valued business in Alexandria. It provides significant tax revenues to the city, is a major employer and also contracts with the city for its paving projects. In addition, Virginia Paving has demonstrated its strong commitment to being a good corporate citizen by offering to make substantial improvements to its facilities above and beyond what is needed considering that 3 separate air quality firms have concluded that the plant poses no hazard to public health or safety. A number of these improvements have already been made, and others are pending approval of the SUP.

Debate on this SUP has been protracted, but as a non-profit, public-private partnership, we appreciate the City Council's necessary deliberation and broad-based debate on the numerous issues involved. We hope, following the conclusion of public comment on this docket item, that the Council will make the decision to support the SUP application. The end result will be an improved facility that will be as clean and efficient as those of any plant in California, site of the nation's strictest operating standards.

Sincerely yours,

A handwritten signature in cursive script that reads "Janet R. Gregor".

Janet R. Gregor
Executive Director


2121 Eisenhower Ave., Ste. 200
Alexandria, VA 22314

703.684.5124
info@eisenhowerpartnership.org



ALEXANDRIA HEALTH DEPARTMENT

4480 King Street
Alexandria, VA 22302
www.alexhealth.com

22
11-28-06 

Charles Konigsberg, Jr., MD, MPH
Health Director

Telephone: 703-838-4400
Fax: 703-838-4038

November 17, 2006

Richard W. Ward, Esq.
5247 Tancreti Lane
Alexandria, VA 22304

Dear Mr. Ward:

This letter serves as a response to your e-mail to the Alexandria Health Department on October 31, 2006 (Attachment #1).

My staff and I have reviewed information regarding the Virginia Paving issue. While we recognize that air pollution is an issue throughout the area, the Virginia Department of Environmental Quality (DEQ) classifies Virginia Paving as a minor source of pollution.

I am also informed that Cameron Station was sampled for dioxin in 1993, which was detected at levels below the EPA clean guidance, with no evidence of higher levels closer to the paving plant. It is my understanding that dioxin deposition as a result of the plant is not an issue.

We requested and received a review of Virginia Paving by the Virginia Department of Health's Division of Public Health Toxicology (Attachment #2). We have also reviewed data from the Virginia Cancer Registry regarding cancer incidence in the Cameron Station area. While the data do not go beyond 2002, we did not see any unusual patterns of cancers.

We are not planning to pursue or request any health-related studies in Cameron Station.

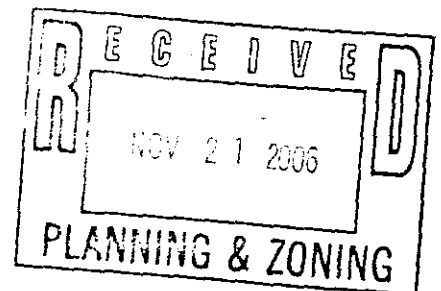
Sincerely,



Charles Konigsberg, Jr., MD, MPH
Health Director

Enclosures

cc: Richard Baier, Director, Transportation & Environmental Services
✓ Richard Josephson, Acting Director, Planning & Zoning



From "Ward ')"> Richard" <RWard@kenyon.com>
Sent Tuesday, October 31, 2006 2:02 pm
To Charles Konigsberg <Charles.Konigsberg@vdh.virginia.gov>
Cc Karen.Fujii@vdh.virginia.gov Dobby.Smith@vdh.virginia.gov
Bcc
Subject RE: Health issues re: Virginia Paving/Covanta

Dr. Konigsberg,

Thank you for your response, and for seeking data from the Virginia Cancer Registry. I agree with your statement that "cancers usually have a long incubation period...[it] commonly takes 10 to 30 years or more for cancer to develop to the point of being detectable." I am not making a contention that Virginia Paving, or any other environmental factor, is causing cancer per se in the Cameron Station Community. I am merely stating that the incidence of cancer appears to be unusual, and I have been researching various mechanisms which may have increased this detection of cancer.

One mechanism of particular concern is the abundance of dioxin producing sources in the vicinity of the Cameron Station development, including, but not limited to, Covanta, Virginia Paving, two crematoria, automobile traffic, and the possibility of residual ground contamination. It is noted that Virginia Paving had at one time promised to do dioxin testing of soils and homes, but has since backed down from that promise. It is also noted that according to EPA tests on a similar plant, Virginia Paving could be the largest producer of dioxins in all of Virginia. This analysis is available for your review if desired.

It is submitted that breast cancer and prostate cancer are well known to be related cancers. Furthermore, these cancers are known to be promoted by dioxin exposure (e.g., the federal government compensates victims exposed to dioxin-containing Agent Orange for developing prostate cancer -- see other references below). Ten to thirty years is not required for the promotion of a cancer, in fact, there is no reason that promotion of a cancer cannot occur almost immediately. Ironically, potential dioxin exposure may have saved some peoples' lives, as the exposure to dioxin may have caused cancers to be detected at an earlier time, i.e., prior to spreading of the cancers.

You also mention that "unfortunately, cancer is a very common disease, diagnosed in one out of three people." I also agree that cancer is a very common disease. However, as I am trained in statistics, I also find the incidence of five cases of cancer out of only thirteen houses very troubling, especially since four of the cancers are known to be related types. Furthermore, these cancers were diagnosed almost contemporaneously, i.e., within about a year of each other. About thirty to forty people lived in the thirteen houses during that year of interest. During that year, about 10% of the sample population was diagnosed with breast and/or prostate cancer. This number is statistically significant, and should be investigated thoroughly by the Alexandria Health Department. If you would need me to perform a statistical analysis, I can do so; however, to my knowledge and belief, the Virginia Department of Health is well staffed for such analyses.

You have "requested information from the Virginia Cancer Registry on cancer incidence in [my] census tract." A general census of cancer (as proposed) is not adequate, as the phenomena is localized, i.e., a prospective cancer "cluster". Furthermore, a census sample will be biased by the generally young age and good health of Cameron Station residents. Instead, an investigation needs to be made as to the potential formation of such cancer cluster. In addition, a significant effort should be made so as to determine the extent of such a prospective cluster, e.g., by a door to door health survey of potentially impacted areas.

The Trisomy-18 incidence provides even further anecdotal evidence of environmental exposure.

In isolation, a single occurrence is not statistically significant; however, that single instance is anecdotal evidence of the potential for an environmentally caused disease cluster. In the past few weeks, I have also been informed of another miscarriage on the same street (although in a different set of houses, a set of houses that now blocks the original thirteen houses from line-of-sight plant emissions). The cause of this miscarriage has not yet been determined.

You have also stated "[a] recent review by the Alexandria City Public Schools found that there is not a higher incidence of asthma at Samuel Tucker than at other schools in the city." This statistic in isolation has little probative value. Asthma can be caused by a number of factors, and can be worsened by a number of factors. My concern related to the worsening of asthma conditions. At the Public Hearing of October 14, a number of persons testified to worsened asthma conditions. Anecdotal information is important in this inquiry, and to my knowledge, no efforts have been made to determine whether asthma conditions are worsened by exposure to levels of particulate matter which potentially greatly exceed levels in surrounding areas.

According to the Code of Virginia, § 32.1-2, the purpose of the Department of Health, in part, is to "administer and provide a comprehensive program of preventive, curative, restorative and environmental health services, educate the citizenry in health and environmental matters, develop and implement health resource plans, collect and preserve vital records and health statistics, assist in research, and abate hazards and nuisances to the health and to the environment, both emergency and otherwise, thereby improving the quality of life in the Commonwealth." Through my e-mail of two weeks ago, I have requested that you "assist in research", "administer and provide a comprehensive program of preventative...services", and to investigate potential need to "abate hazards and nuisances to...health and to the environment". I appreciate your efforts to date; however, I respectfully request increased efforts so as to prevent further adverse effects from environmental hazards which appear to present in our community.

As I mentioned two weeks ago, I have performed extensive research into such potential causes or promotion of such cancer, and I formally request the opportunity to share that research with you and your colleagues. I would appreciate a timely response to this request, so as to eliminate the need to seek other assistance with this very important matter.

Thank you for your time and consideration,

Richard W. Ward, Esq.
5247 Tancreti Lane
Alexandria, VA 22304
202-220-4268 (W)
703-823-1495 (H)

Internet sources re: Dioxin/PCB links to prostate and breast cancer

http://www.foxriverwatch.com/prostate_studies.html (lists 17 studies linking PCBs to prostate cancer)

<http://www.brooks.af.mil/AFRL/HED/hedb/afhs/overview.html> (military study, based on Agent Orange exposure, finds increased prostate risk, among other effects)

http://prostate-help.blogs.com/prostatehelp/2004/12/vets_still_comp.html (government compensates Agent Orange exposed veterans for prostate cancer)

<http://www.medicalnewstoday.com/medicalnews.php?newsid=39958> (2006 study links endocrine

disruptors like dioxins to breast, prostate, and testicular cancers)

<http://www.protectingourhealth.org/newscience/prostate/2003-04peerreviewprostate.htm> (lists dioxins and cadmium as prominent causes of prostate cancer)

<http://www.msnbc.msn.com/id/4037340/> (Government admits link between Agent Orange and prostate cancer)

http://www.foxriverwatch.com/breast_cancer_pcbs_pcb_dioxin_intro.html (numerous studies link PCBs and dioxins to breast cancer)

Text of attachment sent from Dr. Charles Konigsberg to Richard W. Ward on 10/31/06.

Dear Mr. Ward,

In response to your email of 10/17/06, the Alexandria Health Department has requested information from the Virginia Cancer Registry on cancer incidence in your census tract. It will take several weeks for the Registry to provide us with this specific information.

Unfortunately, cancer is a very common disease, diagnosed in one out of three people. However, the term cancer refers not to a single disease, but to a group of related yet different diseases. Specific toxic exposures are linked to specific types of cancer, not to cancer in general. In addition, cancers usually have a long incubation period. It commonly takes 10 to 30 years or more for cancer to develop to the point of being detectable. When looking for the cause of cancer, scientists typically consider exposures that took place at least ten years before the cancer was diagnosed

You also mentioned a case of aggravated asthma and one Trisomy-18 miscarriage in your neighborhood. I understand your concern; however, these are separate health events and unfortunately are not uncommon. Trisomy-18 occurs about once in every 4000 live births. Asthma is also common, and can be triggered by numerous factors. A recent review by the Alexandria City Public Schools found that there is not a higher incidence of asthma at Samuel Tucker than at other schools in the city.

Thank you for sharing your concerns with us.

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

From: Charles Konigsberg [<mailto:Charles.Konigsberg@vdh.virginia.gov>]

Sent: Tuesday, October 31, 2006 11:06 AM

To: Ward, Richard

Cc: Dibby.Smith@vdh.virginia.gov; Karen.Fujii@vdh.virginia.gov

Subject: Re: Health issues re: Virginia Paving/Covanta

Mr. Ward:

I have attached a response to your e-mail dated October 17, 2006 regarding health concerns in Cameron Station. When we get the information we have requested from the Virginia Cancer Registry, we will share that with you.

Charles Konigsberg, Jr.,MD,MPH
Health Director
Alexandria Health Department

4480 King Street
Alexandria, VA 22302
703-838-4872 (voice)
703-838-4038 (fax)

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

From: "Ward, Richard" <RWard@kenyon.com>
Date: Tuesday, October 17, 2006 10:48 am
Subject: Health issues re: Virginia Paving/Covanta
> Dr. Konigsburg,

>
> I am a chemical engineer and a patent attorney who lives in close
> proximity to the Virginia Paving facility in Alexandria, VA. On my
> street, over a short period of time, there have been five reported
> cases of cancer, one case of aggravated asthma, and one Trisomy-18
> miscarriage. This is out of thirteen townhomes (built in 2000-01)
> that had unobstructed views of the Virginia Paving plant. Four of the
> cases of cancer were breast and/or prostate cancers. The fifth case
> was fatal pancreatic cancer. My primary care physician, and an
> occupational health physician to whom I was referred, indicated that
> these numbers appeared to be irregular. Furthermore, I did not go door
> to door asking about illnesses, these were word of mouth only --
> unusual health impacts could be much more widespread. I have put the
> City on notice of my concerns; however, they apparently have failed to
> follow up with you regarding these concerns. I would thus appreciate
> discussing the above with you in the near future.

>
> I have also been performing analyses to help explain possible
> mechanisms of pollution inducement of abnormal health conditions.
> I would like to
> share these possible routes with you as well.

> Thank you for your time and consideration,

>
> Richard W. Ward
> 5247 Tancreti Lane
> Alexandria, VA 22304
> (202) 220-4268 (W)
> (703) 823-1495 (H)

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>
>
>
>

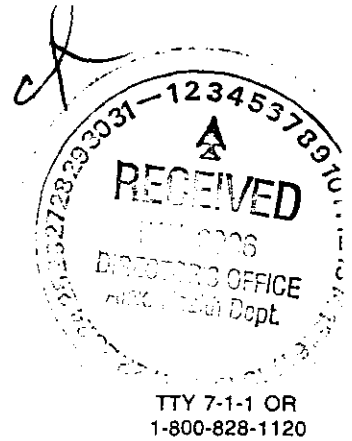


COMMONWEALTH of VIRGINIA

Department of Health

ROBERT B. STROUBE, M.D., M.P.H.
STATE HEALTH COMMISSIONER

P O BOX 2448
RICHMOND, VA 23218



October 27, 2006

Robert W. Custard
Environmental Health Manager
Alexandria Health Department
4480 King Street
Alexandria, VA 22302

Dear Mr. Custard:

This is in reply to your email of October 17, 2006, to Khizar Wasti, Ph.D., Director, Division of Public Health Toxicology, regarding the potential health risks posed from emissions of air pollutants from the Virginia Paving Company (an asphalt plant) located at 5601 Courtney Avenue, Alexandria, Virginia. I have reviewed the reports submitted by you and evaluated the results of a dispersion modeling analysis of air pollutant emissions from the Virginia Paving facility.

Dispersion modeling is used to estimate the concentrations of pollutants in ambient air that will result from emissions at the facility. Under U.S. Environmental Protection Agency (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 established air quality standards and guidelines.

The Virginia Paving facility is classified as a minor source of air pollution under the Virginia Department of Environmental Quality (VDEQ) and the EPA regulations. Virginia Paving Company operates on an air quality permit which was issued by the VDEQ on February 17, 2005. Because of its classification as a minor source, Virginia Paving Company is not required to conduct a dispersion modeling analysis of its emissions under the VDEQ regulations. However, based on concerns raised by the residents living near the facility, the City of Alexandria required Virginia Paving Company to perform a dispersion modeling analysis to ensure that the residents were not exposed to pollution levels that exceeded the National Ambient Air Quality Standards (NAAQS).

There is no indication from the submitted reports that the emissions are in excess of the permit issued by the VDEQ. It appears from the modeling analysis of air pollutants that the emissions are in compliance with the NAAQS and with the VDEQ's Significant Ambient Air Concentrations (SAAC).

Robert W. Custard
October 27, 2006
Page 2

These standards have a sufficient margin of safety built in and account for the general public being exposed to pollutants on a twenty-four hour basis, seven days a week.

In summary, based on the current available information, it is unlikely that the emissions of air pollutants from the Virginia Paving Company facility pose a significant risk to human health.

I trust this information will be of help to you. If you have any questions, please feel free to call me at (804) 864-8182.

Sincerely,

A handwritten signature in black ink, appearing to read "R.K. Tripathi". The signature is written in a cursive style with a large initial "R".

Ram K. Tripathi, Ph.D.

Toxicologist

Division of Public Health Toxicology

22

11-28-06



<knahigian@yahoo.com>

11/29/2006 03:31 PM

Please respond to
<knahigian@yahoo.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: VA Paving SUP

COA Contact Us: VA Paving SUP

Time: [Wed Nov 29, 2006 15:31:34] IP Address: [156.33.130.36]

Response requested:

First Name: Ken
Last Name: Nahigian
Street Address: 5006 John Ticer Dr.
City: Alexandria
State: VA
Zip: 22304
Phone: 703-212-9407
Email Address: knahigian@yahoo.com
Subject: VA Paving SUP

Dear Mr. Mayor and Members of Council:

For whatever it's worth at this point, I believe the Council made a major mistake last night by not listening to Alexandria residents on the VA Paving issue. You bought into the arguments of the Planning staff and the applicant that somehow enforcement will exist, and somehow by allowing hundreds of thousands of tons of more asphalt production across the fence line from an Elementary school and 2,000 homes without real enforcement would be in the best interest of the community. While I agree with many of you that there needs to be a detailed and serious conversation about the future of the West End, and I will volunteer my time to participate if called upon to do so, the decision last night was not right, and it will have lasting consequences for all involved.

Comments:

Please let me know if my neighbors and I can participate in the upcoming discussions re: the West End. But I must admit to you, after last night, I have little confidence that the Council represents the best interest of the more than 3,000 residents in our community.

Sincerely,

Ken Nahigian
5006 John Ticer Dr.

22
11-28-06



<Jennifer.Hallman@gmail.com>

11/29/2006 10:03 PM

Please respond to
<Jennifer.Hallman@gmail.com>

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

cc

bcc

Subject COA Contact Us: VA Paving

COA Contact Us: VA Paving

Time: [Wed Nov 29, 2006 22:03:42] IP Address: [69.138.79.177]

Response requested:

First Name: Jennifer
Last Name: Hallman
Street Address: 459 Cameron Station Blvd.
City: Alexandria
State: VA
Zip: 22304
Phone: (703) 751-2698
Email Address: Jennifer.Hallman@gmail.com
Subject: VA Paving

Comments: I am very disappointed with Council's vote last night. I hope that the children raised and educated in Cameron Station do not later develop breathing and cancer issues because of your poor decision to allow further pollution from a company which has proven its unwillingness and inability to follow the law as it exists. Council's vote will certainly be remembered come the next election cycle. Furthermore, this decision could affect the air quality in the outdoor shopping development you have planned for Landmark -- who will want to shop where the air stinks and is filled with pollutants?

22
11-28-06



<mjfingland@phrma.org>

11/27/2006 06:00 PM

Please respond to
<mjfingland@phrma.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: deny SUP for VA Paving

COA Contact Us: deny SUP for VA Paving

Time: [Mon Nov 27, 2006 18:00:18] IP Address: [67.132.51.186]

Response requested:

First Name: Mary Jane
Last Name: Fingland
Street Address: 250 Murtha St.
City: Alexandria
State: VA
Zip: 22304
Phone: 703-566-1947
Email Address: mjfingland@phrma.org
Subject: deny SUP for VA Paving

Comments: As a West End and Cameron Station resident, I am concerned about VA Pavings proposed Special Use Permit (SUP). I attended the public hearing on Saturday, Oct 14th. I felt the session went well and that you, Mayor Euille, and the City Council Members were going to really look into the SUP proposal and also take into consideration that next year the West End was going to be included in a land use study. I urge you to deny the SUP as proposed. I think more discussions need to occur. Enviromental improvements must be made before VA Paving increases production and annual production should be reduced from the proposed 1.2 million tons to 700K tons per year. I am still concerned about the nighttime production. I think 30--50 nights per calendar year is more than adequate for VA Paving's concerns about their capability to do nighttime paving (their request of 130 days is too much). I agree with Councilman Krupicka's su! nset clause proposal. When the study regarding land use in the Eisenhower Corridor and West End is completed next year the City of Alexandria and West End residents should have a say in the future development and zoning--not the existing industrial enterprises. The West End is finally developing into a section of Alexandria that

all residents can be proud of. There has been increased use of the parks, library, and the new redevelopment of Landmark Mall will bring more people to the West End. Upon the completion of the land use study, I think the permanent residents of Alexandria should have preference and have a say in the future land use and zoning of the West End--not out of state industrial entities. Please deny the proposed VA Paving SUP. Thanks



<reillyw@erols.com>

11/27/2006 06:10 PM

Please respond to
<reillyw@erols.com>

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

cc

bcc

Subject COA Contact Us: Virginia Paving SUP

22
11-28-06

COA Contact Us: Virginia Paving SUP

Time: [Mon Nov 27, 2006 18:10:33] IP Address: [66.44.54.36]

Response requested:

First Name: willis
Last Name: reilly
Street Address: 281 Cameron Station Blvd
City: Alexandria
State: VA
Zip: 22304
Phone: 703-567-3318
Email Address: reillyw@erols.com
Subject: Virginia Paving SUP

Comments:

As a resident of Cameron Station for the past five and a half years, I have previously written to you and the Planning and Zoning Commission in support of the proposed SUP. I believed that you didn't need to hear from me again; however, in view of today's Washington Post article and the fact that the Cameron Station Civic Association has e-mailed all residents it could find to again contact you to request denial of the SUP, I decided to go on record again.

Contrary to the statement in the paper that early morning odor and soot is invading me down to my medicine cabinet and that it seems to be waiting to say hello to me at night when I come home, I must advise you that I have met neither the odor nor the soot in my home, which is the back half of Cameron Station closest to the asphalt plant.

As the Post article indicates, the consultants state that there are no environmental problems. In addition both the School System and the Department of Health are now on record as not finding any problem.

I know you will do the right thing and that you will be discussing several options tabled by Council Members. I ask that you keep it to the facts and legitimate issues but not succumb to some of the hysteria now being generated.

In closing, for the record, I still support the
Virginia Paving SUP.
Sincerely,

Willis J. Reilly

22
11-28-06



<mmenez1981@kellogg.northwestern.edu>

11/27/2006 06:14 PM

Please respond to
<mmenez1981@kellogg.northwestern.edu>

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

cc

bcc

Subject COA Contact Us: Virginia Paving

COA Contact Us: Virginia Paving

Time: [Mon Nov 27, 2006 18:14:45] IP Address: [69.140.87.180]

Response requested:

First Name: Martin

Last Name: Menez

Street Address: 4924 Donovan Drive

City: Alexandria

State: VA

Zip: 22304

Phone: 703-751-3433

Email Address: mmenez1981@kellogg.northwestern.edu

Subject: Virginia Paving

Mayor, Vice-Mayor, and Council Members,

Comments: You're heard all the arguments, but once again, I urge you to DENY the Virginia Paving SUP Tuesday evening.

Regards,

Martin Menez

22
11-28-06



<dcbrocanteuse@aol.com>

11/27/2006 06:38 PM

Please respond to
<dcbrocanteuse@aol.com>

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

cc

bcc

Subject COA Contact Us: VA Paving

COA Contact Us: VA Paving

Time: [Mon Nov 27, 2006 18:38:46] IP Address: [205.188.117.7]

Response requested:

First Name: Bernadette
Last Name: Graves
Street Address: 4917 Waple Lane
City: Alexandria
State: VA
Zip: 22304
Phone: 703/567-6974
Email Address: dcbrocanteuse@aol.com
Subject: VA Paving

Comments:

Alexandria's West End is not Dulles. Referring to a newspaper article written earlier this fall when VA Paving sent it requests to increase hours of production, someone commented that moving to the West End is like moving to Dulles, you know the airport is there and you just wish it goes away after you move in. I strongly disagree with this statement!. When we moved to Cameron Station 6 years ago, we knew we were taking a chance in a new part of town and wanted to be part of its gentrification, helping making it more residential. And we have and we are happy. We just expected the town of Alexandria to be behind this effort, like the rest of us property owners and tax payers. If the City Council votes to accept VA Paving to increase its hours of production, it will prove it is not behind the efforts to bring a new life to the West End. VA Paving can relocate. It will get cheaper rental rate and hire the same ! people. It's time for the Council to start thinking in terms of a new comprehensive residential planification of the West End. I am sending you my message to refuse VA Paving's proposal. At worst to limit emission, and to stop all emission at night time.

A concerned citizen.



<rward@kenyon.com>

11/27/2006 07:22 PM

Please respond to
<rward@kenyon.com>

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

cc

bcc

Subject COA Contact Us: Thank you re: Virginia Paving

22
11-28-06

COA Contact Us: Thank you re: Virginia Paving

Time: [Mon Nov 27, 2006 19:22:57] IP Address: [63.102.221.27]

Response requested:

First Name: Richard
Last Name: Ward
Street Address: 5247 Tancreti Lane
City: Alexandria
State: Virginia
Zip: 22304
Phone: 202-220-4268
Email Address: rward@kenyon.com

Subject: Thank you re: Virginia Paving

Thank you for giving the Cameron Station community some time to look further into the Virginia Paving matter. I understand that the time has come for a resolution of this matter, and I hope that you have all used the extra time to consider all of the facts and make an informed decision. As you may remember, months ago, I proposed a 900,000 ton/year compromise as a temporary fix for the situation, to be reconsidered one paving season later. It appears that a somewhat different solution has been crafted, however, I am enheartened by some of the improvements made in the solution in the past couple of months.

I think you all realize now that without night paving, Virginia Paving can only produce and deliver 600,000 tons of asphalt per year, and that the approval of additional production, is equivalent to approving a new asphalt plant, i.e., a plant that operates only at night. As the average asphalt plant produces less than 150,000 tons/year, a 900,000 ton proposal is equivalent to approving two new asphalt plants in close proximity to a school and homes. While the nuisance will be partially offset by new conditions, I am not sure that these conditions offset the

dangers of operating at night. All available evidence indicates that night operations are generally more dangerous than day operations; this was confirmed by not only David Sullivan, but by a representative from the EPA. I assume you have reviewed this information.

Comments:

Regardless of the decision tomorrow, please keep the health of the schoolchildren at Tucker Elementary, and the health of nearby residents in mind. I became involved in this situation partially because five people on my street contracted cancer in a short time. The review of the situation by the Alexandria Health Department (which I understand is not affiliated with the City) of this situation was cursory, to say the least, and not based on relevant scientific inquiry. I will make a report on this at a later public hearing. Please remain vigilant of any other situations which may arise.

I also ask you to carefully monitor the Virginia Paving matter over the next few months. A decision of the Planning Commission and Council which is inequitably obtained is voidable, either by you, or the courts. It is clear from various e-mails and proposals that various misrepresentations have had their intended effect. I realize that there is a lot of information out there, and decisions need to be made. Sometimes the correct information is selected, sometimes not. If you rely on the wrong information, the decision is voidable. It is obviously best to get the answer correct the first time.

In the meantime, please consider that you are being asked to enable what is likely the largest capacity asphalt plant on the East Coast to operate right next to an elementary school. Furthermore, the company that is to run that asphalt plant has repeatedly been found to disregard the law when it suits their needs.

As always, I am at your service if you have any questions.

Sincerely,

Richard W. Ward
5247 Tancreti Lane
Alexandria, VA 22304
703-823-1495 (H)
202-220-4268 (W)

22
11-28-06



<pbacaj@comcast.net>

11/27/2006 08:25 PM

Please respond to
<pbacaj@comcast.net>

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

cc

bcc

Subject COA Contact Us: Virginia Paving Proposed SUP

COA Contact Us: Virginia Paving Proposed SUP

Time: [Mon Nov 27, 2006 20:25:57] IP Address: [69.143.59.15]

Response requested:

First Name: Pauline
Last Name: Bacaj
Street Address: 810 Rapidan Court
City: Alexandria
State: VA
Zip: 22304
Phone: 703-370-1768
Email Address: pbacaj@comcast.net
Subject: Virginia Paving Proposed SUP
PLEASE!!!!

Comments: DENY the proposed Virginia Paving SUP proposal and put a stop to more pollution!

