

Minor Amendment
5601 Courtney Avenue-Virginia Paving

DATE: May 11, 2010

TO: Faroll Hamer, Director
Department of Planning and Zoning

FROM: Barbara Ross, Deputy Director
Department of Planning and Zoning

SUBJECT: Administrative Review for Minor Amendment
Special Use Permit #2010-0014
Site Use: Asphalt Production Facility
Applicant: Virginia Paving Company, by Mary Catherine Gibbs, attorney
Location: 5601 Courtney Avenue

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: May 12, 2010

Action: Approved

Faroll Hamer, Director

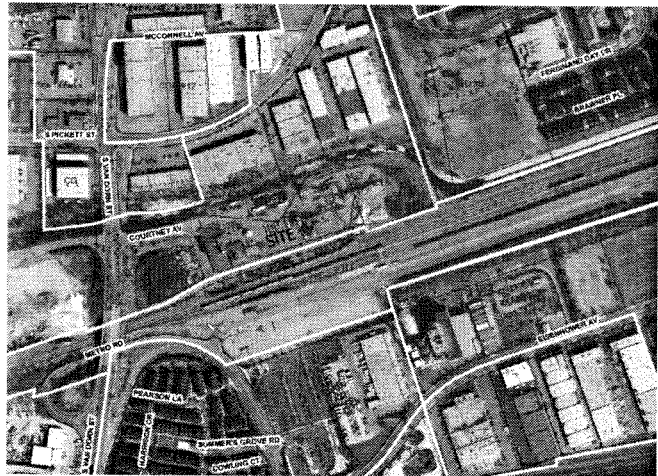
I. DISCUSSION

REQUEST

The applicant, Virginia Paving Company, a division of Lane Construction Corporation, requests a minor amendment under section 11-511 of the zoning ordinance to allow it to use natural gas as a fuel for operation of the asphalt plant located at 5601 Courtney Avenue. Specifically it seeks to amend three conditions of the previously approved Special Use Permit (#2005-0042) so that the language, which now limits allowable fuel to #2 fuel oil, reflects the additional fuel type.

SITE DESCRIPTION

The subject property is comprised of five lots of record with frontage on Courtney Avenue and South Van Dorn Street, and occupies approximately 10 acres. The site is developed with the Virginia Paving Company asphalt plant and FCC Environmental oil recycling facility, a tenant that leases a portion of the site and supplies fuel oil to Virginia Paving. Access to the property is from South Van Dorn Street.



The surrounding area is occupied by a mix of uses including industrial, commercial and residential. There are several industrial facilities in the immediate area. Immediately to the north, along Pickett Street, are industrial warehouse and commercial uses. To the south is the Norfolk Southern railroad facility, the City Waste-to-Energy plant, a United Parcel Service shipping facility, the Police Firing Range and automobile impound lot, and the Metrorail. To the west is Vulcan Materials Company, a concrete facility, and other warehouse, industrial uses. There are also residential uses in the immediate vicinity, including the Summer's Grove townhouse development to the south, and Cameron Station development to the east, with a park and the Samuel Tucker Elementary School. Both Cameron Station and Summer's Grove were approved and built in the last five to fifteen years.

BACKGROUND

On November 28, 2006, City Council granted Special Use Permit #2005-0042 for the operation of the Virginia Paving Company asphalt plant. The existing asphalt plant was first authorized at 5601 Courtney Avenue under SUP#398 approved by City Council on April 12, 1960.

In 1960, the City approved Special Use Permit #398 for the asphalt production facility which has been in continuous operation since that time. The original permit did not have restrictions on the hours of operation or production limits. The use, however, did have a restriction for vehicular safety that did not allow vehicular movement to enter or exit the plant "after hours of darkness or during inclement weather, or on Sundays or holidays." In 2001, Virginia Paving acquired the

plant from Newton Asphalt. In 2005, Virginia Paving applied to amend its SUP to allow entry and exit of vehicles from the plant on nights and weekends so that it could perform government paving projects such as those for the Virginia Department of Transportation and the City of Alexandria that must be conducted at night to minimize disruptions to vehicular traffic.

On November 28, 2006, City Council approved SUP #2005-0042 for Virginia Paving Company, amending the original permit. In addition to permitting nighttime plant operation during the high volume paving season between April 1 and November 1, the new SUP placed many new controls on plant operations and required extensive infrastructure improvements and environmental upgrades to lessen the impact of the plant operations on the surrounding residential neighborhoods and the environment. All of the conditions from the 2006 approved SUP are attached.

As to the issue of natural gas, it was discussed at length in the context of the SUP review in 2005 and 2006 and has been advocated by City Staff and the community since then. At the time of the SUP approval in 2006, Virginia Paving could not commit to using natural gas; the language of the approved SUP does not address that possibility. Since 2006, as a result of community and Staff encouragement and the ability of Virginia Paving to find a way for Washington Gas to work with it, in February 2010 Virginia DEQ approved a new operating permit for the plant that allows the use of natural gas. Virginia Paving is now requesting the right to add the use of natural gas within the formal SUP to be in line with the state operating permit and the community's desires.

PROPOSAL

The current application requests a minor amendment to allow the use of natural gas as a fuel source for the plant, in addition to No. 2 fuel oil specified in the conditions of SUP #2005-0042. The request seeks changes to Conditions 7, 8, and 9 to add the words, "natural gas or" and to continue the cap on production levels previously established in measures applicable to that fuel source so that together, fuel used at the plant is not increased from current limits. Conditions 7, 8, and 9 would read as follows:

7. VA Paving shall only burn natural gas, No. 2 virgin fuel oil or better in the hot oil heaters. The annual consumption of No. 2 fuel oil in the hot oil heater shall be limited to 100,000 gallons based on a rolling twelve month total. Only one of the two currently permitted hot oil heaters shall operate at any one time. VA Paving shall clearly mark this requirement on the heaters and train the operators so that they are aware of this condition.
8. VA Paving shall only utilize natural gas, No. 2 fuel oil or specification recycled oil as fuel for the drum dryers. The natural gas shall be of pipeline quality. The recycled oil shall meet the following specification....

Further, for sulfur content, the applicant will target .40 by weight, and if specification is not achieved for a particular shipment, the applicant will meet with the supplier and take action to ensure that target can be achieved. For every shipment of recycled oil received, VA Paving shall maintain on site, for a period of five years, fuel supplier records

showing concentrations of the above constituents, as well as daily and monthly consumption of the same. The records shall be provided to the City upon request.

9. Virginia Paving shall only utilize natural gas and/or 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 exceed 100 (Codes Orange and Red) for ozone and particulate matter, as identified on MWCOG's website. Additionally, Virginia Paving shall be limited to a daily production cap of 4000 tons on days when AQI is forecast from 150 to 200 (Code Red) and shall not produce hot mix asphalt on days when AQI is forecast greater than 200 (Code Purple and Maroon.) A record shall be maintained that documents appropriate fuel usage and compliance with this requirement.

It should be noted that Virginia Paving will continue to use No. 2 fuel oil in addition to natural gas. Washington Gas has indicated that it presently does not have the supply capacity to provide the full volume that Virginia Paving would need operate a plant exclusively with natural gas fuel. One of Virginia Paving's plants is equipped to burn a combination of No. 2 fuel oil and natural gas. Additionally, Virginia Paving will have a lower use priority for natural gas and could have their natural gas supply limited or shut-off in favor of higher priority users such as heat for buildings. In the summer, however, when plant output is higher and pollution a greater concern, Virginia Paving will be able to reduce pollution by burning natural gas.

