

Docket Item #6
SPECIAL USE PERMIT #2005-0042
Virginia Paving Company

Planning Commission Meeting
September 7, 2006

ISSUE: Consideration of a request for a special use permit to amend the hours that vehicles can enter and exit the property and to permit a stack height of 20 meters.

APPLICANT: Virginia Paving Company
by Mary Catherine Gibbs, attorney

LOCATION: 5601 Courtney Avenue

ZONE: I/Industrial

CITY COUNCIL ACTION, NOVEMBER 28, 2006: City Council approved the special use permit with amended conditions.

CITY COUNCIL ACTION, OCTOBER 14, 2006: City Council closed the public hearing. City Council continued the discussion with City staff, consultants and the attorney for the applicant on the proposed application. Council offered commentary on the public hearing and issues that were raised by members of the public. City council deferred consideration of this item until a Council work session has been scheduled to discuss specific concerns and conditions and will bring the item back to a legislative meeting in November.

PLANNING COMMISSION ACTION, OCTOBER 3, 2006: On a motion by Mr. Jennings, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation, and to amend conditions #25, #28, #44, #60, #61 and #74, and to add conditions #28a and #28b. The motion carried on a vote of 6 to 1, with Ms. Fossum voting against.

Reason: A majority of the Planning Commission members concurred with the staff analysis. While several members expressed general concerns about potential impacts of this industrial use on residents and Tucker School, the majority of the Commission believed that the conditions of the proposed SUP will reasonably address the various concerns raised by citizens. The Chairman stated that were three separate groups of scientists who had carefully analyzed the environmental impacts of the facility and after that analysis, supported the proposal, and further stated his belief that the Commission was

making a well-informed decision, despite claims to the contrary. In addition, a member indicated that he had contacted a representative of the School District, who advised that the School District did not oppose the proposal. Ms. Fossum discussed concerns of enforceability, and wanted to defer the case in order to discuss additional conditions, and perhaps a sunset of the permit.

Note: A work session regarding Virginia Paving was held immediately prior to the meeting, where staff from the Office of the City Attorney and the Departments of Planning and Zoning and Transportation and Environmental Services reviewed the background of the case, land use issues, enforcement, the analysis of environmental issues, and proposed conditions. City staff and the City's consultants responded to several questions.

Speakers:

Mary Catherine Gibbs, applicant's attorney, spoke in support of the application.

Dr. Laura Green, environmental consultant for the applicant, spoke in support of the application.

Mike Cote, applicant, spoke in support of the application.

Mindy Lyle, President, Cameron Station Civic Association, spoke against the application.

Joe Bennett, Cameron Station Civic Association, spoke against the application.

Mike Waite, resident, Cameron Station, spoke against the application.

Matthew Natale, resident, Cameron Station, spoke against the application.

Arthur Impastato, Cameron Station Civic Association, spoke against the application.

Jordan Berliner, resident, Cameron Station, spoke against the application.

Maria Velez de Berliner, resident, Cameron Station, spoke against the application.

Jim Butler, resident, discussed need for strict enforcement for industrial uses in the city.

Penny Waite, Cameron Station Civic Association, spoke against the application.

Robert KaFalesus, resident, Cameron Station, spoke against the application.

Glenn Donnellan, resident, Cameron Station, spoke against the application.

Kathleen Burns, President, Brookville-Seminary Valley Civic Association, discussed need for strong level of scrutiny for industrial uses in the city.

Katy Cannady, resident, spoke against the application.

Leigh Strope, property owner, Summer's Grove, spoke against the application.

Janet Bowden, Virginia Paving employee, spoke in support of the application.

Ali Taheri, Virginia Paving employee, spoke in support of the application.

Van Van Fleet, resident, spoke against the application.

Julie Crenshaw, resident, spoke against the application.

Annabelle Fisher, resident, spoke against the application.

Ashley Profaizer, resident, Cameron Station, spoke against the application.

John Pecic, President, Summer's Grove Civic Association, spoke in support of the application, with all proposed conditions, and a noise barrier wall.

Pat Miller, Potomac West Business Association, spoke in support of the application.

Poul Hertel, resident, discussed that the application is not a Mirant case, but that an additional test may better reveal proposed impacts.

Andres Domeylio, Eisenhower Partnership, spoke in support of the application.

Mark Schwartz, Cameron Station Civic Association, spoke against the application.

Geoffrey Goodale, resident, recommended deferral of the application.

V. **RECOMMENDED CONDITIONS**

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following 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)

Discussion: The production limit VA Paving is currently subject to is the limit of 1,500,000 tons/year in the State Operating Permit. The existing SUP does not have any production limitation. A lower limit of 1,200,000 tons/year will cap potential emissions of all pollutants. Similarly, the interim limit of 900,000 tons/year will limit emissions of all pollutants.