Respectfully,

Pauline Bacaj

22
11-28-06



<medina_eric@hotmail.com>

11/27/2006 09:13 PM

Please respond to
<medina_eric@hotmail.com>

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

cc

bcc

Subject COA Contact Us: Nov28 Docket Item 26

COA Contact Us: Nov28 Docket Item 26

Time: [Mon Nov 27, 2006 21:13:21] IP Address: [69.140.77.81]

Response requested:

First Name: Eric
Last Name: Medina
Street Address: 3818 Dominion Mill Dr.
City: Alexandria
State: VA
Zip: 22304
Phone: 703-863-8957
Email Address: medina_eric@hotmail.com
Subject: Nov28 Docket Item 26
Lady and Gentlemen of the Council:

It is with all due respect that I request that you do not approve the recommendation from the City Manager to divert funds from the Eisenhower Avenue to Duke Street Connector.

As a resident of the Eisenhower Avenue corridor, it is my humble opinion that this project is essential for the development of the City and the easing of the traffic flow of the City (in particular the Duke Street, Telegraph Road, and Eisenhower Avenue corridors).

Comments:

I respectfully ask that you do not approve the recommendations of the City Manager's staff and promptly proceed with approving the construction of the Eisenhower Avenue to Duke Street connector.

Respectfully submitted,

Eric A. Medina
3818 Dominion Mill Dr.
Alexandria, VA 22304

22
11-28-06



<john@johnsonassociates.biz>
11/27/2006 09:16 PM
Please respond to
<john@johnsonassociates.biz>

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: [Mon Nov 27, 2006 21:16:58] IP Address: [68.83.209.111]

Response requested:

First Name: John
Last Name: Johnson
Street Address: 5242 Tancreti Ln
City: Alexandria
State: VA
Zip: 22304-8702
Phone: 571-215-3028
Email Address: john@johnsonassociates.biz
Subject: Virginia Paving SUP

Comments: The future of good planning for the West End of Alexandria is in your hands Tuesday night when you consider the proposed SUP by Virginia Paving Company. I urge you to reject this application.

John Johnson



<sunepie@aol.com>

11/27/2006 09:29 PM

Please respond to
<sunepie@aol.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: VA paving SUP

22
11-28-06

COA Contact Us: VA paving SUP

Time: [Mon Nov 27, 2006 21:29:29] IP Address: [205.188.117.7]

Response requested:

First Name: S
Last Name: pietrafesa
Street Address: 5231 tancreti lane
City: alexandria
State: VA
Zip: 22304
Phone: 703.370.6106
Email Address: sunepie@aol.com
Subject: VA paving SUP

Comments:

I STRONGLY URGE YOU TO DENY THE PROPOSED SUP.

I live in Cameron STation. I take daily walks with my dog that typically occur at 5 am on weekdays and 6 am on weekends, then a dogwalker walks her at noon each weekday, and I walk her for another half an hour around dinnertime. We go out for a last walk for about 15 minutes before bed.

My eyes tear when I go out in the morning and I can smell the asphalt. My dog sneezes in the morning when I walk her. I know this is because of the pollution that VA paving is creating. I never had these problems before.

There are children who play in the area and plenty of senior citizens. Their health is being compromised by the pollution. I do not think any of you would want this for yourselves or your families.

Sunny Pietrafesa

22
11-28-06



<dougg19@aol.com>

11/27/2006 09:37 PM

Please respond to
<dougg19@aol.com>

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

cc

bcc

Subject COA Contact Us: VA paving SUP

COA Contact Us: VA paving SUP

Time: [Mon Nov 27, 2006 21:37:55] IP Address: [68.83.210.92]

Response requested:

First Name: Doug
Last Name: Gledhill
Street Address: 5004 John Ticer Drive
City: Alexandria
State: Va
Zip: 22304
Phone: 703.567.5402
Email Address: dougg19@aol.com
Subject: VA paving SUP

Comments: This is a follow up to my earlier email addressed to each of you. Please do not let VA paving extend their hours. This is our home and all of us who live in Alexandria should be proud of our City.

Doug and Chris Gledhill

22

11-28-06



<jcassadyiii@comcast.net>

11/27/2006 10:03 PM

Please respond to
<jcassadyiii@comcast.net>

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

cc

bcc

Subject COA Contact Us: Virginia Paving SUP proposal

COA Contact Us: Virginia Paving SUP proposal

Time: [Mon Nov 27, 2006 22:03:52] IP Address: [69.140.83.77]

Response requested:

First Name: John
Last Name: Cassidy
Street Address: 5120 Donovan Drive
208
City: Alexandria
State: VA
Zip: 22304
Phone: 703-566-9501
Email Address: jcassadyiii@comcast.net
Subject: Virginia Paving SUP proposal
Comments: I ask each and all of you to stand up for residents and disapprove the proposal as it stands. I know this is a difficult issue of balancing public and private interests. To stand tough against an industrial activity that was "here first", there will be costs to us all for refusing to accomadate the company. It will take courage. Please have it.
John H. Cassidy

22
11-28-06



<gdonnellan@comcast.net>

11/27/2006 10:48 PM

Please respond to
<gdonnellan@comcast.net>

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

cc

bcc

Subject COA Contact Us: VA Paving SUP decision

COA Contact Us: VA Paving SUP decision

Time: [Mon Nov 27, 2006 22:48:34] IP Address: [68.34.7.169]

Response requested:

First Name: Glenn
Last Name: Donnellan
Street Address: 5152 California Lane
City: Alexandria
State: VA
Zip: 22304
Phone: 703.553.2074
Email Address: gdonnellan@comcast.net
Subject: VA Paving SUP decision

Dear Mayor, Vice Mayor, members of the Council,

Please read my points below regarding the VA Paving SUP before you vote on it this Tuesday night.

This plant is a nuisance to us Cameron Station residents as currently operated. My concerns are that the city will allow this plant to intensify it's nuisance to the community around it, a community which the city plans to make larger and more dense, with plans for more commercial and residential development close to the plant.

The WA Post quoted a lady who compared the opposition to this SUP to "moving to Dulles area and then complaining about the planes". This is not about complaining about the conditions of where you live after you move in. This is about a community who is collectively asking the city to not allow a plant to intensify it's nuisance producing operations, intensifying them to around the clock operations. So, this is not at all like complaining about planes after you move to Dulles.

Regarding the "we were here first" argument of VA Paving: Yes, VA Paving was here first. As a batch plant started in 1960, the original plant was allowed as a heavy industrial in a light industrial zone, producing asphalt for the then construction of the beltway. At that time, much smaller amounts of asphalt were produced vs. today's production or vs. the newly proposed increase in production. In 1960 the population in the Van Dorn-Landmark area was 600, so states the City's Landmark Van Dorn Small Area Plan, adopted 1992. Since then the city has allowed and encouraged the area near VA Paving to grow greatly in residential population, most recently with the Cameron Station development. Now homes became established! How can the city allow such a development of residences, allow people to establish their homes, and then allow the intensification of a known heavy industry nuisance? That is just plain wrong. Clearly we were here before the plant applied for the new 24 hour-a-day SUP. It is wrong to follow that with allowing increased production of this heavy industry to 24 hour-a-day, a heavy industry which is already known to be a nuisance to it's neighbors. And Cameron Station is still not finished, where the last thousand or so residents will live even CLOSER to the plant! What will the City make of their home experience?

Please remember why night time paving such a concern to us. Dave Sullivan, the expert who reviewed the emissions modeling studies, said that our emissions experience at night can be as much as 25 times worse than during the day, because at night the emissions will not disperse upward into the air as much as during sunlight hours, and instead flow along the ground - think of how fog rolls in at night. I and all of my neighbors can tell you that is exactly what happens here when VA Paving runs at night and in the early morning up through dawn. Combine that with the very low winds at night around the plant and within Cameron Station and you now know why the smells pool for hours in the west end of Cameron Station, even seeping into our homes to greet us when we wake up in the morning.

In the proposed SUP, VA Paving states that it will "control odors, smoke and any other air pollution from operations at the site, and prevent them from leaving the property or becoming a nuisance to neighboring properties as determined by the Department of T & ES". That is promising, but how can we believe it? To date, none of their

improvements have eliminated their severe odor nuisance. The city should at least make them show that they can really control the odors as promised by the new SUP before even thinking about allowing it. Why are we so skeptical? Because VA Paving doesn't have the greatest record of playing by the book and has showed where it's true interests lie -

An employee of Cambridge Environmental Inc., the company that did the Environmental and Air Dispersion Modeling study, told me the following: The plant said "we want to do "x" level of production". The Cambridge employee crunched the numbers, and reported that VA Paving would then exceed EPA guidelines. VA Paving responded by raising stack height, installing bag houses and lowering output to make numbers fit under guidelines. What this is saying is that the plant IS definitely capable of polluting and affecting air quality, and that the primary intent of the plant is to produce as much asphalt as it can. It says it is a good neighbor, and that it wants to be a good neighbor, but it is obviously focused on it's production potential first and foremost.

Comments:

VA Paving said it wanted to hear from us when we smelled odors, so it could create a log to correlate the odors we experience with their production activity. I called the plant to report asphalt odor the morning of July 24, 2006. Chris Monahan, VA Paving Environmental Coordinator, called me back and we had a nice conversation about the asphalt odor issues. I also told him that I smell methane or natural gas odors late at night/in the morning as often or more often than I smell asphalt odors. He responded that asphalt production does not produce any methane odor, and that such an odor is more likely to be connected with organic matter, and suggested the waste to energy plant as a source. He said VA Paving had ideas about other sources that would be the cause of these odors, but that it certainly wasn't coming from VA Paving. Then in the October 14 council hearing, a board member from Summer's Grove said she toured the plant, as well as the US Oil waste oil recycling plant on the VA Paving site, and found methane smell to be produced by US Oil's recycling process! Here I was completely misled by VA Paving - how could they not be aware of the methane smell produced by a recycling plant that operates on their very property? I have since been told that the ARE and HAVE BEEN aware of this! I was completely and intentionally misled by Chris Monahan and VA Paving. This really underscored that VA Paving is

out for its own expansion interests first, way ahead of being "a good neighbor" (which it constantly says of itself)!

VA Paving said it didn't know of any night time activity by the previous plant owner, or the extent of it by the previous plant owner. Then at the 10/14 Council hearing, an employee who had been at that plant for about 2 decades said the plant had done night-paving "all the time" under the previous ownership. VA Paving's ignorance was blown open by one of their own employees. Obviously they were not ignorant of the night-time paving of the previous owner, and were evasive if not deceitful about it. How could they be ignorant if the employees are so forthcoming with the information at a hearing? It is plain and clear that they just didn't want to soil and jeopardize their new SUP application by admitting the illegal past practices of the plant. Their own interests were also put ahead of the truth.

Another unsettling factor in all this was the big-brother style muzzling of Tucker Elementary - teachers/staff were told not to get involved, yet they were concerned. The city attorney said that the schools are their own autonomous entity, and that they can say whatever they want. I appreciate the legal reality, but the fact is that they didn't speak because they were concerned for their own job security, as they had been told by higher-ups not to say anything. Who muzzled them? Was it City Staff, who presented a one-sided report that was completely in favor of the proposed SUP, ignoring the outcry of the residents near the plant, a report which did not even consult the school on their experience of the plant? And have the people at the school been really contacted by the city now, or has the city simply informed a school board or school district official that people at Tucker are now welcome to voice their concerns? I bet that the concerned teachers and staff at Tucker don't even know that they are now allowed to speak out, or whom to speak to. I would like to know if you have had any contact with teachers or staff there, or know if they have all been contacted and made aware!

Almost 1000 Cameron Station residents have signed a petition asking the City Council to not allow this new SUP. We simply don't want a worsening of our existing experience. In collecting petition signatures, I talked with many residents who were misled about the CSCA's position on the issue. These people thought we were trying to shut the plant down completely, as they only had

misinformation to go on. One example of that was the scores of signs posted around the community that had VA Paving inside a red circle with a line crossed through it - like a "No Smoking" sign. They interpreted that to mean NO VA Paving, as in "shut the plant down". That wasn't the intended message of the sign. Unfortunately, such misinformation pushed many uninformed residents away from opposing this SUP. Most of them that I talked to came to agree with our position, after I was able to explain to them what the issues were really about. I even got the signature of a man who said VA Paving must be doing a good job, and that he had worked summers for an asphalt company in college. I explained to him that we weren't trying to run a business out of town here, but were simply trying to keep a nuisance issue from getting worse. He agreed, and signed. Simple as that. This misinformation is largely to do with why we don't have more signatures than we already do. Also, we didn't start collecting signatures until just over a week before the city council meeting, when the CSCA met and officially voted to oppose the SUP. Following that, in the short time of about a week, we collected over 600 signatures to present at the 10/14 city council hearing. And now you have hundreds more.

Please oppose this SUP. If you do in fact allow the SUP, please make sure that you can and will revoke it if the nuisance issue persists, especially in regard to the night time paving. Don't make your community's experience worse than it already has been. Please remember that just as the fate of your appointment lies in the hands of your community, the fate of your community lies in your hands.

Yours,

Glenn Donnellan



<keith@nahigianstrategies.com>

11/27/2006 11:31 PM

Please respond to
<keith@nahigianstrategies.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: VA Paving

22
11-28-06

COA Contact Us: VA Paving

Time: [Mon Nov 27, 2006 23:31:30] IP Address: [69.140.72.33]

Response requested:

First Name: Keith and Courtney
Last Name: Nahigian
Street Address: 331 Cameron Station Blvd.
Alexandria, VA 22304
City: Alexandria
State: VA
Zip: 22304
Phone: 7035676996
Email Address: keith@nahigianstrategies.com
Subject: VA Paving

Comments: My wife and I are residents of Alexandria and live on Cameron Station Blvd. I think you have been given much information regarding the VA Paving SUP. We are writing to urge you to vote against this expansion of production time and output as detailed in the new SUP. Unless you have visited our neighborhood on a bad morning due to activities at VA Paving, I do not believe you are properly prepared to make an informed decision. The voters have entrusted you with the responsibility to protect the citizens of this city.

Please do the right thing for all of us and the future of the West end. Good neighbors beget good neighbors. Please vote against the SUP.

Thank you for your time and service.

Courtney and Keith Nahigian



<nbacaj@comcast.net>

11/28/2006 01:04 AM

Please respond to
<nbacaj@comcast.net>

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

cc

bcc

Subject COA Contact Us: Va. Paving Company

22
11-28-06

COA Contact Us: Va. Paving Company

Time: [Tue Nov 28, 2006 01:04:09] IP Address: [68.50.201.227]

Response requested:

First Name: Nadine
Last Name: Bacaj
Street Address: 5116 Donovan Drive
Apt. 204
City: Alexandria
State: Va.
Zip: 22304-8664
Phone: 703-566-2594
Email Address: nbacaj@comcast.net
Subject: Va. Paving Company

Comments:

- 1) I would like to know why the old SUP was not enforced?
- 2) The new proposed SUP is more lenient, Please DENY the proposed Virginia Paving SUP proposal.
- 3) Is it true that the best thing we can do is to give up?

Respectfully,

Nadine Bacaj

22
11-28-06



<marym2004@comcast.net>

11/28/2006 06:33 AM

Please respond to
<marym2004@comcast.net>

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

cc

bcc

Subject COA Contact Us: Virginia Paving SUP proposal DENY!!!!

COA Contact Us: Virginia Paving SUP proposal DENY!!!!

Time: [Tue Nov 28, 2006 06:33:27] IP Address: [69.140.70.72]

Response requested:

First Name: Mary Frances
Last Name: Morgan
Street Address: 203 Martin Lane
City: Alexandria
State: Va
Zip: 22304
Phone: 703-567-0111
Email Address: marym2004@comcast.net
Subject: Virginia Paving SUP proposal DENY!!!!
Comments: Virginia Paving SUP proposal should be denied. It is very unhealthy and destructive to our neighborhood. Thanks Mary Frances Morgan



<housetohalfgone@yahoo.com>

11/28/2006 08:26 AM

Please respond to
<housetohalfgone@yahoo.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: VA Paving SUP

22
11-28-06

COA Contact Us: VA Paving SUP

Time: [Tue Nov 28, 2006 08:26:03] IP Address: [68.84.6.38]

Response requested:

First Name: Danielle
Last Name: Wolf
Street Address: 994 Harrison Circle
City: Alexandria
State: VA
Zip: 22304
Phone: 7034610738
Email Address: housetohalfgone@yahoo.com
Subject: VA Paving SUP

Comments: I strongly urge you to support Council member Pepper's proposed revisions to the VA Paving SUP Amendment. The quality of life for residents in the area and honest business practices both require that the SUP not for forward in its current form.

Thank you for your consideration.

Danielle Wolf



<jghebert@comcast.net>

11/28/2006 09:02 AM

Please respond to
<jghebert@comcast.net>

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

cc

bcc

Subject COA Contact Us: VA Paving SUP

22
11-28-06

COA Contact Us: VA Paving SUP

Time: [Tue Nov 28, 2006 09:02:25] IP Address: [68.165.122.82]

Response requested:

First Name: Gerry
Last Name: Hebert
Street Address: 5019 Waple Lane
City: Alexandria
State: VA
Zip: 22304
Phone: 567-5916
Email Address: jghebert@comcast.net
Subject: VA Paving SUP

Comments: Dear Mayor and Members of the City Council, I am a resident of Cameron Station. Let me add my voice to many others urging that the SUP be denied. I have supported all of you in past elections because I believe you will put the interests of the citizens first. I continue to have that hope. The increased hours and conditions of proposed production being sought by VA Paving are not consistent with those interests, however. Obviously, all of us moving into Cameron Station knew VA Paving was operating when we moved in, But what many of us didn't know is that they were operating beyond what they were permitted to do. And I have little doubt that anyone buying a place in the West End bought there believing that the Company would seek to expand to a 24-7 operation (especially since pollution at night is dramatically worse than daytime). I find it difficult to understand how a company can come to the table and demand certain conditions from the City where, as here, that company has violated its SUP in the past. This! company may not be as bad an apple as the other polluter in North Old Town, but that is really beside the point, isn't it? If the council takes any other action other than outright denial, I believe the SUP MUST include a sunset provision. Such a measure would protect

the residents and the City in any future rezoning of this area and the ability of all of us to revisit this issue again with adequate protections in place. The residents of Cameron Station are a caring community. We are not driven by a selfish concern for "our neighborhood" or even our property values. This is first and foremost a health issue for us, and if viewed by city officials in that light, and not the economics of VA Paving, then the choice you make tonight should be clear. We are concerned for the children at Tucker School, and others in the West End as well, indeed the entire city. Please vote to deny the SUP.
Respectfully submitted, Gerry Hebert

22
11-28-06



<elorber@houston.rr.com>

11/28/2006 10:50 AM

Please respond to
<elorber@houston.rr.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: Tourism/West End Issues

COA Contact Us: Tourism/West End Issues

Time: [Tue Nov 28, 2006 10:50:42] IP Address: [68.34.68.164]

Response requested:

First Name: Elizabeth

Last Name: Lorber

Street Address: 8023 Hidden Terrace Drive

City: Sugarland

State: TX

Zip: 77479

Phone: 281.343.7630

Email Address: elorber@houston.rr.com

Subject: Tourism/West End Issues

Comments:

I am a former resident of the City of Alexandria and lived on Prince Street. I am currently visiting friends in the Washington Metro area. Over the last couple of days I have seen news coverage of the asphalt plant issue in the West End of the City. On Sunday I took Metro to meet some friends who live in the West End. As I left the station I noticed the heavy industrial area in the midst of many new homes. Later in the day we took our children to play at the school. I was again amazed that a school would be located this close to an asphalt facility. As a health care professional who has practiced in both California and Texas I am aware of the danger of the small particles emitted from this plant to the future health of the young children of your area. Instead of increasing the production at this plant, you should encourage recreation and tourists activities in this part of the City. No one should ever vote yes on a decision that endangers our future generation.

22
11-28-06



<kimcanter@comcast.net>

11/28/2006 11:10 AM

Please respond to
<kimcanter@comcast.net>

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

cc

bcc

Subject COA Contact Us: Denial of Virginia Paving SUP

COA Contact Us: Denial of Virginia Paving SUP

Time: [Tue Nov 28, 2006 11:10:40] IP Address: [68.34.68.164]

Response requested:

First Name: Kimberlee
Last Name: Canter
Street Address: 427 Cameron Station Blvd.
City: Alexandria
State: VA
Zip: 22304
Phone: 703-566-8981
Email Address: kimcanter@comcast.net

Subject: Denial of Virginia Paving SUP
Mayor Euille, Vice Mayor MacDonald and City Council Members - My name is Kimberlee Canter and I spoke at the public hearing regarding Virginia Paving. I am aware that the city council is voting on this issue tonight and would like to once again reiterate to you that for the sake of the residents of the west end and the children that attend Samuel Tucker Elementary school - please DENY this SUP. While I understand that several environmental 'specialists' have stated that Virginia Paving operates within air quality standards - is that good enough? The fact is, if they are NOT paving at night (or on limited nights) there will not be any pollution to even be 'within' standards. Virginia Paving is NOT a good neighbor to the residents of the west end. They are not concerned with the residents of the west end, but with their own financial gain. The fact is, the tax base in the west end, particularly Cameron Station will bring in much more revenue for the City of Alexandria than Virginia Paving. I urge you to consider all of these points and deny the SUP.

Comments:

Sincerely,

Kimberlee Canter

**Cameron Station Resident
Board Member, Woodland Hall Condominium**



<shankel_christi@yahoo.com>

11/28/2006 11:26 AM

Please respond to
<shankel_christi@yahoo.com>

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

cc

bcc

Subject COA Contact Us: VA Paving Vote Tonight

22
11-28-06

COA Contact Us: VA Paving Vote Tonight

Time: [Tue Nov 28, 2006 11:26:07] IP Address: [156.80.105.110]

Response requested:

First Name: Clint & Christi-Le
Last Name: Waybright
Street Address: 210 Cameron Station Blvd.
City: Alexandria
State: VA
Zip: 22304
Phone: 7035678020
Email Address: shankel_christi@yahoo.com
Subject: VA Paving Vote Tonight
Alexandria City Council:

As current residents of Cameron Station, we are strongly opposed to the VA Paving Special Use Permit and we urge you, our representatives, to please act in the best interest of your residents and community members by voting NO to this SUP.

Comments: We anticipate and expect your full support in denying this SUP, helping to ensure the cleanest air possible for Alexandria, maintain appropriate control capacity/production at VA Paving, and minimize loud noise that results from their operation and that carries into and disrupts quality of life in Cameron Station.

Again - please vote NO to the VA PAVING SUP!

Sincerely yours,
Clint & Christi-Le Shankel Waybright
210 Cameron Station Blvd.
Alexandria, VA 22304



<ellen5001@comcast.net>

11/28/2006 01:10 PM

Please respond to
<ellen5001@comcast.net>

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

cc

bcc

Subject COA Contact Us: Deny VA Paving SUP

22
11-28-06

COA Contact Us: Deny VA Paving SUP

Time: [Tue Nov 28, 2006 13:10:07] IP Address: [64.75.254.101]

Response requested:

First Name: Ellen
Last Name: Livingston
Street Address: 5001 Donovan Drive
City: Alexandria
State: VA
Zip: 22304
Phone: 703-566-1686
Email Address: ellen5001@comcast.net
Subject: Deny VA Paving SUP
City Council:

1. MORE pollution will be the result of an expanded SUP for VA Paving.

We know they are producing some pollution now (all sorts of stuff were described). Under the new SUP they can operate twice as long and produce twice the pollution. Mitigation measures may make that one and a half times the pollution, but the overall effect is they will still produce MORE pollution than they do now.

2. Alexandria is already providing a great business advantage to VA Paving under the current SUP.

Comments:

VA Paving is so well-located that it has an edge on business (at a lower production and transport costs to deliver hot asphalt) that other paving companies are not close enough to compete for. VA Paving is privileged to have the current SUP.

3. Do not grow both the residential and the industrial sectors in the same area.

Balance the growth of the West End with the

existing needs of VA Paving. Deny the new SUP, but let the existing one remain and be enforced properly. The Springfield area may be next to take action against Alexandria if the SUP decision does not reflect due concern about nearby residents and schools.

22
11-28-06



<gabalda1@comcast.net>

11/28/2006 02:09 PM

Please respond to
<gabalda1@comcast.net>

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

cc

bcc

Subject COA Contact Us: The Proposed SUP

COA Contact Us: The Proposed SUP

Time: [Tue Nov 28, 2006 14:09:22] IP Address: [69.140.83.94]

Response requested:

First Name: Mario
Last Name: Gabalda
Street Address: 5243 Tancreti Lane
City: Alexandria
State: Va
Zip: 22304
Phone: 703-567-5423
Email Address: gabalda1@comcast.net
Subject: The Proposed SUP
Comments: If the council votes yes. What are we getting and what are we losing with the new permit?



<frommerclu@comcast.net>

11/28/2006 02:59 PM

Please respond to
<frommerclu@comcast.net>

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

cc

bcc

Subject COA Contact Us: Paving Plant in Eisenhower Valley

22
11-28-06

COA Contact Us: Paving Plant in Eisenhower Valley

Time: [Tue Nov 28, 2006 14:59:35] IP Address: [69.255.212.45]

Response requested:

First Name: Pau.
Last Name: Frommer
Street Address: 4347 Loyola Avenue
City: Alexandria
State: VA
Zip: 22304-1033
Phone: 702-370-8181
Email Address: frommerclu@comcast.net
Subject: Paving Plant in Eisenhower Valley

Dear Mayor Euille:

This email is written in support of the Virginia Paving Company, a company I own no monetary or family interest in nor which I have ever done business.

I think the movement to stop the plant from operating overnight in its support of contractors maintaining and improving our infrastructure is a pure, blatant case of NIMBY - Not In MY Backyard.

Comments: When these folks purchased their properties in the Cameron Station Development did they not have the sense to look around and see who their neighbors were? Did they not realize what commercial interests were operating there long before they arrived?

Let's not harm the many to satisfy the unjustified noise of the few.

Thank you,

Paul S. Frommer



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

11/28/2006 02:55 PM

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <council@krupicka.com>, <paulcsmedberg@aol.com>, <delpepper@aol.com>, <councilmangaines@aol.com>, cc <richard.josephson@alexandriava.gov>, <rich.baier@alexandriava.gov>, <ignacio.pessoa@alexandriava.gov>, bcc

Subject Supplemental Comments Regarding VPC's SUP Request (SUP #2005-0042)

22
11-28-06

Dear Mayor Euille and Members of the City Council:

Since submitting the attached comments to you on November 17, 2006, I have read the submission that Virginia Paving Company ("VPC") filed on November 17 and the editorial that Councilman Lovain wrote that was published in the current issue of the Alexandria Times. Notwithstanding the positions and arguments raised in VPC's submission and Councilman Lovain's editorial, it is still my view that the recommendations that I set forth in the "Goodale" column of Exhibit 2 of the attached document, which represent combinations of proposals made by various Council members at the work session on November 6 (the "Work Session"), offer more balanced solutions that better serve to protect the environment and the health and safety of Alexandria's residents than those put forward by VPC or Councilman Lovain.

In light of VPC's submission, however, it seems that VPC may need somewhat more of an incentive in order to invest the capital necessary to make proposed improvements than is offered by the combination of recommendations that are enumerated in my previous attached submission. Specifically, it would appear necessary to increase the annual production limits and the number of nights during which VPC could conduct paving operations from the levels that I had previously proposed.