Final plans have not been developed, and are subject, in part, to whether this SUP amendment is approved. The current plan is for Washington Gas to bring natural gas to the site in a series of underground pipes from its line that serves the existing industrial and commercial uses along the south side of South Pickett Street. Washington Gas will supervise the construction itself, up to the last 25 feet on the Virginia Paving site, for which Va. Paving will supervise the construction. The system, and construction, is similar to the work that occurs when a new home or building with natural gas fuel is built.

ACTIVITY SINCE 2006 APPROVAL

Improvements at the Plant

In addition to operational improvements, there have been significant physical infrastructure improvements at the plant mandated by SUP#2005-0042, including the following:

- Installed a Blue Smoke control system to control particulate matter at the top of the silos;
- Installed low NOx burners on the drum dryers;
- Installed vent condensers to control asphalt storage emissions;
- Installed Fugitive Emissions Control Systems on the loadout and asphalt mix conveyor system;
- Installed particle traps on all on-site engines, front end loaders, trucks and other diesel equipment owned and operated by Virginia Paving;
- Increased the height of the drum dryer exhaust stack to 20 meters;
- Increased the height of the hot oil heater exhaust stack 6 meters;
- Installed a particulate matter emission control system at the Recycled Asphalt Pavement

- (RAP) crusher;
- Paved the truck asphalt area at the eastern end of the site to reduce fugitive dust;
 - Install water sprayer and enclosure, and establish Best Management Practices (BMPs) to reduce fugitive dust.
 - Replaced their 50 year old locomotive engine with a new locomotive that requires little warm-up time and idling.

Additionally, Virginia Paving conducted significant improvements along Back Lick Run to stabilize the section of stream on Virginia Paving property. It created a 35 foot vegetative buffer between the top of the bank and the asphalt pile. Within the 35 foot buffer, native trees and shrubs were planted and a Stormwater Management Facility installed to treat stormwater runoff from the site.

VA Paving Liaison Committee and Community Outreach

As part of the approved SUP, the Virginia Paving Liaison Committee was established to promote communication between VA Paving and the community, to ensure that any complaints were adequately addressed, and to monitor compliance with the SUP conditions. The Liaison Committee has included representatives from Cameron Station Civic Association, Summer's Grove Homeowners Association, and Brookville-Seminary Valley Civic Association, Cameron Station Community Association, the Alexandria Federation of Civic Associations, Alexandria City Public Schools, the West End Business Association, and the Departments of Planning and Zoning and Transportation and Environmental Services.

The Liaison Committee conducted ten public meetings at Samuel Tucker Elementary School over the course of three years. The meetings offered a good venue for Virginia Paving to report on operations of the plant, compliance with SUP conditions and the infrastructure improvements, and Virginia Paving interaction with state VDEQ to secure an amended state permit. Staff also provided reports on results of City staff's regular inspections of the plant. At all meetings, the public was given the opportunity to make comments and ask questions. The subject of the request for the new state operating permit and the change in the state permit to allow the use of natural gas was discussed at every meeting. Those in attendance universally supported the use of natural gas at the plant and the use of the minor amendment procedure to effect that change.

Although the formal life of the Liaison Committee has just ended, Virginia Paving will continue public outreach in the future by keeping a community relations function as part of its operation to "discuss operations and to attempt to resolve any problems, conflicts, or issues identified by the community related to the plant's operation." A condition of the SUP requires meetings twice per year with representatives from the surrounding residential community as well as City Staff from P&Z and T&ES. In the past few years, Virginia Paving has conducted at least one of these meetings as an open house, allowing visitors to tour the plant and ask questions of plant employees about the operation of the plant. It is anticipated that this public outreach will continue to facilitate good communication with the neighbors and quick resolution of issues or complaints.

Virginia State Permit

On February 17, 2010, VDEQ approved the new stationary source permit for the Virginia Paving asphalt plant. VDEQ held public hearings on the state permit on August 27, 2008 and December 10, 2009. The hearings were held at Samuel Tucker Elementary School, were advertised in a local paper, and were preceded by public comment periods July 24 to August 27, 2008 and November 5 to December 10, 2009. The new state permit has been revised to incorporate many of the requirements and limitations of the City SUP including reducing the production limits from 1,500,000 tons/year governed by the previous state operating permit to 980,000 tons/year as controlled by the approved SUP.

No Recorded Violations of SUP

Staff has not issued any notice of violations or documented any violations of the SUP conditions since the SUP was approved in 2006.

At the state level, on January 16, 2008, there was a citation to Virginia Paving by the Virginia DEQ for alleged violations regarding installation of the low NOX burner (an SUP requirement) on plant #1 without prior approval by the VDEQ, submission of incorrect stack test data (conducted in August 2004), and exceedance of short term emissions limit of the state issued permit. Virginia Paving has since entered into a consent order with Virginia DEQ, paid a fine, and conducted a valid stack test which was used to help establish thresholds incorporated into the new Virginia DEQ air permit issued on February 17, 2010.

According to the City Attorney's Office, the Virginia Supreme Court has held, in a case involving the Alexandria Mirant power plant, that a violation involving another government entity's laws does not and may not be considered to constitute a violation of local law or, in this case, the approved SUP.

Since the SUP approval in 2006, Staff, in the form of a multi-departmental team, has conducted regular inspections of the plant to determine whether there are violations of the SUP. The most recent inspection occurred on March 30, 2010, when Staff visited the property and found no violations of the special use permit.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the Industrial zone. Section 4-1203A of the Zoning Ordinance allows an asphalt plant in the Industrial zone only with a special use permit.

The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for Industrial use.

II. STAFF ANALYSIS

Staff supports the amendment to allow the use of natural gas as an additional fuel source for the plant because the change is an improvement in the operation of the plant that will reduce air pollution emanating from the plant and reduce the impact of the use on the City and surrounding residential community.

Since the time of the approval of the SUP#2005-0042 in November 2006, Virginia Paving has installed all of the infrastructure improvements mandated by the SUP. These improvements have successfully reduced the impacts of the Virginia Paving Company asphalt plant operation on the surrounding residential neighborhoods and the community. The change to natural gas as a fuel is one more step in reducing impacts from the plant.

BENEFITS OF NATURAL GAS FUEL

Natural gas is the cleanest burning fossil fuel. Because the combustion process for natural gas is very efficient, very few by-products are emitted into the atmosphere as pollutants, when compared to other fuels. Since natural gas burns cleanly, it doesn't leave behind any unpleasant soot, ash, or odors. Also, use of Low NOx Burner at this facility in conjunction with the use of natural gas reduces a key pollutant, nitrogen oxide, a pollutant targeted by the Clean Air Act can be significantly reduced. Nitrogen oxide is a precursor to the ozone, a significant regional pollutant during summertime.

Although the extent to which natural gas will be used at this facility will be primarily governed by the relative prices of No. 2 fuel oil and specification recycled oil, and the price and availability of natural gas, it is anticipated that during summer season when fuel use at the plant is the highest, the demand for and price of natural gas is relatively low. To the extent that natural gas is used at this facility in lieu of the other fuels, it will only be positive from air quality perspective. The positive effects of using natural gas will be most pronounced and the community will benefit more during the summer when pollution is worse and asphalt production highest.