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)

Discussion: This condition is in response to the community's concerns that the proposed SUP will enable 24 hr. a day production at this plant. The 1,000 tons/hour limit represents the combined total rated capacity for the two asphalt plants at the facility. Therefore, the limit of 10,000 tons/day limit will restrict the facility's potential production on a daily basis. This provides for potential emission cap on a short-term basis.

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)

Discussion: This condition is similar to the standard language condition derived from City ordinance, and is designed to protect the neighboring properties from being adversely affected due to the operations at the facility by reducing all air pollutant emissions including of odors and smoke.

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)

Discussion: This condition is in response to community's concerns that the proposed SUP will enable 365 days a year of night time production at the plant. The asphalt plant production is season dependent and it is reflected in the limitation on the maximum number of nighttime shifts allowed under this condition.

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)

Discussion: This condition is in response to community's concerns that the proposed SUP will enable increase in night time production at the plant to serve non government entities.

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)

Discussion: This condition targets the mitigation of odor emissions from the asphalt production and transport process.

7. VA Paving shall only burn 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)

Discussion: Under the current State Operating Permit, VA Paving is allowed to operate both its hot oil heaters simultaneously and can burn up to 200,000

gallons of recycled oil and up to 25,000 gallons of No. 2 oil in these heaters. The purpose of this condition is to ensure that only clean fuel is used, reduce the annual fuel usage, and prohibit simultaneous operation of both heaters. This will result in lower emissions and impacts from the facility.

8. VA Paving shall only utilize No. 2 fuel oil or specification recycled oil as fuel for the drum dryers. 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)

Discussion: The constituent limits for recycled oil in this condition are more stringent than the Federal and State regulations and their existing state operating permit. These limits will reduce potential emissions of hazardous air pollutants from the asphalt plants.

9. Virginia 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 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)

Discussion: This condition is designed to require the use of cleaner fuel on the worst air quality days in the Alexandria area. On days with high Air Quality Index, the facility will not be allowed to use recycled fuel oil. This will help the region wide attempt to reduce emissions on Ozone action days.

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)

Discussion: The fuel approved for use in on-road diesel vehicles is the cleanest form of No. 2 oil approved by EPA. This condition ensures that the facility burns the cleanest No. 2 fuel in its hot oil heaters and drum dryers.

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)

Discussion: The odorous emissions from the VA Paving facility are not regulated under the current State Operating Permit. A large portion of odorous emissions from the asphalt plant are emitted as fine droplets, which are classified as particulate matter emissions, during asphalt transfer and load out operations. Under the SUP, the facility will be required to install a six-stage filtration system to capture and control these droplets, and therefore reduce odorous emissions.

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)

Discussion: In the hot mix asphalt industry, low-NOx burners are considered to be Best Available Control Technology (BACT). A new asphalt plant that is required to apply BACT, would generally select low-NOx burners to meet the BACT requirement. VA Paving is not a major source of air pollution under EPA and Virginia DEQ regulations and would not be required to apply BACT. However, under the proposed SUP, VA Paving will be required to

install low-NOx burners to reduce NOx emissions and impacts.

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)

Discussion: This condition targets the control of VOC and odor emissions from the asphalt storage tanks.

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)

Discussion: This condition targets the mitigation of VOC, odor emissions, and other fugitive emissions from the loadout and asphalt mix conveyor system.

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)

Discussion: The limit of 0.03 gr/dscf is more stringent than the limit in the facility's current State permit for the drum dryer, thereby reducing the potential emissions of particulate matter. Also, this condition places a limit on the lime storage silo when none exists in the current State permit.

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)

Discussion: VA Paving operates several mobile and non-mobile diesel fuel-burning equipments at its facility, such as diesel engines, front end loaders, and trucks. While the combined particulate matter emissions from this equipment is significant, they are not regulated under the facility's current State Operating Permit. The purpose of this condition is to control 90% of these particulate matter emissions and to reduce the associated ambient impacts.

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)

Discussion: As indicated by the dispersion modeling (City and VA Paving Consultants), raising the stack height will result in better dispersion of pollutant emissions and reduce impacts.

18. VA Paving shall increase the height of hot oil heater exhaust stack 6 meters no later than October 31, 2006. (T&ES)

Discussion: As indicated by the dispersion modeling (City and VA Paving Consultants), raising the stack height will result in better dispersion of pollutant emissions and reduce impacts.

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)

Discussion: This condition targets the control of fugitive dust (particulate matter) emissions from the RAP crusher.