Accordingly, I would suggest that the Council adopt the production limits that Councilwoman Pepper proposed at the Work Session (i.e., annual production limit of 765,000 tons prior to implementation of improvements and annual production limit of 900,000 tons after improvements are made). In addition, I recommend that the Council to establish a night-time paving limit of 45 days, which represents an increase of 50 percent in comparison to the limit that Councilwoman Pepper proposed at the Work Session. The combination of these proposals certainly should allow VPC to recoup the costs expended on the proposed improvements within a very short timeframe in light of the financial data that Arthur Impastato has submitted to the Council in recent weeks relating to the profitability of VPC's night paving operations during the past few years.

I also would urge the Council to adopt the following conditions that I previously recommended in the attached submission since they are essential for mitigating significant health and nuisance problems.

- As proposed by Vice Mayor Macdonald, VPC should only be allowed to produce 5,000 tons per day, except on days when night paving is performed. On days when night paving is performed, in accordance with Councilman Lovain's proposal, the daily total limit should be 8,000 tons of which a maximum of 4,000 tons could be done at night.
- As proposed by Councilwoman Pepper, Nighttime production should be limited to work for the

City of Alexandria, the Virginia Department of Transportation ("VDOT"), or Woodrow Wilson Bridge work for Maryland Highway Administration.

- As proposed by Councilman Krupicka and Councilwoman Pepper, further restrictions on plant operations should be implemented on poor air quality days (e.g., EPA Air Quality Index Red, Purple or Maroon).

- Ambient PM2.5 air quality monitors that meet EPA's Federal Reference Method for PM2.5 should be installed at locations around Tucker Elementary, Boothe Park, and Brenman Park, and regular readings should be taken from these monitors. If the average monthly readings at any monitor exceed 35 ug/m3 (i.e., the new EPA standard) at any time, VPC must take remedial action approved by the City within 60 days.

- As proposed by Councilman Krupicka and Councilwoman Pepper, the City should hold a public hearing in late 2012 to determine the compatibility of continued use of plant with Eisenhower West Small Area Plan, for either issuance of revised SUP or determination of final sunset date for plant, to be no sooner than 12/31/16 and no later than 12/31/18.

In addition, I recommend that the Council adopt all of the other conditions recommended in my attached submission, as well as all of the other proposed conditions that are set forth in the Staff report, as amended by the Planning Commission.

The proposed conditions discussed above are critical for purposes of protecting the environment and the health and safety of Alexandria's residents. Moreover, as discussed above, they should easily allow VPC to recoup expenses associated with the proposed improvements and to make considerable profits in a very short timeframe.

Conversely, I believe that it is highly unlikely that VPC would actually reject the above conditions and withdraw its SUP application. To do so would result in VPC having to forego the opportunity to engage in night paving operations, which is a highly lucrative and growing market for asphalt producers. As such, VPC's possible withdrawal of its SUP application would seem incomprehensible.

For all of the foregoing reasons, I urge the Council to adopt the conditions discussed above. If you have any questions regarding this submission, please do not hesitate to contact me.

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.com

The contents of this message, together with any attachments, are intended only for the use of the individual or entity to which they are addressed and may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender or the Pillsbury Winthrop Shaw Pittman Help Desk at Tel: 800-477-0770 x4860 immediately by telephone or by return E-mail and delete this message, along with any attachments, from your computer. Thank you.



sup001.PDF

GEOFFREY M. GOODALE

493 Naylor Place
Alexandria, VA 22304
(703) 212-9355

November 17, 2006

VIA E-MAIL (PDF)

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

Re: SUP Amendment Request of Virginia Paving Company (SUP #2005-0042)

Dear Mayor Euille and Members of the City Council:

On October 13, 2006, I submitted correspondence to you in which I urged you to defer consideration of the special use permit ("SUP") request of the Virginia Paving Company ("VPC") so that important health and environmental issues could be more carefully evaluated. (A copy of my submission is attached as Exhibit 1.) I am very grateful to you for taking such action and for holding a work session on November 6 (the "Work Session") during which some good ideas were proposed by several Council members regarding ways in which VPC's operations could be conducted so as to limit adverse health and environmental effects. As discussed below, however, I still feel that it would be highly beneficial for you to defer consideration of VPC's SUP request until actual fine particulate matter ("PM") testing can be performed, but in the event that further deferral is not possible, I provide comments on proposals raised during the Work Session for your consideration.

1. Actual Testing of PM2.5 Emissions Should Be Performed Before a Decision Is Made.

Following the Council's decision to defer consideration of VPC's SUP request at the hearing on October 14, 2006, the Brookville-Seminary Valley Civic Association ("BSVCA") decided to hold a special meeting relating to VPC's SUP request on November 2, 2006. Representatives from the City staff, VPC, and the Cameron Station Civic Association ("CSCA") spoke at this meeting. During the meeting, a question was raised as to whether any of the parties were concerned about PM emissions that could result if the SUP request was granted, and in response, the CSCA representatives stated that they were quite alarmed about potential emissions of PM2.5 (also known as "fine particles"), especially in light of recent findings by the U.S. Environmental Protection Agency ("EPA") and actions taken by EPA to try to reduce the harmful effects of such emissions.

After hearing the CSCA's response to this question, I decided to look further into the issue of PM2.5 emissions following the BSVCA's meeting. Initially, I discovered that the EPA had concluded that exposure to PM2.5 emissions at the current standard was associated with serious health problems (e.g., asthma, chronic bronchitis, reduced lung function, and heart attacks), and that, for this reason, the EPA was promulgating a new standard that would reduce the accepted level nearly in half. I then was alarmed to read in the Staff report that the modeling projections indicated that, if the SUP request was granted, VPC's estimated PM2.5 emissions would exceed both the current and future EPA standards. I was further disturbed to learn from the City staff's memorandum to the Council, dated November 3, 2006 (the "November 3 Memorandum"), that VPC's estimated PM2.5 emissions would still

significantly exceed the new EPA standard even if VPC's daily production level was limited to 5,000 tons under an amended SUP.

In light of the harmful effects of exposure to PM2.5 emissions and considering that the modeling indicates that VPC's estimated PM2.5 emissions will exceed the new EPA standard under various scenarios, it would seem imperative for the Council to mandate that the City staff obtain actual PM2.5 emission testing results before deciding whether to grant or deny VPC's SUP request. In order to perform such testing in an effective manner, ambient PM2.5 air quality monitors that meet the EPA's Federal Reference Method for PM2.5 should be placed at locations around Tucker Elementary, Boothe Park, and Brenman Park, and regular readings should be taken at these monitors over a period of several months. If the test results indicate that VPC's PM2.5 emissions exceed the new EPA standard, then VPC should be required to develop a remedial action plan for review and approval by the City before the Council decides whether to grant or deny VPC's SUP request.

2. If the Council Grants VPC's Request, Effective SUP Conditions Must Be Imposed.

If further deferral is not possible, then the Council will have to choose between granting or denying VPC's SUP request. During the Council hearing that was held on October 14, 2006, many community members made compelling arguments as to why the SUP request should be denied, and as such, it would certainly be understandable, justifiable, and, perhaps, beneficial, if the Council chose this course of action.

On the other hand, if the Council is inclined to grant VPC's SUP request, then SUP conditions need to be imposed that will serve to mitigate the potential adverse health and nuisance effects to the full extent possible. Towards this end, several Council members proposed a number of modified SUP conditions at the Work Session, and these various proposals were placed in a matrix that the City staff posted on the Planning and Zoning Department's website on November 13, 2006.

In my view, the goal of mitigating health and nuisance problems could best be achieved by modifying and combining several of these proposals. These modified proposals are set forth in a revised version of the matrix that is attached as Exhibit 2. My specific proposals are identified in the new "Goodale" column in the attached matrix.

The key features of my proposals are as follows.

- Annual production limits should be set at 600,000 tons before improvements are implemented, which is the approximate historic production level that VPC has attained absent night paving operations. Subsequently, after the improvements required under the SUP are made, the annual production limit could be raised to 760,000, which is the approximate average annual level of production that VPC achieved between 2001 and 2005, including night paving operations.
- As proposed by Councilwoman Pepper, VPC should only be allowed to engage in night paving operations for 30 days per year.

- As proposed by Vice Mayor Macdonald, VPC should only be allowed to produce 5,000 tons per day, except on days when night paving is performed. On days when night paving is performed, in accordance with Councilman Lovain's proposal, the daily total limit should be 8,000 tons of which a maximum of 4,000 tons could be done at night.
- As proposed by Councilwoman Pepper, Nighttime production should be limited to work for the City of Alexandria, the Virginia Department of Transportation ("VDOT"), or Woodrow Wilson Bridge work for Maryland Highway Administration.
- As proposed by Councilman Krupicka and Councilwoman Pepper, Further restrictions on plant operations should be implemented on poor air quality days (e.g., EPA Air Quality Index Red, Purple or Maroon).
- All trucks, front end loaders and other diesel equipment owned, leased, contracted or otherwise used by VPC/Lane Construction must comply with SUP Condition No. 16.
- Ambient PM2.5 air quality monitors that meet EPA's Federal Reference Method for PM2.5 should be installed at locations around Tucker Elementary, Boothe Park, and Brenman Park, and regular readings should be taken from these monitors. If the average monthly readings at any monitor exceed 35 ug/m3 (i.e., the new EPA standard) at any time, VPC must take remedial action approved by the City within 60 days.

Collectively, the above proposals, and other ones that I have identified in the attached matrix, could potentially help to reduce health and nuisance problems.

* * * * *

In summary, it would be preferable for the Council to defer consideration of VPC's request until actual PM2.5 testing with ambient PM2.5 air quality monitors can be performed. If, however, further deferral is not possible, and if the Council is inclined to grant VPC's SUP request, then the proposed SUP conditions discussed above and in the attached matrix should be imposed on VPC, along with all of the other proposed conditions that are set forth in the Staff report, as amended by the Planning Commission, in order to mitigate the potential adverse health and nuisance effects. Thank you for your consideration of these comments.

Sincerely,



Geoffrey M. Goodale

Encl.

Mr. Richard Baier (w/encl.)
Mr. Richard Josephson (w/encl.)
Ignacioa Pessoa, Esq. (w/encl.)

EXHIBIT 1

Goodale, Geoffrey M.

From: Goodale, Geoffrey M.
Sent: Friday, October 13, 2006 4:02 PM
To: alexvamayor@aol.com; macdonaldcouncil@msn.com; council@krupicka.com;
paulcsmedberg@aol.com; delpepper@aol.com; councilmangaines@aol.com;
timothylovain@aol.com
Cc: jackie.henderson@alexandriava.gov; geoff.goodale@gmail.com
Subject: Comments Regarding VPC's SUP Amendment Request (SUP #2005-0042); Docket Item #5
Importance: High
Attachments: counc001.PDF



counc001.PDF (461
KB)

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

GEOFFREY M. GOODALE
493 Naylor Place
Alexandria, VA 22304
(703) 212-9355

October 13, 2006

VIA E-MAIL (PDF)

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

Re: SUP Amendment Application of Virginia Paving Company (SUP #2005-0042)

Dear Mayor Euille and Members of the City Council:

I am writing to urge the City Council (the "Council") to defer consideration of the special use permit ("SUP") amendment request of the Virginia Paving Company ("VPC") 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. In addition, 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, and such action would not be detrimental to VPC since the amended SUP would not allow VPC to engage in significant night paving until April 2006 in any event.

In May 2006, I attended the public meeting that the City sponsored relating to VPC's request, and during that meeting, after listening to numerous concerns that were raised, I recommended when I spoke that the Council should consider establishing a Joint Task Force. Subsequently, I was invited to serve on a small working group to be comprised of representatives from VPC and concerned community groups, and I participated in several meetings of this working group over the Summer on behalf of the Brookville-Seminary Valley Civic Association (BSVCA).¹ While this working group helped resolve some issues of concern to the community, there are still a number of problems that need to be further investigated.

1. The Modeling Results Seem to Have Been Based on Flawed Data.

The City staff has relied on models created by consultants to assert that the granting of VPC's request will not have any harmful health or environmental effects. However, it has become abundantly clear in recent weeks that some of the critical assumptions and data upon which the model results were based appear to have been significantly flawed.

¹ I serve as the First Vice President on the Executive Board of the BSVCA. At this time, I wish to note that the BSVCA has not voted to take a position regarding VPC's SUP amendment request, and that I am submitting these comments in my individual capacity as a concerned citizen and resident of Alexandria and not on behalf of the BSVCA.

Mayor William Euille and Members of City Council
October 13, 2006
Page 3

current EPA requirements and will grossly exceed future EPA requirements that have recently been promulgated.

In light of the serious adverse health and environmental effects that a doubling in VPC's production potentially could have, it is imperative that the City conduct and analyze actual test results before deciding whether to grant VPC's request. Among other things, the City should conduct extensive testing of: (1) soil at and around VPC's plants; (2) black particles that have accumulated at homes at Cameron Station and Summers Grove; and (3) particulate matter emissions (including PM10 and PM2.5).

3. The Council Should Defer VPC's Request and Should Establish a Joint Task Force.

In view of the need to obtain actual test data, the Council should defer consideration of VPC's request. Moreover, in order to evaluate the actual test data to be gathered and to work on addressing other unresolved issues (e.g., such as those relating to noise and nuisance issues), the Council should create a Joint Task Force. This Joint Task Force should be comprised of representatives from the Council, City staff, VPC, and the community.

Creation of a Joint Task Force would be very helpful in restoring the trust of Alexandria's citizens in the City's planning process. Many people have developed the impression that the City staff has been rather biased in favor of VPC during this process. In fact, during the recent Planning Commission hearing that was held on October 3, Commissioner Dunn and Commissioner Fossum commented that the Staff Report relating to VPC's request was one of the most one-sided reports that they had ever seen since serving on the Planning Commission.

It also was disclosed during the recent Planning Commission hearing that the City staff working on VPC's request had not solicited input from the City's Health Department or Public Schools officials. Considering the dangers of PM2.5 emissions and the proximity of the Tucker Elementary School to VPC's plants, this oversight is deeply disturbing, and it is imperative that representatives from the Health Department and the Public Schools serve on the Joint Task Force.

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.

* * * * *

In summary, the Council should defer consideration of VPC's request and should create a Joint Task Force to work on more thoroughly evaluating important health and environmental issues relating to VPC's request. Thank you for your consideration of these comments.

Sincerely,


Geoffrey M. Goodale

EXHIBIT 2

COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
SUP CONDITIONS AS ORIGINALLY RECOMMENDED BY STAFF

CONDITION	LOVAIN	PEPPER	KRUPICKA	MACDONALD	GOODALE
SUP No. 1 (Annual production cap of 900k tons prior to improvements)	Reduce annual production limit to 850k tons prior to improvements	Reduce annual production limit to 765k tons prior to improvements		Reduce annual production limit to 700k tons, with recommended improvements	Reduce annual production limit to no more than 600k tons prior to enactment of improvements
SUP No. 1 (Annual production cap of 1.2M tons after improvements)	Reduce annual production limit to 980k tons after improvements	Reduce annual production limit to 900k tons after improvements		Reduce annual production limit to 700k tons, with recommended improvements	Reduce annual production limit to 760k tons, after recommended improvements
SUP No. 1 (No annual restriction on nighttime shift production)	As a subset of annual production limit, limit annual nighttime shift production to 275k tons				Limit annual nighttime shift production to 50k tons prior to enactment of improvements and 100k tons after improvements
SUP No. 2 (10k ton daily production limit)	Reduce daily production limit to 8k tons			Reduce daily production cap to 5k tons	Reduce daily production cap to 5k tons when no nighttime production and to 8k tons when nighttime production is done
SUP No. 2 (5k ton nighttime daily production limit)	As a subset of daily production limit, reduce nighttime			No separate cap on nighttime production (falls	As a subset of daily production limit, reduce nighttime production to

COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
SUP CONDITIONS AS ORIGINALLY RECOMMENDED BY STAFF

CONDITION	LOVAIN	PEPPER	KRUPICKA	MACDONALD	GOODALE
	production to 4k per day			under daily 5k cap)	4k per night on days when nighttime production is done
SUP No. 4 (Maximum of 130 nighttime production shifts)	Reduce maximum number of nighttime production shifts to 110 nights per calendar year	Reduce maximum number of nighttime production shifts to 30 nights per calendar year		No restriction on number of nighttime production shifts	Reduce maximum number of nighttime production shifts to 30 nights per calendar year
SUP No. 4 (Nighttime shift includes work between 9:00 p.m. and 5:00 a.m.)		Nighttime production shift will include any work performed between 6:00 p.m. and 5:00 a.m.			Nighttime shift includes work between 9:00 p.m. and 5:00 a.m.
SUP No. 5 (Nighttime production limited to work for federal and state transportation agencies and local governments)		Nighttime production limited to work for City of Alexandria, VDOT, or Wilson Bridge work for Maryland Highway Administration			Nighttime production limited to work for City of Alexandria, VDOT, or Wilson Bridge work for Maryland Highway Administration
SUP No. 9 (Use of No. 2 oil only for drum dryers on Code Red air quality days)		Further restrictions on plant operations on poor air quality days (US EPA Air Quality Index Red, Purple or Maroon)	Further restrictions on plant operations on poor air quality days (US EPA Air Quality Index Red, Purple or Maroon)		Further restrictions on plant operations on poor air quality days (US EPA Air Quality Index Red, Purple or Maroon)

COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
SUP CONDITIONS AS ORIGINALLY RECOMMENDED BY STAFF

CONDITION	LOVAIN	PEPPER	KRUPICKA	MACDONALD	GOODALE
<p style="text-align: center;">SUP No. 16 (Trucks and all equipment owned and operated by VA Paving)</p>					<p>All trucks, front end loaders and other diesel equipment owned, leased , contracted or otherwise used by VA Paving/Lane Construction shall meet this condition</p>
<p style="text-align: center;">SUP No. 28 (Planning Commission proposal relating to PM2.5 emissions)</p>					<p>Install ambient PM2.5 air quality monitors that meet the EPA's Federal Reference Method (FRM) for PM2.5 at Tucker Elementary, Boothe Park, and Brenman Park and take regular readings. If average monthly readings at any monitor exceed 35 ug/m3 at any time, Applicant must take remedial action approved by the City within 60 days.</p>
<p style="text-align: center;">SUP No. 59 (Staff proposal after staff report and proposed conditions were issued)</p>		<p>Applicant to contribute \$126k annually to City to defray cost of new enforcement staff</p>			<p>Applicant to contribute \$126k annually to City to defray cost of new enforcement staff</p>

COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
SUP CONDITIONS AS ORIGINALLY RECOMMENDED BY STAFF

CONDITION	LOVAIN	PEPPER	KRUPICKA	MACDONALD	GOODALE
SUP No. 74 (normal hours of operation are from 5:00 a.m. to 9:00 p.m.)		Normal hours of operation are from 5:00 a.m. until 6:00 p.m.; also restates and amplifies limitation on government customers (SUP No. 5 above)		SUP No. 74 (normal hours of operation are from 5:00 a.m. to 9:00 p.m.)	Normal hours of operation are from 5:00 a.m. until 6:00 p.m.; also restates and amplifies limitation on government customers (SUP No. 5 above)
NEW CONDITION No. 75 (No sunset date in original proposed terms)		Public hearing to be held in late 2012 to determine compatibility of continued use of plant with Eisenhower West Small Area Plan, for either issuance of revised SUP or determination of final sunset date for plant, to be no sooner than 12/31/16 and no later than 12/31/18	Public hearing to be held in late 2012 to determine compatibility of continued use of plant with Eisenhower West Small Area Plan, for either issuance of revised SUP or determination of final sunset date for plant, to be no sooner than 12/31/16 and no later than 12/31/18		Public hearing to be held in late 2012 to determine compatibility of continued use of plant with Eisenhower West Small Area Plan, for either issuance of revised SUP or determination of final sunset date for plant, to be no sooner than 12/31/16 and no later than 12/31/18
New Term No. 76 (Clarification of applicability of terms)			Virginia Paving is responsible for compliance with all generally applicable terms regarding		Virginia Paving is responsible for compliance with all generally applicable terms regarding noise,

COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
SUP CONDITIONS AS ORIGINALLY RECOMMENDED BY STAFF

CONDITION	LOVAIN	PEPPER	KRUPICKA	MACDONALD	GOODALE
			noise, odor, water quality and light for any tenant operations on the property		odor, water quality and light for any tenant operations on the property

Note: At the work session, Councilman Krupicka mentioned that he preferred the enforcement language in the 1960 SUP to the language set forth in proposed SUP Term No. 27. Councilman Krupicka has dropped that proposed modification, based upon the City Attorney's determination that the language from the 1960 SUP and Proposed term No. 27 are substantively identical.

Note: The revisions to proposed SUP conditions recommended by Geoffrey Goodale set forth in the above matrix are discussed in more detail in a transmittal letter submitted to the City Council, the City staff, and the City Attorney's office. In the above version of the matrix, certain modifications to SUP Condition Nos. 16 and 28 are proposed that were not discussed during the Work Session, and for ease of reference, the proposed changes relating to these SUP conditions are denoted in bold text in the matrix.

22
11-28-06



<jmagnuson2000@yahoo.com>

11/28/2006 04:36 PM

Please respond to
<jmagnuson2000@yahoo.com>

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

cc

bcc

Subject COA Contact Us: VA Paving

COA Contact Us: VA Paving

Time: [Tue Nov 28, 2006 16:36:55] IP Address: [69.255.103.210]

Response requested:

First Name: Janice
Last Name: Magnuson
Street Address: 905 Peele Place
City: Alexandria
State: VA
Zip: 22304
Phone: 703-751-7002
Email Address: jmagnuson2000@yahoo.com
Subject: VA Paving

Comments: As a 40 year resident of Alexandria, 22 years in Seminary Valley, I am outraged at the actions of the residents of Cameron Station and Sumners Grove. They made the decision to purchase homes adjacent to the paving company. It was a choice freely made. In fact, I recall saying when the Sumners Grove complex was built that I could not understand why anyone would choose to buy next to the asphalt plant, the city incinerator, the train tracks and 495. If they are successful in harassing VA Paving I am convinced their next step is to insist the city close the incinerator operating at Eisenhower Avenue.

Sincerely,

Janice Magnuson

22

11-28-06



<moniehret@comcast.net>

11/27/2006 04:54 PM

Please respond to
<moniehret@comcast.net>

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

cc

bcc

Subject COA Contact Us: Please DENY the Virginia Paving SUP proposal

COA Contact Us: Please DENY the Virginia Paving SUP proposal

Time: [Mon Nov 27, 2006 16:54:28] IP Address: [204.108.8.5]

Response requested:

First Name: Monica
Last Name: Ehret
Street Address: 4925 Kilburn Street
City: Alexandria
State: VA
Zip: 22304
Phone: 202-267-5487
Email Address: moniehret@comcast.net
Subject: Please DENY the Virginia Paving SUP proposal
As a homeowner in Cameron Station with two young children, one currently attending Tucker Elementary School and the other to follow in another year or so, I beg you to DENY the proposed Virginia Paving Special Use Permit.
Comments: Obviously, we live nearby, and we also spend a great deal of time in Boothe Park. I am concerned for my childrens' health as well as my own.

Sincerely,
Monica Ehret

22
11-28-06



<chris_thompson@billnelson.senate.gov>

11/27/2006 04:51 PM

Please respond to
<chris_thompson@billnelson.senate.gov>

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: VM MacDonald's example of Good governance on the Virginia Paving Sup

COA Contact Us: VM MacDonald's example of Good governance on the Virginia Paving Sup

Time: [Mon Nov 27, 2006 16:51:43] IP Address: [156.33.18.8]

Response requested:

First Name: Chris
Last Name: Thompson
Street Address: 414 Ferdinand Day Drive
City: Alexandria
State: Virginia
Zip: 22304
Phone: 703-566-0725
Email Address: chris_thompson@billnelson.senate.gov
Subject: VM MacDonald's example of Good governance on the Virginia Paving Sup Mayor Euille and Alexandria City Council,

Comments: I would like to commend Andrew Macdonald for his colleague letter on Virginia Paving. While I disagree on allowing Virginia Paving any increase at all, I was truly impressed by the content of the letter. Offsetting any production increase by a "sunset provision" or a promise of lessening the cumulative impact is not good governance. When an entire community is against a proposal, the proposal is not in the best development or health interests of a community and stands only to benefit one company; it calls to question the integrity of the political decision involved. I know that if I were in your shoes, I could not in good conscience, live with myself knowing that I choose a company's profit over children's health.

I am thankful that Andrew Macdonald has demonstrated public trust and integrity and I implore you all to follow his example. I am proud to support him because he is the first elected official which has exhibited a common sense approach which represents the people of

Alexandria. Please act in the best interest of our fellow citizens and deny the Virginia SUP.

Thank you,

Chris Thompson
414 Ferdinand Day Dr
Alexandria VA 22314



ALEXANDRIA HEALTH DEPARTMENT

4480 King Street
Alexandria, VA 22302
www.alexhealth.com

22
11-28-06



Charles Konigsberg, Jr., MD, MPH
Health Director

Telephone: 703-838-4400
Fax: 703-838-4038

November 17, 2006

Richard W. Ward, Esq.
5247 Tancreti Lane
Alexandria, VA 22304

Dear Mr. Ward:

This letter serves as a response to your e-mail to the Alexandria Health Department on October 31, 2006 (Attachment #1).


My staff and I have reviewed information regarding the Virginia Paving issue. While we recognize that air pollution is an issue throughout the area, the Virginia Department of Environmental Quality (DEQ) classifies Virginia Paving as a minor source of pollution.

I am also informed that Cameron Station was sampled for dioxin in 1993, which was detected at levels below the EPA clean guidance, with no evidence of higher levels closer to the paving plant. It is my understanding that dioxin deposition as a result of the plant is not an issue.

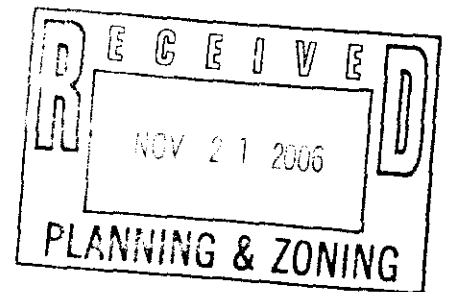
We requested and received a review of Virginia Paving by the Virginia Department of Health's Division of Public Health Toxicology (Attachment #2). We have also reviewed data from the Virginia Cancer Registry regarding cancer incidence in the Cameron Station area. While the data do not go beyond 2002, we did not see any unusual patterns of cancers.

We are not planning to pursue or request any health-related studies in Cameron Station.

Sincerely,


Charles Konigsberg, Jr., MD, MPH
Health Director

Enclosures



cc: Richard Baier, Director, Transportation & Environmental Services
✓ Richard Josephson, Acting Director, Planning & Zoning



www.vdh.state.va.us

From "Ward ')"> Richard" <RWard@kenyon.com>

Sent Tuesday, October 31, 2006 2:02 pm

To Charles Konigsberg <Charles.Konigsberg@vdh.virginia.gov>

Cc Karen.Fujii@vdh.virginia.gov Dibby.Smith@vdh.virginia.gov

Bcc

Subject RE: Health issues re: Virginia Paving/Covanta

Dr. Konigsburg,

Thank you for your response, and for seeking data from the Virginia Cancer Registry. I agree with your statement that "cancers usually have a long incubation period...[it] commonly takes 10 to 30 years or more for cancer to develop to the point of being detectable." I am not making a contention that Virginia Paving, or any other environmental factor, is causing cancer per se in the Cameron Station Community. I am merely stating that the incidence of cancer appears to be unusual, and I have been researching various mechanisms which may have increased this detection of cancer.