MINOR AMENDMENT PROCESS

Although staff's support for the substance of the proposed amendment is clear, the question of the appropriate process for the amendment has been the subject of some debate. The applicant seeks to take advantage of the minor amendment process under the zoning ordinance for special use permits approved by Council. The alternative is to request the amendment through the public hearing process, with consideration by the Planning Commission and City Council. That process opens the applicant to discussion of any and all issues related to the special use permit, a risk that Virginia Paving has stated it would be reluctant to take. Therefore, it is seeking approval from the Director of Planning under the administrative minor amendment process.

Minor Amendment Criteria

Section 11-511 of the Zoning Ordinance authorizes the Director of Planning and Zoning to approve special use permit minor amendments for requests that meet the criteria delineated in that provision. In this case, the Director finds that the request meets all criteria for processing as a minor amendment. Specifically, section 11-511 requires:

- **A minor amendment must constitute no more than a minimal enlargement or extension of a use.** In this case, the proposal to add natural gas as a fuel does not change by enlargement or extension the use whatsoever. Adding a gas line and a new, alternative fuel provides an opportunity for the same plant operations which already exist to continue with a new, cleaner source of fuel.
- **The changes must be so insignificant, when the overall use is considered, that they will have little or not zoning impact on adjacent properties or the neighborhood.** Here, when the overall use is considered, the change is insignificant in terms of potential negative or “zoning” impact. The only impacts on the neighborhood are positive benefits including cleaner air from using clean fuel – natural gas – to run the plant.
- **The proposal will not change the character of the use or increase its overall intensity.** The SUP conditions, including Condition nos. 1 and 2, limit the output from the plant in terms of annual and daily output. These conditions remain and will not change. Thus, the character, intensity and scope of the use will not be increased whatsoever as a result of using natural gas as a fuel.
- **There have been no substantiated violations of the special use permit conditions within the last five years.** Here, there have been no substantiated violations of the approved SUP, despite regular inspections by City Staff. There has been a violation of a state regulation but it does not constitute an SUP violation.
- **The proposed change when considered in conjunction with all amendments since city council approval constitutes no more than a single minor amendment.** This is the first and only amendment to the approved SUP that has been requested.

Thus, the Planning Director has found that the application qualifies for processing as a minor amendment. The Director also has the authority to require a full hearing process in an appropriate case.

Community Support/Opposition to the Process

Planning staff has been contacted by the Federation of Civic Associations who has expressed opposition to processing this matter as a minor amendment. Its concerns relate to the general fact that Virginia Paving has been a source of controversy and citizen concern in the past and that natural gas is a potentially dangerous fuel. More specifically, it questions whether minor amendments should be allowed for large industrial uses in the City. The Federation has not stated opposition to the substance of the request, only to the process. Staff has also received one citizen letter in opposition to the administrative process for this amendment. Based on the Federation’s concerns, Planning staff delayed its consideration of the request until it could

discuss this matter in more detail with that group. Staff understands that the Federation has reconsidered but retained its initial position.

Staff has also received a series of letters in support of the process from the Cameron Station Civic Association and the Cameron Station Homeowners Association. Support for the minor amendment process has also been received from the West End Business Association. These three groups represent those residents and businesses most closely affected.

Perhaps most significantly, the Virginia Paving Liaison Committee has submitted a strong letter in support of the minor amendment – as to both the substance and the process for it. Its recent letter reiterates its position over time, as it has worked closely with Virginia Paving to encourage the addition of natural gas as a fuel. Its long held position is based on the benefit to the environment and surrounding community by reducing air pollution from the facility. Its position that the minor amendment is appropriate has also been repeatedly voiced and used as encouragement to Virginia Paving to participate with the City in its administrative process for change. The Committee documented this long held position in letters to Virginia DEQ in 2008 and 2009 supporting the plant's revisions to its state air permit to allow the use of natural gas.

The Committee cites the fact that the matter of natural gas has already been the subject of two formal and well attended public hearings at Samuel Tucker school, and that the subject has been discussed over time at its ten public Liaison Committee meetings as reasons that a public hearing process is not necessary in this case, as it might be in others.

Minor Amendment Issues

Members of the Federation and others have raised questions and suggestions about the minor amendment process, including about the recently published staff proposals to change the text to expand it. As an example, one issue is whether the minor amendment process should be changed to prohibit major industrial users from participating. As an alternative, new provisions could outline different criteria for industrial use applicants. A different idea presented would allow for an amendment for an SUP to proceed through the hearing process without the ability of staff or Council to change aspects of the use other than what has been proposed. Staff thinks these suggestions warrant review and consideration and has proposed to work further on the question with the Federation or some of its representatives, either as part of or separate from the pending Small Business Zoning text amendment.

Staff Recommendation

Staff approves the change to allow natural gas as a fuel at Virginia Paving as a minor amendment its SUP.

III. CONDITIONS

AIR

1. Virginia Paving Company (hereinafter, VA Paving) shall limit its hot mix asphalt production to a yearly maximum of 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 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. (T&ES) (City Council) (SUP#2005-0042)
2. Virginia Paving shall limit its hot asphalt production rate to a maximum of 1,000 tons per hour and 8,000 tons in any daily period, not to exceed 4,000 tons in any one nighttime shift. (T&ES) (City Council) (SUP#2005-0042)
3. Virginia Paving shall control odors, smoke and any other air pollution from operations at the site, and prevent them 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. (T&ES) (City Council) (SUP#2005-0042)
4. Virginia Paving shall limit its nighttime work to 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 8 p.m. to 5 a.m. will be considered as nighttime shift. A partial shift work will be counted as one nighttime shift work for the purposes of this condition. (T&ES) (City Council) (SUP#2005-0042)
5. All nighttime production at Virginia Paving shall be limited to public road, street and highway work for government customers only. Nighttime production for and servicing of non-government entities from this facility is not permitted. (T&ES) (City Council) (SUP#2005-0042)
6. For control of odors, Virginia Paving shall use low-odorous additive or, upon proposal to and approval by the Department of T&ES, another equally effective approach such that odors from Virginia 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, Virginia 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. (T&ES) (City Council) (SUP#2005-0042)
7. VA Paving shall only burn natural gas, No. 2 virgin fuel oil or better in the hot oil heaters. The annual consumption of No. 2 fuel oil in the hot oil heater shall be limited to 100,000 gallons based on a rolling twelve month total. Only one of the two currently permitted hot oil heaters shall operate at any one time. VA Paving shall clearly mark this requirement on the heaters and train the operators so that they are aware of this condition. (T&ES) (SUP#2005-0042)

8. VA Paving shall only utilize natural gas, No. 2 fuel oil or specification recycled oil as fuel for the drum dryers. The natural gas shall be of pipeline quality. The recycled oil shall meet the following specification.