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)

Discussion: This condition reduces the current limit of 15% opacity in the State permit down to 10% opacity. The condition also ensures that startups and shutdowns are limited in duration so that any excess opacity during these times is not unnecessarily prolonged.

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-vacuuming operations, and shall make the log available to the City for review upon request. (T&ES)

Discussion: This condition targets the control of fugitive dust (particulate matter) emissions resulting from truck traffic on the paved roads within the facility.

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)

Discussion: This condition targets the control fugitive dust (particulate matter) emissions resulting from truck traffic on the paved roads within the facility. Paved areas result in less fugitive emissions as compared to unpaved areas.

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)

Discussion: This condition targets the control of fugitive dust (particulate matter emissions from conveyor and other transfer points.

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 condition shall be submitted to the City every six months, first submittal no later than April 30, 2007. (T&ES)

Discussion: This condition targets the control of fugitive dust (particulate matter) emissions from all aggregate handling and fugitive dust sources at the facility. The recordkeeping requirement will ensure that the facility maintains compliance with this condition.

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)

Discussion: The current State permit does not require any routine or periodic monitoring or testing of stack emissions from the facility. This condition ensures that actual emissions from the stack are measured and documented on periodic basis.

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)

Discussion: Several of the above conditions require construction activities, e.g., low-NO_x burners, increasing stack heights, Blue Smoke control, etc. By including these requirements in the State permit, these conditions will also become State-enforceable.

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)

Discussion: This condition is carried over and similar to a condition of facility's current SUP and requires the facility to take immediate action to mitigate adverse impacts on the public, including shutting down the facility until all necessary corrections are made.

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 ug/m³ to 35 ug/m³ (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 ug/m³, 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)

Discussion: *This condition insures that the facility will be required to demonstrate that it is not causing any exceedances of any new or modified National Ambient Air Quality Standards and address the newly adopted standard for PM_{2.5} ahead of EPAs schedule.*

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)

Discussion: *This condition makes the facility responsible for treatment of stormwater runoff from its property prior to any off-site discharge. This is also a requirement from the existing SUP and a plot plan submitted by VA Paving is under review. The requirement of Stormwater Management facility must be complied regardless of the approval of this SUP.*

- 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)

- 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)
- 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)

Discussion: This condition supplements the above condition requiring SWMF. The BMPs, and the associated maintenance, recordkeeping and reporting requirements, are designed to ensure continued compliance. The certification requirement ensures a professional installation of the Stormwater Treatment appurtenances. These are also the City requirements for all BMPs.

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)

Discussion: Over the years, the facility had expanded operations such that the aggregate storage piles were located adjacent to the Backlick Run and causing degradation of the stream buffer. This condition is designed to restore a vegetated buffer between VA paving operations and Backlick Run.

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)

Discussion: Stabilization of the stream bank reduces the amount of sediment entering and other associated impacts on the Back Lick Run.

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)

Discussion: This is a standard City condition and requires the facility to comply with the City ordinance regarding noise control.

34. No amplified sound, such as intercom speakers, shall be audible at the property line. (T&ES)

Discussion: To respond to citizen complaints of noise pollution, the City is requiring the facility to minimize all amplified sounds such that they are not audible at any off-site location.

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 5 am. (T&ES)

Discussion: This condition aims to reduce noise pollution at night and limits the amount of equipment that can be used for night work.

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)

Discussion: The delivery operation is not completely under VA Paving control and the condition encourages them to work with Norfolk Southern to provide as many day time deliveries as possible.

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)

Discussion: This condition is designed to prohibit certain activities at night to address citizen complaints about nighttime operations and the associated noise. The condition also prohibits certain activities on Sundays and major holidays.

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)

Discussion: This condition aims to further minimize noise pollution from unloading of RAP during nighttime operations.

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)

Discussion: This condition aims to further reduce noise from the trucks at the facility.

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)

Discussion: This condition ensures that on-site personnel are aware of, responsible for, and trained in best operating procedures to minimize noise pollution from truck unloading operations.

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)

Discussion: With this condition, the City intends to provide the public a direct line for registering complaints and ensure that the complaints are properly addressed.

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)

Discussion: This condition targets the reduction of all air pollutant emissions resulting from fuel combustion in vehicle engines and to reduce noise pollution by prohibiting the use of engine brakes while on-site.

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)

Discussion: This condition targets the mitigation of noise pollution.

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)

Discussion: With this condition, the City reserves the right to require further noise abatement measures if warranted based on actual experience over a two-year period following the implementation of the above measures.

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)

Discussion: This is standard City condition and it targets the prevention of any air, ground or water contamination resulting from the facility's usage and handling of potentially hazardous chemicals.

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, Division of Environmental Quality at 703-519-3400, ext. 166. (T&ES)

Discussion: This is a standard City condition and requires that all automotive related industries follow certain best management practices to minimize adverse impacts on public health and welfare.