One mechanism of particular concern is the abundance of dioxin producing sources in the vicinity of the Cameron Station development, including, but not limited to, Covanta, Virginia Paving, two crematoria, automobile traffic, and the possibility of residual ground contamination. It is noted that Virginia Paving had at one time promised to do dioxin testing of soils and homes, but has since backed down from that promise. It is also noted that according to EPA tests on a similar plant, Virginia Paving could be the largest producer of dioxins in all of Virginia. This analysis is available for your review if desired.

It is submitted that breast cancer and prostate cancer are well known to be related cancers. Furthermore, these cancers are known to be promoted by dioxin exposure (e.g., the federal government compensates victims exposed to dioxin-containing Agent Orange for developing prostate cancer -- see other references below). Ten to thirty years is not required for the promotion of a cancer, in fact, there is no reason that promotion of a cancer cannot occur almost immediately. Ironically, potential dioxin exposure may have saved some peoples' lives, as the exposure to dioxin may have caused cancers to be detected at an earlier time, i.e., prior to spreading of the cancers.

You also mention that "unfortunately, cancer is a very common disease, diagnosed in one out of three people." I also agree that cancer is a very common disease. However, as I am trained in statistics, I also find the incidence of five cases of cancer out of only thirteen houses very troubling, especially since four of the cancers are known to be related types. Furthermore, these cancers were diagnosed almost contemporaneously, i.e., within about a year of each other. About thirty to forty people lived in the thirteen houses during that year of interest. During that year, about 10% of the sample population was diagnosed with breast and/or prostate cancer. This number is statistically significant, and should be investigated thoroughly by the Alexandria Health Department. If you would need me to perform a statistical analysis, I can do so; however, to my knowledge and belief, the Virginia Department of Health is well staffed for such analyses.

You have "requested information from the Virginia Cancer Registry on cancer incidence in [my] census tract." A general census of cancer (as proposed) is not adequate, as the phenomena is localized, i.e., a prospective cancer "cluster". Furthermore, a census sample will be biased by the generally young age and good health of Cameron Station residents. Instead, an investigation needs to be made as to the potential formation of such cancer cluster. In addition, a significant effort should be made so as to determine the extent of such a prospective cluster, e.g., by a door to door health survey of potentially impacted areas.

The Trisomy-18 incidence provides even further anecdotal evidence of environmental exposure.

In isolation, a single occurrence is not statistically significant; however, that single instance is anecdotal evidence of the potential for an environmentally caused disease cluster. In the past few weeks, I have also been informed of another miscarriage on the same street (although in a different set of houses, a set of houses that now blocks the original thirteen houses from line-of-sight plant emissions). The cause of this miscarriage has not yet been determined.

You have also stated "[a] recent review by the Alexandria City Public Schools found that there is not a higher incidence of asthma at Samuel Tucker than at other schools in the city." This statistic in isolation has little probative value. Asthma can be caused by a number of factors, and can be worsened by a number of factors. My concern related to the worsening of asthma conditions. At the Public Hearing of October 14, a number of persons testified to worsened asthma conditions. Anecdotal information is important in this inquiry, and to my knowledge, no efforts have been made to determine whether asthma conditions are worsened by exposure to levels of particulate matter which potentially greatly exceed levels in surrounding areas.

According to the Code of Virginia, § 32.1-2, the purpose of the Department of Health, in part, is to "administer and provide a comprehensive program of preventive, curative, restorative and environmental health services, educate the citizenry in health and environmental matters, develop and implement health resource plans, collect and preserve vital records and health statistics, assist in research, and abate hazards and nuisances to the health and to the environment, both emergency and otherwise, thereby improving the quality of life in the Commonwealth." Through my e-mail of two weeks ago, I have requested that you "assist in research", "administer and provide a comprehensive program of preventative...services", and to investigate potential need to "abate hazards and nuisances to...health and to the environment". I appreciate your efforts to date; however, I respectfully request increased efforts so as to prevent further adverse effects from environmental hazards which appear to present in our community.

As I mentioned two weeks ago, I have performed extensive research into such potential causes or promotion of such cancer, and I formally request the opportunity to share that research with you and your colleagues. I would appreciate a timely response to this request, so as to eliminate the need to seek other assistance with this very important matter.

Thank you for your time and consideration,

Richard W. Ward, Esq.
5247 Tancreti Lane
Alexandria, VA 22304
202-220-4268 (W)
703-823-1495 (H)

Internet sources re: Dioxin/PCB links to prostate and breast cancer

http://www.foxriverwatch.com/prostate_studies.html (lists 17 studies linking PCBs to prostate cancer)

<http://www.brooks.af.mil/AFRL/HED/hedb/afhs/overview.html> (military study, based on Agent Orange exposure, finds increased prostate risk, among other effects)

http://prostate-help.blogs.com/prostatehelp/2004/12/vets_still_comp.html (government compensates Agent Orange exposed veterans for prostate cancer)

<http://www.medicalnewstoday.com/medicalnews.php?newsid=39958> (2006 study links endocrine

disruptors like dioxins to breast, prostate, and testicular cancers)

<http://www.protectingourhealth.org/newscience/prostate/2003-04peerreviewprostate.htm> (lists dioxins and cadmium as prominent causes of prostate cancer)

<http://www.msnbc.msn.com/id/4037340/> (Government admits link between Agent Orange and prostate cancer)

http://www.foxriverwatch.com/breast_cancer_pcb_s_pcb_dioxin_intro.html (numerous studies link PCBs and dioxins to breast cancer)

Text of attachment sent from Dr. Charles Konigsberg to Richard W. Ward on 10/31/06.

Dear Mr. Ward,

In response to your email of 10/17/06, the Alexandria Health Department has requested information from the Virginia Cancer Registry on cancer incidence in your census tract. It will take several weeks for the Registry to provide us with this specific information.

Unfortunately, cancer is a very common disease, diagnosed in one out of three people. However, the term cancer refers not to a single disease, but to a group of related yet different diseases. Specific toxic exposures are linked to specific types of cancer, not to cancer in general. In addition, cancers usually have a long incubation period. It commonly takes 10 to 30 years or more for cancer to develop to the point of being detectable. When looking for the cause of cancer, scientists typically consider exposures that took place at least ten years before the cancer was diagnosed

You also mentioned a case of aggravated asthma and one Trisomy-18 miscarriage in your neighborhood. I understand your concern; however, these are separate health events and unfortunately are not uncommon. Trisomy-18 occurs about once in every 4000 live births. Asthma is also common, and can be triggered by numerous factors. A recent review by the Alexandria City Public Schools found that there is not a higher incidence of asthma at Samuel Tucker than at other schools in the city.

Thank you for sharing your concerns with us.

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

From: Charles Konigsberg [<mailto:Charles.Konigsberg@vdh.virginia.gov>]

Sent: Tuesday, October 31, 2006 11:06 AM

To: Ward, Richard

Cc: Dibby.Smith@vdh.virginia.gov; Karen.Fujii@vdh.virginia.gov

Subject: Re: Health issues re: Virginia Paving/Covanta

Mr. Ward:

I have attached a response to your e-mail dated October 17, 2006 regarding health concerns in Cameron Station. When we get the information we have requested from the Virginia Cancer Registry, we will share that with you.

Charles Konigsberg, Jr., MD, MPH
Health Director
Alexandria Health Department

4480 King Street
Alexandria, VA 22302
703-838-4872 (voice)
703-838-4038 (fax)

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

From: "Ward, Richard" <RWard@kenyon.com>
Date: Tuesday, October 17, 2006 10:48 am
Subject: Health issues re: Virginia Paving/Covanta
> Dr. Konigsburg,

>
> I am a chemical engineer and a patent attorney who lives in close
> proximity to the Virginia Paving facility in Alexandria, VA. On my
> street, over a short period of time, there have been five reported
> cases of cancer, one case of aggravated asthma, and one Trisomy-18
> miscarriage. This is out of thirteen townhomes (built in 2000-01)
> that had unobstructed views of the Virginia Paving plant. Four of the
> cases of cancer were breast and/or prostate cancers. The fifth case
> was fatal pancreatic cancer. My primary care physician, and an
> occupational health physician to whom I was referred, indicated that
> these numbers appeared to be irregular. Furthermore, I did not go door
> to door asking about illnesses, these were word of mouth only --
> unusual health impacts could be much more widespread. I have put the
> City on notice of my concerns; however, they apparently have failed to
> follow up with you regarding these concerns. I would thus appreciate
> discussing the above with you in the near future.

>
> I have also been performing analyses to help explain possible
> mechanisms of pollution inducement of abnormal health conditions.
> I would like to
> share these possible routes with you as well.

>
> Thank you for your time and consideration,

>
> Richard W. Ward
> 5247 Tancreti Lane
> Alexandria, VA 22304
> (202) 220-4268 (W)
> (703) 823-1495 (H)

>
>
>
>
>
>

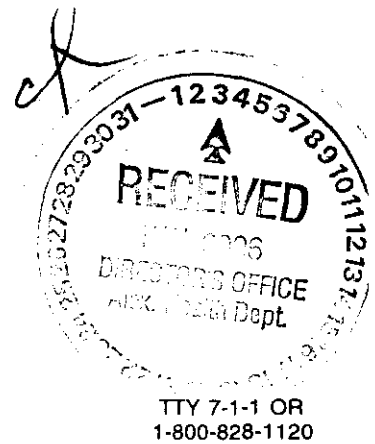


COMMONWEALTH of VIRGINIA

Department of Health

ROBERT B. STROUBE, M.D., M.P.H.
STATE HEALTH COMMISSIONER

P O BOX 2448
RICHMOND, VA 23218



October 27, 2006

Robert W. Custard
Environmental Health Manager
Alexandria Health Department
4480 King Street
Alexandria, VA 22302

Dear Mr. Custard:

This is in reply to your email of October 17, 2006, to Khizar Wasti, Ph.D., Director, Division of Public Health Toxicology, regarding the potential health risks posed from emissions of air pollutants from the Virginia Paving Company (an asphalt plant) located at 5601 Courtney Avenue, Alexandria, Virginia. I have reviewed the reports submitted by you and evaluated the results of a dispersion modeling analysis of air pollutant emissions from the Virginia Paving facility.

Dispersion modeling is used to estimate the concentrations of pollutants in ambient air that will result from emissions at the facility. Under U.S. Environmental Protection Agency (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 established air quality standards and guidelines.

The Virginia Paving facility is classified as a minor source of air pollution under the Virginia Department of Environmental Quality (VDEQ) and the EPA regulations. Virginia Paving Company operates on an air quality permit which was issued by the VDEQ on February 17, 2005. Because of its classification as a minor source, Virginia Paving Company is not required to conduct a dispersion modeling analysis of its emissions under the VDEQ regulations. However, based on concerns raised by the residents living near the facility, the City of Alexandria required Virginia Paving Company to perform a dispersion modeling analysis to ensure that the residents were not exposed to pollution levels that exceeded the National Ambient Air Quality Standards (NAAQS).

There is no indication from the submitted reports that the emissions are in excess of the permit issued by the VDEQ. It appears from the modeling analysis of air pollutants that the emissions are in compliance with the NAAQS and with the VDEQ's Significant Ambient Air Concentrations (SAAC).

Robert W. Custard
October 27, 2006
Page 2

These standards have a sufficient margin of safety built in and account for the general public being exposed to pollutants on a twenty-four hour basis, seven days a week.

In summary, based on the current available information, it is unlikely that the emissions of air pollutants from the Virginia Paving Company facility pose a significant risk to human health.

I trust this information will be of help to you. If you have any questions, please feel free to call me at (804) 864-8182.

Sincerely,

A handwritten signature in black ink, appearing to read "R. K. Tripathi". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ram K. Tripathi, Ph.D.

Toxicologist

Division of Public Health Toxicology

22

11-28-06



<mareandjim@comcast.net>

11/27/2006 02:43 PM

Please respond to
<mareandjim@comcast.net>

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

cc

bcc

Subject COA Contact Us: Virginia Paving SUP

COA Contact Us: Virginia Paving SUP

Time: [Mon Nov 27, 2006 14:43:09] IP Address: [63.125.4.210]

Response requested:

First Name: James

Last Name: Mikalic

Street Address: 5007 Barbour Drive

City: ALEXANDRIA

State: VA

Zip: 22304

Phone: 703 567 7311

Email Address: mareandjim@comcast.net

Subject: Virginia Paving SUP

Comments: My family and I respectfully request that the mayor and council deny Virginia Paving's request for a SUP. Thank you, The Mikalics

22

11-28-06



<klvexpress@hotmail.com>

11/27/2006 03:16 PM

Please respond to
<klvexpress@hotmail.com>

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

cc

bcc

Subject COA Contact Us: Virginia Paving SUP proposal

COA Contact Us: Virginia Paving SUP proposal

Time: [Mon Nov 27, 2006 15:16:34] IP Address: [163.252.65.97]

Response requested:

First Name: Vivian

Last Name: Kyles

Street Address: 5026 Gardner Drive

City: Alexandria

State: VA

Zip: 22304

Phone: 703-622-0963

Email Address: klvexpress@hotmail.com

Subject: Virginia Paving SUP proposal

Comments: The Cameron Station Community generates one of the Alexandria City's largest tax revenue. Please don't bite the hand that feeds you and DENY THIS REQUEST!

22
11-28-06



<dhcleverly@aol.com>

11/27/2006 03:00 PM

Please respond to
<dhcleverly@aol.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: VA Paving

COA Contact Us: VA Paving

Time: [Mon Nov 27, 2006 15:00:26] IP Address: [134.67.6.11]

Response requested:

First Name: David
Last Name: Cleverly
Street Address: 191 Somerville St.
City: Alexandria
State: VA
Zip: 22304
Phone: 703.823.5509
Email Address: dhcleverly@aol.com
Subject: VA Paving

Comments: As a resident of Cameron Station I wish to express my opposition to the operation of the Virginia Paving Co. asphalt plant on a 24/7 basis. The City encouraged the development of Cameron Station as a dense residential area under its master plan to redevelop Alexandria's West End. This development was approved despite the location and operation of the VA paving facility. 5,000 people now reside in this community. The continuous day/night operations of the asphalt plant will threaten the health and welfare of this community, and adversely affect property values through the emission of fine particulates and VOC compounds on a continuous basis. The Tucker Elementary school is a mere 300 ft from the plant, and the plant operations may trigger asthma and other health problems in students exposed to the plant emissions. Ask yourselves one simple question, "Does it make sense to allow for the operation of the largest asphalt plant on the east coast so close to where people live, and so close to an elementary school?"

22
11-28-06



<davew58@comcast.nte>

11/27/2006 02:04 PM

Please respond to
<davew58@comcast.nte>

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: [Mon Nov 27, 2006 14:04:33] IP Address: [68.85.221.139]

Response requested:

First Name: David
Last Name: Willingham
Street Address: 240Murtha Street
City: Alexandria
State: VA
Zip: 223048601
Phone: 7038235661
Email Address: davew58@comcast.nte
Subject: Virginia Paving SUP

Comments: At the city council meeting tomorrow, November 28, 2006, I join with my West End neighbors to deny the Special Use Permit for which Virginia Paving Co. is applying. For many years, our local Cameron Station Civic Association has worked to get this business under control. The proposal to increase production basically raises the stack height to disperse the pollutants over the entire City and not just over the West End of Alexandria. In our analysis, this is just not acceptable.

Sincerely,
David G. Willingham

22
11-28-06



<ddslwyr@aol.com>
11/27/2006 01:49 PM
Please respond to
<ddslwyr@aol.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: VA Paving

COA Contact Us: VA Paving

Time: [Mon Nov 27, 2006 13:49:44] IP Address: [131.158.132.4]

Response requested:

First Name: Dean
Last Name: Schloyer
Street Address: 5233 Tancreti Lane
City: Alexandria
State: VA
Zip: 22304
Phone: 703 566-7157
Email Address: ddslwyr@aol.com
Subject: VA Paving

Comments: The Mayor and Council have an opportunity to make a bold decision in support of an improved quality of life for its citizenry. In this day and age, for elected officials to approve INCREASED pollution of any kind, be it particulate, noise, etc., seems out of sorts with good governance and good sense. This seems especially egregious in light of the fact that VA Paving does not come to these proceedings with clean hands and in spite of that is asking for increased benefits. Does this really make sense?



<sugrue@comcast.net>

11/27/2006 12:26 PM

Please respond to
<sugrue@comcast.net>

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

cc

bcc

Subject COA Contact Us: VA Paving SUP request

22
11-28-06

COA Contact Us: VA Paving SUP request

Time: [Mon Nov 27, 2006 12:26:24] IP Address: [69.140.77.162]

Response requested:

First Name: patricia
Last Name: sugrue
Street Address: 5010 john ticer drive
City: alexandria
State: va
Zip: 22304
Phone: 703-566-6721
Email Address: sugrue@comcast.net
Subject: VA Paving SUP request

Comments:

I am a resident of Cameron Station and I ask that you deny the SUP request. Increased production and hours of operation will negatively impact all the surrounding communities, as well as the children at Tucker Elementary. VA paving has been operating illegally outside their SUP for years, and I cannot understand how they can be rewarded for their actions. I am not optimistic, however, that the SUP will be denied, and if that is the case, I strongly urge you to adopt the very reasonable and necessary conditions outlined by the Cameron Station Civic Association. Thank you.



<iffwillis@aol.com>

11/27/2006 12:07 PM

Please respond to
<iffwillis@aol.com>

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

cc

bcc

Subject COA Contact Us: Virginia Paving

22
11-28-06

COA Contact Us: Virginia Paving

Time: [Mon Nov 27, 2006 12:07:14] IP Address: [75.109.79.185]

Response requested:

First Name: Roger
Last Name: Willis
Street Address: 5009 John Ticer Drive
City: Alexandria
State: VA.
Zip: 22304
Phone: 703-683-5903
Email Address: iffwillis@aol.com
Subject: Virginia Paving

Alexandria must DENY the request for the expanded SUP. The original use permit was issued 45 years ago - Alexandria was a very different place then. The residential density surrounding the asphalt plant has skyrocketed since then.

The truck traffic can't be regulated. We have all driven behind a fully loaded truck trying to accelerate going up a hill (the plant is in a valley) and have experienced the heavy, black smoke. Combine this with the smell of hot asphalt - and heat - and the noise of the truck in a residential area and you have health and noise issues.

Comments: The plant has rarely been in compliance throughout it's history - both the owners and the City are at fault. The real issue is should the City allow the plant to continue to operate. I'm sure there have been enough violations to justify closing it. The City doesn't seem to have the ability (or desire?) to regulate a dirty business like Asphalt - the solution is to close the plant - not increase the hours of operation.

Bottomline: What is the benefit to the City for

approving this request?

22
11-28-06



<ffjbs@comcast.net>

11/27/2006 12:14 PM

Please respond to
<ffjbs@comcast.net>

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

cc

bcc

Subject COA Contact Us: Virginia Paving sup proposal

COA Contact Us: Virginia Paving sup proposal

Time: [Mon Nov 27, 2006 12:14:08] IP Address: [68.83.212.86]

Response requested:

First Name: john
Last Name: seiden
Street Address: 5000 John Ticer Dr.
City: alexandria
State: va
Zip: 22304
Phone: 703 567-8952
Email Address: ffjbs@comcast.net
Subject: Virginia Paving sup proposal
Comments: Please deny. It is incompatible with present land use development, notably existing residential units in the area and schools which would be significantly adversely affected if Virginia Paving SUOP Proposal were accepted. Thankyou for your considertion.
J.Seiden and spouse F. Finlayson.



<George_Huff@ao.uscourts.gov
>

11/27/2006 10:59 AM

Please respond to
<George_Huff@ao.uscourts.gov>

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: Re: Stop Asphalt Pollution in West End

22
11-28-06

COA Contact Us: Re: Stop Asphalt Pollution in West End

Time: [Mon Nov 27, 2006 10:59:30] IP Address: [208.27.111.132]

Response requested:

First Name: George and Vesna
Last Name: Huff
Street Address: 4931 Kilburn Street
City: Alexandria
State: VA
Zip: 22304
Phone: (703) 751-3692
Email Address: George_Huff@ao.uscourts.gov
Subject: Re: Stop Asphalt Pollution in West End
Mr. Mayor, Vice-Mayor and Council Members:

My wife and I live at Cameron Station. How would you like to come home after work, unable to open your windows to outside fresh air because the overpowering stench outside is even more disgusting than the foul, industrial dirt and toxic odors that have accumulated inside? No, you would not.

Comments:

We trust you will vote against Virginia Paving and its filthy, noxious, and four-smelling operations in the midst of our residential community, located next to the elementary school. No one believes permitting night operations for the asphalt nuisance could improve the unsatisfactory conditions in our neighborhood. Such an irresponsible action would make the intolerable conditions - noise, odor, light and pollution - we suffer worse, not better.

We think the City of Alexandria must recognize that the future of the West End is new residential and retail growth which inevitably displaces the older industrial zones. The Landmark Mall project is another example of the changing times as the City's working population grows West along the

Duke street corridor.

George and Vesna Huff

22
11-28-06



<knahigian@yahoo.com>

11/27/2006 10:55 AM

Please respond to
<knahigian@yahoo.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: VA Paving SUP

COA Contact Us: VA Paving SUP

Time: [Mon Nov 27, 2006 10:55:50] IP Address: [156.33.130.36]

Response requested:

First Name: Ken
Last Name: Nahigian
Street Address: 5006 John Ticer Drive
City: Alexandria
State: VA
Zip: 22304
Phone: 703-212-9407
Email Address: knahigian@yahoo.com
Subject: VA Paving SUP

Dear Mr. Mayor and Council Members,

My wife Joceline and I have written in the past, but wanted to reiterate our disapproval for the VA Paving SUP pending before you. While we stipulate that the plant pre-existed Cameron Station, we believe that "good neighbors" follow the rules already put in place. Allowing VA Paving to operate lawfully at night under the premise that the plant operators will now follow the rules imposed by the City would be misguided.

Comments:

We urge you to commence the process of transitioning out the industrial aspects of the West end of Alexandria now that thousands of your constituents live at the feet of these facilities. Please vote to deny the SUP, enforce the existing SUP, and work to fulfill the Mayor's vision for our end of Alexandria.

Ken and Joceline Nahigian
5006 John Ticer Drive

22
11-28-06



<hoplite@earthlink.net>

11/27/2006 10:47 AM

Please respond to
<hoplite@earthlink.net>

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

cc

bcc

Subject COA Contact Us: Virginia Paving SUP

COA Contact Us: Virginia Paving SUP

Time: [Mon Nov 27, 2006 10:47:40] IP Address: [68.83.220.29]

Response requested:

First Name: Richard
Last Name: Griffin
Street Address: 178 Martin Lane
City: Alexandria
State: VA
Zip: 22304-7750
Phone: 703-408-4529
Email Address: hoplite@earthlink.net
Subject: Virginia Paving SUP

I understand the council will be voting Tuesday evening on the proposal to issue a special use permit to Virginia Paving. I urge you to deny this request.

Comments: Virigina Paving has a history of blatant disregard for existing regulations that regulate their operations and a dismissive attitude about the legitimate concerns of the community regarding health hazards. I find particularly offensive their crass attempt to portray the residents of Cameron Station as arrogant, selfish elitists and themselves as the innocent, aggrieved party in this dispute.



<nicole5012@gmail.com>

11/27/2006 10:17 AM

Please respond to
<nicole5012@gmail.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: DENY the proposed SUP

22
11-28-06

COA Contact Us: DENY the proposed SUP

Time: [Mon Nov 27, 2006 10:17:45] IP Address: [63.99.172.100]

Response requested:

First Name: Nicole
Last Name: Gauvin
Street Address: 5012 Gardner Drive
City: Alexandria
State: VA
Zip: 22304
Phone: 703-899-9044
Email Address: nicole5012@gmail.com
Subject: DENY the proposed SUP

Comments: Please deny the proposed Virginia Paving SUP. The proposal to increase production basically raises the stack height to disburse the pollutants over the entire City and not just over the West End of Alexandria. This is unacceptable.

22
11-28-06



<mmao2k@gmail.com>

11/27/2006 10:19 AM

Please respond to
<mmao2k@gmail.com>

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

cc

bcc

Subject COA Contact Us: Virginia Paving SUP

COA Contact Us: Virginia Paving SUP

Time: [Mon Nov 27, 2006 10:19:43] IP Address: [63.99.172.100]

Response requested:

First Name: Max

Last Name: Mao

Street Address: 5012 Gardner Drive

City: Alexandria

State: Virginia

Zip: 22304

Phone: 703-899-9504

Email Address: mmao2k@gmail.com

Subject: Virginia Paving SUP

Comments: I am a homeowner in Cameron Station. Please deny the proposed Virginia Paving SUP. The proposal to increase production basically raises the stack height to disburse the pollutants over the entire City of Alexandria. This is completely unacceptable.

22
11-28-06



<mlekas@erols.com>

11/27/2006 10:23 AM

Please respond to
<mlekas@erols.com>

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

cc

bcc

Subject COA Contact Us: Virginia Paving SUP

COA Contact Us: Virginia Paving SUP

Time: [Mon Nov 27, 2006 10:23:29] IP Address: [138.88.143.102]

Response requested:

First Name: Michael
Last Name: Lekas
Street Address: 5211 Brawner Place
City: Alexandria
State: VA
Zip: 22304
Phone: 703-927-9895
Email Address: mlekas@erols.com
Subject: Virginia Paving SUP

Comments: Please consider the long-term health and quality-of-life issues facing Alexandria residents (particularly Cameron Station right next door). We understand Virginia Paving has a right to continue operating as a business. However, they should NOT be allowed to expand their business production at OUR expense.

Would any of you live with your families directly next door to this plant?

PLEASE DENY the proposed SUP.

22

11-28-06



<gnucci@aol.com>

11/27/2006 10:30 AM

Please respond to
<gnucci@aol.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

COA Contact Us: Virginia Paving

Time: [Mon Nov 27, 2006 10:30:27] IP Address: [64.12.116.204]

Response requested:

First Name: Gregory
Last Name: Nucci
Street Address: 5008 John Ticer Drive
City: Alexandria
State: VA
Zip: 22304
Phone: 571-527-0783
Email Address: gnucci@aol.com
Subject: Virginia Paving

Comments:

I am writing again to reiterate my opposition to the proposed Virginia Paving SUP. In addition to the comments provided by the Cameron Station Civic Association (which I support), I would also like to make one further comment. As reported in the Washington Post this morning, one of the reasons why Virginia Paving desires to increase production in Alexandria is to reduce the cost of asphalt to the federal government. What is not pointed out is that the costs of increased production in Alexandria are borne solely by the citizens of Alexandria, while the benefits inure to all who use the interstate highway system. A more equitable sharing of costs would be achieved by the asphalt being produced in a less urban area. Your responsibility as Mayor and Council members should be first to the citizens of Alexandria. I thank you for your consideration.