Constituent	Maximum Allowed Level	Typical Level
Sulfur	0.5 % by weight	0.4 % by weight
Arsenic	3 ppm	< 2 ppm
Cadmium	2 ppm	< 2 ppm
Chromium	7 ppm	5 ppm
Lead	50 ppm	20 ppm
Total Halogens	1,000 ppm	700 ppm
PCB	2 ppm	<2 ppm
Flash Point	100 °F minimum	100 °F minimum

Further, for sulfur content, the applicant will target .40 by weight, and if specification is not achieved for a particular shipment, the applicant will meet with the supplier and take action to ensure that target can be achieved. For every shipment of recycled oil received, VA Paving shall maintain on site, for a period of five years, fuel supplier records showing concentrations of the above constituents, as well as daily and monthly consumption of the same. The records shall be provided to the City upon request. (T&ES) (~~SUP#2005-0042~~)

9. Virginia Paving shall only utilize natural gas and/or 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 exceed 100 (Codes Orange and Red) for ozone and particulate matter, as identified on MWCOG's website. Additionally, Virginia Paving shall be limited to a daily production cap of 4000 tons on days when AQI is forecast from 150 to 200 (Code Red) and shall not produce hot mix asphalt on days when AQI is forecast greater than 200 (Code Purple and Maroon.) A record shall be maintained that documents appropriate fuel usage and compliance with this requirement. (T&ES) (City Council) (~~SUP#2005-0042~~)
10. The No. 2 distillate oil used as fuel by VA Paving shall be the same as is approved for use in on-road diesel vehicles. The sulfur content of this oil shall be limited to 0.05% by weight. For every shipment of No. 2 distillate oil received, VA Paving shall maintain on site, for a period of five years, fuel supplier records certifying the fuel type and sulfur content. The records shall be provided to the City upon request. (T&ES) (SUP#2005-0042)
11. VA Paving shall install, operate, and maintain Blue Smoke Control system (six-stage filtration or ventilation to drum dryer burner: Butler-Justice, Inc.) to achieve 99% control efficiency for particulate emissions within the capture zone at the top of the silos per vendor specification. VA Paving or the vendor shall test the system to demonstrate that the system will meet its efficiency rating for captured PM-2.5 and PM-10 emissions

- within 90 days of startup of the system. The installation and testing for the top of the silos for Plant 1 shall be completed by December 31, 2006. For Plant 2, the fugitive emission control system shall be installed at the top of the silos by July 30, 2007. (T&ES) (SUP#2005-0042)
12. VA Paving shall install and maintain low-NOx burners on both drum drier units. The installation of low-NOx burners shall be completed no later than October 30, 2006 for Plant 2 and no later than December 31, 2007 for Plant 1. (T&ES) (SUP#2005-0042)
 13. VA Paving shall install and maintain tank vent condensers which may include steel wool filters, or other alternate control approved by the Director of T&ES, to control asphalt storage tank emissions no later than September 30, 2006. (T&ES) (SUP#2005-0042)
 14. VA Paving shall install Fugitive Emissions Control Systems to capture and control fugitive emissions from the hot mix asphalt conveyors and loadouts. The systems shall be vented to the drum dryer burner or the six-stage filtration collection unit. For Plant 1, the system shall be installed no later than September 30, 2007. For Plant 2, the system shall be installed no later than June 30, 2008. Both systems shall be certified within 180 days of startup. (T&ES) (SUP#2005-0042)
 15. The particulate matter (TSP) emissions from the drum dryer baghouses and the lime storage silo baghouse shall not exceed 0.03 gr/dscf of exhaust gas as measured by EPA Method 5. VA Paving shall demonstrate compliance with this limit once every two years by conducting performance tests for each baghouse. Results of performance tests and compliance status report shall be submitted to the City within thirty (30) days of the completion of the tests. Visible Emissions testing (VE) shall be conducted monthly by a Certified Visible Emissions inspector with results available for review at the plant site. (T&ES) (SUP#2005-0042)
 16. All on-site engines, front end loaders, trucks and other diesel equipment owned and operated by Virginia 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 Virginia 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. Virginia Paving shall replace one third of the existing trucks each year between 2007 and 2009. (T&ES)(City Council) (SUP#2005-0042)
 17. VA Paving shall increase the height of the drum dryer exhaust stacks to 20 meters no later than January 31, 2007, pending approval by Virginia DEQ. (T&ES) (SUP#2005-0042)
 18. VA Paving shall increase the height of hot oil heater exhaust stack 6 meters no later than October 31, 2006. (T&ES) (SUP#2005-0042)

19. Virginia Paving shall install and maintain a particulate matter emission control system at the Recycled Asphalt Pavement (RAP) crusher. Such system shall be installed no later than December 31, 2006, and must consist of water sprays and drop enclosures (housing at the end of the conveyer). (T&ES) (SUP#2005-0042)
20. Visible emissions from the Recycled Asphalt Pavement (RAP) crusher shall not exceed 10% opacity as measured using EPA Method 9. This condition shall apply at all times except during startup, shutdown and malfunction. The duration of each startup and each shutdown of the RAP crusher shall be limited to no more than 10 minutes. A log of each malfunction shall be maintained indicating cause of malfunction, duration of malfunction, and corrective action taken to eliminate the malfunction and avoid future malfunctions. (T&ES) (SUP#2005-0042)
21. Effective immediately, VA Paving shall spray water using a water truck on all on-site paved roadways at least twice daily. More frequent water spraying shall be conducted if necessary to effectively control fugitive dust emissions from the paved roads. All paved roads shall be wet-vacuumed at least once daily. VA Paving shall maintain a daily log of water spraying and wet-vacuumping operations, and shall make the log available to the City for review upon request. (T&ES) (SUP#2005-0042)
22. VA Paving shall pave the truck access areas at the eastern end of the facility for trucks receiving product from Plant 2 no later than October 31, 2006. (T&ES) (SUP#2005-0042)
23. VA Paving shall install and maintain water sprays, and construct enclosures, as modeled, on all transfer points as identified in the modeling no later than December 31, 2006. (T&ES) (SUP#2005-0042)
24. VA Paving shall incorporate into a Long Term Control Plan (LTCP) and operations manual specifying the Best Management Practices (BMPs) to be employed for control of fugitive dust sources as outlined in this Special Use Permit. The BMPs in the LTCP shall include, but not be limited to, vacuum sweeping and water flushing of paved access areas (e.g. roads, parking, etc.), paving of any unpaved access areas, wetting and/or chemical stabilization of aggregate handling and storage including RAP, and enclosures for all conveyor to conveyor transfer points. To demonstrate compliance with the BMPs, VA Paving shall maintain appropriate records including (1) frequency of vacuum sweeping, (2) frequency and quantity of water application, (3) frequency, quantity and type of chemical suppressant applied, and (4) periodic inspection of conveyor to conveyor transfer points to ensure integrity. 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. (T&ES) (SUP#2005-0042)
25. VA Paving shall conduct stack tests for PM_{2.5}, PM₁₀, NO_x, SO_x, and CO emissions at the outlined schedule. The test shall be completed prior to August 31, 2007. A second test shall be conducted within two years of the first test and must be completed prior to August 31, 2009. Thereafter the tests must be conducted at a frequency of not less than

once every five years. The results of the stack tests shall be submitted to the City within 90 days of the tests. (PC) (SUP#2005-0042)