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)

Discussion: This conditions ensures that most vehicle and equipment are repaired in a controlled environment to prevent air, ground and water contamination.

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)

Discussion: This condition ensures that any potential damage to public road by VA Paving related operations will be the responsibility of the company.

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.

Discussion: This condition is to minimize any potential impacts on the neighboring properties of the nighttime operations. This condition addresses citizen complaints and aims to reduce glare and other light pollution due to facility's operations during nighttime.

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.

Discussion: This condition addresses citizen complaints and aims to reduce glare and other light pollution due to facility's operations during nighttime.

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.

Discussion: This condition addresses issues related to oil leak from the locomotive engine.

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 an air pollution control equipment is not operational, the City will be notified immediately.

Discussion: This condition ensures that pollution control equipments is maintained in a manner that maintains their effectiveness.

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.

Discussion: These records will support stack test data that is required to be submitted along with each stack test.

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.

Discussion: This condition will ensure that the City is aware of any malfunctions and will allow it to undertake appropriate follow-up.

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.

Discussion: This condition addresses the documentation and record keeping requirements.

56. VA Paving shall copy the City on all of their correspondence with Virginia DEQ including, but not limited to, its Air and Water permits and permit applications.

Discussion: This condition requires VA Paving to keep the City informed of any regulatory actions or any equipment or operational changes are being planned by VA Paving .

57. VA Paving plant site shall be available for inspection by City staff during all hours of operation.

Discussion: This condition ensures access for inspection purposes.

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.

Discussion: This condition, by requiring maintenance and sharing of production and activity records will enable the City to utilize the information for responding to complaints and in the analysis of any PM10 data collected at the nearby monitoring station.

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.

Discussion: This condition addresses the reporting requirements. The reporting is more frequent until all proposed controls are in-place.

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)

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)

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)
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)

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)

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)
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)
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)
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)
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)*

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

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)
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)

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)
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)
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)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Rich Baier, Director, Transportation and Environmental Services;
Richard Josephson, Deputy Director, Department of Planning and Zoning;
William Skrabak, Division Chief, Environmental Quality;
Aimee Vosper, Landscape Architect Supervisor;
Christopher Spera, Assistant City Attorney;
Ron Kagawa, Urban Planner/Landscape Architect;
Lalit Sharma, Program Supervisor, Environmental Quality;
Laura Durham, Open Space Coordinator;
Valerie Peterson, Urban Planner III.

Staff Note: In accordance with Section 11-506©) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Code Enforcement:

F-1 Staff from Code Enforcement conducted a reinspection of the facility on September 14, 2006. All fire code violations cited during previous permit inspections have been complied with and the facility's annual Fire Prevention Permit was issued. The facility is presently in compliance with C-1 through C-14 below.

C-1 The applicant shall provide an updated Spill Prevention Control and Countermeasures Plan (SPCC) to the Code Enforcement Bureau - Fire Prevention Section which includes updated contact and remediation measures.

C-2 All above ground stationary tanks used for the storage of hazardous materials shall be located and protected in accordance with the VSFPC.

C-3 Empty containers and tanks previously used for storage of hazardous materials shall be free of residue material and vapors as defined by DOT Resource and Recovery Act (RCRA) and other related state and local regulatory requirements.

C-4 Hazardous Materials in any quantity shall not be released into a sewer, storm drain, ditch, drainage canal, etc. as stipulated by the VSFPC

C-5 The Code Official shall be promptly notified of release of hazardous materials in reportable quantities under federal, state or local regulations

C-6 Individual hazardous materials containers and structures containing hazardous materials shall be conspicuously marked in accordance with the VSFPC.

C-7 Visible Hazard Identification Signs as specified by NFPA 704 shall be placed on all stationary containers and above ground storage tanks and other locations as specified by the VSFPC.

C-8 Responsible persons shall be trained to be the fire department liaison as specified by the VSFPC.

C-9 Storage and dispensing areas for hazardous materials shall be secured against unauthorized entry.

C-10 Guard posts and other approved means shall be installed to protect storage tanks, piping, dispensing areas from vehicular damage in accordance with the VSFPC

C-11 Secondary containment and spill control shall be installed in all rooms and structures used for storage of liquid or solid hazardous materials in accordance with the VSFPC.

C-12 Plumbing drains in hazardous materials storage areas shall conform to approved designs as specified by the VSFPC

C-13 Hazardous materials storage areas and structures shall be designed in accordance with the USBC and VSFPC requirements.

C-14 Combustible waste materials shall not be allowed to accumulate within structures so as to present a fire hazard.

Health Department:

F-1 No comments.