<latrasol@latrasol.com>

11/27/2006 10:35 AM

Please respond to
<latrasol@latrasol.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: VA SUP vote on 11/28/96

22
11-28-06

COA Contact Us: VA SUP vote on 11/28/96

Time: [Mon Nov 27, 2006 10:35:42] IP Address: [69.140.78.197]

Response requested:

First Name: Maria
Last Name: Velez de Berliner
Street Address: 5268 Colonel Johnson Lane
Cameron Station
City: Alexandria
State: VA
Zip: 22304
Phone: 703-212-8586
Email Address: latrasol@latrasol.com
Subject: VA SUP vote on 11/28/96

Dear Mayor, Vice Mayor, and Council Members:

As a resident of Cameron Station, subjected to the foul smells, soot inside the home, and to having to take asthma medication twice daily, when I took it only sporadically prior to moving to Alexandria, I request you deny the SUP requested by Virginia Paving.

Comments:

Your approval of this SUP will condemn the residents of Cameron Station, who invested in Alexandria, to lower home values, restricted use of our property, and to a retardation of the development of the West End. You will be playing favorites between Old Town and the West End. We residents of Cameron Station are taxpayers, take excellent care of our properties, invest in the city, and vote in proportion to our population larger than the rest of Alexandria. As other residents of Alexandria, we deserve a modern, vibrant community, where an asphalt plant, operating day and night, is hardly a selling point about the quality of life Alexandria touts as its major attraction to businesses and families.

Please listen to your constituents and Deny the

SUP.

Sincerely,
Maria Velez de Berliner
President
Latin Trade Solutions Inc.
5268 Colonel Johnson Lane
Alexandria, Virginia 22304

22

11-28-06



<Royle_Carrington@ao.uscourts.gov>

11/27/2006 09:50 AM

Please respond to
<Royle_Carrington@ao.uscourts.gov>

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

COA Contact Us: Virginia Paving

Time: [Mon Nov 27, 2006 09:50:12] IP Address: [208.27.111.132]

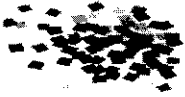
Response requested:

First Name: Royle
Last Name: Carrington
Street Address: 266 Murtha Street
City: Alexandria
State: Virginia
Zip: 22304
Phone: 703-566-0802
Email Address: Royle_Carrington@ao.uscourts.gov
Subject: Virginia Paving

Comments: Any increase in Virginia Paving's production is incompatible with the new face of Alexandria, including Virginia Paving's neighbors in Cameron Station, where my wife and I have lived since 1999. Virginia Paving should not be permitted to operate as if they were out in the country. They are operating in an increasingly dense city. So let's not close them down -- they've been here a long time and they pay taxes, they employ people, etc. -- but please don't let them increase their presence. That may have been possible in another era, but not today, with all the folks trying to make Alexandria their home. Please DENY the proposed Virginia Paving SUP.

Thanks for listening.

22
11-28-06



Jackie Henderson/Alex
11/22/2006 03:58 PM

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

cc

bcc

Subject Fw: VA Paving

I previously forwarded the first letter (from Kathleen Burns) but you did not receive the second letter in the attachment.

Jackie M. Henderson
City Clerk and Clerk of Council
City of Alexandria, Virginia

----- Forwarded by Jackie Henderson/Alex on 11/22/2006 03:57 PM -----

----- Forwarded by Valerie Peterson/Alex on 11/22/2006 12:50 PM -----



"Kathleen Burns"
<burnskathy@earthlink.net>

11/21/2006 04:37 PM

Please respond to
<burnskathy@earthlink.net>

To "Valerie.Petersonalexandriava.gov"
<Valerie.Peterson@alexandriava.gov>,
<bill.skrabek@alexandriava.gov>

cc

Subject VA Paving

FYI.

I understand that Annie Gowen of Wash Post will be writing piece on VA Paving for Sunday paper, prior to Nov. 28 vote.

As a citizen, I appreciate the professionalism of your offices and regret the personal animosity in some corners. As the old cliché notes, no good deed goes unpunished."

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



VaPaving17Nov06.doc CarolJamesLetter06.doc

Nov. 20, 2006

Mayor Bill Euille and Members of Alexandria City Council
315 King St.
City Hall
Alexandria, VA 22314

Dear Mayor Euille and Members of the Council,

On Nov. 2, at the request of our members, the Brookville-Seminary Valley Civic Association had an informational session on the request for a Special Use Permit for the Virginia Paving Co. We had speakers from the City's Planning and Zoning staff and the Transportation and Environmental Services; from VA Paving; and from the Cameron Station Civic Association.

While we had an excellent turnout, we did not reach the quorum cited in our Bylaws in order to take a formal vote.

However, there were several points we wished to convey to the Council.

It seems that some sense of perspective has disappeared from this debate, and that, over time, elements of the debate have become almost surreal. As a journalist myself, I am aware that if misinformation from some parties is repeated often enough, it takes on a life of its own. And some of the concepts presented by various discussants during this lengthy debate are opinion, not proven scientific fact. There has been an ugliness in aspects of these discussions which is not characteristic of Alexandria residents as a whole. And some of this has resulted in verbal assaults on the City staff, who have spent an extraordinary amount of time on these complex issues. They are to be commended for this incredible effort, rather than disparaged.

We fail as a civil society if we can't disagree without being disagreeable, or if we resort to character attacks against those holding a variety of opinions. This debate should revolve more around proven scientific data than assertions---and that has not always been the case.

Based on some comments from City Council in its Matrix, I think there is also confusion. We are not seeking rezoning for the West End, so that we continue the avalanche of condominiums and drive out commercial and industrial businesses which contribute to the overall community. And, as the City Attorney has noted on several occasions, it is not within the purview of the Council to close down Virginia Paving since it is in compliance with federal, state and local laws---and goes far beyond the standards.

1. Members at the Nov. 2 BSVCA meeting voiced interest in peaceful co-existence between the residential, commercial and industrial components of the city, including in the West End. Mollie Abraham, a long-time Alexandria resident, said we are not a rural enclave but a long-established urban village and that it is not realistic to expect any such setting to be "pristine."

She and some others in attendance said the "villain" of this drama is the pivotal decision by the City Council several years back to override the Planning Commission and to put intense residential density into the West End, side by side with businesses already in operation, without mandating the necessary buffer zones. We can't knock down buildings to "fix" this problem, but we can alter any future development schemes that have further potential to wreck havoc with a delicate balance.

There was widespread concern at the meeting that the VA Paving decision was viewed by some in the audience as the test case by the City Council for the future directions of both the Landmark redevelopment area and the Van Dorn corridor proposals. Is this a sign of a new anti-business attitude by some City officials in favor of even more condominiums and extensive residential density, with little expansion or improvement of the commercial West End sectors? As the retail base evaporates at Landmark with the closing of more stores and the lack of consensus by the major tenants of Sears, Macy's and Lord & Taylor, does local opposition against 1,500 condominium units and 500 hotel rooms continue to fall on deaf ears? We have heard rumors that the West End plan is now a "done deal" and that is great cause for alarm, since the many meetings on this subject still haven't adequately dealt with the albatross of traffic and transportation surrounding Landmark.

2. There was common ground at the meeting in that all citizens stated a wish to live in a safe, healthy and productive environment. Audience members were told by Bill Skrabek of TES that the VA Paving plant is not in violation of any city, state or federal laws. He supported this statement with scientific documentation in the Power Point presentation. The audience had no reason to believe he was not telling the truth. But some Council members do not seem to accept that view point. If you know something we don't and if Mr. Skrabek isn't telling the truth, then we all should know that.

As a point of clarification, Mr. Skrabek referred to the initial complaints filed in 2004 by Cameron Station regarding 22 violations (civil, not criminal in nature)-----all of which he said were minor in scope and have been satisfactorily addressed.

If that's not true, tell us.

3. At the meeting, we were also told that without this proposed new SUP, the city would have little clout to demand better standards, and the requirements would revert back to the original 1960 permit. This is going backwards, not forwards.

4. At the Nov. 2 meeting, spokesmen for Cameron Station cited the threat of "dust" as a major health hazard but this is a simple reality that affects all our houses, no matter where we live, and it is not reasonable to ascribe its presence to one company. Similarly, asthma is a national problem, not one limited to Alexandria and it affects millions of people. For such people, Northern Virginia air would be a problem, not just the West End.

[At the subsequent presentations before the Council on Nov. 6, neither the School District nor the Health Department officials appeared to raise vociferous complaints, nor did they demand the closure of VA Paving, as an imminent threat to the city's children and adults.]

5. Similarly, all pollution in the West End cannot continually be attributed to VA Paving. Perhaps the greatest shock of the evening was acknowledgement by city officials that the city's own waste incinerator is a MAJOR cause of citywide pollution---far in excess of that generated by VA Paving. Residents at the Nov. 2 meeting repeatedly asked why the same level of intense scrutiny that has been given for two years to VA Paving has not been given to the city's own facility. The same can be said for the Mirant Power Plant.

6. Erica Vanerman, the City's own air pollution specialist, noted that Virginia Paving is "a minor source" of Alexandria's pollution. She noted that it would take 124 Virginia Paving Plants to equal ONE MIRANT POWER PLANT. That is a pretty sobering statistic, and one that seems to be ignored by some on the Council in its Matrix debate. Mirant is considered by scientific experts as "a MAJOR SOURCE of air pollution, generating some 100 tons of pollution per year.

With Mirant, the City has waged numerous court battles, which are ongoing. Nothing has been achieved on a voluntary basis.

In contrast, the Virginia Paving Co. has voluntarily agreed to 74 amendments to the proposed request. In the many years I have lived in Alexandria, I have no memory of any company working so hard or so willingly with city officials to provide a vastly improved work and environmental climate. This appears to be a “good faith” effort to bring about positive changes.

And yet, it is as though they are to be ostracized and no amount of scientific data from the City’s own staff or outside experts seems reasonable. Why is that? What compromises is Cameron Station making in its demands? When they say VA Paving has seriously affected the value of their homes, where is the proof for that, with valuations rising from \$300,000 to \$800,000, in a very short period of time?

7. The second major shock of the Nov. 2 evening meeting followed a discussion of the pollutants PM2 and PM10 and the role they play in Alexandria’s air quality. Bill Skrabek of TES, noted that if VA Paving were to be shut the very next day, these pollutants would still remain a regional issue and that VA Paving was not the sole or the major contributor to these organic compounds in the air. Some of this is generated by cars and traffic, and since Northern Virginia is now the 2nd worst area for traffic congestion in the United States, we have many car-related pollutants. Yet no one on the City Council is thinking of banning cars in the West End.

8. A third major shock was the city proposal that VA Paving should be financially responsible for providing some of the funds to cover its own enforcement. This is NOT a good idea. It sounds like the proverbial “fox guarding the chicken coop.”

Air Quality is a citywide issue, and not one limited to only one company---though this seems to be the case for some disputants. Thus the city should have a citywide Environmental Enforcement Task Force that provides this review for all Alexandria businesses, not just this one. At an earlier meeting, I was aghast to hear that the Fairfax crematorium----just over the Alexandria border----has far fewer requirements regarding the particles it puts into the environment than one would rightly expect. And there are many businesses throughout the city dealing with organic compounds that could have a great impact on the environment. Include these in the City’s scrutiny and inspection plans, not just VA Paving.

9. Realty check----asphalt production is not like producing guns or drugs or pornography. This is not a criminal pursuit, but an essential component of every major city’s operation. As citizens, we need an accessible source of asphalt to repair the potholes, the streets, the highways, the parking lots, the playgrounds, the driveways. And the major clients here for VA Paving are government agencies----the cities of Alexandria and Arlington, the Wilson Bridge Project, VDOT and the Federal Highway Administration. And only government agencies require night usage of the plant, not the general public

10. Problem Solving

It is time for the dueling discourses to end and for a realistic plan to be put in place by the city. VA Paving has promised some \$2 million in air quality improvements . Everyone will benefit from that.

At a West End Business Association meeting on Nov. 16, Dan Hoyt of VA Paving, announced that two major sticking points appear to be resolved. Four weeks ago, the city approved the mandated storm water management plan, he said. And, by January 2007, the plant is expected to be fully operational. They have also agreed to an extensive landscaping plan for 67 mature trees (NOT saplings) to serve as a buffer along the water bank. Depending on the weather, the new landscaping should be completed by the end of the year, Hoyt said.

11. Consensus Building -----in a city of 138,000 residents, many tax-payers want viable businesses in the West End, to contribute to the tax base and to provide city services. Do not rely only on one highly vocal segment of the population that is opposed to the continuing operations of VA Paving, under any circumstances. Cameron Station spokesmen have made many useful suggestions, which have been reflected in the 74 amendments. But I have also received calls from others living in that complex who said they have felt very intimidated by a vocal minority, and were fearful of speaking up with differing viewpoints.

The City could simply do a random survey of all the homeowners, to build a consensus.

I would echo the comments of my neighbor and fellow BSVCA member, Carol James, who attended the Nov. 2 BSVCA meeting: *"We are all concerned about air quality---but singling out one business in the absence of scientific evidence for doing so and a comprehensive abatement plan makes no sense."*

If the City Council needs help, seek professional mediation. One such source is the Northern Virginia Mediation Service, which is affiliated with George Mason University. (where I have taught journalism for the past three years). The Center has provided impartial assistance to thousands of individuals over the past 15 years, with team of highly competent state-certified mediators who assist the parties to resolve their differences. Contact Executive Director David Michael at 703-993-3656.

.This is no longer about the environment or night operations or compliance. It's about balance and fairness and respecting the process. VA Paving appears to have worked hard to strengthen the safety of its operations, in conjunction to City input. Why is this being ignored by some in the pending Matrix?

If there are good reasons not to listen to your own staff, then fire them all. But, if they are right, they deserve attention.

Sincerely,

Kathleen M. Burns
1036 N. Pelham St.
Alexandria, VA 22304

TO: City Council

FROM: Carol James, 1000 North Vail Street, Alexandria, VA 22304

RE: Virginia Paving

The City staff is to be commended for its long and detailed work seeking to resolve tensions between neighbors at Cameron Station and the Virginia Paving Co. The plan as put forward at tonight's meeting – and detailed at a meeting last week of the Brookville-Seminary Valley Citizens Association - should be adopted. Both private property holders – homeowners and the paving company - have a right to exist and must now find a way to do so peaceably without further expenditure of City funds and undue pressure on City staff.

Abutting luxury homes and heavy industry has caused conflict – there's no surprise there. Virginia Paving existed long before the homes were planned and developed. As with any successful business, it has grown and met the business demands of a changing marketplace. Cameron Station's assertion that an asphalt plant does not belong within an urban metroplex is puzzling to me – who uses asphalt more than those of us who live inside the Beltway? The Beltway – a bituminous surface - defines us. We need Virginia Paving as a valuable infrastructure maintenance resource to service it and all the other hard-topped surfaces we depend on daily. Cameron Station says Virginia Paving's output well exceeds the needs of Alexandria. I suspect that the Patent and Trademark Office also does business with folks outside the City limits. Cameron Station says soot gets inside the homes. I suspect that anyone who lives in this City with thousands of vehicles driving by every day has to wash soot off the walls – I certainly do and I don't live next door to the paving plant.

We are all concerned about air quality – but singling out one business in absence of scientific evidence for doing so and a comprehensive abatement plan makes no sense.

Should this fight continue, let it do so as a civil matter and not at public expense.

22
11-28-06

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

Hand Delivered

OF COUNSEL
CYRIL D. CALLEY

RETIRED
ROBERT L. MURPHY, 2001

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

November 17, 2006

*Rec'd 11/17/06
5PM
BEmine*

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

Re: SUP No. 2005-0042, Virginia Paving Company, 5601 Courtney Avenue

Dear Mr. Mayor and Members of Council:

This letter is provided as the formal response from the Virginia Paving Company on the condition changes proposed by City Council members at their work session on November 6, 2006, and incorporated into the Matrix entitled "Council's Proposed Revisions to Virginia Paving SUP Terms As Originally Recommended [by] Staff" with regard to the above-referenced Special Use Permit amendment application.

Virginia Paving Company has reviewed the Matrix and the proposed revisions to the conditions as recommended by Staff and the Planning Commission. At this time, Virginia Paving Company agrees to the changes to the conditions proposed by Councilman Lovain in their entirety.

Virginia Paving cannot agree to Councilwoman Pepper's changes to Condition No. 59 unless the following alternative is substituted with regard to the cost of enforcement of the SUP:

Virginia Paving shall reimburse the City for the actual cost the City incurs in enforcing the conditions of this SUP, in an amount not to exceed \$50,000.00 per year for the first two years and a maximum of \$25,000.00 per year thereafter.

Virginia Paving cannot agree to the other changes proposed by Councilwoman Pepper, nor those proposed by Vice-Mayor MacDonald. The reductions proposed by both Councilwoman Pepper and Vice-Mayor MacDonald do not make it financially viable for Virginia Paving to make the more than \$1.8 million commitment for capital improvements that are an integral part of the amended SUP.

The Honorable William D. Euille
and Member of City Council
November 17, 2006
Page 2 of 3

At this time, Virginia Paving Company cannot agree to the proposed New Condition No. 75 regarding a sunset provision.

With regard to the proposed changes from Councilman Krupicka, Virginia Paving would propose the following language for New Condition No. 76:

Virginia Paving is responsible for compliance with all generally applicable terms codes and ordinances regarding noise, odor, water quality and light for any tenant operations on the property. If any tenant on the property is found by the City of Alexandria to be the cause of a violation of the applicable codes and ordinances regarding noise, odor, water quality and light as referenced above, that tenant's operations shall be modified, and if necessary ceased, until such modifications are made, to ensure compliance with the above-referenced codes and ordinances as reflected in the terms of their lease with the tenant.

In addition, as has been consistently understood throughout the deferrals of this application, any and all dates for completion of the agreed upon improvements need to be changed to reflect the two month deferral from September to November 2006 in accordance with the attached Construction Schedule.

Finally, Virginia Paving proposes the following changes to the conditions regarding odor to be consistent with the standard odor conditions in other special use permits:

Cond. No. 3:

Virginia Paving shall control odors, smoke and any other air pollution from operations at the site, and prevent them from leaving the property ~~or~~ and becoming a nuisance to neighboring properties, as determined by the Department of T&ES, in coordination with the Director of Department of Health.

Cond. No. 6:

For control of odors, VA Paving shall use low-odorous additive or, upon proposal to and approval by Department of T&ES, another equally effective approach such that odors from the facility are ~~not detectable beyond facility boundaries~~ prevented from leaving the property and becoming a nuisance to neighboring properties, as determined by the Department of T&ES, in coordination with the Director of Department of Health. Since effectiveness of these additives is highly dependent of their usage in manufacturer's recommended quantities, VA Paving shall maintain records on site that demonstrates that these additives are being used

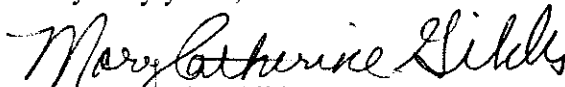
The Honorable William D. Euille
and Member of City Council
November 17, 2006
Page 3 of 3

as per manufacturer's recommendations. The records will include amount of additive used, compared to production and use of asphalt cement.

If the above-stated changes are made to the conditions as currently proposed, Virginia Paving can agree to all the conditions in the amended SUP. If any other non-agreed upon changes are incorporated into any motion to adopt the amended SUP, Virginia Paving withdraws their application.

Please do not hesitate to contact me with any questions or comments. Virginia Paving looks forward to a final vote on their application on November 28, 2006.

Very truly yours,


Mary Catherine Gibbs

Enclosure

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

Activity ID	Activity Description	Duration, Cal. Days	% Comp	Finish Date	Estimated Total Cost	Condition Referenced	2006												2007												2008												2009												2010											
							J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
PHASED CONSTR. PLAN @ ALEXANDRIA, VA																																																																		
AIR																																																																		
A06	LOW NOx BURNERS INSTALLED: PLANT 2 (COMPLETED)	1	100	14MAR05A	0	13																																																												
A15	RAP CRUSHER HAS 80% CONTROL EFFICIENCY	5	100	25JUN05A	0	22																																																												
A11	PAVEMENT OF PLANT 2 ACCESS AREA	1	100	06JAN06A	10,000	22																																																												
A03	INCR. STACK HEIGHT OF HOT OIL HEATER EXH. TO 8 M	5	100	26JAN06A	5,000	18																																																												
A01	HOT OIL HEATERS: USE #2 VIRGIN OIL (.08% SULFUR)	142	100	20JUL06A	100,000	5,10																																																												
A12	WATER SPRAYS ON ALL CONVEYOR TO CONV XFER POINTS	365	70	28FEB07	0	21																																																												
A02	INCREASE THE STACK HEIGHT OF DRYER EXH. TO 20 M	365	20	31MAR07	25,000	17																																																												
A04A	ALL ONSITE DIESEL ENG'S: 90% EFF. PART. TRAPS	365	50	31MAR07	20,500	12																																																												
A16	INSTALL SIGNS TO LIMIT ENGINE IDLING TO 5 MIN'S	6	100	01APR06A	2,000	46																																																												
A14	ASPHALT STORAGE TANKS CONDENSERS INSTALLATION	109	100	17AUG06A	30,000	13																																																												
A04	50% ONSITE DIESEL ENG'S: 90% EFF. PART. TRAPS	213	25	31DEC06	20,000	12																																																												
A07	FUGITIVE EMIS. & ODOR CONTR SYS: PLANT 1 SILO	259	50	28FEB07	300,000	11																																																												
A08	FUGITIVE EMIS & ODOR CONTR SYS: PLANT 1 LOAD OUT	534	30	30NOV07	150,000	14																																																												
A13	ENCLOSURES ON ALL CONVEYOR TO CONV XFER POINTS	266	70	28FEB07	40,000	23																																																												
A17	1ST SUBMITTAL OF RECORDS FOR BMP COMPLIANCE	31	0	31MAR07	0	24																																																												
A09	FUGITIVE EMIS. & ODOR CONTR SYS: PLANT 2 SILO	30	0	30SEP07	100,000	11																																																												
A05	LOW NOx BURNERS TO BE INSTALLED: PLANT 1	21	0	28FEB08	125,000	12																																																												
A10	FUGITIVE EMIS & ODOR CONTR SYS: PLANT 2 LOAD OUT	41	0	31AUG08	75,000	14																																																												
WATER																																																																		
W02	EXISTING RAP PILE: PULLED 36' AWAY FROM STREAM	277	100	15DEC05A	0	31																																																												
W01	APPRVL & INSTALLATION OF STORM WATER MNGMT FACIL	255	20	01MAR07	300,000	29																																																												
W05	APPROVAL & INSTALLATION OF ROOF OVER FUEL ISLAND	314	20	31MAR07	25,000																																																													
W06	APPRVL & INSTALL. - ROOF OVER VEHICLE WASH FACIL	679	20	28FEB08	40,000																																																													
W04	REPLACE LOCOMOTIVE ENGINE	31	0	31DEC09	325,000	51																																																												
LANDSCAPE																																																																		
L04	RPA RESTOR., BANK STABIL, SWALE CONVEYANCE: N.E.	255	40	31DEC08	150,000	29																																																												
L01	SUMMERS GROVE VEGETATIVE SCREENINGS: S.W. REGION	743	20	31OCT07	20,000																																																													
L02	VAN DORN & COURTNEY AVE VEGE. SCREENINGS: N.W.	620	20	31DEC07	30,000																																																													
L03	INST VEGETATIVE BUFFER @ WEST END OF BOOTHE PARK	620	20	31DEC07	5,000	35																																																												
NOISE																																																																		
N01	TRUCKS/EQ W/ AMBIENT NOISE LEV SENS B'UP BEEPERS	285	20	31MAR07	15,000	39																																																												
N02	NOISE REDUCING MUFFLERS: PLANT AIR CYL EXH PORTS	11	100	26JUL06A	5,000	43																																																												
Total		1,754	62	31DEC09	1,917,000																																																													

Start Date	14MAR05	Early Bar	VPCE VIRGINIA PAVING COMPANY - ALEXANDRIA PHASED CONSTRUCTION PLAN SCHEDULE UPDATED ON 14NOV08	Sheet 1 of 1	SCHEDULE			
Finish Date	31DEC09	Progress Bar		Date	Revision	Checked	Approved	
Date Date	14NOV08							
Run Date	15NOV08 14:07							

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22
11-28-06



<sanderson25@hotmail.com>

11/27/2006 08:53 AM

Please respond to
<sanderson25@hotmail.com>

To <jackie.henderson@alexandriava.gov>

cc

bcc

Subject COA Contact Us: Virginia Paving SUP proposal

COA Contact Us: Virginia Paving SUP proposal

Time: [Mon Nov 27, 2006 08:53:37] IP Address: [208.27.111.132]

Response requested:

First Name: Rita
Last Name: Sanderson
Street Address: 533 Cameron Station Blvd
City: Alexandria
State: VA
Zip: 22304
Phone: 202-390-9099
Email Address: sanderson25@hotmail.com
Subject: Virginia Paving SUP proposal

Comments: I am a homeowner in Cameron Station and per this e-mail I am objecting to the proposal by Virginia Paving to increase production at their facility. I am requesting that the stack heights which will need to be raised to disburse the pollutants which Virginia Paving proposes be denied. Please DENY the proposed SUP by Virginia Paving.
Thank you for your time and attention.
Rita Sanderson
533 Cameron Station Blvd.
Alexandria, VA 22304

22
11-28-06



<pete.mcaleer@navy.mil>

11/27/2006 08:39 AM

Please respond to
<pete.mcaleer@navy.mil>

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: [Mon Nov 27, 2006 08:39:06] IP Address: [138.162.5.8]

Response requested:

First Name: Pete
Last Name: McAleer
Street Address: 5184 Brawner Place
City: Alexandria
State: VA
Zip: 22304
Phone: 7035983673
Email Address: pete.mcaleer@navy.mil
Subject: Virginia Paving SUP
Ladies and Gentlemen-

Comments: Please deny the Virginia Paving SUP request. It seems to me that the pollutants, traffic, and other problems caused by the plant are not best for the city. The latest proposal to raise stack height and disperse the pollutants through the entire city does not seem like a viable solution.

Thank you for your consideration.

Pete McAleer

22
11-28-06



"arthur impastato"
<aimpastato@earthlink.net>

11/24/2006 07:05 PM

Please respond to
<aimpastato@earthlink.net>

To "arthur impastato" <aimpastato@earthlink.net>,
"Ignacio.Pessoa@alexandriava.gov"
<Ignacio.Pessoa@alexandriava.gov>, <wmeuille@wdeuille.com>,
cc <Jim.Hartmann@alexandriava.gov>,
<Michele.Evans@alexandriava.gov>,
<Mark.Jinks@alexandriava.gov>,
bcc

Subject RE: VA Paving - Matrix Comparing Lovain to Cameron Station
SUP Proposal

Dear Mayor Euille & Members of City Council:

I trust all of you had a wonderful Thanksgiving and I am sending this e-mail to discuss a turkey of a differnt kind -- VA Paving.

A recent article written by Mr. Lovain in the Alexandria Times apparently inadvertantly uses incorrect baselines to come to the erroneous conclusion that his proposal is a "balanced solution for Alexandria." Unfortunatley, not only is it not a balanced solution, but it does not address the issues Alexandria voters said at the October 14 City Council hearing were of most concern to them -- annual production totals and nighttime production and the increases in pollution and nuisances like odor, dust and noise that flow directly from such increases.