26. VA Paving shall obtain all necessary construction permit(s) and revisions to the operating permit from the Virginia Department of Environmental Quality (DEQ). (T&ES) (SUP#2005-0042)
27. In the event that the plant is found to be creating a public nuisance or a public health problem, as determined by the City of Alexandria, VA Paving shall 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. (T&ES) (SUP#2005-0042)
28. In the event that the National Ambient Air Quality Standards are modified or new ones are added, the City reserves the right to require Virginia Paving to perform an analysis that provides all technical data to demonstrate that the facility is not causing the exceedance of the National Ambient Air Quality standard in place at that time. In particular, since the 24-hr. standard for the PM_{2.5} NAAQS has been revised from 65 $\mu\text{g}/\text{m}^3$ to 35 $\mu\text{g}/\text{m}^3$ (determined as the 98th percentile of three years of valid data), although this NAAQS is not enforceable by EPA until the year 2015, the following conditions shall apply:
 - 28A. The City shall continue operating the PM₁₀ monitor at Samuel Tucker School until three years of valid data have been collected. The City shall determine the 98th percentile of these data, per the NAAQS, and then multiply that value by 75%, to impute a 98th percentile value for PM_{2.5}.
 - 28B. If the imputed value exceeds 35 $\mu\text{g}/\text{m}^3$, then the City reserves the right to require VA Paving to demonstrate that the facility is not causing this imputed exceedance, pursuant to the deadlines to be set by the City, but in no circumstance to be less than 90 days from the date of notice by the City. (PC) (SUP#2005-0042)

WATER

29. VA Paving shall install a Stormwater Management Facility (SWMF) to treat stormwater runoff and contact water from its entire site no later than December 31, 2006. The stormwater management facility shall be designed and constructed to address pollutants of concern i.e. sediment and petroleum based products. The SWMF shall be located within the boundaries of the VA Paving facility. The design and location of the SWMF shall meet the satisfaction of the Department of T&ES. (T&ES) (SUP#2005-0042)
- 30A. VA Paving shall execute a maintenance agreement with the City for all installed stormwater Best Management Practices (BMPs). VA Paving shall secure a maintenance contract with the vendor of the installed SWMF and provide a copy of the contract to the City or the applicant shall obtain certification from the vendor that appropriate

maintenance has been performed by the employees of the applicant. (T&ES) (SUP#2005-0042)

- 30B. The stormwater BMPs required for this project shall be constructed and installed under the direct supervision of the design engineer or his designated representative. The design engineer shall make a written certification to the City that the BMP(s) are constructed and installed as designed and in accordance with the approved Plan. (T&ES) (SUP#2005-0042)
- 30C. VA Paving shall develop or obtain an Operations and Maintenance Manual from the designer or manufacturer of the SWMF. The Manual shall include (1) an explanation of the functions and operations of each BMP and any supporting utilities, (2) catalog cuts on any mechanical or electrical equipment, (3) a schedule of routine maintenance for the BMP(s) and supporting equipment, and (4) a copy of the maintenance agreement with the City. VA Paving shall maintain the SWMF in accordance with the procedures prescribed in the Manual. The maintenance records shall be maintained at the facility for five years and shall be provided to the Department of T&ES once every year or upon request. (T&ES) (SUP#2005-0042)
31. VA Paving shall maintain the existing Asphalt Pile that has been pulled back from the stream (Back Lick Run) and shall maintain a minimum distance of 35 feet between the pile and the top of the bank. This buffer shall be vegetated to the satisfaction of Department of Planning and Zoning, Department of Parks and Recreation, and Department of T&ES, and maintenance access shall be provided. (T&ES) (SUP#2005-0042)
32. VA Paving shall be responsible for conducting a bank stabilization project in the section of the stream that is on its property as generally depicted on the Concept Plan dated February 6, 2006. Such restoration project must be to the satisfaction of Department of T&ES. (T&ES) (SUP#2005-0042)

NOISE

33. The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES) (SUP#2005-0042)
34. No amplified sound, such as intercom speakers, shall be audible at the property line. (T&ES) (SUP#2005-0042)
35. 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 9 pm and 6 am. (T&ES) (SUP#2005-0042)

36. VA Paving shall continue to work with Norfolk Southern to encourage all deliveries to be made only between the hours of 7 am and 6 pm (Monday-Friday). (T&ES) (SUP#2005-0042)
37. Operation of VA Paving locomotive engine, unloading of rail cars and operation of the RAP crusher shall be limited to the hours of 7 am to 6 pm (Monday-Friday), and 9 am to 6 pm on Saturdays. No unloading shall occur on Sundays, New Years Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving or Christmas. VA Paving shall maintain a log of the timing of arrival of deliveries, use of their locomotive engine, unloading operations, and RAP crusher operations. (T&ES) (SUP#2005-0042)
38. VA Paving will not be permitted to dump on the top of the RAP (Recycled Asphalt Pavement) pile at night. When necessary to deliver RAP to site during night time operations, only the eastern storage area will be utilized. The practice of dumping at the ground level will make use of RAP stockpile as noise buffer. Access to the top of the pile will be blocked daily to eliminate access. (T&ES) (SUP#2005-0042)
39. All on-site trucks and equipment owned and operated by VA paving shall be equipped with ambient noise level sensing backup alarms within six months of the approval of this Special Use Permit. VA Paving shall also adjust route trucks and other equipment on its site in such a manner that minimizes the need to use back-up alarms. (T&ES) (SUP#2005-0042)
40. VA Paving shall take active measures including use of on-site personnel to direct the unloading of milled material on the site without use of tailgate banging. The measures may include, but shall not be limited to, permanently installing signs on the property instructing truck drivers, in English and Spanish, to not bang their tailgates and to not use engine brakes. Posting of signs alone is not sufficient to be in compliance with this condition. (T&ES) (SUP#2005-0042)
41. VA Paving shall establish a 24 hour "Hotline" number. The number, and the name of the person responsible for this number at the plant, shall be provided to the City, and the community, and updated on a regular basis. All complaints received at this number shall be logged, followed up and responded. (T&ES) (SUP#2005-0042)
42. VA Paving shall install signs on its property to limit engine idling to a maximum of five minutes. Use of engine brakes shall be prohibited while on VA Paving property and appropriate signs shall be installed to make operators aware of this requirement. (T&ES) (SUP#2005-0042)
43. VA Paving shall install noise reducing mufflers on plant air cylinder exhaust ports where possible. These shall be installed by November 30, 2006. (T&ES) (SUP#2005-0042)
44. Two years after the approval of the Special Use Permit, the Department of T&ES shall review any noise complaints and actual measurements at the nearby properties, and the frequency, duration and timing of the impacting noise, and may require reasonable

additional measures, including sound barriers or requiring all privately operated trucks and equipment to be equipped with ambient noise level sensing back-up alarms, necessary to address any outstanding issues. (PC) (SUP#2005-0042)

OTHER

45. All waste products including, but not limited to, organic compounds (such as solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and shall not be discharged to the sanitary or storm sewers, or onto the ground. (T&ES) (SUP#2005-0042)
46. VA Paving shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. A copy can be obtained by contacting the Department of T&ES, ~~Office Division~~ of Environmental Quality at 703-~~746-4065~~ 519-3400, ext. ~~166~~. (T&ES) (SUP#2005-0042)
47. All repairs of motor vehicles or equipment shall be conducted inside a building or structure that is approved by the Department of Planning and Zoning, except in the limited cases where the large size of the equipment is prohibitive. (T&ES) (SUP#2005-0042)
48. At the intersections where pavement has been impacted by tack deposits from VA Paving's operations, VA Paving shall be responsible for restoration or removal of tack deposits of the impacted intersections or roadway pavement as determined and to the satisfaction of the Department of T&ES. Upon being notified by the Department of T&ES and identification of the impacted intersections, VA Paving shall make the repairs within ninety (90) days of the date of the notice. (T&ES) (SUP#2005-0042)
49. VA Paving shall not use the outdoor lighting of its property, which are so arranged that the illumination and glare there from is thrown upon the adjacent property occupied for residential purposes, in an amount of illumination which measures more than point twenty-five hundredths footcandles measured at any point seven feet beyond the property line of the adjacent property used for residential purposes. (SUP#2005-0042)
50. All lights used by VA Paving shall be shielded or directed so as to confine the area of diffusion to the property, which it is intended to illuminate. (SUP#2005-0042)
51. VA Paving shall take all necessary measures to ensure that its locomotive engine is not leaking any oil. In the event that the current engine continues to leak oil, lubricants or fuels, VA Paving shall take additional measures deemed necessary to prevent oil, lubricants or fuels leaks and to eliminate any environmental impacts. VA Paving shall replace its locomotive engine no later than December 31, 2009. (SUP#2005-0042)
52. VA Paving shall maintain all on-site equipment, including pollution control equipment, in an optimum working condition. Any applicable maintenance records shall be kept on-site. In the event that any air pollution control equipment is not operational, the City will be notified immediately. (SUP#2005-0042)

