

CAMERON STATION CIVIC ASSOCIATION, INC.

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August 11, 2008

Mayor Bill Euille  
City of Alexandria  
301 King Street  
Alexandria, VA 22314

Dear Mr. Mayor:

We appreciate what you and City Council have done and are doing to eliminate the Norfolk Southern transloading facility from our neighborhood. Our board recognizes that once you and the council found out about the facility, you knew there was urgent action for you to take. And, like us, you were dismayed and disturbed that City staff had not notified you until May 15, 2008, and had not pursued these actions well before the facility started operating on April 9, 2008. Please be assured that we stand ready to assist you in any way we can in reaching our mutual goals.

The remainder of this letter reflects our review of the material (largely e-mail records) that staff made available to us after we filed a Freedom of Information Act (FOIA) request in June. After reviewing the material, we now realize staff states that documents recording the content of meetings, telephone calls, etc., related to the facility don't exist. Our inquiry was further restricted because there is no report of the circumstances leading to staff's gross inaction on the Norfolk Southern situation.

We conclude our letter with a request that you sanction an investigation by an independent investigator outside City government. We explain our rationale in the concluding paragraphs.

On May 15, 2008, Alexandria City Manager, James Hartmann, notified the City Council and the Alexandria community that the Norfolk Southern railroad had started operating an ethanol transloading and storage facility at its site in the west end of Alexandria on April 9, 2008. A copy of Mr. Hartmann's memorandum is attached.

The community and City Council were disturbed at the news in Mr. Hartmann's memorandum, and that he had waited until the facility had started operations on April 9, 2008, before informing City Council and the community on May 15, 2008. Our Civic Association's subsequent research revealed the potential dangers of such a facility, especially being located very near densely-populated residential communities, a year-round public school, a Metro station, the Beltway and other rail lines including the

Virginia Railway Express, a commuter train line.

We found much of the City's published information regarding the facility useful, however, we were still left with a feeling and belief that we needed additional information in order to have a better understanding of how this facility came into being, when and how the city responded to Norfolk Southern, and how the City planned to keep residents safe. Therefore, we filed a Freedom of Information Act (FOIA) request on May 29, 2008 to obtain all relevant information that might give us greater insight into the situation. A copy of that request is attached.

We received a package of nearly 2,500 pages (mostly e-mail records) from the City on June 27, 2008, as a result of our FOIA request. Based on our review, we realized that, with one exception, there were no notes of meetings, notes of telephone call, agendas of meetings, or attendance list of meetings related to Norfolk Southern, in spite of the fact that there had been numerous such occurrences since 2006, involving a significant number of City staff. Thinking that the absence of this data must have been the result of oversight or miscommunication, we asked again for that information on July 9, 2008. A copy of that request is attached. On July 25, 2008, we received a reply to our follow up request. We received copies of two more documents (a draft agenda for a meeting taking place on June 23, 2006, and an uncompleted worksheet for the meeting), but no notes exist from that meeting. Our Civic Association requested an explanation of why there were no notes or documents of the many meetings, telephone calls, and other communication, but City staff did not respond to that request.

We are troubled by what we learned from our review of the FOIA material that we received. We find that the City knew for some time that Norfolk Southern planned to open the transloading facility in April or May of 2008. Just citing three examples of numerous references to the facility opening in April or May, 2008:

- **11/29/07** – email from Assistant Fire Chief Russell Middleton to Emergency Management Coordinator Mark Penn informing Penn of the ethanol transfer station scheduled to open in April 2008.
- **12/3/07** – email from Chief Fire Marshall Robert Rodriguez to Faroll Hamer, Director, Planning and Zoning, Rich Josephson, Deputy Director, Planning and Zoning, and John Catlett, Director, Code Enforcement, informs them about the facility and says he *“expects there will be some citizen concerns when this facility begins operation in April 2008.”*
- **1/1/08** – in an email, it's clear that Deputy City Manager Michelle Evans, John Catlett, Mark Penn, Russell Middleton, and Fire Chief Adam Thiel all know that there will be *“challenges surrounding fire protection and preparedness,”* and also that the ethanol transloading facility will open in April/May 2008.

We found that several staff members, being aware that the community needed to be informed, recommended such notification to their superiors or subordinates, for example:

- **7/17/06** – email from Rich Josephson to Jill Applebaum of the City Attorney’s Office, Josephson, referencing a meeting “*last month*,” states that Norfolk Southern is to do outreach and provide information to neighbors concerning the operation. He sent the same message to Applebaum and City Attorney Ignacio Pessoa on 8/1/06 with copies to City Manager Jim Hartmann, Deputy City Manager Mark Jinks, Eileen Fogarty, Director, Planning and Zoning at the time, Rich Baier, Director, Transportation and Environmental Services, Art Dahlberg, Director, Code Enforcement at the time, and Jannie Pennell, Deputy Director, Code Enforcement. He sent a similar message to Norfolk Southern Vice President David Lawson on 8/25/06.
- **8/10/06** – Deputy Fire Marshall Duane Perry informs Jannie Pennell, with copies to Fire Battalion Chief Bob Lockett, Assistant Fire Marshall William Coates, Maurice Jones, Supervising Fire Protection Engineer, and Dahlberg, that Dahlberg recommended to Norfolk Southern at a recent meeting, that Norfolk Southern do community outreach, and suggested three specific steps Norfolk Southern should take in performing this responsibility. On 8/22/06, Pennell transmitted the same information to Hartmann and Pessoa.
- **12/03/07** – please note the email message from Rodriguez to Hamer and Josephson. On 1/2/08, Rodriguez sent Catlett a message with a copy to Thiel, informing them that he had heard nothing from Hamer and Josephson on his 12/3/07 message, and that there may be a citizen issue with Cameron Station. Catlett in turn sent the message to Evans on the same day.
- **4/9/08** – Hartmann tells Thiel, with copies to Evans and Pessoa, “*...we need to draft up something that can be distributed to other Stakeholders/general public.*”