It is not my intent to cast any aspersions on Mr. Lovain since I personally feel he did his best in good faith to try and get VA Paving to agree to reasonable SUP proposals, but, to date, they have refused to do so. My intention is to show why denial of the SUP is a far better choice than adopting Mr. Lovain's proposal and to show that the proposal by the Cameron Station Civic Association ("CSCA") is the most reasonable SUP proposal since it closely tracks quantifiable historic data from VA Paving's operations. I would also point out that the proposals by Del Pepper and Andrew Macdonald are much closer to meeting citizen concerns than that of Mr. Lovain.

Since all of you are familiar with a Matrix format and since it is a format that lends itself to readily showing why denial is the best alternative and Mr. Lovain's proposal is by far the worst, I attach a Matrix comparing a denial, Mr. Lovain's, and the CSCA's proposal against historical data for VA Paving for those SUP conditions which I personally believe have the most direct effect on voter's articulated concerns, SUP conditions 1, 2, 4, 5, 74 and new condition 75.

If any of you have any questions concerning these matters, please do not hesitate to contact me.

Respectfully submitted,

Arthur A. Impastato
Cameron Station Homeowner
239 Medlock Lane
Alexandria, VA 22304



VA pav Comparison Chart on VA Paving SUP Proposals by Lovain CSCA.doc

**Comparison Matrix on Virginia Paving Company (“VA Paving”) SUP
Proposals by Lovain and the Cameron Station Civic Association (“CSCA”)**

Foreword

In order to permit a valid comparison, an appropriate baseline must be established. For reasons discussed below, *a reasonable baseline is the average annual daily production for the period 2001 to 2006 (years when VA Paving owned the two asphalt plants at Courtney Ave. in Alexandria, VA) or yearly daily and nighttime production totals for 2006.*

Also, it is important to recognize that Doug McCobb, in charge of City street paving, has said the baseline price to the City from VA Paving is \$44.50 per ton and the City buys only 20,000 tons a year. *For every 100,000 tons sold, VA Paving makes \$4.45 million. VA Paving can produce all of the City’s annual requirements in 4 days at 5,000 tons a day.* City contracts represent less than 4% of all of VA Paving’s annual contracts. Lastly, data from VA Paving shows the maximum daily production for June to September 2006 (the only periods for which VA Paving has provided daily production data for 2006) was 4,167 tons.

Page 5 of the November 3, 2006 memo from City staff lists the annual daily and night production totals for 2001 to 2005 which are: 847,000, 650,143, 719,160, 907,684 and 761,203 tons, respectively. These numbers total 3,885,190 tons. At the October 14 public hearing in response to a question from Ms. Pepper, VA Paving’s plant manager said they’d produce about 550,000 to 600,000 tons in 2006. Adding 600,000 tons to 3,885,190 totals 4,485,190, representing total tons produced during 2001 to 2006. Accordingly, dividing 4,485,190 by 6 years is 747,753, representing the average annual daily and nighttime production for VA Paving for 2001 through 2006. Page 4 of the November 3 staff memo states that VA Paving has said that 20% of their annual production is done at night. Twenty percent of 747,753 is 149,506, representing average annual nighttime production, with the remaining 598,247 tons representing average annual daytime production. Multiplying 149,506 by the City’s baseline price of \$44.50 gives you *\$34.5 million, representing the amount of money VA Paving made by illegally working at night.*

VA Paving’s 2005 production data is not a reasonable baseline to use for comparison purposes while 2006 is since 2006 is the year when VA Paving’s production most closely approximated what it should have been had it not been knowingly violating its SUP prohibition against nighttime operations. City Council limited what VA Paving could produce in 2006 at night on June 13, 2006 to a total of about 4 weeks (about 30 days). On June 28, 2005, City Council’s decision allowed VA Paving to work about 13 weeks (about 90 days) – more than three times that in 2006. VA Paving’s 2006 production data being a more reasonable baseline to use for comparison purposes is further borne out by the fact that the annual production in 2006 of 600,000 tons is the closest annual production during the period 2001 to 2006 to what VA Paving’s average annual daily production was for that period, 598,247 tons.

Comparison Matrix

<u>VA Paving Data</u>	<u>Tim Lovain Proposal</u>	<u>CSCA Proposal</u>	<u>Denial of SUP</u>
SUP No. 1 Average annual daily production, 598, 247 tons	Allows maximum of 980,000 tons, 63.8% increase	Allows a maximum of 700,000 tons, 17% increase	The same -- approximately 600,000 tons a year
SUP No. 1 Average annual daily and night production, 747,753 tons	Allows maximum of 980,000 tons, 31% increase	Allows maximum of 700,000 tons, 6.3 % decrease	Technically, there would be no nighttime production, but there is nothing preventing VA Paving from each year asking City Council to do limited paving for the City and Woodrow Wilson Bridge project as it did in 2005 and 2006
SUP No. 1 Average annual nighttime production, 149,506 tons	Allows maximum of 275,000 tons, 83.9% increase	Allows a maximum of 50,000 tons, 66.5% decrease	None, but VA Paving could, as it did on June 13, 2006, ask City Council in future years to allow it to work at night for City and Woodrow Wilson Bridge projects which would result in it being able to produce approximately 50,000 tons per year at night (20,000 tons for the City and about 30,000 for the Woodrow Wilson Bridge project)
SUP No. 2 Maximum daily production June to September 2006, 4,167 tons	Allows maximum of 8,000 tons, 91.9% increase	Allows maximum of 5,000 tons, 19.9% increase	Approximately 5,000 tons without nighttime production, 19.9% increase
SUP No. 4 Four weeks or about 30 days in 2006 of nighttime paving	Allows maximum of 110 nights, increase of 266.6%	The same -- allows maximum of 30 nights	None, but VA Paving could, as it did on June 13, 2006, ask City Council in future years to allow it to work at night for City and Woodrow Wilson Bridge projects which would result in VA Paving being able to work about 30 days at night during the paving season
SUP No. 5 City Council limited night work in 2005 and 2006 to City projects and	Mr. Lovain's proposal does not address SUP No. 5 so presumably City staff's proposal	The same -- night work limited to City projects and emergencies	None, but VA Paving could, as it did on June 13, 2006, ask City Council in future years to allow it to work at night on City and Woodrow

<p>emergencies and Woodrow Wilson Bridge which is consistent with VA Paving's request in its SUP filing</p>	<p>would apply which expands night work to include "Federal, State transportation agencies or local governments"</p>	<p>and Woodrow Wilson Bridge</p>	<p>Wilson Bridge projects</p>
<p>SUP No. 74 Based on item 5. B. in VA Paving's SUP filing, its current operating hours are Monday through Saturday from 5:00 am to 7:00 pm</p>	<p>Mr. Lovain's proposal does not address SUP No. 74 so presumably City staff's proposal would apply which considers work from 9:00 pm to 5:00 am to be a nighttime shift</p>	<p>Same as current operating hours, but when work is done during the paving season for the City and emergency repairs or for the Woodrow Wilson Bridge project, then it allows for work 24/7 with a 24 break after 72 hours of continuous work</p>	<p>Same as current operating hours</p>
<p>New Condition No. 75 (sunset provision) Not in current 1960 SUP</p>	<p>No sunset provision in Mr. Lovain's proposal, but, in an article he wrote that was published in the November 21, 2006 Alexandria Times, he states that "City Council will probably approve a sunset provision that will allow the City in the future to consider shutting down the Virginia paving plant in as few as ten years"</p>	<p>Same as the sunset provision drafted by City Attorney Ignacio Pessoa in his November 6, 2006 e-mail at 3:48 PM to the Mayor and City Council titled "Draft VA Paving 'Sunset Provision'"</p>	<p>VA Paving could be forced to vacate its premises sooner than under the proposed sunset provision if City Council determined VA Paving's asphalt plant operations and those of its tenant US Filter are non-conforming uses in violation of the City Zoning Ordinance or if it determined that the land should be rezoned as part of the West Eisenhower Small Area Plan or at any such time as City Council choose to do so</p>

Conclusion

What the above comparison shows is that Mr. Lovain's proposal is an extremely good deal for VA Paving, but an equally extremely poor one for the voting public and of little value to the City. The citizens made it clear at the City Council hearing on October 14, 2006 that nighttime paving and nuisances generated by VA Paving's operations were of most concern. Mr. Lovain's proposal goes in the opposite direction from addressing these valid concerns because it would greatly increase yearly and nighttime production over historical levels and, in turn, greatly increase nuisances such as odor, dust and noise. On top of having already made \$34.5 million from illegal nighttime work and having gotten away with no penalties for the 22 violations listed in the City Attorney's October 26, 2004 letter to VA Paving or for its two violations of its VA DEQ permit in October 2004, under Mr. Lovain's proposal, VA Paving will make over \$17 million more each year by being able to produce 980,000 tons a year instead of the 600,000 tons a year it would produce if it was finally forced to abide by the terms of its current 1960 SUP. In addition, documents from City staff show that total amounts of pollutants go up with increased production and it is likely that nuisances such as odor, noise and dust will also increase significantly with increased production. The City gains nothing from allowing VA Paving to greatly increase its annual production, nighttime paving or hours of operation since its annual paving needs can be fully met without allowing VA Paving to increase production beyond that achieved in 2006. The comparison above also shows that denial is a far better option for the voting public than Mr. Lovain's proposal and it would also save the City at least \$126,000 a year in increased enforcement and monitoring costs while still having VA Paving meet all air quality standards.

22
11-28-06



<billswigert@cox.net>

11/25/2006 01:02 PM

Please respond to
<billswigert@cox.net>

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

cc

bcc

Subject COA Contact Us: PA Paving SUP Proposal

COA Contact Us: PA Paving SUP Proposal

Time: [Sat Nov 25, 2006 13:02:09] IP Address: [68.12.169.155]

Response requested:

First Name: William
Last Name: Swigert
Street Address: 5140 Donovan Drive
City: Alexandria
State: VA
Zip: 22304
Phone: 405-602-0611
Email Address: billswigert@cox.net
Subject: PA Paving SUP Proposal

Dear Public Servants,

Comments:

I own a home in Cameron Station. I've made a significant financial investment and I also have an emotional attachment to my home and neighborhood--I would imagine that most of you feel the same way about your neighborhoods. I want Cameron Station to be a peaceful and beautiful place, a relatively quiet and clean refuge in the middle of the metropolitan area. I understand that VA Paving was at its Van Dorn Street location before the community of Cameron Station, but the area is changing and becoming less compatible for a heavy industry like an asphalt complany. That's why I oppose any measure to increase it's operations. Specifically, I believe that denial of the zoning request is the best solution. VA Paving's latest proposal is outrageous and unacceptable. Furthermore, I want to see lower production limits and more safeguards if the Council does approve a new SUP.

Please consider what you, as homeowners in a beautiful community with children and a public school, would want if your community was threatened by industrial operations in your own

back yard. As public servants, please listen to your constituents and do not approve the SUP.

Sincerely,

William Swigert

22
11-28-06



J Bennett <jb900@yahoo.com>

11/26/2006 05:14 PM

To Bill Euille <alexvamayor@aol.com>, Ludwig Gaines <councilmangaines@aol.com>, Rob Krupicka <council@krupicka.com>, Tim Lovain <timothylovain@aol.com>, cc Jim Hartmann <jim.hartmann@alexandriava.gov>, Jackie Henderson <jackie.henderson@alexandriava.gov>, Ignacio Pessoa <ignacio.pessoa@alexandriava.gov>, Rich Josephson

bcc

Subject Deny VA Paving SUP Request

Dear Mayor and City Council:

Please deny the Virginia Paving Company request for a new SUP, for the reasons the Cameron Station Civic Association states in its November 17 letter. It is clear to us, as it was to Virginia Paving at the time, and I'm sure to you, that Virginia Paving bought this plant in 2001 in what is largely a residential, recreational and educational area. Virginia Paving had no reason to believe when it purchased the plant, and has no continuing reason to believe, that it has a special entitlement to expand its hours of operations to include nights. Virginia Paving has a right to ask. You have a right and responsibility to say no. There are no compelling reasons to say yes, especially considering the added adverse impacts that increased total production and night time paving will have on the community and on the future development of the City's West End.

I'm sure all of you would support a meaningful sunset provision of the kind and for the reasons the City Attorney explains. Although, Virginia Paving has stated its opposition, I believe they have no illusions of prevailing. After all, if they can get production limits of the magnitude Mr. Lovain suggests, I believe they would be more than happy being able to operate a minimum of the next nine years under a sunset provision. Please don't fall for the oldest game in town.

After months of being in agreement, Virginia Paving now, in its November 17 letter, demands changes to the conditions that would allow it to operate under less stringent conditions for control of noxious odors and of tenant organizations, and to reimburse less money to the City for enforcement costs. I don't know if these demands are bargaining ploys on which they are willing to cave if the Lovain pot is sweet enough, or if there are "stand alone" reasons. Whichever it is, I urge you to stand your ground and not let the conditions be eviscerated and/or used in barter.

Please consider Dave Sullivan's testimony before you at the public hearing: the major community issues are odors, noise and dust; the controls proposed in the new SUP to control these simply may not work; current plant operations meet EPA standards; and the analytical studies have a margin of error of plus or minus 50 percent. Also, please keep in mind that the public would be exposed to much higher levels of pollution for the first two years under the Lovain proposal because the purported improvements will not be completed for that period. From our perspective, the more

responsible position for you to take to protect the public welfare now and in the future is to deny this SUP request.

The major objective of Virginia Paving's proposal is to find a way to keep its current daytime customer base and greatly expand its total production by exploiting a new night time capacity (275 tons/year under the Lovain proposal). As laudable as these goals may be for an investor, the residents of the surrounding area are being asked to endure a terrible price to achieve them, and the City would be jeopardizing our potential for future redevelopment.

Please do not saddle future residents and future City Councils with an unwise decision. Please deny the SUP request now.

Sincerely,

Joe Bennett

22
11-28-06



<elizabeth.heider@verizon.net>

11/26/2006 11:33 PM

Please respond to
<elizabeth.heider@verizon.net>

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

cc

bcc

Subject COA Contact Us: Virginia Paving SUP

COA Contact Us: Virginia Paving SUP

Time: [Sun Nov 26, 2006 23:33:42] IP Address: [63.241.158.33]

Response requested:

First Name: Elizabeth
Last Name: Heider
Street Address: 600 Johnston Place
City: Alexandria
State: VA
Zip: 22301
Phone: 703-519-7297
Email Address: elizabeth.heider@verizon.net
Subject: Virginia Paving SUP
 Dear Mayor, Vice Mayor and Council Members -
 As I have written before, please deny the request by Virginia Paving for the SUP.
Comments:
 Sincerely,
 Elizabeth Heider



<berljo@comcast.alexandriava.gov>

11/26/2006 11:48 PM

Please respond to
<berljo@comcast.alexandriava.gov>
v>

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

22
11-28-06

COA Contact Us: Virginia Paving

Time: [Sun Nov 26, 2006 23:48:23] IP Address: [68.83.210.130]

Response requested:

First Name: Jordan
Last Name: Berliner
Street Address: 5268 Colonel Johnson Lane
City: Alexandria
State: VA
Zip: 22304
Phone: 703-370-5680
Email Address: berljo@comcast.net
Subject: Virginia Paving

I understand the Special Use Permit is coming up for a vote on 11/28. At the last City Council meeting, I was concerned about this SUP for several reasons and continue to be concerned since none of the reports and testimony allay them. Specifically:

- The odors and particulate matter in the neighborhood constitute a health and environmental danger and I have seen nothing that says otherwise;
 - Under the plan now being considered, there will not be any immediate benefits to the community especially in nighttime noise and overall pollution levels;
 - As I stated in my testimony at the Planning Commission and in my e-mail to you before the previous City Council session considering the SUP, odor suppression and other reduction technology and modeling is just that, modeling, and may or may not be accurate and I hope you are not willing to gamble with our well-being based on hypotheses;
 - I have concerns about enforcement since I understand there have been problems in effectively enforcing current laws and standards in connection with Virginia Paving activities;
- Comments:**

- There is no sunset limitation in the proposal and that, combined with allowing production increases in a facility which is clearly industrial, sends a negative message about Alexandria and specifically, any plans for improving the West End of the city, our gateway to the rest of the Metro Area - lowering our City's image and its desirability for living or tourism in the minds of people.

I believe these reasons alone, in the absence of any other considerations, dictate against approving the SUP for Virginia Paving and I urge you to reject the proposal.

Jordan Berliner

22
11-28-06



<Thad46@comcast.net>

11/27/2006 08:30 AM

Please respond to
<Thad46@comcast.net>

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

cc

bcc

Subject COA Contact Us: Virginia Paving

COA Contact Us: Virginia Paving

Time: [Mon Nov 27, 2006 08:30:08] IP Address: [68.55.39.154]

Response requested: []

First Name: Ted
Last Name: Kosowski
Street Address: 260 Murtha Street
City: Alexandria
State: VA
Zip: 22304
Phone: 703-566-1436
Email Address: Thad46@comcast.net
Subject: Virginia Paving

Comments: A city can't have it both ways in the same area-high residential taxes and industrial revenue also - in this case Alexandria has to grow up a bit and realize the quality of life issues approving the special use permit for Virginia Paving would have. We moved to the west end knowing that plant was operating during the day BUT the city MUST not approve any futher operation of that plant. It will hurt any further residential development in west end and may in fact cause many of us to move out of the city. Thank you for listening.

22
11-28-06



<cynthia5244@comcast.net>

11/27/2006 07:05 AM

Please respond to
<cynthia5244@comcast.net>

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

cc

bcc

Subject COA Contact Us: Virginia Paving Special Use Permit

COA Contact Us: Virginia Paving Special Use Permit

Time: [Mon Nov 27, 2006 07:05:26] IP Address: [68.83.210.123]

Response requested:

First Name: Cynthia
Last Name: Aki
Street Address: 5244 Bessley Place
City: Alexandria
State: VA
Zip: 22304
Phone: 703-751-8821
Email Address: cynthia5244@comcast.net
Subject: Virginia Paving Special Use Permit

Comments: I am writing to ask you to support the homeowners of Alexandria and deny the Special Use Permit requested by Virginia Paving. We need you to support the homeowners.

Thank you.

22
11-28-06



<carrillo.susana@gmail.com>

11/22/2006 04:29 PM

Please respond to
<carrillo.susana@gmail.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

COA Contact Us: Virginia Paving

Time: [Wed Nov 22, 2006 16:29:09] IP Address: [68.34.7.232]

Response requested:

First Name: Susana
Last Name: Carrillo
Street Address: 475 Cameron Station Boulevard
City: Alexandria
State: Va
Zip: 22304
Phone: 703 5660678
Email Address: carrillo.susana@gmail.com
Subject: Virginia Paving

Virginia Paving has not to date addressed its failure to meet the environmental standards of the original SUP. By their neglect to address the needs of the surrounding community I strenuously object to their proposed compromise. I highly recommend denial of their proposal. The proposal of the Virginia Paving Company is based upon their financial growth and benefit and not based on the best interest of the community. The company is evading their corporate social responsibility (if they have any).

Comments: Production limits should not be increased at any level especially since safe guards established in the original SUP have not been met. I would strongly suggest the council take further action to close the plant as its existence is a threat to the environment in the region. The citizens of Cameron Station and the surrounding communities deserve to have their health protected and not being affected by the profit proposal of the Virginia Paving Company. The City of Alexandria officials have been elected by the people in the community and they should respond to the community needs and their decisions should not be captured by the interest

of a private firm.

The City of alexandria should set a precedent of transparency and of looking after the needs of the population by denying the operations of the Va Paving Company.

Sincerely,

Susana Carrillo



"arthur impastato"
<aimpastato@earthlink.net>

11/20/2006 06:43 PM

Please respond to
<aimpastato@earthlink.net>

To "Ignacio.Pessoa@alexandriava.gov"
<Ignacio.Pessoa@alexandriava.gov>, <wmeuille@wdeuille.com>,
<alexvamayor@aol.com>, <delpepper@aol.com>,
cc <Jim.Hartmann@alexandriava.gov>,
<Michele.Evans@alexandriava.gov>,
<Mark.Jinks@alexandriava.gov>,
bcc

Subject RE: Va Paving Response to Matrix Conditions

Dear Mayor Euille, Members of City Council and Mr. Pessoa:

At the outset, I want to thank you for sending me a copy of VA Paving's submission. I must say that it was not a surprise to me personally given their past conduct.

I think it is important for you to be aware that VA Paving has made well over \$34.5 million during the period 2001 to 2005 just from their illegal nighttime activities -- that total is low since it assumes the baseline price of \$44.50 per ton and much of the City's and other contractor's purchases are at the higher \$75.00 per ton price charged when they lay the asphalt in addition to selling it. Their average annual permitted daily production during 2001 to 2006 was 597,000 tons so any amount over this in the SUP is a bonus to the tune of \$4.45 million per 100,000 tons. Accordingly, their stating that, for financial reasons, only Mr. Lovain's proposal is acceptable is as candid as their past statements that they knew nothing about the SUP provision prohibiting nighttime operations. All this is, of course, on top of the fact VA Paving was cited by EPA for two Clean Water Act violations, by the City Attorney for 22 violations (15 for violating fire code regulations on storage of handling of hazardous materials -- not a good thing given US Filter stores thousands of gallons of recycled oil on VA Paving's property) and for two violations of its permit by VA DEQ, including for exceeding permitted 2004 annual production by June of 2004.

I personally feel that Mr. Lovain deserves a lot of credit for trying to get VA Paving to come up with a realistic SUP proposal, but it falls far short of meeting the expectations of the voting public for the simple reason that no one to date has been willing to call their bluff of withdrawing their application. VA Paving cannot withdraw their application unless the proposal given them is worse than what they experienced in 2006. Under the old SUP, without the growth night market, VA Paving has shown historically and this year that they can't sell more than about 600,000 tons of asphalt a year.

As far as VA Paving's submission, it should be insulting to every person on City Council because:

1. They dismiss staff's recommendation and Del's proposal (SUP #59) to pick up any reasonable costs for enforcing the SUP;
2. They dismiss Mr. Krupicka's recommendation (SUP #76) that they be held responsible for US Filter's adherence to SUP terms by offering language that covers "codes and ordinances" when knowing full well that SUP terms

22
11-28-06

are not "codes or ordinances" and that US Filter, as the staff has stated, is currently in compliance with all "codes and ordinances." In sum, with this proposal VA Paving is, in essence, offering nothing and certainly not doing as Mr. Krupicka asks.; and,

3. Even though I thought it was understood at the November 6 work session that responses were being sought on SUP conditions referred to in the Matrix, VA Paving, at the last minute, is proposing changes to the two most important nuisance provisions which would eviscerate them completely (Sup # 3 and 6). The foul odors, loud noises and dust should be contained to their property so as not to interfere with the use and enjoyment of property by the thousands of Alexandria voters neighboring the plant.

As far as the proposal that VA Paving has so far said it would accept, it should be totally unacceptable to every member of City council since City Attorney Pessoa, who is counsel to City Council, has made it absolutely clear at the work session and in the staff's November 3rd memorandum that an SUP must include a sunset provision since without one it "will likely restrict the City's future ability to rezone the property for more compatible uses..." I do not see how anyone can ignore advice of counsel and not expect dire consequences.

In addition, the proposal VA Paving said it would accept has grossly exaggerated annual production limits (SUP # 1) that far exceed their average annual daily and nighttime production for 2001 to 2006 of 747,000 tons. Why is it reasonable for a habitual violator to cut a deal giving them more than what they got on average when they were knowingly violating the law?

Dave Sullivan has said that pollution at night is worse by a factor of 20 to 1 and you all heard the voting public speak on October 14 saying that it was the nuisances and night paving that were of most concern to them. Cutting down the nighttime shifts by a mere 20 days is unacceptable. It would mean that VA Paving will be able to work every night for five of seven months of the paving season and not only emit foul odors when everyone is home but also tie up traffic day and night on Van Dorn Street. Please explain the logic behind such a proposal, assuming that it is possible to do so.

I do want to thank City staff and City Council for trying over the course of two years to get this right and we are now down to the wire. Please show you care about the voting public. You are not being anti - business by not agreeing to what VA Paving has to date said it wants because these are not the typical business folks we are used to in our City. These are people who have violated the law on numerous occasions and actively misled you on whether or not they knew about the old SUP conditions. Go to bat for a worthy business and not this one. Stand tall and call their bluff on walking away and get a deal that serves the City and its residents.

Sincerely,

Arthur A. Impastato
239 Medlock Lane
Alexandria, VA 22304

> [Original Message]
> From: <Ignacio.Pessoa@alexandriava.gov>
> To: <wmeuille@wdeuille.com>; <alexvamayor@aol.com>; <delperpe@aol.com>;
<ludwig@gainwithgaines.com>; <Councilmangaines@aol.com>;
<rob@krupicka.com>; <Ahmacdonald@his.com>; <smedbergpc@aol.com>;
<timothylovain@aol.com>
> Cc: <Jim.Hartmann@alexandriava.gov>; <Michele.Evans@alexandriava.gov>;
<Mark.Jinks@alexandriava.gov>; <Richard.Josephson@alexandriava.gov>;
<Rich.Baier@alexandriava.gov>; <William.Skrabak@alexandriava.gov>;
<Christopher.Spera@alexandriava.gov>; <Jackie.Henderson@alexandriava.gov>;
<hcgk.law@verizon.net>; <mindyllyle@comcast.net>; <jb900@yahoo.com>;
<aimpastato@earthlink.net>
> Date: 11/17/2006 5:36:56 PM
> Subject: Va Paving Response to Matrix Conditions
>
>
> Attached, at the Mayor's request, is the response which was submitted this
> afternoon on behalf of Virginia Paving, to the revised conditions arising
> from the public hearing on the Virginia Paving SUP, as set out in the
> staff-prepared "matrix."
>
> (See attached file: Va Paving Response to Matrix Conditions.pdf)
>

22
11-28-06

Nov. 20, 2006

Mayor Bill Euille and Members of Alexandria City Council
315 King St.
City Hall
Alexandria, VA 22314

Dear Mayor Euille and Members of the Council,

On Nov. 2, at the request of our members, the Brookville-Seminary Valley Civic Association had an informational session on the request for a Special Use Permit for the Virginia Paving Co. We had speakers from the City's Planning and Zoning staff and the Transportation and Environmental Services; from VA Paving; and from the Cameron Station Civic Association.

While we had an excellent turnout, we did not reach the quorum cited in our Bylaws in order to take a formal vote.

However, there were several points we wished to convey to the Council.

It seems that some sense of perspective has disappeared from this debate, and that, over time, elements of the debate have become almost surreal. As a journalist myself, I am aware that if misinformation from some parties is repeated often enough, it takes on a life of its own. And some of the concepts presented by various discussants during this lengthy debate are opinion, not proven scientific fact. There has been an ugliness in aspects of these discussions which is not characteristic of Alexandria residents as a whole. And some of this has resulted in verbal assaults on the City staff, who have spent an extraordinary amount of time on these complex issues. They are to be commended for this incredible effort, rather than disparaged.

We fail as a civil society if we can't disagree without being disagreeable, or if we resort to character attacks against those holding a variety of opinions. This debate should revolve more around proven scientific data than assertions---and that has not always been the case.

Based on some comments from City Council in its Matrix, I think there is also confusion. We are not seeking rezoning for the West End, so that we continue the avalanche of condominiums and drive out commercial and industrial businesses which contribute to the overall community. And, as the City Attorney has noted on several occasions, it is not within the purview of the Council to close down Virginia Paving since it is in compliance with federal, state and local laws---and goes far beyond the standards.