53. VA Paving shall maintain records on site on plant mix temperature readings of asphalt mix in drum dryers on a daily basis and such records shall be available to be reviewed by the Department of T&ES to ensure stack test records submitted by VA Paving are accurate and reflect such temperature readings. These records shall be maintained for a period of five years. (SUP#2005-0042)
54. VA Paving shall maintain records on site describing any failures or pressure drops in the baghouses in accordance with guidelines established by VDEQ under their Air Permit and shall notify the Department of T&ES within twenty-four (24) hours of such failures or pressure drops. VA Paving shall promptly take corrective actions to repair the baghouse in question and notify the City upon completion of repairs and resumption of normal operations. (SUP#2005-0042)
55. VA Paving shall maintain all records required by this special use permit and shall keep such records on site for at least the most recent 5 year period. All records shall be available to the City upon request. (SUP#2005-0042)
56. VA Paving shall copy the City on all of their correspondence with Virginia DEQ and EPA including, but not limited to, its Air and Water permits and permit applications. (SUP#2005-0042)
57. VA Paving plant site shall be available for inspection by City staff during all hours of operation. (SUP#2005-0042)

ENFORCEMENT

Reporting to the City

58. VA Paving shall maintain daily production and site activity information and provide it to the City on a monthly basis. Reports must be submitted within 2 weeks of the month ending. (SUP#2005-0042)
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 will be submitted along with this quarterly report. After all the Capital projects are installed, the BMP reporting requirements shall be made annually. (SUP#2005-0042)

Review

60. The Director of Planning and Zoning shall review compliance with the conditions of the special use permit, as part of a coordinated inspection with the Department of Transportation and Environmental Services and Code Enforcement, as well as the Alexandria Health Department who shall identify any health concerns, including at Samuel Tucker Elementary School, every six months for the first two years after approval, then annually thereafter, and shall docket the matter for consideration by the

Planning Commission and 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 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 serious violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (PC) (SUP#2005-0042)

Penalty for Violation of Specific Conditions

61. If the applicant fails to comply with installation dates set forth for Conditions #11, #12, #13, #14, #17 and #18, without prior advance notice of a reasonable basis for delay, it shall 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 docket. (PC) (SUP#2005-0042)

Community Outreach

62. The applicant shall designate an employee whose responsibility will be to assure compliance with all conditions of the Special Use Permit. The name and phone number of this employee will be provided to the Department of Planning and Zoning and to a representative(s) of the residential surrounding community. (P&Z) (SUP#2005-0042)
63. The applicant shall establish a community relations function as part of their operation. This function shall include regularly scheduled meetings 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 shall be held with representatives from the surrounding residential communities, and notice of such meetings will be given to these communities as well as to the Department of Planning and Zoning and Transportation and Environmental Services, and shall be held twice each year. (P&Z) (SUP#2005-0042)

LANDSCAPING

64. Provide and implement a comprehensive landscape plan to the satisfaction of the directors of Planning and Zoning, Transportation & Environmental Services and Recreation, Parks & Cultural Activities. The applicant shall continue to work with City staff to develop a site planting strategy consistent with Concept Development Plan drawings dated 06 December 2005. The landscape plan shall include:
 - a. Crown area coverage calculations in compliance with City of Alexandria Landscape Guidelines. Provide pre-site disturbance and post-site disturbance calculations.
 - b. An exhibit that demonstrates open space calculations. Provide pre-site disturbance and post-site disturbance calculations for on-site open space.

- c. Detailed material, scale massing and character elevation views and sections for all proposed fences and/or walls. Indicate above/below grade conditions, and existing/proposed grade conditions, including top/bottom of wall grades.
 - d. An enhanced level of detail plantings throughout the site (in addition to trees). Plantings shall include a mixture of seasonally variable, evergreen and deciduous shrubs, ornamental and shade trees and herbaceous groundcovers that are horticulturally acclimatized to the Mid-Atlantic and Washington, DC National Capital Region.
 - e. Identification of limits of grassing operations and limits of work.
 - f. Provide additional screen plantings along Van Dorn Street.
 - g. Planting details including sections, for all site landscape conditions.
 - h. Information that fixes and describes the design, scale, dimension, massing and character of stormwater management facilities; stream buffer area plantings; slope stabilization; recreation trail reservation; stream restoration activities, retaining and/or sound walls, and any above/below grade utility structures.
 - i. Provide a phasing plan and narrative that clearly indicates a time line for implementation and completion of the landscape plan. Provide the following information:
 - 1. Coordinated work with construction of stormwater management facilities.
 - 2. Specific dates and planting seasons of phased implementation.
 - 3. Limits of work, quantities of plantings and maintenance requirements by phase.
 - 4. Details and specifications for a by-phase watering/irrigation plan to maintain proposed plantings.
 - j. Provide an agreement stating that the property owner shall maintain all items depicted and proposed in the landscape plan in a safe, healthy, thriving condition.
 - 1. Submit a maintenance plan that depicts the scope, intensity and frequency of landscape maintenance activities during planting establishment periods and normally scheduled maintenance thereafter including any on and improvements.
 - 2. Plantings that expire or are deemed in an unhealthy condition must be replaced during the next successive planting season. (RP&CA) (SUP#2005-0042)
65. Provide notes on the Landscape Plan indicating the following:
- a. All plant specifications shall be in accordance with the current and most up-to-date edition of the American Standard for Nursery Stock (ANSI Z60.1) as produced by the American Association of Nurserymen; Washington, DC.”