We found that several staff members, realizing that City Council needed to be informed, recommended such notification to their superiors, for example:

- **11/30/07** – email from Penn to Local Emergency Planning Committee city staffer Charlie McRorie, Penn indicates (referring to an attached memo about the ethanol facility), “*FYI, you want to get on top of this one! I am sure the LEPC will be very interested. Might be the first time City Council members hear about it!*” On 12/12/07, McRorie discussed the pending facility at the LEPC meeting. Based on information we obtained, it appears that the two City Council members who are members of the LEPC were not present. We do not know what, if any, other attempts staff made to notify them.
- **12/18/07** – email from Fire Battalion Chief Michael Farri to Russell Middleton outlines very specific ideas about how to address the ethanol transloading issue, who to talk to for support, and that (in his opinion) “*it’s time to get city leaders involved.*” Farri also suggests going to the federal government to get resources...

***“we are definitely behind the eight ball.”*** Farri followed up with a similar message to Fire Captain Michael Cross on 12/25/07.

- **1/2/08** – email to Glen Rudner, of the Virginia Department of Emergency Management, with copies to McRorie, Fire Battalion Chief John North, Penn, Middleton and Catlett, Thiel asks Rudner to identify any issues that VDEM contemplates with the facility so that he can engage City policymakers in a discussion on how to ensure safety of the city.
- **See 4/9/08** message from Hartmann above. He directs staff to draft a notification to “Stakeholders” (presumably this would include City Council) and general public.

We found that staff had done background research on ethanol transportation and had reported the inherent safety and security issues to higher authority, along with some real life examples:

- **11/19/07** – in an email from Fire Captain Michael Cross to Michael Farri and Fire Lieutenant Jason Wehmeyer, Cross outlines several concerns and issues he felt needed to be addressed. He says that fire companies from Fairfax *were “talking about an ethanol transfer station during the 5001 Eisenhower Avenue building familiarization drill on 11/19/07.”* He highlights in his third bullet that *“spills will quickly enter Backlick Run, which runs adjacent to the rail yard and abuts Cameron Station, then flows into Cameron Run to the Potomac River. A large spill could send burning flammable liquids with an invisible flame and no smoke down the waterway next to Cameron Station, under Eisenhower Avenue and the Beltway.”*
- **12/11/07** – in an email from Michael Cross to Michael Farri, Cross outlines very specific concerns and questions about the facility. This email shows us that city staff knew the dangers of ethanol incidents and that it couldn’t deal with one, and the need to evacuate a ½ mile radius should one occur.
- **12/16/07** – in an email from Battalion Chief Michael Farri to Assistant Fire Chief Russell Middleton and Thiel, Farri says they need to get *“started with a ops plan and try to get ahead of this before it gets put in service... as it stands right now, it appears that we do not have enough resources in place to handle a large spill if it were to occur.”*
- **4/4/08** – in an email from Thiel to Jim Hartmann, Michele Evans, Ignacio Pessoa, John Catlett, and Bob Rodriguez, Thiel says they are *“way behind in terms of preparation/readiness for an emergency event involving bulk quantities of ethanol. Our needs go far beyond site familiarization and training on the transloading process. We do not have the equipment or supplies to handle a fire at this site; and neither do our regional partners...There’s a lot we need to do at this point...”*

- **4/4/08** – in a different email Thiel says to the same addressees that he will notify regional partners, and that ***“we’re now way behind the planning/operations curve on this deal...I want to be clear...we do not have the capacity to deal with a significant event at this ‘facility,’ nor does that capability presently exist within our mutual-aid system.”***

We find a paucity of senior level involvement and direction to notify the community and City Council and to mount any meaningful effort to stop the opening, in spite of advice, urgent warnings, and other information that was being submitted from below, some at the request of the senior level. We believe the FOIA documents show that the senior level was aware or should have been aware of the pending opening, the need to inform the community and City Council, and the potential dangers of an ethanol transloading and storage facility, yet took no action to do anything meaningful, other than seek funds from Norfolk Southern for additional fire equipment and training. Why did they not act and get City Council involved sooner knowing since at least the fall of 2007 that the facility would start operations in April/May 2008?

We find that this important question cannot be answered within the pages of what was made available to us by City staff in response to our FOIA request. We believe that an independent, outside investigation is the only option to help resolve this troubling issue. We ask that you endorse and sanction such an investigation.

The Cameron Station Civic Association Board of Directors believes that an independent investigation is in order so that the residents of Alexandria, as well as City employees, will not perceive that there is a potential conflict of interest if there is an internal investigation. We believe that this investigation will go a long way in restoring the public’s trust and confidence in not only the ability of City staff to look out for our safety, security and welfare, but also that City Council is adequately exercising it’s oversight and leadership roles. This investigation should be conducted by someone outside City government who has the experience, respect, and professional standing needed to interview mid- and executive-level officials in City government. Perhaps most importantly, this person must be able to gain the respect and confidence of you, the Council and the community.

We stand ready to assist you in any way we can. Please don’t hesitate to call us if we can be of further assistance.

Sincerely,

*Ingrid Sanden*

Ingrid Sanden, President  
Cameron Station Civic Association

cc: Alexandria City Council