1. Members at the Nov. 2 BSVCA meeting voiced interest in peaceful co-existence between the residential, commercial and industrial components of the city, including in the West End. Mollie Abraham, a long-time Alexandria resident, said we are not a rural enclave but a long-established urban village and that it is not realistic to expect any such setting to be "pristine."

She and some others in attendance said the "villain" of this drama is the pivotal decision by the City Council several years back to override the Planning Commission and to put intense residential density into the West End, side by side with businesses already in operation, without mandating the necessary buffer zones. We can't knock down buildings to "fix" this problem, but we can alter any future development schemes that have further potential to wreck havoc with a delicate balance.

There was widespread concern at the meeting that the VA Paving decision was viewed by some in the audience as the test case by the City Council for the future directions of both the Landmark redevelopment area and the Van Dorn corridor proposals. Is this a sign of a new anti-business attitude by some City officials in favor of even more condominiums and extensive residential density, with little expansion or improvement of the commercial West End sectors? As the retail base evaporates at Landmark with the closing of more stores and the lack of consensus by the major tenants of Sears, Macy's and Lord & Taylor, does local opposition against 1,500 condominium units and 500 hotel rooms continue to fall on deaf ears? We have heard rumors that the West End plan is now a "done deal" and that is great cause for alarm, since the many meetings on this subject still haven't adequately dealt with the albatross of traffic and transportation surrounding Landmark.

2. There was common ground at the meeting in that all citizens stated a wish to live in a safe, healthy and productive environment. Audience members were told by Bill Skrabek of TES that the VA Paving plant is not in violation of any city, state or federal laws. He supported this statement with scientific documentation in the Power Point presentation. The audience had no reason to believe he was not telling the truth. But some Council members do not seem to accept that view point. If you know something we don't and if Mr. Skrabek isn't telling the truth, then we all should know that.

As a point of clarification, Mr. Skrabek referred to the initial complaints filed in 2004 by Cameron Station regarding 22 violations (civil, not criminal in nature)-----all of which he said were minor in scope and have been satisfactorily addressed.

If that's not true, tell us.

3. At the meeting, we were also told that without this proposed new SUP, the city would have little clout to demand better standards, and the requirements would revert back to the original 1960 permit. This is going backwards, not forwards.

4. At the Nov. 2 meeting, spokesmen for Cameron Station cited the threat of "dust" as a major health hazard but this is a simple reality that affects all our houses, no matter where we live, and it is not reasonable to ascribe its presence to one company. Similarly, asthma is a national problem, not one limited to Alexandria and it affects millions of people. For such people, Northern Virginia air would be a problem, not just the West End.

[At the subsequent presentations before the Council on Nov. 6, neither the School District nor the Health Department officials appeared to raise vociferous complaints, nor did they demand the closure of VA Paving, as an imminent threat to the city's children and adults.]

5. Similarly, all pollution in the West End cannot continually be attributed to VA Paving. Perhaps the greatest shock of the evening was acknowledgement by city officials that the city's own waste incinerator is a MAJOR cause of citywide pollution---far in excess of that generated by VA Paving. Residents at the Nov. 2 meeting repeatedly asked why the same level of intense scrutiny that has been given for two years to VA Paving has not been given to the city's own facility. The same can be said for the Mirant Power Plant.

6. Erica Vanerman, the City's own air pollution specialist, noted that Virginia Paving is "a minor source" of Alexandria's pollution. She noted that it would take 124 Virginia Paving Plants to equal ONE MIRANT POWER PLANT. That is a pretty sobering statistic, and one that seems to be ignored by some on the Council in its Matrix debate. Mirant is considered by scientific experts as "a MAJOR SOURCE of air pollution, generating some 100 tons of pollution per year.

With Mirant, the City has waged numerous court battles, which are ongoing. Nothing has been achieved on a voluntary basis.

In contrast, the Virginia Paving Co. has voluntarily agreed to 74 amendments to the proposed request. In the many years I have lived in Alexandria, I have no memory of any company working so hard or so willingly with city officials to provide a vastly improved work and environmental climate. This appears to be a “good faith” effort to bring about positive changes.

And yet, it is as though they are to be ostracized and no amount of scientific data from the City’s own staff or outside experts seems reasonable. Why is that? What compromises is Cameron Station making in its demands? When they say VA Paving has seriously affected the value of their homes, where is the proof for that, with valuations rising from \$300,000 to \$800,000, in a very short period of time?

7, The second major shock of the Nov. 2 evening meeting followed a discussion of the pollutants PM2 and PM10 and the role they play in Alexandria’s air quality. Bill Skrabek of TES, noted that if VA Paving were to be shut the very next day, these pollutants would still remain a regional issue and that VA Paving was not the sole or the major contributor to these organic compounds in the air. Some of this is generated by cars and traffic, and since Northern Virginia is now the 2nd worst area for traffic congestion in the United States, we have many car-related pollutants. Yet no one on the City Council is thinking of banning cars in the West End.

8. A third major shock was the city proposal that VA Paving should be financially responsible for providing some of the funds to cover its own enforcement. This is NOT a good idea. It sounds like the proverbial “fox guarding the chicken coop.”

Air Quality is a citywide issue, and not one limited to only one company---though this seems to be the case for some disputants. Thus the city should have a citywide Environmental Enforcement Task Force that provides this review for all Alexandria businesses, not just this one. At an earlier meeting, I was aghast to hear that the Fairfax crematorium----just over the Alexandria border----has far fewer requirements regarding the particles it puts into the environment than one would rightly expect. And there are many businesses throughout the city dealing with organic compounds that could have a great impact on the environment. Include these in the City’s scrutiny and inspection plans, not just VA Paving.

9. Realty check----asphalt production is not like producing guns or drugs or pornography. This is not a criminal pursuit, but an essential component of every major city’s operation. As citizens, we need an accessible source of asphalt to repair the potholes, the streets, the highways, the parking lots, the playgrounds, the driveways. And the major clients here for VA Paving are government agencies----the cities of Alexandria and Arlington, the Wilson Bridge Project, VDOT and the Federal Highway Administration. And only government agencies require night usage of the plant, not the general public

10. Problem Solving

It is time for the dueling discourses to end and for a realistic plan to be put in place by the city. VA Paving has promised some \$2 million in air quality improvements . Everyone will benefit from that.

At a West End Business Association meeting on Nov. 16, Dan Hoyt of VA Paving, announced that two major sticking points appear to be resolved. Four weeks ago, the city approved the mandated storm water management plan, he said. And, by January 2007, the plant is expected to be fully operational. They have also agreed to an extensive landscaping plan for 67 mature trees (NOT saplings) to serve as a buffer along the water bank. Depending on the weather, the new landscaping should be completed by the end of the year, Hoyt said.

11. Consensus Building -----in a city of 138,000 residents, many tax-payers want viable businesses in the West End, to contribute to the tax base and to provide city services. Do not rely only on one highly vocal segment of the population that is opposed to the continuing operations of VA Paving, under any circumstances. Cameron Station spokesmen have made many useful suggestions, which have been reflected in the 74 amendments. But I have also received calls from others living in that complex who said they have felt very intimidated by a vocal minority, and were fearful of speaking up with differing viewpoints.

The City could simply do a random survey of all the homeowners, to build a consensus.

I would echo the comments of my neighbor and fellow BSVCA member, Carol James, who attended the Nov. 2 BSVCA meeting: *"We are all concerned about air quality---but singling out one business in the absence of scientific evidence for doing so and a comprehensive abatement plan makes no sense."*

If the City Council needs help, seek professional mediation. One such source is the Northern Virginia Mediation Service, which is affiliated with George Mason University. (where I have taught journalism for the past three years). The Center has provided impartial assistance to thousands of individuals over the past 15 years, with team of highly competent state-certified mediators who assist the parties to resolve their differences. Contact Executive Director David Michael at 703-993-3656.

.This is no longer about the environment or night operations or compliance. It's about balance and fairness and respecting the process. VA Paving appears to have worked hard to strengthen the safety of its operations, in conjunction to City input. Why is this being ignored by some in the pending Matrix?

If there are good reasons not to listen to your own staff, then fire them all. But, if they are right, they deserve attention.

Sincerely,

Kathleen M. Burns
1036 N. Pelham St.
Alexandria, VA 22304

22
11-28-06



<mweintraub@litwatch.com>

11/22/2006 07:18 AM

Please respond to
<mweintraub@litwatch.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: VA Paving

COA Contact Us: VA Paving

Time: [Wed Nov 22, 2006 07:18:02] IP Address: [69.140.77.29]

Response requested:

First Name: Max
Last Name: Weintraub
Street Address: 425 Cameron Station Blvd.
City: Alexandria
State: Virginia
Zip: 22304
Phone: 703-200-8686
Email Address: mweintraub@litwatch.com
Subject: VA Paving

Mr. Mayor and members of the Council,

I have written before on this issue, but I feel it is important to renew my efforts on behalf of the citizens of the City's West End.

As a member of the Board of both the Cameron Station Community Association and of the Woodland Hall Condominiums at Cameron Station, I have a particularly vested interest in the health and quality of life the residents here. With that in mind, I write to voice my support of the Civic Association's suggestions regarding a decision on the Virginia Paving SUP request.

Specifically, I encourage you to ask for deny the request.

I object strenuously to Virginia Paving's latest proposal as being outrageous and unacceptable, and, at the very least, I would encourage an outcome that would REDUCE production limits and increase safeguards if Council does approve a new SUP.

Comments:

In addition, I would urge Council to issue a clear

statement that it anticipates that Virginia Paving will be deemed a non-complying land use at the end of the West Eisenhower planning process.

As I have in the past, I suggest that you approach the Virginia Paving issue with the following question in mind: Would I approve the creation of this facility right now, if it did not already exist?

I know you have the City's best interests at heart. I hope you will act on that feeling.

J. Max Weintraub, Esq.
425 Cameon Station Blvd.
Alexandria, Virginia 22304
703-200-8686
mweintraub@litwatch.com

22
11-28-06



<bjscott36@yahoo.com>

11/21/2006 05:57 PM

Please respond to
<bjscott36@yahoo.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: VA Paving SUP Amendment (Odor Complaint copy)

COA Contact Us: VA Paving SUP Amendment (Odor Complaint copy)

Time: [Tue Nov 21, 2006 17:57:40] IP Address: [141.116.10.13]

Response requested:

First Name: Brian
Last Name: Scott
Street Address: 1036 Harrison Circle
City: Alexandria
State: VA
Zip: 22304
Phone: 703-823-2133
Email Address: bjscott36@yahoo.com
Subject: VA Paving SUP Amendment (Odor Complaint copy)

Greetings Mayor and City Council Members,

Below is a copy of an email to City Staff illustrating the continued odor problems generated by the VA Paving plant. I would also like to encourage you not to acquiesce to VA Paving's statement that they can only accept Council Member Lovain's proposed SUP compromise. It should not be the applicant who dictates the conditions of an SUP amendment. Finally, please ensure that the Council's right to rezone the property is preserved by requiring a sunset provision in any SUP amendment.

Thank you very much for your continued attention to this matter.

Regards,
Brian Scott

From: BrianNova37
> To: Rich Josephson; Bill Skrabak
> Cc: john pecic; Zina Raye; Chris Monahan; Dan Hoyt; arthur

Comments: > impastato
> Sent: 11/21/2006 10:41:50 AM
> Subject: VA Paving Odor Complaint
>
>
> Hi Rich and Bill,
>
> I wanted to notify you of another instance of the
> foul
> petroleum/gas odor in our neighborhood this
> morning at 9:30am. The
> odor is so strong that I smelled it INSIDE my
> house at 1036
> Harrison Circle. I note that the plumes of smoke
> coming from VA
> Paving were blowing in the direction of our
> neighborhood. Thank
> you for your continued attention to this matter. I
> have cc'ed VA
> Paving on this email.
>
> Regards,
>
> Brian Scott
> 1036 Harrison Circle

MOTION BY COUNCILMEMBER LOVAIN

ON REVISIONS TO THE VIRGINIA PAVING AMENDED S.U.P.

1. Virginia Paving Company (hereinafter, VA Paving) shall limit its hot mix asphalt production to a yearly maximum of [900,000] 850,000 tons per year until all air pollution controls have been installed as scheduled in this Special use Permit. Thereafter, the hot mix asphalt production shall be limited to [1,200,000] 980,000 tons per year. In addition, Virginia Paving shall limit hot mix asphalt production to 275,000 tons per year during nighttime shifts as defined in Condition No. 4 below.

2. VA Paving shall limit its hot asphalt production rate to a maximum of 1,000 tons per hour and [10,000] 8,000 tons in any [24 hour] daily period, not to exceed [5,000] 4,000 tons in any one nighttime shift.

3. Virginia Paving shall control odors, smoke and any other air pollution from operations at the site, and prevent them from leaving the property [or] and becoming a nuisance to neighboring properties, as determined by the Department of T&ES, in coordination with the Director of Department of Health.

4. Virginia Paving shall limit its nighttime work to [130] 110 nighttime shifts per calendar year. A record shall be maintained on site for the days/shifts on which nighttime work was conducted. Work conducted from 9 pm to 5 am will be considered as nighttime shift. A partial shift work will be counted as 1 nighttime shift work for the purposes of this condition.

5. All night time production at VA Paving shall be limited for government customers only (Federal, State transportation agencies or local governments). Night time production for and servicing of non-government entities from this facility is not permitted.

6. For control of odors, VA Paving shall use low-odorous additive or, upon proposal to and approval by Department of T&ES, another equally effective approach such that odors from the Va Paving is in compliance with Condition No. 3 hereto. Since effectiveness of these additives is highly dependent on their usage in manufacturer's recommended quantities, VA Paving shall maintain records on site that demonstrates that these additives are being used as per manufacturer's recommendations. The records will include the amount of additive used, compared to production and use of asphalt cement.

9. VA Paving shall only utilize low-sulfur No. 2 distillate oil as fuel for the drum dryers on days when the Air Quality Index (AQI) value for Alexandria/Region is predicted to exceeds 100 (Codes Orange, and Red) for ozone and particulate matter, as identified on MWCOG's web site. Additionally, VA Paving shall be limited to a daily production cap of 4000 tons on days when AQI is forecast from 150 to ~~300~~ 200 (Code Red

200

~~and Purple)~~ and shall not produce hot mix asphalt on days when AQI is forecast greater than ~~(300) Code Maroon~~. A record shall be maintained that documents appropriate fuel usage and compliance with this requirement.

200

Purple & Maroon

16. All on-site 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 new 2007 Tier III EPA standard for emissions from diesel engines within three years of the approval. VA Paving shall replace one third of the existing trucks each year between 2007 and 2009.

74. The hours of operation for the asphalt plant shall be limited to 5:00 am to 9:00 pm 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 pm to 5:00 am Sunday through Friday. During nighttime hours, the applicant shall not engage in private paving.

75.(new) City Council shall review this SUP, conduct a public hearing, and determine if the continued operation of this use is inconsistent with the Eisenhower West Small Area Plan (SAP) and implementing zoning amendments, anticipated for adoption in 2009, and with the ensuing and foreseeable development and redevelopment in the area. Such public hearing shall be held, and determination made, on or about three years after adoption of the SAP. In the event Council does not determine that the continued operation of the use is inconsistent with such SAP, implementing zoning and development or redevelopment, the use may continue, subject to the terms and conditions of this SUP. In the event Council determines that the continued operation of the use is inconsistent with such SAP, implementing zoning and development or redevelopment, the use, and all related and tenant operations on or within the site after expiration of the current lease (which is in 2016), shall terminate at such time as the Council shall determine, which shall not be sooner than seven years after adoption of the SAP nor longer than the applicable amortization period under Zoning Ordinance Section 12-214 as demonstrated by the Applicant. Investments made pursuant to this SUP Amendment will not be included in such an amortization analysis. With the exception of removing a claim of additional vested rights, or a claim for an extension of the amortization period based upon additional investments made, as a result of this amendment to the SUP, this provision is written as a declaration of existing zoning rights on the property. Nothing contained herein is a concession from Virginia Paving that a rezoning of their property is necessary or appropriate under the SAP.

76 (new). The City shall establish a Virginia Paving Liaison Committee, to be appointed by the Mayor, to provide a forum for discussing and monitoring continuing impact and compliance issues arising from the operation of the plant. Members of the

Committee shall include citizens and businesses residing near the Virginia Paving plant, representatives of Virginia Paving, and City staff.

77 (new) Virginia Paving shall be responsible for compliance with all generally applicable SUP terms, codes and ordinances regarding noise, odor, water quality and light for any tenant operations on the property. If any tenant on the property is found by the City of Alexandria to be the cause of a violation of any applicable SUP terms, codes or ordinances regarding noise, odor, water quality and light as referenced above, Virginia Paving shall take such steps as are necessary to modify or cease the tenant's operation until such modifications are made to ensure compliance with the above-referenced SUP terms, codes or ordinances.

78 (new) Virginia Paving shall reimburse the City for the reasonable and proportionate administrative costs associated with the enforcement of this SUP, not to exceed \$126,000 for each of the first two years after approval and not to exceed \$50,000 each year thereafter, including the reasonable and proportionate cost of any additional staff, equipment or consultants determined to be necessary by the City to properly enforce the terms. Such cost shall be determined by the City in consultation with Virginia Paving and billed on a quarterly basis. Each bill will include an itemization of the amount charged. This term applies specifically to the cost of enforcement of the terms set forth in the SUP and shall not operate to shift fees or costs in the event of any subsequent administrative or legal dispute between the parties.

22
11-28-06

CORRECTED NO. 75 IN COUNCILMAN LOVAIN'S MOTION –
TYPOGRAPHICAL ERROR IN EARLIER DISTRIBUTED VERSION

No. 75 - Consistency with Eisenhower West Small Area Plan (SAP) and Sunset
Provision:

City Council shall review this SUP, conduct a public hearing, and determine if the continued operation of this use is inconsistent with the Eisenhower West Small Area Plan (SAP) and implementing zoning amendments, anticipated for adoption in 2009, and with the ensuing and foreseeable development and redevelopment in the area. Such public hearing shall be held, and determination made, on or about three years after adoption of the SAP. In the event Council does not determine that the continued operation of the use is inconsistent with such SAP, implementing zoning and development or redevelopment, the use may continue, subject to the terms and conditions of this SUP, including a new or revised sunset date. In the event Council determines that the continued operation of the use is inconsistent with such SAP, implementing zoning and development or redevelopment, the use, and all related and tenant operations on or within the site after expiration of the current lease (which is in 2016), shall terminate at such time as the Council shall determine, which shall not be sooner than seven years after adoption of the SAP nor longer than the applicable amortization period under Zoning Ordinance Section 12-214 as demonstrated by the Applicant. Investments made subsequent to this SUP Amendment will not be included in such an amortization analysis. With the exception of removing a claim of additional vested rights, or a claim for an extension of the amortization period based upon additional investments made, as a result of or subsequent to this amendment to the SUP, this provision is written as a declaration of existing zoning rights on the property. Nothing contained herein is a concession from Virginia Paving that a rezoning of their property is necessary or appropriate under the SAP.

COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
 SUP TERMS AS ORIGINALLY RECOMMENDED STAFF
 Page 1 (Revised as of 6:00 p.m. on 11/28/06)

SUP Condition Number (Original Terms)	<u>Sponsor</u>			
	LOVAIN	PEPPER	KRUPICKA	MCDONALD*
SUP No. 1 (Annual production cap of 900k tons prior to improvements)	Reduce annual production limit to 850k tons prior to improvements	Reduce annual production limit to 765k tons prior to improvements		Reduce annual production limit to 700k tons, regardless of improvements
SUP No. 1 (Annual production cap of 1.2M tons after improvements)	Reduce annual production limit to 980k tons after improvements	Reduce annual production limit to 900k tons after improvements		Reduce annual production limit to 700k tons, regardless of improvements
SUP No. 1 (No annual restriction on nighttime shift production)	As a subset of annual production limit, limit annual nighttime shift production to 275k tons	As a subset of annual production limit, limit annual nighttime shift production to 150k tons		
SUP No. 2 (10k ton daily production limit)	Reduce daily production limit to 8k tons	Impose hourly production limit of 1k tons, and reduce daily production limit to 8k tons		Reduce daily production cap to 5k tons
SUP No. 2 (5k ton nighttime daily production limit)	As a subset of daily production limit, reduce nighttime production to 4k per day	As a subset of daily production limit, reduce nighttime production to 4k per day		No daily cap on nighttime production

REVISIONS TO COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
 SUP TERMS AS ORIGINALLY RECOMMENDED STAFF
 Page 2 (Revised as of 6:00 p.m. on 11/28/06)

SUP Condition Number (Original Terms)	Sponsor			
	LOVAIN	PEPPER	KRUPICKA	MCDONALD*
SUP No. 4 (Maximum of 130 nighttime production shifts)	Reduce maximum number of nighttime production shifts to 110 nights per calendar year	Reduce maximum number of nighttime production shifts to 45 nights per calendar year, excluding emergency work		No restriction on number of nighttime production shifts
SUP No. 4 (Nighttime shift includes work between 9:00 p.m. and 5:00 a.m.)		Nighttime production shift will include any work performed between 6:00 p.m. and 5:00 a.m.		
SUP No. 5 (Nighttime production limited to work for federal and state transportation agencies and local governments)		Nighttime production limited to work on public roads, streets and highways for government customers		
SUP No. 9 (Use of No. 2 oil only for drum dryers on Code Red air quality days)		No plant operations on Code Red, Purple or Maroon days	In addition to fuel restrictions, 4k cap on Code Red days, and no production on Code Purple or Maroon Days	

COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
 SUP TERMS AS ORIGINALLY RECOMMENDED STAFF
 Page 3 (Revised as of 6:00 p.m. on 11/28/06)

SUP Condition Number (Original Terms)	<u>Sponsor</u>			
	LOVAIN	PEPPER	KRUPICKA	MCDONALD
SUP No. 74 (normal hours of operation are from 5:00 a.m. to 9:00 p.m.)		Normal hours of operation are from 5:00 a.m. until 8:00 p.m., but no asphalt production after 4:00 p.m.; during paving season, production can take place after 4:00 p.m.; also restates and amplifies limitation on government customers (SUP No. 5 above)		

**COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
 SUP TERMS AS ORIGINALLY RECOMMENDED STAFF
 Page 4 (Revised as of 6:00 p.m. on 11/28/06)**

SUP Condition Number (Original Terms)	Sponsor			
	LOVAIN	PEPPER	KRUPICKA	MCDONALD
NEW TERM No. 75 (No sunset date in original proposed terms)		Public hearing to be held to determine compatibility of continued use of plant with Eisenhower Small Area Plan within 3 years of adoption of such plan, for determination of consistency of use with SAP. If Council determines use is inconsistent with SAP, plant shall close no sooner than 7 years after the adoption of the SAP and no later than the applicable amortization period determined by Zoning Ordinance 12-214.	Public hearing to be held to determine compatibility of continued use of plant with Eisenhower Small Area Plan within 3 years of adoption of such plan, for determination of consistency of use with SAP. If Council determines use is inconsistent with SAP, plant shall close no sooner than 7 years after the adoption of the SAP and no later than the applicable amortization period determined by Zoning Ordinance 12-214.	

COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
 SUP TERMS AS ORIGINALLY RECOMMENDED STAFF
 Page 5 (Revised as of 6:00 p.m. on 11/28/06)

SUP Condition Number (Original Terms)	Sponsor			
	LOVAIN	PEPPER	KRUPICKA	MCDONALD
New Term No. 76 (Citizen Neighborhood liaison committee)		Mayor to appoint citizen liaison committee to provide forum for continued discussion regarding ongoing impact of plant on community		
New Term No. 77 (Clarification of applicability of terms)			Virginia Paving is responsible for compliance with all generally applicable terms regarding noise, odor, water quality and light for any tenant operations on the property	
New SUP No. 78 (Staff proposal after staff report and proposed terms were issued)		Applicant to reimburse City for reasonable and proportionate cost of SUP enforcement with an annual cap of \$126k for first two years and \$50k thereafter		

REVISIONS TO COUNCIL'S PROPOSED REVISIONS TO VIRGINIA PAVING
SUP TERMS AS ORIGINALLY RECOMMENDED STAFF

Page 6 (Revised as of 6:00 p.m. on 11/28/06)

Note: At the work session, Councilman Krupicka mentioned that he preferred the enforcement language in the 1960 SUP to the language set forth in proposed SUP Term No. 27. Councilman Krupicka has dropped that proposed modification, based upon the City Attorney's determination that the language from the 1960 SUP and Proposed term No. 27 are substantively identical.

Note: Vice Mayor McDonald recently determined that he prefers denial of the application to amend the 1960 SUP, rather than the terms for an amended SUP he proposed in early November. Those terms are retained in the chart in an effort to reflect all proposals made, rather than to reflect the Vice Mayor's current position.

Del Pepper Proposal
November 27, 2006

Mr. Mayor, I move that City Council adopt the following amendments to Conditions 1, 2, 4, 5, 9, 59 and 74, and add new conditions 75 and 76, as follows:

1. This special use permit is issued to Virginia Paving Company of Alexandria, Virginia, a division of Lane Construction Corporation, only (hereinafter, VA Paving). VA Paving shall limit its hot mix asphalt production to a yearly maximum of ~~900,000~~ 765,000 tons per year until all air pollution controls have been installed as scheduled in this Special Use Permit. Thereafter, the hot mix asphalt production shall be limited to ~~1,200,000~~ 900,000 tons per year.

In addition, VA Paving shall limit nighttime shift production to 150,000 tons per year.

2. VA Paving shall limit its hot asphalt production to a maximum of 1,000 tons per hour and ~~10,000~~ 8,000 tons in any ~~24 hour~~ daily period, not to exceed ~~5,000~~ 4,000 tons in any one nighttime shift.
4. Virginia Paving shall limit its nighttime work to ~~130~~ 45 nighttime shifts per calendar year, excluding emergency work required to maintain public health, safety and welfare, as authorized by the Director of Transportation and Environmental Services. A record shall be maintained on site for the days/shifts on which nighttime work was conducted. Work conducted from 9 ~~8~~ p.m. to 5 a.m. will be considered as nighttime shift. A partial shift work will be counted as 1 nighttime shift work for the purposes of this condition.
5. All night time production at VA Paving shall be limited to public road, street and highway work for government customers only. Night time production for and servicing of non-government entities from this facility is not permitted.
9. VA Paving shall only utilize low-sulfur No. 2 distillate fuel for the drum dryers not operate its plant on days when the Air Quality Index value for Alexandria/Region exceeds ~~100~~ 150 (Codes ~~Orange, Red, and Purple and Maroon~~) for ozone and or particulate matter, as defined on EPA's AIRNow web site. A record shall be maintained that documents appropriate fuel usage compliance with this requirement.
59. VA Paving shall provide the City a Quarterly report that provides status of all projects required by the SUP. Also, the records that are required by the conditions of the SUP will be submitted along with this quarterly report. After all the Capital projects are installed, the BMP reporting requirements shall be made annually.

VA Paving shall pay the City \$126,000 per year for two years, commencing 30 days after approval of this SUP, for compliance monitoring and enforcement of the terms and conditions of this SUP.