- b. “Unless more strenuous specifications are provided, all landscape related work shall be performed in accordance with the latest edition of Landscape Specification Guidelines as produced by the Landscape Contractors Association (LCA) of Maryland, District of Columbia and Virginia; Gaithersburg, Maryland.”
 - c. “Prior to commencement of landscape installation/planting operations, a pre-installation/construction meeting will be scheduled and held with the City’s Arborist and Landscape Architects to review plant installation procedures and processes.” (RP&CA) (SUP#2005-0042)
66. Provide note on demolition, sediment and erosion control, site plan and landscape drawings that indicates:
- a. “All tree protection shall be approved in-field by the City Arborist prior to commencement of any site disturbing activities.” (RP&CA) (SUP#2005-0042)
67. The Landscape Plan and all related phasing and maintenance materials shall be prepared and certified by a Landscape Architect certified/licensed to practice in the Commonwealth of Virginia. (RP&CA) (SUP#2005-0042)
68. To the satisfaction of the Directors of Planning and Zoning, Transportation & Environmental Services and Recreation, Parks & Cultural Activities, demonstrate coordination with the following:
- a. City of Alexandria Open Space Master Plan.
 - b. City of Alexandria Bicycle Trail Master Plan, including establishment of a connection to adjacent Fairfax County and the Van Dorn Metro Station area.
 - c. City of Alexandria Landmark/Van Dorn Small Area Planning process and study. (RP&CA) (SUP#2005-0042)
69. Virginia Paving Company shall grant the City of Alexandria an option, for recordation in the land records of the City of Alexandria, for a public access easement for continuation of a multi-use trail on Virginia Paving property along the property line. The necessity for, specific location, construction and orientation of any such trail will be determined by the City pursuant to its normal processes and procedures, after completion of which the City may exercise its option to have Virginia Paving grant the public access easement. This option must be recorded upon approval of the amended SUP for Virginia Paving operations. *All reservations shall be depicted on a subdivision plat and approved by the City Attorney.* (RP&CA) (SUP#2005-0042)

SITE MAINTENANCE

70. The asphalt storage pile located on Parcel B of the site plan and which faces South Van Dorn Street shall not exceed the height of the South Van Dorn Bridge. Visibility shall be minimized to the extent possible from South Van Dorn Street. (P&Z) (SUP#2005-0042)

71. All asphalt and gravel piles shall not spill or encroach onto Backlick Run at any time. (P&Z) (SUP#2005-0042)
72. All equipment and trucks shall be stored on the property in an orderly fashion at all times. (P&Z) (SUP#2005-0042)
73. The applicant shall remove the parking area from the city right-of-way, or shall apply for an encroachment or vacation. (P&Z) (SUP#2005-0042)

HOURS OF OPERATION

74. The hours of daytime operation for the asphalt plant shall be limited to 5:00 a.m. to 8:00 p.m. Monday through Saturday. In addition, when undertaking Federal, State or Local Government roadway projects during the paving season (April 1 to November 1), the facility may also operate from 8:00 p.m. to 5:00 a.m. Sunday through Friday. During nighttime hours, the applicant shall not engage in private paving. (PC)(City Council) (SUP#2005-0042)
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. (City Council) (SUP#2005-0042)
76. 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. (City Council) (SUP#2005-0042)

77. 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. (City Council) (SUP#2005-0042)
78. 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. (City Council) (SUP#2005-0042)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Stephen Milone, Division Chief, Land Use Services;
William Skrabak, Director, Office of Environmental Quality;
Lalit Sharma, Division Chief, Office of Environmental Quality.

Attachments: Letters

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

All comments have been included as changes in the conditions.

Code Enforcement:

C-1 A new fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.

Health Department:

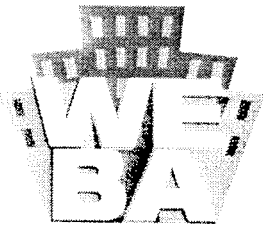
F-1 No comment.

Parks and Recreation:

All comments have been included as changes in the conditions.

Police:

F-1 No comment.



WEST END BUSINESS ASSOCIATION
City of Alexandria, Virginia

3213 Duke Street, Box 128
Alexandria, VA 22314
E:alexandriaWEBA@gmail.com
Website: www.alexandriaWEBA.com

April 23, 2010

Ms. Faroll Hamer
Director, P&Z
City of Alexandria
301 King Street
Alexandria VA 22314

Re: Request by Virginia Paving Company for a Minor Amendment to SUP

Dear Ms. Hamer,

The West End Business Association (WEBA) requests that the Virginia Paving Company's (VPC) application to use natural gas as a fuel at its Alexandria plant at 5601 Courtney Avenue be processed as a Minor Amendment (rather than a full SUP).

Using natural gas as a substitute for petroleum-based fuels, when available, can only benefit the West End and the City of Alexandria. This possibility was discussed at length, in community meetings and public hearings, when VPC was going through the approval process for its Special Use Permit in 2006. At that time, natural gas supply was not available to the site; since then, VPC has been able to reach agreement with Washington Gas as an "interruptible supply" customer. This is a very favorable outcome, and one in a series of actions VPC has taken to improve Alexandria's air quality.

To request a full SUP process at this point would be counterproductive. The question at hand, use of natural gas as a substitute for petroleum based fuels, has been fully vetted in the original SUP process. Conducting a full SUP process on this point would not provide any new information, and be very costly to the company, the Alexandria community, and citizens and civic groups. A full SUP process takes several months, and thus delays the use of natural gas well past the start of the summer season and on code orange days when it could be of great benefit to Alexandria to have the plant switch from use of #2 fuel oil. The full SUP process is also quite costly: the company would spend tens of thousands of dollars in legal fees, City staff would spend valuable hours managing a community hearing process and writing lengthy docket reports, and members of the community would have to spend time monitoring the proceedings (attending meetings, sending emails, preparing official remarks on behalf of their associations) – and all this time and effort would not provide us with any benefits.

WEBA has been monitoring the Virginia Paving Company's activities since it applied for its Special Use Permit, attending the initial meetings and hearings, and since then participating in the Liaison Committee. We regularly talk with plant personnel, and are delighted with their efforts to be part of the west end community. We are pleased with VPC's compliance with the terms of their SUP, and fully support the winding down of the Liaison Committee and movement toward a less formal monitoring mechanism. Accordingly, we urge that VPC be allowed to obtain permission to use natural gas as a fuel through the City's Minor Amendment process, without going through a full SUP process that would be costly to the company and the community.

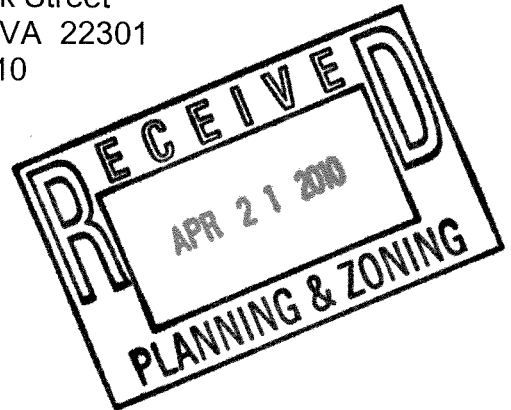
Sincerely,

Scott Kersjes
President
3814 Dominion Mill Dr., Alexandria, VA 22304
PH 202-251-9419
Scott.kersjes@ifacilities.us

Cc: Mayor and Members of City Council
Chairman and Members of Planning Commission

Virginia Paving Liaison Committee

17 West Oak Street
Alexandria, VA 22301
April 19, 2010



Faroll Hamer
Director, Department of Planning and Zoning
City of Alexandria
301 King Street, Room 2100
Alexandria, VA 22313

Dear Ms. Hamer:

On behalf of the Virginia Paving Liaison Committee, I am writing to reiterate the committee's longstanding position in favor of Virginia Paving's request for a minor amendment of SUP#2005-0042. This proposal would allow the addition of the use of natural gas as a permitted fuel source for the plant.

At the committee's April 14, 2010 meeting, the committee voted unanimously to support Virginia Paving Company's request to use natural gas as a minor amendment to the SUP, thereby approvable by the Director of Planning and Zoning. The committee believes the request meets the criteria, as we understand it, in the zoning ordinance section 11-511 for a minor amendment. In addition, the committee has long favored and advocated for the use of natural gas at the plant as it has the potential to positively impact the surrounding community specifically and Alexandria in general by improving air emissions from the plant.