74. The hours of daytime operation for the asphalt plant shall be limited to 5:00 a.m. to ~~9:00~~ 8:00 p.m. Monday through Saturday, provided that no production of asphalt occurs after 4:00 p.m. In addition, when undertaking ~~State or Local~~ Government projects during the paving season (April 1 to November 1), the facility may also operate from ~~9:00~~ 8:00 p.m. to 5:00 a.m. Sunday through Friday, and the prohibition on asphalt production after 4:00 p.m., shall not apply. During nighttime hours, the applicant shall not engage in private paving.

75. [THIS IS A NEW CONDITION. CHANGES ARE SHOWN FROM PRIOR DRAFT.]

Consistency with Eisenhower West Small Area Plan and sunset provision:

City Council shall review this SUP, conduct a public hearing, and determine if the continued operation of this use is ~~compatible~~ inconsistent with the Eisenhower West Small Area Plan (SAP) and implementing zoning amendments, anticipated for adoption in 2009, and with the ensuing and foreseeable development and redevelopment in the area. Such public hearing shall be held, and determination made, on or about three years after adoption of the SAP December 31, 2012. In the event Council does not determines that the continued operation of the use is ~~compatible~~ inconsistent with such SAP, implementing zoning and/or development or redevelopment, the use may continue, subject to the terms and conditions of this SUP, ~~and such additional terms and condition as the Council may adopt~~ including ~~without limitation~~ a new or revised sunset date. In the event Council determines that the continued operation of the use is ~~not compatible~~ inconsistent with such SAP, implementing zoning and/or development or redevelopment, the use, and all related and tenant operations on or within the site after expiration of the current lease (which is in 2016), shall terminate at such time as the Council shall determine, which shall not be sooner than ~~December 31, 2016, nor longer than December 31, 2018~~ seven years after adoption of the SAP nor longer than the applicable amortization period under Zoning Ordinance Section 12-214 as demonstrated by the Applicant. Investments made pursuant subsequent to this SUP Amendment will not be included in such an amortization analysis. With the exception of removing a claim of additional vested rights, or a claim for an extension of the amortization period based upon additional investments made, as a result of or subsequent to this amendment to the SUP, this provision is written as a declaration of existing zoning rights on the property. Nothing contained herein is a concession from Virginia Paving that a rezoning of their property is necessary or appropriate under the SAP.

76. The City shall establish a citizen/neighborhood liaison committee, to be appointed by the Mayor, to provide a forum for discussing and monitoring continuing impact and compliance issues arising from the operation of the plant.

22
11-28-06



<gblewis425@comcast.net>

11/28/2006 05:55 PM

Please respond to
<gblewis425@comcast.net>

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

cc

bcc

Subject COA Contact Us: VA Paving

COA Contact Us: VA Paving

Time: [Tue Nov 28, 2006 17:55:02] IP Address: [69.140.86.182]

Response requested:

First Name: Gwendolyn H
Last Name: Lewis
Street Address: 5246 Tancreti Lane
City: Alexandria
State: VA
Zip: 22304
Phone: 571-527-0399
Email Address: gblewis425@comcast.net
Subject: VA Paving

Comments: The City Council will vote on tonight to either approve or deny the Special Use Permit. Our Civic Association has worked diligently to control the amount of pollution emitted on our citizens from these and other businesses. The proposal to increase production for VA paving basically raises the stack height to disburse the pollutants over the entire City and not just over the West End of Alexandria. In the Association's analysis, this is just not acceptable. As a citizen of Cameron Station, I am hoping that you understand all of the variables surrounding this issue. A main issue is that this area has outgrown the industrial area that it once was and is now mainly residential, very dense with lots of children. I am asking that you DENY the proposed SUP. Thank You, Gwendoly H. Lewis

22
11-28-06



<donwainwright@comcast.net>

12/01/2006 04:50 PM

Please respond to
<donwainwright@comcast.net>

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

cc

bcc

Subject COA Contact Us: Virginia Paving Corporation Permit Granted

COA Contact Us: Virginia Paving Corporation Permit Granted

Time: [Fri Dec 01, 2006 16:50:19] IP Address: [206.41.51.3]

Response requested:

First Name: Don
Last Name: Wainwright
Street Address: 123 Martin Lane
City: Alexandria
State: VA
Zip: 22304
Phone: 703-566-1910
Email Address: donwainwright@comcast.net
Subject: Virginia Paving Corporation Permit Granted
Dear Mayor and City Council:

Comments: I am quite dismayed at your recent approval of the Virginia Paving Corporation to work 24 hours a day and to continue to pollute and endanger the citizens of the West End. As a resident of Cameron Station, I am amazed at those of you who voted to grant this business a special permit. Apparently, those who voted in favor of the permit, do not live near the problem and realize what is actually taking place in our neighborhood.

I truly hope that you will revisit your decision if the matter is brought up again. I know I will certainly remember who was on my side when it comes election time and so will many more of us in the West End who you forgot about!

Sincerely,

Don Wainwright

22
11-28-06



<walt761@comcast.net>

12/04/2006 10:12 AM

Please respond to
<walt761@comcast.net>

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

cc

bcc

Subject COA Contact Us: VA Paving

COA Contact Us: VA Paving

Time: [Mon Dec 04, 2006 10:12:33] IP Address: [68.33.111.66]

Response requested:

First Name: Walt
Last Name: Henderson
Street Address: 128 Martin Lane
City: Alexandria
State: VA
Zip: 22304
Phone: 703-370-4993
Email Address: walt761@comcast.net
Subject: VA Paving

While the vote of the City Council to approve the SUP for VA Paving was not a surprise, it still saddens me because once more the West End appears to be the step child of the City of Alexandria. As many Cameron Station residents gathered this weekend to talk of the vote, we couldn't help but think that if VA Paving was anywhere near any of the lovely homes in Old Town (in which some of you live) it would have been shut down years ago.

Comments:

Perhaps in the future as you proceed with your goal to develop every square inch of the city you might pause and consider the contention issues that your decisions cause. Did you really think placing 2,000+ homes and an elementary school next to a paving plant would not cause concern on part of the residents? Yes, I bought my home with full knowledge of its existence. No, I did not buy my home with the knowledge that it would be operating 24 hours a day during the time when I would be outdoors. I bought my home thinking that it was a good investment and I wanted to join in the transformation of the West End that I foolishly thought the City was part of.

While the next election is a few years away, the

memories will linger (especially in the summer months!) and we'll be constantly reminded to look for alternatives to Mayor Eulle, and council members Smedberg, Krupicka, and Lovain.

Thank you for your time.

22
11-28-06



Valerie Peterson/Alex
12/22/2006 11:32 AM

To Jackie Henderson/Alex@Alex
cc Christopher Spera/Alex@Alex, Lalit Sharma/Alex@Alex, Stephen
Milone/Alex@ALEX, Kendra Jacobs/Alex@Alex
bcc

Subject VA Paving Conditions

Hi Jackie,

As per our conversation this week, Condition #35 of SUP#2005-0042 needs to be updated with respect to the hours, to be consistent with Conditions #4 and #74 that were amended by Council at its November 28 meeting. The hours of operation in Conditions #4 and #74 were amended by Council to reflect the nighttime hours as being 8:00 p.m. to 5:00 a.m. The hours referenced in Condition #35 should be updated to be consistent. Condition #35 should now read:

VA Paving shall limit its night time operations to only one dryer unit, one loader, one skid steer and one mobile crane, and trucks as needed between the hours of ~~9pm~~ 8 pm and ~~6am~~ 5 am.
(T&ES)

(New language is underlined, old language stricken.)

In addition to this condition, we found a type-o in Condition #24. The last sentence of the condition states: "The records as required by this annual inspection shall be submitted to the City every six months, first submittal no later than April 30, 2007". This sentence is intended to provide the frequency of submitting the record keeping documents described earlier in the condition. The reference to the "annual inspection" is not a logical reference here, so should read as follows:

The records as required by this ~~annual inspection~~ condition shall be submitted to the City every six months, first submittal no later than April 30, 2007.

With those two changes, the document looks to be final. Let me know if you can note these changes to the official record, then we'll update the document for final release to the applicant and on our web site.

Thanks and Happy Holidays!

Valerie

11/4/06

22

11-28-06

Dear Mrs. Henderson,

Enclosed please find petitions pertaining to the VA Parking SUP. Please present these to the City Council + Mayor in order that they may be added to the petitions that were previously submitted.

Thank you!

Ylva Donella

5152 California Ln

Alexandria

Petition to Deny the Request by Virginia Paving Company to Amend its Special Use Permit

BACKGROUND: The Virginia Paving Company facility at 5601 Courtney Avenue in Alexandria, Virginia (VA Paving) filed an application to change its Special Use Permit (SUP) to allow it to double its production and to essentially operate its asphalt plant 24/7. Its current 1960 SUP limits its hours of operation to Saturdays and to weekday daylight hours, but not including holidays. VA Paving is located just west of Tucker Elementary School, Boothe Park and Cameron Station. Intensification of asphalt production in such an area is clearly inappropriate and unhealthy.

VA Paving has publicly admitted being in violation of its SUP since it bought the plant in 2001. VA Paving had to pay fines to the EPA in late 2004 for two violations of the Clean Water Act and was cited by the City of Alexandria (City) in October 2004 for 22 violations relating to, among other things, water discharge, the fire code and dumping of waste. Six of these 22 violations have not been remedied. We believe VA Paving is a public nuisance and a potential health and safety hazard and should not be allowed to increase its hours of operation or increase its annual production.

PETITION: For the foregoing reasons, the undersigned respectfully request that Alexandria's Mayor and City Council deny VA Paving's request to amend its SUP, fully enforce its current SUP and take prompt action to ensure that VA Paving is currently in compliance with all City and state environmental and safety regulations.

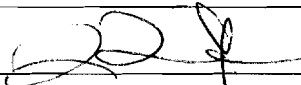
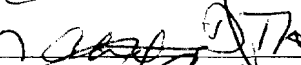
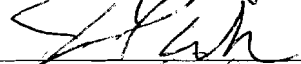


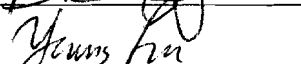
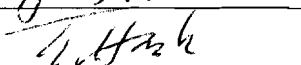
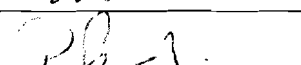
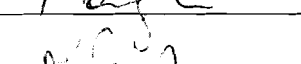

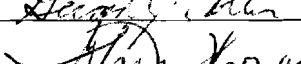
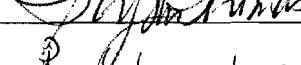

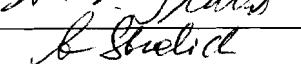
Print Name	Signature	Address	Date
Stafford, R	<i>Stafford R</i>	260 Medlock Lane	10/24
Stafford, M	<i>Mary Stafford</i>	260 Medlock Lane	10/24
Malhotra, S	<i>Smriti Malhotra</i>	437 Cameron Station	10/24
DuRette, J	<i>Jane DuRette</i>	5052 GRIMM DR	10/24
CASEY CORWELL	<i>Casey Corwell</i>	171 SOMERVILLE ST #211	10/24
MARY KIMMERS	<i>Mary Kimmers</i>	300 CAMERON STN BLVD	10/24
Dev Duggal	<i>Dev Duggal</i>	235 Somerville St	10/24
SHANE BERTISH	<i>Shane Bertish</i>	191 MARTIN LN	10/24
Harrell, Catharine	<i>Catharine Harrell</i>	5257 Pecosin Ln	10/25
Harrell, Chad	<i>Chad Harrell</i>	5257 Pecosin Lane	10/25
Alana Sugar	<i>Alana Sugar</i>	5108 Donovan Dr. #207	10/25
JOHN SCHWEINER	<i>John Schweiner</i>	160 COMAY TERRACE	10/25

Petition to Deny the Request by Virginia Paving Company to Amend its Special Use Permit

BACKGROUND: The Virginia Paving Company facility at 5601 Courtney Avenue in Alexandria, Virginia (VA Paving) filed an application to change its Special Use Permit (SUP) to allow it to double its production and to essentially operate its asphalt plant 24/7. Its current 1960 SUP limits its hours of operation to Saturdays and to weekday daylight hours, but not including holidays. VA Paving is located just west of Tucker Elementary School, Boothe Park and Cameron Station. Intensification of asphalt production in such an area is clearly inappropriate and unhealthy.

VA Paving has publicly admitted being in violation of its SUP since it bought the plant in 2001. VA Paving had to pay fines to the EPA in late 2004 for two violations of the Clean Water Act and was cited by the City of Alexandria (City) in October 2004 for 22 violations relating to, among other things, water discharge, the fire code and dumping of waste. Six of these 22 violations have not been remedied. We believe VA Paving is a public nuisance and a potential health and safety hazard and should not be allowed to increase its hours of operation or increase its annual production.

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Print Name	Signature	Address	Date
Tracy Thompson		414 Ferdinand Day Dr.	10-15-06
Chris Thompson		414 Ferdinand Day Dr.	10-15-06
JOE CALIRO		194 MARTIN LANE	10/15/06
Gloria Eskridge		5023 MURTHA ST.	10/15/06
Diana Gardner		5206 Colonel Johnson	10/15/06
Young Lam		5115 Grimm Dr.	10/16/06
Tom Hask		5115 Grimm Dr.	10/16/06
Purni Sanghvi		233 Cameron St. Blvd	10/16/06
Neil Sanghvi		233 Cameron St Blvd	10/16/06
GERARD COLLINS		5246 WESLEY PLACE	10/16/06
Elymus Thomas		385 Cameron Station Blvd	10/16/06
R. SHASHIDHAR		5230 Browne Rd	10/14/06
ANT SIZELICK		509 CAMERON STATION BLVD	10/12/06
Heidi Stuelich		509 Cameron Station Blvd.	10/12/06

Petition to Deny the Request by Virginia Paving Company to Amend its Special Use Permit

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Print Name	Signature	Address	Date
Stephen Hebert		212 Martin Ln. Alex. VA 22304	10/14/06
Andrew Holmes		161 Barrett Pl Alex VA 22304	10/14/06
Glenn D'Amore		5101 Dungan Dr.	10/14/06
BRIAN TALAY		245 MURINA	10/14/06
Ken Meier		4912 Kilburn St	10/14/06
Jan Meier		4912 Kilburn St	10/14/06
Meryl Turner		303 VERMURE LN	10/14/06
Amanda Scott		5234 Brauner Place	10/15/06
Chris Vaccaro		5234 Brauner Pl	10/15/06
PHIL KROHN		4950 BRENNAN RD	10-15-06
Heidi Ellis		4951 Brennan Road	10-15-06
Jeffrey Smith		5080 English Terr	10-15-06
JONATHAN BRADLEY		5101 DUNGAN	15 OCT 06

Louise CALIKO 194 Martin Ln. 10-16-06

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Print Name	Signature	Address	Date
LUANE SNYDER		171 BARRETT PLACE ALEX, VA	10/13/06
CHRISTOPHER CRAMER		5717 GARDNER DR.	10/13/06
STACY CRAMER		" " "	" " "
JULIE HOWARD		267 Cameron Station Blvd	10/13/06
MIKE SERRANO		4951 Bierman Park Dr. #305 ALEXANDRIA, VA 22304	10/13/06
OLEG BORUKHIN		4921 KILBURN S ALEXANDRIA VA 22304	10/14/06
PREEYA NERUNHA		371 CAMERON STATION BLVD ALEX, VA 22304	10/14/06
LEON AVRAKOVITH		159 Somerville Street, Alex VA	10/14/06
CHONG RINGER		159 Somerville St. Alex. VA	10/14/06
Richard Lombardi		212 Mullock Lane Alex VA	10/14/06
Leud Linder		5717 Gardner Dr. #114 VA	10/14/06
DAVID HERRINGTON		4916 GARDNER DR Alex VA 22304	12/10/06
Carina White		5112 DONOVAN DR. #312 22304	10/14/06

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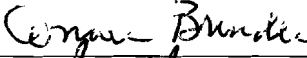


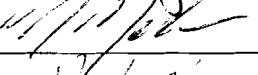
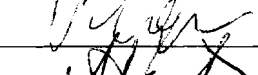
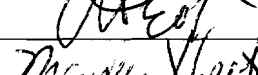
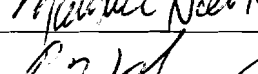

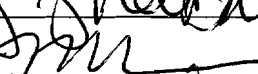
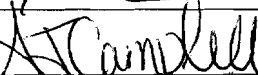

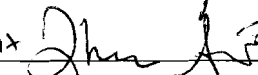

Print Name	Signature	Address	Date
HARRY HAINES	<i>Harry Haines</i>	122 CAMERON ST BLDG	OCT 14, 2006
Angela Wessling	<i>Angela Wessling</i>	329 Helmuth Lane	Oct 14, 2006
Russell Norember	<i>Russell Norember</i>	230 S. STOKES ST	OCT 14 2006
Erinn Taylor	<i>E Taylor</i>	291 Cam Stn Blvd #103	10/14/06
Curtis Taylor	<i>C Taylor</i>	291 Cam Stn Blvd #103	10/14/06
Heidi Whalen	<i>Heidi Whalen</i>	5100 Grimm Dr.	10/14/2006
Lance (Joe)	<i>Lance (Joe)</i>	5000 Grimm Dr	10/14/06
Sanjeev Votika	<i>Sanjeev Votika</i>	209 Cameron Station Park Alex VA	10/14/06
Richard Rikover	<i>Richard Rikover</i>	117 Markin Lane Alex VA 22304	10/14/06
Kimberly Ringwood-Smith	<i>Kimberly Ringwood-Smith</i>	"	"
Kenneth Patrick	<i>Kenneth Patrick</i>	4911 Barbours Dr.	10/14/06
Angelique Floerke	<i>Angelique Floerke</i>	387 Livermore Ln	10/14/06
Tom Eldred	<i>Tom Eldred</i>	387 Livermore Ln	10/14/06
Kevin McMahon	<i>Kevin McMahon</i>	395 Cameron Stn. Bldg	10/14/06

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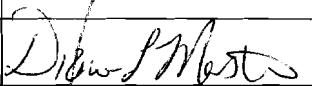

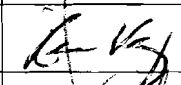



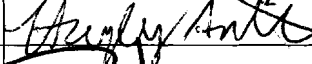


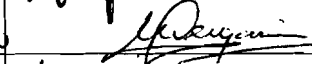



Print Name	Signature	Address	Date
CONNIE BRUNDE		5240 Bessley Pl	10-15-06
Scott Spicardo		5267 Col. Johnson Ln	10-15-06
Patricia Long		5032 GRAM DR	10/15-06
Constantine Merkezai		5275 Colonel Johnson Ln.	10-15-06
Olga Merkezai		5275 Colonel Johnson Ln	
JAMES HEATH		5256 BESSLEY PL	10-15-06
Maurice HEATH		5256 BESLEY PL	10-15-06
Richard Murray		171 Somerville St.	10-15-06
Sera Hunter		4906A John Ticer	10/15/06
Ernest Hunter II		" " "	" " "
Alicia Campbell		4920A Barkour Dr	10/15/06
Ashley Campbell		" "	" "
Theresa Amisworth		301 LANNON CT	10/15/06

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Print Name	Signature	Address	Date
Diane L. Mastro		5114 Vos Lane Alexandria	10/15/06
Thomas A. Gallant		4951 Brennan PK Dr. Alex 213	10/15/06
Constance Vazquez		5115 Gordon Drive	10/15/06
Alexandra McCanney		171 Somerville St, #201	10/15/06
Kimberly Zumagni		105 Martin Lane Alex VA	10/15/06
Michael Robertson		276 MURKIN ST 22304	10/16/06
Hayley Sullivan		208 Martin Ln 22304	10/16/06
Russell Morales		5094 English Terrace	10/16/06
Michelle Morales		5094 English Terrace	10/16/06
McDOWD BENJAMIN		4950 BRENNAN PARK DR. 302	16/OCT/06
ADRIANA SALCEDO		4950 Brennan Park Dr. 302	16/OCT/06
Karen Booker		271 Medlock Ln	17/Oct/06
DIANE LUCAS		823 Medlock Ln	10/18/06

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Print Name	Signature	Address	Date
Janet K. Kim	<i>Janet K. Kim</i>	4918 Donovan Dr. Alexandria VA 22304	Oct 15, 2006
Young-Sook L. Kim	<i>Young-Sook L. Kim</i>	4918 Donovan Dr. Alexandria VA 22304	Oct. 15, 2006
MARIAN L. Celli	<i>Marian Celli</i>	5050 Croom Drive Alexandria 22304	10/16/06
DAVID GUNTER	<i>David Gunter</i>	4927 Kilburn St Alex VA 22304	10/16/06
Lanna Smith	<i>Lanna Smith</i>	283 Cameron Station Blvd Alex VA	10/16/06
Solberg Belanga	<i>Solberg Belanga</i>	177 General Skaber Alex, VA 22304/06	10/16/06
PAUL BELANGA	<i>Paul Belanga</i>	" "	10/16/06
Rick & Alicia	<i>Rick & Alicia</i>	5237 Tancuti Lane Alex VA 22304	10/16/06
Julie Morris	<i>Julie Morris</i>	139 Cameron Station	10/16/06
PETER RENAULT	<i>Peter Renault</i>	270 North Street	10/16/06
Manami Hayes	<i>Manami Hayes</i>	4451 Brenman PK. # 203	10/16/06
Anne Schorn	<i>Anne Schorn</i>	239 Medlock Lane	10/16/06

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Print Name	Signature	Address	Date
Diane Bonney Diane	Diane M. Bonney	171 Somerville	10-16-06
Larry Bonney	Larry Bonney	" "	10/16/06
Jaber Jami	[Signature]	103 Somerville St	10/18/06
Nicole Lac	[Signature]	191 Somerville	10/20/06
Cindy Boruckin	[Signature]	4921 Kibbourn St	20 Oct 06
Dleg Boruckin	Dleg Boruckin	" " "	20 Oct 06
[Signature]	Art Improb	239 Medlock Lane	10/20/06
[Signature]	DANIELA CONNELL	531 Cameron St	10/20/06
Kevin Ligozio	K. Ligozio	145 Martin Ln	10/20/06
Kevin Covington	Ken Covito	4913 Donovan Dr	10/21/06
Melissa Hangleley	Melissa Hangleley	4913 Donovan Drive	10/21/06
Kimberly Geddings	Kimberly Geddings	4913 Gardner Dr.	10/21/06

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Jaber Jami		103 Somerville St	10/14/06
Linda Powers		2495 Donovan Bl	10/15/2006
Mary Sellers		5140 Donovan Dr.	10/10/2006
Alex Anwar		4915 Donovan Dr	10/16/2006
John Schwartz		114 Martin Lane	10/17/2006
Theresa Knight		114 Martin Ln.	10/17/2006
Robert James Test		217 Medlock Ln.	10/17/2006
LOM JAMISON		123 MARTIN LANE	10/18/06
Abdi B. Suleh		5091 Cameron Dr. Blue	10/18/06
Robert S. Kafalens		5007 Murtha St.	10/18/06
Edna L. Lewis		5108 Donovan #403	10/18/06
David Jordan		5262 Bessley Pl	10/18/06
Rachel Jordan		5262 Bessley Pl	10/18/06

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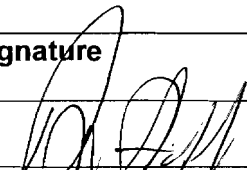

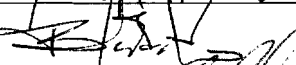
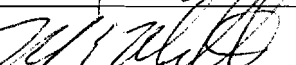

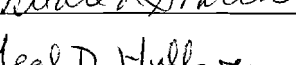
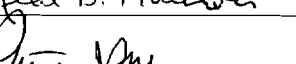
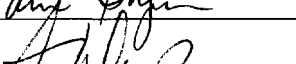
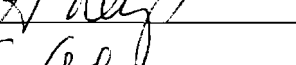
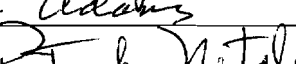
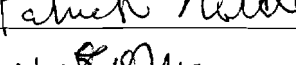
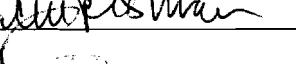

Print Name	Signature	Address	Date
LISA WITZIG		4750 BREWSTER DR #305, ALEXANDRIA VA 22304	10-19-06
Choi		5004 DONOVAN DR ALEXANDRIA, VA 22304	10-20-06
CORR		5064 DONOVAN # 201 ALEXANDRIA, VA 22304	10-20-06
XXXXXXXXXX			
JEREMY SHERIDAN		5012A BARBOUR DR ALEXANDRIA, VA 22304	10-20-06
Amy Jeffery		5012A BARBOUR DR ALEXANDRIA, VA 22304	10-20-06
Lynn Keenan		5112 DONOVAN DR #204 ALEXANDRIA, VA 22304	10-20-06
Yeonmi Bae		5001 Martha St. ALEXANDRIA, VA 22304	10-20-06
STEPHANIE P. HINKLE		5131 DONOVAN DR ALEXANDRIA, VA 22304	10/21/06
Micki I. Arns		5251 Brewster Place ALEXANDRIA, VA 22304	10-21-06
Robert Bauerzox		5026 Grinnin Dr ALEXANDRIA VA 22304	10-21-06

Petition to Deny the Request by Virginia Paving Company to Amend its Special Use Permit

BACKGROUND: The Virginia Paving Company facility at 5601 Courtney Avenue in Alexandria, Virginia (VA Paving) filed an application to change its Special Use Permit (SUP) to allow it to double its production and to essentially operate its asphalt plant 24/7. Its current 1960 SUP limits its hours of operation to Saturdays and to weekday daylight hours, but not including holidays. VA Paving is located just west of Tucker Elementary School, Boothe Park and Cameron Station. Intensification of asphalt production in such an area is clearly inappropriate and unhealthy.

VA Paving has publicly admitted being in violation of its SUP since it bought the plant in 2001. VA Paving had to pay fines to the EPA in late 2004 for two violations of the Clean Water Act and was cited by the City of Alexandria (City) in October 2004 for 22 violations relating to, among other things, water discharge, the fire code and dumping of waste. Six of these 22 violations have not been remedied. We believe VA Paving is a public nuisance and a potential health and safety hazard and should not be allowed to increase its hours of operation or increase its annual production.

PETITION: For the foregoing reasons, the undersigned respectfully request that Alexandria's Mayor and City Council deny VA Paving's request to amend its SUP, fully enforce its current SUP and take prompt action to ensure that VA Paving is currently in compliance with all City and state environmental and safety regulations.

Print Name	Signature	Address	Date
ROY STAFFORD		22304 260 MEDLOCK LANE	28/10/06
Marilyn P Means		5055 DONOVAN DR. 22304	10/28/06
THOMAS DeBido		4918 GARNER DR 22304	10/30/06
MARK E MILLER		22304 5232 TANCRETI LANE	10/30/06
MILDRED STAREK		241 Somewelle St.	10/31/06
NEAL HULKOWER		133 Cameron Station Blvd 22304	10/31/06
PATRICIA SUROVE		5010 John Ticer Dr 22304	10/31/06
Ann Marie Dunlop		5166 Browne A	10/31/06
Colleen Adams		" " " 22304	10/31/06
PATRICK NATALE		5079 DONOVAN DR	10/31/06
MARK FISHMAN		5274 POCOSUN LN	12/1/06
Kess Davis		184 Cameron Station Blvd	11/06/06
Jessie Davis		184 Cameron Station Blvd	11/6/06