This position reiterates the committee's formal vote at our meeting on April 16, 2008 providing unanimous support to add the use of natural gas at the plant through administrative approval as a minor amendment to the SUP. At committee meetings on July 16, 2008 and November 19, 2009, the committee again voted unanimously to support this change and sent letters to the Virginia Department of Environmental Quality (dated August 13, 2008 and December 10, 2009) in support of revisions to the state air permit to allow the use of natural gas at the plant.

The committee also notes that there have been numerous public meetings and hearings regarding this issue, including ten Virginia Paving Liaison

Committee meetings and two public hearings hosted by the Virginia Department of Environmental Quality. It is important to note that the VDEQ has already authorized the use of natural gas in addition to No. 2 fuel oil as part of the new State operating permit for the Virginia Paving plant.

Finally, the committee would also like to note that its membership is very inclusive with representatives from the Cameron Station Civic Association, Summer's Grove Homeowners Association, Brookville-Seminary Valley Civic Association, Cameron Station Community Association, Alexandria Federation of Civic Associations, Alexandria City Public Schools and West End Business Association—those neighboring communities and citizens most impacted by the plant. The committee members have kept their associations/organizations well-informed throughout this process with regards to all matters concerning the operation of the Virginia Paving facility.

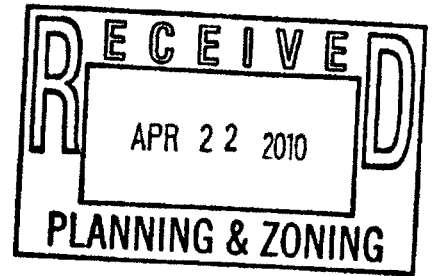
In closing, the Virginia Paving Liaison Committee requests this matter be addressed as expediently as possible saving further time, energy and cost on a matter which has most certainly received appropriate vetting and due diligence.

Should you have any questions related to this matter, please don't hesitate to contact me. My email address is: john.porter@actforalexandria.org.

Sincerely,

John Porter, Chair
Virginia Paving Liaison Committee

cc: Mayor and Members of City Council
Planning Commission
James Hartmann, City Manager



April 19, 2010

Ms. Farrol Hamer
Director of Planning and Zoning
301 King Street
Alexandria, Virginia 22314

RE: Administrative Special Use Permit, 100 Courtney Avenue

Dear Ms. Hamer:

I am writing to you on behalf of the Cameron Station Community Association, Inc. (CSCA). Please know that the CSCA Board of Directors fully supports the Administrative Special Use Permit (ASUP) request for the installation of natural gas at 100 Courtney Avenue by Virginia Paving.

The residents of Cameron Station have supported natural gas as a fuel source for asphalt production since it is more environmentally friendly than oil. We have followed the development of this request for many years through the Virginia Paving Liaison Committee and meetings with Virginia Paving representatives. We feel that this request is due to the effort of many parties, including the City Staff. We do not believe that a full Special Use Permit (SUP) process is necessary.

Again, we encourage the ASUP application. Should you have any questions please feel free to contact me.

Sincerely,

Michael Kuhl
President, Cameron Station Community Association, Inc.
president@cameronstation.org

Cc: Mayor and City Council
Planning Commission

Cameron Station Community Association, Inc. 200 Cameron Station Boulevard, Alexandria, VA 22304
Phone (703) 567-4881 Fax (703) 567-4883 www.cameronstation.org

April 5, 2010

Ms. Faroll Hamer
Director, Planning and Zoning
Room 2100, City Hall
301 King Street
Alexandria, VA 22314

Dear Ms. Hamer:

On behalf of the Alexandria Federation of Civic Associations, Inc. (Federation) we hereby respectfully request that Virginia Paving Company's Administrative Special Use Permit (SUP) #2010-0014 not be handled administratively, but go through the full SUP process in the interest of good public policy and effective governance.

Given the fact that this SUP amendment request involves a significant industrial facility located in close proximity to residential neighborhoods and an elementary school, it would be appropriate and useful for Staff to analyze the potential impact of the proposed amendment, including estimating possible benefits and costs, such as the effect on air quality and the potential for intensification of use (i.e., increased production quantities), among other things. The full SUP process, including the preparation of a Staff report, would give citizens an opportunity to review the facts and comment at public hearings, and have the matter properly considered by the Planning Commission and City Council.

Thank you for your consideration of the Federation's comments. We look forward to hearing back from you regarding this matter.

Sincerely,

Katy Cannady and Joanne Lepanto, Co-Chairs
Alexandria Federation of Civic Associations, Inc.

cc: Alexandria Planning Commission Members
Nathan Randall, Department of Planning and Zoning

Cameron Station Civic Association

5235 Tancreti Lane, Alexandria, Virginia 22304

703/567-9827

Ms. Farrol Hamer
Director of Planning and Zoning
301 King St.
Alexandria, VA 22314

RE: Administrative Special Use Permit, 100 Courtney Avenue

Dear Ms. Hamer;

At our April Board of Directors' Meeting, the Cameron Station Civic Association voted to support the Administrative Special Use Permit (ASUP) request for the installation of natural gas at 100 Courtney Avenue by Virginia Paving.

The residents of Cameron Station; one of the areas most affected by this industrial operation; realized many years ago that natural gas as a fuel source for asphalt production is more environmentally friendly than oil. We have followed the development of this request for many years through the City Council appointed Virginia Paving Liaison Committee; of which we, other civic organizations, and Virginia Paving are members, and meetings with Virginia Paving representatives. We feel that this request is a result of hard work and effort by many parties; including the involvement of City Staff.

We do not believe that a full Special Use Permit (SUP) process is warranted nor encouraged for the following reasons; (1) a full process would be extensive and push the installation of the gas lines back many months if not years, (2) many hours of staff time would be needed that could be used for other urgent matters, (3) this was a fuel source discussed during the original SUP negotiations, but at the time was extremely expensive and not feasible, (4) our interpretation of the ASUP guidelines allow this application, (5) the request to use natural gas has already been evaluated and approved by the Virginia Department of Environmental Quality, and (6) we also feel that if a full process is required the applicant may never install natural gas. In addition, through the years since the inception of the current SUP Virginia Paving has worked with the community in a full and open process and as a result become not only a partner in many respects but a good corporate citizen.

Again, we encourage the ASUP application. Should you have any questions please feel free to contact me.

Sincerely,

Mindy Lyle
President, Cameron Station Civic Association

Cc: Mayor and City Council
Barbara Ross
Planning Commission

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STATEMENT OF CONSENT

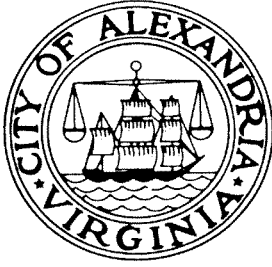
The undersigned hereby agrees and consents to the attached conditions of Special Use Permit #2010-0014.

Mary Catherine Gidd, attorney
Applicant - Signature

5/12/10
Date

Mary Catherine Gibbs, Attorney
Applicant - Printed

attachment: Conditions of Special Use Permit #2010-0014.



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this special use permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2010-0014
Approved by Planning & Zoning on: May 12, 2010
Permission is hereby granted to: Virginia Paving Company
to use the premises located at: 5601 Courtney Avenue
for the following purpose: see attached report

It is the responsibility of the special use permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

5-12-2010

Date

Faroll Hamer / BA

Faroll Hamer, Director
Department of Planning and Zoning